

**CALIFORNIA COASTAL COMMISSION**  
SOUTH COAST DISTRICT  
PO Box 1450  
200 Oceangate, 10th Floor  
LONG BEACH, CA 90802-4416  
(562) 590-5071 FAX (562) 590-5084  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

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## **SOUTH COAST DISTRICT (LONG BEACH) DEPUTY DIRECTOR'S REPORT**

*For the*

*May Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 13, 2010

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

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for the May 13, 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.



**REGULAR WAIVERS**

1. 5-10-067-W Bill & Kathleen Quinn (San Clemente, Orange County)
2. 5-10-080-W Grand Canal Pacific, Llc, Attn: Mr. Bruce Meyer (Newport Beach, Orange County)

**DE MINIMIS WAIVERS**

1. 5-10-013-W City Of Newport Beach, Recreation & Senior Service, Attn: Ms. Laura Detweiler, (Newport Beach, Orange County)
2. 5-10-035-W Mr. Mory Ghasemi (Newport Beach, Orange County)
3. 5-10-044-W Mr. Jack Cancellieri (Newport Beach, Orange County)
4. 5-10-055-W Mr. Edward Hunt (Newport Beach, Orange County)
5. 5-10-068-W Dr. Julian & Connie Whitaker (Corona Del Mar, Orange County)
6. 5-10-079-W Monte Carlo Trust (Newport Beach, Orange County)

**TOTAL OF 8 ITEMS**

**EMERGENCY PERMIT WAIVER**

Irvine Cove Community Association Section 30611 - Emergency Permit Waiver  
(Laguna Beach, Orange County)



## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-10-067-W Bill & Kathleen Quinn	Remodeling of existing one story residence. Interior remodeling. Reconstruction of pool and backyard structure.	2460 S. Ola Vista, San Clemente (Orange County)
5-10-080-W Grand Canal Pacific, Llc, Attn: Mr. Bruce Meyer	Remodel of an existing 2,820 square foot, two-story single-family residence with an attached 425 square foot two-car garage. The proposed project includes: 1) a reduction of the 2nd floor habitable area by 120 square feet; and 2) removal and reconstruction of a portion of the existing roof to convert it from a flat roof to a pitched roof. Post project the two-story, single-family residence will consist of 2,700 square feet with an attached 425 square foot two-car garage. The maximum height of the structure will be 26' above existing grade. No grading is proposed.	214 Grand Canal, Newport Beach (Orange County)

### 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>
5-10-013-W City Of Newport Beach, Recreation & Senior Service, Attn: Ms. Laura Dctweiler,	The project is the installation of two (2) poles to accommodate a volleyball net; adjacent and seaward of an existing public volleyball court on a public beach. The two (2) poles will be 14' x 6" x 6" pressure treated lumber and to support those poles will be two (2)-36" x 2' x 12" pressure treated lumber installed under the sand. The poles will be approximately 8'-6" above the surface of the sand. The project will take approximately one (1) day to install. The volleyball nets will be provided by the users.	Prospect & 62nd Street - (Prospect Street Beach) (Public right of way), Newport Beach (Orange County)
5-10-035-W Mr. Mory Ghasemi	Conversion of a duplex on a single lot into two (2) condominium units. Four (4) parking spaces are provided on site.	502 Avocado Ave, Newport Beach (Orange County)



**SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED**

<p><b>5-10-044-W</b> Mr. Jack Cancellieri</p>	<p>Demolition of an existing single-family dwelling and construction of a new two-story 2,321 square foot single-family residence with an attached 357 square foot two-car garage. The maximum height of the structure will be approximately 26-feet above finished grade. Grading will consist of 120 cubic yards of fill. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.</p>	<p>1001 N. Bay Front, Newport Beach (Orange County)</p>
<p><b>5-10-055-W</b> Mr. Edward Hunt</p>	<p>Demolition of an existing 1,632 square foot, two-story, single-family residence and construction of a new 1,564 square foot, two-story single-family residence. The project site also includes an existing attached (via 2nd floor exterior deck that bridges the single-family residence and apartment) four-car, carport with a 624 square foot apartment (no work is proposed to the existing apartment) located over the carport. The project also includes hardscape work and enclosing 324 square feet of the existing four-car, carport to create an enclosed two-car garage. Post project, the project will result in a site that consists of a two-story, single-family residence consisting of 1,564 square feet with an attached 324 square foot, two-car garage with an immediately adjacent two-car, carport with a 624 square foot apartment over the garage and carport. The maximum height of the structure will be 27'-6" above finished grade. Grading will consist of approximately 96 cubic yards of import. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.</p>	<p>114 Grand Canal, Newport Beach (Orange County)</p>
<p><b>5-10-068-W</b> Dr. Julian &amp; Connie Whitaker</p>	<p>Demolition of an existing single-family dwelling and construction of a new three-story, split level, 6,437 square foot single-family residence with an attached 516 square foot two-car garage. The maximum height of the residential structure will be approximately 24-feet above finished grade. Grading will consist of 5 cubic yards of cut and 5 cubic yards of fill, which will balance on site. No work on the bulkhead is proposed. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.</p>	<p>2319 Bayside Drive, Corona Del Mar (Orange County)</p>
<p><b>5-10-079-W</b> Monte Carlo Trust</p>	<p>Request for After-The-Fact approval of the demolition of an existing single-family residence only. No additional development or grading is proposed. All debris will be removed from the site and disposed of at a location outside of the Coastal Zone.</p>	<p>24 Harbor Island, Newport Beach (Orange County)</p>



**CALIFORNIA COASTAL COMMISSION**

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



April 26, 2010

City of Newport Beach, Recreation & Senior Services Department  
Attn: Laura Detweiler  
3300 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#:** 5-10-013                      **APPLICANT:** City of Newport Beach Recreation & Senior Services Department, Attn: Laura Detweiler

**LOCATION:** The public beach located generally between Prospect Street & 62<sup>nd</sup> Street, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** The project is the installation of two (2) poles to accommodate a volleyball net; adjacent and seaward of an existing public volleyball court on a public beach. The two (2) poles will be 14' x 6" x 6" pressure treated lumber and to support those poles will be two (2)-36" x 2' x 12" pressure treated lumber installed under the sand. The poles will be approximately 8'-6" above the surface of the sand. The project will take approximately one (1) day to install. The volleyball nets will be provided by the users.

**RATIONALE:** The subject site is on an approximately 350-foot wide, sandy public beach. The poles will be located approximately 168-feet from the mean high tide line and approximately 174-feet from the nearest residential development. The proposed project will not create any adverse impacts on existing public access on the beach. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. 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 May 12-14, 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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April 26, 2010

Arnold Arii  
9 Pemberly  
Mission Viejo, CA 92692

**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#: 5-10-035-W****APPLICANT: Mr. Mory Ghasemi****LOCATION: 502 Avocado Ave, Newport Beach, Orange County****PROPOSED DEVELOPMENT:** Conversion of a duplex on a single lot into two (2) condominium units. Four (4) parking spaces are provided on site.

**RATIONALE:** The subject lot is a 3540 sq. ft. lot designated as Single Unit Residential Detached in the City's Certified Land Use Plan. The site is several blocks inland from the bayfront and is not located between the first public road and the sea. The proposed project has been approved by the City of Newport Beach Planning Department (Tentative Parcel Map No. NP2009-114[PA2009-097], 08/13/09). The proposed development consists of converting an existing duplex into a two-unit condominium. Authorization for construction of any new single or two-family residences on the lot is provided under City of Newport Beach Categorical Exclusion Order E-77-5, adopted by the Commission on June 14, 1977. However, the subdivision of land is not allowed under Categorical Exclusion E-77-5, therefore Commission approval is necessary. The development proposes four parking spaces, meeting the Commission's typically applied parking requirement of two parking spaces per residential unit. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, coastal views or water quality and will not prejudice the City's ability to prepare a certified Local Coastal Program. The proposed development 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 **May 12-14, 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

by: \_\_\_\_\_  
KARL SCHWING  
Supervisor Regulation and Planning

cc: Commissioners/File



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April 26, 2010

LS Architects  
Attn: Scott Laidlaw  
311 Second Avenue  
Corona Del Mar, CA 92625

**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#:** 5-10-044                      **APPLICANT:** Jack Cancellieri

**LOCATION:** 1001 North Bay Front, Newport Beach (Orange County)

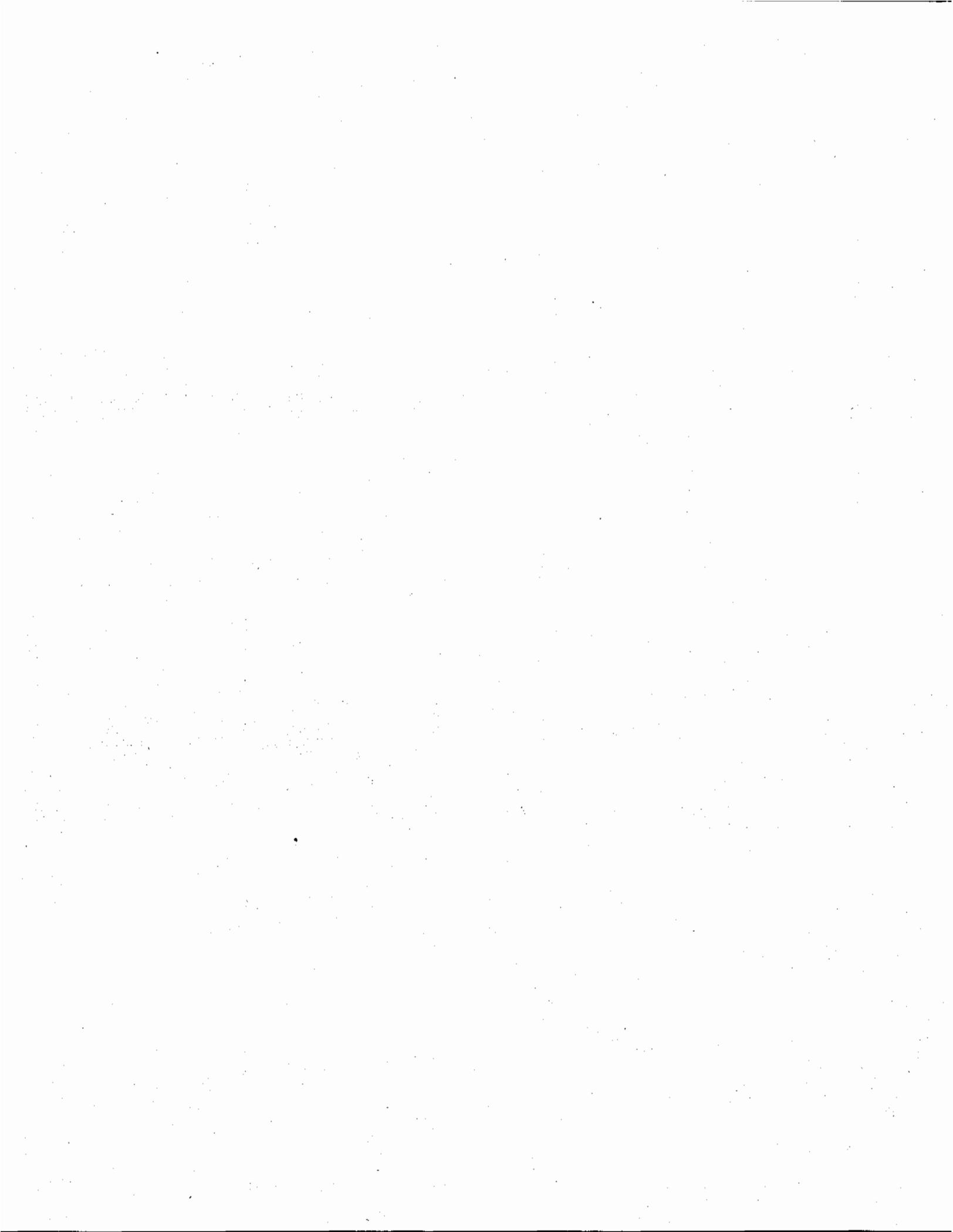
**PROPOSED DEVELOPMENT:** Demolition of an existing single-family dwelling and construction of a new two-story 2,321 square foot single-family residence with an attached 357 square foot two-car garage. The maximum height of the structure will be approximately 26-feet above finished grade. Grading will consist of 120 cubic yards of fill. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

**RATIONALE:** The subject site is a bayfront lot approximately 2,550 square feet in size, is designated as two-family 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 conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access exists in the project vicinity along the public boardwalk that surrounds Balboa Island. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed project design is compatible with the character of surrounding development and does not have any negative effects 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.

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— KARL SCHWING —  
Orange County Area Supervisor



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200 Oceangate, Suite 1000  
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April 26, 2010

Edward Hunt  
114 Grand Canal  
Newport Beach, CA 92662

**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#:** 5-10-055                      **APPLICANT:** Edward Hunt

**LOCATION:** 114 Grand Canal, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an existing 1,632 square foot, two-story, single-family residence and construction of a new 1,564 square foot, two-story single-family residence. The project site also includes an existing attached (via 2<sup>nd</sup> floor exterior deck that bridges the single-family residence and apartment) four-car, car port with a 624 square foot apartment (no work is proposed to the existing apartment) located over the carport. The project also includes hardscape work and enclosing 324 square feet of the existing four-car, carport to create an enclosed two-car garage. Post project, the project will result in a site that consists of a two-story, single-family residence consisting of 1,564 square feet with an attached 324 square foot, two-car garage with an immediately adjacent two-car, carport with a 624 square foot apartment over the garage and carport. The maximum height of the structure will be 27'-6" above finished grade. Grading will consist of approximately 96 cubic yards of import. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

**RATIONALE:** The subject site is a bayfront lot approximately 2,550 square feet in size, is designated as two-family 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 conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access exists in the project vicinity along the public boardwalk that surrounds Balboa Island. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. 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 May 12-14, 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

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KARL SCHWING                      U  
Orange County Area Supervisor



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



April 27, 2010

Richard M. Avila  
29152 Ridgeview Drive  
Laguna Niguel, CA 92677

**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 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#:** 5-10-067                      **APPLICANT:** Kathleen & Bill Quinn

**LOCATION:** 2460 S. Ola Vista, San Clemente (Orange County)

**PROPOSED DEVELOPMENT:** Interior remodel and façade improvements to an existing one-story 1,699 sq. ft., single-family residence including raising the height of the roof line by two feet resulting in an 18-foot tall structure, new roof, new doors and windows, 40 sq. ft. addition to existing attached 410 sq. ft. 2-car garage, demolition and re-construction of a pool and a 200 sq. ft. pool cabana accessory structure on the canyon side of the lot, new outdoor bathroom, and hardscape, drainage, and landscape improvements including planting of drought-tolerant (low water use) non-invasive plants. A pool leak detection plan is proposed. No work is proposed to existing side-property perimeter fences, or existing wood fence along the coastal canyon edge. Landscaping or vegetation removal is not proposed within the coastal canyon.

**RATIONALE:** The subject site is a 16,596 sq. ft. interior coastal canyon lot designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP). As proposed, the project involves an interior remodel exterior façade improvements and landscape/hardscape improvements to an existing single-family residence. The proposed accessory structures on the south (canyonward) side of the lot meet the minimum 5-foot setback from the edge of the coastal canyon at the 130-foot elevation. No encroachments into the coastal canyon are proposed. Existing canyon vegetation consists of non-native weed species with a small section of native lemonade berry shrubs in the north-east corner of the canyon. The project conforms to the Commission's typical parking requirement of two spaces per residential unit and is designed to be compatible with the character of the surrounding development. Adequate measures to address water quality have been incorporated during construction and into the project design. As proposed, the site will drain away from the coastal canyon edge toward the frontage road. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views; or prejudice the City's ability to prepare a Certified Local Coastal Program. Additionally the project is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 12-14, 2010** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

PETER DOUGLAS  
Executive Director

by: \_\_\_\_\_  
KARL SCHWING  
Supervisor Regulation and Planning

cc: Commissioners/File



**CALIFORNIA COASTAL COMMISSION**

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



April 26, 2010

The Hunter Company  
Attn: Steve & Vlasta Albertson  
24941 Calle Vecindad  
Lake Forest, CA 92630

**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#:** 5-10-068                      **APPLICANT:** Julian & Connie Whitaker

**LOCATION:** 2319 Bayside Drive, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an existing single-family dwelling and construction of a new three-story, split level, 6,437 square foot single-family residence with an attached 516 square foot two-car garage. The maximum height of the residential structure will be approximately 24-feet above finished grade. Grading will consist of 5 cubic yards of cut and 5 cubic yards of fill, which will balance on site. No work on the bulkhead is proposed. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

**RATIONALE:** The subject site is a bulkheaded lot approximately 8,975 square feet in size, is designated as single-unit residential detached in the City of Newport Beach Land Use Plan (LUP) and is located between the first public road and the sea. Public access to the bay is located approximately ½ a mile northwest of the project site at Bayside Drive Beach. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. 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.

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Orange County Area Supervisor



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April 26, 2010

Thomas Jakway  
2372 South Skyview Drive  
Palm Springs, CA 92264

**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#:** 5-10-079                      **APPLICANT:** Monte Carlo Trust

**LOCATION:** 24 Harbor Island, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Request for After-The-Fact approval of the demolition of an existing single-family residence only. No additional development or grading is proposed. All debris will be removed from the site and disposed of at a location outside of the Coastal Zone.

**RATIONALE:** The subject site is a bayfront bulkheaded lot approximately 15,838 square feet in size located in the locked gate community of Harbor Island, is designated as Single Unit Residential Detached in the City of Newport Beach Land Use Plan (LUP) and is located between the first public road and the sea. No public access currently exists through the site; however, the project will have no impacts on existing coastal access. Public access to the harbor exists in the area across the channel from the Harbor Island community along the public walkways on Lido Island and Balboa Island. 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.

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April 26, 2010

Grand Canal Pacific LLC  
Attn: Bruce Meyer  
441 North Beverly Drive, Suite 207  
Beverly Hills, CA 90210

**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 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#:** 5-10-080                      **APPLICANT:** Grand Canal Pacific LLC, Attn: Bruce Meyer

**LOCATION:** 214 Grand Canal, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Remodel of an existing 2,820 square foot, two-story single-family residence with an attached 425 square foot two-car garage. The proposed project includes: 1) a reduction of the 2<sup>nd</sup> floor habitable area by 120 square feet; and 2) removal and reconstruction of a portion of the existing roof to convert it from a flat roof to a pitched roof. Post project the two-story, single-family residence will consist of 2,700 square feet with an attached 425 square foot two-car garage. The maximum height of the structure will be 26' above existing grade. No grading is proposed.

**RATIONALE:** : The subject site is a bayfront lot approximately 2,400 square feet in size, is designated as two-family 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 is an improvement that would result in an increase in height greater than ten (10) percent. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access exists in the project vicinity along the public boardwalk that surrounds Balboa Island. 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 May 12-14, 2010 meeting. If three (3) 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



May 3, 2010

Mr. Thomas B. Mathews, President  
CAA Planning  
85 Argonaut,  
Suite 220  
Aliso Viejo, CA 92656

Subject: Waiver of Emergency Permit Requirements – Irvine Cove Community,  
Laguna Beach

Dear Mr. Mathews,

This letter is in response to your March 11, 2010 letter in which you requested a waiver of emergency permit requirements under Coastal Act Section 30611 and CCR Section 13144. The letter was originally sent only to the Executive Director in San Francisco, rather than the local district office in Long Beach. In order to avoid delays in communication and handling of South Coast District matters, please direct all future notices of action pursuant to Section 30611 and all other correspondence to our local district office in Long Beach, with a copy to the Executive Director, if so desired.

Coastal Act Section 30611 authorizes waiving permit requirements when:

“immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency,”

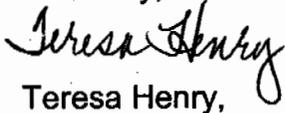
Under this Section, permit requirements may only be waived when a party is doing a public service to protect public property from imminent danger. However, the site photographs you submitted show that actions were taken which do not fit this criteria. Moving sand to protect the supports of a private play structure or protecting erosion control structures below a private home would not qualify as actions necessary to protect public property in the face of imminent danger. Protection of the concrete revetment protecting the drainage outlet may qualify as a public service; however, the supplied pictures seem only to show exposure of the right side of the concrete structure, not undercutting as described in the above referenced letter. Therefore, it does not seem that immediate action was required to prevent failure of the structure.

Based on the above, the performed erosion control measures do not warrant approval under Section 30611, but rather should have been processed as an emergency permit application to the Executive Director's appropriate designee (South Coast District Office) pursuant to Section 30624 of the Coastal Act. For any future emergency waiver authorizations for Los Angeles or Orange County, please contact our office at the above phone number and address for consultation as to the applicability of Section 30611 prior to the commencement of work. Our fax number is (562) 590-5084.

Please complete and submit the enclosed coastal development permit application to the South Coast District Office to approve the after-the-fact development. Your application should include the quantity and source of the sand moved for the subject development, and should discuss whether there were any potential biologic impacts as a result of the movement of wrack on the beach. Upon receipt of the application and the requested information we will determine the completeness of your application.

In accordance with Section 30611, the determination of the inapplicability of an emergency permit waiver will be reported to the California Coastal Commission at the May 12-14 hearing. If you have any questions, please feel free to contact me or the project planner, John Del Arroz, at the above address and phone number.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Henry".

Teresa Henry,  
District Manager