

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 590-5071 FAX (562) 590-5084

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SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
January 2016 Meeting of the California Coastal Commission*

January 07, 2016

To: Commissioners and Interested Parties
From: For Orange Co.: Sherilyn Sarb, South Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for the January 2016 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

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.

Applicant	Project Description	Project Location
<p>5-15-1384-W Grace Community Church of Seal Beach</p>	<p>An addition of 42 square feet to the lobby of the Fellowship Hall building with a new glass entry system resulting in a post project total of 10,392 square feet for the North Church and Fellowship Hall buildings. In addition, onsite exterior improvements are proposed including: 1) new concrete walkway near and in lawn area; 2) new playground area in lawn area; 3) new pergola near the lawn area; 4) new lawn landscaping; 5) new concrete walkways for wheelchair access near the plaza area; 6) new pavers at the plaza area; 7) new ramp for wheelchair access at level landing at north exit; 8) new monument sign at the northwest corner of the site; 9) new exterior stair from promenade to upstairs meeting room at North Church; .and 10) new exterior finishes for the buildings.</p>	<p>138 Eighth St, Seal Beach, Ca 90740 (APN(s): 199-034-29)</p>
<p>5-15-2047-W Attn: Dean Seaver</p>	<p>Partial demolition of second story roof of an existing 2,254 sq. ft., two-story single family residence for the addition of a new 396 sq. ft. roof deck and a 14 sq. ft. stair landing interior space addition with enclosed access stairway structure. No grading or landscaping improvements proposed.</p>	<p>203 – 7th St, Newport Beach, Ca 92661 (APN(s): 048-021-10)</p>

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.

Applicant	Project Description	Project Location
5-15-1534-W Attn: Bhaskar Vyas	Demolition of an existing one-story single family residence and construction of a new one story 2,858 sq. ft. single family residence with attached 445 sq. ft. 2-car garage, landscaping utilizing non-invasive, low-water use plantings and hardscape improvements including drainage improvements are proposed.	203 De Las Palmeras, San Clemente, Ca (APN(s): 060-281-44)
5-15-1963-W 200 E. Balboa, LLC, Attn: Jami Deusterman	3-story single family residence with attached 2-car garage, including roof deck, front balcony, 4 bedrooms, 4.5 baths, driveway to alley, property line fencing	200 E. Balboa Blvd, Newport Beach, Ca 92661 (APN(s): 048-091-16)
5-15-1997-W Orange County Transportation Authority, Attn: Lora Cross	Improvements to existing Pier Bowl train platform consisting of installation of 45 new 42" tall bollard lights along the 280 ft. long by 12 ft. wide pedestrian platform, seven new "No Beach Access" signs, three on the platform and four along the train track, two new "No Trespassing" signs, one on the platform and one along the train track and re-vegetation of a section of bluff slope.	615 Avenida Victoria, San Clemente, Ca 92672 (APN(s): 058-240-15)
5-15-2044-W 129 Dolphin LLC Attn: George Brown III	Demolition of existing duplex and construction of a new 2,971 sq. ft., three story, 35' tall duplex plus two attached ground level two-car garages, roof deck areas, and Tentative Parcel Map No. 15-026 for condominium purposes. Minor grading for soil re-compaction and site preparation is proposed. Drainage improvements consisting of sediment basins to provide onsite infiltration of dry weather water runoff; hardscape improvements including concrete side yard paving and side property walls proposed. No landscaping is proposed.	16891- 11th St, Sunset Beach, Ca 90742 (APN(s): 178-536-14)

EXTENSIONS - IMMATERIAL

Applicant	Project Description	Project Location
5-12-275-E1 Waterfront Enterprises, Inc DbA Harborside, Attn: David Salisbury	Installation of a new 888 square foot cantilevered fixed dining deck on the bay side (Newport Bay) of the Balboa Pavilion associated with the existing Harborside Restaurant. The new dining deck will be supported off of existing concrete pilings and piers. In order to make room for the new dining deck, an existing floating dock and skiff rental will be relocated bayward of the existing concrete piers.	400 Main St, Newport Beach (APN(s): 048-133-04)

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.

Applicant	Project Description	Project Location
G-5-15-0044 County of Orange Attn: Susan Brodeur	Removal of failed sidewalk panels, backfilling of undermined sidewalk area, and placement of 2,000 tons total rock revetment comprised of 2 layers of 1-3 ton armor stone along approximately 240 linear feet section of beach at Capistrano County Beach Park to protect the County Beach's parking lot from further damage (i.e., sidewalks and parking lot have already experienced erosion and undermining from recent high swell and water levels) from storm events forecasted for winter 2015/spring 2016.	35005 Beach Rd, Dana Point, Ca 92624 (APN(s): 123-060-09, 123-060-10, 123-060-14, 123-060-15)
G-5-15-0043 Capistrano Bay District Attn: Donal Russell	Placement of temporary sand bags and water filled K-rails acting as shoreline protective devices for # single family residences in the Capistrano Bay District community along Beach Road in the City of Dana Point.	Along Beach Rd, Capistrano Beach, City of Dana Point, Ca

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December 23, 2015

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the 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), Section 13252(e), 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: 5-15-1384-W

Applicant: Grace Community Church of Seal Beach

Location: 138 Eighth Street, Seal Beach (Orange County)

Proposed Development: An addition of 42 square feet to the lobby of the Fellowship Hall building with a new glass entry system resulting in a post project total of 10,392 square feet for the North Church and Fellowship Hall buildings. In addition, onsite exterior improvements are proposed including: 1) new concrete walkway near and in lawn area; 2) new playground area in lawn area; 3) new pergola near the lawn area; 4) new lawn landscaping; 5) new concrete walkways for wheelchair access near the plaza area; 6) new pavers at the plaza area; 7) new ramp for wheelchair access at level landing at north exit; 8) new monument sign at the northwest corner of the site; 9) new exterior stair from promenade to upstairs meeting room at North Church; and 10) new exterior finishes for the buildings.

Rationale: The project site is a 23,500 square foot inland lot and is designated as Residential High Density in the City of Seal Beach Zoning Code. The proposed development is a church use allowed on a residential site and is designed to be compatible with the character of the surrounding development. The proposed project design is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation or coastal access. The proposed development would not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with past Commission actions in the area and the Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their January 13-14, 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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December 23, 2015

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Waiver: 5-15-2047-W

Applicant: Dean Victoria Seaver

Location: 203 7th St, Newport Beach (Orange County) (APN(s): 048-021-10)

Proposed Development: Partial demolition of second story roof of an existing 2,254 sq. ft., two-story single family residence for the addition of a new 396 sq. ft. roof deck and a 14 sq. ft. stair landing interior space addition with enclosed access stairway structure. No grading or landscaping improvements proposed.

Rationale: The subject site is a 2,100 sq. ft. lot designated 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 Peninsula. The proposed project is the addition of a roof deck with access via a new enclosed stairway structure. The enclosed stairway structure raises the roof height by more than 10% from existing, up to the 29' limit in the area. The existing residence conforms to the Commission's parking requirement (2 spaces per residential unit). No vegetation removal, new landscaping or grading is proposed. 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 into the project design. Public coastal access to the bay is available ~100 feet north of the site at the Montero Ave. street end. The proposed development will not adversely impact public 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 LUP, 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 **January 13-15, 2016** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director

Liliana Roman
Coastal Program Analyst

cc: Commissioners/File

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December 23, 2015

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the 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: 5-15-1534-W

Applicant: Bhaskar Vyas

Location: 203 Avenida De Las Palmeras, San Clemente, Orange County (APN(s): 060-281-44)

Proposed Development: Demolition of an existing one-story single family residence and construction of a new one story 2,858 sq. ft. single family residence with attached 445 sq. ft. 2-car garage, landscaping utilizing non-invasive, low-water use plantings and hardscape improvements including drainage improvements are proposed.

Rationale: The subject site is a 6,792 sq. ft. inland lot within the Cypress Shore private gated community within the first public road and the sea. The site is not located on a beach, coastal bluff or coastal canyon. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP), the proposed project adheres to this land use. Adequate measures to address water quality have been incorporated into the project design and construction phase of the project. The project meets the Commission's parking requirement (2 spaces per residence). 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 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 **January 13-15, 2016** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director
cc: File

Liliana Roman
Coastal Program Analyst

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December 23, 2015

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

Based on the 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#: 5-15-1963-W**APPLICANT:** 200 E. Balboa, LLC**LOCATION:** 200 E. BALBOA BLVD., NEWPORT BEACH (ORANGE COUNTY)

PROPOSED DEVELOPMENT: Demolish three non-conforming residential units with no onsite parking, and construct an approximately 2,822 sq. ft., 29 ft. high, three-story single-family residence with a 129 sq. ft. balcony, 354 sq. ft. roof deck, an attached 457 sq. ft. two-car garage, and landscape and hardscape improvements. All proposed landscaping will be drought tolerant and non-invasive.

RATIONALE: The lot size is approximately 2402 sq. ft. and is designated as R-2 (Two-unit residential) development by 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. The proposed project conforms to the Commission's parking requirement of 2 spaces per residential unit. Vertical public beach access is available approximately 260 ft. south of the project site. The applicant has indicated that the project will comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning efficient fixtures and appliances. Drainage from the roof drains, gutters, and downspouts will be diverted into retention areas through perforated subdrain pipes with filter cloth before being directed to the street's main storm drain system. Construction best management practices including the use of sandbags to control erosion during construction are included in the project plans. The proposed project design is compatible with the character of surrounding development and does not have any negative effects 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 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 **January 14, 2016** 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

Marlene Alvarado
Staff Analyst

cc: Commissioners/File

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December 30, 2015

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the 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: 5-15-1997-W

Applicant: Orange County Transportation Authority; Attn: Lora Cross

Location: 615 Avenida Victoria San Clemente (Orange County) (APN(s): 058-240-15)

Proposed Development: Improvements to existing Pier Bowl train platform consisting of installation of 45 new 42" tall bollard lights along the 280 ft. long by 12 ft. wide pedestrian platform, seven new "No Beach Access" signs, three on the platform and four along the train track, two new "No Trespassing" signs, one on the platform and one along the train track, and re-vegetation of a section of bluff slope within the railroad right-of-way.

Rationale: The subject site is designated Public Parks and Publicly Owned Open Space (OS1) in the City of San Clemente Land Use Plan (LUP) and is located on a lot within the first public road and the sea. Public coastal access is available 12 feet west of the train platform entrance. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. Furthermore, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program, 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 **January 13-14, 2016** 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

Liliana Roman
Coastal Program Analyst

cc: File

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January 4, 2016

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the 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: 5-15-2044-W

Applicant: 129 Dolphin LLC, Attn: George P Brown III

Location: 16891 11th St., Sunset Beach (Orange County) (APN(s): 178-536-14)

Proposed Development: Demolition of existing duplex and construction of a new 2,971 sq. ft., three story, 35 ft. tall duplex plus two attached ground level two-car garages, roof deck areas, and Tentative Parcel Map No. 15-026 for condominium purposes. Minor grading for soil re-compaction and site preparation is proposed. Drainage improvements consisting of sediment basins to provide onsite infiltration of dry weather water runoff; hardscape improvements including concrete side yard paving and side property walls proposed. No landscaping is proposed.

Rationale: The subject site is a 2,700 sq. ft. lot designated residential in the formerly certified Sunset Beach Local Coastal Program (LCP) and is located on an inland lot within the first public road and the sea in Sunset Beach. 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 erosion and water quality have been incorporated into the project design and for the project's construction phase. Vertical public coastal access to the beach is available at the 11th St. street-end 200 ft. west of the site. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views and is consistent with the land use designation in the formerly certified LCP, past County of Orange 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 **January 13-14, 2016** 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: File

Liliana Roman
Coastal Program Analyst

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NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

January 5, 2016

Notice is hereby given that Waterfront Enterprises, Inc., has applied for a one year extension of 5-12-275 granted by the California Coastal Commission on July 11, 2013

for: Installation of a new 888 square foot cantilevered fixed dining deck on the bay side (Newport Bay) of the Balboa Pavilion associated with the existing Harborside Restaurant. The new dining deck will be supported off of existing concrete pilings and piers. In order to make room for the new dining deck, an existing floating dock and skiff rental will be relocated bayward of the existing concrete piers.

at: 400 Main Street, 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

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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COASTAL DEVELOPMENT PERMIT EMERGENCY PERMIT

Issue Date: December 22, 2015
 Emergency Permit No. G-5-15-0044

APPLICANT:

County of Orange, Susan Brodeur, c/o Moffatt & Nichol – Kim Garvey
 13042 Old Myford Road, Irvine, CA 92602

LOCATION OF EMERGENCY WORK:

CAPISTRANO COUNTY BEACH PARK
 35005 BEACH ROAD, DANA POINT (CAPISTRANO BEACH), CA
 (APN(s):123-060-09, 123-060-10, 123-060-14, 123-060-15)

WORK AUTHORIZED:

Remove failed sidewalk panels from beach and sawcut concrete at the furthest downcoast section of parking lot; construct new 60 linear feet of curb in front of sawcut area; placement of 2,000 tons total rock revetment comprised of 2 layers of 1-3 ton armor stone along approximately 240 linear feet section of beach at Capistrano County Beach Park as far landward as possible to protect the County Beach parking lot from further damage from storm events forecasted for El Nino winter 2015/spring 2016. The authorized work is depicted and described on the East End Repair Plan dated December 2015 submitted December 18, 2015, and on cross-sections submitted on and dated December 21, 2018 (see attached). Additionally, at the north end of Capistrano County Beach Park, between the entrance to the parking lot and the restroom structure, retrieval of existing errant armor rock is also authorized.

PERMIT RATIONALE:

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 and our site inspection that an unexpected occurrence in the form of erosion requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. Sidewalks have failed and the parking lot is in danger of undermining as a result of erosion from recent high swell and water high levels. The Executive Director of the Coastal Commission 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 this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (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 conditions listed on the attached page.

Sincerely,
 Charles Lester
 Executive Director

○ for

By: Sherilyn Sarb, Orange County Deputy Director

December 22, 2015

Emergency Permit No.: G-5-15-0044

EMERGENCY PERMIT

cc: City of Dana Point Planning Department
California State Lands Commission

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form (available for download at
<http://www.coastal.ca.gov/cdp/CDP-ApplicationForm-sc.pdf>)

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by January 21, 2016). The applicant shall document existing conditions at the site prior to undertaking work authorized by this permit.
4. The work authorized by this permit is temporary and only authorized for a limited time period. All rock placed under this emergency permit action must be completely removed by **Friday, May 20, 2016**, the weekend before the Memorial Day holiday and start of the peak beach season, unless the date is extended prior to May 20, 2016 by Commission action pursuant to Condition No. 5. Persistence of any temporary measure approved via this Emergency Permit on the site past May 20, 2016, that is not authorized by the Commission, will constitute unpermitted development, and, therefore, a violation of the Coastal Act. Commission enforcement staff will consider appropriate action to address the persistence of any temporary measures past the deadline for removal. Such action may include assessment of monetary penalties under Coastal Act Section 30821 for violations of the public access provisions of the Coastal Act.
5. No rock placed pursuant to this emergency Coastal Development Permit may remain on the beach beyond May, 20, 2016, unless authorized by a regular Coastal Development Permit (CDP) by the California Coastal Commission. The permittee may apply for a regular coastal development permit to extend, on an interim basis, the time period authorized for retention of the rock, or portions thereof, until a long-term Hazards Management Plan is implemented. If the property owner applies for a CDP to keep the rock revetment, or any portion thereof, in place, such application shall include a new date certain for removal, unless retention of rock in some form is authorized through a regular CDP pursuant to the long-term Hazards Management Plan required pursuant to Special Condition 6.
6. Hazards Management Plan. Within six (6) months of the date of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to implement a long-term Hazards Management Plan for the Capistrano Beach parking lot that addresses current and future coastal hazards present at the site. The Hazards Management Plan shall incorporate

EMERGENCY PERMIT

measures to adapt to sea level rise over time and provide for the long term protection and provision of public improvements, coastal access, public opportunities for coastal recreation, and coastal resources including beach and shoreline habitat (measures may include but not be limited to phased implementation of beach nourishment, soft protection, managed retreat, smaller parking lot area, focused or small-scale armoring, etc.) and a time line for implementation of that plan.

7. Any additional work requires separate authorization from the Executive Director. 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.
8. The proposed rock revetment shall extend no more than 28 feet seaward from the seaward side of the public parking lot at the furthest downcoast end adjacent to single family residences, and shall extend no more than 30 feet seaward from the seaward side of the sidewalk in front of existing palm trees at the upcoast extent of the project site area adjacent to a drainage culvert, per plans submitted by the applicant on December 18, 2015 and cross-sections submitted on December 21, 2015. The proposed rock revetment shall be constructed at a 1(h) to 1.5.(v) slope and no greater.
9. Public Access. The rocks shall be placed as far landward as possible and the permittee shall to the maximum extent practicable, minimize the size of the revetment to maintain the largest portion of beach possible. To the extent possible, rocks shall be placed in a manner to allow pedestrian access over the rock revetment to the beach.
10. Methods for erosion control shall be maintained around the project site during construction.
11. Machinery, vehicles, and construction materials not essential for emergency work are prohibited at all times in beach areas.
12. Construction staging activities and equipment and materials storage areas shall not be located in vegetation areas, wetland areas or in any other environmentally sensitive habitat area. Use of public parking areas for construction staging or materials storage shall be limited to the smallest area possible. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass into coastal waters. Refueling of construction equipment shall occur off-site or within a designated fueling area that can contain fueling-related spills. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
13. Monitoring and Maintenance Plan. The permittee shall be responsible for monitoring and maintaining the rock revetment for as long as the rock reinforcement remains in place. The permittee, at a minimum, shall provide for: (a) regular, monthly inspections by a licensed engineer that; (b) shall examine and measure the location of the rock to determine whether any rock has migrated or settled beyond the footprint identified in Condition No. 8; and (c)

EMERGENCY PERMIT

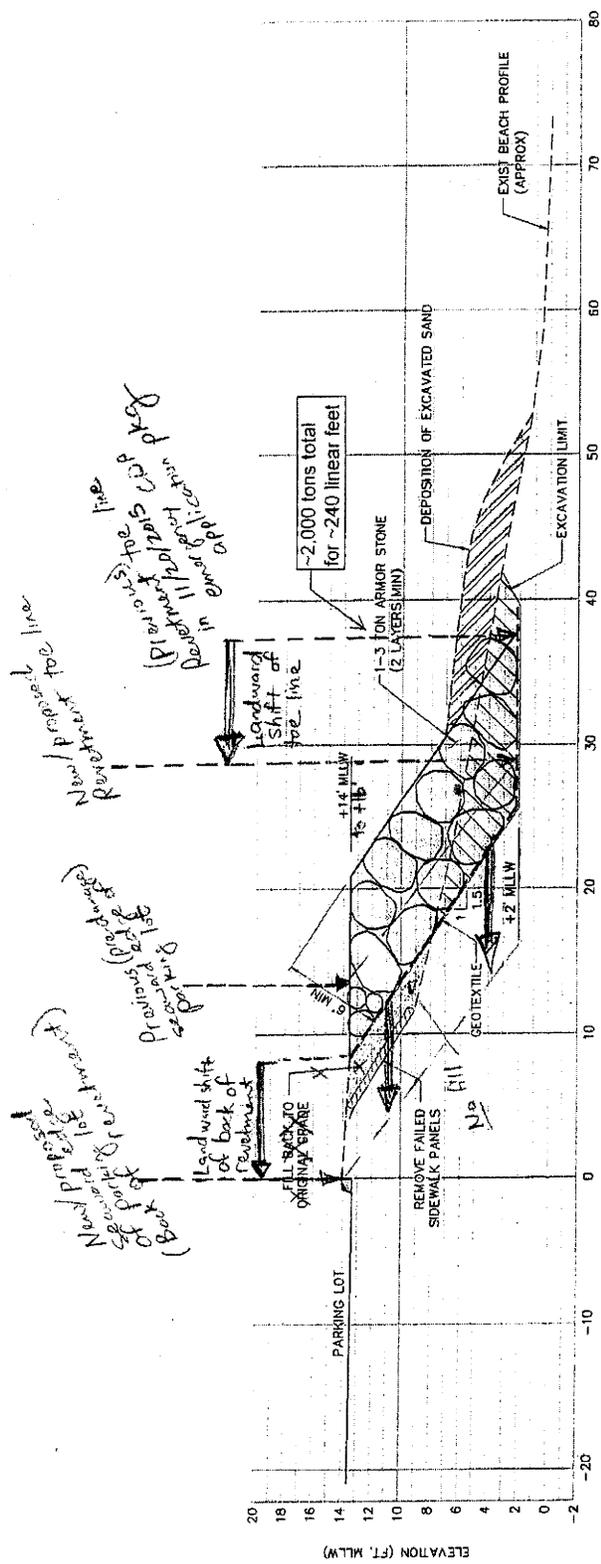
identification of any repair or maintenance that may be needed to retain the effectiveness of the structure for the term of this permit.

14. Inspection reports shall be prepared and conveyed to the Executive Director within 30 days of the inspection work. These inspection reports shall provide information on and photographs from the date of the inspection, the name and qualifications of the person performing the inspection, photographs of the revetment taken at the same locations each month, additional photographs of any structural damage or rock migration, and an overall assessment of the continued integrity of the revetment. If the inspection identifies any areas where the revetment has been damaged, the report shall identify repair and maintenance alternatives to remedy the damage. If any rock is retrieved in accordance with Condition No. 15, the location of the retrieve and the volume of rock shall be included in the next required inspection report.
15. In the event that any sections of rock have migrated or been dislodged, the permittee shall retrieve any errant rock and either place it back on the structure or remove it from the project site.
16. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
17. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife, National Marine Fisheries Service, and/or the U.S. Army Corps of Engineers.

As noted in Condition #4, the emergency work carried out under this permit 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 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 and 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 provisioning of this emergency permit, please call the Commission at the address and telephone number listed on the first page.

CAPISTRANO BEACH
EMERGENCY SLOPE PROTECTION



TYPICAL ROCK PROTECTION SECTION
Section B

12/21/2015



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 COMMISSISON
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, SUITE 1000 (10TH FLOOR)
LONG BEACH, CA 90802-4416

RE: Emergency Permit No. G-5-15-0044

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 comply with the timeframes identified in the conditions of approval which require removal of the rock placed under this emergency permit by Friday, May 20, 2016, unless that time is extended by Commission action.

Signature of property owner or
Authorized representative

Name

Address

Date of Signing

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 200 OCEANGATE, 10TH FLOOR
 LONG BEACH, CALIFORNIA 90802-4416
 PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



**COASTAL DEVELOPMENT PERMIT
 EMERGENCY PERMIT
 REVISED***

Issue Date: December 22, 2015
 Revised Date: January 6, 2016
 Emergency Permit No. G-5-15-0043

APPLICANT:

CAPISTRANO BAY DISTRICT, ATTN: Donal Russell

LOCATION OF EMERGENCY WORK:

ONE HUNDRED AND NINETY-SIX (196) SINGLE FAMILY RESIDENCES SEAWARD OF BEACH RD, CAPISTRANO BEACH, CITY OF DANA POINT

WORK AUTHORIZED:

Temporary placement until May 20, 2016 of shoreline protective devices in the form of either sand bags and/or water filled K-rails in front of up to 196 single family residences on an as-needed basis in the Capistrano Bay District community along Beach Road in the City of Dana Point in response to El Nino related storms during the 2015 winter/2016 spring.

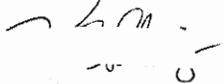
PERMIT RATIONALE:

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 and our site inspection that an unexpected occurrence in the form of significant wave run-up and wave overtopping from El Nino storms forecasted for the 2015-16 winter 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 of the Coastal Commission 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 this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (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 conditions listed on the attached page.

Sincerely,
 Charles Lester
 Executive Director


 for
 By: Sherilyn Sarb, Orange County Deputy Director

cc: City of Dana Point Planning Department
 California State Lands Commission
 Enclosures: 1) Acceptance Form

EMERGENCY PERMIT

CONDITIONS OF APPROVAL:

1. The enclosed **Emergency Permit Acceptance Form** must be returned to our office within 15 days of commencement of emergency work authorized by this permit for each individual property implementing authorized emergency work and include:
 - a. Specific Site Address;
 - b. Description of all existing permitted development at subject site;
 - c. Description of proposed TEMPORARY shoreline protective device to be implemented at the subject site (i.e., sand bags and/or K-rails);
 - d. SIGNATURES FROM THE INDIVIDUAL PROPERTY OWNER and CAPISTRANO BAY DISTRICT, REPRESENTATIVE DONAL RUSSELL;
 - e. Photographic evidence of the existing site conditions to document the extent of beach erosion, and photographs of the site after installation of temporary shoreline protective device. Cross-section plan view of the beach area seaward of existing site improvements documenting existing site conditions, if possible.
2. Only that work specifically described in this permit and for the specific property listed on each Emergency Permit Acceptance Form is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit is TEMPORARY and only authorized for a limited time period. All sandbags and K-rails authorized under this emergency permit action must be completely removed by **Friday, May 20, 2016**, the weekend before the Memorial Day holiday and start of the peak beach season. Persistence of any temporary measure approved via this Emergency Permit on the site past May 20, 2016 will constitute unpermitted development, and, therefore, a violation of the Coastal Act. Commission enforcement staff will consider appropriate action to address the persistence of any temporary measures past the deadline for removal. Such action may include assessment of monetary penalties under Coastal Act Section 30821 for violations of the public access provisions of the Coastal Act.
4. Only the TEMPORARY placement of sand bags and water filled K-rails are approved. No local sand or cobble is permitted to be used for shoreline protection of existing development. Sand bags shall be filled using off-site, imported fine to coarse sand (0.125 – 4.0 mm). Standard sized sand bags shall be used, typically 14" x 26" or 18" x 30" or larger 3' x 3' x 3' sand bags either filled with off-site imported sand or filled with pre-filled standard sized sandbags. Sand bags and K-rails shall be placed as close as possible to existing development. At its discretion, Commission staff may direct a property owner to relocate temporary measures landward of a proposed location. Failure of a property owner to comply with such direction will result in invalidation of the Emergency Permit for that property. K-rails are only allowed to be placed on existing hard surface improvements (i.e., wood decks or concrete patios) and shall not be placed on sandy beach or cobble beach areas, sand bags may be placed on the sandy beach or on existing hard surface improvements. Shoreline protective devices shall not in any way or manner block stormwater outfall structures on the beach or public beach access. **Condition 4 language revised 1/6/16.*

EMERGENCY PERMIT

5. All existing shoreline protective devices that have utilize local beach sand and/or rock are not authorized by this permit and must be dismantled and the locally derived beach sand and/or rock returned to its previous location on the shoreline. Failure to comply with this condition will result in invalidation of this Emergency Permit for the property on which the existing shoreline protective device utilizing local beach sand and/or rock is located. In addition, Commission enforcement staff will consider appropriate action to address the presence of any shoreline protective device that is not authorized by this Emergency Permit, or otherwise pursuant to the Coastal Act or City Local Coastal Program. Such action may include assessment of monetary penalties under Coastal Act Section 30821 for violations of the public access provisions of the Coastal Act.
6. Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
7. Any additional work requires separate authorization from the Executive Director. In exercising this permit, the applicant 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.
8. This permit does not obviate the need to obtain necessary authorizations and /or permits from the other agencies (i.e. CA Dept. of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission).
9. The permittees shall be responsible for monitoring and maintaining the shoreline protective devices for as long as the reinforcement remains in place. The permittees, at a minimum, shall conduct inspections at least once a week. The inspections shall examine and measure the location of the sand bags and/or K-rails to ensure the shoreline protective devices have not been dislodged. In the event that any shoreline protection devices are dislodged by high swells, the permittees shall retrieve and repair or replace the structures.
10. **Public Rights.** The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

As noted in **Condition #3**, the emergency work carried out under this permit 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 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 provisioning of this emergency permit, please contact the Commission at the address and telephone number listed on the first page.