

**CALIFORNIA COASTAL COMMISSION**

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**W 8b**

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Staff: Fernie Sy-LB  
Staff Report: March 24, 2010  
Hearing Date: April 14-16, 2010  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-09-186

**APPLICANT:** Surfside Colony Ltd. Homeowners Association

**AGENT:** Marshall Innins Design Group, Attn: Marshall Innins

**PROJECT LOCATION:** 125 Philips Street, City of Seal Beach, County of Orange

**PROJECT DESCRIPTION:** At Surfside Colony entry from Pacific Coast Highway, remove 25 square foot entry kiosk, lift arm, masonry walls, chain link fence, relocate street light, and remove landscaping and construct new 110 square foot guard station with 6 to 8-foot tall, wrought iron entrance gates and fencing, expand existing traffic lanes, new planter areas with landscaping, new 8-foot tall masonry walls, relocate existing utility vaults and new streetlight along Pacific Coast Highway.

**SUMMARY OF STAFF RECOMMENDATION:**

The primary issues addressed in the staff report are visual resources, public access, and water quality. The applicant proposes to remove an existing entry kiosk and associated development and construction of a new guard station and entrance gates and associated development. Staff is recommending **APPROVAL** of the proposed project subject to **EIGHT (8) SPECIAL CONDITIONS** requiring: **1)** submittal of revised project plans; **2)** submittal of signage plans; **3)** adherence to timing of construction and public access; **4)** submittal of traffic control plans; **5)** submittal of construction staging plans; **6)** adherence to construction best management practices; **7)** submittal of revised drainage and run-off control plans; and **8)** submittal of revised landscape plans.

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.

**STAFF NOTE:**

The proposed project deals with the existing guard station at the entrance to the Surfside Colony gated community. Currently, the only available view of the beach and ocean in this area is provided at this guard station entrance location. The remaining adjacent areas upcoast or

downcoast of this site have either existing Surfside Colony community walls or Surfside Colony homes that, themselves obstruct views through the site to the beach and ocean. While this existing guard house location area has low scale improvements, a public view corridor through the community is still provided. The proposed project would remove these low scale improvements, but then replace them with larger, taller and much more substantial structures than what exist today, thereby adversely affecting the existing public view corridor. Commission staff is recommending approval of the proposed project that would allow for some of the proposed improvements, but requires the use of lower scale lift arms and smaller pilasters to support the lift arms instead of the originally proposed larger scale elements.

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**LOCAL APPROVALS:** Approval in Concept from the City of Seal Beach Planning Department dated September 9, 2009.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit No. P-6364-[Surfside Colony, Ltd.]; Coastal Development Permit No. 5-82-579-[Surfside Community Assn.]; Letter from Commission staff to Marshall Innis Design Group dated October 21, 2009; Letter from Marshall Innis Design Group to Commission staff dated November 2, 2010; and Letter from Marshall Innis Design Group to Commission staff dated February 8, 2010.

**LIST OF EXHIBITS:**

1. Vicinity Maps
2. Site Plan
3. Elevation Plan
4. Applicant's alternative design (Elevation Plan)
5. Existing public view from PCH looking toward the beach and ocean
6. Elevation Plan identifying project revisions as discussed in SPECIAL CONDITION NO.1 of the Staff Report dated March 24, 2010 for CDP No. 5-09-186

## **I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL**

**STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following motion and resolution:

**MOTION:**

***"I move that the Commission approve Coastal Development Permit No. 5-09-186 pursuant to the staff recommendation."***

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.

The Commission hereby **GRANTS** 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 permittees 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 permittees to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS:

### 1. REVISED PROJECT PLANS

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized sets of Revised Project Plans showing the following revisions to the project in order to protect public views of the beach and ocean (Please also refer to Exhibit #6 of the Staff Report dated March 24, 2010 for CDP No. 5-09-186):

1) That the originally proposed wrought iron gates across the vehicle entry/exit lanes be replaced with narrow lift arms that are substantially the same in size/dimension as the one which presently exists at the site;

2) That proposed pilasters adjacent to the vehicle entry/exit lanes be removed from the plan and only replaced with alternative structures that are lower in height and narrower than currently proposed and the minimum height and width necessary to provide support for the lift arms identified in subpart (1) above; and

3) Incorporating the landscaping requirements pursuant to **SPECIAL CONDITION NO. 8** of this permit.

- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

## **2. SIGNAGE PLANS**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full size sets of Signage Plans 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:

- (1) Signs shall not interfere with existing coastal access or public views;
- (2) 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; and
- (3) No language that is inconsistent with the public access signs required under previous Coastal Development Permits (i.e. P-6364 and 5-82-579) will be allowed.

- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

## **3. TIMING OF CONSTRUCTION**

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the nearby beach resulting from construction activities approved pursuant to Coastal Development Permit No. 5-09-186, as required below:

No construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

## **4. TRAFFIC CONTROL PLAN**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized sets of Traffic Control Plans that demonstrate the following:

- (1) Every effort shall be made to minimize the duration of sidewalk, bike and road lane closures so that impacts upon public access are minimized; and
- (2) The sidewalk, bike and road lanes should be opened, even intermittently, whenever possible during construction; and
- (3) A detour plan to re-route pedestrian and bicycle traffic shall be identified for those periods when the sidewalk and/or bicycle lane is closed within the project area.

**B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

## **5. CONSTRUCTION STAGING PLANS**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized sets of Construction Staging Plans which indicate that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the nearby beach and demonstrate the following:

- (1) The plan shall demonstrate that:
  - (a) Construction equipment and materials shall not be stored outside the staging area and construction activity shall not occur outside the construction corridor identified on the site plan required by this condition; and
  - (b) Construction equipment and materials shall not be stored, and construction activity shall not occur, in any location which would result in access impacts to the nearby beach.
- (2) The plan shall include, at a minimum, the following components:
  - (a) A site plan that depicts:
    1. limits of the staging area(s);
    2. construction corridor(s); and
    3. construction site.
  - (b) A narrative describing the construction staging plan.

**B.** 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. CONSTRUCTION BEST MANAGEMENT PRACTICES**

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

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

**B.** Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and

- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

## 7. **REVISED DRAINAGE AND RUN-OFF CONTROL PLANS**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, two (2) full sized sets of Revised Drainage and Run-Off Control Plans showing that roof drainage and runoff from all impervious areas will be directed to permeable areas or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native or non-native drought tolerant non-invasive plants consistent with the requirements of **SPECIAL CONDITION NO. 8**.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

## 8. **REVISED LANDSCAPE PLANS**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized sets of Revised Landscape Plans that demonstrate the following:
  - (1) The plan shall demonstrate that:
    - (a) All landscaping shall consist of native or non-native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>). Any existing landscaping that doesn’t meet the above requirements shall be removed;
    - (b) Proposed landscaping shall not adversely impact public views of the beach and ocean provided through the site. All landscaping within the view corridor to the beach and ocean shall be comprised of plant species that, at maximum growth (width/height), do not reduce, obstruct, or in any way interfere with, public views. The required Revised Landscape Plans shall provide information regarding the maximum height and width of the proposed landscaping vegetation. Landscaping shall be

trimmed/maintained such that impacts upon public views are avoided. Once planted, if the Executive Director determines that any landscaping within the view corridor to the beach and ocean is causing an impact upon public views, the applicant shall replace such landscaping with different plant species that meet the requirements of this special condition, as directed by the Executive Director;

- (c) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage; and
- (d) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;

(2) 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 temporary irrigation system, topography of the developed site, and all other landscape features, and
- (b) a schedule for installation of plants.

**B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. PROJECT LOCATION AND DESCRIPTION**

The project site is the existing Surfside Colony entry guard station located at 125 Phillips Street along Pacific Coast Highway (PCH) and is entirely within the Surfside Homeowner's Association (Surfside Colony, Ltd.) property, in the City of Seal Beach, Orange County (Exhibit #1, page 1). The project site is approximately 1,250 square feet in size and the City of Seal Beach Zoning Code designates use of the site as Residential Low Density (RLD) and the proposed project adheres to this designation. The City of Seal Beach does not have a Certified Land Use Plan (LUP) or Certified Local Coastal Program (LCP) and the land use designation is not certified by the Commission. To the north of the project site is Pacific Coast Highway (PCH). To the east is a parking area for the Surfside Colony community. To the south is the end of Phillips Road, which ends at the beach with an area that is landscaped. To the west of the site is an unpaved lot owned by the Federal Government and controlled by the United States Navy. The Navy maintains a locked gate at the western perimeter of the lot. Vehicles parked on this unpaved lot are allowed by the Navy to do so for Navy associated purposes.



Entrance into the Surfside Colony community is available at this location through the guard station. 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 (PCH) and the sea. The community is comprised of three (3) rows of homes (one of which is beachfront) that parallel the beach and ocean, which are accessed via a private road system. Formalized public access is not available at this location at 125 Phillips Road (though members of the public have been known to gain access to the beach via this entry). Only resident access is available at the project site. However, vertical public access to the beach is provided downcoast of the project site at the end of Anderson Street (Exhibit #1, page 2). In addition, the Commission conditioned permit P-75-6364 to allow public access to the beach through Surfside via the Surfside ingress/egress point at the southeastern end (along Anderson Street) of Surfside during daylight hours. Lateral public access is available along Sunset County beach, seaward of the Surfside Colony's 80-foot wide property between the first line of houses and the sea.

According to the applicant, the proposed project will consist of the following (Exhibits #2-3):

- 1) Replace the existing 25-square foot, approximately 11-foot tall, approximately 4-foot wide guard station (manned 24-hours per day) with a new 110-square foot, approximately 12-foot tall, approximately 7-foot wide guard station. The existing lift arm (operated by the guard in the kiosk) which controls vehicle traffic into the community, 16-foot tall masonry walls and landscaping will be removed. The new guard station will include an ADA-accessible restroom, wider entry doors, access ramps and accessible desks and equipment. New 6 to 8-foot tall wrought-iron gates across the entry and exit lanes are also proposed in place of the single existing lift arm that controls vehicle entry (the existing exit is not gated or controlled by a lift arm but does have "tiger teeth" that would damage tires if a vehicle attempted to use the exit as an entry);
- 2) There is currently one (1) entry lane and one (1) exit lane. The project will include one (1) additional entry lane. In total, the project will result in two (2) entry lanes (an owner entry lane with automatic gate control for quicker entry and a visitor entry lane) and one (1) exit lane. Each entry lane will be able to double up the amount of on-site car stacking in front of the guard station so as to prevent cars from lining up on Pacific Coast Highway to get into the community and will be wide enough to meet the Orange County Fire Authority (OCFA) entry gate access requirements;
- 3) The new driveway will be a combination of asphalt paving, concrete hardscape, and interlocking pavers. The new interlocking pavers will offer some pervious drainage;
- 4) New hardscape, moving of existing utility vaults, removal of an existing streetlight and installation of a new streetlight;
- 5) Realignment of existing residential parking spaces within the gated community adjacent to the site due to the lane widening (no parking will be lost);
- 6) Many of the existing shrubs will be removed and replaced. New planter areas will be constructed;
- 7) A new 8-foot tall masonry soundwall will extend from PCH to the new guard station, and will be a continuation of a masonry soundwall previously built along Pacific Coast

Highway (to replace a chainlink fence). The new wall will be built with similar materials used on the previously constructed masonry soundwall along PCH;

- 8) Replace the existing “Surfside” entrance sign located on the existing 16-foot tall masonry wall with a new freestanding 6-foot high “Surfside” sign that would be closer to PCH; and
- 9) Grading will consist of 100 cubic yards of recompaction, which will balance on site.

The applicant states that the existing guard station and lift arm has been in this location for over 40 years (since the 1960’s) and due to the changed Federal ADA and OCFA regulations, the structure, gates and lane need to be updated to bring it into conformance to today’s codes.

## **B. VISUAL IMPACTS**

Section 30251 of the Coastal Act states:

*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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Protection of public views is an important aspect of the Coastal Act. The project site is located between the first public road (PCH) and the sea. Currently, a 2-lane ingress/egress point to Surfside provides an approximately 28-foot wide view corridor of the beach and the ocean from PCH for pedestrians, cyclists, and those driving along PCH (Exhibit #5). Within this view corridor is an existing 25-square foot, approximately 11-foot tall, approximately 4-foot wide guard station and vehicle control lift arm (across the vehicle entry lane). Also within the view corridor, but located seaward of the existing guard station, at the end of Phillips Street, is a landscaped area including palm trees and a palapa structure, and further seaward of that on the beach is a children’s playground area. All of this development seaward of the existing guard station appears to have been constructed within or relocated to the view corridor area without benefit of any coastal development permit and is unpermitted (Exhibit #5). Were these unpermitted structures to be removed, the view through the site would be even better than it is today. The issue with this unpermitted development will need to be addressed separately through enforcement.

The applicant is proposing development that would have a significant adverse impact upon the public views through the community to the ocean. The applicant is proposing to enlarge the entire entry with a third vehicle lane, relocate and enlarge the guard house, replace the existing vehicle control lift arm with wrought iron gates and pilasters, add wrought iron gates with tightly spaced vertical bars and pilasters across the exit lane and new lane. The proposed guard house will be 110-square feet, approximately 7-foot wide and will be approximately 12-foot tall; the three pilasters will be approximately 7-foot tall and 2-foot wide and the proposed wrought iron gates will have a wave like design that will be approximately 8-foot tall at their tallest point. Upon completion of the community entryway project, the total width of the entryway will expand

from about 28-linear feet (with 2 vehicle lanes and guard house) to about 68-linear feet wide with 3 vehicle lanes, enlarged/relocated guard house, wrought iron gates, pilasters and landscaping. This is an overall expansion of the width of the entryway by 40-linear feet (68-linear feet – 28-linear feet= 40 linear feet) (Exhibit #3). Thus, the visual massing and effect of a walled, gate-guarded community will be substantially increased by the project.

Commission staff discussed the adverse impact to coastal views raised by the proposed project with the applicant. In response, the applicant offered to change the wave-like design of the wrought iron gates to a simpler design that would be 6-feet tall (Exhibit #4). Even this height causes view impacts that are substantially the same as those from the prior design. No changes were offered to the proposed guard house and pilasters. In addition, the linear “wall effect” would remain the same since the gates and associated structures would not be shortened in length. Therefore, the revised plan would still impact coastal views.

The applicant has stated that the proposed project would actually open up more views of the beach and ocean since one component of the project is to remove a 16-foot tall wall that doubles as a community entry sign (with the word “Surfside” on it) and landscaping that currently blocks public views and add a vehicle lane, comprised of the paved road, with 6 to 8-foot tall wrought iron gates across the vehicle lane and mounted on pilasters along the side of the travel lane. Since the taller wall would be replaced by slightly lower wrought iron gates with pilasters, the applicant states that an area would be opened up that was not available before that would provide views of the beach and ocean. However, further analysis shows that these changes offer no substantial benefit to public views since the view area that the applicant says would be opened up would still be blocked by a residential development and the Surfside Colony “Post Office” that would still remain in place on the seaward side of the removed wall and landscaping. Thus, this “off set” pointed out by the applicant does not mitigate any impact on public views caused by the proposed development.

The project site is the only available view to the ocean through Surfside Colony; ocean views through the remainder of Surfside are obstructed by homes and a property line wall that varies approximately from 6 to 8-feet high and runs along PCH and measures approximately 2,400 linear feet that prevent any other views of the coast. Allowing the proposed development would essentially fill in the last remaining view pocket and create an adverse visual mass along a major public highway.

Currently, the existing vehicle control lift arm does not adversely impact the ocean view due to its simple and compact design. However, as previously discussed, the proposed wrought iron gates and pilasters have direct impacts on the existing coastal view. The enlarged guard house and additional wrought iron gates, pilasters, and landscaping further add to the visual mass. Replacing the proposed wrought iron gates that span the vehicle lanes with vehicle control lift arms, similar to what exists today, would significantly reduce the direct visual impact and adverse massing caused by the wrought iron gates. In addition, pilasters should be reduced to the minimum quantity, width and height necessary to support the lift arms spanning the vehicle lane. In order to protect scenic views, the Commission imposes **SPECIAL CONDITION NO.1**, which requires the applicant to submit Revised Project Plans with the revisions described above and in the special condition (Exhibit #6).

The proposed project also includes landscaping (which will be discussed further later). Plants within view corridors can have view impacts similar to structures. Therefore, plant species must be chosen that do not grow to a height and/or width that would impact public views. Poorly

maintained landscaping could also create adverse impacts to the existing scenic view. In order to further make sure that scenic resources are protected, the Commission has imposed **SPECIAL CONDITION NO. 8**, which requires choice of landscaping that does not impact scenic coastal views provided on site and maintenance of that vegetation such that views are not impacted.

## CONCLUSION

In order to ensure visual resources are protected, **TWO (2) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 1** requires the applicant to submit Revised Project Plans to address the visual impacts caused by the proposed structures. **SPECIAL CONDITION NO. 8** requires landscaping (and maintenance thereof) that does not impact scenic coastal views provided on site. Only as conditioned does the Commission find the proposed development is consistent with Section 30251 of the Coastal Act.

### **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 protection of public access is an important aspect of the Coastal Act. 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 Surfside Colony is a private, gated residential community and no formal public access is available via the entryway that is the subject of this permit (only resident/guest access is available), vertical public access is provided downcoast of the project site at the end of Anderson Street with adjacent public parking (Exhibit #1, page #2) and lateral public access is available along Sunset County beach (seaward of the Surfside Colony's 80' wide property between the first line of houses and the sea). Also, the Commission conditioned Coastal Development Permit No. P-75-6364 to allow public pedestrian access through the Surfside Colony community through the community ingress/egress at the southeastern end of Surfside (along Anderson Street) during daylight hours. Additionally, the Commission conditioned Coastal Development Permit No. 5-82-579-[Surfside Community Assn.] to provide signs identifying coastal access. In order to make sure that existing public access is continually identified and maintained on site, the Commission has imposed **SPECIAL CONDITION NO. 2**, which requires submittal of a Signage Plan. Any proposed signs shall not interfere with existing coastal access. In addition, any existing public access signs as required under previous Coastal Development Permits (i.e. P-6364 and 5-82-579) that are removed or altered during construction of the proposed project will be replaced in kind and at the same location. Lastly, any language on any proposed signs shall not be inconsistent with the with the public access signs required under previous Coastal Development Permits (i.e. P-6364 and 5-82-579).

Construction of the proposed project may result in adverse impacts to public access to the nearby beach due to the proposed construction taking place adjacent to a main access highway (PCH) to the beach, which can potentially impede pedestrian (via sidewalk), bike (via bike lane) and vehicle traffic (via PCH road lanes). Therefore, in order to mitigate possible impacts to

public access, the Commission has imposed **SPECIAL CONDITION NO. 3**, which prohibits construction from occurring during the peak use summer season and **SPECIAL CONDITION NO. 4**, which requires submittal of Traffic Control Plans to address potential construction-phase impediments to access. In addition to the actual construction, construction staging may impact public use of the beach. Thus, the Commission imposes **SPECIAL CONDITION NO. 5**, which requires the applicant to submit Construction Staging Plans to assure that no public accessways or parking areas are utilized in conjunction with construction of the proposed development.

## CONCLUSION

In order to ensure public access to the parks and coastline is not hindered, **FOUR (4) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 2** requires the applicant to submit Signage Plans. **SPECIAL CONDITION NO. 3** prohibits construction from occurring during the peak use summer season. **SPECIAL CONDITION NO. 4** requires the applicant to submit Traffic Control Plans. **SPECIAL CONDITION NO. 5** requires the applicant to submit Construction Staging Plans. Only as conditioned does the Commission find the proposed development is consistent with Section 30212 of the Coastal Act.

## **D. WATER QUALITY**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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.*

The protection of water quality is an important aspect of the Coastal Act. Water from the project site lot will flow into the City of Seal Beach's Storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result

in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission has imposed **SPECIAL CONDITION NO. 6**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

The applicant is proposing water quality improvements as part of the proposed project, including interlocking pavers, which will offer some pervious drainage. The measure proposed by the applicant is acceptable. However, while the applicant has provided a narrative discussing the use of pavers, the submitted plans do not call out the proposed interlocking pavers. In order to minimize adverse impacts to water quality, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires the applicant to submit Revised Drainage and Run-Off Control Plans.

The proposed project also includes landscaping and the applicant has submitted landscape plans. The placement of any 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.cal-ipc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications. The proposed landscape plan does not contain any invasive plants.

Furthermore, any plants in the landscape plan should only 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>. While no invasive plants were included in the submitted landscape plans, the applicant included some non-drought tolerant plants in the plans: *Tristania Laurina*, *Callistemon Viminalis* (*Dwarf Weeping Bottlebush*), and *Helictotrichon Sempervirens* (*Blue Oat Grass*).

Any vegetated landscaped areas located on site shall only consist of native or non-native drought tolerant plants, which are non-invasive. In order to minimize adverse impacts to water quality and potential adverse effects to the coastal habitat, the Commission is imposing **SPECIAL CONDITION NO. 8**, which requires the applicant to submit Revised Landscaping Plans, which consists of native, or non-native, drought tolerant plants that are non-invasive.

## CONCLUSION

To minimize adverse impacts to water quality, **THREE (3) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 6** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. **SPECIAL CONDITION NO. 7** requires the applicant to submit Revised Drainage and Run-Off Control Plans **SPECIAL CONDITION NO. 8** requires the applicant to submit Revised Landscaping Plans, which consists of native or non-native drought tolerant plants that are non-

invasive. Therefore, as conditioned, the Commission finds that the proposed development conforms with Section 30230 and 30231 of the Coastal Act.

**E. LOCAL COASTAL PROGRAM (LCP)**

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. Thus, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

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 (CEQA)**

The City of Seal Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is categorically exempt under CEQA Guidelines Section 15301 (Class 1) (minor alteration of existing structures or facilities).

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Although the proposed development is categorically exempt from CEQA, the Commission has imposed conditions to ensure conformity with Coastal Act requirements. As conditioned, the proposed project is consistent with the visual resources, public access and water quality policies of the Coastal Act. Mitigation measures include: **1)** submittal of revised project plans; **2)** submittal of signage plans; **3)** adherence to timing of construction and public access; **4)** submittal of traffic control plans; **5)** submittal of construction staging plans; **6)** adherence to construction best management practices; **7)** submittal of revised drainage and run-off control plans; and **8)** submittal of revised landscape plans.

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 consistent with the requirements of the Coastal Act and CEQA.

# VICINITY MAP

**RECEIVED**  
South Coast Region

SEP 24 2009

CALIFORNIA  
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 2

**PROJECT**  
**125 PHILLIPS AVENUE**

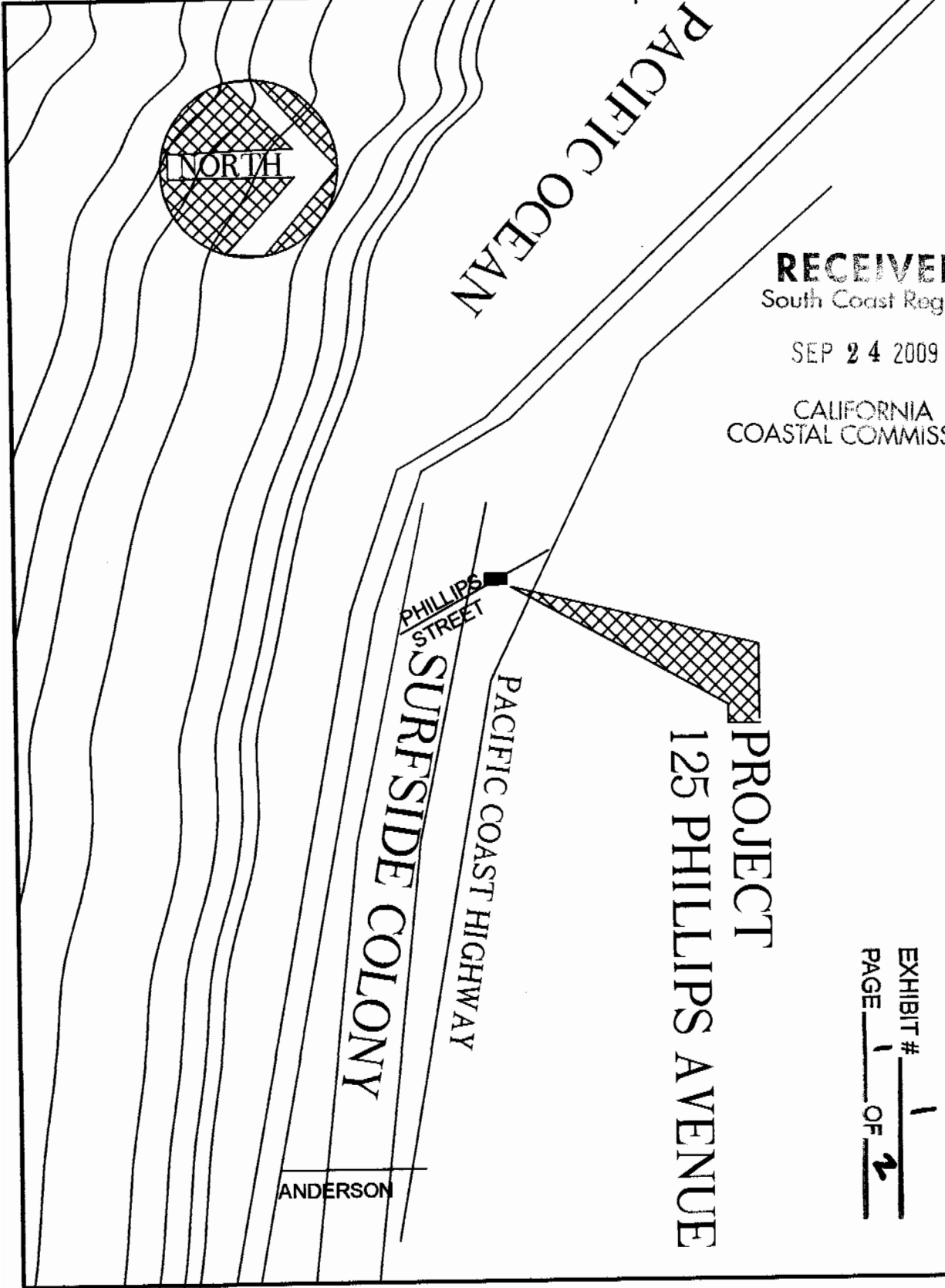
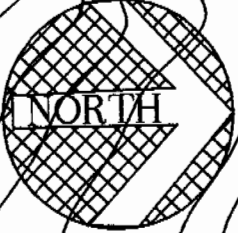
PACIFIC OCEAN

PACIFIC COAST HIGHWAY

SURFSIDE COLONY

PHILLIPS STREET

ANDERSON

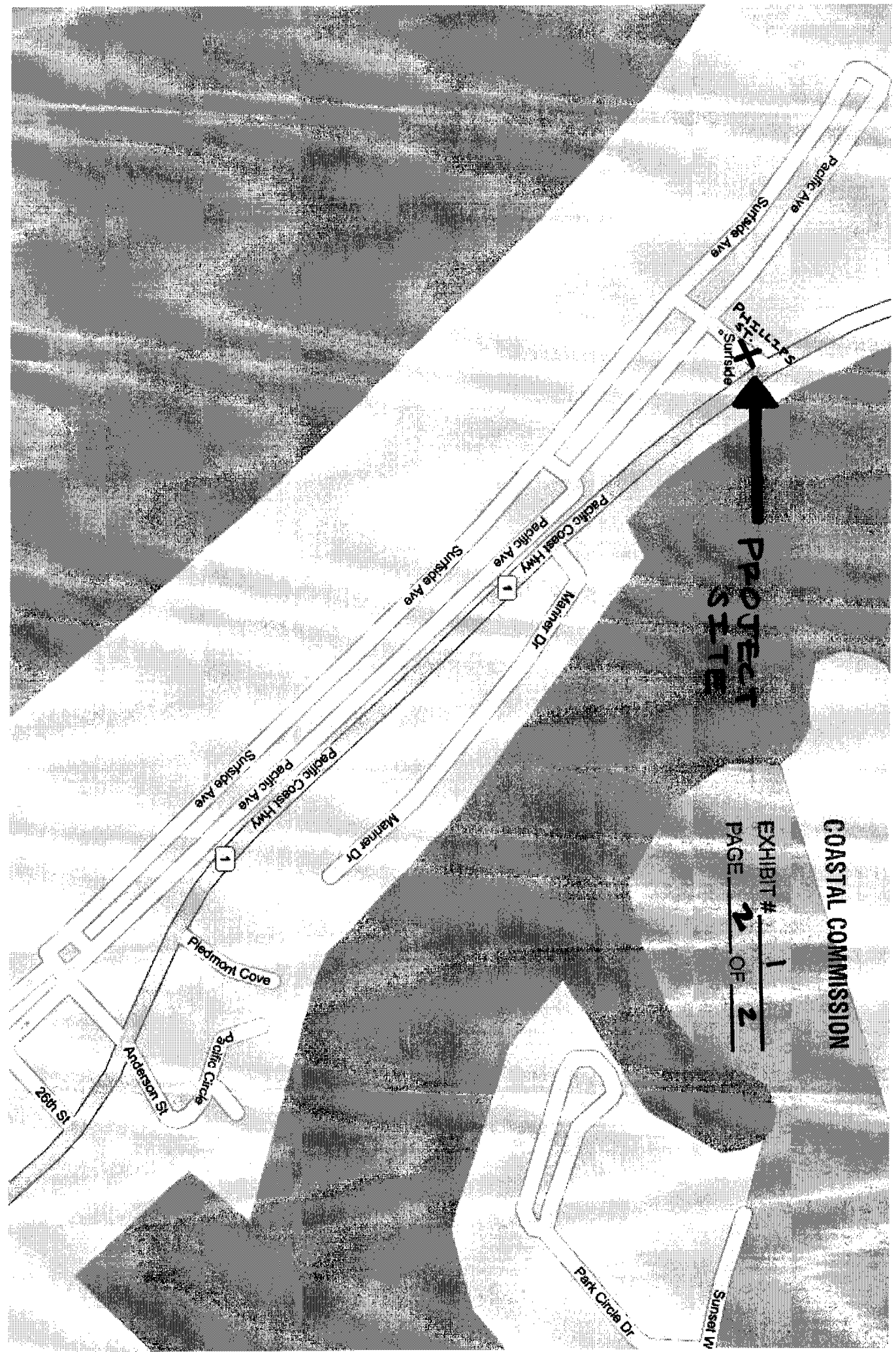




COASTAL COMMISSION

EXHIBIT # 1  
PAGE 2 OF 2

PROJECT SITE



PROPERTY LINE  
 ← PCH →

PROPERTY LINE  
 50' SOUTH OF  
 C.L. OF P.C.H.  
 & NEW CMU  
 BLOCK WALL

COASTAL COMMISSION

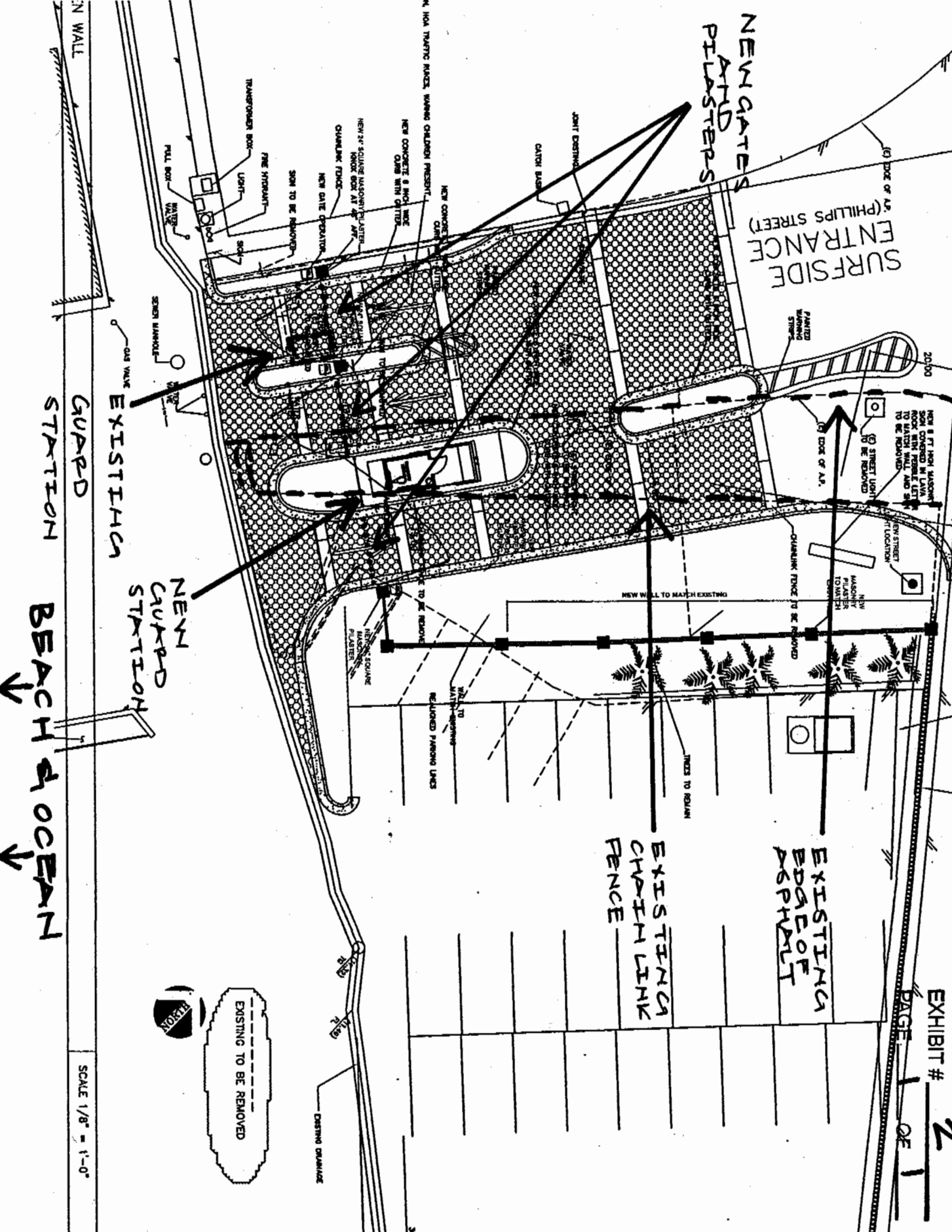
EXHIBIT # 2  
 PAGE 1 OF 1

MAINI PROFESSIONAL ENGINEER  
 PHONE: 949.376-1754 SHNINI  
 110 BROADWAY STREET SUITE

NEW GATES AND PILLASTERS

SURFSIDE ENTRANCE (PHILLIPS STREET)

EXISTING EDGE OF ASPHALT  
 EXISTING CHAIN LINK FENCE



EXISTING GUARD STATION  
 NEW GUARD STATION  
 GUARD STATION  
 BEACH & OCEAN

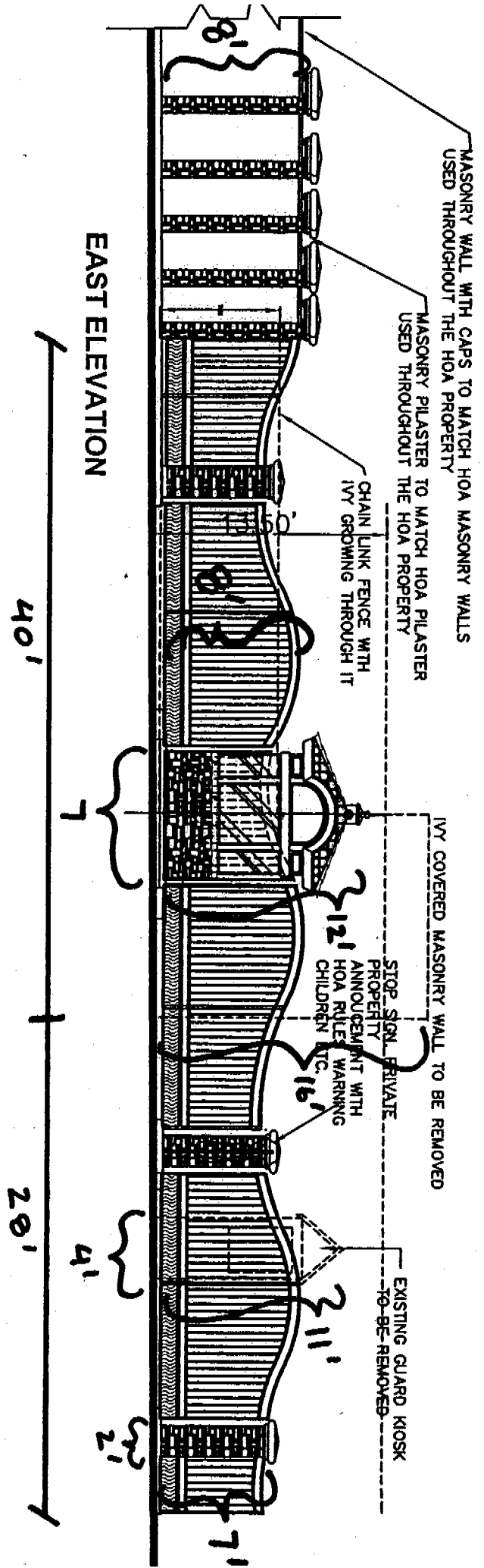
SCALE 1/8" = 1'-0"

|                  |   |  |   |
|------------------|---|--|---|
| Sheet No. S-1 OF | Job No. _____<br>Drawn By _____<br>Checked By _____<br>Date 10.20.09<br>Revisions _____ | Project Name: SURFSIDE COLONY MAIN ENTRY GATE, SITE WALLS & IRON FENCES AND PHILLIPS STREET ENTRY LANE REMODEL AT PHILLIPS STREET AND PACIFIC COAST HIGHWAY SEAL BEACH, CALIFORNIA 90743<br>SURFSIDE COLONY HOMEOWNERS ASSOCIATION | <p>THIS DRAWING IS THE PROPERTY OF MAINI PROFESSIONAL ENGINEERS AND ARCHITECTS, INC. (MAINI) AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MAINI. ANY UNAUTHORIZED USE OF THIS DRAWING IS PROHIBITED AND WILL BE AT THE USER'S SOLE RISK AND LIABILITY. MAINI ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.</p> |
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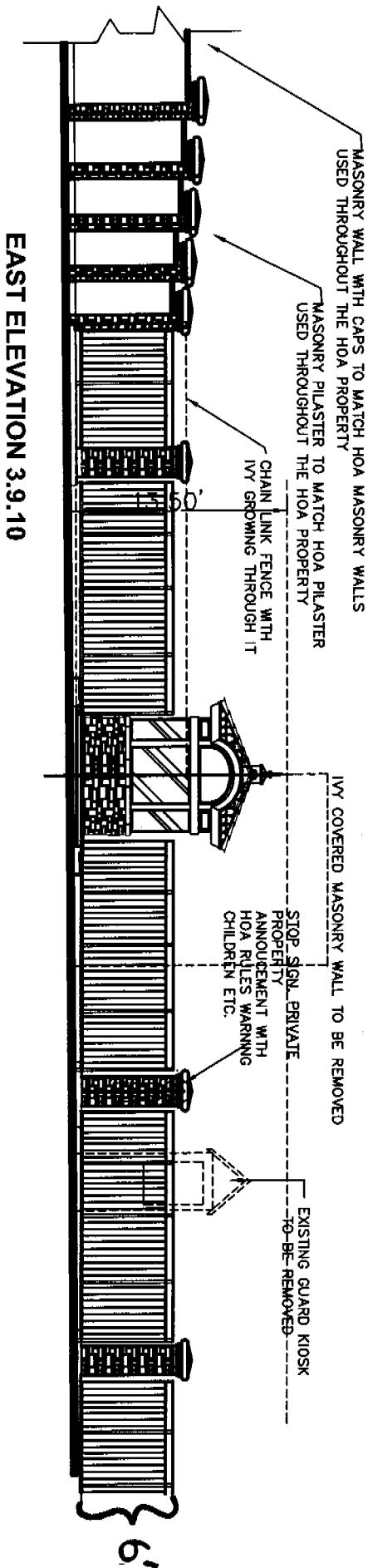
MASONRY WALL COVERED IN LAVA ROCK AND PEBBLE SIGNS TO MATCH EXISTING SIGN TO BE REMOVED

COASTAL COMMISSION

EXHIBIT # 3  
PAGE 1 OF 1



VIEW FROM PCH LOOKING TOWARD BEACH & OCEAN



COASTAL COMMISSION

EXHIBIT # 4  
PAGE 1 OF 1

**Unpermitted playground equipment,  
landscaping, palapa and palm trees**



**Existing guard house**



**Existing lift arm**



**EXHIBIT# 5**

Page 1 of 1

Application Number:  
**CDP No. 5-09-186**



California Coastal  
Commission

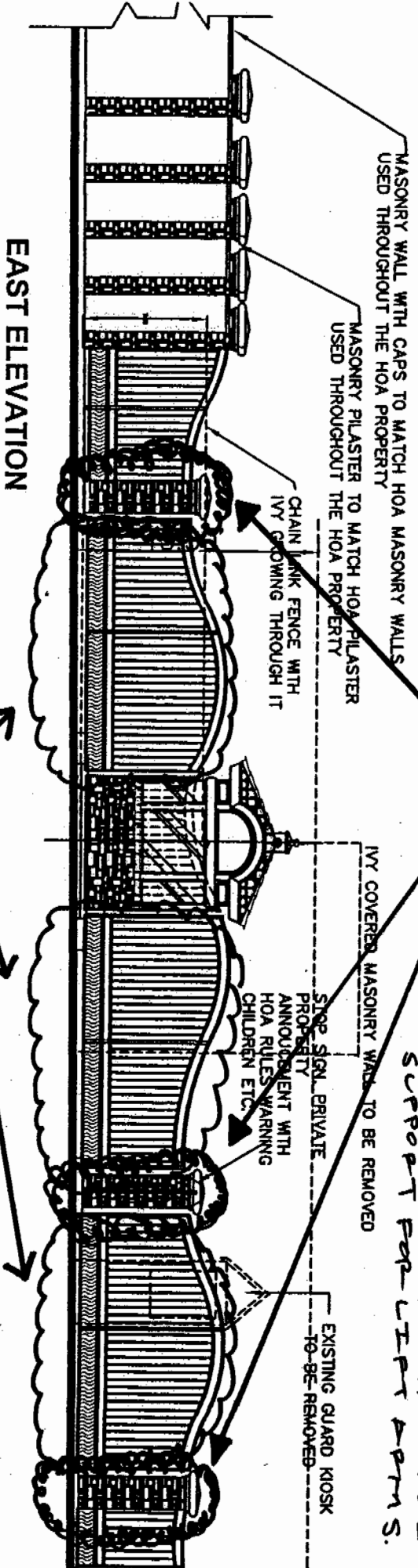
**Existing public view from PCH looking toward the beach and ocean**

MASONRY WALL COVERED IN LAVA ROCK AND PEBBLE SIGNS TO MATCH EXISTING SIGN TO BE REMOVED

COASTAL COMMISSION

EXHIBIT # 6

PAGE 1 OF 1



PROPOSED PILASTER SHOULD BE REMOVED FROM PLAN AND REPLACED WITH ALTERNATIVE STRUCTURES THAT ARE LOWER IN HEIGHT AND HAPPOWER THAN CURRENTLY PROPOSED AND THE MINIMUM HEIGHT AND WIDTH NECESSARY TO PROVIDE SUPPORT FOR LIFT ARMS.

PROPOSED WPOUGHT IRON GATES SHOULD BE REMOVED FROM AND REPLACED WITH HAPPOW LIFT ARMS THAT ARE SUBSTANTIALLY THE SAME IN SIZE AND DIMENSION AS THE ONE WHICH PRESENTLY EXISTS AT THE SITE.