

CALIFORNIA COASTAL COMMISSION

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Staff Report: December 20, 2001
Hearing Date: January 8-11, 2002
Commission Action:

**Item Tu9f****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-127

APPLICANT: William & Eleanor D'Elia

AGENT: Adyton Design & Construction, Andrea Wakita

PROJECT LOCATION: A-23 Surfside Avenue, Seal Beach, Orange County

PROJECT DESCRIPTION: Remodel of an existing single family dwelling including the addition of a 10 foot wide by 33 foot long deck on the first floor and a 6 foot wide by 33 foot long deck on the second floor on the seaward side of the structure.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated October 18, 2000; Surfside Colony, Ltd. Architectural Committee approval of residence dated September 18, 2000.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development and Administrative Permits P-73-1861, P-75-6364, 5-86-676, 5-87-813, 5-95-276, 5-97-380, 5-98-098, 5-98-412 (DiLuigi), 5-99-356-A1 (Mattingly), 5-99-386 (Straight), and 5-99-423 (Evans); 5-00-132 (U.S. Property); 5-00-206 (McCoy); 5-00-257 (Cencak); Consistency Determinations CD-028-97, CD-067-97, and CD-65-99; *D'Elia Residence - Coastal Engineering Assessment* dated August 23, 2001 by Noble Consultants, Inc. of Irvine, California.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the proposed development subject to seven special conditions. The major issue of this staff report concerns development on a beach that could be affected by geologic hazards and flooding. Special Condition No. 1 requires the recordation of assumption-of-risk deed restriction. Special Condition No. 2 requires the recordation of future improvements deed restriction. Special Condition No. 3 requires the recordation of a no future protective devices deed restriction. Special Condition No. 4 requires the applicant to conform with plans submitted with the application. As described more fully below, Special Condition No. 5 requires the applicant to record a deed restriction agreeing to remove the patio and decks if Surfside Colony ever proposes a protective device to protect the patio and decks. Special Condition No. 6 requires the applicant to conform with certain construction phase best management practices. Special Condition No. 7 requires the applicant to submit final drainage and runoff control plans which conform with the Commission's 85th percentile requirement.

The proposed development includes elements that are on the applicant's property (portions of the decks) and elements that are on property owned by Surfside Colony, Ltd. (the ground level patio)

or cantilevered over property owned by Surfside Colony, Ltd. (the second floor decks). In prior approvals the Commission had required Surfside Colony, Ltd. to execute lease restrictions acknowledging the restrictions outlined in Special Conditions 1, 2 and 3 above. However, Surfside Colony, Ltd. has refused to execute such lease restrictions and the applicants were unable to obtain release of their coastal development permits. As an alternative, the Commission accepted a prior applicant's proposal [5-00-257 (Cencak)] to eliminate the requirement for the lease restrictions and add a special condition that requires the owner of the residential property to remove the development on Surfside Colony, Ltd. land if Surfside Colony, Ltd. were to seek shoreline protection measures to protect the development on their land that is approved by this permit. Special Condition No. 5 would implement this same requirement at the subject property in lieu of the lease restrictions which the Commission would normally require the applicant to obtain from Surfside Colony, Ltd.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION OF APPROVAL.

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-127 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the permittee or authorized agent, acknowledging receipt of the permit amendment and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit amendment will expire two years from the date this permit is reported to the Commission. Development shall be

pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit amendment must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any 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.

III. SPECIAL CONDITIONS

1. Assumption-of-Risk, Waiver of Liability, and Indemnity Deed Restriction

- A) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and 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, (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 injury or damage due to such hazards.
- B) **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A of this condition. The deed restriction shall include a legal description of the applicant's parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Future Development

- A) This permit is only for the development described in Coastal Development Permit No. 5-01-127. Pursuant to Title 14, California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, section 30610(a) shall not apply. Accordingly, any future improvements to the single family house or decks described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, section 30610(d) and Title 14, California Code of Regulations, sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-127 from the Commission or shall require

an additional coastal development permit from the Commission or from the applicable certified local government.

- B) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. **No Future Shoreline Protective Device**

- A(1) By acceptance of this permit, the applicant agrees, on behalf of themselves 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. 5-01-127 including, but not limited to, the foundation, decks and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this permit, the applicant further agrees, on behalf of themselves and all other successors and assigns, that the landowner shall remove the development authorized by this permit, including the foundation and decks, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development are destroyed on the beach before they are removed, the landowner 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.
- B. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 5-01-127**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. **Compliance With Plans Submitted**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth above. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

5. **Future Removal of Structures on Land Owned by Surfside Colony, Ltd.**

- A. By acceptance of this permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that in the event that Surfside Colony, Ltd. would seek shoreline protection measures for the herein approved patio and/or decks and not for the principal structure on the applicant's property, the applicant and any successors in interest shall agree to remove the permitted patio and/or decks.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

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

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

- (a) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (c) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. 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;
- (d) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (e) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (f) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- (g) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (h) Debris shall be disposed 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 required.

7. Drainage and Polluted Runoff Control Plan

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan, including supporting calculations, designed by a licensed engineer which incorporate structural and non-structural Best Management Practices (BMPs) designed to minimize the volume, velocity and pollutant load of stormwater and other runoff leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. All design and construction plans, including but not limited to grading plans, foundation plans, site plans, floor plans, elevation plans, roof plans, landscape and hardscape plans shall be consistent with the final drainage and runoff control plan. In addition to the specifications above, the plans shall be in substantial conformance the following requirements:
- (1) Selected BMPs (or suites of BMPs) shall be designed to treat or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
 - (2) Design elements which will serve to reduce directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers/stepping stones for walkways, and porous material for or near walkways and driveways;
 - (3) Runoff from all roofs, parking areas, driveways and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge excess runoff from the building site to the street in a non-erosive manner.
 - (4) The plan shall include provisions for maintaining the drainage and filtration systems, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The lot is located at A-23 Surfside Avenue in the private community of Surfside Colony, in the City of Seal Beach, Orange County, California (Exhibits 1 & 2). The subject site is a beachfront lot located between the first public road and the sea. The proposed development is in an existing private, gated residential community, located south of the Anaheim Bay east jetty. The proposed project is consistent with development in the vicinity and prior Commission actions in the area. There is a wide, sandy beach between the subject property and the mean high tide line.

The applicant is proposing to remodel an existing two story, 25 foot tall, 2,366 square foot single family dwelling with existing 357 square foot, two vehicle garage. The remodel includes the addition of a 10 foot wide by 33 foot long deck on the first floor and a 6 foot wide by 33 foot long deck on the second floor on the seaward side of the existing structure (Exhibit 3). The proposed project also includes the addition of 12 square feet of living space on the landward side of the first floor; the replacement of existing windows on the seaward side of the structure with doors which open out onto the new decks; closure, relocation and replacement of certain windows on the first and second floors; replacement of stucco wall siding with cedar shingle siding and replacement of the asphalt shingle roof with cedar shingles.

The existing and remodeled residential structure is located on the applicant's property. However, the first and second floor decks will extend 8 feet 6 inches seaward, beyond the applicant's property boundary, onto land that is leased by Surfside Colony, Ltd. to the applicant (Exhibit 7). Surfside Colony is the association which owns the common areas of the private community. The applicant has invited Surfside Colony to join as co-applicant, however, as of the date of this staff report Surfside Colony has not chosen to join.

B. HAZARDS

Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor 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 along bluffs and cliffs.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to

protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

1. Wave Uprush and Flooding Hazards

The subject site is located at the southern end of Surfside Colony, a private beachfront community in the City of Seal Beach (Exhibit 1). Unlike the central section and southern end of Surfside, the northern end of Surfside is subject to uniquely localized beach erosion due to the reflection of waves off the adjacent Anaheim Bay east jetty (Exhibit 6). 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 a measure of protection from wave hazards. However, when the beach erodes, development at Surfside Colony may be exposed to wave uprush and subsequent wave damage.

Even though wide sandy beaches currently afford a degree of protection of development from wave and flooding hazards, development in such areas is not immune to hazards. For example, in 1983, severe winter storms caused heavy damage to beachfront property in Surfside. Additionally, heavy storm events such as those in 1994 and 1998, caused flooding of the Surfside community.

The especially heavy wave action generated during the 1982-83 El Nino winter storms caused Surfside Colony to apply for a coastal development permit for a revetment to protect the homes at Surfside's northern end. The Commission approved Coastal Development Permit No. 5-82-579 for this revetment, and Coastal Development Permit No. 5-95-276 for the repair of the revetment. The Commission also approved several Consistency and Negative Determinations [CD-11-82, CD-36-83, CD-12-84, CD-21-88, CD-27-89, CD-2-90, CD-34-90, CD-52-90, ND-58-95, CD-28-97, CD-67-97 and CD-65-99] for beach nourishment at Surfside performed by the U.S. Army Corps of Engineers. The most recent beach nourishment project at Surfside was approved by the Commission in Negative Determination CD-12-01 in March 2001 for the placement of 1.75 million cubic yards of sand along Surfside-Sunset beach.

The revetment and widened beach protect the northern end of Surfside Colony from wave uprush. However, a wide sandy beach provides the only protection for the central and southern areas of Surfside Colony where the subject site, A-23 Surfside, is located. No revetment protects this lot (Exhibit 1, Page 2). At present, the beach material placed at the northern end of Surfside 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 property.

Even though the site is currently protected by a wide sandy beach, this does not preclude wave uprush damage and flooding from occurring at Surfside during extraordinary circumstances. Strong storm events like those that occurred in 1994 and 1997 can cause large waves to flood any portion of Surfside. Large waves can also cause beach erosion and scouring.

The applicant has submitted a wave run-up analysis study dated August 23, 2001, prepared by Noble Consultants, Inc. of Irvine, California. The analysis examined the impact of erosion, wave run-up and wave induced flooding (i.e. overtopping) upon the subject site under extreme oceanographic conditions over the next 100 years. The analysis determined that the subject site is located on a wide sandy beach and upon a portion of the beach that is presently 375 feet wide. The study states that, based upon beach width monitoring data prepared by the U.S. Army Corps of Engineers which has been obtained regularly since 1963, the beach in front of the subject site – depending on the source of the data and method of determining beach width- has ranged from 225 feet wide to 800 feet wide and did not fall below 225 feet over the period studied. However, the study does note that beach width is heavily influenced by artificial beach nourishment activities which have occurred over time.

The Noble Consultants study analyzes the potential effects of wave run-up and overtopping for eroded winter beach conditions, including adverse conditions such as a 0.5 foot sea level rise over the next 100 years, super-elevation of the sea surface caused by wave set up, wind set up, inverse barometer conditions, wave group effects, and El Nino and sea level effects. The study states that "...a maximum instantaneous overtopping of less than one-half foot is estimated to occur during a severe storm event coincident with an extreme high water level over a depleted winter beach profile. The probability of the combination of these events coinciding at the same time is highly unlikely; and therefore, maybe considered a conservative representation of the 100-year storm induced hazardous scenario (Exhibit 9). The study goes on to state: "Given the sizeable width of dry beach fronting the rear of the subject residence, approximately 200 to 250 feet, the potential for structural damage occurring as a result of direct wave attack and overtopping impinging on the proposed deck improvements is considered minimal. The residence could potentially experience some sheet flow during periods of increased water levels as some pooling of seawater has been documented at the intersection of Surfside Avenue and Anderson Street in the past; however, the potential encroachment of the sheet flow is not expected to pose any structural damage to the proposed caisson-supported deck improvements. Moreover, the vegetation seaward of the subject site and the surrounding properties is indicative of a stable beach backshore that is rarely exposed to seawater sheet flow. The Coastal Engineering study recommends no mitigation for wave runup protection.

Beach areas are dynamic environments which may be subject to unforeseen changes. Such changes may effect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. In addition, artificial beach nourishment projects, such as the one which provides sand that protects the subject site, can change or halt over time (see Exhibit 6). Therefore, the presence of a wide sandy beach at this time does not preclude wave uprush damage and flooding from occurring at the subject site in the future. At the subject site, beach width fluctuations in a single year have occurred on the order of 150 feet. Accordingly, the width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1994 and 1998, resulting in future wave and flood damage to the proposed development.

The proposed project has decks and a patio area which encroach 8.5 feet seaward beyond the subject site's seaward property line onto land owned by Surfside Colony, Ltd. (which serves as the homeowners' association). Surfside Colony leases its property to the applicant and adjacent homeowners for construction of patios (Exhibit 7). The proposed development is consistent with existing development in Surfside Colony. However, while the proposed project will not be located any further seaward than other residences in the area, the proposed development is still subject to

significant wave hazards, as described previously. The development exposed to hazards includes all development located on the property owned by the applicant (A-23) and all proposed development (i.e. patios/decks) upon the property owned by Surfside Colony which is leased to the applicant. Therefore, the Commission finds it necessary to require the recordation of an assumption-of-risk deed restriction by the applicant (Special Condition No. 1). The patio and decks being constructed on Surfside Colony, Ltd. owned land are appurtenances to the primary residential structure being constructed on land owned by the applicant. The decks are attached to the second and third floors of the residential structure. As designed, the decks could not be built if the primary residential structure was not also present. Meanwhile, the deck on the ground floor is also attached to the residential structure, however, the deck is not reliant on the residential structure for foundation support. Rather, the deck has it's own foundation system. However, in absence of the residential structure, the decks have no real utility. The purpose of the decks are to provide an outdoor amenity for the associated residential structure. Therefore, the owners and occupants of the residential structure would also be the users of the decks. The Commission is requiring recordation of a deed restriction which would be attached to the property upon which the residential structure is being built. Therefore, any owners and occupants of the residential structure would be advised of the hazards to which the site is subject. Logically, the owner and occupants would be aware that these hazards are present on the patio and decks which are part of the residential structure. With this standard waiver of liability condition, the applicant is notified that the lot and improvements are located in an area that is potentially subject to flooding and wave uprush hazards that could damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, the condition insures that future owners of the property will be informed of the risks and the Commission's immunity of liability.

The assumption-of-risk condition is consistent with prior Commission actions for homes in Surfside since the 1982-83 El Nino storms. For example, the Executive Director issued Administrative Permits 5-97-380, 5-98-098, and more recently Coastal Development Permits 5-98-412 (Cox), 5-99-356-A1 (Mattingly) with assumption-of-risk deed restrictions for improvements to existing homes. In addition, the Commission has consistently imposed assumption-of-risk deed restrictions on construction of new homes throughout Surfside (e.g. 5-00-132, 5-00-206, 5-00-257), whether on vacant lots or in conjunction with the demolition and replacement of an existing home (see Exhibit 8).

As conditioned by Special Condition No. 1, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

2. Future Shoreline Protective Devices

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if all of the following conditions are met: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. Proper coastal planning mandates that structures be sited far enough back from hazards to minimize the potential that they would be in danger and require a protective device. In addition, allowing new development that requires the construction of a shoreline protective device would be inconsistent with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including beaches which would be subject to increased erosion from such a device.

In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. However, as previously discussed, the subject beachfront area has experienced flooding and erosion during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed structure may be subject to wave uprush hazards which could lead to a request for a protective device.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively effect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, this portion of Seal Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion. In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from shoreline protective devices. The applicant's Coastal Engineering analysis has indicated that the development will not be subject to wave run-up and flooding which would significantly damage the structure. Based on the information provided by the applicant, no other mitigation measures, such as a seawall, are anticipated to be needed in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There is currently a wide sandy beach in front of the proposed development that currently provides substantial protection from wave activity. However, the presence of the beach cannot be guaranteed.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition No. 3 which requires the applicant to record a deed restriction that would prohibit the applicant, or future land owner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, as conditioned, the development can be approved subject to Sections 30251 and 30253 of the Coastal Act.

By imposing the "No Future Shoreline Protective Device" special condition, the Commission requires that no shoreline protective devices shall ever be constructed to protect the development approved by this permit in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. The Commission also requires that the applicant remove the structure if any government agency has ordered that the structure be removed due to wave uprush and flooding hazards. In addition, in the event that portions of the development are destroyed on the beach before they are removed, the landowner 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.

In addition, the Commission requires the applicant to execute and record a deed restriction (Special Condition 5) which stipulates that the applicant agrees to remove the patio and/or decks which are on Surfside Colony, Ltd. owned land if Surfside Colony, Ltd. ever seeks to protect the patio and/or decks with shoreline protective measures. The proposed deed restriction addresses any concern that protective measures would be sought by Surfside Colony, Ltd. to protect the patio and/or decks being constructed on their property since the patio and/or decks would be removed if such protection was sought. This condition further serves to assure the project is consistent with Sections 30251 and 30253 of the Coastal Act.

3. Conclusion

Therefore, to ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to

coastal processes, Special Conditions 1 and 3 require the applicant to record Assumption-of-Risk, and No Future Shoreline Protective Devices deed restrictions. Finally, Special Condition 5 requires the removal of any patios or decks on Surfside Colony land if Surfside Colony were to apply for a protective device to protect the structures on their land. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30235, 30251 and 30253.

C. PUBLIC ACCESS

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby...

The subject site is a beachfront lot located between the nearest public roadway and the shoreline in the private community of Surfside (Exhibit 1). A pre-Coastal (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 (Exhibit 5). 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.

The proposed project has decks which encroach ten feet seaward beyond the subject site's seaward property line onto a ten foot wide portion of the approximately 80 foot wide strip of land owned by Surfside Colony, Ltd. seaward of the "A" row of lots in the community. Surfside Colony (which serves as the homeowners' association) leases its 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. The applicant has obtained a lease from Surfside Colony, Ltd. for the proposed encroachment (Exhibit 7).

In past permits, the Commission has consistently allowed the seaward property line of individually owned beachfront lots in Surfside to serve as the enclosed living area stringline. The Commission has also consistently allowed the seaward edge of the ten-foot wide strip of land owned by Surfside Colony, Ltd. to serve as the deck stringline. These stringlines serve to limit encroachment of development onto the beach. The proposed development would conform to these stringlines.

The proposed project would not result in direct adverse impacts, either individually or cumulatively, on vertical or lateral public access. In addition to the beach seaward of the fixed boundary between State and private lands, public access, public recreation opportunities and public parking exist nearby in Sunset Beach, an unincorporated area of Orange County at the southeastern end of Surfside. In addition, the existing residence provides parking consistent with the standard of two parking spaces per residential dwelling unit, which the Commission has regularly used for development in Surfside.

To guarantee that the future development of the property can be evaluated for consistency with Section 30212 of the Coastal Act, the Commission finds it necessary that the applicant, prior to issuance of this permit, record a future improvement deed restriction per Special Condition No. 2.

As noted above, there is a patio and decks which are appurtenances to the primary residential structure. Changes to these structures would be undertaken by the owner of the residential structure and not Surfside Colony, Ltd. Special Condition 2 includes a deed restriction which is attached to the property upon which the residential structure is being built. Therefore, the owner of the residential structure who would be undertaking any changes to the patio and/or decks would be notified of the permit requirement via the deed restriction which affects the residential structure. Accordingly, a lease restriction involving Surfside Colony, Ltd. is not necessary.

Therefore, as conditioned, the Commission finds that the proposed development would not result in significant adverse impacts on public access nor public recreation. Thus, the Commission finds that the proposed development, as conditioned, would be consistent with Section 30212 of the Coastal Act.

D. HEIGHT AND VIEWS

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The existing residence is 25 feet high above existing street grade plus a chimney which extends an additional 2.5 feet above the 25 foot high roof line (Exhibit 3, page 3). The proposed project would not change the height of the existing structure. The existing and proposed development would be consistent with the 35-foot height limit established by the City and with heights of other homes in Surfside.

In order to assure that the development does not exceed the proposed height, the Commission imposes Special Condition 4 which requires the applicant to conform with the plans submitted. No changes to the plans may occur without an amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

A fence surrounding Surfside Colony, as well as several rows of existing homes, currently block public views from Pacific Coast Highway (State Route 1), the first public road paralleling the beach. The subject site is not visible from the highway. Thus, the approved development on the subject site would not further degrade views from Pacific Coast Highway. In addition, since the approved development will not encroach seaward past existing homes in Surfside Colony, no existing public views along the shoreline would be blocked by the approved development. As conditioned, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

E. WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the

protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development will result in an increase in impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In Surfside, recent new development has addressed water quality concerns by directing storm water discharges from the roof and other impervious surfaces to trench drains with drywells (i.e. percolation drains) located in the sideyards of the site. These trench drains intercept any nuisance flows or storm water runoff from the roof and other impervious surfaces and cause those flows to drain into the sand. Discharging particulate laden storm water into the sand prevents the particulate matter from being discharged to coastal waters via sheet flow or the storm drain system.

In order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices, such as the above described trench drains, which are designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. However, critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction

structural BMPs be sized based on design criteria specified in Special Condition 7, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In addition, in order to ensure that construction and materials are managed in a manner which avoids impacts to coastal waters, the Commission imposes Special Condition 6. Special Condition 6 requires that construction materials, debris, or waste be placed or stored where it will not enter storm drains or be subject to tidal erosion and dispersion; removal of debris within 24 hours of completion of construction; implementation of Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed such that construction debris and sediment are properly contained and secured on site and to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan and to comply with construction phase BMPs, is consistent with Section 30231 of the Coastal Act.

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

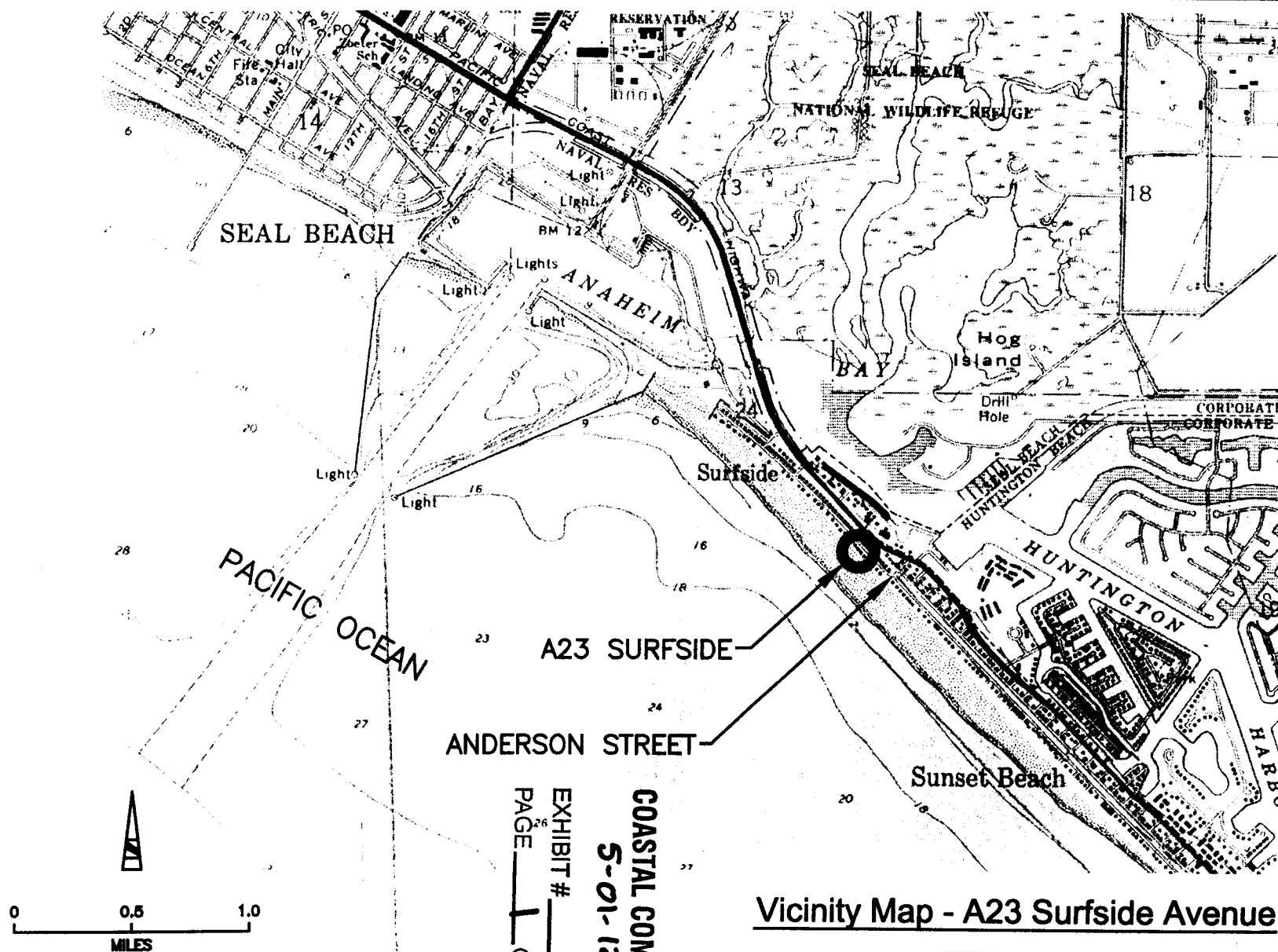
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 proposed project is located in an urban area. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard, public access and scenic view policies of Chapter Three of the Coastal Act. These conditions also

serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring assumption-of-risk, future improvement, and no future shoreline protective device deed restrictions and the incorporation of water quality best management practices into the development will minimize any significant adverse effects that the activity may have on the environment.

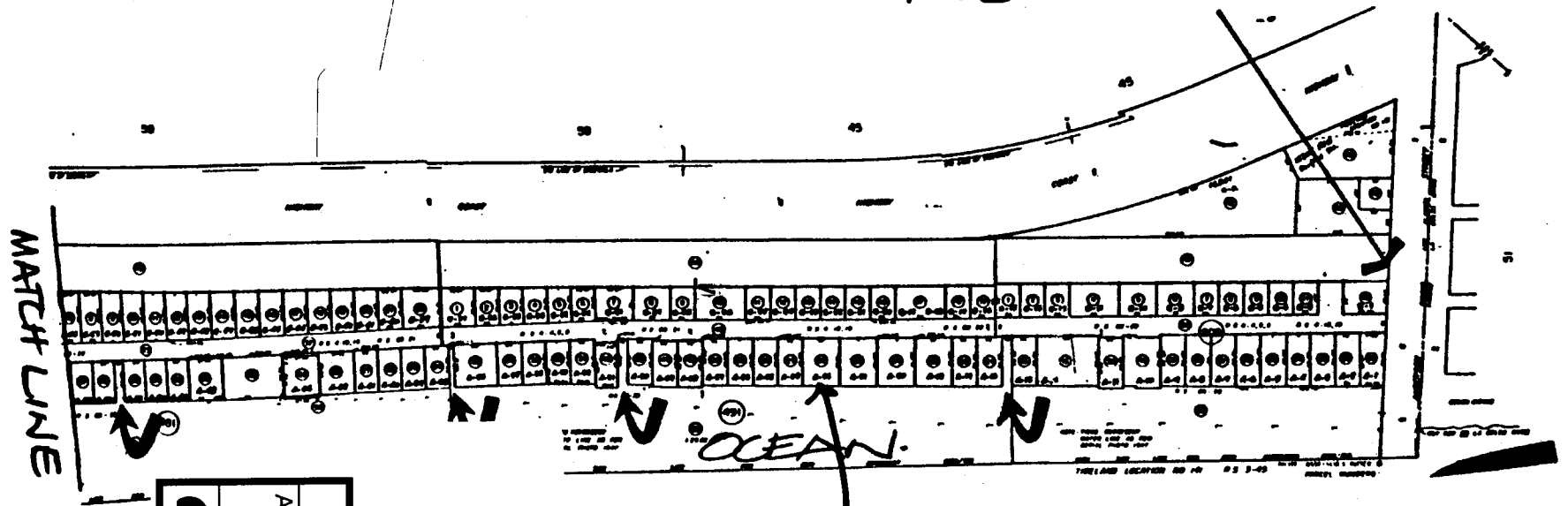
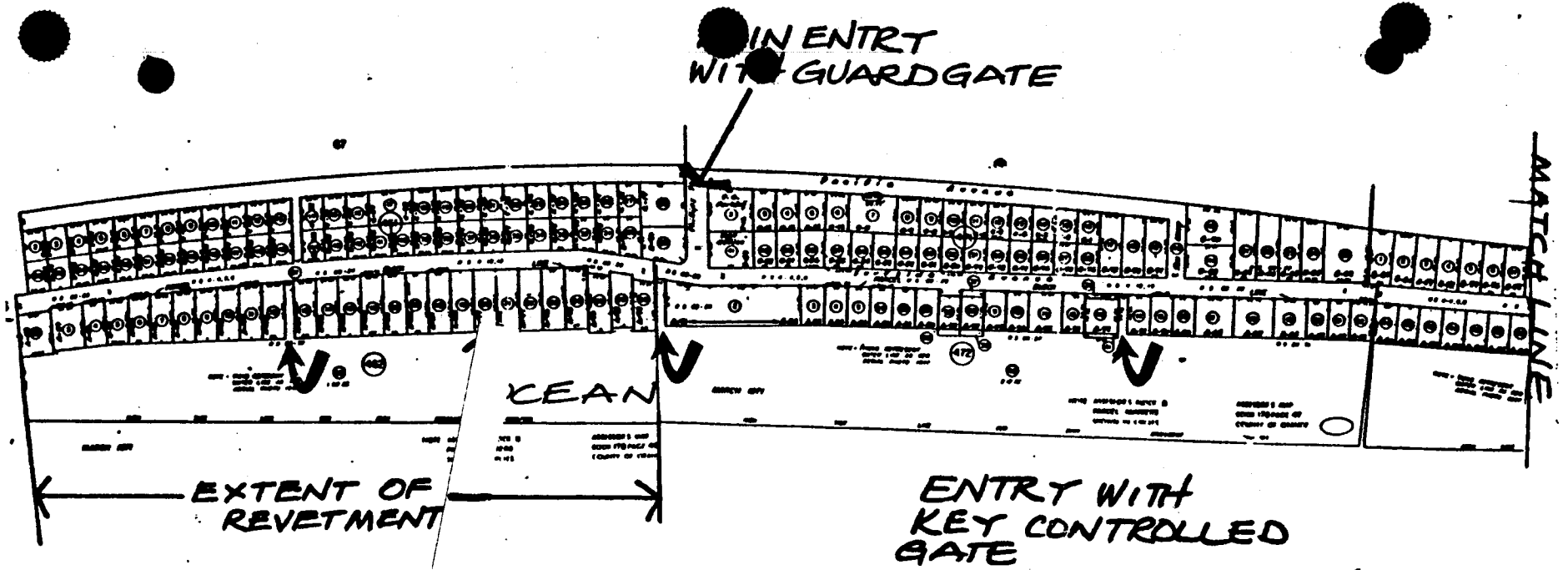
As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned is consistent with the requirements of CEQA.



NOBLE
CONSULTANTS, INC.

Figure 1

COASTAL COMMISSION
5-01-127
EXHIBIT # 1
PAGE 1 OF 2



Subject
Site

EXHIBIT NO. 1	
Application Number:	
5-01-127	
California Coastal Commission	

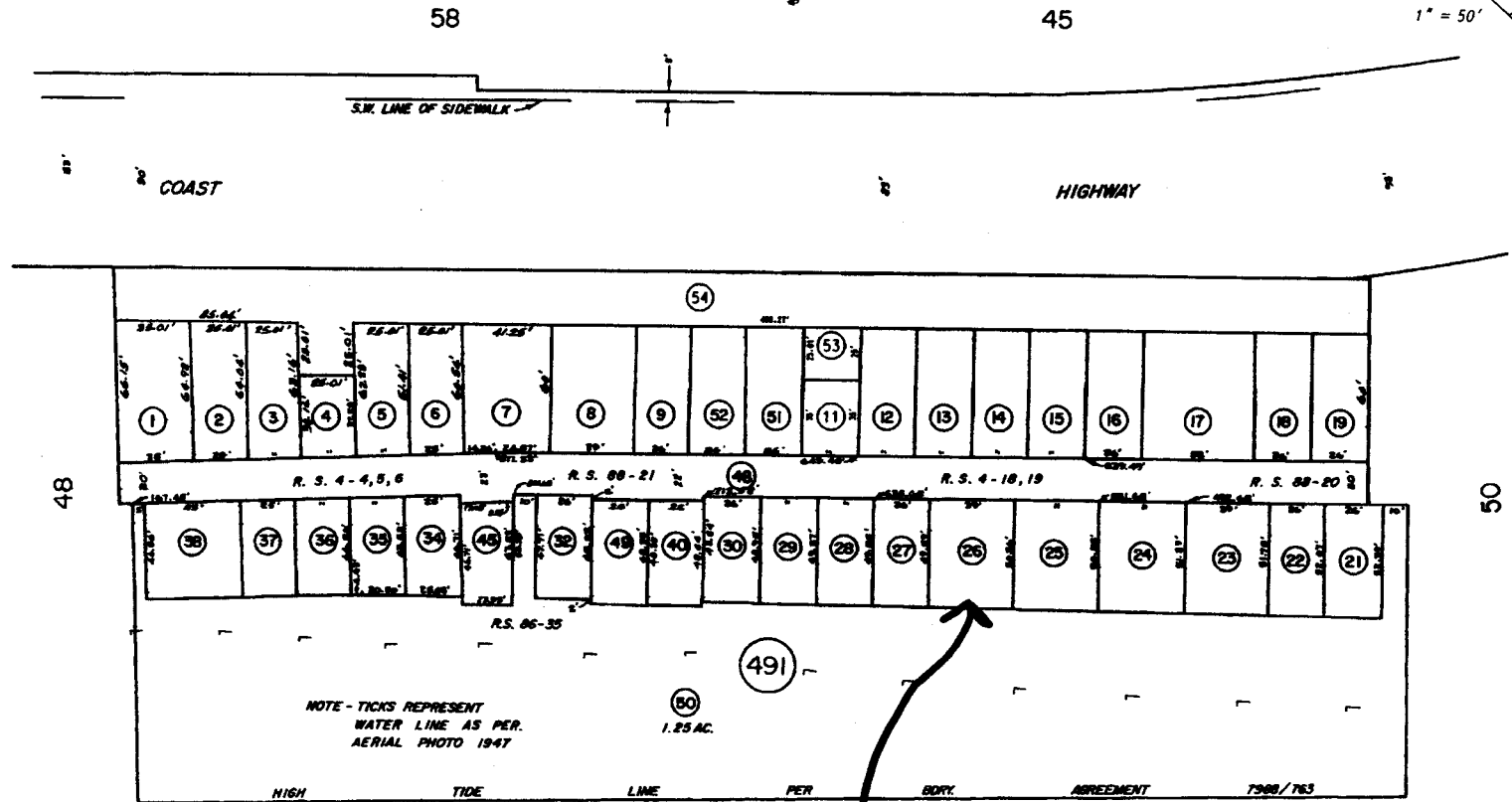
2962

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. E 1/2, NE 1/4, SEC. 24, T 5 S, R 12 W

178-49

1" = 50'



NOTE - TICKS REPRESENT
WATER LINE AS PER
AERIAL PHOTO 1947

Subject Site

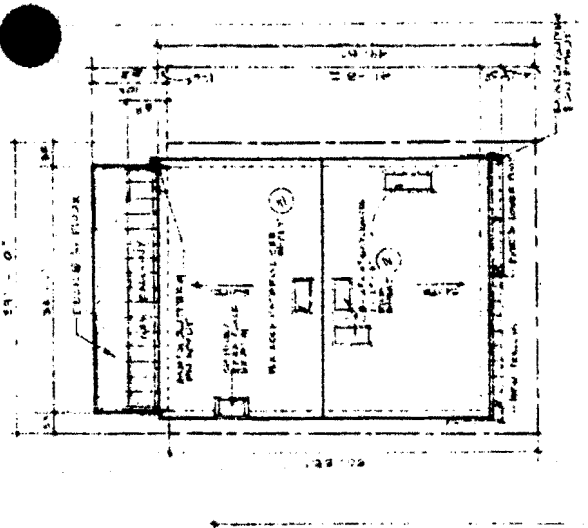
NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 178 PAGE 49
COUNTY OF ORANGE

MARCH 1971

COASTAL COMMISSION
S-01-127

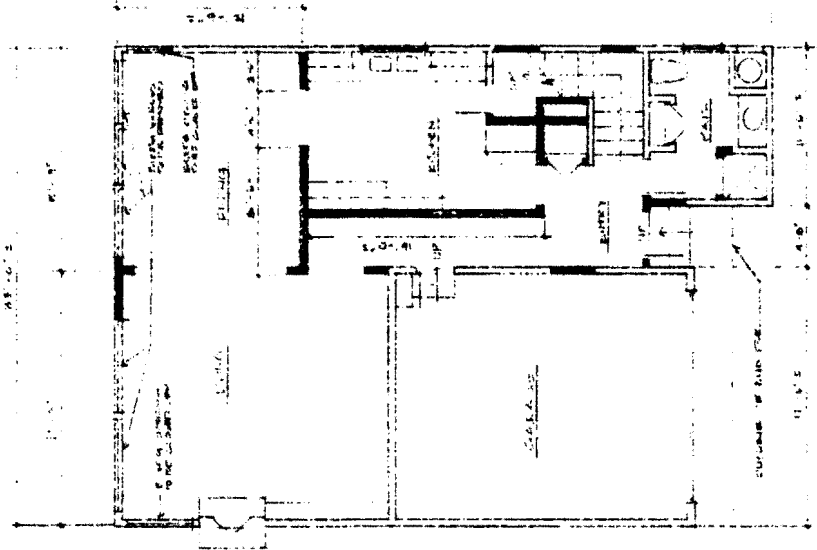
EXHIBIT # 2
PAGE 1 OF 1



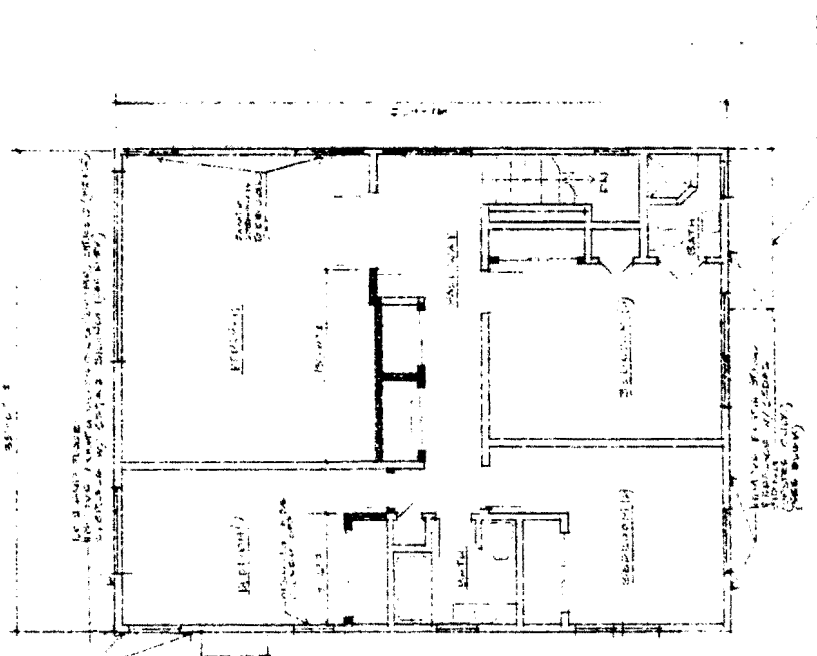
SITE PLAN - ROOF PLAN
WITH NEW GARAGE AND PORCH
SCALE: 1/4" = 1'-0"

EXISTING:		NEW:	
AREA	107 SQ FT	AREA	107 SQ FT
PERIMETER	170' 0"	PERIMETER	170' 0"
FOUNDATION	170' 0"	FOUNDATION	170' 0"
DECK	170' 0"	DECK	170' 0"
BALCONY	170' 0"	BALCONY	170' 0"
TOTAL SQ. AREA		TOTAL SQ. AREA	
170' 0" x 170' 0"		170' 0" x 170' 0"	

LEGAL DESCRIPTION:	
SECTION 18	T4S, R12E, S10W
LOT 1	1/4 SEC 18, T4S, R12E, S10W
LOT 2	1/4 SEC 18, T4S, R12E, S10W
LOT 3	1/4 SEC 18, T4S, R12E, S10W
LOT 4	1/4 SEC 18, T4S, R12E, S10W
LOT 5	1/4 SEC 18, T4S, R12E, S10W
LOT 6	1/4 SEC 18, T4S, R12E, S10W
LOT 7	1/4 SEC 18, T4S, R12E, S10W
LOT 8	1/4 SEC 18, T4S, R12E, S10W
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LOT 99	1/4 SEC 18, T4S, R12E, S10W
LOT 100	1/4 SEC 18, T4S, R12E, S10W



EXISTING FIRST FLOOR
SCALE: 1/4" = 1'-0"

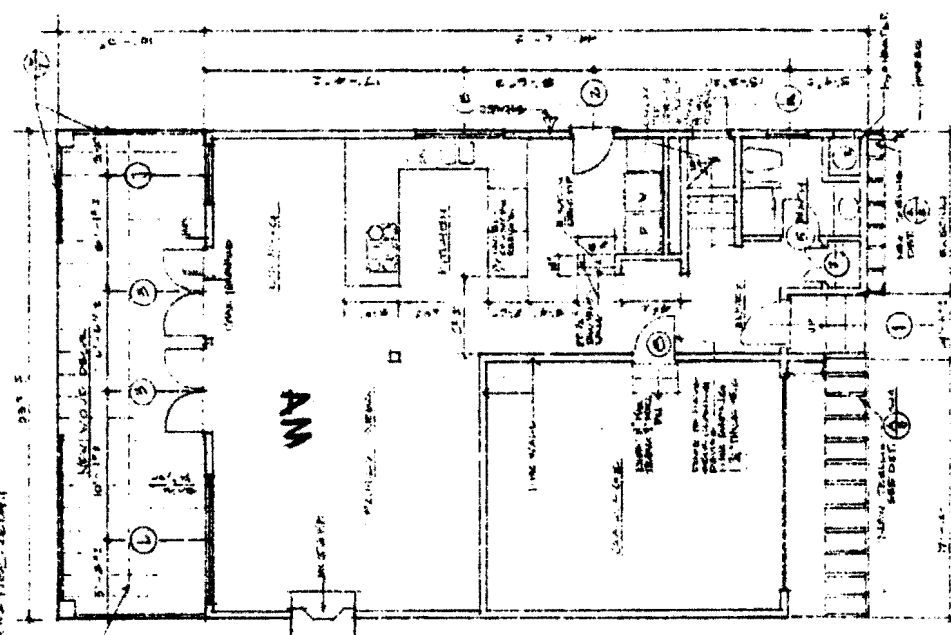


EXISTING SECOND FLOOR
SCALE: 1/4" = 1'-0"

COASTAL COMMISSION
5-01-127
EXHIBIT # 3
PAGE 1 OF 4

SYMBOL	WIDTH	HEIGHT	SIZE	TYPE	MATERIAL	REMARKS
A	2'-6"	2'-0"	1/2	ADJUST	WOOD	2-16422
B	6'-0"	8'-0"	↓	ADJUST		
C	2'-6"	6'-0"	NO	STEEL		2-16422
D	8'-0"	4'-0"	1/2	ADJUST		2-16422
E	4'-0"	4'-0"	1/2	ADJUST		2-16422
F	4'-0"	2'-0"	1/2	ADJUST		2-16422
G	2'-6"	2'-6"	1/2	ADJUST		2-16422
H	4'-6"	4'-0"	1/2	ADJUST		2-16422
I	2'-6"	2'-0"	1/2	ADJUST		2-16422
J	4'-0"	4'-0"	1/2	ADJUST		2-16422
K	8'-0"	8'-0"	1/2	ADJUST		2-16422
L	8'-0"	8'-0"	1/2	ADJUST		2-16422
M	8'-0"	4'-0"	NO	STEEL		2-16422
N	4'-0"	4'-0"	1/2	ADJUST		2-16422
O	2'-0"	2'-0"	1/2	ADJUST		2-16422

USE. ALL WAREHOUSE TO BE DUAL GLAZED

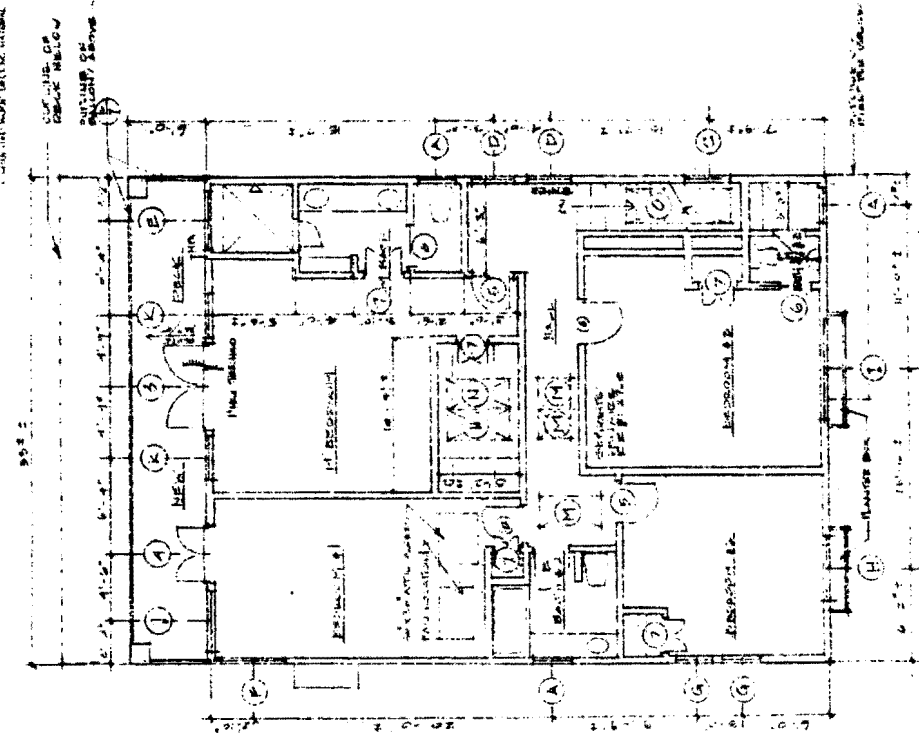


ENTER SUBJECTS TO BE 40' ON 18" TALL PLATFORM
BEFORE FOR WORKERS IF FLAT CONSTRUCTION IS LOST
SUBJECTS TO BE ENTERED AT TOP AND BOTTOM,
THE TOP STRAP TO BE 18" FROM TOP, THE OTHER
TO BE 18" FROM BOTTOM
SUBJECTS TO BE ENTERED TO REMAIN ON 18" STRAP

REMODELED FIRST FLOOR

2000

NOTE: VERIFY ALL DIMENSIONS ON SITE



1. 14.10.1970 08.00 HOURS.
 2. 14.10.1970 08.00 HOURS.

REMODELED SECOND FLOOR

1. $\frac{1}{2} \log \frac{1}{2}$

[illegible]

SECOND FLOOR COASTAL COMMISSION
EXHIBIT # 3
PAGE 2 OF 4

PROJECT ADDRESS:
A 23 SURSIDE
BEAL BEACH CA
90743

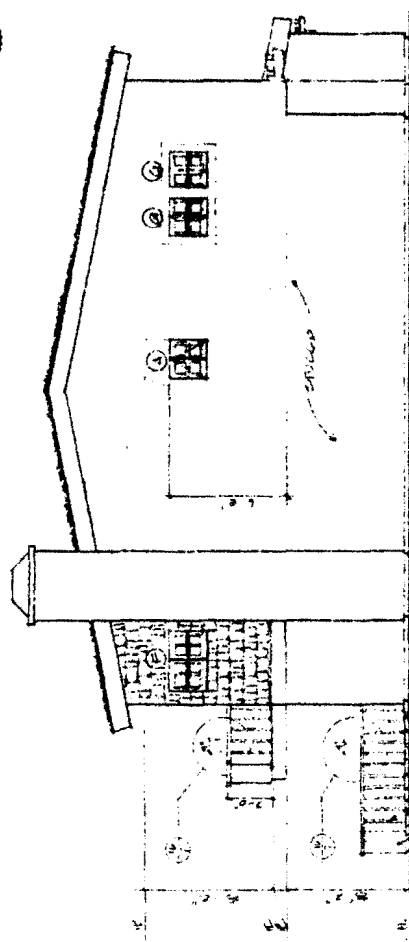
MR. AND MRS.
REI AND LILLIE DITTA

ADYTON
DESIGN AND CONSTRUCTION
GENERAL DESIGN
1000 WEST 10TH AVE
DENVER, CO 80202
TEL: 333-1000
FAX: 333-1001



DRAWN BY:
DATE:
JOB NO.:

SHEET
3



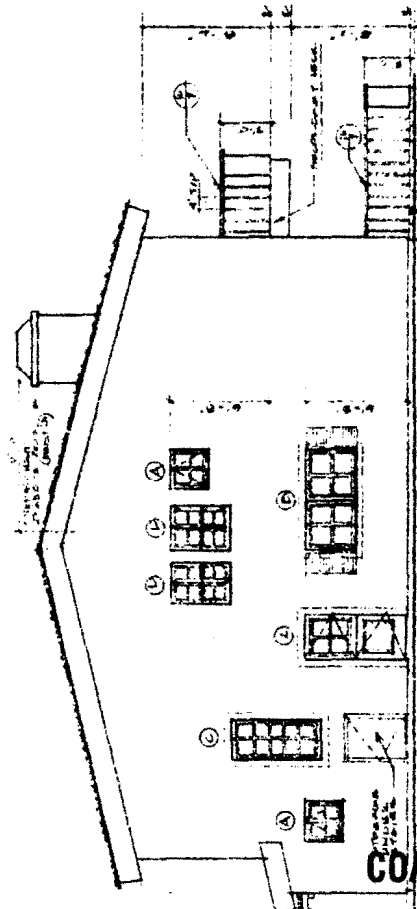
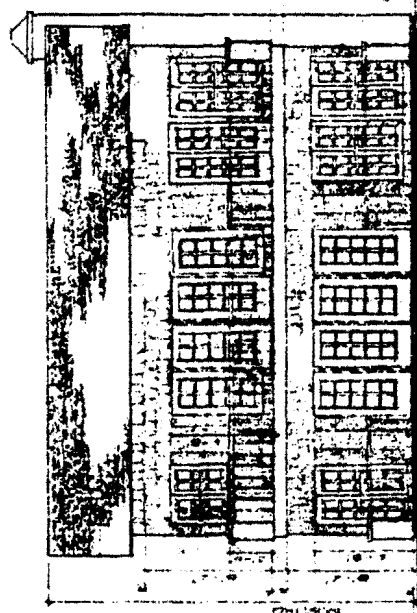
SOUTH ELEVATION

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

SPRINKLED LATH AND GYP. TO BE INSTALLED TO ALL EXPOSED AND THE PLASTER.
7/8" MINIMUM OVER 8'-0".
3 LAYERS OF GYPSUM & PLASTER REQUIRED UNDER SPRINKLED LATH APPLIED
OVER EXISTING.

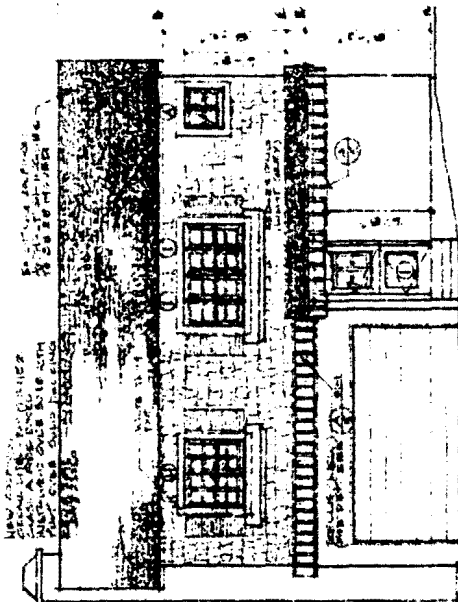
WEST ELEVATION

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



NORTH ELEVATION

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



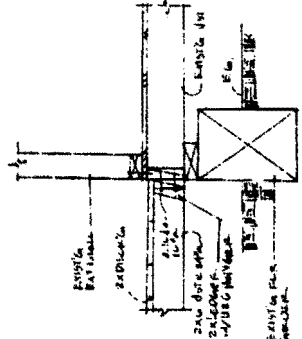
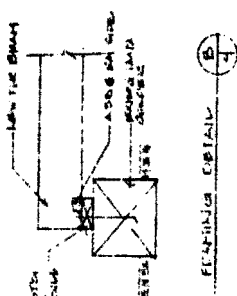
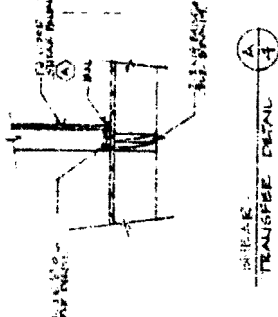
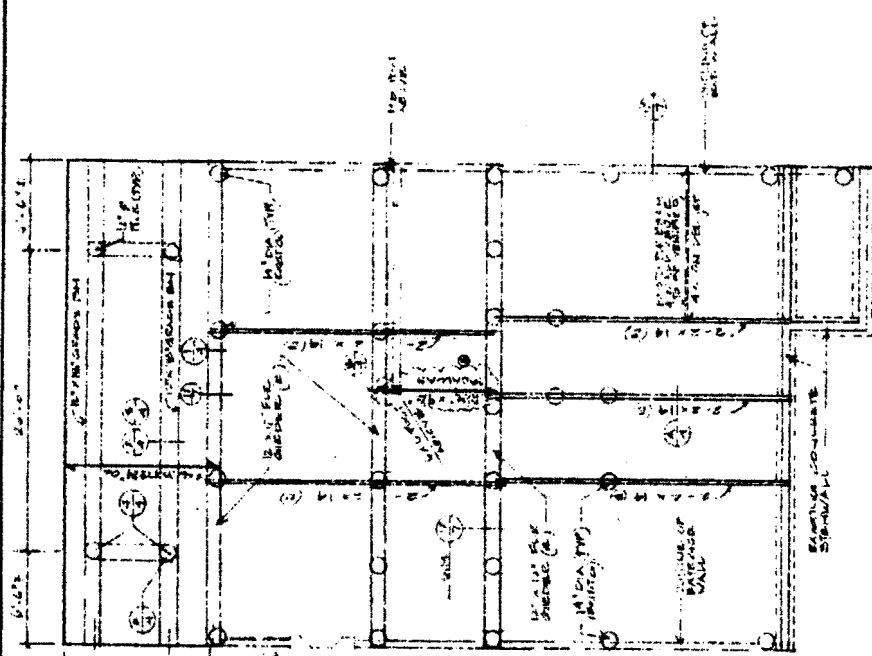
EAST ELEVATION

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

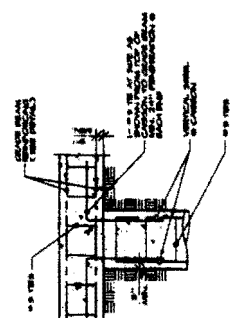
COASTAL COMMISSION

NOTE: VERIFY ALL DIMENSIONS ON SITE

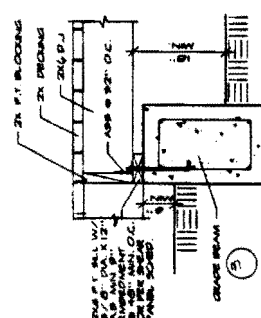
FOUNDATION PLAN
(EXISTING/NEW)



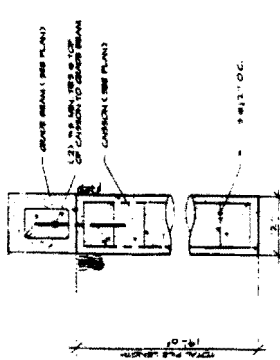
① Wet. Herring at Basin



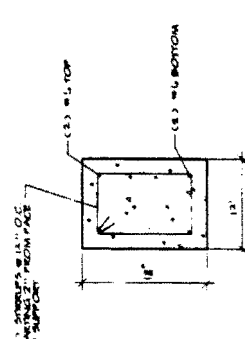
4
CARLSON GRADE PLUMBING



DECK / GRADE BEAM 2



5. ANZUK GRACE BEAM & POOLING

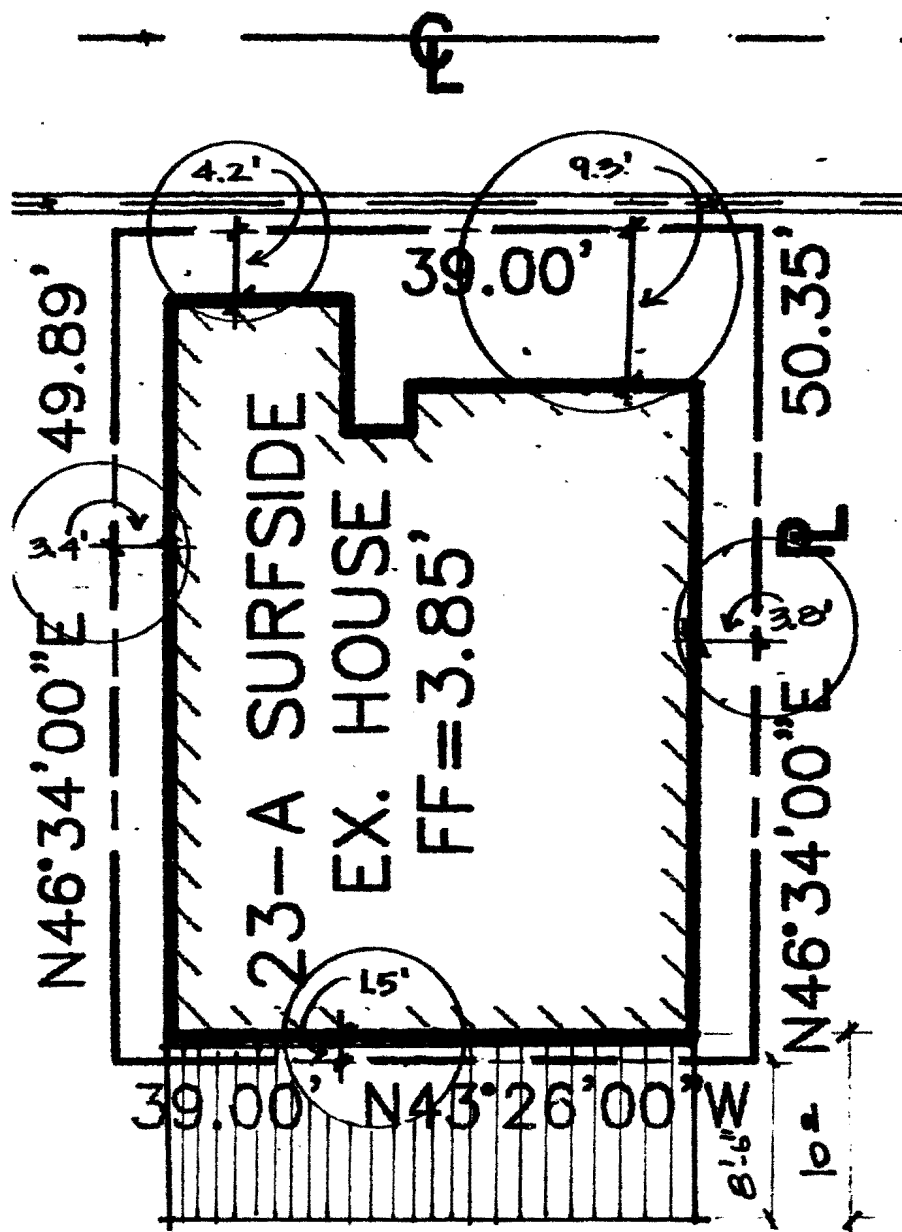


GRADE BEAM DETAIL 3

- [illegible]

- [illegible]

SURFSIDE AVE.



AS PER LICENSED SURVEY:
 SET-BACK OF EXIST'G RESIDENCE
 FROM PROPERTY LINE: 1'-6".

ENCROACHMENT OF PROPOSED DECK
 BEYOND THE SEAWARD PROPERTY LINE: 8'-6".

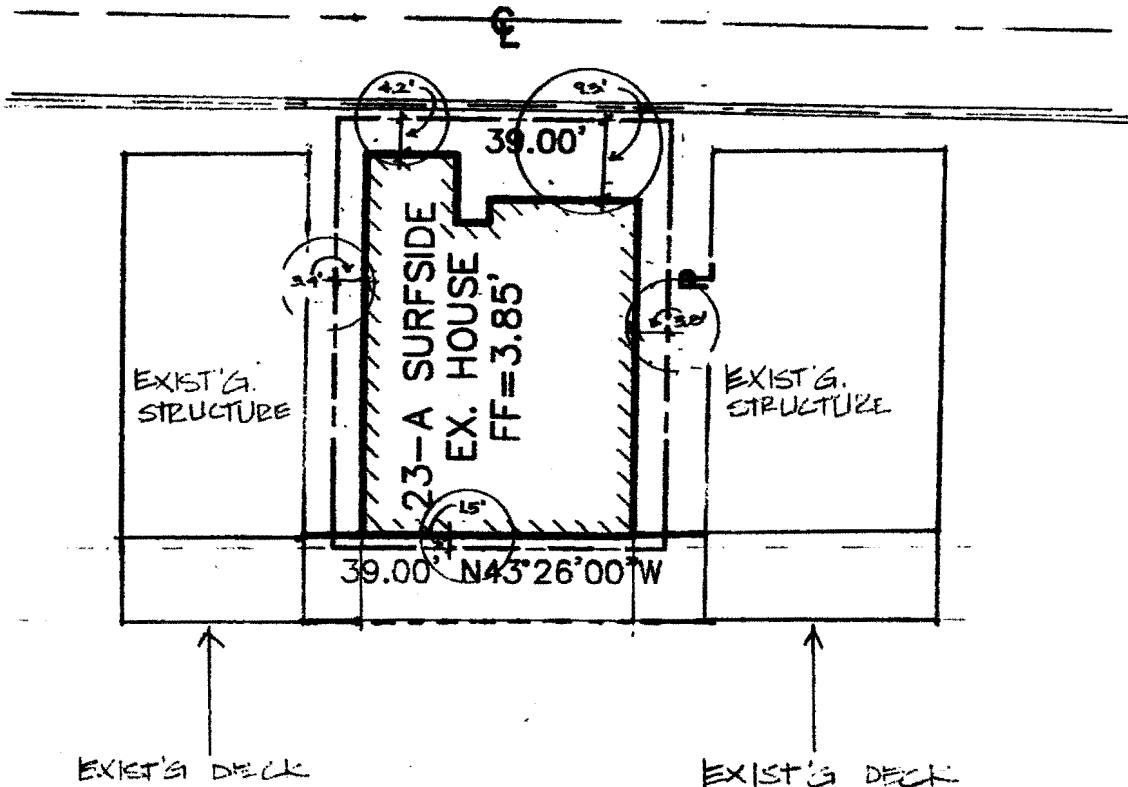
COASTAL COMMISSION

EXHIBIT # 4

PAGE 1 OF 3

2. SHORELINE SETBACK:
 a. ENCROACHMENTS BEYOND

SURFSIDE AVE.

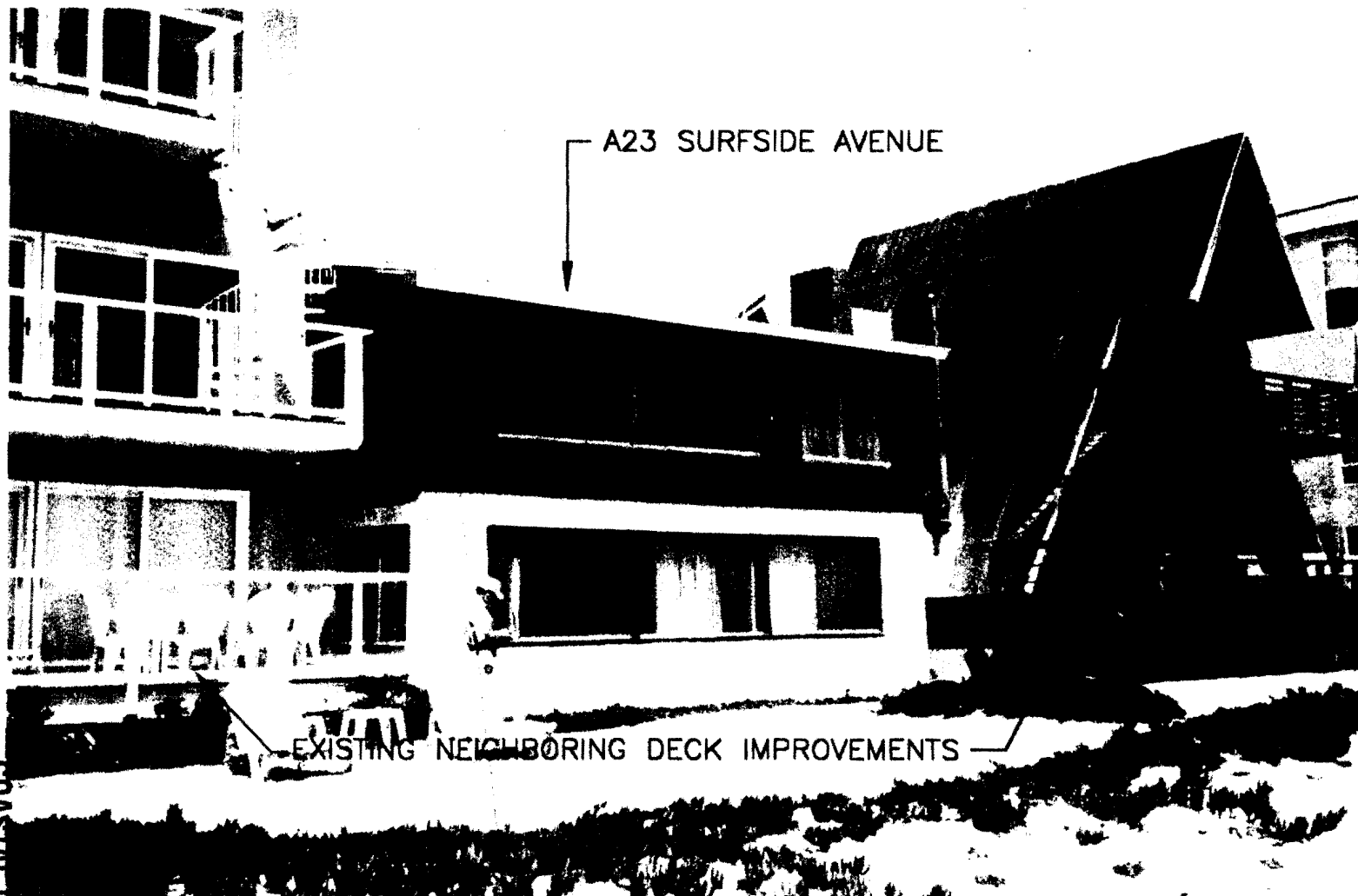


STRUCTURAL STRINGLINE: _____
DECK STRING LINE: _____

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 3

2. SHORELINE SETBACK:
6. STRING LINE ANALYSIS



A23 Surfside Avenue & Surrounding Dwellings' Deck Improvements



Figure 2

STATE LANDS DIVISION

1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 445-3271

*Mike D
Done*



RECEIVED

NOV 6 1975

November 3, 1975

South Coast Regional Commission

File Ref.: YC-75

South Coast Regional
Conservation Commission
P. O. Box 1450
Long Beach, CA 90801

Attention: Mr. David Gould

Dear Mr. Gould

In reply to your phone request for State boundary line data along the Pacific Ocean at Surfside, Orange County, I refer you to a Record of Survey filed August 23, 1966, in Book 86 R.S., pages 35, 36 and 37, Orange County Recorder's Office.

A copy of the State Lands Commission Minute Item #33, meeting of April 28, 1966, is enclosed for your information.


Sincerely,

Donald J. Brittnacher

DONALD J. BRITTNACHER
Senior Boundary
Determination Officer

DJB:ls

Enclosure

EXHIBIT No. 5
Application Number: 5-01-127
 California Coastal Commission

1 of 3

4/28/66

33. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND SURFSIDE COLONY, LTD., A CALIFORNIA CORPORATION, ALONG THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN, VICINITY OF SURFSIDE, ORANGE COUNTY - W.O. 5850, B.L.A. 74.

After consideration of Calendar Item 11 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE SURFSIDE COLONY, LTD., FIXING THE ORDINARY HIGH WATER MARK AS THE PERMANENT BOUNDARY ALONG THE PACIFIC OCEAN BETWEEN STATE TIDE AND SUBMERGED LANDS AND PRIVATE UPLANDS, SAID BOUNDARY LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1 IN BLOCK A, AS SHOWN ON "RECORD OF SURVEY SURFSIDE COLONY", FILED IN BOOK 4, PAGE 19 OF RECORD OF SURVEYS, COUNTY OF ORANGE, SAID BLOCK A BEING IN FRACTIONAL SECTION 24, TOWNSHIP 5 SOUTH, RANGE 12 WEST, S.B.M.; THENCE S. 49° 26' 59" W. 77.55 FEET TO A POINT ON THE MEAN HIGH TIDE LINE OF 1937, WHICH POINT IS THE TRUE POINT OF BEGINNING OF THIS BOUNDARY LINE AND WHICH IS ALSO SHOWN ON "MAP OF EXISTING HIGH TIDE LINE SURVEYS OF THE PACIFIC OCEAN" PREPARED FOR SURFSIDE COLONY, LTD., BY PETERSEN & HENSTRIDGE, LAND SURVEYORS, IN MARCH 1966; THENCE FROM SAID TRUE POINT OF BEGINNING ALONG THE FOLLOWING COURSES: N. 43° 45' 11" W. 1069.03 FEET, N. 48° 53' 37" W. 1004.50 FEET, N. 49° 52' 36" W. 957.14 FEET AND N. 56° 15' 04" W. 6.74 FEET TO THE END OF THIS BOUNDARY LINE, WHICH ENDING POINT BEARS S. 00° 02' 00" E. 358.85 FEET AND S. 56° 15' 04" E. 20.32 FEET FROM THE QUARTER CORNER BETWEEN SECTIONS 13 AND 24, T. 5 S., R. 12 W., S.B.M.

Attachment

Calendar Item 11 (1 page)

EXHIBIT No. 5
Application Number: 5-01-127
 California Coastal Commission

273

SURFSIDE COLONY LTD.

MAP OF EXISTING HIGH TIDE LINE SURVEYS OF THE PACIFIC OCEAN
IN THE UNINCORPORATED TERRITORY OF ORANGE COUNTY, PART OF
FRACTIONAL SECTION 24, TOWNSHIP 3 SOUTH, RANGE 12 WEST, S 30 U.

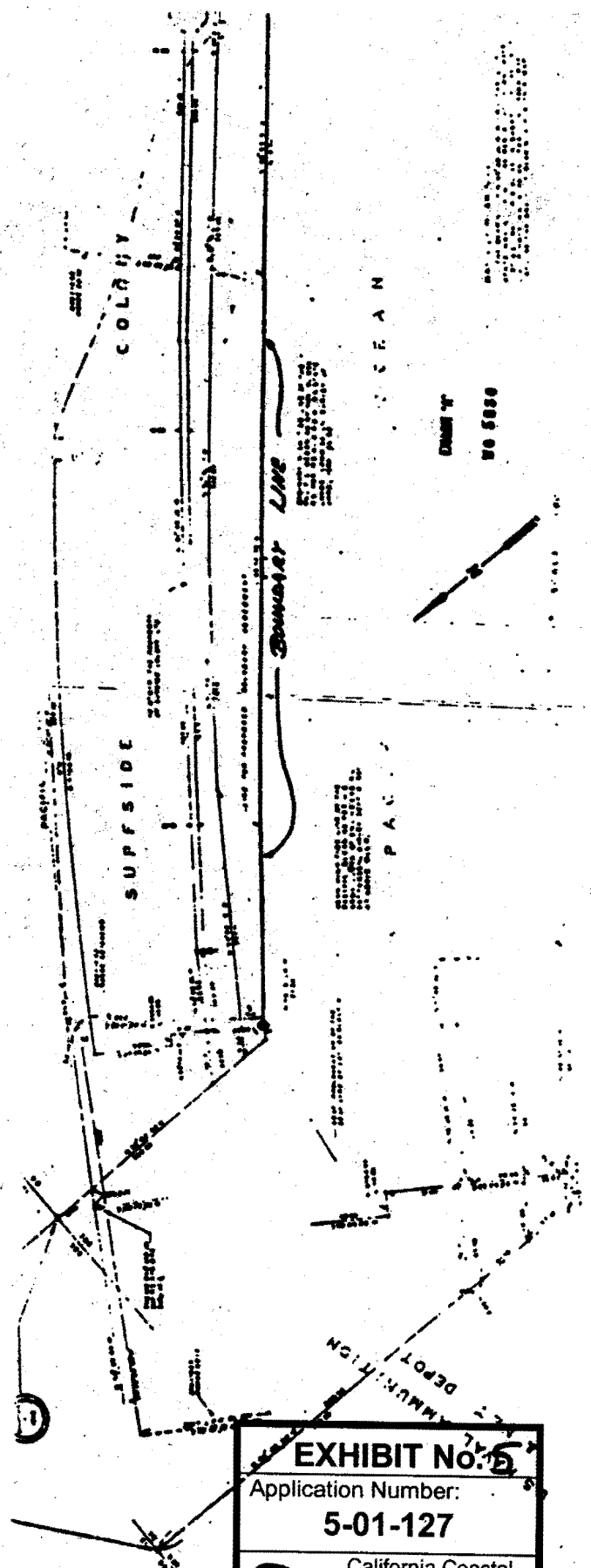
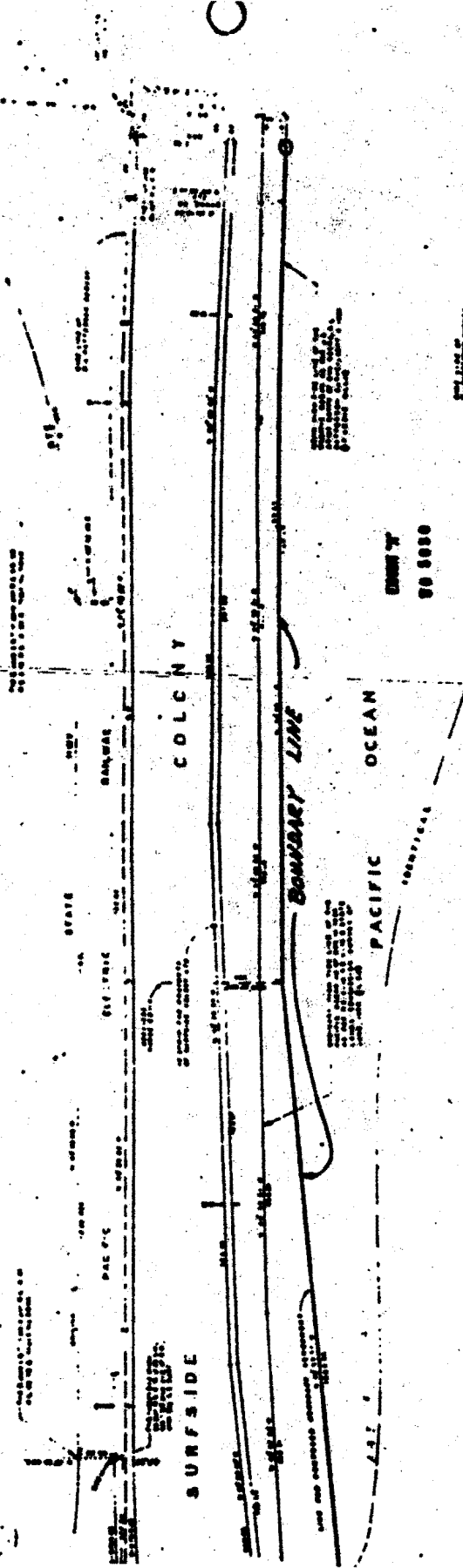


EXHIBIT No. 5
Application Number: 5-01-127
California Coastal Commission

393



CHRISTINE COFFER Los Angeles Times

Boulders help protect homes in Surfside from erosion caused by the pounding surf. Waves crash only 20 yards from the nearest house.

O.C. Awaits State Aid in Battle of the Beach

■ Funds show that Sacramento recognizes the seriousness of the erosion problem, pleased city officials say.

By DAVID REYES
TIMES STAFF WRITER

From their balconies, residents in the Seal Beach Surfside community can look out and enjoy what only seaside residents can boast of: sailboats, seabirds and even occasional migrating whales.

But right below those balconies, another important part of the view is disappearing: the beach.

Thanks to the ocean's ebb and flow, tons of sand have slipped away, leaving million-dollar homes precariously exposed, waves crashing within 20 yards of the nearest home.

"It's quite serious," said homeowner Roger Kuppinger.

Surfside is not alone.

Erosion along the state's 1,100-mile coastline is a gnawing problem; more so in urban residential communities like Surfside.

Orange County's other shrinking sands include Huntington Beach bluffs, Salt Creek Beach Park in Dana Point, Capistrano Beach and San Clemente.

But a \$10-million allocation signed by Gov. Gray Davis last week as part of the state's \$99.4-billion budget could help threatened beach areas.

Orange County cities hope to receive and use much of the money as vital matching funds for Army Corps of Engineers beach restoration projects. Those projects aim to prevent further erosion from storms, climate changes and man-made structures such as artificial jetties that block the natural flow of coastal sands.

Activists say money as well as sand will trickle away if the problem isn't solved.

"Erosion has to be dealt with, or we're going to lose a vital economic resource in the not too distant future," said Steve Aceti, executive director of the California Coastal Coalition.

The coalition, composed of more than 30 coastal cities, has lobbied Sacramento and the federal government, saying erosion could not only threaten homes and property but also local economies that de-

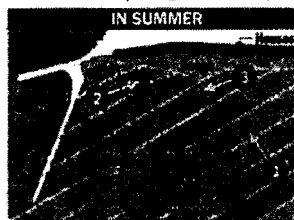
Please see EROSION, B4

Shifting Sand

Orange County may receive part of \$10 million in state money budgeted for sand replenishment for beaches with serious erosion problems.

Erosion in Surfside

Surf hits O.C. beaches from two directions—west and south—depending on the time of year.



1. Waves strike jetty from southwest
2. Waves then bounce off jetty, striking shore from northwest and carrying sand south
3. Sand carried south meets sand naturally flowing north, creating a sand deposit



1. Waves strike jetty from west
2. Waves scour sand from shore, moving it south
3. Sand builds into deposit

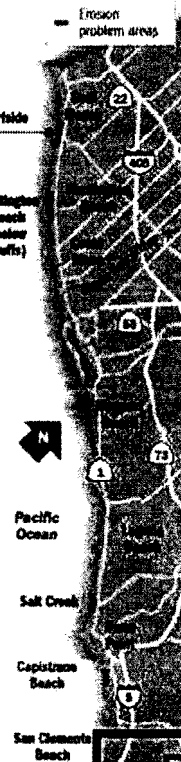


EXHIBIT No. 6

Application Number:

5-01-127



California Coastal Commission

EROSION: Waves Wash Beaches Away

Continued from B1
pend on beach tourism.

California's beaches generate an estimated \$14 billion a year in direct revenue, according to a 1998 survey by the coalition.

For decades, Surfside residents have fought the problem, which was caused by the construction of a jetty by the corps in the 1940s to protect the Seal Beach Naval Weapons Station. The jetty blocks natural sand movement, meaning that lost sand isn't replaced.

To offset the loss, the corps replenishes sand at Surfside every five to six years. The most recent project was in 1996, when the corps dredged 1.6-million cubic yards of sand, the equivalent of covering 900 football fields 1 foot deep.

Surfside is an important "feeder" beach—sand replenished there drifts south to Sunset Beach, Bolsa Chica State Beach, Huntington City Beach, Huntington State Beach and the shores of Newport Beach.

But the massive process costs \$6 million to \$10 million, with two-thirds paid by the federal government, and the remainder with state, county and local funds.

While the state has secured restoration funds for next year, Congress has not, said Gino Salegui, director of the Surfside Storm Water Tax District. He said it will be "an exciting winter" if the funds aren't allocated.

In San Clemente, wide sandy beaches were the norm until 1983, when El Niño storms started a



MARK BOSTER Los Angeles Times

Sand used to cover the pilings at the San Clemente lifeguard headquarters. "We have less than one-half the beach width since 1983," says Marine Safety Capt. Lynn Hughes.

gradual loss of sand.

"We have less than one-half the beach width since 1983," said San Clemente Marine Safety Capt. Lynn Hughes.

The beach has gotten so thin that pilings and a metal apron underneath lifeguard headquarters that were covered by sand for decades are now exposed.

"The structure is safe," said Hughes, "but the concern is for swimmers' safety if they got swept into [the metal apron]."

Two years ago, beach restroom facilities were temporarily closed after waves gouged an 8-foot drop-off in front of one, and began crashing against the walls of another.

The eroding beach also poses a

problem for lifeguards in jeeps, who have to steer a gantlet of incoming surf and boulders put in place to try to retain the disappearing sands.

The city and the corps are conducting a preliminary study to assess the damage, which could lead to a four-year investigation of problems, causes, and solutions.

But it could be two to three years

after that before the project is put out for bid, Hughes said.

"There's not a quick fix to this issue," he said.

In the meantime, the city is negotiating with a local contractor to truck in 30,000 cubic yards of sand to protect city beaches for the fall, he said.

Though the \$10 million in the

new budget seems small for a statewide array of projects, Orange County officials are glad that the importance of the state's coastline is being recognized by legislators.

"It signals that this is a California resource," said Steven Badum, Seal Beach city engineer. "You can't just let these beaches erode away."

EXHIBIT No. 6

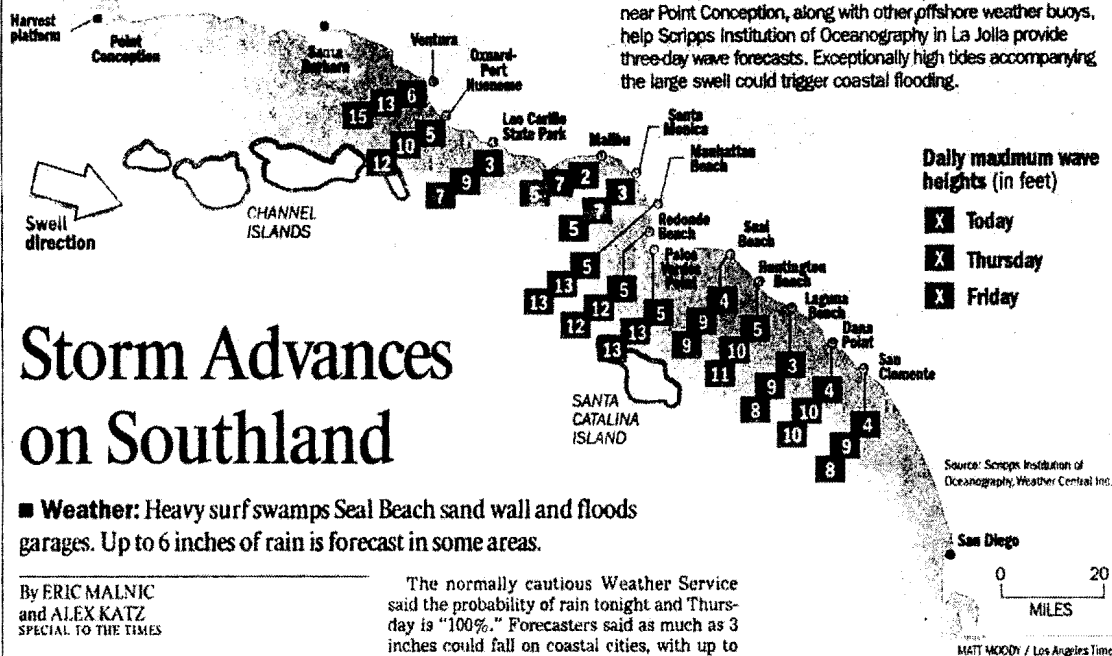
Registration Number:

5-01-127

California Coastal
Commission

293

Forecasters are predicting high surf over the next three days because of a storm that was approaching Southern California on Tuesday. Wave sensors attached to the Harvest oil platform near Point Conception, along with other offshore weather buoys, help Scripps Institution of Oceanography in La Jolla provide three-day wave forecasts. Exceptionally high tides accompanying the large swell could trigger coastal flooding.



■ **Weather:** Heavy surf swamps Seal Beach sand wall and floods garages. Up to 6 inches of rain is forecast in some areas.

By ERIC MALNIC
and ALEX KATZ
SPECIAL TO THE TIMES

Heavy surf pounded the coast from San Luis Obispo to the Mexican border Tuesday as an intense winter storm approached the coast of Southern California.

Waves that are expected to build over the next couple of days eroded oceanfront sand and flooded the garages of more than 20 waterfront homes in Seal Beach on Tuesday morning. Seawater, rocks and mud surged through beachfront campsites in Ventura County, forcing the evacuation of several visitors.

Meteorologists said gale-force winds are circling the storm, which is expected to dump heavy rain on the Los Angeles area tonight, Thursday and Friday.

"This storm is big, it's powerful and it's coming straight at us," said Tim McClung, a meteorologist who works as the warning coordinator at the National Weather Service office in Oxnard. "We'll be getting the full brunt of it."

The normally cautious Weather Service said the probability of rain tonight and Thursday is "100%." Forecasters said as much as 3 inches could fall on coastal cities, with up to twice that much in foothill communities.

Runoff is expected to pool in low-lying areas, but the main threat will come from the sea, McClung said.

"With the full moon, the tides are high, and the storm could generate waves as tall as 20 feet," he said. "There's a real danger of coastal flooding."

There could be trouble at higher elevations, too, forecasters said. A winter storm watch was issued for the San Gabriel, San Bernardino and Tehachapi mountains, where forecasters said as much as 16 inches of snow could fall above 4,000 feet.

The storm is expected to taper off Friday afternoon, but forecasters said there is a possibility of additional rain and snow by Sunday.

Most of Tuesday's flooding occurred in the gated community of Surfside in Seal Beach.

Water began to pour into an alley behind the garages that flooded shortly after 8 a.m., when 8-foot waves, riding a high tide, broke

through a 4-foot-tall wall of sand that had been bulldozed into place last weekend in an effort to prevent flooding.

Calf-deep water slowed traffic to a crawl on Pacific Coast Highway at Anderson Street.

Work crews rebuilt the sand wall to a height of 10 feet in Surfside, and Steve Badum, Seal Beach's director of public works, expressed optimism that the berm was tall and strong enough to hold back higher surf as the storm moves onshore.

"This is only the beginning, dude, only the beginning," said homeowner Mike Donovan, 53.

Major flooding last occurred in Seal Beach in 1983, when El Niño meteorological conditions contributed to a series of heavy storms, Radum said.

Please see SURF, B10

Continued from R1

"It's kind of the price you pay" for living in a beachfront home, he said. "You have to take the good with the bad."

In Ventura County, officials at Emma Wood Beach said the campgrounds there would remain closed until crews can clean up the damage caused by Tuesday's invasive surf. With more damage expected tonight and Thursday, the work probably won't begin until the storm is over.

In the foothills above Thousand

Oaks, residents braced for possible mudslides during the storm on slopes denuded last month by wildfires.

Mark Towne, a coordinator with the Conejo Open Space Conservation Agency, said work crews have been filling sand bags around flood channels and storm drains to prevent an overflow of loose hillside debris. In recent days, he said, crews have filled nearly 1,000 sandbags.

Times staff writer Timothy Hughes and correspondent Laura Wides contributed to this story.

A-ROW FRONTAGE LEASE

THIS LEASE, made and entered into this 23rd day of August 2000, in the County of Orange, State Of California, by and between SURFSIDE COLONY, LTD. ("Surfside"), a California corporation and A. Elia ("Lessee").

1. **PREMISES.** Surfside does hereby lease to Lessee and Lessee leases from Surfside that certain real property (the "Premises") adjacent to that real property known as A-23 (the "Adjacent Property"), which Adjacent Property has been improved with an existing single-family residence (the "Residence"). The Premises consists of a strip of land extending ten feet (10') westerly from the westerly lot line of the Adjacent Property between the westerly extensions of the northerly and southerly lot lines of the Adjacent Property.

2. **USE.** During the term of this lease, Lessee may improve the Premises solely as expressly permitted in this paragraph. Lessee may construct and/or maintain only the following structures on or over the Premises:

- A. One unroofed deck extending westerly from the Residence, but in no event past the westerly boundary of the Premises. The term "unroofed deck" includes both unenclosed decks and decks enclosed by windcreens. A deck extending more than five (5) feet westerly from the Residence shall be called the "Principal Deck." Where there is more than one deck, only the deck at the Premises' grade elevation or the first elevated deck may be a Principal Deck.
- B. One or two unroofed decks extending westerly from the Residence not more than five (5) feet, but in no event more than five (5) feet into the Premises, which shall be called "Secondary Deck(s)." However, if the Principal Deck is at the second-floor elevation, Surfside may, in its absolute discretion, permit the homeowner to install, on-grade, an unenclosed slab extending westerly from the Residence, but in no event past the westerly boundary of the premises. Any on-grade slab so permitted shall be considered a Secondary Deck and conform to all requirements for Secondary Decks except for its westerly dimension.
- C. A "Roof Overhang" extending westerly from the Residence not more than five (5) feet, but in no event more than five (5) feet into the Premises. Occupancy on the top of Roof Overhangs is not permitted.

Principal Decks, Secondary Decks, and Roof Overhangs shall not extend northerly or southerly beyond lines which are the westerly extensions of the north and south sidewalls of the Residence. Principal Decks, Secondary Decks, and Roof Overhangs shall be constructed only with the prior approval of the Board of Directors of Surfside, or by an Architectural Committee appointed by the Board, and in accordance with such regulations as Surfside and the City of Seal Beach may issue from time to time. Below-grade decks and/or retaining walls are not permitted. A copy of the Surfside Unroofed Deck Structural Regulations ("Deck Regulation") existing at the date of this lease is attached hereto as Exhibit A and, by this reference, made a part hereof.

COASTAL COMMISSION

5-01-127

EXHIBIT #

7

PAGE

1

OF

5

3. **TERM.** The initial term of this Lease shall be for a portion of one year commencing upon the date of Lessee's first use of the Premises as determined by Surfside in its sole discretion and ending on the next August 31st. Rent for the initial term shall be prorated on the basis of a 365 day year. Unless terminated as provided hereinafter, this Lease shall automatically renew from year to year with successive one-year terms beginning September 1 and ending August 31. Annual rent is due in full, in advance, on or before September 1 of each year. Without limiting Surfside's rights at law or at equity to terminate the Lease for default or other cause, this Lease may be terminated by either party hereto upon giving to the other thirty (30) days written notice of termination.

4. **PLAN APPROVAL.** No structure may be constructed or maintained upon the Premises until the complete plans and specifications for such structure have been submitted to and approved in writing by The Board, or the Architectural Committee. In the event that the Premises have been improved by the construction of any deck or decks existing at the commencement of this Lease, Lessee need not submit plans or specifications for such deck(s) to Surfside for approval. However, such decks must continue to comply with the provisions of this Lease and Deck Regulations, and the execution of this Lease by Surfside does not constitute approval of, or waiver of, any non-conforming decks. In the event of any structural changes to an existing deck or decks, plans and specifications for such changes must be submitted to the Board or the Architectural Committee, and approved in writing, prior to the commencement of any work. "Structural changes" include, without limitation, changes in safety rails, changes in vertical uprights, installation of windscreens, or changes in existing windscreens, etc.

5. **PLAN APPROVAL NOT A WARRANTY OR REPRESENTATION.** Plan approval by Surfside's Board or Architectural Committee shall not constitute a warranty or representation as to safety, engineering sufficiency, serviceability of materials, suitability for intended use, habitability, feasibility or practicability of construction or maintenance, or conformance to building codes or standards of care.

6. **RENTAL.** The total annual rent shall be computed as follows:

Through August 31, 2003 - \$.90 per square foot of Premises.

Through August 31, 2008 - \$1.00 per square foot of Premises.

However, in no event, shall the annual rent be less than \$50.00. Surfside reserves the right to set annual rents for periods beginning September 1, 2008, in its absolute discretion.

7. **RESTORATION OF PREMISES.** Upon termination of this lease (including any termination by reason of the default of Lessee). Lessee shall remove any structures, Decks (Primary and Secondary), Roof Overhangs, on-grade cement slabs, and foundations upon the Premises and restore the premises to a clean sand beach without abrupt change in grade elevation from the surrounding beach, unless, not more than ten (10) days after termination of the Lease, Surfside notifies Lessee in writing that one or more structures are not to be removed. All removal and restoration shall commence not sooner than ten (10) days after termination of the Lease and must

be completed within sixty (60) days after the termination of this Lease.

8. **CONDEMNATION.** In the event the Premises are condemned, Lessor shall be entitled to and shall receive the total amount of any award(s) made with respect to the Premises, including Lessee's leasehold interest therein, the right of occupancy and use of the Primary Deck and Secondary Deck(s), and any so-called "bonus" or "excess value" of this Lease by reason of the relationship between the rental payable under this Lease and the fair market rent for the Premises. Neither Lessee nor any person claiming through or under Lessee shall receive or retain any portion of such award(s) and shall promptly pay to Surfside any sums received in respect thereof. However, Lessee shall be entitled to any award, or portion of the award, allocable to Lessee's improvements on the Premises, including the Primary Deck, Secondary Deck(s) and Roof Overhang. The word "condemnation" or "condemned" as used in this paragraph or elsewhere in this Lease shall mean the exercise of, or intent to exercise, the power of eminent domain in writing, as well as the filing of any action or proceeding for such purpose, by any person, entity, body, agency or authority having the right or power of eminent domain (the "condemning authority" herein), and shall include a voluntary sale by Surfside to any such condemning authority, either under the threat of condemnation or while condemnation proceedings are pending, and the condemnation shall be deemed to occur upon the actual physical taking of possession pursuant to the exercise of said power of eminent domain. This lease shall be terminated as of that date.

9. **CONDITION OF PREMISES.** Lessee acknowledges that it has inspected the Premises and accepts the Premises "as is," with all faults, patent and latent, known and unknown, suspected and unsuspected. Lessee acknowledges that no statement or representation as to the past, present or future condition or suitability for building, occupancy or other use thereof has been made for or on behalf of Surfside. Lessee agrees to accept the Premises in the condition in which they may be upon the commencement of the term hereof.

10. **INDEMNITY AND HOLD HARMLESS.** Lessee agrees to defend, indemnify and hold harmless Surfside and its officers, directors, employees, agents and representatives from and against any and all claims, expenses, liabilities, actions and causes of action arising out of the use or occupancy of the Premises or the construction or maintenance of any structure upon the Premises, whether the claimant on such claim, expense, liability, action or cause of action is the Lessee, a member of Lessee's family, an invitee or licensee of Lessee, or a mere trespasser. Failure of Lessee to perform its obligations under this paragraph shall be a default under this Lease and good cause for immediate termination of the Lease.

11. **HOLDING OVER.** In the event the Lessee shall hold the Premises after the expiration of the term hereof with the consent of Surfside, express or implied, such holding over shall, in the absence of written notice by either party to the other, be a tenancy from month to month at a monthly rental payable in advance equal to the monthly rental payable during the term hereof and otherwise subject to all of the terms and provisions of this Lease. If Lessee fails to surrender the Premises upon the termination of this Lease despite demand to do so by Surfside, any such holding over shall not constitute a renewal hereof or give Lessee any rights with respect to the Premises, and Lessee

shall indemnify and hold Surfside harmless from loss or liability resulting from such failure to surrender, including, without limitation, any claims made by any succeeding tenant founded on or resulting from such failure to surrender.

12. **COMPLIANCE WITH LAWS, RULES AND REGULATIONS.** Lessee agrees to comply with all applicable laws, rules and regulations with respect to the use of the Premises and the Adjacent Property, including, without limitation, such rules and regulations as Surfside may adopt and issue from time to time.

12. **WAIVER.** The waiver by Surfside of any breach of the terms, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or conditions, or any subsequent breach of the same or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by Surfside shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant or condition of this Lease, other than the failure of Lessee to pay the particular rental so accepted, regardless of Surfside's knowledge of such preceding breach at the time of acceptance of such rent. No covenant, term or condition of this Lease shall be deemed to have been waived by Surfside, unless such waiver be in writing by Surfside.

14. **NOTICE.** Any notices or demands which are required to be given hereunder or which either party hereto may desire to give to the other shall be given in writing by mailing the same by registered or certified United States mail, postage prepaid, addressed to the parties at the address shown below or at such other addresses as the parties may from time to time designate by notice as herein provided or may be served personally to the parties at:

"Surfside"

Surfside Colony, Ltd.
P. O. Box 235
Surfside, CA 90743

"Lessee"

15. **ENTIRE AGREEMENT.** This Lease and the exhibit attached hereto and forming a part hereof set forth the covenants, promises, agreements, conditions and understandings between Surfside and Lessee concerning the Premises and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Lease shall be binding upon Surfside or Lessee unless reduced to writing and signed by them.

16. **ARBITRATION AND ATTORNEYS' FEES.** Any dispute between Lessor and Lessee arising in any way under this Lease shall be resolved solely by arbitration before the American Arbitration Association under the Commercial Rules thereof then in effect. No court shall have jurisdiction of any such dispute except to compel arbitration upon the application of either party and for purposes of entering judgment in accordance with an award rendered by the Arbitrator(s) and

or the execution and/or enforcement of the judgment entered upon the Award. The Arbitrator(s) shall award reasonable attorney's fees and costs in an amount they deem appropriate to the party who they deem to have prevailed, in their absolute discretion.

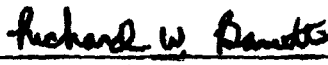
17. **ASSIGNMENT.** This Lease shall not be assigned, subleased or transferred by operation of law, or otherwise, without the prior written consent of Surfside.

18. **REMEDIES ON DEFAULT.** In the event Lessee shall default under or otherwise breach any of the terms or conditions of this Lease, Surfside shall have the right to terminate this Lease forthwith and to retake possession of the Premises. Waiver of any default or breach shall not be construed as a waiver of a subsequent or continuing default. Termination of this Lease shall not affect any liability by reason of any act, default or breach or occurrence prior to such termination.

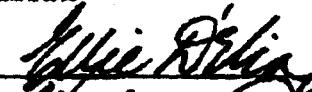
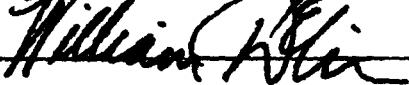
IN WITNESS THEREOF, the parties hereto have executed this Lease the day and year first above written.

SURFSIDE COLONY, LTD.,
a California Corporation

By 
President

By 
Secretary

LESSEE





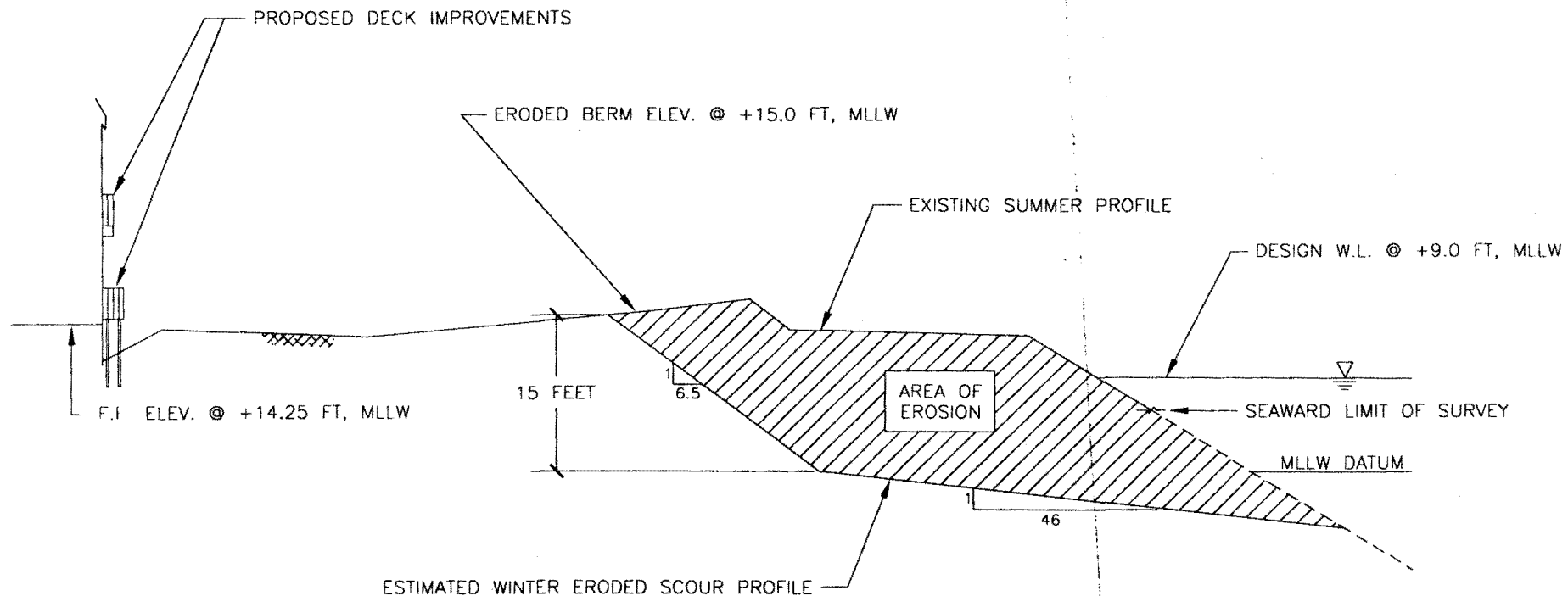
**Surfside Permits with Assumption-of-Risk Deed Restrictions
As of December 20, 2001**

Site	Permit #	Project Description	Exceeds Height*
A-2	5-92-450	New SFD on vacant lot	Yes
A-2	5-00-132	New SFD on vacant lot	Yes
A-6	5-86-676	Addition to existing SFD	Yes
A-8	5-99-423	Partial Demo/Addition to SFD	Yes
A-15	5-00-257	Demo. SFD, Construct new SFD	Yes
A-20	5-90-860	Demo. SFD, Construct new SFD	Yes
A-21	5-87-813	Addition to existing SFD	
A-24	5-87-045	Demo. SFD, Construct new SFD	Yes
A-26	5-87-115	Construct new SFD	Yes
A-36	5-92-165	Demo. SFD, Construct new SFD	
A-44	5-88-152	Demo. SFD, Construct new SFD	
A-45	5-99-356-A1	Addition to existing SFD	Yes
A-47	5-98-412	New SFD on vacant lot	No
A-59	5-00-206	New SFD on vacant lot	Yes
A-62	5-87-436	New SFD on vacant lot	Yes
A-62	5-84-068	New SFD on vacant lot	Yes
A-64	5-85-441	Demo. SFD, Construct new SFD	No
A-71	5-82-714	Demo. SFD, Construct new SFD	
A-86	5-85-474	New SFD on vacant lot	Yes
A-87	5-85-474	New SFD on vacant lot	Yes
A-88	5-85-474	New SFD on vacant lot	Yes
A-98	5-98-098	New SFD on vacant lot	Yes
A-99	5-99-386	Demo. SFD, Construct new SFD	Yes
A-100	5-84-790	Demo. SFD, Construct new SFD	Yes

* Where it is known that the plans on file indicate that a chimney or covered roof access structure exceeds the 35 foot height limit.

SFD = Single-Family Dwelling

EXHIBIT No. 8	
Application Number:	
5-01-127	
	California Coastal Commission



HORIZONTAL SCALE: 1" = 50'
 VERTICAL SCALE: 1" = 10'

Design Maximum Eroded Scour Profile - A23 Surfside Avenue

COASTAL COMMISSION
 EXHIBIT # 9
 PAGE 1 OF 1



Figure 5