

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 March 05, 2020 (for the March 12, 2020 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 March 2020**

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 March 12, 2020. 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 March 12th.

With respect to the March 12th 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 March 12, 2020 (see attached)

Waivers

- 5-20-0050-W, Monaco drive (Laguna Beach)

Immaterial Amendments

- 5-13-0678-A1, Brion Jeannette Architecture (Corona Del Mar)

Emergency Permits

- G-5-19-0043, City of Newport Beach (Newport Beach)
- G-5-19-0058, Bayside Village Marina walkway repairs (Newport Beach)
- G-5-20-0007, City of Laguna Beach (Pearl Street Right-Of-Way Per Attached Apn Map)
- G-5-20-0011, Hhmc Group LLC / Hany Dimitry (Laguna Beach)

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



February 27, 2020

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: 5-20-0050-W**Applicant:** Ronald & Cindy McMackin**Location:** 2538 Monaco Drive, Laguna Beach, Orange County (APN: 053-316-11)

Proposed Development: Construction of a detached approximately 723-square-foot, 11.5-foot high (above grade), one-story accessory dwelling unit, approximately 179 square feet net reduction of patio space, and new trellises. The site is currently developed with an existing 2,824-square-foot, 13.2-foot high (above finished floor), one-story single-family residence with an existing 480-square-foot two-car garage. No work is proposed to the existing single-family residence.

Rationale: The project site is located on a developed 11,000-square-foot lot, located seaward of Pacific Coast Highway, within the existing locked gate community of Irvine Cove (one of the areas of deferred certification in the City of Laguna Beach due to public access restrictions). The lot is not a bluff top or oceanfront lot, but is located between the sea and the first public road. The lot 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. There is an existing two-car garage on the site and additional parking spaces in the driveway of the existing residence, consistent with the Laguna Beach LCP which may be used for guidance. Public coastal access exists in the project vicinity at Crystal Cove State Park (approximately one and a half mile upcoast) and at Crescent Bay (approximately one mile down-coast). Existing permeable areas will allow for percolation of stormwater. The proposed development is compatible with the character of surrounding development and 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 **March 12, 2020** 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

Marlene Alvarado
Coastal Program Analyst

cc: File

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February 28, 2020

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-13-0678-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **5-13-0678-A1** granted to **Nizar & Nada Tannir** for:
Demolition of existing three-level, 3,100 sq. ft. single family residence and attached 2-car garage on a coastal bluff face and construction of a new 7,197 sq. ft. three-level single-family with three levels of cantilevered decks, attached two-car garage and a second 1-car garage at the toe of the bluff; demolition and re-construction of a portion of an existing wood stairway on the bluff face; landscaping and hardscape improvements including two new driveways; retaining walls; 1,283 cubic yards of cut; and drilled caisson and grade beam foundation for the residence only.

Project Site: 3235 Ocean Blvd, Corona Del Mar, Orange County (APN: 052-120-54)

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):

Install a new pool, spa, patio, storage/pool bathroom, wet bar, and landscaping at the toe of bluff in the rear yard; modify the location of the previously approved stairway on the bluff face; and install a 3 ft. high slough wall along the line of the bluff toe.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

Notice of Proposed Immaterial Permit Amendment
5-13-0678-A1

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed amendment does not conflict with any of the conditions or terms of the underlying coastal development permit and will not result in any adverse impacts to coastal resources or access. The proposed amendment conforms to the zoning requirements of the City of Newport Beach certified LCP, which was certified after the underlying CDP 5-13-0678 was approved by the Commission. The accessory structures are authorized within a specific zone at the toe of the bluff pursuant to LCP policies. The proposed slough wall will not act as a bluff protective device as it extends only 3 ft. below natural grade which is not enough to hold back the entire slope; its purpose is to prevent loose soil from reaching the landscape and hardscape areas at the toe of the bluff. Proposed new landscaping consists of low-water use, non-invasive plants. Proposed pool protection glass rail meets the height requirement of the certified LCP. Therefore, staff is recommending that the Commission grant the amendment request.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Vince Lee at the phone number provided above.

cc: Commissioners/File

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**EMERGENCY PERMIT**

Issue Date: February 14, 2020
Emergency Permit No. G-5-20-0007

APPLICANT:

City of Laguna Beach (Attn: Shohreh Dupuis, Assistant City Manager)
505 Forest Avenue
Laguna Beach, CA 92651

LOCATION OF EMERGENCY:

Public beach adjacent to Pearl Street public beach access stairway

EMERGENCY WORK:

Installation of clean fill materials and approx. 200 tons of rip-rap within approx. 200 sq. ft. area at foot of Pearl Street public beach-access stairway. Project will necessitate closure of stairs and adjacent beach area for approximately one week to accommodate construction.

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 extreme slope erosion threatening the Pearl Street public beach access stairway 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

A handwritten signature in black ink, appearing to read "Karl Schwing", is written over a horizontal line.

by: Karl Schwing
Deputy Director

Enclosures: 1) Emergency Permit Acceptance Form;
2) Regular Coastal Development Permit Application 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. Authorized work is limited to the development identified on the plans submitted February 13, 2020 identified as Pearl Street Beach Access Emergency Slope Stabilization. Any additional work requires separate authorization from the Executive Director.
3. This permit does not authorize any unpermitted development which may have occurred or may exist on the property.
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. Construction materials, equipment, or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion.
5. PRIOR TO CONSTRUCTION, the permittee shall submit for review and written approval of the Executive Director, a Best Management Practices Plan that ensures no construction byproduct will be allowed outside of the project area onto the sandy beach or into coastal waters. The applicant shall undertake the development in accordance with the approved Plan. Any proposed changes to the approved Plan shall be reported to the Executive Director, who shall determine whether a coastal development permit is required.
6. The work authorized by this permit is temporary and must be completed within ninety (90) days of the date of this permit, or as extended by the Executive Director through correspondence. 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.
7. Within ninety (90) days of the date of this permit, the permittee shall submit a complete application for a regular coastal development permit. The Executive Director may grant additional time for good cause. In the event that permanent retention of this development is requested in the application for a regular coastal development permit, the applicant shall submit a report prepared by a licensed engineer identifying alternatives to the proposed project to reduce the occupation footprint of the sandy beach and surf zone by errant rock and other debris including retrieving errant rock on the sandy beach and in the surf zone in the vicinity of the project site. The report shall identify the opportunity to either restack this

February 14, 2020

Emergency Permit No.: G-5-20-0007

errant rock or export it to an approved disposal site. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

8. 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.
9. 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.
10. Failure to a) submit a complete follow-up CDP Application that complies with Condition 7 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.

CALIFORNIA COASTAL COMMISSION

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



CORRECTED
EMERGENCY PERMIT

DATE: MARCH 2, 2020

EMERGENCY PERMIT: G-5-20-0011

APPLICANT: HHMC Group LLC/Hany Dimitry

LOCATION: 31987 and 31981 So Coast Highway, Laguna Beach, Orange County

EMERGENCY WORK PROPOSED: The upper portion of a concrete block wall topped by a wood fence along approximately 55 feet at the seaward end of the sideyard property wall located between 31987 and 31981 So. Coast Highway has failed. The concrete block and wood fence in turn sit atop a poured in place concrete wall. The poured in place concrete wall was not damaged and will remain in place as is. The fallen portion of the wall is now resting on the neighboring residence (at 31981), which blocks the only secondary egress from the 31981 property, and would threaten life in the event the front door is blocked due to emergency or other unforeseen circumstance. In addition, the failed wall is unstable and could cause further property damage and/or injury. The applicant will remove the failed wall and install a temporary construction fence on the 31987 property. The damaged fence/wall will be removed by bolting supporting horizontal lumber beams onto the fallen structure, connecting rope to the fallen structure via bracket saddle, and manually pulling the fence/wall back onto the 31987 property. The debris will be manually loaded into a dump truck on the 31987 property and then disposed of off-site at a certified landfill. During the removal operation, the fallen wall will be supported on the 31981 property with horizontal lumber beams and "kicker" supports between the damaged wall and the residence. The temporary chain link construction fencing with green mesh wind screen will be supported on fencing posts placed every six inches adjacent to the northwest property line on the 31987 property, which is otherwise currently vacant. Removal of the damaged fence/wall and installation of the temporary construction fence is expected to take 48 hours to complete once authorization to proceed is received.

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 collapse of the property line wall onto the neighboring residence threatening the neighboring property 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.

Jack Ainsworth
Executive Director

for 
Karl Schwing
Deputy Director

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the permittee and returned to our office within 15 days.
2. Only that work specifically described above and for the specific properties listed above is authorized by this permit. Any additional work requires separate authorization from the Executive Director or appropriate Coastal Development Permit approval authority.
3. The work authorized by this permit must be completed within 60 days of the date of this permit.
4. Methods for erosion control shall be maintained around the project site in conjunction with the authorized development. Construction staging activities and equipment and materials storage areas shall not be located on beaches or in any other sensitive habitat area. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the development, shall be managed such that these materials/chemicals don't pass into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
5. The emergency work is considered to be temporarily authorized pursuant to this permit. The applicant must obtain a follow-up Coastal Development Permit for the work undertaken pursuant to this permit. A regular permit would be subject to all of the provisions of the City of Laguna Beach certified Local Coastal Program and the public access policies of the California Coastal Act and may be conditioned accordingly.
6. In exercising this permit the permittee 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.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
8. The applicant shall provide written notification to the Executive Director of the date and time that the work will commence at least two (2) business days prior to commencement of the work.

Condition number five (5) indicates that the emergency work is considered to be temporary work done in an emergency situation. A follow-up Coastal Development Permit must be obtained. A regular coastal development permit would be subject to all of the provisions of the City of Laguna Beach certified Local Coastal Program and the public access policies of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages, if required under the Coastal Act.

If you have any questions about the provisions of this emergency permit, please call the Commission office in Long Beach (562) 590-5071.

Enclosures: Acceptance Form
cc: Laguna Beach Community Development Department

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY PERMIT**

Issue Date: October 14, 2019
Emergency Permit No. G-5-19-0043

APPLICANT:

City of Newport Beach
Attn. Jim Campbell, Deputy Community Development Director
100 Civic Center Drive, First Floor Bay B
Newport Beach, CA 92660

LOCATION OF EMERGENCY:

Public access easement seaward of 2806 Lafayette Ave. Newport Beach, CA 92663

EMERGENCY WORK:

The City of Newport Beach will remove portions of the public walkway that have collapsed into the Bay and remove portions of the walkway that are structurally unstable and install temporary protective railings on the remaining portions of the walkway. The City will replace two piles and replace the walkway and the railings within 45 days or so under a separate CDP application.

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 collapsed public walkway 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.

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Karl Schwing", is written over a horizontal line.

Karl Schwing
Deputy Director for Orange County

October 14, 2019

Emergency Permit No.: G-5-19-0045

cc: Local Planning Department

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

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to the South Coast District 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. Any impacts to Eelgrass must be documented and reported to the Executive Director within 30 days of completion of the work.
3. 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.
4. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall 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. In some instances, a permit may be needed for removal.
5. The City or the property owner of 2806 Lafayette Ave. shall be required to reconstruct the public walkway like-for-like in a follow up CDP, and application for which shall be submitted within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, as further described in the attached Notice of Violation.
6. Construction staging activities and equipment and materials storage areas shall not be located in the open coastal waters, wetland areas or in any other environmentally sensitive habitat area. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass

October 14, 2019

Emergency Permit No.: G-5-19-0045

into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

7. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
8. In exercising this permit, the permittee 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.
9. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the U.S. Army Corps of Engineers.

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**EMERGENCY PERMIT**

Issue Date: October 14, 2019
Emergency Permit No. G-5-19-0043

APPLICANT:

City of Newport Beach
Attn. Jim Campbell, Deputy Community Development Director
100 Civic Center Drive, First Floor Bay B
Newport Beach, CA 92660

LOCATION OF EMERGENCY:

Public access easement seaward of 2806 Lafayette Ave. Newport Beach, CA 92663

EMERGENCY WORK:

The City of Newport Beach will remove portions of the public walkway that have collapsed into the Bay and remove portions of the walkway that are structurally unstable and install temporary protective railings on the remaining portions of the walkway. The City will replace two piles and replace the walkway and the railings within 45 days or so under a separate CDP application.

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 collapsed public walkway 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.

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read 'Karl Schwing', written over a horizontal line.

Karl Schwing
Deputy Director for Orange County

October 14, 2019

Emergency Permit No.: G-5-19-0045

cc: Local Planning Department

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

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to the South Coast District 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. Any impacts to Eelgrass must be documented and reported to the Executive Director within 30 days of completion of the work.
3. 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.
4. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall 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. In some instances, a permit may be needed for removal.
5. The City or the property owner of 2806 Lafayette Ave. shall be required to reconstruct the public walkway like-for-like in a follow up CDP, and application for which shall be submitted within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, as further described in the attached Notice of Violation.
6. Construction staging activities and equipment and materials storage areas shall not be located in the open coastal waters, wetland areas or in any other environmentally sensitive habitat area. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass

October 14, 2019

Emergency Permit No.: G-5-19-0045

into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

7. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
8. In exercising this permit, the permittee 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.
9. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the U.S. Army Corps of Engineers.

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD. SUITE 300
LONG BEACH, CA 90802

RE: Emergency Permit No. G-5-19-0043

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the South Coast District 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 Permit is necessary to make it a permanent installation. I agree to apply for a regular Coastal Permit within 90 days of the date of the emergency permit, (i.e. by 1/14/2020)
~~OR I will remove the emergency work authorized by such permit in its entirety within 270 days of the date of the emergency permit (i.e. by N/A).~~

Signature of property owner or
Authorized representative

Name

Address

Date of Signing

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY PERMIT**

Issue Date: December 13, 2019

Emergency Permit No. G-5-19-0058

APPLICANT: Bayside Village Marina, LLC
300 East Coast Highway
Newport Beach, CA 92660

LOCATION OF EMERGENCY: 300 Coast Highway, Newport Beach, Orange County (APN: 440-132-60)

EMERGENCY WORK: Installation of 14 helical anchors along an approx. 100 linear foot section of existing seawall fronting the marina. Anchors will be installed into the face of the seawall above the water line and drilled into a trench landward of the seawall. Excavated material for the trench will be stockpiled and covered until re-used as backfill after helical anchors have been installed. No work in the waters of Newport Bay is proposed.

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 structural failure of the existing tieback system and expansion of a crack in the existing pedestrian promenade poses a threat to the promenade, bulkhead, dock floats and Newport Bay at 300 Coast Highway, Newport Beach, 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 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.

John Ainsworth
Executive Director

By: Karl Schwing
Deputy Director, Orange County

cc: Newport Beach Community Development Department

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

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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. Work is further limited to the section of seawall identified on the plans dated 11/19. Any additional work requires separate authorization from the Executive Director. Nothing in this emergency permit shall be construed or interpreted as authorizing any existing unpermitted development that may exist on the project site.
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 30 of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. 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.
6. 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.
7. 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.
8. Within 90 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 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.

9. 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.