

**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  
May 2016 Meeting of the California Coastal Commission*

May 03, 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 May 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><b>5-16-0218-W</b> 3300 Ocean LLC</p>	<p>Addition and remodel to an existing 6,911 square foot three-story single-family residence with a basement and an attached 1,120 square foot four-car garage. More specifically, the proposed project includes the conversion of an existing 3,308 square foot unfinished basement into habitable area. Post project the three-story single-family residence with a basement will consist of 10,119 square feet with an attached 1,120 square foot four-car garage. The maximum height of the structure will not exceed 29-feet above existing grade. No grading is proposed.</p>	<p>3300 Ocean Blvd, Corona Del Mar, Ca 92625 (APN(s): 5211306)</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.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>5-15-1790-W</b> Orange County Public Works Attn: Vincent Gin</p>	<p>Removal of two existing bridges on the Seal Beach Naval Weapons Station in Orange County, California. One of the two bridges is few hundred feet south of the intersection of Westminster Boulevard and Bolsa Chica Road. The second bridge is at the intersection of Bolsa Avenue and Bolsa Chica Road.</p>	<p>Spanning the Bosa Chica flood control channel, southwest of the intersection of Westminster Blvd. and Bolsa Chica Road and west of the intersection of Bolsa Chica Road &amp; Bolsa Chica Avenue on Seal Beach Naval Weapons Station, Seal Beach (Orange County)</p>
<p><b>5-15-2090-W</b> Attn: Jim Cefalia</p>	<p>Demolition of a single family residence and construction of a 3-story, 29 foot high, 2,682 square foot single family residence including an attached, 357 square foot, two-car garage. Grading will include 38 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will go collected and routed to the trench drain in the back alley of the residence. No landscaping is proposed.</p>	<p>619 Bay Ave, Newport Beach, Ca 92661 (APN(s): 048-022-23)</p>
<p><b>5-15-2091-W</b> Attn: Jim Cafalia</p>	<p>Demolition of a single family residence and construction of a 3-story, 29 foot high, 2,688 square foot single family residence including an attached, 357 square foot, two-car garage. Grading will include 24 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will be collected and routed to a trench drain in the back alley of the residence. No landscaping is proposed.</p>	<p>621 Bay Ave, Newport Beach, Ca 92661 (APN(s): 048-022-24)</p>

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

**5-16-0093-W**

Cannery Project  
Newport, LP  
Attn: David Davutoglu

Construction of a new three-story building containing two live-work units; more specifically consisting of the following: Unit A: 968 square feet of 1st floor commercial use and a 429 square foot two-car garage and 2,350 square feet of habitable space on the remaining upper levels; and 2) Unit B: 1,063 square feet of 1st floor commercial use and a 427 square foot two-car garage and 2,339 square feet of habitable space on the remaining upper levels; located on a current vacant lot being used as a boat storage lot. Two additional uncovered parking spaces for each commercial use will be provided on site for a total of four uncovered parking spaces. The maximum height of the structure will not exceed 31-feet above finished grade. Grading will consist of 305 cubic yards of import. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. The project also consists of conversion of the two live-work units into two condominium units.

421- 29h St, Newport Beach, Ca 92663  
(APN(s): 047-043-12)

**5-16-0134-W**

Attn: Peter Pascale Haft

Demolition of a single-family residence, and construction of a new approximately 3,154 sq. ft., 24 ft.-8 in. high two-story duplex with approximately 1,230 sq. ft. of deck space. Parking will be provided in the form of a two (2) two-car garages. Hardscape improvements include privacy property fencing and walls, sidewalk pavers, a gate, and a wider drive way apron (from 9.0 ft. wide to 17.5 ft. wide). All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip irrigation system. Approximately 175 cubic yards of grading is proposed.

227 Avenida Granada, San Clemente, Ca 92672 (APN(s): 058-113-51)

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

<p><b>5-16-0188-W</b> Devco Homes</p>	<p>Demolition of a two story duplex, and construction of a 3-story, 29 foot high, 2,721 square foot single family residence including an attached, 400 square foot, two-car garage. Grading will include 105 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will be collected and routed to filtered trench drains in the front yard and back alley of the residence. No landscaping is proposed.</p>	<p>306 Collins Ave, Balboa Island, Ca 92662 (APN(s): 050-081-08, 050-081-29)</p>
<p><b>5-16-0234-W</b> Attn: Stefan &amp; Janet Garner</p>	<p>Demolition of existing one-story, 1,653 sq. ft., single family residence and attached three-car garage and construction of approximately 5,350 sq. ft. of new livable area, resulting in a two-story (max. height of 24 ft.), 5,336 sq. ft. single family residence with attached 784 sq. ft., three-car garage on a 11,045 sq. ft. lot. Hardscape construction will include a new swimming pool and spa and surrounding area. A new perimeter CMU sound wall at 10'0" height will also be constructed on the property line located on Seal Beach Boulevard. Minor grading for site preparation is proposed. Drainage from the roof and non-permeable areas will be directed toward permeable areas before entering the main storm drain.</p>	<p>1757 Crestview Ave, Seal Beach, Ca 90740 (APN(s): 199-151-21)</p>
<p><b>5-16-0239-W</b> WORR, LLC</p>	<p>Demolition of a single-family residence with attached garage and construction of a 29' high, three-story, 2,522 sq. ft. single-family residence with an attached 476 sq. ft., two-car garage on a 2,666 sq. ft. bayfront lot. Minor grading of 174 cubic yards of cut and 66 cubic yards of fill is proposed for compaction and drainage. Proposed landscaping consists of native low-water non-invasive vegetation. Drainage from the roof and surface water will be directed to a bottomless trench drain and permeable areas before entering the City's main storm drain system. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.</p>	<p>304 Bay Front, Newport Beach, Ca 92662 (APN(s): 05004227)</p>

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

<p><b>5-16-0240-W</b> 2928 Ocean LLC</p>	<p>Demolition of an existing two-story, single family residence and construction of a new 7,341 sq. ft. two story plus basement level, 29-ft. tall single family residence including attached 3-car garage, 1,640 cu. yds. cut and 80 cu. yds. fill proposed for basement level, roof deck, hardscape and landscape improvements on an inland approximately 6,700 sq. ft. lot. Roof and surface area drains will be tied to the landscape drainage or the bioretention planter areas. Minimal landscaping is proposed utilizing drought tolerant, non-invasive plants.</p>	<p>2928 Ocean Blvd, Corona Del Mar, Ca 92625 (APN(s): 05206210)</p>
<p><b>5-16-0244-W</b> Laguna Terrace, Attn: Tina Delvic</p>	<p>Installation of an approximately 1,500 sq. ft., 16 ft. high one-story manufactured home (Skyline ®) with steel pier tie down foundation system, wood deck, and minor landscaping on a 7,315 sq. ft. lot/space (Space D12) within an existing mobile home park. No grading is proposed. Drainage from roof downspouts and gutters are proposed to be directed into permeable or landscaped areas using drought tolerant, non-invasive plants.</p>	<p>30802 Coast Hwy, Space D-12, Laguna Beach, Ca 92651 (APN(s): 05624064, 056-240-65)</p>
<p><b>5-16-0291-W</b> Attn: Dr. &amp; Mrs. Andrew Wong</p>	<p>Demolition of a one-story, single family residence and garage and construction of a new three-story, 29-ft. tall, 2,216 sq. ft. (including a 2-car garage) single family dwelling with second floor deck and covered roof deck, new property line 6-ft. high wood fence and 36-in. masonry wall and gate at front property line, new driveway from alley and drainage improvements consisting of permeable side yards and a bottomless trench drain at the rear portion of the lot are proposed to collect water runoff onsite prior to reaching the main storm drain system. Minimal landscaping in raised planters proposed. Minor grading consisting of over-excavation cut/fill for soil re-compaction for site preparation proposed.</p>	<p>110 27th St, Newport Beach, Ca (APN(s): 047-093-10)</p>

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

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**5-16-0295-W**

Attn: Phil Hughes III

Demolition of 4,708 square foot single family residence and construction of a 5,788 square foot, 11 foot high (maximum height above finished grade) single family residence including a new subterranean level comprised of 692 square feet of living area and an attached three car garage, an attached single car garage and storage/mechanical space. Also included are a pool, spa and koi pond, landscaping, hardscape and retaining walls (up to 12 feet high). Site grading, primarily to accommodate the basement level, consists of 2,170 cubic yards of cut, 620 cubic yards of on-site fill and 1,550 cubic yards to be exported off-site. Excess export materials will be disposed of outside the coastal zone.

2460 Monaco Dr., Laguna Beach, Ca  
(APN(s): 053-318-04)

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**A-5-DPT-05-306-E3**

Xiong Zhang

32354 Caribbean Drive

Dana Point, Orange County

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April 29, 2016

**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:** 5-16-0218-W

**Applicant:** 3300 Ocean LLC

**Location:** 3300 Ocean Blvd, Corona Del Mar (Orange County) (APN(s): 5211306)

**Proposed Development:** Addition and remodel to an existing 6,911 square foot three-story single-family residence with a basement and an attached 1,120 square foot four-car garage. More specifically, the proposed project includes the conversion of an existing 3,308 square foot unfinished basement into habitable area. Post project the three-story single-family residence with a basement will consist of 10,119 square feet with an attached 1,120 square foot four-car garage. The maximum height of the structure will not exceed 29-feet above existing grade. No grading is proposed.

**Rationale:** The lot size is 7,879 square feet and is designated as single unit residential detached 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, but is located within 300-feet of the inland extent of a beach and results in an improvement to an existing single-family residence that results in an increase in internal area over 10%. The proposed project complies with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances. The proposed development 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 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 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 **May 11-13, 2016** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Acting Executive Director

Fernie Sy  
Coastal Program Analyst

cc: Commissioners/File



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April 26, 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:** 5-15-1790-W

**Applicant:** Orange County Public Works, Vincent Gin

**Location:** Spanning the Bolsa Chica flood control channel, southwest of the intersection of Westminster Blvd. and Bolsa Chica Road and west of the intersection of Bolsa Chica Road & Bolsa Chica Avenue on Seal Beach Naval Weapons Station, Seal Beach (Orange County)

**Proposed Development:** Removal of two obsolete, deteriorated, wooden bridges spanning the Bolsa Chica flood control channel. The bridges are located within the U.S. Naval Weapons Station and no public access exists.

**Rationale:** The bridges no longer serve any function. Both bridges will be removed with a large crane parked on an adjacent maintenance road. The crane with straps would attach to various bridge components and then the components would be lifted as they are dismantled and placed on dump trucks for disposal outside the coastal zone. The existing support piles will be pulled out of the ground with the crane or cut off at ground elevation. The bridge abutments are buried into the channel banks and will be left in place. No construction equipment will enter the channel. No debris will be allowed to fall into the channel. No dewatering or water diversion is required. A Biological Resources Survey Report was prepared for the proposed project and no impacts to sensitive species, including bats, are expected to result from the proposed project. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, 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 **May 11 – 13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

Sincerely,

John Ainsworth  
Acting Executive Director

Meg Vaughn  
Coastal Program Analyst

cc: File

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April 25, 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:** 5-15-2090-W **Applicant:** Jim Cefalia

**Location:** 619 Bay Ave., City of Newport Beach (Orange County)  
(APN No. 048-022-23)

**PROPOSED DEVELOPMENT:** Demolition of a single family residence and construction of a 3-story, 29 foot high, 2,682 square foot single family residence including an attached, 357 square foot, two-car garage. Grading will include 38 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will be collected and routed to a trench drain in the back alley of the residence. No landscaping is proposed.

**RATIONALE:** The project is located on a 2,100 square foot lot designated for R-2 two-unit residential development by the City of Newport Beach Land Use Plan (LUP). The proposed project meets the Commission's parking requirement of 2 covered spaces per residential unit, with the construction of an attached two car garage. The project is designed to be compatible with the character of the surrounding development. The project will be constructed with a 9.5 foot finished floor elevation to prevent intrusion from flooding associated with sea level rise. Adequate water quality measures have been addressed through on-site water filtration drains designed by a civil engineer. The project location is not between the first public road and the sea and will not interfere with public access. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. Diverting runoff into on-site filtration drain is consistent with the marine protection policies of the Coastal Act. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Also, the proposed development will not prejudice the City's ability to prepare a Certified LCP and is consistent with the land use designation in the City's certified LUP, past Commission action in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 11-13, 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.

John Ainsworth  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

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April 25, 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:** 5-15-2091-W **Applicant:** Jim Cefalia

**Location:** 621 Bay Ave., City of Newport Beach (Orange County)  
(APN No. 048-022-24)

**PROPOSED DEVELOPMENT:** Demolition of a single family residence and construction of a 3-story, 29 foot high, 2,688 square foot single family residence including an attached, 357 square foot, two-car garage. Grading will include 24 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will be collected and routed to a trench drain in the back alley of the residence. No landscaping is proposed.

**RATIONALE:** The project is located on a 2,100 square foot lot designated for R-2 two-unit residential development by the City of Newport Beach Land Use Plan (LUP). The proposed project meets the Commission's parking requirement of 2 covered spaces per residential unit, with the construction of an attached two car garage. The project is designed to be compatible with the character of the surrounding development. The project will be constructed with a 9.5 foot finished floor elevation to prevent intrusion from flooding associated with sea level rise. Adequate water quality measures have been addressed through on-site water filtration drains designed by a civil engineer. The project location is not between the first public road and the sea and will not interfere with public access. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. Diverting runoff into on-site filtration drain is consistent with the marine protection policies of the Coastal Act. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Also, the proposed development will not prejudice the City's ability to prepare a Certified LCP and is consistent with the land use designation in the City's certified LUP, past Commission action in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 11-13, 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.

John Ainsworth  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

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April 29, 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:** 5-16-0093-W

**Applicant:** Cannery Project Newport, LP

**Location:** 421 29<sup>th</sup> Street, Newport Beach (Orange County) (APN(s): 047-043-12)

**Proposed Development:** Construction of a new three-story building containing two live-work units; more specifically consisting of the following: Unit A: 968 square feet of 1st floor commercial use and a 429 square foot two-car garage and 2,350 square feet of habitable space on the remaining upper levels; and 2) Unit B: 1,063 square feet of 1st floor commercial use and a 427 square foot two-car garage and 2,339 square feet of habitable space on the remaining upper levels; located on a current vacant lot being used as a boat storage lot. Two additional uncovered parking spaces for each commercial use will be provided on site for a total of four uncovered parking spaces. The maximum height of the structure will not exceed 31-feet above finished grade. Grading will consist of 305 cubic yards of import. Drainage from the roof and surface water will be directed to permeable areas before entering the main storm drain system. The project also consists of conversion of the two live-work units into two condominium units.

**Rationale:** The lot size is 7,921 square feet and is designated as mixed use horizontal in the City of Newport Beach Land Use Plan (LUP) and is not located between the first public road and the sea. Because the proposed project includes a non-residential use and conversion of a duplex into two condominium units (subdivision of land), the development is not excluded from coastal development permit (CDP) requirements under Categorical Exclusion E-77-5, adopted by the Commission on June 14, 1977. The proposed project conforms to the Commission's parking requirement (2 spaces per residential unit). Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed development complies with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

Sincerely,

John Ainsworth  
Acting Executive Director

Fernie Sy  
Coastal Program Analyst

cc: File

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April 28, 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:** 5-16-0134-W **Applicant:** Peter & Pascale Haft

**Location:** 227 AVENIDA GRANADA, SAN CLEMENTE (ORANGE COUNTY)

**Proposed Development:** Demolition of a single-family residence, and construction of a new approximately 3,154 sq. ft., 24 ft.-8 in. high two-story duplex with approximately 1,230 sq. ft. of deck space. Parking will be provided in the form of a two (2) two-car garages. Hardscape improvements include privacy property fencing and walls, sidewalk pavers, a gate, and a wider drive way apron (from 9.0 ft. wide to 17.5 ft. wide). All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip irrigation system. Approximately 175 cubic yards of grading is proposed.

**Rationale:** The subject site is a 3,950 sq. ft., inland lot designated multi-unit residential in the City of San Clemente Land Use Plan. The project site is located approximately 0.39 miles inland from the beach. The proposed project conforms to the Commission's parking requirement of two spaces per residential unit and is designed to be compatible with the character of the surrounding development. Given the location of the project site from the coast and due to the provision of four on-site parking spaces for the proposed duplex, the project and new drive way apron is not anticipated to have an adverse impact on public coastal access. The applicant has indicated that the proposed residential units will include water and energy conservative efficient fixtures and appliances. Runoff will be diverted into permeable surfaces, toward the landscaped areas for percolation, and to the street drainage system. Construction best management practices including the use of sand bags 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. In addition, 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 **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

John Ainsworth  
Senior Deputy Director

Marlene Alvarado  
Coastal Program Analyst

cc: File

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April 26, 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:** 5-16-0188-W **Applicant:** Devco Homes

**Location:** 306 Collins Ave., City of Newport Beach (Orange County)  
(APN No. 050-081-29)

**PROPOSED DEVELOPMENT:** Demolition of a two story duplex, and construction of a 3-story, 29 foot high, 2,721 square foot single family residence including an attached, 400 square foot, two-car garage. Grading will include 105 cubic yards of fill. Water from rain gutters, downspouts, and deck drains will be collected and routed to filtered trench drains in the front yard and back alley of the residence. No landscaping is proposed.

**RATIONALE:** The project is located on a 2,559 square foot lot designated for R-BI (two-unit residential development) by the City of Newport Beach Land Use Plan (LUP). The proposed project meets the Commission's parking requirement of 2 covered spaces per residential unit, with the construction of an attached two car garage. The project is designed to be compatible with the character of the surrounding development. -Adequate water quality measures have been addressed through on-site water filtration drains designed by a civil engineer. The project location is not between the first public road and the sea and will not interfere with public access. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. Diverting runoff into on-site filtration drain is consistent with the marine protection policies of the Coastal Act. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Also, the proposed development will not prejudice the City's ability to prepare a Certified LCP and is consistent with the land use designation in the City's certified LUP, past Commission action in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 11-13, 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.

John Ainsworth  
Acting Executive Director

Mandy Revell  
Coastal Program Analyst

**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](http://WWW.COASTAL.CA.GOV)



April 22, 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:** 5-16-0234-W

**Applicant:** Stefan Garner and Janet Garner

**Location:** 1757 Crestview Ave, Seal Beach (Orange County) (APN(s): 199-151-21)

**Proposed Development:** Demolition of existing one-story, 1,653 sq. ft., single family residence and attached three-car garage and construction of approximately 5,350 sq. ft. of new livable area, resulting in a two-story (max. height of 24 ft.), 5,336 sq. ft. single family residence with attached 784 sq. ft., three-car garage on a 11,045 sq. ft. lot. Hardscape construction will include a new swimming pool and spa and surrounding area. A new perimeter CMU sound wall at 10'0" height will also be constructed on the property line located on Seal Beach Boulevard. Minor grading for site preparation is proposed. Drainage from the roof and non-permeable areas will be directed toward permeable areas before entering the main storm drain.

**Rationale:** The subject site is located approximately 1-mile inland from the beach on an 11,250 square foot lot and is not located between the first public road and the sea. The lot is designated as residential low density in the City of Seal Beach Zoning Code. The proposed height and scale of the project is consistent with past Commission actions in the area and the project exceeds the Commission's parking standard of two (2) parking spaces per unit. The City of Seal Beach Municipal Code allows for a wall with a maximum height of 10 ft. along the rear yards of lots that are located on Seal Beach Boulevard (11.4.15.010). The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards and construction BMPs will be followed to prevent construction activities from impacting coastal and marine resources and water quality. The project is compatible with the character of the surrounding area and will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with Chapter 3 policies of the Coastal Act. The proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program.

This waiver will not become effective until reported to the Commission at their **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

Sincerely,

John Ainsworth  
Acting Executive Director

Caitlin Oshida  
Coastal Program Analyst

cc: File

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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April 28, 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:** 5-16-0239-W

**Applicant:** WORR, LLC

**Location:** 304 Bay Front, Newport Beach (Orange County) (APN: 050-042-27)

**Proposed Development:** Demolition of a single-family residence with attached garage and construction of a 29' high, 3-story, 2,522 sq. ft. single-family residence with an attached 476 sq. ft., 2-car garage on a 2,666 sq. ft. bayfront lot. Minor grading of 174 cu. yds. of cut and 66 cubic yards of fill is proposed for compaction and drainage. Proposed landscaping consists of native low-water non-invasive vegetation. Drainage from the roof and surface water will be directed to a bottomless trench drain and permeable areas before entering the City's main storm drain system. The applicant acknowledges and accepts the risks and responsibilities associated with hazards associated with flooding, storms, and sea-level rise, which the project site may be subject to.

**Rationale:** The subject site is designated 2-unit residential by the City of Newport Beach Land Use Plan (LUP) and is located on a bulkhead lot in between the first public road and the sea. There is a public walkway seaward of the site in between the site and the sea. The project meets the City's setback requirements and there are no encroachments into the public walkway. The proposed project meets the Commission's parking requirements of 2 spaces per unit and is designed to be compatible with the character of the surrounding development. Adequate measures to address water quality and flood hazards have been incorporated during construction and into the project design including a finished slab elevation of 9' (NADV88) and will be waterproofed up to 9.75' (NADV88). The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. 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 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 **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

Sincerely,

John Ainsworth  
Acting Executive Director

Shannon Vaughn  
Coastal Program Analyst

cc: File



**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



April 23, 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:** 5-16-0240-W

**Applicant:** 2928 Ocean LLC

**Location:** 2928 Ocean Blvd, Corona Del Mar (Orange County) (APN(s): 05206210)

**Proposed Development:** Demolition of an existing two-story, single family residence and construction of a new 7,341 sq. ft. two story plus basement level, 29-ft. tall single family residence including attached 3-car garage, 1,640 cu. yds. cut and 80 cu. yds. fill proposed for basement level, roof deck, hardscape and landscape improvements on an inland approximately 6,700 sq. ft. lot. Roof and surface area drains will be tied to the landscape drainage or the bioretention planter areas. Minimal landscaping is proposed utilizing drought tolerant, non-invasive plants.

**Rationale:** The subject site is designated single-unit residential in the City of Newport Beach Land Use Plan (LUP) and is located on an inland lot located over 60 ft. from the coastal bluff and not between the first public road and the sea. The proposed project exceeds the Commission's parking requirement of 2 spaces per 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. Public coastal access is available approximately 500 feet south of the site at the end of Breakers Drive. The applicant has indicated that construction BMPs will be implemented. The project will comply with the applicable water and energy efficiency and conservation measures of the City's adopted CALGreen standards and other City guidelines. 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 **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

John Ainsworth  
Acting Executive Director

Caitlin Oshida  
Coastal Program Analyst

cc: File

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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April 28, 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:** 5-16-0244-W**Applicant:** Laguna Terrace**Location:** 30802 Coast Highway, Space D12, Laguna Beach (Orange County) (APN: 056-240-64)

**Proposed Development:** Installation of an approximately 1,500 sq. ft., 16 ft. high one-story manufactured home (Skyline ®) with steel pier tie down foundation system, wood deck, and minor landscaping on a 7,315 sq. ft. lot/space (Space D12) within an existing mobile home park. No grading is proposed. Drainage from roof downspouts and gutters are proposed to be directed into permeable or landscaped areas using drought tolerant, non-invasive plants.

**Rationale:** The subject sites consists of a mobile home park space located within the larger parcel of the Laguna Terrace Mobile Home Park in Hobo Canyon inland of Pacific Coast Hwy. Hobo Canyon, along with four locked gate communities, is one of the areas of deferred certification in the otherwise certified City of Laguna Beach. The area is zoned low-density residential by the City and the proposed project conforms to the permitted uses for a low-density zone. The proposed project will not result in any division of land or change the manner of ownership of the land. Two parking spaces are provided on site. This inland space is surrounded by existing development and does not have resources that may be considered ESHA nor is it adjacent to ESHA or open space. Public access to the beach is available across Pacific Coast Hwy at the Montage Hotel access way to Aliso Beach. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed development incorporates water and energy conservation measures concerning efficient fixtures and appliances. 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 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 **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

John Ainsworth,  
Acting Executive Director

\_\_\_\_\_  
Marlene Alvarado  
Coastal Program Analyst

cc: File

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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WWW.COASTAL.CA.GOV



April 25, 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:** 5-16-0291-W

**Applicant:** Dr. & Mrs. Andrew Wong

**Location:** 110 27th St, Newport Beach (Orange County) (APN(s): 047-093-10)

**Proposed Development:** Demolition of a one-story, single family residence and garage and construction of a new three-story, 29-ft. tall, 2,216 sq. ft. (including a 2-car garage) single family dwelling with second floor deck and covered roof deck, new property line 6-ft. high wood fence and 36-in. masonry wall and gate at front property line, new driveway from alley and drainage improvements consisting of permeable side yards and a bottomless trench drain at the rear portion of the lot are proposed to collect water runoff onsite prior to reaching the main storm drain system. Minimal landscaping in raised planters proposed. Minor grading consisting of over-excavation cut/fill for soil re-compaction for site preparation proposed.

**Rationale:** The subject site is a 1,750 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 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. Public coastal access to the bay is available ~100 ft. west of the site at the 27<sup>th</sup> St. 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 **May 11-13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

John Ainsworth,  
Acting Executive Director

Liliana Roman  
Coastal Program Analyst

cc: File

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)

April 28, 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:** 5-16-0295-W**Applicant:** Phil Hughes III**Location:** 2460 Monaco Drive, Laguna Beach (Orange County)

**Proposed Development:** Demolition of 4,708 square foot single family residence and construction of a 5,788 square foot, 11 foot high (maximum height above finished grade) single family residence including a new subterranean level comprised of 692 square feet of living area and an attached three car garage, an attached single car garage and storage/mechanical space. Also included are a pool, spa and koi pond, landscaping, hardscape and retaining walls (up to 12 feet high). Site grading, primarily to accommodate the basement level, consists of 2,170 cubic yards of cut, 620 cubic yards of on-site fill and 1,550 cubic yards to be exported off-site. Excess export materials will be disposed of outside the coastal zone.

**Rationale:** The subject site is seaward of and adjacent to North 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 16,087 sq. ft. lot is not a bluff top or oceanfront lot, but is located between the sea and the first public road due to its location within the locked-gate community. The area is zoned low-density residential by the City. The proposed project conforms to the permitted uses of this zone. A Geotechnical Investigation was prepared for the proposed project and concludes that the proposed project, including construction and grading, is feasible from a geotechnical standpoint. Adequate measures to address water quality have been incorporated during construction and into the project design. Post construction water quality measures include turfblock paving, drainage directed to planting areas and to bottomless drains. 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 parking standard of two spaces per residential unit. 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 **May 11 – 13, 2016** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit 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.

John Ainsworth  
Acting Executive Director

Meg Vaughn  
Coastal Program Analyst

cc: File

**CALIFORNIA COASTAL COMMISSION**

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



May 2, 2016

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**To:** Commissioners and Interested Parties

**From:** Jack Ainsworth, Acting Executive Director  
Caitlin Oshida, Coastal Program Analyst

**Re:** **Extension of Coastal Development Permit A-5-DPT-05-306-E3 (Xiong Zhang), 32354 Caribbean Drive, Dana Point, Orange County.**

On March 9, 2016, the applicant (Xiong Zhang) submitted a request to extend Coastal Development Permit A-5-DPT-05-306 for an additional one-year period. The extension is the proposed project's third extension request. Coastal Development Permit A-5-DPT-05-306, originally approved by the Commission on April 13, 2012, permits the construction of a 14,017 square foot, 2-story, single family residence, 9-car parking garage, 2 separate 1-story accessory buildings totaling 3,407 square feet, and landscape/hardscape on a vacant 14.66 acre lot; construction of retaining walls and grading to remediate landslides along Caribbean Drive and grading and to prepare site for development consisting of 15,452 cubic yards of cut, 9,402 cubic yards of fill and 6,050 cubic yards of export to location outside of Coastal Zone; and creation of on-site 700 square foot wetland mitigation to offset impacts to 174 square foot wetland caused by landslide remediation. The project site is located at 32354 Caribbean Drive, Dana Point, Orange County.

On April 7, 2016, the South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified Local Coastal Program (LCP). As required by Section 13169(b) of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its April 14, 2016 hearing.

Within the ten working-day period (April 7, 2016 – April 21, 2016), during which time any person may object to the Executive Director's determination, the South Coast District Office received one (1) letter, from Mr. James E. Alvarez, objecting to the Executive Director's determination that there are no changed circumstances that affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or certified LCP (Exhibit 1). The objector asserts that: any understandings reached with the prior applicant, do not bind the present applicant, therefore the extension should not be approved, and the process should start from the beginning for Xiong Zhang, the new owner and new applicant; new geological investigations and recommendations should be brought current and a new permit should be required; the objector did not receive the original California Coastal Commission notice from March/April 2012, and have only recently received the notice dated April 7, 2016 from the California Coastal Commission on behalf of Xiong Zhang; the applicant and now surrogate applicant have had 4-years to qualify and meet the conditions set forth by the Commission which is an adequate period to perform, and unless the applicants can show due-diligence (in meeting the conditions outlined by the Commission), then the extension should be denied.

Section 13169(c) of Title 14 of the California Code of Regulations states in part that in order to deny an extension request objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act or the certified LCP.

The letter fails to raise any new or changed circumstances that would affect the proposed project's consistency with the Coastal Act. The first concern raised in the letter is that because the property was recently purchased by Xiong Zhang a new permit needs to be obtained, however, the terms and conditions set forth in the coastal development permit approved by the Commission are perpetual, and bind all future owners and possessors of the subject property to the terms and conditions. Therefore, the new owner, Xiong Zhang, does not need to apply for a new coastal development permit for this project as it was approved in April 2012.

The second concern raised by the objector is that new geologic investigations (specifically looking at landslides) and recommendations should be brought current and a new permit should be required. Landslides and geologic investigations were reviewed and addressed by the City of Dana Point Planning Commission during the CDP approval process and the adoption of a Mitigated Negative Declaration. The Commission also reviewed the geotechnical investigations and addressed the landslides and geologic issues and remediation in the Staff Report dated March 29, 2012. A geotechnical investigation prepared by Geofirm, dated November 11, 2003, indicates that there are four (4) landslides on the site. Remediation of three (3) of the landslides, located near the front property line contiguous to Caribbean Drive, is examined and described in the 2011 Geofirm report as well as the geotechnical investigation (Vol. I & II) prepared by Geofirm dated September 1, 2011. Based on Commission staff review of the project and reports, Special Condition No. 13 was imposed in the Staff Report dated March 29, 2012, which requires the applicant to "submit Final Project Plans that have been revised to conform to the geotechnical recommendations and have been reviewed and certified by an appropriately licensed professional that such plans do conform to the geotechnical recommendations." In addition, a revised analysis for this project, "Grading Plan Review, Proposed Access Road Grading and 2013 California Building Code Update," was completed December 24, 2015 by Geofirm and submitted to the California Coastal Commission's South Coast office for review on March 29, 2016 (landslides are addressed on page 5). The 2015 report concludes that the "proposed development is considered feasible and safe from a geotechnical viewpoint" provided the recommendations made in the report are followed (pg. 8). Additionally, Kevin A. Trigg, the Chief Engineering Geologist for Geofirm, states that after conferring with the City of Laguna Niguel's Geotechnical Engineer, neither is aware of any landslide activity in the last four years in either Laguna Beach or Laguna Niguel.

The third concern raised in the letter is that the objector was not properly noticed for the original CDP permit from March/April 2012, and only recently received notice dated April 7, 2016, for the most recent extension. However, the Commission complied with the public noticing requirements pursuant to the Commission's standard requirement of noticing all residents within a 100' radius of the subject project site and all known interested parties. Mr. Alvarez's property, 22911 Via Orvieto, is within 100' of the project location. Staff records confirm that Mr. Alvarez is on the mailing list for notices sent regarding the project at 32354 Caribbean Drive. This includes notices of the Commission hearing in April 2012 and all subsequent extensions of said project.

The last concern raised by the objector is that the original applicant and the current applicant have had four years to qualify and meet the conditions set forth by the Commission and this is an adequate period to perform, and unless the applicant can show "due-diligence" in meeting the conditions then the

extension should be denied. The Commission's approval of the Coastal Development Permit (CDP) is valid for two years from the date of approval. To prevent expiration of the CDP, the applicant must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date. The applicant may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. Title 14, section 13169. In addition, the applicant has submitted several documents that fulfill several of the Special Conditions specified in the staff report dated March 29, 2012.

None of the objector's concerns identify changed circumstances that would affect the consistency of the development with the Coastal Act or the certified LCP. Therefore, the Executive Director has concluded that the objection letter does not identify any changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letter. If three Commissioners object to the extension on the grounds that there may be circumstances that affect consistency with the Coastal Act or the certified LCP, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request will extend the expiration date of Coastal Development Permit A-5-DPT-05-306 to April 13, 2017, one year from the previous date of expiration.

# Exhibit 1

Page 1 of 1



California Coastal  
Commission

April 13<sup>th</sup>, 2016

California Coastal Commission  
South Coast District Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, California 90802-4416

RECEIVED  
South Coast Region

APR 15 2016

CALIFORNIA  
COASTAL COMMISSION

Re: A-5-DPT-05-306, granted April 2012

Dear Commission Members:

I hereby submit my official OBJECTION to the extension of coastal permit A-5-DPT-05-E3, for the property located at 32354 Caribbean Drive, Dana Point, California, County of Orange (APN: 670-101-21). Pursuant to Section 13169, my objection is based on "changes of circumstances affecting the proposed development":

1. The original permit (that was submitted for approval April 2012) is now being submitted for extension by different person/owner/representative than the original applicant. My objection to extending this permit is – any understandings reached with the prior applicant, do not bind the present applicant, therefore the extension should not be approved, and the process should start from the beginning for Xiong Zhang, the new owner and new applicant.
2. Although geological reports were submitted to the commission in 2012, in the past 4-years additional information and insight has come forward from the Laguna Beach and Laguna Niguel landslides – both of which had geological reports and plans that failed to stop those landslides from occurring. New geological investigations and recommendations should be brought current and a new permit should be required.
3. As an affected community member, I did not receive the original California Coastal Commission notice from March/April 2012, and have only recently received the notice dated April 7, 2016 from the California Coastal Commission on behalf of Xiong Zhang. I believe I'm not the only community member that did not receive the original notice, and if I had received such notice, I would have submitted my objection at that time - thus my newly revealed objection, along with potential objections coming from other members of our community constitutes a change of circumstances that should be considered by the board.
4. The applicant and now surrogate applicant have had 4-years to qualify and meet the conditions set forth by the California Coastal Commission. This is an adequate period to perform, and unless the applicants can show due-diligence (in meeting the conditions outlined by the California Coastal Commission), then the extension should be denied.

Thank you for allowing me to submit my OBJECTION, and I hope you will not extend the permit any longer.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Alvarez".

James E. Alvarez  
22911 Via Orvieto  
Dana Point, California 92629

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