

CALIFORNIA COASTAL COMMISSION

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



W8

Prepared September 06, 2017 (for the September 13, 2017 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: South Coast District Deputy Director's Report for Orange County for September 2017

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on September 13, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 13th.

With respect to the September 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on September 13, 2017 (see attached)

Waivers

- 5-17-0244-W, Dept. of Parks & Recreation, Orange Coast District (Laguna Beach)
- 5-17-0655-W, Downey Residence (San Clemente)
- 5-17-0687-W, Mark Lindley (San Clemente)
- 5-17-0690-W, Josh Beauchaine (San Clemente)

Immaterial Extensions

- 5-15-0138-E1, Brookhurst Street Bridge (Huntington Beach)

Emergency Permits

- G-5-17-0044, Mariner's Mile LLC (Newport Beach)

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August 29, 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: 5-17-0244

Applicant: California State Parks, Orange Coast District, Attn: Todd Lewis

Location: 8471 N. Coast Hwy, Laguna Beach (Orange County)

Proposed Development: Re-pave and re-configure of ten ADA parking spaces and existing ADA accessible routes (repaving of surfaces and grades) within the southwest corner of the existing developed footprint of the Los Trancos Parking Lot to ensure ADA compliance, install new ramp handrails, bollards, install an Electric Vehicle (EV) Charging Station at one parking stall, installation of a new automated parking ticket dispenser, and construction a new 14 x 18 foot, 6 in. high peak roof Shuttle Stop Shelter within that footprint.

Rationale: The project area is in the southwest portion of the existing 14 acre paved parking lot, inland of E. Coast Hwy and inland of the Crystal Cove Historic District. The actual paved parking lot at the Los Trancos site sits slightly above the level of Pacific Coast Hwy and is surrounded by a 15' - 45' wide strip of native vegetation on all sides. The proposed project is required to comply with the Americans with Disabilities Act, additional public amenities are also proposed. The project will not result in a loss of public parking spaces; the placement of the new shelter structure is on existing paved surface. Changes to parking lot ESHA surrounding the parking lot will not be impacted by the resurfacing of ADA compliant pathways/routes. Parking fees are not proposed to be changed. The nearest public access to the beach is available down a path from the parking lot to a pedestrian tunnel running underneath Pacific Coast Hwy and connecting with the existing trail network within the Crystal Cove Historic District on the west (seaward) side of PCH and at-grade crossing at the intersection of PCH and the entry road to the Los Trancos parking lot. The proposed project design is compatible with the character of surrounding development and does not have any negative effect on visual or coastal resources, public recreation or coastal access. Also, the proposed development is consistent with the policies contained in the Crystal Cove Public Works Plan 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 its **September 13-14, 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
Executive Director

Liliana Roman
Coastal Program Analyst

cc: File

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Waiver: 5-17-0655-W

Applicant: Ryan Downey

Location: 205 Calle Potro, San Clemente (Orange County) (APN: 060-271-34)

Project Description: Construction of a new 2,900 sq. ft., single-story, 15-ft. tall single-family residence, with 566 sq. ft. garage, 246 sq. ft. covered porch, new hardscape including driveway and drainage improvements, and landscaping on a vacant interior 7,980 sq. ft. lot.

Rationale: The subject site is a 34,120 sq. ft. inland lot within the Cyprus Cove private gated community which is between the first public road and the sea. The subject site is not located on a beach, coastal bluff or coastal canyon. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP), the proposed project adheres to this land use. The proposed project is the construction of a new single family residence on a vacant lot. Adequate measures to address water quality have been incorporated into the project design and construction phase of the project. The proposed project is compatible with the character of surrounding development and will not create any new adverse impacts on existing public coastal access. Public coastal access exists in the vicinity at Calafia Beach/San Clemente State Park to the north and Trestles accessway in San Diego County to the south. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 13-14, 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.

John Ainsworth
Executive Director

Liliana Roman
Coastal Program Analyst

cc: Commissioners/File

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August 29, 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: 5-17-0687-W

Applicant: Mark Lindley

Location: 2489 S. Ola Vista, San Clemente (Orange County) (APN: 060-122-16)

Proposed Development: Demolition of a 1,500 sq. ft. single family residence and construction of a new 29-ft. tall, 3-story, 5,234 sq. ft. 2-unit duplex, each with a 428 sq. ft. attached 2-car garage, grading consisting of 680 cu. yds. cut, hardscape, drainage and landscaping improvements on a 5,698 sq. ft. inland lot. Minimal landscaping utilizing drought tolerant, non-invasive plants contained in planters is proposed.

Rationale: The subject site is a 5,698 sq. ft. inland lot. The subject site is not located on a beach, coastal bluff or coastal canyon. The site is designated as Residential Medium Density (RM) in the San Clemente Land Use Plan (LUP), the proposed project adheres to this land use. The proposed project is the demolition of a single family residence and construction of a duplex. Adequate measures to address water quality have been incorporated into the project design and construction phase of the project. The proposed project is compatible with the character of surrounding development. Public coastal access exists in the vicinity at Calafia Beach/San Clemente State Park west of the site. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 13-14, 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.

John Ainsworth
Executive Director

Liliana Roman
Coastal Program Analyst

cc: Commissioners/File

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August 31, 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: 5-17-0690-W

Applicant: Josh Beauchaine

Location: 200 Avenida de la Riviera, San Clemente (Orange County) (APN: 060-182-03)

Proposed Development: Remodel of existing 1,563 sq. ft. single family residence consisting of a 616 sq. ft. first floor addition, 616 sq. ft. new second story addition, 298 sq. ft. second level deck, demolition of existing 2-car garage, construction of a 200 sq. ft. detached 1-car garage and 178 sq. ft. Accessory Dwelling Unit (ADU) building, new 1-car carport, pool, spa, wood deck, landscaping and property line fences/walls.

Rationale: The subject site is a 10,826 sq. ft. inland lot between the first public road and the sea. The subject site is not located on a beach, coastal bluff or coastal canyon. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP); the proposed project adheres to this land use. The proposed project is a remodel of a single family residence and construction of a new ADU detached from the main residence. Adequate measures to address water quality have been incorporated into the project design and construction phase of the project. Surface area drains are directed to an underground drainage system with perforated drain lines encased in gravel for greater filtration on site. The proposed project is compatible with the character of surrounding development and will not create any new adverse impacts on existing public coastal access. The lot has a long paved driveway able to accommodate additional parking on-site for the ADU. Public coastal access exists in the vicinity at the Riviera access point. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 13-14, 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.

John Ainsworth
Executive Director

Liliana Roman
Coastal Program Analyst

cc: Commissioners/File

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**(5-15-0138-E1)**

September 5, 2017

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that the **City of Huntington Beach** has applied for a one year extension of 5-15-0138 granted by the California Coastal Commission on **August 13, 2015** for:

Bridge maintenance and repairs including: removal and replacement of the concrete barrier and chain-link railing on both side of the bridge, removal of unsound concrete and patch concrete at bridge bents and columns, and removal and replacement of the asphalt concrete (AC) overlay.

At: Brookhurst Street Bridge (Bridge No. 55C-0096) in Huntington Beach, Orange County

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

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

Sincerely,

John Ainsworth
Executive Director

Shannon Vaughn
Coastal Program Analyst

cc: Commissioners/File

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**EMERGENCY PERMIT**

Issue Date: August 11, 2017
Emergency Permit No. G-5-17-0044

APPLICANT:

Mariner's Mile, LLC
14 Channel Vista, Newport Beach, CA 92657

LOCATION OF EMERGENCY:

Bulkhead fronting 2431-2439 W. Coast Hwy, Newport Beach, Orange County APN(s): 049-150-29

EMERGENCY WORK:

Temporary reinforcement to stabilize the base/toe of an existing seawall along a 40 foot portion of an approximately 300 foot long seawall by the driving of "H" piles approximately 10 feet from the seawall on 5 foot centers with a steel trench plate stretching between piles to provide a cofferdam-like structure in order to place crushed rock in 1-cu. yd. sized synthetic bags between the piles and the seawall; synthetic bags filled with rock will also be placed approximately 10 feet seaward of the "H" piles; and placement of a five (5) new earth anchors installed 10 feet apart below the existing seawall cap to augment existing tieback rods.

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 the proposed emergency work is in response to recent visual observations of a section of the seawall having rotated 8 degrees channel-ward due to extreme erosion of the mudline, and a dive survey of the seawall conducted July 31, 2017 identifying flexure cracks along the height of many of the seawall panels, with some panels severed with gaping openings allowing earthen material to escape into the harbor, resulting in the loss of structural integrity of some of the seawall panels posing a threat to structures at 2431-2439 W. Coast Hwy. 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 30 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
Executive Director

By: Karl Schwing
Deputy Director, South Coast District, Orange County

cc: Local Planning Department

Enclosures: 1) Acceptance Form;
2) Regular Permit Application Form

this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. 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 emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 60 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

10. Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ 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.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ 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.

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 within coastal waters requires separate authorization from the Executive Director. This emergency permit approval shall in no way be construed as allowing impacts to existing waterfront vertical or lateral public access at the subject site including but not limited to the public access required pursuant to Coastal Development Permit No.s 5-84-634 and 5-87-318.
3. This emergency permit shall not become effective for any portion of the emergency work that is located in the City of Newport Beach's permit jurisdiction including but not limited to the proposed five new earth anchors on the landside of the subject property, until a notification is received from the City of Newport Beach agreeing to a consolidated emergency permit issued by the Commission pursuant to Coastal Act Section 30601.3. Alternatively, the applicant may obtain separate emergency permit authorization for that part of the emergency work in the City of Newport Beach's jurisdiction.
4. 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.
5. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work is considered TEMPORARY and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from 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.
9. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in

Confidential



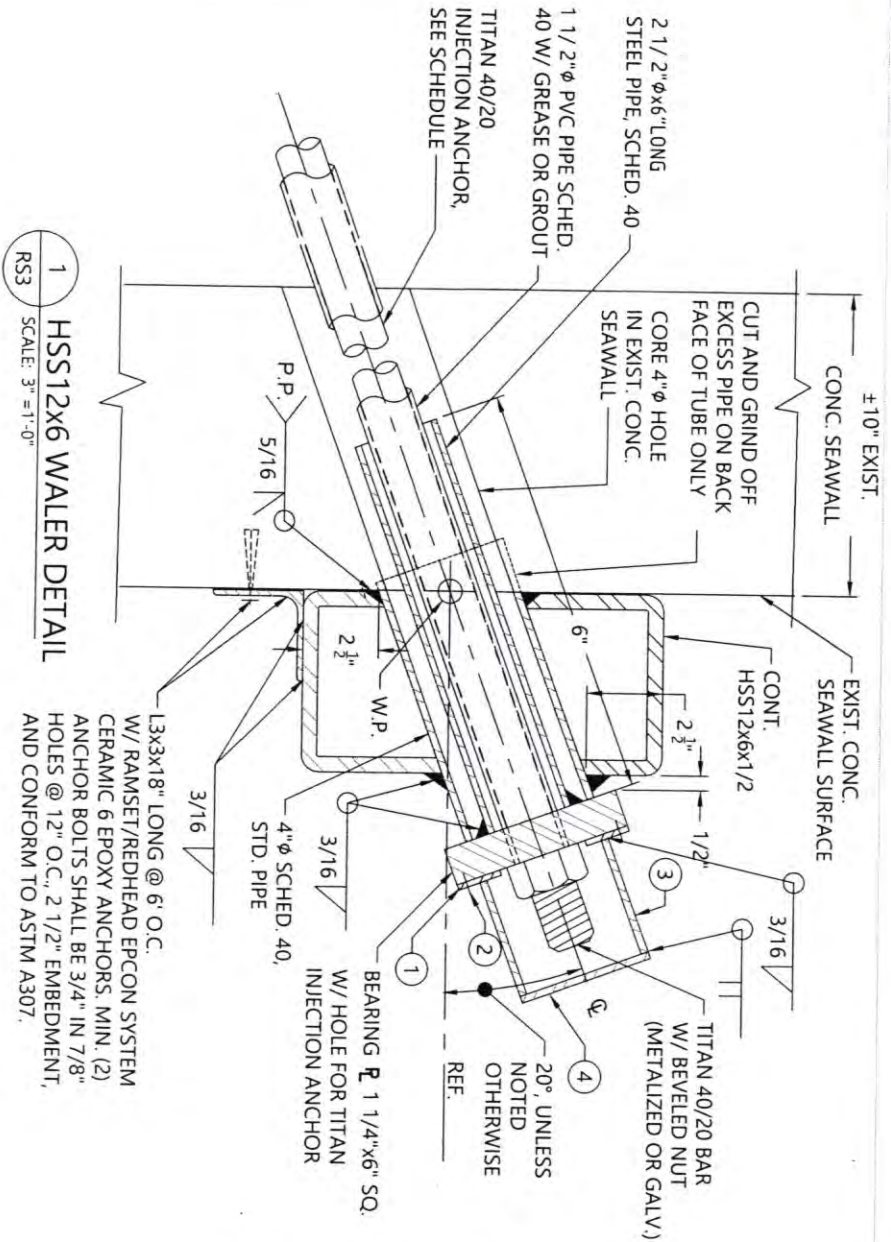
1. EARLY CONCEPT FOR DISCUSSION.
2. GEOTECHNICAL DATA REQ'D FOR TIEBACK LENGTH.

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DRAFT

Confidential



NOTES:

1. ALL ENDS OF TUBES SHALL BE COPPED W/ 1/4" PLATE WELDED ALL AROUND & GROUND SMOOTH FOR APPEARANCE.
2. ALL STEEL WORK SHALL BE SURFACE-PREPARED AND COATED W/ 12 DRY MILLS OF AMERLOCK 400 DISTRIBUTED BY PPG.

KEYED NOTES:

1. $\text{R } 6 \times 6 \times 3/16$ W/ 3" ϕ HOLE @ CENTER, COATED SURFACE BETWEEN $\text{R } 3/16$ & BRG. R W/ ELASTO-THANE METAL PRIMER AND ELASTO-THANE 230 JOINT SEALANT.
2. DRILL & TAP BRG. R FOR (4) 3/8" ϕ MACHINE BOLTS
3. 4" ϕ SCHED. 40 STEEL PIPE
4. $\text{R } 3/16 \times 4.5 \phi$

TITAN 40/20 TIE-BACK SCHEDULE	
	SEAWALL PANEL
ROD FORCE:	22,000 LBS.
PROOF LOAD:	28,000 LBS.

SOURCE: Pierhead, Bulkhead, Project lines and Aerial photograph from City of Newport Beach Data Catalog. Landscape development and survey plans provided by client.

- NOTES:
1. EARLY CONCEPT FOR DISCUSSION.
 2. GEOTECHNICAL DATA REQ'D FOR TIEBACK LENGTH.





NOTES:

1. EARLY CONCEPT FOR DISCUSSION.
2. GEOTECHNICAL DATA REQD FOR TIEBACK LENGTH.

ANCHOR
QEA

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSISON
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

RE: Emergency Permit No. G-5-17-0044

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the South Coast District Office Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Development Permit is necessary for any permanent installation. I agree to complete the regular Coastal Development Permit application within 30 days of the date of the emergency permit or I will remove the emergency work in its entirety within 60 days of the date of the emergency permit (i.e., by October 10, 2017). Finally, I understand that my failure either to:

- a) submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or 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.

Signature of Property Owner or
Authorized Representative

Address: _____

Print Name

Date of Signing