

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-90-1143 A

APPLICANT: Koll Real Estate Group AGENT: Larry Brose

PROJECT LOCATION: 4998 Los Patos Avenue, (on Bolsa Chica Mesa), Orange County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Demolish and remove two gun emplacement battery's (#128 & #242) and water cistern, totalling 50,000 cubic yards. Crush concrete from demolition and place in voids created by removal. Build 30,000 cubic yard berm from earth materials covering battery 128 for acoustic buffering. After demolition and crushing of concrete, berm will be spread over 19 acres at a depth of one foot. Removal of aggregate material 2 years from County grading permit issuance.

## DESCRIPTION OF AMENDMENT (currently proposed change to previous approval):

Modify Special Condition No. 1 by deleting last sentence. The last sentence of Special Condition No. 1 requires an amendment or new coastal development permit if the aggregate material (from the bunker demolition) is to be stockpiled beyond 2 years from the date of issuance of the local grading permit. Also proposed is a revision to the final grading plan to limit deposition of excavated material to a smaller area than previously approved.

## SUBSTANTIVE FILE DOCUMENTS:

5-90-1143 (Koll/Signal Landmark) Coastal Development Permit

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.

The Executive Director has determined that the proposed amendment is a material change to the previously approved project.

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.

#### SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

#### STAFF RECOMMENDATION

##### I. APPROVAL

The Commission hereby grants an amendment to the permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

##### II. SPECIAL CONDITIONS:

None; but all previous conditions, except the change approved by this amendment shall remain in effect. Revised Special Condition No. 1 shall read as follows:

###### 1. Non-Prejudice

The applicant understands that approval of this project does not in any manner pre-determine the type, intensity, final grading elevations or setbacks from the bluff edge of any other development which may be approved on the upper mesa.

##### III. FINDINGS AND DECLARATIONS

The Commission finds and declares:

###### A. Amendment Description

The applicant proposes to modify Special Condition No. 1 of the original permit by deleting the last sentence. The last sentence of Special Condition No. 1 requires an amendment or new coastal development permit if the aggregate material (from the bunker demolition) is to be stockpiled beyond 2 years from the date of issuance of the local grading permit. The result of removing the last sentence would be to allow storage of the stockpile material at the subject site indefinitely. Also proposed is a revision to the final grading plan to limit deposition of excavated material to a smaller area than previously approved.

The local grading permit was issued on September 3, 1993. Grading at the subject site began on September 9, 1993. The stockpiled material remains on the mesa. Consequently, consistent with the existing requirement of Special Condition No. 1, the applicant has submitted an amendment request.

## B. Analysis of Amendment Request

### 1. Rubble Storage

Special Condition No. 1 as approved by the Commission states:

The applicant understands that approval of this project does not in any manner pre-determine the type, final grading elevations or setbacks from the bluff edge of any other development which may be approved on the upper mesa. An amendment or new coastal development permit shall be required if the aggregate material is to be stockpiled beyond 2 years from the issuance of the local grading permit. (Underlining indicates the portion of the special condition proposed to be removed.)

The special condition required that the applicant understand that approval of the original permit would not result in any entitlement for future development of the site. The intent of the special condition was to prevent prejudicing Commission action on the Local Coastal Program (LCP) for the area (the Bolsa Chica area of unincorporated Orange County). The special condition makes clear that any future use in the area of the original permit will be subject to the full Coastal Act review. The original permit did not provide any future entitlement. In part the Commission was concerned that storing the material on site could be viewed as acknowledgement that future development would be approved. The special condition was required to ensure that no such misrepresentation resulted from approving the original permit.

The applicant is proposing to remove the last sentence of Special Condition No. 1. The last sentence requires the applicant to obtain an amendment to the original permit or a new coastal development permit if the aggregate material is stockpiled longer than two years from the date of issuance of the grading permit. The aggregate material storage will exceed two years. Consequently, the applicant has submitted this amendment request to meet the requirement of the special condition.

Continued storage of the stockpile material will not create adverse impacts on coastal access or resources. In approving the original permit, the Commission considered potential impacts the project may have on: prejudicing preparation of a Local Coastal Program for the area; geologic hazards; adverse wetland/wildlife impacts; and impacts to archeological/historical resources. The Commission found that as conditioned, the project was consistent with these Chapter 3 Coastal Act concerns.

Continued storage of the rubble material will not create new adverse impacts that were not addressed under the original permit. Storage of the rubble material indefinitely on the subject site will not adversely effect coastal access or resources in that the wetlands will not be effected, nor will the geologic stability of the site be effected. No impacts to archaeological or historical resources will occur from continuing to store the material in its current location.

The Commission recently certified a Local Coastal Program for the Bolsa Chica area. The presence of the stored rubble was not a factor in the Commission's decision. The potential for the continued storage of the rubble to prejudice a future LCP action (should the recent action lapse) is also not expected to be a factor. Pursuant to the portion of Special Condition No. 1 of the original permit (which will remain in effect), the applicant understands that no entitlement to future development was provided for the subject site with approval of that permit. Similarly, if the Commission's most recent action on the LCP lapses, no entitlement will be provided as a result of approval of this amendment allowing continued storage of the aggregate rubble material at the subject site.

Therefore, the Commission finds that the proposed removal of the last sentence of Special Condition No. 1, is consistent with the Chapter 3 policies of the Coastal Act.

## 2. Revised Final Grading Plan

The applicant proposes to modify the grading plans approved under the original permit. The proposed revision to the grading plan would reduce the area effected by the project.

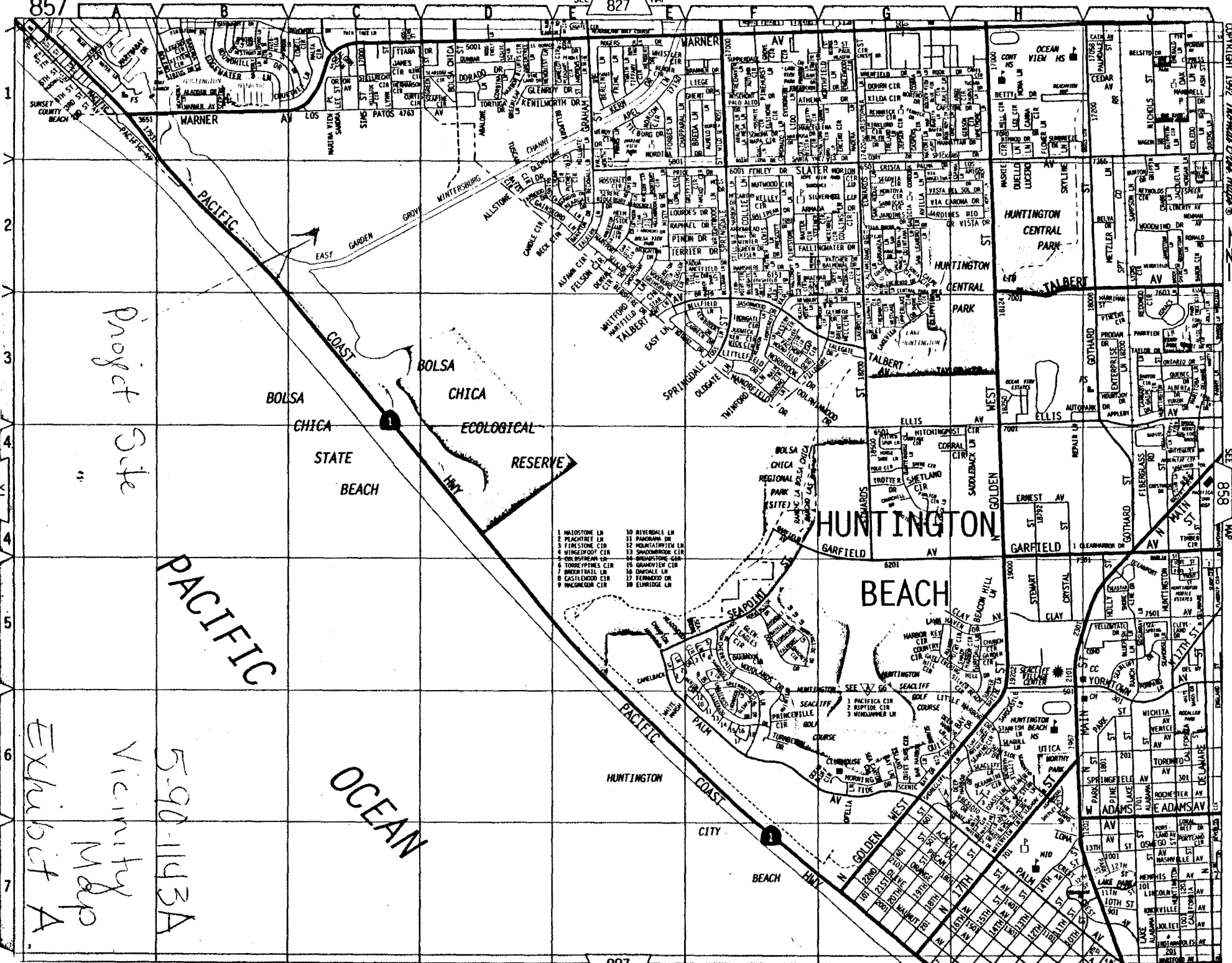
The original grading plan included removing the dirt from the top of the large bunker and placing it as an interim stockpile/noise berm during demolition of the bunker. The crushed concrete from the bunker demolition was to be placed in the depression caused by removal of the bunker and covered with a one foot soil cap. The remainder of the dirt from the interim stockpile/noise berm was to be spread one foot deep over an approximately 19 acre area.

The proposed revision to the grading plan would result in the crushed concrete being concentrated in the western portion of the former bunker footprint. The remaining portion of the depression will be backfilled with material from the interim stockpile/noise berm. The rest of the interim stockpile/noise berm will be used to cover the crushed concrete, and to fill over a dirt roadway, bringing it up to surrounding elevations. As a result, the approximately 19 acre area approved for placement of the material will not be disturbed. The highest graded elevation under the proposed revision will be 54.6 feet compared to the existing elevation of 50 to 54 feet.

The proposed revisions to the grading plan will result in less impact to the subject site than the grading plan as originally approved. Therefore, the Commission finds the proposed revision to the grading plan is consistent with the Chapter 3 policies of the Coastal Act.

## 3. Conclusion

For the reasons described above, the previously approved project with the proposed amendment, will not create adverse impacts to coastal access or coastal resources. Therefore, the Commission finds that the project with the proposed amendment is consistent with the Chapter 3 policies of the Coastal Act.



Project Site

PACIFIC

OCEAN

Exhibit A

5-90-1143A

Vicinity Map

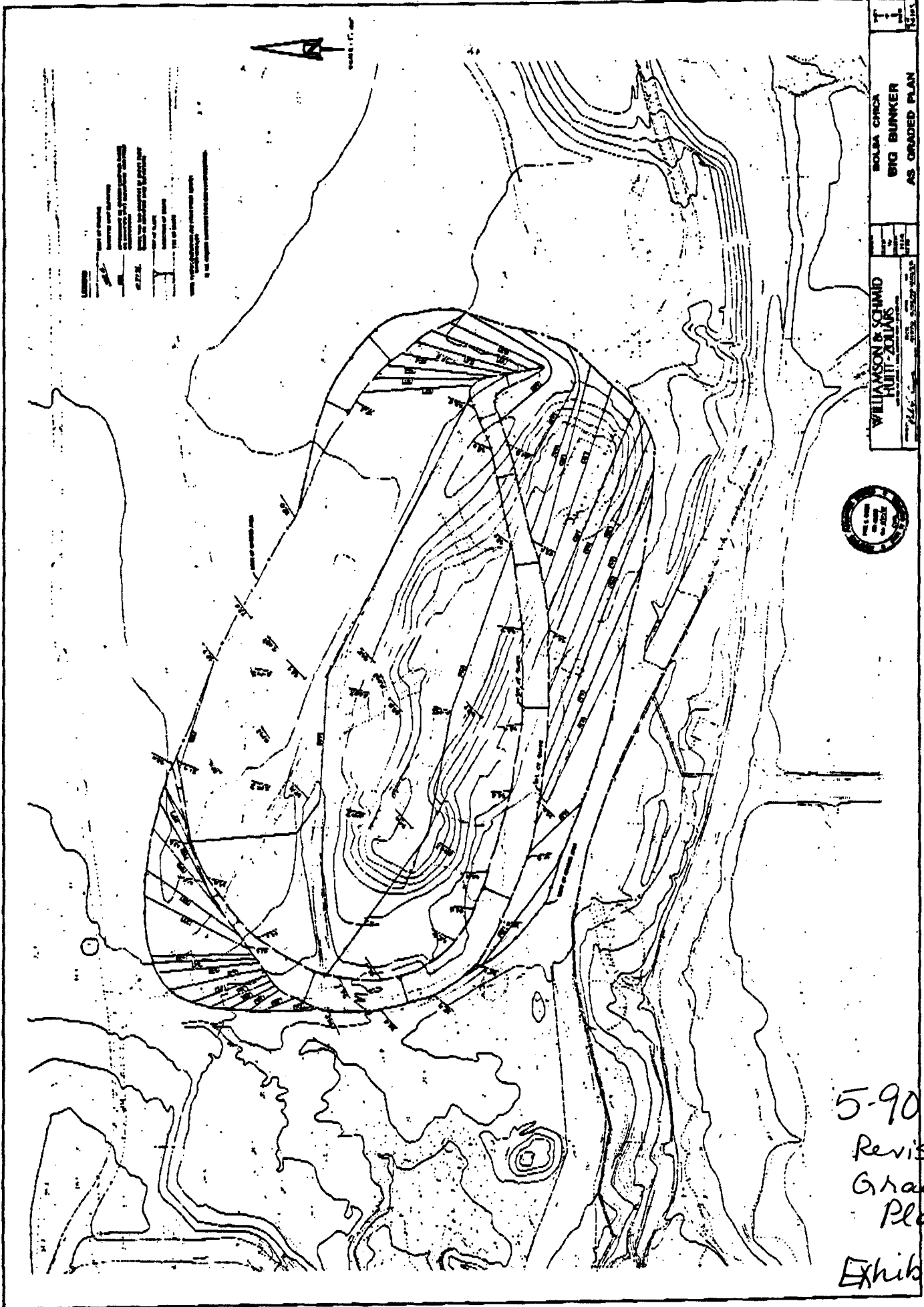
- 1 MAIDSTONE LN
- 2 PEACHTREE LN
- 3 FIRESTONE CIR
- 4 WINGFOOT CIR
- 5 COLBYVIEW DR
- 6 TORRE PINES CIR
- 7 INDUSTRIAL LN
- 8 CASTLEWOOD CIR
- 9 WILSON CIR
- 10 REVERDALE LN
- 11 PANDORA DR
- 12 HUNTINGTON CIR
- 13 SHADSBROWN CIR
- 14 WINDINGWOOD CIR
- 15 GRANVIEW CIR
- 16 DENTALE LN
- 17 FERNWOOD DR
- 18 ELMIDGE LN



PROJECT  
LOCATIONS

5-90-1143A  
Location  
Map  
Exhibit  
B

LOCATION MAP FIGURE 1



5-90-1143A  
 Revised  
 Grading  
 Plan  
 Exhibit C