

CALIFORNIA COASTAL COMMISSION

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Staff: Gabriel Buhr-LB
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Commission Action:

**F9a-e**

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**COMBINED STAFF REPORT:
CONSOLIDATED CDP/APPEAL - DE NOVO**

APPEAL NUMBERS: A-5-LGB-08-047, A-5-LGB-08-048, A-5-LGB-08-049,
A-5-LGB-08-050, A-5-LGB-08-051

APPLICANT: City of Laguna Beach (Department of Marine Safety)

APPELLANT: Sandra Siani

PROJECT LOCATION: Picnic Beach (Myrtle Street), Bird Rock Beach, Sleepy Hollow Beach, Thalia Street Beach, Oak Street Beach, Laguna Beach, Orange County

PROJECT DESCRIPTION: The applicant proposes to replace five temporary/seasonal elevated lifeguard chairs with five new permanent lifeguard towers, which would measure approximately 14'9" tall with a 6' x 8' shelter footprint, founded on 36" diameter cement caissons, on several beaches throughout Laguna Beach.

SUMMARY OF STAFF RECOMMENDATION

On April 10, 2008, the Commission determined that the appeals raised a substantial issue regarding the City of Laguna Beach's approvals of the local coastal development permits for 5 permanent lifeguard towers mounted on caissons on the beach. The Commission determined that a substantial issue existed with respect to whether the proposed lifeguard towers as approved conformed to the policies of the City of Laguna Beach certified LCP and the public access and recreation policies of the Coastal Act, and whether other seasonal alternatives had been investigated.

Presently, the City of Laguna Beach seasonally deploys temporary, elevated lifeguard chairs to the subject beaches during the periods they provide lifeguard coverage of those beaches (generally about 3 months per year). At the end of the season, the chairs are removed. These chairs have been in use by the City for several decades. The City now has determined that these chairs are deficient because they lack protection of the lifeguard from sun and wind, they don't include OSHA-mandated elements such as railings and stairs, and they must be periodically re-adjusted due to shifting sands. They also cite difficulty with deployment and removal because of limited access to some of the beaches (which also renders periodic adjustment difficult). The proposed solution to these issues is to install permanent lifeguard towers mounted on caissons at the subject beaches, as described above. Thus, the towers would be immobile and present year-round. The appellants have contended that these permanent lifeguard towers would result in visual blight of these scenic beaches and could potentially exacerbate beach erosion and create an impediment to access along the beach (none of which are wide and do become narrow, particularly in winter). Moreover,

the appellants have contended that there are temporary tower alternatives that could address all of the concerns the City has with the existing lifeguard chairs. The appellants have brought forward several examples of temporary lifeguard tower systems that provide sun/wind protection, provide railings and stairs, are easily adjustable in the field to address shifting sands, and are designed to be broken down into parts that are easily transported, assembled and disassembled.

Commission staff have reviewed the alternatives presented by the appellants (Exhibit 13) and they do appear to address all of the concerns raised by the City with regard to their existing lifeguard chairs. While these alternatives do appear to be viable and would be preferable from visual and access standpoints, the actual impacts caused by the proposed permanent lifeguard towers must be considered. Commission staff have concluded that the temporary tower alternatives should be implemented at Bird Rock Beach and Picnic Beach due to their highly scenic qualities and the fact that access to these beaches makes deployment and retrieval of temporary structures readily achievable. However, Commission staff have also concluded that the proposed permanent towers at Sleepy Hollow Beach, Thalia Street Beach, and Oak Street Beach would not have significant adverse impacts on visual resources or access, and would not contribute to beach erosion. The bluff face background is highly developed at these three proposed tower locations and would not stand out against this visual backdrop. While temporary structures at these beaches would be viable, and some could argue that seasonal removal of the towers at these sites would mildly improve views and avoid potential adverse access impacts, Commission staff do not believe the difference between temporary and permanent towers at these sites would be significant. Thus, Commission staff are willing to support the City's request at these sites, but also strongly encourage the City to consider using temporary structures instead.

Subsequent to the substantial issue hearing, staff investigated whether the proposed lifeguard chairs are located within the Commission's original jurisdiction. On the basis of the information currently available to the Commission, it appears that some or all of the proposed chairs may periodically be located partially or entirely seaward of the mean high tide line. Commission staff contacted the City, which requested the Commission to handle the appeals as consolidated coastal development permit applications pursuant to Coastal Act section 30601.3. This staff report, therefore, will evaluate the appeals as consolidated permit applications in order to ensure that all portions of the proposed developments that are located within the Commission's original jurisdiction receive appropriate review. For ease of reference, the consolidated CDP applications will have the same permit numbers as were originally assigned to the appeals.

This staff report is for the de novo portion of the hearing on the appeal/consolidated application where the Commission will deny or approve (with conditions) the proposed development. Staff recommends that the Commission vote on each lifeguard tower individually, as unique environmental constraints are present at the proposed tower locations making a single vote for all five locations too generic to represent the actual conditions at the subject sites. The rocky coves and coastal bluffs that surround the City of Laguna Beach create a unique and highly variable coastal environment. The conditions present at one beach are often significantly different than those found at another cove located only a short distance away, and therefore what may be appropriate at one location could create avoidable impacts at another. Commission staff has grouped the proposed towers together where appropriate by similar environmental conditions present at the subject beaches.

Commission staff is recommending **APPROVAL** of three of the proposed towers with special conditions. The proposed sites recommended for approval include the beaches located at Sleepy Hollow Beach (A-5-LGB-08-049), Thalia Street Beach (A-5-LGB-08-050), and Oak Street Beach (A-5-LGB-08-051). These sites are recommended for approval with **Six (6) Special Conditions** regarding: **1)** assumption of risk; **2)** no future blufftop or shoreline protective devices; **3)** additional approvals for any future development; **4)** conformance with geotechnical recommendations; **5)** storage of construction materials, mechanized equipment and removal of construction debris, and

location of debris disposal site; and **6)** compliance with conditions of original City approved permit. **See Page Three for the motions.**

Commission staff is recommending **DENIAL** of two of the proposed towers located at Bird Rock Beach (A-5-LGB-08-047) and Picnic Beach (A-5-LGB-08-048). Denial of the proposed towers at these two beaches is recommended because of the potential visual impacts the permanent towers would create, and in the case of the selected beaches temporary alternatives are feasible. **See Page Five for the motions.**

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit Nos. 07-72, 07-73, 07-74, 07-75, 07-76
2. City of Laguna Beach Certified Local Coastal Program.
3. Biological Assessment Report: Five Proposed Lifeguard Tower Sites, prepared by Christopher A. Joseph & Associates, dated September 27, 2007.
4. Discussion of Geology, Oceanographic Design Parameters, and Permit Information for Several Permanent Towers at Various Beaches, City of Laguna Beach, Orange County, California, prepared by GeoSoils Inc., dated September 27, 2007.
5. City of Laguna Beach, Department of Marine Safety, Lifeguard Chair Replacement Alternative Analysis, prepared by Dudek, dated September 2008.
6. Temporary Lifeguard Tower version 1.2, prepared by RedStar Image Art and Architecture, received January 9, 2009.
7. Portable Lifeguard Tower, prepared by Environmental designs, received January 11, 2009.

**I. A. STAFF RECOMMENDATION FOR APPROVAL
(Sleepy Hollow Beach):**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit for the tower at Sleepy Hollow Beach with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permits A-5-LGB-08-049 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution: Approval with Conditions (Lifeguard Tower Sleepy Hollow Beach)

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**I. B. STAFF RECOMMENDATION FOR APPROVAL
(Thalia Street Beach):**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit for the tower at **Thalia Street Beach** with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permits A-5-LGB-08-050 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution: Approval with Conditions (Lifeguard Tower at Thalia Street Beach)

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**I. C. STAFF RECOMMENDATION FOR APPROVAL
(Oak Street Beach):**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit for a tower at **Oak Street Beach** with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permits A-5-LGB-08-051 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution: Approval with Conditions (Lifeguard Tower at Oak Street Beach)

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**I. D. STAFF RECOMMENDATION FOR DENIAL
(Picnic Beach):**

Staff recommends that the Commission **DENY** the coastal development permit application for a permanent tower at **Picnic Beach** by voting **NO** on the following motion and adopting the following resolution:

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-LGB-08-047 for the development proposed by the applicants."*

The staff recommends a **NO** vote. Failure of this motion will result in denial of the coastal development permit and adoption of the following resolution and findings as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution: Denial (Permanent Lifeguard Tower at Picnic Beach)

The Commission hereby **DENIES** a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

**I. D. STAFF RECOMMENDATION FOR DENIAL
(Bird Rock Beach):**

Staff recommends that the Commission **DENY** the coastal development permit application for a permanent tower at **Bird Rock Beach** by voting **NO** on the following motion and adopting the following resolution:

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-LGB-08-048 for the development proposed by the applicants."*

The staff recommends a **NO** vote. Failure of this motion will result in denial of the coastal development permit and adoption of the following resolution and findings as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution: Denial (Permanent Lifeguard Tower at Bird Rock Beach)

The Commission hereby **DENIES** a coastal development permit for the proposed development on the grounds that the development will not conform with the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

(for permits A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-51)

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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

(for permits A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-51)

1. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. No Future Blufftop or Shoreline Protective Devices

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all other successors and assigns, that no bluff protective device(s) or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit #'s A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-051 including, but not limited to, the lifeguard towers, their foundations, and any future improvements, in the event that the development is threatened with damage or destruction from bluff and slope instability, erosion, landslides, wave uprush, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all

successors and assigns, that the landowner shall remove the development authorized by this permit, including the lifeguard towers and foundations, if any government agency has ordered that the structure(s) is/are not to be utilized due to any of the hazards identified above. Such removal shall require a coastal development permit.

3. Future Development

This permit is only for the development described in Coastal Development Permit #'s A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-051. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to the development governed by the Coastal Development Permit #'s A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-051. Accordingly, any future improvements to the structures authorized by these permits, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit #'s A-5-LGB-08-049, A-5-LGB-08-050, and A-5-LGB-08-051 from the Commission unless the Executive Director determines that no amendment or new permit is legally required.

4. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the following geologic engineering investigation: Discussion of Geology, Oceanographic Design Parameters, and Permit Information for Several Permanent Towers at Various Beaches, City of Laguna Beach, Orange County, California, prepared by GeoSoils Inc., dated September 27, 2007.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.
- C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.

5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants

associated with construction activity, shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.

- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.

6. Compliance with the City of Laguna Beach Conditions of Approval

All conditions of approval of City of Laguna Beach Coastal Development Permit No.'s 07-74, 07-75 and 07-76 for the proposed development, as shown in Exhibit 14 are hereby incorporated as special conditions of the subject permits unless specifically modified by any special conditions set forth herein.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Locations

The projects approved by the City would replace five temporary/seasonal lifeguard chairs with five new permanent lifeguard towers on five beaches throughout Laguna Beach (Exhibit 2). The existing temporary lifeguard lookouts are comprised of a chair, elevated on a simple frame. There is no enclosure or roof of any type (Exhibit 5). The proposed larger, permanent towers would be located in generally the same location where the smaller, temporary elevated chairs are placed each season. The new towers are fully enclosable, solid fiberglass structures with windows, a roof and attached deck with railings and a ladder to gain access to and from the elevated structure. The structures would be approximately 14'9" tall, measuring approximately 9'9" from the top of the structure to the deck and approximately 5' from the deck to the sand, with a shelter footprint of 6' x 8' (Exhibit 4). Each of the new towers would be supported by a single 36 inch concrete caisson, which would be embedded through the sandy beach into bedrock.

According to their submittal, the City of Laguna Beach staffs 28 separate lifeguard chair/tower locations within the City's coastal zone. Of these 28 locations, 9 are staffed for periodic off-season "skeleton" coverage, while for the majority of the off-season, non summer months, only 2 are staffed with lifeguards. During the off-season the temporary elevated lifeguard chairs currently used by the City are removed and stored at an upland facility. The City plans to eventually replace all of the elevated chairs with permanent towers. The subject sites for this application include five beaches in Laguna Beach.

The specific beaches selected for permanent replacement towers by the City include the following:

Picnic Beach (Myrtle Street): This beach is a smaller cove approximately 700 feet long, located just north of Main Beach (the central, largest and most frequently visited beach located in the City of Laguna Beach). Heisler Park is located on the blufftop directly above this cove. Picnic Beach itself is backed by steep, undeveloped, natural bluff formations. A paved ramp provides access to the beach from Heisler Park above (Exhibit 6).

Bird Rock Beach: This beach is located at the northern terminus of Main Beach, directly north of the City's lifeguard headquarters in Main Beach Park. The beach is predominantly

sandy with a large rock outcropping and reef area along its northern border that extends offshore to Bird Rock. The beach is backed by steep, undeveloped, natural bluff formations; a rock revetment exists along the top of the bluff in the northern portion of the beach (Exhibit 7).

Sleepy Hollow Beach: This beach is located approximately ½ mile south of Main Beach, and is accessed by a public stairway that extends down the bluff just south of the Legion Street signal on PCH. The beach is much narrower at this location compared to Main Beach to the north. The bluff face behind and adjacent to the access stairways at this location is developed with single and multi family residences and private access ways. Several of the residences extend to the beach sand (Exhibit 8).

Thaila Street Beach: This beach is located at the seaward terminus of Thaila Street and is accessed by a public stairway that extends down the bluff approximately 1,000 feet south of the Sleepy Hollow Beach stairway. This beach has a narrow profile similar to Sleepy Hollow Beach and a similar pattern of bluff face development including single family residences, private access ways and other accessory developments located along the bluff face that extend to the beach sand (Exhibit 9).

Oak Street Beach: This beach is located at the seaward terminus of Oak Street and is accessed by a public stairway that extends down the bluff approximately 500 feet south of the Thaila Beach stairway. This beach has a narrow profile similar to the described beaches located immediately north and a similar pattern of bluff face development including single family residences, private access ways and other accessory developments located along the bluff face that extend to the beach sand (Exhibit 10).

The City submitted an alternative project analysis that described the reasons why the proposed permanent tower option was selected and compared it to other options available. The City argues that the elevated chairs currently employed by the City provide no protection from the elements (specifically sun and wind) for the lifeguard staffing the towers, and that the elevated chairs as designed do not comply with CAL-OSHA and City safety requirements. Additionally the City contends that the elevated chairs need to be constantly readjusted due to shifting sand conditions at the subject sites. In the alternative project analysis report, the City describes that other temporary structure alternatives were investigated such as the temporary towers on skids that are used by other coastal municipalities in the region. These larger structures were deemed (by the City) inappropriate for the narrow beaches within Laguna Beach because access to many of the beaches in question are only available via steep, narrow public stairways that descend the bluffs. The permanent tower design selected by the City is of a smaller profile than other permanent towers constructed on beaches with similar constraints in San Diego County¹ (Exhibit 12).

Due to ambulatory changes to the high tide line, the locations of the proposed permanent towers on the narrow beaches of Laguna Beach may place them partially or entirely within the original jurisdiction of the Commission². This fact is further corroborated by the applicant's wave runup analysis which describes that the proposed towers would be subject to periodic wave uprush throughout the year.

Section 30601.3 authorizes the Commission to process a consolidated coastal development permit application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both

¹ Commission staff have been unable to identify a coastal development permit for these towers in San Diego County.

² For any future lifeguard towers the City should consult with Commission staff as to whether the Commission should process a coastal development permit for the proposed structure(s) or whether the structure(s) is/are within the City's LCP jurisdiction and such permits should be processed by the City itself.

the Commission and from a local government with a certified LCP. The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3, with the local government's certified LCP used as guidance.

The City, which is also the permit applicant, has requested the Commission to handle the appeals as consolidated permit applications in order to assure that the entirety of the proposed developments receives all necessary Coastal Act review and approvals. Handling the appeals as consolidated permit applications will not impair public participation.

B. Visual Resources

Section 30251 of the Coastal Act states, in part:

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 landforms, to be visually compatible with the character of surrounding areas,...

City of Laguna Beach certified LCP policies (included for guidance):

Open Space/Conservation Element Policy 1E: Prohibit the construction of buildings and other man-made structures on the sandy portion of the beach unless necessary for public health and safety.

Open Space/Conservation Element Policy 7A: Preserve to the maximum extent feasible the quality of public views from the hillsides and along the City's shoreline.

Land Use Element Policy 12-B Require building design which is compatible to and integrated with natural topographic features and preserve public views on the ocean and horizon by maintaining the low profile character of structures seaward of Pacific Coast Highway.

Land Use Element Policy 12-G Future land use planning shall be compatible with the goal of providing visual access. As a consequence, all new and ancillary facilities shall be located to protect the public viewshed. Where this is not feasible, new development shall be sited to maximize views from public location (i.e. roads, bluff top trails, visitor-serving facilities, etc.).

The coastline of Laguna Beach is unique compared to the other beaches stretching to the north and south in the Orange County region. While most coastal cities in Orange County can be described by long, wide, sandy beaches fronted by high levels of development, the City of Laguna Beach's coastline is characterized by prominent headlands, pocket beaches and small coves backed by steep wave-cut cliffs and coastal bluffs. Adding to the visual character of the area's physical setting is the limited amount of development that encroaches onto the shoreline specifically surrounding some of the smaller coves and more rugged sections of coastline.

The visual resources located within the City significantly contribute to its value to the beach visiting public. While some of the longer stretches of beach with shallower bluffs have significant levels of development extending down the bluff face often to the sand, many areas of relatively pristine rocky beaches and coves backed by undeveloped bluff faces are still available in their natural condition for the public.

Section 30251 of the Coastal Act protects the scenic qualities of the coast as important public resources. New development that degrades or is not compatible with existing conditions should not be permitted. The temporary lifeguard chairs employed historically by the City of Laguna Beach have an unobtrusive profile compared to the proposed permanent towers and therefore this new proposed development must be evaluated to ensure consistency with the Coastal Act. The temporary chairs used by the City currently are only present during the summer season, and their small scale does not significantly detract from the surrounding coastal scenic resources especially present on the City's undeveloped and smaller coves. Under current operations the temporary chairs are removed from City beaches during the off-season leaving unobstructed coastal views for beach visitors.

The steep bluffs and cliffs that surround Laguna Beach's coastline, while visually spectacular, also present challenges for the Marine Safety Department regarding public safety. Many City beaches are only accessible via narrow public stairways and experience increased levels of wave inundation due to their narrow profiles (see Public Access and Recreation Section below). These conditions make traditional temporary tower alternatives utilized by other Orange County coastal municipalities unavailable for Laguna Beach. The large wood or fiberglass towers on movable sleds that are prevalent on other regional beaches are too large and bulky to deploy on many of the beaches in Laguna Beach that have limited access. The City argues that because of this, permanent towers are the only feasible alternative that can provide the level of public safety required by the Marine Safety Department standards.

The highly variable and scenic coastline of Laguna Beach also makes evaluating the subject beaches together as a whole difficult, as it may produce an inaccurate and too generic level of review for the scenic resources that may be present at each individual beach. Therefore to describe the scenic character present at each subject beach an individual review is warranted describing the visual resources present at each subject beach and the impact that the proposed permanent tower may create.

Picnic Beach is the northernmost beach of the five proposed permanent towers and is located in a smaller cove approximately 700 feet in length. The cove is surrounded by steep, undeveloped coastal bluffs, and Heisler Park is located on the bluff top above (Exhibit 6). Native and non native vegetation comprise the flora communities present on the bluff. Of the five proposed tower locations, this beach represents the most natural and undisturbed setting, and presents a significant scenic value for beach users. Because of the visual resources present and the undeveloped character of the beach the proposed permanent lifeguard tower at this location would be out of character with the surrounding environment and would create a significant impact to the visual and scenic resources currently present. This cove is presently staffed during summer months by a temporary elevated chair that is removed during the off-season. The access to this cove via a paved ramp makes temporary alternatives more viable at this location with the advantage that any visual distraction created by the necessary lifeguard chair/tower is temporary and less visually obtrusive than the permanent towers proposed by the City.

Bird Rock Beach is characterized as a wider sandy beach backed by a steep coastal bluff with no existing bluff face development other than a rock revetment located along the toe of the bluff at the northern terminus of the beach. A rocky reef extends offshore to Bird Rock along the northern limits of the cove, and Main Beach is located directly south of the location (Exhibit 7). Native and non native vegetation comprise the flora communities present on the bluff. Heisler Park is located on the coastal blufftop above. Access to the beach is gained by walking directly north from Main Beach. Because of the visual resources present and the undeveloped character of the beach the proposed permanent lifeguard tower at this location would be out of character with the surrounding environment and would create a significant impact to the visual and scenic resources currently present. This cove is presently staffed during summer months by a temporary tower similar to the towers proposed by the City, but instead is mounted on a movable sled that is removed during the

off-season. The access to this cove via the wide sandy beach at Main Beach makes this temporary alternative viable at this location with the advantage that any visual distraction created by the necessary lifeguard tower is temporary and less visually obtrusive than the permanent towers proposed by the City. Since this option has been successfully employed by the City for the past several years no new information has been presented that suggests that this mode of operations cannot be continued at this site.

Sleepy Hollow Beach is located approximately ½ mile south of Main Beach. As the beach extends south from Main Beach it narrows significantly and the bluffs surrounding the beaches take on a more gradual character. This beach is accessed via a public stairway surrounded on both sides by private developments. The bluff at this beach possesses a significantly increased pattern of development when compared to other more natural coves and pocket beaches located in the City. Several large multi-family residential developments and supporting seawalls that extend to the sand are located directly south of the public stairway. Single family residences and associated private access ways occupy the bluff face to the north (Exhibit 8). The scenic resources present at this location include the upcoast and down coast views and of the beach and ocean itself. By siting the proposed permanent tower as landward as possible, and using a neutral color on the structure, the tower would blend in with the existing pattern of development present, and would not obstruct any public coastal views from the bluff above. Also because of limited access options available at this subject beach, and the public safety implications of not providing adequate lifeguard coverage for this area, a small permanent tower as proposed by the City could be considered for this location.

Thaila Street Beach is located at the seaward terminus of Thaila Street and is accessed by a public stairway that extends down the bluff approximately 1,000 feet south of the Sleepy Hollow Beach stairway. This beach has a narrow profile similar to other adjacent beaches. The bluff at this beach possesses a significantly increased pattern of development when compared to other more natural coves and pocket beaches located in the City. Single family residential developments and supporting seawalls that extend to the sand are located directly to the north and south of the public stairway (Exhibit 9). The scenic resources present at this location include the upcoast and down coast views and of the ocean itself. By siting the proposed permanent tower as landward as possible, and using a neutral color on the structure, the tower would blend in with the existing pattern of development present, and would not obstruct any coastal views from the bluff above. Also because of limited access options available at this subject beach, and the public safety implications of not providing adequate lifeguard coverage for this area, a small permanent tower as proposed by the City could be considered for this location.

Oak Street Beach is located at the seaward terminus of Oak Street and is accessed by a public stairway that extends down the bluff approximately 500 feet south of the Thalia Beach stairway. This beach has a narrow profile similar to other adjacent beaches. The bluff at this beach possesses a significantly increased pattern of development when compared to other more natural coves and pocket beaches located in the City. Single family residential developments and supporting seawalls that extend to the sand are located directly to the north and south of the public stairway (Exhibit 10). The scenic resources present at this location include the upcoast and down coast views and of the ocean itself. By siting the proposed permanent tower as landward as possible, and using a neutral color on the structure, the tower would blend in with the existing pattern of development present, and would not obstruct any coastal views from the bluff above. Also because of limited access options available at this subject beach, and the public safety implications of not providing adequate lifeguard coverage for this area, a small permanent tower as proposed by the City could be considered for this location.

However, it should also be noted that if temporary tower options exist that meet the requirements of the Marine Safety Department, that would also be able to be deployed via the limited accessways present at Sleepy Hollow, Thalia Street, and Oak Street beaches, then these options

should be investigated and applied where warranted in order to further minimize the visual impacts that a lifeguard tower structure would have on the visual resources present. The City should consider use of temporary lifeguard structures on any future sites they are considering, wherever they are feasible (Exhibit 13).

The development at the Sleepy Hollow, Thalia Street, and Oak Street beaches as proposed is designed to be compatible with the character and scale of existing development in the surrounding area. However, the proposed project raises concerns that future development of the project sites potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. For example, were the City to change the color of the proposed towers to anything other than the proposed neutral (beige) color, such change could adversely impact visual resources. The effects of other types of development also need to be considered. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 3**, which requires either an amendment or an additional coastal development permit from the Commission for any future improvements to the lifeguard towers not authorized by this permit.

The Commission recognizes the necessity of the proposed development for public safety purposes, and in the specific cases of the subject beaches located at Sleepy Hollow Beach, Thalia Street Beach and Oak Street Beach finds that the development as proposed is in character with the surrounding pattern of development at these specific locations. The proposed small scale permanent towers, when sited adjacent to the coastal bluff does not obstruct coastal views from the blufftop above. Therefore, the Commission finds that only as conditioned as described above, can the proposed development at Sleepy Hollow Beach (CDP No. A-5-LGB-08-049), Thalia Street Beach (CDP No. A-5-LGB-08-050) and Oak Street Beach (CDP No. A-5-LGB-08-051) be found consistent with the shoreline protection policies described in Section 30251 of the Coastal Act.

Conversely, the conditions found at Picnic Beach and Bird Rock Beach present a situation where other feasible, seasonal alternatives are available that would have a reduced impact on scenic and visual resources in the area. Both beaches are backed by steep undeveloped bluffs and are bounded by rocky promontories that produce a natural and undeveloped character at the subject beaches. Unstaffed permanent towers at these locations would create an unnecessary blight to an otherwise natural setting and therefore, temporary options should be applied. Due to the easier access available at both Picnic and Bird Rock Beaches the deployment and removal of temporary tower structures, as well as the required adjusting or stabilizing of the temporary structures due to sand shift is more feasible and therefore a viable alternative to the proposed permanent towers. Any proposed temporary tower alternatives other than the elevated chairs currently used by the City would also require a Coastal Development Permit from the Commission due to the location of the subject sites within the Commission's area of original jurisdiction as discussed previously.

The Commission recognizes the necessity of the proposed development for public safety purposes, however in the specific cases of the subject beaches located at Picnic Beach (CDP No. A-5-LGB-08-047), and Bird Rock Beach (CDP No. A-5-LGB-08-048) finds that the impacts on the existing natural character and scenic resources currently present have not been reduced to the maximum extent possible because feasible and less damaging alternatives that protect the visual resources present exist. Therefore, the Commission finds that the proposed development at Picnic Beach and Bird Rock Beach is not consistent with the shoreline protection policies described in Section 30251 of the Coastal Act and must be denied.

C. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act 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.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

City of Laguna Beach certified LCP policies (included for guidance):

Open Space/Conservation Element Policy 3A: Retain and improve existing public beach accessways in the City, and protect and enhance the public rights to use the dry sand beaches of the City.

The proposed permanent lifeguard towers represent potential conflicts with the public access and recreation policies of the Coastal Act. Because of their location on the public beach, the proposed project raises concerns relating to the public's ability to use the sandy beach for recreational purposes. Typically, the use of sandy beach areas for structures or other improvements is not considered appropriate because of the importance of preserving beach area for access and recreational uses. In addition, constructing structures on the beach increases the possibility that shoreline protection will eventually be sought for the structures, which could further infringe on access and recreation opportunities (addressed previously in the Hazards Section). While the Commission certainly recognizes the important function of a lifeguard tower for the beach-going public, the structures must be designed to reduce impacts on public access.

The subject beaches in which the proposed structures would be located are narrow particularly during the winter when beach sands move offshore and also during extreme high tide events. These structures would be placed within the narrow band of drier sandy beach, which the public uses for lateral access along the shoreline. During the summer months temporary elevated chairs or towers mounted on portable sleds currently occupy these locations and produce similar impacts to lateral access as those that would be imposed by the proposed permanent towers. However, during the off-season these new permanent towers would create an impediment to public lateral access along the shoreline that is currently not present because the existing elevated chairs are removed, while the proposed towers would remain in place.

The tower design selected by the Marine Safety Department of Laguna Beach for the proposed project represents a smaller alternative than other permanent towers located on select beaches in Southern California (Exhibit 12). The proposed towers have a 6' x 8' structure footprint and a structure height of 9' 9" that would be placed on a caisson and elevated approximately 5' above the sand. The City proposes to site the lifeguard towers as far landward as possible, directly adjacent to the coastal bluffs that front the subject beaches. Even sited in this landward location there may be times throughout the year when increased storm surge, high seasonal tides, or sand loss create a situation where the permanent towers lie directly in the only path to lateral access available for the public along the beach. During these limited events the towers may be an impediment to access but would not completely prohibit public access along the beach. During periods that the towers would be subject to wave uprush, the entire beach itself would be flooded creating a greater hindrance to public access than the proposed towers themselves.

Several of the subject beaches are accessed via steep, narrow public stairways down the bluff face making the deployment of temporary towers difficult. This condition is relevant to the proposed permanent tower locations at Sleepy Hollow Beach, Thalia Street Beach and Oak Street Beach. Presently the Marine Safety Department delivers the temporary elevated chairs utilized at the locations via a truck that is able to access these sites only during periods of ideal low tides coupled with small surf events by driving along the wet sand; however the majority of the time the chairs are hauled down the narrow stairs for deployment because conditions don't allow deployment any other way (Exhibits 8, 9 and 10). As mentioned in the Hazards Section below these narrow beaches are subject to shifting sand conditions caused by shoreline processes making the current temporary chairs often unstable and in need of frequent adjustment and stabilization, a condition exacerbated by the limited access available. At these specific beaches the small, permanent towers proposed by the City are an appropriate alternative when sited in a location as landward as possible due to the lack of other feasible alternates. However, it should also be noted that if temporary tower options exist that present a greater level of stability and/or ease in adjusting while providing a safe and protective platform for the lifeguard staff to operate from, that would also be able to be deployed via the limited accessways present at the subject beaches, then these options should be investigated and applied where warranted.

The Commission recognizes that lifeguard towers are necessary at highly utilized beaches for public safety purposes, and in the specific cases of the subject beaches located at Sleepy Hollow Beach, Thalia Street Beach and Oak Street Beach finds that there would be no impacts on shoreline sand supply and public access impacts have been reduced to the maximum extent possible through appropriate siting and a minimized design profile. Therefore, the Commission finds that only as conditioned as described above, can the proposed development at Sleepy Hollow Beach (CDP No. A-5-LGB-08-049), Thalia Street Beach (CDP No. A-5-LGB-08-050) and Oak Street Beach (CDP No. A-5-LGB-08-051) be found consistent with the shoreline protection policies described in Sections 30210, 30211, 30213, and 30221 of the Coastal Act.

Conversely, the conditions found at Picnic Beach and Bird Rock Beach present a situation where other feasible and less permanent alternatives are available that would have a reduced impact on public access in the area. Bird Rock Beach is located at the northern terminus of Main Beach, directly adjacent to the City's main lifeguard station. The beach is wider in this location, and due to the short distance to the main station and the easier access available, a lifeguard tower similar to the proposed towers has been deployed at this beach on a sled that is dragged into location with a truck, and during the off-season the tower has been removed and stored at an upland location (Exhibit 11). The City has utilized this deployment option over the last few years, and no new information has been presented which would make it any less feasible to continue this procedure into the future at this location. Picnic Beach has a paved ramp that extends down the bluff to the sand from Heisler Park above (Exhibit 6). The ramp allows for much easier seasonal deployment and removal of temporary tower alternatives than the narrow steep stairways discussed previously, and therefore is not limited to only the option of installing a permanent tower. Due to the easier

access available at both Picnic and Bird Rock Beaches the deployment and removal of temporary tower structures, as well as the required adjusting or stabilizing of the temporary structures due to sand shift is more feasible and therefore a viable alternative to the proposed permanent towers.

The Commission recognizes that lifeguard towers are necessary at highly utilized beaches for public safety purposes, however in the specific cases of the subject beaches located at Picnic Beach (CDP No. A-5-LGB-08-047), and Bird Rock Beach (CDP No. A-5-LGB-08-048) finds that the impacts on public access and recreation have not been reduced to the maximum extent possible because feasible and less damaging alternatives to public access and recreation exist. Therefore, the Commission finds that the proposed development at Picnic Beach and Bird Rock Beach is not consistent with the shoreline protection policies described in Sections 30210, 30211, 30213, and 30221 of the Coastal Act and must be denied.

D. Hazards

Section 30235 of the Coastal Act states:

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 erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

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.*

City of Laguna Beach certified LCP policies (included for guidance):

Open Space/Conservation Element Policy 10A: Require that plan review procedures recognize and avoid geologically unstable area, flood-prone lands, and slopes subject to erosion and slippage.

In general, new development cannot be found consistent with the geologic hazards and public recreation policies of the Coastal Act if it would require the construction of shoreline protection devices of any form that would impact public beach access and recreation. Specifically, new development should not require the construction of shoreline protective devices on a public beach.

There are several ways in which any permissible structure on a beach can have an adverse impact on coastal resources. The structure could directly interfere with public access by occupying sandy beach area that would otherwise be available to public use. The structure could also have adverse effects on sand supply by altering natural shoreline processes leading to increased erosion and beach scour.

The City of Laguna Beach is not proposing a seawall or other protective device for the proposed lifeguard towers. Rather the permanent towers would each be mounted on top of a single 36 inch diameter caisson anchored into the existing bedrock below the beach sand. The proposed towers would be located as landward as possible and directly below the steep bluffs that front the subject sites. The wave runoff study provided by the City indicates that the proposed sites are subject to

periodic wave runup from storm generated waves throughout the year, and recommends that founding the proposed towers on a pile/caisson in bedrock and raising the actual tower structure above potential flood elevations would eliminate the hazards associated with wave runup. The report also concludes that the single caisson support system would be of a small enough profile to allow for natural wave runup flow to occur in the area of the tower and not impact beach erosion processes provided that the tower structure itself is elevated a minimum of 2.5 feet above the beach. The Commission's coastal engineer has reviewed the proposed project and associated geotechnical and wave runup reports and concurs with the conclusions discussed previously.

The referenced geotechnical and wave runup reports indicate that the suggested life of the proposed towers is 25 years. During the lifetime of the structures it is unlikely that changes to the beach conditions due to sea level rise or other unforeseen events would result in changes so drastic as to require shoreline protection in order to maintain the proposed towers. If however beach conditions were to change so significantly to where the stability of the structure would be threatened the structure should be relocated and/or removed. **Special Condition 2** requires the City to waive all rights to construct shoreline protection for any of the proposed towers.

The geotechnical consultant has found that the subject sites are suitable for the proposed development provided the recommendations contained in the geotechnical information prepared by the consultant are implemented in design and construction of the project. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval, **Special Condition 4** requires the applicant to submit plans, including grading and foundation plans, indicating that the recommendations contained in the aforementioned geotechnical report have been incorporated into the design of the proposed project.

Although adherence to the geotechnical consultant's recommendations will minimize the risk of damage from wave runup and erosion, the risk is not eliminated entirely. The site is located on a sandy beach and exposed to the ocean, which is inherently hazardous. Given that the applicant has chosen to implement the project despite potential risks from wave attack, flooding, and erosion the applicant must assume the risks. Therefore, the Commission imposes **Special Condition 1** requiring the applicant to assume the risk of the development. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards.

The structures have been sized and located appropriately to maximize effectiveness while minimizing impacts to public access, recreation and shoreline sand supply. As proposed and conditioned the towers would not require or result in additional beach encroachment in the future for shoreline protection. Therefore, the Commission finds that only as conditioned as described above, can the proposed development be found consistent with the shoreline protection policies described in Sections 30235 and 30253 of the Coastal Act.

E. Water Quality

Section 30230 of the Coastal Act 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 that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act 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.

Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters be maintained and restored by controlling polluted runoff.

The proposed lifeguard towers would be located directly on the sandy beach. There is the potential for construction and post-construction impacts to water quality. Pollutants such as sediments, toxic substances (e.g. grease, motor oil, heavy metals, and pesticides), bacteria, trash and particulate debris are often contained within urban runoff entering via the storm water system or directly into the ocean. The discharge of polluted runoff into the ocean would have significant adverse impacts on the overall water quality of the ocean.

Construction activities may have an adverse effect on water quality in a number of ways. The storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide or wind would result in adverse impacts on the marine environment that would reduce the biological productivity of coastal waters. For example, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery not designed for use in the marine environment may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction related impacts upon marine resources, **Special Condition 5** outlines construction related requirements to provide for the safe use and storage of construction materials and the safe disposal of construction debris.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. As conditioned to comply with construction related requirements, the disposal of all debris at an approved disposal site, and the incorporation and maintenance of Best management Practices during and after construction the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development at Sleepy Hollow Beach (CDP No. A-5-LGB-08-049), Thalia Street Beach (CDP No. A-5-LGB-08-050) and Oak Street Beach (CDP No. A-5-LGB-08-051) has been conditioned to assure that the project will not have a significant adverse impact on coastal resources. The proposed development at Sleepy Hollow Beach, Thalia Street Beach and Oak Street Beach, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project at these specific locations is consistent with CEQA and the policies of the Coastal Act.

As specifically discussed in the preceding findings the proposed development at Picnic Beach and Bird Rock Beach will result in significant environmental impacts. There are less environmentally damaging feasible alternatives to the project as proposed to avoid or substantially lessen adverse impacts that the project will cause to the environment. Alternative temporary structures and operation procedures would lessen the environmental impact of the proposed project on coastal resources at these specific locations. Therefore, the Commission denies the permit application at Picnic Beach (CDP No. A-5-LGB-08-047) and Bird Rock Beach (CDP No. A-5-LGB-08-048) on the grounds that the proposed development is inconsistent with CEQA and the policies of the Coastal Act.

[Click here to go to the exhibits.](#)