

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

# W 3a

Permit Application No. **5-07-141**

Date: August 16, 2007

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## ADMINISTRATIVE PERMIT

**APPLICANT:** Dr. Mathew Luxenberg

### PROJECT

**DESCRIPTION:** Extension of an existing concrete deck that cantilevers 5' beyond the bulkhead. Proposed extension will be 22 feet long and will connect with the rest of the existing deck which wraps around the corner of the lot and extends approximately an additional 65 feet. Also proposed is a 36" high iron fencing along the perimeter of the deck.

### PROJECT

**LOCATION:** 16412 Grimaud, 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, September 5, 2007; 9:00 a.m.**  
**Wharfinger Building**  
**1 Marina Way**  
**Eureka, CA 95501**

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 four.

**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**

The applicant proposes to extend an existing concrete deck that cantilevers 5' beyond the bulkhead. The proposed extension will be 22 feet long and will connect with the rest of the existing deck which wraps around the corner of the lot and extends approximately an additional 65 feet. Also proposed is 36" high iron fencing along the perimeter of the deck. Grass sod is proposed to be placed on the deck. The proposed deck is associated with the adjacent single family residential use. Most of the Huntington Harbour water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks. Virtually the entire water frontage in Huntington Harbour is supported by bulkheads. The nearest public access in the area is at Sunset County Beach, located approximately one half mile south of the subject site.

Drainage from the deck will be directed away from the harbour waters towards the residence to the existing drainage and filtration system. No products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye will be used on the deck, therefore, pollutants from those products will not drain to the harbor during or after construction.

The proposed deck would cantilever over the waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the City of Huntington Beach. A letter inviting the City to join as co-applicant was sent on August 14, 2007 and to date no response has been received. In addition, an approval in concept was received from the City, indicating the City is aware of the project. Furthermore, a special condition is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

The subject site is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows private cantilevered decks abutting residential uses, and with Chapter 210, which provides standards for cantilevered decks in Huntington Harbor in the Open Space Water Recreation zone.

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, as conditioned, 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. 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.

#### **C. 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.

**2. Public Rights**

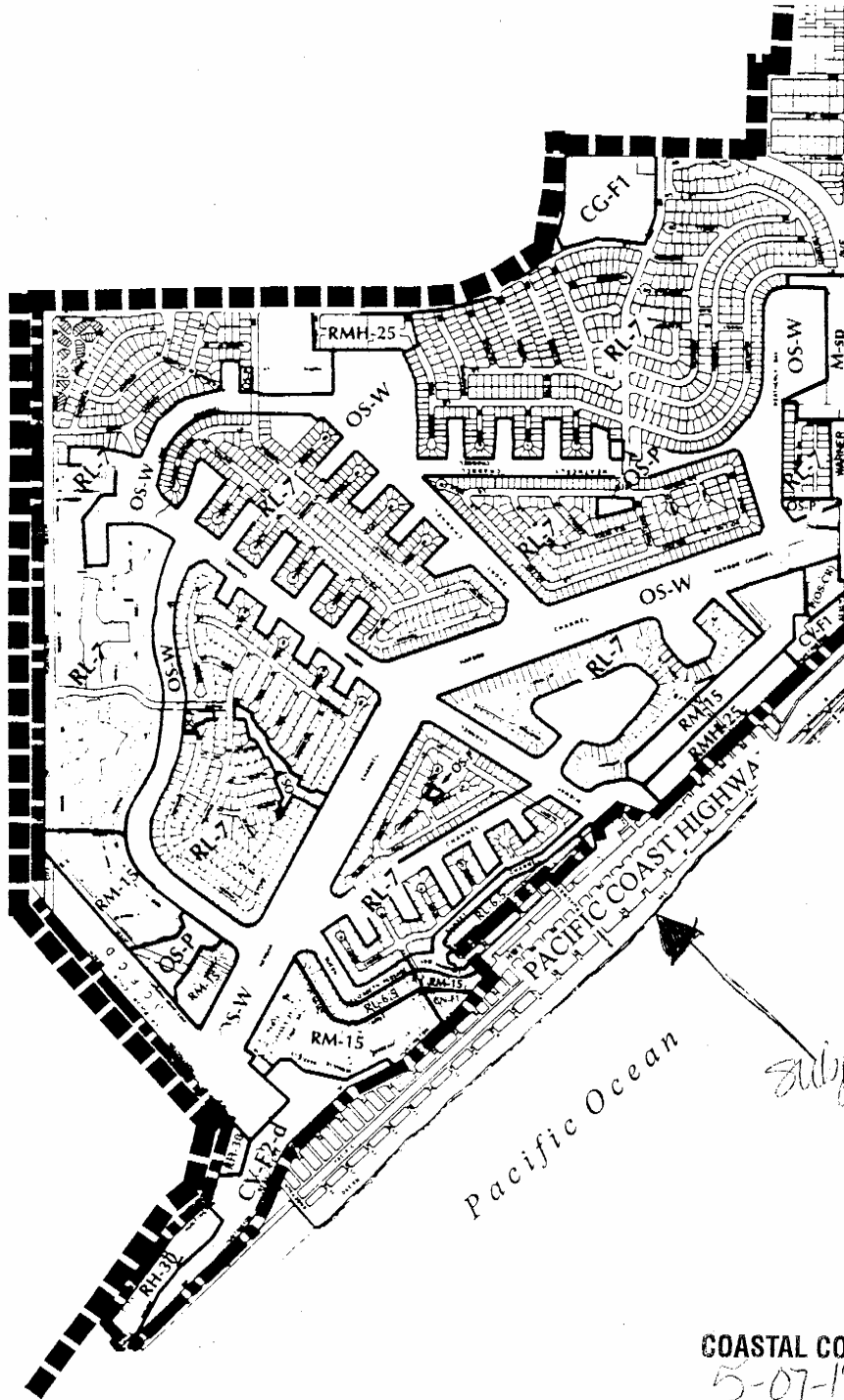
The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

**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.

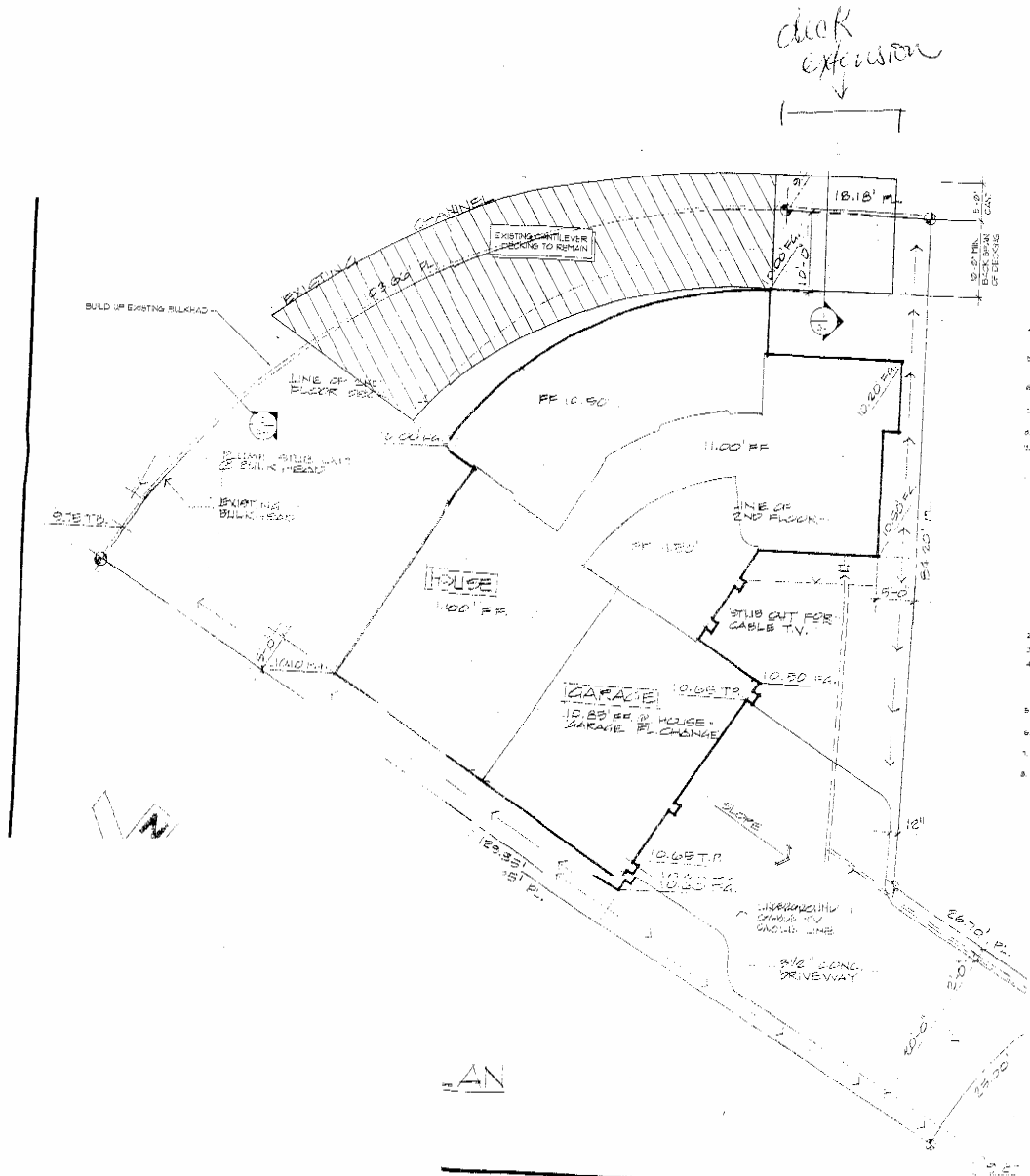
\_\_\_\_\_  
Applicants' Signature

\_\_\_\_\_  
Date of Signing



VICINITY MAP

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EXHIBIT # A  
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Site Plan

**COASTAL COMMISSION**

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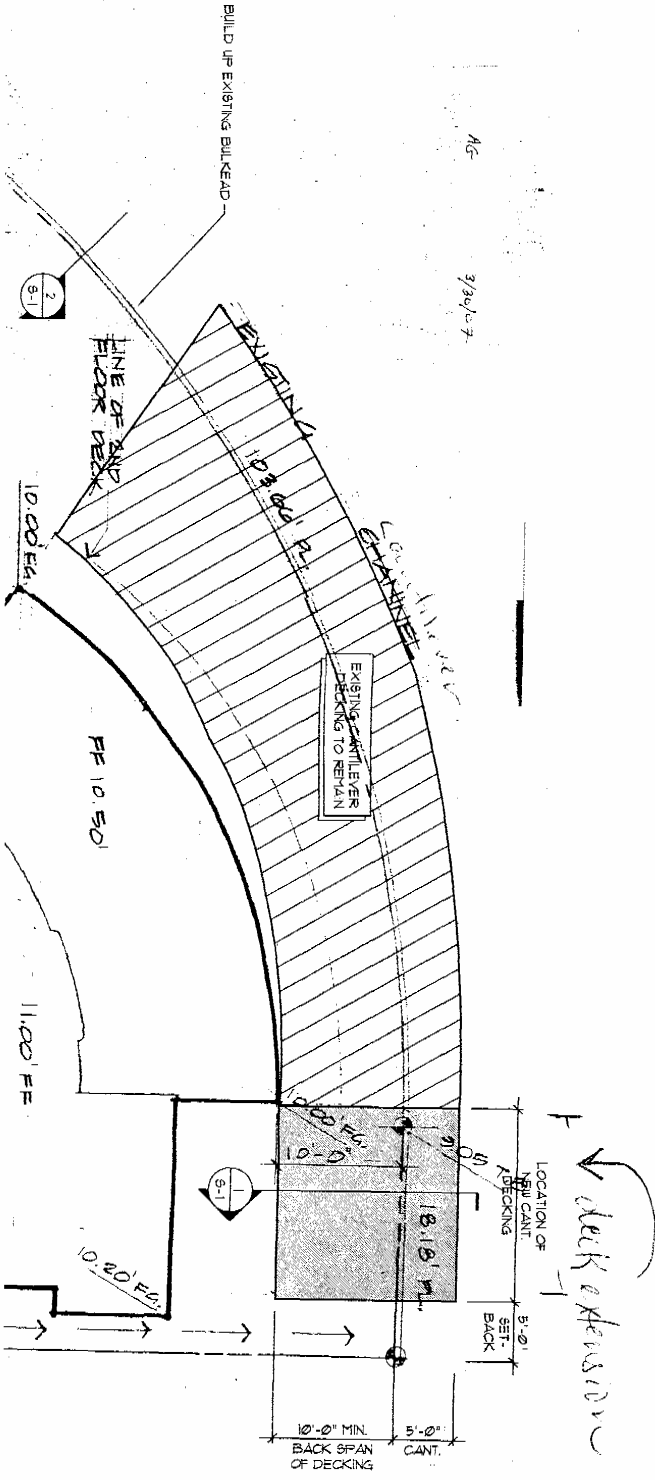
EXHIBIT # B

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**GENERAL CONDITIONS:**

1. GENERAL CONTRACTOR SHALL VISIT THE BUILDING SITE AND SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO START OF WORK AND SHALL BE RESPONSIBLE FOR COORDINATION OF ALL WORK AND MATERIALS INCLUDING THOSE TO BE PROVIDED BY SUB-CONTRACTORS. ENGINEERS SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
2. ALL ARCH. ACI AND AITC DESIGNATIONS SHALL BE AMENDED TO MOST RECENT DATE, UNLESS NOTED OTHERWISE.
3. GENERAL DETAILS ON THESE PLANS SHALL BE USED WHERE APPLICABLE, UNLESS OTHERWISE NOTED.
4. ALL DISCREPANCIES OR CONFLICTS BETWEEN VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH ANY WORK IN QUESTION INCLUDING BUT NOT LIMITED TO DISCREPANCIES BETWEEN THE STRUCTURAL AND ARCHITECTURAL PLANS. COMMUNICATION MUST BE BOTH ORAL AND WRITTEN.
5. CONTRACTOR SHALL PROVIDE SAFE AND ADEQUATE TEMPORARY PROTECTION BRACING ON ALL BEAMS, WALLS, ETC. TO PROVIDE FULL STRENGTH OF SUPPORTING STRUCTURE UNTIL THE ELEMENT SUPPORTED IS CAPABLE OF SUPPORTING ITS DESIGN LOADS.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CALIFORNIA BUILDING CODE AND ALL LOCAL CODE REQUIREMENTS.
7. GSI ASSOCIATES, INC. IS IN NO WAY RESPONSIBLE FOR ANY AND ALL JOB SITE SAFETY.
8. IN NO CASE SHALL WORKING DIMENSIONS BE SCALED FROM PLANS SECTIONS OR DETAILS ON THE STRUCTURAL DRAWINGS.

9. REFER TO ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS FOR MOLDS, ORNAMENTS, GROOVES, CLIPS, GROUNDS, DROPPED GLASS, CHAIRS, ETC. NOT SHOWN ON STRUCTURAL DRAWINGS.
  10. ANY CONFLICT OR DISCREPANCY BETWEEN THE STRUCTURAL PLANS AND THE ARCHITECTURAL PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY AND THEN FOLLOWED BY THE ENGINEER'S DESIGN OFFICE. THE ENGINEER'S DESIGN OFFICE SHALL BE RESPONSIBLE FOR CONSTRUCTION EFFORT. THE STRUCTURAL PLANS AND SPECIFICATIONS FURNISHING OR EXPANDING ANY PRECEDENCE OVER ALL CONCERNS AND MUST PREVAIL. THEREFORE, THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO AVOID ANY BREACH OF CONTRACT AND THE OBLIGATIONS OF THE CONTRACTOR SHALL BE CONSIDERED A BREACH OF CONTRACT AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES AND REPAIRS TO THE ENGINEER AND ARCHITECT FROM ANY BREACH OF CONTRACT.
- DESIGN CRITERIA: SEE DESIGN CALCULATIONS CODE:  
2001 CBC CODE AS AMENDED TO DATE.  
GRAVITY LOADS:  
105 PSF LIVE LOAD  
15 PSF SLEF DL  
40 PSF SUPER-IMPOSED DEAD LOAD



1	2	3	4	5	6	7	8	9	10	11	12
A	B	C	D	E	F	G	H	I	J	K	L

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Exhibit C