

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

DATE: FEBRUARY 9, 2026

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
JEFF ROSALER, INTERIM DIRECTOR
KURTH NELSON, PLANNING MANAGER

SUBJECT: COASTAL DEVELOPMENT PERMIT CDP24-0015 AND SITE DEVELOPMENT PERMIT SDP25-0027 TO REPLACE A TEMPORARY SHORELINE PROTECTION DEVICE WITH A 25-YEAR PERMIT TERM SHORELINE PROTECTIVE DEVICE WITHIN THE CITY'S COASTAL AND FLOODPLAIN OVERLAY DISTRICTS LOCATED AT 35127 BEACH ROAD

RECOMMENDATION: That the Planning Commission adopt the attached draft Resolution approving Coastal Development Permit CDP24-0015 and Site Development Permit SDP25-0027.

OWNER: Christian Miller

APPLICANT: April Winecki, Winecki Consulting, Inc.

REQUEST: Approval of a Coastal Development Permit and Site Development Permit to replace a temporary shoreline protection device with a new shoreline protective device with a 25-year permit term, located within the City's Coastal and Floodplain Overlay Districts.

LOCATION: 35127 Beach Road (APN: 691-142-02)

NOTICE: Notices of the Public Hearing were mailed to property owners within a 500-foot radius and occupants within a 100-foot radius on November 20, 2025, published within a newspaper of general circulation on November 21, 2025, and posted on November 20, 2025, at Dana Point City Hall, the Dana Point and Capistrano Beach Branch Post Offices.

ENVIRONMENTAL:

The proposed project is subject to a CEQA exemption under Public Resources Code Section 21080(b)(4) (actions necessary to mitigate an emergency), CEQA Guidelines Section 15269 (emergency projects), and CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities) and 15302 (Class 2 – Replacement or Reconstruction).

The proposed project qualifies for these exemptions because it is for permanent replacement and modification of a temporary structure that was authorized under an emergency Coastal Development Permit to prevent imminent damage and destruction of an existing residence that will result if the project is not approved. The emergency conditions that justify the need for the project continue to exist. The proposed project involves negligible or no expansion of the existing use and will be located on the same site and serve the same purpose and function as the existing temporary structure. Moreover, there are no unusual circumstances that are associated with the project, and thus it is not subject to the unusual circumstances exception set forth in Title 14 California Code of Regulations Section 15300.2.

ISSUES:

- Project consistency with the Dana Point General Plan, Dana Point Zoning Code and Local Coastal Program;
- Project compliance with the City's Floodplain Regulations;
- Project compatibility with and enhancement of the site and surrounding neighborhood; and
- Project satisfaction of all findings required pursuant to the Dana Point Zoning Code and Local Coastal Program for approval of a Coastal Development Permit and a Site Development Permit,

BACKGROUND:

The subject site is a 7,130 square-foot oceanfront, previously improved lot located within the Capistrano Beach Community Services District (District); a developed neighborhood of single-family and duplex structures. The site is narrow in width at 34.63' and 34.67' wide at the front and rear property lines, respectively. The District is developed with existing residential development located to the southeast and northwest, with the Pacific Ocean located to the south, railroad tracks and Pacific Coast Highway to the north (Vicinity Map and Site Photos - Supporting Documents 2 & 3).

The property is located within the Residential Beach Road Duplex 18 (RBRD 18) Zoning District, the City's Floodplain Overlay (FP-3) and Coastal Overlay Districts (the California Coastal Zone), and the appeals jurisdiction of the California Coastal Commission (CCC).

Within the City's Floodplain Overlay District, the subject site is located in the FP-3 district which is applied to coastal areas that are subject to potential inundation by wave action (Coastal High Hazard Area) and requires specific structural design and location requirements.

The project was originally scheduled for the December 8, 2025, Planning Commission meeting, where the Planning Commission opened the public hearing and voted to continue the item to their January 26, 2026, meeting. At the January 26, 2026, meeting, the Planning Commission opened the public hearing and voted to continue the item again to the February 9, 2026, Planning Commission meeting.

A. Coastal Permit Jurisdiction

The City's permitting jurisdiction extends to the Mean High Tide Line ("MHTL"). The Coastal Commission's jurisdiction is seaward of the MHTL. The residence and the proposed work area are located well above the MHTL based on surveys performed in June 2025 and January 2025. The following shows the location of the MHTL relative to the existing structure protection based on the June and January 2025 surveys:



The proposed project is located entirely within the City's coastal development permit jurisdiction and is subject to review for conformance with the City's certified LCP. The MHTL is shown on the right side of the photos. There is a lateral easement extending 25-feet landward of the MHTL (shown in the above-photos), which is in the City's permitting jurisdiction. All the proposed development is located above the MHTL. All the construction work is proposed to occur above the MHTL. On December 3, 2025, the California State Lands Commission issued a Jurisdictional Determination letter confirming that no portion of the existing or proposed improvements appear to encroach onto state-owned sovereign land at this time (Supporting Document 4).

B. Existing Residential Development

The project site contains an existing single-family dwelling (SFD) on an oceanfront parcel located within the Capistrano Bay Community Services District, an almost fully built-out residential beachfront subdivision. The beachside of the residential structure is currently protected from shoreline erosion by permitted temporary sandbags and unauthorized rock protection.

The existing two-story SFD and patio with an attached two-car garage were built in 1979-1980 pursuant to CDP No. 4-18-1979 that the California Coastal Commission's South Coastal Regional Commission approved on April 16, 1979 ("1979 CDP"). As part of the approval, the permittee recorded a deed restriction granting a lateral public access up to 25-feet inland of the mean high tide line, but in no case nearer than 5-feet from the dwelling that was proposed in the 1979 CDP.

The patio is slab on grade construction on sandy soil. The rear 35 feet of the SFD is founded on 14 timber piles in sandy soil connected by concrete grade beams that were installed to address differential settlement. The piles were inspected by a structural engineer, Stephen Peter, PE., who confirmed in his March 20, 2024, report that the piles were designed for vertical loading and not designed to be free standing support for the structure that could withstand lateral movement and uplift from tidal forces. The existing SFD was not approved with any shoreline protection, but the 1979 CDP does not prohibit shoreline protection for the SFD.

C. Existing Temporary Protection

On September 15, 2021, an emergency Coastal Development Permit (ECDP No. G-5-21-0037) for a temporary shoreline protection device was issued to the property owner by the California Coastal Commission to address high tide conditions and associated wave runup and shoreline erosion, which resulted in partial failure of the SFD's patio and were deemed to pose an imminent threat to the existing structure thus requiring immediate action to prevent or mitigate loss or damage to life, health, and property under 14 Cal. Admin. Code Section 13009.

The Coastal Commission's ECDP approved placement of 99 geosynthetic sand cubes (each approximately 3' x 3' x 3'), resulting in a 33 foot (ft.) long, 9 ft. wide, 9 ft. high temporary shoreline protective device seaward of the existing SFD and placement of 15 geosynthetic sand cubes (each approximately 3' x 3' x 3'), resulting in a 15 ft. long, 3 ft. wide, 9 ft. high temporary shoreline protective device directly adjacent to the northern edge of the seaward patio. The existing rocks located seaward of the sand cubes (functioning as a rip rap scour blanket) were not authorized in the ECDP.

The current temporary protection, including the unpermitted rocks, has been in place since September 2021. Based on site surveys and aerial photography, the current protection has not resulted in any discernable beach erosion or changes in beach morphology.

The ECDP authorizes the existing permitted elements of the protection on a temporary basis and requires the applicant to remove the protection authorized by the ECDP if the applicant does not obtain a regular CDP for continuing protection of the SFD. The applicant is also required to remove the existing unauthorized rock on the project site unless authorized by a regular CDP.

The ECDP required the owner to submit a follow-up CDP application to the City for work landward of the MHTL and to the Coastal Commission for work seaward of the MHTL. The applicant initially applied to the Coastal Commission for a follow-up CDP for all of the work in the application. However, it was subsequently determined that all of the development proposed in the follow-up CDP application is landward of the MHTL, and the applicant thereafter applied to the City for the follow-up CDP.

The proposed project includes removal of the existing temporary shoreline protection and placement of a new shoreline protective system consisting a gravity block wall and reuse of some of the existing sand cubes and rocks in order to protect the existing SFD from further erosion and coastal hazards.

D. Damage or Destruction of Residence in the Absence of Protection

Absent some form of protection, the understory of the residence will be exposed again to wave runup and tidal action. The resulting erosion under the structure will destroy the residence, as more fully described in the *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA*, prepared by GeoSoils, Inc., and dated December 6, 2024 (Supporting Document 7).

The subject SFD is one of many homes on Beach Road that is facing problems resulting from reduced sand levels on the beach. The sustained drop in sand level elevation exists throughout the 9.1-mile Capistrano Bight: the indentation of shoreline forming a bay that extends from the Dana Point Headlands southward to Cyprus Shore in San Clemente. The emerging consensus is that urbanization of the San Juan Creek watershed, rather than sea level rise, has resulted in a condition where the natural sources of sand are no longer supplying enough sandy sediment to replace sand that is transported down-coast by longshore drift. In June 2024, the County adopted the South Orange County Regional Coastal Resilience Strategic Plan ("Strategic Plan"), which describes the emerging consensus as follows:

Significant development in South Orange County and beyond resulted in the channelization of waterways for flood control, which disrupted the natural flow of sediment supply from creeks and rivers and essentially halted delivery of these sediments to the beach. The urbanization of watersheds, flood-control infrastructure (e.g., dams, reservoirs, detention basin, and channelization and hardening of riverbanks), and sand mining has trapped a significant portion of the fluvial (riverine) sediment in the upper watershed, resulting in an overall reduction in the sand supply reaching the South Orange County coastline (USACE 1991; Everest 2013). The now

highly reduced sand supply is delivered to the coastline primarily during flood events. During drought conditions the overall lack of sand in the littoral system is further exacerbated with almost no fluvial sand supply delivered to the coast to nourish the beaches.

With respect to sea level rise, the Strategic Plan states:

The National Oceanic and Atmospheric Administration (NOAA) evaluates relative sea level trends at tide gauges. Monitored water levels at the La Jolla tide gauge (Station 9410230) have shown an increase of 0.08 inch per year (2.04 millimeters per year) based on monthly mean sea levels from 1924 to 2021 (NOAA 2023). The relatively small increases in sea levels over the past several decades suggest that the current beach erosion is due to reductions in the fluvial sand supply from drought conditions or dams, not from increases in sea levels.

With respect to the applicant's property, Figure 1 is a collection of aerial photographs from the California Coastal Records Project which show that between 2002 and 2013, the sand elevation on the beach was roughly even with the finished floor elevation of the patio and residence, which appears to have been the case since the home was first built.

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Figure 1. Compilation of aerial photographs, 2002-2013





Since 2013, the elevation of the beach at the SFD has dropped below the finished floor (FF) elevation and has remained below the slab level, year-round. The beach sand is now about 6 feet below the FF elevation, as shown in Figure 2.

Figure 2. Typical current sand elevation



As a result of the sand level drop, the SFD became exposed to being undermined by wave action. In August 2021 high tides and large waves resulted in erosion that undermined the existing SFD's concrete patio. The undermining extended to within less than six (6) feet from the structure foundation. As a result, the foundation came within the "active zone"¹ for failure, which placed the residence in imminent danger of damage, as shown in Figure 3.

Figure 3. August 2021, photograph of the site prior to the installation of the large sandbags. The actual residence foundation is located just behind the small sandbags and in front of the patio chairs.



In the August 26, 2021, report prepared by TerraCosta Consulting Group and submitted with the request for ECDP No. G-5-21-0037), the applicant's coastal engineer informed the Coastal Commission, "The continuing erosion of the back beach and significant undermining of the patio slab can lead to the breakage of the remaining patio slab, likely creating a ramp that, with the next high tide, will damage the residence from overtopping waves.

¹ A plane at 1:1 (horizontal : vertical) projecting downward and outward (seaward) from the structure, where the structure relies on all of the soil landward of the plane for support.

Of more concern is the ongoing erosion which will undermine the foundations of the residence, causing the beachfront portion of the residential structure to settle several feet, essentially destroying the entire residence.”

In approving the ECDP No. G-5-21-0037, the Coastal Commission found that predicted wave runup and high tide conditions and resulting potential threat to the primary structure constituted an emergency demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

The conditions that created the emergency have not changed since the Coastal Commission approved the ECDP. The residence will be destroyed if continuing shoreline protection for the structure is not approved.

DISCUSSION:

Due to the subject sites location in both the Coastal Overlay District and within the appeals jurisdiction of the CCC, a Coastal Development Permit is needed for the coastal development proposed related to the gravity block seawall and associated construction activities needed to implement the project. Additionally, since the subject site is also within the FP-3 district of the City’s Floodplain Overlay District, a Site Development Permit must be obtained pursuant to Section 9.31.050(a) of the Dana Point Zoning Code (DPZC) prior to the start of construction or development within areas of flood-related erosion hazards.

COASTAL DEVELOPMENT PERMIT

A. Project Description

The proposed project includes removal of the existing temporary shoreline protection onsite and placement of a new shoreline protective system consisting of a gravity block wall, combined with sand cubes to be placed landward of the gravity wall, and a subsurface rip-rap scour blanket to be placed at the toe of the gravity wall. The proposed project includes the following primary project elements and activities (Supporting Documents 5 and 7):

1. Installation of erosion control devices (could include straw waddles, large sand bags, standard BMPs, and any/all BMPs required per City permit conditions).
2. Removal of the remaining section of existing concrete patio seaward of the residence (approximately 448 sq. ft.) to allow placement of temporary shoring and construction of the shoreline protection.
3. Installation of temporary pile-supported shoring system to support excavation during, consisting of drilled, reinforced, cast-in-place, concrete piers with wood lagging, to be removed following construction.

4. Placement of the shoreline protection system consisting of a series of interlocking concrete gravity blocks to form a continuous gravity block wall (approximately 35 feet in length, 7.5 feet in depth and with a top of wall elevation of +15 ft.) placed immediately seaward of the existing residence and patio, with an approximate 7.5 linear feet return wall (7.5 feet in depth and with a top of wall elevation of +15 ft.) placed approximately 2 ft. off the upcoast property line.
5. Approximately 35 cubic yads of subsurface quarry stone rip rap (2 ton to 5 ton in size), repurposed from the existing site, to be located at the seaward toe of gravity block wall to function as a scour blanket and minimize beach erosion and thereby reduce the risk of the structure being undermined under extreme scour conditions.
6. Two rows of 3x3x3 sand cubes (66 sand cubes), also re-purposed from the existing sand cubes on site, to be placed directly behind the gravity block wall and partially beneath the patio to prevent scour and potential undermining behind the wall should overtopping occur.
7. Excess existing quarry rocks (approx. 35 cy. yds.) and excess existing sand cubes (approx. 24 sandbags) will be removed and disposed of at a permitted facility outside of the coastal zone.
8. Replace patio using 18" x 18" pavers in the original footprint that existed at the time of the 2021 storm damage (approximately 532 sq. ft.)

The applicant is proposing a 25-year term for the permit, which represents the anticipated design life of the project, at which point the proposed protection may need repair and reconstruction that would require a CDP. To continue the protection past the 25-year term, the applicant would need to apply to extend the CDP. Potential changes in circumstances, such as new information relative to sea level rise, the location of public tidelands onsite, community or regional adaptation efforts affecting the project area, and evaluation of alternatives and/or mitigation measures to reduce impacts to sand supply, public access and recreation, or other relevant coastal resources at the site, can be addressed at that time.

The proposed structure protection will retain an estimated 145 cubic yards of sand over the proposed 25-year design life, which represents a reduction in the amount of sand that may otherwise be deposited on the beach and into the offshore sand supply system. To address this potential impact on shoreline sand supply, the proposed project includes payment of a sand retention fee for 145 cubic yards of sand, calculated based

on sand supply costs for 2026², into an interest-bearing account held by or on behalf of OC Parks, State Coastal Conservancy, California State Parks, or another Planning Director-approved entity (Condition No 24 of Action Document 1). The funds and all earned interest shall be used to aid in the provision, restoration or enhancement of public access improvements, recreational amenities, and/or beach creation through sand nourishment or property acquisition in the City of Dana Point and/or the Capistrano Beach area or in another location as close as feasible to the impact.

The proposed project has been designed to protect the existing residence from further erosion and damage while ensuring that coastal resources or public shoreline access will not be affected over the 25-year design life of the project. The project design and limited permit term are proposed to ensure adaptability of the project to future changing shoreline conditions and/or regional shoreline protection programs if/when developed and implemented.

Proposed gravity block wall would consist of a quarry stone texture with the outermost blocks treated with an integral color concrete mix to match surrounding native soils.

Additionally, due to the scope of work associated with project implementation, conditions of approval associated with the potential impacts to raptor bird species and bats, and archaeological, paleontological, and tribal cultural resources. Specifically, a Raptor and Bat Monitoring and Avoidance Plan and an Archaeological, Paleontological, and Tribal Cultural Resources Treatment and Monitoring Plan (Condition Nos 28 and 29 respectively) with specific provisions and protocols are included in the draft resolution attached as Action Document 1.

Construction equipment will include an excavator and small drill rig (as needed for temporary shoring), hand tools, lifting straps, and a dump truck to export excess quarry stone. The work area will be accessed from Beach Road through 35125 Beach Road, an adjacent undeveloped parcel to the north of the subject site. This site will also serve as temporary equipment staging and materials storage (rocks, sandbags and blocks) as shown on the Staging Plan, (Supporting Document 5, Sheet S9). The applicant provided a letter from the 35125 Beach Road property owner grant permission for the allowing access to the site for the purposes of the CDP application and to implement the project (Supporting Document 6) Standard best management practices (BMPs) and erosion control measures (SWPPP) are proposed to protect water quality, and all work equipment will access the construction area landward of the mean high tide line and public access easement, as identified on the project plans.

² In recent years, the Commission has applied a replacement sand cost of \$50 per cubic yard (see CDPs 3-16-0446 (Rockview Seawall and Accessway), 3-16-0345 (Honjo Armoring), A-3-PSB-12-042 (Capistrano Seawall) and A-3-PSB-12-043 (Vista del Mar Seawall)). Here, the Commission applies \$60.54 per cubic yard, which represents that \$50 per cubic yard as adjusted for inflation to 2025 since those original calculations, consistent with recent cases evaluated by the Commission (see, for example, CDPs 3-18-0720 (Candau), 3-20-0166 (Wavefarer Partners LLC), 3-22-0440 (Casanova), 3-23-0014 (Grossman), 3-24-1027 (Hofmann Seawall), and 3-24-0747 (Mud Creek)).

**B. Dana Point Zoning Code (Implementation Plan of Local Coastal Program)
Development Standards and Special Development Standards**

The property is located within the “Residential Beach Road Duplex 18” (RBRD 18) zone, the City’s Floodplain Overlay District (FP-3), Coastal Overlay District (the California Coastal Zone), and the appeals jurisdiction of the California Coastal Commission. The Floodplain Overlay designation identifies the property as being subject to potential inundation by wave action, and the shoreline protective device is allowed when meeting specific criteria related siting and design requirements in the City’s Floodplain Ordinance and within the Coastal Overlay District.

Dana Point Zoning Code (DPZC) [Implementation Plan (IP)] Sections 9.09.030 (Development Standards) and 9.09.040 (Special Development Standards) regulate development within the City’s Residential Districts including RBRD 18, while the RBRD 18 development standards therein are supplemented, and where applicable, superseded by special development standards described in Section 9.09.040 and Chapter 9.35 (Access, Parking and Loading).

DPZC Section 9.09.040(a) further outlines development in both the Residential Beach Road 12 (RBR 12) and RBRD 18 Zoning Districts based on the standards in the table in Subsection 9.09.040(a) described as follows:

- (1) *The following Table provides the requirements for structural stringlines, patio stringlines, and front yard setbacks for properties in the Residential Beach Road 12 (RBR 12) and Residential Beach Road Duplex 18 (RBRD 18) Districts*

Table 1 identifies the residential development standards and special development standards applicable to the site and relative to the existing SFD and associated site improvements and not the proposed shoreline protective device which is subject to standards of DPZC Sections 9.27.030(f) and 9.31.040(d)(3) discussed further below. The only existing improvement that has been made by the proposed project is the patio at the seaward side of the existing SFD.

Table 1: Compliance with RBRD 18 Development Standards and Special Development Standards

Development Standard	Requirement	Proposed	Compliant with Standard
Front Setback	20 ft.	NC ¹	NA
Side Setbacks	3'-6" minimum*	NC	NA
Structure Stringline	112' west 113' east	NC	NA
Patio Stringline	128' west 128' east	125' west 125' east	Yes Yes
Rear Deck height (above grade)	30' above structure stringline elevation	NC	NA
Height	28 ft.	NC	NA
Landscape Coverage	10% lot area bounded by the side property lines, front property line and the structure stringline.	NC	NA
Parking Required	Two stalls in a garage	NC	NA

¹ NC = No change

The structure stringline is 112 ft. from the Beach Road property line along the west property line and 113 ft. along the east property line. The existing residential structure is located landward of the structure stringline, and no change is proposed to the structure. The patio stringline is approximately 128 ft. from the Beach Road property line along both the west and east property lines. A portion of the existing concrete patio was partially damaged by erosion and thus removed as part of the ECDP temporary shoreline protection authorization. The remaining patio would be removed for construction of the proposed shoreline protection system and then replaced with a concrete paver patio, to be located approximately 3 ft. inland of the patio stringline.

C. Dana Point Zoning Code Standards for Shoreline Structure Protection

The subject oceanfront property is located within the Coastal Overlay District and in the FP-3 district, which is one of the three districts in the City's Floodplain Overlay District, and is applied to coastal areas subject to wave action and determined to be a coastal high hazard area. Coastal Overlay District Section 9.27.030(f) and Floodplain Overlay District Section 9.31.040(d)(3) provide criteria for approving a shoreline device to protect a structure on the beach.

Section 9.27.030(f) in the Coastal Overlay District states the criteria for approving a shoreline device to protect a structure on the beach. It states in pertinent part:

Shoreline Protective Devices. Seawalls, revetments, and other such shoreline protective devices or construction that alters natural shoreline processes shall be permitted only if non-structural alternatives are found to be infeasible, and when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply... Any shoreline protective device which may be permitted shall be placed so that no part of a new shoreline protective device is built further onto the beach than a line drawn between the nearest adjacent corners of the nearest adjacent shoreline protective devices.

Seawalls in the northern portion of the Capistrano Bay District private community along Beach Road (north of Pines Park located in the inland bluffs above the community), when permitted in accordance with the other requirements of this Chapter, shall have a scour blanket consisting of rip-rap stone placed at the seaward toe of the seawall to minimize beach erosion.

Section 9.31.040(d)(3) of the Flood Overlay Zone contains a comparable provision which states:

Seawalls, revetments, and shoreline ocean protective devices or construction that alters natural shoreline processes, unless required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and only when positioned, designed and constructed to eliminate adverse impacts on local shoreline sand supply as provided for in Section 9.27.030(f) of this Zoning Code. Seawalls, revetments, and other shoreline protective devices or construction that alters natural shoreline processes shall only be permitted as a last resort protective device for coastal areas. Shoreline protective devices need not be subject to the elevation requirements of the FP-3 district.

1. Design Criteria

DPZC Section 9.27.030(f) states two design criteria, which the proposed project meets. First, the proposed protection is no further seaward than the corners of the nearest adjacent shoreline protective devices. The shore protection stringline for the project site is based on a stringline drawn between adjacent pre-Coastal Act seawalls located at 35115 and 35131 Beach Road and is approximately 150 ft from the Beach Road right-of-way on the west property line and 146 ft. on the east property line. The proposed shoreline protection system, including the subsurface rip-rap toe protection element, would be located inland of the shore protection stringline. Second, as the project is located in the

northern portion of the Capistrano Bay Community Services District community along Beach Road, the proposed protection is designed with the required subsurface rip-rap stone scour blanket to be placed at the seaward toe of the gravity block wall to minimize beach erosion. While the current rip-rap seaward of the temporary protection is unpermitted (not part of scope of ECDP), a portion of the existing rock is proposed to be retained and relocated for the proposed scour blanket protection at the seaward toe of the gravity wall structure. Any existing rock not of appropriate size (less than 2 ton) and/or in excess of that which is required to meet the project design criteria will be removed from the site. Except for the subsurface quarry stone, the structure protection would be located entirely landward of the existing sandbag protection system temporarily authorized by the Coastal Commission pursuant to the ECDP.

Sections 9.27.030(f) and 9.31.040(d)(3) contain three additional requirements for approval of a shoreline protection structure: (i) non-structural alternatives must be found to be infeasible, (ii) the shoreline protection must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and (iii) the shoreline protection must be required to protect ... an existing structure. Section 9.31.040(d)(3) adds that the structure protection shall only be permitted as a last resort protective device. The basis for the subsequent analysis in Sections 2 through 3 is based on the *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA*, dated December 6, 2024, included as Supporting Document 7.

2. Non-Structural Alternatives Are Infeasible

The question in this step of the analysis is whether there is a feasible non-structural alternative to protecting the structure that would not involve constructing the proposed shoreline protection. Section 9.75.060 (Definitions and Illustrations) defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

The following four non-structural alternatives were evaluated: (i) no project/structure protection, (ii) beach nourishment, (iii) living shorelines, and (iv) modification of the residential structure foundation.

(a) No Project/No Structure Protection

The no-project alternative would result in no protection of the residence. Without any shoreline protection, the residence will be destroyed.

Under this alternative, the temporary protection would be removed, and there would be no replacement structure. The sustained loss of sand on the beach has exposed the understory to tidal forces, which the residence was not designed or constructed to withstand. Based on the structural engineering inspection and review letter report dated March 20, 2024, prepared by Stephen Peter, PE., the 14 wood pilings and supporting concrete footings located at the rear (seaward side) of the residence extending 35 feet

toward Beach Road are designed for vertical loading and are not designed for lateral and uplifting tidal forces that the property would experience if there is no shoreline protection.

(b) Beach Nourishment (Temporary Sand Replenishment, Nourishment Measures)

Beach nourishment, a non-structural shoreline stabilization effort, is not a feasible alternative to protect the residence that is immediately threatened by tidal forces that are undermining the structure due to the relatively recent sustained drop in beach elevation. Beach nourishment typically covers long stretches of shoreline, much longer than the 35 feet at the site. There are no regional mechanisms in place to sustain either beach renourishment or living shorelines, and particularly not in time to achieve the immediate need for protection of the residential structure in this case.

The current threat to the structure is the result of a sustained approximately 6-foot drop in the elevation of the beach likely caused by changes in the San Juan Creek watershed since 2013. It would take a substantial, ongoing replacement of sand to raise the beach to sustained elevations that would restore the conditions that existed prior to 2013. In 2023, approximately 45,000 cubic yards of sand was added as part of a one-time renourishment effort by Orange County. While the renourishment temporarily raised the sand level at the property, it was not enough to restore the 2013 elevation, which indicates that a much more substantial amount of sand would be needed for renourishment that would need to be annually sustained to restore the sand elevations to protect the structure.

(c) Living Shorelines (Maintenance of Protective Sand Dunes and Habitat)

For the same reasons as noted related to beach nourishment, living shorelines are not feasible to protect the structure that is immediately threatened by tidal forces that are undermining the structure due to the relatively recent sustained drop in beach elevation.

Living shoreline measures typically reduce beach erosion but do not replace sand on beaches that have already experienced a significant and sustained loss of sand, as in the case of Capistrano Beach. Living shoreline measures will not provide the physical protection for the exposed foundation of the structure which would continue to be imperiled by wave action.

As in the case of beach renourishment, living shoreline type shore protection also typically covers much longer sections of shoreline. There are no regional mechanisms in place to sustain living shorelines, and particularly not in time to achieve the immediate need for protection of the residential structure in this case.

(d) Modification of the Residence Foundation

The existing residence has a slab on sand foundation. The 14 piles that were installed extending 35 feet from the seaward edge of the structure toward Beach Road are not designed to be exposed and to withstand lateral or vertical tidal forces.

The current risk to the structure is the undermining of the foundation that cannot support the structure nor withstand wave forces as the underlying sand is washed away. Modifying the foundation to support the residence would require installing caissons, grade beams and cross ties beneath the structure that are designed to bear the weight of the residence as well as vertical and lateral tidal forces.

It is practically and economically infeasible to modify the foundation. The residence was built under outdated building codes and one year after the initial Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) covering the Capistrano Bay Community Services District (1979). The existing structure is framed such that the building loads are distributed somewhat uniformly on the slab foundation. Those loads would need to be transferred to individual piles that would extend into bedrock. There is no access under the residence to install a pile supported foundation system.

A pile supported foundation cannot be constructed, cannot support the existing residence, and cannot be compliant with FEMA and current building codes without destroying the existing residence and foundation. The effort would cost more than replacing the entire structure and would be infeasible to accomplish.

3. Design and Construction to Eliminate or Minimize Sand Supply Reductions

This requirement is a two-step process involving (i) a comparison of design alternatives to determine which is least impactful to the sand supply, and (ii) measures taken in the proposed design to avoid or offset sand supply reduction.

(a) Accounting for Projected Sea Level Rise

A review of alternatives includes a consideration of anticipated sea level rise ("SLR") over the life of the project and the potential landward migration of the MHTL as a result. The current location of the proposed shoreline protection is well above the MHTL and the landward boundary of the 25-foot lateral access easement. The question is whether that will remain the case over the anticipated design life of the project. SLR projections have evolved in recent years. The actual rate of SLR is well below the modeled rate that the City has been using, which is based on a model the California Ocean Protection Council ("OPC") adopted in 2018. In 2024, OPC replaced the 2018 model with new modeling that has significantly reduced the projected SLR over the 25-year design life for this project.

This discussion will address the actual rate of SLR, the evolution to the current models that have been used to achieve a realistic view of what can be expected during the 25-year term of the CDP.

(i) Current Rate of Sea Level Rise

Current measures of SLR are based on published sea level rise data from tide gauges monitored by the National Oceanic and Atmospheric Administration (NOAA). Based on NOAA's current measurements, sea level is rising along the Southern California coast at the same 4 to 8 inches per century that it rose in most of California during the 20th century.

The La Jolla gauge station (located at the Scripps La Jolla Pier) is closest to Capistrano Beach. Since 1924, the La Jolla gauge station has been measuring monthly mean sea levels without regular seasonal fluctuations from coastal ocean temperatures, salinity, wind, atmospheric pressure, and ocean currents.

Summarizing 100 years of data from the La Jolla tide gauge, NOAA concludes, "The relative sea level trend is 2.02 millimeters/year (mm/yr) with a 95% confidence interval of +/- 0.22 mm/yr based on monthly mean sea level data from 1924 to 2024 which is equivalent to a change of 0.67 feet in 100 years."³ A 2.02 mm annual mean sea level rise trend equates to 0.08 inches per year or approximately 2 inches over the past 25 years.

The actual rate of SLR has been decreasing at all of the Southern California NOAA tide gauges since 2015. NOAA's data from the La Jolla tide gauge station is at the high end of the trend when compared to the next nearest NOAA tide gauges in the Los Angeles harbor and the Santa Monica Pier.

Accordingly, based on actual mean sea level trends, SLR at the property is expected to rise 0.4-inches by 2030 and 2-inches by 2050.

Based on a 25-year design life, it is anticipated that actual SLR will be 2-inches.

(ii) Modeled Sea Level Rise

In 2018, the CCC adopted its Sea Level Rise Policy Guidance ("2018 Coastal Guidance"). The 2018 Coastal Guidance states that it is an advisory and not a regulatory document that sets forth certain guiding principles that broadly lay out common ideas and a framework by which SLR planning and permitting actions can be assessed. In this context, the Guidance states, "CDPs should analyze the medium-high and/or extreme risk aversion projections (from the 2018 [Ocean Protection Council ("OPC") Sea Level Rise Guidance ("2018 OPC Guidance")]) of sea level rise, as appropriate, in order to understand the implications of a worst-case scenario."

³ https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=9410230

The 2018 OPC Guidance projected SLR above a 2000 baseline year at the various NOAA gauges along the California coast with modeled SLR projections starting in 2030. For the La Jolla gauge, the 2018 OPC Guidance projected 10.8-inches of SLR between the 2000 base year and 2030 and 2 feet of SLR between the 2000 base year and 2050 using the Medium High Risk Aversion scenario and 1.1-feet of SLR by 2030 and 2.8 feet of SLR by 2050 using the High Risk Aversion scenario.

With only five years left to reach the 2030 projection, it has become clear that actual SLR is nowhere near the 2018 OPC Guidance projections. Based on the actual rate of SLR at the La Jolla gauge, SLR would be only 2.37-inches above the 2000 baseline year by 2030, which is well below the 10.8-inches to 1.1-feet projected in the 2018 OPC Guidance.

In 2024, OPC adopted a Science and Policy Update to the State of California Sea Level Rise Guidance (“2024 OPC Update”), which concludes that sea level rise of 2.7 feet by 2050 is now considered physically unrealistic because the increase in the rate of SLR needed to reach that target is not possible based on the current understanding of the process driving SLR.

The 2024 OPC Update concludes that California Sea Level Scenarios in the update show much greater certainty in the amount of SLR expected in the next 30 years, which demonstrates that there is little difference in SLR expected across all foreseeable emissions pathways over the next three decades. The 2024 OPC Update reduced the projected range of SLR from the 1.1 to 2.7 feet by 2050 (relative to a 2000 base year) that had been modeled in the 2018 OPC Guidance to 0.5 feet to 1.2 feet by 2050 (relative to a 2000 base year), thus reducing projected SLR by more than 50 percent.

On November 13, 2024, the Coastal Commission adopted an update to the 2018 CCC Guidance (“2024 CCC Update”), which proposes that CDPs use the upper ranges of the 2024 OPC Guidance as shown on the following table:

Table F-13. Sea Level Scenarios for La Jolla

Projected SLR Amounts (in feet)					
	Low	Intermediate-Low	Intermediate	Intermediate-High	High
2030	0.3	0.4	0.4	0.4	0.5
2040	0.4	0.5	0.6	0.7	0.8
2050	0.5	0.7	0.8	1.0	1.3
2060	0.6	0.8	1.1	1.6	2.0
2070	0.7	1.0	1.4	2.3	3.0
2080	0.8	1.2	1.8	3.1	4.1
2090	0.9	1.4	2.4	3.9	5.3
2100	0.9	1.6	3.1	4.8	6.6
2110	1.0	1.8	3.8	5.7	7.9
2120	1.1	2.0	4.4	6.4	9.0
2130	1.2	2.2	4.9	7.1	9.9
2140	1.2	2.4	5.5	7.6	10.9
2150	1.3	2.6	6.0	8.2	11.8

Median values of Sea Level Scenarios, in feet, for each decade from 2020 to 2150, with a baseline of 2000. All median scenario values incorporate the local estimate of vertical land motion. The red box highlights the three scenarios that the *State Sea Level Rise Guidance* (OPC 2024) and this guidance recommend for use in various planning and project contexts.

The 2024 CCC Update recommends using projected SLR by 2050 ranging between 10.8 inches and 1.3 feet (over a 2000 base year) based on the La Jolla gauge, a difference of roughly 8-inches, which will be used in this report.

Because all of the models project SLR above a 2000 base year, some of that increase is accounted for in the actual SLR that has occurred since 2000. Based on the actual SLR trend at the La Jolla gauge, sea level has risen approximately 2 inches since 2000, which must be subtracted from the projected modeled increase to obtain the projected SLR over the next 25 years.

Accordingly, projected SLR by 2050 above the actual SLR that has occurred since 2000 at the La Jolla gauge ranges between 8.9 inches and 1.1 feet.

It is worth noting that projected SLR in the 2024 OPC Guidance is still well above what is expected based on the actual rate of SLR at the La Jolla gauge. Based on the actual rate of SLR at the La Jolla gauge, SLR by 2030 would be 2.4 inches above a 2000 base year. The projected SLR by 2030 based on the lowest recommended model per the 2024 CCC Update is 4.8 inches over a 2000 base year, or twice the SLR based on the actual rate of SLR. The current rate of SLR would need to increase annually from 0.081 inches to 0.4 inches, an increase that is approximately four times the current actual rate.

The plans for the proposed project analyze the proposed structure based on the actual rate of SLR as well as projected SLR using the 2024 CCC Update. Design alternatives are evaluated on this basis.

(b) Design Alternatives

The GeoSoils, Inc. *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA*, dated December 6, 2024⁴, analyzed the following alternatives to the proposed gravity block wall design (i) a rock revetment, (ii) an engineered concrete vertical seawall, and (iii) a rock revetment with seawall to determine if there was an alternative that could provide significant protection to the existing residence that can be installed and removed consistent with the proposed project-specific design criteria (“Design Criteria”) to (i) minimize long-term impact on the natural landform, (ii) eliminate or mitigate adverse impacts on sand supply, and (iii) minimize adverse impacts on public use of sandy beach areas (“Design Criteria”).

(i) Rock Revetment

A rock revetment was rejected because it would have a larger footprint than a vertical seawall and would require ongoing maintenance that can be avoided with a gravity block wall system. A properly engineered rock revetment would meet the Design Criteria in that it can provide significant protection to the existing residence and can be installed and removed with minimal long-term impact on the natural landform. A rock revetment would have a larger footprint and may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. A rock revetment is a mobile structure that moves and requires maintenance to ensure the proper functioning of the structure. The capital cost of a revetment is typically less than a vertical concrete cast in place seawall but requires much more maintenance over time. The design life of a revetment can be many decades, provided that it is periodically maintained. The maintenance would likely be needed about every 5 years and possibly after a very energetic winter season.

The proposed gravity block wall system would minimize impacts to public access and sand supply as compared to a rock revetment. Compared to a rock revetment, the proposed gravity block wall system with quarry stone rip-rap at the seaward base, as required by the City’s Zoning Code, would minimize impacts to coastal resources and is the superior alternative because a) it would have a smaller footprint than a rock revetment, b) it would be located in a more landward location allowing for more useable beach,

⁴ In February 2025, NOAA published its tables showing relative SLR at the La Jolla gauge through 2024. The GeoSoils report was submitted in December 2024 before NOAA released its 2024 update. As a result, the GeoSoils report uses NOAA’s relative SLR data through 2023, which was the most current data at the time. This report uses NOAA’s 2024 data, which is more current. The rate of SLR decreased slightly at all of the Southern California stations between 2023 and 2024, which accounts for small differences between the SLR numbers that appear in this report and in the GeoSoils report.

c) it would not require continuous maintenance over the design life, and d) it would be easier to adjust or relocate over time to allow for adaptation.

(ii) Engineered Concrete Vertical Seawall

The proposed gravity block wall system would have less of an effect on public access and sand supply as compared to a vertical seawall. A cast in place steel reinforced concrete vertical seawall would not meet the Design Criteria because it cannot be readily adjusted to account for landward migration of the MHTL and involves more construction and demolition impacts. A properly designed and installed vertical seawall can provide Structure Protection with a longer design life than the proposed design and a smaller footprint than a gravity block system or a rock revetment but may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. Concrete seawalls require minimal maintenance over their design life. A concrete seawall would be founded on a pile/caisson system or use a large footing. The seawall face would need to extend down below the maximum expected scour elevation over the life of the structure. The seawall height can be increased to adapt to sea level rise over the life. A concrete seawall can be removed in the future, but would require large equipment and possibly modification of the natural land form. The cost of a vertical seawall is about twice the cost of a revetment per linear foot of protection.

Compared to an engineered concrete vertical seawall, the proposed gravity block wall system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would minimize effects on coastal resources and is the superior alternative because a) it would be easier to adjust or relocate over time to allow for adaptation, b) scour would be minimized by the rip-rap design, c) no large footings or piles/caissons would be necessary.

(iii) Rock Revetment with Seawall

The proposed gravity block wall system would have less of an effect on public access and sand supply as compared to a rock revetment. A combination vertical cast in place concrete seawall with a low height rock revetment in front for scour protection would not meet the Design Criteria because it cannot be readily adjusted to account for landward migration of the MHTL and has the construction and demolition impacts associated with an engineered vertical concrete seawall. A combination vertical cast in place concrete seawall with a low height rock revetment is a feasible shore protection alternative and would have a smaller footprint than a regular revetment but a larger footprint than a simple vertical wall. The seawall upper portion of the shore protection may be overtopped and may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. The vertical seawall height can be increased to adapt to sea level rise over the life, but would require large equipment and possibly modification of the natural land form to remove or relocate. The cost of this shore protection lies between the cost of a vertical seawall and a revetment per linear foot of protection.

Compared to a rock revetment combined with a vertical seawall, the proposed gravity block wall system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would minimize effects on coastal resources and is the superior alternative because a) it would have a smaller footprint, b) it would be located in a more landward location allowing for more useable beach, c) it would not require continuous maintenance over the design life, and d) it would be easier to adjust or relocate over time to allow for adaptation.

(c) Design Features to Minimize or Eliminate Sand Supply Reductions

All structural design alternatives would have approximately the same limited potential to reduce sand supply which cannot be eliminated. The proposed gravity block wall system with rip-rap scour blanket at the base has the least potential to reduce sand supply and has been sited and designed to minimize sand supply reductions.

The proposed structure protection has the potential to retain shoreline erosion of sand material from land area located behind the protection device, thereby reducing the amount of sand that may otherwise be deposited to the beach and into the offshore sand supply system. Potential reductions in sand supply are proposed to be offset through the payment of a sand retention fee which may be mitigated under the LUP (Conservation/Open Space Element) Policy 2.14, IP Section 9.27.030(f) and 9.31.040(d)(3). The volume of sand that may be retained from the natural system over the proposed life of the structure protection is estimated to be about 145 cubic yards, which will be offset by payment of a sand retention fee.

4. The Project is Necessary to Protect an Existing Structure

The Coastal Overlay Zone does not define what constitutes an "existing structure." Historically, an existing structure was a structure in existence when the needs for shoreline protection arises, rather than a newly constructed structure. However, Section 9.27.030(f) appears to be based on Coastal Act Section 30235, which states in pertinent part: "Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required ... to protect existing structures..." The Coastal Commission interprets "existing structure" as a structure that was in existence when the Coastal Act took effect on January 1, 1977. The Coastal Commission's interpretation of "existing structure" was recently upheld in *Casa Mira Homeowners Assn. v. California Coastal Com.* (2024) 107 Cal.App.5th 370.

In adopting the current interpretation of "existing structure", the Coastal Commission has emphasized in its policy guidance that its current approach to defining the term is more protective of natural resources on the coast, which the Court of Appeal also emphasized in affirming the Coastal Commission's interpretation.

As a structure constructed after the Coastal Act became effective, the applicant's residence is not an existing structure. Applying the Coastal Commission's interpretation in this case would mean that the City would deny the CDP, thereby leaving the residence without any protection from ongoing wave action and tidal forces that will undermine and destroy the residence.

Although the point was raised in an amicus brief in the Court of Appeal, *Casa Mira* did not address how the Coastal Act applies when a strict application of "existing structure" in a manner intended to advance the Coastal Commission's public resource protection policies results in the damage or destruction of a private residence.

This scenario is addressed in Coastal Act Section 30010, which states:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor.

Article 1, Section 1 of the California Constitution states that acquiring, possessing, and protecting property are inalienable rights. Article 1, Section 19 states "Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner." The California Court of Appeal recently held that the California Department of Fish and Wildlife damaged private property for public use when it implemented a policy for natural resource protection that resulted in the inundation of private property. The court held that CDFW was strictly liable to the property owners.

A denial of the CDP in this case would likely be viewed as a taking of the right to protect property as well as an act that will damage private property for public use associated with advancing public resource protection policies. Under Section 30010, the City cannot deny the CDP in this case unless it first goes to court and a jury decides how much the City must pay the applicant for the taking. In this case, the City Council has not authorized the City Attorney to bring such an action.

When, as in this case, the City Council has not authorized an action to compensate the property owner, Section 30010 authorizes the City to approve the CDP by making findings that a denial of the CDP would result in an uncompensated taking under both the United States and California Constitutions without compensation.

This approach is commonly referred to as a takings override, which the Coastal Commission has been using for 25 years. The Coastal Commission has been using this approach in approving development in environmentally sensitive habitat areas ("ESHA")

when the ESHA designation limits the entire property to non-economically viable uses. That approach has been upheld in the California Court of Appeal.

As a result, even though the threatened residence is not an existing structure, the proposed project is approvable with a takings override under Coastal Act Section 30010. Therefore, approval of the shoreline protective device is required and meets the requirements of Coastal Overlay Zone Section 9.27.030(f) and Flood Overlay Zone Section 9.31.040(d)(3) for such a device.

Section 9.69.070 of the Dana Point Zoning Code (DPZC) stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).*
2. *If located between the nearest public roadway and the sea or shoreline of any body of water, be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).*
3. *Conform with Public Resources Code Section 21000 and following, and there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).*
4. *Be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.*
5. *Minimize the alterations of natural landforms and not result in undue risks from geologic and erosional forces and/or flood and fire hazards.*
6. *Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.*
7. *Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.*

The required findings are articulated in the attached draft Resolution identified as Action Document 1.

SITE DEVELOPMENT PERMIT

As noted earlier, the subject site is located within the FP-3 district of the City's Floodplain Overlay District, and a Site Development Permit is required pursuant to Section 9.31.050(a) of the Dana Point Zoning Code (DPZC). prior to the start of development within areas of flood-related erosion hazards.

The proposed project consists of the construction of a shoreline protective device that includes the installation of gravity block seawall, a subsurface rip-rap scour blanket to be placed at the toe of the gravity wall, and the placement of re-purposed sand cubes (from CCC ECDP No. G-5-21-00370), temporary shoring, and replacement of the patio to the pre-2021 storm damage footprint.

Typically, construction of new structures within the FP-3 district would be elevated above a determined base flood elevation and in accordance with appropriate flood proofing measures to protect the structures from flood events. The proposed gravity block seawall is allowed in the FP-3 district in accordance with DPZC Section 9.31.040(d)(3) as discussed previously in the Coastal Development Permit section above. The proposed gravity block seawall and the provisions to allow the structure are also analyzed above as required by Section 9.31.040(d)(3) and in conjunction with the provisions for such structures in the Coastal Overlay District as stipulated in DPZC Section 9.27.030(f).

The finished floor (FF) of the habitable area of the existing residence is located at vertical elevation of 16.4' using the North American Vertical Datum of 1988 (NAVD 88), with a 15.9' NAVD 88 garage FF. The top of the gravity block wall seawall is proposed at 15' NAVD 88. The subject site is located in Zone VE on the current FEMA FIRM Map No. 0659C0508K dated March 21, 2019, with a BFE of 19' NAVD 88. Although the gravity block seawall is allowed in accordance with the provisions of DPZC Section 9.31.040(d)(3), the shoreline protective devices are not subject to the elevation requirements of the FP-3 district. As demonstrated in the analysis above in the Coastal Development Permit section, the proposed shoreline protective device meets the all provisions of DPZC Section 9.31.040(d)(3) and Section 9.27.030(f) referenced therein, including analysis of alternatives demonstrating that the proposed gravity block seawall is the least impactful on to the local shoreline sand supply and through mitigation of sand retention fee included as a condition of approval in the draft resolution (Action Document 1).

Section 9.71.050 of the DPZC stipulates a minimum of four (4) findings to approve a Site Development Permit, requiring that the project:

1. *Compliance of the site design with development standards of this Code.*
2. *Suitability of the site for the proposed use and development.*

3. *Compliance with all elements of the General Plan and all applicable provisions of the Urban Design Guidelines.*
4. *Site and structural design which are appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture.*

The required findings for each of the necessary Site Development Permits are articulated in the attached draft Resolution identified as Action Document 1.

CONCLUSION:

Based on the above analysis, Staff determines that the proposed project is consistent with the policies and provisions of the City of Dana Point General Plan, DPZC, and Local Coastal Program. Staff recommends that the Planning Commission adopt the attached draft resolution approving Coastal Development Permit CDP24-0015 and Site Development Permit SDP25-0027 subject to the findings and conditions of approval contained therein.

CORRESPONDENCE:

To date, no correspondence has been received regarding this project.

ATTACHMENTS

ACTION DOCUMENTS:

1. Draft Planning Commission Resolution No. 26-02-09-XX

SUPPORTING DOCUMENTS:

2. Vicinity Map
3. Site Photos
4. Jurisdictional Determination Letter, California State Lands Commission
5. Project Plans
6. 35125 Beach Road Access Authorization
7. Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA, dated December 6, 2024

ACTION DOCUMENT 1: Draft Planning Commission Resolution No. 26-02-09-XX

RESOLUTION NO. 26-02-09-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP24-0015 AND SITE DEVELOPMENT PERMIT SDP25-0027 TO REPLACE A TEMPORARY SHORELINE PROTECTION DEVICE WITH A 25-YEAR PERMIT TERM LOCATED WITHIN THE CITY'S COASTAL AND FLOODPLAIN OVERLAY DISTRICTS LOCATED AT 35127 BEACH ROAD

The Planning Commission for the City of Dana Point does hereby resolve as follows:

WHEREAS, Christian Miller (the "Owner"), owns the real property commonly referred to as 35127 Beach Road (APN: 691-142-02) (the "Property"); and

WHEREAS, April Winecki as the "Applicant" and Christian Miller as the "Owner" have filed a verified application for a Coastal Development Permit and Site Development Permit to replace a temporary shoreline protection device with a 25-year permit term device located within the Coastal and Floodplain Overlay Districts; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the proposed project is subject to a California Environmental Quality Act (CEQA) exemption under Public Resources Code Section 21080(b)(4) (actions necessary to mitigate an emergency), CEQA Guidelines Section 15269 (emergency projects), and CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities) and 15302 (Class 2 – Replacement or Reconstruction) as the proposed project qualifies for these exemptions because it is for a permanent replacement and modification of a temporary structure that was authorized under an emergency Coastal Development Permit to prevent imminent damage and destruction of an existing residence that will result if the project is not approved. The emergency conditions that justify the need for the project continue to exist. The proposed project involves negligible or no expansion of the existing use and will be located on the same site and serve the same purpose and function as the existing temporary structure. Moreover, there are no unusual circumstances that are associated with the project, and thus it is not subject to the unusual circumstances exception set forth in Title 14 California Code of Regulations Section 15300.2.

WHEREAS, the Planning Commission did, on the 8th day of December, 2025, hold a duly noticed public hearing where it opened the public hearing and moved to continue the item to their January 26, 2026, meeting; and

WHEREAS, the Planning Commission did, on the 26th day of January, 2026, hold a duly noticed public hearing where it opened the public hearing and moved to continue the item to their February 9, 2026, meeting; and

WHEREAS, the Planning Commission did, on the 9th day of February, 2026, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP24-0015 and Site Development Permit SDP25-0027.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows:

- A. That the above recitations are true and correct and incorporated herein by this reference.

Findings:

- B. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Coastal Development Permit CDP24-0015 subject to conditions:

That the project is in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 Cal. Code of Regulations/13096) **in that, the project complies with the certified Local Coastal Program (LCP) as defined in Chapter 9.75 of the Dana Point Zoning Code (DPZC) [which is the Implementation Plan (IP) for the City's LCP] because the project is consistent with all LCP standards regarding coastal hazards, as well as protection of coastal resources, including public access and recreation, visual resources, biological resources, and water quality, as detailed in findings 2 through 8, below, and based on the information described in the staff report presented at the February 9, 2026, public hearing (Background and Discussion sections). The proposed shoreline protection is necessary to protect a residence that will be damaged and destroyed in its absence. While the residence is not considered an existing structure as that term is interpreted by the Coastal Commission, the Coastal Act limit allows the City to approve a Coastal Development Permit (CDP) for the protection, and to avoid an unconstitutional taking, of private property in these circumstances as discussed in Section C.4. of the Staff Report presented at the February 9, 2026, public hearing (The Project is Necessary to Protect an Existing Structure) and incorporated by reference. (See, Pub. Res. Code**

§ 30010.). Further, the project complies with LCP policies and provisions regarding cultural resources protection. Although limited earthwork is proposed, the project includes the placement of a shoreline protection device, and the project incorporates archaeological, paleontological, and tribal cultural resources treatment and monitoring plan conditions for work occurring to place the shoreline structure ensuring protection and reasonable mitigation in compliance with LCP Policies 8.1 and 8.2 of the Conservation/Open Space Element and DPZC/IP Section 9.05.160 (Cultural and Natural Resources).

- 1. If located between the nearest public roadway and the sea or shoreline of any body of water, that the project is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 Cal. Code of Regulations/13096) in that, the project is located between the nearest public roadway and conforms with the public access and public recreation policies of Chapter Three of the Coastal Act, as well as the public access and recreation policies of the LCP [Coastal Act Policies 30210, 30211, 30212, 30214, 30220, 30221, 30222, 30223, Land Use Plan (LUP) Policies 3.11 and 3.12 of the Urban Design Element, and Policies 2.15 and 7.3 of the Conservation/Open Space Element, and DPZC/IP Sections 9.09.040 and 9.27.030]. The project site is located in an almost fully built-out residential subdivision with no public vertical beach access points along Beach Road, which is a private road. The closest vertical access points to the beach are located at Capistrano Beach County Park, less than a mile upcoast, and at Poche Beach, less than a mile downcoast, of the project site. Lateral public access along the beach in front of the project site is available by utilizing either of the existing public beach access points. Public access is available both seaward of the mean high tide line (MHTL) and landward of the MHTL, given that there is an existing lateral public beach access easement recorded on the property that extends 25 ft. inland of the MHTL.**

The proposed gravity block system with rip rap has been sited and designed to avoid encroachments into the public lateral access on the beach. The proposed structure protection project is situated in the most landward feasible location, given the footprint required to install the temporary shoring and shoreline protection system immediately adjacent to the existing residence, and is designed to use the minimum size and area necessary for protection. The gravity block system is designed to be wide enough and backed with sandbags to act as a

resisting mass against wave runup and wave breaking forces, thereby protecting against potential scour, and undermining of the inland side of the gravity blocks should overtopping occur. Furthermore, the proposed gravity block system with subsurface rip rap scour blanket will provide shoreline protection that can be adjusted over time if needed to account for the landward migration of the MHTL. The proposed structure protection would not cause seaward encroachment as it would be placed so that no part of a new shoreline protective device is built further onto the beach than a line drawn between the nearest adjacent corners of the nearest adjacent shoreline protective devices.

The structure protection would be located entirely on private property and would not displace or otherwise restrict public access over the 25-foot lateral beach easement and 5-foot privacy buffer as the 5 ft. privacy buffer will remain well seaward of the existing residence even with future sea level rise (SLR) projections. The structure protection is proposed to be located landward of the MHTL in compliance with DPZC/IP Section 9.31.060(f); it would be located well landward of the most recent (June 18, 2025) and the most landward (June 8, 2023) surveyed MHTLs and the 25-foot lateral public access easement established by the surveyed MHTL locations. In addition, as provided in the *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA*, dated December 6, 2024, and prepared by GeoSoils Inc., and as depicted on the project plans, the structure protection is not expected to encroach into public tidelands beyond the MHTL or the 25-foot lateral access easement over the 25-year design life of the project using SLR projections based on: 1) the actual observed rate of SLR, 2) projected SLR in 2050 based on the intermediate and intermediate-high models in the Ocean Protection Council's 2024 Guidance, and 3) projected SLR in 2050 based on the intermediate-high projection referenced in the Coastal Commission's 2024 Sea Level Rise Guidance Update. Under no SLR projection scenario is the proposed structure protection expected to encroach seaward of the MHTL or 25-foot lateral beach access easement. Thus, the proposed structure protection has been sited and designed to avoid restricting public use of sandy beach area. Therefore, the project is consistent with the public access and recreation policies of the Coastal Act and certified LCP.

2. That the project conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) and following, that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any potentially significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 Cal. Code of Regulations/13096) **in that, the proposed project is subject to a California Environmental Quality Act (CEQA) exemption under Public Resources Code Section 21080(b)(4) (actions necessary to mitigate an emergency), CEQA Guidelines Section 15269 (emergency projects), and CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities) and 15302 (Class 2 – Replacement or Reconstruction) as the proposed project qualifies for these exemptions because it is for a permanent replacement and modification of a temporary structure that was authorized under an emergency CDP to prevent imminent damage and destruction of an existing residence that will result if the project is not approved. The emergency conditions that justify the need for the project continue to exist. The proposed project involves negligible or no expansion of the existing use and will be located on the same site and serve the same purpose and function as the existing temporary structure. Moreover, there are no unusual circumstances that are associated with the project, and thus it is not subject to the unusual circumstances exception set forth in Title 14 California Code of Regulations Section 15300.2.**
3. That the project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources **in that, the proposed project is sited and designed to avoid environmentally sensitive habitat and protects such resources because the proposed project complies with LCP policies and provisions regarding protection of biological resources, including marine resources and water quality [LUP Conservation/Open Space Element Policies 1.7, 1.8, 2.2, 2.3, 2.4, 3.2, 3.3, 4.4, and DPZC/IP Section 9.27.030(d)].** The project site is not identified as ESHA within the City's LCP and is located in a disturbed area inland of the intertidal zone. No natural vegetation would be removed for placement of the proposed shoreline protection, as the proposed project is located in an already disturbed area with existing sand cubes/ shoreline protection. No lighting is proposed, and the project is conditioned requiring a raptor and bat monitoring and avoidance plan. As such, the proposed project is consistent

with LUP Conservation/Open Space Element Policy 3.2 and DPZC/IP Section 9.27.030(d), which requires the protection of environmentally sensitive habitat. Additionally, the proposed protective structure, consisting of sand, geotextile, and stacked gravity blocks will not result in an increase in impervious surface and will be free draining according to the Geotechnical Response Letter, dated May 8, 2025, prepared by GeoSoils, Inc. The project incorporates erosion control and storm water pollution prevention measures, including BMPs, to be implemented during construction, which will prevent localized erosion, sedimentation, and pollution of surface and ocean waters. Additionally, the proposed project has been sited and designed to be consistent with the visual character of the area and will not change the visual character of scenic resources located in adjacent parks and recreation areas as described in Finding 7, below.

4. That the project minimizes the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that, **the proposed project will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards, as the project complies with all LCP standards regarding coastal hazards [LUP Conservation/Open Space Element Policies 2.1, 2.5, 2.8, 2.9, 2.14, and 2.16, and LUP Land Use Element Policy 4.10, and DPZC/IP Sections 9.69.070(e), 9.31.060(f)(11), 9.27.030(e), 9.27.030(f), 9.31.040(d)].** The project meets the criteria for approval a shoreline protective device pursuant to Coastal Overlay Zone Section 9.27.030(f) and Flood Overlay Zone Section 9.31.040(d)(3)), as described in detail in the staff report presented at the February 9, 2026, public hearing for the project and summarized below in this finding. The Code states two design criteria, which the proposed project meets. First, the proposed protection is no further seaward than the corners of the nearest adjacent shoreline protective devices. Second, as the project is located in the northern portion of the Capistrano Bay District community along Beach Road, the proposed protection is designed with a rip-rap stone scour blanket. While the current rip-rap seaward of the temporary protection is not permitted, it is required for the proposed shoreline protection and is proposed to be retained but relocated for the replacement protection. DPZC/IP Sections 9.27.030(f) and 9.31.040(d)(3) contain three additional requirements for approval of a shoreline protection structure: (i) non-structural alternatives must be found to be infeasible,

(ii) the shoreline protection must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and (iii) the shoreline protection must be required to protect an existing structure. DPZC/IP Section 9.31.040(d)(3) adds that the structure protection shall only be permitted as a last resort protective device. The proposed shoreline protective device meets these criteria.

Four non-structural alternatives were evaluated, including (i) no project/structure protection, (ii) beach nourishment, (iii) living shorelines, and (iv) modification of the residential structure foundation, and were found to be infeasible alternatives at the subject site.

Several structural alternatives were also analyzed, including (i) a rock revetment, (ii) an engineered concrete vertical seawall, and (iii) a rock revetment with seawall, to determine the alternative that can provide significant protection to the existing residence that can be installed and removed with minimal long-term impact on the natural landform and that would avoid or minimize reduced sand supply and avoid or minimize interference with public use of sandy beach areas. Compared to the other alternatives, the proposed gravity block system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would be the superior alternative because a) it would have a smaller footprint, b) it would be located in a more landward location allowing for more useable beach, c) it would not require continuous maintenance over the 25-year design life, and d) it would be easier to adjust or relocate over time to allow for adaptation.

The proposed structure protection will retain an estimated 145 cubic yards of sand over the proposed design life, which represents a reduction in the amount of sand that may otherwise be deposited on the beach and into the offshore sand supply system. The retention of sand supply can be mitigated in accordance with LUP Conservation/Open Space Element Policy 2.14, and DPZC/IP Section 9.27.030(f) and 9.31.040(d)(3) and is offset with payment of a sand retention fee which is included as Condition No. 24 of this resolution.

The proposed shoreline protection is necessary to protect a residence that will be damaged and destroyed in its absence. While the residence is not considered an existing structure as that term is interpreted by the Coastal Commission, the Coastal

Act limit allows the City to approve a CDP for the protection, and to avoid an unconstitutional taking of private property in these circumstances as discussed in Section C.4. of the Staff Report presented at the February 9, 2026, public hearing (The Project is Necessary to Protect an Existing Structure) and incorporated by reference. (See, Pub. Res. Code § 30010.)

The project has been reviewed in detail by the City's Planning and Building/Safety Divisions as well as the Public Works & Engineering Services and found to conform with the application requirements of the DPZC regarding coastal hazards (which serves as the LCP IP for the subject property) based on the provided technical reports, information, and plan regarding coastal hazards.

5. That the project is visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas in that, the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas, as the project complies with all LCP standards regarding visual resources including LUP Conservation/Open Space Element Policies 2.2 and 2.9 and DPZC/IP Sections 9.05.170 and 9.69.050(b)(7)(F). The project site is situated within a built-out residential subdivision along the shoreline. Beach Road is adjacent to a railroad r-o-w which is located between Beach Road and Coast Highway. The proposed structure will not affect any existing view corridors from Coast Highway nor block public views of the ocean because the shoreline protection device will be located immediately seaward of and adjacent to the existing residence that has a finished floor vertical elevation (16.4' NAVD 88) higher than that of the vertical elevation of the top of the proposed shoreline protection device (15' NAVD 88) and would not be visible from Coast Highway.

The proposed structure protection would be visible from the beach area along seaward side of the project site to varying degrees, depending on the seasonal sand and tide conditions. However, as noted above, the shoreline protective device is proposed to be sited below the elevation of the existing residence and, therefore, would not block public views from the beach to inland scenic bluff vistas. The proposed gravity blocks would consist of a quarry stone texture with the outermost blocks conditioned to be treated with an integral color concrete

mix to match surrounding native soils, consistent with LUP Conservation/Open Space Element Policies 2.2 and 2.9.

Additionally, the proposed project would be visually compatible with the character of the surrounding area, as the block wall is intended to blend into the surrounding environment and not cause visual blight. The provided visual information regarding wall design, materials, and color treatment demonstrate conformance with the DPZC/IP Section 9.69.050(b)(7)(F) and DPZC/IP Section 9.05.170, showing that the project would not result in impaired public views or coastal scenic overlooks from public lands identified in the General Plan Urban Design and Conservation/Open Space Elements.

6. That the project conforms with the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs **in that, proposed project will conform with the General Plan, Zoning Code, and Local Coastal Program, as described above and the project was reviewed by the Planning and Building/Safety Divisions as well as the Public Works & Engineering Services and found to conform with the application requirements of the Dana Point Zoning Code (which serves as the LCP IP for the subject property) based on the submitted technical reports, information, and plans. Additionally, there are no adopted specific plans that apply to the subject property.**

- C. Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves Site Development Permit SDP25-0027.

1. That the site design is in compliance with the development standards of the Dana Point Zoning Code **in that, although the gravity block seawall is allowed in accordance with the provisions of DPZC Section 9.31.040(d), the shoreline protective devices are not subject to the elevation requirements of the FP-3 district in accordance with Subsection (3) therein and when positioned, designed and constructed to eliminate adverse impacts on local shoreline sand supply as provided for in Section 9.27.030(f) DPZC Sections 9.27.030(f). The proposed shoreline protective device has been analyzed with respect to both Sections 9.31.040(d)(3) and 9.27.030(f) and found that (i) non-structural alternatives were found to be infeasible, (ii) the shoreline protection will mitigate adverse impacts on local shoreline sand supply through payment of a sand retention fee , and (iii) the shoreline protection is required to protect an existing**

residence as outlined in the staff report presented at the February 9, 2026, public hearing and in finding B. 5. above structure.to be necessary to protect the existing residence the project complies with the Floodplain Overlay District (FP-3) requirements in DPZC Section 9.31.040(d) which states, *"The following uses and structures are specifically prohibited in the Floodplain Overlay Districts:...Seawalls, revetments, and shoreline ocean protective devices or construction that alters natural shoreline processes, unless required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and only when positioned, designed and constructed to eliminate adverse impacts on local shoreline sand supply as provided for in Section 9.27.030(f) of this Zoning Code. Seawalls, revetments, and other shoreline protective devices or construction that alters natural shoreline processes shall only be permitted as a last resort protective device for coastal areas. Shoreline protective devices need not be subject to the elevation requirements of the FP-3 district."* As this Shoreline Protection Device will replace an emergency device for a 25-year period and is needed to protect the existing structure at 35127 Beach Road.

2. That the site is suitable for the proposed use and development in that, the project has been designed to protect the existing residence from further erosion and damage while ensuring that coastal resources or public shoreline access will not be affected over the 25-year design life of the project. The project design and limited permit term are proposed to ensure adaptability of the project to future changing shoreline conditions and/or regional shoreline protection programs if/when developed and implemented. This is consistent with the City's General Plan (Conservation/Open Space Element) Policy 2.14: *"Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and minimize adverse impacts on public use of sandy beach areas."*
3. That the project is in compliance with all elements of the General Plan and all applicable provision of the Urban Design Guideline in that, the project complies with Policy 2.2 of the Public Safety Element that states *"Regulate the construction of nonrecreational uses on coastal stretches with high predicted storm wave run-up to minimize risk of property damage"* which is achieved with the site specific *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach*

Road, Dana Point , Orange County, CA, dated December 6, 2024, and prepared by GeoSoils Inc. that assesses the effectiveness of the proposed shoreline protection device relative to potential sea level rise impacts, design scour and design breaking wave elevation, wave runup and overtopping, wave forces, long-term shoreline retreat and adaptation thereby minimizing the risk of property damage to both the proposed development and the. The project also complies with the City's General Plan, Conservation/Open Space Element Policy 2.9 which states "Preserve significant natural features as part of new development. Permitted development shall be sited and designed to minimize the alteration of natural landforms. Improvements adjacent to beaches shall protect existing natural features and be carefully integrated with landforms.", by utilizing a design that will minimize landform alteration through lesser beach erosion and sand supply reductions that alternative shoreline protective device designs considered when compared to the gravity block seawall.

4. That the site and structural design is appropriate for the site and function of the proposed use, without requiring a particular style or type of architecture in that, the project site and structural design of the shoreline protective device is appropriate for the site and its function that addresses the requirements of the Floodplain Overlay District to avoid flood hazards associated with the site's location in the coastal high hazard area (FP-3). The project proposed shoreline protective device was assessed in the *Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point , Orange County, CA, dated December 6, 2024, and prepared by GeoSoils to minimize impacts to coastal resources while protecting the existing residence on the site. The project is also consistent with Dana Point Zoning Code Section 9.27.030 Coastal Overlay District - Development Standards in that "designed Seawalls in the northern portion of the Capistrano Bay District private community along Beach Road (north of Pines Park located in the inland bluffs above the community), when permitted in accordance with the other requirements of this Chapter, shall have a scour blanket consisting of rip-rap stone placed at the seaward toe of the seawall to minimize beach erosion."* Although not requiring a particular style or type of architecture, the seaward facing elements of the gravity block seawall will be treated with an integral color concrete mix to match surrounding native soils and the gravity block seawall is appropriate for the site and its use to protect the existing residence on the site.

D. California Environmental Quality Act

1. Pursuant to Public Resources Code Section 21080(b)(4) (actions necessary to mitigate an emergency), California Environmental Quality Act (CEQA) Guidelines Section 15269 (emergency projects), and CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and Section 15302 (Class 2 – Replacement or Reconstruction) the project is Categorically Exempt **in that, the proposed project is a permanent replacement and modification of a temporary structure that was authorized under an emergency CDP to prevent imminent damage and destruction of an existing residence that will result if the project is not approved. The emergency conditions that justify the need for the project continue to exist. The proposed project involves negligible or no expansion of the existing use and will be located on the same site and serve the same purpose and function as the existing temporary structure. Moreover, there are no unusual circumstances that are associated with the project, and thus it is not subject to the unusual circumstances exception set forth in Title 14 California Code of Regulations Section 15300.2.**

Conditions:

A. General:

1. Approval of this application permits the replacement of a temporary shoreline protection device with a 25-year permit term shoreline protective device at 35127 Beach Road with the plans and reports approved as Supporting Documents 5 and 7 on file with the Community Development Department as part of the staff report presented at the February 9, 2026, Planning Commission public hearing. Subsequent submittals for this project shall be in substantial compliance with the plans presented to the Planning Commission, and in compliance with the applicable provisions of the Dana Point General Plan, Local Coastal Program Implementation Plan and Zoning Code. (PLN)
2. This resolution shall be copied in its entirety, placed directly onto a separate plan sheet behind the cover sheet of any plans submitted to the City of Dana Point Building/Safety Division for plan check. (PLN)
3. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. If the development approved by this action is not established, or a building permit for the

project is not issued within such period of time, the approval shall expire and shall thereafter be null and void. (PLN)

4. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location of, or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director determines that the proposed change complies with the provisions, spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved site plan, he/she may approve the amendment without requiring a new public hearing.(PLN)
5. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit. (PLN)
6. The Applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The Applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions, or proceedings against the City, its officers, employees, or agents arising out of or resulting from the negligence of the Applicant or the Applicant's agents, employees, or contractors. Applicant's duty to defend, indemnify, and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding. The Applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

The Applicant, and their successors-in-interest, shall be fully responsible for knowing and complying with all conditions of approval,

including making known the conditions to City staff for future governmental permits or actions on the project site. (PLN)

7. The applicant shall be responsible for coordination with the water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services. (PWE)
8. The project shall meet all water quality requirements including Low Impact Development (LID) implementation. (PWE)
9. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion and sediment control measures. The erosion control measures shall be shown and specified on a plan and shall be constructed prior to the start of any operations. The applicant shall maintain the erosion control devices until the final approval of all project permits. (PWE)
10. Please note that no concentrated storm water may be outlet to the beach or Pacific Ocean, as it is an Environmentally Sensitive Area. All concentrated drainage shall be directed toward Beach Road. Pervious surfaces are allowed to drain uncollected and infiltrate directly into the existing site. (PWE)
11. The applicant, property owner or successor in interest shall fill out a Waste Management Plan form to be reviewed by the City's C&D official per the Dana Point Municipal Code. A deposit will be required upon approval of the Waste Management Plan to ensure compliance. The deposit will be return upon proof of recycling compliance. (PWE)
12. The existing boulder revetment seawall intended for removal as part of this project should be observed and approved during the removal process by the coastal engineer and geotechnical consultant. The results of the observations of the coastal engineer and geotechnical consultant and approval of the work, from an engineering standpoint, should be provided in daily field reports and summarized in the final geotechnical report for the project. (PWE)
13. The applicant shall comply with all applicable requirements and mitigation measures issued by relevant state and federal resource agencies, including but not limited to CSLC, CDFW, RWQCB, USACE, and USFWS, to ensure protection of water quality and the marine environment. Any project modifications resulting from agency directives must be submitted for review to determine whether a

Coastal Development Permit amendment is required under the Coastal Act. (PLN)

14. The applicant, and all successors, shall agree to remove all authorized development and restore the site if a final order from a public agency determines the structures are permanently unsafe or reliant on shoreline protective devices that conflict with Coastal Act or LCP policies. Removal is also required if essential services cannot be feasibly restored or maintained, or if mandated by sea level rise adaptation policies. If any part of the development falls onto the beach, the applicant must remove all recoverable debris and dispose of it lawfully. No portion of the development may occupy public trust lands; if the mean high tide line migrates landward, the applicant must submit a Coastal Development Permit amendment within 180 days to relocate or remove encroaching structures, supported by a detailed evaluation of feasible alternatives. (PLN)
15. The applicant, and all successors, shall acknowledge the site's vulnerability to coastal hazards such as flooding, sea level rise, wave uprush, and shallow groundwater. By accepting the permit, the applicant assumes all associated risks and waives any claims against the permitting agency for damages resulting from such hazards. The applicant shall indemnify the agency against liability arising from the project's approval. All future property transactions must disclose the permit's terms, and any adverse impacts shall be the sole responsibility of the property owner. (PLN)
16. Approval of this permit does not waive or diminish any public rights that may exist on the property. The development shall not obstruct or interfere with public access rights, whether currently established or arising in the future. (PLN)
17. No signage shall be placed on the property that suggests or implies the designated lateral public access easement is private or closed to the public. Signs that discourage or prohibit public use of this beach area are strictly prohibited. (PLN)
18. Coastal Development Permit CDP24-0015 Term:
 - a. This coastal development permit authorizes the approved development on a temporary basis only for 25 years from the date of approval of Coastal Development Permit CDP24-00015. The approved development is authorized until January 26, 2051, after which time the authorization for continuation or retention of the approved development shall cease. After the authorization for the

approved development expires, the retention of the approved development will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

- b. If the permittee wishes to retain the approved development beyond the term for which this permit provides authorization, then no later than January 26, 2050, the permittee shall submit a complete coastal development permit or coastal development permit amendment application for the reauthorization of the shoreline protective device or for its removal. Failure to either (1) obtain a permit amendment authorizing the permittee to retain the approved development for an additional term or (2) remove the approved development shall constitute a violation of the terms and conditions of this Coastal Development Permit. The Director of Community Development may grant the permittee additional time to file the application for good cause.
- c. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions, unless the Planning Commission amends this permit or the Director of Community Development provides a written determination that no amendment is legally required for any proposed minor deviations. (PLN)

B. Prior to issuance of a Grading or Building Permit or release on certain related inspections, the applicant shall meet the following conditions:

- 19. Prior to issuance of any permit, the applicant shall submit a construction phasing and staging plan identifying all construction activity including but not limited to the work area limits, material storage areas, stockpile locations, daily access routes, worker areas including restroom and handwashing facilities, equipment staging and parking, fencing, area for deliveries, etc. Construction phasing and staging plan shall include any phases of construction proposed as well as any improvements to be replaced or restored as a result of construction activities. (PWE)
- 20. All work for the proposed seawall shall be located landward of the Mean High Tide Line (MHTL) and Public Access Easement shown on the Staging Plan, sheet S9, of the submitted plan revision dated September 29, 2025. Machinery, vehicles, and construction materials not essential for the proposed work are prohibited from the beach area at all times. (PWE)

21. Prior to issuance of any permit, the applicant shall stake the limits of the proposed gravity block seawall on the project site subject to review approval and approval by the Director of Community Development and the Director of Public Works & Engineering. When stakes are in place, the Directors and City staff shall be notified and an inspection scheduled. (PWE & PLN)
22. Prior to any work for any issued permit, a Pre-Construction meeting will be held with all parties. The agenda and required parties at the meeting will be determined by City of Dana Point. (PWE & PLN)
23. The applicant shall provide authorization from the property owner at 35125 Beach Road to use said property for access and construction staging activities when submitting for any permits required for installation of the proposed shoreline protective device. Authorization shall include contact information (telephone number and email address) for the 35125 Beach Road property owner. (PLN)
24. Sand Supply Fee. Prior to the issuance of any permit, the applicant shall submit, in order to implement the applicant's proposal, evidence, in a form and content acceptable to the Director of Community Development, that \$8,788.30 (145 c.y. x 60.54 = \$8,778.30 from California Coastal Commission Staff Report 3-23-0757)⁵ has been deposited in interest-bearing account, for the purpose of funding public access improvements in the vicinity of the Beach Road community, including beach nourishment. All interest earned on the fee will be payable to the account.
 - a. Prior to the issuance of any permit, the applicant shall submit evidence, in a form and content acceptable to the Director of Community Development, that a fee in the amount of \$8,788.30 has been deposited into an interest-bearing account held by or on behalf of OC Parks, State Coastal Conservancy, California State Parks, or another Executive Director-approved entity. The purpose of the fee and all earned interest ("funds") is to mitigate lost beach values, including public access, recreational, and ecological values, and funds from the account shall be used to aid in the provision, restoration or enhancement of these values (including but not limited to public access improvements, recreational amenities, and/or beach creation through sand nourishment or

⁵ In recent years, the Commission has applied a replacement sand cost of \$50 per cubic yard (see CDPs 3-16-0446 (Rockview Seawall and Accessway), 3-16-0345 (Honjo Armoring), A-3-PSB-12-042 (Capistrano Seawall) and A-3-PSB-12-043 (Vista del Mar Seawall)). Here, the Commission applies \$60.54 per cubic yard, which represents that \$50 per cubic yard as adjusted for inflation to 2025 since those original calculations, consistent with recent cases evaluated by the Commission (see, for example, CDPs 3-18-0720 (Candau), 3-20-0166 (Wavefarer Partners LLC), 3-22-0440 (Casanova), 3-23-0014 (Grossman), 3-24-1027 (Hofmann Seawall), and 3-24-0747 (Mud Creek)).

property acquisition) in the City of Dana Point and/or the Capistrano Beach area or in another location as close as feasible to the impact. Except for fees deposited with the State Coastal Conservancy pursuant to subsection B below, prior to the Director of Community Development's approval of expenditure, the entity accepting the fees required by this condition shall enter into a memorandum of understanding (MOU) with the Director of Community Development, which shall include, but not be limited to, the following: 1) a description of how the funds will be used to provide public access and recreational projects in the coastal zone in or near the City of Dana Point and/or Capistrano Beach; and 2) an agreement that the entity accepting the fees will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit for development required by this condition. All funds shall be used for the above-stated purpose, in consultation with the Director of Community Development, within ten (10) years of the fee being deposited into the account. Any funds not used by that time, or such longer time as the Director of Community Development may allow for good cause, may be directed to other projects and/or accounts at the Director of Community Development's discretion. The funds shall be transferred to an alternative entity for administration only upon approval by the Director of Community Development, and only if they will be used by the alternate entity for the above-stated purpose and if they are subject to a MOU setting forth terms and conditions to ensure the funds will be expended in the manner intended by the Commission. If an MOU is terminated, the Director of Community Development may appoint an alternate entity to administer the funds consistent with the terms of this condition, via a revised/replacement MOU with the alternate entity.

- b. If the funds are to be held by the State Coastal Conservancy, the funds shall be used pursuant to the existing MOU between the California Coastal Commission and the Conservancy, dated August 2018, as that MOU may be amended in the future, and for the purposes described above. In such case, at least 30 days prior to payment of the fee to the Conservancy, the Permittee shall provide the Conservancy with any documentation necessary to the Conservancy, including information needed to effectuate deposit of the funds by the Conservancy, unless the Permittee receives a waiver of this requirement in writing from the Conservancy's Executive Officer. The terms in subsection A above shall not apply to the State Coastal Conservancy. (PLN)

25. The plans submitted for permitting shall include notes indicating that all outermost gravity blocks facing the ocean or adjacent properties will be treated with an integral color concrete mix to match surrounding native soils to minimize visual impacts from the proposed gravity block seawall. Treatments must use earth- and water-toned colors with mottled textures that blend with the natural surroundings; bright, stark, white, or black tones are prohibited. Should any caissons proposed for the shoring wall associated with the project and near the existing residence not be removed prior to completion of the shoreline protective device, they shall also receive color treatments as stipulated above should they become exposed promptly to maintain visual compatibility. (PLN)
26. Prior to permit issuance, the applicant shall submit certified plans for both construction-phase and post-construction stormwater management. A Storm Water Pollution Prevention Plan (SWPPP) must detail grading limits, vegetation protection, erosion control measures, and best management practices (BMPs) to prevent runoff contamination during construction. A Stormwater Management Plan (SWMP) must include site design strategies, drainage improvements, and erosion mitigation measures to manage post-construction runoff. The plan must demonstrate that peak runoff rates will not exceed pre-development levels for major storm events, and include provisions for detention, conveyance, or off-site improvements to prevent downstream impacts. (PLN)
27. Prior to permit issuance, the applicant shall submit a certified Construction BMPs Plan prepared by a licensed professional. The plan must ensure that all construction activities avoid impacts to sensitive habitats, prevent runoff and pollution, and manage debris and hazardous materials responsibly. Daily cleanup, proper disposal, and protective measures for stockpiles, grading, and equipment are required. No machinery is allowed in the intertidal zone, and all BMPs must be maintained throughout construction. Any changes to approved site plans must be reviewed and may require a Coastal Development Permit amendment. (PLN)
28. Prior to permit issuance, the applicant shall submit a Raptor and Bat Monitoring and Avoidance Plan for review and approval that shall include the following provisions. If construction occurs between February 1 and August 31, a qualified biologist must conduct weekly surveys for active bird nests and bat roosts within designated buffer zones. If nesting or roosting is detected, construction must halt and best management practices (BMPs) implemented to minimize disturbance, including noise reduction measures. Work may resume

only when no active nests or roosts remain. The biologist may stop construction at any time to protect wildlife, and all survey results and mitigation actions must be documented in monthly reports submitted throughout the breeding season. (CCC)

- (a) If project activities must occur between February 1 and August 31, a qualified biologist, with experience conducting bird and bat surveys, shall survey for active bird nests and bat roosts within seven (7) days prior to commencement of project activities, and once a week thereafter during construction, to detect any such activity within 500 feet of the project work and storage/staging areas.
- (b) If an active raptor nest is located within 500 feet of construction activities, or a bat roost is located within 300 feet of construction activities, the qualified biologist shall halt construction activities to enable the permittee to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting/roosting activities.
- (c) Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest or roost areas until the respective young birds or bats have fledged.
- (d) Unrestricted construction activities may resume when no active nests or roosts remain in the construction area.
- (e) The qualified biological monitor may stop construction at any point if the monitor finds it is necessary to protect nesting raptors and roosting bats. Construction shall not restart until the qualified biological monitor finds the best management practices in place will adequately protect the nesting raptors or roosting bats or until the nesting raptors or roosting bats or their young have left the project site and surrounding buffer.

- (f) Results of nesting bird and roosting bat surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the City throughout the breeding season. (PLN)
29. Prior to permit issuance, the applicant shall submit a Cultural Resource Treatment and Monitoring Plan developed in consultation with Juaneño (Acjachemen)-affiliated tribal representatives. The plan must ensure identification and protection of archaeological, paleontological, and tribal cultural resources, and require qualified monitors to oversee all ground-disturbing activities. If any cultural deposits or human remains are discovered, construction must cease immediately and follow state-mandated procedures, including notification of the County Coroner and consultation with the Most Likely Descendant. Treatment methods must prioritize coastal resource protection, and any significant discoveries may require a permit amendment before construction can resume. (PLN)
30. The applicant, and all future successors, shall actively and equitably participate in the efforts of the Capistrano Bay Community Services District, or its successor, to implement sea level rise adaptation strategies for the duration of the approved development's existence. (PLN)
31. The project Coastal Engineer's recommendations, contained in coastal engineering reports and addendums submitted to the City shall be incorporated into and referenced on submitted project plans. The Project Coastal Engineer shall review, sign, and wet-stamp the final building plans. (PLN)
32. The applicant shall prepare plans and apply for a building permit and building plan check in accordance with the latest submittal requirements. Electronic plan check submittal shall be submitted through the City's portal (<https://dana.csqrccloud.com/community-ettrakit/>) and shall include the following construction documents: building plans, energy calculations, structural calculations, soils/geology report, and drainage plan. (BLD)
33. The applicant shall submit an application for a grading permit. The application shall include a grading plan, in compliance with City standards, for review and approval by the Director of Public Works. The applicant shall include all plans and documents in their submittal as required by the current Public Works Department's plan check policies, City of Dana Point Municipal Code, City of Dana Point

Grading Manual, and City's Municipal Separate Storm Sewer Systems (MS4s) Permit requirements. (PWE)

34. The grading plan should be prepared in accordance with all City of Dana Point standards for review and approval and address the specifics of the proposed seawall project, including the finish grades of the impacted beach area subsequent to the proposed work. The grading plan shall be reviewed on a time and materials basis. All grading shall be in compliance with the City of Dana Point Standards. (PWE)
35. A performance bond shall be required for the completion of all grading activities up to 100% of the proposed improvements. The grading shall be constructed and approved by Director of Public Works, prior to the issuance of final approval for the project. (PWE)
36. Separate submittal for review, approval and permits are required for temporary shoring and the proposed concrete gravity block seawall. Separate applications shall be made to the Community Development Department for all shoring and the proposed seawall. The submittals shall be in accordance with the latest Community Development requirements. The proposed seawall shall be designed in conformance with the coastal engineering/geotechnical reports and ASCE guidelines as applicable. All shoring plans shall clearly indicate all portions of the shoring system, if any, are proposed to be removed as a part of the construction process. (PWE)
37. The proposed seawall shall be designed in conformance with the coastal engineering/geotechnical reports and ASCE guidelines as applicable. (PWE)
38. The Applicant, or Applicant's Agent(s), shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval. (PWE)
39. The applicant shall provide stability analysis (static and seismic) and calculations for the proposed concrete gravity block seawall. The applicant shall demonstrate and provide the basis for the parameters (active and seismic earth pressures, bearing capacity, wave impact force, etc.) used in the design of the seawall; and demonstrate the stability for the cases of loading in both directions (condition with wave impact forces and condition at low tide with no waves). (PWE)
40. The applicant shall provide recommendations and calculations for shoring along both the rear of the residence (north side) and east

side of the proposed excavation for the installation of the proposed seawall. Prior to performing the excavation for the seawall, the applicant shall investigate and assess the structural integrity (depth of wood piles, depth of lagging, suitability to support the retained height caused by the proposed seawall excavation, etc.) of the existing timber seawall that extends along the eastern side of the proposed work area and provide recommendations for shoring and/or other recommendations to protect the existing timber seawall and ensure that no adverse impact occurs to the easterly adjacent property. This investigation/assessment will require review and approval by the City prior to the excavation for the proposed seawall. (PWE)

41. The applicant shall submit a coastal engineering/geotechnical report in compliance with all the City of Dana Point standards for review and approval. The report shall, at a minimum, involve a discussion of the proposed seawall and an assessment of potential coastal and geotechnical related constraints and geologic hazards. The report shall include the evaluation and conclusions/recommendations addressing a) the excavation characteristics and recommendations for temporary stability of excavations in the beach sand to facilitate the construction of the seawall, b) foundation recommendations for the proposed seawall, c) design loads (active earth pressure and wave loads, etc.) for the proposed seawall, d) shoring to protect adjacent property, e) drainage and backfill for the proposed seawall, and f) grading to re-establish the beach area bounding the proposed seawall subsequent to wall construction. All reports shall recommend appropriate mitigation measures for potential site hazards and provide a statement of the feasibility or approval of the project from a geotechnical standpoint. All reports shall be completed in the manner specified by the current California Building Code, City of Dana Point Municipal Code, City of Dana Point Grading Manual, and Orange County Grading Manual. (PWE)
42. The Applicant, or Applicant's Agent(s), shall submit a drainage plan in accordance with all City of Dana Point standards for review and approval. The drainage plan shall be reviewed on a time and materials basis. All grading and drainage shall be in compliance with the City of Dana Point Standards. All drainage shall be directed to Beach Road, in accordance with City of Dana Point Codes and Requirements. (PWE)

43. The applicant shall submit a separate survey showing the listed easements in the title report . Any conflict or additional permission for improvements within the easement area shall be addressed by the applicant and provided to the Director of Public Works for review and approval. (PWE)
44. The applicant shall illustrate and identify by description and instrument number the location of all existing easements on the survey, as well as site, wall, grading, and landscaping plans. Any proposed construction within an easement shall be reviewed and approved by said easement holder to the satisfaction of the Public Works and Community Development Departments. (PWE)
45. The development shall be designed to allow for future removal at the end of the 25-year permit term unless retaining the approved development is authorized pursuant to an amended or new coastal development permit. A certified Removal Plan must be submitted detailing the procedures, equipment, phasing, and staging necessary to dismantle and remove all structures and appurtenances, subject to review and approval by the appropriate authority. (PLN)
46. The applicant shall submit a certified Mean High Tide Line (MHTL) survey and a long-term monitoring plan prior to permit issuance. Surveys must be conducted at least every five years and include winter storm season data, using NOAA tidal datum and local control benchmarks referenced to a recognized vertical datum. All surveys must be reviewed and approved by the appropriate authority and conducted in consultation with the California State Lands Commission. Any changes to the monitoring plan or survey methodology must be submitted for review and may require a Coastal Development Permit amendment. (PLN)
47. The final approved building plan, site plan, structural calculations and drainage plan shall conform to all applicable provisions of the Dana Point Municipal Code regarding flood damage prevention information and certifications previously submitted with the Coastal Development Permit. (BLD)
48. The applicant shall provide adequate survey staking clearly identifying a) the line indicating the toe of the proposed quarry stone, b) the lines indicating the seaward and western face of the proposed concrete gravity block seawall, c) the patio stringline, and d) the limits of the "Work Area" as shown on sheet S9 of the submitted plan revision dated September 29, 2025. (PWE)

C. Prior to final approval/permit close-out from the Building Division and/or Public Works & Engineering Services for the project, the applicant shall meet the following conditions:

49. Any and all outstanding fees associated with any part of the entire project (sand fess, etc.) shall be paid prior to final approval of the project.
50. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual. The final report shall address all geotechnical aspects of the seawall construction and re-establishment of the beach area bounding the seawall and area of work. (PWE)
51. A written approval by the Geotechnical Engineer of Record approving any precise grading associated with surface drainage and site improvements as being in conformance with the approved drainage plan from a geotechnical standpoint. (PWE)
52. A written approval by the Civil Engineer of Record approving the precise grading and site drainage as being in conformance with the approved drainage plan and which specifically approves construction of line and grade for the components (quarry stone, concrete gravity blocks, etc.) of the proposed seawall as applicable as well as all engineered drainage devices and site walls as applicable. (PWE)
53. A Final or As-Built Grading and Drainage Plan shall be submitted for review and approval by Public Works. The Final or As-Built Grading and Drainage Plan shall be approved by Public Works prior to Engineering Final Approval. (PWE)
54. Public Works & Engineering Services shall conduct a final inspection and acceptance of all work in conformance with City standards. (PWE & PLN)
55. The Applicant, or Applicant's agent(s), shall cause the scheduling of a final onsite inspection with the Community Development Department that shall include a review of landscaping, finish architecture/materials and compliance with any outstanding project conditions of approval. All landscaping within the front-yard of the subject property shall be installed (per plan) prior to final inspection by the Planning Division. (PLN)

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 9th day of February, 2026 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eric Nelson, Chair
Planning Commission

ATTEST:

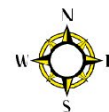
Jeff Rosaler, Interim Director
Community Development Department

SUPPORTING DOCUMENT 2: Vicinity Map

VICINITY MAP



Location: 35127 Beach Road (APN 691-142-02)



Supporting Document # 2

SUPPORTING DOCUMENT 3: Site Photos

Supporting Document #3 Site & Adjacent Property Photos



View northeast of subject site with existing emergency CDP sand cubes



View from beach of subject site and adjacent properties

Supporting Document #3
Site & Adjacent Property Photos



Views north from subject site with existing sand cubes & &
rip-rap scour blanket



SUPPORTING DOCUMENT 4: Jurisdictional Determination Letter, California State Lands Commission



CALIFORNIA
STATE LANDS
COMMISSION

100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
GAVIN NEWSOM, Governor

MATTHEW DURLAO, PhD, Executive Officer
Reception: 916.574.1900
TTY: 711

December 3, 2025

Sent via: Electronic mail

File Ref.: I-5172

Amber Geraghty
Project Manager
Winecki Consulting, Inc.
315 Meigs Road, Suite 505
Santa Barbara, CA 93109
Amber@wineckiconsulting.com

**Subject: Jurisdictional Determination for a Proposed Project located adjacent to
35127 Beach Road, Dana Point, Orange County.**

Dear Ms. Geraghty:

This letter is in response to a request submitted to the California State Lands Commission (Commission) for a jurisdictional determination regarding a coastal protective structure project located adjacent to 35127 Beach Road, Dana Point, Orange County.

The facts pertaining to your project, as staff understands them, are these:

- The proposed project would remove existing riprap and three rows of three-foot-by-three-foot sand cubes, relocate two rows of sand cubes partially beneath the upland residence's patio, install a marine mattress (geo mattress) at approximately elevation 0.0 feet NAVD88, install a wall composed of three rows of 2.5-foot-by-2.5-foot-by-5-foot gravity blocks seaward of the sand cubes on the geo mattress leveling course, and install approximately 45 tons of quarry stone at the seaward base of the gravity block wall.
- The project location is on a well-developed stretch of beach with numerous residences both upcoast and downcoast.

Amber Geraghty
December 3, 2025
Page 2

Based on Commission staff's analysis of the information available at this time, it appears that no portion of the existing or proposed improvements encroach onto state-owned sovereign land at this time. Therefore, no Commission lease or authorization is currently required for the existing or proposed improvements, or the proposed project.

As general background, the State of California acquired sovereign land ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space.

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301 and 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

On tidal waterways, the landward boundary of the State's sovereign land ownership is the ambulatory ordinary high-water mark (OHWM). Generally, the OHWM is measured by the mean high tide line (MHTL), except where there is fill or artificial accretions or the boundary has been fixed by agreement or court decision. MHTL surveys do not create a permanent boundary, but rather serve as evidence as to the MHTL location at that single point in time. In the absence of a boundary line agreement or an adjudicated boundary line the boundary between sovereign land and privately held uplands remains ambulatory.

This determination is without prejudice to any future assertion of State ownership or public rights. Should circumstances change, or should additional information become available, this determination could change. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction, either now or in the future.

Amber Geraghty
December 3, 2025
Page 3

Should you have any questions regarding this determination, please contact George Asimakopoulos at 916.574.0990 or by email at George.Asimakopoulos@slc.ca.gov.

Sincerely,



Brian Bugsch, Chief
Land Management Division

George Asimakopoulos, Public Coordinator
Land Management Division
CA State Lands Commission

Lucinda Calvo, Attorney
Legal Division
CA State Lands Commission

SUPPORTING DOCUMENT 5: Project Plans

ATTACHMENT

COASTAL & GEOTECHNICAL ENGINEER:

GEOSOILS, INC.
1817 ASTON AVENUE, SUITE 104
CARLSBAD, CA 92008
(760) 438-3155

OWNER:

MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH
CA 92624

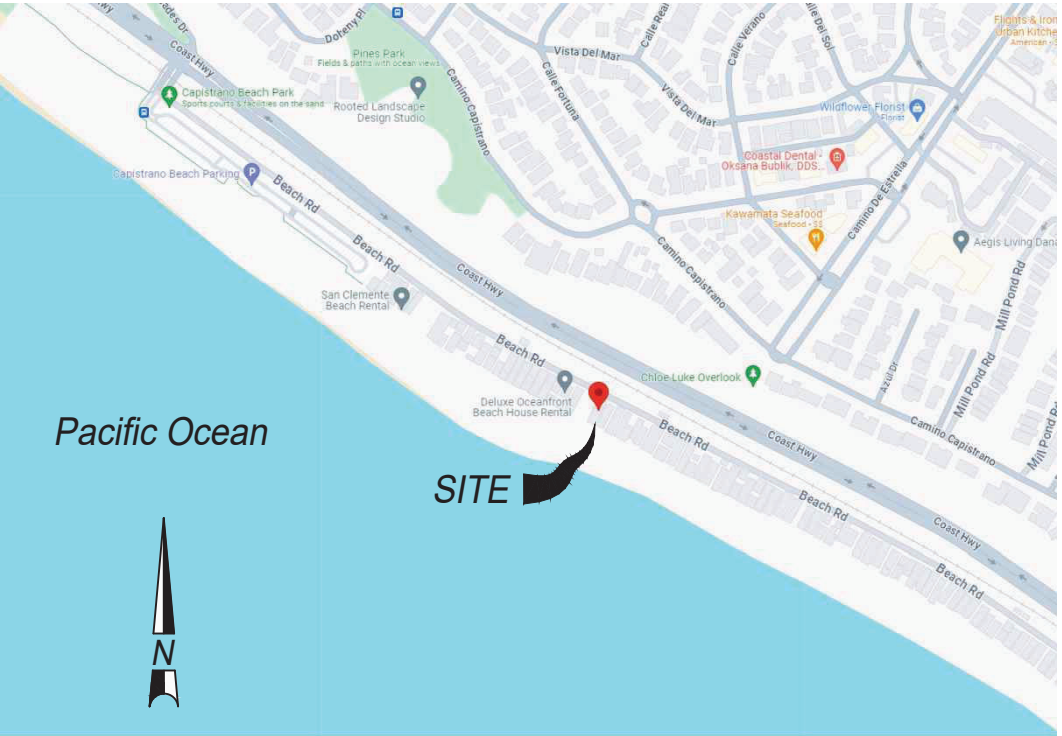
SITE ADDRESS:

35127 BEACH ROAD
CAPISTRANO BEACH
CA 92624
APN 691-142-02

PROJECT DESCRIPTION:

THIS PROJECT CONSISTS OF THE FOLLOWING:

- 1. INSTALLATION OF EROSION CONTROL DEVICES AS REQUIRED TO AVOID DEGRADATION OF WATER QUALITY DURING CONSTRUCTION ACTIVITIES.
- 2. REMOVE EXISTING CONCRETE PATIO TO FACILITATE SHORE PROTECTION, LIMIT OF PATIO REMOVAL T.B.D.
- 3. PLACEMENT OF A SHORELINE PROTECTIVE DEVICE IN THE FORM OF A SERIES OF GRAVITY BLOCKS ALONG APPROXIMATELY 35 LINEAR FEET OF THE BEACH WEST OF THE SUBJECT PROPERTY, AND FRONTED BY QUARRY STONE.
- 4. REMOVAL OR REUSE EXISTING ROCK AND SANDBAGS.
- 5. RETURN SITE TO PRE CONSTRUCTION CONDITION.



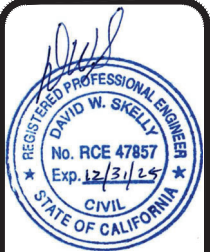
VICINITY MAP
NOT TO SCALE



PROJECT SITE IMAGE
NOT TO SCALE

SHEET LEGEND	
SHEET NUMBER	SHEET NAME
S1	TITLE SHEET
S2	EXISTING SITE PLAN
S3	PROPOSED SITE PLAN
S4	ENLARGED PROPOSED SITE PLAN
S5	PROPOSED SECTION
S6	PROJECTED EASEMENT MOVEMENT OVER PROJECT LIFE, NOAA LA JOLLA 2024 CCC GUIDANCE INTERMEDIATE (I) INTERMEDIATE HIGH (IH)
S7	PROJECTED EASEMENT MOVEMENT OVER PROJECT LIFE, NOAA LA JOLLA 2024 CCC GUIDANCE HIGH
S8	INTER-BLOCK RETAINING SYSTEM
S9	NOTES & STAGING PLAN
S10	TOPOGRAPHIC SURVEY
S11	PRELIMINARY SHORING PLAN

REVISIONS	BY
11/25/24	
03/05/25	
04/28/25	
08/12/25	



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TEL: (760) 438-3155 FAX: (760) 438-3156
www.geosoinc.com

GS GeoSoils, Inc.

TITLE: STRUCTURE PROTECTION

35127 BEACH ROAD

CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624

W.O. S8423-SC

DRAWN

CHECKED
D.W.S.

DATE
5/9/24

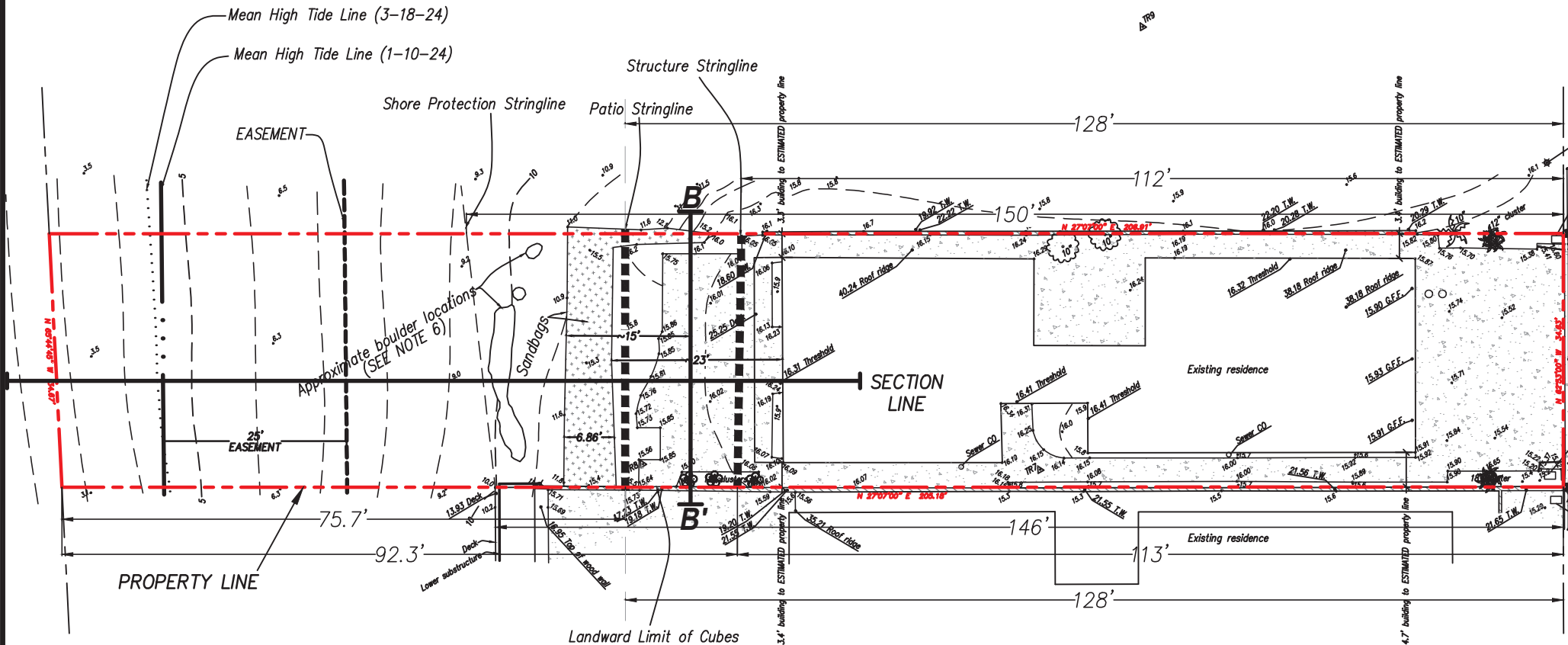
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N.T.S.

JOB NO.

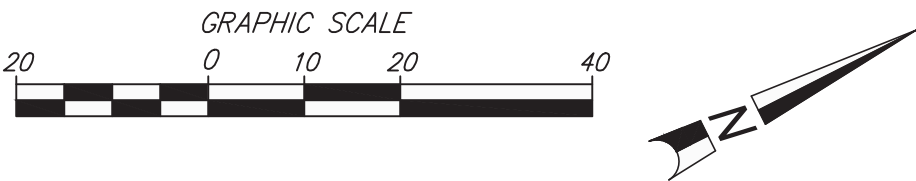
SHEET
S1

OF 11 SHEETS

EXISTING SITE PLAN



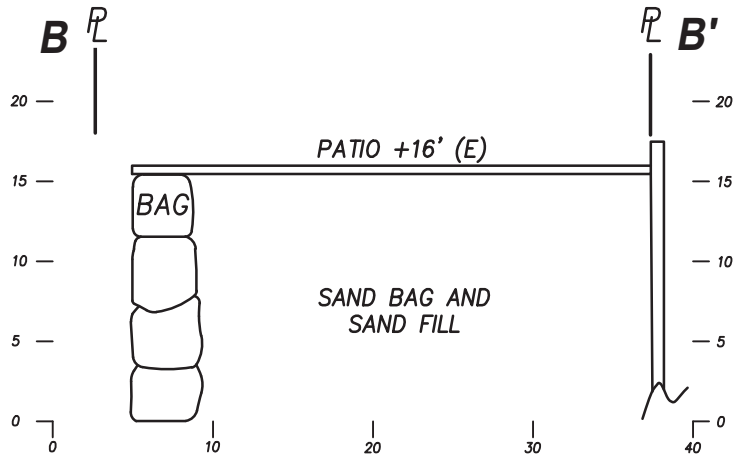
TOPOGRAPHY SURVEY FROM TOAL ENGINEERING, INC DATED 3-18-24.



SITE PLAN NOTES

- 1. PRE COASTAL ACT SEAWALLS AT 35115 BEACH ROAD AND 35131 BEACH ROAD ARE USED TO DETERMINE THE SHORE PROTECTION STRINGLINE.
- 2. SHORE PROTECTION STRINGLINE ~ 150 FT FROM BEACH ROAD ROW ON WEST PROPERTY LINE AND 146 FT ON EAST PROPERTY LINE.
- 3. PATIO STRINGLINE IS 128 FT FROM BEACH ROAD ROW PER SECTION 9.09.040 OF THE CITY'S COASTAL ZONING ORDINANCE.
- 4. STRUCTURE STRINGLINE IS 112 FT FROM BEACH ROAD ROW ON WEST PROPERTY LINE AND 113 FT ON EAST PROPERTY LINE FROM BEACH ROAD ROW, PER SECTION 9.09.040 OF THE CITY'S COASTAL ZONING ORDINANCE.
- 5. EXISTING SAND BAGS EXTEND TO AN ELEVATION OF APPROXIMATELY +5 FT NAVD88. LANDWARD SIDE OF SAND BAGS ARE APPROXIMATELY 130 FT FROM BEACH ROAD ROW.
- 6. EXISTING BOULDER ROCKS TO BE RELOCATED AT THE TOE OF THE REVETMENT AS DETAILED ON THESE PLANS. EXCESS ROCKS TO BE REMOVED FROM BEACH.
- 7. EXISTING SANDBAGS TO BE RELOCATED BEHIND THE PROPOSED GRAVITY WALL AS DETAILED ON THESE PLANS. EXCESS SANDBAGS TO BE REMOVED FROM BEACH.

EXISTING SITE B - B'



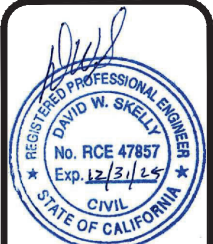
SCALE AS SHOWN



SHORE PROTECTION LINE

NOT TO SCALE

REVISIONS	BY
03/05/25	
04/28/25	
08/12/25	
09/29/25	



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TEL: (760) 431-9311 • www.geosolsinc.com

GS²
GeoSoils, Inc.

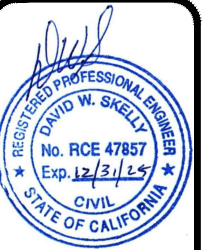
TITLE: **STRUCTURE PROTECTION**
35127 BEACH ROAD

CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624

W.C. 58423-SC

DRAWN
CHECKED
D.W.S.
DATE
5/9/24
SCALE
1" = 20'
JOB NO.
SHEET
S2
OF 11 SHEETS

REVISIONS	BY
10/10/24	
11/25/24	
03/05/25	
04/28/25	



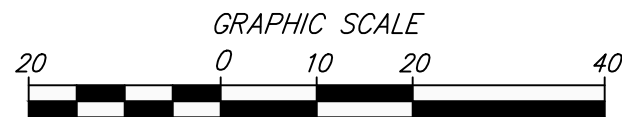
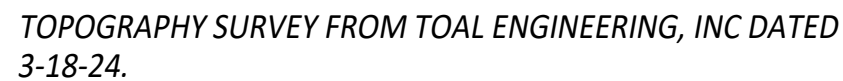
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www.geosoilsinc.com



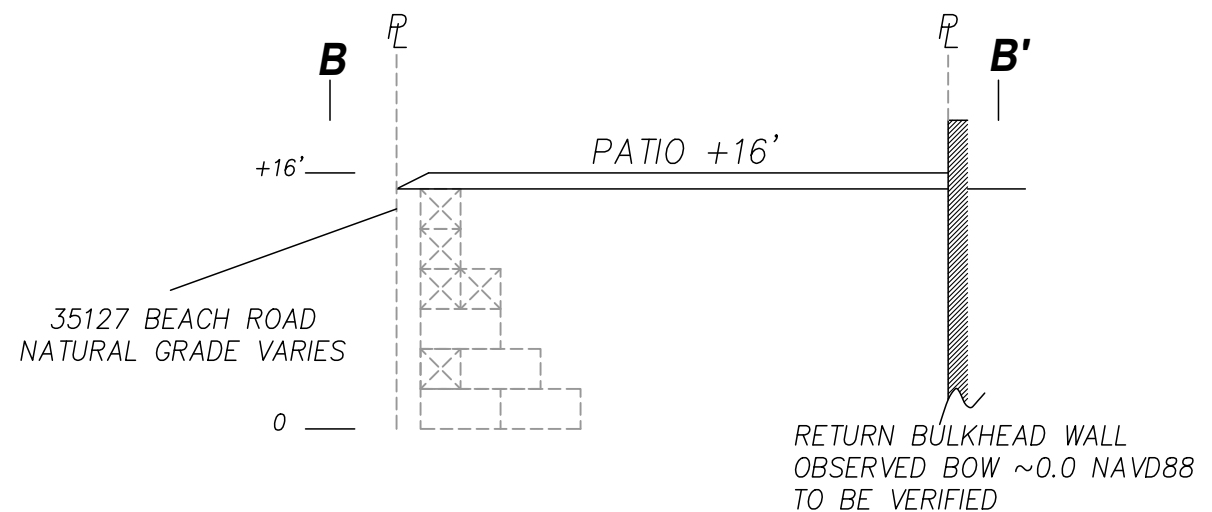
STRUCTURE PROTECTION
35127 BEACH ROAD

35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624
W.O. S8423-SC

DRAWN
CHECKED
<i>D. W. S.</i>
DATE
<i>5/9/24</i>
SCALE
<i>1" = 20'</i>
JOB NO.
SHEET
<i>S3</i>
OF
<i>11</i>
SHEETS



1. PATIO TO BE SAW CUT AND REMOVED TO INSTALL SHORING.
2. UPON COMPLETION OF THE SHORE PROTECTION PATIO TO BE REPLACED IN PREVIOUS LOCATION WITH CONCRETE PAVERS (approx 18" X 18"). PAVER TO BE PLACED PER MANUFACTURER'S RECOMMENDATIONS.
3. REUSED EXISTING QUARRY STONE TO BE 2 TON TO 5 TON IS SIZE. ALL OTHER STONE TO BE EXPORTED FROM SITE.
4. MEANS AND METHODS IS THE PURVIEW OF THE CONTRACTOR FINAL MEANS AND METHODS FOR SHORE PROTECTION CONSTRUCTION ARE TO BE PROVIDED BY THE CONTRACTOR SUBJECT TO REVIEW AND APPROVAL BY GEOSOILS AND THE CITY OF DANA POINT.



SCALE: 1"=10'

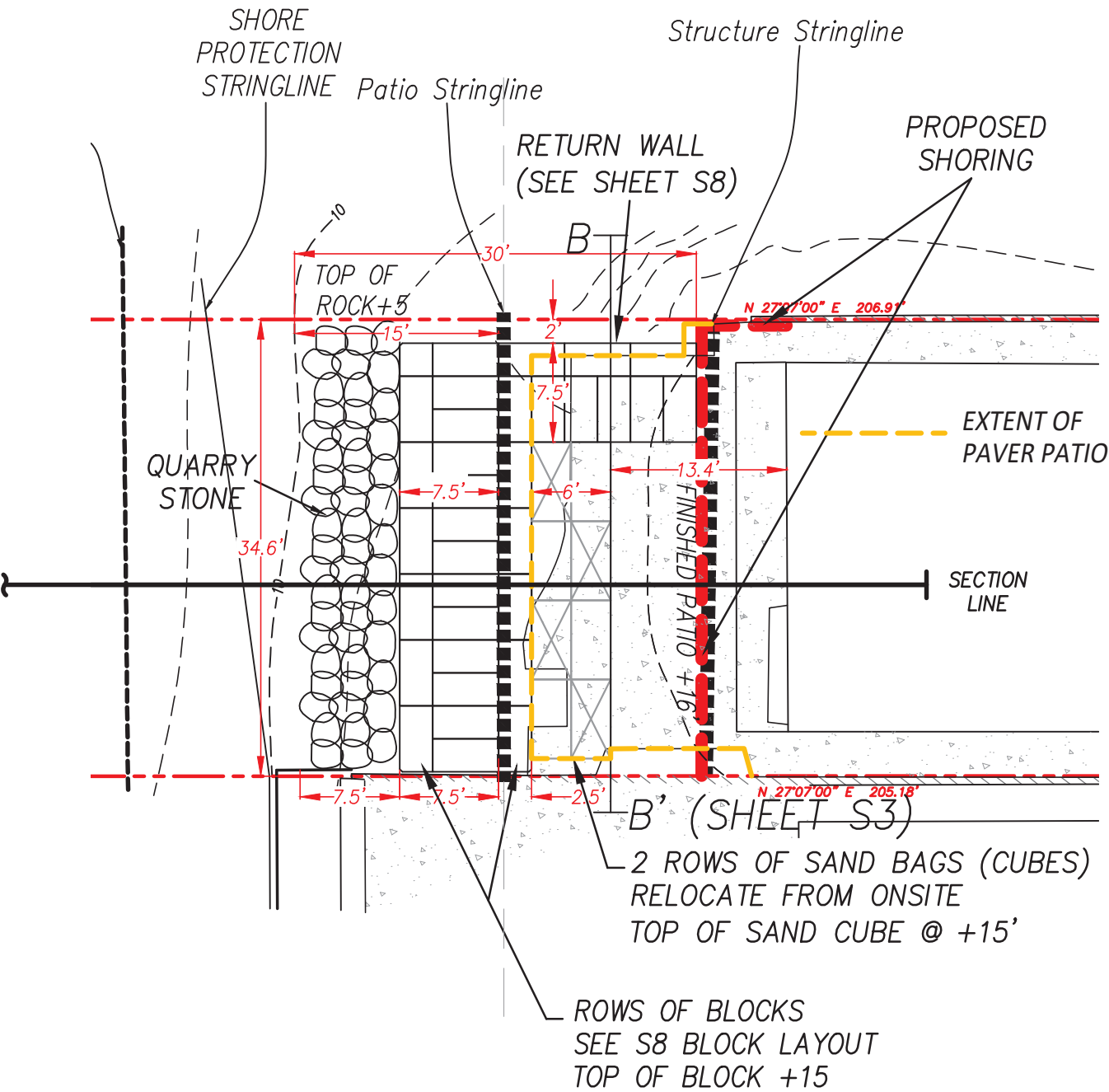
ENLARGED PROPOSED
SITE PLAN

SEQUENCE OF CONSTRUCTION

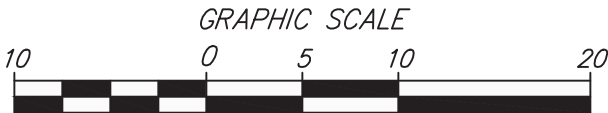
1. THE FINAL SEQUENCE OF CONSTRUCTION PLAN WILL BE DETERMINED BY THE CHOSEN LICENSED CONTRACTOR SUBJECT TO PLAN APPROVAL BY THE CITY OF DANA POINT. ALL WORK TO BE PERFORMED UNDER OBSERVATION OF PROJECT ENGINEER. DAILY MEMOS OF WORK TO BE MAINTAINED ON THE JOB SITE.
2. MOBILIZATION OF MATERIALS AND EQUIPMENT TO 35125 BEACH ROAD, CONSTRUCTION ACCESS/STAGING APPROVAL GRANTED FOR 35125 BEACH ROAD VIA LETTER OF PERMISSION FROM STEVE PINCIN, PROPERTY OWNER, DATED OCTOBER 2, 2024 AND MAY 7, 2025.
3. REMOVAL OF ROCKS, SAND BAGS, AND ANY OTHER MATERIALS IN THE WORK AREA. STORE REMOVED MATERIAL ON STAGING SITE. ESTABLISH TEMPORARY SLOPE/BACK CUT.
4. PERFORM SHORING WORK PER SHEET S11
5. WORK MAY BE PERFORMED IN SECTIONS AS DETERMINED BY CONTRACTOR
6. EXCAVATE AREA FOR PLACEMENT. RETURN WALL MAY BE CONSTRUCTED AFTER FRONT WALL. CONTRACTORS DISCRETION.
7. EXISTING ROCKS AND SANDCUBES TO BE RE-USED/RELOCATED PER PROPOSED PLAN. ANY EXCESS ROCK/SANDCUBES TO BE REMOVED FROM SITE.
8. AFTER 3RD OR 4TH LIFT OF GRAVITY BLOCKS, REPOSITION EXISTING QUARRY STONE (BOULDERS) TO GRAVITY WALL TOE PER PLAN. EXCESS ROCK TO BE REMOVED FROM THE BEACH.
9. COMPLETE BLOCK PLACEMENT AND BACKFILL PER PLAN AND GEOTECHNICAL REPORT.
10. REPLACE PATIO WITH PAVERS.

NOTE

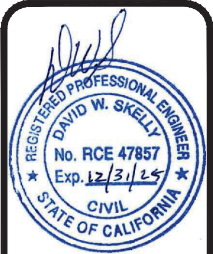
1. FOR BLOCK LAYOUT, DIMENSIONS AND 3D VIEW SEE SHEET S8



TOPOGRAPHY SURVEY FROM TOAL ENGINEERING, INC DATED
3-18-24.



REVISIONS	BY
03/20/25	
04/28/25	
09/29/25	



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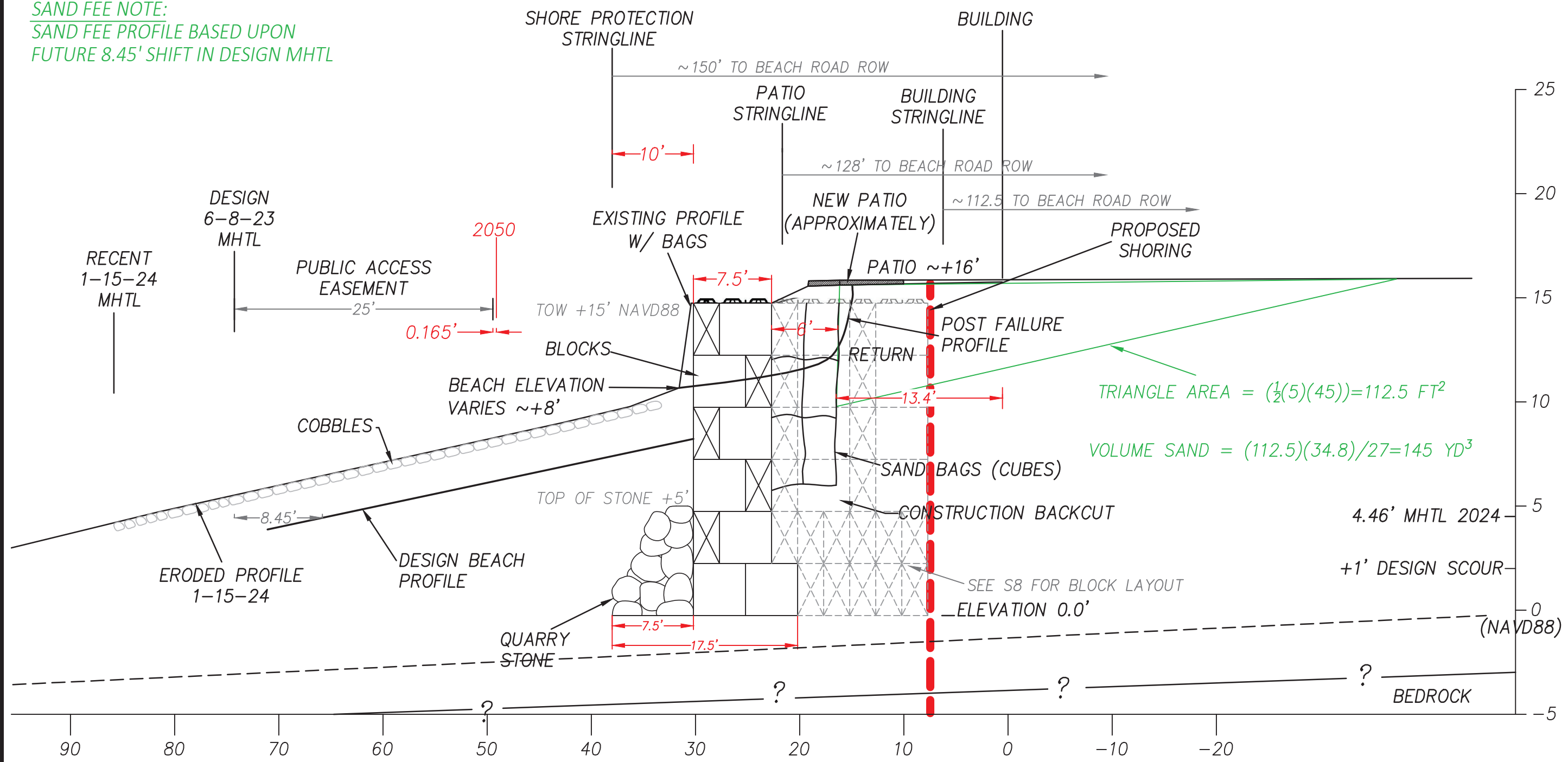


TITLE: STRUCTURE PROTECTION
35127 BEACH ROAD
W.C. S8423-SC
CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CARMEL VALLEY BEACH, CA 92024

DRAWN
CHECKED D.W.S.
DATE 3/5/25
SCALE 1" = 10'
JOB NO.
SHEET S4
OF 11 SHEETS

PROPOSED SECTION
MHTL MEASUREMENTS
PUBLIC ACCESS EASEMENTS
ACTUAL RATE OF SLR
NOAA LA JOLLA GAUGE (2.02 MM/YR)
SAND FEE GRAPHIC

SAND FEE NOTE:
SAND FEE PROFILE BASED UPON
FUTURE 8.45' SHIFT IN DESIGN MHTL



SCALE AS SHOWN
NOTE: VERTICAL SCALE EXAGGERATED

NOTE:
FOR BLOCK LAYOUT, DIMENSIONS AND 3D VIEW, SEE SHEET S8

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03/05/25	
03/20/25	
04/28/25	
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GS²
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TITLE: **STRUCTURE PROTECTION**

35127 BEACH ROAD

MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624

W.C. S8423-SC

DRAWN

CHECKED
D.W.S.

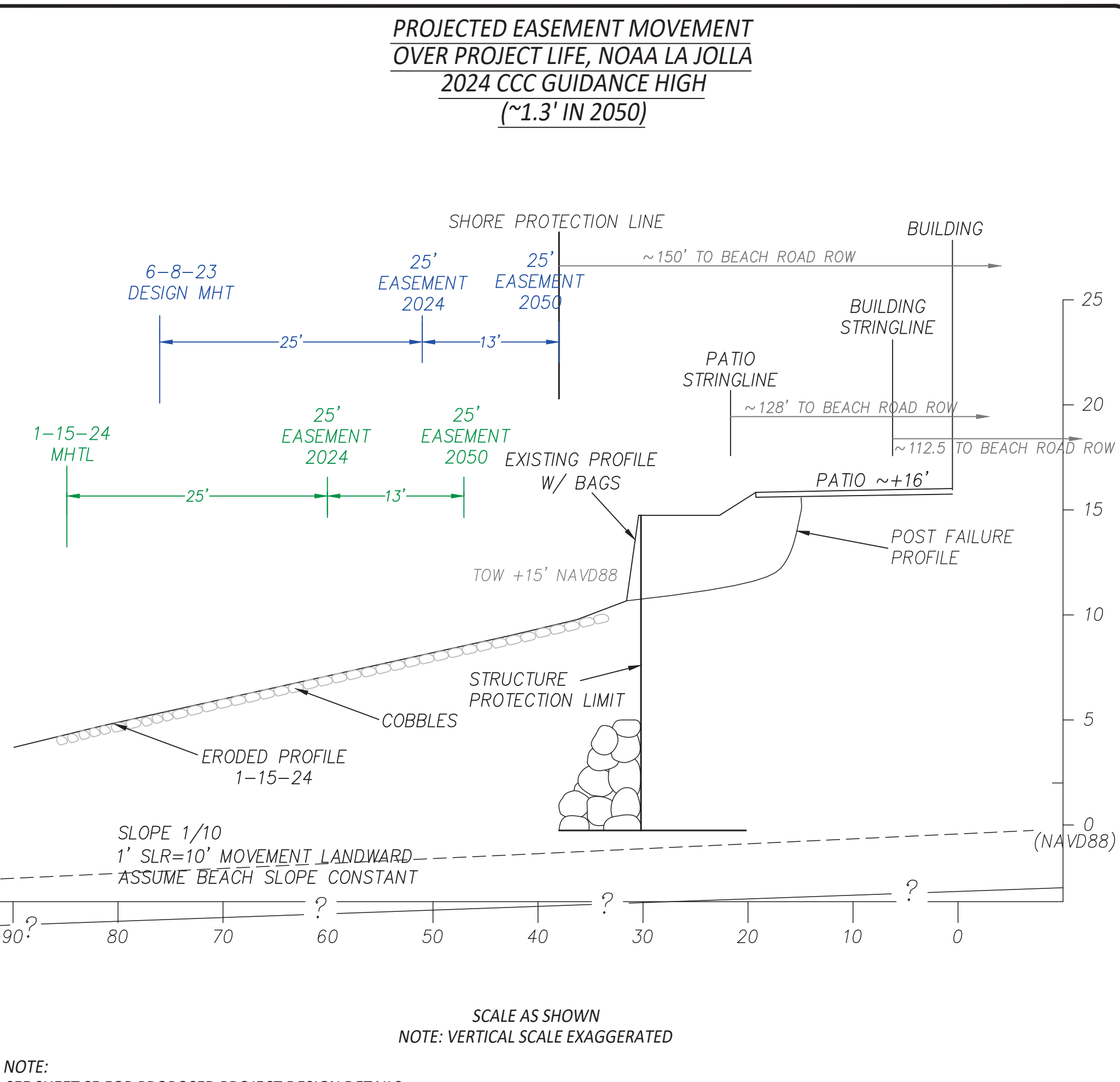
DATE
5/9/24

SCALE
1" = 10'

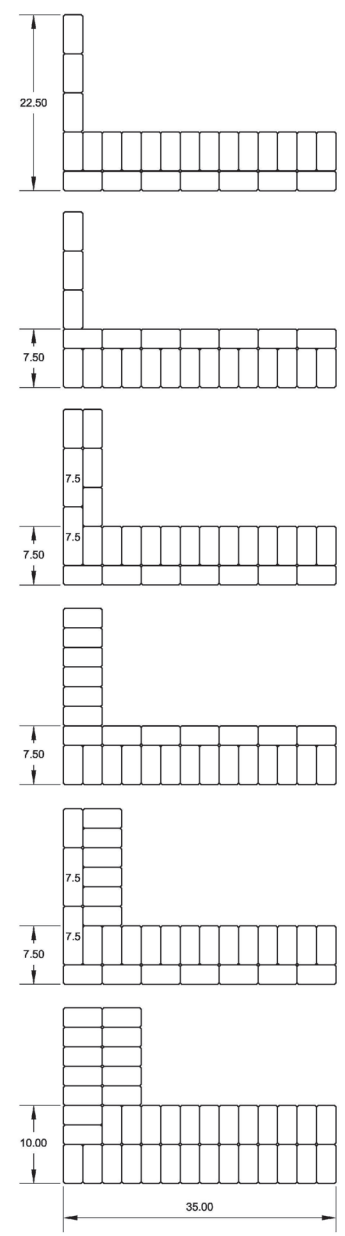
JOB NO.

SHEET
S5

OF 11 SHEETS

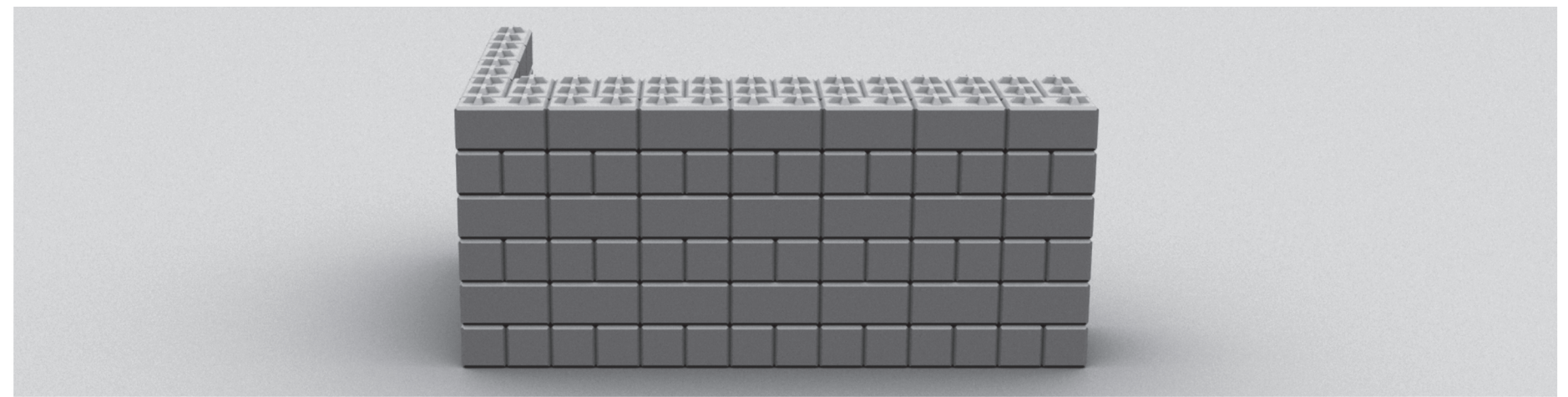
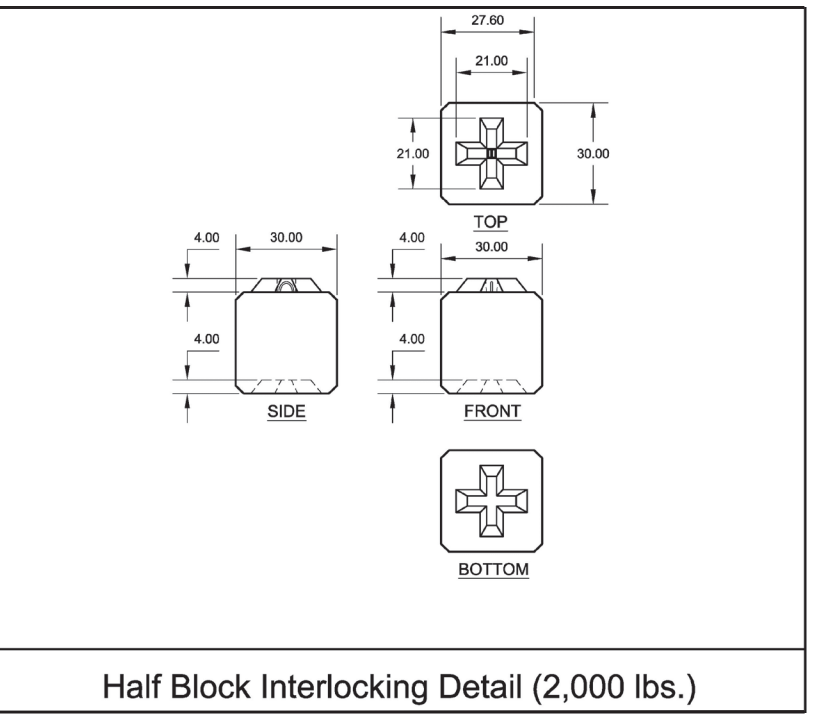
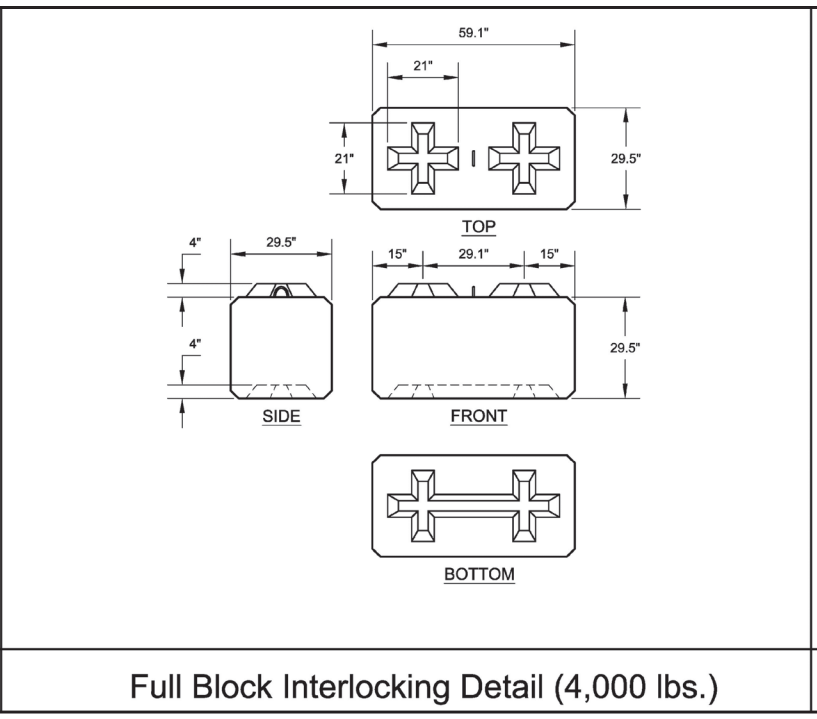
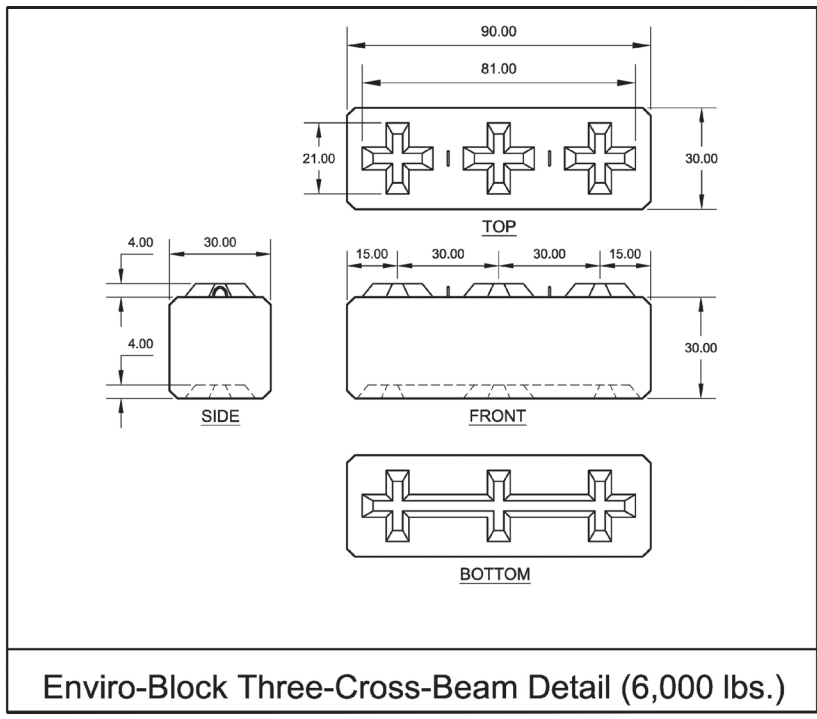


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CHECKED <i>D. W. S.</i>
DATE <i>5/9/24</i>
SCALE
JOB NO.
SHEET S7
OF <i>11</i> SHEETS

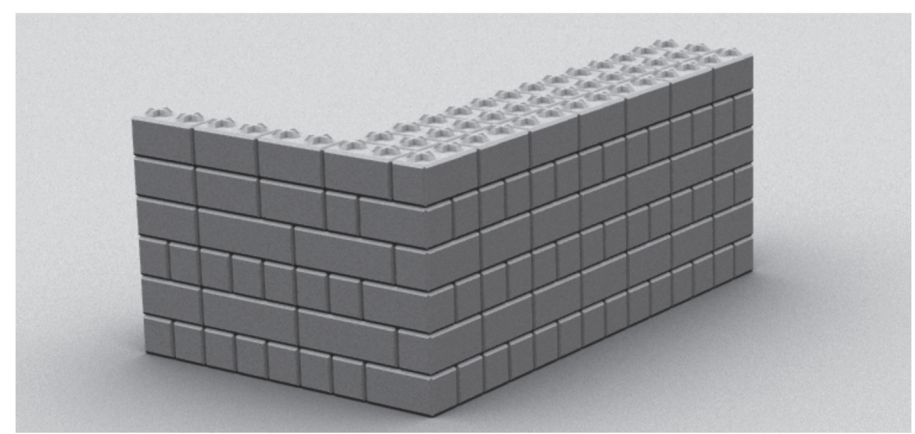


Stacking Plan
Scale: 1"=10'-0"

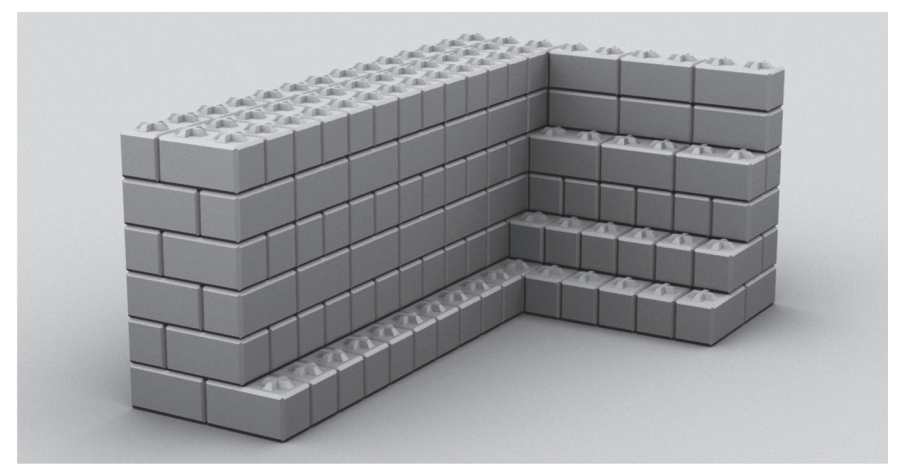
Block Quantities				
F	Full Profile Plan	164	- Full Enviro-Block Units	
7.5'	7.5' Profile Plan	4	- 7.5' 3-Cross Beam Enviro-Block Units	



FRONT



LEFT SIDE



RIGHT SIDE

	Inter-Block Retaining Systems Inc. P.O. Box 2992 Valley Center, CA 92082 (800) 406-2066 www.inter-block.com				DATE	REVISIONS			BY	CHK	APRV	DESIGNED BY:	DATE	PROPOSED: ENVIRO-BLOCK™ SEA BARRIER WALL	MILLER RESIDENCE 35127 BEACH ROAD CAPISTRANO BEACH, CA 92624
												DRAWN BY:	OCT. 3, 2024		
												CHECKED BY:			
												PRJ. ENG.:			

REVISIONS	BY
10/10/24	



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TITLE: **STRUCTURE PROTECTION**

35127 BEACH ROAD

CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624

W.O. S8423-SC

DRAWN
CHECKED D.W.S.
DATE 5/9/24
SCALE N.T.S.
JOB NO.
SHEET S8
OF 11 SHEETS

STAGING PLAN

STAGING AREA & ACCESS NOTES:

- 1. PROJECT TO BE CONSISTENT WITH THE REQUIREMENTS FOR THE EMERGENCY COASTAL DEVELOPMENT PERMIT (CDP) G-5-21-0037.
- 2. THE CONSTRUCTION STAGING ACTIVITIES, EQUIPMENT AND MATERIALS STORAGE AREAS SHALL NOT BE IN VEGETATION AREAS, WETLAND AREAS OR IN ANY OTHER ENVIRONMENTALLY SENSITIVE HABITAT AREA.
- 3. USE OF PUBLIC PARKING AREAS FOR CONSTRUCTION STAGING OR MATERIALS STORAGE IS PROHIBITED.
- 4. THE STORAGE OF STOCKPILING OF SOIL, SILT, OTHER ORGANIC OR EARTHEN MATERIALS, OR ANY MATERIALS AND CHEMICALS RELATED TO THE CONSTRUCTION, SHALL NOT OCCUR WHERE SUCH MATERIALS/CHEMICALS COULD PASS INTO COASTAL WATERS.
- 5. REFUELING OF CONSTRUCTION EQUIPMENT SHALL OCCUR OFF-SITE OR WITHIN A DESIGNATED FUELING AREA THAT CAN CONTAIN FUELING-RELATED SPILLS.
- 6. ANY SPILLS OF CONSTRUCTION EQUIPMENT FLUIDS OR OTHER HAZARDOUS MATERIALS SHALL BE IMMEDIATELY CONTAINED ON-SITE AND DISPOSED OF IN AN ENVIRONMENTALLY SAFE MANNER AS SOON AS POSSIBLE.

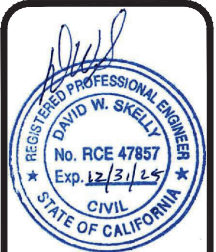
SPECIAL CONDITION NOTES:

- 1. PRIOR TO INSTALLATION OF THE PROPOSED GRAVITY BLOCKS, THE PERMITTEE SHALL REMOVE ALL UNPERMITTED SHORELINE ROTECTIVE DEVICES ON THE SITE NOT REPURPOSED FOR THE PROJECT, PERMITTEE SHALL DISPOSE OF ALL REMOVED MATERIALS AT A LICENSED FACILITY.
- 2. THE FRONT FACE OF THE PROPOSED GRAVITY BLOCKS SHALL BE PLACED NO FURTHER SEAWARD THAN 7.5 FEET FROM THE PATIO STRINGLINE, AND SHALL SPAN THE WIDTH OF THE PROPERTY. (PER ECDP)
- 3. FRONT FACE OF QUARRY STONE TOE PROTECTION SHALL BE NO FURTHER SEWARD THAN 7.5 FEET FROM THE SEAWARD FACE OF THE BLOCKS.
- 4. METHODS FOR EROSION CONTROL SHALL BE MAINTAINED AROUND THE PROJECT SITE DURING CONSTRUCTION IN ACCORDANCE WITH CASQA STANDARDS.
- 5. MACHINERY, VEHICLES AND CONSTRUCTION MATERIALS NOT ESSENTIAL FOR WORK ARE PROHIBITED AT ALL TIMES IN BEACH AREA.
- 6. CONSTRUCTION ACCESS/STAGING APPROVAL GRANTED FOR 35125 BEACH ROAD VIA LETTER OF PERMISSION FROM STEVE PINCIN, PROPERTY OWNER, DATED OCTOBER 2, 2024 AND MAY 7, 2025.
- 7. ALL WORK, INCLUDING THE WORK IDENTIFIED IN THE STAGING AREA PLAN, WILL BE LOCATED LANDWARD OF THE MHTL AND PUBLIC ACCESS EASEMENT, AS SHOWN IN STAGING PLAN.



STAGING PLAN
N.T.S

REVISIONS	BY
10/06/24	
03/10/25	
04/28/25	
09/29/25	



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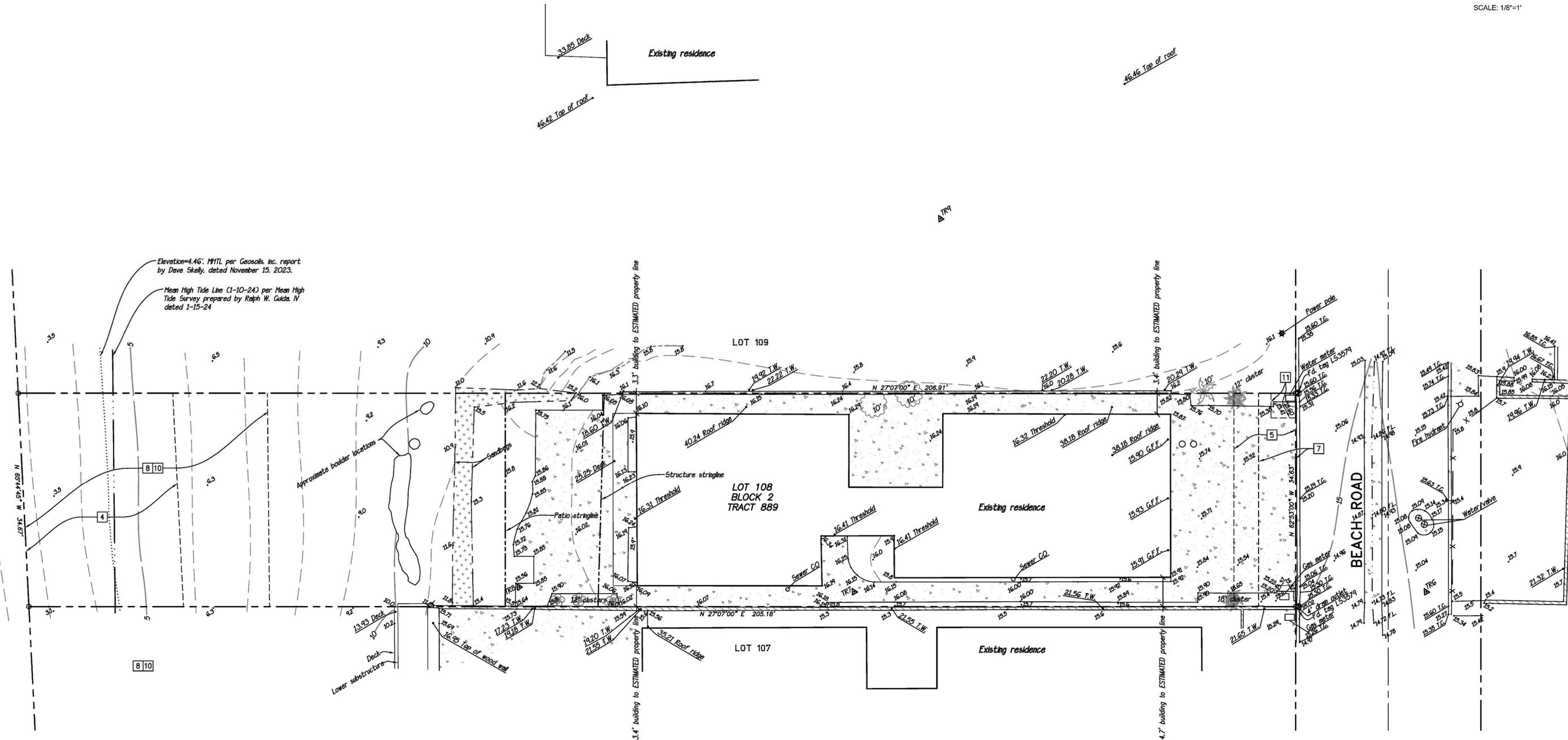
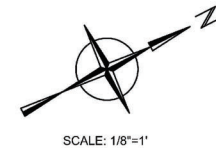
TITLE: **STRUCTURE PROTECTION**
35127 BEACH ROAD

CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624

W.O. 58423-SC

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SCALE N.T.S.
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OF 11 SHEETS

TOPOGRAPHIC SURVEY



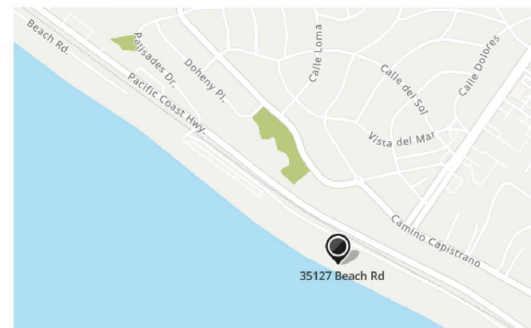
EASEMENT NOTE:
ALL EASEMENTS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE PER A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. OC2304067-JA DATED NOVEMBER 15, 2023 UNLESS NOTED OTHERWISE.

- [4] ITEM 4 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR PEDESTRIAN TRAVEL, BATHING AND RECREATIONAL PURPOSES RECORDED IN BOOK 263, PAGE 251 O.R. IS PLOTTED HEREON.
- [5] ITEM 5 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR POLE LINES AND CONDUITS RECORDED IN BOOK 263, PAGE 251 O.R. IS PLOTTED HEREON.
- [7] ITEM 7 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED IN BOOK 525, PAGE 129 O.R. IS PLOTTED HEREON.
- [8] ITEM 8 OF THE PRELIMINARY TITLE REPORT, CC&R'S RECORDED IN BOOK 12611, PAGE 8 O.R. CONTAIN AN EASEMENT FOR PUBLIC BEACH ACCESS, PLOTTED HEREON.
- [10] ITEM 10 OF THE PRELIMINARY TITLE REPORT, CC&R'S RECORDED IN BOOK 13128, PAGE 125 O.R. CONTAIN AN EASEMENT FOR PUBLIC BEACH ACCESS, PLOTTED HEREON.
- [11] ITEM 11 OF THE PRELIMINARY TITLE REPORT, AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED IN BOOK 13280, PAGE 965 O.R. IS PLOTTED HEREON.

LEGEND

- | | | | |
|--------------------|---------------------------|------|----------------------|
| --- | GRADE BREAK LINE | F.F. | FINISHED FLOOR |
| 5 --- | INDEX CONTOUR LINE | F.S. | FINISHED SURFACE |
| - - - - | INTERMEDIATE CONTOUR LINE | T.G. | TOP OF GRATE |
| - - - - | ESTIMATED PROPERTY LINE | INV | INVERT OF PIPE |
| -X-X- | FENCE | T.C. | TOP OF CURB |
| [Brick Pattern] | MSE WALL | E.P. | EDGE OF PAVEMENT |
| [Concrete Pattern] | CONCRETE SURFACE | T.W. | TOP OF WALL |
| [Masonry Pattern] | MASONRY WALL | ● | FOUND MONUMENT |
| [Wood Pattern] | WOOD WALL | ▲ | SURVEY CONTROL POINT |
| [Rock Pattern] | ROCK WALL | | |

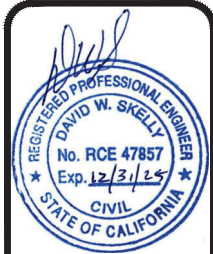
VICINITY MAP



BENCHMARK NOTE:
OCSBM 3B-51-68
ELEV=20.026
NAVD88 DATUM, 1989 ADJ.

BOUNDARY NOTE:
THE PLAT SHOWN HEREON REPRESENTS A BEST FIT OF THE RECORD BOUNDARY TO THE FOUND MONUMENTS AND LINES OF OCCUPATION. IT SHALL NOT BE CONSIDERED THE FINAL BOUNDARY, AND A BOUNDARY SURVEY IS RECOMMENDED PRIOR TO DESIGN OR CONSTRUCTION OF IMPROVEMENTS.

REVISIONS	BY



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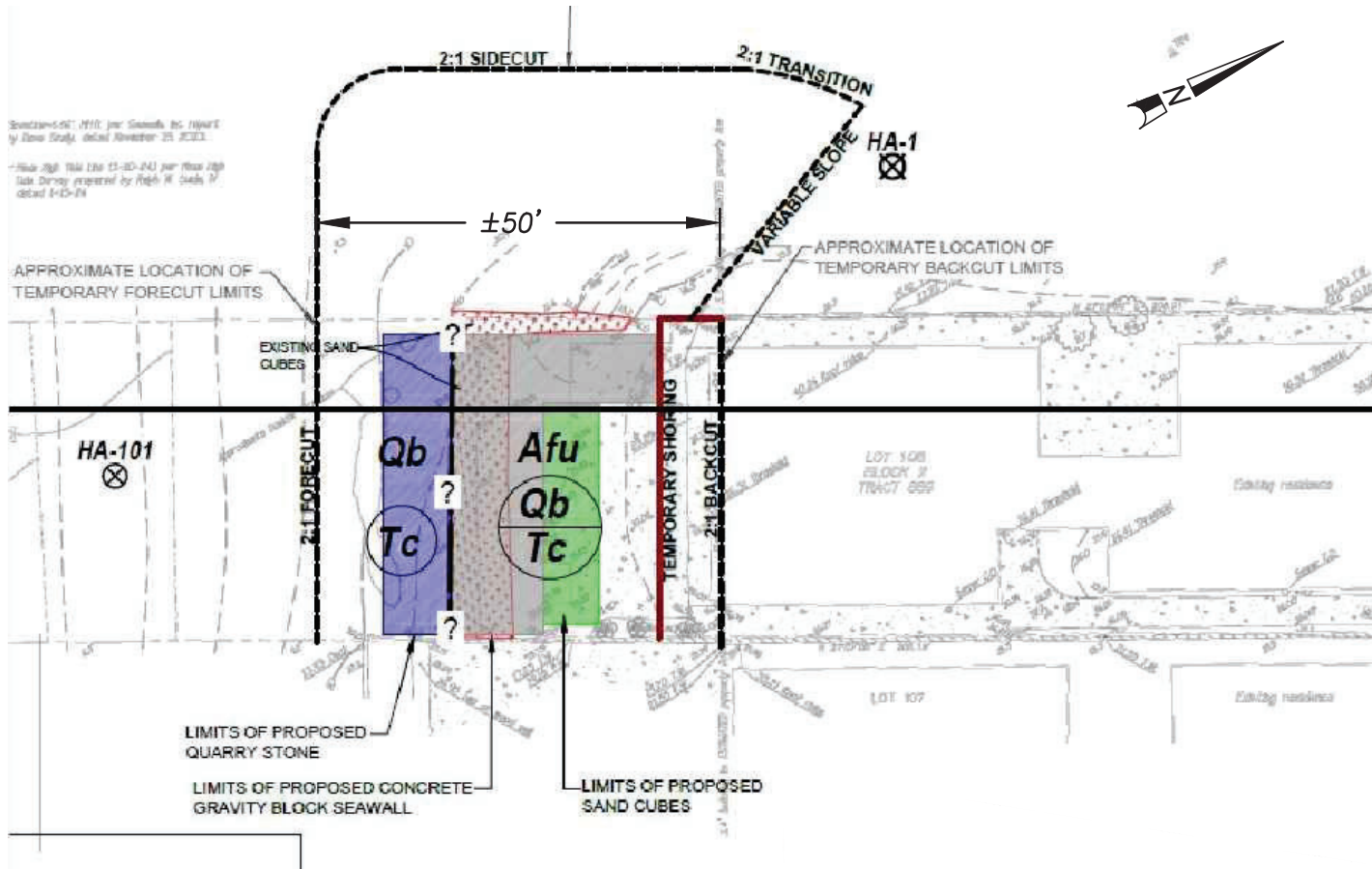


TITLE: **STRUCTURE PROTECTION**
35127 BEACH ROAD

CLIENT: MR. CHRISTIAN MILLER
35127 BEACH ROAD
CAPISTRANO BEACH, CA 92624
W.O. S8423-SC

DRAWN
CHECKED D.W.S.
DATE 4/28/25
SCALE N.T.S.
JOB NO.
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OF 11 SHEETS

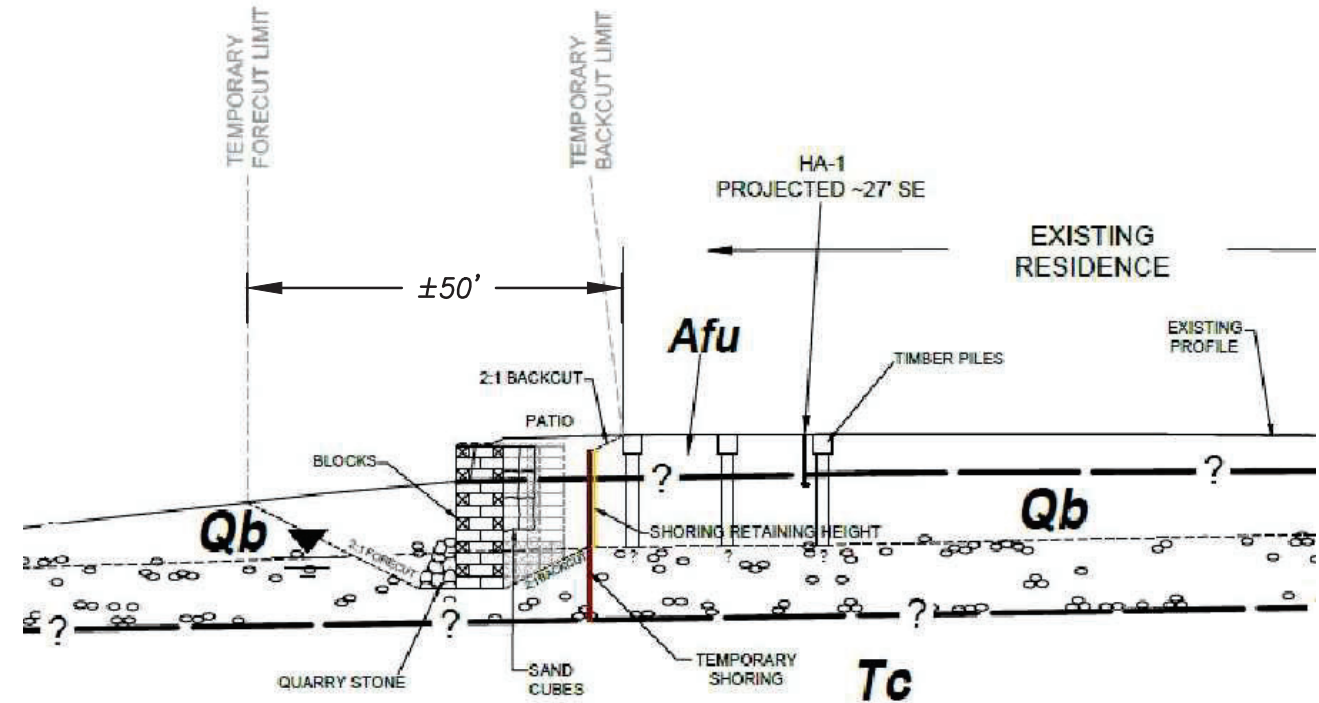
PRELIMINARY SHORING PLAN



PLAN VIEW

NOTE

1. PRELIMINARY SHORING PLANS ARE SHOWN ON THIS SHEET. MEANS AND METHODS ARE THE PURVIEW OF THE PROJECT CONTRACTOR.
2. PRIOR TO CONSTRUCTION, THE EASTERLY ADJACENT OFFSITE TIMBER WALL SHALL BE SURVEYED AT TWO LOCATIONS NEAR THE WORK ZONE, TO ESTABLISH HORIZONTAL AND VERTICAL CONTROL. PERIODIC SURVEYS WILL ALSO BE PERFORMED DURING CONSTRUCTION IN THAT AREA, AND AT THE CONCLUSION OF CONSTRUCTION IN THAT AREA.
3. PRIOR TO MOBILIZATION OF HEAVY EQUIPMENT AND CONSTRUCTION, A LIMITED EXTENT TEST PIT SHALL BE ADVANCED ADJOINING AND PERPENDICULAR TO THE TIMBER WALL AT LOW TIDE, TO EVALUATE THE DEPTH OF EMBEDMENT OF THE TIMBERS. GSI SHALL BE ONSITE FULL TIME DURING THIS ENDEAVOR, TO EVALUATE IF THE TIMBERS ARE OF SUFFICIENT DEPTH, AND IF SHORING IN THIS AREA IS NEEDED.
4. IF THE TIMBERS ARE SUFFICIENTLY EMBEDDED INTO SUITABLE STRATA, GSI SHALL ALLOW THE CONSTRUCTION TO PROCEED WITHOUT SHORING IN THIS AREA.



(VERTICAL EXAGGERATION)

SECTION VIEW

5. IF THE TIMBERS ARE NOT SUFFICIENTLY EMBEDDED, THEN TRENCH PLATE SHORING SHALL BE UTILIZED IN THIS AREA.
6. THE RESULTS OF THE ABOVE LIMITED TEST PIT INVESTIGATION SHALL BE TRANSMITTED TO THE CITY, COMMENSURATE WITH THE EVALUATION.
7. IN EITHER CASE, MONITORING SURVEY SHOTS WILL CONTINUE THROUGH THE DURATION OF WORK IN THIS PARTICULAR AREA.
8. FINAL SHORING PLANS ARE TO BE PROVIDED BY PROJECT CONTRACTOR SUBJECT TO REVIEW AND APPROVAL OF GEOTECHNICAL ENGINEER AND CITY OF DANA POINT.
9. SHORING PLANS ARE TO BE BASED UPON RECOMMENDATIONS BY THE PROJECT GEOTECHNICAL ENGINEER.

REVISIONS	BY
09/30/25	



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TITLE: **STRUCTURE PROTECTION**
35127 BEACH ROAD

W.O. S8423-SC

CAPISTRANO BEACH, CA 92624

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CHECKED	
<i>D. W. S.</i>	
DATE	
<i>5/8/25</i>	
SCALE	
<i>1" = 20'</i>	
JOB NO.	
SHEET	
S11	
OF	<i>11</i>
SHEETS	

SUPPORTING DOCUMENT 6: 35125 Beach Road Access Authorization

May 7, 2025

City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629
ATTN: John Ciampa, Senior Planner

RE: Miller CDP Application # 24-0015

Mr. Ciampa,

Pursuant to your request for a letter from the adjacent vacant lot owner permitting access by Miller, I hereby acknowledge that Miller has my permission to access onto my property, on the beach side, during the process of filing and completing his CDP application with the City of Dana Point, including such future time as needed during the course of construction of his proposed protection structure. This permission includes temporary excavation of beach sands on my property necessary to construct his proposed protection structure.

Thank you.



Steve Pincin, Owner
35125 Beach Road
Capistrano Beach, CA 92624

SUPPORTING DOCUMENT 7: Revised Coastal Engineering Basis of Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA, dated December 6, 2024



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December 6, 2024

W.O. S8423

Mr. Christian Miller
35127 Beach Road
Capistrano Beach, CA 92624

SUBJECT: Revised Coastal Engineering Basis for Design of Structure Protection at 35127 Beach Road, Dana Point, Orange County, CA.

Dear Mr. Miller:

At your request, GeoSoils, Inc. (GSI) is pleased to submit this revised report providing the coastal engineering basis for design of structure protection at 35127 Beach Road, Dana Point, Orange County, California. This revised report is provided based upon written comments from the City of Dana Point (City) concerning GSI initial submittal for the project. GSI is also the geotechnical consultant of record. Response to City geotechnical comment will be provided under separate cover. The analysis is based upon site elevations, existing published reports documenting the local coastal processes, our site inspection, and our knowledge of local coastal conditions, up and down Beach Road. This report provides our findings to the general coastal processes in the area, and the geotechnical conditions that pertain to the proposed structure protection. The proposed protection is a concrete gravity block stabilization structure stone toe protection. It includes a discussion of the need for the structure protection, the alternatives for protection, an analysis of wave runup and overtopping of the proposed protection, the resulting wave forces on the protection, and the impact of sea level rise (SLR) on the proposed protection. The purpose of the study is to provide coastal engineering and geotechnical information, as required by the City of Dana Point and the California Coastal Commission (CCC) for the proposed structure protection.

PROJECT NEED

The property is located within the 9.1 mile "Capistrano Bight", the northern most sublittoral cell of the much larger 52-mile Oceanside Littoral Cell that extends from the Dana Point Headlands to La Jolla, California. The Oceanside Littoral Cell is one of five littoral cells within Southern California referred to as the "Southern California Bight". As a result of a sustained drop in the sand level elevation below the patio/residence finished floor (FF) elevation since 2013, likely due to changed conditions in San Juan Creek, the residence foundation is now exposed to tidal erosion that will cause the residence to fail absent Structure Protection. The patio is slab on grade construction on sandy soil. The residence is founded on timber piles in sandy soil connected by concrete grade beams and slab. The piles are not designed to be free standing as discussed further in this report. Aerial photographs from the California Coastal Records Project show that between 2002 and 2013, the sand elevation on the beach was roughly even with the FF elevation. Figure 1 is a compilation from 2002 to 2013.

GeoSoils, Inc.

September 29, 2013



September 23, 2010



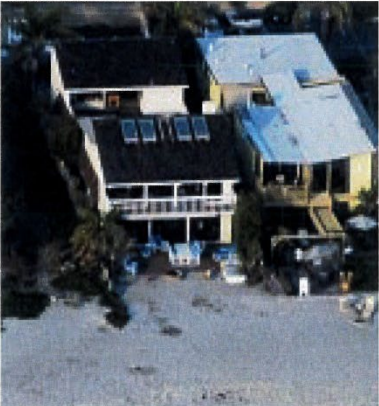
September 19, 2008



September 16, 2006



October 23, 2004



September 23, 2002



Figure 1. Compilation of aerial photographs, 2002-2013

Since 2013, sand levels at the residence have dropped below the FF elevation and have remained below the slab level, year-round. The beach sand is now about 6 feet below the FF elevation, as shown in Figure 2.



Figure 2. Typical current sand elevation

As a result of the sand level drop, the residence is now exposed to being undermined by wave action. A series of king tides combined with large swells in summer/fall of 2021 resulted in the undermining of the existing residence's concrete patio. The undermining extended to within less than 6 feet from the residence foundation. As a result, the residence foundation came within the "active zone" for failure, which placed the residence in imminent danger of damage, as shown in Figure 3.



Figure 3. August 2021 photograph of the site prior to the installation of the large sand bags. The actual residence foundation is located just behind the small sand bags and in front of the patio chairs.

The reduction in sand level elevations since 2013 indicates that the natural sources of sand are no longer supplying enough sandy sediment to replace sand that is transported down-coast by longshore drift.

A number of conditions can affect sand supply, including construction of Dana Point Harbor and reduced sediment from bluff erosion. But these factors do not appear to account for the change that has occurred since 2013. The Dana Point Harbor was developed in 1968 and the connection between the coastal bluff and the shoreline has been cut off by Coast Highway since 1929 and the railroad right-of-way since the 1880s. According to the National Weather Service, El Nino conditions, which are associated with large storm induced swells, occur every 2 (two) to 7 (seven) years. King tides (a higher-than-normal high tide generally resulting from solar and lunar influences) regularly occur at predictable intervals. Capistrano Beach has been experiencing exacerbating king tides and El Nino conditions, sometimes in combination, for a long time without experiencing the sustained sand loss that has occurred since 2013. While drought conditions have been suggested as a reason for reduced fluvial sediment from San Juan Creek, drought conditions have abated in recent years without a corresponding return of beach sand to the elevations observed between 2002 and 2013. Nor can sustained loss of sand be explained by sea level rise. Based on the actual rate of sea level rise at the NOAA La Jolla tide gauge, mean sea level has risen approximately 2 inches since 2000.

The most likely reason for the dropping sand elevation on the Capistrano Bight is related to declining fluvial sediment output from San Juan Creek. The City of Dana Point's Sea Level Rise Vulnerability Study makes the case that changes to the San Juan Creek sediment load have been the primary reason for the sustained loss of sand on the Capistrano Bight. San Juan Creek, which drains a 173-square-mile watershed (County of Orange 2013) discharges to the Ocean at Doheny State Beach and is the primary source of sediment for beaches south of Dana Point Harbor (USACE 1991). Fluvial discharge from San Juan Creek is the largest natural source of sediment for the southern coastline of Dana Point. The sediment contribution to the local beaches from San Juan Creek has been estimated between 34,000 and 56,000 cubic yards per year (cy/yr), on average (Coastal Environments 2014). The United States Army Corps of Engineers ([USACE] 2012) estimated an average annual sediment delivery of 26,700 cubic yards per year (cy/yr). Since the net direction of sediment transport is toward the south, other sources, such as San Mateo Creek and cliffs along San Clemente, are not sources for beaches of South Dana Point.

No published studies have examined the changes in San Juan Creek that have precipitated the sustained sand loss at on the Capistrano Beach Bight since 2013. Moffatt & Nichol (1993) provided an assessment of historic shoreline change behavior within the City. A detailed study of shoreline change in the Doheny Beach area was performed by Coastal Environments (2014). Studies by the USACE (1991 and 2012) performed an assessment of shoreline change south of Dana Point Harbor (Oceanside Littoral Cell). The quantitative results from these studies vary because each study averages shoreline change over different time periods. However, these studies all show that the long-term (decadal) shoreline change trend can shift from erosional to accretional (and vice versa) dependent upon fluvial discharges from San Juan Creek over a given time period.

The sustained loss of sand on the Capistrano Beach Bight is correlated to the 2013 adoption and implementation of National Pollutant Discharge Elimination Permit ("NPDES") and Waste Discharge Requirements for the Municipal Separate Storm Sewer Systems ("MS4s) Draining Watersheds within the San Diego Region and related standards within the San Juan Creek watershed, including the South Orange County Watershed Management Area Water Quality Improvement Plan adopted to implement the permits. The capacity of San Juan Creek to nourish the Capistrano Bight Beach may have crossed a tipping point as a result of increasing urbanization of the San Juan Creek watershed

and associated implementation of measures established through the NPDES and MS4 permits and the Water Quality Improvement Plan, such as increased onsite retention of surface runoff, combined with other stress factors already in the watershed, including channelization and damming for groundwater recharge.

A recent article published by a group from University of California Irvine underscores the point. The article states, "there is an acute sediment supply shortage due to reduced fluvial supplies from the damming of California rivers, resulting in an overall reduction of approximately 50% of sandy sediment throughout the state. This is particularly true in Southern California, where damming coupled with land use changes and hardened stormwater infrastructure have reduced coastal sediment loads up to 91%."¹

Sand levels have recently improved in the vicinity of the project at Capistrano Beach as a result of a one-time placement of imported sand at Capistrano Beach Park (just up coast from the subject property), which has temporarily elevated the sand levels. These recent measures demonstrate that a lack of sustained nourishment from natural sources has caused the sustained loss of sand at the Capistrano Beach Bight.

In the absence of Structure Protection that shields the exposed slab foundation, the slab will be undermined by tidal forces that occur during king tides and El Nino periods, which will ultimately cause the primary structure to fail.

DATUM

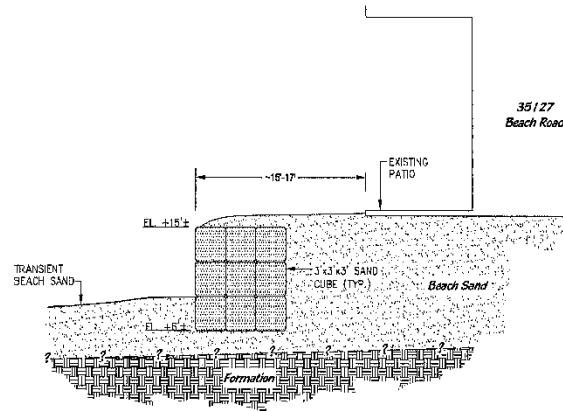
The site was inspected by GSI personnel in July 2023. The datum used in this report will be NAVD88 (North American Vertical Datum 1988). Other datums commonly used for coastal development are Mean Sea Level (MSL), which is +2.58 feet NAVD88, and NGVD29, which is +2.28 feet NAVD88. The MHT is at elevation +4.46 feet NAVD88. A topographic survey of the site, attached to this report as Appendix I, was prepared by Toal Engineering using the NAVD88 datum. The MHTL was most recently surveyed on January 15, 2024 (Appendix B).

PROJECT DESIGN

The objective of the project is to install a system to protect the foundation of the residence which has become exposed to oceanographic forces as a result of a sustained sand loss on the beach because the natural sources of sand are no longer supplying enough sandy sediment to replace sand that is transported down coast by longshore drift.

Pursuant to an emergency coastal development permit issued by the CCC, there is currently a temporary repair consisting of three rows of approximately 135 sand cubes, 3' x 3' x 3' in dimension, that extends seaward from the concrete patio and along the upcoast edge of the patio. Figure 4 is a cross section of the emergency permit protection. In addition, unpermitted riprap has been placed seaward of the sand cubes and has protected the sand cubes from wave action.

¹ Goodrich, K.A., Ulibarri, N., Matthew, R. et al. Toward improved sediment management and coastal resilience through efficient permitting in California. *Environmental Management* **72**, 558–567 (2023).
<https://doi.org/10.1007/s00267-023-01804-1>



CROSS SECTION

Figure 4.

The proposed project would (i) remove the riprap, (ii) remove three rows of 3x3x3 sand cubes (iii) relocate 2 rows of sand cubes partially beneath the patio, (iv) install a marine mattress (geo mattress) at about elevation 0.0 feet NAVD88, (v) install three rows of 2½ x 2½ x 5 gravity block wall seaward of the sand cubes on the geo mattress leveling course, and (vi) quarry stone (about 45 tons of existing rock on site) at the seaward base of the gravity block wall as illustrated in the following cross-section (Figure 5). Note the figure is vertically exaggerated. .

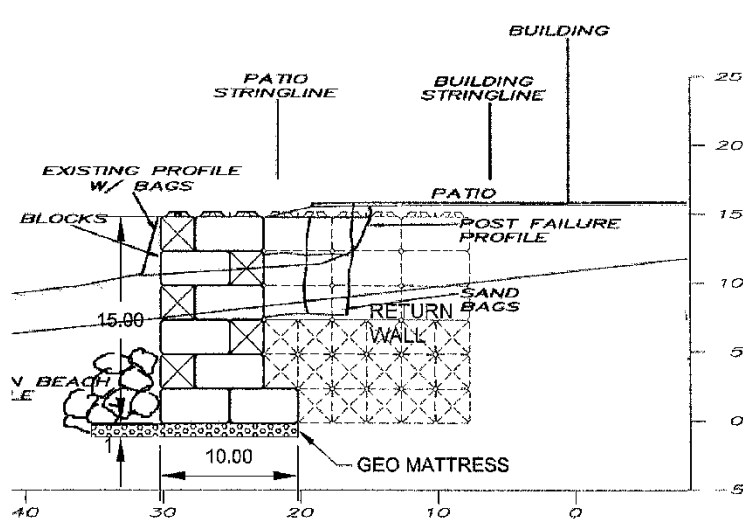


Figure 5.

The gravity block system is the least impactful system to protect the residence. The system does not require foundations or caissons to lock the system in place, which reduces the construction and potential demolition impacts.

The geo mattress (marine mattress) is a rock filled geotextile tube that would be located at the base of the gravity blocks and the quarry stone in front of the blocks. The quarry stone is required per Section 9.27.030(f) of the Dana Point Zoning Code. The geo mattress acts as a leveling course for the blocks. The geo mattress beneath the quarry stone will naturally adjust to the underlying sand level, so the gravity blocks are not undercut by sand erosion.

Retention of the sand cubes is necessary to protect against erosion behind the gravity blocks that would cause the gravity block system to fail.

The combination of the geo mattress, gravity blocks, and sand cubes provide the stability that allows the system to be installed without concrete foundation and caissons that typically provide the stabilization for Structure Protection systems. The geo mattress, gravity block, and sand cube system can be readily repaired or replaced if damaged without the need to reconstruct the wall.

To avoid impacts to sand on the beach, fill for the sand for installation of the geo mattress and any replacement of the existing sand cubes during the initial construction will not be taken from the beach and shall be of beach compatible materials sourced from local projects.

NON-STRUCTURAL ALTERNATIVES

City Code Section 9.27.030(f) allows seawalls to protect existing structures if non-structural alternatives are found to be infeasible. A non-structural alternative is infeasible when it is incapable of protecting the structure considering the conditions that create the need for Structure Protection. The following non-structural alternatives were considered and were determined to be infeasible.

No Project/No Structure Protection

The principal residence is in imminent danger of being damaged/destroyed as a result of a sustained loss of sand elevation that has exposed the foundation to wave action. In 2021, storm wave erosion had begun to undermine the residence. The existing residence is a slab on grade foundation. There are 14 wood pilings supporting concrete footings located at the rear (seaward side) of the residence and extending 35 feet toward Beach Road. A structural engineering review of the pilings was conducted by Stephen Peter, PE. His March 20, 2024 report states: (i) The "[w]ood pilings are designed for vertical loading and not lateral loading", (ii) "Large wave run up will have both lateral forces and uplifting forces that will compromise the wood piling concrete grade beam", and (iii) "Should beach erosion be allowed to occur at the rear yard of 35127 BR and depending on the depth of beach erosion of the underlying supporting sands for the existing residential building, the building's foundation/structure will be compromised (meaning the existing two story structure will have significant structural damage) should sands erode to the base of the wood pilings."

The no project alternative will result in the immediate loss of at least a portion of the residence, followed shortly thereafter by the rest of the residence. There is no place on the site/lot to relocate the residence.

Beach Nourishment (Temporary Sand Replenishment, Nourishment Measures) or Living Shorelines (Maintenance of Protective Sand Dunes and Habitat)

The current threat to the structure is the result of sustained loss of sand. It would take a substantial, ongoing replacement of sand to raise the beach to sustained elevations that would restore the conditions that existed prior to 2013. In 2023, approximately 45,000 cubic yards of sand was added as part of a one-time renourishment effort by Orange County. While the renourishment temporarily raised the sand level at the property temporarily, it was not enough to restore the 2013 elevation, which indicates that a much more substantial amount of sand would be needed for renourishment that would need to be annually sustained to restore the sand elevations to protect the structure.

Living shoreline measures typically reduce beach erosion but do not replace sand on beaches that have already experienced a significant and sustained loss of sand, as in the case of Capistrano Beach. Living shoreline measures will not provide the physical protection for the exposed foundation of the structure which would continue to be imperiled by wave action.

Beach nourishment, a non-structural shoreline stabilization effort, typically covers long stretches of shoreline, much longer than the 35 feet at the site. Living shoreline type shore protection also typically covers much longer sections of shoreline. There are no regional mechanisms in place to sustain either beach renourishment or living shorelines, and particularly not in time to achieve the immediate need for Structure Property in this case. These types of shore protection systems are not feasible to protect the structure.

Modify Structure Foundation

The existing residence has a slab on grade foundation. As discussed in the No Project Alternative, 14 piles were installed extending 35 feet from the seaward edge of the structure toward Beach Road. Based on a structural engineering review, these piles are not designed to be exposed and to withstand lateral or vertical tidal forces.

The current risk to the structure is the undermining of the foundation that cannot support the structure and withstand wave forces if the underlying sand is washed away. Modifying the foundation to support the residence would require installing caissons, grade beams and cross ties beneath the structure that are designed to bear the weight of the residence as well as vertical and lateral tidal forces.

It is practically and economically infeasible to modify the foundation. The residence was built under an outdated building code and an older FEMA flood insurance rate map. The existing structure is framed such that the building loads are distributed somewhat uniformly on the slab foundation. Those loads would need to be transferred to individual piles that would extend into bedrock. There is no access under the residence to install a pile supported foundation system.

A pile supported foundation cannot be constructed, cannot support the existing residence, and cannot be compliant with FEMA and current building codes without destroying the existing residence and foundation. The effort would cost more than replacing the entire structure and would be infeasible to accomplish.

Demolition and Reconstruction of the Structure

The existing residence is structurally sound other than requiring Structure Protection to respond to the sustained loss of sand elevation. Under this alternative, the structure would be destroyed rather than being protected.

STRUCTURAL DESIGN ALTERNATIVES

The geo mattress and gravity block system was chosen because it provides Structure Protection that is capable of being adjusted to account for landward migration of the MHTL and has the least construction and demolition impacts ("Design Criteria. The project design includes placement of quarry stone rip-rap at the seaward base of the gravity wall, as required per Section 9.27.030(f) of the Dana Point Zoning Code. The following design alternatives were considered and determined to be inferior based on the foregoing criteria. As addressed in more detail below, the Structure Protection of the residence has a limited impact on sand supply (consisting of approximately 208 cubic yards). All the structural design alternatives would have the same limited sand supply impact.

Rock Revetment

A rock revetment was rejected because it would have a larger footprint than a vertical seawall and would require ongoing maintenance that can be avoided with a gravity block system. A properly engineered rock revetment would meet the Design Criteria in that it can provide significant protection to the existing residence and can be installed and removed with minimal long-term impact on the natural landform. A rock revetment would have a larger footprint and may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. A rock revetment is a mobile structure that moves and requires maintenance to insure the proper functioning of the structure. The capital cost of a revetment is typically less than a vertical concrete cast in place seawall but requires much more maintenance over time. The design life of a revetment can be many decades, provided that it is periodically maintained. The maintenance would likely be needed about every 5 years and possibly after a very energetic winter season.

Compared to a rock revetment, the proposed geo mattress and gravity block system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would minimize impacts to coastal resources and is the superior alternative because a) it would have a smaller footprint than a rock revetment, b) it would be located in a more landward location allowing for more useable beach, c) it would not require continuous maintenance over the design life, and d) it would be easier to adjust or relocate over time to allow for adaptation. Thus, the proposed geo mattress and gravity block system would minimize impacts to public access, visual resources, and coastal hazard risks as compared to a rock revetment (see Coastal Resource Protection Considerations, below).

Engineered Concrete Vertical Seawall

A cast in place steel reinforced concrete vertical seawall would not meet the Design Criteria because it cannot be readily adjusted to account for landward migration of the MHTL and has more construction and demolition impacts. A properly designed and installed vertical seawall can provide Structure Protection with a longer design life than the proposed design and a smaller footprint than a gravity block system or a rock revetment but may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. Concrete seawalls require minimal

maintenance over their design life. A concrete seawall would be founded on a pile/caisson system or use a large footing. The seawall face would need to extend down below the maximum expected scour elevation over the life of the structure. The seawall height can be increased to adapt to sea level rise over the life. A concrete seawall can be removed in the future but would require large equipment and possibly modification of the natural land form. The cost of a vertical seawall is about twice the cost of a revetment per linear foot of protection.

Compared to an engineered concrete vertical seawall, the proposed geo mattress and gravity block system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would minimize impacts to coastal resources and is the superior alternative because a) it would be easier to adjust or relocate over time to allow for adaptation, b) scour would be minimized by the rip-rap and geo mattress design, c) no large footings or piles/caissons would be necessary. Thus, the proposed geo mattress and gravity block system would minimize impacts to public access, visual resources, and coastal hazards as compared to a vertical seawall (see Coastal Resource Protection Considerations, below).

Rock Revetment with Seawall

A combination vertical cast in place concrete seawall with a low height rock revetment in front for scour protection would not meet the Design Criteria because it cannot be readily adjusted to account for landward migration of the MHTL and has the construction and demolition impacts associated with an engineered vertical concrete seawall. A combination vertical cast in place concrete seawall with a low height rock revetment is a feasible shore protection alternative and would have a smaller footprint than a regular revetment but a larger footprint than a simple vertical wall. The seawall upper portion of the shore protection may be overtopped and may need to be supplemented with flood shields at the residential structure during extreme tides and wave events. The vertical seawall height can be increased to adapt to sea level rise over the life, but would require large equipment and possibly modification of the natural land form to remove or relocate. The cost of this shore protection is between a vertical seawall and a revetment per linear foot of protection.

Compared to a rock revetment combined with a vertical seawall, the proposed geo mattress and gravity block system with quarry stone rip-rap at the seaward base, as required by the City's Zoning Code, would minimize impacts to coastal resources and is the superior alternative because a) it would have a smaller footprint, b) it would be located in a more landward location allowing for more useable beach, c) it would not require continuous maintenance over the design life, and d) it would be easier to adjust or relocate over time to allow for adaptation. Thus, the proposed geo mattress and gravity block system would minimize impacts to public access, visual resources, and coastal hazard risks as compared to a rock revetment (see Coastal Resource Protection Considerations, below).

SEA LEVEL RISE

Current MHTL and Proposed Structure Protection

As depicted in the project plans, the proposed Structure Protection would not impact existing lateral access over the 25-foot lateral easement. The current (03-18-24) Winter MHTL is ~65 feet from the seaward edge of the patio of the residence. The distance from the seaward edge on the patio to the 25-foot lateral easement is ~40 feet. The proposed Structure Protection extends ~17 feet from the existing permitted development, which leaves 23 feet between the proposed Structure Protection

and the easement. should be noted that the location of the marine (geo) mattress is below the design scoured beach profile which means it will not obstruct lateral beach access.

The design life of the project is 25 years. The design life was chosen for two reasons. The first reason is that the CCC has for the last few decades approved new shore protection for a 25-year period. The second reason is that within 25 years after construction of the shore protection it is likely that some maintenance will be necessary in the form of repositioning components of the structure. This maintenance would necessarily include mechanized equipment on the beach requiring a coastal development permit. It should be noted that a shore protection device monitoring program will likely be a condition of issuance of the permit. The monitoring will ensure that the structure performance is in conformance with the permit conditions.

Current measures of SLR are based on published sea level rise data from tide gauges monitored by the National Oceanic and Atmospheric Administration (NOAA). Based on NOAA's current measurements, sea level is rising along the Southern California coast at the same 4 to 8 inches per century that it rose in most of California during the 20th century.

The La Jolla gauge station (located at the Scripps La Jolla Pier) is closest to Capistrano Beach. Since 1924, the La Jolla gauge station has been measuring monthly mean sea levels without regular seasonal fluctuations from coastal ocean temperatures, salinity, wind, atmospheric pressure, and ocean currents.

Summarizing 99 years of data from the La Jolla tide gauge, NOAA concludes, "The relative sea level trend is 2.05 millimeters/year with a 95% confidence interval of +/- 0.22 mm/yr based on monthly mean sea level data from 1924 to 2023 which is equivalent to a change of 0.67 feet in 100 years."² There are 25.4 mm per inch. A 2.05 mm annual mean sea level rise trend equates to 0.081 inches per year or approximately 2 inches over 25 years. The relative sea level trend at the La Jolla gauge is at the high end of the range of sea level trends measure by other Southern California NOAA gauges.

NOAA's data from the nearest tide gauge station to Capistrano Beach is at the high end of the trend. Accordingly, based on actual mean sea level trends, SLR at the property is expected to rise over a year 2000 base year by 2.4 inches by 2030, 4 inches by 2050, and 6-inches by 2075.

In 2018, the CCC adopted its Sea Level Rise Policy Guidance ("2018 Coastal Guidance"). The 2018 Coastal Guidance states that it is an advisory and not a regulatory document that sets forth certain guiding principles that broadly lay out common ideas and a framework by which SLR planning and permitting actions can be assessed. In this context, the Guidance states, "CDPs should analyze the medium-high and/or extreme risk aversion projections (from the 2018 [Ocean Protection Council ("OPC") Sea Level Rise Guidance ("2018 OPC Guidance")]) of sea level rise, as appropriate, in order to understand the implications of a worst-case scenario."

² https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=9410230

The 2018 OPC Guidance projected SLR above a 2000 baseline year at the various NOAA gauges along the California coast with modeled SLR projected starting in 2030. For the La Jolla gauge, the 2018 OPC Guidance projected 10.8-inches of SLR by 2030 and 2 feet of SLR by 2050 using the Medium High Risk Aversion scenario and 1.1-feet of SLR by 2030 and 2.8 feet of SLR by 2050 using the Hight Risk Aversion scenario.

With only five years left to reach the 2030 projection, it has become clear that actual SLR is nowhere near the 2018 OPC Guidance projections. Based on the actual rate of SLR at the La Jolla gauge, SLR would be only 2.4-inches above the 2000 baseline year by 2030, which is well below the 10.8-inches to 1.1-feet projected in the 2018 OPC Guidance.

In 2024, OPC adopted a Science and Policy Update to the State of California Sea Level Rise Guidance ("2024 OPC Update") which concludes that sea level rise of 2.7 feet by 2050 is now considered physically unrealistic because the increase in the rate of SLR needed to reach that target is not possible based on the current understanding of the process driving SLR.

The 2024 OPC Update concludes that California Sea Level Scenarios in the update show much greater certainty in the amount of SLR expected in the next 30 years, which demonstrates that there is little difference in SLR expected across all foreseeable emissions pathways over the next three decades. The 2024 OPC Update reduced the range of SLR from 1.1 to 2.7 feet by 2050 (relative to a 2000 base year) to 0.5 feet to 1.2 feet (relative to a 2000 base year), a range of only 8 inches.

On November 13, 2024 the CCC adopted an update to the 2018 CCC Guidance ("2024 CCC Update"), which proposes that CDPs use the upper ranges of the 2024 OPC Guidance as shown on the following table:

Table F-13. Sea Level Scenarios for La Jolla

	Projected SLR Amounts (in feet)				
	Low	Intermediate-Low	Intermediate	Intermediate-High	High
2030	0.3	0.4	0.4	0.4	0.5
2040	0.4	0.5	0.6	0.7	0.8
2050	0.5	0.7	0.8	1.0	1.3
2060	0.6	0.8	1.1	1.6	2.0
2070	0.7	1.0	1.4	2.3	3.0
2080	0.8	1.2	1.8	3.1	4.1
2090	0.9	1.4	2.4	3.9	5.3
2100	0.9	1.6	3.1	4.8	6.6
2110	1.0	1.8	3.8	5.7	7.9
2120	1.1	2.0	4.4	6.4	9.0
2130	1.2	2.2	4.9	7.1	9.9
2140	1.2	2.4	5.5	7.6	10.9
2150	1.3	2.6	6.0	8.2	11.8

Median values of Sea Level Scenarios, in feet, for each decade from 2020 to 2150, with a baseline of 2000. All median scenario values incorporate the local estimate of vertical land motion. The red box highlights the three scenarios that the State Sea Level Rise Guidance (OPC 2024) and this guidance recommend for use in various planning and project contexts.

Figure 6. Latest measure SLR at La Jolla from NOAA.
(https://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?id=9410230)

The 2024 CCC Update recommends using projected SLR by 2050 ranging between 10.8 inches and 1.3 feet (over a 2000 base year) based on the La Jolla gauge, a difference of roughly 8-inches, which will be used in this report.

Because all of the models project SLR above a 2000 base year, some of that increase is accounted for in the actual SLR that has occurred since 2000. Based on the actual SLR trend at the La Jolla gauge, sea level has risen 1.86 inches from 2000 to 2023, which must be subtracted from the projected modeled increase to obtain the amount of SLR over the next 25. Accordingly, projected SLR by 2050 above the actual SLR that has occurred between 2000 and 2023 at the La Jolla gauge will range between 8.94 inches and 13.7 inches, a difference of 4.8 inches above the actual SLR that has occurred between 2000 and 2023.

It is worth noting that projected SLR in the 2024 OPC Guidance is still well above what is expected based on the actual rate of SLR at the La Jolla gauge. Based on the actual rate of SLR at the La Jolla gauge, the SLR by 2030 would be 2.4 inches above a 2000 base year. The projected SLR by 2030 based on the lowest recommended model per the 2024 CCC Update is 4.8 inches over a 2000 base year, or twice the SLR based on the actual rate of SLR. The current rate of SLR would need to increase annually from 0.081 inches to 0.4 inches, an increase that is approximately four times the actual rate, which does not appear to be realistic.

PROJECT DESIGN SLR

The maximum still water elevation recorded near the site is ~+7.5 feet NAVD88 (La Jolla NOAA Station). This sea level includes short-term effects that would increase sea level, such as wave set up, and an El Niño. The design life for the shore protection project is 25 years, as determined previously herein.

Based on the discussion above, the report considers the proposed development relative to projected intermediate-high SLR in the year 2050.

For the wave runup and overtopping analysis an SLR in the year 2050 of 1.4 feet will be used. With the 1% recurrence water level of 7.5 feet NAVD88, the design water elevation for this SLR scenario is 8.5 feet NAVD88.

DESIGN SCOUR

The Moffatt & Nichol (M&N) 1997 Update for the Capistrano Bay Community states that with regards to a scour elevation, "An estimation with an accuracy of +1 ft is considered good." The GSI design scour elevation of 2.0 feet is within about 0.6 feet of the M&N estimated scour elevation of 1.4 feet NAVD88. Under the design conditions the beach fronting the site will transition from a mostly sand beach to a predominantly cobble beach. Cobbles are less erodible than sand. In addition, cobble beaches are typically steeper. Finally, in consideration of the Bruun Rule, the scour elevation will increase in height with SLR.

The scour elevation at the proposed seawall is based on the estimated future beach conditions. Based upon Moffatt & Nichol (1993), our direct observation, and allowing for the beach profile to

adjust to SLR, the design maximum scour at the shore protection structure is elevation 2 feet NAVD88. Again, it should be noted that beneath the sand fronting the site are cobbles, which do not scour down as easily as sand. Using the design scour at the shore protection structure of +2 feet NAVD88 yields the design water level of 7.5 feet. *The design still water height (Hsw) at the structure over the expected life is +7.5 feet.*

DESIGN BREAKING WAVE ELEVATION

The design breaking wave height at the structure is going to be calculated using methodologies provided in the FEMA Coastal Construction Manual and American Society of Civil Engineers (ASCE) "Minimum Design Loads for Building and Other Structures" (ASCE/SEI 7-05), and to some extent ASCE "Flood Resistant Design and Construction" (ASCE/SEI 24-05). The design methodologies are similar in these coastal development guideline documents. The FEMA design breaking wave determination methodology for a typical pile supported shoreline structure is the same as ASCE 7-05 Equation 5-2 ($H_b = 0.78(d_{s,PILE})$).

Therefore, the breaker height at the seawall is 5.8 feet. The breaking wave profile, based upon FEMA, is about 70% above the still water elevation. The maximum elevation of the breaking wave would be (0.7) (6.2) + still water elevation (+8.5 feet NAVD88) or about elevation ~+12.6 feet NAVD88. Based upon the analysis, uncertainty, and discussion above, GSI is recommending a project design Breaking Wave Elevation of ~+13 feet NAVD88 seaward of the shore protection structure. The impact of a future breaking wave under higher SLR scenarios reaching elevation +13 feet or greater can be mitigated at the structure by increasing the height of the protection. This increase in height (without any further seaward encroachment) is an adaptive strategy consistent with the Commission Guidance.

WAVE RUNUP AND OVERTOPPING

As waves encounter the beach in front of this site, the water rushes up, and sometimes over the proposed shore protection. Often, wave runup and overtopping strongly influence the design and the cost of coastal projects. Wave runup is defined as the vertical height above the still water to which a wave will rise on a structure of infinite height. Overtopping is the flow rate of water over the top of a finite height structure (the proposed protection) as a result of wave runup. The seawall is a finite height structure, so overtopping must be considered. Wave runup and overtopping are calculated using the US Army Corps of Engineers Automated Coastal Engineering System, ACES. ACES is an interactive computer-based design and analysis system in the field of coastal engineering and FEMA approved methodology.

ACES Overtopping Analysis

The wave, wind, and water level data used as input to the ACES runup and overtopping application were taken from the historical data reported in USACOE (1986, 1988, 2002, 2010) and design data reported in Moffatt & Nichol (1985 and 1993). The Capistrano Beach shoreline has experienced extreme storms over the years. These events have impacted coastal property and beaches depending upon the severity of the storm, the direction of wave approach, and the local shoreline orientation. The ACES analysis was performed on oceanographic conditions (tides and waves) that represent a 75- to 100-year recurrence condition. The modeling will use 1.0 foot of SLR with the understanding that if overtopping of the shore protection jeopardizes the residence, then the height of the wall can be increased.

For the ACES analysis, a 5.8 feet high wave with a 17-second wave period will be used. The 17-second period wave is reasonably conservative and the higher period waves (22 seconds) do not result in a significant increase in the overtopping rate or elevation of overtopping waters. The design water elevation will be +8.5 feet NAVD88. The toe of the protection is modeled at about 2.0 feet NAVD88. The overtopping will be calculated for a top of protection at ~+15.5 feet NAVD88. Figure 7 provides a graphic of the ACES variables followed by their definition. The table following Figure 7 is the ACES output.

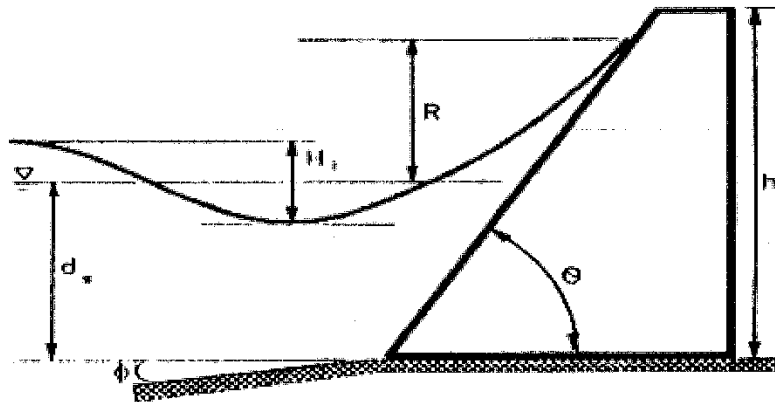


Figure 7. Wave runup terms from ACES manual.

- d_s is the depth of the water at the toe of the seawall
- H_i is the breaking wave height at the toe not to be confused with the deep water wave height H
- R is the height of the wave runup above the still water elevation
- h_s is the height of the beach above the toe (elevation to the ~ berm elevation)
- Θ is the slope of the seawall
- ϕ is the nearshore slope or slope from the shoreline to beyond the breakers

Table

ACES	Mode: Single Case	Functional Area: Wave - Structure Interaction		
Application: Wave Runup and Overtopping on Impermeable Structures				
Item		Unit	Value	Smooth Slope Runup and Overtopping
Incident Wave Height	H_i	ft	5.800	31527 Beach Road
Wave Period	T	sec	17.000	
COTAN of Nearshore Slope	$COT(\phi)$		60.000	
Water Depth at Structure Toe	d_s	ft	7.500	
COTAN of Structure Slope	$COT(\Theta)$		0.000	
Structure Height Above Toe	h_s	ft	13.500	1.0 FT SLR
Wave Runup	R	ft	21.050	
Onshore Wind Velocity	U	ft/sec	3.376	
Deepwater Wave Height	H_0	ft	3.438	
Relative Height	d_s/H_0		2.182	
Wave Steepness	$H_0/(gT^2)$		0.00370	Seawall
Overtopping Coefficient	α		0.077000	
Overtopping Coefficient	Q_{star0}		0.050000	
Overtopping Rate	Q	ft ³ /s-ft	3.946	

If the height of the top of the protection is about +15.5 feet NAVD88 the analysis shows a maximum overtopping rate of about $q = 3.9$ ft³/s-ft. Using the following empirical formulas provided by the USACE, the height of the water at the finished grade, h_1 , can be calculated.

$$q = 0.5443\sqrt{g}h_1^{3/2}$$

where $g = 32.2$ feet/sec²

Using the higher overtopping rate, the height of water overtopping the site is about 1.1 feet. The amount of overtopping can be reduced by increasing the height of the seawall.

WAVE FORCE ON THE WALL

Based upon the location of the proposed structure protection and the design beach profile, the maximum wave force on the block wall will be from a broken wave. The wave surge force can be calculated using equation VI-5-184 of the CEM. $F_{\text{surge}} \approx 4.5\gamma H_w^2$ or for a 5 feet high wave bore $F_{\text{surge}} \approx (4.5)(64)(5)(5) = 7,200$ lbs/ft. this force will be acting at about elevation +10 feet NAVD88. Both the broken and breaking wave forces on the wall would cause overturning at the heel of the wall. This overturning force will be fully resisted by the blocks and backfill behind the block protection.

LONG-TERM SHORELINE RETREAT AND ADAPTATION

The proposed design life of the protection structure is 25 years during which no overland flooding is expected. However, physical impacts of long-term shoreline retreat and SLR combined with storm events could eventually result in dislodged rocks, scour and overtopping of the structure. As discussed in the alternatives section, above, the proposed geo mattress and gravity block system with quarry rock rip-rap design was selected because it provides Structure Protection that is capable of being adjusted to account for future site conditions, such as landward migration of the MHTL, the design is located as landward as feasible to minimize beach encroachment, and the design has the least coastal resource impacts. In terms of long-term resilience, the gravity blocks, sand cubes, rip rap, and geo mattress can be easily repositioned or relocated to respond to future site conditions as compared to a rock revetment, an engineered concrete vertical seawall, and a combination vertical cast in place concrete seawall with a low height rock revetment that are more difficult to remove or relocate to respond to changing conditions. Non-structural design options or alternative protection structure siting alternatives are not feasible due to site constraints.

Site specific adaptation measures to respond to future conditions include flood shields during the coincidence of very high tides, high waves, and overtopping of the seawall. The shore protection can be increased in height or repositioned/relocated as an adaptation strategy.

COASTAL RESOURCE PROTECTION CONSIDERATIONS

Local Sand Supply

The proposed structure protection has the potential to prevent shoreline erosion of sand material from land area located behind the protection device, thereby reducing the amount of sand that may otherwise be deposited to the beach and into the offshore sand supply system. The volume of sand that may be retained from the natural system over the proposed life of the structure protection is estimated to be about 208 cubic yards. The methodology and calculation are provided on Sheet S-4 of the project plans.

Seaward Encroachment

The proposed structure protection would not affect the established building and patio/deck stringlines for the existing residence; all proposed repairs to the patio, which partially failed during prior storm erosion conditions, would not encroach seaward of the established patio/deck stringline (Sheet S). The location of the proposed structure protection was chosen based upon the minimum area needed for the protection to work, positioned in the most landward feasible location given the need to protect the existing residence from further erosion and failure. The gravity block system needs to be wide enough and backed with sandbags to act as a resisting mass against wave runup and wave breaking forces, and to protect from potential scour and undermining of the inland side of the gravity blocks should overtopping occur. With the exception of the quarry stone, required by the City's Zoning Code, and the marine mattress, which is designed to remain well below the design scoured beach profile and thus is not expected to be exposed surficially on the beach, the structure protection would be located entirely landward of the existing sandbag protection system temporarily authorized by the Coastal Commission pursuant to Emergency Coastal Development Permit No. G-5-21-0037. The protection system would also be located landward of shoreline protection on adjacent properties as shown on Sheet S of the plans. As such, the proposed structure protection is located as landward as feasible and will not result in seaward encroachment beyond the line of existing development in the project area.

Public Beach Access

The structure protection would be located entirely on private property and would not displace or otherwise impact public access over the 25-foot lateral beach easement. As discussed herein, the structure protection would be located well landward of the most recent (January 15, 2024) and the most landward (June 8, 2023) surveyed MHTLs and the 25-foot lateral public access easement established by the surveyed MHTL locations (Sheet S3). In addition, the structure protection is not expected to encroach into public tidelands beyond the MHTL or the 25-foot lateral access easement over the 25-year design life of the project as determined by sea level rise projections based on: 1) the actual observed rate of sea level rise (Sheet S3), 2) projected sea level rise in 2050 based on the intermediate and intermediate-high models in the Ocean Protection Council's 2024 Guidance (Sheet S4), and 3) projected sea level rise in 2050 based on the intermediate-high projection referenced in the Coastal Commission's 2024 Sea Level Rise Guidance Update (Sheet S5). Under no sea level rise projection scenario is the proposed structure protection expected to encroach seaward of the MHTL.

Visual Resources

The project area consists of a built-out residential subdivision along the shoreline which is visible from Coast Highway and the Capistrano Beach area. The structure protection would be located

immediately seaward of and adjacent to the existing residence and therefore would not be visible from Coast Highway and would not adversely impact any existing view corridors from Coast Highway or block public views of the ocean. The structure protection would be visible from the public beach area fronting the project site to varying degrees based on seasonal sand conditions. However, the structure is located well below the elevation of the existing residence and therefore would not block public views from the beach to inland scenic vistas. The structure protection would be colored and textured to mimic natural stone to blend with the surrounding beach environment and therefore will not significantly impact visual resources of the shoreline area.

LIMITATIONS

Coastal engineering is characterized by uncertainty. Professional judgements presented herein are based partly on our evaluation of the technical information gathered, partly on our understanding of the proposed construction, and partly on our general experience. Our engineering work and judgements have been prepared in accordance with current accepted standards of engineering practice. We do not guarantee the performance of the project in any respect, and no warranty, either express or implied, is given.

Respectfully submitted,
GeoSoils, Inc.



David W. Skelly
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Distribution: (PDF via email)

Attachments: Appendix - References

APPENDIX

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