

**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)**F6 & F12****SOUTH COAST DISTRICT (LONG BEACH)  
DEPUTY DIRECTOR'S REPORT***For the**August Meeting of the California Coastal Commission*

MEMORANDUM

Date: August 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 August 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. 5-10-127-W Roger Curtis & Sue Dunlap (Newport Beach, Orange County)
2. 5-10-149-W Mr. Jack A. Janken (Hermosa Beach, Los Angeles County)

**DE MINIMIS WAIVERS**

1. 5-10-042-W Catellus Operating, L.P. Cory Chung, Sean Whiskeman, & Alexis Cox (Newport Beach, Orange County)
2. 5-10-075-W Mr. & Mrs. Manouchehr Moshayedi (Corona Del Mar, Orange County)
3. 5-10-128-W Paul & Cheryl Wayne (Seal Beach, Orange County)
4. 5-10-129-W Mr. & Mrs. Donald E. Gowey (Pacific Palisades, Los Angeles County)
5. 5-10-130-W Cyrus & Titza Tabaz (Corona Del Mar, Orange County)
6. 5-10-131-W Monte Carlo Trust (Newport Beach, Orange County)
7. 5-10-132-W Stephen Christian & Suzanne V. Stouder (Hermosa Beach, Los Angeles County)
8. 5-10-144-W Red Bull North America, Attn: Mr. Denise Ivy; City Of Long Beach, Attn: Mr. David Ashman (Long Beach, Los Angeles County)
9. 5-10-152-W G5 Haverford, Llc, Attn: Mr. Dalius Gedgaudas (Pacific Palisades, Los Angeles County)
10. 5-10-154-W Ms. Anne Leeds (Pacific Palisades, Los Angeles County)

**EMERGENCY PERMITS**

1. 5-10-147-G New Henley Holdings, Inc. (Bolsa Chica, Orange County)
2. 5-10-159-G City Of Long Beach, Dept. Of Parks, Recreation & Marine, Attn: Mr. Mark A. Sandoval (Long Beach, Los Angeles County)

**IMMATERIAL AMENDMENTS**

1. 5-09-157-A1 Mr. John Whelan (Corona Del Mar, Orange County)
2. 5-08-058-A1 City Of Seal Beach Public Works, Attn: Vince Mastrosimone, Director Of Public Works (Seal Beach, Orange County)

**EXTENSION - IMMATERIAL**

1. 5-06-068-E3 Ocean Institute, Attn: Daniel Stetson, President & CEO (Dana Point, Orange County)
2. 5-08-159-E1 City Of Santa Monica Redevelopment Agency, Attn: Andy Agle (Santa Monica, Los Angeles County)

**TOTAL OF 18 ITEMS**

**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>Application</i>	<i>Project Description</i>	<i>Project Location</i>
<b>5-10-127-W</b> Roger Curtis & Sue Dunlap	Remodel and addition of 430 square feet to the existing second floor and addition of a new, 245 square foot 3rd floor, non-habitable storage area resulting in a, two story (with third floor non-habitable area), 29 foot high; 4,586 square foot single family residence, with an attached 3-car garage.	16 Balboa Coves, Newport Beach (Orange County)
<b>5-10-149-W</b> Mr. Jack A. Janken	Replace existing flat roof with new A-Frame roof, installation of solar panels.	338 & 338 1/2 The Strand, Hermosa Beach (Los Angeles 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>Application</i>	<i>Project Description</i>	<i>Project Location</i>
<b>5-10-042-W</b> Catellus Operating, L.P. Cory Chung, Sean Whiskerman, & Alexis Cox	Renovation and addition to an existing 41,363 square foot shopping center. More specifically, the project consists of the following: 1) addition of 2,515 square feet of retail space addition along the western wing of the existing retail shops; 2) a new façade along the entire retail frontage facing 32nd Street, 3) addition of a new 4,000 square foot free-standing retail building in the northwestern corner of the existing parking area; and 4) restriping and landscaping of the existing parking lot areas to provide additional parking spaces. Currently, the site contains 208 parking spaces and post project the site will contain 235 parking spaces (an addition of 27 new parking spaces). The height of the buildings will be approximately 30-feet above finished grade. Grading will consist of 50 cubic yards of recompaction, which will balance onsite. Construction and post-construction Best Management Practices (BMPs) have been incorporated into the project design, including common area landscape management, installation of catch basin filters, street sweeping, and routine maintenance of structural BMPs. The project also consists of the merging of six (6) lots into one (1) lot resulting in a single 3.795 acre lot.	3101-3121 Newport Blvd & 3100-3138 W. Balboa Blvd., Newport Beach (Orange County)

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

<p><b>5-10-075-W</b> Mr. &amp; Mrs. Manouchehr Moshayedi</p>	<p>Construct a new 6,732 square foot two-story addition with an attached 996 square foot three-car garage (2125 Bayside Drive) to an existing 3,792 square foot one-story Single Family Residence with an attached 795 square foot two-car garage (2121 Bayside Drive). In addition, the project will consist of the following: hardscape and landscape work, new rear yard bbq, firepit, pool and spa, and new 42" guardrail (consisting of stainless steel frame with horizontal cables) above the existing bulkhead. Post project the two-story, single-family residence will consist of 10,525 square feet with an attached 996 square foot three-car garage and an attached 795 square foot two-car garage. The maximum height of the structure will be 26' above finished grade. Grading will consist of 519 cubic yards of export to a location outside of the Coastal Zone. 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. The project also includes the merger of the two (2) lots (a 9,627 square foot lot and a 12,959 square foot lot) into a single lot (22,586 square foot lot).</p>	<p>2121 &amp; 2125 Bayside Drive, Corona Del Mar (Orange County)</p>
<p><b>5-10-128-W</b> Paul &amp; Cheryl Wayne</p>	<p>Demolition of an existing single-family residence and construction of a new 2,351 square foot, one-story single-family residence with an attached 506 square foot two-car garage. The maximum height of the structure will be 25' above existing grade. No grading is proposed. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system.</p>	<p>1405 Catalina Ave., Seal Beach (Orange County)</p>
<p><b>5-10-129-W</b> Mr. &amp; Mrs. Donald E. Gowey</p>	<p>Demolition of a single-family residence and construction of a 3,794 square foot, two-story, 28 foot high, single-family residence with attached two car garage.</p>	<p>16060 Temecula Str., Pacific Palisades (Los Angeles County)</p>
<p><b>5-10-130-W</b> Cyrus &amp; Titza Tabaz</p>	<p>Lot split consisting of splitting one (1) lot into two (2) lots. This will result in a 12,411 square foot lot and a 12,784 square foot lot. No other work is proposed.</p>	<p>2209 Bayside Drive, Corona Del Mar (Orange County)</p>
<p><b>5-10-131-W</b> Monte Carlo Trust</p>	<p>Lot line adjustment to merge two (2) lots resulting in one (1) lot. This will result in a 15,463 square foot (0.355 acre) lot. No additional development is proposed.</p>	<p>24 Harbor Island, Newport Beach (Orange County)</p>
<p><b>5-10-132-W</b> Stephen Christian &amp; Suzann V. Stouder</p>	<p>Demolition of two existing detached residential units and construction of new 3805 sq. ft. and 936 sq. ft. 25' high detached residential units. Grading includes 303 cubic yards of cut and 107 cubic yards of fill exported to a commercial dump site outside the Coastal Zone.</p>	<p>526 25th Street, Hermosa Beach (Los Angeles County)</p>
<p><b>5-10-144-W</b> Red Bull North America, Attn: Mr. Denise Ivy City Of Long Beach, Attn: Mr. David Ashman</p>	<p>Temporary structures will be place on the surface of the Pine Ave Pier to create the flight deck for Flugtag Long Beach. All temporary structures will not penetrate the concrete or wood surface of the pier.</p>	<p>330 South Pine Ave (Pine Ave Pier In Queensway Bay), Long Beach (Los Angeles County)</p>

<b>5-10-152-W</b> G5 Haverford, Llc, Attn: Mr. Dalius Gedgaudas	Demolition of a single-family residence and construction of a 3,539 square foot, two-story, 26 foot high, single-family residence with attached 384 square foot two car garage, 199 square foot accessory building and swimming pool.	631 Haverford Ave, Pacific Palisades (Los Angeles County)
<b>5-10-154-W</b> Ms. Anne Leeds	Demolition of a single-family residence and construction of a 5,251 square foot, two-story, 35 foot high, single-family residence with attached 457 square foot two car garage.	325 N. Aderno Way, Pacific Palisades (Los Angeles County)

**REPORT OF EMERGENCY PERMITS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>5-10-147-G</b> New Henley Holdings, Inc.	Remediate landslide on a 35' high 1.5:1 (horizontal to vertical) slope by grading slope to 2:1 (approximately 80,000 to 100,000 cubic yards of cut) and creating a 20' wide bench at the toe of the slope to provide a buffer between the slope and the existing unodorized high pressure gas line. Cut material will be stockpiled in an existing depression approx. 200' northeast of the failed slope and create a level surface (2% slope). Both the remediated slope and the stockpile will be hydroseeded with a native seed mix upon completion of emergency work. The project area and access road were surveyed by the applicant's biologist and found to contain no wetlands or native plant species. The proposed work will take approximately 10 days to complete.	Unincorporated area adjacent to Seapoint Street and Garfield Avenue (future area of Harriett Wieder Regional Park), Bolsa Chica (Orange County)
<b>5-10-159-G</b> City Of Long Beach, Dept. Of Parks, Recreation & Marine, Attn: Mr. Mark A. Sandoval	Replace seven deteriorated timber piles (supporting a public pier) with seven pour-in-place concrete supports in the same location. Includes excavating approximately two feet below the mudline in order to unearth the concrete pedestal that exists at the base of each pile.	5437 E. Ocean Blvd, Long Beach (Los Angeles 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>
<b>5-09-157-A1</b> Mr. John Whelan	The proposed project is being revised to also include shoring walls and retaining walls on or near the side yard property lines that include deepened foundation elements. These walls will not encroach into the 25-foot bluff edge setback.	157 Shorecliff Rd, Corona Del Mar (Orange County)

<p><b>5-08-058-A1</b> City Of Seal Beach Public Works, Attn: Vince Mastro Simone, Director Of Public Works</p>	<p>The project location has been revised to now only include Electric Avenue (Between 14th Street and Seal Beach Boulevard). In addition, the number of proposed new catch basins has been reduced to 15 from the originally proposed 25 to correspond to the revised project.</p>	<p>Electric Avenue (between 12th Street and Seal Beach Boulevard), Seal Beach (Orange County)</p>
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**REPORT OF EXTENSION - IMMATERIAL**

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p><b>5-06-068-E3</b> Ocean Institute, Attn: Daniel Stetson, President &amp; CEO</p>	<p>Replace the existing dock (10' x 145') in the same location with a larger dock (300' long dock that is 27' wide in the middle and 12' wide at the ends) secured by ten 20" diameter concrete piles and construct a new 20' x 100' platform with a 5' x 80' ramp secured by twelve 20" diameter concrete plies. In addition, expansion of an existing 6' x 105' dock by 420 square feet.</p>	<p>24200 Dana Point Harbor Drive, Dana Point (Orange County)</p>
<p><b>5-08-159-E1</b> City Of Santa Monica Redevelopment Agency, Attn: Andy Agle</p>	<p>Construction of a mixed use development consisting of 164 market-rate condominiums; 160 affordable rental units; 20,000 square feet of ground floor retail/restaurant space, with 3,000 square feet of outdoor dining; 619 parking spaces; public access improvements; and landscaping. Maximum height of the structures will be 65 and 96 feet. The project will be designed to achieve certified LEED Silver status and include a photovoltaic system on the roof.</p>	<p>1600-1800 E. Ocean Avenue, Santa Monica (Los Angeles County)</p>

**5-05-020-A2**

**Hearthside Homes**

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**CALIFORNIA COASTAL COMMISSION**

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



July 22, 2010

Todd Schooler & Associates  
301 E. 17<sup>th</sup> Street, #204  
Costa Mesa, CA 92627

**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#:** 5-10-127**APPLICANT:** Roger Curtis & Sue Dunlap**LOCATION:** 16 Balboa Coves, Newport Beach, Orange County

**PROPOSED DEVELOPMENT:** Remodel and addition of 430 square feet to the existing second floor and addition of a new, 245 square foot 3<sup>rd</sup> floor, non-habitable storage area resulting in a, two story (with third floor non-habitable area), 29 foot high, 4,586 square foot single family residence, with an attached 3-car garage.

**RATIONALE:** The subject site fronts on the Newport Harbor and is not a bulkheaded lot. The lot is 5,596 square feet and is land use designated Single Unit Residential Detached in the City's certified Land Use Plan. The existing and proposed residence complies with the City's 10 foot setback from the bulkhead/water side of the property. The proposed addition is located at the landward side of the property. Public access exists at the sandy public beach along the Balboa Peninsula approximately ½ mile southwest of the subject site. No change to existing hardscape, landscaping or site drainage is proposed. 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. Further, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, 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 **August 11-13, 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  
Orange County Area Supervisor

cc: Commissioners/File

5-10-127 Curtis.Dunlap BlbaCvs NB rw 8.10 mv

**CALIFORNIA COASTAL COMMISSION**

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



July 26, 2010

Mr. Jack A Janken  
338 The Strand  
Hermosa Beach, CA 90254

**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#: 5-10-149-W**

**APPLICANT: Mr. Jack A Janken**

**LOCATION: 338 & 338 ½ The Strand, Hermosa Beach, Los Angeles County**

**PROPOSED DEVELOPMENT: Replace existing flat roof with new A-Frame roof, installation of solar panels.**

**RATIONALE:** The subject lot is a 2,370 sq. ft. oceanfront lot designated as Single Family Residential in the City's certified land use plan. A public walkway exists between the house and the public beach. The proposed project has been approved by the City of Hermosa Beach Planning Department. The proposed development consists of demolition of existing roof, and addition of a new 29' 8" high A-frame roof, for purposes of installation of solar panels. The addition would increase the height of the home by more than 10%, therefore Commission approval is necessary. No change to parking or landscaping are proposed. Runoff will be directed to City's stormwater system. 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 **August 11-13, 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: \_\_\_\_\_  
GARY TMM (\_\_\_\_\_  
Coastal Program Manager

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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



July 27, 2010

Orange Architects  
 Attn: James Dietz  
 144 North Orange Street  
 Orange, CA 92866

**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 #:** 5-10-042

**APPLICANT:** Catellus Operating LP

**LOCATION:** 3101-3121 Newport Boulevard and 3100-3138 West Balboa Boulevard, Newport Beach, County of Orange

**PROPOSED DEVELOPMENT:** Renovation and addition to an existing 41,363 square foot shopping center. More specifically, the project consists of the following: 1) addition of 2,515 square feet of retail space addition along the western wing of the existing retail shops; 2) a new façade along the entire retail frontage facing 32<sup>nd</sup> Street, 3) addition of a new 4,000 square foot free-standing retail building in the northwestern corner of the existing parking area; and 4) restriping and landscaping of the existing parking lot areas to provide additional parking spaces. Currently, the site contains 208 parking spaces and post project the site will contain 235 parking spaces (an addition of 27 new parking spaces). The height of the buildings will be approximately 30-feet above finished grade. Grading will consist of 50 cubic yards of recompaction, which will balance onsite. Construction and post-construction Best Management Practices (BMPs) have been incorporated into the project design, including common area landscape management, installation of catch basin filters, street sweeping, and routine maintenance of structural BMPs. The project also consists of the merging of six (6) lots into one (1) lot resulting in a single 3.795 acre lot.

**RATIONALE:** The subject site is a 3.795 acre inland lot designated as neighborhood commercial in the City of Newport Beach Land Use Plan (LUP) and is located between Newport Boulevard and West Balboa Boulevard in the City of Newport Beach. The project was determined to meet current local zoning requirements (as conditioned by Use Permit No. 2009-037 and 2010-002 and Tentative Parcel Map 2009-135) and is designed to be compatible with the character of surrounding development. The project received Use Permit (UP2010-002) to allow a waiver of five (5) required off-street parking spaces through the adoption of a Parking Management Plan. A parking study was completed that determined that the proposed project would create a demand of 190 parking spaces and the proposed project will provide a total of 235 parking spaces onsite. Thus, sufficient parking is provided onsite and a Parking Management Plan has been adopted to make sure sufficient parking is maintained onsite. The project also received Use Permit (UP2009-037) to allow portions of the new façade to exceed the 26-foot height limit to a maximum 30-feet in height. Public coastal access to the beach exists at the end of 32<sup>nd</sup> Street. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. Implementation of the proposed BMPs is consistent with the marine protection policies of the Coastal Act. The proposed development would 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 August 11-13, 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  
 cc: Commissioners/File

*JMK*  
 Orange County Area Supervisor

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
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July 27, 2010

Brion Jeannette & Associates  
Attention: Alison Oh  
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#:** 5-10-075

**APPLICANT:** Manouchehr Moshayedi

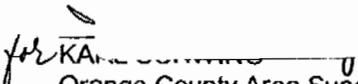
**LOCATION:** 2121 & 2125 Bayside Drive, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Construct a new 6,732 square foot two-story addition with an attached 996 square foot three-car garage (2125 Bayside Drive) to an existing 3,792 square foot one-story Single Family Residence with an attached 795 square foot two-car garage (2121 Bayside Drive). In addition, the project will consist of the following: hardscape and landscape work, new rear yard bbq, firepit, pool and spa, and new 42" guardrail (consisting of stainless steel frame with horizontal cables) above the existing bulkhead. Post project the two-story, single-family residence will consist of 10,525 square feet with an attached 996 square foot three-car garage and an attached 795 square foot two-car garage. The maximum height of the structure will be 26' above finished grade. Grading will consist of 519 cubic yards of export to a location outside of the Coastal Zone. 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. The project also includes the merger of the two (2) lots (a 9,627 square foot lot and a 12,959 square foot lot) into a single lot (22,586 square foot lot).

**RATIONALE:** The subject site consist of two (2) bulkheaded lots (a 9,627 square foot lot and a 12,959 square foot lot), 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. The proposed project is an improvement that would result in an increase in square footage & height greater than ten (10) percent. Public access to the bay is located approximately ½ a mile northwest of the project site at Bayside Drive Beach. The proposed project with five (5) parking spaces conforms to the Commission's parking requirement (2 spaces per residential unit). 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.

This waiver will not become effective until reported to the Commission at their August 11-13, 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  
cc: Commissioners/File

*for*   
Orange County Area Supervisor

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
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(562) 590-5071



July 26, 2010

Paul Wayne  
1405 Catalina Avenue  
Seal Beach, CA 90740

**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#:** 5-10-128                      **APPLICANT:** Paul Wayne

**LOCATION:** 1405 Catalina Avenue, Seal Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an existing single-family residence and construction of a new 2,351 square foot, one-story single-family residence with an attached 506 square foot two-car garage. The maximum height of the structure will be 25' above existing grade. No grading is proposed. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system.

**RATIONALE:** The subject site is an inland lot not located between the first public road and the sea. The lot size is 6,451 square feet and is designated as residential low density in the City of Seal Beach Zoning Code. 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 is available at Gum Grove Park. 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 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 August 11-13, 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

*for* KARL SCHWING  
Orange County Area Supervisor

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(562) 590-5071



July 26, 2010

C&C Partners Design/Build Firm Inc.  
330 Illinois Street  
El Segundo, CA 90245

**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#:** 5-10-129

**APPLICANT:** Mr. & Mrs. Donald E. Gowey

**LOCATION:** 16060 Temecula St., Pacific Palisades.

**PROPOSED DEVELOPMENT:** Demolition of a single-family residence and construction of a 3,794 square foot, two-story, 28 foot high, single-family residence with attached two car garage.

**RATIONALE:** The project site is over 1/2 mile from Will Rogers State Beach, in an established Pacific Palisades residential area in the City of Los Angeles and not on a coastal or canyon bluff. The applicant has received an Approval in Concept No. ZA-2010-1473 AIC from the City of Los Angeles Planning Department (6/2/10). The site is designated as low-density (R1-1) residential land use in the Brentwood-Pacific Palisades Adopted Community Plan. The proposed project is compatible with the character of the surrounding pattern of development. The City of Los Angeles does not allow infiltration of water on sites in Pacific Palisades, therefore, the project will direct site runoff to the City's storm drain system. The proposed project is consistent with past Commission approvals, and the Chapter 3 policies of the Coastal Act, and will have no adverse impacts on coastal resources (i.e., public access and public recreation), 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 August 11-13, 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:   
Al J. Padilla  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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



July 27, 2010

Cyrus Tabaz  
13255 Mulholland Drive  
Beverly Hills, CA 90210

**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#:** 5-10-130

**APPLICANT:** Cyrus Tabaz

**LOCATION:** 2209 Bayside Drive, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Lot split consisting of splitting one (1) lot into two (2) lots. This will result in a 12,411 square foot lot and a 12,784 square foot lot. No other work is proposed.

**RATIONALE:** The subject site is a bayfronting lot that consists of 25,202 square feet, 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. The proposed project only involves splitting the one (1) existing residential lot into two (2) residential lots. There is no proposed change in use. Public access to the bay is located approximately ½ a mile northwest of the project site at Bayside Drive Beach. The proposed lots are comparable in size with the surrounding lots and do 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 August 11-13, 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

*for* 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



July 27, 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#:** 5-10-131                      **APPLICANT:** Monte Carlo Trust

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

**PROPOSED DEVELOPMENT:** Lot line adjustment to merge two (2) lots resulting in one (1) lot. This will result in a 15,463 square foot (0.355 acre) lot. No additional development is proposed.

**RATIONALE:** The subject site is a bayfront bulkheaded lot approximately 15,463 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 lot is comparable in size with the surrounding lots 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 August 11-13, 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  
cc: Commissioners/File

*for* KARL SCHWING  
Orange County Area Supervisor

**CALIFORNIA COASTAL COMMISSION**

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



July 21, 2010

Strour + Associates  
Attn: Elizabeth Strour  
1001 Sixth St, Suite 110  
Manhattan Beach, CA 90266

**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#: 5-10-132-W**

**APPLICANT: Stephen Christian + Suzanne Stouder**

**LOCATION: 526 25<sup>th</sup> Street, Hermosa Beach, Los Angeles County**

**PROPOSED DEVELOPMENT:** Demolition of two existing detached residential units and construction of new 3805 sq. ft. and 936 sq. ft. 25' high detached residential units. Grading includes 303 cubic yards of cut and 107 cubic yards of fill exported to a commercial dump site outside the Coastal Zone.

**RATIONALE:** The subject lot is a 7,447 sq. ft. inland lot designated as Single Family Residential in the City's Certified Land Use Plan. The proposed project has been approved by the City of Hermosa Beach Planning Department. The proposed development consists of demolition of the two existing detached two story residential units, and construction of two new detached residential units. Runoff is directed toward landscaped infiltration areas and overflow is directed toward a catch basin and pumped to the city's public storm drain system. Landscaping includes drought tolerant plants. The development proposes four tandem 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 **August 11-13, 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: \_\_\_\_\_  
GARY TIMM / ✓ \_\_\_\_\_  
Coastal Program Manager

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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



July 23, 2010

Eric Matijevich, Blue 3 Productions  
1605 Lander Street  
Reno, NV 89509

**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:** 5-10-144      **APPLICANTS:** City of Long Beach & Red Bull North America

**LOCATION:** Pine Avenue Pier, Rainbow Harbor, Downtown Shoreline, City of Long Beach.

**PROPOSED DEVELOPMENT:** Closure of Pine Avenue Pier August 13 through August 23, 2010 for the production of a Red Bull Flugtag television program on Saturday, August 21, 2010, and construction of a twelve-foot high, 24-foot wide, and 158-foot long ramp/flight deck on the pier. No admission fees will be charged for public viewing of the event. The proposed development will be entirely removed from the pier by Tuesday, August 24, 2010.

**RATIONALE:** Red Bull Flugtag ("flying day" in German) challenges the brave and brainy to design, build and pilot homemade non-motorized flying machines off a thirty-foot high flight deck in hopes of soaring into the wild blue yonder (but actually plunging into the waters below). The applicants' proposal includes procedures to ensure that each of the flying machines is retrieved from the water immediately following its plunge off the end of the pier. Teams are judged on three criteria: flight distance, creativity of the craft, and showmanship. The project site is Pine Avenue Pier and Rainbow Harbor. The pier will be temporarily closed to the public for eleven days, but the Rainbow Harbor Esplanade will remain open to the general public. The waters of Rainbow Harbor will remain open for use by commercial and private vessels. Dock 9 in Rainbow Harbor will be used by camera crews filming the event. Dock 5 will be used for recovering the debris and placing it in a trash barge.

The proposed project will have a minimal impact on existing public recreation opportunities and will temporarily interfere with existing public access or recreational opportunities at or near the project site. Because the impacts are minor and temporal in nature, the proposed project does not conflict with Chapter 3 policies of the Coastal Act or previous Commission approvals.

This waiver will not become effective until reported to the Commission at its **August 13, 2010 meeting in San Luis Obispo** 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

CHARLES R. POSNER  
Coastal Program Analyst

**CALIFORNIA COASTAL COMMISSION**

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



July 26, 2010

Augis Gedgaudas  
4040 Del Rey Avenue, Ste. 7A  
Marina del Rey, CA 90292

**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#:** 5-10-152

**APPLICANT:** G5 Haverford, Llc.

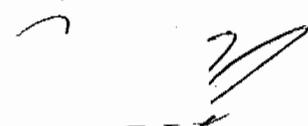
**LOCATION:** 631 Haverford Avenue, Pacific Palisades.

**PROPOSED DEVELOPMENT:** Demolition of a single-family residence and construction of a 3,539 square foot, two-story, 26 foot high, single-family residence with attached 384 square foot two car garage, 199 square foot accessory building and swimming pool.

**RATIONALE:** The project site is approximately 1/2 mile from Will Rogers State Beach, in an established Pacific Palisades residential area in the City of Los Angeles and not on a coastal or canyon bluff. The applicant has received an Approval in Concept No. ZA-2010-1667 AIC from the City of Los Angeles Planning Department (6/16/10). The site is designated as low-density (R1-1) residential land use in the Brentwood-Pacific Palisades Adopted Community Plan. The proposed project is compatible with the character of the surrounding pattern of development. The City of Los Angeles does not allow infiltration of water on sites in Pacific Palisades, therefore, the project will direct site runoff to the City's storm drain system. The proposed project is consistent with past Commission approvals, and the Chapter 3 policies of the Coastal Act, and will have no adverse impacts on coastal resources (i.e., public access and public recreation), 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 August 11-13, 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:   
Al J. Padilla  
Coastal Program Analyst

cc: Commissioners/File



**CALIFORNIA COASTAL COMMISSION**

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

**EMERGENCY PERMIT**

**DATE:** JULY 2, 2010

**EMERGENCY PERMIT:** 5-10-147-G

**APPLICANT:** New Henley Holdings, Inc.

**LOCATION:** Unincorporated area adjacent to Seapoint Street and Garfield Avenue (future area of Harriett Wieder Regional Park), Bolsa Chica, Orange County (APN: 110-231-15)

**EMERGENCY WORK PROPOSED:** Remediate landslide on a 35' high 1.5:1 (horizontal to vertical) slope by grading slope to 2:1 (excavating approximately 80,000 to 100,000 cubic yards of cut) and creating a 20' wide bench at the toe of the slope to provide a buffer between the slope and the existing unodorized high pressure gas line. The dimensions of the slope area to be remediated are approximately 200' by 80'. Cut material will be stockpiled in an existing depression approx. 200' northeast of the failed slope and create a level surface (2% slope). Both the remediated slope and the stockpile will be hydroseeded with a native seed mix upon completion of emergency work. The project area and access road were surveyed by the applicant's biologist and found to contain no wetlands or native plant species. The proposed work will take approximately 10 days to complete.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of landslide occurring on slope above an unodorized high pressure gas line requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the attached conditions.

Very Truly Yours,

Peter M. Douglas  
 Executive/Director

By: \_\_\_\_\_

Shemyn Sarb

Title: Deputy Director

**CONDITIONS OF APPROVAL:**

1. The enclosed form must be signed by the permittee and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Development Permit to have the emergency work be considered permanent and/or to otherwise address the ultimate disposition of the slope and stockpile. If no such application is received, the emergency work shall be considered unpermitted development in violation of Coastal Act requirements, unless the deadline is extended in writing by the Director for good cause.
5. In exercising this permit the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
7. Prior to commencement of work, the applicant shall have gas line rupture contingency measures in place in the event of a gas line leak or breakage from the existing gas line adjacent to the work area, including but not limited to, identification of the gas line owner/operator and validated 24-hour contact information for the gas line owner/operator, identification of the location of pumps, valves, etc. that would need to be shut down/closed in the event of an oil leak or spill and instructions/procedures needed to implement the shut down/closure, and provision of containment equipment (as applicable) in the event of a leak or spill. The applicant shall request that the owner/operator of the oil line reduce/minimize flows through the gas line or shut down the gas line prior to the commencement of work, if feasible.
8. Construction activities shall, to the maximum extent feasible, minimize or avoid significant adverse impacts on biological resources. A biological survey shall be completed prior to initiation of construction activities and shall provide recommendations for a biological monitor to be present during construction, if necessary.
9. Pre-project site biological conditions shall be documented through photographs of the site (e.g. excavation area, construction work route, and stockpile area), mapping and other appropriate documentation prior to commencement of work. Post-project conditions shall also be similarly documented and an analysis prepared identifying all impacts to biological resources caused by the proposed project. While no native habitat or wetlands are proposed to be impacted, any such inadvertent or unexpected impacts to native habitat, wetlands and other habitat shall be mitigated. The pre and post project biological condition documentation shall be submitted in conjunction with the follow-up regular coastal development permit application, along with a mitigation plan if adverse impacts to biological resources occurs.

10. OTHER: The remediated slope and stockpile shall be planted with a native seed mix as soon as practical following completion of approved grading activities. Within ten (10) days of issuance of this emergency permit the applicant shall submit a planting plan, including but not limited to, identification of seed mix and quantities, to the Executive Director for review and approval. Planting shall be implemented within seven (7) of the Executive Director's approval of the plan.
11. The follow up coastal development permit application shall include geotechnical review of the work carried out under this emergency permit to determine the stability of the remediated slope and any recommended further action necessary to stabilize the slope.

Condition number four (4) indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Development Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from hazards.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosures: Acceptance Form  
Coastal Permit Application Form

cc: Local Planning Department

**CALIFORNIA COASTAL COMMISSION**

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

**EMERGENCY PERMIT**

**DATE:** July 20, 2010

**EMERGENCY PERMIT:** 5-10-159-G

**APPLICANT:** City of Long Beach (Mark Sandoval, Marina Manager)

**LOCATION:** 5437 E. Ocean Boulevard (Leeway Sailing Center Pier), Alamitos Bay, City of Long Beach, Los Angeles County.

**EMERGENCY WORK PROPOSED:** Replace seven deteriorated timber piles (supporting a public pier) with seven pour-in-place concrete supports in the same location. Includes excavating approximately two feet below the mudline in order to unearth the concrete pedestal that exists at the base of each pile.

This letter constitutes approval of the emergency work you have requested to be done at the location listed above subject to the special conditions of approval contained on page 2. I understand from your information that an unexpected occurrence in the form of pier support piles decayed to the point of potential failure requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within thirty days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act and the City of Long Beach LCP.

The work is hereby approved, subject to the attached conditions.

Sincerely,

Peter M. Douglas  
Executive Director

By: Gary Timm  
Title: Coastal Program Manager

**CONDITIONS OF APPROVAL**

1. The enclosed form must be signed by the permittee and returned to our office within seven (7) days.
2. Only that work specifically described above and for the specific property listed above is authorized.
3. The work authorized by this permit must be completed within thirty days of the date of this permit, unless the Executive Director grants additional time for good cause.
4. Disturbance to the ocean bottom and intertidal areas shall be minimized. During excavation and pouring of concrete, floating booms and silt curtains shall be maintained around the project site in order to control turbidity and contain debris.
5. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6. Construction staging activities and equipment and materials storage areas shall not be located on the beach or in any environmentally sensitive habitat area. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
7. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
8. In exercising this permit, the permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
9. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
10. Within sixty days of the date of this permit, the permittee shall apply for a regular Coastal Development Permit to have the emergency work be considered permanent.

If the property owner wishes to have the emergency work become a permanent development, a Coastal Development Permit must be obtained. A regular Coastal Development Permit would be subject to all of the provisions of the California Coastal Act and the certified City of Long Beach Local Coastal Program and may be conditioned accordingly. Condition number ten (10) requires the permittee to apply for a Coastal Development Permit within sixty days.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosure: Acceptance Form  
cc: Local Planning Department

**CALIFORNIA COASTAL COMMISSION**

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



5-09-157-A1

**NOTICE OF PROPOSED PERMIT AMENDMENT**

**TO:** All Interested Parties  
**FROM:** Peter Douglas, Executive Director  
**DATE:** August 3, 2010  
**SUBJECT:** Coastal Development Permit No. 5-09-157 granted to John Whelan for:

Demolition of an existing single-family residence and construction of a three-level, 8,354 square foot single-family residence with an attached 2,321 square foot seven-car garage on a coastal bluff top lot. Grading will consist of 1,180 cubic yards of cut, 760 cubic yards of fill, 700 cubic yards of overexcavation and 420 cubic yards of export to a location outside of the Coastal Zone

**PROJECT SITE:** 157 Shorecliff Road, 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):

**The proposed project is being revised to also include shoring walls and retaining walls on or near the side yard property lines that include deepened foundation elements. These walls will not encroach into the 25-foot bluff edge setback.**

**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 will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed amendment is consistent with the underlying permit approval (CDP# 5-09-157) and 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.

If you have any questions about the proposal or wish to register an objection, please contact Fernie Sy at the Commission District Office in Long Beach (562) 590-5071.

**CALIFORNIA COASTAL COMMISSION**

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



5-08-058-A1

**NOTICE OF PROPOSED PERMIT AMENDMENT**

**TO:** All Interested Parties

**FROM:** Peter Douglas, Executive Director

**DATE:** August 3, 2010

**SUBJECT:** Coastal Development Permit No. 5-08-058 granted to City of Seal Beach Public Works, Attn: Vince Mastro Simone, Director of Public Works for:

Installation of a new 66-inch storm drain (built to work alongside an existing 54-inch storm drain pipe) and 25 new catch basins and laterals. In addition, portions of an existing storm drain will be abandoned in place.

**PROJECT SITE:** Electric Avenue (Between 12th Street and Seal Beach Boulevard), City of Seal 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):

**The project location has been revised to now only include Electric Avenue (Between 14<sup>th</sup> Street and Seal Beach Boulevard). In addition, the number of proposed new catch basins has been reduced to 15 from the originally proposed 25 to correspond to the revised project.**

**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 will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed amendment is consistent with the underlying permit approval (CDP# 5-08-058) and 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.

If you have any questions about the proposal or wish to register an objection, please contact Fernie Sy at the Commission District Office in Long Beach (562) 590-5071.

**CALIFORNIA COASTAL COMMISSION**

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

**(5-06-068)E3****NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

August 3, 2010

Notice is hereby given that **Ocean Institute, Attn: Daniel Stetson, President** has applied for a one-year extension of Coastal Development Permit **5-06-068**, as amended, granted by the California Coastal Commission on **July 12, 2006** for:

**Replace the existing dock (10' x 145') in the same location with a larger dock (300' long dock that is 27' wide in the middle and 12' wide at the ends) secured by ten 20" diameter concrete piles and construct a new 20' x 100' platform with a 5' x 80' ramp secured by twelve 20" diameter concrete plies. In addition, expansion of an existing 6' x 105' dock by 420 square feet.**

**At: 24200 Dana Point Harbor Drive, City of Dana Point, 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

by: *Hermes*  
Coastal Program Analyst II

**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)

5-08-159-E1

August 3, 2010

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

Notice is hereby given that: **City Of Santa Monica Redevelopment Agency,**  
**Attn: Andy Agle**

has applied for a one year extension of Permit No: **5-08-159.**

granted by the California Coastal Commission on: **September 10, 2008**

for **Construction of a mixed use development consisting of 164 market-rate condominiums; 160 affordable rental units; 20,000 square feet of ground floor retail/restaurant space, with 3,000 square feet of outdoor dining; 619 parking spaces; public access improvements; and landscaping. Maximum height of the structures will be 65 and 96 feet. The project will be designed to achieve certified LEED Silver status and include a photovoltaic system on the roof.**

at **1600-1800 E. Ocean Avenue, Santa Monica (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.

Sincerely,  
**PETER M. DOUGLAS**  
Executive Director

By: **AL PADILLA**  
Coastal Program Analyst

cc: Local Planning Dept.

Marsha Jones Moutrie, City Attorney/Agency Counsel

**CALIFORNIA COASTAL COMMISSION**

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



July 30, 2010

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**To:** Commissioners and Interested Parties

**From:** District Director, Sherilyn Sarb  
District Manager/Project Analyst, Teresa Henry

**Re:** Permit Amendment Request No. 5-05-020-A2 (Amending Permit No. 5-05-020 for development at 17201 Bolsa Chica Road, Huntington Beach, Orange County).

On April 14, 2005, the Commission granted to Hearthside Homes Coastal Development Permit No. 5-05-020 for:

Approval of Vesting Tentative Tract Map (VTTM) 15460 for the subdivision and development of two existing parcels into the 105.3-acre Brightwater community consisting of 349 residential lots on 67.9 acres and 37.1-acres of habitat restoration and public trail, located primarily on the upper bench of the Bolsa Chica Mesa. The project also includes the construction of 349 single-family homes and the construction of two local parks within the residential community. The 37.1-acre habitat area consists of a 29.2-acre coastal sage scrub and native grassland community located along the western and southern slope and bluff top edges and the construction of a 2.5-acre Los Patos Wetland and Southern Tarplant preserve. (The Los Patos Wetland and Southern Tarplant preserve is 2.5 gross acres and 2.9 net acres). The remaining 5 acres of the 37.1-acre habitat area is the existing Eucalyptus grove. Public access, including pedestrian, bicycle and vehicular access and public parking will be allowed throughout the community. Three vertical walkways providing resident access to the habitat trail will also be available to the public. The Los Patos Avenue frontage will also be widened, paved and landscaped creating 114 (unstriped) public parking spaces. The Tract Map also includes the creation of an 11.8-acre residual parcel located on the lower bench of the Bolsa Chica Mesa.

Grading consists of 440,000 cubic yards (220,000 c.y. cut, 220,000 c.y. fill). Infrastructure improvements include the construction of a 1.2-million gallon underground drinking water reservoir and aboveground pump station on 0.3 acres and a new 54" to 66" storm drain and rip-rap energy dissipater discharging treated runoff to the off-site Isolated Pocket Lowland area. More specifically described in the permit file in the Commission's South Coast District Office.

**AT:** 17201 Bolsa Chica Road, Huntington Beach, Orange County

On June 2, 2010, the applicant (Hearthside Homes) submitted a request to amend Coastal Development Permit 5-05-020, as follows:

**DESCRIPTION OF AMENDMENT REQUEST (5-05-020-A2):**

Three changes are proposed to the residential subdivision: (1) eliminate the previously approved 1.2 million gallon underground drinking water reservoir and above ground pump station (Lot 351) in order to allow the construction of a single family home; (2) reconfigure five residential lots (Lots 153 – 157) located between "B" Street and "E" Street (now Oceanridge, Sagatuck, Oceanknoll and Chilmark Streets) into four lots, eliminating Lot 157 and increasing the size of the remaining four lots; and (3) redesign "S" Street and "T" Street (now Bristol Lane and Ashville Drive) to cul-de-sacs.

Pursuant to Section 13166(b) of Title 14 of the California Code of Regulations, the Executive Director determined that the proposed permit amendment to allow the above three changes is immaterial because the changes are minor and do not result in adverse impacts to any coastal resources, public access or coastal views. The amendment is therefore in conformity with the applicable Chapter 3 policies of the Coastal Act.

On June 29, 2010, the South Coast District Office in Long Beach issued notice of the Executive Director's determination (Notice of Proposed Permit Amendment) to all persons known to be interested in the application (Exhibit 1). The Notice of Proposed Permit Amendment recommended that the permit amendment request be considered "immaterial" and granted for the following reason(s):

The previously approved underground water reservoir and pump station are no longer necessary as the project site now receives water service from the City of Huntington Beach, eliminating the need for these on-site facilities. A residential unit is now proposed to be built at this location. There will be no change in the total number of residential units built on the project site; no additional grading will occur to construct the residential unit on the previous Public Facilities site as it was graded during mass grading of the subdivision. The new residential unit at the previous Public Facilities site as well as the units on reconfigured Lots 153-156 will be consistent with the approved height and design of the other units in the subdivision. Finally, there will be no adverse impacts to public access to the bluff top trail with the redesign of Bristol Lane and Ashville Drive from through streets to cul de sacs since the subject streets are located landward of the subdivision entrance, away from the blufftop public trail. The redesigned streets will remain open to public vehicular and pedestrian access as well as public parking.

The changes proposed by the amendment are minor and will not adversely affect public access to and use of the water, adversely impact public recreational use of a public trail/park or beach, or otherwise adversely affect recreation, access or the visual resources of the coast. The proposed amendment is consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff is recommending that the Commission grant the amendment request.

5-05-020-A2 (Hearthside Homes)  
Objection to Executive Director's Determination  
Page 3 of 5

The Executive Director reported this determination to the Commission at its July Commission meeting in Santa Rosa. Within the ten working-day period during which any person may object to the immaterial amendment request (June 29 – July 13), the South Coast District Office received four letters of objection (See attached). An additional letter was received on July 20<sup>th</sup>, a full week after the objection period ended.

Section 13166(b)(2) of Title 14 of the California Code of Regulations states:

*(2) If a written objection to notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the commission at its next regularly scheduled meeting. The executive director shall include a copy of the letter(s) of objection to the commission with the report. If any three (3) commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the commission for action as set forth in subsection (c) below. Otherwise, the immaterial amendment shall become effective.*

Pursuant to Section 13166(b)(2) of the Regulations, the Executive Director is hereby reporting the written objections to the immaterial amendment to the Commission. The Executive Director has determined that the objections do not raise an issue of conformity with the Coastal Act. There is no certified Local Coastal Program (LCP) which covers the project site. The site was previously in the unincorporated Bolsa Chica area of Orange County. Since the Commission's approval of the project in 2005, the area has been annexed to the City of Huntington Beach. The certified Huntington Beach LCP has not yet been amended to include the newly annexed Bolsa Chica area.

### **Objectors' Assertions**

Four letters were received within the 10 working day objection period (see attached). The July 5<sup>th</sup> letter from the Native American Heritage Commission (NAHC) states that the project site is a major part of a larger area that contains at least six recorded archaeological sites, and twelve other recorded sites in the larger Bolsa Chica area (Exhibit 2). The letter further states that ORA-83, the Cogged Stone site, is internationally significant and remains on the Sacred Lands File Inventory of the NAHC, "despite being destroyed along with other intensive residential construction activity". Further, the California Office of Historic Preservation has nominated the site to the National Register of Historic Places but a peer review committee has declared the site no longer eligible due to a loss of the site's integrity. Finally, NAHC points out that despite the applicant's archaeologist's claim that all cultural resources have been recovered, a similar claim was made previously for this subdivision and numerous archaeological/cultural burials and artifacts were subsequently recovered. For these reasons, NAHC is requesting that the

Commission not allow any further construction activity (or "ground-breaking activity") at the project site.

On July 6, 2010 an objection letter was received from George and Sunny Meylor (Exhibit 3). They request that the Commission not allow the applicant to continue "proposals to build on precious wetland property".

On July 7, 2010 an objection letter was received from Eileen Murphy stating that the property is current zoned for open space and that the applicant is trying to get the zoning changed to residential (Exhibit 4). The letter further states objection to the applicant trying to "increase the number of residences from the permitted number".

Finally, on July 9, 2010 an objection letter was received from Zach Halopoff stating that a new home on Lot 351 instead of the approved below-ground water reservoir would negatively affect views of the southern skyline from Los Patos Avenue (Exhibit 5). He states that "the lot was designed for a pump station with a disproportionately long back wall which still provides some opportunity for sunlight to reach Los Patos and a line of sight to the southern hemisphere".

### ***Analysis of Objector's Assertions***

The first objection contends that further construction activity (or "ground-breaking activity") at the project site could disturb potentially remaining archaeological/cultural resources (Exhibit 2). The proposed amendment does not include any further grading. The entire project area has already been mass graded. No additional grading is proposed or approved by this amendment request. All archaeological/cultural resources have been recovered and reburied elsewhere on the project site, pursuant to earlier coastal permits for the project site. Therefore, the proposed amendment raises no potential for the disturbance archaeological/cultural resources. The second objection letter opposed building on "wetland property" (Exhibit 3). The proposed amendment does not allow development within any wetland. While there are scattered, small wetlands on the project site they were required to be preserved and buffered under the original permit action. Lot 351, the former water reservoir and pump station site which would be developed with a single family home, is adjacent to the 2.5-acre Southern Tarplant and Seasonal Pond Environmental Protection Area. However, the Southern Tarplant has a 50 foot buffer and the Seasonal Pond (wetland) has a 100 foot buffer, all within the habitat park. A second small wetland area is likewise not effected by the proposed amendment. The Bolsa Chica Wetlands are located off-site, south of the project site. The third objection letter states that the applicant is attempting to increase the number of residences and that the site is zoned for open space (Exhibit 4). The letter is incorrect in stating that the number of residences will increase. Although a new residence is proposed in a location that was approved for development other than a residence, the applicant is proposing to reconfigure a group of 5 existing lots into 4 lots, thereby reducing the number of residential lots from 5 to 4. Therefore there will be no net increase in the number of residences within the project site. Because there is no

5-05-020-A2 (Hearthside Homes)  
Objection to Executive Director's Determination  
Page 5 of 5

certified LCP for the project site, the zoning is not recognized by the Commission. However, the County's zoning on the entire project site was "Planned Community" when the Commission approved the original project in 2005. Since that time, the project area has been annexed into the City of Huntington Beach. The current zoning is "Specific Plan" to reflect the Specific Plan that has been approved by the City of Huntington Beach to allow for the residential subdivision and single family homes as approved by the Coastal Commission in the subject underlying coastal permit. The Commission however does not recognize the Specific Plan as it has not been submitted to the Commission for approval as an amendment to the certified Huntington Beach LCP. The final letter objects to alleged adverse visual impacts on the "southern skyline, loss opportunity for sunlight to reach Los Patos, and the line of sight to the southern hemisphere" from Los Patos if a house is allowed to replace the under-ground water reservoir on Lot 351 (Exhibit 5). Public views from Los Patos Avenue to the wetlands were not protected by the Commission in approving the original coastal permit. Several rows of houses were approved between Los Patos Avenue and the southern bluff edge. Public views were addressed by the Commission requiring that three vertical walkways connecting with the blufftop trail and the blufftop trail along the bluff edge be open to the public for wetland and ocean viewing and passive recreational use. The Commission approved 26 ft. high single family homes along the entire Los Patos Avenue frontage with the exception of the habitat protection area adjacent to the subject water reservoir lot. The Commission also approved a pump station on the water reservoir lot so there would have been an above ground structure on the water reservoir lot. The Commission does not protect private views from residences.

**Conclusion**

The Executive Director has determined that the above objections do not raise an issue of conformity with the Coastal Act which is the standard of review. If any three commissioners object to the Executive Director's determination of immateriality, the amendment application shall be scheduled for a public hearing and Commission action at a future meeting as set forth in Section 13166(c) of the Regulations. Otherwise, the permit amendment shall become effective.

## CALIFORNIA COASTAL COMMISSION

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



5-05-020-A2

## NOTICE OF PROPOSED PERMIT AMENDMENT

**TO:** All Interested Parties  
**FROM:** Peter Douglas, Executive Director  
**DATE:** June 29, 2010  
**SUBJECT:** Permit No. 5-05-020 granted to **Hearthside Homes** for:

Approval of Vesting Tentative Tract Map (VTTM) 15460 for the subdivision and development of two existing parcels into the 105.3-acre Brightwater community consisting of 349 residential lots on 67.9 acres and 37.1-acres of habitat restoration and public trail, located primarily on the upper bench of the Bolsa Chica Mesa. The project also includes the construction of 349 single-family homes and the construction of two local parks within the residential community. The 37.1-acre habitat area consists of a 29.2-acre coastal sage scrub and native grassland community located along the western and southern slope and bluff top edges and the construction of a 2.5-acre Los Patos Wetland and Southern Tarplant preserve. (The Los Patos Wetland and Southern Tarplant preserve is 2.5 gross acres and 2.9 net acres). The remaining 5 acres of the 37.1-acre habitat area is the existing Eucalyptus grove. Public access, including pedestrian, bicycle and vehicular access and public parking will be allowed throughout the community. Three vertical walkways providing resident access to the habitat trail will also be available to the public. The Los Patos Avenue frontage will also be widened, paved and landscaped creating 114 (unstriped) public parking spaces. The Tract Map also includes the creation of an 11.8-acre residual parcel located on the lower bench of the Bolsa Chica Mesa.

Grading consists of 440,000 cubic yards (220,000 c.y. cut, 220,000 c.y. fill). Infrastructure improvements include the construction of a 1.2-million gallon underground drinking water reservoir and aboveground pump station on 0.3 acres and a new 54" to 66" storm drain and rip-rap energy dissipater discharging treated runoff to the off-site Isolated Pocket Lowland area.

**PROJECT SITE:** 17201 Bolsa Chica Road, 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):

Three changes are proposed to the residential subdivision: (1) eliminate the previously approved 1.2 million gallon underground drinking water reservoir and above ground pump station (Lot 351) in order to allow the construction of a single family home; (2) reconfigure five residential lots (Lots 153 - 157) located between "B" Street and "E" Street (now Oceanridge, Sagatuck, Oceanknoll and Chilmark Streets) into

COASTAL COMMISSION  
5-05-020-A2

EXHIBIT # 1 p. 1 of 2

four lots, eliminating Lot 157 and increasing the size of the remaining four lots; and (3) redesign "S" Street and "T" Street (now Bristol Lane and Ashville Drive) to cul-de-sacs.

## 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 previously approved underground water reservoir and pump station are proposed to be eliminated because the project site will now receive water service from the City of Huntington Beach, eliminating the need for these on-site facilities. A residential unit will be built instead at that location. The new single family residence on the previous Public Facilities site will be consistent with the design standards approved for the rest of the homes within the subdivision. In order to maintain the same number of residential units (349) the applicant proposes to eliminate a residential unit elsewhere within the subdivision. Five lots (Lots 153-157) will be reconfigured, including the elimination of one of the lots (Lot 157). Of the four remaining lots, three lots will increase in size, by up to 3,267 square feet and one lot will decrease by 572 square feet. Although three of the four reconfigured lots will be slightly larger than nearby lots within the subdivision, the residential units to be built on the reconfigured lots will be no larger than the other homes within the subdivision. The residential units will be consistent with the approved design standards, including the height. "S" and "T" Streets were originally designed to connect to the existing streets within the adjacent Sandover Development. However the Sandover home owners association objects to the connection so the streets are now proposed as cul-de-sacs. The redesign of Bristol Lane and Ashville Drive into cul-de-sacs will not adversely impact public access to the public trail which is located on the southern edge of the subdivision as the two streets are located inland (north) of the subdivision entrance. Additionally, the streets will remain open for public vehicular and pedestrian access and parking. Therefore, the proposed changes to the approved project do not affect the project's conformance with the applicable Chapter policies of the Coastal Act.

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

COASTAL COMMISSION

5-05-020-A2

EXHIBIT # 1

PAGE 2 OF 2

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5390  
 Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
 e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



July 5, 2010

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 South Coast Region

JUL 07 2010

Mr. Peter Douglas, Executive Director

**CALIFORNIA COASTAL COMMISSION****South Coast Area Office**

200 OCEANGATE, SUITE 1000  
 LONG BEACH, CA 90802-5071

CALIFORNIA  
 COASTAL COMMISSION

Sent by FAX to 562-590-5084 & by U.S.P.S.  
 No. of Pages: 2

**Re: Notice of Proposed Permit Amendment, 5-05-020-A2 for Hearthside Homes, Inc. for Construction Activities within Vesting Tentative Tract Map (VTTM) 15460, consisting of the elimination of an underground reservoir and above ground pump station, the elimination of Lot 157 and re-sizing and construction of four additional units and a new single-family residence and the construction of new 'cul-de-sacs'; located the lower bench of the Bolsa Chica Mesa Area; City of Huntington Beach; Orange County, California**

Dear Mr. Douglas:

The California Native American Heritage Commission (NAHC) wishes to comment on the proposed Permit Amendment o, 5-05-020-A2 of the above-referenced project. Our comments are pursuant to §§ 21104(c) and 21070 of the California Public Resources Code (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The NAHC is concerned that any ground-breaking activity at this site because it feels that additional Native American archaeological items, and Native American burials are likely to be discovered during construction activity. The entire site including the adjacent Sandover and Ridge Projects (1999 and 2010) represent one of the major remaining portions of at least six recorded archaeological sites (e.g. ORA-83, ORA-85, ORA-86, ORA-133, ORA-144, and ORA-288), and twelve other recorded sites in the larger Bolsa Chica area. The 'cogged stone site' (ORA-83 is of international significance despite being destroyed along with other intensive residential construction activity. Yet, this site remains significant and important to the local Native American community and will not be removed from the Sacred Lands File Inventory of the NAHC authorized by the California legislature and codified in Public Resources Code §§5097.94(a) and 5097.96.

The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, as amended requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." While the project archaeologist, SRS, Inc. for Hearthside Homes, claims "that it is unlikely that significant deposits would come to light during construction...." The NAHC disagrees and recalls similar 'conclusions' of the archaeologist that were included in the Hearthside Homes, Inc. application to the California Coastal Commission in 2005, a permit that was granted as referenced above. Yet, in 2006, substantial numbers of Native American burials and associated grave goods were discovered in and near the archaeological sites ORA-85 and ORA-83.

COASTAL COMMISSION

5-05-020-A2

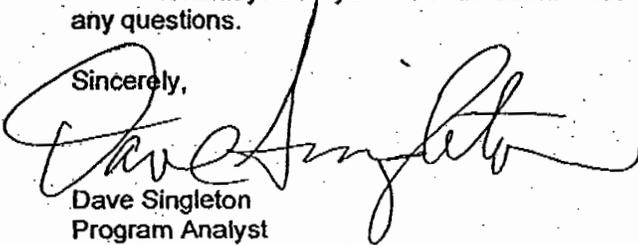
EXHIBIT # 2

Therefore, the NAHC expresses its preference in the face of such a major archaeological site, and important to the history of California, that the California Coastal Commission adopt a policy of avoidance (pursuant to §15370 of the CEQA Guidelines), disallowing further construction activity at this site in respect to its archaeological and historical significance to in respect of the many Native Americans, Gabrieleno Tongva and Juaeño that have protested this development. The California Office of Historic Preservation has nominated this site to the National Register of Historic Places. While a 'peer review committee' declared that the site was no longer eligible due to a loss of the site's integrity, it remains on the NAHC Sacred Sites Inventory and perhaps on the California Register of Historic Places.

Should the California Coastal Commission not accept this recommendation of the NAHC, we urge the strictest of mitigation measures be applied to the permit amendment. The likelihood of additional discoveries of Native American human remains and archaeological items associated with burial sites is high. Furthermore, the Native American Heritage Commission, respectfully, requests of the California Coastal Commission the opportunity to review and comment on any proposed mitigation measures for the proposed construction activity proposed in the CDP amendment to 5-05-020-A2. The NAHC makes such a requests pursuant to Public Resources Code §5097.95.

Thank you for your consideration. Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Cc; Larry Myers  
Manager - NAHC

COASTAL COMMISSION  
5-05-020-A2  
EXHIBIT # 2  
PAGE 2 OF 2

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South Coast Region  
JUL 6 2010

Commission Office

CALIFORNIA  
COASTAL COMMISSION

My husband and I strenuously object to  
Hearthside's continued proposals to build  
on precious Wetland Property. How can  
The Coastal Commission, in conscience,  
even entertain the concept of building  
on the Wetland.

It is (Hearthside's Proposal)  
irresponsible and shows a complete  
disregard for our environment

Vote NO on Hearthside's Proposal

George and Sunny Maylor

COASTAL COMMISSION  
5-05-020-A2  
EXHIBIT # 3  
PAGE 1 OF 1

July 3, 2010

Permit No 5-05-020

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South Coast Region

JUL 7 2010

California Coastal Commission

Commission Area Office

Teresa Henry

200 Oceangate #1000

Long Beach CA 90802

CALIFORNIA  
COASTAL COMMISSION

Teresa Henry:

I am objecting to this permit No 5-05-020 because the property at the present time is zoned for open space and Hearthsides is trying to get the zoning changed to Residential. This site is a sacred site which should have been saved many years ago from development. The whole area is an Indigenous people's cemetery and should not be built on. 6 bodies make a cemetery and Hearthsides / Koll / Bolsa Chica Company (all the same developer) has reported over 28 bodies found on their developed property. Their own archaeologist has said "Human bodies will be found on this property." By eliminating the reservoir and pump station they want to increase the number of residences from the permitted number.

It is my hope that Chapter 3 of the Coastal Act concerns itself with zoning and Historic Sites.

Respectfully submitted,



Eileen Murphy

201 21st Street

HB CA 92648

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 1 OF 1

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South Coast Region

Teresa Henry  
California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

JUL 09 2010

7/9/2010

CALIFORNIA  
COASTAL COMMISSION

Re: Notice of proposed permit amendment 5-05-020 to Hearthside Homes

Ms. Henry:

I would like to register my objection to the proposed amendment to permit number 5-05-020.

My objection is specifically to proposed change number 1) "eliminate the previously approved 1.2 million gallon underground drinking water reservoir and above ground pump station (Lot 351) in order to allow the construction of a single family home".

Los Patos Avenue has already been negatively affected by the construction of the Brightwater tract in regards to view of the southern skyline. The ground was raised as much as 8 feet from original grade level before building 30 foot tall houses on top. The previously sunlit street is now mostly eclipsed by these structures.

This now vacant lot (Lot 351) is adjacent to the Southern Tarplant preserve – the only area remaining on the street with the original grade-height. Lot 351 was designed for the pump station, not a house. The lot has a disproportionally long back wall and as such still provides some opportunity for sunlight to reach Los Patos and a line of sight to the southern hemisphere. Building a house on this lot will just add to the negative effect that the construction has had on Los Patos street.

I move that this amendment is not immaterial and should not be granted as currently proposed.

Thank you,



Zach Halopoff

4801 Los Patos Ave.  
Huntington Beach, CA 92649  
714 373-3333 x312 (office)  
714 840-9783 (home)

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 1 OF 1