

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W5f

Filed: January 25, 2005
49th Day: March 15, 2005
180th Day: July 24, 2005
Staff: RT-LB
Staff Report: April 21, 2005
Hearing Date: May 11-13, 2005
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-05-023

APPLICANT: Surfside Colony, Ltd.

AGENT: Marshall Inniss

PROJECT LOCATION: Adjacent to Pacific Coast Highway at Surfside Colony, City of Seal Beach, County of Orange

PROJECT DESCRIPTION: Replace existing chain-link fence and accompanying concrete pilasters with a solid concrete masonry sound wall, which will vary in height between 6 feet and 8 feet tall and will measure approximately 2,400 feet in total length.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing replacement of a chain-link fence with a solid concrete masonry wall. The major issues with this staff report concerns potential visual impacts and effects on previously required public access signage. Commission staff is recommending **APPROVAL** of the proposed project with **Four (4) Special Conditions** regarding: 1) future development; 2) landscape plan; 3) signage plan; 4) final project plans.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-83-126 (Capistrano Bay Community Service District), P-6364 (Surfside Colony, Ltd.) and 5-82-579 (Surfside Community Assn.)

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated December 17, 2004; Surfside Colony, Ltd. Architectural Committee approval of wall, dated December 15, 2004.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Project Plans
-

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL 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. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-05-023. 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. 5-05-023. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, 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. 5-05-023 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Landscape Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a final landscape plan designed to visually screen the proposed wall from public vantages, including but not limited to, Pacific Coast Highway. The final landscape plan shall be prepared by a licensed landscape architect.

The final plans shall demonstrate that:

- (a) Adequate plantings shall be provided such that the portion of the wall facing upon Pacific Coast Highway and any other public vantage points shall be substantially covered with vegetation (at least 90% coverage);
- (b) Initial planting shall be completed by within 60 days after completion of construction;
- (c) Within two (2) years of completion of construction, the wall shall be substantially covered (at least 90%) with vegetation and that re-planting and/or additional planting shall occur as necessary to achieve this goal;
- (d) Plantings shall be maintained as necessary (i.e. trimmed) to avoid coverage of any public access signs and interference with public pedestrian and bicycle paths;
- (e) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.
- (f) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by

the State of California or the U.S. Federal Government shall be utilized within the property.

The plan shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants.

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 legally required.

3. Signage Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a signage plan for all signage proposed to be installed on or adjacent to the proposed development. The signage plan shall conform to, and clearly demonstrate compliance with the following requirements:

- A. Signs shall not interfere with existing coastal access.
- B. Existing public access signs required under previous Coastal Development Permits (i.e. P-6364 and 5-82-579) that are removed or otherwise altered by the proposed project during construction shall be replaced in kind and at the same location.

The permittee shall undertake the development in accordance with the signage plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved signage shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Final Revised Plans

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for the review and approval of the Executive Director, revised final plans, approved by the City of Seal Beach, which conform with the requirements of the special conditions of this permit and indicate the final design of the proposed wall with incorporation of the landscaping and any signs required pursuant to Special Conditions 2 and 3 of this permit. 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 required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION

The project site is located adjacent to lots B2 through B89, along Pacific Coast Highway (PCH) and entirely within the Surfside Homeowner's Association (Surfside Colony, Ltd.) property, in the City of Seal Beach, Orange County (Exhibit #1). The City of Seal Beach Zoning Code designates use of the site as Residential and the proposed project adheres to this designation. The City of Seal Beach does not have a certified LUP or LCP and the land use designation is not certified by the Commission.

The Surfside Colony is a private, gated residential community in an urban residential area and is located just inland of the beach, between the first public road and the sea. The City has reviewed the proposed project and has found it consistent with local zoning requirements, as evidenced by their Approval-In-Concept, dated December 17, 2004.

The applicant is proposing to replace the existing eight to nine-foot high chain link fence and accompanying pilasters with a solid concrete masonry sound wall, which will vary in height between 6 feet and 8 feet tall (Exhibit #3). The applicant is seeking the wall to address noise and traffic hazard safety issues from PCH. The new wall will be in the same location as the existing fence, which is generally adjacent to the busy roadway (PCH), will vary in height (eight-feet high along PCH and six-feet high elsewhere) and will measure approximately 2,400 feet in total length. The wall will extend from the main entrance gate to the community at Pacific Coast Highway south to Anderson Street (Exhibit #3). The wall is only to replace this section of existing chain-link fence and no additional areas are becoming enclosed or off-limits to the general public as a result of this project. The wall will be an earth tone color and vegetation will be planted at the base of the interior side of the wall, with cut-outs as necessary to allow vines to grow on the outside of the wall for vegetative coverage. Low luminescent lighting will also be incorporated on the interior side of the wall. No grading is proposed.

The Commission has identified a potential visual impact issue with the proposed wall because it presents a visual mass along a major public accessway. However, this potential visual impact is being mitigated by coloring the wall an earth tone color and by planting vegetation at the base of the interior side of the wall, which will eventually grow either through holes cut-out along the bottom of the wall or over the wall and cover the wall for visual screening purposes. Furthermore, the applicant has stated that they can't plant the vegetation on the PCH side, nor can they move the wall seaward of PCH to make room for planting vegetation on the PCH side because that would make the private roadway too narrow. Finally, views towards the ocean are blocked by several rows of residences within the Surfside Colony, which are located seaward of the proposed wall. Therefore, replacing the existing fence with a wall of the same size and in the same location will not have a negative effect on existing public views to or along the shoreline.

The proposed development will not change the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Although the Surfside Colony is a private, gated

residential community, public access to the beach is available nearby and to the south at Anderson Street (Exhibit #3), with adjacent public parking. Also, prior coastal development permits for the Surfside Colony community required that public pedestrian access be allowed through the community (e.g. P-6364). Special Condition 4 requires the applicant to replace any public access signs that are removed when the existing fence is demolished.

B. DEVELOPMENT

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 must be imposed. As conditioned the development conforms with the Chapter 3 policies 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. VISUAL RESOURCES

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions 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, 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.

LOS ANGELES COUNTY
97803

97803 COUNTY

90740

ORANGE COUNTY

SEAL BEACH

90802

PACIFIC

COASTAL COMMISSION

5-05-073

EXHIBIT #

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PROJECT SITE

90/4

~~SURFSIDE~~

907

SUNSET

BEACH

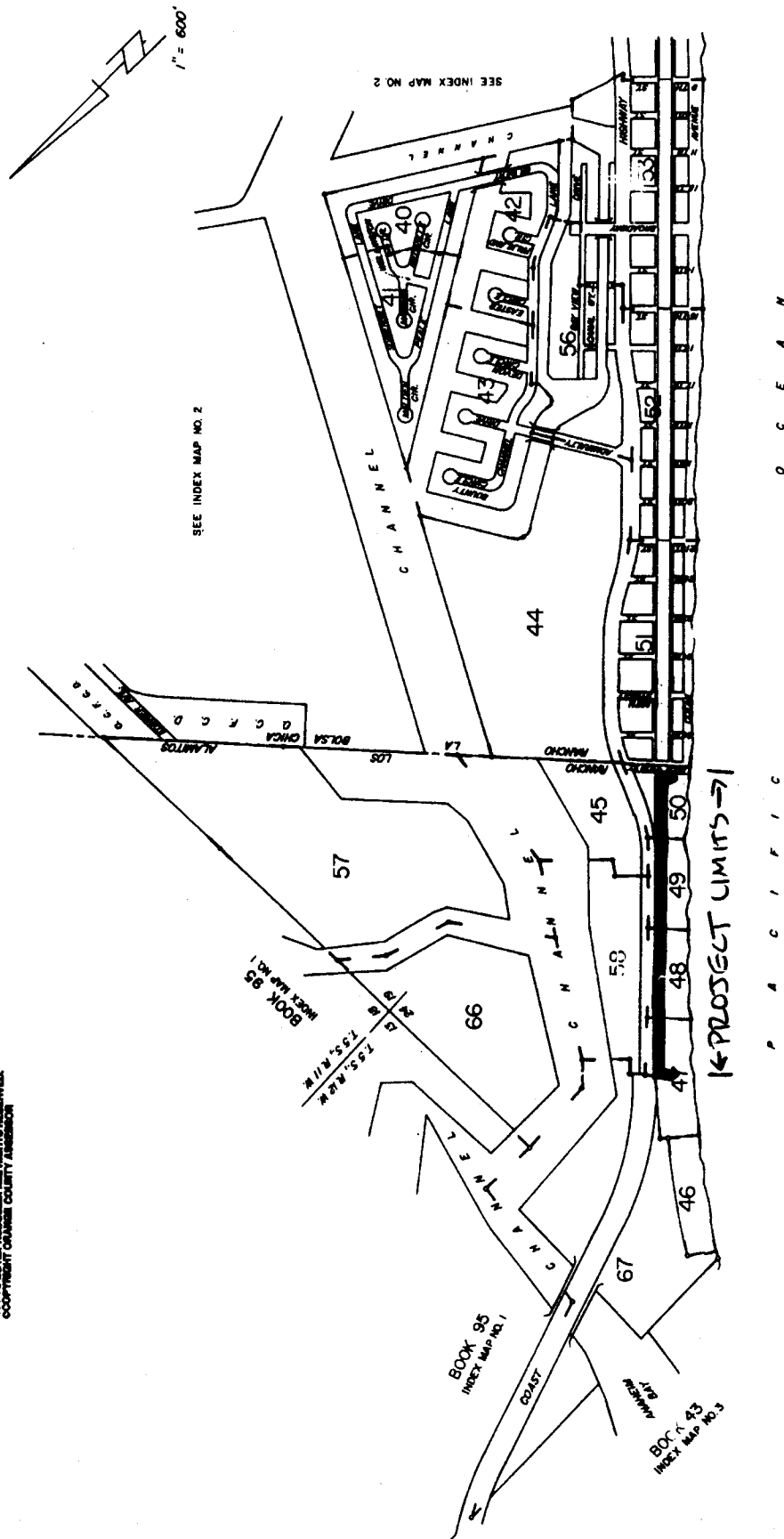
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INDEX MAP NO. 3
ASSESSOR'S MAP BOOK 178

THIS MAP WAS PREPARED FOR CHARGE COUNTY
ASSESSOR DEPT. PLANS ONLY. THE ASSES-
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EXHIBIT # 5

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EXHIBIT # 3

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**SURFIDE COLONY
SOUND WALL ALONG PCH**

REAL BEACH CALIFORNIA

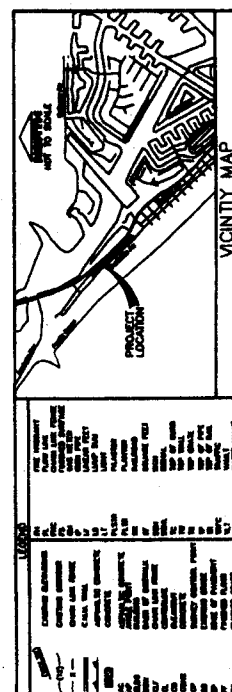
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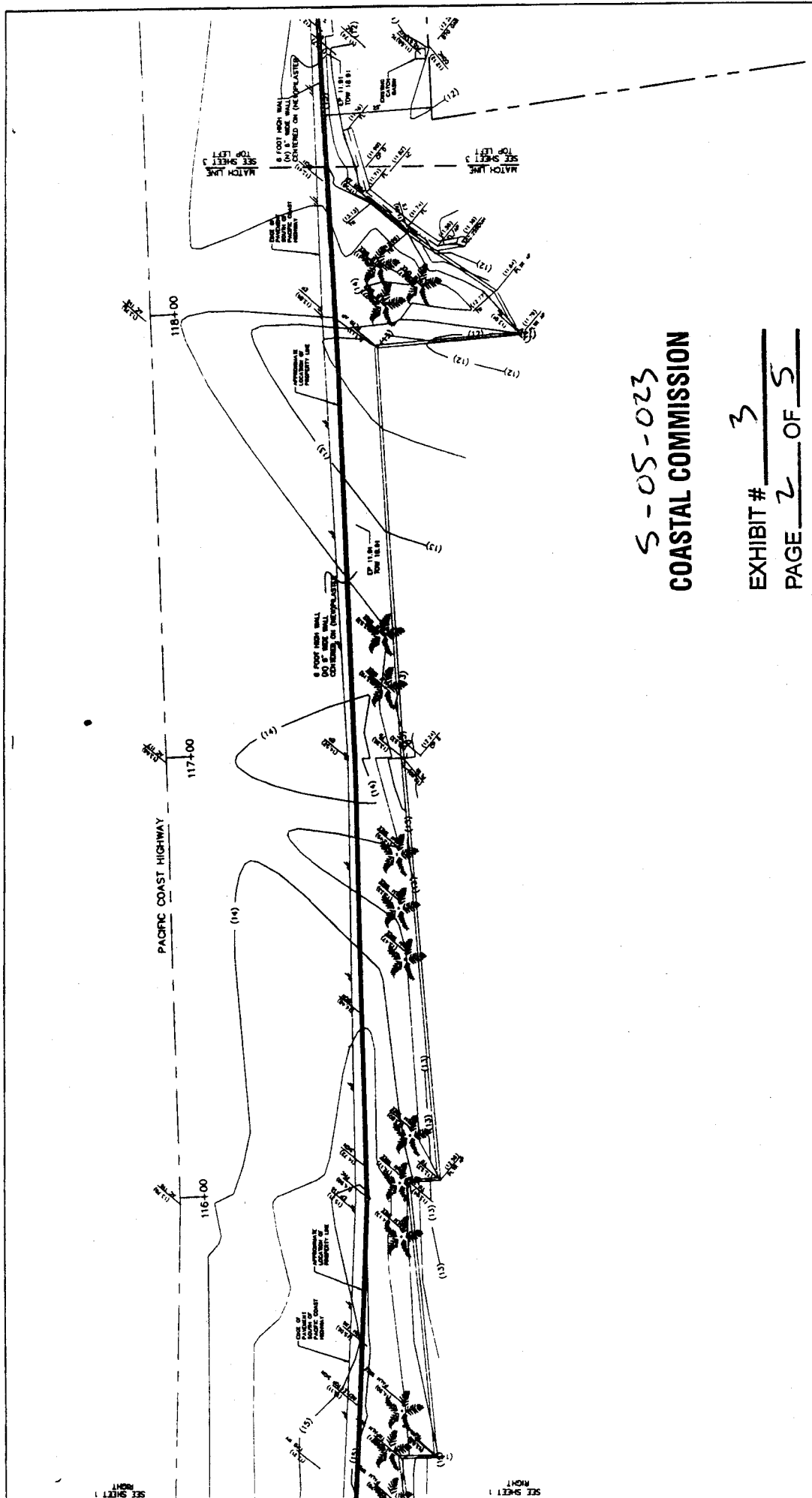


**MARSHALL
INNINGS**

PROFESSIONAL ARCHITECTURAL CORPORATION
PHONE 648-3924 **FAX 648-3925**

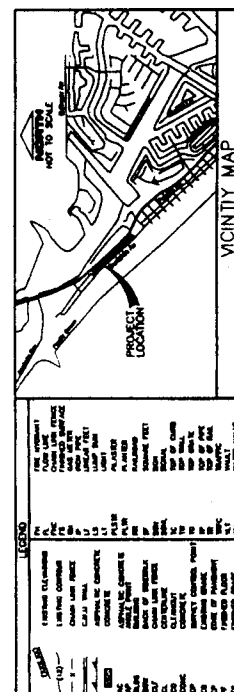
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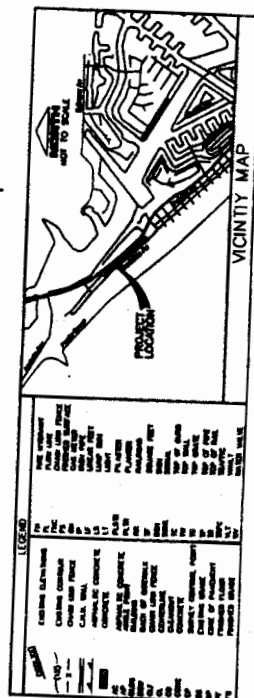
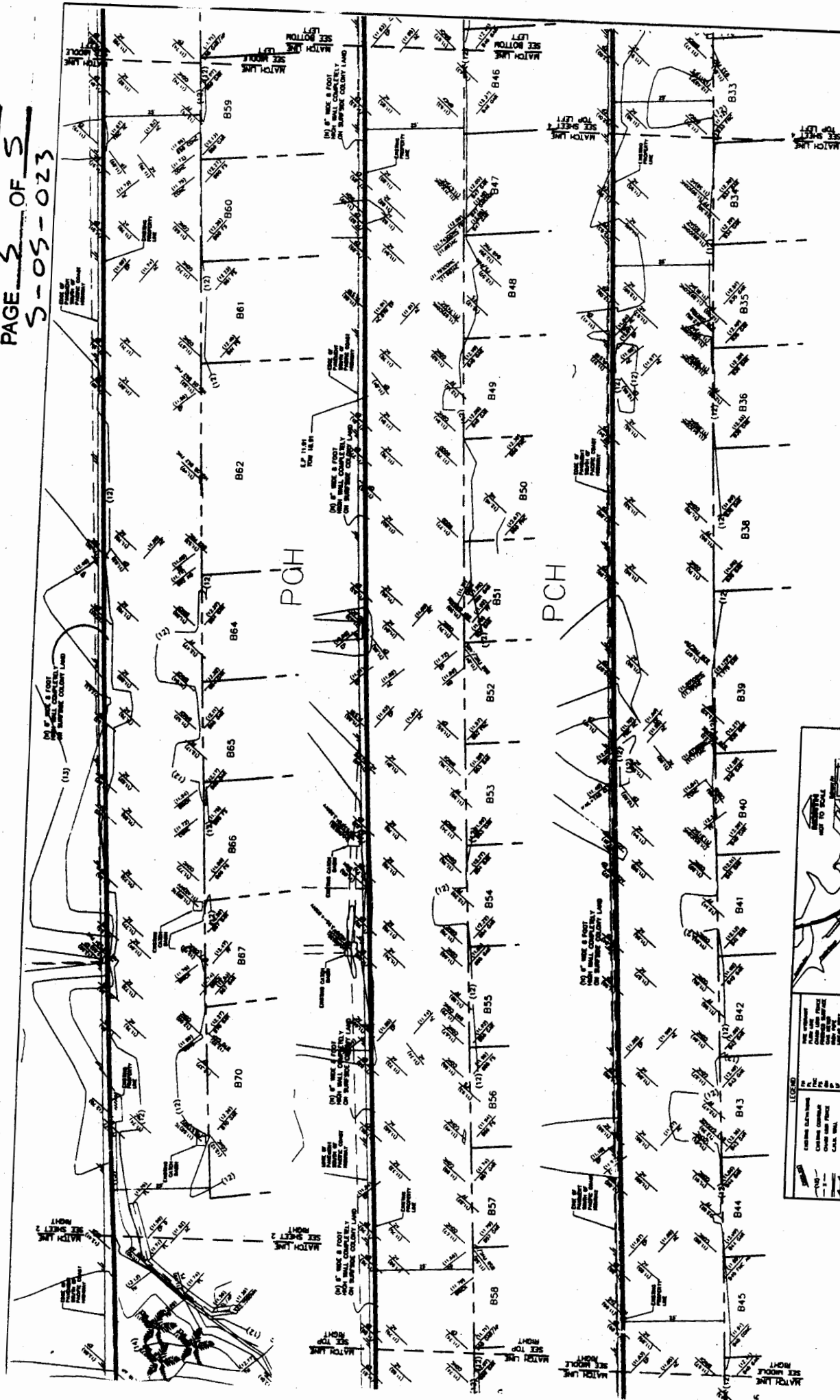


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Project SURFIDE COLONY SOUND WALL ALONG PCH SEAL BEACH CALIFORNIA SURFIDE COLONY HOMEOWNERS ASSOCIATION		Sheet No S-2 of 5
Professional Engineer MARSHALL INNIS PROFESSIONAL ARCHITECTURAL CORPORATION 400 OCEAN AVENUE SUITE C LAGUNA BEACH CA 92653 PHONE 949-261-1111 FAX 949-261-1111		Date 12/24/04



Sheet No. **S3** of **5**

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(714) 761-1111

**SUNSHINE COLONY
SOUND WALL ALONG PCH
SEAL BEACH CALIFORNIA**

SUNSHINE COLONY HOMEOWNERS ASSOCIATION

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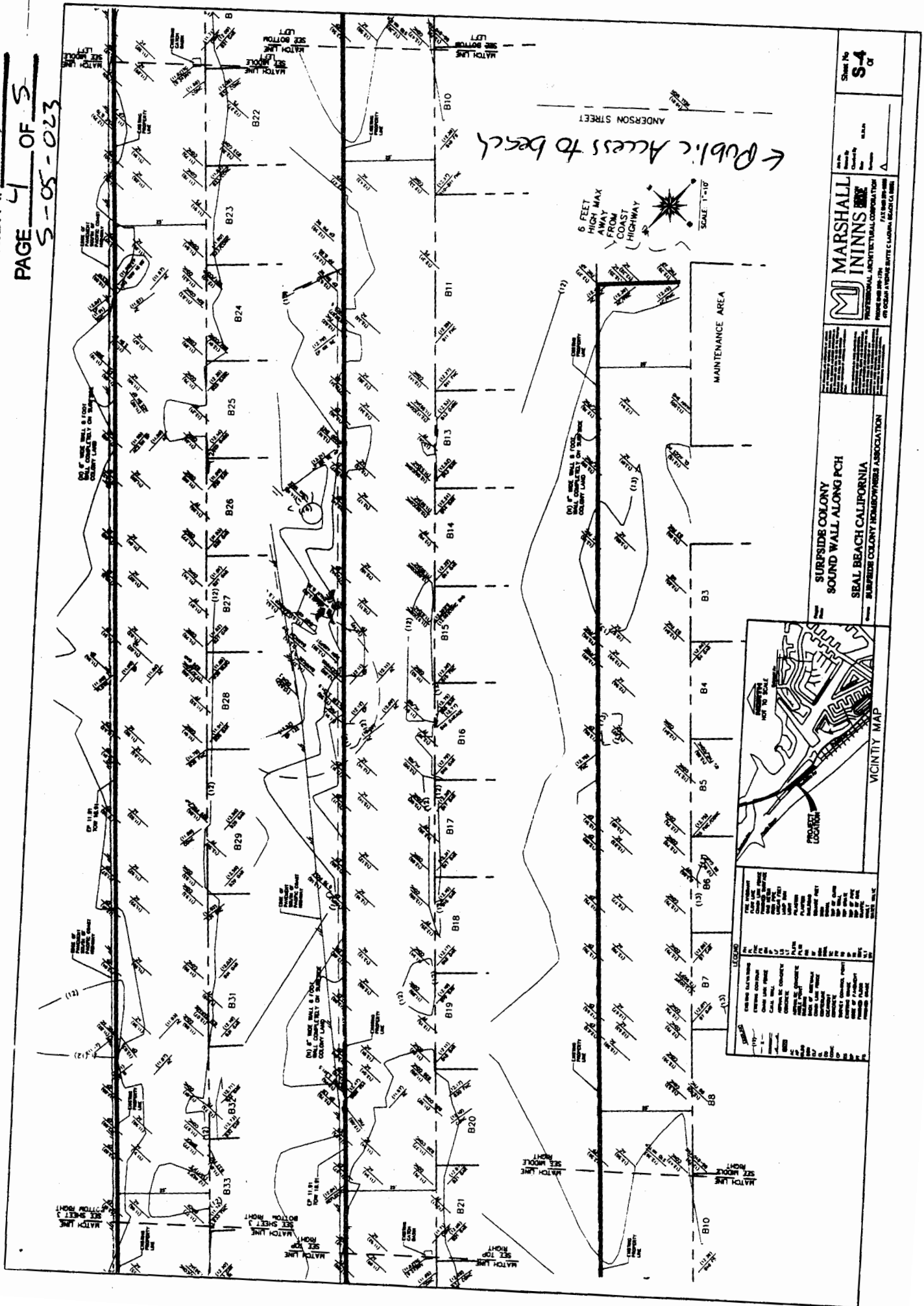
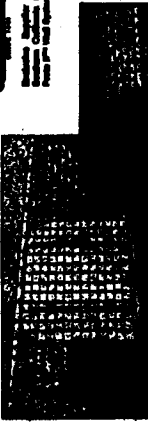


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61	51	41	<p>Proto II™ Wall Systems Post Tensioned Masonry Fence U.S. Patent Pending</p> <p><i>Angulus</i></p> 	<p>What is it?</p> <p>Angulus is a new type of masonry fence system. It is made of concrete blocks which are joined together by a special mortar. The blocks are designed to interlock, and the mortar is specially formulated to provide a strong bond. The result is a fence that is strong, durable, and easy to install.</p> <p>What is it?</p> <p>Angulus is a new type of masonry fence system. It is made of concrete blocks which are joined together by a special mortar. The blocks are designed to interlock, and the mortar is specially formulated to provide a strong bond. The result is a fence that is strong, durable, and easy to install.</p>	<p>What is it?</p> <p>Angulus is a new type of masonry fence system. It is made of concrete blocks which are joined together by a special mortar. 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N.W.</p> <p>ALBUQUERQUE, N.M. 87109</p> <p>761 594 5945</p>	<p>Sheet Contents</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p>	<p>Sheet No</p> <p>S-5</p> <p>or</p>
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