

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT
200 Oceangate, 10th Floor
LONG BEACH, CA 90802-4416
(562) 590-5071 FAX (562) 590-5084
www.coastal.ca.gov

**Item F5****SOUTH COAST DISTRICT
(ORANGE COUNTY)
DEPUTY DIRECTOR'S REPORT**

*For the
February Meeting of the California Coastal Commission*

MEMORANDUM

Date: February 12, 2010

TO: Commissioners and Interested Parties
FROM: Sherilyn Sarb, South Coast District Deputy Director, Orange County
SUBJECT: *Deputy Director's Report (Orange County)*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for Orange County items for the February 12, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the South Coast District (Orange County).

DE MINIMIS WAIVERS

1. 5-08-128-W County Of Orange Department Of Public Works, Attn: Nardy Khan (Dana Point, Orange County)
2. 5-09-252-W Mr. & Mrs. Jeff Margolis (Corona Del Mar, Orange County)

IMMATERIAL AMENDMENTS

1. 5-07-334-A1 Becky & Perry La Forge (San Clemente, Orange County)
2. 5-09-003-A1 Mr. & Mrs. Allen Steiner (Newport Beach, Orange County)
3. 5-08-061-A1 Huntington Beach Wetlands Conservancy, Attn: Gary Gorman (Huntington Beach, Orange County)

EXTENSION - IMMATERIAL

1. 5-06-145-E2 UGS Development, Inc, Attn: Tom Utman (Newport Beach, Orange County)

TOTAL OF 6 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-08-128-W County Of Orange Department Of Public Works, Attn: Nardy Khan	concrete u-channel section within the San Juan Creek Point (Orange County) Bike Trail from the upstream face of Camino Las Ramblas bridge approximately 213' south of the south face of Pacific Coast Highway (PCH) bridge, a total of about 530 feet. A section of existing pavement will be removed and replaced with the concrete u-channel section. The new u-Channel section will be approximately 220' in length and a maximum 3'-6" in height. An existing 24" Caltrans storm drain outlet, which currently drains onto the bike trail and ultimately into San Juan Creek, will be rerouted under the bike trail to drain directly into San Juan Creek. The existing bike trail will be raised approximately 3' to accommodate the new storm drain outlet. Additional work will also take place: approximately 300 cubic yards of import; removal of one elderberry shrub closest to the PCH bridge; a cable guard fence approximately 3' in height will be installed along portions of the improved bike trail that faces San Juan Creek; portions of the new u-channel wall that faces San Juan Creek will also have a cable guard fence installed on top of it that will be approximately 6' in height; and a portion of the existing unpaved bike trail will be paved and a subterranean retaining wall constructed underneath. All work will take place within the footprint of the existing bike trail. No work is proposed within San Juan Creek. The county intends to construct the trail improvements during the dry winter months (outside of the "peak use" beach season) when there is no water along the west side of the channel; however, in the event of flooding while construction is underway a cofferdam would be used to protect the construction site. Any impacts associated with placement of the cofferdam would be temporary and the applicant proposes to restore the area to pre-existing conditions.	San Juan Creek Bike Trail (West Bank), Between Camino Las Ramblas/ Pch And Doheny Bch, Dana Point (Orange County)
5-09-252-W Mr. & Mrs. Jeff Margolis	Combine two (2) existing lots to create (1) 1.003 acre parcel. No other work is proposed	227 & 233 Evening Canyon Rd, Corona Del Mar (Orange County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-07-334-A1 Becky & Perry La Forge	Removal of existing 325 sq. ft. non-conforming, unpermitted basement (conversion into crawl space) and construction of new 789 sq. ft. basement level, pool replaced by drought tolerant non-invasive plantings. No changes to the first floor or second floor additions. The amended project results in a 6,823 sq. ft. two-story over basement level residence, attached 909 sq. ft. four-car garage, 810 sq. ft. loggia, 1,227 sq. ft. in decks, spa and landscaping.	320 W Avenida Gaviota, San Clemente (Orange County)
5-09-003-A1 Mr. & Mrs. Allen Steiner	Second floor is being eliminated as well as the proposed basement. The garage is being increased in size but the covered outdoor living and dining remains the same.	1358 East Oceanfront, Newport Beach (Orange County)
5-08-061-A1 Huntington Beach Wetlands Conservancy, Attn: Gary Gorman	Accommodate the inclusion of a public observation deck, or overlook, and maintenance dock in the Westernmost corner of Magnolia Marsh just behind the interpretive and wildlife care center	Huntington Beach Wetlands: Talbert Marsh, Brookhurst Marsh (and adjacent flood control channel); Magnolia Marsh (and adjacent flood control and Talbert Ocean Channel, Huntington Beach (Orange County)

REPORT OF EXTENSION – IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-06-145-E2 UGS Development, Inc, Attn: Tom Utman	Demolition of an existing 64-unit apartment complex and creation of a parcel map for 17 single-family residential lots. In addition, the project consists of construction of 17 custom single-family residences in accordance with height, setback and other development standards identified in the Planned Community Text. The existing vertical public access adjacent to the site will be made ADA compliant and widened to provide an 8-foot concrete walkway. In addition, the project proposes revising an existing lateral access by relocating the existing 6-foot floating public walkway and constructing an 8-foot landside ADA compliant walkway such that 3-feet of the walkway will be partially on land, with the remaining 5-feet cantilevered over the existing bulkhead. Grading will consist of 4,200 cubic yards of cut, 4,600 cubic yards of fill and 400 cubic yards of import.	919 Bayside Drive, Newport Beach (Orange County)

CALIFORNIA COASTAL COMMISSION

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



January 20, 2010

County of Orange, Department of Public Works
Attn: Nardy Kahn
300 N. Flower Street
Santa Ana, CA 92702

**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 Code of Regulations. 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#: 5-08-128 **APPLICANT:** County of Orange, Department of Public Works
Attn: Nardy Kahn

LOCATION: San Juan Creek Bike Trail (adjacent to Doheny State Beach and San Juan Creek), Dana Point
(Orange County)

PROPOSED DEVELOPMENT: The proposed project will replace an existing deteriorating wooden flood wall with a permanent concrete u-channel section within the San Juan Creek Bike Trail from the upstream face of Camino Las Ramblas bridge approximately 213' south of the south face of Pacific Coast Highway (PCH) bridge, a total of about 530 feet. A section of existing pavement will be removed and replaced with the concrete u-channel section. The new u-Channel section will be approximately 220' in length and a maximum 3'-6" in height. An existing 24" Caltrans storm drain outlet, which currently drains onto the bike trail and ultimately into San Juan Creek, will be rerouted under the bike trail to drain directly into San Juan Creek. The existing bike trail will be raised approximately 3' to accommodate the new storm drain outlet. Additional work will also take place: approximately 300 cubic yards of import; removal of one elderberry shrub closest to the PCH bridge; a cable guard fence approximately 3' in height will be installed along portions of the improved bike trail that faces San Juan Creek; portions of the new u-channel wall that faces San Juan Creek will also have a cable guard fence installed on top of it that will be approximately 6' in height; and a portion of the existing unpaved bike trail will be paved and a subterranean retaining wall constructed underneath. All work will take place within the footprint of the existing bike trail. No work is proposed within San Juan Creek. The county intends to construct the trail improvements during the dry winter months (outside of the "peak use" beach season) when there is no water along the west side of the channel; however, in the event of flooding while construction is underway a cofferdam would be used to protect the construction site. Any impacts associated with placement of the cofferdam would be temporary and the applicant proposes to restore the area to pre-existing conditions.

RATIONALE: The subject site is adjacent to Doheny State Beach and San Juan Creek and is located between the first public road and the sea. The project components will be constructed to enhance and improve access to the state park by preventing flooding of the bike trail. Alternative public access to the beach exists throughout Doheny State Beach while work on the bike trail is underway. The project will not create any adverse visual impacts. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their February 10-12, 2009 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. 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.

PETER DOUGLAS
Executive Director

KARL SCHWING
Orange County Area Supervisor

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



January 25, 2010

Brion Jeannette Architecture
Attn: Allison Page
470 Old Newport Boulevard
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 Code of Regulations. 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#: 5-09-252

APPLICANT: Jeff & Debbie Margolis

LOCATION: 227 & 233 Evening Canyon Road, Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Combine two (2) existing lots to create one (1) 1.003 acre parcel. No other work is proposed.

RATIONALE: The subject site is designated as low density residential in the City of Newport Beach Land Use Plan (LUP) and is located between the first public road and the sea. The proposed project only involves combining two (2) residential lots and to create one (1) residential parcel. There is no proposed change in use. The proposed project is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their February 10-12, 2010 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. 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.

PETER DOUGLAS
Executive Director

KARL SCHWING
Orange County Area Supervisor

cc: Commissioners/File

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200 Oceangate, Suite 1000
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5-07-334-A1**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: February 4, 2010

SUBJECT: Coastal Development Permit #5-07-334 granted to Becky and Perry LaForge for: Addition of 3,952 sq. ft. of living space to an existing 3,283 sq. ft. single-story over basement level single-family residence, 741 sq. ft. addition to a 209 sq. ft. garage, 622 sq. ft. loggia, approximately 1,100 sq. ft. in decks, a pool/spa and landscaping resulting in a 7,235 sq. ft. two-story over basement level residence with an attached 950 sq. ft. four-car garage on a 20,508 sq. ft. coastal canyon lot.

AT: 320 West Avenida Gaviota, San Clemente (Orange County)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

DESCRIPTION OF AMENDMENT REQUEST:

Removal of an existing 325 sq. ft. non-conforming and unpermitted basement (conversion into crawl space) and construction of a new 789 sq. ft. basement level and the elimination of a proposed pool along the canyon ward portion of the lot to be replaced by drought tolerant non-invasive plantings. No changes to the first floor or second floor additions. The amended project results in a 6,823 sq. ft. two-story over basement level residence, attached 909 sq. ft. four-car garage, 810 sq. ft. loggia, 1,227 sq. ft. in decks, spa and landscaping.

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed development consists of eliminating a non-conforming and unpermitted basement which CDP 5-07-334 had previously required be shaded and clearly marked "*This element not permitted by any coastal development permit*" on final plans submitted prior to the issuance of CDP 5-07-334. The existing basement is as close as 3' from the canyon edge and does not meet current Land Use Plan (LUP) canyon setback policies for enclosed living spaces. Elimination of the non-conforming basement requires an amendment of CDP 5-07-334. The applicant proposes to demolish the existing non-conforming 325 sq. ft. basement storage room, converting it into a crawl space and constructing a new 789 sq. ft. basement in conformance with the LUP's 15' canyon setback. The existing deck on the roof of the basement will also be demolished and re-build to meet the typical 5' canyon setback for patio/decks. Additionally, the applicant proposes to replace a proposed pool with drought tolerant non-invasive plant species and decomposed granite. The proposed permit amendment does not conflict with any of the conditions or terms of the underlying coastal development permit, is consistent with community character and will not result in any adverse impacts to coastal resources, access, public recreation, coastal views or water quality. The amendment is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and will not prejudice the City's ability to prepare an LCP. Therefore, recommends the Commission grant the amendment request.

If you have any questions about the proposal or wish to register an objection, please contact **Liliana Roman** at the Commission Area office in Long Beach (562) 590-5071.

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5-09-003-A1

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: February 3, 2010

SUBJECT: Coastal Development Permit #5-09-003 granted to Mr. & Mrs. Allen Steiner for:

Subdivision of a 7,451 sq. ft. beachfront lot into the original two underlying legal lots Lot 5 (1354 E. Ocean Front) and lot 6 (1358 E. Ocean Front) for single-family purposes and demolition of the existing single family residence at 1358 E. Ocean Front and construction of a new 1,606 sq. ft., 2-story single-family residence with a 541 sq. ft. basement and 662 sq. ft. 2-car garage, hardscape improvements and no landscaping.

AT: 1358 East Oceanfront, Newport Beach (Orange County)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

DESCRIPTION OF AMENDMENT REQUEST:

Elimination of a second-level floor and a basement level resulting in an approximately 12' tall, one-story single family residence with 612 sq. ft. interior living space, no changes to proposed 566 sq. ft. covered roof outdoor living and dining space and an 88 sq. ft. increase to the 2-car garage from 662 sq. ft. to 750 sq. ft. No changes to hardscape improvements (patios, pool, spa and a 5' high glass screen wall along the ocean-facing property line to be an extension of the existing 5' high glass screen wall from the adjacent property at 1354 E. Ocean Front). No work is proposed for 1354 E. Ocean Front.

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed development consists of eliminating a previously approved second story, eliminating 210 cubic yards of cut for a basement level and adding 88 sq. ft. to the 2-car garage, increasing it from 662 sq. ft. to 750 sq. ft. on the underlying lot 6 (1358 East Ocean Front). The height of the structure will decrease from 25' high to approximately 15' high. The proposed permit amendment does not conflict with any of the conditions or terms of the underlying coastal development permit, is consistent with community character and will not result in any adverse impacts to coastal resources, access, public recreation, coastal views or water quality. The amendment is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and will not prejudice the City's ability to prepare an LCP. Therefore, recommends the Commission grant the amendment request.

If you have any questions about the proposal or wish to register an objection, please contact **Liliana Roman** at the Commission Area office in Long Beach (562) 590-5071.

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5-08-061 A1

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: February 4, 2010
SUBJECT: Permit No. 5-06-061 granted to Huntington Beach Wetlands Conservancy for:

Restoration of Talbert Marsh, Brookhurst Marsh, Magnolia Marsh (not including upper Magnolia Marsh), and Talbert Ocean Channel. The total area to be restored includes 130 acres. Also proposed are certain maintenance actions such as periodic dredging of Talbert Marsh and Talbert Ocean Channel. The total volume of sediment proposed to be moved for construction is approximately 290,000 cubic yards. Beach and nearshore replenishment are proposed using excess cut material that meets replenishment standards (expected to be approximately 151,000 cubic yards) on adjacent Huntington State Beach. Approximately 18,000 cubic yards of dredge material will be re-used on site or disposed of on-site in a proposed pit within Talbert Marsh. A maximum of 121,000 cubic yards will be transported off-site.

PROJECT SITE: Huntington Beach Wetlands: Talbert Marsh, Brookhurst Marsh (and adjacent flood control channel), Magnolia Marsh (and adjacent flood control channel), and Talbert Ocean Channel; Huntington Beach, Orange County.

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Construction of an observation platform/pier, a gangway and floating dock, paths leading to the platform and dock structures, and minimal grading to support the platform, dock and paths. The proposed project will be constructed within disturbed, upland area previously approved as staging area for the restoration project.

The proposed pier leading to the observation platform will be a maximum of 40 feet long and 6 feet wide; the platform will be 16 by 12 feet. The proposed deck and platform will be constructed of wooden decking and supported by six 12-inch diameter steel piles. The proposed float would be 10 feet wide by 24 feet long. The gangway leading to the float will be a total of 41 feet long including an approximately 6 foot length overlapping the float. The pier and float will be constructed of wooden decking and will be anchored by two, 12-inch diameter steel piles.

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

The observation platform is proposed as part of an overall public interpretive system planned for the restored Huntington Beach wetlands. The proposed observation platform will be used in conjunction with wetland tours. The location is closest to existing parking for the Interpretive Center which can also accommodate bus parking for school groups and group tours. The float is intended to accommodate a flat bottomed, approximately 10 foot long boat. The boat would facilitate maintenance of the restored marsh including trash removal, irrigation maintenance on islands, and additional planting needs including on the restored marsh islands.

The proposed project will be constructed within disturbed, upland area previously approved as staging area for the restoration project. The wetlands restoration plan approved under coastal development permit 5-08-061 includes re-establishing tidal influence via lowering of the existing, flood control channel levee. That is expected to occur before March 15 of this year. If commencement of construction of the proposed platform and dock projects is not complete prior to that date, work may occur within wetland area as a result of the tidal re-connection. However, the proposed work would still be consistent with Section 30233 of the Coastal Act in that the work constitutes one of the allowable uses (nature study and restoration purposes), is the least environmentally damaging alternative in that is limited to area that is currently disturbed upland, and adequate mitigation will be provided as it is part of a larger restoration project that will result in substantial increases in the quality and quantity of wetlands in the Huntington Beach Wetlands system.

Furthermore, the proposed project will provide public access and nature study opportunities within the restored wetland site. The provision of a public access system was contemplated, but not yet proposed, at the time of the Commission's action on the overall wetlands restoration project. The findings regarding a plan for the provision of public access state: "[the plan] envisions the incorporation of significantly more public access, including trails and overlook/nodes." At that time the Commission found: "The Commission strongly endorses the future public access plan." The proposed plan will not result in impermissible development within wetlands, and is consistent with Section 30233 of the Coastal Act regarding protection of wetlands and with Section 30210 of the Coastal Act which promotes public access.

If you have any questions about the proposal or wish to register an objection, please contact Meg Vaughn at the Commission Area office in Long Beach (562) 590-5071.

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(5-06-145-E2)

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

9 February 2010

Notice is hereby given that **UGS Development, Inc, Attn: Tom Utman** has applied for a one-year extension of Coastal Development Permit **5-06-145**, as amended, granted by the California Coastal Commission on **February 15, 2007** for:

Demolition of an existing 64-unit apartment complex and creation of a parcel map for 17 single-family residential lots. In addition, the project consists of construction of a gated community [Gating not approved by the California Coastal Commission. Refer to Special Conditions No. 1, 2, 3, 4, and 6.] with 17 custom single-family residences in accordance with height, setback and other development standards identified in the Planned Community Text. The existing vertical public access on site will be made ADA compliant and widened within the existing easement to provide an 8-foot wide concrete walkway. In addition, the project proposes replacing an existing lateral access, consisting of an existing 6-foot floating public walkway, with an 8-foot landside ADA compliant walkway such that 3-feet of the walkway will be partially on land, with the remaining 5-feet cantilevered over the existing bulkhead. Grading will consist of 4,200 cubic yards of cut, 4,600 cubic yards of fill and 400 cubic yards of import. The proposal also establishes a limitation on use of an existing 34-slip marina located seaward of the new residential community.

At: 919 Bayside Drive, City of Newport Beach, County of 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.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: Fernie Sy
Coastal Program Analyst II

*This notice replaces the previously sent notice dated February 3, 2010.