

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-24-0094

Applicant: Ava Equities LLC

Agent: Horst Architects, Inc.

Project Location: 10 N La Senda Drive, Laguna Beach, Orange County (APN: 056-180-39)

Project Description: Remodel of an existing three-story single-family residence including addition of 276 sq. ft., replacement of existing retaining walls, new rooftop deck, new garage, new 571 sq. ft. Accessory Dwelling Unit, patio expansion, and landscaping throughout proposing 528 cubic yards of cut and 18 cubic yards of fill with no change to the existing height of the structure.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the remodel of an existing three-story single-family residence including addition of 276 sq. ft., replacement of existing retaining walls, new rooftop deck, new garage, new 571 sq. ft. Accessory Dwelling Unit (ADU), patio expansion, landscaping, and improvements throughout the residence, proposing 546 cubic yards of grading (528 cubic yards of cut and 18 cubic yards of fill) with no change to the existing height of the structure at 10 N La Senda Drive, in the City of Laguna Beach, Orange County. Commission staff is recommending approval of a Coastal Development Permit

for the proposed project, with **10 special conditions** to ensure consistency with the coastal hazards and water quality policies of the Coastal Act, including: 1) permit compliance; 2) confirmation of the extent of demolition, removal, and/or replacement; 3) no future shoreline protective device; 4) assumption of risk, waiver of liability and indemnity; 5) storage of construction materials, mechanized equipment, and removal of construction debris; 6) landscaping – drought tolerant, non-invasive plants; 7) drainage and runoff plan; 8) protection of archaeological and tribal cultural resources; 9) deed restriction; and 10) future development.

The standard of review for this application is Chapter 3 of the Coastal Act because the subject site is located within the gated community of Three Arch Bay, one of three areas of deferred certification in the otherwise certified local coastal program for the City of Laguna Beach. As conditioned, the proposed project will conform with the Chapter 3 policies of the Coastal Act and therefore staff recommends Approval as conditioned.

The motion to approve the CDP application is on **Page 4**. The special conditions begin on **Page 5**.

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EXHIBITS

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Bluff Edge Delineation](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 5-24-0094 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 the 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.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant 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 that the 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Permit Compliance.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans submitted on October 29, 2024. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.
2. **Confirmation of the Extent of Demolition, Removal, and/or Replacement.** After demolition, removal, and/or replacement has been completed, the applicant shall provide the Executive Director, for review and approval, a certified copy of the City of Laguna Beach Building Department job card showing that such work has been performed pursuant to the plans approved under this coastal development permit. If the Building Department job card, accepted by the Executive Director, indicates additional demolition, removal, and/or replacement has already occurred or must occur due to the deteriorated state of building/structural elements which were proposed by the applicant to remain/keep, the applicant shall halt construction immediately and, if the Executive Director determines that it is legally required, shall submit a complete coastal development permit amendment application or an application for a new coastal development permit. The application shall address the issue of revisions to the project due to the need for additional demolition.

No further development may occur until either:

- a) The Executive Director determines, in writing, pursuant to the Building Department job card, that all building/structural elements identified as to “remain” or “keep” are intact and structurally sound; or
 - b) The applicant submits a coastal development permit amendment application if so directed by the Executive Director and the coastal development permit amendment is subsequently approved by the Coastal Commission and issued by the Executive Director; or
 - c) The applicant submits a new coastal development permit application if so directed by the Executive Director and the coastal development permit is approved by the Coastal Commission and issued by the Executive Director.
3. **No Future Shoreline Protective Device.**
 - a) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-24-0094 including, but not limited to, the additions to the residence, foundations, decks, patios, accessory dwelling unit, and/or garage

including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. 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 applicable law.

- b) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that they are required to remove all or a portion of the development authorized by this Permit, including, but not limited to, the additions to the residence, foundations, decks, patios, accessory dwelling unit, and/or garage and restore the site, if:
- i) the City or any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices;
 - ii) essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
 - iii) removal is required pursuant to LCP policies for sea level rise adaptation planning; or
 - iv) the development requires new and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

In addition, this approval does not permit any development to be located on lands impressed with a public trust interest, and any development that comes to be located on such lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines, pursuant to a permit amendment, that the development may remain pursuant to the Coastal Act. If the development comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the applicant would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval.

- c) Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the bluffs or ocean before they

are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

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 waves, storm conditions, flooding, and erosion, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before

disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
 - N. During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or storm drain, unless specifically authorized by the California Regional Water Quality Control Board.
- 6. Landscaping-Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <https://ucanr.edu/sites/WUCOLS/files/183488.pdf>).

- 7. Drainage and Runoff Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a final drainage plan prepared by an appropriately licensed professional that has been reviewed and approved by the City of Laguna Beach. The plan shall incorporate the following criteria:
- a) Runoff from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be directed to dry wells, trench drains or vegetated/landscaped areas to the maximum extent practicable within the constraints of City requirements and geotechnical recommendations;
 - b) Where City code prohibits on-site infiltration, runoff shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street to the maximum extent practicable. Runoff from impervious surfaces that cannot feasibly be directed to the street shall be discharged via pipe or other non-erosive conveyance to a designated outlet point to avoid ponding or erosion either on- or off- site;
 - c) Runoff shall not be allowed to pond adjacent to the structure or sheet flow directly over the coastal bluff to the beach below; and
 - d) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- 8. Protection of Archaeological and Tribal Cultural Resources.** The permittee shall undertake development in compliance with the following mitigation measures to protect archaeological, including tribal cultural resources:
- a) AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Juaneño (Acjachemen)-affiliated Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area; (ii) invite all affiliated Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. A qualified archaeologist means an individual who meets the Secretary of the Interior's Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.

- b) If an area of archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall retain a qualified archaeologist and a tribal cultural resource specialist qualified to analyze the significance of the find in consultation with the Juaneño (Acjachemen)-affiliated Native American Tribes listed on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. The specialist(s) shall immediately notify the affiliated Tribes on the NAHC list. An “exclusion zone” where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.
- c) Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor(s) shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An “exclusion zone” may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee shall notify the Coastal Commission’s Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.
- d) A permittee seeking to recommence construction within an exclusion zone (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above), following discovery of the archaeological resources shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Juaneño (Acjachemen)-affiliated Native American Tribes listed on the NAHC list for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP’s recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but

determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

- 9. 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 applicant has 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.
- 10. Future Development.** This permit is only for the development described in coastal development permit (CDP) 5-24-0094. Pursuant to Title 14 California Code of Regulations (CCR) Section 13250(b)(6), the exemptions that would otherwise be provided in Public Resources Code (PRC) Section 30610(a) shall not apply to the development governed by CDP 5-24-0094. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP 5-24-0094 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition thereto, an amendment to CDP 5-24-0094 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit pursuant to PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

IV. FINDINGS AND DECLARATIONS

A. Project Location and Description

The subject site is a 4,462 square foot oceanfront blufftop lot located between the first public road and the sea that is currently developed with a 1,986 sq. ft. single-family residence, 415 sq. ft. patio, and 407 sq. ft. two-car garage ([Exhibit 1](#)). The subject lot is zoned Three Arch Bay by the City, which allows low-density residential development.

The proposed project is the minor remodel of an existing 1,936 sq. ft. three-story single-family residence including addition of 276 sq. ft., replacement of existing retaining walls, new rooftop deck, new garage, new 571 sq. ft. ADU, patio expansion, and drought-tolerant, non-invasive landscaping. The project would not increase the height of the

existing structure. The applicant is also proposing grading, including 528 cubic yards of cut and 18 cubic yards of fill ([Exhibit 2](#)). The proposed project- a remodel to a single-family residence and a new ADU- conforms to the low-density residential zoning. Four parking spaces will be maintained on site, consistent with previous Commission actions in the area which included at least two spaces per residential unit. Due to the extent of grading and the potential for the site to contain sensitive tribal, paleontological, and/or archeological resources, the applicant is proposing to invite representatives of the Juaneño (Acjachemen)-affiliated native American tribes to monitor ground disturbing activities pursuant to **Special Condition 8**.

The project is located within the existing locked gate community of Three Arch Bay in the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP) except for the four areas of deferred certification: Irvine Cove, Blue Lagoon, Hobo Canyon, and Three Arch Bay. Certification of the Three Arch Bay area was deferred due to access issues arising from the locked gate nature of the community. Because the site is located within a locked gate community, no public access exists through the Three Arch Bay community between the nearest public road (Pacific Coast Highway) and the coast. However, the public may access the tidelands below the mean high tide line by sea and by walking laterally along the coast. The public may access the public tidelands and public access easements over the portions of the beach between the subject property and the mean high tide line of the Pacific Ocean by walking laterally along tidelands during low tide. The nearest public beach access exists at 1,000 Steps Beach, located approximately 0.5 mile north of the project site.

The proposed development requires a coastal development permit from the Coastal Commission because it is located in the Three Arch Bay area of deferred certification and the Commission retains jurisdiction over development in this area. Accordingly, the standard of review for this CDP application is the Coastal Act. The certified Laguna Beach LCP may be used as guidance. The main issue raised is whether or not the proposed development can be found consistent with the hazards policies of the Coastal Act. Specifically, the proposed development must minimize risks to life and property in hazardous areas, must neither create nor contribute significantly to erosion or geologic instability, and must not require protective devices that would substantially alter natural landforms (i.e. bluffs, cliffs, shoreline).

B. Standard of Review

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Laguna Beach has a certified Local Coastal Program; however, the subject site is located within the gated community of Three Arch Bay, one of three areas of deferred certification in the otherwise certified City of Laguna Beach. Therefore, the Coastal Commission is the permit issuing entity, and the standard of review is Chapter 3 of the Coastal Act.

C. Hazards

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department 48 of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states, in relevant 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.

Section 30270 of the Coastal Act states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The proposed project is located within 50 feet of an approximately 60- to 70-foot-high coastal bluff. In general, lots comprised of bluffs are inherently hazardous. It is the nature of bluffs, and especially ocean bluffs, to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. The project site is also vulnerable to erosion, flooding, wave runup, and storm hazards. These hazard risks are exacerbated in consideration of sea-level rise that is expected to occur over the coming decades. In this geographic area, the main concern raised by beach fronting and blufftop development is whether hazardous conditions might eventually lead to a request to build a shoreline protection device or a bluff protection device to protect the proposed development.

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. Recent observations of sea-level along parts of the California coast have shown some anomalous trends; however, 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. On November 7, 2018, the Commission adopted a science update to its Sea-Level Rise Policy Guidance. This document provides interpretive guidelines to ensure that projects are designed and built in a way that minimizes sea-level rise risks to the development and avoids related impacts to coastal resources, consistent with Coastal Act Section 30253. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.”

The project site is located between the sea and the first public road in a developed residential neighborhood 0.5 mile south of 1,000 Steps Beach. Because the project site is located at the first line of development adjacent to the beach, a coastal hazards analysis was submitted for the proposed project by SA Geotechnical dated June 15, 2022. The Study concluded the development is safe from coastal hazards, in part based on the proposed development’s location well above the beach. Additionally, the Study concluded the proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.

In addition to reviewing the coastal hazards analysis submitted by the applicant, Commission staff utilized the USGS Coastal Storm Modeling System (CoSMoS) to evaluate the project site’s vulnerability to coastal hazards. Staff followed the methodology outlined in the OPC’s 2018 Sea-Level Rise document to establish a projected sea level range for the new development. The 2018 OPC guidance uses NOAA tide gauges, a projected project lifespan, and risk aversion scenario to estimate a sea level rise range. The sea level rise analysis assumed a 75-year projected lifespan for the project, consistent with the Commission’s Sea-Level Rise Policy Guidance for residential development. According to the 2018 OPC update, the projected sea level rise range for the project site is tied to the Los Angeles NOAA Tide Gauge. This tide gauge estimates a range between 5.4 and 6.7 ft. of sea level rise by 2100 (which falls within the 75-year projected lifespan for the project). With regard to the risk-aversion scenario, both the Commission’s Sea-Level Rise Policy Guidance and the OPC documents recommend a medium-high risk scenario for residential developments. Under a 75-year projected lifespan, a medium-high risk scenario, and the project’s

location within the Los Angeles NOAA tide gauge, staff analyzed the potential effects of 6.7 ft. of sea level rise within the project vicinity.

Using the sea level rise estimates listed above, staff used CoSMoS to analyze the project site's vulnerability to sea level rise impacts. Staff analyzed the CoSMoS 6.6 ft. sea level rise scenario (the closest available option that was within the determined sea level range) and a 100-year storm scenario to represent the worst-case scenario. Under an estimated 6.6 ft. sea level rise and 100-yr. storm scenario, the project site is not anticipated to be subject to inundation due to coastal flooding or wave uprush, primarily due to the site's location at the top of a coastal bluff. Therefore, the project site is predicted to be relatively safe from coastal hazards.

Coastal Act Section 30253 prohibits new development that would require construction of a protective device that would substantially alter natural landforms along bluffs and cliffs. Here, the applicant has not proposed to construct a shoreline protection device, and no shoreline protection would be authorized by this permit, nor is the proposed development expected to require shoreline protection over the life of the development; however, it must be clear that, as new development, the entire development approved by this permit is not entitled to a shoreline protection device now or in the future. Therefore, **Special Condition 3** requires the applicant to agree that no future shoreline protective device is allowed to protect the development authorized by this permit. In addition, this condition 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. **Special Condition 4** requires the applicant to assume the potential risk of injury and damage arising from coastal hazards that may threaten the development. Since coastal processes are dynamic and structural development may alter the natural environment, future development could adversely affect future shoreline conditions if not properly evaluated and thus **Special Condition 10** requires the applicant obtain a permit amendment or new permit for any future improvements to the residence, ADU, garage, patio, decks or foundations.

Geologic Hazards

Section 30253(a) of the Coastal Act requires new development to minimize risks to life and property in areas of high geologic hazard. The Commission has consistently found that development on a bluff site adjacent to the sea, like the project site, is inherently subject to hazards from erosional forces imposed against the bluff material from wave energy, wind and rain. Setting development back from the edge of the bluff can substantially decrease risk to life and property, because the further from the bluff edge development is located, the less likely the development will become jeopardized by erosion, landslides, and similar hazards. Likewise, setbacks decrease the likelihood of destruction of a structure caused by geologic instability. The added weight of development, irrigation, and human activity closer to the bluff edge all increase the rate of erosion and bluff retreat.

The Commission's regulations, Section 13577(h)(2), provides the definition of "bluff edge":

“Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff, In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge.”

Defining the bluff edge can be complicated by the presence of irregularities in the bluff edge, a rounded bluff edge, a sloping bluff top, or previous grading or development near the bluff edge, among other things. The applicant’s geologist initially identified a “geologic bluff edge” line within the property lines approximately 37 feet from the shortest distance to the existing structure. However, this delineation did not measure the distance to the bluff edge at an angle to the long axis of the lot and across the northwest boundary of the property. The applicant’s geologist therefore visited the subject site on October 18, 2024, to field verify the location of the bluff edge as it extends upcoast of the subject site. Based on this additional information, the shortest distance between the bluff edge and the existing structure is approximately 18.5 feet ([Exhibit 3](#)) and is therefore non-conforming with regard to the bluff edge setbacks in the City’s LUP, which the Commission uses as guidance.

Coastal Act Sections 30251 and 30253 require that new development minimize the alteration of natural land forms and not contribute to geologic instability – hence, why the Commission typically requires adequate setbacks from bluff edges for development situated on a bluff site. The proposed residential additions and accessory development are primarily located within the footprint of the existing residence. The proposed grading for the project (546 cubic yards) is primarily located on the landward side of the property and is entirely landward of the bluff edge. Furthermore, none of the proposed developments would rely on bluff protection devices for support, so a bluff protection device is not being proposed as part of this application. Therefore, the project can be found to be consistent with Sections 30251 and 30253 with regard to minimizing landform alteration.

Although not the standard of review here, the Laguna Beach Land Use Element contains more specific policies.

Policy 7.3 of the Land Use Element states:

“Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.”

Action 7.3.3 of the Land Use Element states:

“Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.”

Action 10.2.7 of the Land Use Element states:

“Require all new development located on oceanfront bluffs to be sited in accordance with the stringline but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools that require a structural foundation. The setback shall be increased where necessary to ensure geologic safety and stability of the development.”

Action 10.2.8 of the Land Use Element states:

“On oceanfront bluffs, require new minor accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with stringline but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, geologic instability or other coastal hazards.”

In Three Arch Bay, the Commission has in past projects analyzed the appropriate setback from the bluff edge and has required a minimum bluff edge setback of 25 feet from the edge of the coastal bluff for primary structures (i.e. the enclosed living area of residential structures) and a 10-foot setback for accessory structures (e.g. decks and patios). These setbacks are consistent with Actions 10.2.7 and 10.2.8 of the Land Use Element. In this case, the existing residence and associated development (which were constructed prior to the enactment of the Coastal Act) do not conform to the required minimum bluff edge setbacks. However, considering that the existing single-family residence constitutes a legal non-conforming use and that the proposed alterations to the residence do not rise to the level of a major remodel/new structure under the LCP, the existing elements of the single-family residence are not required to be set back as far as would be required if they were proposed as new development today. Previously, the applicants proposed an addition to the second-story living room. However, based on the revised bluff edge delineation ([Exhibit 3](#)) the proposed living room expansion would not adhere to the 25-foot minimum setback requirement for primary structure development on coastal bluffs pursuant to Action 10.2.7. Therefore, the applicants revised the project plans to propose a balcony expansion rather than a living room expansion, which conforms to the required 10-foot minimum setback. The additional proposed balcony expansion, patio expansion, fireplace and spa are all landward of the 10-foot minimum bluff edge setback, consistent with Action 10.2.8’s 10-foot minimum setback requirement for accessory structure development on coastal bluffs. The Commission imposes **Special Condition 1** to require the permittee to undertake and maintain the development in conformance with the special conditions of the permit and the revised final plans as submitted on October 29, 2024, ensuring that no new accessory structure development shall occur within 10 feet of the bluff edge, and that no new primary structure development shall occur within 25 feet of the bluff edge, consistent with the approved plans. Moreover, the Commission imposes **Special**

Condition 2, which requires that the applicant provide evidence that the development was implemented as proposed and no additional demolition, removal, and/or replacement of the residence has occurred beyond which was approved by this CDP. **Special Condition 10** requires that that all future improvements and repair and maintenance of the residence require a coastal development permit.

Geotechnical Recommendations

In general, coastal bluffs are subject to retreat due to ongoing effects of weathering, erosion and shallow instability of the soils that comprise the bluffs. The applicant's geotechnical study included a bluff slope stability analysis that evaluated the bluff slope stability of the project site as well as the project site's vulnerability to bluff erosion. The report states that the subject site is located on San Onofre Breccia, which is generally considered to be a highly stable formation. Because the San Onofre Breccia formation resists weathering and erosion, the report concluded that bluff retreat due to wave action is very low. Based on studies conducted by the retained geotechnical consultant, the report anticipates approximately 0 feet of bluff retreat from the geologic bluff edge over the next 75 years.

With regard to bluff slope stability, the Commission has typically required that proposed development maintain a slope stability factor of safety of at least 1.5 as determined through engineering analyses. This is consistent with the factor of safety requirements for many local jurisdictions throughout the state, including Laguna Beach. The applicant's geotechnical report concluded that the existing residence (including the areas of the proposed residential additions) and the accessory structures adhere to a minimum factor of safety of 1.5 (static) and 1.1 (pseudo-static) and was determined to be safe from erosion for the life of the development (75 years).

Overall, the geotechnical study concludes that the subject site is suitable for the proposed development, provided the recommendations contained in the geotechnical investigation prepared by the consultant are implemented in design and construction of the project. Adherence to the recommendations contained in the geotechnical investigation is necessary to ensure that the proposed project assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition 9** requires the property owners to 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. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30253 and 30270 of the Coastal Act regarding the siting of development in hazardous locations.

Conclusion

As described above, the applicant's geotechnical consultant found the project site to be stable, that the project is safe from coastal and geologic hazards, and that no bluff protection devices would be needed to support the proposed development. The Commission's geologist has reviewed the available geologic information and concurs with the geotechnical consultant's findings. However, geologic and sea-level conditions change over time and predictions based upon the best-available science are inexact. In addition, although adherence to the geotechnical consultant's recommendations would minimize the risk of damage from bluff erosion, the risk is not eliminated entirely. Although the applicant has indicated that the proposed residential additions, patio/balcony expansions, new rooftop deck, new garage, and new ADU (new development that is not afforded the right to shoreline or bluff protection) will not rely on shoreline protective devices, the Commission imposes **Special Condition 3**. This condition puts the applicant on notice that no bluff or shoreline protective device shall ever be constructed to protect the development approved pursuant to CDP No. 5-24-0094. This holds true even in the event that future erosion compromises the development approved under this permit. Given that the applicant has chosen to implement the project despite potential risks from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion, the applicant must assume the risks. Therefore, the Commission imposes **Special Condition 4**, 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. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act.

D. Development

Where proposed development is undertaken under the auspice of a 'remodel' or 'remodel-addition', it is important to determine the nature, extent, and location of work that is occurring on the existing structure. This assessment is necessary in order to determine the scope of the development—i.e., whether the extent of the development is such that the resulting structure actually constitutes a replacement structure that requires the applicant to address all heretofore existing non-conformities with the Coastal Act, such as inadequate or absent bluff edge setbacks, and to ensure that the entire proposed development complies with all applicable Chapter 3 policies. "New development" or redevelopment requires a permit and must comply with all Coastal Act Chapter 3 policies—and, hence, include sufficient setbacks from the bluff edge. (Pub. Res. Code §§ 30600(a) & 30604(a); 14, Cal. Code Regs. §§ 13252(b)). To the maximum extent possible, it is also important to avoid creating new nonconformities, especially where they may interfere with bringing the structure into conformity in the future.

While the dividing line between an improvement (or repair and maintenance) and "redevelopment" is not always clear, at a certain point, substantial alterations to a home

can no longer be considered minor improvements, but instead must be considered to have resulted in a new structure. Thus, Coastal Act Section 30610(a) allows certain types of “improvements” to existing single-family residences without a coastal development permit, which may include modest additions. Although the Coastal Act and its implementing regulations do not define “improvement,” the regulations acknowledge that “improvements” generally include additions that result in an increase of up to 10 percent of internal floor area of an existing home (See 14 Cal. Code Regs § 13250(b)(4).). Section 13252(b) of the Commission’s regulations also states that the “replacement” of 50 percent or more of a single-family residence cannot be considered repair and maintenance, but instead constitutes the creation of a replacement structure requiring a coastal development permit.

Based on Section 13252(b), the Commission has found that a structure is considered redeveloped and, therefore, new development, if one of the following takes place: 1) 50% or more of the major structural components are replaced; 2) there is a 50% or greater increase in gross floor area; 3) replacement of less than 50% of a major structural component results in cumulative alterations exceeding 50% or more of that major structural component (taking into account previous replacement work on the same structure); and/or 4) less than a 50% increase in floor area where the alteration would result in a cumulative addition of 50% or more of the floor area, taking into account previous additions to the structure. These decisions do not necessarily mean that any less extensive remodeling would not also result in a new structure, but only that remodeling that does reach these levels must be considered to have that effect.

Although not the standard of review for this project, the certified LCP provides guidance as to the project’s consistency with Chapter 3 policies. The City’s certified Land Use Element defines “major remodel” as:

“Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; greater specificity shall be provided in the Laguna Beach Municipal Code.”

Furthermore, Policy 7.3.10 of the Land Use Element states:

“Allow oceanfront and oceanfront bluff homes, commercial structures, or other principal structures, that are legally nonconforming as to the oceanfront and/or oceanfront bluff edge setback, to be maintained and repaired; however, improvements that increase the size or degree of nonconformity, including but not limited to development that is classified as a major remodel pursuant to the definition in the Land Use Element Glossary, shall constitute new development and cause the pre-existing nonconforming oceanfront or oceanfront bluff structure to be brought into conformity with the LCP.”

Here, the applicant has submitted information regarding the extent of proposed alterations to the existing residence ([Exhibit 2](#)). The proposed plans indicate that less

than 50% of the existing structure, and less than 50% of any major structural components, will be altered, and the square footage of the existing structure will not be increased by 50% or more. The overall square footage of the residence (including the garage and ADU) is being increased by 884 sq. ft. (a 35.5% increase), the roof structure is being altered by 48%, the exterior walls are being altered by 49.5%, and the foundation is being altered by 27%. As analyzed by staff, the proposed project in this case does not constitute a major remodel, will not result in a replacement structure, and is therefore not considered as new development that would require the entire structure to conform with Chapter 3 policies. However, as detailed below, extra precautions should be taken to ensure that approved development is consistent with the applicant's proposal.

The Commission typically looks at cumulative development over time when determining whether or not a project constitutes redevelopment. In this case, CDP No. 5-24-0094 would authorize the remodel of an existing three-story single-family residence including addition of 276 sq. ft., replacement of existing retaining walls, new rooftop deck, new garage, patio expansion, and new 571 sq. ft. ADU. As described above, the project plans indicate that the project will not alter more than 50% of the primary elements of the structure. Although this project can be considered a minor remodel, small improvements that may not ordinarily need a CDP (such as replacing doors and/or windows or other small additions) could add to the total alterations to the primary structural elements and push the alteration total of one or more elements over the 50% threshold. This would then qualify the residence as new development that would be required to conform to the current building standards (including the bluff edge setbacks). To ensure that the development is consistent with the Coastal Act and does not prejudice the LCP, the Commission imposes **Special Condition 10**. This condition requires a new CDP or amendment for all future improvements, including repair and maintenance actions that would ordinarily not require a permit.

Although the project plans indicate that the project is a remodel, and not new development, additional conditions must be imposed to assure that the quantity and location of alterations to the existing residence occur in the manner proposed. First, the Commission imposes **Special Condition 1**, which requires the applicant to undertake development only in accordance with the Commission-approved final plans. Any changes to the approved plans would require an amendment to the CDP, unless the Executive Director finds that an amendment is not required. Should the quantity or location of alterations actually carried out substantially differ from that which is proposed and identified specifically by the Commission-approved plans, the Commission may establish requirements for the project to be reassessed based on the revised alteration/demolition plan. The Commission therefore imposes **Special Condition 2**, which requires that the applicant submit a copy of the City Building Department job card after any proposed alterations are complete. The City's job card would verify the extent of work and the condition of the residence remaining. If the job card indicates that more alterations have occurred than were approved or that the elements of the residence originally proposed to remain are not structurally sound on their own and would require reinforcement, the applicant shall be required to immediately halt construction and

submit an amendment application or an application for a new coastal development permit, if legally required.

The development is located on an oceanfront blufftop lot within an existing developed area and is compatible with the character and scale of the surrounding area. The majority of the proposed work is located on the landward side of the property and is entirely landward of the bluff edge ([Exhibit 2](#)). Additionally, the applicant is proposing minor improvements to the existing residence and is not proposing any new development on the seaward side of the property within the 10-foot and 25-foot bluff edge setbacks. Therefore, the applicant is allowed to retain the non-conforming features of the structure. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 10**, requiring the applicant to obtain an amendment to this permit or an additional coastal development permit for any future development on the subject site. As conditioned the development conforms with the Chapter 3 policies 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 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 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.

The proposed development has a potential for adverse impacts to water quality during construction from the project site into coastal waters. To minimize erosion and prevent debris from being dispersed down the storm drain system leading to the ocean during construction, the Commission imposes **Special Condition 5**, which provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. Additionally, in order to make

sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition 6**, which imposes landscape controls that require that all vegetated landscaped areas consist of native or non-native, drought tolerant plants, which are non-invasive.

Because of the fragile nature of coastal bluffs and their susceptibility to erosion and collapse, the Commission requires special considerations regarding the types of vegetation that may be planted, as well as drainage systems to manage roof and surface runoff. The installation of in-ground irrigation systems, inadequate drainage, and/or landscaping that requires intensive watering are potential contributors to accelerated weakening of some geologic formations; increasing the lubrication along geologic contacts and increasing the possibility of failure, landslides, and sloughing, which could necessitate protective devices. However, the submitted project plans do not clarify how runoff will be managed for the proposed residence. Therefore, **Special Condition 7** requires final drainage and erosion control plans to be reviewed and approved by the Commission's Executive Director for the treatment of runoff to be maintained for the life of the project.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. Therefore, the Commission finds that the proposed development, as conditioned, 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.

F. Public Access and Recreation

Because the site is located within a locked gate community, no public access exists through the Three Arch Bay community between the nearest public road (Pacific Coast Highway) and the coast. However, the public may access the tidelands below the mean high tide line by sea and by walking laterally along the coast. The public may access the public tidelands and public access easements over the portions of the beach between the subject property and the mean high tide line of the Pacific Ocean by walking laterally along tidelands during low tide. The nearest public beach access exists at 1,000 Steps Beach, located approximately 0.5 mile north of the project site. The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with the public access policies of the Coastal Act.

G. 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 one additional condition 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, as conditioned, this permit ensures that any prospective future owner

will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

H. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only 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. The City of Laguna Beach LCP was certified with suggested modifications, except for the areas of deferred certification, in July 1992. Three Arch Bay was deferred due to public access issues arising from the locked gate nature of the community.

The proposed development is consistent with past Commission actions in the area and with the Chapter 3 policies of the Coastal Act and will not prejudice the City's ability to prepare a certified Local Coastal Program (LCP) for the Three Arch Bay Area.

I. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, 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 Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Laguna Beach is the lead agency, and the Commission is a responsible agency for the purposes of CEQA. The City of Laguna Beach determined on December 27, 2023, that the proposed project is categorically exempt from CEQA. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the development and land use, public access and recreation, hazards, biological resources and water quality policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Coastal Development Permit Application No. 5-24-0094 and associated file documents.