

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

Permit Application No. **5-03-474**
 Date: January 29, 2004
 Page 1 of 4



W 3d

ADMINISTRATIVE PERMIT

APPLICANT: Dennis & Susan Capilouto

AGENT: Bill O' Brallahan

RECORD PACKET COPY

PROJECT

DESCRIPTION: Remove and replace and remodel of existing 1st, 2nd and 3rd floor decks on the north side and oceanfront of an existing single-family residence. In addition; replace brick walkway along the south sideyard; remove and replace an existing south sideyard property line wall; remove and replace two (2) existing deck support posts in the same location; and construct a new 18" masonry sitting bench on the 1st floor located on the oceanfront of the existing single-family residence.

PROJECT

LOCATION: A-116 Surfside Avenue, Seal Beach, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, February 18, 2004
10:00 am
Lodge at Torrey Pines
11480 North Torrey Pines Road
La Jolla, CA 92307

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: Fernie J. Sy
 Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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 term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: None.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION AND BACKGROUND

The lot is located at A-116 Surfside Avenue in the private community of Surfside Colony, in the City of Seal Beach, Orange County (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 an existing revetment between the subject property and the mean high tide line. A pre-Coastal (1966) boundary agreement between Surfside Colony and the California State Lands Commission fixes the boundary between state tide and submerged lands and private uplands in Surfside. As a result of this boundary agreement, Surfside Colony, Ltd. owns a strip of the beach, up to 80 feet in width, adjacent to the homes fronting the ocean. The beach seaward of this area is available for lateral public access. Vertical access is available at the end of Anderson Street to the south of the Surfside community. In addition, the Commission conditioned permit P-75-6364 to allow public access through the gates at the southeastern end of Surfside during daylight hours.

The applicant is proposing to remove and replace in kind an existing 1st floor concrete deck (270 square feet) and 2nd floor wood deck (250 square feet); install a new 42" high glass railings on the 2nd and 3rd floor decks; and replace the treads of an existing exterior northwest sideyard 2nd floor stairway to the 1st floor and replace and install a new 36" high aluminum/PVC railing along this stairway all located on the oceanfront of an existing single-family residence. In addition the project consists of: replacing the decking and treads on an existing exterior north and northeast sideyard 2nd floor deck and stairway to the 1st floor and replacing and installing a new 36" high aluminum/PVC railing along this deck and stairway; replacing the brick walkway along the south sideyard with a French drain system; replacing a portion of the brick walkway along the north sideyard with a concrete walkway; removing an existing 60" high south sideyard property line wall and replacing it with a new 36" high property line wall; removing and replacing two (2) existing deck support posts in the same location with two (2) new 10'-11" x 70" posts on the 1st floor deck; and constructing a new 18" masonry sitting bench on the 1st floor located on the oceanfront of the existing single-family residence (Exhibit #2). There are no proposed changes to the remainder of the existing single-family residence. Demolition debris will be disposed of at an appropriate location outside the Coastal Zone. No grading is proposed.

The existing residential structure is located within the applicant's property boundary. However, the existing and proposed decks extend a maximum of 10 feet beyond the property boundary, over land that is leased by Surfside Colony, Ltd. to the applicant. Surfside Colony is the community association that owns the common areas of the private community. The applicant has invited Surfside Colony to join as co-applicant; however, Surfside Colony has not chosen to join as of the date of this staff report.

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.

The northern portion of Surfside, where the proposed project is located, is afforded a degree of protection due to the presence of a revetment. Even though the revetment currently protects the project site, 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. Though the subject site may be subject to wave hazards as described above, the Commission finds in this specific case that the proposed development does not warrant the imposition of the following three special conditions; 1) No Future Shoreline Protective Device, 2) Assumption of Risk, and 3) Future Improvements for the reasons articulated below.

For purposes of analysis the project can be divided into two elements, the deck replacements (redecking) and the deck support posts replacements that will extend to the existing ground floor patio foundation. These improvements may potentially be affected by wave uprush as they are on the seaward side of the structure. In this case, the Commission finds that the deck replacements would not be directly affected by wave uprush, as the bottommost portion of the deck would be approximately eight feet above grade (Exhibit #2). Consequently, the deck would only be damaged as a result of the main structure itself being significantly damaged by wave uprush. In addition, the proposed new posts to support the extended deck are located within the footprint of the existing 10-foot wide ground floor patio and will be attached to the existing patio foundation. Thus, these posts would only be damaged if the existing ground floor patio were also damaged. Furthermore there are existing decks where the proposed deck replacements would be located and the improvements are minor in nature (i.e. redecking and the installation of new railings). Accordingly, the proposed deck improvements do not result in an increased hazard to life and property nor would the proposed improvements create or 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 such as the beach. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30253 as submitted.

C. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed development does not change the use or intensity of use of the site. 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 to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

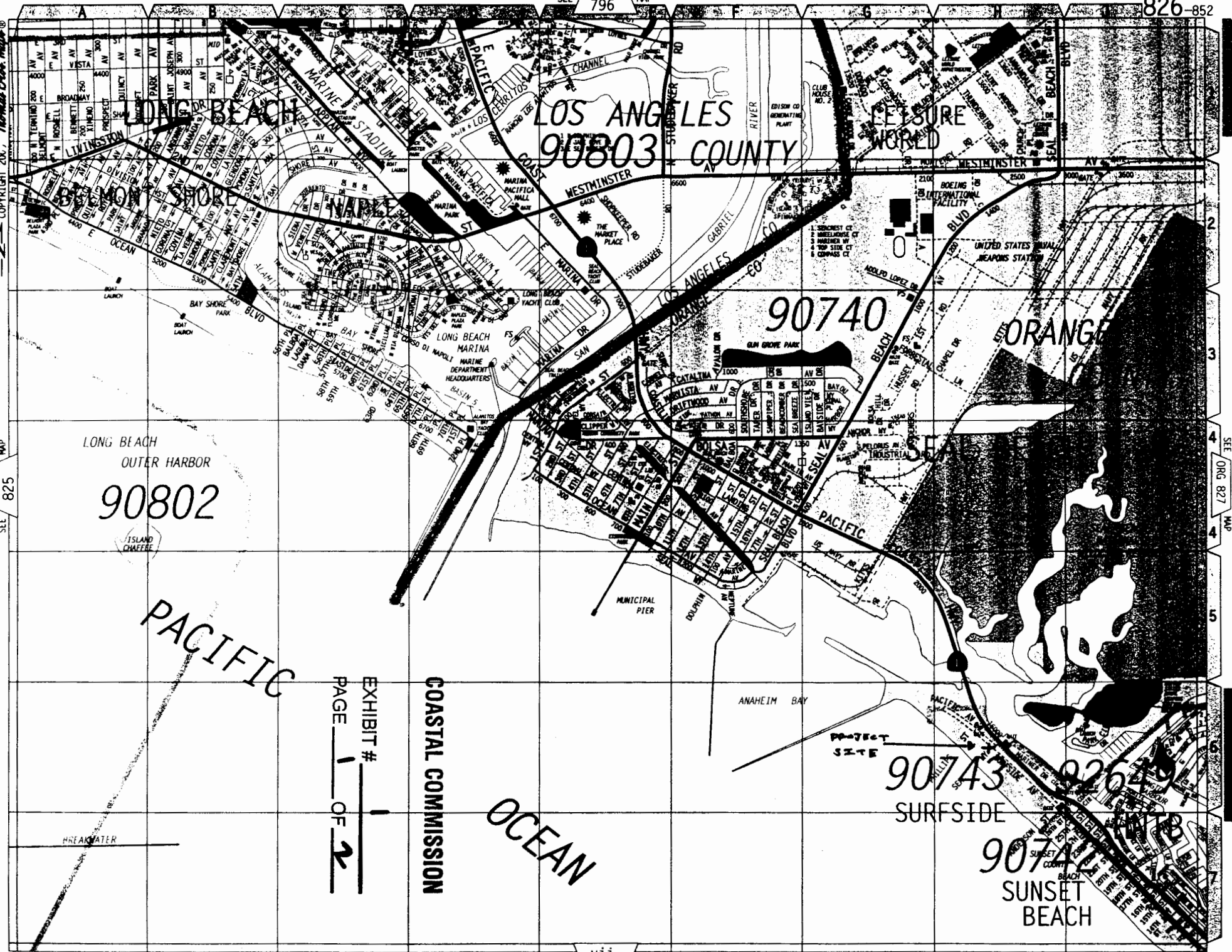
Applicant's Signature

Date of Signing

COPYRIGHT 2001 Thomas Bros. Maps

SEE 796 MAP

826-852



SEE 825 MAP

LONG BEACH
OUTER HARBOR
90802

LOS ANGELES
90803 COUNTY

90740

ORANGE

PACIFIC

COASTAL COMMISSION

OCEAN

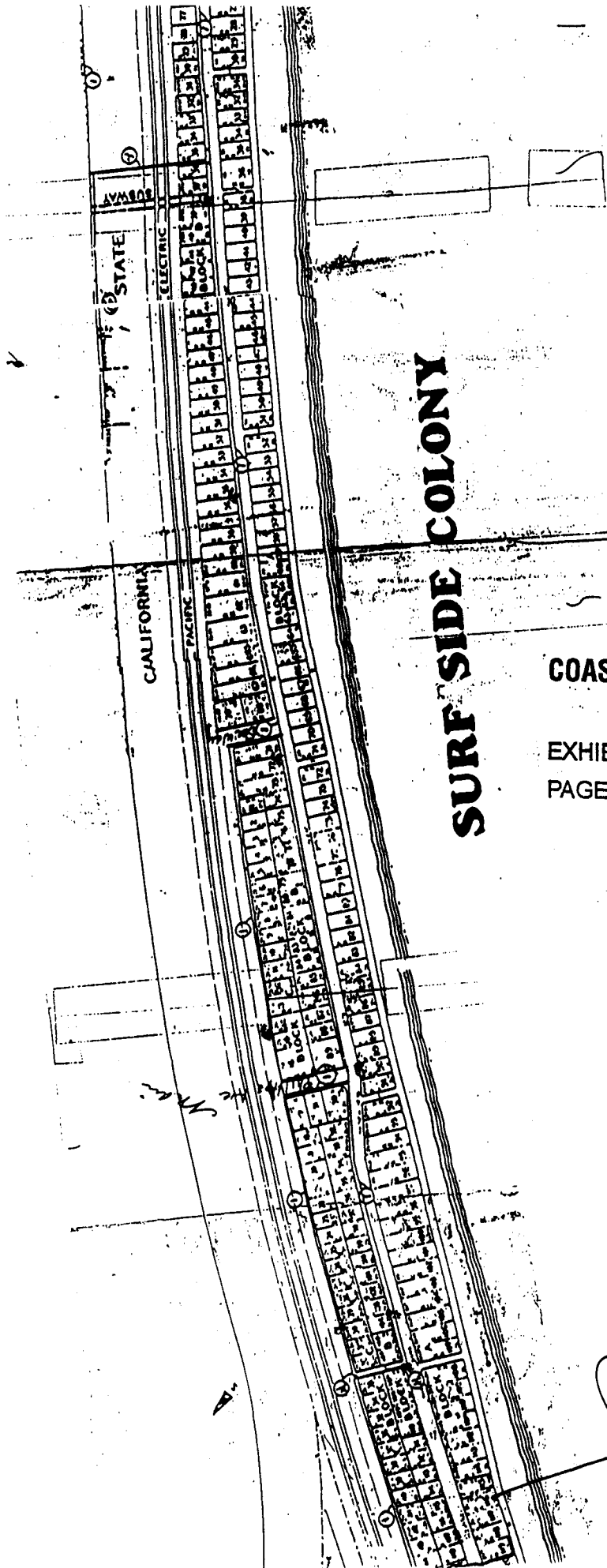
EXHIBIT # _____
PAGE 1 OF 2

PROJECT SITE

90743
SURFSIDE

90744
SUNSET BEACH

SEE 827 MAP



SURFSIDE COLONY

COASTAL COMMISSION

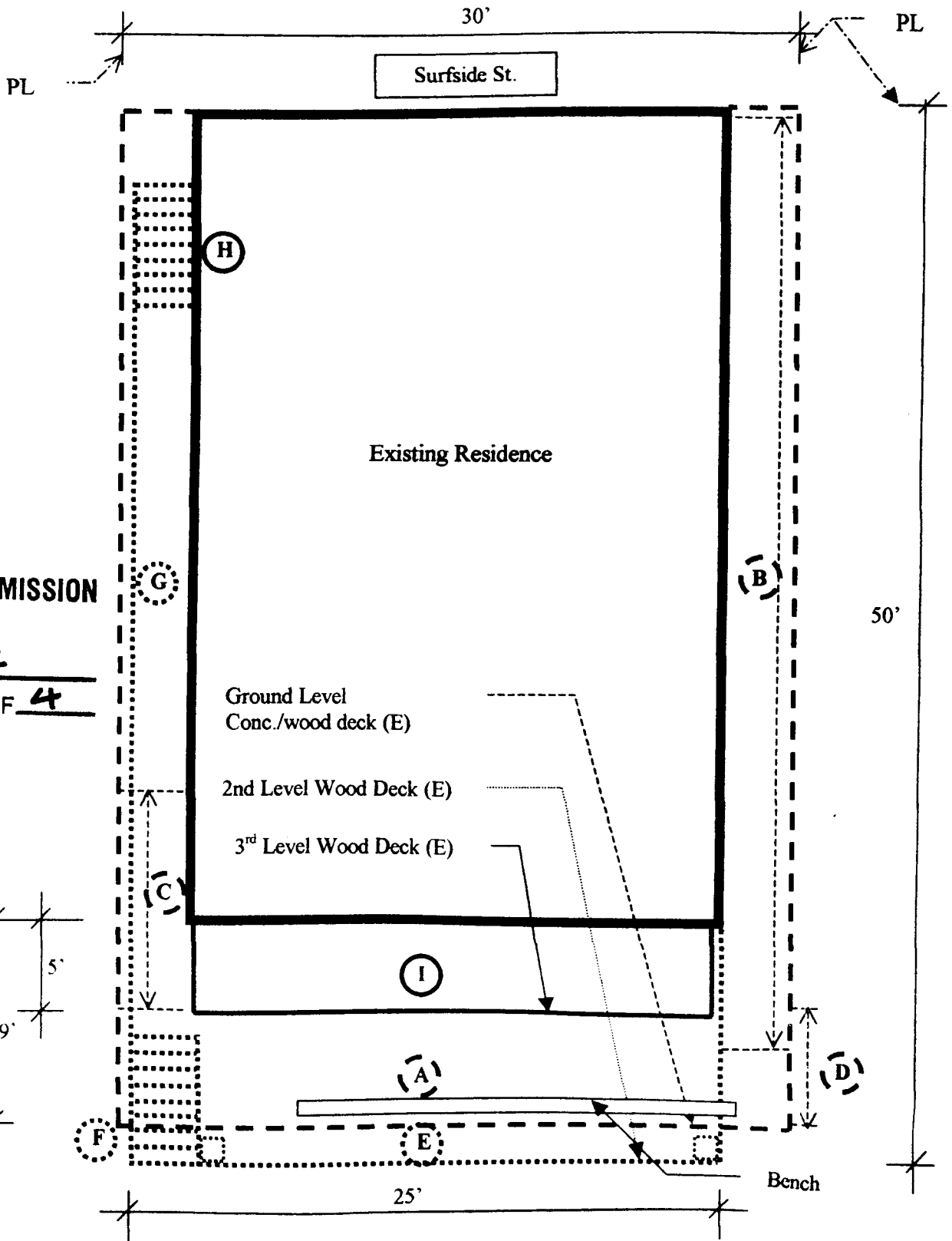
EXHIBIT # 1
 PAGE 2 OF 2

A-116
 PROJECT SITES
 178-462-04
 12-018
 3

12/3/03 o/c Parcel list

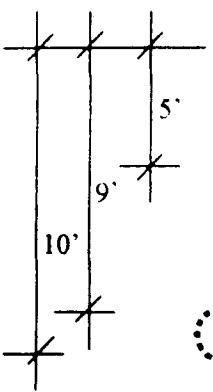
Dennis and Susan Capilouto Residence
A116 Surfside, CA. 90743
(562) 896-2586

Site Plan Information



COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 4



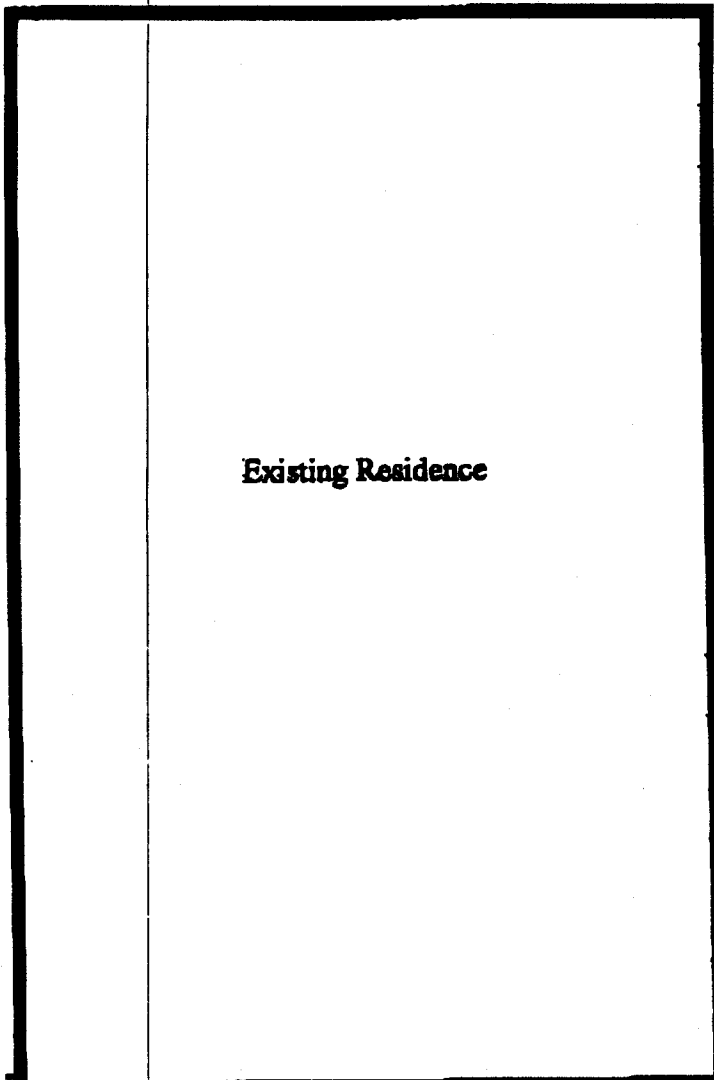
25'

Bench

Dennis and Susan Capilouto Residence
A116 Surfside, CA. 90743
(562) 896-2586

Site Plan Information

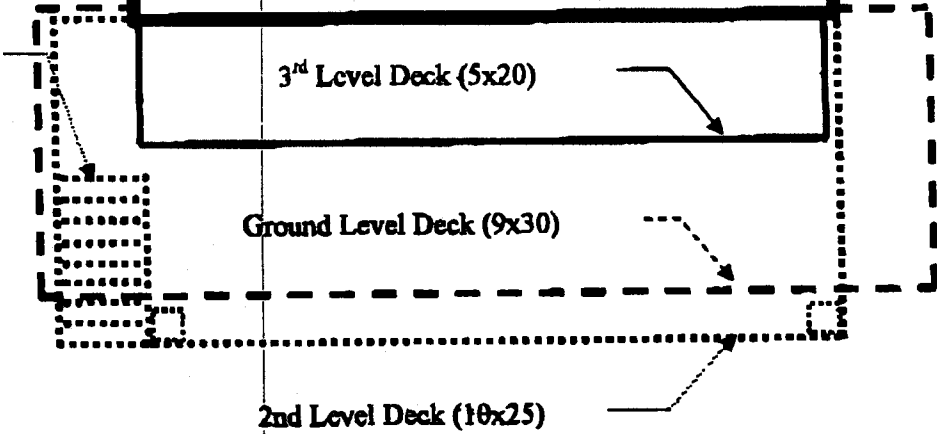
Surfside St.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 4

Stairs (3x8) - Not
to be replaccd



2nd Level Deck (10x25)

NOTES

Ground Level:

- A** - Existing wood deck to be removed and replaced with concrete deck same size. Concrete deck to drain into French drains or towards ocean. Construct 18' masonry sitting bench.
- B** - Existing concrete / brick walkway - Remove brick - replace with French drain system draining towards ocean.
- C** - Existing concrete / brick walkway - Remove brick and pour concrete in same area - drain towards ocean.
- D** - Remove and Replace 60" high cedar fence reducing to 36" high @ 5' from residence

Second Floor Deck:

- E** - Existing wood deck to be removed and replaced with new same size wood deck. Bottom of deck and new structural columns to be stucco (texture to match existing), deck covering to be Pli-Deck system, Railing to be 42" high aluminum / glass system.
- F** - Existing wood stair treads to be replaced with Trex (or equal) (natural color), Existing railing to be replace with aluminum / PVC railing (36" high).
- G** - Existing walkway 2x decking to be replaced with new Pli-Deck system.
Existing railing to be replaced with aluminum / PVC railing (36" high)
- H** Existing wood stair treads to be replace with solid deck coating, underside of stairs to be stucco.
Existing railing to be replaced with aluminum / PVC railing (36" high)

Third Floor Deck:

- I** - Existing Deck to receive Pli-deck system
Install new Glass / Aluminum railing with top hand rail (42" high).

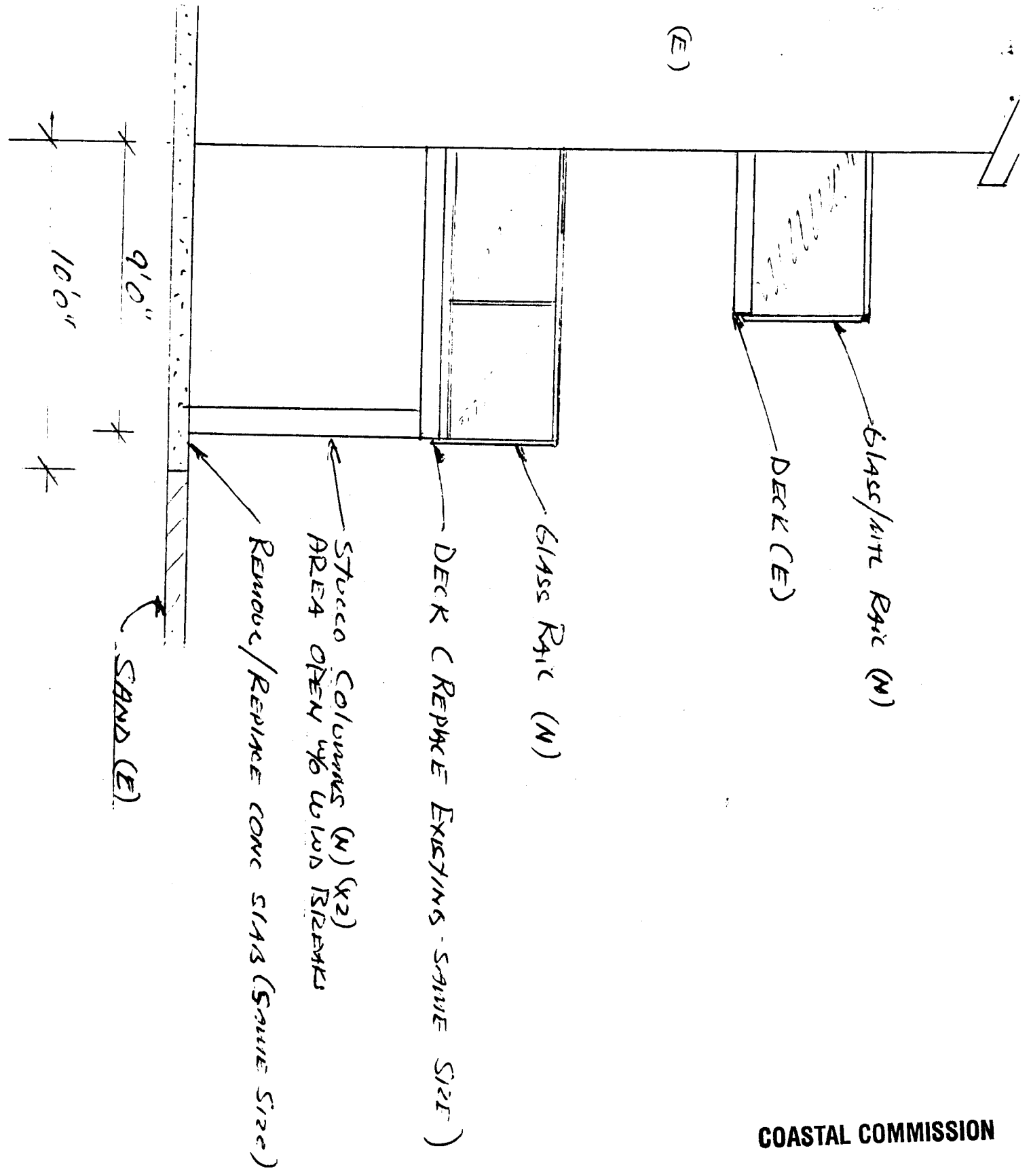
COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 4

General Notes:

1. Owner to secure building permit from city for this work.
2. All decks are existing and are being repaired or improved and will retain existing size.
3. New Construction: _____ SF Deck, Type _____, Occupancy _____

(E)



COASTAL COMMISSION

EXHIBIT # 2
PAGE 4 OF 4