

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



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Prepared June 05, 2019 (for the June 14, 2019 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 June 2019

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 June 14, 2019. 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 June 14th.

With respect to the June 14th 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 June 14, 2019 (see attached)

Waivers

- 5-19-0211-W, Highland Residence (Laguna Beach)
- 5-19-0245-W, Cathie Betz (Huntington Beach)
- 5-19-0412-W, Band on the Sand (Seal Beach)

Immaterial Amendments

- 5-17-0167-A1, City of Seal Beach - Pier Improvements & Utility Lines (Seal Beach)

Emergency Permits

- G-5-19-0020, Talbert Ocean outlet & Huntington Beach Least Tern Pres. (Talbert Ocean Outlet And Huntington Beach Least Tern Preserve, Huntington Beach, Ca 92646 (Orange County))

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LONG BEACH, CALIFORNIA 90802-4830
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WWW.COASTAL.CA.GOV



May 31, 2019

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: 5-19-0211-W **Applicant:** Highland Joint Trust

Location: 29 La Senda Drive Laguna Beach, Orange County (APN: 056-171-30)

Proposed Development: Demolish existing 1, 571 sq. ft. single-family residence, garage, and accessory structure. Construct a three-level, 33-ft. high, 4,047 sq. ft., single-family residence, with attached, 763 sq. ft., 3-car garage, pool & spa

Rationale: The project site is located seaward of Pacific Coast Highway and located within the existing locked gate community of Three Arch Bay, one of the areas of deferred certification in the otherwise certified City of Laguna Beach due to public access issues. The closest public access point is located approximately 0.3 miles north of the project site at 1000 Steps Beach. The area is zoned low-density residential by the City and the proposed project conforms to the permitted uses and development standards for the low-density zone. The residence is on an inland lot, not a bluff-edge lot. Public coastal views will not be impacted by the project. The applicant has indicated that eight caissons are required to support the proposed pool in order to eliminate settlement. However, given that the lot is relatively flat and is not located along a bluff edge, the caissons are not designed to serve as a slope/bluff protective device and will not have any impact on the visual resources in the area. Two onsite parking spaces will be provided, consistent with the Commission's parking requirements. Runoff will be managed onsite using downspouts, deck drains, and atrium drains to direct runoff to the public storm drain system. In addition, Best Management Practices, including erosion and runoff controls, will be implemented during the project's construction phase. 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 its **June 12-14, 2019** 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

Amrita Spencer
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 3011 OCEAN BLVD
 LONG BEACH, CALIFORNIA 90802-4116
 PH: (562) 590-5071 FAX: (562) 590-5084
 WWW.COASTAL.CA.GOV



May 24, 2019

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: 5-19-0245-W **Applicant:** Cathie Betz

Location: 16862 Pacific Coast Highway, Sunset Beach (Orange County) (APN: 178-532-37)

Proposed Development: Enclose two existing parking spaces in an existing five space parking area resulting in a 358 square foot, 14 foot high garage to serve the existing single unit residence located on the top floor of an existing mixed use structure. A 169 square foot deck with a 42" high, solid railing wall is proposed atop the garage. No change is proposed to the existing uses (1st floor kayak rental and single unit residence) at the site. No change to existing square footage (1214 sq. foot commercial and 1254 sq. ft. residential) or 29 foot height of the existing mixed use structure is proposed. Three on-site parking spaces will remain to serve the kayak rental business. No change is proposed to existing parking other than the proposed enclosure.

Rationale: The subject site is a 2,750 sq. ft. lot that fronts on Sunset Channel in Huntington Harbour and is located between the first public road and the sea. Eleventh St. beach is immediately adjacent to the site and is a popular spot for hand launching watercraft such as kayaks, canoes and paddleboards into the harbor. The proposed development will not interfere with the continued use of the existing kayak rental commercial use at the site. The City zoning at the subject site is Sunset Beach Tourist, which allows the kayak rental use and the residential use above the ground floor. The proposed project conforms to the City zoning's 35 foot height limit. The proposed development meets the City's and Commission's standard of 2 on-site parking spaces per residential unit, and the City zoning standard of 1 on-site space for 400 sq. ft. of boat rental facility. The proposed development will have no impact on existing site drainage. The proposed development will not adversely impact visual or coastal resources, public access, or public recreation opportunities, and will not prejudice the City's ability to prepare a certified Local Coastal Program for the area. Additionally, the proposed development is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **June 12-14, 2019** 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

Meg Vaughn
 Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 301 E. OCEAN BLVD., SUITE 500
 LONG BEACH, CALIFORNIA 90802
 PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



May 31, 2019

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.

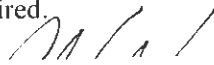
Waiver: 5-19-0412-W**Applicant:** Band on the Sand**Location:** 1st St. Beach Lot, Seal Beach, Orange County (APN: 043-171-04)

Proposed Development: Temporary non-profit event on July 3, 2019 from 10:00 a.m. to 10:00 p.m. (including set-up and break down) located partially on the 1st Street beach parking lot, sandy public beach, and windsurfing staging area seaward of the River's End Cafe in Seal Beach. The proposed event expects around 4,000 guests, and will include 100 sponsored VIP tables and 1000 chairs (to be set up on the sand), a stage, and vendor booths to be set up on the grassy areas adjacent to the parking lot. Approximately ten food trucks will occupy 28 public parking spaces on the southeast portion of the parking lot. Approximately 80 additional parking spaces will be provided for the event at the Chase Bank parking lot (801 Pacific Coast Highway) and the Church of Religious Science parking lot (500 Marina Drive), and free shuttle service will be provided for these remote parking lots. There will be no charge for admission, and the beach, excluding the sponsored tables, will remain open to the public.

Rationale: According to the *Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements* ("Guidelines") the Executive Director may exclude from permit requirements all temporary events except those which meet all of the following criteria: 1) the event is held between Memorial Day weekend and Labor Day; 2) the event will occupy all or a portion of a sandy beach area; 3) the event will involve a charge for general public admission or seating where no fee is currently charged for use of the same area. In this case, the proposed event will occur between Memorial Day and Labor Day, will occupy a portion of the public sandy beach area, and does involve a fee for VIP admission to the event. Therefore, according to the Guidelines, the subject temporary event requires a coastal development permit. However, the actual event is less than one day in duration, including set-up and break-down. Furthermore, while the event charges admission for approximately 25 percent of the VIP participants, 75 percent of the public enjoys free admission to event as well. Impacts to beach parking are mitigated by offsite parking and a free shuttle. Therefore, the proposed event will have no adverse impact upon public access to the shoreline. The event received preliminary approval by the City of Seal Beach on May 30, 2019.

This waiver will not become effective until reported to the Commission at its **June 12-14, 2019** 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


 Alexander Yee
 Coastal Program Analyst

cc: File

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LONG BEACH, CALIFORNIA 90802-4830
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WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-17-0167-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **5-17-0167-A1** granted to **David Spitz, City of Seal Beach, Public Works, Engineering Division** for: Upgrading of utility lines on the municipal pier (including water, sewer, gas and electrical lines), and making structural repairs (to cracked concrete encasements, broken piles, handrails, stringers, braces, and some timber decking).

Project Site: 211 8th St, Seal Beach, Orange County (APN: 199-052-29)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes, shown in **bold underline** to Special Condition 2 of the underlying CDP:

2. Timing of Construction and Public Access. By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the pier, adjacent beaches, or public parking lots resulting from construction activities as required below:

A. No construction **that would interfere with public access** shall occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

B. The majority of construction work will take place between the hours of 7am and 8pm. The pier will be opened to the public (from bent 0 to bent 74, as generally depicted in **Exhibit 4**) between the hours of 6am and 10pm except in construction zones for public safety purposes. Work will only take place during the hours of 10pm and 6am to facilitate construction activities impacting the entire width of the pier deck (between bent 0 and bent 74) which would render public access unsafe.

C. If construction activities are not complete prior to Memorial Day weekend and cannot be stayed due to reasonable safety or feasibility reasons until after Labor Day weekend, the applicant shall submit, in writing, an amendment request detailing the need to continue construction activities during "peak use" and include a construction timing plan that does not interfere with public access to the pier or shoreline, including, but not limited to the following:

Notice of Proposed Immaterial Permit Amendment

5-17-0167-A1

1. Construction laydown/staging/storage area will not be located in the beach parking lots, on the beach, or on the pier and will in no way impact beach or pier parking available to the public between Memorial Day weekend and Labor Day weekend.
2. Construction activities, including loading in and cleaning up materials, will only take place between the hours of 10:00 p.m. and 6:00 a.m.
3. The pier shall remain open to the public, consistent with subsection B of Special Condition 2 above, during the hours of 6:00 a.m. to 10:00 p.m.
4. No construction materials, other than those required to maintain public safety, shall remain on the pier between the hours of 6:00 a.m. and 10:00 p.m.
5. The applicant shall make a concerted effort to complete all construction activities as soon as possible in order to minimize the disruption to public access to the beach, shoreline, and pier during "peak use."

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 City is requesting to continue construction activities to the pier between Memorial Day Weekend and Labor Day Weekend, which is expressly prohibited by Special Condition 2 of the underlying CDP. As originally planned, the City was not able to complete repairs to the pier prior to the start of Memorial Day Weekend due to unforeseen delays in obtaining appropriate materials to repair the damaged pier decking. The City anticipates receiving the required materials by mid-June and has stated that, once they receive the materials, the final repairs to the pier will take about four weeks to complete, thereby ending in about mid-July.

In order to provide maximum and safe public access to the pier during peak use construction activities, the City has proposed to undertake construction activities only at night between the hours of 10:00 p.m. and 6:00 a.m. and to fully open the pier to the public between 6:00 a.m. and 10:00 p.m. daily. In order to maintain maximum public access to the beach, shoreline, and pier during peak use, the City has proposed to not use the nearby beach parking lots as a construction staging area, as approved in the underlying CDP, while construction activities are being carried out during peak use. In addition, the City has proposed the removal of all construction materials from the pier by 6:00 a.m. and will not load in or stage any construction related materials on the pier prior to 10:00 p.m. daily during peak use construction activities.

The City's proposal to amend CDP 5-17-0167 is reflected in the changes to Special Condition 2 shown in **bold underline** above. Special Condition 2 prohibited construction activities during the "peak use" beach season in order to maintain maximum public access to the beach, pier, and shoreline. The proposed modified language of Special Condition 2 does not lessen the intent of the condition, which was intended to protect public access to the beach, pier, and shoreline.

Notice of Proposed Immaterial Permit Amendment

5-17-0167-A1

The above mentioned actions are minor modifications that are being implemented under the existing, amended permit, and the modifications do not conflict with any of the conditions or terms of the underlying coastal development permit. The amendment is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and will not prejudice the City's ability to prepare an LCP.

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

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

**EMERGENCY PERMIT****MAY 3, 2019****EMERGENCY PERMIT: G-5-19-0020****APPLICANT:** Orange County Public Works
c/o Giles Matthews**LOCATION:** Talbert Ocean Outlet and Huntington Beach Least Tern Preserve, Huntington Beach, Orange County**EMERGENCY WORK PROPOSED:** In order to protect the preserve and stop the active erosion, the applicant proposes to remove sediment from the Talbert Channel outlet and deposit sediment seaward of the Least Tern Preserve fence line. Work will occur in the intertidal zone.

This letter constitutes approval of the emergency work you or your representative has requested, as modified herein, to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of: a natural shift in the alignment of the Talbert Ocean outlet toward the south west corner of the Least Tern Preserve is actively eroding the sand near the Preserve's fence line. The Least Tern (a sensitive bird species) prepare nests on the beach sand in late April. Should the fence collapse, the Terns will be exposed to predators and the nests could be destroyed. This requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit:
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and,
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the attached conditions.

Sincerely,
John Ainsworth
Executive Director

By: Karl Schwing
Title: Deputy Director