

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT
200 Oceangate, Suite 1000
LONG BEACH, CA 90802-4302
(562) 590-5071 FAX (562) 590-5084
www.coastal.ca.gov

**Th18**

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

*For the
October Meeting of the California Coastal Commission*

MEMORANDUM

Date: October 11, 2012

TO: Commissioners and Interested Parties

FROM: 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 October 11, 2012 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. 5-12-204-W David & Sharman Demler (Newport Beach, Orange County)

DE MINIMIS WAIVERS

1. 5-12-125-W City Of Seal Beach, Attn: Mr. David Spitz (Seal Beach, Orange County)
2. 5-12-196-W Mr. & Mrs. Armando Nila (Newport Beach, Orange County)
3. 5-12-241-W Carl Gallucci (Seal Beach, Orange County)

IMMATERIAL AMENDMENTS

1. 5-06-117-A2 City Of Newport Beach, Attn: Mr. Chris Miller (Newport Beach, Orange County)

EXTENSION - IMMATERIAL

1. 5-07-085-E4 Hhr Newport Beach Llc, Attn: Tom Redwitz (Newport Beach, Orange County)

TOTAL OF 6 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>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-12-204-W David & Sharman Demler	Remodel and addition of an existing 3,842 square foot two-story, single-family residence with an attached 460 square foot two-car garage. The project more specifically consists of: 1) removal of 38 square feet from the existing 1st floor; 2) removal of 38 square feet from the existing 2nd floor; 3) an addition of 16 square feet to the existing garage; and 4) an addition of 971 square feet to the existing 2nd floor. Post project the two-story, single-family residence will be 4,717 square feet with an attached 476 square foot two-car garage. The maximum height of the structure will not exceed 29-feet above existing grade. No grading is proposed. Also, no work is proposed to the existing dock system or the existing bulkhead.	23 Linda Isle, Newport Beach (Orange County)

REPORT OF DE MINIMIS WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-12-125-W City Of Seal Beach, Attn: Mr. David Spitz	Storm drain work consisting of removal of an existing 58" wide x 36" high corrugated metal arch pipe and replacement with a double 84"-wide x 36" high reinforced concrete box. The project also includes removal and replacement of four existing catch basins and installation of six (6) storm drain laterals. One of these laterals will be for a future point of connection. In addition, minor replacements of curb, gutter, sidewalk, driveway and trash enclosures will occur. The work will be separated into three different phases.	Electric Ave Between Corsair Way And Marina Drive, Seal Beach (Orange County)
5-12-196-W Mr. & Mrs. Armando Nila	Demolition of an existing one-story single family residence and construction of a new 29-foot tall, three-story, 1,867 square foot single family residence and a 431 square foot, second floor rental unit. The project also includes an attached 422 square foot, two-car garage; a 396 square foot, two car carport; and 454 square feet of decks. Grading consists of 59 cubic yards of fill.	117 Topaz, Newport Beach (Orange County)

<p>5-12-241-W Carl Gallucci</p>	<p>Demolition of an existing 945 square foot, one-story single-family residence with a 370 square foot detached, two-car garage and construction of 1,769 square foot, two-story single-family residence with a 399 square foot detached, two-car garage. The maximum height of the structure will not exceed 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>326 8th Street, Seal Beach (Orange County)</p>
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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>
<p>5-06-117-A2 City Of Newport Beach, Attn: Mr. Chris Miller</p>	<p>Extend the term of approval of the authorizations for dredging, beach nourishment and offshore disposal (at LA-3 only), from October 23, 2011 to March 31, 2014; and modify the boundary of the area approved for such work to include additional areas in Newport Bay that new testing has shown are suitable for beach nourishment and/or offshore disposal. The amendment does not request to extend the authorization for replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways – such development must be separately authorized.</p>	<p>Newport Bay, Newport Beach (Orange County)</p>

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>5-07-085-E4 Hhr Newport Beach Llc, Attn: Tom Redwitz</p>	<p>Demolition of existing tennis complex and construction of 79 residential townhome units on a 4.25 acre site, including 3 buildings ranging from 50-60 feet in height above grade, totaling approximately 205,679 square feet and approximately 97,231 square feet of subterranean parking, landscaping, hardscaping, and open space, and payment of a \$5,000,000.00 mitigation fee.</p>	<p>900 Newport Center Drive, Newport Beach (Orange County)</p>

CALIFORNIA COASTAL COMMISSION

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



September 26, 2012

David & Sharman Demler
P.O. Box 207
Wasco, CA 93280

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#: 5-12-204 **APPLICANT:** David & Sharman Demler

LOCATION: 23 Linda Isle, Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Remodel and addition of an existing 3,842 square foot two-story, single-family residence with an attached 460 square foot two-car garage. The project more specifically consists of: 1) removal of 38 square feet from the existing 1st floor; 2) removal of 38 square feet from the existing 2nd floor; 3) an addition of 16 square feet to the existing garage; and 4) an addition of 971 square feet to the existing 2nd floor. Post project the two-story, single-family residence will be 4,717 square feet with an attached 476 square foot two-car garage. The maximum height of the structure will not exceed 29-feet above existing grade. No grading is proposed. Also, no work is proposed to the existing dock system or the existing bulkhead.

RATIONALE: The subject site is a bulkheaded lot approximately 5,580 square feet in size, is designated as single unit residential detached in the City of Newport Beach Land Use Plan (LUP) and is located between the first public road and the sea. The proposed project is an improvement that would result in an increase greater than ten (10) percent. The subject site is located in the locked gate community of Linda Isle in the City of Newport Beach. 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 Linda Isle community along the public walkways on Lido Island and Balboa Island. 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. 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 October 10-11, 2012 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

CHARLES LESTER
Executive Director
cc: Commissioners/File

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

September 26, 2012



Psomas
Attn: Joe Mulvihill
3 Hutton Centre Drive, Suite 200
Santa Ana, CA 92707

**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#: 5-12-125 **APPLICANT:** City of Seal Beach

LOCATION: Electric Avenue between Cosair Way & Marina Drive, Seal Beach (Orange County)

PROPOSED DEVELOPMENT: Storm drain work consisting of removal of an existing 58" wide x 36" high corrugated metal arch pipe and replacement with a double 84"-wide x 36" high reinforced concrete box. The project also includes removal and replacement of four existing catch basins and installation of six (6) storm drain laterals. One of these laterals will be for a future point of connection. In addition, minor replacements of curb, gutter, sidewalk, driveway and trash enclosures will occur. The work will be separated into three different phases.

RATIONALE: The subject site is an inland road not located between the first public road and the sea. The project will better accommodate existing flows and especially minimize street inundation and shorten the street ponding duration during a 25-year storm event. Currently, the existing system has been inadequate during storm events and has resulted in constant flooding. A specific low-flow diversion system will not be in place with the new storm drain, but the City does plan on using catch basin inserts to catch debris that enters the catch basin. The construction staging areas will be broken up into three locations along Electric Avenue based on the three different work phases. A traffic control plan has been submitted that shows how public access to the beach will be maintained during construction. Also, during construction there will be a temporary relocation of approximately fifty-six parking spaces (located within the project boundaries) to an adjacent shopping center parking lot that has 304 parking spaces. Upon completion of the proposed work, all permanent parking spaces will be restored to pre-construction conditions. Construction is anticipated to occur in December 2012 for approximately 150 working days. No construction will occur during the "peak use" beach season which is defined as the period starting the day before Memorial Day weekend and ending the day after Labor Day weekend of any year. Best Management Practices (BMPs) are being proposed to mitigate stormwater runoff and prevent spillage of construction-related materials, sediment or contaminants. Lastly, the only landscaping proposed is the replacement of turf affected by construction of the storm drain. 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 October 10-11, 2012 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.

CHARLES LESTER
Executive Director

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



September 27, 2012

George W. Seitz, Architect
18023-A Sky Park Circle
Irvine, CA 92614

**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 #: 5-12-196-W

APPLICANT: Mr. and Mrs. Armando Nila

LOCATION: 117 Topaz Avenue (Balboa Island), Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Demolition of an existing one-story single-family residence and construction of a new 29-foot tall, three-story, 1,867 square foot single family residence and 431 square foot, second floor rental unit. The project also includes an attached 422 square foot, two-car garage; a 396 square foot, two-car carport; and 454 square feet of decks. Grading consists of 59 cubic yards of fill.

RATIONALE: The subject property is a 2,550 square foot inland lot on Balboa Island designated as Two Unit Residential in the City of Newport Beach Certified Land Use Plan (LUP). The proposed project has been approved by the Newport Beach Planning Department (AIC 2012028). The project meets the Commission's parking requirement (2 spaces per residential unit). Two parking spaces are assigned to the primary residence and two parking spaces to the rental unit in a tandem fashion as shown on the plans. The project is designed to be compatible with the character of the surrounding development. Public coastal access is approximately 260 feet southwest of the site at the end of Topaz Avenue. Adequate measures to address water quality have been incorporated during construction and in the project design. Drainage improvements include a drainage swale in the side yards of the structure, which will carry runoff to inlets that feed a submerged drainage system and two drywell drains at the rear of the carport. The drainage plan also includes roof gutters and downspouts. Landscaping will be drought tolerant, low or very low water consumption non-invasive plants. 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 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their October 11, 2012 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.

CHARLES LESTER
Executive Director

by: 
KARL SCHWING
Supervisor, Regulation & Planning

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



September 24, 2012

Ronald Wikstrom
2027 N. Ross Street
Santa Ana, CA 92706

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#: 5-12-241

APPLICANT: Carl Gallucci

LOCATION: 326 8th Street, Seal Beach (Orange County)

PROPOSED DEVELOPMENT: Demolition of an existing 945 square foot, one-story single-family residence with a 370 square foot detached, two-car garage and construction of 1,769 square foot, two-story single-family residence with a 399 square foot detached, two-car garage. The maximum height of the structure will not exceed 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 2,936 square feet and is designated as residential high 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 to the beach exists south of the project site at the end of 8th Street. 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 October 10-11, 2012 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.

CHARLES LESTER
Executive Director


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

5-06-117-A2
CC-031-06



**NOTICE OF PROPOSED AMENDMENT
TO PERMIT AND MODIFICATION TO FEDERAL CONSISTENCY
CERTIFICATION**

TO: All Interested Parties
FROM: Charles Lester, Executive Director
DATE: September 26, 2012
SUBJECT: Permit No. 5-06-117, as amended through 5-06-117-A1 and Consistency Certification CC-031-06 granted to the City of Newport Beach for:

Consistency Certification CC-031-06: Maintenance dredging under existing docks and off-shore disposal of up to 20,000 cubic yards of dredge material a year;

Coastal Development Permit 5-06-117: Beach nourishment of up to 20,000 cubic yards a year of suitable dredged material from existing dock areas; and replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways...More specifically described in the application file in the Commission offices

PROJECT SITE: Dredging, Beach Nourishment and Docks, Piers and Gangways: Between the shoreline and project line, on beaches and within bay waters, at street ends and in front of bulkheads in lower Newport Bay and within Upper Newport Bay in the bulkheaded areas of Dover Shores, Bayside Village and existing docks at Shellmaker Island, City of Newport Beach, Orange County
Offshore Disposal: at EPA approved disposal sites known as LA-2 and LA-3 located approximately 6 miles offshore southwest of Point Fermin, Los Angeles County and approximately 4 miles southwest of the entrance to Newport Harbor, Orange County, respectively.

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

Extend the term of approval of the authorizations for dredging, beach nourishment and offshore disposal (at LA-3 only), from October 23, 2011 to March 31, 2014; and modify the boundary of the area approved for such work to include additional areas in Newport Bay that new testing has shown are suitable for beach nourishment and/or offshore disposal. The amendment does not request to extend the authorization for replacement in-kind or construction of an alternative alignment of residentially associated piers, docks, and gangways – such development must be separately authorized.

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 work will be occurring on, within, or adjacent to coastal waters. The proposed dredging supports recreational boating which is an encouraged marine related use of coastal waters. The proposed dredging and beach nourishment is an allowable and encouraged marine related use. Suitable dredged material will be used for beach nourishment. The project will not significantly adversely impact eelgrass beds as there are no eelgrass beds within 15 feet of the project area. *Caulerpa taxifolia* will be avoided so as to prevent spread of this invasive aquatic algae. Special conditions previously imposed require use of suitable dredge material for beach nourishment, avoidance of eelgrass impacts and monitoring and mitigation for inadvertent impacts, conformance

with *Caulerpa taxifolia* survey requirements and avoidance, submittal of information to the Executive Director for verification of conformance with the conditions of approval, approval from the California State Lands Commission, assumption of risk, proof of legal ability to undertake development, and avoidance of activity in Upper Newport Bay between April 1st and September 30th to avoid impacts to sensitive bird species. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed development would 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 3 policies of the Coastal Act.

Also, pursuant to the federal consistency procedures (15 CFR Section 930.65), the Commission reviews project modifications and any changed circumstances to determine whether a previously-concurred with activity remains consistent with the Coastal Act. For federal consistency purposes, the project remains consistent with the applicable Coastal Act policies, and no new consistency certification is therefore needed.

If you have any questions about the proposal or wish to register an objection, please contact **Karl Schwing** at the Commission Area 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



September 28, 2012

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: HHR Newport Beach LLC has applied for a one year extension of Permit No: 5-07-085

granted by the California Coastal Commission on: September 5, 2007

for: Demolition of existing tennis complex and construction of 79 residential townhome units in two phases ,on a 4.25 acre site, including 3 buildings ranging from 50-60 feet in height above grade, totaling approximately 205,679 square feet and approximately 97,231 square feet of subterranean parking, landscaping, hardscaping, and open space, and phased payment of a \$5,000,000.00 mitigation fee.

at: 900 Newport Center Drive, Newport Beach (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,
CHARLES LESTER
Executive Director

By: Meg Vaughn
Coastal Program Analyst

Cc: Local Planning Dept
Susan Hori