

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



TH11

Prepared May 31, 2022 (for the June 09, 2022 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 June 2022**

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 June 09, 2022. 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 June 9th.

With respect to the June 9th 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 June 09, 2022 (see attached)

Waivers

- 5-21-0879-W, Convert ADU (San Clemente)
- 5-22-0178-W, Detached ADU (San Clemente)
- 5-22-0211-W, Garage ADU (San Clemente)
- 5-22-0243-W, New ADU (San Clemente)
- 5-22-0307-W, John & Shelby Cappello (San Clemente)
- 5-22-0323-W, Public parking lot (Laguna Beach)

Immaterial Amendments

- 5-15-1789-A1, Talbert Regional Park (Costa Mesa)
- 5-19-0225-A1, California Department of Parks and Recreation (Dana Point)

Immaterial Extensions

- 5-82-291-A5-E5, Remodel of Ritz Carlton (Dana Point)

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May 27, 2022

**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: 5-21-0879-W**Applicant:** Jose Castro**Location:** 259 Avenida Granada, San Clemente, Orange County (APN: 05811367)

Proposed Development: Convert a two-car garage in an existing 30-ft. high, 3,526 sq. ft., three-unit residential structure into a 422 sq. ft. Accessory Dwelling Unit (ADU), and extend the existing exterior staircase of the existing residential structure by approximately 10 linear feet to the roof level, including the construction of a 3.5-ft. high roof access structure with parapet for maintenance purposes. Six parking spaces are provided on site.

Rationale: The project site is located on a developed 6,098 sq. ft. lot located 1/3 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. With the exception of the installation of a roof access structure and exterior staircase extension, the project does not propose any changes to the existing three-unit structure, and 3 residential units would remain onsite. The project does not provide any additional parking for the proposed ADU, however the site is located a third of a mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous 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 **June 8-10, 2022** 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

Mandy Revell
Coastal Program Analyst

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Waiver: 5-22-0178-W

Applicant: The Gregory and Shelly Nahass Family Trust

Location: 224 and 226 Avenida Miramar, San Clemente (Orange County) (APN: 058-121-26)

Proposed Development: Construction of a new 13.5-ft. tall, detached, 461 sq. ft. accessory dwelling unit (ADU) in the back yard of the 5,663 sq. ft. lot of the existing 2-story, 1,509 sq. ft. duplex. No new landscaping is proposed. No grading is proposed.

Rationale: The project site is located on a developed approximately 5.663 sq. ft. lot inland of the first public road parallel to the sea. The site is designated Residential Medium Density (RM) in the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project would result in one detached ADU that will be located in the rear yard of the existing duplex. There are a total of three on-site parking spaces located on the driveway and in the garage, and no new parking will be added. Adequate measures to address water quality have been incorporated into the design and construction of the project. 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. Additionally, the proposed development will not prejudice the City's ability to prepare a certified Local Coastal Program.

This waiver will not become effective until reported to the Commission at its **June 8-10, 2022** 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

Mandy Revell
Coastal Program Analyst

cc: Commissioners/File

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Waiver: 5-22-0211-W**Applicant:** Kathy Lidke**Location:** 118 Paseo de Cristobal, San Clemente, Orange County
(APN:692-153-30)

Proposed Development: Convert 410 sq. ft. detached single car garage associated with the existing 2,472 sq. ft. single family residence to an approximately 12-ft. high, 410 sq. ft. Accessory Dwelling Unit (ADU). Two tandem parking spaces are provided on site.

Rationale: The project site is located on a developed 6,200 sq. ft. lot located 1/2 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project does not propose any changes to the existing single-family structure, and one single family unit would remain onsite. The project does not provide any additional parking for the proposed ADU, however the site is located a half mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous 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 **June 8-10, 2022** 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

Mandy Revell
Coastal Program Analyst

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Waiver: 5-22-0243-W**Applicant:** William and Lark Kessler**Location:** 110 E. El Portal, San Clemente, Orange County (APN: 057-154-07)

Proposed Development: Construct a detached, 13.5-ft. high, 264 sq. ft. Accessory Dwelling Unit (ADU) in the southwest portion of the rear yard of the existing 1,053 sq. ft. single family residence. Two tandem parking spaces are provided on site.

Rationale: The project site is located on a developed 4,000 sq. ft. lot located 1/2 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project does not propose any changes to the existing single-family structure, and one single family unit would remain onsite. The project does not provide any additional parking for the proposed ADU, however the site is located a half mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous 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 **June 8-10, 2022** 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

Mandy Revell
Coastal Program Analyst

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Coastal Act Section 30624.7**

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Waiver: 5-22-0307-W**Applicant:** John and Shelby Cappello**Location:** 115 E. El Portal, San Clemente, Orange County (APN: 057-153-17)

Proposed Development: Convert 471 sq. ft. detached garage associated with the existing 850 sq. ft. single family residence to an approximately 11-ft. high, 471 sq. ft. Accessory Dwelling Unit (ADU). Two tandem parking spaces are provided on site.

Rationale: The project site is located on a developed 3,600 sq. ft. lot located 1/2 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is zoned Residential Medium Density (RM) by the City's certified LUP and the proposed project conforms to the permitted uses and development standards for the RM zone. The project does not propose any changes to the existing single-family structure, and one single-family unit would remain onsite. The project does not provide any additional parking for the proposed ADU, however the site is located a half mile inland from the beach and parking for the new ADU is not expected to impact public street parking spaces used for beach access. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous 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 **June 8-10, 2022** 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

Mandy Revell
Coastal Program Analyst

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May 27, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Waiver: 5-22-0323-W

Applicant: City of Laguna Beach

Location: 30802 S. Coast Hwy, Laguna Beach (Orange County) (APN: 656-191-38)

Proposed Development: The City proposes to lease the land from the property owner to operate an existing private lot as a public surface parking lot for year-round use. Parking will be available from 6am to 12am (no overnight parking) with paid parking enforced between 8am and 7pm with a 3-hour time limit, similar to adjacent on-street parking. A City operated pay station will be installed on site. Initial parking rates will be \$2.75 per hour in the summer and \$2.50 per hour in the non-summer season. The existing lot will be sealed and new striping will be placed on existing AC pavement to create a total of 49 regular parking spaces and 2 ADA parking spaces with an accessible path to the public right of way. The proposed project will require the removal of 3 on-street parking spaces to allow for proper sight distance at the driveway. The City will close the driveway and replace the three on-street parking spaces immediately after the termination of the parking lot lease. Additional minor improvements include removal of shrubs to accommodate the accessible path of travel and directional and lot designation signage. There will be no impacts to coastal sage scrub. No new access to Coast Hwy is proposed. The remaining site landscape will remain in place.

Rationale: The project site is located east of Coast Highway within approximately 300 feet of the beach. The project site is zoned for recreation and a parking lot is a permitted use at this site, consistent with the certified zoning code. The proposed public parking lot will improve access to the coast by providing a net of 48 public parking spaces that were not previously available to the public. The proposed parking lot will require the removal of three on-street parking spaces, however, the City proposes to replace the

Coastal Development Permit De Minimis Waiver
5-22-0323-W

three on-street parking spaces immediately after the termination of the lease. The proposed parking rates and parking hours are consistent with the on-street parking along Coast Highway. The proposed project will not have any effects on ESHA. 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 **June 2022** 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

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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May 27, 2022

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-15-1789-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **5-15-1789-A1** granted to **Orange County Parks** for: Annual maintenance of existing service roads and trails within Talbert Regional Park, consisting of trimming native and non-native vegetation alongside the existing trails to accommodate emergency and maintenance vehicle access.

Project Site: Talbert Regional Park, 1298 Victoria St., Costa Mesa, Orange County
(APN: 422-341-06)

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):

Revise the project description to extend the timing of operations for five more years until March 16, 2027.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

Notice of Proposed Immaterial Permit Amendment

5-17-0795-A2

director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed annual maintenance of existing graded dirt service roads and trails within Talbert Regional Park improves trail access within the park without adversely impacting existing native habitat. All maintenance activities are proposed to be conducted between October 14th through March 15th to avoid impacting avian species during nesting season.

The proposed permit amendment does not conflict with any of the conditions or terms of the underlying coastal development permit. The special conditions of the underlying permit will remain in effect. The amendment is consistent with the Chapter 3 policies of the Coastal Act, and previous Commission actions in the area. Therefore, staff is recommending that the Commission grant the immaterial amendment request.

If you have any questions or wish to register an objection to the processing of this amendment application as an immaterial amendment, please contact Mandy Revell and send the objection in writing to the address above.

Mandy Revell
Coastal Program Analyst

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May 26, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **5-19-0225-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit Number **5-19-0225** issued to the **California Department of Parks and Recreation** for: Replacement of approximately 6,500 linear feet of existing sewer lines within Doheny State Beach, including temporary trenching; phased closure of the day-use area during construction and complete closure of the campground from November 15, 2020 through April 1, 2021; demolition and replacement of vegetation outside bird breeding season; construction of an approximately 6-foot high maintenance yard lift station; rehabilitation and installation of manholes; and system monitoring.

Project Site: 25300 Harbor Drive, Dana Point, Orange County (APN: 988-021-93)

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:

Amend project description to include the replacement of an additional 823 linear feet of existing sewer lines with a new 12-inch. diameter sewer line within Doheny State Beach.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of Section 13166(b) of the Commission's regulations.¹ Pursuant to Section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-19-0225-A1

Pursuant to Section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to Section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reasons:

During the sewer line replacement approved by the underlying permit, the California Department of Parks and Recreation found unexpected corrosion damage to the main sewer line extending between the Maintenance Yard Lift Station and the Park Lantern/Dana Point Harbor Drive Intersection. The applicant proposes to install a new, 823 linear foot, 12-inch diameter sewer line below the asphalt road of Park Lantern, connecting to the sewer line system approved by the underlying permit. The new portion will be installed using a pipe-bursting method with no grading proposed. Removal and replacement of the damaged sewer line would increase the length of temporary road closure necessary; to minimize impacts to public access, the applicant does not propose removal of the damaged sewer line. The proposed work will occur within the project area approved by the underlying permit and will be subject to all permit conditions.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above. If you have any questions about this notice, please contact Chloe Seifert at chloe.seifert@coastal.ca.gov.

Chloe Seifert
Coastal Program Analyst

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NOTICE OF PROPOSED PERMIT EXTENSION

May 27, 2022**5-82-291-A5-E5**

On June 16, 1982, the Coastal Commission granted Coastal Development Permit No. 5-82-0291 (AVCO) which allowed construction of a 397-room resort hotel with two restaurants, meeting rooms, ballroom, pool and deck, public access trail, 672 off-street parking spaces, landscaping and other improvements on a vacant 18.55 acre blufftop lot.

On May 13, 2015 the Coastal Commission granted an amendment to 5-82-291. Amended CDP 5-82-291-A5 allowed remodel and expansion of the existing Ritz Carlton Laguna Niguel hotel by adding a 36,071 square foot meeting and event space; relocating a segment of the existing public access walkway to the bluff and beach; landscape and hardscape work and installing water quality management devices.

Beginning in 2017, and recurring annually, the Coastal Commission granted several extensions of that amended CDP. Notice is hereby given that SHC Laguna Niguel I, LLC has applied for another one-year extension (5-82-291-A5-E5), which would extend the deadline for the commencement of development under the now-amended permit to May 13, 2023 based on the dates provided in the amended permit, dated June 10, 2016.

At: Ritz-Carlton Resort Hotel
1 Ritz Carlton Drive, City of Dana Point (Orange County)
APN: 672-171-03

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 application should contact this 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