

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



July 1, 2008

# W 7a

## ADDENDUM

**TO:** Commissioners and Interested Persons

**FROM:** South Coast District Staff

**SUBJECT:** Amendment No. 5-07-385 A1 (Piedmont Cove), Item No. W 7a, Scheduled for Hearing on Wednesday, July 9, 2008 in San Luis Obispo, CA.

### A. Exhibit 2

Attached is Exhibit 2 to the Staff Report. Exhibit 2 reflects the existing easement alignments and the proposed easement alignments. There are four pages to Exhibit 2.

### B. Addition to Findings

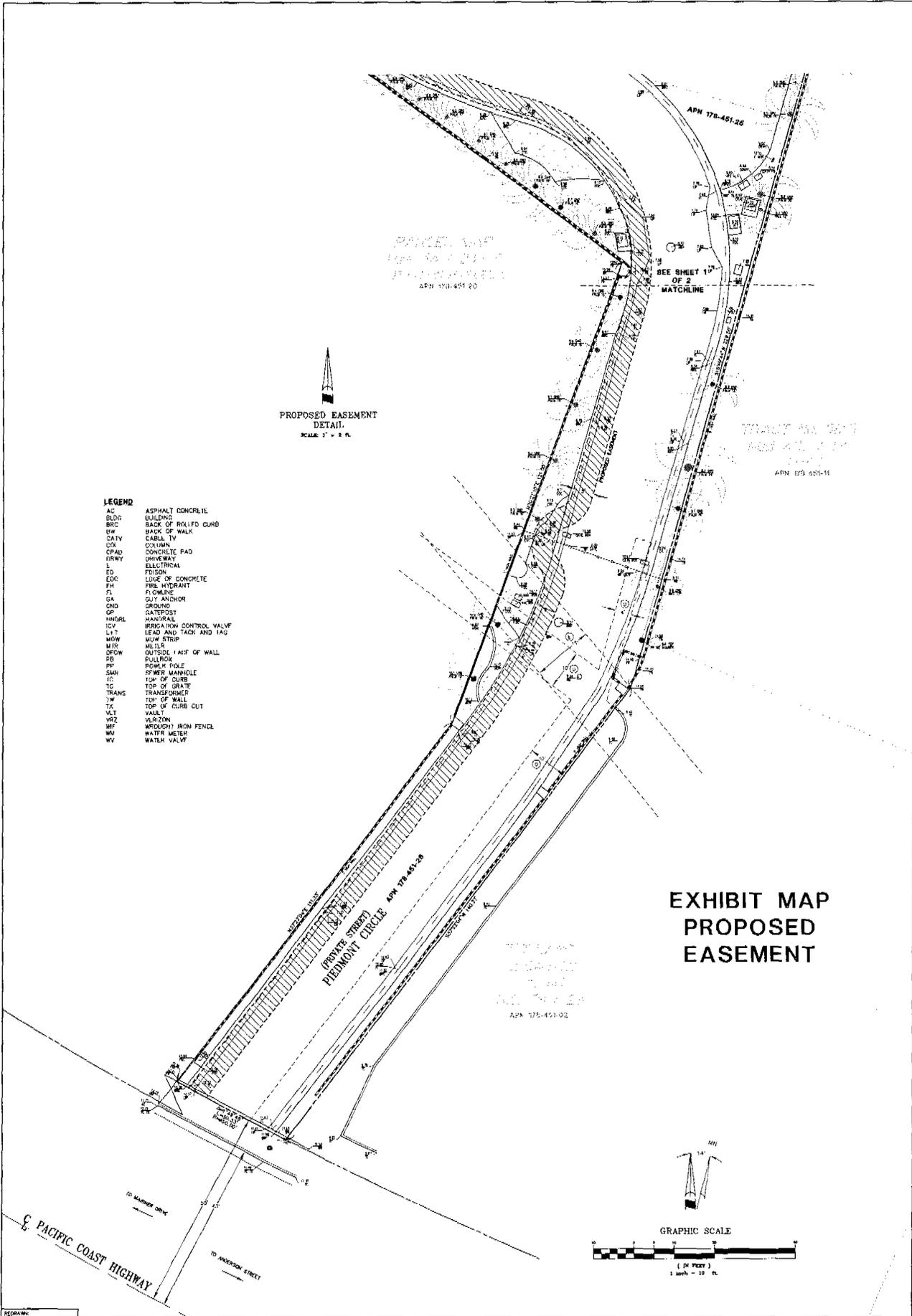
Add the following language as shown below in ***bold, italic, underline***, on page 27 of the Staff Report, in the Section E "Unpermitted Development", in the second paragraph.

This amendment request was submitted by the applicant in response to communication with the Commission's Enforcement Division. The applicant is proposing to amend the original permit to remove the unpermitted spa equipment and enclosure and block wall within the lateral access way and to retain the unpermitted vehicular gate adjacent to and within the vertical public access easement and planters that encroach into the lateral public access easement. The applicant also proposes the realignment of the vertical public access easement. Retention of the unpermitted vehicular gate and the proposed realignment of the vertical easement in the vicinity of the vehicular gate have been denied ***and removal of the unpermitted vehicular gate will be addressed in a separate enforcement action***. Special Conditions are imposed to assure the proposed amendment's consistency with the public access policies of the Coastal Act.





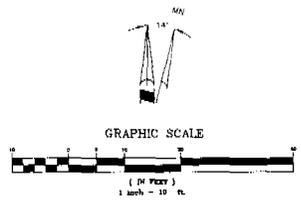




- LEGEND**
- AC ASPHALT CONCRETE
  - BDDG BUILDING
  - BRC BACK OF ROLLOFF CUND
  - BW BACK OF WALK
  - CAVY CABLE TV
  - COX CURB
  - CPAD CONCRETE PAD
  - DRWY DRIVEWAY
  - EL ELECTRICAL
  - EDC FIDION
  - EDC LINE OF CONCRETE
  - FH FIRE HYDRANT
  - FL FLOWLINE
  - GA GUY ANCHOR
  - GRD DRAIN
  - OP OUTPOST
  - HMORL MANHOLE
  - ICV IRRIGATION CONTROL VALVE
  - LIT LEAD AND TACK AND TAG
  - MW MUD STRIP
  - MW MUD
  - DFWV OUTSIDE FACT OF WALL
  - SB FULLBROOK
  - PP POWER POLE
  - SMH POWER MANHOLE
  - IC TOP OF CURB
  - IC TOP OF GRATE
  - TRANS TRANSFORMER
  - TW TOP OF WALL
  - TK TOP OF CURB CUT
  - VLT VAULT
  - VEZ VERIZON
  - WFI WEIGHTED IRON FENCE
  - WM WATER METER
  - WV WATER VALVE

PROPOSED EASEMENT  
DETAIL.  
SCALE 1" = 5' N.P.

**EXHIBIT MAP  
PROPOSED  
EASEMENT**



<b>TOPOGRAPHIC SURVEY</b> <b>PROPERTY SURVEY</b> <b>TRACT No. 10557</b> <b>PIEDMONT CIRCLE</b> <b>HUNTINGTON BEACH, CA 92649</b>		PREPARED FOR: <b>JIM BROWNELL</b> 16222 PIEDMONT CIRCLE HUNTINGTON BEACH, CA 92649	PREPARED BY: <b>MPSurveyors</b> 17821 SKY PARK DRIVE, SUITE L IRVINE, CALIFORNIA 92614 (949) 226-0272 Fax: (949) 250-0276 EMAIL: <a href="mailto:info@mpsurveyors.com">info@mpsurveyors.com</a> WEBSITE: <a href="http://www.mpsurveyors.com">www.mpsurveyors.com</a>
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**CALIFORNIA COASTAL COMMISSION**

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**W7a**

Filed: 10/26/07  
180<sup>th</sup> Day: Waived  
270<sup>th</sup> Day: 7/22/08  
Staff: Meg Vaughn-LB  
Staff Report: 6/26/08  
Hearing Date: 7/9-11/08  
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

**APPEAL NUMBER:** 5-07-385 A1

**APPLICANT:** Piedmont Cove Homeowners Association

**AGENT:** Michael C. Adams Associates  
Wayne Carvalho

**PROJECT LOCATION:** Piedmont Circle & Pacific Coast Highway  
APNs: 178-451-14 through 178-451-18  
and 178-451-21 through 178-451-26  
Huntington Beach, Orange County

**AMENDMENT DESCRIPTION:** Retention of an existing, unpermitted vehicular gate; removal of an existing unpermitted wall within a public access walkway; and removal of existing, unpermitted private spa equipment from within the public access walkway and realignment of an existing vertical public access easement.

**ORIGINAL PROJECT DESCRIPTION:** Subdivision of one lot into five new lots and a common easement, construction of one new single family home on each new lot, construction of a bulkhead, and construction of five boat slips. Approval of the original permit required lateral and vertical access to and along the bulkhead. The coastal development permit number for the original project is P-79-594. The current amendment number, 5-07-385-A1, reflects the Commission's current numbering system.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, **deny** a coastal development permit amendment for the proposed vehicular gate and vertical public access realignment in the area of the vehicular gate. Staff recommends that the Commission, after public hearing, **approve with conditions** a coastal development permit amendment for the proposed removal of the spa equipment and wall within the public access walkway and realignment of the vertical public access easement in the area between the homes and where it crosses Piedmont Circle.

Staff recommends approval of the amendment, in part, with ten special conditions. The ten recommended special conditions would require the applicants to 1) submit revised plans indicating that the approved vertical public access easement is a minimum of five feet wide throughout and free of encroachments; 2) record offer(s) to dedicate the revised vertical public access easement; 3) prepare, in conjunction with the acceptor of the easements, a Public Access Management and Maintenance program; 4) amend the

Conditions, Covenants and Restrictions (or other governing document, if applicable) for the residential development to include reference to and a description of the special conditions imposed through this permit amendment; 5) submit a comprehensive Public Access Signage Program; 6) maintain the lateral public access way at a minimum five (5) foot width, free of obstructions and adjacent to the harbor waters; 7) comply with permit conditions in a timely manner; 8) commence development in a timely manner; 9) report any change in plans to the Executive Director for a determination of whether an amendment or new coastal development permit is necessary; and 10) recordation of a deed restriction reflecting all the special conditions described above.

**See Page 3 for the motion and resolutions** necessary to carry out the staff recommendation. The applicants do not agree with the staff recommendation to deny retention of the vehicular gate and realignment of the public vertical access easement in the area of the vehicular gate.

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The amendment request affects the public access special conditions imposed on the original coastal development permit. Thus, the subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen the intent of the previously approved permit. The proposed amendment is intended to resolve the issue of unpermitted development within the lateral and vertical public access easements required at the site as part of the original approval of the underlying coastal development permit. Therefore, the Executive Director accepted the amendment request for filing.

**STAFF NOTE:**

The applicants originally applied for a coastal development permit amendment to retain all existing unpermitted development within the public access easements. The

Executive Director rejected that amendment request because it would have lessened the intent of the previously approved permit by interfering with public access provisions required at the site under the original permit. The applicants challenged the Executive Director's rejection of the amendment request (5-07-127-EDD). At the Commission's May 10, 2007 hearing, the Commission upheld the Executive Director's rejection of the amendment. Subsequently, the applicant has submitted the subject amendment request, which proposes to remove all unpermitted development except the vehicular gate.

### **STAFF RECOMMENDATION:**

#### **I. Staff Recommendation of Approval in Part and Denial in Part**

Staff recommends that the Commission adopt the following two-part resolution. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **A. Motion**

***"I move that the Commission adopt the staff recommendation to approve in part and deny in part Coastal Development Permit Amendment No. 5-07-385-A1"***

#### **B. Resolution**

##### **Part 1 Approval with Conditions of a Portion of the Development**

The Commission hereby **APPROVES**, as conditioned, a coastal development permit amendment for the portion of the proposed development regarding removal of the existing block wall within the lateral public access walkway (located immediately to the east and adjacent to the subject site) and removal and relocation of the existing spa equipment out of the public access walkway and onto the private yard area, and adopts the findings set forth below on the grounds that the development as conditioned will be in conformity with the Chapter 3 policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

##### **Part 2 Denial of the Remainder of the Development**

The Commission hereby **DENIES** the portion of the proposed coastal development permit amendment requesting retention of the existing, unpermitted vehicular gate within Piedmont Circle and realignment of the access easement in the vicinity of the vehicular gate, and adopts the findings set forth below, on the grounds that the development would not be in conformity with the Chapter 3 policies of the Coastal Act, and would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

## **II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **III. Special Conditions**

### **1. Revised Final Plans**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised final project plans for the review and approval of the Executive Director. The revised final plans shall reflect the realignment of the vertical public access easement as proposed by the applicant on the Topographic Survey, Property Survey, Tract No. 10557, Piedmont Circle, Huntington Beach, CA 92649, dated 9/20/06, revised 12/17/07, 6/19/08 except that the final plans shall be revised as follows:
- i. In the vicinity of the unpermitted vehicular gate the alignment of the access easement shall not be altered from the existing vertical public access easement alignment;
  - ii. The vertical public access easement area shall be a minimum width of five (5) feet throughout its length and shall extend from the public right of way at Pacific Coast Highway to and joining with the existing public access easement along the water described in the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions recorded against the subject property on September 26, 1985 (exhibit 8 to the staff report dated June 26, 2008) and shall be free of all obstructions to public access (e.g. existing gates, walls, landscaping, above-ground utility boxes);

iii. The vehicular gate shall be deleted from the revised final plan;

**B.** The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. OFFERS TO DEDICATE PUBLIC ACCESS AND RECREATIONAL USE EASEMENT**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**

**AMENDMENT**, the landowner(s) shall execute and record document(s) in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or non-profit entity acceptable to the Executive Director, an easement for public pedestrian access and passive recreational use of a vertical public access easement area on the subject property that shall be a 5 foot wide area along its entire length extending from the public right of way at Pacific Coast Highway and extending to and joining with the existing public access easement along the water described in the Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restrictions recorded against the subject property on September 26, 1985 (Exhibit 8 to the Staff Report dated June 26, 2008), the final alignment of which shall be as depicted on the revised final plans approved by the Executive Director pursuant to Special Condition No. 1.

The recorded document(s) described above shall reflect the following restrictions: i) The vertical public access easement area shall be open to the general public for use for up to 24-hours per day; ii) The landowner(s) shall, or, at the election of the easement holder, the easement holder shall, maintain the easement area in accordance with the Management and Maintenance Program approved by the Executive Director in accordance with SPECIAL CONDITION NO. 3; iii) Any development, as defined in Section 30106 of the Coastal Act, that diminishes permanent public pedestrian access and passive recreational use of the easement area is prohibited; iv) No development, as defined in Section 30106 of the Coastal Act, shall occur within the public access easement area except for the following development: demolition and removal of existing development in accordance with the final plans approved by the Executive Director pursuant to SPECIAL CONDITION NO. 1; grading and construction necessary to construct the public access walkway and appurtenances (e.g. signs, benches, trash receptacles) in accordance with the final plans approved by the Executive Director pursuant to SPECIAL CONDITION NO. 5, and maintenance and repair of the approved development within the easement area as identified in the Management and Maintenance Program approved by the Executive Director pursuant to SPECIAL CONDITION NO.3.

The recorded document(s) shall include legal descriptions and graphic depictions, prepared by a licensed surveyor, of both the entire project site and the area of the offered easement. The offer(s) shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer(s) shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**3. Public Access Management and Maintenance Program**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Management and Maintenance Program, developed in consultation with any known potential acceptor of the easement, describing the details of how the public access easements on the subject site will be managed and maintained. In general, the owner of the land shall maintain the public access areas until such time as any easement required to be offered by this permit is accepted. Where an easement is accepted by an entity in accordance with the terms and conditions of this permit, the holder of the easement shall be responsible for management and maintenance of the facilities within the easement unless the arrangements between the original landowner and the easement holder dictate that the original landowner shall retain all or part of said management and maintenance responsibility. The Public Access Management and Maintenance Program shall include, at a minimum: hours of operation (which shall be the same as the hours of operation of the adjacent lateral public access walkway along the bulkhead to the east of the subject site); periodic repair and replacement of the public access walkways and associated appurtenances including, but not limited to, surfaces, landscaping (if any), and signage; identification of the types and schedule of routine maintenance (e.g. trash collection, sweeping, vegetation maintenance and trimming).

**B.** The public access easement areas shall be managed and maintained in accordance with the approved Public Access Management and Maintenance Program. Any proposed changes to the approved program shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Covenants, Conditions and Restriction (CC&R'S)**

A. The applicant shall amend the covenants, conditions and restrictions (CC&R's), or an equivalent thereof, to, among other things, address ownership and management of the public access easements. The CC&R's amendment shall, at a minimum, reflect the following requirements of this coastal development permit: 1) The location and presence of area of the public access

easements; 2) the existence and requirements of the Public Access Management and Maintenance Program required pursuant to Special Condition 3; and, 3) the existence and requirements of the Public Access Signage Plan required pursuant to Special Condition 5. The CC&R's amendment shall also indicate that the amendments thereto required by this permit amendment shall not be modified in any way or deleted unless such modification or deletion is approved by the Executive Director or by the Commission itself as an amendment to this permit if the Executive Director determines that an amendment to the permit is legally required;

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, and prior to recordation of any CC&R's amendment, said CC & R's amendment shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of this coastal development permit amendment. Any CC & R's amendment provisions which the Executive Director determines are not consistent with any of the Conditions of this permit shall be modified to be consistent before recordation.

C. After Executive Director review and approval of the CC&R's amendment described in Item B above, and **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the permittee shall record such CC&R's amendment against the property in a manner approved by the Executive Director.

## 5. Public Access Signage Plan

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and within 60 days of Commission action, the applicant shall submit, for the review and approval of the Executive Director a public access signage program that incorporates the following components:

1. The number and location of public access signs proposed for installation shall be clearly identified; at a minimum the signs shall be placed to be clearly visible from Pacific Coast Highway in both directions, with additional signage as necessary to direct the general public along the vertical public access easement area described in Special Conditions 1 and 2 and to and along the existing lateral public access way;

2. Signage along Pacific Coast Highway shall be large enough to be clearly legible from traveling vehicles and shall conform to the following minimum standards:

a) Visible from Pacific Coast Highway and a minimum of thirty (30) inches by thirty (30) inches; with lettering at least six inches in height; the lettering shall state: "Public Coastal Access" with appropriate directional arrow(s).

3. The size and location of the "painted bare footprints" from Pacific Coast Highway to the lateral access walkway, as proposed by the applicant.

4. Additional signage and measures as necessary to clearly depict to the general public the public access available through and across the subject site.

5. Written evidence that the above plan has been reviewed and approved by the City of Huntington Beach.

**B.** The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**6. Lateral Public Accessway**

The lateral public access walkway along the bulkhead shall remain a minimum of five feet in width at all times, shall at all times be adjacent to the harbor waters, and shall remain free and clear of all obstructions. If the cantilevered area ceases to be available to serve as the public walkway, the existing lateral public access easement shall provide lateral public access to the general public free and clear of all obstructions and encroachments (including but not limited to, private planter boxes).

**7. Condition Compliance**

Within 60 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**8. Commencement of Development**

Within sixty (60) days of the issuance of the coastal development permit amendment by the Executive Director, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall commence the development approved by this permit amendment. Within one hundred eighty (180) days of issuance of the coastal development permit amendment by the Executive Director, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall complete the development approved by this permit amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**9. Changes to Approved Plan**

Any changes to the approved final plans and/or any cessation of work prior to completion shall be reported to the Executive Director. All development must occur in strict compliance with the proposal as set forth in the application for a permit amendment, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

**10. Generic Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**

**AMENDMENT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit amendment or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Amendment Description**

In 1979 coastal development permit application No. P-79-5948 was submitted for development of the site of the subject amendment request. The 1979 coastal development permit application proposed to subdivide the site into five parcels, construct a single family residence on each of the five lots, construct a bulkhead, and construct five boat docks in the water adjacent to the proposed homes. Coastal Development Permit No. P-79-5948 was approved subject to two special conditions which required: 1) vertical access from Pacific Coast Highway to the bulkhead property line, and 2) lateral access over the (5) foot walkway on top of the bulkhead.

The vertical access was required in the form of a deed restricted easement. The lateral access was required in the form of an offer to dedicate an easement. The offer to dedicate the lateral access easement along the bulkhead has been accepted by the Coastal Conservancy.

The current amendment request proposes:

1. Retention of Existing Unpermitted Vehicular Gate

The applicants are requesting after-the-fact approval of an unpermitted vehicular gate within Piedmont Circle (a private street). The vehicular gate is thirty (30) feet wide and approximately 6 to 7 feet high. It is wrought iron. It is attached to the property line wall on the eastern side of the property. A portion of the vehicular gate and a gate control box are located within –and completely obstruct- the vertical public access easement.

An unpermitted pedestrian gate, previously attached to the vehicular gate, has been removed by the applicants.

2. Realignments of Vertical Public Access Easement

There is an area to the westerly side of the gate and control box, outside of the existing easement, that pedestrians could use to go around the gate. The applicants are proposing to realign the vertical access easement in the area of the vehicular gate such that it shifts to the west, around the western end of the vehicular gate and gate control box (see exhibit 4).

At a separate location, the applicants are proposing another shift of the vertical access easement in the area between the existing residences and where it crosses Piedmont Circle (see exhibit 5).

3. Lateral Access Easement: Removal of Unpermitted Spa Equipment, Retention/Modification of Planter Boxes, Realignment of Public Walkway & Replacement of Concrete Wall with Pipe Rail Fence

The applicants are proposing to remove existing obstructions within the lateral public access easement along the bulkhead. Obstructions to be removed include private spa equipment (spa motor, filtration system and electrical equipment) and the wall enclosing the spa equipment. The spa equipment is proposed to be placed within private yard area, outside the lateral public access easement.

The applicants also propose to modify an existing planter box located at the eastern end of and within the lateral public access easement. The easternmost planter box wall is currently perpendicular to the lateral public access easement and extends approximately two (2) feet into the easement. The eastern planter box wall is proposed to be removed and reconstructed at approximately a forty five (45) degree angle to its current alignment (see exhibit 3). The realignment of the planter box wall is intended to allow transition from the existing, open public access walkway offsite to the east, to the modified lateral public access walkway across the subject site.

Although a five (5) foot wide lateral public access easement exists along the bulkhead at the subject site, it has never yet been open and available to the public. With approval and commencement of the development proposed in this amendment to remove existing obstacles, and given that the easement has been accepted by the Coastal Conservancy, the public accessway is expected to be available to the general public soon.

It is important to note that the location of the lateral access **easement** is not proposed to be changed. The usable area of the public **walkway**, however, would effectively be shifted channelward. The planter boxes, with the one modification described above, are proposed to remain in their current location, encroaching approximately two feet into the lateral access easement. The area proposed to be available for use by the general public as the lateral public access walkway would be a minimum of five (5) feet, seven (7) inches wide at the easternmost approximately ten (10) feet (nearest the adjacent, existing, open public access walkway), widening to a minimum of seven (7) feet for the remainder of the walkway (approximately one hundred ninety [190] feet in length). The total length of the lateral public walkway at the subject site is approximately two hundred (200) feet.

The proposal also includes replacement of a concrete wall with a pipe rail fence along the channelward edge of a portion of the cantilevered area. The pipe rail fence is proposed to match the railing along the existing, open public walkway to the east, as well as the remainder of the cantilevered area on site (see exhibit 3).

The applicants propose to retain the five (5) foot wide lateral public access easement in its current location/configuration. However, the effective area of the lateral public access walkway will be located within the seaward approximate 3 feet of the easement and will extend channelward onto the area cantilevered five feet beyond the bulkhead. The proposed channelward shift of the lateral access walkway would allow the five homeowners/applicants to retain existing rear yard planters. The channelward area cantilevers over the water and the applicants do not own this area. Thus, they cannot offer to dedicate an easement for public access use in this area. Therefore, the location of the five (5) foot wide lateral access easement will remain as is in place.

#### 4. Removal of Block Wall Within Accessway

In addition, the applicants further propose the removal of an existing, unpermitted concrete block wall that is located immediately adjacent to the subject site, on the neighboring property to the east. The block wall is located within an existing, public accessway. The block wall precludes continuation of existing public access onto and across the subject site along the bulkhead. Removal of the block wall, in conjunction with removal of the spa equipment and enclosure, will allow the public access at the subject site to connect with the existing public access walkway adjacent to the subject site.

5. Public Access Signage

The applicants are also proposing a public access signage program as follows: “The public access signage program will include typical coastal access signs along the wall as well as painted bare footprints from PCH [Pacific Coast Highway] to the lateral access along the water. Please see enclosed photos for examples of these signs [see exhibit 6].”

The subject site is located within the City of Huntington Beach and fronts on the waters of Huntington Harbour. The City has a certified Local Coastal Program. The Commission, in certifying the LCP, found the LCP to be in conformity with and adequate to carry out the Coastal Act. Although review of amendments to coastal development permits approved by the Commission is not delegated to the local government after certification of the LCP, pursuant to Section 30604(b) and (c) of the Coastal Act, the standard of review for the proposed amendment is the City’s certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

**B. Description of Previously Approved Development**

The Coastal Development Permit No. P-79-5948 (see exhibit 7) project description states:

*“Subdivision of land creating 5 parcels; 2488 sq. ft., 2610 sq. ft., 2683 sq. ft., 2850 sq. ft., 3268 sq. ft., and a common access easement where one 32,670 sq. ft. parcel now exists, and construct 5 identical 3-story, 3850 sq. ft. SFD’s with 3-bdr, sitting room, family room, and attached 2-car garage, a bulkhead and 5 boat slips are to be constructed as a part of the project. All newly created lots are zoned R-2 and less than 4000 sq. ft. in area; 33’ above AFG.”*

The two special conditions of Coastal Development Permit No. P-79-5948 were met via documents recorded in the official records of Orange County on September 26, 1985 (see exhibits 8 and 9).

Subsequent to approval of the original coastal development permit, the project was modified by Coastal Development Permit Amendment No. A-80-6590, allowing a reduction in the size of the boat slips to 17 feet wide and to increase the number of boat slips to seven. However, that amendment was later superseded by Coastal Development Permit Amendment No. 5-81-401A under which the number of boat slips reverted to five and the final slip configuration was approved. In addition, four permit extensions were granted. None of these actions made any changes to the previously imposed public access requirements.

**C. Denial In Part Findings**

**1. Public Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212 of the Coastal Act states, in pertinent part:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except where ... [exceptions do not apply].*

In addition, the City's certified Local Coastal Program (LCP) contains the following policies and zoning regarding public access.

Policy C 1.1.5 (in pertinent part):

*New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.*

Policy C 2.5.1:

*Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding, overriding safety, environmental or privacy issues.*

Policy C 2.6.1

*Require an offer of dedication of an easement in all new development, pursuant to Article 2 Section 30212 of the Coastal Act, to allow vertical access to the shoreline or to public recreation areas or to public trails and bikeways unless the following condition(s) exists (conditions a – d are not applicable).*

Policy C 2.6.2

Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access along the shoreline, public recreation areas or to public trails and bikeways unless the following condition(s) exist (*conditions a – c are not applicable*)

Policy C 2.7.1

*Maintain and enhance, where necessary, the coastal resource signing program that identifies public access points, bikeways, recreation areas and vista points throughout the coastal zone.*

In addition, the certified Implementation Plan includes the following restriction on privacy gates for residential developments:

231.18 D. Residential parking

5. *Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:*

- 1) *Fire Department approval for location and emergency entry.*
- 2) *Postmaster approval of location for mail boxes or entry for postal carrier.*
- 3) *Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking.*
- 4) ***No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates. (emphasis added)***
- 5) *A coastal development permit must be obtained prior to construction of any such gate within the coastal zone.*

Development of Huntington Harbour began in the early 1960s. The harbour encompasses 860 acres, of which 225 acres are water. With all the inlets, bays, and islands in Huntington Harbour there are many miles of waterfront land. However, only a small fraction of that waterfront area is available to the general public. Public access within Huntington Harbour is severely limited. Some waterfront land is available to the public within the harbor, but the vast majority of the waterfront is inaccessible to the general public due to the pattern of private residential development.

There are small pockets of recreational uses that front on the harbor waters and there are a few (four) public walkways along the water. There is a public walkway around the Portofino Cove condominium development near Seabridge Park, and there is a public walkway along a portion of the bulkhead on Trinidad. There is also a public walkway at the Huntington Harbour Bay Club site. There is also a visitor commercial center, known as Peter's Landing, located on the water at Pacific Coast Highway and Anderson Street. A public access walkway exists along the water in front of Peter's Landing and extends to the subject site. (See exhibit 10).

The public lateral and vertical accessways required at the subject site are especially important because they link to the existing public walkway at Peter's Landing. The lateral accessway from Peter's Landing to the subject site provides roughly 1/3 of a mile of continuous public access along the harbour-front. Moreover, general public activity at Peter's Landing, including dining and shopping, increase the likelihood that the walkway will be used by a significant number of visitors. The vertical access at the subject site is also important as it provides both an access point to and egress point from the lateral accessway along the bulkhead. Given the limited availability of existing public access opportunities within Huntington Harbour, maintaining public access to and within Huntington Harbour is critical. Furthermore, the fact that the public accessway at the subject site links to an existing public walkway along the water and that that walkway leads to a public commercial area, all combine to

emphasize the importance of maximizing the public access available at the subject site. The certified LCP's public access policies cited above require that public access be maintained and enhanced. Section 30210 of the Coastal Act also requires that public access be maximized. Section 30212 highlights the need to provide access to the water from the nearest public roadway (vertical access).

1. Vehicular Gate & Realignment of the Vertical Easement in the Vicinity of the Gate

An existing unpermitted, 30 foot wide, 6-7 foot high, wrought iron gate spans the driveway entry to Piedmont Cove. The gate can be opened and closed to allow vehicles into and out of the property. The applicants are proposing to retain the unpermitted vehicular gate (see exhibit 4). As described more fully below, the existing gate and retention of it would interfere with public access. The applicants assert that removal of the vehicular gate will "invite motorists to turn into the community only to realize there is no public parking available." Furthermore, the applicants assert, the private drive must be kept clear for fire and emergency vehicle access. A single illegally parked car, they argue, could block vital emergency vehicle access. Additional bases put forth by the applicants to support the request to retain the vehicular gate include the following: 1) there is no room for a car to turn around once it enters Piedmont Circle; 2) because the driveway (Piedmont Circle) has an "L" shaped bend in it, drivers will not realize there is no parking or turn-around area available. According to the applicant, this may cause drivers who mistakenly turn into Piedmont Circle to be forced to back out on to Pacific Coast Highway, a risky procedure; 3) residents of the five homes at the subject site would not be able to maneuver their cars into or out of their garages if cars parked on site; and, 4) the residents do not have the capacity to patrol the driveway to prevent or report illegal parking.

However, the applicants are also proposing to paint the curbs along Piedmont Circle red "to clearly distinguish no parking areas." This proposed measure alone, (without the gate), would adequately address the applicants' concerns regarding illegal public parking. However, there are additional measures that could be employed to further address the applicants' concerns in lieu of a gate. For instance, the applicants could post signs indicating "no vehicular outlet" and "no public parking – tow away at vehicle owners expense" to further address some of their concerns. These measures are commonly used with success by private property owners elsewhere to address public parking on private property. The public access signs proposed by the applicant might also indicate public *pedestrian* access, as an additional notice that public vehicular access cannot be accommodated.

The vehicular gate is thirty (30) feet wide and approximately 6 to 7 feet high. It is wrought iron. It is attached to the property line wall on the east side of the property. Given the bulk and scale of the vehicular gate, it would be difficult to discern the five foot wide vertical pedestrian accessway located adjacent to the gate when one is traveling along Pacific Coast Highway. Instead a traveler, especially from a vehicle, would likely glimpse only the wrought iron fence. It creates a powerful impression that the site is gated and no public access is available. Public access signage alone is not adequate to counterbalance the presence of the imposing, six to seven

foot high, wrought iron gate. The signage would indicate public access is available, but the gate would make it appear that it was not. A person on Pacific Coast Highway, looking for the public access identified in the signage program, would look along Piedmont Circle, see the gate and assume that the entire drive is privately gated and thus inaccessible to the public. This is especially true because Piedmont Circle's total width at Pacific Coast Highway is thirty (30) feet and the vehicular gate is 30 feet wide. Piedmont Circle widens to thirty-seven (37) feet at the location of the gate, but it also curves near that location too, making the five (5) foot wide pedestrian easement even more difficult to discern.

Moreover, a portion of the vehicular gate, as well as one of the gate's electrical control boxes, are actually located within the existing five (5) foot wide vertical access easement. The applicants propose to realign the vertical access easement such that it "jogs" west, around these encroachments. However, as described above, the vehicular gate is located in an area where Piedmont Circle curves, which already makes it appear as though the vehicular gate extends across the entire drive. Realigning the easement in this area would place the easement even deeper into the curve of Piedmont Circle, making it still more difficult for the general public to discern the existence of the vertical public accessway. It would be an intrepid pedestrian who would not be put off by Piedmont Circle private drive, and the six to seven foot high, 30 foot wide wrought iron gate. Thus, with the proposed signage program alone, access will not be maximized if the vehicular gate remains.

Retention of the vehicular gate within Piedmont Circle would create a significant impediment to public use of the vertical accessway. The gate's presence would create the appearance that the public vertical accessway is private and not available for general public use. The gate creates an impression of exclusivity and would serve as a deterrent to public access. This would only be exacerbated by the proposed realignment of the vertical easement in the vicinity of the gate. The proposal to retain the vehicular gate and to realign the vertical easement would lessen the intended effect of the previously approved permit and adversely impact public access. Due to existing development patterns in Huntington Harbour, public access to the harbour waters is already extremely constrained. The proposed retention of the unpermitted vehicular gate, combined with the proposed realignment of the vertical easement, would further exacerbate the already limited public access opportunities within the Huntington Harbour area, inconsistent with the public access policies of the Coastal Act.

Furthermore, the City's certified Land Use Plan (LUP) policy C 2.5.1 requires that existing public access to Huntington Harbour waterways be maintained. The City's certified Implementation Plan (IP) allows installation of "privacy gates" in residential developments without approval of a conditional use permit, unless they would have an adverse impact on public coastal access. The applicant has applied for a conditional use permit for the vehicular gate. The City is in the process of reviewing the application. But to date no City approval has been issued for the vehicular gate. The City has issued "approval in concept" for all other aspects of the proposed project, but the vehicular gate was not included in that preliminary approval. In this case, as described above, the privacy gate would have an adverse impact on public coastal access.

The proposed amendment would further limit the public's ability to access the harbor's waterfront. Restricting public access, as would result from the proposed amendment request to retain the unpermitted vehicular gate, is inconsistent with the public access policies of the certified LCP and with Sections 30210 and 30212 of the Coastal Act which require that public access be maximized and that public access from the nearest public roadway to the shoreline be provided. Therefore the proposed retention of the unpermitted vehicular gate is inconsistent with the public access policies of both the certified LCP and the Coastal Act and therefore must be denied. Moreover, the realignment of the vertical access easement in the vicinity of the unpermitted vehicular gate is also inconsistent with the public access policies of LCP and Coastal Act and must also be denied.

## 2. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As described above, the proposed retention of the unpermitted vehicular gate and realignment of the vertical public access easement in the area of the vehicular gate, cannot be found consistent with the certified LCP and the public access and recreation policies of the Coastal Act. There are feasible alternatives or additional feasible mitigation measures available as described above, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed vehicular gate and realignment of the vertical public access easement in the area of the vehicular gate cannot be found consistent with the requirements of the Coastal Act to conform to CEQA. Thus, the proposal has been denied.

## **D. Approval in Part Findings**

### **1. Public Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30212 of the Coastal Act states, in pertinent part:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except where ... [exceptions do not apply].*

In addition, the City's certified Local Coastal Program (LCP) contains the following policies and zoning regarding public access.

Policy C 1.1.5 (in pertinent part):

*New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.*

Policy C 2.5.1:

*Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding, overriding safety, environmental or privacy issues.*

Policy C 2.6.1

*Require an offer of dedication of an easement in all new development, pursuant to Article 2 Section 30212 of the Coastal Act, to allow vertical access to the shoreline or to public recreation areas or to public trails and bikeways unless the following condition(s) exists (conditions a – d are not applicable).*

Policy C 2.6.2

*Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access along the shoreline, public recreation areas or to public trails and bikeways unless the following condition(s) exist (conditions a – c are not applicable)*

Policy C 2.7.1

*Maintain and enhance, where necessary, the coastal resource signing program that identifies public access points, bikeways, recreation areas and vista points throughout the coastal zone.*

In addition, the certified Implementation Plan includes the following restriction on privacy gates for residential developments:

231.18 D. Residential parking

6. *Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:*

- 1) *Fire Department approval for location and emergency entry.*
- 2) *Postmaster approval of location for mail boxes or entry for*

- postal carrier.*
- 3) *Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking.*
  - 4) **No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.** *(emphasis added)*
  - 5) *A coastal development permit must be obtained prior to construction of any such gate within the coastal zone.*

As described previously in this staff report, public access opportunities within Huntington Harbour are extremely limited, making any existing opportunities all the more valuable. Assurance that these opportunities are maintained, encouraged and enhanced is required by public access policies of the certified LCP and Sections 30210 and 30212 of the Coastal Act.

a) Realignment of Vertical Easement Between the Homes and at Piedmont Circle Crossing

The applicants are proposing to realign the vertical access easement in the area of the vehicular gate such that it would shift to the west, around the western end of the vehicular gate and gate control box (see exhibit 4). However, as described in the findings for denial in part, that realignment would not be consistent with the public access policies of the Coastal Act, and has therefore been denied.

The applicants are also proposing to realign the vertical public access easement in the area between the existing residences and where the vertical public access easement crosses Piedmont Circle (see exhibit 5). The current easement is five (5) feet wide. The proposed realigned easement is also proposed to be five (5) feet wide. There are several obstructions to public access within the existing easement in this area including vegetation and walls. With a few exceptions noted next, the new easement would be clear of obstructions. There is an existing concrete walkway between the homes, and the realignment would follow that existing walkway, with some additional space in the easement on each side of the walkway. However, the property survey prepared by MP Surveyors, dated 9/20/06 and revised 6/18/08, includes a slight discrepancy. In the area where the vertical easement is proposed to be realigned between the homes, a plan notation indicates the sidewalk is five (5) feet wide. However, if that area is measured using the graphic scale provided on the survey, the area is only five (5) feet wide when an existing garden wall is included.

The minimum width acceptable for a public access easement is five (5) feet. The five (5) feet must be unencumbered by encroachments. Therefore, the realignment must provide a minimum of five (5) feet clear width with no structures or encroachments of any kind that obstruct access. Encroachments of this sort, in addition to physically limiting the area available for public use, also create a sense that the easement area may be private, and so public use is inhibited. In addition, when the easement area is already the minimum possible width (five feet), there is simply no ability to absorb the loss of easement area without adversely impacting the effective use of the easement by the general public.

Therefore, the reduction in the width of the public access easement caused by the encroaching garden wall cannot be found to be consistent with public access policies of the certified LCP or Section 30210 of the Coastal Act which requires that access be maximized or with Section 30212 of the Coastal Act which requires that public access from the nearest public roadway to the shoreline be provided. However, if the proposed realignment were modified to provide a minimum vertical access easement width of five (5) feet, free of all encroachments, then the Commission could find that this area of the proposed realignment is consistent with the public access policies of the certified LCP and with the requirements of Sections 30210 and 30212 of the Coastal Act. Therefore, as a condition of approval, the applicant shall submit a revised site plan/property survey, for the review and approval of the Executive Director, indicating that the vertical access easement is a minimum of five (5) feet and is free of any encroachments. Furthermore, the applicant shall remove any development that encroaches within the realigned easement. Therefore, only as conditioned, does the Commission find the proposed realignment of the vertical access easement (in the area between the homes) to be consistent with the certified LCP and Sections 30210 and 30212 of the Coastal Act.

The applicant is also proposing to realign the vertical access easement in the area where the easement crosses Piedmont Circle (see exhibit 5). This is proposed so that the easement better aligns with the existing concrete walkway between the homes. As described above, the vertical access easement is proposed to be realigned so that it conforms to the existing concrete walkway. The proposed realignment of the public vertical easement in the area where it crosses Piedmont Circle raises no issues of consistency with the public access policies of the certified LCP or Coastal Act.

Although the applicants have proposed to realign the public vertical access easement, no mechanism has been put forth by the applicant as a means of securing the proposed realignment. Assurances must be in place that the public vertical access easement will remain viable and available to the general public. Thus, the realigned easement, as proposed by the applicant and as approved by the Commission, must be clearly dedicated for public use. This is typically accomplished via recordation of some type of legal documentation.

In this case, it appears that the method most beneficial to the general public and the best way to assure that public access is maximized would be through recordation of an offer(s) to dedicate a public access easement. This also appears to be the method most beneficial to the applicants as well, because, once the offer(s) is accepted, the applicant would be relieved of the burden of maintaining the public access way. The existing vertical access easement was established via a deed restricted easement. If that method were re-employed with the realignment, the applicant would retain all responsibility for maintaining the vertical public access easement in perpetuity. Furthermore, the lateral access easement at the site was secured through recordation of an offer to dedicate. The offer to dedicate the lateral access easement has been accepted by the Coastal Conservancy. With acceptance of the lateral access easement, it seems likely that the related vertical

access easement would also be accepted by the Coastal Conservancy or similarly acceptable entity.

In order to accomplish both the applicants' proposal to realign the vertical public access easement and the LCP and Coastal Act requirements to maximize public access and to provide public access from the nearest public roadway to the shoreline, a legal instrument documenting the vertical public access easement must be employed. However, no such instrument is proposed. Without the assurance provided by a legal instrument, the proposed realignment could not be found to be consistent with the public access policies of the LCP and Coastal Act. However, if a special condition were imposed requiring the applicant to record an offer(s) to dedicate the proposed realignment (as approved by the Commission) of the vertical public access easement, the realignment could be found to be consistent with the public access policies of the LCP and Coastal Act. Therefore, only as conditioned to record an offer(s) to dedicate the vertical public access easement, is the proposed amendment consistent with public access policies of the certified LCP and Sections 30210 and 30212 of the Coastal Act.

Once the required offer(s) to dedicate is properly recorded and accepted, the existing deed restriction (Deed Restriction recorded against the subject property on September 26, 1985 [Exhibit 9 to the Staff Report dated June 26, 2008]) will become superfluous. Thus, the Commission directs the Executive Director to permit the applicant to record a document, subject to the review and approval of the Executive Director, extinguishing the deed restriction (Deed Restriction recorded against the subject property on September 26, 1985 [Exhibit 9 to the Staff Report dated June 26, 2008]) after the required offer(s) to dedicate the realigned vertical accessway has been properly recorded and accepted by an entity acceptable to the Executive Director.

b) Public Access Signage Program

The applicants' proposal for a public access signage program states: "The public access signage program will include typical coastal access signs along the wall as well as painted bare footprints from PCH [Pacific Coast Highway] to the lateral access along the water."

A public access signage program is an essential component in assuring that the general public is aware of the access opportunities available at the subject site. The certified LCP requires coastal resource signing to identify public access points throughout the coastal zone. Without a public access signage program the Commission could not find the proposal to be consistent with the public access policies of the certified LCP including Policy C 2.7.1. Further, the Commission could not find that public access is maximized as required by Section 30210 of the Coastal Act or that public access from the nearest public roadway to the shoreline is provided as required by Section 30212 of the Coastal Act.

However, the applicants' public access signage program lacks vital, specific details. Although the proposed public access signage program proposes "typical coastal access signs along the wall" and a sample sign design was submitted, no details were included

as to how many or where the signs will be placed. It is not clear whether all signage will be as shown in the sample sign design submitted or more than one type of sign would be employed. More than one type of sign may be appropriate, as the goal of a sign placed at Pacific Coast Highway may be different from the goal of a sign located further in along Piedmont Circle.

The location and number of signs, too, is critical in assuring that public access is maximized. Signs must be placed such that they would be clearly readable by motorists traveling along Pacific Coast Highway in both directions. Because Piedmont Circle curves and further along makes an "L" shaped bend, public access signs should be placed appropriately to make clear that the public access extends along Piedmont Circle and, further, makes it clear that the public access easement extends though the open area between the homes. Signage within the area between the homes is especially critical to insure that members of the public are aware the public access continues through this landscaped area between residential development.

The applicant has proposed painting bare footprints from Pacific Coast Highway to the lateral access along the water. This appears to be a good way of directing the public along the vertical access way. However, no information is provided as to the size of the footprints or the frequency of the footprints. No information is provided, either, as to the color of the footprints. All this is necessary in order to determine whether the footprints will be adequate to direct the general public. Moreover, the footprints and the more traditional signage must work together to encourage public use of the pedestrian easement. A single sign in the wrong location would not be offset by the presence of the footprints, which without adequate signage would be missed by most passers-by, certainly by motorists.

An expanded public access signage program that provides the details discussed above would increase the awareness of the public access opportunities available at the subject site. However, such a signage program has not yet been submitted for review. Therefore, in order to insure that a complete and effective public access signage program is established at the subject site, a special condition is imposed which requires the applicant to submit, for the review and approval of the Executive Director, a comprehensive public access signage program that includes the level of detail and the components described above. The special condition further requires that the applicants comply with the approved public access signage plan.

c) Revised Plans Eliminating Vehicular Gate & Realignment

As described in the findings for denial, the proposed retention of the unpermitted vehicular gate is not consistent with the public access policies of the certified LCP or Coastal Act. Consequently, retention of the vehicular gate has been denied. The project plans (Topographic Survey, Property Survey, Tract No. 10557, Piedmont Circle, dated 9/20/06, revised 12/17/07, and 6/19/08) however, include the vehicular gate as well as realignment of the vertical easement in the vicinity of the gate. Therefore, to assure that only the portions of the project that are consistent with the public access policies of the certified LCP and Coastal Act are allowed, a special condition is imposed which requires submittal of revised plans/site survey that indicate that the unpermitted vehicular gate, gate box and the realignment of the

vertical easement in the vicinity of the gate, have all been eliminated from the project.

d) Removal of Spa Equipment and Enclosure

The applicants are proposing to remove existing obstructions within the lateral public access easement along the bulkhead. Obstructions to be removed include private spa equipment (spa motor, filtration system and electrical equipment) and the wall enclosing the spa equipment. The spa equipment is proposed to be placed within private yard area, outside the lateral easement.

Removal of the spa equipment and enclosure (together with removal of the block wall described below) will open up the area and provide the opportunity to establish the lateral public access that was required at the site under the original coastal development permit (Coastal Development Permit No. P-79-5948). In approving the original coastal development permit, the Commission found that, were it not for the provision of public access, the project could not be found to be consistent with the public access policies of the Coastal Act. As proposed, removal of the spa equipment and enclosure will be a significant step in maximizing public access at the subject site. Without the proposed removal of the spa equipment and enclosure, the proposed amendment could not be found to be consistent with the public access policies of the certified LCP or Section 30210 of the Coastal Act, which requires that access be maximized. Furthermore, without the proposed removal of the spa equipment and enclosure, the amendment would lessen the intended effect of the original permit and would, therefore, have had to be rejected. Therefore, the Commission finds that the proposal to remove the spa equipment and enclosure is necessary to find the proposed amendment consistent with the public access policies of the certified LCP and Coastal Act.

e) Removal of Block Wall on Adjacent Property

The applicants propose the removal of an existing, unpermitted concrete block wall that is located immediately adjacent to the subject site, to the east, on the neighboring property. The unpermitted wall is located immediately adjacent to, but just off the subject site. However, the wall is contiguous with the property line wall approved pursuant to the coastal development permit which authorized subdivision of the property at issue and construction of homes. The block wall is located within an existing, public accessway. The block wall precludes continuation of existing public access onto and across lateral access that exists at the subject site along the bulkhead. Removal of the block wall, in conjunction with removal of the spa equipment and enclosure, will allow the public accessway at the subject site to connect with the existing public access walkway adjacent to the subject site.

Although the block wall is not located on property owned by the applicants, the applicants have received written permission from the property owner to conduct the proposed work (see exhibit 11). Thus, the applicants have the legal ability to perform the work as proposed.

Removal of the block wall (together with removal of the spa equipment and

enclosure described above) will open up the area and provide the opportunity to establish the lateral public access connection between the public access at the subject site and the lateral access adjacent to the subject site and continuing to Peter's Landing. As proposed, removal of the block wall will be a significant step in maximizing public access at the subject site and in the vicinity. Therefore, the Commission finds that the proposed removal of the block wall is consistent with the public access policies of the LCP and Section 30210 of the Coastal Act, which requires that access be maximized.

f) Lateral Access Easement

i) Shift in Location of Effective Lateral Access Area

Although the applicants are proposing to retain the existing lateral public access easement in its original location, they propose to shift the actual location of the publicly accessible walkway. The effective area proposed to be available to the general public for use as a lateral public access walkway is located within the seaward approximate 3 feet of the easement and extends channelward onto the area cantilevered four feet beyond the bulkhead. The area proposed to be available for use as the lateral public access walkway would be a minimum of five (5) feet, seven (7) inches wide at the eastern approximately ten (10) feet (nearest the adjacent, existing, open public access walkway), widening to a minimum of seven (7) feet for the remainder of the walkway (approximately one hundred ninety [190] feet in length). See exhibits 3 and 13.

The proposed channelward shift of the lateral access walkway would allow the five homeowners within this development to retain existing rear yard planters. The channelward area cantilevers over the water and the applicants do not own this area. Thus, they cannot offer to dedicate an easement for public access use in this area. Therefore, the location of the five (5) foot wide lateral access easement, though not active in the landwardmost two feet due to the presence of the planter boxes, remains effective and in place.

However, a mechanism must be in place to assure that the lateral public access area remains available for general public use. And that if the cantilevered area, which the applicants do not own, for any reason ceases to be available for public access use, then the entire existing public access easement, free of all encroachments (including, but not limited to, the existing planter boxes), must provide the public access walkway. The minimum width of the public access walkway must at all times remain at least five (5) feet wide and be located adjacent to the water. No such mechanism is proposed.

Without an assurance as to the continued availability and usefulness of the lateral public access walkway along the bulkhead at the subject site, the amendment could not be found to be consistent with the certified LPC policies and would not maximize public access as required by Section 30210 of the Coastal Act. However, if a special condition is imposed, requiring the applicant to provide lateral public access within the entire five (5) foot wide lateral public access easement in the event the cantilevered area ceases to be available, continuing, meaningful lateral public

access would be assured, and this aspect of the proposed amendment could be found to be consistent with the certified LCP and Section 30210 of the Coastal Act. Therefore, the Commission finds that, only if conditioned as described above, is the proposed amendment consistent with the public access policies of the certified LCP and Coastal Act.

ii) Modify/Retain Planters Within Lateral Easement Area

The applicants also propose to modify an existing planter box located at the eastern end of and within the lateral access easement. The eastern planter box wall is currently perpendicular to the lateral access easement and extends approximately two (2) feet into the easement. The eastern planter box wall is proposed to be removed and reconstructed at approximately a forty five (45) degree angle to its current alignment (see exhibit 3). The realignment of the planter box wall is intended to allow transition from the existing, open public access walkway to the east, to the proposed realigned lateral public access walkway across the subject site. The planter boxes, with the one modification described above, are proposed to remain in their current location, encroaching approximately two feet into the lateral access easement. As long as the shifted lateral public access remains open and viable, the encroaching planter boxes will not interfere with public access. However, as described above, if the shifted lateral access area ceases to be available and viable, the existing lateral public access easement must provide the required public access. Consequently, if a special condition is imposed, as described above, to remove the planter boxes if necessary, then this aspect of the proposed amendment could be found to be consistent with the public access policies of the certified LCP and Coastal Act. Therefore, the Commission finds that only as conditioned, is the proposed amendment consistent with the public access policies of the certified LCP and Coastal Act.

iii) Replace Concrete Wall with Pipe Rail Fencing on Channelward Edge of Cantilevered Area

The applicants' proposal also includes replacement of a concrete wall with a pipe rail fence along the channelward edge of a portion of the cantilevered area. The pipe rail fence replacement is proposed to match the railing along the existing, open public walkway to the east, as well as the remainder of the cantilevered area on site (see exhibit 3).

This proposal will provide continuity between the existing open public access easement along the bulkhead to the east and the lateral public access walkway at the subject site. This continuity will encourage members of the general public to continue from the existing public walkway onto the project site's public walkway. Thus, this proposal will maximize public access as required by the public access policies of the LCP and Section 30210 of the Coastal Act.

g) Deed Restriction

The Commission imposes a special condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special

Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property. To ensure that any prospective future owners of any of the properties within this development are made aware of the applicability of the conditions of this permit, the Commission also imposes a special condition requiring that these conditions be referenced and described in the CC&Rs, or other governing document, for this development. Thus, as conditioned, any prospective future owner of property within this development will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

h) Public Access Management and Maintenance Program

In order to assure that the lateral and vertical public accessways on site are managed and maintained in a way that promotes continued public use of the accessways, the applicants shall prepare, in conjunction with the acceptor(s) of the easements (if known), a Public Access Management and Maintenance Program that identifies hours of operation (which shall be the same as the hours of operation of the adjacent lateral public access walkway along the bulkhead to the east of the subject site); periodic repair and replacement of the public access walkways and associated appurtenances including, but not limited to, surfaces, landscaping (if any), and signage; and identification of the types and schedule of routine maintenance (e.g. trash collection, sweeping, vegetation maintenance and trimming). Only if conditioned as described can the proposed amendment be found consistent with the public access policies of the certified LCP and Coastal Act, including Section 30210 which requires that public access be maximized.

i) Conclusion: Approval in Part

Therefore, the Commission finds that only as conditioned to: 1) remove of any development within the realigned vertical public access easement and to submit revised plans indicating the entire length of the realigned vertical public access easement is a minimum of five (5) feet wide and free of encroachments; 2) record an offer to dedicate the realigned vertical public access easement; 3) submit and comply with a comprehensive public access signage program; 4) acknowledge and agree to provide lateral public access within the existing lateral public access easement along the bulkhead in the event the cantilevered access area cease to be available and/or viable, and that the lateral public access remains a minimum of five (5) feet wide and free of encroachments; 6) recordation of a deed restriction referencing all special conditions of this amendment; can the proposed development be found to be consistent with the public access policies of the LCP and Coastal Act.

**2. California Environmental Quality Act**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

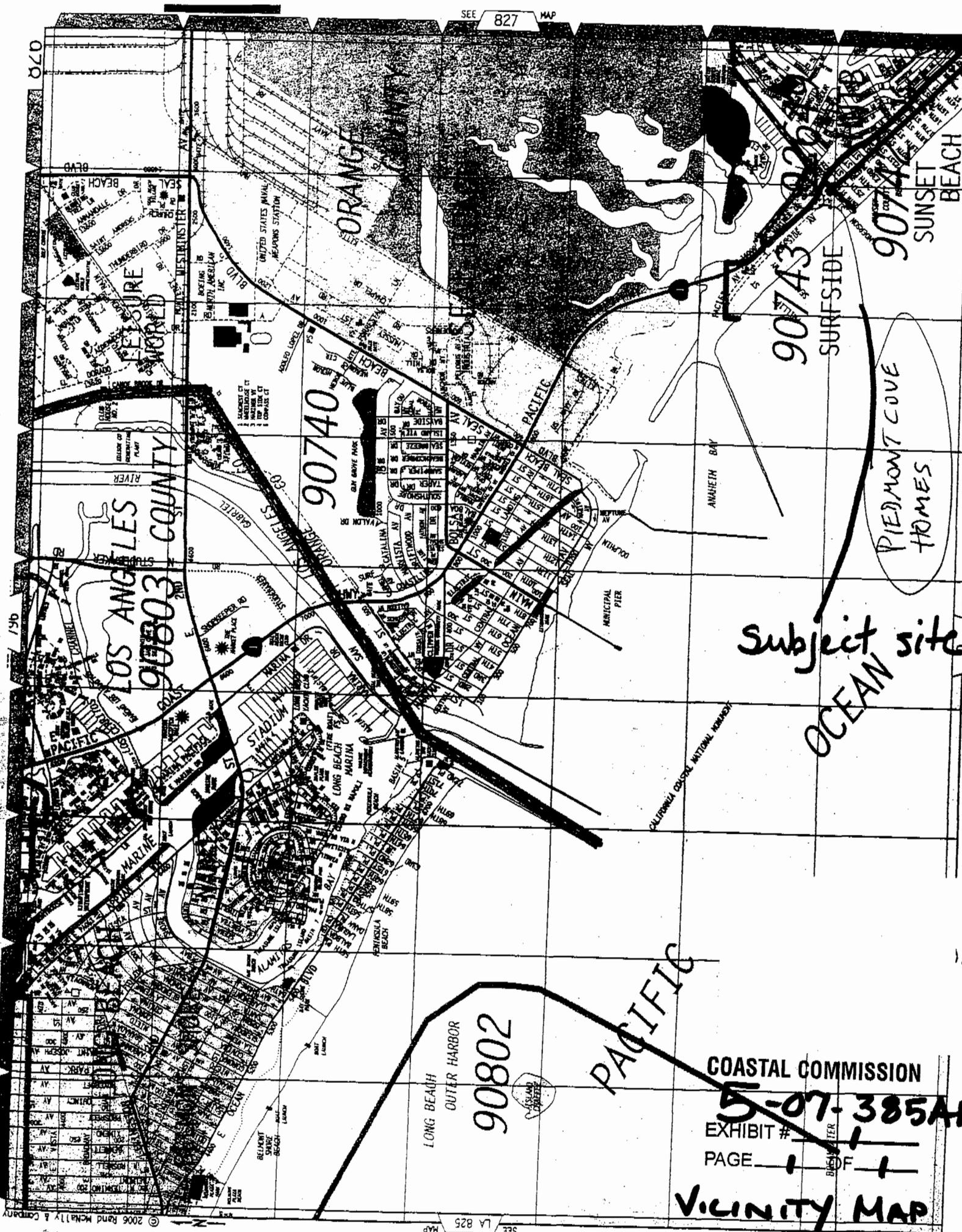
#### **E. Unpermitted Development**

Development has occurred on site without the required coastal development permit, including, but not limited to, construction of a vehicular gate, construction of spa equipment and enclosure within the lateral public accessway, and construction of an unpermitted block wall across the lateral accessway.

This amendment request was submitted by the applicant in response to communication with the Commission's Enforcement Division. The applicant is proposing to amend the original permit to remove the unpermitted spa equipment and enclosure and block wall within the lateral access way and to retain the unpermitted vehicular gate adjacent to and within the vertical public access easement and planters that encroach into the lateral public access easement. The applicant also proposes the realignment of the vertical public access easement. Retention of the unpermitted vehicular gate and the proposed realignment of the vertical easement in the vicinity of the vehicular gate have been denied. Special Conditions are imposed to assure the proposed amendment's consistency with the public access policies of the Coastal Act.

Compliance with the special conditions of this coastal development permit amendment must occur within a timely manner. Special Conditions 5 and 6 establish time limits for the applicant to meet special conditions and to commence development described in the permit.

Although unpermitted development has occurred onsite, consideration of the amendment request by the Commission is based solely upon the policies of the certified LCP and the public access and recreation policies of the Coastal Act.



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7903  
7902  
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7900

LOS ANGELES COUNTY  
90803

90740

90743

90744

90802

Subject site

OCEAN

PIEDMONT COVE  
HOMES

COASTAL COMMISSION

EXHIBIT # 5-07-385A

PAGE 1 OF 1

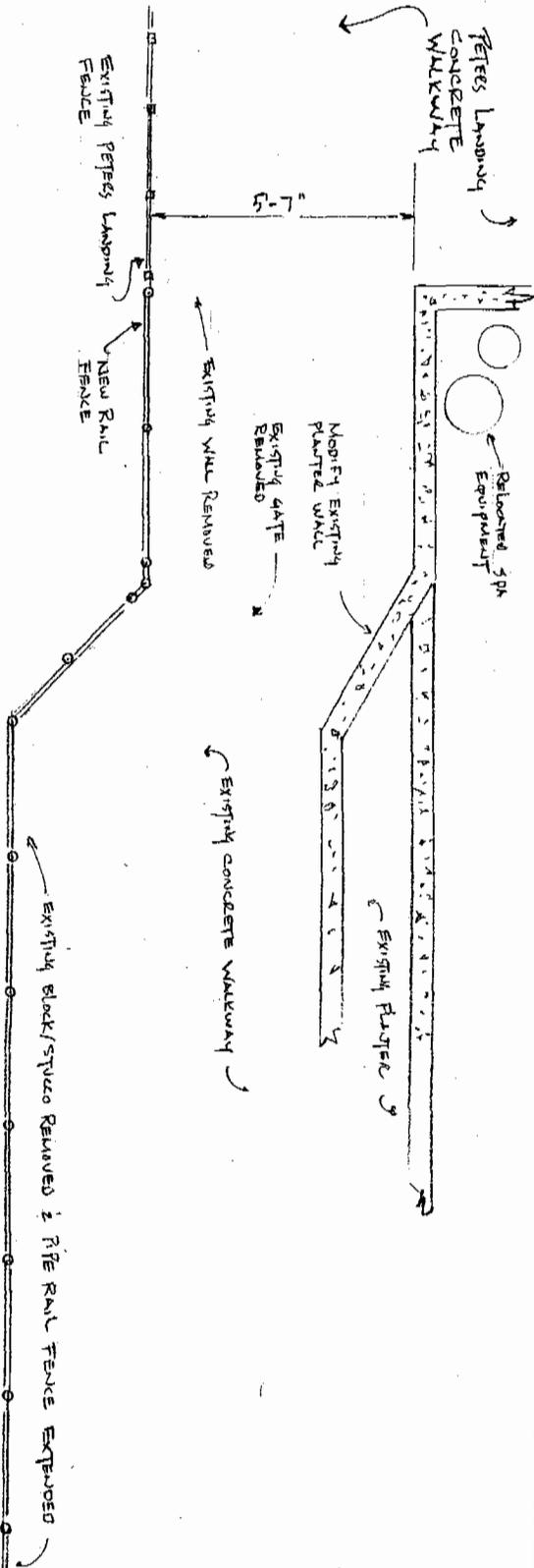
VICINITY MAP

**COPIES  
OF  
SITE SURVEYS  
TO  
FOLLOW  
IN  
ADDENDUM**

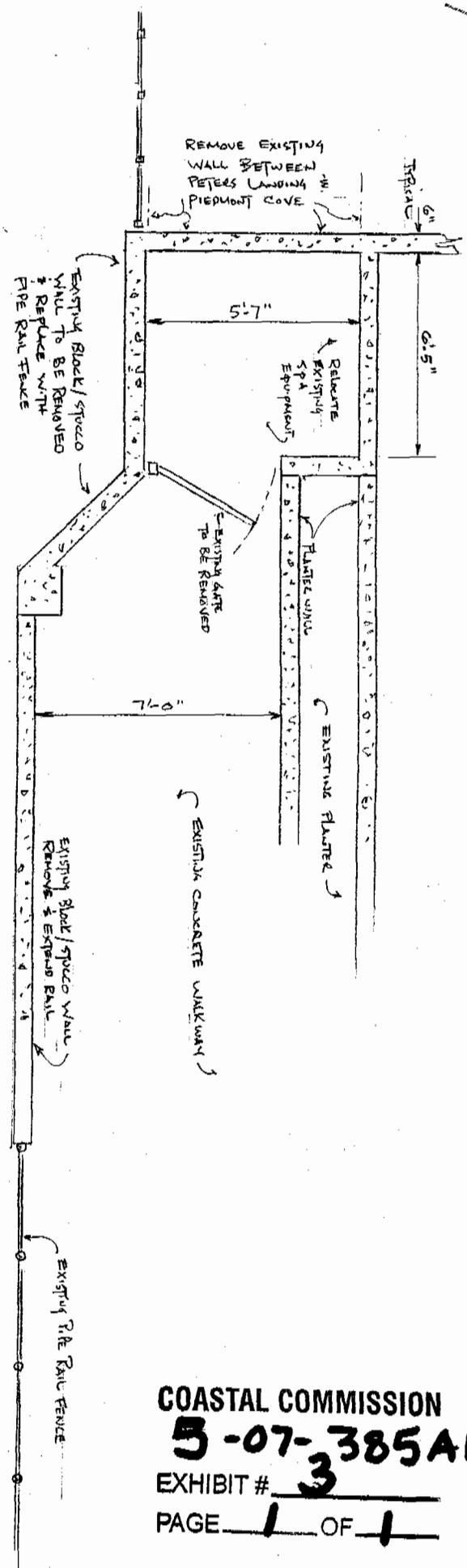
5-07-385 A1  
Exhibit 2

REVISED WALKWAY AT REDMOUNT COVE

REDMOUNT COVE HOMEOWNERS  
 HAVE REQUESTED WALKWAY  
 EXISTING & PROPOSED REVISION



EXISTING WALKWAY AT REDMOUNT COVE



to harbor waters

area of existing vertical easement near vehicular gate

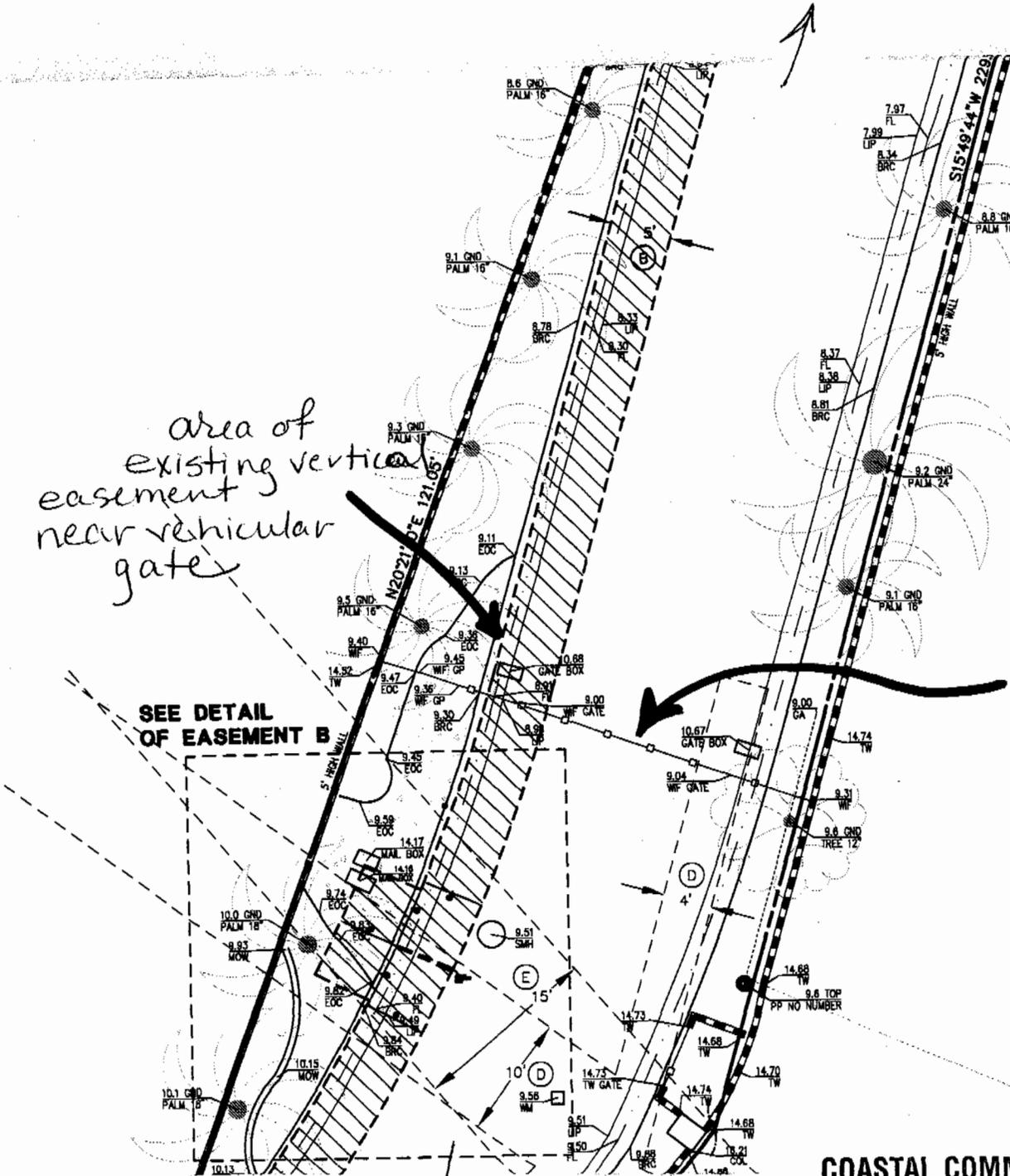
vehicular gate

SEE DETAIL OF EASEMENT B

to Pacific Coast Hwy

Existing

TRACT  
M.M. 4  
L  
APN

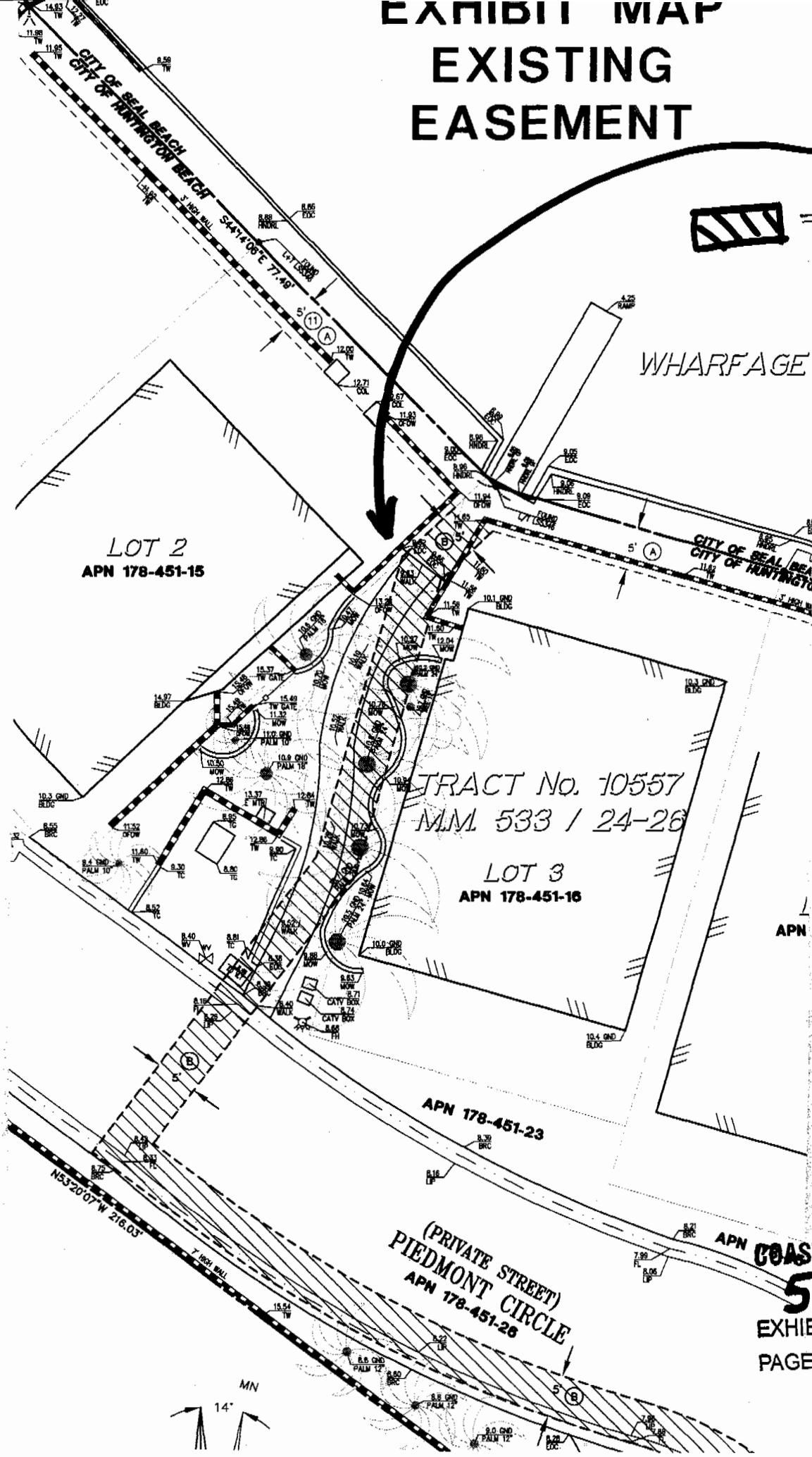


COASTAL COMMISSION  
5-07-385A1  
EXHIBIT # 4  
PAGE 1 OF 2

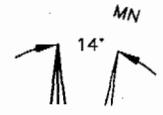


# EXHIBIT MAP EXISTING EASEMENT

 = area of existing vertical easement

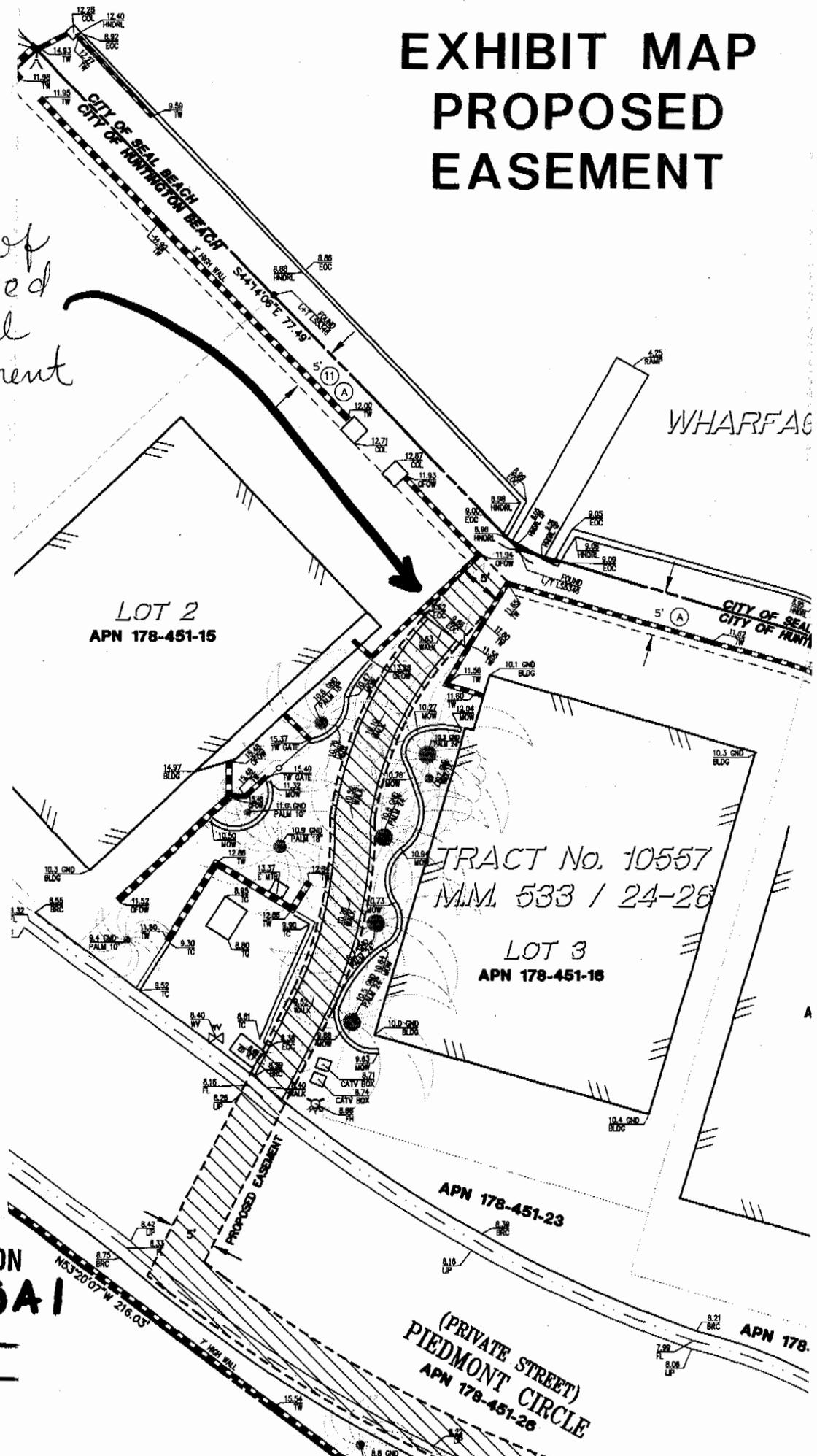


COASTAL COMMISSION  
**5-07-385A1**  
 EXHIBIT # 5  
 PAGE 1 OF 2



# EXHIBIT MAP PROPOSED EASEMENT

 = area of proposed vertical easement

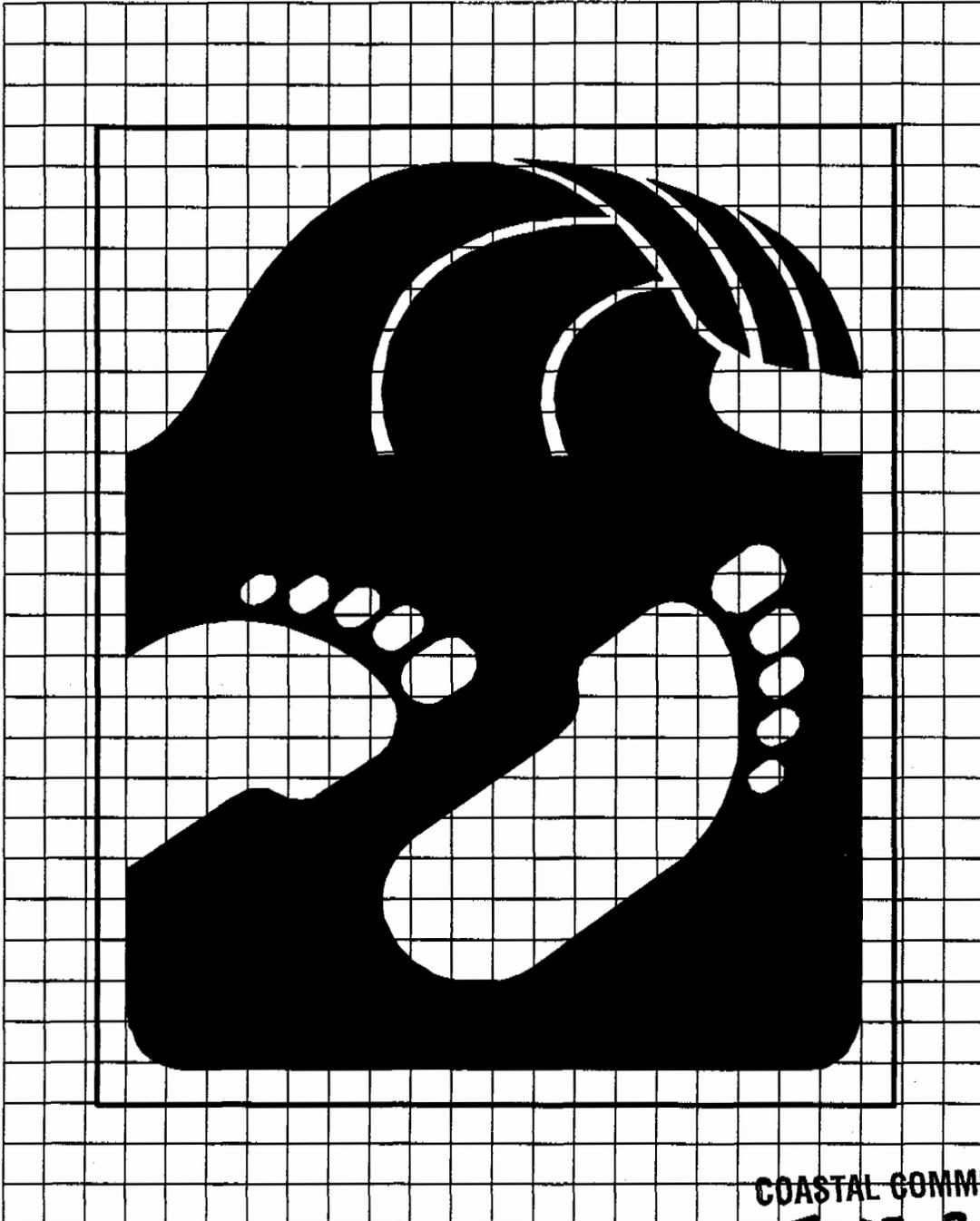


COASTAL COMMISSION  
**5-07-385A1**  
 EXHIBIT # 5  
 PAGE 2 OF 2

(PRIVATE STREET)  
**PIEDMONT CIRCLE**  
 APN 178-451-28

MUTCD NUMBER None

CODE SG28  
Grid



COASTAL COMMISSION  
**5-07-385A1**  
 EXHIBIT # 6  
 PAGE 1 OF 2

- THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE

*George Myers*  
 CHIEF, DIVISION OF TRAFFIC OPERATIONS

11/6/01

DATE

REVISION

REVISION

MUTCD NUMBER NONE

CODE SG28 (Lt)



NOTES:

1. Alternate messages: COASTAL ACCESS, COASTAL VIEW or BAY ACCESS, use 'D' Series alphabet. Alternate message: BAY VIEW, use 'E' Series alphabet.
2. For arrowhead dimensions, see Standard Arrowhead on Appendix Page 2 of 11.

SIGN SIZE (Inches)	DIMENSIONS (Inches)												
	A	B	C	D	E	F	G	H	J	K	L	M	N
30 X 30	30	3/4	1-1/2	4	4D/E	3	7-3/8	1-1/2	5-5/8	7-1/2	4	7-1/4	8-3/4
48 X 48	48	1	3	6	6D/E	5	12	2-1/2	9	12	6-3/8	11-5/8	14

SIGN SIZE (mm)	DIMENSIONS (Millimeters)												
	A	B	C	D	E	F	G	H	J	K	L	M	N
762 X 762	762	19	38	102	100D/E	76	187	38	143	191	102	184	222
1219 X 1219	1219	25	76	152	150D/E	127	305	64	229	305	162	295	356

**COLORS**  
 BORDER & LEGEND - WHITE (REFLECTIVE)  
 BACKGROUND - BROWN (REFLECTIVE)

**COASTAL COMMISSION**

- THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE # 6

PAGE 2 OF 2

*George Myers*  
 CHIEF, OFFICE OF SIGNS AND DELINEATION

4/4/03

DATE

REVISION

REVISION

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E. OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648



COASTAL DEVELOPMENT PERMIT

Application Number: P-79-5948

Name of Applicant: Joseph & Barbara Noble

5400 The Toledo, Long Beach, CA 90803

Permit Type:  Emergency  
 Standard  
 Administrative

Development Location: 16280 & 16288 Pacific Coast Highway  
Huntington Beach, CA

Development Description: Subdivision of land creating 5 parcels; 2488 sq.  
ft., 2610 sq. ft., 2683 sq. ft., 2850 sq. ft., 3268 sq. ft., and a  
common access easement where one 32,670 sq. ft. parcel now exists, and  
construct 5 identical 3-story, 3850 sq. ft. SFD's with 3-bdr, sitting  
room, family room, and attached 2-car garage, a bulkhead and 5 boat  
slips are to be constructed as a part of the project. All newly created  
lots are zoned R-2 and less than 4000 sq. ft. in area; 33' above AFG.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

see page 3 of 3

**COASTAL COMMISSION**

5-07-385A1

EXHIBIT # 7

PAGE 1 OF 3

Condition/s Met On \_\_\_\_\_ By *[Signature]* dp

The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on October 22, 1979 at Huntington Beach by a unanimous xox vote permit application number P-79-5948 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on November, 1979.

*M. J. Carpenter*

M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent,  
receipt of Permit Number P-79-5948 and ha  
contents.

**COASTAL COMMISSION**  
5-07-385A1  
EXHIBIT # 7  
PAGE 2 OF 3

Conditions: Prior to issuance of permit, applicant shall submit:

1. a deed restriction for recording granting vertical access to give the public the privilege and right to pass and repass over a strip of dedicatory's said real property five feet in width measured from Pacific Coast Highway to the bulkhead property line and extending from the edge of the public right-of-way to the mean high tide line to the Pacific Ocean; and
2. execute an irrevocable offer to dedicate a lateral access easement to a public agency or private nonprofit association approved by the Executive Director to allow the public to pass and repass over the Street from Pacific Coast Highway to the five (5) foot sidewalk, fence to the bulkhead, and pass and repass over the five (5) foot walkway on top of the bulkhead as shown on the plans.

\* \* \* \* \*

**COASTAL COMMISSION**  
5-07-385A1  
EXHIBIT # 7  
PAGE 3 OF 3

CONFORMED COPY  
Not Compared with Original

Recording Requested by and  
When Recorded, Mail to:

CALIFORNIA COASTAL COMMISSION  
631 Howard Street, 4th Floor  
San Francisco, California 94105  
Attention: Legal Department

RECORDED IN OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA

-10 45 AM

SEP 26 '85

\$48.00  
CB

*See A Branch*

COUNTY  
RECORDER

IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS

EASEMENT AND DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER AND DEDICATION OF PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS (hereinafter "Offer") is made this 3rd day of January, 1985, by JOSEPH W. NOBLE and BARBARA NOBLE, owners (hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of the fee interest in certain real properties located in the County of Orange, State of California, and described in the attached Exhibit A (hereinafter referred to as the "Property"); and

II. WHEREAS, all of the Property is located within the Coastal Zone as defined in Section 30103 of the California Public Resources Code (which Code is hereinafter referred to as the "Public Resources Code"); and

COASTAL COMMISSION

5-07-385A1

EXHIBIT # 8

PAGE 1 OF 20

III. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") creates the California Coastal Commission (hereinafter referred to as the "Commission"), and requires that any development approved by the Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code; and

IV. WHEREAS, pursuant to the Act, Grantor's predecessors in interest, the applicants, Joseph W. Noble and Barbara Noble, applied to the Commission for a permit to undertake development as defined in the Act within the Coastal Zone of Orange County (hereinafter the "Permit"); and

V. WHEREAS, a coastal development permit (Permit No. 79-5948, amended by Permit No. 5-81-401EA and Permit No. T5-81-901-EAE3 and extended under Permit No. 5-81-401-EA, Permit No. 5-81-401-EA2, Permit No. 5-81-401EA3 and Permit No. 5-81-401-AE4) granted in November, 1979, by the Commission in accordance with the provisions of the Staff Recommendation and Findings, Exhibit B, attached hereto and hereby incorporated by reference, subject to the following condition:

That, prior to issuance of a permit, applicant shall execute an irrevocable offer to dedicate a lateral access easement to a public agency or private nonprofit association approved by the Executive Director to allow the public

public pass and repass over the Street from Pacific Coast Highway to the five (5) foot sidewalk, fence to the Bulkhead, and pass and repass over the five (5) foot walkway on top of the bulkhead.

VI. WHEREAS, the subject property is a parcel located between the first public road and the shoreline; and

VII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VIII. WHEREAS, the Commission found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Sections 30210 through 30212 of the California Coastal Act of 1976 and therefore in the absence of such a condition, a permit could not have been granted; and

IX. WHEREAS, the vertical access is being created by deed restriction in a document recorded concurrently herewith; and

Ex. 8 3/20

X. WHEREAS, it is intended that this Offer is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said Offer, when accepted, shall thereby qualify as an enforceable restriction under the provisions of the California Revenue and Taxation Code Section 402.1;

NOW, THEREFORE, in consideration of the granting of Permit No. P-79-5948 (as amended by Permit No. 5-81-401-EA and Permit No. T5-81-401-EAE3 and extended under Permit No. 5-81-401-EA, Permit No. 5-81-401-EA2, Permit No. 5-81-401-EA3 and Permit No. 5-81-401-AE4)) to the owner's predecessors in interest, by the Commission, the owner hereby offers to dedicate to a public agency or private association acceptable to the Executive Director of the Commission an easement in perpetuity for the purposes of allowing the public to pass and repass over that five (5) foot walkway on top of the bulkhead located along the bulkhead-line, which is the northerly line of the Property at 16280 and 16288 Pacific Coast Highway, Huntington Beach, California as specifically described by the attached Exhibit C hereby incorporated by reference.

1. BENEFIT AND BURDEN. This Offer shall run with and burden the Property and all obligations, terms, con-

Ex. 8

5-07-385A1

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ditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all successors and assigns. This Offer shall benefit the State of California.

2. DECLARATION OF RESTRICTIONS. The Grantor is restricted from interfering with the use by the public of the area subject to the offered easement for public access. This restriction shall be effective from the time of recordation of this Offer and Declaration of Restrictions.

3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the opening of the accessway, the Grantee, in consultation with the Grantor, may record additional reasonable terms, conditions, and limitations on the use of the subject property in order to assure that this Offer for public access is effectuated.

4. CONSTRUCTION OF VALIDITY. If any provision of these restrictions is held to be invalid or for any reason become unenforceable, no other provision shall be thereby affected or impaired.

Ex. 8

5-07-385A1

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5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

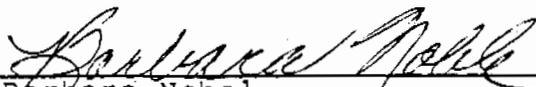
6. TERM. This Irrevocable Offer of Dedication shall be binding for a period of 21 years from the date of recordation of this Irrevocable Offer of Dedication.

Acceptance of the Offer is subject to a covenant which runs with the land, providing that the first offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original Offer to Dedicate.

Executed this 19 day of March, 1985, at Long Beach, California.

JOSEPH W. NOBLE and BARBARA NOBLE,  
Owners, as individuals:

By   
Joseph W. Noble

By   
Barbara Noble

State of California

County of Los Angeles

} SS.

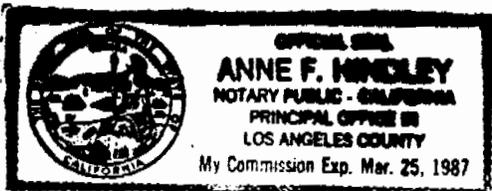
On this the 19th day of March 1985, before me,

the undersigned Notary Public, personally appeared,  
known to me/proved to me on basis of satisfactory  
evidence:

JOSEPH W. NOBLE and BARBARA NOBLE

Known to me to be the person(s) whose name(s) are \_\_\_\_\_ subscribed  
to the within instrument and acknowledged that they  
executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Anne F. Hindley  
Anne F. Hindley

Ex. 8  
5-07-385A1  
7/20

This is to certify that the Offer to Dedicate set forth above, dated January 3, 1985, and signed by JOSEPH W. NOBLE and BARBARA NOBLE, owners, is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 79-5948 (amended by Permit No. 5-81-401-EA, and Permit No. T5-81-401-EAE3 and extended under Permit No. 5-81-401-EA, Permit No. 5-81-401-EA2, Permit No. 5-81-401-EA3 and Permit No. 5-81-401-AE4) in November, 1979, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

DATED: September 24, 1985.

Judith W. Allen  
Judith W. Allen, Staff Counsel

STATE OF CALIFORNIA )  
COUNTY OF San Francisco ) SS.

On September 24, 1985, before me, the undersigned Notary Public in and for said State, personally appeared Judith W. Allen, Staff Counsel of the California Coastal Commission known to me to be the person who executed the within instrument on behalf of said Commission, and acknowledge to me that such Commission executed the same.

WITNESS my hand and official seal.

Deborah S. Benrudic  
Notary Public

[Seal]

8.

Ex. 8  
5-07-385A1 8/20

DESCRIPTION OF PROPERTY

Permit No. 79-5948  
(amended by Permit No. 5-81-401-EA and  
Permit No. T5-81-401-EAE3

extended under

Permit No. 5-81-401-EA  
Permit No. 5-81-401-EA2  
Permit No. 5-81-401-EA3 and  
Permit No. 5-81-401-AE4)

Those certain parcels of land in the County of  
Orange, State of California, described as follows:

PARCEL 1.

That portion of Fractional section 24, township  
5 south, range 12 West of the San Bernardino Meridian, according  
to the official plat of said land filed in the district land  
office, being a portion of parcel 174-2 of Case No. 3436-WM  
civil in the district court of the United States in and for  
the southern district of California, together with a portion  
of state tide land location No. 141, as described in decree  
of confirmation No. A-726, correcting the description of the  
original patent, a copy of which was recorded July 2, 1929,  
in book 287, page 231 of Official Records, in the City of  
Huntington Beach, County of Orange, State of California,  
shown as Parcel 2 on a map in book 44, page 24 of Parcel  
Maps in the office of the county recorder.

Page 1 of

EXHIBIT A to

Irrevocable Offer to Dedicate

Ex. 8  
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EXCEPTING therefrom that portion of the above described property, described as follows:

Beginning at the intersection of the North Westerly line of the Rancho La Bolsa Chica with the North Easterly line of the land patented to John C. Ord on January 13, 1916, recorded in Book 1, page 303 of Patents, records of Orange County, thence North 49°00'00" West, 220.01 feet along said North Easterly line to an angle point in said line, thence North 24°30'00" West along said North Easterly line 117.09 feet to the North Easterly line of the California State Highway, as described in the deed recorded November 12, 1929, in book 325, page 199, official records of Orange County, said North Easterly line being a curve concaved Northerly and having a radius of 950 feet, and said last mentioned point being 34.17 feet along said curve through a central angel of 2°03'35" North Westerly from the most Southerly corner of parcel 2 of said Parcel Map No. 7204, and also being the True Point of Beginning; thence as follows:

North Westerly along the extension of said curved North Easterly line of the California State Highway, through a central angel of 0°41'02", an arc length of 11.33 feet to a point in the South Easterly line of Parcel 1 of

Page 2 of

EXHIBIT A to

Irrevocable Offer to Dedicate

EX. 8

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said Parcel Map No. 7204, thence North Easterly along said South Easterly line North 37°22'04" East, 162.39 feet, thence South Westerly, South 20°21'10", West 51.26 feet, thence South Westerly parallel with the South Easterly line of said Parcel 1, South 37°22'04" West, 111.33 feet to a point in the North Easterly line of the California State Highway, said North Easterly line being the same curve concaved Northerly as aforementioned and having a radius of 950 feet, thence North Westerly along said North Easterly line through a central angle of 0°13'50" an arc length of 3.82 feet to the True Point of Beginning.

PARCEL 2.

That portion of fractional Section 24, Township 5, Range 12 West, San Bernardino Base Meridian being a portion of Tide Land Location No. 141 in the City of Huntington Beach, County of Orange, State of California, as shown in Book 1, page 194 of Patents, Records of Orange County, and being that portion of Parcel No. 1 of Parcel Map No. 7204 as per map recorded in Book 44, pages 24 and 25 of Parcel Maps, Records of Orange County, being further described as follows:

Beginning at the most Easterly corner of parcel 1 of Parcel Map 7204, recorded in Book 44, pages 24 and 25 of

Page 3 of

EXHIBIT A to

EX. 8

5-07-385 A1

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Irrevocable Offer to Dedicate

Parcel Maps, Records of Orange County, said corner being the True Point of Beginning, thence as follows:

Southerly along the Easterly line of said Parcel 1, South 15°46'17" West, 19.58' to an angle point in said Easterly line, thence South 37°22'04" West, 44.39', thence North Easterly, North 20°21'10" East, 69.79' to a point in the North Easterly line of said Parcel 1, thence South Easterly along said North Easterly line, South 53°20'07" East, 6.88', to an angle point in said North Easterly line, thence South Easterly along said North Easterly line, South 18°56'49" East, 7.61; to the True Point of Beginning.

Page 4 of

EXHIBIT A to

Irrevocable Offer to Dedicate

EX 8

5-07-385A1

12/20

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission  
SOUTH COAST DISTRICT  
666 E. Ocean Blvd., Suite 3107  
Long Beach, CA 90801  
(213) 540-5071  
(714) 846-0648

FILE COPY

AMENDMENT TO PERMIT

Date: November 4, 1981

Mr. and Mrs Joseph Noble  
5400 The Strand  
Long Beach, CA 90803

Dear Mr. & Mrs. Joseph Noble

Permit number P-79-5948 issued to Mr. & Mrs. Joseph Noble  
has been amended to include the following change: (NEW #5-81-401EA)

The original permit, as amended, was for the construction of 5 single family dwellings, a bulkhead and 7 boat slips. The amendment proposes a reduction in the number of boat slips from 7 to 5 and changes the configuration of the slips.

SITE: 16280 and 16288 Pacific Coast Highway, Huntington Beach

This amendment was determined by the Executive Director to be immaterial, was duly noticed, and no objections were received.

This amendment will become effective upon return of a signed copy of this form to the District Office. Please note the remaining conditions, if any, are still in effect.

Sincerely,

*Nancy A. Lucast*  
Nancy A. Lucast  
District Director

**IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.**

I have read and understand the above amendment and agree to be bound by its conditions and the remaining conditions, if any, of permit number P-79-5948.

Date \_\_\_\_\_

Signature \_\_\_\_\_

EX. 8 13/20

5-07-385 A1



MAIN CHANNEL

PROPOSED PIERHEAD LINE

60' PIERHEAD LINE

PIEDMONT COVE

CONTINENTAL DEVELOPMENT CONDOMINIUMS



543-57

South Coast Regional Commission

APPROVAL

Permit No. 5-81-10181

BY: [Signature]

[Signature]  
10/11/81

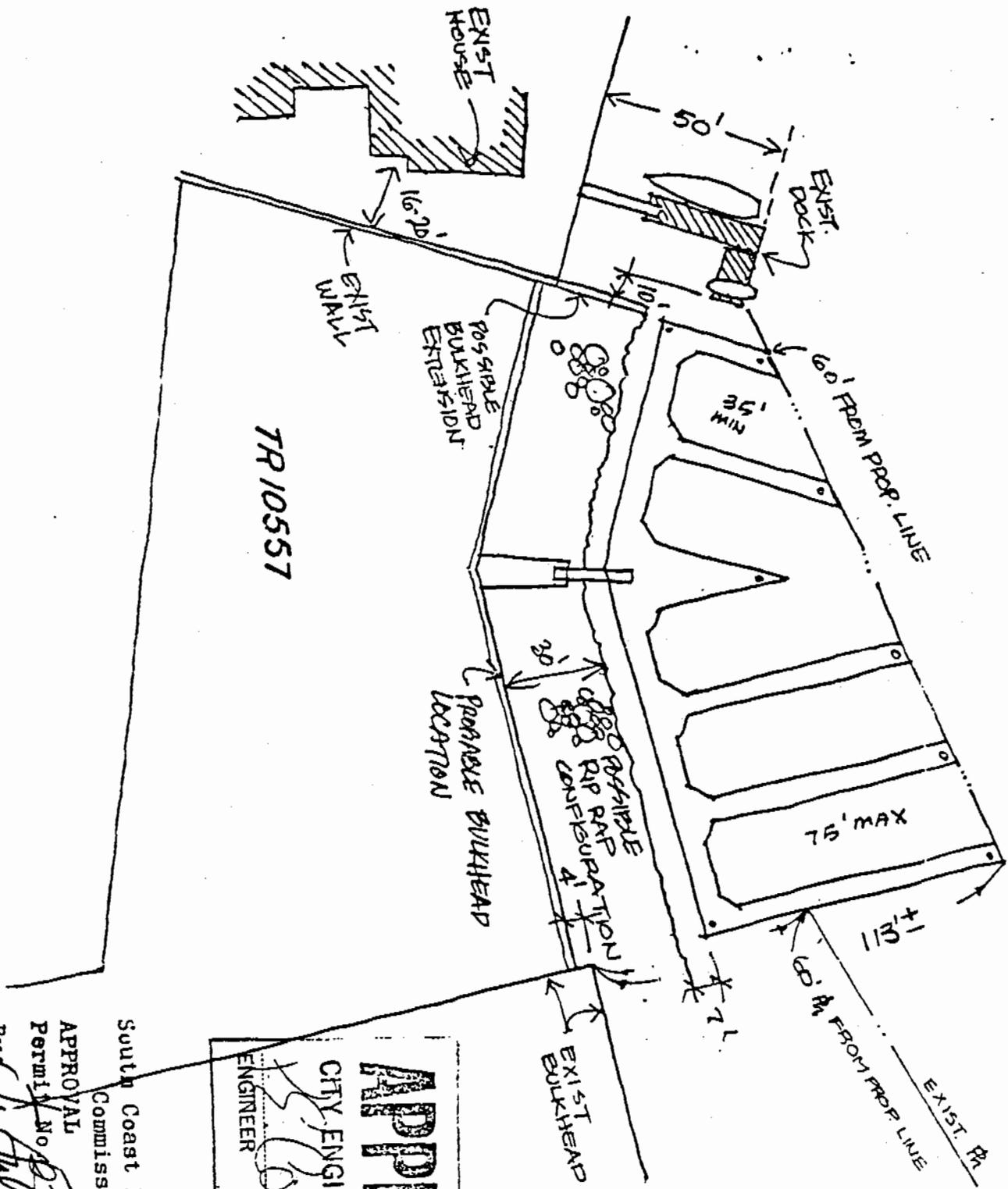
CITY ENGINEER

5-07-385A1  
Ex. 8

EXISTING 20' PIERHEAD LINE

14/20

ALTERNATE PIERHEAD LINE PIEDMONT COVE



South Coast Regional  
 Commission  
 APPROVAL  
 Permit No. 5-8-401E4  
 By: [Signature]

**APPROVED**  
 CITY ENGINEER'S OFFICE  
 ENGINEER [Signature]  
 DATE 9/15/85

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EX. 8

15/20

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION  
666 E OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(714) 590 3071 (714) 846 0648



COASTAL DEVELOPMENT PERMIT

Application Number: P-79-5948

Name of Applicant: Joseph & Barbara Noble

5400 The Toledo, Long Beach, CA 90803

Permit Type:  Emergency  
 Standard  
 Administrative

Development Location: 16280 & 16288 Pacific Coast Highway

Huntington Beach, CA

Development Description: Subdivision of land creating 5 parcels; 2488 sq. ft., 2610 sq. ft., 2683 sq. ft., 2850 sq. ft., 3268 sq. ft., and a common access easement where one 32,670 sq. ft. parcel now exists, and construct 5 identical 3-story, 3850 sq. ft. SFD's with 3-bdr, sitting room, family room, and attached 2-car garage, a bulkhead and 5 boat slips are to be constructed as a part of the project. All newly created lots are zoned R-2 and less than 4000 sq. ft. in area; 33' above AFG.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

see page 3 of 3

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EX. B 16/20

Condition/s Met On \_\_\_\_\_ By dp

The South Coast Commission finds that:

A. The proposed development, or as conditioned;

1. The developments are in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.
2. If located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.
3. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

III. Whereas, at a public hearing, held on October 22, 1979 at Huntington Beach by a unanimous vote permit application number P-79-5948 is approved.

IV. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.

V. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.

VI. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

VII. Issued on behalf of the South Coast Regional Commission on November, 1979.

M. J. Carpenter  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-79-5948 and have accepted its contents.

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Conditions for P-79-5948

Conditions: Prior to issuance of permit, applicant shall submit:

1. a deed restriction for recording granting vertical access to give the public the privilege and right to pass and repass over a strip of dedicator's said real property five feet in width measured from Pacific Coast Highway to the bulkhead property line and extending from the edge of the public right-of-way to the mean high tide line to the Pacific Ocean; and
2. execute an irrevocable offer to dedicate a lateral access easement to a public agency or private nonprofit association approved by the Executive Director to allow the public to pass and repass over the Street from Pacific Coast Highway to the five (5) foot sidewalk, fence to the bulkhead, and pass and repass over the five (5) foot walkway on top of the bulkhead as shown on the plans.

\* \* \* \* \*

5-07-385A1

Ex. 8

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EASEMENT FOR LATERAL ACCESS

An easement for the public to pass and repass over that five (5) foot walkway on top of the bulkhead, which walkway is located within the City of Huntington Beach and the County of Orange, State of California, over the following described property:

Beginning at the most northerly corner of parcel 2 of Parcel Map No. 7204, as per map recorded in book 44, page 24 of parcel maps, in the office of the County Recorder of Orange County, State of California, a strip of land five feet in width measured at right angles southerly from that certain line described as follows:

Beginning at the most northerly corner of said parcel 2 of Parcel Map No. 7204, thence southerly, S. 44°14'06" E. 77.49' to an angle point in said northerly line, thence S. 73°44'06" E. 110.84' to the most easterly corner of parcel 2 of said Parcel Map No. 7204 as shown on map recorded in book 44, page 24 of Parcel Maps, records of Orange County.

EXHIBIT C to

Irrevocable Offer to Dedicate

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EX. 8

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Said strip of land shall extend to and be bounded at its northwesterly and southeasterly ends by the northwesterly and southeasterly boundaries of said parcel 2.

Page 2 of  
EXHIBIT C to

Irrevocable Offer to Dedicate

5-07-385A1

EX. 8 20/20

CONFORMED COPY  
Not Compared with Original

\$25.00  
CS

RECORDING REQUESTED BY  
AND MAIL TO:

California Coastal Commission  
Legal Department  
631 Howard St., 4th floor  
San Francisco, Ca. 94105

RECORDED IN OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA

-10 45 AM SEP 26 '85

*Lee A Branch* COUNTY  
RECORDER

CALIFORNIA COASTAL COMMISSION

DEED RESTRICTION

This instrument, made this 3rd day of January, 1985,  
by JOSEPH W. NOBLE and BARBARA NOBLE, hereinafter referred  
to as "The Permittee:"

WHEREAS, pursuant to the California Coastal Act of  
1976, Sections 30000 through 30900 of the California Public  
Resources Code, the Permittee has made Application No. P-79-  
5948 to the California Coastal Commission, South Coast Dis-  
trict, for the issuance of a permit for the subdivision of  
land creating five (5) parcels (2488 square feet, 2610 square  
feet, 2683 square feet, 2850 square feet, 3268 square feet)  
and a common access easement where one 32,670 square foot  
parcel now exists and construction of five (5) single family  
dwellings and five (5) boat slips on certain real property  
owned in fee and leased by the Permittee and more particularly  
described below; and

COASTAL COMMISSION  
5-07-385 A1  
EXHIBIT # 9  
PAGE 1 OF 10

WHEREAS, said Commission has determined to grant said application and issue a permit for the construction of the above described project on said real property, subject to the following conditions, imposed for the benefit of the Public, and without agreement to which by Permittee, said Commission could not grant the Permit:

A deed restriction for recording granting vertical access to give the public the privilege to pass and repass over a strip of dedicator's said real property five (5) feet in width measured from Pacific Coast Highway to the bulkhead property line and extending from the edge of the public right-of-way to the mean high tide line to the Pacific Ocean; and

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Permittee agrees that there shall be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: an easement for vertical access by which the public shall have the right and privilege to pass and repass over a strip of the real property described below, which easement shall be five (5) feet in width, extending from Pacific

Coast Highway to the bulkhead property line and extending from the edge of the public right-of-way to the mean high tide line and is more fully described as:

That certain property in the County of Orange, State of California, described as follows:

Beginning at the most southerly corner of parcel 2 of Parcel Map No. 7204 as per map recorded in book 44, page 24 of parcel maps, records of Orange County, said corner being on the northerly line of Pacific Coast Highway, which line at said corner is a curve concaved northerly and having a radius of 950.00 feet, and said corner being the point of beginning, thence along said curve, northwesterly through a central angle of  $1^{\circ}29'38''$ , an arc length of 24.77' to the true point of beginning of the following described easement:

Said easement is a strip of land, 5 feet in width, extending from the most southerly boundary of parcel 2 at the Pacific Coast Highway to the Northeasterly boundary of parcel 2 at the bulkhead line, the centerline of which is the following line:

Beginning at the said True Point of Beginning, then northerly, N.  $37^{\circ}22'04''$  E. 112.86'

to the beginning of a curve concaved westerly and having a radius of 140.50 feet, thence northerly along said curve through a central angle of  $10^{\circ}46'10''$ , an arc length of 26.41', thence northwesterly, radially to said curve N.  $63^{\circ}24'06''$  W. 5.00' to another curve, concentric to the curve of radius 140.50 feet, the concentric curve having a radius of 135.50 feet, thence northerly along said concentric curve, an arc length of 5.00', thence southeasterly, radially to the curves, S.  $65^{\circ}30'57''$  E. 5.00 feet to the curve of radius 140.50 feet, thence northerly along said curve through a central angle of  $8^{\circ}39'19''$ , an arc length of 21.22' to a line tangent to the curve, whose tangent bearing is N.  $15^{\circ}49'44''$  E., thence northeasterly along said tangent line 58.21' to the beginning of a curve concaved southwesterly and having a radius of 40.50 feet, thence along said curve northerly through a central angle of  $90^{\circ}00'00''$ , an arc length of 63.62' to the point of a reverse compound curve, said reverse curve being concaved northeasterly and having a radius of 155.48 feet, thence northwesterly along said curve through a central angle of  $20^{\circ}50'09''$ , an arc length of 56.54' to the tangent line to the curve whose bearing is N.  $53^{\circ}20'07''$  W., thence northwesterly along said

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tangent line 11.77', thence northeasterly, perpendicular to said tangent line, N. 36°39'53" E. 40.66' to an angle point, thence N. 15°49'44" E. 35.92' to an angle point, thence N. 46°32'54" E. 13.50' to the southeasterly prolongation of the northerly line of parcel 2 of said Parcel Map 7204.

Permittee acknowledges that any violation of this deed restriction shall constitute a violation of the permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said permit and of the Coastal Act of 1976. Said deed restriction shall apply to the single family dwellings to be constructed on that certain real property in the City of Huntington Beach, County of Orange, State of California, described as:

That portion of fractional section 24, Township 5 south, range 12 west of the San Bernardino Meridian, according to the official plat of said land filed in District Land office, being a portion of Parcel 174-2 of Case no. 3436-WM civil in the district court of the United States in and for the Southern District of California, together with a portion of State Tide Land Location No. 141, as described in decree of confirmation No. A-726, correcting the description in the original patent, a copy of which was recorded July 2, 1929 in book 287, page 231 of Official Records, in the City of Huntington Beach, in the County of Orange, State of California shown as Parcel 2 on a map filed in book 44, page 24 of Parcel Maps in the office of the county recorder of said county.

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EXCEPTING therefrom that portion of the above described property, described as follows:

Beginning at the intersection of the North Westerly line of the Rancho Las Bolsa Chica with the North Easterly line of the land patented to John C. Ord on January 13, 1916, recorded in Book 1, page 303 of Patents, records of Orange County, thence North  $49^{\circ}00'00''$  West, 220.01 feet along said North Easterly line to an angle point in said line, thence North  $24^{\circ}30'00''$  West along said North Easterly line 117.09 feet to the North Easterly line of the California State Highway, as described in the deed recorded November 12, 1929, in book 325, page 199, official records of Orange County, said North Easterly line being a curve concaved Northerly and having a radius of 950 feet, and said last mentioned point being 34.17 feet along said curve through a central angle of  $2^{\circ}03'35''$  North Westerly from the most Southerly corner of parcel 2 of said Parcel Map No. 7204, and also being the True Point of Beginning; thence as follows:

North Westerly along the extension of said curved North Easterly line of the California State Highway, through a central angle of  $0^{\circ}41'02''$ , an arc length of 11.33 feet to a point in the South Easterly line of Parcel 1 of

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said Parcel Map No. 7204, thence North Easterly along said South Easterly line North  $37^{\circ}22'04''$  East, 162.39 feet, thence South Westerly, South  $20^{\circ}21'10''$ , West 51.26 feet, thence South Westerly parallel with the South Easterly line of said Parcel 1, South  $37^{\circ}22'04''$  West, 111.33 feet to a point in the North Easterly line of the California State Highway, said North Easterly line being the same curve concaved Northerly as aforementioned and having a radius of 950 feet, thence North Westerly along said North Easterly line through a central angle of  $0^{\circ}13'50''$  an arc length of 3.82 feet to the True Point of Beginning.

PARCEL 2.

That portion of fractional Section 24, Township 5, Range 12 West, San Bernardino Base Meridian being a portion of Tide Land Location No. 141 in the City of Huntington Beach, County of Orange, State of California, as shown in Book 1, page 194 of Patents, Records of Orange County, and being that portion of Parcel No. 1 of Parcel Map No. 7204 as per map recorded in Book 44, pages 24 and 25 of Parcel Maps, Records of Orange County, being further described as follows:

Beginning at the most Easterly corner of parcel 1 of Parcel Map 7204, recorded in Book 44, pages 24 and 25 of

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Parcel Maps, Records of Orange County, said corner being the True Point of Beginning, thence as follows:

Southerly along the Easterly line of said Parcel 1, South  $15^{\circ}46'17''$  West, 19.58' to an angle point in said Easterly line, thence South  $37^{\circ}22'04''$  West, 44.39', thence North Easterly, North  $20^{\circ}21'10''$  East, 69.79' to a point in the North Easterly line of said Parcel 1, thence South Easterly along said North Easterly line, South  $53^{\circ}20'07''$  East, 6.88', to an angle point in said North Easterly line, thence South Easterly along said North Easterly line, South  $18^{\circ}56'49''$  East, 7.61; to the True Point of Beginning.

Unless specifically modified or terminated by affirmative vote of the issuing Commission, said deed restriction shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit, or any modification of said development, remains in existence in or upon any part of, and thereby confers benefit upon, the real property described herein, and to that extent, said deed restriction is hereby deemed and agreed by Permittee to be a covenant running with the land, and shall bind Permittee and all his successors and assigns.

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EX 9

8/10

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

JOSEPH W. NOBLE and BARBARA NOBLE

By *Joseph W. Noble*  
Joseph W. Noble

By *Barbara Noble*  
Barbara Noble

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF LOS ANGELES )      ss.

On this 3rd day of JANUARY, in the year 1985,  
before me, personally appeared Joseph W. Noble and Barbara Noble, known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed it.

WITNESS my hand and official seal.



[Seal]

*Anne F. Hindley*  
Notary Public

5-07-385 A1

Ex. 9 <sup>9/10</sup>

1 This is to certify that the deed restriction set forth above is  
2 hereby acknowledged by the undersigned officer on behalf of the California  
3 Coastal Commission pursuant to authority conferred by the California  
4 Coastal Commission when it granted Coastal Development Permit No. P-79-5948  
5 on November - , 1979 , and the California Coastal Commission  
6 consents to recordation thereof by its duly authorized officer.

7 DATED: September 24, 1985

8 CALIFORNIA COASTAL COMMISSION

9 Judith W. Allen  
10 Judith W. Allen  
11 Staff Counsel

11 STATE OF CALIFORNIA )  
12 ) SS  
12 COUNTY OF SAN FRANCISCO )

13 On September 24, 1985 , before the undersigned Notary  
14 Public, personally appeared Judith W. Allen , personally  
15 known to me to be the Staff Counsel and authorized  
16 representative of the California Coastal Commission and acknowledged to me  
17 that the California Coastal Commission executed it.

18  
19 Deborah Benrule  
20 Notary Public  
21 in & for said State and County

22  
23  
24  
25 5-07-585 A1

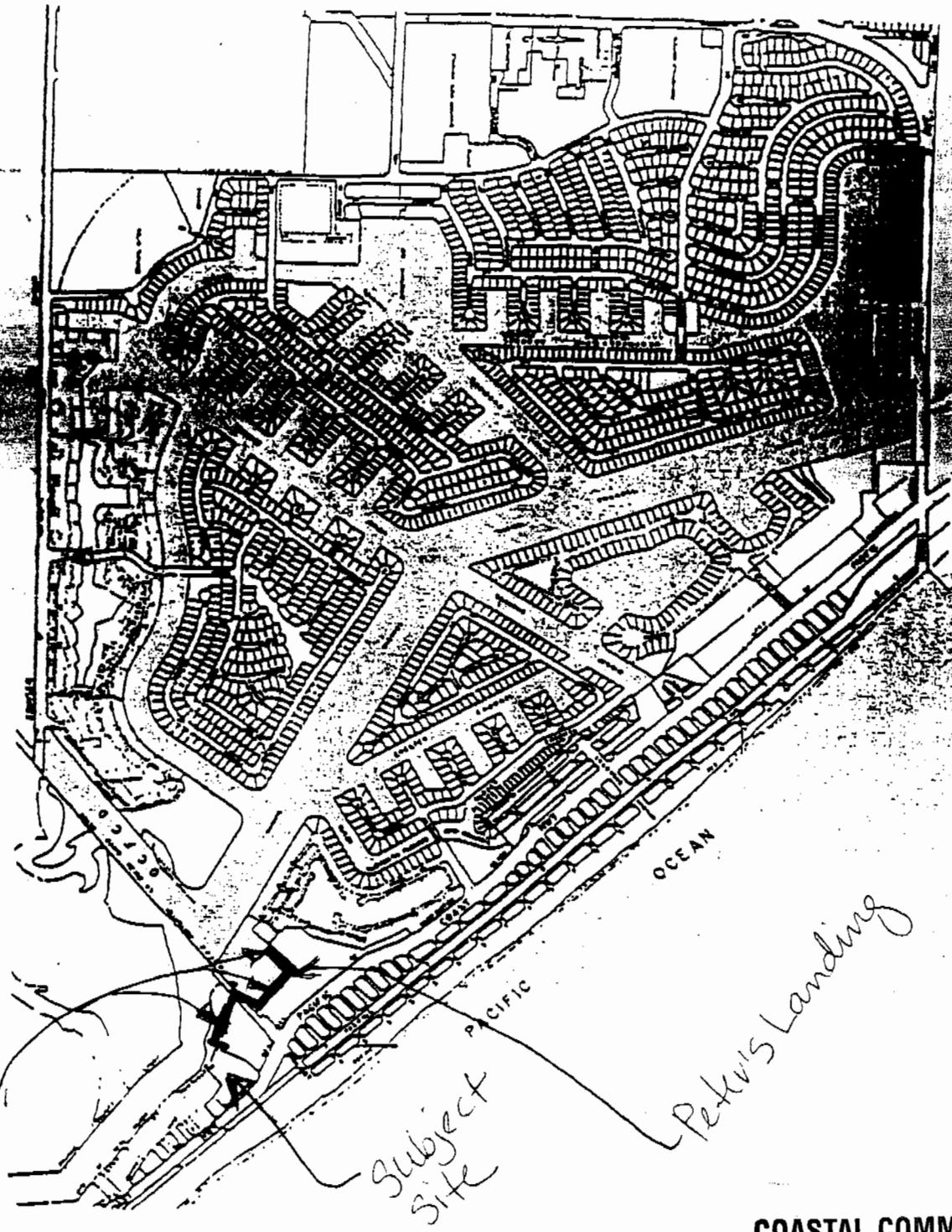
26  
27 Ex 9

10/10

**Project Area Description**

**Section 2**

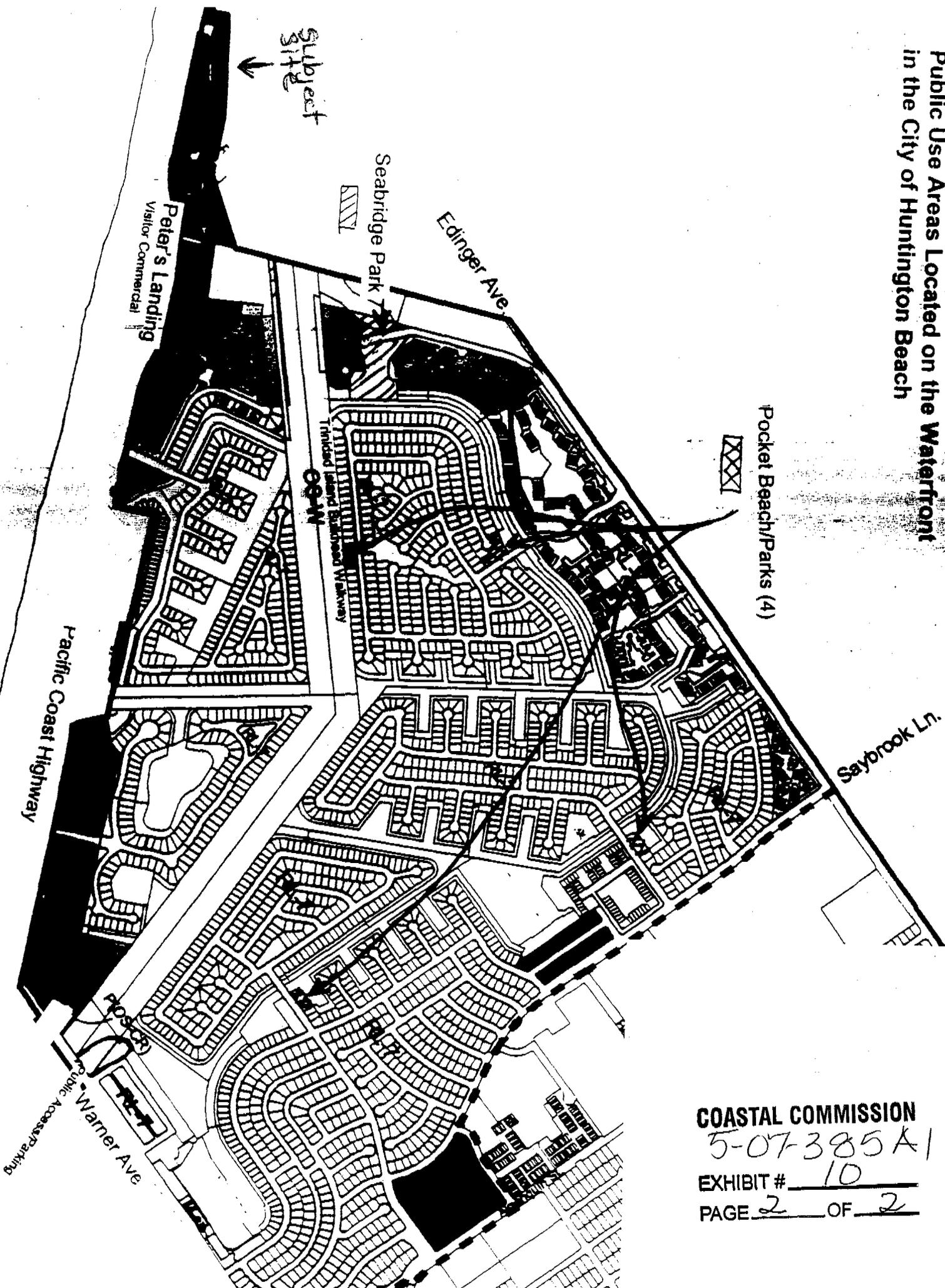
*existing  
open  
access-  
ways*



**Exhibit 2.1 Map of Huntington Harbour**

**COASTAL COMMISSION**  
5-07-385A1  
EXHIBIT # 10  
PAGE 1 OF 2

Huntington Harbour:  
Public Use Areas Located on the Waterfront  
in the City of Huntington Beach



COASTAL COMMISSION

5-07-385A1

EXHIBIT # 10

PAGE 2 OF 2

**Meg Vaughn**

---

**From:** Bbro310@aol.com  
**Sent:** Wednesday, June 11, 2008 2:44 PM  
**To:** Meg Vaughn  
**Subject:** Piedmnt Cove

BAYPORT HOMEOWNERS ASSOCIATION  
c/o Tritz Professional Management Services, Inc.  
1536 E. Warner Avenue, Suite A  
Santa Ana, CA 92705  
Phone 714-557-5900 ~ Fax 714-557-4248

DATE: June 9, 2008

TO: Jim Brounell

FROM: The Bayport Board of Directors

RE: Piedmont Cove Homeowners Association

Dear Mr. Brounell:

This letter is to inform you that the Board of Directors for the Bayport Homeowners Association is giving consent to the Piedmont Cove Homeowners Association to remove the section of wall near the marina that separates Bayport from the Piedmont Cove complex.

All costs to remove the wall and make any necessary repairs will be at the sole expense of the Piedmont Cove Homeowners Association. Acceptance of this letter will release the Bayport Homeowners Association from any future liability regarding removal of this section of wall.

Should you have any questions regarding this matter, please contact the Board at the information listed above.

Sincerely,

The Bayport  
Board of Directors

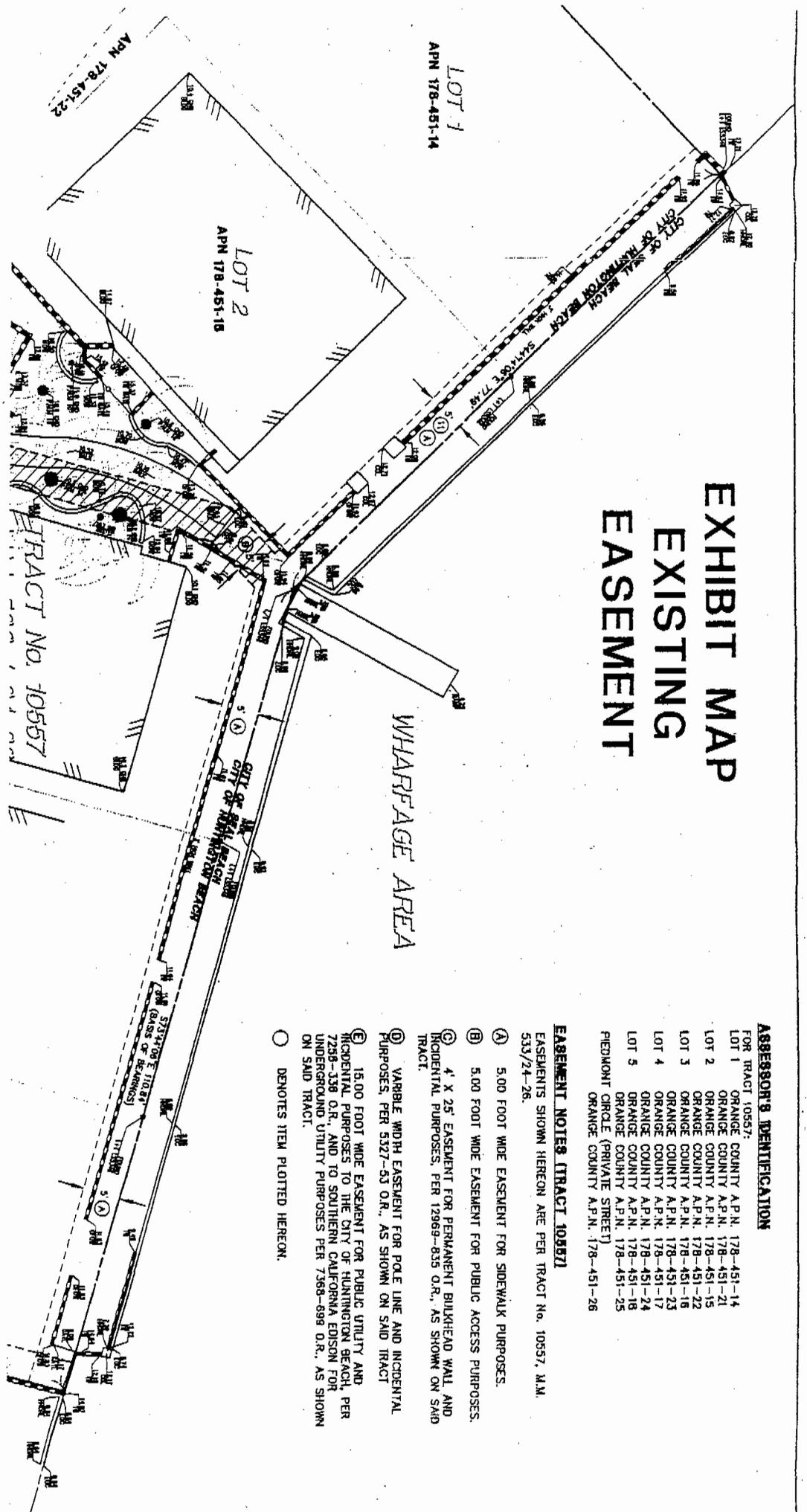
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Vote for your city's best dining and nightlife. City's Best 2008.

**COASTAL COMMISSION**  
5-07-385 A1  
EXHIBIT # 11  
PAGE 1 OF 1

6/16/2008

# EXHIBIT MAP EXISTING EASEMENT



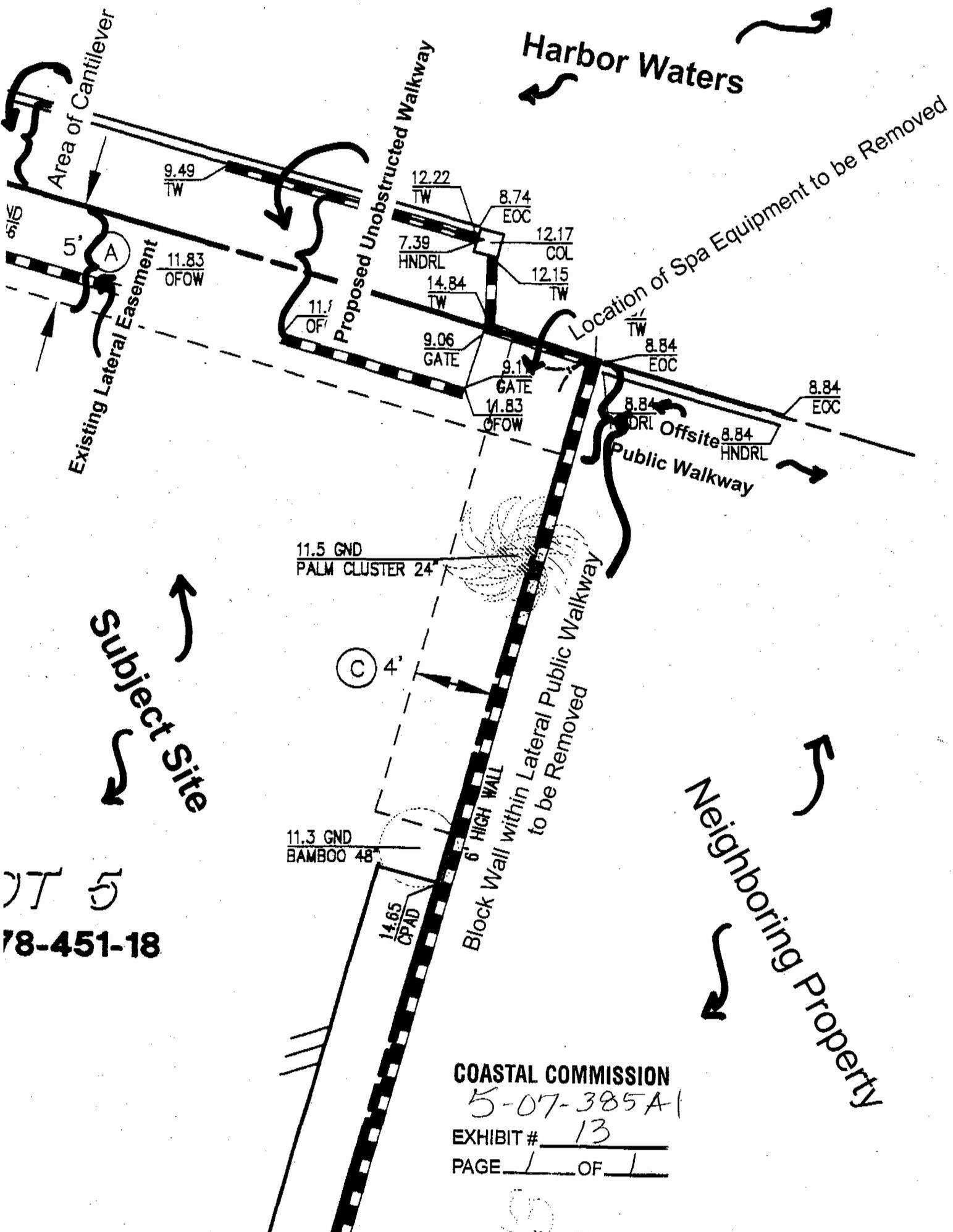
**ASSESSOR'S IDENTIFICATION**

- FOR TRACT 10557:
- LOT 1 ORANGE COUNTY A.P.N. 178-451-14
- ORANGE COUNTY A.P.N. 178-451-21
- LOT 2 ORANGE COUNTY A.P.N. 178-451-15
- ORANGE COUNTY A.P.N. 178-451-22
- LOT 3 ORANGE COUNTY A.P.N. 178-451-16
- ORANGE COUNTY A.P.N. 178-451-23
- LOT 4 ORANGE COUNTY A.P.N. 178-451-17
- ORANGE COUNTY A.P.N. 178-451-24
- LOT 5 ORANGE COUNTY A.P.N. 178-451-18
- ORANGE COUNTY A.P.N. 178-451-25
- PIEDMONT CIRCLE (PRIVATE STREET)
- ORANGE COUNTY A.P.N. 178-451-26

**EASEMENT NOTES (TRACT 10557)**

- EASEMENTS SHOWN HEREON ARE PER TRACT No. 10557, M.M. 533/24-26.
- (A) 5.00 FOOT WIDE EASEMENT FOR SIDEWALK PURPOSES.
- (B) 5.00 FOOT WIDE EASEMENT FOR PUBLIC ACCESS PURPOSES.
- (C) 4' X 25' EASEMENT FOR PERMANENT BULKHEAD WALL AND INCIDENTAL PURPOSES, PER 12969-835 O.R., AS SHOWN ON SAID TRACT.
- (D) VARIABLE WIDTH EASEMENT FOR POLE LINE AND INCIDENTAL PURPOSES, PER 5327-83 O.R., AS SHOWN ON SAID TRACT
- (E) 15.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITY AND INCIDENTAL PURPOSES TO THE CITY OF HUNTINGTON BEACH, PER 7288-338 O.R., AND TO SOUTHERN CALIFORNIA EDISON FOR UNDERGROUND UTILITY PURPOSES PER 7368-899 O.R., AS SHOWN ON SAID TRACT.
- DENOTES ITEM PLOTTED HEREON.

**COASTAL COMMISSION**  
5-07-385A  
EXHIBIT # 12  
PAGE 1 OF 1



Harbor Waters

Location of Spa Equipment to be Removed

Existing Lateral Easement

Proposed Unobstructed Walkway

Public Walkway

Subject Site

Neighboring Property

11.5 GND PALM CLUSTER 24'

(C) 4'

11.3 GND BAMBOO 48'

6' HIGH WALL within Lateral Public Walkway to be Removed

14.65 CPAD

COASTAL COMMISSION

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EXHIBIT # 13

PAGE 1 OF 1

DT 5  
78-451-18

50