

**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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# F12

**Prepared April 01, 2021 (for the April 16<sup>th</sup>, 2021 Hearing) CORRECTED April 5, 2021**

**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 April 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 April 16<sup>th</sup>, 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 April 16<sup>th</sup>.

With respect to the April 16<sup>th</sup> 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 April 16<sup>th</sup>, 2021 (see attached)**

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**Waivers**

- 5-20-0602-W, Steve Solaas (Huntington Beach)
- 5-21-0061-W, NewDev Ventures, LLC (Seal Beach)
- 5-21-0069-W, Stonefield Development (San Clemente)
- 5-21-0070-W, Stonefield Development (San Clemente)
- 5-21-0071-W, Stonefield Development (San Clemente)
- 5-21-0072-W, Stonefield Development (San Clemente)
- 5-21-0153-W, City of Newport Beach (Newport Beach)

**Immaterial Extensions**

- 5-15-0087-E3, City of Newport Beach Transient Boat Slips (Newport Beach)

**Emergency Permit**

- G-5-21-0012, Poche Beach Accessway (Orange County)

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March 30, 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:** 5-20-0602-W**Applicant:** Steve Solas**Location:** 3321 Bounty Circle, Huntington Beach, Orange County (APN: 178-431-15)

**Proposed Development:** Construction of a new approximately 48-foot long concrete deck cantilevered 5-feet over the water beyond the bulkhead with a 3-foot 6-inch high post and cable guardrail and a new approximately 100 square-foot spa located landward of the cantilevered deck. No fill of coastal waters is proposed.

**Rationale:** The subject site is associated with the residentially zoned, harbor front lot in Huntington Harbor in the City of Huntington Beach, Orange County. Most of the Huntington Harbor water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks over public waters. The proposed deck would cantilever over the open waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the State and administered by the City of Huntington Beach. Although cantilevered, the proposed deck would preclude the general public from utilizing the public water area underneath the dock for recreation or navigational purposes. However, no lease to use the water area for their proposed private uses is required from the City as is typically required for areas under the State Lands Commission's jurisdiction. The proposed deck with railing is associated with the adjacent single family residential use. To address water quality concerns, the applicant is proposing directing deck drainage and runoff to filter boxes located within the deck. All work will occur from the landward side of the deck. The proposed construction will not disturb bay waters or bay bottom sediments. There is no known eelgrass in the area. To protect water quality, the applicant has proposed construction responsibilities and debris removal measures and also post construction best management practices. There is no sandy beach area along the bulkhead, therefore in this case there is no opportunity for the public to walk upon the land in front of the bulkhead in this or immediate area. The proposed project will not have any significant adverse impact on public access to the coast or to nearby recreational facilities. There is an existing significant pattern of development of 5-foot deep decks cantilevered over bulkheads, thus the construction of a cantilevered deck in this site and in this location would not be establishing a new pattern of development. The City of Huntington Beach has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open

Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows private cantilevered decks abutting residential uses, and with Chapter 210, which provides standards for cantilevered decks in Huntington Harbor in the Open Space Water Recreation zone. The City of Huntington Beach reviewed the proposed plans and issued Approval-in-Concept dated September 3, 2020. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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.

A handwritten signature in black ink that reads "Mandy Revell". The signature is written in a cursive, flowing style.

John Ainsworth  
Executive Director

Mandy Revell  
Coastal Program Analyst

cc: File

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March 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:** 5-21-0061-W **Applicant:** NewDev Ventures, LLC

**Location:** 1230 Crystal Cove Way, Seal Beach (Orange County) (APN(s): 043-282-03)

**Proposed Development:** Addition and remodel of an existing 1,604 square foot two-story, single-family residence with an attached two-car garage. The proposed project includes: (1) addition of 615 square feet to the existing first and second floor on the rear of the building; (2) replace the existing roof with a new roof, which is estimated at 43% of alterations; (3) demolish and remodel the existing kitchen interior; (4) replace existing wiring, relocate electric meter, replace existing HCAV system and windows, and replace existing sewer and water supply lines. No new landscaping, no grading, and no changes to the height of the home are proposed.

**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 proposed project involves less than 50% demolition and renovation of the existing structure. The lot size is 5,000 square feet and is designated as residential low density in the City of Seal Beach Zoning Code, which is not certified by the Commission. The proposed project conforms to the City's parking requirement (two spaces per residential unit), which the Commission generally also requires for single family homes in Orange County. Public access to the beach exists near the site at the end of Seal Beach Boulevard. The proposed development incorporates water and energy conservation measures consistent with the 2019 California Green Building Code Standards, and construction BMPs will be followed to prevent construction activities from impacting coastal and marine resources and water quality. According to the CoSMoS sea level rise model, the site is susceptible to flooding if 5.7 feet of sea level rise occurs, and no storm scenario, prior to the year 2095. If approximately 3 feet of sea level rise occurs, the site will be vulnerable to flooding from the bay associated with a 100 year storm. The applicant's plans indicate an 18-inch (1.5 ft. high) slab foundation above the adjacent grade. The adjacent street is approximately +9 feet NAVD88; thus the lowest finished floor elevation will be approximately 10.5 feet NAVD88, which is an elevation for which the Commission has allowed new development in inland areas. Regardless, the development does not constitute a major remodel and the applicant has assumed the risks. The proposed project design 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 **April 14-16, 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

Carol Socorro Martinez  
Environmental Services Intern

cc: Commissioners/File

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March 8, 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:** 5-21-0069-W

**Applicant:** Stonefield Development, Attn: Brittany Rosen

**Location:** 204 Via Socorro, San Clemente (Orange County) (APN(s): 691-425-03)

**Proposed Development:** Construction of a new, two-story, 25-ft. tall, single family residence with an attached three-car garage. Residence will be approximately 4,543 sq. ft. and located on a 12, 976 sq. ft. vacant lot. Minor grading and landscaping utilizing drought tolerant, non-invasive plants proposed for the front of the lot and a planting palette for habitat enhancement is proposed for the back portion of the lot adjacent to an open space conservation easement area.

**Rationale:** The subject site is an inland lot (not on a coastal canyon or coastal bluff) designated residential medium density in the City of San Clemente Land Use Plan (LUP). Authorization for construction of a new single residence on the newly subdivided lot is not provided under the City's Categorical Exclusion Order E-81-2 adopted by the Commission in 1981. Commission approval for lot subdivision, grading of the building pads, site drainage improvements, Water Quality Management Plan (WQMP) and conservation easement providing a buffer and protecting wetlands across the rear of the lots was granted under CDP 5-06-166. The proposed project exceeds the Commission's parking requirement (2 spaces per unit) and is designed to be compatible with the character of the surrounding development. Public coastal access to the beach is available at Poche Beach, a mile south of the project site. As proposed, the development will not adversely impact public coastal access, coastal resources, recreation, or coastal views; and will not prejudice the City's ability to prepare a Certified Local Coastal Program. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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.

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March 8, 2021

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**Waiver:** 5-21-0070-W

**Applicant:** Stonefield Development, Attn: Brittany Rosen

**Location:** 206 Via Socorro San Clemente (Orange County) (APN(s): 691-425-04)

**Proposed Development:** Construction of a new, two-story, 25-ft. tall, single family residence with an attached three-car garage. Residence will be approximately 4,016 sq. ft. and located on a 12,976 sq. ft. vacant lot. Minor grading and landscaping utilizing drought tolerant, non-invasive plants proposed for the front of the lot and a planting palette for habitat enhancement is proposed for the back portion of the lot adjacent to an open space conservation easement area.

**Rationale:** The subject site is an inland lot (not on a coastal canyon or coastal bluff) designated residential medium density in the City of San Clemente Land Use Plan (LUP). Authorization for construction of a new single residence on the newly subdivided lot is not provided under the City's Categorical Exclusion Order E-81-2 adopted by the Commission in 1981. Commission approval for lot subdivision, grading of the building pads, site drainage improvements, Water Quality Management Plan (WQMP) and conservation easement providing a buffer and protecting wetlands across the rear of the lots was granted under CDP 5-06-166. The proposed project exceeds the Commission's parking requirement (2 spaces per unit) and is designed to be compatible with the character of the surrounding development. Public coastal access to the beach is available at Poche Beach, a mile south of the project site. As proposed, the development will not adversely impact public coastal access, coastal resources, recreation, or coastal views; and will not prejudice the City's ability to prepare a Certified Local Coastal Program. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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.

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**Waiver:** 5-21-0071-W

**Applicant:** Stonefield Development, Attn: Brittany Rosen

**Location:** 208 Via Socorro San Clemente (Orange County) (APN(s): 691-425-05)

**Proposed Development:** Construction of a new, two-story, 25-ft. tall, single family residence with an attached three-car garage. Residence will be approximately 4,543 sq. ft. and located on a 12,959 sq. ft. vacant lot. Minor grading and landscaping utilizing drought tolerant, non-invasive plants proposed for the front of the lot and a planting palette for habitat enhancement is proposed for the back portion of the lot adjacent to an open space conservation easement area.

**Rationale:** The subject site is an inland lot (not on a coastal canyon or coastal bluff) designated residential medium density in the City of San Clemente Land Use Plan (LUP). Authorization for construction of a new single residence on the newly subdivided lot is not provided under the City's Categorical Exclusion Order E-81-2 adopted by the Commission in 1981. Commission approval for lot subdivision, grading of the building pads, site drainage improvements, Water Quality Management Plan (WQMP) and conservation easement providing a buffer and protecting wetlands across the rear of the lots was granted under CDP 5-06-166. The proposed project exceeds the Commission's parking requirement (2 spaces per unit) and is designed to be compatible with the character of the surrounding development. Public coastal access to the beach is available at Poche Beach, a mile south of the project site. As proposed, the development will not adversely impact public coastal access, coastal resources, recreation, or coastal views; and will not prejudice the City's ability to prepare a Certified Local Coastal Program. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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.

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March 8, 2021

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**Waiver:** 5-21-0072-W

**Applicant:** Stonefield Development, Attn: Brittany Rosen

**Location:** 210 Via Socorro San Clemente (Orange County) (APN(s): 691-425-06)

**Proposed Development:** Construction of a new, two-story, 25-ft. tall, single family residence with an attached three-car garage. Residence will be approximately 4,016 sq. ft. and located on a 12,950 sq. ft. vacant lot. Minor grading and landscaping utilizing drought tolerant, non-invasive plants proposed for the front of the lot and a planting palette for habitat enhancement is proposed for the back portion of the lot adjacent to an open space conservation easement area.

**Rationale:** The subject site is an inland lot (not on a coastal canyon or coastal bluff) designated residential medium density in the City of San Clemente Land Use Plan (LUP). Authorization for construction of a new single residence on the newly subdivided lot is not provided under the City's Categorical Exclusion Order E-81-2 adopted by the Commission in 1981. Commission approval for lot subdivision, grading of the building pads, site drainage improvements, Water Quality Management Plan (WQMP) and conservation easement providing a buffer and protecting wetlands across the rear of the lots was granted under CDP 5-06-166. The proposed project exceeds the Commission's parking requirement (2 spaces per unit) and is designed to be compatible with the character of the surrounding development. Public coastal access to the beach is available at Poche Beach, a mile south of the project site. As proposed, the development will not adversely impact public coastal access, coastal resources, recreation, or coastal views; and will not prejudice the City's ability to prepare a Certified Local Coastal Program. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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.

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March 30, 2021

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**Waiver:** 5-21-0153-W      **Applicant:** City of Newport Beach, Attn: Michael Wojciechowski

**Location:** 39 existing lifeguard towers in Newport Beach (Orange County)

**Proposed Development:** The proposed project will upgrade and retrofit the communications technology of all City lifeguard towers (39 towers) along Newport Beach. The project includes installing small antennas and 4'x2.5 solar panels on top of each tower to provide wireless communications to the lifeguard headquarters. A 2'x3'x8' weatherproof cabinet will house the batteries and network equipment inside the towers, weighing approximately 100 lbs. Construction will require fencing around the area where poles are being removed. The area will be restored once the poles are removed. No grading or shoreline protective devices are proposed.

**Rationale:** The subject sites are 39 existing lifeguard towers on the Newport Beach oceanfront shoreline within the Commission's retained permit jurisdiction, from the Santa Ana River Jetty extending east towards Little Corona Del Mar State Beach. The area is a public beach, zoned for recreation by the certified Newport Beach Land Use Plan. The project will utilize a new SEACOM solution that will not require cables in the ground or the air. The proposed antenna and solar panel additions will not add or change the height of the existing tower structure. The majority of the lifeguard towers are currently supported by copper lines are above ground, going from the tower to a tall pole – the existing wires and poles will be removed, thereby decluttering the beach of extra utility equipment. For the few towers with underground conduit, a small backhoe will dig a trench to remove copper wires and conduit. New equipment is not expected to get wet in case of flooding since the weatherproof cabinet that will house the batteries and network connection will be approximately 5 feet above the sand, and the solar panel and antenna will be about 7 feet above the sand on top of the tower roof. The proposed development is expected to begin construction within a couple of months and will not require closing off significant portions of the beach (only areas around the lifeguard towers) or closure of the beach parking lots. Fencing will be placed around the poles being removed, approximately a 40 square foot area, which will be restored to natural beach sand once the poles are removed. The applicant proposes construction BMPs to avoid discharge of pollutants. 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, the certified LCP, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 14-16, 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  
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Carol Socorro Martinez  
Environmental Services Intern

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** March 30, 2021  
**To:** All Interested Parties  
**From:** Amber Dobson, South Coast District Manager  
Fernie Sy, Coastal Program Analyst  
**Subject:** **Extension to Coastal Development Permit (CDP) No. 5-15-0087**  
Applicants: Irvine Company & City of Newport Beach

### Original CDP Approval

CDP No. 5-15-0087 was approved by the Coastal Commission on February 9, 2017, and provided for the following landside and waterside development: On the waterside, 9,900 cubic yards of dredging is proposed and the existing private marina will be expanded and a new public dock system will be installed. The existing riprap slope will be removed and replaced with a new riprap slope landward. On the landward side, the existing surface parking area and an existing building will be demolished and a new one-story, 14, 252 square foot restaurant will be constructed. In addition, there will be grading, hardscape and landscape installed, the parking lot will be redesigned, a new restroom will be constructed, and a dedicated public walkway from E. Coast Highway to the new public dock system will be installed.

### Previous CDP Extension

The expiration date of CDP No. 5-15-0087 was previously extended by one year to February 9, 2021. The Commission's reference number for this previous extension was **CDP No. 5-15-0087-E2**.

### Proposed CDP Extension

The expiration date of CDP No. 5-15-0087 would be extended by one year to February 9, 2022. The Commission's reference number for this proposed extension is **CDP No. 5-15-0087-E3**.

### Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Newport Beach Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

### Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Friday, April 16, 2021. 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 pursuant to the Commission's regulations.

**If you have any questions about the proposal or wish to register an objection, please contact Fernie Sy at [fernie.sy@coastal.ca.gov](mailto:fernie.sy@coastal.ca.gov) in the South Coast District office.**

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**EMERGENCY PERMIT**

Issue Date: April 1, 2021

Emergency Permit Number: G-5-21-0012

**APPLICANT:**

County of Orange OC Parks

**LOCATION OF EMERGENCY:**

Poche Beach accessway seaward of Pacific Coast Highway (PCH)/El Camino  
Real and Camino Capistrano, City of Dana Point, Orange County

**EMERGENCY WORK:**

Temporary closure of the Poche Beach pedestrian accessway until the repair/replacement of the accessway is permitted and completed pursuant to a separate coastal development permit amendment. The following measures have been implemented for the accessway closure: 1) Close and lock gate near PCH leading down to the accessway, 2) place closure signage on barricades on PCH facing both directions, 3) place closure signage on closed gate, 4) utilize caution tape and ADA wall to close off beach side access to the accessway, and 5) place closure signage on beach side closure.

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.

**Emergency Permit Number G-5-21-0012**


**Page 2**

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth  
Executive Director

DocuSigned by:



B9690DD756CA4C4...

Original on File signed by:  
Karl Schwing, Deputy Director  
South Coast District, Orange County

cc: Commissioners/Local Planning Department

Enclosures: 1) Acceptance 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. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize impacts to public access.
4. 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.
5. 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.
6. 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, South Coast Water District, OC Flood District, OC Sheriff's Department, OC Fire Authority, OC Public Works, and/or OC Lifeguards.
7. The applicant recognizes that the emergency work is considered temporary and subject to removal, including pursuant to condition No. 8 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.
8. 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 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 development approved under CDP No. G-5-21-0012 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

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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.

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 Permit<sup>1</sup>, 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<sup>2</sup> will constitute a knowing and intentional violation of the Coastal Act<sup>3</sup> 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.
10. If the follow-up CDP application is not approved by the Commission within 180 days of filing of such application, the applicant shall apply for an extension of this Emergency Permit.
11. In the event that any viable alternative accessway to Poche Beach located closer than Capistrano Beach Park (1.65 miles north) or North Beach (1 mile south) during the interim closure of the Poche Beach pedestrian accessway is identified, the applicant shall coordinate with California Coastal Commission staff to open the alternative accessway and to determine whether a CDP is required for a new accessway.

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<sup>1</sup> In some instances, a permit may also be required for removal.

<sup>2</sup> As noted above, in some instances, a permit may also be required for removal.

<sup>3</sup> 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.

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12. For the duration of the accessway closure, the applicant shall put up a temporary directional signage at the gate on PCH and on the beach to indicate that alternative accessways (Capistrano Beach Park and North Beach) are available nearby.