

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

Th6a



Staff: E. Prahler – LB
Date: August 12, 2014

ADMINISTRATIVE PERMIT

Application No. 5-14-1005

Applicant: Scott & Kim Burrows

Agent: Jeremiah Kellams

Project Description: Demolition of an existing wood deck on the bay side of a residential lot including a portion cantilevered over the bulkhead and beyond the private property line over coastal waters and construction of a new Trex deck with an approximately 5 ft. x 40 ft. (200 sq. ft.) portion cantilevered beyond the bulkhead and new etched glass railing.

Project Location: 16761 Bolero 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:

Thursday, September 11, 2014 9:00 am
Smith River Rancheria
350 North Indian Road
Smith River, CA 95567

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: Erin Prahler
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 the Commission voted on the application. 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 five and six.

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 demolish an existing 640 sq. ft. wood deck extending beyond the private property line cantilevered over coastal waters and replace it with a Trex cantilevered deck of the same size. Also proposed is an etched glass railing along the perimeter of the cantilevered deck. The proposed deck is associated with the adjacent single family residential use. The subject site is a residentially zoned bayfront lot located at 16761 Bolero Lane on Davenport Island, Huntington Beach, (within Huntington Harbor) Orange County (**Exhibit 1**). The proposed development is consistent with past Commission actions in the area. Most of the Huntington Harbor water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks. Virtually the entire water frontage in Huntington Harbor is supported by bulkheads.

Specifically, the proposed deck is 40 ft. long and cantilevered 5 ft. beyond the bulkhead over coastal waters, with a glass railing along the perimeter of the cantilevered deck. Project plans are included in **Exhibit 2**. In order to prevent a bird strike hazard, the applicant proposes to etch the glass railing to provide an opaque surface that would be visible to birds as compared to a clear glass railing. To address water quality concerns, the applicant is proposing to direct deck drainage and runoff landward of the deck on the subject lot. No products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye will be used on the deck; therefore pollutants from these products will not drain to the harbor during or after construction. Construction will occur from the land side of the bulkhead, and no bottom disturbing activities are proposed.

The City of Huntington Beach 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 City of Huntington Beach reviewed the proposed plans and issued an Approval-in-Concept dated June 2, 2014.

The proposed deck would cantilever over the open waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the State and administered by the City of Huntington Beach. A letter inviting the City to join as co-applicant was sent on July 9, 2014 and to date, no response has been received. The Commission imposes **Special Condition 2** stating that the approval of a coastal development permit for the project does not waive any public rights or interests that exist or may exist on the property or on adjacent public waters.

The nearest public access in the area is at Sunset Beach, located approximately one quarter mile west of the subject site. Although cantilevered, the proposed deck would preclude the general public from utilizing the public water area underneath the dock for recreation or navigational purposes. However, no lease to use the water area for their proposed private use is required from the City as is typically required for areas under the State Lands Commission's jurisdiction. The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. There is no sandy beach area in front of the subject site; therefore, in this case, the placement of a deck cantilevered 5 ft. beyond the bulkhead would not create an impediment to public access as there is no opportunity for the public to walk upon the land in front of the bulkhead at this site.

In this case, there is an existing significant pattern of development of deck extensions cantilevered 5 ft. over the bulkhead (**Exhibit 1**). Thus, the construction of a cantilevered deck at this site and in this location would not be establishing a new pattern of development (nor create an adverse public access condition, as previously mentioned).

B. HABITAT

As conditioned, the 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.

C. 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 and the Commission's regulations. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a special condition must be imposed. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

D. PUBLIC ACCESS

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

E. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to 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. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post-construction BMPs. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

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.

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. **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.

5-14-1005 (Burrows)
Administrative Permit

- (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.
3. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-1005. 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. 5-14-1005. 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. 5-14-1005 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:

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

EXHIBIT# 1

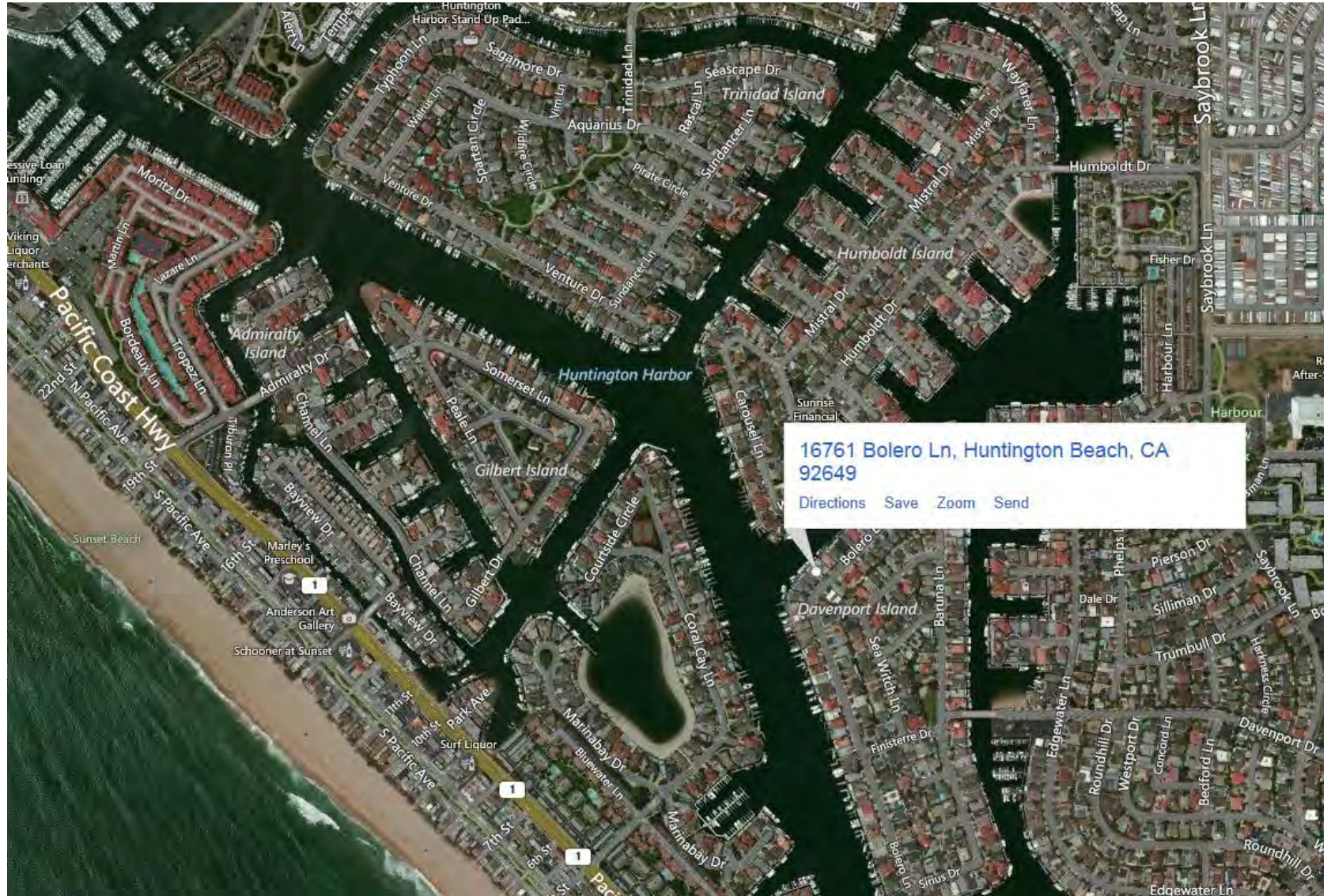
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16761 Bolero Ln, Huntington Beach, CA
92649
[Directions](#) [Save](#) [Zoom](#) [Send](#)

EXHIBIT# 1

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California Coastal
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16761 Bolero Lane



EXHIBIT# 2

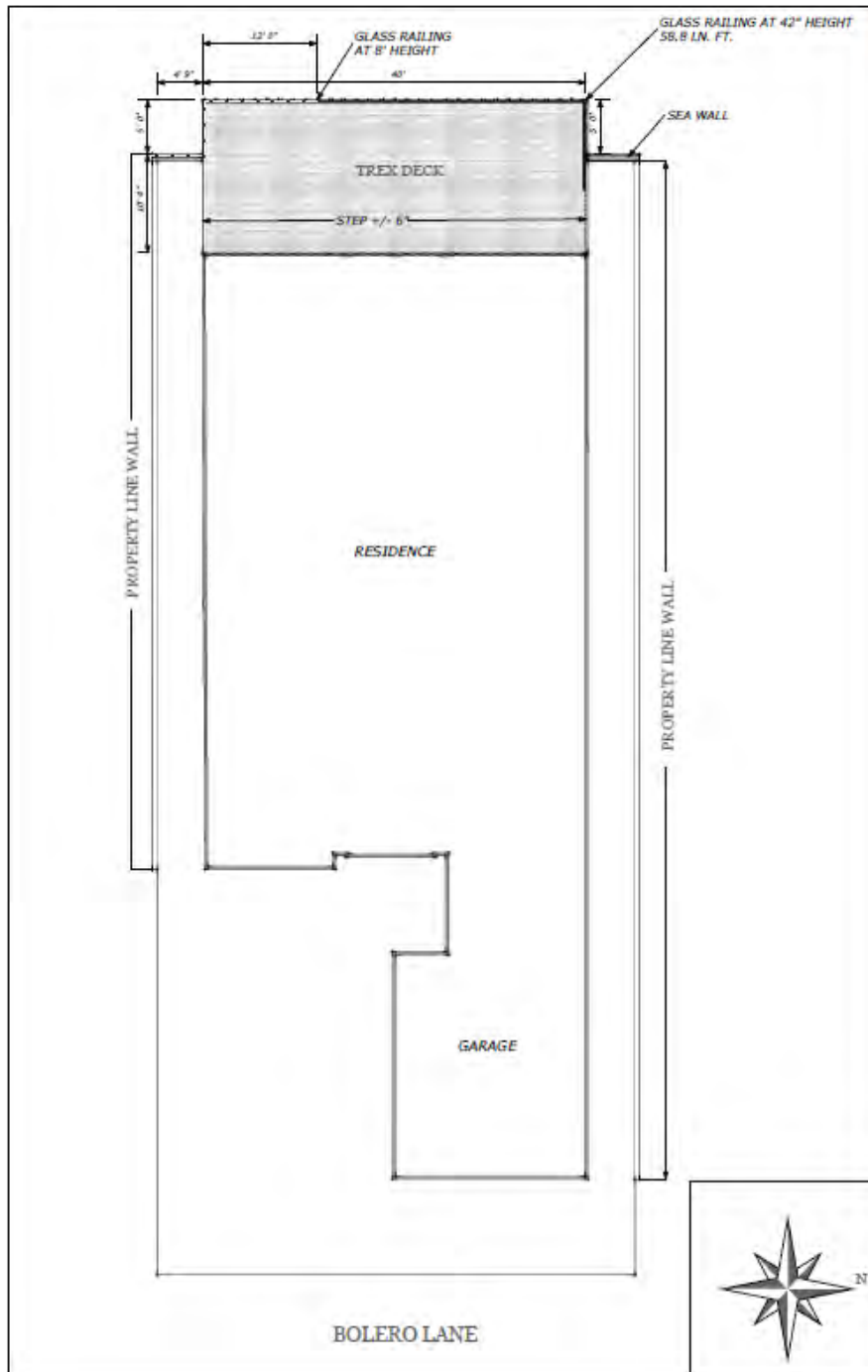
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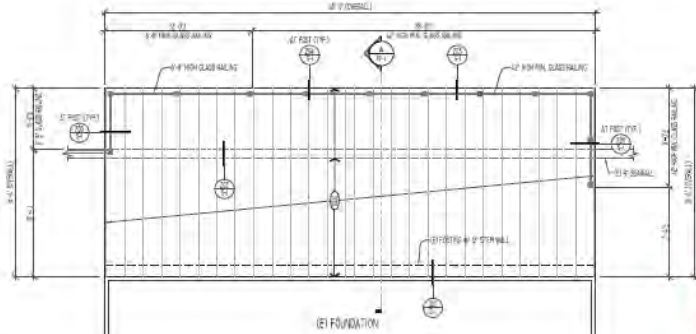
Application Number:

5-14-1005



California Coastal
Commission





NOTES:

1. ALL FRAMING NOT SPECIFICALLY DETAILED OR LISTED ON THIS PLAN SHALL BE CONSIDERED TO BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, SECTION 1801.02.
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FRAMING SPECIFICATIONS:

REFER TO COMMENTS TO THE SHEET FOR ALL FRAMING NOT SHOWN ON THIS PLAN.

FRAMING LEVELS:

SEE COMMENTS TO THE SHEET FOR ALL FRAMING NOT SHOWN ON THIS PLAN.

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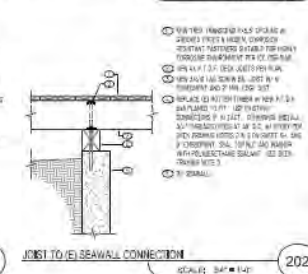
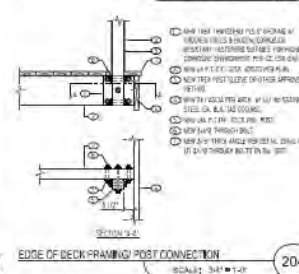
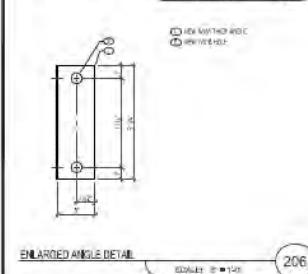
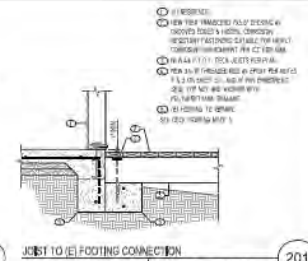
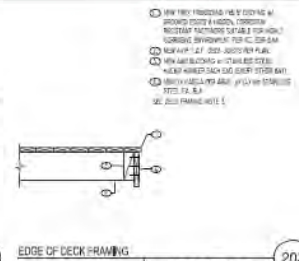
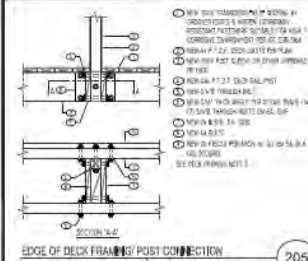
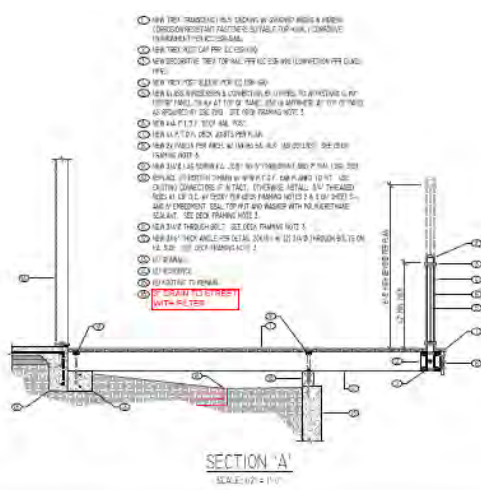
BURROWS DECK

SHEET INDEX	REVISIONS
S-1	FOUNDATION/FRAMING PLAN

DESIGN VALUES

OCCUPANCY CATEGORY: II

GRAVITY LOAD: 15 PSF
WIND PRESSURE: 4.8 PSF



SCOTT BURROWS

REAR DECK REBUILD
1676 BOLGER LANE
HUNTINGTON BEACH, CA

DATE: 6/25/14
SCALE: AS NOTED
DRAWN: C.W.J.

PROJECT NUMBER: 14-0607-ST

DATE: 3-1-14

EXHIBIT# 2

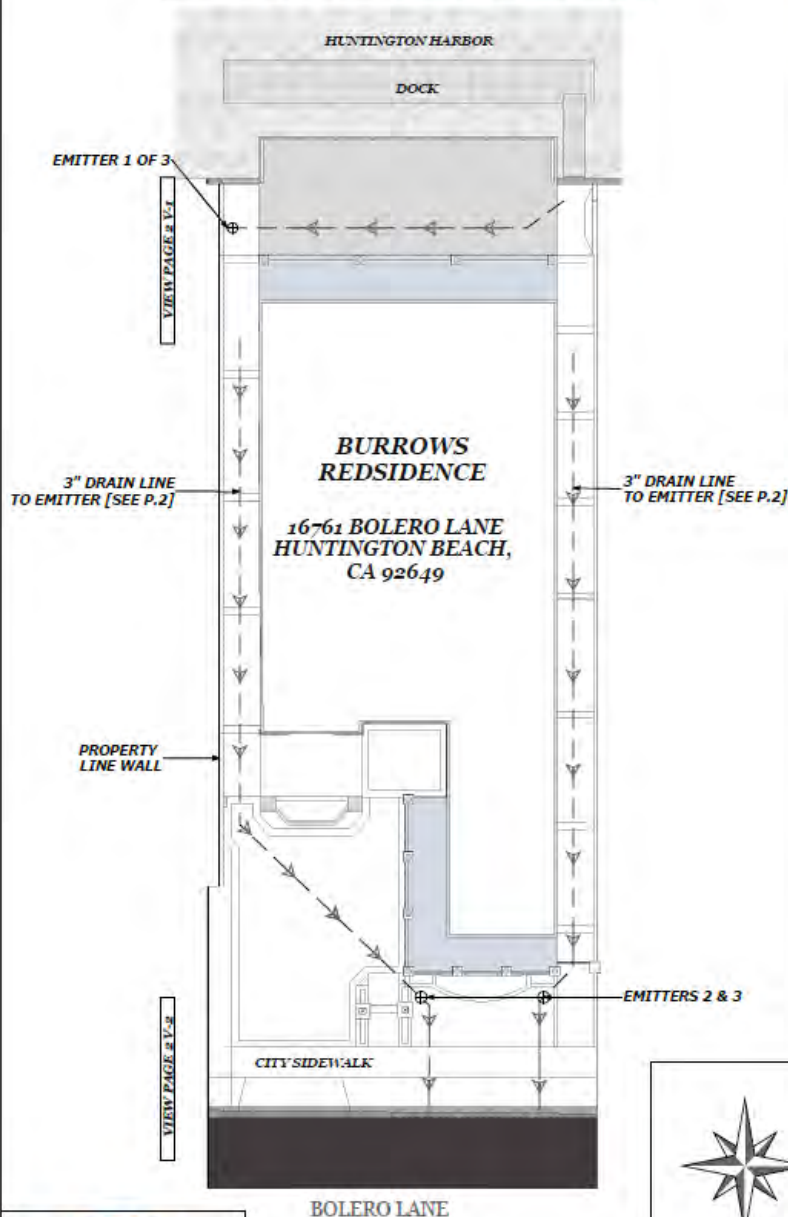
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LANDSCAPE DRAINAGE PLAN



PLANS DRAWN BY:

JEREMIAH KELLAMS
NewCastle Landscaping
IN ASSOCIATION WITH
NewCastle Customs

ALL RIGHTS RESERVED CONCERNING
PLANS, CONCEPTS, AND IDEAS

NOTES

- * ALL PERFORATED PIPE TO HAVE FILTER SOCK WITH CLOSED ENDS
- * ALL DRAIN LINES TO BE FLUSHED AND CLEANED ANNUALLY
- * ALL PLANT MATERIAL COMPOSING "NATURAL DRAIN FILTER" TO BE PROFESSIONALLY MAINTAINED
- * ALL GRAVEL AREAS TO HAVE FILTER FABRIC INSPECTED ANNUALLY
- * PIPE SLOPE TO EQUAL MINIMUM 2%

GRAVITY FLOW RATE:

$Q = 1.486/n \times A \times R^{2/3} \times S^{1/2}$, where Q is the flow rate in cubic-feet-per-second, n is Manning roughness coefficient, A is the cross-sectional flow area in square feet, and R is the hydraulic radius of the pipe in feet. S is slope fraction = slope percent/100 percent.

DRAINAGE SYSTEM = 400 GPM



LANDSCAPE DRAINAGE

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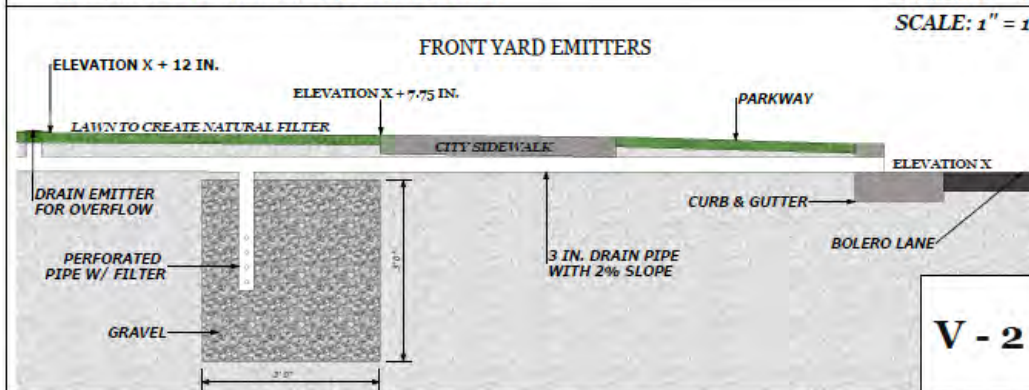
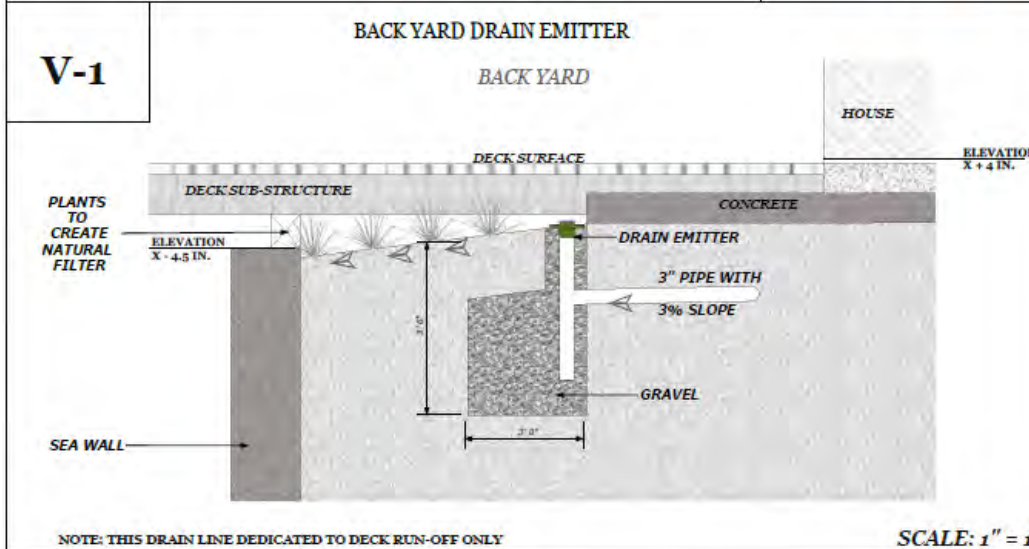


CONCEPTUAL DESIGN
LANDSCAPE DRAINS
CA. ST. LIC. 819236

NewCastle Landscaping
8646 Meadowbrook Ave.
Garden Grove, CA 92844

714-705-0510 OFFICE
714-616-5454 FAX
www.NewCastleLandscaping.com

LANDSCAPE DRAIN DETAILS



ELEVATION NOTES

LET X = ELEVATION HEIGHT OF CITY GUTTER ADJACENT TO BOLERO LANE

LANDSCAPE DRAINAGE

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