



May 9, 2026

Delivered via email

To: Meagan Harmon, Chair, California Coastal Commission  
CC: Kate Huckelbridge, Executive Director, California Coastal Commission,  
Steve Hudson, Deputy District Director, South Coast District

**Re: W17a, Appeal No. A-5-LGB-24-0018 (Reyna, Laguna Beach)**

Dear Chair Harmon, Commissioners, and South Coast Staff,

Surfrider Foundation submits these comments on Appeal No. A-5-LGB-24-0018 (Reyna) in connection with the scheduled de novo hearing. We appreciate the extensive work staff has invested in this matter and do not dispute the finding of substantial issue. We write to raise concerns about the scope of development proposed for approval and to urge the Commission to consider a less expansive alternative that better reflects the requirements of the certified LCP.

Staff acknowledges that the proposed project is inconsistent with the bluff setback policies of the Laguna Beach LCP, that virtually all development would occur on the bluff face, and that strict application of those policies would render the project non-approvable. The Commission's authority to approve a non-conforming project under Coastal Act Section 30010 is intended to avoid an unconstitutional taking of property – not to authorize development beyond what is minimally necessary to provide a viable economic use of the property. Those are different standards, and we are concerned the staff recommendation does not adequately distinguish between them.

The core question is how much development is necessary to avoid a taking, not simply whether some development must be allowed. The U.S. Supreme Court has made clear that a taking requires denial of all economically viable use of property (*Lucas v. South Carolina Coastal Council*), or a regulatory burden so severe that it crosses a constitutional line under a case-by-case analysis (*Penn Central Transportation Co. v. New York*). Neither standard requires the Commission to approve a project of this scale. Indeed, staff's own analysis acknowledges that Section 30010 "allows the Commission to approve some amount of development in order to avoid such a taking." The standard isn't how much is possible, but how much is enough. The site retains an LCP-compliant buildable area of approximately 1,168 square feet – modest, but not nothing – and a meaningfully smaller home sited to make greater use of that area could still provide a viable economic use of the property.

Equally important, the Coastal Act and the Laguna Beach LCP were both firmly in place when the applicant purchased this property in 2004. Any investor purchasing a coastal blufftop lot in 2004 took on the responsibility of understanding any and all applicable development restrictions already in place. The investment-backed expectations analysis under Penn Central is supposed to account for the regulatory environment that existed at the time of purchase. The staff report acknowledges this but proceeds to benchmark the applicant's reasonable expectations against the neighboring property at 31461 Coast Highway – a 5,895 square foot home. That comparison deserves scrutiny because the proposed project, at 7,231 square feet for the principal structure alone, is larger than the neighbor. It's also substantially larger than several other blufftop homes in the immediate area, which range from approximately 2,089 to 2,200 square feet. Approving a home of this size in order to avoid a takings claim goes well beyond what the law requires.

Surfrider urges the Commission to find that the minimum development necessary to avoid a taking is something appreciably smaller than what is currently proposed. The Commission has discretion to require revised plans that reduce the overall size and footprint of the project while still providing the applicant with a meaningful residential use of the property. Doing so would bring the project into greater conformity with the bluff setback and visual resource policies of the LCP, reduce grading and landform alteration on a sensitive coastal bluff, and set a more defensible precedent for similar blufftop applications in Laguna Beach and along the California coast.

We recognize that the conditions of approval as drafted – including the no-future-armoring requirement, the view corridor deed restriction, and the lowered structure elevation – represent meaningful protections. We support those conditions. Our concern is specifically with the overall scale of development being approved on what staff itself describes as a non-compliant site, on the basis of a takings analysis that we believe goes further than what the law requires.

Thank you for your consideration of these comments.

*For our Ocean, Waves, and Beaches,*

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