

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2384

www.coastal.ca.gov

Th7

SAN DIEGO COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

January Meeting of the California Coastal Commission

MEMORANDUM

Date: January 13, 2011

TO: Commissioners and Interested Parties
FROM: Sherilyn Sarb, San Diego Coast District Deputy Director
SUBJECT: ***Deputy Director's Report***

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the San Diego Coast District Office for the January 13, 2011 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 San Diego Coast District.

REGULAR WAIVERS

1. 6-10-092-W 125 North 101 LLC, Attn: Robert Rosenfeld (Solana Beach, San Diego County)
2. 6-10-094-W Randal Signore; Mark Mathiesen (Mission Beach, San Diego, San Diego County)

DE MINIMIS WAIVERS

1. 6-10-095-W San Diego Gas & Electric Company (Chula Vista, San Diego County)

EMERGENCY PERMITS

1. 6-11-003-G Barbara Lynch; Thomas Frick (Encinitas, San Diego County)

<i>TOTAL OF 4 ITEMS</i>

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
6-10-092-W 125 North 101 LLC, Attn: Robert Rosenfeld	Remodel of an existing 1,581 sq. ft restaurant facility including reconfiguration of existing exterior parking area to allow for the addition of a handicapped parking space near the building entrance, removal of an 8 sq. ft. water heater enclosure, removal of 29 sq. ft. of existing outdoor dining patio area to accommodate the addition of a storage and service area as well as an ADA accessway, and installation of a new roof. Remodel will result in 1,729 sq. ft. restaurant building that provides 13 total parking spaces.	125 North Highway 101, Solana Beach (San Diego County)
6-10-094-W Randal Signore Mark Mathiesen	Remodel of an existing 1,964 sq. ft. duplex including construction of a 387 sq. ft. two car garage and a 938 sq. ft. second story addition, resulting in a 3,251 sq. ft. duplex with four off-street parking spaces. Remodel will involve the demolition of less than 10% of the existing exterior walls.	713 - 715 Deal Court, Mission Beach, San Diego (San Diego County)

REPORT OF DE MINIMIS WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
6-10-095-W San Diego Gas & Electric Company	Remove burn ash deposits from 2 areas (Areas A & B) within previously disturbed areas of the Sweetwater Marsh. Approx. 150 CY of burn ash and impacted soil will be removed from Area A using hand tools and a small excavator. Excavation equipment and burn ash material will be transferred to and from the site via helicopter to nearby trucks for transport to an approved landfill. Approx. 9 CY of burn ash and impacted soil will be removed from Area B using mechanized equipment and trucks. The project areas will be restored to pre-deposit conditions, including restoration of historic grade, revegetation with native species consistent with the surrounding area, and monitoring. If the work is unable to be completed prior to bird nesting season (Feb. 15th), the applicant will install temporary no trespassing signs and temporary fencing consisting of 8 ft. fence posts and 6 ft. chain link fence around the perimeter of Areas A & B until the burn ash is removed.	San Diego Gas & Electric Right Of Way Within Sweetwater Marsh, Chula Vista (San Diego 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>
6-11-003-G Barbara Lynch Thomas Frick	Removal of all wood material debris associated with the failure of a mid-bluff wall and beach access stairway from the face of the bluff utilizing mechanical equipment from the beach and disposal of the debris at an appropriate disposal facility.	1500 and 1520 Neptune Avenue, Encinitas (San Diego County)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2384
www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: January 5, 2011
TO: 125 North 101 LLC, Attn: Robert Rosenfeld
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 6-10-092-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: 125 North 101 LLC, Attn: Robert Rosenfeld

LOCATION: 125 North Highway 101, Solana Beach (San Diego County) (APN(s) 263-331-12, 263-331-22)

DESCRIPTION: Remodel of an existing 1,581 sq. ft restaurant facility including reconfiguration of existing exterior parking area to allow for the addition of a handicapped parking space near the building entrance, removal of an 8 sq. ft. water heater enclosure, removal of 29 sq. ft. of existing outdoor dining patio area to accommodate the addition of a storage and service area as well as an ADA accessway, and installation of a new roof. Remodel will result in 1,729 sq. ft. restaurant building that provides 13 total parking spaces.

RATIONALE: The proposed project is consistent in scale and size to the surrounding community and commercial developments. The remodel and addition is consistent with the zoning and plan designations for the City of Solana Beach and is not located in any of the special overlay areas identified in the previously certified County of San Diego Local Coastal Program. Adequate off-street parking is provided, consistent with Section 30252 of the Coastal Act. No adverse impacts to coastal resources are anticipated.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, January 13, 2011, in Long Beach. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: MELISSA AHRENS
Coastal Program Analyst

Supervisor: 

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2384
www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: January 5, 2011
TO: Randal Signore; Mark Mathiesen
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 6-10-094-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: Randal Signore; Mark Mathiesen

LOCATION: 713 - 715 Deal Court, Mission Beach, San Diego (San Diego County) (APN(s) 423-713-01)

DESCRIPTION: Remodel of an existing 1,964 sq. ft. duplex including construction of a 387 sq. ft. two car garage and a 938 sq. ft. second story addition, resulting in a 3,251 sq. ft. duplex with four off-street parking spaces. Remodel will involve the demolition of less than 10% of the existing exterior walls.

RATIONALE: The proposed project is located in an established residential neighborhood consisting of single and multi-family residences similar in size and character to the proposed development; therefore, the project will not be out of character with the surrounding community. The proposed residential construction is consistent with all planning and zoning designations of the certified Mission Beach Precise Plan, the City of San Diego LCP, and all applicable Chapter 3 policies of the Coastal Act. No adverse impacts to coastal resources are anticipated.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Thursday, January 13, 2011, in Long Beach. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: MELISSA AHRENS
Coastal Program Analyst

Supervisor: 

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2384
www.coastal.ca.gov

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: December 23, 2010
TO: San Diego Gas & Electric Company
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 6-10-095-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: San Diego Gas & Electric Company

LOCATION: San Diego Gas & Electric Right Of Way Within Sweetwater Marsh, Chula Vista (San Diego County) (APN(s) 565-010-08, 565-010-15, 562-300-02)

DESCRIPTION: Remove burn ash deposits from 2 areas (Areas A & B) within previously disturbed areas of the Sweetwater Marsh. Approx. 150 CY of burn ash and impacted soil will be removed from Area A using hand tools and a small excavator. Excavation equipment and burn ash material will be transferred to and from the site via helicopter to nearby trucks for transport to an approved landfill. Approx. 9 CY of burn ash and impacted soil will be removed from Area B using mechanized equipment and trucks. The project areas will be restored to pre-deposit conditions, including restoration of historic grade, revegetation with native species consistent with the surrounding area, and monitoring. If the work is unable to be completed prior to bird nesting season (Feb. 15th), the applicant will install temporary no trespassing signs and temporary fencing consisting of 8 ft. fence posts and 6 ft. chain link fence around the perimeter of Areas A & B until the burn ash is removed.

RATIONALE: The proposed development will occur within Sweetwater Marsh, an environmentally sensitive habitat area. While the project will not directly impact ESHA, the applicant has proposed numerous measures to minimize the potential for impacts from the removal process such as no work will occur during the bird nesting season (Feb 15th to Sept 15th), most of the work will be done by hand, a biologist will be on site at all times and water quality BMPs will be employed during the approx. 2 week work period. In addition, after the removal, both sites will be revegetated with native species consistent with the surrounding area and monitored to assure success. The project is consistent with all applicable Chapter 3 polices of the Coastal Act and no adverse impacts to coastal resources are anticipated.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of January 12-14, 2011, in Long Beach. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Date: 12/23/2010

Page 2

Sincerely,
PETER M. DOUGLAS
Executive Director

By: ERIC STEVENS
Coastal Program Analyst

Supervisor: 

cc: Local Planning Dept.

San Diego Gas & Electric, Attn: Estela deLlanos, Senior Environmental Council

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

**EMERGENCY PERMIT**

Applicants: **Barbara Lynch; Thomas Frick**
Agent: **Terra Costa Consulting Group, Inc.**

Date: January 6, 2011
Emergency Permit No. 6-11-003-G

LOCATION OF EMERGENCY WORK: **On the bluff and beach fronting 1500 and 1520 Neptune Avenue, Encinitas, San Diego County.**

WORK PROPOSED: **Removal of all wood material debris associated with the failure of a mid-bluff wall and beach access stairway from the face of the bluff utilizing mechanical equipment from the beach and disposal of debris at an appropriate disposal facility.**

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 and our site inspection that an unexpected occurrence in the form of a bluff collapse and loss of a stairway and mid-bluff wall and failure of a lower seawall which 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 of the Coastal Commission 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 this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (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 conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director

Sherilyn N. Sarb
for Sherilyn Sarb
Deputy Director

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. The construction, placement, or removal of any accessory or protective structures, including but not limited to, fill of mid or upper bluff, stairways or other access structures, walls, fences, etc. not described herein, are not authorized by this permit. Any additional work requires separate authorization from the Executive Director. **If during construction, site conditions warrant changes to the approved plans, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by February 5, 2011).
4. The emergency work carried out under this permit is considered TEMPORARY work done in an emergency situation. **In order to have the emergency work become a permanent development, a regular coastal development permit must be applied for within 60 days of this permit (i.e., by March 6, 2011) and obtained and issued from the Commission within 180 days (i.e., by July 6, 2011) of the date of this permit.**
5. The subject emergency permit is being issued in response to a documented emergency condition where action needs to be taken faster than the normal coastal development permit process would allow. By approving the proposed emergency measures, the Executive Director of the Coastal Commission is not certifying or suggesting that the structures constructed under this emergency permit will provide necessary protection for the blufftop condominium structures. Thus, in exercising this permit, the applicant 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 (e.g. City of Encinitas, Army Corps of Engineers, State Lands Commission, etc.)
7. Prior to the commencement of the work, the applicant shall submit to the Executive Director evidence that the debris removal project has been reviewed and approved by the City of Encinitas.
8. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces at Moonlight Beach. Construction materials and/or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time. Construction equipment shall not be washed on the beach.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

(619) 767-2370

**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RE: **Emergency Permit No. 6-11-003-G**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date.

Acknowledgement

In acceptance of this emergency permit, I acknowledge that any work authorized under an emergency permit is temporary and subject to removal if a regular coastal permit is not obtained to permanently authorize the emergency work. I also acknowledge and understand that a regular coastal development permit would be subject to all of the provisions of the Coastal Act and may be conditioned accordingly.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I also understand that a regular Coastal Permit is necessary to permanently authorize the emergency work. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by March 6, 2011).

Signature of property owner or
authorized agent

Name

Address

Date of Signing