

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Notice of Incomplete Application

December 11, 2013

Newport-Mesa Unified School District - Facilities
Ara Zareczny, Facilities Analyst and Tim Marsh, Executive Director Facilities
2985 Bear St. Building E
Costa Mesa, CA 92626

File Copy**RE: NOTICE OF INCOMPLETE APPLICATION**

Newport-Mesa Unified School District - Facilities; Applicant
975 16th Street, Newport Beach (Orange County); Location
Coastal Development Permit Application No. 5-13-1100

Dear Sirs,

The above referenced application was received in this office on November 13, 2013. The proposed project is for the installation of approximately 2,046 feet of 6 foot tall chain link fence along the perimeter of the Newport-Mesa Unified School District property at 975 16th Street, Newport Beach. Additional information is necessary to adequately analyze the proposed project. Consequently, the application has been deemed incomplete pending receipt of the following items:

- **Unpermitted Development:** The Coastal Development Permit (CDP) application appears to be in response to a notice of violation for unpermitted development issued by the Commission's enforcement division and therefore the proposed project should be characterized in the CDP application as a request for after-the-fact (ATF) authorization for the installation of the 6 foot chain link fence. Please modify the application's project description to clarify which aspects of the proposed project are considered "after-the-fact." The Commission is not able to issue an administrative permit to an application requesting after-the-fact (ATF) authorization of unpermitted development. Therefore, the application will be scheduled as a Regular Calendar item with a full public hearing at a future Commission meeting.
- **Additional Filing Fee and ATF fee:** The "Administrative Permit" fee of \$2,690 was submitted with the original CDP application. However, as unpermitted development that previously occurred on the subject sites must first be resolved in order for the proposed project to be approvable, an actual Coastal Development Permit is required. The applicable filing fee for the proposed project is based on commercial development cost for development cost up to and including \$100,000; therefore the filing fee is \$3,228.

Furthermore, fees for a CDP application requesting after-the-fact (ATF) authorization for development differ from fees for regular CDP applications. According to Section 13055 of the Commission's Regulations:

"fees for after-the-fact permit applications shall be five times the regular permit application fee unless the Executive Director reduces the fee to no less than two times the regular permit application fee. The Executive Director may reduce the fee if it is determined that either: (1) the ATF application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or (2) the owner did not undertake the development for which the owner is seeking the ATF permit."

In this case, the filing fee may be reduced to two times the regular permit application fee as staff can make the finding that the ATF application will not take significant additional review time as compared to the time required to process a regular permit. Therefore, the minimum amount that is required to file the application as complete is two times the regular permit fee ($3,228 \times 2 = \$6,456$). Minus the \$2,690 originally submitted, an additional \$3,766 is required for a total of \$6,456 in ATF Regular Calendar Permit fees.

- **Project Plans:** When the Commission receives a permit application requesting after-the-fact (ATF) authorization for development, staff must consider the proposed development as "new development" as if the development has not occurred. Consideration of the permit application by the Commission is based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Therefore, any previous development which took place as part of the development currently requested for approval under this CDP application should be included in the permit application's project description (i.e., mowing/disking, vegetation removal, grading/leveling for the creation of the existing building pads, etc.). Please revise the application's project description if necessary.

Furthermore, please provide two sets of **full size** site plans including topography and depicting all *existing and proposed* development on the site (i.e., fencing, retaining walls, paved surfaces, vegetated areas, structures, accessory structures, etc.). The submitted application only included an 8 ½ x 11 topographic/aerial survey of the site that requires the use of a magnifying glass to make out the legend, lines and text. It's unclear whether the proposed development is even depicted on the submitted site plan. The submitted 8 ½ x 11 three page topographic/aerial survey of the site shows multiple fences bisecting and sectioning the property, however, the proposed fence along the site's property lines does not appear to be depicted on the site plan. Please clarify if the intent is to remove existing fences for a single perimeter fence and provide two sets of full size plans clearly delineating the location of new fence segments, segments where an existing fence was removed and replaced, segments where the fence was completely removed and segments of fencing proposed to be retained. Additionally, please provide a detailed specifications sheet (including cross-sections) depicting the design details of the proposed fencing material.

- **Biological Report:** The project site appears to be mostly undeveloped open space and is also adjacent to a larger mostly undeveloped open space parcel known as Banning Ranch. Staff has received reports from the Banning Ranch Conservancy that the proposed fence is located in and around an environmentally sensitive habitat area with direct impacts to vernal pool(s). Please provide a Biological Report prepared by a licensed professional familiar with coastal environments and vernal pools identifying the type of vegetation and vegetation communities/habitat present on the entire property and an assessment of direct and indirect impacts caused by the installation of the fence. The biological report must include a habitat map depicting the location and boundaries of vegetation communities with detailed information within 50-100 feet of the proposed fence.

Please do not limit your submittal to the above-mentioned items. You may submit any information, which you feel, may help Commission staff gain a clear understanding of the scope of your project. Commission staff is available and open to discuss your options for moving forward in the resolution of the unpermitted development at this site and staff is available to discuss our requests for information in this letter to aid your decision making moving forward. Thank you for your attention to these matters. We look forward to working with you.

Upon receipt of the requested materials, we will proceed with determining the completeness of your application. If you have any questions, you may contact me at (562) 590-5071.

Sincerely,



Lilliana Roman
Coastal Program Analyst