

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5074

Filed: June 5, 2002  
49th Day: July 24, 2002  
180th Day: December 2, 2002  
Staff: FSY-LB FSY  
Staff Report: July 18, 2002  
Hearing Date: August 6-9, 2002  
Commission Action:

**TU 4a****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-419**APPLICANT:** Ross & Cathy Tesser**RECORD PACKET COPY****AGENT:** Christina Filander**PROJECT LOCATION:** 608 Ocean Avenue, City of Seal Beach, County of Orange

**PROJECT DESCRIPTION:** Addition of 1,354 square feet and remodel to an existing single family residence and 2-car garage. Also, the project will include a new: swimming pool, shower area, pool equipment area, landscaping, side yard gates, stairways and a rear property line wall and gate. Grading will consist of 2,108 cubic yards of cut. The construction debris will be disposed of outside of the coastal zone. The enclosed living area located on the first floor will be pulled back so it will no longer encroach past the inland boundary of the abandoned street right-of-way.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **APPROVAL** of the proposed project with a special condition requiring a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report. 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 5-01-304 (Caesar), 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-9273-00) at 608 Ocean Avenue prepared for Mr. & Mrs. Tesser by Geo-Etka, Inc., dated September 29, 2000; Partial Geotechnical Response to Notice of Incomplete Application Letter (Job No. F-8830-99) by Geo-Etka, Inc., dated March 25, 2002; Partial Geotechnical Response to Notice of Incomplete Application Letter (Job No. F-8830-99) by Geo-Etka, Inc., dated May 10, 2002; Wave Runup Study, 608 Ocean Avenue, Seal Beach, CA prepared by Skelly Engineering dated October 2001 Prepared For Mr. Ross Tesser; Letter from staff to Christina Filander dated November 21, 2001; Letter from Christina Filander to staff dated December 1, 2001; Letter from staff to Christina Filander dated January 2, 2002; Letter from Christina Filander to staff dated March 28, 2002; Letter from staff to Christina Filander dated April 25, 2002 and Letter from Christina Filander to staff dated May15, 2002.

**LOCAL APPROVALS RECEIVED:** City of Seal Beach Approval-in-Concept dated June 5, 2002

## LIST OF EXHIBITS

1. Location Map
  2. Assessor's Parcel Map
  3. Site Plan
  4. Floor Plans
  5. Elevations
- 

### 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. 5-01-419 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. **Assumption of Risk, Waiver of Liability and Indemnity**

- A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding and wave uprush ; (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.

#### 2. **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. 5-01-419 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, pool, terraces, 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.

#### 3. **Future Development**

- A. This permit is only for the development described in Coastal Development Permit No. 5-01-419. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development

Permit No. 5-01-419. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, change in use to a permanent residential unit, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-419 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**4. Drainage and Run-Off Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for review and approval of the Executive Director, a drainage and runoff control plan showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants which are non-invasive.
- 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.

**5. Landscaping Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit a landscaping plan to the Executive Director for review and approval. The landscaping plans shall show the following change to the project:
  - 1. Landscaping shall only consist of native plants or non-native drought tolerant plants which are non-invasive.
- B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**6. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the 'Standard and Special Conditions'); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any

reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. PROJECT DESCRIPTION AND LOCATION**

The project site is located at 608 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. The project is between the first public road and the sea and there is a wide sandy beach, approximately 350-400 feet wide, between the subject property and the mean high tide line.

The applicants are proposing an addition of 42 square feet to the garage, 46 square feet to the first floor (lower level), 228 square feet to the second floor, 1,038 square feet to the third floor and remodel of an existing two-story with a lower level single family residence with an attached 2-car garage (Exhibits #3-5). The existing structure appears to be 3 stories on the beach side and 2 stories on the street side. Also, the project will include a new: swimming pool, whirlpool, shower area, pool equipment area, landscaping, side yard gates, stairways, barbeque, sink, fireplace and a 6 foot high rear property line wall and gate (Exhibit #3). In addition, the existing second and third floor terraces/balconies will be reduced in square footage. The second floor terrace/balcony will be reduced from 301 square feet to 172 square feet. The third floor terrace/balcony will be reduced from 138 square feet to 81 square feet. Grading will consist of 2,108 cubic yards of cut. The construction debris will be disposed of outside of the coastal zone. The enclosed living area located on the first floor will be pulled back so it will no longer 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 existing second and third floor terraces/balconies will be reduced in size and 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.

##### **B. HAZARDS**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property the development has been conditioned to: require an appropriate set-back from the water, for a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite, prohibit construction of protective devices (such as a seawall) in the future, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future

development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**C. VISUAL IMPACTS**

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

**D. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**E. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**F. DEVELOPMENT ADJACENT TO THE BEACH**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**G. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Standard and Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**H. LOCAL COASTAL PROGRAM**

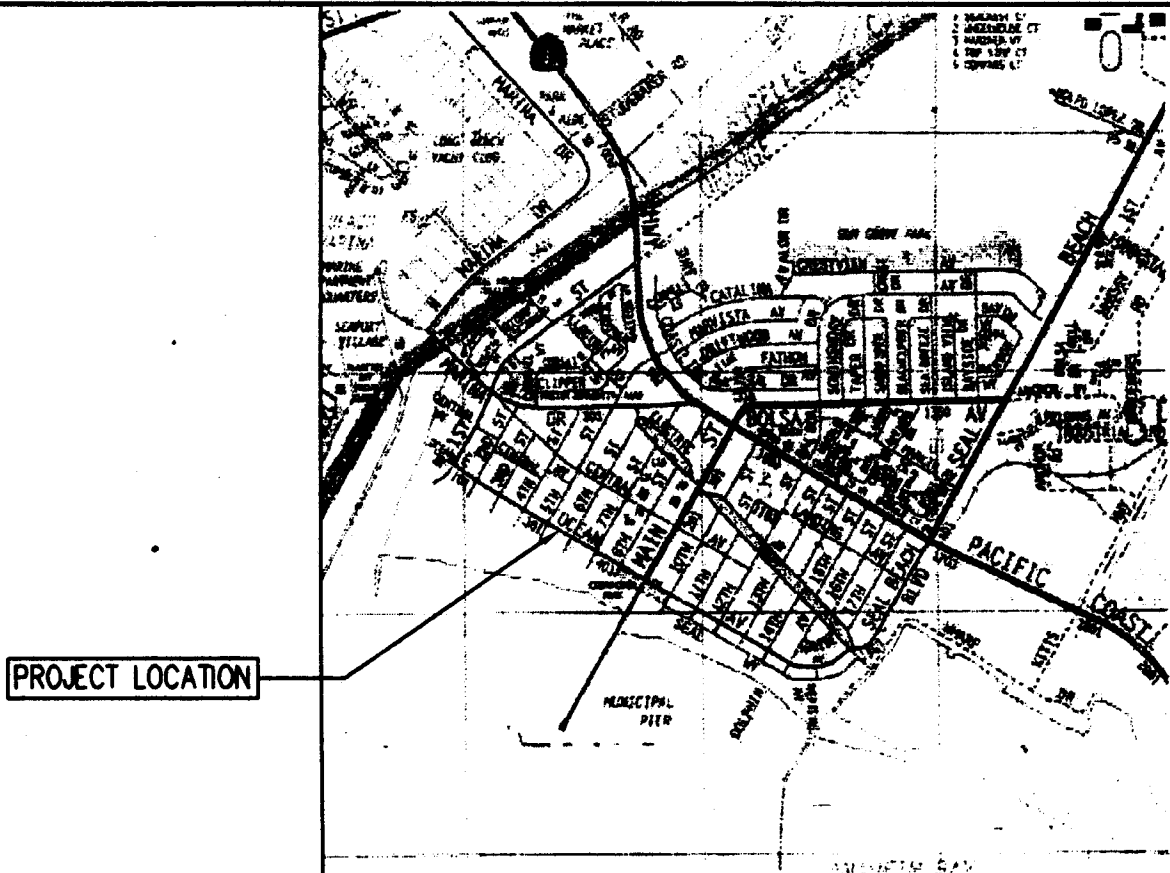
The City of Seal Beach does not have a certified LUP. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**I. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

H:\fsy\Staff Reports\Aug02\5-01-419-[Tesser]CC(SB)

# VICINITY MAP



# LOCATION MAP

5-01-419

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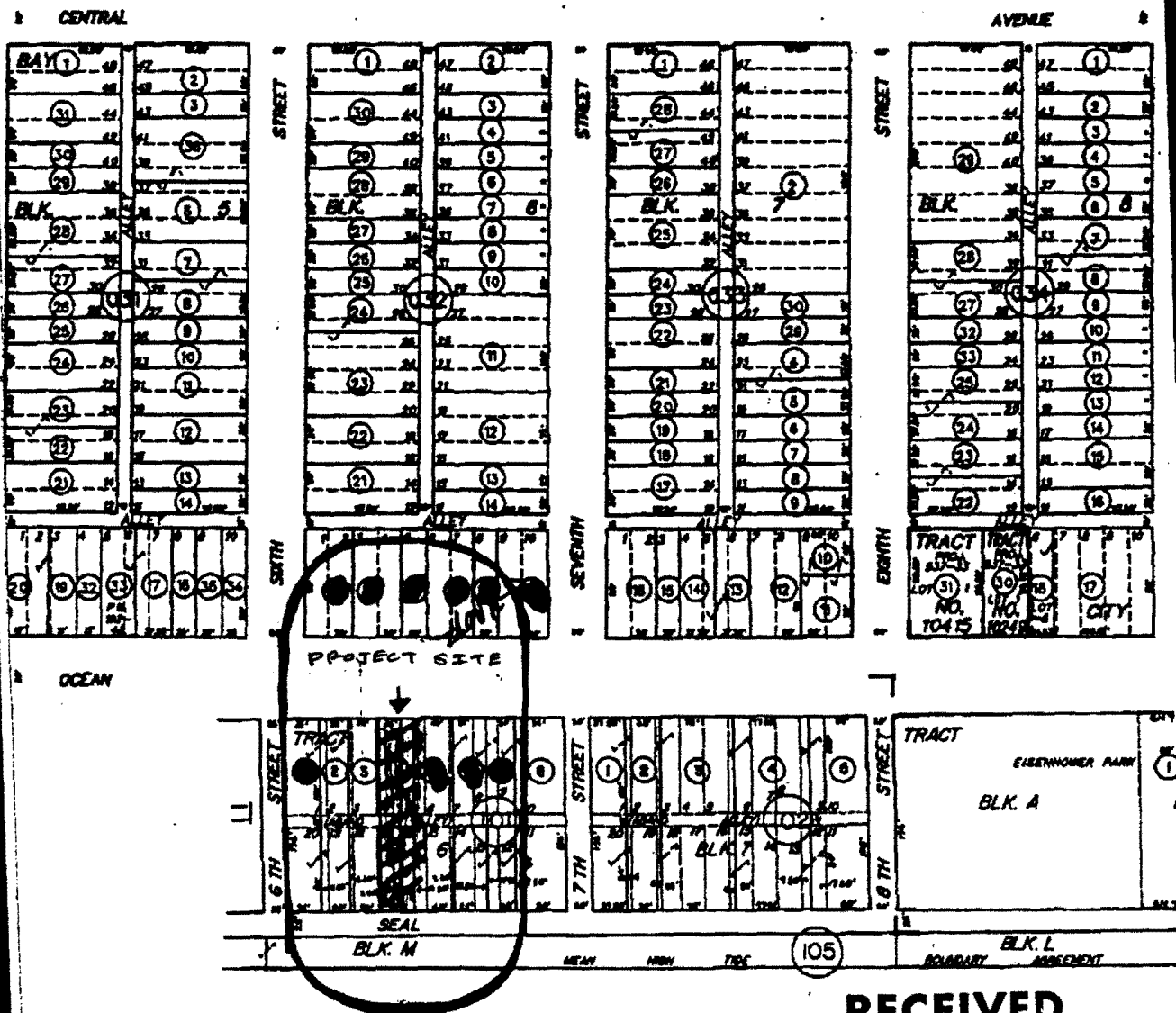
OCT 25 2001

CALIFORNIA  
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EXHIBIT # 1  
PAGE 1 OF 1





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OCT 25 2001

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MARCH 1983

SEAL BEACH PIER  
TRACT NO. 2  
TRACT NO. 1009  
PARCEL MAP

M.M. 9-3  
M.M. 33-16  
P.M. 173-20

NC

**COASTAL COMMISSION**

EXHIBIT # 2

PAGE 1 OF 1

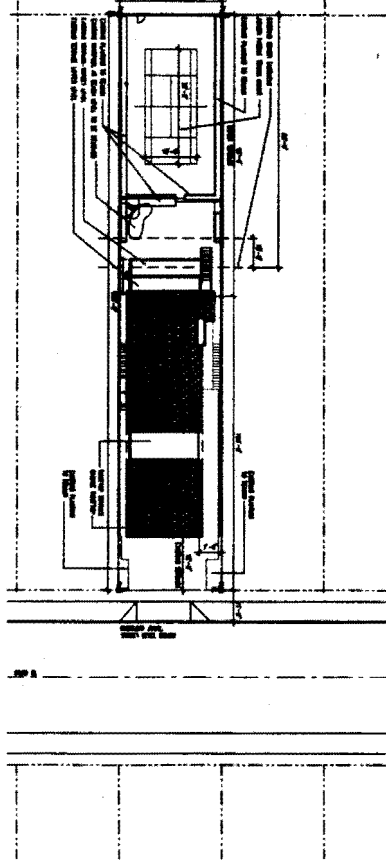
**Ownership Map**

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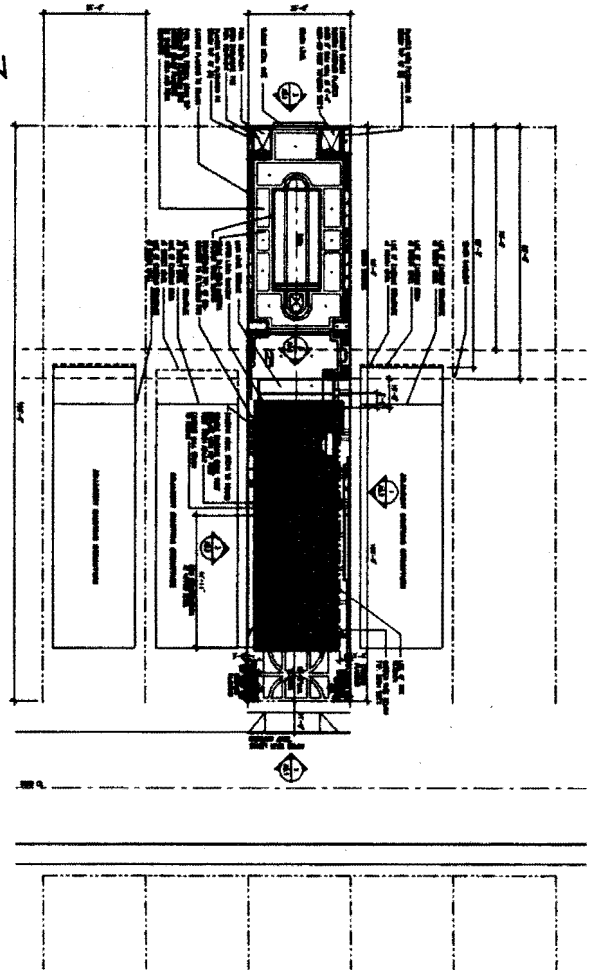
MAY 16 2002

CALIFORNIA  
COASTAL COMMISSION

1 EXISTING SITE PLAN



2 NEW SITE PLAN



THOMSON RESIDENCE  
ON OCEAN  
SEA, BEACH, CALIFORNIA

SITE PLAN

DATE: 10/1/01  
BY: [Signature]  
CHECKED: [Signature]  
APPROVED: [Signature]

A2.1

COASTAL COMMISSION

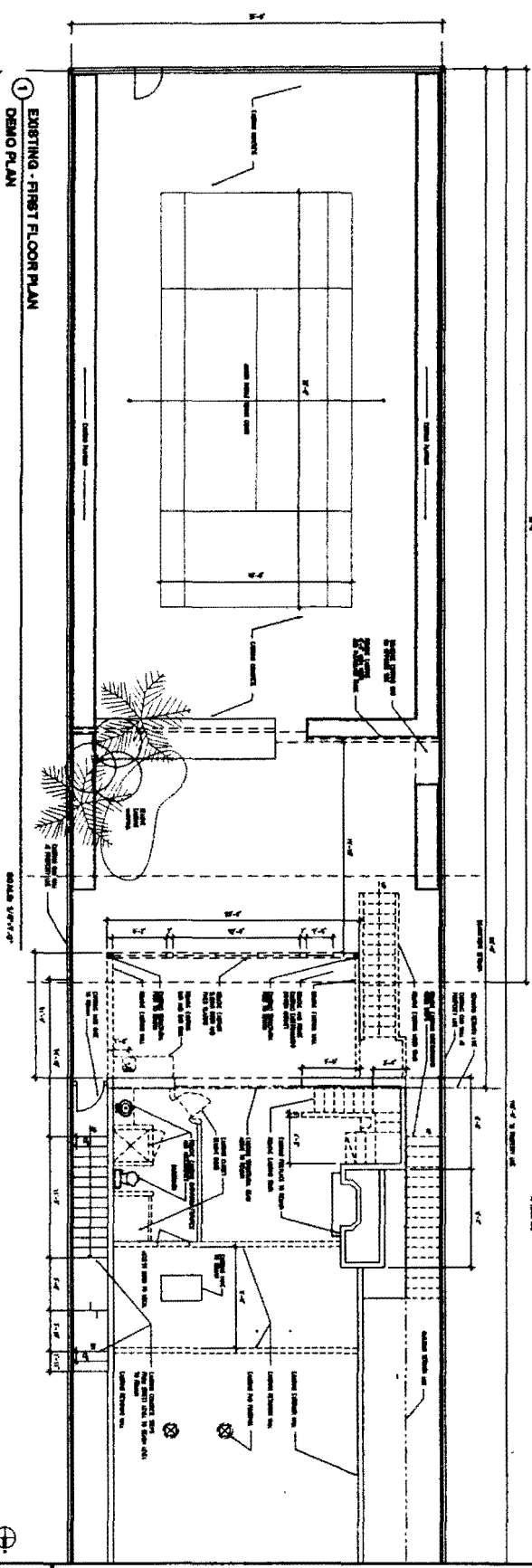
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PAGE 1 OF 1

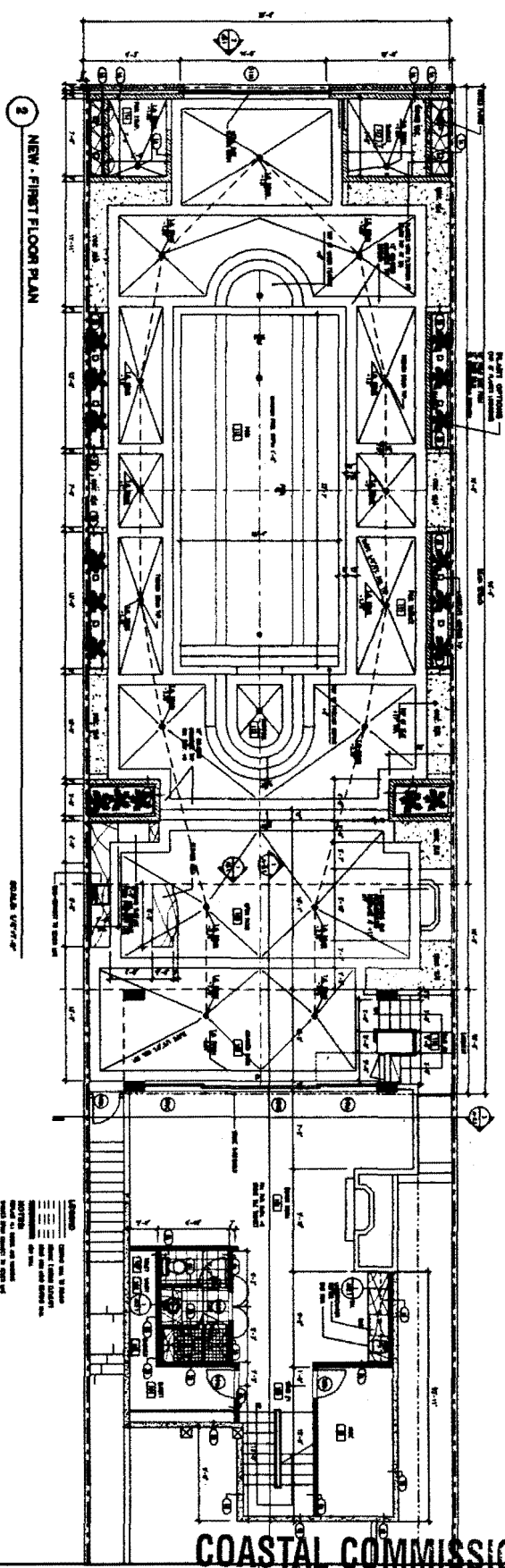
NOTES

1	EXISTING BUILDING
2	EXISTING PARKING
3	EXISTING DRIVEWAY
4	NEW BUILDING
5	NEW PARKING
6	NEW DRIVEWAY
7	NEW LANDSCAPE
8	NEW FENCE
9	NEW SIGN
10	NEW UTILITY
11	NEW WALKWAY
12	NEW BIKEWAY
13	NEW TRAIL
14	NEW BRIDGE
15	NEW TUNNEL
16	NEW DRAINAGE
17	NEW EROSION CONTROL
18	NEW FLOOD PROTECTION
19	NEW WIND PROTECTION
20	NEW SOUND BARRIER
21	NEW LIGHTING
22	NEW SECURITY
23	NEW ACCESS
24	NEW EGRESS
25	NEW ENTRANCE
26	NEW EXIT
27	NEW STAIR
28	NEW ELEVATOR
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1 EXISTING - FIRST FLOOR PLAN  
DEMO PLAN



2 NEW - FIRST FLOOR PLAN



TERRELLER RESIDENCE  
600 OCEAN  
SEAL BEACH, CALIFORNIA

FIRST FLOOR PLAN/BEACH LEVEL  
DATE: 12/1/80  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: 1/8" = 1'-0"

A3.1

COASTAL COMMISSION



THOMSON INTERNATIONAL  
808 OCEAN  
SEAL BEACH, CALIFORNIA

LOWER LEVEL FLOOR PLANS

### A3.2

**COASTAL COMMISSION**

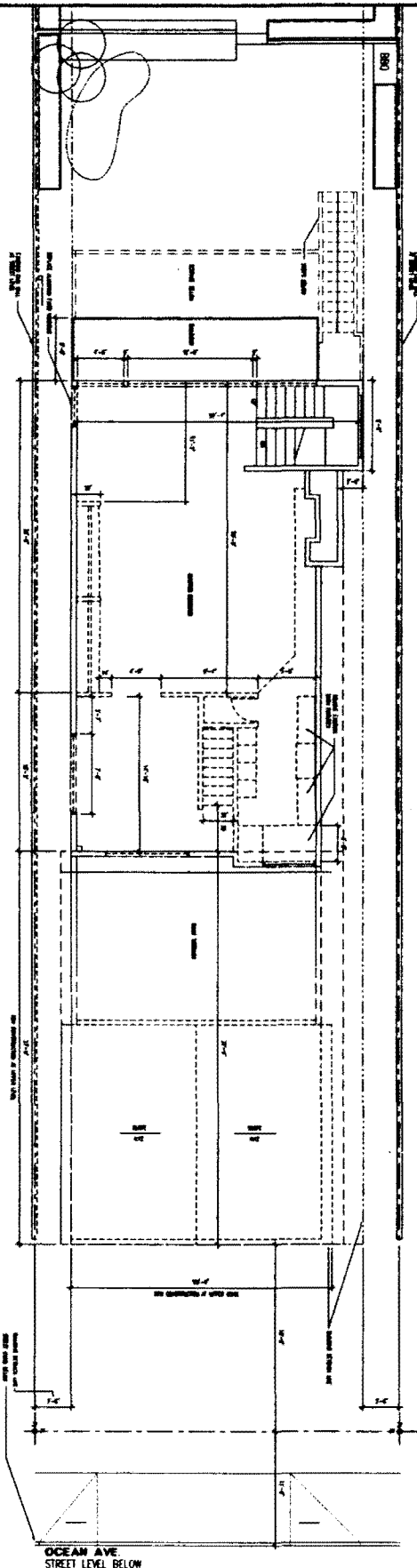
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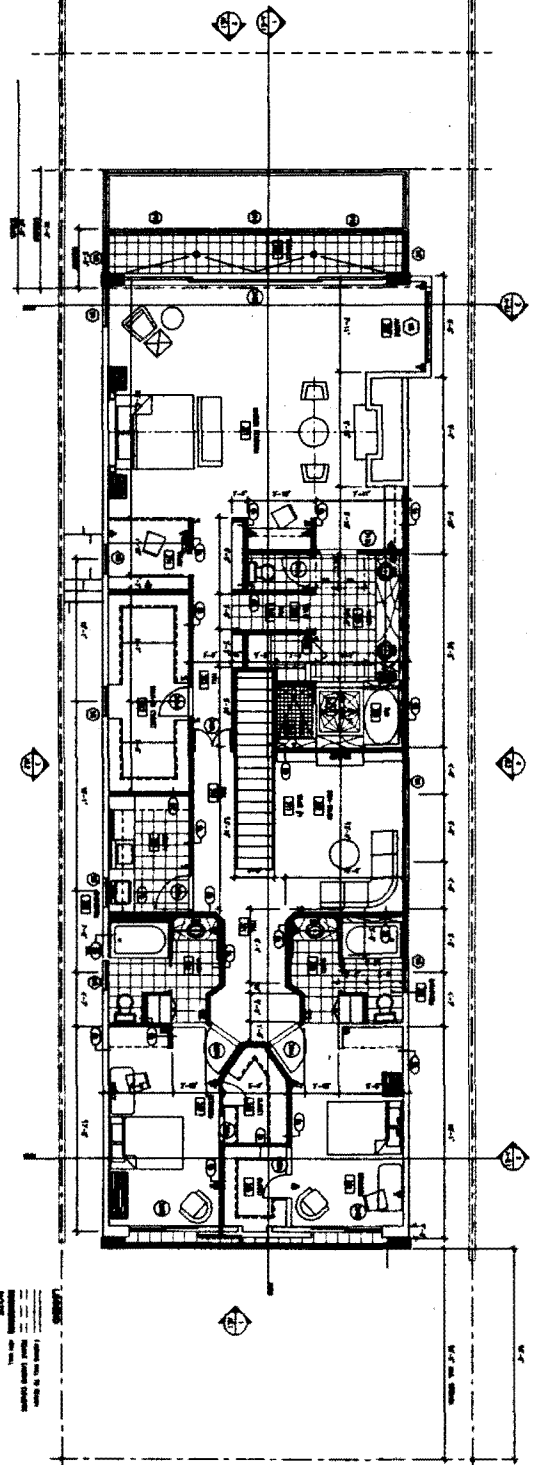
PAGE 2 OF 7

## NOTES

1 EXISTING - THIRD LEVEL FLOOR PLAN  
DEMO PLAN



2 NEW - THIRD LEVEL FLOOR PLAN



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OCEAN AVE.  
STREET LEVEL BELOW

EXHIBIT #

4

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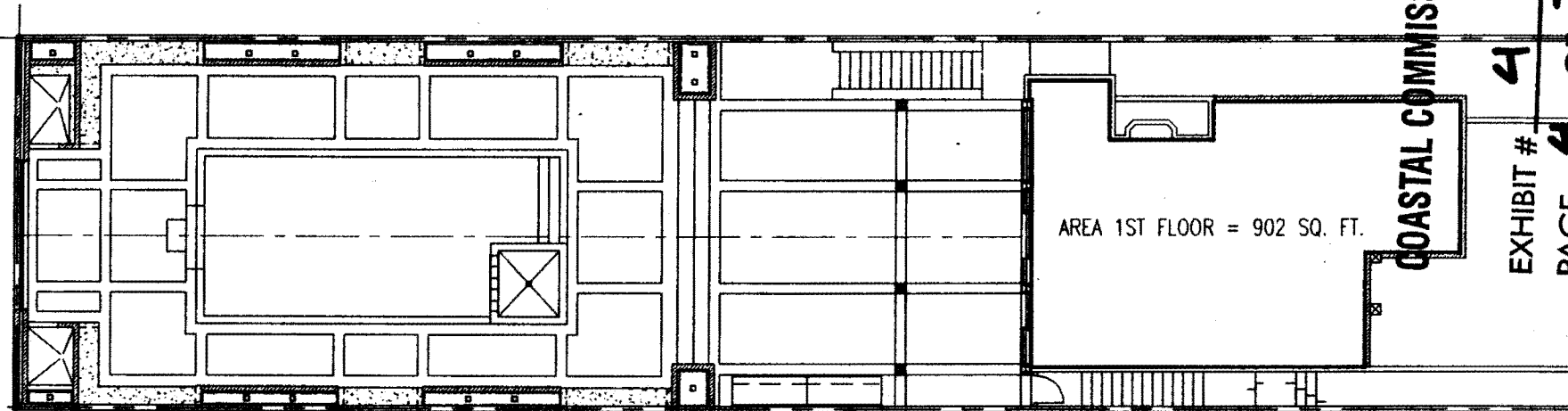
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TERRIER RESIDENCE  
800 OCEAN  
SEAL BEACH, CALIFORNIA

THIRD FLOOR PLAN - UPPER LEVEL

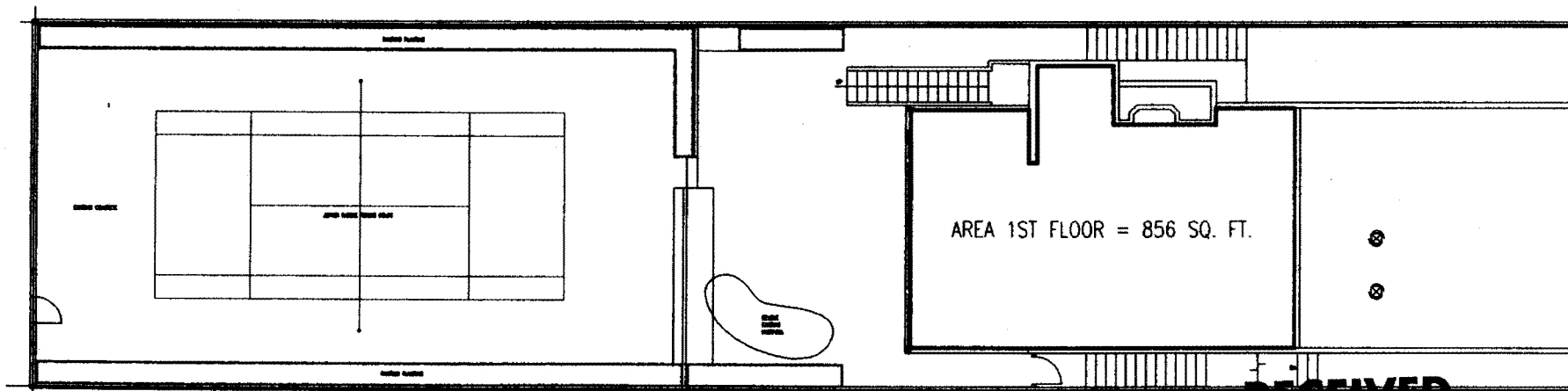
A3.3

NOTE



2 NEW - FIRST FLOOR PLAN

SCALE: 1/16"=1'-0"



1 EXISTING - FIRST FLOOR PLAN

SCALE: 1/16"=1'-0"

COASTAL COMMISSION

4

EXHIBIT #

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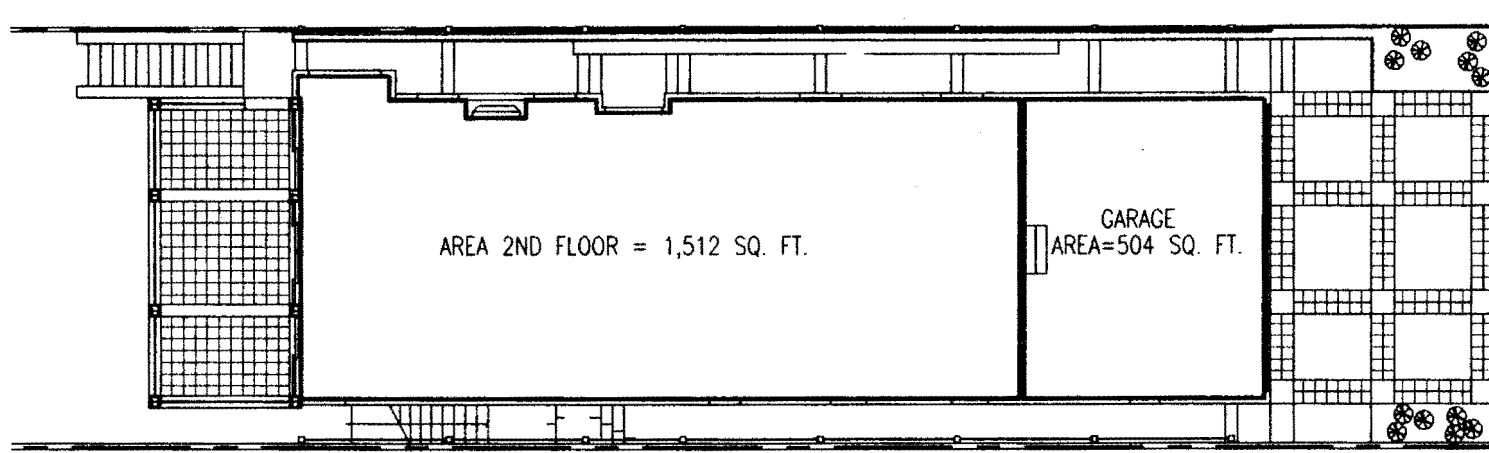
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South Coast Region

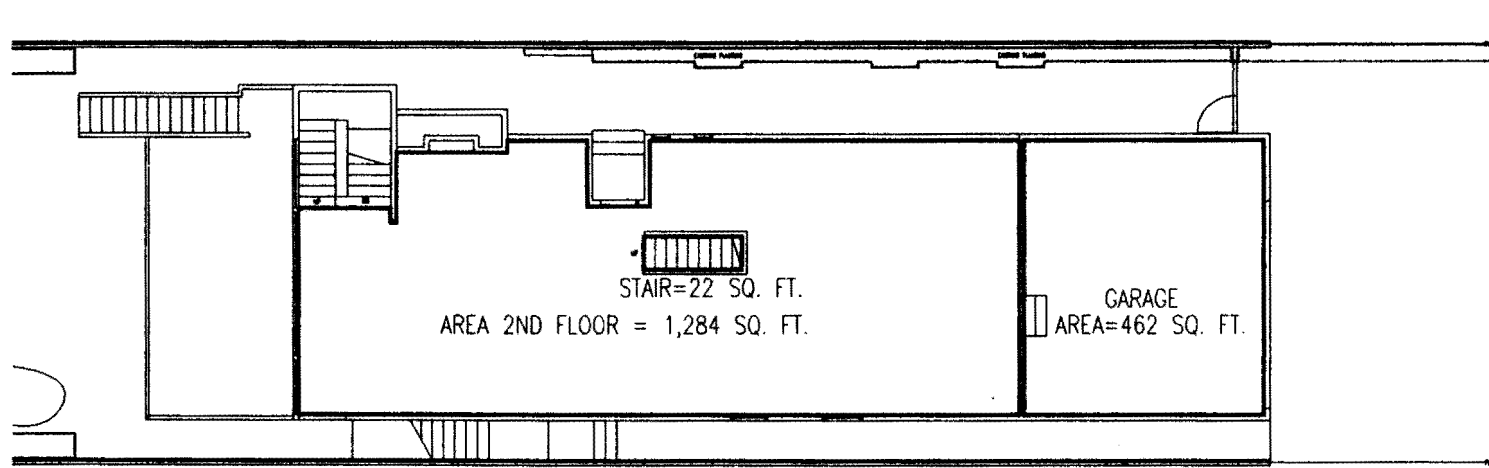
MAR 29 2002

CALIFORNIA  
COASTAL COMMISSION



2 NEW - SECOND FLOOR PLAN

SCALE: 1/16"=1'-0"

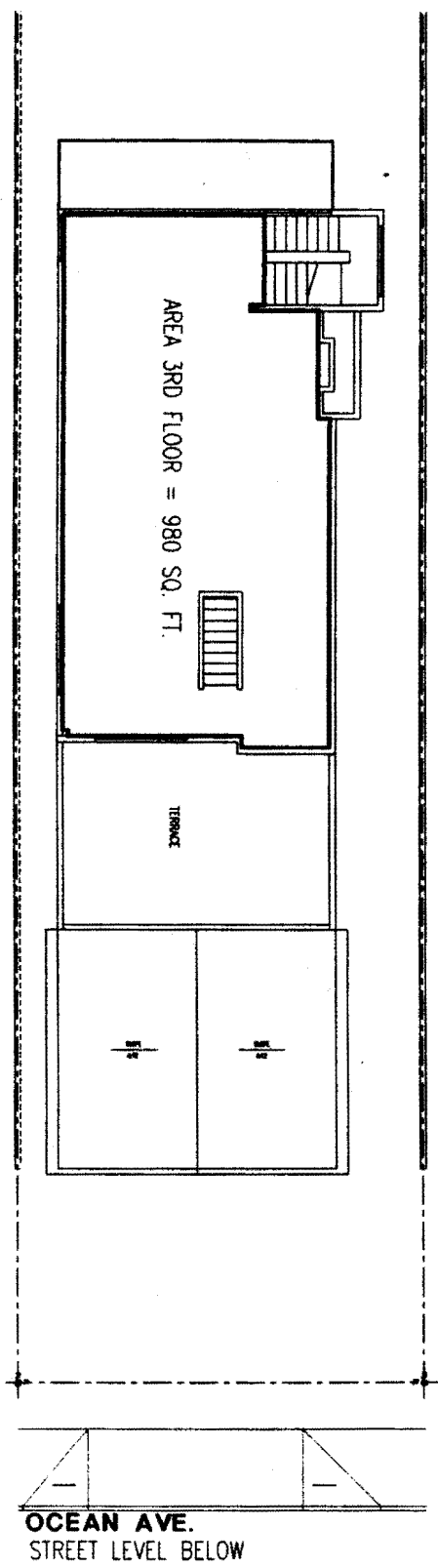


1 EXISTING - SECOND FLOOR PLAN

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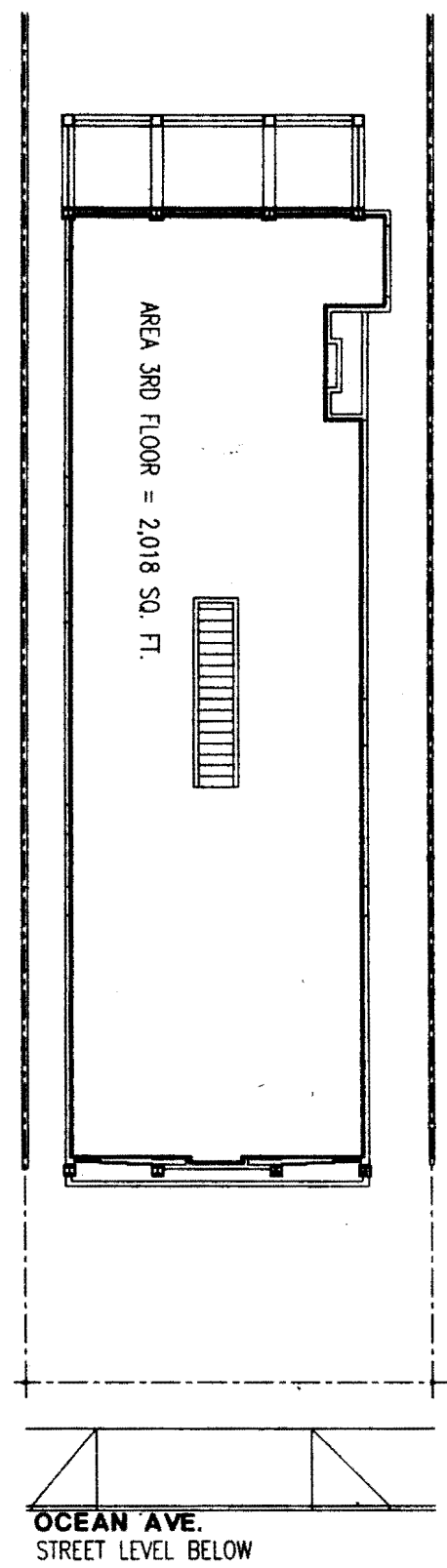
1 EXISTING - THIRD FLOOR PLAN

SCALE: 1/16"=1'-0"



2 NEW - THIRD FLOOR PLAN

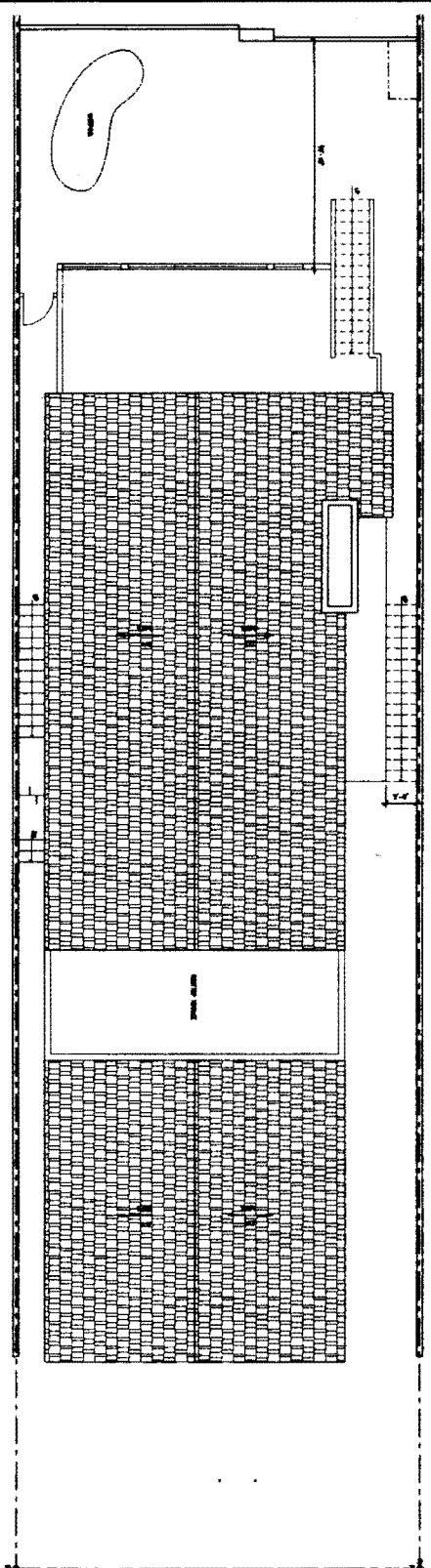
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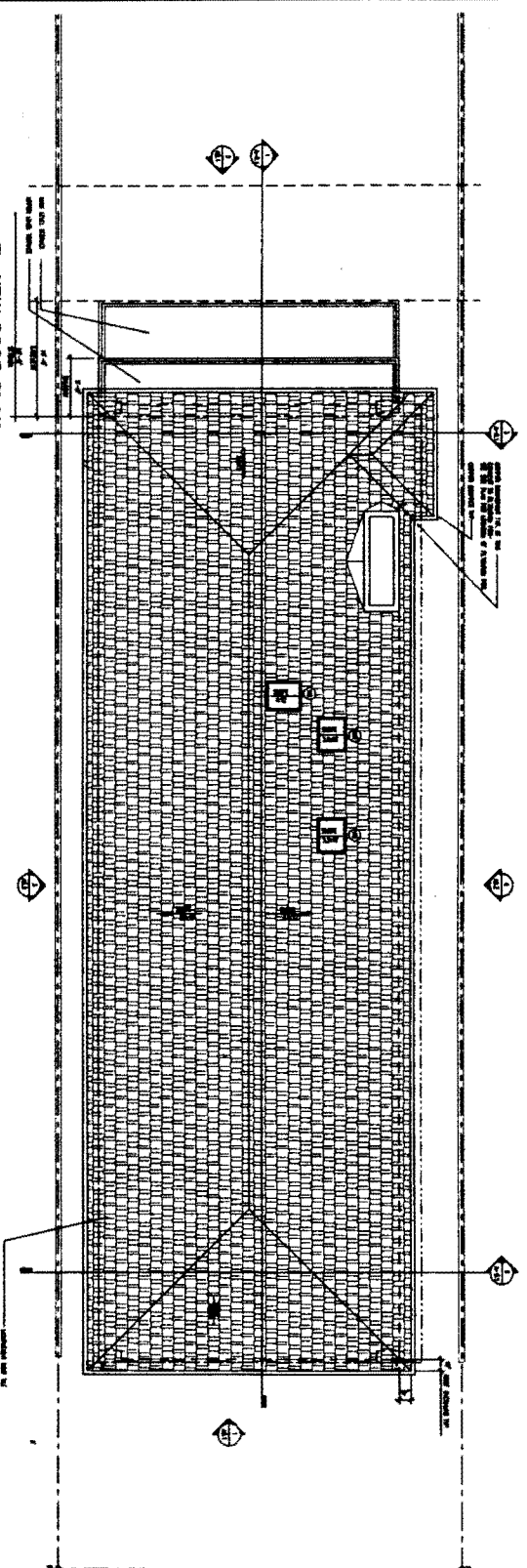
COASTAL COMMISSION



1 EXISTING ROOF PLAN



2 NEW ROOF PLAN



TERRACE RESIDENCE  
500 OCEAN  
SEAL BEACH, CALIFORNIA

ROOF PLAN	
DATE	10/1/78
BY	J. L. BROWN
CHECKED BY	J. L. BROWN
SCALE	1/4" = 1'-0"

A3.4

COASTAL COMMISSION

EXHIBIT # 4

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NOTE	
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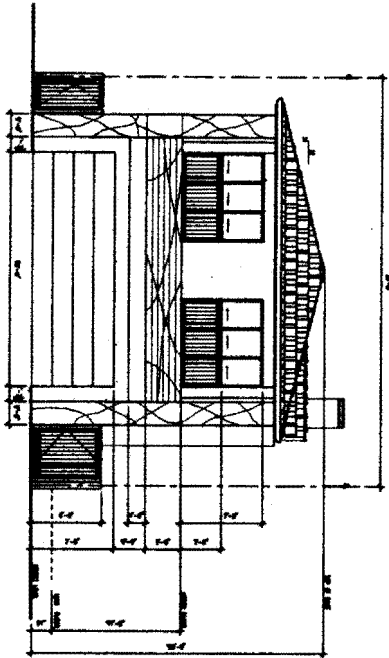
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JUN 6 2002

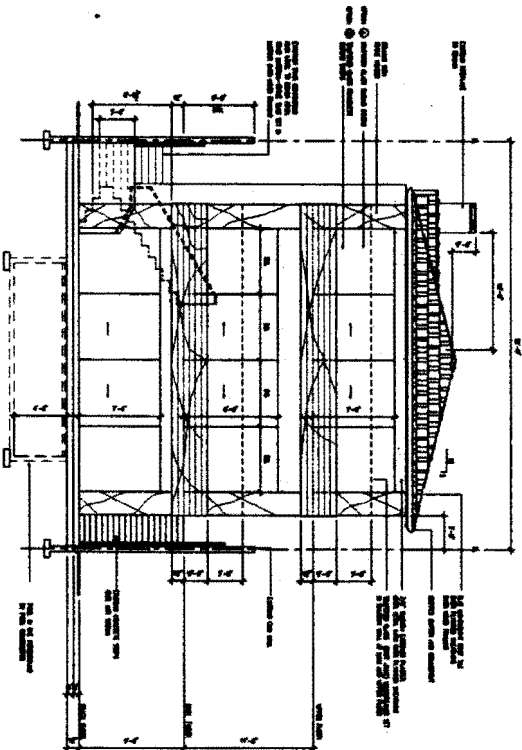
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COASTAL COMMISSION

1 NORTH-STREET ELEVATION



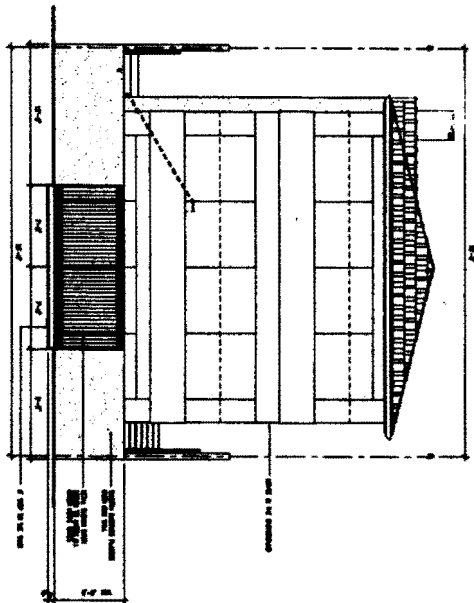
SCALE 1/8"=1'-0"

2 SOUTH-BEACH ELEVATION



SCALE 1/8"=1'-0"

3 SOUTH-BEACH ELEVATION AT SLIDING DOOR GATE



SCALE 1/8"=1'-0"

COASTAL COMMISSION

EXHIBIT # 5  
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TRIMMED PERMANENCE  
SUN OCEAN  
SUN BEACH, CALIFORNIA

EXTERIOR ELEVATIONS  
SUN OCEAN  
SUN BEACH, CALIFORNIA

A5.1

NOTES

