

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CALIFORNIA 93001-2801
(805) 585-1800 FAX (805) 641-1732
WWW.COASTAL.CA.GOV



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South Central Coast District Deputy Director's Report for May 2021

Prepared April 30, 2021 (for the May 13, 2021 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Central Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Central Coast District Office are being reported to the Commission on May 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 Central Coast District Office in Ventura. Staff is asking for the Commission's concurrence on the items in the South Central 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 May 13th.

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

Waivers

- 4-21-0144-W, Liao (Ventura)
- 4-21-0254-W, Spiteri (2803 Surfrider Avenue)

Emergency Permits

- G-4-21-0018, Caltrans (Pacific Coast Highway, Ventura County)

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**EMERGENCY PERMIT**

Issue Date: April 21, 2021
Emergency Permit Number: G-4-21-0018

APPLICANT: California Department of Transportation

LOCATION OF EMERGENCY: Pacific Coast Highway, Postmile 1.55, Ventura County

EMERGENCY WORK: Expansion of an existing concrete sack wall, which was authorized via Emergency CDP G-4-20-0045, consisting of placement of additional concrete sacks approximately 38 linear feet at the top and tapering to 20 linear feet at the bottom, 7 feet high and 2 feet wide with a 3 inch high concrete curb and drainage catch basin, and 18-inch concrete pipe that will connect to an existing drainage pipe north of the project area, in order to prevent stormwater erosion. After the concrete sack wall addition has been constructed the excavated area around the wall will be filled to match the road surface and existing k-rail will be relocated seaward along approximately 311 linear feet of the project area while maintaining a minimum 4-foot-wide shoulder.

This letter constitutes approval of the emergency work that you have requested at the location listed above. I understand from your information that an unexpected occurrence in the form of shoreline and stormwater erosion has partially undermined and damaged a portion of Pacific Coast Highway which, in the absence of this emergency work, would undermine the existing concrete sack wall and Pacific Coast Highway. This damage 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.

Emergency Permit Number:
G-4-21-0018

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

Sincerely,

John Ainsworth
Executive Director

DocuSigned by:

14EBFBFD71A84CC...

Original on File signed by:
Steve Hudson, Deputy Director

cc: Commissioners/Local Planning Department

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

Emergency Permit Number:
G-4-21-0018

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the applicant and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above, subject to the conditions set forth below, 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 any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. Construction materials or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion. The permittee shall immediately remove any and all debris that results from the construction activities.
5. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. 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.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.

Emergency Permit Number:
G-4-21-0018

9. Within 180 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 60 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and

¹ In some instances, a permit may also be required for removal.

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

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

Emergency Permit Number:
G-4-21-0018

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

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April 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: 4-21-0144-W

Applicant: Yucheng Liao

Location: 1365 Beachmont Street, City of Ventura, Ventura County
(APN: 080-0-292-175)

Proposed Development: Removal of an existing 1,065 sq. ft. concrete deck and construction of a new 1,235 sq. ft. concrete deck. The proposed deck will be cantilevered and located at the rear of an existing residence, adjacent to the private boat dock. No change to the existing boat dock or piles is proposed. The project includes construction best management practices to ensure the water quality of the harbor is not degraded by project activities.

Rationale: The proposed project is minor in nature as it is a concrete deck associated with an existing residence and private boat dock and will not involve work in the water or changes to the existing boat dock or piles. In addition, the applicant has proposed implementation of best management practices to prevent impacts to open waters. Therefore, there are no individual or cumulative adverse impacts on coastal resources associated with this project and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

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

Coastal Development Permit De Minimis Waiver
4-21-0144-W

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Jacqueline Phelps
District Supervisor

cc: Commissioners/File

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Waiver: 4-21-0254-W

Applicant: Sean Spiteri

Location: 2803 Surfrider Avenue, City of Ventura, Ventura County
(APN: 080-0-273-055)

Proposed Development: Removal of an existing 810 sq. ft. concrete deck and construction of a new 1,103 sq. ft. concrete deck. The proposed deck will be cantilevered and located at the rear of an existing residence, adjacent to the private boat dock. No change to the existing boat dock or piles is proposed. The project includes construction best management practices to ensure the water quality of the harbor is not degraded by project activities.

Rationale: The proposed project is minor in nature as it is a concrete deck associated with an existing residence and private boat dock and will not involve work in the water or changes to the existing boat dock or piles. In addition, the applicant has proposed implementation of best management practices to prevent impacts to open waters. Therefore, there are no individual or cumulative adverse impacts on coastal resources associated with this project and the project is consistent with all applicable Chapter 3 policies of the Coastal Act.

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Coastal Development Permit De Minimis Waiver
4-21-0254-W

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Jacqueline Phelps
District Supervisor

cc: Commissioners/File