

CALIFORNIA COASTAL COMMISSION

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

F14b

Staff: J. Del Arroz-LB

Date: October 24, 2013

ADMINISTRATIVE PERMIT

Application No.: 5-13-0624

Applicant: Mr. & Mrs. Roger Dumke

Agent: Harbour Bay Homes

Location: 3301 Bounty Circle, Huntington Beach (Orange County)

Project Description: Construction of a new 48 foot long deck which cantilevers 5 feet beyond the bulkhead

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, November 15, 2013 – 8:00 a.m.
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

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.

CHARLES LESTER
Executive Director

By: John Del Arroz
Title: Coastal Program Analyst

STANDARD CONDITIONS:

This permit is granted subject to the following 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 construct a new cantilevered deck, which will be 48 feet long, and cantilevered 5 feet beyond the bulkhead. The applicant proposes the installation of a glass railing that has been etched to avoid the creation of a bird strike hazard.

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, approximately ½ mile to the southwest of the subject site and at the public walkway along the harbor at and near Peter's Landing, approximately ½ mile northwest of the subject site. The proposed dock would be located within the waters of Huntington Harbour.

A gutter system is proposed to catch any runoff from the deck and deck drainage will be directed to a filter box located landward of the decks on the subject 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. Construction will take place from the land side of the bulkhead, and no bottom disturbing activities are proposed.

In this area of Huntington Harbor, the water area is owned and administered by the City of Huntington Beach. A letter inviting the City to join as co-applicant was sent on October 15, 2013 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 (CEQA)

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:

This permit is granted subject to the following special conditions:

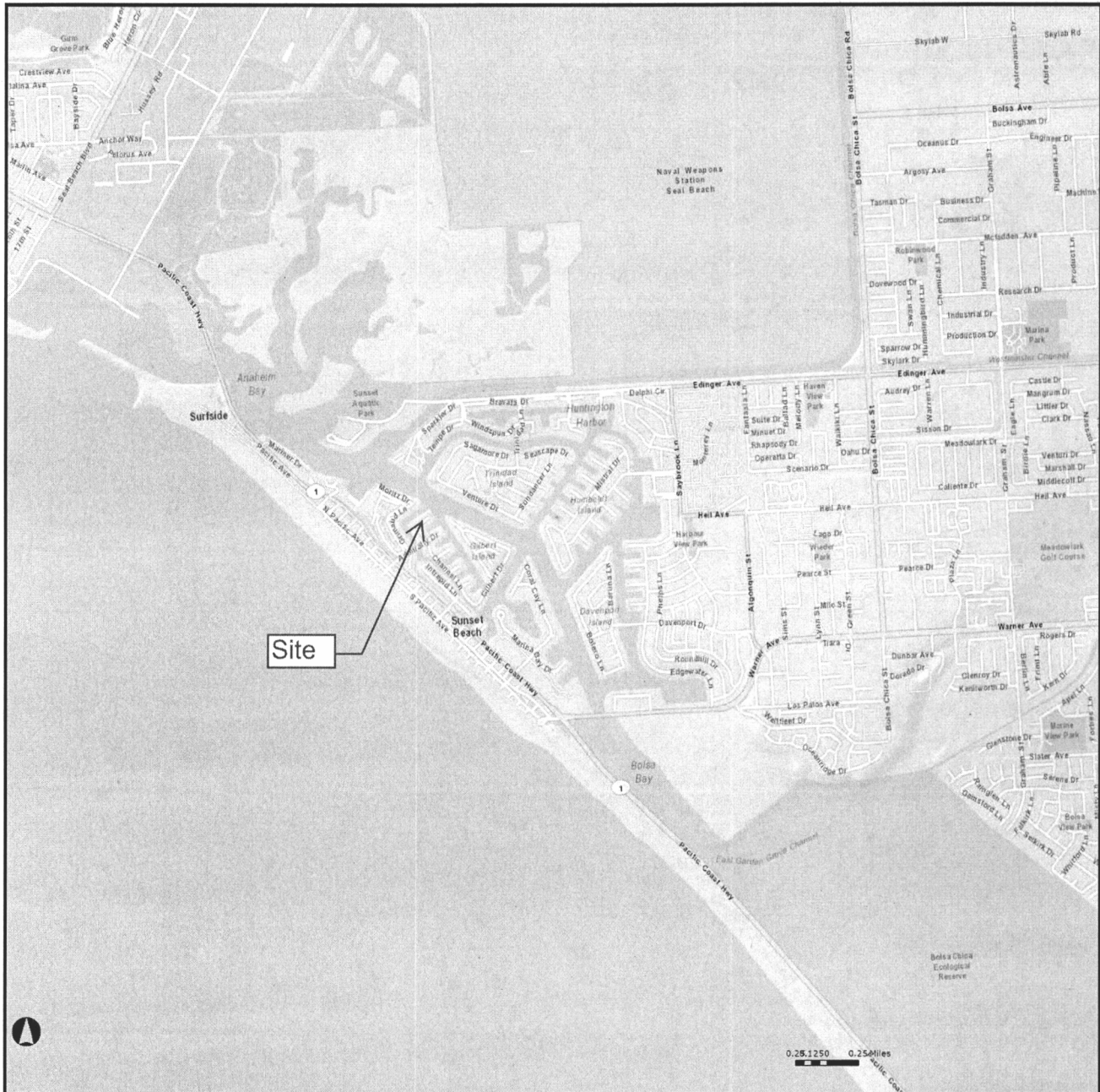
- 1. Construction Responsibilities and Debris Removal.**
 - a. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
 - b. Any and all construction material shall be removed from the site within 10 days 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.

Applicant's Signature

Date of Signing



Shoreline

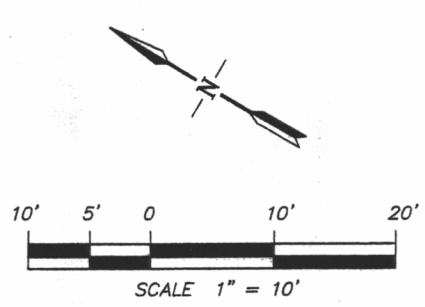
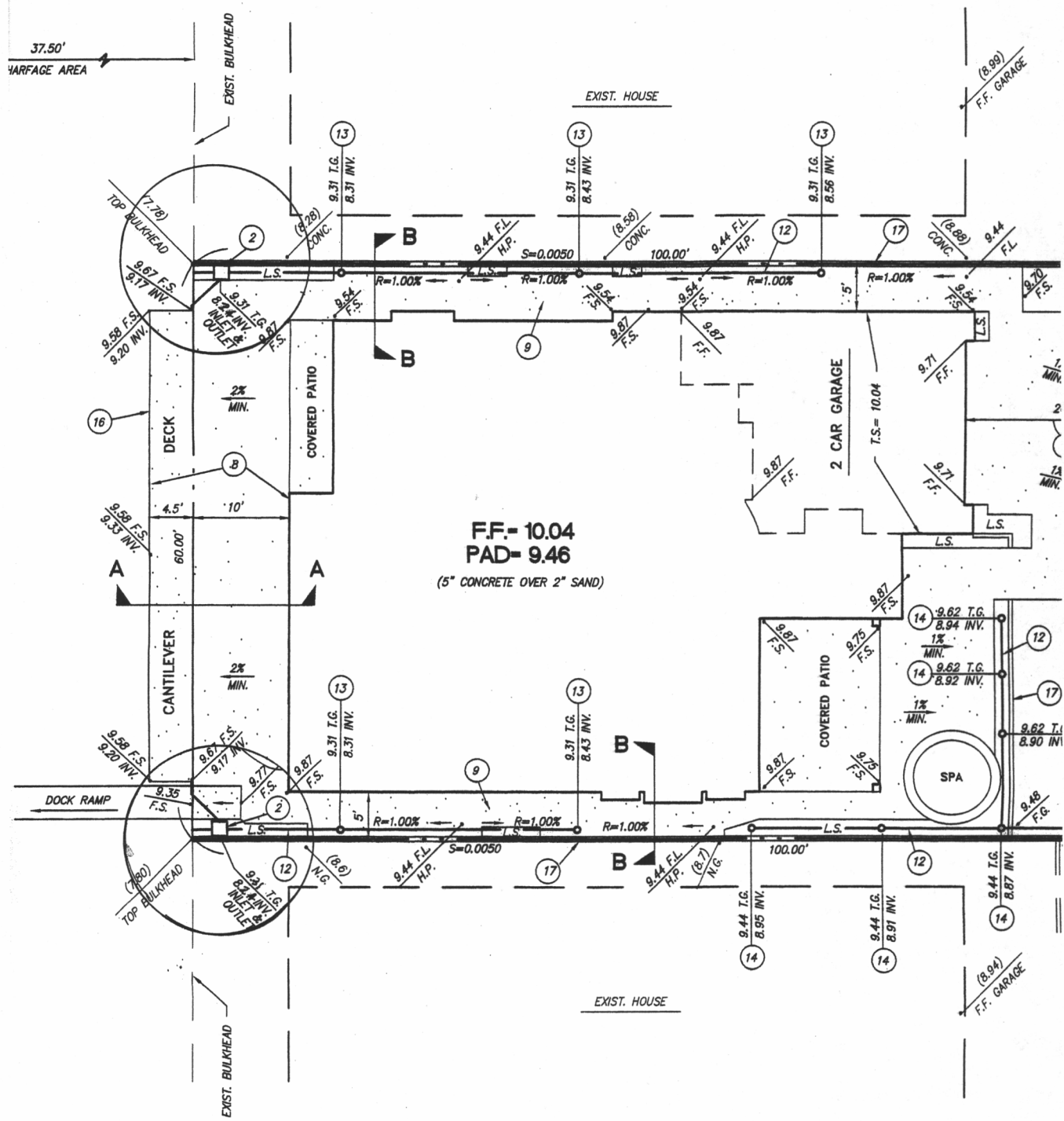
World Street Map

COASTAL COMMISSION

Vicinity Map

EXHIBIT # 1

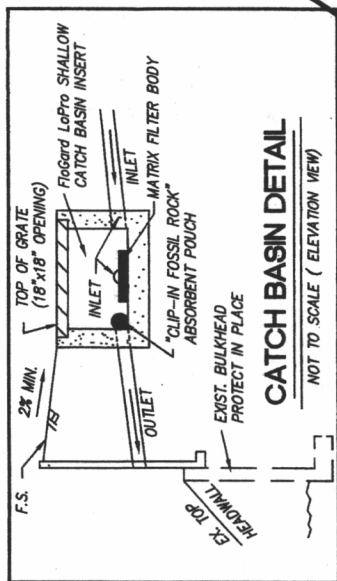
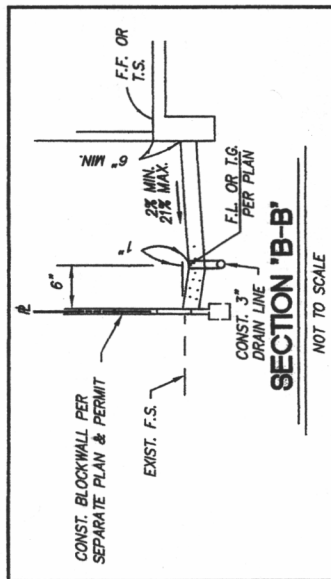
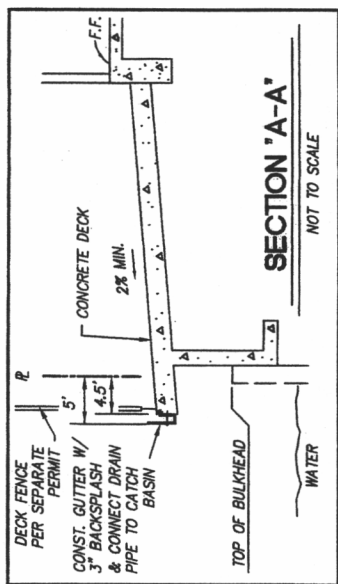
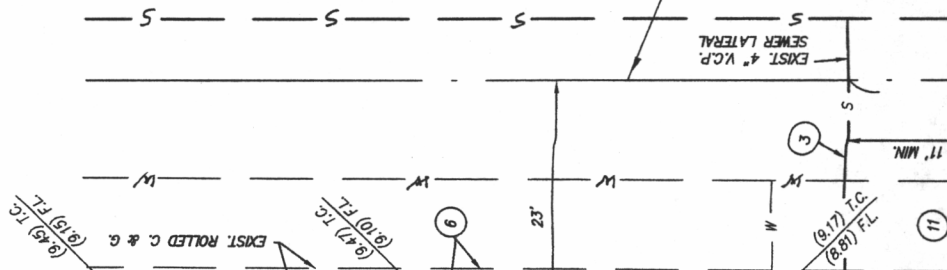
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BOUNTY CIRCLE



CONSTRUCTION NOTES:

1. CONST. 5 1/2" THICK CONCRETE (MIN.) DRIVEWAY.
2. INSTALL 18"x18" CATCH BASIN W/ Frogard LoPro FILTER INSERT (KRISTAR ENTERPRISES, INC.) SEE CATCH BASIN DETAIL "A" SHOWN ON SHEET 2.
3. CONST. 4" P.V.C. (SDR 35) SEWER LATERAL PER STD. 507 & 516. IF THE NEW SEWER LATERAL IS NOT CONSTRUCTED AT THE SAME LOCATION AS THE EXIST. LATERAL, THEN THE EXIST. LATERAL SHALL BE SEVERED & CAPPED AT THE MAIN OR CHIMNEY, UNLESS THE EXIST. LATERAL IS DEEMED SERVICEABLE PER VIDEO INSPECTION. IF THE EXISTING LATERAL IS DEEMED UNSERVICEABLE BY THE CITY, THE CONTRACTOR SHALL CONSTRUCT THE NEW LATERAL WITH MINIMUM SEPARATION FROM THE EXISTING WATER SERVICE PER CITY OF H.B. STD. 501.

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