

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W 3aPermit Application No. **5-04-292**

Date: December 22, 2005

Page 1 of 7

**ADMINISTRATIVE PERMIT****APPLICANT:** Edward & Susana Alvarez**AGENT:** Ron McIntyre**PROJECT****DESCRIPTION:**

Remodel and addition to an existing four-story beach fronting single-family residence. The project consists of: 1) conversion of an existing 100 square foot landward side deck into habitable area; 2) enclosing (for cosmetic purposes) the non-habitable opening located at the underside of the existing exterior stairs and deck on the 1st floor on the beach side; 3) and replacement of the existing 1st floor deck and 3rd floor deck railings. No grading is proposed.

PROJECT**LOCATION:**

A-92 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, January 11, 2006**10:00 am****601 S. Palos Verdes St.****San Pedro, CA 90731****(310) 519-8200**

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 Sy
Title: Coastal Program Analyst 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 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 pages five and six.

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, BACKGROUND AND PRIOR COMMISSION ACTION ON SITE

1. Project Description and Background

The lot is located at A-92 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. There is an existing rock revetment and sandy beach between the subject property and the mean high tide line. The lot size is 1,392 square feet and the City of Seal Beach Zoning Code designates use of the site for Residential High Density and the proposed project adheres to this designation. The proposed development is in an existing private, gated residential community, located south of the Anaheim Bay east jetty and is consistent with development in the vicinity and prior Commission actions in the area. 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 remodel and addition to an existing 2,255 square foot, four-story beach fronting single-family residence. The project consists of: 1) conversion of an existing 100 square foot landward side 3rd floor deck into habitable area; 2) enclosing the non-habitable opening located at the underside of the existing exterior stairs and deck on the 1st floor on the beach side -for cosmetic purposes (no additional living space created); 3) and replacement of the existing 1st floor deck and 3rd floor deck railings with wrought iron/glass railings (Exhibits #2-4). Also, the existing windows will be replaced and the existing wood siding will be replaced by stucco. No grading is proposed. Post project: the single-family residence will be four-stories (35' above existing grade) consisting of 2,356 square feet with an attached 443 square foot two-car garage. Drainage from the roof drains and surface drainages will be directed onto permeable surfaces before entering the main storm drain system. The proposed project requires a coastal development permit since the project site is located on a beach and consists of construction of a permanent structure on the beach.

The applicant is proposing water quality improvements as part of the proposed project, including downspouts directed to permeable areas (Exhibit #2). Special Condition 2 requires that any vegetated landscaped areas located on site shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and California Native Plant Society (www.CNPS.org) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Section 30600(c) 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 City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act

2. Prior Commission Action On Site

On May 31, 1973, the Commission approved Coastal Development Permit No. P-177-[Jaff] for construction of a single-family residence. The permit was issued on June 14, 1973.

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 an existing 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. However, 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 recommends 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. Accordingly, the proposed 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

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

D. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

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

F. 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.

G. 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- A.** No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;
- B.** Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- C.** 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. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- D.** 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. 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. Debris shall be disposed at a debris disposal site outside the coastal zone.

2. Drainage and Run-Off Control Plan

The applicants shall conform with the drainage and run-off control plan received on October 21, 2005 showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. Any proposed changes to the approved plan shall be reported to the Executive Director. 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.

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