

**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



# W9

**Prepared April 28, 2021 (for the May 12, 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 May 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 May 12, 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 May 12th.

With respect to the May 12th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on May 12, 2021 (see attached)**

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### **Waivers**

- 5-21-0149-W, Jeff and Annya Bush Family Trust (San Clemente)
- 5-21-0065-W, Spoolstra - Cantilever Deck (Huntington Beach)
- 5-21-0168-W, Interior remodel and replace exterior (San Clemente)

### **Immaterial Extensions**

- 5-11-178-E7, Installation of a new concrete bulkhead (Newport Beach)

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April 26, 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:** 5-21-0149

**Applicant:** Jeff and Annya Bush Family Trust

**Location:** 3813 Calle Tiburon, San Clemente (Orange County) (APN(s): 060-261-29)

**Proposed Development:** Addition and remodel of an existing 3,331 sq. ft. 2-story, single family residence with attached 3-car garage. The proposed project includes: (1) addition of a new 488 sq. ft. second story bonus room above existing living room and existing porte-cochere resulting in the addition of 68' of linear feet of exterior walls (32%); (2) Remodel 912 sq. ft. of interior area above the garage, the master bedroom, and addition of an interior bathroom on the second floor; (3) Renovate 1,330 sq. ft. of roof area which is about 47% of roof alterations; (4) Addition of a 446 sq. ft. detached accessory storage building, with no plumbing utilities, at the rear of the property. No change to the height is proposed, no grading or landscaping is proposed, and no demolition of existing square footage is proposed.

**Rationale:** The subject site is a 10,450 sq. ft. inland lot designated as Residential Low (RL) density in the City of San Clemente Land Use Plan. Although some residential projects which are sited on inland lot in San Clemente are excluded from coastal development permits requirements under Categorical Exclusion Order E-82-1, the proposed project does not qualify for exclusion because the parcel did not exist on the date the order was adopted by the Commission and is located on an inland lot within the first public road and the sear in a gated community and would result in an increase of over 10% of internal floor area. However, the proposed project involves less than 50% demolition and renovation of the existing structure. The proposed development exceeds the Commission's parking requirements (2 spaces per residence) and is compatible with the character of the surrounding development. 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. Although the proposed development plans indicate a "solar ready area," installation of solar panels is not being proposed at this time. Public coastal access is available approximately 500 feet northwest of the site at San Clemente State Beach. 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 **May 12-14, 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

Carol Socorro Martinez  
Environmental Services Intern

cc: Commissioners/File

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April 27, 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:** 5-21-0065

**Applicant:** Mary Ellen Spoolstra

**Location:** 16661 Bolero Ln, Huntington Beach (Orange County) (APN(s): 178-381-20)

**Proposed Development:** Remove an existing 40-foot x 5-foot wood cantilever deck and replace like-for-like with new 40-foot x 5-foot concrete cantilever deck. Also, install a new 5-foot high bird safe glass railing and a new filtration drainage system.

**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 to a filtration system within the deck. A majority of the work will occur from the landward side of the deck. Only installation of the deck support braces will take place on the waterside from a barge. 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

**Coastal Development Permit De Minimis Waiver**  
5-21-0065

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 January 20, 2021. 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 **May 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.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Fernie Sy  
Coastal Program Analyst

cc: Commissioners/File

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April 21, 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:** 5-21-0168-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 651 sq. ft. of living area and 310 sq. ft. conversion of garage into laundry and storage room, thereby resulting in a two-story, 2,935 sq. ft. single-family residence with attached 735 sq. ft., 2-car garage. The existing roof will be waterproofed and extend over 317 sq. ft. of resurfaced 2<sup>nd</sup>-story deck. Also proposed is a complete replacement of the interior floor framing. No grading other than removal of underfloor soil for placement of concrete slab base below and within the existing building footprint. No change in landscaping or height of structure proposed.

**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 **May 12-14, 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

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## NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** April 28, 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. 5-11-178**  
Applicants: Lisa Cervantes-Morehart

### Original CDP Approval

CDP No. 5-11-178 was approved by the Coastal Commission on March 6, 2013 and provided for the installation of a new concrete bulkhead associated with an existing business/commercial building on a property fronting Newport Bay. The new bulkhead will be installed 10-feet into the bay from the existing property and will extend the width of the property for approximately 60-feet, with a return wall at each terminus.

### Previous CDP Extension

The expiration date of CDP No. 5-11-178 was previously extended by one year to March 6, 2021. The Commission's reference number for this previous extension was **CDP No. 5-11-178-E6**.

### Proposed CDP Extension

The expiration date of CDP No. 5-11-178 would be extended by one year to March 6, 2022. The Commission's reference number for this proposed extension is **CDP No. 5-11-178-E7**.

### 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 Wednesday, May 12, 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.**