

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



TH13

Prepared July 31, 2023 (for the August 10, 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 August 2023**

The following coastal development permit (CDP) waivers, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on August 10, 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 August 10th.

With respect to the August 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 August 10, 2023 (see attached)

Waivers

- 5-23-0261-W, Demo and Construct SFR (Laguna Beach)
- 5-23-0505-W, Pool and Spa Addition (Seal Beach)

CDP Extensions

- 5-20-0630-E1, 16655 Pacific Coast Highway (Sunset Beach)

Emergency Permits

- G-5-23-0056, OCTA Casa Romantica (Orange Subdivision Mp 204.6)

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July 25, 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: 5-23-0261-W

Applicant: Devin & Jennifer Daniels

Location: 26 Stonington Rd, Laguna Beach, Orange County (APN: 056-212-10)

Proposed Development: Demolition of an existing one-story, 18-foot 6-inch high, 2,732 square foot single-family residence and construction of a new one-story, 18-foot 6-inch high, 4,251 square foot single-family residence with landscape and hardscape improvements and a day light basement of which includes a 181 square foot bedroom, a two-bedroom 729.5 square foot additional dwelling unit (ADU), a 459.2 square foot two car garage, and 126 square feet of storage space. Grading for the proposed basement addition includes 855.71 cubic yards of cut and 80.72 cubic yards of fill.

Rationale:

The subject site is a 6,300 square foot lot, located within the existing locked-gate community of Three Arch Bay, one of three areas of deferred certification in the otherwise certified City of Laguna Beach. Three Arch Bay was deferred due to public access issues arising from the locked gate nature of the community. However, the proposed development (revisions to an existing residence on an existing lot), will have no effect on existing public access conditions. The subject lot is not a bluff or oceanfront lot and is not located between the first public road and the sea; it is an inland, interior lot surrounded by existing development (road and residential). The site is zoned Three Arch Bay by the City which allows low-density residential development, and the proposed project conforms to the low-density residential zoning. The proposed runoff control measures are consistent with the marine/water quality protection policies of the Coastal Act. The proposed project would utilize only drought tolerant, low water use,

Coastal Development Permit De Minimis Waiver
5-23-0261

non-invasive plant species and water conservative irrigation systems for any new landscaping, consistent with Coastal Act policies regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health. To minimize impacts to archaeological and tribal cultural resources, the applicant proposes to implement cultural resource protection measures, as noted in the project plans of including coordination with local Native American Tribes at least one month prior to commencement of any ground disturbing activities, including invitations to monitor activities, and procedures to be followed in the event archaeological resources are discovered, and procedure to recommence construction following discovery.

Two parking spaces will be maintained on site, consistent with previous Commission actions in the area which included at least two spaces per residential unit. Because the ADU will be located within a half mile of a major transit stop, no additional parking is required. Public coastal access exists in the project vicinity at 1000 Steps Beach (approximately $\frac{3}{4}$ mile up-coast) and La Senda and Bay Drive beach (approximately $\frac{3}{4}$ mile west). The proposed project design is compatible with the character of surrounding development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. The proposed development is consistent with past Commission actions in the area and with Chapter Three policies of the Coastal Act and will not prejudice the City's ability to prepare a certified Local Coastal Program (LCP) for the Three Arch Bay Area.

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 **August 9-11, 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,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

Bailey Warren
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



July 26, 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: 5-23-0505-W

Applicant: Jason & Kathryn Carrico

Location: 1530 Crestview Ave, Seal Beach, Orange County (APN: 199-193-09)

Proposed Development: Construct a new 522 sq. ft. exterior pool and spa in the rear yard of an existing 2-story single-family residence.

Rationale: The project site is located on a developed 6,000 sq. ft. lot located 1 mile inland of the public beach and 250 ft. away from the Los Cerritos Wetlands, in an urbanized residential neighborhood. The lot is designated residential low density in the Seal Beach zoning code, which has not been certified by the Coastal Commission. The proposed project does not result in a change in existing density or parking, and is not sited in an area subject to coastal hazards. The project site is located within a known sensitive area with potential archeological and tribal cultural resources. In response to this concern, the applicants propose to implement mitigation measures to protect archaeological and tribal cultural resources, including inviting tribal representatives to monitor the site during excavation. 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 actions in the area and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **August 9-10, 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

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July 26, 2023

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

Notice is hereby given that Vision Development LLC has applied for a one year extension of 5-20-0630 granted by the California Coastal Commission on June 9, 2021.

for: Construction of a new three-story, 35-ft. high, mixed use building consisting of a 4,720 sq. ft. restaurant and a 1,716 sq. ft. townhome with twelve parking spaces for the restaurant and two parking spaces for the townhome on a vacant lot. The project also includes an after-the-fact permit request for demolition of the pre-existing commercial building on the site and grading of the lot.

at: 16655 Pacific Coast Highway, Sunset Beach, Orange County (APN: 178-523-09)

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

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-5-23-0056 (OCTA/Metrolink Mile Post 204.6 Railroad Protection)

Issue Date: June 30, 2023

Permittee: Orange County Transportation Authority (OCTA)

Emergency Location: Within the railroad right-of-way (ROW) seaward of the Casa Romantica Cultural Center and Garden located at 415 Avenida Granada at Orange Subdivision Mile Post 204.6, San Clemente, Orange County (Latitude: 33.421186; Longitude: 117.620978)

Emergency Description: The Orange County Transportation Authority (OCTA), in partnership with the Southern California Regional Rail Authority (SCRRA or Metrolink), is proposing to protect the existing railroad track at Mile Post 204.6 in the City of San Clemente. The railroad track along this stretch near the coast has been deemed unstable and unusable due to two massive landslides from an adjacent upslope property called the Casa Romantica Cultural Center and Garden, owned by the City of San Clemente. The bluffs above the tracks are on an ancient landslide. The first major landslide occurred on April 27, 2023, and rail service resumed on May 27, 2023. The second major landslide occurred on June 5, 2023.

Metrolink and Amtrak operate passenger rail service through this corridor. Passenger rail service has been suspended indefinitely between San Juan Capistrano and Oceanside while OCTA and SCRRA are working with the City of San Clemente to assess the extent of the landslide. The Burlington Northern Santa Fe (BNSF) freight line was suspended and has since resumed service with a slow speed restriction. This corridor is key to interregional travel between San Diego County, Orange County, and Los Angeles County, and is also a strategic rail line for national defense.

The risk of further land movement threatens the operation of the tracks. There is an urgent need to mitigate the landslide to maintain normal passenger and freight rail service through the area.

Emergency Development: Protection of the railroad tracks with installation of a temporary steel pile and timber lagging barrier wall, approximately 10 to 15 ft. in height and approximately 250 ft. in length is proposed to prevent slope-side material and debris from falling on the track. Access to the project site will be provided from the public beach parking lot east of the track and by rail. Construction material and equipment will be staged within a fenced area within the railroad ROW on the east side of the tracks and within a primarily dirt area located between the parking lot and railroad ROW. Approximately 22 public parking spaces will be used during construction. The drill

Enclosure: ECDP Acceptance Form

cc: (via email):


Issue Date: June 30, 2023

rigs will be stored directly south of the slide and east of the rail. The drill rigs will be tucked up against the slope on an extended ballast pad (typically crushed stone or gravel), that will be built out 25 ft. from the center of track. After the City of San Clemente stabilizes the slope and work on the Casa Romantica property above the railroad ROW, SCRRA will remove the temporary barrier wall to approximately 3 ft. below top of tie. No access impacts are anticipated to the San Clemente Beach Trail.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence in the form of a landslide and subsequent slope erosion which could potentially undermine structures and/or bury railroad tracks 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. 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 July 24, 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 identified in the Emergency Permit Application Form received in the Commission's South Coast District Office on June 15, 2023, and deemed complete on June 30, 2023. 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.

Emergency CDP G-5-23-0056 (OCTA/Metrolink Mile Post 204.6 Railroad Protection)

Issue Date: June 30, 2023

3. The emergency development authorized on a temporary basis by this ECDP must be completed **within 30 days** of ECDP issuance (i.e., by **July 30, 2023**).
4. 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.
5. 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.
6. 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, 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.
7. 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,

Issue Date: June 30, 2023

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.

8. Within 180 days of ECDP issuance (i.e., by **December 27, 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, unless additional time is authorized by the Executive Director for good cause, 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).
9. Failure to meet any of the applicable requirements of Condition 8 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.
10. 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.

11. 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.
12. 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.
13. 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.).
14. 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.
15. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
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 applicable to it, prior to commencement of construction.
19. 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.

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. 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.
24. 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

Emergency CDP G-5-23-0056 (OCTA/Metrolink Mile Post 204.6 Railroad
Protection)

Issue Date: June 30, 2023

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