

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

**F19**

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

*For the
November Meeting of the California Coastal
Commission*

MEMORANDUM

Date: November 7, 2013

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 November 15, 2013 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. 5-13-0829-W Jim & Katie Potts (San Clemente, Orange County)

DE MINIMIS WAIVERS

1. 5-13-0447-W Lido Group Retail, L L C (Newport Beach, Orange County)
2. 5-13-0574-W Rolf Uitzetter (Newport Beach, Orange County)
3. 5-13-0656-W Christina Kaviani (Newport Beach, Orange County)
4. 5-13-0687-W Open House Realty (Newport Beach, Orange County)
5. 5-13-0800-W Chris & Lisa Price (Newport Beach, Orange County)
6. 5-13-0828-W Real Estate Portfolio Management, L L C (Newport Beach, Orange County)

EMERGENCY PERMITS

1. 5-13-0222-G Lido Group Retail, L L C (Newport Beach, Orange County)

TOTAL OF 8 ITEMS

REPORT OF OBJECTION TO IMMATERIAL AMENDMENT

1. 5-08-190-A1 James & Judy Friemuth (Seal Beach, Orange County)
2. 5-11-068-A1 Shea Homes (Huntington Beach, Orange County)

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-13-0829-W Jim & Katie Potts	Improvements to an existing 2,781 sq. ft. two-story, 25' tall, single family residence consisting of an interior remodel, a 614 sq. ft. addition to the second floor and 332 sq. ft. addition to the ground floor resulting in a 3,727 sq. ft. single family residence (a 34% increase in interior living space) and new outdoor improvements including a 224 outdoor covered veranda and 86 sq. ft. covered front porch. No new landscaping or site drainage improvements are proposed.	2 Via Calandria, San Clemente (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>
5-13-0447-W Lido Group Retail, L L C	Demolish the existing one-story, single-family home and attached garage and construct a new two-story, 29-foot tall single family residence with a livable area of 3,598 square feet; an attached three-car, 645 square foot garage; 340 square feet of roof decks; and an 85 square foot porch. The total structure including covered parking will be 4,243 square feet.	2601 Circle Drive, Newport Beach (Orange County)
5-13-0574-W Rolf Uitzetter	Demolish an existing 3,255 square foot single-family residence and attached garage. Construct a new three-story, 29-foot tall single-family residence with a total livable space of 3,809 square feet, a two-car, one golf-cart, 668 square foot attached garage; a 338 square foot roof deck; a 68 square foot second-floor balcony; an 88 square foot covered porch; a 50 square foot covered entry; and landscape and hardscape improvements. The total structure will be 4,477 square feet.	2471 Bay Shore Drive, Newport Beach (Orange County)
5-13-0656-W Christina Kaviani	Demolition of an existing single family residence and construction of a new, three-story, 29' tall, 2,328 sq. ft. two-unit duplex with balcony decks, roof deck, and a 1,040 sq. ft. basement level, 4-car garage. Drainage improvements consisting of roof downspouts directed to landscaped areas and a permeable driveway; hardscape improvements including concrete side yards and new retaining walls; landscaping consisting of non-invasive and minimal water use plants. A Tentative Parcel Map for condominium purposes is also proposed to convert the proposed duplex structure into condominiums.	3125 Bayside Drive, Newport Beach (Orange County)

5-13-0687-W Open House Realty	Substantial demolition of the existing single family residence and construction of a new, 2907 sq. ft., 29' high single family residence.	3206 Marcus Ave, Newport Beach (Orange County)
5-13-0800-W Chris & Lisa Price	Demolition of an existing single-family dwelling and construction of a new three-story 2,986 square foot single-family residence with an attached 627 square foot three-car garage. The maximum height of the structure will be 29-feet above finished grade. Grading will consist of 295 cubic yards for purposes of recompaction and will be balanced on site. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.	106 Jade Ave, Newport Beach (Orange County)
5-13-0828-W Real Estate Portfolio Management, L L C	Demolition of the existing single family residence and construction of a new, 29' high, 5,648 sq. ft. single family residence.	223 Ocean View Ave, 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>
5-13-0222-G Lido Group Retail, L L C	Temporary reinforcement to stabilize the base/toe of an existing bulkhead/seawall along an approximately 150-200 ft. portion of the 950 ft. long seawall by the placement of 250 cubic yards of sand material at a 4:1 slope along the areas of extreme erosion.	3400 Via Oporto, Newport Beach (Orange County)

REPORT OF OBJECTION TO IMMATERIAL AMENDMENT

5-08-190-A1
James & Judy Friemuth

208 Ocean Avenue
Seal Beach, Orange County

5-11-068-A1
Shea Homes

17301 Graham Street(West of Graham Street North of East Garden Grove Winterburg Flood Control Channel) Huntington Beach, Orange County

CALIFORNIA COASTAL COMMISSION

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



October 28, 2013

Jim and Katie Potts
2 Via Calandria
San Clemente, CA 92672

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#: 5-13-0829-W **APPLICANT:** Jim and Katie Potts

LOCATION: 2 Via Calandria, San Clemente (Orange County)

PROPOSED DEVELOPMENT: Improvements to an existing 2,781 sq. ft. two-story, 25' tall, single family residence consisting of an interior remodel, a 614 sq. ft. addition to the second floor and 332 sq. ft. addition to the ground floor resulting in a 3,727 sq. ft. single family residence (a 34% increase in interior living space) and new outdoor improvements including a 224 outdoor covered veranda and 86 sq. ft. covered front porch. No new landscaping or site drainage improvements are proposed.

RATIONALE: The subject site is a 9,598 sq. ft. inland lot within the Cypress Shore private gated community within the first public road and the sea. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP). The proposed project is an interior remodel with less than 50% demolition of exterior walls and an addition of less than 50% of existing interior living space. Adequate measures to address water quality have been incorporated into the project design and construction phase of the project. The proposed project is compatible with the character of surrounding development and will not create any new adverse impacts on existing public coastal access. Public coastal access exists close to the project vicinity at Calafia Beach/San Clemente State Park to the north and Trestles accessway in San Diego County to the south. 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 **November 13 -15, 2013** 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

by: _____
KARL SCHWING
Supervisor Regulation and Planning

CALIFORNIA COASTAL COMMISSION

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200 Oceangate, Suite 1000
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October 31, 2013

Craig S. Hampton
46 Mallard Court
Magalia, CA 95954

**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 # 5-13-0447-W**APPLICANT:** Dean Gray**LOCATION:** 2601 Circle Drive, Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Demolish the existing one-story, single-family home and attached garage and construct a new two-story, 29-foot tall single family residence with a livable area of 3,598 square feet; an attached three-car, 645 square foot garage; 340 square feet of roof decks; and an 85 square foot porch. The total structure including covered parking will be 4,243 square feet.

RATIONALE: The subject property is a 4,000 square foot interior lot located in the locked gate community of Bayshores in the city of Newport Beach. The area is designated Single-Unit Residential in the City of Newport Beach's Certified Land Use Plan. The proposed project has been approved by the Newport Beach Planning Department (AIC 2013027). The project meets the Commission's parking requirement of 2 spaces per residential unit. The project is designed to be compatible with the character of the surrounding development. Public access is not available on site and the proposed development will not change the lack of public access. Public access to view Upper Newport Bay is available about a half-mile north at Castaways Park. Public access to the bay waters is available 1.8 miles north at the Newport Aquatic Center.

Adequate measures to address water quality have been incorporated during the construction phase and in the project design. Drainage improvements include roof drains, gutters, downspouts, area drains, and an underground system that will convey stormwater runoff to two perforated trench drains and two drain boxes at the front of each side yard. The drainage improvements coupled with the extensive use of gravel on the entire east side yard and part of the west side yard next to the garage will allow stormwater runoff to soak into the ground. Excess flows not handled by the trench drains and drain boxes will be carried by twin pipes beneath the sidewalk to the street and storm drains. All landscaping will be drought-tolerant, non-invasive, low-water 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 November 15, 2013 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

CALIFORNIA COASTAL COMMISSION

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(562) 590-5071



October 31, 2013

Cynthia Childs
2761 Vista Umbrosa
Newport Beach, CA 92660

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 # 5-13-0574-W**APPLICANT:** Rolf Uitzetter

LOCATION: 2471 Bay Shore Drive, Newport Beach (Orange County)
(APN: 049-172-08)

PROPOSED DEVELOPMENT: Demolish an existing 3,255 square foot single-family residence and attached garage. Construct a new three-story, 29-foot tall single-family residence with a total livable space of 3,809 square feet, a two-car, one golf-cart, 668 square foot attached garage; a 338 square foot roof deck; a 68 square foot second-floor balcony; an 88 square foot covered porch; a 50 square foot covered entry; and landscape and hardscape improvements. The total structure will be 4,477 square feet.

RATIONALE: The subject property is a 4,000 square foot interior lot located in the locked gate community of Bayshores in the city of Newport Beach. The area is designated Single-Unit Residential in the City of Newport Beach's Certified Land Use Plan. The proposed project has been approved by the Newport Beach Planning Department (AIC 2013033). The project meets the Commission's parking requirement of 2 spaces per residential unit. The project is designed to be compatible with the character of the surrounding development. Public access is not available on site and the proposed development will not change the lack of public access. Public access to view Upper Newport Bay is available about a half-mile north at Castaways Park. Public access to the bay waters is available 1.8 miles north at the Newport Aquatic Center.

Adequate measures to address water quality have been incorporated during the construction phase and in the project design. Drainage improvements include roof drains, gutters, downspouts, area drains, and an underground system that will direct stormwater runoff to perforated trench drains at the front of each side yard and trench drains spanning the rear of the property between the garage and the alley. The drainage improvements coupled with the use of porous walkways and stepping stones will allow runoff to soak into the ground. Excess flows not handled by the side yard trench drains will be carried by twin pipes beneath the sidewalk to the street and storm drains. All landscaping will be drought-tolerant, non-invasive, low-water 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.

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CHARLES LESTER
Executive Director

By: _____
KARL SCHWING
Supervisor, Regulation & Planning

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(562) 590-5071



October 28, 2013

Christina Kaviani
P.O. Box 982
Corona del Mar, CA 92625

**SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis
Developments-Section 30624.7 of the Coastal Act**

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WAIVER#: 5-13-0656-W **APPLICANT:** Christina Kaviani

LOCATION: 3125 Bayside Drive, Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Demolition of an existing single family residence and construction of a new, three-story, 29' tall, 2,328 sq. ft. two-unit duplex with balcony decks, roof deck, and a 1,040 sq. ft. basement level, 4-car garage. Drainage improvements consisting of roof downspouts directed to landscaped areas and a permeable driveway; hardscape improvements including concrete side yards and new retaining walls; landscaping consisting of non-invasive and minimal water use plants. A Tentative Parcel Map for condominium purposes is also proposed to convert the proposed duplex structure into condominiums.

RATIONALE: The subject site is a 3,472 sq. ft. lot designated two-unit residential in the City of Newport Beach Land Use Plan (LUP) and is located on an inland lot within the first public road and the sea in Corona del Mar. 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. Adequate measures to address water quality have been incorporated during construction and into the project design such as roof downspouts directed to landscaped areas and a permeable driveway to provide onsite infiltration of dry weather water runoff prior to entering the main storm drain system. Public coastal access to the ocean is available ~1,000 feet south of the site at Corona del Mar State Beach. The City of Newport Beach approved Tentative Parcel Map No. 2011-127 for condominium conversion. 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 **November 13-15, 2013** 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
cc: Commissioners/File

by: _____
KARL SCHWING
Supervisor Regulation and Planning

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11/4/2013

Phillip Bennett Architect
12361 Baja Panorama
Santa Ana, CA 92705

**SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis
Developments-Section 30624.7 of the Coastal Act**

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WAIVER#: 5-13-0687-W

APPLICANT: Open House Realty

LOCATION: 3206 Marcus Ave, Newport Beach, Orange County

PROPOSED DEVELOPMENT: Substantial demolition of the existing single family residence and construction of a new, 2907 sq. ft., 29' high single family residence.

RATIONALE: The subject lot is a 2857 sq. ft. bayfront lot designated as Residential Two Family in the City's Certified Land Use Plan. No work is proposed to the existing bulkhead, and the applicant has submitted a report stating that the existing bulkhead will last for the life of the proposed residence. 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. Runoff is directed towards trench drains and landscaped areas, for on-site infiltration. 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 **November 13-15, 2013** 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 and Planning

cc: Commissioners/File

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October 31, 2013

Ian J.N. Harrison, Architect
335 East Coast Highway, #301
Corona Del Mar, CA 92625

**SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis
Developments-Section 30624.7 of the Coastal Act**

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER#: 5-13-0800-W **APPLICANT:** Chris & Lisa Price

LOCATION: 106 Jade Avenue, Newport Beach (Orange County)

PROPOSED DEVELOPMENT: Demolition of an existing single-family dwelling and construction of a new three-story 2,986 square foot single-family residence with an attached 627 square foot three-car garage. The maximum height of the structure will be 29-feet above finished grade. Grading will consist of 295 cubic yards for purposes of recompaction and will be balanced on site. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system.

RATIONALE: The lot size is 3,088 square feet and is designated as two-unit residential in the City of Newport Beach Land Use Plan (LUP). The subject site is an inland lot not located between the first public road and the sea. Some residential projects which are sited on inland lots in Newport Beach and have less than a 1.5 floor to buildable-lot area ratio are excluded from coastal development permit (CDP) requirements under Categorical Exclusion E-77-5, adopted by the Commission on June 14, 1977. However, the proposed project does not qualify for exclusion from CDP requirements because it does not have less than a 1.5 floor to buildable-lot area ratio. Nevertheless, the proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access exists in the project vicinity along the public boardwalk that surrounds Balboa Island. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their November 13-15, 2013 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

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(562) 590-5071



11/4/2013

Martin Rincon (Architopia)
18001 Cowan,
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#: 5-13- 0828-W

APPLICANT: Real Estate Portfolio Management LLC

LOCATION: 223 Ocean View Ave, Newport Beach, Orange County

PROPOSED DEVELOPMENT: Demolition of the existing single family residence and construction of a new, 29' high, 5,648 sq. ft. single family residence

RATIONALE: The subject lot is a 6,477 sq. ft. inland lot designated as Single Unit Residential Detached in the City's Certified Land Use Plan. The proposed project has been approved in concept by the City of Newport Beach. Four parking spaces are provided on site, exceeding the Commission's typically applied requirement of 2 parking spaces per unit. Authorization for construction of any new single or two-family residences on the lot is provided under City of Newport Beach Categorical Exclusion Order E-77-5, adopted by the Commission on June 14, 1977. However, the proposed project does not qualify for an exclusion under Categorical Exclusion Order E- 77-5 because it does not meet the less than a 1.5 floor to buildable-lot area ratio. Runoff is directed towards landscaped areas and trench drain, for on-site infiltration. 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 **November 13-15, 2013** 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 and Planning

cc: Commissioners/File

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**EMERGENCY PERMIT**

DATE: OCTOBER 15, 2013

EMERGENCY PERMIT: G-5-13-0222

APPLICANT: Lido Group Retail, LLC Attn: Patricia Apel

LOCATION: 3400 Via Oporto, Newport Beach (Orange County)

EMERGENCY WORK PROPOSED:

Temporary reinforcement to stabilize the base/toe of an existing bulkhead/seawall along an approximately 150-200 ft. portion of the 950 ft. long seawall by the placement of 250 cubic yards of sand material at a 4:1 slope along the areas of extreme erosion.

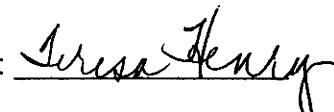
This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that the proposed emergency work is in response to a recent 2013 hydrographic survey identifying the loss of lateral stability at certain portions of the seawall creating an immediate danger of the wall "rotating," i.e., collapsing into the bay and the potential of a hydraulic "blow-out," i.e., hydraulic pressure from the land exceeding the ability of the wall to retain it and 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: 

Title: District Manager

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the permittee and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The proposed preventative work requested is the reinforcement of the bulkhead at the toe with the placement of sand as a temporary measure, per the attached plan dated 10/2013 and received in this office on October 10, 2013 included as Exhibit 1. The sand material shall be limited to sand particle diameter not greater than 2 millimeters. No gravel or stone material shall be utilized.
4. The work authorized by this permit must be completed within 30 days of the date of this permit.
5. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Development Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
6. 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.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

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

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

Enclosures: Exhibit 1 – Proposed Emergency Repair Plan
Acceptance Form
Coastal Permit Application Form

cc: Local Planning Department

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
P.O. BOX 1450
200 OCEANGATE, SUITE 1000 (10TH FLOOR)
LONG BEACH, CA 90802-4416

RE: Emergency Permit No. G-5-13-0222

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

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 the emergency work is TEMPORARY and that a regular Coastal Permit is necessary to make it a permanent installation. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by December 15, 2013), OR I will remove the emergency work authorized by such permit in its entirety within 150 days of the date of the emergency permit (i.e., by March 15, 2014).

Signature of property owner or
Authorized representative

Name

Address

Date of Signing

G 5-18-222

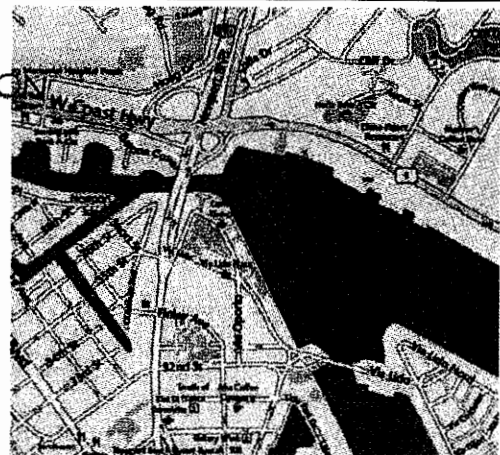
South Coast Region

OCT 10 2013

URS

310 Golden Shore, Suite 100
Long Beach, CA 90802
Phone: 562.306.2550

CALIFORNIA
COASTAL COMMISSION



VICINITY MAP

COASTAL COMMISSION

EXHIBIT # 1

PAGE 1 OF 3

SEE PLAN 1,
SHEET 2

SEE PLAN 2,
SHEET 2

0 50' 100' 200'
GRAPHIC SCALE

PURPOSE: Emergency sand fill
to stabilize erosion at bulkhead
toe.

Sand Quantity = 250 cy

Datum: MLLW = 0

Adj. Property Owners:

1. DJM

**VICINITY MAP
SITE PLAN**

Owner: DJM Capital Partners, Inc.
dba Lido Group Retail, LLC

7777 Edinger Avenue, Suite 133
Huntington Beach, CA 92647

Emergency Bulkhead Stabilization
Lido Village Marina
3400 Via Oporto
Newport Beach, CA 92663
IN: Newport Harbor
AT: Newport Beach
County of Orange State: CA
Application By:
Sheet 1 of 3 Date: 10/2013

G 5-131222 RECEIVED

South Coast Region

OCT 10 2013

URS

310 Golden Shore, Suite 100
Long Beach, CA 90802
Phone: 562.308.2350

CALIFORNIA
COASTAL COMMISSION

LEGEND:

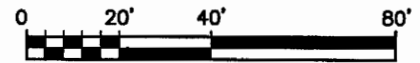


4:1 FILL SLOPE

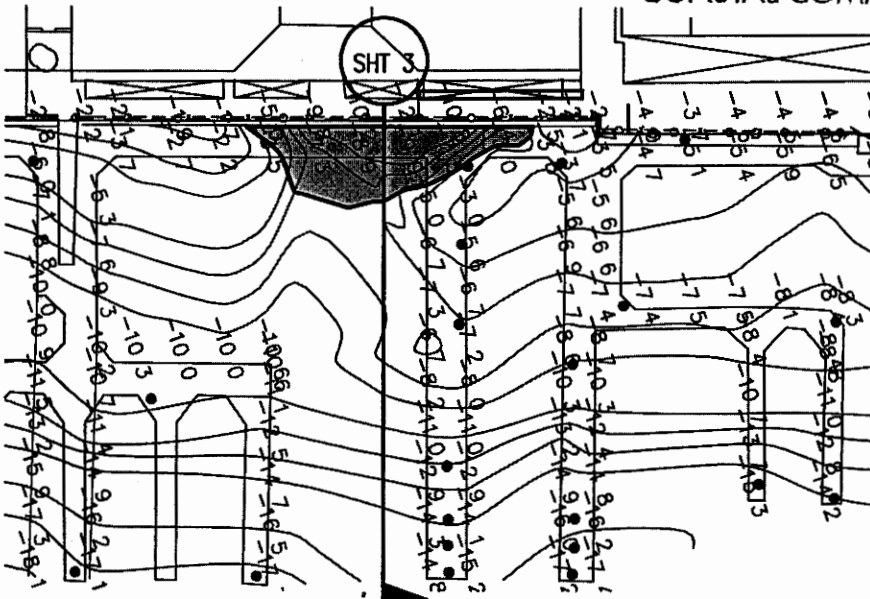
COASTAL COMMISSION

EXHIBIT 1

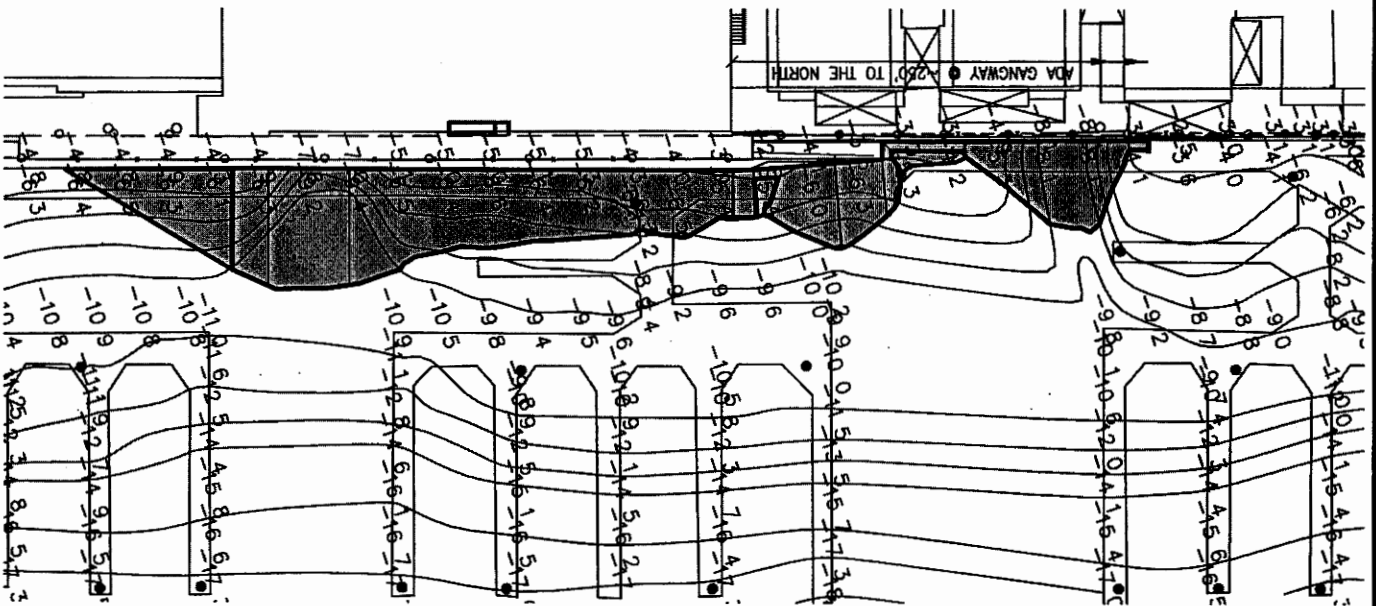
PAGE 2 OF 3



GRAPHIC SCALE



ENLARGED PLAN 1



ENLARGED PLAN 2

PURPOSE: Emergency sand fill to stabilize erosion at bulkhead toe.

Sand Quantity = 250 cy

Datum: MLLW = 0

Adj. Property Owners:

1. DJM

ENLARGED PLAN

Owner: DJM Capital Partners, Inc.
dba Lido Group Retail, LLC

7777 Edinger Avenue, Suite 133
Huntington Beach, CA 92647

Emergency Bulkhead Stabilization
Lido Village Marina

3400 Via Oporto

Newport Beach, CA 92663

IN: Newport Harbor

AT: Newport Beach

County of Orange State: CA

Application By:

Sheet 2 of 3 Date: 10/2013

RECEIVED
South Coast Region

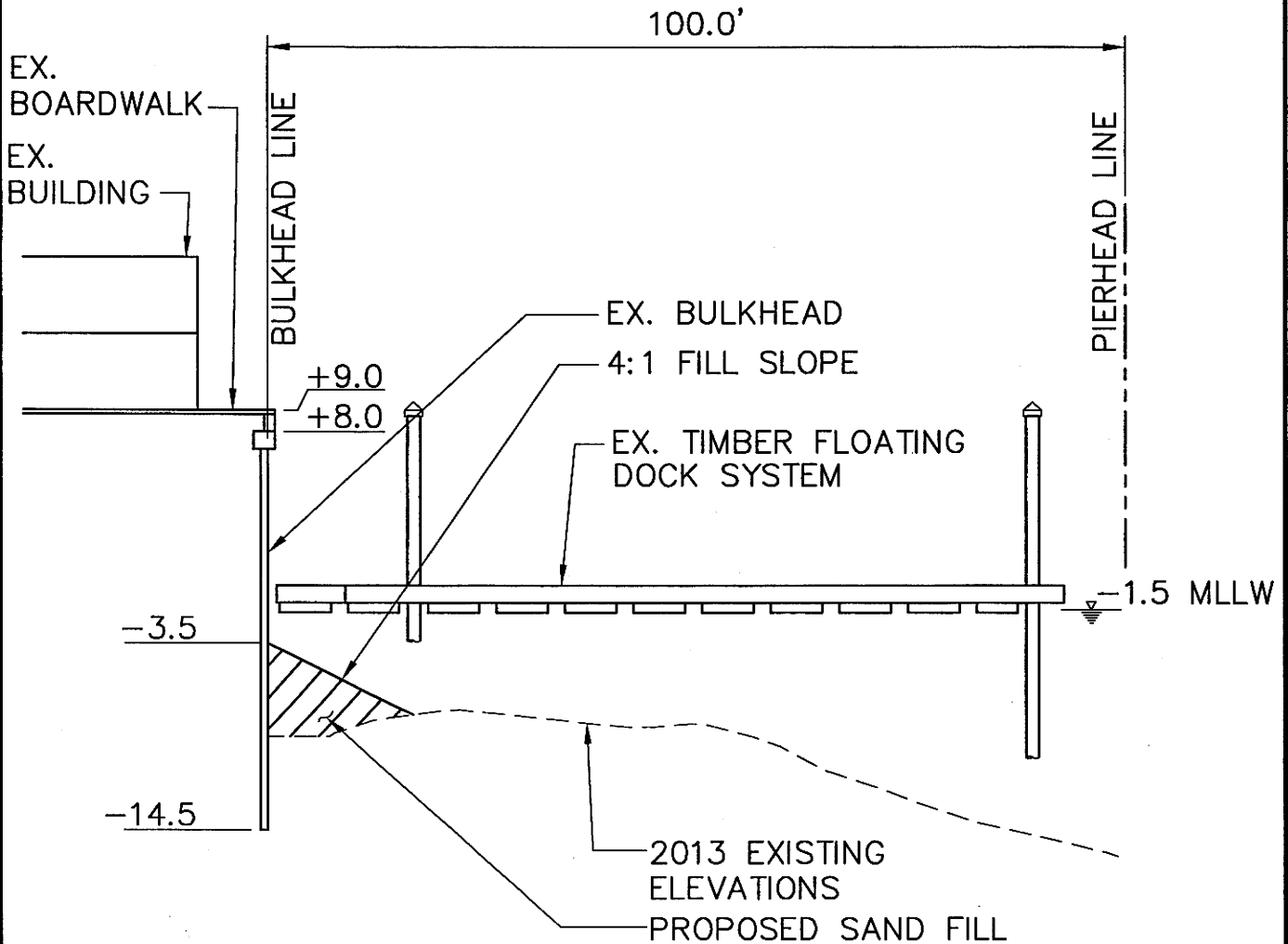
OCT 10 2013

G 5-18-222

URS

310 Golden Shore, Suite 100
Long Beach, CA 90802
Phone: 562.308.2350

CALIFORNIA
COASTAL COMMISSION



TYPICAL SECTION

SCALE: HORIZ 1:2
VERT 1:20

COASTAL COMMISSION

EXHIBIT # 1

PAGE 3 OF 3

PURPOSE: Emergency sand fill to stabilize erosion at bulkhead toe.

Sand Quantity = 250 cy

Datum: MLLW = 0

Adj. Property Owners:

1. DJM

TYPICAL SECTION

Owner: DJM Capital Partners, Inc.
dba Lido Group Retail, LLC
7777 Edinger Avenue, Suite 133
Huntington Beach, CA 92647

Emergency Bulkhead Stabilization
Lido Village Marina
3400 Via Oporto
Newport Beach, CA 92663
IN: Newport Harbor
AT: Newport Beach
County of Orange State: CA
Application By:
Sheet 3 of 3 Date: 10/2013

CALIFORNIA COASTAL COMMISSION

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



November 5, 2013

OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Deputy Director Sherilyn Sarb
Staff Analyst Fernie Sy

Re: Permit Amendment Request No. 5-08-190-A1 (Friemuth).

On December 11, 2008 the Commission granted to James & Judy Friemuth Coastal Development Permit No. 5-08-190 for:

Demolition of existing single family home and construction of a new 7,266 square foot two-story single-family residence over basement and a 756 square foot attached three-car garage on a beach front lot. The resultant structure would be three-stories on the beach side and two-stories on the street side. Grading will consist of 1,650 cubic yards of export to a location outside of the Coastal Zone. Landscaping, hardscape and a pool are also proposed.

AT: 208 Ocean Avenue, Seal Beach, Orange County.

On May 15, 2013, the applicants (James & Judy Friemuth) submitted a request to amend Coastal Development Permit 5-08-190, as follows:

DESCRIPTION OF AMENDMENT REQUEST:

Construction of a maximum 12-foot tall open air patio structure on pilasters, outdoor fireplace and decorative pilasters in the rear yard. Also, new 6-foot high side yard property line walls are proposed. All work will be located within the property boundaries. No additional work is proposed to the residence.

Pursuant to Section 13166(b) of Title 14 of the California Code of Regulations, the Executive Director determined that the proposed permit amendment is immaterial because the proposed changes are minor in nature and approval of the permit amendment request will not create any adverse impacts to public access or coastal resources.

On October 2, 2013, the South Coast District Office in Long Beach issued notice of the Executive Director's determination (Notice of Proposed Permit Amendment) to all persons known to be interested in the application. The Notice of Proposed Permit Amendment recommended that the permit amendment request be considered "immaterial" and granted for the following reason(s):

The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed amendment is consistent with the underlying permit approval (CDP# 5-08-190) and will not prejudice the City's ability to prepare a certified

Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

The Executive Director reported this determination to the Commission at its October 9, 2013 Commission meeting in San Diego. Within the ten working-day period during which any person may object to the immaterial amendment request (October 2 – October 16, 2013), the South Coast District Office received one letter of objection (See Attachment).

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

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

Pursuant to Section 13166(b)(2) of the Regulations, the Executive Director is hereby reporting the written objection to the immaterial amendment to the Commission. The Executive Director has determined that the objection does not raise an issue of conformity with the Coastal Act.

Objector's Assertions:

The objection letter (Exhibit #1) states that the project has taken away ocean views that were previously enjoyed from across the street (assumed to be from his private residence). The objector also asks what are his rights when residences on the beach side of Ocean Boulevard "build up".

The Executive Director has determined that the objection does not raise an issue of conformity with the Coastal Act because the issue raised, private views, is not regulated under the Coastal Act and any potential public view impacts were already reviewed by the Commission in its approval of the original permit. The proposed amendment does not raise any impacts to public views as the proposed project elements will be located in the rear yard (seaward side of the approved residence) and be of nominal height and are located behind and below a majority of the residences that front Ocean Boulevard. The proposed rear yard improvements will have no adverse impact on public views from Ocean Boulevard. In actuality, the objector seems to be concerned with the height of the residence that was already approved by the Commission in December 2008, which was found to be consistent with the scale and character of the built out residential area and did not have any public view impacts. The proposed project, as amended, remains consistent with the underlying permit approval (CDP# 5-08-190) and will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

If any three commissioners object to the Executive Director's designation of immateriality, the amendment application shall be scheduled for a public hearing and Commission action at a future

meeting as set forth in Section 13166(c) of the Regulations. Otherwise, the permit amendment shall become effective.

10-2-2013

FERNIE 54:

RECEIVED
South Coast Region

OCT 10 2013

RE: PERMIT NO.
5-08-190

CALIFORNIA
COASTAL COMMISSION

DEAR MR. 54:

THIS PROJECT HAS
TAKEN AWAY THE
OCEAN VIEWS THAT
WE ONCE ENJOYED
FROM ACROSS THE
STREET.

DO WE HAVE ANY RIGHTS
WHEN THOSE ON THE BEACH
SIDE OF OCEAN BUILD UP?

YOU MAY CONTACT ME AT
rcornejo1aw@gmail.com
MR. CORNEJO

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION

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

October 24, 2013

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

To: Commissioners and Interested Parties

From: District Director Sherilyn Sarb
Staff Analyst Meg Vaughn

Re: Permit Amendment Request No. 5-11-068-A1 (Shea Homes).

On October 11, 2012 the Commission granted to Shea Homes Coastal Development Permit No. 5-11-068 for:

Subdivision resulting in the creation of 111 residential lots, additional lots for roads, conservation, public access and public park areas; construction of 111 single family homes and related infrastructure, and construction of public active park, public passive park, public paseo park, public access trails, natural treatment system, habitat restoration, new storm drain system, new pump facility at the Slater storm water pump station, improvements to the flood control channel levee, flood protection feature, replace sewer pump, and new sewer force-main.

AT: 50 acre area at 17301 Graham Street (West of Graham Street North of East Garden Grove Wintersburg Flood Control Channel), Huntington Beach, Orange County.

On September 5, 2013, the applicant (Shea Homes) submitted a request to amend Coastal Development Permit 5-11-068, as follows:

DESCRIPTION OF AMENDMENT REQUEST:

1. Change the lot designation of the single lot in Tentative Tract 15419 from a numbered lot (Lot 1) to a lettered lot (Lot A). All special conditions and restrictions that apply to Tract 15419 Lot 1 will remain applicable to Tract 15419 Lot A, and references thereto will be changed accordingly. The change for the single lot in Tract 15419 from Lot 1 to Lot A will apply wherever it occurs in approved Coastal Development Permit 5-11-068.
2. Amend the maintenance responsibilities within Lot Y of Tentative Tract 15377 to require that trail and landscaping maintenance be the responsibility of the Homeowners Association (HOA) and not the County of Orange (as is currently specified), and change all references thereto accordingly. The change to maintenance responsibilities described above will apply wherever it occurs in approved Coastal Development Permit 5-11-068.

Pursuant to Section 13166(b) of Title 14 of the California Code of Regulations, the Executive Director determined that the proposed permit amendment is immaterial because the proposed changes are minor in nature and approval of the permit amendment request will not create any adverse impacts to public access or coastal resources.

On October 2, 2013, the South Coast District Office in Long Beach issued notice of the Executive Director's determination (Notice of Proposed Permit Amendment) to all persons known to be interested in the application. The Notice of Proposed Permit Amendment recommended that the permit amendment request be considered "immaterial" and granted for the following reason(s):

1. The applicant is requesting the change from numbered to lettered lot in Tentative Tract 15419 because lots dedicated exclusively for conservation uses, as the subject lot is, are more typically lettered lots. Tract 15419 is a single lot subdivision which is land use designated Open Space – Conservation and zoned Coastal Conservation. As proposed by the applicant and as conditioned in the approved coastal development permit, the single lot in Tract 15419 is restricted to wetland and habitat conservation and restoration uses. The lot is specifically referenced as Lot 1 throughout the special conditions of approval and findings for Coastal Development Permit 5-11-068. This amendment is intended to clarify that each of those references is intended to be changed from Lot 1 to Lot A. The shape, use, function and restrictions of Tract 15419's single lot remain unchanged from those approved under Coastal Development Permit 5-11-068. All special conditions and restrictions that apply to Lot 1 will apply to Lot A.
2. The project as proposed by the applicant assigned landscaping maintenance responsibilities on the VFPP to the HOA. This is reflected in the following excerpt from the findings of conditional approval for the Parkside project: *"Upon completion of construction and planting, the VFPP will be owned, maintained, and operated by the Orange County Public Works Department, except that the VFPP vegetation and irrigation will be maintained by the HOA."* However, this landscape maintenance responsibility was not reflected in the approved special conditions of the project. As approved, the special conditions identify all VFPP maintenance responsibilities as the responsibility of the County. The proposed amendment is intended to correct that. In addition, this amendment would require the HOA to also be responsible for public trail maintenance on the VFPP. As approved, many of the project's public trail maintenance responsibilities are assigned to the HOA. Adding the VFPP public Vista Point trail and vista point to the other trail maintenance responsibilities is consistent with the Commission's action on the permit.

The Executive Director reported this determination to the Commission at its October 9, 2013 Commission meeting in San Diego. Within the ten working-day period during which any person may object to the immaterial amendment request (October 2 – October 16, 2013), the South Coast District Office received one letter of objection (See Attachment).

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

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

amendment application shall be referred to the commission for action as set forth in subsection (c) below. Otherwise, the immaterial amendment shall become effective.

Pursuant to Section 13166(b)(2) of the Regulations, the Executive Director is hereby reporting the written objection to the immaterial amendment to the Commission. The Executive Director has determined that the objection does not raise an issue of conformity with the Coastal Act.

Objector's Assertions:

The objection letter objects to Item No. 2 of the proposed amendment regarding shifting the landscape and public trail maintenance responsibilities for Lot Y of Tentative Tract 15377 from the County of Orange to the Parkside Estates Homeowners' Association (HOA). The objector expressed concerns with whether the HOA would have the understanding of and respect for the sensitive wildlife habitat to adequately maintain it as required in perpetuity. The objector further urges the Coastal Commission to hold whoever the responsible party for maintenance is to the requirements of the Habitat Management Plan (HMP) approved under coastal development permit 5-11-068, including the monitoring and maintenance requirements. The objector further requests that the following HMP requirement be included within the amendment language: "In addition, every five years the HOA will be required to hire a qualified biologist to conduct a qualitative analysis of the revegetation site and if it does not meet the final performance standards, remedial measures will be developed and implemented in consultation with the Executive Director of the Coastal Commission."

The Executive Director has determined that the objection does not raise an issue of conformity with the Coastal Act because the issues raised are already addressed by the special conditions of the approved coastal development permit. This determination is based upon the fact that all conditions of approval, as set forth in Coastal Development Permit 5-11-068, except as specifically modified herein (described above in item numbers 1 and 2) remain unchanged, and that the permit amendment will cause no adverse impacts to public access or coastal resources. As approved, coastal development permit 5-11-068 already identifies the HOA as the responsible party for habitat maintenance in perpetuity of all other lots within the Habitat Management Plan (HMP). Furthermore, the requested language regarding final performance standards, monitoring, and remedial measures is already required as part of the proposed and approved HMP, which is required to be implemented as approved by Special Condition No. 2. In addition, Special Condition No. 11 of approved coastal development permit 5-11-068 requires an Offer to Dedicate in Fee be recorded over Lot Y, among others, which would allow a public or non-profit agency acceptable to the Executive Director to accept future responsibility for habitat and/or trail maintenance of Lot Y, among others. So an acceptable entity other than the HOA could accept the offer to dedicate Lot Y (and others) if such became available in the future. The approved project, as amended, remains consistent with the Chapter 3 policies of the Coastal Act, the underlying coastal development permit, and the City of Huntington Beach certified LCP.

If any three commissioners object to the Executive Director's designation of immateriality, the amendment application shall be scheduled for a public hearing and Commission action at a future meeting as set forth in Section 13166(c) of the Regulations. Otherwise, the permit amendment shall become effective.



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ENDORSEMENTS

Amigos de Bolsa Chica
Algalita Marine Research
Foundation
Anza Borrego Foundation
Ballona Wetlands Land
Trust
City of Huntington Beach
Friends of Harbors,
Beaches and Parks
Huntington Beach
Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of
Women Voters
Orange County
Coastkeeper
Peninsula Open Space Trust
Sea and Sage Audubon
Sierra Club
Angeles Chapter
Surfrider Foundation

October 10, 2013

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

RE: Notice of proposed permit amendment 5-11-068A1
Amending Coastal Development Permit No. 5-11-068 granted October 11, 2012 to Shea Homes for the creation of 111 residential lots at the 50 acre area at 17301 Graham Street, Huntington Beach, Orange County

Dear Ms. Vaughn,

We are in receipt of the notice of proposed permit amendment for the above referenced Coastal Development Permit. In reviewing the notice we are concerned with item number 2 which states; "Amend the maintenance responsibilities within Lot Y of Tentative Tract 15377 to require that trail and landscaping maintenance be the responsibility of the Homeowners Association (HOA) and not the County of Orange (as is currently specified), and change all references thereto accordingly. The change to maintenance responsibilities described above will apply wherever it occurs in approved Coastal Development Permit 5-11-068."

The Bolsa Chica Land Trust is very concerned with this change in responsible parties for the trail and landscaping which will be located in such close proximity to sensitive wildlife habitat. We question if a homeowners association will understand and respect the sensitivity of the area and have this reflected adequately within their maintenance plan and implementation in perpetuity.

As the Commission and staff are aware, our primary concern is for the utmost protection of the biological and cultural resources of all of the areas which make up the Bolsa Chica. As such, we urge the Coastal Commission to hold whomever is responsible for the aforementioned trail and landscaping to adhere to the Habitat Management Plan as contained within the CDP and that the monitoring and care of the area be strictly enforced.

As stated within the project's staff report "In addition, every five years the HOA will be required to hire a qualified biologist to conduct a qualitative analysis of the revegetation site and if it does not meet the final performance standards, remedial measures will be developed and implemented in consultation with the Executive Director of the Coastal Commission." We urge that this language be included within this amendment to help insure the total area's landscaping and maintenance is not detrimental to the neighboring sensitive wildlife habitats.

We thank you for reviewing our concerns in this matter.
Best regards,

Joe Shaw, President

SheaHomes

Caring since 1881

October 14, 2013

RECEIVED
South Coast Region

OCT 16 2013

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

CALIFORNIA
COASTAL COMMISSION

Re: Coastal Development Permit Application 5-11-068 (Shea Homes, Huntington Beach)

Dear Ms. Vaughn,

This letter is in response to the October 10, 2013 letter from the Bolsa Chica Land Trust regarding the Immaterial Amendment to Coastal Development Permit 5-11-068.

The Land Trust letter states that they are concerned about the change in the parties for the trail and landscape maintenance that is *"located in such close proximity to sensitive wildlife habitat"*. They question if a homeowner's association will understand and respect the sensitivity of the area.

The Land Trust overlooks the fact in the approval of CDP 5-11-068 the Commission imposed conditions on the Homeowner's Association to maintain the wetlands, ESHA and buffer on this property. Lot Y is located adjacent to one existing wetlands area and to another area where wetlands will be created during the development of the project and the Homeowner's Association will maintain. Based on the maintenance responsibility of these areas the Homeowner's Association will understand the sensitivity to the area.

It is intended through the properties' Covenants, Conditions and Restrictions (CC&Rs) and the Association budgeting process that the Homeowner's Association will be funded adequately to maintain the areas for which they are responsible in accordance with the Habitat Management Plan.

This Amendment should actually increase the accountability for the maintenance of Lot Y and the Vegetated Flood Protection Feature (VFPP).

This area is already included within the Habitat Management Plan area. It is specifically referenced on page 1-4 under the listed areas entitled "Habitat to be managed or restored includes". It is also illustrated in various exhibits. It is shown on the following exhibits:

1250 Corona Pointe Court
Suite 600
Corona, CA 92879

951.739.9700 T
951.738.1758 F

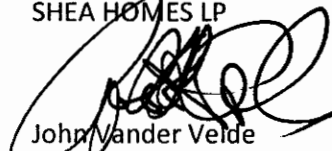
*Shea Homes Limited Partnership &
Shea Homes Marketing Company*
Independent member of the Shea family of companies

- Figure 1-3 Composite Habitat Management Plan
- Figure 2-1 Habitat Protection and Fencing during Construction Plan
- Figure 3-1a HMP for Southern Grove Eucalyptus ESHA
- Figure 4-1 Restoration Plan
- Figure 6-1 HMP for Wetlands Areas
- Figure 6-2 HMP for EPA and AP Wetland Area
- Figure 6-4 HMP for CP Wetland Area

In addition the planting of the VFPP is detailed out in Section 4.3 Grassland Revegetation Site and the Plant Palette is set forth in Appendix E VFPP CSS Revegetation Plant Palette.

Please feel free to contact me should you have any questions. I can be reached at 951-549-7536 or john.vandervelde@sheahomes.com.

Sincerely,
SHEA HOMES LP



John Vander Velde
Vice President