

CALIFORNIA COASTAL COMMISSION

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Staff: FSY-LB FSY
Staff Report: March 21, 2002
Hearing Date: April 9-12, 2002
Commission Action:

**W15g****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-304**RECORD PACKET COPY****APPLICANT:** Vance & Carol Ann Caesar**AGENT:** Schmitz & Associates, Attn: Donald Schmitz**PROJECT LOCATION:** 110 Ocean Avenue, City of Seal Beach, County of Orange

PROJECT DESCRIPTION: Demolition of an existing single family residence and a detached one story accessory structure in the rear and construction of a new 3,805 square foot two-story with a basement single family residence and a 495 square foot two car garage. The resultant structure would be three stories on the beach side and two stories on the street side. Also, the project will consist of new 6 foot high above grade side yard and rear yard perimeter walls and construction in the rear yard consisting of a spa, barbeque, wet bar and fire pit. In addition, there will be 421 square feet of first floor deck, 180 square feet of second floor balconies and 491 square feet for a roof deck. Grading will consist of 27 cubic yards of cut, 202 cubic yards of fill and 175 cubic yards of import.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions requiring 1) conformance with geologic recommendations, 2) the recordation of an assumption-of-risk deed restriction regarding geotechnical hazards, wave uprush and flooding hazards, 3) the recordation of a deed restriction prohibiting the construction of any future shoreline protective devices and 4) submittal of a drainage and run-off control plan. The major issues of this staff report concern beachfront development that could be affected by geologic hazards and wave uprush and flooding during strong storm events.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 5-00-466 (Steffensen), 5-99-477 (Watson), 5-99-372 (Smith), 5-99-072 (Vivian), 5-97-380 (Haskett), 5-97-319-A1 (Steffensen), 5-97-319 (Steffensen); 5-86-153 (Kredell), 5-86-844 (Bladwin), 5-85-437 (Arnold), 5-83-800 (Specialty Restaurant Corp.), "Preliminary Foundation Soils Exploration" (Job No. F-8830-99) at 110 Avenue prepared for Brent Sears by Geo-Etka, Inc., dated April 22, 1999, Geotechnical Review and Report Update (Job No. F-8830-99) by Geo-Etka, Inc., dated September 18, 2001, and Wave Runup Study 110 Ocean Avenue, Seal Beach, CA prepared by Skelly Engineering dated June 2001 Prepared For Mr. & Mrs. Caesar C/O Brent A. Sears, Architect.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated June 21, 2001

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan
 4. Floor Plans
 5. Elevations
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I. STAFF RECOMMENDATION, MOTION AND RESOLUTION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions by making the following motion and adopting the following resolution.

MOTION:

I move that the Commission approve CDP No. 5-01-304 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION TO APPROVE PERMIT APPLICATION WITH CONDITIONS:

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 is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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 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. Geotechnical Recommendations

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the engineering geologic report *"Preliminary Foundation Soils Exploration"* (Job. No. F-8830-99) at 110 Ocean Avenue prepared for Brent Sears by Geo-Etka, Inc., dated April 22, 1999 and *Geotechnical Review and Report Update* (Job No. F-8830-99) by Geo-Etka, Inc., dated September 18, 2001.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.
- C. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

2. Assumption of Risk, Waiver of Liability and Indemnity Regarding Geotechnical Hazards Wave Uprush, and Flooding Hazards.

- A. By acceptance of this permit, the applicants, on behalf of themselves and their successors and assigns, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' entire parcel. 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. This 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 applicants agree, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-01-304 including, but not limited to, the residence, 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 applicants hereby waive, 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 applicants agree, on behalf of themselves and all successors and assigns, that the permittees shall remove the development authorized by this permit, including the residence, spa, decks, fences and any other future improvements, 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 any portion of the development is destroyed, the permittees 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 THE COASTAL DEVELOPMENT PERMIT**, the applicants 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 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.

4. **Submittal of a Drainage and Run-Off Control Plan**

- A. The permittee shall submit a drainage and runoff control plan showing the applicants water pollution BMP's stated in a letter dated November 13, 2001 and also showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated areas shall prohibit invasives. 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 DESCRIPTION AND LOCATION

The project site is located at 110 Ocean Avenue in the City of Seal Beach, Orange County (Exhibits #1-2). The proposed project is development within an existing urban residential area, located northwest of the Seal Beach Municipal Pier. Though the project site is in an urban residential area, it is located just inland of the beach and will be on a site which slopes upward as it goes inland from a height of 12 feet above sea level to a height of approximately 21 feet above sea level. The project is between the first public road and the sea and it is also within a floodplain with a flood elevation of approximately 12 feet above mean sea level. There is a wide sandy beach, approximately 650 feet wide, between the subject property and the mean high tide line (Exhibit #1).

The applicants are proposing to demolish an existing single family residence and a detached one story accessory structure in the rear and construct a new 3,805 square foot two-story with a basement single family residence and a 495 square foot two car garage. Also, the project will consist of new 6 foot high above grade side yard and rear yard perimeter walls and construction in the rear yard consisting of a spa, barbeque, wet bar and fire pit (Exhibit #3). In addition, there will be 421 square feet of first floor deck, 180 square feet of second floor balconies and 491 square feet for a roof deck (Exhibit #4). Grading will consist of 27 cubic yards of cut, 202 cubic yards of fill and 175 cubic yards of import. The resultant structure would be 3 stories (34 feet high) on the beach side and 2 stories (25 feet high) on the street side. The enclosed living area of the proposed home would not encroach past the inland boundary of the abandoned street right-of-way that the City uses as the stringline for beach front development of residential structures. In addition, the proposed decks would not encroach past the seaward boundary of the abandoned street right-of-way that the City uses as the stringline for beach front development of new patios and decks.

The proposed remodel and addition is consistent with the type of development approved in the surrounding area. Coastal development permit 5-00-466 (Steffensen) involved the merger of two lots into one lot; demolition of one of the existing homes and expansion of one of the existing homes on one of the two lots. The resultant structure would be 3 stories on the beach side and 2 stories on the street side and also consisted of construction in the rear of a swimming pool, spa, 116 square foot, one-story potting shed/accessory structure, planters, fences and patio; raise the block walls on the east, west and south, so that they would be six feet high above adjacent grade, and build a new block wall on the east side to be six feet high above adjacent grade. Coastal development permit 5-99-477 (Watson) involved a remodel and second story addition to an existing single-family residence located at 250 Ocean Avenue. Coastal development permit 5-99-372 (Smith) consisted of: demolition and construction of a new two-story single family residence with a partly subterranean beach level basement, seaside yard and patio, in-ground spa, 6 foot high property line perimeter walls and an attached three-car garage at 520 Ocean Avenue. Coastal development permit 5-99-072 (Vivian) involved construction of a three-story single-family residence, seaside patio, 6 foot high property line perimeter walls and an attached two-car garage at 506 Ocean Avenue. Therefore, the proposed project is similar and consistent with the types of approved development that surround it.

B. PREVIOUS COMMISSION ACTION AT THE SUBJECT SITE

Previously Approved Coastal Development Permit Waiver 5-98-348-W (Caesar)

On September 9, 1998, the Coastal Commission approved Coastal Development Permit Waiver 5-98-348-W (Caesar) at the project site for the repair of a dilapidated 25 foot long section of a 6 foot high wooden fence located on the western side property line.

C. HAZARDS

Section 30253 of the Coastal Act states, in relevant 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.

Geologic Hazards

The project site is adjacent to the seashore. Development adjacent to the seashore is inherently risky due to the potential for flooding and beach erosion resulting from significant storm events and changes in littoral processes. Additionally, the project site is located on a slope which ranges in height from 12 feet above sea level to 21 feet above sea level and the proposed development is potentially subject to slope instability or other geotechnical concerns related to construction of a home on a slope.

1. Geotechnical Recommendations and Assumption of Risk

To evaluate the feasibility of undertaking the proposed development on a hillside, a "Preliminary Foundation Soils Exploration" (Job. No. F-8830-99) dated April 22, 1999 was performed by Geo-Etka, Inc. of Orange, California. The report explored soils condition at the site in order to make recommendations for the foundation design for the proposed residence. This was accomplished through three subsurface borings to a depth of fifteen feet below the existing ground surface. According to the geotechnical report, the on site soil is composed of layers of clayey sand and silty

sand. The geotechnical report found that the on site surficial soil was slightly expansive with a Uniform Building Code expansion index of 39. Due to the expansive nature of the foundation soils, the geotechnical report recommended that continuous footings should be reinforced.

Recommendations were provided for load values to be used for the foundation design. In addition, construction guidelines regarding sequence, materials, and soil compaction were identified. This report concluded, based upon implementation of the recommendations regarding foundation design, the site was suitable for the construction of a residential structure and that the proposed development would not affect the stability of surrounding structures. The following geotechnical recommendations were made: 1) footings should be at least 15 inches wide and at least 18 inches below the lowest finish grade, 2) footings must rest on properly recompacted soil at least 18 inches thick and 3) fill to be replaced must be recompacted at 90%.

The original geotechnical report was done three years ago. An updated report has been submitted to assure that the geologic conditions have not undergone any changes. A *Geotechnical Review and Report Update (Job No. F-8830-99)* dated *September 18, 2001* was prepared by Geo-Etka, Inc. of Orange, California. It was visually determined that the property had not gone through any physical change. Also, additional geotechnical recommendations were made: 1) based on the design criteria, settlement should not exceed 0.2 inch for the continuous footings and 0.5 inch for the isolated pad footings, 2) to reduce the potential for excessive cracking and/or heaving on concrete flatwork areas, the concrete should be a minimum of 4 inches thick and be provided with construction or weakened plane joints at frequent intervals (e.g. every 6 feet or less) and 3) a 4 inch thick layer of crushed rock, gravel or clean sand along with moisture conditioning the sub-grade are also recommended for the concrete flatwork areas. Reinforcing the slabs may also be considered.

To affirm that the proposed development will assure stability and structural integrity, neither create nor contribute significantly to geologic instability or destruction of the site or surrounding area and to assure that risks to life and property are minimized, Special Condition No. 1 must be imposed which requires the submission of final plans that incorporate the geologist's recommendations into the final design and construction plans of the proposed project.

As demonstrated by the geotechnical recommendations to assure stability and structural integrity of the applicants' property, development in this area is potentially hazardous. Therefore, the Commission finds it is necessary to require the recordation of an assumption-of-risk deed restriction regarding geotechnical hazards (Special Condition No. 2). With this waiver of liability condition, the applicants are notified that the home is being built in an area that is potentially subject to geologic hazards that could damage the applicants' property. Given that the applicants have chosen to carry out the development despite these risks, the applicants must assume the risks. The applicants are also notified that the Commission is not liable for such damage as a result of approving the permit for development. The condition also requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of a failure of the development to withstand hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from. Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

2. Wave Uprush and Flooding Hazards and Assumption of Risk

The subject site is located on a beachfront parcel, northwest of the municipal pier within the Old Town area of Seal Beach (Exhibit #1). Presently, there is a wide sandy beach between the subject property and the ocean. This is attributed in part to the presence of the San Gabriel River jetty located just north of the subject site, providing some protection from wave activity. According to the *Wave Runup Study 110 Ocean Avenue, Seal Beach, CA prepared by Skelly Engineering dated June 2001 Prepared For Mr. & Mrs. Caesar C/O Brent A. Sears, Architect*, the lot is fronted by a wide sandy beach, approximately 650 feet wide. The seaward edge of the structure is 84 feet from this property line; therefore, based on the information provided, the residence is approximately 734 feet from the mean high tide line. This wide sandy beach presently provides homes and other structures in the area some protection against wave uprush and flooding hazards. However, similar to the City's Surfside area, southeast of the subject site, the wide sandy beach is the only protection from wave uprush hazards.

In 1983, severe winter storms caused heavy damage to beachfront property in the vicinity of the municipal pier as well as to the area known as Surfside, southeast of the pier, and to Anaheim Bay (Exhibit #1). The beaches in these parts of the City do not adequately buffer beachfront homes from wave uprush during heavy storm event, such as those in 1994 and 1998. Since then, the Commission has required assumption-of-risk deed restrictions for new development on beachfront lots in Seal Beach. During heavy winter storms, such as those most recently in 1998, temporary sand berms were constructed between the ocean and homes immediately northwest and southeast of the municipal pier to provide some protection against wave uprush and flood hazards. However, some flooding was still encountered.

Section 30253 (1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Based on historic information and current conditions at the subject site, the proposed development is located in an area that could potentially be hazardous. However, the risk is reduced if there is a wide sandy beach in front of the residence, such as the one in front of the project site. The beach is currently approximately 650 feet wide in front of the existing residence and the San Gabriel River jetty provides substantial protection from wave activity. In addition, past flooding in the Seal Beach area has not caused damage to this site or those in the immediately vicinity. According to the information available, areas south of the pier have been most directly affected by strong storm events. The proposed project is located northwest of the pier and also there is a wide sandy beach in front of the residence, therefore, the proposed project is located in an area that is potentially less hazardous.

To further analyze the suitability of the site for the proposed development, a *Wave Runup Study 110 Ocean Avenue, Seal Beach, CA prepared by Skelly Engineering dated June 2001 Prepared For Mr. & Mrs. Caesar C/O Brent A. Sears, Architect* was submitted with the project. The report concludes the following:

"In conclusion, wave runup and overtopping will not significantly impact this property over the life of the proposed development. Most likely runup will never reach the site in the next 100 years. The proposed development and existing development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding."

However, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect 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. 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. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1994 and 1998, resulting in future wave and flood damage to the subject property.

Therefore, the Commission finds that it is necessary to require the recordation of an assumption-of-risk deed restriction regarding wave uprush and flooding hazards (Special Condition No. 2). With this standard waiver of liability condition, the applicants are notified that the home is being built in an area that is potentially subject to flooding and wave uprush hazards that could damage the applicants' property. Given that the applicants have chosen to carry out the development despite these risks, the applicants must assume the risks. The applicants are also notified that the Commission is not liable for such damage as a result of approving the permit for development. The condition also requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of a failure of the development to withstand hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability.

The assumption-of-risk condition is consistent with prior Commission actions for homes in Seal Beach since the 1982-83 El Nino storms. For instance, the Executive Director issued coastal development permit 5-97-380 (Haskett) with an assumption-of-risk deed restriction for an improvement to an existing home. In addition, the Commission has consistently imposed assumption-of-risk deed restrictions on construction of new beachfront homes throughout Seal Beach, whether on vacant lots or in conjunction with the demolition and replacement of an existing home (as is the case of the proposed development). Examples include coastal development permits for similar projects in Seal Beach including 5-00-466 (Steffensen), 5-99-477 (Watson), 5-99-372 (Smith), 5-99-072 (Vivian) and administrative permits 5-86-844 (Baldwin), 5-86-153 (Kredell), and 5-85-437 (Arnold).

3. Wave Uprush and 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: (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 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. The proposed project involves the demolition of an existing structure and construction of a new single family residence. The proposed single family home is new development. Allowing new development that would eventually require a shoreline protective device would conflict with Section 30251 of the Coastal Act; which states that permitted development shall minimize the alteration of natural landforms, including beaches which would be subject to increased erosion from such devices.

In the case of the current project, the applicants do not propose the construction of any shoreline protective device to protect the proposed development. However, as previously discussed, areas of Seal Beach have experienced flooding and erosion during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed residence may be subject to in the future. The Commission notes that the construction of a shoreline protective device on the proposed project site would result in potential adverse effects to coastal processes, shoreline sand supply and public access.

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 affect 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 landward in a 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 can 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 and also shall not require the construction of a shoreline protective device. 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.

The applicants are not currently proposing a seawall and do not anticipate the need for one 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 a

wide sandy beach in front of the subject lot and the San Gabriel River jetty to the north provides substantial protection from wave activity. 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 and also shall not require the construction of a shoreline protective device, Special Condition No. 3 requires the applicants to record a deed restriction that would prohibit the applicants, 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 including the residence and seaside balconies. This condition is necessary because it is impossible to completely predict what conditions the proposed residence may be subject to in the future.

By accepting the "No Future Shoreline Protective Device" special condition, the applicants agree 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 applicants also agree to remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above.

4. 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 No. 1, 2, and 3 require the applicants to prove conformance with geotechnical recommendations, to record an assumption-of-risk deed restriction regarding geotechnical hazards, wave uprush and flooding hazards and to record a no future shoreline protective devices deed restriction. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. VISUAL IMPACTS

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 applicants are proposing to demolish an existing single family residence and a detached one story accessory structure in the rear and construction of a new single family residence. The proposed residence would conform to the informal stringline established by an abandoned right-of-way (Exhibits #3). The abandoned alley runs between, and parallel to, Ocean Avenue and the beach. The abandoned alley extends across the middle of the lots located both north of the Seal Beach municipal pier and seaward of Ocean Avenue. The City has established the landward edge of the abandoned alley as the limit, or stringline, for seaward encroachment of enclosed living space and the City has established the seaward edge of the abandoned alley as the limit, or stringline, for seaward encroachment of new patios or decks. The enclosed living area of the proposed home would not encroach past the inland boundary of the abandoned street right-of-way that the City uses as the stringline for beach front development of residential structures. In addition, the proposed decks would not encroach past the seaward boundary of the abandoned

street right-of-way that the City uses as the stringline for beach front development of new patios and

The proposed home would be similar in height to the majority of homes along Ocean Avenue, which are also 3 stories on the beach side and 2 stories on the street side. Further, the new 6 foot high wall is setback 84 feet from the seaward property line. Other homes in the area also have high, solid walls. The wall on the seaward property line would be stringlined with other adjacent walls, which are all at the seaward property line. Therefore, the proposed development would be in character and visually compatible with surrounding development. In addition, the proposed development occurs in an area with wide sandy beaches. Since the proposed development will not encroach seaward past existing development in the area, no existing public views along the shoreline would be blocked.

Since the proposed development will not block public views to and along the coast and is visually compatible with the surrounding character of the area, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

E. 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 located between the nearest public roadway and the shoreline. The proposed development would not result in an intensification of use on site because it is demolition and reconstruction of a single family residence. The proposed development would provide 2 parking spaces, which is sufficient to prevent adverse impacts on public parking.

The proposed development would not result in direct adverse impacts, either individually or cumulatively, on physical vertical or lateral public access. Vertical public access to the beach in front of the subject site is available approximately 135 feet north of the subject site at the end of 1st Street and approximately 75 feet south of the subject site at the end of 2nd Street (Exhibits #1-2). These vertical accessways lead to the public beach providing unobstructed lateral access. The proposed project will not affect access to any vertical walkway, or obstruct existing lateral access.

The proposed project would not result in direct adverse impacts, either individually or cumulatively, on vertical or lateral public access. Public access and public recreation opportunities exist nearby at the public beach located between the subject site and the water. Therefore, 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 would be consistent with Section 30212 of the Coastal Act.

F. 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 protection of water quality is an important aspect of the Coastal Act. Water from the project site lot will flow into the City of Seal Beach's Storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

In order to minimize adverse impacts to water quality, the applicants have stated that they will provide water filtration interceptors attached to rain gutters that will collect water, debris and hydrocarbons from storm runoff. The water run-off will then be directed and filtered into catch basins which will disperse water off-site. Although these BMP's appear to reduce water pollution on site, the amount of water run-off on site does not appear to be reduced. Therefore, a drainage and runoff control plan showing the applicants' proposed water pollution BMP's and also showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas is required.

The use of invasive vegetation on site for landscaping areas could have adverse impacts on the sustainability of any existing native vegetation and the visual quality of the public beach. The project site is located immediately adjacent to a public beach and provides public vertical access to the public beach. Development, if not properly regulated, could adversely effect the sustainability of any existing native vegetation and the visual quality of the public beach. Use of invasive vegetation could adversely affect the sustainability of any existing native vegetation and the visual quality of the beach. Consequently, to minimize any affect on any native vegetation in the are, invasive vegetation which would supplant native species should not be used.

Therefore, to lessen the potential for pollutants to enter the storm drain system and to reduce water run-off at the subject site, the Commission imposes Special Condition No. 4. Special Condition No. 4 requires the applicants to submit a drainage and runoff control plan showing the applicants water pollution BMP's stated in a letter dated November 13, 2001 as well as showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. In addition, vegetated areas shall prohibit invasives. By implementing this condition, the project will be in compliance with Sections 30231 of the Coastal Act.

G. 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.

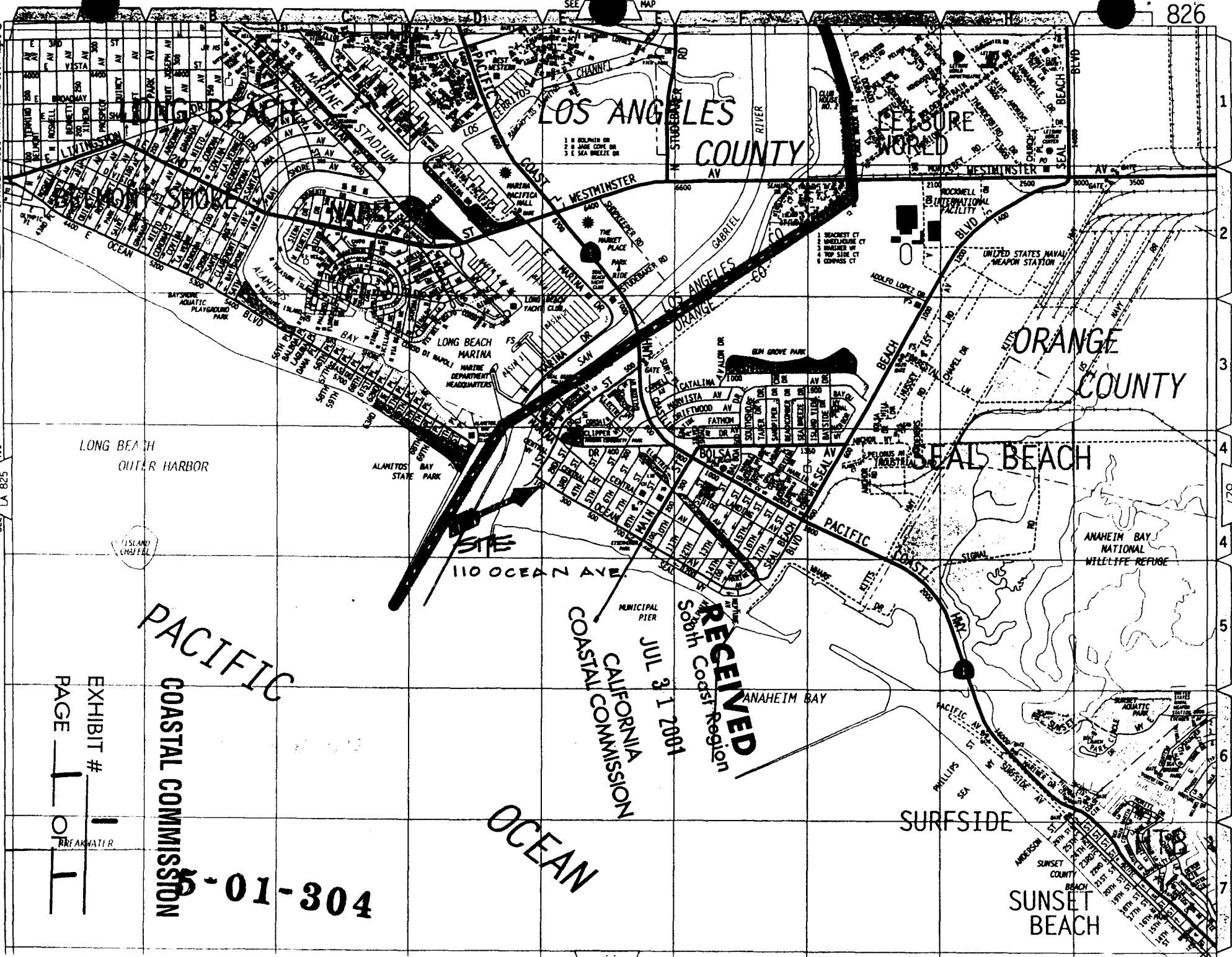
The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed development as conditioned would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies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

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 27380.5 (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 infrastructure necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard policies of Chapter 3 of the Coastal Act. Conditions imposed are: 1) conformance with geologic recommendations, 2) the recordation of assumption-of-risk deed restriction regarding geotechnical hazards, wave uprush and flooding hazards, 3) the recordation of a no future shoreline protective device deed restriction will minimize all significant adverse effects which the activity may have on the environment and 4) submittal of a drainage and run-off control plan.

As conditioned, no feasible alternatives or further 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 the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.



PACIFIC

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EXHIBIT #

PAGE 1

1 of 1

CALIFORNIA COASTAL COMMISSION

JUL 31 2001

RECEIVED
South Coast Region

SURFSIDE

SUNSET BEACH

ANAHEIM BAY NATIONAL WILDLIFE REFUGE

ORANGE COUNTY

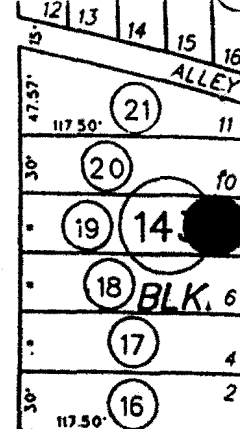
LOS ANGELES COUNTY

LEISURE WORLD

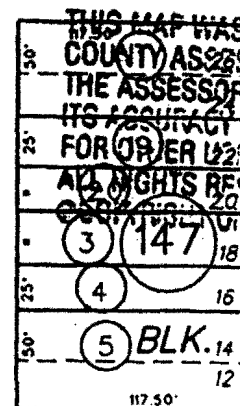
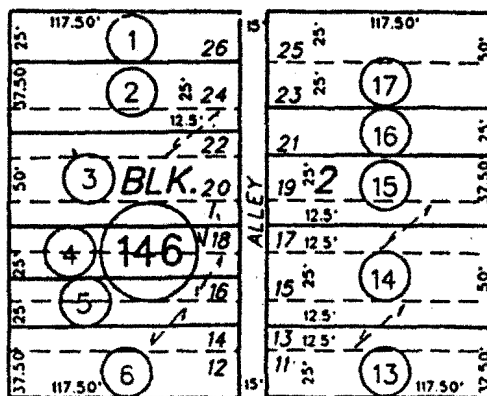
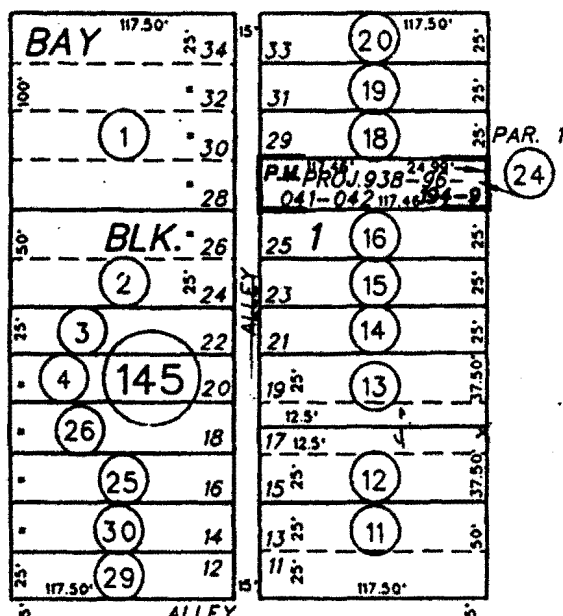
LONG BEACH OUTER HARBOR

ISLAND CHAPEL

BREAKWATER



60 CENTRAL



THIS MAP WAS
COUNTY ASSESSOR
THE ASSESSOR
ITS AGENCY
FOR OR PER U.S.
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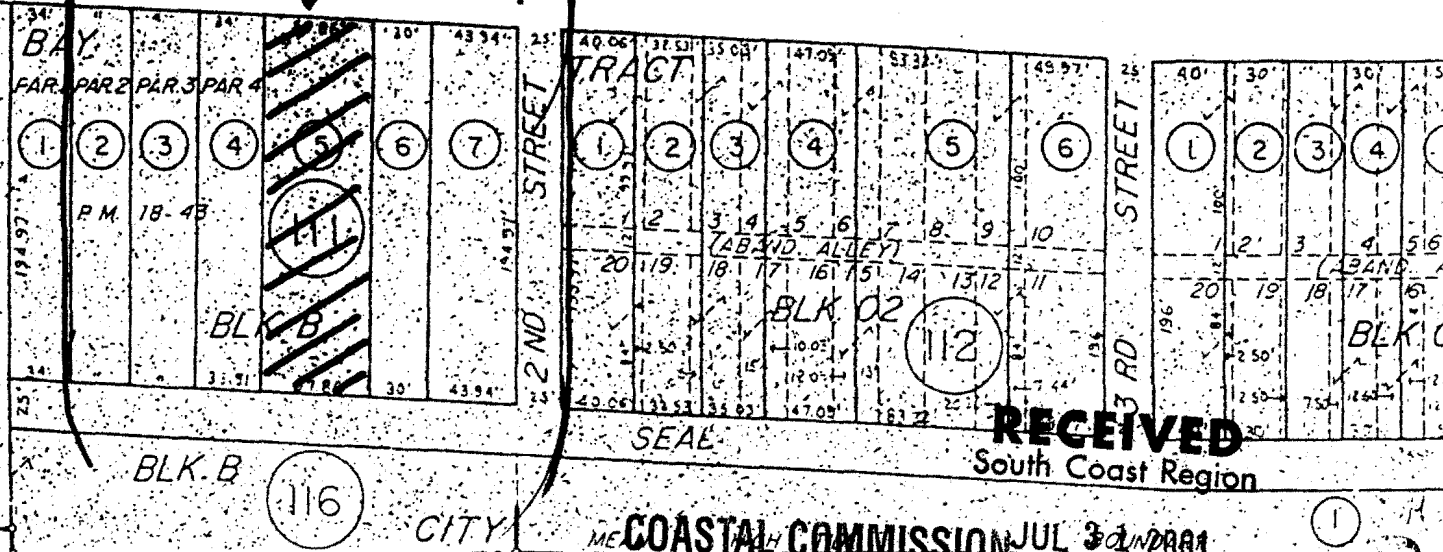
FIRST

SECOND

THIRD

OCEAN

PROJECT
SITE



RECEIVED
South Coast Region

COASTAL COMMISSION JUL 31 1981

Book 199

EXHIBIT #

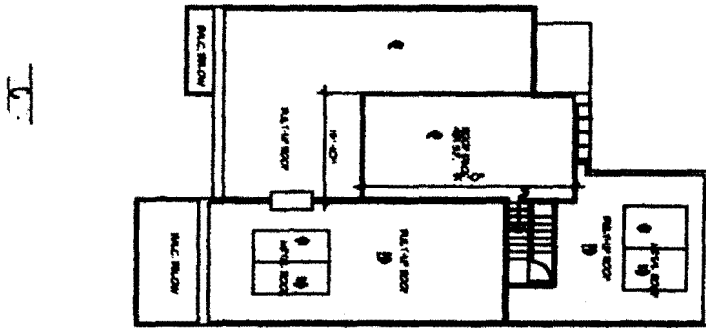
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CALIFORNIA
COASTAL COMMISSION

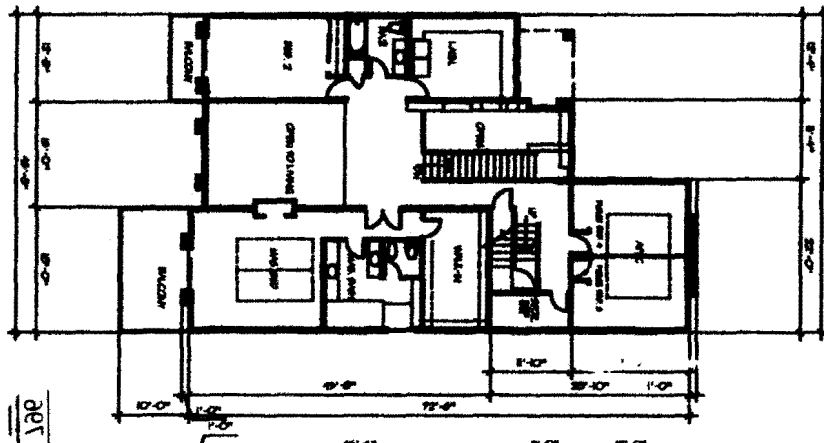
PAGE 1 OF 1

OF

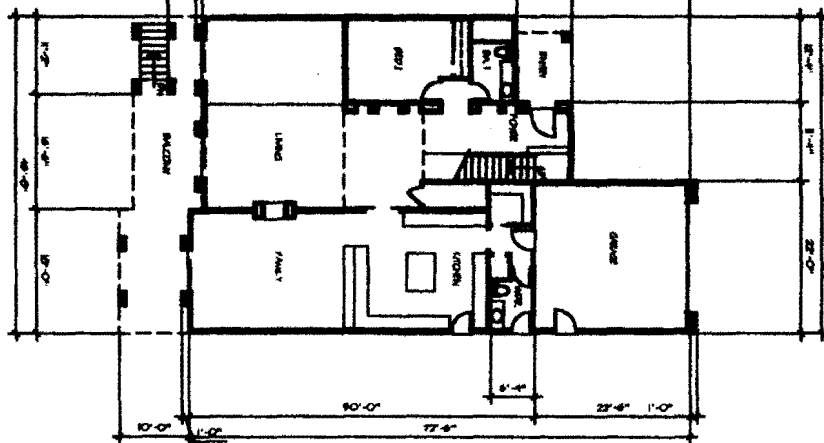
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SCALE 1/8" = 1'-0"



SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



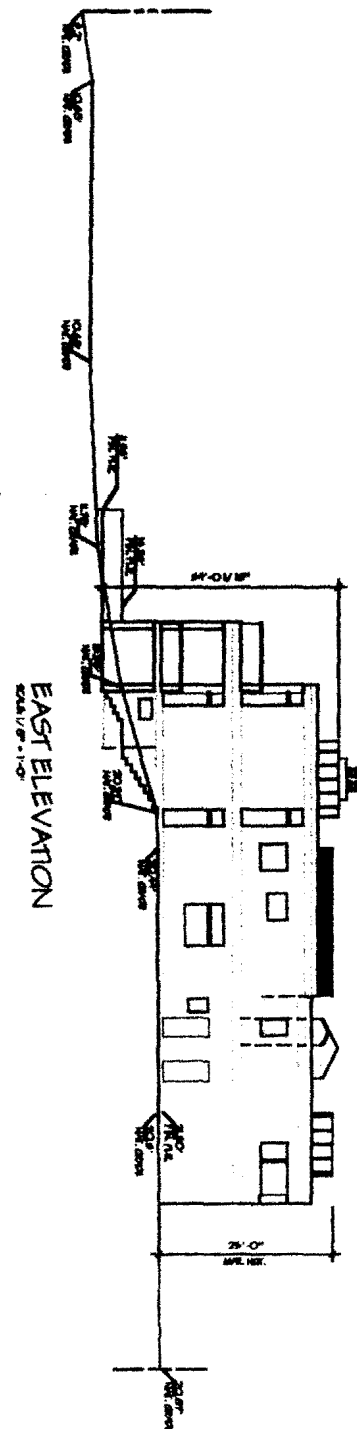
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1

A-2	Sheet Number	Drawn By	Date	Noted By	Noted Date	CUSTOM RESIDENCE FOR Vance & Carol Ann Caesar 110 OCEAN AVE., SEAL BEACH	Brent A. Sears ARCHITECT 281 Argonne Ave. # 210, Long Beach, CA 90801 Telephone 542-0899



COASTAL COMMISSION

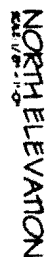
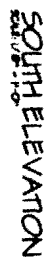
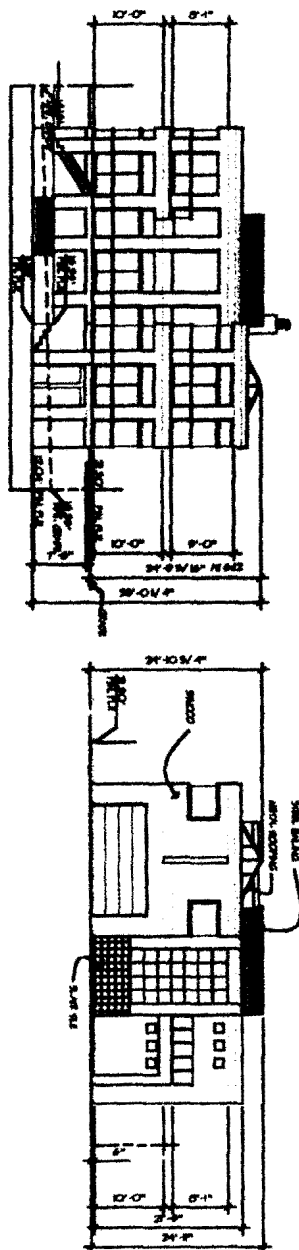
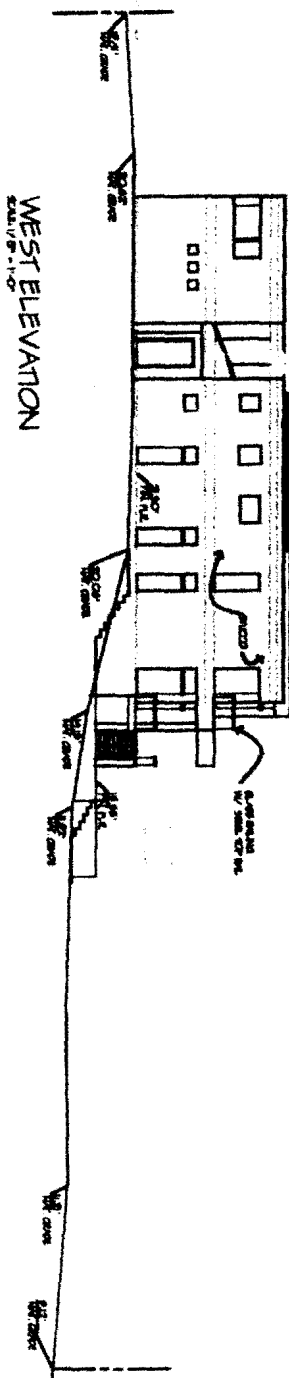


EXHIBIT # 5

PAGE 1 OF 1

CUSTOM RESIDENCE
FOR
Vance & Carol Ann Caesar

116 OCEAN AVE., SEAL BEACH

Brent A. Sears
ARCHITECT

293 Argonne Ave. # 212, Long Beach, CA 90803 Telephone (562) 438-8938

A-3

