

**CALIFORNIA COASTAL COMMISSION**

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# T12a

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## CLAIM OF VESTED RIGHTS STAFF REPORT

**Claim No.:** 5-12-179-VRC

**Claimant:** E.W. Merritt Farms

**Project Location:** Hotel Laguna, 425 South Coast Highway, Laguna Beach, Orange County (APN 644-016-01)

**Development Claimed:** Claim of vested rights by E.W. Merritt Farms (owner of Hotel Laguna) to (1) daily positioning and removal of beach furniture on the sandy beach, including placement of chairs, chaises, tables and umbrellas for use by patrons of Hotel Laguna; (2) limitation of use of the beach area within an area 28 feet from the bulkhead and extending across the 253 foot frontage of the hotel property; (3) exclusive service of food and beverages to hotel patrons on the beach; (4) daily positioning and removing boundary markers consisting of 1½ inch diameter posts connected by ½ inch cotton ropes set three feet above the sand; and (5) placement of signs which identify the boundaries of the hotel property which is preserved for private use.

**Staff Recommendation:** Denial

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## SUMMARY OF STAFF RECOMMENDATION

The subject site is an oceanfront hotel, Hotel Laguna, located adjacent to Main Beach in the City of Laguna Beach. Main Beach is a popular beach near the City's downtown core and the intersection of Highway 133 (the primary road into town) and Coast Highway (the primary road through town). Due to its location, this beach is intensely used by both residents and visitors.

Thus, any interference with public access to and along the beach in this area is significant. The legal description for the parcels occupied by Hotel Laguna (owned by E.W. Merritt Farms), state the parcels extend from Coast Highway to the line of mean high tide (which is ambulatory). Nonetheless, the public has walked along and made use of the sandy beach in front of the hotel and the sandy beaches up coast and down coast of the hotel. However, from time to time, the Claimant, E.W. Merritt Farms, has roped off areas of the beach in front of the hotel for exclusive use of that beach area by hotel patrons. These activities impose limitations on the public's ability to walk along and make use of this very popular beach. Given these impacts, the Commission's enforcement staff opened a violation case. In response to that enforcement case, the Claimant filed the subject vested rights claim that the following development is exempt from coastal development permit (CDP) requirements because it alleges it has continuously engaged in the following activities since the 1930s: (1) daily positioning and removal of beach furniture on the sandy beach, including placement of chairs, chaises, tables and umbrellas for use by patrons of Hotel Laguna; (2) limitation of use of the beach area within an area 28 feet from the bulkhead and extending across the 253 foot frontage of the hotel property; (3) exclusive service of food and beverages to hotel patrons on the beach; (4) daily positioning and removing boundary markers consisting of 1½ inch diameter posts connected by ½ inch cotton ropes set three feet above the sand; and (5) placement of signs which identify the boundaries of the hotel property which is preserved for private use.

A vested rights exemption enables one who obtains all valid governmental approvals for development and performs substantial work and incurs substantial liabilities in good faith reliance on those approvals, to complete the development authorized by those approvals, even if the law changes prior to completion. A vested right does not allow any other new development to be completed without compliance with existing laws. The Claimants have not provided any evidence of prior government approvals to conduct the development claimed nor have they provided any evidence that they performed substantial work or incurred substantial liabilities in good faith reliance on any governmental approvals.

Staff is therefore recommending that the Claimant's vested rights claim be denied. The motion is found on page 5 below.



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## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

- Exhibit 1 Property Location Maps
- Exhibit 2 Cover Letter dated June 22, 2012 and Vested Rights Claim application with attachments

### **Note: Following Exhibits 2a through 2u provided in on-line version only**

- Exhibit 2a City of Laguna Beach Historical Resources Inventory
- Exhibit 2b-1 LA Times article from June 22, 1930
- Exhibit 2b-2 LA Times article from August 11, 1930
- Exhibit 2c-1 Letter from A.K. Sandoval Strauss
- Exhibit 2c-2 CV for A.K. Sandoval Strauss
- Exhibit 2d-1 City Resolution No. 792 dated June 20, 1951
- Exhibit 2d-2 Application for Variance
- Exhibit 2d-3 Letter dated January 10, 1952 from Hotel Laguna to City
- Exhibit 2d-4 Laguna Beach Building Permit No. 12878 dated 3/28/1952 for storage bldg.
- Exhibit 2e 1935 Record of Survey of Lot 129 and Lot 1
- Exhibit 2f-1 Grant Deed dated June 6, 1930
- Exhibit 2f-2 Quitclaim Deed dated February 27, 1934
- Exhibit 2f-3 Grant Deed dated February 27, 1973
- Exhibit 2g 1959 Record of Survey
- Exhibit 2h Letter from Georgia Anderson dated June 20, 1912
- Exhibit 2i Letter from A.W. Agnew dated January 15, 1982
- Exhibit 2j Letter from Wayne F. Mullin (hotel guest) dated December 21, 1981
- Exhibit 2k Letter from Barbara Schweitzer (investor and guest) dated December 21, 1981
- Exhibit 2l-1 Letter from Neil J. Purcell (retired Chief of Police) dated June 11, 2012
- Exhibit 2l-2 Letter from Neil J. Purcell dated March 23, 1993
- Exhibit 2m-1 Letter from Kenneth C. Frank (retired City Manager) dated June 11, 2012
- Exhibit 2m-2 Memo dated May 7, 1982 from June W. Catalano (retired Community Development Director)

5-12-179-VRC (E.W. Merritt Farms Vested Rights Claim)

Exhibit 2n 1930's Photograph  
Exhibit 2o 1957 postcard  
Exhibit 2p 1982 Daily Pilot photograph  
Exhibit 2q-1 Fax dated 4/28/2010 from State Lands Commission  
Exhibit 2q-2 1929 Statutes, Chapter 50  
Exhibit 2r-1 Excerpts from Ramsey, Pioneer Days of Laguna Beach, 1967  
Exhibit 2r-2 OC Historical Society visit to Laguna Hotel ca 1927  
Exhibit 2s County of Orange Procedures for Establishing Mean High Tide Line  
Exhibit 2t Letter from Richard Merritt dated June 21, 2012  
Exhibit 2u City of Laguna Beach Building Permits from 1931 to 1969

Exhibit 3 Letter from Sherman Stacey dated June 16, 2014

**Note: Following Exhibits 3v through 3hh provided in online version only**

Exhibit 3v Letter from Dale Ghery (former Lifeguard) dated April 2, 2013  
Exhibit 3w Letter from A.K. Sandoval dated October 14, 2012  
Exhibit 3x Mean High Tide Line Survey by Toal Engineering dated October 29, 2012  
Exhibit 3y City of Laguna Beach Ordinance No. 32 enacted March 28, 1928  
Exhibit 3z City of Laguna Beach Ordinance No. 55 enacted October 3, 1928  
Exhibit 3aa City of Laguna Beach Ordinance No. 209 enacted July 3, 1940  
Exhibit 3bb City of Laguna Beach Ordinance No. 529 enacted May 6, 1964  
Exhibit 3cc City of Laguna Beach Ordinance No. 560 enacted January 19, 1966  
Exhibit 3dd City of Laguna Beach Ordinance No. 622 enacted February 5, 1969  
Exhibit 3ff City of Laguna Beach Ordinance No. 811 enacted September 18, 1974  
Exhibit 3ff City of Laguna Beach Municipal Code sections enacted 1988  
Exhibit 3gg City of Laguna Beach Municipal Code sections enacted 1974  
Exhibit 3hh City of Laguna Beach zoning map

Exhibit 4 California Coastal Records Project Image #201311194  
Exhibit 5 California Coastal Records Project Image #200803450

## I. STAFF RECOMMENDATION FOR DENIAL OF CLAIM

Staff recommends that the Commission deny the vested rights claim. Pursuant to California Code of Regulations, Title 14, Section 13203, the Executive Director has made an initial determination that the vested rights claim (Coastal Commission file number 5-12-179-VRC) has not been substantiated. Staff therefore recommends that the claim be rejected.

### **Motion:**

*I move that the Commission determine that Vested Rights Claim 5-12-179-VRC is substantiated and that the development described in the claim does not require a Coastal Development Permit.*

Staff recommends a **NO** vote. Following the staff recommendation will result in failure of the motion and a determination by the Commission that the development described in the claim requires a coastal development permit and in the adoption of the resolution and findings set forth below. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **Resolution for Denial of Claim:**

*The Commission hereby determines that Vested Rights Claim 5-12-179-VRC is not substantiated and adopts the findings set forth below.*

## II. FINDINGS AND DECLARATIONS

### A. LEGAL AUTHORITY AND STANDARD OF REVIEW

#### **Basic Statutory Provisions**

The California Coastal Act (Coastal Act) requires that a coastal development permit (CDP) be obtained before development is undertaken in the coastal zone. Coastal Act Section 30600(a)<sup>1</sup> states in relevant part:

*. . . in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person . . . wishing to perform or undertake any development in the coastal zone, . . . shall obtain a coastal development permit.*

Coastal Act Section 30106 defines the term “development” in relevant part as:

*...on land, . . . the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any*

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<sup>1</sup> The Coastal Act is at Public Resources Code sections 30000 to 30900.

*materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act ... change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, ....*<sup>2</sup>

An exception to the general requirement that one obtain a CDP before undertaking development within the coastal zone is that if one has obtained a vested right to complete the development prior to enactment of the Coastal Zone Conservation Act of 1972 (the Coastal Initiative) or the Coastal Act of 1976, whichever is applicable, a permit is not required. Section 30608 of the Coastal Act states:

*No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Act of 1972 (commencing with Section 27000) shall be required to secure approval for the development pursuant to this division; provided, however, that no substantial change may be made in any such development without prior approval having been obtained under this division.*

The effective date of the division (i.e., the Coastal Act of 1976) is January 1, 1977. The Property was also subject to the permitting requirements of the Coastal Act's predecessor statute, the Coastal Initiative, which went into effect on February 1, 1973. The Coastal Initiative required a CDP for new development on this site occurring on or after February 1, 1973. Thus, the critical date for evaluating this Vested Rights Claim is February 1, 1973.

### **Procedural Framework**

The procedural framework for Commission consideration of a claim of vested rights is found in Sections 13200 through 13208 of Title 14 of the California Code of Regulations (CCR). These regulations require that Commission staff prepare a written recommendation for the Commission and that the Commission determine, after a public hearing, whether to acknowledge the claim. If the Commission finds that the claimant has a vested right for a specific development, the claimant is exempt from CDP requirements to complete that specific development only. However, no substantial change in any such development may be made until obtaining either a CDP or approval pursuant to another provision of the Coastal Act. If the Commission instead finds that the claimant does not have a vested right for the particular development, then the development is not exempt from CDP requirements. Per 14 CCR Section 13200, the burden of proof is on the claimant.

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<sup>2</sup> The definition of development included in the Coastal Zone Conservation Act of 1972 (i.e., Proposition 20, "the Coastal Initiative"), which applied to the subject property and became effective on February 1, 1973 contains substantially the same definition of development as the Coastal Act. (former California Public Resources Code Section 27103).

## Standard of Review

Section 30608 provides an exemption from the permit requirements of the Coastal Act if one has obtained a vested right in a development. Neither the Coastal Act nor the Commission's regulations articulate a specific standard for determining whether a person has obtained such a right. Thus, to determine whether the vested rights exemption applies, the Commission relies on the criteria for acquisition of vested rights as developed in the case law applying the Coastal Act's vested right provision, as well as in common law vested rights jurisprudence.

"The vested rights theory is predicated upon estoppel of the governing body" (*Raley v. California Tahoe Regional Planning Agency* (1977) 68 Cal.App.3d 965, 977).<sup>3</sup> Equitable estoppel may be applied against the government only where the injustice that would result from a failure to estop the government "is of sufficient dimension to justify any effect upon public interest or policy" that would result from the estoppel (*Raley*, 68 Cal.App.3d at 975).<sup>4</sup> Thus, the standard for determining the validity of a claim of vested rights requires a weighing of the injury to the regulated party from the regulation against the environmental impacts of the project (*Raley*, 68 Cal.App.3d at 976).

The seminal decision regarding vested rights is *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. In *Avco*, the California Supreme Court recognized the long-standing rule in California that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete that construction in accordance with the terms of the permit (*Id.* at 791). The court contrasted the affirmative approval of the proposed project through the issuance of a permit with the existence of a zoning classification, which provides no specific authorization for any given project. The court stated it is beyond question that a landowner has no vested right in existing or anticipated zoning (*Id.* at 796; *accord, Oceanic Calif., Inc. v. North Central Coast Regional Com.* (1976) 63 Cal.App.3d 357).

The acquisition of a vested right thus depends on good faith reliance by the claimant on a governmental representation that the project is fully approved and legal. The scope of a vested right is limited by the scope of the governmental representation on which the claimant relied, and which constitutes the basis of the estoppel (*Id.* at 793). One cannot rely on an approval that has not been given, nor can one estop the government from applying a change in the law to a project it has not in fact approved (*Id.* at 797). Therefore, the extent of the vested right is determined by the terms and conditions of the permit or approval on which the owner relied before the law that governs the project was changed or came into effect (*Id.* at 795).

There are many vested rights cases involving the Commission (or its predecessor agency). The courts have consistently focused on whether the developers had acquired all of the necessary government approvals for the work in which they claimed a vested right, satisfied all of the conditions of those permits, had begun their development before the Coastal Act (or its

<sup>3</sup> Quoting *Spindler Realty Corp. v. Monning*, (1966) 243 Cal.App.2d 255, 269, quoting *Anderson v. City Council*, (1964) 229 Cal.App.2d 79, 89.

<sup>4</sup> Quoting *City of Long Beach v. Mansell*, (1970) 3 Cal.3d 462, 496-97.

predecessor) took effect, and had incurred substantial liabilities in pursuit of the development.<sup>5</sup> The frequently cited standard for establishing a vested right is that the claimant had to have “performed substantial work, incurred substantial liability and shown good faith reliance upon a governmental permit” in order to acquire a vested right to complete such construction (*Tosh*, 99 Cal.App.3d at 393 (citing to *Avco* 17 Cal.3d at 791)). Additionally, the California Supreme Court has found a vested right to exist for development where a claimant had acted in good faith reliance on governmental representations, not a permit, to its detriment. (See *Halaco Engineering Co. v. South Central Coast Regional Commission* (1986) 42 Cal.3d 52 (“*Halaco*”).)

Thus, the standard of review for determining the validity of this claim of vested rights can be summarized as follows:

1. The claimed development must have received all applicable governmental approvals needed to undertake the development prior to February 1, 1973. Typically this would include a building permit or other legal authorization, such as final map approval for a subdivision (*Billings*, 103 Cal.App.3d at 736).
2. The claimant must have performed substantial work and incurred substantial liabilities in good faith reliance on the governmental approval. The Commission must weigh the injury to the regulated party from the regulation against the environmental impacts of the project and ask whether such injustice would result from denial of the vested rights claim as to justify the impacts of the activity upon Coastal Act policies (*Raley*, 68 Cal.App.3d at 975-76).

As indicated above, the burden of proof is on the claimant to substantiate the claim of vested right (14 CCR Section 13200). If there are any doubts regarding the meaning or extent of the vested rights exemption, they should be resolved against the person seeking the exemption. (*Urban Renewal Agency v. California Coastal Zone Conservation Commission* (1975) 15 Cal.3d 577, 588.) A narrow view of vested rights should be adopted to avoid seriously impairing the government’s right to control land use policy. (*Charles A. Pratt Construction Co. v. California Coastal Commission* (1982) 128 Cal.App.3d 830, 844 (citing, *Avco v. South Coast Regional Commission* (1976) 17 Cal.3d 785, 797).) In evaluating a claimed vested right to continue a nonconforming business or activity (i.e., a use that fails to conform to current zoning laws/regulations), courts have stated that it is appropriate to “follow a strict policy against extension or expansion of those uses.” (*County of San Diego v. McClurken* (1957) 37 Cal.2d 683, 687 (holding that a property owner had expanded a nonconforming use of fuel storage tanks from storage of fuel for supplying power as an incident to industrial use to being used as an incident to a service station use).)

The following vested rights analysis is based on information submitted by the Claimant and supplemental Commission staff research or official Commission and City records.

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<sup>5</sup> See, e.g., *Patterson v. Central Coast Regional Commission* (1976), 58 Cal. App. 3d. 833; *Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal.3d 785; *Tosh v. California Coastal Commission* (1979) 99 Cal.App.3d 388; *Billings v. California Coastal Commission* (1980) 103 Cal.App.3d 729. *Halaco Engineering Co. v. South Central Coast Regional Commission* (1986), 42 Cal. 3d 52 (metal recycling).

## **B. BACKGROUND REGARDING PROPERTY**

### **Location**

The subject site is an oceanfront hotel, Hotel Laguna, located at 425 South Coast Highway, in Laguna Beach, Orange County. (see Exhibit 1 for location maps). The hotel is developed on a low bluff top and bluff face located on the seaward side of Coast Highway, facing on a sandy beach. The property's legal description includes property landward of the mean high tide line which includes sandy beach area. The subject parcel is approximately 1 acre and is adjacent to the public Main Beach Park. Main Beach is a popular beach near the City's downtown core and the intersection of Highway 133 (the primary road into town) and Coast Highway (the primary road through town). Due to its location, this beach is intensely used by both residents and visitors who walk along and make use of the sandy beach and ocean in front of the hotel as well as those areas up coast and down coast of the hotel.

### **CDP History**

On June 12, 1987, the Commission approved CDP 5-87-199 for the construction of a 400 square foot patio expansion project for the restaurant operation on the subject site. In its findings, the Commission found that the beach area on the subject site has been subject to consistent public use. In making this finding, the Commission relied on statements made by the applicant's representative at a Commission hearing on April 24, 1987, when the permit was placed on the Administrative Permit calendar (it was later heard on the Regular Permit calendar on June 12, 1987 hearing after the applicant objected to the conditions imposed in the Administrative Permit), who stated that the public has historically used the sandy beach area on the applicant's property for recreation and passing and repassing over many years. As part of the approval, the Commission required that the applicant, the lessee of the hotel, record a lease amendment that requires the beach area on the property be dedicated to the public for lateral access. The Commission never issued the permit because the applicant did not comply with the prior to issuance conditions and the applicant never commenced development pursuant to the approval of that CDP. In 1995, the lessee applied to the City which, by that time, had been delegated CDP-issuing authority pursuant to its certified LCP, for a CDP for substantially the same development as proposed under CDP 5-87-199. The City approved and issued the CDP to the applicant and the applicant subsequently constructed the patio. The City did not impose the same condition that required the applicant to record a lease amendment that required the beach area to be dedicated to the public for lateral access, thus the applicant never recorded such a lease amendment.

## **C. DEVELOPMENT CLAIMED AS EXEMPT FROM COASTAL ACT REQUIREMENTS**

The Claimant, EW Merritt Farms, describes the development claimed to be exempt from coastal development permit (CDP) requirements as: (1) daily positioning and removal of beach furniture on the sandy beach, including placement of chairs, chaises, tables and umbrellas for use by patrons of Hotel Laguna; (2) limitation of use of the beach area within an area 28 feet from the bulkhead and extending across the 253 foot frontage of the hotel property; (3) exclusive service of food and beverages to hotel patrons on the beach; (4) daily positioning and removing boundary markers consisting of 1½ inch diameter posts connected by ½ inch cotton ropes set three feet above the sand; and (5) placement of signs which identify the boundaries of the hotel property which is preserved for private use (Exhibit 2). The Claimant argues that it has

continuously engaged in the claimed activities since the 1930s. Alternatively, the Claimant asserts that the claimed development is not development as defined in section 30106 of the Coastal Act and doesn't need a vested rights determination from the Commission for the development.

The claimed development is development as defined under section 30106 of the Coastal Act and would have been development under its predecessor statute, the Coastal Initiative, which had substantially the same definition of development. The definition of development includes any change in the intensity of use of land, the changes in the intensity of use of water and of access thereto and the placement of any solid material on land. The regular and perpetual daily placement of posts into the ground to rope off the sandy beach area and regular and perpetual daily placement of beach furniture in the roped off area constitutes the placement of solid material on land. Additionally, the continuous and frequent placement of beach furniture within the roped-off beach area has changed the intensity of use of that land in two particular ways. First, it has changed the intensity of use of the Claimant's land because placement of up to 50 beach chaise lounges and up to 20 umbrellas<sup>6</sup> on a regular basis and frequently without regard to any particular guest's request for a beach chair has had the effect of permanently altering the visual character of the beach environment. Second, the claimed development has enabled the Claimant to expand its bar and food service area which changes the intensity of use of land. Further, this expanded service area also changes the intensity of use of other portions of the site because of the requirement for more parking for its non-overnight beach member guests as service area is increased. Finally, there is evidence that the mean high tide line (MHTL) may be further inland than the seaward extent of the claimed development, which is 28 feet seaward of the seawall, and restricting access to tidelands with a rope barrier changes the intensity of the public's use of waters and access thereto. In 2008, the California Coastal Records Project's aerial photograph (Exhibit 5) shows that the high tide may be approximately between 10 and 15 feet seaward of the bulkhead on the site.<sup>7</sup> Thus, there is the potential that the roped-off area of the beach is subject to tidal cycles and by extension of potentially being tidelands, subject to the public trust which allows for public use of the tidelands. While the Claimant has alleged that the mean high tide line surveys it submitted shows that it owns the property 28 feet seaward of the bulkhead, the 1935 (Exhibit 2e) and 1959 (Exhibit 2g) surveys are outdated (MHTL changes every 18.6 years) and the 2012 survey (Exhibit 3x) is of limited value because of its assessment of the daily high tide line for merely one day which doesn't establish the mean. Therefore, the claimed development constitutes development under the Coastal Act.

#### **D. EVIDENCE PRESENTED BY CLAIMANT**

The Claimant has submitted several documents to support its claim (Exhibits 2a – 2u, 3v – 3hh). The Claimant has submitted letters from several people in support of the claim. The Claimant has

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<sup>6</sup> <http://www.californiacoastline.org/cgi-bin/image.cgi?image=201311194&mode=big&lastmode=timecompare&flags=0&year=current>. (Exhibit 4)

<sup>7</sup> The following link shows wet sand well inland of the claimed development that allegedly extends 28 feet seaward of the bulkhead on the site. <http://www.californiacoastline.org/cgi-bin/image.cgi?image=200803450&mode=big&lastmode=timecompare&flags=0&year=2008>. (Exhibit 5)



submitted historical accounts from various publications of the hotels construction in 1930s (Exhibit 2b-1, 2-b-2). The Claimant has also submitted City and County ordinances applicable to the site from between 1928 and present (Exhibit 2q-2, 3y-3gg). It has submitted historical photos (Exhibits 2n, 2o, 2p), grant deeds (Exhibits 2f-1, 2f-2, 2f-3), 1935 and 1959 recorded records of survey of the site (Exhibits 2e and 2g), a mean high tide line survey from 2012 (Exhibit 3x) and several applications and permits for development for the hotel from between 1931 and 1968 (Exhibits 2d-2, 2d-4, 2u).

### Letters of Support

#### Letters from former City officials

All of the authors of the letters of support generally describe their personal observations of the beach area being roped off during various times both before Prop. 20 and after Prop. 20. Two letters are from former City officials—the retired Laguna Beach Police Chief, Neil J. Purcell (Exhibits 2l-1, 2l-2), and retired City Manager, Kenneth C. Frank (Exhibit 2m-1). Mr. Purcell asserted that he had witnessed, as part of his duties to patrol the Main Beach area, that the Claimant had roped off the sandy beach area on its property throughout his time as a police officer between 1968 and 1997 in Laguna Beach. He also claims that he witnessed the Claimant rope off the beach area on the Property during 1957 and 1958 when he visited the Main Beach as a teenager. Mr. Purcell also submitted a letter as an attachment that he wrote to the California Alcohol Beverage Control (“ABC”) where he asserts that the beach area has been roped off at least since 1936 and the hotel has been serving alcohol in that area since 1968. Former City Manager, Mr. Frank, attests to his knowledge of the process whereby the City, in 1982, investigated whether the posts, chains and signs on the hotel’s property violated any City ordinance or affected any public rights. He claims that the City determined that it lacked jurisdiction to do anything about the posts, chains and signs and those actions didn’t affect the public’s rights. Both Mr. Purcell and Mr. Frank state that the placement of the posts varies and that they are not always present, with the placement dependent on the use of the hotel which varied from season to season. There are no letters, dated between 1931 and 1973, from any authorized city officials stating either that the development was authorized or that it did not require any authorization. As described further, below, the lack of existence of these letters is fatal to the Claimant’s vested rights claim.

#### Letter from the current hotel operator

Georgia Andersen, the current hotel operator, states in her letter of support that she has continued the practice of roping off the beach area since she and her husband started operating the hotel in 1985 (Exhibit 2h). Before that she claims that the prior operator, Bob Nielson, who was the operator from 1968 to 1985, told her that he roped off the beach area for guest use and that the practice had taken place since 1930 when the hotel opened to guests. Ms. Andersen also states that the rope barrier is placed daily when patronage is high enough to warrant placement of the barrier. Otherwise, if weather is poor or patronage low, the rope barrier would not be placed on the beach at all. Ms. Andersen further maintains that the rope barrier is required by ABC as a condition of its liquor license to serve alcohol on the beach. She also stated that the hotel serves guests in the beach area who are members of the hotel’s beach club and do not necessarily stay overnight at the hotel which has the potential to change the intensity of use of the land because it would require that the hotel add additional parking for this additional service area for beach club

members. Finally, Ms. Andersen calculated that if the hotel cannot use the beach area in the manner it has done so for the last 82 years, then it would lose \$1,000,000 in revenue. No data sheets were provided to evaluate this claim. She did not cite to any governmental authorizations issued to the Claimant prior to February 1, 1973 for the claimed development.

Letters from University of New Mexico history professor, Dr. A.K. Sandoval Strauss

Relying on his academic research project unrelated to Hotel Laguna's operation, Dr. Strauss states that "it is virtually impossible to imagine that a waterfront hotel opening for business in 1930 would have neglected to designate and claim the beach adjacent to the hotel as a location where it would offer its patrons scenic views, access to bathing in the ocean, and food and beverage service." (Exhibit 2c-1) He cites to other hotel practices throughout the nation for support. He also cites to the same exhibits that the Claimant submitted to support his argument. He did not cite to any governmental authorizations issued to the Claimant prior to February 1, 1973 for the claimed development.

Various letters from others

The Claimant submitted letters from a former lifeguard (Exhibit 3v), Hotel Laguna investor, and former guests (Exhibits 2i, 2j, 2k). All of the letters submitted by these people essentially assert the same claim, which is that they have personally observed the sandy beach area in front of the hotel closed off to the public at various times before the effective date of Coastal Initiative and thereafter as well. None of the letters cited to any governmental authorizations issued to the Claimant prior to February 1, 1973 for the claimed development.

Historical accounts from various publications

The Claimant submitted a City of Laguna Beach Historical Resources Inventory (Exhibit 2a), two Los Angeles Times articles from 1930 (Exhibits 2b-1 and 2b-2) and an excerpt from a publication from 1967 about the pioneer days of Laguna Beach (Exhibit 2r-1 and 2r-2). All of these submittals present the same evidence-- that the current hotel was built and started operation in 1930.

City and County ordinances applicable to the site from between 1928 and present

The claimant submitted ordinances applicable to the site from 1928 through to the present (Exhibits 3y to 3gg). In 1928, the effective ordinance, Ordinance No. 55 (Exhibit 3z), applicable to Hotel Laguna "regulate[d] and restrict[ed] the location and locations of commerce, trades and enterprises and the location of all buildings arranged or intended for special uses in the City of Laguna Beach..." "Commerce" was defined as "the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises." Section 6 of Ordinance No. 55 calls out the criteria for issuing building permits and provides the following:

“Section 6. The City Council may by resolution permit the erection, reconstruction or enlargement of any building, structure, or improvemtn [sic] in any of said zones which is restricted against said building, structure or improvement, upon such terms and conditions as the Council may deem proper under the special circumstances so shown to exist, whenever said Council shall be satisfied from a consideration and investigation of the facts stated in a petition therefor, that such special permit is necessary for the preservation and enjoyment of any substantial property right or rights of the petitioner, and not materially detrimental to the public welfare, or injurious to the property and improvement in said zone. If the Council deems it necessary or expedient so to do, it may set the matter for hearing, upon such notice to interested parties as it may deem proper, and the decision of the Council upon said hearing shall be final and conclusive as to all matters and things involved in said petition.”

Contrary to the Claimant’s assertion, section 7 <sup>8</sup> doesn’t provide that there were no restrictions over the use of Hotel Laguna property, just that there was no restriction “as to its design, arrangement of intended use or purpose.” In other words, section 7 did not restrict the construction of a hotel use on the Hotel Laguna property because the zone within which the Hotel Laguna property lies did not have use limitations. And, section 7 did not restrict the hotel operator at the time of application for a building permit in 1930 in regard to its arrangement of the hotel on the site (i.e., no setbacks) or its aesthetic design. However, section 7 was, at the same time, limited by laws in effect at the time of adoption of Ordinance No. 55, which necessarily included Section 6 of that same ordinance with Section 6 requiring that the City adopt a finding for all development proposals in all zones that takes into consideration the property owner’s rights and the interest of the public. Section 7 does not override the restrictions that could be adopted by the City in approving development to protect the public welfare, the property and improvements in the relevant zone. Therefore, it is reasonable to conclude that the restrictions in Section 6 could apply to Hotel Laguna and the claimed development if the City found that the project raised issues relative to public welfare, the property and improvements in the relevant zone.

The City passed Ordinance No. 209 in 1940 which established multiple zones within the City, three residential zones and two commercial zones (Exhibit 3aa). After the effective date of Ordinance No. 209, Hotel Laguna was split zoned, with R-1(Single-Family Residential) applying to the area subject to this vested rights claim which did not allow hotel use or alcohol/food service in that zone. Ordinance No. 209 provided a variance procedure to allow property owners to seek approval of a use not entirely consistent within the zoning of their property. The City subsequently amended Ordinance No. 209 three times (in 1964, 1966 and 1969) (Exhibits 3bb – 3dd) before the effective date of Prop. 20 (February 1, 1973). The first two amendments addressed building setbacks and the third amendment, Ordinance No. 622 (Exhibit 3dd), was a

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<sup>8</sup> Section 7 of the Ordinance No. 55 provides the following:

“SECTION 7. Any building, structure, or improvement may be erected, constructed, established, altered or enlarged in ZONE “A” without restriction as to its design, arrangement or intended use or purpose, provided such building, structure or improvement or the use or purpose thereof is not prohibited by law or ordinance now in force, or which may hereafter be enacted, and provided further that they comply with the requirements of the building code and fire district regulations of this city, in particular.” (emphasis added)f

major overhaul of Ordinance No. 209. Notably, Ordinance No. 622 required 1 parking space per 350 square feet of food and beverage service.

### Remaining Evidence

The remaining evidence submitted by the Claimant include historical photos, grant deeds, 1935 and 1959 recorded records of survey of the site, a mean high tide line survey from 2012 and several applications and permits for development for the hotel from between 1931 and 1968. The Claimant highlighted a permit for an accessory structure that stores the beach furniture that the City issued in 1951 as evidence that the City knew that the hotel operator at the time was roping off the beach area fronting the hotel. There is no correspondence from the City to corroborate the claimed knowledge. The permit simply states that the intended use of the accessory structure will be to store beach furniture and says nothing about posts, chains and signs used to rope off the beach area.

## **E. ANALYSIS OF CLAIM OF VESTED RIGHTS**

In its vested rights claim, the Claimant asserts that the hotel operator has periodically been roping off the beach area for its guests' exclusive use (daily at times of peak occupancy of the hotel) since at least 1931, using posts dug into the sand leaving 3 feet above the sand to attach a rope or chain and hanging a sign off of the rope or chain indicating private use of the area by guests only. Additionally, the Claimant argues that it has a vested right to periodic placement of beach furniture for the exclusive use by its guests only. Thus, the analysis below focuses on the claim of a vested right to periodically place a rope/chain barrier around the hotel's beach area, anywhere within 28 feet seaward of the Claimant's bulkhead and spanning the full width of the parcel and regular but periodic placement of beach furniture in that area.<sup>9</sup>

### **1. The Claimant Has Not Presented Any Evidence That it Received Government Approvals for the Claimed Development and Therefore Cannot Claim that It Undertook Development in Good Faith Reliance on Any Government Approvals Obtained Prior to February 1, 1973**

In order to prevail on their vested rights claim, the Claimant must show that it had all necessary governmental approvals for the claimed development issued to the Claimant before February 1, 1973. The Claimant has not met this burden.

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<sup>9</sup> The Claimant makes two separate arguments that are not pertinent to the vested rights claim. First, it argues that the public has not continuously used the beach area fronting its property to establish a vested right and further, the Commission cannot make that final determination. Second, the Claimant counters staff's suggestion that the mean high tide line has moved inland and asserts that it is entitled to the claimed development up to 28 feet seaward of the bulkhead because that is the seaward extent of the property line which is marked by surveys from 1935 and 1959 of the mean high tide line. Neither of these arguments addresses the issue of whether or not the Claimant received government approvals for the claimed development or if the Claimant performed substantial work and incurred substantial liabilities in good faith reliance on those government approvals. Therefore, the Commission does not address these arguments in the context of the vested rights claim.

The Claimant argues three main points in support of its claim on the issue of government approvals—(1) there were no ordinances in effect that regulated the sort of development in the claim of vested right when the hotel operator began its practice of placing posts, ropes/chains and signs for the hotel guests’ exclusive use; (2) the building permit issued for construction of the hotel in 1930 necessarily included the authorization to operate the hotel in a manner in which any other hotel would have operated in a similar location, which includes operating the sandy beach area for the hotel guests’ exclusive use; and (3) the City must have known, and with this knowledge implicitly consented, that the hotel operator was using the beach area for the hotel guests’ exclusive use when it processed a permit to build a small 9 foot by 11 foot structure “store... beach equipment.”

The Claimant has not provided evidence of permits issued by the City that would have allowed the claimed development before February 1, 1973, nor has it provided evidence that no such permits would have been required at that time. Instead, in response to a letter from Commission staff requesting evidence of such prior approvals (June 16, 2014 letter, Exhibit 3), the Claimant asserts that the City did not regulate the use of the beach area for the exclusive use of the hotel guests without supplying any actual official letter or declaration from the appropriate City official who informed the Claimant, prior to commencement of the claimed development, that the City did not regulate that development.

As the Claimant points out, there are not very many cases on point that found a valid vested rights claims when the government had not issued a permit for the claimed development. The closest case that addresses this situation is *Halaco Engineering Company v. South Central Coast Regional Commission* (1986) 42 Cal.3d 52 (“*Halaco*”). In *Halaco*, the plaintiff operated a nonferrous scrap metal recycling plant before adoption of the Coastal Initiative in 1972 which, as part of its processing, required that the plaintiff wash impurities off of the metal before smelting. The plaintiff pumped the waste from the washing process into a settling pond and thereafter disposed of the dredged waste at a waste disposal site adjacent to the settling pond. The plaintiff had expanded its use of the settling pond and disposal site beyond the line that was delineated in a blueprint sketch submitted to the local government when the plaintiff, prior to constructing the plant and pond, inquired whether it needed a permit for construction and use of the pond. In its claim of a vested right, the plaintiff claimed that it had obtained building permits from the appropriate government body (the City of Oxnard, in this case) for the plant, which necessarily included the operation of the settling pond and the waste disposal site, including the expansion of the pond and disposal site prior to the adoption of the Coastal Initiative. The Regional Commission denied the vested right for the expansion of the settling pond and the waste disposal site beyond what the plaintiff presented to the City of Oxnard in 1969 in a blueprint of the settling pond area, finding that the claimant didn’t have permits for the use of the property for the expansion of the settling pond and waste disposal site. The trial court agreed with the plaintiff and issued the writ of mandamus that challenged the Regional Commission’s denial of the vested right’s claim for the expansion settling pond and waste disposal site.

The Supreme Court of California, sitting en banc, upheld the lower court judgment, reasoning that estoppel against the Commission was warranted because the local government, in issuing the permit to Halaco, issued it “with full awareness of the nature of Halaco’s operation and the

intended development and use of its settling pond ... [and] had determined that Halaco needed no additional permits when it commenced the construction of the pond.” (*Halaco, supra*, 42 Cal.3d at p. 75.) In support of this ruling, the court found that the trial court’s finding of fact established that the plaintiff had properly sought and received confirmation from the local government prior to building the plant that it did not need additional permits for the construction and expansion of the settling pond and the disposal site adjacent to the settling pond. (*Id.* at p. 76, fn.21.) Notably, the Supreme Court cites the following as evidence to support a finding that the plaintiff acquired a vested right to operate and expand the settling pond and disposal site: (1) the plaintiff stated its intention in 1969 to the City that it planned a certain pond size to “provide sufficient area for solid waste disposal and constructed it in such a way as to make it as convenient as possible to dispose of dredgings on the waste disposal site;” (2) “[p]rior to that construction and use [in 1970], Halaco **actively and openly** inquired of [the city of] Oxnard whether a permit was needed for that construction and use,” telling the City “of the nature, purpose, and operation of the pond, explaining how its use over time would cause a change in its dimensions and also submitted a not-to-scale sketch of the pond and waste disposal site;” (3) “[a]s a result of Halaco’s inquiry, both Oxnard’s building Department and the Department of Public Works through the City Engineer determined that no permits were required for the construction and use of Halaco’s settling pond;” (4) “[t]he City Attorney of Oxnard confirmed that in 1969 Halaco **actively and openly** inquired of Oxnard and Oxnard determined that no permit was needed for the construction and use of its settling pond;” (5) relying on “determinations by Oxnard’s Building department and the Department of Public Works, Halaco started and essentially completed the construction of its settling pond in 1970, and since that time has continuously operated that pond.” (*Ibid.*) (emphasis added)

In the present claim, the Claimant does not satisfy the evidentiary threshold established in *Halaco* to support a claim that it has a vested right to the claimed development. First, unlike the plaintiff in *Halaco* which supplied the permit for the metal recycling plant, the Claimant did not submit the permit for the construction of the hotel yet claims that the permit necessarily included the claimed development.

Second, the Claimant did not establish that it had **actively and openly**, prior to commencing construction of the claimed development, sought information that no permit was necessary for the claimed development from a City employee with ostensible authority to make the statement that no permit was necessary. When a claimant for a vested right does not produce the actual permit from an appropriate governmental body to establish a right to complete construction pursuant to that permit, a claimant may be able to establish a vested right to certain development in the manner in which the plaintiff in *Halaco* established its right—through evidence that a claimant, prior to construction of the claimed development, “had **actively and openly** sought information from the city [or other appropriate government body] as to whether any permit was necessary for construction and use of [development claimed to have a vested right] and that... a responsible city employee with ostensible authority to make the statement that no permit was necessary [told the claimant that no permit was necessary].” (*Halaco, supra*, 42 Cal.3d at p. 70.) (emphasis added) The Claimant has not submitted any information to verify that it received information from an authorized City employee that no permit was necessary prior to commencing the claimed development.

The City regulated commercial development such as the claimed development at the time of its commencement. The Claimant misconstrues the applicable regulation in effect at the time of the commencement of the claimed development. As noted above in Section D. of the staff report, Section 6 of the ordinance in effect at the time of the hotel's construction in 1930, Ordinance No. 55, regulated the erection, reconstruction or enlargement of any building, structure, or improvement and authorized the City to permit such development "upon such terms and conditions as the Council may deem proper under the special circumstances so shown to exist, whenever said Council shall be satisfied from a consideration and investigation of the facts stated in a petition therefor, that such special permit is necessary for the preservation and enjoyment of any substantial property right or rights of the petitioner, and not materially detrimental to the public welfare, or injurious to the property and improvement in said zone." Further, contrary to the Claimant's assertion, section 7<sup>10</sup> doesn't provide that there were no restrictions over the use of Hotel Laguna property, just that there was no restriction "as to its design, arrangement of intended use or purpose." In other words, section 7 did not restrict the construction of a hotel use on the Hotel Laguna property because the zone within which the Hotel Laguna property lies did not have use limitations. And, section 7 did not restrict the hotel operator at the time of application for a building permit in 1930 in regard to its arrangement of the hotel on the site (i.e., no setbacks) or its aesthetic design. However, section 7 was, at the same time, limited by laws in effect at the time of adoption of Ordinance No. 55, which necessarily included Section 6 of that same ordinance with Section 6 requiring that a the City adopt a finding for all development proposals in all zones that takes into consideration the property owner's rights and the interest of the public. Section 7 does not override the restrictions that could be adopted by the City pursuant to Section 6 in approving development to protect the public welfare, the property and improvements in the relevant zone. Thus, it is reasonable to conclude that the restrictions in Section 6 could apply to Hotel Laguna and the claimed development, in 1930, if the City found that the project raised issues relative to public welfare, the property and improvements in the relevant zone. As such, the City could have conditioned the hotel project to prevent the hotel owner from placing development on the sandy beach area if there was a showing that such development would have been materially detrimental to the public welfare because of its effect on the public's regular use of the sandy beach fronting the hotel. The Claimant, however, has not submitted any evidence that it had actively and openly sought information from the City prior to commencement of the claimed development as to whether or not the Claimant needed a permit for its claimed development and no City employee with authority told the Claimant that no permit was necessary.

The submitted letters do not meet the evidentiary threshold for a finding of a vested right. the Claimant mistakenly relies on letters that were drafted well after the construction of the hotel, wherein the authors claim that they observed the roped off area on the Claimant's property during various times prior to February 1, 1973, and drawing a conclusion that these letters

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<sup>10</sup> Section 7 of the Ordinance No. 55 provides the following:

"SECTION 7. Any building, structure, or improvement may be erected, constructed, established, altered or enlarged in ZONE "A" without restriction as to its design, arrangement or intended use or purpose, provided such building, structure or improvement or the use or purpose thereof is not prohibited by law or ordinance now in force, or which may hereafter be enacted, and provided further that they comply with the requirements of the building code and fire district regulations of this city, in particular." (emphasis added)f

establish that the development lawfully existed prior to the Coastal Initiative. Unlike the City officials in *Halaco*, none of the authors of the letters were properly authorized City officials who can attest that he or she told the Claimant that no permits were necessary for the claimed development. Further, the Claimant also misinterprets the significance of a letter from a former City Manager who, well after the claimed development first took place in 1931, claims that in 1982 the City investigated the legality of the claimed development and concluded that it did not have the authority to stop the Claimant from roping off the beach area, by simply saying that the development was there prior to February 1, 1973 and there were no regulations enacted at the time that would have required a permit. These letters, however, fail to meet the threshold established in *Halaco* which required the inquiry of whether or not a permit was necessary *before* the construction of the hotel from a City official with ostensible authority to issue a statement that no permit was necessary and the City official actually delivered such a statement to the Claimant and the Claimant relied, in good faith, on such a representation to its detriment. There is no record that the City ever issued such a letter or representation. Thus, the Claimant has failed to establish that it has received a permit issued by the City or was told, prior to construction of the claimed development, by a person with ostensible authority in the government that he or she did not need a permit for the claimed government. Therefore, since the Claimant did not submit any permit issued by the City for the claimed development prior to February 1, 1973 or any representation by the City that no permit was necessary prior to commencement of the claimed development, then there cannot be a good faith reliance on a government approval, which necessarily precludes a finding that the Claimant is entitled to a vested right for the claimed development and the vested rights claim must be denied.

**2. Even if the Claimant Could Establish that It Received Government Approval for the Claimed Development, The Claimant Has Not Presented Any Evidence That it Performed Substantial Work and Incurred Substantial Liabilities In Good Faith Reliance on those Approvals**

In addition, even if the Claimant could show evidence of all governmental approvals, which it cannot, the Claimant has not demonstrated that it performed substantial work or incurred substantial liabilities in good faith reliance on such (non-existent) governmental approvals. In its June 16, 2014 letter, the Claimant states that while “precise records no longer exist” relative to the amount it has spent on construction and improvements, it, nonetheless, somehow calculates that it spent not less than \$700,000 over 42 years prior to the effective date of the Coastal Initiative for the original Hotel Laguna construction and improvements thereafter. It claims that this expenditure “vests the right to make the uses of the beach that Hotel Laguna has made.” The Claimant includes the expenditures for the construction of the beach furniture storage building in this estimate. However, the Claimant has failed to substantiate the claimed amount with any evidence such as invoices from contractors, bank records of payments made to those contractors, receipts for materials, accounting records, etc. Therefore, the Claimant has failed to establish that it had incurred substantial liabilities in good faith reliance on a government approval for the claimed development.

In addition, the expenditures claimed appear to be attributed to development that is not within the scope of development of the vested rights claim. Rather, the Claimant cites to numerous permits issued to the Claimant between the 1930s and the late 1960s, and claims the substantial liabilities



were incurred in reliance on those permits. As noted above, no permits or other qualified government approvals were issued for the regular and periodic placement of the posts and rope/chain barrier to delineate the area for the hotel guests' exclusive use and the placement of the beach furniture in that area; therefore allegations that the expenditures related to construction activities for the claimed development pursuant to permits issued by the City appear implausible. As a result, the claimant has not supported its claim of vested right with any evidence of financial liabilities incurred in reliance of a government approval.

The accurate calculation of expenditures, assuming the Claimant had received appropriate government approvals, for the claimed development would not have constituted substantial liabilities. The expenditures for the claimed development would have merely been the cost of the posts, chains and signs required to place the barrier on the beach area, none of which would have met the threshold of qualifying as a substantial financial liability. In present values, the cost of metal posts, chains and a sign is nominal and could be anywhere from \$3 per post to \$5 per post (assuming 6-8 posts=\$40 maximum),<sup>11</sup> \$62 to \$122 for about 300 feet of cotton ½ inch rope<sup>12</sup> and about \$100 for plywood and paint/paint brushes to make signs. Using these present day numbers without adjusting for the plausible values between 1931 and 1973, the total expenditure for the claimed development, in current dollars would be about \$262. The cost of the beach furniture shouldn't be factored into the equation because the beach furniture isn't something that is exclusive for the claimed development. Rather, the furniture can be used in a manner that doesn't change the intensity of use of land; the furniture can simply be used by guests on an as-needed basis and not placed in bulk on the beach, as it is now, regardless of the hotel guests' use of the beach furniture at any given time. Regardless of the time period, \$262 cannot be reasonably considered a substantial sum such that it warrants a finding that the Claimant incurred substantial liabilities giving it a vested right that should excuse it from obtaining a coastal development permit. Further, considering most of the rooms at Hotel Laguna cost about \$225-\$300 per night, it would only take the Claimant 1-2 nights of renting one room at the hotel to make up the \$262 potentially incurred by the Claimant for the claimed development. Thus, since the Claimant's investment in the claimed development could easily be recouped in one summer weekday and pales in comparison to the total expenditures made between 1931 and 1973, it cannot be considered a substantial financial liability.

Even if such work and liabilities were related to their vested rights claim, neither the Claimant nor its predecessors in interest performed any work, much less substantial work, to construct the regular and periodic placement of the posts and rope/chain barrier to delineate the area for the hotel guests' exclusive use and the placement of the beach furniture in that area. The Claimant has not cited a single California case, nor is the Commission aware of one, in which the "performance of substantial work" portion of the test for a vested right for private development was met by the minimal construction involved in the present case. Thus, even if the Claimant had met the requirements of all necessary governmental approvals, which it has not, the Claimant has not met its burden of proof showing that it performed substantial work or incurred substantial

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<sup>11</sup> <http://www.homedepot.com/b/Lumber-Composites-Fencing-T-Posts-U-Posts/N-5yc1vZc3lf>. (on file)

<sup>12</sup> <http://www.homedepot.com/s/cotton%2520rope?NCNI-5>. (on file)

liabilities in good faith reliance on a governmental permit. For this additional reason its claim of a vested right is denied.

## **F. OTHER CLAIM NOT CENTRAL TO THE VESTED RIGHTS DETERMINATION**

The Claimant asserts that even if the Commission determines that there is no vested right to the claimed development, the Commission is estopped from requiring a permit for the claimed development under the doctrine of laches because the Commission did not require a permit for the claimed development at the time of the effective date of the Coastal Initiative. “The defense of laches requires unreasonable delay plus either acquiescence in the act about which plaintiff complains or prejudice to the defendant resulting from the delay.” (*Conti v. Board of Civil Service Commissioners of the City of Los Angeles* (1969) 1 Cal.3d 351, 359.) (*Wells Fargo Bank, N.A. v. Bank of America & SA* (1995) 32 Cal.App.4<sup>th</sup> 424, 439.) “If the delay has caused no material change in statu[sic] quo ante, i.e., no detriment suffered by the party pleading the laches, [the defendant’s] plea is in vain.” (*Id.* At p. 360.)

First, the defense of laches doesn’t apply to the Claimant’s case because the Commission, through the enforcement division, first discovered that the Claimant had operated the claimed development in early 2010 and sent a notice of violation letter to the Claimant on April 5, 2010 to cease and desist the claimed development and to apply for a CDP if it wished to continue the claimed development. In *Feduniak v. California Coastal Commission* (2007) 148 Cal.App.4<sup>th</sup> 1346, the court found that a delay of 3-4 months from the time of the Commission’s discovery of a violation to the time where it sent the violator a notice of violation did not justify the violator’s claim that the Commission’s action is barred by the doctrine of laches even though the violation had been in existence for about 17 years prior to the notice of violation. In its ruling on this issue, the court concluded “that the Commission did not “acquiesce” in the easement violation that it did not know about before 2002; nor did it unreasonably delay enforcement of the easement thereafter. Moreover, as with estoppel, laches is not available where it would nullify an important policy adopted for the benefit of the public.” (*Id.* at p. 1381.) Similarly, the Commission first discovered the violation involving the claimed development in early 2010 and sent out the notice of violation letter within 3-4 months of discovery in early April 2010. Thus, the Commission did not acquiesce in the violation that it did not know about before 2010 and did not unreasonably delay enforcement of the violation thereafter. Further, laches is not available in this case because it would have the effect of nullifying important policies related to protecting visual resources and maximizing public access resources (requirement of additional parking for increasing service area at the hotel protects access) along the coast, which are described as important policy goals in the Coastal Act. (Sections 30001, 30001.5 of the Coastal Act)

Second, while the defense of laches can be dismissed for failure to establish delay in making a claim against a defendant, as is the case here, the Claimant has, nonetheless, also not established that it will suffer prejudice by complying with the Coastal Act and applying for a CDP for the claimed development. The Claimant asserts that it will lose up to \$1,000,000 if it loses the ability to exclude the public and serve guests food and drinks on the beach area. The Claimant has not submitted any evidence (receipts, reports, etc.) to support the claim that it generates \$1,000,000 exclusively from using the claimed development. Further, even if it had established that it would lose \$1,000,000 if it did not receive a vested right for the claimed development,

there is nothing that precludes the Claimant from applying for a CDP to continue serving guests on the beach area and legalizing the development. Therefore, based on the foregoing, the Claimant has not established that the Commission is barred by the doctrine of laches in requiring the Claimant to obtain a CDP for the claimed development.

## G. CONCLUSION

The Claimant has failed to meet its burden of proof to establish a vested right for the claimed development under Coastal Act Section 30608. A narrow view of vested rights should be adopted to avoid seriously impairing the government's right to control land use policy. (*Charles A. Pratt Construction Co. v. California Coastal Commission* (1982) 128 Cal.App.3d 830, 844 (citing, *Avco v. South Coast Regional Commission* (1976) 17 Cal.3d 785, 797).) The effect of determining that a vested right exists for a claimed development would enable the claimant keep the claimed development without needing to comply with the Coastal Act permitting requirements so long as no substantial change occurs to that development. In contrast, no vested right to a claimed development can be issued if a claimant fails to establish any one of the elements of a vested right (government approval, good faith reliance, substantial work and substantial liabilities). Here, the claimant failed to establish all of the elements necessary to support a determination that a vested right exists for the claimed development. The Claimant has presented no evidence of governmental approvals for the claimed development either in the form of a City-issued permit or by showing that an authorized City employee, prior to construction in 1930, told the Claimant that it did not need a permit for the claimed development, much less evidence that it or its predecessors in interest performed substantial work or incurred substantial liabilities while undertaking the development for which they claim a vested right; without government approval of any kind, there can be no showing of good faith reliance on an approval to justify commencing a claimed development. Although the Claimant appears to assume that it need not present such evidence to establish a vested right under Section 30608, it cites no persuasive authority to support this assumption. The Claimant's efforts to establish the evidence required to substantiate a vested rights claim fall short of the legal evidentiary threshold necessary to support its vested rights claim. For all of the foregoing reasons, the Claimant's vested rights claim must be denied.

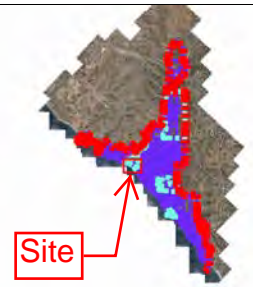
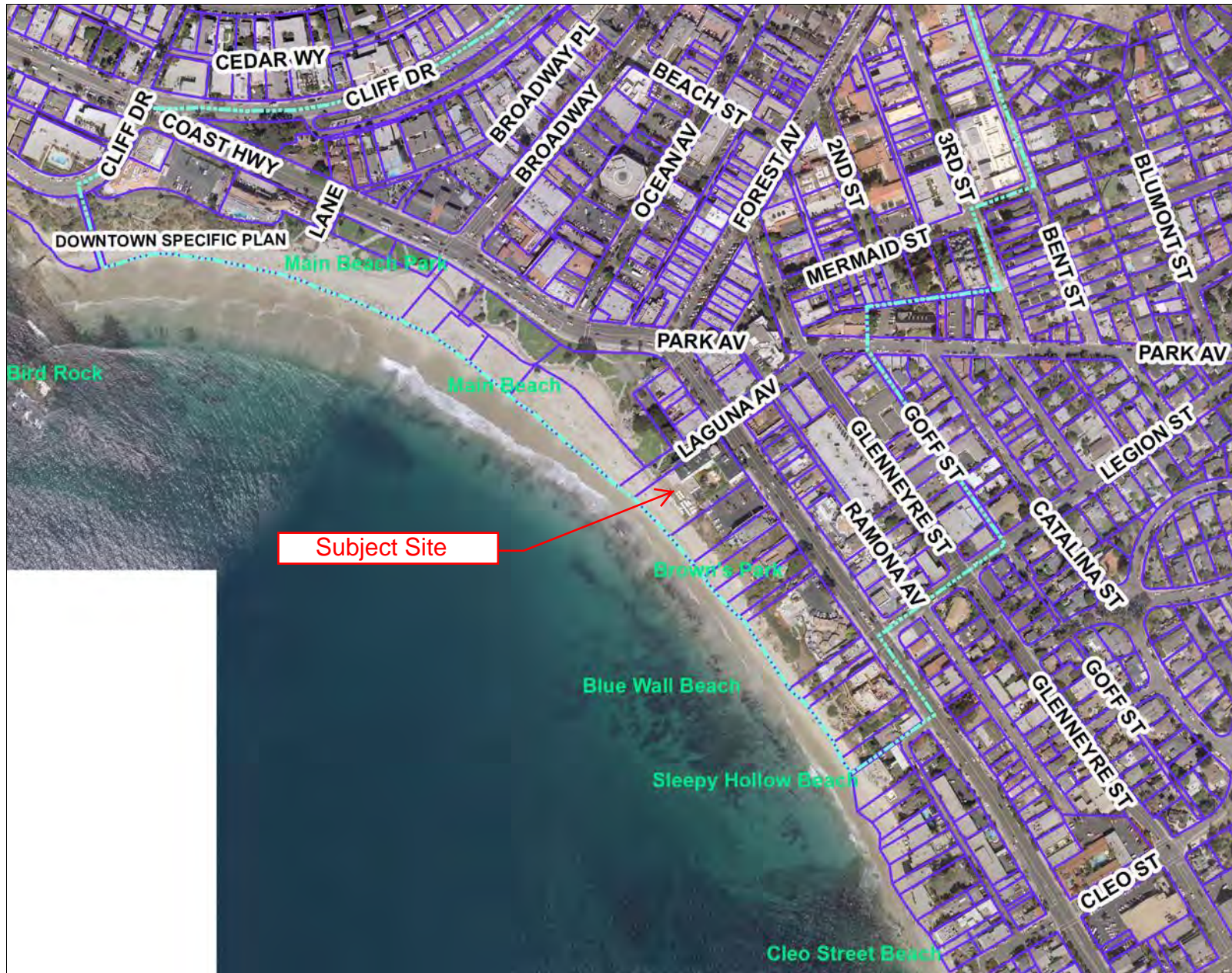
## **Appendix A – Substantive File Documents**

Contents of file for Vested Rights Claim No. 5-12-179-VRC, including but not limited to the Claimant's submittal, print outs from the following web sites:

<http://www.homedepot.com/b/Lumber-Composites-Fencing-T-Posts-U-Posts/N-5yc1vZc3lf> and <http://www.homedepot.com/s/cotton%2520rope?NCNI-5>; California Coastal Records Project Photograph Numbers 201311194 and 200803450; Notices of Violation V-5-09-020 dated March 27, 2012 and June 1, 2012



# Subject Site 425 South Coast Highway, City of Laguna Beach



## Legend

- City Limits
- Specific Plan Areas
- Parcels

1: 5,036

839 0 420 839 Feet



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June 22, 2012

**RECEIVED**  
South Coast Region

JUN 25 2012

BY FEDERAL EXPRESS

Ms. Sherilyn Sarb  
District Director  
California Coastal Commission  
200 Oceangate, #1000  
Long Beach, California 90802

CALIFORNIA  
COASTAL COMMISSION

Re: Claim of Vested Rights  
Hotel Laguna, 425 South Coast Highway, Laguna Beach

Dear Sherilyn:

On behalf of E. W. Merritt Farms, I am enclosing a Claim of Vested Rights concerning the Hotel Laguna located at 425 South Coast Highway, Laguna Beach. Included with the Claim of Vested Rights are Exhibits A through U which establish that Hotel Laguna has made regular exclusive use of a portion of its private property which is on the sandy beach for the enjoyment of its patrons, and has done so for more than 40 years prior to the adoption of the Coastal Zone Conservation Act of 1972.

This Claim of Vested Rights is submitted in response to the Commission's Notice of Violation dated March 27, 2012. The uses and activities to which Hotel Laguna claims a vested right have been conducted by the hotel for 82 years. I had written to Andrew Willis on April 20, 2010, that Hotel Laguna had made use of its privately owned beach and prevented public use of a portion of its privately owned beach for this entire time. I provided evidence of that fact as well.

However, your agency has determined to pursue Hotel Laguna as though its long standing activities are not allowed without a permit. In this respect your agency is wrong. This Claim of Vested Rights should not have been necessary. As your agency's threats of punitive fines and penalties have caused Hotel Laguna to modify its operations in a manner which have an adverse effect upon its business, I request that this matter be scheduled before the Commission at the earliest possible date.

RECEIVED  
South Coast Region

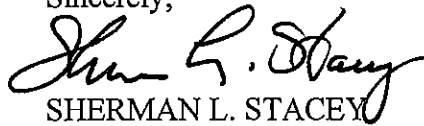
JUN 25 2012

Ms. Sherilyn Sarb  
California Coastal Commission  
June 22, 2012  
Page 2

CALIFORNIA  
COASTAL COMMISSION

If you or any member of your staff should have any questions or wish to discuss this Claim of Vested Rights, please do not hesitate to contact me.

Sincerely,

  
SHERMAN L. STACEY

SLS

cc: Andrew Willis (w/o encl.)  
Mr. Richard W. Merritt (w/encl.)  
Mrs. Georgia Andersen (w/encl.)



**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 OceanGate 10<sup>th</sup> Floor  
 Long Beach, CA 90802-4323  
 (562) 590-5071

JUN 25 2012  
 CALIFORNIA  
 COASTAL COMMISSION

**CLAIM OF VESTED RIGHTS**

**NOTE:** Documentation of the information requested, such as permits, receipts, buildings department inspection reports, and photographs, must be attached.

1. Name of claimant, address, and telephone number:  
 (Please include zip code & area code):

E.W. Merritt Farms 11188 Road 192, Porterville, CA 93257

2. Name, address and telephone number of claimant's representative, if any:  
 (Please include zip code & area code):

Sherman L. Stacey Gaines & Stacey LLP  
1111 Bayside Dr., #280 Corona del Mar, CA 92625

(949) 640-8999

3. Describe the development claimed to be exempt and its location. Include all incidental improvements such as utilities, road, etc. Attach a site plan, development plan, grading plan, and construction or architectural plans.

See Attachment

4. California Environmental Quality Act/Project Status.

Check one of the following: See Attachment

- a. Categorically exempt           . Class:           . Item:           .

Describe exempted status and date granted:           

- b. Date Negative Declaration Status granted:

- c. Date Environmental Impact Report approved:

Attach environmental impact report or negative declaration.

**FOR COASTAL COMMISSION USE:**

Claim Number:           

Date Submitted           

Date Filed

5. List all governmental approvals which have been obtained (including those from federal agencies) and list the date of each final approval. Attach copies of all approvals.

See Attachment

6. List any governmental approvals which have not yet been obtained and anticipated date of approval.

None

7. List any conditions to which the approvals are subject and date on which the conditions were satisfied or are expected to be satisfied.

None

8. Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (i.e., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1972 and/or January 1, 1977 (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals).

See Attachment

9. Describe those portions of development remaining to be constructed.

None

10. List the amount and nature of any liabilities incurred that are not covered above and dates incurred. List any remaining liabilities to be incurred and dates when these are anticipated to be incurred.

See Attachment

11. State the expected total cost of the development, excluding expenses incurred in securing any necessary governmental expenses.

In 1930, \$225,000 - \$450,000. Unknown additional amounts  
between 1931 and 1972.

12. Is the development planned as a series of phases or segments? If so, explain.

No.

13. When is it anticipated that the total development would be completed?

It was completed in 1930 with modifications between  
1931 and 1972.

14. Authorization of Agent.

I hereby authorize Sherman L. Stacey to act as my representative and bind me in all matters concerning this application.

E.W. Merritt Farms

By:

Richard W. Merritt  
Signature of Claimant

15. I hereby certify that to the best of my knowledge the information in this application and all attached exhibits is full, complete, and correct, and I understand that any misstatement or omission, of the requested information or of any information subsequently requested, shall be grounds for denying the exemption or suspending, or revoking any exemption allowed on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Commission.

Richard Merritt

Sherman L. Stacey  
Signature of Claimant(s) or Agent

Sherman L. Stacey

ATTACHMENT TO CLAIM OF VESTED RIGHTS  
HOTEL LAGUNA  
425 South Coast Highway, Laguna Beach

3. Describe the development claimed to be exempt and its location. Include all incidental improvements such as utilities, road, etc. Attach a site plan, development plan, grading plan and construction or architectural plans.

Reserving the right to claim that none of the activities described below constitute development as defined in Public Resources Code §30106, the activities claimed to be exempt are as follows:

The right to operate a hotel which includes, among other things, the right to engage in the following activities:

- a. The daily positioning and removal of beach furniture including chaises with pads, tables and umbrellas on the sandy beach within 28 feet of the bulkhead or the toe of slope of the Hotel Laguna property and extending across the 253 feet of width from Laguna main beach to the southerly property boundary.
- b. The limitation of the use of the beach and beach furniture including chaises with pads, tables and umbrellas on the sandy beach to patrons of Hotel Laguna within 28 feet of the bulkhead or toe of slope of the Hotel Laguna property and extending across the 253 feet of width from Laguna main beach to the southerly property boundary (the "Private Beach Area").
- c. The provision exclusively to patrons of the Hotel Laguna within the Private Beach Area of food and beverage services from the kitchens and bars of Hotel Laguna.
- d. The positioning and removal of boundary markers which is presently conducted on a daily basis through the use of 1 ½" diameter metal posts driven into the sand connected by a ½" white cotton rope set at three feet above the sand along the boundaries of all or a portion of the Private Beach Area to identify that the Private Beach Area is limited to Hotel Laguna patrons.
- e. The attachment of signs to the ropes at reasonable intervals identifying the area within the ropes as the private property for the private use of Hotel Laguna.

The location of the activities on the beach in relation to the hotel structures is shown on Appendix 1 attached hereto.

4. California Environmental Quality Act/Project Status.

The activities as to which this claim of vested rights is directed do not constitute a project as defined in Public Resources Code §21065 as there is no permit action by any local or state agency required for such activities. In addition, such activities commenced in 1930, prior to the date on which the California Environmental Quality Act became effective on January 1, 1969. Even if considered to be a project, such activities would be categorically exempt under California Code of Adm. Regs., Title 14, §15301, 15304, 15311. Even if claimed to be an ongoing project, such activities would be exempt under California Code of Adm. Regs., Title 14, §15261(b).

5. List all governmental approvals which have been obtained (including those from federal agencies) and list the date of each final approval. Attach copies of all approvals.

Although the City of Laguna Beach has not retained a copy of the original building permit from 1930, there is no dispute that Hotel Laguna was built with a building permit and opened in 1930. The City's Historical Resources Inventory conducted in 1981 describes Hotel Laguna as opening in 1930. (See, Ex. A.) The Los Angeles Time reported on June 22, 1930 that groundbreaking had taken place on June 10, 1930. (See, Ex. B-1.) The Los Angeles Times reported on August 11, 1930 that the grand opening of Hotel Laguna had taken place. (See, Ex. B-2.) The 70 room hotel had been built in 60 days.

The building permit issued to Hotel Laguna authorized the construction of a hotel and the operation of the hotel in the manner in which any other hotel would have operated in the location and at the time of the opening of the hotel. This would include the use and protection of some or all of the real property on the sand in front of Hotel Laguna which was owned by Hotel Laguna for the exclusive use of its patrons. It would have been inconceivable in 1930 that a hotel constructed in the location of Hotel Laguna would not have used the privately owned beach property in front of the hotel for the exclusive use of its guests. (See, Ex. C.)

On June 20, 1951, the City of Laguna Beach, knowing that Hotel Laguna used the beach front in front of Hotel Laguna for the exclusive use of its patrons, issued a variance to Hotel Laguna to construct a building for the purpose of storing the beach furniture used for patrons of Hotel Laguna. (See, Ex. D-1.) The sworn application for variance states:

"It is necessary to have a small building on the Laguna Hotel property in which to store umbrellas and other equipment needed for the beach. . . . At the present time the furniture is stored in the tunnel that leads from the hotel to the beach . . ."  
(See, Ex. D-2.)

On January 10, 1952, Hotel Laguna wrote to the City asking an extension of time on the variance for erecting "a beach house necessary to store our beach equipment." (See, Ex. D-3.)

On March 28, 1952, the City of Laguna Beach, knowing that Hotel Laguna used the beach front in front of Hotel Laguna for the exclusive use of its patrons, issued a building permit to construct a building for the purpose of storing the beach furniture used for patrons of Hotel Laguna. (See, Ex. D-4.) The building constructed in 1952 in reliance upon the variance and the building permit still exists at the southwest corner of the area of hotel improvements. (See, Appendix 1.)

Attached hereto as Appendix 2 is a list of 61 other governmental permits issued by the City of Laguna Beach to Hotel Laguna between 1932 and 1969 authorizing alterations and improvements to Hotel Laguna, all issued by the City knowing that Hotel Laguna used the beach front in front of Hotel Laguna for the exclusive use of its patrons. Copies of the permits themselves are collected as Ex. U.)

8. Specify, on additional pages, nature and extent of work in progress or completed, including (a) date of each portion commenced (i.e., grading, foundation work, structural work, etc.); (b) governmental approval pursuant to which portion was commenced; (c) portions completed and date on which completed; (d) status of each portion on January 1, 1972 and/or January 1, 1977, (e) status of each portion on date of claim; (f) amounts of money expended on portions of work completed or in progress (itemize dates and amounts of expenditures; do not include expenses incurred in securing any necessary governmental approvals).

A. E. W. Merritt Farms is the Holder of the Rights Claimed Herein.

The ownership of Hotel Laguna extends to the ordinary high water mark. The sole survey of the ordinary high water mark was conducted in 1935 and is shown on the 1935 Record of Survey. (See, Ex. E.) The hotel was constructed by Laguna Hotel Corporation initially under a lease referenced in a grant deed June 6, 1930 (see, Ex. F-1, Exception ¶3), and subsequently as fee title holder by Quitclaim Deed dated February 27, 1934 (see, Ex. F-2). When originally constructed, Hotel Laguna was on only a portion of the property which is now used. The balance of the Hotel Laguna Property was subsequently acquired by Hotel Laguna Corporation. The entire property is shown on a 1959 recorded Record of Survey. (See, Ex. G.) The mean high tide line was not resurveyed in 1959 and the 1959 Record of Survey relies upon the mean high tide line shown in the 1935 Record of Survey.

On February 26, 1973, Richard Merritt acquired all of the stock of Laguna Hotel Corporation by purchase from Barbara Schweitzer, Albert Woolbridge Agnew, Virginia Agnew Nelson, James Edward Agnew, and John Mullin. Laguna Hotel Corporation granted the entire property to E.W. Merritt Farms, a partnership consisting of Richard W. Merritt and Harriet L. Merritt by Grant Deed recorded on February 27, 1973 (Book 10571, page 595, Official Records, Orange County. (See, Ex. F-3 & Ex. T.) Title is presently held in E. W. Merritt Farms.

At the time of Merritt Farms purchase, the property was operated under a lease to Danish American Hotels, Inc. (See, Ex. H & Ex. T.) In 1985, Andersen Hotels, Inc. acquired the leasehold interest and has held that leasehold interest continuously to the present day. Georgia Andersen is the President of Andersen Hotels, Inc. (See, Ex. H.)

The rights claimed herein were vested in Laguna Hotel Corporation. Laguna Hotel Corporation transferred such rights to E. W. Merritt Farms by grant deed as an integral part of the real property. A grant deed transfers a fee simple interest. (Civil Code §1105.) A fee simple interest is the highest and broadest form of ownership; it is the fullest and most absolute estate in lands known to the law. (*Callahan v. Martin* (1935) 3 Cal.2d 110, 120; *Apartment Ass'n of Los Angeles County, Inc. v. City of Los Angeles* (2001) 21 Cal. 4<sup>th</sup> 830, 840.)

B. Hotel Laguna Has Used the Beach in Front of the Hotel for its Exclusive Use and Erected Barriers and Signs to Protect That Exclusive since at Least 1930.

Prior to the construction of Hotel Laguna, a different hotel (The Yoch Hotel or Laguna Beach Hotel) existed on the site since the 1890's. (See, Ramsey, Pioneer Days of Laguna Beach, 1967, p. 44-47, Ex. R-1.) It is likely that the owners of the Yoch Hotel used the beach for its patrons in a manner similar to that exercised by Hotel Laguna. The Yoch Hotel was removed in 1930 to make way for the construction of Hotel Laguna. (See, Ex. R-1, p. 47.)

A photograph dated 1930 shows Hotel Laguna from the air. In the photograph, a series of identical umbrellas can be seen placed on the beach in a straight line. (See, Ex. N.) This obviously shows that the umbrellas were placed by Hotel Laguna with the intention that its patron would have exclusive use of the beach.

On October 16, 1935, a Record of Survey was recorded in the official records of the Orange County Recorder. (See, Ex. E.) The 1935 Record of Survey had been prepared by A. J. Stead, Registered Engineer No. 2708 who certified its contents. The 1935 Record of Survey was reviewed and approved by the Orange County Surveyor. The 1935 Record of Survey shows that 5/16" chain fences at the north and south boundaries which extend for a distance of approximately 35 feet onto the beach from the "boardwalk". At the seaward end of each fence, the 1935 Record of Survey identifies a post and a galvanized iron sign painted on both sides and attached to the fence which reads:

This Beach to the Point of Mean High Tide  
is Private Property and is  
Reserved for the Guests of Hotel Laguna  
Permission to Use Revocable at  
Any time  
LAGUNA HOTEL CORPORATION  
Owners



In addition to the sign and chain fence, Hotel Laguna Corporation posted galvanized iron signs painted both sides in ornamental iron frames set on 2 inch pipes at the boardwalk on both the north and south boundaries of the property which read:

NOTICE  
This Board Walk & Beach are  
Private Property, Permission to  
Use Revocable at anytime.  
LAGUNA HOTEL CORPORATION, OWNER

Finally, a 4 inch by 9 inch brass plaque was placed on the surface of the boardwalk at the north and south boundaries of the Hotel Laguna property. The brass place read:

Private Property  
Permission to pass  
over revocable at  
any time

It is obvious that the property owner, Laguna Hotel Corporation, was highly concerned about protecting its private property rights and undertook a significant physical effort to identify and advise the public of the private use of the hotel's private property. As Laguna Hotel Corporation continued to own Hotel Laguna until February 26, 1973, there is no reason to believe that the owner's interest in protecting its private property diminished over the years. In fact, evidence indicates that the property was continuously used exclusively by Hotel Laguna and identification of the boundaries were prominently featured.

A photograph dated 1930's shows the structure of Hotel Laguna from above and the beach adjoining the hotel. The photograph hangs in the lobby of the hotel. There is a series of identical umbrellas set out on the beach in a line. (See, Ex. N.)

Sometime after 1935 and before 1946, the board walk was removed. In 1951, Laguna Hotel Corporation sought a variance to construct "a one-story concrete block building size approx. 11' x 9' by approx. 8 feet in height, covering . . . for storage of beach furniture and equipment." (See, Ex. D-2, p. 1.) The Variance Application stated: "It is necessary to have a small building on the Laguna Hotel Property in which to store umbrellas and other equipment needed for the beach. . . . At the present time the furniture is stored in the tunnel that leads from the hotel to the beach and which seriously interferes with the passageway." (See, Ex. D-2, p. 2.)

It is a reasonable inference that the City Council, when granting the variance, was aware of the barriers and signs as well as of the hotel's service of chaises, tables and umbrellas for its patrons and food and beverage service as well. The City granted the variance on July 16, 1951. (See, Ex. D-1.) The City extended the variance. (See, Ex. D-3.) A building permit was issued for the storage building on March 28, 1952. (See, Ex. D-4.) The storage building was constructed and continues to exist today. It is identified on Appendix 1. The physical drawings of the storage building which was approved by the City have not been maintained in the City's records.

In 1957, the chain and sign can be seen on a copyrighted a postcard. (See, Ex. O.) The postcard shows a photograph of the beach taken from the upper grounds of Hotel Laguna. The photograph clearly shows the posts, chains and sign dividing Hotel Laguna from main beach. What appears in the 1957 postcard is substantially the same as appears in a photograph which appeared in 1982 in the newspaper the "Daily Pilot". (See, Ex. P.)

Three longtime visitors made written statements to the City of Laguna Beach in 1981 and 1982 attesting to the fencing, signs and use. These written statements are admissible against the hearsay rule by the ancient document exception. (See, Evidence Code §1331.)

A. W. Agnew stated in a letter on January 15, 1982:

"During the mid thirties, and until World War II my parents frequently visited friends or rented beach houses along this beach during the summer months. In 1944, my father bought a significant interest in the Hotel Laguna and purchased the property at 563 South Coast Highway, slightly south of the Hotel.

"The Agnew Trust, of which I am a trustee, owned the property for approximately 20 years and still is financially involved in the Hotel Laguna.

"During this entire period, the beach directly in front of the Hotel Laguna property has been clearly marked off and designated as a private beach area. The boundaries of this area have always been established on the north and south by some type of rope, cable, fence or other barrier extending to the mean high tide line and included a sign stating it was a private beach area.

"In summary, for longer than the past 48 years, the beach directly in front of the Hotel Laguna property has been clearly designated as a private beach by some type of sign and barrier which marked the property line across the beach to the mean high tide line on both the north and south extremities of the property." (See, Ex. I.)

Wayne F. Mullin stated in a letter dated December 21, 1981:

"I have been a guest at the Hotel Laguna for many years. My first visits started in the early thirties. I was a guest of the hotel during the World War II. Since my first visit there have been chains across the sand with a sign stating that the beach

was private. It has always been my understanding the beach was private to the mean high tide mark. Since the early days the beach in front of the hotel has been reserve[d] for hotel guests. During the War years when the hotel was reserved for the Marine Cores [sic] for "R and R" I was a guest during that time. The beach was occupied by the young officer and I was a guest also at the Hotel and the beach was private. I would certify that the chain with a sign were in place before 1940. I would hope the beach remain private in the future." (See, Ex. J.)

Barbara Schweitzer stated in a letter dated December 21, 1981:

"Since the early thirties my family has had an investment in Hotel Laguna. In the early days, due to its popularity, the City Council gave Hotel Laguna permission to put of a chain and sign on each end of its property on the beach, in order to provide a place for its guests. As early as 1931 I have stayed at the hotel and the sign and chain have been there." (See, Ex. K.)

Additional personal attestations are provided with this Claim of Vested Right. Neil J. Purcell, the retired Chief of Police of Laguna Beach, remembers the chains and signs from 1956 when he visited the beach as a teenager. As a police officer for the City of Laguna Beach starting in 1968, he observed the chains and signs.

"In 1968, I took a position as a police officer in the City of Laguna Beach. In the execution of my duties, I was required to go to the main beach and boardwalk, along Laguna Avenue which borders Hotel Laguna on the north, and along the beach in front of Hotel Laguna, when needed. I again observed the placement of posts and chains along the Hotel Laguna boundaries with signs identifying the property as private property of Hotel Laguna. After 1968, I also observed that from time to time, a rope would be extended along the beach between the chains at the north and south boundaries of Hotel Laguna. The rope was not there permanently but would be removed in months outside the summer." (See Ex. L-1, p. 1.)

Chief Purcell participated in a 1981-1982 City investigation into the date when the chains, signs and private use had been established. The investigation was supervised by City Manager Kenneth C. Frank. The conclusion of the investigation was that the chains, signs and private use had been established prior to 1940. (See, Ex. L-1, p. 2.)

Chief Purcell also communicated officially in 1993 with California Alcoholic Beverage Control. Chief Purcell identified a specific area measuring 28 feet from the hotel bulkhead by 253 feet as the area of exclusive use. Chief Purcell attested that the service and use of alcohol by Hotel Laguna patrons in this area had never produced any policy activity. (See Ex. L-1, p. 2 & Ex. L-2.)

Retired City Manager Kenneth C. Frank attests to the investigation undertaken under his supervision in 1981-1982. With witnesses and records which existed 30 years ago but may no

longer be available (other than the letters from Agnew, Mullin and Schweitzer referenced above) the City determined that the barriers and exclusive use predated 1940.

“By May 1982, after the conclusion of my investigation, the City determined that it lacked the jurisdiction or authority to require that Hotel Laguna not place posts, chains and signs on the beach. The Director of Community Development communicated that determination to me by a memorandum dated May 7, 1982.”  
(See, Ex. M-1, p. 2 & Ex. M-2.)

If the right to maintain the posts and signs and reserve the private beach area for hotel use only had been vested against a City of Laguna Beach ordinance adopted in 1940, then such uses must also be vested against a state statute like the California Coastal Zone Conservation Act of 1972, adopted in 1972, or the California Coastal Act of 1976.

The establishment of Hotel Laguna's rights cannot be viewed from a 2012 perspective for the events that occurred between 1930 and 1972. In the 1930's through 1960's, there was not and would not have been any controversy about Hotel Laguna using and marking its private property. Such use of beach would be reasonably expected since Hotel Laguna owned the beach to the mean high tide line.

Professor Andrew Sandoval-Strausz of the University of New Mexico, the nation's foremost expert on the cultural history of hotels in the United States (See, Ex. C-2.), has reviewed the history of Hotel Laguna, examined its location adjacent to the beach, and rendered an opinion dated June 12, 2012, as follows:

1. It is virtually impossible to image that a waterfront hotel opening for business in 1930 would have neglected to designate and claim the beach adjacent to the hotel as a location where it would offer its patrons scenic views, access to bathing in the ocean and food and beverage service; and one Prohibition ended in 1933, it is nearly inconceivable that such a hotel would have declined to reserve a section of the beach for alcohol sales. (See. Ex. C-1, p. 1.)
2. In the present case of the Hotel Laguna, there is clear evidence that beginning in the 1930s and continuing since then, the proprietors conducted their premises in accordance with these longstanding rules of hotelkeeping: they sold food, beverages, and alcohol on their premises, including on the beach adjacent to the hotel; and they claimed ownership of this area for precisely this use by placing furniture upon it and cordoning it off. (See. Ex. C-1, p. 3.)
3. The uses of the beach in front of the Hotel Laguna have for many years typified the practices of resort hotels nationwide, and particularly in California. (See. Ex. C-1, p. 3.)
4. In sum, all the evidence—decades and in some cases centuries of historical precedent in the hotel industry; direct textual and photographic evidence about the

Hotel Laguna in particular, and spanning more than three quarters of a century; and print and photographic evidence of many other hotels situated similarly to the Hotel Laguna following precisely the same business practices in exactly the same years as the Laguna has operated—points to the same conclusion. The Hotel Laguna did indeed cordon off a part of the beach alongside its hotel, place tables, chairs and umbrellas there, and serve food, drink, and alcohol (as of 1933) to its patrons; and it would have been practically inconceivable for a resort hotel of this kind to do otherwise, because that would have meant voluntarily forgoing a lucrative practice that would have been a source of income essential to the hotel's profitability. (See. Ex. C-1, p. 4.)

C. Changes to the Manner of Marking Boundaries Which Reduce the Size and Scope of Such Markers Have No Effect upon the Right To Mark Boundaries and the Right to Continue to Mark Boundaries.

The method by which Hotel Laguna has delineated its area of exclusive dominion has changed over the years. However, the method has progressively become less and less obvious and intrusive. The Claim of Vested Rights is not as to any specific method of demarcation but that Hotel Laguna has a right to make a demarcation. The chain fences from 1930 to the early 1990's were permanent fixtures. The rope along the beach between the chain fences was a temporary feature. (See, Ex. L-1, p. 1.)

The present method is substantially similar to the method established from 1930. A rope has replaced a chain. This is not a significant change. The ropes and posts are not maintained permanently but are placed daily. Each morning that the weather will permit the use of the beach, an employee places 1 ½ inch metal poles by driving them into the sand until only 3 feet are above the sand. A light rope is strung between the stakes. A sign which identifies "Private Property" is hung from the rope. At the end of the day, the stakes and the rope are removed. A vested right to place a permanent barrier should not prevent its exercise by lessening the barrier to a daily placement and removal. The present method is a lesser variation of the prior method which has no material change in effect.

D. Existing Authorities on Vested Rights to Complete the Construction of Permitted Structures at the Time of a Change in the Law Have Limited Application Here.

This Claim of Vested Rights does not fall squarely under the precedents which generally involve the construction of structures or the completion of subdivisions. (See, *San Diego Coast Regional Com. v. Sea the Sea, Ltd.* (1973) 9 Cal. 3d 888; *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. Under these cases, there is no question that Hotel Laguna has a vested right against the Coastal Act of 1976 to operate a hotel. Hotel Laguna received a building permit 43 years before the Coastal Zone Conservation Act of 1972 was enacted by initiative. (See, Pub. Res. Code §§27000, et seq., repealed December 31, 1976.) Hotel Laguna has been continuously operated as a hotel for 82 years.

Hotel Laguna has demonstrated that the requisite of a final permit has been met. Hotel Laguna obtained a final permit to construct a hotel in 1930. The hotel was constructed. No regulations of the City limited the hotel from placing barriers on the beach and signs advising the public that it was private property. No regulations of the City limited the hotel from restricting its property on the beach for the exclusive use of its patrons. The erection of barriers, posting of signs, and exclusive use of the beach were a normal and foreseeable use which would be made by a hotel in 1930. Therefore, no permit, other than the permit to build the hotel, was necessary for Hotel Laguna to establish the exclusive use, the right to preserve its private property by posting signs and placing barriers, the right to place furniture on the beach for the convenience of its patrons, and the right to provide food and beverage service to those patrons on the beach.

In 1951, Hotel Laguna notified the City (although doubtless the City was already aware) that it placed furniture on the beach for its patrons. Hotel Laguna needed a new building to store the beach furniture. The City approved the permit and Hotel Laguna built the storage building. It can be reasonably inferred that the City was aware of the activities of Hotel Laguna on the beach long before the 1951 permit application for the storage building. Between 1930 and 1950, there were 26 other building permits approved for modifications to Hotel Laguna. (See, Appendix 2 & Ex. U.) Laguna Beach was a small city and Hotel Laguna was its premier hotel, located in the downtown, only a few blocks from City Hall at 505 Forest Avenue. Hotel Laguna was a major location for dining including local banquet uses. That the City was unaware in the 1930's or 1940's of the uses made by Hotel Laguna on the beach is highly unlikely.

Further, between 1951 and 1969, the City issued an additional 32 permits to Hotel Laguna for alterations to the structure, including changes to dining, bar and kitchen facilities, all of which provide services to the patrons on the beach. The City was certainly aware when issuing every one of these permits that Hotel Laguna used the beach for its patrons because the City had approved a building for the purpose of storing the furnishings used by Hotel Laguna on the beach.

The normal hotel operations that Hotel Laguna lawfully established include the private use of the beach and the provision of services to users. In 1930, it was the natural and reasonably foreseeable use which a hotel on a beach would make. (See, Ex. C.) Hotel Laguna placed significant barriers to identify the beach and protect that use. The use and the barriers have continued unchallenged for 82 years. If that does not establish a vested right, then property rights have lost all meaning.

Though the facts of this case are unique and do not find a precise match in the cases, this case is most analogous to *Halaco Engineering Company v. South Central Coast Regional Commission* (1986) 42 Cal.3d 52. In *Halaco Engineering*, the property owner claimed a vested right to operate a nonferrous scrap metal recycling plant in Oxnard. Included in this claim of vested rights was the right to use and expand a 15 acre settling pond, and to dispose of dredged materials from the settling pond on an adjoining 13 acre site. Halaco had built its adjoining magnesium smelting plant facility, foundry-furnace building and welding shop based upon permits from the City. But there was no separate permit for depositing in the settling pond, dredging the settling pond, or disposal of dredge materials on the disposal site.

The Coastal Commission denied the claim of vested rights as to an expansion of the settling pond and use of the disposal site. The Superior Court overturned the Coastal Commission denial and found that Halaco had a vested right to all activities which Halaco had claimed, including the expansion of the settling pond and the disposal of the dredge spoils. The Supreme Court reached this conclusion despite the fact that there were no specific permits for the settling pond or disposal area, and that the uses of the expanded settling pond and the disposal area did not begin until after February 1, 1973.

"The legal arguments of the parties here require application and extension of the principles considered in *Avco* because *Avco* did not involve a claim of vested right to continue a previously lawful but presently nonconforming use of improved property. The vested right claim at issue in *Avco* was predicated on preparatory expenditures for grading and installation of improvements by a developer who had not yet acquired permits for the planned development. The vested right claimed by Halaco is the right to continue a nonconforming use of improvements already constructed and of which the settling pond and disposal site are integral parts." 42 Cal.3d at 73.

Similarly, Hotel Laguna has established a use of its property starting in 1930 (if not earlier with the Yoch Hotel) when no permit was required to cordon off a portion of its property which was on the sandy beach. The established use was an integral part of the operation of the hotel. The City of Laguna Beach investigated and found that its ordinances adopted in 1940 could not be applied to prevent the uses made by Hotel Laguna as they predated the 1940 ordinances and had been continuously maintained. The Coastal Commission cannot impose a permit requirement for the same uses based upon a statute effective on February 1, 1973.

The use of the beach for Hotel Laguna patrons is an essential part of the economic model of the hotel and the ability of the hotel to be profitable depends upon this use. One of the features that distinguished Hotel Laguna from other local hotels is the patrons ability to have comfort and ease in the use of the beach and to obtain service at their beach location, rather than traveling to a counter to order and then carry food and beverages back to the beach. (See, Ex. H.)

E. The Commission Lacks Jurisdiction Because the Activities of Hotel Laguna on its Private Property Do Not Constitute Development.

"Development" for which a permit is required is broadly defined by Public Resources Code §30106. However, even this broad description does not encompass the temporary positioning of a chair or chaise, a table or an umbrella, on the beach. If such limited, temporary uses constitute development, then every public beach user on every beach in California would have to obtain a coastal development permit to place the chair, umbrella or sunshade which he has carried from his car to the sand. Hotel Laguna has simply provided a service by which the patron does not carry his own chair or umbrella but a chair or umbrella owned by the hotel is carried for him by a person paid to do so. Just as with other public beach users, the chair or umbrella is put on the beach and removed from the beach every day. It is not development.

When a public beach user places a sunshade on the beach for a family, an exclusive area for the duration of the family's stay is established. The posts, ropes and signs placed daily on its private property by Hotel Laguna similarly do no more than temporarily mark its private property. Common sense must be applied. Hotel Laguna does not argue that every beach user placing a chair or sunshade on the beach is performing development and must obtain a permit. However, Hotel Laguna's personnel placing chairs and umbrellas on its private property and temporarily marking the boundaries of its private beach area, are not performing development for which a permit from the Coastal Commission can be required.

Service of food on the beach does not fall within the definition of development.

F. The Commission's Claims That the Public Has Rights in the Portions of the Property Held Exclusive by Hotel Laguna is Not Supported by Any Evidence.

In Notices of Violation dated April 5, 2010, and March 27, 2012, the Coastal Commission has claimed that from time to time the State is the owner of the property which Hotel Laguna uses exclusively. The boundary between private property and public tidelands is the ordinary high water mark. (Civil Code §830.) The ordinary high water mark is referred to by engineers as the mean high water line or mean high tide line. (See, County of Orange, Geodetic Unit, Procedures for Establishing the Mean High Water Line Boundaries, Ex. S.)

The Notices claim that the mean high tide line has extended into that private beach area from time to time. The Commission has no evidence that this is true. A Public Records Act request to the State Lands Commission confirms that the State has no surveys of the beach at Hotel Laguna. (See, Ex. Q-1.) Inquiries to the City of Laguna Beach, the holder of the adjacent tidelands, produce the same result. (The tidelands were granted to the City by the State in 1929. Statutes 1929, Chapter 50, see, Ex. Q-2.) Therefore, the sole evidence of the location of the mean high tide line is the 1935 Record of Survey. Hotel Laguna's private beach area is not less than 50-60 feet from the tideland boundary.

Tidal and weather conditions can, from time to time, cause wave runup on the beach. There is no evidence that this runup is anything more than peak tides driven by weather conditions. There is no evidence of a change to the mean high tide line. During these periods of peak tides and wave runup, Hotel Laguna does not place beach furniture where it would be damaged or lost and does not place its identifying ropes around its exclusive area. (See, Ex. H.)

In a letter dated June 1, 2012, from Andrew Willis, District Enforcement Analyst for the Coastal Commission, Willis states that the Commission's evidence that the mean high tide line extends into Hotel Laguna's exclusive area from time to time is observation of aerial photographs on Google Earth and California Coastal Records Project. Examination of these two web based archives shows photographs only on the following dates:



GOOGLE EARTH

May 31, 1994  
June 4, 2002  
April 16, 2003  
December 30, 2003  
March 6, 2004  
April 5, 2004  
April 1, 2005  
August 26, 2005  
December 30, 2005  
January 30, 2006  
June 5, 2009  
November 14, 2009  
September 15, 2010  
March 7, 2011

COASTAL RECORDS PROJECT

unknown date 1972  
May 3, 1979  
November 1, 1986  
unknown date June 1987  
April 14, 1993  
September 23, 2002  
October 23, 2004  
September 16, 2006  
September 19, 2008  
September 23, 2010

Examination of these photographs provides no competent evidence of the location of the mean high tide line on the date of any photograph. The mean high tide line can only be located by survey methods. For the County of Orange, these methods are described in the County's Procedures for Establishing the Mean High Water Boundaries. (Ex. S.) These procedures make clear that other than circumstances involving artificial accretion, the boundary can only be established by "tying the staked points to cadastral monuments . . . using standard surveying techniques." It is not possible that the Commission staff can express any competent opinion about the location of the mean high tide line from the observation of the referenced photographs.

The Notices of Violation also asserted that public use of the Hotel Laguna private beach area has resulted in a possible dedication to public use of the Hotel Laguna property on the sand. This is also untrue. Any finding which the Commission might make on this issue would be speculation. The Commission has no authority to take evidence and make rulings on property rights or public dedication. See, *LT-WR, LLC v. California Coastal Commission* (2007) 152 Cal.App.4th 770, 806. This applies equally to a Claim of Vested Rights as it would to a permit application.

An implied dedication to public use require a continuous, unrestricted use of the property for not less than 5 years. (*Gion v. City of Santa Cruz* (1970) 2 Cal.3d 29, 38; *County of Los Angeles v. Berk* (1980) 26 Cal.3d 201, 227.) The evidence demonstrates unquestionably that for 82 years, Hotel Laguna has posted its property on a regular basis as private property, has placed fences, chains and ropes to delineate its property, and has prevented continuous public use for substantial periods of every year. The Commission and the State can never establish continuous, uninterrupted public use for a period of five years. Therefore, an implied dedication cannot arise for the 28 by 253 foot area which Hotel Laguna has protected as its private beach area. The posting of no trespassing signs alone has been found to defeat a public dedication. (*City of Los Angeles v. Venice Peninsula Properties* (1988) 205 Cal.App.3d 1522, 1534-1535.)

G. The Equitable Doctrine of Laches should Bar the Coastal Commission from Asserting a Permit Obligation for Hotel Laguna to use its Private Beach Area.

The Commission's late assertion that Hotel Laguna must obtain a permit to use its private beach area should be barred by the doctrine of laches. If Hotel Laguna was required to obtain a permit, that requirement first arose on February 1, 1973, the effective date of the permit requirements of the Coastal Zone Conservation Act of 1972. (See, *San Diego Coast Regional Com. v. See the Sea, Ltd.*, *supra*, 9 Cal.3d at 892-893.) The definition of development in the present Public Resources Code §30106 is substantially identical to that in prior Public Resources Code §27106 (repealed, December 31, 1976.)

Hotel Laguna has a prominent location in downtown Laguna Beach. Immediately to the north is the public Laguna Main Beach. The beach in front of Hotel Laguna is highly visible from many public locations including Main Beach, the boardwalk, Main Beach Park, and Laguna Avenue. For the 18 years from 1973 through at least 1990, a chain and sign separated the Hotel Laguna private beach area from Main Beach. Beach furniture and umbrellas which were obviously provided by Hotel Laguna were placed regularly on the beach. On busy weekends and holidays, a rope was placed along the beach.

After 1993, the ropes and posts were set up and removed daily as needed. Signs continued to be hung on the ropes identifying the private beach area. The signs and ropes remained easily observed.

In 1981 and 1982 the City conducted an investigation into Hotel Laguna's legal right to post signs and boundary chains to identify its property. The City concluded that Hotel Laguna had marked its boundaries and posted signs since prior to 1940. The City concluded that Hotel Laguna had a right to continue the practice of marking its boundaries despite a 1940 City ordinance which would have prohibited such uses.

By failing until 2010 to assert that the boundary markers and private uses were unlawful, the Commission severely prejudiced Hotel Laguna in defending its property rights. Most direct witnesses to Hotel Laguna's prior use are deceased. Claes Andersen, the operator of Hotel Laguna from 1985 to 2010 is deceased. Bob Nielsen, the operator of Hotel Laguna from 1968 through 1985 is deceased. Richard Merritt, the owner of the property from 1973 to the present date, has limited memory or documentation from the time of his purchase in 1973. (See, Ex. T.)

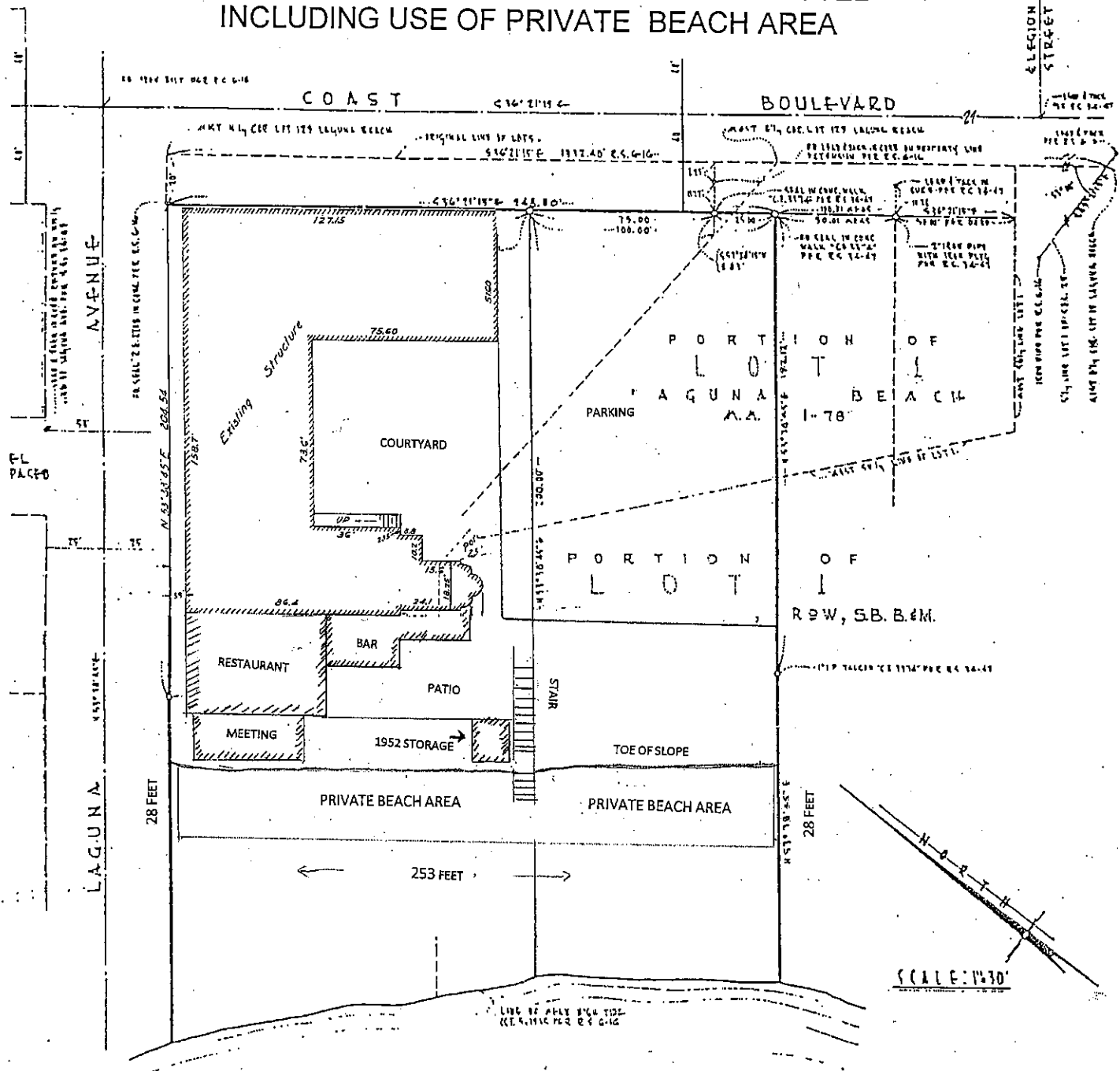
In these circumstances, the Coastal Commission should not be permitted to assert that Hotel Laguna has an obligation to obtain a permit from the Coastal Commission on the grounds that Hotel Laguna is now less able to prove that the activities preexisted 1973. The same facts should give rise to an estoppel against the Coastal Commission or a determination that the Coastal Commission has waived its requirement for a permit.

# HOTEL LAGUNA

425 SOUTH COAST HIGHWAY, LAGUNA BEACH  
ORIGINAL CONSTRUCTION 1930

## EXISTING IMPROVEMENTS IN 2012

### CLAIM OF VESTED RIGHTS TO OPERATE HOTEL INCLUDING USE OF PRIVATE BEACH AREA

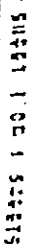


IDENTIFICATION OF AREA MEASURING APPROXIMATELY 28  
FEET BY 253 FEET ON WHICH HOTEL LAGUNA HAS  
MAINTAINED BARRIERS AND SIGNAGE  
FOR PRIVATE BEACH AREA AND PROVIDES SERVICES TO  
PATRONS AS DESCRIBED IN CLAIM OF VESTED RIGHTS

100-1524715  
C-100-1524715

CCC Vested Rights Claim No. 5-12-179-VRC  
E.W. Merritt Farms

## Exhibit 2



## APPENDIX 1

## APPENDIX "2"

### HOTEL LAGUNA BUILDING PERMIT HISTORY

<u>DATE</u>	<u>PERMIT #</u>	<u>TYPE OF WORK</u>
06/10/1930	Unknown	Construction of Hotel
06/02/1931	1857	Construction - Addition
10/29/1932	2419	Construction - Repairs and Electrical
08/23/1933	2641	Construction - Alterations
03/28/1934	2735	Construction - Alterations
05/28/1934	2802	Construction - Foundation
10/11/1939	5770	Construction of Bulkhead
09/22/1941	6908	Construction - Re-roof Existing Hotel Bldg.
02/05/1942	7319	Construction - Re-roofing and repair
11/19/1943	7603	Construction - Lattice Greenhouse
07/27/1944	7957	Construction - Change Doors & Cabinets
11/30/1944	8108	Construction - Roofing and Repair
07/02/1945	8475	Construction - Alteration to Bldg. Café
11/19/1945	8704	Construction - Alteration to Exist. Bldg.
03/28/1946	8999	Construction - Addition to Sun Room
03/20/1947	9751	Construction - Repairs & Fireproofing
11/07/1947	Variance	Resolution No. 521 - Addition
11/11/1947	10377	Construction - Heating & Ventilation
12/10/1947	10436	Construction - Remodel partition
04/20/1949	11455	Construction - Marquee over Coffee Shop
06/09/1949	11543	Construction
09/06/1949	11687	Construction - Auto Fire Sprinkler System
03/16/1950	11414	Construction - Drop and Enclose Ceiling
05/25/1950	12023	Construction - Dining Room Addition
07/10/1950	12097	Construction - Auto Fire Sprinklers
10/20/1950	12235	Construction - Aluminum Awning
06/20/1951	Variance	Application for Variance No. 742
06/20/1951	Variance	Construction - Beach Storage Facility
06/20/1951	Variance	Resolution No. 792 - Beach Storage Facility
07/07/1951	12563	Construction - Pkg. Lot Fence & Walls
07/09/1951	12567	Construction - Roof Repair
07/16/1951	Public Hearing	Notice RE: Construct Beach Storage Facility
09/25/1951	12668	Construction-Concrete Retaining Wall

<u>DATE</u>	<u>PERMIT #</u>	<u>TYPE OF WORK</u>
09/25/1951	12669	Construction - block wall at 501 S.C.H.
03/28/1952	12878	Construction - New Storage Building
01/05/1953	13240	Construction - Coffee Shop Remodel
04/06/1953	13344	Construction - Repair Work, Termite Work
03/26/1954	13817	Construction - Partial Re-roofing
05/03/1954	13887	Construction - Remodel & Repairs
05/04/1955	14341	Construction - Remodel Lobby
04/16/1956	Variance	Application for Variance-Expand Roof Sign
04/26/1956	Variance	Resolution No. 2005 - Expand Roof Sign
04/24/1957	15318	Construction
06/06/1957	15381	Construction - Replace Wood Windows
10/02/1957	Variance	App. for Variance No 1154-New Bldg
11/19/1957	15601	Construction - Demo five dwellings
04/14/1958	15763	Construction - Retaining Wall SW Property
07/22/1958	15913	Construction - Block Wall Around Pkg Lot
05/20/1959	Variance	Resolution No. 8891 - Construction
05/20/1959	Variance	Resolution No. 2291 - Construction
05/28/1959	Variance	Application for Variance - Hotel & Carport
12/15/1959	16618	Application for Building Permit
04/07/1960	16764	Construction - Concrete Block Wall
04/18/1961	17278	Constructions - Alt. To Store Bldg. portion
12/03/1962	Letter	Architects' Info. Re: Marine Room Ext.
12/20/1962	Variance	Resolution No. 2650-Marine Room Ext.
12/20/1962	Variance	App. For Variance No. 1601
01/07/1963	Minutes	Planning Commission Re: Variance 1601
04/07/1967	67-127	Construction - Install Chain Link Fence
05/06/1968	68-166	Construction - Phase I Alterations
10/25/1968	68-426	Construction - Alterations to Present Bldg.
01/07/1969	69-011	Construction - Coffee Shop Alterations

HISTORIC RESOURCES INVENTORY

HABS \_\_\_\_\_ HAER \_\_\_\_\_ NR \_\_\_\_\_ No. 30-2651-10-8c  
UTM: A 427420/3712500 SHL \_\_\_\_\_ Loc \_\_\_\_\_  
C \_\_\_\_\_

IDENTIFICATION

1. Common name: Hotel Laguna
2. Historic name: Same
3. Street or rural address: 425 South Coast Highway  
City Laguna Beach Zip 92651 County Orange
4. Parcel number: \_\_\_\_\_
5. Present Owner: \_\_\_\_\_ Address: \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_ Ownership is: Public \_\_\_\_\_ Private XX
6. Present Use: Hotel and Retail Original use: Same

DESCRIPTION

- 7a. Architectural style: Mission Revival
- 7b. Briefly describe the present physical description of the site or structure and describe any major alterations from its original condition:

The Hotel Laguna was built in 1930 in the Mission Revival style. It is a large three-story building with an "L" plan, a boxy format and a flat roof. The building is located on South Coast Highway on the front side and the rear portion is on the oceanfront.

Though the "L" configuration is not visible from the street, the inner apex of the "L" forms an open courtyard with fountains and gardens. The building itself is simple and relatively unadorned except for the Mission style parapets and Mission style bell tower on the roof. Though the tower has no bells, it is a distinctive portion of the building which incorporates angled corners and arched openings. Fenestration includes paired groupings of slightly recessed windows. The ocean side of the building has full length windows and an open patio deck for dining and sun bathing. The main entry is off Coast Highway and is marked by an overhead canopy.

The Hotel Laguna is among the largest of the pre-1940 buildings in the city. It is located on a prominent corner downtown and serves as a landmark that can be seen from many vantage points throughout the city. The building is in good condition and is well maintained and actively used. Its primary function is as a hotel, but the ground level also incorporates some retail shops and dining facilities.



8. Construction date:  
Estimated \_\_\_\_\_ Factual 1930
9. Architect Unknown
10. Builder Unknown
11. Approx. property size (in feet)  
Frontage 200' Depth 200'  
or approx. acreage \_\_\_\_\_
12. Date(s) of enclosed photograph(s)  
November 1980

EXHIBIT A

13. Condition: Excellent ☒ Good ☒ Fair \_\_\_\_\_ Deteriorated \_\_\_\_\_ No longer in existence \_\_\_\_\_
14. Alterations: \_\_\_\_\_
15. Surroundings: (Check more than one if necessary) Open land \_\_\_\_\_ Scattered buildings \_\_\_\_\_ Densely built-up \_\_\_\_\_  
Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial ☒ Other: Beach \_\_\_\_\_
16. Threats to site: None known ☒ Private development \_\_\_\_\_ Zoning \_\_\_\_\_ Vandalism \_\_\_\_\_  
Public Works project \_\_\_\_\_ Other: \_\_\_\_\_
17. Is the structure: On its original site? ☒ Moved? \_\_\_\_\_ Unknown? \_\_\_\_\_
18. Related features: \_\_\_\_\_

#### SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

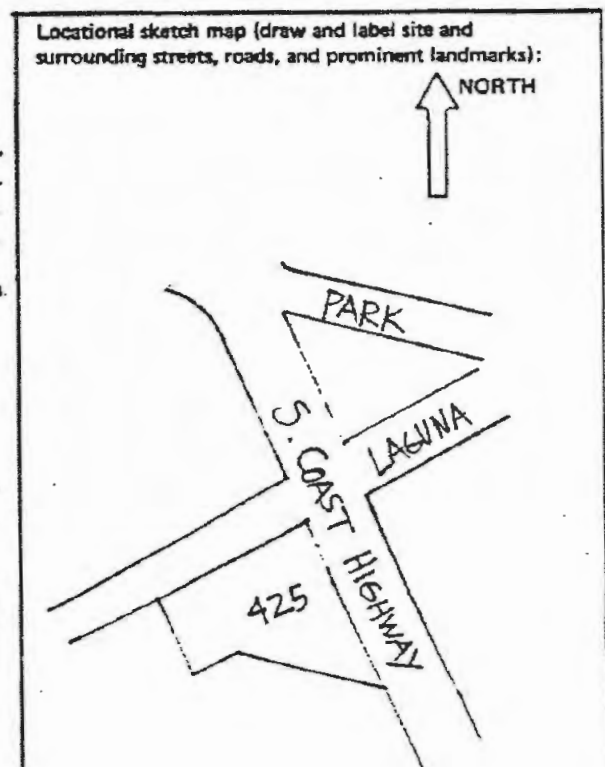
This is the second hotel building on this site; the first was built in the 1880's and was a wood frame building with a wide veranda. It was razed in 1928 to accommodate the construction of the present Hotel Laguna. For an entire century a hotel has been located on this spot and actively serving seaside visitors.

When the present hotel building first opened, it unfortunately coincided with the onset of the Depression. A year and a half after it opened, it was a badly losing proposition until Lloyd and Gerta Seilset bought it and resurrected the business. They compiled an album of Laguna scenes and promoted the hotel to motion picture companies. The price of lodging was so low compared to other film locations and the Laguna terrain was so varied and adaptable to movie making, that the film makers arrived in droves and the hotel was in the black again in no time, and has remained that way.

Many stars, celebrities, and other luminaries have stayed at the hotel. Among them are Lilly Pons, John Barrymore, Rosalind Russell, Joan Fontaine, Errol Flynn, James Roosevelt and Charles Lindberg.

Continued - see attached sheet.

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
Architecture 1 Arts & Leisure \_\_\_\_\_  
Economic/Industrial 2 Exploration/Settlement \_\_\_\_\_  
Government \_\_\_\_\_ Military \_\_\_\_\_  
Religion \_\_\_\_\_ Social/Education \_\_\_\_\_
21. Sources (List books, documents, surveys, personal interviews and their dates).  
Orange Co. Assessor's Records  
South Coast News - Dateline Edition  
Lloyd Seilset, previous owner
22. Date form prepared May 1980  
By (name) Kathleen Les  
Organization Environmental Coalition  
Address: 206 W. 4th St., Ste. 316  
City Santa Ana Zip 92701  
Phone: (714) 836-4314





Hotel Laguna - Continuation

Staying at the hotel in the early days was more than just a place to sleep. Steak broils, teas, moonlight rides on horseback to the Top of the World and trips to the Hollywood Bowl were all common offerings.

The Hotel Laguna has been a vital economic force in the growth of Laguna Beach as a seaside resort.

Architecturally and historically, this is Laguna's singlemost outstanding landmark building. If any building says "Laguna", it is certainly the Hotel Laguna.

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# HOTEL ERECTION STARTED

## *Formal Opening of Structure Replacing Former Beach Hostelry Scheduled for August*

LAGUNA BEACH, June 21.—Ground was broken last week for a seventy-room hotel to be erected on the site of the old Laguna Beach Hotel. The new hotel, which will bear the same name, is being built by the Laguna Beach Hotel Company, of which William R. Cochrane of Los Angeles is president. It is of the Southern California Spanish type of architecture and was designed by Architect Gilbert Stanley Underwood of Los Angeles, who will supervise construction.

The site of the building has a frontage of 225 feet on Coast Boulevard, 204 feet on Laguna avenue and 227 feet on the Board Walk. The ground has been leased to the hotel company for a period of ninety-nine years. It is valued at \$125,000 and owned by a syndicate composed of W. I. Hollingsworth & Co., Richard Lacey, Joel R. Page, Edna R. Pomeroy, the estate of the late Abram A. Post and L. H. Roseberry. The contract has been awarded to H. W. Baum & Co. Work is to be completed in time for the formal opening August 15.

William B. Hanner, formerly manager of the Oasis Hotel at Palm Springs, has leased the hotel. The deal represents an entire cash transaction. The building will cost \$175,000 and the furnishings \$50,000. The deal was consummated by B. O. Miller, vice-president of the Hollingsworth company, and Joseph I. Sullivan, representing the hotel company.

Plans call for a main dining-room on the ocean front, 57.6 by 38 feet. Off that will be a lounge, 30 by 45 feet. The lobby will be on the Coast Boulevard front and will connect with the lounge through a galleria which will carry exhibitions of Southland paintings.

Six stores will be built on the Coast Boulevard front, including a coffee shop. The building will have three stories on the boulevard side and two stories on the Board Walk. A tunnel under the Board Walk will lead from the beach to a specially equipped basement. Although the present building program calls for seventy rooms, provision has been made in the plans for an extra wing to contain 100 rooms.

The decorations of the building and the furnishings of the rooms will carry out the Spanish idea. The lobby and dining-room will have beamed ceilings. The dining-room, on the ocean side, is to open on a tiled patio, which will be provided with awning-covered tables. Another feature will be an interior patio with a fountain in the center.

The original Laguna Beach Hotel was built by the late Joseph Yoch. Following his death in 1925 the property was sold to the present holding syndicate for \$34,000. It was purchased by Yoch for \$600. At the time it was purchased by the syndicate it represented the largest land deal ever made in Laguna Beach. The ninety-nine-year lease is the second ever made in Orange county, the first also having been made in the Artist Colony.

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# Hotel Laguna

## Open to Guests

LAGUNA BEACH, Aug. 11. — After eight weeks of rush work on the \$450,000 Hotel Laguna, it was officially opened here this evening with a formal banquet given by the local Chamber of Commerce with 200 distinguished guests present.

The Laguna Beach orchestra provided the musical program at the dinner and dance following. W. B. Hanner, manager of the hotel, presided.

The three-story, modern hostelry, located on Coast Highway, is one of the marks of the progress of the little art colony. In speaking of the progress of Laguna Beach, Stuart Avis, merchant, said that the community is enjoying a good business which is equivalent to last year's business, and 1929 was greater than all previous years. Postal figures according to Postmaster L. F. Waldon, showed an increase from 6 per cent to 30 per cent in postal receipts.

The Associated Chambers of Orange County will hold a banquet here on Friday, the 29th inst. One hundred reservations have been made.

### NUNS' MONASTERY TO BE DEDICATED TODAY

SANTA BARBARA, Aug. 11.— Solemn high mass at 9:30 o'clock tomorrow morning will open dedication services in the new chapel and monastery of the Poor Clare nuns at 215 Los Olivos street, with Rt. Rev. John J. Cantwell, Catholic bishop of the diocese of Los Angeles and San Diego, officiating. The bishop will preach the dedicatory sermon following mass. The new structure, consisting of a monastery wing and a complete chapel, is of Spanish architecture. Brother Leonard of the Old Mission was architect for the buildings and J. P. Sullivan the contractor. Interior of the chapel is in plain style, with a set of imported stained-glass windows, the gift of benefactors of the sisters, featuring the decorative work.

### NEW PASTOR PREACHES

NORTH HOLLYWOOD, Aug. 11. — Rev. R. E. Genter, new pastor of the North Hollywood First Baptist Church has arrived here and yesterday preached his first sermon. Soon after Mr. Genter's arrival a reception was given to him by the congregation in the church parlors at Otsego and Fair avenues.

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# UNM

Department of History

June 12, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

I am writing to you to express my opinion on a matter involving the Hotel Laguna's use of its beachfront since it opened in 1930. The basis for my judgment is the ten years of archival and legal research I conducted on my scholarly monograph, *Hotel: An American History* (Yale University Press, 2007), which is the most complete and authoritative history of the hotel in the United States. I have served for more than a decade on the faculty of the University of New Mexico, where I am Associate Professor in the Department of History and Affiliated Faculty of the School of Law. I have enclosed my curriculum vitae, which contains further details of the awards and other recognition of my research on hotels.

I have reviewed Sherman Stacey's April 2010 letter to Andrew Willis, as well as the documents, personal testimony, and official correspondence thereto attached (Exhibits A through H). I have also read Neil J. Purcell's letter to you dated June 11, 2012 and Kenneth C. Frank's letter to you of June 11, 2012. I also refer to numerous sources from my own archive of historical evidence, which I assembled while writing the book.

It is virtually impossible to imagine that a waterfront hotel opening for business in 1930 would have neglected to designate and claim the beach adjacent to the hotel as a location where it would offer its patrons scenic views, access to bathing in the ocean, and food and beverage service; and once Prohibition ended in 1933, it is nearly inconceivable that such a hotel would have declined to reserve a section of the beach for alcohol sales.

There are two primary reasons that this is the case: first, the economics of operating any sort of hotel; and second, the particular characteristics of resort hotels like the Hotel Laguna.

From as far back as the 1850s, and continuing into the 1930s and beyond, it has been a well-recognized fact of hotelkeeping that room receipts alone have been insufficient to keep a hotel in the black. According to a variety of historical sources, even at a high rate of occupancy, room charges alone would only take a hotel to the break-

even point. In order to actually turn a profit, a hotelkeeper depended upon other income, most notably through the sale of food and beverages.<sup>1</sup> For many years, into the twentieth century, the great majority of hotelkeepers in the United States operated on the basis of the "American Plan," under which the cost of meals was compulsorily bundled in with the room charges: a hotel patron could take meals elsewhere, but would already have paid the hotelkeeper for them.<sup>2</sup> This illustrates the desire of hotelkeepers to "lock in" the profits associated with separate food service.

The sale of alcohol was particularly important in the financial viability of a hotel. (Indeed, the very legal definition of a hotel, like the inns and taverns that were the hotel's institutional predecessors was that it was a "licensed house" predicated on a simple *quid pro quo*: the proprietor was given the special legal privilege of selling alcohol at retail in exchange for that proprietor's promise to benefit the public by offering shelter to any paying customer.<sup>3</sup>) Historical accounts specify that as much as half of a successful hotel's income would come from on-premises retailing of beer, wine, and liquor. Notably, these sales might be made not only to people who took rooms at the hotel, but also to passersby who chose to walk in and patronize the hotel bar; this was an especially important source of income for hotelkeepers because the marginal cost of providing it was very low: after the initial expense of constructing and furnishing the barroom was paid, additional alcohol sales only carried the cost of drinks, glasses, and wages for the servers. The importance of alcohol sales is also attested by evidence that "temperance hotels"—public accommodations operated by people opposed to alcohol consumption who wanted to offer travelers shelter without the temptation of ardent spirits—were often forced to close because they could not be made profitable without liquor sales.<sup>4</sup>

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<sup>1</sup> Isabella L. Bird, *The Englishwoman in America* (London, 1856), 100; E. T. Coke, *A Subaltern's Furlough* (New York, 1833), 33–34; Charles Richard Weld, *A Vacation Tour in the United States and Canada* (London, 1855), 379–380; J. P., *A Chat About America* (Manchester, 1885), 19–20; Henry Latham, *Black and White: A Journal of a Three Months' Tour in the United States* (London, 1867), 79–80.

<sup>2</sup> Bird, *Englishwoman in America*, 100–101, 149–151; Archibald W. Finlayson, *A Trip to America* (Glasgow, 1879); Latham, *Black and White*, 16–17; J. S. Buckingham, *America, Historical, Statistic, and Descriptive* (New York, 1841), 1: 348–350; James Horatio Booty, *Three Months in Canada and the United States* (London, 1862), 90; John Chester Grenville, *Transatlantic Sketches in the West Indies, South America, Canada, and the United States* (London, 1869), 352–353; Max O'Rell, *A Frenchman in America* (New York, 1891), 25–34; Chambers, *Things as They Are*, 185, 189; Green, *Notes*, 30–33; J. H. Grandpierre, *A Parisian Pastor's Glance at America* (Boston, 1854), 98; Paul Groth, *Living Downtown: The History of Residential Hotels in the United States* (Berkeley, 1994), 29, 74.

<sup>3</sup> Gallus Thomann, *Colonial Liquor Laws* (New York, 1887), 76, 140; William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, 1996), 87, 92, 156–160, 172–189; *Laws of New York* (New York, 1800), Twenty-Second Session, 424.

<sup>4</sup> Donna-Belle Garvin and James L. Garvin, *On the Road North of Boston: New Hampshire Taverns and Turnpikes, 1700–1900* (Lebanon, N.H., 1988), 170; W. J. Rorabaugh, "Edward C. Delavan," in *American National Biography*, ed. John A. Garraty and Mark C. Carnes (New York, 1999), 6: 384–385. The *Journal of the American Temperance Union* carried numerous temperance hotel advertisements and articles in the 1840s and 1850s. See also Ohio Historical Records Survey Project, Works Projects Administration, *Historic Sites of Cleveland: Hotels and Taverns* (Columbus, 1942), 15, 156. On



These considerations were essential to hotels of many types, but far more so with respect to what have long been categorized as "resort hotels" like the Hotel Laguna. Resort hotels, which date at least as far back as the 1820s, are different from other sorts of hotels by virtue of the fact of being located in remote or scenic locations.<sup>5</sup> This has meant that they incur additional expenses which they must recoup through higher prices. For example, a hotel like the Lake Mohonk Mountain House in upstate New York would bear the same basic expenses as other establishments, *plus* the costs of transporting basic supplies, including food and beverage to a relatively remote location with mountaintop views. In the case of a beachfront hotel like the Hotel Laguna, the proprietor would have to pay a high premium in land costs in order to secure a location in a place with a year-round warm climate, a lot with ocean views, sea breezes, and access to the beach and the water itself. In other words, the entire economic *raison d'être* of a resort hotel was that the proprietor would bear the greater expenses associated with attractive surroundings in the expectation that he or she could charge higher prices due to that special location.

In the present case of the Hotel Laguna, there is clear evidence that beginning in the 1930s and continuing since then, the proprietors conducted their premises in accordance with these longstanding rules of hotelkeeping: they sold food, beverages, and alcohol on their premises, including on the beach adjacent to the hotel; and they claimed ownership of this area for precisely this use by placing furniture upon it and cordoning it off. Exhibit "A" displays umbrellas and tables or chairs arrayed along the beach in 1931 to take advantage of the surrounding scenery and ocean ambience; this is corroborated by Exhibit "B," Exhibit "E," and Exhibit "F," which also add accounts of chains and signs to claim the space as private in the 1930s and since; further confirmation is contained in the recent letters from the Laguna Beach Chief of Police and the Laguna Beach City Manager. Moreover, Hotel Laguna brochures include paintings and photographs that also depict beachfront dining and drinking. Exhibit "H" makes clear that this same basic usage continued at least into the 1990s, and the aerial photographs from the ocean side document the same basic use into the first decade of the new millennium.

The uses of the beach in front of the Hotel Laguna have for many years typified the practices of resort hotels nationwide, and particularly in California. This can be demonstrated quite easily through a perusal of a huge cache of hotel ephemera in the Smithsonian Institution's National Museum of American History, which houses the Warshaw Collection of Business Americana. In this remarkable archive, which the Smithsonian describes as comprising "approximately 1,020 cubic feet of material currently contained in 1,863 vertical document boxes, 214 flat oversize boxes, 34 map case drawers of oversize materials, 56 volumes of photographic photo prints, 17 boxes of 4 x 5 color transparencies and black and white photonegatives, 11 boxes of

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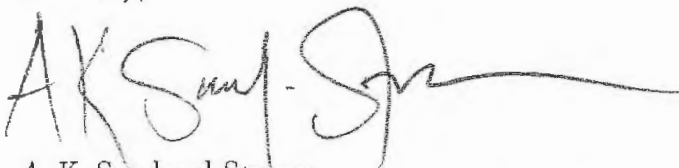
temperance houses generally, see Sandoval-Strausz, *Hotel*, 97.

<sup>5</sup> Sandoval-Strausz, *Hotel*, 87-92.

stereographs, and a videodisc," there are scores of examples over more than a century of American history of oceanside hotels serving food, drink, and alcohol in much the same way as at the Hotel Laguna. Additional evidence of precisely these practices is also available in the Library of Congress Prints and Photographs Division, whose computer database returns hundreds of results (and some results refer to multiple images) for a simple search on "beach" and "hotel." A brief perusal of these images turns up many depictions of beachfront eating and drinking, including directly on the sand.

In sum, all the evidence—decades and in some cases centuries of historical precedent in the hotel industry; direct textual and photographic evidence about the Hotel Laguna in particular, and spanning more than three quarters of a century; and print and photographic evidence of many other hotels situated similarly to the Hotel Laguna following precisely the same business practices in exactly the same years as the Laguna has operated—points to the same conclusion. The Hotel Laguna did indeed cordon off a part of the beach alongside its hotel, place tables, chairs and umbrellas there, and serve food, drink, and alcohol (as of 1933) to its patrons; and it would have been practically inconceivable for a resort hotel of this kind to do otherwise, because that would have meant voluntarily forgoing a lucrative practice that would have been a source of income essential to the hotel's profitability.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AKSandoval-Strausz', with a long horizontal flourish extending to the right.

A. K. Sandoval-Strausz  
Associate Professor of History, University of New Mexico  
Affiliated Faculty, UNM School of Law

ANDREW K. SANDOVAL-STRAUSZ  
UNIVERSITY OF NEW MEXICO DEPARTMENT OF HISTORY  
1104 MESA VISTA HALL, ALBUQUERQUE, NEW MEXICO 87131-1181  
AKSANDOV@UNM.EDU / TEL 505.277.2046 / FAX 505.277.6023

#### EMPLOYMENT

August 2011-present	THE UNIVERSITY OF NEW MEXICO Associate Professor of History & Law School Affiliated Faculty	Albuquerque, NM
Aug 2008-Jul 2011	THE UNIVERSITY OF NEW MEXICO Associate Professor of History	Albuquerque, NM
Aug 2001-Jul 2008	THE UNIVERSITY OF NEW MEXICO Assistant Professor of History	Albuquerque, NM

#### EDUCATION

Mar 1997-Dec 2002	THE UNIVERSITY OF CHICAGO Ph.D. in History	Chicago, IL
Oct 1994-Feb 1997	THE UNIVERSITY OF CHICAGO M.A. in History	Chicago, IL
Sep 1988-May 1992	COLUMBIA UNIVERSITY B.A. in History	New York, NY

#### AWARDS

2008	American Historical Association-Pacific Coast Branch Book Award for <i>Hotel: An American History</i> (Yale University Press, 2007)
2007	<i>Library Journal</i> "Best Books of the Year" for <i>Hotel: An American History</i>
2001	Ignacio Martín-Baró Human Rights Essay Prize for "Travelers, Strangers, and Jim Crow: Law, Public Accommodations, and Civil Rights in America"

#### FELLOWSHIPS

2010-2013	Teaching American History Grant, U.S. Department of Education
2010-2011	National Endowment for the Humanities Faculty Research Award
2009-2010	Woodrow Wilson International Center for Scholars Fellowship (declined)
2007-2008	Snead-Wertheim Endowed Lectureship in History and Anthropology
2002, 2003, 2006	University of New Mexico Research Allocations Committee Grants
2004-2005	Mellon Postdoctoral Fellowship, American Antiquarian Society (declined)
1999-2000	University of Chicago Wm. Rainey Harper Dissertation Fellowship
1999-2000	Andrew W. Mellon Foundation Dissertation Fellowship (declined)
1999-2000	Huntington Library Research Fellowship
1999-2000	Massachusetts Historical Society Research Fellowship
1999-2000	New-York Historical Society Rosenwald Research Fellowship
1999-2000	Library Company of Philadelphia Research Fellowship
1998-1999	Harvard University Alfred D. Chandler, Jr. Traveling Fellowship
1994-1998	University of Chicago Century Fellowship
1988-1992	New York State Regents Scholarship

#### SELECTED PUBLICATIONS

2010	"A Historiographic Introduction to Certain Architectures of Capitalism," <i>Winterthur Portfolio</i> 44
2010	"Imperial Cityscapes: Urban History and Empire in the United States," a roundtable with Thomas Bender and Michael Adas, sponsored and published by <i>NeoAmericanist.org</i>
2007	<i>Hotel: An American History</i> (Yale University Press)

SELECTED  
PUBLICATIONS,  
continued

- 2007 "Homes for a World of Strangers: Hospitality and the Origins of Multiple Dwellings in America," *Journal of Urban History* 33
- 2005 "Travelers, Strangers, and Jim Crow: Law, Public Accommodations, and Civil Rights in America," *Law and History Review* 23
- 2005 "Princes and Maids of the City Hotel: The Cultural Politics of Commercial Hospitality in America" (with Dan Levinson Wilk), *Journal of Decorative and Propaganda Arts* 25
- 2003 "A Public House for a New Republic: The Architecture of Accommodation and the American State, 1789-1809," *Perspectives in Vernacular Architecture* IX
- 1999 "Why the Hotel? Liberal Visions, Merchant Capital, Public Space, and the Creation of an American Institution," *Business & Economic History* 28
- 1998 "The Next Social History? Practicing Space, Time, and Place," in *American Historical Association Perspectives* 36

PROFESSIONAL  
SERVICE

- Jan 2010-present URBAN HISTORY ASSOCIATION  
Board Member
- Jun 2009-present *BUILDINGS & LANDSCAPES*  
Book Review Editor of the official journal of the Vernacular Architecture Forum
- Aug 2008-present *JOURNAL OF URBAN HISTORY*  
Editorial Board Member
- Aug 2003-Apr 2009 ORGANIZATION OF AMERICAN HISTORIANS  
Membership Committee Chair, New Mexico
- Apr 2006-May 2009 VERNACULAR ARCHITECTURE FORUM  
Executive Board Member

SELECTED  
PAPERS

- Oct 2010 ORGANIZATION OF AMERICAN HISTORIANS Washington, DC  
"Uniting the Many Histories of People on the Move: A Grand Unified Theory of Human Mobility?"
- Apr 2010 VERNACULAR ARCHITECTURE FORUM Butte, MT  
"Latino Landscapes: Immigration and Urbanism, 1945-2000"
- Jun 2009 WESTERN SOCIAL SCIENCE ASSOCIATION Denver, CO  
"Cosmopolitanism and Hospitality: Historical Grounding for a Multidisciplinary Debate"
- Jan 2007 AMERICAN HISTORICAL ASSOCIATION Atlanta, GA  
"Beyond Reading the Paper: Exploring New Presentation Formats for the AHA Annual Meeting"
- Nov 2004 VERNACULAR ARCHITECTURE FORUM Harrisburg, PA  
"Revisiting 'The Stranger's Path': Transience and Hospitality"
- Nov 2002 AMERICAN STUDIES ASSOCIATION Houston, TX  
"Nationalism, Aesthetics, Commerce, and the Origins of the American Hotel"
- Sep 2002 URBAN HISTORY ASSOCIATION Pittsburgh, PA  
"Princes and Maids of the City Hotel: The Cultural Politics of Commercial Hospitality in Nineteenth-Century America"

SELECTED  
PAPERS,  
continued  
Oct 2000

AMERICAN SOCIETY FOR LEGAL HISTORY

Princeton, NJ

"Bed, Board, & Hearth: The Common Law of Innkeepers and the  
Construction of Space in 19th-Century America"

Apr 2000

ORGANIZATION OF AMERICAN HISTORIANS

St. Louis, MO

"The Control of His House and of Those Who Enter It: Keepers,  
Patrons, Prostitutes, Peddlers and Thieves in the Nineteenth-  
Century Hotel"

Apr 2000

SPEAKING IN SIGNS, MCNEIL CENTER FOR EARLY  
AMERICAN STUDIES

Philadelphia, PA

"Fling Open the Gates So Wide: Commerce, Politics, and the  
Built Environment, 1780-1800"

May 1999

VERNACULAR ARCHITECTURE FORUM

Columbus, GA

"A Public House for a New Republic: Nationalism, Architecture,  
and the Origins of the American Hotel"

Mar 1999

BUSINESS HISTORY CONFERENCE

Chapel Hill, NC

"Commercial Virtue, National Identity, and Mercantile Vision in the  
Making of the American Hotel"

MEDIA WORK

13 Dec 2007

NATIONAL PUBLIC RADIO/WBUR

"On Point" with Jayne Clayson: one-hour interview entitled "Hotel America"

16 April 2006

KAGM-FM ALBUQUERQUE

"The Drive" with Lee Logan: half-hour show on the provisions and politics of  
the McCain-Kennedy Comprehensive Immigration Reform Bill of 2005

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RESOLUTION No. 792

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH GRANTING A VARIANCE AS TO ALL (21 JULY 76', JULY 115.75' AND SHVD.) (HIG. STREET BEF. BEACH & SOUTH) LOT 129. 14740' (HIG. STREET & T. PARK & GUYEN) LOT 1, LAGUNA BEACH CALIF.

A verified application dated June 20, 19 51, and numbered 742 under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

**LAGUNA HOTEL CORPORATION**

and said application having been regularly referred to this Commission and a public hearing having been duly and regularly held thereon;

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve and order as follows:

That a \_\_\_\_\_ variance from the provisions of said ordinance be, and the same is, hereby granted to the hereinafter described real property as follows:

To permit the construction of a one-story building, 9' x 11', for storage of beach furniture and equipment on 2-1 portion of property, provided that said building be placed three feet back from ocean front line of existing barbecue pit, bringing rear portion of building approximately to C-2 line, and provided that building is constructed not closer than five feet to the City property line.

That said variance be, and the same is, hereby granted subject to the following conditions, terms, restrictions and limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, hereby declared to be, non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots and improvements.
2. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred and eighty (180) days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such one hundred and eighty (180) days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within such one hundred and eighty (180) day period by reason of delays caused by the Planning Commission, or the Building Inspector in approving plans, in which event the Planning Commission may grant a reason-

(Over)

**EXHIBIT D-1**

Exhibit 2d-1

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)



able extension of time; provided, however, that the Planning Commission may in its discretion and with the consent or upon the request of the applicant, for any cause, grant reasonable extensions of time in addition to the one hundred and eighty (180) days hereinabove provided.

Said property above mentioned and covered by this variance is described as follows:

All (1/2 Wly 76', Wly 115.75' and Blvd.) (inc. strip bet. same & ocean) Lot 129.  
Wly 40' (inc. strip bet. same & ocean) Lot 1, Laguna Beach Tract.

Adopted this 16th day of July, 1951.

ATTEST:

Jeane E. Guenther  
Secretary

Harold J. Odmark  
Chairman

I, Jeane E. Guenther, Secretary of the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission, held on the 16th day of July, 1951, by the following vote, constituting a majority of the membership of said Commission, to-wit:

AYES: Odmark, Williamson, Resnick, Thornback, Thompson, Parks  
NOES: Cropper  
ABSENT: Lambourn

Jeane E. Guenther  
Secretary



LAGUNA BEACH CITY PLANNING COMMISSION  
**APPLICATION FOR VARIANCE**

Laguna Beach, California

Name of Applicant..... LAGUNA HOTEL CORPORATION  
425-435 Coast Blvd. Suite 425-451 S. Co.  
(Please print Owner's Name)  
Location of Property..... Portion of Laguna Hotel Property  
S.W. Corner Laguna Avenue and Coast Blvd - Laguna Beach  
(Street Address)

Legal Description of Property..... A parcel of land having a frontage of approx. 11 feet by

ALL (EX NEELY 76 FT. SELY 115.75 FT. & BLVD.) (INC. STRIP BETWEEN SAME  
AND OCEAN) LOT 129. Wly 40 FT. (INC. STRIP BETWEEN SAME & OCEAN )  
LOT 1, LAGUNA BEACH TRACT.

Attached plat must be drawn to scale of at least 1"=16' and show to accurate scale the location, size, shape and use of all existing (if any) and all proposed buildings, and the width and depth of existing or proposed yards and courts on the property involved, together with the location of buildings and widths of yards of adjoining properties.

HEREWITH REQUESTS a variance from the Districting Ordinance regulations to permit:

The construction of a one-story concrete block building size approx. 11' x 9'  
by approx. 8 feet in height, covering property above described, for storage of  
beach furniture and equipment. in an R-1. Residence District  
(R-1 portion of property)

(State fully what is intended to be done on or with the property and what features do not comply with the provisions of the Ordinance.)

Date property was acquired..... 1933

List deed restrictions applying to property..... None

Date deed restrictions expire.....

Present use and occupancy of property..... Vacant

EXHIBIT D-2

Exhibit 2d-2

VA. 742  
CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

NOTE: The law requires that the conditions set forth in the following three Sections A, B, and C, MUST be established before a Variance CAN be granted. Answers to these sections must be complete and full.

A. State the exceptional and extraordinary circumstances that apply to this property:.....

It is necessary to have a small building on the Laguna Hotel Property in which to store umbrellas and other equipment needed for the beach. Due to the fact that a steep bank rises from the Boardwalk it would be necessary to make a deep excavation in order to secure sufficient area to erect the building back of the building line and the injury to the rest of our property in front of the terrace would make it impractical to erect the building.

Inasmuch as the proposed building will be located entirely on the Hotel Laguna property and not immediately adjoining the property on the South it could not have any detrimental effect on other property.

At the present time the furniture is stored in the tunnel that leads from the hotel to the beach and which seriously interferes with the passageway. Accordingly, there is urgent need for other space in which to store the needed beach equipment and we believe the area requested could be used for that purpose without injury to the community or the adjoining property.

B. State why this variance is necessary:.....

Due to the fact that this portion of the property extends a small distance beyond the building line on the ocean frontage of the property on which the variance is requested.

C. Explain why this variance will not be detrimental to the public welfare or injurious to other property:.....

Location of property is such that no other property in the vicinity could be injured - nor would it be detrimental to the public welfare.

#### REQUIREMENTS FOR FILING VARIANCE APPLICATION

1. Application and all attached documents shall be filed in duplicate.
2. Application form must be filled out completely with full answers to every statement and question.
3. A Plot Plan drawn to a scale of at least 1"=16', shall be attached to all variance applications and shall show to accurate scale the following:
  - A. Location, size, shape and use of all existing buildings on property involved.
  - B. Location, size, shape and use of all proposed buildings on property involved.
  - C. Width and depth of existing yards and courts on property involved.
  - D. Width and depth of proposed yards and courts on property involved.
  - E. Location, size, shape and use of all buildings on adjoining properties.
  - F. Width and depth of yards and courts on adjoining properties.

(Plot plan should be same size as application form if possible.)

4. Signatures of adjacent property owners who approve the request may be placed in space provided, and are desirable but not required.
5. Applications must be signed by the applicant before a Notary Public in the space provided.
6. Application shall be filed with the <sup>Secretary</sup>~~City Clerk~~ when completed.
7. A Filing Fee of <sup>\$25.00</sup>~~\$15.00~~ shall be deposited with the <sup>Secretary</sup>~~City Clerk~~ at the time of filing application.

This fee is to partially cover the cost of sending notices and other incidental expenses. A refund of <sup>\$15.00</sup>~~\$10.00~~ will be made if the Planning Commission is not required to give notice of public hearing.

2M-2-20-47



# OWNER'S AFFIDAVIT

COUNTY OF ORANGE }  
STATE OF CALIFORNIA, } ss.

I, (We), B. O. Miller, President, and Marguerite Curtis, Assistant-Secretary of LAGUNA HOTEL CORPORATION  
being duly sworn, depose and say that (I am) (we are) the owner..... of the property involved in this application and that (I) (we) have familiarized (myself) (ourselves) with the rules and regulations of the Laguna Beach City Planning Commission with respect to preparing and filing this application and that the foregoing statements and answers herein contained and the information on any attached maps or documents thoroughly and completely to the best of (my) (our) ability present the argument in behalf of the variance herewith requested and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

Phone No. Michigan-3111

Signed 606 South Hill St. - Rm 420

B. O. Miller President

Marguerite Curtis  
Marguerite Curtis Assistant-Secretary

Subscribed and Sworn to before me this 20th day of June, 1951.

Donald L. Shoun  
(Notary Public)  
My Commission Expires June 15, 1954

Application No. 742

Received Shoun

By.....

We, the undersigned OWNERS of ADJACENT PROPERTY, hereby certify that we have read the foregoing application and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the variance requested SHOULD BE GRANTED.

(These signatures are desirable but not required)

Name Address Lot Block Tract

Grace D. Stewart 501 So. Coast St.  
W. West 379 El Paseo

## NOTICE OF PUBLIC HEARING

You are hereby notified that the Laguna Beach City Planning Commission will hold a public hearing in the City Council Chambers in the Laguna Beach Water District Building, 306 Third Street, to hear and consider a variance application requesting permission to deviate from the regulations imposed by the District Ordinance upon property owned by

### LAGUNA HOTEL CORPORATION

and described as **All (Ex NELY 76', SEly 115.75' & Blvd.) (inc. strip bet. same & ocean) Lot 129; Wly 40' (inc. strip bet. same & ocean) Lot 1, Laguna Beach Tract.**

Said public hearing to be held

**July 16, 1951**

at

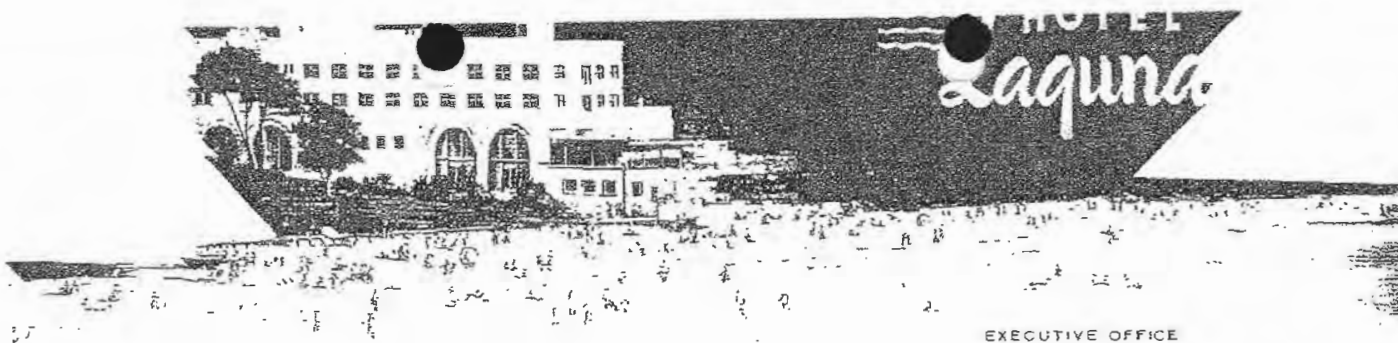
**7:30 P.M.**

The variance application may be examined at the City Engineer's office. Protests may be made in person at the hearing, or in writing if received before the time of the meeting. For your convenience, the application as filed indicates in effect that the applicant requests permission to

**construct one-story building, 9' x 11', for storage of beach furniture and equipment on R-1 portion of property.**

LAGUNA BEACH CITY PLANNING COMMISSION.  
210 Beach Street

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January 10, 1952

Planning Commission, Laguna Beach  
City Hall  
Laguna Beach, Calif.

Gentlemen:

I am herewith requesting an extension on the variance granted to us July 16, 1951, and having to do with the erecting of a beach house necessary to store our beach equipment.

The contractor who we wish to have do this work will not be available until after the present variance has expired. I will, therefore, appreciate your granting us an extension of six months. If this is agreeable to you will you please advise?

Thanking you for past courtesies, I remain,

Very truly yours,  
HOTEL LAGUNA

*William J. Kretsinger*  
William J. Kretsinger  
Manager

WJK:d

AFFILIATED WITH THE BEVERLY-CARLTON HOTEL, BEVERLY HILLS, CALIFORNIA  
EXHIBIT D-3

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# APPLICATION FOR BUILDING PERMIT

CITY OF LAGUNA BEACH

BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION 425 Coast Blvd So

LOT NO. 129

BLOCK

TRACT

Laguna Beach City

OWNER

Hotel Laguna Corp.

ADDRESS

425 So Coast

Valuation of Proposed Work } "Value" of Building shall be Estimated \$ 500.00  
Cost to replace the Building in kind.

CONTRACTOR

Lloyd J. Minis & Son

State License 89320

Address

2990 So Coast Blvd Laguna Beach

ARCHITECT

State License

Address

Nature of Work New Storage Building

Number of Existing Rooms

Families

Number of Proposed Rooms

Families

Material of Exterior Walls Conc. Flat Roof Comp. Height at Highest Point

Size of Proposed Building 9 ft. x 11 ft. Area of first floor 99 Sq. ft. Number of stories 1

Other Buildings on Same Lot

How Used

Storage Hotel

Minimum distance from proposed work of Building on same lot

ft. 40 ft

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

Lloyd J. Minis  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.

12878

Issued by

PAB by dm

Fee

3.00

Date Received

Date Issued

3/28/52

Classification

Group

J

Division

Type

Nature of Work

Zone

Fire District

Structure

Checked by

State Housing Law

Checked by

Planning Ord.

Checked by

EXHIBIT D-4

Exhibit 2d-4

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

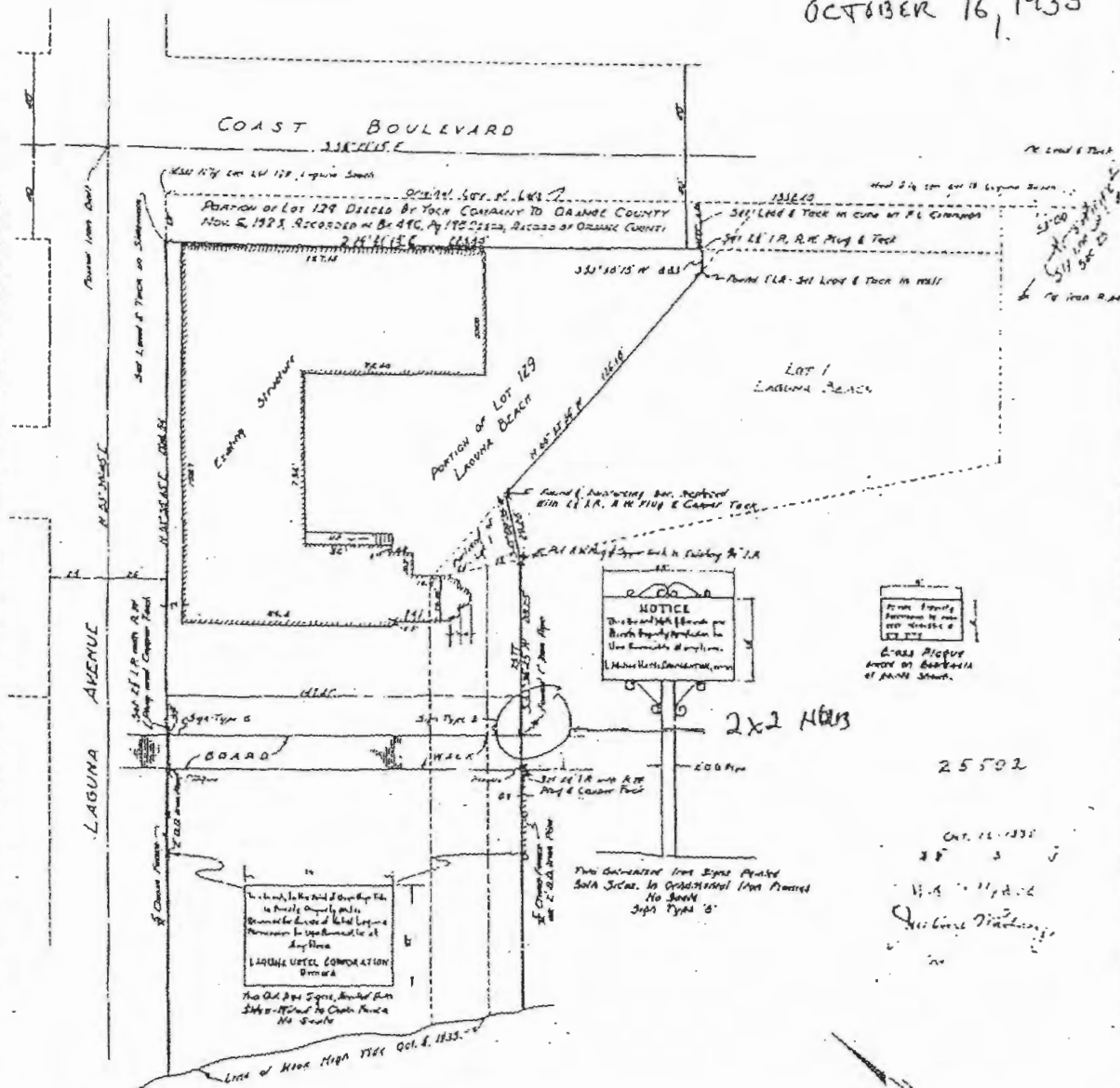
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RECORD OF SURVEY  
OF PORTIONS OF LOT 129 AND LOT 1 OF LAGUNA BEACH AS  
SHOWN ON A MAP RECORDED IN BOOK 1 PAGE 78 OF MISCELLANEOUS  
MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.  
LAGUNA HOTEL CORPORATION--OWNERS

BOOK 6

PAGE 16

OCTOBER 16, 1935



Note:  
Line shown on the Line of Mean High Tide is that earlier  
line made by the intersection of a horizontal plane two feet above  
mean low tide with the sloping surface of the sandy beach.

I, A. J. Steele, Registered Engineer No. 2708 of the State of  
California, hereby certify that this Record of Survey correctly  
represents a survey made by me and that the basis of bearings  
is the meridian as that used by the State Highway Commission, and  
that the records are correct of work done with reference to  
reestablished by corner stone marked R.E. 2708 at point of land & rock  
with said stone stone.

A. J. Steele  
Registered Engineer No. 2708

Approved 1935 L. A. Ch...

EXHIBIT E

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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((CORPORATE SEAL))

LAGUNA BEACH HOTEL COMPANY

By Wm. R. Cochran Pres.

By Andrew Seablom Sec.

State of California, )  
County of Los Angeles, ) s.

On this 11th day of June, A. D. 1930, before me, C. C. Hogan, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Wm. R. Cochran known to me to be the President and Andrew Seablom known to me to be the Secretary of the Laguna Beach Hotel Company the Corporation that executed the within Instrument, known to me to be the persons who executed the within instrument, on behalf of the corporation therein named, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

C. C. Hogan Notary Public

in and for said County and State.

Recorded at Request of Security-First Nat'l. Bank of Los Angeles Jun. 13, 1930 At 10 min. past 4 P. M. In Book 387 Page 423 Official Records of Orange County. Justine Whitney, County Recorder. Nancy Herzmalhelch, Deputy.

Vale Pruitt

COMPIED

Habel Wilkinson

- - - o o o - - -

16277

## GRANT DEED

MARGARET HAYES, a single woman, in consideration of Ten and No/100 (\$10.00) Dollars, to her in hand paid, receipt of which is hereby acknowledged, does hereby grant to SECURITY-FIRST NATIONAL BANK OF LOS ANGELES, a national banking association, the real property in the County of Orange, State of California, described as:

Beginning at a point on the northeasterly line of Lot One Hundred Twenty-nine (129) of Laguna Beach, as shown on a Map recorded in Book 1, Page 78 of Miscellaneous Records of Orange County, California, 25 feet from the most easterly corner of said lot; thence southwesterly at a right angle to said northeasterly line 28.83 feet to the southerly line of said lot; thence westerly along the southerly line of said lot, 126.18 feet to a 2" x 2" hub set at the most northerly corner of the tract of land conveyed by Mary Dyer to Joseph Koch by deed recorded August 26, 1904, in Book 106, Page 290 of Deeds, in the office of the County Recorder of Orange County, California; thence southwesterly along the most easterly line of the tract of land described in said deed, 29.25 feet to a point in the southwesterly line of Lot One (1) of said Laguna Beach, which point is 40 feet measured along said line from the most westerly corner of said Lot One (1); thence southwesterly along a line parallel to the prolonged southeasterly line of said Lot One (1); 73.68 feet to a 2" x 2" hub in the northeast line of the board walk, as the same is now located; thence continuing southwesterly along the same line, 75 feet, more or less, to the line of ordinary high tide of the Pacific Ocean; thence northwesterly along said ordinary high tide line to an intersection with the prolonged northwest line of said lot 129, and thence northeasterly along said prolonged line, 90 feet, more or less, to a 2" x 2" hub in the northeast line of the board walk, as the same is now located; thence northeasterly along said prolonged line and along said northwest line of said lot 129, 225.33 feet to the most northerly corner of said lot; thence southeasterly along the northeast line of said lot, 223.80 feet to the point of beginning.

SUBJECT TO: 1. An easement over the northeast 20 feet of said land for highway purposes as conveyed to the County of Orange by deed recorded in Book 496, Page 197 of Deeds, in the office of the County Recorder of said Orange County.

O. K.  
Margaret  
Harris

2. A Deed of Trust executed by Margaret Harris et al securing an indebtedness of \$100,000.00 in favor of Western Loan & Building Company of Los Angeles, California.

3. An Indenture of Lease dated the 14th day of October, 1929, filed concurrently herewith wherein Margaret Harris is Lessor and Laguna Beach Hotel Company, a corporation, is Lessee, running for a period of 99 years from the first day of October, 1929.

4. A Sublease dated the 22nd day of April, 1930, and filed concurrently herewith between Laguna Beach Hotel Company, a corporation, as Lessor, and William B. Hanner, Lessee, covering portions of the building to be hereafter constructed upon the hereinabove described property.

5. An Agreement dated the 22nd day of April, 1930 and filed concurrently herewith between MARGARET HARRIS, W. B. HANNER and LAGUNA BEACH HOTEL COMPANY and the rights and privileges given to said W. B. Hanner thereunder.

TO HAVE AND TO HOLD to said grantee, its successors, heirs or assigns.

WITNESS my hand this sixth day of June, 1930.

Margaret Harris

State of California, }  
County of Los Angeles, } ss.

On this 6th day of June, 1930, before me, C. C. Hogan, a Notary Public in and for said County, personally appeared Margaret Harris known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

((SEAL))

C. C. Hogan Notary Public  
in and for the County of Los Angeles,  
State of California.

Recorded at Request of Security-First Nat'l Bank Of Los Angeles Jun. 10, 1930 at 13 min. past 4 P. M. In Book 387 Page 426 Official Records of Orange County. Justine Whitney, County Recorder. Nancy Reznalbilch, Deputy.

Mable Pruitt

COMPARED

Mabel Wilkinson

--- o o o ---

16276

# AGREEMENT into

THIS AGREEMENT, made and entered into on this 22 day of April, 1930, by and between MARGARET HARRIS, a single woman, hereinafter referred to as the Party of the First Part, and W. B. HANNER, hereinafter referred to as the Party of the Second Part, and LAGUNA BEACH HOTEL COMPANY, a corporation, hereinafter referred to as the Party of the Third Part,

WITNESSETH: That whereas, the Party of the First Part and the Party of the Third Part did, on the 14th day of October, 1929, enter into a certain lease for the term of ninety-nine (99) years, commencing on the first day of October, 1929, wherein the Party of the First Part herein was the Lessor, and the Party of the Third Part herein was the Lessee, which lease covered and affected the following described real property, to-wit:

Beginning at a point on the northeasterly line of lot one hundred twenty-nine (129) of Laguna Beach, as shown on a Map recorded in book 1, page 78 of Miscellaneous Maps, records of Orange County, California, 25 feet from the most easterly corner of said lot; thence southwesterly at a right angle to said northeasterly line 25.83 feet to the southerly line of said lot; thence westerly along the southerly line of said lot, 126.18 feet to a 2" x 2" sub set at the most northerly corner of the tract of land conveyed by Mary Dyer to Joseph Yoch by deed recorded August 26th, 1904, in book 106, page 290 of Deeds, in the office of the County Recorder of Orange County, California; thence southwesterly along the most easterly line of the tract of land described in said deed, 29.25 feet to a point in the southwesterly line of lot one (1) of said Laguna Beach, which point is 40 feet measured along said line from the most



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

F. C. Elliott, Notary Public in and for  
Orange County, State of California.

Filed for record at the request of Mortgages Mar-26, 1934 at 50 min. past 9 o'clock A.M. and recorded in Vol. 661 of Official Records, page 385, Orange County Records, Justine Whitney, Recorder.

Dorothy Lutz COMPARED Italy Lee

--- o o o ---

6597

# CORPORATION QUITCLAIM DEED

THIS INDENTURE, Made this 27 day of February, 1934, between the SECURITY-FIRST NATIONAL BANK OF LOS ANGELES, a National Banking Association, party of the first part, and LAGUNA HOTEL CORPORATION, a California Corporation, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and No/100 Dollars, to it in hand paid, does hereby remise, release and quitclaim unto the said party of the second part, that certain lot or parcel of land described as follows:

Beginning at a point on the Northeasterly line of Lot One Hundred Twenty-nine (129) of Laguna Beach, as shown on Map recorded in Book 1, Page 78 of Miscellaneous Maps, Records of Orange County, California, 25 feet from the most Easterly corner of said Lot; thence Southwesterly at a right angle to said Northeasterly line 28.83 feet to the Southerly line of said lot; thence Westerly along the Southerly line of said lot, 126.18 feet to a 2" x 2" hub set at the most Northerly corner of the tract of land conveyed by Mary Dyer to Joseph Yoch by deed recorded August 26th, 1904, in Book 106, Page 290, of Deeds, in the office of the County Recorder of Orange County, California; thence Southwesterly along the most Easterly line of the tract of land described in said deed, 29.25 feet to a point in the Southwesterly line of Lot One (1) of said Laguna Beach, which point is 40 feet measured along said line from the most Westerly corner of said Lot One (1); thence Southwesterly along a line parallel to the prolonged Southeasterly line of said Lot One (1), 73.68 feet to a 2" x 2" hub in the Northeast line of the board walk, as the same is now located; thence continuing Southwesterly along the same line, 75 feet, more or less, to the line of Ordinary high tide of the Pacific Ocean; thence Northwesterly along said ordinary high tide line to an intersection with the prolonged Northwest line of said Lot 129, and thence Northeasterly along said prolonged line, 90 feet, more or less, to a 2" x 2" hub in the Northeast line of the board walk, as the same is now located; thence Northeasterly along said prolonged line and along said Northwest line of said Lot One Hundred Twenty-nine (129), 228.33 feet to the most Northerly corner of said lot; thence Southeasterly along the Northeast line of said lot, 223.80 feet to the point of beginning.

Subject to an easement over the Northeast 20 feet of said land for highway purposes, as conveyed to the County of Orange by deed recorded in Book 496, Page 197, of Deeds, in the office of the County Recorder of said Orange County.

This property is conveyed and this conveyance is accepted subject to the lien of all unpaid taxes, assessments, bonds and liens for street improvements of all kinds and other public improvements and to all existing restrictions, reservations, easements and rights of way of record, if any, and to all encumbrances, if any.

IN WITNESS WHEREOF, the Security-First National Bank of Los Angeles has hereunto caused its name to be affixed by its Vice-President and Assistant Secretary thereunto duly authorized, the day and year first above written.

The actual consideration for this conveyance being less than \$1000, as Internal Revenue stamps are affixed.

SECURITY-FIRST NATIONAL BANK OF LOS ANGELES

By E. F. Church, Vice-President

By E. F. Church, Assistant Secretary

That as such owner of said land, affiant, about the First day of August, 1930, entered into a contract with W. H. Dixon as per Permit (if any) No. 16259-60 dated Aug. 6th, 1930, for the erection and construction, upon the land above described, of a certain building, to-wit:

A five room frame residence and to move and re-model a three room residence.

That said building has been duly constructed, and the same is actually completed on the 12th day of November, 1930, by W. H. Dixon.

The record owner in fee simple of the lot at the time the construction was commenced and accepted by the undersigned on the same day was Clara B. O'Meara.

This notice is given in pursuance of the provisions of Section 1187 of the Code of Civil Procedure of this State.

Clara B. O'Meara

Subscribed and Sworn to before me this 14th day of November, 1930.

((SEAL))

C. C. Fuller Notary Public

in and for said County and State.

State of California, }  
County of Orange, }

ss. Clara B. O'Meara, being duly sworn, deposes and says, that he is the owner of the property described in the foregoing notice; and he has read the same and knows the contents thereof, and that the same is true of his own knowledge.

Clara B. O'Meara

Subscribed and Sworn to before me this 14th day of November, 1930.

((SEAL))

C. C. Fuller Notary Public

in and for said County and State.

Recorded at request of Owner Nov. 14, 1930 At 30 Min. past 3 P.M. in Book 438 Page 154  
Official Records of Orange County. Justine Whitney, County Recorder. Ruby Cameron, Deputy.

Mabel Wilkinson

COMPARED

Mable Pruitt

--- ooc ---

31751

IN THE MUNICIPAL COURT, CITY OF

LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

J. D. MINSTER, doing business under the fictitious name and style of J. D. Minster & Company,

Plaintiff,

vs.

LAGUNA BEACH HOTEL CO., a corporation,

Defendant.

No. 200359

WRIT OF ATTACHMENT

Demand \$1982.00 plus interest.

THE PEOPLE OF THE STATE OF CALIFORNIA,

To the Sheriff or any Marshal or Constable of the County of Orange, Greeting:

You are hereby commanded to attach and safely keep all the property of the above named defendant Laguna Beach Hotel Co., a corporation, in Orange County, not exempt from execution, or so much thereof as may be sufficient to satisfy Plaintiff's demands, to-wit: One Thousand Nine Hundred Eighty-two Dollars with interest at 7 per cent per annum from June 10, 1930, and dollars, Attorney's fees, besides the costs, unless the said defendant shall give you the security required by Section 540 of the Code of Civil Procedure of the State of California, in which case you will take such security.



21718

HISSELF, BUREAU OF, 14 OKAM &amp; QUINN

ATTORNEYS

P.O. Box 308

PORTERVILLE, CA

AND WHEN RECORDED MAIL TO

\$3.00  
C10RECORDED IN BOOK 10  
OFFICIAL RECORDS OF  
ORANGE COUNTY, CAL.

PAGE 595

FEB 27 8 58 AM '73

J. WYLIE CARLYLE  
COUNTY RECORDERE. W. MERRITT FARMS  
11188 Road 192  
Porterville, Calif. 93257

MAIL TAX STATEMENTS TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

E. W. Merritt Farms  
11188 Road 192  
Porterville, Calif. 93257

No consideration

Richard W. Merritt  
D.T.T. S. Merritt

## Corporation Grant Deed

TO 406 CA (7-68)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

A.P. # 054-125-23  
24

Laguna Hotel Corporation

a corporation organized under the laws of the state of California

hereby GRANTS to E. W. Merritt Farms, a partnership consisting of  
Richard W. Merritt and Harriet L. MerrittCity of Laguna Beach,  
the following described real property in the known as 417-451 South Coast Highway  
County of Orange, State of California:Parcels "A" and "B" as shown by Record of Survey  
recorded in Book 43 at Page 44 in the Record of  
Surveys in the Office of the County Recorder of  
Orange County, Californiasubject to lease dated 17th day of June, 1947 between Laguna Hotel  
Corporation and Lawrence Henry Lee et al and extension and modification  
of lease dated April 17, 1967 between Laguna Hotel Corporation and  
Lee-Laguna Hotel Corporation and sublease and agreement dated April 27,  
1967, between Lee-Laguna Hotel Corporation and Danish-American Hotels,  
Inc.In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instru-  
ment to be executed by its \_\_\_\_\_ President and \_\_\_\_\_ Secretary  
thereunto duly authorized.

Dated: February 27, 1973

LAGUNA HOTEL CORPORATION

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES } SS.

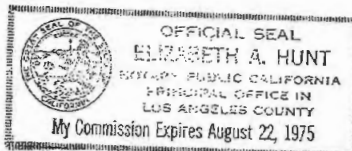
On February 27, 1973 before me, the under-  
signed, a Notary Public in and for said State, personally appeared  
Richard W. Merrittknown  
to me to be the \_\_\_\_\_ President, and  
Naelda J. Merrittknown to me to be  
Secretary of the Corporation that executed the  
within instrument, known to me to be the persons who executed the  
within instrument on behalf of the Corporation therein named, and  
acknowledged to me that such Corporation executed the within instru-  
ment pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature Elizabeth A. Hunt

Elizabeth A. Hunt

Name (Typed or Printed)

By Richard W. Merritt  
Richard W. Merritt - President  
By Naelda J. Merritt  
Naelda J. Merritt - Secretary

(This area for official notarial seal)

Title Order No. \_\_\_\_\_ Escrow or Loan No. \_\_\_\_\_

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT F-3

Exhibit 2f-3

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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# RECORD OF SURVEY

SHEET 1 OF 1 SHEETS  
P. 100

IN THE CITY OF LAGUNA BEACH  
OF PORTIONS OF LOTS 129 AND 1 OF LAGUNA BEACH, BOOK 1  
PAGE 78, MISC. MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.  
AND PORTION OF LOT 1, SECTION 26, T7S., R.9W., S.B. & M.  
ORANGE COUNTY, CALIFORNIA - PER RECORD OF SURVEY 34-47

APRIL - 1959

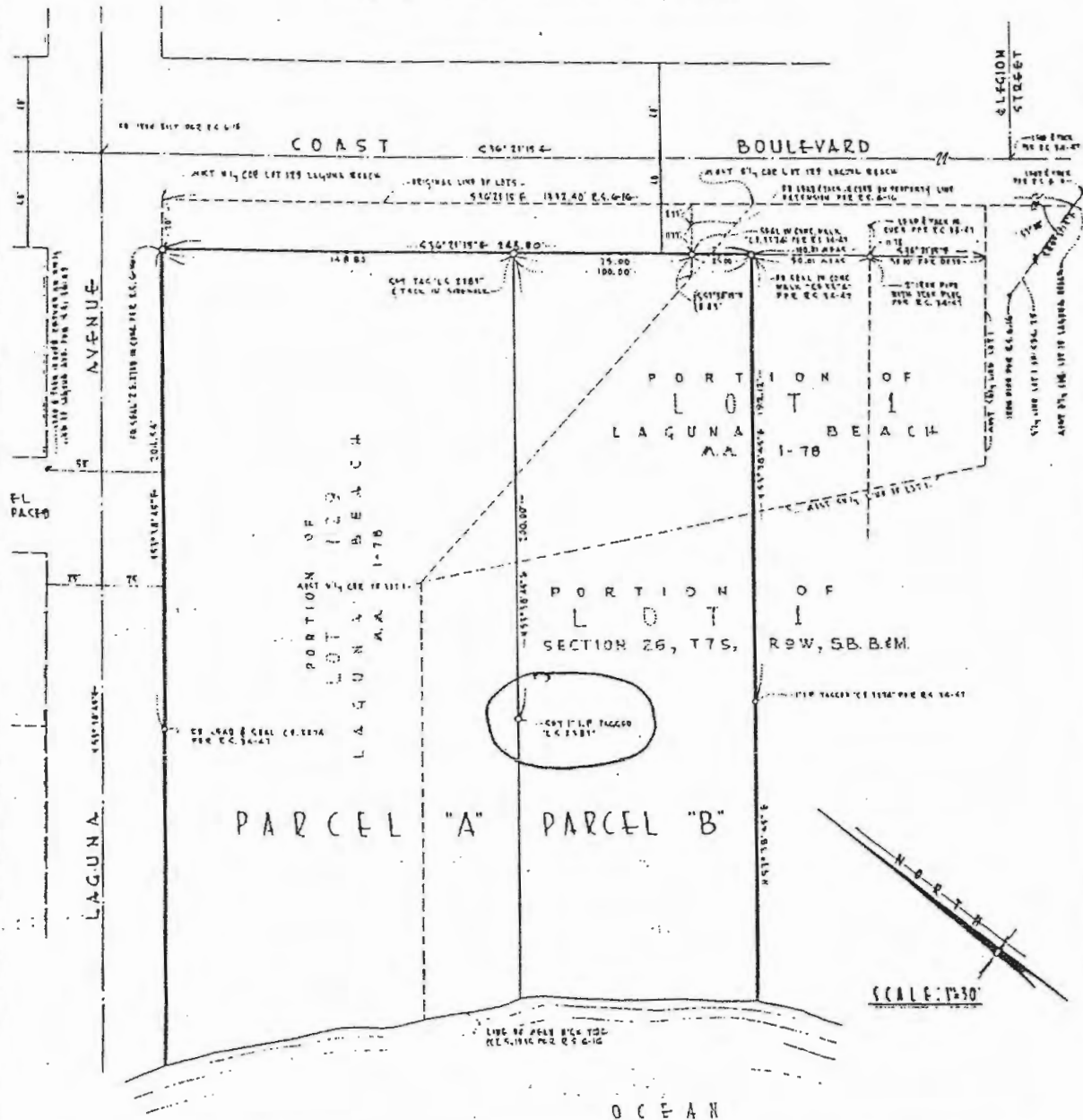
SCALE - 1"=30'

LAGUNA HOTEL CORPORATION - OWNERS

BOOK 43

PAGE 44

MAY 8, 1959



THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME AS JUDICIAL SURVEYOR IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 14, DIVISION 3 OF THE BUSINESS AND PROFESSIONS CODE AT THE REQUEST OF LAGUNA HOTEL - A CORPORATION.

I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF CALIFORNIA AND THAT THE MAP SHOWN ON THIS SHEET IS COMPILED FROM DATA OBTAINED BY ME OR BY OTHERS IN THE FIELD AND FROM RECORDS OF SURVEY IN THE OFFICE OF THE COUNTY CLERK OF ORANGE COUNTY, CALIFORNIA.

*Winston J. Kent*  
WILSON J. KENT, L.C. 1000

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 14, DIVISION 3 OF THE BUSINESS AND PROFESSIONS CODE T. 5 - 1 MAY 1959

*David L. Hargrove*  
DAVID L. HARGROVE, SURVEYOR  
ORANGE COUNTY, CALIFORNIA

EXHIBIT G

Exhibit 2g

CCC Vested Rights Claim No. 5-12-179-VR

(E.W. Morris Farms)

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June 20, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

My late husband, Claes Andersen, and I through Andersen Hotels, Inc. have held the lease on Hotel Laguna since 1985. We acquired the lease from Danish-American Hotels, Inc. which was owned by Bob Nielsen. My husband had been friends with Bob for a number of years as they both were from Denmark. We were familiar with Hotel Laguna for many years, had stayed there as guests many times, and we were happy to have been able to acquire the lease. Bob Nielsen had been the lessee since 1968. Claes passed away in 2010 and I am now responsible for the operation of the hotel. The owner of the property from whom we lease Hotel Laguna is E. W. Merritt Farms of Porterville. Richard Merritt is the person with whom we have dealt with over the last 27 years.

Both before and after we purchased the hotel lease, Claes and I had extensive contact with Bob Nielsen concerning the operations. When we purchased the hotel, there were posts, chains and signs marking the property as the private property of Hotel Laguna located on the beach at the north and south boundaries of the property. The posts would sometimes become dislocated from wave action but we would restore them as soon as we discovered them to be dislocated. The purpose of the posts, chains and signs was to preserve the beach area in front of the hotel for the exclusive use of patrons of the hotel.

Bob Nielsen told us that at times of heavy use, he had regularly placed a rope about 30 feet out from the hotel between the chains and signs, leaving openings to go to the water. Additional signs would be hung from the rope. We continued that practice. The rope was a 1/2 inch white rope which would be strung between 1 1/2 in diameter metal pipes that are driven into the sand. Bob Nielsen told me that the beach boundaries had been marked since the time the present hotel building opened in 1930. Claes and I considered it important to keep up the marking of the boundaries and we did so.

Sometime in the early 1990's, we changed the posts and chains along the north and south boundaries to posts connected by a rope, similar to that which we placed along the beach at times of heavy use. The same sign was hung to identify the beach area as the private property of Hotel

## EXHIBIT H

- 1 -

Laguna. In 1993, we began to place the ropes on a daily basis. The posts and ropes would be placed along the boundary and then along the beach each morning and taken down each evening. If weather or patronage left the beach without patrons, the rope would not be placed at all. We also only placed sufficient rope and posts to enclose that area of the beach which was necessary for the level of patronage which we might have on any particular day. On holiday weekends and on weekends of good weather, we use the beach area measuring 28 feet from the bulkhead or toe of slope along the entire 253 feet of beach frontage. We are required as a condition of our liquor license to have a rope marking the boundary of the service area and a sign which advises patrons that alcohol cannot be taken beyond the rope.

Hotel Laguna maintains an inventory of beach furniture including chaises, pads, tables and umbrellas, which are used for the patrons of Hotel Laguna. These beach furnishings are placed on the beach by hotel personnel at the request of a patron. On busy weekends when we know that we will have high patronage on the beach, we will set out beach furniture earlier in the day because the hotel personnel would be unable to service the patrons if they waited for each patron to arrive before placing the furniture. Essentially, every hotel guest is entitled to a chaise.

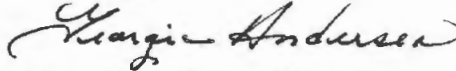
Hotel Laguna provides food and beverage service to patrons on the beach and I have observed that it has done so since we purchased the lease. I was told by Bob Nielsen that Hotel Laguna had provided food and beverage service ever since it opened in the present building in 1930. Bob had also provided the opportunity for local residents to use the beach through a membership beach club. Bob told us that the beach club had been established before he took over the hotel. Bob said that he continued the practice and advised Claes and I to continue the practice. The beach club brought in additional revenue to the food and beverage department, as well as from club membership fees.

The ability to maintain the exclusive use of the beach area that Hotel Laguna owns, to place furniture on the beach for patrons, to provide food and beverage service, is essential to the revenue required to operate Hotel Laguna. The present Hotel Laguna building is 82 years old. The original Hotel Laguna operation began in 1888. Although it is a landmark, the hotel must compete with numerous modern hotels which have been built along the Laguna Beach shoreline. Hotel Laguna attracts patrons in part due to its location in the center of Laguna Beach. Another major factor is the ability of its patrons to use the beach with furniture provided by the hotel, and to be provided food and beverage service while on the beach. This is an attraction, not offered elsewhere, is a major factor in choosing Hotel Laguna. This supports both occupancy levels as well as the rates which the hotel is able to charge. The ability to attract local residents to use the beach and purchase food and beverages provides a significant source of revenue.

Claes and I calculated how much revenue Hotel Laguna derives from the use of the beach to which the claim of vested rights is directed. We estimated that Hotel Laguna derives at least \$1,000,000 of revenue per year from its beach. If prevented from using the beach in the manner that the hotel has used it for the past 82 years, we would lose \$1,000,000 in revenue. This is likely to prove the difference between a profitable operation that can afford to reinvest in maintaining the old, historic structure and the closure of the hotel.

We have never had any problem with the marking of the beach. We do not receive any public complaints. The public is respectful of our rights. We only place the markers on the boundary when we have need to use the property and then only around the area necessary on any particular day. Otherwise, we leave the beach open. We remove the posts and ropes each night. We believe that this is a minimal intrusion but necessary to our operations. As we occupy our entire beach 28 feet out on many occasions each year, public use of our beach has never been continuous. We have always maintained private property signs on the boundaries.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Andersen".

Georgia Andersen, President  
Andersen Hotels, Inc. dba  
Hotel Laguna

Ccc:

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TO WHOM IT MAY CONCERN

The undersigned has been closely associated with the City of Laguna Beach area for more than forty eight (48) years, particularly the city beach area extending from the former Victor Hugo restaurant promontory in the north to approximately one quarter ( $\frac{1}{4}$ ) mile south of the present Hotel Laguna. This association has been as a frequent summer visitor, as a property owner and as a local business man.

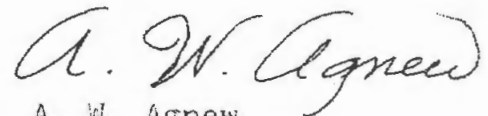
During the mid thirties, and until World WarII my parents frequently visited friends or rented beach houses along this beach during the summer months. In 1944, my father bought a significant interest in the Hotel Laguna and purchased the property at 563 South Coast Highway, slightly south of the Hotel.

The Agnew Trust, of which I am a trustee, owned the property for approximately 20 years and still is financially involved in the Hotel Laguna.

During this entire period, the beach directly in front of the Hotel Laguna property has been clearly marked off and designated as a private beach area. The boundries of this area have always been established on the north and south by some type of rope, cable, fence or other barrier extending to the mean high tide line and included a sign stating it was a private beach area.

In summary, for longer than the past 48 years, the beach directly in front of the Hotel Laguna property has been clearly designated as a private beach by some type of sign and barrier which marked the property line across the beach to the mean high tide line on both the north and south extremities of the property.

January 15, 1982



A. W. Agnew  
Trustee  
James B. Agnew Trust

EXHIBIT I

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WAYNE F. MULLIN  
1950 WEST SLAUSON AVENUE  
LOS ANGELES 90047

December 21, 1981

Laguna Hotel  
425 So. Coast Hwy  
Laguna Beach, Calif.

To whom it may concern:

I have been a guest at the Hotel Laguna for many years. My first visits started in the early thirties. I was a guest of the hotel during the World War II. Since my first visit, there have been chains across the sand with a sign stating that the beach was private. It has always been my understanding the beach was private to the mean high tide mark. Since the early days the beach in front of the hotel has been reserve for hotel guests. During the War years when the hotel was reserved for the Marine Cores for "R and R" I was a guest during that time. The beach was occupied by the young officers and I was a guest also at the Hotel and the beach was private. I would certify that the chain with a sign were in place before 1940. I would hope the beach remain private in the future.

Very truly yours,

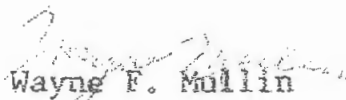
  
Wayne F. Mullin

EXHIBIT J

Exhibit 2j

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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Dear Mr. Nelson;

Since the early thirties my family has had an investment in Hotel Laguna. In the early days, due to its popularity, the City Council gave Hotel Laguna permission to put up a chain and sign on each end of its property on the beach, in order to provide a place for its guests. As early as 1931 I have stayed at the hotel and the sign and

EXHIBIT K

Chair have been there,  
After all the presents is  
owned by Hotel Laguna!

Sincerely,

Barbara Schwatza

Dec 21, 1981

NEIL J. PURCELL  
P.O. Box 16204  
Big Sky, Montana 59716

June 11, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

I am writing this letter in support of Hotel Laguna's claim of a vested right to continue the exclusive use of the beach in front of the hotel for its patrons, including placement of beach furniture, identification of the area intended for exclusive use, and service of food and beverages within such area. I have personal knowledge of the statements in this letter. I was employed by the Laguna Beach Police Department from 1968 through 1997. I was Chief of Police for 16 years prior to my retirement in 1997. I presently reside in Montana.

I first became familiar with the Hotel Laguna property as a teenager visiting Laguna's main beach which adjoins the Hotel Laguna at the south end. During 1956 and 1957, I visited Laguna's main beach regularly and at that time observed metal posts connected by chains which extended out on the sand from the end of the boardwalk along the boundary between main beach and Hotel Laguna. Hung from the chains was a sign which identified the property as the private property of Hotel Laguna. I would estimate that the distance from the boardwalk to the most seaward post to which the chain was connected was not less than 35 feet. You could observe from main beach that there was a second post and chain at the south end of the Hotel Laguna property.

In 1961, I became a police officer in the City of Newport Beach. In 1968, I took a position as a police officer in the City of Laguna Beach. In the execution of my duties, I was required to go to the main beach and boardwalk, along Laguna Avenue which borders Hotel Laguna on the north, and along the beach in front of Hotel Laguna, when needed. I again observed the placement of posts and chains along the Hotel Laguna boundaries with signs identifying the property as private property of Hotel Laguna. After 1968 I also observed that from time to time, a rope would be extended along the beach between the chains at the north and south boundaries of Hotel Laguna. The rope was not there permanently but would be removed in months outside the summer.

During times when weather was conducive to the use of the beach, I observed that chaises with pads, tables and umbrellas were placed within the area between the chains located on the Hotel Laguna boundaries. From time to time I observed that on major holiday weekends in the summer months, the entire Hotel Laguna property appeared to be filled with such chaises extending two or three rows out from the bulkhead or bottom of slope in front of Hotel Laguna. From time to time I also observed that persons who appeared to be wait staff for Hotel Laguna would serve food and beverages to the patrons who were using the chaises on the beach. It was my understanding that the area between the posts and chains was the private property of Hotel Laguna.

In 1981 I was appointed the Chief of Police. Kenneth Frank was the City Manager. After I became Chief of Police, I initiated policies which placed officers on foot and bicycle patrols and on all terrain vehicles to patrol the beaches in periods of high use. In 1986 I was appointed as Director of Public Safety in addition to Chief of Police, which made me the administrative head of the Laguna Beach Fire Department.

In 1981 and 1982, the City Council of Laguna Beach asked the City Manager to determine if the City could require Hotel Laguna not to place the posts, chains and signs on the beach. The City Manager undertook an investigation, received written statements stating that identifying barriers along the Hotel Laguna property had existed at least since the 1930's, and sought the advice of the City Attorney and other department heads. Sometime in 1982, after the conclusion of the City Manager's investigation, the City determined that it lacked the jurisdiction or authority to require that Hotel Laguna not place posts, chains and signs on the beach.

In 1992, California Alcoholic Beverage Control ("ABC") required that Hotel Laguna specifically identify the beach area on which Hotel Laguna served alcoholic beverages. The ABC often seeks the advice of the local police department as to matters involving liquor licenses. At that time, I wrote an official letter to the ABC as Chief of Police describing the evidence and conclusions the City had reached in 1982, describing my personal observation of the use of the beach by Hotel Laguna, and describing the absence of any police activity arising from the use of alcohol by patrons of Hotel Laguna. A true and correct copy of my letter dated September 21, 1992, is attached hereto. It is my recollection that the ABC authorized Hotel Laguna to serve liquor for an area 28 feet from the bulkhead or toe of slope, and extending across the 253 feet in width of the Hotel Laguna property.

I cannot say whether it occurred before 1993 or after 1993, but at some time I observed that the posts and chains put up at the boundaries of the Hotel Laguna property had been changed to posts connected by a single rope. Additional posts would connect a rope between the boundaries with openings to allow passage similar to that which I had observed after 1968. Signs were hung from the ropes identifying the enclosed beach property as for the use of Hotel Laguna only. These posts and ropes were not always present but would appear when beach use was greater.

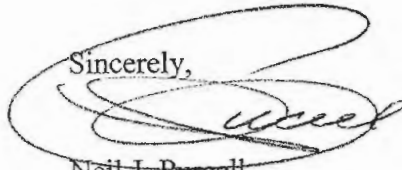
The City determined in 1982 that the beach in front of Hotel Laguna had been marked and identified as private property, and that Hotel Laguna had used that beach area for its exclusive use, including service to patrons on the beach, since at least 1936. I agree that the City



lacked the police power to require Hotel Laguna to cease such activities. I do not agree that the Coastal Commission can require Hotel Laguna to cease the lawful activities which take place on Hotel Laguna's private property in a manner that has been substantially unchanged for more than 75 years. I do not agree that the Coastal Commission can prohibit Hotel Laguna from marking the boundaries of its private property and identifying the area within those boundaries for Hotel Laguna's use only.

I support Hotel Laguna's application to the Coastal Commission to recognize the property right of Hotel Laguna to continue long established and lawful uses on Hotel Laguna's private property on the beach.

Sincerely,

A handwritten signature in dark ink, appearing to read "Neil J. Purcell", is written over a large, loopy, oval-shaped scribble.

Neil J. Purcell  
Laguna Beach Chief of Police (ret.)

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September 21, 1992

Ed Mimiaga, Supervisor  
Department of Alcohol Beverage Control  
28 Civic Center Plaza  
Santa Ana, California 92701

Re: Hotel Laguna, Laguna Beach, California

Dear Mr. Mimiaga:

It is my understanding the ownership of the Hotel Laguna is attempting to establish the fact that the Hotel has a portion of the beach in front of it which is privately owned, and the Hotel wishes to continue serving alcoholic beverages on this portion of the beach. I have personal knowledge that the Hotel Laguna does own a 28-foot by 253-foot strip of beach in front of the Hotel and has had ownership of this portion of the beach since the late 1800's.

In addition, in researching this matter some years ago I was able to determine that since 1936, the Hotel Laguna has delineated this portion of the beach by use of chains, ropes, and poles, and that the beach is exclusively used by patrons of the Hotel Laguna. I also have personal knowledge that alcoholic beverages have been served and consumed on this portion of the beach since at least September of 1968.

The serving and consumption of alcoholic beverages on this portion of the beach has never been considered a police problem. To my knowledge, there have never been any arrests made or citations issued for such offenses that may be associated with the drinking of alcoholic beverages. I recommend that the Hotel Laguna be allowed to continue the serving and consumption of alcoholic beverages on this portion of the private beach.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

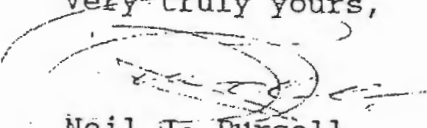
  
Neil J. Purcell  
Chief of Police

EXHIBIT L-2

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KENNETH C. FRANK  
1575 Skyline Drive  
Laguna Beach, CA 92651

June 11, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

I am writing this letter in support of Hotel Laguna's claim of a vested right to continue the exclusive use of the beach in front of the hotel for its patrons, including placement of beach furniture, identification of the area intended for exclusive use, and service of food and beverages within such area. I have personal knowledge of the statements in this letter. I was employed as the City Manager of the City of Laguna Beach from 1979 through my retirement in 2010. I continue to reside in Laguna Beach.

In 1981, the City Council of Laguna Beach asked me to determine if the City could require Hotel Laguna not to place the posts, chains and signs on the beach. Under my direction, the Director of Community Development notified Hotel Laguna that the City was considering whether the posts, chains and signs on the beach violated any City ordinance or interfered with any public rights. Under my direction, the City undertook an investigation which included contributions from various city departments as to the personal knowledge of the property. The investigation was overseen by the Director of Community Development.

In the course of the investigation, the City received written statements stating that identifying barriers along the Hotel Laguna property had existed at least since the 1930's. These written statements came from persons who explained the reasons that they would have to know the facts which were being stated. City employees reported personal observation of the barriers for many past years. The City did not enact any ordinance which would have given the City the authority to restrict barriers on the beach until 1940. Based on the evidence that barriers had been established prior to 1940, the City concluded that it lacked the jurisdiction to restrict an activity and improvement which had predated the changes to the City's zoning ordinance.

As to the potential for the City to claim that the sandy area of the beach between the Hotel Laguna barriers had been dedicated for public use, the City and sought the advice of the City Attorney as to the standards necessary for a dedication arising from public use. The City Attorney provided a detailed memorandum which described that five years of continuous and

unobstructed use without objection by the property owner was required to create a dedication implied by law. Based on the observations and attestations that barriers with private property signs had regularly existed since at least 1930, and that the hotel protected at least the area of its property between the barriers for exclusive use of hotel patrons for a major portion of every year, it did not appear to the City that the standards described by the City Attorney to create an implied dedication to public use could be met.

By May 1982, after the conclusion of my investigation, the City determined that it lacked the jurisdiction or authority to require that Hotel Laguna not place posts, chains and signs on the beach. The Director of Community Development communicated that determination to me by a memorandum dated May 7, 1982. The Director's memorandum suggested that dialogue with Hotel Laguna might provide a more satisfactory solution. At some date subsequent to 1982, Hotel Laguna replaced the posts and chains and began to use shorter posts and a rope to identify its boundary. In addition, the posts and ropes were erected and removed daily. Finally, the ropes were not deployed during periods of the year that the beach was not in use. I do not recall whether these changes came from a dialogue between City officials and Hotel Laguna or as a voluntary change by Hotel Laguna responding to the City's concern about how the barriers on the beach appeared. In my view, this was a positive change from the posts and chains but still within Hotel Laguna's long established rights.

During my term as the City Manager, this was the only time that there was any dispute as to whether or not Hotel Laguna could operate the hotel with the use of the beach in front of the hotel property reserved for Hotel patrons, or that Hotel Laguna could mark and identify its boundaries on the sand as private property for which it claimed exclusive use. This was not a matter of public controversy. The 1981-1982 investigation arose from concerns by the City Council, not because of public complaints.

I support Hotel Laguna's application to the Coastal Commission to recognize the property right of Hotel Laguna to continue long established and lawful uses on Hotel Laguna's private property on the beach.

Sincerely,



Kenneth C. Frank

cc: Hotel Laguna

MEMO

TO: CITY MANAGER

FROM: DIRECTOR OF COMMUNITY DEVELOPMENT *JWC*

DATE: MAY 7, 1982

RE: HOTEL LAGUNA (425 SOUTH COAST HIGHWAY) BEACH SAND BARRIER TO  
PUBLIC ACCESS

Initially we contacted the Hotel Laguna regarding the chain barrier they annually stretch across the sandy portion of the beach, requesting that it be removed. The management wrote us stating they have photographs and signed affidavits from tenants of 40 or more years recollection, attesting to the existence of the chain to provide sunbathing privacy for the hotel guests, prior to adoption of city regulations in July, 1940. Since the barrier predates land use control by the city government, it is a legal, non-conforming condition that legally may continue to exist, so long as the land owner continues to maintain and replace the chain as needed.

This position is effectively corroborated by the City Attorney, in response to your memo of January 12, 1982. In his response, he cited a number of recent cases where the public had shown a continuous and regular use of private property over the years. This had resulted in the courts making determinations that a prescriptive right had inured to the public as a result of this regular and constant public use. However, based on the information provided, and without looking beyond that information, it appeared that the recent law cases did not have applicability to the situation at hand. He did offer to further review the evidence at hand, if the city wanted to pursue the issue.

It appears, therefore, that our zoning regulations are too recent to control the fencing of the sand in back of the Hotel Laguna. If they discontinue to fence the area for a significant interval of time, then we could perhaps force the issue to a favorable solution in the courts. Without any documentation refuting their testimony, the fencing of this portion of the beach by the Hotel Laguna seems assured. Perhaps a dialogue between responsible officials of the city and the Hotel Laguna Corporation can arrive at a decision different from this that might provide a more satisfactory solution.

There is no other hotel or motel in the City in this particular situation. We will continue to enforce our regulations preventing fencing on all other portions of the beach.

dd

RECEIVED

MAY 10 1982

OFFICE OF CITY MANAGER

EXHIBIT M-2

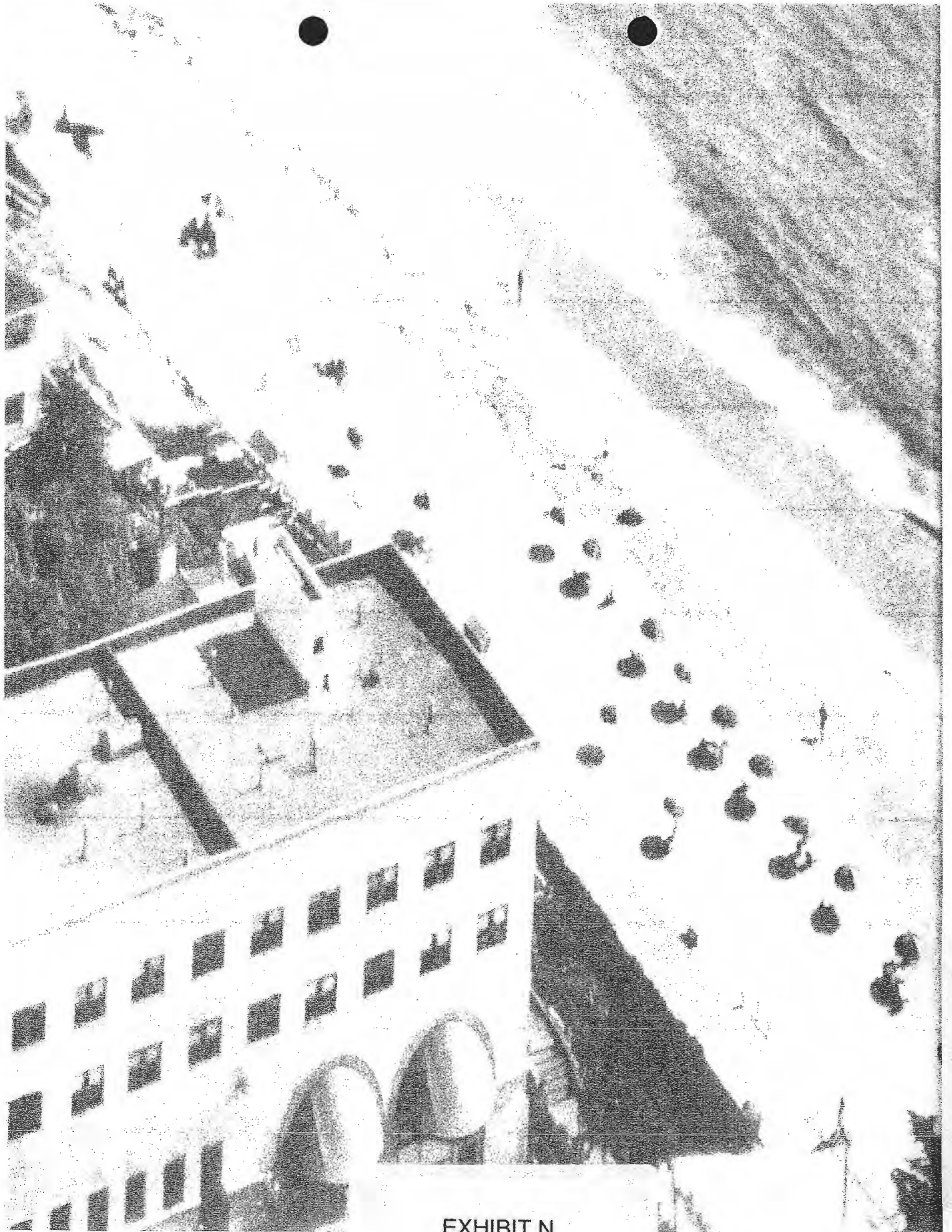
Exhibit 2m-2

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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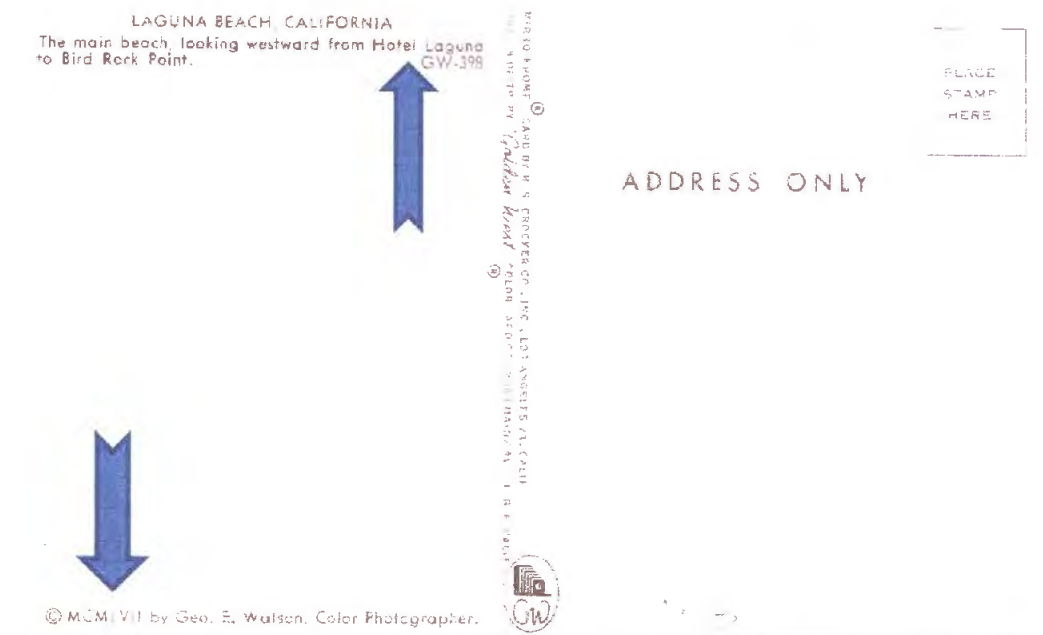
## EXHIBIT N

Exhibit 2n

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)



Photograph on postcard taken from terrace of Hotel Laguna looking toward main beach. Sign hanging from chain can be seen in left center immediately above green umbrella.



Copyright marking on postcard shows dated of 1957.

Postcard is identified as view of beach from Hotel Laguna

EXHIBIT O





Enlargement of postcard photograph shows sign hanging from chain connecting posts. Handrail behind persons on walk are for steps to the sand leading from the now disused tunnel from the basement floor of the hotel.

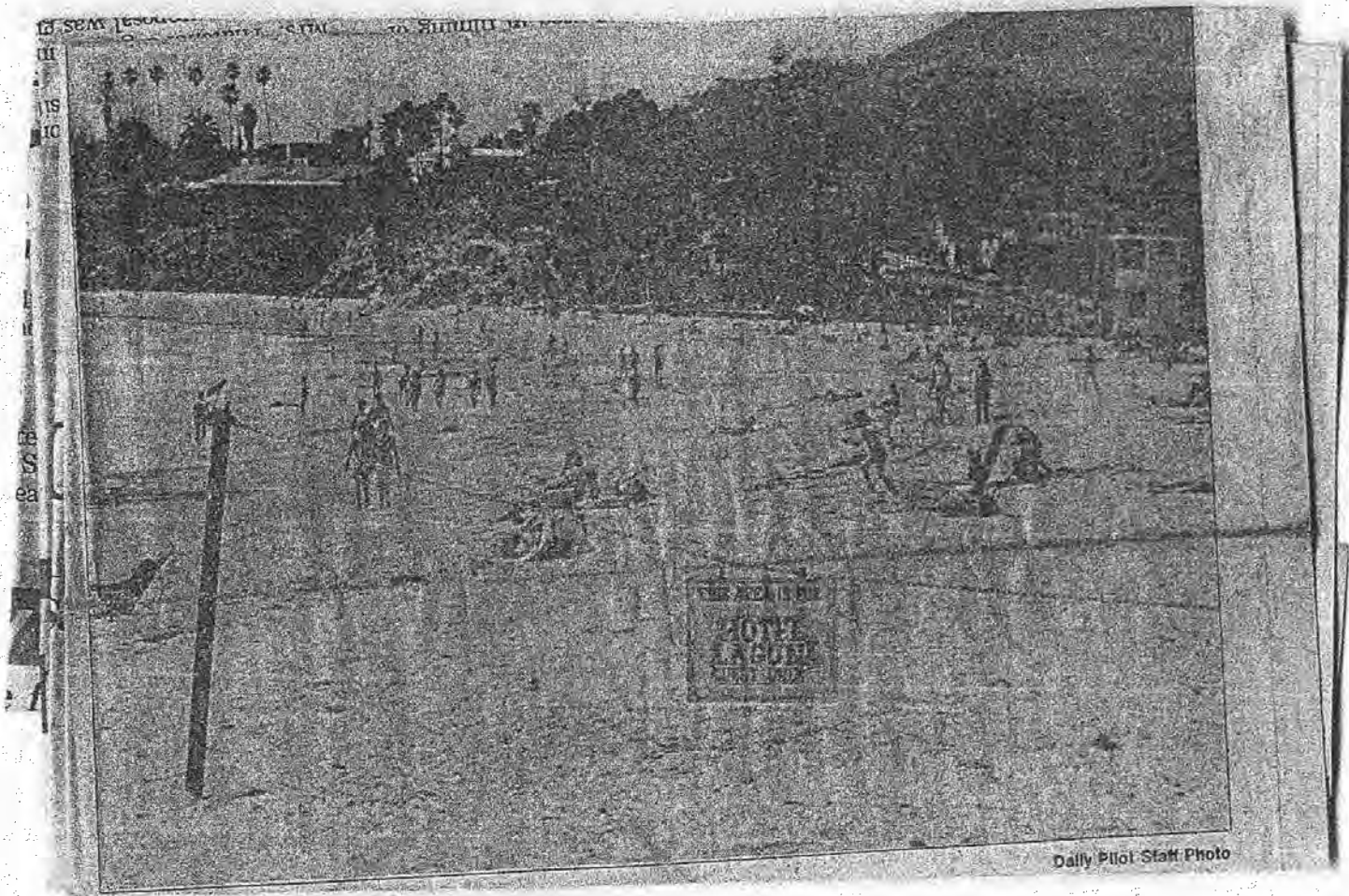


© MCMLVII by Geo. E. Watson, Color Photographer.

B. S. CALIF.



Enlargement of date.



1982

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EXHIBIT P

Exhibit 2p

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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STATE OF CALIFORNIAARNOLD SCHWARZENEGGER, Governor

STATE LANDS COMMISSION

LEGAL OFFICE

100 HOWE AVE., SUITE 100-SOUTH

SACRAMENTO, CALIFORNIA 95825

Phone: (916) 574-1850

FAX (916) 574-1855

## FACSIMILE COMMUNICATION

DATE: 4/28/10TO: Nanci Stacey (949) 640-8330FROM: Kathryn Wiens

## MESSAGE:

Nanci,Attached is the legislative grant for the city  
of Laguna Beach. The State Lands Commission  
does not have any surveys of this area.Thanks,Kathryn Wiens(2) PAGES (INCLUDING COVER SHEET)CONFIDENTIAL COMMUNICATION

THIS FACSIMILE TRANSMISSION COMMUNICATION (FAX) FROM THE LEGAL OFFICE OF THE STATE LANDS COMMISSION IS INTENDED FOR USE ONLY BY THE INDIVIDUAL OR ENTITY NAMED AS THE RECIPIENT HEREOF AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR AND ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THIS OFFICE {ask for Angie} BY TELEPHONE IMMEDIATELY AT (916) 574-1850 AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU FOR YOUR COOPERATION.

EXHIBIT Q-1

Exhibit 2q-1

CCC Vested Rights Claim No. 5-12-179-VRG  
(E.W. Merritt Farms)



## CHAPTER 50.

*An act granting certain tidelands and submerged lands of the State of California to the city of Laguna Beach upon certain trusts and conditions.*

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

*The people of the State of California do enact as follows:*

SECTION 1. There is hereby granted to the city of Laguna Beach, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by the State of California by virtue of its sovereignty, in and to all of the tidelands and submerged lands, whether filled or unfilled, bordering upon, under, and situated below the ordinary high-tide line of the Pacific ocean, or of any harbor, estuary, bay or inlet, which are within the corporate limits of said city, to be forever held by the city of Laguna Beach and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Uses.

(a) That none of said lands shall be used or devoted to any purposes other than public park, parkway, highway, playground, or public recreation or enjoyment, the establishment, improvement and conduct of a harbor and the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation; and the city of Laguna Beach, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided, however*, that nothing herein contained shall be so construed as to prevent the use or granting of easements, franchises or leases for limited periods, or rights of way in, under, over or across said tidelands or submerged lands for power, telephone, telegraph or cable lines or landings, sewage disposal conduits and other sewage works, wharves and other public uses and purposes consistent with the trusts upon which said lands are held.

Improvement.

(b) That such lands devoted to the conduct of a harbor shall be improved by the city of Laguna Beach without expense to the state and such harbor shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by the city of Laguna Beach or by its successors.

(d) The absolute right to fish in the waters of the Pacific ocean over said tidelands and submerged lands, with the right of convenient access to said waters over said lands for such purpose is hereby expressly reserved to the people of the State of California.

Tidelands granted to city of Laguna Beach in trust.

State Lands Commission does not have any Mean High Tide Line or Ordinary High Water Mark Surveys for the city of Laguna Beach.



PIONEER DAYS  
of  
LAGUNA BEACH

DEDICATED

to the

PIONEERS, ARTISTS

and

PLAYERS

By

Merle & Mabel Ramsey

Copyright

by

Merle & Mabel Ramsey

1967

All Rights Reserved.

Printed by

HASTIE PRINTERS

Laguna Beach

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ORANGE COUNTY PUBLIC LIBRARY

LAGUNA BEACH BRANCH

363 GLENNEYRE

LAGUNA BEACH 92651

EXHIBIT R-1

Exhibit 2r-1

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CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

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Members refused to sell on account of sentiment for this old building, but did give the Festival the privilege of using it again in 1938, for the sum of \$50.00 That year the Festival had one of it's most prosperous years, making a net profit of \$2,890.53.

By 1950 the City Officials of Laguna notified the members of the Club they would have to have the property for their City Hall, and if a satisfactory agreement could not be reached they would have to take it by Eminent Domain.

Club members knew there was no other way but to sell. The Club Members did make one request though; that the pepper and palm trees be left standing. This was bitterly opposed by the architect who had drawn the plans, which showed the trees taken out.

The Club women were very much disturbed and different projects were suggested. Finally the City agreed that the building would be set back far enough to save the trees: Thus some of the beauty of the "Old Ranch House" was preserved.

On July 7, 1950, the Women's Club sale was consummated to the City of Laguna Beach, for the sum of \$27,297.75.

## History of the Old Hotel

Joseph Yoch, born in Berlin, Germany, May 17, 1844, was brought to America in 1847 when but three years old. After spending his younger days in the coal mines, he came to Santa Ana in 1887. He purchased a home in that city at 1012 North Main Street. By 1889 he had established a brick yard. On May 14, 1878 he married Catherine Isch, sister of J. N. Isch who had come to Laguna in 1888.

Mr. Yoch saw opportunities in the coal mining in Orange County and became associated with the Black Star Coal Mine in Black Star Canyon, a branch canyon off the Santiago Canyon. He later became interested in property near Laguna Beach and at one time owned 1000 acres in the canyon. Some of it leased with the possibilities of oil prospects. Property in the village also interested him, and began to invest. Mr. Yoch was a man that recognized a bargain and knew when to buy. He was capable of

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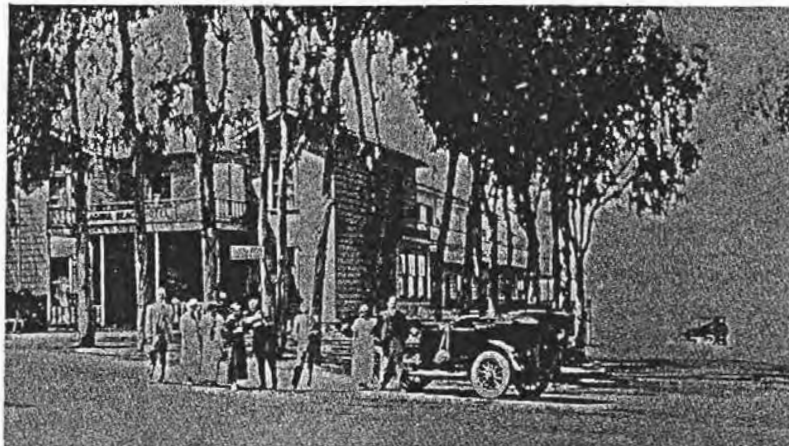
taking the other man's failure and developing it into a success.

During the boom days of the late '80s, Hubbard Goff, believing there was a need for a hotel, built one two-stories high at Arch Beach, at the corner of what is now Diamond Street and Coast Highway. For a while the hotel did a wonderful business. A stagecoach met the train at Aliso City, (El Toro) and conveyed the guests to the hotel by the way of Aliso Canyon.

The hotel became widely known until about the '90s when the boom collapsed, leaving a blanket of gloom over the real estate operations and most all other business activities. It was not long until the hotel was forced to close for lack of patronage. The owner went back to farming.

At this time Arch Beach and Laguna Beach were two distinct settlements. Each had their own post office.

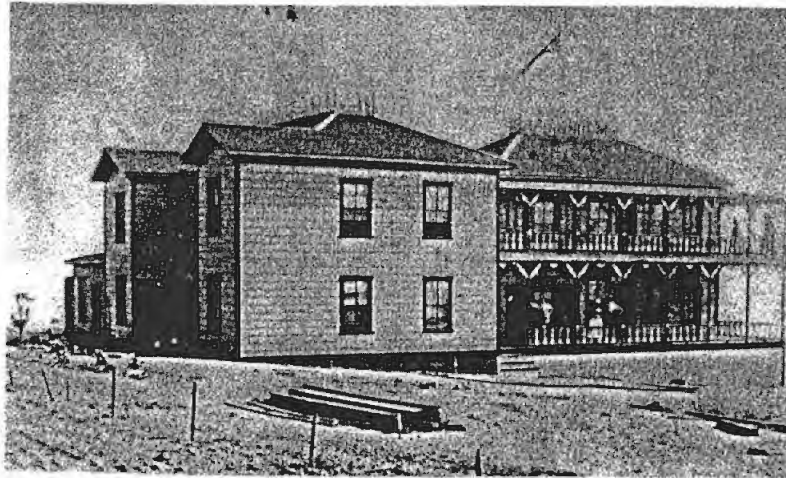
When the Arch Beach Hotel was having good success, Henry Goff, brother of Hubbard Goff, took notice of the prosperous hotel business and became ambitious enough to build a hotel among the trees in the village, and soon sold it to a man by the name of Spencer. This man purchased a lot on the ocean front and moved his hotel to the lot so as to have an ocean view.



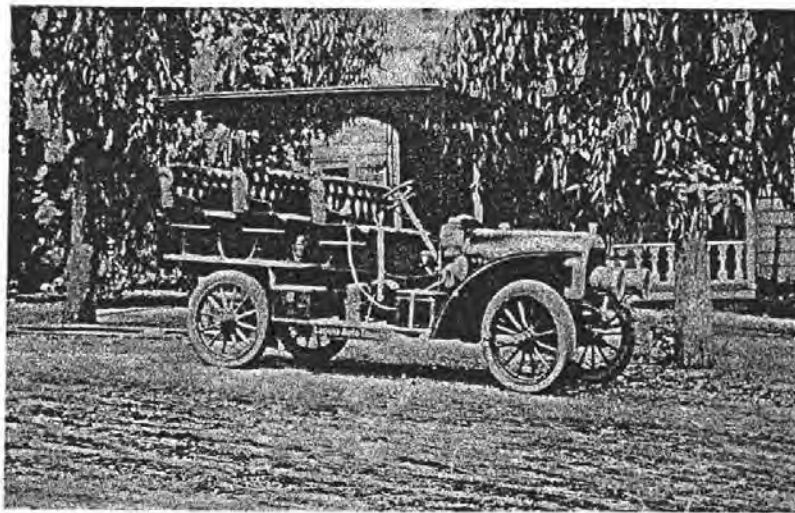
THE YOCH HOTEL in 1915. Originally the Arch Beach Hotel that was moved from Diamond Street and Coast Highway and joined to a small hotel that was previously moved to the location and later purchased by Joseph Yoch. When finished, it had 30 bedrooms and 2 bathrooms.

Like the Arch Beach Hotel, it also closed when the boom ended.

Astute Joseph Yoch, with a keen eye to business purchased the small hotel for the mortgage of \$600. Catching sight of another bargain he purchased the Arch Beach Hotel of Hubbard



ARCH BEACH HOTEL, 1886. Built by Hubbard Goff who operated it until 1890.



Yoch Hotel Stage that met train at El Toro.

Goff, he soon dating his two employed the move the land was cut into rugged fields ties were crossed "Gulch" (Sleep

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Goff, he soon developed a plan for the combination of consolidating his two hotels into one building. Going to Santa Ana he employed the services of the Thorpe House Moving Company to move the large one and join it to the small hotel. The building was cut into three sections and was successfully moved over the rugged fields and what were then the roads. The most difficulties were crossing "Hub's Gulch" (Bluebird Canyon) and "Nate's Gulch" (Sleepy Hollow).

By the combining of the two hotels, Mr. Yoch had an extra large hotel with 30 rooms and 2 baths. Along the front and the sides he built a wide porch with stairs that ran down to the sandy beach. Upon this porch sat many famous people, such as Madam Modjeska and Count Buzenta, Mr. and Mrs. James Rice the famous celloist, and she, a well known singer, with many other celebrities. The hotel became known to the elite of Riverside, Pasadena, Redlands, and others escaping from the heat of the interior.

For years it was considered a distinction to be invited to participate in social gatherings at the hotel, especially when the popular gathering place was available, the large dining room.

In 1930 a group of business men, headed by B. O. Miller of Los Angeles, purchased the property for the sum of \$84,000. By 1931 the highway had been completed and reached through Laguna Beach. The famous old hotel building was demolished and a new hotel building was soon under construction by a syndicate that had leased the land.

The depression was taking its toll. Soon the property reverted to the Miller group who owned the land.

In 1932 Lloyd Sellset took over the management of the hotel at which time there were only five guests staying there. Mr. Sellset was manager until 1947. During the war years the hotel was the home of the Marines and their families. In 1947 Lawrence H. Lee and Alex E. DeFoe purchased the furniture and took a 25 year lease upon the property. It has now become a popular vacation hostelry.

Thus goes the history of the Yoch Hotel of Laguna Beach.

O.C. HISTORICAL  
SOCIETY VISITS  
THE LAGUNA HOTEL CA.  
1937

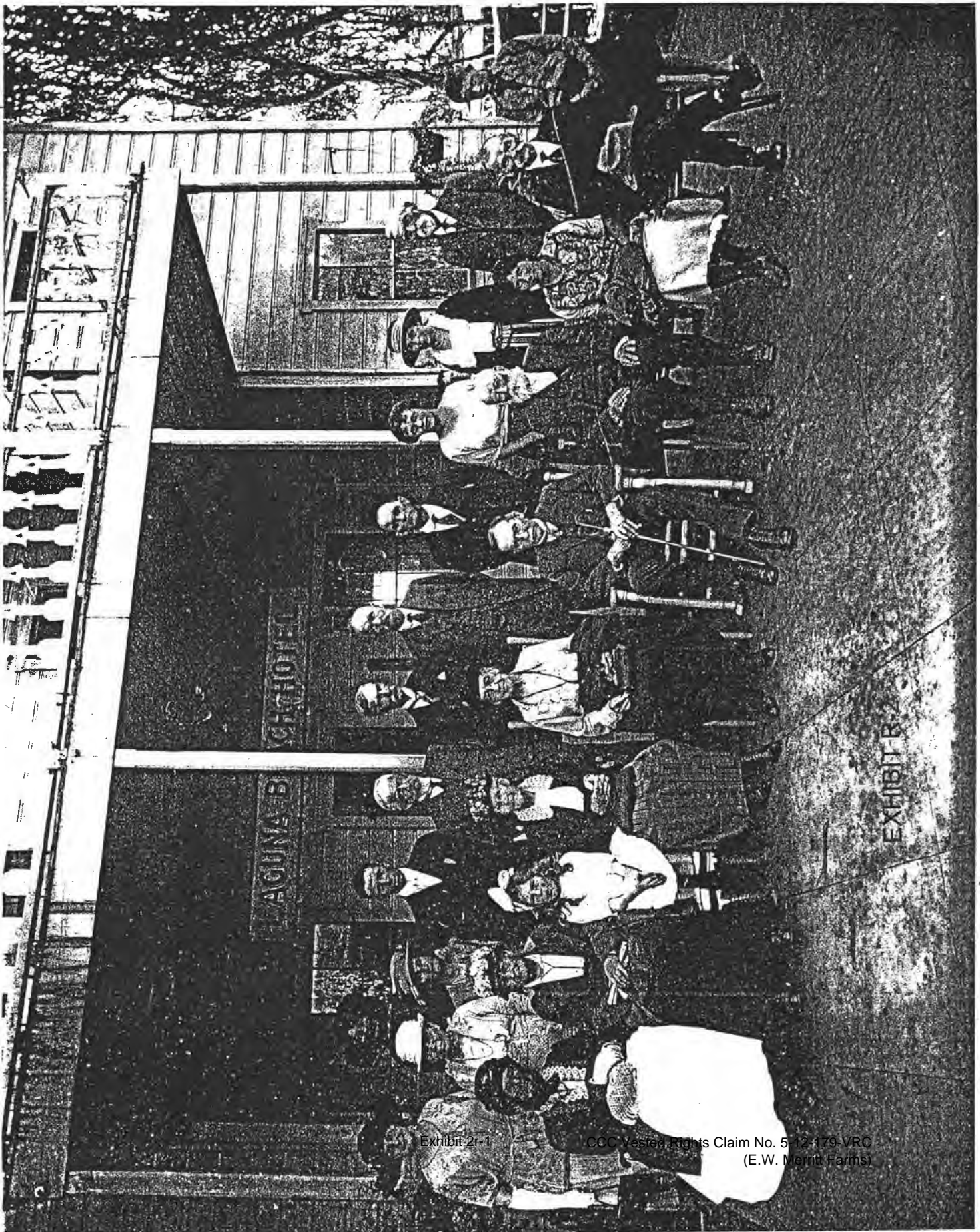


Exhibit 2F-1

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

**Procedures for Establishing the Mean High Water Line Boundaries**

This document lists the procedures for establishing the Mean High Water (MHW) line. This will be used as a *guide* for all surveys related to tidal boundaries performed by or for the County of Orange – G./L.I.S. department.

Establishing tidal boundaries can be a difficult task. Tidal boundaries are unique in that this line is *ambulatory* (moving about or from place to place; not stationary) and therefore must be related to a specific point in time. One must know what the law requires and the terminology pertaining to tidal boundaries must be understood.

We must first know what the definition of the **Mean High Water** line is. According to the U.S. Supreme Court's landmark decision in *Borax Ltd. v. City of Los Angeles 1935*, the definition of tidal water boundary is the following:

*"In view of the definition of the mean high tide, as given by the United States Coast and Geodetic Survey that mean high water at any place is the average height of all the high waters at that place over a considerable period of time, and the further observation that from theoretical considerations of an astronomical character there should be a period variation in the rise of the water above sea level having a period of 18.6 years, the Court of Appeals directed that in order to ascertain the mean high tide line with requisite certainty in fixing the boundary of valuable tidelands, such as those in question appear to be 'an average of 18.6 years should be determined as near as possible.' We find no error in that instruction."*

This case still prevails in U.S. common law. The MHW line must be established by the United States Coast and Geodetic Survey and based on an average of 18.6 years.

There are two procedures one must look at before a boundary can be established. Is the boundary to be established being created for the first time or is it being re-established based on a record boundary? When re-establishing a boundary, artificial accretions must be investigated.

In California under state rule, a shoreline change artificially caused (even by third parties) has no effect upon the littoral boundaries as between the state and upland owner; the boundary will remain as it existed at the last natural location of the shoreline. Artificial accretion may be caused by the construction of piers, jetties and sea walls, which cause changes in the natural currents thus altering conditions of the shore. In the state of California, all land bordering navigable waters created by artificial accretions belong to the state of California. The upland riparian owner takes tidal to the line of the last natural MHW line.

If the boundary has been changed due to artificial accretion, then the last natural MHW line must be used. If this boundary has been documented on a recorded map or deed, then it should be re-established in the *same horizontal* location as described.



**Establishing Current MHW line boundaries**

***Getting Tidal Datum for your Project***

The first step in establishing the current MHW line is to get the most recent tidal datum publication for the area in concern. This tidal datum must be from the United States Coast and Geodetic Survey, which is now known as the National Geodetic Survey (NGS). This document pertains to establishing current MHW line boundaries in Orange County. NGS publishes tidal datums for Newport Beach, Newport Bay Entrance, which will be used for Orange County. This publication is based on a 19-year series, from January 1960 to December 1978. The tidal epoch is known as 1960-1978. This tidal datum publication can be found @ <http://co-ops.nos.noaa.gov/benchmarks/9410580.html> and is attached to the end of this document. This publication shows the relationship between various elevations of tidal datums including the National Geodetic Vertical Datum 1929 (NGVD 29) and the North American Vertical Datum 1988 (NAVD 88). See “NGVD 29 and NAVD 88 Definitions” at the end of this document.

***Establishing the Relationship between MHW Line and Vertical Datum***

Orange County Geomatics publishes two different fixed datums on their benchmarks, NGVD 29 and NAVD 88, OCS 1995 adjustment, which are based on and conform to the NGS published fixed datums. The differences must be known between the datum you are using and the MHW line. The MHW line is 4.65 feet (1.416 meters) above the Mean Lower Low Water line (MLLW) as shown on the tidal datum publication. Establishing this elevation will determine the boundary.

For example, if NGVD 29 is being used, the difference between NGVD 29 and MLLW is 2.72 feet. Therefore  $4.65 - 2.72 = 1.93$  feet. To establish the MHW line using NGVD 29, you would find the 1.93 feet NGVD 29 elevation contour line.

MHW	4.65'
MSL	2.76'
NGVD 29	2.72'
NAVD 88	0.37'
MLLW	0.00

After verifying that your benchmarks are accurate and consistent, run levels along the shore of your project and mark or stake points at intervals in a manner that the ground at each point is at the elevation of the MHW tidal datum.

***Verifying Benchmarks***

The second step is to locate and verify the vertical control that will be used in establishing the MHW line. The benchmark elevations must be related to the elevations shown on the publication. Benchmarks published by NGS are probably the best stations



## *County of Orange – R.D.M.D - G./L.I.S. – Geodetic Unit*

to use but if none are available in the area, local benchmarks can be used as long as the elevations are related to the elevations shown on the publication.

A level run should be performed to verify that the published elevations are consistent with the current benchmark heights. If closures are not within the required accuracies, additional leveling to more benchmarks may be necessary until closures are acceptable.

### *Establishing MHW Line – Horizontal*

It may be necessary to know the horizontal position of the boundary established. This can be done by tying the staked points to cadastral monuments within the project. This would be done using standard surveying techniques.

### Establishing Record MHW line boundaries

This section will be broken into two parts. Again, one must look closely as to whether the boundary has been affected by artificial accretion.

#### *Re-establishing MHW Line – No Artificial Accretion*

If the shore has not been changed due to artificial accretion, then re-establishing the boundary will be based on the current location of the MHW line. This would be performed by following the same procedures as described in the *Establishing MHW Line* section. This current boundary may not be in the same horizontal location as it was before due to the fact that littoral boundaries are ambulatory; they are based on elevation and continually change. The horizontal location of the boundary you're re-establishing is based on the MHW line (elevation) at that point in time.

#### *Re-establishing MHW Line – Artificial Accretion*

This is probably the hardest of all the boundaries to identify. According to California state law, the boundary will remain as it existed at the last natural location of the shoreline. From my experience with these boundaries, the last natural location of the shoreline would be the recorded Parcel, Tract, or deed that originally describes the littoral boundary as it was first established. Some of these documents show the MHW line stating the year it was established and also have horizontal ties to the tract boundaries. These horizontal ties may be distances shown to the nearest 10 feet +/- . In these cases, I believe that re-establishing the boundary should be based on and to the accuracy the record data shows. Other documents describe the boundary as "to the MHW line" with no horizontal ties. In these cases, you will need to find where the MHW line was at that time. This could be done by researching record documents, aerial images from that time, coastal mapping, and any other documents, which would show the coast at that time.

*County of Orange – R.D.M.D - G./L.I.S. – Geodetic Unit*

***NGVD 29 and NAVD 88 Definitions (NGS)***

Mean Sea Level (MSL) is a tidal datum determined over a 19-year National Tidal Datum Epoch. It pertains to local mean sea level and should not be confused with the fixed datums of North American Vertical Datum of 1988 (NAVD 88).

NGVD 29 is a fixed datum adopted as a national standard geodetic reference for heights but is now considered superseded. NGVD 29 is sometimes referred to as Sea Level Datum of 1929 or as Mean Sea Level on some early issues of Geological Survey Topographic Quads. NGVD 29 was originally derived from a general adjustment of the first-order leveling networks of the U.S. and Canada after holding mean sea level observed at 26 long term tide stations as fixed. Numerous local and wide-spread adjustments have been made since establishment in 1929. Benchmark elevations relative to NGVD 29 are available from the National Geodetic Survey (NGS) data base via the World Wide Web at National Geodetic Survey.

NAVD 88 is a fixed datum derived from a simultaneous, least squares, minimum constraint adjustment of Canadian/Mexican/United States leveling observations. Local mean sea level observed at Father Point/Rimouski, Canada was held fixed as the single initial constraint. NAVD 88 replaces NGVD 29 as the national standard geodetic reference for heights. Benchmark elevations relative to NAVD 88 are available from NGS through the World Wide Web at National Geodetic Survey.

NGVD 29 and NAVD 88 are fixed geodetic datums whose elevation relationships to local MSL and other tidal datums may not be consistent from one location to another.

***References:***

**Water Boundaries, by George M. Cole**  
**Tidal Datums and Their Applications, NOAA Special Publication NOS CO-OPS 1**

***Websites:***

**<http://co-ops.nos.noaa.gov/>**

PHONES

PORTERVILLE

OFFICE: (559) 784-8916 and 784-5869

TIPTON

(559) 752-4201

E. W. Merritt Farms

11188 Road 192

Porterville, California 93257

MERRITT'S  
Blue Ribbon

QUALITY

June 21, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

My mother, Harriett, and I were the partners of E. W. Merritt Farms. We were farmers who live in Porterville, California, where I still reside and farm. My mother is deceased. On February 26, 1973, we purchased the property of the Hotel Laguna in Laguna Beach. In January 1973, I visited the property, examined the building, interviewed the owner and the operator, and observed the hotel operations. At the time of the purchase, the property was owned by Laguna Hotel Corporation. The purchase involved my purchase of all of the shares of Laguna Hotel Corporation. I purchased the shares on February 26, 1973, and immediately after the purchase transferred the property to E. W. Merritt Farms which is my family partnership. A copy of our deed is enclosed with this letter.

I have attached my diary entries from January 10 and 11, 1973, which were made at that time. My memory of the events almost 40 years ago is limited. My diary indicates that on Wednesday, January 10, 1973, I met with Barbara Schweitzer who was the representative of the family which owned Laguna Hotel Corporation. The meeting took place in the offices of attorney Hallack Hoag in Los Angeles. After the meeting, I went from Los Angeles to Laguna Beach where I spent the night at Hotel Laguna.

At the time of the purchase, Hotel Laguna was operated by Danish-American Hotels, Inc. under a lease which had begun in 1968. Bob Nielsen was the owner of Danish-American Hotels, Inc. My diary indicates that on Thursday, January 11, 1973, I met with Mr. Nielsen at Hotel Laguna. I recall some of the visit but not the date. During my visit, Mr. Nielsen showed me a building near the sand where beach furniture was stored. Mr. Nielsen stated that the beach use was of significant value because he provided food and beverage service on the beach as the hotel had done for many years. I saw the stairs which gave access from the hotel to the beach. I did observe posts and chains with signs which were on the beach at the north and south boundaries of the property.

EXHIBIT T

In November 1981, I received a letter from the City of Laguna Beach informing me that they were investigating if the posts, chains and signs on the beach should be removed. I telephoned Mr. Nielsen and sent him a copy of the letter. Mr. Nielsen stated that he would demonstrate to the City that the marking of the beach boundaries and the private property signs had existed ever since the hotel first opened. Mr. Nielsen filed documents with the City and I was informed in May 1982 that the City had determined that the marking of the boundaries had existed prior to 1940 and that the City had no authority to cause them to be removed.

In 1985, Danish-American Hotels, Inc. transferred its lease to Andersen Hotels, Inc. which was owned by Claes and Georgia Andersen. Claes Andersen passed away in 2010 and Mrs. Andersen is currently operating Hotel Laguna. To my knowledge, both Danish-American Hotels, Inc. and Andersen Hotels, Inc. continued without interruption the practices of marking the area of the beach used by patrons of Hotel Laguna, providing beach furniture for the use of their patrons, and serving food and beverages to patrons on the beach. If these activities had not been continued then I would have expected the hotel income, and thereby the income paid to me, would have fallen significantly.

Sincerely,

*Richard W. Merritt*

Richard W. Merritt

cc: Hotel Laguna

1973

Monday, JANUARY 8

Andrew Jackson defeated British at New Orleans, 1815

9 RAIN, 70° LAST NIGHT - SHOWERS  
 10 MOST OF DAY VISITED WITH MA  
 11 FEELS BETTER - WENT TO BANK AFTER  
 12 LUNCH HAD LONG TALK WITH PAUL  
 13 PERKINS ABOUT FINANCING AND HOTEL  
 14 DROPPED VICERA PURCHASE CONTRACT  
 15 AT BURKE BURFORDS ALONG  
 16 WITH CHEER ALSO PLORED BY  
 17 HAN CAR TALKED TO PAT & LETHA  
 18 AND PICKED UP MY DIARY

Tuesday, JANUARY 9

Richard M. Nixon, 37th Pres., born 1913



9  
 10  
 11  
 12  
 1  
 2  
 3  
 4  
 5

1973

Wednesday, JANUARY 10

Lend Lease Bill introduced in Congress, 1941

9 MET MR STEWART  
 10 MULLEN AT ATTORNEY HALLACK  
 11 HOAC IN OFFICE OF TRAVELERS  
 12 BID, WILKINS BLVD BAR DISCLOSED  
 13 PROPOSED BID PICKED UP COPY OF  
 14 MODIFICATION & EXTENSION OF  
 15 MASTER LEASE AND WILL WAIT  
 16 FOR STAYMENT OF 3 YEAR  
 17 AVERAGE OF HOTEL IN COMET  
 18 WENT ON TO LAUNA TONY & RAY  
 19 CAME UP FROM SAN DIEGO

Thursday, JANUARY 11

Alexander Hamilton born 1757

9 HAD BREAKFAST AT HOTEL BOB  
 10 NIXON PAID FOR IT THEN TOOK US  
 11 THROUGH HOTEL JOHN SEACH CAME  
 12 DOWN TALKED FOR WHILE

9  
 10  
 11  
 12  
 1  
 2  
 3  
 4  
 5

JANUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



HUBER, BURFORD, HORN & GILBERT  
ATTORNEYS  
P.O. Box 308  
PORTERVILLE, CA  
AND WHEN RECORDED MAIL TO

21718

RECORDED IN BOOK 10571 PAGE 595  
OFFICIAL RECORDS OF  
ORANGE COUNTY, CAL.

FEB 27 8 58 AM '73

J. WYLIE CARLYLE  
COUNTY RECORDER

\$3.00  
C10

Name E. W. MERRITT FARMS  
Street Address 11188 Road 192  
City & State Porterville, Calif. 93257

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

Name E. W. Merritt Farms  
Street Address 11188 Road 192  
City & State Porterville, Calif. 93257

No consideration

*Richard W. Merritt*

D.T.T. S. NONE

## Corporation Grant Deed

TO 406 CA (7-68)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

A.P.# 054-125-23  
24

Laguna Hotel Corporation

a corporation organized under the laws of the state of California  
hereby GRANTS to E. W. Merritt Farms, a partnership consisting of  
Richard W. Merritt and Harriet L. Merritt

the following described real property in the City of Laguna Beach,  
County of Orange known as 417-451 South Coast Highway  
State of California:

Parcels "A" and "B" as shown by Record of Survey  
recorded in Book 43 at Page 44 in the Record of  
Surveys in the Office of the County Recorder of  
Orange County, California

subject to lease dated 17th day of June, 1947 between Laguna Hotel  
Corporation and Lawrence Henry Lee et al and extension and modification  
of lease dated April 17, 1967 between Laguna Hotel Corporation and  
Lee-Laguna Hotel Corporation and sublease and agreement dated April 27,  
1967, between Lee-Laguna Hotel Corporation and Danish-American Hotels,  
Inc.

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instru-  
ment to be executed by its \_\_\_\_\_ President and \_\_\_\_\_ Secretary  
thereunto duly authorized.

Dated: February 27, 1973

LAGUNA HOTEL CORPORATION

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SS.

On February 27, 1973 before me, the under-  
signed, a Notary Public in and for said State, personally appeared  
Richard W. Merritt

known to me to be the \_\_\_\_\_ President, and  
Naelda J. Merritt

known to me to be  
Secretary of the Corporation that executed the  
within Instrument, known to me to be the persons who executed the  
within Instrument on behalf of the Corporation therein named, and  
acknowledged to me that such Corporation executed the within Instru-  
ment pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature

*Elizabeth A. Hunt*

Elizabeth A. Hunt

Name (Typed or Printed)

By

*Richard W. Merritt*

Richard W. Merritt

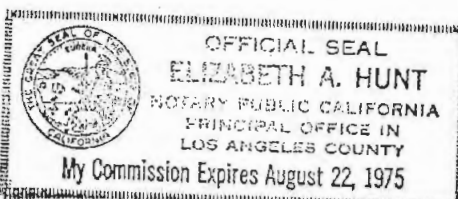
President

By

*Naelda J. Merritt*

Naelda J. Merritt

Secretary



(This area for official notarial seal)

Title Order No.

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

## APPENDIX "2"

### HOTEL LAGUNA BUILDING PERMIT HISTORY

<u>DATE</u>	<u>PERMIT #</u>	<u>TYPE OF WORK</u>
06/10/1930	Unknown	Construction of Hotel
06/02/1931	1857	Construction - Addition
10/29/1932	2419	Construction - Repairs and Electrical
08/23/1933	2641	Construction - Alterations
03/28/1934	2735	Construction - Alterations
05/28/1934	2802	Construction - Foundation
10/11/1939	5770	Construction of Bulkhead
09/22/1941	6908	Construction - Re-roof Existing Hotel Bldg.
02/05/1942	7319	Construction - Re-roofing and repair
11/19/1943	7603	Construction - Lattice Greenhouse
07/27/1944	7957	Construction - Change Doors & Cabinets
11/30/1944	8108	Construction - Roofing and Repair
07/02/1945	8475	Construction - Alteration to Bldg. Café
11/19/1945	8704	Construction - Alteration to Exist. Bldg.
03/28/1946	8999	Construction - Addition to Sun Room
03/20/1947	9751	Construction - Repairs & Fireproofing
11/07/1947	Variance	Resolution No. 521 - Addition
11/11/1947	10377	Construction - Heating & Ventilation
12/10/1947	10436	Construction - Remodel partition
04/20/1949	11455	Construction - Marquee over Coffee Shop
06/09/1949	11543	Construction
09/06/1949	11687	Construction - Auto Fire Sprinkler System
03/16/1950	11414	Construction - Drop and Enclose Ceiling
05/25/1950	12023	Construction - Dining Room Addition
07/10/1950	12097	Construction - Auto Fire Sprinklers
10/20/1950	12235	Construction - Aluminum Awning
06/20/1951	Variance	Application for Variance No. 742
06/20/1951	Variance	Construction - Beach Storage Facility
06/20/1951	Variance	Resolution No. 792 - Beach Storage Facility
07/07/1951	12563	Construction - Pkg. Lot Fence & Walls
07/09/1951	12567	Construction - Roof Repair
07/16/1951	Public Hearing	Notice RE: Construct Beach Storage Facility
09/25/1951	12668	Construction-Concrete Retaining Wall

<u>DATE</u>	<u>PERMIT #</u>	<u>TYPE OF WORK</u>
09/25/1951	12669	Construction - block wall at 501 S.C.H.
03/28/1952	12878	Construction - New Storage Building
01/05/1953	13240	Construction - Coffee Shop Remodel
04/06/1953	13344	Construction - Repair Work, Termite Work
03/26/1954	13817	Construction - Partial Re-roofing
05/03/1954	13887	Construction - Remodel & Repairs
05/04/1955	14341	Construction - Remodel Lobby
04/16/1956	Variance	Application for Variance-Expand Roof Sign
04/26/1956	Variance	Resolution No. 2005 - Expand Roof Sign
04/24/1957	15318	Construction
06/06/1957	15381	Construction - Replace Wood Windows
10/02/1957	Variance	App. for Variance No 1154-New Bldg
11/19/1957	15601	Construction - Demo five dwellings
04/14/1958	15763	Construction - Retaining Wall SW Property
07/22/1958	15913	Construction - Block Wall Around Pkg Lot
05/20/1959	Variance	Resolution No. 8891 - Construction
05/20/1959	Variance	Resolution No. 2291 - Construction
05/28/1959	Variance	Application for Variance - Hotel & Carport
12/15/1959	16618	Application for Building Permit
04/07/1960	16764	Construction - Concrete Block Wall
04/18/1961	17278	Constructions - Alt. To Store Bldg. portion
12/03/1962	Letter	Architects' Info. Re: Marine Room Ext.
12/20/1962	Variance	Resolution No. 2650-Marine Room Ext.
12/20/1962	Variance	App. For Variance No. 1601
01/07/1963	Minutes	Planning Commission Re: Variance 1601
04/07/1967	67-127	Construction - Install Chain Link Fence
05/06/1968	68-166	Construction - Phase I Alterations
10/25/1968	68-426	Construction - Alterations to Present Bldg.
01/07/1969	69-011	Construction - Coffee Shop Alterations



**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

For Dept. Use Only

LOCATION: Address 417 Coast Blvd So.  
 Lot 129 Block \_\_\_\_\_ Tract L. Beach  
 Owner Laguna Hotel Co Address \_\_\_\_\_

USE OR OCCUPANCY: Group H Division 1 Use Zone No. 2

Existing \_\_\_\_\_ No. Rooms \_\_\_\_\_ No. Families \_\_\_\_\_

Proposed \_\_\_\_\_ No. Rooms \_\_\_\_\_ No. Families \_\_\_\_\_

CONSTRUCTION: Type V Fire Zone No. 2

Nature of work Addition Valuation \$ 8000.00

Contractor Tharablin State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Architect \_\_\_\_\_ State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Material: Exterior Walls Stucco Roof Comp.

Height to Highest Point \_\_\_\_\_ ft.; No. Stories \_\_\_\_\_

Other Buildings: On same lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from Proposed work, of Buildings on same lot \_\_\_\_\_ ft.;

on other lots \_\_\_\_\_ ft.

Size: Width \_\_\_\_\_ ft. by Length \_\_\_\_\_ ft.; Area of 1st Floor \_\_\_\_\_ sq. ft.

NOTE: The granting of a Building Permit does not grant any right or privilege to:  
 (1), Erect any building and/or structure or any portion thereof, upon any street, alley, or other public place or portion thereof; or (2), Use any building and/or structure or any portion thereof, for any purpose that is, or may be prohibited by ordinances of the city of Laguna Beach.

The granting of a Building Permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such Permit.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach, and State of California and amendments thereto, and that the above building and/or structure will be built in conformity therewith.

Signed Tharablin Applicant.

NOTE: IF NO PLANS ARE FILED, SHOW PLAN AND WINDOW SIZES ON OTHER SIDE.

**BUILDING PERMIT**

No. 1857

Date 6-2-31

Fee \$ 200

**APPLICATION**

Rec'd 6-2-31

Plans Filed \_\_\_\_\_, 19\_\_\_\_

Checked by STC

**CLASSIFICATION**

Group H

Division 1

**Types of Construction**

Type 1—Fire Resistive  
 Type 2—Heavy Timber  
 Type 3—Ordinary Masonry  
 Type 4—Metal Frame  
 Type 5—Wood Frame

**Nature of Work**

Erection, Construction,  
 Enlargement, Alteration,  
 Repair, Moving, Conversion,  
 Demolition

*Exterior Highway porch  
 at kitchen. 2x6 studs x  
 31 feet. 2x6 studs x  
 2x6 7/16" x 16" joists  
 16" on center*

**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

For Dept. Use Only

LOCATION: Address 417 Coast Blvd S  
 Lot 129 Block \_\_\_\_\_ Tract Laguna Beach  
 Owner Laguna Hotel Address \_\_\_\_\_

USE OR OCCUPANCY: Group H Division 1 Use Zone No. A

Existing \_\_\_\_\_ No. Rooms \_\_\_\_\_ No. Families \_\_\_\_\_

Proposed Alterations No. Rooms \_\_\_\_\_ No. Families \_\_\_\_\_

CONSTRUCTION: Type V Fire Zone No. #2

Nature of work Repair etc Valuation \$ 1000.00

Contractor Owner State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Architect \_\_\_\_\_ State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Material: Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_

Height to Highest Point \_\_\_\_\_ ft.; No. Stories \_\_\_\_\_

Other Buildings: On same lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from Proposed work, of Buildings on same lot \_\_\_\_\_ ft.;

on other lots \_\_\_\_\_ ft.

Size: Width \_\_\_\_\_ ft. by Length \_\_\_\_\_ ft.; Area of 1st Floor \_\_\_\_\_ sq. ft.

NOTE: The granting of a Building Permit does not grant any right or privilege to:  
 (1), Erect any building and/or structure or any portion thereof, upon any street,  
 alley, or other public place or portion thereof; or (2), Use any building and/or  
 structure or any portion thereof, for any purpose that is, or may be prohibited by  
 ordinances of the city of Laguna Beach.

The granting of a Building Permit does not affect or prejudice any claim of  
 title to, or right of possession in, the property described in such Permit.

I have read the above application and know the contents thereof; the same is true and correct. I  
 further state that I am familiar with the laws governing building within the City of Laguna Beach,  
 and State of California and amendments thereto, and that the above building and/or structure will be  
 built in conformity therewith.

Signed [Signature] Applicant.

**BUILDING PERMIT**

No. 2419

Date 10-29 1932

Fee \$ 200.1

**APPLICATION**

Rec'd \_\_\_\_\_, 19\_\_\_\_

Plans Filed \_\_\_\_\_, 19\_\_\_\_

Checked by \_\_\_\_\_

**CLASSIFICATION**

Group \_\_\_\_\_

Division \_\_\_\_\_

**Types of Construction**

Type 1—Fire Resistive  
 Type 2—Heavy Timber  
 Type 3—Ordinary Mason-

ry  
 Type 4—Metal Frame  
 Type 5—Wood Frame

**Nature of Work**

Erection, Construction,  
 Enlargement, Alteration,  
 Repair, Moving, Conver-  
 sion, Demolition

NOTE: IF NO PLANS ARE FILED, SHOW PLAN AND WINDOW SIZES ON OTHER SIDE.

**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

For Dept. Use Only

**BUILDING PERMIT**

No. 241  
 Date 8-23, 1938  
 Fee \$ 2.00

**APPLICATION**

Rec'd. ...., 19....  
 Plans Filed....., 19....  
 Checked by.....  
 ..... 19....

**CLASSIFICATION**

Group.....

Division.....

**Types of Construction**

Type 1—Fire Resistive  
 Type 2—Heavy Timber  
 Type 3—Ordinary Masonry  
 Type 4—Metal Frame  
 Type 5—Wood Frame

**Nature of Work**

Erection, Construction,  
 Enlargement, Alteration,  
 Repair, Moving, Conversion,  
 Demolition

LOCATION: Address 417 Coast Blvd So

Lot 129 Block..... Tract Laguna Beach

Owner Laguna Hotel Address.....

USE OR OCCUPANCY: Group H Division..... Use Zone No. A

Existing..... No. Rooms..... No. Families.....

Proposed Alteration No. Rooms 3 No. Families.....

CONSTRUCTION: Type V Fire Zone No. #2

Nature of work Construction Valuation \$ 600.00

Contractor Taylor Bros. State..... License No.....

Address.....

Architect..... State..... License No.....

Address.....

Material: Exterior Walls Stucco Roof Comp.

Height to Highest Point.....ft.; No. Stories.....

Other Buildings: On same lot..... How Used.....

Minimum distance from Proposed work, of Buildings on same lot.....ft.;

on other lots.....ft.

Size: Width.....ft. by Length.....ft.; Area of 1st Floor.....sq. ft.

NOTE: The granting of a Building Permit does not grant any right or privilege to:  
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I have read the above application and know the contents thereof; the same is true and correct. I  
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 and State of California and amendments thereto, and that the above building and/or structure will be  
 built in conformity therewith.

Signed.....Applicant.

NOTE: IF NO PLANS ARE FILED, SHOW PLAN AND WINDOW SIZES ON OTHER SIDE.

ON <u>Art Coast Blvd So</u>			Group: <u>H</u> Type: <u>V</u>	
OWNER <u>425 Laguna Hotel</u>			Fire Zone <u>#2</u>	
LOT	BLOCK	TRACT	Use Zone <u>A</u>	
OK DATE	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
✓	BUILDING	Taylor Bros	8-23-33	5641
	FOUNDATION			
	FRAMING			
	PLUMBING	Roy LeHard	7-10-33	1602
	PLUMBING FIXTURES	C.E. Benson	12-9-33	1649
	SEWER			
✓	WIRING	Harold Stover	7-7-33	1622
	WIRING FIXTURES			
	PLASTERING			
	OCCUPANCY			

**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

For Dept. Use Only

**BUILDING PERMIT**

No. 2735  
 Date 3/28 1974  
 Fee \$ 450

**APPLICATION**

Rec'd..... 19.....  
 Plans Filed..... 19.....  
 Checked by.....  
 ..... 19.....

**CLASSIFICATION**

Group.....  
 Division.....  
 Types of Construction  
 Type 1—Fire Resistive  
 Type 2—Heavy Timber  
 Type 3—Ordinary Mason-  
 ry  
 Type 4—Metal Frame  
 Type 5—Wood Frame

**Nature of Work**

Erection, Construction,  
 Enlargement, Alteration,  
 Repair, Moving, Conver-  
 sion, Demolition

LOCATION: Address 417 Coast Blvd So

Lot..... Block..... Tract.....

Owner Laguna Hotel Address.....

USE OR OCCUPANCY: Group H Division 1 Use Zone No. A

Existing..... No. Rooms..... No. Families.....

Proposed Alterations No. Rooms 1 No. Families —

CONSTRUCTION: Type V Fire Zone No. #2

Nature of work Construction Valuation \$ 300.00

Contractor Taylor Bros State License No.....

Address.....

Architect..... State License No.....

Address.....

Material: Exterior Walls Stucco & Board Roof Comp

Height to Highest Point 12 ft.; No. Stories 1

Other Buildings: On same lot No How Used.....

Minimum distance from Proposed work, of Buildings on same lot.....ft.;

on other lots.....ft.

Size: Width.....ft. by Length.....ft.; Area of 1st Floor.....sq. ft.

NOTE: The granting of a Building Permit does not grant any right or privilege to:  
 (1), Erect any building and/or structure or any portion thereof, upon any street,  
 alley, or other public place or portion thereof; or (2), Use any building and/or  
 structure or any portion thereof, for any purpose that is, or may be prohibited by  
 ordinances of the city of Laguna Beach.

The granting of a Building Permit does not affect or prejudice any claim of  
 title to, or right of possession in, the property described in such Permit.

I have read the above application and know the contents thereof; the same is true and correct. I  
 further state that I am familiar with the laws governing building within the City of Laguna Beach,  
 and State of California and amendments thereto, and that the above building and/or structure will be  
 built in conformity therewith.

Signed.....Applicant.

NOTE: IF NO PLANS ARE FILED, SHOW PLAN AND WINDOW SIZES ON OTHER SIDE.

# APPLICATION FOR BUILDING PERMIT

CITY OF LAGUNA BEACH  
BUILDING DEPARTMENT

For Dept. Use Only

## BUILDING PERMIT

No. 2802

Date \_\_\_\_\_, 19\_\_\_\_

Fee \$ \_\_\_\_\_

## APPLICATION

Rec'd \_\_\_\_\_, 19\_\_\_\_

Plans Filed \_\_\_\_\_, 19\_\_\_\_

Checked by \_\_\_\_\_

## CLASSIFICATION

Group \_\_\_\_\_

Division \_\_\_\_\_

### Types of Construction

Type 1—Fire Resistive

Type 2—Heavy Timber

Type 3—Ordinary Masonry

Type 4—Metal Frame

Type 5—Wood Frame

### Nature of Work

Erection, Construction,  
Enlargement, Alteration,  
Repair, Moving, Conversion,  
Demolition

LOCATION: Address 425 Coast Blvd W

Lot 129 Block \_\_\_\_\_ Tract Laguna Beach

Owner H. I. Hollingsworth Corp. Address \_\_\_\_\_

USE OR OCCUPANCY: Group F. Division 1 Use Zone No. 4

Existing \_\_\_\_\_ No. Rooms \_\_\_\_\_ No. Families \_\_\_\_\_

Proposed Construction No. Rooms One No. Families \_\_\_\_\_

CONSTRUCTION: Type V Fire Zone No. # 2

Nature of work Construction Valuation \$ 150.00

Contractor Owner State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Architect \_\_\_\_\_ State \_\_\_\_\_ License No. \_\_\_\_\_

Address \_\_\_\_\_

Material: Exterior Walls Brick & Block Roof Grip

Height to Highest Point 10 ft.; No. Stories 1

Other Buildings: On same lot Yes How Used Hall

Minimum distance from Proposed work, of Buildings on same lot 435 feet ft.;

on other lots \_\_\_\_\_ ft.

Size: Width See ft. by Length \_\_\_\_\_ ft.; Area of 1st Floor \_\_\_\_\_ sq. ft.

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and State of California and amendments thereto, and that the above building and/or structure will be  
built in conformity therewith.

H. I. Hollingsworth  
Signed by W. J. Smith Applicant.

NOTE: IF NO PLANS ARE FILED, SHOW PLAN AND WINDOW SIZES ON OTHER SIDE.

LOCATION <u>479 Coast Blvd So</u>		Group: <u>F</u> Type: <u>V</u>		
OWNER <u>W. I. Hollingsworth #1500</u>		Fire Zone <u># 2</u>		
LOT <u>129</u> BLOCK <u>      </u> TRACT <u>L. P.</u>		Use Zone <u>A</u>		
OR DATE	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
✓	BUILDING	<u>Owner</u>	<u>5-28-34</u>	<u>2802</u>
✓	FOUNDATION	<u>[Signature]</u>		
	FRAMING			
	PLUMBING			
	PLUMBING FIXTURES			
	SEWER			
	WIRING	<u>Bonitas Elect.</u>	<u>6-1-34</u>	<u>2810</u>
	WIRING FIXTURES			
	PLASTERING			
	OCCUPANCY			



# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

#### USE INK

LOCATION 425 Coast Blvd So

LOT NO. 129 - Laguna Beach

& that parcel of land SWly of lot 129  
Laguna Beach.

BLOCK \_\_\_\_\_ TRACT \_\_\_\_\_

OWNER Laguna Hotel

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 3500.00  
Cost to Replace the Building in kind.

CONTRACTOR Smith Const. State License \_\_\_\_\_

Address \_\_\_\_\_

ARCHITECT Wm D Coffey State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Const of Bulkhead.

Number of Existing Rooms \_\_\_\_\_ families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ families \_\_\_\_\_

Material of Exterior Walls Plaster & Sheathing Height at Highest Point 20

Size of Proposed Building ft. x ft. Area of First Floor sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California and amendments thereto, and that the above building or structure will be built in conformity therewith.

All Applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

Sam S Smith  
Owner or Authorized Agent

 TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>5770</u>
Issued by <u>Rec</u>
Fee <u>for</u>
Date Received <u>10/11</u>
Date Issued <u>10/11</u>
Classification
Group <u>J</u>
Division <u>1</u>
Type <u>✓</u>
Nature of Work <u>Const</u>
Zone <u>H</u>
Fire District <u>#2</u>
Structure <u>✓</u>
Checked by <u>IRL Boyle</u>
State Housing Law
Checked by



Owner	Laguna Hotel		Value	\$3500.00	Group	Type
Location	425 Coast Dr. So.		Fire Zone	# 2		
Lot	129	Block	Tract	Laguna Beach	Use Zone	A

O. K. DATE	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
	Building	Smith Const Co.	10-11-39	5770
	Foundation			
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION	425 Coast Blvd So		
LOT NO.	129		
BLOCK	TRACT L. B.		
OWNER	Laguna Hotel		
ADDRESS			
Valuation of Proposed Work	{ "Value" of Building shall be Estimated } \$1400.00 { Cost to replace the Building in kind. }		
CONTRACTOR	OWEN ROOFING CO.	State License	
Address			
ARCHITECT	State License		
Address			
Nature of Work	Reroof Existing Hotel Bldg.		
Number of Existing Rooms	Families		
Number of Proposed Rooms	Families		
Material of Exterior Walls	Hocco	Roof	Comp. Height at Highest Point
Size of Proposed Building	ft. x	ft.	Area of First Floor Sq. ft. Number of Stories 3
Other Buildings on Same Lot	How Used		
Minimum distance from proposed work of Building on same lot	ft.		

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California and amendments thereto, and that the above building or structure will be built in conformity therewith.

All Applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

*Owen Roofing Co Inc*  
Owner or Authorized Agent  
*Sta Barrow*

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.	6908
Issued by	9WC
Fee	\$4.00
Date Received	9-22-41
Date Issued	9-23-41
Classification	
Group	H
Division	1
Type	V
Nature of Work	Reroof.
Zone	C
Fire District	#2
Structure	✓
Checked by	
State Housing Law	✓
Checked by	
Planning Ord.	✓
Checked by	

# APPLICATION FOR BUILDING PERMIT

CITY OF LAGUNA BEACH  
BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

LOCATION <sup>417</sup> 425 Coast Blvd South

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Hotel Laguna

ADDRESS 425 Coast Blvd South

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$3000  
{ Cost to replace the Building in kind. }

CONTRACTOR Owen Roofing Co. Inc. State License 3242

Address 509 E. 4th St. Santa Ana

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Re-roofing & repairing

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of First Floor Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

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All Applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here A. H. T. Morrow  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.

7319

Issued by

Loyant

For

\$200

Date Received

2-5-42

Date Issued

2-5-42

Classification

Group

H

Division

Type

V

Nature of Work

Zone

C.2.

Fire District

#2

Structure

Checked by B

State Housing Law

Checked by B

Planning Ord.

Checked by B

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

LOCATION 425 So. Coast Blvd.

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Laguna Hotel Corp.

ADDRESS 425 So. Coast Blvd.

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 700.00  
 Cost to replace the Building in kind.

CONTRACTOR \_\_\_\_\_ State License \_\_\_\_\_  
 Address \_\_\_\_\_

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work Single Green House

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Wall Stucco Roof Asphalt Height at Highest Point 9'

Size of Proposed Building 12 ft. x 14 ft. Area of first floor 192 Sq. ft. Number of Stories 1

Other Buildings on Same Lot Hotel & Shop How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot 8 ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS \_\_\_\_\_ Sign here Blondy J. Seibert  
 and other data must be filed \_\_\_\_\_  
 Officer or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.	<u>7603</u>
Issued by	<u>guc</u>
Fee	<u>2.00</u>
Date Received	<u>11-19</u>
Date Issued	<u>11-19</u>
Classification	<u>#</u>
Group	<u>J</u>
Division	<u>1</u>
Type	<u>V</u>
Nature of Work	<u>Const</u>
Zone	<u>C2</u>
Fire District	<u>#2</u>
Structure	<u>✓</u>
Checked by	
State Housing Law	<u>✓</u>
Checked by	
Planning Ord.	
Checked by	<u>✓</u>

Location	425 COAST BLVD. SC	Fire Zone	#2
Lot	129 Block	Use Zone	C2
Tract LAGUNA BEACH			

O. K. Date	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
	Building	LAGUNA HOTEL CORP.	11/19/43	7603
	Foundation			
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

LOCATION 417 Coast Blvd. So USE INK

LOT NO. 129

Laguna Beach

BLOCK \_\_\_\_\_ TRACT \_\_\_\_\_

OWNER Hollingsworth Co. Hotel Laguna

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 100.00  
 { Cost to replace the Building in kind. }

CONTRACTOR A. L. Stucker State License 56583

Address 191 Canyon Acres Rd.

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Change doors & build cabinets

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms no Families no

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here A. L. Stucker  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>7957</u>
Issued by <u>Bryant</u>
Fee <u>\$800</u>
Date Received
Date Issued <u>7/27/44</u>
Classification
Group <u>FPI</u>
Division
Type <u>V</u>
Nature of Work
Zone <u>C2</u>
Fire District <u># 2</u>
Structure
Checked by <u>B</u>
State Housing Law
Checked by <u>B</u>
Planning Ord.
Checked by <u>B</u>

Owner		HOLLINGSWORTH, J. H.		Value \$ 100.00		Group	Type
		425 417 Coast Blvd. So.				Fire Zone	
Lot 129		Block		Tract	Laguna Beach	Use Zone	

O. K. Date	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
	Building	A. L. Stricker	7-27-44	7957
	Foundation			
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			

# **APPLICATION FOR BUILDING PERMIT** **CITY OF LAGUNA BEACH** **BUILDING DEPARTMENT**

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LOCATION 425 Coast Blvd. South USE INK

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Hotel Laguna

ADDRESS Same

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 200.00  
 { Cost to replace the Building in kind. }

CONTRACTOR Ross & Darrows State License 75132

Address 509 E. 4th St. Santa Ana

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Re-roofing & Repairing

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here

Ross & Darrows  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>8108</u>
Issued by <u>Bryant</u>
Fee <u>dp as</u> x
Date Received
Date Issued <u>11/30/44</u>
Classification
Group <u>H</u>
Division
Type <u>V</u>
Nature of Work
Zone <u>C2</u>
Fire District <u>#2</u>
Structure
Checked by <u>B</u>
State Housing Law
Checked by <u>B</u>
Planning Ord.
Checked by <u>B</u>



# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

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LOCATION 415 445 Coast Boulevard So  
 LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach  
 OWNER Laguna Hotel (Hollingsworth Co)  
 ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 4000.00  
 { Cost to replace the Building in kind. }

CONTRACTOR A. L. Stricker State License \_\_\_\_\_  
 Address \_\_\_\_\_

ARCHITECT Harold Johnson State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work Alterations to a Hotel Building (Cafe)

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls Stucco Roof Concrete Height at Highest Point \_\_\_\_\_

Size of Proposed Building 1 ft. x 1 ft. Area of first floor 1 Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot No How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

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All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here

A. L. Stricker  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>8475</u>
Issued by <u>Bryant</u>
Fee <u>\$800</u>
Date Received
Date Issued <u>7/2/45</u>
Classification
Group <u>H &amp; F</u>
Division
Type <u>III &amp; V</u>
Nature of Work
Zone <u>C 2</u>
Fire District <u># 2</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by

Owner - LAGUNA HOTEL (Hollingsworth) \$ 4,000.00			Group	Type
415 Coast Blvd., So.			Fire Zone	
Lot 129	Block	Tract Laguna Beach	Use Zone	
O. K. Date	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
	Building	A.L. Stricker	7-2-45	81475
	Foundation			
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring	H.M. STOVER	2-15-46	8905
	Wiring Fixtures			
	Plastering			
	Occupancy			

**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

LOCATION USE INK Hotel Laguna 417 Coast Blvd So.

LOT NO. cor. Laguna Ave & Coast Blvd So

BLOCK \_\_\_\_\_ TRACT \_\_\_\_\_

OWNER Hollingsworth Corp.

ADDRESS L. A.

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 4,000.00  
 { Cost to replace the Building in kind. }

CONTRACTOR A. L. Stricker State License 56583

ARCHITECT (Engineer) R. Howard Amin State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work Make alterations to an existing Bldg.

Number of Existing Rooms Hotel Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls Stone Roof Comps Height at Highest Point 70

Size of Proposed Building fl. x ft. Area of first floor Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here A. L. Stricker  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>8704</u>
Issued by <u>Byrant</u>
Fee <u>\$800</u>
Date Received
Date Issued <u>11/19/45</u>
Classification
Group <u>H</u>
Division <u>1</u>
Type <u>T + 1</u>
Nature of Work
Zone <u>C 2</u>
Fire District <u>#2</u>
Structure
Checked by <u>B</u>
State Housing Law
Checked by <u>B</u>
Planning Ord.
Checked by <u>B</u>

Owner <b>HOLLINGSWORTH, J.H., Co.</b> , Value \$ <b>4,000.00</b>		Group	Type
<b>425-417 Coast Blvd., So.</b>		Fire Zone	
Lot <b>129</b>	Block	Tract	Use Zone
<b>Laguna Beach</b>			

O. K. Date	ITEM	CONTRACTOR	PERMIT	
			DATE ISSUED	NUMBER
	Building	A.L. Stricker	11-19-45	8704
	Foundation			
	Framing			
	Plumbing	IVAN L. HEFTY	7-5-46	676
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			

See City  
Book  
Permit

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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USE INK

LOCATION 417 Coast Blvd. So

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Hotel Laguna Corp. J.H. Hollingworth Co.

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated } \$ 1000.00  
 { Cost to replace the Building in kind. }

CONTRACTOR A.L. Stucker State License 56583

Address \_\_\_\_\_

ARCHITECT owner State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work construct additional four room

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms one Families room

Material of Exterior Walls stucco Roof comp. Height at Highest Point 10 ft.

Size of Proposed Building 12 ft. x 23 ft. Area of first floor 276 Sq. ft. Number of Stories \_\_\_\_\_

Other Buildings on Same Lot no How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot attached ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here A.L. Stucker  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE.

PERMIT NO.

8999

Issued by

Bryant

Fee

\$100.00

Date Received

3-28-46

Date Issued

3/28/46

Classification

Group

H

Division

1

Type

IV

Nature of Work

Zone

C1

Fire District

#2

Structure

Checked by B

State Housing Law

Checked by B

Planning Ord.

Checked by B

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

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425

USE INK

LOCATION

425 Coast Blvd South

LOT NO.

Laguna Hotel - Laguna Beach

BLOCK

TRACT

OWNER

J. B. Agnew & Associates

ADDRESS

Hotel Laguna

Valuation of Proposed Work

"Value" of Building shall be Estimated \$ 450.00  
Cost to replace the Building in kind.

CONTRACTOR

Albert A. McKinnis State License 75653

Address

1170 Temple Hills Drive

ARCHITECT

State License

Address

Nature of Work

Repairs & Alterations - Reroofing

Number of Existing Rooms

Families

Number of Proposed Rooms

Families

Material of Exterior Walls

Roof

Height at Highest Point

Size of Proposed Building

ft. x

ft.

Area of first floor

Sq. ft.

Number of stories

Other Buildings on Same Lot

How Used

Minimum distance from proposed work of Building on same lot

ft.

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PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.

9751

Issued by

Re.

Fee  
5.00

Date Received

3/20/47

Date Issued

3/20/47

Classification

Group

H

Division

Type

I

Nature of Work

Alteration

Zone

C-2

Fire District

#2

Structure

Checked by

State Housing Law

Checked by

Planning Ord.

Checked by

Owner AGNEW, J. B. & ASSOCIATES due \$ 450.00

Group H Type V

425 COAST BOULEVARD S (Hotel) Repairs

Zone C-2

Lot Block Tract # 9790, Repairs, \$1500 Dist. # 2

O. K. Date	ITEM	CONTRACTOR	PERMIT	
			Date Issued	Number
	Building 5/27/47	GILBERT A. Mc KINZIE	3-20-47	9751
	Foundation	GILBERT A. McKINZIE	4-9-47	9790
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			



RESOLUTION No. 521

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH  
GRANTING A VARIANCE TO A PORTION OF LOT 129, LAGUNA BEACH TRACT.

A verified application dated November 7, 1947, and numbered 513 under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

**LAGUNA HOTEL CORPORATION**

and said application having been regularly referred to this Commission and a public hearing having been duly and regularly held thereon;

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

Said real property above mentioned is described as follows:

A portion of Lot 129 (See attached plot), Laguna Beach Tract.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve and order as follows:

That Petitioner, Laguna Hotel Corporation, be and it is hereby granted a variance from the provisions of said Ordinance as follows:

To permit the construction and operation of a three story building with stores on the ground floor and 24 hotel rooms on the second and third floors. The required garage space for 12 cars shall be provided and maintained at all times within a radius of 1200 feet of the hotel building.

That said variance be, and the same is hereby granted, subject to the following conditions, terms, restrictions and limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, hereby declared to be non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots and improvements.
2. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within 180 days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such 180 days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within



such 180 day period by reason of delays caused by the Planning Commission, or the building Inspector in approving plans, in which event the Planning Commission may grant a reasonable extension of time.

Adopted this 15th day of December, 1947.

Attest:

Douglas Mackenzie  
Secretary

Earl W. Gaynick  
Chairman

I, Douglas Mackenzie, Secretary of the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission, held on the 15th day of December, 1947, by the following vote, constituting a majority of the membership of said Commission, to-wit:

AYES: Gaynick, Bainbridge, Eigham, Soronsen, Reed, Case, Seeman, St. Clair, Goddard

NOES: None

ABSENT: None

Douglas Mackenzie  
Secretary

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

LOCATION 425 Coast Blvd South  
Hotel Laguna, Laguna Ave at Coast Blvd.  
 LOT NO. 129

BLOCK                      TRACT Laguna Beach  
 OWNER Hotel Laguna  
 ADDRESS 425 Coast Blvd. South

Valuation of Proposed Work { "Value" of Building shall be Estimated \$ 300.00  
 Cost to replace the Building in kind.  
 CONTRACTOR H. Lee Burton State License 72099  
 Address 861 Park Ave.

ARCHITECT                      State License                       
 Address                     

Nature of Work Remodel partition between Marine Room & Sun Room  
(Enlarge opening to 20' between Rm's)  
 Number of Existing Rooms                      Families                     

Number of Proposed Rooms                      Families                     

Material of Exterior Walls                      Roof                      Height at Highest Point                     

Size of Proposed Building ft. x ft. Area of first floor Sq. ft. Number of stories                     

Other Buildings on Same Lot                      How Used                     

Minimum distance from proposed work of Building on same lot ft.                     

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.  
 All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS and other data must be filed Sign here H. Lee Burton  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

*copy 12-11-47  
no print*

PERMIT NO. <u>10436</u>
Issued by <u>Jo.</u>
Fee <u>2.00</u>
Date Received <u>12/10/47</u>
Date Issued <u>12/10/47</u>
Classification <u>                    </u>
Group <u>"F"</u>
Division <u>                    </u>
Type <u>V</u>
Nature of Work <u>REMODEL</u>
Zone <u>C-2</u>
Fire District <u>#7</u>
Structure <u>                    </u>
Checked by <u>                    </u>
State Housing Law <u>                    </u>
Checked by <u>                    </u>
Planning Ord. <u>                    </u>
Checked by <u>                    </u>

Owner	Laguna Hotel Corp	ting & Vent. value \$7100.00	Group F Type V
	425 Coast Blvd. South	300.00 remodel	Zone C-2
Lot 129	Block	Tract Laguna Tract	Fire Dist. #2

O. K. Date	ITEM	CONTRACTOR	PERMIT	
			Date Issued	Number
	Building	(413 E. 4th) Payne Furnace Co., S.A.	11-14-47	10377
12/10	Foundation	Burton, Lee	12-10-47	10436
	Framing			
	Plumbing			
	Plumbing Fixtures			
	Sewer			
	Wiring			
	Wiring Fixtures			
	Plastering			
	Occupancy			

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

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425 So. Coast <sup>USE INK</sup> <sup>corp.</sup>  
 LOCATION Hotel Laguna - Costa Highway -  
 LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach  
 OWNER Hotel Laguna Corp. (Leonard Alex C. De Gus, and L.H. Lee)  
 ADDRESS \_\_\_\_\_

Valuation of Proposed Work | "Value" of Building shall be Estimated  
 Cost to replace the Building in kind. \$ 500.00

CONTRACTOR Hotel Laguna Corp. State License \_\_\_\_\_  
 Address W. D. Hollingsworth Bldg. 6th & Hill - Los Angeles

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work Marquee - Over Coffee Shop Floor.

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot . \_\_\_\_\_ ft.

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PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here William L. Craig  
 Owner of Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>11455</u>
Issued by <u>K</u>
Fee <u>3.00</u>
Date Received
Date Issued <u>4-20-49</u>
Classification
Group
Division
Type
Nature of Work <u>Marquee</u>
Zone <u>C-2</u>
Fire District <u># 2</u>
Structure <input checked="" type="checkbox"/>
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by

+ Call 12783 When Ready  
1/20/49

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION 425 S. Coast Blvd.

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Laguna Hotel Operating Co.

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated \$ 1000.00  
Cost to replace the Building in kind.

CONTRACTOR \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Move Paints and Exterior Building

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

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PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here A. C. De Leo.  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>11543</u>
Issued by <u>JB</u>
Fee <u>\$4.00</u>
Date Received <u>6/9/49</u>
Date Issued <u>6/9/49</u>
Classification
Group <u>H</u>
Division
Type <u>II</u>
Nature of Work
Zone <u>C1</u>
Fire District <u>2</u>
Structure
Checked by <input checked="" type="checkbox"/>
State Housing Law
Checked by <input checked="" type="checkbox"/>
Planning Ord.
Checked by <input checked="" type="checkbox"/>

Owner: Laguna Hotel (Move & relocate partitions)  
 Value: \$ 1000.00 Group H Type V  
425 South Coast Sprinkling System Zone C-1  
 Lot 129 Block Tract Laguna Beach Fire Dist. #2

O. K. Date	ITEM	CONTRACTOR	Permit	
			Date issued	Number
	Building	Lloyd Muir	6-9-49	11543
	Foundation	Grinnell Company	9-19-49	11687
	Framing \$200-11	(Sprinkling System)	3-16-50	11919
7-14-49	Plumbing	Owner (drop ceiling in lobby)	10-28-49	2028
	Plumbing Fixtures			
	Sewer			
9-14-49	Wiring 1-25-50	Samplers Elec.	9-13-49	407
3/23/50	Wiring Fixtures	Owner	3/16/50	523
8-24-50	Plastering			
	Occupancy			



# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH BUILDING DEPARTMENT

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425 SOUTH COAST

USE INK

LOCATION

Portion Lot 169 Laguna Beach tract

LOT NO.

129

BLOCK

TRACT

LAGUNA BEACH

OWNER

Hotel Laguna

ADDRESS

Valuation of Proposed Work

"Value" of Building shall be Estimated  
Cost to replace the Building in kind.

\$60,900

CONTRACTOR

Ginnell Co. of the Pacific State License 1692

Address

560 Western Ave. Zone 13 Los Angeles, Cal

ARCHITECT

State License

Address

Nature of Work

Ginnell Automatic Fire Sprinkler System

Number of Existing Rooms

Families

Number of Proposed Rooms

Families

Material of Exterior Walls

Roof

Height at Highest Point

Size of Proposed Building

ft. x

ft.

Area of first floor

Sq. ft.

Number of stories

Other Buildings on Same Lot

How Used

Minimum distance from proposed work of Building on same lot

ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.  
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PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

F. X. Ginnell  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

Edo malle

Plumber

PERMIT NO.

11687

Issued by

H

Fee

383

Date Received

Date Issued

9-6-49

Classification

Group

H

Division

Type

I

Nature of Work

Sprinkler System

Zone

C-2

Fire District

#2

Structure

Checked by

State Housing Law

Checked by

Planning Ord.

Checked by



# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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USE INK

LOCATION 425 Coast Blvd So.

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach.

OWNER HOTEL LAGUNA

ADDRESS SAME

Valuation of Proposed Work "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$ 200.00

CONTRACTOR [Signature] State License \_\_\_\_\_

Address \_\_\_\_\_

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Drop & enclose ceiling - Lobby Entrance.

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor Sq. ft. Number of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.  
 All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS and other data must be filed \_\_\_\_\_ Sign here [Signature]  
 Council of Authorized Agents

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.	<u>11919</u>
Issued by	<u>H</u>
Fee	<u>2.00</u>
Date Received	
Date Issued	<u>3/16/50</u>
Classification	
Group	
Division	
Type	<u>III</u>
Nature of Work	<u>Drop &amp; Enclose</u>
Zone	<u>Q-2</u>
Fire District	<u>#2</u>
Structure	
Checked by	
State Housing Law	
Checked by	
Planning Ord.	
Checked by	

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION	425 So. Coast Blvd.		
LOT NO.	129		
BLOCK	-	TRACT	Laguna Beach
OWNER	Laguna Hotel Operating Co - Mr. H. Lee Mgr.		
ADDRESS			
Valuation of Proposed Work	"Value" of Building shall be Estimated \$ 420 <sup>00</sup> Cost to replace the Building in kind.		
CONTRACTOR	Perf/Aluminum Awning Co.		State License
Address	4848 W. Jefferson Blvd. Los Angeles 16,		
ARCHITECT			State License
Address			
Nature of Work	Aluminum Awning		
Number of Existing Rooms	Families		
Number of Proposed Rooms	Families		
Material of Exterior Walls	Roof	Height at Highest Point	
Size of Proposed Building	ft. x	ft.	Sq. ft. Number of stories
Other Buildings on Same Lot	How Used		
Minimum distance from proposed work of Building on same lot	ft.		

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

*Robert M. Wilson*  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

*Card made  
NO permits necessary*

PERMIT NO. <i>12235</i>
Issued by <i>B.</i>
Fee <i>300</i>
Date Received <i>10-20-50</i>
Date Issued <i>10-20-50</i>
Classification
Group
Division
Type
Nature of Work <i>METAL HUNTING</i>
Zone <i>C-2</i>
Fire District <i>#2</i>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

425 So. USE INK COAST  
 LOCATION COAST BLVD. & LAGUNA AVE  
 LOT NO. PORTION OF LOT #129.  
LAGUNA BEACH HOTEL CORP.  
 BLOCK \_\_\_\_\_ TRACT LAGUNA BEACH TRACT  
 OWNER LAGUNA BEACH HOTEL CORP.  
 ADDRESS LAGUNA BEACH.  
 Valuation of Proposed Work { "Value" of Building shall be Estimated 30,500  
 Cost to replace the Building in kind. 50,000  
 CONTRACTOR CURLETT CONST. CO State License 79618  
 Address 820 W - Esther Street - Long Beach  
 ARCHITECT WAYNE McALLISTER State License C-757  
 Address 215 W 9th St. L.A. 15 James Hill - 5339  
 Nature of Work DINING Room Add.  
 Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_  
 Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_  
 Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_  
 Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of stories \_\_\_\_\_  
 Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_  
 Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.  
 All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here J. W. Demmeck for  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. 12023  
 Issued by H  
 Fee \$47.00  
 Date Received \_\_\_\_\_  
 Date Issued 5/25/50  
 Classification \_\_\_\_\_  
 Group H  
 Division \_\_\_\_\_  
 Type V  
 Nature of Work Dining Room  
 Zone C-2  
 Fire District #2  
 Structure Burner  
 Checked by \_\_\_\_\_  
 State Housing Law H  
 Checked by \_\_\_\_\_  
 Planning Ord. F  
 Checked by \_\_\_\_\_

# APPLICATION FOR BUILDING PERMIT

## CITY OF LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

425' So. Coast USE INK

LOCATION COAST BLVD & LAGUNA AVE, LAGUNA BEACH

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT LAGUNA BEACH

OWNER LAGUNA HOTEL CORPORATION

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of <sup>SPEC SYSTEM</sup> ~~Building~~ shall be Estimated \$ 2000.00  
Cost to replace the Building in kind.

CONTRACTOR GEINNELL Co OF THE PACIFIC State License # 1292

Address 520 MATEO ST LOS ANGELES 13 CALIF.

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work INSTALL AUTOMATIC FIRE SPRINKLERS IN NEW ADDITION

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.  
All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here W. D. Arnold Jr  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

SW.	PERMIT NO. <u>12097</u>
	Issued by <u>B.</u>
	Fee <u>6.00</u>
	Date Received
	Date Issued <u>7/10/50</u>
	Classification
	Group <u>H</u>
	Division
	Type <u>V</u>
	Nature of Work <u>SPRINKLER SYSTEM</u>
	Zone <u>C-2-</u>
	Fire District <u>2</u>
	Structure
	Checked by
	State Housing Law
	Checked by
	Planning Ord.
	Checked by

5 Cards made  
5 print filed

LAGUNA BEACH CITY PLANNING COMMISSION  
**APPLICATION FOR VARIANCE**

Laguna Beach, California

Name of Applicant: LAGUNA HOTEL CORPORATION  
447-435 (Please print Owner's Name) 425-451 S. Co.  
Location of Property: Portion of Laguna Hotel Property  
S/N Corner Laguna Avenue and Coast Blvd - Laguna Beach Hwy  
(Street Address)

Legal Description of Property: A parcel of land having a frontage of approx. 11 feet by

ALL (EX NEly 76 FT. SELy 115.75 FT. & BLVD.) (INC. STRIP BETWEEN SAME  
AND OCEAN) LOT 129. Wly 40 FT. (INC. STRIP BETWEEN SAME & OCEAN )  
LOT 1, LAGUNA BEACH TRACT.

Attached plat must be drawn to scale of at least 1"=16' and show to accurate scale the location, size, shape and use of all existing (if any) and all proposed buildings, and the width and depth of existing or proposed yards and courts on the property involved, together with the location of buildings and widths of yards of adjoining properties.

HEREWITH REQUESTS a variance from the Districting Ordinance regulations to permit:

The construction of a one-story concrete block building size approx. 11' x 9'

by approx. 8 feet in height, covering property above described, for storage of

beach furniture and equipment, in an R-1 Residence District

(State fully what is intended to be done on or with the property and what features do not comply with the provisions of the Ordinance.)  
(R-1 portion of property)

Date property was acquired: 1933

List deed restrictions applying to property: None

Date deed restrictions expire: \_\_\_\_\_

Present use and occupancy of property: Vacant

NOTE: The law requires that the conditions set forth in the following three Sections A, B, and C, MUST be established before a Variance CAN be granted. Answers to these sections must be complete and full.

A. State the exceptional and extraordinary circumstances that apply to this property:.....

It is necessary to have a small building on the Laguna Hotel Property in which to store umbrellas and other equipment needed for the beach. Due to the fact that a steep bank rises from the Boardwalk it would be necessary to make a deep excavation in order to secure sufficient area to erect the building back of the building line and the injury to the rest of our property in front of the terrace would make it impractical to erect the building.

Inasmuch as the proposed building will be located entirely on the Hotel Laguna property and not immediately adjoining the property on the South it could not have any detrimental effect on other property.

At the present time the furniture is stored in the tunnel that leads from the hotel to the beach and which seriously interferes with the passageway. Accordingly, there is urgent need for other space in which to store the needed beach equipment and we believe the area requested could be used for that purpose without injury to the community or the adjoining property.

B. State why this variance is necessary:.....

Due to the fact that this portion of the property extends a small distance beyond the building line on the ocean frontage of the property on which the variance is requested.

C. Explain why this variance will not be detrimental to the public welfare or injurious to other property:.....

Location of property is such that no other property in the vicinity could be injured - nor would it be detrimental to the public welfare.

### REQUIREMENTS FOR FILING VARIANCE APPLICATION

1. Application and all attached documents shall be filed in duplicate.
2. Application form must be filled out completely with full answers to every statement and question.
3. A Plot Plan drawn to a scale of at least 1"=16', shall be attached to all variance applications and shall show to accurate scale the following:
  - A. Location, size, shape and use of all existing buildings on property involved.
  - B. Location, size, shape and use of all proposed buildings on property involved.
  - C. Width and depth of existing yards and courts on property involved.
  - D. Width and depth of proposed yards and courts on property involved.
  - E. Location, size, shape and use of all buildings on adjoining properties.
  - F. Width and depth of yards and courts on adjoining properties.

(Plot plan should be same size as application form if possible.)

4. Signatures of adjacent property owners who approve the request may be placed in space provided, and are desirable but not required.
5. Applications must be signed by the applicant before a Notary Public in the space provided.
6. Application shall be filed with the <sup>Secretary</sup> ~~City Clerk~~ when completed.
7. A Filing Fee of <sup>\$25.00</sup> ~~\$15.00~~ shall be deposited with the <sup>Secretary</sup> ~~City Clerk~~ at the time of filing application.

This fee is to partially cover the cost of sending notices and other incidental expenses. A refund of ~~\$10.00~~ <sup>\$15.00</sup> will be made if the Planning Commission is not required to give notice of public hearing.

2M-2-20-47






COUNTY OF ORANGE }  
STATE OF CALIFORNIA. } ss.

being duly sworn, depose and say that (I am) (we are) the owner..... of the property involved in this application and that (I) (we) have familiarized (myself) (ourselves) with the rules and regulations of the Laguna Beach City Planning Commission with respect to preparing and filing this application and that the foregoing statements and answers herein contained and the information on any attached maps or documents thoroughly and completely to the best of (my) (our) ability present the argument in behalf of the variance herewith requested and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signed... 606 South Hill St. - Rm 42

*Marguerite Curtis*  
Mailing Address  
**Marguerite Curtis**  
**Assistant-Secretary**

  
 (Notary Public)  
 My Commission Expires June 15, 1959

Received December

By \_\_\_\_\_

(These signatures are desirable but not required)

Name	Address	Lot	Block	Tract
------	---------	-----	-------	-------

Grace Stewart 50, So. Coast. I.  
W. West 379 El Paseo



## NOTICE OF PUBLIC HEARING

You are hereby notified that the Laguna Beach City Planning Commission will hold a public hearing in the City Council Chambers in the Laguna Beach Water District Building, 306 Third Street, to hear and consider a variance application requesting permission to deviate from the regulations imposed by the District Ordinance upon property owned by

### LAGUNA HOTEL CORPORATION

and described as **All (Ex NEly 76', SEly 115.75' & Blvd.) (inc. strip bet. same & ocean) Lot 129, Wly 40' (inc. strip bet. same & ocean) Lot 1, Laguna Beach Tract.**

Said public hearing to be held

**July 16, 1951**

at

**7:30 P.M.**

The variance application may be examined at the City Engineer's office. Protests may be made in person at the hearing, or in writing if received before the time of the meeting. For your convenience, the application as filed indicates in effect that the applicant requests permission to

**construct one-story building, 9' x 11', for storage of beach furniture and equipment on R-1 portion of property.**

LAGUNA BEACH CITY PLANNING COMMISSION.  
210 Beach Street

RESOLUTION No. 792

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH GRANTING A VARIANCE AS TO ALL (SEE DEED 76', DEED 115.75' AND DEED.) (INC. STRIP BEH. 300' & 60' IN) LOT 129. 114'0" (INC. STRIP 11. 300' & 60' IN) LOT 1, LAGUNA BEACH DIST.

A verified application dated June 20, 1951, and numbered 742 under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

**LAGUNA HOTEL CORPORATION**

and said application having been regularly referred to this Commission and a public hearing having been duly and regularly held thereon;

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve and order as follows:

That a \_\_\_\_\_ variance from the provisions of said ordinance be, and the same is, hereby granted to the hereinafter described real property as follows:

To permit the construction of a one-story building, 9' x 11', for storage of beach furniture and equipment on A-1 portion of property, provided that said building be placed three feet back from ocean front line of existing barbecue pit, bringing rear portion of building approximately to C-2 line, and provided that building is constructed not closer than five feet to the Ely property line.

That said variance be, and the same is, hereby granted subject to the following conditions, terms, restrictions and limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, hereby declared to be, non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots and improvements.
2. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred and eighty (180) days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such one hundred and eighty (180) days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within such one hundred and eighty (180) day period by reason of delays caused by the Planning Commission, or the Building Inspector in approving plans, in which event the Planning Commission may grant a reason-

(Over)

able extension of time; provided, however, that the Planning Commission may in its discretion and with the consent or upon the request of the applicant, for any cause, grant reasonable extensions of time in addition to the one hundred and eighty (180) days hereinabove provided.

Said property above mentioned and covered by this variance is described as follows:

All (1x Hwy 76', 57y 115.75' and Blvd.) (inc. strip bet. same & ocean) Lot 129.  
Wly 40' (inc. strip bet. same & ocean) Lot 1, Laguna Beach Tract.

Adopted this 16th day of July, 1951.

ATTEST:

Jeanne E. Guenther  
Secretary

Harold J. Odmark  
Chairman

I, Jeanne E. Guenther, Secretary of the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission, held on the 16th day of July, 1951, by the following vote, constituting a majority of the membership of said Commission, to-wit:

AYES: Odmark, Williamson, Nesnick, Thornbeck, Thompson, Parke  
NOES: Cropper  
ABSENT: Lambourne

Jeanne E. Guenther  
Secretary

**APPLICATION FOR BUILDING PERMIT**  
**CITY OF LAGUNA BEACH**  
**BUILDING DEPARTMENT**

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION Corner of Second + Mermaid

LOT NO. 1-3-20th of 5

BLOCK D TRACT Rogers Add.

OWNER Laguna Hotel Corp.

ADDRESS \_\_\_\_\_

Valuation of Proposed Work } "Value" of Building shall be Estimated \$ 1000.00  
 Cost to replace the Building in kind.

CONTRACTOR A.L. Stuckertson State License 56583

Address Laguna Beach

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Construct Parking Lot fence & walls

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor \_\_\_\_\_ Sq. ft. Number of stories \_\_\_\_\_

Other Buildings on Same Lot None How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS and other data must be filed

Sign here A.L. Stuckertson  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

Card made -  
print attached

PERMIT NO. <u>12563</u>
Issued by <u>B</u>
Fee <u>\$ 9.00</u>
Date Received <u>7/7/51</u>
Date Issued <u>7/7/51</u>
Classification
Group <u>"1"</u>
Division
Type
Nature of Work <u>Fence &amp; curbs</u>
Zone <u>C2</u>
Fire District <u>2</u>
Structure
Checked by <u>B</u>
State Housing Law
Checked by <u>B</u>
Planning Ord.
Checked by <u>B</u>



# APPLICATION FOR BUILDING PERMIT

CITY OF LAGUNA BEACH

BUILDING DEPARTMENT

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION 501 S. Coast Blvd.

LOT NO. 129

BLOCK

TRACT

OWNER Hotel Laguna Assn.

ADDRESS 501 S. Coast Blvd.

Valuation of Proposed Work } "Value" of Building shall be Estimated \$ 280.00  
Cost to replace the Building in kind.

CONTRACTOR Robert A. Easton State License 100721

Address

ARCHITECT

State License

Address

Nature of Work Constr block wall, sidewalk, plaster

Number of Existing Rooms Wall Families

Number of Proposed Rooms Families

Material of Exterior Walls Roof Height at Highest Point

Size of Proposed Building ft. x ft. Area of first floor Sq. ft. Number of stories

Other Buildings on Same Lot How Used

Minimum distance from proposed work of Building on same lot ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here. Robert A. Easton  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>12669</u>
Issued by <u>DAE by filk</u>
Fee <u>\$ 2.00</u>
Date Received <u>9/25/51</u>
Date Issued <u>9/25/51</u>
Classification
Group
Division
Type
Nature of Work <u>Wall, sidewalk, plaster</u>
Zone <u>C-2</u>
Fire District <u>#2</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by



# APPLICATION FOR BUILDING PERMIT

CITY OF LAGUNA BEACH

BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

USE INK

LOCATION 425 Coast Blvd So

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach City

OWNER Hotel Laguna Corp.

ADDRESS 425 So Coast

Valuation of Proposed Work } "Value" of Building shall be Estimated \$ 500.00  
Cost to replace the Building in kind.

CONTRACTOR Lloyd J. Minn & Son State License 89320

Address 2990 So Coast Blvd Laguna Beach

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work New Storage Building

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls Conc. Block Roof Comp. Height at Highest Point \_\_\_\_\_

Size of Proposed Building 9 ft. x 11 ft. Area of first floor 99 Sq. ft. Number of stories 1

Other Buildings on Same Lot \_\_\_\_\_ How Used Storage

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft. 40 ft

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here Lloyd J. Minn  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>12878</u>
Issued by <u>DAB by dm</u>
Fee <u>3.00</u>
Date Received
Date Issued <u>3/28/52</u>
Classification
Group <u>J</u>
Division
Type <u>IL</u>
Nature of Work <u>Storage Building</u>
Zone <u>C-2</u>
Fire District <u>102</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

USE INK

LOCATION 425 Coast Blvd. So.  
LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Hotel Laguna Corp.

ADDRESS Laguna Beach

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$ 8,000.00

CONTRACTOR Nathan J. Green State License 82025

Address 224 Vieja St.

ARCHITECT Don Williamson State License C-776

Address 861 Park Ave. Ph. 4-4019

Nature of Work Remodel exterior of Coffee Shop

Number of Existing Rooms New front Entrance to Hotel

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here. Nathan J. Green  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO.	<u>13240</u>
Issued by	<u>DAB Lydm</u>
Check Fee <u>9.00</u>	
Permit <u>1800</u>	
<u>82700</u>	
Date Received	
Date Issued	<u>1/5/53</u>
Classification	
Group	<u>7 + H</u>
Division	
Type	
Nature of Work	<u>Remodel</u>
Zone	<u>C-2</u>
Fire District	<u># 2</u>
Structure	
Checked by	
State Housing Law	
Checked by	
Planning Ord.	
Checked by	



# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

425 C.B.S USE INK  
 LOCATION Hotel Laguna South Coast Blvd.  
 LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach

OWNER Hotel Laguna Corp.

ADDRESS So. Coast. Blvd.

Valuation of Proposed Work { "Value" of Building shall be Estimated  
 Cost to replace the Building in kind. \$ 1000.00

CONTRACTOR Nathan J. Green State License 82025

Address 224 Virgo St.

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Repair work, Termite work

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here Nathan J. Green  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

*Card made*

*MR*

PERMIT NO. <b>13344</b>
Issued by <i>LAB by M. Ryan</i>
Fee <b>\$ 6.00</b>
Date Received
Date Issued <b>4-6-53</b>
Classification
Group
Division
Type
Nature of Work <b>Repair Termite</b>
Zone <b>C-2</b>
Fire District <b># 2</b>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by <b>OH</b> <b>NEB</b>

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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USE INK

ADDRESS 740 425 C.B.S.

LOT NO. 129

BLOCK \_\_\_\_\_ TRACT Lag B. City

OWNER Hotel Laguna

ADDRESS \_\_\_\_\_

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$ 150

CONTRACTOR J. King State License \_\_\_\_\_

Address \_\_\_\_\_

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_

Address \_\_\_\_\_

Nature of Work Reroof Portion of Bldg

Number of Existing Rooms 2-30 & Families 90 B 20x

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

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All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here. J. King  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53 Do you carry workman's compensation insurance Yes No  
I am aware of provisions 3700 of the State Labor Code which requires every employer to be insured against liability for workman's compensation. Signed J. King

PERMIT NO. <u>13817</u>
Issued by <u>DABly dm</u>
Fee <u>\$2.00</u>
Date Received
Date Issued <u>3/26/54</u>
Classification
Group <u>H</u>
Division
Type
Nature of Work <u>Reroof</u>
Zone <u>C-2</u>
Fire District <u>#3</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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USE INK

ADDRESS 425 Coast Blvd South.

LOT NO. Lot 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach City

OWNER Hotel Laguna Beach Hotel, Corp.

ADDRESS 425 Coast Blvd South

Valuation of Proposed Work {"Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$ 5000.00

CONTRACTOR Stricker Const Co State License 135734

Address P.O. Box 666 Laguna Beach.

ARCHITECT Plager & Blum State License \_\_\_\_\_

Address Corona Del Mar.

Nature of Work Remodel & Repairs. Hotel bldg

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS and other data must be filed

Sign here Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53

Do you carry workman's compensation insurance Yes \_\_\_\_\_ No \_\_\_\_\_  
I am aware of provision 3700 of the State Labor Code which requires every employer to be insured against liability for workman's compensation. Signed Owner or Authorized Agent

PERMIT NO.	<u>13887</u>
Issued by	<u>Debby M...</u>
Fee	<u>814.00</u> <u>71.00</u> <u>885.00</u>
Date Received	<u>5/3/54</u>
Date Issued	<u>5/3/54</u>
Classification	
Group	<u>H</u>
Division	
Type	
Nature of Work	<u>Remodel &amp; Repair</u>
Zone	<u>C-2</u>
Fire District	<u>#3</u>
Structure	
Checked by	
State Housing Law	
Checked by	
Planning Ord.	
Checked by	

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

SW W & 16

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

USE INK

ADDRESS Hotel Laguna: 425 Coast Blvd South.  
 LOT NO. 129.

BLOCK Hotel Laguna TRACT Laguna Beach City  
 OWNER Hallingsworth Corporation.

ADDRESS Same  
 Valuation of Proposed Work { "Value" of Building shall be Estimated  
 { Cost to replace the Building in kind. \$ 3000.00

CONTRACTOR Stricker Const Co. State License 135324  
 Address P.O. Box 666 Phone 42519

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work General Remodel in lobby

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS and other data must be filed

Sign here \_\_\_\_\_  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53

PERMIT NO. <u>14341</u>
Issued by <u>DAB by chm</u>
Fee <u>\$ 10.00</u>
Date Received
Date Issued <u>5/4/55</u>
Classification
Group <u>H</u>
Division
Type
Nature of Work <u>Remodel</u>
Zone <u>C-2</u>
Fire District <u># 3</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by <u>JFE</u>

LAGUNA BEACH CITY PLANNING COMMISSION

# APPLICATION FOR VARIANCE

Laguna Beach, California

Name of Applicant LAGUNA HOTEL CORPORATION-LAGUNA OPERATING COMPANY.

(Please print Owner's Name)

Location of Property: 425-451  
417-50 Coast Blvd., South Laguna Beach, California

(Street Address)

Legal Description of Property All of Lot 129 and a portion of Lot (1), including strip between  
same and ocean, of the Laguna Beach tract.

and shown upon the attached plat which is a part of this application:

Attached plat must be drawn to scale of at least 1"=16' and show to accurate scale the location, size, shape and use of all existing (if any) and all proposed buildings, and the width and depth of existing or proposed yards and courts on the property involved, together with the location of buildings and widths of yards of adjoining properties.

HEREWITH REQUESTS a variance from the Districting Ordinance regulations to permit an expansion  
of a roof sign and structure for same as shown on the accompanying  
plan.

(State fully what is intended to be done on or with the property and what features do not comply with the provisions of the Ordinance.)

Date property was acquired January 1, 1934

List deed restrictions applying to property None

Date deed restrictions expire None

Present use and occupancy of property a portion of this property is occupied by two small  
frame buildings and HOTEL LAGUNA.

1/A 1041

NOTE: The law requires that the conditions set forth in the following three Sections A, B, and C, MUST be established before a Variance CAN be granted. Answers to these sections must be complete and full.

A. State the exceptional and extraordinary circumstances that apply to this property: At the request of

the city building department, this Variance is necessary to allow a new

proposed roof sign and structure for same to be erected.

B. State why this variance is necessary: Certain specifications having to do with the

sign code restricts any portion of a sign overhanging the extremities

of a building's roof. The tower upon which the old sign reposed and

which will be the same for the new structure and sign erection, is located

a considerable distance from all points of extremities of the main roof.

Such location is shown on the accompanying plans.

C. Explain why this variance will not be detrimental to the public welfare or injurious to other property:

It is felt that due to the location of the sign and structure along with the

incorporation of better engineering and more modern sign construction

that this structure will not be detrimental to any public welfare or injurious

in any way to surrounding properties.



RESOLUTION No. 2005

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH  
GRANTING A VARIANCE AD TO LOT 129 AND A VARIANCE OF LOT 1, LAGUNA BEACH EIGHT

A verified application dated April 26, 1956, and numbered 1041,  
under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of  
Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the  
City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

~~LAGUNA HOTEL CORPORATION--LOCATED ON LAGUNA BEACH~~

and said application having been regularly referred to this Commission and it appearing that the  
requested variance is for minor deviations in the sign, yard and/or location of  
necessary building regulations, and that it is not deemed necessary or expedient  
to hold a public hearing upon said application;

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its  
written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or  
buildings involved or the intended use thereof that do not apply generally to the property or class of buildings  
and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of ad-  
hering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the  
petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to  
the property or improvements in the district or vicinity in which the property is located.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve  
and order as follows:

That a \_\_\_\_\_ variance from the provisions of said ordinance be, and the same is,  
hereby granted to the hereinafter described real property as follows:

To permit the erection of a roof sign, portions of which will be more than twenty-  
five (25) feet above the roof.

That said variance be, and the same is, hereby granted subject to the following conditions, terms, restrictions and  
limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, here-  
by declared to be, non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case  
may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be  
subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots  
and improvements.
2. In the absence of specific provisions and conditions herein to the contrary, on any plot plan attached to,  
referred to, or incorporated into this resolution, only those lines, angles, dimensions, figures, words or signs  
shown upon such plot plan shall be deemed included in and made a part of this resolution which are perti-  
nent to the variance applied for as stated in the application for variance. All other lines, angles, dimensions,  
figures, words and signs shown upon any such plot plan shall not be a part of this resolution or the variance  
herein granted and shall not be conditions to said variance in the absence of specific provisions herein to  
the contrary.

(Over)

3. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred and eighty (180) days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such one hundred and eighty (180) days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within such one hundred and eighty (180) day period by reason of delays caused by the Planning Commission, or the Building Inspector in approving plans, in which event the Planning Commission may grant a reasonable extension of time; provided, however, that the Planning Commission may in its discretion and with the consent or upon the request of the applicant, for any cause, grant reasonable extensions of time in addition to the one hundred and eighty (180) days hereinabove provided.

Said property above mentioned and covered by this variance is described as follows:

Lot 129 and a portion of Lot 1, Laguna Beach Tract.

Adopted this 7th day of May, 1956.

ATTEST:

Stuart W. Bailey  
Secretary

Samuel Chapman  
Chairman

I, Stuart W. Bailey, Secretary of the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission held on the 7th day of May, 1956, by the following vote, constituting a majority of the membership of said Commission, to-wit:

AYES: Frisbie, Hall, Larson, Martin, Parker, Perkins, Strothkamp, Chapman,  
NAYS: None,  
ABSENT: Johnson.

Stuart W. Bailey  
Secretary



# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

*See 6746*

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

#### USE INK

ADDRESS 425 So Coast Blvd  
 LOT NO. Old Lot 129 and New Lot 1 Laguna Beach City Tract.

BLOCK \_\_\_\_\_ TRACT \_\_\_\_\_  
 OWNER Lee Laguna Hotel Corp  
 ADDRESS 425 So Coast Blvd

Valuation of Proposed Work { "Value" of Building shall be Estimated  
 Cost to replace the Building in kind \$ 4000.00

CONTRACTOR Anthony Bros State License \_\_\_\_\_  
 Address 5871 Friestone South Gate

ARCHITECT Anthony Bros State License \_\_\_\_\_  
 Address 5871 Friestone South Gate

#### Nature of Work

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building 19 ft. x 4 ft. Area of first floor \_\_\_\_\_ sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot 1 How Used hotel

Minimum distance from proposed work of Building on same lot 6' 6 ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Anthony Bros by Benice G. ...  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

*Plans filed*  
 3M-12/11/53

PERMIT NO.	<u>15318</u>
Issued by	<u>kuk</u>
Fee	<u>18.00</u>
Date Received	
Date Issued	<u>4/24/57</u>
Classification	
Group	<u>J</u>
Division	
Type	
Nature of Work	<u>Semi Public</u>
Zone	<u>C-2</u>
Fire District	<u>#3</u>
Structure	
Checked by	
State Housing Law	
Checked by	
Planning Ord.	
Checked by	<u>[Signature]</u>

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

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USE INK

ADDRESS Hotel Laguna - 425 Coast Blvd. So.  
 LOT NO. 129 for lot 1

BLOCK \_\_\_\_\_ TRACT Laguna Beach City  
 OWNER Laguna Hotel Corp.

ADDRESS Hollingsworth Bldg. Los Angeles  
 Valuation of Proposed Work { "Value" of Building shall be Estimated  
 Cost to replace the Building in kind. \$ 1000.00

CONTRACTOR Nathan J. Green State License 82025  
 Address \_\_\_\_\_

ARCHITECT \_\_\_\_\_ State License \_\_\_\_\_  
 Address \_\_\_\_\_

Nature of Work Remove wood windows & Replace with Aluminum

Number of Existing Rooms \_\_\_\_\_ Families Sliding Sash  
 Number of Proposed Rooms \_\_\_\_\_ Families in 16 rooms

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
 and other data must be filed

Sign here. Nathan J. Green  
 Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53

PERMIT NO. <u>15381</u>
Issued by <u>CDS by dm</u>
Fee <u>\$ 6.00</u>
Date Received
Date Issued <u>6/6/59</u>
Classification
Group
Division
Type
Nature of Work <u>altering</u>
Zone <u>C-2</u>
Fire District <u>#3</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by <u>[Signature]</u>

LAGUNA BEACH CITY PLANNING COMMISSION

# APPLICATION FOR VARIANCE

Laguna Beach, California

Name of Applicant Laguna Hotel Corporation

(Please print Owner's Name)

Location of Property South of Hotel Laguna (425 Coast Blvd. South)

(Street Address)

Legal Description of Property See attached

and shown upon the attached plat which is a part of this application:

Attached plat must be drawn to scale of at least 1"=16' and show to accurate scale the location, size, shape and use of all existing (if any) and all proposed buildings, and the width and depth of existing or proposed yards and courts on the property involved, together with the location of buildings and widths of yards of adjoining properties.

HEREWITH REQUESTS a variance from the Districting Ordinance regulations to permit building

to the Southeast property line. The proposed 24 unit hotel building is to

be built on property zoned as R-3 as a part of the existing hotel. The C-2

portion of the property is to be used for automobile parking.

(State fully what is intended to be done on or with the property and what features do not comply with the provisions of the Ordinance.)

Date property was acquired Late 1956

List deed restrictions applying to property \_\_\_\_\_

Date deed restrictions expire \_\_\_\_\_

Present use and occupancy of property Residential

NOTE: The law requires that the conditions set forth in the following three Sections A, B, and C, MUST be established before a Variance CAN be granted. Answers to these sections must be complete and full.

A. State the exceptional and extraordinary circumstances that apply to this property: Compliance  
with the ordinance which requires a 4 foot side yard would not easily result in  
access from front to rear, since the parking area will be considerably below  
natural grade at the property line. It is felt that since access in the  
4 foot side yard would be difficult, building to the property line would not  
affect the intent of the ordinance.

B. State why this variance is necessary: Since the newly acquired property in question  
adjoins the existing hotel building, which is built in C-2 zone, and since the  
newly acquired property in question is zoned largely as C-2, it would seem  
logical that the side yard requirements of the small amount of R-3, on which  
the proposed building will be built, should not be in effect.

C. Explain why this variance will not be detrimental to the public welfare or injurious to other property: The owner of the property adjoining the property in question has given evidence  
that the requested variance would be acceptable to her. (see attached  
letter). The new building will certainly enhance the area and adjoining  
properties.

### Requirements for Filing Variance Application

1. Application and all attached documents shall be filed in duplicate.
2. Application form must be filled out completely with full answers to every statement and question.
3. A Plot Plan drawn to a scale of at least 1"=16', shall be attached to all variance applications and shall show to accurate scale the following:
  - A. Location, size, shape and use of all existing buildings on property involved.
  - B. Location, size, shape and use of all proposed buildings on property involved.
  - C. Width and depth of existing yards and courts on property involved.
  - D. Width and depth of proposed yards and courts on property involved.
  - E. Location, size, shape and use of all buildings on adjoining properties.
  - F. Width and depth of yards and courts on adjoining properties.

(Plot plan should be same size as application form if possible.)
4. Signatures of adjacent property owners who approve the request may be placed in space provided, and are desirable but not required.
5. Applications must be signed by the applicant before a Notary Public in the space provided.
6. Application shall be filed with the Secretary when completed.
7. A Filing Fee of \$25.00 shall be deposited with the Secretary at the time of filing application.

This fee is to partially cover the cost of sending notices and other incidental expenses. A refund of \$15.00 will be made if the Planning Commission is not required to give notice of public hearing.

2M-10/31/53

COUNTY OF ORANGE }  
STATE OF CALIFORNIA. } ss.

being duly sworn, depose and say that (I am) (we are) the owner... of the property involved in this application and that (I) (we) have familiarized (myself) (ourselves) with the rules and regulations of the Laguna Beach City Planning Commission with respect to preparing and filing this application and that the foregoing statements and answers herein contained and the information on any attached maps or documents thoroughly and completely to the best of (my) (our) ability present the argument in behalf of the variance herewith requested and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signed Laguna Hotel Corporation

Rev. A. M. Williams

425 Coast Blvd. South

(Mailing Address)

Subscribed and Sworn to before me this 25th day of October, 1957

Wm Kay Co. Insurer

My commission expires April 3, 1901

Application No. 1154

Received Oct. 2 1957

By M. L. Box

We, the undersigned OWNERS of ADJACENT PROPERTY, hereby certify that we have read the foregoing application and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the variance requested SHOULD BE GRANTED.

(These signatures are desirable but not required)

Name \_\_\_\_\_

Address

Lot

Block

Tract

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

425

USE INK

ADDRESS ~~425~~ ~~425~~ Coast Blvd. South

LOT NO. Portion Lot 129 - House 1, 2, 3 - Cabin A and B

BLOCK TRACT Laguna Beach City

OWNER Laguna Hotel Corporation

ADDRESS 425 Coast Blvd. South, Laguna Beach, California

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$1,400.00

CONTRACTOR John S. Verdugo State License 133970 C-12

Address P.O. Box 665, Laguna Beach

ARCHITECT State License 776

Address

Nature of Work demolish five 1-family dwellings

Number of Existing Rooms Families

Number of Proposed Rooms Families

Material of Exterior Walls Roof Height at Highest Point

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories

Other Buildings on Same Lot How Used

Minimum distance from proposed work of Building on same lot ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign Here *James S. Verdugo*  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53

PERMIT NO. 15601
Issued by <i>C23 by ch</i>
Fee \$8.00
Date Received
Date Issued 11/19/57
Classification
Group I
Division
Type
Nature of Work <i>demolish</i>
Zone C-2
Fire District 43
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by <i>[Signature]</i>



# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

USE INK

ADDRESS 425 Coast Blvd South.

LOT NO. Portion Lot 1.

BLOCK \_\_\_\_\_ TRACT Laguna Beach City

OWNER Hotel Laguna Corp.

ADDRESS 425 Coast Blvd South.

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$ 22,000

CONTRACTOR South Coast Const. Co. State License 82089

Address 280 30th St Newport Beach

ARCHITECT Annie D. Dyer & Grote State License \_\_\_\_\_

Address 408 South Spring St. Los Angeles

Nature of Work Retaining Wall 20' High On South Prop.

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here Jack L. Herndon  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/11/53

PERMIT NO. <u>15763</u>
Issued by <u>[Signature]</u>
Fee <u>471.00</u> <u>212.50</u> <u>683.50</u>
Date Received _____
Date Issued <u>4/14/58</u>
Classification _____
Group <u>T</u>
Division _____
Type _____
Nature of Work <u>Retaining Wall</u>
Zone <u>@ - 2</u>
Fire District <u>12-3</u>
Structure _____
Checked by _____
State Housing Law _____
Checked by _____
Planning Ord. _____
Checked by <u>[Signature]</u>

COMPLETION

(20' high retaining wall along southwest property line)

OWNER Hotel Laguna Cor

DATE 4/14/58

JOB ADDRESS 425 Coast Blvd. South

BUILDING PERMIT NO. 15763

GENERAL CONTRACTOR South Coast Constr. Co.

VALUE \$ 22,000.00

LOT portion lot 1

BLOCK

TRACT

Laguna Beach City

GROUP J

TYPE

ZONE

C-2

FIRE DISTRICT

#3

INSPECTIONS	DATE	SUBCONTRACTOR	PERMITS ISSUED	
			DATE	NUMBER
Footing Trench	CZS 4/21/58-Bay #3	CZS-4/29/58-Bay #2	CZS-5/2/58-Bays #10 & #16	
Foundation Forms and Grade to Garage	CZS 4/21/58-Bay #3	CZS-4/29/58-Bay #2	CZS-5/2/58-Bays #10 & #16	
<del>Rough Framing</del> WALL STEEL	CZS 4/25/58-Bay #3	CZS-5/1/58-Bay #2	CZS-5/8-7/58-Bays #10 & 16	
Plumbing, Rough to Slab				
Plumbing, Rough Complete				
<del>Temporary Pole</del> Footing trench	CZS 5/13/58-Bay #15	CZS-5/14/58-Bay #9	CZS-5/19/58-Bay #4	
<del>Wiring, Rough</del> Foundation form	CZS 5/13/58-Bay #15	CZS-5/14/58-Bay #9	CZS-5/19/58-Bay #4	
<del>Heating, Rough</del> Wall Steel	CZS 5/16/58-Bay #15	CZS-5/19/58-Bay #9	CZS-5/22/58-Bay #4	
Heating, Final				
Sewer				
<del>Septic Tank or</del> Footing trench	CZS 5/21/58-Bay #1	CZS-5/22/58-Bay #8	CZS-5/23/58-Bay #14	
Lathing Foundation form	CZS 5/21/58-Bay #1	CZS-5/22/58-Bay #8	CZS-5/23/58-Bay #14	
Plastering Wall Steel	CZS 5/22/58-Bay #1	CZS-5/26/58-Bay #11	CZS-5/27/58-Bay #14	
Plumbing, Final, Fixtures Complete				
Plumbing, Final Gas Test				
Wiring, Final		(OVER)		
Occupancy				

SM-2-54

RESOLUTION No. 2291

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH GRANTING A **VARIANCE AS TO FOR. PARCEL A, ALL OF PARCEL B, RECORD OF SURVEY 43-44,**

A verified application dated **May 20,** 19**59**, and numbered **1262** under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

**LAGUNA HOTEL CORPORATION**

and said application having been regularly referred to this Commission and **a public hearing having been duly and regularly held thereon;**

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve and order as follows:

That a \_\_\_\_\_ variance from the provisions of said ordinance be, and the same is, hereby granted to the hereinafter described real property as follows: **To permit the construction of an hotel in the R-3 District with a height of 36 feet subject to the following stipulations: (1) an attendant parking lot containing space for 98 cars be maintained; (2) a 4 foot side yard be maintained free and clear at the southeasterly side of the property; (3) lighting for the parking lot be hooded.**

That said variance be, and the same is, hereby granted subject to the following conditions, terms, restrictions and limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, hereby declared to be, non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots and improvements.
2. In the absence of specific provisions and conditions herein to the contrary, on any plot plan attached to, referred to, or incorporated into this resolution, only those lines, angles, dimensions, figures, words or signs shown upon such plot plan shall be deemed included in and made a part of this resolution which are pertinent to the variance applied for as stated in the application for variance. All other lines, angles, dimensions, figures, words and signs shown upon any such plot plan shall not be a part of this resolution or the variance herein granted and shall not be conditions to said variance in the absence of specific provisions herein to the contrary.

(Over)

3. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred and eighty (180) days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such one hundred and eighty (180) days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within such one hundred and eighty (180) day period by reason of delays caused by the Planning Commission, or the Building Inspector in approving plans, in which event the Planning Commission may grant a reasonable extension of time; provided, however, that the Planning Commission may in its discretion and with the consent or upon the request of the applicant, for any cause, grant reasonable extensions of time in addition to the one hundred and eighty (180) days hereinabove provided.

Said property above mentioned and covered by this variance is described as follows:

**For. Parcel A, All of Parcel B, Record of Survey 43-44.**

**Adopted this 6th day of July, 1959**

**ATTEST**

Robert S. Lawrence  
Secretary

Ernest C. Chapman  
Ernest C. Chapman, Chairman

**I, Robert S. Lawrence, Secretary to the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission held on the 6th day of July, 1959, by the following vote, constituting a majority of the membership of said Commission, to-wit:**

**AYES: Bergsjo, Hall, Strotkamp**

**NOES: None**

**ABSENT: Blurock, Chapman**

Robert S. Lawrence  
Secretary

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH

### BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

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Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

USE INK

ADDRESS 425 Coast Blvd South.

LOT NO. Portion Lot 1 and 129

BLOCK \_\_\_\_\_ TRACT Laguna Beach City

OWNER Hotel Laguna Corporation

ADDRESS Same -

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$1100.00

CONTRACTOR South Coast Cast Co State License 82089

Address 230 30th Newport Beach

ARCHITECT Harold S Johnson State License \_\_\_\_\_

Address 606 So Hill St Los Angeles

Nature of Work Block ~~for~~ Wall - 3' x 6' around Parking lot

Number of Existing Rooms \_\_\_\_\_ Families \_\_\_\_\_

Number of Proposed Rooms \_\_\_\_\_ Families \_\_\_\_\_

Material of Exterior Walls \_\_\_\_\_ Roof \_\_\_\_\_ Height at Highest Point \_\_\_\_\_

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories \_\_\_\_\_

Other Buildings on Same Lot \_\_\_\_\_ How Used \_\_\_\_\_

Minimum distance from proposed work of Building on same lot \_\_\_\_\_ ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

3M-12/1/33

PERMIT NO. <b>15913</b>
Issued by <i>[Signature]</i>
Fee <u>8.00</u> <u>4.00</u> <u>12.00</u>
Date Received _____
Date Issued <b>8/4/58</b>
Classification _____
Group <u>1</u>
Division _____
Type _____
Nature of Work <u>Wall</u>
Zone _____
Fire District _____
Structure _____
Checked by _____
State Housing Law _____
Checked by _____
Planning Ord. _____
Checked by <i>[Signature]</i>

COMPLETED

(3' to 6' high block walls around parking lot)

OWNER Hotel Laguna Corporation

DATE 8/4/58

JOB ADDRESS 425 Coast Blvd. South

BUILDING PERMIT NO. 15913

GENERAL CONTRACTOR South Coast Construction Co.

VALUE \$ 1,100.00

portion  
LOTS 1 & 129

BLOCK

TRACT

Laguna Beach City

GROUP J

TYPE

ZONE C-2

FIRE DISTRICT #3

INSPECTIONS

DATE

SUBCONTRACTOR

PERMITS ISSUED

DATE

NUMBER

Footing Trench

CZS 7/22/58

Foundation Forms and Grade to Garage

Rough Framing

Plumbing, Rough to Slab

Plumbing, Rough Complete

Temporary Pole

Wiring, Rough

Heating, Rough

Heating, Final

Sewer

Septic Tank or Cesspool

Lathing

Plastering

Plumbing, Final, Fixtures Complete

Plumbing, Final Gas Test

Wiring, Final

Occupancy

SM-2-54



# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

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Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

### USE INK

ADDRESS 425 So. Coast Highway  
LOT NO. 1 & 129  
BLOCK 1 TRACT LAGUNA BEACH  
OWNER LAGUNA HOTEL CORP.  
ADDRESS 606 So. Hill St. Los Angeles Calif.  
Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$175,000.00  
CONTRACTOR OWNER State License  
Address  
ARCHITECT ASHTON WILSON State License C-1355  
Address 10917 Santa Monica Blvd. Los Angeles 25, Calif.  
Nature of Work 32 Room Hotel & Ground Floor Parking Garage  
Number of Existing Rooms 1 Families 1  
Number of Proposed Rooms 32 Families 32  
Material of Exterior Walls Stucco & Stucco Roof Comp. Height at Highest Point 36'  
Size of Proposed Building 114 ft. x 150 ft. Area of first floor 7250 sq. ft. No. of stories Three  
Other Buildings on Same Lot Hotel How Used 66 Rooms  
Minimum distance from proposed work of Building on same lot 1"

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here

Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

PERMIT NO. <u>16618</u>
Issued by <u>czshy dm</u>
Fee <u>\$145.25</u>
Date Received <u>9-11-59</u>
Date Issued <u>12-15-59</u>
Classification
Group <u>H &amp; F-1</u>
Division
Type <u>V</u>
Nature of Work <u>Hotel &amp; parking garage</u>
Zone <u>C-2</u>
Fire District <u>3</u>
Structure <u>Syfan</u>
Checked by
State Housing Law <u>CP</u>
Checked by
Planning Ord. <u>CP</u>
Checked by



# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

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USE INK

ADDRESS 425 So. Coast Blvd.

LOT NO. 129 - E Portion of lot 1

BLOCK Laguna Beach City TRACT Laguna Beach City

OWNER Laguna Hotel Corp.

ADDRESS Hallingsworth Bldg. Los Angeles

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$2200.00

CONTRACTOR owner State License

Address

ARCHITECT State License

Address

Nature of Work Concrete Block Walls for Planting on ocean Terrace

Number of Existing Rooms Families

Number of Proposed Rooms Families

Material of Exterior Walls Conc Block Roof Height at Highest Point

Size of Proposed Building ft x ft Area of first floor sq. ft. No. of stories

Other Buildings on Same Lot Hotel How Used As Hotel

Minimum distance from proposed work of Building on same lot 12 ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant

PLANS AND SPECIFICATIONS and other data must be filed

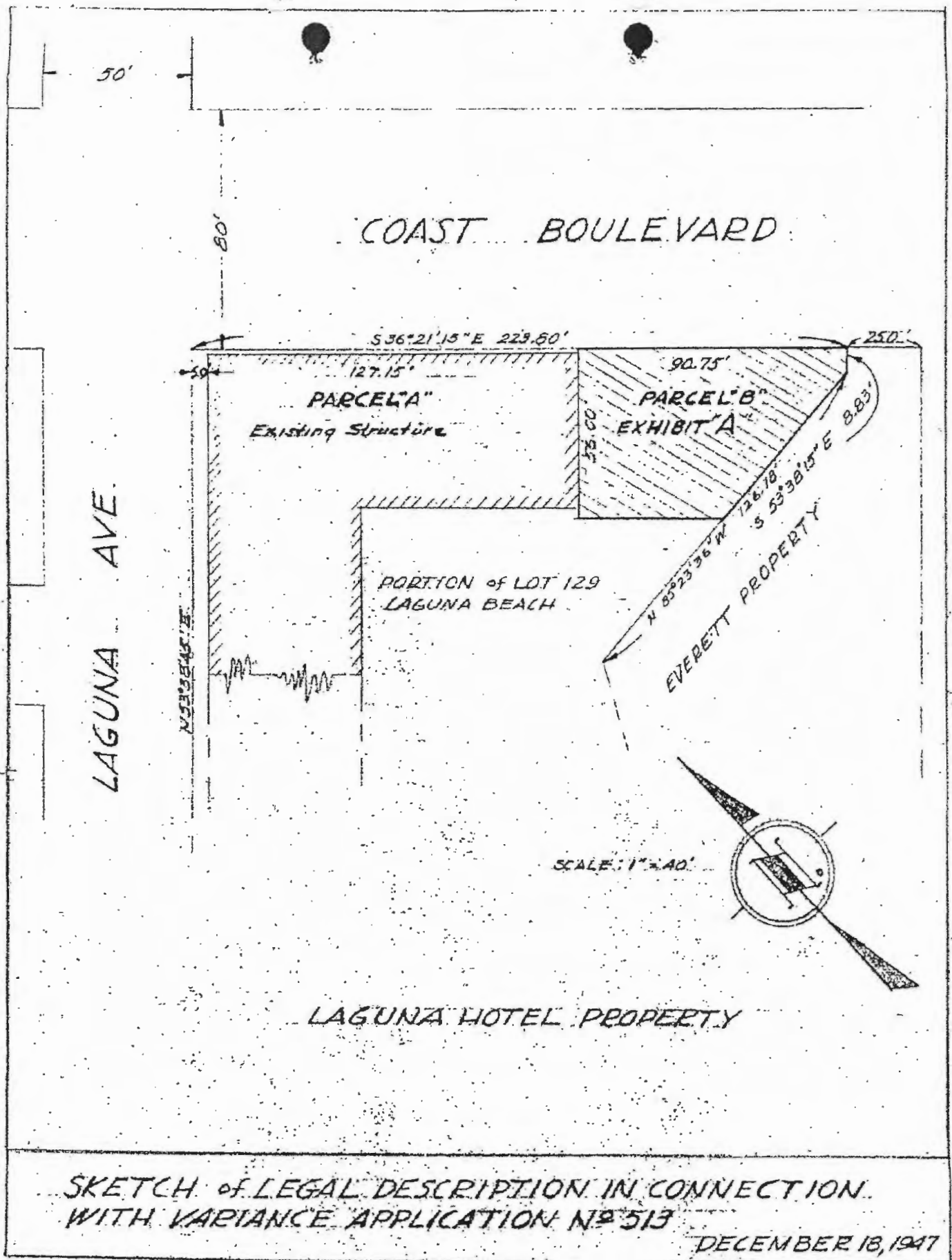
Sign here

Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

144 made  
7-20-58  
1100-13-58

PERMIT NO. <u>16764</u>
Issued by <u>C254 clm</u>
Fee <u>\$12.00</u>
Date Received
Date Issued <u>4/7/60</u>
Classification
Group <u>I</u>
Division
Type
Nature of Work <u>wall</u>
Zone <u>C-2</u>
Fire District <u>H-3</u>
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by



COMPLETED

(4' high walls for planting on terrace)

OWNER Laguna Hotel Corp.

DATE 4/7/60

JOB ADDRESS 425 South Coast Highway

BUILDING PERMIT NO. 16764

GENERAL CONTRACTOR Owner

VALUE \$ 2,200.00

LOT 129 &amp; por. 1

BLOCK

TRACT

Laguna Beach City

GROUP J

TYPE

ZONE C-2

FIRE DISTRICT #3

INSPECTIONS	DATE	SUBCONTRACTOR	PERMITS ISSUED	
			DATE	NUMBER
Footing Trench				
Foundation Forms and Grade to Garage				
Rough Framing				
Plumbing, Rough to Slab				
Plumbing, Rough Complete				
Temporary Pole				
Wiring, Rough				
Heating, Rough				
Heating, Final				
Sewer				
Septic Tank or Cesspool				
Lathing				
Plastering				
Plumbing, Final, Fixtures Complete				
Plumbing, Final Gas Test				
Wiring, Final				
Occupancy	RB 8/5/60			

SM-2-54

# APPLICATION FOR BUILDING PERMIT

## CITY of LAGUNA BEACH BUILDING DEPARTMENT

To the Building Inspector of the City of Laguna Beach:

Application is hereby made to the Building Inspector, of the City of Laguna Beach, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Laguna Beach.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

Fourth: That the City of Laguna Beach does not assume any responsibility for the location of property lines.

431-437-4 USE INK 451  
ADDRESS ~~437~~ So. Coast Blvd  
LOT NO. 129 & Port 1

BLOCK TRACT Laguna Beach

OWNER Laguna Hotel Corp.

ADDRESS 606 So Hill St. Los Angeles.

Valuation of Proposed Work { "Value" of Building shall be Estimated  
Cost to replace the Building in kind. \$14000.00

CONTRACTOR ~~Hotel Manager~~ Owner State License

Address Hotel Laguna,

ARCHITECT FRED BRIGGS State License

Address Laguna Bch 801 Glenview - 2483

Nature of Work Alterations to Store Bldg portion of Hotel

Number of Existing Rooms Families

Number of Proposed Rooms 4 Rooms Arcade & 4 Shops

Material of Exterior Walls Roof Height at Highest Point

Size of Proposed Building ft. x ft. Area of first floor sq. ft. No. of stories

Other Buildings on Same Lot How Used

Minimum distance from proposed work of Building on same lot ft.

I have read the above application and know the contents thereof; the same is true and correct. I further state that I am familiar with the laws governing building within the City of Laguna Beach and State of California, and amendments thereto, and that the above building or structure will be built in conformity therewith.

All applications must be filled out by Applicant.

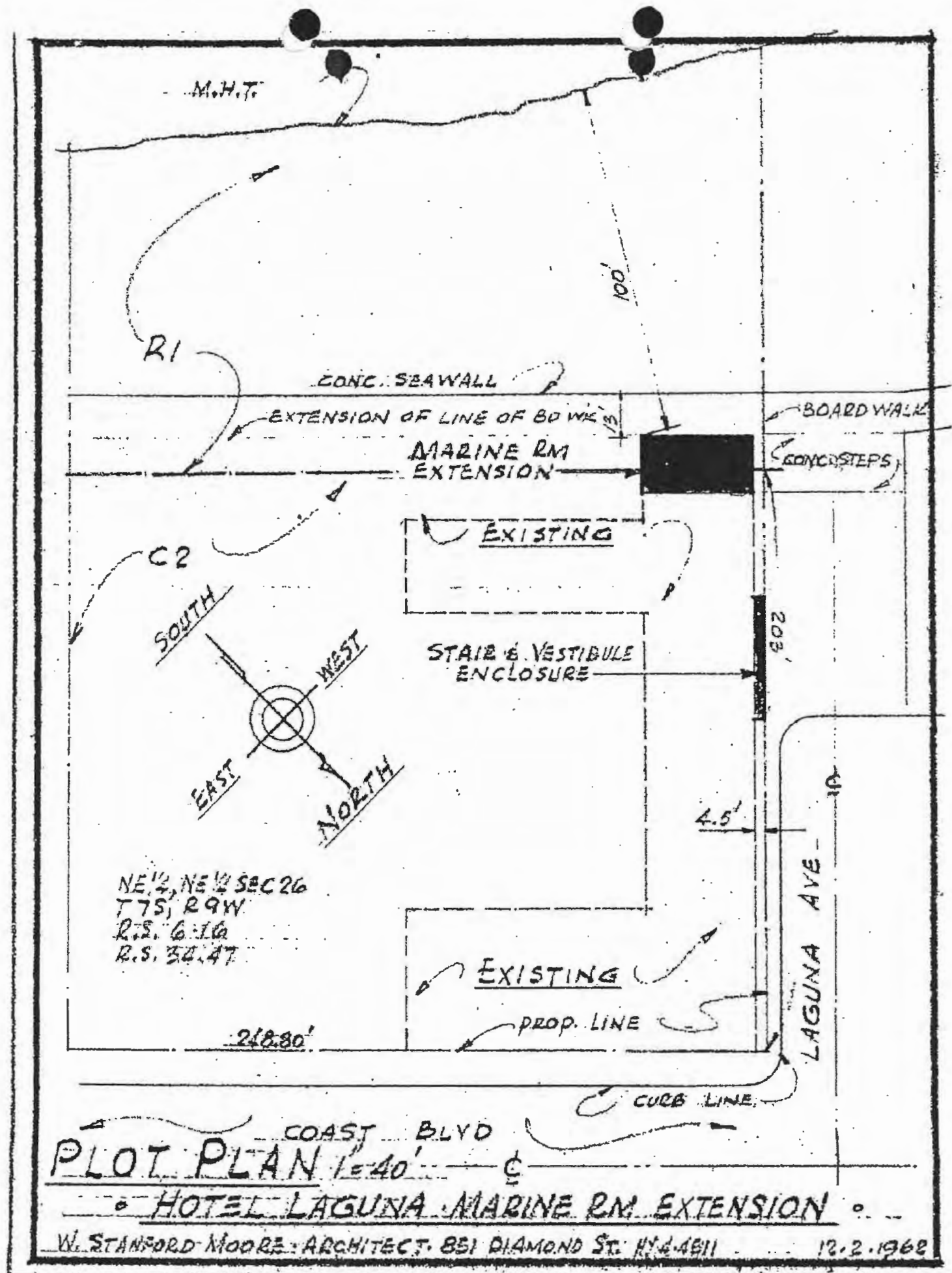
PLANS AND SPECIFICATIONS  
and other data must be filed

Sign here  
Owner or Authorized Agent

TURN OVER AND FILL OUT BLANK ON OTHER SIDE

Check to inspect  
filed

PERMIT NO. 17278
Issued by m.
Fee \$ 67.50
Date Received 4/18/61
Date Issued 4/18/61
Classification
Group H & F
Division 2
Type I hr
Nature of Work Alterations to Hotel Bldg
Zone C-2
Fire District 3
Structure
Checked by
State Housing Law
Checked by
Planning Ord.
Checked by



851 DIAMOND STREET • LAGUNA BEACH, CALIFORNIA • HYATT 4-4311

william stanford moore

December 3, 1962

Mr. Clyde Springe  
Chief Building Inspector  
Laguna Beach Building Dept.  
City Hall

SUBJECT: HOTEL LAGUNA: Marine Room  
Extension & Stair Enclosure

Dear Mr. Springe:

It is the Hotel's desire to extend the existing Marine Room 22' to the Southwest and to enclose the existing stair on Laguna Ave. with a vestibule at street level & dining room service station above. (See Plot Plan enclosed)

The new SW Marine Room wall will be approximately 100' from mean high tide line (Planning Dept. map #56) and 13' from edge of concrete sea wall (SW edge of Boardwalk). Stair & vestibule NW wall will be on Laguna Ave. property line.  
NOTE: More than 60% of ground floor is used for commercial purposes (shops, kitchen, dining, etc.).

Please advise us as to the acceptability of this program (so far as yard requirements are concerned).

Sincerely,

*Wm S. Moore*  
W. Stanford Moore, Architect



RESOLUTION No. 2650

A RESOLUTION OF THE CITY PLANNING COMMISSION OF THE CITY OF LAGUNA BEACH GRANTING A **VARIANCE AS TO THE ME<sub>1</sub>, ME<sub>2</sub>, SEC. 26, 27<sub>5</sub>, R9<sub>1</sub>, R.S. 6-1<sub>6</sub>, R.S. 34-47.**

A verified application dated **December 20,** 1962, and numbered **V.A. 1601** under the provisions of Section 11, Ordinance No. 209, as amended, for a variance from the provisions of Ordinance No. 209, as amended, as the same affects the hereinafter described real property, situate in the City of Laguna Beach, County of Orange, State of California, having been duly and regularly presented by

**Laguna Hotel Corporation**

and said application having been regularly referred to this Commission and **a public hearing** **having been duly and regularly held thereon;**

NOW, THEREFORE, the City Planning Commission of the City of Laguna Beach does hereby make its written Findings of Fact as follows:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;
3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

By reason of the foregoing findings, the Planning Commission of the City of Laguna Beach does hereby resolve and order as follows:

That a \_\_\_\_\_ variance from the provisions of said ordinance be, and the same is, hereby granted to the hereinafter described real property as follows:

**To permit the extension of the existing Marine Room fifteen (15) feet onto the R-1 portion of property, as per the submitted plot plan.**

That said variance be, and the same is, hereby granted subject to the following conditions, terms, restrictions and limitations:

1. Said variance and the uses, buildings, or improvements authorized thereby, shall be, and the same are, hereby declared to be, non-conforming uses, and/or buildings, and/or improvements, and/or lots, as the case may be, as the same are defined by said Ordinance No. 209, as amended, and are hereby declared to be subject to all the terms and provisions of said Ordinance relating to non-conforming uses, buildings, lots and improvements.
2. In the absence of specific provisions and conditions herein to the contrary, on any plot plan attached to, referred to, or incorporated into this resolution, only those lines, angles, dimensions, figures, words or signs shown upon such plot plan shall be deemed included in and made a part of this resolution which are pertinent to the variance applied for as stated in the application for variance. All other lines, angles, dimensions, figures, words and signs shown upon any such plot plan shall not be a part of this resolution or the variance herein granted and shall not be conditions to said variance in the absence of specific provisions herein to the contrary.

(Over)



3. The variance hereby allowed is conditioned upon the privileges granted herein being utilized within one hundred and eighty (180) days after the effective date hereof, and should the privileges authorized hereby fail to be executed or utilized, or where some form of construction work is involved, such construction or some unit thereof has not actually commenced within such one hundred and eighty (180) days, and is not diligently prosecuted to the completion of at least one usable unit thereof, this authority shall become null and void and any privileges or variance granted hereby shall lapse unless such variance has not been utilized within such one hundred and eighty (180) day period by reason of delays caused by the Planning Commission, or the Building Inspector in approving plans, in which event the Planning Commission may grant a reasonable extension of time; provided, however, that the Planning Commission may in its discretion and with the consent or upon the request of the applicant, for any cause, grant reasonable extensions of time in addition to the one hundred and eighty (180) days hereinabove provided.

Said property above mentioned and covered by this variance is described as follows:

**NE 1/4, NE 1/4, Section 26, T7S, R9W, E.S. 6-16, E.S. 34-47.**

**Adopted this 7th day of January, 1963**

**Glenn E. Voddor, Chairman**

**Secretary**

**I, Downing A. Dodge, Secretary of the City Planning Commission of the City of Laguna Beach, do hereby certify that the foregoing resolution was duly adopted at a meeting of said Commission held on the 7th day of January, 1963 by the following vote, constituting a majority of the membership of said Commission, to-wit:**

**AYES: Benton, Briggs, Chapman, Milne, Voddor. NOES: None ABSENT: None**

**Secretary**

APPLICATION FOR VARIANCE

1. Name of Applicant LAGUNA HOTEL CORP.  
(print name of property owner)  
 2. Location of Property 425 So. COAST HWY  
(street address)  
 3. Legal Description of Property NE 1/4, NE 1/4 SEC 26 - T7S,  
R9W, RS 6-16, RS 34-47

FOR OFFICIAL USE ONLY	
V.A. NO.	<u>1601</u>
DISTRICT	<u>C-2</u>
PREVIOUS VARIANCES	
Engineering	
10 Day Waiting Period Requested	
Date Rec'd.	<u>12/20/62</u>
By	<u>[Signature]</u>
DO NOT WRITE IN THIS BOX	

4. Present use and occupancy of property HOTEL & COMMERCIAL  
 5. Variance Requested (state what is intended to be done on or with the property that does not comply with the provision of the Districting Ordinance)

EXTEND EXISTING MARINE RM 15' INTO R1 POR-  
TION OF PROPERTY - (NEW WALL TO BE 13'  
BACK OF CONC. SEAWALL EXTENSION OF Bd  
WALK.

6. STATEMENT OF JUSTIFICATION:

Note: Answers to the questions below must be complete and full. By law the decision to grant or deny this application is based upon facts with respect to A, B, and C, below.

A. State the exceptional and extraordinary circumstances that apply to this property that do not apply to other properties in the same District: THIS PROPERTY IS OF SPLIT USE (C2 & R1). THE  
MEAN HIGH TIDE LINE FORMS THE S.W. PROPERTY LINE OF THE  
R1 PORTION. THE CONCRETE SEAWALL WHICH IS A CONTINUATION OF  
THE S.W. EDGE OF THE BOARDWALK FORMS A NATURAL DIVISION  
BETWEEN C2 & R1 PORTIONS OF THE PROPERTY AND IS, IN FACT,  
THE DIVIDING LINE BETWEEN C2 & R1 PROPERTY FRONT-  
ING ON THE BOARDWALK

B. State why this variance is necessary for the preservation of a substantial property right enjoyed by owners of nearby property: THE ADJACENT PROPERTY ON THE BOARDWALK  
(TO THE N.W.) ENJOYS THE SAME COMMERCIAL  
USE PRIVILEGE AS IS BEING REQUESTED BY THE  
HOTEL.

C. Explain why this variance will not be detrimental to the public welfare or injurious to other property: THE PROPOSED STRUCTURE WILL BE 13' BACK  
OF THE CONCRETE SEAWALL (EXTENSION OF S.W  
EDGE OF BOARDWALK) & DOES NOT ENCROACH ONTO!  
SAND BEACH BEING USED BY THE PUBLIC NOR  
OBSTRUCT OCEAN VIEW FROM ADJACENT PROPERTY.

Attached plat must be drawn to scale of at least 1"=16' and show to accurate scale the location, size, shape and use of all existing (if any) and all proposed buildings, and the width and depth of existing or proposed yards and courts on the property involved, together with the location of buildings and widths of yards adjoining properties.

7. Date property was acquired 1930

8. List deed restriction applying to property NONE

9. Date deed restrictions expire —

10. Waiver of 10 day waiting period requested? Yes ☒ No ☐

### OWNER'S AFFIDAVIT

COUNTY OF ORANGE  
STATE OF CALIFORNIA ss.

11. I, William Stanford Moore, architect

being duly sworn, depose and say that (I am) ~~(we are)~~ ~~(the owner)~~ ~~(the lessee)~~ (the authorized agents of the owner or lessee) of the property involved in this application and that (I) (we) have familiarized (myself) (ourselves) with the rules and regulations of the Laguna Beach City Planning Commission with respect to preparing and filing this application and that the foregoing statements and answers herein contained and the information on any attached maps or documents thoroughly and completely to the best of (my) (our) ability present the argument in behalf of the variance herewith requested and that the statements and information above referred to are in all respect true and correct to the best of (my) (our) knowledge and belief.

12. Signed William S Moore  
Architect

13. Mailing Address 851 DIAMOND ST.  
LAGUNA BEACH, CAL

14. Phone HY 4-4511

15. Subscribed and Sworn to before me this — day of —, 19—

(Notary Public)

16. State below the name and phone number of person to be contacted for details if other than above:

Name — Phone —

17. We, the undersigned OWNERS of ADJACENT PROPERTY, hereby certify that we have read the foregoing application and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the variance requested SHOULD BE GRANTED.

(These signatures are desirable but not required unless waiver of the 10 day waiting period is requested)

Name — Address — Lot — Block — Tract —

VARIANCE APPLICATION NO. 1600, BURTON E. CLOSE, 1930 CATALINA ST., NWLY<sup>1</sup>/<sub>2</sub> LOTS 10, 11, BLOCK 31, ARCH BEACH. GRANTED.

Variance Application No. 1600, requesting permission to place garage and guest house of proposed project five feet from NEly property line, in lieu of ten feet required by Resolution No. 2540, V.A. 1516, was read to Commission, and plot plan presented for their study. Public hearing was declared open. Mrs. Mary Lifert, 372 Center St., asked what the owner proposed to do with the dirt from any excavations. She did not object to the five foot variance, but wished to protest dirt in the drain. Mr. Don Williamson, representing the applicant, assured Commission that drainage will not be unattended, but will be controlled, and that the point was another one in favor of the variance request, so that the drainage area will be left clear. Mr. Frank Brown, 363 Pearl Street, asked for assurance that no excavation material be sent down on his property. Mr. Alfred M. Githens, 439 Center Street, stated that he approved of the five foot offset and felt the plans were developed to take advantage of the subject property. It was moved, seconded and carried that the public hearing be closed. It was moved by Mr. Briggs, seconded by Mr. Chapman, that Resolution No. 2649 be adopted, granting permission to place garage and guest house of proposed project five feet from NEly property line, in lieu of ten feet required by Resolution No. 2540, V.A. 1516, with the stipulation that the channel or drainage be kept free of any debris during any construction. Motion carried by the following roll call vote:

AYES: Benton, Briggs, Chapman, Milne, Vedder NOES: None ABSENT: None

VARIANCE APPLICATION NO. 1601, HOTEL LAGUNA CORP., 425 SOUTH COAST HIGHWAY. GRANTED.

Variance Application No. 1601, requesting permission to extend existing Marine Room 15 feet onto R-1 portion of property, the new wall to be 13 feet back from concrete scawall extension of boardwalk, was read to Commission, and plot plan submitted for their study. Public hearing was declared open. Mr. William S. Moore, architect, stated that the structure was to be one-story. It was moved, seconded and carried that the public hearing be closed. Chairman stated it as his opinion that although he was reluctant to allow commercial structures to encroach on R-1 property, the request was similar to what the applicant's neighbors were allowed, and that no harm would be done. It was moved by Mr. Milne, seconded by Mr. Briggs, that Resolution No. 2650 be adopted, granting permission to extend the existing Marine Room 15 feet onto the R-1 portion of property, as per the submitted plot plan. Motion carried by the following roll call vote:

AYES: Benton, Briggs, Chapman, Milne, Vedder NOES: None ABSENT: None

VARIANCE APPLICATION NO. 1602, OTTO A. CARLSON, 1772 OCEAN WAY, LOT 10, BLOCK 9, ARCH BEACH. DENIED.

Variance Application No. 1602, requesting permission to enlarge apartments without providing parking, as required by Ord. No. 435, was read to the Commission and plot plan presented to them for study. Applicant was asked to step forward and arrangement of apartments in building was clarified. Applicant stated that

# APPLICATION FOR BUILDING PERMIT

DEPARTMENT OF BUILDING & SAFETY

CITY OF LAGUNA BEACH

DATE 5-6-68

VALIDATION

636280 0008050 2

INSTRUCTION: USE TYPEWRITER OR BALL POINT PEN. PRESS FIRMLY. BE SURE ALL COPIES ARE LEGIBLE. NO ERASURES PERMITTED. A DOUBLE FEE WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED.

Job Address 425 South Coast Hiway Permit No. 68-166

Lot No. 129 Tract No. L. B. Blk. No.

CONTRACTOR FRED E. Potts Co. STATE LIC. NO. 381

MAILING ADDRESS 257 BEVERLY DR. TEL. NO. 213 BR 29147

ARCH. BEVERLY HILLS STATE LIC. NO.

ENGR. 830 Malibu TEL. NO.

OWNER Laguna Hotel Co. TEL. NO. 494-1151

MAILING ADDRESS 425 S. Coast

NEW ☐ ADD'N ☐ ALTER. ☐ REPAIR ☐ DEMOLISH ☐

FLOOR AREA (SQ. FT.) 1600 NO. OF STORIES NO. OF DWELLING UNITS

PRESENT BLDG. USE PROPOSED BLDG. USE

DESCRIBE WORK TO BE DONE Part of alterations submitted on

plans as marked (Heavy line) PHASE I ONLY

OWNER-BUILDER PERMIT RESTRICTIONS: An owner-builder must reside within the building for which this permit is issued, (accessory buildings excepted). Said building may not contain more than 3 dwelling units. Otherwise, this permit can be issued only to a contractor licensed in the State of California and a business license must be procured from the City of Laguna Beach.

WORKMEN'S COMPENSATION INSURANCE REQUIREMENTS: A certificate or duplicate thereof of workmen's compensation insurance must be on file with the City of Laguna Beach prior to the issuance of this permit unless: 1. This permit is for less than \$100 valuation or, 2. The applicant qualifies as an owner-builder and signs the statement below—

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.

SIGNATURE William B. Potts

(or) CERTIFICATE ON FILE

APPLICANT'S CERTIFICATION: I have carefully read and examined the above application and find the same to be true and correct. All provisions of the laws and ordinances of the City of Laguna Beach and State of California will be complied with whether specified herein or not.

Signature of Permittee William B. Potts Date 5/6/68 BUS. LIC. NO.

Address

LOT 248, 203 + NO. OF EXISTING BLDGS. ON LOT one

USE ZONE C-2 FIRE ZONE 3 OCCUPANCY H & F-2 + B-1

REQ'D SET BACKS FRONT RIGHT SIDE LEFT SIDE 14

SITE PLAN NO. USE PERMIT OR VARIANCE NO. PARK SPACES REQ'D 12

Zoning Approved By Date 5/6/68

Remarks: PUBLIC WORKS

Remarks By RECEIVED BY PLAN CHECKED BY

## INSPECTION RECORD

APPROVAL	DATE	INSPECTOR
Foundation and Location	6/2/68	By...
Reinforcing		
Underpinning		
Roof Sheathing		
Rough Frame	6/25/68	By...
Lath or Drywall Int. Ext.		
Plas. Scratch Ct. Plas. Brown Ct.		
Other		
Land Use		
Final	10/31/68	By...
Utility Release		

VALUATION NOTE: INCLUDE LABOR, MAT., WIRING, PLUMB., HEAT., ETC. \$26,000.00

## FEES

Plan 68/8057	paid	Building Permit	\$80.00
Check	\$	Expiration Date	
Bond	\$		

Permit Authorized By Date 5/4/68

## RELOCATION

PRESENT BLDG. ADDRESS FIRE DEPT. (Phase I only) MOVING CONTRACTOR approved with revisions 5/7/68 ADDRESS

THIS APPLICATION WHEN PROPERLY FILLED OUT, SIGNED AND RECEIPTED IN THE VALIDATION SPACE, CONSTITUTES A BUILDING PERMIT

2M 9-65 BL-104 REV.

Record Over →



# APPLICATION FOR BUILDING PERMIT

DEPARTMENT OF BUILDING & SAFETY

CITY OF LAGUNA BEACH

DATE 4-7-67

5.00

11-240

VALIDATION

755262 00005.00 2

INSTRUCTION: USE TYPEWRITER OR BALL POINT PEN. PRESS FIRMLY. BE SURE ALL COPIES ARE LEGIBLE. NO ERASURES PERMITTED. A DOUBLE FEE WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED.

Job Address <b>425 SO. COAST HWY</b>	Permit No. <b>67-127</b>
Lot No. <b>129</b> Tract No. <b>6TH</b> Bk. No. <b>LA/104</b>	
CONTRACTOR <b>A-1 FENCE CO.</b>	STATE LIC. NO. <b>547-6014</b>
MAILING ADDRESS <b>1721 W. 4TH. ST. S.A.</b>	TEL. NO. <b>547-6014</b>
<input type="checkbox"/> ARCH. <input type="checkbox"/> ENGR.	STATE LIC. NO.
MAILING ADDRESS <b>HOTEL LAGUNA INC.</b>	TEL. NO. <b>494-1151</b>
OWNER <b>SAME</b>	TEL. NO.
MAILING ADDRESS	

NEW ☐ ADD'N ☒ ALTER. ☐ REPAIR ☐ DEMOLISH ☐

FLOOR AREA (SQ. FT.) NO. OF STORIES NO. OF DWELLING UNITS

PRESENT BLDG. USE PROPOSED BLDG. USE

DESCRIBE WORK TO BE DONE  
**INSTALL CHAIN/LINK FENCE.**

OWNER-BUILDER PERMIT RESTRICTIONS: An owner-builder must reside within the building for which this permit is issued, (accessory buildings excepted). Said building may not contain more than 3 dwelling units. Otherwise, this permit can be issued only to a contractor licensed in the State of California and a business license must be procured from the City of Laguna Beach.

WORKMEN'S COMPENSATION INSURANCE REQUIREMENTS: A certificate or duplicate thereof of workmen's compensation insurance must be on file with the City of Laguna Beach prior to the issuance of this permit unless: 1. This permit is for less than \$100 valuation or, 2. The applicant qualifies as an owner-builder and signs the statement below—

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.

SIGNATURE **Reos. Delgado**

(or) CERTIFICATE ON FILE

APPLICANT'S CERTIFICATION: I have carefully read and examined the above application and find the same to be true and correct. All provisions of the laws and ordinances of the City of Laguna Beach and State of California will be complied with whether specified herein or not.

Signature of Permittee **Reos. Delgado** Date **4-7-67**

Address **1721 W. 4TH. S.A.** BUS. LIC. NO.

LOT WIDTH	LOT DEPTH	NO. OF EXISTING BLDGS. ON LOT
USE ZONE	FIRE ZONE	OCCUPANCY TYPE
REQ'D SET BACKS	FRONT	RIGHT SIDE LEFT SIDE REAR
SITE PLAN NO.	USE PERMIT OR VARIANCE NO.	PARK. SPACES REQ'D

Zoning Approved By Date

Remarks:

**PUBLIC WORKS**

Remarks **OK Re: City Engineer By 4-7-67**

RECEIVED BY PLAN CHECKED BY

## INSPECTION RECORD

APPROVAL	DATE	INSPECTOR
Foundation and Location		
Reinforcing		
Underpinning		
Roof Sheathing		
Rough Frame		
Lath or Drywall Int. Ext.		
Plas. Scratch Ct. Plas. Brown Ct.		
Other		
Land Use		
Final	<b>6/21/67</b>	<b>Delgado</b>
Utility Release		

VALUATION NOTE: INCLUDE LABOR, MAT., WIRING, PLUMB., HEAT., ETC. \$ **350.00**

## FEES

Plan Check	\$ <b>3.00</b>	Building Permit	\$ <b>5.00</b>
Bond	\$	Expiration Date	

Permit Authorized By **Reos. Delgado** Date **4/7/67**

**RELOCATION**

PRESENT BLDG. ADDRESS
MOVING CONTRACTOR ADDRESS

THIS APPLICATION WHEN PROPERLY FILLED OUT, SIGNED AND RECEIPTED IN THE VALIDATION SPACE, CONSTITUTES A BUILDING PERMIT

**APPLICATION FOR BUILDING PERMIT**  
DEPARTMENT OF BUILDING & SAFETY  
CITY OF LAGUNA BEACH

VALIDATION

82135142 00097.50 2

DATE 10-21-68

INSTRUCTION: USE TYPEWRITER OR BALL POINT PEN. PRESS FIRMLY. BE SURE ALL COPIES ARE LEGIBLE. NO ERASURES PERMITTED. A DOUBLE FEE WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED.

Job Address <b>425 S. COAST HWY</b>	Permit No. <b>68-426</b>
Lot No. <b>12.9</b> Tract No. <b>Leg 1300</b> Blk. No.	
CONTRACTOR <b>Fred E. Potts</b>	STATE LIC. NO. <b>381</b> CITY LIC. NO. <b>7718</b>
MAILING ADDRESS <b>2595 Beverly Dr.</b>	TEL. NO. <b>213 RR 29147</b>
<input type="checkbox"/> ARCH. <input type="checkbox"/> ENGR.	STATE LIC. NO.
MAILING ADDRESS	TEL. NO.

OWNER <b>LAGUNA HOTEL CO.</b>	TEL. NO. <b>494-1151</b>
MAILING ADDRESS <b>425 S. COAST HWY.</b>	

NEW ☒ ADD'N ☐ ALTER. ☐ REPAIR ☐ DEMOLISH ☐

FLOOR AREA (SQ. FT.)	NO. OF STORIES	NO. OF DWELLING UNITS
----------------------	----------------	-----------------------

PRESENT BLDG. USE **Hotel** PROPOSED BLDG. USE **Hotel**

DESCRIBE WORK TO BE DONE **Alterations & additions**

**to present structure**

OWNER-BUILDER PERMIT RESTRICTIONS: An owner-builder must reside within the building for which this permit is issued, (accessory buildings excepted). Said building may not contain more than 3 dwelling units. Otherwise, this permit can be issued only to a contractor licensed in the State of California and a business license must be procured from the City of Laguna Beach.

WORKMEN'S COMPENSATION INSURANCE REQUIREMENTS: A certificate or duplicate thereof of workmen's compensation insurance must be on file with the City of Laguna Beach prior to the issuance of this permit unless: 1. This permit is for less than \$100 valuation or, 2. The applicant qualifies as an owner-builder and signs the statement below—

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.

SIGNATURE **William B. Potts**

(or) CERTIFICATE ON FILE

APPLICANT'S CERTIFICATION: I have carefully read and examined the above application and find the same to be true and correct. All provisions of the laws and ordinances of the City of Laguna Beach and State of California will be complied with whether specified herein or not.

Signature of Permittee **William B. Potts** Date

BUS. LIC. NO.

Address

LOT <b>248.8</b> LOT <b>203+</b>	NO. OF EXISTING BLDGS. ON LOT <b>one</b>
WIDTH	DEPTH
USE ZONE <b>C-2</b>	FIRE ZONE <b>3</b>
REQU'D SET BACKS	FRONT <b>14</b> RIGHT SIDE <b>14</b> LEFT SIDE <b>14</b> REAR <b>14</b>
SITE PLAN NO.	USE PERMIT OR VARIANCE NO.
	PARK SPACES REQ'D <b>12</b>

Zoning Approved By **[Signature]** Date **4/17/68**

Remarks: **PUBLIC WORKS**

Remarks By  
RECEIVED BY PLAN CHECKED BY

**INSPECTION RECORD**

APPROVAL	DATE	INSPECTOR
Foundation and Location	11/22/68	By <b>[Signature]</b>
Reinforcing		
Underpinning		
Roof Sheathing	12/16/68	By <b>[Signature]</b>
Rough Frame	12/13/68	By <b>[Signature]</b>
Lath or Drywall Int. Ext.	12/5/68	By <b>[Signature]</b>
Plas. Scratch Ct. Plas. Brown Ct.	12/16/68	By <b>[Signature]</b>
Other		
Land Use		
Final	10/16/68	By <b>[Signature]</b>
Utility Release		

VALUATION NOTE: INCLUDE LABOR, MAT., WIRING, PLUMB., HEAT., ETC. \$ **75,000.00**

**FEES**

Plan <b>68-5057</b>	Building Permit	\$ <b>175.00</b>
Check <b>4-17-68</b>	Expiration	<b>7-1-80</b>
Bond \$	Date	<b>Dec. 9952</b>

Permit Authorized By **[Signature]** Date **9/5/68**

**RELOCATION**

PRESENT BLDG. ADDRESS **FIRE DEPT. 2 Plans checked & approved**  
MOVING CONTRACTOR **"Phase II" 9/5/68 [Signature]**  
ADDRESS

THIS APPLICATION WHEN PROPERLY FILLED OUT, SIGNED AND RECEIPTED IN THE VALIDATION SPACE, CONSTITUTES A BUILDING PERMIT

2M 9-66 BL-104 REV.

*Peterman Formosa & Co. Inc.*



**APPLICATION FOR BUILDING PERMIT**  
DEPARTMENT OF BUILDING & SAFETY  
CITY OF LAGUNA BEACH

VALIDATION

5 739511 00049.50 2

DATE 1-7-69

4950

INSTRUCTION: USE TYPEWRITER OR BALL POINT PEN. PRESS FIRMLY. BE SURE ALL COPIES ARE LEGIBLE. NO ERASURES PERMITTED. A DOUBLE FEE WILL BE CHARGED IF WORK IS STARTED BEFORE PERMIT IS ISSUED.

Job Address 425 S. Coast Hwy	Permit No. 69-011
Lot No. 129 Tract No.	Blk. No.
CONTRACTOR FRED E. Potts Co.	STATE LIC. NO. 255191 CITY LIC. NO. 718
MAILING ADDRESS 259 S. BEVERLY DR	TEL. NO. 213 BR 29147
<input type="checkbox"/> ARCH. <input type="checkbox"/> ENGR.	STATE LIC. NO.
MAILING ADDRESS	TEL. NO.
OWNER LAGUNA HOTEL CORP.	TEL. NO.
MAILING ADDRESS	

NEW <input type="checkbox"/> ADD'N <input type="checkbox"/> ALTER <input checked="" type="checkbox"/> REPAIR <input type="checkbox"/> DEMOLISH <input type="checkbox"/>
FLOOR AREA (SQ. FT.) <u>no data</u> NO. OF STORIES <u>1</u> NO. OF DWELLING UNITS <u>—</u>
PRESENT BLDG. USE <u>Coffee Shop</u> PROPOSED BLDG. USE <u>Coffee Shop</u>
DESCRIBE WORK TO BE DONE <u>ALTERATION</u>

interior & exterior (only)

OWNER-BUILDER PERMIT RESTRICTIONS: An owner-builder must reside within the building for which this permit is issued, (accessory buildings excepted). Said building may not contain more than 3 dwelling units. Otherwise, this permit can be issued only to a contractor licensed in the State of California and a business license must be procured from the City of Laguna Beach.

WORKMEN'S COMPENSATION INSURANCE REQUIREMENTS: A certificate or duplicate thereof of workmen's compensation insurance must be on file with the City of Laguna Beach prior to the issuance of this permit unless: 1. This permit is for less than \$100 valuation or, 2. The applicant qualifies as an owner-builder and signs the statement below—

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.

SIGNATURE

(or) CERTIFICATE ON FILE

APPLICANT'S CERTIFICATION: I have carefully read and examined the above application and find the same to be true and correct. All provisions of the laws and ordinances of the City of Laguna Beach and State of California will be complied with whether specified herein or not.

Signature of Permittee William B. Potts Date 12/20/68

Address 259 S. Beverly Dr BUS. LIC. NO.

LOT WIDTH <u>248.8</u>	LOT DEPTH <u>203+</u>	NO. OF EXISTING BLDGS. ON LOT <u>one</u>
USE ZONE <u>C-2</u>	FIRE ZONE <u>3</u>	OCCUPANCY <u>H+F</u> TYPE <u>278-1</u>
REQ'D SET BACKS	FRONT	RIGHT SIDE
	LEFT SIDE	REAR
SITE PLAN NO.	USE PERMIT OR VARIANCE NO.	PARK SPACES REQ'D
Zoning Approved By <u>[Signature]</u> Date <u>1/7/69</u>		
Remarks: <u>Rearranged seating</u>		
PUBLIC WORKS <u>No increase</u>		
Remarks By <u>B.C.L.</u>		
RECEIVED BY	PLAN CHECKED BY	

**INSPECTION RECORD**

APPROVAL	DATE	INSPECTOR
Foundation and Location		
Reinforcing		
Underpinning		
Roof Sheathing		
Rough Frame		
Lath or Drywall Int. Ext.		
Plas. Scratch Ct. Plas. Brown Ct.		
Other		
Land Use		
Final		
Utility Release		

VALUATION NOTE: INCLUDE LABOR, MAT., WIRING, PLUMB., HEAT., ETC. \$10,000.00

**FEES**

Plan	Building
Check	Permit
Bond	Expiration
	Date

Permit Authorized By [Signature] Date 1/6/69

RELOCATION

PRESENT BLDG. ADDRESS <u>FIRE DEPT. 1/3/69</u>
MOVING CONTRACTOR ADDRESS

THIS APPLICATION WHEN PROPERLY FILLED OUT, SIGNED AND RECEIPTED IN THE VALIDATION SPACE, CONSTITUTES A BUILDING PERMIT

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FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG  
REBECCA A. THOMPSON  
NANCI S. STACEY  
KIMBERLY RIBLE  
ALICIA B. BARTLEY

LAW OFFICES OF  
**GAINES & STACEY LLP**  
1111 BAYSIDE DRIVE, SUITE 280  
CORONA DEL MAR, CALIFORNIA 92625

TELEPHONE  
(949)640-8999  
FAX  
(949)640-8330

June 16, 2014

**RECEIVED**  
South Coast Region

JUN 19 2014

BY FEDERAL EXPRESS

Mr. Karl Schwing  
California Coastal Commission  
200 Oceangate, #1000  
Long Beach, CA 90802

CALIFORNIA  
COASTAL COMMISSION

Re: Vested Rights Claim No. 5-12-179-VRC (E.W. Merritt Farms)  
425 S. Coast Highway, Laguna Beach

Dear Karl:

I have received your letter dated July 2, 2012. I am responding on behalf of E.W. Merritt Farms, the owner of the Hotel Laguna property and the applicant in the Claim of Vested Rights. Your letter requests considerable information, much of which I find irrelevant to the question of whether or not Hotel Laguna has a vested right established since 1930 to use its privately owned property of sandy beach located seaward of the hotel for the exclusive use of its guests. However, I will endeavor to respond to your inquiries to the best of my ability, reserving my objections to the underlying relevance of much of the information.

Attached to this letter are the following Exhibits which contain additional evidence in support of the Claim of Vested Rights.

- V. Letter dated April 2, 2013 to Charles Lester from Dale Ghere, lifeguard for Laguna Beach from 1960 to 1974.
- W. Letter dated October 14, 2012 to Charles Lester from A.K. Sandoval-Strausz.
- X. Mean High Tide Line Survey conducted on October 29, 2012 by Toal Engineering, Inc.
- Y. City of Laguna Beach Ordinance No. 32 enacted March 28, 1928.
- Z. City of Laguna Beach Ordinance No. 55 enacted October 3, 1928.

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- AA. City of Laguna Beach Ordinance No. 209 enacted July 3, 1940.
- BB. City of Laguna Beach Ordinance No. 529 enacted May 6, 1964.
- CC. City of Laguna Beach Ordinance No. 560 enacted January 19, 1966.
- DD. City of Laguna Beach Ordinance No. 622 enacted February 5, 1969.
- EE. City of Laguna Beach Ordinance No. 811 enacted September 18, 1974.
- FF. City of Laguna Beach Municipal Code §§ 25.21.002, 25.21.004, 25.21.006, CH-M Zone, enacted 1988.
- GG. City of Laguna Beach Municipal Code §§ 25.50.004, Building Setback Lines enacted 1974, and amended..
- HH. City of Laguna Beach, G15 Zoning Map, CH-M Zone for Hotel Laguna and adjacent beach.

There are two confusing issues in your letter which I shall address at the outset. You interpret the claim of vested rights which I filed on June 25, 2012 as involving two discrete activities, each of which you imply is development requiring a coastal development permit. These two activities are (1) "places ropes and supports", and (2) "stages unoccupied umbrellas and chairs seaward of the hotel for its patrons". The Claim of Vested Rights describes five separate activities in which Hotel Laguna claims it has a right to engage without the permission of the California Coastal Commission.

The two activities you describe exclude (1) the limitation of the use of chairs, chaises, tables and umbrellas to Hotel Laguna patrons only, (2) the provision of food and beverage on the beach to patrons of Hotel Laguna, and (3) the placement of signs to identify the area for the exclusive use of patrons of Hotel Laguna. You may not artificially limit the rights which are claimed by Hotel Laguna by interpreting what is very clear in the Claim of Vested Rights. (See, Claim of Vested Rights, Attachment, p. 1.) It is important that E.W. Merritt Farms include these activities. Your office has twice alleged that these activities may be a violation of the Coastal Act because they are performed without a coastal development permit. If you will acknowledge in writing that any of these activities do not require a coastal development permit, then it will not be necessary for E.W. Merritt Farms to proceed with the Vested Rights Claim as to any activity which you acknowledge does not require a permit.

E.W. Merritt Farms reserves the right for Hotel Laguna to continue all five of the activities on which the Vested Right Claim has been filed on the grounds that none of the

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activities come within the definition of development under the Public Resources Code §30106. If placing a chair, umbrella or table on the sand requires a coastal development permit, then every visitor to the beach would need to obtain a coastal development permit before each such visitor could bring and place these solid materials upon the sand. If placing chairs, umbrellas and tables on the beach which will remain unoccupied until a patron occupies the chairs and uses the umbrellas and tables, then any family who comes early, sets up their sunshade, blankets and chairs, with the expectation of being joined by others at a later time would require a coastal development permit. If serving food and beverages on the sand requires a permit, then every family that brings food and beverages to the beach would be required to obtain a coastal development permit to provide such food and beverages.

So far as I know, the Executive Director has not issued any de minimis waiver or a categorical exclusion under Public Resources Code §30610(e) for the activities described in the paragraph above when undertaken by individuals. I expect that is because regulation of such activities under the Coastal Act would be preposterous. Each of these activities is essential to the Commission's mission of maximizing public access and enjoyment of the coast. At Hotel Laguna, individuals enjoy the same rights. Rather than bring their own furnishings or rent them from a local vendor, Hotel Laguna patrons are provided, at their request, a chair, chaise, umbrella and/or table. Whether a random individual places a chair on the sand, or an employee of Hotel Laguna places a chair on the sand, cannot be a distinction for which one activity requires a coastal development permit and the other does not. Rather than bring their own food and beverages to the beach or purchase them from local vendors, Hotel Laguna provides its patrons with food and beverages. The identity of the provider does not change that food and beverages are being provided in each case.

It is not disputed that Hotel Laguna engages in both the two activities you describe and the three additional activities which I have described. Hotel Laguna has done so for more than 80 years. I dispute that any of the five activities constitutes "development" as defined in Public Resources Code §30106. (See, Claim of Vested Rights, Attachment, p. 12-13.) Nothing in this letter limits or restricts the scope of the claims which are set forth in the Claim of Vested Rights.

As to the two activities which your letter describes, neither daily locating and daily removing posts which extend from the sand a distance of approximately three feet and stringing a 1/2" diameter rope between those posts, nor placing chairs and umbrellas (occupied or not) on the sand on Hotel Laguna's private property, constitute development. If this were so, then every beachgoer who puts up a sunshade, brings chairs, ice chests and a barbeque, or a volleyball net, and occupies exclusively some portion of a beach, would require a coastal development permit to do so. If you claim that the posts and ropes are "the placement or erection of any solid material", the temporary nature and the daily removal cause such a minimal intrusion as to make it unreasonable to extend the definition of development to cover the activity. The daily locating and removing posts is not the "construction, reconstruction, demolition, or alteration of the size

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of any structure." Public Resources Code §30106 defines a "structure" to include any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line." Although not limited to those items, none is remotely comparable to a few 1 ½" posts.

Your letter makes numerous requests for additional evidence. I find most of these requests to be irrelevant to the inquiry into Hotel Laguna's vested right. You have already received prima facie evidence which would be admissible in a court that Hotel Laguna established a vested right to continue marking and preserving a portion of its property on the sandy beach for private use and serving its patrons in that location. The Claim of Vested Rights already contains sufficient evidence for the Executive Director to determine if the claim of vested rights "appears to be substantiated". (See, California Code of Regs., Title 14, §13203.)

Your requests for information are not designed for fair inquiry. Rather the requests are designed solely to assist the Commission staff in finding some basis to make findings to support denial of the Claim of Vested Rights. are little more than a fishing expedition to see if there may be some basis that you can make findings to deny the Claim of Vested Rights. Despite the irrelevance of your requests, and without waiving any objection to evidence that is irrelevant, I have responded to each of your requests below.

- 1) Evidence showing that the claimant obtained all governmental approvals necessary to construct the infrastructure necessary [to] place ropes and supports on the sandy beach, including copies of valid permits obtained prior to incorporation and passage of Proposition 20 and any other relevant documents related to these approvals from the City of Laguna Beach and/or Orange County and any other applicable government agency permit files.

There were no governmental approvals required to place ropes and supports on the sandy beach in 1930 when Hotel Laguna opened. I have analyzed the relevant local, state and federal laws which applied in 1930 in Section 2 below. I can find no law in effect in 1930 which would have required any permit to place ropes and supports on the sandy beach. Under such circumstances where a property owner could use its property free of governmental regulation, a permit upon which reliance was placed, is not a necessary element of a claim of vested rights. A vested right can be established by commencing and continuously engaging in an activity while free to do so in the absence of government regulation. This is what Hotel Laguna has done.

However, Hotel Laguna relies upon two specific permits, and numerous additional permits issued by the City of Laguna Beach, to support the claim of vested rights. First, the City of Laguna issued a building permit for the hotel in 1930. Although the original copy of the building permit has been lost from City records, news reports from the time state that a building permit was issued on June 10, 1930. There is no evidence that a building permit was not issued.



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Subsequent to the building permit, dozens of additional building permits were issued for modifications or improvements to the property.

It is in reliance upon the building permit for the hotel that the use of its privately owned beach area for the benefit of hotel patrons (a perfectly reasonable, expected and lawful use in 1930) that Hotel Laguna established its right to identify and use the beach. The use of the beach has remained unrestrained by any government regulation for more than 80 years. The fact that the use has remained consistent for 80 years without question of its legitimacy (until the Commission staff's letter dated April 5, 2010) is substantial evidence that it has been lawful throughout that period. There is no evidence to the contrary.

The second permit is Building Permit No. 12878 issued on March 28, 1952. (Exhibit D-4.) Building Permit No. 12878, and Zone Variance No. 742 upon which it was based, identify the intention of Hotel Laguna to construct a building specifically for the storage of beach furniture. The action on Zone Variance No. 742 clearly identifies that the City knew in issuing the Building Permit No. 12878 that beach furniture had been stored previously in a different location. Building Permit No. 12878 was issued so that beach furniture could be stored in a new building. The new building was constructed in 1952. There is only one possible purpose for the hotel to store beach furniture. That purpose is to provide such beach furniture to its patrons. Beach furniture is placed on the beach. That activity had been established soon after the hotel opened in 1930, had continued through 1952, and continues without interruption to this date. The construction of a specific structure to store the beach furniture in reliance upon a building permit known to be issued for that purpose, constitutes additional substantial construction to support the vested right to continue the beach activity for which the storage building was designed.

Finally, after the hotel opened, and while the hotel was using the beach, marking its boundaries, identifying the beach for hotel patrons only, the City of Laguna Beach issued no less than 69 other building permits, all of which were for alterations or additions to the hotel. (See, Exhibit U.) The City issued each such permit with knowledge of the use of the beach by Hotel Laguna. Therefore, each such permit supports the Claim of Vested Rights.

Even if assumed that the placement of ropes and supports on the sandy beach constitutes development, prior to February 1, 1973 there were no governmental approvals necessary to place ropes and supports on the sandy beach. There was no "infrastructure" for either the chains or ropes that have been used. The ropes are connected to 1 ½" inch diameter posts which are hand driven into the sand and removed on a daily basis. These posts are no different than the post which supports an umbrella, sunshade, or volleyball net. This can hardly be called "infrastructure". Further, the term "infrastructure" has no legal meaning and is not included within the definition of development contained in Public Resources Code §30106. There is not now, nor has there ever been, a separate and discrete permit for the posts and ropes.



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Insofar as any permits for the "infrastructure" are required, the original 1930 building permit for the hotel included the kitchens which prepare the food which is served at the beach. As already noted, although the original 1930 building permit has become lost in the records of the City of Laguna Beach, there is no dispute that the hotel was built in 1930 and was built pursuant to a building permit. In 1939, the City issued Building Permit No. 5770 which authorized the construction of a bulkhead wall. This wall remains where it was constructed between the hotel building and the beach.

Prior to 1939, there was a walkway suspended over the sand, the outward edge of which was in the approximate location of the bulkhead today. The original chains which marked the private use area of the beach were attached to this walkway. (See, 1935 Record of Survey, Exhibit C.) When the bulkhead was built, the landward end of the chain was attached to the face of the bulkhead. The 1939 bulkhead permit authorized this portion of the "infrastructure". In 1951 the City granted Variance No. 742, and in 1952 the City granted Building Permit No. 12878 for a storage building for beach furniture. The structure was constructed and continues to exist on the property to the left of the bottom of the stairs which access the beach from the hotel. The beach furniture storage structure was a part of the "infrastructure" necessary to providing beach furniture for patrons of the hotel.

There are 69 additional permits between 1930 and 1972 to expand, alter or modify the hotel. All of these permits, including Building Permit No. 5770, Variance No. 742, and Building Permit No. 12878 are included in Exhibit U of the original submission. There is ample evidence that Hotel Laguna from its completion in 1930 restricted use of at least the portion of its private property on the sandy beach as to which the Claim of Vested Rights is directed. This restriction was enforced with chains, ropes, signs, chairs, umbrellas and other physical barriers. There is no evidence to the contrary. If you have evidence to the contrary, I request that you provide me with a copy of any and all such evidence.

In reliance upon a building permit to construct a hotel, a hotel was constructed and hotel operations commenced on the property. The hotel permit allowed the hotel to conduct any and all operations which would normally be the function of a hotel. Identification and separation of an area of Hotel Laguna's own property on the sand for use by Hotel Laguna's patrons exclusively was part of Hotel Laguna's operation since its opening in 1930.

- 2) All relevant City, County, State or Federal ordinances/statutes/regulations related to oceanfront development in the City of Laguna Beach at the time of the alleged approval of the Hotel Laguna construction in 1930. Also, Exhibit M of your vested rights claim submittal, Mr. Kenneth C. Frank alleges that the City of Laguna Beach enacted an ordinance restricting barriers on the beach in 1940. Please submit the ordinance described in this exhibit and evidence that the rope and supports were permanently placed on the beach area between June, 1930 and the effective date of this ordinance in 1940.

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Please also submit Mr. Frank's written findings regarding the investigation noted in Exhibit M of your submittal.

A. City of Laguna Beach Ordinances 32 and 55.

There were no City, County, State or Federal ordinances/statutes/regulations which regulated development of the Hotel Laguna property in 1930. The City's first "zoning" ordinance was Ordinance No. 32 adopted on March 28, 1928, which divided the City into two zones, the "A" zone and the "B" zone. A copy of Ordinance No. 32 is enclosed as Exhibit Y. Hotel Laguna fell within the "A" zone. There was no regulation of uses in the "A" zone.

On October 3, 1928, the City adopted Ordinance No. 55 which superseded Ordinance No. 32. The principal difference between Ordinance No. 32 and Ordinance No. 55 concerned the boundaries of the "A" zone and the "B" zone. However, the changes in boundaries did not affect the Hotel Laguna property which remained in the "A" Zone. A copy of Ordinance No. 55 is enclosed as Exhibit Z.

Both Ordinance No. 32 and Ordinance No. 55 provided a description of what was permitted within the "A" zone in Section 7 of each such ordinance. Section 7 is identical in both Ordinance No. 32 and Ordinance No. 55. Section 7 provides no limitations on the use of Hotel Laguna property in the following language:

SECTION 7. Any building, structure, or improvement may be erected, constructed, established, altered or enlarged in "A" zone without restriction as to its design, arrangement of intended use or purpose, provided such building, structure or improvement or the use or purpose thereof, is not prohibited by law or ordinance now in force, or which may be hereafter enacted, and provided that they comply with the requirements of the building code and fire district regulations of this City, in particular.

When Hotel Laguna obtained its building permit in 1930, Ordinance No. 55 governed the use of the Hotel Laguna property and continued to govern the use of the property until 1940. As such, the hotel building was constructed and other improvements were established "without restriction as to its design, arrangement or intended use or purpose". I can find no provision in any ordinance in effect in 1930 (or any ordinance or provision of the Municipal Code of Laguna Beach enacted since 1930) which would prohibit the uses made by Hotel Laguna of its property, including the use of the beach as to which the Claim of Vested Rights has been submitted.

Hotel Laguna protected its rights in its property by placing posts and chains along its property lines together with signs stating that the property was the private property of Hotel Laguna and reserved for use of its patrons. The exact wording of these signs is shown on the

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Record of Survey recorded on October 16, 1935 and which is attached to the original submission of the Claim of Vested Rights as Exhibit C.

B. City of Laguna Beach Ordinance No. 209.

On July 3, 1940, the City of Laguna Beach adopted Ordinance No. 209, which was the first comprehensive zoning regulation of the City. Rather than Zones "A" and "B", the City was divided into 6 separate zones, i.e., R-1, R-2, R-3, C-1, C-2 and M-1. This method of zoning was common in California cities. It was often described as "pyramid" zoning because every use allowed in the most restrictive zone (R-1) was permitted in each of the higher zones. A copy of Ordinance No. 209 is attached as Exhibit AA.

Hotel Laguna was placed in Zone C-2. Zone C-2 allowed all uses provided in Zone C-1. Section 7(A)(2) provides that hotels, cafes, restaurants and tea rooms are permitted uses. I have read Ordinance No. 209 carefully and I can find no provision in Ordinance No. 209 which would have limited the use of the beach in front of Hotel Laguna from (i) the placement of chairs, chaises, tables and umbrellas for the sole use of Hotel Laguna patrons; (ii) the erection of chains, ropes or other barriers on the beach to identify and limit entry to the private property of Hotel Laguna; (iii) the placement of signs to identify and limit use of the private property of Hotel Laguna; or (iv) the service of food and beverages to Hotel Laguna patrons on the beach.

Your characterization of Mr. Frank's June 11, 2012, letter as stating that "the City of Laguna Beach enacted an ordinance restricting barriers on the beach in 1940" is not accurate. Mr. Frank's letter states: "The City did not enact any ordinance which would have given the City the authority to restrict barriers on the beach until 1940." Ordinance No. 209 is the 1940 zoning ordinance which Kenneth Frank referred to in his letter. Ordinance No. 209 did not restrict barriers on the beach in any manner. Although the City may have had authority to restrict barriers on the beach, no such restriction was enacted in 1940. Even if such a restriction had been enacted, Hotel Laguna would have had a vested right to continue the activity despite such an ordinance.

Ordinance No. 209 was the basis of the examination conducted by the City in 1981-1982. This was the first ordinance of the City of Laguna Beach which limited use of Hotel Laguna property in any manner whatsoever. If Hotel Laguna had established its uses prior to the Ordinance No. 209 (1940), then there was no reason for the City to evaluate whether or not such uses were vested against some future ordinance, including Ordinance No. 529 (see, section 2C below). Mr. Frank's "findings" were set forth in the memorandum dated May 7, 1982 from June W. Catalano, Director of Community Development, to City Manager of Laguna Beach. (Exhibit M-2.) The City was the judge of whether or not Hotel Laguna had a vested right to continue to mark its boundaries on the beach against subsequent laws enacted by the City. The City made that determination and the Commission has no authority to challenge that determination.

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I have carefully reviewed the Ordinance No. 209 and I cannot find any specific provision that would limit the use by Hotel Laguna of its beachfront or limit the ability of Hotel Laguna to mark the beachfront for exclusive use. Whether or not there was a specific provision is irrelevant to the Commission's obligation to recognize a vested right to the use of property when the undisputed facts support it. The Commission cannot ignore or reject competent evidence simply because that evidence produces a result that does not fit with current Coastal Commission policy. Commission policy regarding uses of the sandy beach cannot override Hotel Laguna's constitutionally protected vested right to use the portion of the beach which it privately owns and has identified and protected as private for more than 80 years.

C. Ordinance No. 529.

I have researched the changes that have taken place in the Laguna Beach Municipal Code related to zoning and land regulation since 1928. I find nothing between 1928 and 1964 that would limit the use of the Hotel Laguna property on the beach. On May 6, 1964, the City enacted Ordinance No. 529. (Exhibit BB.) Ordinance No. 529 created the first limitation on the use of property on the beach. Section 1 of Ordinance No. 529 added Section 5.5 to Ordinance No. 209 and created a "building setback line" which was placed at the elevation of 12 feet. All buildings at Hotel Laguna are behind this setback line. The limitation in Ordinance No. 529 was entitled a "building setback line". The limitation did not restrict the use of the beach in the manner that Hotel Laguna has used the beach. It restricted where structures could be erected.

There is no evidence as to where the 12 foot elevation at the Hotel Laguna beach might have been on May 6, 1964. Even assuming that this "building setback line" extended into the area where Hotel Laguna maintained its private area on the beach, Hotel Laguna had a vested right in 1964 to maintain the boundary identifications, having put them in place and maintained them continuously since 1930. Ordinance No. 529 also limited any "structure or improvement" to be behind the setback line. The posts, chains, ropes and other devices which have marked the Hotel Laguna boundaries are not structures and there is no definition of improvements in the Municipal Code. Further, nothing in Ordinance No. 529 would limit the placement of chairs, chaises, tables and umbrellas on the beach, nor the service of food and beverages, nor the placement of signs to identify the Hotel Laguna boundaries and inform the public of the private nature of the property and the limitation of use to Hotel Laguna patrons.

D. Ordinance No. 560.

On January 19, 1966, the City adopted Ordinance No. 560 (Exhibit CC) which amended the "building setback line" from Ordinance No. 529. Under amended Section 5.5©, the elevation for the building setback line was raised to 14 feet at the Hotel Laguna property.

E. Ordinance No. 622.

On February 5, 1969, the City adopted Ordinance No. 622 (Exhibit DD) which was the first comprehensive amendment to Ordinance No. 209. Hotels remained a permitted use in the C-2 zone. Ordinance No. 622 made no amendments to the provisions of permitted uses in Zone C-1. Uses in Zone C-1 continued to be permitted in Zone C-2. The building setback line established in Ordinance No. 560 at 14 feet elevation was continued. (See Section 10(B)(2)(c).)

F. Ordinance No. 811.

The next relevant change to the Municipal Code was Ordinance No. 811 (Exhibit EE) enacted on September 18, 1974. Ordinance No. 811 codified the general yard requirements of Ordinance No. 560 as amended by Ordinance No. 622, and as further amended in Ordinance 811. Ordinance 811 codified the general yard requirements as Section 25.50 et. seq. of the Municipal Code. The building setback line at Hotel Laguna remained at the 14 foot elevation. (See, §25.50.004(B)(3), Exhibit FF.) These provisions of §25.50.004(B)(3) remain unchanged today.

G. Ordinance No. 1150.

Ordinance No. 1150 enacted in 1988 placed Hotel Laguna within City of Laguna Beach Zone CH-M Commercial Hotel-Motel Zone. (Exhibit GG.) The land within the CH-M Zone includes the beach in front of Hotel Laguna. I have attached the City's GIS zoning map as it applies to the Hotel Laguna property (Exhibit HH). Although the CH-M Zone presently requires a conditional use permit for a restaurant in a hotel as well as outdoor seating and service, no such conditional use permit is required for Hotel Laguna as it had established its restaurant and outdoor seating and service 58 years prior to the adoption of Ordinance No. 1150.

H. Conclusions Regarding City Ordinances.

From this examination of the legislative history of the Laguna Beach Municipal Code zoning regulations, it appears that the first time that any limitation on the use of any portion of the Hotel Laguna property arose with the adoption of Ordinance No. 529 which established for the first time an oceanfront building setback line. Prior to May 6, 1964, no regulation limited the structures which Hotel Laguna could establish on the beach nor required any permit to make use of the privately owned property on the beach for the benefit of its patrons. Indeed, Hotel Laguna makes no different use of its beach than any other beach except that it is private and limited to its patrons. No provision of the Laguna Beach Municipal Code has ever prohibited private use of a private beach.

Even assuming that the chains, ropes and posts which identified the area of the Hotel Laguna property that was preserved for private use were subject to regulations after May 6, 1964,



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by that date Hotel Laguna had operated its beach with chains, ropes and posts for more than 30 years and had a vested right to continue. Hotel Laguna disputes that the chain, ropes and posts were "improvements" which might be prohibited after 1964. The City has never taken the position that the chain, ropes and posts required a permit.

The following activities for which Hotel Laguna seeks recognition of a vested right to continue have never been prohibited or limited by any provision of the Municipal Code, even after certification of the Laguna Beach Local Coastal Program: (1) placement of chairs, chaises, tables and umbrellas for exclusive use of Hotel Laguna property by its patrons, including advance placement in anticipation of use, (2) the limitation of the use of the beach area and the chairs, chaises, tables and umbrellas to patrons of Hotel Laguna within an area 28 feet from the bulkhead and extending across the 253 foot frontage of the Hotel Laguna property, (3) service of food and beverages to Hotel Laguna patrons on the beach, (4) the positioning and removing of boundary markers which consists of 1 1/2" diameter posts connected by 1/2" cotton ropes set three feet above the sand, and (5) the placement of signs which identify the boundaries of the Hotel Laguna property which is preserved for private use.

- 3) Evidence of other waterfront hotels in California that opened in 1930 and designated and claimed the beach area for hotel purposes to support the statement made by Professor Andrew Sandoval-Strausz in your submittal, that waterfront hotels opening for business in 1930 would invariably "designate and claim" the beach area for its patrons.

Evidence in support of the fact that waterfront hotels would use the beach area within their private ownership for the exclusive use of their patrons and would provide them with beach furniture and food and beverage service is contained in Dr. Andrew Sandoval-Strausz' letters dated June 12, 2012 (Exhibit C-1), and October 14, 2012 (Exhibit W hereto).

- 4) Evidence showing the property owner incurred substantial liabilities in good faith reliance on valid permits issued to place ropes and supports on the sandy beach.

The premise that a specific permit to place ropes and supports on the sandy beach is necessary to establish a vested right to continue operations which began in 1930 is incorrect. As described in Section 7 of Ordinance No. 55 adopted in 1928, Hotel Laguna was free of any governmental restraint upon the use of its property in 1930. Therefore, there was no regulation, rule, statute, law, prohibition or other enactment of any local, state or federal agency restricted Hotel Laguna from marking its private property boundaries on the beach and using its private property beach for such uses as Hotel Laguna found beneficial for its patrons.

Hotel Laguna relied upon the City's 1930 building permit, and the City's subsequent 69 building permits between 1930 and 1969, to make a lawful use of its property in a manner common to hotels. The precise records of the previous property owners of the cost of

Mr. Karl Schwing  
California Coastal Commission  
June 16, 2014  
Page 12

construction of Hotel Laguna, the cost of construction of the modifications authorized by the 69 building permits issued by the City of Laguna Beach between 1930 and 1969, and the cost of construction of the beach furniture storage building authorized by Building Permit 12878 issued March 28, 1952, have all been lost. Although precise records no longer exist, there is no question that the expenditures have been substantial. The Commission's 38 year delay in asserting that Hotel Laguna's activities violated the Coastal Act is responsible for the loss of records considered unneeded for many years.

From the building permit applications alone, in addition to the reported \$450,000 cost of Hotel Laguna in 1930, the following amounts are identified as the value of hotel improvements permitted during the subsequent decades:

1930-1939	\$ 6,350
1940-1949	\$ 41,350
1950-1959	\$ 80,425
1960-1969	\$127,550

In the seminal 1973 California Supreme Court case involving the vested rights under the Coastal Act, *San Diego Regional Commission v. See the Sea, Ltd.* (1973) 9 Cal.3d 888, the sum of \$79,000 expended in the month prior to February 1, 1973 was sufficient to vest a right to construct a large condominium project. The Hotel Laguna expenditure of not less than \$700,000 over 42 years prior to February 1, 1973, vests the right to make the uses of the beach that Hotel Laguna has made. As the successor in interest to the prior owners of Hotel Laguna, E.W. Merritt Farms succeeded to the rights of such prior owners upon the February 27, 1973 purchase by Richard W. Merritt and Harriet L. Merritt, both of whom are now deceased.

The extraordinary effort which the Commission has embarked upon to force Hotel Laguna to cease the lawful use of its own private property, and the unfounded assertion of alleged public rights in Hotel Laguna property, leads me to the conclusion that the Commission's interest is to take property of Hotel Laguna for public use without just compensation.

- 5) Copies of the plans approved for construction of the infrastructure necessary to place ropes and supports on the sandy beach.

There are no such plans. The original hotel plans no longer exist. No plans for "infrastructure necessary to place ropes and supports on the sandy beach" were ever required to be approved. There is no "infrastructure" necessary to place ropes and supports on the sandy beach.



- 6) Evidence of the development commenced (e.g., grading) in reliance on the permits referenced in item number 1.

E.W. Merritt Farms disputes that anything which has been conducted on the beach at Hotel Laguna private property constitutes development as defined in Public Resources Code §30106. The evidence that the activities for which E.W. Merritt Farms seeks a determination of vested right (without conceding that such determination is required as the activities are not development) was established in reliance on the permits described in Item 1 above is (1) that the development commenced in 1930 after Hotel Laguna was constructed in reliance upon a building permit for a hotel issued by the City, (2) the activities continued after the City of Laguna Beach issued Building Permit No. 12878 on March 28, 1952 for the construction of a storage structure for the specific purpose of storing the chairs, chaises, tables and umbrellas which are placed and removed daily from the beach, and (3) the activities continued after the City issued at least 69 additional building permits for improvements at Hotel Laguna between 1930 and 1969. All of the uses of the beach relied upon the permits which Hotel Laguna had received for a hotel to be constructed and modified.

The evidence in support of these facts can be found in Exhibits B-1, B-2, C-2, D-1, D-2, D-3, D-4, E, G, H, I, J, K, L-1, L-2, M-1, M-2, N, O, P, R-1, R-2, T, U, V, and W.

- 7) Evidence of the status of such development on February 1, 1973.

Again, I dispute that any activity by Hotel Laguna on the beach constitutes development as defined in Public Resources Code §30106. On February 1, 1973, Hotel Laguna maintained posts and chains at its north and south property lines. Evidence of this fact is contained in Exhibits I, J, K, L-1, M-1, M-2, O, and V. On February 1, 1973, Hotel Laguna (1) placed and removed chairs, chaises, tables and umbrellas for exclusive use of Hotel Laguna patrons, including advance placement in anticipation of use, (2) served food and beverages to Hotel Laguna patrons on the beach, and (3) placed posts, chains and signs which identify the boundaries of the Hotel Laguna property which is preserved for private use.

In addition to the evidence previously submitted, I have included a letter dated April 4, 2013 from Dale Ghery. Mr. Ghery was a lifeguard starting in 1960 and continuing until 1974. Mr. Ghery attests that he observed

“[B]arriers consisting of posts and chains with signs existing perpendicular to the shoreline on both sides of the Hotel Laguna. There was also either a rope or a chain, with signs hung from the rope or chain, extending parallel to the shoreline between the perpendicular chains. This rope or chain would be some distance from the Hotel Laguna and formed a barrier creating an identifiable enclosure.”

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Page 14

After Mr. Ghere retired as a lifeguard in 1974, he continued to observe Hotel Laguna in daily runs on the beach that continued from 1974 through 2000.

- 8) Evidence of the status of such development as of June 25, 2012.

As of June 25, 2012, Hotel Laguna (1) placed and removed chairs, chaises, tables and umbrellas for exclusive use of Hotel Laguna patrons, including advance placement in anticipation of use, (2) served food and beverages to Hotel Laguna patrons on the beach, and (3) placed signs which identify the boundaries of the Hotel Laguna property which is preserved for private use.

As of June 25, 2012, Hotel Laguna did not maintain posts or ropes to mark the boundaries of the Hotel Laguna property preserved for private use. Hotel Laguna refrained from placing those posts and ropes only because the California Coastal Commission claimed in letters dated April 5, 2010 and March 27, 2012, that such placing of posts and ropes without a coastal development permit was a violation of the California Coastal Act. The California Coastal Commission threatened that Hotel Laguna could be subjected to fines of \$1,000 to \$15,000 per day if Hotel Laguna continued to place posts and ropes on its property as had been done for the 82 previous years. On this basis, and without waiving any right by E.W. Merritt Farms to maintain its claim of a vested right to continue all of the activities described herein, Hotel Laguna agreed not to place the posts and ropes on the beach while its claim was being considered. This was set forth in my letter to Andrew Willis dated April 24, 2012.

- 9) All available records of expenses incurred since 1973 by the property owner and/or claimant to construct the infrastructure necessary to place ropes and supports on the sandy beach.

E.W. Merritt Farms objects to this inquiry because it is irrelevant to its Claim of Vested Rights. A claim of vested rights is based upon the establishment of the use and activity which took place prior to 1973. What expenditures Hotel Laguna has made since 1973 are not relevant.

Your letter notes to me that the burden of proof is on E.W. Merritt Farms to show the facts necessary to establish a vested right. Satisfaction of that burden of proof is accomplished when a prima facie case of those facts is presented. In fact, the burden is only to show to the Executive director that "the claim of vested rights appears to be substantiated". (See, California Code of Regs., Title 14, §13203.) E.W. Merritt Farms has presented such a prima facie case. The Claim of Vested Rights appears to be substantiated.

Once a prima facie case of a vested right has been established, then the burden shifts to the other party to show evidence that the facts supporting the prima facie case are not true. It is not clear whether the Coastal Commission staff is acting as the other party intending to

Mr. Karl Schwing  
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Page 15

investigate and prepare evidence to deny the Claim of Vested Rights. Your correspondence, and the prior correspondence from Andrew Willis of your staff, suggests that the Coastal Commission Staff is operating as an advocate and adversary which has already determined the result the Staff desires to reach. In acting as an advocate on an adjudication of a constitutional right, the Executive Director fails in the duty to impartially advise the Commission.

I am interested in the evidence which you possess that would support Mr. Willis' assertions in his letters of April 5, 2010 and March 27, 2012, that (1) the public has acquired a right through use of the portions of the Hotel Laguna beach where Hotel Laguna has placed its posts, chains and ropes in the past, and (2) that Hotel Laguna has usurped public tidelands, from time to time, for its private use. I am certain that Mr. Willis would not have made such statements unless the Commission staff had substantial evidence to support them. I request that you provide me with copies of all such evidence.

Please consider this to be a request under the California Public Records Act (Government Code §6250, et seq.) for all records which the Commission has in its possession as to any use of the beach in front of the Hotel Laguna property which extends from the southern boundary of Main Beach of the City of Laguna Beach for a distance of 253 feet, and extends from the bulkhead in front of Hotel Laguna seaward for a distance of 28 feet, including any written statements from any person and any survey map of the Hotel Laguna property or the beach in front of the Hotel Laguna property. I have also made this Public Records Act request in a separate letter so that it may be reviewed by records custodians without the necessity for reading this entire letter.

I request that you set this matter before the Commission for hearing. I have provided all evidence that I have been able to accumulate as of this date. I reserve the right to produce additional evidence at any time up to and including the hearing before the Commission. I do not believe that you have the right to request additional information. The Claim of Vested Rights is not a development permit application and the rules related to permit applications and requests for additional information do not apply.

Commission Regulation, California Code of Adm. Regs., Title 14, §13203, provides as follows:

"As soon as practicable after the filing of a claim, and in no event later than 30 days from the filing date, the executive director of the commission shall make an initial determination whether the claim of vested rights appears to be substantiated; notice of the initial determination shall be transmitted to the claimant and to any person(s) requesting notice or known by the executive director to be interested. Based on that initial determination, the executive director shall make a written recommendation to the commission for consideration at the

Mr. Karl Schwing  
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hearing on the claim of vested rights application at the next succeeding regularly scheduled meeting. At such hearing, the executive director shall introduce into evidence all evidence submitted by the applicant and all evidence submitted either supporting or in opposition to the application up to the deadline for submission of evidence established by the commission."

The executive director failed to follow this regulation in response to the initial filing. E.W. Merritt Farms has not objected to that failure. However, at this time E.W. Merritt Farms must insist upon the Commission and its Executive Director complying with its own regulations. If you need more time to review this matter or to produce the documents which I have sought, please let me know and I will consider your request. Otherwise, I would expect that within 30 days the Executive Director will have made an initial determination whether the claim of vested rights appears to be substantiated and that notice of such determination will have been transmitted in writing to me.

Sincerely,

  
SHERMAN L. STACEY

SLS/sh

cc: Mr. Earl Merritt (w/o encl)  
Mrs. Georgia Andersen (w/encl)  
Nanci S. Stacey, Esq. (w/o encl)

DALE GHERE

915 Meadowlark Lane  
Laguna Beach, CA 92651

April 2, 2013

Dr. Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re:

Dear Dr. Lester:

I am writing to you to describe my observations of the beach in front of Hotel Laguna from 1960 through 2000. In the summer of 1960, I became employed as a lifeguard by the City of Laguna Beach. For the first year, my duties included training at Laguna Main Beach which abuts and is north of the Hotel Laguna. A part of each day's training routine, there was a run down the beach from Main Beach past the Hotel Laguna to the Sleepy Hollow rocks and back.

My first regular assignment as a lifeguard in 1960 was to the tower located at St. Ann's Beach. After check in at Main Beach, I would walk south along the beach past the Hotel Laguna every day throughout the summer. I would return to Main Beach at the end of my service day by walking again past the Hotel Laguna to Main Beach. This assignment continued every summer until 1965 as did my pattern of walking to and from Main Beach along the beach to reach and return from the St. Ann's lifeguard tower.

In 1966, I was assigned to Main Beach. My assignment to Main Beach continued until I ceased being employed as a lifeguard in 1974. Throughout the time of my lifeguard service from 1960 to 1974, I observed that there were barriers consisting of posts and chains with signs existing perpendicular to the shoreline on both sides of the Hotel Laguna. There was also either a rope or a chain, with signs hung from the rope or chain, extending parallel to the shoreline between the perpendicular chains. This rope or chain would be some distance from the Hotel Laguna and formed a barrier creating an identifiable enclosure. The signs identified the property as the private property of the Hotel Laguna for the use of guests of the Hotel Laguna. The Hotel Laguna Claim for Vested Rights to Use of Beach perpendicular barrier was always in the same location. The location of the parallel barrier might vary from time to time. Within the enclosure created by the barriers, Hotel Laguna would place chairs, chaises, umbrellas and tables for the use of its guests. I would observe the "beach boy" who worked at Hotel Laguna remove these furnishings from a building at Hotel Laguna and place them on the beach. At one time I



offered the Hotel Laguna beach boy a job as a lifeguard but at the time he made more money from his job providing services to hotel guests and turned down my job offer. I would observe hotel guests from Hotel Laguna using the chairs, chaises, umbrellas and tables. I would observe food service personnel from Hotel Laguna providing food and drink service to guests on the beach. These observations were regular throughout the summer of every year from 1960 through 1974.

Subsequent to leaving the lifeguard service in 1974, I continued to live in Laguna Beach and walk on the beach between Brooks Street and the north side of Main Beach at least 2 times a week. This normal pattern continued throughout the year until at least the year 2000. During this 26 year period I continued to observe that the barriers and signs were maintained at the Hotel Laguna. I continued to observe beach furnishings and service provided for guests. At a point in time between 1980 and 1990, the barriers appeared to be absent during the winter months but return during the summer months and be maintained throughout the summer months. Also, at a point in time between 1980 and 1990, all of the barriers appeared to be ropes and chains did not appear to be used. Signs were always hung identifying the property as belonging to Hotel Laguna and for the use of the guests of Hotel Laguna.

For more than 40 years I have observed the beach in front of Hotel Laguna. As a lifeguard, being observant is a significant part of our training. Throughout this 40 year period, I observed Hotel Laguna regularly and continuously provide identifiable barriers to entry to a portion of the beach which was reserved for the use of its guests. I observed the guests of Hotel Laguna enjoying the use of the beach and the beach furnishings provided by Hotel Laguna. I observed that food service was provided to the hotel guests on the beach.

I did not observe any conflicts between the use of the Hotel Laguna beach within its barriers and the use of the public beach. I did not observe any interference with the passage of public members, like myself, along the beach seaward of the barriers. The Hotel Laguna enclosure provided no interference with walking past the hotel, otherwise I could not have enjoyed the passage along this beach for more than 40 years.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale Ghery".

DALE GHERE



Department of History

October 14, 2012

Dr. Charles Lester  
California Coastal Commission  
45 Fremont Street, #1000  
San Francisco, CA 94105

Re: Hotel Laguna  
Claim of Vested Rights

Dear Dr. Lester:

This letter is sent as a follow-up to my letter of June 12, 2012, in which I offered my opinion regarding the Hotel Laguna's use of its beachfront since 1930. I have gathered a number of historical citations and archival images in order to document the fact that resort hotels nationwide made a common practice of providing beach furniture and serving food and drink on the beaches immediately adjacent to their main buildings.

For example, during the era of Prohibition, the *Hotel Monthly*, one of the most important trade publications in the industry, reported: "The new part of the Chicago Beach Hotel opened for business January 1, 1921.... An elaborate dancing pavilion on the beach is also planned with an open air refreshment loggia." Three years later, the same publication reported that the hotel had built this facility and that it was in use: "The Chicago Beach Hotel, located on the lake shore in Chicago's Hyde Park district.... Another feature of this hotel is a dancing pavilion on the beach, to which is attached a refreshment room."<sup>1</sup> In that same era, a different publication reported on a trade convention in Boston: "All delegates and visitors are invited to attend. The place is the magnificent ball room of the Copley Plaza Hotel. Mayor Andrew J. Peters of Boston is Chairman of the Reception Committee. The shore dinner will be held Thursday evening. It will be a regular old-fashioned New England dinner on the beach, and a sure-fire treat for all, especially those delegates who live west of the Alleghanies."<sup>2</sup>

Hotels continued to make this kind of use of their adjacent beaches after the Eighteenth Amendment was repealed by the Twenty-First Amendment in 1933. Early on, references specifically to alcohol were less common because the precise conditions of liquor sales remained contested: for example, in some jurisdictions it was illegal to sell alcohol without also offering food. Thus, there were descriptions such as: "The Cavalier Hotel has its own beach club, providing refreshment, music, and dancing[.]"<sup>3</sup> By the

<sup>1</sup> *Hotel Monthly*, vol. 29 (1921), page 43; *Hotel Monthly*, vol. 32 (1924), page 38.

<sup>2</sup> *National Safety News*, September 1921, pages 3-4.

<sup>3</sup> *Virginia Municipal Review*, vol. 14 (1937), page 210.



same token, there was this 1946 description of a Virginia Beach concession dispute in *The Billboard*, a trade publication for the hospitality industry: "Strong opposition to a proposal that Virginia Beach issue a franchise for the lucrative beach concession was registered by hotel owners and operators at a hearing before the council this week. Franchise would place on the holder responsibility of policing the beach and providing up to 25 lifeguards. It is estimated that income from the beach concession amounts to \$25,000 a year. Hotel men disputed this figure, declaring themselves for continuation of the present system under which individual hotels have lifeguards who also handle umbrella concessions. Some councilmen were of the opinion that a franchise would be the only way to keep the beach clean and adequately controlled."<sup>4</sup>

In time, however, the open discussion of alcohol sales became more acceptable. A 1950s controversy in the coastal community of Salisbury, Massachusetts, is illustrative. In 1956, the town voted to prohibit liquor sales, and local businesses apparently scrambled to find ways to maintain the appeal of the beach scene. The following year, *The Billboard* reported: "A proposal to attract summer tourists to this completely dry beach resort was postponed indefinitely [*sic*] at a town meeting last week. Some residents had signed a petition to appropriate \$10,000 for a bandstand on the Boardwalk as well as \$16,000 to support the musical programs. But the measure was deferred when only 75 persons showed up at the meeting. Absence of liquor on the beach appears to have had little effect on crowds thus far, since no noticeable drop in attendance was noted in the two Sundays the beach has been running." However, the town soon decided to restore alcohol sales, according to another report in *The Billboard*. "This town with its extensive amusement section," noted a 1957 article, "can look forward to a brighter season ahead after a vote (12) [*sic*] brought back the sale of liquor, beer and wine under the supervision of a liquor licensing commission set up in the same election. The town has been dry for more than a year following a referendum on the 1956 State election ballot in which the town by a narrow margin outlawed all liquor sales.... It was estimated that the lack of liquor last year resulted in a drop in business of more than 60 per cent." As I noted in my previous letter, nineteenth- and early-twentieth-century hotels were heavily dependent upon alcohol sales as a source of revenue—this story demonstrates that this continued to be the case into the second half of the twentieth century.<sup>5</sup>

There is also visual evidence in the form of archival photography that shows how oceanfront hotels made use of the beaches in front of their premises as places to set up table service, build cabanas, and otherwise use architecture to establish their claim over part of the seashore. For example, a 1940 photograph of the Albion Hotel in Miami Beach shows tables and chairs set up on the sand next to the hotel (Image A). Similarly,

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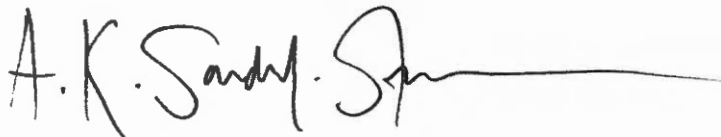
<sup>4</sup> *The Billboard*, March 2, 1946, page 67. It appears that in Virginia Beach the beaches were controlled by the municipality, which granted exclusive franchises to the adjoining hotels.

<sup>5</sup> *The Billboard*, March 24, 1958, page 76; *The Billboard*, May 6, 1957, page 78.

two images of Miami's Hotel Raleigh—one preserved in the Library of Congress (Image B) and the other published in *Life* magazine (Image C) in 1947 show how the hotel laid claim to the beach seaward of the hotel right down to the shoreline by constructing a patio and then what appear to be a row of cabanas directly on the sand. Similarly, two photographs of the Fontainebleau Hotel, also in Miami, show that the builders of this hotel designed a sweeping, curvilinear façade that sectioned off part of the beach (Image D). The façade was composed of hotel cabanas that opened directly onto the sandy shore (Image E), and in addition, the hotel placed lounge chairs further down on the sand, effectively making a claim on the shore on behalf of their guests. The extent to which oceanfront hotels claimed parts of the beach for their customers is also illustrated in this 1942 photograph of Miami's Caribbean Hotel, which shows the establishment's raised platform with tent cabanas equipped with a stairway that encouraged guests to take the hotel's matching beach furniture and spread it out on the sand for their use (Image F).<sup>6</sup>

There are many other texts and images of this kind in other archives around the country. In particular, historical materials from California's Hotel Del Coronado are kept at San Diego State University and at the local historical society on Coronado Island in San Diego.

Sincerely,

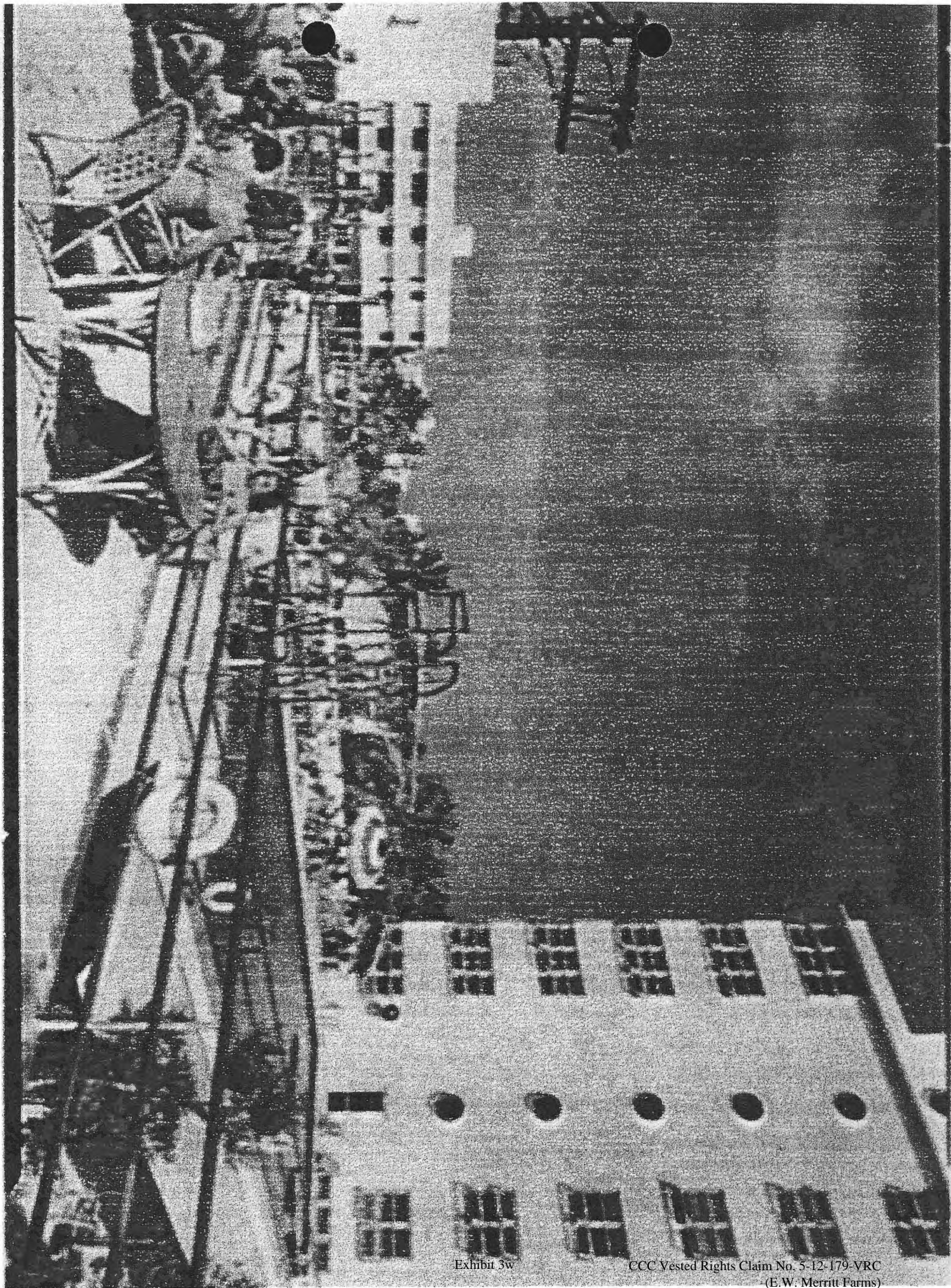
A handwritten signature in dark ink, reading "A. K. Sandoval-Strausz". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

A. K. Sandoval-Strausz

Associate Professor of History, University of New Mexico  
Affiliated Faculty, UNM School of Law

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<sup>6</sup> Sources for the images are as follows: A, B, D, E, and F are from the Library of Congress Prints and Photographs Division; C is from *Life* magazine, December 29, 1947, page 35.



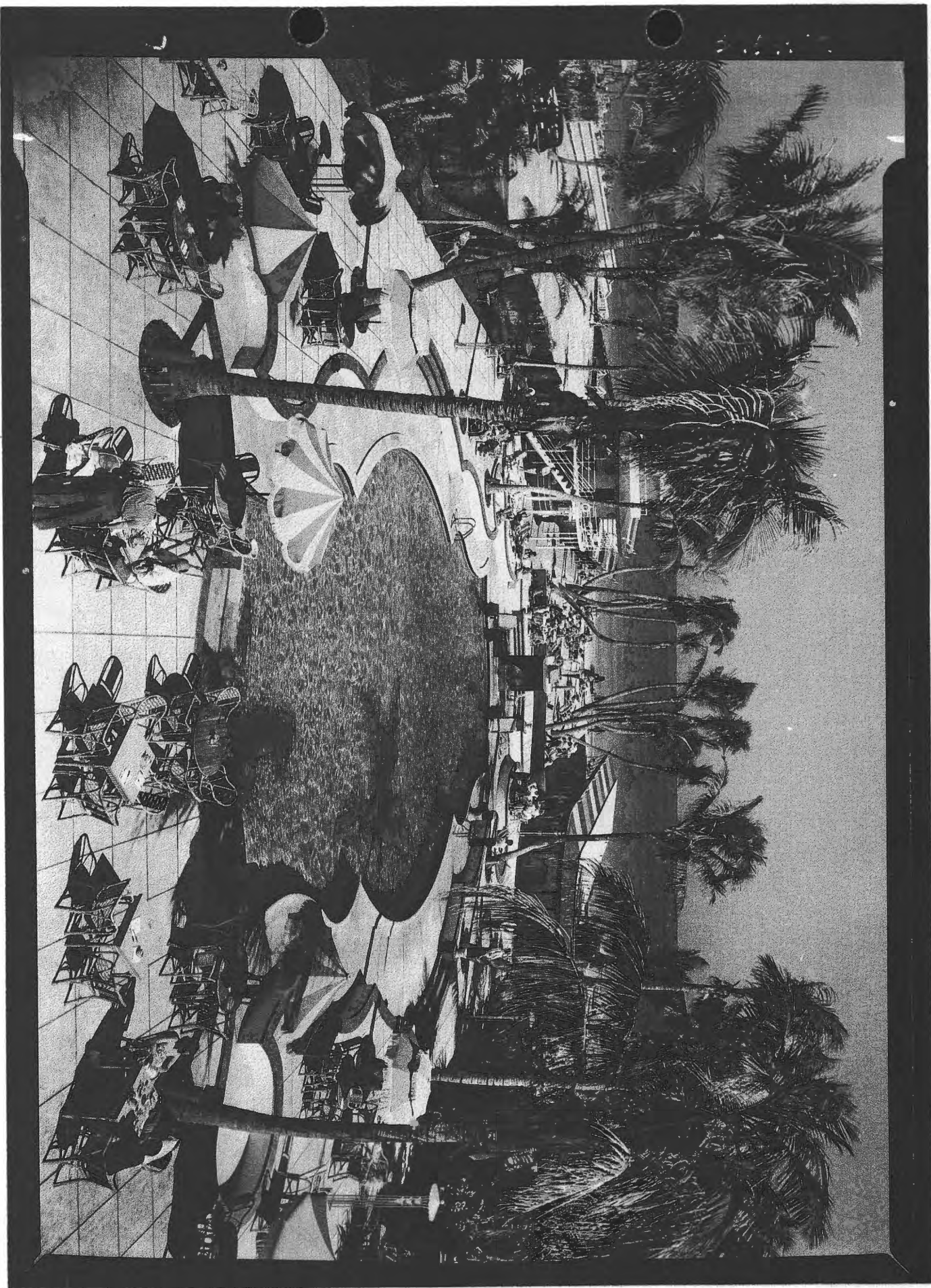
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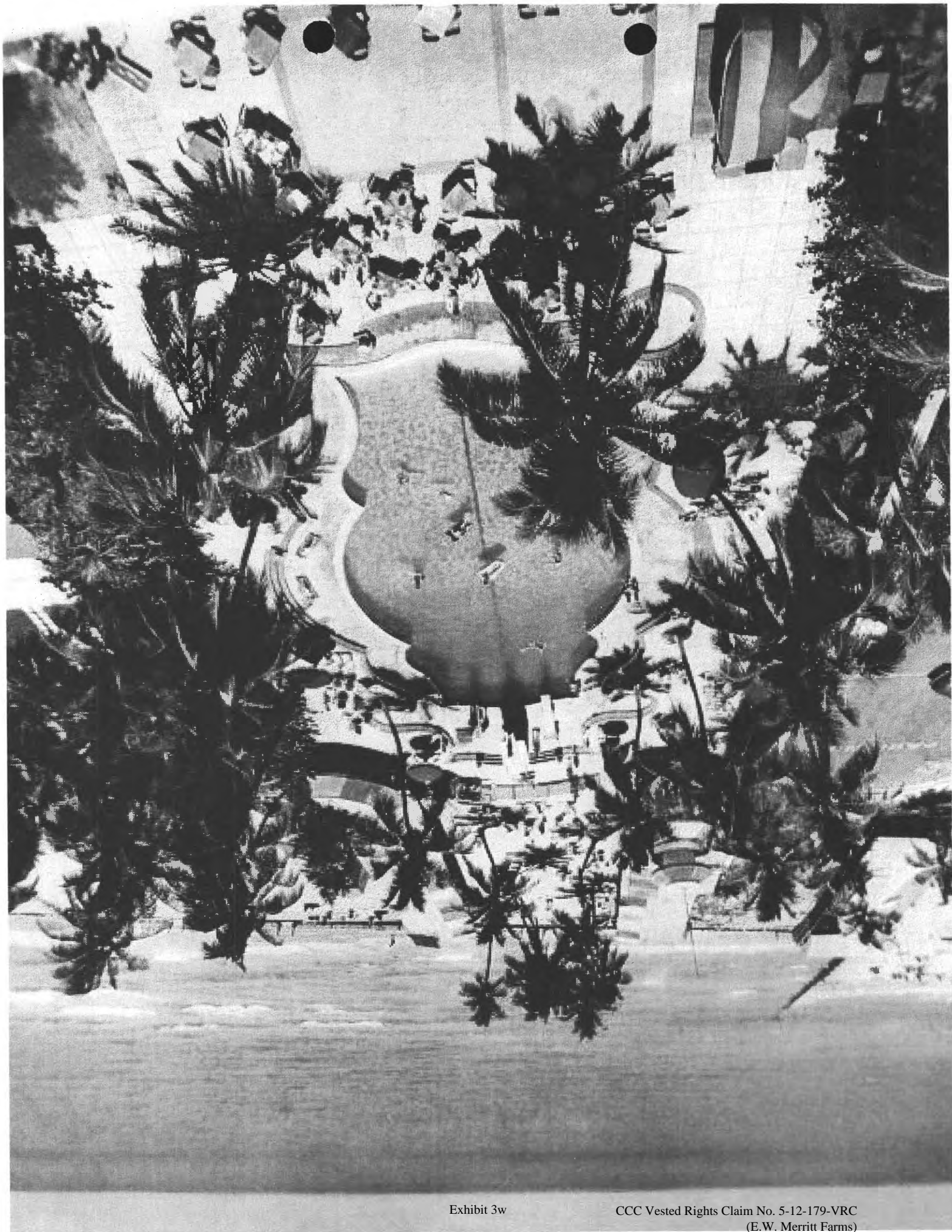
Exhibit 3w

CCC Vested Rights Claim No. 5-12-179-VRC  
(E.W. Merritt Farms)

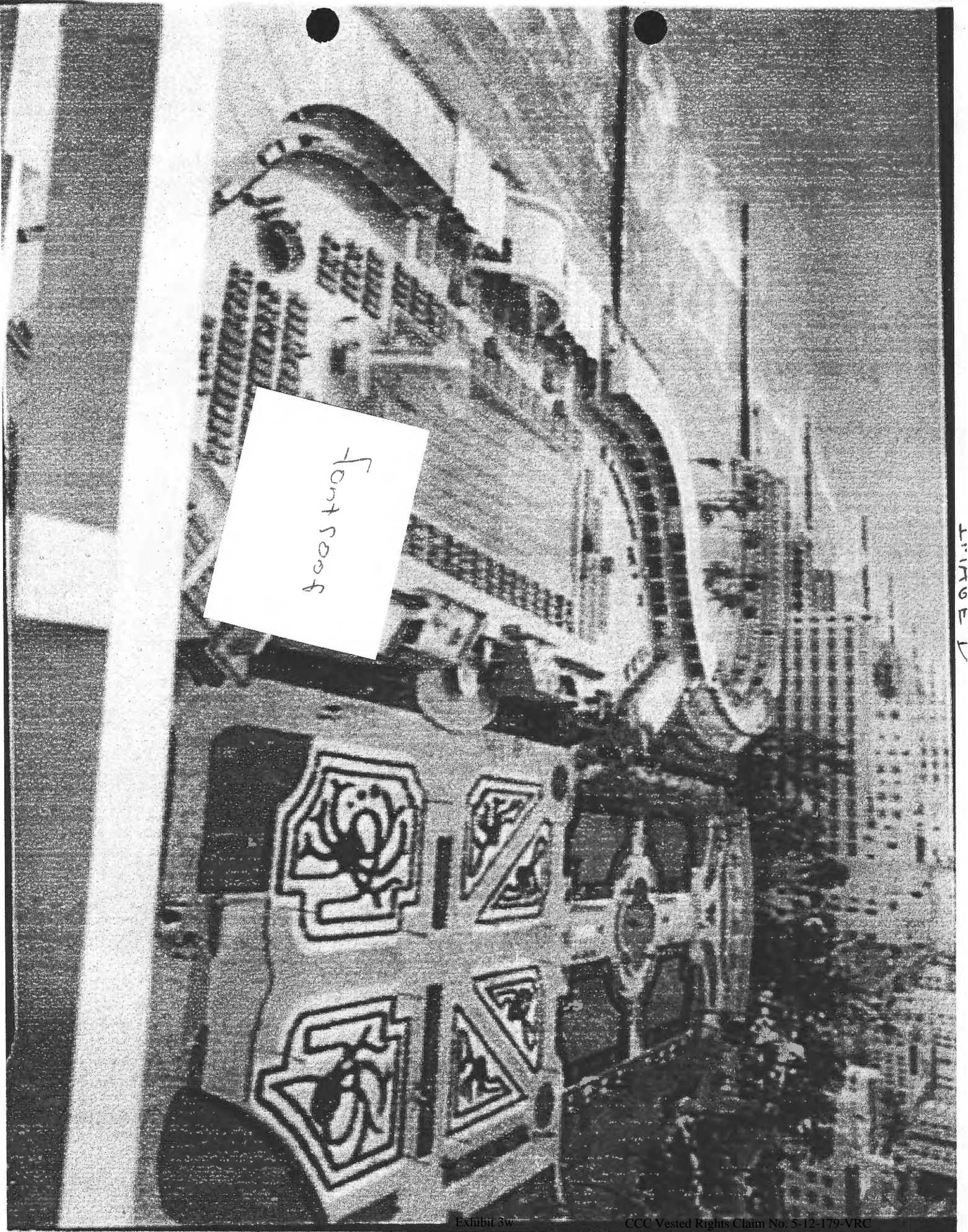


IMAGE B

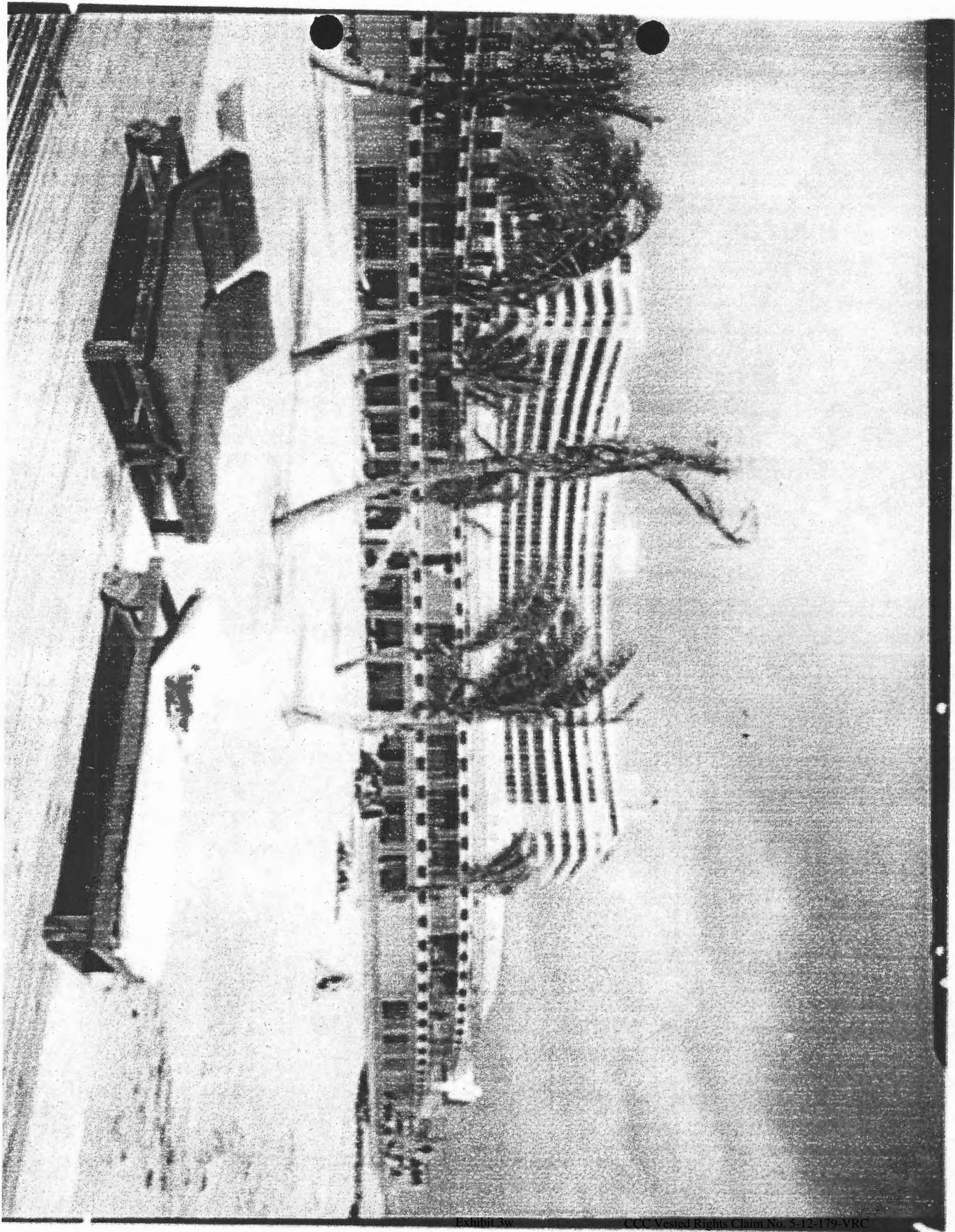




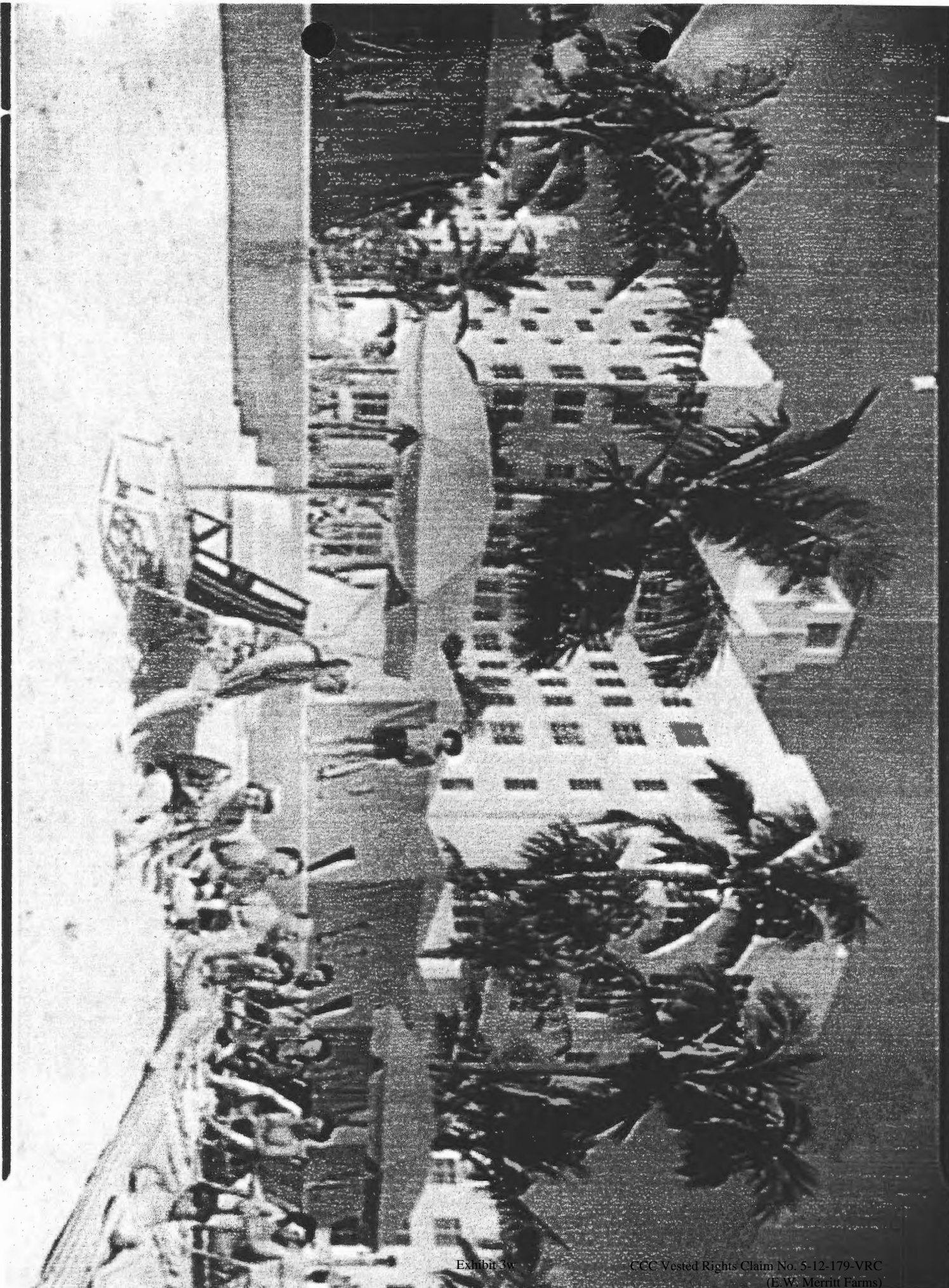










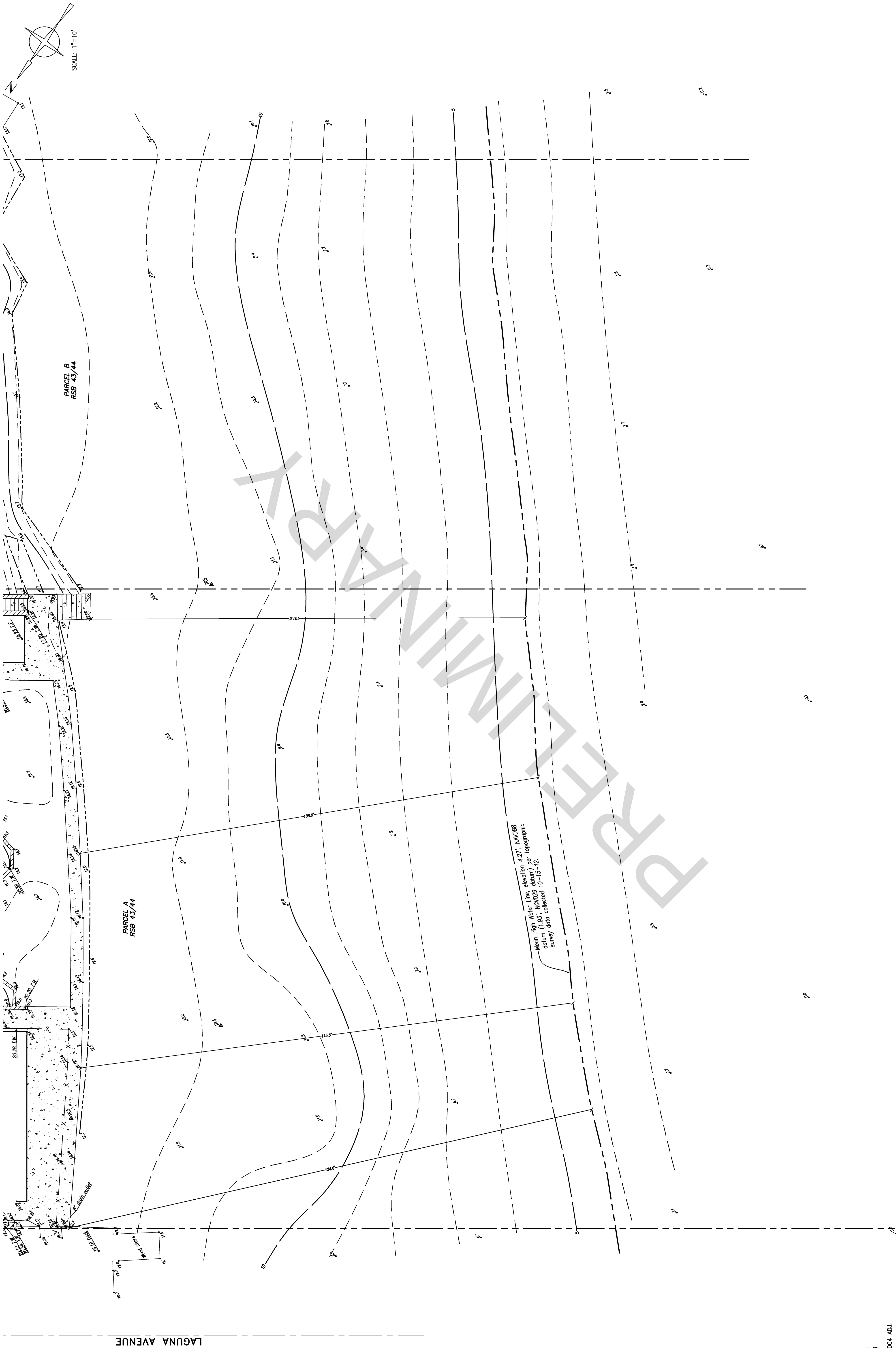


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**TOAL ENGINEERING, INC.**

	V	SCALE:	N/A	DRAWN:	M. FLUSS	SURVEY OF DATE OF: 10-15-12 OHD:-
	H.	SCALE:	" = 10'	DATE:	10-29-12	

MEAN HIGH TIDE SURVEY  
PARCELS A AND B, PMB 43/44  
425 S. COAST HIGHWAY, LAGUNA BEACH, CALIFORNIA



BENCHMARK NOTE:  
OCSBM 3K-51-99  
ELEV=29.187  
NAVD88 DATUM, 2

EASEMENT NOTE:  
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.  
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

BOUNDARY NOTE:  
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN  
ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION  
OF A BOUNDARY SURVEY.

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ORDINANCE NO. 32.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH FOR THE CREATION IN THE CITY OF LAGUNA BEACH OF TWO ZONES, AND PRESCRIBING THE CLASSES OF BUILDINGS; STRUCTURES AND IMPROVEMENTS IN SAID SEVERAL ZONES AND THE USE THEREOF; PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF, AND REPEALING CERTAIN ORDINANCES.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN AS FOLLOWS:

DEFINITIONS

SECTION 1. For the purpose of this ordinance, certain terms used herein are defined as follows: All words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number; the word "lot" includes the word "plot".

**ALLEY:** The word "alley", when used in this ordinance, means a public way intersecting a block or portion of a block, and designated on the Zone Map hereinafter referred to.

**ACCESSORY:** The word "accessory" means a subordinate building or portion of main building the use of which is incidental to that of the main building, and located on the same lot or parcel of land.

**APARTMENT:** The word "apartment" means a room or a suite of two or more rooms in a tenement or apartment house, occupied or suitable for occupation as a residence for one family doing its own cooking on the premises.

**BUILDING:** The word "building" means a structure for the support, shelter or enclosure of persons, animals or chattels; and when separated by division walls of masonry from the ground up and without openings, then each portion of such building shall be deemed a separate building.

**BUSINESS OR COMMERCE:** The word "business" and the word "commerce" mean the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises.

**DISTRICT:** The word "district" means an entire city block, any part thereof, or two or more contiguous blocks.

**INDUSTRIAL BUILDING:** The term "industrial building" means a building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and includes buildings used as stables and garages.

**INDUSTRY:** The word "industry" when used in this ordinance means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of garages and stables.

**LOT:** The word "lot" means a parcel of land abutting on at least one street or alley. Where no alley exists, the rear line of a lot having a frontage on two parallel or approximately parallel streets shall be considered as equi-distant from those streets, except where the full length or depth of such lot is less than one hundred twenty-five (125) feet, in which case it shall be deemed one lot.

**LOT LINES:** The term "lot lines" means the established division lines between parcels of property, public or private.



**PUBLIC STREETS:** The term "public streets" means the land dedicated to, or condemned for use as a public highway, or established as such by use for public street purposes.

**STORY:** The word "story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET LINE:** The term "street line" means the boundary line between street and abutting property.

**USE:** The word "use" means the purpose for which a building is designated, arranged, or intended, or for which it is or may be, occupied or maintained.

**SECTION 2.** In order to designate, regulate, and restrict the location and locations of commerce, business, trades and enterprises and the locations of all buildings designed, arranged or intended for special uses, two (2) classes of districts, which shall be known as "A" zone and "B" zone, which said several zones are hereby established, and the boundaries of each of said zones are shown upon parts "A" and "B" of the Zone Map of the City of Laguna Beach, attached hereto and hereby referred to for a particular description of said zones and each of them; that part "A" shown on said Map represents "A" zone and part "B" represents "B" zone.

**SECTION 3.** All that portion of the City of Laguna Beach hereinafter set forth and described in this paragraph is hereby established as "A" zone as defined by this ordinance in order to designate, regulate and restrict the location and locations of commerce, trades and enterprises and the location of all buildings arranged or intended for special uses in the City of Laguna Beach, and notwithstanding any other provisions of any ordinance or resolution heretofore passed and adopted by the City of Laguna Beach, the property hereinafter described, shall from and after the effective date of this ordinance, be and become "A" zone in said City. The property referred to as constituting "A" zone is described as follows, to-wit:

Beginning at the intersection of mean tide line and the Center line of the alley between Block 1 and 17 of Laguna Cliffs as recorded on Pages 58 and 59, Miscellaneous Map Book No. 4, records of Orange County, California; thence northwesterly along the center line of said alley to its intersection with the centerline of Cliff Drive; thence northeasterly along centerline of said Cliff Drive to its intersection with Coast Boulevard as now established; thence northwesterly along the centerline of said Coast Boulevard to its intersection with the centerline of Aster Street; thence northeasterly along said centerline of said Aster Street to its intersection with the centerline of Cypress Drive; thence northeasterly along the centerline of said Cypress Drive to intersection with the centerline of Monterey Drive; thence Southeasterly along the centerline of said Monterey Drive to its intersection with the centerline of Cliff Drive as shown in Tract No. 208, recorded on page 18, Book 22, Miscellaneous Records, Maps of Orange County; thence Northeasterly and northerly along the centerline of said Cliff Drive to its intersection with the centerline of the highway commonly known as Laguna Road; thence Southeasterly along the centerline of said Laguna Road and continuation thereof known as Third Street to the centerline of an unnamed street known as Park Avenue, as shown in Roger's Addition, recorded on pages 51 and 52, Book 31, Miscellaneous Records of Los Angeles County; thence Westerly along the centerline of said Park Avenue to its intersection with the centerline of Goff Street as shown on a Map of Laguna Beach, recorded on page 78, Book 1, Miscellaneous Record Maps, Los Angeles County; thence Southeasterly along the centerline of said Goff Street to its intersection with the centerline of Beach Street; thence Southwesterly along the centerline of said Beach Street and the prolongation thereof through Lot 9 and across intervening lands to the mean tide line of the Pacific Ocean, thence Northwesterly along said mean tide line to the point of beginning.

SECTION 4. All of the property situated in the City of Laguna Beach, County of Orange, State of California, other than that included in "A" zone as hereinbefore provided for shall constitute, and is hereby established as "B" zone as defined by this ordinance, in order to designate, regulate and restrict the location and locations of commerce, business, trades and enterprises, and the location of all buildings arranged or intended for special uses in the City of Laguna Beach, and notwithstanding any other provisions of any ordinances or resolutions heretofore passed and adopted by the City of Laguna Beach, the property hereinbefore described shall from and after the effective date of this ordinance, be and become and constitute "B" zone in said City.

SECTION 5. Except as hereinafter provided, the use or uses of all buildings, improvements, and premises existing in any of said zones, at the time of the adoption of this ordinance, may be continued. Except as hereinafter provided, no building, structure or improvement now existing, shall be altered or enlarged, and no building, structure or improvement shall be erected, constructed or established, which is designed, arranged or intended for occupancy or use in any of the said zones restricted by this ordinance against said erection, construction or establishment.

SECTION 6. The City Council may by resolution, permit the erection, alteration, reconstruction or enlargement of any building, structure, or improvement in any of said zones which is restricted against said building, structure, or improvement, upon such terms and conditions as the Council may deem proper under the special circumstances so shown to exist, whenever said Council shall be satisfied from a consideration and investigation of the facts stated in a petition therefor, that such special permit is necessary for the preservation and enjoyment of any substantial property right or rights of the petitioner, and not ~~materially detrimental to the rights of the petitioner, and not~~ materially detrimental to the public welfare, or injurious to the property and improvements in said zone. If the Council deems it necessary or expedient so to do, it may set the matter for hearing, upon such notice to interested parties as it may deem proper, and the decision of the Council upon said hearing shall be final and conclusive as to all matters and things involved in said petition.

SECTION 7. Any building, structure, or improvement may be erected, constructed, established, altered or enlarged in "A" zone without restriction as to its design, arrangement or intended use or purpose, provided such building, structure or improvement or the use or purpose thereof, is not prohibited by law or ordinance now in force, or which may be hereafter enacted, and provided that they comply with the requirements of the building code and fire district regulations of this City, in particular,

SECTION 8. No building, structure, or improvement shall be erected, constructed, established, altered or enlarged in the "B" zone which is designed, arranged, or intended to be occupied or used for any purpose other than homes, dwellings, apartment houses, lodging houses, hotels, churches, private clubs, public or semi-public institutions of an educational, philanthropic, or eleemosynary nature, and the usual accessories located on the same lot or parcel of land of any of said buildings, including private garage containing necessary and convenient space for automobiles.

SECTION 9. Any building may be altered or enlarged to the extent of not more than fifty per cent of its assessed value: provided however, that if any such building is altered or enlarged to more than fifty per cent of its assessed value, such building shall conform to the restrictions herein set forth, for the zone in which such buildings are located, as shown on said zone Map, except where permit is issued, in Section 6, hereof.



SECTION 10. No permit shall be issued for the erection, construction, establishment, alteration, or enlargement of any building, structure, or improvement in any of said zones, contrary to the provisions of this ordinance; and application for a building permit shall state therein the purpose for which the proposed building, structure or improvement is intended.

SECTION 11. Interpretation - - Purpose: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or added pursuant to the law relating to the use of buildings or premises, or relating to the erection, construction, establishment, alteration, or enlargement of buildings, structures or improvements in said several zones or any of them than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION 12. No building, structure or improvement shall be occupied or used for any purpose other than the purpose permitted in the zone or district in which such building, structure or improvement is situated, except as provided in Section six (6) hereof.

SECTION 13. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the ordinance. The Council of the City of Laguna Beach hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 14. The City of Laguna Beach has been incorporated for less than one year and the said City Council elects to post this ordinance instead of publishing the same, and the City Clerk of the City of Laguna Beach is hereby instructed and directed to post, or cause to be posted three copies of this ordinance in three public places in the City of Laguna Beach.

SECTION 15. This ordinance is an ordinance for the immediate preservation of the public peace, health and safety, and the facts constituting its urgency are declared to be as follows:

There is at the present time no ordinance of the City of Laguna Beach, said City having but recently incorporated, relating to the subject matter of this ordinance, and it is imperative that this ordinance become effective without delay, in order to further the progress of said City and to protect the public from fire hazards and other dangerous conditions, and otherwise preserve the public peace, health and safety, for which reasons this ordinance shall go into full force and effect upon its final passage and posting.

Signed:

Thos. A. Cummings  
Mayor of the City of Laguna Beach

ATTEST:

G. W. Prior  
City Clerk  
(SEAL)

STATE OF CALIFORNIA )  
 COUNTY OF ORANGE ) SS.  
 CITY OF LAGUNA BEACH)

I, the undersigned City Clerk of the City of Laguna Beach, California, hereby certify that the foregoing ordinance is a true and correct copy of Ordinance No. 32 of said City, which was introduced at a regular meeting held March 7, 1928, and was passed at a regular meeting of the said City Council held on the 28th day of March, 1928, by the following vote:

AYES: Councilmen Brickels, Champion, Jahraus, Johnston,  
 and Mayor Cummings.

NOES: Councilmen, None.

ABSENT: Councilmen, None.

G. W. Prior  
 City Clerk of the City of Laguna  
 Beach.

(SEAL)

I hereby certify that I have this day posted true copies of the foregoing Ordinance No. 32, conspicuously in three public places in the City of Laguna Beach, to-wit: one near the entrance to the Chamber of Commerce Building, the place where said City Council holds its meetings, one near the entrance to the United States Post Office, and one near the Laguna Beach County Water District Office.

WITNESS my signature this 21st day of March, 1928.

G. W. Prior  
 Clerk of the City of Laguna  
 Beach.

(SEAL)

I, G. W. Prior, Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 32, is a full, true and correct copy of an ordinance passed by the City Council of Laguna Beach, California, at a regular meeting held on the 28th day of March, 1928.

G. W. Prior  
 City Clerk of Laguna Beach

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ORDINANCE NO. 55

AN ORDINANCE OF THE CITY OF LAGUNA BEACH PROVIDING FOR THE CREATION IN THE CITY OF LAGUNA BEACH OF TWO ZONES, AND PRESCRIBING THE CLASSES OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IN SAID SEVERAL ZONES AND THE USE THEREOF; PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF, AND REPEALING CERTAIN ORDINANCES.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN AS FOLLOWS:

DEFINITIONS

SECTION 1. For the purpose of this ordinance, certain terms used herein are defined as follows: All words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number; the word "lot" includes the word "plot".

**ALLEY:** The word "alley", when used in this ordinance means a public way intersecting a block or portion of a Block.

**ACCESSORY:** The word "accessory" means a subordinate building or portion of main building the use of which is incidental to that of the main building, and located on the same lot or parcel of land.

**APARTMENT:** The word "apartment" means a room or a suite of rooms in a tenement or apartment house, occupied or suitable for occupation as a residence for one family doing its own cooking on the premises.

**BUILDING:** The word "building" means a structure for the support, shelter or enclosure of persons, animals or chattels; and when separated by division walls of masonry from the ground up and without openings, then each portion of such building shall be deemed a separate building.

**BUSINESS OR COMMERCE:** The word "business" and the word "commerce" mean the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises.

**DISTRICT:** The word "district" means an entire city block, any part thereof, or two or more contiguous blocks.

**INDUSTRIAL BUILDING:** The term "industrial building" means a building devoted to the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and includes buildings used as stables and garages.

**INDUSTRY:** The word "industry" when used in this ordinance means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and includes buildings used as stables and garages.

**LOT LINES:** The term "lot lines" means the established division lines between parcels of property, public or private.

**PUBLIC STREETS:** The term "public streets" means the land dedicated to, or condemned for use as a public highway, or established as such by use for public street purposes.

**STORY:** The word "story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET LINE:** The term "street line" means the boundary line between street and abutting property.

**USE:** The word "use" means the purpose for which a building is designated, arranged or intended, or for which it is or may be occupied or maintained.

**SECTION 2.** In order to designate, regulate, and restrict the location and locations of commerce, business, trades and enterprises and the locations of all buildings designed, arranged or intended for special uses, two (2) classes of districts, which shall be known as ZONE "A" and ZONE "B", respectively, which said several zones are hereby established, and the boundaries of each of said zones are shown hereinafter by metes and bounds description.

**SECTION 3.** All that portion of the City of Laguna Beach hereinafter set forth in this paragraph is hereby established as ZONE "A" as defined by this ordinance in order to designate, regulate and restrict the location and locations of commerce, trades and enterprises and the location of all buildings arranged or intended for special uses in the City of Laguna Beach, and notwithstanding any other provisions of any ordinance or resolution heretofore passed and adopted by the City of Laguna Beach, the property hereinafter described shall, from and after the effective date of this ordinance, be and become ZONE "A" in said city, with certain exceptions herein set forth.

The property referred to as constituting ZONE "A" is described and bounded as follows, to-wit:

Beginning at the intersection of mean tide line and Center line of the alley between Block 1 and 17 of Laguna Cliffs as recorded on pages 58 and 59, Miscellaneous Maps, Book 4, records of Orange County, California; thence northwesterly along the center line of said alley to its intersection with the center line of Cliff Drive; thence northeasterly along the centerline of said Cliff Drive to its intersection with Coast Boulevard as now established; thence northwesterly along the centerline of said Coast Boulevard to its intersection with the centerline of Aster Street; thence northeasterly along said centerline of said Aster Street to its intersection with the centerline of Cypress Drive; thence northeasterly along the centerline of said Cypress Drive to intersection with the centerline of Monterey Drive; thence south-



cords of Los Angeles County; thence westerly along the centerline of said Park Avenue to its intersection with the centerline of Goff Street as shown on a map of Laguna Beach, recorded on page 78, Book 1, Miscellaneous Records, Maps, Los Angeles County; thence southeasterly along the centerline of said Goff Street to its intersection with the centerline of Beach Street, now known as Legion Street; thence southwesterly along the centerline of said Beach Street, now known as Legion Street, and the prolongation thereof through Lot 9 and across intervening lands to the mean tide line of the Pacific Ocean, thence northwesterly along said mean tide line to the point of beginning.

Also; all that property within the City of Laguna Beach included within the following described district, to-wit:

All of that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach, situated between the northeasterly margin of said Coast Boulevard and a line parallel to and 130' northeasterly of said margin and extending from the westerly city limits of the City of Laguna Beach as incorporated June 29, 1927, to Aster Street, as shown on a map of Laguna Cliffs No. 2, recorded in Book 7, pages 39 and 40, Miscellaneous Maps, records of Orange County, California.

Also all of that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach situated between the southeasterly margin of said Coast Boulevard and a line parallel to and 130' southwesterly of said margin and extending from the westerly city limits of the City of Laguna Beach as incorporated June 29, 1927, to Aster Street, as shown on map of Laguna Cliffs No. 2, recorded in Book 4, pages 58 and 59, Miscellaneous Maps, records of Orange County, California.

Also all of that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach situated between the northeasterly margin of said Coast Boulevard and a line parallel to and 150' northeasterly of said margin and extending from Beach Street as shown on a map of Laguna Beach, recorded in Book 1, page 78, Miscellaneous Maps, records of Orange County, California, to the easterly city limits of the City of Laguna Beach as incorporated June 29, 1927.

Also all of that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach situated between the southwesterly margin of said Coast Boulevard and a line parallel to and 100' southwesterly of said margin and extending from Beach Street as shown on a map of Laguna Beach, recorded in Book 1, page 78, Miscellaneous Maps and records of Orange County, to the easterly city limits of the City of Laguna Beach as incorporated June 29, 1927.

EXCEPTING THEREFROM, the following described property which shall hereafter be and become, and is hereby designated, a part of that ZONE which is hereinafter described and designated as ZONE "B" of said city, and shall for all purposes hereafter be deemed to be situated in ZONE "B" of said city:

All that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach

lying and being adjacent to the Coast Boulevard in the City of Laguna Beach, situated between the southwesterly margin of the said Coast Boulevard and a line parallel to and 130' southwesterly of said margin and extending from the centerline of Cliff Drive as shown on map of aforesaid McKnight's Addition, Section A, to the centerline of said High Drive. Also, all that real property beginning at the intersection of the centerline of Aster Street with the centerline of Cypress Drive as said streets are shown on map of Laguna Cliffs recorded on pages 58 and 59, Miscellaneous Maps, Book No. 4, records of Orange County, California; thence northeasterly along the centerline of said Cypress Drive to the intersection with the centerline of Monterey Drive, thence southeasterly along the centerline of said Monterey Drive to the intersection with the centerline of the alley in Block 6, thence southwesterly along the centerline of said alley to the intersection with the centerline of Aster Street, thence northeasterly along the centerline of said Aster Street to the point of beginning. Also, all that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach situated between the northeasterly margin of said Coast Boulevard and a line parallel to and 150' northeasterly of said margin and extending from the centerline of Ruby Street as shown on a map of Arch Beach, recorded in Book 24, pages 29, 30, 31 and 32, Miscellaneous Records, maps of Los Angeles County, to the east line of section 36, township 7 south, range 9 west. All that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach situated between the southwesterly margin of said Coast Boulevard and a line parallel to and 100' southwesterly of said margin, and extending from the centerline of said Ruby Street to the northerly produced centerline of Victoria Drive as shown on a map of Laguna Heights recorded in Book 4, page 61, Miscellaneous Maps, records of Orange County, California, at its westerly end. Also all that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach, situated between the southwesterly margin of said Coast Boulevard, and a line parallel to and 100' southwesterly of said margin, and extending from the centerline of Beach Street as shown on map of Laguna Heights, Block 10, as recorded in Book 4, page 69, miscellaneous Maps, records of Orange County, to the centerline of Agate Street as shown on above described map. Also, all that real property lying and being adjacent to the Coast Boulevard in the City of Laguna Beach, situated between the southwesterly margin of said Coast Boulevard and a line parallel to and 100' southwesterly of said margin, and extending from the centerline of Cypress Street as shown on Map of Laguna Heights No. 3, recorded in Book 8, page 1, Miscellaneous Maps, Records of Orange County, to the centerline of Beach Street as shown on above described map. Also, all that real property described as follows:

Beginning at a point on the centerline of Aster Street at its intersection with the centerline of Cliff Drive, thence northeasterly along said centerline of said Aster Street to its intersection with the centerline of Cypress Drive as recorded on pages 58 and 59, Book 4, Miscellaneous Records, Maps of Orange County; thence easterly and northeasterly along said centerline of said Cypress Drive to its intersection with the centerline of Monterey Drive as above recorded; thence southeasterly along the said centerline of said Monterey Drive to its intersection with the centerline of Cliff Drive; thence southwesterly and westerly along said centerline of said Cliff Drive to the point of beginning.



Laguna Beach, said property shall from and after the effective date of this ordinance, be and become and constitute ZONE "B" of said City.

SECTION 5. Except as hereinafter provided, the use and uses of all buildings, improvements and premises existing in any of said zones at the time of the adoption of this ordinance may be continued. Except as hereinafter provided, no building, structure or improvement now existing shall be altered or enlarged, and no building, structure or improvement shall be erected, constructed or established, which is designed, arranged or intended for occupancy or use in any other of said zones restricted by this ordinance against such erection, construction or establishment.

SECTION 6. The City Council may by resolution permit the erection, reconstruction or enlargement of any building, structure, or improvement in any of said zones which is restricted against said building, structure or improvement, upon such terms and conditions as the Council may deem proper under the special circumstances so shown to exist, whenever said Council shall be satisfied from a consideration and investigation of the facts stated in a petition therefor, that such special permit is necessary for the preservation and enjoyment of any substantial property right or rights of the petitioner, and not materially detrimental to the public welfare, or injurious to the property and improvement in said zone. If the Council deems it necessary or expedient so to do, it may set the matter for hearing, upon such notice to interested parties as it may deem proper, and the decision of the Council upon said hearing shall be final and conclusive as to all matters and things involved in said petition.

SECTION 7. Any building, structure, or improvement may be erected, constructed, established, altered or enlarged in ZONE "A" without restriction as to its design, arrangement or intended use or purpose, provided such building, structure or improvement or the use or purpose thereof is not prohibited by law or ordinance now in force, or which may hereafter be enacted, and provided further that they comply with the requirements of the building code and fire district regulations of this city, in particular.

SECTION 8. No building, structure, or improvement shall be erected, constructed, established, altered or enlarged in the ZONE "B" which is designed, arranged or intended to be occupied or used for any purpose other than homes, dwellings, apartment houses, lodging houses, hotels, churches, private clubs, public or semi-public institutions of an educational, philanthropic, or eleemosynary nature, and the usual accessories located on the same lot or parcel of land of any of said buildings, including private garage containing necessary and convenient space for automobiles.

SECTION 9. Any building may be altered or enlarged to the extent of not more than fifty per cent of the value thereof; provided, however, that if any such building is altered or enlarged to more than fifty per cent of the value thereof, the

SECTION 10. No permit shall be issued for the erection, construction, establishment, alteration or enlargement of any building, structure, or improvement in any of said zones, contrary to the provisions of this ordinance; and if application for a building permit be made, it shall state therein the purpose for which the proposed building, structure or improvement is intended.

SECTION 11. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published once in the South Coast News, a weekly newspaper of general circulation, printed, published and circulated in the City of Laguna Beach, said ordinance to be in full force and effect immediately after such publication of the same. This ordinance is an ordinance for the immediate preservation of the public peace, health and safety, and the facts constituting its urgency are declared to be as follows:

The former zoning ordinance of said city having been repealed prior to the passage of this ordinance, said city now has no such ordinance in effect, and as a result thereof said city has no means of regulating and controlling the erection, alteration and enlargement of buildings in said city in the manner contemplated by this ordinance.

Adopted and approved this 3rd. day of October, 1928.

(Seal)

Frank B. Champion  
Mayor of the City of Laguna Beach.

Attest:

G. W. Prior  
City Clerk of the City of Laguna Beach.

STATE OF CALIFORNIA }  
COUNTY OF ORANGE, } SS.  
CITY OF LAGUNA BEACH }

I, G. W. Prior, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing ordinance was duly adopted by the City Council of Laguna Beach, California, and signed by the Mayor, at a regular meeting thereof, held on the 3rd day of October, 1928, and the same was passed by the following vote, to-wit:

AYES: Councilmen, Riddell, Clapp, Lippincott, Mason and Mayor  
NOES: Councilmen, None  
ABSENT: Councilmen, None. Champion

(SEAL)

G. W. Prior

**ORDINANCE NO. 203**  
**AN ORDINANCE ESTABLISHING**  
**LAND CLASSIFICATIONS AND**  
**DISTRICTS WITHIN THE IN-**  
**CORPORATED TERRITORY OF**  
**THE CITY OF LAGUNA BEACH,**  
**AND REGULATING THE USES**  
**OF PROPERTY THEREIN,**  
**ADOPTING A MAP OF SAID**  
**DISTRICTS, DEFINING THE**  
**TERMS USED IN THIS ORDI-**  
**NANCE, PROVIDING FOR THE**  
**ADJUSTMENT, ENFORCEMENT**  
**AND AMENDMENT HEREOF,**  
**PRESCRIBING PENALTIES FOR**  
**VIOLATION HEREOF AND RE-**  
**PEALING ORDINANCES AND**  
**PARTS OF ORDINANCES IN-**  
**CONSISTENT AND IN CON-**  
**FFLICT HEREWITH.**

The City Council of the City of Laguna Beach, California, does ordain as follows:

**SECTION 1—GENERAL PURPOSE**  
**AND ADOPTION OF OFFICIAL**  
**LAND USE PLAN**

For the public health, safety and general welfare and in order (1) to secure for the citizens of the City of Laguna Beach the social and economical advantages resulting from an orderly, planned use of the land resources, (2) to provide a definite, official land use plan for the City of Laguna Beach, and (3) to guide, control and regulate the future growth and development of said City in accordance with said plan, there is hereby adopted and established an official Districting Plan for the City of Laguna Beach. Said plan is adopted pursuant to the authority of Chapter 838, Statutes of 1929, State of California, and the Amendments thereto.

**SECTION 2—DEFINITIONS**

This ordinance, embodying and making effective the Land Use Plan of the City of Laguna Beach, shall be known as "The Districting Ordinance," and, for the purpose of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular. The word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The term "City Council," when used, shall mean the City Council of the City of Laguna Beach; and "Planning Commission" shall mean the City Planning Commission of the City of Laguna Beach. The word "City," when used, shall mean the incorporated City of Laguna Beach.

**"ACCESSORY BUILDING":** A one-story subordinate building, or portion of a main building, the use and maintenance of which is incidental to the use and maintenance of the main building and which is located on the same lot.

**"ACCESSORY USE":** A use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot.

**"ALLEY":** A public way which affords only a secondary means of access to abutting property and which is not more than twenty-five (25) feet in width.

**"APARTMENT HOUSE":** Any building or portion thereof more than one (1) story in height, which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their cooking in the said building.

**"AUTOMOBILE CAMP OR TRAILER CAMP":** Land improved or otherwise, which is used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of automobile house trailers or movable dwellings, rooms, or sleeping quarters of any kind.

**"AUTOMOBILE COURT":** A building or a group of two or more detached or semi-detached buildings containing guest rooms or apart-

ments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, motels and by similar designations.

**"BASEMENT":** A story partly underground and having at least one-half (½) of its height, measured from its floor to its finished ceiling, above the average adjoining grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

**"BLOCK":** The lots fronting one side of a street and located between the two nearest intersecting or intersecting streets or nearest intersecting or intersecting street and mean high tide line or end of street in the case of a dead end street.

**"BUILDING":** A structure having a roof supported by columns or walls.

**"BUILDING HEIGHT":** The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point mid-way between the highest and the lowest point of the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

**"BUILDING SITE":** The ground area occupied or to be occupied by a building or unit group of buildings, together with all open spaces as required by this ordinance.

**"BUNGALOW COURT":** Three or more detached one-story, one or two-family dwellings located upon a single lot under one ownership, together with all open spaces as required by this ordinance, but which are not rented or let to transient travelers.

**"CLUB":** An association of persons for some non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

**"COMMERCIAL ADVERTISING STRUCTURE":** Any structure or device erected upon the surface of the ground or upon the roof or wall of any building for commercial advertising purposes or to attract the attention of the public and visible from any public street, alley or other public place, upon which any poster, bill, printing, painting, lettering, device or other advertisement of any kind whatsoever may be placed, posted, painted, fastened or affixed, or used in connection with, including electric or cut out signs; provided, however, that the same shall not be deemed to include any board, sign or surface which carries only an advertisement strictly incidental and subordinate to the lawful use of the premises on which it is located including signs or sign devices indicating the business transacted or services rendered or goods sold or produced on the premises by an occupant thereof, nor shall the same include any sign not exceeding twenty (20) square feet in area used exclusively to advertise the sale or lease of the property on which the sign is placed or to display official or legal notices. Advertising statuary, such as any imitation, representation or similitude of any person or thing sculptured, moulded, modeled or cast in any solid substance such as marble, granite, metal, wood, wax or any plastic material such as Plaster of Paris, papier mache, stucco or similar materials, erected or placed on the surface of the ground for advertising purposes, shall also be considered as commercial advertising structures.

**"DWELLING — ONE-FAMILY":** A building containing but one kitchen, designed and/or used to house not more than one family, including all necessary employees of such family.

**"DWELLING—TWO-FAMILY":** A building containing not more than two kitchens, designed and/or used

to house not more than two families, living independently of each other, including all necessary employees of each such family.

**"DWELLING — MULTIPLE-FAMILY":** A building not more than one (1) story in height, designed and/or used to house three or more families, living independently of each other, including all necessary employees of each such family.

**"DWELLING—GROUP":** A combination or arrangement of dwellings, whether detached or not, on one (1) building site.

**"FAMILY":** An individual or two or more persons related by blood or marriage living together, or a group of not more than five persons not all of whom are related by blood or marriage, but living together as a single housekeeping unit with only one kitchen. In each instance in addition to the family there may be the necessary servants, but no additional kitchen.

**"GARAGE, PRIVATE":** An accessory building or an accessory portion of the main building, designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

**"GARAGE SPACE":** A permanently maintained space within a building and of adequate size to permit the housing and storage of an average sized automobile. A net space eight (8) feet in width, seventeen (17) feet in depth and seven (7) feet in height shall be considered the minimum space adequate to accommodate one automobile in all cases in which such "garage space" is required by the provisions of this ordinance, and such space shall be so arranged that it is easily accessible to such an automobile.

**"HOME OCCUPATION":** Any vocation, trade or profession carried on and completed within a dwelling by the inhabitants thereof, where only electric power, not in excess of an aggregate of one (1) horsepower, for other than domestic purposes, is used, no merchandise or other articles are displayed or stored where visible to public and no assistants or employees except as permitted in certain districts.

**"HOTEL":** Any building or portion thereof containing six (6) or more guest rooms used or intended or designed to be used, let or hired out to be occupied or which are occupied by six (6) or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise and shall include hotels, lodging and rooming houses, dormitories, Turkish baths, bachelor hotels, studio hotels, public and private clubs and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint.

**"KEY LOT":** The first lot to the rear of a corner lot, the front line of which key lot is the continuation, without intervening alley, of the side street line of such corner lot.

**"KITCHEN":** Any room used or intended or designed to be used for cooking and/or preparation of food.

**"LOT":** A parcel of property under one ownership abutting upon at least one public street or recorded easement, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and its accessory buildings, or a unit group of buildings and its accessory buildings, is sufficient to furnish the yards and open spaces required for compliance with this ordinance and having not less than the minimum area, required by this ordinance for a building site in the district in which such lot is located.

**"LOT, CORNER":** A lot located at the junction of two or more intersecting streets, with a boundary



line thereof bordering on each of the two streets and having a width not greater than seventy-five (75) feet.

"LOT, INTERIOR": A lot which is not a corner lot is an interior lot.

"LOT LINES": The established division lines between parcels or property, public or private.

"LOT LINE, FRONT": The line separating the lot from the street in the case of an interior lot and the line separating the narrowest street frontage of the lot from the street in the case of a corner lot.

"LOT LINE, REAR": The lot line which is opposite and most distant from the front lot line and in the case of a triangular lot it shall be a line within the lot, ten feet long, parallel to and at a maximum distance from the front lot line.

"LOT LINE, SIDE": Any lot line not a front lot line or a rear lot line.

"LOT, THROUGH": An interior or corner lot having frontage on two parallel or approximately parallel streets.

"STORY": That portion of a building included between the surface of any floor and the ceiling next above it or the finished under surface of a roof directly over that particular floor. A basement when designed or intended to include living or sleeping accommodations shall be counted as a story; when otherwise designated and used it shall not be counted as a story.

"STREET": A public or private thoroughfare which affords a primary means of access to abutting property is a street to that property for the purpose of this ordinance.

"STRUCTURE": Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

"STRUCTURAL ALTERATIONS": Any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

"YARD": An unoccupied space on a lot on which a building is situated and, except where otherwise provided in this ordinance, open and unobstructed from the ground to the sky.

"YARD, FRONT": A yard extending across the front of the lot between the inner side yard lines and located between the front lot line and the building or structure on such lot nearest such front lot line. The least depth of a front yard is the shortest distance, measured horizontally, between the front lot line and any part of such building or structure, except those projections allowed in a front yard by Section 10.

"YARD, REAR": A yard extending across the full width of the lot and located between the rear lot line and the main building on such lot nearest such rear lot line. The least depth of a rear yard is the shortest distance, measured horizontally, between the rear lot line and any part of such main building except the projections from such main building allowed in a rear yard by Section 10.

"YARD, SIDE": A yard extending from the front lot line to the rear yard and located between the side lot line and any building or structure on the lot. The least width of a side yard is the shortest distance, measured horizontally, between the nearest side lot line and any part of a building or structure, except those projections allowed in a side yard by Section 10.

**SECTION 3—ESTABLISHING DISTRICTS AND LIMITING THE USES OF LANDS THEREIN**

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards, courts and other open spaces

about buildings, the incorporated territory of the City of Laguna Beach is hereby divided into six (6) districts as follows:

R-1: (Single Family) Residence District.

R-2: (Two Family) Residence District.

R-3: (Multiple Family) Residence District.

C-1: (Local) Business District.

C-2: (General) Business District.

M-1: Industrial District.

Each said several districts are hereby established and the boundaries of said districts and each of them are shown upon the "District Map" of the City of Laguna Beach, attached hereto, made a part hereof, and hereby referred to for a particular description of said districts, and each of them. Said "District Map" shall be a part of the official Master Plan of said City and shall become a part of this ordinance, and said map and all notations, references and other information shown thereon shall hereafter be as much a part of this ordinance as if the matters and information set forth by said map were fully described herein.

Where uncertainty exists as to the boundaries of any district shown on said District Map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;

B. In unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on such District Map;

C. In case any uncertainty exists, the Planning Commission shall determine the location of boundaries;

D. In the event a dedicated street or alley shown on the District Map is vacated by ordinance the property formerly in said street or alley shall be included within the district of adjoining property on either side of said vacated street or alley and in the event said street or alley was a district boundary between two or more different districts, the new district boundary shall be the former center line of said vacated street or alley.

The boundaries of such districts as are shown upon the District Map adopted by this ordinance, or amendments thereto, are hereby adopted and approved, and the regulations of this ordinance governing the use of land and buildings, the sizes of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said District Map;

Except as hereinafter provided:

A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this ordinance or amendments thereto as permitted in the district in which such land, building or premises are located;

B. No building shall be erected, nor shall any existing building be moved, reconstructed or structurally altered to exceed in height the limit established by this ordinance or amendments thereto for the district in which such building is located;

C. No building shall be erected, nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the build-

ing-site requirements and the area and yard regulations established by this ordinance or amendments thereto for the district in which such building is located;

D. No yard or other open space provided about any building for the purpose of complying with the regulations of this ordinance or amendments thereto shall be considered as providing a yard or open space for any other building or structure;

E. While a non-conforming use exists on any lot, no other use of more restricted classification shall be permitted, even though such other use would otherwise be a conforming use.

**SECTION 4—R-1 (SINGLE FAMILY) RESIDENCE DISTRICT REGULATIONS**

**A. Uses Permitted**

1. Farming including all types of agriculture and horticulture, except (a) commercial dairies, (b) commercial kennels and rabbit-, fox-, goat- and other animal-raising farms, (c) egg-producing ranches and farms devoted to the hatching, raising, fattening and/or butchering of chickens, turkeys and other poultry on a commercial scale, (d) hog- and other live-stock-feeding ranches, and (e) ranches operated publicly or privately for the disposal of garbage, sewage, rubbish, or offal;

2. Flower and vegetable gardening;

3. Public parks, playgrounds and beaches and such recreation, refreshment and service buildings as are purely accessory and incidental thereto;

4. One-family dwellings of a permanent character placed in permanent locations;

5. Home Occupations;

6. Accessory buildings, uses and special uses as provided in Section 10;

7. One (1) unlighted sign not exceeding Two (2) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any R-1 (Single Family) Residence District.

**B. Building-height Limit**

Two (2) stories and not to exceed thirty (30) feet, except as provided in Section 10.

**C. Building-site Area Required**

Except as provided in Sections 10 and 11, the minimum building-site area for each one-family dwelling shall be six-thousand (6,000) square feet.

**D. Front Yard Required**

Except as provided in Sections 10 and 11, a front yard having a depth at every point thereof of not less than twenty (20) feet, shall be provided and maintained on every lot.

**E. Side Yards Required**

Except as provided in Sections 10 and 11, a side yard having a width at every point thereof of not less than four (4) feet, shall be provided and maintained along each side lot line; provided, however, that every side yard adjacent to a street on a corner lot shall have a width of not less than ten per cent (10%) of the average width of such corner lot but need not be over seven and one-half (7½) feet in width in any case.

**F. Rear Yard Required**

Except as provided in Sections 10 and 11, a rear yard having a depth at every point thereof of not less than twenty (20) feet, shall be provided and maintained on every lot.

**SECTION 5—R-2 (TWO FAMILY) RESIDENCE DISTRICT REGULATIONS**

**A. Uses Permitted**

1. All uses permitted in the R-1 District (see Section 4);

**2. Two-family dwellings.**

**B. Building-height Limit**

Two (2) stories and not to exceed thirty (30) feet, except as provided in Section 10.

**C. Building-site Area Required**

Except as provided in Sections 10 and 11, the minimum building-site area shall be four thousand (4,000) square feet and in every case there shall be at least two thousand (2,000) square feet of land area in said building-site for each family or housekeeping unit provided thereon.

**D. Front Yard Required**

Same as R-1 District (see Section 4).

**E. Side Yards Required**

Same as R-1 District (see Section 4).

**F. Rear Yard Required**

Except as provided in Sections 10 and 11, a rear yard having a depth at every point thereof of not less than ten (10) feet shall be provided and maintained on every lot.

**G. Distance between Dwellings on Same Lot**

No dwelling or other main building shall be closer than fifteen (15) feet to any other dwelling or main building on the same building site, and no detached accessory building shall be closer than five (5) feet to any main building, except as provided in Section 10.

**SECTION 6—R-3 (MULTIPLE FAMILY) RESIDENCE DISTRICT REGULATIONS**

**A. Uses Permitted**

1. All uses permitted in the R-1 and R-2 Districts (see Sections 4 and 5);

2. Bungalow courts, dwelling groups, multiple-family dwellings, and apartment houses;

3. Boarding and lodging houses;

4. Lodges, fraternities and societies;

5. Eleemosynary institutions;

6. Public and quasi-public educational institutions including the necessary facilities and equipment in connection therewith but not including trade or vocational schools of a commercial nature;

7. Churches, museums, public libraries and private, social, or recreational clubs.

**B. Building-height Limit**

Two (2) stories and not to exceed thirty (30) feet, except as provided in Section 10.

**C. Building-site Area Required**

Except as provided in Sections 10 and 11, the minimum building-site area shall be four thousand (4,000) square feet and in every case there shall be at least eight hundred (800) square feet of land area in said building-site for each family or housekeeping unit provided thereon.

**D. Front Yard Required**

Except as provided in Sections 10 and 11, a front yard having a depth at every point thereof of not less than the distance between the front lot line and the building line as shown on the District Map, shall be provided and maintained on every lot; provided, on lots where no distance is shown on said District Map a front yard of sufficient depth to keep the front walls of building at least a distance of fifty (50) feet from the center line of the street upon which the lot fronts, shall be provided and maintained upon each such lot.

**E. Side Yards Required**

Same as R-1 District (see Section 4).

**F. Rear Yard Required**

Same as R-2 District (see Section 5).

**G. Distance between Dwellings on Same Lot**

No dwelling or other main building shall be closer than ten (10) feet to any other dwelling or main building on the same building-site, and no detached accessory

building shall be closer than five (5) feet to any dwelling or main building, except as provided in Section 10.

**SECTION 7—C-1 (LOCAL) BUSINESS DISTRICT REGULATIONS**

**A. Uses Permitted**

1. All uses permitted in the R-1, R-2, and R-3 Districts;

2. Stores or shops for the conduct of a retail business; offices; banks; beauty parlors; barber shops; business college; boat or automobile sales or rentals; cafes, restaurants and tea rooms; dress-making, millinery, shoe repair, reupholstering and tailor shops; hotels; laundry and cleaning agencies and pressing parlors; hospitals, sanitariums or rest homes which do not treat mental or contagious diseases; automobile courts; automobile parking lots or storage garages; photograph galleries; police and fire stations; studios; theatres; utility office, exchange or sub-station; and automobile service stations including the retail dispensing of gasoline, motor fuels and oils and automobile accessories also including lubrication pit or hoist, but not including automobile repairing (except minor emergency repairing), washing (equipment for washing more than one car), tire rebuilding or battery manufacturing.

3. Any other retail business or retail commercial enterprise which, in the opinion of the Planning Commission as evidenced by resolution, is similar in character and no more detrimental to the welfare of the neighborhood, in which located, than any use listed above, but not including any type of use which is specifically relegated to or prohibited in the "C-2" District by the provisions of Section 8 of this ordinance.

**B. Building-height Limit**

Two (2) stories and not to exceed thirty (30) feet, except as provided in Section 10.

**C. Building-site Area Required**

Except as provided in Sections 10 and 11, the minimum building-site area for dwellings, dwelling groups, multiple family dwellings, apartment houses or other residential type use, shall be four thousand (4000) square feet and in every case there shall be at least six hundred (600) square feet of land area in said building-site for each family or housekeeping unit provided thereon.

**D. Front Yard Required**

Same as R-3 District (see Section 6).

**E. Side Yards Required**

No side yards shall be required except for buildings used, or designed to be used, solely for dwelling, hotel, or apartment house purposes, in which event the side yard shall be the same as required in the R-1 District by the provisions of Section 4.

**F. Rear Yard Required**

Same as R-2 District (see Section 5).

**SECTION 8—C-2 (GENERAL) BUSINESS DISTRICT REGULATIONS**

**A. Uses Permitted**

1. All uses permitted in the R-1, R-2, R-3 and C-1 Districts;

2. Stores or shops for the conduct of a wholesale business; amusement resorts and enterprises; automobile laundries and repair shops; boat buildings and repair shops; bowling alleys; commercial advertising structures; dance halls and cafes with dancing facilities; pool rooms; roller or ice skating rink; newspaper and printing establishment; undertaking or mortuary parlors; paint, paperhanging, decorating, carpenter, plumbing and handyman shops; retail feed business.

3. Any other business, commercial enterprise or use which,

in the opinion of the Planning Commission as evidenced by resolution, is similar in character and no more detrimental to the welfare of the neighborhood, in which located, than any use listed above including light manufacturing which is not obnoxious or offensive by reason of the omission of odor, dust, smoke, gas, noise or vibration, and which uses only electric power not exceeding in the aggregate more than five (5) horsepower, but not including any of the following uses:

Any use prohibited in the "M-1" Industrial District;

Automobile wrecking or used part storage;

Automobile camps;

Bakeries, wholesale;

Beverage manufacturing or bottling;

Building materials yard;

Carpet cleaning plants;

Cleaning and dyeing plants;

Commercial stables or riding academies;

Fender and body repair shops;

Ice and cold-storage plants;

Laundries (not including hand laundries);

Lumber Yards or mills;

Milk bottling or distributing plants;

Motordromes;

Race tracks;

Sheet metal shops;

Shooting galleries;

Storage yards or warehouses;

Storage of gasoline or petroleum products except for retail sales from the premises (i. e., no bulk storage or distributing stations);

Trailer camps;

Veterinary Hospitals;

Wood or coal yards;

**B. Building-height Limit**

Four (4) stories and not to exceed fifty (50) feet, except as provided in Section 10.

**C. Building-site Area Required**

Same as the C-1 District (see Section 7).

**D. Side Yards Required**

Same as the C-1 District (see Section 7).

**E. Rear Yard Required**

Same as the R-2 District (see Section 5).

**F. Front Yard Required**

Except as provided in Sections 10 and 11, a front yard having a depth at every point thereof of not less than the distance between the front lot line and the building line as shown on the District Map, shall be provided and maintained on every lot; provided, on lots where no distance is shown on said District Map a front yard shall not be required.

**SECTION 9—M-1 INDUSTRIAL DISTRICT REGULATIONS**

**A. Uses Permitted**

1. All uses permitted in the R-1, R-2, R-3, C-1 and C-2 Districts;

2. Any other uses except the following:

Abattoirs;

Asphalt-mixing, -refining, and -storage plants;

Bag manufacturing and cleaning;

Blast furnace;

Boiler works;

Breweries;

Bunkers, rock, sand, or gravel (with a capacity in excess of 100 tons);

Coke ovens;

Cooperage works;

Cordage Mills;

Creosote, manufacture or treatment plant;

Crude oil handling, storage or trans-shipping;

Distillation of liquor or spirits;

Dog kennels;

Fat rendering;

Fertilizer works;

Fish curing and grinding;

Fish canneries and/or reduction plants;

Foundries;



Fur or hide curing and tanning;  
Incinerator, commercial;  
Junk yards;  
Manufacturing of:

Acids,  
Aluminum,  
Ammonia,  
Ammunition,  
Aniline dye,  
Asbestos products,  
Asphalt,  
Bleaching powder,  
Bricks,  
Cans,  
Caoutchouc products,  
Carborundum products,  
Casein products,  
Celluloid,  
Cement,  
Chalk,  
Charcoal,  
Cheese,  
Chemicals,  
Cottonseed oil,  
Disinfectants,  
Explosives,  
Felt,  
Fertilizer,  
Fireworks,  
Glue,  
Graphite,  
Grease and tallow,  
Gunpowder,  
Gutta percha,  
Gypsum,  
Hides,  
Kalsomine,  
Lampblack,  
Lard,  
Lined oil,  
Malt products,  
Matches,  
Oilcloth,  
Oleomargarine,  
Ordnance,  
Oxygen gas,  
Paint and lacquer,  
Paper and paper pulp,  
Pickles,  
Plaster of Paris,  
Potash,  
Printing ink,  
Pumice,  
rope,  
Rubber,  
Salt,  
Sauerkraut,  
Sausage,  
Shellac and varnish,  
Shoddy,  
Size and glue,  
Snuff,  
Soap,  
Soda and washing compound,  
Soda ash,  
Stove polish,  
Tar,  
Tar paper,  
Tar products,  
Tires,  
Turpentine,  
Vinegar,  
Waste-paper products,  
White lead,  
Wood pulp,  
Yeast,  
Zinc products;  
Oil drilling;  
Oil refining;  
Quarrying or excavating for  
rock, sand or gravel;  
Rock crushing;  
Rolling mills;  
Shell grinding;  
Smelters;  
Stock yards;  
Wool scouring and pulling.

#### B. Building-height Limit

Same as the C-2 District (see Section 8).

#### C. Building-site Area Required

Same as C-1 District (see Section 7).

#### D. Front Yard Required

Same as the C-2 District (see Section 8).

#### E. Side Yards Required

Same as the C-1 District (see Section 7).

#### F. Rear Yard Required

Same as the R-2 District (see Section 5).

### SECTION 10—GENERAL PROVISIONS, EXCEPTIONS, AND REQUIREMENTS

The foregoing regulations for the respective districts shall be subject to the following exceptions and ad-

ditional general requirements:

#### A. Uses—Garage Space

There may be the usual accessories in connection with the buildings and uses permitted in the respective districts including private garages. In connection with each and every two family dwelling, multiple family dwelling, bungalow court, dwelling group, apartment house or other multiple family use of a lot or building site there shall be provided on such lot or building site, usable garage space in a building for at least one automobile for each family unit or apartment contained on such site, provided however, that such garage capacity for hotels need not exceed one-half ( $\frac{1}{2}$ ) the number of guest rooms.

#### B. Height

1. Towers, gables, spires, pent-houses, scenery lofts, cupolas, water tanks, silos, artificial wind-breaks, wind mills, and similar structures and necessary mechanical appurtenances, may be built and used to a greater height than the limit established for the district in which such structures are located; provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters, or for any commercial purpose other than such as may be incidental to the permitted uses of the main building;

2. Where the average grade or slope of that portion of a lot to be occupied by a main building, and measured in the general direction of the side lot lines, is equal to or greater than twenty-five (25) per cent (one foot rise or fall in each four feet of distance), an additional story shall be permitted on the downhill side of such building.

#### C. Area Exceptions and Lot Coverage

1. Any lot for which a deed is on record in the office of the County Recorder of Orange County, or for which a valid Contract of Sale is in full force and effect at the time this ordinance becomes effective, or any lot shown with a separate and distinct number or letter on a subdivision tract map now or hereafter recorded with the County Recorder of Orange County, may be used as a building site.

2. In any R-1, R-2, or R-3 District the aggregate area of any lot which may be covered by main buildings, shall not exceed fifty (50) per cent of the total area of an inside lot or sixty (60) per cent of the total area of a corner lot. One-half of the width of any alley abutting a lot may be included in computing the area of any such lot.

#### D. Location of Accessory Buildings

1. Where an accessory building is attached to and made a part of the main building, at least fifty per cent (50%) of the length of one of the walls of said accessory building shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this ordinance applicable to a main building.

2. Except as hereinafter provided, every detached accessory building shall be located on the rear half of the lot and shall be at least five (5) feet from any main building on said lot and at least five (5) feet from any street line. Such accessory buildings may occupy not to exceed one half ( $\frac{1}{2}$ ) of the area of a rear yard. Every private garage building shall be so equipped that the doors when opened or when being opened will not project beyond the property lines of the lot and when said door opens onto an alley the portion of the wall containing said doors shall be at least

five (5) feet from said alley line.

3. On a corner lot which abuts a key lot, no detached accessory building shall be closer than five feet (5) feet to the common lot line nor closer than twenty (20) feet to the side street line. On any other corner lot, no accessory building shall be closer to the side street than the width of side yard required along said side street line of said lot.

4. Where the average grade or slope of the front half of a lot and measured in the general direction of the side lot lines, is equal to or greater than twenty-five (25) per cent (one foot rise or fall in each four feet of distance), a private garage building may be erected or constructed in the front yard for such lot in the event that such building does not extend along more than fifty (50) percent of the street frontage of the lot and is at least five (5) feet from the front lot line at every point. Such a garage building shall observe the required side yards except where its wall adjacent to a side lot line will be at least two-thirds ( $\frac{2}{3}$ ) below the natural ground level of the yard, and the top of said wall is at no point over four (4) feet above said yard level adjacent thereto.

5. On any through lot, detached accessory buildings shall be located on the middle forty (40) feet of the lot and shall observe the required side yards for such lot.

#### E. General Yard Regulations and Exceptions

1. Whenever in this Section the term "R" District is used it shall be deemed to refer to and include each and every District in the residential group which contains "R" in its name; likewise the term "C" District shall be deemed to refer to and include each and every District in the commercial group which contains "C" in its name.

2. In any "R" District, the depth of front yard for a lot in any block where all existing main buildings have front yards with a greater depth than required by the provisions of this ordinance for the particular District, shall be not less than the minimum depth of such existing front yards, but need not be more than ten (10) feet in excess of that required by said provisions in any case. Buildings which are totally confined to the rear half of the lot shall not be considered in interpreting and applying the provisions of this subsection.

3. The depth of front yard for any lot in a block where any existing main building has a front yard depth exactly equal to or less than the depth required by the foregoing provisions of this ordinance for the particular District, shall be the depth required by said foregoing provisions, except when the lot has a main building on one or both sides thereof and within twenty-five (25) feet of either of its side lot lines, in which event the front yard depth for such lot may be the average of the depth of front yard for said main building and the depth required by said foregoing provisions, or may be the average depth of front yards for said main buildings on either side, as the case may be.

4. On any through lot, a front yard of the depth required by the foregoing provisions of the ordinance for the District in which each such street frontage is located, shall be provided at each end of such through lot; provided, however, that one of such front yards may serve as the required rear yard subject to compliance with all requirements of this ordinance concerning front yards.

5. In any case where a building line or setback line, estab-



lished by ordinance or shown upon the District Map, exists along the front of any lot, the space included between such building or setback line and the front property line shall be used as a front yard in lieu of the front yard heretofore required and where such a building or setback line exists along the side of a corner lot, the space between such building or setback line and the side street line of such lot shall be used as the side yard in lieu of the side yard heretofore required. Every such established building line or setback line shall take precedence over the front and side yard requirements.

6. Any cornice, eave, belt course, canopy, openwork, uncovered balcony or similar architectural feature (not including bay windows) may extend or project into a side yard two inches for each one foot of width of said side yard and may extend or project into a minimum front or minimum rear yard for a total distance of not to exceed thirty (30) inches.

7. Fire escapes of openwork iron construction may extend or project into any yard not to exceed a total distance of four and one-half (4½) feet. Chimneys and fireplaces may extend or project into a minimum side yard for a total distance of not to exceed twelve (12) inches and into a minimum rear yard for a total distance of not to exceed twenty (20) inches provided in neither case shall such projection extend along the length of such minimum side or rear yard a total distance of more than six (6) feet nor shall such side yard be reduced in clear width to less than three (3) feet.

8. Outside stairways which are not enclosed and are not covered by a roof may project or extend into a minimum rear yard for a total distance of not to exceed five (5) feet provided an open unobstructed passage way of at least five (5) feet in width is maintained between such stairway and the rear property line or any other building on the same lot except the one to which the stairway is attached.

9. Uncovered porches or landing places which do not extend above the level of the first or ground floor of the building may project or extend into any yard for a total distance of not to exceed six (6) feet, provided such porch or landing does not obstruct access or makes provision for free access through each side or rear yard in which constructed. An open work guard railing not over thirty (30) inches in height may be installed or constructed on any such porch or landing subject to the above access provision.

10. Openwork ornamental lawn fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, which are not over three and one half (3½) feet in height at any point above the highest elevation of the ground adjacent thereto, may be erected, installed or located in any yard. A fence, wall or hedge with a height no greater than six (6) feet may be erected or installed along the side lot lines and the rear lot line of any lot provided such fence, wall or hedge does not project into the required front yard or extend closer to the side street line of a corner lot than the width of side yard required on such corner lot. The fences, walls or hedges permitted by this subsection shall be equipped with gates or openings at least two and one-half (2½) feet in width so as to provide free access completely around all main buildings on the lot.

11. On lots less than fifty (50) feet in width and of record prior to the effective date of this ordinance, the required side yard may be reduced one and one-half (1½) inches for each foot such lot is less than fifty (50) feet in width; provided that in no case shall the width of the side yard be reduced to less than three (3) feet.

12. In any case where a rear yard abuts an alley, not to exceed one-half (½) of the width of such alley may be considered or used as part of the depth of rear yard required by this ordinance.

13. Nothing contained in this ordinance shall be deemed or construed to permit a side or rear yard of lesser width or depth than required by the State Housing Act of California for any building used for living or sleeping purposes.

14. Since the general yard provisions of this ordinance have to be applied to the numerous types of conditions and shapes of lots occasioned by varying topographical conditions existing in the City, it is practically impossible and highly inadvisable to attempt to define herein those cases which automatically warrant exceptions and modifications to the general yard requirements of this ordinance; therefore rather than attempt to define such cases the authority is hereby given the Planning Commission as part of its administrative function, to determine by resolution the application of the specific requirements of this ordinance in harmony with their purpose and intent so that the spirit of the ordinance shall be observed, public peace, health, safety and welfare secured and substantial justice done in the following cases:

a. Irregular shaped and oddly located lots such as those resulting from curved or angular street layouts, particularly triangular or gore shaped corner lots, trapezoidal lots and lots with more than four lot lines;

b. Lots in a subdivision or portion of a subdivision which is determined upon request to be hillside or mountainous land, in which case the Commission may determine the proper front yard, side yard along a side street, and location of accessory buildings.

Whenever the Planning Commission has by resolution determined the application of this ordinance to a particular type of lot or situation, said resolution shall also govern the application of the ordinance to all other similar lots or situations without the necessity of again presenting such similar case to the Planning Commission and the Building Inspector may issue permits in keeping therewith.

#### SECTION 11—VARIANCES AND ADJUSTMENTS

A. When practical difficulties, unnecessary hardships or results inconsistent with the general purpose and intent of this ordinance occur through the strict application of the provisions hereof, the Planning Commission, upon the verified application of any property owner and in the manner provided in this Section, shall have the power to grant upon such terms and conditions as it deems necessary and proper, variances from or adjustments in the rules, regulations or provisions contained herein, in harmony with the general purpose and intent and so that the spirit of this ordinance shall be observed, public peace, health, safety and welfare secured and substantial justice done.

B. Applications for such variances or adjustments shall be filed with the City Clerk upon the proper forms and shall state fully the grounds of the application and all

facts relied upon by the applicant. Each such application shall be referred to the Planning Commission who shall set a date for hearing and considering the same which date shall be not less than ten (10) days nor more than thirty (30) days after the filing of said application. Not less than five (5) days prior to the date of such hearing, public notice of the time, place and purpose thereof and location of the property involved shall be given by each of the following methods:

1. By publication of a notice in a newspaper having a general circulation in the City;

2. By mailing a postal card or letter notice to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of Orange County;

Provided, however, that public hearings need not be held on applications for minor deviations in the yard and location of accessory building regulations unless deemed necessary or expedient by the Planning Commission.

C. In order to justify a variance under the provisions of this section the three following qualifications must be shown relative to the property or particular use involved in the application for such variance, and the Planning Commission's resolution of approval in connection with any such applications must contain a written finding of facts showing wherein the property or particular use involved meets the three following qualifications:

1. That there are exceptional and extraordinary circumstances or conditions applicable to the property or buildings involved or the intended use thereof that do not apply generally to the property or class of buildings and uses in the same district and which produce practical difficulties or unnecessary hardships in the way of adhering to the strict letter of the Ordinance;

2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner such as that enjoyed by adjacent owners in the same district;

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the district or vicinity in which the property is located.

D. If from the facts presented with the application, at the public hearing, or by investigation by or at the instance of the Planning Commission, said Commission makes the findings set forth above, it may grant the requested variance, in whole or in part, upon such terms and conditions as it may deem necessary and may require guarantees, in such form as it may deem necessary under the circumstances, to insure that such terms and conditions are being or will be complied with. If the findings cannot be made, said application shall be denied. Every action or decision of the Planning Commission authorizing a variation of the regulations herein established must be by resolution adopted by a majority of its membership setting forth the written finding of facts required by (C) of this Section and must be entered in the minutes. Such resolutions shall be numbered consecutively in the order of their passage and shall become a permanent record of the Planning Commission. The Planning Commission shall make its findings and determination within thirty (30) days from the date of hearing on such application or the date of filing when no hearing is held, and shall mail a notice of its decision to the applicant. No variance granted or au-

thorized by the Planning Commission as herein provided shall become effective until ten (10) days after such authorization.

E. Appeals to the City Council

1. A written appeal may be taken to the City Council by any person aggrieved or affected by any determinations of the Planning Commission in connection with any petition for variance or upon the failure of the Planning Commission to make its determinations on any petition within the thirty (30) day limit mentioned above. Such an appeal shall be filed in triplicate with the City Clerk within ten (10) days from the date of action by the Planning Commission or from the expiration of said thirty (30) day period. The appeal shall specifically state the grounds therefore and wherein the Planning Commission failed to conform to the requirements of this ordinance. The City Clerk shall immediately transmit one copy of said appeal to the Building Inspector and the other copies to the Planning Commission. Said appeal stays all proceedings in furtherance of the action appealed from until the determination of said appeal as provided herein.

2. Upon receipt of the appeal the Planning Commission shall, within ten (10) days, transmit to the City Council the original petition and copies of all other papers constituting the record upon which the action appealed from was taken, together with a written report disclosing in what respects the petition for variance and facts offered in support thereof met or failed to meet the qualifications set forth in subsection (C) of this section. Said appeal may be referred to the Planning Commission for reconsideration of its previous action. The City Council may by resolution reverse or affirm, wholly or partly, or may modify any decision, determination or requirement of the Planning Commission but before granting any appealed petition which was denied by the Planning Commission or before changing any of the terms or conditions imposed by the Planning Commission in a variance granted by the Planning Commission, the City Council must set the matter for hearing, giving the same notice for such hearing as that provided in paragraph 2 of subsection (B) of this section and must make a written finding of fact setting forth wherein the Planning Commission's findings were in error and wherein the property or particular use involved meets the three qualifications set forth in subsection (C) of this section. A four-fifths (4/5) vote of the whole of said Council shall be required to grant, in whole or in part, any appealed petition which was denied by the Planning Commission.

F. All acts of the Planning Commission or City Council under the provisions of this section shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this ordinance shall apply in special cases as defined in this section and shall not be construed as amendments of the provisions of this ordinance or of the map which is a part hereof.

SECTION 12--NON-CONFORMING BUILDINGS, LOTS, AND USES

A. A non-conforming building or improvement is one which lawfully existed on any lot or premises at the time this ordinance becomes effective, and any portion of which does not comply with the provisions of this ordinance for the District in which it is located. Any such non-conforming building may be continued except as otherwise provided in this section.

B. A non-conforming use is one which lawfully existed in any building or on any lot or premises at the time this ordinance becomes effective and which does not comply with

the provisions of this ordinance for the District in which it is located. Any such non-conforming use may be continued except as otherwise provided in this section.

C. A non-conforming building or portion thereof which is specifically designed or arranged or was unquestionably intended to be occupied by or used for a non-conforming use but is not so occupied or used at the time the building became non-conforming by reason of this ordinance, may hereafter be occupied or used for the purpose for which it was so designed, arranged or intended, if so used or occupied within a period of one year after the adoption of this ordinance.

D. The use of a non-conforming building shall not be changed except to a use which is similar in nature, operation and degree of compatibility to surrounding property to the use which occupied the building at the time it became non-conforming or the use for which the building was intended as provided in (C) of this section. The use of a non-conforming building may be changed to a use of a more restricted classification as defined in this ordinance.

E. Repairs and alterations which do not increase the size of a non-conforming building may be made to any such non-conforming building provided the value of repairs or alterations in any one calendar year shall not exceed fifty (50) per cent of the assessed value thereof as of the date said building first became a non-conforming building. No repairs, alteration, additions or reconstruction shall be made to any non-conforming building which has been damaged by fire, flood, wind, earthquake or other calamity to the extent of more than seventy-five (75) per cent of the assessed value thereof as shown on the Assessor's records at the time of such damage, unless and except every portion of such building is made to conform to the provisions of this ordinance for new buildings in the district in which such building is located.

F. No non-conforming building or improvement shall be added to or enlarged in any manner unless such building, improvement, additions, or enlargements conform in every respect to the provision herein set forth for the District in which such building or improvement is located as shown on the District Map.

G. A non-conforming use or portion thereof occupying a conforming building or portion thereof, or occupying any lot or premises and not housed in a building shall not be enlarged or extended into any other portion of said conforming building or onto land not actually so occupied at the time such use became non-conforming nor shall such use be changed except to a conforming use. If such a non-conforming use or any portion thereof, is discontinued or ceases for any period of time whatever or for any reason whatever, or if such use is changed to a conforming use it shall not thereafter be re-established or reopened.

H. The foregoing provisions of this section shall also apply to nonconforming uses and buildings which are made such by any future reclassification of the district in which the particular use or building is located.

I. In every case, under the provisions of any ordinance of the City of Laguna Beach or any statute in effect at the time this ordinance takes effect, a license or permit is required for the maintenance of any structure or the establishing, maintaining or conducting of any use, and any such structure or use exists as a non-conforming use under the provisions of this section, then no such license or permit shall be authorized, issued, renewed, re-issued or extended for such use, un-

less and until a use and occupancy permit shall first have been secured for the continued maintenance of said structure or use.

J. Regardless of any other provisions of this ordinance, any public utility use existing in any building or structure or on any premises at the time of the adoption of this ordinance, shall be deemed to be a conforming use or a conforming building or structure as the case may be, in whatever district said use is conducted or whatever district said building, structure or premises are located.

K. Any use of land or building existing at and prior to the passage of this ordinance and which did not conform to the conditions and provisions of Ordinance No. 55 of the City of Laguna Beach and which was a violation thereof, shall be considered as a violation of this ordinance and must be immediately discontinued and the continuation of such use after the effective date of this ordinance shall constitute a separate violation of this ordinance during each and every day.

SECTION 13--INTERPRETATION, PURPOSE, CONFLICT

A. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use or occupancy of buildings or premises or upon the height or location of buildings or structures or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this ordinance shall govern.

B. In any case where there is difficulty in interpreting and applying the provisions of this article to any specific case or situation, the Planning Commission shall upon request interpret the intent of this article by resolution and said interpretation shall be followed in applying said provisions.

SECTION 14--PERMITS, LICENSES, COMPLIANCE

A. Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Laguna Beach, a permit for each separate building or structure shall be secured from the Building Inspector of said City by the owner or his agent for said work, and it shall be unlawful to commence said work until and unless said permit shall have been obtained. Before any permit may be issued for the construction of a building or structure, or to do business upon any property within the Industrial District M-1, the plans and specifications for the intended construction and the intended business shall first be submitted to the City Planning Commission for its recommendations, which said recommendations shall be given to the City Building Inspector within a period of five days after being submitted to the Planning Commission. The report and recommendation of the Commission shall be advisory only and shall not be binding upon the building or structure, provided however, that the Commission may recommend the construction of a solid fence or a wall 8 feet or less in height to surround all or a portion of the premises intended by the applicant to be used in the conduct of his business; and where such rec-



ommendation is made it shall be binding both upon the applicant and the Building Inspector and the construction and maintenance of such fence shall at all times be a condition precedent to the right of applicant to attain or renew his permit to conduct his business on said premises.

B. All officials or Public Employees vested with the duty or authority to issue permits or licenses where required by law, shall conform to the provisions of this ordinance. No such license or permit for uses, buildings, structures or purposes where the same would be in conflict with the provisions of this ordinance shall be issued. Any such license or permit if issued in conflict with the provisions hereof shall be null and void.

C. The provisions of this ordinance shall apply to all buildings, improvements, lots and premises, or portions thereof, owned, leased, operated or controlled by the City or any department, or officer thereof, or by any other municipal or quasi-municipal corporation or government or any department, board or officer thereof.

#### SECTION 15—CERTIFICATES OF USE AND OCCUPANCY

No vacant land in any district established under the provisions of this ordinance shall hereafter be occupied or used, except for agricultural uses other than live-stock farming or dairying, and no building hereafter erected, structurally altered or moved in any such district shall be occupied or used until a certificate of use and occupancy shall have been issued therefor by the City Building Inspector.

Application for a certificate of use and occupancy for a new building or for an existing building which has been altered or moved shall be made at the same time as the application for a building permit. Said certificate shall be issued within three (3) days after a written request for the same shall have been made to the said Building Inspector after the erection, alteration or moving of such building or part thereof shall have been completed in conformity with the provisions of this ordinance. Pending the issuance of such a certificate, a temporary certificate of use and occupancy may be issued by the said Building Inspector for a period of not exceeding six (6) months during the completion of alterations or during partial occupancy or use of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of use and occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than live-stock farming or dairying. Such a certificate of use and occupancy shall be issued within three (3) days after the application therefor has been made, provided such use is in conformity with the provisions of this ordinance.

Every certificate of use and occupancy shall state that the building or proposed use of building or land complies with all provisions of law and of this ordinance. A record of all certificates of use and occupancy shall be kept on file in the office of the said Building Inspector and copies shall be furnished on request to any person having a pro-

prietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of use and occupancy.

No permit for excavation for any building shall be issued before application has been made for a certificate of use and occupancy.

#### SECTION 16—PLANS

Every application for a building permit shall be accompanied by a drawing or plot plan, in duplicate, drawn to scale and showing the lot and the building site or sites, the proposed location of the building or buildings on the lot, accurate dimensions of the buildings, of the yards and of the lot and such other information as may be necessary to provide for the enforcement of this ordinance.

#### SECTION 17—COMPLETION OF BUILDING

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore been issued and upon which actual construction has begun.

Actual construction is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being built excavating shall be deemed to be actual construction, or where demolition or removal of an existing building has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided in all cases that actual construction work be diligently carried on until the completion of the building.

#### SECTION 18—AMENDMENTS AND CHANGES OF DISTRICT BOUNDARIES

A. Whenever the public necessity, convenience and general welfare require, the City Council may by ordinance, after report thereupon by the Planning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property hereby or subsequently established. An amendment, supplement, reclassification or change may be initiated by resolution of intention of the City Council or Planning Commission or by a verified application of one or more of the owners of property proposed to be reclassified.

B. Applications for any such change or reclassification shall be filed with the City Clerk upon the proper forms and shall state fully the grounds for the application and all facts relied upon by the applicant. Each such application and each such resolution of the City Council shall be referred to the Planning Commission who shall hold two (2) public hearings thereon, at least ten (10) days apart, notice of the time and place of each of which, purpose thereof and location of the property involved shall be given by at least one publication in a newspaper of general circulation in the City at least ten (10) days prior to date of hearing and by such other means as said Commission may deem necessary, provided that notice of the first public hearing shall also be given by the same method as required by Section 11-B-2. Resolutions of intention of the Planning Commission shall follow the same procedure as set forth above.

C. If from the facts presented with the application or resolution, at the public hearings, or by investigation by or at the instances of the Planning Commission, said Commission finds that the public necessity, convenience and general welfare require the change or reclassification involved or any portion thereof, the Planning Commission may recommend such change

or reclassifications and the City Council, after conducting the required public hearing, may by ordinance effect such change or reclassification or any portion thereof. The Planning Commission shall make its findings and determinations within forty (40) days after receipt of such application and shall thereupon transmit the application, together with its report and recommendation relative thereto to the City Council. Said report shall disclose in what respects the Planning Commission found or failed to find that the public necessity, convenience and general welfare requires such reclassification. The City Council shall set the matter for public hearing giving published notice thereof as described above, provided that on matters which have been disapproved by the City Planning Commission, notice of such hearing shall also be given by the same method as prescribed by Section 11-B-2. If at the time of the hearing before the City Council or prior thereto, a written protest against such change or reclassification is presented, signed by the owners of twenty (20) per cent or more of the property by area, involved in the proposed change or reclassification, or by twenty (20) per cent of the owners of the property by area within three hundred (300) feet of the exterior boundaries of the property, no such amendment, change, reclassification or supplement shall be adopted nor shall the disapproval of the Planning Commission be reversed except by a four-fifths (4/5) vote of the full membership of the City Council. Before approving any change, reclassification or amendment which has been disapproved by the Planning Commission, the City Council shall make a written finding of fact setting forth wherein the Commission's findings were in error and wherein public necessity, convenience and the general welfare require such change, reclassification or amendment. The procedure for handling resolutions of intention of the City Council or Planning Commission shall be the same as that required by this section for applications of property owners.

D. The District Map may be amended by establishing building or setback line distances along streets where such distances are not already indicated and any such building line or setback line distance now or hereafter shown on said District Map may be altered or changed, by the same procedure established by this section for changes or reclassifications of property.

#### SECTION 19—FORM OF APPLICATION AND FEES

A. The Planning Commission shall in its rules prescribe the form and scope of all applications for variances, changes of district boundaries or reclassifications, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for the permanent record. It may provide forms for such purposes. Each application for a variance or adjustment as provided in Section 11 or for an amendment or change of district boundaries as provided in Section 19 shall include a verification by at least one of the owners of property involved, attesting to the truth and correctness of all facts and maps presented with such application. Such verification shall be dated and attested to before a notary public. Applications filed pursuant to this ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission and there shall be attached thereto and permanently filed therewith

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copies of all notices and actions pertaining thereto.

B. If signatures of persons other than the applicant are required, or offered in support of, or in opposition to the application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon or govern in the free exercise of the powers vested in the City of Laguna Beach.

C. The Planning Commission is authorized to make a uniform charge of fifteen dollars (\$15.00) payable to the City Clerk, to partially cover the cost of making maps, sending out notices and other incidental administrative expenses involved in handling each application submitted under Sections 11 and 18, said charge being due and payable at the time of filing the application with the City Clerk. In connection with each application for minor deviations from the yard, or location of accessory building regulations, where no notice of public hearing was required or given, the City Clerk upon official notification of such fact and after the application has been finally acted upon shall refund ten dollars (\$10.00) of said charge to the applicant.

#### SECTION 20—ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

It shall be the duty of the City Building Inspector to enforce the provisions of this ordinance pertaining to the erecting, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the Police Department of the City of Laguna Beach and of all officers of said City otherwise charged with the enforcement of the law, to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating any provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment in the City or County Jail for a term not exceeding three (3) months, or by both such fine and imprisonment. Such persons, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

Any building set-up, erected, built, moved or maintained, and/or any use of property contrary to the provisions of this ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney shall, upon order of the City Council, immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this ordinance.

All remedies provided for herein shall be cumulative and not exclusive.

#### SECTION 21—SALE OF COPIES

Copies of maps, charts, plats and other descriptive matter regarding the Master Plan as made and provided for in this ordinance may be sold by the Planning Commission of

said City at the uniform charge of One Dollar (\$1.00) per copy, and all moneys received therefrom shall be paid into the City Treasury as provided by law.

#### SECTION 22—INDIVIDUAL ENACTMENT OF SECTIONS—CONSTITUTIONALITY

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

#### SECTION 23—REPEAL

Ordinances numbers 55 and 166 of the City of Laguna Beach, and all ordinances amendatory thereof or thereto, and all ordinances or parts of ordinances in conflict with this ordinance, are hereby repealed.

#### SECTION 24—CERTIFICATION AND PUBLICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published once in the South Coast News and this ordinance shall take effect and be in full force immediately thereafter.

The City Council does hereby find and determine that an emergency exists which requires that this ordinance take effect as soon as possible and the facts constituting such urgency are as follows: This ordinance is adopted pursuant to the provisions of an Act of the Legislature of the State of California known as "The Planning Act," (Statutes of 1929 and Amendments thereof and thereto) and is hereby declared to be established to conserve and promote the public health, safety and general welfare, and it is imperative that this ordinance take effect as soon as possible as the City of Laguna Beach is now without any adequate planning or zoning regulations.

Adopted, signed and approved this 3rd day of July, 1940.

THOS. A. CUMMINGS,  
Mayor.

Attest:

E. H. BEAVER,  
City Clerk.

I, E. H. BEAVER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of said City held on the 19th day of June, 1940, and was finally passed and adopted at a regular meeting of the said City Council held on the 3rd day of July, 1940, by the following vote, to-wit:

AYES: Councilmen Aufdenkamp, Helwig, Peabody, and Cummings.

NOES: Councilmen, None.

ABSENT: Councilman Bainbridge.

(SEAL) E. H. BEAVER,  
City Clerk of the City of Laguna Beach, California.  
(July 16, 1940—lt)

I, E. H. BEAVER, City Clerk of the City of Laguna Beach, California, hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 209, and that it was published according to law.

*E. H. Beaver*  
City Clerk of Laguna Beach.

## ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING AS AN EMERGENCY MEASURE TEMPORARY INTERIM ZONING REGULATIONS, CREATING AND ESTABLISHING AN OCEAN FRONT BUILDING SET-BACK LINE ALONG THE OCEAN FRONT SIDE OF ALL OCEAN FRONT PROPERTY WITHIN THE BOUNDARIES OF THE CITY OF LAGUNA BEACH; REPEALING ALL ORDINANCES, RESOLUTIONS AND MOTIONS, AND PARTS THEREOF, INCONSISTENT AND IN CONFLICT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCY AND CONFLICT AND NO FURTHER.

WHEREAS, the Planning Commission and the City Council of the City of Laguna Beach are conducting and intend to conduct studies and hold hearings concerning further suitable amendments to Ordinance No. 209 (Districting Ordinance), as amended, to provide and establish an ocean front building set-back line applicable to all property in the City of Laguna Beach fronting on the Pacific Ocean so as to insure that all buildings hereafter constructed along the ocean front will at all times be located on private property and will not at any time extend into or be located upon the tideland property owned by the public and held by the City, as Trustee under State Tideland Grant, or into other publicly owned property, and also to insure that buildings will be constructed along the waterfront at such point as will not endanger the buildings or persons occupying the same as a result of tidal action and ocean front landslides; and

WHEREAS, it is necessary, in order to protect the public safety, health and welfare and the publicly-owned property, that regulations hereinafter set forth be added and made applicable to all property fronting on the Pacific Ocean within the boundaries of the City pending such time when the City can complete its studies and finally determine the permanent regulations to be adopted locating and establishing the proper ocean front building set-back lines;

NOW, THEREFORE, pursuant to Section 65806 of the Government Code of the State of California and in order to protect the public safety, health and welfare and the public property, the CITY COUNCIL OF THE CITY OF LAGUNA BEACH does ORDAIN as follows:

Section 1: That Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by adding thereto a new subparagraph to be known as subparagraph 5.5 of subsection E of Section 10, pertaining to general yard regulations and exceptions, and to read as follows:

"5.5 There is hereby established a building set-back line along the ocean frontage of all property within the City of Laguna Beach fronting upon and adjacent to the Pacific Ocean, as hereinafter in this subparagraph provided, and no building, structure or improvement shall hereafter be erected or constructed on the oceanward side of said building set-back line:

"(a) Except as provided in subparagraphs (b), (c), (d) and (e) hereof, the ocean front building set-back line on all ocean front property within the City of Laguna Beach is hereby fixed and established as the line drawn through the points where the plane of elevation 12 feet above mean sea level touches the land mass of the particular parcel of property involved.

"(b) Along the main beach, which is hereby defined to be the beach front area between Broadway and Laguna Avenue, said ocean front building set-back line



is hereby established as the most Easterly and landward line of the existing boardwalk.

"(c) Where the ocean front property line of any particular lot or parcel, as it existed on July 16, 1940, or as shown with a separate and distinct number or letter on a subdivision tract map, concaves landward between the side lot lines of such lot or parcel, then the ocean front building set-back line shall be a straight line drawn between the points where the plane of elevation 12 feet above mean sea level touches the land mass at each side lot line of such lot or parcel.

"(d) Where the ocean front property line of any particular lot or parcel, as it existed on July 16, 1940, or as shown with a separate and distinct number or letter on a subdivision tract map, convexes oceanward between the side lot lines of such lot or parcel, then said building set-back line is hereby established as the line which is twenty feet landward from the ocean front property line of said lot or parcel, or the line drawn through points where the elevation 12 feet above mean sea level touches the land mass of the parcel, whichever line is the greater distance from the line of mean high tide.

"(e) In all cases mentioned in subparagraphs (a), (b), (c) and (d) above, decks, projections, porches and balconies may extend and/or cantilever oceanward from the building or structure for a distance of not to exceed six (6) feet, provided such extensions are above elevation 22 feet above mean sea level."

Section 2: That all ordinances, resolutions and motions and sections of the Laguna Beach Municipal Code, and parts thereof, inconsistent and in conflict herewith be and the same are repealed to the extent of such inconsistency and conflict and no further.

Section 3: The City Council does hereby determine and declare this to be an emergency ordinance adopted pursuant to the provisions of Section 65806 of the Government Code of the State of California necessary to protect the public safety, health and welfare of the City and that portion of the City described herein and has further determined and declared that this ordinance shall be deemed adopted as of the date of its introduction and this ordinance shall take effect immediately upon the date of its adoption.

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published in the manner required by law in the LAGUNA BEACH POST, a newspaper of general circulation printed, published and circulated in the City of Laguna Beach.

ADOPTED, SIGNED AND APPROVED this 6th day of May, 1964.

ATTEST:

\_\_\_\_\_  
WILLIAM D. MARTIN  
Mayor

\_\_\_\_\_  
ED. H. BEAVER  
City Clerk

I, ED. H. BEAVER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing ordinance was introduced and read in full at a regular meeting of the City Council of said City held on May 6, 1964, and upon motion of Councilwoman Keeley, seconded by Mayor Martin, was passed and



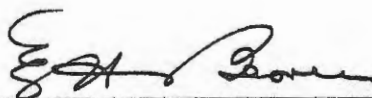
adopted by the following vote, on roll call, to wit:

AYES: Councilmen Keeley, Lambourne, Sears and Martin.  
NOES: Councilmen, None.  
ABSENT: Councilman Ellerby.

ED. H. BEAVER  
City Clerk of the City of  
Laguna Beach, California

(SEAL)

I, ED. H. BEAVER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 529, and that it was published according to law.

  
City Clerk of the City of  
Laguna Beach, California

*Compared*

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## ORDINANCE NO. 560

AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING ORDINANCE NO. 209 (DISTRICTING ORDINANCE), AS AMENDED, BY ADDING THERETO NEW SUBPARAGRAPH 5.5 TO SUBSECTION E OF SECTION 10, PERTAINING TO GENERAL YARD REGULATIONS AND EXCEPTIONS; AND REPEALING ALL MOTIONS, RESOLUTIONS AND ORDINANCES, AND PARTS THEREOF, INCONSISTENT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCY AND NO FURTHER.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, does hereby ORDAIN as follows:

SECTION 1: That Ordinance No. 209 (Districting Ordinance), as amended, of the City of Laguna Beach, be and the same hereby is further amended by adding thereto a new subparagraph to be known as subparagraph 5.5 of subsection E of Section 10, pertaining to general yard regulations and exceptions, and to read as follows:

"5.5 There is hereby established a building setback line along the ocean frontage of all property within the City of Laguna Beach fronting upon and adjacent to the Pacific Ocean, as hereinafter in this subparagraph provided, and no building, structure or improvement shall hereafter be erected or constructed on the oceanward side of said building setback line:

"(a) Except as provided in subparagraph (b), (c), (d), (e), (f) and (g) hereof, the oceanfront building setback line on all oceanfront property within the City of Laguna Beach is hereby fixed and established as the line drawn through the points where the plane of elevation 12 feet above mean sea level touches the land mass (other than beach sand), of the particular parcel of property involved.

"(b) The oceanfront building setback line on all oceanfront property situated between Thalia Street and Bluebird Canyon Drive is hereby fixed and established as the line drawn through the points where the plane of elevation 13 feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.

"(c) The oceanfront building setback line on all oceanfront property situated between Laguna Avenue and Thalia Street is hereby fixed and established as the line drawn through the points where the plane of elevation 14 feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.

"(d) Along the main beach, which is hereby defined to be the beachfront area between Broadway and Laguna Avenue, said oceanfront building setback line is hereby established as the most Easterly and landward line of the existing boardwalk,

"(e) Where the oceanfront property line of any particular lot or parcel, as it existed on July 16, 1940, or as shown with a separate and distinct number or letter on a subdivision tract map, convexes landward between the side lot lines of such lot or parcel, the oceanfront building setback line shall be a straight line drawn between the points where the plane of elevation above mean sea level, as set forth in (a), (b) and (c) above touches the land mass (other than beach sand) at each side lot line of such lot or parcel.

"(f) Where the oceanfront property line of any particular lot or parcel, as it existed on July 16, 1940, or as shown with a separate and distinct number or letter on a subdivision tract map, convexes oceanward between the side lot lines on such lot or parcel, then said building setback line is hereby established as the line which is twenty (20) feet landward from the oceanfront property line of said lot or parcel, or the line drawn through points where the elevation above mean sea level, as set forth in (a), (b) and (c) above touches the land mass (other than beach sand) of the parcel, whichever land is the greater distance from the line of mean high tide.

"(g) In all cases mentioned in subparagraphs (a), (d), (e) and (f) above, decks, projections, porches and balconies may extend and/or cantilever oceanward from the building or structure for a distance of not to exceed six (6) feet, provided such extensions are above elevation 22 feet above mean sea level. In all cases mentioned in subparagraphs (b) and (c) above, decks, projections, porches and balconies may extend and/or cantilever oceanward from the building or structure for a distance of not to exceed six (6) feet, provided such extensions are above elevation 23 feet above mean sea level for all cases mentioned in (b) above, and 24 feet above mean sea level for all cases mentioned in (c) above."

SECTION 2: That all ordinances, resolutions and motions, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistency and no further.

SECTION 3: The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published once in the LAGUNA BEACH POST, a newspaper of general circulation in the City of Laguna Beach, and this ordinance shall be in effect at the expiration of thirty (30) days from and after the date of its passage.

ADOPTED, SIGNED AND APPROVED this 19th day of January, 1966.

ATTEST:

WILLIAM D. MARTIN  
Mayor

JAMES D. WHEATON  
City Clerk

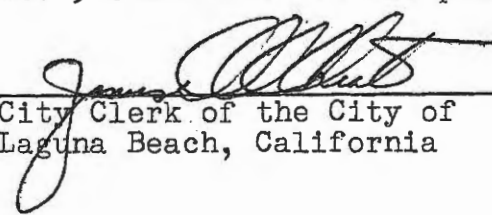
I, JAMES D. WHEATON, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the said City Council held on January 5, 1966, and was finally passed and adopted at a regular meeting of the said City Council held on the 19th day of January, 1966, by the following vote, to wit:

AYES: Councilmen Keeley, Lambourne, Sears, Vedder and Martin.  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

JAMES D. WHEATON  
City Clerk

(SEAL)

I, JAMES D. WHEATON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 560 and that it was published according to law.

  
City Clerk of the City of  
Laguna Beach, California

*Compared*

## ORDINANCE NO. 622

AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING ORDINANCE NO. 209 (DISTRICTING ORDINANCE), AS AMENDED, OF THE CITY OF LAGUNA BEACH, BY AMENDING SECTIONS 2-A-90, 4, 5, 6, 8, 10, 10.2, 11.5 and 11.7 THEREOF; AND REPEALING ALL RESOLUTIONS, MOTIONS AND ORDINANCES INCONSISTENT HERewith TO THE EXTENT OF SUCH INCONSISTENCY.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, California, does hereby ORDAIN as follows:

SECTION 1: That Ordinance No. 209 (Districting Ordinance), as amended, of the City of Laguna Beach be and the same is hereby further amended by amending Section 2-A-90 thereof, pertaining to definition of "height," to read as follows:

"90. HEIGHT, BUILDING, shall mean the vertical distance from the curb to the highest point of the roof. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersecting the midpoint of the front lot line. In the event there is no curb, height shall be measured from the centerline of the street to the top of the roof. The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and a line perpendicular to and intersecting the mid-point of the front lot line. Exception: The following items may be permitted to a height in excess of that permitted within the zone, when approved by the Planning Office: Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flag poles and chimneys, may be built and maintained to a height greater than the limit, provided, however, that no structure in excess of the allowable building height shall be used for additional living or floor space."

SECTION 2: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 4 thereof, entitled "R-1 RESIDENTIAL LOW DENSITY ZONE," to read as follows:

"SECTION 4 - R-1 RESIDENTIAL LOW DENSITY ZONE

A. INTENT AND PURPOSE: This zone is intended for low density, single family residential areas which will provide a suitable environment for family life for permanent residents. The zone is intended to provide a quiet living environment free from rooming and boarding houses, commercial and industrial activities, and to the greatest degree possible, free from other than local vehicular traffic.

B. USES PERMITTED: Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

"Single family dwelling

Child Care, subject to the standards in Section 2, Definitions and Standards

Guest house or guest room, subject to the following conditions:

1. The lot contains not less than seven thousand (7,000) square feet.
2. There be no more than one (1) guest house or one (1) guest room on any one (1) lot.

3. There be no kitchen within such guest house or guest room.
4. The floor area of the guest house be not in excess of three hundred (300) square feet.
5. Such guest house or room be used by the occupants of the main building or their guests or servants and shall not be rented, let or hired out whether the compensation for hire be paid directly or indirectly in money, goods, wares or merchandise.

Home occupations subject to the standards in Section 2, Definitions and Standards

Public parks, playgrounds and beaches, and such recreation, refreshment and service buildings as are purely accessories, and incidental thereto.

Such other uses as the Planning Commission may deem, after a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare, than the permitted uses.

"D. PROPERTY DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and structures in the R-1 zone:

1. Lot Area

Each lot shall have a minimum area of six thousand (6,000) square feet. Also see: D,11 of this Section - Modified Minimum Lot Area and Maximum Population Density Standards.

2. Lot Dimensions

a. Width - Each lot shall have a minimum width of seventy (70) feet.

Exception: Cul-de-Sac lots shall have a minimum lot width at the front property line of forty (40) feet.

b. Depth - Each lot shall have a minimum depth of eighty (80) feet.

3. Population Density

There shall be a minimum of six thousand (6,000) square feet of lot area for each dwelling unit, provided however that, subject to the Conditional Use permit provisions of Section 11.7, there shall be no more than one (1) dwelling on any one (1) lot. Also see: D,11 of this Section - Modified Minimum Lot Area and Maximum Population Density Standards.

4. Building Height

a. No building or structure in this zone shall have a height greater than twenty-five (25) feet. See Section 2, Height, Building.

b. Through Lots: On a through lot, height shall be measured from the higher curb or street centerline.

c. Exception: Rear Lot Line above the Street: Where the rear lot line is at an elevation above the street, the height shall be measured from the elevation of the rear lot line at a point nearest the portion of the building to be so measured. Where the rear lot line is at an elevation above the street, the height shall be limited in accordance with the following:

Rear Lot Line above Street (in feet)	Height Permitted above Rear Lot Line (in feet)
0 - 5	25
6 - 10	20
11 - 15	15
16 - 20	10
21 or more	5



d. Exception: Rear Lot Line below the Street:  
Where the rear lot line is at an elevation below the street, the height shall be limited in accordance with the following:

<u>Rear Lot Line below Street (in feet)</u>	<u>Height Permitted above Street (in feet)</u> See Sec. 2-A-90
0 - 5	25
6 - 10	22.5
11 - 15	20
16 - 20	17.5
21 or more	15

e. Note: Relation of Building Height to Front Yards:  
See subsection 5.b of this section for further height restrictions in relation to yard requirements.

## 5. Yards

### a. General Provisions

(1) The General Provisions of Section 10, General Yard Provisions, shall apply.

(2) A swimming pool and its accessory equipment shall not be located in the required front yard, nor closer than five (5) feet from any side or rear property line.

"Exception: On hillside lots having a slope of 25% or greater over the rear half of such lots, swimming pools may be permitted to within ten (10) feet of the front property line.

(3) Schools, churches, country clubs and other non-residential uses shall observe yards no less than twenty (20) feet from all property lines. Yard areas in excess of the above may be required under the Conditional Use Permit provisions of this ordinance.

(4) The area of a lot which may be covered by main buildings shall not exceed fifty (50) percent of the total area of an inside lot or sixty (60) percent of the total area of a corner lot.

(5) The general yard provisions may be modified when applied to Planned Residential Development.

### b. Front Yard

(1) Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, the storage of trailers, boats, campers, or the storage of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

(2) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot is ten (10) feet or more below the curb elevation opposite the mid-point of the front lot line, the front yard may be reduced to ten (10) feet. However, the total yard area shall not be reduced as a result of this exception.

(3) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot is ten (10) feet or more above or below the curb elevation

opposite

the mid-point of the front lot line, a garage facility may be located five (5) feet from the front lot line. Said garage facility may not extend along more than fifty (50) percent of the street frontage of the lot. See also subsection D.8.

(4) In (2) or (3) above, where there is no curb, the elevation of the centerline of the street shall be substituted for the curb elevation. Said elevation of the centerline of the street shall be measured opposite the midpoint of the front lot line.

(5) Exception: Through Lots. Where, on the lower half of a through lot, portions of a building attain a height in excess of twenty-five (25) feet above the lower street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front lot line adjacent to the lower street, for every such foot of height in excess of twenty-five (25) feet.

(6) Exception: Rear Lot Line above the Street. Where the rear lot line is at an elevation above the street and portions of the building on the front half of the lot attain a height in excess of twenty-five (25) feet above the street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front property line for every such foot of height in excess of twenty-five (25) feet.

(7) An enclosed space beneath a garage floor and extending into a required front yard may be used for accessory purposes.

c. Side Yard

(1) Side yards shall not be used for clothes lines, incinerators, storage of trailers, boats, campers or the storage of any material, unless the above items are adequately concealed from the street.

(2) Except as provided in following paragraphs numbered (3) and (4), each lot shall maintain a side yard on each side of at least seven (7) feet in width.

(3) For lots less than seventy (70) feet in width, the required width of each side yard shall be ten (10) percent of the lot width, but in no case less than three (3) feet. Said minimum side yard shall be free and clear of all obstructions, including but not limited to the following: retaining walls, boundary fence and architectural features.

(4) A reverse corner lot shall maintain a side yard adjacent to the street of twenty (20) feet.

Exception: Where the average elevation along a line lying parallel to the side lot line adjacent to the corner and forty (40) feet therefrom, within the lot is ten (10) feet or more below the curb elevation opposite the mid-point of the side lot line, the side yard may be reduced to ten (10) feet. Where the average elevation along a line lying parallel to the side lot line adjacent to the corner and forty (40) feet therefrom within

the lot is ten (10) feet or more above or below the curb elevation opposite the mid-point of the side lot line, a garage may be located five (5) feet from such side lot line. Said garage may not extend along the side of the lot for a distance greater than twenty-five (25) feet. Where there is no curb, the elevation of the centerline of the travel way shall be substituted for the curb elevation. Said elevation shall be measured opposite the midpoint of the side lot line.

- (5) Where a side lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50) percent (2:1 slope) or greater the minimum distance from the top or toe of the slope to a main building shall be five (5) feet. On the lower lot this distance shall be increased one (1) foot for every additional foot of vertical slope height above six (6) feet, with a maximum requirement of fifteen (15) feet.

(6) Accessory Buildings in Side Yards

- (a) An accessory building in the front fifty (50) feet of a lot shall be no closer to the side lot line than the distance permitted for a main building.

Exception: A detached garage permitted to be located five (5) feet from the front lot line because of the slope of the lot (subsection 5.b.(3)), need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds (2/3) below the natural ground level of the adjacent yard, and the top of said wall will be at no point more than four (4) feet above said yard level adjacent thereto.

- (b) A detached garage or carport to be located more than fifty (50) feet from a front property line may maintain no side yard provided such accessory building does not extend along said lot line for a distance greater than twenty-five (25) feet. A garage or carport so located will maintain a masonry wall with no openings on the side property line and will cause all roof drainage to fall on the property on which it is built.

- (c) Any accessory building containing a guest house shall observe a side yard of the same width as required of the main building.

- (d) On a reverse corner lot a detached accessory building shall maintain a side yard equivalent to the front yard of the lot whose front lot line is a continuation of the side line of the reverse corner lot.

d. Rear Yard

- (1) Each lot shall maintain a rear yard of not less than twenty (20) feet.

- (2) Where a rear lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50) percent or greater, the minimum distance from the top or toe of the slope to a main building shall be five (5) feet. On the lower lot, this distance shall be increased one (1) foot for every additional foot of vertical slope height above six (6) feet, with a maximum requirement of fifteen (15) feet.

(3) Accessory Buildings in Rear Yards

(a) A detached garage, carport, pergola or greenhouse may maintain no rear yard provided it does not extend along the rear lot line for a distance greater than twenty-five (25) feet. A garage so located may not be entered from an alley.

(b) Any building containing a guest house shall maintain not less than a five (5) foot rear yard.

(c) A detached garage or carport located in rear yard abutting an alley and which garage can be entered by vehicle from the alley must maintain a setback of twenty-five (25) feet from the opposite side of the alley, but in no case shall such a garage or carport be closer than five (5) feet to the rear lot line.

(d) No more than 35% of the required rear yard may be covered by accessory buildings.

6. Fences, Hedges and Wallsa. Required Fences and Walls

(1) A fence or wall not less than four (4) feet above the finish grade adjoining the fence outside the yard shall be provided to enclose any swimming pool to which pedestrian access could be gained from a street, alley or other parcel. Said fence shall have self-closing gates at least four (4) feet high with self-latching mechanisms. Latches shall be installed at least four (4) feet above finish grade.

(2) Barricades, railings and security fencing required for safety by the Director of Building and Planning are permitted in any yard.

b. Permitted Fences, Hedges and Walls

(1) Ornamental lawn fences, hedges or landscape architectural features not more than four (4) feet in height may be erected in any front yard.

\*Exception: On a corner lot, a fence, hedge or wall no higher than three (3) feet shall be permitted within the front yard setback.

(2) A fence, wall, lattice-work, screen, hedge or thick growth of shrubs or trees with a height no greater than six (6) feet may be installed, erected, planted or maintained within the side and rear yards, provided such obstructions do not project into the required front yard space or extend closer to the side street line of a corner lot than the width of the side yard required on such corner lot. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation on the higher lot.

(3) The fences, walls, hedges or obstructions permitted by this subsection shall be equipped with gates or openings at least thirty (30) inches in width, so as to provide free access completely around all main buildings, and shall not be so located as to constitute, in the opinion of the Director of Building and Planning, a hazard to traffic on public rights-of-way, streets or alleys.

(4) Planned residential development within this zone utilizing the "total yard" concept, may utilize fence heights in excess of four (4) foot limit prescribed herein, subject to Planning Commission approval.



7. Space between Buildings

a. No main building shall be closer than fourteen (14) feet to any other dwelling or building used for dwelling purposes on the same lot.

b. Non-residential accessory buildings shall not be closer than five (5) feet to any other building maintained on the lot.

c. A distance of twenty-five (25) feet shall be maintained between a garage or carport entry and any other building or portion of building on the same lot.

8. Access

Vehicular access to lots fronting on an arterial or primary residential collector street shall be such that there shall be a paved turning area on the lot, or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Public Works.

10. Off-Street Parking

a. The provisions of Section 10.2, Off-Street Parking, shall apply.

11. Modified Minimum Lot Area and Maximum Population Density Standards

a. The minimum Lot Area and maximum Population Density as set forth in Subsection D of this Section have been modified where, on the Official Zone Map, a number greater than 6,000 follows and is connected with a hyphen with the zone symbol. Such number shall designate the minimum Lot Area required in square feet.

b. Where a number less than 100 and the word "acre" or "acres" follows and is connected with a hyphen with the zone symbol, such number shall designate the minimum allowable acreage on the lot.

SECTION 3: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 5 thereof, entitled "R-2 RESIDENTIAL MEDIUM DENSITY ZONE," to read as follows:

"SECTION 5 - R-2 RESIDENTIAL MEDIUM DENSITY ZONE

A. INTENT AND PURPOSE: This zone is intended for medium density residential use, generally maintaining the same residential character found in the R-1 Zone.

B. USES PERMITTED: Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

Two Family Dwellings

Single family dwellings

Child care, subject to the standards in Section 2, Definitions and Standards

Guest houses, subject to the following conditions:

1. Guest Houses shall be subject to the density standards set forth in Section D, below.

2. Floor area shall not be in excess of three hundred (300) feet.

Guest rooms, subject to the following conditions:

1. Guest rooms shall be subject to the density standards as set forth in Section D.

9. Signs

The provisions of Section 10.2, Off-Street Parking, shall apply.

2. Guest rooms will be permitted only in connection with a single family dwelling or a two-family dwelling. There shall be no more than two (2) guest rooms in connection with a single family dwelling and no more than one (1) guest room in connection with a two-family dwelling.

Home occupations, subject to the standards in Section 2, Definitions and Standards.

Public parks, playgrounds and beaches, and such recreation, refreshment and service buildings as are purely accessories, and incidental thereto.

Such other uses as the Planning Commission may deem, after a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the permitted uses.

C. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT: The following uses may be permitted, subject to the granting of a Conditional Use Permit as provided for in Section 11.7:

Church

Multiple family dwelling containing more than two (2), but less than seven (7) dwelling units, to the density standards set forth in Section D.

Nursery School

Planned Residential Development

Private Recreation Club

Public and private schools

Rest home

Utility substation or water reservoir

On property abutting or approximately opposite and across an alley from a permitted use in a "C" zone, a parking lot for the use of such permitted use in such "C" zone.

D. PROPERTY DEVELOPMENT STANDARDS: The following development standards shall apply to all land and structures in the R-2 zone:

1. Lot Area

Each lot shall have an area of not less than six thousand (6,000) square feet. Also see D, 11 of this Section - Modified Minimum Lot Area and Maximum Population Density Standards.

2. Lot Dimensions

a. Width - Each lot shall have a minimum width of seventy (70) feet.

Exception: Cul-de-Sac lots shall have a minimum lot width at the front property line of forty (40) feet.

b. Depth - Each lot shall have a minimum depth of eighty (80) feet.

3. Population Density:

There shall be a minimum of two thousand (2,000) square feet of lot area within the lot for each dwelling unit, two thousand (2,000) square feet of lot area for each guest house. Also see D, 11 of this Section - Modified Minimum Lot Area and Maximum Population Density Standards.

4. Building Height

a. No building or structure in this zone shall have a height greater than twenty-five (25) feet. See Section 2, Height, Building.



b. Exception: Through Lots. On a through lot, height shall be measured from the higher curb or street centerline.

c. Exception: Rear Lot Line above the Street. Where the rear lot line is at an elevation above the street, the height shall be measured from the elevation of the rear lot line at a point nearest the portion of the building to be measured. Where the rear lot line is at an elevation above the street, the height shall be limited in accordance with the following:

Rear Lot Line above Street (in feet)	Height Permitted above Rear Lot Line (in feet)
0 - 5	25
6 - 10	20
11 - 15	15
16 - 20	10
21 or more	5

d. Exception: Rear Lot Line below the Street. Where the rear lot line is at an elevation below the street, the height shall be limited in accordance with the following:

Rear Lot Line below Street (in feet)	Height Permitted above Street See Sec.2-A-90 (in feet)
0 - 5	25
6 - 10	22.5
11 - 15	20
16 - 20	17.5
21 or more	15

e. Note: Relation of Building Height to Front Yards. See subsection 5.b of this section for further height restrictions in relation to yard requirements.

## 5. Yards

### a. General Provisions

(1) The provisions of Section 10, General Yard Provisions, shall apply.

(2) A swimming pool and its accessory equipment shall not be located in the required front yard, nor closer than five (5) feet from any side or rear property line.

Exception: On hillside lots having a slope of 25% or greater over the rear half of such lots, swimming pools may be permitted to within ten (10) feet of the front property line.

(3) Schools, churches, country clubs and other nonresidential uses shall observe yards no less than twenty (20) feet from all property lines. Yard areas in excess of the above may be required under the Conditional Use Permit provisions of this ordinance.

(4) Every lot or parcel occupied by a dwelling or multiple family dwelling shall maintain without structures and uncovered from ground to sky at least one (1) 'open land area' which meets the following standards:

(a) The area or total of the areas shall contain a minimum of four hundred (400) square feet of land for each dwelling unit on the lot or parcel.

(b) For any area qualifying as an 'open land area,' the minimum dimension of any and all directions shall be twenty (20) feet.

(c) The open land area required in this subsection may include land required to be devoted to the minimum side or rear yards as set forth below so long as such yards conform to the requirements of the open land area and the total area meets the standards in (a) and (b) above. Where a required side or rear yard is used to partially meet the requirements of the open land area, such side or rear yard or portions thereof must be entirely on the lot (not in alleys) and must meet the standards of the open land area.

(d) The open land area required by this subsection shall not include land to be devoted to parking in satisfaction of the parking requirements of this ordinance.

(e) Where the slope of a lot is such that the grade in a direction parallel with the side lot lines is twenty (20) per cent or greater, uncovered, unenclosed decks may be used to satisfy the open land area requirements of this subsection. Where such decks are used to meet or partially meet these requirements, the provisions of subsections (a) and (b) above shall be adhered to. This subsection shall not be construed so as to allow decks within required yards other than those permitted by other sections of this ordinance.

b. Front Yards

(1) Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. Said yard shall not be used for accessory buildings, clothes-lines, incinerators, the storage of trailers, boats, campers, or the storage of any materials nor shall side yard be used for the regular or constant parking of automobiles or other vehicles. The front yard shall not be used for required off-street parking.

(2) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot is (10) feet or more above or below the curb elevation opposite the mid-point of the front lot line, the front yard may be reduced to ten (10) feet. However, the total yard areas shall not be reduced as a result of this exception.

(3) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot, is ten (10) feet or more above or below the curb elevation opposite the mid-point of the front lot line, a garage may be located five (5) feet from the front lot line. Said garage may not extend along the front of the lot for a distance greater than twenty-five (25) feet. (See also subsection D.8)

(4) In (2) or (3) above, where there is no curb, the elevation of the center line of the travel way shall be substituted for the curb elevation. Said elevation of the centerline of the travel way shall be measured opposite the midpoint of the front lot line.

(5) Exception: Through Lots: Where, on the lower half of a through lot, portions of a building attain a height in excess of twenty-five (25) feet above the lower street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front lot line adjacent to the lower street for every such foot of height in excess of twenty-five (25) feet.

(6) Exception: Rear Lot Line above the Street. Where the rear lot line is at an elevation above the street and portions of the building on the front half of the lot attain a height in excess of twenty-five (25) feet above the street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front property line for every such foot of height in excess of twenty-five (25) feet.

(7) An enclosed space beneath a garage floor and extending into a required front yard may be used for accessory uses.

c. Side Yards

(1) Side Yard in Proportion to Building Height. Each lot or parcel shall maintain a side yard in proportion to building height. The side yard width shall be equal to 25% of the height of the highest portion of the building along the side lot line.

(2) Side Yard in Proportion to Building Frontage. Each lot or parcel shall maintain a side yard in proportion to building frontage. Buildings permitted within this zone which extend along more than 70 feet of property frontage shall provide an additional side yard setback of one (1) foot, for each ten (10) feet of building frontage in excess of 70 feet, or fraction thereof. This provision shall be in addition to the above paragraph (1), Side Yard in Proportion to Building Height. In no case shall such side yard be less than four (4) feet.

(3) Side yards shall not be used for clothes lines, incinerators, storage of trailers, boats, campers or the storage of any material, unless the above items are entirely concealed from the street.

(4) Accessory Buildings in Side Yards:

(a) An accessory building to be located less than fifty (50) feet from the front lot line shall be no closer to the side lot line than the distance permitted for a main building.

Exception: A garage permitted to be located five (5) feet from the front lot line because of the slope of the lot (subsection 5.b.(2) ), need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds (2/3) below the natural ground level of the adjacent yard, and the top of said wall will be at no point more than four (4) feet above said yard level, adjacent thereto.

(5) A reverse corner lot shall maintain a side yard adjacent to the street of twenty (20) feet. Exception: Where the average elevation along a line lying parallel to the side lot line adjacent to the corner and forty (40) feet therefrom, within the lot, is ten (10) feet or more below the curb elevation opposite the midpoint of the side lot line, the side yard may be reduced to ten (10) feet. Where the average elevation along a line lying parallel to the side lot line adjacent to the corner and forty (40) feet therefrom within the lot is ten (10) feet or more above or below the curb elevation opposite the midpoint of the side lot line, a garage may be located five (5) feet from such side lot line. Said garage may not extend along the side of the lot for a distance greater than twenty-five (25) feet. Where there is no curb, the elevation of the centerline of the travel way shall be substituted for the curb elevation. Said elevation shall be measured opposite the midpoint of the side lot line.

(6) Where a side lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50) per cent (2:1 slope) or greater, the minimum distance from the top or toe of the slope to a main building shall be five (5) feet. On the lower lot this distance shall be increased one (1) foot for every additional foot of vertical slope height above six (6) feet, with a maximum requirement of fifteen (15) feet.

(7) Accessory Buildings in Side Yards

(a) An accessory building in the front fifty (50) feet of a lot shall be no closer to the side lot line than the distance permitted for a main building.

Exception: A garage permitted to be located five (5) feet from the front lot line because of the slope of the lot (subsection 5.b.(3)) need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds ( $2/3$ ) below the natural ground level of the adjacent yard, and the top of said wall will be at no point more than four (4) feet above said yard level, adjacent thereto.

(b) A detached garage or carport to be located more than fifty (50) feet from a front property line may maintain no side yard provided such accessory building does not extend along the said lot line for a distance greater than twenty-five (25) feet. A garage or carport so located will maintain a masonry wall with no openings on the side property line and will cause all roof drainage to fall on the property on which it is built.

(c) Any accessory building containing a guest house shall be seven (7) feet from any property line, and will maintain the distance from the top or toe of a cut or fill slope as required in subsection 5.c.(4) above.

(d) On a reverse corner lot a detached accessory building adjacent to the street will maintain a side yard equivalent to the front yard of the lot whose front lot line is a continuation of the side line of the reverse corner lot.

d. Rear Yard

(1) Each lot shall maintain a rear yard of at least ten (10) feet.

(2) Exception: Where the height of the building measured from the grade at any point on the rear lot line to the top of the roof directly above such point exceeds twenty-five (25) feet, the rear yard requirements of this subsection shall be increased six (6) inches for each (1) foot of building height in excess of twenty-five (25) feet. Such increases shall apply only to those portions of the building exceeding twenty-five (25) feet.

(3) Where a rear lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50) percent (2:1 slope) or greater, the minimum distance from the top or toe of the slope to a main building shall be five (5) feet. On the lower lot this distance shall be increased one (1) foot for every additional foot of height above six (6) feet with a maximum requirement of fifteen (15) feet.



(4) A garage or carport located in a rear yard abutting an alley and which can be entered by vehicle from the alley, must maintain a setback of twenty-five (25) feet from the opposite side of the alley, but in no case where the garage or carport can be so entered from the alley shall it be closer than five (5) feet to the rear lot line.

(5) Accessory Buildings in Rear Yards

(a) A detached accessory building may maintain no rear yard provided it does not extend along the rear lot line for a distance greater than twenty-five (25) feet. Such an accessory building may not be entered by vehicle from an alley.

(b) A detached garage or carport to be entered by vehicle from an alley must maintain the setback from the alley as required in subsection 5.d.(4) above.

6. Fences, Hedges, Walls

a. Required Fences and Walls

(1) A fence or wall not less than four (4) feet above the finish grade adjoining the fence outside the yard shall be provided to enclose any swimming pool to which pedestrian access could be gained from a street, alley or other parcel. Said fence shall have self-closing gates at least four (4) feet high with self-latching mechanisms. Latches shall be installed at least four (4) feet above finish grade.

(2) Barricades, railings and security fencing required for safety by the Director of Building and Safety are permitted in any yard.

b. Permitted Fences, Hedges and Walls

(1) Ornamental lawn fences, hedges or landscape architectural features not more than four (4) feet in height may be erected in any front yard.

Exception: On a corner lot, a fence, hedge or wall no higher than three (3) feet shall be permitted within the front yard setback.

(2) A fence, wall, lattice-work, screen, hedge or thick growth of shrubs or trees with a height no greater than six (6) feet may be installed, erected, planted or maintained within the side and rear yards, provided such obstructions do not project into the required front yard space or extend closer to the side street line of a corner lot than the width of the side yard required on such corner lot. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation on the higher lot.

(3) The fences, walls, hedges or obstructions permitted by this subsection, shall be equipped with gates or openings of at least three (3) feet in width so as to provide free access completely around all main buildings and shall not be so located as to constitute, in the opinion of the Director of Building and Planning, a hazard to traffic on public rights-of-way.

7. Space between Buildings

a. Between adjacent portions of two main buildings on the same lot, there shall be a space equivalent to twenty-five (25) percent of the combined building

heights of the two adjacent portions. For the purposes of this subsection, building height shall be measured from the grade along the wall of a building to the top of the roof, but only portions of buildings within twenty-five (25) feet of such space shall be considered in computing height and corresponding distance between buildings.

b. No detached garage, carport or greenhouse, or other ~~non-residential~~ building shall be closer than ten (10) feet to any other building maintained on the lot.

c. A garage located within the area defined by the projection of the side lines of any main building and with vehicular access entirely or in part between it and any main building shall be located not less than twenty-five (25) feet from any main building.

8. Access and Improvements

a. There shall be safe vehicular access from a usable street to off-street parking facilities on the property requiring off-street parking facilities.

b. Access. Vehicular access to lots fronting on an arterial or primary residential collector street shall be such that there shall be a paved turning area on the lot, or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Public Works.

c. To provide proper local access for the users and to prevent congestion and other hazards related to the intense use of the land permitted in this zone, the following improvements are deemed necessary and must be provided by the property owner prior to the public utilities being authorized connection and occupancy permitted. The City Council may waive these requirements where their application would cause hazardous and undesirable situations.

Exception: If, within thirty (30) days, or such additional time as may be authorized by the applicant, of the receipt by the Department of Public Works of a request for information as to appropriate improvement grade, width, location and alignment, such information is not provided the applicant, the following items (1), (2) and (3) shall not apply; provided, however, that in such event, the applicant shall execute a waiver of grade holding the City and any improvement district presently or subsequently formed harmless from any problems associated with or resulting from conditions or situations brought into being by the developing of the applicant's property prior to the information concerning improvement grade, width, location and alignment being provided such applicant.

(1) Alleys shall have been improved along the full alley frontage of the subject lot to the standards approved by the City.

(2) Curbs, gutters and sidewalks shall have been installed along the full street frontages of the subject lot to the standards approved by the City.

(3) Street base and pavement along the full frontage of the subject lot to the standards approved by the City shall be provided, from the gutter at the subject property side of street to centerline of right-of-way.



(4) Rights-of-way to accommodate the above shall have been dedicated to the City.

9. Signs  
The provisions of Section 10.1, Signs, shall apply.
10. Off-Street Parking  
The provisions of Section 10.2, Off-Street Parking, shall apply.
11. Modified Minimum Lot Area and Maximum Population Density Standards.
  - a. The minimum lot area as set forth in subsection D of this section may be modified whereon the Official Zoning Map a number greater than 6,000 follows and is connected with a hyphen with the zone symbol. Such number shall designate the minimum lot area required in the square feet.
  - b. The maximum population density as set forth in subsection D of this section may be modified when a number following the zone symbol or minimum lot area (as modified in a. above) is greater than 2,000 but less than 6,000. Such number shall be the minimum number of square feet of land area required for each dwelling unit on a lot, which lot in no case shall have an area less than 6,000 square feet.
12. Trash or Outdoor Storage Areas  
Areas for trash or outdoor storage shall be provided for each use, and such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public views."

SECTION 4: That said Ordinance No. 209(Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 6 thereof, entitled "R-3 RESIDENTIAL HIGH DENSITY ZONE," to read as follows:

"SECTION 6 - R-3 RESIDENTIAL HIGH DENSITY ZONE

A. INTENT AND PURPOSE: This zone is intended for high density, multiple family, residential use to serve both tourists and permanent residents, and is intended to remain free from commercial and industrial activities.

B. USES PERMITTED: Buildings, structures and land shall be erected, designed, structurally altered or enlarged only for the following purposes:

Multiple family dwellings  
Two-family dwellings  
Rooming house  
Guest rooms  
Public parks, playgrounds and beaches, and such recreation, refreshment and service buildings as are purely accessories and incidental thereto.

C. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT:

The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 11.7:

Home for Aged  
Lodges  
Planned residential development  
Private recreation club  
Public and private schools  
Rest home  
Nursery school  
Nursing home  
Utility substation  
On property abutting or approximately opposite and across an alley from a permitted use in a C zone, a parking lot for the use of such permitted use in such C zone.

be used and buildings and structures shall hereafter

- D. PROPERTY DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and structures in the R-3 zone:

1. Lot Area

Each lot shall have a minimum area of not less than four thousand (4,000) square feet. Also see D, 11 of this Section-Modified Minimum Lot Area and Maximum Population Density Standards.

2. Lot Dimensions

a. Width - Each lot shall have a minimum width of fifty (50) feet.

b. Depth - Each lot shall have a minimum depth of eighty (80) feet.

3. Population Density

a. There shall be a minimum of one thousand (1,000) square feet of net lot area for each dwelling unit having less than two (2) rooms used or arranged for sleeping purposes and in addition there shall be a minimum of one thousand two hundred (1,200) square feet of net lot area for each dwelling unit having two (2) rooms used or arranged for sleeping purposes; and in addition there shall be a minimum of fourteen hundred (1,400) square feet of net lot area for each dwelling unit having three (3) rooms used or arranged for sleeping purposes; and in addition there shall be a minimum of two hundred (200) square feet of net lot area for each guest room; and in addition there shall be a minimum of eight hundred (800) square feet of net lot area for each room within a rooming house.

Also see D, 11 of this section - Modified Minimum Lot Area and Maximum Population Density Standards.

4. Building Height

a. No building or structure in this zone shall have a height greater than thirty (30) feet. See Section 2, Height, Building.

b. Exception: Through Lots: On a through lot, height shall be measured from the higher curb or street centerline.

c. Exception: Rear Lot Lines above Street: Where the rear lot line is at an elevation above the street, the height shall be measured from the elevation of the rear lot line at a point nearest the portion of the building to be measured, and shall be limited in accordance with the following:

<u>Rear Lot Line above Street (in feet)</u>	<u>Height Permitted above Rear Lot Line (in feet)</u>
0 - 5	30
6 - 10	25
11 - 15	20
16 - 20	15
21 or more	10

d. Exception: Rear Lot Line below the Street: Where the rear lot line is at an elevation below the street, the height shall be limited in accordance with the following:

Rear Lot Line below Street (in feet)	Height Permitted above Street (in feet)(See Sec.2-A-90)
0 - 5	30
6 - 10	26.25
11 - 15	22.5
16 - 20	18.75
21 or more	15

## 5. Yards

### a. General Provisions

(1) The provisions of Section 10, General Yard Provisions, shall apply.

(2) A swimming pool and its accessory equipment shall not be located in the required front yard, nor closer than five (5) feet from any side or rear property line.

Exception: On hillside lots having a slope of 25% or greater over the rear half of such lots, swimming pools may be permitted to within ten (10) feet of the front property line.

(3) Schools, churches, country clubs and other non-residential uses shall observe yards no less than twenty (20) feet from all property lines. Greater yards may be required under the Conditional Use Permit provisions of this ordinance.

(4) Automobile parking structures may be maintained in any yard area, provided the roof does not project into the finish grade within such yard. This provision is not intended, however, to permit encroachment beyond street plan lines or right-of-way lines. All exposed portions of the automobile parking structure shall be architecturally compatible with other structures on the site, and exposed parking areas shall be landscaped. All openings for ingress and egress shall be situated behind the yard setback required for the main building, except however that no such opening shall be closer than ten (10) feet from any front property line.

(5) Every lot or parcel occupied by a dwelling or multiple family dwelling shall maintain without structures and uncovered from ground to sky at least one (1) 'open land area' which meets the following standards:

(a) The area or total of the areas shall contain a minimum of two hundred (200) square feet of land for each dwelling unit on the lot or parcel.

(b) For any area qualifying as an 'open land area,' the minimum dimension in any and all directions shall be twenty (20) feet.

(c) The open land area required in this subsection may include land required to be devoted to the minimum side or rear yards as set forth below so long as such yards conform to the requirements of the open land area and the total area meets the standards in (a) and (b) above. Where a required side or rear yard is used to partially meet the requirements of the open land area, such side or rear yard or portions thereof must be entirely on the lot (not in alleys) and must meet the standards of the open land area.

(d) The open land area required by this subsection shall not include land to be devoted to parking in satisfaction of the parking requirements of this ordinance.

(e) Where the slope of a lot is such that the grade in a direction parallel with the side lot lines is twenty (20) per cent or greater, uncovered, unenclosed decks may be used to satisfy the open land area requirements of this subsection. Where such decks are used to meet or partially meet these requirements, the provisions of subsections (a) and (b) above shall be adhered to. This subsection shall not be construed so as to allow decks within required yards other than those permitted by other sections of this ordinance.

b. Front Yards

(1) Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. Said yard shall not be used for accessory buildings, clotheslines, incinerators, the storage of trailers, boats, campers, or the storage of any materials, nor shall said side yard be used for the regular or constant parking of automobiles or other vehicles. The front yard shall not be used for required off-street parking.

(2) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot is ten (10) feet or more above or below the curb elevation opposite the mid-point of the front lot line, the front yard may be reduced to ten (10) feet. However, the total yard area shall not be reduced as a result of this exception.

(3) Exception: Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot, is ten (10) feet or more above or below the curb elevation opposite the mid-point of the front lot line, a garage may be located five (5) feet from the front lot line. Said garage may not extend along the front of the lot for a distance greater than twenty-five (25) feet. (See also subsection D.8)

(4) In (2) or (3) above, where there is no curb, the elevation of the centerline of the travel way shall be substituted for the curb elevation. Said elevation of the centerline of the travel way shall be measured opposite the midpoint of the front lot line.

(5) Exception: Through Lots: Where, on a through lot, portions of a building attain a height in excess of thirty (30) feet above the lower street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front lot line adjacent to the lower street for every such foot of height in excess of thirty (30) feet.

(6) Exception: Rear Lot Line above the Street: Where the rear lot line is at an elevation above the street and portions of the building attain a height in excess of thirty (30) feet above the street, such portions shall maintain, in addition to the required front yard, an additional foot of distance from the front line for every such foot of height in excess of thirty (30) feet.

(7) An enclosed space beneath a garage floor and extending into a required front yard may be used for accessory uses.

c. Side Yards

(1) Side Yard in Proportion to Building Height. Each lot or parcel shall maintain a side yard in proportion to building height. The side yard width shall be equal to 25% of the height of the highest portion of the building along the side lot line.



(2) Side Yard in Proportion to Building Frontage.

Each lot or parcel shall maintain a side yard in proportion to building frontage. Buildings permitted within this zone which extend along more than 70 feet of property frontage shall provide an additional side yard setback of one (1) foot for each ten (10) feet of building frontage in excess of 70 feet, or fraction thereof. This provision shall be in addition to the above paragraph (1), Side Yard in Proportion to Building Height. In no case shall such side yard be less than four (4) feet.

(3) Such side yards shall not be used for clotheslines, incinerators, the storage of trailers, boats, campers, or the storage of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles.

(4) Accessory Buildings in Side Yards

(a) An accessory building to be located less than fifty (50) feet from the front lot line shall be no closer to the side lot line than the distance permitted for a main building.

Exception: A garage permitted to be located five (5) feet from the front lot line because of the slope of the lot (subsection 5.b.(2)), need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds ( $2/3$ ) below the natural ground level of the adjacent yard, and the top of said wall will be at no point more than four (4) feet above said yard level, adjacent thereto.

(b) A detached garage or carport to be located more than fifty (50) feet from a front property line may maintain no side yard provided such accessory building does not extend along the side lot line for a distance greater than twenty-five (25) feet. A garage or carport so located will cause all roof drainage to fall on the property on which the garage or carport is located.

(c) On a reverse corner lot, a detached accessory building adjacent to the street will maintain a side yard equivalent to the front yard of the lot whose front lot line is a continuation of the side lot line of the reverse corner lot.

d. Rear Yards

(1) Each lot shall maintain a rear yard of at least ten (10) feet in depth.

(a) Exception: Where the height of the building measured from the natural grade at a point on the rear lot line to the top of the roof directly opposite such point exceeds thirty (30) feet, the rear yard requirements of this subsection shall be increased six (6) inches for each one (1) foot of building height in excess of thirty (30) feet. Such increases shall apply only to those portions of the building exceeding thirty (30) feet in height.

(2) Where a rear lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50) percent (2:1 slope) or greater, the minimum distance from the top or toe of the slope to a main building shall be five (5) feet. On the lower lot this distance shall be increased one (1) foot for every additional foot of height above six (6) feet with a maximum requirement of fifteen (15) feet.

(3) A garage or carport located in a rear yard abutting an alley and which can be entered by vehicle from the alley must maintain a setback of twenty-five (25) feet from the opposite side of the alley, but in no case where the garage or carport can be so entered from the alley shall it be closer than five (5) feet to the rear lot line.

(4) Accessory Buildings

(a) A detached accessory building may maintain no rear yard, provided it does not extend along the rear lot line for a distance greater than twenty-five (25) feet. Such an accessory building may not be entered by vehicle from an alley.

6. Fences, Hedges, Walls

a. Required Fences and Walls

(1) A solid wall or fence not less than four (4) feet above the finish grade adjoining the fence outside the yard shall be provided to enclose any unattended swimming pool to which pedestrian access could be gained from a street, alley or other parcel. Said fence shall have self-closing gates at least four (4) feet high with self-latching mechanism. Latches shall be installed at least four (4) feet above ground level.

b. Permitted Fences, Hedges and Walls

(1) Ornamental lawn fences, hedges or landscape architectural features not more than four (4) feet in height may be erected, installed or maintained in any yard.

\* Exception: On a corner lot, a fence, hedge or wall no higher than three (3) feet shall be permitted within the front and exterior side yard setbacks.

(2) Barricades, railings and security fencing required for safety by the Director of Building and Safety are permitted in any yard.

(3) A fence, wall, lattice-work, screen, hedge or thick growth of shrubs, or trees, with a height no greater than six (6) feet may be installed, erected, planted or maintained along the rear lot line or along the side lot lines of any lot, provided such obstructions do not project into the required front yard space or extend closer to the side street line of a corner lot than the width of side yard required on such corner lot. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation on the higher lot.

(4) The fences, walls, hedges or obstructions required or permitted by this subsection shall be equipped with gates or openings of at least three (3) feet in width so as to provide free access completely around all main buildings and shall not be so located as to constitute in the opinion of the Director of Building and Planning a hazard to traffic on public rights-of-way, streets or alleys.

7. Space between Buildings

a. There shall be a clear space of ten (10) feet between main buildings. No eave, balcony, stairway or other extensions or projections are permitted into this space.

b. No detached garage, carport or greenhouse or other non-residential accessory building shall be closer than five (5) feet to any other building maintained on the lot.

(b) A detached garage or carport to be entered by a vehicle from an alley must maintain the setback from the alley as required in subsection 5.d.(4) above.



c. A garage located within the area defined by the projection of the side lines of any main building and with vehicular access entirely or in part between it and any main building shall be located no less than twenty-five (25) feet from any main building.

8. Access and Improvements

a. There shall be safe vehicular access from a usable street to off-street parking facilities on the property requiring off-street parking facilities.

b. Vehicular access to lots fronting on arterial and primary residential collector streets shall be such that there shall be a paved turning area on the lot or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Building and Planning.

c. To provide proper local access for the users and to prevent congestion and other hazards related to the intense use of the land permitted in this zone, the following improvements are deemed necessary and must be provided by the property owner prior to the public utilities being authorized connection and occupancy permitted. The City Council may waive these requirements where their application would cause hazardous and undesirable situations.

Exception: If, within thirty (30) days, or such additional time as may be authorized by the applicant, of the receipt by the Department of Public Works of a request for information as to appropriate improvement grade, width, location and alignment, such information is not provided the applicant, the following items (1), (2) and (3) shall not apply; provided however that in such event the applicant shall execute a waiver of grade holding the City and any improvement district presently or subsequently formed harmless from any problems associated with or resulting from conditions or situations brought into being by the developing of the applicant's property prior to the information concerning improvement grade, width, location and alignment being provided such applicant.

(1) Alleys shall have been improved along the full alley frontage of the subject lot to the standards approved by the City.

(2) Curbs, gutters and sidewalks shall have been installed along the full street frontages of the subject lot to the standards approved by the City.

(3) Street, base and pavement along the full frontage of the subject lot to the standards approved by the City shall be provided from the gutter at the subject property side of street to centerline of right-of-way.

(4) Rights-of-way to accommodate the above shall have been dedicated to the City.

9. Signs

The provisions of Section 10.1, Signs, shall apply.

10. Off-Street Parking

The provisions of Section 10.2, Off-Street Parking, shall apply.

11. Modified Minimum Lot Area and Maximum Population Density Standards.

a. The minimum lot area as set forth in subsection D of this section may be modified where on the Official

Zoning Map a number greater than 4,000 follows and is connected with a hyphen with the zone symbol. Such number shall designate the minimum lot area required in square feet.

b. The maximum population density as set forth in subsection D of this section may be modified when a number following the zone symbol, or minimum lot area (as modified in a. above), is greater than 1,000 but less than 2,000. Such number shall be the minimum number of square feet of land area required for each dwelling unit on a lot, which lot in no case shall have an area less than 4,000 square feet.

12. Trash or Outdoor Storage Areas

Areas for trash or outdoor storage shall be provided on each property. Such areas shall be designed to conceal all trash and stored material from public view."

SECTION 5: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 8 thereof, entitled "C-2 (GENERAL) BUSINESS ZONE REGULATIONS," to read as follows:

"SECTION 8 - C-2 (GENERAL) BUSINESS ZONE REGULATIONS

A. INTENT AND PURPOSE: This zone is intended to provide for the general business and commercial needs of the City.

B. USES PERMITTED:

1. All uses permitted in the C-.5 ALS, C-N and Section B, 2 of the C-1 Zones are permitted, to the standards prescribed herein.

2. Any of the following uses:

One dwelling unit for the owner or caretaker of a permitted commercial use on the same site.

Automobile repair, provided use is conducted entirely within an enclosed building, but not including the storage or sale of wrecked or dismantled automobiles.

Automobile sales or rental agencies, with incidental repair and service, but not including the storage or sale of wrecked, dismantled, partially dismantled or non-usable automobiles.

Bicycle sales or rentals, provided said use shall not include storage or sale of wrecked, dismantled, partially dismantled or non-usable bicycles.

Blueprinting.

Bowling Alleys.

Cafes and restaurants with entertainment, but not serving alcoholic beverages.

Churches, rescue mission and temporary revival.

Dance halls and cafes with dancing or entertainment facilities and which serve no alcoholic beverages.

Dry cleaning, self-service, using non-flammable cleaning fluid, machines limited to 10 lbs. capacity each, gross floor area does not exceed 2,500 square feet, no outside storage, and no vibration or toxic fumes discernible beyond property lines.

Furniture and cabinet building, repairing and repainting, provided electrical power does not exceed more than five (5) horsepower.

Newspaper publishing.

Nursery schools.

Pool and billiard rooms.

Printing, binding, storage, publishing or issuing of newspapers, periodicals, books and other reading matter.  
 Roller or ice skating rinks.  
 Telephone servicing facility, provided there is not an open air storage of materials.  
 Undertaking or mortuary parlors.  
 Wholesale businesses.

3. Any other business, commercial enterprise or use which, in the opinion of the Planning Commission as evidenced by resolution, is similar in character and no more detrimental to the welfare of the neighborhood in which it is located than any use listed above. This does not mean to include any type of use which is specifically relegated to or prohibited in the M-1 or M-1A Zones.

C. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT:

Automobile service stations  
 Cafes, restaurants and dining rooms serving alcoholic beverages  
 Establishments for the sale of alcoholic beverages for consumption on the premises  
 Hotels and Motels  
 Hospitals, convalescent hospitals, nursing homes  
 Parking structures  
 Residential uses as an integral part of commercial development  
 Trailers occupied for uses other than habitation

D. PROPERTY DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and structures in the C-2 Zone:

1. Lot Area

a. Each lot shall have a minimum area of four thousand (4,000) square feet, except that lots used exclusively for uses non-residential in character shall have no minimum lot area requirement.

2. Lot Dimensions - No requirements.

3. Population Density

a. There shall be a minimum of one thousand (1,000) square feet of net lot area for each dwelling or rental unit, when included as an integral part of commercial development.

b. There shall be a minimum of six hundred (600) square feet of net lot area for each rental room within a hotel or motel.

4. Building Height

a. No building or structure in this zone shall have a height greater than fifty (50) feet. See Section 2, Heights, Building.

5. Yards - The following shall apply to all structures in the C-2 Zone:

a. General Provisions

(1) The provisions of Section 10, General Yard Provisions, shall apply.

(2) Commercial developments having residential uses as an integral part thereof may be required to provide usable yard or open areas as part of conditional use permit approval.

b. Front Yards

(1) Except as provided in Section 10, a front yard having a depth at every point thereof of not less than the distance between the front lot line and the building line as shown on the District Map shall be provided and maintained on every lot;

provided, on lots where no building line is shown on said District Map, no front yard shall be required.

c. Side Yard

(1) Except as may be required by Conditional Use Permit, no side yard shall be required.

d. Rear Yard

(1) Except as provided in Section 10, no rear yard shall be required.

6. Fences, Hedges and Walls

a. Required fences and walls

(1) A solid wall or fence not less than four (4) feet above the finish grade adjoining the fence outside the yard shall be provided to enclose any unattended swimming pool to which pedestrian access could be gained from a street, alley or other parcel. Said fence shall have self-closing gates at least four (4) feet high with self-latching mechanisms. Latches shall be installed at least four (4) feet above ground level.

(2) Barricades, railings and security fencing required for safety by the Director of Building and Safety, are permitted in any yard.

b. Permitted fences, hedges and walls

(1) Except as provided in Section 10, ornamental lawn fences, hedges or landscape architectural features not more than four (4) feet in height may be erected, installed or maintained in any yard.

(2) Except as provided in Section 10, a fence, wall, latticework, screen, hedge or thick growth of shrubs or trees with a height no greater than six (6) feet may be installed, erected, planted or maintained along the rear lot line or along the side lot lines of any lot, provided such obstructions do not project into the required front yard space or extend closer to the side street line of a corner lot than the width of side yard required on such corner lot. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation on the higher lot.

(3) The fences, walls, hedges or obstructions required or permitted by this subsection shall be equipped with gates or openings of at least three (3) feet in width so as to provide free access completely around all main buildings and shall not be so located as to constitute in the opinion of the Director of Building and Planning a hazard to traffic on public rights-of-way, streets or alleys.

7. Space between Buildings - No requirements.

8. Access

a. There shall be safe vehicular access from a usable street to off-street parking facilities on the property requiring off-street parking facilities.

b. Vehicular access to lots fronting on arterial or residential collector street shall be such that there shall be a paved turning area on the lot or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Building and Planning.

9. Signs

The provisions of Section 10.1, Signs, shall apply.



10. Off-Street Parking  
The provisions of Section 10.2, Off-Street Parking, shall apply.

11. Other  
To provide proper local access for the users and to prevent congestion and other hazards related to the intense use of the land permitted in this zone, the following improvements are deemed necessary and must be provided by the propertyowner prior to the public utilities being authorized connection and occupancy permitted. The City Council may waive these requirements where their application would cause hazardous and undesirable situations.

Exception: If, within thirty (30) days, or such additional time as may be authorized by the applicant, of the receipt by the Department of Public Works of a request for information as to appropriate improvement grade, width, location and alignment, such information is not provided the applicant, the following items a, b and c shall not apply; provided, however, that in such event, the applicant shall execute a waiver of grade holding the City and any improvement district presently or subsequently formed harmless from any problems associated with or resulting from conditions or situations brought into being by the developing of the applicant's property prior to the information concerning improvement grade, width, location and alignment being provided such applicant.

a. Alleys shall have been improved along the full alley frontage of the subject lot to the standards approved by the City.

b. Curbs, gutters and sidewalks shall have been installed along the full street frontages of the subject lot to the standards approved by the City.

c. Street base and pavement along the full frontage of the subject lot to the standards approved by the City shall be provided, from the gutter at the subject property side of street to centerline of right-of-way.

d. Rights-of-way to accomodate the above shall have been dedicated to the City.

12. Loading Space  
One loading space, 10'x 20', accessible from a public way, shall be provided for each commercial use on the site.

13. Trash or Outdoor Storage Areas  
Areas for trash or outdoor storage shall be provided for each use, and such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view."

SECTION 6: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 10 thereof, entitled "GENERAL YARD PROVISIONS", to read as follows:

"SECTION 10 - GENERAL YARD PROVISIONS

The following general yard provisions shall apply to all zones where indicated in the text of this ordinance.

A. YARD MEASUREMENTS:

1. On Lots Containing a Street or Thoroughfare Plan Line: Whenever the City Council has adopted a precise street plan, and a street plan line falls on a given lot, the yards required by the provisions of this ordinance for that lot shall be measured from and perpendicular to such street plan line.
2. On Lots Containing No Street Plan Line: Yards shall be measured from and perpendicular to the property line when there is no street plan line on the lot.
3. Rear Yards Abutting Alleys: Except in the R-1 zone, where a rear yard abuts an alley, not to exceed one-half (1/2) of the width of such alley may be used in satisfaction of the required depth of such rear yard. However, such alley space may not be used to satisfy the requirement for 'open land areas,' nor for any other requirement of this ordinance, including net lot area requirement for population density calculations.

B. BUILDING SETBACK LINES:

1. In any case where a building setback line appears on the District Setback Map, the space between such building setback line and the property line shall constitute the required yard in lieu of such front, side or rear yard otherwise described for the zone. The City, when the Planning Commission deems it necessary and desirable due to the topography or depth of the lot or lots, may by ordinance establish building setback lines for any lot.
2. There is hereby established a building setback line along the ocean frontage of all property within the City of Laguna Beach fronting upon and adjacent to the Pacific Ocean, as hereinafter in this subparagraph provided, and no building, structure or improvement shall hereafter be erected or constructed on the oceanward side of said building setback line:
  - a. Except as provided in subparagraphs b, c, d, e, f and g hereof, the oceanfront building setback line on all oceanfront property within the City of Laguna Beach is hereby fixed and established as the line drawn through the points where the plane of elevation 12 feet above the mean sea level touches the land mass (other than beach sand) of the particular parcel of property involved.
  - b. The oceanfront building setback line on all oceanfront property situated between Thalia Street and Bluebird Canyon Drive is hereby fixed and established as the line drawn through the points where the plane of elevation 13 feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.
  - c. The oceanfront building setback line on all oceanfront property situated between Laguna Avenue and Thalia Street is hereby fixed and established as the line drawn through the points where the plane of elevation 14 feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.
  - d. Along the main beach, which is hereby defined to be the beachfront area between Broadway and Laguna Avenue, said oceanfront building setback line is hereby established as the most Easterly and landward line of the existing Boardwalk.
  - e. Where the oceanfront property line of any particular lot or parcel, as it existed on July 16, 1940, or



as shown with a separate and distinct number or letter on a subdivision tract map, convexes landward between the side lot lines of such lot or parcel, the oceanfront building setback line shall be a straight line drawn between the points where the plane of elevation above mean sea level, as set forth in a, b and c above touches the land mass (other than beach sand) at each side lot line of such lot or parcel.

f. Where the oceanfront property line of any particular lot or parcel, as it existed on July 16, 1940, or as shown with a separate and distinct number or letter on a subdivision tract map, convexes oceanward between the side lot lines on such lot or parcel, then said building setback line is hereby established as the line which is twenty (20) feet landward from the oceanfront property line of said lot or parcel, or the line drawn through points where the elevation above mean sea level, as set forth in a, b and c above touches the land mass (other than beach sand) of the parcel, whichever land is the greater distance from the line of mean high tide.

g. In all cases mentioned in subparagraphs a, d, e and f above, decks, projections, porches and balconies may extend and/or cantilever oceanward from the building or structure for a distance of not to exceed six (6) feet, provided such extensions are above elevation 22 feet above mean sea level. In all cases mentioned in subparagraphs b and c above, decks, projections, porches and balconies may extend and/or cantilever oceanward from the building or structure for a distance of not to exceed six (6) feet, provided such extensions are above elevation 23 feet above mean sea level for all cases mentioned in b above; and 24 feet above mean sea level for all cases mentioned in c above.

C. CORNER CUTBACK AREAS:

1. The following regulations shall apply to all intersections of streets, alleys and/or driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction by structures, landscaping, fences or otherwise within the cutback areas established herein. In hillside areas, corner cutback treatment shall include such finish grading as may be necessary to provide for reasonable intersection visibility.

2. Streets, Alleys and Driveways: There shall be a corner cutback area at all intersecting and intercepting streets and/or alleys and on each side of any driveway intersecting a street. The cutback line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line, as the case may be. Said line shall pass through a point not less than seven (7) feet from the edge of the street, alley or driveway where it intersects the other street, or alley right-of-way.

3. Irregular Lots: Where, due to an irregular lot shape or acute angle driveway, a line at a forty-five (45) degree angle does not provide for intersection visibility, or does not meet the intersecting street or driveway line, the corner cutback shall be defined by a line drawn from a point on one of the streets, which point is not less than seventeen (17) feet from the intersection of the two streets or the street and driveway and through a point on the other street or driveway which point is not less than seventeen (17) feet from said intersection of the two lines.

D. PERMITTED PROJECTIONS INTO REQUIRED YARDS:

1. Cornices, eaves, belt courses, uncovered balconies or similar architectural features may extend into a

required front or rear yard a distance equal to twenty percent (20%) of the required front or rear yard, and may extend into a required side yard a distance equal to forty percent (40%) of the required side yard. However, in no event shall any eave, belt course, uncovered balcony or similar architectural feature be constructed to within two and one-half (2-1/2) feet of the side property line, or within five (5) feet of any other cornice, eave, belt course, uncovered balcony or similar architectural feature on the same lot.

2. A chimney or fireplace may extend or project into a required front, side or rear yard for a total distance of not to exceed twelve (12) inches, provided that such projection does not extend along the length of such yard a total distance of more than six (6) feet and does not extend closer than three (3) feet to a side property line.

3. Uncovered porches, terraces, landing places or unenclosed and uncovered outside stairways which do not extend above the level of the first or ground floor of the building and not more than three (3) feet above the natural grade of the ground may extend or project into any required minimum yard for a total distance of not more than six (6) feet.

a. Note: Porches, terraces, landings or stairways which are not covered or enclosed, or above the level of the ground floor or more than three (3) feet above the grade shall be considered as part of the building, and shall not be permitted to extend into the required yards.

(1) Exception: Covered walks not to exceed five (5) feet in any width may connect buildings. No such covered walk may be closer than fifty (50) feet to any other such covered walk on the same lot.

4. Underground fallout or radiation shelters entirely below grade and covered by an earth mound projecting not more than three (3) feet above natural grade may project into any required yard. Such structures shall not, however, be closer than three (3) feet to any property line, nor project beyond any Street Plan Line.

5. Front and Rear Yards on Shallow Lots.

a. On lots with an average depth of less than one hundred (100) feet, the required front or rear yard need not be more than twenty percent (20%) of such average depth; provided, however, that in no event shall any such yard be reduced to less than ten (10) feet. The application of this provision shall be to either front or rear yards, but shall not be applicable to both.

E. THROUGH LOTS:

A through lot as defined in Section 2, Definitions, shall provide front yards of the depth required by the zone. Such front yards shall be maintained along each street frontage ~~along each street frontage~~. A through lot shall have no required rear yard. The front yard provisions of the zone shall apply to each front yard.

F. OCEAN FRONT LOTS:

A single parcel of land which may be legally described as such or may be one of two or more numbered lots or parts of lots in a recorded plat, meeting all conditions set forth in Section 2, Definitions, Item 106 as amended, shall also include the following:

1. A parcel of land extending from a dedicated and improved street through to the Pacific Ocean.

2. A parcel of land qualifying as an oceanfront lot is permitted the flexibility of locating accessory struc-

tures on any portion of such lot, provided that the yards required by this ordinance are maintained.

G. YARD DETERMINATIONS:

1. The Planning Commission may, upon request by the Planning Director, determine the application of the yard requirements of this ordinance to irregularly shaped and oddly located lots such as those resulting from curved or angular street layouts, triangular or gore shaped corner lots, trapezoidal lots and lots with more than four lot lines.

2. Whenever the Planning Commission has by resolution determined the application of this ordinance to a particular type of lot or situation, said resolution shall also govern the application of the ordinance to all other similar lots or situations without the necessity of again presenting such similar case to the Planning Commission, and the Building Director may issue permits in keeping therewith."

SECTION 7: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 10.2 thereof, entitled "OFF-STREET PARKING," to read as follows:

"SECTION 10.2 - OFF-STREET PARKING

A. PARKING SPACES REQUIRED

1. For every building or structure hereafter erected, enlarged or increased in capacity, for all land hereafter devoted to a new use, and for any building, structure or land changed to a more intensive use (i.e., a use requiring more parking spaces by the schedule below), there shall be provided for such new construction or intensified use the following minimum off-street parking space with adequate provisions for safe ingress and egress, and the right to use and occupy such structure or premises shall be contingent upon the maintenance of said parking space.

<u>Use</u>	<u>Parking Space Required</u>
Animal Hospital	1 for each 500 square feet of floor space within the building.
Art or Music Studio	1 for each 500 square feet of floor space within the building.
Auditorium, Assembly Hall, Stadium	1 for each five (5) permanently located seats or 1 for each 35 sq.ft. of floor area in the Assembly Room or Rooms. The more restrictive shall apply.
Auto Wash	1 for each 2,000 sq.ft. of land in the site.
Bank, Financial Institution	1 for each 350 sq.ft. of floor area within the building.
Bowling Alleys	2 spaces per lane, plus 1 space for each hundred (100) sq.ft. of floor area devoted to spectator use.
Conference Facility	1 for each thirty-five (35) sq.ft. of floor area in the Assembly Room or Rooms.
Auto Sales and Repair	1 for each 2,000 sq. ft. of land in the site (in addition to auto display space).

Church, Club, Lodge, Art Gallery	1 for each five (5) permanently located seats, or 1 for each 35 sq.ft. of floor area in the Assembly Room or Rooms. The more restrictive shall apply.
Drive-In Restaurant	10, plus one (1) for each 200 sq.ft. of gross floor area.
Dwelling, Single Family	1 for each 1,000 sq.ft. of gross floor area or fraction thereof, with a maximum requirement of 2 spaces, plus one (1) for each guest house and one (1) for each guest room within a main building.
Dwelling, Two-Family	1-1/2 for each dwelling unit, plus one (1) for each guest house or guest room within a main building.
Dwelling, Multiple Family	1 for each dwelling unit, plus one (1) for each room which is not a portion of a dwelling unit.
Employment Agency	1 for each 500 square feet of gross floor area.
Food Service, Take-Out Only	1 for each 50 sq.ft. of gross floor area.
Guest House	1 for each guest house.
Guest Room	1 for each guest room.
Hospital	1 for each bed for patients or inmates.
Hotel	1 for each room (as defined in Sec.2) which opens to a public way or corridor, yard or court; plus 1 for each 15 rooms or fraction thereof.
Manufacturing, Processing	1 for each 500 sq. ft. of gross floor area.
Market, Food and Beverage	1 for each 350 sq.ft. of gross area.
Mortuary	1 for each 4 permanently located seats or 1 for each 28 sq.ft. of floor area in the Assembly Room or Rooms.
Motel (See Hotel)	
Nursery School	1 for each 500 sq.ft. of gross floor area.
Office Building; Business offices, Professional Offices, Medical, Dental, etc.	1 for each 500 sq.ft. of gross floor area.
Personal Service Shops or Enterprise	1 for each 500 sq.ft. of floor area.



Printer, Publisher, Blueprinting	1 for each 500 sq.ft. of gross floor area.
Rest Home	1 for each bed for patients or inmates.
Restaurant, Cafe, Night Club, Bar, Cocktail Lounge	1 for each 60 sq.ft. of floor area where the public is served, or one (1) for each four (4) seats provided. (The more restrictive shall apply.)
Retail Stores	1 for each 500 sq.ft. of gross floor area, excluding the rooms to be used for the service of the building.
Rooming House	1 for each Rooming House plus 1 for each room to be rented.
Schools	Elementary and Junior High School; 1 for each employee and each faculty member.  High School; 1 for each employee and each faculty member, and 1 for each 10 students.  Junior Colleges and Colleges; 1 for each employee and each faculty member, and 1 for each 5 students.
Skating rink, roller or ice	1 for each 25 sq. ft. of skating area, plus 1 for each 5 seats or fraction thereof in spectator area.
Theatre	See Auditorium
Utility Substation, Unattended	1 space
Wholesaling, Warehouse and/or storage	1 for each 500 sq.ft.

2. Where the parking requirement for a use is not specifically defined, the parking requirements shall be determined by the Planning Commission, and such determination shall be based upon the requirement for the most comparable use specified herein.

3. Where a structure or land is devoted to more than one of the uses hereinabove mentioned, the total parking space requirements for the land or structure shall be the sum of the individual requirements for each of the several uses.

#### **B. GENERAL REQUIREMENTS:**

1. No parking area or parking space provided for the purpose of complying with the provisions of this ordinance shall hereafter be eliminated, reduced or converted in any manner unless equivalent facilities approved by the City are provided elsewhere in conformity with this ordinance. The Certificate of Use for the building or use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this paragraph.

2. Parking spaces required by Section 10.2.A shall be constructed and maintained with safe and usable vehicular access.

3. Parking spaces being maintained in connection with any use or structure, on the effective date of this ordinance, shall thereafter be maintained so long as the use or structure remains, unless equivalent parking approved by the City is provided elsewhere in conformity with this ordinance; provided, however, that this regulation shall not require the maintenance of more parking than is hereby required for a new use or structure.

4. Tandem parking spaces will not be acceptable as required spaces for residential uses.

C. SIZE:

Parking spaces required by Section 10.2.A shall be 10'x 20' for Single Family Dwellings, Two-Family Dwellings and Guest Houses, and shall be provided within a garage or carport.

Exception: Parking space requirements for Single Family and Two Family Dwellings constructed on lots of record as of the effective date of this ordinance, and having a frontage width of 30 feet or less, shall only be required to provide 8-1/2'x 20' parking spaces within a garage or carport.

Parking spaces for Multiple Family Dwellings shall be 9'x 20', with 50% of the required spaces provided within a garage or carport.

Parking space requirements for Commercial and Industrial Uses shall be 9' x 20'.

D. LOCATION:

1. For other than residential uses, the location of the parking spaces required herein shall be designated on a plot plan which shall be filed in the Planning Department. Said plot plan shall be permanently maintained.

2. For dwellings, apartments or rooming houses, the parking spaces required herein shall be provided on the same site as the main building.

3. For non-residential structures or uses, including hotels, the parking spaces required herein shall be provided within three hundred (300) feet of the main building or within three hundred (300) feet of the site, in the event there is no main building. Proof of fee title or long-term lease will be required.

E. IMPROVEMENTS REQUIRED:

1. All public parking area shall be improved as follows:

a. Such parking areas including driveway approaches and exits shall be paved with asphaltic paving, concrete or other surface approved by the Director of Building and Planning.

b. Where such areas adjoin a lot or parcel of land in a residential zone, a masonry wall not less than five (5) feet in height nor more than six (6) feet in height above the grade in the public parking area, shall be erected and maintained between the parking lot and the adjoining residential property back of the required front yard of the adjoining residential properties. Within the required front yard and along the front property line, the height of the wall shall be not less than two and one-half (2-1/2) feet and not more than three and one-half (3-1/2) feet.

c. Any lights provided to illuminate public parking areas shall be so arranged as to reflect light away from the public right-of-way and from any adjoining residential premises.



d. All drainage of such parking areas shall be subject to the approval of the Director of Public Works of the City of Laguna Beach.

e. Each entrance to or exit from said public parking area shall be constructed and maintained so that any vehicle entering or leaving the parking area shall, before crossing a pedestrian walk, be clearly visible at a distance of not less than ten (10) feet to a pedestrian approaching such entrance or exit by the pedestrian walk. Exits shall be clearly marked with vehicle stop signs. Appropriate bumper guards, entrance and exit signs shall be maintained on the lot.

f. Parking areas shall be so designed that no vehicle shall be required to encroach into a street or sidewalk in backing out of a parking space.

g. A driveway or vehicular accessway between a street and a parking area or garage shall have a minimum width of ten (10) feet for one-way traffic, and twenty (20) feet for two-way traffic. No driveway or vehicular accessway shall have a grade in excess of ten percent (10%) within twenty (20) feet of a street or alley right-of-way, and no grade in excess of twenty percent (20%) along any portion of the driveway will be permitted.

For the purpose of calculating the driveway grade, the elevation of the driveway at the property line or street plan line (the more restrictive shall apply) shall be equivalent to the elevation of the centerline of the street or alley.

h. All parking lots shall be landscaped. Landscaping shall include trees, shrubbery and ground cover. Said landscape areas shall be provided with permanent sprinkler systems or hose bibs. Landscaping plan for public parking areas shall be approved by ALS Committee.

#### F. MIXED OCCUPANCIES

1. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking for one use shall not be considered as providing required parking facilities for any other use except as hereinafter provided.

#### G. JOINT USE

1. The Planning Commission may, by Site Plan approval, authorize the joint use of parking facilities where there is no conflict in the operating hours of the uses for which the joint use off-street parking facility is proposed. In granting such joint use, the Planning Commission shall have been assured that both uses are sufficiently close to the proposed parking and that the parties concerned have evidenced adequate recorded agreement for the joint parking.

#### H. COMMON FACILITIES

1. Common parking facilities may be provided in lieu of the individual requirements contained herein upon Site Plan approval by the Planning Commission, provided that the sum of the space provided in the common facility equals the sum of the spaces required for the individual developments.

2. For areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities, the City may grant relief from the requirements of this section, to the extent that an individual property

owner participates in or contributes to parking in the central facility equivalent to the spaces required for his individual development."

SECTION 8: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 11.5 thereof, entitled "SPECIAL TEMPORARY USE PERMIT," to read as follows:

"SECTION 11.5 - SPECIAL TEMPORARY USE PERMIT

- A. INTENT AND PURPOSE: Uses permitted subject to Special Temporary Use Permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.
- B. USES PERMITTED SUBJECT TO SPECIAL TEMPORARY USE PERMIT:
  - Christmas tree sales
  - Construction - garage or shed for subdivision construction
  - Parking and storage of earth moving or construction equipment
  - Storage of materials incidental to the carrying on of a Public Works project, subdivision or construction project
  - Tract home or lot sales office
  - Such other uses as the Planning Commission may, by resolution, deem to be within the intent and purpose of this section.
- C. SPECIAL TEMPORARY USE PERMIT PROCEDURE:
  - 1. Application: Application for a Special Temporary Use Permit may be made by the property owner or his authorized agent. Such applications shall be filed with the Planning Office.
  - 2. Decision: Application for Special Temporary Use Permit shall be reviewed by the Planning Director. The Planning Director shall approve, conditionally approve, or disapprove such application. Approval or conditional approval shall be given only when in the judgment of the Planning Director such approval is within the intent and purpose of this Section.
  - 3. Conditions: In approving such a permit, the approval shall be made subject to a time limit and other conditions deemed necessary to assure that there will be no adverse effect. Such conditions may include the following:
    - a. Regulation of hours.
    - b. Regulation of lights.
    - c. Requirement of bonds or other guarantees for clean-up or removal of structures or equipment.
    - d. Such other conditions deemed necessary to carry out the intent and purpose of this section."

SECTION 9: That said Ordinance No. 209 (Districting Ordinance), as amended, be and the same hereby is further amended by amending Section 11.7, Subparagraph 2 of Paragraph B, entitled "USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT," to read as follows:

- a. "3. In addition, the following special uses may be permitted in any zone pursuant to this section when such uses are deemed by the Planning Commission to be essential or desirable for the public welfare, and when such uses are in conformity with the General Plan and its objectives.

Asylum

Aircraft landing facility

Automobile service stations, provided all lubrications, washing, tube repairing, battery charging, tires and accessories, sales and storage are conducted and confined within enclosed buildings; provided, further, that no tire retreading, recapping or rebuilding, battery rebuilding or manufacture or automobile repairing, steam cleaning or painting shall be permitted.

Cemetery

Fire Station

Hospital

Museum

Nursing Home

Parking lot

Planned Residential Development. The provisions are intended to provide for greater flexibility in both large and small scale developments of high and low density residential development. Its purpose is to encourage variety in the development pattern of the community; to encourage developers to use a more creative approach in land development; to promote a more desirable living environment; to provide a means of reducing the amount of improvements required in development through better design and land planning; to conserve natural features; and to facilitate the provisions of more desirable, aesthetic and efficient use of open space.

Planned Residential Development contemplates flexibility and variety in the location of dwelling units on the lot and diversity in lot sizes and dwelling types.

Planning Residential Development is permitted in any residential zone to the density standards permitted within such zone.

Public Library."

SECTION 10: That all resolutions, ordinances and parts thereof, inconsistent herewith, be and the same hereby are repealed to the extent of such inconsistency and no further.

SECTION 11: The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published once in the SOUTH COAST NEWS-POST, a newspaper of general circulation in the City of Laguna Beach, and this ordinance shall be in effect at the expiration of thirty (30) days from and after the date of its passage.

ADOPTED, SIGNED AND APPROVED this 5th day of February, 1969.

ATTEST:

GLENN E. VEDDER  
Mayor

JAMES D. WHEATON  
City Clerk

I, JAMES D. WHEATON, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of said City held on January 15, 1969, and was finally passed and

adopted at a regular meeting of the said City Council held on February 5, 1969, by the following vote, to-wit:

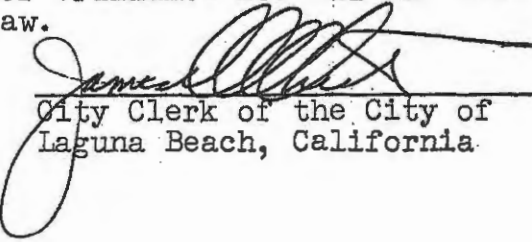
AYES: Councilmen Holm, Boyd, O'Sullivan, Goldberg and  
Vedder.  
NOES: Councilmen, None.  
ABSENT: Councilmen, None.

JAMES D. WHEATON

City Clerk of the City of  
Laguna Beach, California

(SEAL)

*Combined*  
I, JAMES D. WHEATON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 622 and that it was published according to law.

  
City Clerk of the City of  
Laguna Beach, California

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY OF LAGUNA BEACH,  
AMENDING CHAPTER 25.50, ENTITLED "GENERAL  
YARD AND OPEN SPACE PROVISIONS," OF THE LAGUNA  
BEACH MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does ORDAIN  
as follows:

SECTION 1: That Chapter 25.50, entitled "General Yard and Open  
Space Provisions," of the Laguna Beach Municipal Code, be and the same  
hereby is amended to read as follows:

CHAPTER 25.50

GENERAL YARD AND OPEN SPACE PROVISIONS

Sections:

- 25.50.001 Applicability.
- 25.50.002 Yard Measurements and Determinations
- 25.50.004 Building Setback Lines
- 25.50.006 Corner Cutback Areas
- 25.50.008 Permitted Projections into Required Yards
- 25.50.010 Open Space Requirements
- 25.50.012 Fences, Walls
- 25.50.014 Space Between Buildings
- 25.50.016 Swimming Pools
- 25.50.018 Through Lots
- 25.50.020 Ocean Front Lots
- 25.50.030 Protection of Natural Water Courses and  
Drainage Channels
- 25.50.040 Environmentally Sensitive Areas

25.50.001 APPLICABILITY. The following general yard provisions  
shall apply to all zones where indicated in the text of this title, except where  
special setbacks and other yard provisions have been established by official  
maps, approvals of final subdivision maps, or as a condition of approval of a  
Variance, Conditional Use Permit or Design Review.

25.50.002 YARD MEASUREMENTS AND DETERMINATION.

A. On Lots Containing a Street or Thoroughfare Plan Line. When-  
ever the City Council has adopted a precise street plan, and a street plan line  
falls on a given lot, the yards required by the provisions of this title for that  
lot shall be measured perpendicular from such street plan line.

B. On Lots Containing No Street Plan Line. Yards shall be measured  
perpendicular from the property line where there is no street plan line on the  
lot.

C. The Board of Adjustment may determine the application of yard  
requirements of this title to irregularly shaped and oddly located lots such  
as those resulting from curved or angular street layouts, triangular or gore  
shaped corner lots, trapezoidal lots and lots with more than four lot lines.

D. Whenever the Board of Adjustment has by resolution determined the  
application of this title to a particular type of lot or situation, said resolution  
shall also govern the application of the title to all other similar lots or situations  
without the necessity of again presenting such similar case to the Board of Adjust-  
ment and the Director of Planning and Development may issue permits in keeping  
therewith.



25. 50. 004 BUILDING SETBACK LINES.

A. In any case where a building setback line appears on the district setback map, the space between such building setback line and the property line shall constitute the required yard in lieu of such front, side or rear yard otherwise described for the zone. The city, when the Planning Commission deems it necessary and desirable due to the topography or depth of the lot or lots, may by ordinance establish building setback lines for any lot.

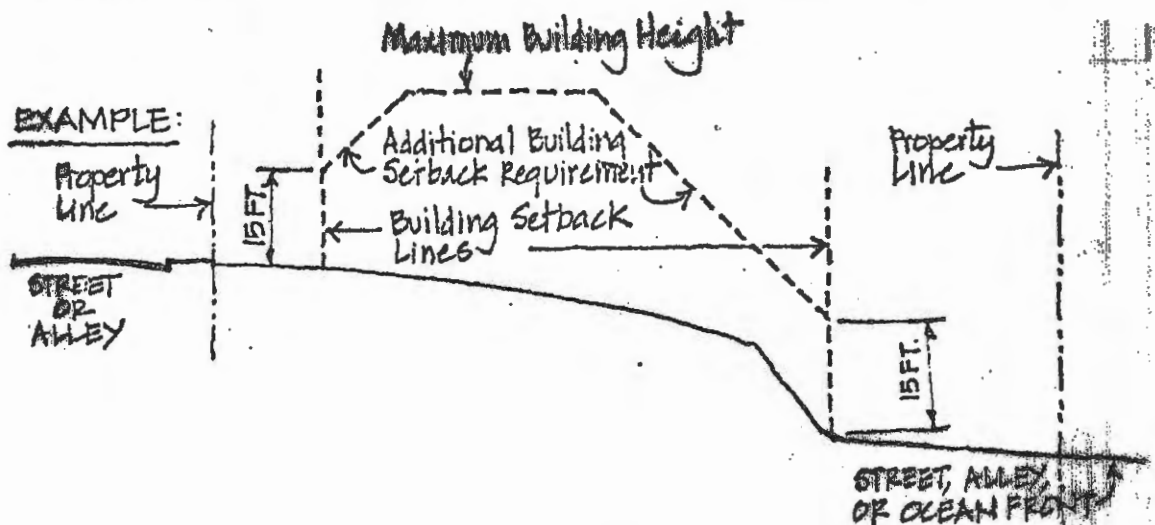
B. Building Setbacks on or Adjacent to the Pacific Ocean and Beaches. There is established building setback lines along the ocean frontage of all property within the City of Laguna Beach fronting up and adjacent to the Pacific Ocean and its beaches, as hereinafter in this subparagraph provided, and no building, structure or improvement shall hereafter be erected or constructed on the sandy portion of any beach except that which is determined by the City Council to be necessary for the public health, safety and welfare. In addition, no building, structure, or improvement shall hereafter be erected or constructed on the oceanward side of the following building setback lines:

1. Except as provided in subparagraphs 2, 3 and 5 hereof, the oceanfront building setback line on all oceanfront property within the City of Laguna Beach is fixed and established as the line drawn through the points where the plane of elevation twelve feet above the mean sea level touches the land mass (other than beach sand) of the particular parcel involved;
2. Except as provided in subparagraphs 3 and 5 hereof, the oceanfront building setback line on all oceanfront property situated between Thalia Street and Bluebird Canyon Drive is fixed and established as the line drawn through the points where the plane of elevation thirteen feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved;
3. Except as provided in subparagraph 5 hereof, the oceanfront building setback line on all oceanfront property situated between Laguna Avenue and Thalia Street is fixed and established as the line drawn through the points where the plane of elevation fourteen feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved;
4. No rocky portions of the beach area and no natural land slope rising ten (10) feet or more above Mean Sea Level immediately adjacent to the Pacific Ocean or beach shall have buildings, structures, or improvements erected, except as approved by a Conditional Use Permit granted by the Planning Commission or a Specific Plan adopted by the City Council. In order to be affected by this subparagraph, such rocky portions and natural land slopes must be marked by a sharp rise (a slope of forty-five degrees or steeper) in elevation from the base to the top. Such rocky portions and natural land slopes and the area measured from a line at the top of such rocky portions and natural land slopes to a setback line ten (10) feet landward shall remain free of any structure. If, in the opinion of the City Engineer or Building Official, the erection of structures, or drainage and irrigation facilities, in the areas immediately adjacent to the above areas would involve geologic hazards detrimental to the public health, safety and welfare, he may require additional setbacks to alleviate such hazards.
5. Permitted projections into required yards as specified in subsection 25. 50. 008 are not allowed within the required ocean front setback areas.



C. Building Setbacks Adjacent to Public Parks. All structures, except fences, on all properties adjoining public parks shall observe a minimum ten (10) foot setback from such park, or that yard setback as provided elsewhere in this ordinance, whichever is greater.

D. Exceptions: Additional Building Setbacks. Where portions of a building attain a height in excess of fifteen (15) feet above the average natural grade of the main building setback line from a street, alley or Pacific Ocean, such portions shall maintain, in addition to the required building setback, an additional foot of distance for every foot of height in excess of fifteen (15) feet.



E. Front Yards; Reduced Building Setbacks Allowed.

1. Where the average elevation along a line lying parallel to the front lot line and forty (40) feet therefrom within the lot is ten (10) feet or more above or below the curb elevation opposite the midpoint of the front lot line, the front yard may be reduced to ten (10) feet, and may be further reduced to five (5) feet for a required garage or carport, provided that such garage or carport may not extend along the front of the lot for a distance greater than twenty-five (25) feet. Where there is no curb, the elevation of the centerline of the travelled way shall be substituted for the curb elevations, which elevation shall be measured opposite the midpoint of the front lot line.
2. An enclosed space beneath a garage or carport floor and extending into a required front yard may be used for storage, mechanical area or extension of the main living area.

F. Side Yards.

1. Required side yards in excess of four (4) feet may be distributed to one side yard, providing the total width of both side yards is equal to or greater than the sum of the required side yards.
2. Side yards shall not be used for clotheslines, storage of trailers, mobile homes, boats, campers, or the storage of any material, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles, unless the above items are adequately concealed from the street and adjacent properties. Side yards in conformance with minimum Uniform Building Code requirements shall be maintained at all times.

3. Accessory Buildings in Side Yards.

- a. A garage or carport permitted to be located five (5) feet from the front lot line because of the slope of the lot (see subsection D) need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds ( $2/3$ ) below the natural ground level of the adjacent yard, and the top of the wall will be not more than four (4) feet at any point above said yard level.
  - b. A detached garage or carport to be located more than fifty (50) feet from a front property line may maintain no side yard, provided such accessory building does not extend along the side lot line for a distance greater than twenty-five (25) feet. All roof drainage from said structure shall be channelled to fall on the property on which the structure is located.
  - c. On a corner lot or reverse corner lot, main buildings and detached accessory buildings adjacent to the street will maintain a side yard equivalent to the front yard of the adjacent lot whose front lot line is a continuation of the side lot line of the corner lot or reverse corner lot, except that such yard may be reduced to ten percent (10%) of the lot width.
4. Where a side lot line is on or adjacent to a cut or fill slope whose vertical elevation between the top and the toe of that slope is six (6) feet or greater and whose grade is fifty (50%) percent (2:1 slope) or greater, the minimum distance from the top or toe of the slope to a main building shall be five (5) feet.

25.50.006 CORNER CUTBACK AREAS.

A. The following regulations shall apply to all intersections of streets, alleys and/or driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction by structures, landscaping, fences or otherwise within the cutback areas established herein. In hillside areas, corner cutback treatment shall include such finish grading as may be necessary to provide for reasonable intersection visibility.

B. Streets, Alleys and Driveways. There shall be a corner cutback area at the intersecting and intercepting streets and/or alleys and on each side of any driveway intersecting a street. The cutback line shall be a horizontal plane, making an angle of forty-five degrees with the side, front or rear property line, as the case may be. The line shall pass through a point not less than seven (7) feet from the edge of the street, alley or driveway where it intersects the other street or alley right-of-way.

C. Irregular Lots. Where, due to an irregular lot shape or acute angle driveway, a line at a forty-five degree angle does not provide for intersection visibility, or does not meet the intersecting street or driveway line, the corner cutback shall be defined by a line drawn from a point on one of the streets, which point is not less than seventeen feet from the intersection of the two streets or the street and driveway and through a point on the other street or driveway which point is not less than seventeen feet from the intersection of the two lines.

25.50.008 PERMITTED PROJECTIONS INTO REQUIRED YARDS.

A. Cornices, eaves, belt courses, balconies or similar architectural features may cantilever into a required front or rear yard a distance equal to twenty percent of the required front or rear yard, and may cantilever into a required side yard a distance equal to forty percent of the required side yard. However, in no event shall any eave, belt course, balcony or similar architectural feature be constructed less than two and one-half feet from the side property line, or less than five feet from any other cornice, eave, belt course or similar architectural feature on the same lot.

B. A chimney or fireplace may extend or project into a required front, side or rear yard for a total distance of not to exceed twelve inches, provided that such projection does not extend along the length of such yard a total distance of more than six feet and does not extend closer than three feet to a side property line.

C. Uncovered porches, terraces, landing places or unenclosed and uncovered outside stairways which do not extend above the level of the first or ground floor of the building and not more than three feet above the natural grade of the ground may extend or project into any required minimum yard for a total distance of not more than six feet.

Note: Porches, terraces, landings or stairways which are covered or enclosed shall be considered as part of the building and shall not be permitted to extend into the required yards.

Exception: Covered walks not to exceed five feet in width may connect buildings. No such covered walk may be closer than fifty feet to any other such covered walk on the same lot.

D. Underground fallout or radiation shelters entirely below grade and covered by an earth mound projecting not more than three feet above natural grade may project into any required yard. Such structures shall not, however, be closer than three feet to any property line, nor project beyond any street plan line.

E. Front and Rear Yards on Shallow Lots. On lots with an average depth of less than one hundred feet, the required front or rear yard need not be more than twenty per cent of such average depth; provided, however, that in no event shall any such yard be reduced to less than ten feet. The application of this provision shall be either front or rear yards, but shall not be applicable to both.

25.50.010 OPEN SPACE REQUIREMENTS. Where required in this title, an open space area shall meet the following standards:

A. It shall contain a minimum area of forty (40%) percent of the total gross living areas on the lot;

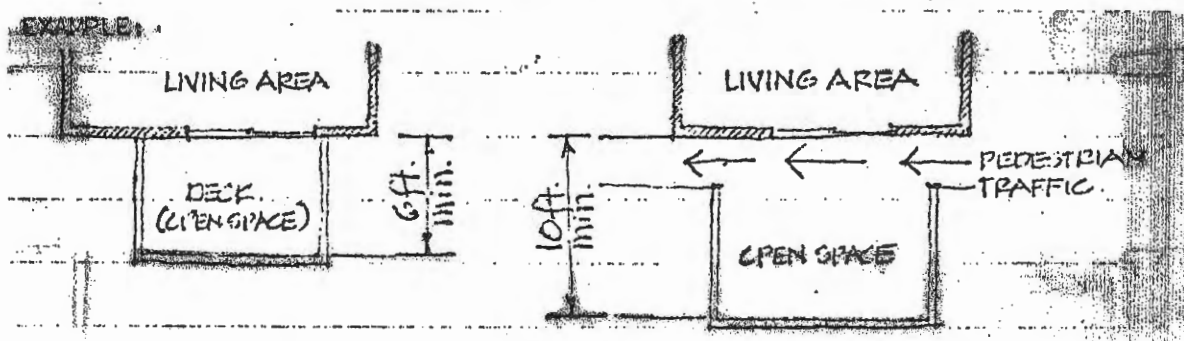
B. At least one-half (1/2) of the total area required shall be located at the ground level and shall be open from ground to sky;

C. It shall be contained entirely within the buildable area of the lot;

D. It shall not include land or structures devoted to parking, storage, driveways or other uses, except those uses normally considered as outdoor living; decks, patios, terraces, atriums, gardens, ornamental and natural landscaped area, barbecues, athletic areas, and similar active and passive outdoor living and recreation space;

E. At least one-quarter (1/4) of the open space requirement shall be immediately accessible to each living unit on the lot and shall be designed to be used primarily for the occupants of said living unit;

F. To qualify as an open space, the minimum dimensions must be ten (10) feet if designed for through pedestrian traffic or access, or six (6) feet if designed for the exclusive use of the occupants of the adjacent living area.



25.50.012 FENCES, WALLS.

A. Required Fences and Walls. A solid wall or fence not less than four feet above the finish grade adjoining the fence outside the yard shall be provided to enclose any unattended swimming pool to which pedestrian access could be gained from a street, alley or other parcel. The fence shall have self-closing gates at least four feet high with self-latching mechanism. Latches shall be installed at least four feet above ground level.

B. Permitted Fences, Walls.

1. Fences or walls not more than four feet in height may be erected, installed or maintained in any yard, except that on a corner lot, a fence or wall no higher than three feet shall be permitted within the front yard setback.
2. Barricades, railings and security fencing required for safety by the Building Official are permitted in any yard.
3. A fence, wall, lattice-work or screen with a height no greater than six feet may be installed, erected, planted or maintained within the rear yard or within the side yards of any lot; provided such obstructions do not project into the required front yard space. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation on the higher lot.
4. The fences, walls, or obstructions required or permitted by this subsection shall be equipped with gates or openings of at least three feet in width so as to provide free access completely around all main buildings and shall not be so located as to constitute in the opinion of the Director of Planning and Development a hazard to traffic on public rights-of-way, streets or alleys.

25.50.014 SPACE BETWEEN BUILDINGS.

A. Between adjacent portions of two main buildings on the same lot, there shall be a space equivalent to twenty-five (25%) percent of the combined building heights of the two adjacent portions. For the purposes of this subsection, building height shall be measured from the grade along the wall of a building to the top of the roof, but only portions of buildings within twenty-five (25) feet of such space shall be considered in computing height and corresponding distance between buildings. Projections into this space may be allowed subject to the provisions of Section 25.50.008 A through D.

B. No detached garage, carport or greenhouse, or other non-residential building, shall be closer than ten (10) feet to any other building maintained on the lot.

C. The space directly in front of a garage opening which is used for vehicular access shall be kept clear of obstructions for the first twenty-five (25) feet to provide adequate automobile maneuvering area.

25.50.016 SWIMMING POOLS. A swimming pool and its accessory equipment shall not be located in the required front yard, nor closer than five (5) feet from any side or rear property line, except that on lots having a slope of 25% or greater over the useable portions of the rear of such lots, the swimming pool itself may be permitted to within ten (10) feet of the front property line.

25.50.018 THROUGH LOTS. A through lot as defined in Chapter 25.08 shall provide front yards of the depth required by the zone. Such front yards shall be maintained along each street frontage. A through lot



shall have no required rear yard. The front yard provisions of the zone shall apply to each front yard.

25.50.020 OCEANFRONT LOTS. A single parcel of land which may be legally described as such or may be one of two or more numbered lots or parts of lots in a recorded plat, meeting all conditions set forth in Chapter 25.08, Section 25.08.022 E, as amended, shall also include the following:

A. A parcel of land extending from a dedicated and improved street through to the Pacific Ocean.

B. A parcel of land qualifying as an oceanfront lot is permitted the flexibility of locating accessory structures on any portion of such lot, provided that the yards required by this title are maintained.

25.50.030 PROTECTION OF NATURAL WATER COURSES AND DRAINAGE CHANNELS.

A. No natural water course or drainage channel shall be filled in, diverted, culverted, lined or otherwise altered except as necessary to enhance its natural characteristics or in the proven interest of public safety, as determined by the City Engineer.

B. The edges and banks of significant natural water courses and drainage channels and areas within twenty-five (25) feet of the flow line, whichever distance is greater, shall be free of buildings, and such area shall not be stripped of vegetative cover so as to destroy the riparian habitat and expose the banks to erosion or induce downstream siltation. For the purposes of this section, "significant" channels are defined as those which serve a distinct functional, scenic or ecological purpose in their natural condition and setting.

C. Persons aggrieved with determinations under A and B above may apply for a Conditional Use Permit according to the provisions of Chapter 25.46.

25.50.040 ENVIRONMENTALLY SENSITIVE AREAS.

Buildings, structures, and improvements within "Environmentally Sensitive Areas," as identified in the "Procedures for the Preparation and Evaluation of Environmental Impact Reports," shall be subject to Design Review. Additional building setbacks, open areas and/or other conditions may be imposed as a result of said Design Review.

SECTION 2: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the LAGUNA NEWS-POST, a newspaper of general circulation in the City of Laguna Beach, and this Ordinance shall be in effect at the expiration of thirty (30) days from and after the date of its passage.

ADOPTED this 18th day of September, 1974.

ATTEST:

Marjorie H. Musfeldt  
City Clerk

Roy W. Hol  
Mayor

I, DOROTHY H. MUSFELT, City Clerk of the City of Laguna Beach, certify that the foregoing Ordinance was introduced at a Regular meeting of the City Council of said City, held on the 4th day of September 1974, and was finally passed and adopted at a Regular Adj. meeting of said City Council held on the 18th day of September, 1974, by the following vote:

AYES: Councilmen: Holm, Johnson, Brand

NOES: Councilmen: Boyd

ABSENT: Councilmen: Sweeney

  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach,  
California.

(SEAL)

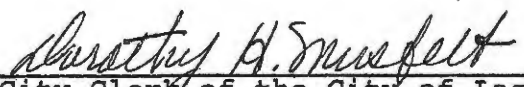


I, DOROTHY H. MUSFELT, City Clerk of the City of Laguna Beach, certify that the foregoing ordinance was finally passed and adopted at a Regular Meeting of the City Council of said City, held on the 4th day of December, 1974, by the following vote:

AYES: Councilmen: Holm, Johnson, Brand, and Sweeney.

NOES: Councilmen: Boyd.

ABSENT: Councilmen: None.

  
\_\_\_\_\_  
City Clerk of the City of Laguna  
Beach, California

(SEAL)

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Title 25 ZONING

Chapter 25.21 CH-M COMMERCIAL HOTEL-MOTEL ZONE

### **25.21.002 Uses permitted.**

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building:

- (A) Hotels and motels without kitchen facilities (with the exception of one manager's apartment), excluding those devoted to new time-share uses, limited to one room or suite for each six hundred square feet of land area. (Ord. 1150 § 1, 1988).

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Title 25 ZONING

Chapter 25.21 CH-M COMMERCIAL HOTEL-MOTEL ZONE

**25.21.004 Uses permitted subject to conditional use permit.**

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption shall be prohibited within two hundred yards of Main Beach:

- (A) Hotels and motels with kitchen facilities and/or ancillary commercial retail uses, excluding those devoted to new time-share uses, limited to one room or suite for each six hundred square feet of land area. No added residential density shall be allowed. The conditional use permit shall formally establish the number of units permitted to have kitchen facilities and the permitted type and extent of kitchen facilities. The following ancillary uses may be permitted in conjunction with and incidental and subordinate to the primary hotel-motel use:
- (1) Commercial retail sales businesses, including retail specialty food businesses;
  - (2) Personal service shops (barber/beauty, etc.);
  - (3) Recreational facilities;
  - (4) Conference facilities;
  - (5) Residential uses, subject to the following standards:
    - (a) Residential uses shall adhere to the density and property developments standards of the R-3 zone,
    - (b) The gross floor area devoted to residential uses shall not exceed fifty percent of the gross floor area devoted to commercial uses, exclusive of parking;
  - (6) Such other uses as the planning commission may deem, after public hearing, to be similar to and not more obnoxious or detrimental to the welfare of the neighborhood in which it is located than any use listed above.
- (B) Cafés, restaurants and lounges, when conducted in conjunction with and incidental to a primary hotel-motel use, with the serving of alcoholic beverages and/or dancing or entertainment permitted only as authorized under the conditional use permit. Outdoor seating areas and/or take-out window service (not necessarily within an enclosed building) in conjunction with an adjacent indoor café, restaurant or lounge may also be permitted. (Ord. 1150 § 1, 1988).

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Title 25 ZONING

Chapter 25.21 CH-M COMMERCIAL HOTEL-MOTEL ZONE

**25.21.006 Property development standards.**

The following property development standards shall apply to all land and structures in this zone:

- (A) Lot Area and Dimensions Standards. No requirements;
- (B) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.030;
- (C) Yard Area, Building Setback, Open Space and Coverage Standards.
  - (1) The general provisions of Chapter 25.50 shall apply, except as modified herein.
  - (2) Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot. Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. Walls not higher than four feet may be erected within said open space, as approved by design review. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.
  - (3) Side Yards. No requirement, unless the side lot line abuts a different zone, in which case the side yard shall be at least equal to the minimum required for that zone.
  - (4) Rear Yards. No requirement, unless the rear lot line abuts a different zone, in which case the rear yard shall be at least equal to the minimum required for that zone. See additional rear yard requirements in Sections 25.50.004(D) and 25.50.008(E) of this title.
  - (5) Open Space Requirements.
    - (a) Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public.
    - (b) Additional open space shall be provided for residential uses equalling a minimum of forty percent of the total gross living areas.
    - (c) All open space requirements are subject to the standards of Section 25.50.010.
- (D) Building Height Standards. The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.
  - (1) The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

**Rear Lot Line Above Street (slope in percent)**

0 to 5  
5+ to 10  
Over 10

**Height Permitted Above Rear Lot Line (at every point along the rear lot line)**

22 ft.  
17 ft.  
12 ft.

**Through Lot (slope in percent)****Height Permitted Above Upper Curb or Street Elevation**

0 to 5	30 ft.
5+ to 10	25 ft.
Over 10	20 ft.

**Rear Lot Line Below Street (slope in percent)****Height Permitted Above Upper Curb or Street Elevation**

0 to 5	30 ft.
5+ to 10	25 ft.
Over 10	20 ft.

(2) The height of any building (per the building height definition in Municipal Code Section 25.08.016) shall not exceed thirty-six feet, including parking garage floor level with access ramps located outside the structure's ground floor footprint. The thirty-six-foot height limit includes roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the building height definition, subterranean floors are exempt from the height measurement limit.

(3) The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks.

(4) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

(E) **Parking Garage Setbacks, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this zone. Parking garage floor levels built below natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional parking requirements.

(F) **Access and Improvement Standards.** The provisions of Chapter 25.53 shall apply.

(G) **Signs.** The provisions of Chapter 25.54 shall apply.

(H) **Trash and Outdoor Storage Areas.** Areas for trash or outdoor storage shall be provided for each use, and such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view.

(I) **Landscaping.** Landscaping shall be provided subject to design review approval. (Ord. 1524 § 5, 2010; Ord. 1489 § 4, 2008; Ord. 1187 § 3(4)(part), 1989; Ord. 1150 § 1, 1988).



**Laguna Beach Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 25 ZONING](#)[Chapter 25.50 GENERAL YARD AND OPEN SPACE PROVISIONS](#)**25.50.004 Building setback lines.**

(A) In any case where a building setback line appears on the district setback map, the space between such building setback line and the property line shall constitute the required yard in lieu of such front, side or rear yard otherwise described for the zone. The city, when the planning commission deems it necessary and desirable due to the topography or depth of the lot or lots, may by ordinance establish building setback lines for any lot.

(B) Building Setbacks on or Adjacent to the Pacific Ocean and Beaches. There is established building setback lines along the ocean frontage of all property within the city fronting up and adjacent to the Pacific Ocean and its beaches, as provided in this subsection, and no building, structure or improvements shall be erected or constructed after the effective date of the ordinance codified in this section on the sandy portion of any beach except that which

is determined by the city council to be necessary for the public health, safety and welfare. In addition, no building, structure or improvement shall be erected or constructed after the effective date of the ordinance codified in this section on the oceanward side of the following building setback lines:

(1) Except as provided in subdivisions (2), (3) and (5) of this subsection, the oceanfront building setback line on all oceanfront property within the city is fixed and established as the line drawn through the points where the plane of elevation twelve feet above the mean sea level touches the land mass (other than beach sand) of the particular parcel involved.

(2) Except as provided in subdivisions (3) and (5) of this subsection, the oceanfront building setback line on all oceanfront property situated between Thalia Street and Bluebird Canyon Drive is fixed and established as the line drawn through the points where the plane of elevation thirteen feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.

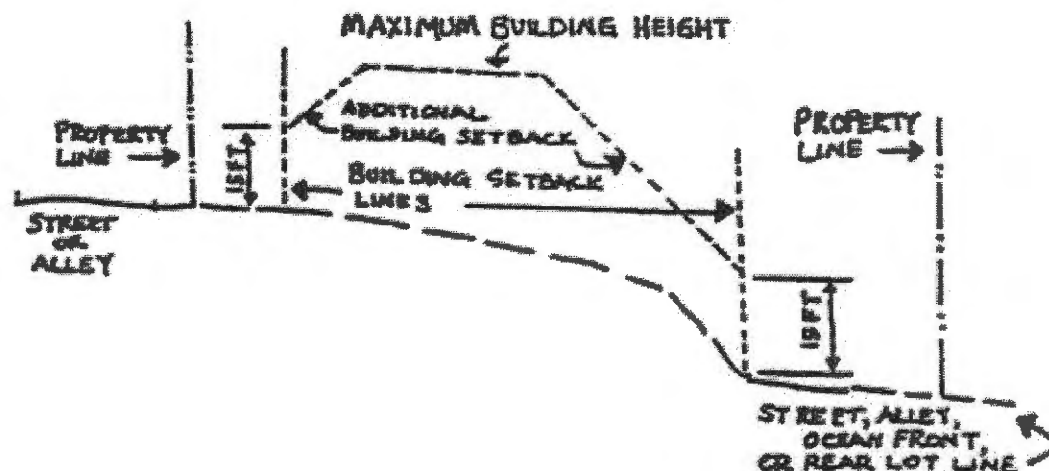
(3) Except as provided in subdivision (5) of this subsection, the oceanfront building setback line on all oceanfront property situated between Laguna Avenue and Thalia Street is fixed and established as the line drawn through the points where the plane of elevation fourteen feet above mean sea level touches the land mass (other than beach sand) of the particular parcel involved.

(4) In addition to (1), (2) and (3) above, no new building, additions to existing buildings, or structures or improvements shall encroach beyond the applicable building stringline or shall be closer than twenty-five feet to the top of an oceanfront bluff; the more restrictive shall apply. Greater setback may be required by the city engineer or building official in order to protect the public health, safety or welfare. Pools and spas shall be no closer than twenty-five feet to the top of bluff. Public accessways shall be exempt from this provision.

(a) An "oceanfront bluff" is an oceanfront landform having a slope of forty-five degrees or greater from horizontal whose top is ten or more feet above mean sea level.

(i) In cases where an oceanfront bluff possesses an irregular or multiple slope condition, the setback will be taken from the most inland forty-five degree or greater slope.

- (ii) In cases where the landform constitutes an oceanfront bluff whose slope is less than forty-five degrees, a determination as to whether or not the specific landform is subject to this provision shall be made by the director of community development.
  - (b) The building stringline averages the setback of oceanfront buildings on both adjacent sides of coastal lots and is defined as follows: The stringline setback shall be depicted as a line across a parcel that connects the oceanward ends of the nearest adjacent walls of the main buildings on adjacent lots. Posts or columns that extend to grade from upper story decks, balconies, stairways and other types of similar features shall not be used to define the building stringline criteria.
    - (i) In the event that there is no applicable stringline on adjacent oceanfront lots, the setback shall be at least twenty-five feet from the top of an oceanfront bluff.
    - (ii) Only in such cases where the design review board determines that the stringline is significantly more restrictive than the twenty-five foot setback may the board modify the required building setback, provided it determines that unique conditions relating to landform, lot orientation or excessive building setbacks on an adjacent property prevent or severely restrict residential development that otherwise meets the intent of the zoning code.
  - (c) A deck stringline may be used to establish a setback for decks. The deck stringline setback shall be depicted as a line across a parcel that connects the oceanward ends of the decks on main buildings on adjacent lots.
  - (d) Building Projection Setback.
    - (i) Balconies, patios or decks in excess of thirty inches above the finished grade, including patio deck covers, and other similar architectural features may project a maximum of five feet beyond the applicable building setback or to the applicable deck stringline, whichever is least restrictive. In no case shall such projections be closer than ten feet to the top of an oceanfront bluff.
    - (ii) Decks, patios and other similar improvements that are thirty inches or less above finished grade shall not encroach closer than ten feet to the top of an oceanfront bluff.
- (5) Permitted projections into required yards as specified in Section 25.50.008 are not allowed within the required oceanfront setback areas.
- (C) Building Setbacks Adjacent to Public Parks. All structures, except fences, on all properties adjoining public parks shall observe a minimum ten-foot setback from such park, or that yard setback as provided elsewhere in this title, whichever is greater.
- (D) Exceptions—Additional Building Setbacks. Where portions of a new building or additions to a building attain a height in excess of fifteen feet above the natural grade of the required front or rear setback, such portions shall maintain, in addition to the required building setback, an additional foot of distance for every foot of height in excess of fifteen feet. Additional building setback datum shall be measured at every point along the setback line.

**EXAMPLE:****(E) Front Yards—Reduced Building Setbacks Allowed.**

- (1) Where the elevation of the natural grade at the midpoint of a line lying parallel to the front lot line and forty feet therefrom within the lot is ten feet or more above or below the curb elevation opposite the midpoint of the front lot line, the front yard may be reduced to ten feet, and may be further reduced to five feet for a required garage or carport, provided that such garage or carport may not extend along the front of the lot for a distance greater than twenty-five feet and provided that the garage maintains, in addition to the required setback, an additional foot of distance for every foot of height in excess of ten feet, as measured from the garage finished floor. Where there is no curb, the elevation of the centerline of the traveled way shall be substituted for the curb elevations, which elevation shall be measured opposite the midpoint of the front lot line.
- (2) An enclosed space beneath a garage or carport floor and extending into a required front yard may be used for storage, mechanical area or extension of the main living area.
- (3) Front and Rear Yards on Shallow Lots. On lots with an average depth of less than one hundred feet, the required front or rear yard need not be more than twenty percent of such average depth; provided, however, that in no event shall any such yard be reduced to less than ten feet. The application of this provision shall be either the front or the rear yard, but shall not be applicable to both.

**(F) Side Yards.**

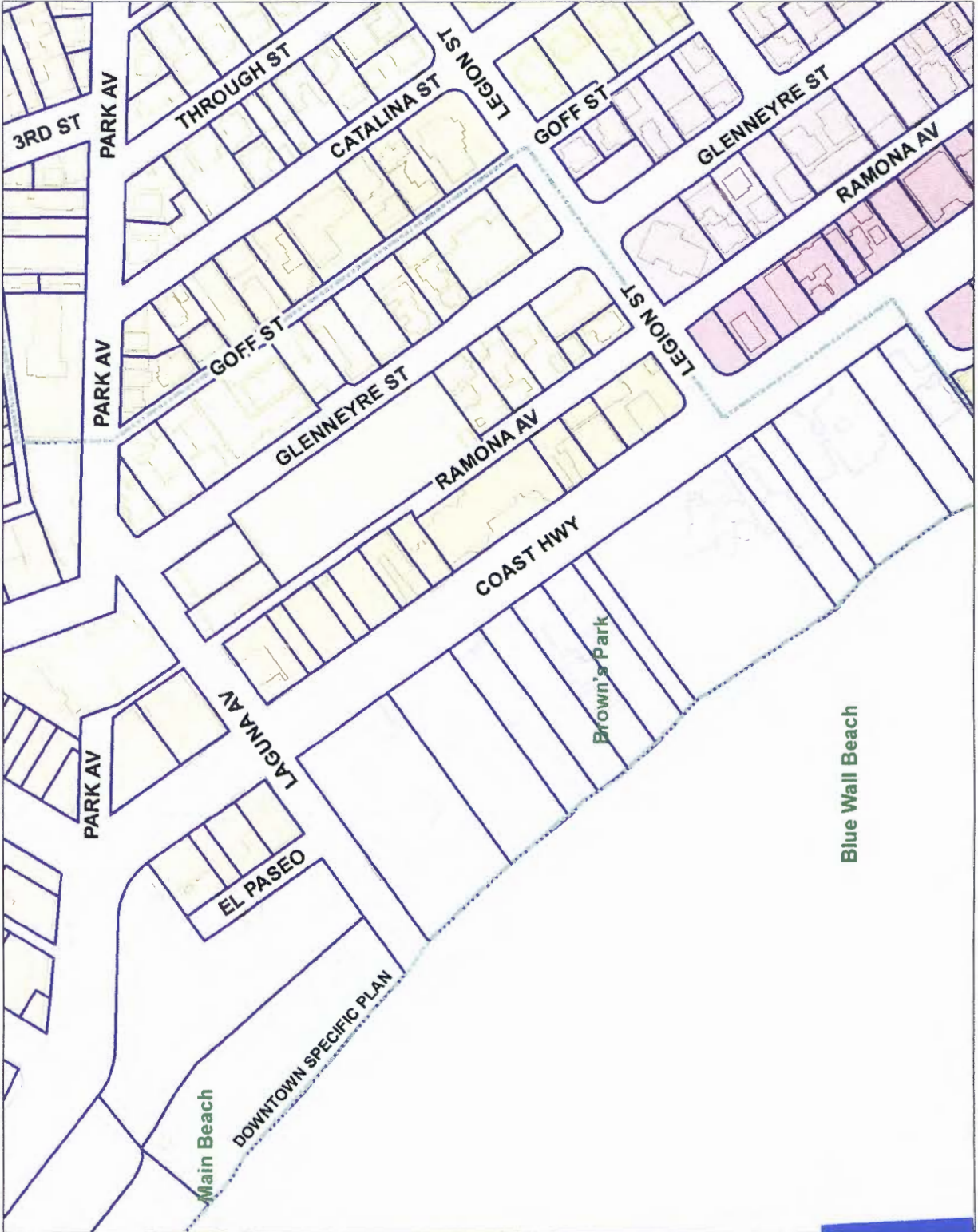
- (1) Required side yards in excess of four feet may be distributed to one side yard, providing the total width of both side yards is equal to or greater than the sum of the required side yards.
- (2) Side yards shall not be used for accessory buildings, clotheslines, air conditioning and pool equipment, the storage of trailers, boats, campers, or the storage of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles, except for the required additional parking space for single-family and two-family residences when approved by the design review board in accordance with Section 25.52.012(E). Side yards in conformance with minimum Uniform Building Code requirements shall be maintained at all times.
- (3) Accessory Buildings in Side Yards.
  - (a) A garage or carport permitted to be located five feet from the front lot line because of the slope of the lot (see subsection (D)) need not observe the required side yard if its wall adjacent to the side lot line will be at least two-thirds below the natural ground level of the

adjacent yard, and the top of the wall will be not more than four feet at any point above said yard level.

(b) On a corner lot or reverse corner lot, main buildings and detached accessory buildings adjacent to the street will maintain a side yard equivalent to the front yard of the adjacent lot whose front lot line is a continuation of the side lot line of the corner lot or reverse corner lot, except that such yard may be reduced to ten percent of the lot width. (Ord. 1416 § 14, 2002; Ord. 1354 § 2, 1999; Ord. 1223 § 1, 1991; Ord. 1187 § 3(5), 1989; Ord. 832 §§ 21, 22, 23, 1975; Ord. 811 § 1, 1974).



# City of Laguna Beach



## Legend

- City Limits
- Specific Plan Areas
- Parcels
- Zoning Districts
  - RHP Residential/Hillside Protector
  - R-1 Residential Low Density Zone
  - TAB Three Arch Bay Zone
  - R-2 Residential Medium Density Zc
  - Village Community Zone
  - Sarah Thurston Park
  - MH Mobile Home Zone
  - R-3 Residential High Density Zone
  - C-1 Local Business District
  - C-N Commercial-Neighborhood Zoi
  - Local Business-Professional Zone
  - CH-M Commercial Hotel-Motel Zon
  - SLV South Laguna Village Commel
  - Resort Development
  - CBD-1 (Resident-Serving)
  - CBD-2 (Downtown-Commercial)
  - Civic Art
  - CBD Visitor Commercial
  - CBD Office
  - CBD Multiple-Family District
  - CBD Public Parks
  - CBD Village Entrance, Mixed Use
  - CBD Central Bluffs
  - I Institutional Zone
  - M1A Light Industrial Zone
  - M1B Light Industrial Zone
  - A-R Agriculture-Recreation Zone
  - REC Recreation Zone
  - OS/C Open Space/Conservation Zc
  - OSP Open Space/Passive Zone
  - Open Space Conservation And Rec

1:2,350

## Notes

Enter Map Description

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

392 Feet

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Subject Site

<b>EXHIBIT#4</b>	
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Application Number:	
<b>5-12-179-VRC</b>	
	California Coastal Commission





Subject Site

<b>EXHIBIT#5</b>	
Page 1 of 1	
Application Number: <b>5-12-179-VRC</b>	
	California Coastal Commission