

CALIFORNIA COASTAL COMMISSION

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Filed: February 2, 2004
49th Day: March 24, 2004
180th Day: August 2, 2004
Staff: KFS-LB
Staff Report: April 22, 2004
Hearing Date: June 9-11, 2004
Commission Action:

**RECORD PACKET COPY****Th 8d****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-198**APPLICANT:** David Byrnes**PROJECT LOCATION:** A-119 Surfside Avenue, Seal Beach, Orange County

PROJECT DESCRIPTION: Remodel of an existing 2,994 square foot single-family residence with an attached 625 square foot two-car garage including removal of 23 square feet of living space, addition of 724 square feet of enclosed storage space, and refinishing beach level deck, adding to existing second and third floor decks, and conversion of sloping roof to flat roof with a roof deck. Upon completion the residence will have 3,695 square feet of enclosed space, 1,384 square feet of decks and patio, and a 625 square foot garage. No grading is proposed.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the proposed development subject to six (6) special conditions. The major issue of this staff report concerns beachfront development that could be affected by flooding during strong storm events. Special Condition No. 1 requires the applicant to assume the risk of development. Special Condition No. 2 requires future improvements be submitted to the Commission for permit amendment. Special Condition No. 3 requires the applicant to conform to certain construction phase best management practices. Special Condition No. 4 requires the applicant to conform to the drainage plan submitted, which shows rooftop and surface runoff being directed into existing permeable areas to allow infiltration. Special Condition No. 5 requires the applicant to submit final, revised plans incorporating use of breakaway walls to the maximum extent practicable in the new ground floor storage enclosure. Special Condition No. 6 requires the landowner to record a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

The proposed development amounts to minor improvements to an existing single-family residence that will not result in any seaward encroachment beyond the existing on-site development that is proposed-to-be retained. Typically, in cases of substantial improvements to a principal structure that could be affected by wave uprush in Surfside Colony, the Commission imposes special conditions requiring: 1) No Future Shoreline Protective Device, and 2) Future Removal of Structures on Land Owned by Surfside Colony, Ltd. In this particular case Commission staff recommend that the Commission approve the proposed development without these two special conditions due to the minor nature of the development, the fact that the proposal will not result in seaward encroachment of the development, the fact that the subject site is already protected by a revetment that was approved by the Commission, and that and this development will not lead to any required modifications to that existing, approved revetment.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated April 25, 2003; Surfside Colony, Ltd. Architectural Committee approval of residence dated September 12, 2002.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development and Administrative Permits P-73-1861, P-75-6364, 5-86-676, 5-87-813, 5-95-276, 5-97-380, 5-98-098, 5-98-412 (DiLuigi), 5-99-356-A1 (Mattingly), 5-99-386 (Straight), and 5-99-423 (Evans); 5-00-132 (U.S. Property); 5-00-206 (McCoy); 5-00-257 (Cencak); 5-01-127 (D'Elia); 5-01-239 (Goodwin); 5-01-486 (Kuppinger); 5-02-297 (Barragan); 5-02-315 (Noonan); 5-03-474 (Capilouto); 5-03-195 (Mistretta); 5-03-196 (Thompson); Consistency Determinations CD-028-97, CD-067-97, and CD-65-99; Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings (Technical Bulletin 9-99) prepared by the Federal Emergency Management Agency dated September 1999; Letter from Surfside Colony, Ltd. to applicant dated May 29, 2003; A-Row Frontage Lease between Surfside Colony, Ltd. and David Byrnes.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-03-198 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

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 amendment is not valid and development shall not commence until a copy of the permit amendment, signed by the permittee or authorized agent, acknowledging receipt of the permit amendment and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit amendment will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit amendment must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption-of-Risk, Waiver of Liability, and Indemnity Deed Restriction

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

2. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-03-198. Pursuant to Title 14, California Code of Regulations, section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, section 30610(a) shall not apply. Accordingly, any future improvements to the single family house or decks described in this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code, section 30610(d) and Title 14, California Code of Regulations, sections 13252(a)-(b), shall require an amendment to Permit No. 5-03-198 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

The permittee shall comply with the following construction-related requirements:

- (a) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity;
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (c) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (d) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (e) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (f) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- (g) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (h) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

4. **Drainage and Runoff Control**

By acceptance of this permit, the applicant agrees, on behalf of himself and all successors or assigns, to carry out the project in conformance with the letter from Parkhurst Architecture received February 4, 2004 in the Commission's office, which indicates roof and surface runoff being directed into existing permeable areas on-site to allow infiltration. Any proposed changes to the drainage plan shall be reported to the Executive Director. No changes shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. **Revised Plans Condition**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans to the Executive Director for review and approval. The revised plans will show the use of breakaway walls and doors, to the maximum extent practicable, for the proposed bonus room/storage enclosure on the ground floor of the residence. Where use of breakaway walls and doors is not practicable, standard construction methods may be used to the extent recommended by an appropriately licensed professional (e.g. Structural Engineer) and as required by the City of Seal Beach.

- B. The revised plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that the building design meets currently applicable building codes and any breakaway elements are consistent with the recommendations in Technical Bulletin 9-99, Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings by the Federal Emergency Management Agency.
- C. The permittee 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 to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has 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 "Special Conditions"); and (2) imposing all 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.

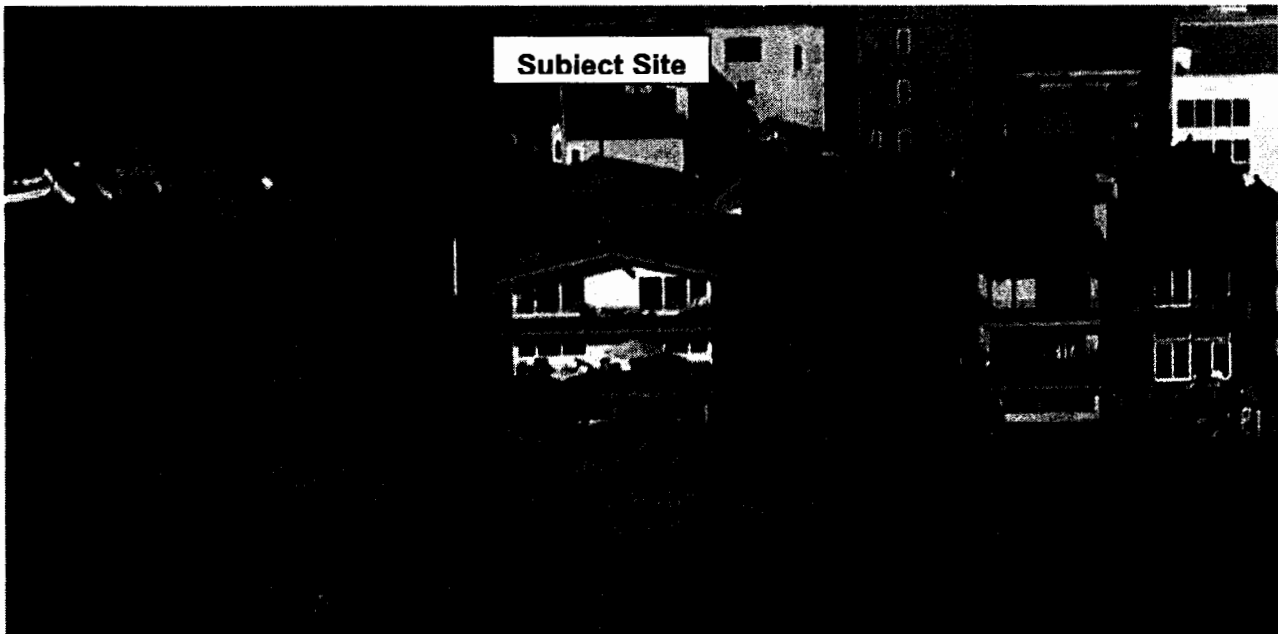
IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The lot is located at A-119 Surfside Avenue in the private community of Surfside Colony, in the City of Seal Beach, Orange County (Exhibits 1 and 2). 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.

In summary, the applicant is proposing the remodel of an existing 2,994 square foot single-family residence with an attached 625 square foot two-car garage including removal of 23 square feet of living space, addition of 724 square feet of enclosed storage space, and refinishing a beach level deck, adding to existing second and third floor decks, and conversion of a sloping roof to a flat roof with a roof deck. More explicitly, changes to the interior space consist of a new enclosure of 724 square feet on the ground floor which is underneath the second and third floors of the existing residence, and is proposed to be used for storage and a restroom; removal of 9 square feet of living space and addition of 15 square feet of living space to the existing 1,490 square foot second level; removal of 29 square feet of living space and addition of 2 square feet of living space to the existing 1,504 square foot third level. The applicant also proposes to refinish an existing 217 square foot beach level deck, addition of a total of 22 square feet to existing second and third floor decks, and conversion of a sloping roof to a flat roof with a 495 square foot roof deck. Upon completion the residence will be 34.5 feet above existing grade (+ 2 foot projection for chimney) and have 3,695 square feet of interior space (including the 724 square foot enclosed storage space on the ground floor), 1,384 square feet of decks and patio, and a 625 square foot garage (Exhibit 3). The ground floor enclosure is proposed to be constructed using 'breakaway' walls. No grading is proposed.



There is an existing rock revetment and sandy beach between the subject property and the mean high tide line. According to the applicant, this existing revetment provides protection for up to a 100-year storm event. 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 existing revetment is located on land owned by Surfside Colony. 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 first floor patio will extend 7 feet onto land that is leased by Surfside Colony, Ltd. to the applicant. The existing second and third floor decks extend 10 to 13 feet onto Surfside Colony land. The additional 3 feet (beyond the 10 foot extension) results from an existing deck access stairway that the proposed project will have no effect upon. Surfside Colony is the community association that owns the common areas of the private community. The applicant has a lease for these encroachments upon Surfside Colony land. Surfside Colony was invited to join as co-applicant; however, Surfside Colony has not chosen to join.

The applicant has incorporated post-construction water quality measures into the proposed project, including directing roof and surface runoff to permeable areas on-site. Demolition debris will be disposed of at an appropriate location outside the Coastal Zone. The applicant is also proposing to avoid storage of any potential pollutants on the ground floor that could become entrained in flood waters in an area of the structure that wouldn't be subject to flooding or wave hazards.

B. HAZARDS

Section 30253 of the Coastal Act states, in 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.

1. Wave Uprush and Flooding Hazards

The subject site is located at the most northerly end of Surfside Colony, a private beachfront community in the City of Seal Beach (Exhibit 1). Unlike the central section and southern end of Surfside, the northern end of Surfside is subject to uniquely localized beach erosion due to the reflection of waves off the adjacent Anaheim Bay east jetty. These reflected waves combine with normal waves to create increased wave energy that erodes the beach in front of Surfside Colony

more quickly than is typical at an unaltered natural beach. Since the erosion is the result of the federally owned jetty, the U.S. Army Corps of Engineers has periodically replenished the beach. The beach nourishment provides Surfside a measure of protection from wave hazards. However, when the beach erodes, development at Surfside Colony may be exposed to wave uprush and subsequent wave damage.

The localized beach erosion and the especially heavy wave action generated during the 1982-83 El Nino winter storms caused Surfside Colony to apply for a coastal development permit for a revetment to protect the homes at Surfside's northern end, including the subject site. The Commission approved Coastal Development Permit No. 5-82-579 for this revetment, and Coastal Development Permit No. 5-95-276 for the repair of the revetment. The Commission also approved several Consistency and Negative Determinations [CD-11-82, CD-36-83, CD-12-84, CD-21-88, CD-27-89, CD-2-90, CD-34-90, CD-52-90, ND-58-95, CD-28-97, CD-67-97 and CD-65-99] for beach nourishment at Surfside performed by the U.S. Army Corps of Engineers. The most recent beach nourishment project at Surfside, for the placement of 1.75 million cubic yards of sand along Surfside-Sunset beach, was approved by the Commission in Negative Determination CD-12-01, in March 2001.

Even though the site is currently protected by a revetment and a beach maintained through occasional beach nourishment, wave uprush damage and flooding at Surfside during extraordinary circumstances could occur. Strong storm events like those that occurred in 1994 and 1997 can cause large waves to flood any portion of Surfside. Large waves can also cause beach erosion and scouring.

As noted above, the applicant is proposing to enclose an existing 724 square foot ground floor space that exists under the living space of the existing residence. This space presently has a partial wall on its seaward side, as well as columns that support the structure above, but it is not completely enclosed. The enclosure will be accomplished through the addition of small wall segments around the existing columns, and new sliding glass doors and windows. No new foundation or reinforcement of the existing foundation is necessary to accommodate construction of this enclosure. In addition, there will be no seaward encroachment as a result of this enclosure. The entire development is within the footprint of the existing structure, which will be substantially retained.

Typically, the Commission would require the applicant to supply a wave uprush and hazards analysis to determine whether that development would necessitate any type of protective device. However, the applicant has indicated that the potential for flooding or wave uprush on this property is already minimal due to the presence of an existing revetment that protects the structures in this area of Surfside. Due to this factor, and the minor nature of the proposed development located on the ground floor (i.e. a storage enclosure within the footprint of an existing structure), a full wave uprush analysis was not required. The applicant has proposed to limit the use of the new ground level enclosure for storage purposes, rather than as living space. In addition, in an abundance of caution, the applicant is considering designing the new walls and doors to 'breakaway' in the event that waves attack the structure. In this way flood waters would pass through the structure, rather than act upon it. However, it should be noted that no evidence has been submitted to the Commission which indicates that the existing revetment is insufficient to protect the existing and proposed development from hazards. In addition, the applicant has indicated there may be structural problems if 'breakaway' walls are utilized because structural upgrades necessary to bring the existing house up to present design standards and to support the proposed roof may rely upon 'shear walls' that need to extend to the ground floor and by necessity cannot be designed to

'breakaway'. Thus, Special Condition No. 5 requires the applicant to submit final revised plans incorporating their proposal to utilize 'breakaway' elements on the ground floor to the maximum extent practicable, but that standard construction methods may be utilized where an appropriately licensed professional and the City building department would require it.

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. In addition, artificial beach nourishment projects, such as the one which provides sand that protects the subject site, can change or halt over time. Therefore, the presence of a beach at this time, and a protective revetment, does not entirely preclude wave uprush damage and flooding from occurring at the subject site in the future. The width of the beach may change and/or the existing revetment could fail to be maintained, perhaps in combination with a strong storm event like those which occurred in 1983, 1994 and 1998, resulting in future wave and flood damage to the proposed development. Accordingly, the Commission requires the applicant to assume the risks of that development. The assumption-of-risk condition is consistent with prior Commission actions for homes in Surfside since the 1982-83 El Nino storms. For example, the Executive Director issued Administrative Permits 5-97-380, 5-98-098, and more recently Coastal Development Permits 5-98-412 (Cox), 5-99-356-A1 (Mattingly) with assumption-of-risk deed restrictions for improvements to existing homes. In addition, the Commission has consistently imposed assumption-of-risk deed restrictions on construction of new homes throughout Surfside (e.g. 5-00-132, 5-00-206, 5-00-257), whether on vacant lots or in conjunction with the demolition and replacement of an existing home.

As conditioned by Special Condition No. 1, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

C. 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 a beachfront lot located between the nearest public roadway and the shoreline in the private community of Surfside (Exhibit 1). 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.

The proposed project has existing decks and deck access stairways which encroach seven (7) to thirteen (13) feet seaward beyond the subject site's seaward property line onto a portion of the approximately 80 foot wide strip of land owned by Surfside Colony, Ltd. seaward of the "A" row of lots in the community. Surfside Colony (which serves as the homeowners' association) leases its property to the adjacent homeowners for construction of patios. Enclosed living area is not

allowed to encroach past the individual homeowner's seaward property line onto Surfside Colony land. The applicant has obtained a lease from Surfside Colony, Ltd. for the existing and proposed encroachments. These are not encroachments upon any public land.

In past permits, the Commission has consistently allowed the seaward property line of individually owned beachfront lots in Surfside to serve as the enclosed living area stringline. The Commission has also consistently allowed the seaward edge of the ten-foot wide strip of land owned by Surfside Colony, Ltd. to serve as the deck stringline. These stringlines serve to limit encroachment of development onto the beach. The existing deck stairways, which will remain unaffected by the proposed project, do not conform to this requirement. However, the proposed development would conform to these stringlines.

The proposed project would not result in direct adverse impacts, either individually or cumulatively, on vertical or lateral public access. In addition to the beach seaward of the fixed boundary between State and private lands, public access, public recreation opportunities and public parking exist nearby in Sunset Beach, an unincorporated area of Orange County at the southeastern end of Surfside. In addition, the existing residence provides parking consistent with the standard of two parking spaces per residential dwelling unit, which the Commission has regularly used for development in Surfside.

To guarantee that the future development of the property can be evaluated for consistency with Section 30212 of the Coastal Act, the Commission finds it necessary that the applicant acknowledge that future improvements require a coastal development permit per Special Condition No. 2. Special Condition 6 includes a deed restriction which is attached to the property upon which the residential structure is being built. Therefore, the owner of the residential structure who would be undertaking any changes to the patio and/or decks would be notified of the permit requirement via the deed restriction which affects the residential structure. Accordingly, a lease restriction involving Surfside Colony, Ltd. is not necessary.

Therefore, as conditioned, the Commission finds that the proposed development would not result in significant adverse impacts on public access nor public recreation. Thus, the Commission finds that the proposed development, as conditioned, would be consistent with Section 30212 of the Coastal Act.

D. HEIGHT AND VIEWS

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed project would result in a residence that is 34.56 feet high above existing street grade plus a chimney which extends an additional 2 feet above the 34.56 foot high roof line (Exhibit 3, page 5). The Commission typically has limited residential development in Surfside, except for chimneys and roof access staircase enclosures, to a 35-foot height limit. This is to minimize the visual effect of a large wall of buildings along the beach that results when homes are

constructed to maximize use of the City established building envelope. The approved project would be consistent with the 35-foot height limit and with heights of other homes in Surfside.

A fence surrounding Surfside Colony, as well as several rows of existing homes, currently block public views from Pacific Coast Highway (State Route 1), the first public road paralleling the beach. The subject site is not visible from the highway. Thus, the approved development on the subject site would not further degrade views from Pacific Coast Highway. In addition, since the approved development will not encroach seaward past existing homes in Surfside Colony, no existing public views along the shoreline would be blocked by the approved development. As conditioned, the Commission finds the proposed development is consistent with Section 30251 of the Coastal Act.

E. 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.

Pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. While the proposed development will not result in an increase in impervious surface, the applicant is proposing to direct roof and surface runoff to permeable areas on-site to address the issues identified above. Special Condition No. 4 assures the proposed elements are implemented.

In addition, in order to ensure that construction and materials are managed in a manner which avoids impacts to coastal waters, the Commission imposes Special Condition No. 3. Special Condition No. 3 requires that construction materials, debris, or waste be placed or stored where it will not enter storm drains or be subject to tidal erosion and dispersion; removal of debris within 24 hours of completion of construction; implementation of Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed such that construction debris and sediment are

properly contained and secured on site and to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

Therefore, the Commission finds that the proposed project, as proposed and conditioned to incorporate and maintain a drainage and polluted runoff control plan and to comply with construction phase BMPs, is consistent with Section 30231 of the Coastal Act.

F. 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 Three 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 Three policies 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 Special Condition No. 6 requiring that the property owner record a deed restriction against the property, referencing all of the above 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.

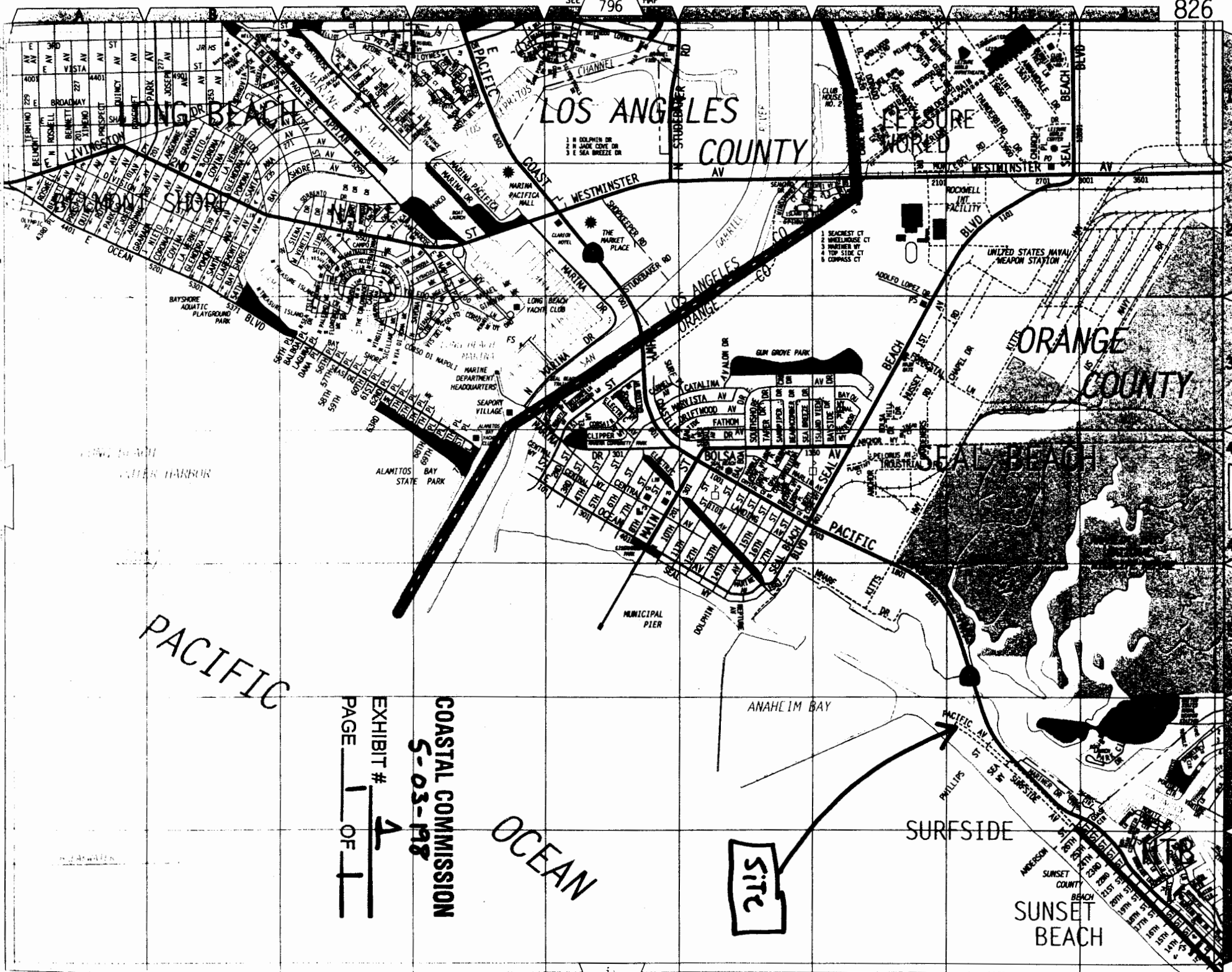
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(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 infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard,

public access, marine resource and scenic view policies of Chapter Three of the Coastal Act. These conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring assumption-of-risk, future improvements require a coastal development permit, use of breakaway walls to address hazards to the maximum extent feasible, and incorporation of water quality best management practices into the development will minimize any significant adverse effects that the activity may have on the environment.

As conditioned, no feasible alternatives or 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 consistent with the requirements of CEQA.



PACIFIC

OCEAN

COASTAL COMMISSION
EXHIBIT # 4
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Site

SUNSET BEACH

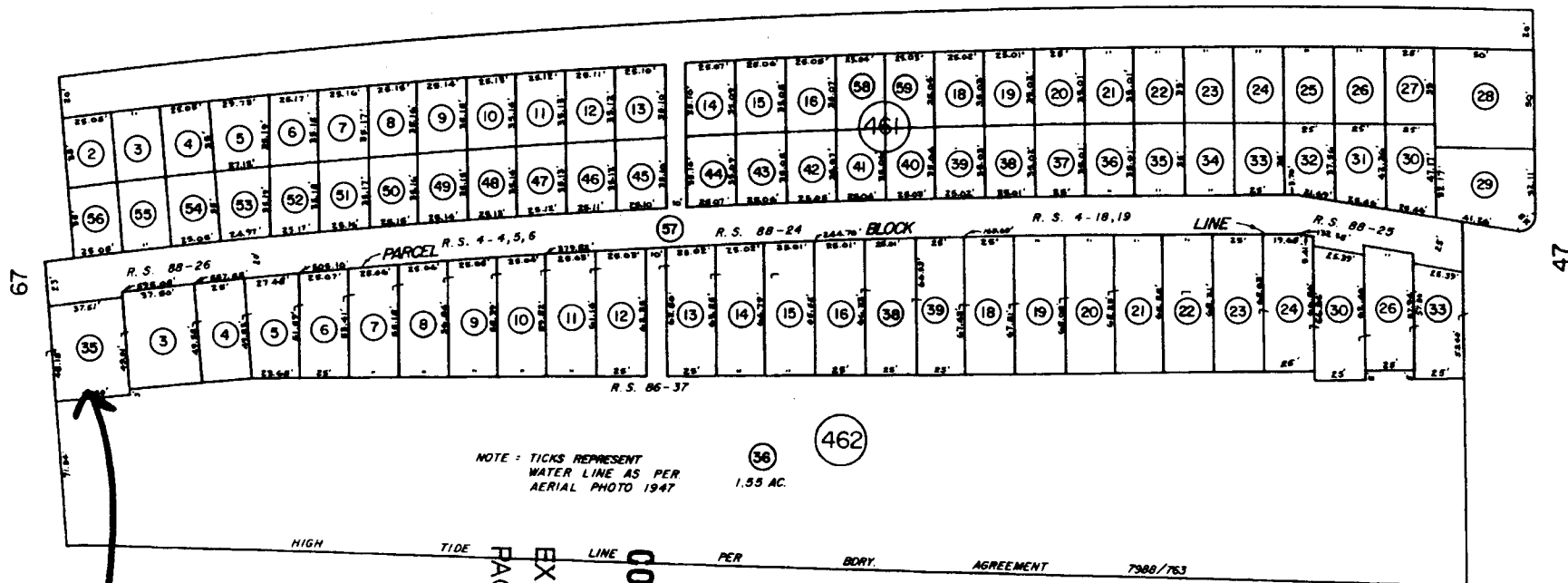
POR. N.W. 1/4, N.E. 1/4, SEC. 24, T.5S., R.12W

THIS MAP WAS PREPARED FOR ORANGE COUNTY
ASSESSOR DEPT. PLANS ONLY. THE ASSESSOR
MAKES NO GUARANTEE AS TO ITS ACCURACY
NOR ASSUMES ANY LIABILITY FOR OTHER USES.
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178-46

1" = 50'

67



MARCH 1971

COASTAL COMMISSION
5-03-198
EXHIBIT # 2
PAGE 1 OF 1

NOTE - ASSESSOR'S BLOCK B
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 178 PAGE 46
COUNTY OF ORANGE

Site

REMOVED & AGENT TO THE
BYRNES RESIDENCE
IN A SUITCASE & BOMB SUITCASE

SITE PLAN

DATE: 11-11-1964

NAME: J. H. H. H.

AGE: 11-11-1964

SEX: M

1

ADDITION TO THE BYRNES RESIDENCE

OWNER: JOB ADDRESS

[illegible]

LEGAL DESCRIPTION

WPI @
WALF
JAN 14 10 46 AM '88
JAN 14 10 46 AM '88

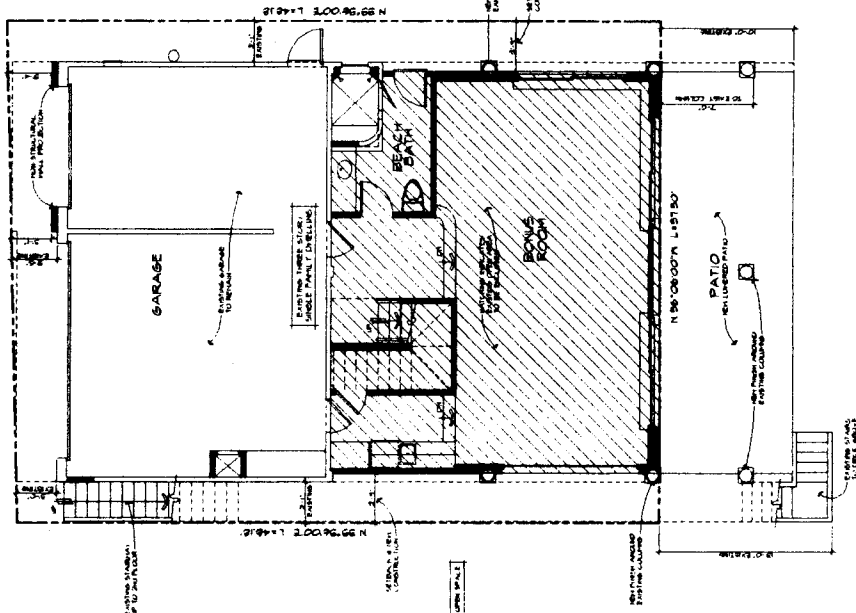
NOTE

APPROXIMATE STREET TO BE MAINTAINED FROM 2000 W. 10TH AVE. TO 2000 W. 11TH AVE. (SEE MAPS FOR LOCATION OF STREETS). APPROXIMATE STREET TO BE MAINTAINED FROM 2000 W. 10TH AVE. TO 2000 W. 11TH AVE. (SEE MAPS FOR LOCATION OF STREETS).

FOOTAGE NOTE

1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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SURPRISE AVENUE



WYCH

COASTAL COMMUNITIES
CALIFORNIA
EB 4 - 2004

COASTAL COMMISSION

5-03-198

EXHIBIT # 3

PAGE 1 OF 7

EXISTING FLOOR PLANS

DEMOLITION NOTES

[illegible]

FIRST FLOOR

၈

၈

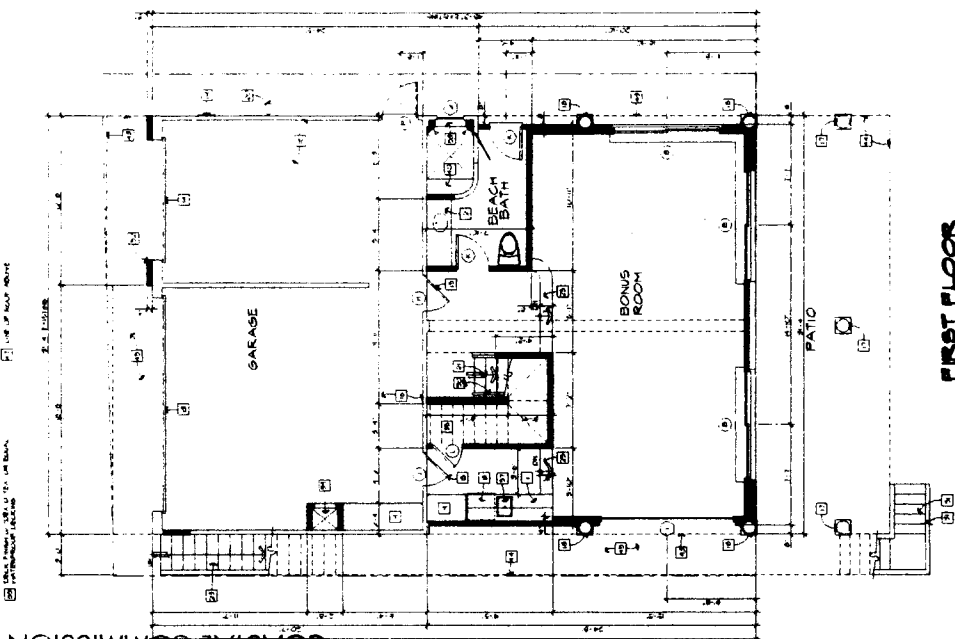
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FEB 4 - 2004
CALIFORNIA
COASTAL COMMISSION

SECOND FLOOR

THIRD FLOOR

COASTAL COMMISSION

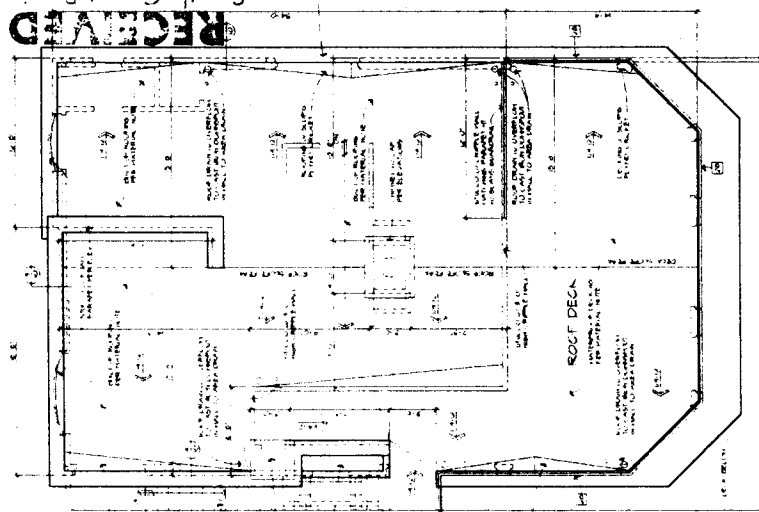
EXHIBIT # 3
PAGE 2 OF 7

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CALIFORNIA
COASTAL COMMISSION

FEB 4 - 2004

South Coast Region



COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 7

CONFIDENTIAL COMMISSION

FEB 4 - 2004

South Coast Region

FLOOR PLAN NOTES

1. The first step in the process is to identify the problem. This involves gathering information about the situation and understanding the needs of the stakeholders involved.

2. Once the problem is identified, the next step is to develop a plan. This involves setting goals, identifying resources, and determining the steps that need to be taken to address the problem.

3. The third step is to implement the plan. This involves putting the plan into action and monitoring progress. It is important to stay flexible and adjust the plan as needed.

4. Finally, the fourth step is to evaluate the results. This involves assessing the effectiveness of the plan and determining whether the problem has been solved. If not, the process may need to be repeated.

- ① The first step in the process is to identify the problem.
- ② Next, we need to gather all the relevant information.
- ③ Once we have the information, we can start to analyze it.
- ④ This analysis will help us to understand the causes of the problem.
- ⑤ Based on the analysis, we can then develop a plan of action.
- ⑥ The plan should be realistic and achievable.
- ⑦ Finally, we need to implement the plan and monitor the results.

[illegible][illegible]

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**PARKHURST
ARCHITECTURE**

BYRNES RESIDENCE
1015 E. 13th St.
Anchorage, Alaska 99501-4004

[illegible]

SECOND & THIRD
FLOOR PLANS

NAME LAST - FIRST
DATE OF BIRTH - AGE
PAST NUMBER - PRESENT NO.
SACRED - YES - NO

COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 7

THIRD FLOOR

SECOND FLOOR

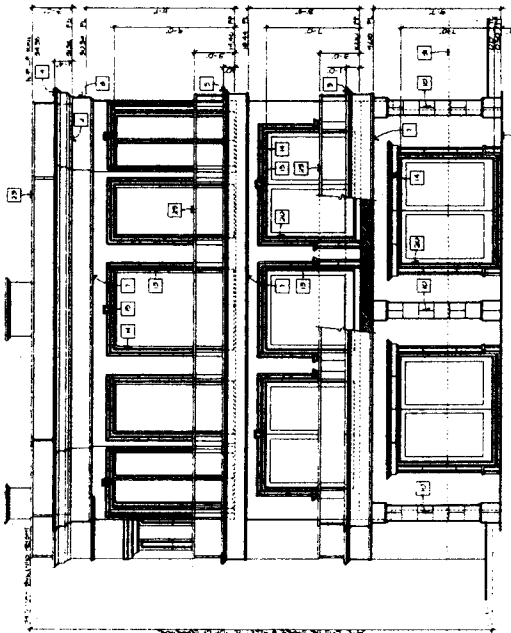
EXTERIOR ELEVATIONS

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CHECKED BY: JAC	DATE: 10/1/04
SCALE: 1/8" = 1'-0"	
SHEET: 6	

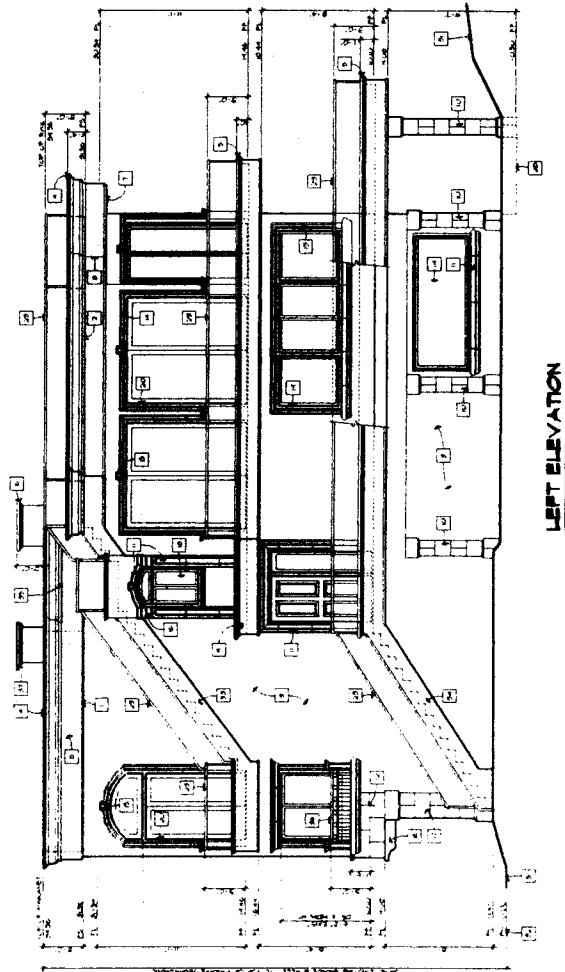
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 COASTAL COMMISSION

ELEVATION NOTES

1. SEE PLAN FOR WINDOW SIZES & PLACEMENT.
2. SEE PLAN FOR DOOR SIZES & PLACEMENT.
3. SEE PLAN FOR ROOF LINE & GUTTER LOCATION.
4. SEE PLAN FOR PORCH & PATIO DECK LOCATIONS.
5. SEE PLAN FOR STAIRS & RAMP LOCATIONS.
6. SEE PLAN FOR TERRACE & BALCONY LOCATIONS.
7. SEE PLAN FOR DRIVEWAY & GARAGE LOCATIONS.
8. SEE PLAN FOR FENCE & GATE LOCATIONS.
9. SEE PLAN FOR LANDSCAPE & PLANTING LOCATIONS.
10. SEE PLAN FOR LIGHTING & ELECTRICAL LOCATIONS.
11. SEE PLAN FOR MECHANICAL & HVAC LOCATIONS.
12. SEE PLAN FOR FIRE & SAFETY LOCATIONS.
13. SEE PLAN FOR ACCESSIBILITY LOCATIONS.
14. SEE PLAN FOR HISTORIC & CULTURAL LOCATIONS.
15. SEE PLAN FOR ENVIRONMENTAL & ECOLOGICAL LOCATIONS.
16. SEE PLAN FOR COMMUNITY & SOCIAL LOCATIONS.
17. SEE PLAN FOR ECONOMIC & DEVELOPMENT LOCATIONS.
18. SEE PLAN FOR TRANSPORTATION & INFRASTRUCTURE LOCATIONS.
19. SEE PLAN FOR UTILITIES & SERVICES LOCATIONS.
20. SEE PLAN FOR PUBLIC & PRIVATE LOCATIONS.



FRONT (BEACH) ELEVATION



LEFT ELEVATION

COASTAL COMMISSION

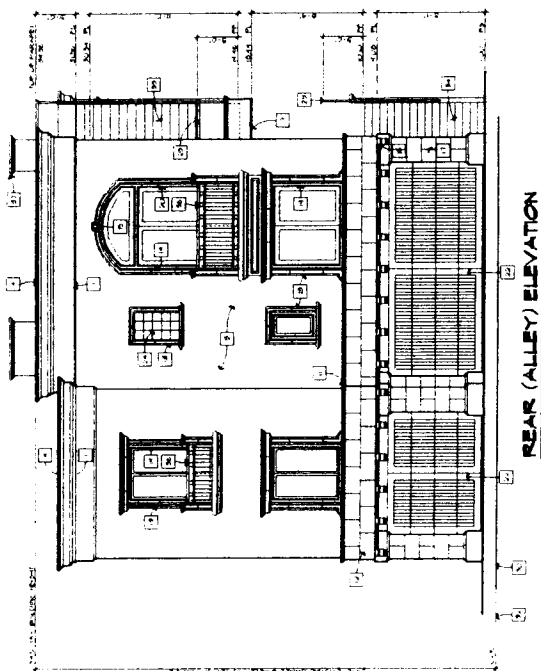
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EXTERIOR ELEVATIONS

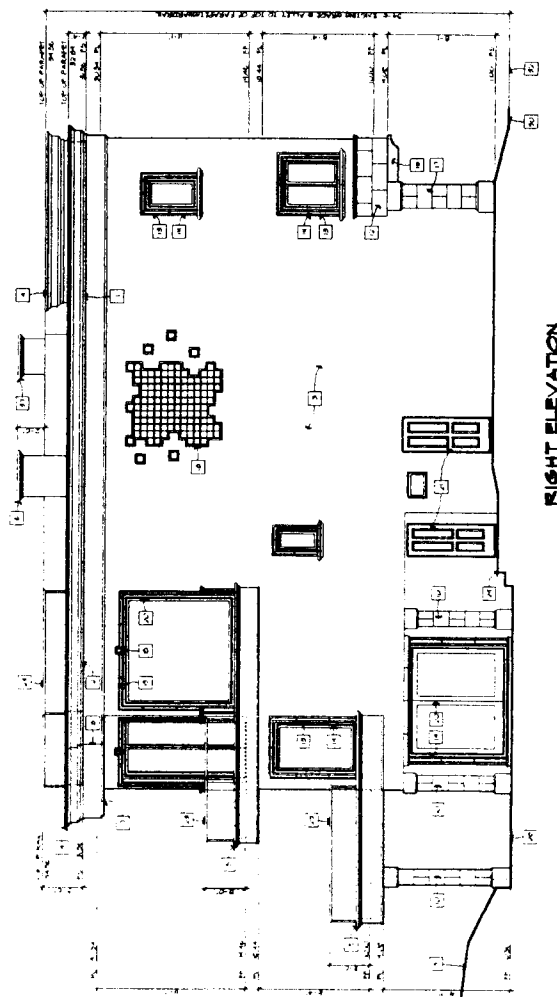
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[illegible]

REAR (ALLEY) ELEVATION



RIGHT ELEVATION



COASTAL COMMISSION

EXHIBIT # 3
PAGE 6 OF 7

FEB 4 - 2004

PA

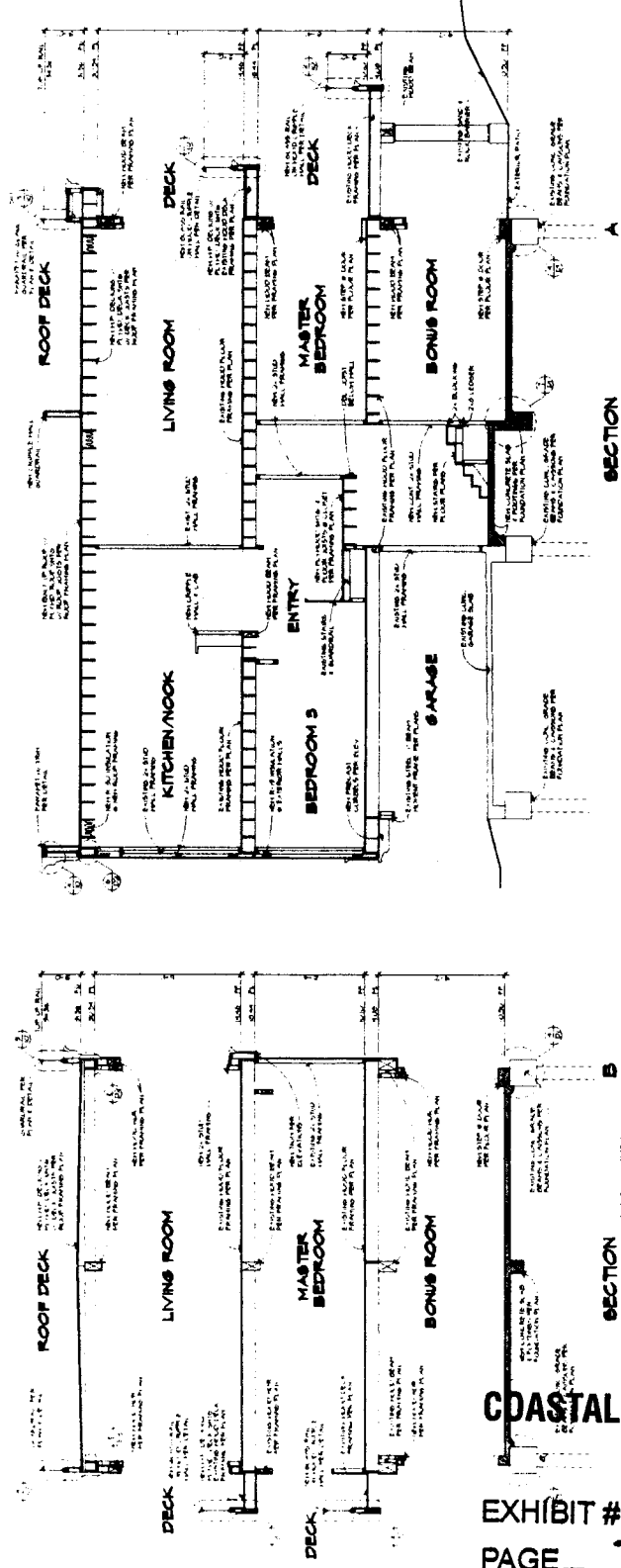
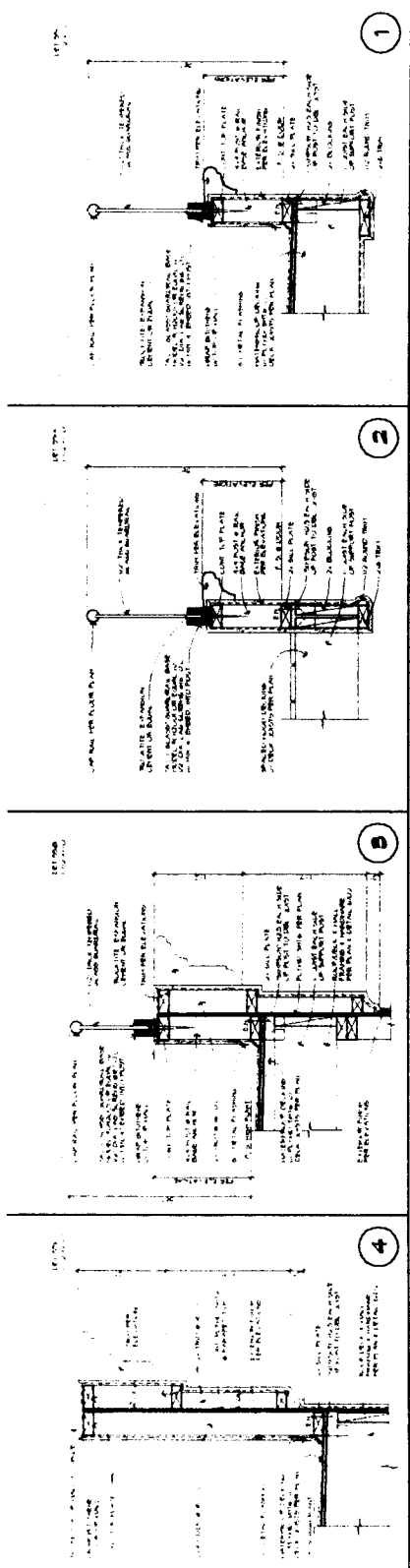
PARKLUST
ARCHITECTURE
ARCHITECTS

BYRON RESIDENCE
10000 S. GARDEN AVENUE
LOS ANGELES, CA 90034

RECEIVED
South Coast Region

BUILDING SECTION
FRAMING DETAILS

DATE: 02/04/04	10
PROJECT: BYRON RESIDENCE	
FILE NUMBER: 02-000000	
DATE: 02/04/04	



COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 7