

CALIFORNIA COASTAL COMMISSION

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

**W5a**

Click here to go to
original staff report

Addendum

Date: October 6, 2015

To: COMMISSIONERS & INTERESTED PERSONS

From: SHERILYN SARB, DEPUTY DIRECTOR
SHANNON VAUGHN, COASTAL PROGRAM ANALYST
SOUTH COAST DISTRICT STAFF

Subject: Addendum to W5a, Coastal Development Permit Application No. 5-15-0635 (Albert Soliman), Huntington Beach, Orange County, for Commission Meeting of October 7, 2015

Staff recommends the following condition be added to the above-referenced staff report, dated September 17, 2015. The proposed condition requires the applicant to obtain a lease from the California State Lands Commission for their dock and the cantilevered portion of their deck prior to authorization to proceed with their proposed project.

- 4. State Lands Commission Approval.** PRIOR TO AUTHORIZATION TO PROCEED WITH DEVELOPMENT, the applicant shall submit to the Executive Director for review and approval, a written determination from the State Lands Commission that:
- A. No state lands are involved in the development; or
 - B. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained: or
 - C. State lands may be involved in the development, but pending a final determination of state land involvement, and agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

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

W5a



Staff: S. Vaughn – LB
Date: September 17, 2015

ADMINISTRATIVE PERMIT

Application No. **5-15-0635**

Applicant: **Albert Soliman**

Agent: None

Project

Description: Replace 6' high by 42' long glass guardrail on first floor cantilevered patio with glass guardrails measuring 6' high by 13' long and 42" high by 29' long glass guardrails, and replace 42" high metal guardrails with 42" high glass windscreens on third and fourth floor balconies. The new guardrails and windscreens will be topped with a metal rail. Two decorative fire pits in line with the 42" high glass guardrail on the cantilevered deck are also proposed.

Project

Location: 16861 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:

Wednesday, October 7, 2015 8:30 am
Long Beach Convention & Entertainment Center
300E. Ocean Blvd
Long Beach, CA 90802

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

5-15-0635 (Albert Soliman)
Administrative Permit

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: Shannon Vaughn
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 page 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 site is currently developed with a single-family residence on a bulkhead lot with a concrete deck that is cantilevered 5' past the bulkhead over the water and a private dock. The applicant proposes to replace the existing 6' tall by 42' long glass windscreen on the cantilevered deck with a new glass windscreen that extends 5' beyond the private property line over coastal waters. The southeasterly most 13' linear feet of the windscreen on the cantilevered deck is proposed to reach a height of 6' above the deck. The remaining approximately 29' linear is proposed to be replaced with a 42" high windscreen. The glass windscreens are proposed to be topped with a metal rail. Two approximately 4' high decorative fire pits are proposed to be placed in line with the 42" high glass windscreen on the cantilevered deck. Additionally, the applicant proposes to replace metal balcony rails with 42" high glass rails topped with a metal rail on the second and third floor balconies.

The site is located on a residentially zoned bayfront lot at 16861 Bolero Lane in Huntington Beach, Orange County (**EXHIBIT 1**). Most of the Huntington Harbor water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks over public waters. Virtually the entire water frontage in Huntington Harbor is supported by bulkheads. Project plans are included in **Exhibit 2**. In order to prevent a bird strike hazard, the applicant proposes to use tempered glass in the glass railing to provide an opaque surface that would be visible to birds as compared to a clear glass railing. The proposed railing is associated with the adjacent single family residential use. All work will occur from the landward side of the deck. The proposed construction will not disturb bay waters or bay bottom sediments.

Most of the existing residences that front along the waters of Huntington Harbor have cantilevered decks, including properties adjacent to the project site. The proposed railing is similar in function to the other railings on cantilevered decks associated with residential development within Huntington Harbor. The proposed development is consistent with past Commission permit actions in the area.

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 with railings 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 Approval-in-Concept dated July 20, 2015. All work will occur from the landward side of the deck. In this area of Huntington harbor, the water area is owned by the State and administered by the City of Huntington Beach. No lease to use the water area for their proposed private uses is required from the City, as is typically required for areas under the State Lands Commission's jurisdiction.

The nearest public access in the area is at a small pocket beach approximately 900' east of the site on Davenport Drive and across the waterway and Pacific Coast Highway (approximately 2,000' west) at a public beach. Although cantilevered, the existing deck and proposed railing would preclude the general public from utilizing the public water area underneath the dock for recreation or navigational purposes. However, the proposed deck railing will replace an existing deck railing and will not cover any additional water area. There is no sandy beach area along the bulkhead, therefore, in this case, the placement of the deck railing cantilevered 5' 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 or immediate area. The proposed development will not have any significant adverse impact on public access to the coast or to nearby recreational facilities.

In this case, there is an existing significant pattern of development of 5' wide decks cantilevered over the bulkhead. Thus, the construction of the deck railing 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).

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 any future repair and maintenance 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. Section 13252 of the Commission's regulations provides that certain repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse impacts to coastal resources. Activities that involve a risk of such impacts include, in part, using mechanized construction equipment or construction materials within 20 feet of coastal waters or streams. Since the proposed deck railings cantilever over open coastal waters, future maintenance activities on the concrete deck involve a risk of substantial adverse impacts to coastal waters because such activities may involve the use of mechanized equipment or construction materials over open coastal waters. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 3** requiring the applicant to apply for an amendment to this CDP or a new CDP, if applicable, for any future development within the subject site.

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 Condition 1**

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.

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 interest that exist or may exist on the property or on adjacent public waters.

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

Development adjacent to the ocean is inherently hazardous. To minimize the project's impact on risks to life and property, the development has been conditioned to require that the landowner assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. 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 and as conditioned, the project conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed work will be occurring 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 32031 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 8, 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the

project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

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.
 - (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. 5-15-0635. 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. 5-14-0635. 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. 5-15-0635 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

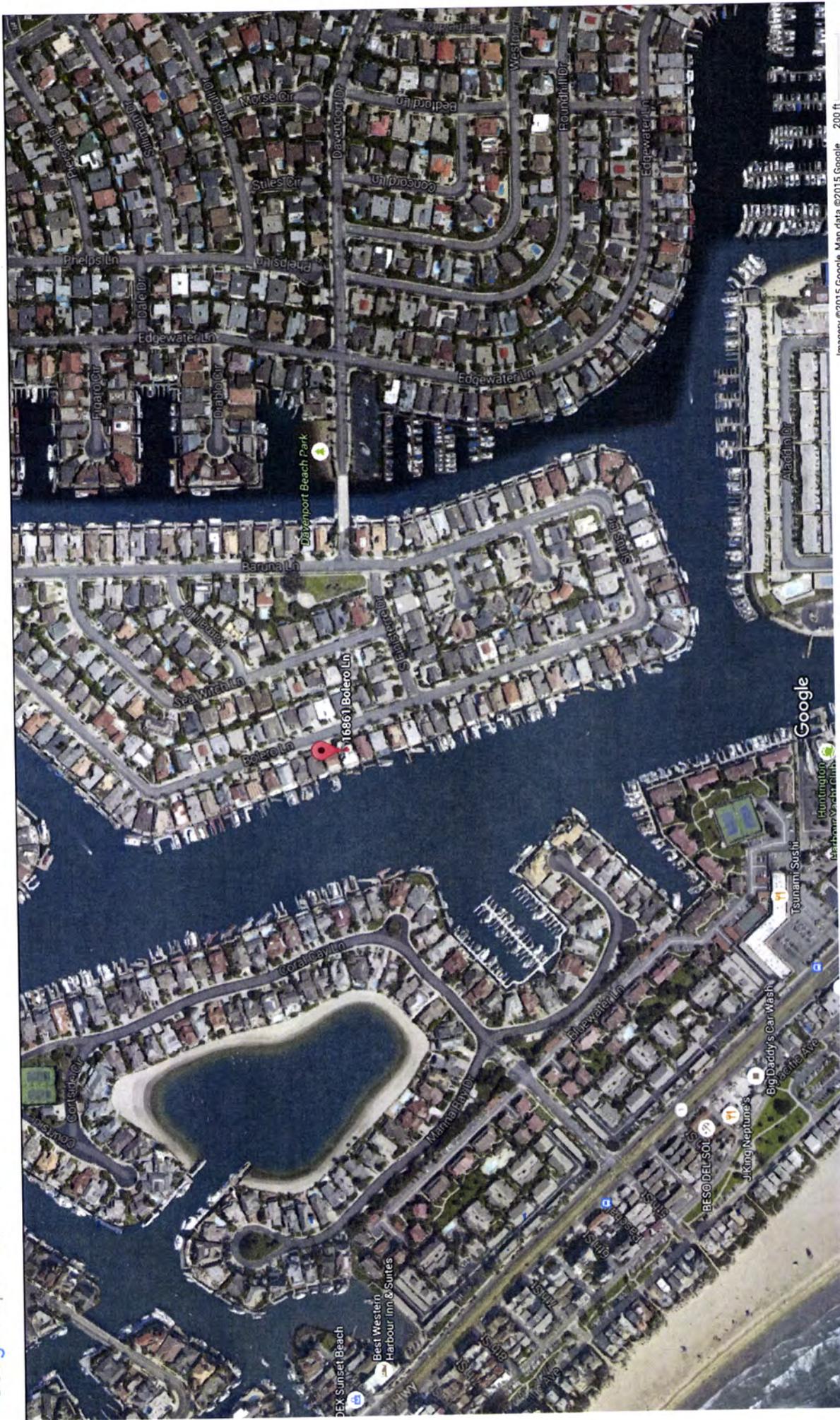


COASTAL COMMISSION

5-15-0635

EXHIBIT # 1

PAGE 1 OF 2

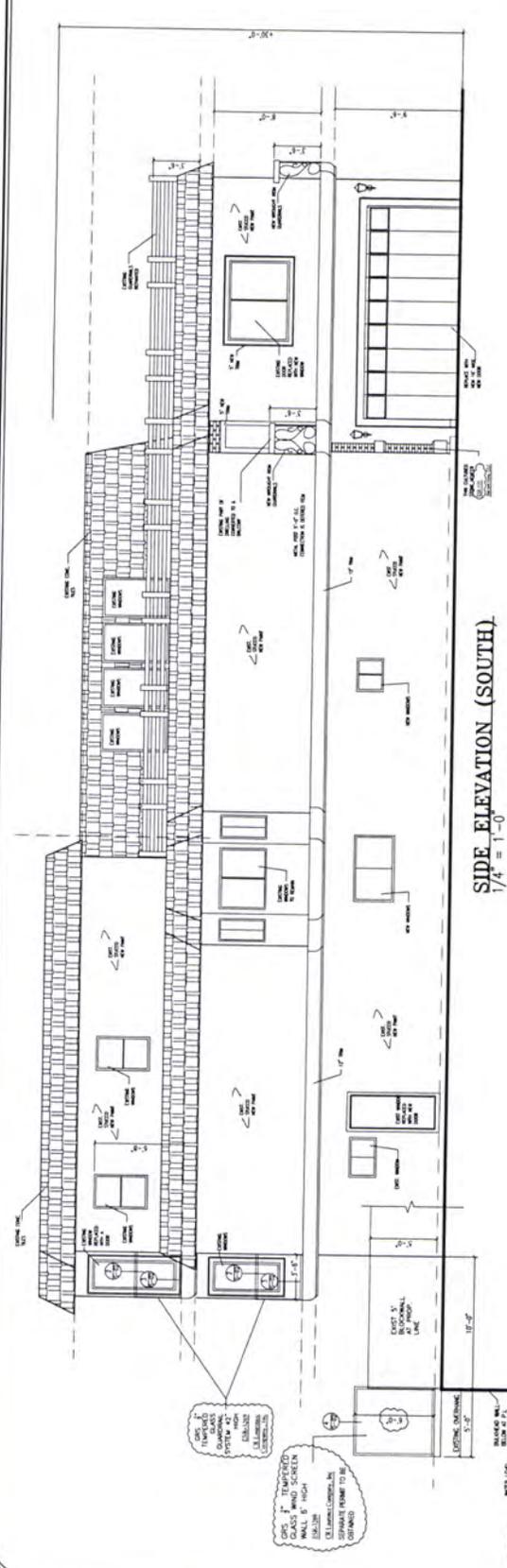


Imagery ©2015 Google, Map data ©2015 Google 200 ft

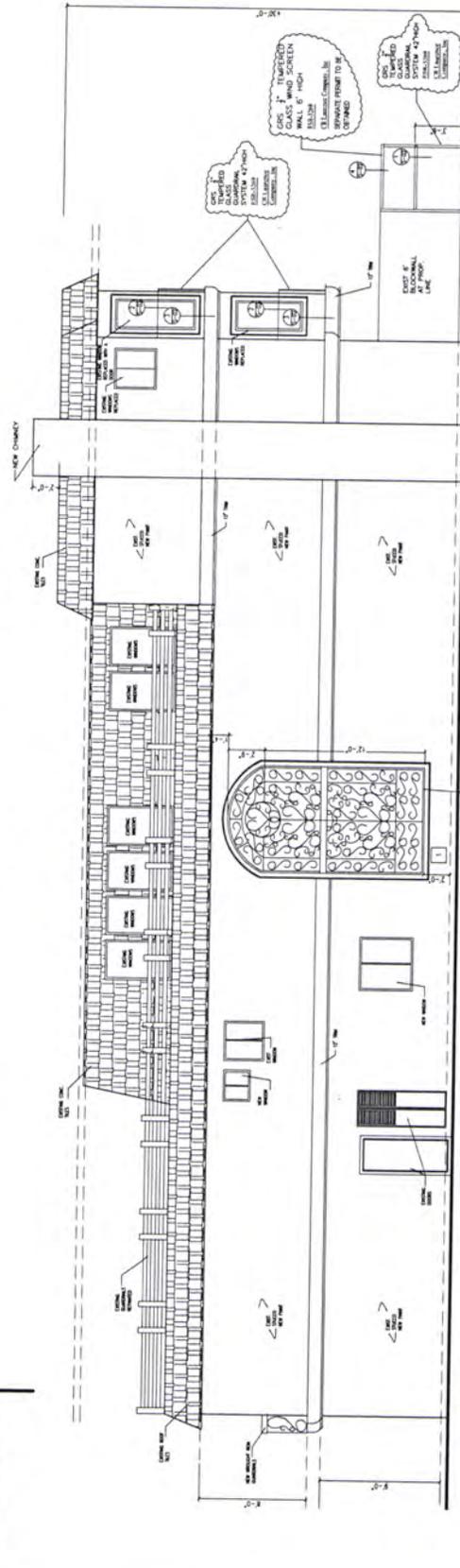
COASTAL COMMISSION

EXHIBIT # S-15-0635
PAGE 2 OF 2

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 - 2 1/2" THICK GLASS AND 1/2" LEAD
 - 3 1/2" THICK GLASS AND 1/2" LEAD
 - 4 1/2" THICK GLASS AND 1/2" LEAD



SIDE ELEVATION (SOUTH)
1/4" = 1'-0"



SIDE ELEVATION (NORTH)
1/4" = 1'-0"

COASTAL COMMISSION

5-15-0635

EXHIBIT #

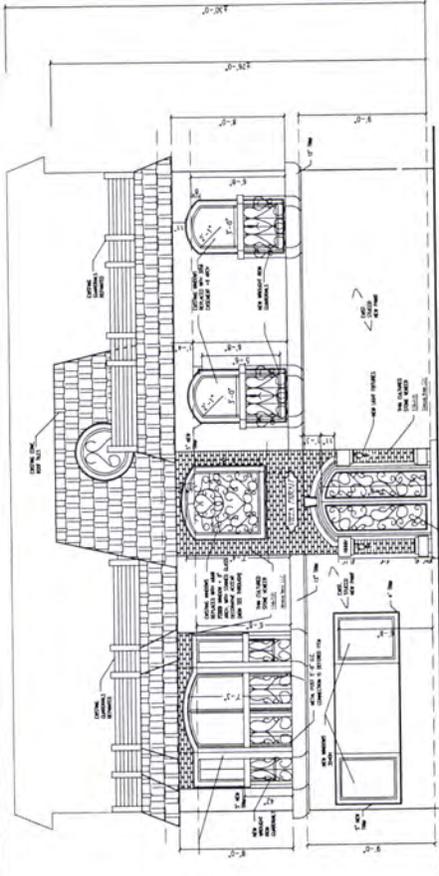
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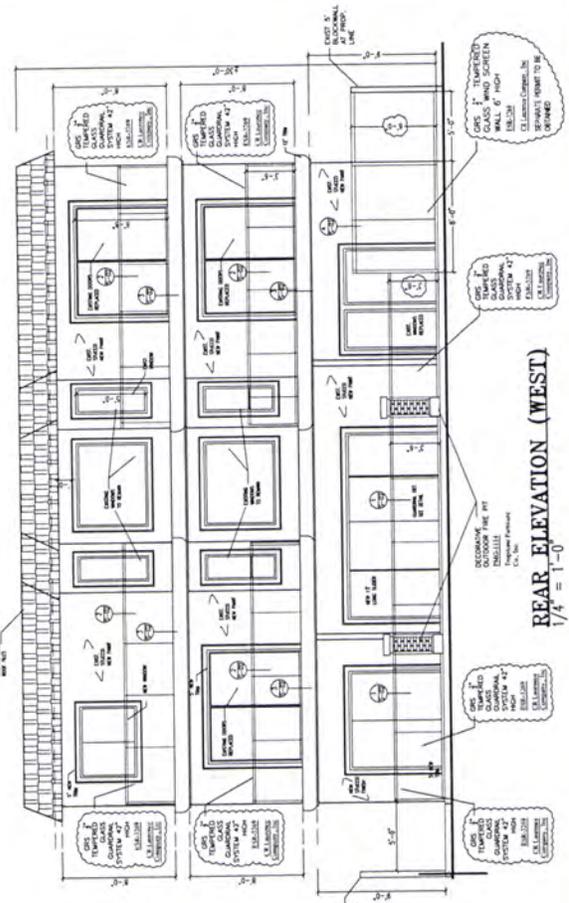
ELEVATIONS
GB ARCHITECTS
 ARCHITECTURE - PLANNING - ENGINEERING
 400 N. WASHINGTON ST. # 208
 (909) 944-2298 FAX (909) 944-2298

OWNER:
 SOULMAN'S RESIDENCE
 1000 S. WASHINGTON ST.
 HANFORD, CALIF. 93230
 PROJECT # 5-15-0635
 SCALE: 1/4" = 1'-0"
 DATE: 05/15/06
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 A-5

- LEGEND:**
- 1. 1/2" x 3/4" STAINLESS STEEL LATCHES TO MEET 2. AND 3. AND 4. AND 5. AND 6. AND 7. AND 8. AND 9. AND 10. AND 11. AND 12. AND 13. AND 14. AND 15. AND 16. AND 17. AND 18. AND 19. AND 20. AND 21. AND 22. AND 23. AND 24. AND 25. AND 26. AND 27. AND 28. AND 29. AND 30. AND 31. AND 32. AND 33. AND 34. AND 35. AND 36. AND 37. AND 38. AND 39. AND 40. AND 41. AND 42. AND 43. AND 44. AND 45. AND 46. AND 47. AND 48. AND 49. AND 50. AND 51. AND 52. AND 53. AND 54. AND 55. AND 56. AND 57. AND 58. AND 59. AND 60. AND 61. AND 62. AND 63. AND 64. AND 65. AND 66. AND 67. AND 68. AND 69. AND 70. AND 71. AND 72. AND 73. AND 74. AND 75. AND 76. AND 77. AND 78. AND 79. AND 80. AND 81. AND 82. AND 83. AND 84. AND 85. AND 86. AND 87. AND 88. AND 89. AND 90. AND 91. AND 92. AND 93. AND 94. AND 95. AND 96. AND 97. AND 98. AND 99. AND 100.



FRONT ELEVATION (EAST)
1/4" = 1'-0"



REAR ELEVATION (WEST)
1/4" = 1'-0"

City of Huntington Beach
Department of Planning & Building
HUNTINGTON BEACH SECURITY ORDINANCE
2000 Main Street, Huntington Beach, CA 92648
Office: (714) 341-5211 Fax: (714) 371-1447

1. Sliding glass doors and windows located less than 16 feet above any surface available for use by the public shall be capable of being locked securely. Movable panels shall not be easily removed from the frame.
2. All main or floor entry to dwellings shall be arranged so that the occupant has a view of the area immediately outside without opening door. Such view may be provided by a door view, a view port, window, or other opening.
3. Exterior wooden doors shall be of solid core construction or shall be covered on the inside face with 1/2 inch gauge sheet metal attached with screws at 6 inch on centers around the perimeter.
4. All swinging doors shall be equipped with a dead bolt with a minimum throw of 1 inch and an embedment of not less than 2 1/2 inch.
5. The inactive leaf of a pair of doors and the upper leaf of Dutch doors shall be equipped with a dead bolt.
6. Non-removable pins shall be used in pin type hinges which are accessible from the outside when the door is closed.
7. Unframed glass doors shall be fully tempered glass not less than 3/4 inch thick.
8. Narrow framed glass doors shall be fully tempered glass not less than 3/4 inch thick.
9. Any glass which is located within 40 inches of the locking device on a door shall be fully tempered, or have approved metal bars, screens or grills.
10. Solid wooden windows less than 3/4 inch thick shall be covered on the inside with 1/2 inch gauge sheet metal attached with screws at 6 inch on center around the perimeter and shall be secured from the inside with a slide bar, slide bolt, and/or padlock with hardened steel shackle. All other openings larger than 96 square inches with a dimension in excess of 8 inches shall be secured by metal bars, screens, or grills. (Exception: Non-opening skylights)
11. A development which includes 3 or more dwelling units shall be provided with fully-enclosed equivalent with ends set no more than 24 inches on center.

OWNER:
COLMAN'S RESIDENCE
1001 BILBO LN
HUNTINGTON BEACH, CA
H. 949-208-1444
C. 949-275-7363

DATE: 10/11/11
PROJECT: JACOBE
1001 BILBO LN
HUNTINGTON BEACH, CA 92648
949-208-1444
949-275-7363

SCALE: A-4

ELEVATIONS

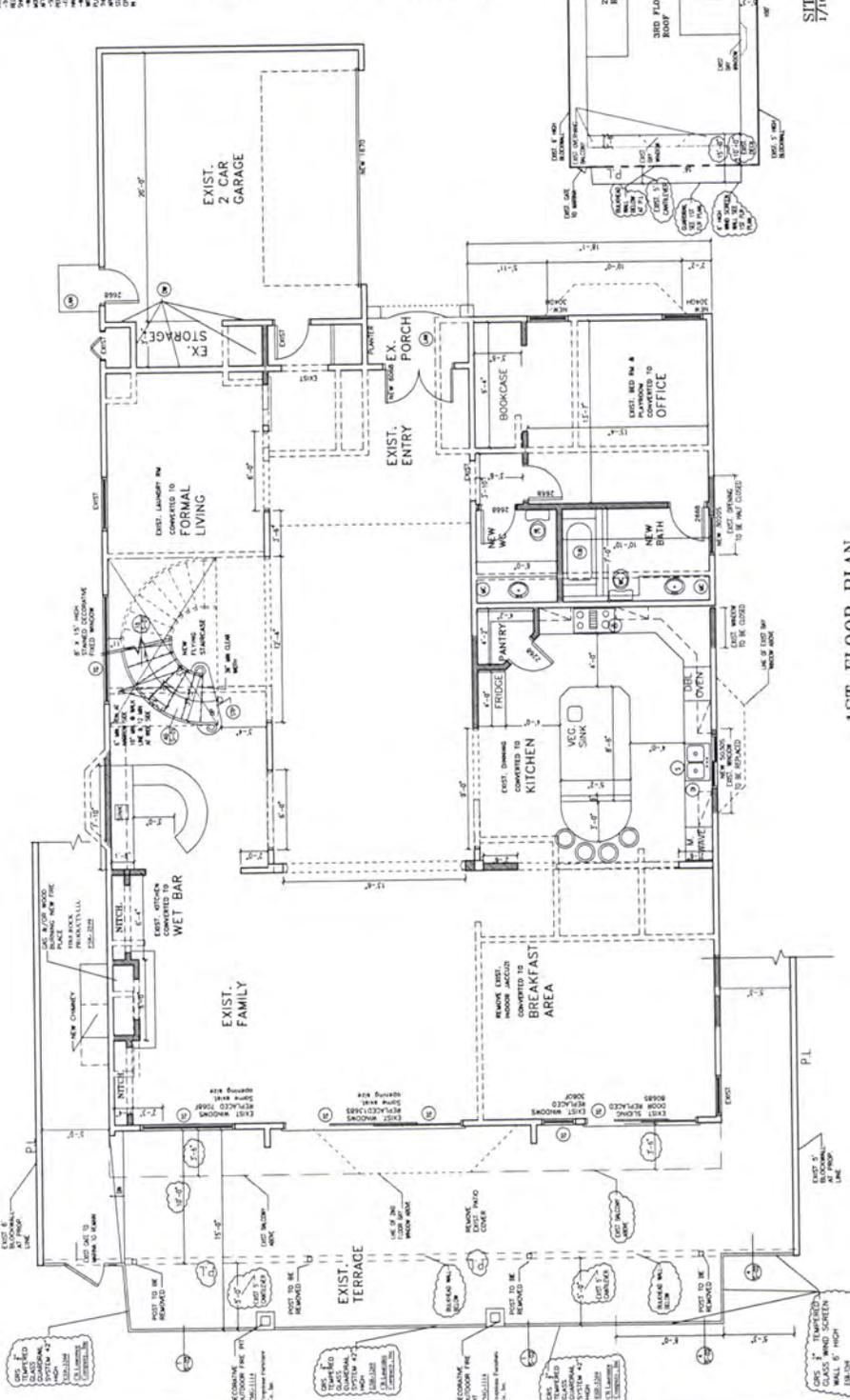
GB ARCHITECTS
ARCHITECTURE - PLANNING - ENGINEERING
400 JACOBO, CA 92648
949-208-1444
949-275-7363
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- NOTES:**
- EXIST. STAIR CASE SHALL BE REFINISHED WITH AN APPROVED FINISH. ALL STAIR CASES SHALL BE CONFORMANT WITH THE 2010 CALIFORNIA FIRE CODE.
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NOTE:
 ALL WORK UNDER BALCONY SHALL REQUIRE SEPARATE PERMIT AND APPROVAL FOR THE COASTAL COMMISSION.

FIRE DEPT. NOTES:
 - MAINTAIN JOB SITE SAFETY DURING CONSTRUCTION AS PER CHAPTER 14 OF THE 2010 CALIFORNIA FIRE CODE.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE 2010 CALIFORNIA FIRE CODE.
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1ST FLOOR PLAN
 1/4" = 1'-0"

SITE PLAN
 1/10" = 1'-0"

FIRST FLOOR PLAN & SITE PLAN

GB ARCHITECTS
 ARCHITECTURE, PLANNING, ENGINEERING
 400 S. MAIN ST., SUITE 100
 SAN ANTONIO, TEXAS 78202
 TEL: (512) 444-8899 FAX: (512) 444-2122

OWNER:
 MIZANIAN'S RESIDENCE
 16861 BOLENO LN.
 MONTROSE BEACH, CA
 C. 924-472-7333

DATE:
 10/11/11
 10/11/11
 10/11/11

PROJECT:
 16861 BOLENO LN.
 MONTROSE BEACH, CA

SCALE:
 1/4" = 1'-0"

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2010 CALIFORNIA FIRE CODE.
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 MONTROSE BEACH, CA
 C. 924-472-7333

DATE:
 10/11/11
 10/11/11
 10/11/11

PROJECT:
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 MONTROSE BEACH, CA

SCALE:
 1/4" = 1'-0"

FIRST FLOOR PLAN & SITE PLAN

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