

**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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# Th8

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

*For the  
February 2017 Meeting of the California Coastal Commission*

January 31, 2017

**To:** Commissioners and Interested Parties

**From:** For Orange Co.: Karl Schwing, 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 February 2017 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.

**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>5-16-0611-W</b> Thabit Family Trust, Attn: Cory &amp; Susan Thabit</p>	<p>Demolition of existing two-story 3,635 sq. ft. single family residence and 500 sq. ft. garage, and construction of a 3-story 3,831 sq. ft. single family residence, and 654 sq. ft. attached garage. Proposed grading includes 20 cubic yards of cut and 102 cubic yards of fill. Drought tolerant and non-invasive landscaping is proposed. No work is proposed on the existing bulkhead or existing dock system.</p>	<p>5 Collins Island, Newport Beach, Ca 92662 (APN: 050-01-011)</p>
<p><b>5-16-0781-W</b> Attn: Steven Hanna</p>	<p>Demolition of a 1,138 sq. ft. single-family residence and construction of two, three-story condominiums with a maximum height of 35 feet. Each unit will be approximately 2,427 sq. ft. in area and have attached two-car garages. All runoff from non-permeable surfaces will be directed to on-site drainage and will be filtered on-site. No landscaping is proposed at this time.</p>	<p>17125 4<sup>th</sup> Street, Sunset Beach, Ca 90742 (APN: 178-545-12)</p>
<p><b>5-16-0949-W</b> Attn: David &amp; Nancy Moskowitz</p>	<p>Front and rear yard landscape and hardscape renovation at an existing single family residence. Project scope includes the installation of a recessed fire pit, built-in barbeque, and 4in. high glass guardrail on the existing cantilevered deck, and replacement of the existing sewer lines to the street. Existing landscaping including 5 queen palm trees, 4 fan palm trees, and a water feature will be removed.</p>	<p>16612 Nalu Circle, Huntington Beach, Ca APN: 178-381-10</p>
<p><b>5-16-1111-W</b> John &amp; Anna Sherwood Attn: Susan Finch</p>	<p>Combine two units to form one single-family home including an approximately 202 square-foot addition and an interior remodel on a 2,550 Square-foot lot in a developed residential neighborhood.</p>	<p>318 Coral Ave, Newport Beach, Ca 92662 (APN: 050-131-12)</p>

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

<p><b>5-17-0009-W</b> 220 Evening Canyon, LLC, Attn: Thomas Nicholson</p>	<p>Demolition of an existing two-story single-family residence and construction of a new, approximately 6,642 sq. ft. two-story, single-family residence with semi-subterranean basement. The project includes an approximately 977 sq. ft., attached, basement level, three-car garage, a 665 sq. ft. deck, and a pool and spa. Project scope includes approximately 1,470 cubic yards of grading for basement and pool exaction and re-compaction. Drought tolerant, non-invasive landscaping is proposed.</p>	<p>220 Evening Canyon Rd, Corona Del Mar, Ca 92625 (APN: 052-192-04)</p>
<p><b>5-17-0029-W</b> Attn: Nancy &amp; Orge Bravante</p>	<p>Demolition of an existing 2-story single family residence, and construction of a 2-story, approximately 28 ft. high, 3,869 sq. ft. single family residence, including an attached garage. Proposed grading includes 2 cubic yards of cut and 79 cubic yards of fill.</p>	<p>38 Beacon Bay, Newport Beach, Ca 92660 (APN: 050-211-04)</p>

**IMMATERIAL AMENDMENTS**

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

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
<p><b>5-16-0037-A1</b> Attn: Brett Cyprus</p>	<p>Reconfiguration of the cantilevered deck by shifting it to the northern property line. The setback from the southern side property line will change from 5 ft.-2 in. to 12 ft.-8 in. and the setback from the northerly side property line will change from 17 ft.-0 in. to approximately 10 ft.. There will be no change in the width of the deck cantilevered deck, which is 450 square-feet.</p>	<p>16836 Marina Bay Drive, Huntington Beach, Ca (APN: 178-652-03)</p>

**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
<p><b>G-5-16-0061</b> OC Re-Hab 1, LLC</p>	<p>One-time emergency repairs and stabilization consisting of: removal of surface debris from a 2011 landslide; installation of a 7-foot by 7-foot, approximately 2,600-foot long culvert; placement of approximately 150,000 cubic yards of fill to repair and stabilize the landslide area. The proposed work is portrayed in plans designed by GeoKinetics, titled Plans and Specification for Slope Stabilization at Via Ballena Landslide, San Clemente, CA, dated August 10, 2016. The area is unstable and continues to threaten four homes at the site, which are currently uninhabitable. If left unaddressed, there is potential for further failure, which could result in the complete loss of the four threatened homes. The applicant proposes to remove surface debris including plants, rocks, and rubble, in order to install a 7-foot by 7-foot, approximately 2,600-foot long culvert in order to convey overflow runoff out of the area. The culvert will be placed just outside of the landslide area at the bottom of a ravine on the Shorecliffs Golf Course in the City of San Clemente. The culvert will contain inlet drains to collect overflow runoff and maintain surface creek flows. The proposed fill will be placed on top of the culvert, landslide debris, and in the vicinity of the landslide in a series of benches that will create a 2:1 slope with a gravity buttress that will anchor the toe of the slope. The project also includes the installation of a series of back drains, terrace drains, and down drains. There are approximately 1.11 acres of state wetlands within the area, which run approximately 1,680 linear feet and include an unnamed creek, contiguous riparian canopy, and wetlands. Federal jurisdiction in the area includes 0.59 acres of wetlands and 0.52 acres of non-wetland waters that run approximately 1,680 linear feet. The repairs will affect 1,200 linear feet (0.3 acres) of the unnamed creek and 0.41 acres of the wetlands. The applicant proposes to mitigate the impacts at a 3:1 ratio after the emergency work is complete in conjunction with a coastal development permit application. The proposed work will commence on January 2, 2017 and will take approximately 210 days.</p>	<p>Via Ballena, Shorecliffs Golf Course, San Clemente, Orange County (APN(s): 691-021-01, 691-021-02)</p>





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January 25, 2017

## 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:** 5-16-0611-W                      **Applicant:** Cory S. Thabit and Susan M. Thabit  
(Thabit Family Trust)

**Location:** 5 Collins Island, Newport Beach 92662 (Orange County) (APN: 050-01-011)

**Proposed Development:** Demolition of existing two-story 3,635 sq. ft. single family residence and 500 sq. ft. garage, and construction of a 3-story 3,831 sq. ft. single family residence, and 654 sq. ft. attached garage. Proposed grading includes 20 cubic yards of cut and 102 cubic yards of fill. Drought tolerant and non-invasive landscaping is proposed. No work is proposed on the existing bulkhead or existing dock system.

**Rationale:** The subject site is located on Collins Island fronting Newport Harbor, and is between the first public road and the sea. The site is within a developed residential neighborhood designated Single-Unit Residential (R-1) in the City of Newport Beach's certified Land Use Plan (LUP). The project plans have been Approved in Concept by the City (AIC#: 2016023, May 11, 2016). Project scope includes a 6-inch stem wall constructed for waterproofing measures, and drainage improvements include installation of a trench drains, as well as directing runoff to permeable landscaping. The proposed development incorporates water and energy conservation measures consistent with the City's adopted 2013 CALGreen standards concerning efficient fixtures and appliances. The proposed project meets the Commission's standard of 2 parking spaces per residential unit, with 3 parking spaces proposed. The proposed development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. Additionally, the proposed development is consistent with past Commission actions in the area, Chapter Three policies of the Coastal Act, and the City's certified LCP.

This waiver will not become effective until reported to the Commission at their **February 8-10, 2017** 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  
cc: File

Fernie Sy  
Coastal Program Analyst

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January 19, 2017

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

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**Waiver:** 5-16-0781

**Applicant:** Steven Hanna

**Location:** 17125 4th St, Sunset Beach, Huntington Beach (Orange County) (APN: 178-545-12)

**Proposed Development:** Demolition of a 1,138 sq. ft. single-family residence and construction of two, three-story condominiums with a maximum height of 35 feet. Each unit will be approximately 2,427 sq. ft. in area and have attached two-car garages. All runoff from non-permeable surfaces will be directed to on-site drainage and will be filtered on-site. No landscaping is proposed at this time.

**Rationale:** The project site is located on a developed 2,700 sq. ft. lot approximately 240 ft. from the beach in an established neighborhood of Sunset Beach, City of Huntington Beach Orange County. The applicant received Approval in Concept from the City of Huntington Beach Planning Department on August 31, 2016. The site is designated as RDH-30, high-density residential land use by the City of Huntington Beach and the proposed development is consistent with the zoning. The proposed project will comply with all setback and height requirements. Adequate water quality measures have been addressed through on-site water filtration drains designed by a civil engineer. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. 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 **February 8 – 10, 2017** 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



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January 25, 2017

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

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**Waiver:** 5-16-0949-W **Applicant:** David and Nancy Moskowitz

**Location:** 16612 Nalu Cir. Huntington Beach 92649 (Orange County) (APN: 178-381-10)

**Proposed Development:** Front and rear yard landscape and hardscape renovation at an existing single family residence. Project scope includes the installation of a recessed fire pit, built-in barbeque, and 42" high glass guardrail on the existing cantilevered deck, and replacement of the existing sewer lines to the street. Existing landscaping including 5 queen palm trees, 4 fan palm trees, and a water feature will be removed.

**Rationale:** The subject site is an approximately 5,677 sq. ft. lot located on the waterfront in Huntington Harbor. No changes to the existing bulkhead or the 2 existing parking spaces are proposed. Public coastal access is available to the southwest of the project site along Pacific Coast Highway. The proposed development is compatible with the character of the surrounding area and will not adversely impact coastal resources, public access, or public recreation opportunities. It is also consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. The project will not prejudice the City's ability to prepare a Certified Local Coastal Plan.

This waiver will not become effective until reported to the Commission at their **February 8-10, 2017** 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

Mandy Revell  
Coastal Program Analyst

cc: File

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January 19, 2017

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**Waiver:** 5-16-1111  
**Applicant:** Susan Finch  
**Location:** 318 Coral Ave, Newport Beach (Orange County) (APN: 050-131-12)

**Proposed Development:** Combine two units with an approximately 202 square-foot addition to form one approximately 2,028 square-foot single-family home including a 325 square-foot two-car garage and an interior remodel on a 2,550 square-foot lot in a developed residential neighborhood. No changes to the 22-foot height are proposed at this time.

**Rationale:** The subject lot is designated as R-BI, Two-Unit Residential by the City of Newport Beach and is approximately 330 feet from the ocean not located between the first public road and the sea. The proposed project is consistent with the height limit in the certified Land Use Plan and is designed to be compatible with the character of the surrounding area. Public access to the bay is available approximately 330 feet directly north of the site at the street end of Coral Avenue and will not be impeded by the proposed development. The project has received an approval in concept from the City (AIC #2016088, November 22, 2016). No changes to landscaping or on-site drainage are proposed at this time and the proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards. The applicant will maintain two on-site parking spaces in an attached two-car garage. Construction BMPs will be followed to prevent construction activities from impacting coastal and marine resources and water quality. The proposed development will not adversely impact public access, coastal resources, public recreation or coastal views. 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 the Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **February 8 – 10, 2017** 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

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January 25, 2017

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

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**Waiver:** 5-17-0009-W **Applicant:** 220 Evening Canyon, LLC

**Location:** 220 Evening Canyon Rd. Newport Beach 92660 (Orange County) (APN: 052-192-04)

**Proposed Development:** Demolition of an existing two-story single-family residence and construction of a new, approximately 6,642 sq. ft. two-story, single-family residence with semi-subterranean basement. The project includes an approximately 977 sq. ft., attached, basement level, three-car garage, a 665 sq. ft. deck, and a pool and spa. Project scope includes approximately 1,470 cubic yards of grading for basement and pool excavation and re-compaction. Drought tolerant, non-invasive landscaping is proposed.

**Rationale:** The subject site is a 7,960 sq. ft. lot, and is located between the first public road and the sea. It is within a developed residential neighborhood designated Single-Unit Residential (R-1-6000) in the City of Newport Beach Land Use Plan (LUP). The project is consistent with the residential character of the surrounding area, and exceeds the Commission's standard of two (2) parking spaces per residence, with 3 garage spaces proposed. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities. It is also consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. The project will not prejudice the City's ability to prepare a Certified Local Coastal Plan.

This waiver will not become effective until reported to the Commission at their **February 8-10, 2017** 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

Al Padilla  
Regulatory Permit Supervisor

cc: File

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January 25, 2017

## 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:** 5-17-0029-W **Applicant:** Nancy and Orge Bravante

**Location:** 38 Beacon Bay, Newport Beach (Orange County) (APN: 050-211-04)

**Proposed Development:** Demolition of an existing 2-story single family residence, and construction of a 2-story, approximately 28' high, 3,869 sq. ft. single family residence, including an attached garage. Proposed grading includes 2 cubic yards of cut and 79 cubic yards of fill.

**Rationale:** The subject site is a 4,386 sq. ft. lot located on a peninsula in Newport Harbor. The project site is within a developed residential neighborhood designated R-2 Two Unit Residential in the City of Newport Beach's certified Land Use Plan (LUP). The project plans have been Approved in Concept by the City (AIC# 2016089, Dec. 23, 2016). Height of the proposed structure is approximately 28' high, which is consistent with the City's certified LUP height limit of 29' for sloped roofs. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards, and exceeds the Commission's standard of 2 required parking spaces per residential unit with 2 garage spaces, and 1 covered carport space proposed. During the construction phase, Best Management Practices (BMPs) will be implemented including the use of gravel bags to prevent runoff from the site. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with the City's certified LCP.

This waiver will not become effective until reported to the Commission at their **February 8-10, 2017** 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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**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT**

Coastal Development Permit Amendment No. **5-16-0037-A1**

**To:** All Interested Parties

**From:** John Ainsworth, Acting Executive Director

**Subject:** **Description of development previously approved pursuant to 5-16-0037** granted to **Brett Cyprus**: removal of a 50-foot long by five-foot wide concrete deck cantilevered five feet over the water and replacement with a new 90-foot long concrete deck cantilevered five feet over the water with a 42-inch high tempered glass windscreen. Repair of voids beneath and behind the seawall footing and deteriorated timber pile. Removal of 2.63 square-feet of concrete overpour at the base of the seawall and installation of sheetpile (1.71 square-feet) along the face of the footing, more specifically described in the application filed in the Commission offices.

**Project Site:** 16836 Marina Bay Drive, Huntington Beach (Orange County)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Reconfiguration of the cantilevered deck by shifting it to the northern property line. The setback from the southern side property line will change from 5'-2" to 12'-8" and the setback from the northern side property line will change from 17'-0" to approximately 10'. There will be no change in the width of the deck cantilevered over the water, which will remain at 5', or the area of the cantilevered deck, which is 450 square-feet.

**FINDINGS**

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

The proposed development will not result in adverse impacts to access, biological resources, visual resources, recreation and visitor-serving resources or be affected by hazards. The development proposed will not change the amount of deck cantilevered over the water. The proposed amendment is consistent with the underlying permit approval (CDP# 5-16-0037) as previously approved and is consistent with the City's certified Local Coastal Program.

If you have any questions about the proposal or wish to register an objection, please contact Shannon Vaughn at the phone number provided above.

cc: Commissioners/File

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**EMERGENCY PERMIT**

Issue Date: November 29, 2016  
Emergency Permit No. G-5-16-0061

**APPLICANT:** OC Re-Hab 1, LLC  
13101 Barrettj Hill Circle  
North Tustin, CA 92705

**LOCATION OF EMERGENCY:**

VIA BALLENA, SHORECLIFFS GOLF COURSE, SAN CLEMENTE, ORANGE COUNTY (APNs: 691-021-01, 691-021-02)

**EMERGENCY WORK:**

One-time emergency repairs and stabilization consisting of: removal of surface debris from a 2011 landslide; installation of a 7-foot by 7-foot, approximately 2,600-foot long culvert; placement of approximately 150,000 cubic yards of fill to repair and stabilize the landslide area. The proposed work is portrayed in plans designed by GeoKinetics, titled *Plans and Specification for Slope Stabilization at Via Ballena Landslide, San Clemente, CA*, dated August 10, 2016. The area is unstable and continues to threaten four homes at the site, which are currently uninhabitable. If left unaddressed, there is potential for further failure, which could result in the complete loss of the four threatened homes. The applicant proposes to remove surface debris including plants, rocks, and rubble, in order to install a 7-foot by 7-foot, approximately 2,600-foot long culvert in order to convey overflow runoff out of the area. The culvert will be placed just outside of the landslide area at the bottom of a ravine on the Shorecliffs Golf Course in the City of San Clemente. The culvert will contain inlet drains to collect overflow runoff and maintain surface creek flows. The proposed fill will be placed on top of the culvert, landslide debris, and in the vicinity of the landslide in a series of benches that will create a 2:1 slope with a gravity buttress that will anchor the toe of the slope. The project also includes the installation of a series of back drains, terrace drains, and down drains. There are approximately 1.11 acres of state wetlands within the area, which run approximately 1,680 linear feet and include an unnamed creek, contiguous riparian canopy, and wetlands. Federal jurisdiction in the area includes 0.59 acres of wetlands and 0.52 acres of non-wetland waters that run approximately 1,680 linear feet. The repairs will affect 1,200 linear feet (0.3 acres) of the unnamed creek and 0.41 acres of the wetlands. The applicant proposes to mitigate the impacts at a 3:1 ratio after the emergency work is complete in conjunction with a coastal development permit application. The proposed work will commence on January 2, 2017 and will take approximately 210 days.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of a 2011 landslide that is currently posing a threat to structures at Via Ballena, Shorecliffs

November 29, 2016

Emergency Permit No.: G-5-16-0061

Golf Course, San Clemente, Orange County and requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 210 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth  
Acting Executive Director

By: Sherilyn Sarb  
Deputy Director

cc: Local Planning Department

Enclosures: 1) Acceptance Form

**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. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 210 days of the date of predicted commencement of work (January 2, 2017), which shall become null and void unless extended by the Executive Director for good cause.
5. The emergency work authorized by this permit is for the one-time implementation of an emergency stabilization project to stabilize an area threatened by potentially catastrophic land movement in order to avoid damage to or loss of homes in the area.
6. Pre-construction Biological Survey. Prior to commencement of any development authorized under this Emergency Coastal Development Permit, the applicant shall complete a pre-construction biological survey to identify flora and fauna that may be impacted by the proposed development. The survey shall include photographs of all vegetation areas where any work, access or other disturbance will occur. The applicant shall submit the survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey.
7. Post-construction Biological Survey. Within five days of completion of the development authorized under this Emergency Coastal Development Permit, the applicant shall complete a post-construction biological survey to identify any impacts that occurred to the flora and fauna identified in the pre-construction Biological Survey. The survey shall include photographs of all vegetation areas where any work, access or other disturbance occurred. The applicant shall submit the survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey.

Impacts to any sensitive habitat by work at the subject site addressing the identified emergency shall be addressed in the follow-up coastal development permit. By exercising this permit, the applicant agrees to mitigate impacts to wetlands, non-wetland waters, and riparian habitat at a minimum of a 3:1 ratio. Additional mitigation may be required. Approval for the site restoration and/or implementation of a mitigation plan shall occur through the follow-up coastal development permit. Any other habitat impacts shall be mitigated as outlined through the follow-up coastal development permit.

8. Biological Monitoring. An appropriately trained biologist shall monitor the proposed development for disturbance to sensitive species or habitat area. Daily monitoring shall occur during construction which could significantly impact biological resources such as



excavation. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant impacts which could occur upon sensitive species or habitat areas. Such methods may include but are not limited to use of sound attenuation measures and/or delaying or temporarily stopping work until such time that the risks to any sensitive wetland/avian species that may be present are minimized or avoided.

9. 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.
10. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
11. Consistent with the requirements of Section 13056 of Title 14 of the California Code of Regulations, a follow-up coastal development permit application was submitted by the applicant on October 19, 2016. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the work completed under the emergency permit could constitute a knowing and intentional violation of the Coastal Act<sup>1</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

If you have any questions about the provisions of this emergency permit, please contact Karl Schwing at the South Coast District Commission office at (562) 590-5071.

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<sup>1</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.