

**CALIFORNIA COASTAL COMMISSION**

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# W17a

## ADDENDUM

DATE: May 12, 2026  
TO: Coastal Commissioners and Interested Parties  
FROM: South Coast District Staff  
SUBJECT: **Addendum to Item W17a, Appeal No. A-5-LGB-24-0018 (Reyna) for the Commission meeting on May 13, 2026.**

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This addendum provides an update to the record by supplementing it with correspondence that the Commission received after the staff report was issued, providing responses to concerns raised in the correspondence, and modifying staff report dated April 30, 2026.

### I. CORRESPONDENCE RECEIVED AND RESPONSE TO COMMENTS

The following is added as a Response to Comments section to the staff report dated April 30, 2026 (as Section K on staff report page 56, thus re-lettering the CEQA section as Section L):

Since publication of the staff report, the Commission received one public comment from the applicant's representative in support of staff recommendation, and five public comments in opposition to staff recommendation. The comments are included in the [Correspondence](#) for this item. The comments in opposition can be summarized in three main points.

First, the commentators argue that the staff report makes invalid findings to support the claim that a regulatory taking exists. The commentators make the following assertions to support this claim: 1) Any hardship regarding limited buildable area is "self-created" because the applicant voluntarily reconfigured the lot lines and sold the neighboring parcel; 2) The staff report used an incorrect "lot area" denominator in its analysis<sup>1</sup>; 3) The owner's

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<sup>1</sup>LUE Policy 10.4 states: "Implement and define "lot area" as the total area of the lot minus the area/property located westerly of the building setback lines as described in Section 25.50.004(B)(1)(2)(3) or the oceanfront

investment-backed expectations should be based on regulations in place at the time of purchase in 2004, not on a neighboring house that was not permitted until 2016; 4) A 1,168 sq. ft. residence<sup>2</sup> remains economically viable for the site, which precludes a "total taking" claim. The Commission finds that, as discussed in depth in the Potential Takings Section of the staff report, a court could find that the applicant had a reasonable expectation to construct a residence of reasonable size on the property. The applicant clarified that a fully LCP compliant home would be about 775 sq ft. on the 1,168 sq. ft. buildable area ([Exhibit 18](#)), which is very small compared to similarly situated properties in the neighborhood ([Exhibit 12](#)). The Commission finds that the proposed project, as conditioned, would allow for the site to be improved with a residence that provides a reasonable economic use of the site. It is also worth noting that the Commission is not the adjudicator of whether its action legally constitutes a regulatory taking. Only a court can make a final and determinative taking decision were the Commission's decision to be challenged. The Commission would only determine whether its action could constitute a potential taking, and has discretion to evaluate the facts of individual projects and circumstances in doing so. In this case, the Commission finds that strict application of the LCP policies could result in the denial of reasonable economic use of the property, and a court could determine that action to be a regulatory taking.

Second, the commentors claim that staff's recommendation to apply the structural stringline setback is in violation of the Coastal Act and that the proposed structure must be significantly reduced. Specifically, the commentors argue that staff's recommendation violated Coastal Act Sections 30007.5 and 30200, which require policy conflicts to be resolved in the manner most protective of coastal resources. To clarify, Coastal Act Sections 30007.5 and 30200 pertain to resolving conflicts between implementing the policies of the Coastal Act for a particular project, and there is no conflict between two such policies presented here. Rather, the Commission is required to apply the applicable Coastal Act and LCP provisions in a manner that will avoid an unconstitutional taking of property. The Commission must still comply with the requirements of the certified LCP by conditioning the project in a manner that is as consistent with the LCP as possible, while avoiding an unconstitutional taking. The commentors allege that staff's recommendation to apply the stringline setback only reduces the building footprint by 0.4%, allowing 99.6% of the project on the bluff face. The commentors urge the Commission to reject the potential takings claim and enforce the full 25-foot bluff edge setback, or, alternatively, apply a 10-foot bluff edge setback as a compromise that would protect the entire bluff face while allowing for a medium-sized home. The bluff edge setback policies and the bluff face development policies of the LCP primarily seek to preserve coastal bluffs as a visual resource, preserve landward and seaward viewsheds, preserve coastal bluffs as habitat, and ensure the geologic stability of the coastal bluffs themselves. In implementing these LCP policies, the Commission seeks to evaluate the project's impact on these coastal resources. Where a project is recommended to be approved pursuant to Coastal Act Section 30010, the Commission looks to minimize impacts to these coastal resources. Consistent with these policies, in its past actions, the Commission has required development on blufftop properties to be reduced in scale, all in service of minimizing

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bluff ("oceanfront bluff edge" as defined in LCP Glossary), whichever is more restrictive." The commentors claim that, pursuant to this policy, land seaward of the bluff edge must be excluded from the lot area, which would mean the property actually has a 15.7% buildable area rather than the 4.7% stated by the staff report. The commentors claim that this higher percentage is consistent with neighboring properties and does not trigger a takings claim.

<sup>2</sup> The commentor assumes it is feasible to build a trapezoidal structure amounting to 1,168 sq. ft. on the buildable area shown in [Exhibit 7](#).

coastal resource impacts. However, in this case, even though the proposed structure would mostly be located seaward of the 25 ft. minimum bluff edge setback, there is no known bluff stability or erosion concern on the site when accounting for future sea level rise. Additionally, there is no ESHA on the site. Thus, the Commission finds requiring a material change in the proposed home's size and design does not appear, in this particular case, to be necessary to provide for any significant coastal resource benefit. In addition, **Special Condition 1** requires the applicant to limit the maximum height of the proposed structure 2 ft. 11 in. above the elevation of Coast Highway, which would maintain the existing approximately 180 ft. of largely unobstructed blue water views along Coast Highway ([Exhibit 17](#)). Applying the 25 ft. or 10 ft. bluff edge setback as requested by the commentors would likely result in a structure elevation significantly higher than this elevation since the applicant would have to build only on the first level pad of the lot, thus removing the opportunity to preserve existing visual resources.

Finally, one commentor requests that the seaward edge of the proposed roofline be staked so that further analysis can be made of the visual resource impacts of the proposed structure, and that the maximum height of the structure to be further lowered to be level with the adjacent property at 31497 Bluff Drive. The Commission finds that, pursuant to **Special Condition 1**, the elevation of the overall structure is lowered by 4 ft. (to 2 ft. 11 in. above the elevation of Coast Highway) to avoid visual resource impacts to the maximum extent feasible, consistent with visual resource policies of the certified LCP, while meeting the City's maximum allowable driveway slope requirement.

## **II. CHANGES TO STAFF REPORT**

The following change is made to the staff report dated April 30, 2026.

- a) Add [Exhibit 18](#) (Applicant's Model House Exhibit using CCC Bluff Edge Setback) to the staff report exhibits as shown in the following pages:

REYNA RESIDENCE  
PER COASTAL COMMISSION  
BLUFF-TOP DETERMINATION

HOUSE UNDER  
CONSTRUCTION



REYNA RESIDENCE  
PER COASTAL COMMISSION  
BLUFF-TOP DETERMINATION



HOUSE UNDER  
CONSTRUCTION



HOUSE UNDER  
CONSTRUCTION

REYNA RESIDENCE  
PER COASTAL COMMISSION  
BLUFF-TOP DETERMINATION