

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

W9c

Staff: Liliana Roman -LB
Date: April 24, 2014

ADMINISTRATIVE PERMIT

Application No. 5-14-0529

Applicant: Jerry and Valerie Cimmarusti

Project

Description: Major remodel of an existing 2,674 sq. ft. two-story, 3-unit residential structure with rooftop deck, including a new 1,478 sq. ft. third-floor addition and new 897 sq. ft. roof deck resulting in a new 4,152 sq. ft., 35 foot high, 3-story, 3-unit residential structure on an inland lot.

Project

Location: 16805 14th Street, Huntington Beach (Sunset 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, May 14, 2014 9:00 am
Inverness Yacht Club
12852 Sir Francis Drake Blvd.
Inverness, CA 94937

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.

CHARLES LESTER
Executive Director

By: Liliana Roman
Title: Coastal Program Analyst

STANDARD CONDITIONS:

This permit is granted subject to the following 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 on which this permit is voted on by 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 pages six thru seven.

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 LOCATION AND DESCRIPTION

Project Location

The project site is located at 16805 14th Street in the Sunset Beach community in the City of Huntington Beach, Orange County (**Exhibit 1**). Sunset Beach was formerly unincorporated Orange County. In August 2011, Sunset Beach was annexed by the City of Huntington Beach. The Sunset Beach area has not yet been incorporated into the City of Huntington Beach LCP, therefore, Chapter 3 of the Coastal Act is the standard of review. The formerly certified Sunset Beach Local Coastal Program (LCP) may be used for guidance; it designates the site Sunset Beach Residential – High Density (SBR). The project is located within an existing urban residential area, on 14th Street between Pacific Coast Hwy and S. Pacific Ave. on an inland lot located between the first public road (Pacific Coast Hwy) and the sea. Single and multiple family residences characterize the surrounding area. Per policy in the previously certified LCP, there is no parking on North and South Pacific, instead, there is a park median with a pedestrian path and restroom amenities between North and South Pacific Avenue with diagonal parking that provides public parking for the adjacent beach access points at all the numbered street street-ends. Public coastal access to the beach is available approximately 100 feet south of the subject site at the 14th Street street-end.

Project Description

The applicant is proposing a major remodel of an existing 2,674 sq. ft. two-story, triplex with an attached 492 sq. ft. garage, 486 sq. ft. enclosed carport and a rooftop deck. The proposed major remodel consists of enclosing the 2-vehicle carport into a covered 2-car garage, a complete interior remodel of the second floor containing units B and C, and demolition of the existing roof and construction of a new 1,478 sq. ft. third story addition with two balconies as part of Unit C. New windows, garage doors and façade improvements are also proposed. The project would result in a new 4,152 sq. ft., 31'-6" high (above finished grade), three-story triplex. Project plans are included as **Exhibit 2**. Except for removal of the roof, no demolition of exterior walls is proposed. No grading or landscaping is proposed. The project is in compliance with the building height restrictions in the SBR District (i.e., three stories and not more than 35' feet maximum as measured from the centerline of the frontage street). To address water quality concerns, during and post construction, the applicant is proposing construction phase best management practices and new roof gutters and downspouts directed to the municipally filtered storm drain system.

The project meets the previously certified Sunset Beach LCP Sunset Beach Residential District (SBR District) height restriction and setback policies, but is non-conforming to the parking requirements and LCP limits on dwelling units as further discussed below.

The original building permit from 1966 authorized three units, and five parking spaces. The previously certified LCP requires two covered parking spaces per dwelling unit at a minimum of 9' wide by 18' deep. Per current standards, six parking spaces are required for the triplex; only five parking spaces are provided on site. The proposed remodel of the existing two-story triplex consists of a third story addition and does not require demolition of any exterior walls for the existing second floor or ground floor. Therefore, as no existing exterior walls are proposed to be

demolished, it is not feasible at this time to require that the ground floor of the existing structure be brought into conformance with current parking requirements by requiring an additional enclosed parking space.

In the SBR District, two units per building site are allowed and the existing structure currently contains three units (and will continue to contain three units when the project is complete). The original building permit from 1966 authorized three units, and five parking spaces (six, two per unit is currently required) therefore, it is considered a legal non-conforming use.

Per Section 7-9-151 of the County of Orange Zoning Code states in part:

(a) Uses Lawfully Established.

Uses that were lawfully established but are now non-conforming with existing zoning regulations may be continued. However, except per subsection (c) below, the use may not be increased and the structures or land areas related to the non-conforming use may not be expanded in size.

(b) Structures Lawfully Established.

Structures that were lawfully established but are now non-conforming with existing site development standards may be continued. Repairs or improvements done in a period of twelve months not exceeding 50% of the value of the structure, as determined by the Director shall be permitted.

(c) Exceptions.

Exceptions to regulations in (a) and (b) above may be granted with a use permit approved by the Planning Commission per section 7-9-150.

Regarding additions to lawful non-conforming residential uses, the previously certified Sunset Beach LCP, however, states: “*Section 7-9-151(c) of the Orange County Zoning Code is not applicable to additions. Additions must comply with all applicable development standards.*”

The standard of review is Chapter 3 of the Coastal Act and not the previously certified LCP or the County’s Zoning Code. The County’s Approval-in-Concept letter includes approval of a Use Permit to allow expansion of the existing legally non-conforming 3-unit structure.

The previously certified Sunset Beach LCP, was certified by the Coastal Commission in 1990, well after the construction of the subject triplex residential structure. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views and is consistent and is consistent with Chapter 3 policies of the Coastal Act. Also, the proposed development will not prejudice the City of Huntington Beach’s ability to prepare a Certified Local Coastal Program and is consistent with the land use designation (Residential District) in the previously certified Orange County LCP for the Sunset Beach area.

In conclusion, the proposed project (i.e., addition of a third story) will not result in a change in units or a change in off-street parking spaces, therefore, the proposed project will not exacerbate or increase the degree of non-conformity of the existing development.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

C. 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, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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.

E. HABITAT, RECREATION AND PARK IMPACTS

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

F. 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. The Land Use Plan for the Sunset Beach was effectively certified on in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011, at which point the certification of the LCP lapsed. The City of Huntington Beach has since submitted an LCP Amendment to incorporate the Sunset Beach area into the City of Huntington Beach LCP. In the interim, Chapter 3 of the Coastal Act is the standard of review and the previously certified Sunset Beach LCP may be used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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:

This permit is granted subject to the following special conditions:

1. **Conformance to Proposed Plans.** The applicant shall conform with the proposed architectural plans submitted to the Commission on February 27, 2014, by Otis Architecture Inc. and dated 2/20/2014.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and

- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

3. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-0529. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-14-0529. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-0529 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

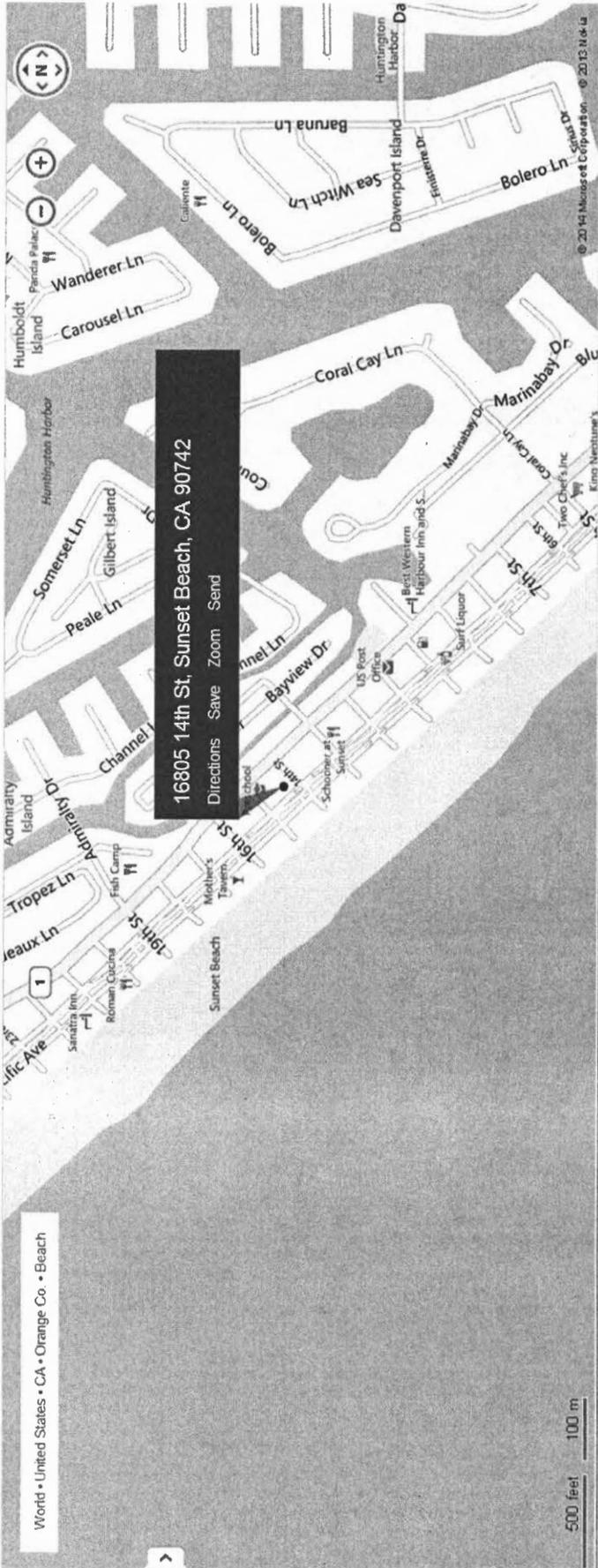
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

5-14-0529(Cimmarusti)
Administrative Permit

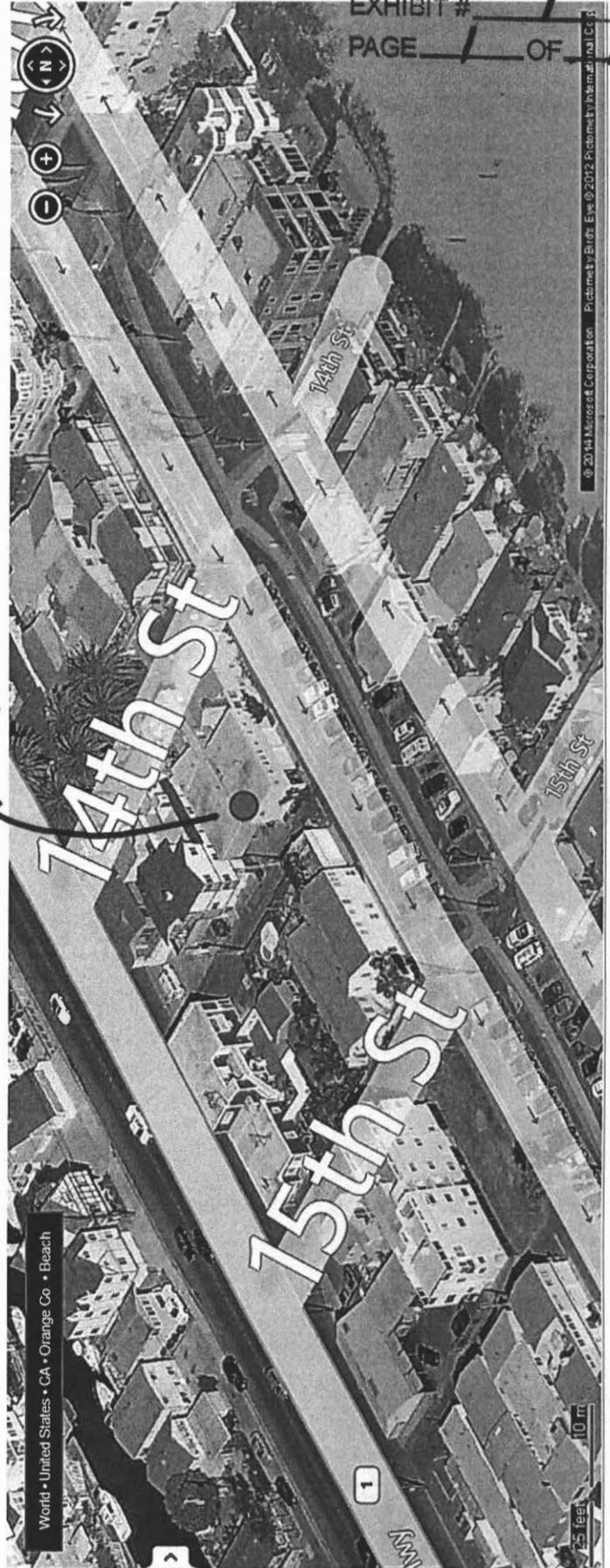
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

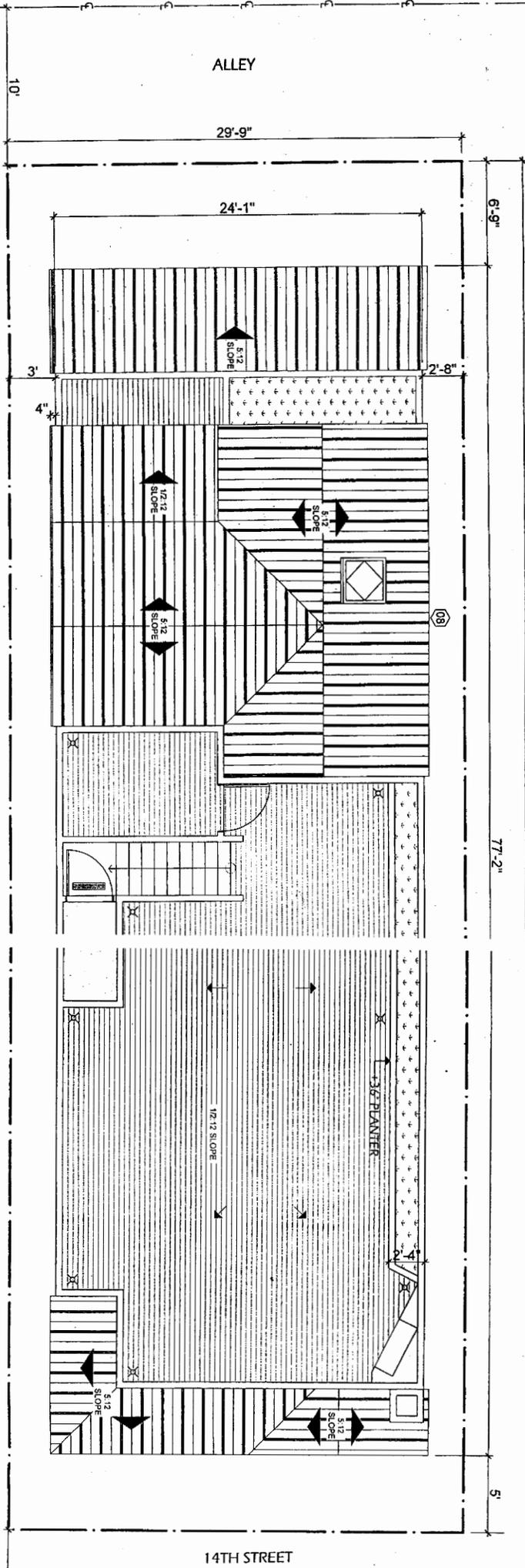
Applicant's Signature

Date of Signing



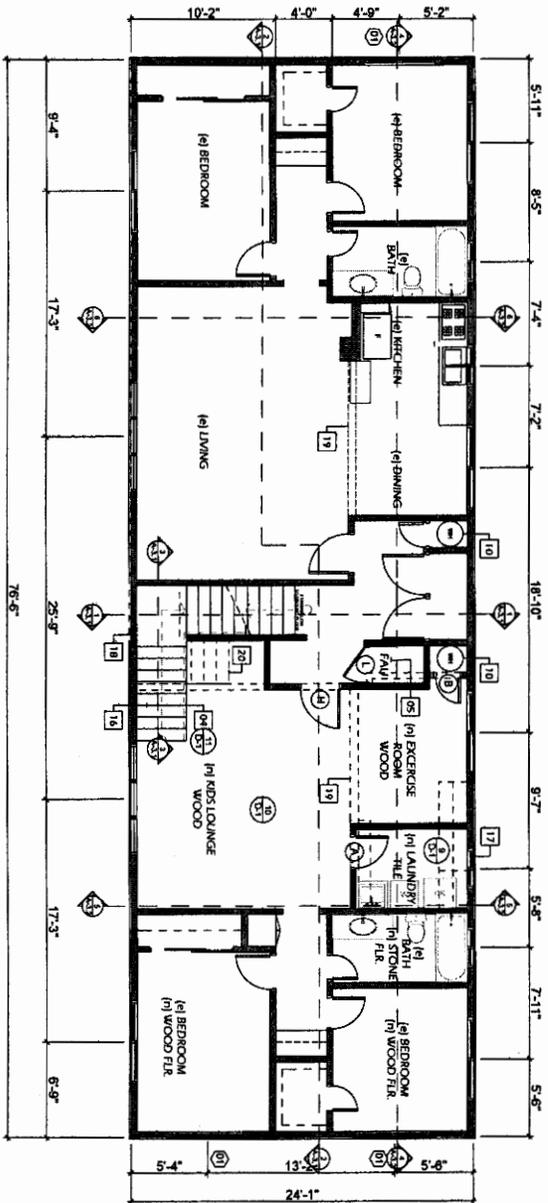
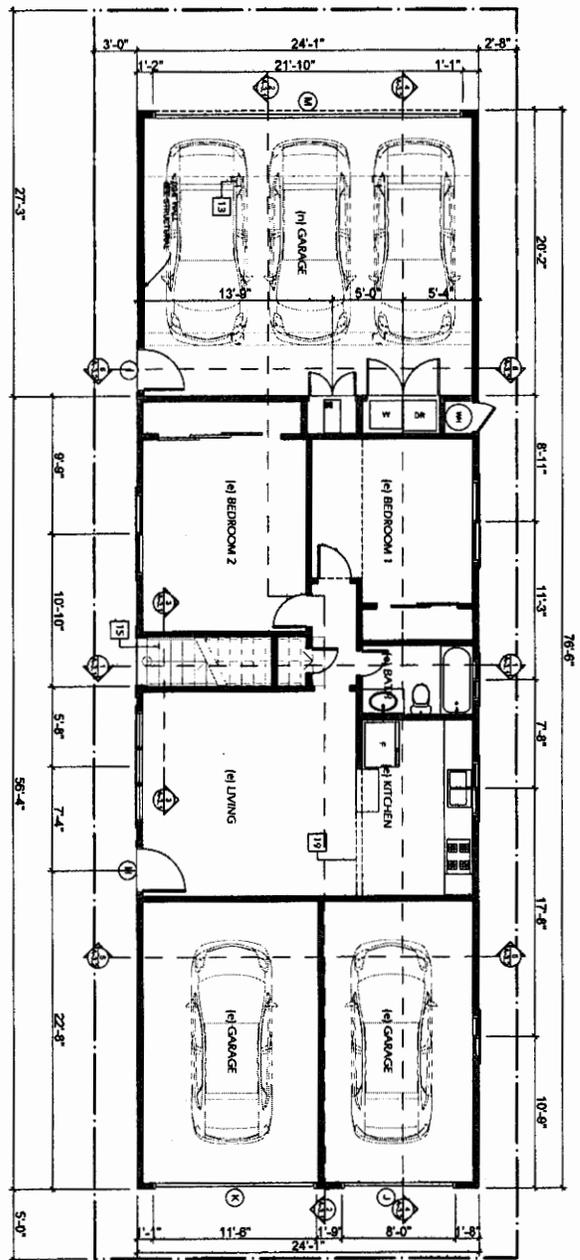
subject site





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EXHIBIT # 2
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FLOOR PLAN NOTES

- 01 LINE OF ROOF OVERHANG ABOVE
- 02 HATCHING: WOOD CEILING
- 03 HATCHING: STAINLESS STEEL KITCHEN
- 04 WOOD HANDRAIL
- 05 HATCHING: WOOD FLOOR
- 06 HATCHING: WOOD FLOOR
- 07 HATCHING: WOOD FLOOR
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- 30 HATCHING: WOOD FLOOR



COSTAL COMMISSION

EXHIBIT # 2

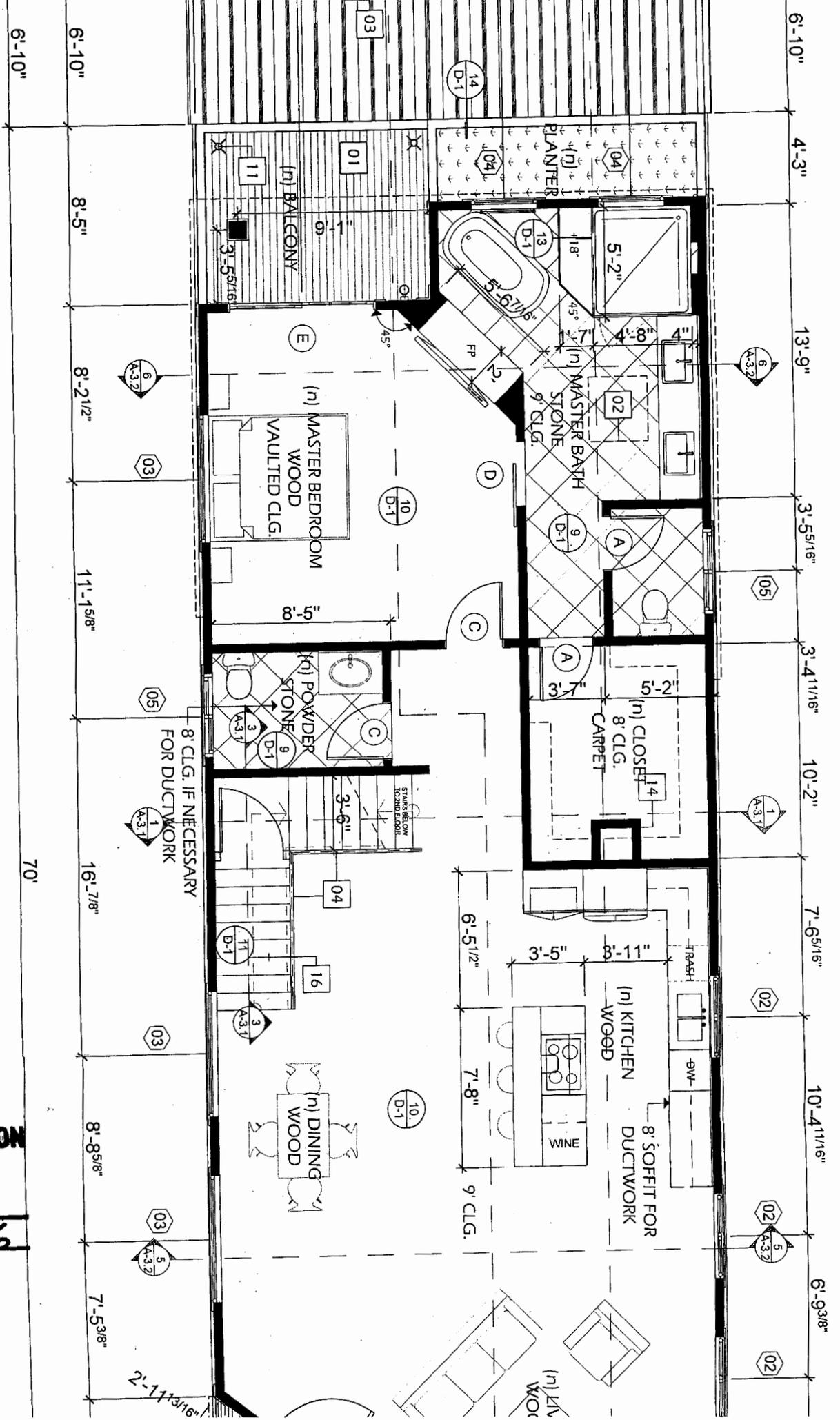
PAGE 2 OF 6

MARK	WIDTH	HEIGHT	TYPE	QUANTITY	HEAD HEIGHT
01	5"	4"	PR CASSEMENT	3	6'-6"
02	4"	4"	PR CASSEMENT	3	7'-6"
03	6"	2"	FIXED TEMP	2	7'-6"
04	3'-1"	2"	FIXED TEMP	2	7'-6"
05	4"	4"	SLIDER	2	7'-6"
06	4"	4"	PR CASSEMENT	1	7'-6"
07	4"	4"	PR CASSEMENT	1	7'-6"
08	3'-0"	3'-0"	SLIGHTLY VELUX CO EN0198	1	N/A

MARK	SIZE	HT	TYPE	QUANTITY
A	2'-6"	6'-6"	RP, PG, SC	3
B	2'-6"	6'-6"	RP, PG, SC	1
C	2'-6"	6'-6"	RP, PG, SC	2
D	3"	6'-6"	BAMBI DOOR, RP, PG, SC	1
E	7"	7'-6"	SALING FRENCH DOOR, PG, SC, TEMP	1
F	10'-6"	7'-6"	MULTI-FOLD, BY CANTINA OR COMP.	1
G	3"	3'-6"	ROOF GATE	1
H	3"	6'-6"	RP, PG, SC	3
I	7'-10"	6'-6"	RP, PG, SC	1
J	6"	7"	CUSTOM GARAGE DOOR, SEE ELEVATION 1	1
K	11'-6"	7"	CUSTOM GARAGE DOOR, SEE ELEVATION 1	1
L	2'-6"	6'-6"	RP, PG, LOUVERED	1
M	21'-10"	7"	CUSTOM GARAGE DOOR, SEE ELEVATION 1	1

NOTE: ALL NEW WINDOWS TO MATCH EXISTING BY WEGARD, DOUBLE PANE.

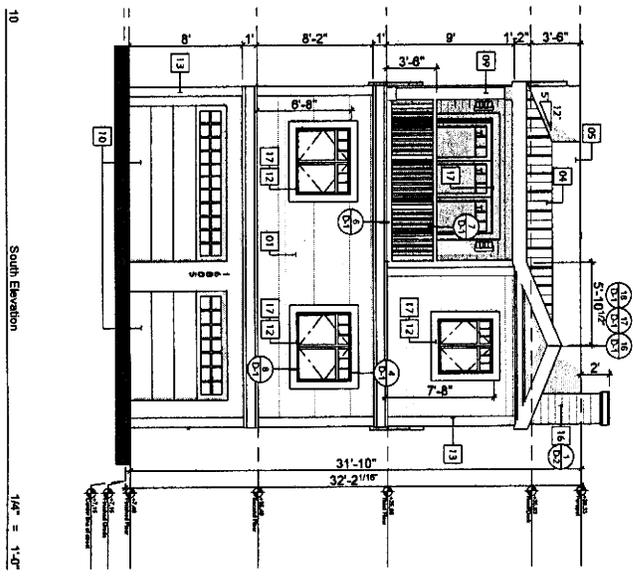
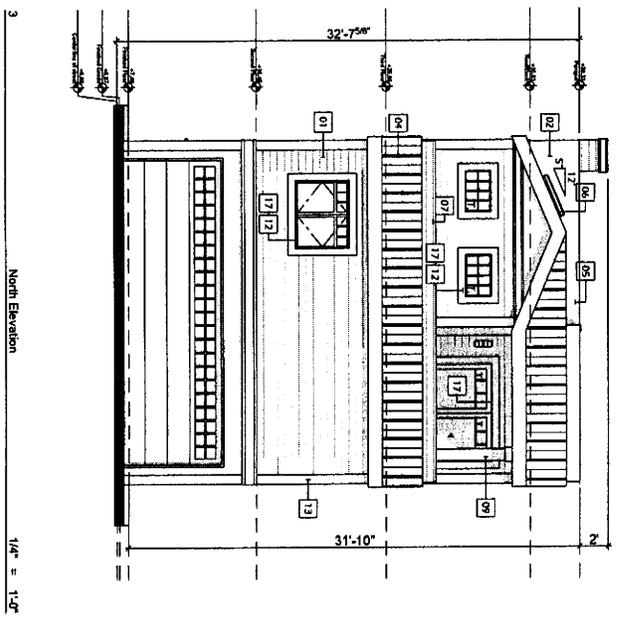
PRE-PREP OF DOORS
TEMP-TEMPERED
SC-STAIN GRADE
RP-PAINTED PANEL



Third Floor Plan

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 3 OF 6



ELEVATION NOTES

- 01 CONCRETE ROOF JOIST
- 02 STUCCO TO 30' SAND FINISH
- 03 STONE VENEER
- 04 BRIDGE STAINLESS STEEL METAL ROOF TO CEILING
- 05 CT PAINT/WALL
- 06 1/2\"/>
- 07 PLASTER
- 08 1/2\"/>
- 09 1/2\"/>
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- 27 1/2\"/>

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EXHIBIT # 2

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- 01 GRANITE FIBER SIDING
- 02 STUCCO 20/30 SAND FINISH
- 03 STONE VENEER
- 04 BRICKS & STAINING 5/8" x 3 1/2" x 7 1/2" METAL ROOF IFC 85-3048
- 05 4" PLYWOOD WALL
- 06 1/2" BRICK, VENTILATION BRICK
- 07 PLASTER
- 08 1/2" COLUMNS
- 09 1/2" COLUMNS 1/2"
- 10 1/2" GARAGE DOORS
- 11 1/2" WINDOWS TO REMAIN @ 1st & 2nd FLOORS
- 12 1/2" WINDOWS TO MATCH EXISTING
- 13 WHITE VINYL SIDING
- 14 BRICK & PATCH 1/2" WINDOW
- 15 1/2" BRICK
- 16 1/2" CHIMNEY
- 17 1/2" WINDOW/DOOR @ ALL 1st & 2nd EXTERIOR WINDOWS/DOORS

2'

05

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EXHIBIT # 2
PAGE 5 OF 6

06

04

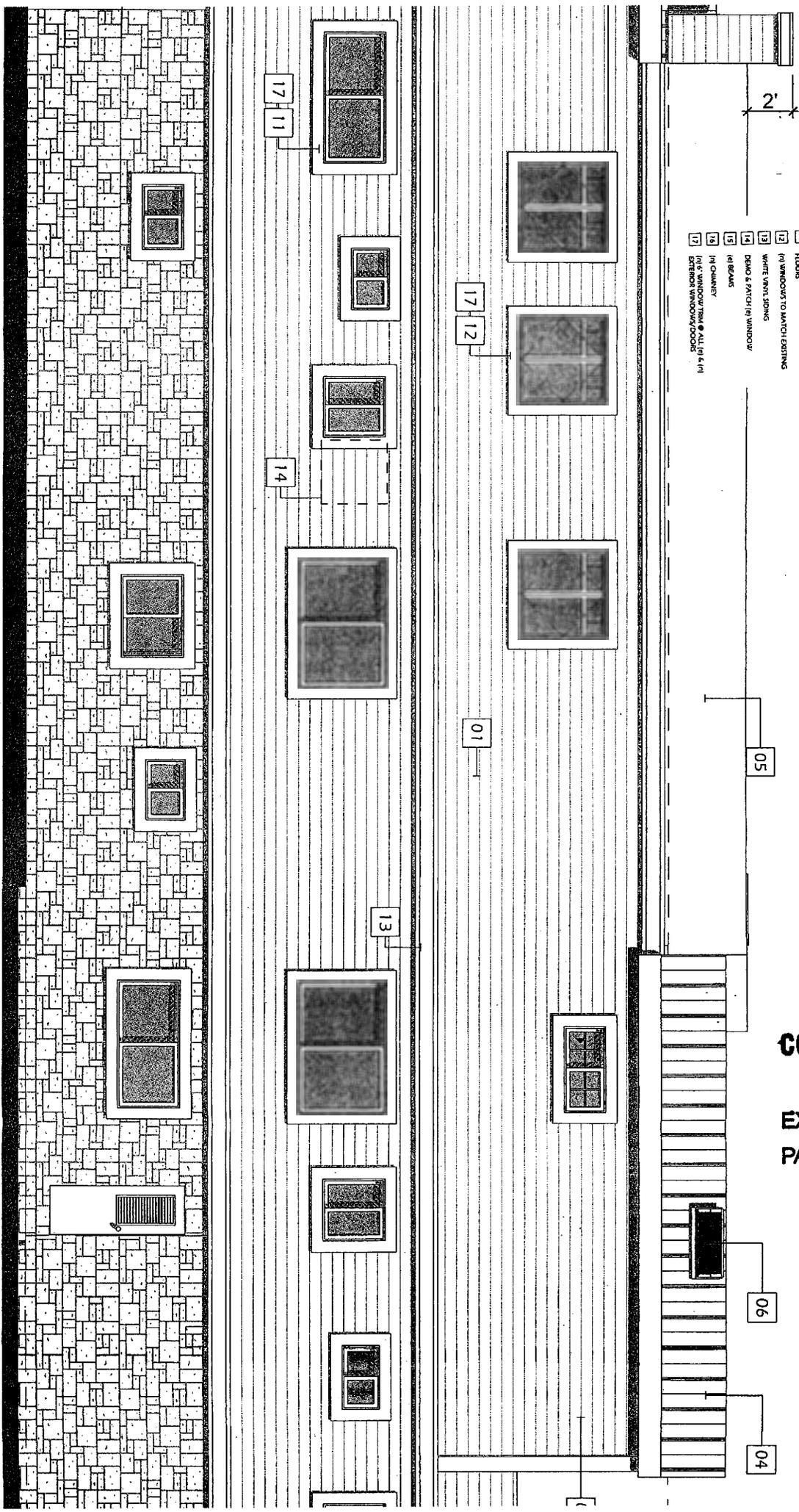
17 12

01

17 11

14

13



East Elevation



COASTAL COMMISSION
 EXHIBIT # 2
 PAGE 6 OF 6

- ELEVATION NOTES**
- 01 CEMENT FIBER SLONG
 - 02 STUCCO 20/20 SAND FINISH
 - 03 STONE VENEER
 - 04 REBARRED STANDING SEAM METAL ROOF ICC ESR-2048
 - 05 4" F. RAFTER WALL
 - 06 1"1/2 SPLYDRHT. YELLOW ICC ESR 179
 - 07 PLANTER
 - 08 1"1/2 COLUMNS
 - 09 1"1/2 COLUMNS 12"
 - 10 1"1/2 GANGE DOORS
 - 11 1"1/2 WINDOWS TO REMAIN @ 1st & 2nd FLOORS
 - 12 1"1/2 WINDOWS TO MATCH EXISTING
 - 13 WHITE WPC SLIDING
 - 14 DEMO & PATCH 1"1/2 WINDOW
 - 15 1"1/2 BEAMS
 - 16 1"1/2 CHIMNEY
 - 17 1"1/2 WINDOW TRIM @ ALL 1st & 1"1/2 EXTERIOR WINDOWS/DOORS

West Elevation