

## CALIFORNIA COASTAL COMMISSION

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

**Th 3a**Permit Application No. **5-07-231**

Date: December 20, 2007

Page 1 of 4

**ADMINISTRATIVE PERMIT****APPLICANT:** Aaron and Ron Cuha**PROJECT****DESCRIPTION:** Construction of a new 40' long concrete deck cantilevered 5 feet beyond the bulkhead. A 3' 3" high railing around the perimeter of the deck is also proposed.**PROJECT****LOCATION:** 16722 Baruna Lane, 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:

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 construct a new 40' long concrete deck cantilevered 5 feet beyond the bulkhead. A 3' 3" high railing around the perimeter of the deck is also proposed. 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.

All drainage from the deck will be directed back onto the lot. 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 10, 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, one or more of the following: 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**

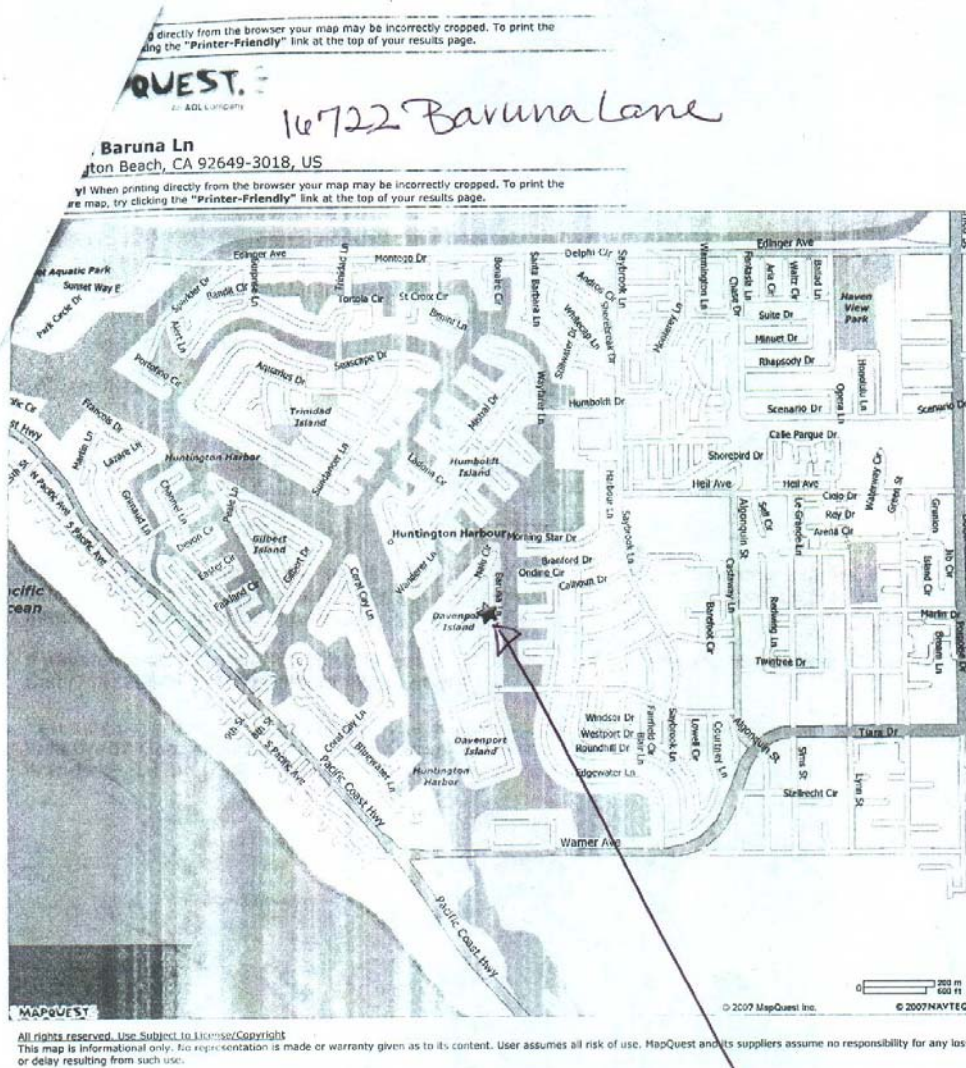
The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

#### **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



*subject site*

*VICINITY MAP*

**COASTAL COMMISSION**

*5-07-231*

EXHIBIT # 1

PAGE 1 OF 1

5-07-231 Cuha  
Administrative Permit  
Page 6

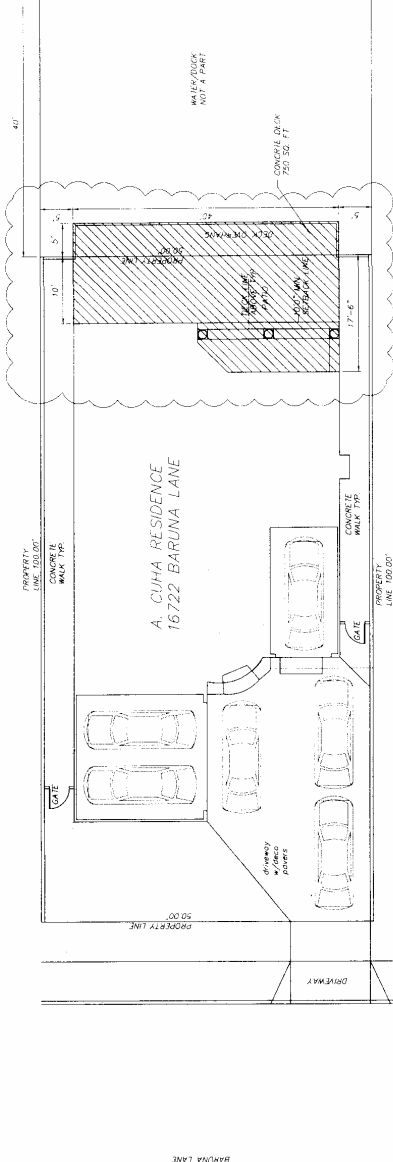
1. COMPLY WITH ALL STATE, COUNTY AND CITY LAWS AND ORDINANCES RELATING TO SAFETY AND EQUIPMENT AND LABOR PERSONNEL. THIS SHALL INCLUDE, BUT IS NOT LIMITED TO, THE MAINTENANCE OF THE CHANNEL.
2. MAINTAIN ACCESS TO ALL PROPERTY ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
3. BE HOLD RESPONSIBLE FOR ANY AND ALL DAMAGES TO EXISTING STRUCTURES AND UTILITIES BY THE CONTRACTOR SHALL BE REPAIRED BY HIM AT HIS EXPENSE.
4. THE CONTRACTOR SHALL VERIFY THE EXISTING LOCATION OF EXISTING UTILITIES. ANY UTILITIES DAMAGED THAT MAY ARISE FROM THIS CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING THE SAME AND HOLD HARMLESS THE OWNER FOR ANY DAMAGES THAT MAY ARISE FROM THIS CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE FOR THE PROJECT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESENCE OR ABSENCE OF ANY UTILITIES AND SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
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1. THE DECK SHALL BE BUILT OF STRUCTURALLY REINFORCED 2,500 PSI CONCRETE.
2. DESIGN LOADS.
3. LIVE LOAD 100 PSF
4. DEAD LOAD 10 PSF
5. WIND LOAD 100 PSF
6. WIND FACTOR 1.4 (AS 9-2.4)
7. WIND FACTOR 1.7 (AS 9-2.4)
8. HEIGHT OF GUARDRAILS SHALL BE 36" CLASS GUARDRAILS IS BY OTHERS.
9. DECK MIN. SLOPE SHALL BE 0.5% AS SHOWN ON DRAWINGS.
10. MAXIMUM DESIGN DEAD LOAD WILL NOT EXCEED 750 LB/FT ON THE EXISTING CONCRETE SLAB.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION OF ANY UTILITIES.

1. PREPARE AS-BUILTS AND SUBMIT AT THE END OF CONSTRUCTION.
2. MATERIALS, EQUIPMENT, DEBRIS, OR WASTE SHALL BE PLACED OR STORED WHERE IT MAY BE REMOVED AS SOON AS POSSIBLE.
3. ACTION MATERIAL SHALL BE REMOVED FROM THE SITE WITHIN 10 DAYS OF COMPLETION OF CONSTRUCTION.
4. MATERIALS NOT ESSENTIAL FOR PROJECT IMPROVEMENTS SHALL NOT BE ALLOWED AT THE CONSTRUCTION SITE.
5. BE USED TO CONTAIN DEBRIS DISCHARGED INTO COASTAL WATERS AND ANY DEBRIS REMOVED AS SOON AS POSSIBLE BUT NO LATER THAN THE END OF EACH DAY.
6. DISCHARGED INTO COASTAL WATERS SHALL BE RECOVERED BY OWNERS AS SOON AS POSSIBLE.
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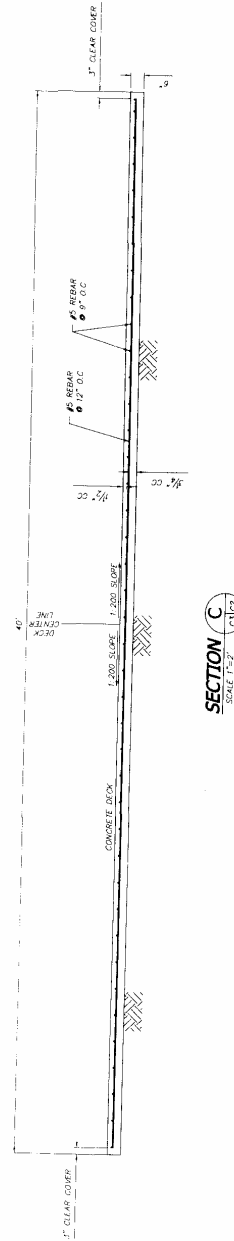
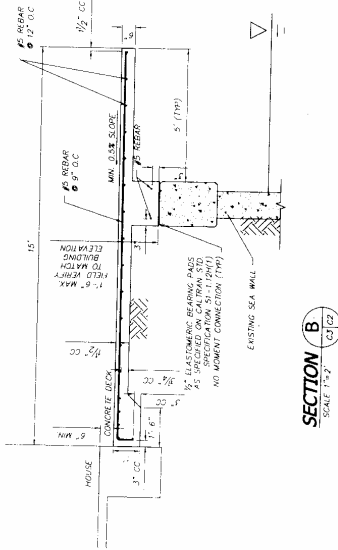
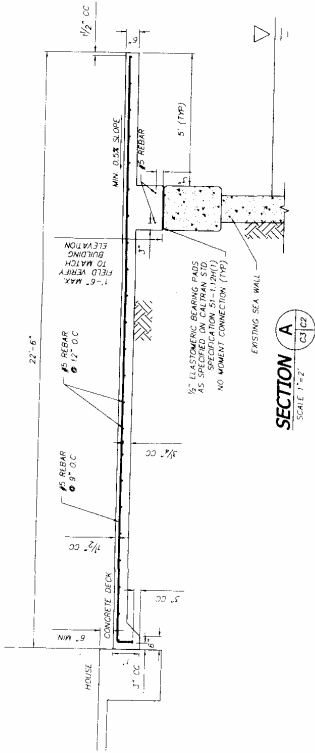
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SITE LAYOUT  
SCALE 1"=8'

GRAPHIC SCALE  
0 10 20 30 40

CONTRACTOR		GENERAL NOTES	
ON CUHA BARUNA LANE TON BEACH, CA		2500 Via Cabello Mesa, Suite 200 San Pedro, CA 90731 Tel: 310 548 1924 Fax: 310 548 1924	
SWIFT SLIP DOCK & PIER BUILDERS, INC. COSTA MESA, CA		AS NOTED 2334 C-1 2 of 4	



COASTAL COMMISSION

5-07-231

EXHIBIT # 3

PAGE 1 OF 1

GRAPHIC  
1"=2'  
AS NOTED  
DATE  
BY

SECTIONS

2500 Via Cardillo Marine, Suite 200  
Costa Mesa, CA 92626  
Tel: 310 548 3131  
Fax: 310 548 3124  
Owner: PT  
Design: PT

REVIEWER  
JUN 20 2011  
PENDING and Engineering Services

REGISTERED  
CIVIL ENGINEER  
NO. 5009  
EXP. 12/31/11

CONTRACTOR  
SWIFT SLIP DOCK & PIER  
BUILDERS, INC.  
COSTA MESA, CA

ARON CUHA  
2 BARUNA LANE  
VIGTON BEACH, CA