

## CALIFORNIA COASTAL COMMISSION

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

**W7d**

Staff: S. Vaughn – LB  
Date: May 19, 2016

**ADMINISTRATIVE PERMIT**

**Application No.**      **5-16-0123**

**Applicant:**            **Derrick I. Hodson & Jan M. Hodson**

**Agent:**                 Eric F. Mossman, Architect AIA

**Project Description:**      Demolition of a two-story single-family residence over a basement and construction of a 5,230 sq. ft., 24-foot high, two-story single-family residence over basement with attached 680 sq. ft. two-car garage, new four-foot deep swimming pool & spa, new six-foot tall CMU wall, and new gate inside of the beach side property line.

**Project Location:**         114 Ocean Avenue, Seal Beach (Orange County)  
(APN: 199-111-07)

**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:

**9:00 a.m. Wednesday June 8, 2016**  
**County of Santa Barbara**  
**Board of Supervisor's Chambers**  
**105 E. Anapamu Street**  
**Santa Barbara, CA 93101**

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.**

John Ainsworth  
Acting Executive Director

by: Shannon Vaughn  
Coastal Program Analyst

**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:** Pages 5 – 7.

**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 project site is located on an 8,553 sq. ft. beach-front lot in an established residential neighborhood of Seal Beach, Orange County (**Exhibit 1**). The applicant received an Approval in Concept from the City of Seal Beach Planning Department on January 26, 2016. The site is designated as RLD-9, Residential Low Density land use by the City of Seal Beach and the proposed development is consistent with the zoning. The proposed development is consistent with the Commission's parking standard of two parking spaces per residential unit and complies with the height and setback requirements. Vertical public access to the beach is available directly east of the site at the 2<sup>nd</sup> Street, street end (**Exhibit 1**).

The applicant proposes to demolish an existing two-story over a basement single-family residence and attached two-car garage, and construct a 5,230 sq. ft., 24-foot high (as measure from the front and 33-foot high as measured from the back), two-story single-family residence over a basement with an attached 680 sq. ft. two-car garage, new four-foot deep swimming pool & spa, new six-foot tall CMU wall, and new gate inside the beach side property line (**Exhibit 2**). The proposed project also includes grading consisting of 185 cu. yds. of cut and 203 cu. yds. of fill. All storm water runoff from non-permeable surfaces will be collected and directed to toward landscaped areas or an infiltration pit/sump pump which will be directed toward the public storm drain system consistent with the drainage and runoff plan designed by Eric F. Mossman submitted with the applicants design and architectural plans (Page ST) and required by **Special Condition 4**. All landscaping will be non-invasive and consist of primarily drought tolerant and native plant species consistent with the landscaping plan submitted by the applicant on February 12, 2016 and required by **Special Condition 5**.

The proposed residence would conform to the informal stringline established by an abandoned right-of-way (alley). The abandoned alley runs between, and parallel to, Ocean Avenue and the beach. The abandoned alley extends across the middle of the lots located both north of the Seal Beach municipal pier and seaward of Ocean Avenue. The City has established the landward boundary of the abandoned alley as the limit, or stringline, for seaward encroachment of enclosed living space and the City has established the seaward boundary of the abandoned alley as the limit, or stringline, for seaward encroachment of new patios or decks. The enclosed living area of the proposed home would not encroach past the inland boundary of the abandoned street right-of-way that the City uses as the stringline for beachfront development of residential structures. In addition, the proposed decks would not encroach past the seaward boundary of the abandoned street right-of-way that the City uses as the stringline for beachfront development of new patios and decks. Through its various permit actions, the Commission has found that these living space and patio/deck stringlines establish appropriate limits of development along this stretch of Ocean Avenue located upcoast of the Seal Beach pier.

The project site is located on a beach-front lot that may be subject to wave run up, liquefaction, tsunamis, flooding, erosion, and other coastal hazards associated with predicted sea level rise. The applicant commissioned a coastal hazards analysis (David W. Skelly, MS of GeoSoils Inc., Dated September 26, 2014) with a sea level rise component as required by the California Coastal Commission. The analysis considered a five-foot rise in sea level over the next 75 years (to the year

2091). According to the report, the residence is setback a sufficient distance from the shoreline and sited at a high enough elevation that it will not be subject to coastal hazards associated with sea level rise. The worst case scenario predicted by the Ocean Protection Council and discussed in the California Coastal Commission's Sea Level Rise Guidance is approximately five feet and five inches to the year 2100. The applicant's coastal hazards analysis did not include an analysis of a worst case scenario rise in sea level. Given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, **Special Conditions 1 & 2** require the applicant to assume the risks and agree to no future shoreline protective devices.

## **B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **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. 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 an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and 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.

## **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, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through installation of roof drains, gutters, downspouts, and a drainage system to rain barrels and storm water runoff to trench drains. Post-construction best management practices should minimize the project's potential adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as

conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **F. LOCAL COASTAL PROGRAM**

Section 30604 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 permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

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 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.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

## **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **SPECIAL CONDITIONS:**

- 1. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) 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. No Future Shoreline Protective Device.**

- A. By acceptance of this permit, the applicant(s) agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-16-0123 including, but not limited to, the residence, garage, foundations, swimming pool and spa, patio, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future. By acceptance of this permit, the applicant(s) and landowner(s) hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this permit, the applicant(s) further agrees, on behalf of himself and all successors and assigns that the landowners shall remove the development authorized by this permit, including the residence, garage, foundations, and patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

**3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**4. Conformance with the submitted Drainage and Run-Off Control Plan.** The applicant(s) shall conform to the drainage and run-off control plan submitted on February 12, 2016 to the South Coast Region office showing roof drainage and paved walkways designed to slope into French drains and percolation pits at the front and back sides of the property. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**5. Landscaping and Irrigation.** By acceptance of this permit, the permittee agrees that:

- A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. 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. Federal 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>).
- B. If using potable water for irrigation, only drip or microspray irrigation systems shall be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

5-16-0123 (Hodson)  
Administrative Permit

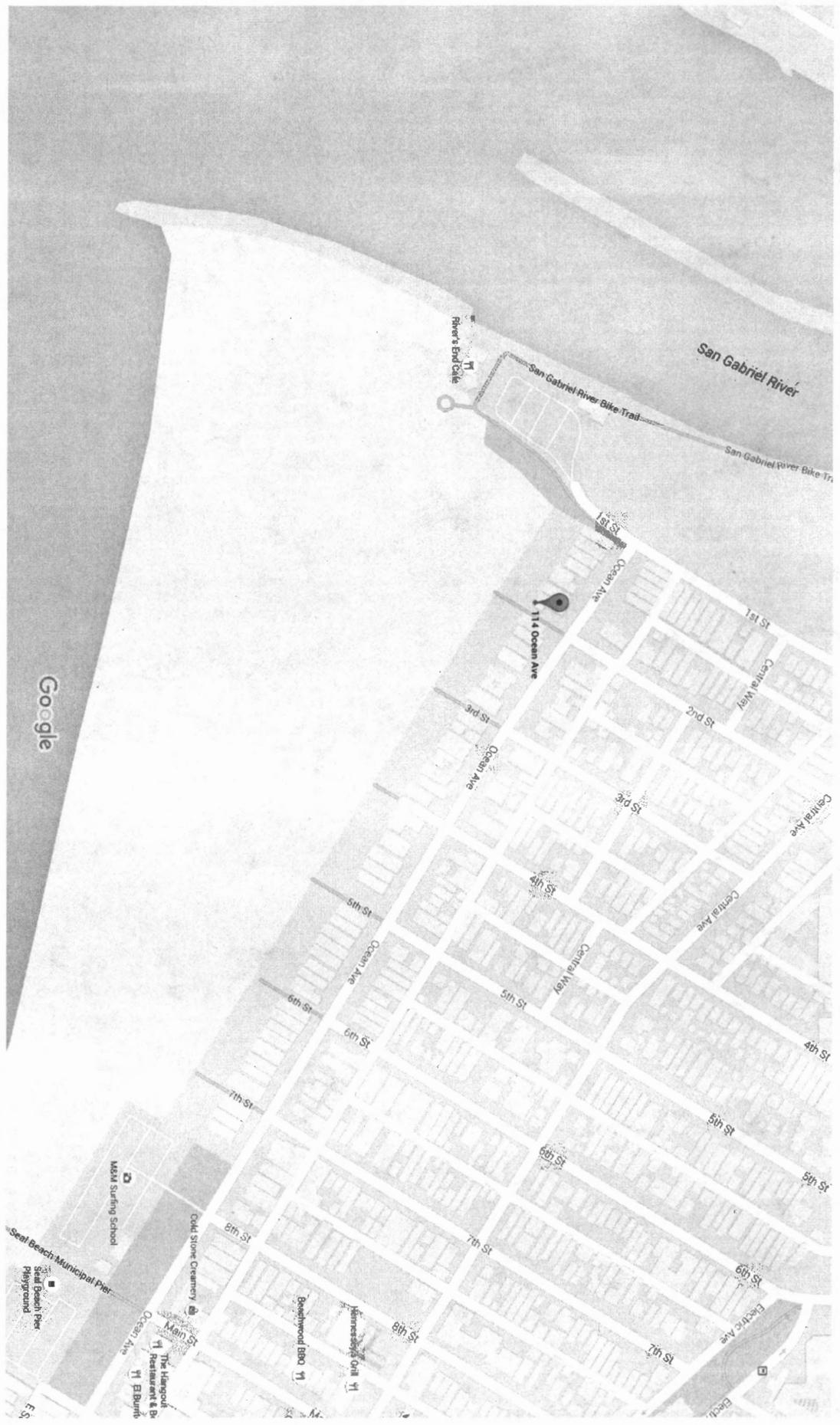
**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

Google Maps 114 Ocean Ave



Google Maps

Map data ©2016 Google 200 ft

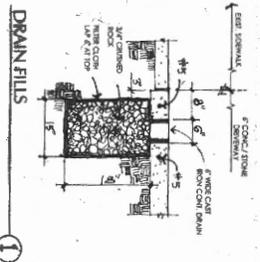
**COASTAL COMMISSION**

S-16-0123

EXHIBIT # 1

PAGE 1 OF 1

5/19/2016 3:00 PM



**PROJECT ANALYSIS**

COOPERATING CLASSIFICATION:	RESIDENTIAL
TYPE OF CONSTRUCTION:	2.0 STORY OVER BASEMENT
NEW BUILDING AREA:	1,590 S.F.
FIRST FLOOR LIVING:	2,328 S.F.
SECOND FLOOR LIVING:	1,312 S.F.
BASEMENT LIVING:	5,200 S.F.
GRASSY & OPEN:	652 S.F.
TOTAL LIVING:	9,482 S.F.
TOTAL STRUCTURAL AREA:	5,910 S.F.
LOT AREA:	14,827.184 S.F. = 3,383 S.F.
MAX. ALLOWED COVERAGE:	60% = 8,896.29 S.F.
SHOWN:	5,910 S.F. = 27%

**FRONT YARD AREA**

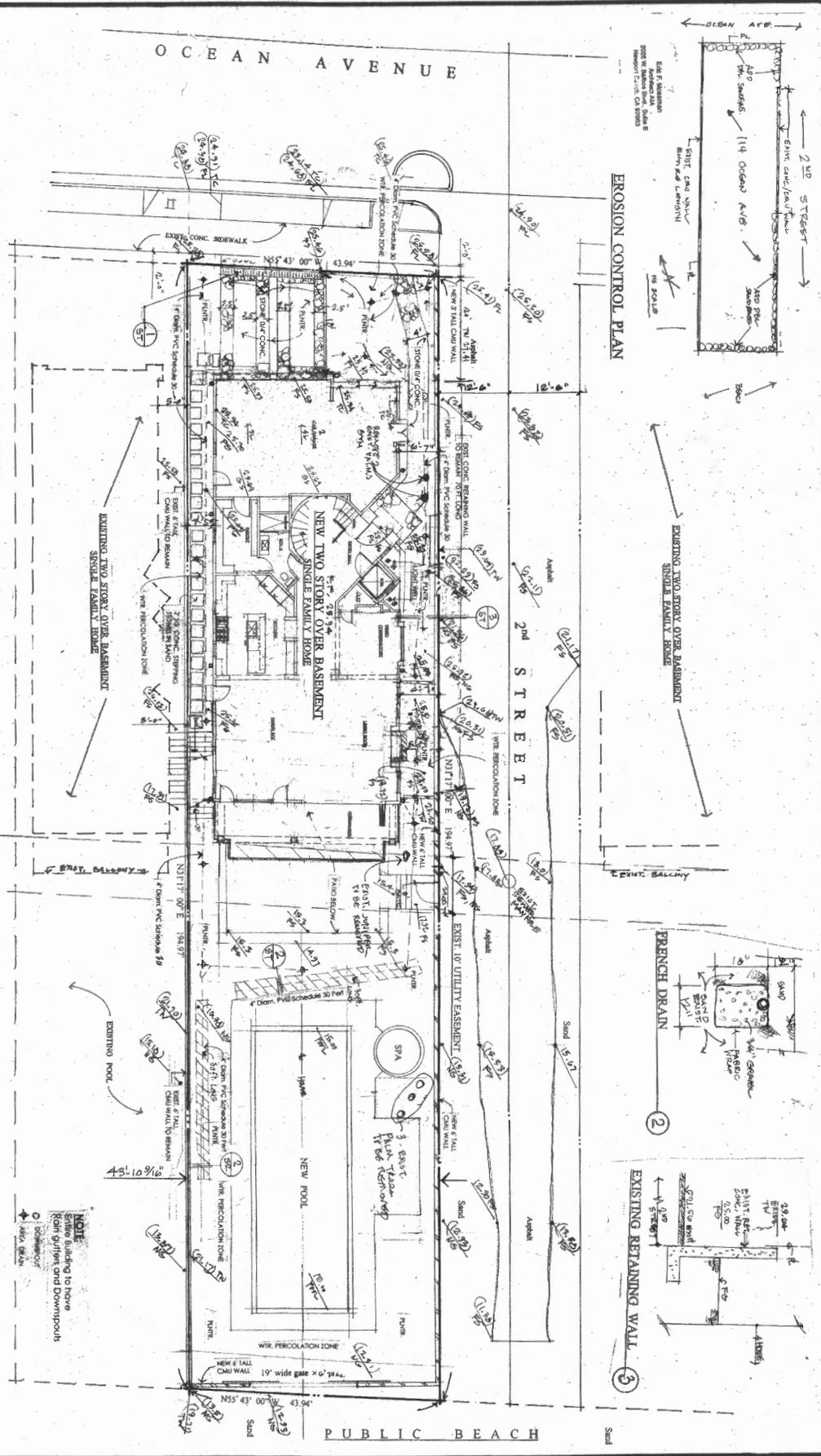
AREA:	536 S.F.
WILLOWY BARBICARE:	288 S.F.
LANDSCAPE:	34%
AREA:	550 S.F.
LANDSCAPE:	60%
AREA:	333 S.F.
LANDSCAPE:	68% = 227 S.F.

**EXISTING 1.07 UTILITY BASEMENT**

**EXISTING 1.07 UTILITY BASEMENT**

**LEGAL DESCRIPTION**

LOT AREA: 14,827.184 S.F. = 3,383 S.F.  
 MAX. ALLOWED COVERAGE: 60% = 8,896.29 S.F.  
 SHOWN: 2,328 S.F. = 27%



**ST**

DATE	1/11/17
BY	ST
FOR	ST

Custom Residence For:

**Jan and Derrick Hodson**

Located at:

**114 Ocean Ave., Seal Beach, CA**

**ERIC F. MOSSMAN**

ARCHITECT

AIA RAIC NCARB

(949) 675-1252

2025 W. BALBOA BLVD, SUITE B, NEWPORT BEACH, CA 92663

**REVISIONS**

NO.	DATE	DESCRIPTION



DATE 3-29-14

CALIF. COASTAL COMMISSION  
APPLICATION # 5-16-0123

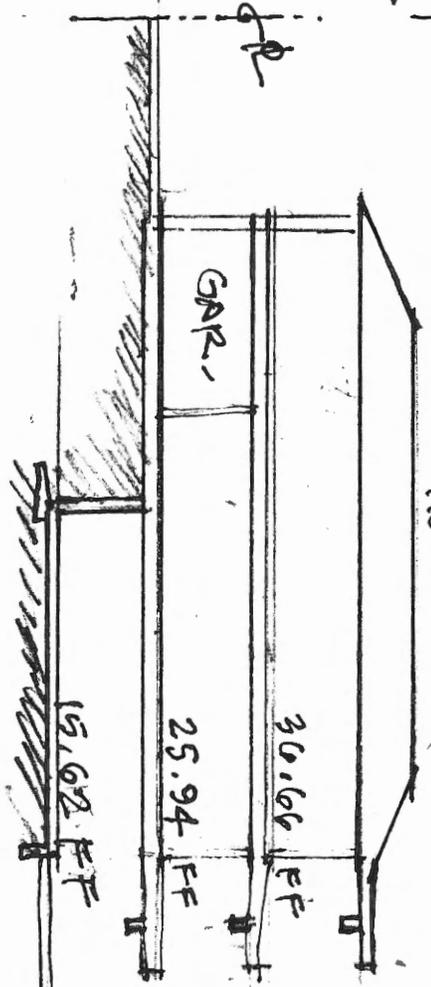
COASTAL COMMISSION

EXHIBIT # 2  
PAGE 3 OF 3

194.97'

STREET

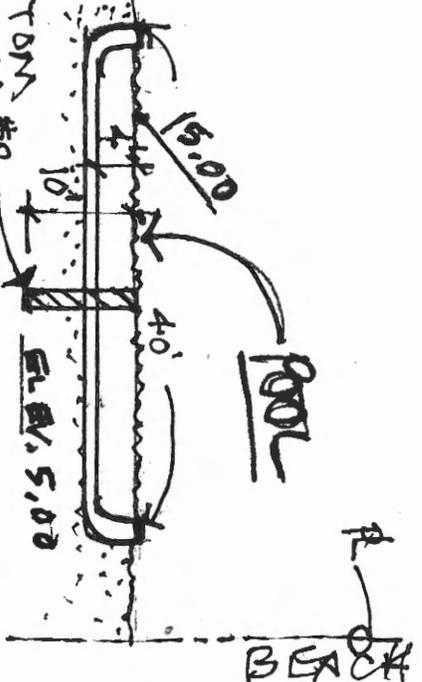
HOUSE



114 OCEAN AVE.

Eric F. Mossman  
Architect AIA

2025 W. Balboa Blvd., Suite B  
Newport Beach, CA 92863  
949-500-7212



BOTTOM BORING #3  
SOILS REPORT  
NO WATER!