

## MEMORANDUM

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**DATE:** August 17, 2022

**TO:** Dave Ward, Planning Director and other Interested Parties

**FROM:** John Oquendo, Case Planner 

**SUBJECT:** Addendum to Planning Director Staff Report for Coastal Planned Development Case No. PL21-0056 (3124 Solimar Beach LLC) for a Hearing Conducted on Thursday April 14, 2022

This memo has been prepared to address comments received during the public hearing process for Coastal Planned Development (PD) Permit Case No. PL21-0056, a request to demolish an existing single-family dwelling and construct a new single-family dwelling for the property located at 3124 Solimar Beach Drive. The Ventura County Planning Division recommends changes to the Planning Director Staff Report for the Project dated April 14, 2022, to update the General Plan Consistency Analysis (Staff Report Exhibit 4) and update the findings for approval (Planning Director Staff Report Section E). In keeping with legislative formatting for document revisions, language to be added to the analysis and findings is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~. This addendum to the Planning Director Staff Report is provided within the context of responses to the *comment letter* received from the California Coastal Commission South Central Coast District Office dated April 13, 2022 (attached). The comments within the letter have been assigned reference numbers for ease of discussion and any corresponding changes to the consistency determination or findings is provided in excerpts of the Planning Director Staff Report provided herein.

1. **Response to Comment A:** The commenter restates the project description provided in the Planning Director Staff Report. The applicant has clarified based communication with Ventura County Planning Division that the description of the ground level improvements should be corrected with the emphasis on the area usable for human occupancy. The applicant has indicated that only a portion of the footprint underneath the structure would be available for occupancy and that none of the garage area includes habitable space. Ground level areas closest to Solimar Beach Drive would only be used as the garage space for parking and entry into the residence. The area for this space is approximately 900 square feet. The project description is hereby amended to reflect the area dedicated to parking underneath the first habitable floor and specify that other areas beyond the designated garage area, stairwell and elevator are not suitable for human occupancy or habitation.

County of Ventura Planning Director Hearing Case No. PL21-0056  Exhibit 9 Addendum to Planning Director Staff Report
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2. **Response to Comment B:** The commenter states that Coastal Act Section 30251 requires development to be sited and designed to protect views to and along the ocean and scenic coastal areas and to be visually compatible with the character of surrounding areas with the overarching goal of protecting views to the public ocean. The commenter states that the report fails to provide adequate findings related to Section 30251 or analysis of the view of the proposed structure from the nearby Pacific Coast Highway. The Planning Director Staff Report and Exhibit 4 are amended as excerpted below:

- a. Exhibit 4 Item 1 is amended as follows:

**General Plan Land Use Policy LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

**LU-16.8 Residential Design that Complements the Natural Environment** *The County shall encourage discretionary development that incorporates design features that provide a harmonious relationship between adjoining uses and the natural environment.*

**LU-16.9 Building Orientation and Landscaping** *The County shall encourage discretionary development to be oriented and landscaped to enhance natural lighting, solar access, and passive heating or cooling opportunities to maximize energy efficiency.*

**Coastal Act Section 30250(a):** *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

**Coastal Act Section 30251 – Scenic and Visual Qualities:** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible*

*with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed Project consists of the demolition of an existing single-family dwelling and the construction of a new single-family dwelling to be supported on piles above a garage and storage area. The proposed project will not degrade or significantly alter the existing scenic or visual qualities of the Solimar Beach Colony community nor the public beach. The Project would occur within the Solimar Beach Colony beach front residential development within an area defined by the Ventura County General Plan as an existing community. The Project ~~site accommodates~~ meets the applicable development standards for the underlying RB (Residential Beach) zoning and the proposed dwelling is within the allowable height limit. The Ventura County Coastal Zoning Ordinance (CZO) permits structure height measurement in the RB zone to be taken from the lowest elevation of the first floor as determined by the Public Works Agency. In this case, the 2nd Revised Wave Runup & Coastal Hazards Analysis (Exhibit 7) prepared for the project establishes the lowest horizontal structural member elevation of 1 foot above the Federal Emergency Management Agency's base flood elevation of +18 above the National Vertical Datum of 1988 (NAVD88) putting the first/finished floor elevation (FFE) at approximately 20.5 NAVD88. The proposed building height is located at an elevation of 46.6 NAVD88, with a measured height of 26 feet 6 inches, below the height limit of 28 feet, for the streetside portion of the structure, with the beachside portion of the structure at the full 28 feet.

The Project does not include any grading or alterations to natural landforms. The structure, which proposes a flat roof design also accommodates the stringline rear yard setback, keeping the building envelop in line with the neighboring structures. The neighborhood is comprised of a blend of two-story appearing structures architectural styles with multiple levels (between 2-4 levels) and varied architectural (i.e., the neighboring neocolonial structure, and split-level two story ranch structure) with conventional slab-on-grade construction. The proposed dwelling is a modern-style structure with wood siding stone veneer and smooth stucco exterior finishes, a flat-roof and seaward facing balconies and uses. The structure will blend with the existing residential forms in the surrounding area and the proposed building height will not impact views from public viewing locations either to the beach from Highway 101/ State Route 1 or views from the beach to the hills, therefore the impacts associated with the proposed Project are

considered less than significant. The subject property is approximately 340 feet from the southbound lane of the 101 freeway, elevated approximately 25 feet above the subject property (Ventura County Geographic Information System, 2022). Based on existing street view data, drivers from State Route 1 do not have any line of site to the Pacific Ocean or the sandy beach areas.

To further support the above conclusions, the applicant has prepared photo simulations to supplement the analysis of views from Pacific Coast Highway (herein referred to as public road) as well as from the public sandy beach areas of the Solimar Community. The following reflect the before and after conditions based on the proposed scope of work.



*Figure 1 – existing (before) view from Pacific Coast Highway*



*Figure 2- simulated view (after) of the proposed Project from Pacific Coast Highway*

Homes in the Solimar Community are currently oriented in a side-by-side arrangement to the ocean, effectively obscuring views to the sandy beach area or water. As reflected in these photo simulations, the proposed Project will occupy the same general location with two habitable levels above parking, as depicted in Figure 1 (existing development) and Figure 2 (proposed Project). The proposed Project does not alter any significant views to the ocean from the public road as the existing structure already effectively obscures any line of site to the ocean or sandy beach areas from the public road. The proposed dwelling will generally continue the same site condition as the existing dwelling unit, meaning the visual characteristics of the community (i.e. orientation of structures, setbacks, number of multi-story and multi-level buildings, lack of native vegetation, etc.) are maintained as depicted in Figure 2 - the simulated view after development. The side yard building setbacks offer intermittent or broken views to the ocean. The public road sits at a similar elevation to the subject property, so viewers from the public road are at a parallel vantage. Consequently, the public road areas do not possess any unique or remarkable view to the beach or water due to the presence of the existing Solimar Beach Colony development and the intermittent or broken views to the ocean will be maintained. The proposed building has been appropriately designed to accommodate the coastal hazards for this community. The proposed project has incorporated projected sea-level rise and other coastal hazards into its design, as well as the standard development standards for the RB zone. The RB zone requires a 10-foot front yard setback, 3-foot side yard setback and 14-foot rear yard setback. Given the existing pattern of development (lots arranged with the edge of Solimar Beach Drive serving as the front lot line) the proposed development is a reasonable continuation of the existing pattern of development.

With respect to views from the sandy beach area to the inland/landward areas. The applicant has also provided the following visual simulation:



*Figure 3 - Existing view from Solimar Beach to the Property*



*Figure 4 - Proposed view from Solimar Beach*

Figure 4 depicts the proposed post-development view from the sandy beach area and is similar to the existing view depicted in Figure 3 - Existing View from Solimar Beach to the Property. Viewers from the beach will continue to see two levels, with the ground floor garage of the proposed development being reasonably hidden from the beach/seaward vantage. While the new residence height will be taller than the two adjacent residences, this is due

to the required base flood elevation and allowable height of the RB Zone, the similar bulk and scale of the proposed Project and adjacent existing dwellings, the visual character of this area and the character of the surrounding area remains relatively unchanged. As a result, no significant change will result from the development of the Project as proposed. Therefore, the proposed project adequately preserves the character of the existing pattern of development for the Solimar Colony community and is consistent with Coastal Act Section 30251 for Scenic and Visual Qualities of the Coastal Zone.

While the commenter emphasizes that the proposed structure will have an overall building height of 35.5 feet, Planning staff has previously determined that the proposed building height is within the maximum permissible height of 28 feet for the RB Zone. Pursuant to CZO Section 8175-3.13.2, building height is measured from the minimum elevation of the first floor (interpreted to mean the lowest horizontal structural member) as approved by the Public Works Agency to the highest point of the of the finished roof of the structure.

The Project has been forwarded to the Solimar Beach Colony Homeowners Association; as of the date of this staff report, no project-related comments have been received.

Based on the discussion above, the proposed Project is consistent with Ventura County General Plan Policies LU-16.1, LU-16.8, LU16.9, and the applicable provisions of Coastal Act Sections 30250 (a) and 30251.

b. Planning Commission Staff Report Section E is amended as follows:

**2. The proposed development is compatible with the character of surrounding development [Section 8181-3.5.b].**

The proposed dwelling is compatible with the character of the surrounding development. The Project which is comprised of the demolition and construction of a replacement residential structure has been analyzed for compatibility under the attached General Plan Consistency Analysis (Exhibit 4, Item 1). Existing single-family structures, which vary in age, are generally comprised of beach front multi-level/two-story buildings. The architecture in the surrounding area is an eclectic mix of modern styles such as the neocolonial style and ~~two-story adaptations~~ of the ranch-style homes and modern homes styles with similar flat-roof designs, the proposed modern style dwelling would be compatible with the other homes in the area. The Project would not involve alterations of natural features or further degrade the viewshed from public viewing locations to the shore or from the publicly accessible areas of the beach to the surrounding hillside areas. As

evaluated in the updated General Plan Consistency Analysis, the proposed Project continues the developed condition of Solimar Beach Colony community with no significant impact upon views from the beach or the adjacent highway. The analysis demonstrates that the proposed structure appropriately accommodates sea level rise with a raised floor level and will fit in with the existing arrangement of homes within the community. The proposed dwelling also maintains the prescribed setbacks and lot coverage limit as prescribed for the underlying RB zone, as well as the stringline setback for all beachfront buildings within the Solimar Beach Colony.

Based on the discussion above, this finding can be made.

3. **Response to Comment C:** The commenter states that Ventura County Coastal Area Plan Hazards Policy 2 (Cited in the Planning Director Staff Report as 4.2.4 A-2) and Coastal Zoning Ordinance Section 8178-4.1 require new beachfront development to be sized, sited, and designed to minimize risks from hazards. The commenter also states that Coastal Act Section 30253 requires the minimization of risks to life and property in areas of elevated hazard risk. The commenter states that the increase in the size and bulk associated with the proposed demo-rebuild project substantially increases risks from coastal hazards (i.e. wave uprush, sea level rise, erosion, and flooding) and should necessitate the additional analysis of alternative methods that would ensure the stability of the new dwelling. The comment emphasizes changes to the Project that would also avoid potential impacts to visual resources and community character by reducing the height of the proposed structure. This comment was reviewed with the applicant and the applicant's architect (Martha Picciotti), who confirmed in discussions with County Planning Staff that the proposed structure can only be structurally supported on piles and confirmed that the Coastal Hazards Report (GeoSoils, Inc., December 2021) was used when developing the most recent configuration of development. While no change to the Project is proposed, Staff has updated analysis within the General Plan Consistency Discussion. The analysis Planning Director Staff Report Section is amended as excerpted below:

- a. Exhibit 4 Item 6 is amended as follows:

**HAZ-3.1 Sea Level Rise Planning and Adaptation** *The County shall continue to actively plan for sea level rise by using the best available science to analyze critical vulnerabilities, identify measures to conserve coastal resources, minimize impacts on residents and businesses, maintain public services, and strengthen resiliency.*

**HAZ-2.5 Recordation of a Notice of Flood Hazard** *The County shall require the recordation of a Notice of Flood Hazard with the County*



*Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas subject to flooding as determined by the Federal Emergency Management Agency on the latest available Digital Flood Insurance Rate Maps (DFIRMs).*

**HAZ-4.3 Structural Design** *The County shall require that all structures designed for human occupancy incorporate engineering measures to reduce the risk of and mitigate against collapse from ground shaking.*

**Coastal Act Section § 30253 Minimization of Adverse Impacts** *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.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

**North Coast Hazards Policy 4.2.4 A-2** *New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards.*

**North Coast Hazards Policy 4.2.4 A-3** *All new development will be evaluated for its impacts to, and from, geologic hazards (including seismics safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.*

**North Coast Hazards Policy 4.2.4 A-6** *New development shall be sited and designed so as not to cause or contribute to flood hazards, or lead to the expenditure of public funds for flood control works.*

The proposed project has been sited and designed to assure the stability and structural integrity of the proposed building, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. The subject property is located next to an existing

rock revetment constructed and owned by the Solimar Beach Colony development in 1982, however the Project has been designed without the need for a shoreline protection device. According to the Soil Engineering investigation (Exhibit 6, Heathcote Geotechnical, April 2021), the site is located in an area with natural sand soils overlying sandstone and claystone bedrock at a depth of 15 feet. The site is located with 1.6 kilometers of the Red Mountain Fault and 10 kilometers of the Santa Ana Fault, with the possibility to experience liquefaction and strong shaking in the event of a major earthquake. The Soils Engineering Investigation recommends the structure be constructed on piles with deepened foundations, no ground stabilization will be necessary with the foundations structurally reinforced from normal due to liquefiable soils. Piles will be drilled to a depth at 52 feet into firm bedrock.

As shown on the Flood Emergency Management Agency's (FEMA) Flood Rate Insurance Map (FIRM) Panel 06111C0728F (Effective January 29, 2021), a portion of the property is located within the offshore area just landward of the crest of the revetment mapped in the VE Special Flood Hazard Area with an established Base Flood Elevation (BFE) of 18 feet above the North American Vertical Datum 1988 (NAVD88). In consideration of the potential for flooding, the proximity of the Project to the coast and its associated hazards and the subject property's potential for flooding, the Project review included evaluation of a supporting site-specific coastal hazards analysis. The 2<sup>nd</sup> Revised Wave Runup & Coastal Hazard Analysis (Exhibit 7, GeoSoils, Inc., December 2021) analyzes the existing and future conditions of the site and provides recommendations based on the potential coastal hazards. With respect to the primary risk for the property, the report indicates that the historic high-water level for the area is 7.6 feet NAVD88 and projects 6 feet of sea level rise based on a medium high risk scenario, indicating a design water elevation of 13.6 feet NAVD for future sea level rise, and the wave uprush analysis indicates a future Design Flood Elevation (DFE) in consideration of SLR is +17 feet NAVD88 with the revetment removed. The report concludes that the bottom of the lowest horizontal structural member should be BFE +1 foot or the Design Flood Elevation, whichever is higher. In this case the calculated future DFE is lower than the current FEMA BFE. Per the report, the elevation of the lowest horizontal member of the proposed structure will be based on the FEMA VE Zone BFE and will be +19 feet NAVD88.

With respect to a potential increase in risk due to the construction of a new dwelling containing increased floor area and bulk when compared to the existing dwelling located onsite, the project is consistent with the applicable coastal management policies of the Ventura County General Plan and Coastal Area Plan as well as the development standards prescribed for the

RB Zone in the CZO. The proposed Project has been designed to incorporate the appropriate recommendations with respect to coastal hazards from a Professional Engineer (Exhibit 6) with consideration of a range of coastal design parameters (flooding, wave action and sea level rise). Moreover, the Project does not represent a significant increase in risk to life or property as the adjacent lots are developed in a similar intensity when compared to the proposed Project. As demonstrated in the table below and based upon the findings by Planning Staff, the homes in the area are of a similar type (two-story) and within range of the floor area of the proposed Project. A net area of the total floor area for the proposed Project is identified below. Note, the unfinished ground level garage does not contain any habitable space, consistent with FEMA's Home Builder's Guide to Coastal Construction which allows for the areas below the lowest habitable floor to be used for parking, building access and storage. The ground level is enclosed by breakaway walls. The below table demonstrates that the proposed Project is consistent with the sizes of other existing homes in the area, and although the development raises the height of the proposed structure consistent with the development standards prescribed in the RB Zone and CZO, the proposed Project does not represent a significant increase in risk from coastal hazards as the existing community is developed in a relatively similar manner.

<b><u>Address</u></b>	<b><u>Lot Size<sup>1</sup></u></b>	<b><u>Total Floor Area<sup>1</sup></u></b>
<u>3164 Solimar Beach DR</u>	<u>8,956 sq. ft.</u>	<u>5,984 sq. ft.</u>
<u>3154 Solimar Beach DR</u>	<u>5335 sq. ft.</u>	<u>4,611 sq. t.</u>
<u>3144 Solimar Beach DR</u>	<u>5,675 sq. ft.</u>	<u>4,015 sq. ft.</u>
<u>3134 Solimar Beach DR</u>	<u>8,704 sq. ft.</u>	<u>4,789 sq. ft.</u>
<u>3128 Solimar Beach DR</u>	<u>8,278 sq. ft.</u>	<u>7,081 sq. ft.</u>
<u>3124 Solimar Beach DR</u>	<u>6,390 sq. ft.</u>	<u>7,104 sq. ft.</u>
<u>Existing Square Footage</u>	<u>See Above</u>	<u>3,721 sq. ft.</u>

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<sup>1</sup> Lot Size and total floor area compiled from Ventura County Accela permit database. Total Floor is the aggregate total of habitable space plus garage square footage. The garage square footage for 3124 Solimar Beach Drive is a net area based on the area available for parking.

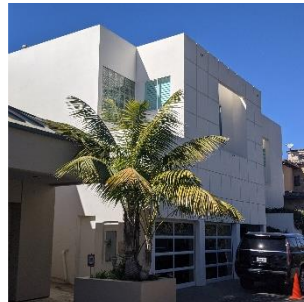
3128 Solimar Beach DR



3134 Solimar Beach DR



3134 Solimar Beach DR



3154 Solimar Beach DR



As discussed above, the Solimar Beach Colony has been affected by the recent (effective January 29, 2021) reassessment of flood hazard risk by FEMA for this area of the Ventura County Coastline. BFE is the elevation of the 1 percent (100-year) annual-chance flood identified by FEMA. In short, BFE has been raised within this section of the Ventura County Coastline to an elevation of 18 feet NAVD88 effectively raising finished floors and ultimately building heights (BFE is utilized to determine permissible building heights in the RB Zone per CZO Section 8175-3.13) for any new substantial improvement projects or projects determined to be new development. Compliance with the new FEMA BFE has been factored in the design of the proposed Project along with sea level rise, wave action and other coastal hazard factors specific to this community. Accordingly, the proposed Project will be built upon piles as specified in Exhibit 6 as the only feasible means for project implementation. For the proposed Project, the lowest horizontal structural member is located at an elevation datum of 19.0 feet NAVD88 . As specified in the commenter's response, the height of the finished roof of the structure located at an elevation datum of 47 feet NAVD88 which would be allowed based upon the design flood elevation datum (which corresponds to the FEMA BFE for this Project) approved by the Public Works Agency Watershed Protection District with their technical review of the supporting Coastal Hazards Analysis (Exhibit 7). As analyzed under Exhibit 4, Item 1 aesthetic impacts were found to be less than

significant with the structure accommodating the required structural elevation considerations while simultaneously maintaining compatibility with the adjacent community.

The Project includes the construction of a building elevator which connects the ground level of the structure to the two habitable floors above. The submitted coastal hazards analysis indicates that wave runup may strike the bottom of the foundation or other site improvements and be subject to wave runup bore forces or broken wave forces with future sea level rise (a surge force per unit horizontal width of the improvement is ~1,200 lbs). Accordingly, the design engineer for the foundation and the other improvements for the building will be required to determine the proper design loading in consideration of the surge force for the wave runup projected in the coastal hazards report (Exhibit 7). Additionally, the design and siting of the elevator will follow the National Flood Insurance Program (NFIP) Technical Bulletin 4-93. The applicant will implement this requirement by submitting the appropriate construction documents to the Planning Division to verify that these specifications are reflected prior to the submittal of a plan check to the Building and Safety Division (Exhibit 5, Condition of Approval No. 22). Plans examiners with the Building and Safety Division will conduct the technical review of the construction documents during plan check review.

The report concludes that the Project is reasonably safe from coastal hazards including shoreline erosion, wave runup, and flooding without the shore protection in place, with the incorporation of the recommendations (foundation type, elevation, and potential wave runup forces) into the Project design.

Based on the discussion of above, the proposed Project is consistent with Ventura County General Plan Policies HAZ-3.1, HAZ-2.5, HAZ-4.3, Coastal Act Section 30253, and Coastal Area Plan Policies 4.2.4 A-2, A-3 and A-6.

- 4. Response to Comment D:** Lastly, the commenter recommends two additional permit conditions of approval be applied to the proposed Project. The first proposed condition would require that no shoreline protective device ever be built, nor current revetment expanded or redeveloped, to protect the proposed new development. This condition would preclude the construction of any future shoreline protective device through a recorded deed restriction applied to the property<sup>2</sup>. Based upon analysis by Planning Division staff, the proposed Project is

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<sup>2</sup> The commenter acknowledges that although the proposed residence has been designed, as conditioned, to ensure structural stability relative to wave action and forecasted sea level rise to the extent feasible, it is not possible to completely preclude the possibility that conditions on the site will change and the residence could be subject to greater wave action and tidal events in the future.

not subject this condition as this requirement is adequately covered by the existing provisions of the CZO which address the construction of shoreline protection devices. The CZO defines Shoreline Protective Devices as Seawalls, revetments, breakwaters, and other such construction that alter natural shoreline processes. Under CZO Section 8175-5.12, shoreline protection devices are only permitted when they are necessary to protect existing developments, coastal-dependent land uses and public beaches. The construction of a shoreline protection device would be prohibited to support the Project individually in the future, as the proposed Project does not qualify as existing development, or a coastal-dependent land use. However, the presence of the existing rock revetment (owned by the homeowners association) does not preclude necessary repairs to protect existing development within the Solimar Colony consistent with the Coastal Act (Section 13252) and the applicable provisions of the local coastal program. Expansion or intensification of the existing shoreline protection device would be subject to discretionary review (Coastal PD Permit for repair, expansion or reconstruction of the existing rock revetment) and if proposed by some party in the future and may be incompatible with the required findings for approval and result in significant impacts upon the environment. Based upon this analysis, no condition related to the future restriction of future shoreline protection device is necessary.

The second suggested condition would require the removal the proposed project in the event that the structure is unsafe and potentially falling into the ocean. Under this condition, the applicant would be required to agree to abandon and remove the dwelling in the event of significant damage caused by sea level rise or other coastal hazards. Pursuant to CZO Section 8174-6.3.5, the proposed Project is subject to the disaster replacement provisions of the LCP (Consistent with Coastal Act Section 30610(g)) which permits the reconstruction of legally permitted structures destroyed by disaster without the requirement for a Coastal Development Permit subject to conformance with the applicable zoning requirements in effect at the time of replacement. Accordingly, if destroyed by a disaster, a request for replacement will be evaluated to verify compliance with zoning requirements in effect at such time reconstruction occurs. The current zoning requirements (CZO Section 8174-6.2.2(c)(1)) include exceptions to such allowances if improvements to a single-family dwelling are located on a beach, or in a wetland, seaward of the mean high tide line, as such categories of projects involve a risk of adverse environmental effects on coastal resources. If determined to be within one these areas, a request for replacement may be disqualified from reconstruction and subject to the granting of a new Coastal Development Permit, where a replacement project may need to demonstrate compliance with all applicable provisions of the Coastal Act and LCP at such time that reconstruction occurs. As acknowledged in the commenter's letter, the design of the proposed Project has appropriately factored in the considerable range of coastal hazards (i.e. projected sea level rise, wave attack and wave runoff, flooding), appropriately minimizing and mitigating potential impacts with a pile supported foundation, an

acceptable design flood elevation (lowest structural member with a minimum elevation of +19 feet NAVD88) and the incorporation of wave loading in the pile design. The proposed design measures minimize the risk from coastal hazards to the maximum extent feasible, consistent with the LCP requirements for project approval and not subject to any special condition related to removal.