

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: October 19, 2001
49th Day: December 7, 2001
180th Day: April 14, 2002
Staff: KFS-LB *[Signature]*
Staff Report: December 20, 2001
Hearing Date: January 8-11, 2002
Commission Action:

**Item Tu9k****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-239

APPLICANT: Gary & Jana Goodwin

RECORD PACKET COPY

AGENT: Marshall Innins

PROJECT LOCATION: A-61 Surfside Avenue, Seal Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of an new 2,304 square foot, 35 foot tall, single family residence with 10 foot wide by 20 foot long decks on the first and second floors and a 5 foot wide by 20 foot long deck on the third floor plus an attached 408 square foot 2-car garage. The decks and patio will extend a maximum of 10-feet seaward, beyond the property boundary, onto land that is leased by the Surfside Colony to the applicant. In addition, re-subdivision of the lot to move the beachfront lot line 4.7 to 5.1 feet seaward and the street-front lot line 4.20 feet seaward.

LOCAL APPROVALS RECEIVED: City of Seal Beach Lot Line Adjustment LL 01-04 approved by City Council Resolution No. 4937; City of Seal Beach Approval-in-Concept dated May 30, 2001; Surfside Colony, Ltd. Architectural Committee approval of residence dated September 18, 2001.

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; *Geotechnical Investigation* (Job No. 148-01) by Petra Geotechnical, Inc. of Costa Mesa, California dated May 25, 2001; *Wave Action Study, Lot A-61 Surfside Colony, Seal Beach, CA* prepared by Skelly Engineering of Encinitas, California dated March 2001; Letter dated August 30, 2001 from Jones, Cahl & Associates titled *Response to California Coastal Commission letter...regarding water quality*; A-Row Frontage Lease between Surfside Colony, Ltd. and Gary Goodwin dated May 30, 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the proposed development subject to eight 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 conformance of the design and construction plans to all recommendations contained in 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

constructed to protect the development approved pursuant to Coastal Development Permit No. 5-01-239 including, but not limited to, the residence, 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 residence, 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. 5-01-239**, 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 parcels. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. **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.

6. **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 priority to what 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.

- (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-61 Surfside Avenue in the private community of Surfside Colony, in the City of Seal Beach, Orange County, California (Exhibit 1). 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.

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-61 Surfside, is located. No revetment protects this lot (Exhibit 1, Page 3). 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. Accordingly, a Geotechnical Investigation prepared by Petra Geotechnical, Inc. recommends the use of deepened foundations (e.g. caissons) at the site with a minimum depth of 20 feet in order to mitigate potential damage from scour. As will be noted more fully below, a wave uprush study indicates that the site will not be subject to scour over the life of the development. However, the geotechnical consultant has conservatively recommended a foundation design that would withstand such scour.

The applicant has also submitted a wave run-up analysis study dated March 2001, prepared by Skelly Engineering of Encinitas, California. The analysis examined the impact of wave run-up and wave induced flooding (i.e. overtopping) upon the subject site under extreme oceanographic conditions over the next 75 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 greater than 300 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 monthly since 1979, the beach in front of the subject site "has always been wider than 200 feet and in general is over 400 feet". The study states that the subject site has not been subject to wave attack for at least the last 40 years, including the large winter storms of 1982/83 and January 1988.

The Skelly Engineering study analyzes the potential effects of wave run-up and overtopping for eroded beach conditions, including adverse conditions such as a 12 inch sea level rise over the

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).

Foundation Design

A *Geotechnical Investigation* prepared by Petra Geotechnical, Inc. (Job No. 148-01) dated May 25, 2001 was submitted by the applicant. The report indicates that the site is suitable for the proposed development provided certain recommendations are observed regarding foundation design, earth pressure, seismic conditions, demolition, and grading. For instance, the geotechnical report recommends that the foundation system consist of cast-in-place concrete caissons extending to a minimum depth of 50 feet below proposed finished grade. The deepened foundation would address possible hazards related to erosion and scour (20 feet required) and to address earthquake induced soil liquefaction (an additional 30 feet required) for a total 50 foot depth. In addition, in order to avoid possible flooding hazards caused by tsunami (seismic sea wave) the geotechnical report recommends that a minimum vertical clearance of 28 inches should be provided between the lowest level of the living area (excluding garage slabs and decks) and the highest edge of the pavement of adjacent Surfside Avenue.

In order to assure that risks are minimized, the recommendations of the geotechnical consultant must be incorporated into the design of the project. As a condition of approval (Special Condition No. 3), the applicant shall submit final grading plans, foundation plans, site plans, floor plans, elevation plans, and drainage plans signed by the appropriately licensed professional indicating that the recommendations contained in the *Geotechnical Investigation* have been incorporated into the final design of the proposed project.

As conditioned by both Special Conditions No. 1 and No. 3, 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

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. As conditioned, the applicant must construct the proposed residence using a caisson and grade beam foundation. The applicant's wave run-up analysis has indicated that the development will not be subject to wave run-up and flooding. 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. 4 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 applicant is proposing to execute and record a deed restriction (Special Condition 6) 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.

foot wide strip of private beach on the seaward side of the structure. The stated purpose of the re-subdivision is to widen the private street on the landward side of the structure for improved emergency vehicle access as well as to bring development on the subject site seaward to conform with the line of development¹. Since the seaward property line has served as the enclosed living space "stringline" in Surfside, the lot line adjustment will allow development at the site to move 4.7 to 5.1 feet seaward of the presently allowable location. However, even though development will be able to move 4.7 to 5.1 feet seaward, according to information submitted by the applicant, such development (including enclosed living space and decks) would be consistent with the line of development established in the area (see Exhibit 4).

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 proposed project 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...

¹ Representatives of Surfside Colony, Ltd. have indicated to Commission staff that the Colony has been requesting (for the last several decades) that the owners of selected lots in Surfside obtain a lot line adjustment, in those areas where Surfside Avenue needs to be widened, when new development is undertaken on those lots. The subject site contains one of the original beach cottages which were constructed in the Colony in the late 1920's. Since no major new development has occurred at the subject site since the late 20's, a lot line adjustment has not occurred at this location.

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.

To address water quality concerns the applicant is proposing to direct 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 subject site (Exhibit 9). These trench drains will 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 will prevent the particulate matter from being discharged to coastal waters via sheet flow or the storm drain system. The proposed project includes directing all roof drains to the trench drains in the side yard. Flows which exceed the capacity of the trench drains will overflow and discharge into the gutter located along Surfside Avenue.

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 the proposed Best Management Practices 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 8, 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 7. Special Condition 7 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.

MAIN ENTRY
WITH GUARD GATE

MATCH LINE

SUBJECT
ENTRY WITH
KEY CONTROLLED
GATE

OCEAN

EXTENT OF
REVETMENT

OCEAN

MATCH LINE

N-COMMUNITY
BEACH ACCESSWAY

EXHIBIT No. 1

Application Number:

5-01-239



California Coastal
Commission

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LOT LINE ADJUSTMENT NO. LL 01-04

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
Surfside Colony, Ltd, Inc.	178-481-51	1
Surfside Colony, Ltd, Inc.	178-481-57	2
Gary and Jana Goodwin	178-472-22	3

(REC) - INDICATES RECORD DATA
PER R.S. 95-1037 & LL 96-1
OF 1996 0484015

PROPOSED LOT LINE PER THIS
ADJUSTMENT

EXISTING LOT LINE

EXISTING LOT LINE TO BE REVISED

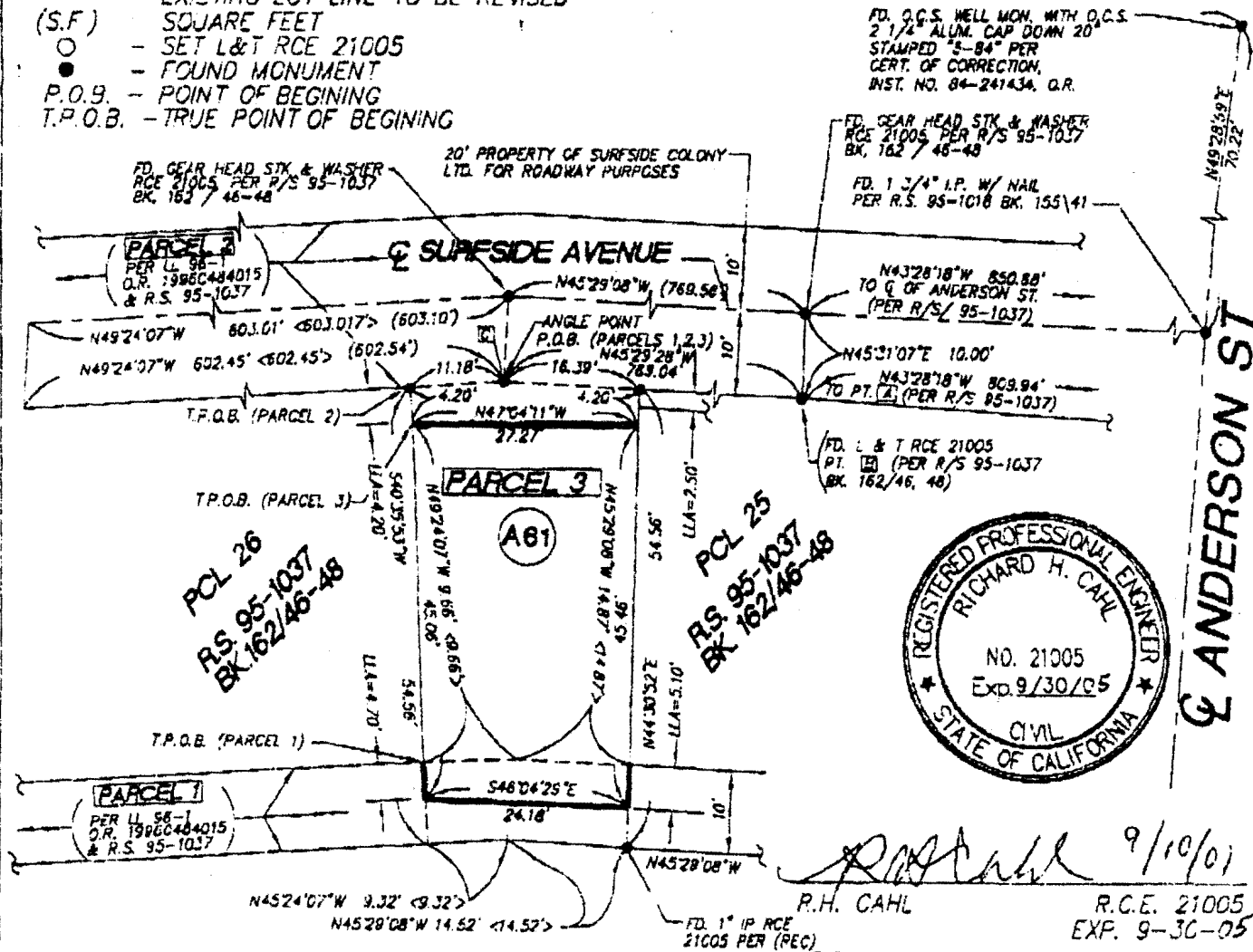
(S.F) SQUARE FEET
O - SET L&T RCE 21005

● - FOUND MONUMENT

P.O.B. - POINT OF BEGINNING

T.P.O.B. - TRUE POINT OF BEGINNING

AREAS (S.F.)		
	EXISTING	PROPOSED
PCL 1	248.96	250.17
PCL 2	34,468	34,592
PCL 3	1,160.6	1,163.4

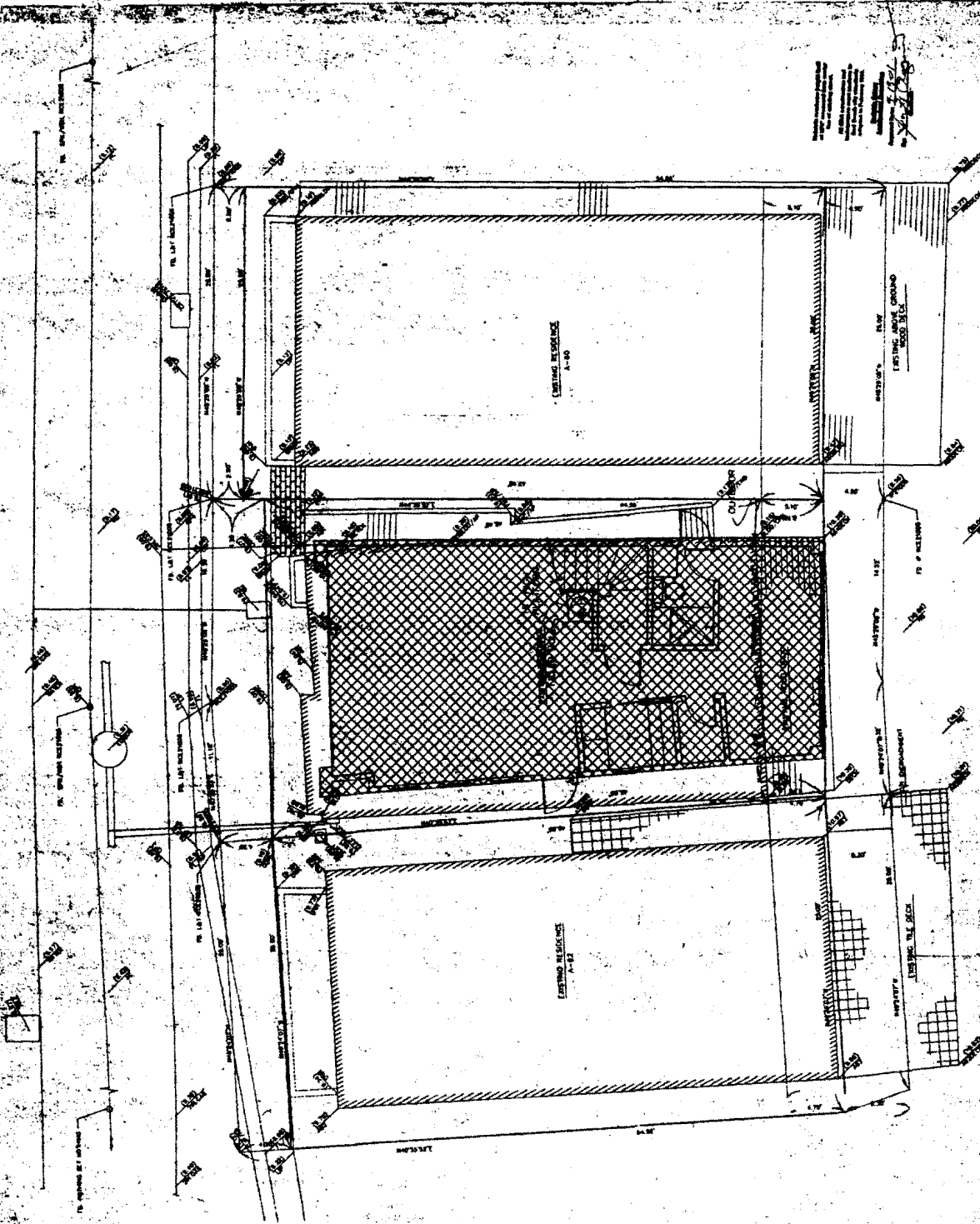


COASTAL COMMISSION PET 1 OF 1
5-01-239

EXHIBIT # 2
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EXHIBIT # 3
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SEP 05 2001



EXISTING SITE PLAN WITH NEW HOUSE OVERLAYED ON EXISTING HOUSE

COASTAL COMMISSION
 5-01-239

EXHIBIT # 4

PAGE 1 OF 2

STATE LANDS DIVISION

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

*Mike D
Dave*

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:

5-01-239

California Coastal
Commission

193

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 8 SOUTH, RANGE 12 WEST, 3 S.W.

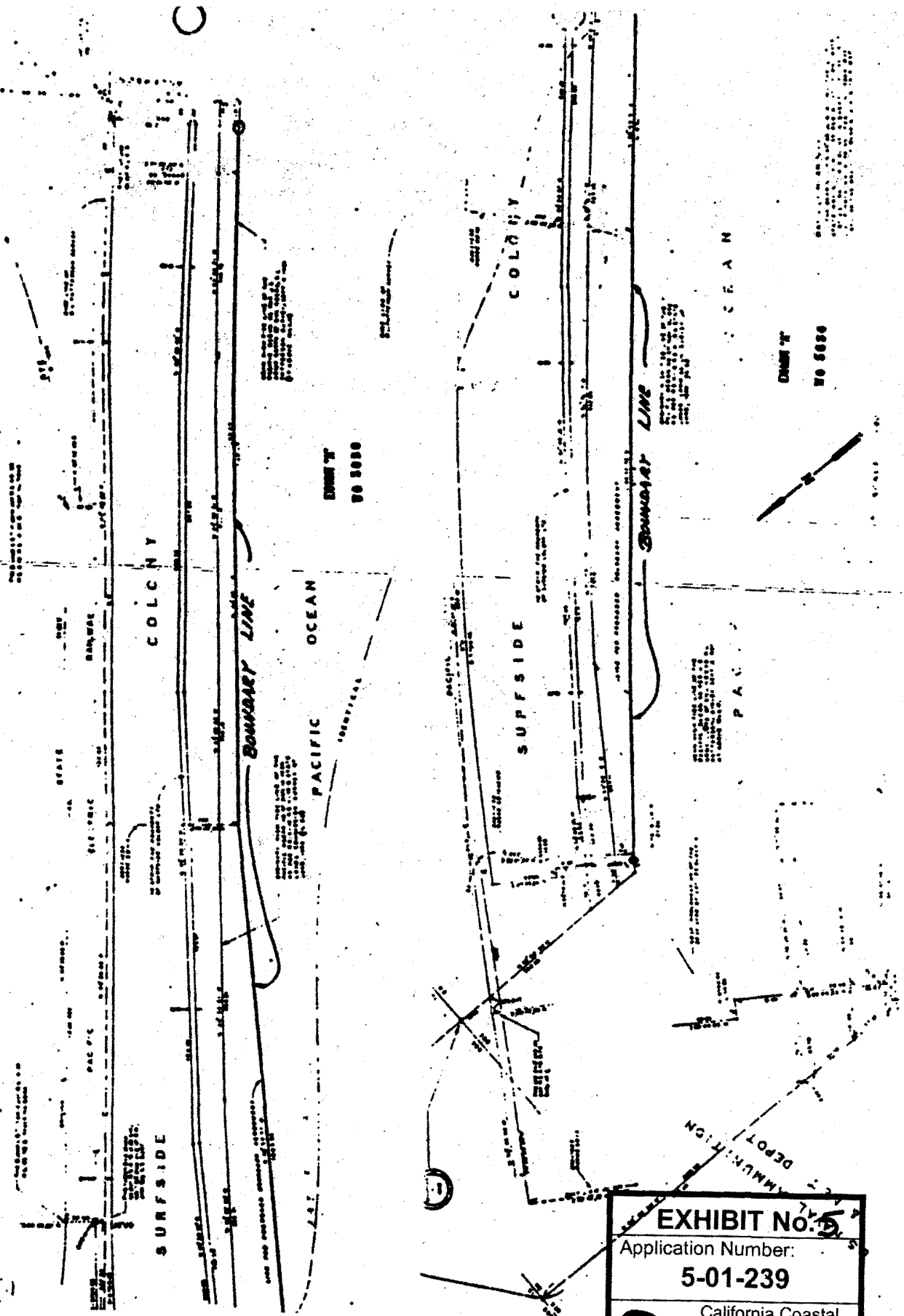


EXHIBIT No. 5

Application Number:

5-01-239

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.

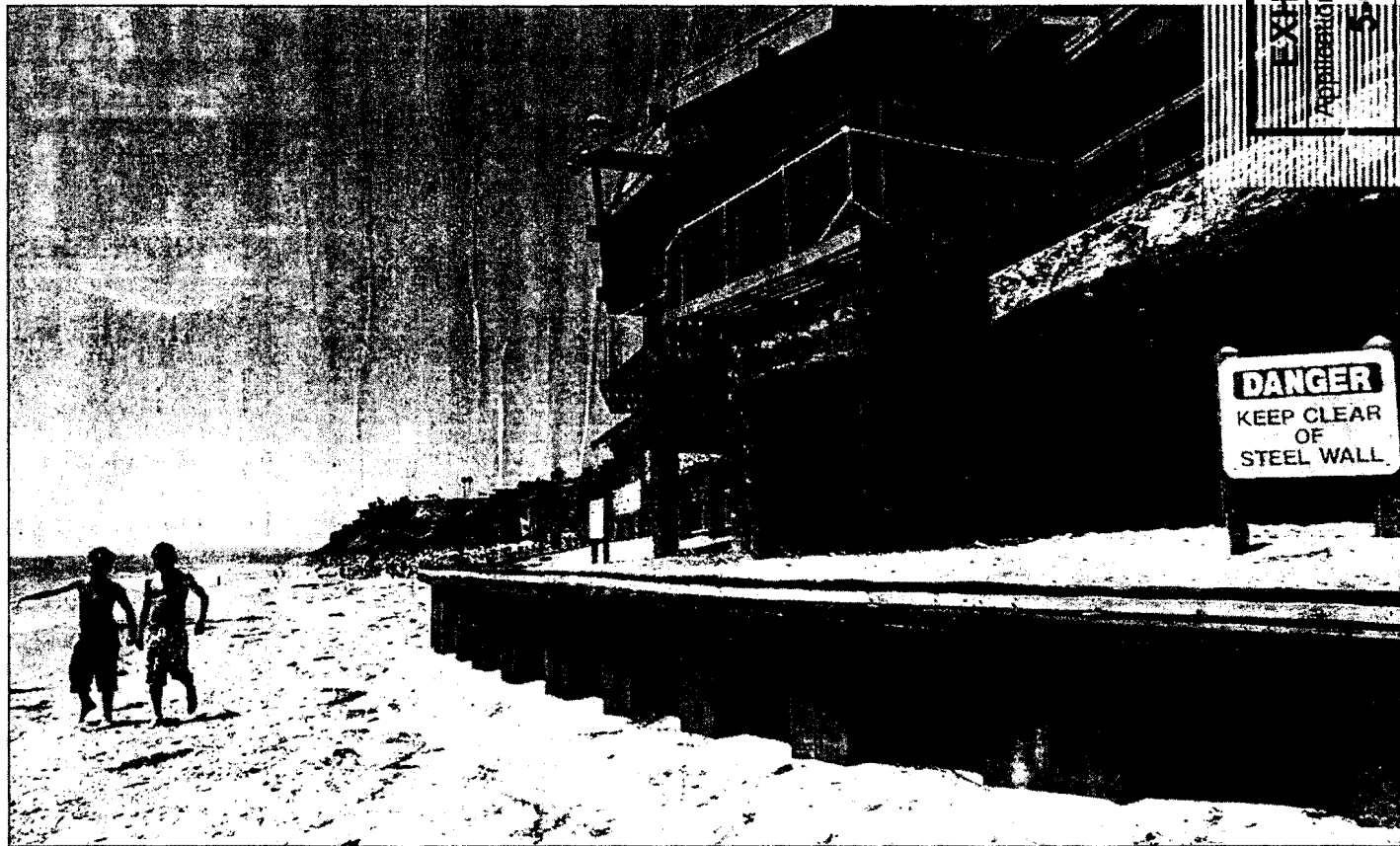
To offset the loss, the corps replenishes sand at Surfside every five to six years. The most recent project was in 1998, when the corps dredged 1.6-million cubic yards of sand, the equivalent of covering 90 football fields 1 foot deep.

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 Salegul, 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 gauntlet 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 away."

EXHIBIT No. 6

Application Number:

5-01-239

California Coastal
Commission

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A-ROW FRONTAGE LEASE

JUN 21 2001

THIS LEASE, made and entered into this 30th day of May 2001, in the County of Orange, State Of California, by and between SURFSIDE COLONY, LTD. ("Surfside"), a California corporation and Gary Goodwin ("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 61 (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 windscreens. 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 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

EXHIBIT # 7
PAGE 1 OF 6

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

COASTAL COMMISSION

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.

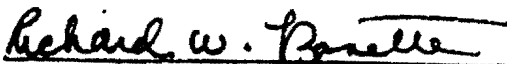
17. **ASSIGNMENT.** This Lease shall not be assigned, subleased or transferred by operation of law, or otherwise, without the prior written consent of Surfside.

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.

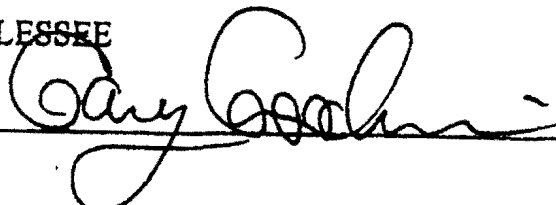
IN WITNESS THEREOF, the parties hereto have executed this Lease the day and year first above written.

SURFSIDE COLONY, LTD.,
a California Corporation

By 
President

By 
Secretary

LESSEE



COASTAL COMMISSION

EXHIBIT # 7
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**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:

5-01-239

California Coastal
Commission