

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

Fr 4c

Permit Application No. **5-10-150**

Date: July 21, 2010

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ADMINISTRATIVE PERMIT

APPLICANT: Mr. & Mrs. Rich Lewis

PROJECT

DESCRIPTION: Demolition of an existing wooden cantilevered deck and construction of a new concrete deck of the same (50' by 5') dimensions cantilevered 5 feet beyond the bulkhead. A 42 inch high metal pipe railing with three stone veneer pilasters along the waterside perimeter is also proposed. No type of glass or transparent medium is proposed.

PROJECT

LOCATION: 16472 Malden Circle, 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:

Friday, August 13, 2010 **9 a.m.**
San Luis Obispo County Government Center
Board of Supervisors Chambers
1055 Monterey Street
San Luis Obispo, CA 93408

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 on which the Commission voted on the application. 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 five.

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 demolish an existing wooden cantilevered deck and construct a new concrete deck of the same (50' by 5') dimensions cantilevered 5 feet beyond the bulkhead. Also proposed is a 42 inch high metal pipe railing with three stone veneer pilasters along the waterside perimeter. No type of glass or transparent medium is 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 west of the subject site.

A gutter system is proposed to catch any runoff from the deck and deck drainage 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. No bottom disturbing activities are proposed.

The proposed deck would cantilever over the waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the State of California, administered by the California State Lands

Commission (CSLC). The applicant has applied to the CSLC to add the cantilevered deck to the lease they currently hold for their boat dock. In a letter dated July 9, 2010, the CSLC acknowledges receipt of the application to extend the boat dock lease and to add the cantilevered deck to the lease (See exhibit 4). The CSLC letter indicates that the matter is expected to be heard by the State Lands Commission in August. A special condition is imposed stating that the subject permit will not become effective until the applicant submits, for the review and approval of the Executive Director, a copy of a valid lease with the CSLC recognizing the proposed cantilevered deck. Furthermore, a special condition is imposed stating that 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

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- (7) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Evidence of a Valid California State Lands Commission Lease

Prior to permit effectiveness the applicant shall submit, for the review and approval of the Executive Director, a copy of a valid lease from the California State Lands Commission allowing the proposed cantilevered deck.

3. 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

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Administrative Permit
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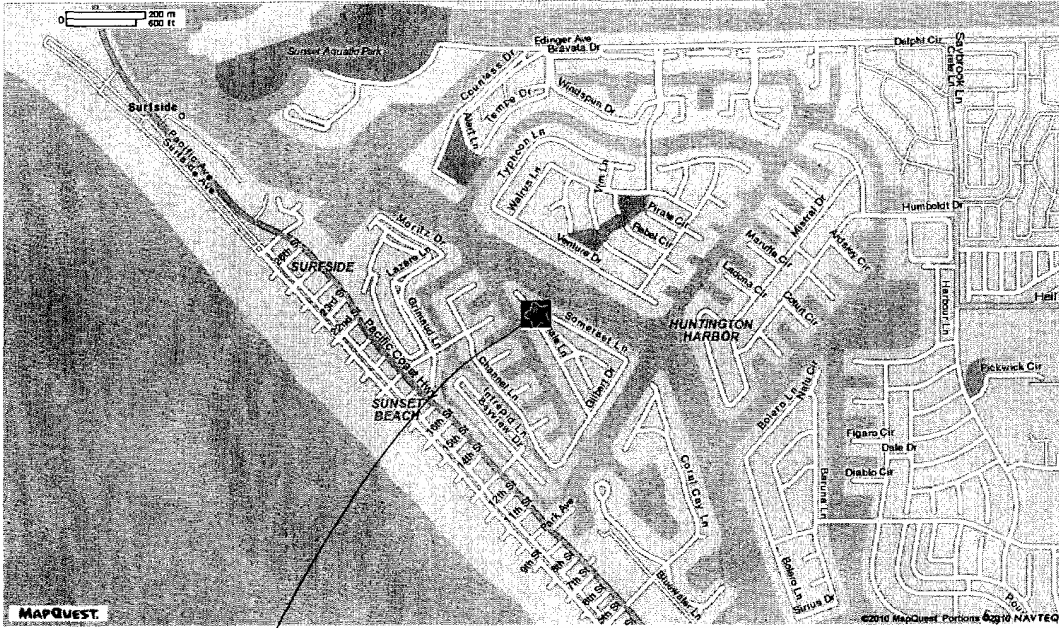
Map of 16472 Malden Cir Huntington Beach, California by MapQuest

<http://www.mapquest.com/maps?city=Huntington+Beach&state=CA...>

MAPQUEST.

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

★ 16472 Malden Cir
Huntington Beach, CA
92649-2828



Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest.

subject site

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EXHIBIT # 1

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VICINITY MAP

FIRE PROTECTION NOTE
 THIS SHALL BE APPROVED BY THE FIRE DEPARTMENT.

C.D.P. / C.U.P. NOTE
 THIS PLAN REPRESENTS PROVISIONS TO THE ORIGINAL C.D.P. / C.U.P. PLAN. ALL CHANGES TO THE ORIGINAL C.D.P. / C.U.P. PLAN SHALL BE APPROVED BY THE SOUTH COAST COMMISSION.

GENERAL DATA
 PROJECT DESCRIPTION: SINGLE-FAMILY RESIDENCE
 ZONE: RL-02
 COG: 14.10
 CONSTRUCTION TYPE: 3S / U
 ALL RELATED WORK SHALL CONFORM TO THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE AND THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE.
 PROJECT LOCATION: 3001 124th STREET, WILMINGTON BEACH, CA

PLANNING DATA
 LOT SIZE: 7,072 SQ. FT.
 EXISTING AREA:
 LIVING SPACE: 2,411 SQ. FT.
 GARAGE: 653 SQ. FT.
 SITE COVERAGE: 3,266 SQ. FT.
 PROPOSED AREA:
 REMODELED SPACE: 137 SQ. FT.
 REMODELED SPACE: 2,070 SQ. FT.
 REMODELED SPACE: 646 SQ. FT.
 SECOND FLOOR:
 NEW REMODELED SPACE: 2,412 SQ. FT.
 NEW REMODELED SPACE: 125 SQ. FT.
 NEW STORAGE: 125 SQ. FT.
 BUILDING TOTALS:
 LIVING SPACE: 5,496 SQ. FT.
 GARAGE: 653 SQ. FT.
 STORAGE/BALCONIES: 125 SQ. FT.
 GARAGE: 653 SQ. FT.
 TOTAL BUILDING: 6,871 SQ. FT.
 SITE: 7,072 SQ. FT.

SMOKE INDEX
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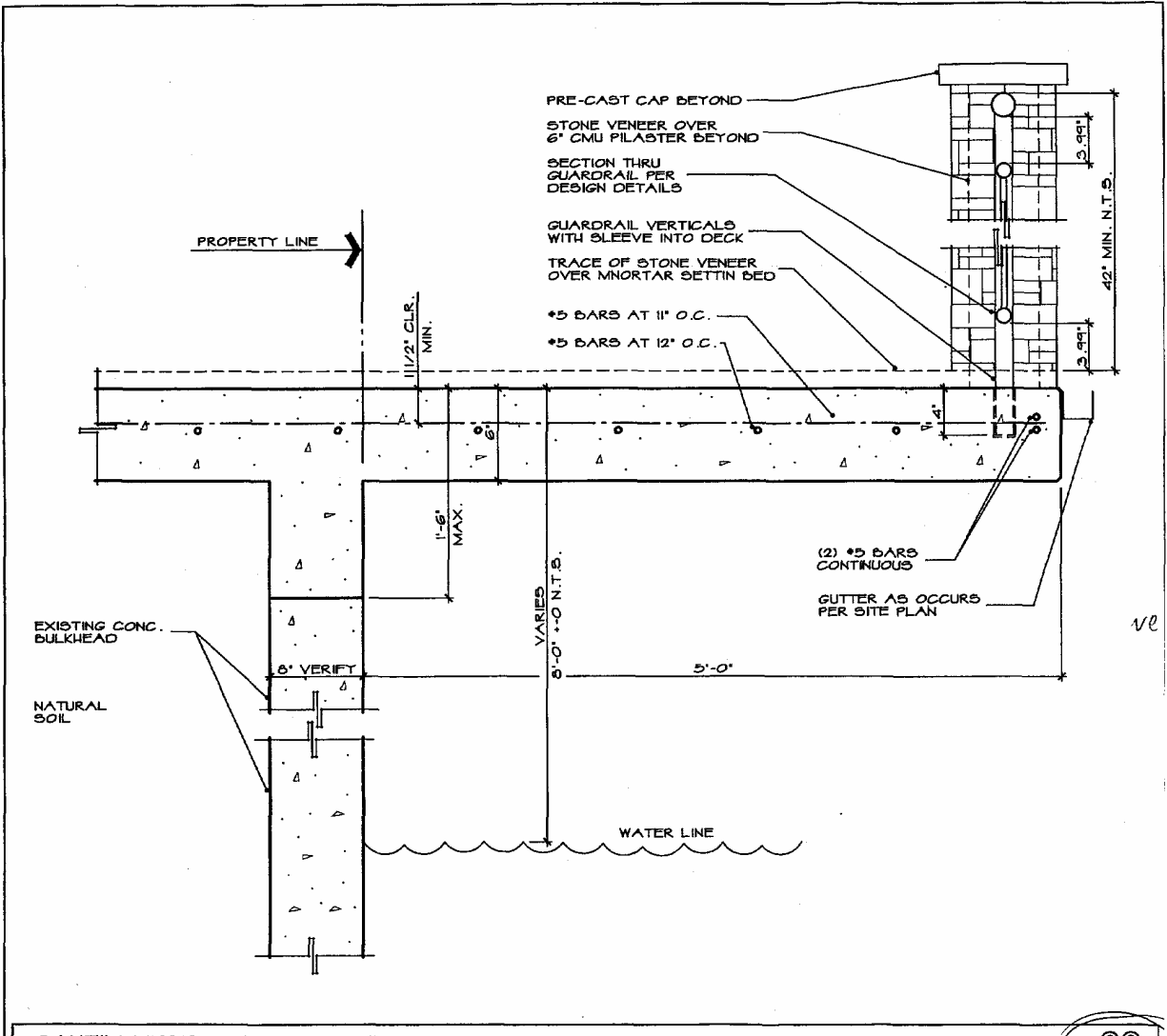
LEGAL OWNERS
 MICHAEL WALDEN
 1941 15th STREET, CA
 MICHAEL WALDEN
 2042 WESTPORT DR., CA
 MICHAEL WALDEN
 1941 15th STREET, CA
 MICHAEL WALDEN
 2042 WESTPORT DR., CA

PLANS PREPARED BY
 MICHAEL WALDEN DESIGN
 325 AVENUE 27
 1941 15th STREET, CA
 MICHAEL WALDEN DESIGN
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 1941 15th STREET, CA

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area of deck cantilever
canile area

Site Plan
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Cross Section
Plan

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MEHALICKDESIGN
CSLC

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STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-2275
Contact FAX: (916) 574-1835

SENT BY FAX
(714-374-2150)

July 9, 2010

File Ref: PRC 3583.9

Sandra Lewis
16472 Malden Circle
Huntington Beach, CA 92649

Dear Ms. Lewis:

SUBJECT: General Lease – Recreational Use for Continued Use and Maintenance of an Existing Ramp and Boat Dock, and Additionally for a Cantilevered Deck Adjacent to the Residence at 16472 Malden Circle, Huntington Beach, Orange County

On April 24, 2001 the California State Lands Commission (Commission) approved a ten-year lease to Richard G. and Sandra A. Lewis. Please be advised that the current lease expires on March 31, 2011. On June 14, 2010, Commission staff received an application for the continued use and maintenance of the boat dock and access, and additionally for the construction of a new cantilevered deck.

The California Coastal Commission (CCC) has requested evidence that you have submitted an application to the Commission. This letter is to confirm that an application has been received and is currently being processed. Commission staff anticipates bringing this matter before the Commission at an upcoming meeting. The exact Commission meeting date has not been scheduled, although it is anticipated to be held in August.

If you have any questions, please feel free to contact me via email at simpkid@slc.ca.gov, or call me at (916) 574-2275.

Sincerely,

Drew Simpkin
Public Land Management Specialist

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EXHIBIT # 4

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