

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
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**W9**

Prepared March 01, 2021 (for the March 10, 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 March 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 March 10, 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 March 10th.

With respect to the March 10th 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 10, 2021 (see attached)

Waivers

- 5-21-0055-W, 2475 SCH, LLC (Laguna Beach)
- 5-21-0094-W, Newport Elementary School (Newport Beach)
- 5-20-0537-W, 1640 N. El Camino Real (San Clemente)
- 5-20-0590-W, Huntington Beach & Talbert Channels repairs (Huntington Beach)
- 5-20-0683-W, 252 Avenida del Poniente (San Clemente)

Immaterial Amendments

- 5-19-1032-A1, OC Public Works (Santa Ana River Outlet, Newport Beach/Huntington Beach)

Immaterial Extensions

- 5-04-089-E14, Three Arch Bay Community, Laguna Beach (Orange County)

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February 24, 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: 5-21-0055-W **Applicant:** 2475 SCH, LLC

Location: 30 S La Senda Dr., Laguna Beach (Orange County) (APN: 056-180-41)

Proposed Development: Cosmetic remodel of an existing two-story 3,184 sq. ft. single-family residence to: replace existing doors and windows within existing openings (no demo or framing changes), replace existing roof shingle material (no demo or framing changes), replace existing stucco like-in-kind in the same location, remodel approximately 100 sq. ft of interior floor area to replace interior stair, and replace wood guardrail on back of existing balcony with 42" "Ornilux Bird Protection Glass" UV reflective coated tempered glass guardrail. No change to exterior of the home, no structural demolition work, no addition, no grading, and no changes to the height.

Rationale: The subject site is a 3,184 sq. ft. interior lot seaward of Pacific Coast Highway, located on a cliff top and within the existing locked gate community of Three Arch Bay, one of the areas of deferred certification in the otherwise certified City of Laguna Beach due to public access issues. The area is zoned low-density residential by the City and the proposed project conforms to the permitted uses for a low-density zone. The proposed runoff control measures are consistent with the marine/water quality protection policies of the Coastal Act. Two parking spaces will be maintained on site consistent with the Commission's previous actions in the area to require at least two spaces per residential unit. Public coastal access exists in the project vicinity at 1,000 Steps County beach (approximately ½ mile up-coast) and at Salt Creek Beach Park (approximately ¾ mile down-coast). The private structures (private restrooms and boardwalk maintained by the HOA) on the inland extent of the beach at the bottom of the applicant's property were constructed by the developer of the private community prior to the effective date of the Coastal Act and will not be improved through the subject application. The proposed project design is compatible with the character of surrounding development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. The transparent guardrail on the balcony will have a patterned, UV reflective coating making it visible to birds to prevent bird strikes. It is consistent with past Commission actions in the area and with Chapter Three policies of the Coastal Act, and it will not prejudice the City's ability to prepare a Certified Local Coastal Plan (LCP) for the Three Arch Bay Area.

This waiver will not become effective until reported to the Commission at their **March 10-12, 2021** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card 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

Carol Socorro Martinez
Environmental Services Intern

cc: File

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Waiver: 5-21-0094-W **Applicant:** City of Newport Beach

Location: 1327 W. Balboa Boulevard, Newport Beach (Orange County) (APN: 047-290-03/047-300-03)

Proposed Development: Removal of corroded and damaged playground equipment. The following structures will be either partially or fully removed, or have already been removed: Swings 1 and 2 (unless they can be safely repaired) two bars from the S-climber (removed December 10, 2021), double white fixed climber 'U' latter, chin-up bars at the boardwalk (removed December 10, 2021), slides, arched climbers, spiral climber, and double white fixed climber. In addition, the project will replace missing slides with composite wood barriers and bridge end connector. The remaining and modified playground structures will remain open for public recreation during non-school hours. No grading or shoreline protective devices are proposed.

Rationale: The subject site is a sand playground located on a beach parcel seaward (south) of Newport Beach Elementary School between the first public road and the sea. The area is zoned Parks and Recreation (PR) by the City and the proposed project conforms to the permitted uses for a PR zone. The property is owned by the City of Newport Beach and is leased to the Newport-Mesa Unified School District (NMUSD) for use by the school during school hours. The lease allows the School District to construct, install, and maintain school playground facilities including the playground equipment. The playground and adjacent playfield are available to the public after school hours and during the weekend. In addition to vertical access at the end of 14th Street where public parking is available, coastal access to the beach exists in the project vicinity by way of sidewalks and the boardwalk along the perimeter of Newport Elementary School. The applicant indicated that modified playground structures will remain open for public recreation during non-school hours, including weekdays (before and after school), weekends, and school holidays. Furthermore, Newport-Mesa Unified School District is in the process of requesting proposals from contractors to replace the playground equipment with age-appropriate equipment design to withstand the marine environment. Upon selecting a proposal, NMUSD will apply for a coastal development permit from the Coastal Commission to replace the equipment. The proposed project design is compatible with the character of surrounding development and will not adversely impact visual or 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 their March 10-12, 2021 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card 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

Carol Socorro Martinez
Environmental Services Intern

cc: File

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February 23, 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: 5-20-0537-W**Applicant:** Harold Alzate**Location:** 1640 N El Camino Real, San Clemente, Orange County (APN: 692-371-04)

Proposed Development: Convert 333 sq. ft. of existing storage area to a new bar area in an existing restaurant. The conversion will increase the dining area from 581 sq. ft. with maximum seating capacity of 45 seats to 914 sq. ft. with a maximum seating capacity of 50 seats.

Rationale: The existing restaurant currently has a total of 45 seats and 7 designated parking spaces. The proposed conversion will result in a total of 50 seats and no change in the number of parking spaces. The City Municipal Code Section 17.64.050, which is not certified by the Commission, requires one parking space per five seats for restaurants in this zone. Accordingly, the restaurant would typically require a total of 10 parking spaces after the proposed conversion. The City adopted Resolution No. PC 19-005 on April 17, 2019 approving the proposed project. The resolution waived the three deficient parking spaces, as the North Beach area currently has an adequate parking supply to accommodate the project's parking demand. The City's parking study survey¹ indicated that peak parking occupancy in the North Beach area occurred at 9 am on Saturday morning, when 267 out of the total inventory of 623² parking spaces (43 percent) were occupied. The largest source of off-street public parking is located approximately 600 ft. west of the project site, where peak parking occupancy occurred at 11 am on Saturday, when 135 out of 248 parking spaces (54 percent) were occupied. Therefore, the deficient parking supply (3 spaces) for the restaurant will not have a significant impact on parking demand and public access opportunities in the area. Therefore, the proposed project does not have the potential to create adverse impacts, either individually or cumulatively, on coastal resources or public access to and along coastal waters. The proposed development is consistent with the parking policies and land use designation in the City's certified Land Use Plan, past Commission actions in the area and Chapter Three policies of the Coastal Act, and will not prejudice the City's ability to prepare a certified Local Coastal Program.

This waiver will not become effective until reported to the Commission at its **March 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

Vince Lee
Coastal Program Analyst

CC: File

¹ 2018 North Beach Parking Study, by City of San Clemente, January 2019.

² Includes both public and private parking spaces in the North Beach area.

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**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

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Waiver: 5-20-0590-W**Applicant:** OC Dept. of Public Works**Location:** Within the Huntington Beach Channel, Orange County (APN(s): 114-481-35, 149-015-11, 114-152-10, 08, 148-121-15, 16, 05, 24, 114-151-03, 05)

PROPOSED DEVELOPMENT: Installation of a second row of steel sheet-pile walls or spot repairs to the existing sheet-pile walls of the Huntington Beach and Talbert Channels within the Orange County Flood Control District right of way in the City of Huntington Beach. Proposed repairs to the Huntington Beach Channel include: approximately 44 linear feet of spot repairs to the existing steel sheet pile walls along the east bank between Magnolia and Newland Street, and installation of a second steel sheet-pile wall 4-inches behind the existing steel sheet pile wall along the east bank of the channel downstream of Magnolia. Proposed repairs to the Talbert Channel consist of approximately 8,995 linear feet of a second steel sheet-pile wall proposed along both sides of the channel between Hamilton and Brookhurst. Piles will be installed approximately 4-inches landward of the existing steel sheet pile walls within the existing maintenance road using the Giken Silent Piler method, which produces very little vibration or noise. Although no work is proposed within the flood control channel, the applicant is proposing Best Management Practices (BMPs) throughout the duration of the project to protect water quality and potentially sensitive habitat within and adjacent to the channel, including but not limited to: water quality monitoring, and an onsite biologist to ensure no impacts to wildlife occur within the channel from construction vibration and to conduct weekly nesting bird surveys during the nesting season (approximately February 15 through September 15).

RATIONALE: The existing sheet piles were installed in the 90s and are experiencing corrosion. The locations of the repairs and/or second row of sheet pile installation are located within existing developed portions of the flood control District's right of way. Although there is no Environmentally Sensitive Habitat Area (ESHA) or other significant vegetation present in the project site, the applicant is proposing to have a biologist present to ensure there will be no impacts to surrounding habitat or to sensitive species potentially onsite. To control construction runoff and prevent any potential water pollution associated with routine operation of the generator and fuel tank, the County is proposing to utilize Best Management Practices (BMPs), including erosion and sediment control, and run-off control.

Coastal Development Permit De Minimis Waiver

5-20-0590

While the City of Huntington Beach has a certified Local Coastal Program (LCP), the subject site is located within an area of deferred certification, therefore the standard of review for this project is the Chapter 3 policies of the Coastal Act, with the certified Huntington Beach LCP as guidance. The project is consistent with the Chapter 3 policies of the Coastal Act, will not prejudice the ability of the City to prepare an LCP for the area. and is consistent with past Commission actions in the area.

This waiver will not become effective until reported to the Commission at their **March 10-12, 2021** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card 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

Mandy Revell
Coastal Program Analyst

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Coastal Act Section 30624.7**

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Waiver: 5-20-0683-W**Applicant:** Julio Gomez & Blanca Gomez**Location:** 252 Avenida del Poniente, San Clemente, Orange County (APN: 692-063-33)

Proposed Development: Convert existing and un-permitted detached 1,085 sq. ft. recreation room with a 294 sq. ft. roof deck into an ADU on a lot with an existing duplex. Three (3) garage spaces and three (3) tandem parking spaces are provided on site for a total of 9 spaces.

Rationale: The project site is located on a developed 6,010 sq. ft. lot located 0.1 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated as Residential Medium (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and the development standards for the RM zone. The project does not propose any changes to the existing duplex structure, and the two (2) primary residential units would remain onsite. The project does not provide any additional parking for the proposed ADU, but the existing onsite parking spaces are adequate to support the 3 units, and therefore, the project would not adversely impact street parking and public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous 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 **March 10-12, 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

Jennifer Doyle
Coastal Program Analyst

CC: File

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February 25, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT****Coastal Development Permit Amendment No. 5-19-1032-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Amended Permit No. **5-19-1032-A1** granted to **OC Public Works** for:
Installation of signage.

Project Site: Santa Ana River Outlet, Newport Beach/Huntington Beach (APN(s): 114-200-12, 114-200-18)

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):

Installation of additional signs on a County-owned fence at this location where the Commission previously approved signage, including an additional educational sign and a no trespassing sign, near the corner of Summit St. and Seashore Dr.

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).

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

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

Notice of Proposed Immaterial Permit Amendment
5-19-1032-A1

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 additional signage to be posted on the fence at the Summit St./Seaport Dr. cul-de-sac is intended to provide additional warning to the public regarding the "sensitive wildlife protection area" in the soft bottom of the river channel and river mouth already designated for protection by the County of Orange. The signage is identical to what was previously proposed, in content and format, and will cause minimal change to the surrounding environment. A bougainvillea bush will be removed, and another trimmed, to make space for the signage on property owned by the applicant, but these are ornamental plants not designated as sensitive habitat. The signage will be readily visible to visitors of the coastal area.

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 Shahar Amitay at the phone number provided above.

Shahar Amitay
Environmental Services Intern

cc: Commissioners/File

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

February 24, 2021

Notice is hereby given that **Jeremy Pipp** has applied for a one year extension of **5-04-089** granted by the California Coastal Commission on **August 10, 2005**.

for: **Construction of a new storm drain system within the Three Arch Bay Community to replace the existing deteriorated community storm drain system, including relocation of the existing ocean outlet, approximately 3,000 feet of new storm drain lines, 20 new catch basins, several new manholes, and abandonment of older lines.**

at: **Three Arch Bay Community, Laguna Beach (Orange County)**

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

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

Sincerely,
John Ainsworth
Executive Director

Chloe Seifert
Coastal Program Analyst

cc: Commissioners/File