CALIFORNIA COASTAL COMMISSION

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



ADMINISTRATIVE PERMIT

Application No. 5-14-1706

Applicants: David Chamberlain

Project Remodel the interior of an existing three-story single family residence including **Description**: construction of a new enclosed roof access staircase and skylight up to 37-feet

construction of a new enclosed roof access staircase and skylight up to 37-feet high, expansion of a second-story deck to encroach 10-feet over property line into Surfside Colony, Ltd. held property, installation of underground wine cellar, installation of glass guardrails, and installation of two exterior French drains.

Project Location: 103-A Surfside Avenue, Seal Beach (Orange County); APN 178-462-38

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

<u>NOTE</u>: 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:

March 12, 2015, 9:00 a.m. Chula Vista Council Chambers 276 Fourth Street Chula Vista, CA 91910

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: Zach Rehm 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

The proposed project is a remodel of an existing three-story single family residence at 103-A in the private community of Surfside Colony, in the City of Seal Beach, Orange County (**Exhibit 1**). The subject site is a beachfront lot located between the first public road and the sea. There is an existing rock revetment and sandy beach between the subject property and the mean high tide line. The lot size is 1,650 square feet. The City of Seal Beach General Plan designates the site as Residential Low Density (RLD-9) and the proposed remodel of an existing single family residence adheres to this designation. The proposed development is in an existing private, gated residential community and is consistent with development in the vicinity and prior Commission actions in the area.

A 1966 boundary agreement between Surfside Colony and the California State Lands Commission fixes the boundary between state tide and submerged lands and private uplands in Surfside. As a result of this boundary agreement, Surfside Colony, Ltd. 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 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 remodel includes: 1) construction of a new enclosed roof access staircase and skylight up to 37-feet high; 2) expansion of a second-story deck to encroach 10-feet over property line into area owned by Surfside Colony, Ltd.; 3) and installation of an approximately 150 square foot wine cellar eight feet below the existing first floor (**Exhibit 2**). The 10-foot balcony encroachment is in an area owned by the homeowners association, Surfside Colony, Ltd., where the Commission has regularly approved balconies in the past. **Exhibit 3** shows that the balcony extension will be consistent with the neighboring properties, which also have first and second floor extended balconies.

The applicant is proposing the installation of new glass guardrails along the extended second floor balcony. **Special Condition 1** requires all new or replaced glass guardrails to be designed to comply with bird-safe requirements, with either etching or decals to prevent bird strikes.

The applicant is proposing water quality improvements as part of the proposed project, including downspouts directed to French drains and percolation pits on either side of the property. **Special Condition 2** requires the applicant to comply with the approved drainage plans. 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 ensure that the sandy beach adjacent to the site is not disturbed by irrigation or invasive species, **Special Condition 3** requires that any vegetated landscaped areas located on site shall only consist of native or non-native drought tolerant species.

The proposed wine cellar will be approximately eight feet below the existing first floor and five to six feet below natural grade. The applicant's geotechnical investigation encountered wet sand at a depth of three feet below grade and was unable to bore any deeper because the boring hole caved. However, according to the applicant's geotechnical analysis (Soil Pacific Inc. 4/1/14), a thick foundation and waterproof membrane will prevent groundwater from infiltrating the wine cellar. According to a

coastal hazards analysis (Soil Pacific Inc. 12/11/14) "groundwater has been encountered at a depth of six feet." The analysis also considers potential sea level rise of up to 55-inches and declares that "a rise in the water level due to sea level rise will not have a negative impact on the wine cellar due to its weight and design." A follow-up letter from Soil Pacific Inc. (12/18/14) indicates that "the excavation and foundation pour will be done at low tide, above groundwater level, and will not necessitate a dewatering plan." If dewatering is necessary, the geotechnical consultant indicates that it will be percolated on the subject property, which is a City approved practice. In a letter dated February 6, 2015, the applicant and the geotechnical consultant acknowledge that "dewatering onto the beach is prohibited, even in an emergency. If more groundwater is encountered than expected, it shall be discharged on site, discharged to the sewer system subject to the approval of the sanitation department, or trucked to a disposal site subject to the approval of the Executive Director." Should construction of the wine cellar breach the water table, **Special Condition 4** requires the applicant to conduct an analysis of all options, including not constructing the wine cellar, and report the findings to the Executive Director, who will determine whether an amendment to the permit is legally required. In order to further protect water quality and biological productivity, Special Condition 5 requires the applicant to implement construction and post-construction best management practices.

The northern portion of Surfside, where the proposed project is located, is afforded a degree of protection due to the presence of an existing Commission-approved revetment under the sand, which is replenished every five years. Even though the revetment currently protects the project site, this does not preclude wave uprush damage and flooding during major storm events like those that occurred in 1994, 1997, and 2012. Additionally, as indicated in the applicant's coastal hazards analysis, sea level rise is likely to impact the site over the next 100 years. Because development on the coast is inherently hazardous, **Special Condition 6** requires the applicant to assume the risks of the development.

Typically, in cases of substantial improvements to a principal structure that could be affected by wave uprush or sea level rise, the Commission imposes special conditions requiring: 1) No Future Shoreline Protective Device(s), and 2) Future Removal of Structures threatened by flooding. In this case, the proposed development may be approved without these two special conditions because there is no increase in habitable area, the proposal will not result in seaward encroachment of the development, and the development will not lead to any required modifications to the existing Commission approved revetment. Accordingly, the proposed improvements do not result in an increased hazard to life and property nor would the proposed improvements create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms such as the beach. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30253 as submitted.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

The proposed project has received the approval of the City of Seal Beach Planning Commission (2/9/15) and the local homeowner's association. Therefore, as proposed and conditioned herein, the development will not have any substantial adverse impacts on public access, water quality or coastal resources and is consistent with the Chapter 3 policies of the Coastal Act.

B. 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.

C. 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.

D. 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.

E. 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 City of Seal Beach has neither a certified LCP nor a certified Land Use Plan. 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.

F. 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.

This permit is granted subject to the following special conditions:

SPECIAL CONDITIONS:

- 1. Bird Strike Prevention. All new or replaced oceanfront deck railing systems, fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director.
- 2. Conformance with the Approved Drainage Plans. The applicant shall undertake development in accordance with the approved drainage and site plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.
- 3. Landscaping. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf). Existing vegetation that does not conform to the above requirements shall be removed.
- 4. **Dewatering Plan.** Should construction of the wine cellar breach the water table, the applicant shall retain a licensed geotechnical engineer to conduct an analysis of all options for dewatering, including not constructing the wine cellar, and report the findings to the Executive Director, who will determine whether an amendment to the permit is legally required. Dewatering onto the beach shall be prohibited, even in an emergency. If more groundwater is encountered than expected, it shall be discharged on site, discharged to the sewer system subject to the approval of the sanitation department, or trucked to a disposal site subject to the approval of the Executive Director.

5. 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;

5-14-1706 (Chamberlain) Administrative Permit

- (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:
 - (vi) 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;
 - (vii) The applicant shall develop and implement spill prevention and control measures;
 - (viii) 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
 - (ix) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- **6. 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.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received	ved a copy of this permit and have accepted its contents
including all conditions.	
S	
Applicant's Signature	Date of Signing

Exhibit 1: Vicinity Map Application No. 5-14-1706 California Coastal Commission

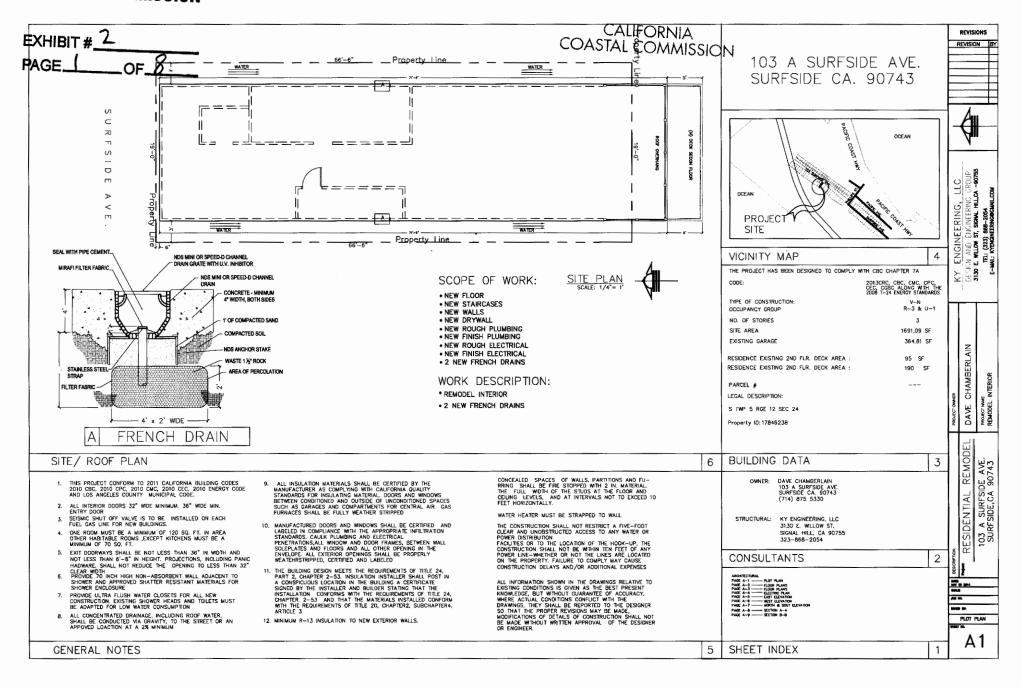


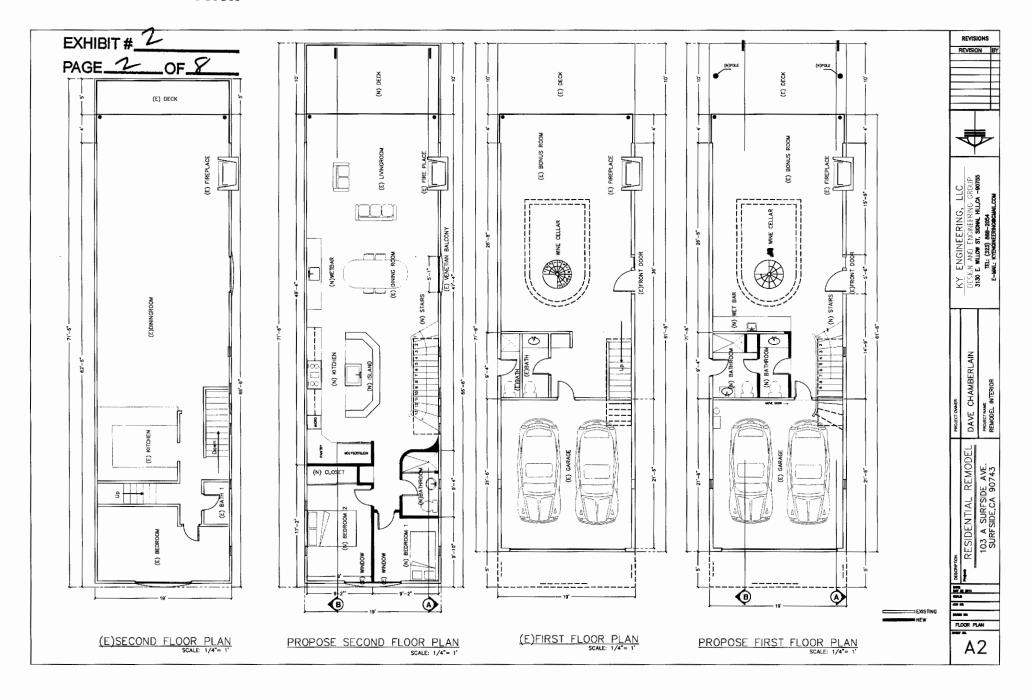
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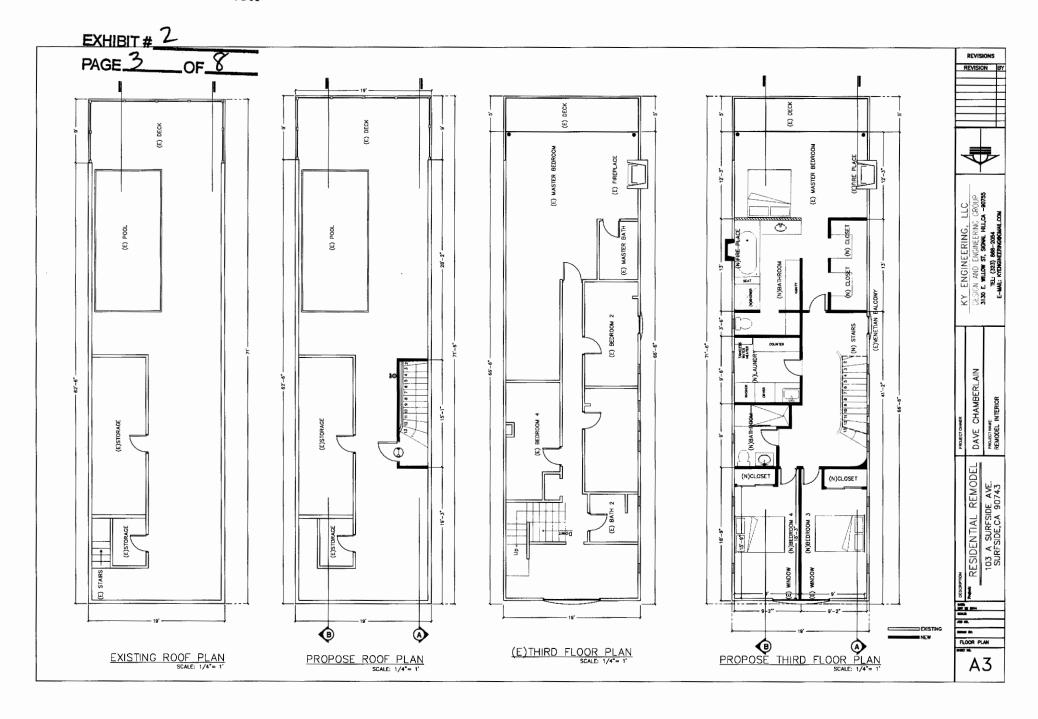
RECEIVED South Coast Region

COASTAL COMMISSION

OCT 9 - 2014







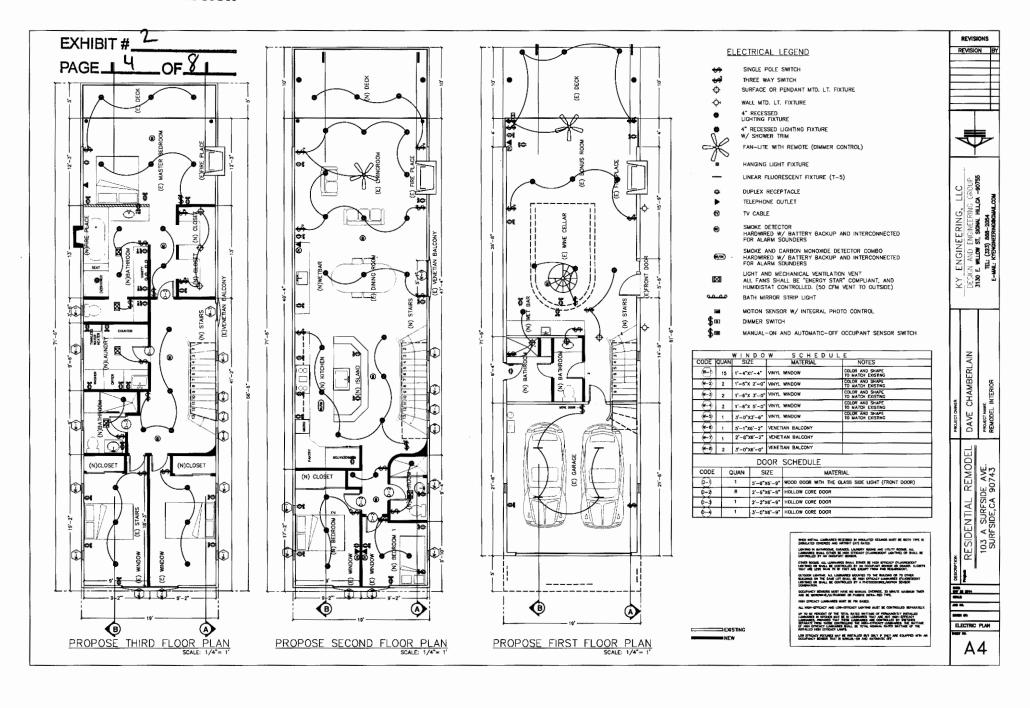
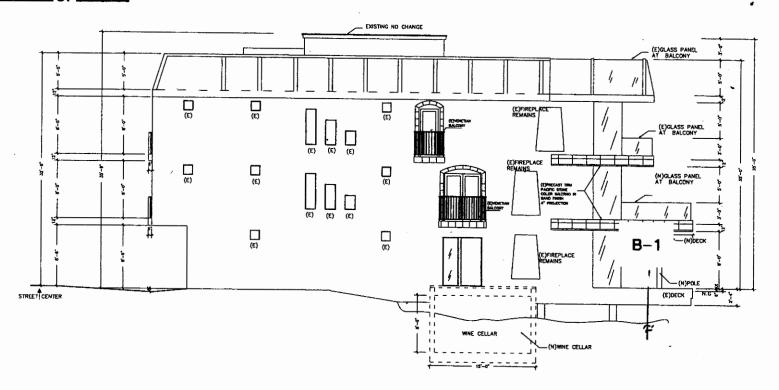


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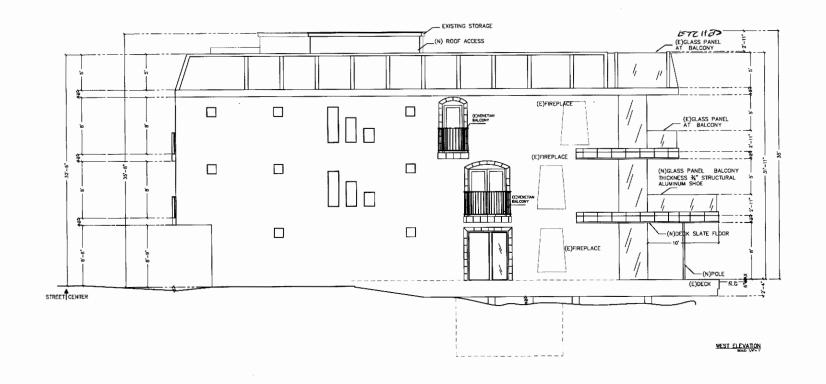


(E)WEST ELEVATION
SCALE 1/4" = 1'-0"

DAVE CHAMBERLAIN WEST ELEVATION



EXHIBIT # 2
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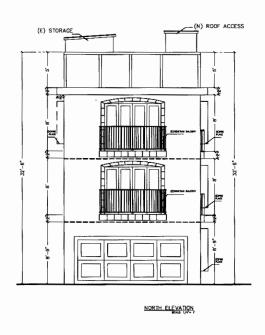
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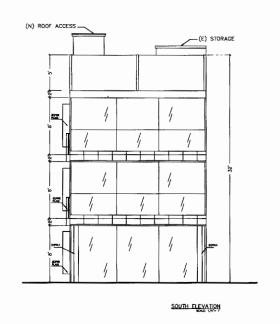
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WEST ELEVATION

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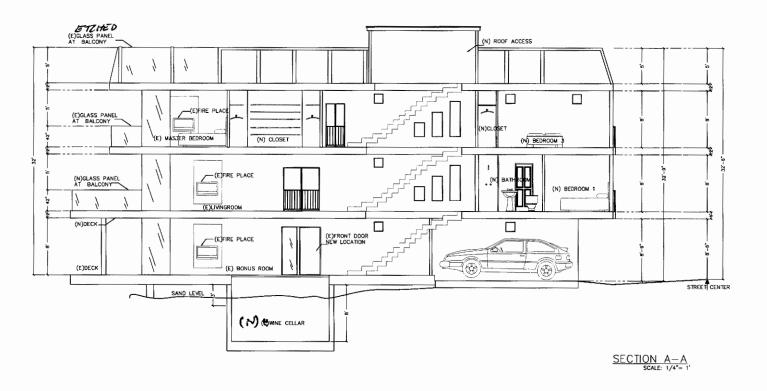
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EL DAVE CHAMBERLAIN

RESIDENTIAL REMODEL 103 A SURFSIDE AVE. SURFSIDE, CA 90743

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EXHIBIT # 2 PAGE 8 OF 8



REVISION BY KY ENGINEERING, LLC DCSIGN AND ENGINEERING GROUP 3130 E MILON 51, SIGNAL HILLO. 40755 F-WILL TOWNSHIPSTONGOLALCOL PROJECT OWNER

DAVE CHAMBERLAIN RESIDENTIAL REMODEL 103 A SURFSIDE AVE. SURFSIDE,CA 90743 100 M MH. SECTION A-A

8A

C	COASTAL COMMISSION Shoreline Setback - Deck String Line Drawing										
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Deck String Line				Structural String Line							
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	- Property lines in Pad										