

SOUTH COAST DISTRICT

COMMISSION HEARING OF
November 14, 1996 at 9:00 a.m.
Radisson Hotel/Mission Valley
1433 Camino del Rio South, San Diego

DISTRICT DIRECTOR'S REPORT

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8044F/1m

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

Date: October 31, 1996

TO: Noel T. Hart
729 High Drive
Laguna Beach, CA 92651

SUBJECT: **Waiver of Coastal Development Permit Requirement/Improvements to Existing Single-Family Residences or Structures - Section 30610(a) and (b) of the Coastal Act**

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c) or Section 13253(c), Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-96-228 APPLICANT: William Applebee

LOCATION: 1216 W. Oceanfront Walk, City of Newport Beach, County of Orange

PROPOSED DEVELOPMENT: Interior remodeling and additions to an existing 1,373 square foot two-story single-family residence and detached one-story two-car garage. Additions consist of; (1) 741 square feet comprised of both a new first floor addition which would connect the currently separated home and garage, and an expansion of the second floor of the home, (2) a 240 square foot one-car garage attached to the existing garage, and (3) a new 780 square foot second floor over the existing garage and proposed carport. The resultant structure would be 22 feet high.

RATIONALE: The subject site is a beachfront lot located between the first public road and the sea. The proposed additions would result in an addition of more than 10% of the existing structure and thus would not be exempt pursuant to Section 13250 of the California Code of Regulations. The proposed development would not result in an intensification of use of the site. Vertical access exists via the nearby 12th and 13th Street street-ends. Lateral access exists via the adjacent public walkway. The proposed development would be not result in significant adverse impacts to public access, public recreation opportunities, nor coastal resources, and would be consistent with the City's Certified Land Use Plan, past Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996, meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Handwritten signature of Charles Damman in cursive script.

CHARLES DAMM
South Coast District Director
cc: Commissioners/File
7988F:jta

by: Handwritten signature of Pete Wilson in cursive script.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



Date: November 12, 1996

TO: Commissioners and Interested Persons
FROM: Charles Damm
South Coast District Director
SUBJ: De Minimis Waivers, Meeting of November 12-15, 1996

The following is a listing for the De Minimis Waivers issued by the Long Beach Office for the Commission meeting on November 14, 1996. Copies of the waivers are also attached for your review. Each waiver includes a description of the proposed development, its location and rationale for its recommended issuance.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to the applicant for posting at the project site. Additionally, these waivers are available for public review and comment at the District Office.

WAIVERS:

5-96-207

5-96-211

5-96-215

5-96-216

5-96-217

5-96-220

5-96-222

5-96-233

8043F/1m

APPLICANTS:

City of Long Beach Dept. of Parks & Rec.

Jim DeVareness

Chuck Foulger

Peter & Mimi Buckley

Kevin Weeda

Ron & Linda Moss

Michael Stone

Peter & Janet Tong

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: October 17, 1996

TO: City of Long Beach
Department of Planning & Building
333 W. Ocean Boulevard
Long Beach, CA 90802

SUBJECT: **Waiver of Coastal Development Permit Requirement/De Minimis Developments—Section 30624.7 of the Coastal Act**

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a Coastal Development Permit is obtained or any discrepancy is resolved in writing.

WAIVER #5-96-207 APPLICANT: City of Long Beach Dept. of Parks & Recreation

LOCATION: 4320 Olympic Plaza, City of Long Beach, Los Angeles County.

PROPOSED DEVELOPMENT: Construct an 8 foot high wall to enclose an existing 70'x 20' concrete slab in the City's beach maintenance yard area in order to screen beach clean-up debris from public view prior to off-site disposal.

RATIONALE: The proposed project is located seaward of the public beach parking lot and landward of the beach bicycle path. It will not occupy any existing sandy beach area. The concrete slab enclosed by the proposed wall is currently a maintenance area used by the City for the deposition of beach clean-up debris prior to its disposal off-site. The proposed project will improve the visual character of the public beach by screening from view the trash and debris which the City routinely collects from its beaches. Therefore, the proposed project will have no negative impacts on coastal access, recreational opportunities, or coastal resources, and is consistent with the certified LCP and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996 meeting in San Diego and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a Coastal Development Permit will be required.

Charles Damm
 CHARLES DAMM
 South Coast District Director

by: Pam

cc: Commissioners/File
 7869F:CP

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: November 1, 1996

TO: Barbara Coffman
1316 Third Street, #101
Santa Monica, CA 90401

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER #5-96-211 APPLICANT: Jim DeVareness

LOCATION: 1309 Palisades Beach Road, Santa Monica

PROPOSED DEVELOPMENT: Remodel and addition of an existing one-story 1,751 square foot triplex by eliminating one unit and adding 2,105 square feet to the remaining two units for a total of 3,478 square feet and a height of 38 feet 9 inches. A 378 square foot two-car tuck-under garage will be added with an open area for two additional spaces for a total of four parking spaces.

RATIONALE: The proposed project is consistent with the 40-foot height limit and with the setback requirements as established by the Commission through past Commission permit action. The proposed project is consistent with the character and scale of the surrounding development and with all relevant policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
 South Coast District Director

by: *Pam Coonan*

cc: Commissioners/File

8001F

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Date: October 17, 1996

TO: Bayshore Dock Co.
attn: Randy Adams
19248 Main Street

Huntington Beach, CA 92648

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis
Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-96-215 APPLICANT: Chuck Foulger

LOCATION: 17045 Edgewater Lane, Huntington Beach, Orange County

PROPOSED DEVELOPMENT: Demolition of wooden cantilevered deck and construction of new 38 foot long concrete deck cantilevered 5 feet beyond the bulkhead.

RATIONALE: The proposed development will have no adverse impacts on coastal access or resources, is consistent with the City's certified LCP, with past Commission actions in the area, and with the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.


CHARLES DAMM
South Coast District Director

by: 

cc: Commissioners/File

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: November 7, 1996

TO: - Marci Rudolph
2015 Oak Street
Santa Monica, CA 90405
 - Tom Powers: Fernau & Hartman
2512 9th Street, #2
Berkeley, CA 94710

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-96-216 APPLICANT: Peter & Mimi Buckley

LOCATION: 1205 - 1207 E. Balboa Blvd., City of Newport Beach, Orange County

PROPOSED DEVELOPMENT: The subject site consists of two lots; 1205 & 1207 E. Balboa Blvd. The home at 1205 E. Balboa was demolished by Waiver 5-95-269. A two-story, 21'3" high single-family residence exists at 1207 E. Balboa. The proposed project consists of the addition of a bedroom above the garage of the existing home at 1207 E. Balboa, a porch spanning both lots, and at 1205 E. Balboa a new building containing storage and a bedroom, outdoor shower and tub, two parking spaces, and trellis structures. The total enclosed living area would be 2,476 square feet for both lots. There would be a total of four parking spaces.

RATIONALE: Lateral access exists via the adjacent bikepath/walkway. Vertical access exists via the D Street street-end. The proposed development would not result in significant adverse impacts to public access, public recreation, or coastal resources, and is consistent with the City's certified land use plan, past Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Dam
 CHARLES DAMM
 South Coast District Director
 cc: Commissioners/File
 8019F:jta

by: *J. C. Kynan*

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: October 18, 1996

TO: Karen Torkildson
Swift Slip
500 30th Street
Newport Beach, CA 92663

SUBJECT: **Waiver of Coastal Development Permit Requirement/De Minimis Developments—Section 30624.7 of the Coastal Act**

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-96-217 APPLICANT: Kevin Weeda

LOCATION: 313 Via Lido Soud, City of Newport Beach, County of Orange

PROPOSED DEVELOPMENT: Enlarge an existing boat dock by installing a 3'x22' gangway, a 6'x60' float, and two 16" diameter guide piles. The existing 10'x14' pier will remain.

RATIONALE: The proposed project will not extend channelward of the U.S. Project Line. The proposed project would not have significant adverse impacts on coastal resources, public access or public recreation opportunities, and would be consistent with the City of Newport Beach certified land use plan, past Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
 South Coast District Director

by: *[Signature]*

cc: Commissioners/File
 7909F:jta

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: October 22, 1996

TO: Cash & Associates
5772 Bolsa Ave., Suite 100
Huntington Beach, CA 92649

SUBJECT: Maiver of Coastal Development Permit Requirement/De Minimis
 Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-96-220 APPLICANT: Ron & Linda Moss

LOCATION: 16251 San Clemente, Huntington Beach, Orange County

PROPOSED DEVELOPMENT: Removal and replacement of existing cantilevered deck and private boat dock. The new concrete deck will be 5 feet by 85 feet and will be cantilevered 5 feet beyond the bulkhead. The new boat dock will be comprised of concrete encased polystyrene pontoons with timber frame decking (10' x 80'), timber gangway (3' x 23'), and four 14" prestressed concrete piles.

RATIONALE: The proposed development will not extend beyond the pierhead line. The proposed development will have no adverse impacts on coastal access or resources, is consistent with the City's certified Local Coastal Program, and with the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 12-15, 1996 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm
 CHARLES DAMM
 South Coast District Director

by: Pete Wilson

cc: Commissioners/File

7930F

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Date: October 25, 1996

TO: Tien Chu
217 20th Street
Santa Monica, CA 90402

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a Coastal Development Permit is obtained or any discrepancy is resolved in writing.

WAIVER #5-96-222 APPLICANT: Michael Stone

LOCATION: 18 Ozone Avenue, Venice, City of Los Angeles, Los Angeles County

PROPOSED DEVELOPMENT: Construction of a 29.5 foot high, two-story over basement, 5,425 square foot single family residence on a vacant lot. A 560 square foot three-car garage is located in the basement.

RATIONALE: The proposed project has received an approval in concept from the City of Los Angeles and is consistent with the RD1.5-1 zoning designation and the surrounding land uses. The proposed project conforms to the density limit of the site, the 30 foot height limit, and adequate on-site parking is provided. The proposed project is consistent with community character, will have no effect on visual resources, and will not impact coastal access. The project is consistent with the Chapter 3 policies of the Coastal Act and previous Commission approvals and will not prejudice the City's ability to prepare an LCP.

This waiver will not become effective until reported to the Commission at their November 14, 1996 meeting in San Diego and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a Coastal Development Permit will be required.

Charles Dam
 CHARLES DAMM
 South Coast District Director

by: Pam Lin

cc: Commissioners/File
 6963F:CP

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Date: November 5, 1996

TO: Barbara Ashba
Ashba Engineers Limited
P.O. Box 90833
Long Beach, CA 90809-0833

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis
Developments—Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a Coastal Development Permit is obtained or any discrepancy is resolved in writing.

WAIVER #5-96-233 APPLICANTS: Peter P. Tong & Janet L. Tong

LOCATION: 5490 The Toledo, Naples, City of Long Beach, Los Angeles County.

PROPOSED DEVELOPMENT: Replace existing brow, platform, four piles and floating dock with new brow, platform, four piles and floating dock.

RATIONALE: The proposed project is an improvement to an existing boating facility which will have no significant impact on coastal resources or coastal access. The proposed project is consistent with City of Long Beach certified LCP and has received an approval in concept from the City. The proposed project is consistent with the Chapter 3 policies of the Coastal Act and previous Commission approvals.

This waiver will not become effective until reported to the Commission at its November 14, 1996 meeting in San Diego and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a Coastal Development Permit will be required.



CHARLES DAMM
South Coast District Director

by: 

cc: Commissioners/File
8008F:CP

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



8 November 1996

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that Stephen M. Gaggero formerly known as Stephen M. Blanchard has applied for a one year extension of Permit No. 5-90-789 granted by the California Coastal Commission on 10 November 1991 for construction of a 31 ft. high, 5-level, 24,267 sq. ft. gross area (21,629 net area) retail/fast food center with 2580 sq. ft. food service plaza, including offices, retail, food stands and food plaza, and including 38,592 sq. ft. 2-level subterranean parking lot, with 151 parking spaces.

at 601 Ocean Front Walk, Venice, Los Angeles County

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive...and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

PETER M. DOUGLAS
Executive Director

By: Charles Posner

Title: Coastal Program Analyst

CP:b11

8033F

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



8 November 1996

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that City of San Clemente has applied for a one year extension of Permit No. 5-90-1120 granted by the California Coastal Commission on 8 January 1991 for: addition of approximately 1,710 square feet of exterior deck area and interior storage/refrigeration area to an existing 7,951 square foot restaurant on the Municipal Pier. The service area is to accommodate 56 additional seats.

at: the San Clemente Pier, 611 Avenida Victoria, San Clemente, Orange County

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive...and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

PETER M. DOUGLAS
Executive Director

By: Robin Maloney-Rames

Title: CPA II

RMR:b11

8034F

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

October 24, 1996

TH3a

TO: Commissioners and Interested Persons

FROM: Charles Damm, South Coast Deputy Director
Teresa Henry, South Coast District Manger
Stephen Rynas, Orange County Area Supervisor

SUBJECT: **MINOR AMENDMENTS TO THE IMPLEMENTATION PROGRAM FOR THE FOLLOWING CERTIFIED LOCAL COASTAL PROGRAMS: BOLSA CHICA 1-96, NEWPORT COAST (IRVINE COAST) 2-96, SUNSET BEACH 1-96, EMERALD BAY 1-96, AND ALISO VIEJO 1-96.** These amendments will be reported to the California Coastal Commission at its hearing of November 12-15, 1996

Amendment Description

The County of Orange has requested to amend the certified local coastal programs for five LCP segments in unincorporated Orange County. The five affected LCP segments are: Bolsa Chica, Newport Coast (Irvine Coast), Sunset Beach, Emerald Bay, and Aliso Viejo. The amendment request proposes to revise Section 7-9-118.6 of the Orange County Zoning Code. Section 7-9-118.6 of the Orange County Zoning code contains the coastal development permit procedures utilized by all five LCP segments.

The amendment request proposes to redraft the County's noticing procedures for the "Notice of Final Action" to make them consistent with Section 30603 of the Coastal Act and Section 13571 of the California Code of Regulations. Section 30603 of the Coastal Act was amended in 1995 to specify that appeals of a local government decision to the Commission must be made by the close of business on the 10th working day from receipt by the Commission of the Notice of Final Action. The County has modified its noticing procedures to incorporate this change and to send the Commission its Notice of Final Action upon expiration of the County's appeal period.

Additionally, the amendment request adds language to establish procedures for dealing with a permit should the County fail to act on a permit within time limits consistent with Section 13571 of the California Code of Regulations. In this situation, the person claiming a right to proceed pursuant to Government Code Sections 6950-6957 would notify, in writing, the County and the Commission of his or her claim that the development has been approved by operation of law. The County has also added additional language for defining when an appeal can be

made to the Commission consistent with Section 30603 of the Coastal Act. The added text clarifies that development located in a sensitive coastal resource area can be appealed to the Commission.

Executive Director's Determination

Pursuant to Section 30514 of the Coastal Act and Section 13554 of the California Code of Regulations, the Executive Director has determined that the proposed amendments are "*minor*" in nature. Section 13554(c) specifies that changes in the notification and hearing procedures that would be consistent with the requirements of the Coastal Act qualify as minor revisions. Furthermore, the proposed amendments would not result in any change in the intensity, kind, or density of land use.

The County Planning Commission held a public hearing on July 17, 1996 on the proposed LCP amendments. The Orange County board of Supervisors held a public hearing on August 13, 1996 on the proposed LCP amendments.

The proposed revisions to Section 7-9-118.6 of the Orange County Zoning Code are consistent with the Coastal Act. Therefore, the Executive Director has determined that the following minor local Coastal Program amendments, as submitted, are consistent with and implement the applicable certified land use plans: Bolsa Chica 1-96, Newport Coast (Irvine Coast) 2-96, Sunset Beach 1-96, Emerald Bay 1-96, and Aliso Viejo 1-96. Additionally, the amendments will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

Procedures

Any written objections received within ten (10) working days of the mailing of the "Notice of Minor LCP Amendment Determination" shall be reported to the Commission in writing at the meeting date referenced above. Should one-third of the appointed members of the Commission request, the LCP amendments will then be redesignated and processed as a "*major*" LCP amendment pursuant to Section 13555 of the California Code of Regulations. Should the Commission concur with the Executive Director's Determination, the proposed Local Coastal Program amendments will become effective pursuant to Section 13555 of California Code of Regulations. For further information, please contact Stephen Rynas in the Long Beach office at 310-590-5071.

file 40
COO
EMA/Admin
EMA/PLANNING
Frank Mel
John Sugar
COO
8/23/96

Resolution of the Board of Supervisors
Orange County, California
August 13, 1996

On motion of Supervisor Saltarelli, duly seconded and carried, the following Resolution was adopted:

WHEREAS, Negative Declaration IP96-101 was prepared and posted per CEQA, and

WHEREAS, the Planning Commission conducted a noticed public hearing on July 17, 1996 on Zoning Code Amendment CA 96-2 and recommends adoption of CA 96-2; and

WHEREAS, this Board has conducted a noticed public hearing on CA 96-2.

NOW, THEREFORE, BE IT RESOLVED that this Board:

1. Finds that in accordance with Section 21080 (c) of the California Environmental Quality Act, Negative Declaration No. IP 96-101, which reflects the independent judgment of the lead agency, satisfies the requirements of CEQA and is approved for the proposed project based upon the following:
 - a. The Negative Declaration and Comments on the ND received during the public review process were considered and the ND was found adequate in addressing the impacts related to the project; and
 - b. There is no substantial evidence that the project will have a significant effect on the environment.
2. Finds that pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.
3. Finds that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.
4. Intends to adopt the draft ordinance prepared for CA 96-2.
5. Directs EDA to file amended Zoning Code section 7-9-118.6, "Coastal development permit procedures," with the Coastal Commission for certification per State law.

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

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William G. Steiner

VICE Chairman of the Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

Darlene J. Bloom

DARLENE J. BLOOM
Clerk of the Board of Supervisors
Orange County, California

AYES: SUPERVISORS DONALD J. SALTARELLI, JAMES W. SILVA, AND
WILLIAM G. STEINER

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS ROGER R. STANTON AND MARIAN BERGESON

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Supervisors of Orange
County, California, hereby certify that the above and foregoing
Resolution was duly and regularly adopted by the said Board at a
regular meeting thereof held on the 13th day of August, 1996, and
passed by a unanimous vote of said Board members present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this
13th day of August, 1996.

Darlene J. Bloom
DARLENE J. BLOOM
Clerk of the Board of Supervisors of
Orange County, California

1 SECTION 3. Sec. 7-9-118.6 of the Codified Ordinances is hereby amended to read
2 follows:

3 Sec. 7-9-118.6. Coastal development permit procedures.

4 (a) Approving authority and appellate body.

5 Each coastal development permit application shall be processed in compliance with
6 the requirements for use permits per section 7-9-150 unless otherwise stated
7 herein. Normally, the approving authority for coastal development permits shall
8 be the Zoning Administrator and the Planning Commission the appellate body. However,
9 as provided for by section 7-9-150, when the Director, EMA, determines that the
10 public interest would be better served, the Director may forward the application
11 to the Planning Commission for action. In such cases, the Board of Supervisors shall
12 serve as the appellate body.

13 (b) Application requirements.

14 Each application for a coastal development permit shall be filed in the form and
15 number prescribed by the Director, EMA, and shall be accompanied by:

16 (1) Payment of fee set by resolution of the Board of Supervisors.

17 (2) A location map showing the area to be developed in relation to nearby lots,
18 streets, highways and major natural features such as the ocean, beaches,
19 wetlands and other major landforms.

20 (3) A plan, drawn to scale, in sufficient detail to indicate compliance with the
21 certified Local Coastal Program.

22 (4) Any additional information determined by the Director, EMA, to be necessary
23 for evaluation of the proposed development.

24 (c) Referral of application.

25 It shall be the duty of the Director, EMA, to: 1) forward applications for comment
26 to other reviewing officials and/or agencies as may be required by Local Coastal
27 Program policies, and 2) forward each application for a coastal development permit
28 together with his recommendation thereon, to the approving authority for action.

Any person may submit written comments on an application for a coastal development
permit, at any time prior to the close of the applicable public hearing. Written
comments shall be submitted to the Director, EMA, who shall forward them to the
approving authority.

(d) Public notice.

(1) A notice shall be mailed or delivered by the Director, EMA, at least ten
calendar days before the public hearing on coastal development permit
applications to the following people and agencies:

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- a. Applicant.
- b. All persons owning property within 300 feet from the exterior boundaries of the premises to which the application pertains.
- c. All persons residing on a building site within 100 feet from the exterior boundaries of the premises to which the application pertains.
- d. The Coastal Commission.
- e. Any board or committee as provided in the certified LCP.
- f. Public agencies which, in the judgment of the Director, DCA, may have an interest in the project.
- g. All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, or who have submitted self-addressed, stamped envelopes.

(2) Contents of notice.

- a. A statement that the development is within the Coastal Zone.
- b. The date of filing of the application and the name of the applicant.
- c. The number assigned to the application.
- d. A brief description of the development and its proposed location.
- e. The date, time and place at which the application will be heard by the local approving authority.
- f. A brief description of the general procedure for the conduct of the hearing and possible actions.
- g. The system for County and Coastal Commission appeals.
- h. The fee for filing appeals.

(3) If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or stated at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in subsections "(1)" and "(2)" above.

(e) Findings.

A coastal development permit application may be approved only after the approving authority has made the findings required in section 7-9-150 and below:

- (1) Specific factual findings that the proposed development project conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

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1 (2) In addition to the findings required for a variance by section 7-9-150, the
2 following finding shall also be made: "Approval of the application will
3 result in a project which is in full compliance with the requirements of a
4 certified land use plan."

5 (f) Appeals to the appellate body.

6 The approving authority's decision regarding any coastal development permit
7 application may be appealed in compliance with the provisions of section 7-9-150
8 Any person may submit written comments on a coastal development permit at any time
9 prior to the close of the applicable public hearing. Written comments shall be
10 submitted to the Director, DPA, who shall forward them to the appellate body.

11 (g) Notice of final County decision.

12 Within seven calendar days of (A) the appellate body decision or (B) the expiration
13 of the 15 calendar day appeal period to the appellate body, a notice of it shall
14 be sent by first class mail to the following:

- 15 (1) The applicant.
- 16 (2) All persons who have submitted a written request for notification of action
17 this specific permit and who have submitted self-addressed, stamped envelope
- 18 (3) The Coastal Commission district office.
- 19 (4) Any board or committee as provided by the certified LCP.

20 The notice shall include conditions of approval and written findings. For
21 decisions on developments which are appealable to the Coastal Commission, the
22 notice shall include procedures for appeal of the County decision on the coastal
23 development permit to the Coastal Commission. (Coastal Act/30333, 30620; 14. Ca
24 Code of Regulations/13571(a)).

25 (h) Final County decision.

26 The County's decision on the coastal development permit application shall be
27 considered final when both the following occur:

- 28 (1) All findings required by section 7-9-118.6(e) have been adopted.
- 29 (2) All rights to appeals before the appellate body have been exhausted.

30 However, the County's final decision shall not become effective if either of the
31 following occur:

- 32 a. The notice of final County action does not meet the requirements of
33 section "(g)" above.
- 34 b. An appeal is filed with the Coastal Commission prior to expiration of the
35 Coastal Commission appeal period.

1 When either of the circumstances above occur, the Executive Director of the Coastal
2 Commission shall, within five (5) calendar days of receiving the notice of final
3 local government action, notify the County that the effective date of the County
4 action has been suspended.

5 (1) Appeals to the Coastal Commission.

6 (2) Appealable developments.

7 A decision regarding a coastal development permit application for any of the
8 following projects may be appealed to the Coastal Commission. Any such
9 development may be appealed directly to the Coastal Commission without
10 exhausting the appeal procedures to the appellate body provided such appeal
11 complies with the adopted regulations of the Coastal Commission.

12 a. Development projects approved by the County located within any appealable
13 area, as follows:

14 1. All areas between the sea and the first public road paralleling the
15 sea, or within 100 feet of the inland extent of any beach or the sea
16 high tide line of the sea where there is no beach, whichever is the
17 greater distance;

18 2. All areas not included in paragraph "1." above that are located on
19 tidelands, submerged lands, public trust lands, within 100 feet of
20 wetland, estuary, or stream and all area within 300 feet, both seaward
21 and landward, of the top of the seaward face of any coastal bluff;

22 3. All areas not included within paragraphs "1." or "2." above that are
23 located in a sensitive coastal resource area.

24 b. Any development project approved by the County that is not designated as
25 the "principal permitted use" as defined in section 7-9-118.3;

26 c. Any development project which constitutes a major public works project or
27 a major energy facility.

28 (2) Appeal procedures.

1 An appeal of a decision may be filed by the applicant, by an aggrieved
2 person, or by any two members of the Coastal Commission.

3 An appeal of a decision shall be filed before the expiration of the ten
4 working day appeal period. The ten working day appeal period begins the
5 day following receipt by the Coastal Commission of the County's Notice of
6 Final Action which meets the requirements of section "(g)" above.

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1 (j) Failure to act-notice.

2 (1) Notification by applicant.

3 If the County has failed to act on an application within the time limit set
4 forth in Government Code Sections 65950-65957.1, thereby approving the
5 development by operation of law, the person claiming a right to proceed
6 pursuant to Government Code Sections 65950-65957.1 shall notify, in writing
7 the County and the Coastal Commission of his or her claim that the developm
8 has been approved by operation of law. Such notice shall specify the
9 application which is claimed to be deemed approved.

7 (2) Notification by County.

8 If it is determined by the Director, EMA, that the time limits established
9 pursuant to Government Code Sections 65950 through 65957.1 have expired, and
10 the notice required by law has occurred, the Director shall, within seven (7)
11 calendar days of such determination, notify the Coastal Commission and any
12 persons or group entitled to receive notice pursuant to section 7-9-118.6 (d)
13 above that the application has been approved by operation of law pursuant to
14 Government Code Sections 65950-65957.1 and, if applicable, that the applica-
15 tion may be appealed to the Coastal Commission pursuant to section 7-9-118.6
16 (i) above. This section shall apply equally to a determination by the Count
17 that the development has been approved by operation of law and to a judicial
18 determination that the development has been approved by operation of law.

14 SECTION 4. Sec. 7-9-126 of the Codified Ordinances is hereby amended to read as
15 follows:

16 Sec. 7-9-126. Building Site Requirements.

17 No building permit and no certificate of use and occupancy shall be issued for a
18 building or use of land until the Director, EMA, has verified by official records that
19 the parcel of land upon which such building or use of land is to be established is a
20 building site.

19 (a) Lawful, nonconforming building sites.

20 (1) Any parcel of land that was established as a building site by the recordatio
21 of a final tract map, a final parcel map, a record of survey recorded pursua
22 to an approved division of land, a lot line adjustment, a certificate of
23 compliance; or by a deed of conveyance or contract of sale or in any other
24 legal manner recorded prior to May 24, 1962, and which complied with all of
25 the requirements of all the County ordinances in effect at the time of
26 recordation in the office of the County Recorder (or the Los Angeles County
27 Recorder, if recorded prior to the formation of Orange County) is considered
28 to be a building site.

25 (2) Building sites established by "(1)" above that are subsequently reduced in
26 area by rights of way or easements that prohibit the surface use of property
27 may be established as legal building sites if the Director, EMA, determines
28 that the site will be able to provide a building envelope comparable to
similar building sites in the area.

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