

CALIFORNIA COASTAL COMMISSION

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F9a

ADDENDUM

September 8, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM F9a, APPLICATION NO. 5-21-0087 FOR THE COMMISSION MEETING OF FRIDAY, SEPTEMBER 10, 2021.**

CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report for Item F9a, dated August 19, 2021. The following modifications clarify the legal non-conforming status of the deck cantilevered from the bulkhead in the findings in the staff report and in Special Condition No. 1, which requires submittal of a Final Project Plan. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

Page 2 – Modify Summary of Staff Recommendation, as follows:

The subject landside lot is developed with an ~~unpermitted~~ deck cantilevered from the bulkhead which extends bayward of the bulkhead over privately owned submerged lands. No work is proposed to this deck as part of the proposed project. To ensure that no work to this deck cantilevered from the bulkhead is the unpermitted development is not approved as part of the proposed project, staff recommends the Commission impose **Special Condition No. 1**, which requires the applicant to submit Final Project Plan identifying and stating that the ~~unpermitted~~ deck cantilevered from the bulkhead is not approved as part of the proposed project.

Page 6 – Modify Section III. Special Conditions/No. 1 Final Project Plans, as follows:

1. Final Project Plans.

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and written approval, two (2) full size sets of Final Project Plans approved by the City of Newport Beach Harbor Resources Department. The Final Project Plans shall reflect the following changes:

The plans shall identify and state that the ~~unpermitted~~ deck cantilevered from the bulkhead is not approved as part of the proposed project.

- B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports.
- C. The permittee shall undertake development in conformance with the approved final updated plans. Any proposed changes to the approved final plans, such as changes needed to be consistent with the City's certified Local Coastal Plan (LCP), Harbor Design Guidelines, or the requirements of other Resource Agencies, shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

Page 12 – Modify Section IV. Findings and Declarations/A. Project Description, Location, Local Approval and Standard of Review/Project Description, Location and Local Approval, as follows:

The subject landside lot is developed with a single-family residence and an ~~unpermitted~~ deck cantilevered from the bulkhead which extends bayward of the bulkhead over private submerged lands. This deck was included on the final plans approved by the Commission on August 26, 1974 through Coastal Development Permit No. A-3823, as part of a project to remodel the single-family residence. ~~The applicant has not provided documentation that the deck obtained approval from the Commission or was constructed prior to the effective date of the Coastal Act, which is January 1, 1977.~~ No work is proposed to this deck as part of the proposed project. To ensure that no work to this deck cantilevered from the bulkhead is the unpermitted development is not approved as part of the proposed project, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit Final Project Plan identifying and stating that the ~~unpermitted~~ deck cantilevered from the bulkhead is not approved as part of the proposed project.