

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
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# COASTAL DEVELOPMENT PERMIT EMERGENCY PERMIT REVISED\*

Issue Date: December 22, 2015  
Revised Date: January 6, 2016  
Emergency Permit No. G-5-15-0043

**APPLICANT:**

CAPISTRANO BAY DISTRICT, ATTN: Donal Russell

**LOCATION OF EMERGENCY WORK:**

ONE HUNDRED AND NINETY-SIX (196) SINGLE FAMILY RESIDENCES SEAWARD OF BEACH RD, CAPISTRANO BEACH, CITY OF DANA POINT

**WORK AUTHORIZED:**

Temporary placement until May 20, 2016 of shoreline protective devices in the form of either sand bags and/or water filled K-rails in front of up to 196 single family residences on an as-needed basis in the Capistrano Bay District community along Beach Road in the City of Dana Point in response to El Nino related storms during the 2015 winter/2016 spring.

**PERMIT RATIONALE:**

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of significant wave run-up and wave overtopping from El Nino storms forecasted for the 2015-16 winter requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to conditions listed on the attached page.

Sincerely,  
Charles Lester  
Executive Director

A handwritten signature in black ink, appearing to read "Sherilyn Sarb".

for  
By: Sherilyn Sarb, Orange County Deputy Director

cc: City of Dana Point Planning Department  
California State Lands Commission  
Enclosures: 1) Acceptance Form

## EMERGENCY PERMIT

### CONDITIONS OF APPROVAL:

1. The enclosed **Emergency Permit Acceptance Form** must be returned to our office within 15 days of commencement of emergency work authorized by this permit for each individual property implementing authorized emergency work and include:
  - a. Specific Site Address;
  - b. Description of all existing permitted development at subject site;
  - c. Description of proposed TEMPORARY shoreline protective device to be implemented at the subject site (i.e., sand bags and/or K-rails);
  - d. SIGNATURES FROM THE INDIVIDUAL PROPERTY OWNER and CAPISTRANO BAY DISTRICT, REPRESENTATIVE DONAL RUSSELL;
  - e. Photographic evidence of the existing site conditions to document the extent of beach erosion, and photographs of the site after installation of temporary shoreline protective device. Cross-section plan view of the beach area seaward of existing site improvements documenting existing site conditions, if possible.
2. Only that work specifically described in this permit and for the specific property listed on each Emergency Permit Acceptance Form is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit is TEMPORARY and only authorized for a limited time period. All sandbags and K-rails authorized under this emergency permit action must be completely removed by **Friday, May 20, 2016**, the weekend before the Memorial Day holiday and start of the peak beach season. Persistence of any temporary measure approved via this Emergency Permit on the site past May 20, 2016 will constitute unpermitted development, and, therefore, a violation of the Coastal Act. Commission enforcement staff will consider appropriate action to address the persistence of any temporary measures past the deadline for removal. Such action may include assessment of monetary penalties under Coastal Act Section 30821 for violations of the public access provisions of the Coastal Act.
4. Only the TEMPORARY placement of sand bags and water filled K-rails are approved. No local sand or cobble is permitted to be used for shoreline protection of existing development. Sand bags shall be filled using off-site, imported fine to coarse sand (0.125 – 4.0 mm). Standard sized sand bags shall be used, typically 14" x 26" or 18" x 30" or larger 3' x 3' x 3' sand bags either filled with off-site imported sand or filled with pre-filled standard sized sandbags. Sand bags and K-rails shall be placed as close as possible to existing development. At its discretion, Commission staff may direct a property owner to relocate temporary measures landward of a proposed location. Failure of a property owner to comply with such direction will result in invalidation of the Emergency Permit for that property. K-rails are only allowed to be placed on existing hard surface improvements (i.e., wood decks or concrete patios) and shall not be placed on sandy beach or cobble beach areas, sand bags may be placed on the sandy beach or on existing hard surface improvements. Shoreline protective devices shall not in any way or manner block stormwater outfall structures on the beach or public beach access. *\*Condition 4 language revised 1/6/16.*

## EMERGENCY PERMIT

5. All existing shoreline protective devices that have utilize local beach sand and/or rock are not authorized by this permit and must be dismantled and the locally derived beach sand and/or rock returned to its previous location on the shoreline. Failure to comply with this condition will result in invalidation of this Emergency Permit for the property on which the existing shoreline protective device utilizing local beach sand and/or rock is located. In addition, Commission enforcement staff will consider appropriate action to address the presence of any shoreline protective device that is not authorized by this Emergency Permit, or otherwise pursuant to the Coastal Act or City Local Coastal Program. Such action may include assessment of monetary penalties under Coastal Act Section 30821 for violations of the public access provisions of the Coastal Act.
6. Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
7. Any additional work requires separate authorization from the Executive Director. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
8. This permit does not obviate the need to obtain necessary authorizations and /or permits from the other agencies (i.e. CA Dept. of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission).
9. The permittees shall be responsible for monitoring and maintaining the shoreline protective devices for as long as the reinforcement remains in place. The permittees, at a minimum, shall conduct inspections at least once a week. The inspections shall examine and measure the location of the sand bags and/or K-rails to ensure the shoreline protective devices have not been dislodged. In the event that any shoreline protection devices are dislodged by high swells, the permittees shall retrieve and repair or replace the structures.
10. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

As noted in **Condition #3**, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisioning of this emergency permit, please contact the Commission at the address and telephone number listed on the first page.

