

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

**TH 7**

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

*For the
July Meeting of the California Coastal Commission*

MEMORANDUM

Date: July 12, 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 July 12, 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. 5-12-131-W Jacquelyn Glass (Newport Beach, Orange County)

DE MINIMIS WAIVERS

1. 5-12-111-W Josh & Erin Lloyd (San Clemente, Orange County)
2. 5-12-112-W Newport Beach Townhouse Lllp (Newport Beach, Orange County)
3. 5-12-117-W Danny Sullivan (Newport Beach, Orange County)

EMERGENCY PERMITS

1. 5-12-174-G Tennis Estates, Hoa, Attn: Mr. Dan Schultz (Huntington Beach, Orange County)
2. 5-12-186-G Tennis Estates Homeowners Association (Tehoa), Attn: Mr. Dan Schultz (Huntington Beach, Orange County)

IMMATERIAL AMENDMENTS

1. 5-11-063-A1 At & T Mobility (Newport Beach, Orange County)

TOTAL OF 7 ITEMS

1. Report of Objection to Immaterial Extension

1. 5-09-055-E2
Bay Island Club

1-26 Bay Island
Newport Beach, Orange Co.

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>
5-12-131-W Jacquelyn Glass	Remodel and addition to the first, second, and third floors of an existing 1507 sq. ft. two story single family residence, resulting in a 2552 sq. ft., 24 foot 6 inch high single family residence.	2641 Waverly Dr., 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>
5-12-111-W Josh & Erin Lloyd	Construction/installation of a new 120 sq. ft. (10' x 12') and 9' 6" tall detached accessory shed structure associated with an existing single-family residence. No native vegetation removal, grading, or foundation proposed.	137 West Avenida De Los Lobos Marinos, San Clemente (Orange County)
5-12-112-W Newport Beach Townhouse Lllp	Demolition of the existing bankteller building located in an existing parking lot, restriping to allow ADA accessible parking, and installation of drought tolerant landscaping.	500 32nd Street, Newport Beach (Orange County)
5-12-117-W Danny Sullivan	Demolition of the 684 square foot front unit in an attached two-unit duplex, replacement with a new 1,354 square foot unit and a third-floor roof deck. The project results in a total 3,039 square foot, 29-foot high, two-unit duplex, including the existing 705 square foot garage. Grading involves 40 cubic yards of fill.	302 35th Street, Newport Beach (Orange 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>
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5-12-174-G Tennis Estates, Hoa, Attn: Mr. Dan Schultz	Removal of partially broken tree branch from tree C-12. Partially broken tree baranc is overhanging and obstructing the public sidewalk at the southwest corner of Humboldt Drive and Saybrook Lane. The partially borken tree branch will be removed from the tree truck with handsaw. The branch is then proposed to be cut into sections and hauled away.	16419 Wimbledon Ln. (Tree # C-12), Huntington Beach (Orange County)
5-12-186-G Tennis Estates Homeowners Association (Tehoa), Attn: Mr. Dan Schultz	Removal of partially broken tree branch from tree C-35. Partially broken tree branch is overhanging sidewalk within the private complex. The partially broken tree branch will be removed from the tree trunk with handsaw. The branch is then proposed to be cut into sections and hauled away	Humboldt Drive And Saybrook Lane, Huntington Beach (Orange County)

REPORT OF IMMATERIAL AMENDMENTS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-11-063-A1 At & T Mobility	Addition of a new 1.5 inch diameter omni-directional antenna to the clock tower structure which will rise 9'4" above the maximum height of the structure.	798 Dover Drive, Newport Beach (Orange County)

Report of Objection to Immaterial Extension

5-09-055-E2
Bay Island Club

1-26 Bay Island Newport Bch./
Orange County

CALIFORNIA COASTAL COMMISSION

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



6/22/2012

R.A. Jeheber Residential Design, Inc.
410 32nd Street, Suite 202
Newport Beach, CA 92663

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- 131 -W

APPLICANT: Jacquelyn M. Glass

LOCATION: 2641 Waverly Drive, Newport Beach, Orange County

PROPOSED DEVELOPMENT: Remodel and addition to the first, second, and third floors of an existing 1507 sq. ft. two story single family residence, resulting in a 2552 sq. ft., 24 foot 6 inch high single family residence

RATIONALE: The subject lot is a 4000 sq. ft. inland lot designated as Single Unit Residential Detached in the City's Certified Land Use Plan. The subject site is located between the first public road (Coast Highway) and the sea because the subject site is located in the locked gate community of Bayshores. 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 upcoast adjacent to the Bayshores Community at the Balboa Bay Club. The proposed project has been approved in concept by the City of Newport Beach. Two parking spaces are provided on site, meeting the Commission's typically applied requirement of 2 parking spaces per 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 July 11-13, 2012 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

CHARLES LESTER
Executive Director

by: 
KARL SCHWING
Supervisor Regulation and Planning

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



June 28, 2012

Josh and Erin Lloyd
137 West Avenida de los Lobos Marinos
San Clemente, CA 92672

**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 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#: 5-12-111 **APPLICANT:** Josh and Erin Lloyd

LOCATION: 137 West Avenida de los Lobos Marinos, San Clemente (Orange County)

PROPOSED DEVELOPMENT: Construction/installation of a new 120 sq. ft. (10' x 12') and 9' 6" tall detached accessory shed structure associated with an existing single-family residence. No native vegetation removal, grading, or foundation proposed.

RATIONALE: The subject site is a 5,490 sq. ft. coastal canyon lot designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP). The proposed project is the new construction/installation of a detached accessory shed structure associated with an existing single-family residence. No encroachment into the coastal canyon is proposed or impacts to the canyon anticipated. The accessory structure is proposed to be placed on the canyonward side of the lot in accordance with the deck/accessory structure stringline setback from coastal canyon edge policy per the City's LUP.

The proposed development will not result in adverse impacts to public coastal access, coastal resources, 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 **July 11-13, 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 SC
Supervisor Regulation and Planning

cc: Commissioners/File

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



Steve Mills
3120 Sovereign Drive Suite 43
Lansing, MI 48911

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.

APPLICANT: Newport Beach Townhouse LLLP

LOCATION: 500 32nd St, Newport Beach, Orange County

PROPOSED DEVELOPMENT: Demolition of the existing bankteller building located in an existing parking lot, restriping to allow ADA accessible parking, and installation of drought resistant landscaping.

RATIONALE: The subject lot is a 0.29 acre inland lot designated as Mixed Use in the City's Certified Land Use Plan. The proposed project has been approved in concept by the City of Newport Beach. The project will result in the removal of an existing commercial structure of approximately 400 square feet and restriping of the existing 38 space parking lot, resulting in a 39 space parking lot. 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 July 11-13, 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.

by: KARL SCHWING
Supervisor Regulation and Planning

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



June 22, 2012

Danny Sullivan
302 35th Street
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#: 5-12-117**APPLICANT: Danny Sullivan****LOCATION: 302 35th Street, Newport Beach (Orange County)**

PROPOSED DEVELOPMENT: Demolition of the 684 square foot front unit in an attached two-unit duplex, replacement with a new 1,354 square foot unit and a third-floor roof deck. The project results in a total 3,039 square foot, 29-foot high, two-unit duplex, including the existing 705 square foot garage. Grading involves 40 cubic yards of fill.

RATIONALE: The subject property is a 2,375 square foot inland lot on the Balboa Peninsula designated as Two Family Residential in the City's Certified Land Use Plan. The proposed project has been approved by the City of Newport Beach Planning Department (AIC 2012015). The project meets 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 Newport Bay is less than two blocks away at the end of 35th Street. Adequate measures to address water quality have been incorporated during construction and into the project design. Drainage improvements include deck drains, downspouts and installation of a French drain for retention and percolation of runoff, plus the addition of two small planters in the front yard. Landscaping will be drought tolerant. 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 July 11-13, 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



EMERGENCY PERMIT
REVISED

DATE: JUNE 22, 2012

EMERGENCY PERMIT: 5-12-174-G (REVISED)

APPLICANT: Tennis Estates Homeowners Association (TEHOA)
c/o Dan Schultz
16419 Wimbledon Lane
Huntington Beach, CA 92649

LOCATION: An approximately four-acre lot within Tennis Estates residential complex seaward of Humboldt Drive and Saybrook Lane, adjacent to Huntington Harbor, Assessor's Parcel No. 178-601-64, Huntington Beach, Orange County. Tree C-12¹ is located at the southwest corner of the intersection of Humboldt Drive and Saybrook Lane.

EMERGENCY WORK PROPOSED: Removal of partially broken tree branch from tree C-12. Partially broken tree branch is overhanging and obstructing the public sidewalk at the southwest corner of Humboldt Drive and Saybrook Lane. The partially broken tree branch will be removed from the tree trunk with handsaw. The branch is then proposed to be cut into sections and hauled away.

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 a fractured tree limb caused by high winds 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,
Charles Lester
Executive Director

By: for Title: Deputy Director

¹ The Tennis Estates Homeowners Association has identified, in a document submitted to the Executive Director titled Existing Tree Disposition Plan, dated December 2009, prepared by Tolly Landscape, all the trees and large shrubs on the subject property by using a letter and number system. The tree that is the subject of this emergency permit, C-12, is one of several tens of hundreds of trees and shrubs on the subject property.

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 as specifically conditioned herein, and for the specific property listed above, is authorized. Any additional work requires separate authorization from the Executive Director and/or by an approved coastal development permit.
3. The work authorized by this permit must be completed by July 21, 2012.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Development Permit with the City of Huntington Beach (or request to revise a pending application) to have the emergency work be considered permanent, as detailed more fully in Condition 10.
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. In order to avoid further disruption to nesting/roosting herons/egrets, and to prevent further damage to the health of tree C-12:
 - a) At no time are chain saws or other mechanized equipment to be used within 300 feet of any tree occupied or otherwise known to be used or historically used by herons or egrets, including during removal of the broken, partially hanging branch on tree C-12;
 - b) Once the broken branch is removed from tree C-12, no further cutting is to occur within 300 feet of any tree occupied or otherwise known to be used or historically used by herons or egrets;
 - c) After the branch is removed by hand and relocated, a chain saw may be used to cut the branch into smaller pieces, as long as such activity is done at a minimum distance of 300 feet away from ANY tree occupied or known to be used or historically used by herons/egrets.
 - d) The removed branch may then be taken off site by the landscape crew.
 - e) To help minimize further damage to the health of the tree from disease/fungal infection, the cut/wound on the tree shall be treated with a dressing/sealant (e.g. 'Treekote' or similar) approved by the arborist.
8. A biologist shall be onsite during all development described in this permit. Prior to beginning the branch removal work, a biologist shall inspect tree C-12 and any surrounding trees that may be affected by the development for the presence of egret or heron courtship activity, nests, eggs, chicks, and/or juveniles. If the biologist observes any courtship activity, nests, eggs, chicks and/or juveniles within tree C-12 or surrounding trees, work shall be postponed until after the nesting season (from January 1 to September 30) or until the biologist confirms the nest(s) are no longer occupied, unless the biologist confirms in writing, for the review and approval of the Executive Director, that removal by handsaw will have no impact upon the nests and bird activity. Upon completion of the development, the biologist shall submit, for the review and approval of the Executive Director, a written assessment of the branch removal activity and documentation of his/her clearance and support of the work completed, as further described in Condition 9.
9. The biologist shall document site conditions pre-development, while undertaking the authorized work, and post development, through photographs accompanied by written descriptive narrative. The date and time work was undertaken shall be documented. Photographs shall demonstrate: a) the use of handsaws instead of mechanical tools (e.g. chainsaws) to remove the tree branch, b) that the felled tree branch was relocated in accordance with the requirements of this permit prior to further processing and disposal. The documentation may be prepared in conjunction with the biologists report required in Special Condition 8, or as a separate report. The report shall be submitted within 14 days of completion of the emergency work.

10. You are required by this Emergency Coastal Development Permit No. 5-12-174-G to submit an application (or revise an existing pending one) for a follow-up, regular coastal development permit as specified in Special Condition No. 4 above. The required follow-up, regular coastal development permit application(s) shall address: 1) the temporary work under this Emergency Coastal Development Permit (5-12-174-G); 2) the temporary work under Emergency Coastal Development Permit (5-11-309-G); 3) the temporary work under Emergency Coastal Development Permit (5-11-143-G); 4) the temporary work under Emergency Coastal Development Permit No. 5-10-179-G; 5) all tree removal/trimming that has occurred on site without benefit of a required coastal development permit; and 6) any future tree trimming/removal project that encompasses the entire subject property. The application(s) shall include all tree removal and tree trimming at the subject site and shall, at a minimum, include/address:
- All unpermitted tree removal activities including, but not limited to, removal of trees C-27, C-36, C-37, P-3 and potentially trees C-5 and C-7;
 - All tree trimming activities including, but not limited to, trimming of trees C-3, C-28, C-29, C-31, C-49 and potentially trees C-25 and C-26;
 - The removal of the partially broken branch of the Aleppo Pine tree that was the subject of Emergency Coastal Development Permit No. 5-10-179-G;
 - The removal of the partially broken, overhanging branch from Tree C-35 that was the subject of Emergency Coastal Development Permit No. 5-11-143-G;
 - The removal of the partially broken, overhanging branch from Tree C-35 that is the subject of this Emergency Coastal Development Permit No. 5-11-309-G;
 - A tree trimming/removal plan to be implemented in the future; and,
 - A mitigation plan identifying and addressing all impacts to the on-site rookery(ies)/heronry(ies) caused by all tree trimming/removal activities, including such activities that occurred without benefit of a coastal development permit. Mitigation shall be developed based on consideration of use by herons and/or egrets of the rookery(ies)/heronry(ies) had the unpermitted removal and/or partial removal of trees not occurred.
11. The subject site is located within the area of coastal development permit authority of the City of Huntington Beach. Thus, the required follow-up, regular coastal development permit application must be made to the City of Huntington Beach. The Commission retains appeal and enforcement jurisdiction over this area. The applicant shall submit a copy of the required, follow-up regular coastal development permit application(s) to the Commission's South Coast District office, at the time the application(s) is/are submitted to the City of Huntington Beach (or a copy of the request to revise a pending application), and, after submittal, shall provide copies of any subsequent documentation exchanged between the City and the applicant.
12. The required follow-up, regular coastal development permit application(s) (per Conditions 4, 10 and 11 above) shall be submitted to the City of Huntington Beach (or existing pending application revised), and copied to the Commission's South Coast District Office, within 60 days of the issuance of this emergency coastal development permit². This requirement may be met, with the approval of the City of Huntington Beach, by revising the application currently on file at the City of Huntington Beach to include the emergency work approved by this permit and providing the information necessary to complete the application. By acceptance of this permit the applicant agrees to (1) cooperate in providing all information necessary for the City to complete and process the permit application(s); (2) diligently pursue completing the application(s); (3) not withdraw the application(s) or otherwise delay timely review of the application(s); and (4) comply with any requirements of the permit(s) if issued. If any of the foregoing four conditions is not met, or if the City or Commission on appeal denies any such after-the-fact coastal development permit application(s) submitted pursuant to this section, the Commission

² Please note that conditions of Emergency Coastal Development Permits 5-11-309-G, 5-11-143-G and 5-10-179-G required the submittal of a CDP application within 60 days of issuance of each permit, respectively. The TEHOA failed to submit these applications in a timely manner in violation of those permits. The issuance of this Emergency Coastal Development Permit No. 5-12-174-G in no way provides a release from these violations.

will seek all remedies available to enforce the terms and conditions of Cease and Desist Order No. CCC-06- CD 12, the Coastal Act, and the City of Huntington Beach Local Coastal Program³.

FAILURE TO A) SUBMIT A FOLLOW-UP COASTAL DEVELOPMENT PERMIT APPLICATION THAT SATISFIES THE REQUIREMENTS OF SECTION 13053.5 OF THE CALIFORNIA CODE OF REGULATIONS BY THE DATE SPECIFIED BY THIS PERMIT, OR AS EXTENDED THROUGH CORRESPONDENCE, OR B) REMOVE THE EMERGENCY WORK (IF REQUIRED BY THIS EMERGENCY PERMIT) BY THE DATE SPECIFIED BY THIS PERMIT, WILL CONSTITUTE A KNOWING AND INTENTIONAL VIOLATION OF THE COASTAL ACT AND MAY RESULT IN FORMAL ENFORCEMENT ACTION BY THE COMMISSION.

THIS FORMAL ACTION COULD INCLUDE A RECORDATION OF A NOTICE OF VIOLATION ON YOUR PROPERTY PURSUANT TO SECTION 30812; THE ISSUANCE OF A CEASE AND DESIST ORDER AND/OR RESTORATION ORDER; AND/OR A CIVIL LAWSUIT, WHICH MAY RESULT IN THE IMPOSITION OF MONETARY PENALTIES, INCLUDING DAILY PENALTIES OF UP TO \$15,000 PER VIOLATION PER DAY UNDER SECTION 30820(B), AND OTHER APPLICABLE PENALTIES AND OTHER RELIEF PURSUANT TO CHAPTER 9 OF THE COASTAL ACT.

Condition number four (4) indicates that the emergency work is considered to be temporary work done in an emergency situation. As required by the conditions of this emergency permit, a Coastal Development Permit must be obtained to have the work become permanent development. A regular coastal development permit would be subject to all of the provisions of the California Coastal Act (and the City's LCP) 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.

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

³ Regardless of any after-the-fact approvals of development that had occurred without a Coastal Development Permit, the Commission may seek stipulated penalties pursuant to Section 9.0 of Consent Cease and Desist Order No. CCC-06-CD-12 for any violations of the Consent Cease and Desist Order.

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT**

DATE: JUNE 29, 2012

EMERGENCY PERMIT: 5-12-186-G

APPLICANT: Tennis Estates Homeowners Association (TEHOA)
c/o Dan Schultz
16419 Wimbledon Lane
Huntington Beach, CA 92649

LOCATION: An approximately four-acre lot within Tennis Estates residential complex seaward of Humboldt Drive and Saybrook Lane, adjacent to Huntington Harbor, Assessor's Parcel No. 178-601-64, Huntington Beach, Orange County. Tree C-35¹ is the western most of approximately five allepo pine trees located near the center of the complex, immediately south of the tennis courts.

EMERGENCY WORK PROPOSED: Removal of partially broken tree branch from tree C-35. Partially broken tree branch is overhanging sidewalk within the private complex. The partially broken tree branch will be removed from the tree trunk with handsaw. The branch is then proposed to be cut into sections and hauled away.

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 a fractured tree limb caused by high winds that threatens the safety of pedestrians on a sidewalk beneath the tree 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,
Charles Lester
Executive Director

By: for Title: Deputy Director 8

¹ The Tennis Estates Homeowners Association has identified, in a document submitted to the Executive Director titled Existing Tree Disposition Plan, dated December 2009, prepared by Tolly Landscape, all the trees and large shrubs on the subject property by using a letter and number system. The tree that is the subject of this emergency permit, C-35, is one of several tens of hundreds of trees and shrubs on the subject property.

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 as specifically conditioned herein, and for the specific property listed above, is authorized. Any additional work requires separate authorization from the Executive Director and/or by an approved coastal development permit.
3. The work authorized by this permit must be completed by July 29, 2012.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Development Permit with the City of Huntington Beach (or request to revise a pending application) to have the emergency work be considered permanent, as detailed more fully in Condition 10.
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. In order to avoid further disruption to nesting/roosting herons/egrets, and to prevent further damage to the health of tree C-35:
 - a) At no time are chain saws or other mechanized equipment to be used within 300 feet of any tree occupied or otherwise known to be used or historically used by herons or egrets, including during removal of the broken, partially hanging branch on tree C-35;
 - b) Once the broken branch is removed from tree C-35, no further cutting is to occur within 300 feet of any tree occupied or otherwise known to be used or historically used by herons or egrets;
 - c) After the branch is removed by hand and relocated, a chain saw may be used to cut the branch into smaller pieces, as long as such activity is done at a minimum distance of 300 feet away from ANY tree occupied or known to be used or historically used by herons/egrets.
 - d) The removed branch may then be taken off site by the landscape crew.
 - e) To help minimize further damage to the health of the tree from disease/fungal infection, the cut/wound on the tree shall be treated with a dressing/sealant (e.g. 'Treekote' or similar) approved by the arborist.
8. A biologist shall be onsite during all development described in this permit. Prior to beginning the branch removal work, a biologist shall inspect tree C-35 and any surrounding trees that may be affected by the development for the presence of egret or heron courtship activity, nests, eggs, chicks, and/or juveniles. If the biologist observes any courtship activity, nests, eggs, chicks and/or juveniles within tree C-35 or surrounding trees, work shall be postponed until after the nesting season (from January 1 to September 30) or until the biologist confirms the nest(s) are no longer occupied, unless the biologist confirms in writing, for the review and approval of the Executive Director, that removal by handsaw will have no impact upon the nests and bird activity. Upon completion of the development, the biologist shall submit, for the review and approval of the Executive Director, a written assessment of the branch removal activity and documentation of his/her clearance and support of the work completed, as further described in Condition 9.
9. The biologist shall document site conditions pre-development, while undertaking the authorized work, and post development, through photographs accompanied by written descriptive narrative. The date and time work was undertaken shall be documented. Photographs shall demonstrate: a) the use of handsaws instead of mechanical tools (e.g. chainsaws) to remove the tree branch, b) that the felled tree branch was relocated in accordance with the requirements of this permit prior to further processing and disposal. The documentation may be prepared in conjunction with the biologist's report required in Special Condition 8, or as a separate report. The report shall be submitted within 14 days of completion of the emergency work.

10. You are required by this Emergency Coastal Development Permit No. 5-12-186-G to submit an application (or revise an existing pending one) for a follow-up, regular coastal development permit as specified in Special Condition No. 4 above. The required follow-up, regular coastal development permit application(s) shall address: 1) the temporary work under this Emergency Coastal Development Permit (5-12-186-G); 2) the temporary work under Emergency Coastal Development Permit (5-12-174-G) 3) the temporary work under Emergency Coastal Development Permit (5-11-309-G); 4) the temporary work under Emergency Coastal Development Permit (5-11-143-G); 5) the temporary work under Emergency Coastal Development Permit No. 5-10-179-G; 6) all tree removal/trimming that has occurred on site without benefit of a required coastal development permit; and 7) any future tree trimming/removal project that encompasses the entire subject property. The application(s) shall include all tree removal and tree trimming at the subject site and shall, at a minimum, include/address:
- a. All unpermitted tree removal activities including, but not limited to, removal of trees C-27, C-36, C-37, P-3 and potentially trees C-5 and C-7;
 - b. All tree trimming activities including, but not limited to, trimming of trees C-3, C-28, C-29, C-31, C-49 and potentially trees C-25 and C-26;
 - c. The removal of the partially broken branch of the Allepo Pine tree that was the subject of Emergency Coastal Development Permit No. 5-10-179-G;
 - d. The removal of the partially broken, overhanging branch from Tree C-35 that was the subject of Emergency Coastal Development Permit No. 5-11-143-G;
 - e. The removal of the partially broken, overhanging branch from Tree C-35 that is the subject of Emergency Coastal Development Permit No. 5-11-309-G;
 - f. The removal of the partially broken, overhanging branch from Tree C-35 that is the subject of Emergency Coastal Development Permit No. 5-12-174-G;
 - f. The removal of the partially broken, overhanging branch from Tree C-35 that is the subject of this Emergency Coastal Development Permit No. 5-12-186-G;
 - g. A tree trimming/removal plan to be implemented in the future; and,
 - h. A mitigation plan identifying and addressing all impacts to the on-site rookery(ies)/heronry(ies) caused by all tree trimming/removal activities, including such activities that occurred without benefit of a coastal development permit. Mitigation shall be developed based on consideration of use by herons and/or egrets of the rookery(ies)/heronry(ies) had the unpermitted removal and/or partial removal of trees not occurred.
11. The subject site is located within the area of coastal development permit authority of the City of Huntington Beach. Thus, the required follow-up, regular coastal development permit application must be made to the City of Huntington Beach. The Commission retains appeal and enforcement jurisdiction over this area. The applicant shall submit a copy of the required, follow-up regular coastal development permit application(s) to the Commission's South Coast District office, at the time the application(s) is/are submitted to the City of Huntington Beach (or a copy of the request to revise a pending application), and, after submittal, shall provide copies of any subsequent documentation exchanged between the City and the applicant.
12. The required follow-up, regular coastal development permit application(s) (per Conditions 4, 10 and 11 above) shall be submitted to the City of Huntington Beach (or existing pending application revised), and copied to the Commission's South Coast District Office, within 60 days of the issuance of this emergency coastal development permit². This requirement may be met, with the approval of the City of Huntington Beach, by revising the application currently on file at the City of Huntington Beach to include the emergency work approved by this permit and providing the information necessary to complete the application. By acceptance of this permit the applicant agrees to (1) cooperate in providing all information necessary for the City to complete and process the permit application(s); (2) diligently pursue completing the application(s); (3) not withdraw the application(s) or otherwise delay timely

² Please note that conditions of Emergency Coastal Development Permits 5-11-309-G, 5-11-143-G and 5-10-179-G required the submittal of a CDP application within 60 days of issuance of each permit, respectively. The TEHOA failed to submit these applications in a timely manner in violation of those permits. The issuance of this Emergency Coastal Development Permit No. 5-12-186-G in no way provides a release from these violations.

review of the application(s); and (4) comply with any requirements of the permit(s) if issued. If any of the foregoing four conditions is not met, or if the City or Commission on appeal denies any such after-the-fact coastal development permit application(s) submitted pursuant to this section, the Commission will seek all remedies available to enforce the terms and conditions of Cease and Desist Order No. CCC-06- CD 12, the Coastal Act, and the City of Huntington Beach Local Coastal Program³.

FAILURE TO A) SUBMIT A FOLLOW-UP COASTAL DEVELOPMENT PERMIT APPLICATION THAT SATISFIES THE REQUIREMENTS OF SECTION 13053.5 OF THE CALIFORNIA CODE OF REGULATIONS BY THE DATE SPECIFIED BY THIS PERMIT, OR AS EXTENDED THROUGH CORRESPONDENCE, OR B) REMOVE THE EMERGENCY WORK (IF REQUIRED BY THIS EMERGENCY PERMIT) BY THE DATE SPECIFIED BY THIS PERMIT, WILL CONSTITUTE A KNOWING AND INTENTIONAL VIOLATION OF THE COASTAL ACT AND MAY RESULT IN FORMAL ENFORCEMENT ACTION BY THE COMMISSION.

THIS FORMAL ACTION COULD INCLUDE A RECORDATION OF A NOTICE OF VIOLATION ON YOUR PROPERTY PURSUANT TO SECTION 30812; THE ISSUANCE OF A CEASE AND DESIST ORDER AND/OR RESTORATION ORDER; AND/OR A CIVIL LAWSUIT, WHICH MAY RESULT IN THE IMPOSITION OF MONETARY PENALTIES, INCLUDING DAILY PENALTIES OF UP TO \$15,000 PER VIOLATION PER DAY UNDER SECTION 30820(B), AND OTHER APPLICABLE PENALTIES AND OTHER RELIEF PURSUANT TO CHAPTER 9 OF THE COASTAL ACT.

Condition number four (4) indicates that the emergency work is considered to be temporary work done in an emergency situation. As required by the conditions of this emergency permit, a Coastal Development Permit must be obtained to have the work become permanent development. A regular coastal development permit would be subject to all of the provisions of the California Coastal Act (and the City's LCP) 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.

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

cc: Local Planning Department

5-12-186-G em cdp TEHOA 6.29.12 mv

³ Regardless of any after-the-fact approvals of development that had occurred without a Coastal Development Permit, the Commission may seek stipulated penalties pursuant to Section 9.0 of Consent Cease and Desist Order No. CCC-06-CD-12 for any violations of the Consent Cease and Desist Order.

CALIFORNIA COASTAL COMMISSION

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



5-11-063-A1

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: June 29, 2012

SUBJECT: Permit No. **5-11-063** granted to **AT&T Mobility** on July 14, 2011 for:
Construction of a new, 51 foot 5 inch high clock tower structure adjacent to the existing church building and relocation of six existing panel antennas

PROJECT SITE: 798 Dover Drive, 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):

Addition of one new 1.5 inch diameter omni-directional antenna to the clock tower structure which will rise 9'4" above the maximum height of the structure

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 proposed development is located outside of the City's 35-foot Shoreline Height Limitation Zone and 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# 5-11-063) and all conditions of that underlying permit remain in effect. The proposed amendment 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 John Del Arroz 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



July 6, 2012

OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Sherilyn Sarb, Deputy Director
Teresa Henry, Coastal Program Manager
Karl Schwing, Staff Analyst

Re: **Extension of Coastal Development Permit 5-09-055-E2 (Bay Island, Newport Beach).**

On May 4, 2012, the applicant (Bay Island Club) submitted a request to extend Coastal Development Permit 5-09-055 for an additional one-year period. Coastal Development Permit 5-09-055, originally approved by the Commission on June 11, 2009, permits the applicant to 1) reinforce, in part, and replace, in part, the entire 1,200 linear foot long bulkhead system surrounding a private island developed with 24 single family residences; 2) demolish the existing gated private pedestrian bridge linking the island to the mainland and construct a new gated, private pedestrian bridge in a different alignment at 1-26 Bay Island, Newport Beach (Orange County).

On June 1, 2012, the Commission's South Coast District Office in Long Beach issued a notice of the Executive Director's determination that there are no changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act. As required by Section 13169(b) of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its June 13, 2012 Commission meeting in Huntington Beach.

On June 6, 2012, during the ten working-day period during which any person may object to the Executive Director's determination, the South Coast District Office received one letter objecting to the permit extension request (See attached letter).

The Executive Director has concluded that the objection letter, which raises questions about the original project description, does not identify any changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letter. If three Commissioners object to the extension on the grounds that there may be circumstances that affect consistency, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

In this case, the approval of the extension request will extend the expiration date of Coastal Development Permit 5-09-055 to June 11, 2013, one year from the previous date of expiration, and four years from the date of the original approval.

RECEIVED
South Coast Region

JUN 06 2012

June 4, 2012

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

CALIFORNIA
COASTAL COMMISSION

RE: Coastal Development Permit 5-09-055-E2 Granted June 11, 2009

Dear Coastal Commission,

I am writing pursuant to Section 13169 of the Commission Regulations. I object to granting the Extension of Coastal Development Permit 5-09-055.

My objection is based on the fact that I believe the facts presented to gain the Permit are incongruent with the Permit as approved.

The language used in Item #2 of the Permit to gain approval, is misleading and false. In light of this new information, the **circumstances have changed affecting the proposed development's approved Permit consistent with the Coastal Act**. The Coastal Commission was misled and the said approved Permit was gained using misleading and false information as presented in the proposal

The language used to gain Permit was as follows;

2) demolish the existing gated private pedestrian bridge linking the island to the mainland and construct a new gated, private pedestrian bridge in a **slightly different alignment**;

The language "**slightly different alignment**" is not representative of an approved change in movement of the existing bridge to a new location. It is misleading. The term "**slightly different alignment**" is used to represent a measure of more than a 10 foot change in positioning from the original alignment!

The language used "**slightly different alignment**" as applied by any City and or State Planning or Property Rights, Rule or Codes commission or departments is not approved acceptable language for a tolerance measure of 10 feet or more!

I challenge the Extension of the approved Permit due to the fact that the movement of the bridge being more than ten feet, into public waterway access, is not in line with the terminology approved for Permit of "**slightly different alignment**".

I propose that the Commission approval of said language, "**slightly different alignment**" would never be acceptable per Permit approval or for any other projects submitted in the past or future to or by the Coastal Commission.

I respectfully object to the Extension of Permit 5-09-055.

Sincerely,

Lisa Scorziell
507 W. Edgewater Ave
Newport Beach CA 92661

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Newport Beach CA 92661