

**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)

**Th12**

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

*For the  
June Meeting of the California Coastal Commission*

MEMORANDUM

Date: June 11, 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 June 13, 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. 5-12-080-W E. Dorothy Prohaska (San Clemente, Orange County)
2. 5-13-068-W Joseph Geleris (Seal Beach, Orange County)

***DE MINIMIS WAIVERS***

1. 5-13-085-W Peggy Domasin & Lynn Plumlee (Newport Beach, Orange County)
2. 5-13-206-W Darin & Carolyn Kruse (Newport Beach, Orange County)
3. 5-13-248-W Neil & Rarnaz Pardasani (Seal Beach, Orange County)
4. 5-13-255-W Chateau Michele Corp. (Laguna Beach, Orange County)

***IMMATERIAL AMENDMENTS***

1. 5-03-322-A3 City Of San Clemente, Attn: Jim Pechous (San Clemente, Orange County)
2. 5-03-013-A6 L V Marblehead L L C, Attn: Eric Hoffman (San Clemente, Orange County)

***EXTENSION - IMMATERIAL***

1. 5-11-002-E1 Mr. Frank W. Pritt (Newport Beach, Orange County)

**TOTAL OF 9 ITEMS**

## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-12-080-W E. Dorothy Prohaska	Demolition of an approximately 128 sq. ft. portion of an existing at-grade concrete slab patio/walkway and replacement with an expanded 200 sq. ft. wood deck/walkway on the canyon ward portion of an existing 2-unit condominium structure on a coastal canyon lot.	411 A Cazador Ln., San Clemente (Orange County)
5-13-068-W Joseph Geleris	An addition to an existing 1,442 square foot, two-story single-family residence with a 440 square foot detached two-car garage. The proposed project more specifically consists of: 1) an addition of a new 660 square foot 3rd floor over the existing residence; and 2) an addition of a new 355 roof top deck over the new 3rd floor. Post project: the single-family residence will be three-stories (35-feet above existing grade) consisting of 2,101 square feet with a 355 square foot roof top deck and a detached 440 square foot two-car garage.	16198 Surfside Ave B54, Seal 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>
5-13-085-W Peggy Domasin & Lynn Plumlee	Remove an existing mobile home and replace with a new approximately 1,155 square foot one-story manufactured home with a one-car carport. The maximum height of the residence will be approximately 16-feet above existing grade. No grading is proposed. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system. Landscaping proposed to be drought tolerant and non-invasive plants.	291 Mayflower, Newport Beach (Orange County)
5-13-206-W Darin & Carolyn Kruse	Demolition of the existing single family residence and construction of a new, 29' high, 2,455 sq. ft. single family residence and 210 cubic yards of cut and fill.	205 E. Bay Front, Newport Beach (Orange County)

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

<p><b>5-13-248-W</b> Neil &amp; Rarnaz Pardasani</p>	<p>Construction of a new 3,795 square foot, three-story single-family residence with an attached 575 square foot three-car garage. The maximum height of the residence will be 25-feet above finished grade. Grading will consist of 40 cubic yards of cut, 40 cubic yards of fill and 200 cubic yards for recompaction purposes, which will balance on site. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system.</p>	<p>111 - 13th Street, Seal Beach (Orange County)</p>
<p><b>5-13-255-W</b> Chateau Michele Corp.</p>	<p>Major remodel consisting of over 50% demolition of an existing single-story, 2,455 sq. ft. single-family residence and a 356 sq. ft. addition resulting in a new one-story 25' high (above street grade) 2,811 sq. ft. single-family residence with new roof, windows, doors, and siding; demolition and reconstruction of a 88' long retaining wall in the rear yard, minor grading, landscape and hardscape improvements including new trellis, outdoor BBQ, gas fire pit, new decks and patio. Roof water runoff will be collected from rain gutters and downspouts will be directed to planter areas. Ground surface low-flow water run-off will continue to be collected as is currently by area drains and channel drains and treated through a filter before directed to the public storm drain system.</p>	<p>2538 Monaco Drive, Laguna Beach (Orange County)</p>

**REPORT OF IMMATERIAL AMENDMENTS**

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

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p><b>5-03-322-A3</b> City Of San Clemente, Attn: Jim Pechous</p>	<p>The City of San Clemente in an effort to enhance safety standards for our rail crossings and improving the livability and walkability of our residents and visitors, is installing an Audible Warning System (AWS) at our seven pedestrian crossings. The AWS will eliminate trains blowing their horns, and instead a small 42 in. pedistal within the improved trail area will emit a warning sound to pedistrians that a train is approaching.</p>	<p>San Clemente Railroad Corridor from North Beach to Calafia State Beach San Clemente, San Clemente (Orange County)</p>

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

<p><b>5-03-013-A6</b> L V Marblehead L L C, Attn: Eric Hoffman</p>	<p>Residential and commercial development, public park, trails and open space and associated infrastructure including road and utilities on the 201.39 acre portion of the Marblehead property within the coastal zone. Included are a property subdivision and construction of 308 single-family homes on 44.24 acres, a 12,931 sq. ft. private recreation center, 77,576 square feet of commercial space in several commercial buildings on 22.3 acres, 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; 10.91 acres of public streets. The application also requested follow up approval for emergency bluff stabilization grading that occurred in the early 1990s...More specifically described in the application file in the Commission offices.</p>	<p>Inland Of El Camino Real, Northwest Of Avenida Pico, And Southwest Of The I-5 Freeway, San Clemente (Orange County)</p>
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***REPORT OF EXTENSION - IMMATERIAL***

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p><b>5-11-002-E1</b> Mr. Frank W. Pritt</p>	<p>Demolition of existing two-car garage, patios, and decks, and construction of a new, 3,109 sq. ft. two story single-family residence. Grading consists of 250 cubic yards of cut and fill balanced on site. The project also includes construction of a concrete patio, 4"x30' trench drain and percolation pit and a 3-foot high perimeter cement wall within the City's 7.8'x30' oceanfront encroachment area.</p>	<p>1117 E. Balboa, Newport Beach (Orange County)</p>

**CALIFORNIA COASTAL COMMISSION**

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



May 29, 2013

Dorothy Prohaska  
411 #A Cazador Lane  
San Clemente, CA

**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 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#:** 5-12-080**APPLICANT:** Dorothy Prohaska**LOCATION:** 411 #A Cazador Lane, San Clemente (Orange County)

**PROPOSED DEVELOPMENT:** Demolition of an approximately 128 sq. ft. portion of an existing at-grade concrete slab patio/walkway and replacement with an expanded 200 sq. ft. wood deck/walkway on the canyon ward portion of an existing 3-unit condominium structure on a coastal canyon lot.

**RATIONALE:** The subject site is an 11,122 sq. ft. foot coastal canyon lot. The lot is designated RH - residential high density in the City of San Clemente Land Use Plan (LUP). The proposed project is for improvements to existing accessory structure associated with Unit #A of a 3-unit condominium structure in the form of an approximately 5'x20' at-grade concrete slab patio and approximately 3'x 6' walkway on the canyon ward side of the lot adjacent to Unit #A. The applicant proposes to replace the concrete patio with wood decking material and expand the patio/deck by approximately 75 sq. ft. (a total area not to exceed 200 sq. ft.). The expanded patio/deck will continue to be consistent with the canyon setback established in the original CDP #A-508-77 for the construction of the 3-unit condominium issued by the Commission in 1978. No excavation or any other construction work is proposed on the canyon slope and no grading or landscaping is proposed. The project is designed to be compatible with the character of the surrounding development. Public coastal access is available less than a quarter mile south of the site at the Pier Bowl Access Point. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views; or prejudice the City's ability to prepare a Certified Local Coastal Program. Additionally the project is consistent with the land use designation in the City's certified LUP, past Commission actions and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **June 12-14, 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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200 Oceangate, Suite 1000  
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May 30, 2013

Joseph Geleris  
624 Oak Grove Drive  
Glendora, CA 91741

**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#:** 5-13-068

**APPLICANT:** Joseph Geleris

**LOCATION:** B-54 Surfside, Seal Beach (Orange County)

**PROPOSED DEVELOPMENT:** An addition to an existing 1,442 square foot, two-story single-family residence with a 440 square foot detached two-car garage. The proposed project more specifically consists of: 1) an addition of a new 660 square foot 3<sup>rd</sup> floor over the existing residence; and 2) an addition of a new 355 roof top deck over the new 3<sup>rd</sup> floor. Post project: the single-family residence will be three-stories (35-feet above existing grade) consisting of 2,101 square feet with a 355 square foot roof top deck and a detached 440 square foot two-car garage.

**RATIONALE:** The subject site is not a beachfront lot, but is located between the first public road and the sea in the private gated community of Surfside Colony. The proposed development meets the Commission's regularly used 35' height limit for Surfside Colony and would not result in an intensification of use of the site. The proposed project also conforms to the Commission's parking requirement of 2 spaces per residential unit. Vertical public access is provided in the project area at the end of Anderson Street. In addition, the Commission conditioned permit P-75-6364 to allow public access through the gates at the southeastern end of Surfside during daylight hours. Lateral public access is available along Sunset County beach, seaward of the Surfside Colony's 80' wide property between the first line of houses and the sea. The proposed development conforms to City setback requirements and the project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their June 12-14, 2013 meeting. If three (3) 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

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May 30, 2013

Stephen Almquist  
22481 Goldrush  
Lake Forest, CA 92630

**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#:** 5-13-085                      **APPLICANT:** Peggy Domasin & Lynn Plumlee

**LOCATION:** 291 Mayflower (Bayside Village Mobile Home Park), Newport Beach (Orange County)

**PROPOSED DEVELOPMENT:** Remove an existing mobile home and replace with a new approximately 1,155 square foot one-story manufactured home with a one-car carport. The maximum height of the residence will be approximately 16-feet above existing grade. No grading is proposed. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system. Landscaping proposed to be drought tolerant and non-invasive plants.

**RATIONALE:** The subject site consists of a 2,102 square foot mobile home space located on a larger parcel that is designated as Multiple Residential (RM) in the City of Newport Beach Land Use Plan (LUP) and is located on an interior lot, but which is between the first public road and the sea. The subject mobile home space is located in the Bayside Village Mobile Home Park which is identified by the City as one of its affordable housing resources. However, the City does not include any of the mobile homes in their inventory of affordable units within the City because these mobile home parks are regulated by HCD, not the City. The proposed project will not change any existing affordable restrictions, will not result in any division of land or change the manner of ownership of the land, and will not adversely impact the inventory of lower cost housing available in the Coastal Zone. One (1) parking space is provided on site. Additional parking for the guests and residents of the Bayside Village Mobile Home Park is provided within the park grounds, a total of 160 parking spaces. The proposed project is designed to be compatible with the character of the surrounding development. Public access is not available on site, but the proposed development will not change public access conditions on-site. Public access to the Upper Newport Bay is available near the site at the end of North Bayside Drive. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their June 12-14, 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



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5/30/2013

Ian J.N. Harrison, Architect  
3535 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#: 5-13-0206-W**

**APPLICANT: Darin and Carolyn Kruse**

**LOCATION: 205 East Bay Front, Newport Beach, Orange County**

**PROPOSED DEVELOPMENT:** Demolition of the existing single family residence and construction of a new, 29' high, 2,455 sq. ft. single family residence and 210 cubic yards of cut and fill.

**RATIONALE:** The subject lot is a 2,610 sq. ft. bayfront lot designated as Two-Family Residential in the City's Certified Land Use Plan. A public walkway stands between the bulkhead and the structure and no work is proposed on the bulkhead. 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 landscaped areas and percolation pits, 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 **June 12-14, 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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200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



May 30, 2013

Gulian Design, Inc.  
Attn: Edward Gulian  
5855 Naples Plaza, #212  
Long Beach, CA 90803

**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#:** 5-13-248                      **APPLICANT:** Neil & Farnaz Pardasani

**LOCATION:** 111 13<sup>th</sup> Street, Seal Beach (Orange County)

**PROPOSED DEVELOPMENT:** Construction of a new 3,795 square foot, three-story single-family residence with an attached 575 square foot three-car garage. The maximum height of the residence will be 25-feet above finished grade. Grading will consist of 40 cubic yards of cut, 40 cubic yards of fill and 200 cubic yards for recompaction purposes, which will balance on site. Drainage from the roof and surface water sheet flow will be directed onto permeable areas before entering the main storm drain system.

**RATIONALE:** The subject site is an inland lot not located between the first public road and the sea. The lot size is 4,406 square feet and is designated as residential high density in the City of Seal Beach Zoning Code. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit) and is designed to be compatible with the character of the surrounding development. Public access to the beach exists south of the project site at the end of 13<sup>th</sup> Street. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their June 12-14, 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

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May 29, 2013

C.J. Light Associates  
1401 Quail St. #120  
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 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#:** 5-13-255      **APPLICANT:** Chateau Michele Corp.

**LOCATION:** 2455 Monaco Drive, Laguna Beach (Orange County)

**PROPOSED DEVELOPMENT:** Major remodel consisting of over 50% demolition of an existing single-story, 2,455 sq. ft. single-family residence and a 356 sq. ft. addition resulting in a new one-story 25' high (above street grade) 2,811 sq. ft. single-family residence with new roof, windows, doors, and siding; demolition and reconstruction of a 88' long retaining wall in the rear yard, minor grading, landscape and hardscape improvements including new trellis, outdoor BBQ, gas fire pit, new decks and patio. Roof water runoff will be collected from rain gutters and downspouts will be directed to planter areas. Ground surface low-flow water run-off will continue to be collected as is currently by area drains and channel drains and treated through a filter before directed to the public storm drain system.

**RATIONALE:** The subject site is seaward of Pacific Coast Highway and located within the existing locked gate community of Irvine Cove, one of three areas of deferred certification due to public access issues in the otherwise certified City of Laguna Beach. The 11,000 sq. ft. lot is not a bluff top or oceanfront lot, but is located between the sea and the first public road within a locked gate community. The area is zoned low-density residential by the City and the proposed project conforms to the permitted uses for a low-density zone. Adequate measures to address water quality have been incorporated during construction and into the project design. Public coastal access exists in the project vicinity at Crystal Cove State Park (approximately 1½ mile upcoast) and at Crescent Bay (approximately 1 mile down-coast). The development meets the Commission's typical parking requirement of two spaces per residential unit. The proposed landscaping plan provides non-invasive drought-tolerant plant species.

The proposed development will not prejudice the City's ability to prepare a certified Local Coastal Program for this area. Furthermore, the proposed development will not adversely impact coastal resources, public access, coastal views or public recreation opportunities, and is consistent with past Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **June 12-14, 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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**5-03-322-A3****NOTICE OF PROPOSED PERMIT AMENDMENT**

**TO:** All Interested Parties  
**FROM:** Charles Lester, Executive Director  
**DATE:** June 4, 2013  
**SUBJECT:** Coastal Development Permit #5-03-322 granted to the City of San Clemente for:  
Construction of the San Clemente Railroad Corridor Pedestrian Beach Trail, consisting of lateral and vertical beach access improvements, including formal railroad crossings, barriers to prevent unauthorized crossings, lateral pedestrian bridges, and native landscaping along a 2.37-mile stretch of shoreline within the OCTA right-of-way.  
**AT:** San Clemente Railroad Corridor from North Beach to Calafia State Beach, City of San Clemente (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):

**DESCRIPTION OF AMENDMENT REQUEST:**

The proposed CDP amendment is to include additional pedestrian safety railroad crossing improvements such as: installation of an Audible Warning System, additional paved areas adjacent to each side of the crossing, extension of fencing to channelize pedestrians, new swing gates, pavement markings, and new directional signage at seven railroad pedestrian crossings providing beach access along the San Clemente Beach Trail.

**FINDINGS:**

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed permit amendment does not conflict with any of the conditions or terms of the underlying coastal development permit, is consistent with community character and will not result in any adverse impacts to coastal resources or access. The amendment is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and will not prejudice the City's ability to prepare an LCP. Therefore, staff is recommending that the Commission grant the amendment request.

If you have any questions about the proposal or wish to register an objection, please contact **Liliana Roman** at the Commission Area office in Long Beach (562) 590-5071.

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5-03-013-A6



**NOTICE OF PROPOSED  
 AMENDMENT TO PERMIT**

**TO:** All Interested Parties

**FROM:** Charles Lester, Executive Director

**DATE:** June 4, 2013

**SUBJECT:** Permit No. **5-03-013**, as amended through **5-03-013-A5** originally granted to MT No. 1 LLC, transferred to SunCal Marblehead, and most recently transferred to **LV Marblehead LLC** for:

Residential and commercial development, public park, trails and open space and associated infrastructure including roads and utilities on the 201.38 acre portion of the Marblehead property within the coastal zone. Included are a property subdivision and construction of 308 single family homes on 44.24 acres, a 12,931 sq.ft. private recreation center, 77,576 square feet of commercial space in several commercial buildings on 22.3 acres, 15.43 acres of public parks; 95.04 acres of public and private open space and pedestrian and bicycle trails; 12.43 acres of private streets; 10.91 acres of public streets. The application also requested follow up approval for emergency bluff stabilization grading that occurred in the early 1990s. ...More specifically described in the application file in the Commission offices

**PROJECT SITE:** Northwest of the intersection of Avenida Pico and N. El Camino Real, City of San Clemente (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) to Special Condition No. 2.B and 7.A of the permit related to construction/development phasing (changes shown ~~strikeout~~/insert format below):

2. OFFER TO DEDICATE IN FEE OPEN SPACE FOR PARKS, PUBLIC ACCESS AND HABITAT ENHANCEMENT
  - A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and in order to implement the permittee's proposal, the permittee shall submit to the Executive Director, for review and approval, a proposed document(s) irrevocably offering the dedication of fee title over the areas identified below to the City of San Clemente, and/or other public agency or non-profit entity acceptable to the Executive Director, for parks, public access, passive recreational use, habitat enhancement, trail, public parking and street purposes...[NO INTERVENING CHANGES]...
  - B. Prior to the issuance by the City of San Clemente of the 200th certificate of occupancy of any residential unit approved by this permit, or ~~4 years from the date of issuance~~ **3 years from the date of approval of Amendment No. 6** of this coastal development permit, whichever comes first, the permittee shall submit evidence that documents have been executed and recorded completing the transfer of fee title over the following portions of land identified in part A of this condition to the City of San Clemente and/or other public agency or non-profit entity acceptable to the Executive Director: Lots E, G, H, O and MM on PFM 8817. The remaining lots identified in part A of this condition (i.e. Lots D, I, V, portions of Lot L, and Public Streets Avenida Pico, Avenida Vista Hermosa, Avenida Costa Azul, Via Artemesia, and Via Socorro on PFM 8817) may be transferred to the City of San Clemente and/or other public agency or non-profit entity acceptable to the Executive Director at a later date within the 21 year period that the offer remains valid. If any offer expires without being accepted, such expiration shall not void the restrictions on use of the property imposed by the remaining special conditions of this permit and said restrictions shall remain in full force and effect.

## 7. CONSTRUCTION/DEVELOPMENT PHASING

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised, final construction phasing plan for review and approval by the Executive Director which shall conform with the following:

Prior to or concurrent with opening proposed Avenida Vista Hermosa for vehicular use by the public, the following roads, parking and trails shall be operational and open to the public: 1) proposed public road *Avenida Costa Azul depicted on PFM 8817*, and the Park Access Road (*Lot O depicted on PFM 8817*) including accompanying public parking areas (street parking and parking lots); and 2) trails identified on the exhibit titled "First Phase Habitat, Trail and Park Phasing Plan" dated April 2, 2003 submitted by the applicant and generally described as a continuous trail along the western side of Marblehead canyon linking Avenida Vista Hermosa to El Camino Real and with linkage to continuous bluff top, bluff edge, and mid-bluff trails that connect the proposed public park adjacent to Avenida Pico to the western side of the Western Canyon. Subject to the review and approval of the Executive Director, where construction of development authorized by this permit follows opening of proposed Avenida Vista Hermosa and such construction would necessitate significant reconstruction of certain segments of the above trails, roads, and parking areas, those trail segments, roads and parking areas identified may be constructed with interim-level improvements (which shall suffice to meet the requirement at the beginning of this paragraph that they be operational and open to the public) until the required disturbance is completed, and the final trail is constructed to the standards identified in the final public access and recreation improvements plan(s) approved by the Executive Director. Subject to the review and approval of the Executive Director, trail segments constructed with interim-level improvements may be temporarily closed to facilitate construction of the development approved by this permit provided that direct alternative bypasses are made available.

Prior to the issuance by the City of San Clemente of the 50th certificate of occupancy of any residential unit approved by this permit or the occupation of the 50,001<sup>st</sup> square foot of commercial structure approved by this permit, the following shall occur: 1) at least fifty percent (50%) of the lands proposed for habitat restoration (generally those lands identified on the exhibit titled "First Phase Habitat, Trail and Park Phasing Plan" dated April 2, 2003 submitted by the applicant and generally located along the bluffs and in the canyons nearest El Camino Real) shall have been planted or seeded in accordance with the final Habitat Management Plan, however, such planting and seeding shall not take place until appropriate exotic removal and control has taken place. The remainder of the lands to be restored shall occur as soon as possible thereafter in accordance with the final habitat management plan approved by the Executive Director; 2) the proposed park area near the bluffs along El Camino Real at the termination of the Park Access Road (*Lot O depicted on PFM 8817*) shall be constructed with interim level improvements and open to the public; and 3) Except as identified below in this condition, the proposed park nearest Avenida Pico (*Lot E depicted on PFM 8817*) including facilities to support public use of the park (e.g. parking, roads, etc.) shall be constructed in accordance with the final road improvement, public access and recreation facilities and signage plans approved by the Executive Director and open to the public. In order to accommodate construction disturbance associated with the widening of Avenida Pico approved by this permit, the access from Avenida Pico to the proposed park (*Lot E depicted on PFM 8817*) may be constructed with interim-level improvements until the widening is completed. When widening of Avenida Pico is completed the park access shall be constructed to the standards identified in the final public access and recreation improvements plans approved by the Executive Director. Plans for any interim level improvements shall be submitted for review and approval by the Executive Director prior to issuance of the coastal development permit.

All trails shall be fully improved in accordance with the final public access and recreation facilities plans approved by the Executive Director in accordance with the completion date identified in the applicant's Trail Phasing Plan dated February 12, 2003, except where the conditions of this permit mandate completion of such facilities upon a different time frame.

Notwithstanding the phasing identified above, prior to the occupation of any 200th residential unit approved by this permit or no later than ~~4 years from the date of issuance~~ **3 years from the date of approval of Amendment No. 6** of this coastal development permit, whichever comes first, all trails and associated appurtenances, all parks and associated facilities and appurtenances, all public roads, and the initial phase of restoration on all lands proposed for habitat restoration shall be completed in accordance with the final public access and recreation improvements plans and final habitat management plan approved by the Executive Director.

- B. The permittee shall undertake development in accordance with the approved final construction/development phasing plans. Any proposed changes to the approved final construction/development phasing plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The subject coastal development permit was issued on March 27, 2006, following completion of all 'prior to permit issuance requirements.' The development commenced soon thereafter. As originally approved, Special Condition 2.B. requires certain lots to have been transferred to the City and/or a non-profit by March 27, 2011, and Special Condition 7.A. requires that all trails, parks, public roads, and the initial phase of habitat restoration to have been completed by March 27, 2011. However, in November 2008 the permittee, Suncal Marblehead, filed for bankruptcy following the financial troubles of its primary lender, Lehman Brothers. Thereafter only limited work was undertaken as funding was made available from construction bonds and/or through the bankruptcy authorization. LV Marblehead, the current owner, took title to the non-commercial components of the property in April 2012 and worked with the City and the former bonding company so that now LV Marblehead is in a position to move forward in earnest on the improvements. The applicant estimates that the requirement to 1) transfer Lots E, G, H, O and MM on PFM 8817; and 2) to complete all trails, parks, public roads, and the initial phase of habitat restoration, can occur within 3 years of the issuance of this permit amendment. The proposed amendment will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views. The proposed amendment would not result in development that would prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

If you have any questions about the proposal or wish to register an objection, please contact **Karl Schwing** at the Commission Area office in Long Beach (562) 590-5071.

**CALIFORNIA COASTAL COMMISSION**

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

**5-11-002-E1****NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that **Mr. Frank W. Pritt** has applied for a one year extension of Coastal Development Permit No. **5-11-002** granted by the California Coastal Commission on **June 15, 2011**

for: **Demolition of existing two-car garage, patios, and decks, and construction of a new, 3,109 sq. ft. two story single family residence. Grading consists of 250 cubic yards of cut and fill balanced on site. The project also includes construction of a concrete patio, 4"x30' trench drain and percolation pit and a 3 foot high perimeter cement wall within the City's 7.8'x30' oceanfront encroachment area.**

at: **1117 E. Balboa Drive, Newport Beach (Orange County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
**CHARLES LESTER**  
Executive Director

By: John Del Arroz  
Coastal Program Analyst