

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX
WWW.COASTAL.CA.GOV



TH11

Prepared November 02, 2023 (for the November 16, 2023 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 November 2023**

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 November 16, 2023. 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 November 16th.

With respect to the November 16th 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 November 16, 2023 (see attached)

Waivers

- 5-23-0382-W, Single-Family Residence Redevelopment (Seal Beach)
- 5-23-0387-W, OCPW Lot Line Adjustments (Dana Point Harbor)
- 5-23-0578-W, Deck Addition (Seal Beach)

CDP Extensions

- 5-17-0948-E4, Lido Group Retail, LLC (Newport Beach)

Emergency Permits

- G-5-23-0060, Casa Romantica ECDP (San Clemente)
- G-5-23-0073, Baside Village Parking lot Sink Hole Repair (Newport Beach)

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
PHONE (562) 590-5071



November 1, 2023

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: 5-23-0382-W**Applicant:** Michael Dow**Location:** 113 11th Street, Seal Beach, Orange County (APN: 199-042-35)

Proposed Development: Addition to an existing 1,910.08 sq. ft., 2-story single-family residence and a 410 sq. ft. detached garage, resulting in a 1,969.81 sq. ft., 25-ft. high, 2-story single-family residence and a 475.26 sq. ft. detached garage with a new 509.51 sq. ft. Accessory Dwelling Unit (ADU) over the existing garage.

Rationale: The project site is located on a developed 2,938 square-foot lot located 450 feet from the public beach, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated as residential high density in the City of Seal Beach uncertified Zoning Code. There will be no loss of on-site vehicle parking or public street vehicle parking. Therefore, the project would not adversely impact public access in the area. Although the project site is not currently sited in a hazardous area, the property may encounter flooding due to sea level rise near the end of the expected lifespan of the development. In response to this issue, the applicant proposes to waterproof the base of the proposed first floor 36" above the finished floor elevation and has acknowledged and agreed that the site may be subject to hazards from flooding and assumed any risks that may result from hazards and flooding in a signed statement. The proposed project design is compatible with the character of surrounding development, will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with previous Commission action in the area and the Chapter 3 policies of the Coastal Act.

Coastal Development Permit Waiver

5-23-0382-W

This waiver will not become effective until reported to the Commission at its **November 15-17, 2023** 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.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071
WWW.COASTAL.CA.GOV



November 1, 2023

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: 5-23-0387-W

Applicant: County of Orange Public Works, Attention: Kevin Canning

Location: Dana Point Harbor Drive (APN(s): 682-022-07, -08, -09, -11, -16, -24, -27, -29, -30, -31 and -33. These identified APNs are for tax purposes only)

Proposed Development: Lot line adjustment of four existing parcels (Parcels 4, 5, 6, and 7 of the existing recorded parcel map). This approval does not authorize any change to existing land use designation or zoning, physical development, or change in the number of parcels.

Rationale: The subject parcels are located adjacent to or within Dana Point Harbor. Portions of the parcels being reconfigured are under the permit jurisdiction of the City of Dana Point. One parcel being reconfigured is partially within the harbor waters under the permit jurisdiction of the Coastal Commission. The Dana Point Harbor District Regulations (Implementation Plan) cite Public Resources Code §30601.3, which allows the Coastal Commission to act upon a consolidated coastal development permit application when a permit is required from both the Coastal Commission and the City. The city and applicant requested a consolidated permit action. The County is proposing the subject lot line adjustment to avoid construction of previously approved, but not yet constructed, new buildings that would cross an existing property line and lie within multiple parcels. As proposed, all new buildings will be contained within individual parcels, and would not cross a property lines. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities. The proposed development is consistent with the Chapter 3 policies of the Coastal Act and with the certified Dana Point Local Coastal Program, which is used as guidance.

Coastal Development Permit De Minimis Waiver
5-23-0387-W

This waiver will not become effective until reported to the Commission at its November 16, 2023 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,

Dr. Kate Huckelbridge
Executive Director

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071
WWW.COASTAL.CA.GOV



October 11, 2023

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: 5-23-0578-W

Applicant: Jeff Nasmyth

Location: 97A Surfside Avenue, Seal Beach, Orange County (APN: 178-462-22)

Proposed Development: Construction of a new 10 ft. wide, 19ft.- 3in. long, beach-facing 2nd floor deck attached to an existing 1,830 sq. ft. two-story single-family residence. A 42-in.-tall cable guardrail will be installed, as well as two new 8-in. by 8-in. square columns placed below the deck at midpoint (5 ft. distance) for structural support. The square columns will be installed into the existing foundation. No other modifications or changes to structure and property are proposed.

Rationale: The project site is located on a developed 1,722 sq. ft. beachfront lot in the Surfside Community of Seal Beach. The project is located between the first public road and the sea and is in an existing private, gated residential community. The lot is designated Residential Low Density-9 (RLD-9) in the City's uncertified zoning code. The project conforms to the permitted uses and development standards for the RL land use and the Surfside standards. The existing residential structure is located within the applicant's property boundary, however the proposed 2nd floor deck will be located on a strip of land that is owned by Surfside Colony, Ltd. The applicant has a current lease with Surfside Colony, Ltd. for their deck to be located within this 10ft. deep area of land. The applicant provided a construction staging plan showing that no construction staging will occur on the public sandy beach. Additionally, adequate measures to address water quality have been incorporated into the design and construction of the project. The proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver
5-23-0578-W

This waiver will not become effective until reported to the Commission at its **November 15-17, 2023** 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.

Dr. Kate Huckelbridge
Executive Director

Emily Greer
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



November 1, 2023

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that DJM Arc Lido, LLC has applied for a one year extension of 5-17-0948 granted by the California Coastal Commission on August 10, 2018.

for: Replacement of a 25-foot long x 3.0-foot wide decked accessway at the bayside (northern) boundary of the project site. The existing deck will be replaced with a 3.5-foot wide deck, including a new 6-inch section cantilevered over the water, resulting in a 25-foot long x 3.5-foot wide accessway segment. The applicant has proposed to offer a public access easement along a 47-foot long segment of this bayfront accessway.

at: 3450 Via Oporto, Newport Beach, Orange County (APN: 423-123-03)

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 the district office of the Commission at the above address or phone number.

Sincerely,

Dr. Kate Huckelbridge
Executive Director

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
PHONE: (562) 590-5071
FAX: (562) 590-5084
WEB: WWW.COASTAL.CA.GOV

**EMERGENCY COASTAL DEVELOPMENT PERMIT****Emergency CDP G-5-23-0060 (Casa Romantica)**

Issue Date: October 17, 2023

Permittee: City of San Clemente**Emergency Location:** Western Slope of the Casa Romantica Property at 415 Avenida Granada, San Clemente, Orange County (APN(s): 692-012-38 and 692-012-39)

Emergency Description: The bluff seaward of the Casa Romantica building initially failed on April 27, 2023. This bluff failure caused portions of the slope to slide towards the railroad tracks and the adjacent Reef Gate condominium complex located at 423 Avenida Granada. On May 12, 2023, the City began emergency slope stabilization repair to abate the continuous movement of the slope. This work involved using heavy construction equipment to remove the large mound of soil at the north end of the landslide and placed soil against the slope nearest Casa Romantica to help stabilize the slope. On June 2, 2023, that emergency work was completed. On June 3, 2023, the slope began to move again. That same day the contractor came on site to regrade and reshape the slope to help with the stabilization of Casa Romantica. This work was completed on June 4, 2023. On June 5, 2023, the slope started moving again and continued to slide and move towards the railroad tracks. On June 30, 2023, Orange County Transportation Authority was granted an Emergency Coastal Development Permit (ECDP No. G-5-23-0056) for the installation of a temporary steel pile and timber lagging barrier wall. The purpose of the wall is to prevent slope-side material from falling on the track. However, the debris wall does not provide stabilization for the Casa Romantica building. Construction of the temporary steel pile and timber lagging barrier wall was completed on July 13, 2023.

The City conducted borings behind the landslide and encountered two weak and adversely oriented clay beds within the bedrock underlying the site. It appears that the initial landslide occurred on the upper clay bed and a second failure later occurred on the lower clay bed. The City completed a slope stability analysis for the upper and lower clay bed, both of which indicate unstable conditions for the Casa Romantica building. Currently, portions of the Casa Romantica building are yellow tagged and cannot be occupied at this time.

The City of San Clemente is concerned that if the bluff continues to fail, portions of the Casa Romantica building will be damaged, with the potential to slide down the slope and send debris onto the railroad track and/or the adjacent Reef Gate Condominium building. In order to protect life and property, more substantial work is needed to secure the Casa Romantica building and site.

Enclosure: ECDP Acceptance Form

cc: (via email):

Emergency Development: The first phase of emergency work involved the removal of the large mound of soil at the north end of the landslide and the placement of soil against the slope nearest Casa Romantica to stabilize the slope. The City also removed soil off the Reef Gate building to relieve any pressure against the building. Additionally, some soil was removed from the site to lighten the weight of the load above the failure plane. This phase also involved impacts to the north side of the Casa Romantica property, including removal of a concert stage and part of a wall to the amphitheater as well as damages to landscaping from the equipment traffic. These impacts were required to gain access to the site.

For the second phase of emergency work, the City proposes to remove the two landslides, and excavate a buttress key through the basal rupture surface of each landslide and then reconstruct the slope to its approximate original site grade. In order to provide temporary stability during landslide excavation and to contribute to the long-term stability of the site, four rows of grade beams and tiebacks are proposed to be constructed as landslide removals are being performed. Approximately 96, 100 ft.-long tiebacks will be installed. Once all of the tiebacks are installed, the slope reconstruction will begin. The proposed slope reconstruction will involve the inclusion of geogrid reinforcement at regular intervals (approximately 2-vertical ft.) with the compacted fill for slope stability mitigation purposes, due to the height and inclination of the fill slope (~ 1.65:1). The City is also proposing to install temporary tarping on the slope to account for winter storms. Once the tiebacks are installed and the slope is reconstructed, the City is proposing to re-vegetate the slope with native plants.

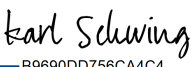
Additionally, the stormwater drainage system of the Casa Romantica site has been severed by the landslide, posing additional risk of slope failure during rain events. Therefore, the City is proposing to install temporary 12-in. diameter corrugated plastic storm drain pipes, north and south of the landslide repair area, on the slope face to the toe of the slope. Ultimately, through a separate non-emergency action, the southern pipe will be connected to the northern pipe, within the landslide repair backfill, and the original northern drainage pipe will be reconstructed in the original easement on the northern side of the site. The drain will outlet to the rip-rap area at the toe of the slope as before. Subdrains and panel drains constructed within the landslide repair will also outlet to the buried storm drain system.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence in the form of multiple landslides which could potentially undermine structures and send debris onto the railroad tracks and into the adjacent residential building demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at

Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:

B9690DD756CA4C4

Karl Schwing, South Coast Deputy Director, for Dr. Kate Huckelbridge, Executive Director

Conditions of Approval

1. Prior to the completion of the work authorized by this permit, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a planting plan prepared by an appropriately licensed professional that demonstrates the entirety of the geogrid system will be vegetated with native plants that are appropriate for the project area habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist. No plant species listed as a "noxious weed" by the State of California, or the U.S. Federal Government shall be utilized. All plants shall be low water use plants as identified by the California Department of Water Resources (See <https://cimis.water.ca.gov/Content/PDF/wucols00.pdf>). Irrigation shall be limited to use of temporary, above-ground irrigation only. No permanent irrigation shall be installed within the project area. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or micro-spray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.
2. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's South Coast District Office within 15 working days of the date of this ECDP (i.e., by **November 7, 2023**). This ECDP is not valid unless and until the acceptance form has been received in the South Coast District Office.
3. All emergency development shall be limited in scale and scope to that identified in the email from Shawn Ryan with the City of San Clemente received on **October 2, 2023**. The permanent drainage system proposed by the City is not included in the approval of this ECDP; that proposal will be reviewed as a part of the City's follow-up CDP. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as

applicable.

4. The emergency development authorized on a temporary basis by this ECDP must be completed **within 270 days** of ECDP issuance (i.e., by **July 13, 2024**).
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of San Clemente, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.
7. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
8. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party

other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

9. Within 60 days of ECDP issuance (i.e., by **December 16, 2023**), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).
10. Failure to meet any of the applicable requirements of Condition 9 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
11. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
12. A licensed civil engineer or other qualified professional with experience in

geotechnical stabilization shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.

13. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
14. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
15. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
16. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
17. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
18. The Permittee shall notify planning staff of the Coastal Commission's South Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
19. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
20. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all

emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.

21. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
22. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
23. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
24. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
25. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's South Coast District Office at 301 E. Ocean Blvd., Suite 300, Long

Emergency CDP G-5-23-0060 (Casa Romantica)

Issue Date: October 17, 2023

Beach, CA 90802, (562) 590-5071, or send email to southcoast@coastal.ca.gov.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole Repair)

Issue Date: October 23, 2023

Permittee: Bayside Village Marina, LLC

Emergency Location: 300 East Coast Highway, Newport Beach, Orange County
(APN: 440 132 60).

Emergency Description: On Friday, September 29, 2023, a waterline located within the eastern bluff edge of the Bayside Village Marina T-dock gangway entrance failed, resulting in the erosion of the upland slope contributing to the formation of a large sinkhole on the edge of the existing asphalt parking lot. The T-dock provides 18 slips leased to boat owners at Bayside Village Marina. The parking lot where the dock is located and where failure occurred provides vehicular access for Bayside Village Marina boaters and Back Bay Landing recreational uses, commercial uses, and the public. Maintenance staff have since secured the line with new piping leaving the failed waterlines in place. The full extent of the sinkhole is unknown. The existing gangway's landside connection is supported by a load bearing pad embedded in soil at the top of the shoreline slope. The slope failure undermined the landside connection on its east side, exposing utility lines and the underside of the load bearing pad, compromising the stability of the structure. Immediate repairs are proposed to the areas of pavement and slope failure to return it to a stable condition and prevent further exposure of the load bearing pad and utilities. According to the applicant's engineering consultant, Anchor QEA, if the proposed repairs are not performed expeditiously, gangway instability and continued erosion and enlargement of the sinkhole will endanger the ability of boat owners and others to safely access their vessels and the bay, while continued erosion of the sinkhole will further undermine the frequently occupied parking lot.

Emergency Development: Emergency work involves the installation of new support elements for the gangway, and gravel fill within the sinkhole along the slope where immediate concern resides. Approximately 14 cubic yards of course gravel fill would be poured within the sinkhole to fill it and create a safe surface level with the surrounding asphalt, reforming the slope eroded away by the pipe failure. The gravel will allow settlement as needed to provide support if soils within the sinkhole shift and settle. The face of the seaside slope would be covered with a lightly compacted layer of soil fill suitable for revegetation.

Proposed support elements for the gangway include 6-inch diameter pipe piles, each 30-feet in length which will be driven with a backhoe approximately 20-feet below

Enclosure: ECDP Acceptance Form

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

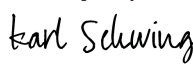
Issue Date: October 23, 2023

ground level or to refusal. New 4" x 6" support stringers will be installed on each side of the pipe piles and bolted through the pipe piles directly into the gangway. Shims would be placed as needed to fill the gap between the top of the new support stringers to the bottom of the existing gangway stringers. All of the described work will be accomplished using land-based equipment. No watercraft are necessary for this installation approach, and all floating docks and boats will remain in place during the installation process. No impact to bay bottom or discharge to waters of the United States will result with implementation of the proposed project. The start date is as soon as the work is authorized and will take approximately three weeks to complete.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:

B9690DD756CA4C4...

10/23/2023

Karl Schwing, South Coast Deputy Director, for Dr. Kate Huckelbridge, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's South Coast District Office within 15 days of the date of this ECDP (i.e., by November 7, 2023). This ECDP is not valid unless and until the acceptance form has been received in the South Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received via email on October 6, 2023, and additional information received via email on October 18th and 20th, 2023. Only that emergency development specifically described in this

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

Issue Date: October 23, 2023

ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.

3. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Orange County, California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
4. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.
5. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslides, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
6. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

Issue Date: October 23, 2023

the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

7. Within 90 days of ECDP issuance (i.e., by January 23, 2024), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); **or** (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).
8. Failure to meet any of the applicable requirements of Condition 7 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
9. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

Issue Date: October 23, 2023

of any issues encountered that may require adjustment.

10. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
11. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Newport Bay) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
12. Construction activities (including gangway stabilization and gravel installation) shall be limited to no more than a total of 60 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
13. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
14. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
15. All construction activities that result in discharge of materials, polluted runoff, or wastes into the waterway or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place adjacent to the waterway. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
16. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
17. The Permittee shall notify planning staff of the Coastal Commission's South Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
18. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

Issue Date: October 23, 2023

applicable to it, prior to commencement of construction.

19. Within 180 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
20. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
21. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.
22. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
23. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance

Emergency CDP G-5-23-0073 (Bayside Village Marina Parking Lot Sinkhole
Repair)

Issue Date: October 23, 2023

of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's South Coast District Office at 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802-4302 (562) 590-5071, or SouthCoast@Coastal.ca.gov.