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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-18-0794**
Applicant:	**Luis Armona**
Agent:	**Carlos Losada**
Location:	16457-16459 24th Street, Sunset Beach Community Huntington Beach, Orange County (APN: 178-513-22)
Project Description:	Demolition of a residential duplex and construction of a three story, 35 feet high (as measured from centerline of frontage road), 5,060 square foot residential duplex (2,530 square feet of living space per unit), with two attached, 330 square feet, two-car garages, and 587 square foot roof deck with stairwell access.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The proposed development will occur on an inland (not ocean or harbor front) lot in the Sunset Beach area of the City of Huntington Beach. Although the lot is an inland lot, the Coastal Hazards Analysis prepared for the project as well as current best available sea level rise science indicate that the site may become threatened prior to the end of its expected 75 year life. Under the Medium-High Risk aversion scenario, the structure may become threatened by coastal hazards at about year 2085. For this reason, staff is recommending **Special Condition No. 2** which requires that adaptation measures to be applied to the proposed development include the requirement to remove the proposed structure if it becomes threatened by coastal hazards and that no future shoreline protection device be allowed to protect the structure.

The proposed project would also create new garage access from 24th Street, resulting in loss of up to three on-street public parking spaces when considered together with the adjacent project currently proposed by the same applicant (5-18-0793, Armona). However, as proposed, the on-street area in front of the proposed site and the neighboring site (subject to 5-18-0793, Armona) will still provide space to allow one on-street parking space to remain (see Exhibit 3). Staff is recommending **Special Condition No. 1** to assure that the area will remain unobstructed and available for on-street public parking.

Staff is recommending **approval** of the proposed coastal development permit with **five (5)** special conditions. The special conditions are require: 1) Preservation of On-Street Public Parking; 2) No Future Shoreline Protection Device; 3) Submittal of a Water Quality Drainage Plan; 4) Assumption of Risk, Waiver of Liability and Indemnity; and, 5) Recordation of a Deed Restriction.

The applicant is in agreement with the staff recommendation, including all recommended special conditions.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-18-0794 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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 and 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. 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.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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. **Interpretation.** Any questions of intent of 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

This permit is granted subject to the following special conditions:

1. **Public On-Street Parking Preservation.**
Consistent with the applicant's proposal, the applicant shall limit the width of the 24th Street garage access/driveway, including any driveway apron, to no more than twenty (20) feet in width as necessary to maintain an unobstructed public on-street parking area of not less than ten (10) feet from the southwestern edge of the driveway at the 24th Street property line to the extension of the property line separating the subject site from the property at 16457 24th Street (subject of Coastal Development Permit No. 5-18-0794, Armona). No development on the subject property shall be allowed to obstruct and/or interfere with public on-street parking within the above described area and as depicted on Exhibit 3 attached to this staff report.

2. No Future Shoreline Protective Device.

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all other successors and assigns, that no shoreline protective device(s) shall be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-18-0793 including, but not limited to, the residence, garage, foundations, and any future improvements, in the event that the development is threatened with damage or destruction from flooding, waves, erosion, storm conditions, sea level rise, or other natural hazards in the future. By acceptance of this permit, the applicant acknowledges that the project is new construction for which there is no right to construct shoreline protective devices, and hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, foundations, and hardscape if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above.

C. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and/or ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the beach and Pacific Ocean.

3. **Water Quality Drainage Plan.**
   A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised drainage plans, depicting water quality measures to be incorporated into the project to retain drainage on-site and/or filter site drainage prior to leaving the site. These measures may include: providing permeable area(s) on-site; directing site drainage, including roof downspouts, to permeable area(s) and/or filtration devices; directing site drainage, including roof downspouts, to: bottomless trench drains within perimeter yard areas and/or across driveways, through perforated pipes prior to leaving the site, and/or to bottomless percolation basins on-site.

   B. The revised drainage plan shall be prepared and certified by a licensed professional(s) (e.g., architect, surveyor, civil engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.

   C. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **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 including, but not limited to, erosion, flooding, wave uprush, and sea level rise; (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.

5. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part,

modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant is proposing to demolish a residential duplex and construct a three story, 35 feet high (as measured from centerline of frontage road), 5,060 square foot residential duplex (2,530 square feet of living space per unit), with two attached, 330 square feet, two-car garages, and 587 square foot roof deck with stairwell access. One garage will take access from 24th Street and the second will take access from the alley at the rear of the subject site.

The subject site is located at 16457-16459 24th Street in the Sunset Beach community of the City of Huntington Beach, Orange County **(Exhibit 1, Vicinity Map)**. Sunset Beach is located on a low-lying, relatively narrow strip of land between two water bodies – with the ocean to the southwest side and Huntington Harbour to the northeast. The project is located within an existing urban residential area, on an interior (non-waterfront) lot located in the area between Pacific Coast Highway and the beach-front residential development located on South Pacific Avenue.

Sunset Beach is an area that was formerly unincorporated Orange County area. Under the County's jurisdiction, Sunset Beach was subject to a certified Local Coastal Program (LCP). The former County LCP for the area was effectively certified in 1982 and last updated in 1992. However, in August 2011, Sunset Beach was annexed by the City of Huntington Beach, resulting in the lapse of a certified LCP for Sunset Beach. The Sunset Beach area has not yet been incorporated into the City of Huntington Beach LCP. Therefore, the Commission is the permit-issuing entity for the proposed project and the Chapter 3 policies of the Coastal Act are the standard of review. The County's previously certified Sunset Beach LCP may be used as guidance; however, it should be noted that the previously certified LCP was last reviewed by the Coastal Commission almost thirty years ago and did not adequately address a number of issues of current concern including appropriate development setbacks from the seaward property line of beachfronting lots and sea level rise concerns, which are likely to be a significant issue in the new LCP, given the high degree of sea level rise vulnerability in the area.

There is a public parking area located on either side of the "greenbelt" located just steps from the subject site and about 100 feet from the sandy public beach (See Exhibit 1). However, there is otherwise very limited on-street parking in Sunset Beach to serve public beach-goers and visitors to the harbor. During peak use periods, the parking demand exceeds the supply. This especially affects public use of Sunset Beach's public beach, which tends to be under-utilized compared to Bolsa Chica State Beach and Huntington City and State beaches, located just downcoast. The downcoast beaches are adjacent to large public parking lots. Both the beach and harbor are great visitor destinations, especially in the summer. During the peak use periods, the lack of parking can interfere with public access when visitors cannot find an available space to park.

The City has adopted equivalent land use and zoning designations for the site as those set forth in the former Orange County LCP for Sunset Beach. However, the Commission has not yet certified land use designations or zoning for the Sunset Beach area since it was annexed into the City.

Nevertheless, it is worth noting that the proposed project (a residential duplex) is consistent with many of the development standards that would have been applicable to the proposed project under the old Sunset Beach LCP. The old LCP designated the site *Sunset Beach Residential – High Density*. The proposed residential duplex is consistent with this designation. The project meets the old LCP's height restriction of 35 feet for the *Sunset Beach Residential* zone, which is also the City's current height limit. In addition, the design of the proposed duplex is consistent with existing surrounding residential development along 24th Street in Sunset Beach.

The subject site is currently developed with one residential duplex. Under the City's zoning, all residential lots in Sunset Beach are allowed up to two residential units when all other zoning requirements are also met, such as the required provision of two parking spaces per unit. The Commission has approved a number of residential duplexes in this area of Sunset Beach.

B. HAZARDS

Coastal Act Section 30253 states, in pertinent part:

> *New Development shall do all of the following:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
> *(b) 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.*

Due to its low-lying location between the oceanfront and the harbor, an inherently dynamic and potentially hazardous area, the project site must be examined for the potential for erosion, flooding, wave attack and wave runup hazards, including consideration of potential impacts due to severe storm events. Moreover, these hazards may be exacerbated by expected future sea level rise, which must also be considered. In this geographic area, the main concerns raised by development are potential exposure of the proposed development to coastal flood and/or erosion hazards and whether future hazardous conditions (including the possibility of flooding from either the beach or harbor) might eventually lead to a request to build a shoreline protection device to protect the proposed development. Flooding from the harbor inland of the subject site may actually occur earlier than beach flooding and erosion from the ocean. This inland flooding could impact roadways and other infrastructure, limiting access to the residences and damaging necessary public services. Although development currently exists between the subject site and the ocean and harbor, sea level rise models suggest the site will likely become at risk within the expected 75-year life of the proposed duplex. To address questions raised by these issues, the applicant's coastal engineer provided a Coastal Hazard Analysis (Streamlinewest, October 2018).

The Sunset Beach community, where the subject site is located, has historically been subject to flooding and damage resulting from wave action during storm conditions, as well as flooding from the harbor area during high tides, which worsens under storm conditions. Past occurrences of ocean flooding and storms have resulted in public costs for public service (including the USACE led

periodic beach replenishment program that is on-going for more than 50 years; annual construction of a seasonal berm across the beach, originally constructed by the County, and now by the City of Huntington Beach) in the millions of dollars. Specifically, the El Nino storms of 1982/83 caused significant damage in both Sunset Beach and neighboring Surfside, both from the ocean and from flooding of the harbor. Indeed, it was the damage resulting from this storm that resulted in annual construction of the seasonal berm across Sunset Beach. Moreover, flooding of areas along Pacific Coast Highway from Huntington Harbour occurs in Sunset Beach now with extreme high tides. This flooding is worsened when high tides occur together with storm activity. Moreover, USGS CoSMoS, the best available regional sea level rise modeling tool, shows that the subject site and surrounding area may be significantly impacted by future sea level rise (see **Exhibit 2**) and related flooding. Impacts due to expected future sea level rise flooding will be worse when storm activity is also factored in. Public costs are incurred with each incident, including for pumping flooded areas, clearing blocked storm drains, and clean up.

Sea Level Rise

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century, but since 1990 the rate has more than doubled, and the rate of sea level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years.[1] Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, the best available science demonstrates that the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released *Rising Seas in California: An Update on Sea-Level Rise Science*.[2] This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC's *State of California Sea-Level Rise Guidance 2018 Update*.[3] This Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California. The updated projections in

[1] http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf

[2] Griggs, G, Árvai, J, Cayan, D, DeConto, R, Fox, J, Fricker, HA, Kopp, RE, Tebaldi, C, Whiteman, EA (California Ocean Protection Council Science Advisory Team Working Group). Rising Seas in California: An Update on Sea-Level Rise Science. California Ocean Science Trust, April 2017.

[3] OPC State of California Sea-Level Rise Guidance, 2018 Update: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

the 2017 Rising Seas report and the 2018 OPC Guidance suggest sea levels could rise between 2.1 and 6.7 feet by 2100 at the Los Angeles tide gauge[4], depending on future greenhouse gas emissions. The OPC Guidance recommends that development of only moderate adaptive capacity, including residential development, use the high end of this range, 6.7 feet, to inform decisions regarding development. The updated Rising Seas science report and OPC Guidance also include an extreme scenario (termed the "H++" scenario) of 9.9 feet of sea level rise by 2100 based on recent modelling efforts that look at possible sea level rise associated with rapid ice sheet loss. These projections and recommendations are incorporated into the 2018 update of the Coastal Commission Sea Level Rise Policy Guidance[5].

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, which will result in increased flooding, erosion, and storm impacts to coastal areas. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea level rise will result in a 40 cm landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as a seawall, an increase in sea level will increase the inundation of the structure. More of the structure will be inundated or underwater than is inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently. Accompanying this rise in sea level will be an increase in wave heights and wave energy. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

Rising sea levels are exacerbating and will continue to intensify hazards along the shoreline, including inundation, storm flooding, erosion, saltwater intrusion into aquifers, and liquefaction. Some shoreline development will experience increasingly hazardous conditions over time; therefore, to ensure safety and structural integrity consistent with Section 30253 of the Coastal Act, development must be sited and designed in such a way that takes into account the anticipated impacts of sea level rise over the full time span of its economic life. Changing conditions could also alter the anticipated impacts of the development upon coastal resources. In particular, coastal

[4] The OPC Guidance provides sea level rise projections for 12 California tide gauges, and recommends using the projections from the tide gauge closest to the project site. The projections for the LA tide gauge can be found on page 72 of the OPC Guidance.

[5] https://www.coastal.ca.gov/climate/slrguidance.html

resources such as beaches and wetlands that are located just inland of the sea could disappear if they are squeezed between rising sea levels and a fixed line of development on the shoreline, thus impacting public access, recreation, visual, and other coastal resources. Therefore, to be consistent with the Chapter 3 policies of the Coastal Act, proposed development must be sited, designed, and conditioned in such a way that considers the impact of the development upon coastal resources over its full economic life, avoiding and mitigating those impacts as appropriate.

Adverse Coastal Impacts Due to Shoreline Protection Devices

The Coastal Act discourages shoreline protection devices because they generally cause significant impacts on coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. This is expected to be exacerbated with future sea level rise. Adverse impacts associated with shoreline protection devices include: as a sandy beach erodes, the shoreline will generally migrate landward, toward the structure, resulting in reduction and/or loss of public beach area and in some cases, public trust lands, while the landward extent of the beach does not increase; oftentimes the protective structure is placed on public land rather than on the private property it is intended to protect, resulting in physical loss of beach area formerly available to the general public; the shoreline protection device may actually increase the rate of loss of beach due to wave deflection and/or scouring (this is site-specific and varies depending on local factors); shoreline protection devices cause visual impacts and can detract from a natural beach experience, adversely impacting public views; and, shoreline protection devices can lead to loss of ecosystem services, loss of habitat, and reduction in biodiversity compared to natural beaches.[6] All of these impacts are likely to occur as a result of a shoreline protection device being constructed at this beach (Sunset Beach, which is about 200 feet from the subject site). Although the subject site is not a beachfront site, with expected sea level rise and related erosion and flooding, the area between the subject site and ocean waters is expected to narrow with time. Likewise, flooding from the harbor is expected to approach the subject site more and more in the future, raising the question of potential impacts to the subject site due to these coastal hazards, which in turn raises the question of a possible request for future shoreline protection at the site.

Shoreline protective devices, by their very nature, tend to conflict with various LCP and Chapter 3 policies because shoreline structures can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Because shoreline protection devices, such as seawalls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically prohibits development that could *"…create [or] 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."*[7]

In order to avoid the adverse impacts of shoreline protection devices (described above), it is important to assure that new development (such as demolition of an existing structure and construction of a new structure, as is being proposed here) not be permitted shoreline protection to

[6] Summarized from http://www.beachapedia.org/Seawalls

[7] However, section 30235 of the Coastal Act recognizes that "existing" development may be protected by a shoreline protective device subject to certain conditions. Section 30235 does not apply here because the proposed project is plainly new development.

the extent such shoreline protection would be inconsistent with Coastal Act Chapter 3 coastal resource policies. If it is known that the development requires shoreline protection, it would be unlikely that such development could be found to be consistent with Section 30253 of the Coastal Act which, as stated above, requires that new development not *create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area,* given the well-known coastal resource impacts that shoreline protection typically causes.

Public Costs/Loss of Public Beach/Impacts to Public Trust Lands
Requests for shoreline protection devices are common when development is threatened by erosion, flooding, and storm activity. From a public access perspective, a major concern with shoreline protection is the threat of lost public beach area. As the beach erodes, the shoreline retreats landward toward developed areas. Shoreline protection devices also directly interfere with public access to tidelands by impeding the ambulatory nature of the boundary between public and private lands. The impact of a shoreline protection device on public access is most evident on a beach where wave run-up and the mean high tide line are frequently observed in an extreme landward position during the winter season. As the shoreline retreats landward due to the natural process of erosion, the boundary between public and private land also retreats landward. Construction of shoreline protection such as rock revetments and seawalls to protect private property would prevent any current or future migration of the shoreline landward, thus eliminating the distance between the high water mark and low water mark. As the distance between the high water mark and low water mark narrows or disappears, the seawall effectively eliminates lateral access opportunities along the beach as the entire area below the fixed high tideline becomes inundated. The ultimate result of a fixed tideline boundary (which would otherwise normally migrate and retreat landward, while maintaining a passable distance between the high water mark and low water mark overtime) is a reduction or elimination of the area of sandy beach available for public access and recreation.

Interference by shoreline protection devices can result in a number of adverse effects on the dynamic shoreline system and the public's ability to access the beach. First, changes in the shoreline profile, particularly changes in the slope of the profile which results from a reduced beach berm width, alter the usable beach area. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This narrows the beach area available for public access. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the nearshore sand 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. This affects public access again through a loss of beach area. Third, shoreline protection devices such as revetments, seawalls, and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. In addition, if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protection device on the subject site, then the beach would also accrete at a slower rate, if at all. Fourth, if not sited landward in a location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate wave energy. Moreover, even when shoreline protection is not present, the placement of structures along an eroding shoreline can impact beach areas and public trust lands. As the shoreline migrates inland, structures may become located on beach areas and/or public trust lands, occupying land that would otherwise be available

for public access, ecosystem services and other coastal resource benefits. In this case, the subject site is not currently located adjacent to the public sandy beach. But with sea level rise the location of the beach may well move inland, towards the subject site. Even though development is currently present between the site and the beach, that may not be the case in the future.

Coastal hazards and shoreline protective devices also raise public trust concerns. The common law public trust doctrine protects the public's right to access tidelands, submerged lands, and navigable waters, which the State holds in trust for the public's use and enjoyment. This doctrine is enshrined in California's Constitution, which provides in Article X, section 4, that no individual may "exclude the right of way" to any "frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State." Cal. Const. Art. X, Sec. 4. The Constitution further directs the Legislature to enact laws that give the most "liberal construction" to Article X, section 4, so that access to navigable waters of the State "shall be always attainable for the people."

As discussed above, future sea level rise will cause the landward migration of the intersection of the ocean with the shore and, thus, the tidelands and submerged lands that are public trust resources. To the extent that shoreline protective devices contribute to erosion and blockage of the natural inland migration of the beach and shoreline, and thus result in the loss of natural beaches that allow the public to access tidelands and submerged lands, their construction is also inconsistent with the State's obligation to protect the public's right to access these areas. Knowing, as we do, that our understanding of how fast and how severe sea level rise will occur, and the precise impacts on particular coastal areas, is an evolving area of scientific inquiry, the Coastal Commission must act conservatively to manage public trust resources in a way that will protect them for future generations. For this additional reason, the Coastal Commission is unlikely to approve proposals for new development that require shoreline protective devices, as their construction threatens public trust resources managed by the Coastal Commission.

Moreover, private residential uses are not public trust uses and the existence of private residential uses, such as the proposed project, on future public trust lands likely would conflict with the public's right to use and enjoy such lands. In addition, private development on public beaches creates conflicts with the public access and recreation policies of the Coastal Act. Thus, the Commission's action on this project must consider the effects on loss of public beach, public trust lands, natural shoreline processes, loss of ecosystem services, and public access under current conditions, and under future conditions, when it is likely that the sandy beach shoreline currently located about 200 feet seaward of the subject site may erode and move inland, up to or past the subject site, and/or that flooding from the harbor, currently located approximately 600 feet inland, may result in inundation of the subject site. Rather than contemplate shoreline protection devices to protect new development in the future, current development proposals must consider adaptation measures that could be implemented should development become threatened.

Site-Specific Evaluation

In order to evaluate whether the proposed development would be consistent with Coastal Act Section 30253's requirement to minimize hazards, the applicant has submitted a Coastal Hazards Analysis, prepared by Streamlinewest, dated October 2018 (Study)[8]. The Study concludes:

[8] One Coastal Hazards Analysis was prepared for the development proposed under CDP Applications 5-18-0793 at 16461 24th Street and 5-18-0794 at 16457-16459 24th Street. This is appropriate as these sites are immediately adjacent to each other and owned by the same applicant.

> *Due to the relatively low lying (near sea level) nature of the site and surrounding area, future sea level rise should be monitored for impacts and flooding that could affect the area. According to the Ocean Protection Council State of California Sea-Level Rise Guidance, 2018 Update, SLR will not affect the subject sites within their design lives (75 years) if the more likely Low Risk Aversion projection (including high emission rates) occurs. However, the less likely Medium-High Risk aversion (assuming high emissions) scenario (0.5% probability) does begin to affect the lower level of the residences but only towards the end of the structures design lives (2083 and 2085) and only during a 100 year flood event (1% probability). Since the properties are not along the waterfront, the potential future impact for the less likely SLR scenarios would be flooding of the site with debris displacement and localized erosion as flood waters surge and recede. In order to protect the owner's investments at the sites, the actual rate of sea level rise should be monitored. Since most of the surrounding area including residences and streets will become affected prior to the subject site's improvements, adaptations to address SLR will need to be coordinated for the whole area. Alternative adaptation strategies could include raising the waterfront or installing levies to above flood levels to create barriers, raising the entire area or, for the most severe rates of SLR, planned retreat may become the only viable alternative.*

The Study finds that applying the Low Risk aversion projection figures, the subject site is considered safe over the expected 75 year life of the proposed development. However, if the Medium-High Risk aversion figures are applied, the site is only expected to be safe for roughly 65 years, 10 years short of the 75 year expected life of the development. The 2018 OPC Guidance and 2018 Coastal Commission Sea Level Rise Policy Guidance, which contain the current best available science on sea level rise, provide that residential structures, such as the proposed development, should examine the sea level rise projections associated with Medium-High risk aversion. Thus, applying the best available science standard, the proposed development may be threatened prior to its expected 75 year life. In addition, the updated Rising Seas science report and OPC Guidance also recognize the possibility of an extreme scenario (termed the "H++" scenario) of 9.9 feet of sea level rise by 2100 associated with possible future rapid ice sheet loss. The Study recommends that sea level rise and its potential impacts to the proposed development continue to be monitored. The Study further recognizes that planned retreat may become a viable future option should the site and structure become threatened.

In this case, because with future sea level rise, the subject site may be threatened from both the harbor side as well as the ocean side, consideration of impacts due to protecting the proposed development must be considered not just from the ocean, but from the harbor as well. If the site is threatened by coastal hazards from the harbor side of development, as exacerbated by expected future sea level rise, then impacts will have also occurred to Pacific Coast Highway and the surrounding streets, including 24th Street where the subject site is located. This will disrupt the ability of the site to be accessed by essential services such as access by public roads and the ability to be served by public infrastructure in the normal manner. The Study states: "*Since most of the surrounding area including residences and streets will become affected prior to the subject site's, adaptations to address SLR will need to be coordinated for the whole area.*" Moreover, the flooding that may be likely at the site with future sea level rise may mean the subject site is no longer located on private property due to the migration of the public trust boundary.

Because the best available science indicates the proposed development will be threatened by coastal hazards as a result of sea level rise towards the end of its 75 year life, under section 30253, the Commission may not approve the project unless it finds: 1) the project does not create or significantly contribute to erosion, geological instability, or destruction of the site or surrounding area (section 30253(b)), 2) the project assures stability and structural integrity (section 30253(b)), and 3) the project minimizes "risks to life and property" in areas of high flood hazard (section 30253(a)).

No Shoreline Protection

As discussed above, an important concern under section 30253 is the potential need for shoreline protection to protect against coastal hazards related to sea level rise, because shoreline protective devices typically conflict with section 30253(b)'s prohibition on new development that either creates or contributes significantly to erosion or destruction of a site. Here, the applicant has not proposed to construct a shoreline protection device and no shoreline protection would be authorized by this permit; however, nothing would prevent the applicant from requesting a shoreline protection device at some point in the future. Therefore, because of the numerous adverse impacts to coastal resources caused by shoreline protective devices (discussed above), which are relevant to this project, to comply with section 30253's prohibition on creating or significantly contributing to erosion and destruction of the site, it must be clear that, as new development, the development approved by this permit is not entitled to a shoreline protection device now or in the future. Therefore, **Special Condition 2** is imposed to require the applicant to acknowledge that, as new development, the applicant has no right to a shoreline protective device for the project and, in fact, no future shoreline protective device will be constructed on site to protect the proposed development.

Removal if Development is Threatened

Given that coastal hazards may impact the proposed development to some extent towards the end of its economic life as a result of sea level rise, the Commission must also find that the project assures stability and structural integrity and minimizes "risks to life and property" in an area of high flood hazard without a shoreline protective device. Section 30253 does not prohibit development in a potentially hazardous area; rather, an applicant must demonstrate that risks to life and property are minimized. Here, it is important to note that the site is not currently threatened by coastal hazards and is unlikely to be for many years, and has been designed to be stable and structurally sound under current conditions.

However, as discussed, the best available science indicates that sea level rise is occurring and coastal hazards may threaten the project site to some extent towards the end of its economic life, although there are uncertainties inherent in predicting exactly how and when the impacts discussed above will occur. Due to increasing coastal hazards in this area, the proposed development may become unstable at some point, posing risks to property and even life, and a shoreline protective device would not be an option for protecting the structure from coastal hazards. If, however, the new development were to be removed if threatened, rather than protected by a shoreline protection device, the proposed development may be found to be consistent with the Coastal Act hazards policies, because the structurally unsound or unsafe development would be removed, minimizing risks to property and life.

Therefore, the Commission imposes **Special Condition 2**, which requires the landowner to remove the development if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning; or (e) the development would require a shoreline protective device to prevent a-d above. **Special Condition 2** requires that if any part of the proposed development becomes threatened by coastal hazards in the future, then the threatened development must be removed rather than protected in place. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and expected to be for most of its economic life, but ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

Because of the potential for loss of beach area (and associated public access and recreational resources) as sea levels continue to rise, this project also must be considered in light of sea level rise adaptation actions that may become necessary over time. The City of Huntington Beach may develop sea level rise adaptation strategies and programs through updates to their Local Coastal Program or through other means, which may include provisions on beach width to maintain public access, consistent with the Coastal Act. Such provisions could define minimum beach and/or dune widths that, once reached, could trigger removal or relocation of potentially threatened residences and thus allow the beach and public tidelands to naturally migrate inland. Therefore, **Special Condition 2** requires the land owner(s) to remove the development if required pursuant to LCP policies for sea level rise adaptation planning.

The Commission also finds that due to the possibility of storm waves, surges, flooding, erosion and other coastal hazards the applicant shall assume these risks as a condition of approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition 4**, will show that the applicant is aware of and understands the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the subject development, and will effectuate the necessary assumption of those risks by the applicant.

In addition, the Commission imposes **Special Condition 5**, which requires the applicant to record a deed restriction on the property, acknowledging the risks inherent in undertaking development in this dynamic area and acknowledging that the degree of future risk cannot be known with certainty today. Additionally, **Special Condition 5** imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and provides any prospective purchaser and any future owners of the site with recorded notice that the restrictions are imposed on the subject property. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the hazards and shoreline development policies of the Coastal Act.

Conclusion
The proposed development, as conditioned, can be found to be consistent with Section 30253 of the Coastal Act, which requires that risks to life and property be minimized, that stability and structural integrity are assured, and that proposed development neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Approval of the project, as conditioned, also is consistent with the Commission's obligation to manage and protect public trust resources.

C. PUBLIC ACCESS
Coastal Act Section 30210 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 30214 of the Coastal Act states, in relevant part (emphasis added):

> *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*
> *(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and t<u>he proximity of the access area to adjacent residential uses</u>.*
> *(4) The <u>need to</u> provide for the management of access areas so as to <u>protect the privacy of adjacent property owners</u> and to protect the aesthetic values of the area by providing for the collection of litter.*

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.*

Coastal Act Section 30252 states, in pertinent part:

> *The location and amount of new development should maintain and enhance public access to the coast by … (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, …*

The subject site is located approximately 200 feet from the public sandy, ocean-fronting beach and approximately 600 feet from the inland harbor (see Exhibit 1). In the area of the harbor nearest the subject site there is a public boardwalk along the harborfront. The beach and the public boardwalk along the harborfront are both within walking distance of the on-street public parking along 24th

Street in Sunset Beach. In order for the proposed development to be found consistent with the Coastal Act's requirement that public access be maximized, new development must not interfere with continued public access opportunities to both the sandy beach and the harborfront boardwalk.

Parking

Consistent with Coastal Act Section 30252, one of the ways the Commission assures that public access is maximized is by assuring that adequate parking is provided with new development and that new development not adversely impact the availability of existing public parking spaces.

The residential duplex present at the subject site (proposed to be demolished) takes garage access from the alley only. Because there is currently no garage access from 24th Street, approximately one and a half public on-street parking spaces are present on the public street in front of the site. This same applicant is also currently proposing to demolish a single family residence and construct a new duplex immediately adjacent to the subject site at 16461 24th Street (CDP application is 5-18-0793, Armona). Each of the proposed duplexes would provide a new two-car garage for one of the units with access taken from 24th Street and a new two-car garage with access taken from the alley for the second unit. The proposal at the neighboring property would also create new garage access from 24th street eliminating another approximately one and a half public on-street parking space. Taken together, the two projects proposed under CDP applications 5-18-0793 and 5-18-0794 could result in the loss of up to three on-street public parking spaces due to new private garage access to serve the proposed two duplexes.

The impacts on existing on-street public parking due to the proposed new garages taking access from 24th Street were evaluated for both projects in a study conducted by Gibson Transportation Consulting, Inc., dated 9/7/2018. Consideration of possible alternatives to the new garage access from 24th Street included: two separate garages, each with two tandem parking spaces where access is taken from the ally only; one four space garage with perpendicular (90 degree) parking where access is taken from the ally only; one four space garage with diagonal parking at an angle of 45 degrees with a one-way aisle where access is taken from the ally only; and providing only one space per garage per residential unit. However, these alternatives were dismissed as infeasible for the following reasons.

Perpendicular (to the alley) garage parking would require at least 42 feet of site width, but each of the two parcels is only 30 feet wide. Diagonal parking at a 45 degree angle would require a one-way drive aisle, which would also exceed the 30 foot width of each parcel. In addition, a 45 degree parking angle is a far steeper angle than drivers typically encounter. Furthermore, the drive aisle would still require a driveway exit onto 24th Street. Finally, providing only one space per residential unit would likely require residents of the duplex units with more than one car (which is likely) to park on the public street, which would also result in displacing public visitor parking. Another consideration in this case is that the two adjacent properties subject to 5-18-0793 and 5-18-0794 currently provide only three parking spaces between them (one at the subject site to serve the duplex, and two at the neighboring site to serve the single family residence). The Commission typically requires two spaces per residential unit, for a total of eight spaces in this case for the two neighboring duplexes. Currently, only three on-site parking spaces are provided. Thus the current status between the two properties is a shortage of five on-site parking spaces. The proposed development will provide two parking spaces for each of the residential units proposed under CDP

applications 5-18-0793 & 5-18-0794, which would likely eliminate or at least significantly reduce the need for residents of the two properties to park in public on-street parking spaces.

Furthermore, the Commission also encourages the use of alternate transportation as a means of providing public access to the coast. In this area there is a "sharrow" bicycle path a half a block from the site, along North and South Pacific Avenue, meaning bicycles may use the full lane along with cars. This lane links to the off-street, Class One (meaning the bike lane is completely separate from car traffic) beach bicycle path to the south, which extends from Bolsa Chica State Beach all the way to the City of Huntington Beach's southern border. The beach bike path may be accessed from inland via the striped, on-street bicycle lanes along Warner Avenue, Sea Pointe Street, Goldenwest Street, or from the Class One off-street bicycle path along the Santa Ana River. The Sunset Beach area is also served by the Orange County Transit Authority, including Route 1 which runs the length of Pacific Coast Highway from Long Beach to San Clemente, as well as by routes from inland. Although more remains to be done to promote access via bicycle and public transit, these bike lanes and bus routes do provide alternative transportation options.

Moreover, as proposed, the two duplex projects would leave an on-street gap of 20 feet between their two 24th Street garage entries. This gap is created due to the 3 foot side-yard setbacks, 5-foot exterior stairways, and the 2 foot walls between the side of the garage and the garage door opening. Eighteen feet of on-street frontage would be adequate to provide one on-street public parking space, leaving a 2 foot buffer for garage access on each side. No change to the proposed plans is required to retain this minimum 18 foot parking space between the two project sites. However, it should be made clear to the applicant and to any future owners, that this area must be retained for public parking purposes and no future on-site development may be allowed to interfere with the on-going provision of this on-street public parking space. To assure the proposed development and the neighboring development retains at least one public on-street parking space, as necessary to maximize public access, the Commission imposes **Special Condition No. 1**, which informs the applicant of this requirement. In addition, the Commission imposes **Special Condition No. 5** which requires the applicant to record a deed restriction against the property to make any future owners aware of this restriction. Therefore, although the proposed development, in conjunction with a nearby duplex redevelopment project, will result in the loss of two on-street public parking spaces, impacts to public access will be off-set and minimized by the availability of public transportation locally and retention of one on-street public parking space. Only as conditioned, can the Commission find that the proposed development is consistent with the public access policies of the Coastal Act.

Sea Level Rise

As reflected in the Coastal Act Sections cited above, the Coastal Act requires that public access to the shoreline be maximized. Coastal Act Section 30221 requires that oceanfront land suitable for recreational use be protected for recreational use, unless demand for such a use is or likely will be provided elsewhere in the area. With expected future sea level rise and resulting coastal erosion, it is likely that future demand for public recreational activities, such as use of the sandy beach, will need to be accommodated on smaller, narrower beaches. In addition, the population is expected to continue to increase. And so, the area of sandy beach will decrease while the demand for remaining sandy beach areas will only increase. Section 30214 of the Coastal Act recognizes the inherent conflicts likely to arise when private property abuts public use areas, but the Act prioritizes public

access needs. Although the sandy beach in this area is currently a wide beach, the width is expected to become more and more narrow as the sea rises.

As described previously, and as indicated by the best available science for this area, the subject site and surrounding area are vulnerable to impacts of sea level rise. Review of CoSMoS modeling in the immediate project vicinity indicates the currently wide sandy beach will likely narrow significantly over the 75-year life of the proposed residential development (see Exhibit 2). The loss of sandy public beach area due to sea level rise will increasingly limit the sandy beach areas available for public use. **Special Condition No. 2** requires removal of the proposed development if it becomes threatened by coastal hazards or is required to be removed by a certified LCP. Removing threatened development, rather than protecting it, increases likely future opportunities to retain remaining and/or shifting beach area for public access, as does recognizing that adaptation planning by the local jurisdiction may warrant removal of the property to protect, for example, public beach areas for recreation. Only as conditioned, can the proposed development be found to be consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

D. 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 and 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 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed development has the potential for construction and post-construction discharge of polluted runoff from the project site into coastal waters, either directly or via the community's storm drains, which ultimately flow to the sea. Measures to avoid adverse impacts due to runoff leaving the site untreated and entering coastal waters directly or via storm drains include: providing permeable area(s) on-site; directing site drainage, including roof downspouts, to permeable area(s) and/or filtration devices; directing site drainage, including roof downspouts, to: bottomless trench drains within perimeter yard areas and/or across driveways, through perforated pipes prior to leaving the site, and/or to bottomless percolation basins on-site. The applicant has not proposed any of these measures in conjunction with development of the subject site. Rather, as proposed site drainage would simply be collected and directed to the street and community's storm drain system.

However, if a drainage plan that depicts measures to be incorporated at the subject site, such as those described above, to assure protection of coastal water quality were submitted, for the review and approval of the Executive Director, and the measures implemented, adverse water quality impacts would be minimized and protection of water quality promoted. Therefore, **Special Condition 3** requires that, prior to issuance of the coastal development permit, the applicant submit for the review and approval of the Executive Director, a water quality site drainage plan depicting the measures to be incorporated into the proposed development plan to protect water quality, the project could be found to conform to the water quality policies of the Coastal Act. Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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.

E. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition 5**, requiring that the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. Thus any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability. Therefore, the Commission finds that the proposed development, as conditioned, conforms to the Coastal Act by ensuring that any successors-in-interest have proper notice, recorded against the subject parcel, of the proposed development's required mitigation measures that mitigate the development's impacts on coastal resources.

F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit must be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. Orange County's LCP for Sunset Beach was effectively certified in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011. This annexation terminated the County's LCP permitting jurisdiction for the area. The Sunset Beach annexation area has not yet been incorporated into the City of Huntington Beach certified LCP. Thus, there is not currently an effective certified LCP for Sunset Beach and, therefore, the Chapter 3 policies of the Coastal Act provide the standard of review for coastal development permits in the area. The previously certified Sunset Beach LCP may be used as guidance as appropriate. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) 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 City of Huntington Beach is the lead agency responsible for CEQA review. The City determined that the project qualifies for a CEQA categorical exemption. Typically projects are exempt from CEQA pursuant to section 15303(a) of the CEQA Guidelines when they consist of construction of one single-family residence located within an urbanized residential zone. As conditioned, there are no additional feasible alternatives or additional feasible mitigation measures available which will substantially lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified possible impacts, is consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1) Formerly Certified County of Orange Sunset Beach Local Coastal Program.

2) City of Huntington Beach Approval in Concept, 8/8/18

3) Coastal Hazards Analysis; Streamlinewest Engineering, (October 2018)

4) Ocean Protection Council's *Rising Seas in California: An Update on Sea-Level Rise Science*

5) Ocean Protection Council's *State of California Sea-Level Rise Guidance 2018 Update*

6) Gibson Transportation Consulting, Inc., Parking Study, Reference No. J1660, 9/7/18