

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
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# W8a

## ADDENDUM

October 2, 2020

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W8a, APPLICATION NO. 5-19-0218 FOR THE COMMISSION MEETING OF WEDNESDAY, OCTOBER 7, 2020.**

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### I. CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report dated September 17, 2020 to make the following modifications. This non-substantial modification corrects a typographic error in the described development, and explicitly clarifies the implicit requirement that the development be on property for which the applicant has adequate legal interest. Language to be added to the conditions and findings is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

#### a. Changes to Special Condition 1.B, page 5, revise as follows:

##### 1. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the permittee(s) agree, on behalf of themselves and all other successors and assigns, that the project is new development for which there is no right to shoreline protection and hereby waives on behalf of himself, and all other successors and assigns, any rights that may exist under applicable law to construct a shoreline protective device to protect the development approved pursuant to Coastal Development Permit No. **5-19-0218**, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural coastal hazards in the future.
- B. By acceptance of this permit, the permittee(s) further agree, on behalf of themselves and all successors and assigns, that the permit authorizes the development only for so long as the permittee has adequate legal interest in the property and that the permittee is required to remove the development authorized by this permit, including

the restaurant and patio residence and yard improvements, if the structure is either no longer authorized to remain pursuant to a valid State Lands Commission lease or if any ~~other~~ government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices.

- C. In the event that portions of the development fall to the beach before they are removed, the permittee(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the beach and Pacific Ocean.