

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

W 3f

Permit Application No. **5-03-308**  
Date: January 29, 2004  
Page: 1 of 5

**ADMINISTRATIVE PERMIT****APPLICANT:** Bassaly #1 LLC**RECORD PACKET COPY****PROJECT DESCRIPTION:**

Replace and expand an existing cantilevered deck. The proposed replacement deck will be 60 feet long, cantilevered 5' beyond the bulkhead.

**PROJECT LOCATION:**

3281Bounty Circle, Huntington 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 at 10:00 a.m  
Lodge at Torrey Pines  
11480 North Torrey Pines Road  
La Jolla, Ca 92037  
(858) 443-4420

**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: Meg Vaughn  
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:** See page 4

**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 LOCATION AND DESCRIPTION**

The applicant proposes to replace and expand an existing cantilevered deck. The proposed replacement deck will be 60 feet long, cantilevered 5' beyond the bulkhead. The nearest public access in the area is at Sunset County Beach, located approximately ¼ mile to the southwest).

The proposed deck would cantilever over the water of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the City of Huntington Beach. The applicant retains wharfage rights to the water area. Wharfage rights allow boating related uses such as boat docks. However the wharfage rights do not address patio uses within the area. The City of Huntington Beach, as the owner of the area over which the proposed deck will cantilever, was invited to join in the application as a co-applicant via a letter dated January 23, 2004. A response has not yet been received. However, in the past, the Director of Administrative Services/Acting Real Estate Services Manager acting on behalf of the City has given permission for similar cantilevered deck projects to

occur (5-03-268, Miller; 5-03-335, Bell) in City owned areas of Huntington Harbor. The California State Lands Commission has indicated to Commission staff that they may only consider review of cantilever projects within areas of Huntington Harbor owned by the State (i.e. Main and Midway Channels). The subject site cantilevers over water owned by the City of Huntington Beach, not the State.

A Pre-construction Marine Biota Impact Assessment (Assessment) was prepared in conjunction with the proposed project. The Assessment was prepared by MBC Applied Environmental Sciences, dated November 2003. The Assessment included Eelgrass and *Caulerpa taxifolia* surveys of the project vicinity. No *Caulerpa taxifolia* was found within the project area. Eelgrass was found within the project vicinity. No eelgrass was found directly beneath the proposed cantilevered overhang. The Assessment concludes: "Construction of a cantilevered deck overhanging harbor waters would have no effect on the eelgrass resources of Huntington Harbor if the construction allows a buffer of at least 2.3 m (7.5 ft.) on the northeast edge of the eelgrass bed which is located 3.2 m (10.5 ft) from the southwest edge of the property line." The cantilever deck, as proposed, meets this buffer requirement. In addition, all work is proposed to occur from the land side of the property. No work will be performed from the water side of the project. Consequently, the proposed development is not expected to have any adverse impacts on the nearby eelgrass.

The applicant has proposed a drainage plan that would direct drainage from the proposed cantilevered deck back onto the lot into a fossil filter and, once filtered, the drainage will enter the harbor waters.

The subject site is in an area of the Commission's original permit jurisdiction. However, the City's certified Local Coastal Program may be used as guidance. The proposed development is consistent with the City's certified LCP Implementation Plan, specifically Chapter 210, which provides standards for cantilevered decks in Huntington Harbor.

Most of the existing residences that front along the waters of Huntington Harbor have cantilevered decks. The proposed deck is similar in function to the other cantilevered decks associated with residential development within Huntington Harbor. The proposed development is consistent with past Commission actions in the area. Thus the proposed deck will have no adverse impact on coastal access or resources in the project vicinity, and is consistent with the Chapter 3 policies of the Coastal Act.

#### **B. Marine Resources**

There will be no disturbance to the harbor bottom, either temporary or permanent, as a result of the project. Since there are no harbor bottom disturbing activities, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project conforms with Section 30230 of the Coastal Act.

#### **C. 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, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. 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.

**D. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area of the Commission's original permit jurisdiction, due to the project location seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that 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.

**SPECIAL CONDITIONS:****1. Construction Responsibilities and Debris Removal**

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material shall be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.

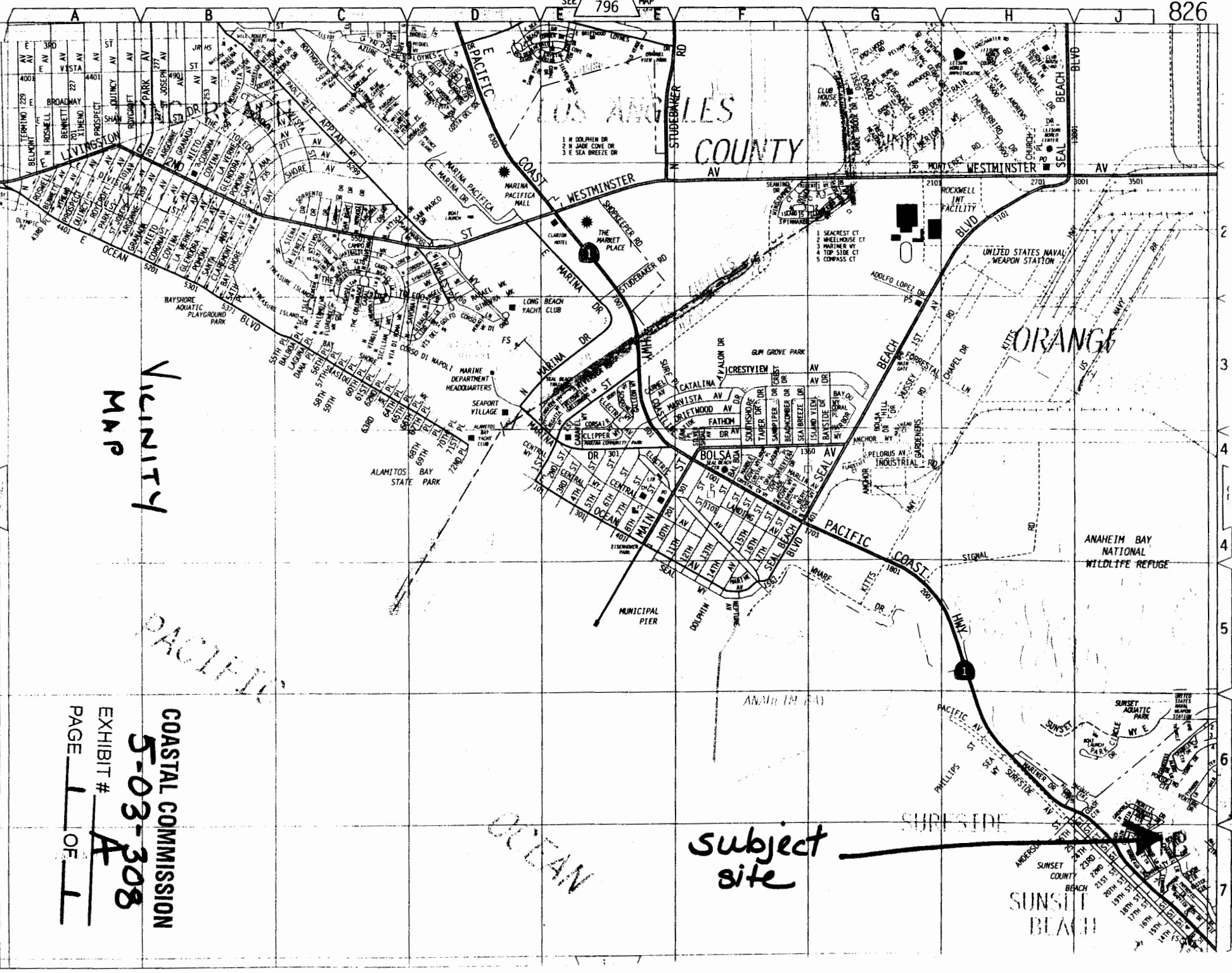
**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

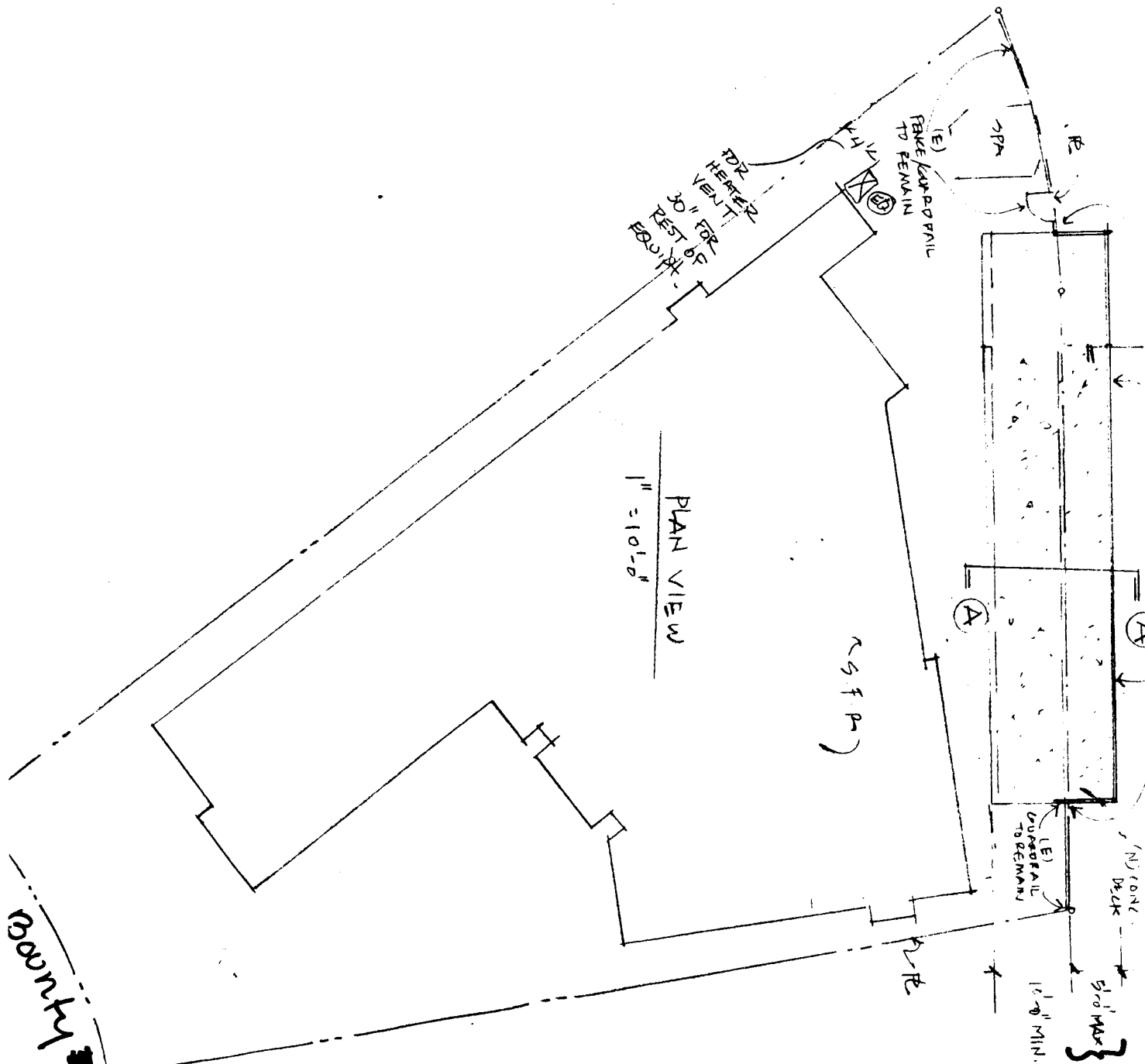
Copyright 1992 Incomat Bros. Maps  
826  
796  
MAP  
SEE  
PAGE 1 OF 1



VICINITY  
MAP

COASTAL COMMISSION  
EXHIBIT # 5-03-308  
PAGE 1 OF 1

subject site



NY

view Harbor waters

Boonhy Circle

SITE PLAN

PLAN VIEW  
1" = 10'-0"

COASTAL COMMISSION  
5-03-308  
EXHIBIT # B  
PAGE 1 OF 1

5' cantilever

3281 Bounty Circle  
Huntington Beach, CA

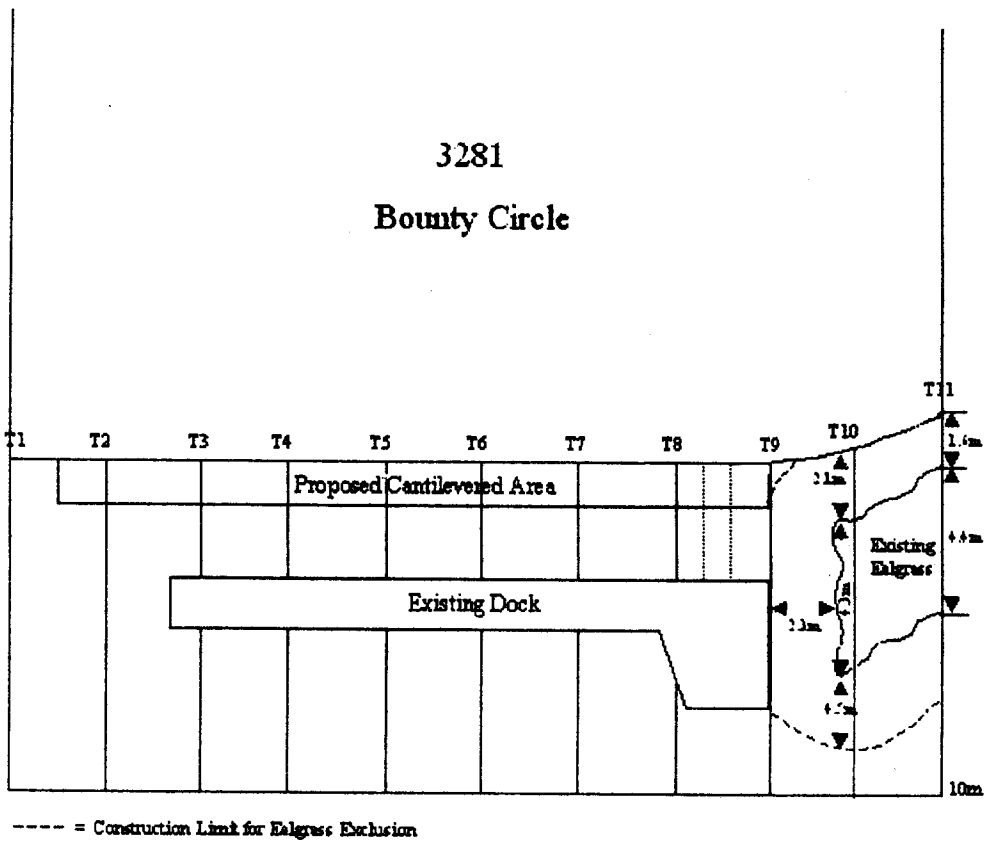
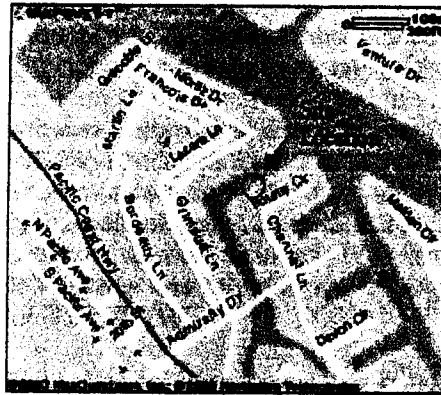


Figure 1. Survey site with sampling transects.

COASTAL COMMISSION

5-03-308

EXHIBIT # C

PAGE 1 OF 1

**RESULTS**

**Area Coverage.** The area offshore of 3281 Bounty Circle was surveyed for eelgrass coverage from the bulkhead to 10 m offshore terminating in approximately -12 ft MLLW. Eelgrass

*Eelgrass Survey*