

CALIFORNIA COASTAL COMMISSION

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



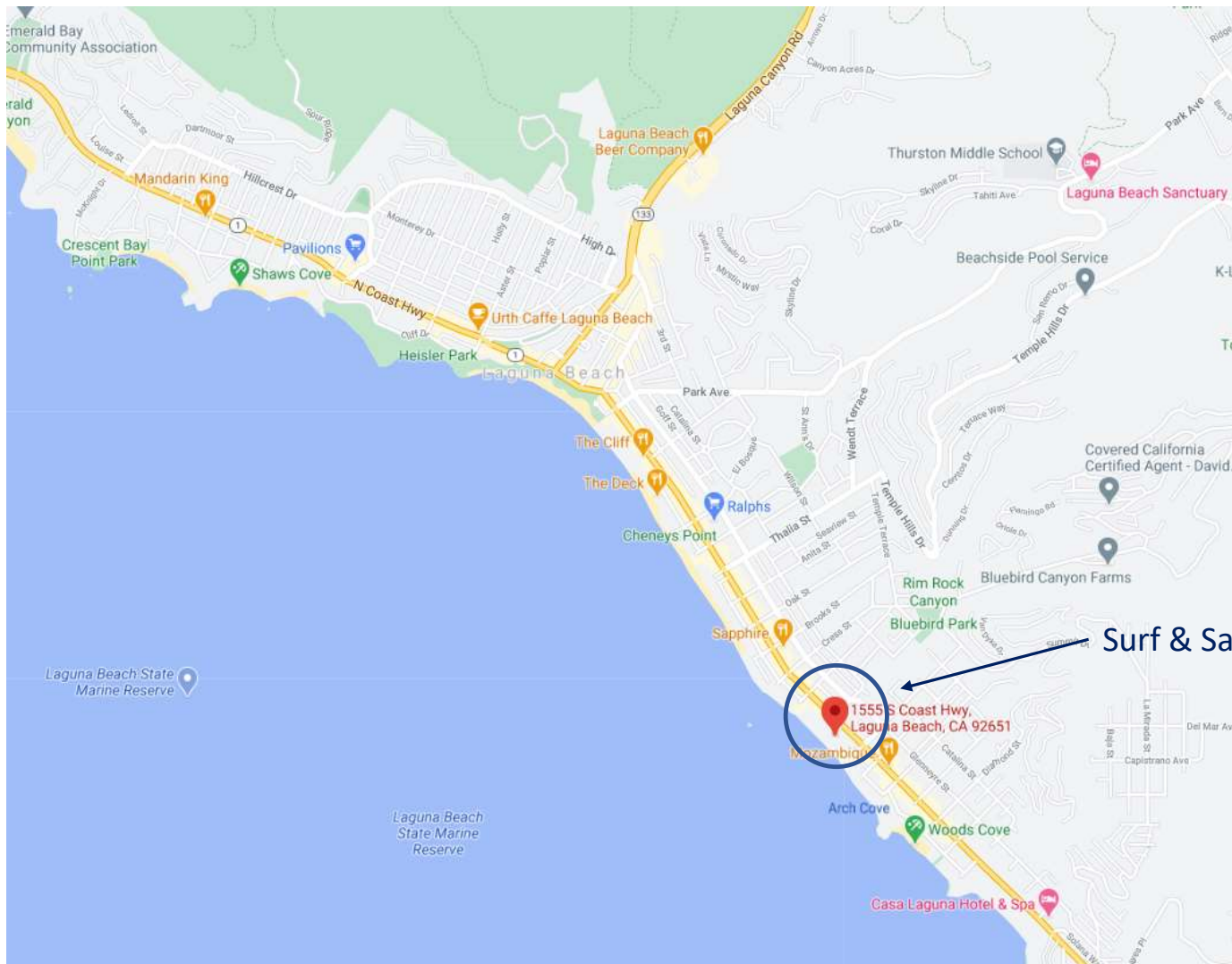
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A-5-LGB-19-0010 (Surf & Sand Resort)

April 16, 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
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- Exhibit 10 – Certificate of Use Splashes Restaurant
- Exhibit 11 – Proposed Balcony Lighting Sconce
- Exhibit 12 – Beach View



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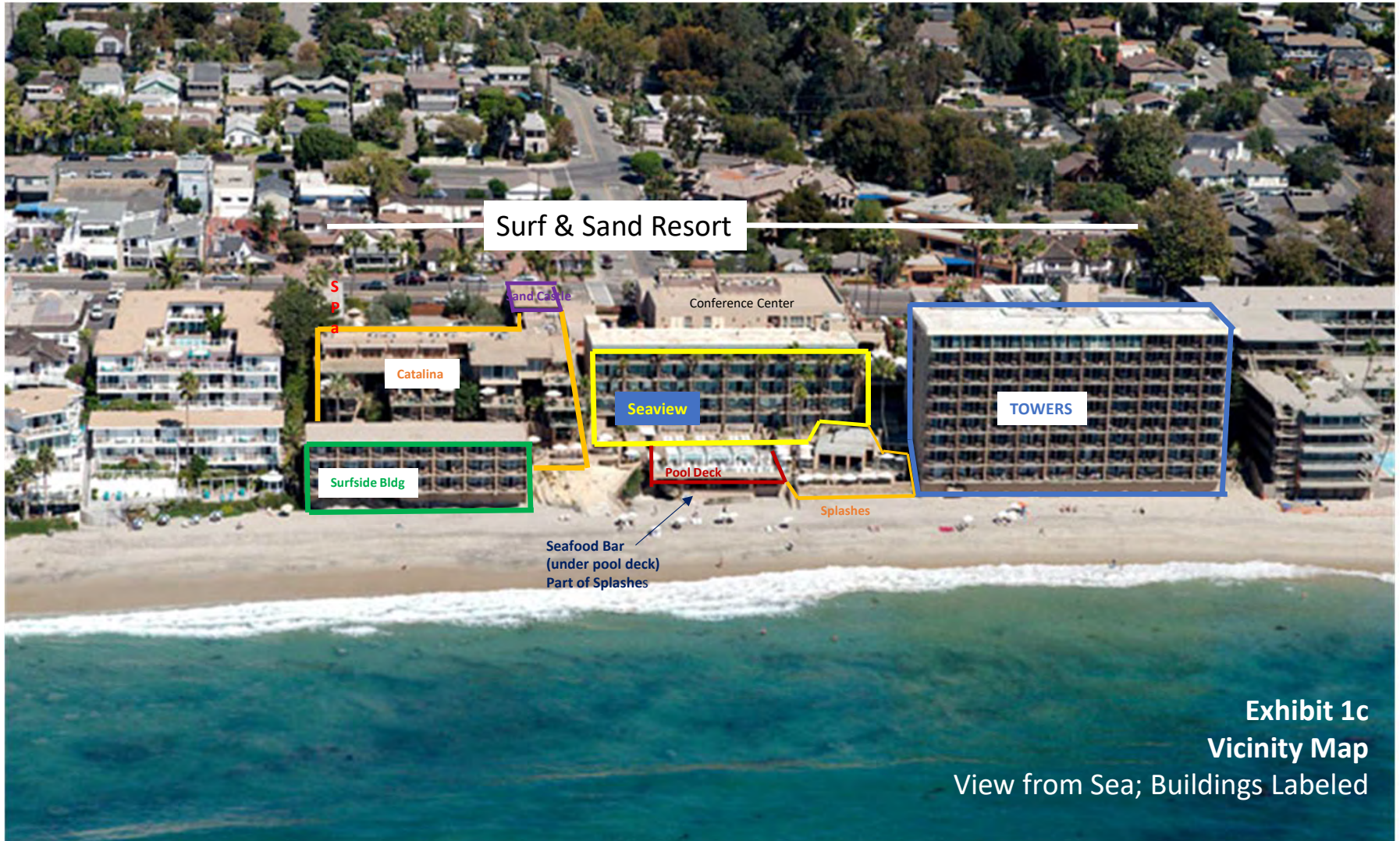
Surf & Sand Resort
1555 So. Coast Hwy
Laguna Beach

Surf & Sand

Exhibit 1a
Vicinity Map



Exhibit 1b
Vicinity Map
Site Plan View



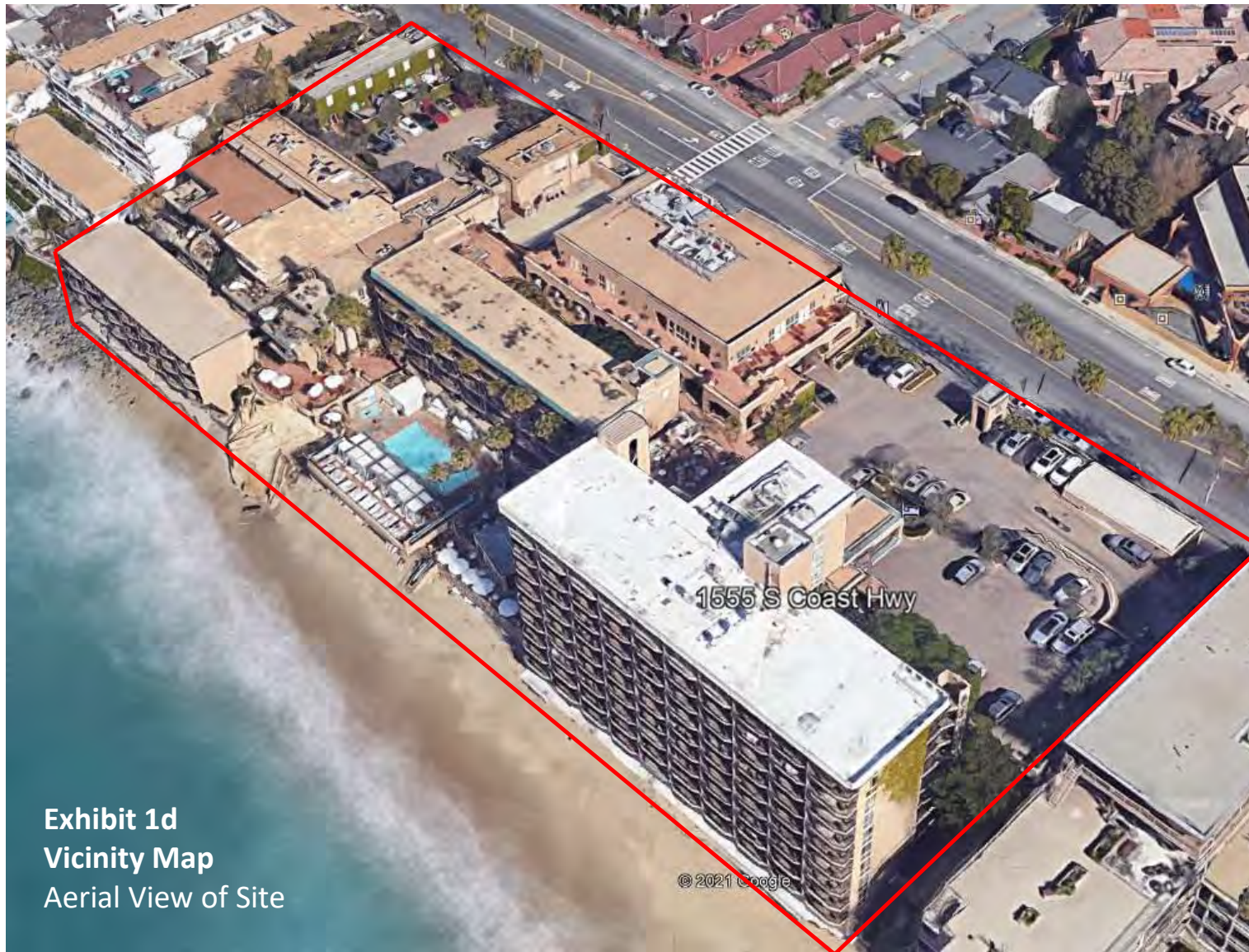


Exhibit 1d
Vicinity Map
Aerial View of Site

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 Rest. & Bar | Yes | 3,353 sq. ft | 17'8"/split level (?) | None | App'd per 1989 CDP & CDPA | |
| Spa Bldg | No | 3664/7354 sq ft | 35/2 stories | | | |
| 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 | No | 3,000 sq. ft. | 35'/2 | None | | Meeting rooms |
| Parking Structure | No | | | | | 216 parking spaces |
| | | | | | | |
| | | | | | | |

Exhibit 2
Existing On Site Development Chart



SURF & SAND RESORT

1555 S. COAST HWY, LAGUNA BEACH, CA 92651

COASTAL DEVELOPMENT APPLICATION

10.16.2019

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| A0-000 | COVER PAGE |

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| | | |

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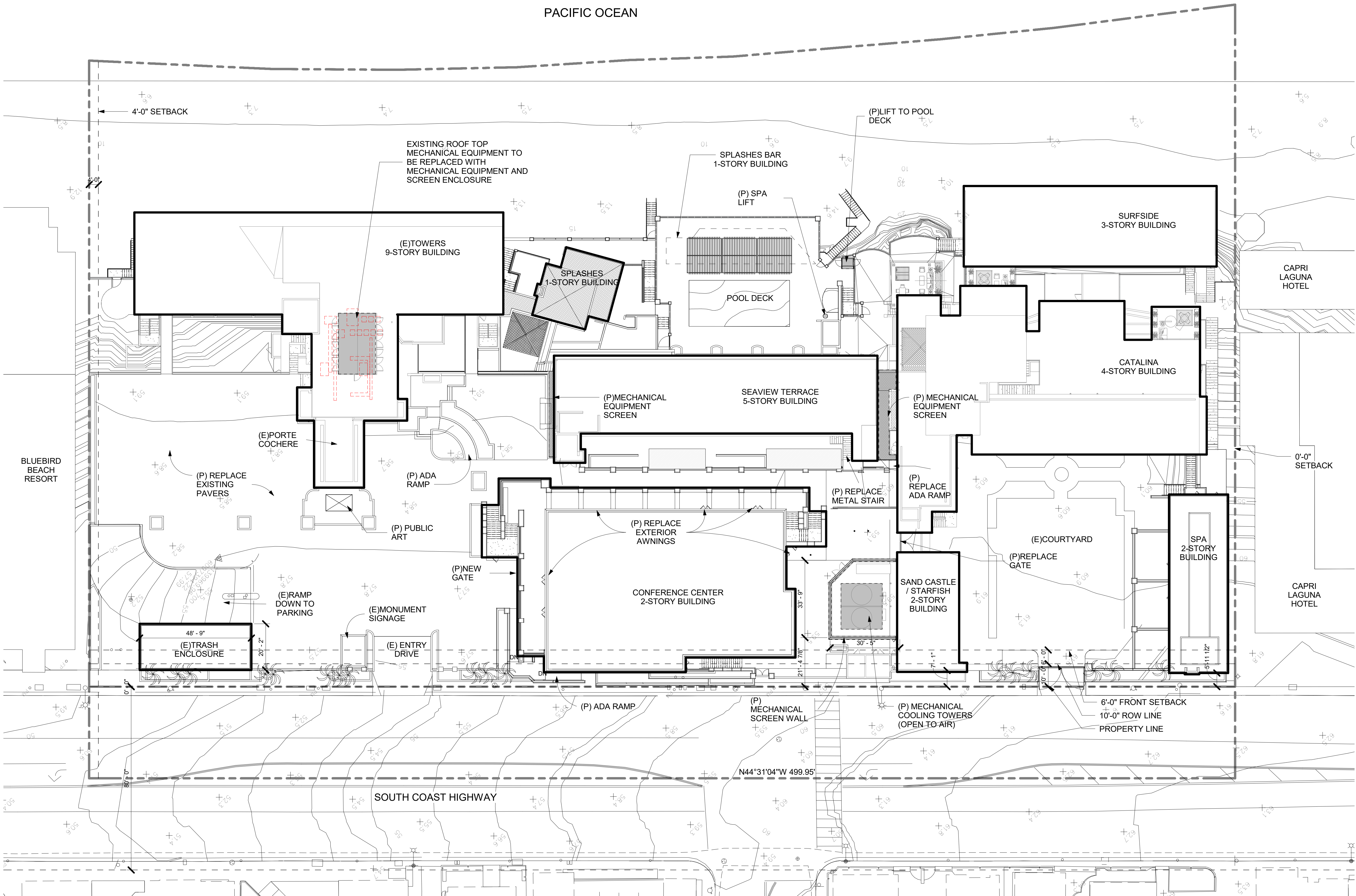
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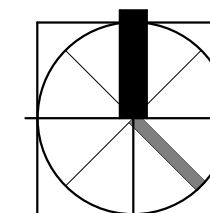
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1 OVERALL SITE PLAN

1" = 20'-0"



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

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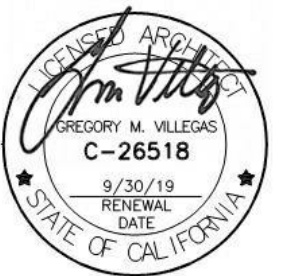
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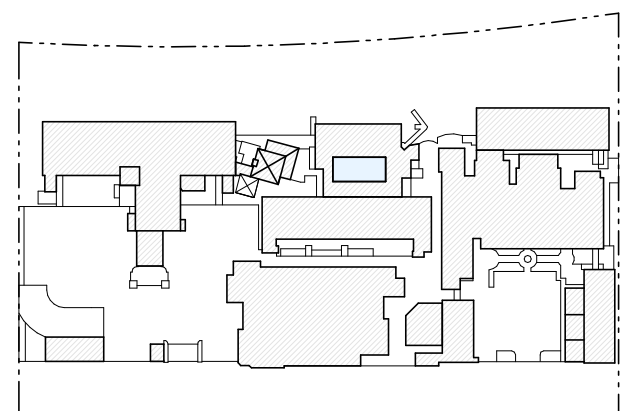
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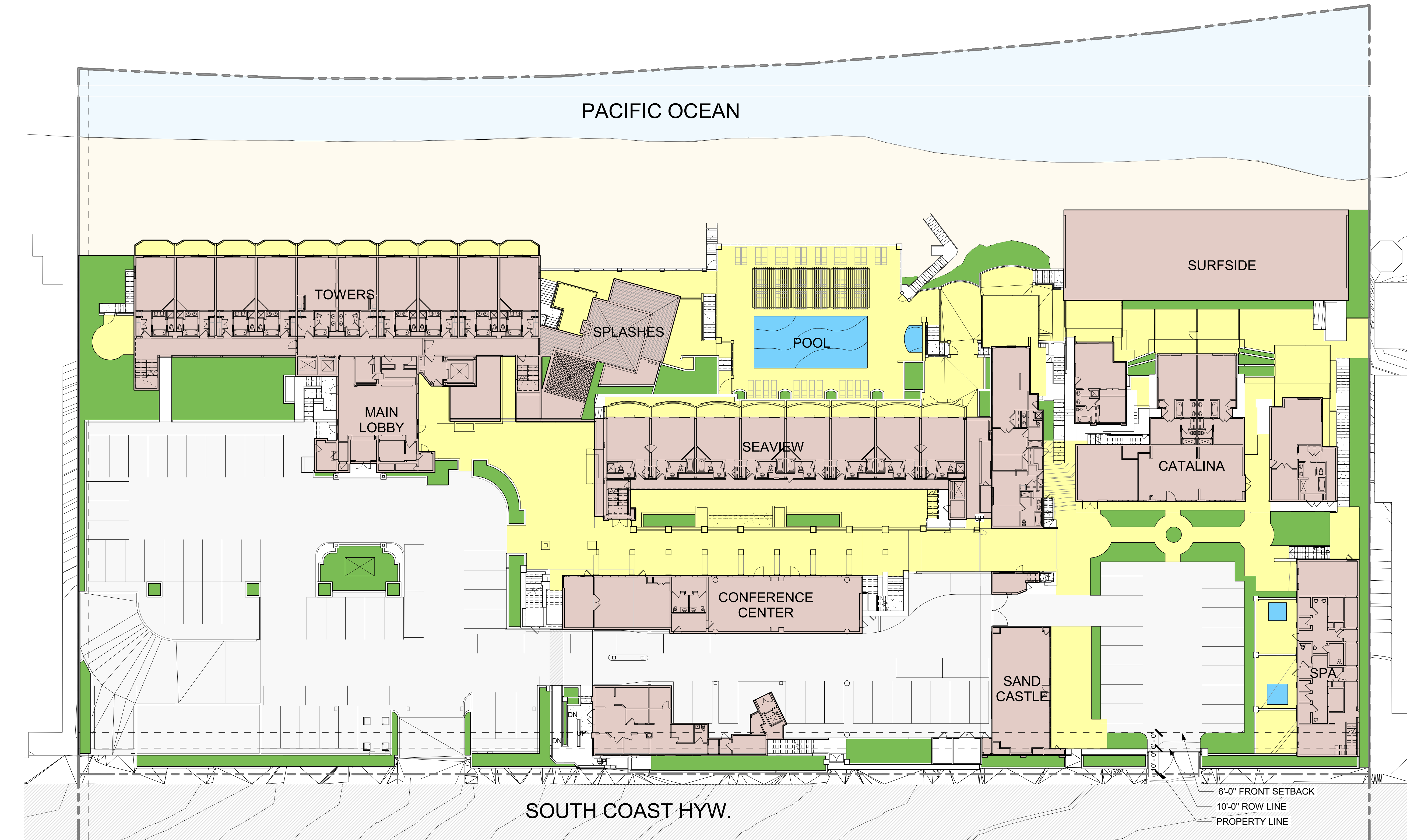
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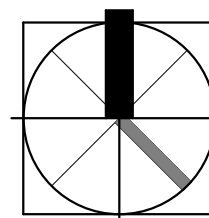


1 EXISTING SITE AREA PLAN

1" = 20'-0"

LEGEND

- INDOOR
- LANDSCAPE
- OUTDOOR



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

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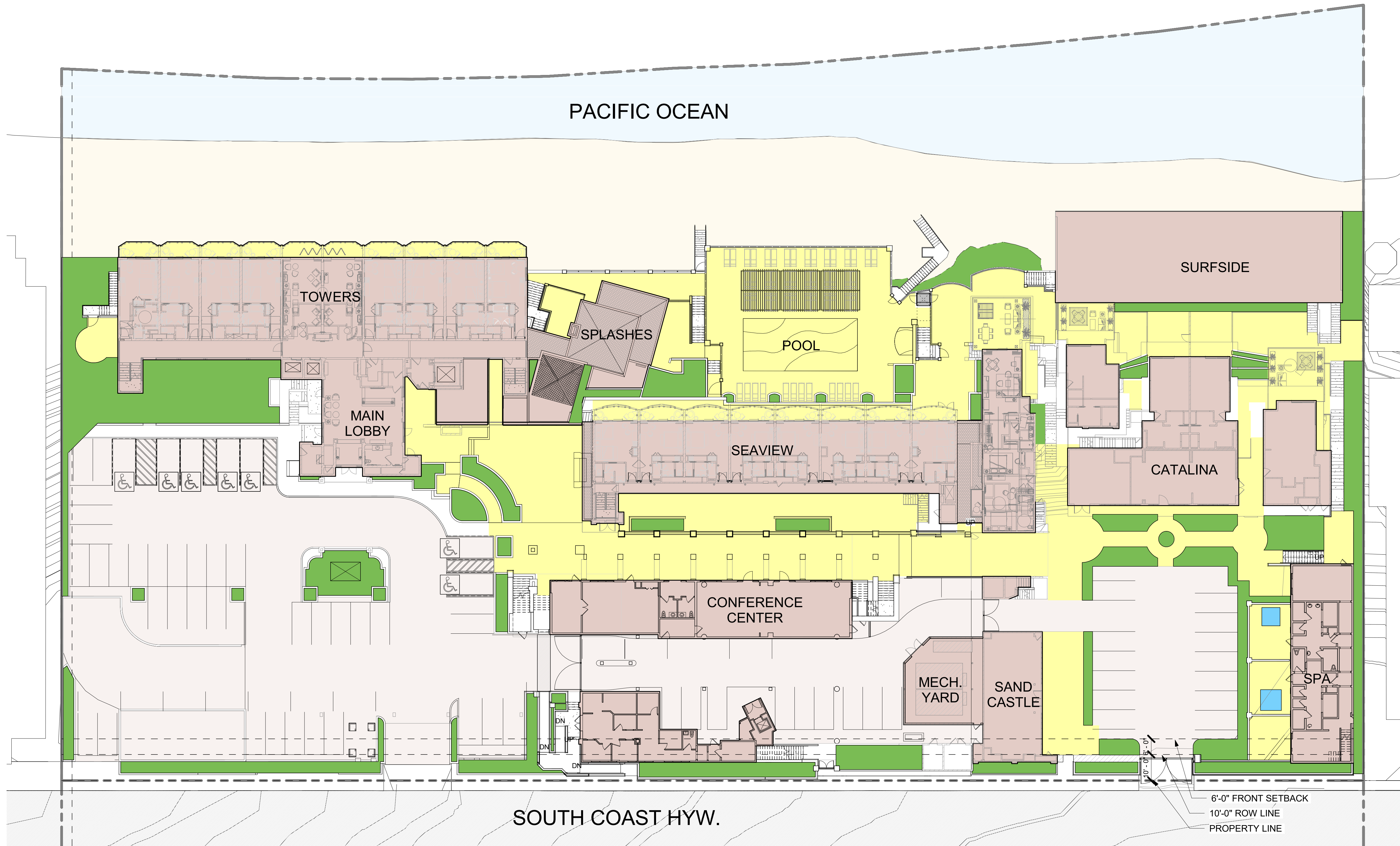
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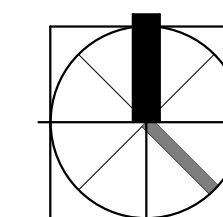


1 SITE AREA PLAN

1" = 20'-0"

LEGEND

- INDOOR
- LANDSCAPE
- OUTDOOR



0 5 10 20 40 FT
SCALE 3/64" = 1'-0" U.N.O.

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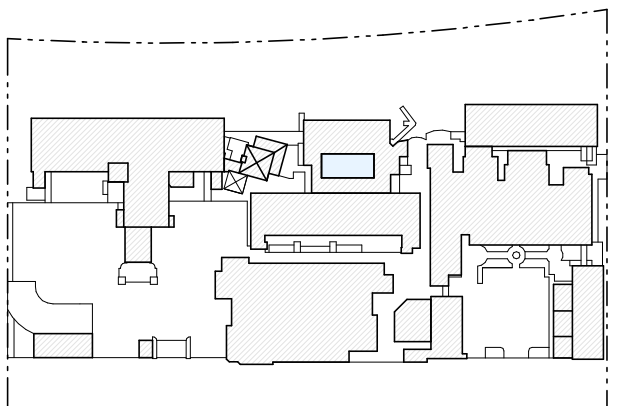
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PROPOSED SITE AREA
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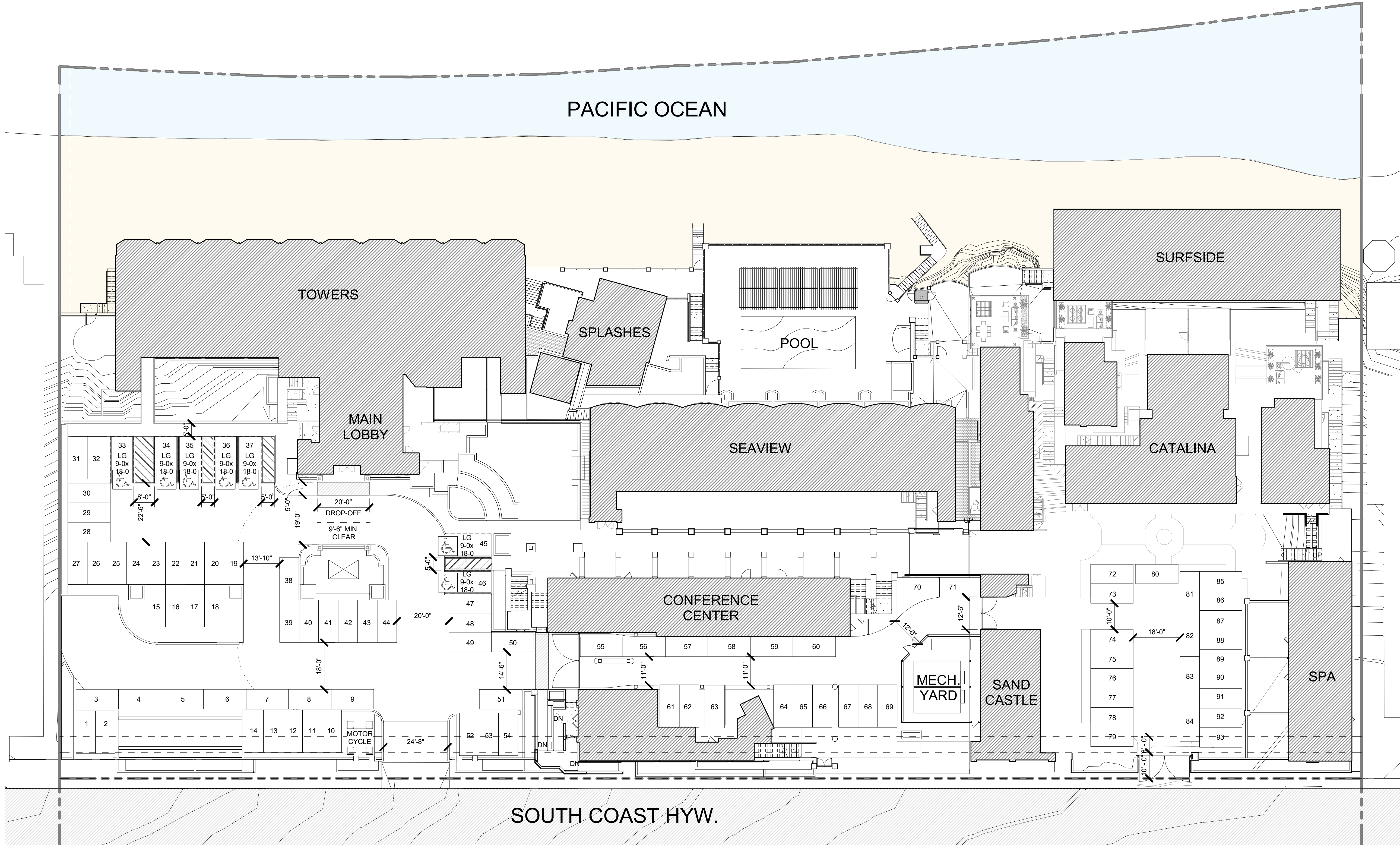
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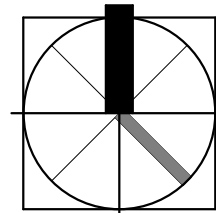
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1 PROPOSED ENTRY LEVEL PARKING PLAN
1" = 20'-0"

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 |



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

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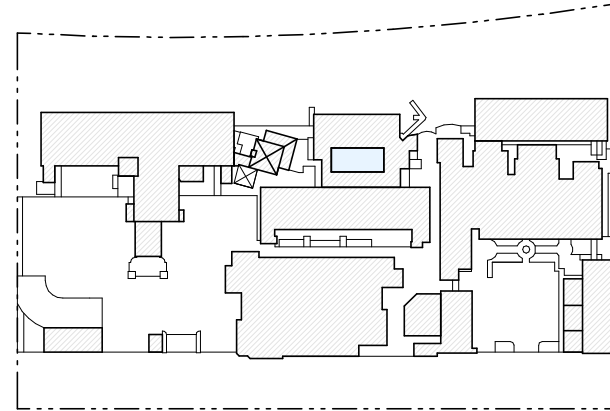
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PROPOSED ENTRY LEVEL
PARKING PLAN

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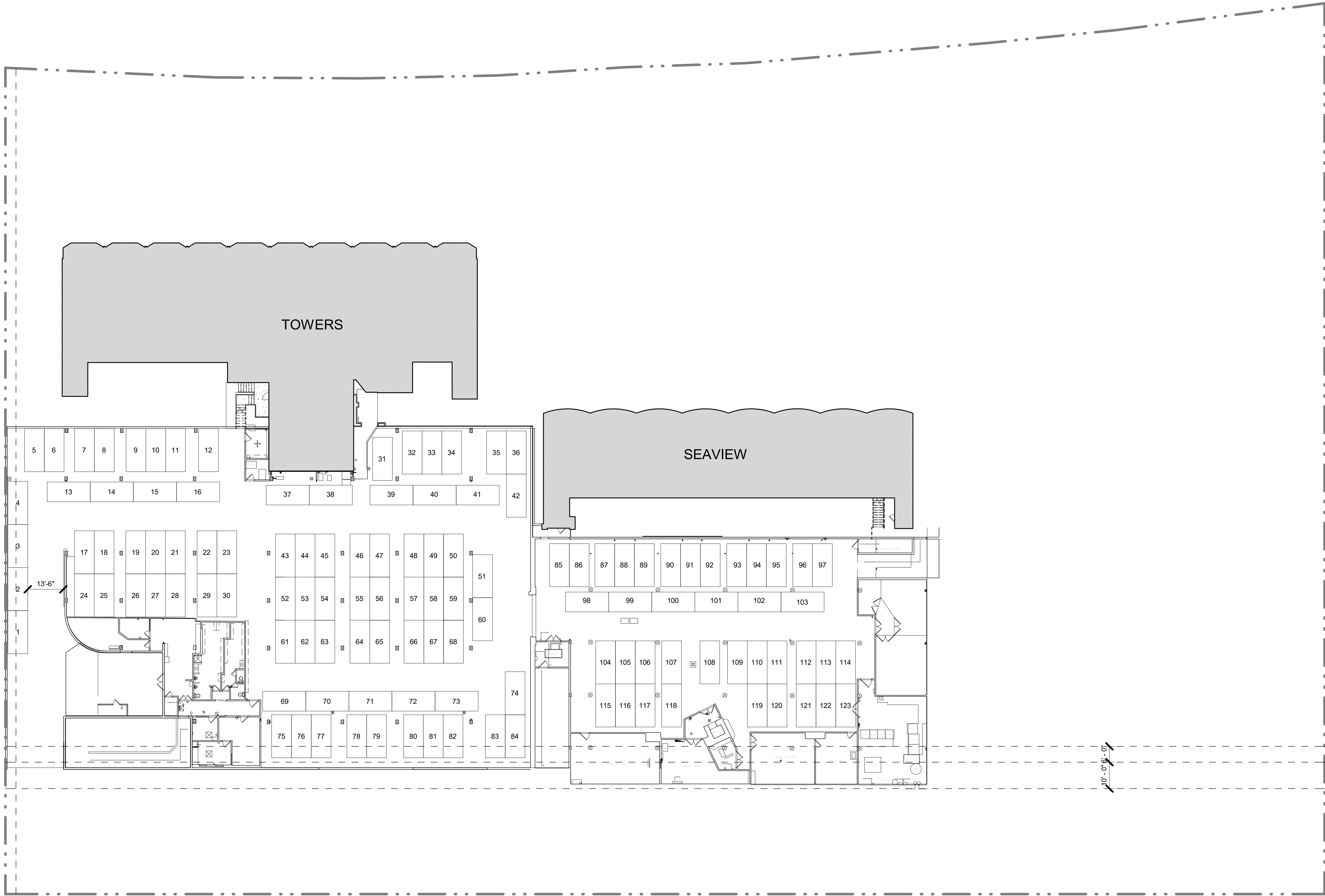
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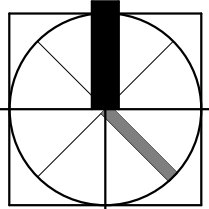


1 PROPOSED BASEMENT LEVEL PARKING PLAN

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 |



0 5 10 20 40 FT
SCALE 3/64" = 1'-0" U.N.O.

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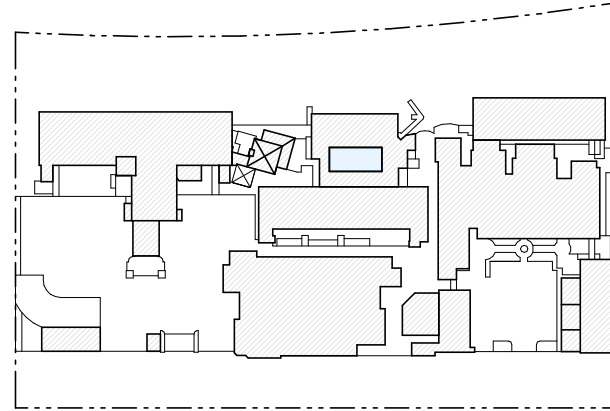
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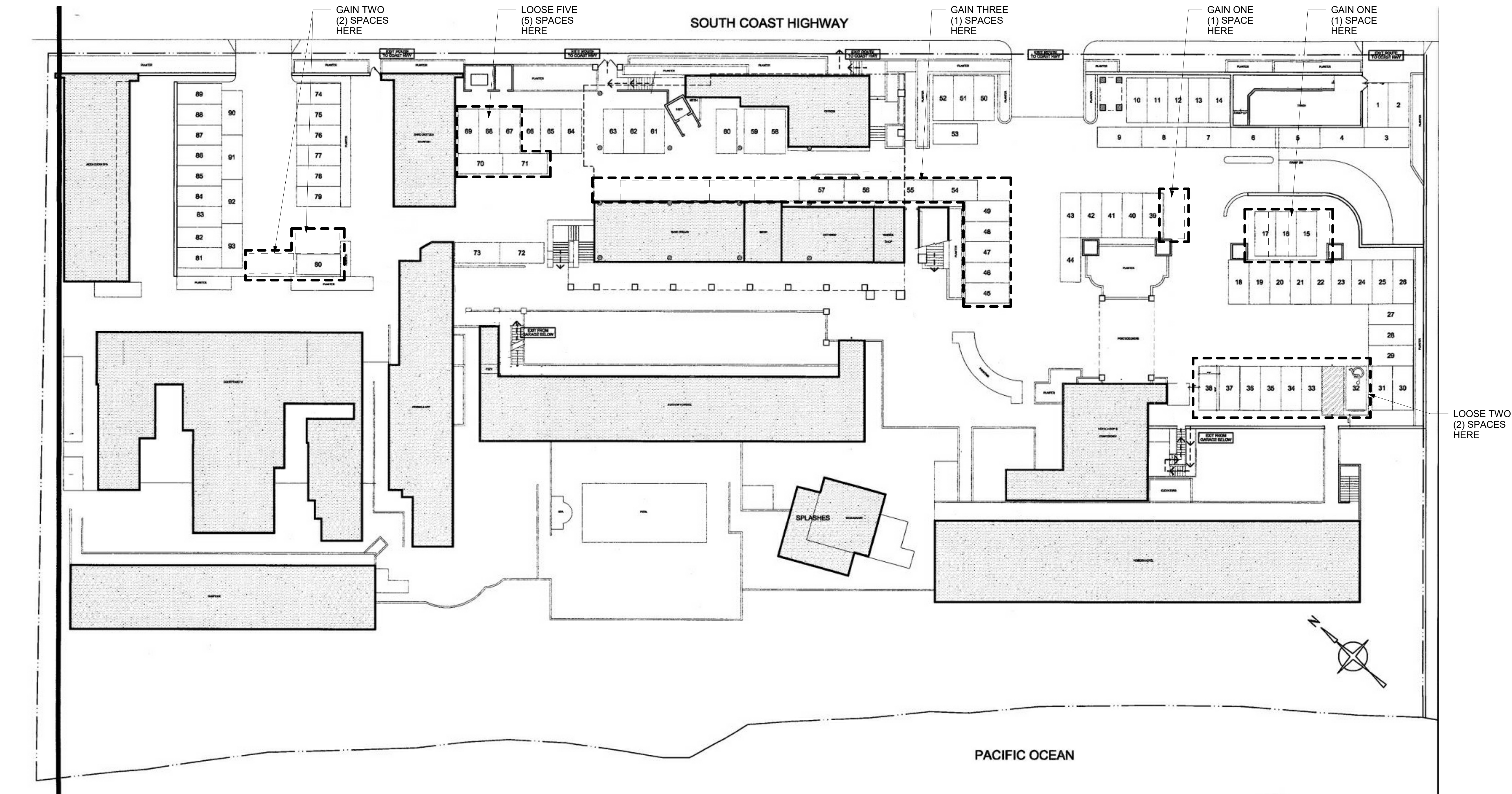
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1 EXISTING ENTRY LEVEL PARKING PLAN
1" = 20'-0"

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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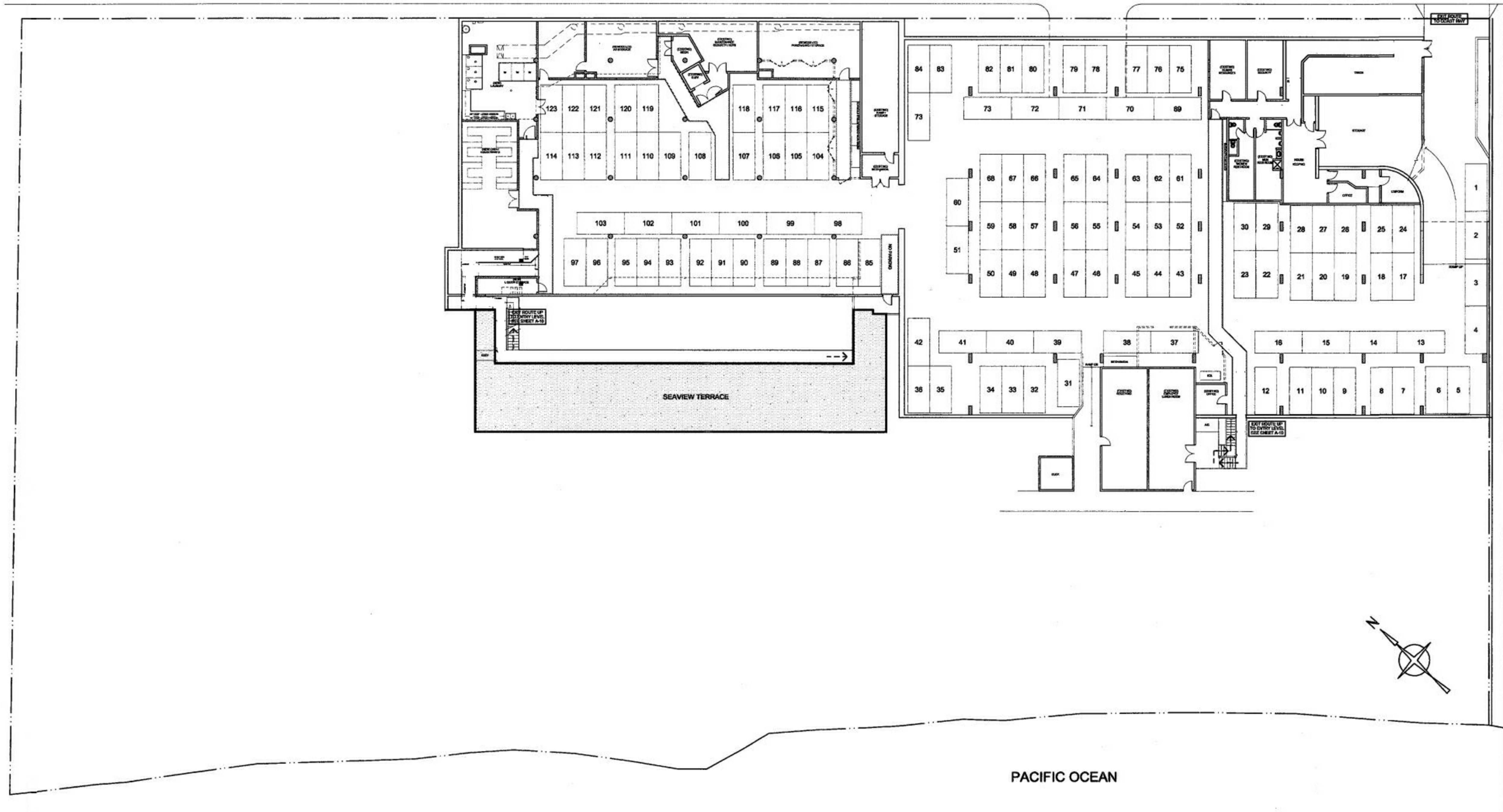
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PACIFIC OCEAN

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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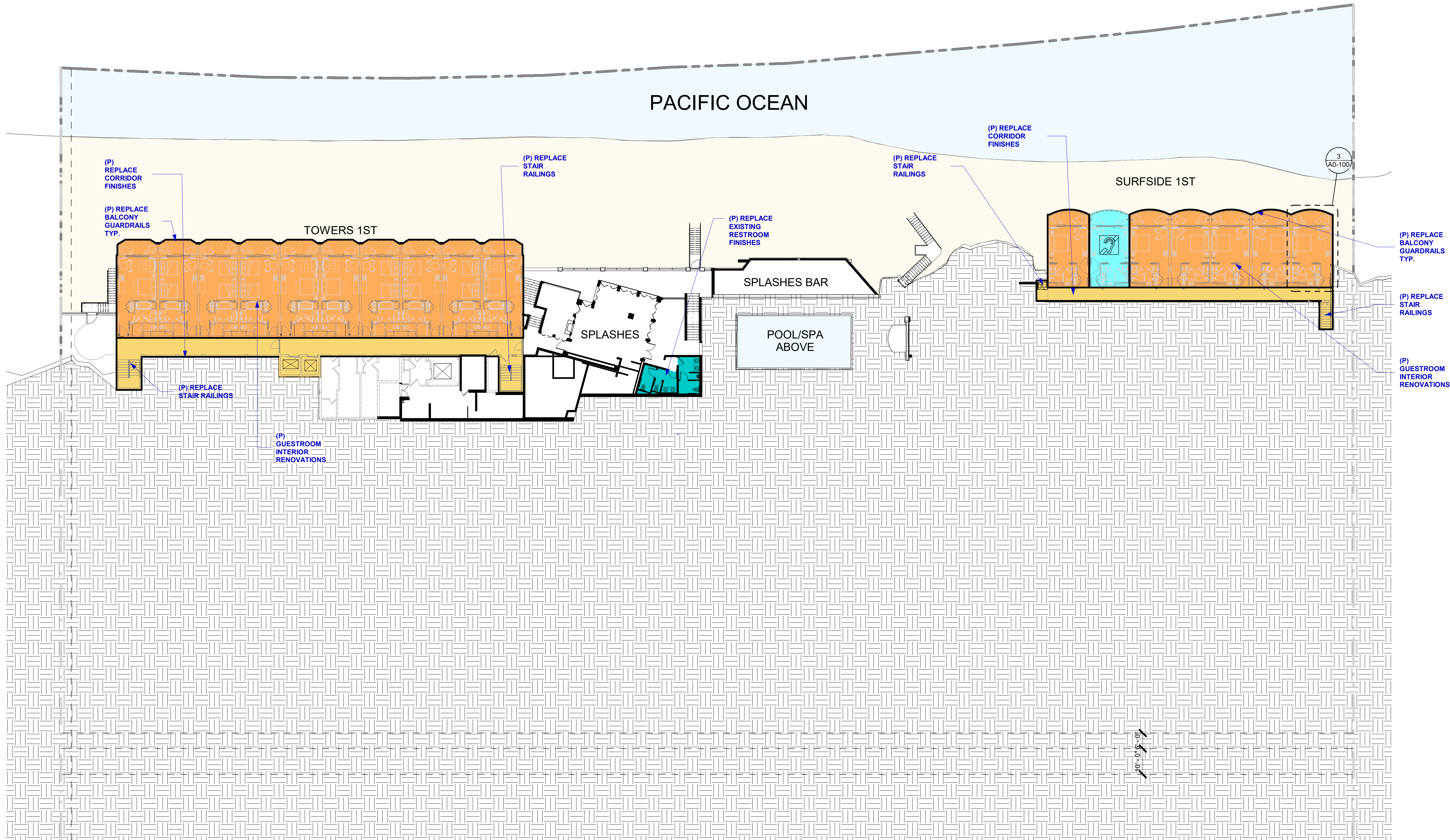
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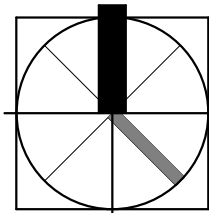
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1 FIRST FLOOR PLAN

1" = 20'-0"

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



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

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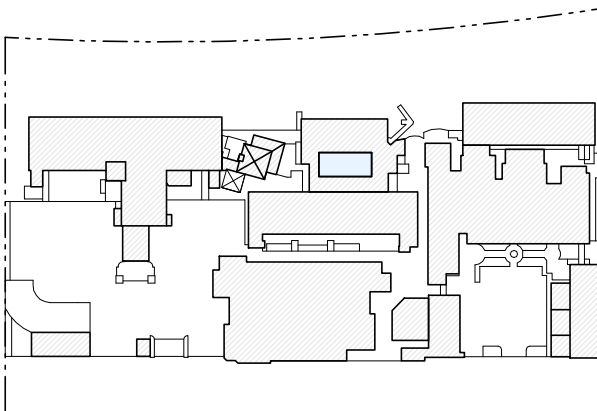
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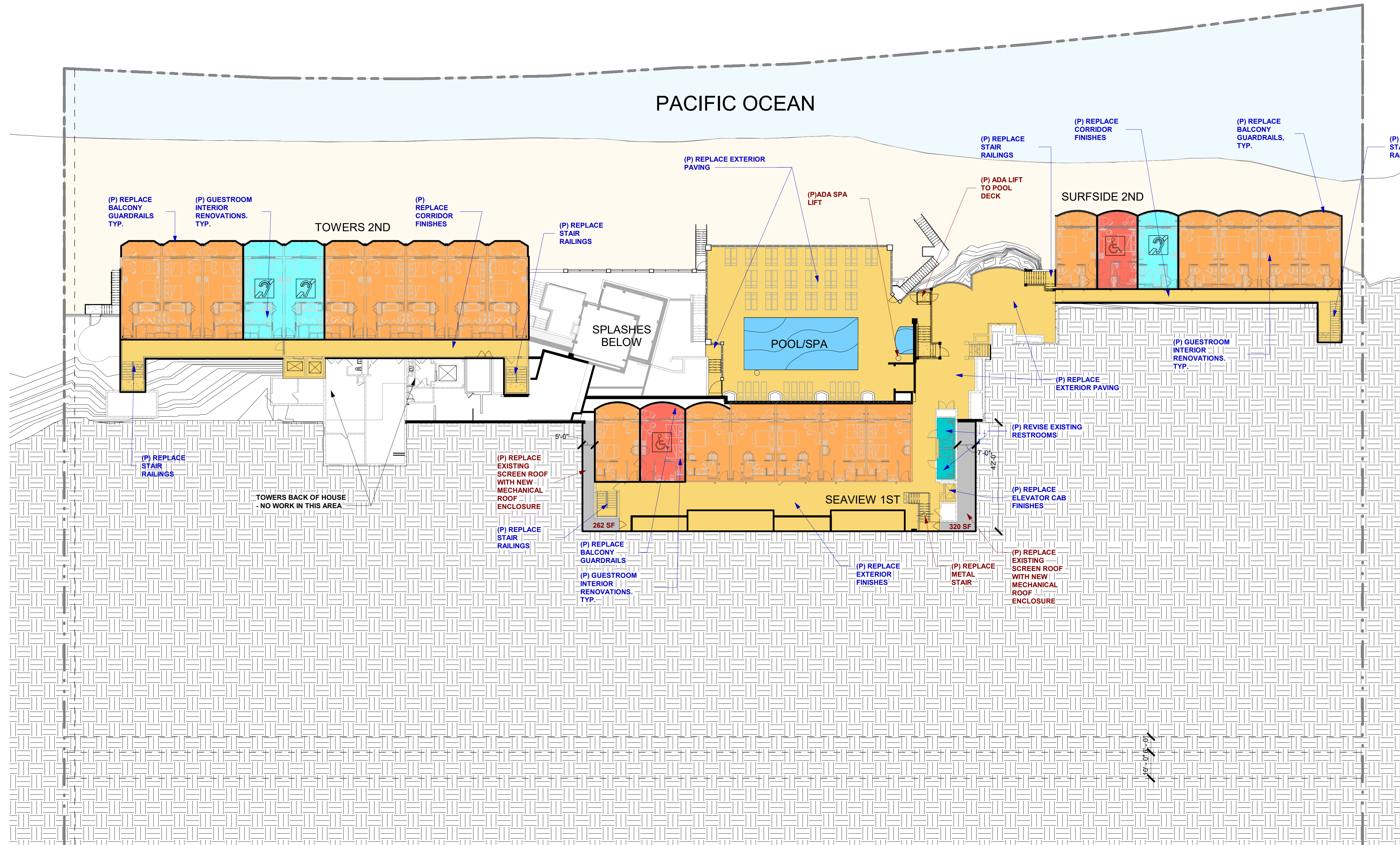
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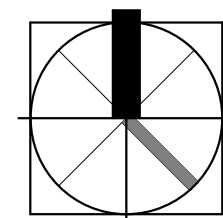


1 SECOND LEVEL PLAN

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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SECOND LEVEL FLOOR
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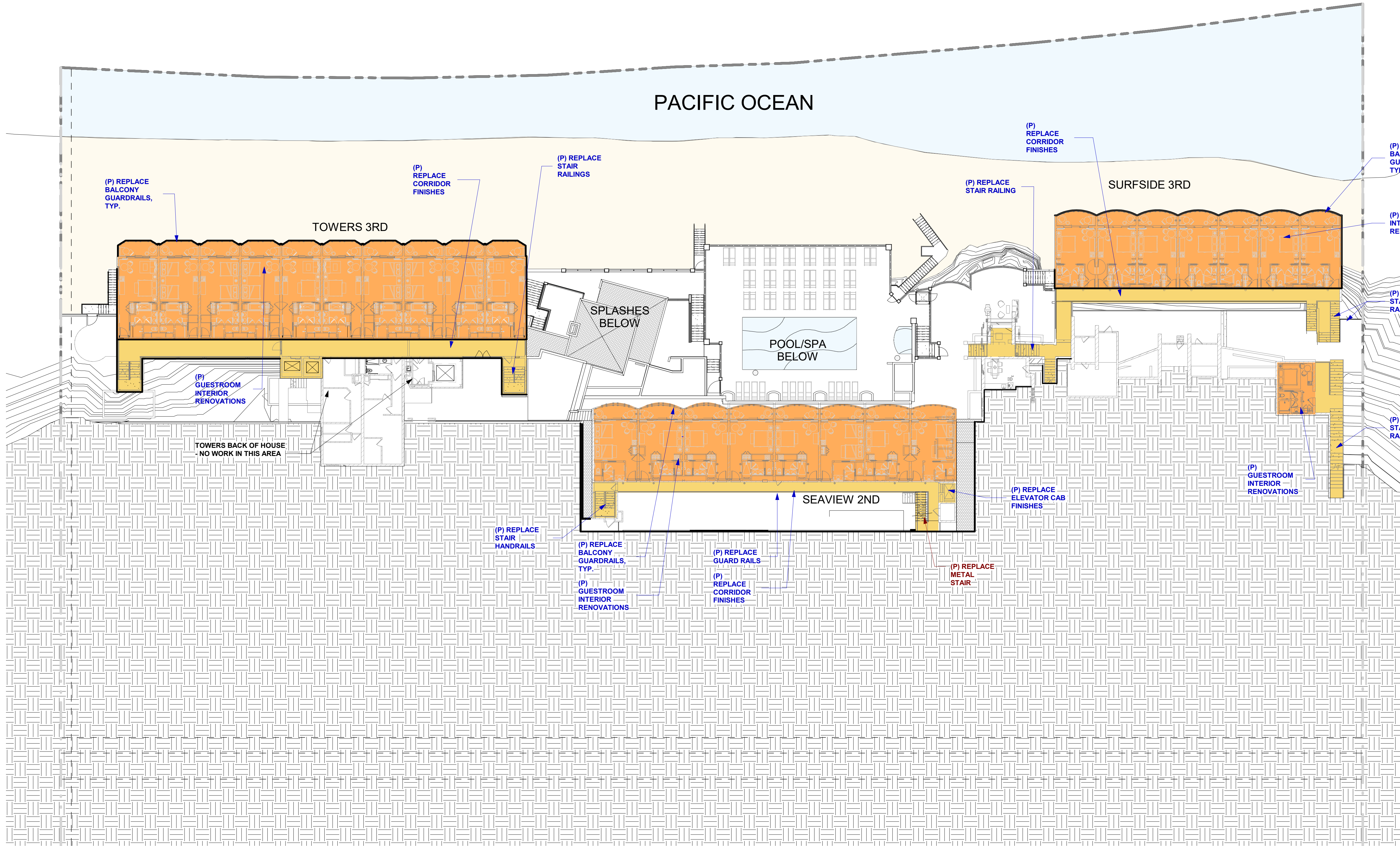
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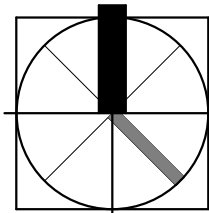


1 THIRD FLOOR PLAN

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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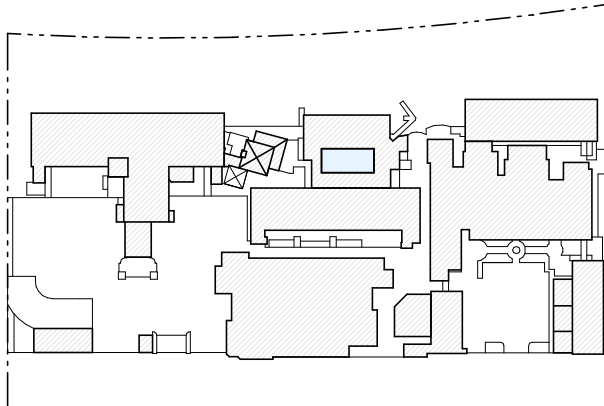
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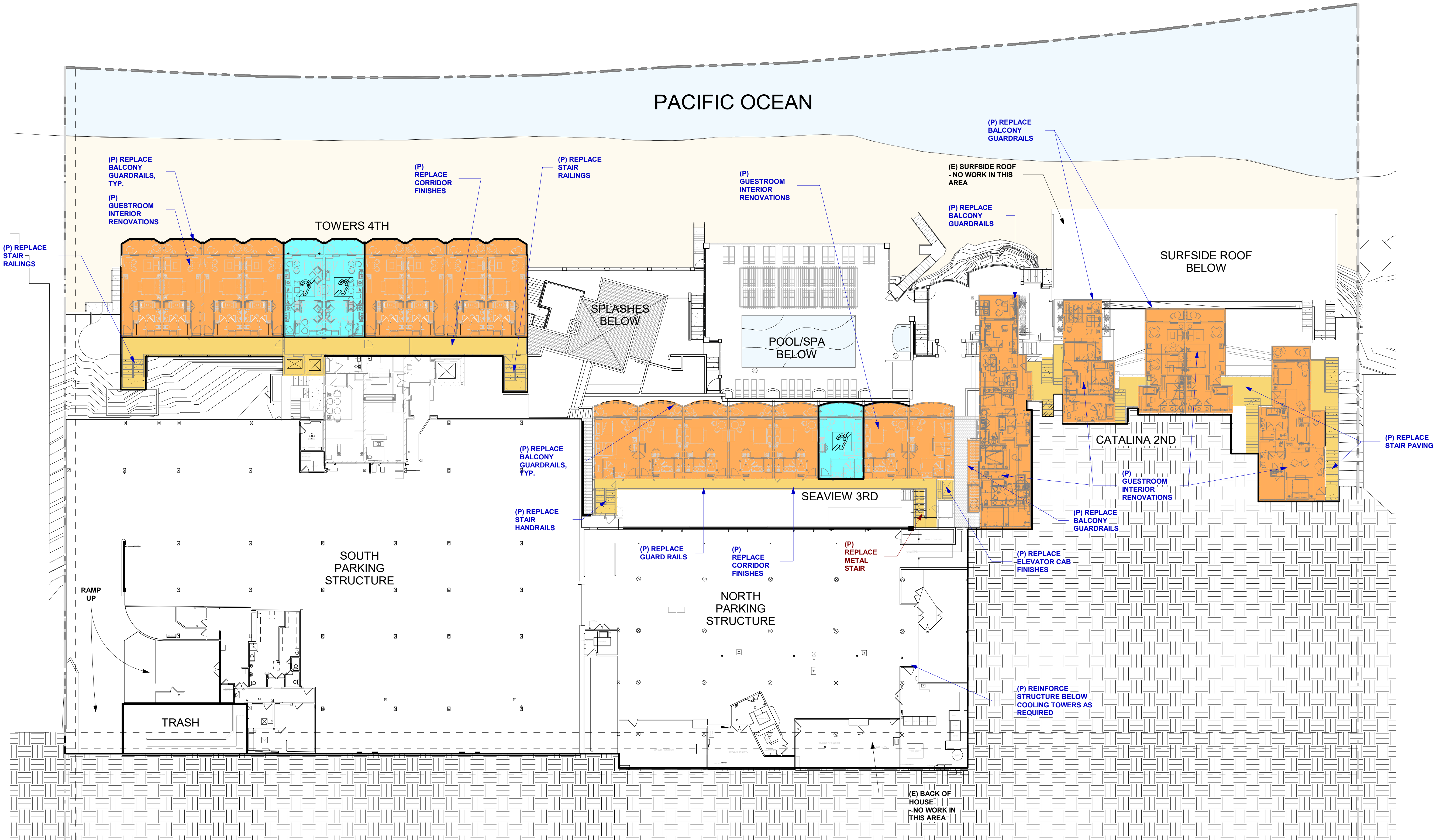
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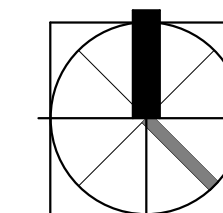
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1 FOURTH FLOOR PLAN

1" = 20'-0"

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



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

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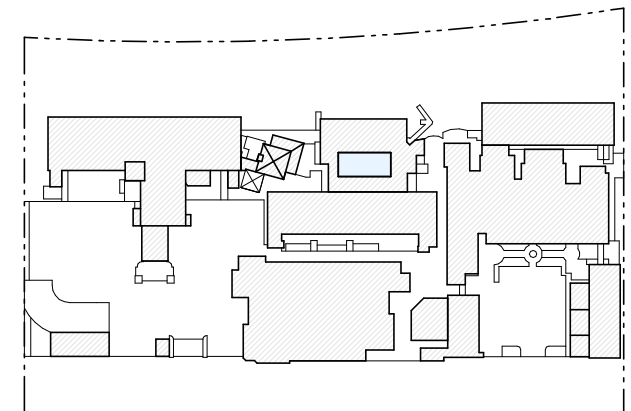
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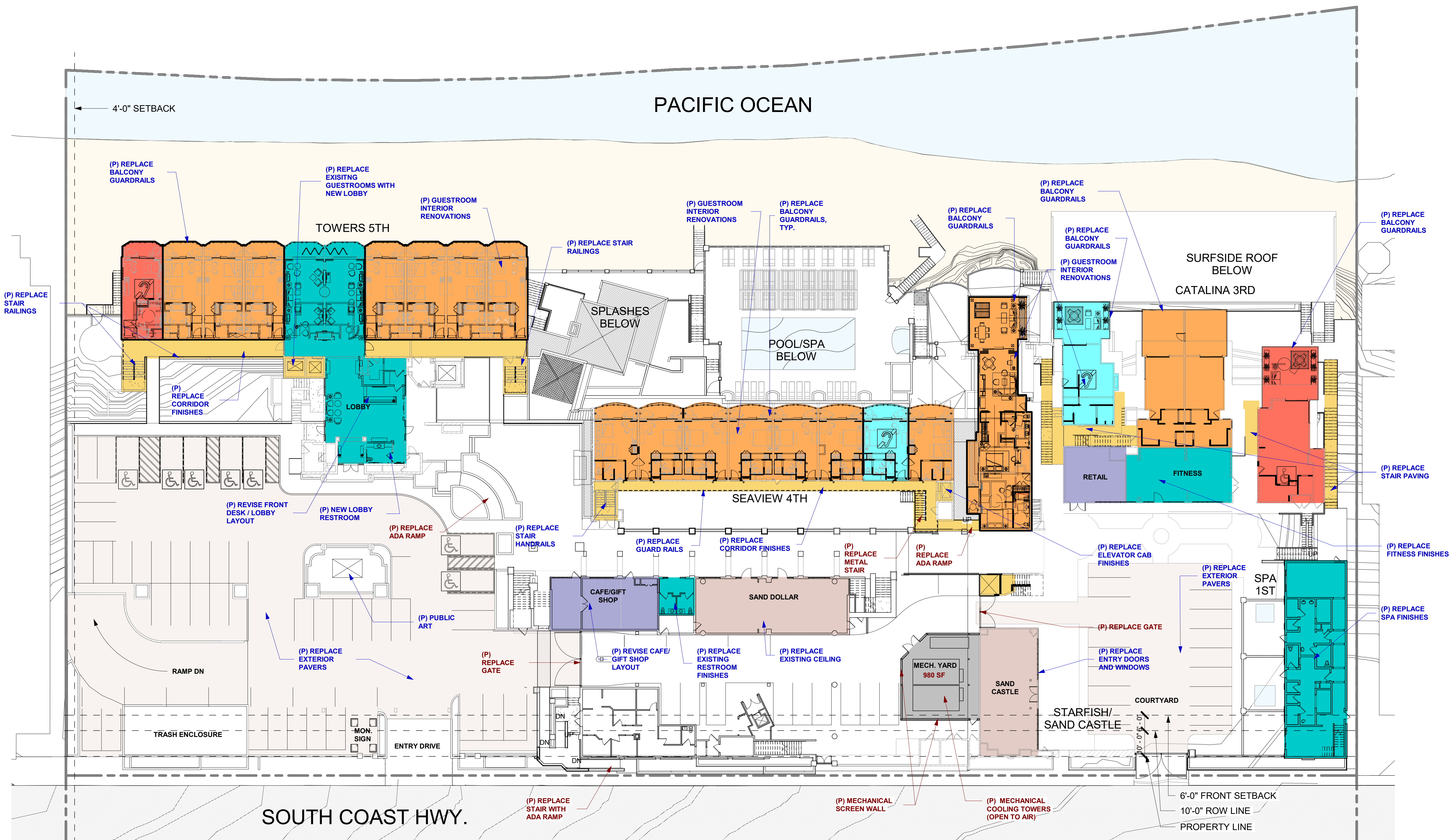
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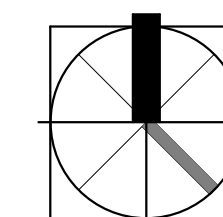
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1 LOBBY / ENTRY LEVEL PLAN

1" = 20'-0"

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



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

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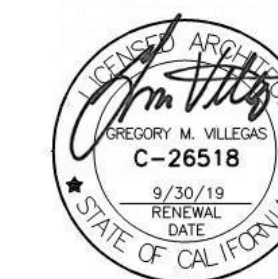
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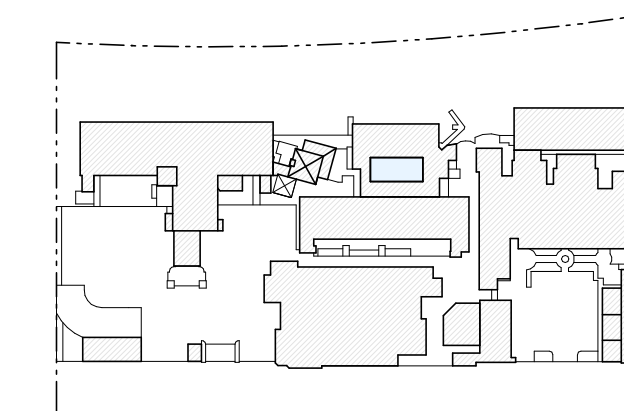
JC RESORTS

client | consultant

stamp | approval



key plan



no. date issue
issues | revisions



SURF & SAND
RESORT

project logo

LOBBY/ENTRY LEVEL FIFTH
FLOOR PLAN

sheet title

project no. 174016 date 09/25/17

checked by: Checker
drawn by: Author

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component

A0-007

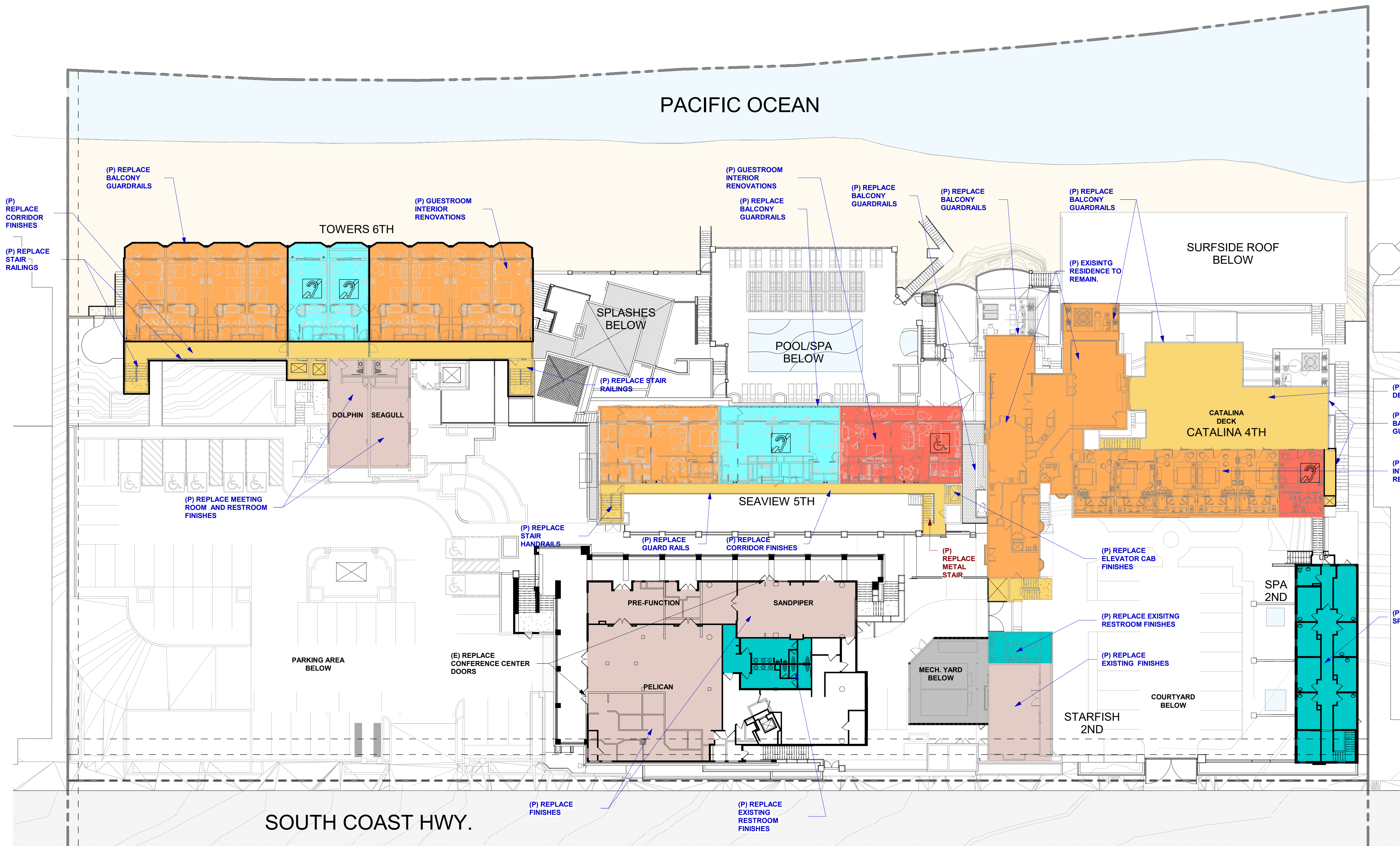
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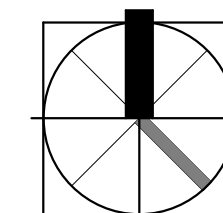
1 SIXTH FLOOR PLAN

1" = 20'-0"



LEGEND

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



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

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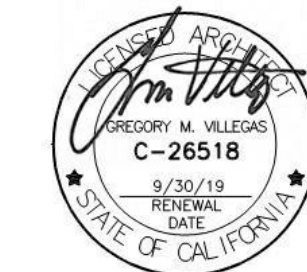
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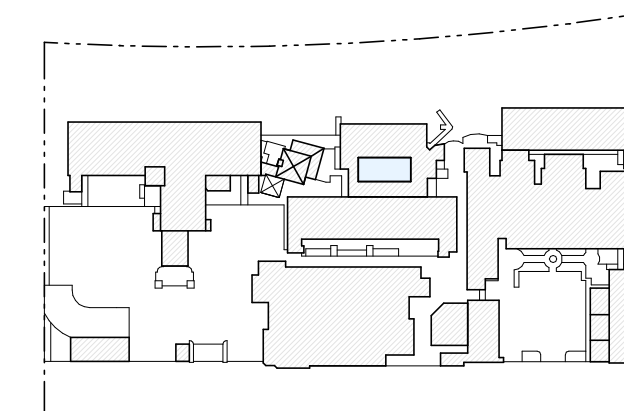
JC RESORTS

client | consultant

stamp | approval



key plan



no. date issue
issues | revisions



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RESORT

project logo

SIXTH FLOOR PLAN

sheet title

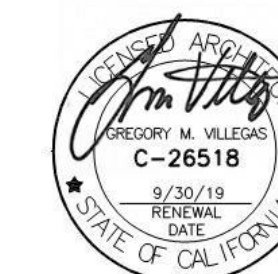
project no. 174016 date 09/25/17

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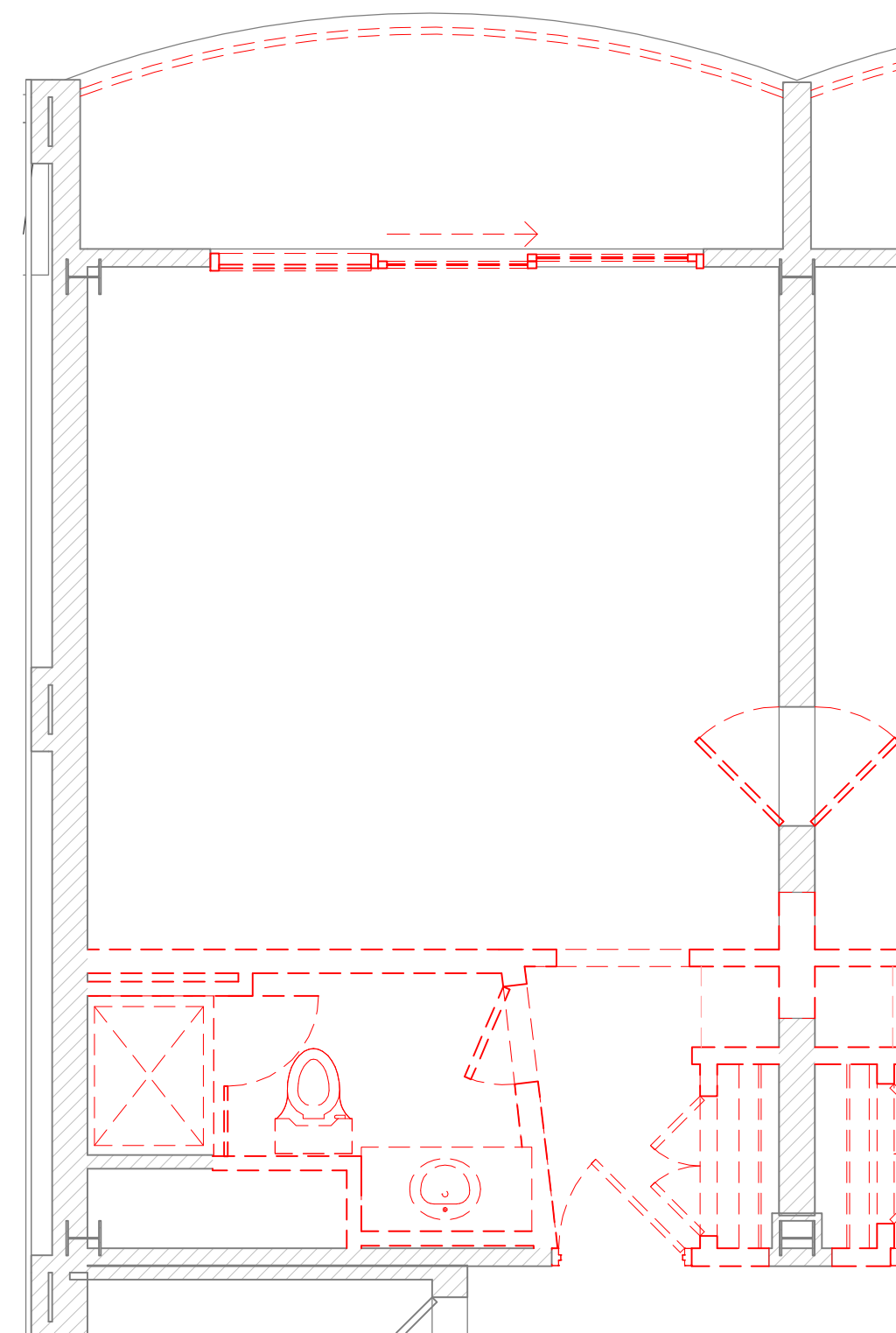
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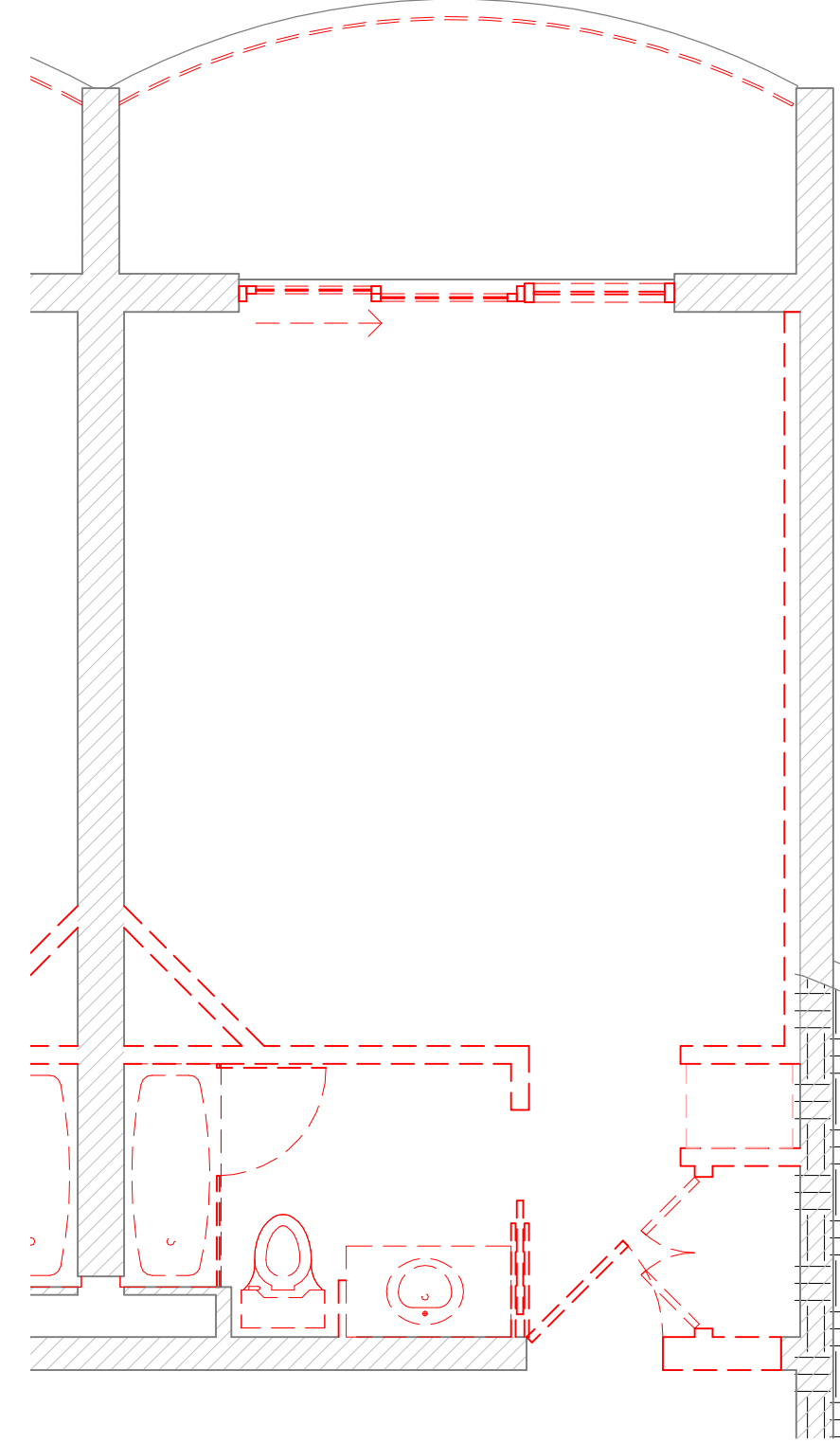
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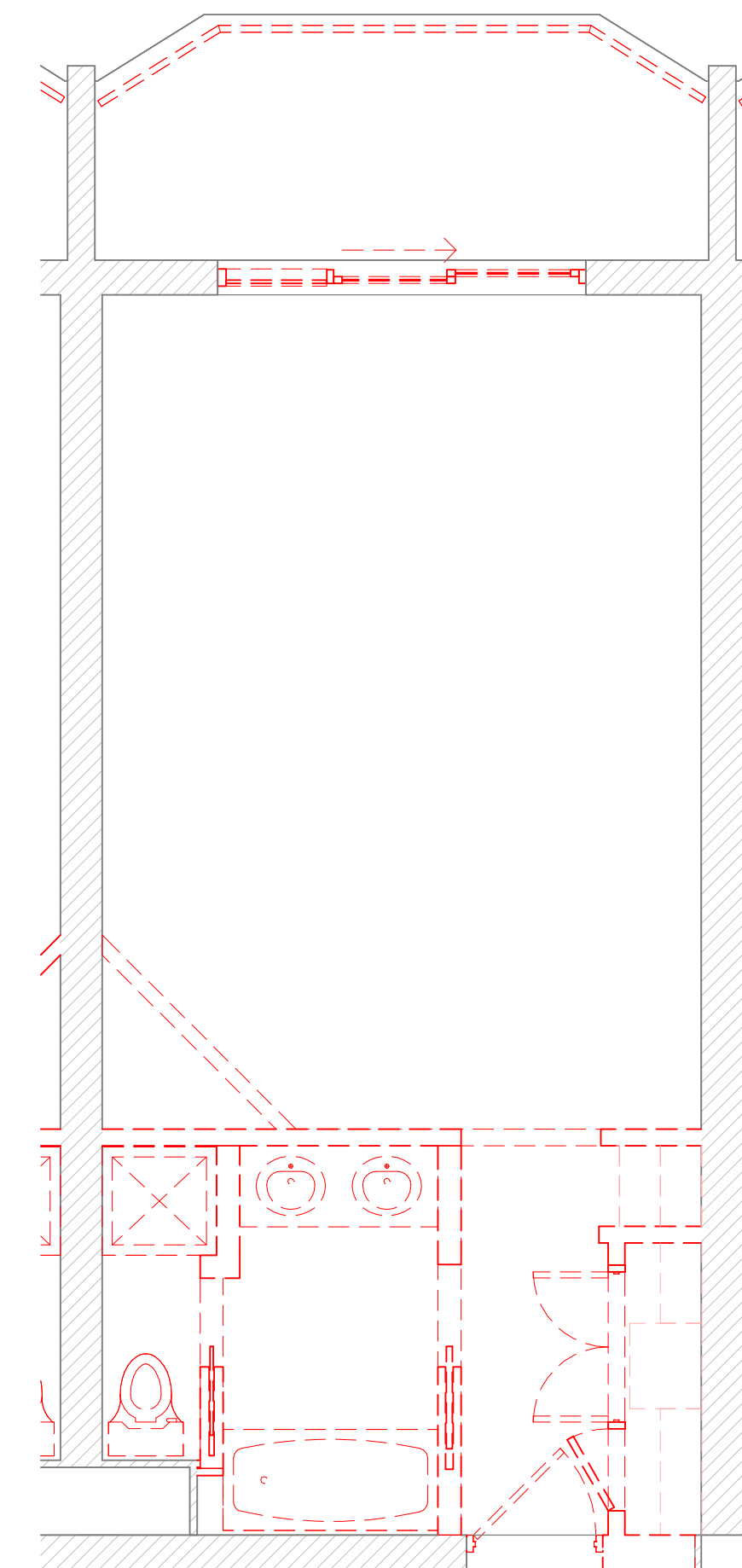
COASTAL REVIEW | 16 OCTOBER 2019 |



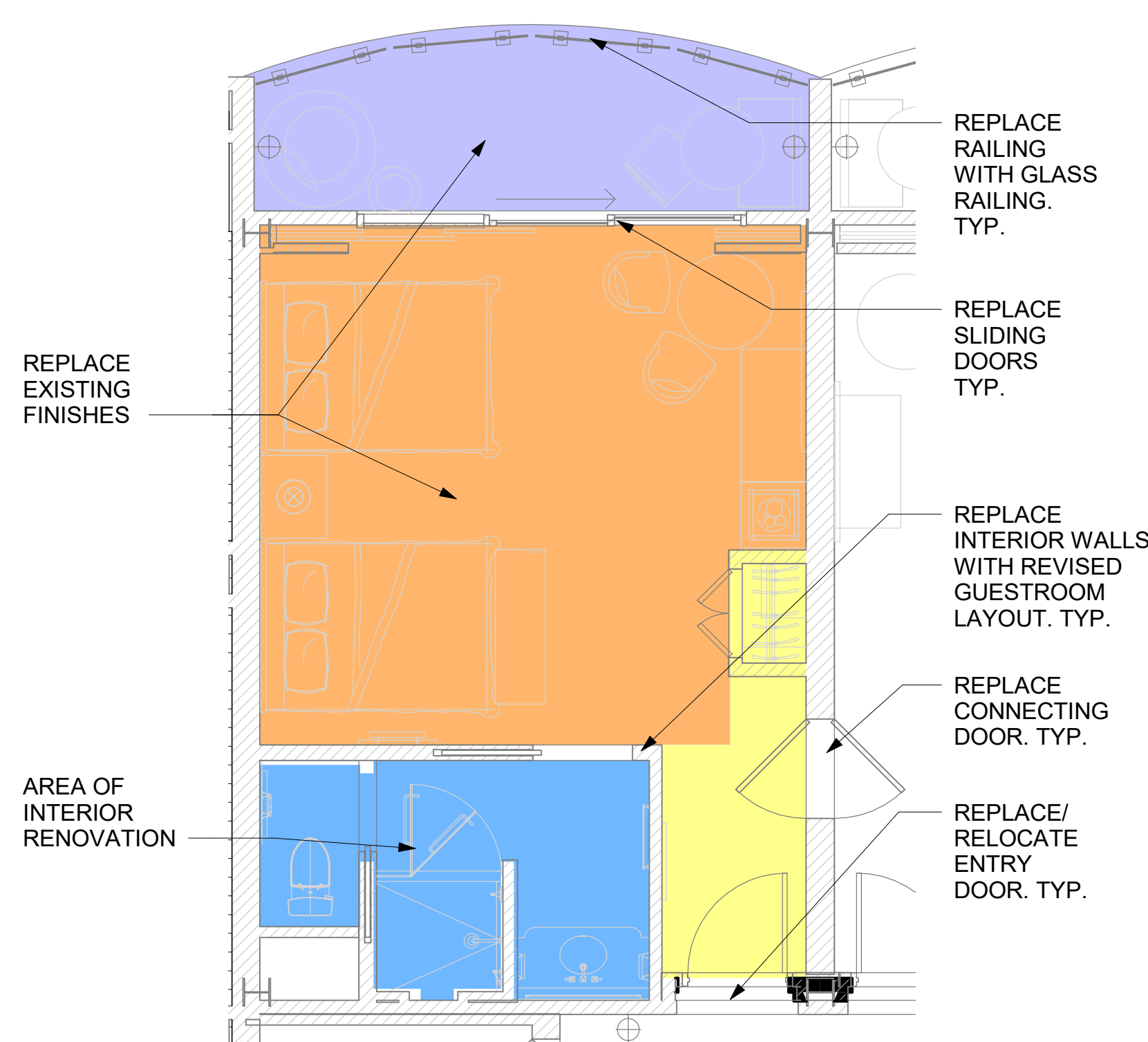
6 SEAVIEW DOUBLE QUEEN EXISTING PLAN (TYP.)
1/4" = 1'-0"



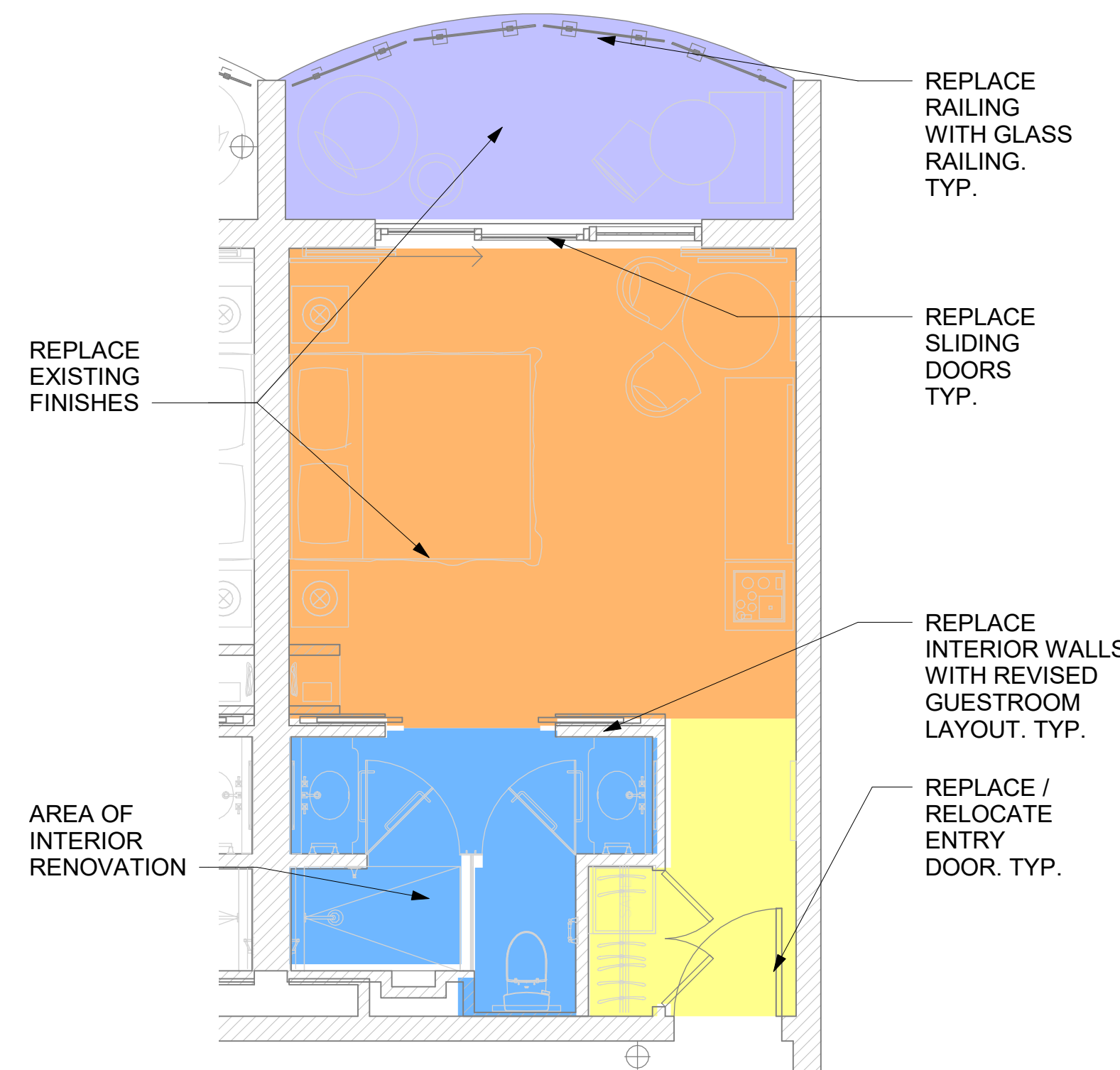
4 SURFSIDE KING EXISTING PLAN (TYP.)
1/4" = 1'-0"



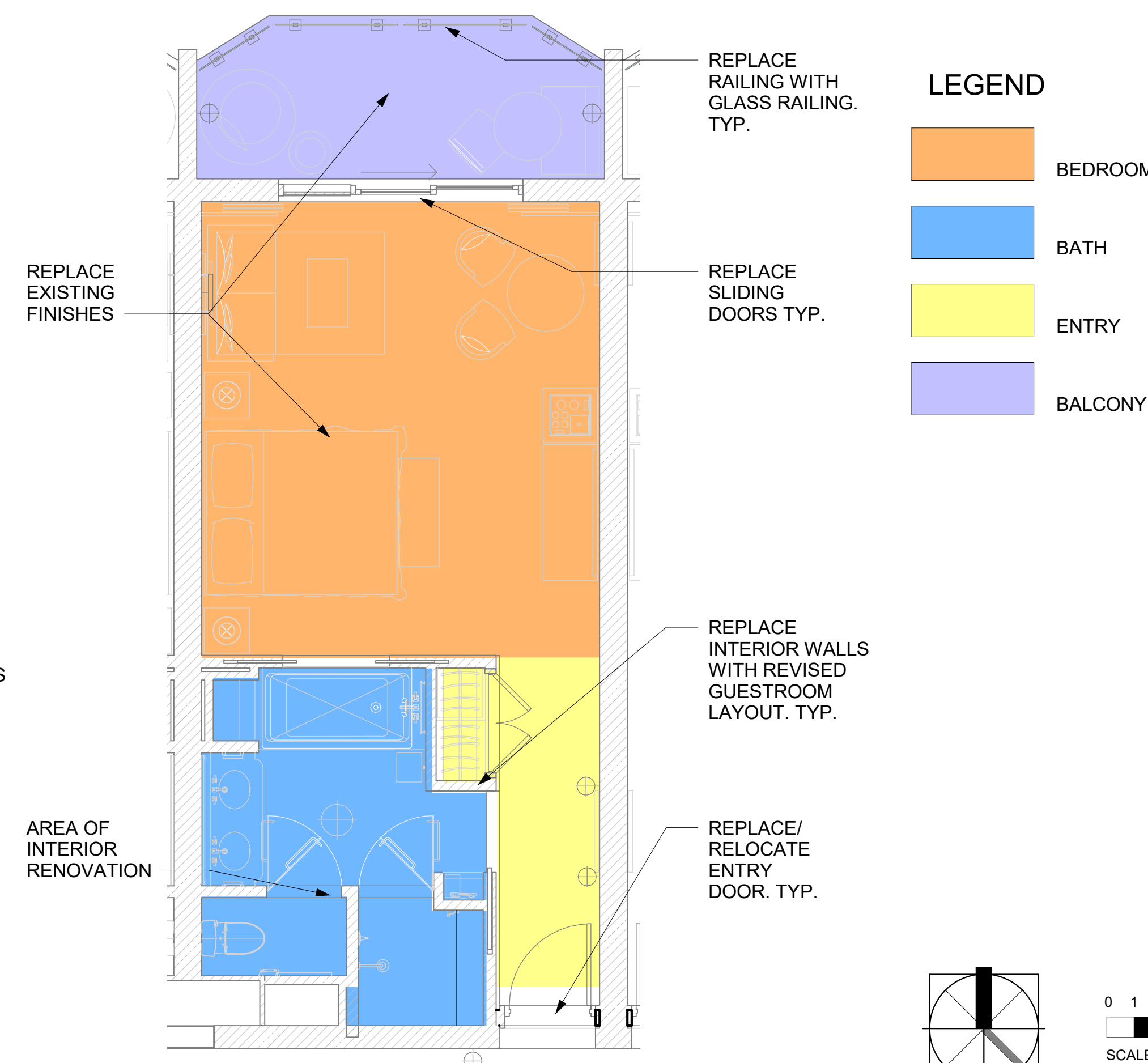
2 TOWERS KING EXISTING PLAN (TYP.)
1/4" = 1'-0"



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



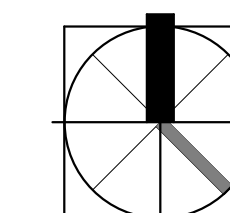
3 SURFSIDE KING RENOVATION PLAN (TYP.)
1/4" = 1'-0"



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

LEGEND

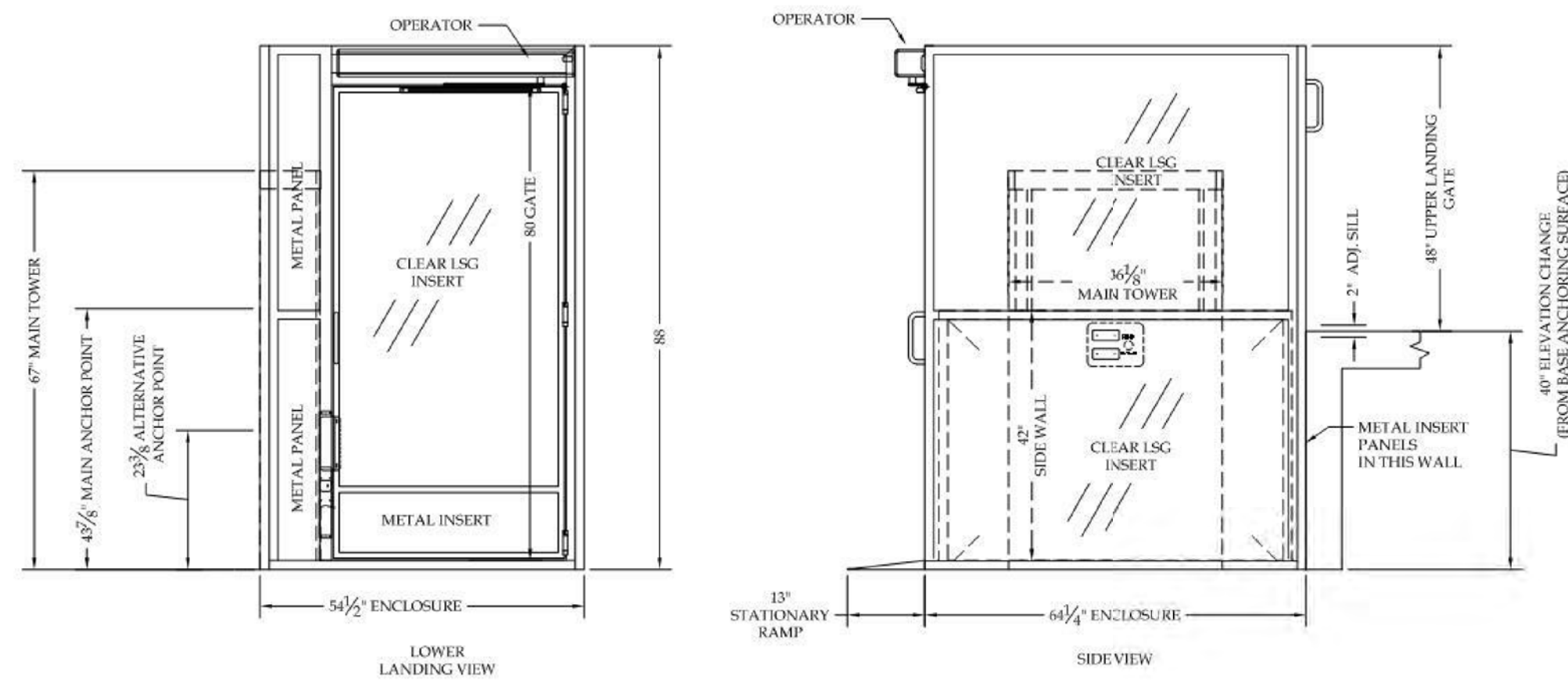
| | |
|--|---------|
| | BEDROOM |
| | BATH |
| | ENTRY |
| | BALCONY |



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.

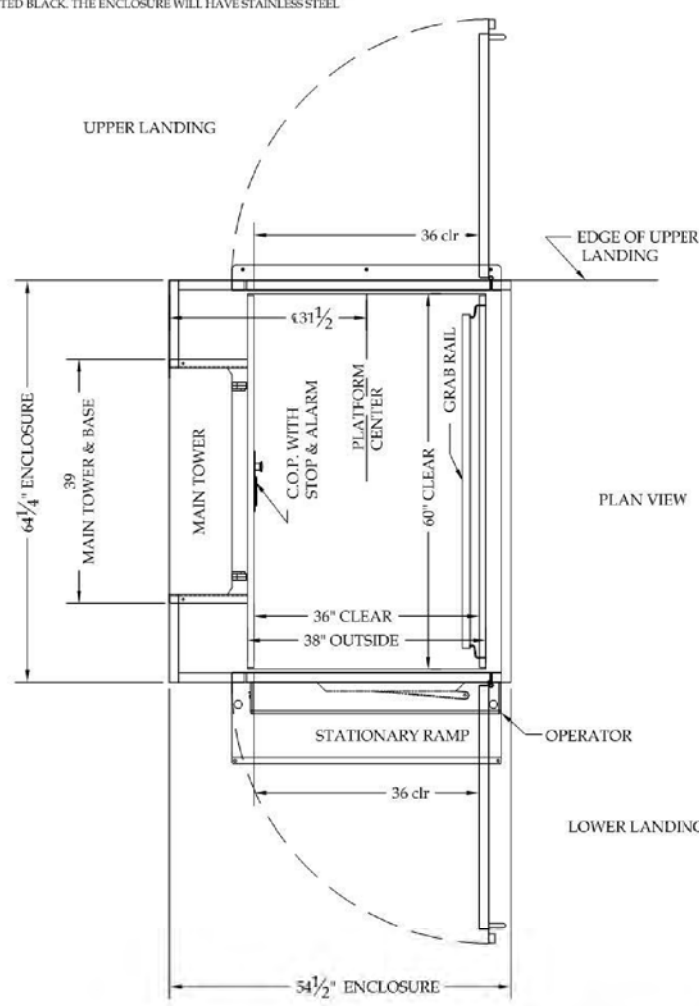
FINAL DRAWING
SERIAL NUMBER 18702-V



- CONSTRUCTION NOTES:
1. PLACE TO THE RIGHT AND LEVEL CONSTRUCTION OF CONCRETE FOUNDATION.
 2. IF THE LIFT IS TO BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 3. IF THE LIFT IS TO BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 4. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
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 6. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 7. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 8. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 9. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.
 10. THE LIFT MUST BE INSTALLED WITHIN A PIT AND/OR IN AN OUTDOOR LOCATION, THE LIFT MUST BE PROTECTED WITH A RAIN CAP OR SKIN.

| 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 | | | |

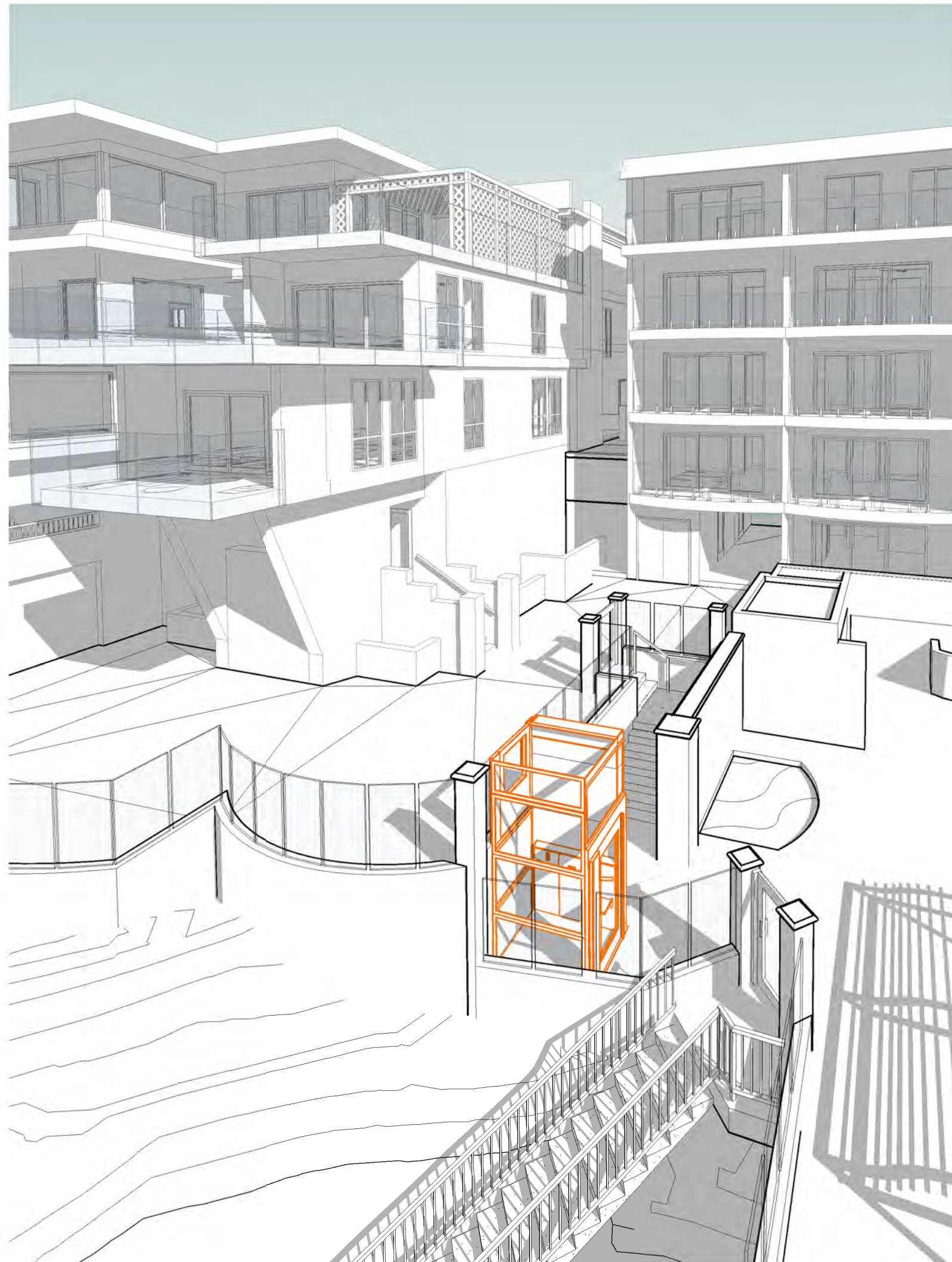
| STANDARD FEATURES | | | |
|--|-----------------------------------|--------------------|---------|
| CAPACITY: 750 LBS. | MANUAL LOWERING DEVICE | | |
| SPEED: 17 FPM | 1 1/4" ROUND GRAB RAIL | | |
| ILLUMINATED EMERGENCY STOP WITH ALARM | LED DIAGNOSTICS | | |
| TOP MOUNT CONTROLLER | ETL LISTED CONTROLLER | | |
| 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: 36" X 40" WITH NON-SLIP SURFACE | | | |
| INDOOR/OUTDOOR: INDOOR | | | |
| 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 | | | |
|  | | | |
| MN 2"x4" BUTTONS ON CONTROLS, INTERNAL ENCLOSURE ASSEMBLY, 2" ADJUSTABLE SILL TO ADJUST FROM 0" TO 4", 24V DC ACCESSORY POWER CABLE (200A) WITH FROM MAIN STATION, STAINLESS STEEL GATE HANDLES PROVIDED BY ARROW LIFT. | | ARROW LIFT | |
| VERTICAL PLATFORM LIFT, MODEL: 4800 | | CAPACITY: 750 LBS | |
| DRAWN BY: DATE | | SCALE: 1" = 1'-0" | |
| OR 10/19/16 | | REV: 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.

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PROPOSED LIFT CONDITION



PROPOSED NEW ADA LIFT



EXISTING CONDITION



EXISTING CONDITION

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ACCESSIBLE LIFT PLANS

sheet title

project no. 174016 date 07/16/18

checked by: Checker
drawn by: Author



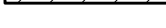


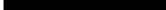
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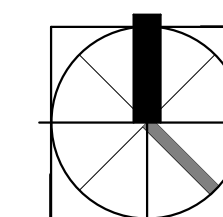


| | |
|---|--|
|  | EXISTING TO BE REMOVED |
|  | EXISTING STRUCTURE TO REMAIN |
|  | EXISTING STRUCTURE TO BE REPLACED |
|  | PROPOSED INTERIOR WALLS TO BE REPLACED |
|  | GRID LINES |
|  | PROPOSED FURNITURE LAYOUT |


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sheet no.

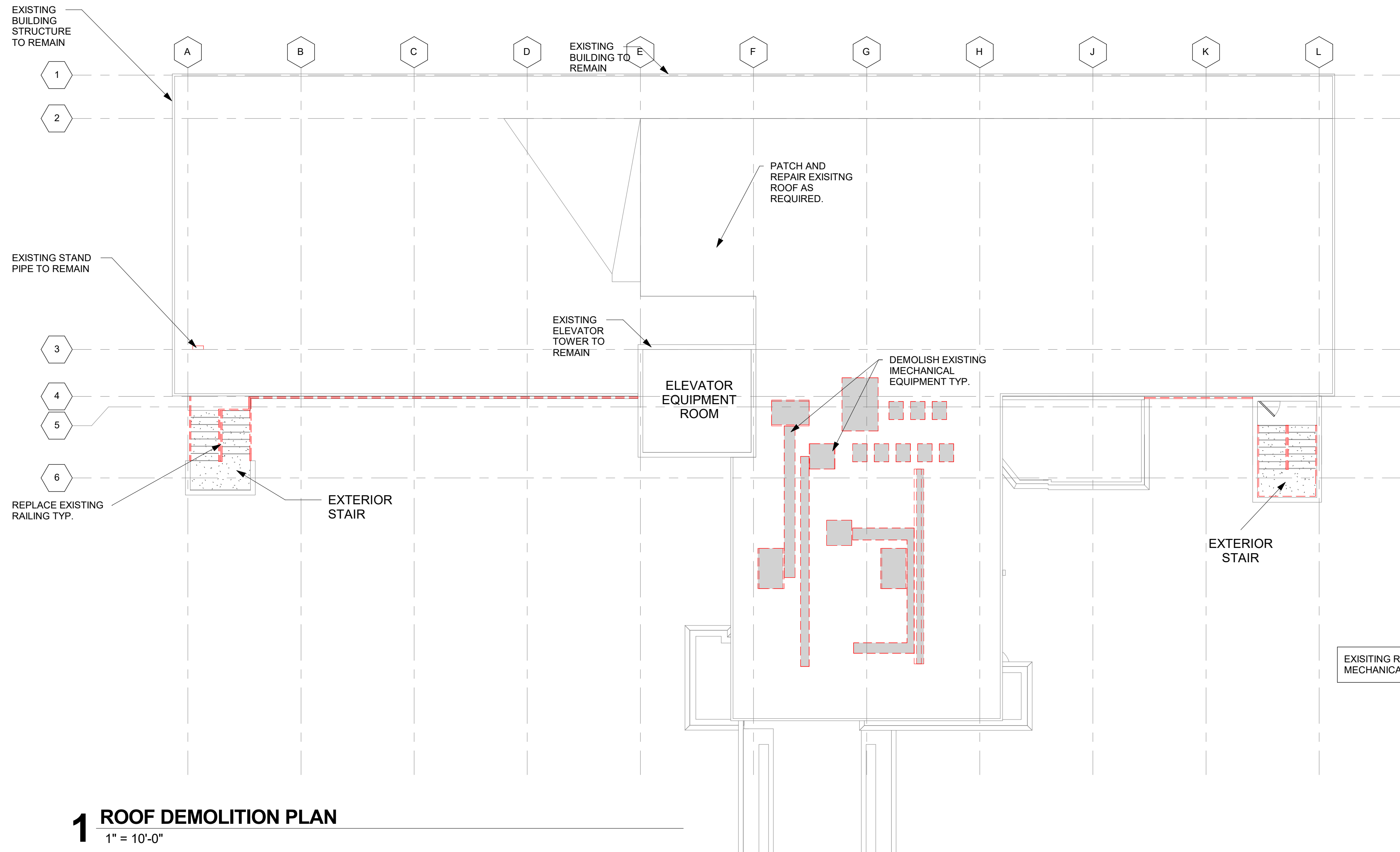
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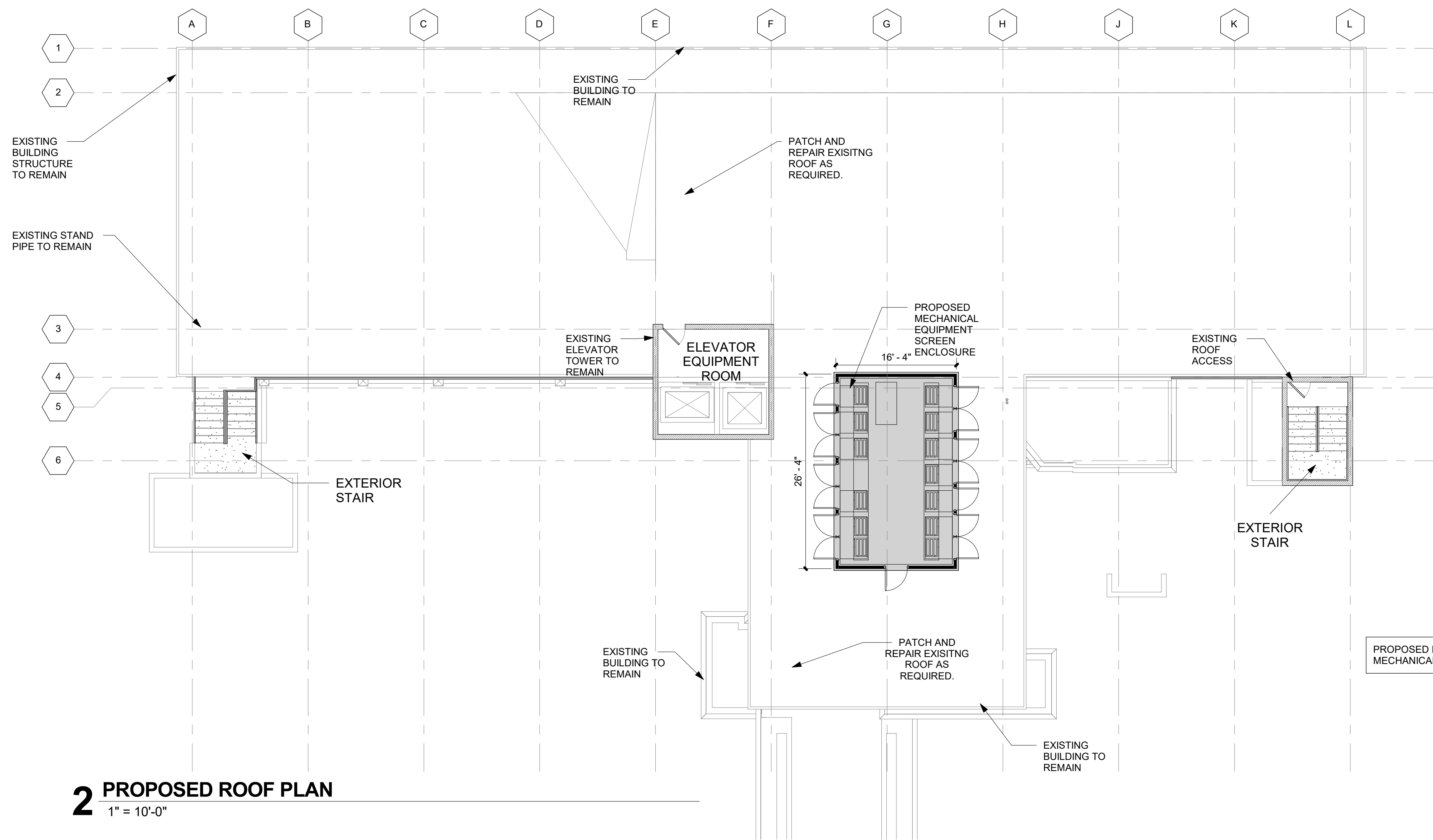
0 2.5 5 10 20 FT



SCALE 3/32" = 1'-0" U.N.O.



1 ROOF DEMOLITION PLAN
1" = 10'-0"



2 PROPOSED ROOF PLAN
1" = 10'-0"

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 ROOF PLANS

sheet title

project no. 174016 date 07/24/19

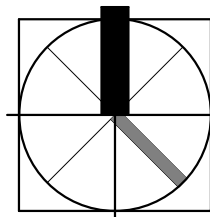
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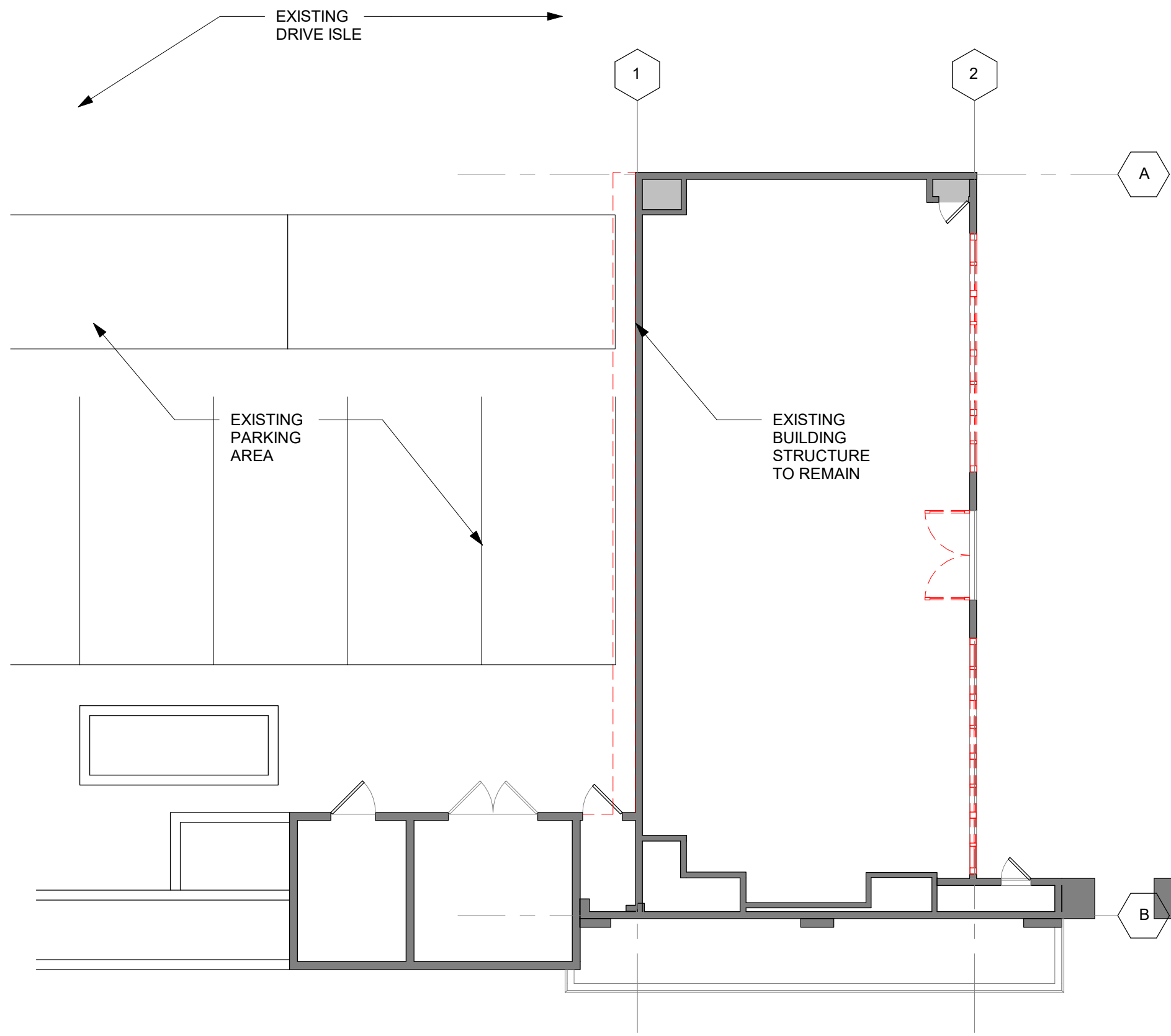
COASTAL REVIEW | 16 OCTOBER 2019 |



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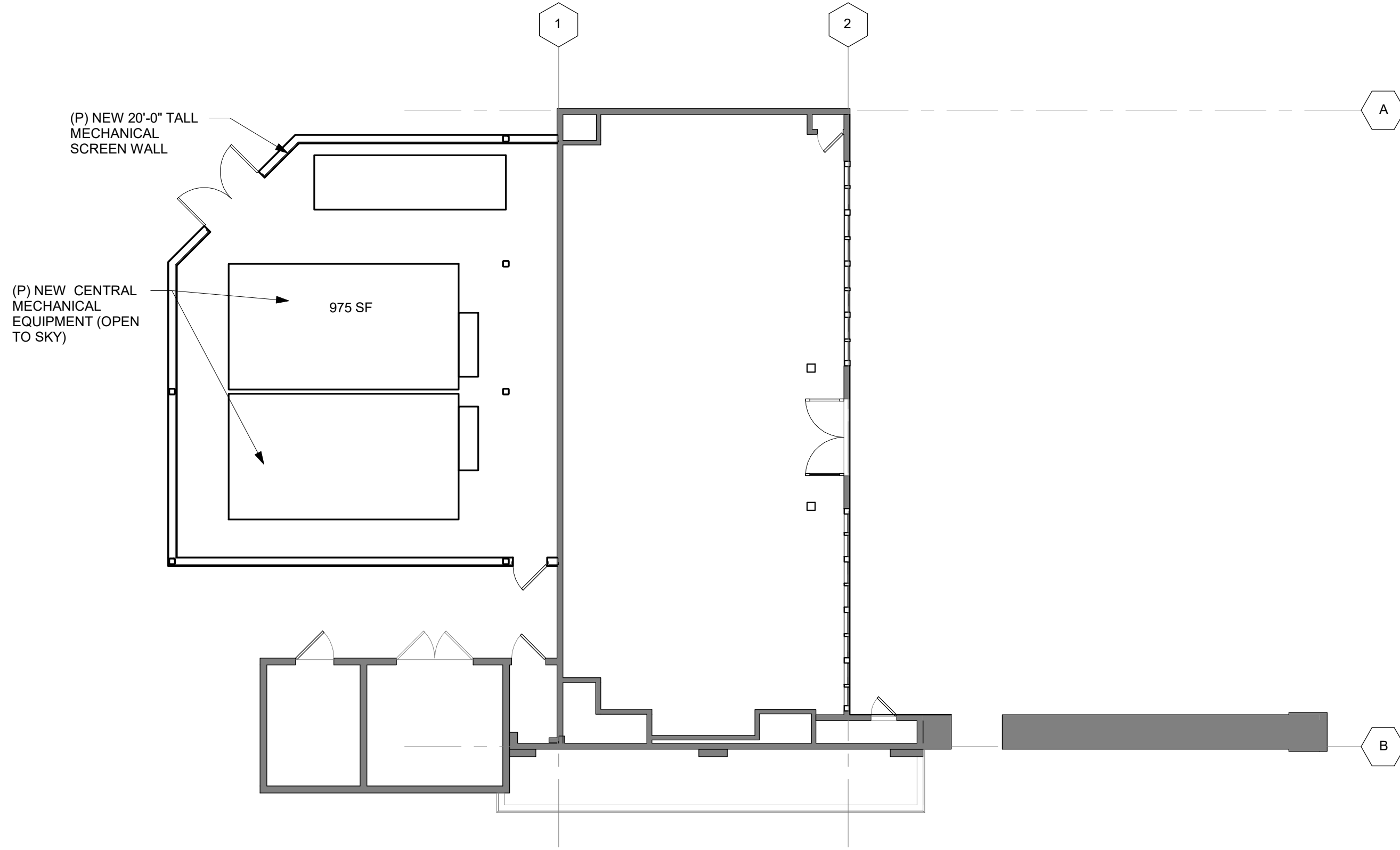
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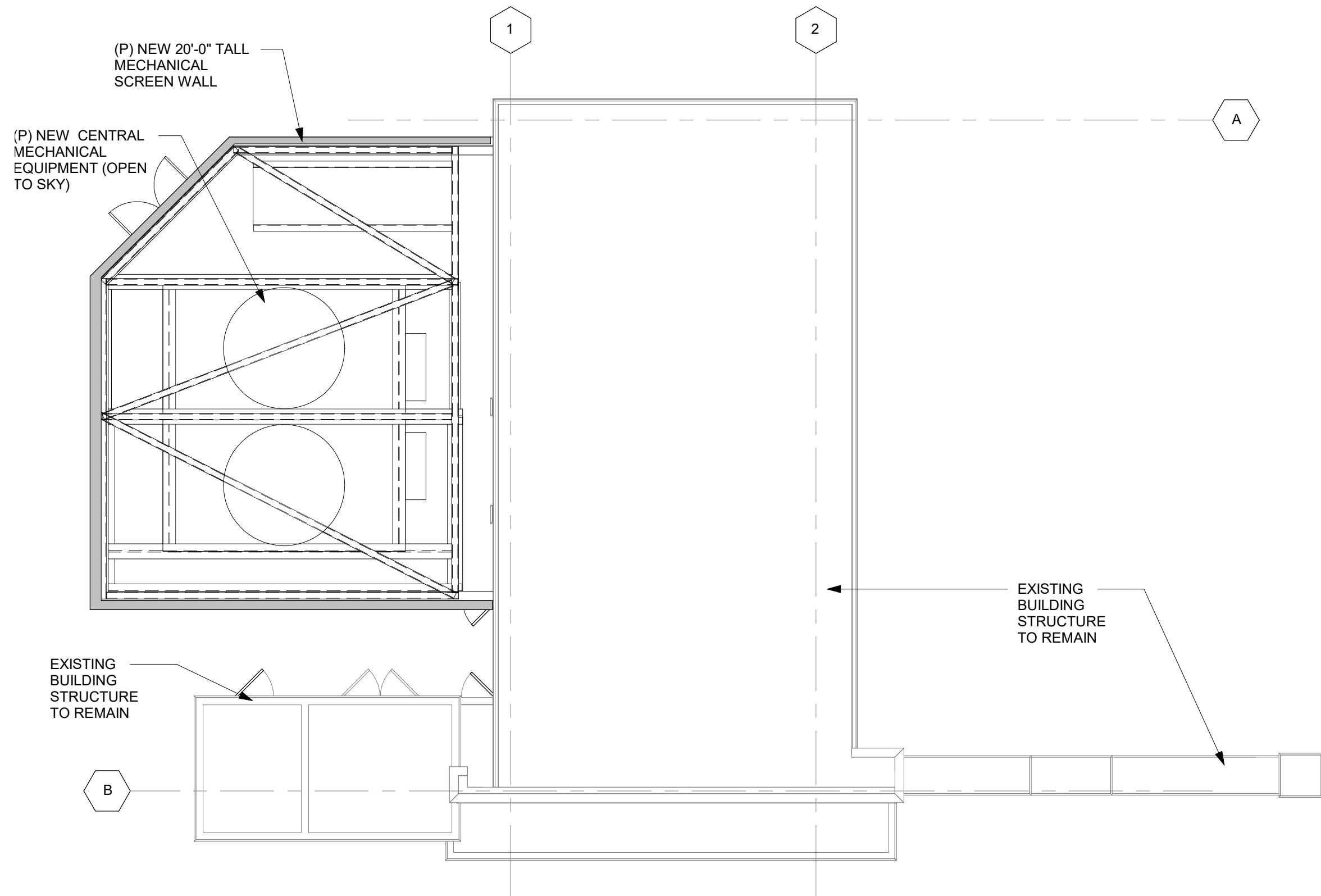
4 LEVEL 1 EXISTING FLOOR PLAN

1/8" = 1'-0"



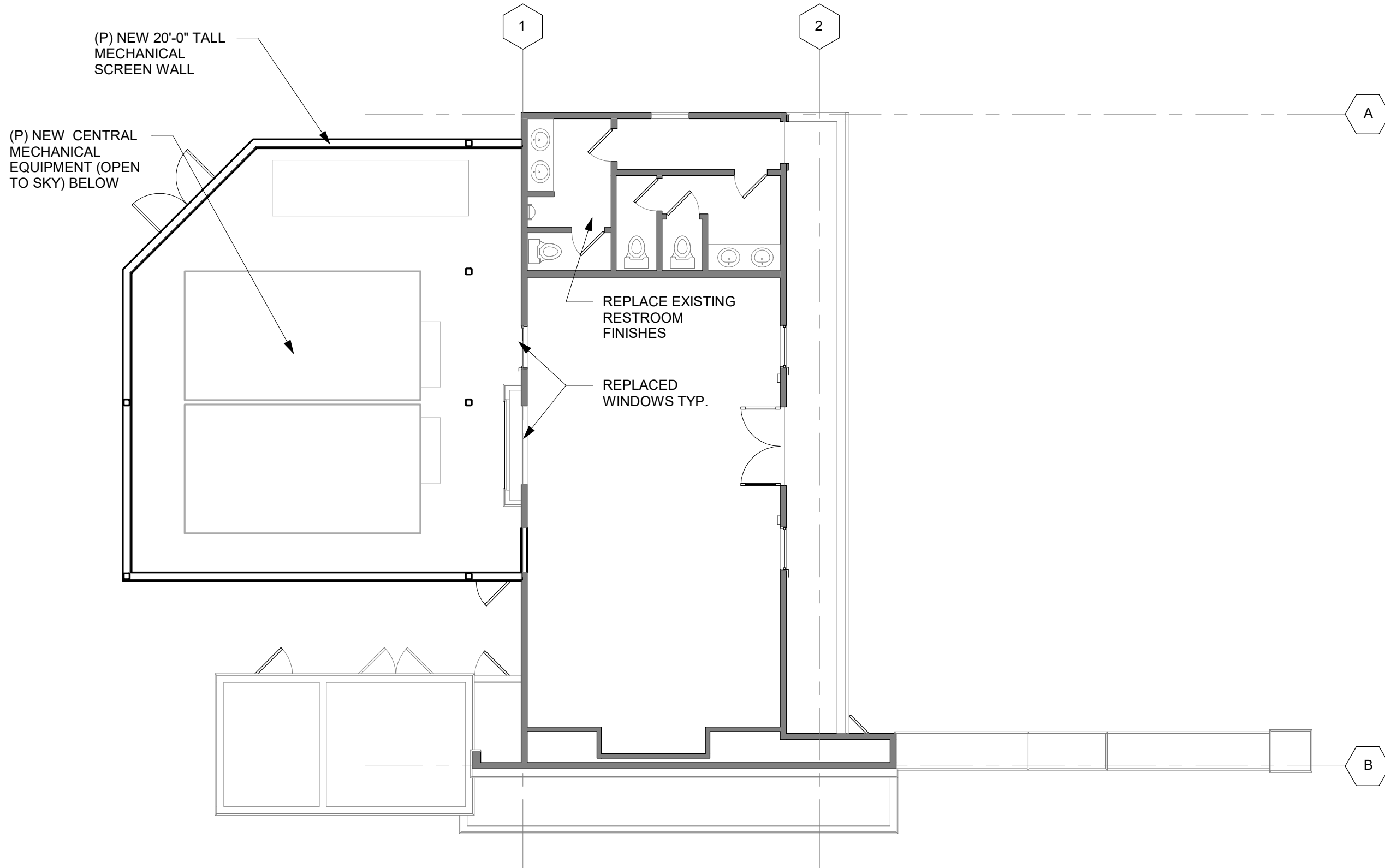
1 LEVEL 1 FLOOR PLAN

1/8" = 1'-0"



3 ROOF PLAN

1/8" = 1'-0"

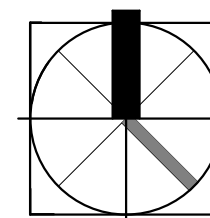


2 LEVEL 2 FLOOR PLAN

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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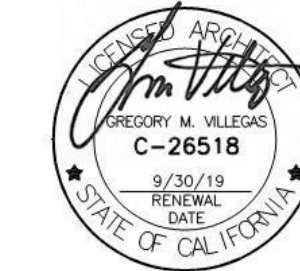
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JC RESORTS

client | consultant

stamp | approval



key plan

no. date issue
issues | revisions



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PROPOSED MECHANICAL
SCREEN YARD

sheet title

project no. 174016 date 07/24/19

checked by: Checker
drawn by: Author

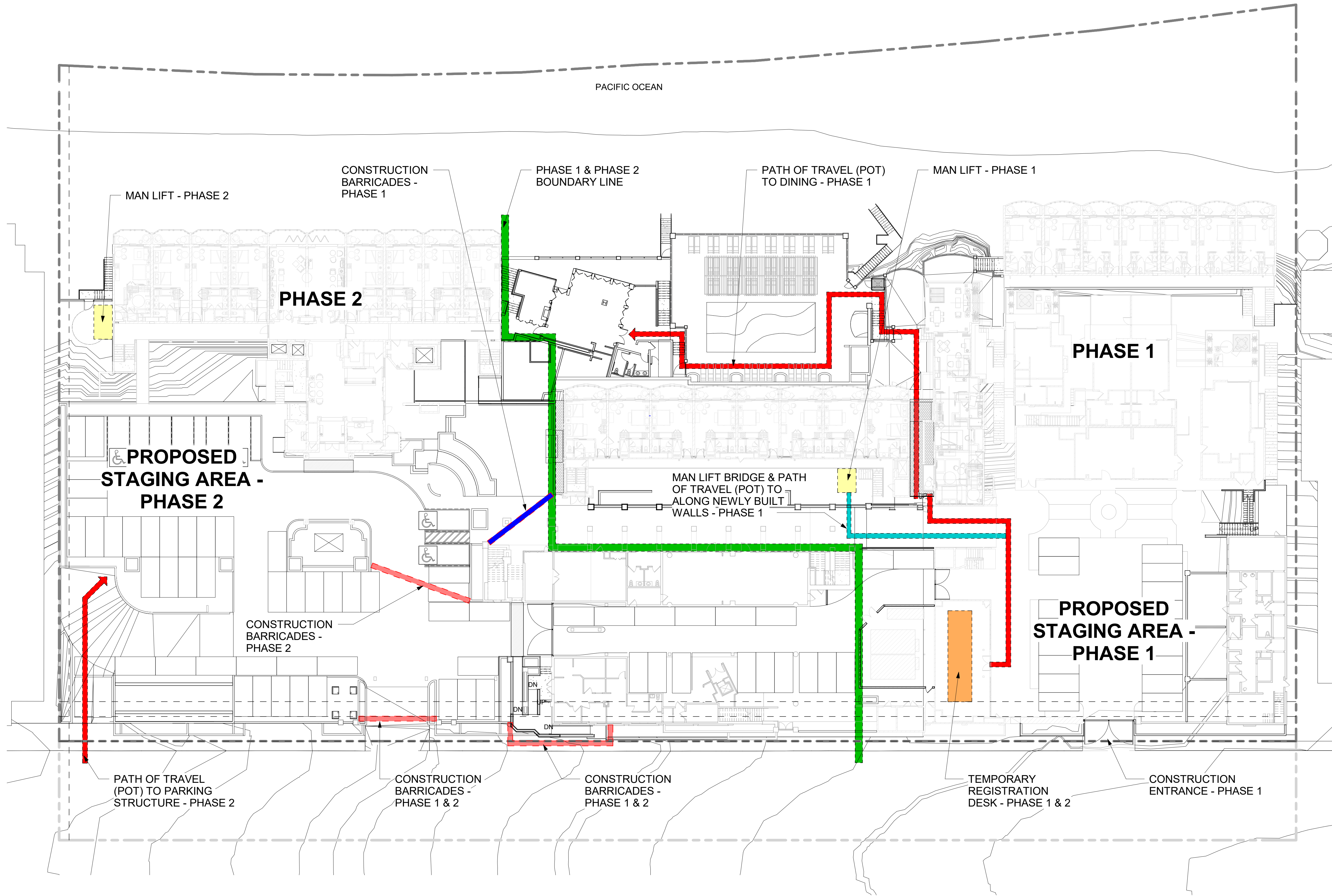
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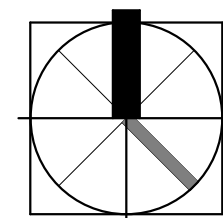
COASTAL REVIEW | 16 OCTOBER 2019 |

10/16/2019 4:06:20 PM
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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CONSTRUCTION STAGING
PLAN

sheet title

project no. 174016 date 07/22/19

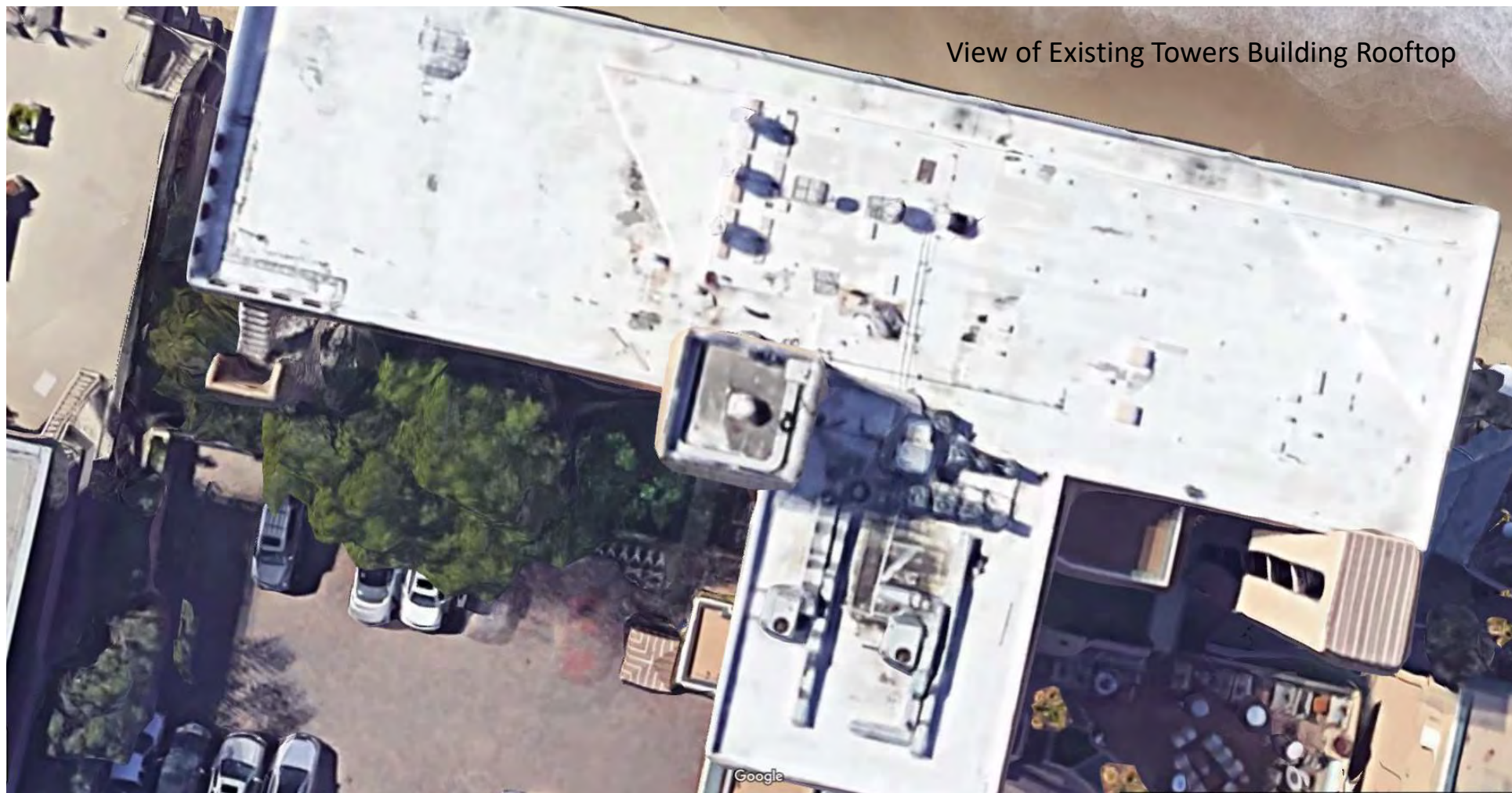
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drawn by: Author

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sheet no.

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View of Existing Towers Building Rooftop

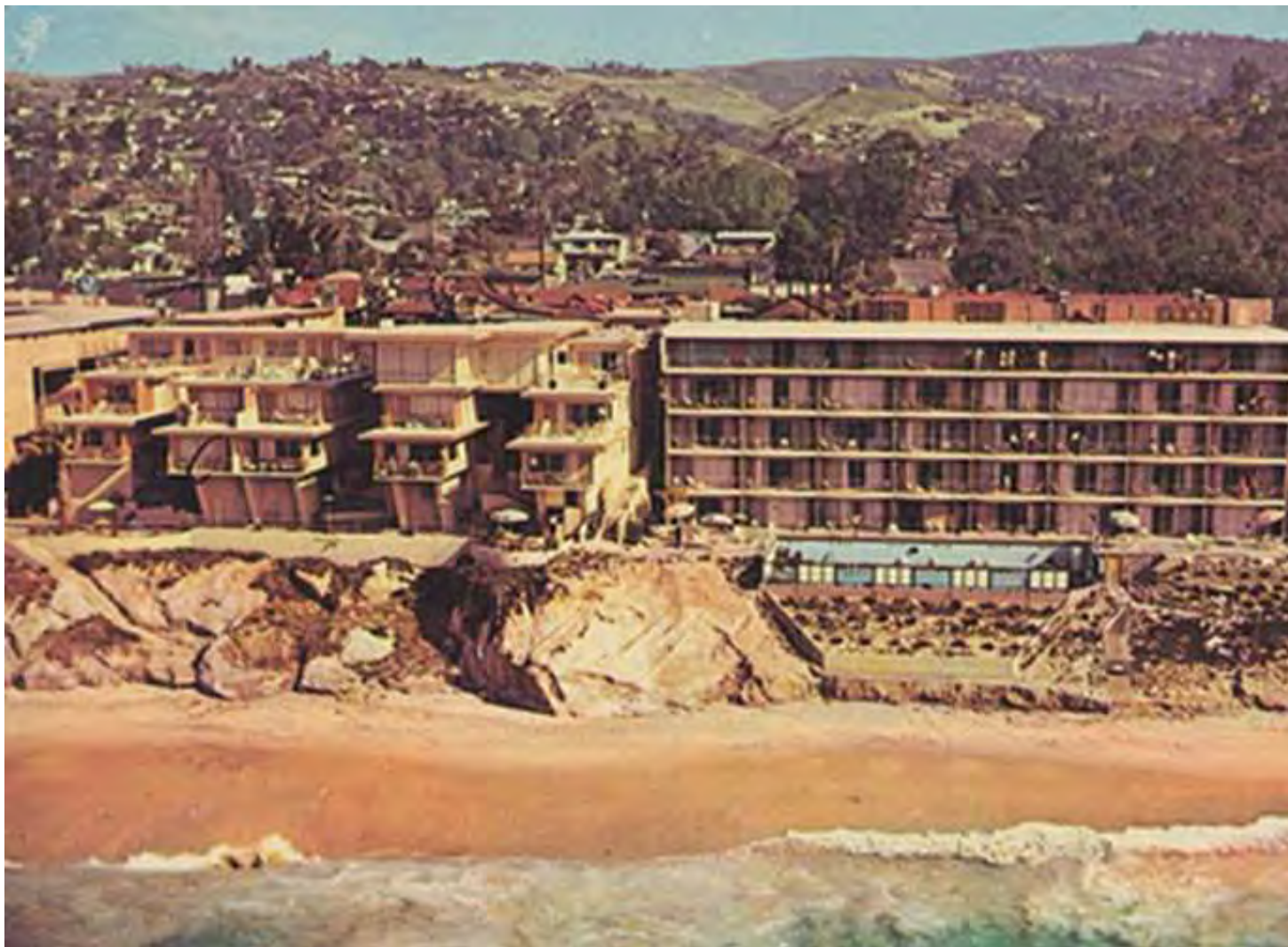
Towers Building Existing Rooftop Mechanical Equipment to be consolidated and housed under a single new enclosure. New enclosure will be no taller than existing roof top development. No increase in height. See Exhibit 3b for proposed Towers rooftop mechanical equipment consolidation

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 PERMIT**On 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 Analyst**ACKNOWLEDGMENT**

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

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

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

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*12/10/11 4/5/89 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

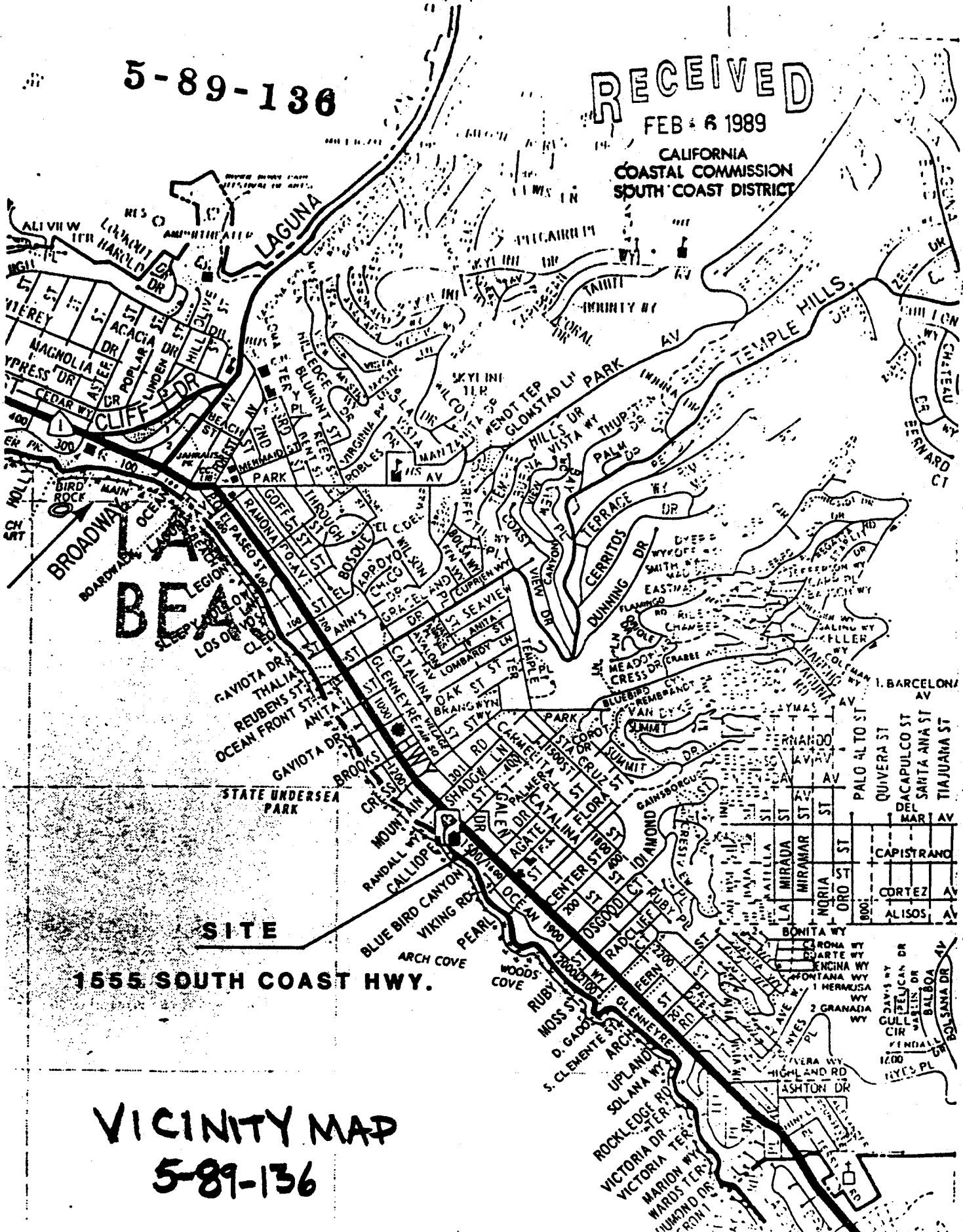
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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

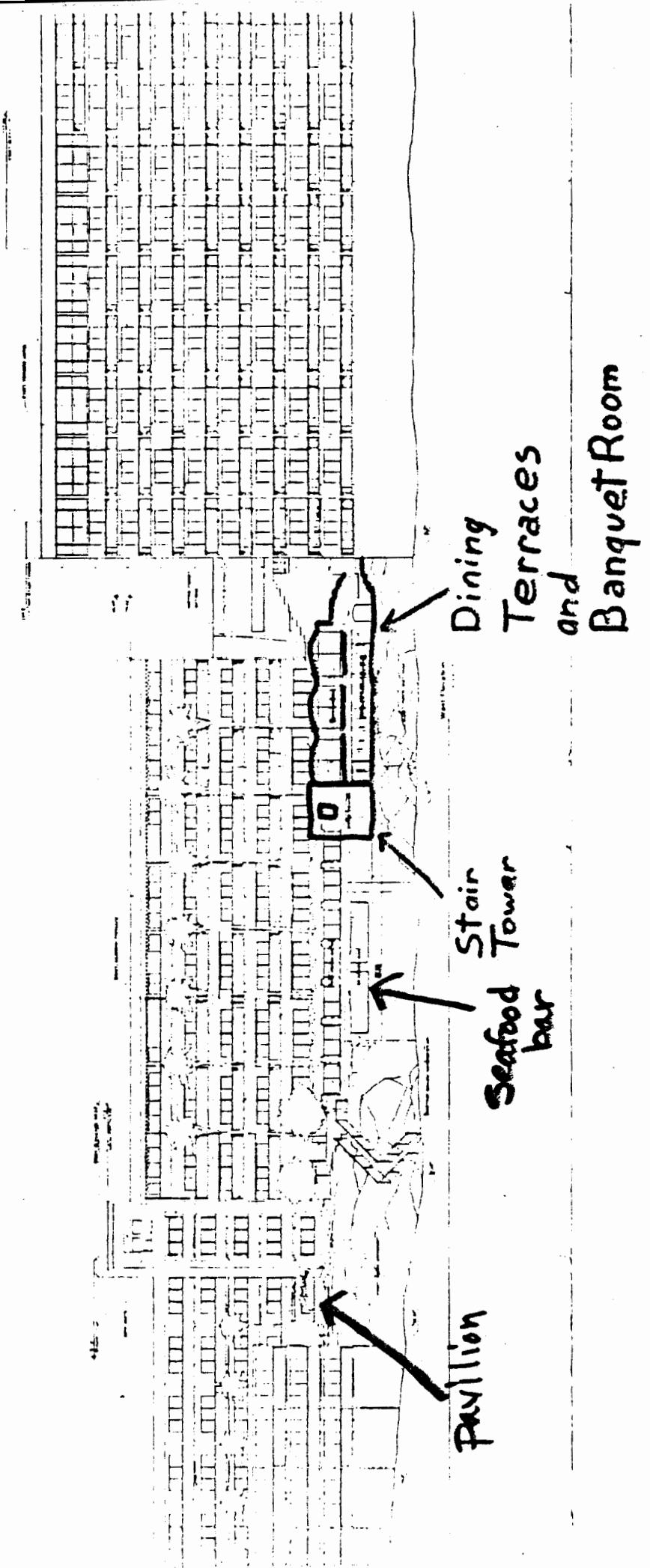
VICINITY MAP
5-89-136

EXHIBIT NO. 2

APPLICATION NO.

5-89-136

California Coastal Commission



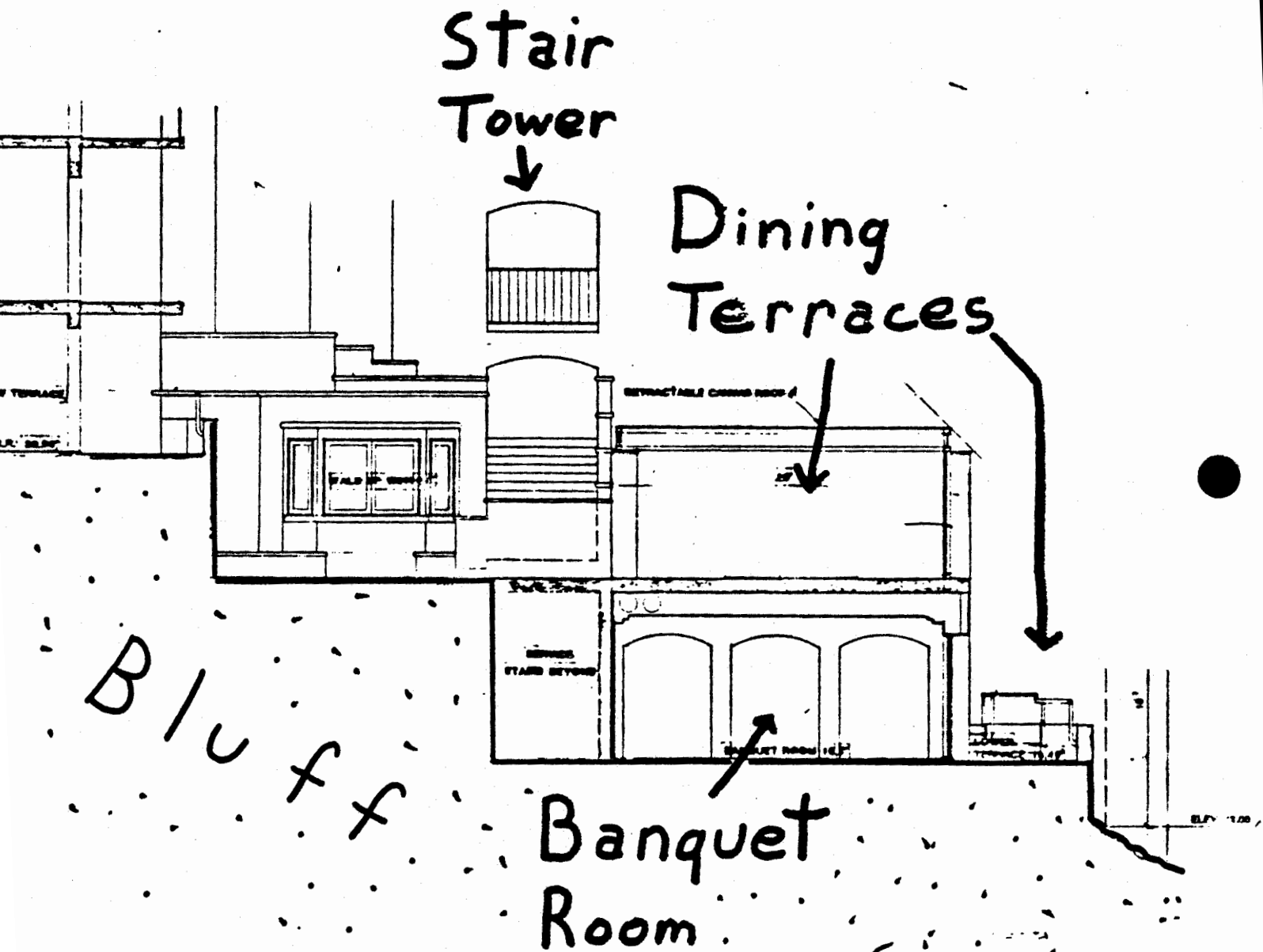


EXHIBIT NO. 3

APPLICATION NO.

5-89-136

California Coastal Commission

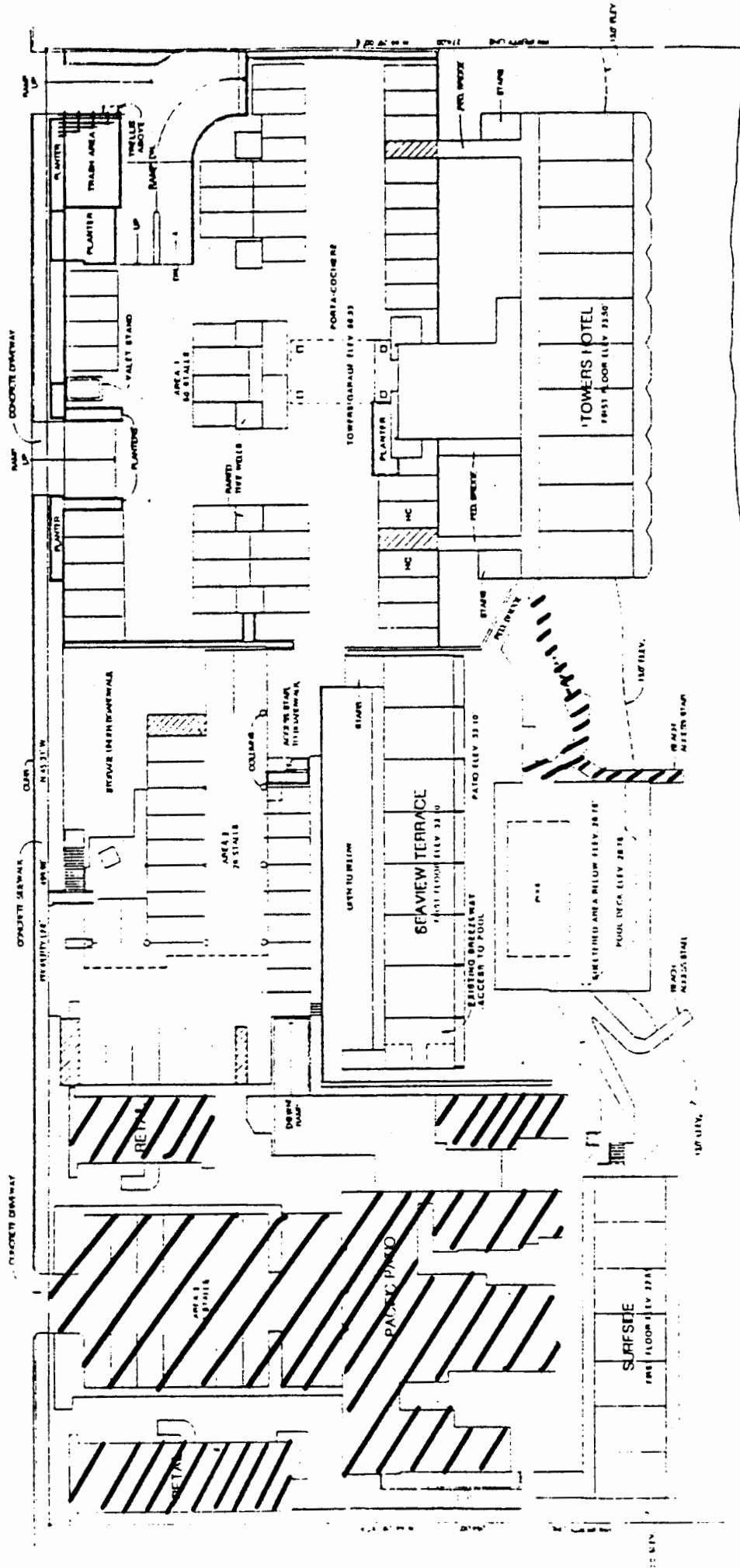
Areas to be Demolished

EXHIBIT NO. 4
APPLICATION NO.

89-136

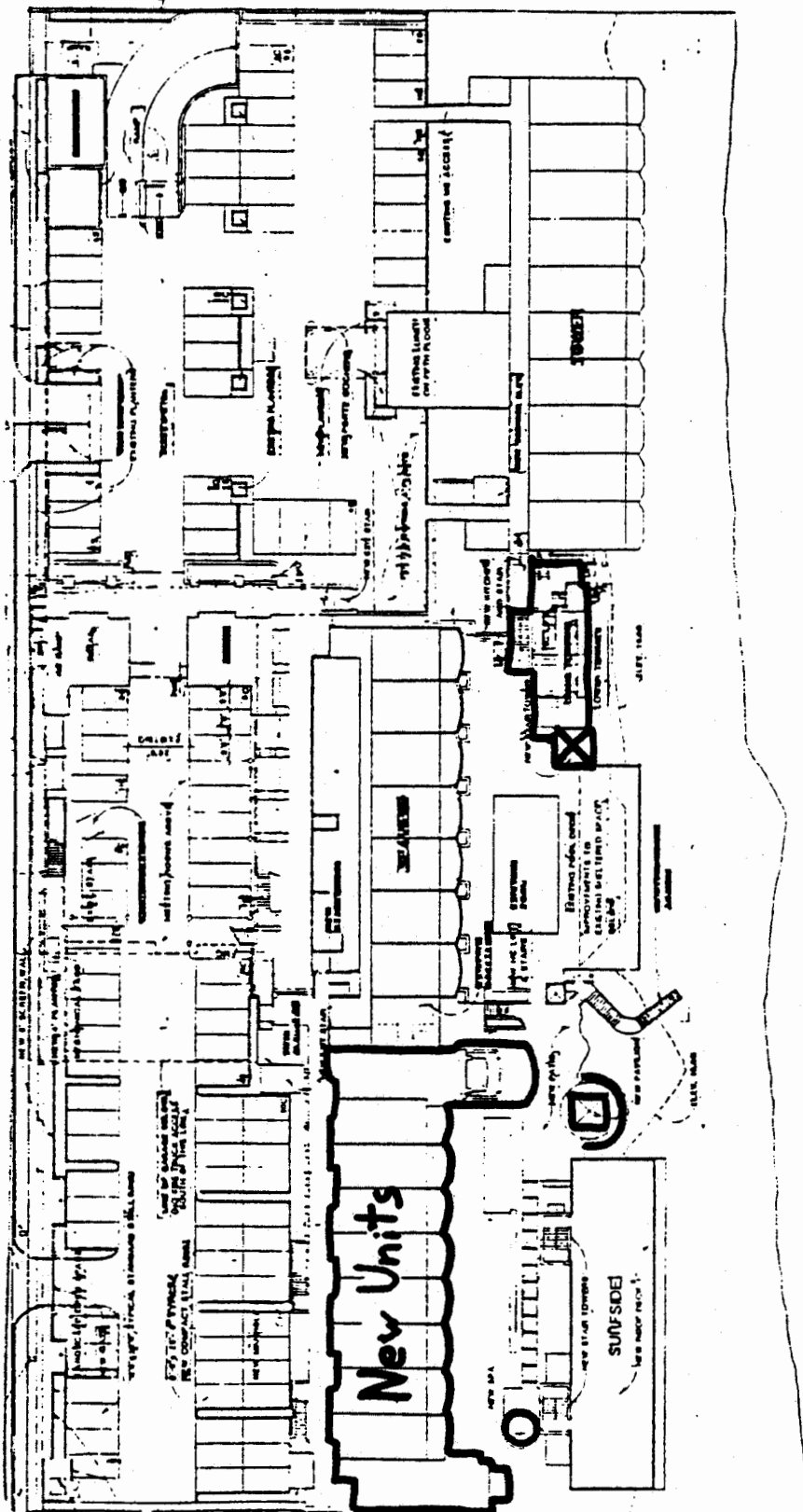
California Coastal Commission

PACIFIC COAST HWY.



100' IS AN APPROXIMATE
ELEVATION (BASED ON
1984 MEAN SEA LEVEL)

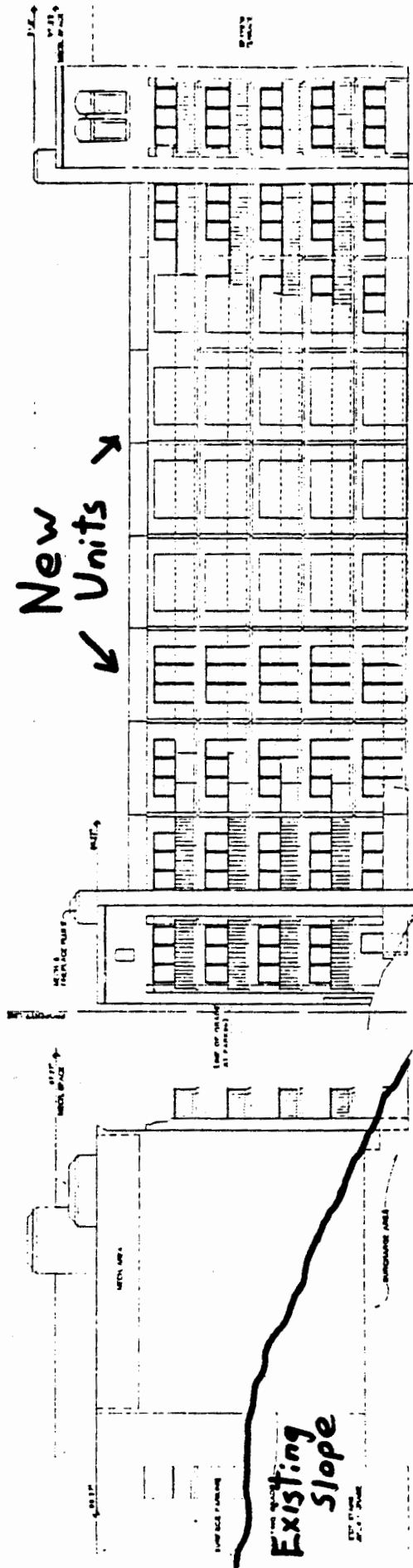
PACIFIC OCEAN



New
Development

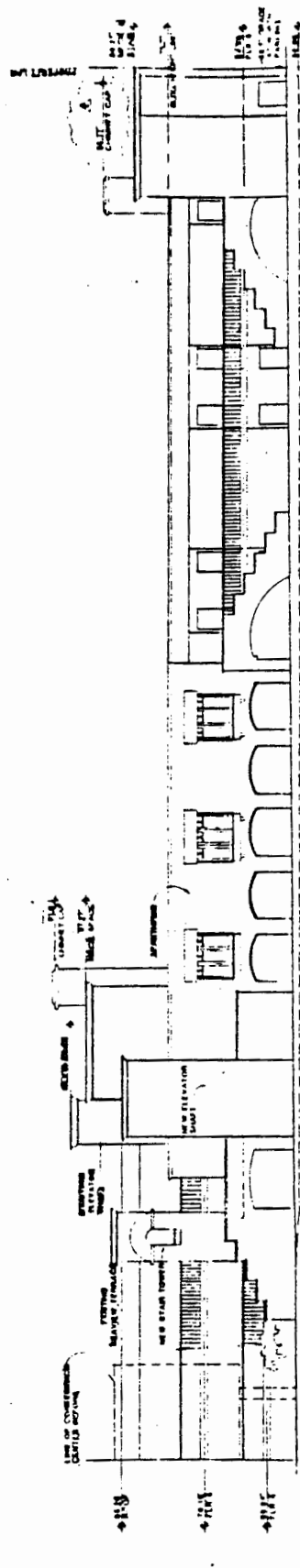
| |
|-------------------------------|
| EXHIBIT NO. 5 |
| APPLICATION NO. |
| 5-89-136 |
| California Coastal Commission |

New
Units →



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 |

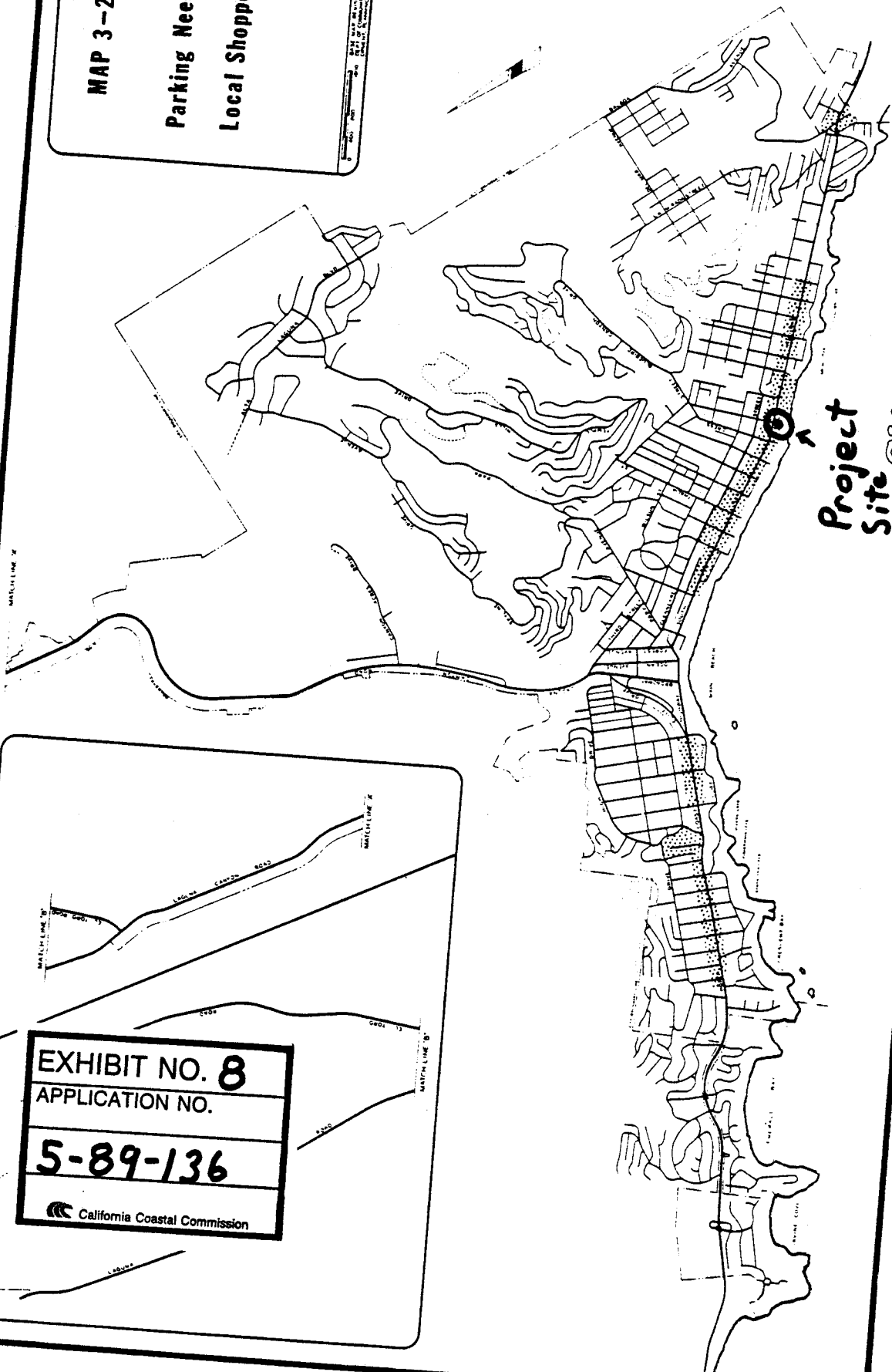
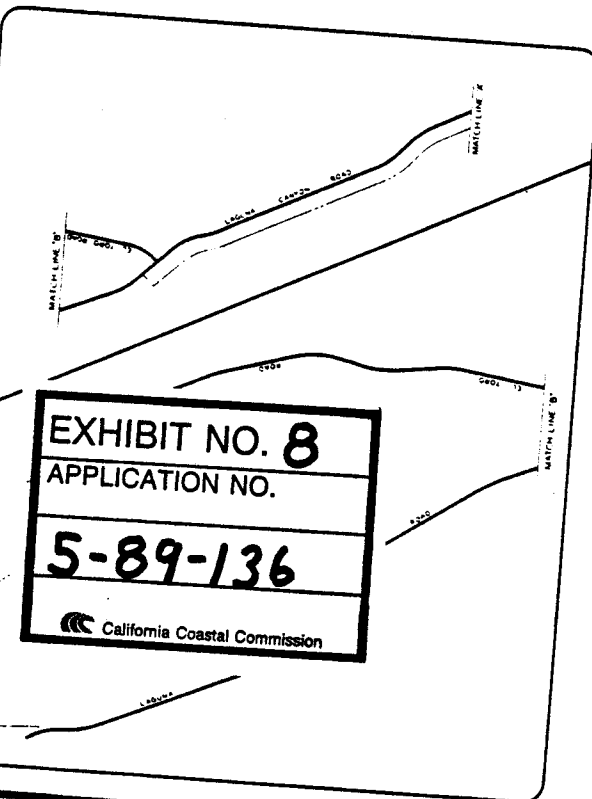
● Parking Deficiency

MAP 3-2

Parking Needs:
Local Shoppers

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

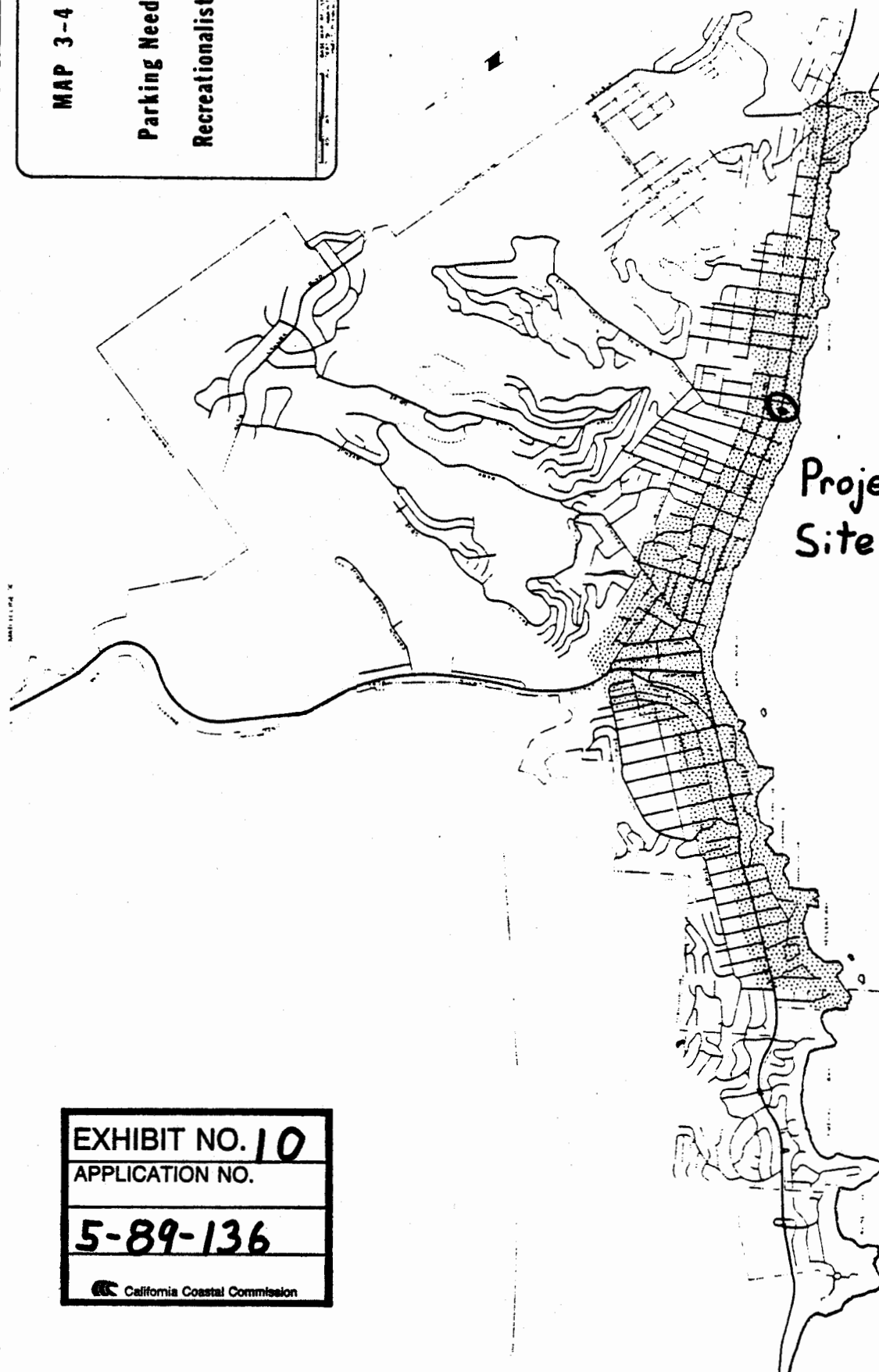
California Coastal Commission



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

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

AM/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.

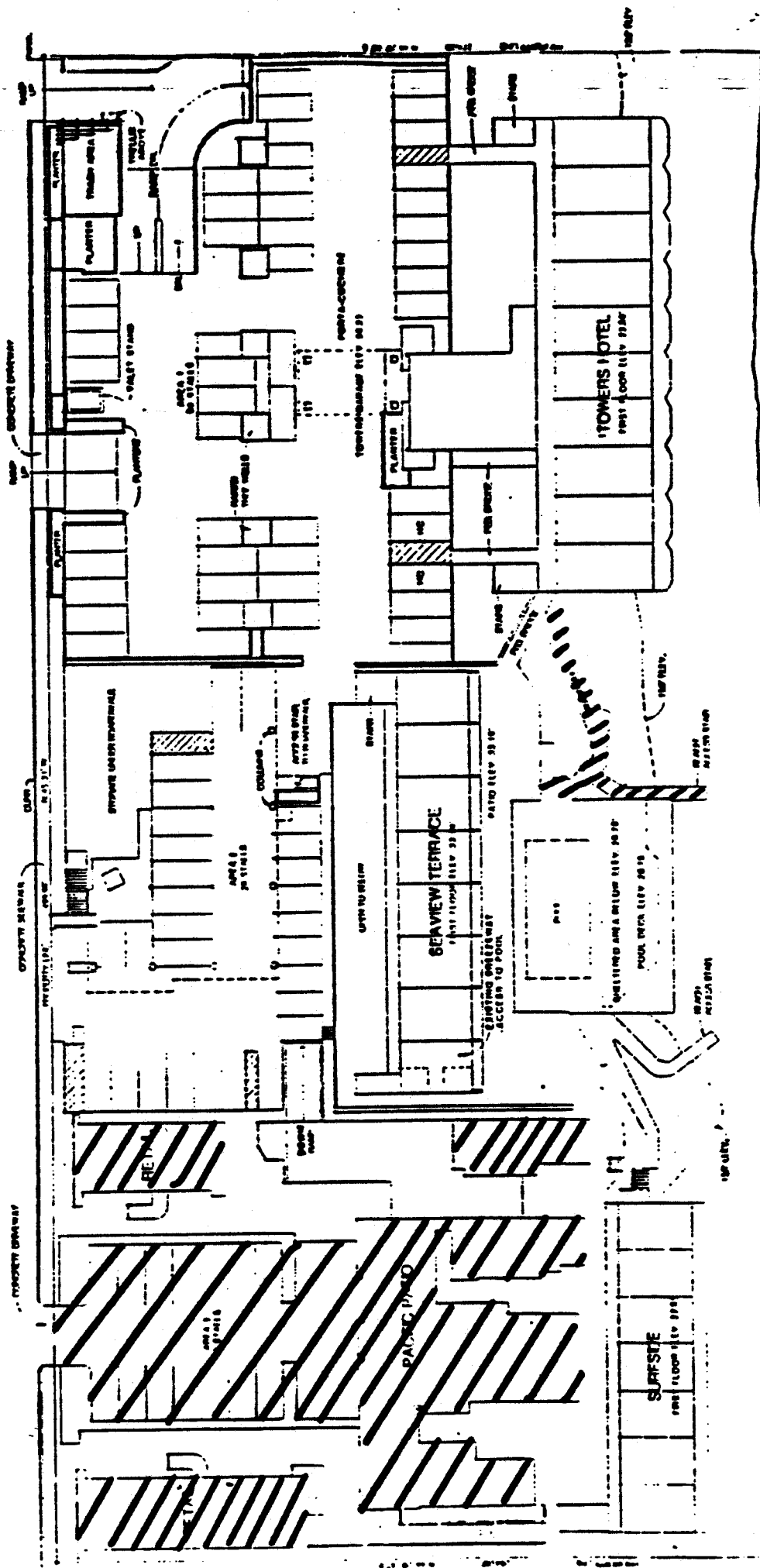
(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies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

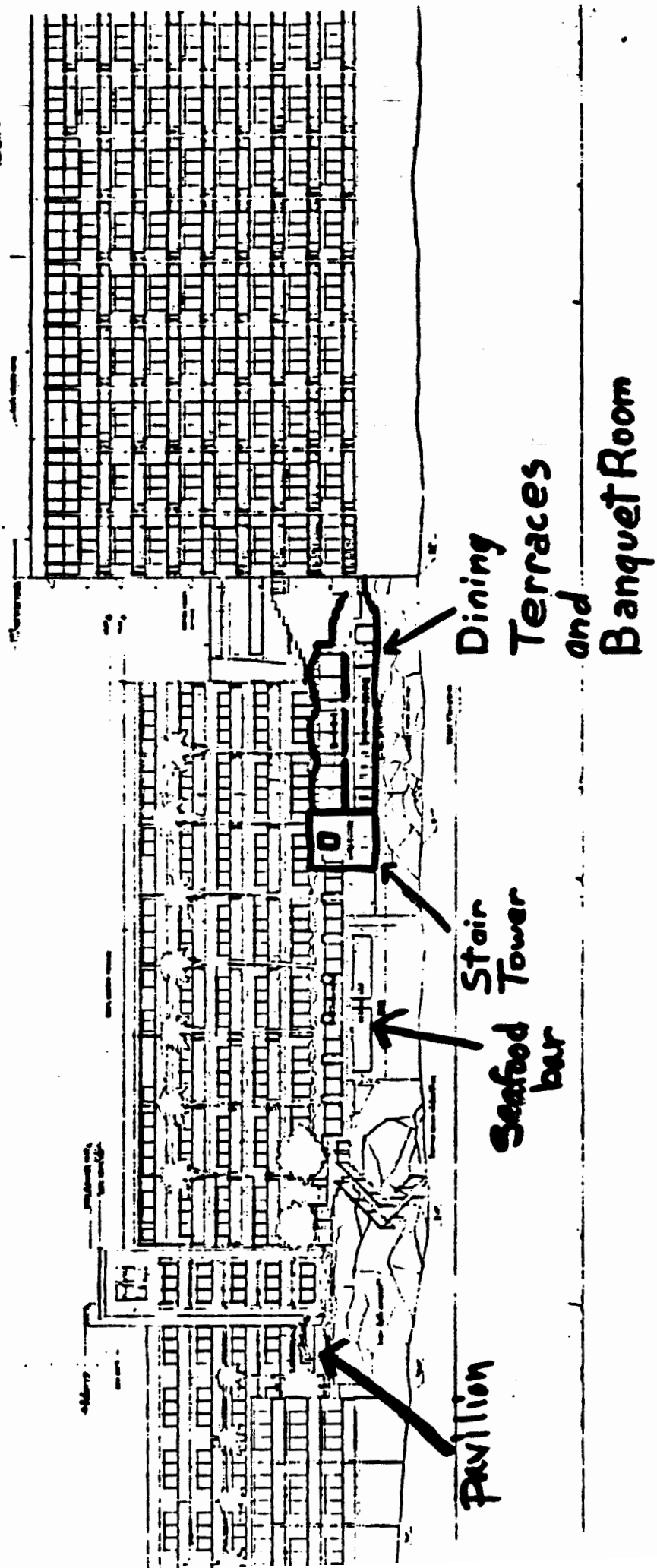
EXHIBIT NO. 1
LOCATION NO.
5-89-136A

PACIFIC COAST HWY.

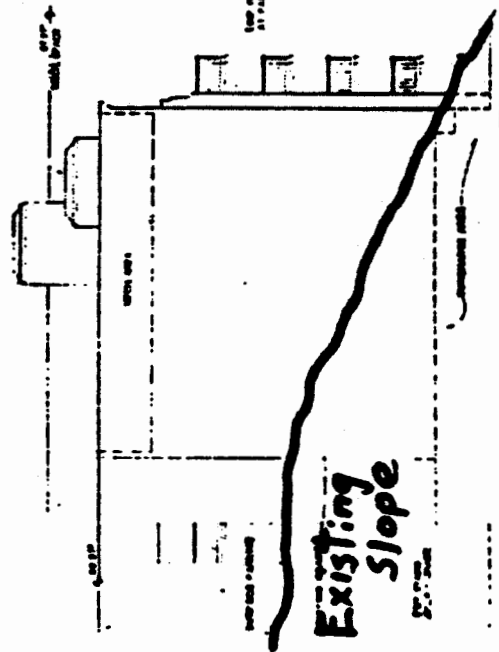
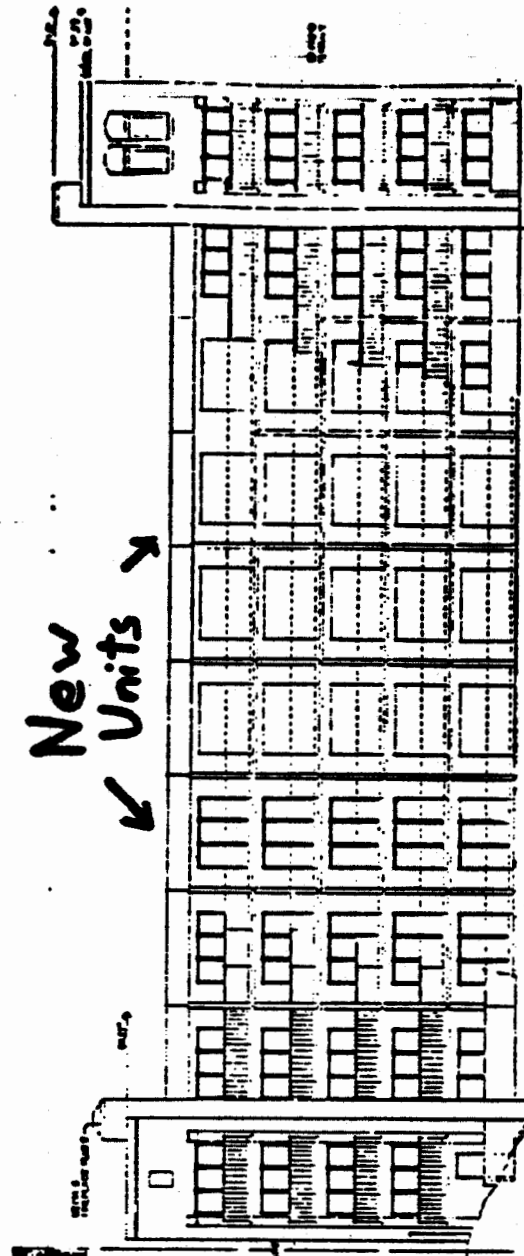


PACIFIC OCEAN

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| 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

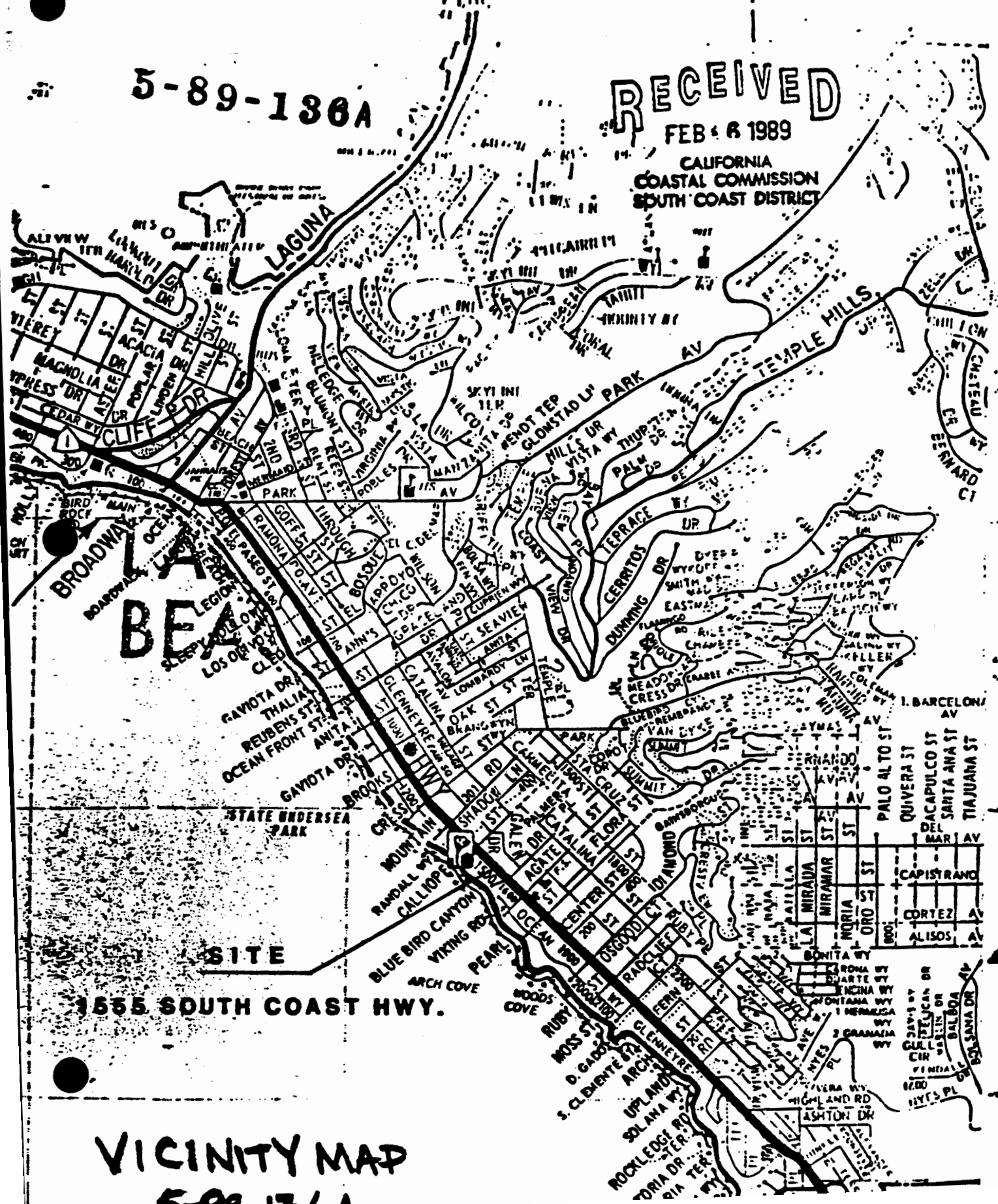
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| EXHIBIT NO. 3 |
| APPLICATION NO. |
| 5-89-136A |
| California Coastal Commission |

SURF AND SAND HOTEL

5-89-136A


RECEIVED
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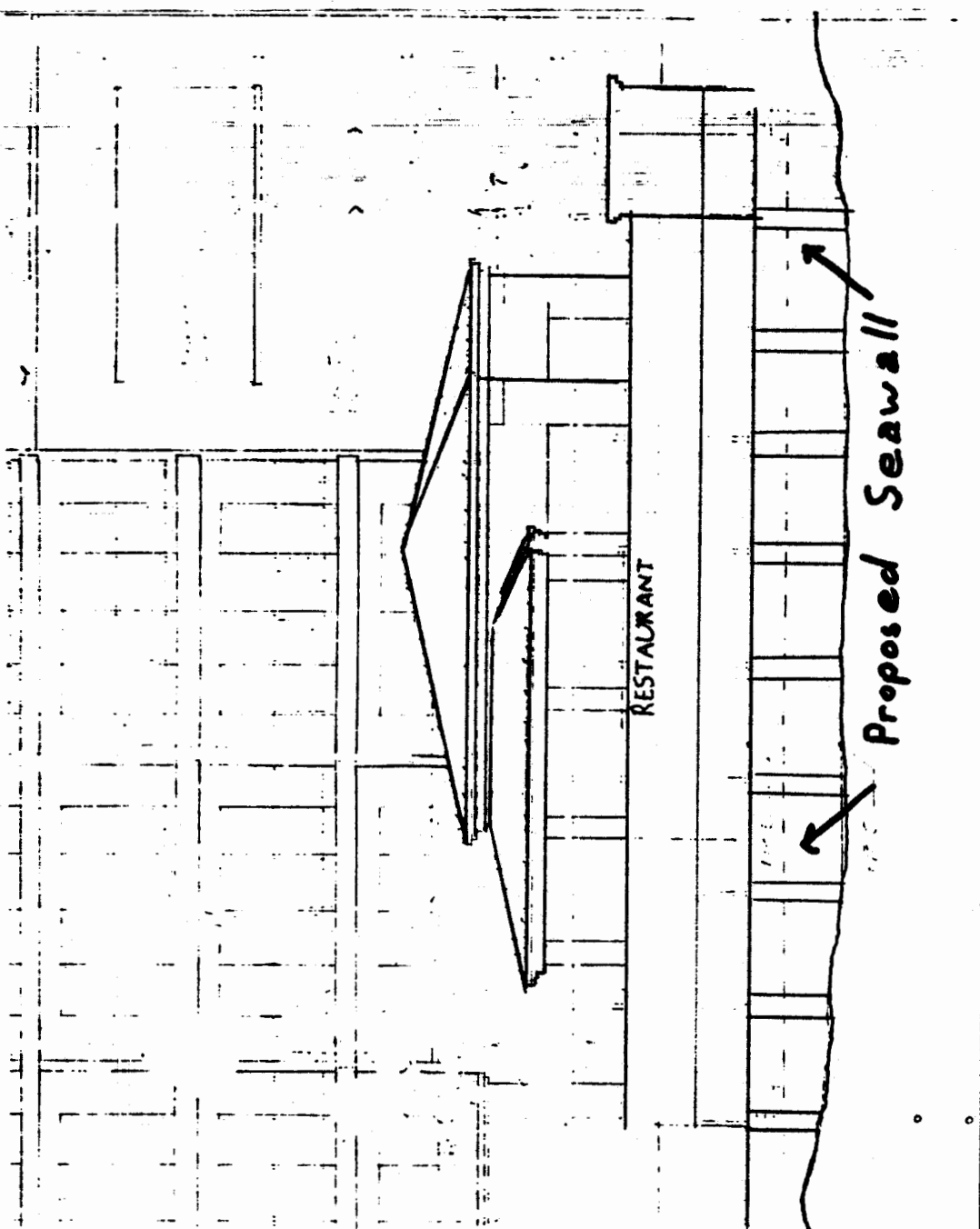
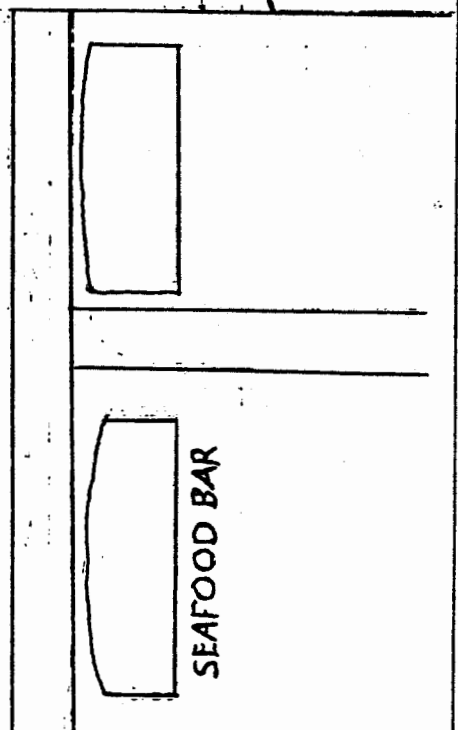
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT



VICINITY MAP


5-89-136A

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



Beach

May 15, 1989

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| 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

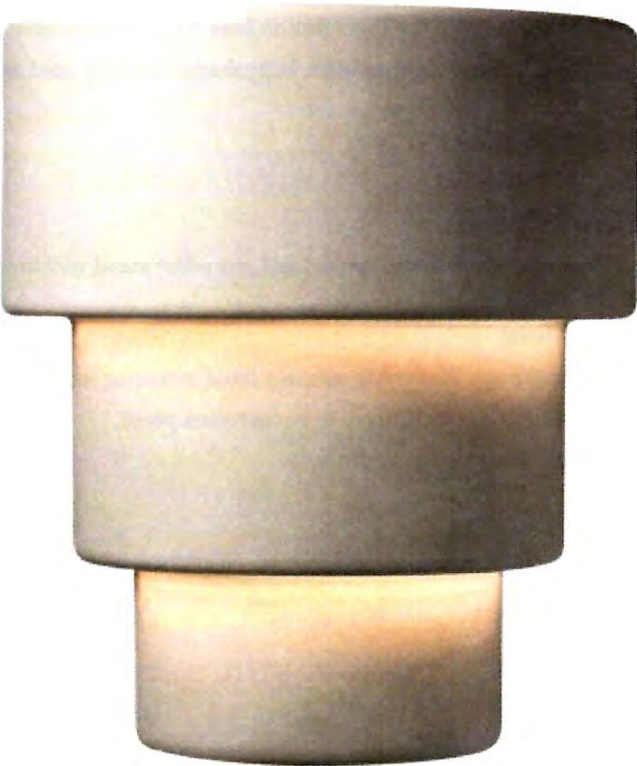
Issue Date: 11 Feb 2019

Project #: 4789

Revision Date:

Area: Mock-Up Room

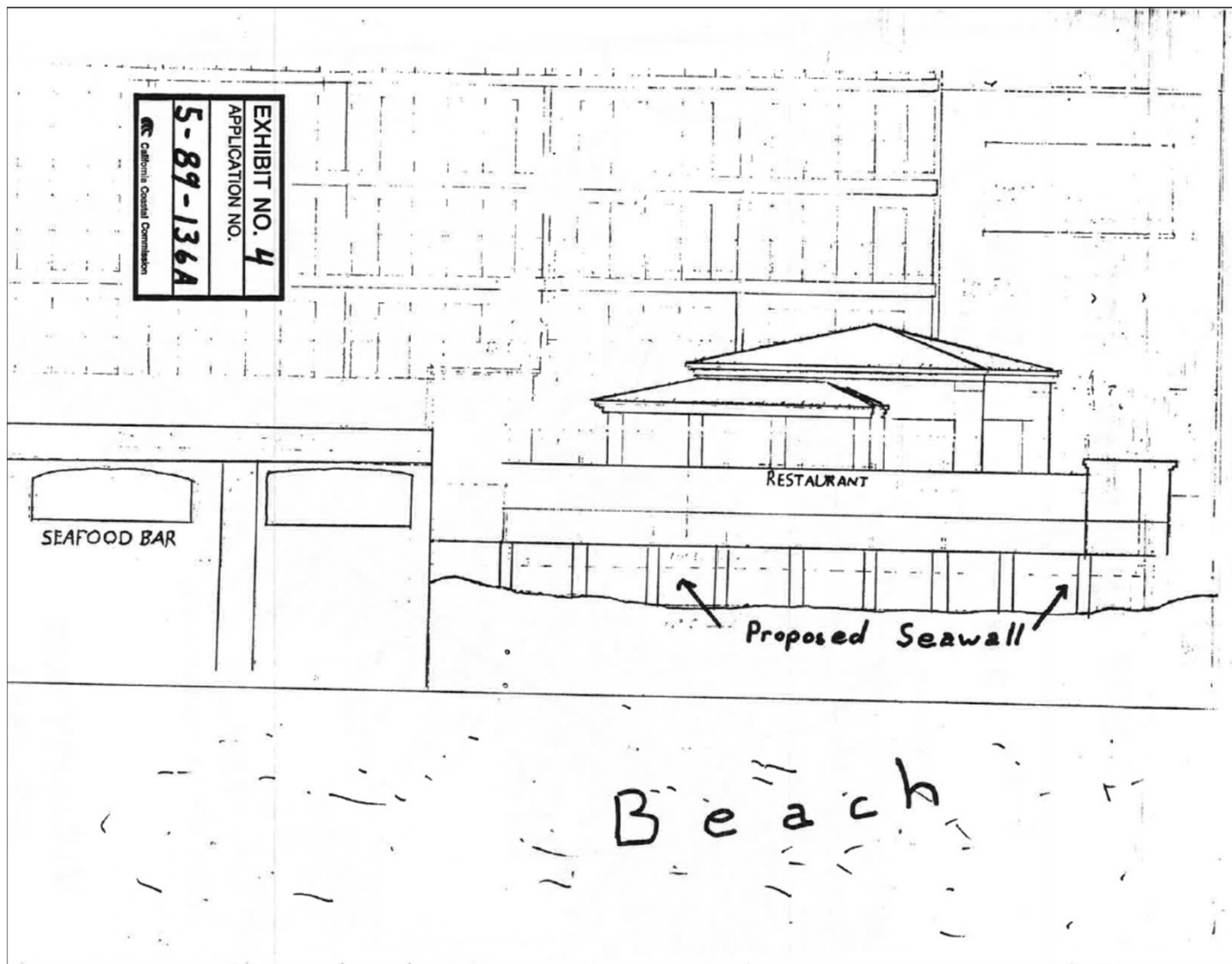
Revision #:





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**