

CALIFORNIA COASTAL COMMISSION

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

W8c

Staff: E. Prahler – LB
Date: October 22, 2015

ADMINISTRATIVE PERMIT

Application No. 5-15-0545

Applicants: Hilton & Michelle Schlosberg

Project Description: Remodel the interior of an existing 3,828 square foot three-story single family residence including addition of 42 square feet, construction of a second floor balcony to encroach 10-feet over property line into Surfside Colony, Ltd. held property, expansion of existing a third-story balcony, and installation of glass guardrails on second and third floor balconies.

Project Location: 36-A Surfside Avenue, Seal Beach, Orange County (APN 178-491-38)

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:

November 4, 2015, 9:00 a.m.
Oceano Resort Hotel
280 Capistrano Drive
Half Moon Bay, CA 94019

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
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 six through eight.

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 AND PREVIOUS COMMISSION ACTION ON SUBJECT SITE

1. Project Location and Description

The proposed project is a remodel of an existing 3,828 square foot three-story single-family residence at 36-A in the private community of Surfside Colony, in the City of Seal Beach, Orange County (**Exhibit 1**). The proposed remodel includes: 1) interior remodel including new windows and doors; 2) addition of 42 square feet; 3) construction of a second-story balcony; and 4) expansion of a third-story balcony (**Exhibit 2**). The subject site is a beachfront lot located between the first public road and the sea. The lot size is 2,250 square feet. The City of Seal Beach Zoning Code designates the site as Residential Low Density (RLD-9) and the proposed project adheres to this designation. Surfside Colony is a private, gated residential community comprised of three (3) rows of homes (one of which is beachfront – the “A” row) that parallel the beach and ocean, which are accessed via a private road system. There is an approximately 300-foot wide sandy beach between the subject property and the mean high tide line.

A 1966 boundary agreement between Surfside Colony, Ltd. and the California State Lands Commission fixes the boundary between state tide and submerged lands and private uplands in Surfside Colony. As a result of this boundary agreement, Surfside Colony owns a strip of the beach, up to 80 feet in width, adjacent to the homes fronting the ocean. The beach seaward of this area is available for lateral public access. Vertical access is available at the end of Anderson Street to the south of the Surfside Colony community. In addition, the Commission conditioned permit P-75-6364 to allow public access through the gates at the southeastern end of Surfside during daylight hours.

The proposed project has received the approval of the City of Seal Beach Planning Commission (4/8/15) and the local homeowner’s association and is consistent with development in the vicinity and prior Commission actions in the area. The subject site includes an existing at-grade ground-floor patio on the beach side of the residence that extends 10-feet beyond the seaward property line onto land owned by the homeowners association, Surfside Colony. Surfside Colony leases this property to the adjacent homeowners for construction of patios. Enclosed living area is not allowed to encroach past the individual homeowner’s seaward property line onto Surfside Colony land. Surfside Colony was invited to join as co-applicant; however, Surfside Colony has not chosen to join as of the date of this staff report.

The proposed project includes second- and third-floor balconies that will encroach a maximum of 10-feet beyond the applicant’s seaward property line and onto leased Surfside Colony land. To support the new second-floor balcony, the applicant proposes to install a new foundation beneath the exterior edges of the existing ground-floor patio and install two (2) posts at the seaward corners of the ground-floor patio connected to the new foundation. The applicant is also proposing the installation of new “bird-safe” glass guardrails along the new second floor and expanded third floor balconies.

The subject site is located in the central portion of Surfside Colony and there is an approximately 300-foot wide sandy beach between the subject site and the mean high tide line. Unlike the central and southern end, the northern end of Surfside Colony is subject to uniquely localized beach erosion due to the reflection of waves off the adjacent Anaheim Bay east jetty. These reflected waves combine with normal waves to create increased wave energy that erodes the beach in front of Surfside Colony more quickly than is typical at an unaltered natural beach. Since the erosion is the result of the federally-owned jetty, the U.S. Army Corps of Engineers has periodically replenished the beach. The beach nourishment provides Surfside Colony a measure of protection from wave hazards.

Even though wide sandy beaches afford protection of development from wave and flooding hazards, development in such areas is not immune to hazards. Strong storms events like those that occurred in 1994, 1997 and 2012 can cause flooding of the Surfside Colony community. The especially heavy wave action generated during the 1982-83 El Niño winter storms caused Surfside Colony to apply for a coastal development permit for a revetment to protect the homes at the northern end. The Commission-approved revetment and beach nourishment protect the northern end of Surfside Colony. However, an approximately 300-foot wide sandy beach provides the only protection for the central and southern areas of Surfside Colony where the subject site, 36-A Surfside, is located. No revetment protects this lot. At present, the beach material placed at the northern end of Surfside Colony is naturally transported to the central and southern beach areas, thereby serving as the primary source of material for the wide sandy beach in front of the subject site.

The proposed project includes the following improvements seaward of the residence: 1) an expanded third-floor balcony; 2) a new second-floor balcony with support posts at the seaward corners of the ground-floor patio; and 3) new foundation along the exterior edges of the ground-floor patio. The third-floor balcony will be approximately 20 feet above grade. It will be supported by the existing development foundation and would only be damaged if the main structure sustained significant damage due to wave uprush and, in this case, the third-floor balcony raises no new hazard concerns. While the new foundation and pile supports for the second floor balcony will be located within the footprint of the existing ground-floor patio, this new foundation will expand the envelop of the building foundation and move the foundation elements further seaward than the existing structure and will move the foundation elements beyond the property line (within the leased area).

The ground-level patio is normally protected by the wide central beach. Likewise, the posts and foundation that will support the second floor balcony will normally be protected by the central beach. Nevertheless, the area occupied by the patio, and where the posts and foundation would be installed has the potential to be exposed to wave uprush and coastal forces. Patios are considered ancillary to the main structure and are temporary and removable, and there is no expectation that these features would be considered for protection under section 30235. As such, patios have, on occasion, been allowed in setback zones and hazard areas. In this seaward location, the posts and foundation could be at risk from damage or destruction by future storm activity. Because development on the coast is inherently hazardous, the Commission imposes **Special Condition 1** requiring the landowner and any successor-in-interest to assume the risk of undertaking the development.

The applicant has indicated that no landscaping or irrigation exists on the property and that no landscaping or irrigation system is proposed. In order to protect water quality and biological productivity, **Special Condition 2** requires the applicant to implement construction and post-construction best management practices.

2. Previous Commission Action on Subject Site

On July 7, 1992, the Commission approved Coastal Development Permit No. 5-92-165 for the demolition and construction of a single-family residence at this site. One Special Condition was imposed requiring the applicant to record a deed restriction acknowledging that the site may be subject to coastal hazards and waiving liability by the Commission.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to require that the landowner and any successor-in-interest 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.

C. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions 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 Section 30252 of the Coastal Act.

E. 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.

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.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (“LUP”) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six (6) months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission’s certification of the Land Use Plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

As conditioned, the proposed development will be 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 a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Seal Beach Planning Department determined that the proposed development is categorically exempt on April 8, 2015. 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.

This permit is granted subject to the following special conditions:

SPECIAL CONDITIONS:

- 1. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against

any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. Water Quality.

A. The permittee shall comply with the following construction-related requirements:

- (i) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (ii) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (iii) 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;
- (iv) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (v) 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.

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

- (i) 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;
- (ii) The applicant shall develop and implement spill prevention and control measures;
- (iii) 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 stormdrain, open ditch or surface water; and

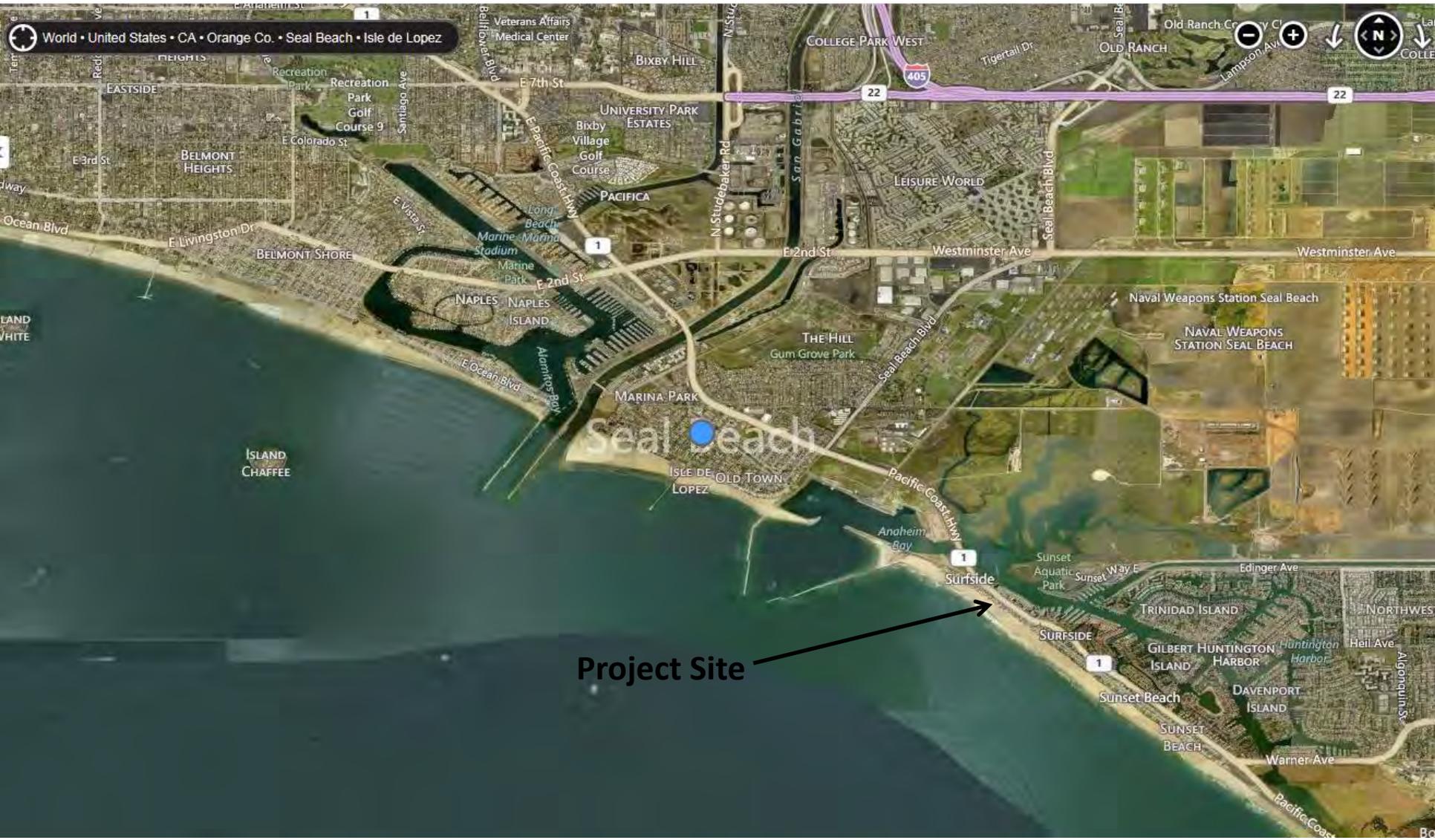
- (iv) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

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

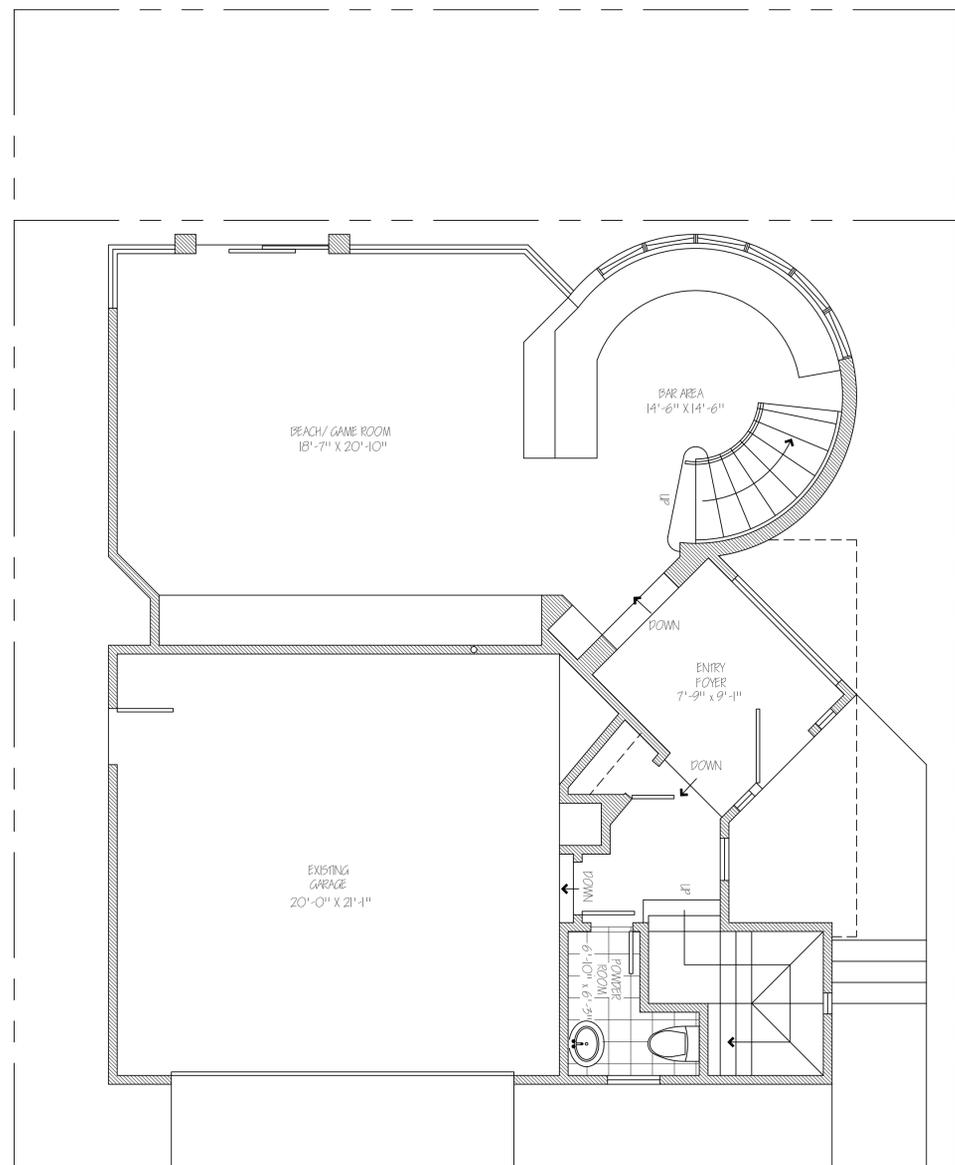


Project Site

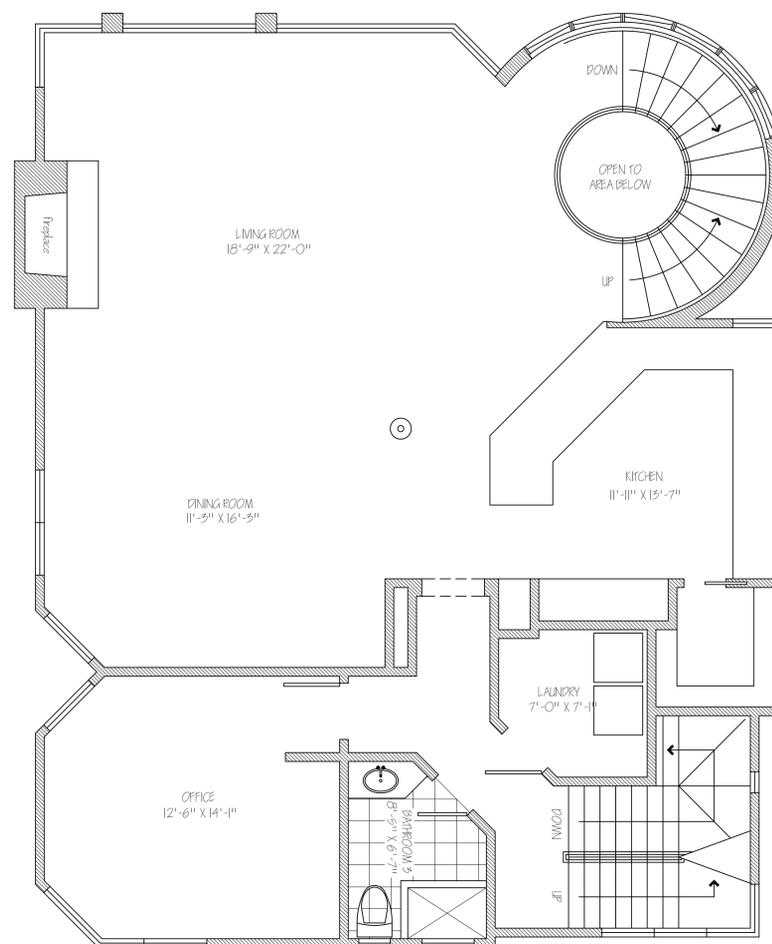


Project Site

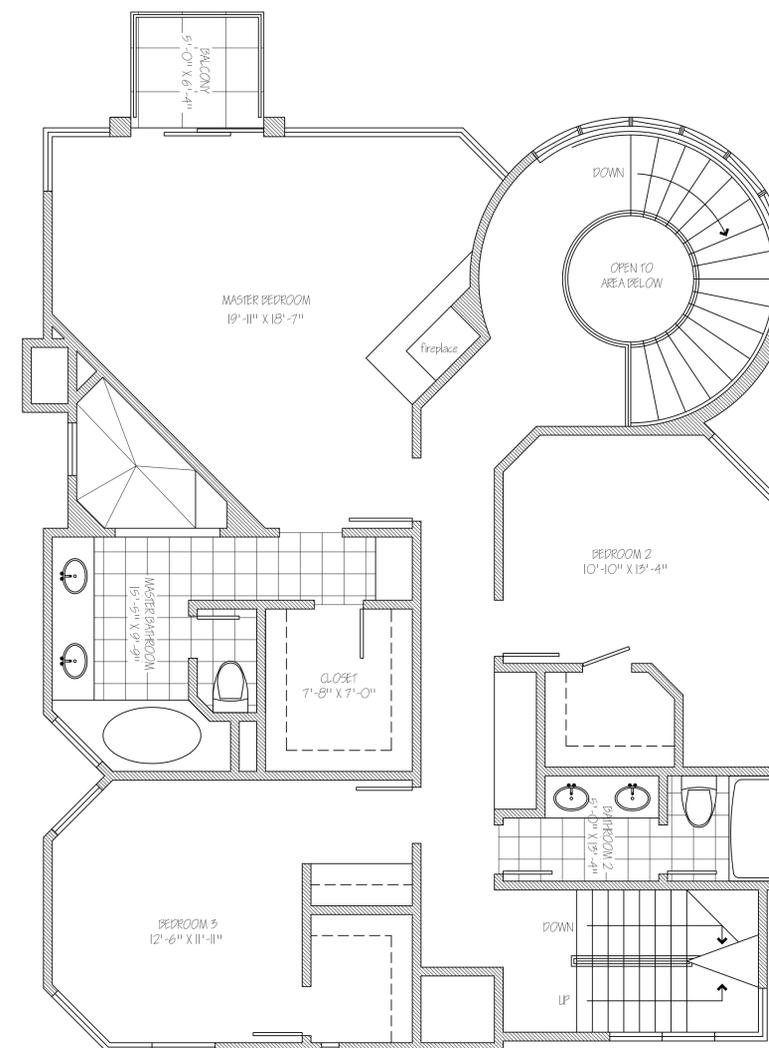
REVISIONS	



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

EXISTING RESIDENCE

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



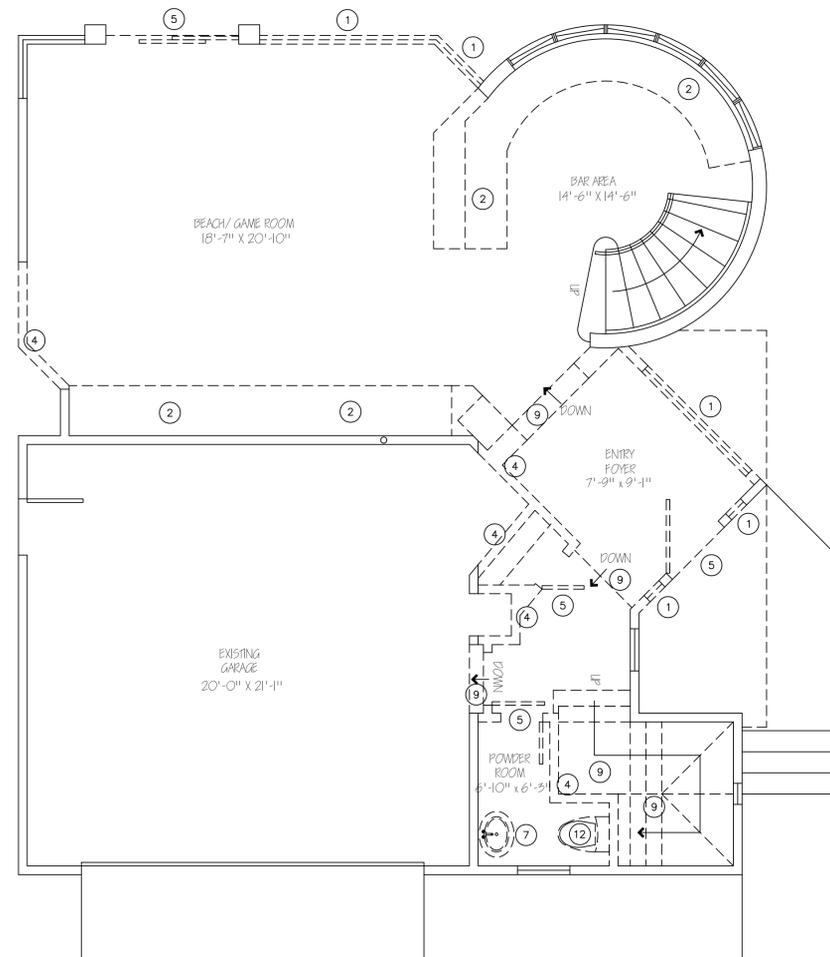
The Schlosberg Residence
A36 SURFSIDE DRIVE ~ SURFSIDE COLONY, CA 90742

325 ROYCROFT AVENUE
LONG BEACH, CA 90814
562-856-5665
562-619-8990
562-684-0570

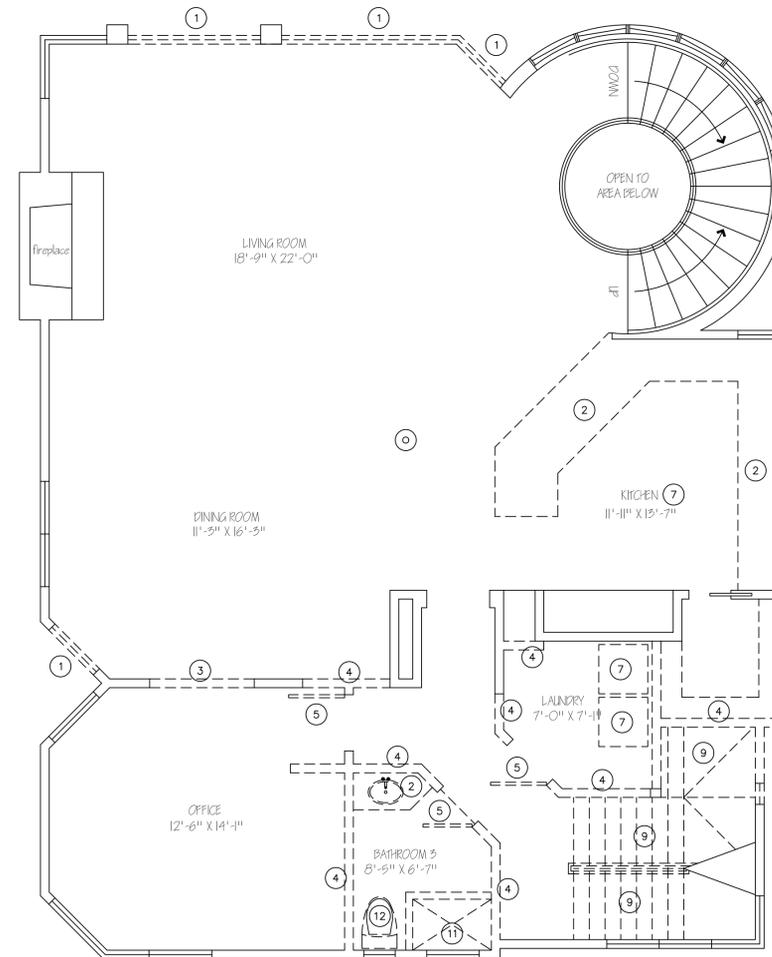
mark wheeler
RESIDENTIAL DESIGN

DATE: 3-30-15
SCALE: AS NOTED
DRAWN: MMW
JOB: schlos
SHEET:
A-1
OF - SHEETS

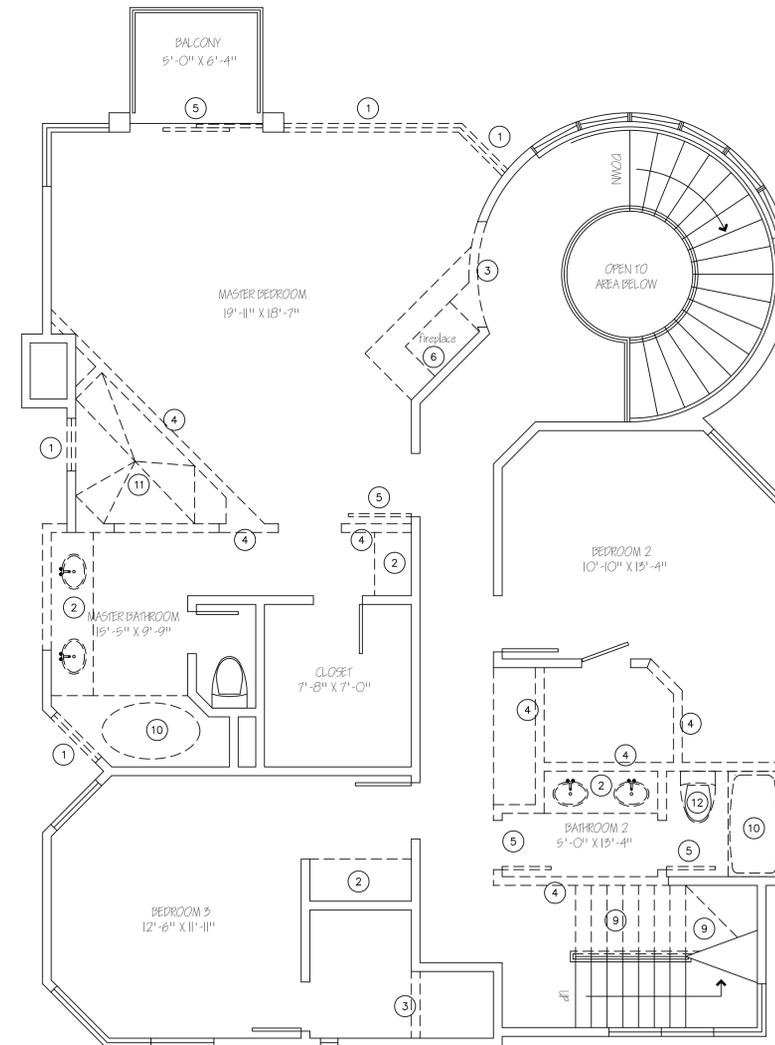
REVISIONS	



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

DEMO KEYNOTES

- 1 REMOVE EXISTING WINDOW.
- 2 REMOVE EXISTING COUNTER & CABINETS.
- 3 REMOVE EXISTING PORTION OF WALL.
- 4 REMOVE WALLS
- 5 REMOVE EXISTING DOOR.
- 6 REMOVE FIREPLACE & SURROUNDING STRUCTURE
- 7 REMOVE EXISTING APPLIANCES/FIXTURES
- 9 REMOVE EXISTING STAIRS & LANDINGS
- 10 REMOVE EXISTING TUB
- 11 REMOVE EXISTING SHOWER
- 12 REMOVE EXISTING TOILET

DEMOLITION PLANS

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



The Schlosberg Residence

A36 SURFSIDE DRIVE ~ SURFSIDE, CA. 90742

325 ROYCROFT AVENUE
LONG BEACH, CA. 90814
562-856-5665
562-619-3990
562-684-0570

mark wheeler
RESIDENTIAL DESIGN

DATE: 3-30-15

SCALE: AS NOTED

DRAWN:MMW

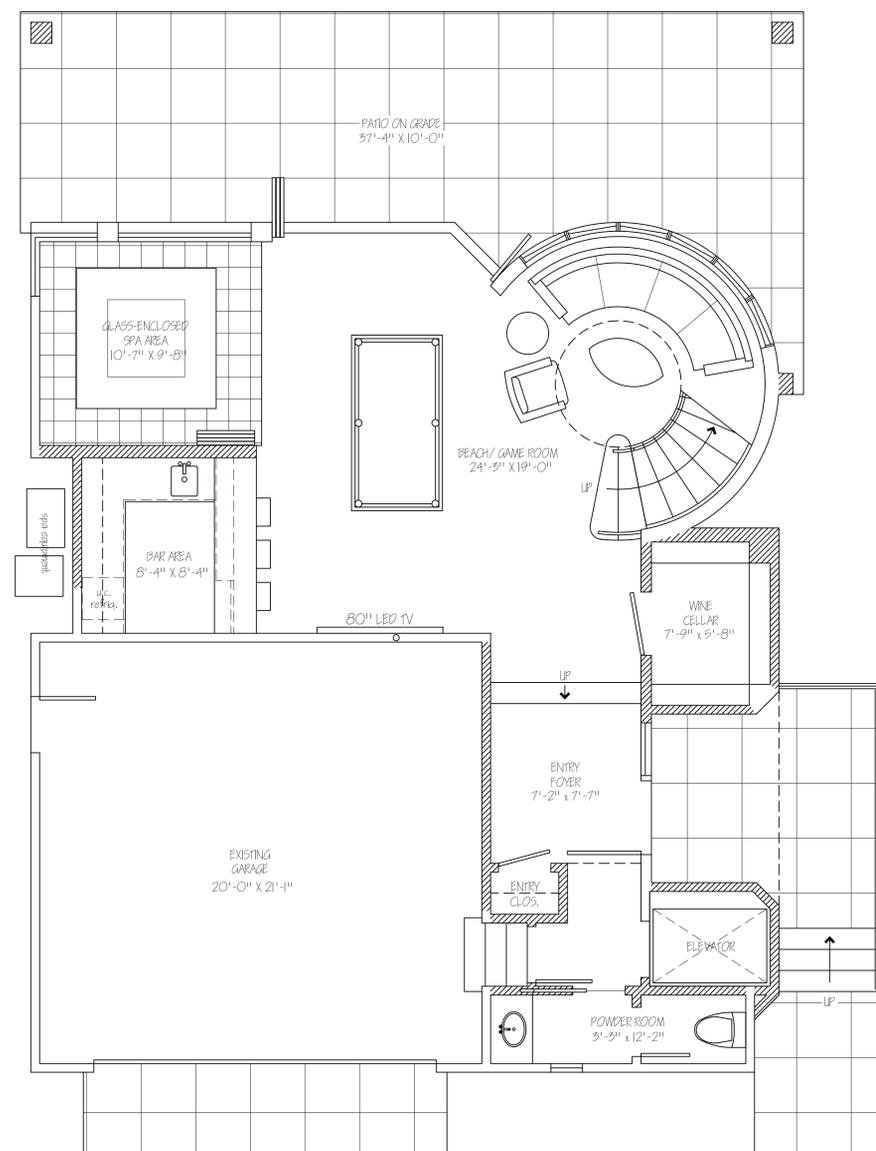
JOB: schlos

SHEET:

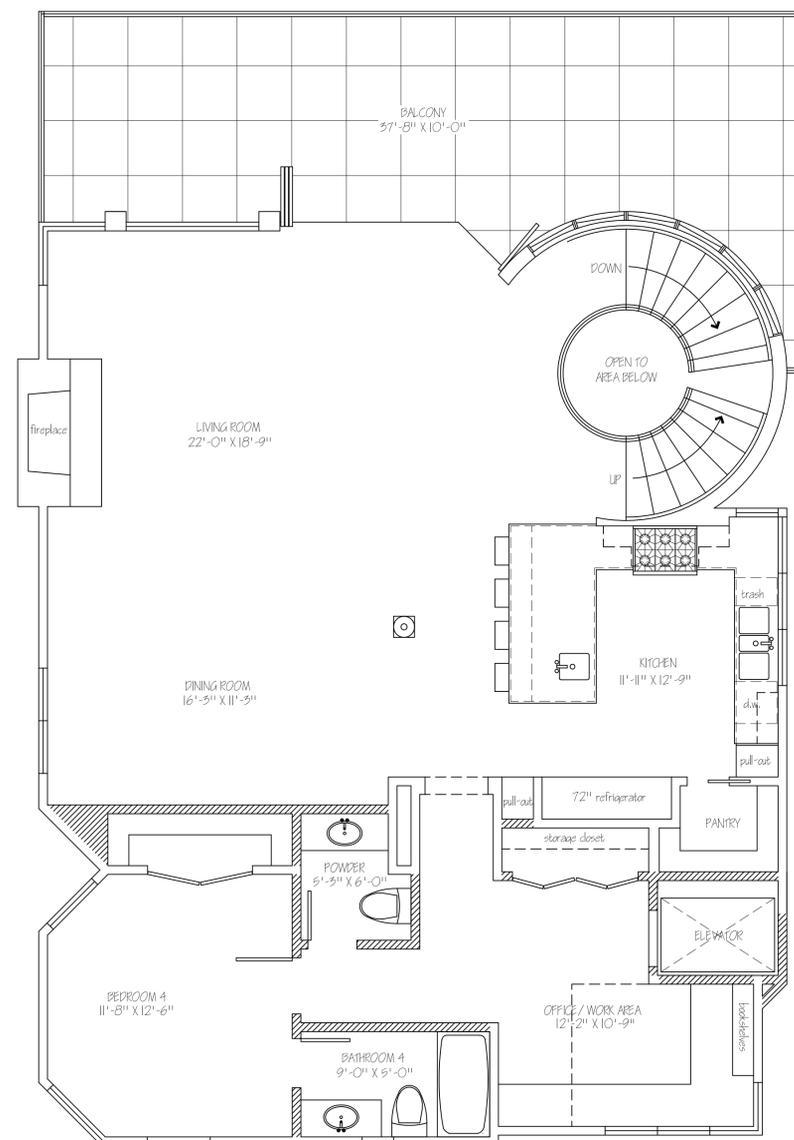
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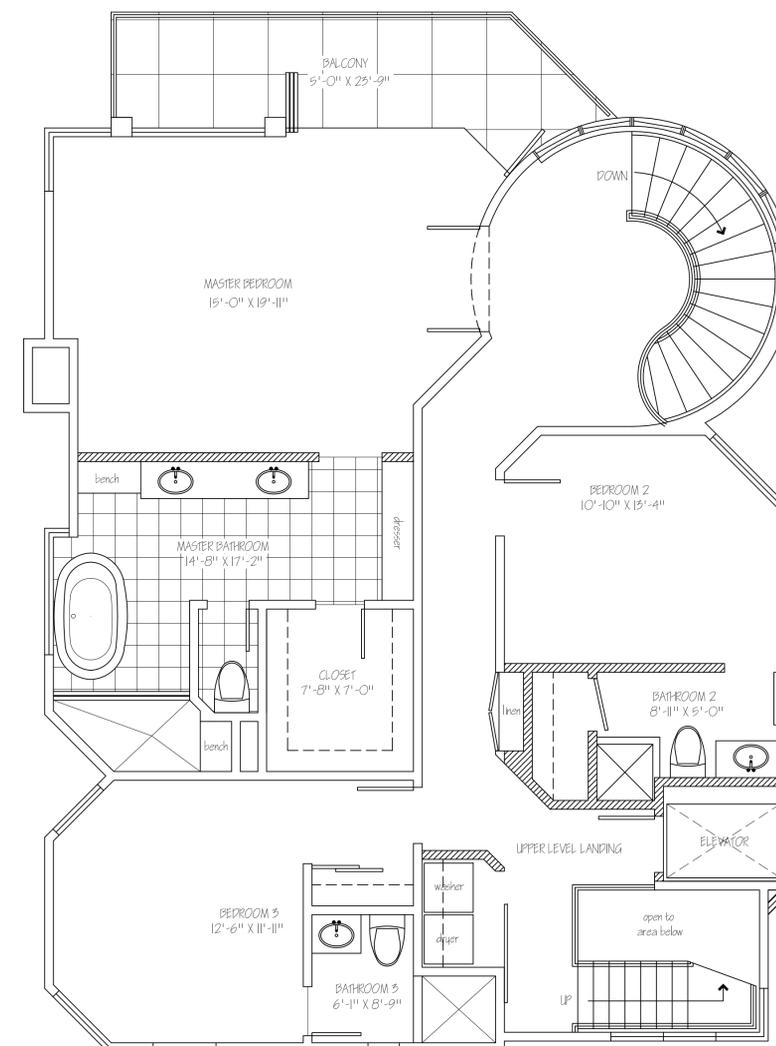
REVISIONS	



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

FLOOR PLANS

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



The Schlosberg Residence
A36 SURFSIDE DRIVE ~ SURFSIDE COLONY, CA 90742

325 ROYCROFT AVENUE
LONG BEACH, CA 90814
562-856-5665
562-619-9990
562-684-0570

mark wheeler
RESIDENTIAL DESIGN

DATE: 3-30-15
SCALE: AS NOTED
DRAWN:MMW
JOB: schlos
SHEET:
A-3
OF - SHEETS

REVISIONS	
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NORTH SIDE ELEVATION



FRONT (BEACHSIDE) ELEVATION

ELEVATIONS

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

The Schlosberg Residence
A36 SURFSIDE AVENUE ~ SURFSIDE COLONY, CA 90743

325 ROYCROFT AVENUE
LONG BEACH, CA, 90814
562-856-5665
562-619-3990
562-684-0570

mark wheeler
RESIDENTIAL DESIGN

DATE: 3-30-15

SCALE: AS NOTED

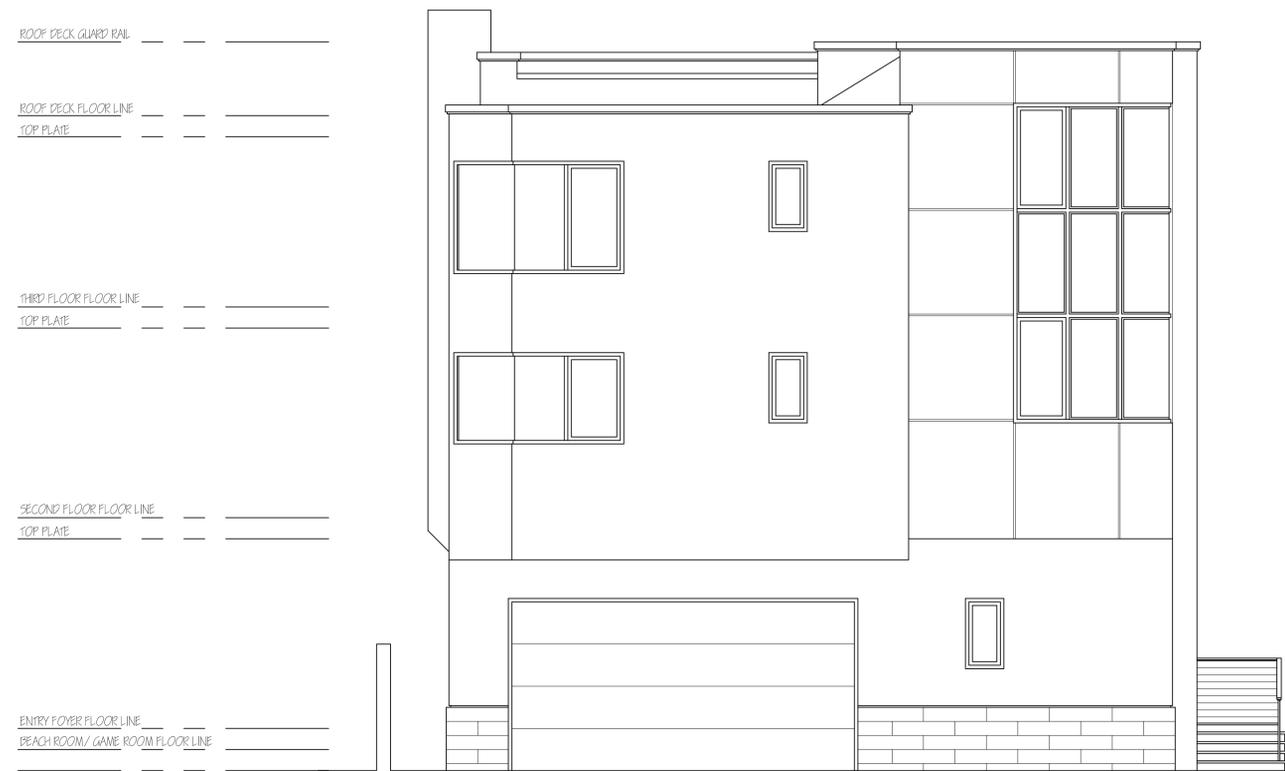
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JOB: schlos

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OF - SHEETS

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REAR (STREETSIDE) ELEVATION



SOUTH SIDE ELEVATION

ELEVATIONS

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

The Schlosberg Residence
A36 SURFSIDE AVENUE ~ SURFSIDE COLONY, CA 90743

325 ROYCROFT AVENUE
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562-856-5665
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562-684-0570

mark wheeler
RESIDENTIAL DESIGN

DATE: 3-30-15
SCALE: AS NOTED
DRAWN:MMW
JOB: schlos
SHEET:
A-5
OF - SHEETS