

**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](http://www.coastal.ca.gov)

**W15**

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

*For the  
March Meeting of the California Coastal Commission*

MEMORANDUM

Date: March 1, 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 March 6, 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. 5-13-044-W Chris Michell (San Clemente, Orange County)

**DE MINIMIS WAIVERS**

1. 5-12-279-W Ray Assar (Newport Beach, Orange County)
2. 5-12-285-W Bob & Kathy Payne (Newport Beach, Orange County)
3. 5-12-288-W Mr. & Mrs. Ian Rowden (Newport Beach, Orange County)
4. 5-12-349-W Richard Sciuto (Newport Beach, Orange County)
5. 5-13-022-W 227 Onyx Ave, L L C, Attn: Mr. David Dahn (Newport Beach, Orange County)

**TOTAL OF 6 ITEMS**

## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-13-044-W Chris Michell	Improvements to a single family residence consisting of outdoor backyard hardscape improvements including construction of a new 18" high fire pit surrounded by an 18" high seat bench with 30" high back, 36" high concrete barbeque structure and new concrete patio space on a coastal canyon lot. No vegetation removal is proposed. No work is proposed to the existing single family residence.	202 Avenida De La Riviera, 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>
5-12-279-W Ray Assar	Demolish existing one-story, approximately 925 square foot single family home and construct a new 29-foot-tall, three-story, 2,792 square foot single family residence with an attached 360 square foot, two-car garage. The project also includes 198 square feet of second-floor decks and 825 square feet of roof decks. Grading will consist of an estimated 50 cubic yards of cut and fill.	130 Opal Ave, Newport Beach (Orange County)
5-12-285-W Bob & Kathy Payne	Demolish an existing two-story duplex and construct a new two-story, 2,180 square foot single family residence with an attached 540 square foot, two-car garage. Grading includes 180 cubic yards of fill.	235 Opal, Newport Beach (Orange County)
5-12-288-W Mr. & Mrs. Ian Rowden	Demolition of an existing single-family dwelling and construction of a new three-story 2,344 square foot single-family residence with an attached 375 square foot two-car garage. The maximum height of the structure will be 29-feet above finished grade. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. Grading will consist of 10 cubic yards of cut, 140 cubic yards of fill and 190 cubic yards of recompaction, which will balance on site.	113 Garnett Ave., Newport Beach (Orange County)

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

<p><b>5-12-349-W</b> Richard Sciuto</p>	<p>Demolition of an existing single-family dwelling and construction of a new two-story 2,604 square foot single-family residence with an attached 497 square foot two-car garage. The maximum height of the structure will be 24-feet above finished grade. A new 42-inch high wrought iron guard rail will be installed at the edge of the existing bulkhead, but no other work on the bulkhead is proposed. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. No work on the existing dock is proposed. Grading will consist of 200 cubic yards of recompaction, which will balance on site.</p>	<p>212 Via Lido Nord, Newport Beach (Orange County)</p>
<p><b>5-13-022-W</b> 227 Onyx Ave, L L C, Attn: Mr. David Dahn</p>	<p>Demolition of existing two-story single-family residence and construction of a new three-story, 3,622 sq. ft. (including a 406 sq.ft.2-car garage and 825 sq.ft. roof deck) 29' tall, single family dwelling including hardscape improvements. Minor grading consisting of over-excavation cut/fill for soil recompaction and site preparation. Surface area drains and roof downspouts will be directed to a perforated drain line and to French drains prior to reaching the main storm drain system. Minimal landscaping contained in raised planters proposed.</p>	<p>227 Onyx Ave, Newport Beach (Orange County)</p>

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South Coast Area Office  
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Long Beach, CA 90802-4302  
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February 19, 2013

Toni Dietz  
21 West Avenida San Gabriel  
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#:** 5-13-044

**APPLICANT:** James and Dawn-Marie Prather

**LOCATION:** 202 Avenida de la Riviera San Clemente (Orange County)

**PROPOSED DEVELOPMENT:** Improvements to a single family residence consisting of outdoor backyard hardscape improvements including construction of a new 18" high fire pit surrounded by an 18" high seat bench with 30" high back, 36" high concrete barbeque structure and new concrete patio space on a coastal canyon lot. No vegetation removal is proposed. No work is proposed to the existing single family residence.

**RATIONALE:** The subject site is an 8,821 sq. ft. inland lot considered to be part of Riviera Canyon in the City of San Clemente. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan. The proposed project is improvements to a single family residence consisting of outdoor hardscape improvements on the side of the lot facing the coastal canyon. The proposed improvements are approximately 8'-10' from the canyon edge identified at approximately the 130' contour line and meet the typical 5' canyon edge setback for secondary type development such as at-grade patios. No vegetation removal, landscaping or other development is proposed beyond the edge of the coastal canyon. Adequate measures to address water quality have been incorporated into the project design and construction project construction. 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 in the vicinity at Riviera Access Point less than a half mile to the west of the site. 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 **March 6-8, 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

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February 26, 2013

Bror Monberg, Architect  
3432 Via Oporto, Suite 209  
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 #:** 5-12-279-W

**APPLICANT:** Ray Assar

**LOCATION:** 130 Opal Avenue (Balboa Island), Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:**

The proposed project involves demolition of an existing one-story approximately 925 square foot single family home and construction of a new 29-foot-tall, three-story, 2,792 square foot single family residence with an attached 360 square foot, two-car garage. The project also includes 198 square feet of second-floor decks and 825 square feet of roof decks. Grading will consist of an estimated 50 cubic yards of cut and fill.

**RATIONALE:** The subject property is a 2,550 square foot inland lot on Balboa Island in Newport Beach designated as Two Unit Residential in the City of Newport Beach Certified Land Use Plan (LUP). The proposed project has been approved by the Newport Beach Planning Department (AIC 2012039). The project meets the Commission's parking requirement (2 spaces per residential unit). The project is designed to be compatible with the character of the surrounding development. Adequate measures to address water quality have been incorporated. Drainage improvements include a bottomless trench drain at the rear of the property between the driveway and the alley to capture runoff from the side yards. Drought-tolerant, low or very low water consumption plants will be placed in two 10-foot by 3-foot strips on both sides of the garage to provide an opportunity for runoff to infiltrate the ground before reaching the trench drain. Area drains will direct runoff from the front half of the side yards to an underground pipe which will carry water to the front yard where a perforated pipe will allow infiltration. Additional area drains will be provided in the front yard. Excess runoff will be sent through a pipe beneath the sidewalk to discharge to the street. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. The nearest coastal access is about 450 feet south of the subject property on South Bay Front. 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 March 6-8, 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 & Planning

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February 20, 2013

Mark Teale, Architect  
2900 Bristol Street, A-203  
Costa Mesa, CA 92626

**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 #:** 5-12-285-W

**APPLICANT:** Bob & Kathy Payne

**LOCATION:** 235 Opal Avenue (Balboa Island) Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** The proposed project involves demolition of an existing two-story duplex and construction of a new two-story, nearly 29-foot high, 2,180 square foot single family residence plus an attached 540 square foot, two-car garage. The project also includes 539 square feet of decks. Grading includes 180 cubic yards of fill.

**RATIONALE:** The subject property is a 2,550 square foot inland lot on Balboa Island in Newport Beach designated as Two Unit Residential in the City of Newport Beach Certified Land Use Plan (LUP). The proposed project has been approved by the Newport Beach Planning Department (AIC 2012041). The project meets the Commission's parking requirement (2 spaces per residential unit). The project is designed to be compatible with the character of the surrounding development. Adequate measures to address water quality have been incorporated during construction and in the project design. Drainage improvements include a bottomless trench drain at the rear of the property between the driveway and the alley to capture runoff from the side yard drainage swales. Permeable pavers will be used at the back of the side yards to provide an opportunity for runoff to infiltrate the ground before reaching the trench drain. Downspouts will be connected to a submerged drainage system that will also carry runoff to the front yard where a 15-foot-long perforated pipe will feed runoff to planter boxes before any discharge to the street. Landscaping will be drought tolerant, low or very low water consumption non-invasive plants. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. The nearest coastal access is about 230 feet north of the subject property at North Bay Front. 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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Executive Director

by: \_\_\_\_\_  
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Supervisor, Regulation & Planning

cc: Commissioners/File

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February 20, 2013

Todd Skendarian  
1100 South Coast Highway, #316  
Laguna Beach, CA 92651

**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#:** 5-12-288                      **APPLICANT:** Ian B. Rowden

**LOCATION:** 113 Garnet Avenue, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an existing single-family dwelling and construction of a new three-story 2,344 square foot single-family residence with an attached 375 square foot two-car garage. The maximum height of the structure will be 29-feet above finished grade. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. Grading will consist of 10 cubic yards of cut, 140 cubic yards of fill and 190 cubic yards of recompaction, which will balance on site.

**RATIONALE:** The lot size is 2,550 square feet and is designated as Two-Family 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.

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Orange County Area Supervisor



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February 20, 2013

John T. Morgan, Architect  
18682 Beachmont Avenue  
Santa Ana, CA 92705

**SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis  
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**WAIVER#:** 5-12-349                      **APPLICANT:** Richard Sciuto

**LOCATION:** 212 Via Lido Nord, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an existing single-family dwelling and construction of a new two-story 2,604 square foot single-family residence with an attached 497 square foot two-car garage. The maximum height of the structure will be 24-feet above finished grade. A new 42-inch high wrought iron guard rail will be installed at the edge of the existing bulkhead, but no other work on the bulkhead is proposed. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. No work on the existing dock is proposed. Grading will consist of 200 cubic yards of recompaction, which will balance on site.

**RATIONALE:** The subject site is a 2,700 square foot bulkheaded bayfront lot on Lido Island and is 2,700 square feet in size, is designated as single-unit residential detached in the City of Newport Beach Land Use Plan (LUP) and is located between the first public road and the sea. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit). Public access is available along an existing public sidewalk that is located along the edge of the 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.

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February 19, 2013

Richard Krantz Architecture, Inc.  
1500 Quail St. Suite 520  
Newport Beach, CA 92660

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

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**WAIVER#:** 5-13-022                      **APPLICANT:** 227 Onyx Ave LLC; Attn: David Dahn

**LOCATION:** 227 Onyx Ave., Balboa Island, Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of existing two-story single-family residence and construction of a new three-story, 3,622 sq. ft. (including a 406 sq.ft.2-car garage and 825 sq.ft. roof deck) 29' tall, single family dwelling including hardscape improvements. Minor grading consisting of over-excavation cut/fill for soil re-compaction and site preparation. Surface area drains and roof downspouts will be directed to a perforated drain line and to French drains prior to reaching the main storm drain system. Minimal landscaping contained in raised planters proposed.

**RATIONALE:** The subject site is a 2,550 square foot 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 on Balboa Island. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Adequate measures to address water quality have been incorporated during construction and into the project design. Surface area drains and downspouts are directed to an underground drainage system with perforated drain line encased in gravel for greater filtration on site. Public coastal access to the bay is available ~600 feet north of the site at N. Bayfront along a public walkway surrounding Balboa Island. 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 **March 6-8, 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.

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Executive Director

by: \_\_\_\_\_  
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