

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 East Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



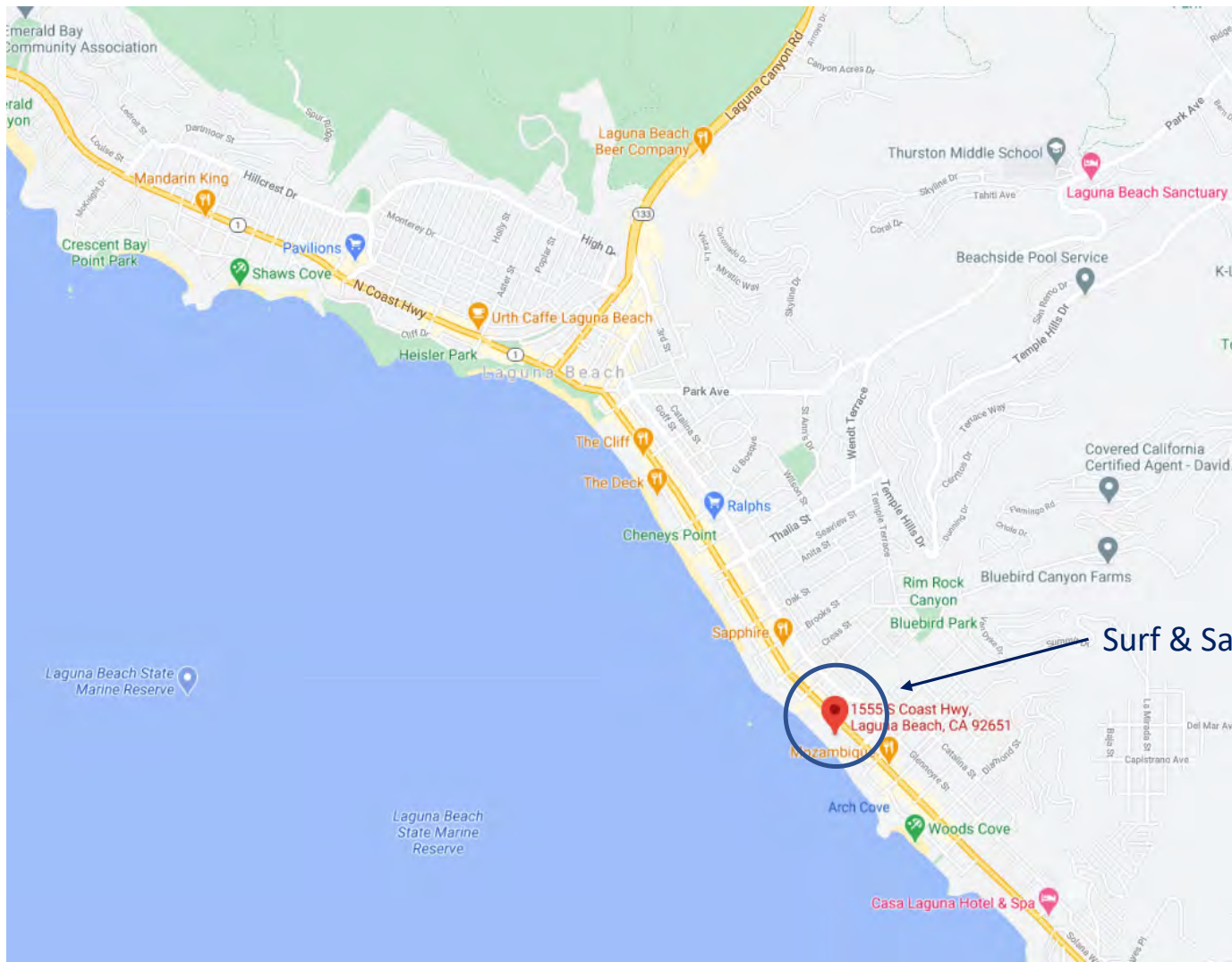
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A-5-LGB-19-0010 (Surf & Sand Resort)

November 19, 2021

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – On Site Development Chart
- Exhibit 3 – Project Plans
- Exhibit 4 – Towers Building Rooftop Mechanical Existing
- Exhibit 5 – Historic Photos
- Exhibit 6 – CDP 5-89-136
- Exhibit 7 – CDP 5-89-136 Staff Report
- Exhibit 8 – CDPA 5-89-136-A1
- Exhibit 9 – CDPA 5-89-136-A1 Staff Report
- Exhibit 10 – Certificate of Use Splashes Restaurant
- Exhibit 11 – Proposed Balcony Lighting Sconce
- Exhibit 12 – Beach View
- Exhibit 13 – Spa Building Foundation Plans
- Exhibit 14 – Spa Building Patio & Plunge Pool Plan
- Exhibit 15 – Pavilion Terrace Location
- Exhibit 16 – Spa Building Location
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- Exhibit 18 – 1972 Historic Photo
- Exhibit 19 – 1989 Site Plan
- Exhibit 20 – Unite Here Comment Letter, 4/14/2021
- Exhibit 21 – Appellants' Comment Email 4/9/2021
- Exhibit 22 – Applicant's Response to Appellants' 4/9/2021 Comments
- Exhibit 23 – Applicant's Response to Unite Here 4/14/2021 Comments



A-5-LGB-19-0010

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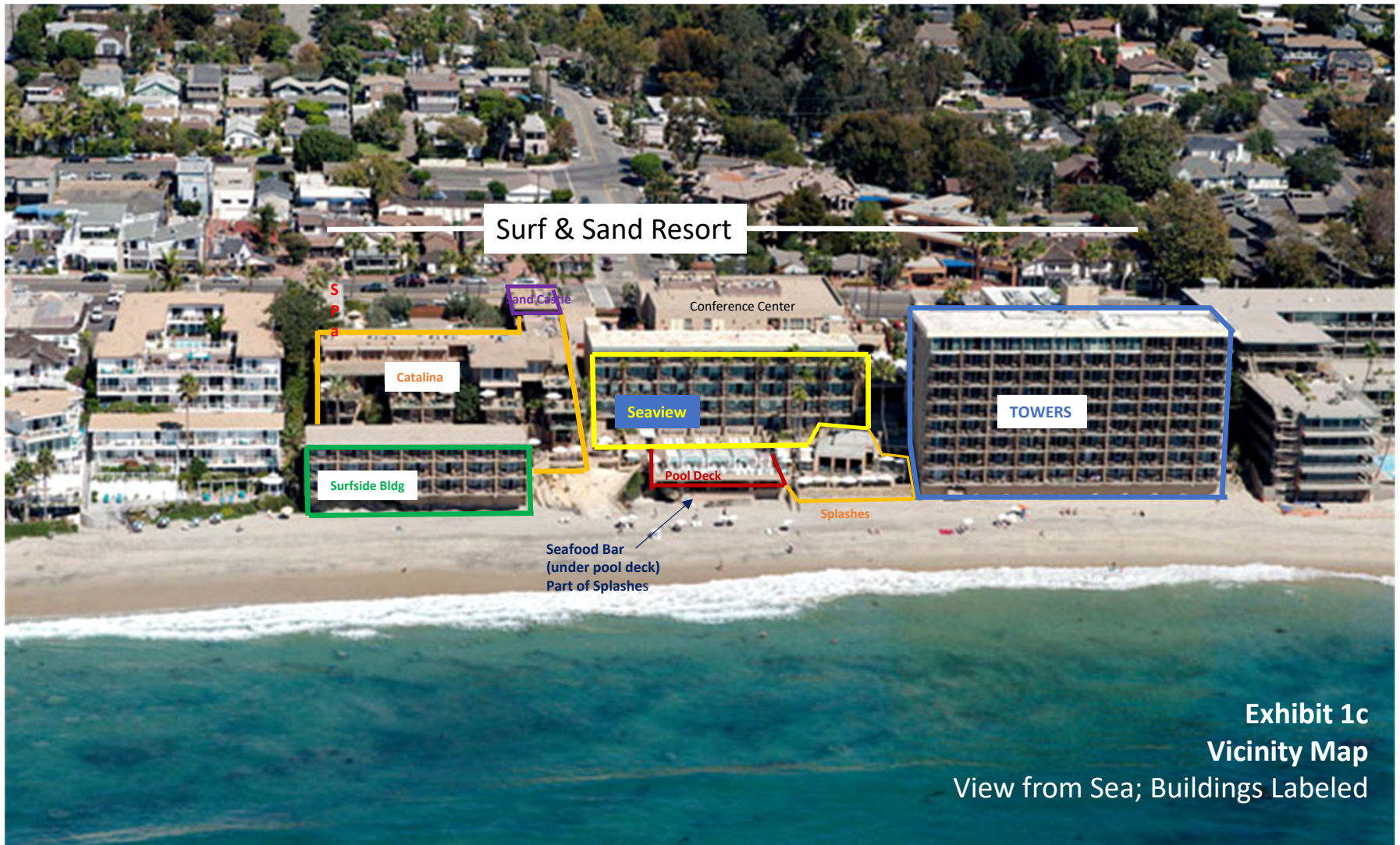
Surf & Sand Resort
1555 So. Coast Hwy
Laguna Beach

Surf & Sand

Exhibit 1a
Vicinity Map



Exhibit 1b
Vicinity Map
Site Plan View



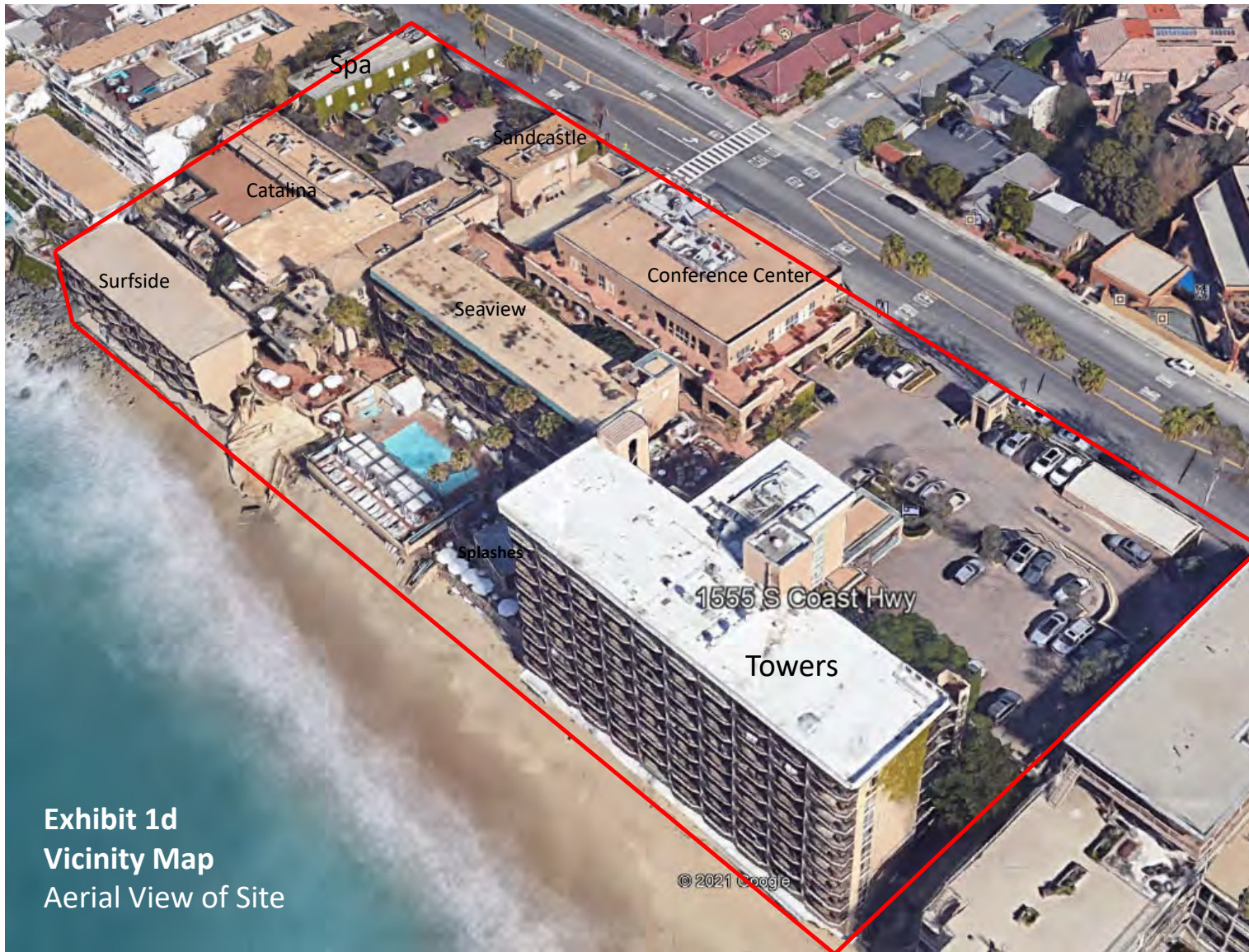


Exhibit 1d
Vicinity Map
Aerial View of Site

Surf & Sand Resort Existing Site Development

BLDG NAME	ON BEACH?	AREA	HEIGHT/#STORIES	# GUEST ROOMS	FIRST CONSTRUCTED	OTHER USES IN BLDG
Towers	Yes	72,350 sq. ft.	75'/9	92	1968	hotel lobby/check-in, five meeting/conference rooms
Surfside	Yes	11,025 sq. ft.	35'/3	21	1960s	
Seaview	No	21,600 sq. ft.	35'/5	35	1958	
Catalina	No	18,000 sq. ft.	35'/4	19	1950s	Lowest 2 stories below ground; gym, small retail boutique, 4 th floor open deck area (common hotel area)
Splashes Restaurant & Bar	Yes	3,353 sq. ft.	17'8"/split level	None	App'd per 1989 CDP & CDPA	
Spa Building	No	3664/7354 sq ft	35/2 stories		1950s	
Conference Center	No	7,354 sq. ft.	35'/2	None	1968	vehicular drive aisle bisects the ground floor; sundry/gift shop and coffee bar on ground floor and conference space on both levels
Sand Castle/Starfish Building	No	3,000 sq. ft.	35'/2	None	1950s	Meeting rooms
Parking Structure	No					216 parking spaces

Existing On Site Development Chart
Exhibit 2



SURF & SAND RESORT

1555 S. COAST HWY, LAGUNA BEACH, CA 92651

COASTAL DEVELOPMENT APPLICATION

10.16.2019

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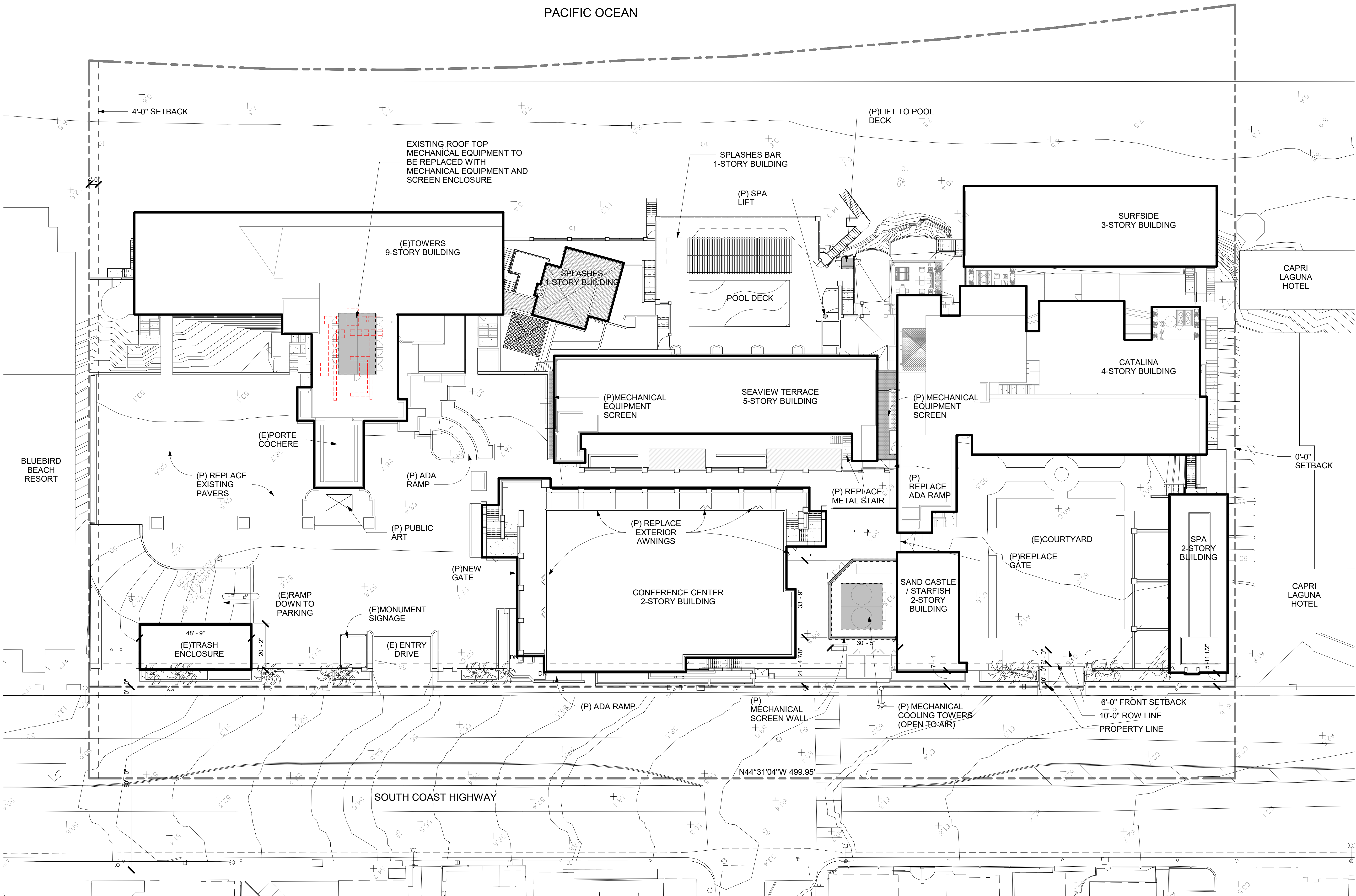
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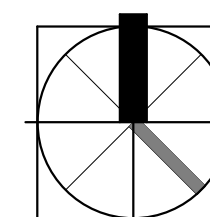
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1 OVERALL SITE PLAN

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SCALE 1"= 20'-0" U.N.O.

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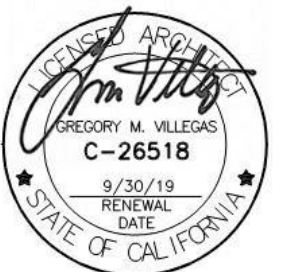
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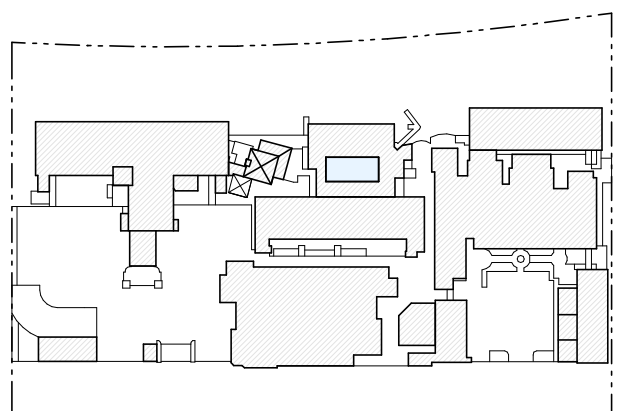
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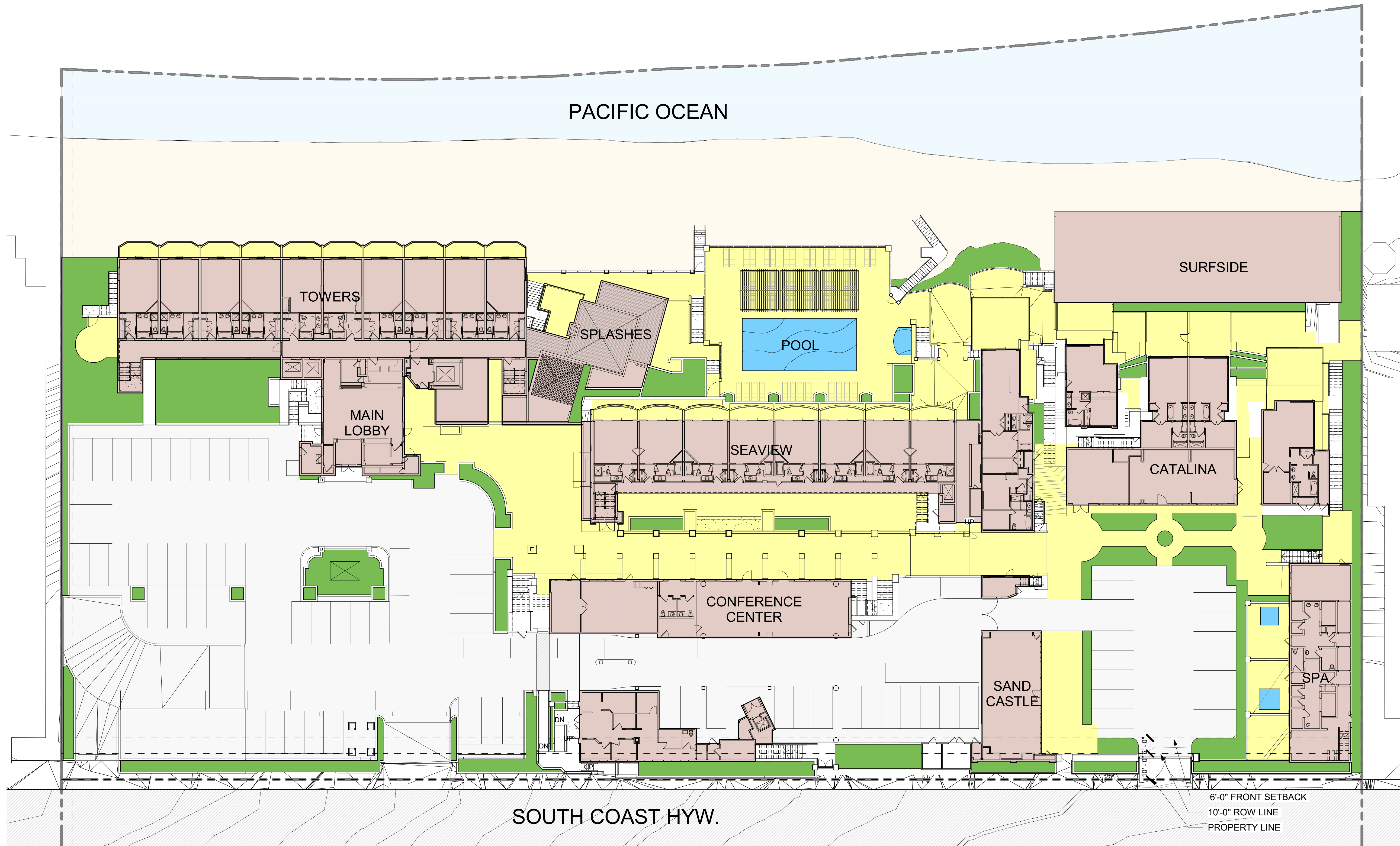
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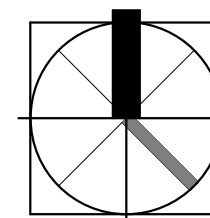
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- LANDSCAPE
- OUTDOOR



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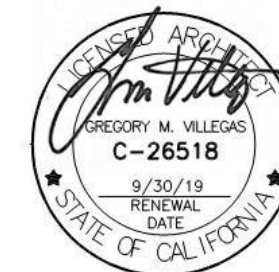
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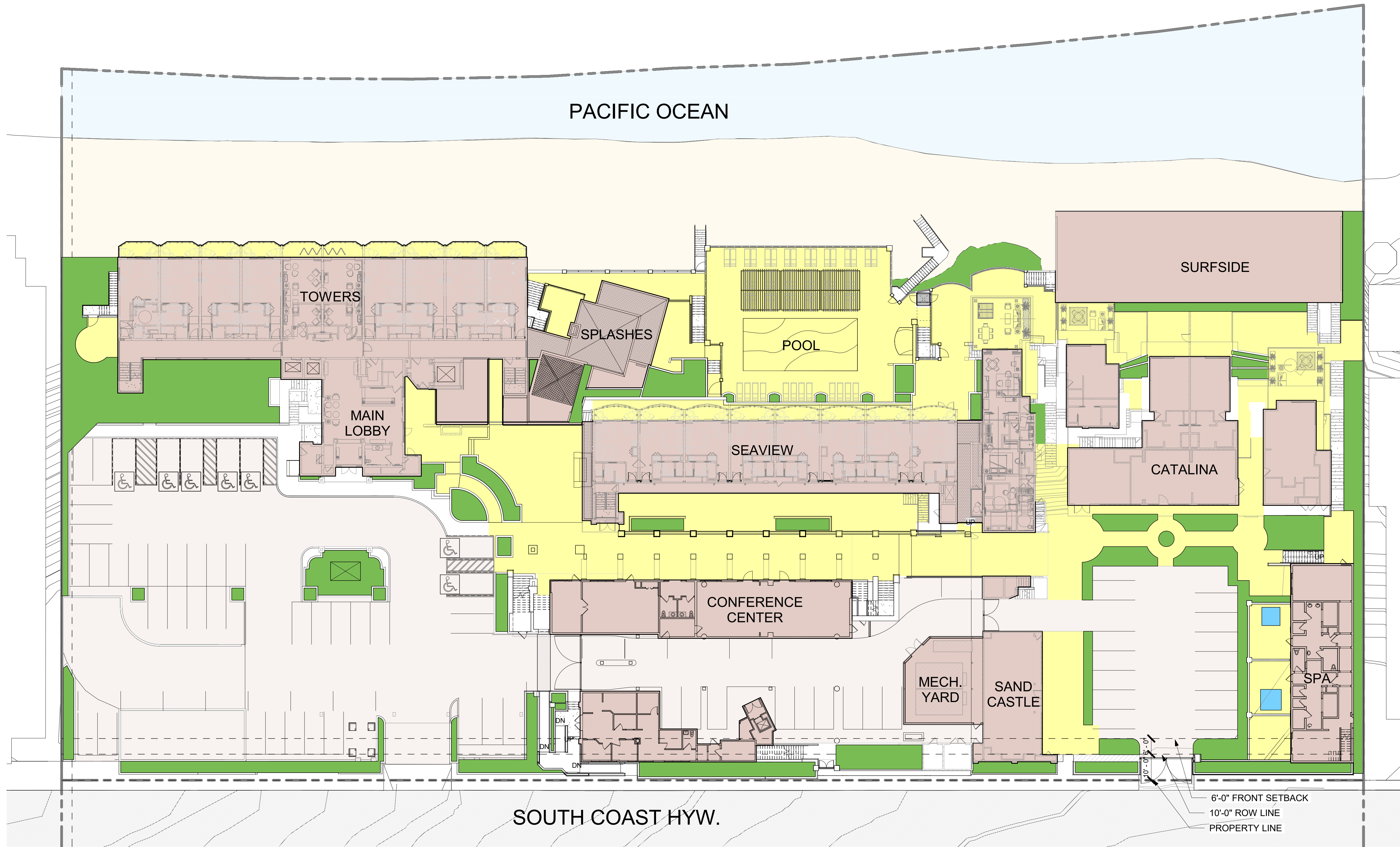
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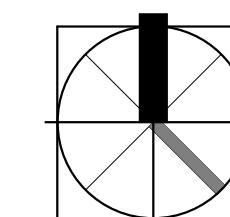


1 SITE AREA PLAN

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LEGEND

- INDOOR
- LANDSCAPE
- OUTDOOR



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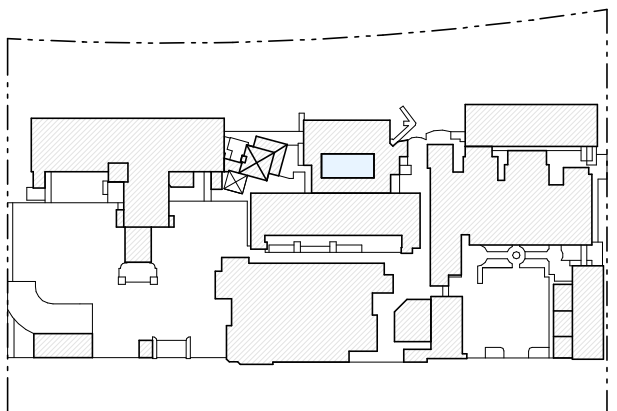
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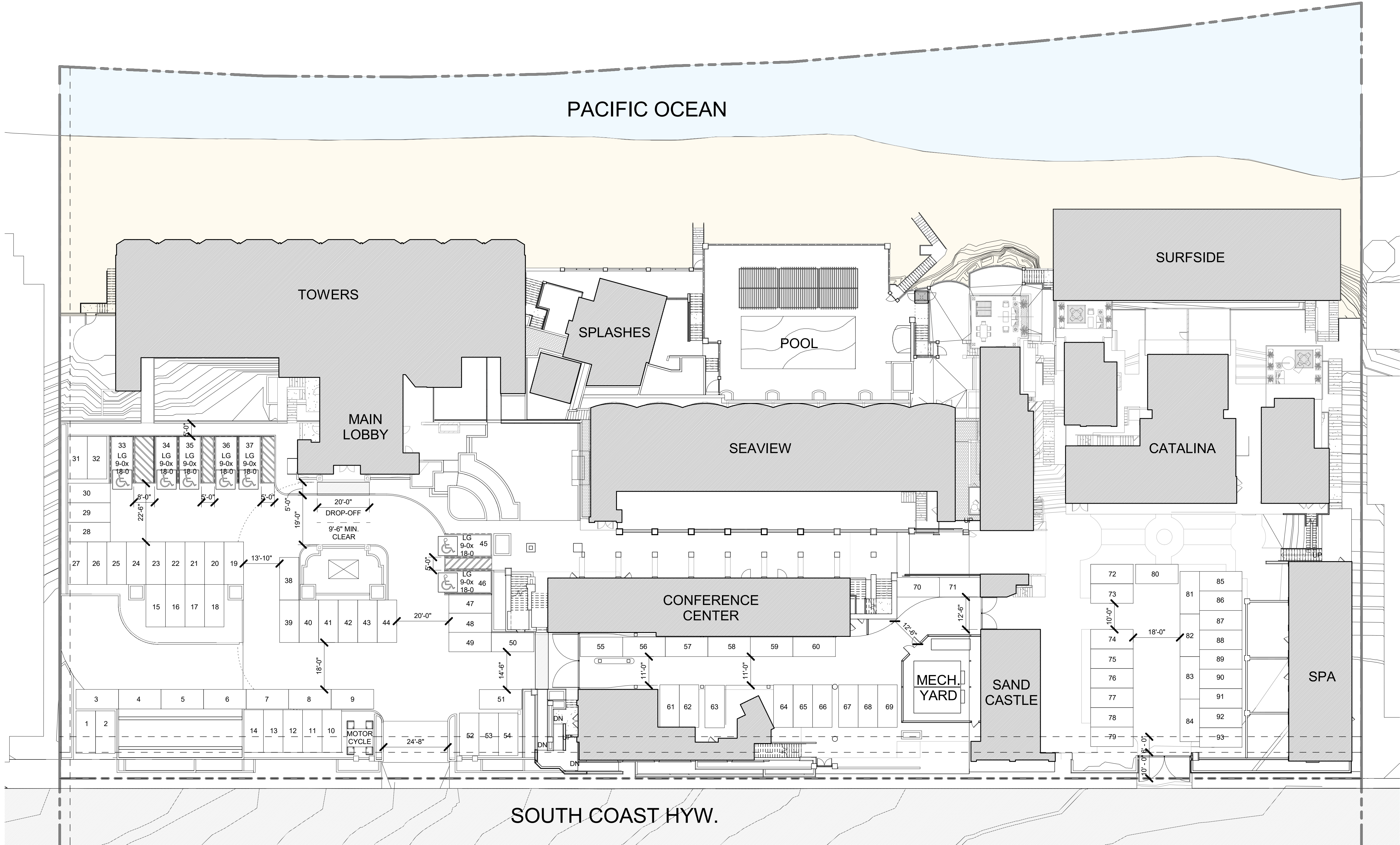
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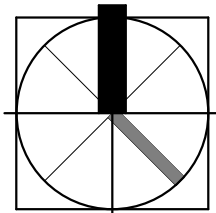
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1 PROPOSED ENTRY LEVEL PARKING PLAN
1" = 20'-0"

PARKING CALCULATIONS

EXISTING		PROPOSED	
LEVEL 1		LEVEL 1	
VALET STALLS	93	VALET STALLS	86
		ADA STALLS	7
LEVEL B-1		LEVEL B-1	
VALET STALLS	123	VALET STALLS	123
TOTAL PROVIDED	216	TOTAL PROVIDED	216



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SCALE 1"= 20'-0" U.N.O.

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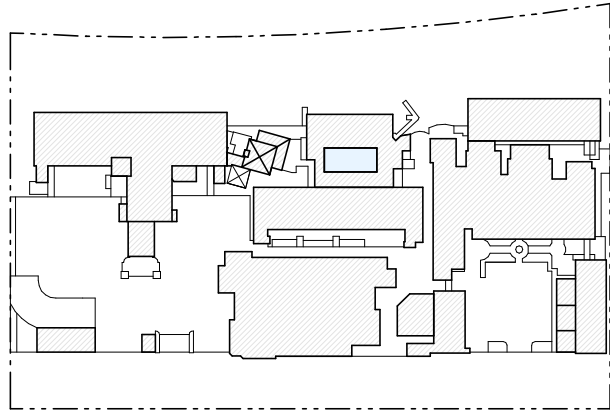
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PARKING PLAN

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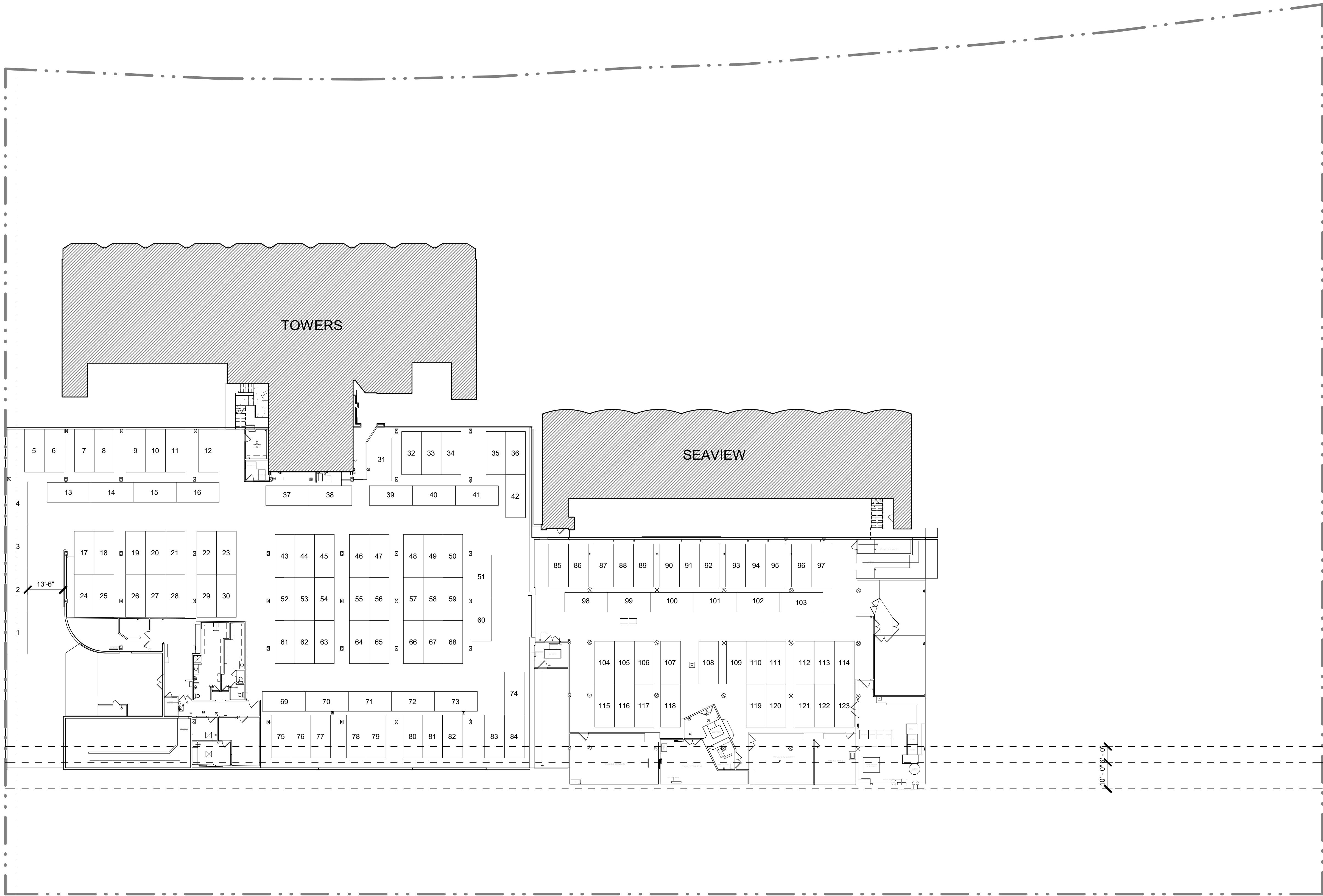
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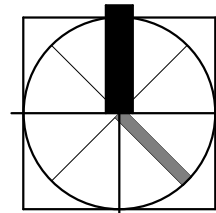
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1 PROPOSED BASEMENT LEVEL PARKING PLAN
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PARKING CALCULATIONS

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		ADA STALLS	7
LEVEL B-1		LEVEL B-1	
VALET STALLS	123	VALET STALLS	123
TOTAL PROVIDED	216	TOTAL PROVIDED	216



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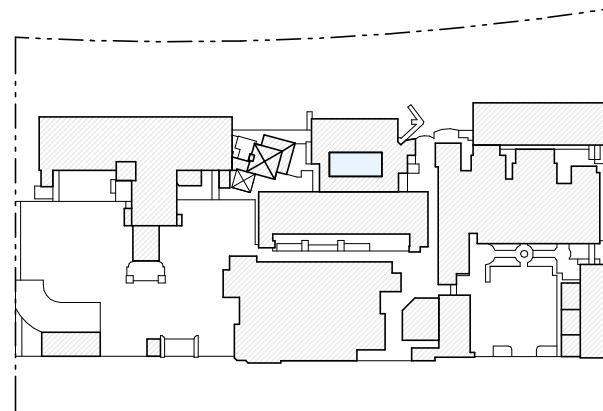
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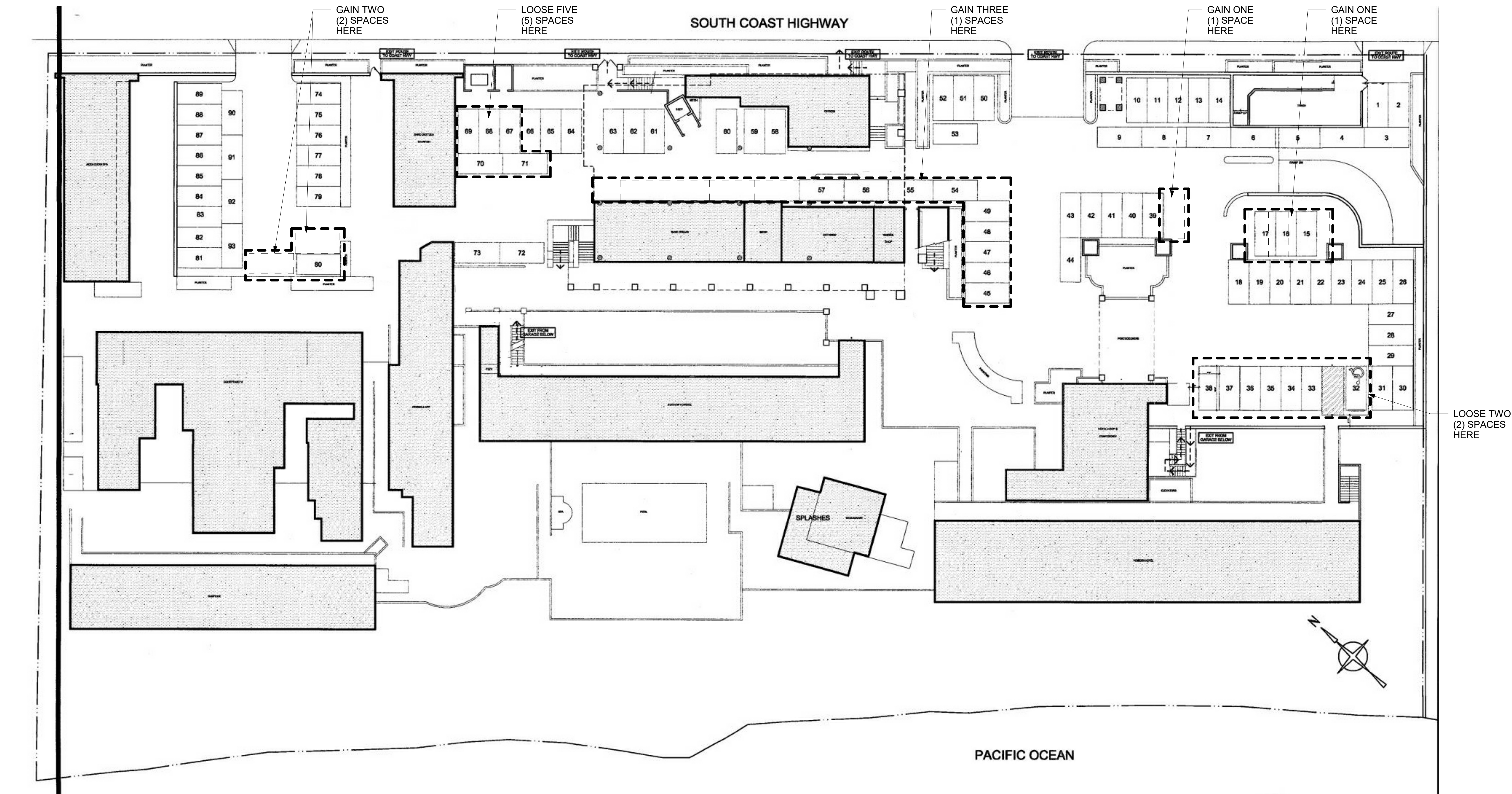
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1" = 20'-0"

PARKING CALCULATIONS

EXISTING		PROPOSED	
LEVEL 1		LEVEL 1	
VALET STALLS	93	VALET STALLS	86
		ADA STALLS	7
LEVEL B-1		LEVEL B-1	
VALET STALLS	123	VALET STALLS	123
TOTAL PROVIDED	216	TOTAL PROVIDED	216

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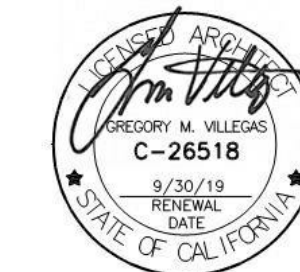
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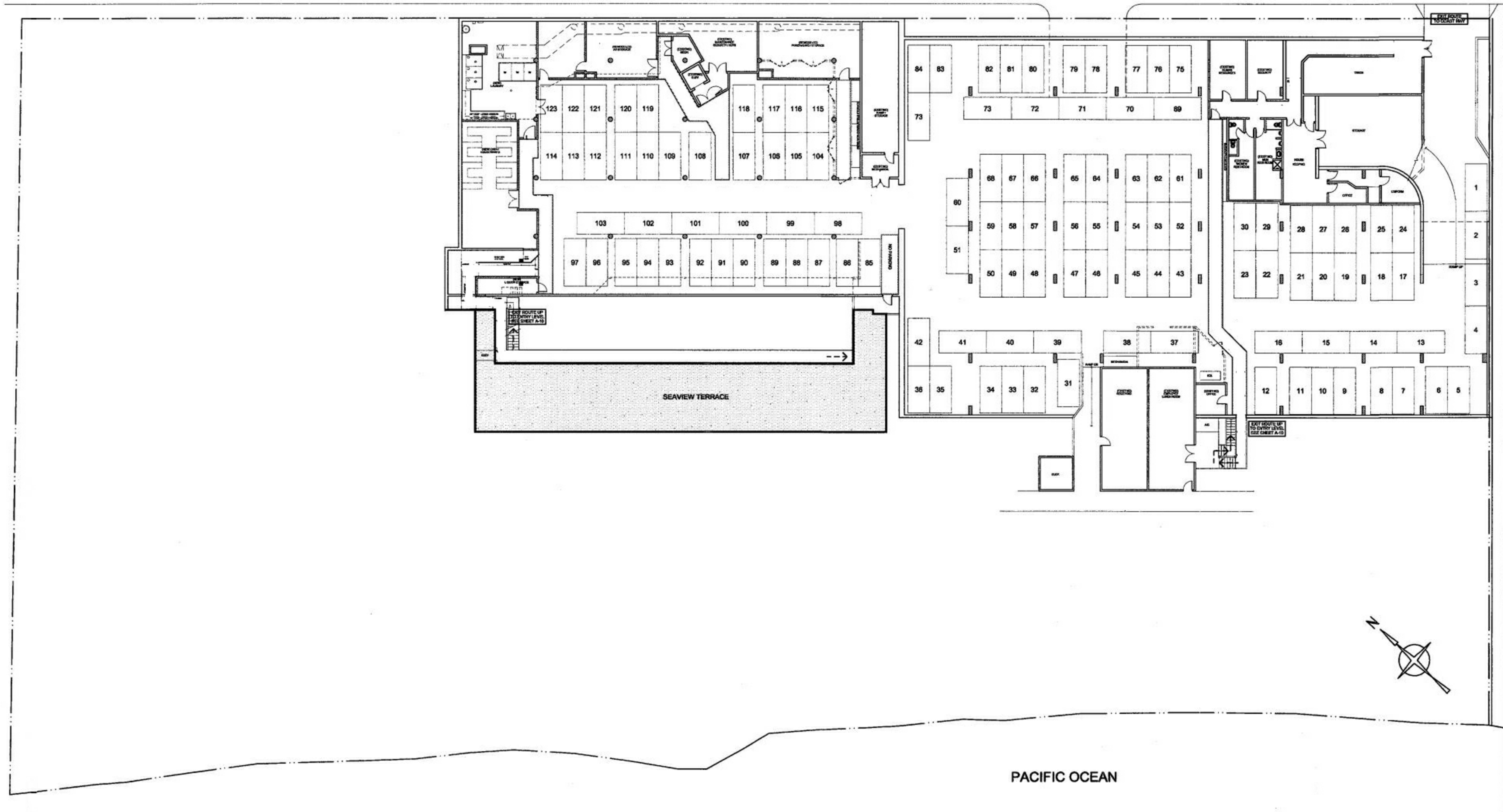
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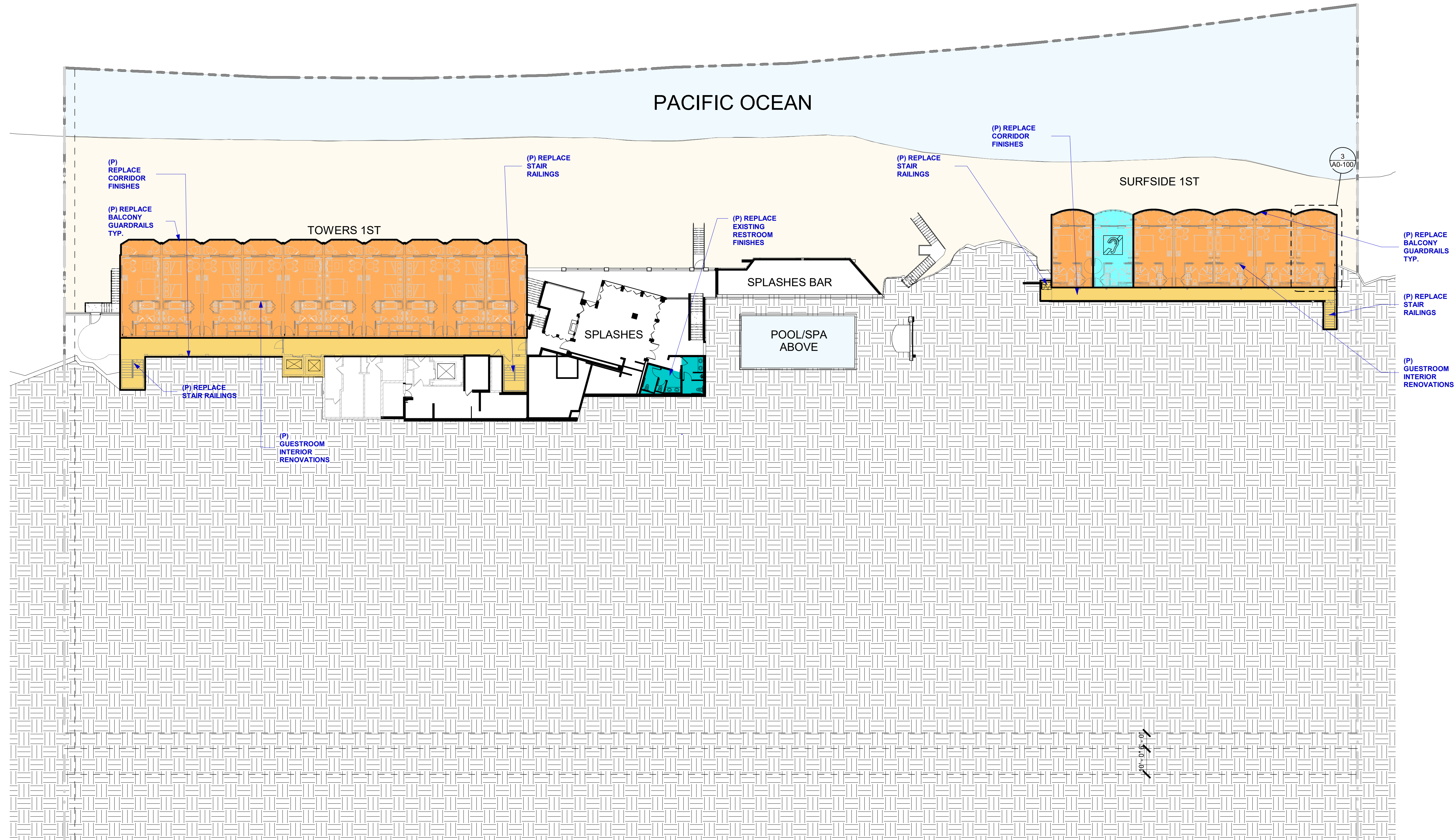
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VALET STALLS	123	VALET STALLS	123
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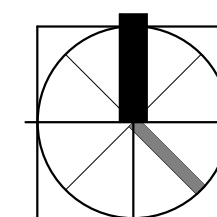


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1" = 20'-0"

LEGEND

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	F & B / RETAIL		ADA GUESTROOMS
	GUEST AMENITIES / RESTROOM		HI GUESTROOMS
	MEETING SPACES		BACK OF HOUSE
			MECHANICAL



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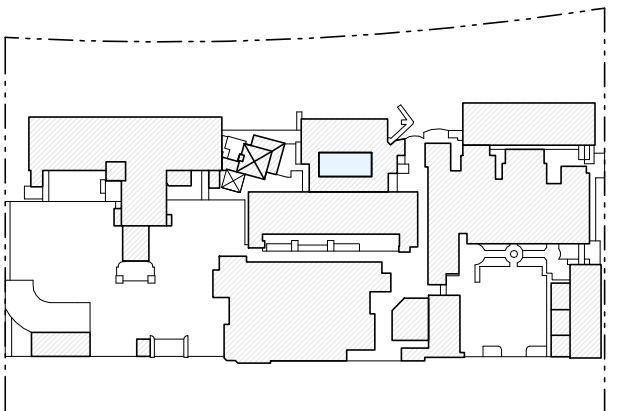
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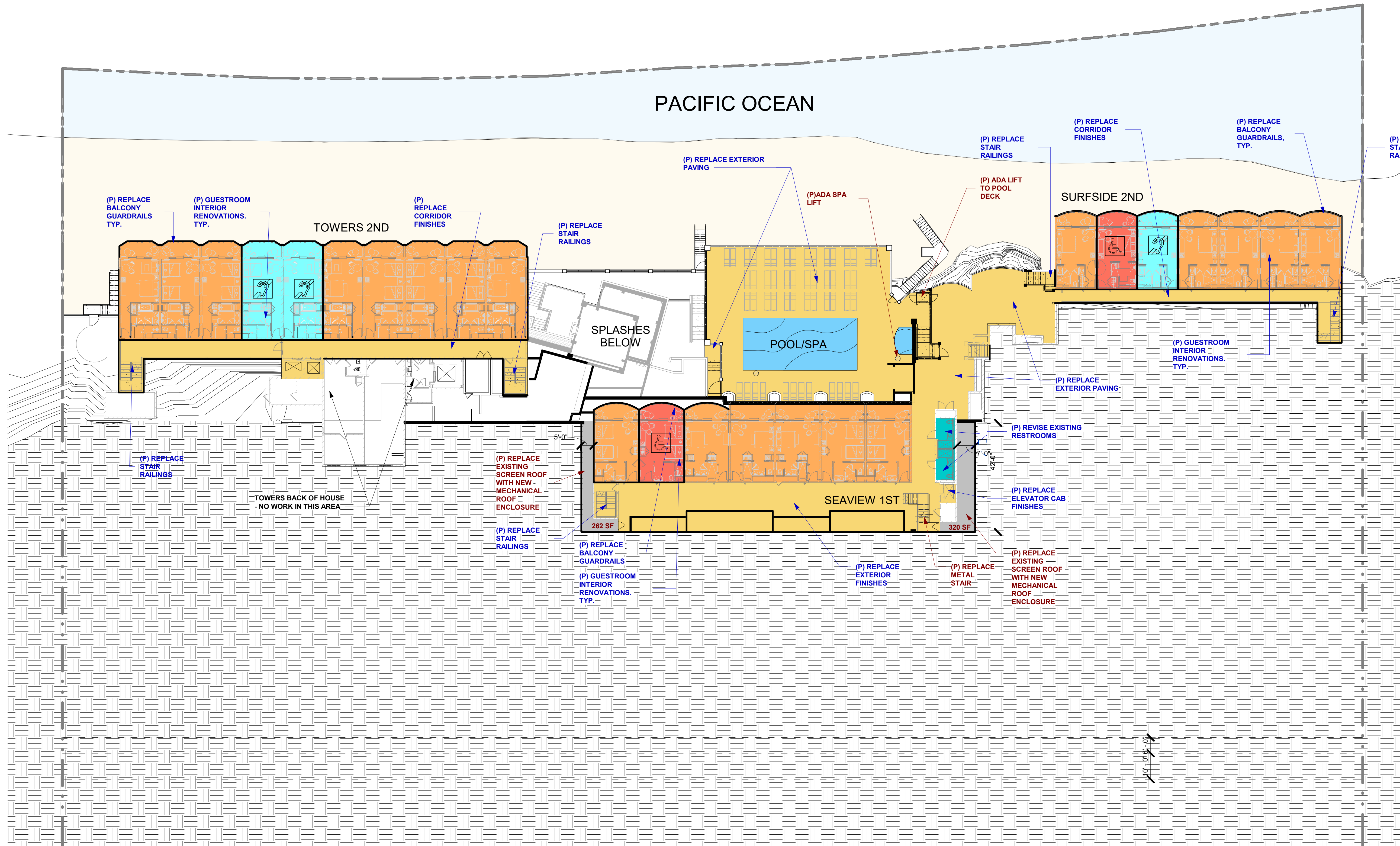
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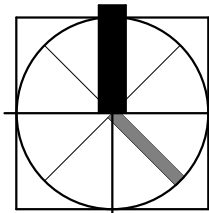
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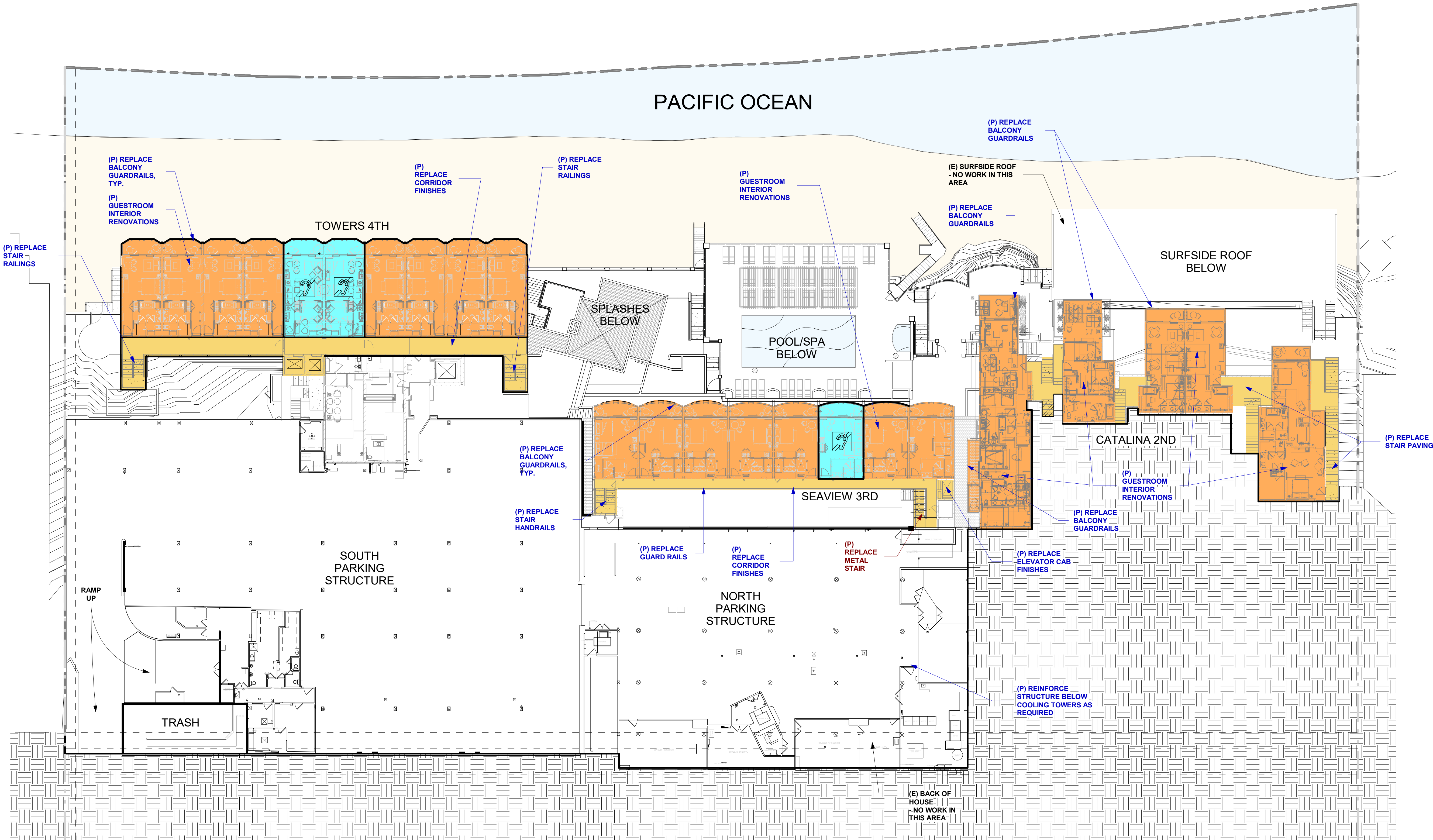


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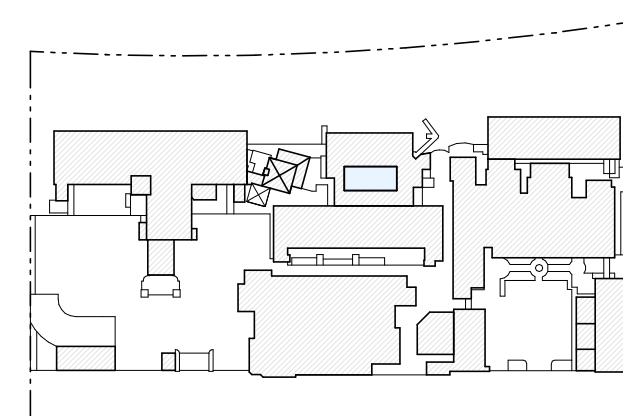
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	MEETING SPACES		BACK OF HOUSE
			MECHANICAL



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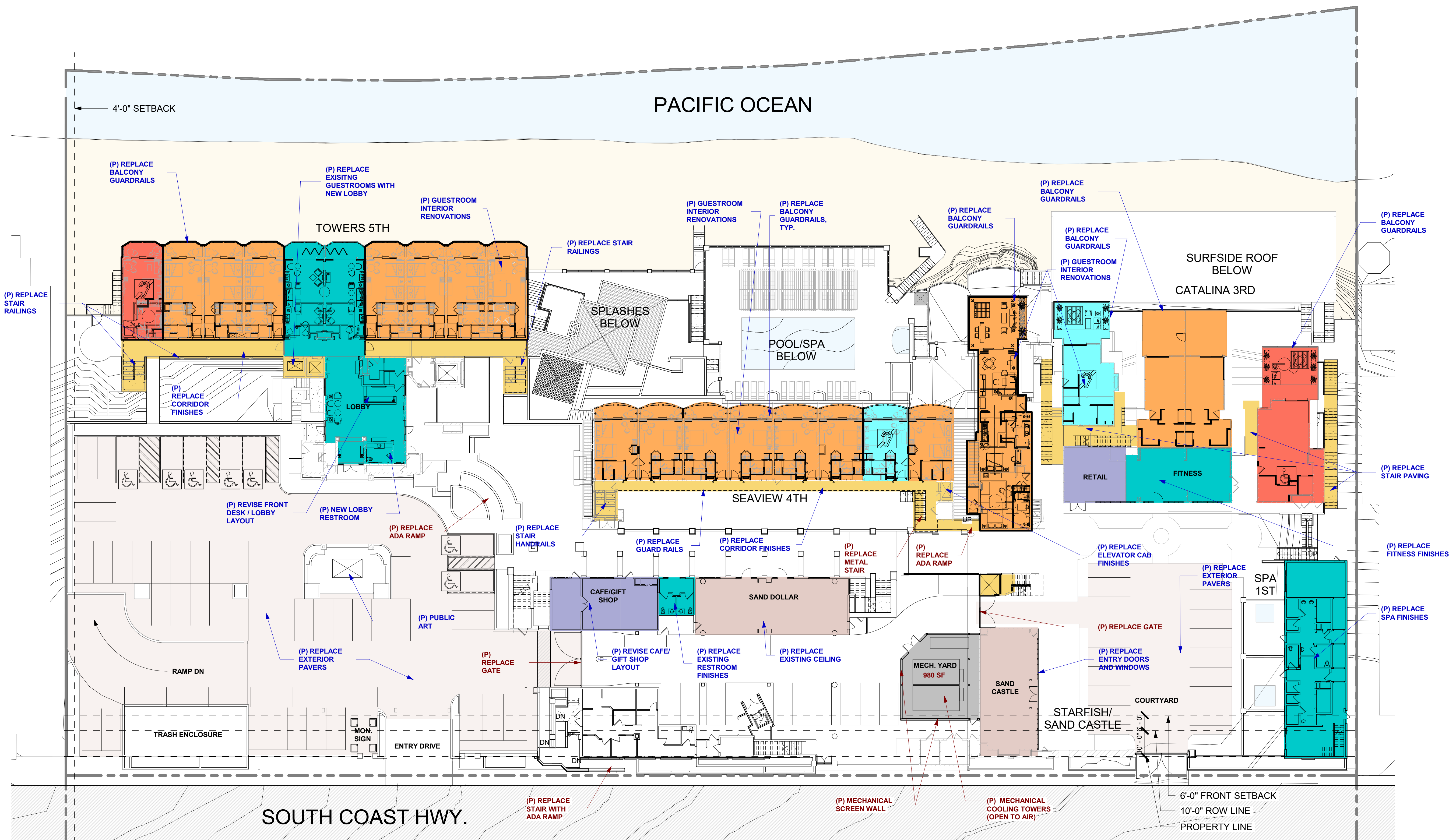


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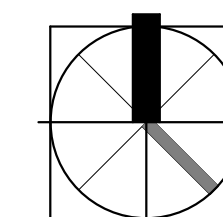
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1" = 20'-0"

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	F & B / RETAIL		ADA GUESTROOMS
	GUEST AMENITIES / RESTROOM		HI GUESTROOMS
	MEETING SPACES		BACK OF HOUSE
	MECHANICAL		



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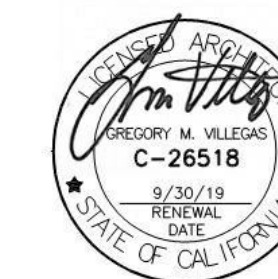
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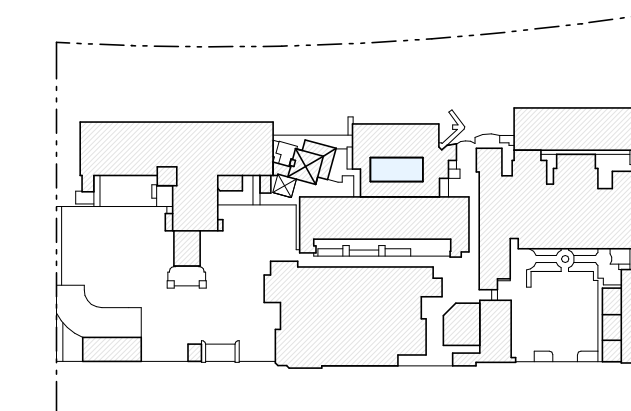
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LOBBY/ENTRY LEVEL FIFTH
FLOOR PLAN

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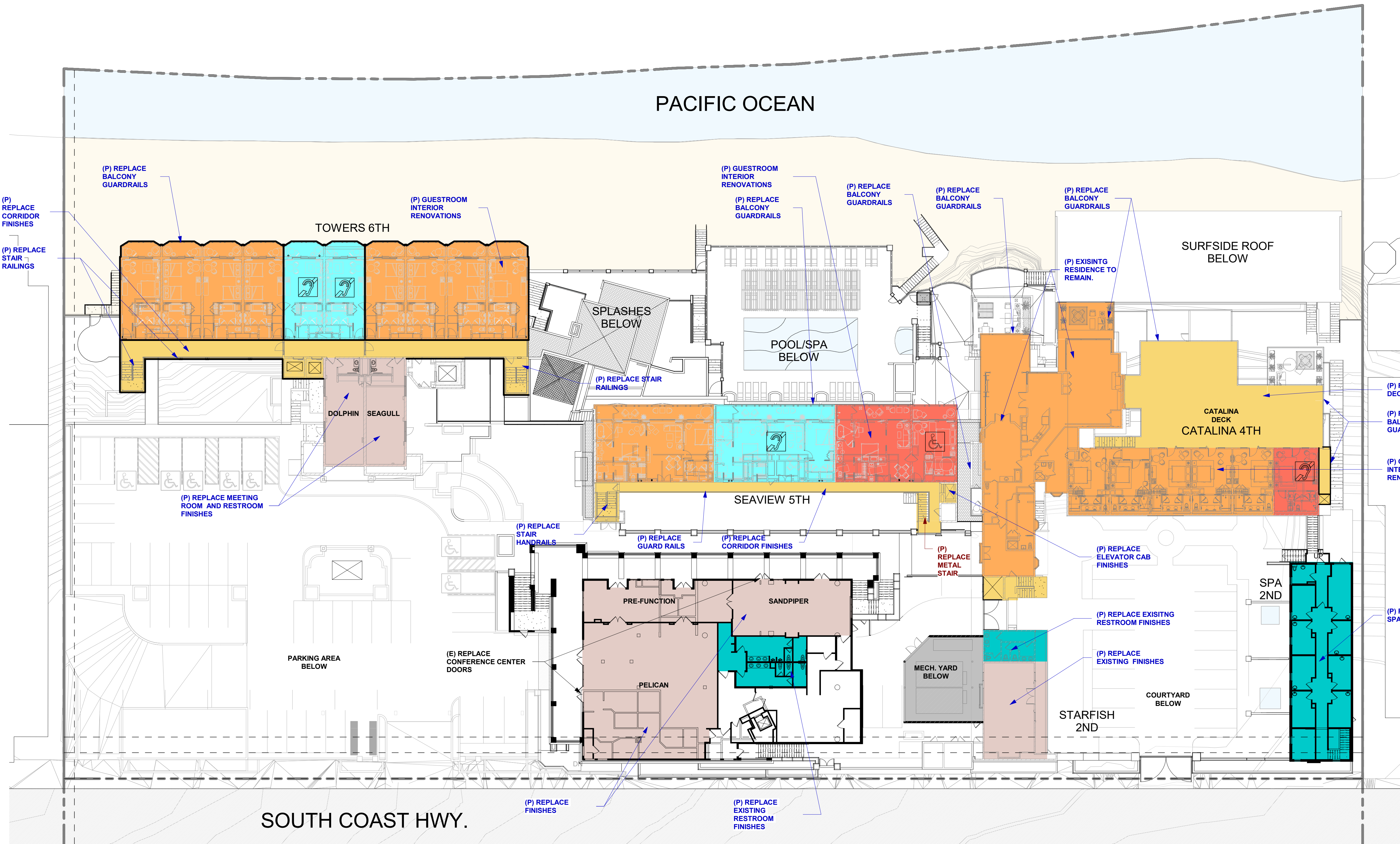
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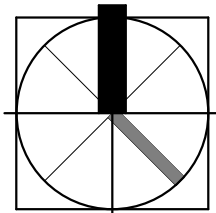


1 SIXTH FLOOR PLAN

1" = 20'-0"

LEGEND

	CORRIDORS / HALLWAYS		GUESTROOMS
	F & B / RETAIL		ADA GUESTROOMS
	GUEST AMENITIES / RESTROOM		HI GUESTROOMS
	MEETING SPACES		BACK OF HOUSE
	MECHANICAL		



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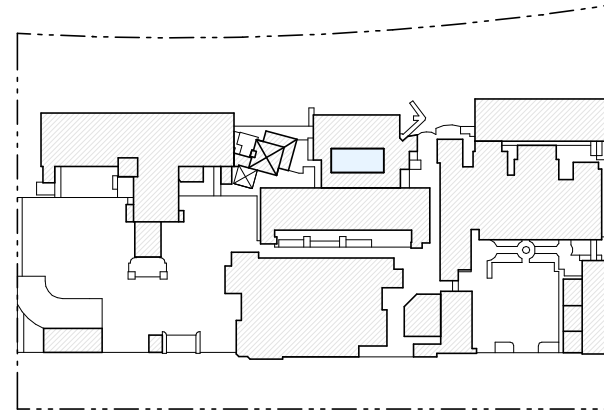
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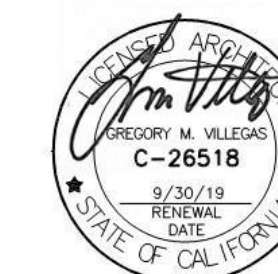
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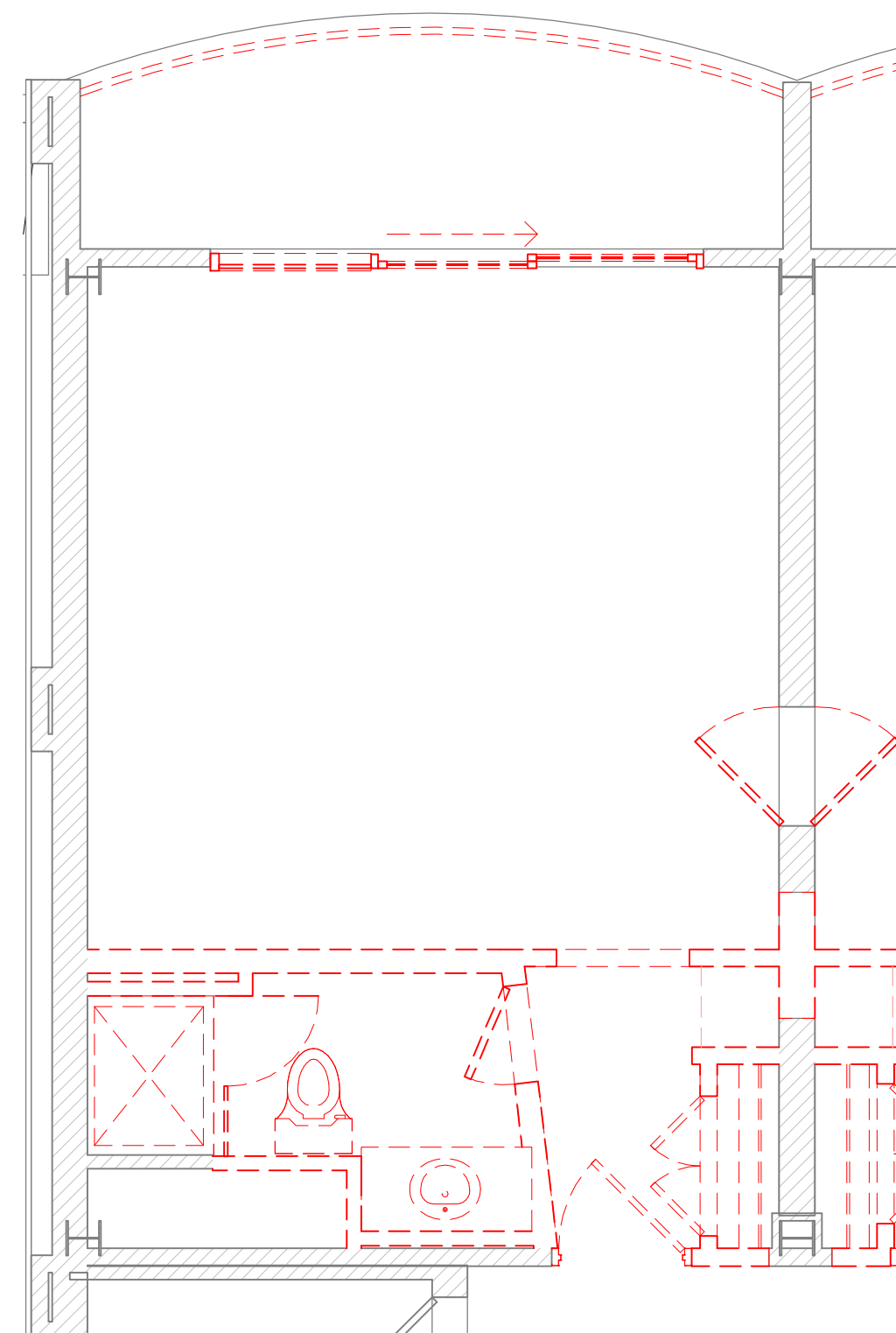
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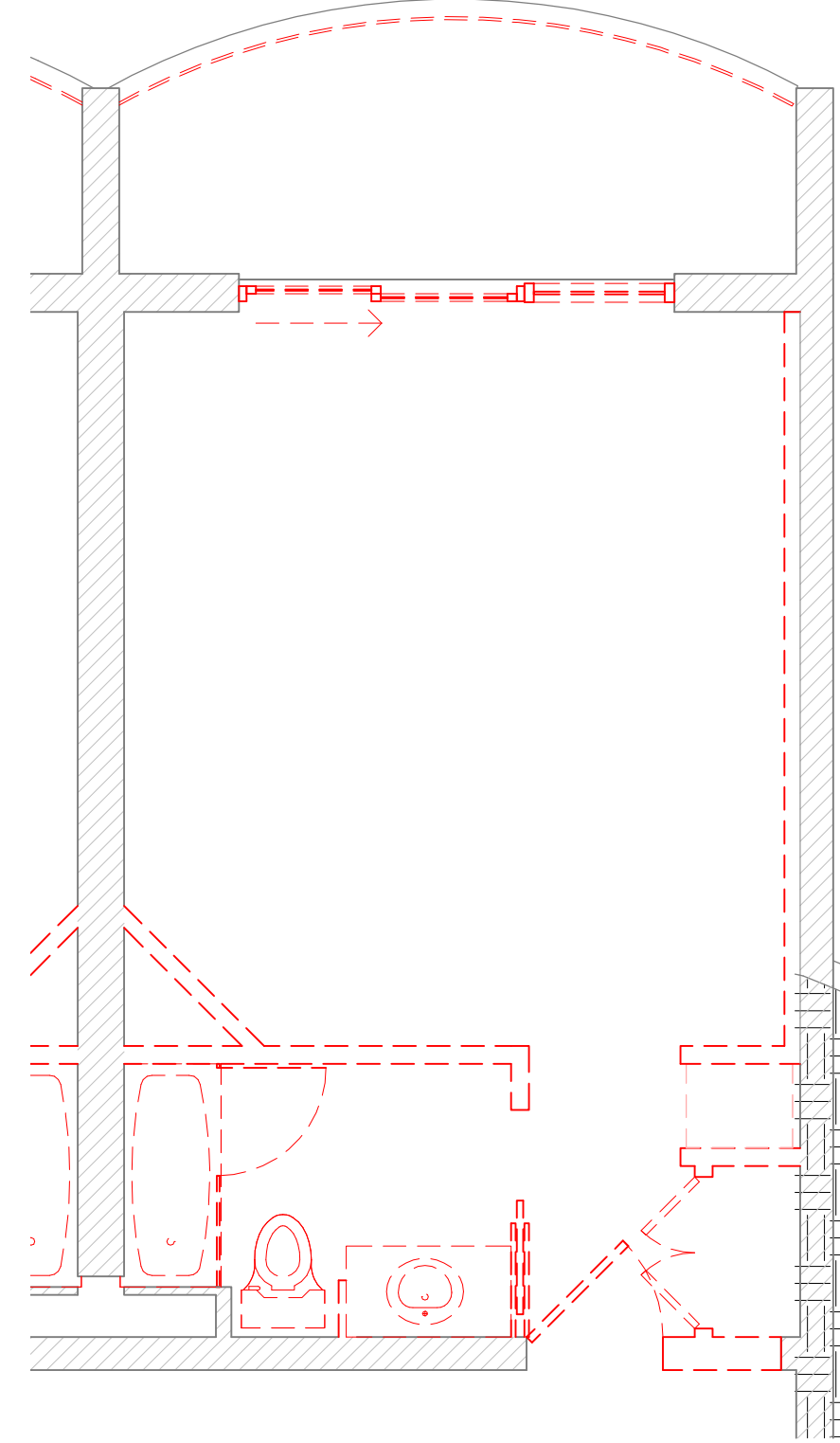
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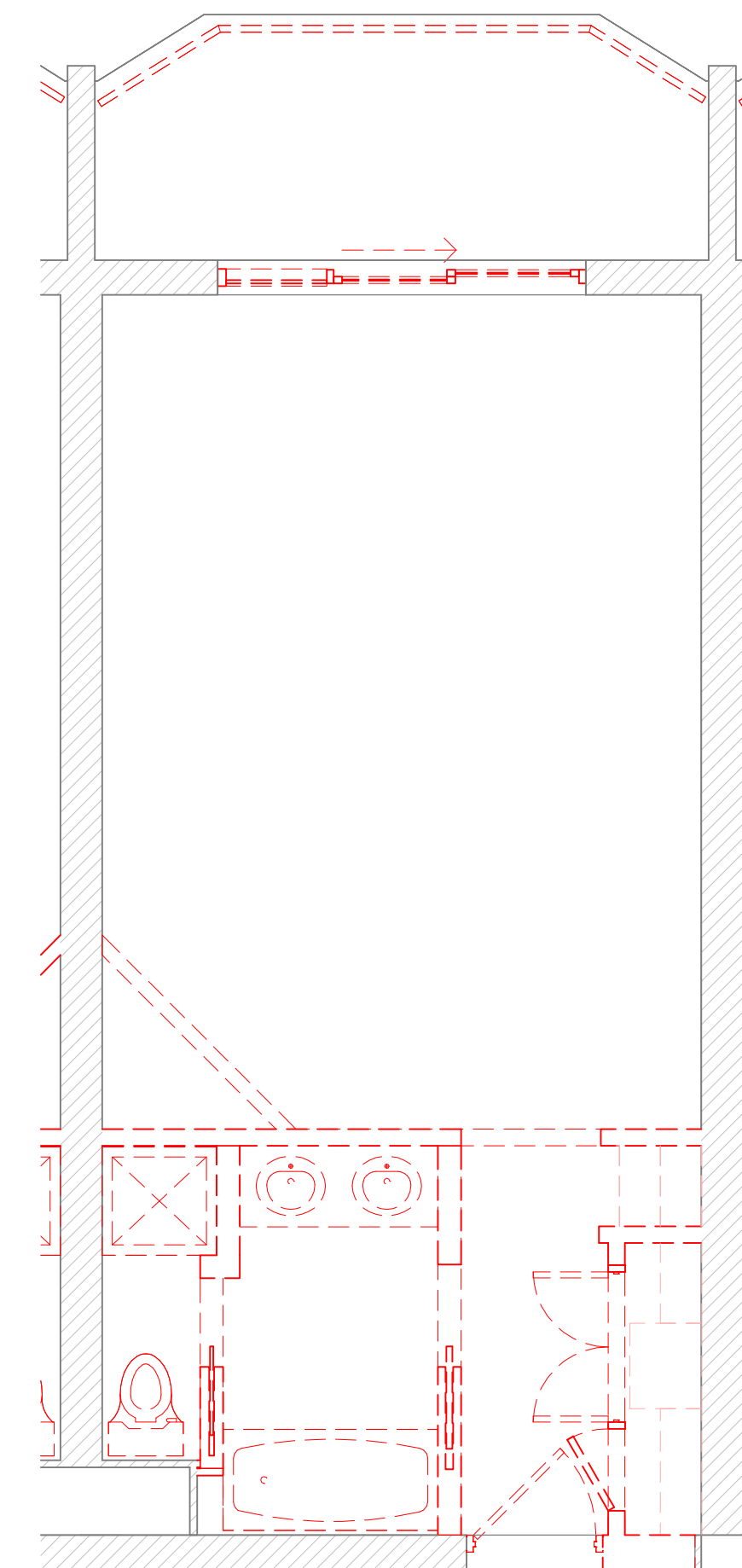
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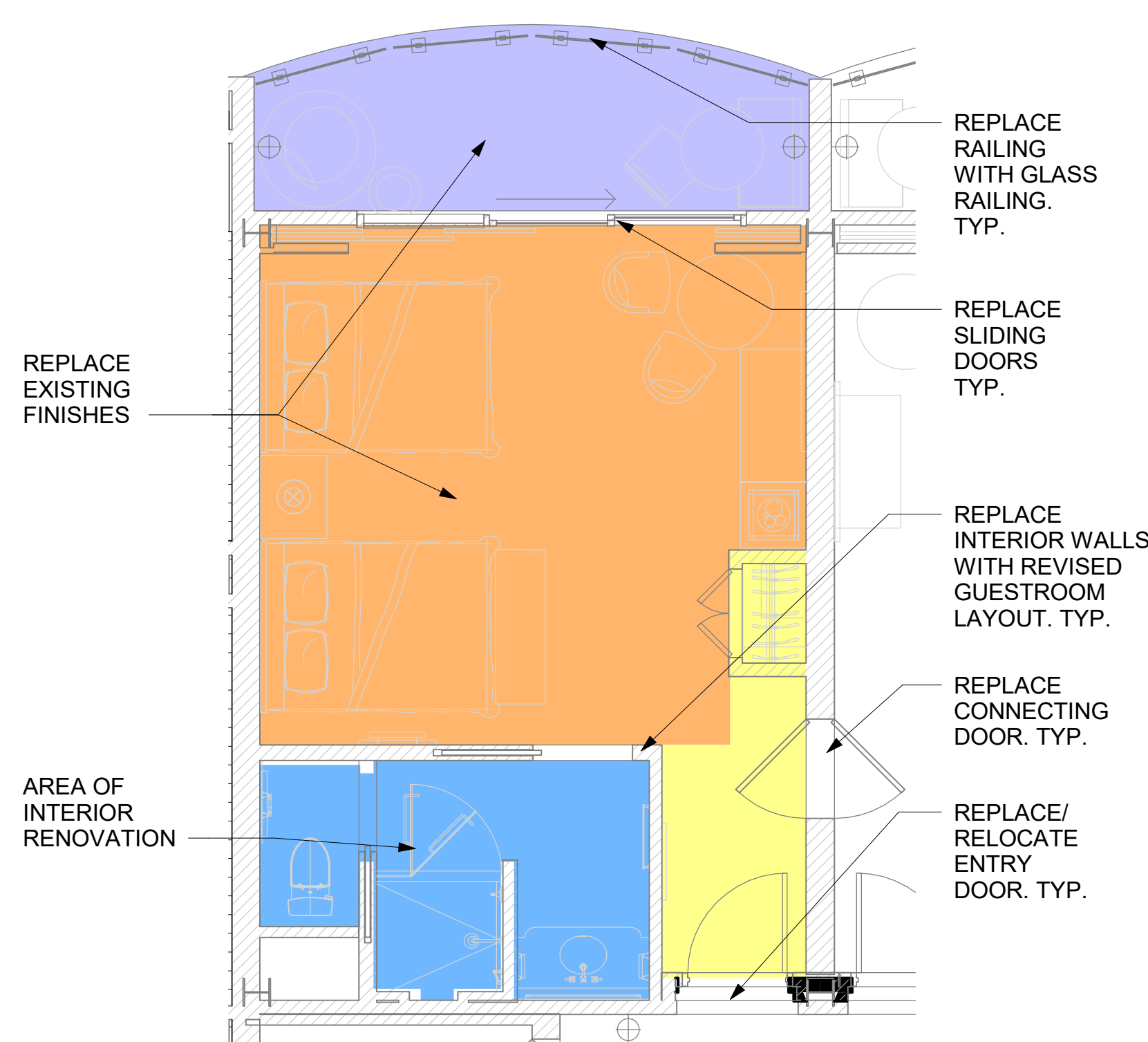
6 SEAVIEW DOUBLE QUEEN EXISTING PLAN (TYP.)
1/4" = 1'-0"



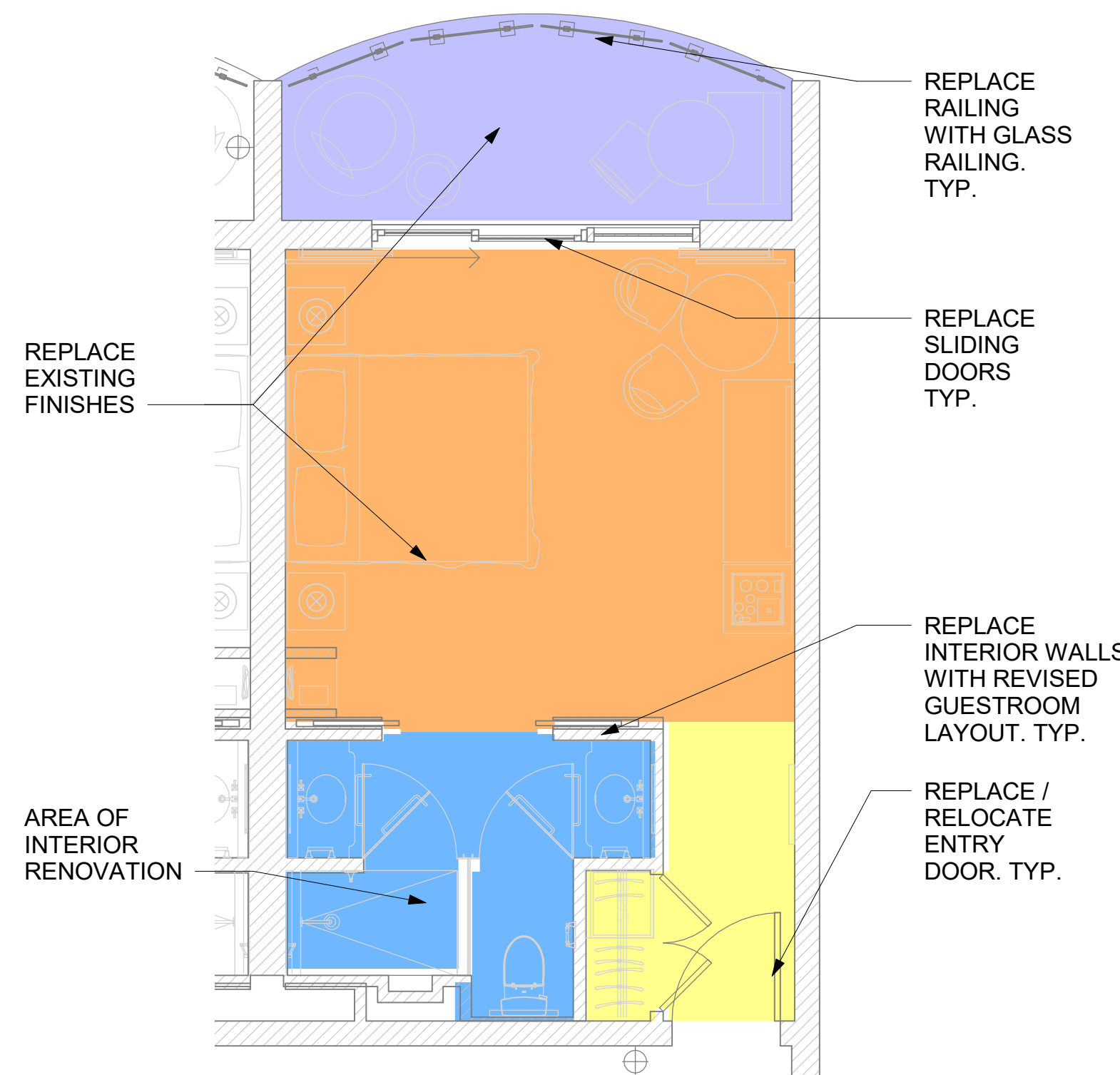
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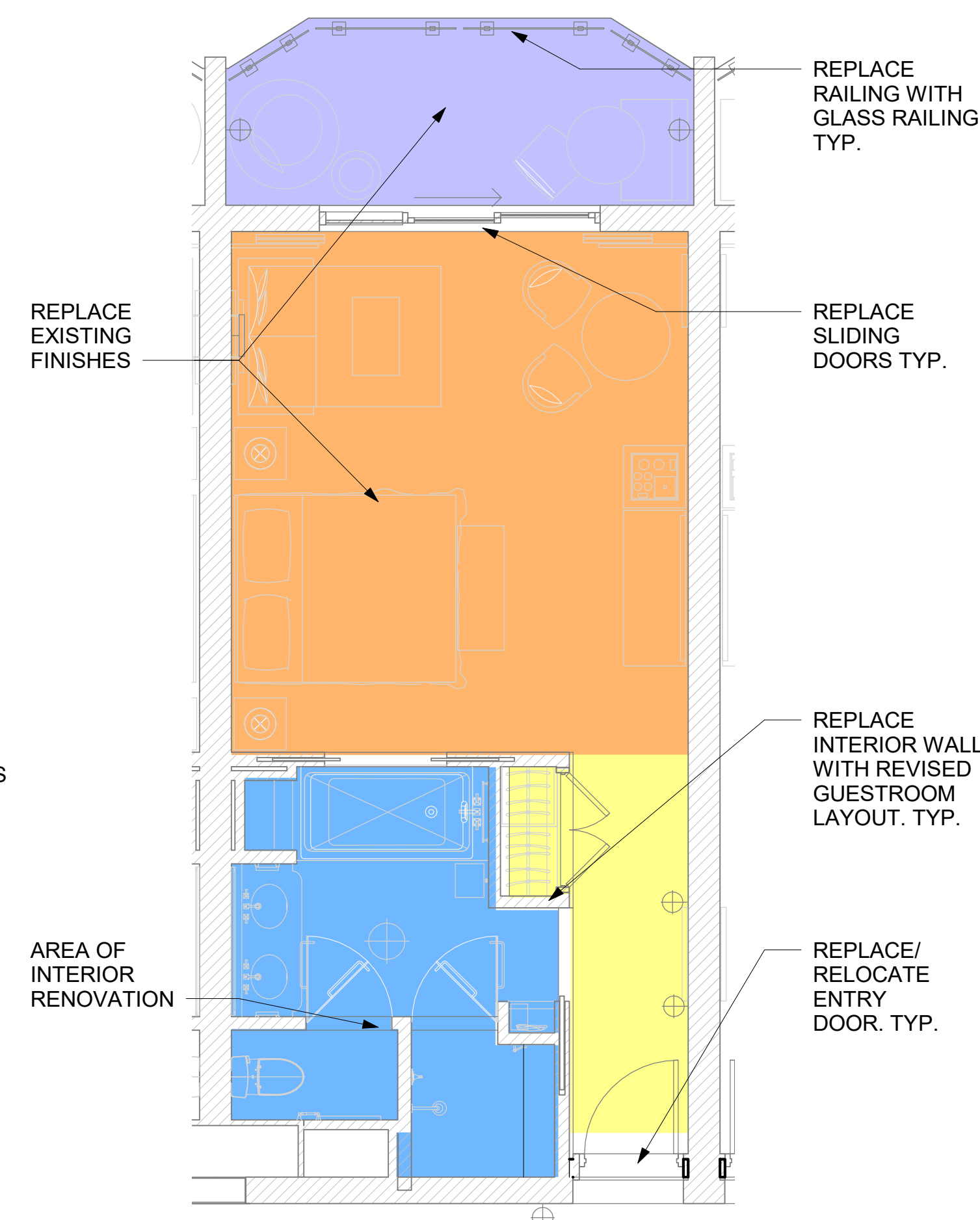
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1/4" = 1'-0"



5 SEAVIEW DOUBLE QUEEN RENOVATION PLAN (TYP.)
1/4" = 1'-0"



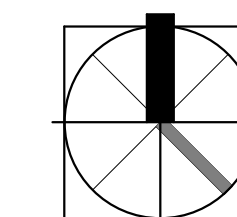
3 SURFSIDE KING RENOVATION PLAN (TYP.)
1/4" = 1'-0"



1 TOWERS KING RENOVATION PLAN (TYP.)
1/4" = 1'-0"

LEGEND

	BEDROOM
	BATH
	ENTRY
	BALCONY

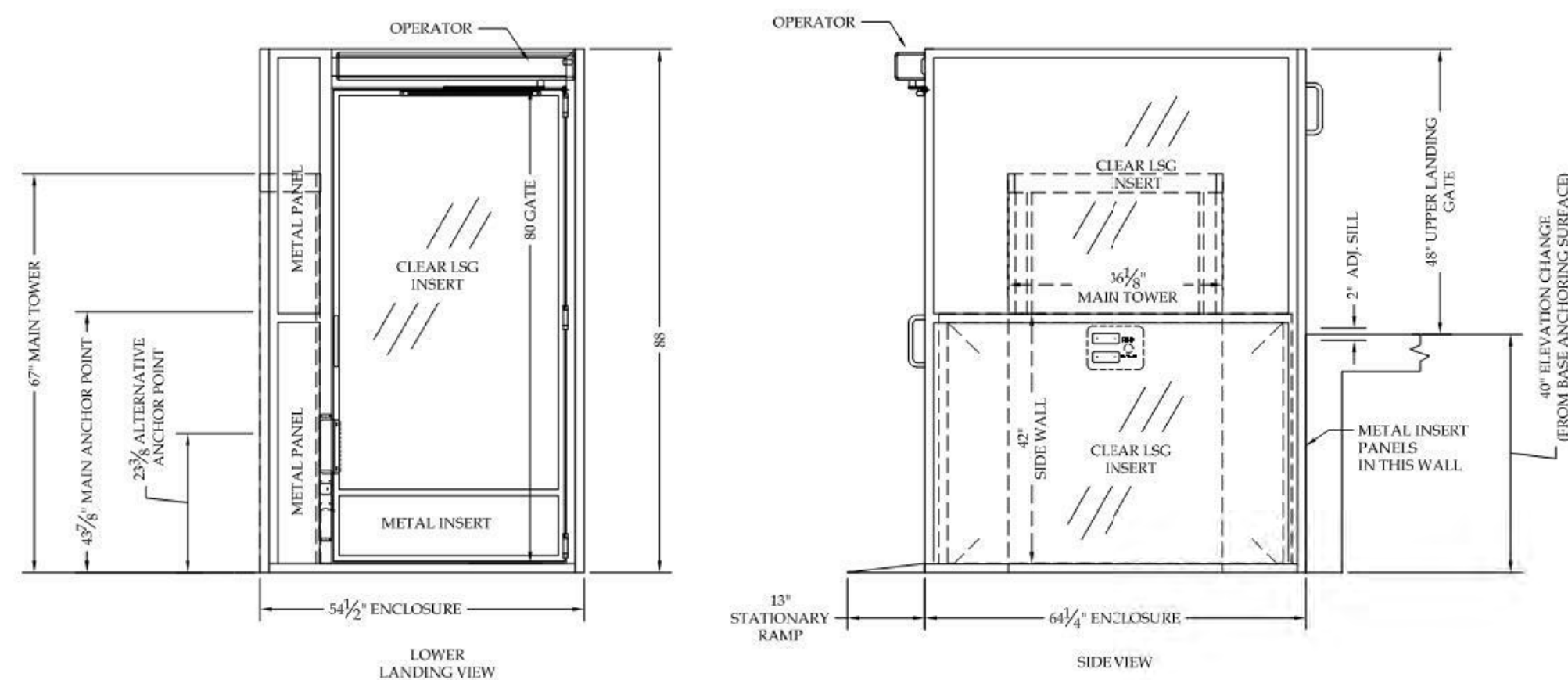


0 1 2 4 8 FT
SCALE 1/4" = 1'-0" U.N.O.

CUSTOM LIFT WITH STAINLESS STEEL TOWER SIDES, CAP, FRONT & BACK SKINS, AND ENCLOSURE. THE STAINLESS STEEL WILL BE DIRECTIONAL FINISHED. STRUCTURAL ITEM (BASE LEGS, CARRIAGE, &C) WILL BE PAINTED BLACK. THE ENCLOSURE WILL HAVE STAINLESS STEEL HINGES.

FINAL DRAWING

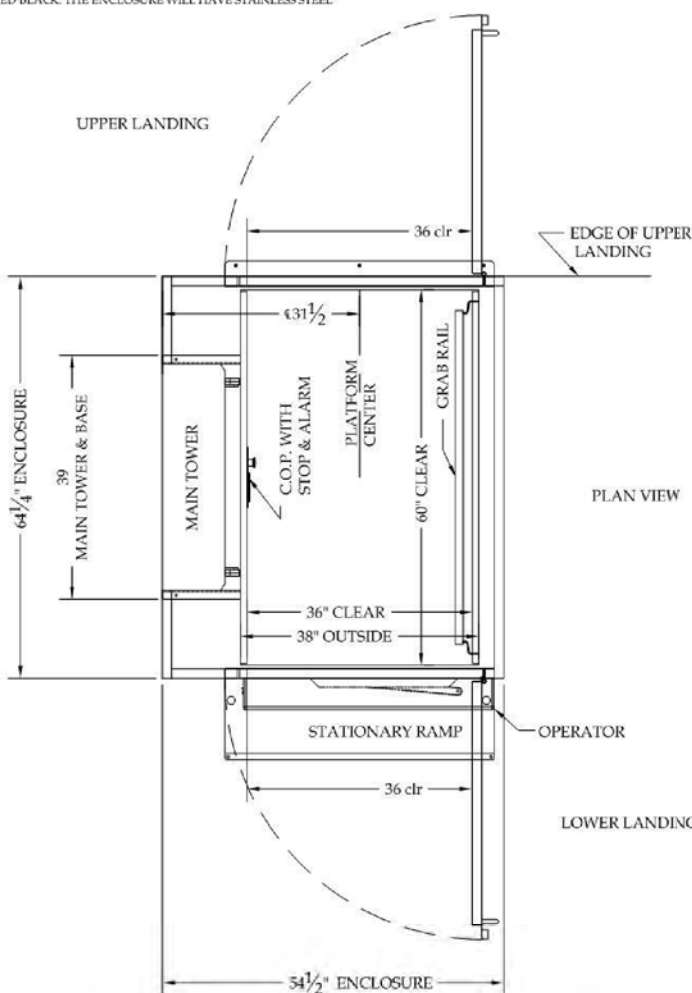
SERIAL NUMBER 18702-V



- CONSTRUCTION NOTES
1. PLACE TO BE MAINTAINED AND CONSTRUCTION OF CONSTRUCTION.
 2. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.
 3. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.
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 7. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.
 8. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.
 9. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.
 10. IF THE LIFT IS TO BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD, THE LIFT MUST BE MAINTAINED WITHIN A FIFTEEN MINUTE PERIOD.

SYMMETRY		ARROW LIFT	
VERTICAL PLATFORM LIFT, MODEL:		SCALE:	
VPC KLPH-42		N/A	
DRAWN BY:	DATE:	DRAWING NUMBER:	REV:
CR	10/10/16	8745	2
JOB INFORMATION:			
HUDSON DUTY FREE STORE			

CUSTOM LIFT WITH STAINLESS STEEL TOWER SIDES, CAP, FRONT & BACK SKINS, AND ENCLOSURE. THE STAINLESS STEEL WILL BE DIRECTIONAL FINISHED. STRUCTURAL ITEM (BASE LEGS, CARRIAGE, &C) WILL BE PAINTED BLACK. THE ENCLOSURE WILL HAVE STAINLESS STEEL HINGES.



FINAL DRAWING

SERIAL NUMBER 18702-V

SYMMETRY		ARROW LIFT	
VERTICAL PLATFORM LIFT, MODEL:		SCALE:	
VPC KLPH-42		N/A	
DRAWN BY:	DATE:	DRAWING NUMBER:	REV:
CR	10/10/16	8745	2
JOB INFORMATION:			
HUDSON DUTY FREE STORE			

STANDARD FEATURES					
CAPACITY: 750 LBS.	MANUAL LOWERING DEVICE				
SPEED: 17 FPM	1 1/4" ROUND GRAB RAIL				
ILLUMINATED EMERGENCY STOP WITH ALARM	LED DIAGNOSTICS				
TOP MOUNT CONTROLLER	ETL LISTED CONTROLLER				
TOP CAP SWITCH	PLATFORM WITH NON-SLIP SURFACE				
ELECTRICAL DATA					
POWER SUPPLY	VOLTAGE	AMPERAGE	PHASE		
	115	20 AMP	1 PHASE		
DESIGN SPECIFICATIONS					
DRIVE: HYDRAULIC	LANDINGS SERVICED: 2				
EXIT CONFIGURATION: STRAIGHT THROUGH	TOWER LOCATION: LEFT HAND				
PIT: 0"	TRAVEL: 40"	TOTAL ELEVATION CHANGE: 40"			
UPPER ENTRY: RIGHT HAND ENCL. GATE		LOWER ENTRY: LEFT HAND ENCL. GATE			
MID ENTRY: N/A					
INTERLOCKS: UPPER: STD	MID: N/A	LOWER: STD			
CALLS: UPPER: IN-FRAME	MID: N/A	LOWER: FLUSH MOUNT			
CLEAR FLOOR SIZE: 38" X 40"		WITH NON-SLIP SURFACE			
INDOOR/OUTDOOR: IND/DOOR					
COLOR: STAINLESS STEEL / BLACK					
OTHER OPTIONAL EQUIPMENT:					
ENCLOSURE 48" ABOVE LIFT HEIGHT, LOW PROFILE PLATFORM, LOW PROFILE RAMP-UP LONG, STAINLESS STEEL ENCLOSURE, LAMINATED SAFETY GLASS INSERTS (WHERE APPLICABLE), 1) OVERHEAD GATE OPERATOR, WIRE ONLY FOR ADA PHONE, PIT SWITCH, MIN BRaille PKG: 1) "UP", 1) "DN", 2) "CALL", 1) STOP SYMBOL, 1) ALARM SYMBOL					
MIN 2"x4" BUTTONS ON CONTROLS, INTERNAL ENCLOSURE ASSEMBLY, 2" ADJUSTABLE SILL TO ADJUST FROM 0" TO 4", 24V DC ACCESSORY POWER CABLE (200A) FROM MAIN STATION, STAINLESS STEEL GATE HANDLES PROVIDED BY ARROW LIFT					

		ARROW LIFT 100% MADE IN THE U.S.A. 800-875-2267
VERTICAL PLATFORM LIFT MODEL: VPC-ELP14-2		SCALE: 1" = 1'-0"
DRAWN BY: CR	DATE: 10/10/16	DRAWING NUMBER: 1845
JOB INFORMATION: HUDSON DUTY FREE STORE		REV.: 2

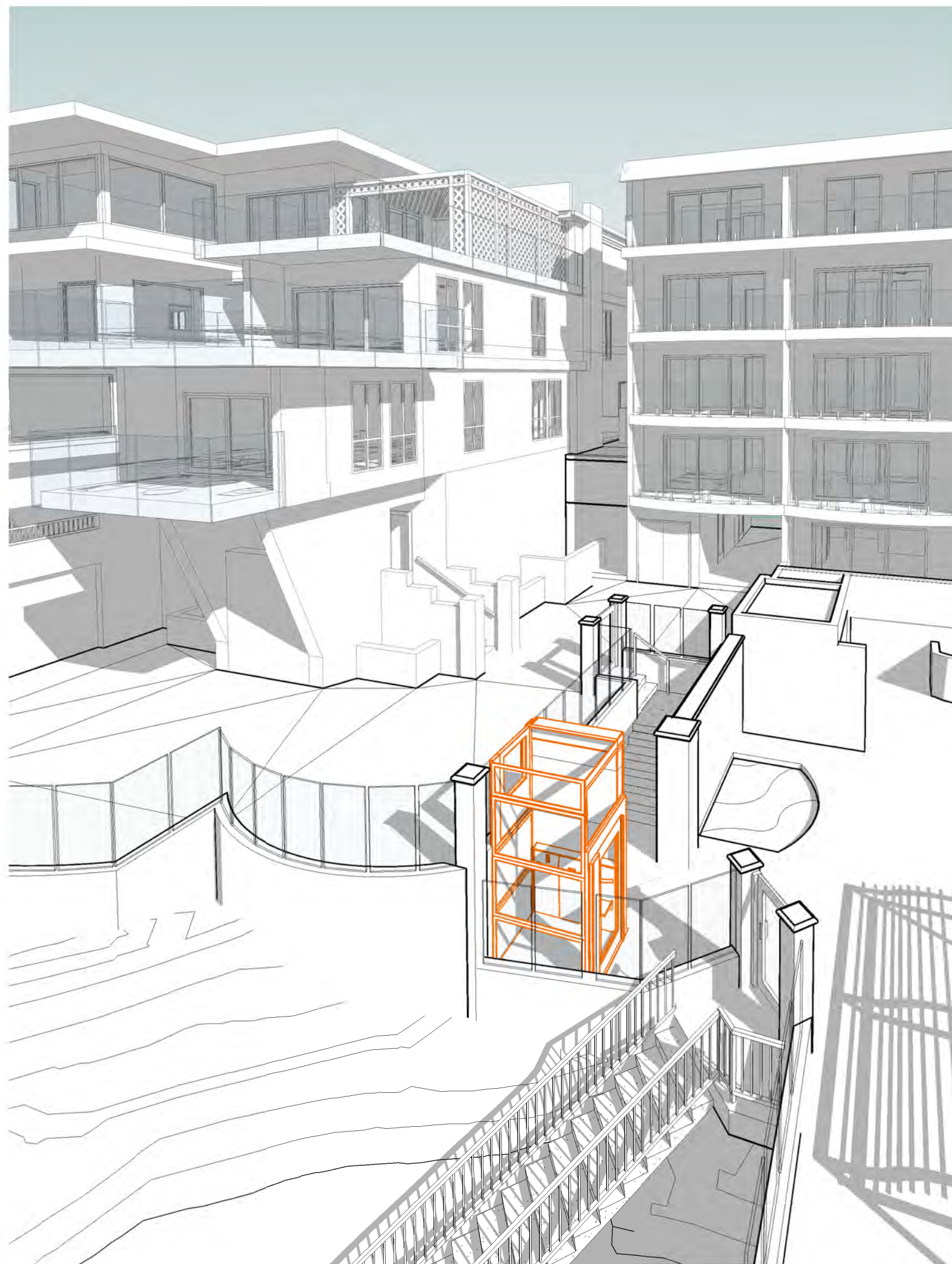
CUSTOM LIFT WITH STAINLESS STEEL TOWER SIDES, CAP, FRONT & BACK SKINS, AND ENCLOSURE. THE STAINLESS STEEL WILL BE DIRECTIONAL FINISHED. STRUCTURAL ITEM (BASE LEGS, CARRIAGE, &C) WILL BE PAINTED BLACK. THE ENCLOSURE WILL HAVE STAINLESS STEEL HINGES.

FINAL DRAWING

SERIAL NUMBER 18702-V



PROPOSED LIFT CONDITION



PROPOSED NEW ADA LIFT



EXISTING CONDITION



EXISTING CONDITION

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stamp | approval



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issues | revisions



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project logo

ACCESSIBLE LIFT PLANS

sheet title

project no. 174016 date 07/16/18

checked by: Checker
drawn by: Author

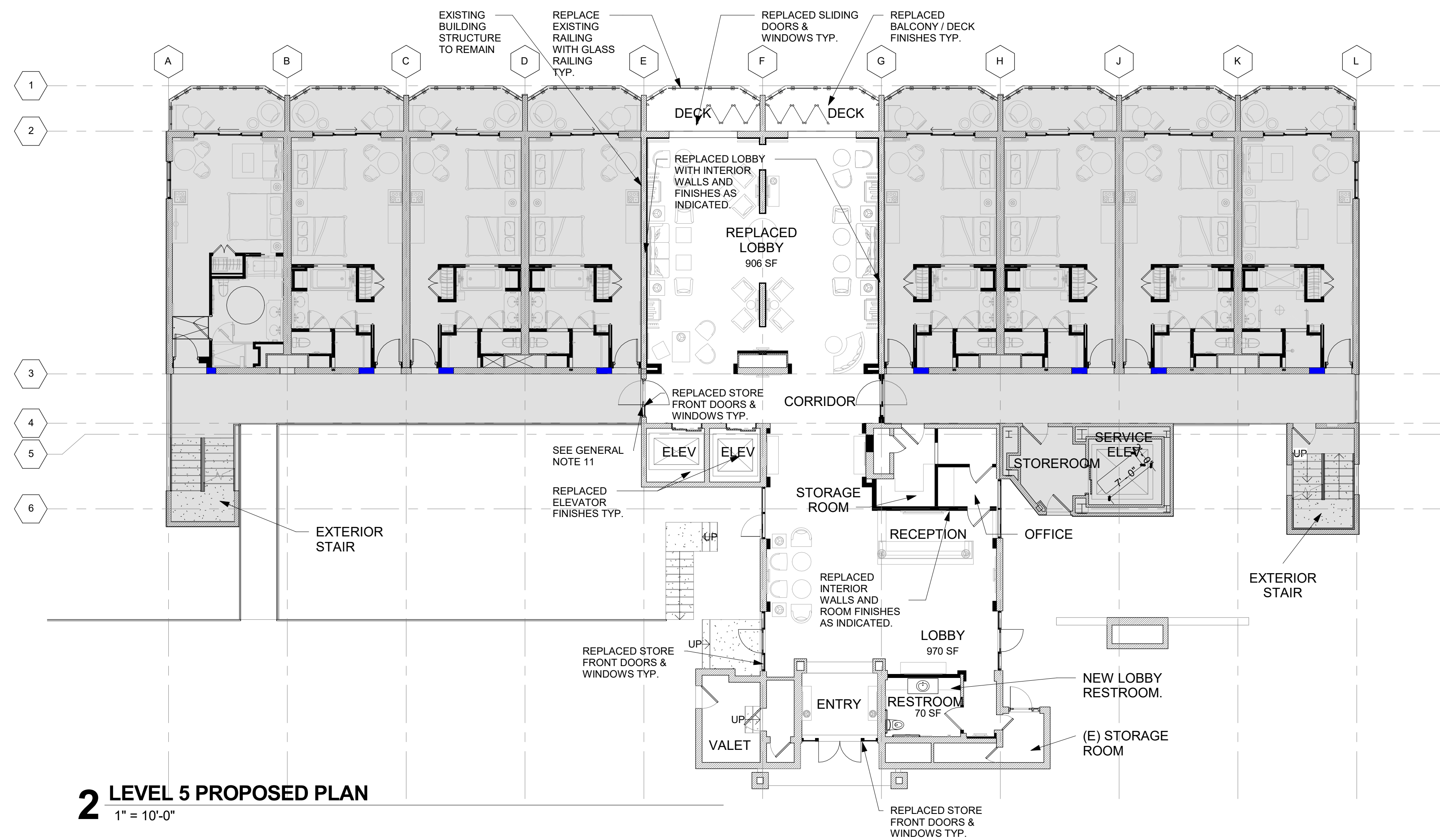
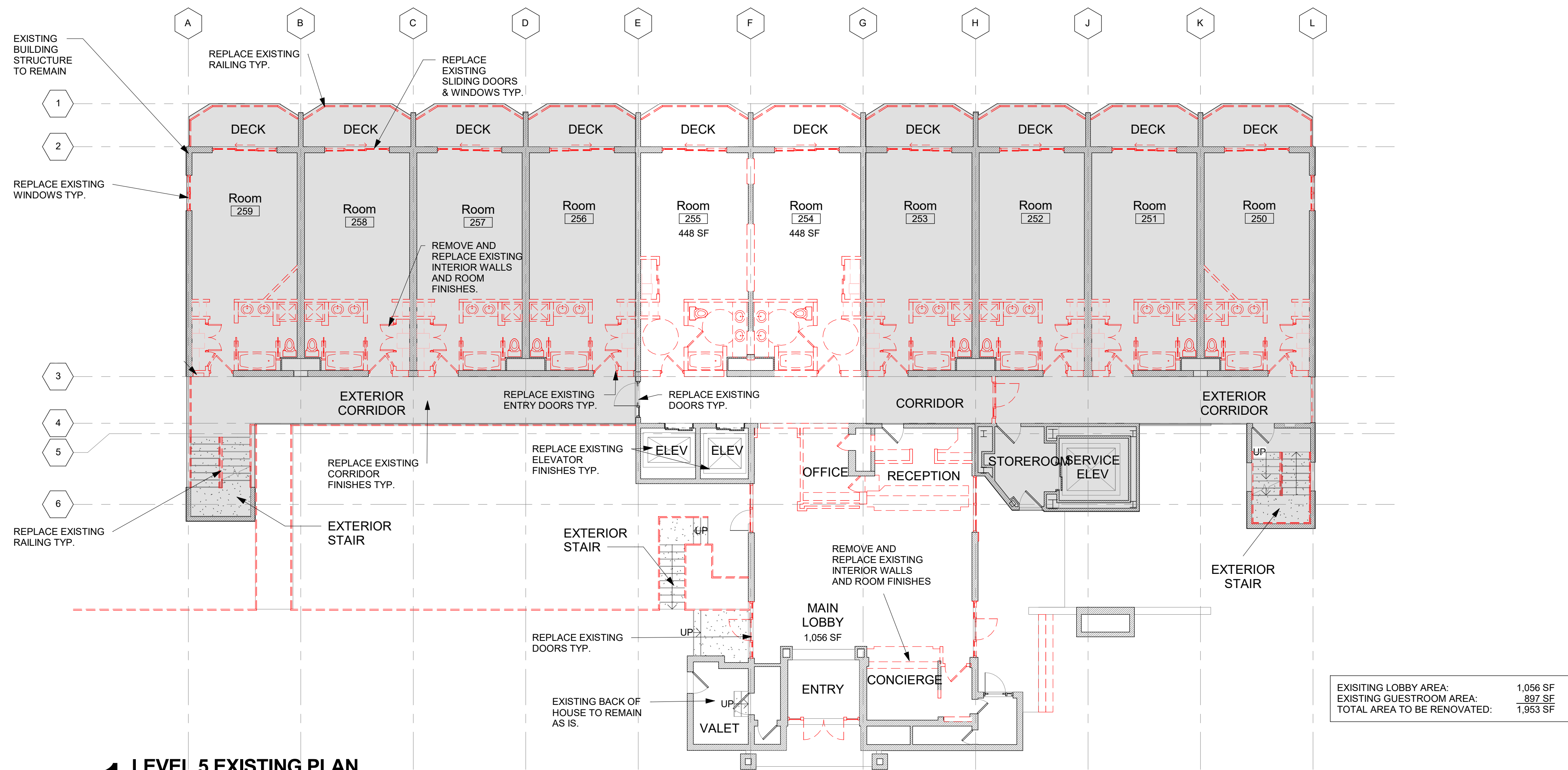
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component

A0-101

sheet no.

COASTAL REVIEW | 16 OCTOBER 2019 |



KEYNOTES / LEGENDS

- EXISTING TO BE REMOVED
- EXISTING STRUCTURE TO REMAIN
- EXISTING STRUCTURE TO BE REPLACED
- PROPOSED INTERIOR WALLS TO BE REPLACED
- GRID LINES
- PROPOSED FURNITURE LAYOUT

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TOWERS LOBBY LEVEL 5
PLANS

sheet title

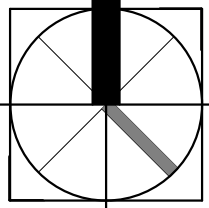
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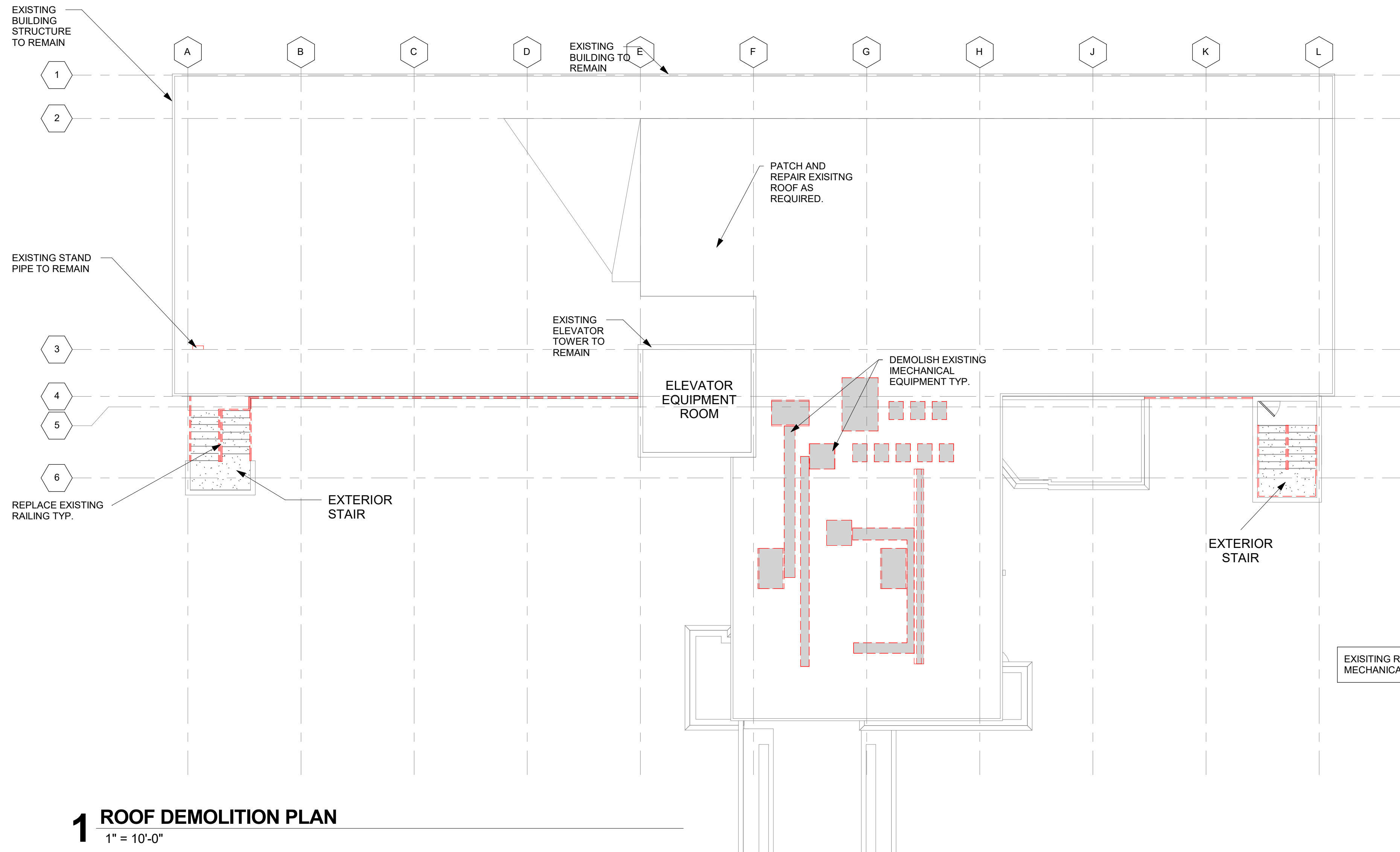
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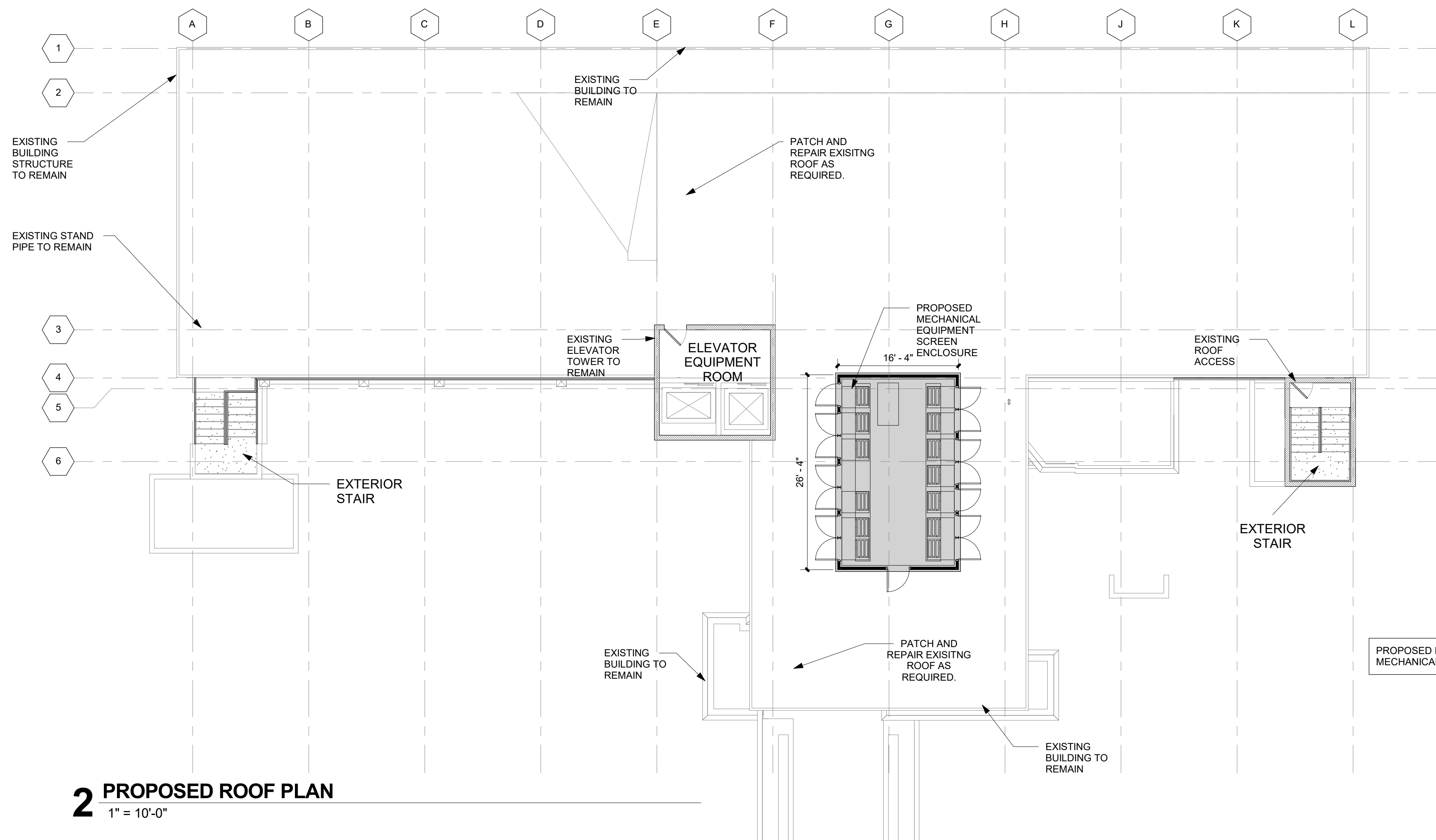
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0 2.5 5 10 20 FT
SCALE 3/32" = 1'-0" U.N.O.



1 ROOF DEMOLITION PLAN



2 PROPOSED ROOF PLAN

KEYNOTES / LEGENDS

- EXISTING TO BE REMOVED
- EXISTING STRUCTURE TO REMAIN
- EXISTING STRUCTURE TO BE REPLACED
- PROPOSED INTERIOR WALLS TO BE REPLACED
- GRID LINES
- PROPOSED FURNITURE LAYOUT

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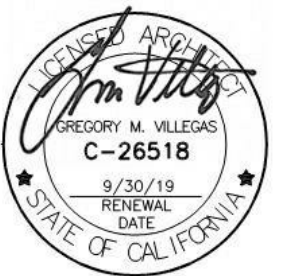
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TOWERS ROOF PLANS

sheet title

project no. 174016 date 07/24/19

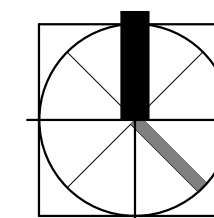
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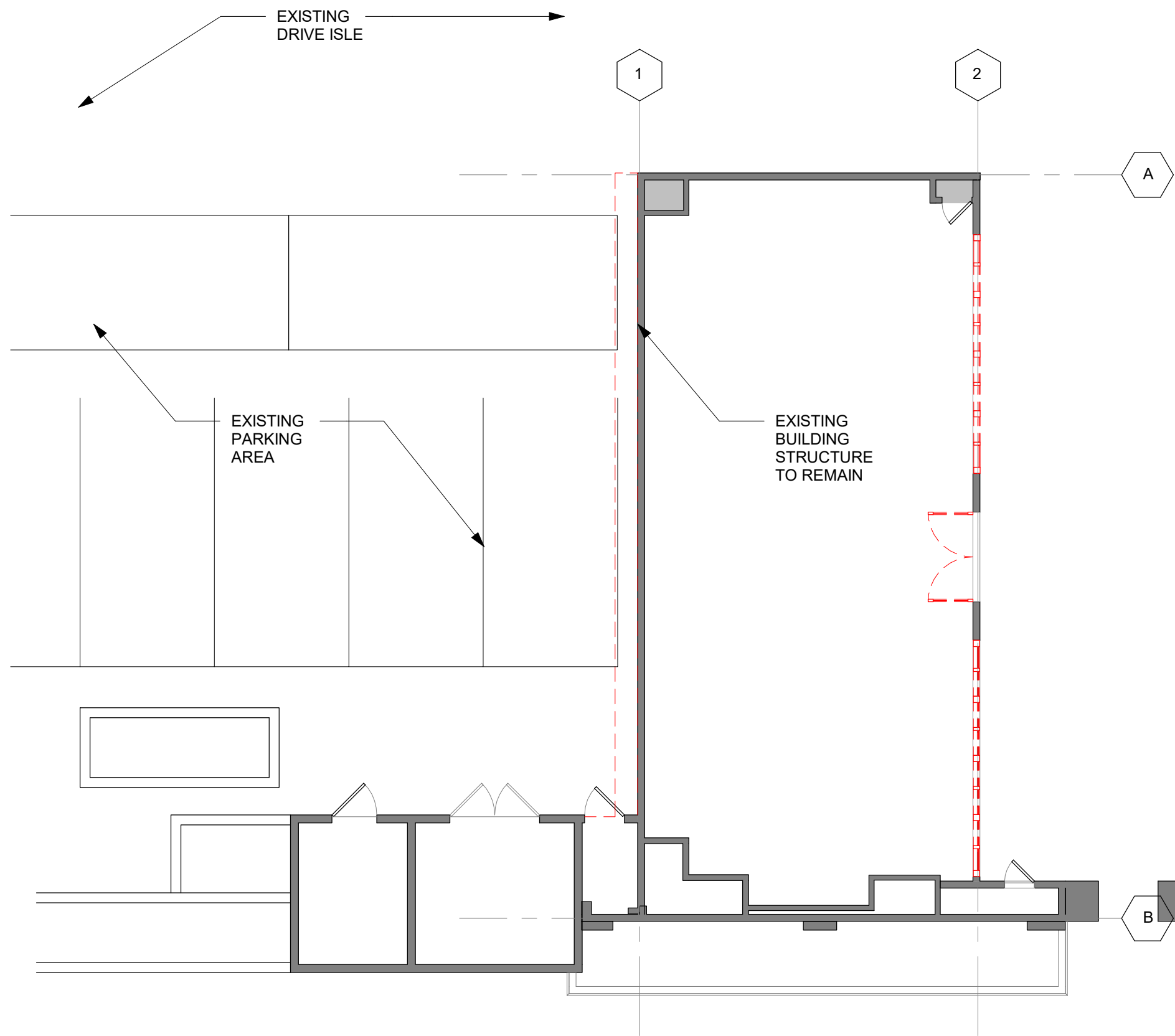
COASTAL REVIEW | 16 OCTOBER 2019 |



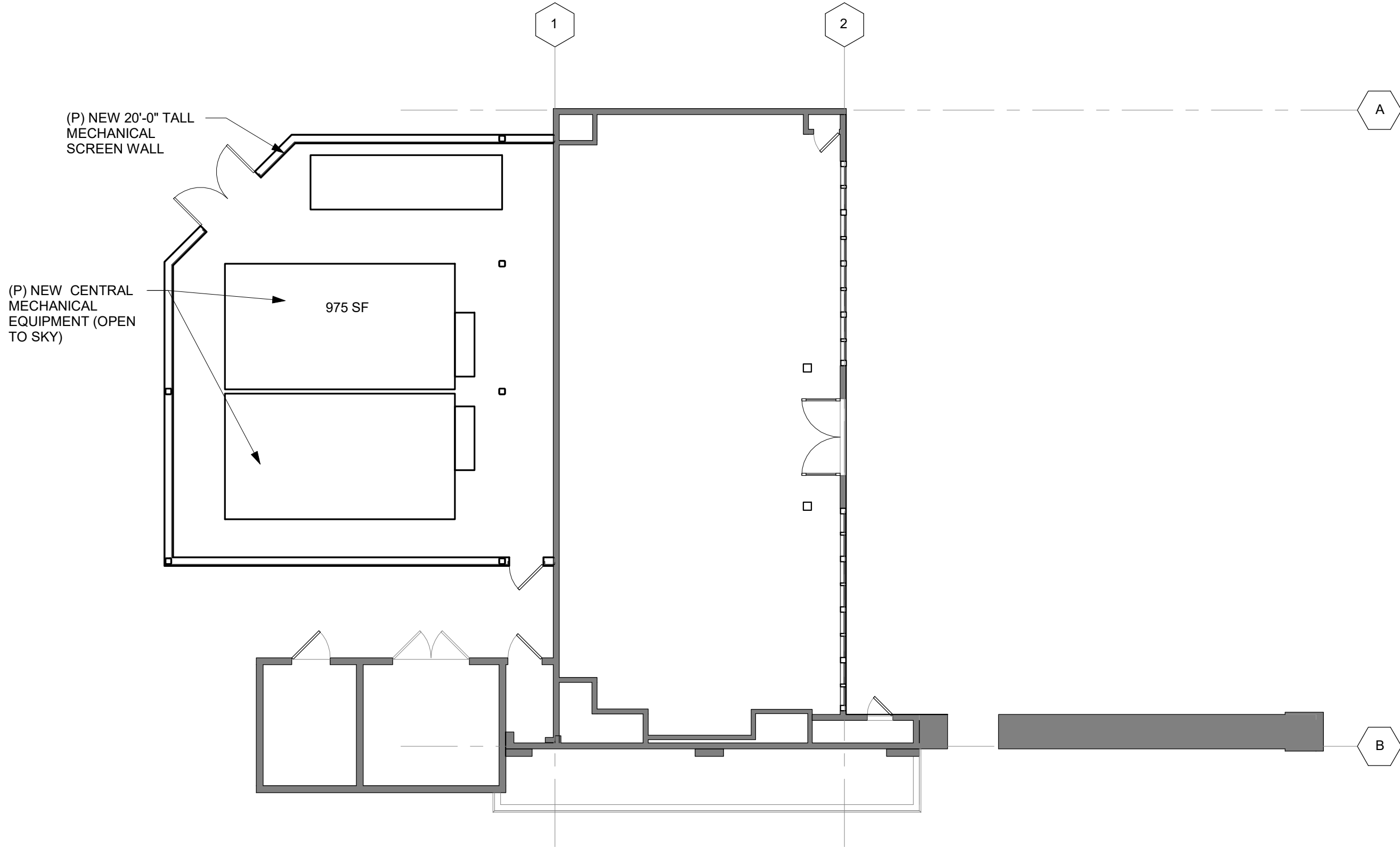
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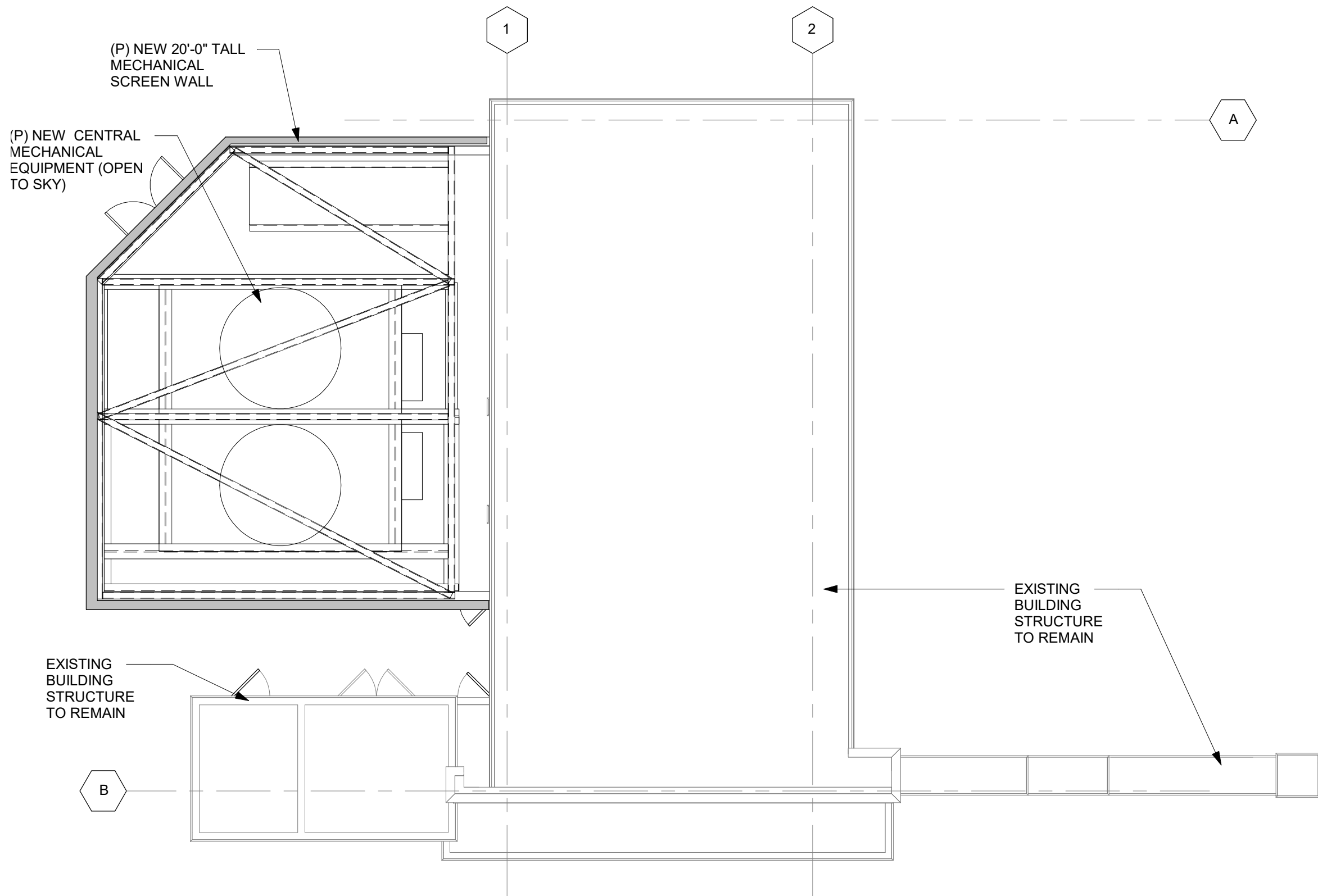
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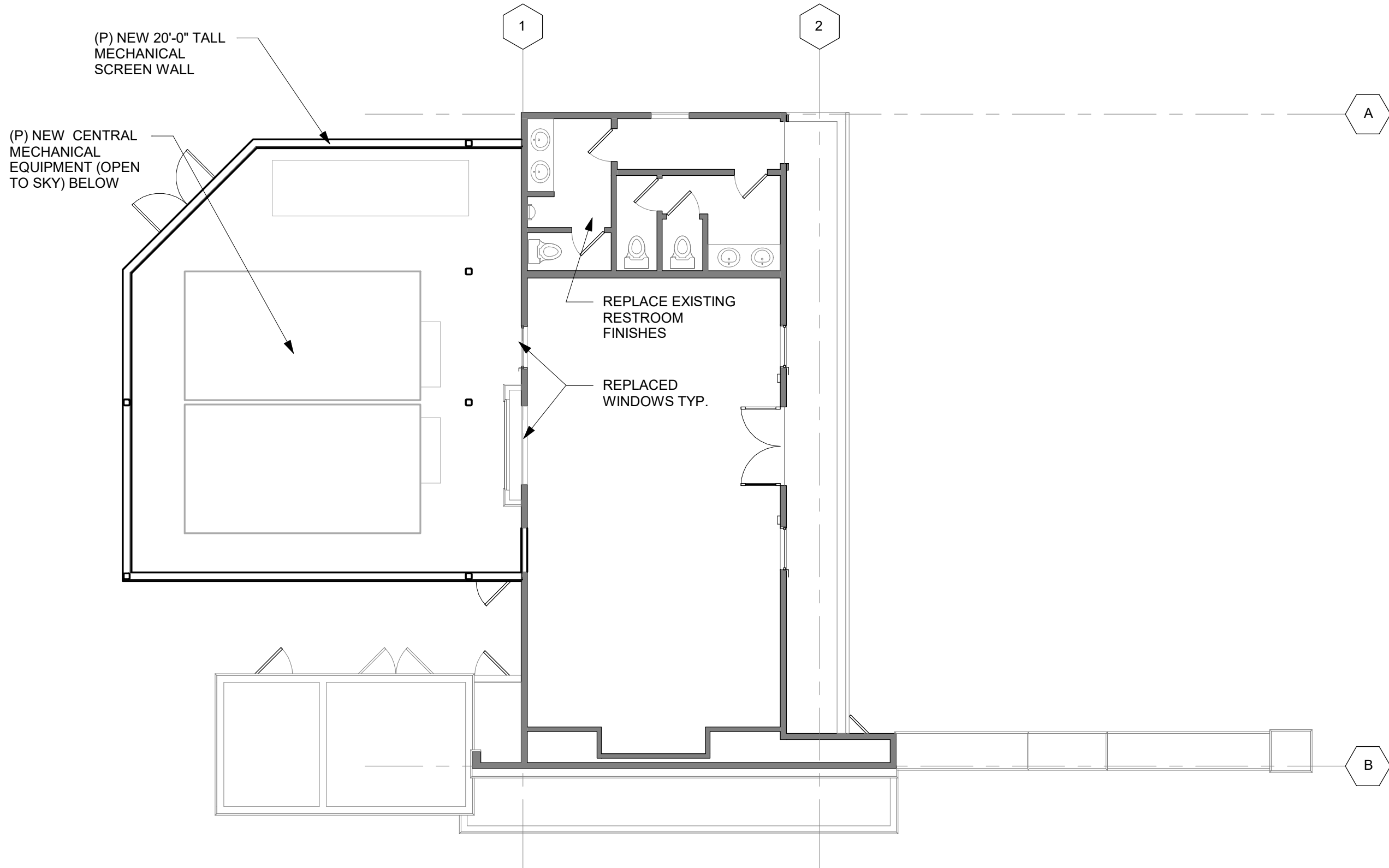
4 LEVEL 1 EXISTING FLOOR PLAN
1/8" = 1'-0"



1 LEVEL 1 FLOOR PLAN
1/8" = 1'-0"



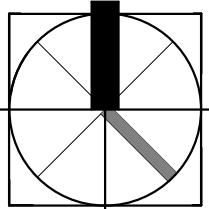
3 ROOF PLAN
1/8" = 1'-0"



2 LEVEL 2 FLOOR PLAN
1/8" = 1'-0"

KEYNOTES / LEGENDS

- NEW WALL CONSTRUCTION
- EXISTING WALLS TO REMAIN
- EXISTING WALLS TO BE REMOVED
- GRID LINES
- PROPOSED FURNITURE LAYOUT



0 2 4 8 16 FT
SCALE 1'-0" 1/8" = U.N.O.

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PROPOSED MECHANICAL
SCREEN YARD

sheet title

project no. 174016 date 07/24/19

checked by: Checker
drawn by: Author

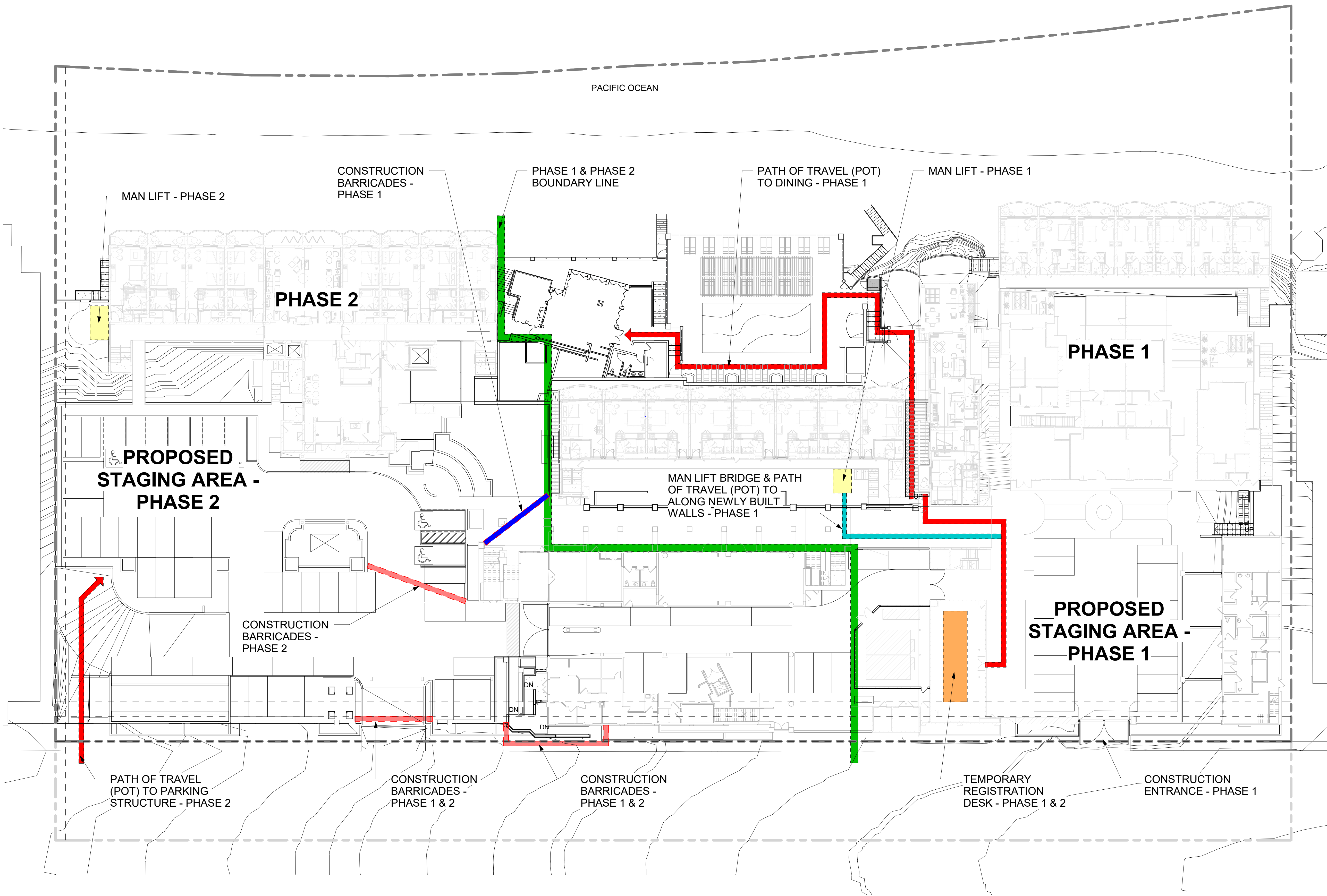
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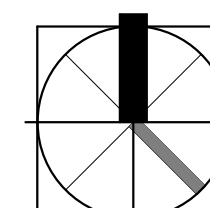
COASTAL REVIEW | 16 OCTOBER 2019 |

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The original size of this drawing is 24"x36"
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1 CONSTRUCTION STAGING PLAN

1" = 20'-0"



0 5 10 20 40 FT
SCALE 1"= 20'-0" U.N.O.

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project logo

CONSTRUCTION STAGING PLAN

sheet title

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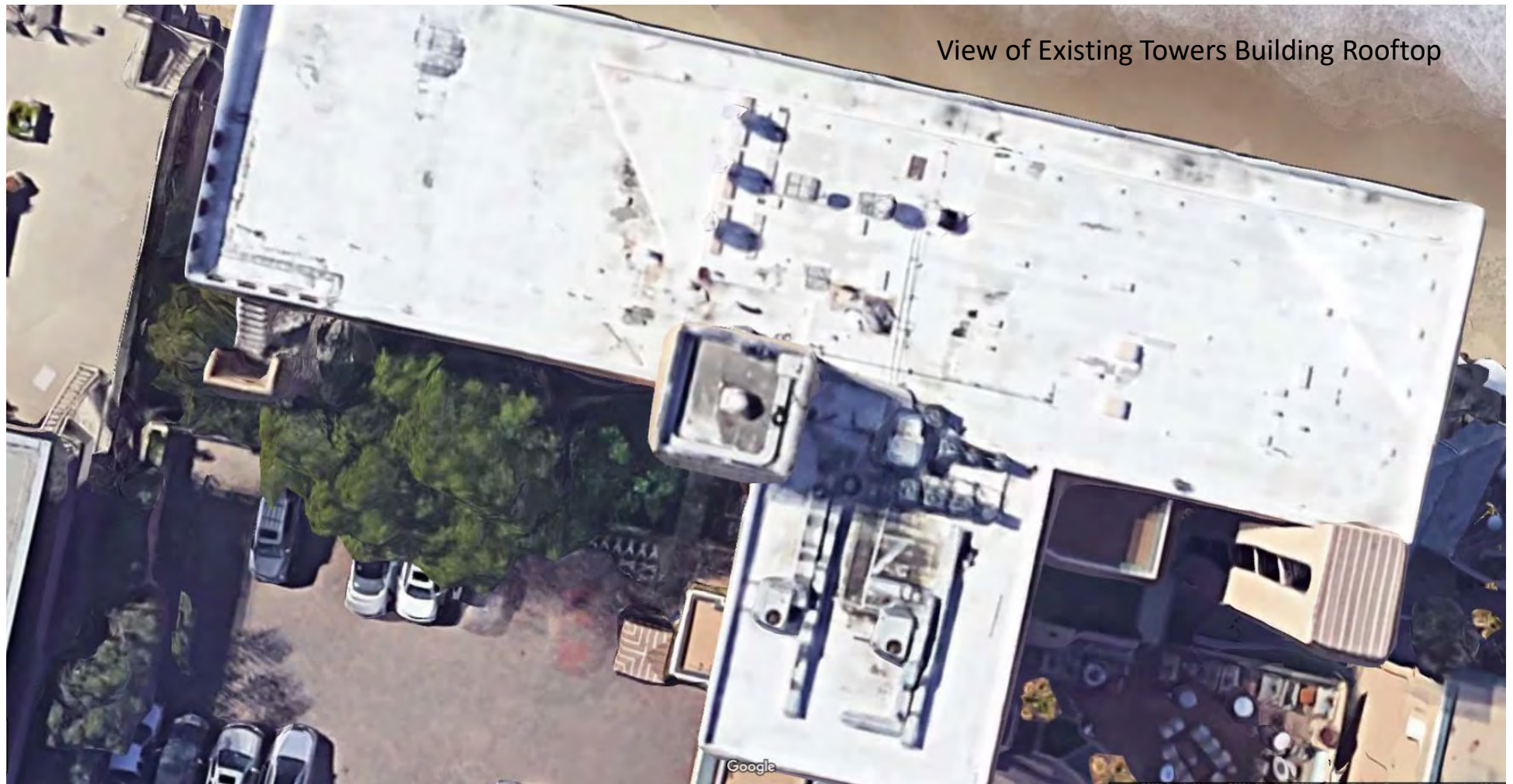
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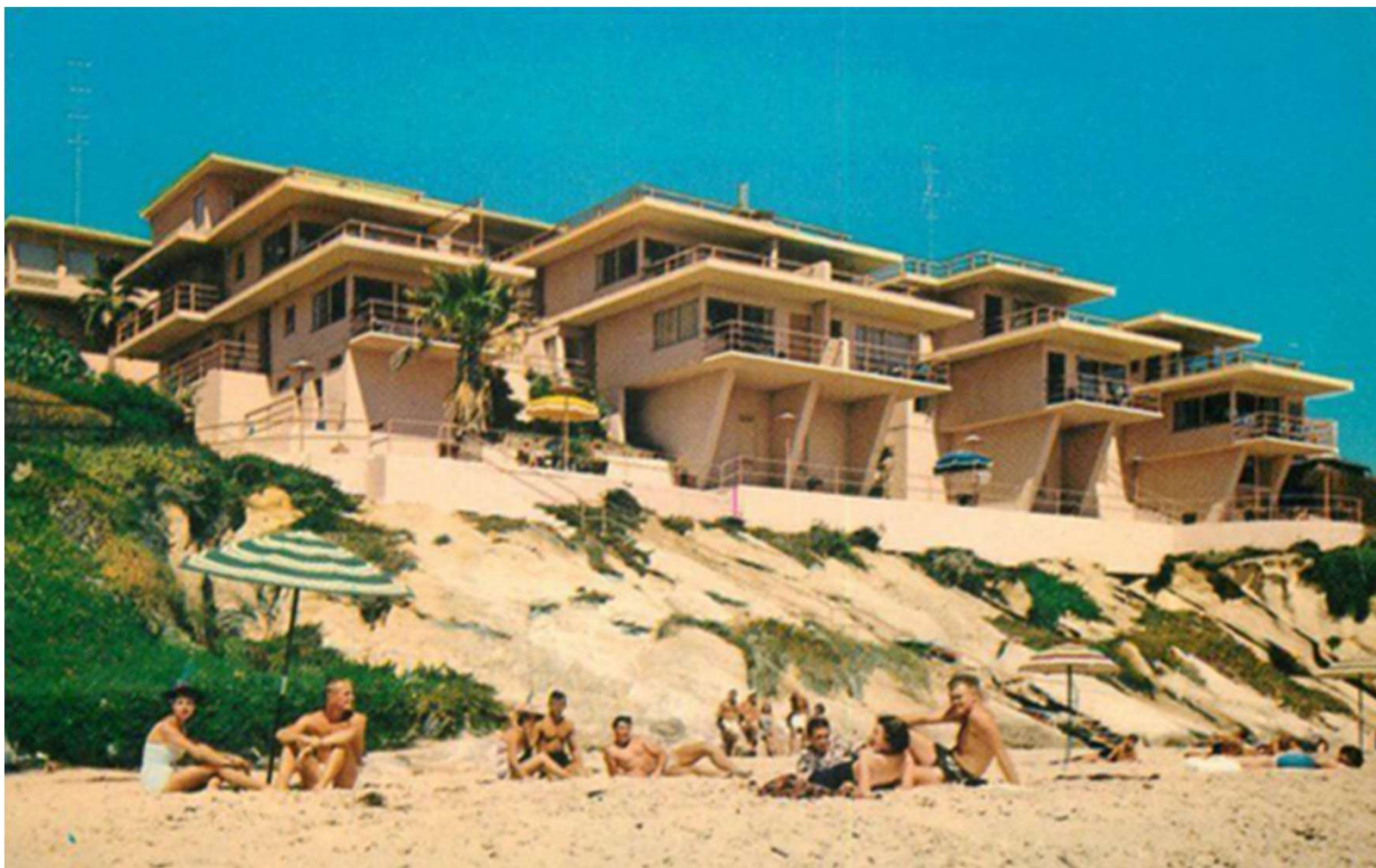
COASTAL REVIEW | 16 OCTOBER 2019 |



View of Existing Towers Building Rooftop

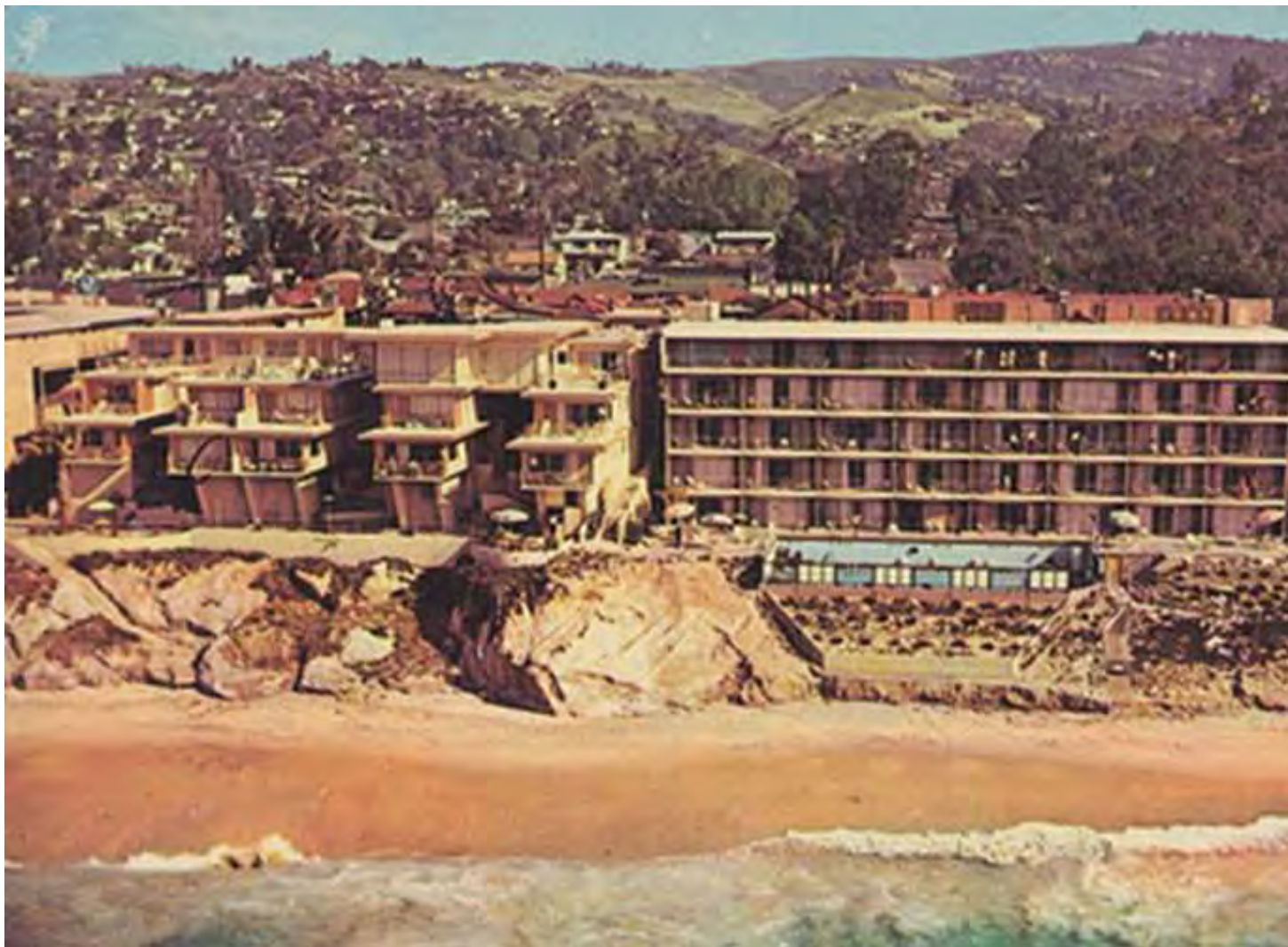
Towers Building Existing Rooftop Mechanical Equipment to be consolidated and housed under a single new enclosure. New enclosure will be no taller than existing roof top development. No increase in height. See Exhibit 3b for proposed Towers rooftop mechanical equipment consolidation

Exhibit 4



Catalina Building 1950s

A-5-LGB-19-0010
Surf & Sand Resort
Historic Photos
Exhibit 5a



Catalina & Seaview Buildings January 1966

A-5-LGB-19-0010
Surf & Sand Resort
Historic Photos
Exhibit 5b



Surfside, Catalina and Seaview Buildings 1970s

A-5-LGB-19-0010
Surf & Sand Resort
Historic Photos
Exhibit 5c



**Subject Site Including
Towers Building
1972**

**A-5-LGB-19-0010
Surf & Sand Resort
Historic Photos
Exhibit 5d**

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071

Page 1 of 3

Date: November 20, 1989

Permit No. 5-89-136

COASTAL DEVELOPMENT PERMITOn April 13, 1989, the California Coastal Commission granted toRegency Assoc. & J. C. Resorts

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

Demolition of 19 hotel units and one apartment unit, and the construction of 45 hotel units and a new apartment unit, a pavilion and 912 sq. ft. dining terrace, 760 sq. ft. banquet room, stair and stair tower on two natural rock outcroppings, a 546 sq. ft. seafood bar constructed on approx. 9 ft. of fill on sandy beach, an additional 95 new parking spaces, and reductions in the area of retail, restaurant, and conference areas.

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

The development is within the coastal zone in Orange County at
1555 South Coast Highway; Laguna Beach, CA.


Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive DirectorBy: Title: Staff AnalystACKNOWLEDGMENT

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

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

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

11-27-89
Date
Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Page 2 of 3
Permit No. 5-89-136

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Drainage Plan :

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage control plan designed by a licensed engineer which assures that all run off will be collected from the roof, patios, and all impervious surfaces of the new development, and directs it to a city storm drain or to South Coast Highway.

#2. FUTURE DEVELOPMENT: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 5-89-136; and that any future additions or other development as defined in Public Resources Code section 30106 will require an amendment to Permit No. 5-89-136 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

#3. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL: It shall be the responsibility of the permittee to keep the beach and bluff area free from any and all debris that result from the construction of the project, by periodically checking and cleaning the beach and bluff area.

#4. GEOLOGISTS RECOMMENDATIONS. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a letter from the project geologist certifying that all recommendations made in the reports prepared by Moore and Taber dated 22 August 1988, and 12 September 1986, have been incorporated into the project design and plans for the construction of the proposed project. This condition is exclusive of the beach outcrop erosion and stability recommendation made on page 8 of the 22 August 1988 report, and page 12 of the 12 September 1986 report. The gunite or shotcrete covering of the bluff outcropping as specified in the geology report is not a part of this permit.

#5. ASSUMPTION OF RISK: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide; (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves and high tides and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

Th 7p
ORNIA COASTAL COMMISSION

OAST AREA
BROOKLYN, SUITE 380
ACH, 90802
-5071

Filed: 3-13-89
9th Day: 5-1-89
180th Day: 9-8-89
Staff: Don Schmitz-LB *SH*
Staff Report: 3-29-89
Hearing Date: April 11-14, 1989
Commission Action:

STAFF REPORT: REGULAR CALENDAR *14/11/89 SD*

APPLICATION NO.: 5-89-136

APPLICANT: Regency Ass. & J.C. Resorts AGENT: Morris Skendarian

PROJECT LOCATION: 1555 South Coast Highway
Laguna Beach, Orange County

PROJECT DESCRIPTION: Demolition of 19 hotel units and one apartment unit, and the construction of 45 hotel units and a new apartment unit, a pavilion and 912 sq. ft. dining terrace, 760 sq. ft. banquet room, stair and stair tower on two natural rock outcroppings, a 546 sq. ft. seafood bar constructed on approx. 9 ft. of fill on sandy beach, an additional 95 new parking spaces, and reductions in the area of retail, restaurant, and conference areas.

Lot area: 138,312 sq. ft.
Building coverage: 38,326 sq. ft.
Pavement coverage: 49,709 sq. ft.
Landscape coverage: 13,616 sq. ft.
Parking spaces: 298 spaces
Zoning:
Plan designation:
Project density:
Ht abv fin grade:

LOCAL APPROVALS RECEIVED: Negative Declaration, Conditional Use Permit 89-01,
Variance 4450, Design Review 89-002, Approval in
Concept

SUBSTANTIVE FILE DOCUMENTS:

1. City of Laguna Beach certified Land Use Plan
2. Traffic and Parking Study Surf and Sand Hotel: Justin F. Farmer
Transportation Engineers, Inc.
3. Parking Demand Study Surf and Sand Hotel Expansion; Linscott, Law and
Greenspan Engineers
4. Coastal Development Permits 5-86-915, 6-88-575, 6-85-500, 5-88-062, and
5-87-733

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed development with special conditions related to a drainage plan, future

development, construction responsibilities, geologists recommendations, assumption of risk, and revised plans eliminating that portion of the development located on the natural rock outcroppings (the pavilion and dining terraces, banquet rooms, stairs and stair towers) and on the sandy beach (fill and a seafood bar).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

Approval with conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee

to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

#1. DRAINAGE PLAN.

Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a drainage control plan designed by a licensed engineer which assures that all run-off will be collected from the roof, patios, and all impervious surfaces of the new development, and directs it to a city storm drain or to South Coast Highway.

#2. FUTURE DEVELOPMENT: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 5-89-136; and that any future additions or other development as defined in Public Resources Code section 30106 will require an amendment to Permit No. 5-89-136 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

#3. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL: It shall be the responsibility of the permittee to keep the beach and bluff area free from any and all debris that result from the construction of the project, by periodically checking and cleaning the beach and bluff area.

#4. GEOLOGISTS RECOMMENDATIONS. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a letter from the project geologist certifying that all recommendations made in the reports prepared by Moore and Taber dated 22 August 1988, and 12 September 1986, have been incorporated into the project design and plans for the construction of the proposed project. This condition is exclusive of the beach outcrop erosion and stability recommendation made on page 8 of the 22 August 1988 report, and page 12 of the 12 September 1986 report. The gunite or shotcrete covering of the bluff outcropping as specified in the geology report is not a part of this permit.

5. REVISED PLANS: Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans which show the deletion of the proposed pavilion, 912 square foot dining terraces, 760 square foot banquet room, stair tower, and new stairs located on the rock outcroppings and the seafood bar as shown in Exhibits #2, and #3, as well as all grading necessary for the proposed construction of the afore mentioned structures.

6. ASSUMPTION OF RISK: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves and high tides and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

IV. Findings and Declarations.

A. Project Description and History.

The applicant proposes the demolition of 19 hotel units from an existing hotel complex, along with the demolition of an apartment, 3,849 sq. ft. of retail from the 5,448 sq. ft. that presently exists, 100 sq. ft. of conference area from the 6,540 sq. ft. that presently exists, and 2,357 sq. ft. from the 6,540 that presently exists (Exhibit #4) 45 new hotel units will then be constructed, along with a new apartment, banquet room, dining terraces, stairs, stair tower, pavilion, seafood bar, and 95 new parking spaces (Exhibit #5, and #6). The project also includes 10,980 cubic yards of grading (10,680 cut and 300 fill) and involves the grading of a natural rock outcropping and an approx. 9 ft. high fill slope on the sandy beach on which a seafood bar it to be located. The proposed project is located on the seaward side of South Coast Highway in Laguna Beach (Vicinity Map).

B. Geologic Hazards/Scenic Resources.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

emphasis added

Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually

degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is on a coastal bluff comprised of sand and silt over sandstone and siltstone interbeds. In numerous past actions the Commission has found that alteration of coastal bluffs, blufftops, faces, or bases by excavation or other means should be minimized; that development on a bluff face should only be allowed to stabilize slopes when there is no less environmentally damaging alternative, and when required to maintain public recreational services or to protect principal structures threatened by erosion.

In addition, the City of Laguna Beach Certified LUP states that coastal bluffs "constitute a fragile natural resource particularly susceptible to damage and erosion". The city's LUP states that special design criteria should be applied to bluff top development projects for:

1. Protection of public health and safety.
2. Reduction of environmental degradation, such as soil and vegetative loss.
3. Reduction of public and private economic loss due to structural or property damage.
4. Preservation of the physical characteristics of bluffs, including their aesthetic and scenic qualities.

The applicant is proposing to construct hardscape, two dining terraces totalling 912 square feet, a 760 square foot banquet room, and a stair tower over the rock outcropping at the foot of the bluff east of the existing pool and patio area (Exhibits #1, #2, #3). At present the only structure over the rock outcropping is an access stairway. The proposed development will require extensive grading (the project as a whole will require 10,680 cu yds-Exhibit#7), drastically cutting the rock outcropping down by half from an elevation of 27 ft. to an elevation of 13 ft. This will result in the construction of structures in an area of potential harm from storm waves, and will significantly degrade the aesthetic quality of the remaining coastal

bluff feature. Although the bluff has been heavily impacted by the existing hotel complex development the proposed additions are located atop natural rock outcroppings that are developed only with a beach access stairway. In addition, the 22 August 1988 geology report for the project prepared by Moore and Taber states that:

within the expected life of the structures, erosion (of the bluff outcropping) may become a problem. (page 8)

The geology report goes on to suggest the implementation of erosion control measures to reduce the natural rate of bluff retreat, including aesthetically detrimental measures as spraying the bluff face with gunite or shotcrete. The construction of the dining terraces and stair tower further seaward on the bluff outcropping as proposed will exacerbate any potential problems from future bluff retreat and erosion. Therefore, the encroachment of the development further seaward over the bluff is inconsistent with sections 30240, 30251, and 30253 of the Coastal Act, and the City of Laguna Beach Certified LUP.

Similarly, the project includes the addition of a 546 sq. ft. seafood bar to be located under an existing pool deck. The development proposes an approx. 9 ft. high fill slope to be placed on the beach to bring the floor elevation of the bar up to elevation 16. The plans do not indicate any wave protection devices for the fill slope on the beach although the geology report indicates that the outcrops are susceptible to erosion from the surf and recommends that wave action effects be determined by a coastal engineer. The applicant has therefore not demonstrated that the proposed development is free from wave attack and will not require shoreline protection devices which could adversely impact sand supply and beach processes. Therefore, only as conditioned requiring revised plans which show the deletion of the proposed dining terraces and stair tower, pavilion, and seafood bar can the Commission find the project consistent with sections 30240, 30251, and 30253 of the Coastal Act.

The geology report states that the site is suitable for the proposed project so long as steps are taken to maintain the stability of the site including; recompaction of uncertified fills, subterranean drains for all retaining walls, and implementation of particular engineering capabilities for foundations. All reasonable precautions should be implemented to reduce the potential for structural failure due to erosion or mass wasting. The geology report states that all recommendations contained in the report must be adhered to in order to make the project reasonably safe from the risks present. Therefore, the Commission finds that in order to reduce the risks of development consistent with Section 30253, the applicant shall submit for the review and approval of the Executive Director, certification by the project geologist that all recommendations made in the aforementioned geology report have been incorporated into the design and construction of the approved project. However, this condition is exclusive of the recommendation in the geology report which states that;

The bedrock outcrops overlooking the beach are susceptible to erosion... In order to alleviate the erosive effects, gunite or shotcrete with a wire mesh should be applied to exposed bedrock.

The facing of the exposed bluff face with gunite or shotcrete is not part of the proposed project, and will require an amendment or a new coastal development permit. Only as conditioned is the project consistent with section 30253 of the Coastal Act.

Under Section 30253 new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter three are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development situated adjacent to a shoreline, the Commission cannot absolutely acknowledge that the proposed development will be safe from future storms, or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Laguna Beach such as the subject property are susceptible to flooding and wave damage from storm waves and storm conditions. Past occurrences have resulted in public costs (through low interest loans) in the millions of dollars.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicant's decision to develop. Therefore, as conditioned to assume risk of failure, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned is the proposed development consistent with Section 30253 of the Coastal Act.

C. Future Development.

The location of the project creates the potential for significant impacts upon coastal views, and damage to the designated environmentally sensitive area below the project. Because of its prominent siting and the sensitivity of the location, all future development should be reviewed by the Commission. Therefore, only as conditioned requiring a deed restriction pertaining to future improvements can the Commission find the project consistent with Section 30251 of the Coastal Act.

D. Removal of Debris.

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and

species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As mentioned earlier in this staff report, the existing development is located on a coastal bluff and directly on the sandy beach. Some of the project may require workmen to traverse the edge of the bluff or the sandy beach carrying construction material. This situation creates the potential that construction materials, waste, tools, or equipment could be inadvertently dropped onto the beach area. The storage or dropping of construction material or equipment into this area could have deleterious impacts to this designated sensitive habitat, as well as impact access. Thus, only as conditioned to require the maintenance of the beach area below the project by removal of all debris can the Commission find the project consistent with Sections 30230 and 30231 of the Coastal Act.

E. Public Access.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed project is located at 1555 South Coast Highway, with a public vertical accessway located one block to the north at Mountain Road, and a public vertical accessway adjacent to the southern end of the project at Bluebird Canyon. With an abundance of vertical access to the shore in Laguna Beach, the main constraint on public access results from a severe paucity of available parking for the beach going public.

The proposed project is located in an area which is identified in the Laguna Beach LUP as having a deficiency of available parking for local shoppers, employees, and recreationalists (Exhibits #8, #9, #10). In addition, the existing hotel facilities, which were constructed prior to the passage of proposition 20 in 1972, has a significant deficiency of parking. At present, the combined hotel, retail, conference and restaurant facilities provide 203 parking spaces. By the parking standards consistently applied by the Commission to similar projects, the hotel complex should be providing 388.25 parking spaces for the hotel rooms, retail, conference and restaurant facilities. Therefore, with the present availability of 203 on site parking stalls, there is a deficiency of 185.25 parking spaces.

The reduction in area for the retail, restaurant and conference facilities that the proposed project will entail will result in a concurrent reduction of parking needs by 42.42 spaces. After the demolition of the 19 hotel units is subtracted from the 45 new hotel units proposed for construction, the net increase of 26 units will result in a parking demand increase of 9 spaces for the lodging facilities. After subtracting the reductions in parking demand from increases, the proposed project will result in an improvement to the present parking scenario of a parking demand reduction of 33.42 spaces. Concurrent with the reduction in demand the proposed development would create, the applicants propose to construct an additional 95 parking spaces, resulting in a total potential improvement of 128.42 parking spaces. Although the hotel complex will still be deficient 56.83 spaces by the Coastal Commission standards, the proposed project will result in a significant improvement in the amount of available parking. In addition, the applicants have indicated to staff that engineering and topographical restraints would complicate construction of additional parking facilities so as to render the project infeasible, hence obviating any improvement in the present severe parking shortage. Furthermore, the applicants have submitted extensive traffic and parking studies which state conclusively that the proposed parking will be adequate for the needs of both the existing and proposed facilities. Therefore, the Commission finds that the proposed project is consistent with sections 30211 and 30212 of the Coastal Act.

F. Local Coastal Program.

Section 30604 (a) and (c) of the Coastal Act states:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with

the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The proposed project is located at 1555 South Coast Highway in Laguna Beach. The City of Laguna Beach has a Land Use Plan, which was certified by the Commission on June 11, 1985, a major step toward final certification of a Local Coastal Program. Therefore, the Chapter 3 policies of the Coastal Act are the most important criteria for analysis of the proposed development. The project as proposed is inconsistent with sections 30240, 30253, and 30251, and potentially inconsistent with 30230, 30231 of the Coastal Act. However, with the special conditions requiring revised plans, responsibility for the clean up of construction debris, review of future development, provisions for diverting drainage away from the bluff face, and implementation of the geologist recommendations for construction, the proposed project is in conformance with Chapter 3 and all relevant policies of the Coastal Act. Therefore, the Commission finds that the project, as conditioned, will not prejudice the ability of the City of Laguna Beach to prepare a Local Coastal Program consistent with the provisions of Chapter 3 of the Coastal Act.

Attachment X

To: Permit Applicants
From: California Coastal Commission
Subject: Standard Conditions

The following standard conditions are imposed on all permits issued by the California Coastal Commission.

I. STANDARD CONDITIONS

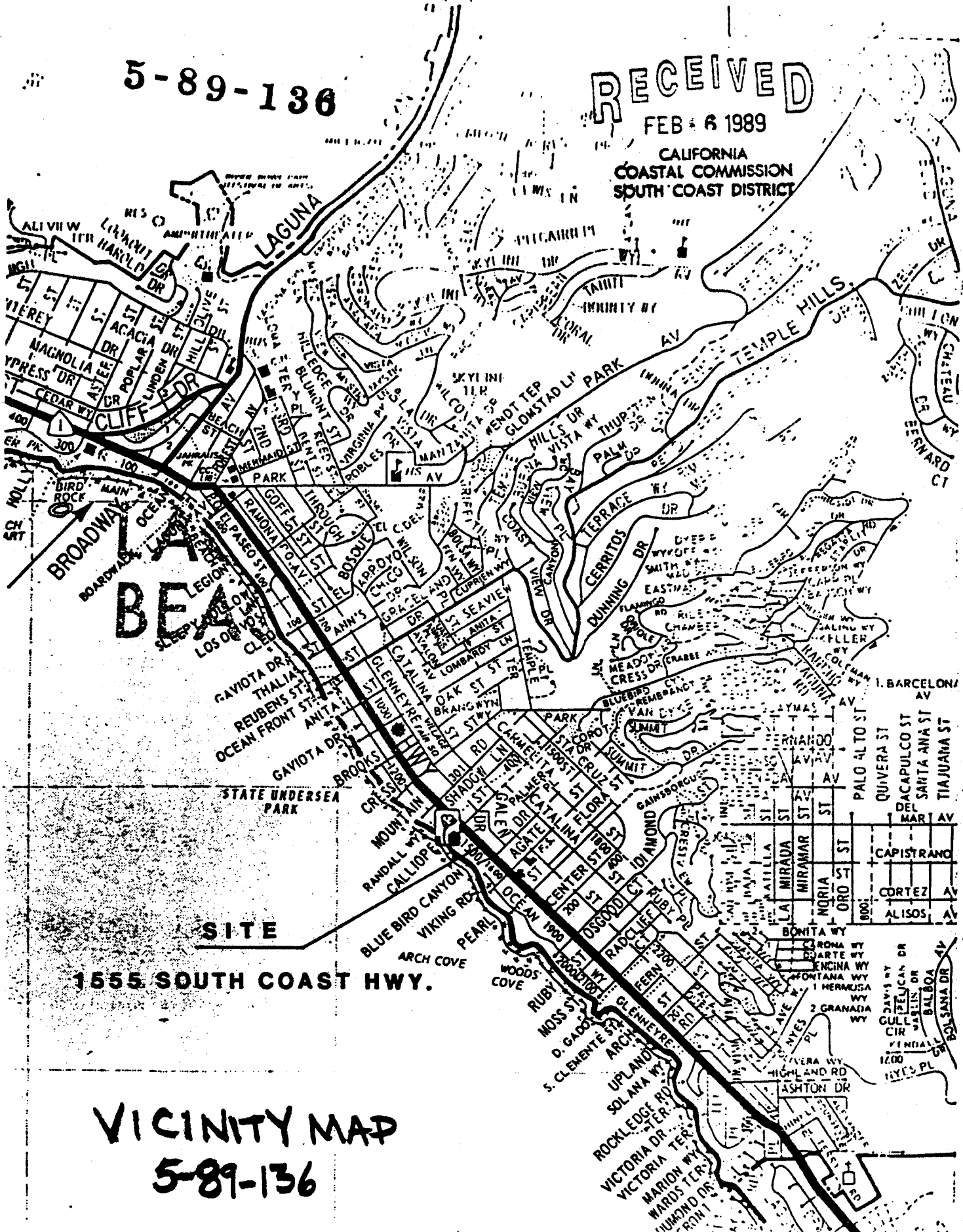
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SURF AND SAND HOTEL

5-89-136

RECEIVED
FEB 6 1989


CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

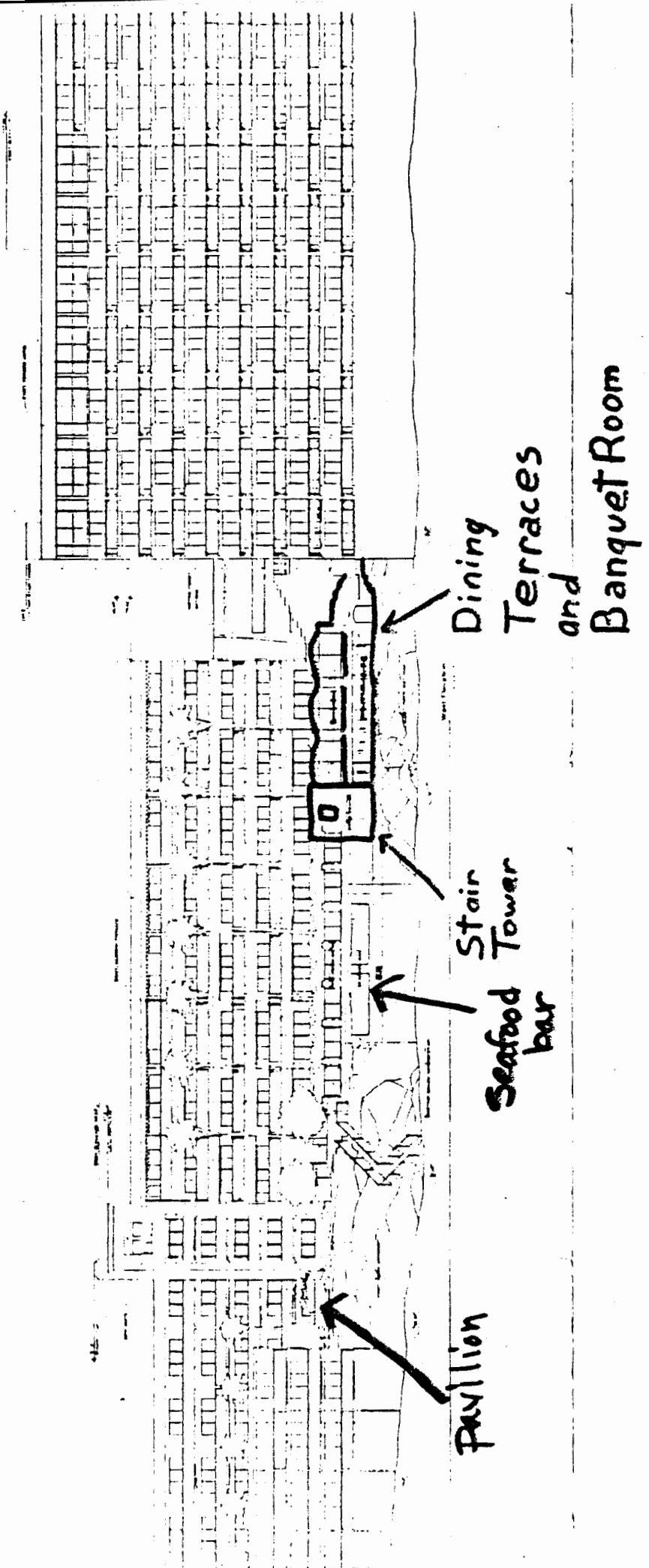


MAP
SEE

1555 SOUTH COAST HWY.

VICINITY MAP
5-89-136

EXHIBIT NO. 2
APPLICATION NO.
5-89-136
 California Coastal Commission



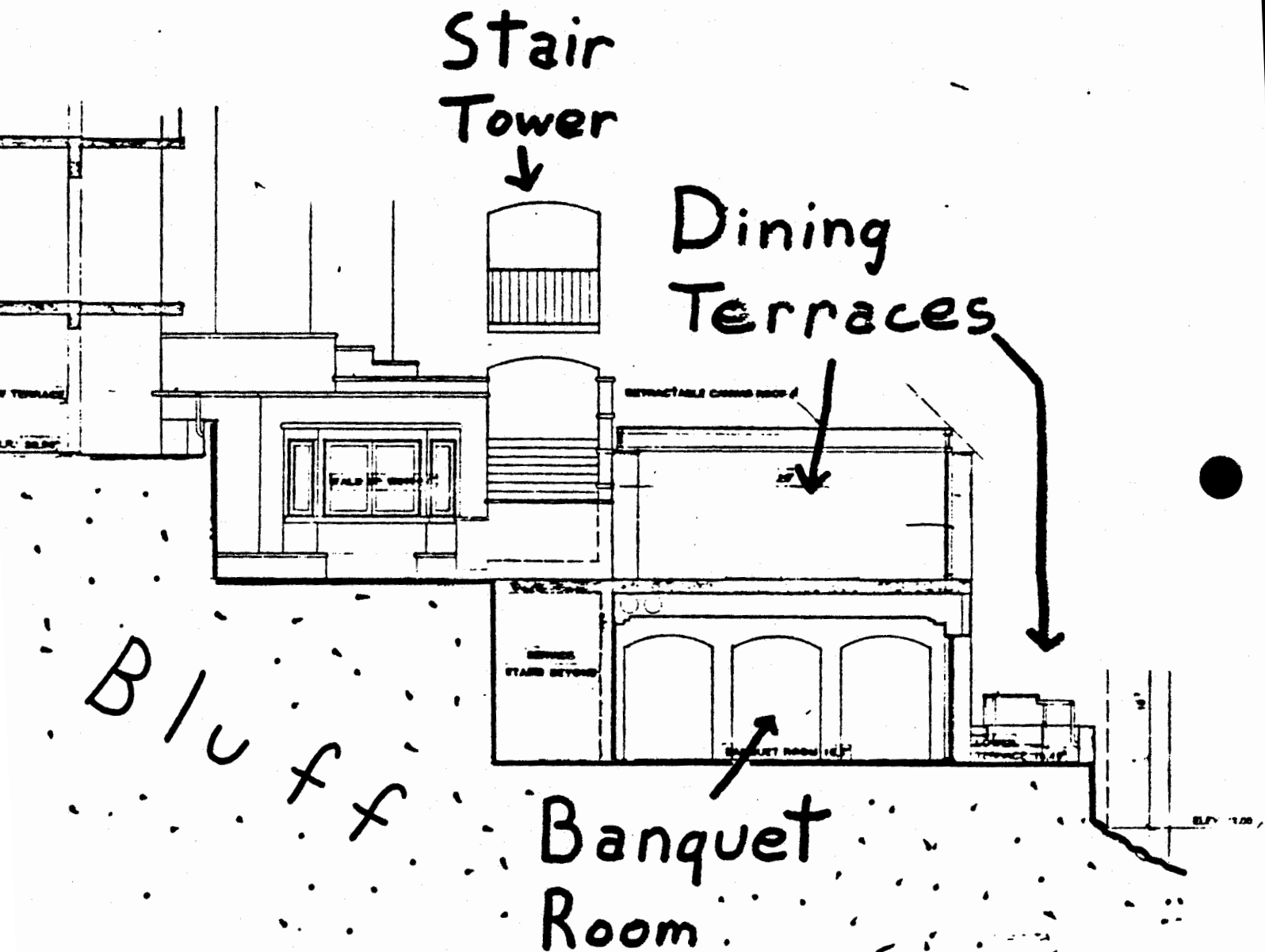


EXHIBIT NO. 3

APPLICATION NO.

5-89-136

California Coastal Commission

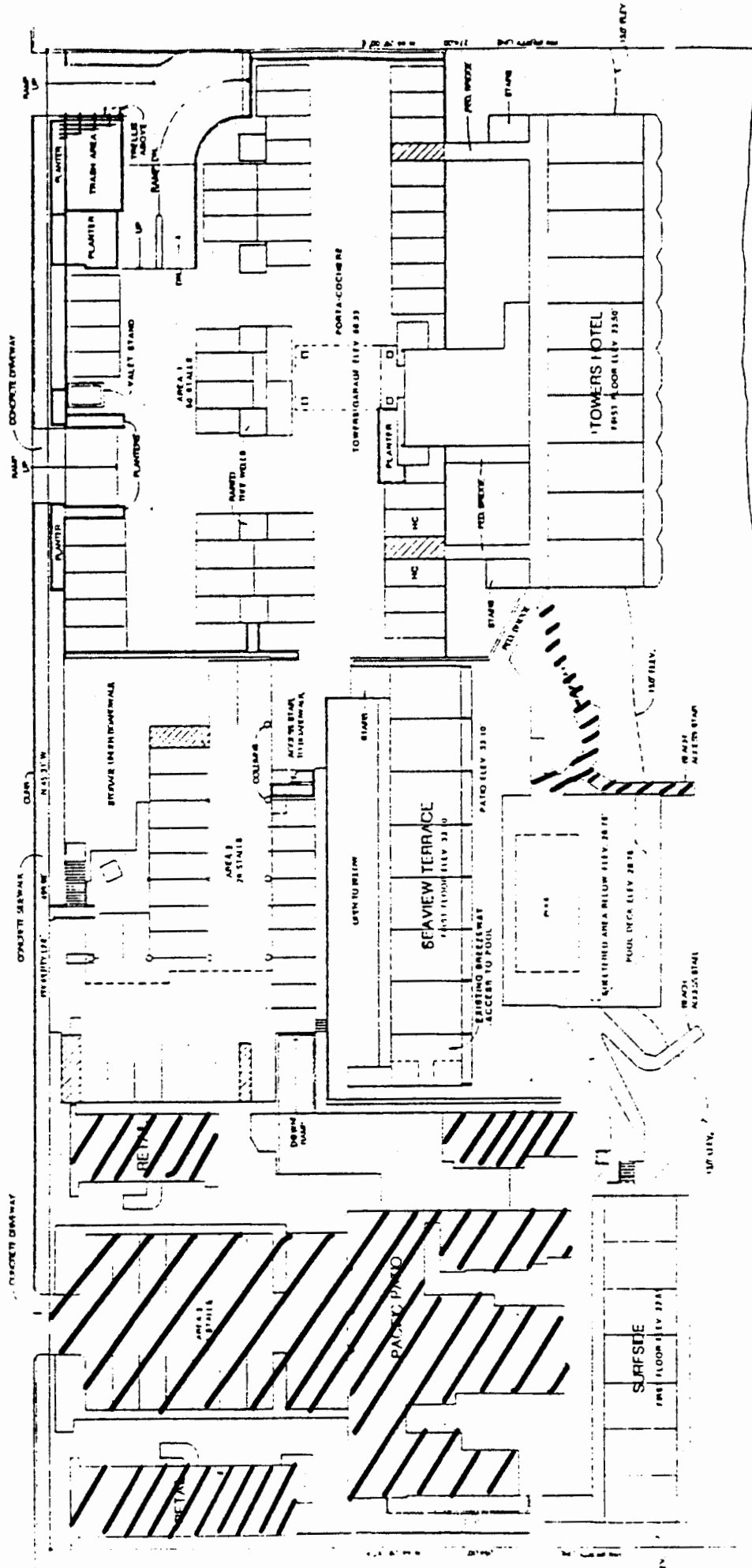
Areas to be Demolished

EXHIBIT NO. 4
APPLICATION NO.

89-136

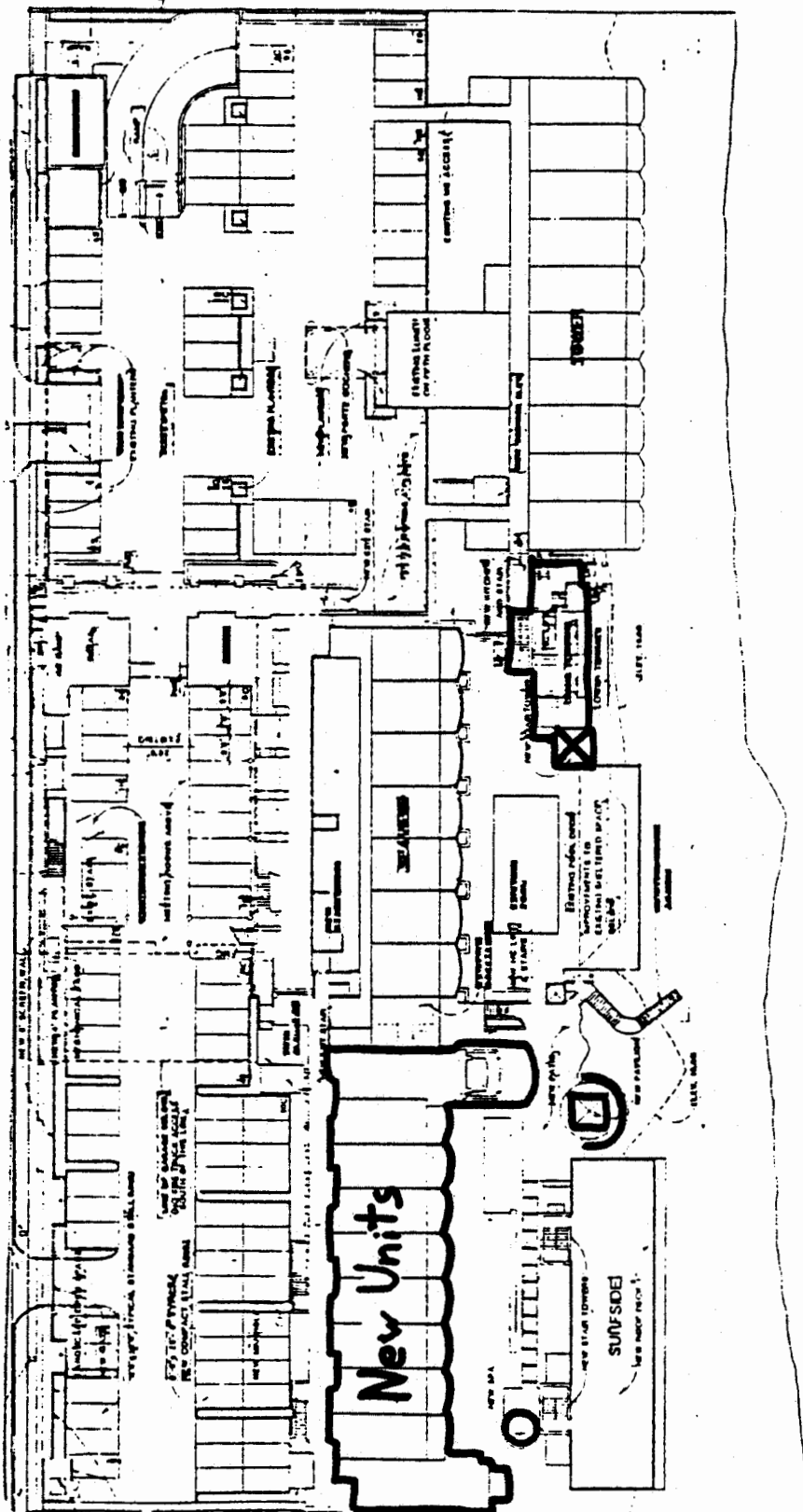
California Coastal Commission

PACIFIC COAST HWY.



100' IS AN APPROXIMATE
IN. OF (LOW & HIGH)
TIA METHOD (1974)

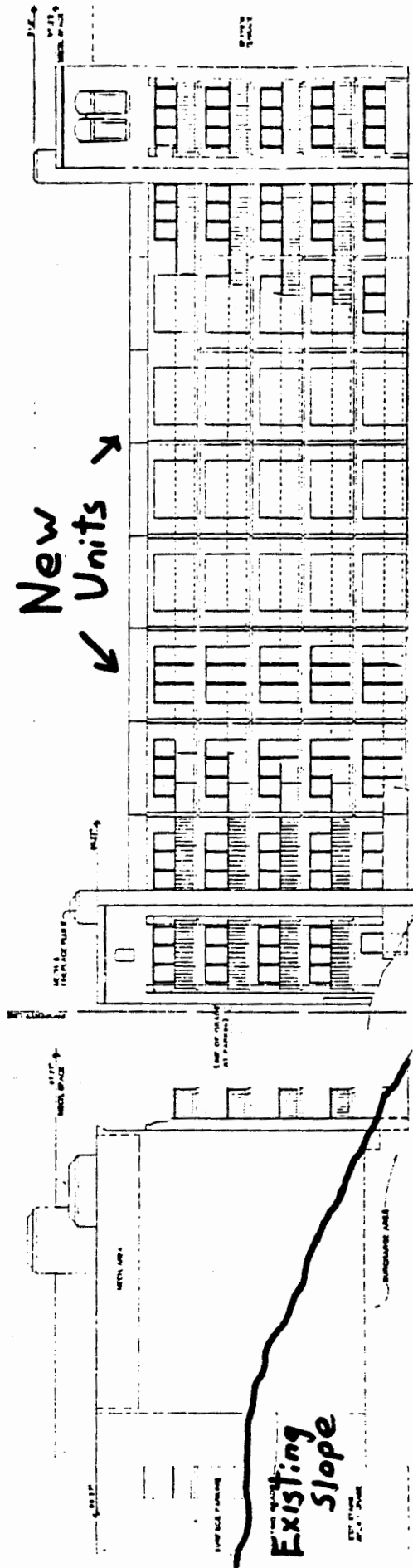
PACIFIC OCEAN



New
Development

EXHIBIT NO. 5
APPLICATION NO.
5-89-136
California Coastal Commission

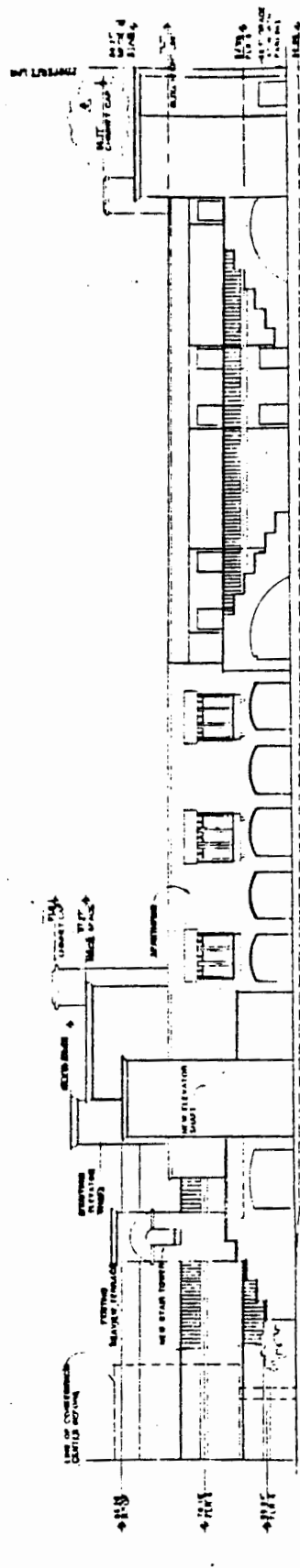
New
Units →



Existing
Slope

WEST ELEVATION
SCALE 1/8" = 1'-0"

NORTH ELEVATION
SCALE 1/8" = 1'-0"



EAST ELEVATION
SCALE 1/8" = 1'-0"

New
Development

EXHIBIT NO. 6
APPLICATION NO.
5-89-136
California Coastal Commission

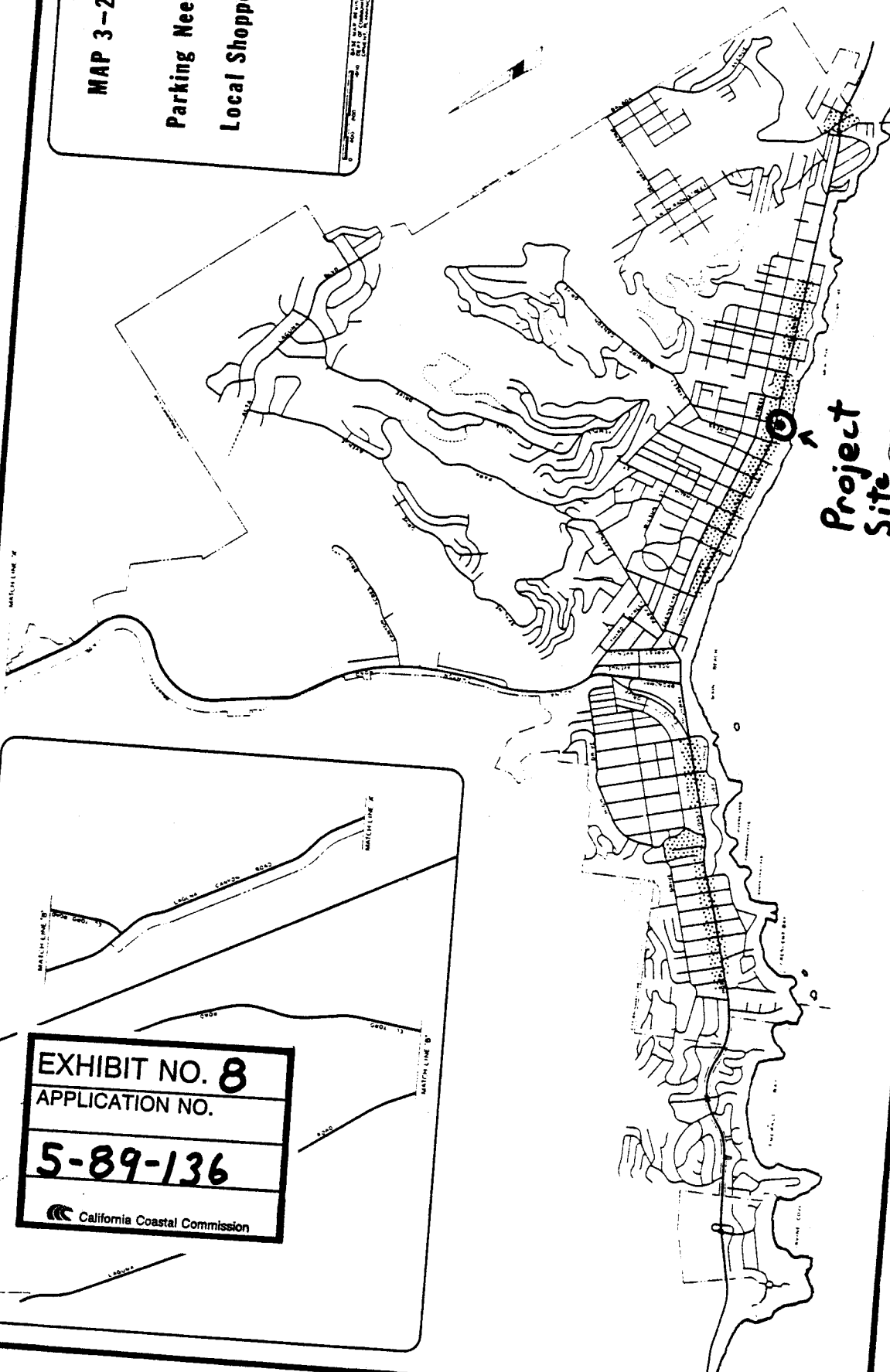
● Parking Deficiency

MAP 3-2

Parking Needs:
Local Shoppers

EXHIBIT NO. 8
APPLICATION NO.
5-89-136

California Coastal Commission

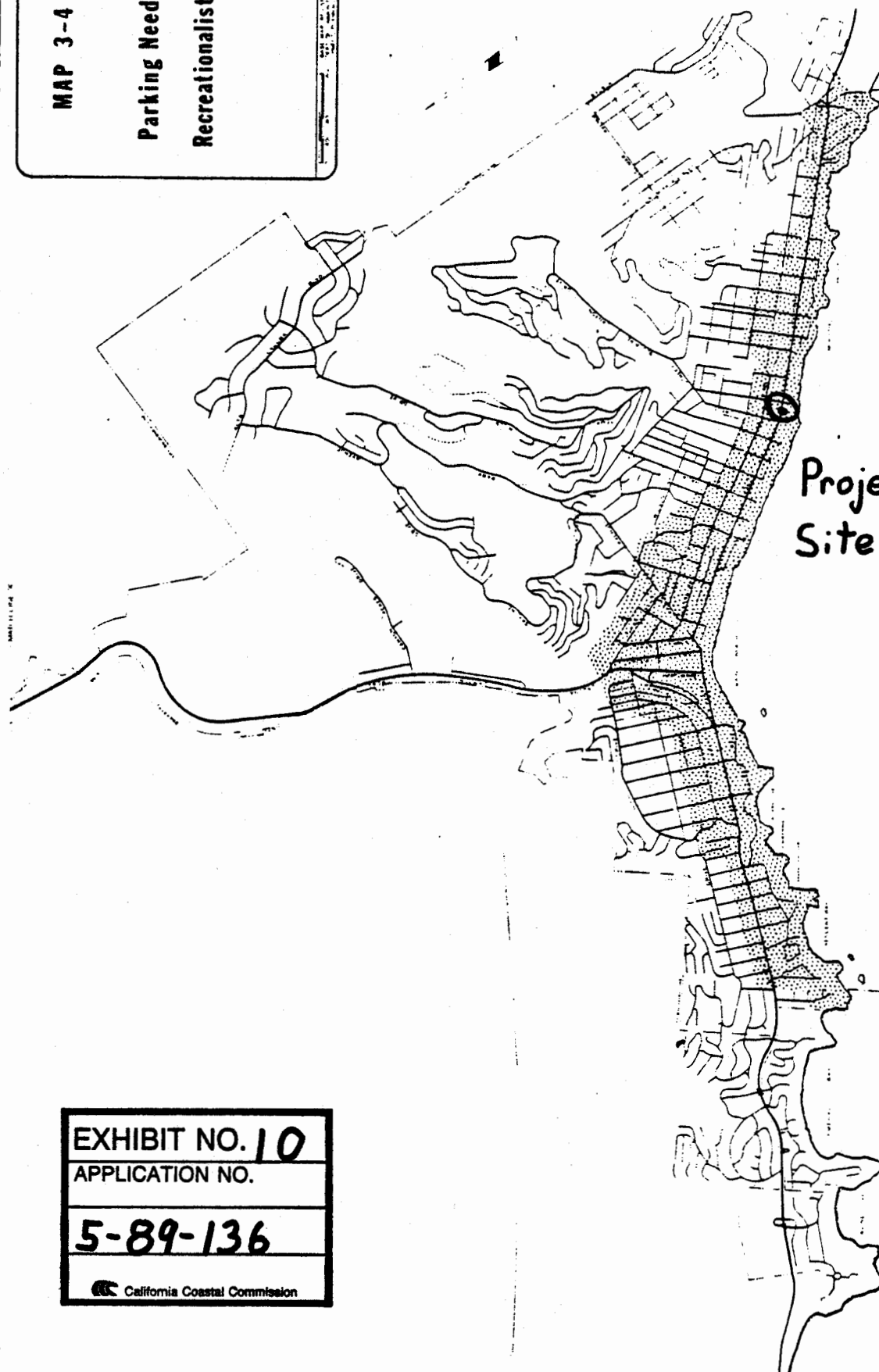


Project
Site City of Laguna Beach

Parking Deficiency

MAP 3-4

Parking Needs:
Recreationalists



City of Laguna Beach

Project
Site

EXHIBIT NO. 10

APPLICATION NO.

5-89-136

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071

**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**Date November 27, 1989Permit Number 5-89-136 issued to Regency Associates, Ltd.

for Demolition of 19 hotel units and one apartment unit, and the construction of 45 hotel units and a new apartment unit, an additional 95 new parking spaces, and reductions in the area of retail, restaurant, and conference areas.

at 1555 South Coast Highway; Laguna Beach, CA

has been amended to include the following change:

Construction of a 1,002 sq.ft. beach front dining area including a 359 sq. ft. dining terrace, a 750 sq.ft. seafood bar under an existing pool, a bluff top wedding pavillion and 2,000 sq.ft. of storage and support area.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

PETER M. DOUGLAS
Executive Director

By: John LedeTitle: Staff Analyst**ACKNOWLEDGMENT**

I have read and understand the above amendment and agree to be bound by the conditions as amended of Permit No. 5-89-136

Date 11/30/89Signature Paul Reed, Secretary

0069:JL/gf

TH 7C
CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

Filed: 5-15-89
49th Day: 7-6-89
180th Day: 11-13-89
Staff: Don Schmitz-LB
Staff Report: 5-23-89
Hearing Date: June 13-16, 1989
Commission Action:

STAFF REPORT: PERMIT AMENDMENT A/C 1-0 4/2/89
108712

APPLICATION NO.: 5-89-136A

APPLICANT: Regency Associates, LTD
JC Resorts, INC.

AGENT: Paul Reed

PROJECT LOCATION: 1555 South Coast Highway
Laguna Beach, Orange County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolition of 19 hotel units and one apartment unit, and the construction of 45 hotel units and a new apartment unit, an additional 95 new parking spaces, and reductions in the area of retail, restaurant, and conference areas.

DESCRIPTION OF AMENDMENT: The construction of a 1,002 sq. ft. beach front dining area including a 359 sq. ft. dining terrace, a 750 sq. ft. seafood bar under an existing pool, a bluff top wedding pavillion, and 2,000 sq. ft. of storage and support area.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Laguna Beach

SUBSTANTIVE FILE DOCUMENTS:

1. City of Laguna Beach certified Land Use Plan
2. Traffic and Parking Study Surf and Sand Hotel: Justin F. Farmer Transportation Engineers, Inc.
3. Parking Demand Study Surf and Sand Hotel Expansion; Linscott, Law and Greenspan Engineers
4. Coastal Development Permits 5-86-915, 6-88-575, 6-85-500, 5-88-062, 5-87-733, and 5-89-136.
5. Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981).
6. "Economic Profiling of Beach Fills" Coastal Sediments 77, Richard Silvester.
7. Shore and Sea Boundaries, U.S. Department of Commerce, Aaron Sholowitz.

8. Shore Protection in California (1976) California Department of Boating and Waterways.
9. Georgia-Pacific Corporation v. California Coastal Commission (1982) 132 Cal. App 3d 678.
10. Assessment and Atlas of Shoreline Erosion Along the California Coast, California Department of Navigation and Ocean Development, July 1977
11. Variable Sediment Flux and Beach Management, Ventura County, California; Orme and Brown, UCLA, Coastal Zone 83, Volume III.
12. Coastal Permit Applications: 5-83-6526 and 5-83-378 (Steiger); 6-87-371 (Van Buskirk); 4-87-161 (Pierce Family Trust); 5-87-576 (Miser and Cooper); 5-87-694 (Shapiro); 5-86-727 (Goren).
13. Whaler's Village vs. Cal. Coastal Comm., 173 Cal. App.3d 240 (1986), Nollan vs. Cal. Coastal Comm., U.S. Supreme Court, No. 86-133, June 1987.

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

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

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

SUMMARY OF STAFF RECOMMENDATION:

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development

with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

#1. FUTURE DEVELOPMENT: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit amendment No. 5-89-136A; and that any future additions or other development as defined in Public Resources Code section 30106 will require an amendment to Permit No. 5-89-136A or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

#2. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL: It shall be the responsibility of the permittee to keep the beach and bluff area free from any and all debris that result from the construction of the project, by periodically checking and cleaning the beach and bluff area.

#3. ENGINEERING RECOMMENDATIONS. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a letter from the project engineer certifying that all recommendations made in the report prepared by Scott Jenkins dated 28 August 1989 have been incorporated into the project design and plans for the construction of the proposed project.

#4. ASSUMPTION OF RISK: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves and high tides and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

#5 FUTURE SHORELINE PROTECTIVE DEVICES: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from storm waves and high tides and the (b) applicant will utilize engineering solutions other than a shoreline protective device in front of the proposed seafood bar if the proposed design proves unable to withstand storm waves and tides. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

#6. LATERAL ACCESS: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the landowner shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the mean high tide line, which is understood to be ambulatory from day to day, to the dripline of the existing structures.

(a) Privacy Buffer

The area ten (10) feet seaward of the outer edge of the existing structures shall be identified as a privacy buffer. The privacy buffer shall be restricted to pass and repass only, and shall be available only when no other dry beach areas are available for lateral public access.

(b) The remaining area shall be available for passive recreational use.

The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

NOTE: Unless specifically altered by the amendment, all conditions attached to the previously approved permit remain in effect.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and History

In previously approved Coastal Development Permit #5-89-136, the applicant proposed the demolition of 19 hotel units from an existing hotel complex, along with the demolition of an apartment, 3,849 sq. ft. of retail area from the existing 5,448 sq. ft., 100 sq. ft. of conference area from the existing 6,540 sq. ft., and 2,357 sq. ft. of restaurant space from the existing 6,540 (Exhibit #1). Forty five new hotel units were proposed, along with a new apartment, banquet room, dining terraces, stairs, stair tower, pavilion, seafood bar, and 95 new parking spaces (Exhibit #2, and #3). The project also included 10,980 cubic yards of grading (10,680 cut and 300 fill). The project is located on the seaward side of South Coast Highway in Laguna Beach (Vicinity Map).

At the Commission hearing of April 14, 1989, staff recommended approval with special conditions regarding a drainage plan, future development, construction responsibilities, geologist recommendations, assumption of risk, and revised plans eliminating that portion of the development located on the natural rock outcroppings (the pavillion, and dining terraces, banquet room, stairs and stair tower), and on the sandy beach (fill and seafood bar).

At the hearing the applicant withdrew the portions of the project which staff was recommending be deleted, so that the proposed development could be modified so as to be in conformance with the Coastal Act and the Laguna Beach Certified LUP. Consequently, the special condition for revised plans was deleted by the Commission, and the project was approved with the remainder of the special conditions intact.

The applicant is now requesting an amendment to the approved project, and is submitting a modified version of the portion of the project which was withdrawn. The applicant is now proposing the construction of a 1,002 sq. ft. beach front dining area including a 359 sq. ft. dining terrace, a 750 sq. ft. seafood bar under an existing pool, a bluff top wedding pavillion, and 2,000 sq. ft. of storage and support area.

B. Geologic Hazards/Scenic Resources.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is on a coastal bluff comprised of sand and silt over sandstone and siltstone interbeds. In numerous past actions the Commission has found that alteration of coastal bluffs, blufftops, faces, or bases by excavation or other means should be minimized; that development on a bluff face should only be allowed to stabilize slopes when there is no less environmentally damaging alternative, and when required to maintain public recreational services or to protect principal structures threatened by erosion.

In addition, the City of Laguna Beach Certified LUP states that coastal bluffs "constitute a fragile natural resource particularly susceptible to damage and erosion". The city's LUP states that special design criteria should be applied to bluff top development projects for:

1. Protection of public health and safety.
2. Reduction of environmental degradation, such as soil and vegetative loss.
3. Reduction of public and private economic loss due to structural or property damage.
4. Preservation of the physical characteristics of bluffs, including their aesthetic and scenic qualities.

The applicant is proposing to construct hardscape, an outdoor dining terrace totalling 359 square feet, a 1002 square foot restaurant. At present the only development over the bluff is an access stairway and landscaping, which has resulted in the bluff being heavily impacted. However, the applicant has severely curtailed the size of the proposed restaurant, both in height and bulk, and eliminated the previously proposed stair tower. The restaurant and dining terrace will be constructed on a bluff which has already undergone heavy impacts to visual amenities from previous development, and will not result in significant degradation to coastal views. The risk from storm waves and erosion is still a risk, however special conditions number 2, 3, and 4 requiring the applicant to certify that the proposed development meets the necessary engineering capabilities, remove all construction debris, and assume all liability, obviate these concerns. Therefore, as conditioned, the construction of the restaurant, dining terrace, and restaurant support area, is consistent with sections 30240, 30251, and 30253 of the Coastal Act, and the City of Laguna Beach Certified LUP.

Similarly, the project includes the addition of a 750 sq. ft. seafood bar to be located under an existing pool deck. The plans do not indicate any wave protection devices for the seafood bar, however the construction plans utilize high impact storm glass similar to that which is utilized on large ocean liners. The applicant has stated that this design will be sufficient to withstand wave attack, and that he is willing to agree to waive the right for any future shoreline protective device in front of the seafood bar. However, only as conditioned requiring certification by the project engineer that the seafood bar will withstand wave attack, and a deed restriction precluding the future construction of a shoreline protective device in front of the seafood bar, can Commission find the project consistent with sections 30240, 30251, and 30253 of the Coastal Act.

Under Section 30253 new development in areas of high geologic, flood, and fire hazard may occur so long as risks to life and property are minimized and the other policies of Chapter 3 are met. The Coastal Act recognizes that new development may involve the taking of some risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property.

Because of the inherent risks to development situated adjacent to a shoreline, the Commission cannot absolutely acknowledge that the proposed development will be safe from future storms, or be constructed in a structurally sound manner and be properly maintained to eliminate any potential risk to the beach going public. The Commission acknowledges that many of the oceanfront parcels in Laguna Beach such as the subject property are susceptible to flooding and wave damage from storm waves and storm conditions. Past occurrences have resulted in public costs (through low interest loans) in the millions of dollars.

The applicant may decide that the economic benefits of development outweigh the risk of harm which may occur from the identified hazards. Neither the Commission nor any other public agency that permits development should be held liable for the applicants decision to develop. Therefore, as conditioned to assume risk of failure, the applicants are required to expressly waive any potential claim of liability against the Commission for any damage or economic harm suffered as a result of the decision to develop. Only as conditioned is the proposed development consistent with Section 30253 of the Coastal Act.

C. Future Development.

The location of the project creates the potential for significant impacts upon coastal views, and damage to the designated environmentally sensitive area below the project. Because of its prominent siting and the sensitivity of the location, all future development should be reviewed by the Commission. Therefore, only as conditioned requiring a deed restriction pertaining to future improvements can the Commission find the project consistent with Section 30251 of the Coastal Act.

D. Removal of Debris.

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among

other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As mentioned earlier in this staff report, the existing development is located on a coastal bluff and directly on the sandy beach. Some of the project may require workmen to traverse the edge of the bluff or the sandy beach carrying construction material. This situation creates the potential that construction materials, waste, tools, or equipment could be inadvertently dropped onto the beach area. The storage or dropping of construction material or equipment into this area could have deleterious impacts to this designated sensitive habitat, as well as impact access. Thus, only as conditioned to require the maintenance of the beach area below the project by removal of all debris can the Commission find the project consistent with Sections 30230 and 30231 of the Coastal Act.

E. Public Access.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The proposed project is located at 1555 South Coast Highway, with a public vertical accessway located one block to the north at Mountain Road, and a public vertical accessway adjacent to the southern end of the project at Bluebird Canyon. With an abundance of vertical access to the shore in Laguna Beach, the main constraint on public access results from a severe paucity of available parking for the beach going public.

The proposed project is located in an area which is identified in the Laguna Beach LUP as having a deficiency of available parking for local shoppers, employees, and recreationalists. In addition, the existing hotel facilities, which were constructed prior to the passage of proposition 20 in 1972, has a significant deficiency of parking. At present, the combined hotel, retail, conference and restaurant facilities provide 203 parking spaces. By the parking standards consistently applied by the Commission to similar projects, the hotel complex should be providing 388.25 parking spaces for the hotel rooms, retail, conference and restaurant facilities. Therefore, with the present availability of 203 on site parking stalls, there is a deficiency of 185.25 parking spaces.

The reduction in area for the retail, restaurant and conference facilities which resulted from the previously approved project will result in a concurrent reduction of parking needs by 42.42 spaces. After the demolition

of the 19 hotel units is subtracted from the 45 new hotel units proposed for construction, the net increase of 26 units will result in a parking demand increase of 9 spaces for the lodging facilities. 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. Concurrent with the reduction in demand the approved development will create, the applicants will construct an additional 95 parking spaces, resulting in a total improvement of 128.42 parking spaces. The proposed amendment will not degrade the amount of available parking, as the total parking demand will actually be less than that which was originally proposed. Furthermore, the applicants have submitted extensive traffic and parking studies which state conclusively that the proposed parking will be adequate for the needs of both the existing and proposed facilities, including those in the proposed amendment.

However, as part of the proposed amendment, the applicants are proposing a wall in front of the dining terrace which will be both a retaining wall and shoreline protective device (Exhibit #4). The Coastal Act policies related to construction of shoreline protective devices are as follows:

Section 30235.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosions and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253.

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project involves a shoreline structure which will affect the configuration of the shoreline and the beach profile and have an adverse impact on the shoreline. The precise impact of shoreline structures on the

beach is a persistent subject of controversy within the discipline of coastal engineering, and particularly between coastal engineers and marine geologists. Much of the debate focuses on whether seawalls or other factors (such as the rise of sea level) are the primary cause of shoreline retreat. This debate tends to obscure the distinction between the long term trends of the shoreline, and the effects of seawalls on those long-term trends, and the shorter term effects that might not be permanent but may significantly alter the width and utility of a beach over the course of a year. The long term and short term effects of seawalls will be discussed separately below.

The Coastal Act recognizes that protective devices may be needed to protect existing structures, that such structures may alter shoreline processes, and that those alterations should be minimized and mitigated. The ongoing debate in the literature does acknowledge that seawalls have some effect, at least on the supply of sand. A succinct statement of the adverse effects of seawalls, and the viewpoint of coastal geologists that view beach processes from the perspective of geologic time, is contained in Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981, Skidaway Institute of Oceanography) which was signed by 94 experts in the field of coastal geology (page 4):

These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.

It is widely recognized that large structures such as groins and breakwaters will have significant and obvious impacts on sand supply and beach profiles, but even a relatively small structure such as the one proposed can have an impact on the site and the adjoining area. As stated in a publication by the State Department of Boating and Waterways (formerly called Navigation and Ocean Development), Shore Protection in California (1976) (page 30):

While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces of water, created by the waves striking the wall rapidly remove sand from the beach.

This impact is reiterated in the paper, "Economic Profiling of Beach Fills" by Herman Christiansen which is contained in the proceedings

of Coastal Sediments '77 (November 1977). It states (page 1047):

Observations at some of the investigated beaches have shown that an optimal profile becomes instable, if structures, such as rocks, groins, revetments, piles, stairs etc., are placed within the wave action zone of a beach. Steady erosions, caused by complex high turbulent surf currents, lead to heavy sand losses.

In contrast to the perspective of coastal geologists, a number of coastal engineers argue that seawalls are symptoms of coastal erosion rather than causes. At least in part, the perspective of coastal engineers reflects their perspective of a time scale that involves the life of a structure. This viewpoint is perhaps best expressed by the renowned expert in beach processes R. G. Dean, who attributes changes in beach profiles to erosion rather than structures, in this discussion from "Coastal Sediment Processes: Toward Engineering Solutions" in Coastal Sediments '87 (page 22):

Placed along a shoreline with an erosional trend, armoring can perform the intended function of upland stabilization while the adjacent shoreline segments continue to erode. The resulting offset between stabilized and unstabilized segments may be interpreted incorrectly that the armoring has caused the adjacent erosion.

Dean's article goes on to acknowledge potential adverse effects and the responsibility for mitigation of those effects (page 23):

...Armoring can cause localized additional storm scour, both in front of and at the ends of the armoring...Under normal wave and tide conditions, armoring can contribute to the downdrift deficit of sediment through decreasing the supply on an eroding coast and interruption of supply if the armoring projects into the active littoral zone.

If armoring is deemed warranted to protect a threatened structure and if rational assessment concludes that installation of the armoring would adversely affect the shoreline, mitigation in the form of periodic additions of beach quality sediment should be considered.

Research on the effects of seawalls continues, and many of the results are not yet available. Much of the research is anecdotal, with diminished beach width evident, but the major causes not clearly identified. The potential role of seawalls remains disturbing, as noted in the conclusion to "Coastal Erosion on the Barrier Islands of Pinellas County, West-central Florida", by William O. Sayre, also in Coastal Sediments '87 (page 1049):

In two years of surveying, beach erosion and recovery on the barrier islands of Pinellas County has been measured. An undeveloped island's beach recovered quickly after

winter-time and hurricane-caused erosion. A highly developed beach without a seawall and near a jetty fared almost as well, recovering more slowly, but showing no net erosion over the two year period. The two other sites, on highly developed barriers and backed by seawalls, have suffered greatly. One narrow beach was completely destroyed by a hurricane and only partially recovered. The other was reduced by at least a quarter and was artificially nourished

The Commission notes the continuing debate over the effects of seawalls, the lack of convergence in the literature, and the strong identification of viewpoints with the disciplines of coastal engineering and marine geology. The Commission does not believe that it is entirely accidental that this debate has arisen between disciplines with such fundamentally different perspectives on the time scale involved in analyzing physical processes. The Commission believes that more information can be shed on this subject through explicit consideration of long term and short term processes active on a beach.

The location of a proposed shoreline structure on the seasonal profiles of a beach (that is, the proximity of the structure to the waves), and the overall erosion pattern of a beach, are two key factors that determine the impact of seawalls. Although debate persists as to whether a shoreline structure is the cause or merely a symptom, it is generally agreed that where a beach is eroding, a seawall will come to define the boundary between the sea and the upland. H.V. McDonald and D.C. Patterson state, in "Beach Response to Coastal Works Gold Coast, Australia" in Coastal Engineering 1984 (page 1537):

On the persistently eroding beaches at North Kirra and Palm Beach, the receding beachline has effectively placed the seawall progressively further and further seaward on the beach profile until no beach exists at all in front of the wall. Clearly, the establishment of fixed seawall alignments on persistently eroding sections of beach will lead eventually to loss of the beach as a useful recreational amenity.

Whether or not the seawall or erosion leads to the loss of the beach continues to be debated in the literature, but the distinction does not alter the result: when the beach in front of the structure disappears over time the natural shoreward migration of the beach is blocked by the structure. The net effect is documented in a recent National Academy of Sciences Study "Responding to Changes in Sea Level, Engineering Implications" (1987), which provides (page 74):

A common result of sea wall and bulkhead placement along the open coastline is the loss of the beach fronting the structure. This phenomenon, however, is not well understood. It appears that during a storm the volume of sand eroded at the base of a sea wall is nearly equivalent to the volume of upland erosion prevented by the sea wall. Thus, the offshore profile has a certain "demand" for sand and this is "satisfied" by erosion of the upland on a natural beach or as close as possible to the natural area of erosion on an armored shoreline...

While the experts continue to discuss the exact manner in which seawalls affect shoreline processes, the Commission must make decisions about specific projects. The Commission notes that the debate focuses on the cause of erosion rather than the loss of the beach, and begs the critical factual question of whether or not the beach disappears.

On an eroding shoreline fronted by a beach, a beach will be present as long as some sand is supplied to the shoreline. As erosion proceeds, from sea level rise or from other causes, the entire profile of the beach also retreats. However, this process stops when the retreating shoreline comes to a seawall. While the shoreline on either side of the seawall continues to retreat, shoreline retreat in front of the seawall stops. Eventually, the shoreline protected by the seawall protrudes into the water, with the winter MHT fixed at the base of the structure. The Commission is led inexorably to the conclusion that if the seawall works effectively on a retreating shoreline, it results in the loss of the beach, at least seasonally. If the shoreline continues to retreat, however slowly, the seawall will be where the beach was, and where the beach would be absent the presence of the seawall. This represents the loss of a beach as a direct result of the seawall. The Commission has observed this phenomena up and down California's coast, where a seawall has successfully halted the retreat of the shoreline, but only at the cost of usurping the beach. Although this may occur only slowly, the Commission concludes that it is the inevitable effect of constructing a seawall on an eroding shoreline. For such areas, even as erosion proceeds, a beach would be present in the absence of a seawall.

The Commission's previous observations about the effects of seawalls on access have been upheld in previous decisions. In the case of Whalers' Village Club v. Cal. Coastal Commission (1985) 173 Cal.App.3d 240, 259-261 [220 CR 2], Cert. Denied 106 S.Ct. 1962 (1986), the Court of Appeal analyzed in the following terms the legal sufficiency of the adverse impacts discussed in these findings to justify a lateral access dedication:

Respondent challenges the nexus between the Commission's finding that the revetment imposes a burden on the public which justifies imposition of the access condition and the evidence in the record. [Citation omitted.] In point, respondent argues that the Commission found a public "burden" because seawalls in general tend to cause additional sand scour on any historically eroding beach but did not find that this particular revetment cause such damage. [Emphasis in original.]

There is substantial evidence in the administrative record to support the staff's conclusion that seawalls and revetments tend to cause sand loss from beach areas in front of and adjacent to them even if they protect immediate structures. Studies cited in staff reports...confirm the staff's finding that "by artificially building up the slope of the shore area, seawalls and revetments of this type tend to cause a landward retreat of the mean high tide line,...."

Staff reports...referred to surveys of the Army Corps of Engineers and other experts concerning shoreline erosion along the California coast and, in particular, beach erosion in Ventura County. The Commission [thus] had sufficient information before it to conclude that, due to construction of this revetment and others up and down the coast, the erosive nature of the beaches in Ventura County coupled with the tendency of seawalls and revetments to increase the sand loss on beaches with a tendency to recede constitutes a cumulative adverse impact and places a burden on public access to and along State tide and submerged lands for which corresponding compensation by means of public access is reasonable. [Emphasis in original; citations omitted.]

The Commission concludes from the opinion of experts and from an analysis of the process of shoreline dynamics that placement of a seawall within the areas of a shore affected by those processes adversely affects shoreline processes in front of the seawall as well as property on either side of the seawall. Obviously the impact of a seawall is greater the more often it is exposed to wave attack, and seawalls located far up the beach have less impact than seawalls lower on the beach.

Given the adverse effects of seawalls on shoreline processes, the Commission must now turn its attention to the overall impact that these changed shoreline processes will have on public access. As noted in the Commission's findings on the public trust, the public has ownership and use rights in the lands of the State seaward of the ordinary high-water mark. Seawalls affect the public's ownership and use rights by tending to eventually fix the line of mean high tide at or near the seawall. This interference with a dynamic system then has a number of effects on the public's ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile, alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the lines of mean low water and mean high water. This reduces the actual area in which the public can pass on property over which it has rights of access, and therefore adversely affects public access. The recent work by Gary Griggs demonstrates that a beach in front of a seawall is narrower than a beach not affected by a seawall along the same stretch of coastline. The effect of that narrowness is to reduce the area located seaward of the ordinary high water mark (or mean high water mark) that would otherwise be available for public use. This effect can occur even where the maximum summer width of the beach is essentially unchanged, and represents a temporal loss of access due to seawall construction. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effects of this on the public are again a loss of usable tidelands area where the public has use rights. Third, seawalls cumulatively affect public access by causing greater erosion on adjacent public beaches.

This effect may not become clear until seawalls are constructed individually along a shoreline until they reach a public beach. The recent work at Oregon State University demonstrates the magnitude of this impact, which is of greater concern as more of California is armored. Fourth, seawalls, by their occupation of beach area which may be seasonally either subject to wave action or actually below the most landward locations of the mean high tide line, interfere directly with areas of the beach in which the public has ownership interest or public trust related rights. Finally, the Commission finds that because it will formalize the public's right to use for recreational purposes an area of the beach where permission for use could otherwise be withdrawn, a dedication of an easement in favor of the people of the State of California over the sandy beach at 1555 South Coast Highway will operate directly to compensate the public for, and thus alleviate, the burdens described above.

The Commission finds that the probable negative impacts of this seawall must be weighed against the property owner's need to protect the structure behind it. The Commission recognizes that the seawall will probably change the beach profile by steepening it and increasing beach erosion around it; this in turn will interfere with and decrease the amount of sandy beach available for public access. As stated elsewhere in these findings, Section 30235 allows for the use of such a device where it is required to protect an existing structure and where it has been designed to mitigate adverse impacts upon local shoreline sand supply. Although the seawall has been required to be located and designed to minimize encroachment onto the beach and impact on adjacent properties, the Commission finds these measures insufficient to fully mitigate the effects of the seawall on shoreline sand supply. Thus, only as conditioned to require the dedication of a public access easement can the Commission find the project consistent with Sections 30235, 30210 and 30212 of the Coastal Act. In addition, the applicant has already formally agreed to dedicate the lateral access easement in front of his property as compensation for the identified impacts from the proposed seawall (Exhibit #5).

F. Local Coastal Program.

Section 30604 (a) and (c) of the Coastal Act states:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

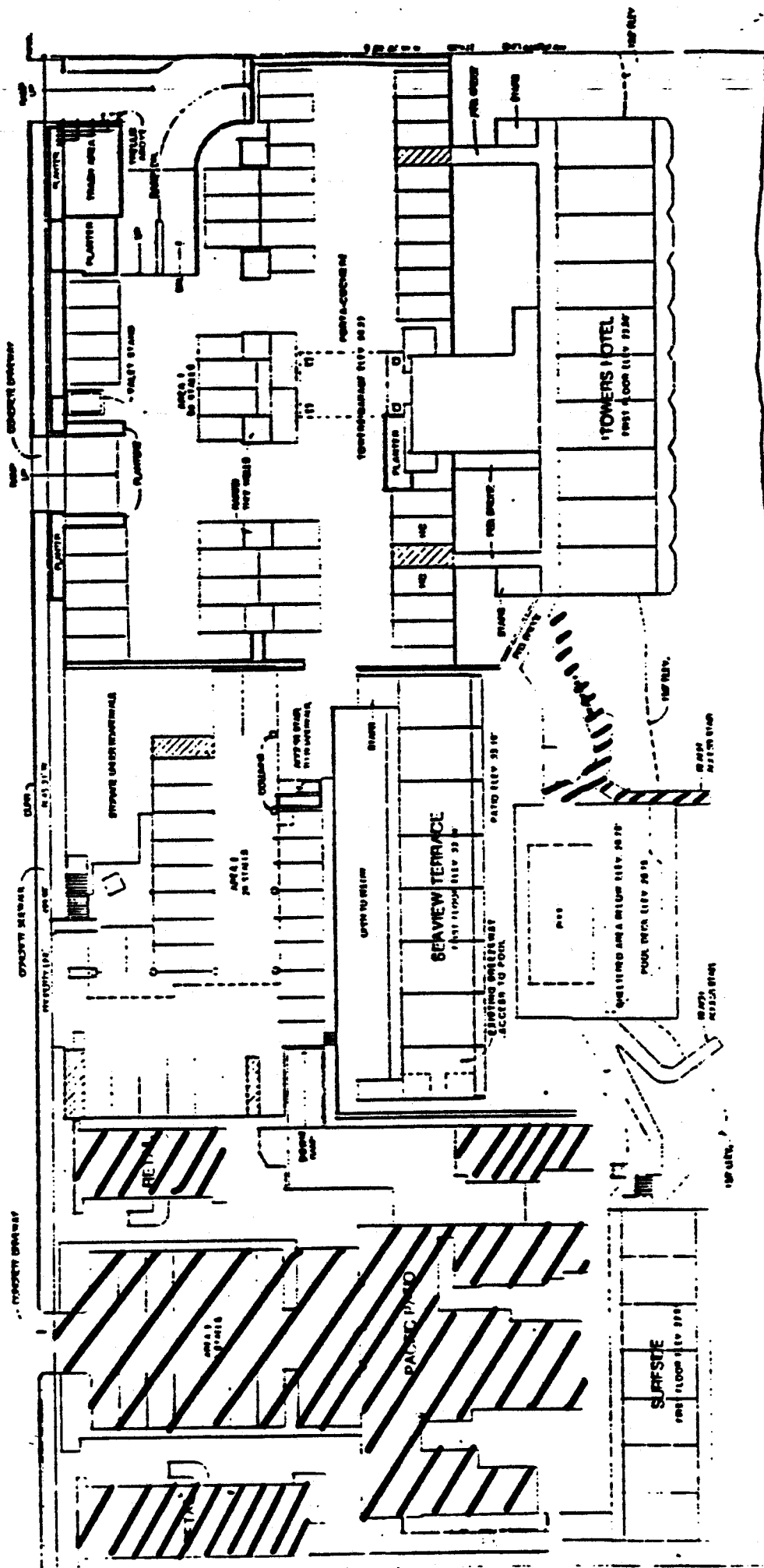
(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The subject property is located at 1555 South Coast Highway in Laguna Beach. The City of Laguna Beach has a Land Use Plan, which was certified by the Commission on June 11, 1985, a major step toward final certification of a Local Coastal Program. Therefore, the Chapter 3 policies of the Coastal Act are the most important criteria for analysis of the proposed development. The project as proposed is inconsistent with sections 30240, and 30253, and potentially inconsistent with 30230, 30231, and 30251 of the Coastal Act. However, with the special conditions requiring responsibility for the clean up of construction debris, review of future development, implementation of the engineers recommendations for construction, restrictions on future construction of shoreline protective devices, and the dedication of lateral access, the proposed project is in conformance with Chapter 3 and all relevant policies of the Coastal Act. Therefore, the Commission finds that the project, as conditioned, will not prejudice the ability of the City of Laguna Beach to prepare a Local Coastal Program consistent with the provisions of Chapter 3 of the Coastal Act.


Areas to be Demolished

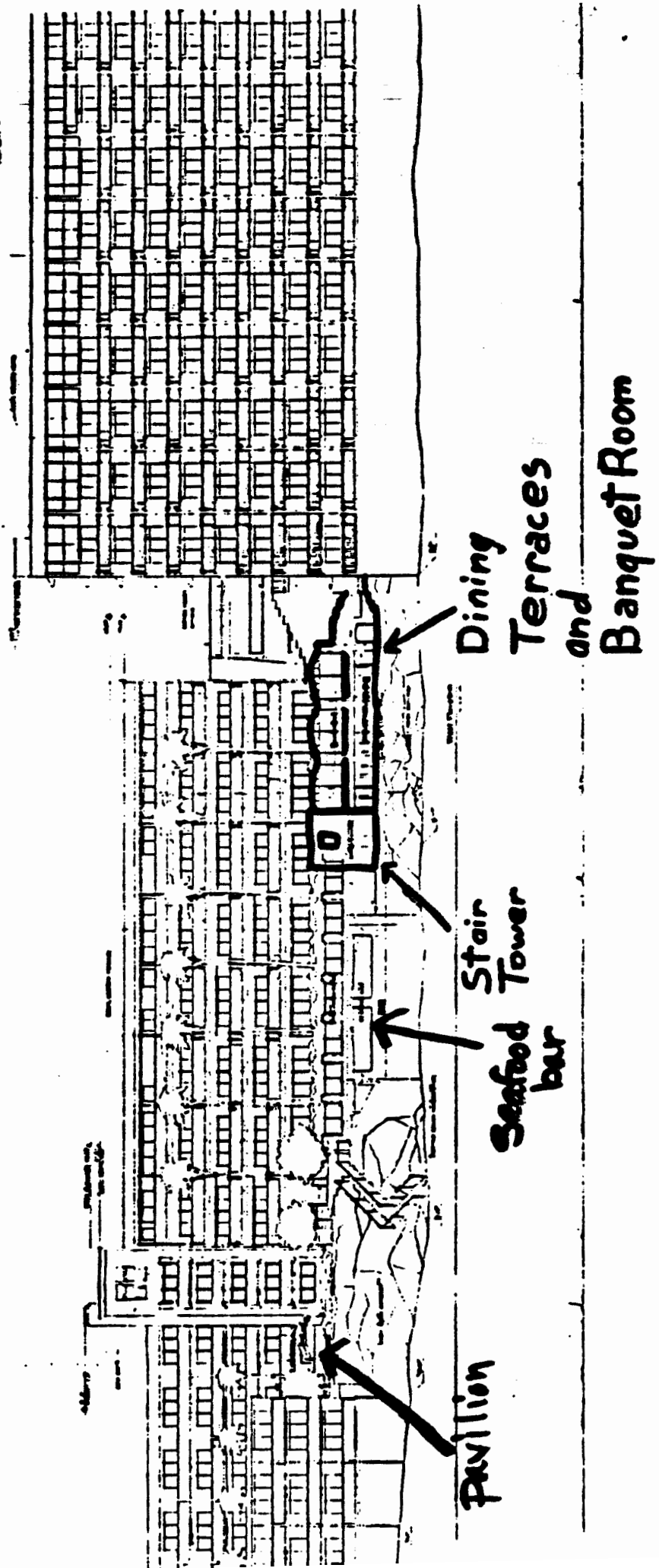
EXHIBIT NO. 1
LOCATION NO.
5-89-136A
California Coastal Commission

PACIFIC COAST HWY.

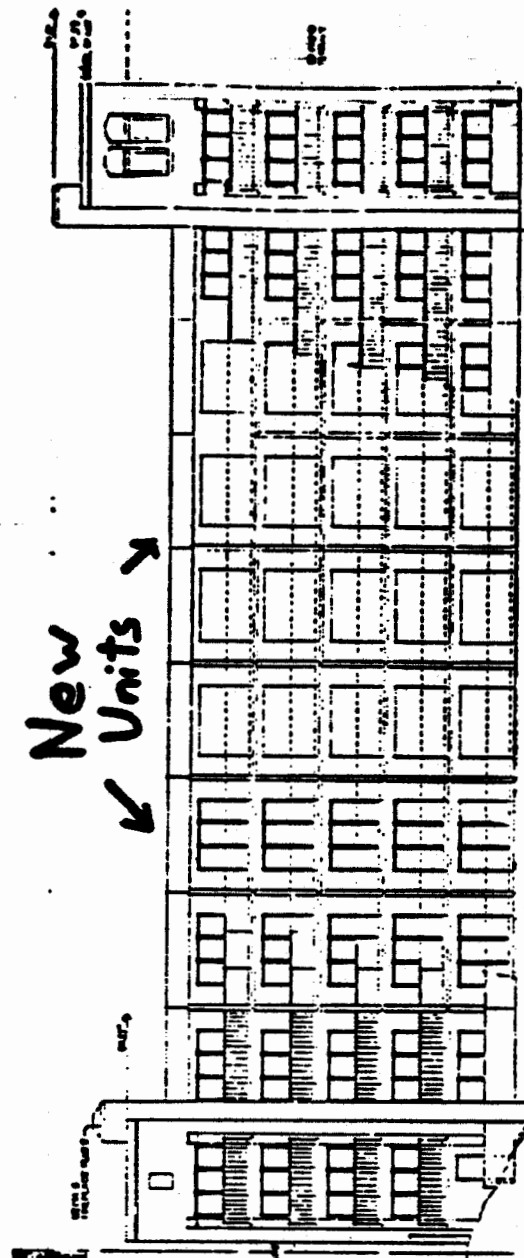


PACIFIC OCEAN

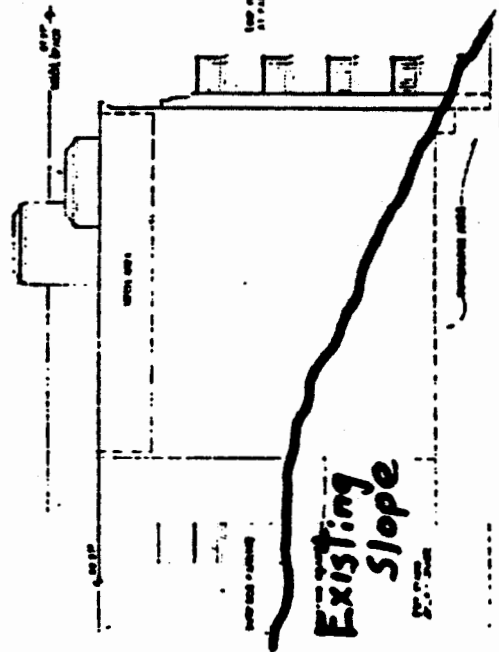
EXHIBIT NO. 2
APPLICATION NO.
5-89-136A
 California Coastal Commission



New
Units ↘

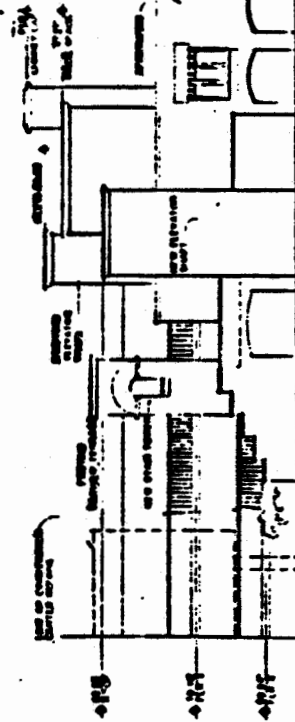


NORTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

New
Development



WEST ELEVATION
SCALE 1/4" = 1'-0"

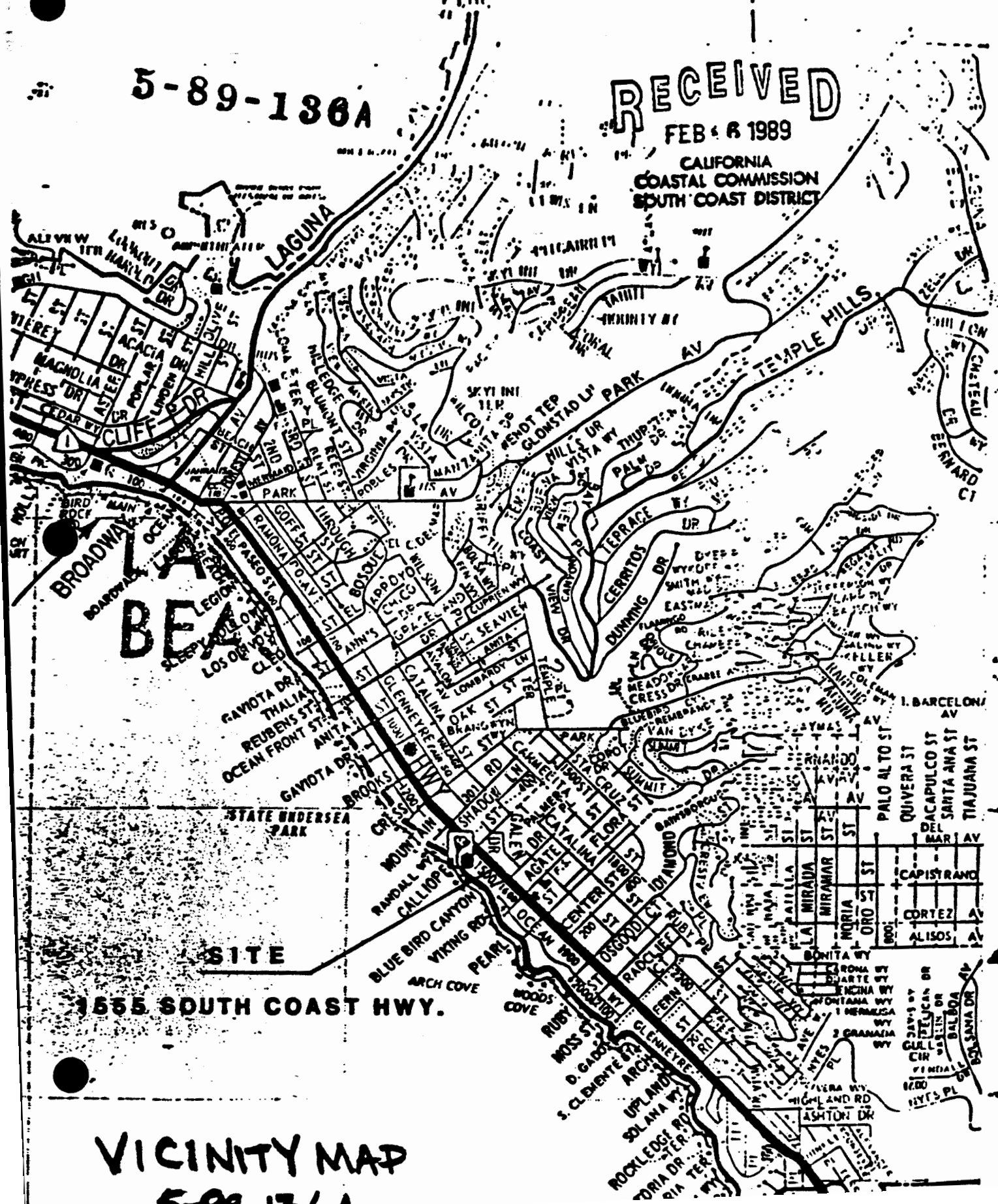
EXHIBIT NO. 3
APPLICATION NO.
5-89-136A
California Coastal Commission

SURF AND SAND HOTEL

5-89-136A


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CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT



VICINITY MAP

5-89-136A

EXHIBIT NO. 4
APPLICATION NO.
5-89-136A
 California Coastal Commission


RESTAURANT

Proposed Seawall

SEAFOOD BAR

Beach

May 15, 1989

EXHIBIT NO. 5
APPLICATION NO.
5-89-136A
 California Coastal Commission

Mr. Don Schmitz
California Coastal Commission
South Coast District
245 W. Broadway
Suite 380
Long Beach, California 90801-1450

Re: Surf and Sand Hotel
Application No. 5-89-136(a)

Dear Don:

Following up on our telephone conversation today, this will confirm that the applicant is willing to grant a lateral access easement voluntarily without the Commission having to make the necessary findings as required under the Nolan decision. I would suggest that such easement be located along the entire width of the entire property along a line running parallel to and 10' seaward of the dripline of the Surfside Building along the entire width of the property. It is also understood that there may be another condition relating to future seawalls in front of the seafood bar.

I appreciate your courtesies and cooperation.

Sincerely yours,


Paul L. Reed
Corporate Counsel

PLR:ab

CERTIFICATE OF USE

Department of Community Development
City of Laguna Beach, California

This is to certify that business of Restaurant
(thoroughly describe use)

at 1555 South Coast Highway in or on premises at 1555 South Coast Highway
(shop or suite address) (street address of building, complex or site)

and operated by James W. Colachis, Trustee of the Colachis Family Trust
(name and address of owner and proprietor)

under the name of SPLASHES is an approved use
(business name)

as ~~a non-conforming~~ non-conforming (strike one) use in the C-1 zone, as authorized by M.C. Title 25
(Deficient in parking) (variance, or CUP number, etc.)

Expiration date: _____

Approved By: [Signature]

Date February 12, 1991

Title: Zoning Administrator

POST IN CONSPICUOUS PLACE ON PREMISES

Note: This Certificate is non-transferable and applies only to the premises identified above for the use authorized above.

Exterior changes, including signs, require prior Design Review Approval.

Project: Surf and Sand

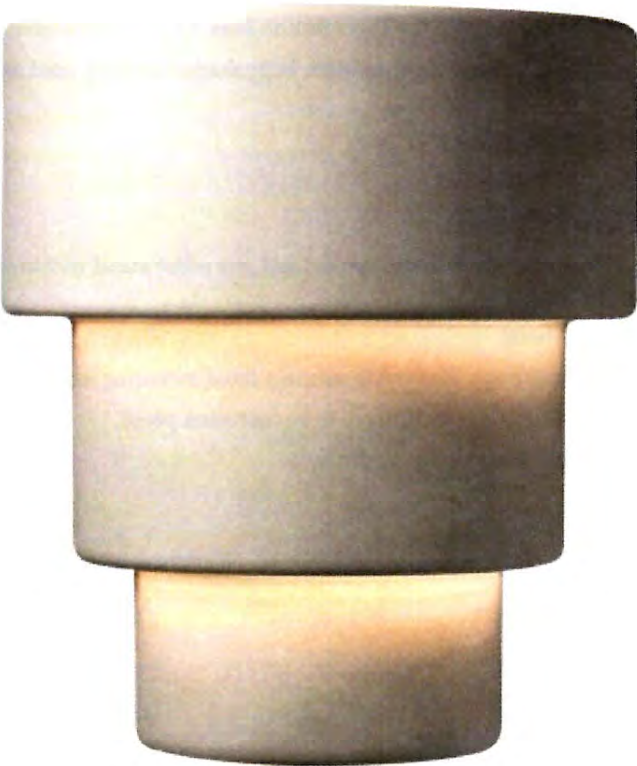
Issue Date: 11 Feb 2019

Project #: 4789

Revision Date:

Area: Mock-Up Room

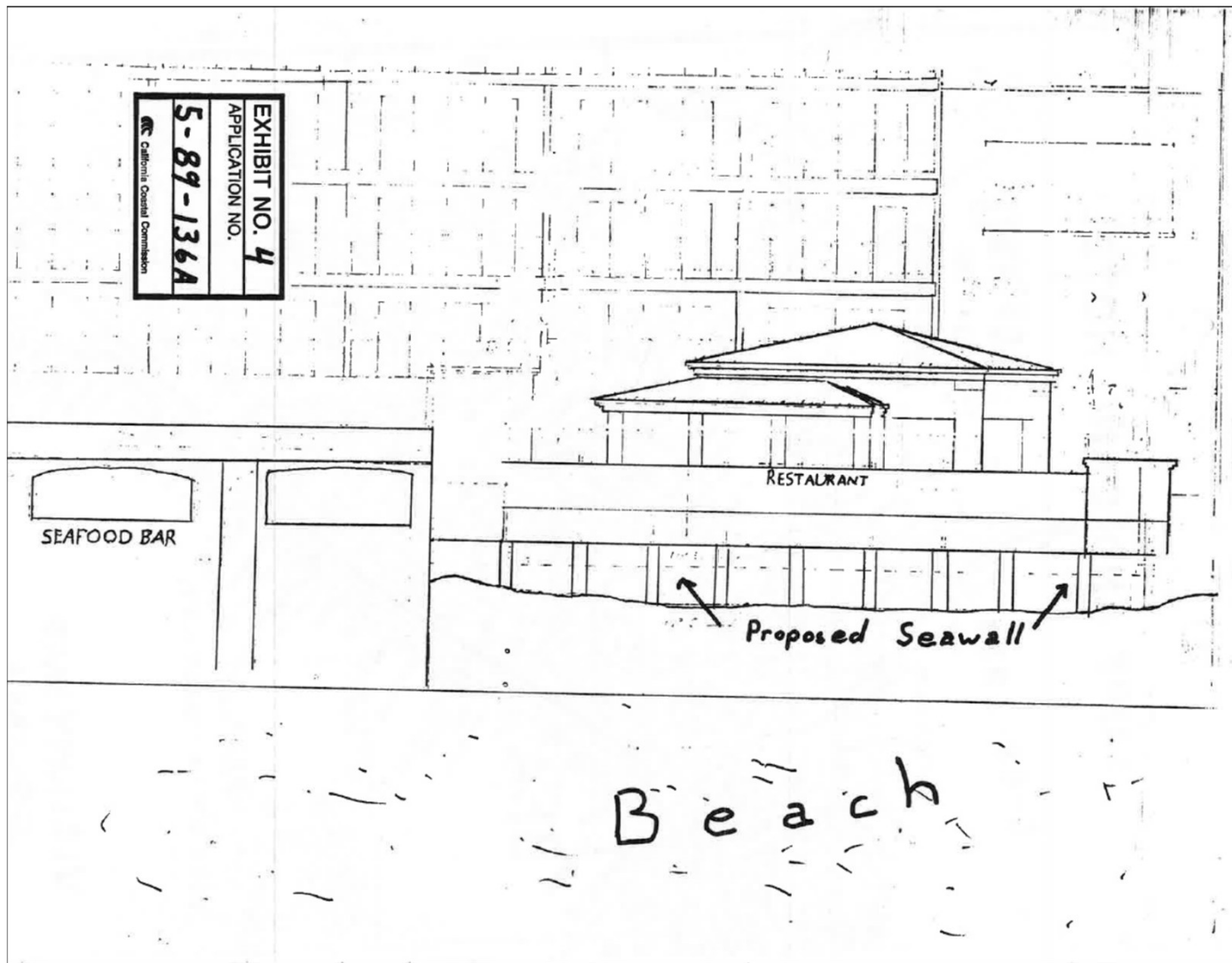
Revision #:





A-5-LGB-19-0010
Surf & Sand Resort
Beach View
Exhibit 12a

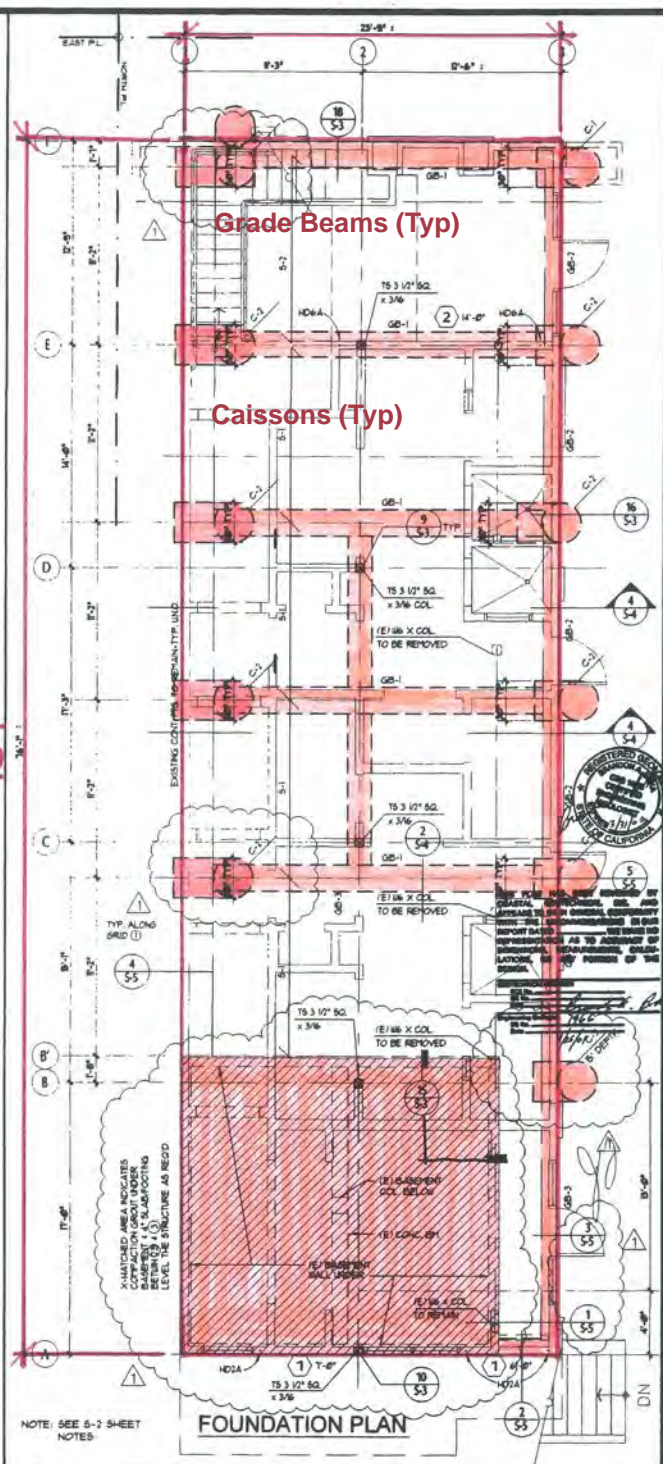
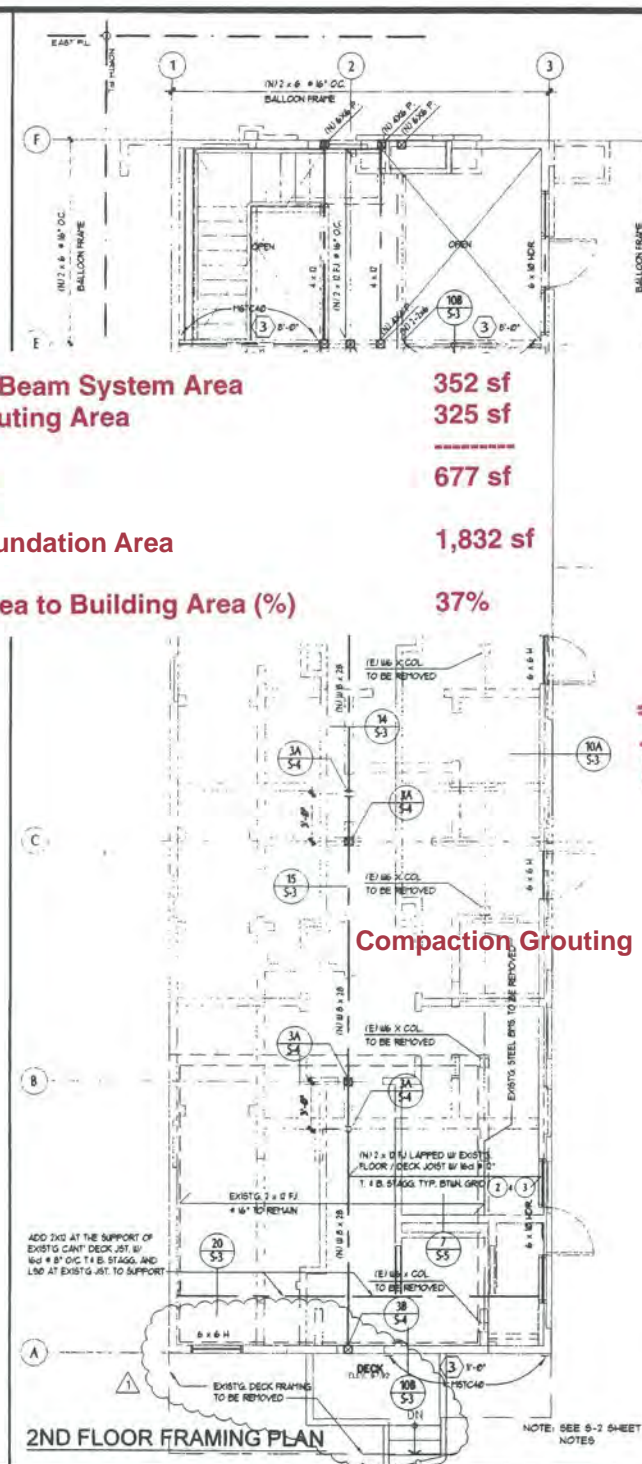
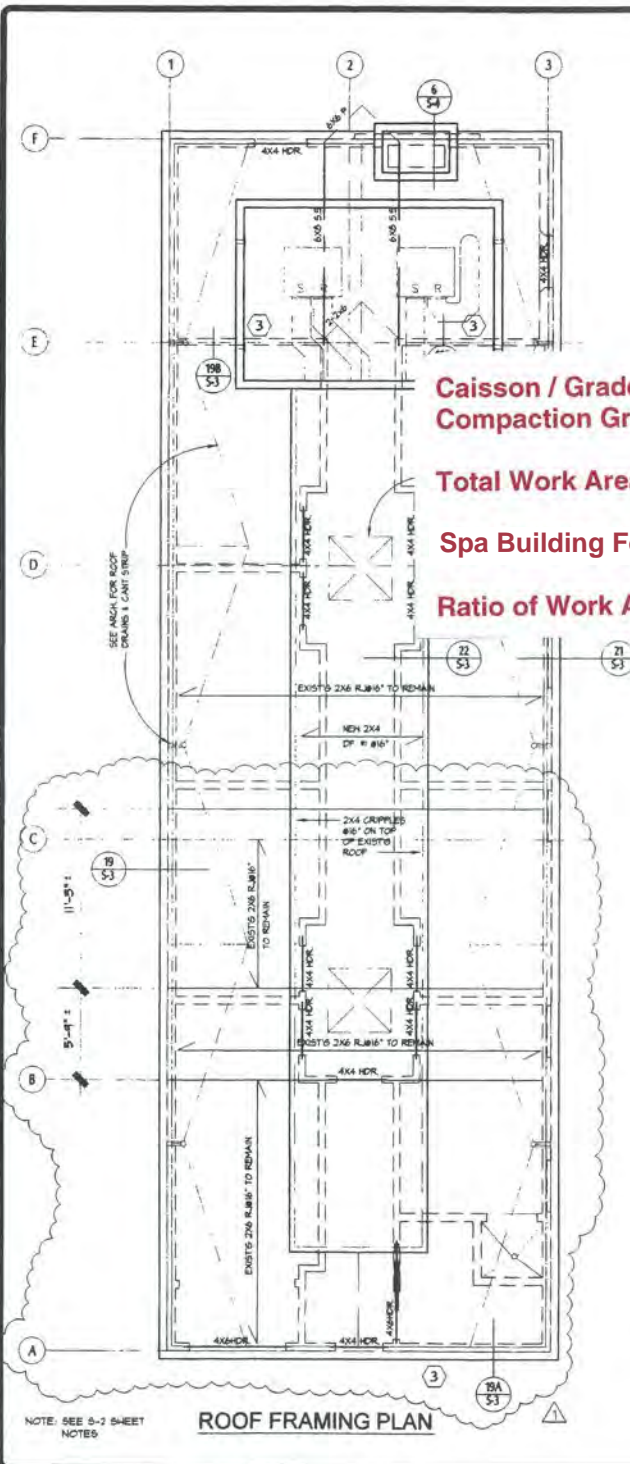
Seawall & Splashes Restaurant Approved via 5-89-136-A1



5-89-136-A1 Exhibit 4:

Splashes Restaurant (includes seafood bar)
&
Seawall

**A-5-LGB-19-0010
Surf & Sand Resort
Compare to Ex. 12a
Exhibit 12b**



Caisson / Grade Beam System Area 352 sf
Compaction Grouting Area 325 sf
Total Work Area 677 sf
Spa Building Foundation Area 1,832 sf
Ratio of Work Area to Building Area (%) 37%

Compaction Grouting

Grade Beams (Typ)

Caissons (Typ)

REVISIONS	BY
1. FIELD COND. 4-18-01	JS

MSA

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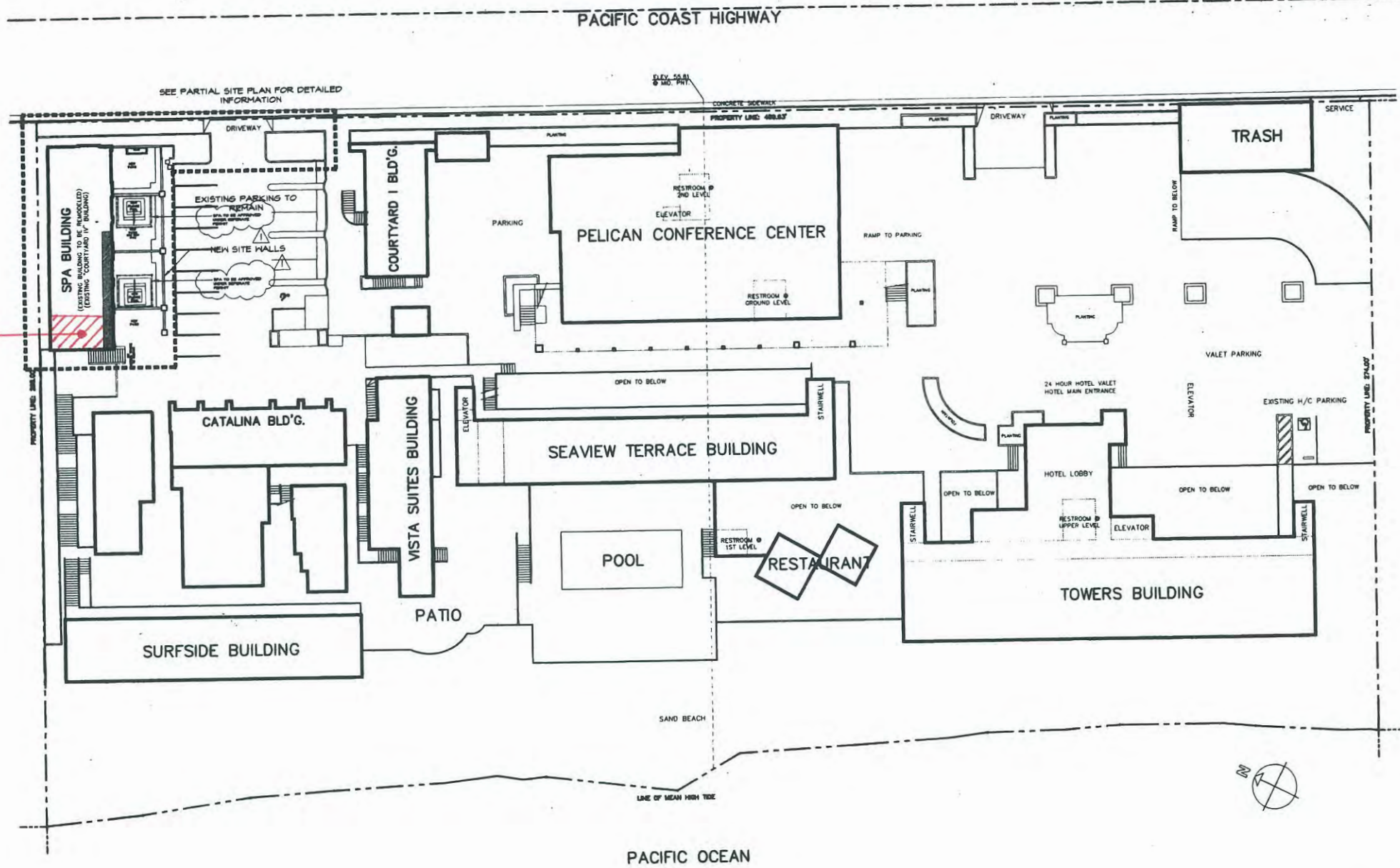
SURF AND SAND HOTEL
SPA REMODEL
1555 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA

DRAWN	J.D.
CHECKED	
DATE	4/18/01
SCALE	1/4" = 1'-0"
SHEET NO.	68995
SHEET	

S-1

OF SHEETS

GROUT AREA



OVERALL SITE PLAN

SCALE 1"=20'

AREA LEGEND:

- LIMITS OF WORK
- PROPOSED ADDITIONAL AREA LOCATED AT UPPER LEVEL
- BUILDING FOOTPRINT

REVISION	BY
1. SUPP. DPT. CORR. 3/2/01	CH

MSA

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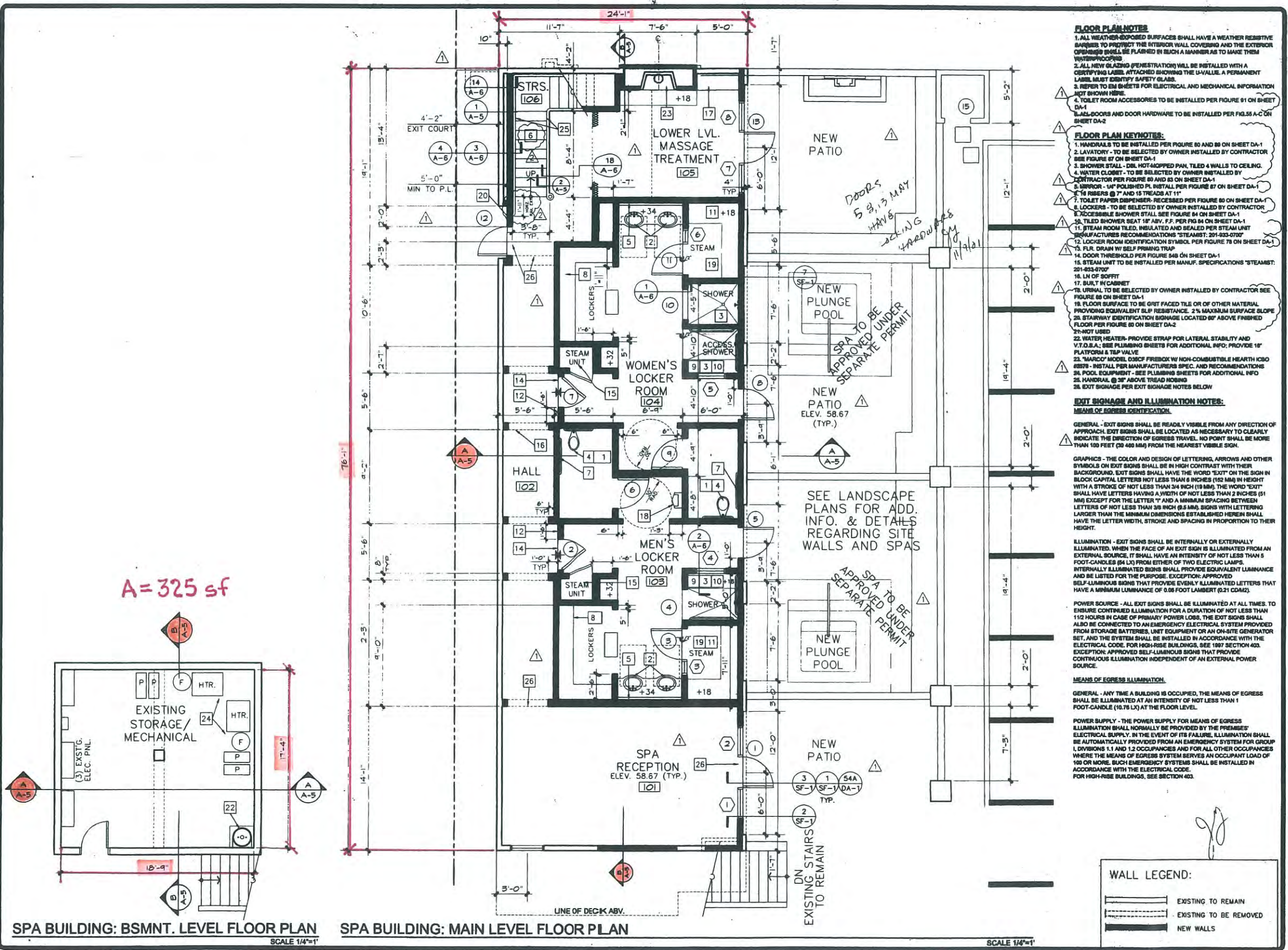
LIVAS ARCHITECT
C5703
Exp. 12/31/01
STATE OF CALIFORNIA

SURF AND SAND HOTEL
SPA REMODEL
1555 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA

DATE	CH
10/12/00	CH
SCALE	1"=20'
JOB NO.	4455
SP-1	
MAR 08 2001	
OF 2	

A=1,832 sf

A=325 sf



SPA BUILDING: BSMNT. LEVEL FLOOR PLAN
SCALE 1/4"=1'

SPA BUILDING: MAIN LEVEL FLOOR PLAN
SCALE 1/4"=1'

FLOOR PLAN NOTES:

1. ALL WEATHER-EXPOSED SURFACES SHALL HAVE A WEATHER RESISTIVE BARRIER TO PROTECT THE INTERIOR WALL COVERING AND THE EXTERIOR OPENINGS SHALL BE FLASHED IN SUCH A MANNER AS TO MAKE THEM WATERPROOFING.
2. ALL NEW GLAZING (PENETRATIONS) WILL BE INSTALLED WITH A CERTIFYING LABEL ATTACHED SHOWING THE U-VALUE. A PERMANENT LABEL MUST IDENTIFY SAFETY GLASS.
3. REFER TO EM SHEETS FOR ELECTRICAL AND MECHANICAL INFORMATION NOT SHOWN HERE.
4. TOILET ROOM ACCESSORIES TO BE INSTALLED PER FIGURE 91 ON SHEET DA-1.
5. BATHROOMS AND DOOR HARDWARE TO BE INSTALLED PER FIG. 95 A-C ON SHEET DA-2.

FLOOR PLAN KEYNOTES:

1. HANDRAILS TO BE INSTALLED PER FIGURE 80 AND 89 ON SHEET DA-1.
2. LAVATORY - TO BE SELECTED BY OWNER INSTALLED BY CONTRACTOR SEE FIGURE 87 ON SHEET DA-1.
3. SHOWER STALL - DBL. NOT ADJACENT PNL. TILED 4 WALLS TO CEILING.
4. WATER CLOSET - TO BE SELECTED BY OWNER INSTALLED BY CONTRACTOR PER FIGURE 80 AND 83 ON SHEET DA-1.
5. SINK - 14" POLISHED PL. INSTALL PER FIGURE 87 ON SHEET DA-1.
6. TILED SHOWER SEAT 18" H. F.P. PER FIG. 87 ON SHEET DA-1.
7. TOILET PAPER DISPENSER - RECESSED PER FIGURE 80 ON SHEET DA-1.
8. LOCKERS - TO BE SELECTED BY OWNER INSTALLED BY CONTRACTOR.
9. ACCESSIBLE SHOWER STALL SEE FIGURE 84 ON SHEET DA-1.
10. TILED SHOWER SEAT 18" H. F.P. PER FIG. 87 ON SHEET DA-1.
11. STEAM ROOM TILED, INSULATED AND SEALED PER STEAM UNIT MANUFACTURER'S RECOMMENDATIONS "STEAMST: 201-833-0700".
12. LOCKER ROOM IDENTIFICATION SYMBOL PER FIGURE 78 ON SHEET DA-1.
13. FLR. DRAIN W/ SELF PRIMING TRAP.
14. DOOR THRESHOLD PER FIGURE 94B ON SHEET DA-1.
15. STEAM UNIT TO BE INSTALLED PER MANUF. SPECIFICATIONS "STEAMST: 201-833-0700".
16. LN OF SLOTT.
17. BUILT IN CABINET.
18. URINAL TO BE SELECTED BY OWNER INSTALLED BY CONTRACTOR SEE FIGURE 88 ON SHEET DA-1.
19. FLOOR SURFACE TO BE GRIT FACED TILE OR OTHER MATERIAL PROVIDING EQUIVALENT SLIP RESISTANCE. 2% MAXIMUM SURFACE SLOPE.
20. STAIRWAY IDENTIFICATION SIGNAGE LOCATED 8" ABOVE FINISHED FLOOR PER FIGURE 80 ON SHEET DA-2.
21. NOT USED.
22. WATER HEATER - PROVIDE STRAP FOR LATERAL STABILITY AND V.T.O.B.A.; SEE PLUMBING SHEETS FOR ADDITIONAL INFO; PROVIDE 18" PLATFORM & TOP VALVE.
23. "MARCO" MODEL D35CF FIREBOX W/ NON-COMBUSTIBLE HEARTH 1030 1875 - INSTALL PER MANUFACTURER'S SPEC. AND RECOMMENDATIONS.
24. POOL EQUIPMENT - SEE PLUMBING SHEETS FOR ADDITIONAL INFO.
25. HANDRAIL @ 36" ABOVE TREAD NOBING.
26. EXIT SIGNAGE PER EXIT SIGNAGE NOTES BELOW.

EXIT SIGNAGE AND ILLUMINATION NOTES:

MEANS OF EGRESS IDENTIFICATION:

GENERAL - EXIT SIGNS SHALL BE READILY VISIBLE FROM ANY DIRECTION OF APPROACH. EXIT SIGNS SHALL BE LOCATED AS NECESSARY TO CLEARLY INDICATE THE DIRECTION OF EGRESS TRAVEL. NO POINT SHALL BE MORE THAN 100 FEET (30.480 MMS) FROM THE NEAREST VISIBLE SIGN.

GRAPHICS - THE COLOR AND DESIGN OF LETTERING, ARROWS AND OTHER SYMBOLS ON EXIT SIGNS SHALL BE IN HIGH CONTRAST WITH THEIR BACKGROUND. EXIT SIGNS SHALL HAVE THE WORD "EXIT" ON THE SIGN IN BLOCK CAPITAL LETTERS NOT LESS THAN 8 INCHES (152 MM) IN HEIGHT WITH A STROKE OF NOT LESS THAN 3/4 INCH (19 MM). THE WORD "EXIT" SHALL HAVE LETTERS HAVING A WIDTH OF NOT LESS THAN 2 INCHES (51 MM) EXCEPT FOR THE LETTER "I" AND A MINIMUM SPACING BETWEEN LETTERS OF NOT LESS THAN 3/8 INCH (9.5 MM). SIGNS WITH LETTERING LARGER THAN THE MINIMUM DIMENSIONS ESTABLISHED HEREIN SHALL HAVE THE LETTER WIDTH, STROKE AND SPACING IN PROPORTION TO THEIR HEIGHT.

ILLUMINATION - EXIT SIGNS SHALL BE INTERNALLY OR EXTERNALLY ILLUMINATED. WHEN THE FACE OF AN EXIT SIGN IS ILLUMINATED FROM AN EXTERNAL SOURCE, IT SHALL HAVE AN INTENSITY OF NOT LESS THAN 5 FOOT-CANDELES (54 LX) FROM EITHER OF TWO ELECTRIC LAMPS. INTERNALLY ILLUMINATED SIGNS SHALL PROVIDE EQUIVALENT LUMINANCE AND BE LISTED FOR THE PURPOSE. EXCEPTION: APPROVED SELF-LUMINOUS SIGNS THAT PROVIDE EVENLY ILLUMINATED LETTERS THAT HAVE A MINIMUM LUMINANCE OF 0.06 FOOT LAMBERT (0.21 CD/M2).

POWER SOURCE - ALL EXIT SIGNS SHALL BE ILLUMINATED AT ALL TIMES. TO ENSURE CONTINUED ILLUMINATION FOR A DURATION OF NOT LESS THAN 1 1/2 HOURS IN CASE OF PRIMARY POWER LOSS, THE EXIT SIGNS SHALL ALSO BE CONNECTED TO AN EMERGENCY ELECTRICAL SYSTEM PROVIDED FROM STORAGE BATTERIES, UNIT EQUIPMENT OR AN ON-SITE GENERATOR SET, AND THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE ELECTRICAL CODE. FOR HIGH-RISE BUILDINGS, SEE 1907 SECTION 403. EXCEPTION: APPROVED SELF-LUMINOUS SIGNS THAT PROVIDE CONTINUOUS ILLUMINATION INDEPENDENT OF AN EXTERNAL POWER SOURCE.

MEANS OF EGRESS ILLUMINATION:

GENERAL - ANY TIME A BUILDING IS OCCUPIED, THE MEANS OF EGRESS SHALL BE ILLUMINATED AT AN INTENSITY OF NOT LESS THAN 1 FOOT-CANDLE (10.76 LX) AT THE FLOOR LEVEL.

POWER SUPPLY - THE POWER SUPPLY FOR MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE PROVIDED BY THE PREMISES' ELECTRICAL SUPPLY. IN THE EVENT OF ITS FAILURE, ILLUMINATION SHALL BE AUTOMATICALLY PROVIDED FROM AN EMERGENCY SYSTEM FOR GROUP 1 DIVISIONS 1.1 AND 1.2 OCCUPANCIES AND FOR ALL OTHER OCCUPANCIES WHERE THE MEANS OF EGRESS SYSTEM SERVES AN OCCUPANT LOAD OF 100 OR MORE. SUCH EMERGENCY SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE ELECTRICAL CODE. FOR HIGH-RISE BUILDINGS, SEE SECTION 403.

REVISIONS	BY
BLDG. OPT. CORR.	CH
3/2/01	
30 ALTS. OPT. CORR.	CH
3/9/01	

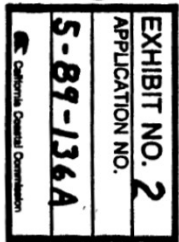


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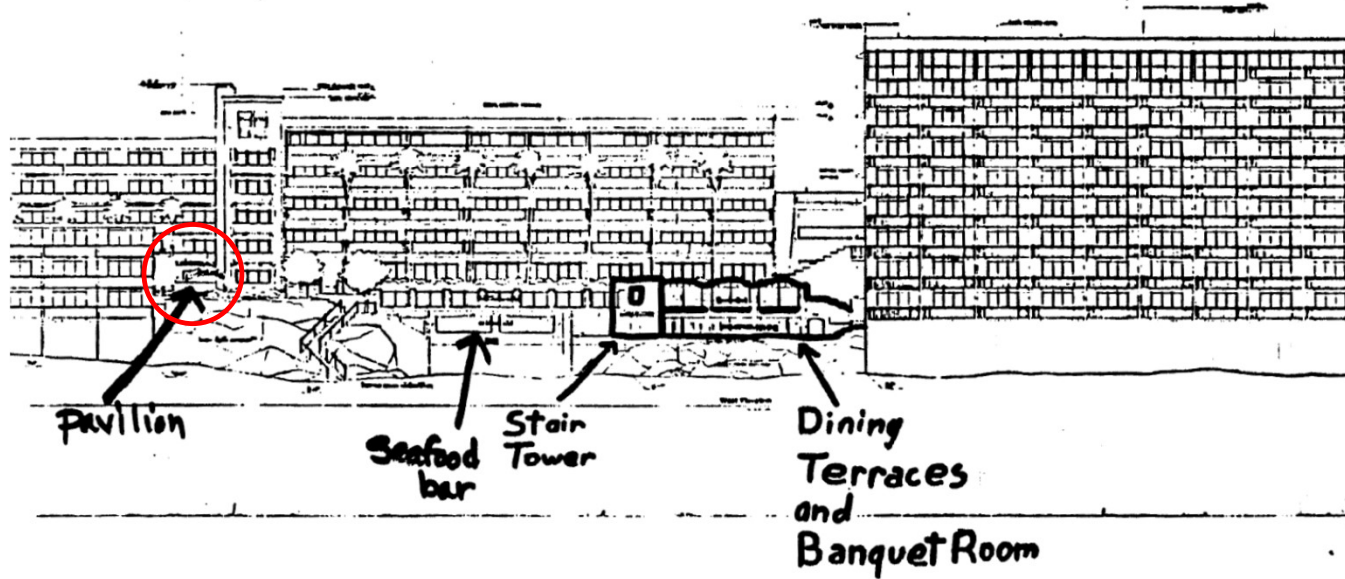


SURF AND SAND HOTEL
SPA REMODEL
1555 SOUTH COAST HIGHWAY
LAGUNA BEACH, CA

DRAWN	CH
CHECKED	
DATE	10/12/00
SCALE	1/4"=1'
JOB NO.	4453
SHEET	
A-1	
MAR 0 8 2001	
7	SHEETS



1989 CCC Approved Plan

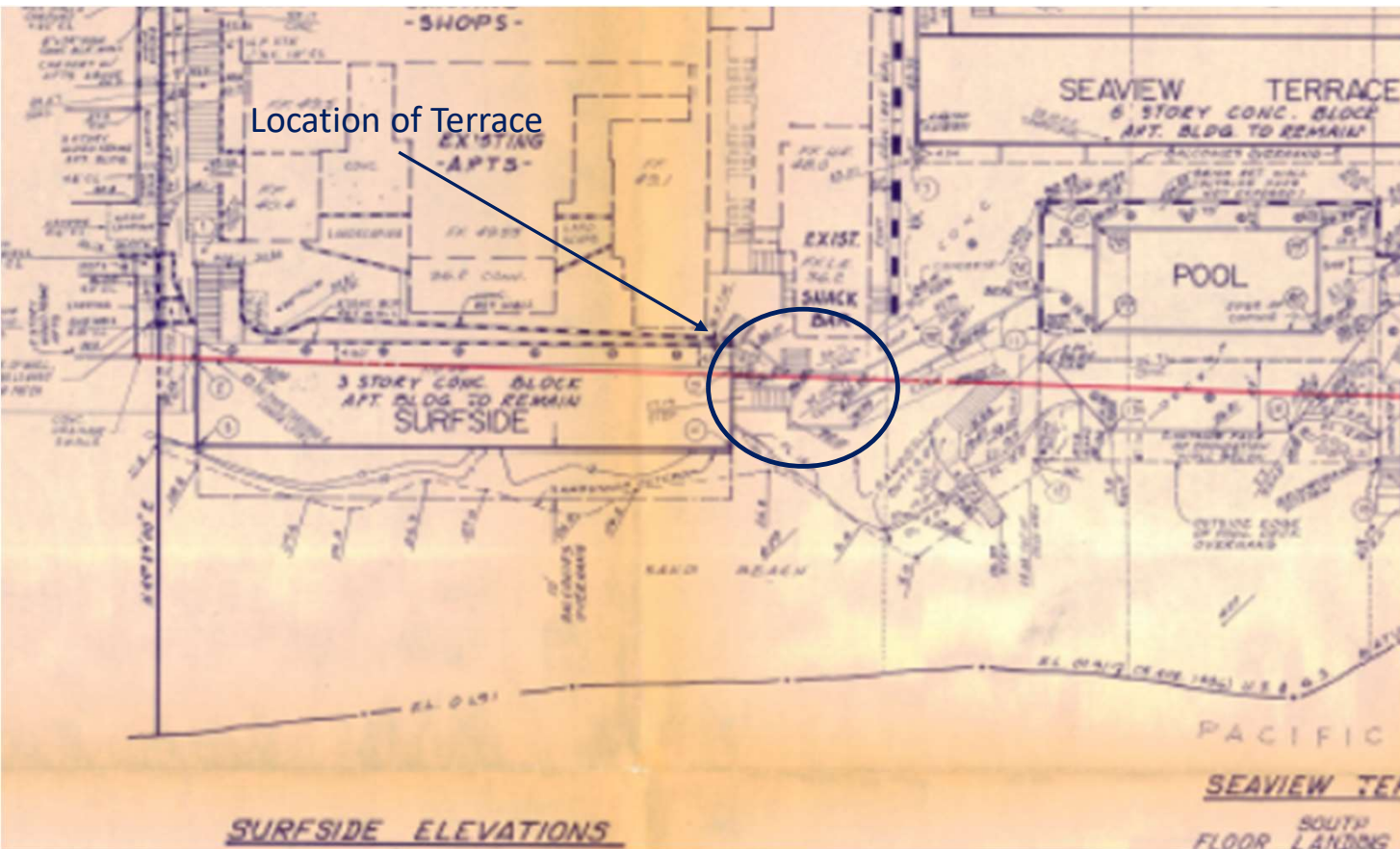


A-5-LGB-19-0010
Pavillion Terrace
Exhibit 15b

Location of Terrace

1989 Site Plan

A-5-LGB-19-0010
Pavillion Terrace
Exhibit 15c



Photos Provided By Applicant

Stairway to
Surfside building

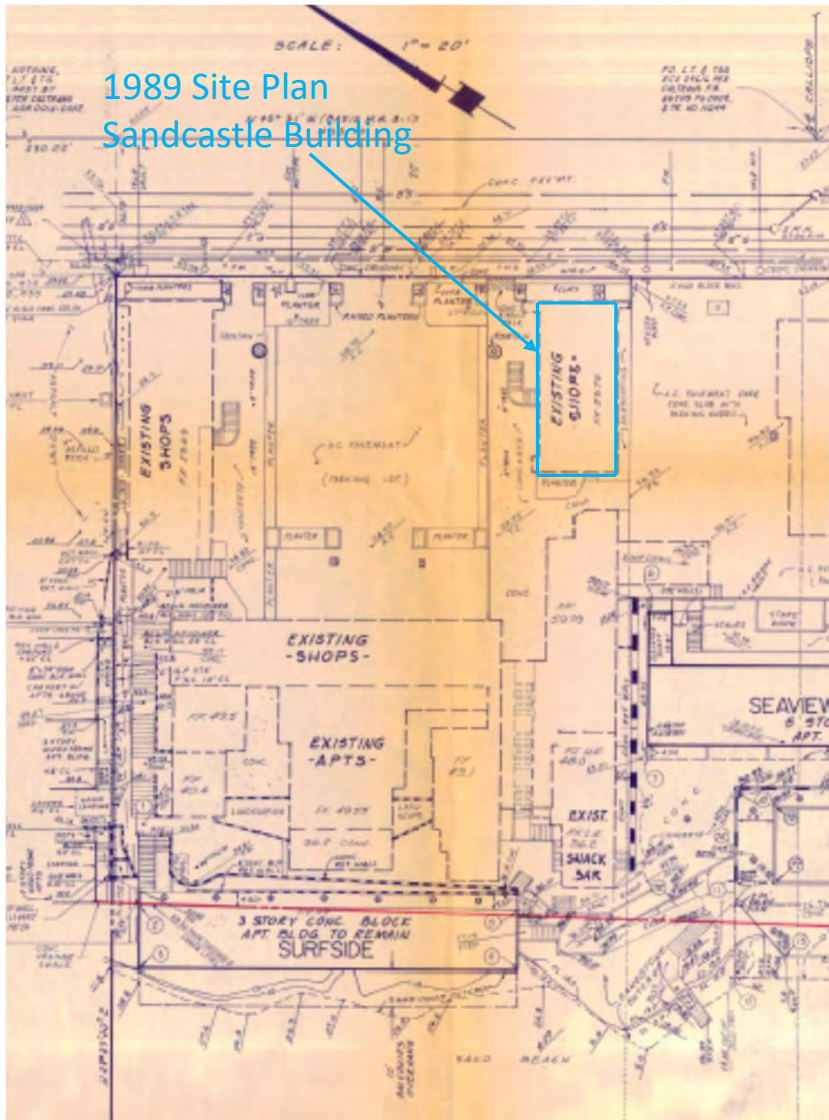
Terrace in Question

Stairs to Surfside
Building

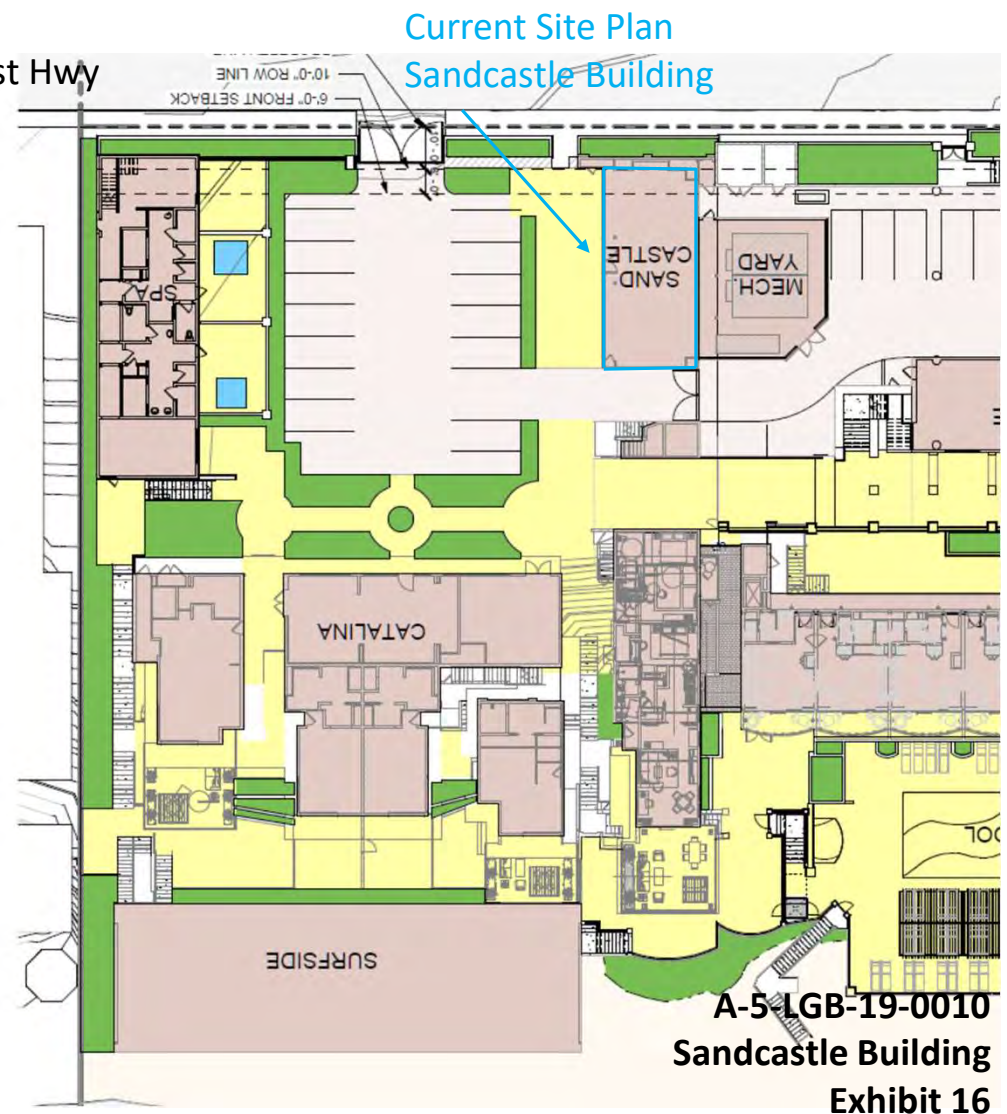
1984

A-5-LGB-19-0010
Pavillion Terrace
Exhibit 15d

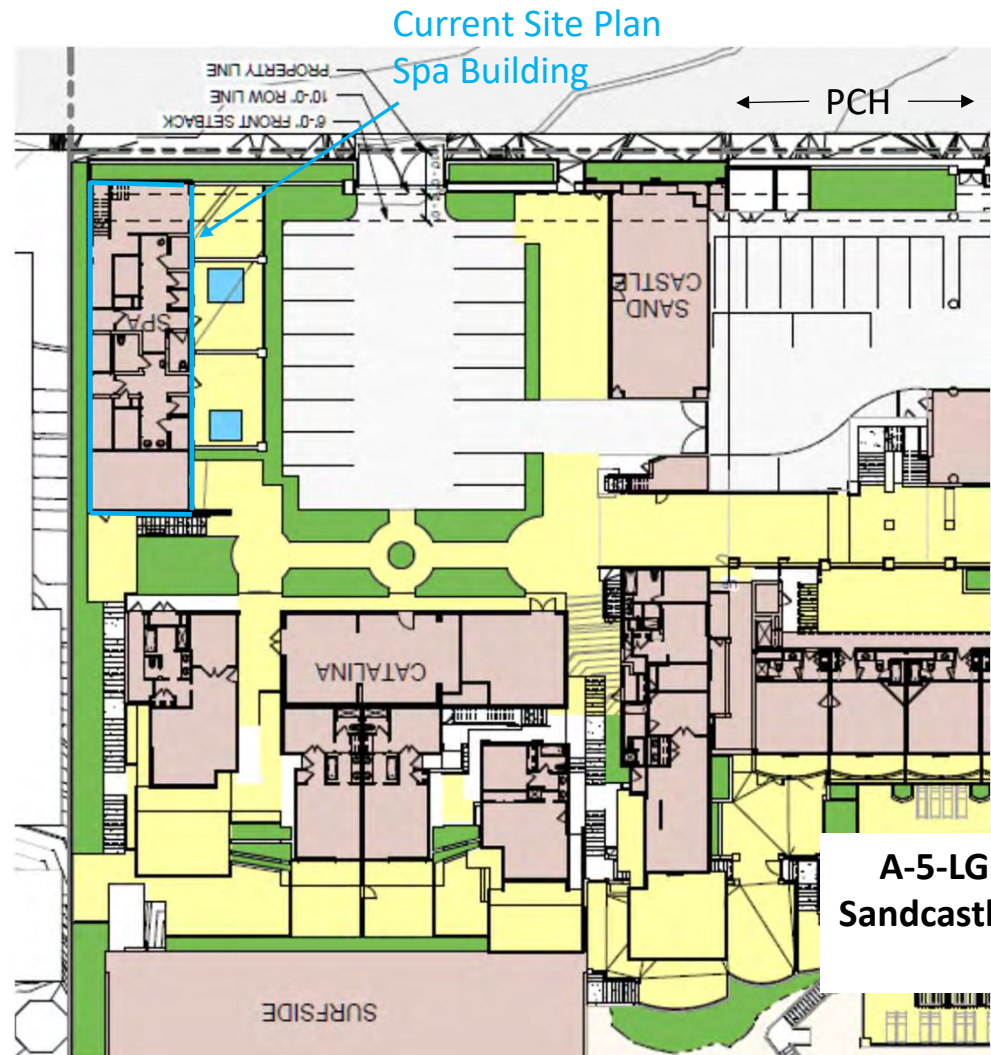
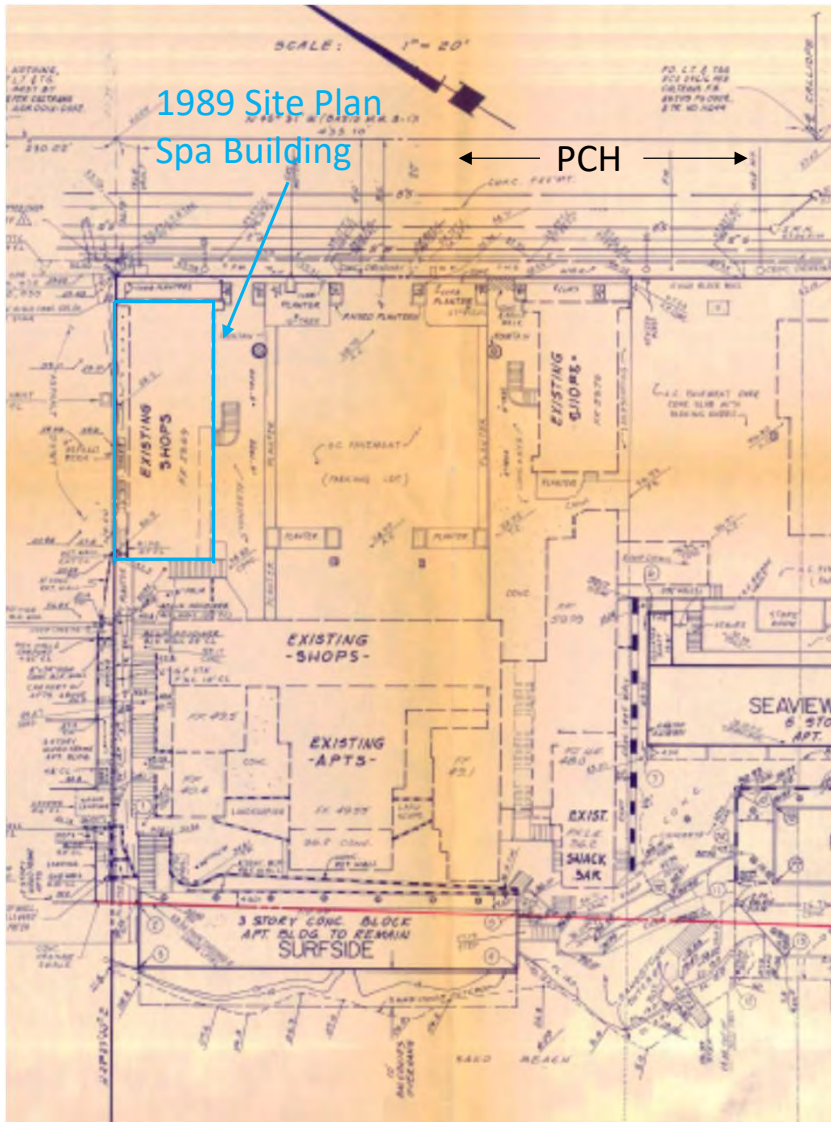
Recent Photo



So. Coast Hwy



Ocean

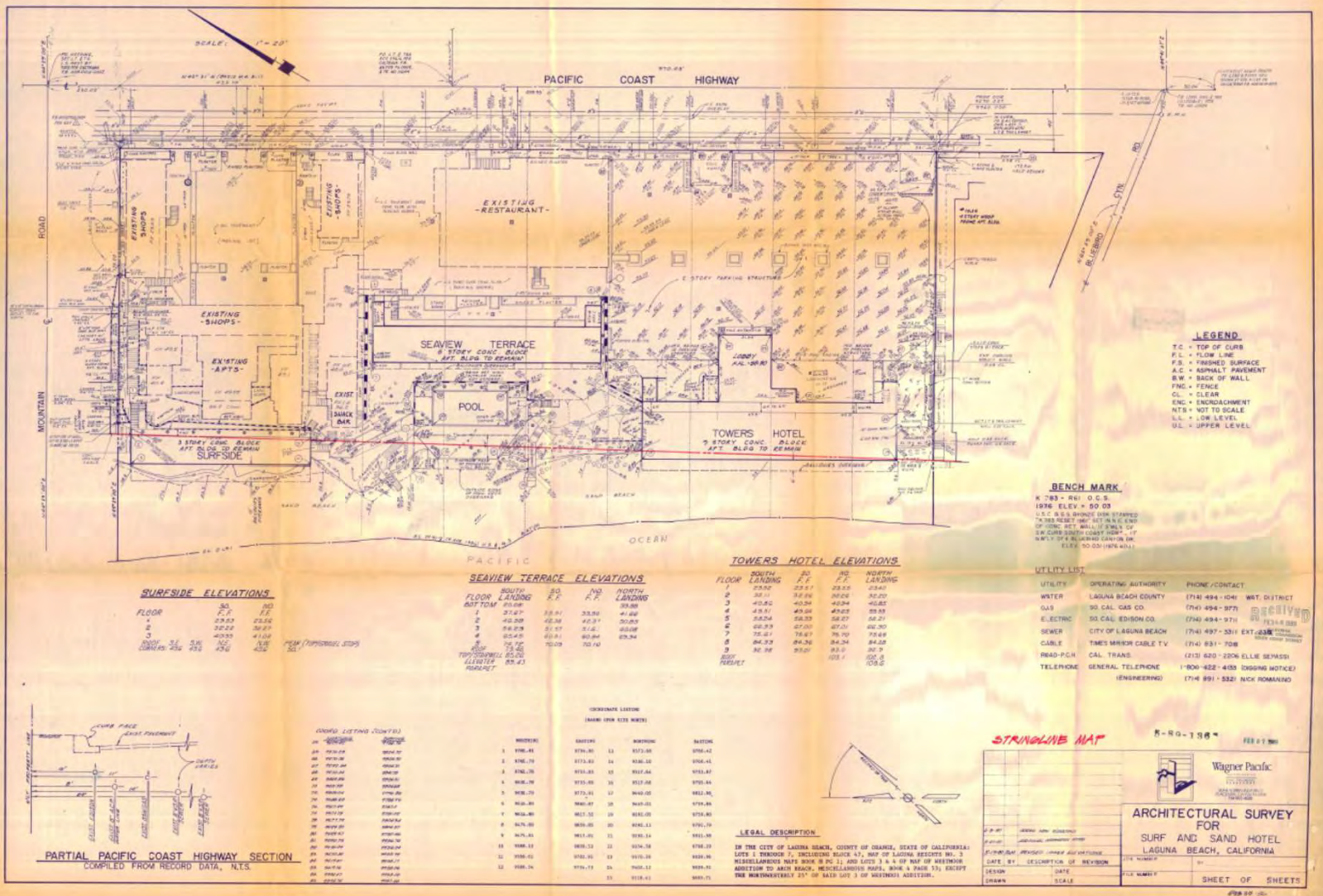


A-5-LGB-19-0010
Sandcastle Building
Exhibit 17



Site Photo from
1972

A-5-LGB-19-0010
Exhibit 18



GIDEON KRACOV

Attorney at Law

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11th Floor
Los Angeles, California 90017

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Fax: (213) 623-7755

gk@gideonlaw.net
www.gideonlaw.net

April 14, 2021

VIA EMAIL:

California Coastal Commission
South Coast Area Office
301 East Ocean Blvd., Suite 300
Long Beach, CA 90802
southcoast@coastal.ca.gov

RE: ITEM F14A, APPLICATION NO. A-5-LGB-19-0010 (SURF & SAND RESORT, LAGUNA BEACH)

Dear Honorable Chair Padilla, Commissioners, and Staff:

On behalf of UNITE HERE Local 11 and its members (collectively "**Local 11**"), this Office respectfully provides the California Coastal Commission ("**Commission**") and staff the following comments¹ regarding the Coastal Development Permit ("**CDP**") appeal for the proposed \$10 million resort-wide renovations ("**Project**") at the Surf & Sand Resort ("**Resort**").

In short, Local 11 is concerned that staff is taking an unduly narrow look at this CDP by looking at only the renovations currently proposed by the Project. Here, there is a live question of whether the current site conditions result from unpermitted development that did not go through a required CDP process. Development that sits on the shoulders of unpermitted development is improper and, thus, even minor projects to unpermitted development need to be viewed together to determine their full impact on coastal resources. Additionally, even small projects may have a significant impact when put into the context of related projects at a site. Here, it is clear that the public has lost low-cost accommodations, sandy beach, and sea bluff due to subsequent/phased development of the Resort (despite some development preexisted the Coastal Act and/or been subsequently authorized with and without conditions). This cumulative impact should be rectified to the extent feasible before approving additional permits that may exacerbate this significant cumulative impact on coastal resources.

Resolving this issue is particularly important because staff seeks to use this CDP approval to set a baseline for future development determination at the Resort. Before establishing a baseline, the Commission should ensure that past violations and impacts have been rectified. To this end, Local 11 requests that the Commission stay action on the CDP appeal until the Project and all past unpermitted development have been considered collectively, and consider the cumulative impact of all proposed and preexisting development at the Resort. At minimum, the Commission should require after-the-fact permits for unpermitted development, and to the extent mitigation is

¹ Please note that pages cited herein are either to the page's stated pagination (referenced herein as "**p. ##**") or the page's location in the hyperlinked PDF document (referenced herein as "**PDF p. ##**").



necessary for the loss of sea bluff, Local 11 urges the Commission to consider commencing a Restoration Order or other enforcement action.

I. POTENTIALLY UNPERMITTED DEVELOPMENT

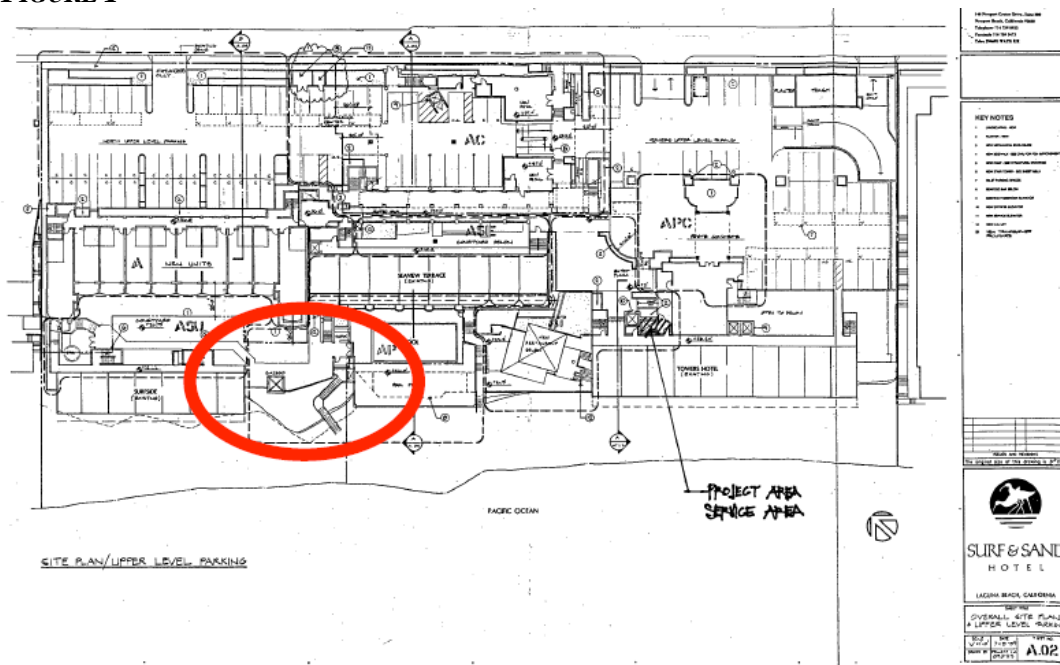
Local 11 thanks staff for their work and review of materials over the last two years. However, the current “**Staff Report**”² and “**Exhibits**”³ do not address several instances of potentially unpermitted development (discussed below).

A. WEDDING PAVILION/TERRACE EXPANSION

In 1989, the applicant initially withdrew proposals to develop various amenities on the blufftop. Namely, the applicant proposed to construct “hardscape, two dining terraces totaling 912 square feet, a 760 square foot banquet room, and a stair tower over the rock outcropping at the foot of the bluff east of the existing pool and patio area.” (Exhibits, PDF p. 40.)

However, in the face of staff and Commission opposition to the extensive grading required, the applicant withdrew these proposals and resubmitted them as part of the CDP Amendment included in the exhibits. The resubmitted proposal included a “359 sq. ft. dining terrace[,]” and on the other side of the pool, “a bluff top wedding pavilion.” (Exhibits, PDF p. 61.) After this approval, the applicant seemingly expanded this pavilion without permits. (see Exhibits, PDF pp. 48, 51 [illustrations].) More detailed maps from building department records in 1990 show this construction.⁴ (See also Fig. 1 below [annotated for your convenience]).

FIGURE 1



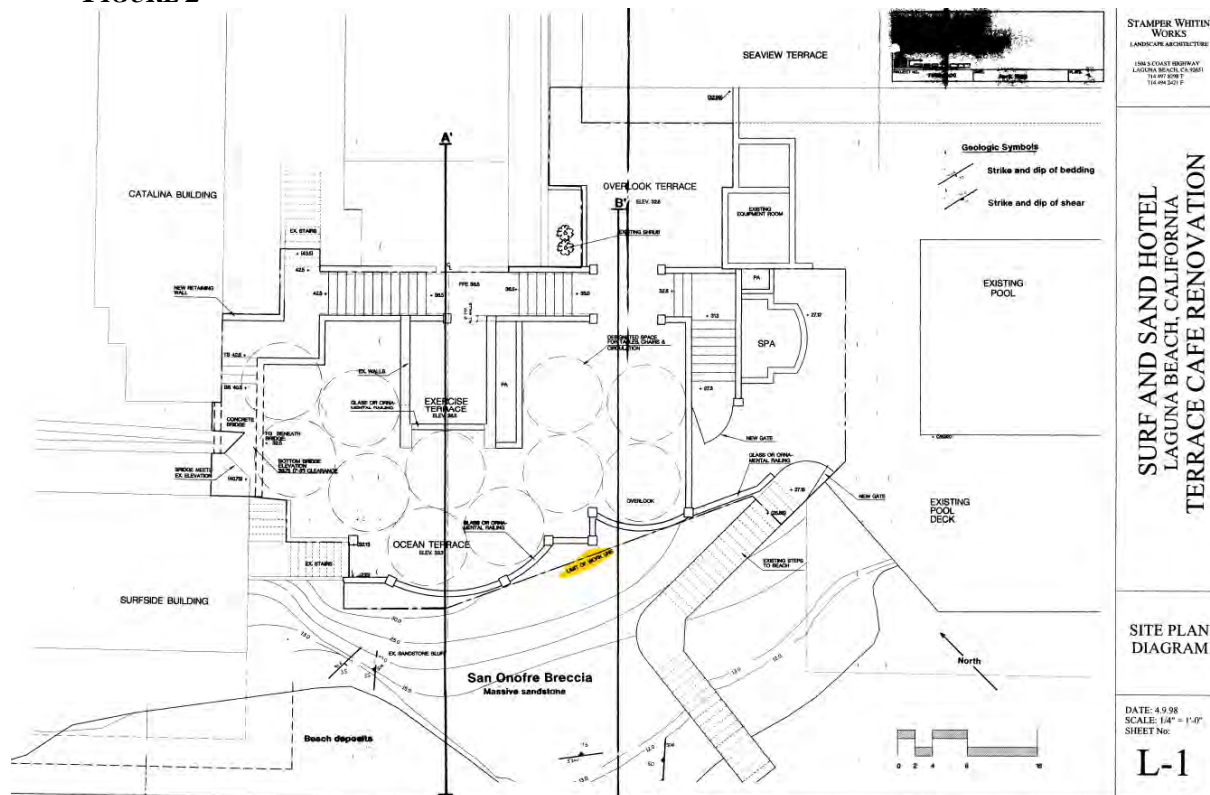
² <https://documents.coastal.ca.gov/reports/2021/4/F14a/F14a-4-2021-report.pdf>.

³ <https://documents.coastal.ca.gov/reports/2021/4/F14a/F14a-4-2021-exhibits.pdf>.

⁴ City Records (Mar. 1990) Special Inspection Report, PDF p. 24, <https://unitehere.box.com/s/lx625wlu75qp2gdrvixktldxdkqc2a10>

In 1998, the Resort expanded its deck on top of a coastal bluff. A site plan diagram (dated April 9, 1998) filed with the building department depicts the “terrace café renovation” with the “limit of work line” apparently extending well onto the blufftop.⁵ (See also Fig. 2 below [annotated for your convenience]).

FIGURE 2



A report from the geotechnical engineering company GeoFirm dated April 15, 1998 explains that the applicant proposed “a new terrace” including “new retaining walls along the top of the sea cliff and new concrete decks[,]” with a provided plan.⁶ (See also Fig. 3 following page). According to a GeoFirm “field memo” dated June 8, 1998, the “footing excavation for proposed blufftop wall has been constructed into competent sandstone bedrock.”⁷ The memo continues to state that “[f]oundation setback generally meets 5’ minimum setback requirement. One localized area of nonconformance is not considered significant.”⁸

///

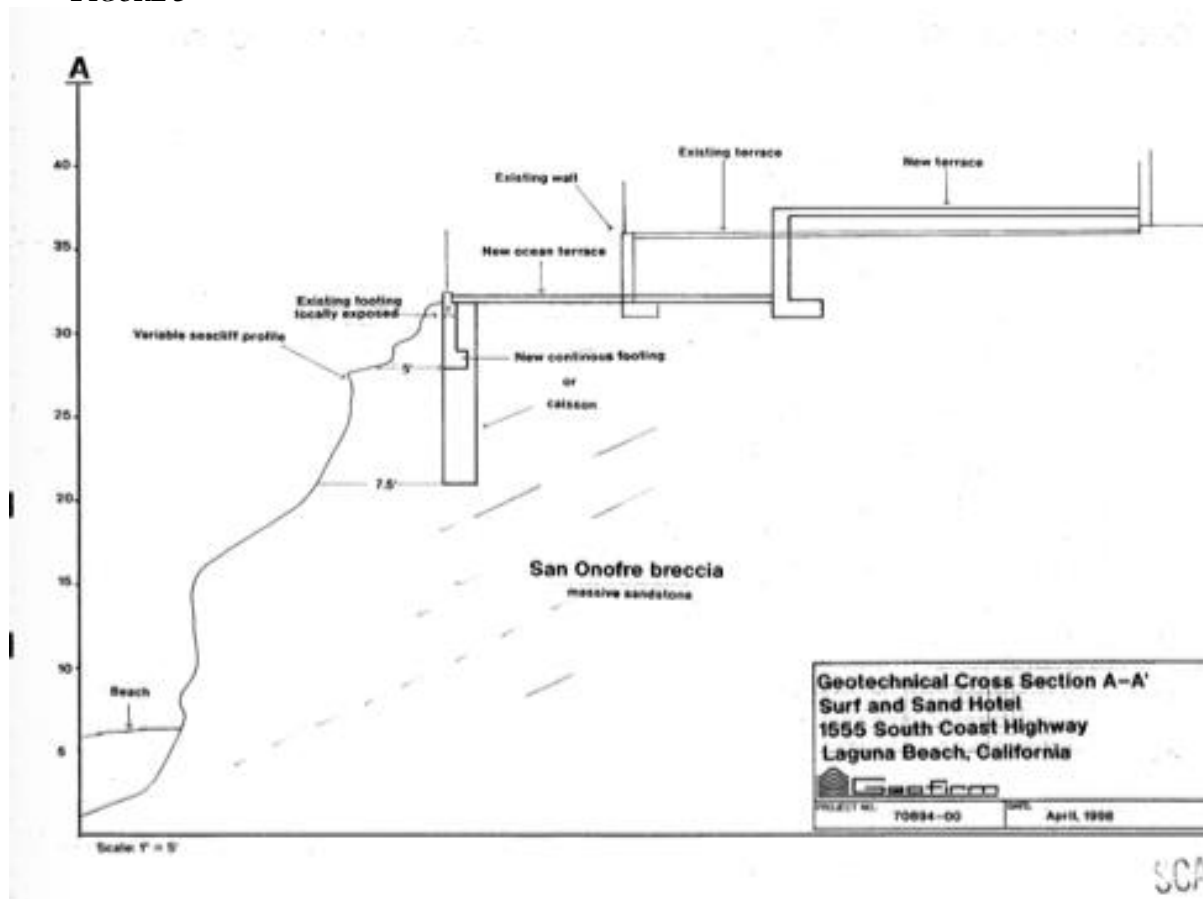
⁵ Resort (4/9/98) Site Plan Diagram, <https://unitehere.app.box.com/s/rrr7osh53n68pbxcgrlef6x33hegtepe>.

⁶ GeoFirm (4/15/98) Limited Geotechnical Investigation for Proposed Retaining Wall and New Terrace Improvements, PDF pp. 1, 12, <https://unitehere.app.box.com/s/1saezld3vc4p472970ilk8v6b5u6ggiv>.

⁷ GeoFirm (6/8/98) Filed Memorandum, PDF p. 37, <https://unitehere.app.box.com/s/6ekmmnbt7fiwr7weyyuw1vmn8li3fzk6>.

⁸ Ibid.

FIGURE 3



The Staff Report does not address this expansion at all, nor has Local 11 been able to find any CDP for this development. The comparison of this 1998 expansion of the wedding gazebo created a large new terrace. (Compare Fig. 4 [pre-expansion] with Fig. 5 [post-expansion] below).

FIGURE 4

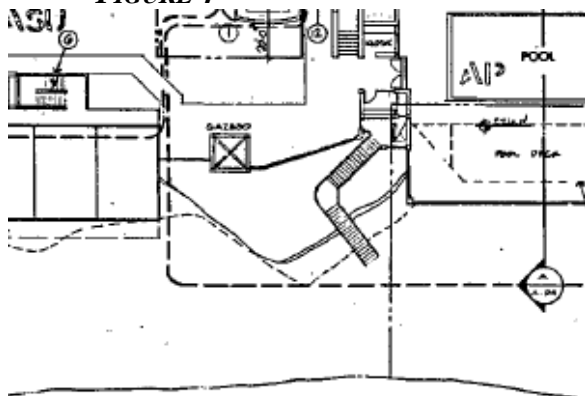
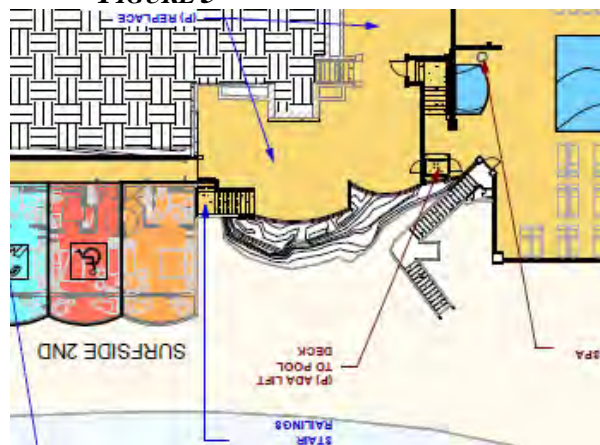


FIGURE 5



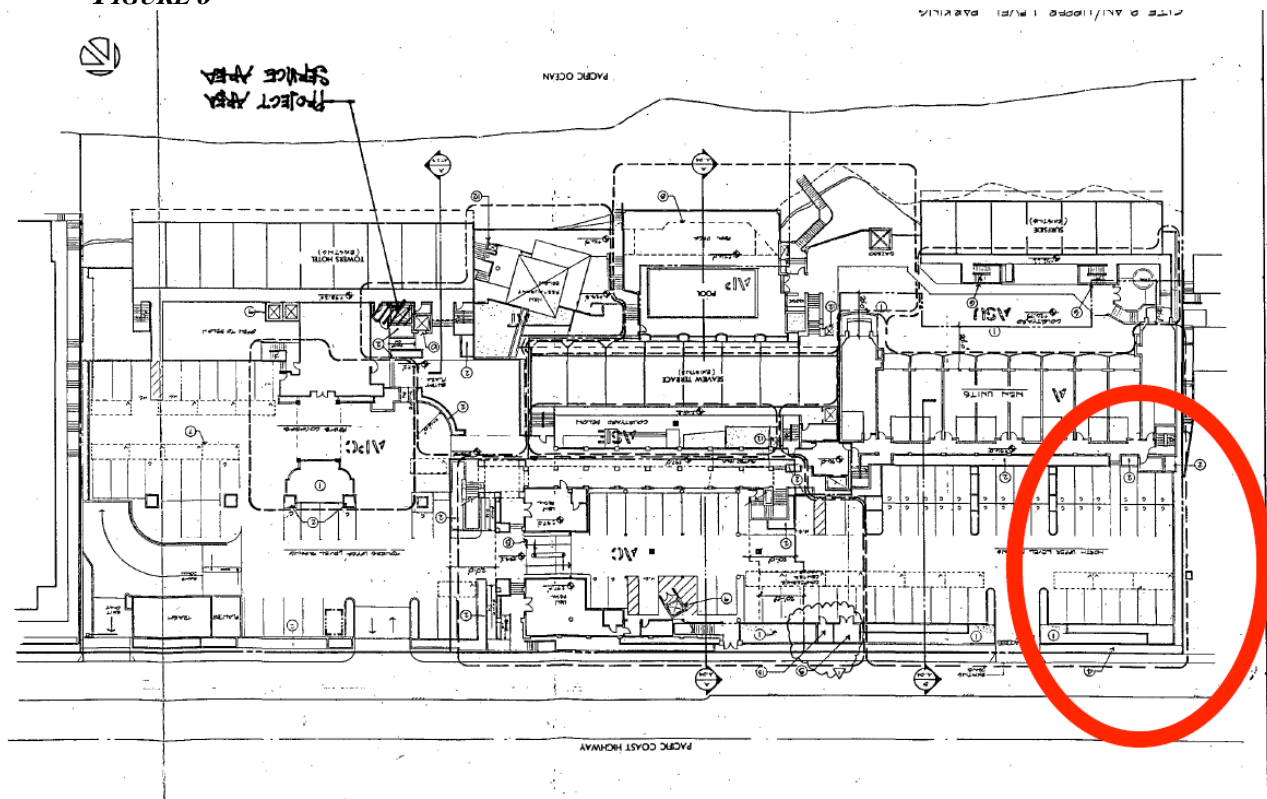
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B. SPA BUILDING

The staff Report mentions that the “Aquaterra spa building formerly housed retail and office space.” (Staff Report, PDF p. 19.) However, the report makes no mention of when this conversion occurred. Nor does Exhibit 2 of the Staff Report provide a date of construction for the Spa Building and does not list it as part of the 1989 CDP or CDP Amendment. (See Exhibits, PDF p. 6.)

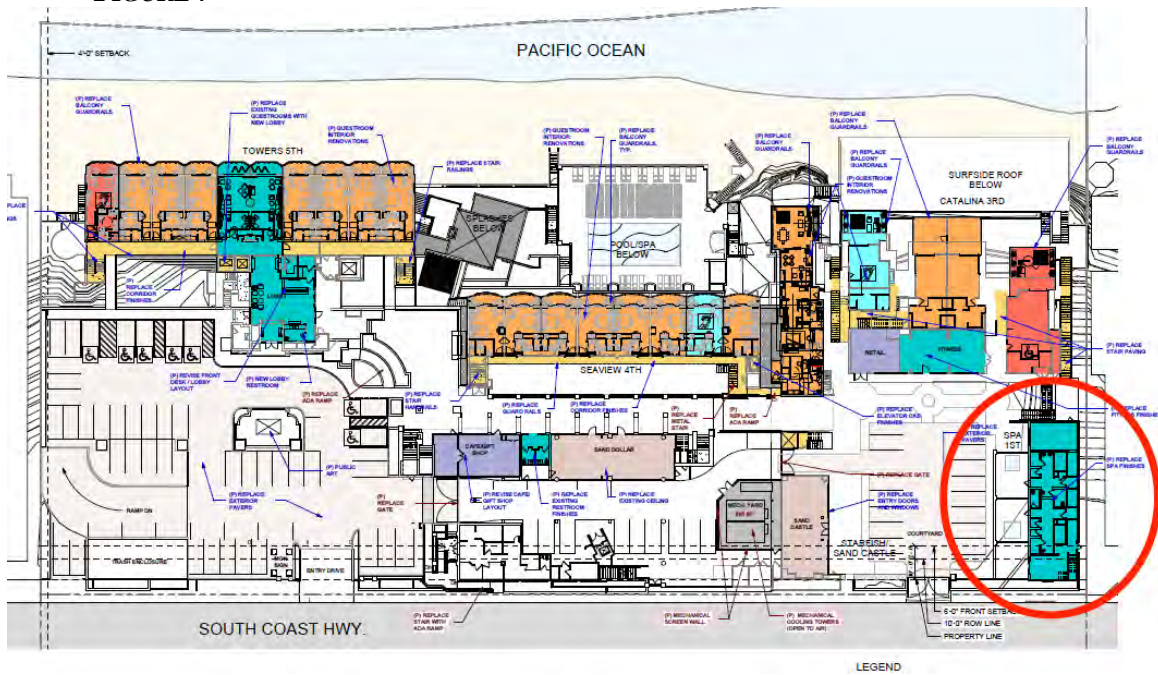
It seems clear that no renovations took place or were approved in 1989 given all the development proposed was on the seaside portion of the Resort. (See Exhibit, PDF p. 51 [proposed new development is all highlighted in black marker with a parking lot located in the area where the spa is currently located].) This is made clear when comparing the 1989 plans (Fig. 6) with the current plans showing existing structures (Fig. 7). (See figures below and following page [annotated for your convenience]).

FIGURE 6



///

FIGURE 7



According to City planning records, the conversion occurred in 2001 via a design review and variance application submitted in November 2000 that proposed the “[r]emodel of existing bld’g, currently consisting of offices and retail space, to develop a new day spa. Site walls are also to be constructed, enclosing new plunge pools.”⁹ No CDP was requested.¹⁰ According to the minutes of the Board of Adjustment/Design Review Committee Meeting held in January 2001, the applicant sought and received approval “to construct additions and alterations to an existing retail office structure, in order to convert the structure for us as a day spa. Design review is required for exterior alterations including enclosure of a second level deck, addition of windows, site walls, rooftop mechanical enclosure and new chimney. A variance is requested to exceed the maximum allowed height with the existing and proposed construction.”¹¹

The original planning application shows new walls, new plunge pools, and other improvements associated with this development.¹² Additionally, the final geotechnical analysis of the construction shows that the renovation involved examining “drilled pier[s],” “compaction grouting,” “remedial grading,” and “foundation excavations.”¹³ The project required installing 11 drilled piers into the bedrock, the injection of 1,873 cubic feet of grout to stabilize the soil, and grading under the spa pools.¹⁴ (See Fig. 8 following page [annotated for your convenience]).

⁹ City Records (11/17/00) Design Review Board Application, PDF p. 20, <https://unitehere.box.com/s/85vr6az2gvq5zcsztvdf47vsa8ga0kun>.

¹⁰ Ibid., at PDF pp. 19, 26.

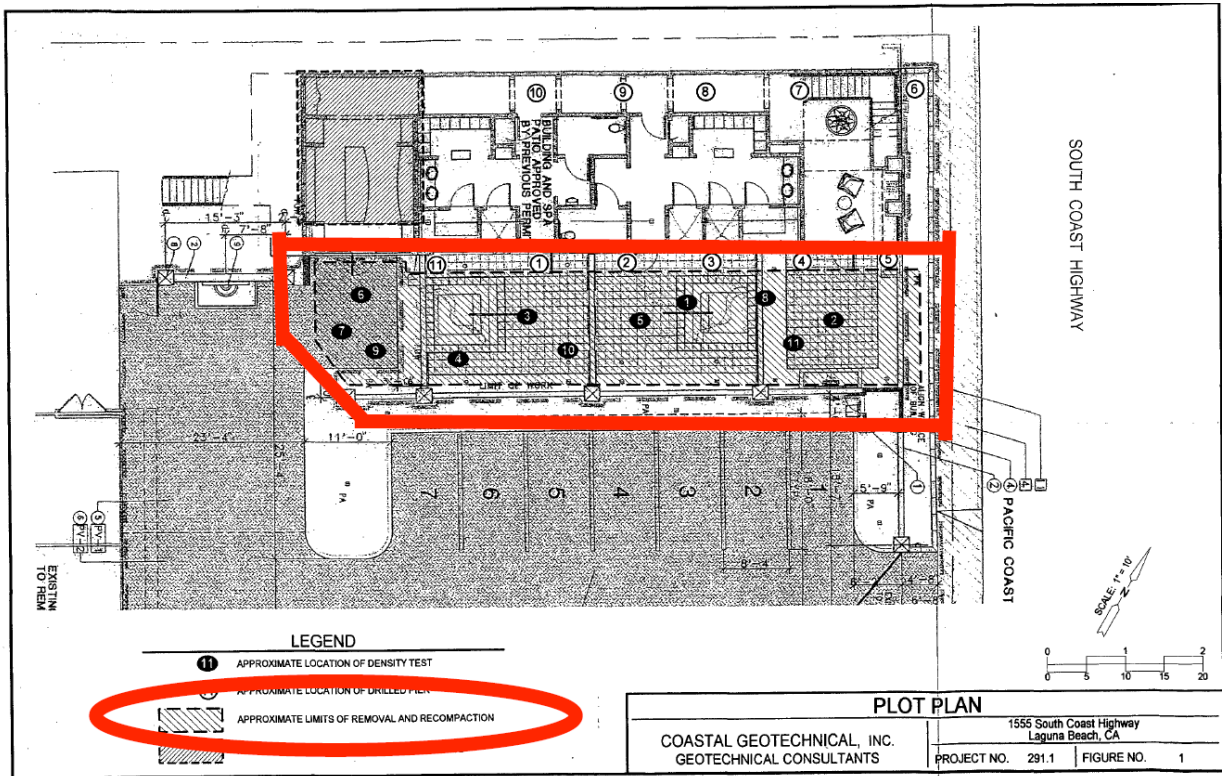
¹¹ Board of Adjustment/Design Review Board (1/11/01) Minutes, PDF p. 8, <https://unitehere.box.com/s/8i3vvrvjcsfo4brf7atvwzpb63rd0vde>.

¹² City Records (10/13/00) Planning Application, PDF p. 3, <https://unitehere.box.com/s/ia398v3pssdi9yx440f1rmvkmnhonsja>.

¹³ Coastal Geotechnical, Inc. (11/6/01) Final Geotechnical Report, PDF p. 1, <https://unitehere.box.com/s/2cxgs7tvzsuokvs5n4bcd23va2gz9pkf>.

¹⁴ Ibid., at PDF p. 8.

FIGURE 8



Grading is included in the definition of development in Laguna Beach's Local Coastal Program and the Coastal Act. (See LBMC § 25.07.006(D); see also Pub. Res. Code § 30106.) Now the applicant proposes to refinish the spa. (Exhibit, PDF p. 19; see also Fig. 7 supra.). This is all problematic because the Project is seeking to renovate/modify a building with seemingly no record of approval as an office/retail building and no CDP for the conversion to a spa.

C. SANDCASTLE BUILDING

Similarly, the Staff Report does not list a date or explain when the Sandcastle Building was constructed. Like the Spa Building, the Sandcastle Building is not identified in the 1989 permit drawings or the building permit plans previously cited above. Apparently, in July 2001, the Planning Commission approved Design Review 01-247 that involved "facade alterations, repaving/stripping of the existing parking lot and new landscape[.]" which mentions "new sitewalls."¹⁵ Now, the Project seeks modifications/renovations to a building with seemingly no record of approval and/or CDP for renovations.

/ / /

¹⁵ City Record (7/24/01) Approval of Design Review 01-247, PDF pp. 2, 12, <https://unitehere.box.com/s/dtrpok922nh101v7iq19c1bl9htiys2t>.

II. THE COMMISSION HAS AUTHORITY TO REVIEW THE PROJECT AND PAST UNPERMITTED DEVELOPMENT COLLECTIVELY, AS WELL AS MITIGATION TO PUBLIC ACCESS IMPACTS

Despite the passage of time, the above potentially unpermitted development can be addressed by the Commission now because the applicant has no vested rights in existing unpermitted development at the Resort. (See e.g., *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791-798 [initial construction without a permit did not give the developer a vested right to complete the work]; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1348-1350 [existing permits for certain development did not create vested right to proceed with additional, unpermitted development]; *Pettitt v. City of Fresno* (1973) 34 Cal.App.3d 813, 818-824 [use permit issued in violation of zoning ordinance did not create vested right to maintain the permitted use].) Additionally, the Commission is not estopped from taking appropriate action to enforce CDP requirements, which serves the Coastal Act's vital public interest. (See *Feduniak v. California Coastal Com.* (2007) 148 Cal.App.4th 1346, 1377 [rejecting estoppel defense, the court noted "estopping the Commission because of its prior regulatory inaction would nullify otherwise valid restrictions adopted for the public benefit for as long as the [owners] own the property."].) Furthermore, potential claims of laches have been unsuccessful against the Commission, as evidence by last week's decision upholding the Commission's cease and desist order arguably delayed 22 years. (See *Lent v. California Coastal Com.* (Apr. 5, 2021, No. B292091) __ Cal.App.5th __ [2021 Cal. App. LEXIS 291, at *29].)

Moving forward, the Commission should consider the Project (i.e., proposed development) within the context of an after-the-fact approval (i.e., potentially unpermitted development). Even though the applicant is not requesting an after-the-fact approval, the Commission can review the current CDP as "as though the unpermitted development has not already occurred" in order to avoid condoning unpermitted development. (*LT-WR, L.L.C. v. California Coastal Com.* (2007) 152 Cal.App.4th 770, 796-797 [emphasis added].) The Commission should also consider whether the proposed renovations (i.e., Project), in conjunction with both permitted and unpermitted development, have a cumulative impact on coastal resources requiring mitigation. (See e.g., *Remmenga v. Cal. Coastal Com* (1985) 163 Cal.App.3d 623, 628 ["It follows that even if an individual project does not create an immediate need for a compensating accessway, one may be required of it if its effect together with the cumulative impact of similar projects would in the future create or increase the need for a system of such compensating accessways." Emphasis added]; *Whaler's Vill. Club v. Cal. Coastal Com* (1985) 173 Cal.App.3d 240, 261 ["construction of this revetment and others up and down the coast ... increase the sand loss on beaches with a tendency to recede constitutes a cumulative adverse impact and places a burden on public access to and along state tide and submerged lands for which corresponding compensation by means of public access is reasonable." Emphasis original].)

To the extent the Project and unpermitted development has a cumulative impact on public access, Local 11 urges the Commission to Restoration Order or other enforcement action.


/ / /

III. CONCLUSION

Here, this \$10 million¹⁶ renovation Project is merely the latest in a long line of related development to expand, renovate, and further entrench this luxury Resort.¹⁷ (See also Exhibit, PDF p. 6.) Before doing so, the Commission should first address all uncertainty about past development that may have occurred without proper CDP approval and consider the cumulative impacts of all development at the Resort (both existing and proposed).

Thank you for your consideration of these comments. We ask that it is placed in the administrative file for this Project.

Sincerely,



Jordan R. Sisson
Attorney for Local 11

¹⁶ Commission (4/11/19) Staff Report Exhibits (Project substantial issue hearing), PDF p. 106, <https://documents.coastal.ca.gov/reports/2019/4/Th17a/Th17a-4-2019-exhibits.pdf>.

¹⁷ City (11/7/18) Staff Report on Project, PDF pp. 14-15 (listing 18 different sought-after project approvals), https://lagunabeachcity.granicus.com/MetaViewer.php?view_id=3&clip_id=803&meta_id=65481.

From: SouthCoast@Coastal
To: Vaughn.Meg@Coastal
Subject: FW: Public Comment on April 2021 Agenda Item Friday 14a - Application No. A-5-LGB-19-0010 (Surf)
Date: Friday, April 09, 2021 5:32:40 PM

From: Fudge [mailto:fudge1@cox.net]
Sent: Friday, April 09, 2021 3:58 PM
To: SouthCoast@Coastal
Cc: Mark Fudge; Sharon Fudge
Subject: Public Comment on April 2021 Agenda Item Friday 14a - Application No. A-5-LGB-19-0010 (Surf)

Dear Commissioners and Staff,

Thank you for your consideration of our comments on the staff report for the proposed improvements at the Surf and Sand Hotel in Laguna Beach. Also, a 'thank you' to staff is extended for their work on the review of materials over the last two years.

While we appreciate staff's work, we believe the work being proposed by the applicant exceeds the 'repair and maintenance' definition and does indeed extend the life of a resort that, if contemplated today, would certainly be categorically denied. Unfortunately, the damage has been done by past actions but that doesn't mean the inappropriate development should be allowed to exist in perpetuity. The staff report readily spells out that the work done over the decades (most of which occurred without CDPs) is very minimally documented. Although the Coastal Commission issued permit for work done in the 1980s required any changes to be reviewed by the Commission, this did not occur. Nor has the City EVER issued a CDP for work done at the resort.

There's been no analysis of the cumulative changes that have occurred at the site since the enactment of the Coastal Act which is of great concern to us. Without a baseline of the development that existed then, there may never be a way to accurately analyze the amount of development which will ultimately 'tip the scales' of new development. It may or may not have happened at this point in time, but there is no evidence in the record that makes it clear when the occurrence of new development will occur.

The idea that a \$10 million renovation, that has followed on the footsteps of other major renovations (in the late 1980s, the early 2000s, approximately 2011, and others) is just 'repair and maintenance' is folly. The project is clearly meant to **improve** the resort and to add amenities such as air conditioning. The staff report states that air conditioning is 'required' by code, but does not specify what code requires air conditioning. We know of no such requirement in the Building Code (or any other referenced in the staff report) and would like to have specific information on that provided to the public. Also, the **addition** of air conditioning cannot be considered a subset of 'repair and maintenance' - it is an improvement. Neither a Mean High Tide Line determination nor a bluff edge determination were submitted for the project although a substantial portion of the project exists on the bluff face and on the sand. The City's certified LCP (LBMC 25.50.004(B)(4)) prohibits the encroachment of improvements closer than 25 feet to the top of bluff and the certified Open Space/Conservation Element Policy 1E prohibits construction of man-made structures on the sandy portion of the beach unless necessary for public health and safety. Here the buildings sit on the bluff face and the sand.

Please consider postponing the hearing of this item until the information is presented fully to provide the substantial evidence needed to make the necessary findings.

Thank you so much,

Mark and Sharon Fudge

P.O. Box 130

Laguna Beach, CA 92652-0130

949-481-1100



April 13, 2021

F14a

Ms. Meg Vaughn
California Coastal Commission
301 East Ocean Boulevard, Suite 300
Long Beach, CA 90802-4416

Subject: Surf and Sand Resort Laguna Beach
Appeal A-5-LGB-19-0010, Response to Fudge Correspondence

Dear Ms. Vaughn:

On behalf of Surf and Sand Resort, CAA Planning, Inc. (CAA) has reviewed the correspondence provided by appellants Mark and Sharon Fudge dated April 9, 2021, and offer the following responses.

1. Repair and Maintenance.

The standard of review for this project is the City of Laguna Beach (City) Local Coastal Program (LCP) and Chapter 3 policies of the Coastal Act. The project proposes non-structural cosmetic improvements characterized as repair and maintenance under the City's LCP (LUE definition of Major remodel and IP Section 25.56.009). The LCP identifies repair and maintenance activities as a type of development that is exempt from the requirements of a Coastal Development Permit (CDP) but for the hotel's proximity within 50 feet of the edge of a coastal bluff.

The comment seems to suggest that a property owner is not allowed make repairs which extend the life of the property. There is no such provision within the LCP that disallows repair and maintenance activities which extend the life of the improvements. The question of whether the existing development could be approved today is moot as the development pre-dates the Coastal Act. LCP LIP Section 25.56.009 allows:

“modification to the nonconforming structures so long as the modification does not increase the physical extent of the nonconforming portion of a structure in any manner.”

As detailed on page 19 of the Staff Report, the physical extent of the nonconforming structures will be unchanged, and repair and maintenance is permitted.

Finally, the project does not constitute a major remodel, which is defined as:

“Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure...”



Ms. Meg Vaughn
April 13, 2021
Page 2 of 3

The project will not result in an increase in square footage, and will not result in any structural change to the existing building. As such, it is not considered a major remodel.

2. Development History.

As detailed on page 2 of the Staff Report, the development of the property predates the Coastal Act. The assertion that the development of the property occurred over decades without a CDP is an accurate statement because the property was developed starting in the 1940s and was completed prior to the establishment of the Coastal Act.

As detailed on page 16 of the Staff Report, all resort buildings were present prior to the Coastal Act. Additional development was proposed and approved through CDP 5-89-136 and 5-89-136A which established the existing condition for the property. While the level of detail contained within CDP 5-89-136 and 5-89-136A is not the same level of detail that is customary 30 years later, the permit records contain detailed descriptions of the existing condition, the work proposed at the time, and clearly depicted the property improvements. The current work will not change the existing land use or the intensity of use, and the building locations, footprints, heights, or size will not be altered.

3. Cumulative Changes.

The commentor asserts that there has been no analysis of the cumulative changes that have occurred at the site since the enactment of the Coastal Act, which is incorrect. CDP 5-89-136 and 5-89-136A clearly authorize the existing development including the changes which have occurred since the Coastal Act. These permit records, which were reviewed in great detail, allowed for an assessment of the changes that have occurred over time as allowed by CDP 5-89-136 and 5-89-136A. As detailed on pages 16-19 and 22 of the Staff Report, the permit history allowed for the establishment of a baseline by which the current project was assessed.

4. Cost of Improvements.

The commentor asserts that the cost of the improvements is in excess of what should be required for repair and maintenance. Maintaining a coastal property originally constructed more than 70 years ago is costly. However, there is not a provision within the City's LCP or the Coastal Act which regulates the cost of repair and maintenance. As detailed on page 22 of the Staff Report, "[w]hile the proposed work is extensive in that the renovations will occur resort-wide, the work is minor in terms of the complexity and degree of changes and the absence of any structural work to the existing buildings."

5. Hotel Code Compliance.

The following code requirements relate to ventilation of the hotel guestrooms.

- **Baseboard Heating.** Baseboard heating is not permitted by current code standards. It is energy inefficient and can be utilized even when guest rooms are unoccupied.



Ms. Meg Vaughn
April 13, 2021
Page 3 of 3

- Dedicated Exhaust and Fresh Air compliance. The 2016 Building Energy Efficiency Standards, Title 24, Part 6, Subchapter 3 - Hotel/Motel Occupancies – Mandatory Requirements specify dedicated exhaust and fresh air compliance. While air conditioning is not mandated, exhaust and fresh air are mandated, making air conditioning the best option to achieve compliance.
- Guestroom ventilation only while rooms occupied. Title 24 requires each guest room ventilation system to operate independently, and only when guestrooms are occupied, which is not currently provided given the existing ventilation.

The ventilation improvements will result in energy efficiency and will provide code compliance.

6. Mean High Tide and Bluff Edge Determination.

The City's LCP does not require a new determination of the mean high tide line. The project does not constitute new development, and there is no work proposed on or near the sandy beach. Special Condition 2 detailed on page 7 of the Staff Report does not allow for construction on the sandy beach.

The hotel is a legally non-conforming structure with respect to its location within the bluff setback. LUE Action 7.3.10 and LIP Section 25.56.009 allows legal principal structures that are nonconforming as to bluff edge setback to be maintained and repaired, so long as the size or degree of nonconformity is not increased. Therefore, evaluation of the bluff edge and setback were not triggered by this project.

We appreciate the opportunity to provide a response to the appellants comments. No new information has been presented that would change the conclusions of the Staff Report. We urge the Commission to approve the project consistent with the Staff Recommendation.

Sincerely,

CAA PLANNING, INC

Shawna L. Schaffner
Chief Executive Officer

c: Zach Rehm
John Doane

Surf and Sand Resort

Appeal A-5-LGB-19-0010

Responses to Fudge and Unite Here Issues - Working Document - DRAFT

Renovations Over the Years (Fudge) April 9, 2021	
Permits authorized by the City DR 89-002/Variance 4450, DR 00-292 Variance 6764, DR 01-247, DR 08-209	
Issue	Response
General issues raised asserting that the life of the improvements cannot be extended, and that cumulative improvements are not well documented.	Letter from April 13, 2021 fully responded to all issues raised.
Unite Here April 14, 2021 Wedding Pavilion	
Permits authorized by the City DR 89-002/Variance 4450	
Issue	Response
1990 Wedding Pavilion building dept. records show expansion.	<p>The wedding pavilion and deck/terrace improvements were permitted as a part of the 1989 5-89-136 CDPA. Prior to the 1989 CDPA, the existing condition included a large patio area connecting to a ramp across the face of the bluff and stairs down the face of the bluff to the beach. A set of stairs provided access from the westerly portion of the deck to the Surfside building. The stairs to the Surfside building remain in the same location and it is clear in comparing plans and photographs that there has been no seaward expansion of the deck area. What is also clear is that there was a time delay between approval of the CDPA and implementation of all improvements as the CDPA approved a broad scope of improvements which were initiated in 1990 and were fully vested. Many of the improvements permitted by the CDPA were completed in 1990-91. However, a downturn in the economy was experienced after construction activities began, resulting in financial difficulty for the hotel, and the full scope of improvements approved by CDPA were not immediately implemented.</p> <p>Once the hotel was able to continue construction, permit applications were submitted to the City for completion of the wedding pavilion/deck work. It appears that the intended pavilion (gazebo/patio cover) was not constructed but the underlying deck and stair improvements were constructed. The City required detailed technical analysis within their permitting review in 1998,</p>
1998 deck expanded for “terrace café renovation” extending limit of work.	
1998 “new terrace” GeoFirm memo and plan for footing and foundation.	

	<p>and because that effort was fully permitted by the City, it is our understanding that the City determined the plans to be in substantial conformance with the CDPA and did not require new coastal permitting.</p> <p>The shape of the deck (rounded) conforms to what we see on the original 1989 CDPA improvement plans that are in Coastal Commission's possession. Please see Sheet 13 from the approved 1989 CDPA dated February 6, 1989 (attached) showing the approved pavilion area, stairs and ramp across the bluff that are consistent with what was constructed and is present today. While the 1998 GeoFirm report references "new" improvements, that is not evidence that the improvements were not already permitted. In addition, cross section A-A, plate 2, clearly depicts "existing footings locally exposed" as the most seaward improvement. There was no expansion or further seaward encroachment of the deck area compared to the existing improvements. Cross Section B-B, plate 3 depicts the existing walkway, which is the most seaward improvement. The new deck features are clearly landward of the existing walkway which was removed as part of the improvements which are clearly set back further from the bluff edge compared to the development existing at the time. The historic photographs show that there was no seaward expansion of the deck area. Further, the plans associated with the 1989 CDPA are consistent with the improvements detailed in the 1998 GeoFirm analysis. These improvements were fully permitted and constructed consistent with the plans approved in the 1989 CDPA.</p> <p>It appears that the pavilion shade structure was not constructed but the deck was per the plan. Sheet 15 depicts the elevation of the pavilion area on top of the sandstone and Sheet 19 identifies the sandstone formation and walkway adjacent to the pavilion area. A comparison of historic photos from 1989 to present-day show that there has been no seaward expansion of the pavilion or any other hotel components. The ramp down to the beach was removed and reconfigured with stairs consistent with the 1989 CDPA and the pavilion area was constructed in substantial conformance with the plans on file with the Coastal Commission for CDP 5-89-136A.</p>
<p style="text-align: center;">Spa Building</p> <p>Permits Authorized by the City Permits Authorized by the City DR 00-292/ Variance 6764</p>	
Issue	Response
No construction date for building.	The Spa (Aquaterra) Building was approved in 1948 and is visible in historic photos from this time.

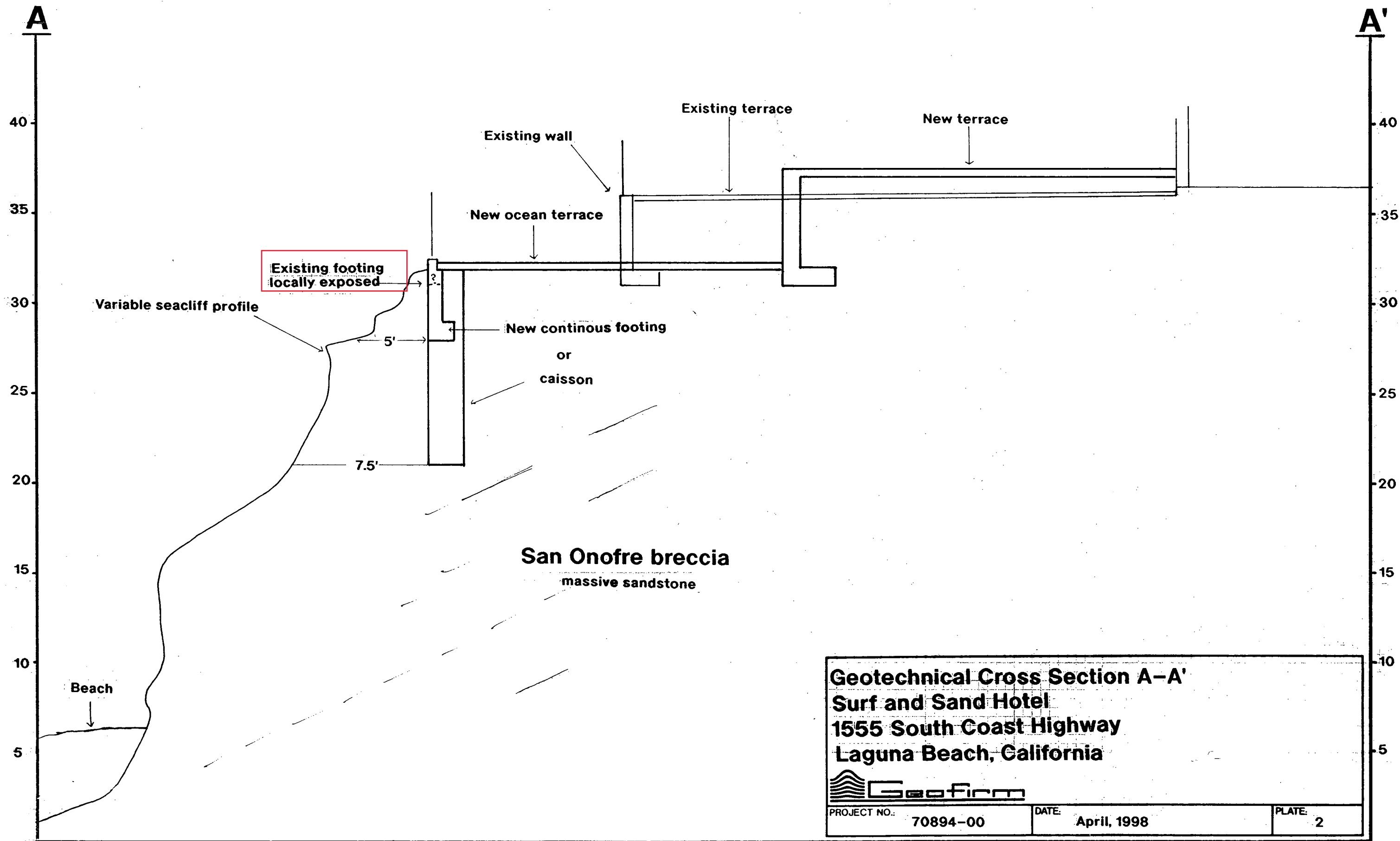
No conversion date from retail/office to spa.	The City analyzed the conversion of the spa building from retail shops and office to the current spa use. This analysis included a review of building intensity (square footage) and parking rates to determine whether there would be in intensification of the use. There was no change to the square footage of the building and the parking rates were the same. The use remained an allowable ancillary use consistent with the resort hotel.
No CDP for 2001 design review/variance to change from retail/office to spa with plunge pools (11 drilled piers into the bedrock, the injection of 1,873 cubic feet of grout to stabilize the soil, and grading under the spa pools), enclosure of a second level deck, addition of windows, site walls, rooftop mechanical enclosure and new chimney. Variance to exceed the maximum allowed height.	The structural improvements to the spa did not require a CDP. The spa building was constructed in the 1940s and pre-dates the Coastal Act. Consistent with California Code of Regulations Section 13252, the improvements to the existing structure were located more than 50' from the edge of the bluff and therefore, do not require a CDP. In this case, the nearest drilled pier is over 100' from the bluff edge and protects a structure that pre-dates the Coastal Act. Nevertheless, all improvements related to the drilled piers at the spa building were thoroughly permitted with the City including required technical studies and plans.

**Sandcastle Building
Permits Authorized by the City DR 01-247**

Issue	Response
No construction date for building/record of approval for building.	The Sandcastle Building was approved in 1948. Historic photos show that the Sandcastle Building was present in the early 1950's, predating the Coastal Act.
Not identified in 1989 CDP.	The Sandcastle Building is present on the site plans included within the Coastal Commission records for the 1989 CDPA.
Why no CDP for 2001 DR 01-247 for facade alterations, repaving/stripping of the existing parking lot and new landscape. Reference to new site walls.	The City required detailed technical information within their permitting review, and because that effort was fully permitted by the City, it is our understanding that the City determined the work did not require a new CDP but as evidenced by the City records, detailed review of the project was conducted.

Chronology of Improvements Following CDPA 5-89-136A

Date	Record #	Description
1-11-01	Design Review 00-292 / Variance 6764	Exterior alterations, additions of windows, site walls, a rooftop mechanical enclosure, new chimney, and to exceed the maximum building height with existing and new construction related to rooftop enclosure and chimney.
7-24-01	Design Review 01-247	Façade alterations, repaving of the existing parking lot, and new landscaping.
9-11-08	Design Review 08-209	New exterior fireplace and built-in benches.



Scale: 1" = 5'

Geotechnical Cross Section A-A'
Surf and Sand Hotel
1555 South Coast Highway
Laguna Beach, California

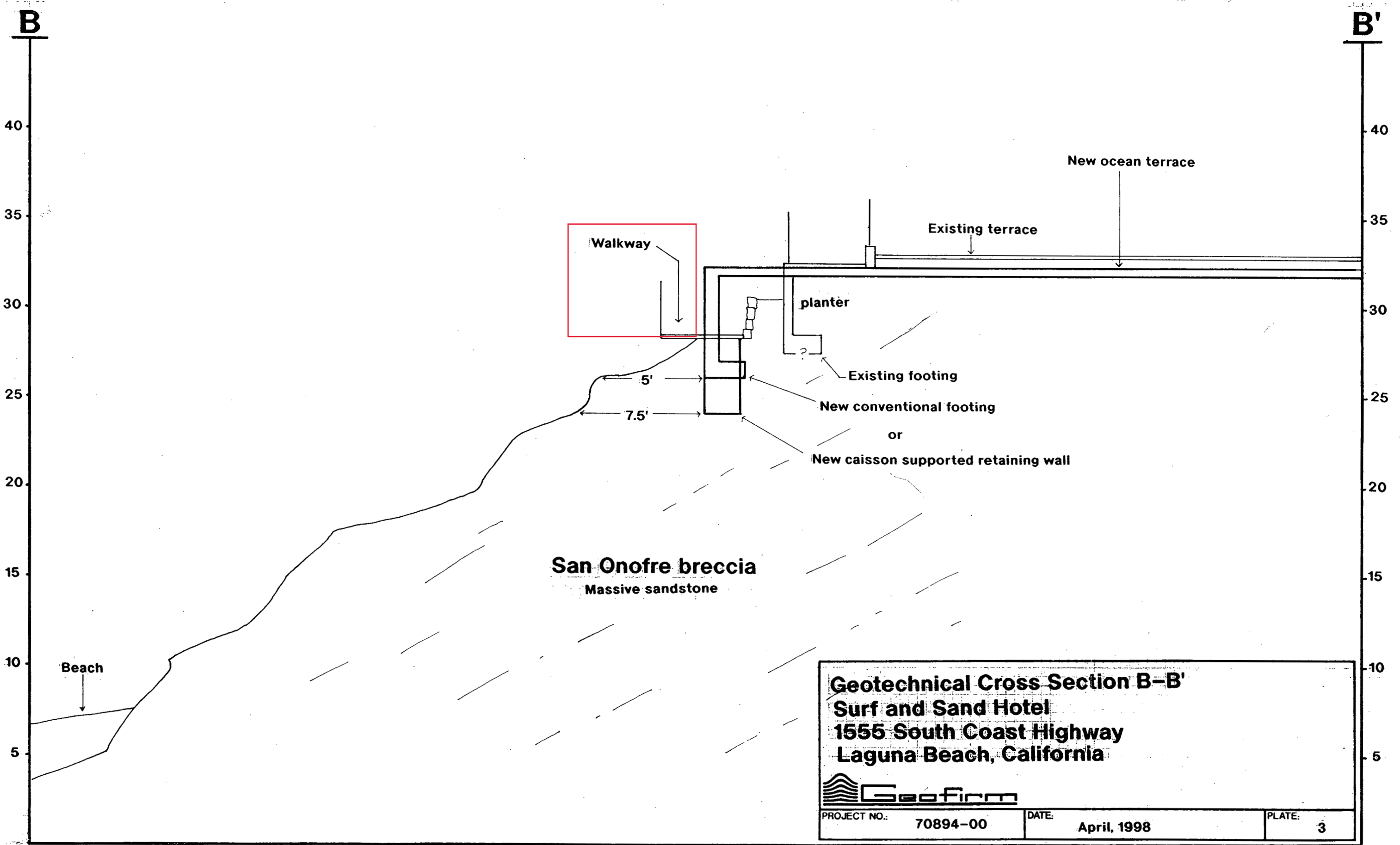


PROJECT NO.: 70894-00

DATE: April, 1998

PLATE: 2

SCANNED



Scale: 1" = 5'

SCANNER

Stairway to
Surfside building





Stairs to Surfside
Building

5-89-1361

RECEIVED

FEB 2 3 1989

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT



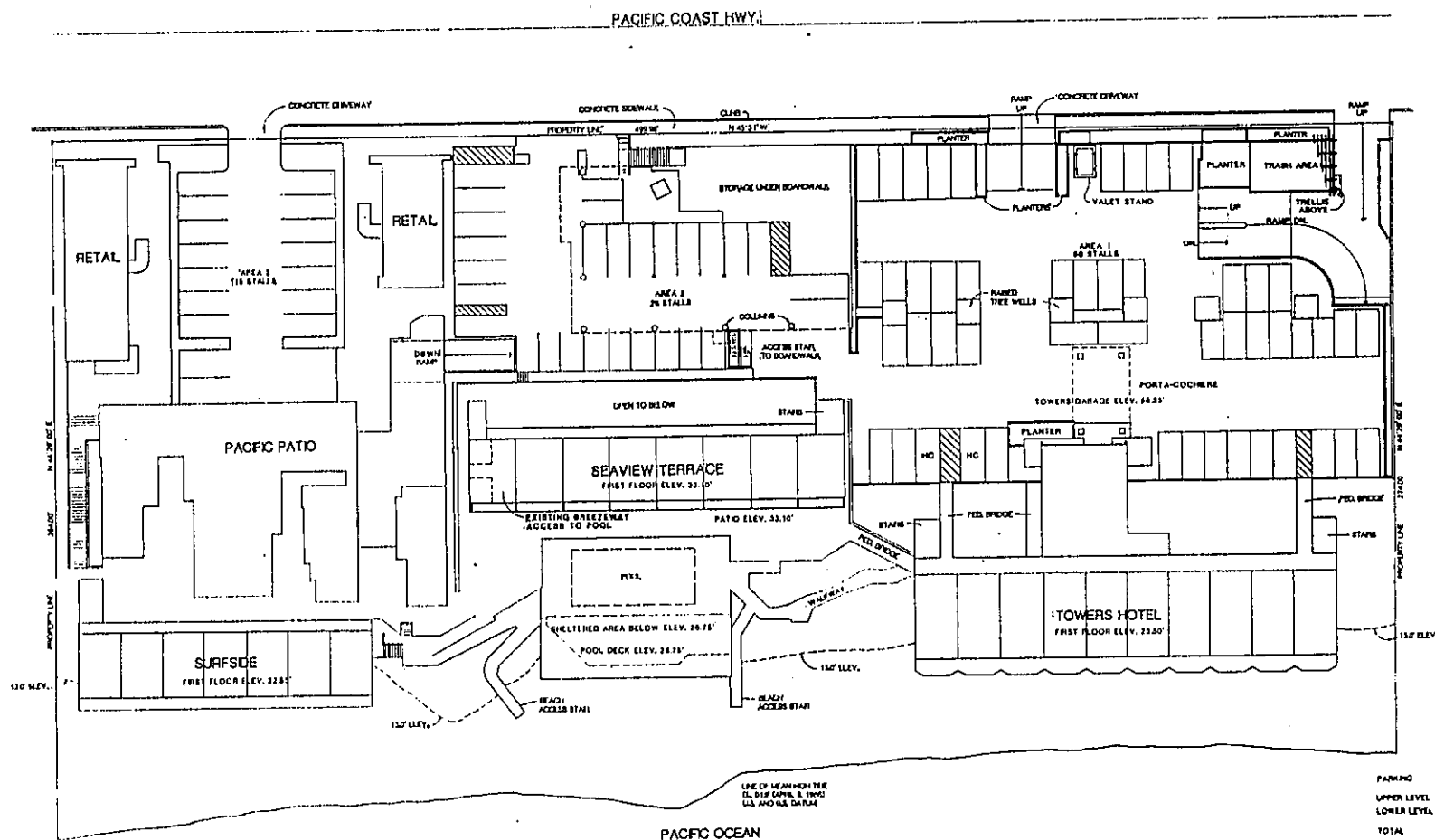
SURF & SAND

HOTEL

RECEIVED

FEB 10 1989

MORRIS SKENDERMAN & ASSOCIATES



PHASE II
INTERIM PARKING LAYOUT AT UPPER LEVEL FOR 1989
SCALE 1" = 20'-0"

PARKING	
UPPER LEVEL	94 STALLS
LOWER LEVEL	100 STALLS
TOTAL	194 STALLS

Revisions:

Job #1110
Date 6-1-84
Drawn
Checked
C-1114
C-1104

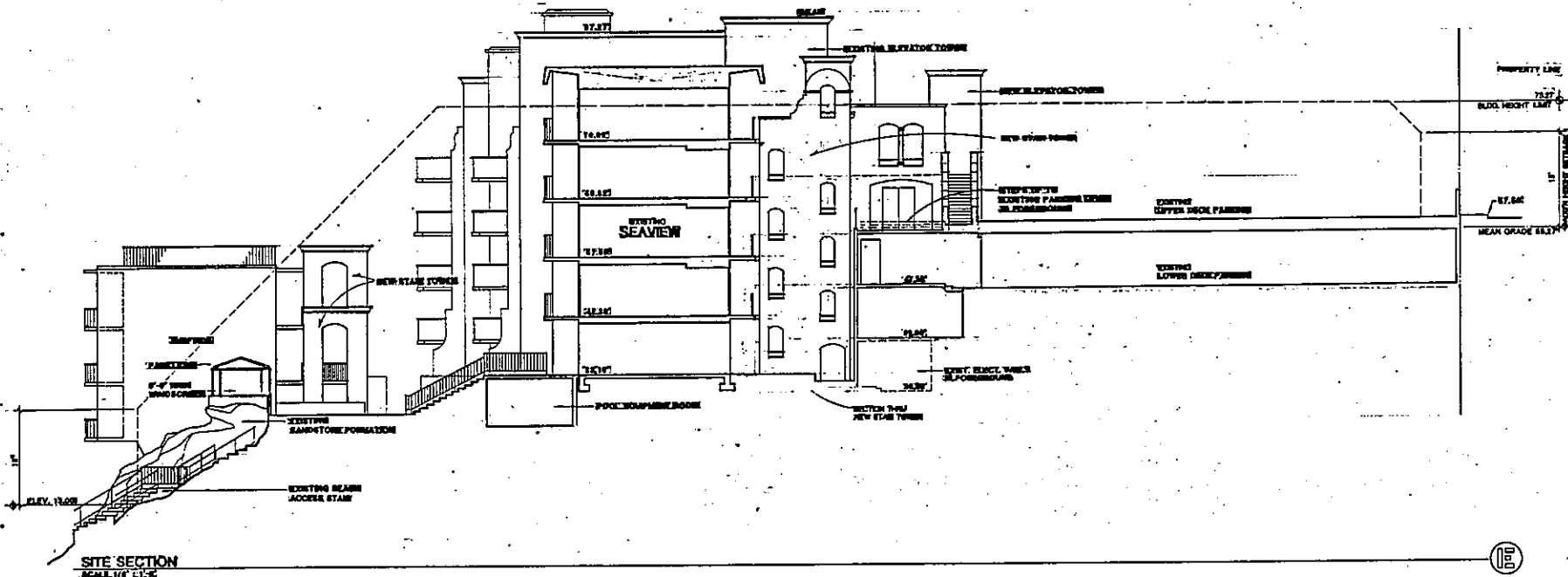
SURF & SAND

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Pacific
Associates
Planners
Architects, Inc.

PADA

D P N

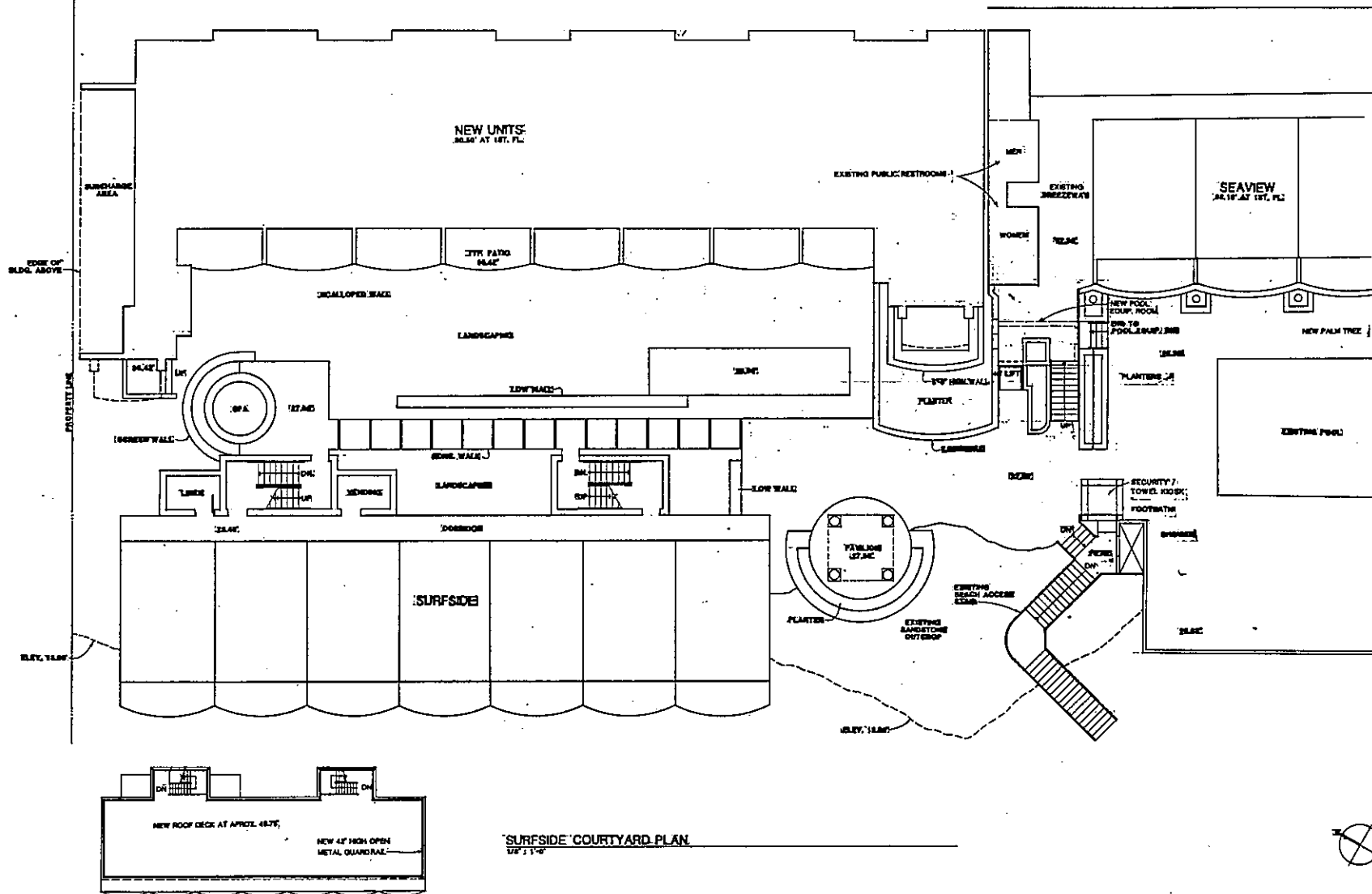


Revisions:
 Job #710
 Date 4-4-88
 Drawn
 Checked
 C-1043

SURF & SAND

Pacific
 Associates
 Planners
 Architects, Inc.





SURFSIDE ROOF DECK