

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

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Permit Application No. **5-11-037**

Date: May 24, 2012

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ADMINISTRATIVE PERMIT

APPLICANT: Oliver E. Clark, III & Jean Clark

PROJECT

DESCRIPTION: Removal an existing enclosed sunroom and surrounding catwalk that cantilevers beyond the bulkhead on an existing cantilevered deck. Also proposed is construction of a new railing in the area of the removed sun room, along the perimeter of the existing deck that cantilevers 5 feet beyond the bulkhead. The new railing will tie in to an existing railing along the remainder of the cantilevered deck. The proposed railing will be 38 inches high and comprised of glass panels and brick pillars. The glass portion of the railing is proposed to include 9 by 9 inch etched designs positioned approximately every ten square feet. No changes are proposed to the existing, underlying cantilevered deck.

PROJECT

LOCATION: 16601 Carousel Lane, Huntington Beach (Orange County)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, June 13, 2012 9 a.m.
Huntington Beach City Council
2000 Main Street
Huntington Beach, CA 92648

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Meg Vaughn
Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See page four.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant proposes to remove an existing enclosed sunroom from a deck that currently cantilevers over the bulkhead. Also proposed to be removed is a catwalk around the sunroom. The applicant also proposes to construct a new railing in the area of the removed sunroom, along the perimeter of the existing deck that cantilevers 5 feet beyond the bulkhead. The new railing will tie in to an existing railing along the remainder of the cantilevered deck. The glass portion of the railing is proposed to include 9 by 9 inch etched designs positioned approximately every ten square feet. No changes are proposed to the existing, underlying cantilevered deck. The existing cantilevered deck will remain 35 feet long, cantilevering 5 feet beyond the bulkhead. Originally, the project proposed replacing the sunroom, however, the project has been modified to the current proposal to remove the sunroom.

No work is proposed to the existing deck and no changes to drainage are proposed. No products containing

ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye will be used on the deck, therefore, pollutants from those products will not drain to the harbor during or after construction. All work is proposed to occur from the landward side of the bulkhead. No bottom disturbing activities are proposed.

The existing deck and proposed development are located over the waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the State of California, administered by the California State Lands Commission (CSLC). The applicant has entered into a General Lease Agreement with the California State Lands Commission which allows the proposed development (see exhibit C).

The subject site is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows private cantilevered decks abutting residential uses, and with Chapter 210, which provides standards for cantilevered decks in Huntington Harbor in the Open Space Water Recreation zone.

The proposed deck is associated with the adjacent single family residential use. Most of the Huntington Harbour water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks. The proposed deck is similar in function to the other cantilevered decks associated with residential development within Huntington Harbor. Virtually the entire water frontage in Huntington Harbour is supported by bulkheads. The nearest public access in the area is at a small pocket beach located at the Humbolt Drive bridge (approximately a half mile northeast) and also at Sunset County Beach located approximately ½ mile to the west. The proposed development is consistent with past Commission actions in the area. Thus, as conditioned, the proposed deck will have no adverse impact on coastal access or resources in the project vicinity, and is consistent with the Chapter 3 policies of the Coastal Act.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive, drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

D. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal

development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area of the Commission's original permit jurisdiction, due to the project location seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material shall be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.

2. Public Rights

The Coastal Commission's 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.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

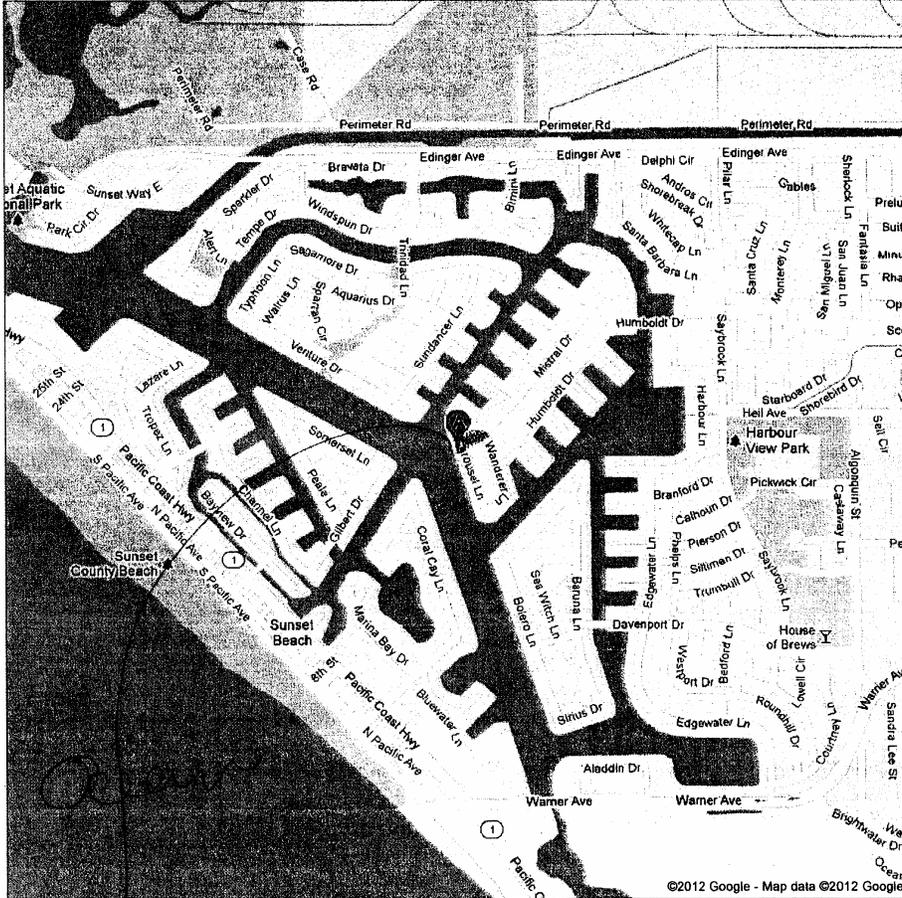
Applicants' Signature

Date of Signing

Google

Address 16601 Carousel Ln
Huntington Beach, CA 92649

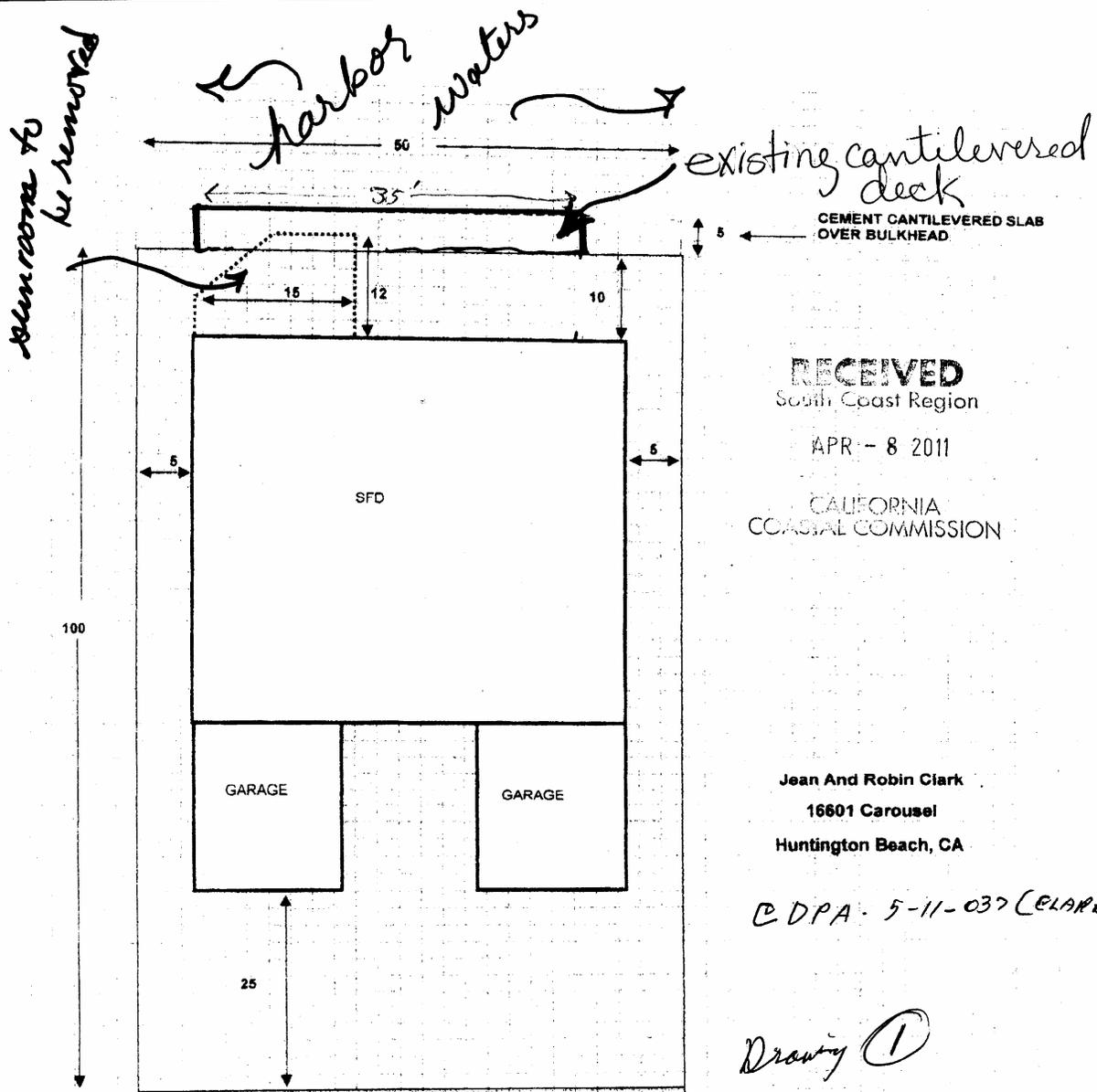
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Subject Site

5-11-037
Exhibit A

VICINITY MAP



RECEIVED
South Coast Region
APR - 8 2011
CALIFORNIA
COASTAL COMMISSION

Jean And Robin Clark
16601 Carousel
Huntington Beach, CA

CDPA - 5-11-037 CLARK

Drawing ①

5-11-037
Exhibit B

Site Plan