

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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Prepared August 26, 2021 (for the September 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 September 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 September 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 September 10th.

With respect to the September 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 September 10, 2021 (see attached)

Waivers

- 5-21-0185-W, Don Redfern (Laguna Beach)

Immaterial Amendments

- 5-20-0224-A1, Braff (Laguna Beach)

Immaterial Extensions

- 5-16-0298-E3, Encino & Patricia Arvielo SFD - CDP Extension (Newport Beach)
- 5-18-0642-E1, Leonard Julian Sunset Beach, LLC (Sunset Beach)

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August 24, 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: 5-21-0185-W **Applicant:** Donald Redfern

Location: 35 Bay Drive, Laguna Beach Orange County (APN: 056-180-25)

Proposed Development: Replace an existing wood deck railing on the third story of an existing single-family residence with a glass deck railing. The glass railing will be treated with an industry-grade film to avoid bird strikes.

Rationale: The project site is located on an oceanfront bluff adjacent to the sea in an urbanized neighborhood consisting of single-family residences. The proposed development is the replacement of a wooden deck railing on the third floor with a glass railing. The subject deck would not be expanded and would not encroach further seaward. No changes are proposed to the primary residential structure (including the foundation, roof structure, exterior walls, or structural framing); thus, the project would not constitute a major remodel. The glass railing would be treated with a tinted film coating that breaks the reflection of the glass and becomes visible to birds, thus avoiding bird strikes. The project will not have any significant adverse effects on marine resources or public access. 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 **September 8-10, 2021** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Amrita Spencer
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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5-20-0224-A1

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

TO: All Interested Parties

FROM: John Ainsworth, Executive Director

DATE: August 26, 2021

SUBJECT: Permit No. **5-20-0224** granted to **David H. Braff** for:

Remodel existing 2,734 square foot, three-level (including existing basement) single-family residence resulting in a 3,198 square foot residence (no change to 25-foot height, foundation or structural roof elements); and remodel to existing guest house (no change to 554 square foot, 21-foot height, foundation, or structural roof elements) including (for both structures): interior improvements, new roof shingles, new siding, repair or replacement of existing doors and windows within the existing openings, and installation of one new window and door at existing guest house.

PROJECT SITE: 40 N. La Senda, Laguna Beach, Orange County (APN: 056-172-34)

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):

Minor modifications to two of six existing historic structures on a 43,415 square foot, ocean-fronting blufftop lot: (1) the Charthouse, a 360 square foot, two-story structure; and (2) Garage 1, a 1,027 square foot, single story four-car garage. The proposed project also includes landscaping, hardscaping, and installation of a new pool and spa. Both structures are located landward of the main residence approved for minor remodel via the underlying CDP No. 5-20-0224 (Braff). Changes proposed to the two structures include:

Chart House: Addition of a 36 square foot deck at the second story; replace a 26 square foot portion of roof area over the entry adjacent to the new deck; demolish exterior stairs on west side and construct new exterior stairs leading to the new deck on the south side. The existing exterior wall will be altered to accommodate a new door header and the 26 square feet of new roof framing above the entry/door area. Additional alterations to the Chart House include: lower level exterior siding will be restored where required based on its condition and the upper level siding will be restored or replaced as needed. The siding will not remove, alter or add any structural reinforcement (sheathing or shear walls). New roof shingles to match existing shingles on the existing roof (no structural changes to roof elements (roof joists, rafters, sheathing). No change to foundation or footprint is proposed.

Garage 1: Twenty-six square feet of interior garage area will be converted to a restroom by adding 10.84' of interior walls to 22.3' of existing interior wall; existing stucco on exterior garage walls will be replaced with historically correct wood siding (no change to sheathing or shear walls), and the hot mop roof will be replaced with hot mop roof in kind (no change to roof joists, rafters, sheathing). No change to foundation or footprint is proposed.

Also proposed are: installation of a new pool and spa; landscape and hardscape alterations including new landscape lighting and railings; 80 cubic yards of cut and 5 cubic yards of fill, primarily to accommodate the pool and spa (75 cubic yards) and also to accommodate the hardscape/landscape work. A Pool/Spa Protection Plan is also proposed which includes waterproofing and a leak detection system.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

The proposed alterations to the two historic structures do not rise to the level of major remodel. The entire property is listed on the National Historic Register and is also rated "E" Exceptional on the City of Laguna Beach's historic inventory. The applicant has provided a Historic Resources Assessment (HRA) for the property. The applicant has entered into an Agreement for Use of Structure for Historic Preservation, with the City, which limits future alterations. For the two structures currently proposed to be modified, the Charthouse and Garage 1, the percent alteration of each is:

Charthouse:

Roof: 25 sq ft of 210 sq ft roof to be replaced = about 12% alteration; no change to existing roof structural elements (rafters, joists, sheathing).

Exterior walls: 5 linear ft demolition; new door 1.54 linear feet in existing wall; 6.54 linear feet alteration to 115.7 linear feet of existing exterior walls = about 6% alteration;

Interior walls: 8.2 linear ft new interior walls. Currently there are no existing interior walls.

Demolish existing exterior stairs; add new exterior stairs and new 36 sq ft, second-story deck.

Garage 1:

Roof: demolish and replace 39 sq ft of 1,133 sq ft roof area = 3.4% alteration; no change to existing roof structural elements (rafters, joists, sheathing).

Exterior walls: demolish 10 linear feet of existing exterior wall to create new doors; 10' alteration to 140 linear feet of exterior walls = about 7% exterior wall alteration; Interior walls: Add 10.84' to 22.33' of existing interior walls = about 48.5% alteration.

The proposed project also includes installation of a new pool and spa; landscape and hardscape alterations including new landscape lighting and railings; 80 cubic yards of cut and 5 cubic yards of fill, primarily to accommodate the pool and spa (75 cubic yards) and also to accommodate the hardscape/landscape work. The pool and spa are located landward of the main house and charthouse, approximately 25 to 30 feet from the street (N. La Senda Drive). For comparison, the main house is located approximately 150 feet from the street.

Work approved under CDP 5-20-0224 included work to the main house and work on the guesthouse (two of the other six historic structures on site). An addition of approximately 17% percent to the main house was approved. No alterations to the existing main house foundations, structural roof elements, or exterior walls were proposed or approved. No work is currently proposed to the main house. CDP No. 5-20-0224 also allowed installation of one new window and one new door to the guesthouse. No change to the guesthouse foundations or structural roof elements were proposed or approved. The current project proposes alterations to the Charthouse and Garage 1 as described above. No changes to any other structures on the site are currently proposed.

Based on the percent alteration proposed, the project does not constitute a major remodel as defined in the City's certified LUP. Also, when past development at the site (see CDP 5-20-0224 and Exemption 5-19-0373-X, which totals about 25% alteration to the main house) is considered together with the current proposal, the alteration percentage still does not rise to the level of a major remodel. Except for minor handrail work and minor replacement of stone veneer with brick to match the historic appearance, all work will occur landward of the main residence, between the main residence and the road (N. La Senda Drive).

The Commission has typically found that the threshold to impose requirements such as removal of non-conforming development is triggered when the scope of work is such that a project represents new development (major remodel). In this case, the proposed development does not rise to that level. If at some point in the future additional development is proposed at the site, the question of whether all development on site rises to the level of new development/major remodel would be considered. If in the future, the total work conducted on the site (both future and past work) does rise to that level, consideration of how the typically required measures (such as removal of non-conforming development) as it applies to historic structures, would be considered.

No development would occur on the bluff face or on the beach which may be subject to the Public Trust.

The proposed amendment will not result in adverse impacts to shoreline processes, existing public coastal access, coastal resources, public recreation or coastal views. The proposed amendment would not result in development that would prejudice the City's ability to prepare a certified Local Coastal Program for this area of deferred certification and is consistent with past Commission actions in the area and the Chapter 3 policies of the Coastal Act.

If you have any questions about the proposal or wish to register an objection, please contact Meg Vaughn at Meg.Vaughn@coastal.ca.gov or at the Commission's South Coast Area office reflected in the letterhead.

CALIFORNIA COASTAL COMMISSION

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: August 26, 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. 5-16-0298**
Applicants: Enrico and Patricia Arvielo

Original CDP Approval

CDP No. 5-16-0298 was approved by the Coastal Commission on May 12, 2017, and provided for the demolition of an existing duplex and construction of a new three-story, 6,366 square foot, duplex with a basement and a subterranean 498 square foot, four-car garage on a bluff face lot.

Previous CDP Extension

The expiration date of CDP No. 5-16-0298 was previously extended by one year to May 12, 2020. The Commission's reference number for this previous extension was **CDP No. 5-16-0298-E1**.

Previous CDP Extension

The expiration date of CDP No. 5-16-0298 was previously extended by one year to May 12, 2021. The Commission's reference number for this previous extension was **CDP No. 5-16-0298-E2**.

Proposed CDP Extension

The expiration date of CDP No. 5-16-0298 would be extended by one year to May 12, 2022. The Commission's reference number for this proposed extension is **CDP No. 5-16-0298-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, September 10, 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 in the South Coast District office.

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**NOTICE OF PROPOSED PERMIT EXTENSION****August 26, 2021****5-18-0642-E1**

On August 8, 2019, the Coastal Commission approved Coastal Development Permit No. 5-18-1151 (Leonard Julian Sunset Beach, LLC) which allowed:

Demolition of a commercial car wash and construction of a three story, 35 foot high mixed use structure consisting of a moderately priced 12-unit hotel with eight 3 bedroom units and four 4 bedroom units, and 1,800 square feet of retail space located on the ground floor level. The entire structure will be 25,950 square feet including a 6,117 square foot garage with 32 parking spaces. The project also includes a tentative parcel map to consolidate seven parcels into a single parcel.

Notice is hereby given that the applicant has applied for a one-year extension (5-18-0642-E1), which would extend the deadline for the commencement of development under the permit to August 8, 2022.

At: 17145 Pacific Coast Highway, Sunset Beach,
City of Huntington Beach, Orange County
(APN: 178-551-31)

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 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