

CALIFORNIA COASTAL COMMISSION

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F10b

ADDENDUM

November 17, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO AGENDA ITEM F10b**, Coastal Development Permit Application A-5-LGB-19-0010 (Surf & Sand Resort) for the Commission Meeting of Friday, November 19, 2021.

A. Recommended Changes to Special Condition No. 8 Assumption of Risk

Staff is recommending the following changes to Special Condition No. 8, subsections (v) – (viii). The rationale for the changes is discussed in Section C, below. (Underlined text is to be added to the subsections; ~~struck through~~ text is to be deleted from the subsections):

(v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), ~~thereby constraining allowed uses of the site or rendering it uninhabitable which could potentially affect the use of the site or limit the use or occupancy of structures;~~

(vi) that the boundary between public land (tidelands) and private land may shift with rising seas, ~~the structure~~ some portion of some structures may eventually be located on public trust lands, and ~~the development approval~~ Coastal Development Permit A-5-LGB-19-0010 does not permit authorize encroachment onto public trust land;

(vii) any future encroachment on public trust lands may be subject to the State Lands Commission's (or other trustee agency) leasing approval, and any future encroachment of the Spa building foundation addition approved by this CDP must be removed unless the Coastal Commission determines that the encroachment is

legally permissible pursuant to the Coastal Act and authorizes it to remain, ~~and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval;~~

(viii) that ~~the~~ if the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that any structure or structures are currently and permanently unsafe for occupancy, any such structure may be required to be removed or relocated and the site restored ~~if it becomes unsafe or if removal is required pursuant to the Coastal Act.~~

B. Recommended Addition of Special Condition No. 10 Revised Plans

Staff is recommending the addition of Special Condition No. 10 Revised Plans as written below. The rationale for the changes is discussed in Section C, below.

10. Revised Plans.

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of revised plans which demonstrate the following:

1. This CDP does not authorize development to occur within the terrace area located between the Surfside building and the pool deck area and seaward of the Catalina building, including but not limited to replacement of exterior paving, replacement of stair rails, and installation of the ADA lift at this time. An alternative location for installation of the ADA lift may be reflected on the final plans if it has been demonstrated to the satisfaction of the Executive Director that the location would have no impact on coastal resources and that development necessary to accommodate the lift would not result in the project becoming a major remodel.
2. Existing development located within the terrace area located between the Surfside building and the pool deck area and seaward of the Catalina building shall be clearly labeled on the plans with the following statement: "This development is not authorized by any coastal development permit" or shall be deleted from the plans and replaced with a note indicating 'not a part'.

B. Any development within the terrace area, including removal of unpermitted development, located between the Surfside building and the pool deck area and seaward of the Catalina building requires either an amendment to this CDP or a separate coastal development permit.

C. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a

written determination that no amendment is legally required for any proposed minor deviations.

C. Correspondence Received

The Commission received correspondence regarding A-5-LGB-19-0010 (Surf & Sand Resort), including a letter dated 11/8/2021 from the applicant requesting changes to the language of Special Condition No. 8 Assumption of Risk, subsections (v) – (viii). That letter is discussed below. In addition, staff has received sixteen letters opposed to the project. Eleven letters supporting the proposed project have also been received. Of the letters received objecting to the project one was received from Penny Elia and one from Unite Here, both on 11/12/2021. Staff response to those two letters is below. All correspondence received to date is available under the Correspondence tab for F10b on the Commission's online agenda.

D. Staff Response to Applicant's 11/8/2021 Letter re: Assumption of Risk

The applicant's 11/8/2021 correspondence requests changes to Special Condition No. 8 - Assumption of Risk, subsections (v) – (viii). The request for changes rests on three bases: 1) there was no Assumption of Risk special condition included in the April 2021 staff recommendation for this same de novo hearing of the project; 2) nothing has changed to newly require the Assumption of Risk special condition; and 3) there is no nexus between the project and application of these newly required subsections.

With regard to the first objection: staff acknowledges that no Assumption of Risk special condition was recommended in the April 2021 staff report (which was published on the Coastal Commission website, but the matter was postponed prior to hearing). However, there is a difference between the project proposed in April and the project now before the Coastal Commission. The project in April consisted entirely of repair and maintenance activities, as is described in detail in the staff report. These activities are minor in terms of the complexity and degree of change and the absence of any structural work to the existing buildings. However, since the April staff report was published it has been confirmed that structural work did occur to one of the buildings at the site in 2001. Additions to the Spa building foundations, totaling a 37% increase compared to the previously existing foundation, were undertaken in 2001. While this work still does not rise to the level of a major remodel, it is structural work. As such, the proposed project has changed since April to incorporate after-the-fact approval for the the Spa building foundation work that occurred in the past without the required coastal development permit. Thus, there is a nexus between the currently proposed project and the special condition language.

The specific changes requested by the applicant to Special Condition No. 8, subsections (v), (vi) and (viii) are acceptable as requested and are reflected in Section A above. The specific changes requested by the applicant to subsection (vii) are:

~~(vii) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also on public trust lands may be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and~~

Of the changes requested by the applicant, staff recommends that the Commission adopt the applicant's requested changes to subsections v, vi, and viii. However, staff recommends the revised language for subsection vii as it appears in Section A, above.

The changes requested by the applicant to subsection (v) raise no issues and are consistent with the intent of the language of the special condition in the staff report. The changes requested by the applicant to subsection (vi) make clear that the CDP doesn't authorize encroachment on public trust lands, which achieves the goal sought by the original subsection (vi) language. The changes requested to subsection (viii) are similar to the special condition language in the staff report, and also more closely reflect language the Commission has typically imposed in similar situations. The applicant's requested language continues to acknowledge the risk that the development may need to be removed if hazards render it unsafe, which is the intended the goal of this subsection.

However, changes requested by the applicant to subsection (vii) need further clarification and revision. The removal requirement, under this CDP, would apply to the new development proposed, which includes the expansion of the Spa building's existing foundations. The remainder of the site development (other than the Spa building foundations) is either pre-Coastal or was approved via CDP 5-89-136 and CDPA 5-89-136-A. Only repair and maintenance activities are proposed to these remaining buildings. However, the applicant's requested language fails to recognize that removal could be required for the proposed new development (Spa building foundation addition). Staff's proposed revisions to subsection (vii) will capture this potential future requirement. In addition, subsection (vi) still makes clear that this CDP does not authorize encroachment on public trust land even with the changes requested by the applicant. The applicant is in agreement with staff's recommended changes to subsection (vii).

The Assumption of Risk condition is necessary to make any current and future owners aware of the risks of development and the consequences as sea level rise and related coastal hazards impact the site. This goal is achieved with the language above. With these changes, staff continues to recommend approval of the proposed development with the nine special conditions reflected in the staff report as modified herein.

E. Unpermitted Bluff Development: New Special Condition & Additional Findings

The United Here 11/12/2021 letter (discussed in Section F. below) caused staff to review more carefully the history of development in the area of the wedding pavilion and terrace¹. This review revealed that staff was relying on the wrong plan for the wedding pavilion and terrace as the approved plan. The plan used by staff (and depicted in Exhibit 15a of the staff report) is actually a plan that had been proposed via the 1989 CDP, but withdrawn by the applicant prior to the Commission's 1989 action on the CDP (5-89-136). Subsequent to withdrawal of that plan, the applicant proposed a revised wedding pavilion and terrace in a much more landward location (see corrected Exhibit 15a, attached). That more landward location for a wedding pavilion and terrace area was approved pursuant to the subsequent CDPA (5-89-136-A). Comparison of the approved 1989 plans, plans depicting currently existing development, and review of recent site photos, confirm that the existing terrace extends up to twenty feet seaward of the approved terrace footprint on a coastal bluff. No coastal development authorizes the approximately twenty-foot seaward extension of the terrace, and, therefore, it is unpermitted development that constitutes a violation of the Coastal Act. As a result, staff is recommending the addition of Special Condition No. 10 included in Section B of this addendum, which 1) acknowledges that this CDP does not authorize any development within this area, including development currently shown on the proposed plans (while also acknowledging that an alternative location for the ADA lift may be reflected on the final plans under certain conditions); 2) requires either a) a plan note that clearly labels development in the area as "not authorized by any coastal development permit" or b) development located within the area has been deleted from the plans and replaced with a note indicating 'not a part'. The special condition requires that any development within the area requires an amendment to the permit or a separate coastal development permit. The findings to be added to the staff report to describe the unpermitted terrace development and support the special condition are presented below.

(Underlined text is to be added; ~~struck through~~ text is to be deleted):

The following findings should be added to the staff report on page 15 above the heading B. Standard of Review (under the heading A. Project Description and Location):

Unpermitted Terrace Area

Unpermitted development, including, but necessarily limited to in the form of expansion of the terrace area approximately 20 feet seaward from its approved location, has occurred in the area of the site located between the Surfside building

¹ The subject development has been interchangeably referred to as wedding pavilion or wedding gazebo and the surrounding area as terrace or deck. Here the terms pavilion and terrace are used, but the terms are intended to also include the terms gazebo and deck.

and the pool deck area and seaward of the Catalina building. The unpermitted terrace area is depicted on Exhibit 25. In 1989, the Commission approved a wedding pavilion and terrace in this general area, however, comparison of the approved 1989 plans, plans depicting current site development, and review of recent photos of the site, confirm that the existing terrace extends up to twenty feet seaward of the approved terrace footprint, on a coastal bluff. The development occurred without a valid CDP and because of its location on a coastal bluff a CDP would have been required.

Section D. Response to Unite Here Letter from 4/14/2021, subsection 1) Wedding Pavilion/Terrace Expansion beginning near the bottom of page 17 of the staff report should be modified as reflected below:

1) Wedding Pavilion/Terrace Expansion

Unite Here alleges that a bluff top terrace was expanded in the area of the wedding pavilion approved by the Coastal Commission in 1989 (in the area between the hotel pool and the Surfside building, seaward of the Catalina building). In 1989, under the CDP application (5-89-136), the applicant had originally proposed a wedding pavilion and terrace in an area that had been developed with a ramp/walkway. However, this proposal was withdrawn by the applicant at the CDP hearing. Subsequently, the applicant submitted an amendment to the CDP (5-89-136-A) that included a wedding pavilion and terrace located in a further landward location (Exhibit 25). The revised location was roughly as far seaward as the inland side of the Surfside building. The Commission's action on CDPA 5-89-136-A included approval of a wedding pavilion and terrace in this more landward location. However, comparison of the approved CDPA plan for the area and plans depicting existing development, show the existing terrace extends seaward to approximately the area of the wedding pavilion and terrace that had been previously proposed but withdrawn at the CDP hearing (Exhibit 25). Comparison of the approved 1989 plans, plans depicting currently existing development, and review of recent site photos, confirm that the existing terrace extends seaward beyond the approved terrace footprint on a coastal bluff. However, it is clear from a comparison of the plans approved by the Commission in 1989 to the current site plan, that the terrace in its current configuration is in substantial conformance with the approved pavilion footprint. This is made clear when comparing the seaward terrace edge to the adjacent Surfside building and to a nearby stairway. Both the Surfside building and the stairway were present in 1989 and remain in the same location today (Exhibit 15). The location of the seaward edge of the terrace, when compared to the location of the Surfside building and the stairs, is in the same location today as in 1989.

~~CDPA 5-89-136-A included approval of the pavilion, referring to it as a bluff top wedding pavilion. Thus, the terrace is in substantial conformance with terrace area approved by the Commission in 1989. The terrace has not been expanded.~~

~~The terrace referenced by Unite Here is not unpermitted. It reflects the pavilion location approved by the Commission's 1989 CDPA action. The pavilion's upper structure was ultimately never constructed, but the terrace area was and remains unchanged. The terrace has not been expanded beyond what was approved by the Commission in 1989. Thus, this allegation by Unite Here is disproven by evidence.~~

The following findings should be added to the staff report on page 24 above the heading F. Extent of Project/Non-Conforming Development, as the last paragraphs (under the heading E. History of Development & Past Coastal Commission Actions at the Site):

The 1989 CDP originally proposed a wedding pavilion and terrace area. The wedding pavilion was proposed to be located within an area developed with a ramp/walkway, on a coastal bluff (Exhibit 19 shows ramp/walkway). The proposal was controversial and was ultimately withdrawn by the applicant prior to Commission action on CDP 5-89-136. Subsequent to Commission action on CDP 5-89-136, the applicant submitted an amendment, CDPA 5-89-136-A, which included a revised version of the wedding pavilion and terrace. The revised version was proposed landward of the then existing ramp/walkway. The revised plan did not depict retention of the ramp/walkway seaward of the proposed pavilion location. However, a comparison of the plan approved pursuant to CDPA 5-89-136-A and the plan depicting development as it currently exists at the site reveals that the current terrace was constructed significantly seaward of the approved footprint. This unpermitted development is discussed later in this staff report.

The following findings should be added to the staff report on page 27 following the third paragraph (under the heading F. Extent of Project/Non-Conforming Development):

Unpermitted development is present seaward of the area approved for a wedding pavilion and terrace area in 1989, located between the Surfside building and the pool deck area and seaward of the Catalina building.

The following findings should be added to the staff report at the bottom of page 30 (under the heading H. Bluff Development):

Although none of the proposed development rises to the level of a major remodel, unpermitted development is present in the area of the terrace located between the Surfside building and the pool deck area and seaward of the Catalina building. The unpermitted development consists of expanded terrace located seaward of the approved terrace footprint, on the bluff.

In 1989 the Commission approved a CDP for development at the subject site. The 1989 CDP project originally proposed a wedding pavilion and terrace in the area of a then existing ramp/walkway (Exhibit 19). But that plan was controversial at the time, and the applicant withdrew that pavilion plan portion of the project at the 1989 CDP hearing. Subsequent to Commission action on CDP 5-89-136, the applicant submitted an amendment, CDPA 5-89-136-A, which included a revised version of the wedding pavilion and terrace (among other development). The revised version was proposed to be located landward of the then existing ramp/walkway. The earlier pavilion and terrace plan would have placed the pavilion and related development up to 20 feet seaward. The revised pavilion plan, which was proposed landward of existing development, a ramp/walkway (see 1989 existing development site plan, exhibit 19), was subsequently approved pursuant to CDPA 5-89-136-A, also in 1989.

At the upcoast end, the approved pavilion footprint as depicted on the approved plan extends seaward only to approximately the same location as the landward corner of the adjacent Surfside building. The seaward edge of the terrace depicted on the approved plan extends from the pavilion footprint toward the pool and stairway, aligning roughly with the seaward footprint of the pavilion until the last few feet before it meets the top of the stairway (where the approved plan depicts three steps leading to a new stairway landing where the new steps meet the existing steps).

However, sometime after the 1989 approval of the landward pavilion, a terrace was constructed roughly in the area of the formerly proposed pavilion that had been withdrawn from Coastal Commission consideration by the applicant. A comparison of the plan approved pursuant to CDPA 5-89-136-A and the 2019 site plan depicting development as it currently exists at the site reveals that the terrace was constructed significantly seaward of the approved footprint. Thus, the existing terrace in this area is unpermitted and represents a violation of the Coastal Act.

Unlike the surrounding Surfside and Catalina buildings and the pool, and much of the development on the site, this terrace area is not pre-Coastal. Currently the proposed project includes development consisting of: replacing existing exterior paving, replacing a stairway railing, and installation of an ADA lift between the pool deck area and subject unpermitted terrace. Because this work is proposed within, on and/or to unpermitted development, it cannot be authorized under the current proposal because it would rely on and perpetuate unpermitted development. For this reason, Special Condition No. 10 requires the applicant to submit revised plans that acknowledge the unpermitted nature of the terrace and that any development proposed within the area be eliminated from the currently proposed project.

Section L. Unpermitted Development, on page 35 of the staff report should be replaced with the Section L. Unpermitted Development below:

L. Unpermitted Development

Violations of the Coastal Act that are associated with the subject development have been undertaken on the subject property, including Spa building foundation work consisting of installation of a caisson and grade beam system beneath the Spa building footprint and installation of compaction grouting beneath the Spa building's existing partial basement area (Exhibit 13); and construction of a terrace area located between the Surfside building and the pool deck seaward of the Catalina building, on a bluff without the required CDP (Exhibit 25). The caisson and grade beam system involve placement of eleven, 30-inch diameter caissons. The caissons are connected by grade beams above. Compaction grouting consolidates and compacts soils in place by injecting soil cement grout under high pressure into the soil. Compaction grouting occurred beneath the existing Spa building partial basement. This unpermitted development occurred in 2001. The applicant has requested consideration of the unpermitted development as part of this current CDP review. The Spa building foundation work will alter only 37% (less than 50%) of the existing foundations, and so does not rise to the level of a major remodel. Staff is recommending approval of the Spa building foundation work. Special conditions are imposed to assure the project is carried out in conformity with the City's certified LCP and with the public access policies of the Coastal Act.

If the staff recommendation is approved by the Commission, and the permit is issued, and the applicant complies with all of its terms and conditions, the issues raised by the unpermitted Spa building foundation alterations will be resolved. However, if these actions do not occur as approved, enforcement staff will consider action to address the violations of the Coastal Act as a separate matter.

As described earlier, the unpermitted terrace area is located on a coastal bluff. This CDP does not authorize the unpermitted terrace area located generally between the Surfside building and the pool deck area, and seaward of the Catalina building, and, therefore, if this application is approved as currently proposed, the violation will persist at the site. Coastal Commission enforcement staff will consider their options with regard to resolving this violation.

Consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of the certified LCP and the public access policies of Chapter 3 of the Coastal Act. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent compliance with all terms and conditions of the permit will result in resolution of the above described Spa building violations going forward. This CDP will not resolve the unpermitted terrace violations.

F. Staff Response to Unite Here's 11/12/2021 Letter

In its letter dated 11/12/2021, Unite Here alleges there is unpermitted development on the project site that must be addressed. Unite Here alleges that 1) the area of the wedding terrace was illegally enlarged; and 2) the change in use from office and retail to the current spa use was an intensification of use that triggers a requirement for additional parking, and because of that intensification, the conversion to spa use would have required approval of a coastal development permit. The second allegation regarding the spa building is largely addressed in the response to Penny Elia below. Unite Here's 11/12/2021 letter raises issues that have been generally raised previously, and a response to both allegations is also included in the staff report beginning on page 17. Nevertheless, below is staff's response regarding alleged expansion of the terrace (deck) in the area of the approved (CDPA 5-89-136-A) "wedding pavilion" (also sometimes referred to as the "wedding gazebo") and a further response regarding the Spa building parking.

Unapproved Deck Allegation:

In support of the allegation that the terrace in the area of the wedding pavilion was impermissibly expanded, the Unite Here letter on page 3 includes two plans, one labeled 1989 Site Plan, and one labeled Existing Improvements with Unapproved Deck. Throughout the staff report and in the exhibits, staff has referred to a "1989 Site Plan." The plan staff refers to is a site plan from 1989 (Exhibit 19) depicting site development prior to the development approved by the Commission in 1989. The plan in the Unite Here letter labeled 1989 Site Plan is a plan referred to in the staff report as approved 1989 plan (however, please see above regarding the fact that staff had incorrectly identified that plan as approved). It is not clear what plan Unite Here used for the second plan depicted in its 11/12/2021 letter. It is not the existing development 1989 Site Plan and it is not a plan depicting approved development per the Commission's 1989 approvals. Unite Here has drawn a blue line on the first plan, and a blue line and, landward of the blue line, a red polygon onto the second plan. The blue lines on the two plans do not follow the same alignment. The red polygon on the second plan purportedly depicts the area of the impermissibly expanded deck in the area of the approved wedding pavilion. It is not clear what the locations of the blue lines and red polygon are based on. The two plans in the Unite Here letter do not support their allegation of unpermitted expanded deck area. However, it did cause staff to re-visit the terrace in the area of the approved wedding pavilion, and discover that the approved wedding pavilion plan included as Exhibits 15a of the staff report is not the approved plan. Based on staff's discovery that the wrong plan had been relied on to determine the extent of approved development in the area of the wedding pavilion and terrace, staff now concurs with Unite Here that the terrace in this area has been expanded without benefit of a CDP and is unpermitted.

Conversion from Office and Retail Use to Spa Use:

As with Ms. Elia's letter, Unite Here alleges that the conversion of use from retail and office to spa use constitutes an intensification of use that requires additional parking. Unite Here references the City's Implementation Plan/zoning code Section 25.52.012(G) which provides the table that establishes the number of parking spaces required per use. Section 25.52.012(G) allows that, for accessory hotel uses, additional parking may be required based on the number of employees per shift and other operational information. First, this section allows consideration of operational information when considering parking demand, but does not require increased parking based upon operational use. Making this section optional allows for flexibility in considering whether the specifics of a particular project and/or a particular project site make it appropriate to impose increased parking requirements. In this case, existing site development is all pre-Coastal with the exception of the development approved by the Commission in 1989.² Other than the increase in foundation, all work proposed is repair and maintenance and no work rises to the level of a major remodel. And, most importantly, there is no change in parking demand based upon a comparison of retail, office, and spa uses. The Commission typically compares the parking required from one use to another when determining whether an increase in intensity has occurred with a change in use within an existing building. For all these reasons, the conversion of the building from retail and office to spa use is not an intensification of use and does not create additional parking demand.

Although not a factor in consideration of this CDP application, in its approval of Conditional Use Permit 18-2145, the City imposed Special Condition No. 16 which requires the applicant to provide, in addition to the spaces provided on-site, 16 additional parking spaces at 1371 Glenneyre Street pursuant to a shared parking agreement. In addition, the City imposed Special Condition No. 17 which requires that two of the hotel conference rooms (known as Starfish and Gray Whale) be restricted for use only to registered hotel guests as a means of limiting parking demand. Finally, the City has imposed Special Condition No. 21, which requires the applicant to submit a parking management plan to address employee parking prior to final approval of any building permit.

Moreover, as proposed, twelve of the 216 on-site parking spaces (5%) will include electric vehicle charging stations. In addition, conduit will also be run to 40 additional parking spaces as part of the proposed project, which will allow for future installation of charging stations as demand increases. A bicycle rack will be provided near the surface parking area. In addition, the hotel concierge arranges e-bike rentals for guests with a local bike shop. The hotel holds monthly drawings to reward employees who arrive via means other than single occupant car (e.g., carpool, bus, bike, walk).

² The added spa building foundation and the unpermitted terrace area, discussed below, have no impact on parking demand.

G. Staff Response to Ms. Elia's 11/12/2021 Letter re: the Spa Building

Similar to the April 2021 Unite Here letter (which is addressed in the staff report beginning on page 17, and included as Exhibit 20), the letter from Ms. Elia raises allegations that the Spa building is unpermitted and that the conversion from the former office and retail use to the current spa use increased parking demand and that that increased parking demand has not been addressed. In support of this, Ms. Elia includes an excerpt from the April 2021 Unite Here letter that depicts a lower-level parking area as evidence that the Spa building did not exist prior to 2001. However, at the same time Ms. Elia asserts that the conversion of the existing building to spa use increased the parking demand. So, it is unclear which allegation is to be given precedence, that the spa building did not exist prior to 2001 or that it did exist but its use was illegally converted. In any case, as is described in the staff report, the Spa building has been present at the site since at least the 1950s. This is supported by historic photos (Exhibit 18) and historic City records.³ In addition, the Spa building in its current location is depicted on the 1989 site plan (Exhibit 19) recognized and accepted by the Commission in its 1989 actions. As is also described in the staff report (beginning on page 17), the plan included in the April 2021 Unite Here letter is of a lower parking level, not the street level where the Spa building is located. Review of the correct plan level does indeed depict the Spa building in its current location (Exhibit 19).

Ms. Elia's letter also asserts that when the [pre-existing] building was converted from office and retail use to the current spa use, additional parking demand resulted. However, the City's certified Implementation Plan (Title 25 Zoning Code), Chapter 25.52 Parking Spaces Required describes the number of parking spaces required by use. Section 25.52.012(G) provides the table establishing the specific number of parking spaces required by use. Section 25.52.012(G) requires one parking space per 250 square feet of gross floor area for both general office and general retail uses. Section 25.52.012(G) also requires one parking space for every 250 square feet of gross floor area for Personal Service Establishments (including nail salons, massage services or uses of a similar nature). Thus, based on the certified Implementation Plan's parking requirement, no additional parking requirement would be triggered by the conversion from retail and office uses to spa uses. The certified LCP, including Title 25 Zoning Code, is the standard of review for applicable parking ratios. In addition, retail, office, and spa uses are all ancillary to the hotel use, which suggests the change from one ancillary use to another, would not trigger review of parking demand, especially in this case, with all uses having the same required parking ratio in the certified IP. This is addressed in the staff report on pages 11 and 19. In addition, the proposed project and parking requirements are also discussed on page 23 of the staff report:

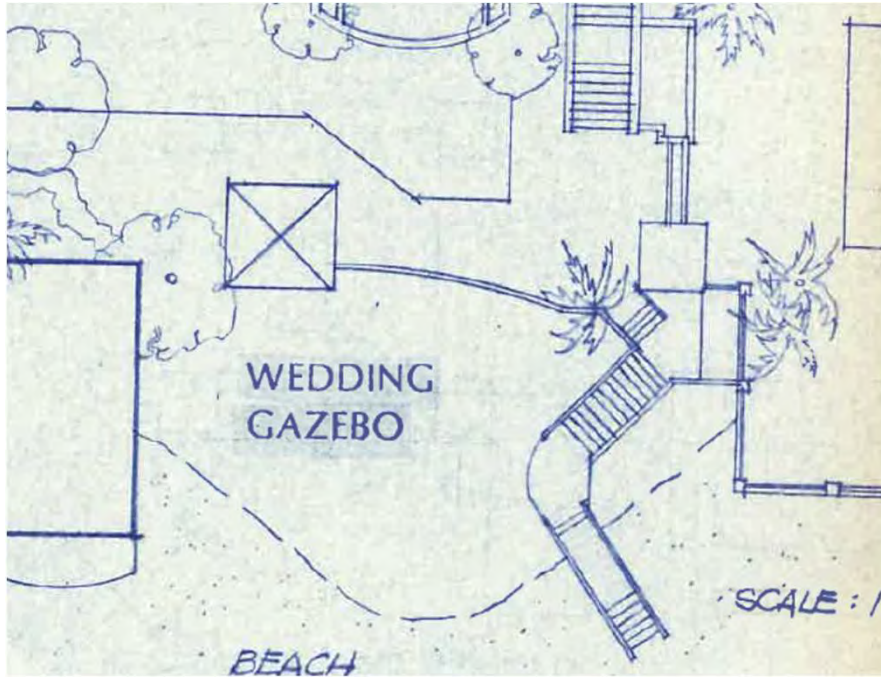
³ https://www.lagunabeachcity.net/cityhall/citygov/cityclerk/access_city_documents.htm

“According to the approved 1989 staff reports, the 1989 project included the addition of 95 parking spaces. But based on the number of parking spaces that were present prior to the 1989 project (203 parking spaces) and the current number of parking spaces (216 parking spaces), only 13 parking spaces were added subsequent to the 1989 approval. However, the Commission’s 1989 approval found that the proposed development would decrease the parking demand at the site, and, while acknowledging the benefit of the additional 95 parking spaces, found that the 1989 project would not generate additional parking demand beyond that of the existing, pre-Coastal development already present at the site. This is reflected in findings from the 5-89-136-A1 approved staff report, which states: “After subtracting the reductions in parking demand from increases, the approved project will result in an improvement to the present parking scenario of a parking demand reduction of 33.42 spaces.””

The proposed repair and maintenance activities and after-the-fact approval of the Spa building foundation expansion will not increase the parking demand at the site.

The letter also references the Substantial Issue staff report for the subject project, drawing attention to the fact that the finding of SI hinged primarily on “lack of information in the local file adequate to determine the extent of the proposed work and whether it rose to the level of new development/major remodel.” As the time delay between the finding of Substantial Issue in April 2019 and scheduling of the current de novo review suggest, staff has spent a significant amount of time and effort understanding the history of site development. This is described throughout the staff report, particularly in Section E - History of Development & Past Coastal Commission Actions at the Site, beginning on page 20.

The letter does not provide information to support that the change of use was an intensification that triggers additional parking.



1989 CCC Approved Plan



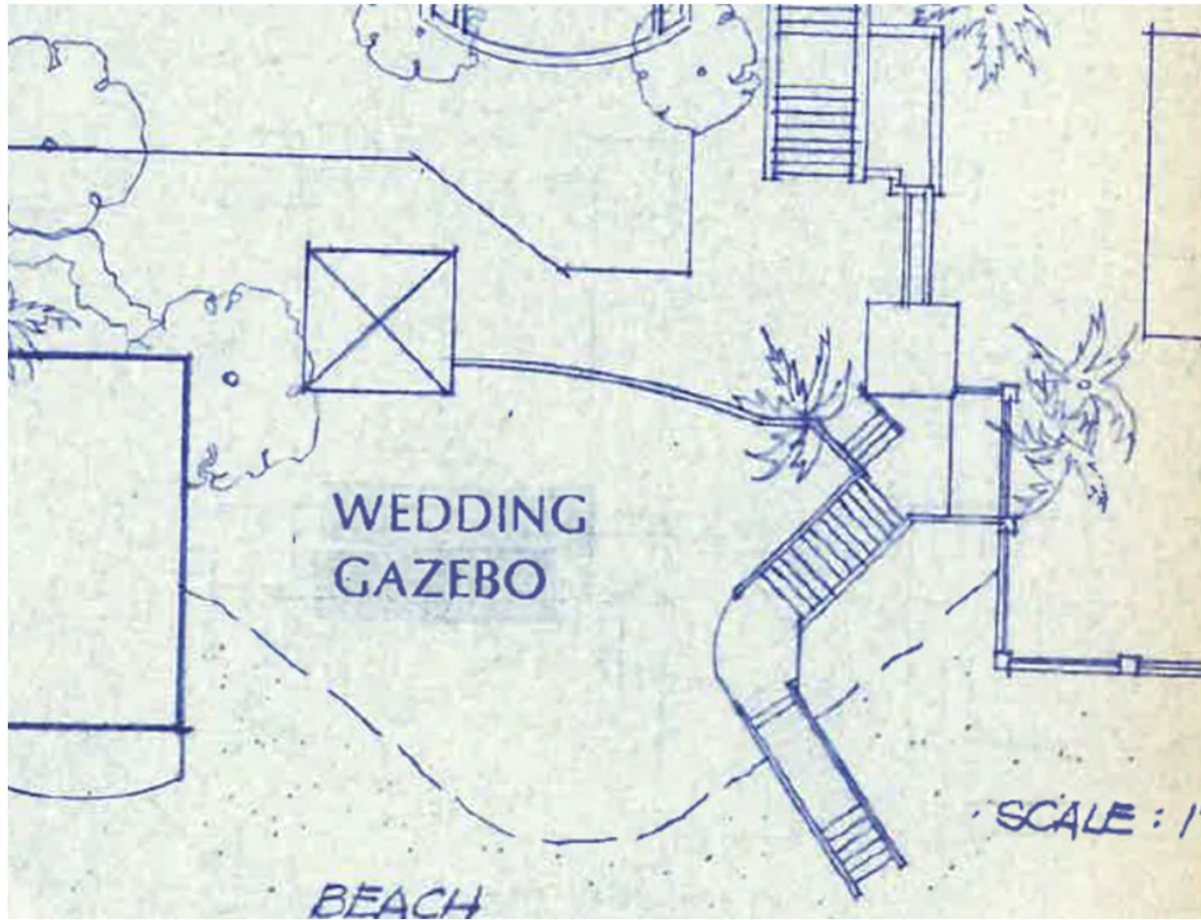
Current Site Plan

A-5-LGB-19-0010
Terrace Location Comparison
Corrected Exhibit 15a

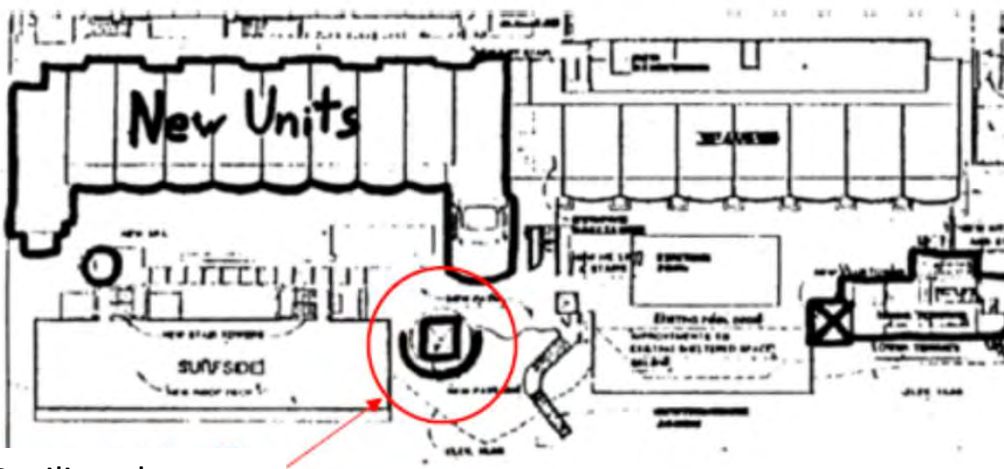


2013 California Coastal Records Project Photo of Site Showing the Existing Pavilion/Terrace Area.

Exhibit 24

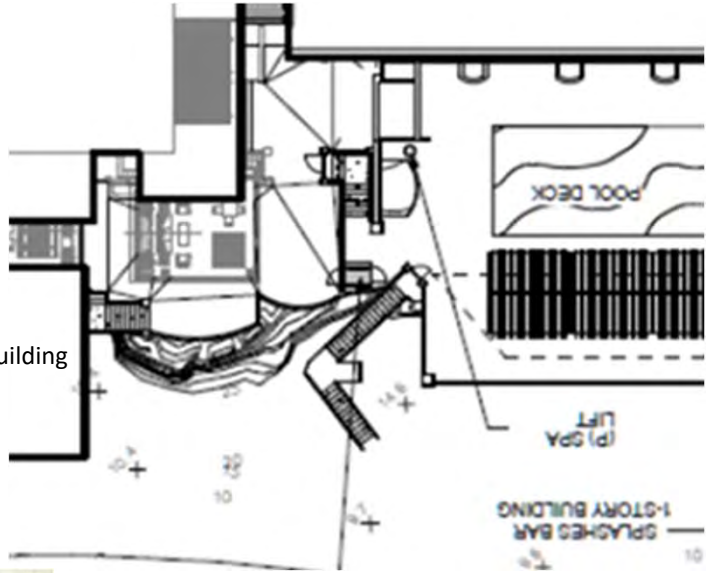


5-89-136-A Approved Plan
Wedding Gazebo (Pavilion)
Exhibit 25a

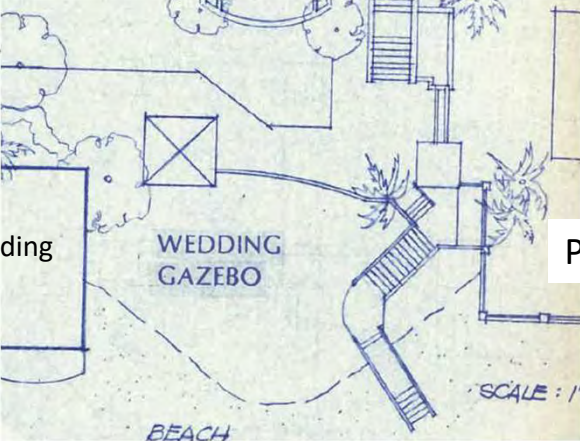


Pavilion that was Withdrawn

(which staff had been erroneously relying on as the approved plan)



Existing Development 2019



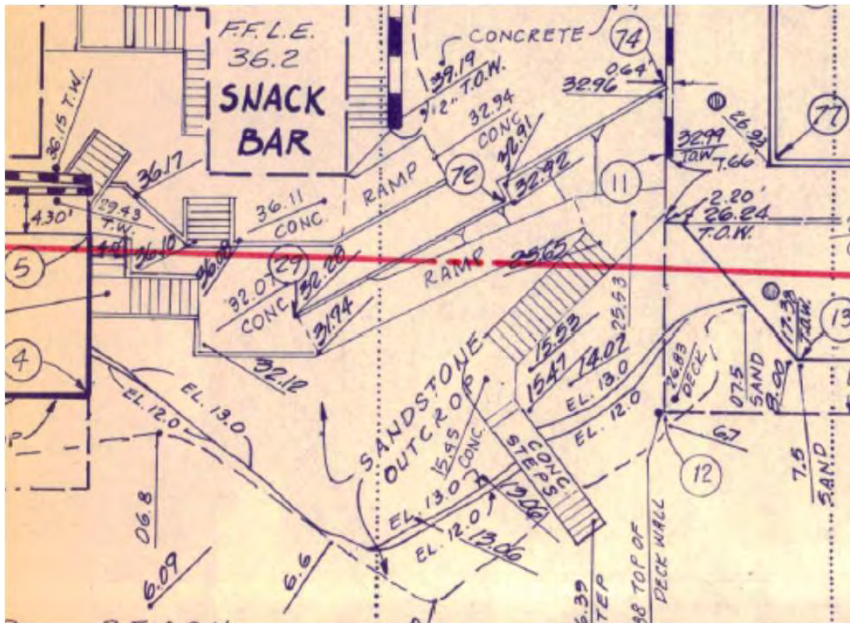
Surfside Building

WEDDING GAZEBO

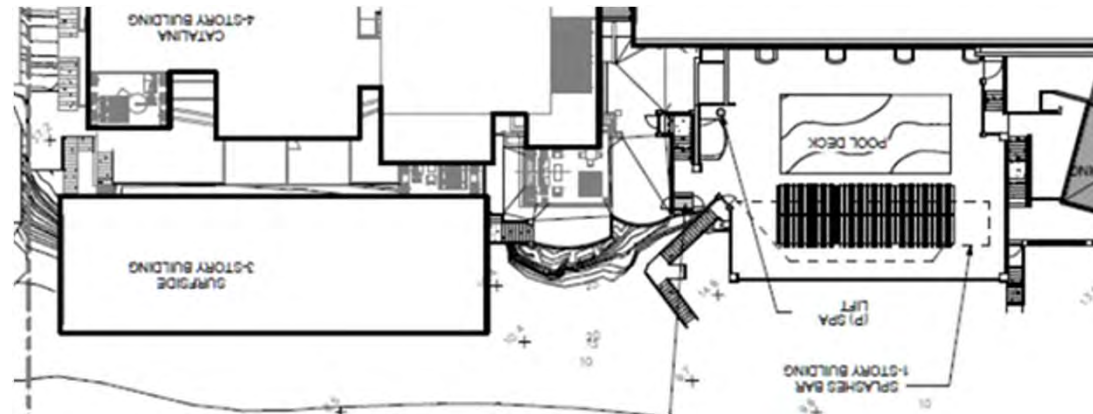
Pool Deck

Approved 1989 Pavilion Plan

1989 Existing Development Plan



2019 Existing Development Plan



Existing Development
2019

1989 Site Plan

Showing development in 1989 prior to any CDP/CDPA approved development. Note presence of ramp/walkway.

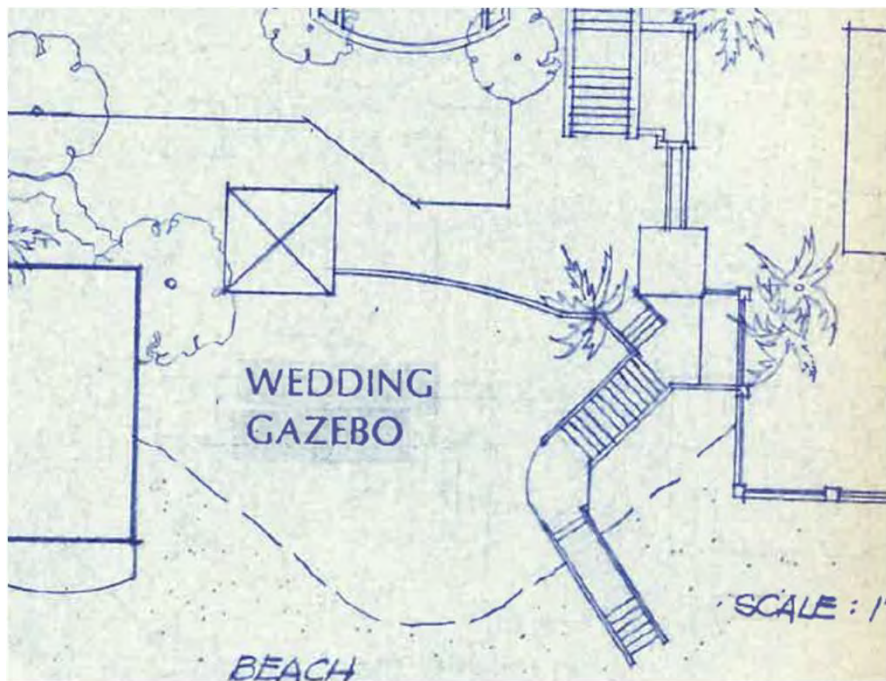
**A-5-LGB-19-0010 Surf & Sand
Exhibit 25c**

Hand-drawn site plan of a building complex. The plan includes the following features and annotations:

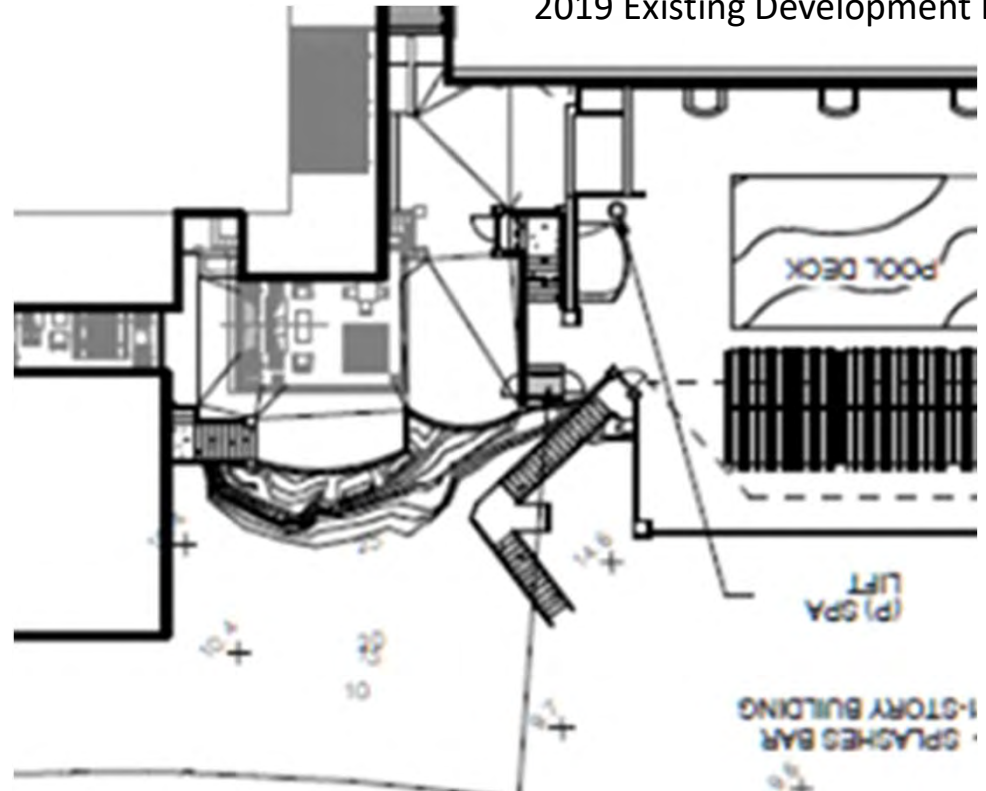
- SNACK BAR:** A large rectangular structure at the top center.
- SANDSTONE OUTCROP:** A triangular area at the bottom center.
- RAMP:** Two ramps are shown, one connecting the Snack Bar to the Sandstone Outcrop, and another connecting the Sandstone Outcrop to the Deck.
- DECK:** A rectangular area at the bottom right, adjacent to the Sandstone Outcrop.
- STEPS:** A set of steps located between the Sandstone Outcrop and the Deck.
- CONCRETE:** Several areas are labeled as concrete, including a ramp and a deck.
- ELEVATIONS:** Numerous elevations are marked throughout the plan, such as 36.2, 36.1, 36.11, 36.10, 36.08, 36.07, 36.06, 36.05, 36.04, 36.03, 36.02, 36.01, 35.99, 35.98, 35.97, 35.96, 35.95, 35.94, 35.93, 35.92, 35.91, 35.90, 35.89, 35.88, 35.87, 35.86, 35.85, 35.84, 35.83, 35.82, 35.81, 35.80, 35.79, 35.78, 35.77, 35.76, 35.75, 35.74, 35.73, 35.72, 35.71, 35.70, 35.69, 35.68, 35.67, 35.66, 35.65, 35.64, 35.63, 35.62, 35.61, 35.60, 35.59, 35.58, 35.57, 35.56, 35.55, 35.54, 35.53, 35.52, 35.51, 35.50, 35.49, 35.48, 35.47, 35.46, 35.45, 35.44, 35.43, 35.42, 35.41, 35.40, 35.39, 35.38, 35.37, 35.36, 35.35, 35.34, 35.33, 35.32, 35.31, 35.30, 35.29, 35.28, 35.27, 35.26, 35.25, 35.24, 35.23, 35.22, 35.21, 35.20, 35.19, 35.18, 35.17, 35.16, 35.15, 35.14, 35.13, 35.12, 35.11, 35.10, 35.09, 35.08, 35.07, 35.06, 35.05, 35.04, 35.03, 35.02, 35.01, 35.00, 34.99, 34.98, 34.97, 34.96, 34.95, 34.94, 34.93, 34.92, 34.91, 34.90, 34.89, 34.88, 34.87, 34.86, 34.85, 34.84, 34.83, 34.82, 34.81, 34.80, 34.79, 34.78, 34.77, 34.76, 34.75, 34.74, 34.73, 34.72, 34.71, 34.70, 34.69, 34.68, 34.67, 34.66, 34.65, 34.64, 34.63, 34.62, 34.61, 34.60, 34.59, 34.58, 34.57, 34.56, 34.55, 34.54, 34.53, 34.52, 34.51, 34.50, 34.49, 34.48, 34.47, 34.46, 34.45, 34.44, 34.43, 34.42, 34.41, 34.40, 34.39, 34.38, 34.37, 34.36, 34.35, 34.34, 34.33, 34.32, 34.31, 34.30, 34.29, 34.28, 34.27, 34.26, 34.25, 34.24, 34.23, 34.22, 34.21, 34.20, 34.19, 34.18, 34.17, 34.16, 34.15, 34.14, 34.13, 34.12, 34.11, 34.10, 34.09, 34.08, 34.07, 34.06, 34.05, 34.04, 34.03, 34.02, 34.01, 34.00, 33.99, 33.98, 33.97, 33.96, 33.95, 33.94, 33.93, 33.92, 33.91, 33.90, 33.89, 33.88, 33.87, 33.86, 33.85, 33.84, 33.83, 33.82, 33.81, 33.80, 33.79, 33.78, 33.77, 33.76, 33.75, 33.74, 33.73, 33.72, 33.71, 33.70, 33.69, 33.68, 33.67, 33.66, 33.65, 33.64, 33.63, 33.62, 33.61, 33.60, 33.59, 33.58, 33.57, 33.56, 33.55, 33.54, 33.53, 33.52, 33.51, 33.50, 33.49, 33.48, 33.47, 33.46, 33.45, 33.44, 33.43, 33.42, 33.41, 33.40, 33.39, 33.38, 33.37, 33.36, 33.35, 33.34, 33.33, 33.32, 33.31, 33.30, 33.29, 33.28, 33.27, 33.26, 33.25, 33.24, 33.23, 33.22, 33.21, 33.20, 33.19, 33.18, 33.17, 33.16, 33.15, 33.14, 33.13, 33.12, 33.11, 33.10, 33.09, 33.08, 33.07, 33.06, 33.05, 33.04, 33.03, 33.02, 33.01, 33.00, 32.99, 32.98, 32.97, 32.96, 32.95, 32.94, 32.93, 32.92, 32.91, 32.90, 32.89, 32.88, 32.87, 32.86, 32.85, 32.84, 32.83, 32.82, 32.81, 32.80, 32.79, 32.78, 32.77, 32.76, 32.75, 32.74, 32.73, 32.72, 32.71, 32.70, 32.69, 32.68, 32.67, 32.66, 32.65, 32.64, 32.63, 32.62, 32.61, 32.60, 32.59, 32.58, 32.57, 32.56, 32.55, 32.54, 32.53, 32.52, 32.51, 32.50, 32.49, 32.48, 32.47, 32.46, 32.45, 32.44, 32.43, 32.42, 32.41, 32.40, 32.39, 32.38, 32.37, 32.36, 32.35, 32.34, 32.33, 32.32, 32.31, 32.30, 32.29, 32.28, 32.27, 32.26, 32.25, 32.24, 32.23, 32.22, 32.21, 32.20, 32.19, 32.18, 32.17, 32.16, 32.15, 32.14, 32.13, 32.12, 32.11, 32.10, 32.09, 32.08, 32.07, 32.06, 32.05, 32.04, 32.03, 32.02, 32.01, 32.00, 31.99, 31.98, 31.97, 31.96, 31.95, 31.94, 31.93, 31.92, 31.91, 31.90, 31.89, 31.88, 31.87, 31.86, 31.85, 31.84, 31.83, 31.82, 31.81, 31.80, 31.79, 31.78, 31.77, 31.76, 31.75, 31.74, 31.73, 31.72, 31.71, 31.70, 31.69, 31.68, 31.67, 31.66, 31.65, 31.64, 31.63, 31.62, 31.61, 31.60, 31.59, 31.58, 31.57, 31.56, 31.55, 31.54, 31.53, 31.52, 31.51, 31.50, 31.49, 31.48, 31.47, 31.46, 31.45, 31.44, 31.43, 31.42, 31.41, 31.40, 31.39, 31.38, 31.37, 31.36, 31.35, 31.34, 31.33, 31.32, 31.31, 31.30, 31.29, 31.28, 31.27, 31.26, 31.25, 31.24, 31.23, 31.22, 31.21, 31.20, 31.19, 31.18, 31.17, 31.16, 31.15, 31.14, 31.13, 31.12, 31.11, 31.10, 31.09, 31.08, 31.07, 31.06, 31.05, 31.04, 31.03, 31.02, 31.01, 31.00, 30.99, 30.98, 30.97, 30.96, 30.95, 30.94, 30.93, 30.92, 30.91, 30.90, 30.89, 30.88, 30.87, 30.86, 30.85, 30.84, 30.83, 30.82, 30.81, 30.80, 30.79, 30.78, 30.77, 30.76, 30.75, 30.74, 30.73, 30.72, 30.71, 30.70, 30.69, 30.68, 30.67, 30.66, 30.65, 30.64, 30.63, 30.62, 30.61, 30.60

**A-5-LGB-19-0010 Surf & Sand
Exhibit 25d**

1989 CDPA Approved Pavilion Plan



2019 Existing Development Plan



A-5-LGB-19-0010 Surf & Sand
Exhibit 25e