

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



W13

Prepared September 30, 2021 (for the October 13, 2021 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 October 2021**

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 October 13, 2021. 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 October 13th.

With respect to the October 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 October 13, 2021 (see attached)

Waivers

- 5-21-0171-W, Conduct geotechnical investigation (Adjacent To Hellman Channel)
- 5-21-0233-W, SFRE, LLC (Laguna Beach)
- 5-21-0374-W, East Garden Grove Wintersburg Channel maintenance road/public trail repairs (Just Inland of Pch, Huntington Beach, Ca 92648)
- 5-21-0476-W, Addition and remodel of 2-story residence (Seal Beach)
- 5-21-0652-W, Revision to 5-21-0168-W (San Clemente)

Immaterial Extensions

- 5-18-1214-E1, Imamu & Tasha Tomlinson (17-B Surfside Ave., Surfside, Ca 90743 (Orange County))

Emergency Permits

- G-5-21-0037, Temporary shoreline protection (Dana Point)
- G-5-21-0039, Metro/OCTA Railroad Repairs at Cyprus Shores, San Clemente (N 33 23'42.00" W 117 25'57.60")

CALIFORNIA COASTAL COMMISSION

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



September 29, 2021

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: 5-21-0171-W

Applicant: City of Seal Beach, Public Works Department, Attention: Iris Lee

Location: 1st Street and northeast of the intersection of 1st Street and Pacific Coast Highway, Seal Beach, Orange County (APN(s): 043-160-31, 095-010-67)

Proposed Development: The proposed project is a series of boreholes associated with a geotechnical investigation. The boreholes would be drilled in a City street and within a developed asphalt access roadway that parallels an existing water main (that serves the Old Town neighborhood of the City) in a City of Seal Beach easement within property that contains a part of the Los Cerritos Wetlands complex, near the Haynes Cooling Channel. More specifically, the proposed development will involve a drill rig mounted with a hollow-stem auger that will be used to advance the ten (10) six-inch diameter boreholes to the target depth of 20 to 25 feet below existing grade. Disturbance will be limited to the areas of the boreholes. No drilling activities will disturb soils designated as wetlands. Upon completion of the investigation, boreholes will be filled with native materials & asphalt cold patch in the existing asphalt roadway.

Rationale: The proposed project is located on property owned by the Los Cerritos Wetland Authority (LCWA) and Hellman Properties. The City of Seal Beach holds an easement on the property for the water main; additionally, the City and LCWA have a Memorandum of Understanding for the proposed project and planning for the future re-lining of the existing water main or relocation to another alignment. A future project that would re-line or relocate the water main could have short and long-term impacts on the wetlands and will require an alternatives analysis, coordination with tribal representatives, resource agencies, and interested parties. This preliminary investigation, however, does not anticipate any impacts to coastal resources including cultural resources at the site.

Coastal Development Permit De Minimis Waiver
5-21-0171

A Cultural Resources Inventory and Assessment was conducted, and no cultural resources were found onsite, but were found within a half-mile area surrounding the area. A field survey also did not identify any cultural material, resources or deposits associated with human occupation or use of the area more than 50 years in age. Lastly, a Sacred Lands File Search was positive. Commission staff sent notification letters on August 23, 2021 to the Native American individuals/organizations with documented ties to the area and no responses were received. Commission staff followed up by phone on September 15, 2021. The project does not change the status of the land as sacred land. The applicant proposes to retain a biological monitor during the geotechnical investigation to ensure no habitat is impacted. As indicated in the applicant's Cultural Resources Inventory and Assessment and proposed by the applicant, if cultural resources are encountered during construction activities, all work in the immediate vicinity of the find must stop, and a qualified archaeologist shall be contacted immediately. Furthermore, if any human remains are encountered or in the event that unassociated funerary objects or grave goods are discovered, no further work shall continue until the County Coroner has made all the necessary findings pursuant to Public Resources Code Section 5097.98. The construction staging area will be located along 1st Street and along the paved access roadway. In order to protect water quality, best management practices are proposed, consisting of sandbags and other avoidance measures. The proposed project development would not have any negative effects on visual or coastal resources, public recreation, or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its October 13-15, 2021 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

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



September 29, 2021

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

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 13250(c), Section 13252(e), or Section 13253(c), 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: 5-21-0233-W

Applicant: SFRE, LLC

Location: 112 S. La Senda Dr, Laguna Beach (Three Arch Bay), Orange County (APN: 056-193-75)

Proposed Development: Replacement of an existing 1-story structural steel frame within the first-floor exterior wall framing at the rear (west) elevation of an existing single -family residence. The area of work is within the 25-foot top of a bluff setback area. The new frame will be attached to the existing foundation, thus there is no foundation demolition proposed and no new/added foundation proposed.

Rationale: The project site consists of a 4,980 sq. ft. single-family residence located on a 13,090 sq. ft. oceanfront bluff lot, within the private gated community of Three Arch Bay. The residence is nonconforming with respect to the structural bluff edge setbacks. The proposed structural steel frame replacement would not result in an individual or cumulative alteration of 50 percent or more of any structural element (including the exterior walls, foundation, roof structure, or structural framing elements). Therefore, the proposed development is considered a minor improvement that will not contribute to landform alteration, will not impact public coastal views, and will not impact public coastal access in the area. 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. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program for this uncertified area of Laguna Beach and is consistent with Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its October 13-15, 2021 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 three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Amrita Spencer
Coastal Program Analyst

Coastal Development Permit De Minimis Waiver
5-21-0233

cc: Commissioners/File

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



September 29, 2021

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: 5-21-0374-W

Applicant: Orange County Public Works (OCPW)

Location: East Garden Grove Wintersburg Flood Control Channel (Co5) Maintenance Road/Public Trail at the tidegates in Bolsa Chica Ecological Reserve, just inland of Pacific Coast Highway, approximately 3000 feet southeast of Warner Avenue, in Unincorporated Orange County; APNs: 110-017-09, 110-017-13

Proposed Development: Repairs to eroded portions of the maintenance road/public trail that crosses the East Garden Grove Wintersburg flood control channel above the tide gates. The maintenance road and flood control channel were first constructed in 1959. The project will restore the width of the access road/public trail to its original, as-built design width and restore the original slope of the embankments. The repairs will occur at two sites: Repair Site A is located at the northern end, downstream side of the road; Repair Site B is located at the southern end, upstream side of the road. Each location is approximately 30 feet long. Approximately 30 cubic yards of material will be excavated from each of the eroded sites. Project staging area(s) will be limited to the existing maintenance road adjacent to each repair site. Maintenance road/public trail closure will be required only at Repair Site B, which will be closed for no more than a maximum of two days as needed to complete the repairs. No dewatering will be required and no utilities will be impacted with this project.

Repair Site A will replace eroded rip rap with new rip rap within the graded area. Existing rip rap below the project footprint will remain in place with no changes. One truckload (9 tons) of 12- to 18-inch angular riprap will be placed on the slope to match the surrounding existing grade and existing rip rap. Non-woven filter fabric type II would be placed beneath the rip rap. An existing 8' by 22' section of asphalt pavement is under-mined and will be sawcut and removed to access and fill the voids under the asphalt. New asphalt will be placed in the same footprint as the existing asphalt after the rip rap is replaced. Existing, failing safety fencing along the road, within the project footprint would be removed and replaced with new, in kind safety fencing in the same location and footprint. No native vegetation is present at Repair Site A.

At Repair Site B unsuitable material will be removed with an excavator and the area will be back filled with soil and compacted to the original design 2:1 slope. Where native vegetation is growing it will be removed, under supervision of a qualified biologist, and set aside. Once the slope is restored, the preserved vegetation will be replaced back within the restored bank at approximately the same elevation as it was prior to the work. After the slope is restored, and before the native vegetation is replanted, erosion control consisting of parallel rows of biodegradable coir (coconut fiber) rolls will be placed along the slope. Soil would be placed behind the coir rolls and would be seeded with locally prevalent native species, as recommended in the project Biological Report. Exposed earth would be covered in biodegradable coir matting to protect against erosion until the native seed establishes. No riprap is required or proposed at Repair Site B. At Repair Site B, 0.011 acre of native habitat will be impacted (0.005 acre of impact to Southern Coastal Salt Marsh – Pickleweed and 0.006 acre of open water). The project includes a restoration plan to address these habitat impacts, including the above-mentioned preservation and re-planting of the existing native plants within the project site. After regrading of the slope is complete, the slope surface will be hydroseeded with native species found within the impacted littoral zone within Bolsa Chica. Prior to hydroseeding, the coconut coir rolls will be installed along the toe of slope and up to the high tide line to provide additional erosion protection against the effects of wave action. If the hydroseeding has not established within 12 months, suitable container plants will be installed. Maintenance of the habitat restoration will include regular non-native removal and trash removal. Irrigation will be limited to that necessary to establish plantings. Temporary protective fencing and restoration signage will be placed as needed, per the project restoration ecologist's recommendations. The restoration plan includes acceptable success criteria for the restoration. If the success criteria are not met, the restoration plan provides that recommendations for increasing success of the restoration will be made. An annual report assessing the success of the restoration will be prepared.

Rationale: The proposed repairs are an incidental public service use. The repairs are incidental to the existing flood control maintenance road/public trail; and public in that the flood control channel provides a public service by a public agency, as well as a public trail. The proposed repairs are the least work necessary to assure safety of the maintenance road/public trail for use by the flood control district and the public, and for maintenance of the flood control channel. Adequate mitigation will be provided with the proposed restoration work described above and in further detail in the project file. The project will require complete closure of the roadway only at Repair Site B, which will not exceed a maximum of two days. Access will remain available at Repair Site A during repair work, with only intermittent closures for safe passage of construction equipment. The project includes a public access plan that minimizes the duration of trail closure, provides signage informing of the trail closures and of alternate trail routes. These notices will be posted in advance of and during the repair work. Notices will be posted at key trail locations and in the nearest public parking lot serving the trails. OCPW owns an easement for flood control across the site. The subject site is owned by the California State Lands Commission and managed by the California Department of Fish & Wildlife. Both agencies have provided letters supporting the proposed project. To protect water quality, the applicant will implement construction best management practices. As proposed, the project 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 **Oct 13-15, 2021** 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

cc: File

CALIFORNIA COASTAL COMMISSION

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



September 20, 2021

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: 5-21-0476-W **Applicant:** Mike and Christine Lee

Location: 1435 Catalina Ave, Seal Beach (Orange County) (APN(s): 199-193-23)

Proposed Development: Renovation and addition to an existing 2,507 sq. ft. two-story, single-family residence with an existing 476 sq. ft. attached two-car garage. The project includes the demolition of 897 sq. ft., rebuild of 1,726 sq. ft, and an addition of 829 sq. ft. of habitable area. Drainage from the roofs and surface water will be directed to on-site permeable areas before entering the main storm drain system. Post Project, the two-story, 20.5-ft. tall, single-family residence will be 3,336 sq. ft. with a 476 sq. ft. attached two-car garage.

Rationale: The subject site is an inland lot neither located between the first public road and the sea nor within 300 feet of the inland extent of any beach or the mean high tide of the sea. The lot size is 6,000 square feet and is designated as residential low density in the City of Seal Beach Zoning Code. The proposed project conforms to the Commission's parking requirement (two-spaces per residential unit). The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its October 13-15, 2021 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

by: Fernie Sy
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



September 22, 2021

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: 5-21-0652-W

Applicant: Victoria Hong

Location: 244 Esplanade, San Clemente, Orange County (APN: 692-252-10)

Proposed Development: Expansion and remodel of an existing 2-story, 2,284 sq. ft. single-family residence with 1,156 sq. ft., 3-car garage through the addition of 659 sq. ft. of living area and 310 sq. ft. conversion of garage into laundry and storage room, thereby resulting in a two-story, 2,943 sq. ft. single-family residence with attached 735 sq. ft., 2-car garage. The existing roof will be reframed, waterproofed, raised by 1'6" in height, and extended over 317 sq. ft. of resurfaced 2nd-story deck. Also proposed is a complete replacement of the interior floor framing. No landscaping or grading other than removal of underfloor soil for placement of concrete slab base below and within the existing building footprint.

Rationale: The subject site is a 5,950 square foot inland lot designated as Residential Low (RL) density in the City of San Clemente Land Use Plan (LUP). Two (2) parking spaces will remain, in compliance with the Commission's residential parking requirements. Construction will follow best management practices, is designed to be compatible with the character of the surrounding development, and public coastal access will remain available approximately 550 feet south of the site at the T-street pedestrian rail overpass. The proposed development will not adversely impact coastal access, coastal resources, public recreation or coastal views, and will not prejudice the City's ability to prepare a Certified Local Coastal Program, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **October 13-15, 2021** 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

Shahar Amitay
Environmental Services Intern

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90302-4325
VOICE (562) 590-5071
FAX (562) 590-5084
WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT EXTENSION

September 29, 2021

5-18-1214-E1

On July 10, 2019, the Coastal Commission approved Coastal Development Permit No. 5-18-1214 (Tomlinson) which allowed:

Addition and major remodel of a single family residence resulting in an 1,858 square foot, three story single family residence and a 423 square foot, two car garage. The residence will retain its current height of 36'1", with no change to the existing building envelope. The existing second story deck, and existing roof deck with stair access structure will remain unchanged from the existing decks. Transparent deck railings will include etched design to avoid bird strikes.

Notice is hereby given that the applicant has applied for a one-year extension (5-18-1214-E1), which would extend the deadline for the commencement of development under the permit to July 10, 2022.

At: 17-B Surfside Ave., Surfside Community of the City of Seal Beach, Orange County
(APN: 178-491-018)

Pursuant to Section 13169 of the Commission's regulations, the Executive Director's determination and any written objections to it will be reported to the Commission on October 13, 2021, at the Commission's hearing. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled. If three or more Commissioners do not object to the extension, the time for commencement of development shall be extended.

Persons wishing to object or having questions concerning this extension request should contact Meg Vaughn at the South Coast District office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Meg Vaughn
Coastal Program Analyst

Cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT**

Issue Date: September 15, 2021
Emergency Permit Number: G-5-21-0037

APPLICANT:

Christian B. Miller

LOCATION OF EMERGENCY:

35127 Beach Road, Dana Point, Orange County

EMERGENCY WORK:

Placement of 99 geosynthetic sand cubes (each approximately 3' x 3' x 3') resulting in a 33 ft. long, 9 ft. wide, 9 ft. high temporary shoreline protective device seaward of an existing single-family residence and placement of 15 geosynthetic sand cubes (each approximately 3' x 3' x 3') resulting in a 15 ft. long, 3 ft. wide, 9 ft. high temporary shoreline protective device directly adjacent to the northern edge of the seaward patio. The work described here shall be modified, as needed, to conform to the Conditions of Approval on pages 3-6 below.

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 predicted wave runup and high tide conditions pose a threat to the primary structure and require 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.

Violations of the Coastal Act and Dana Point Local Coastal Program have occurred on the subject property, including, but not necessarily limited to, unpermitted placement of riprap and sandbags on the seaward side of the residence. Approval of this emergency work will not result in the resolution of said Coastal Act violations, or any other Coastal Act violation. The Commission's enforcement division will consider how to address said violations as a separate matter.

Emergency Permit Number G-5-21-0037
Page 2

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:
Karl Schwing
B9590DD756CA4C4...

Original on File signed by:

Karl Schwing, Deputy Director
South Coast District, Orange County

cc: Commissioners/Local Planning Department

Enclosures: 1) Acceptance Form
2) Regular CDP Application

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. Prior to installation of the proposed sand cubes, the permittee shall remove all unpermitted shoreline protective devices located seaward of the western patio, including, but not necessarily limited to, rip-rap and sandbags. Permittee shall dispose of all removed materials at a legal disposal site located outside the coastal zone.
4. The proposed sand cubes shall extend no further seaward than 29 feet from the seaward side of the residence's foundation. Sand cubes no larger than 3' x 3' x 3' may be utilized. Sand cubes shall be limited to a maximum of three sand cubes high and three sand cubes in depth and may extend along the entire length of the seaward property width. Fill for sand cubes shall be of beach compatible materials and sourced from local projects, where feasible. The sand for the sand cubes shall not be taken from the beach. For as long as this emergency permit remains valid, any sand cubes that incur damages shall be removed and any plastic debris shall be removed from the beach. See Special Condition Nos. 15 and 16 regarding requirements for a regular CDP for ongoing retention and maintenance of the sand cubes.
5. Prior to the installation of the sand cubes, the applicant shall measure the scarp (i.e., the outline of the patio that is not currently undermined) as well as the distance from the scarp to the patio edge and shall submit the measurements to the Executive Director.
6. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal and shorebird species, and minimize impacts to public access.
7. The work authorized by this permit must be completed within 30 days of the date of this permit, unless extended in writing by the Executive Director for good cause.
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. Methods for erosion control shall be maintained around the project site during construction.

10. Machinery, vehicles, and construction materials not essential for the emergency work approved pursuant to this Emergency CDP are prohibited at all times in beach areas.
11. Construction staging activities and equipment and materials storage areas shall not be located in vegetation areas, wetland areas or in any other environmentally sensitive habitat area. Use of public parking areas for construction staging or materials storage is prohibited. 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 into coastal waters. Refueling of construction equipment shall occur off-site or within a designated fueling area that can contain fueling-related spills. 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.
12. Public Access. The permittee shall, to the maximum extent practicable, minimize the amount of beach covered by sand cubes to maintain the largest portion of beach possible. Public access to the beach fronting the property shall be restored quickly, equitably, and in a manner consistent with Coastal Act requirements to protect life and property. Note, nothing in this emergency authorization shall be construed as modifying or eliminating the requirements of Special Condition 2b of CDP SF-79-5105, which states in relevant part that the permittee shall "...allow the public to walk, sit, swim and otherwise use a 25 ft. wide strip of beach as measured inland from the water line ...; in no case shall the public be allowed to use the beach closer than 5 ft. to any structure."
13. 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.
14. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of Dana Point, California State Lands Commission, California Department of Fish & Wildlife, U.S. Fish & Wildlife, and/or U.S. Army Corps of Engineers.
15. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular CDP permanently authorizing the work is approved. A regular permit would be subject to all the provisions of the California Coastal Act and/or any applicable LCP policies 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 and/or erosion.

16. 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 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 CDP that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. The follow-up CDP shall be submitted to the City of Dana Point for work landward of the Mean High Tide Line and submitted to the CCC for work seaward of the Mean High Tide Line¹, address the emergency developments approved under CDP No. G-5-21-0037, and shall provide sufficient information for City or CCC staff to determine the application is complete within 60 days of issuance of this Emergency Permit. If the City or CCC 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 City or the CCC. If such a follow-up CDP application is withdrawn by the applicant or is denied by the City or the CCC, or if the follow-up CDP application remains incomplete for a period of 30 days after the City or the CCC 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, subject to any regulatory approvals necessary for such removal (in some instances, a permit may be needed for removal).
17. Failure to (a) submit a complete follow-up CDP Application that complies with Condition 16 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 by the date specified in this Emergency Permit;² 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 CDP,³ will constitute a knowing and intentional violation of the Coastal Act⁴ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a

¹ If development would be located within both City and CCC jurisdiction, the applicant may wish to invoke the allowance for a consolidated coastal development permit that is contained in Coastal Act Section 30601.3

² In some instances, a permit may also be required for removal.

³ As noted above, in some instances, a permit may also be required for removal.

⁴ 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, the Coastal Act, unless otherwise indicated.

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.

18. The following monitoring and maintenance provisions shall be undertaken to ensure that debris produced by degrading or damaged sand cubes along the beach does not enter coastal waters:

- The applicant shall inspect the sand cubes no less than once per week from both the beach side and landward side.
- The applicant shall remove loose sand cube material which is non-functional and at risk of coming loose. Material shall be disposed at proper upland location.
- The applicant shall take photographs and immediately notify the City of Dana Point and the CCC Executive Director of sand cubes which have become dislodged and/or have tears or holes.
- The CCC Executive Director will determine if sand cube(s) replacement can be undertaken without issuance of a new emergency CDP.

19. The applicant shall submit as-built plans to the Commission by a licensed civil engineer within 14 days of completion of the proposed emergency work. The plans must include, at minimum:

- The grading done to the sand in front of the patio;
- Distance of the sand cubes relative to the seaward side of the residence's foundation;
- Scaled plans;
- The number of sand cubes installed; and
- The sand source for the sand cubes.

CALIFORNIA COASTAL COMMISSION

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

**EMERGENCY PERMIT**

Issue Date: September 23, 2021
Emergency Permit Number: G-5-21-0039

APPLICANT:

Orange County Transportation Authority (OCTA)/ Southern California Regional Rail Authority (SCRRA)

LOCATION OF EMERGENCY:

OCTA Railroad right-of-way west of the Cyprus Shores residential area (within the Metrolink right-of-way (ROW) near milepost 206.8), City of San Clemente, Orange County

EMERGENCY WORK:

Expansion of a 700 ft. long portion of the existing railroad revetment. The existing revetment is approximately 5-8 ft. wide and will be expanded an additional 20 ft. seaward, resulting in a total beach encroachment of 25-28 ft. for the 700 ft. long stretch. Approximately 11,500 tons of minimum size 3-5 ft. diameter rip rap will be placed on the beach along the west side of the railroad track, resulting in a new encroachment on approximately 14,000 sq. ft. of existing sandy beach. The riprap will be brought in by railcar and dumped/placed from the top of the railroad for a period of 4-6 weeks beginning on September 16, 2021. An excavator and bulldozer will be brought onsite via railroad to clear rock from the rail and move the rock into place. No staging area is proposed, and no construction access is proposed outside of the railroad right-of-way.

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 significant landslide movement originating at the westerly coastal slope poses a threat to the railroad structure 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.

Page 2

Sincerely,

DocuSigned by:
Karl Schwing
B9690DD756CA4C4

cc: Commissioners/Local Planning Department

Enclosures: 1) Acceptance Form;
2) Project Site Plan and Cross Section

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 60 days of the date of this permit.
4. The extent of the approved revetment work shall not exceed 700 horizontal ft. and shall not encroach more than 50 ft. seaward of the centerline of the railroad tracks (i.e. generally no more than 20 ft. from the existing riprap toe). In the event that rock placed on the revetment is dislodged or otherwise migrates seaward of the limit authorized herein, and until this emergency authorization is superseded by a follow-up action by the Commission, the permittee shall, to the extent feasible, retrieve any errant rock and either place it back on the structure or remove it from the project site. As part of the follow-up coastal development permit application, the applicant shall submit a plan to address, on an ongoing basis, retrieval of rock that has migrated seaward of the railroad right of way within the project area.
5. The permittee shall survey the existing configuration of the 700 ft. long section of rail embankment and revetment to be reconstructed, delineating the footprint of the existing revetment, the centerline of the existing track, and footprint of the existing embankment shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. The plan shall be submitted within 60 days of the date of this permit.
6. Upon completion of the project, the permittee shall submit as-built plans of the 700 ft. long section of rail embankment and revetment as constructed, delineating the footprint of the reconstructed revetment, the centerline of the realigned track, and footprint of the reconstructed embankment shown relative to the mean high tide and the boundaries of the railroad right-of-way. The permittee shall submit plans depicting the features indicated above in plan view and with as many cross-sections as necessary to depict the information. Plans showing a comparison of the existing and as-built condition of the rail line and revetment shall also be submitted. The plan shall be submitted within 60 days of project completion, or by December 31, 2021, whichever is earlier.
7. To prevent and address spills of equipment fuels, lubricants, and similar materials, the repair work shall incorporate the following measures: (a) no equipment fueling shall occur on the site or elsewhere along the

revetment; (b) all equipment used during construction shall be free of oil and fuel leaks at all times; (c) oil absorbent booms and/or pads shall be on site at all times during project construction and deployed if necessary in the event of a spill; and (d) all spills shall be reported immediately to the appropriate public and emergency services response agencies.

8. Any construction and demolition debris shall be removed from the site and disposed of only at an authorized disposal site. Any hazardous materials removed from the site shall be taken to an appropriate disposal site licensed to accept hazardous materials.
9. All work shall take place in a time and manner to minimize impacts to public access and biological resources, including but not limited to intertidal and shorebird species.
10. 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.
11. Machinery, vehicles, and construction materials not essential for emergency work are prohibited at all times in beach areas.
12. Public Access. The permittee shall, to the maximum extent practicable, minimize the amount of beach covered by the revetment to maintain the largest portion of beach possible. Public access to the beach fronting the property shall be restored quickly, equitably, and in a manner consistent with Coastal Act requirements to protect life and property.
13. 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.
14. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of San Clemente, US Army Corps of Engineers, State Lands Commission, California Department of Fish and Wildlife,.
15. The permittee recognizes that the emergency work is considered temporary and subject to removal, including pursuant to condition No. 16, below, unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all the provisions of the California Coastal Act and/or any applicable LCP and may be conditioned accordingly.
16. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the permittee 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. The follow-up CDP shall also address the emergency developments approved under CDP No. G-5-21-0039 and shall provide sufficient information for Commission staff to determine the application is complete within 60 days of issuance of this Emergency Permit. 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 30 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, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

17. Failure to (a) submit a complete follow-up CDP Application that complies with Condition 16 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. Nothing in this Emergency Permit

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, the Coastal Act, unless otherwise indicated.

shall be construed as authorizing any prior unpermitted development that may currently and/or may have previously been present on the property or surrounding properties.

EXISTING GROUND

50'

TRACK

APPX. 10-12' MIN. 2'

DIST. VARIES

SCRR ROW

20'

EXISTING SLOPE RIPRAP

1.5

1

APPROXIMATE PROPOSED RIPRAP DIMENSION (TO BE VERIFIED IN THE FIELD)
(3 TO 5 - FOOT DIAMETER ROCK SLOPE PROTECTION)

20'

TOE OF EXISTING SLOPE
(APPX. LOCATION)

A

TRAPEZOIDAL RIPRAP ZONE (APPROXIMATE LIMITS STA 5637+00 TO STA 5644+00) - NOT TO SCALE

NOTE:
TRACK WILL BE MOVED BACK TO ORIGINAL ALIGNMENT AFTER GROUND MOVEMENT HAS STOPPED.

THIS DOCUMENT HAS BEEN PREPARED FOR THE PROGRAM, THIS DOCUMENT MAY BE REPRODUCED BY ANYONE WITHOUT PERMISSION OF HDR AND SCRRRA, THE CONCLUSIONS CONTAINED HEREIN HAVE BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF GEOTECHNICAL ENGINEERING UTILIZED BY THE INDUSTRY. NO OTHER WARRANTY IS EITHER EXPRESSED OR IMPLIED. ADDITIONALLY, THE CONCLUSIONS ARE BASED UPON REPORTS AND INVESTIGATIONS PROVIDED TO HDR/SCRRRA HAS NOT INDEPENDENTLY VERIFIED THE DATA AND INVESTIGATIONS AND HAS LIMITED LIABILITY FOR THE INFORMATION DOCUMENTATION PREPARED BY IT. CONDITIONS OBTAINED BY OTHER PARTIES MAY VARY BETWEEN PROJECTS.