

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

Th5a



Staff: Liliana Roman -LB
Date: June 20, 2013

ADMINISTRATIVE PERMIT

Application No. 5-13-078

Applicant: G. Michael Lyon

Project

Description: Major remodel of an existing 1,387 sq. ft. one-story, single family residence with attached 550 sq. ft. garage, consisting of a new 1,626 sq. ft. second story resulting in a new 3,013 sq. ft., 28 foot high (above finished grade), two-story single family residence with an attached 550 sq. ft., two-car garage on an inland lot; no changes proposed to existing public right-of-way encroachments.

Project

Location: 16872 N. Pacific Avenue, Huntington Beach (Sunset 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:

Thursday, July 11, 2013
8:30 am
Ventura City Hall Council Chambers
501 Poli Street
Ventura, CA 93011

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: Liliana Roman
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 this permit is voted on by 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 pages five thru seven.

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 LOCATION AND DESCRIPTION

Project Location

The project site is located at 16872 N. Pacific Avenue in the Sunset Beach community in the City of Huntington Beach, Orange County (Exhibits 1 and 2). Sunset Beach was formerly unincorporated Orange County. In August 2011, Sunset Beach was annexed by the City of Huntington Beach. The Sunset Beach area has not yet been incorporated into the City of Huntington Beach LCP, therefore, Chapter 3 of the Coastal Act is the standard of review. The formerly certified Sunset Beach Local Coastal Program (LCP) designates the site Sunset Beach Residential – High Density (SBR). The project is located within an existing urban residential area, between 11th and 12th Street on an inland lot located between the first public road (Pacific Coast Hwy) and the sea. The narrow, rectangular (90' x 30') shaped corner lot is 2,700 square feet in size and bordered by N. Pacific Avenue to the south, an adjacent single family residence to the north, an alley way to the west and 11th Street to the east. Single and multiple family residences characterize the surrounding area. Per policy in the previously certified LCP, there is no parking on North and South Pacific, except in designated public parking stalls located in the median between North and South Pacific, and front of private residential driveways by permit only. Public coastal access to the beach is available approximately 100 feet south of the subject site at the 11th Street street-end.

Project Description

The applicant is proposing a major remodel of an existing 1,387 sq. ft. one-story, single family residence with an attached 550 sq. ft. garage. The proposed remodel consists of demolition of the existing roof and construction of a new 1,626 sq. ft. second story addition, resulting in a new 3,013 sq. ft., 28 foot high (above finished grade), two-story single family residence with an attached 550 sq. ft., two-car garage. Project plans are included as Exhibit 3. Except for removal of the roof, the existing ground floor of the house and garage will remain in place. The applicant is not proposing any modifications to existing public right-of-way encroachments consisting of 16" tall raised planter and landscaping along the Pacific Ave. and 11th Street frontage roads and no changes to existing landscaping improvements. The project meets the previously certified Sunset Beach LCP height restriction for Sunset Beach Residential zoning. To address water quality concerns, during and post construction, the applicant is proposing construction phase best management practices and new roof gutters and downspouts directed to existing landscape planters and replacing the existing concrete driveway with interlocking pavers.

As proposed, the new second floor addition meets the County of Orange setback requirements for sites between North Pacific Ave. and Pacific Coast Highway in the previously certified LCP which require a setback of 6" for above ground floors. The existing single-story residence constructed in the early 1950s received a variance from the local government (County) to reduce the front and side yard setbacks for ground floors to the following: "From front yard: From 50 ft. from the center line of the street to a minimum of 18 ½ ft., Side Yard: From 5 ft. to 1 ft with 8 inch eaves. Private 2-car garage 3 ft. from Pacific Ave. property line instead of the required 15 ft."

The previously certified Sunset Beach LCP, was certified by the Coastal Commission in 1990, well after the construction of the subject residential structure. The setback requirements for sites between North Pacific Ave. and Pacific Coast Highway in the previously certified LCP require a front (street) setback of 5' on the ground floor and 6" for above ground floors; side setbacks adjacent to streets and alleys is 3' on ground floors and 6" for above ground floors; and the rear setback is 5' on ground floor and 6" for above ground floors. Thus, the existing ground floor is non-conforming as to setbacks. The proposed remodel of the existing single-story residence does not include demolition of any exterior walls for the existing ground floor. Therefore, as no existing exterior walls are proposed to be demolished, it is not feasible at this time to require that the ground floor of the existing structure be brought into conformance with current ground floor setback requirements. As previously noted, the proposed second story addition does comply with the local government's current setback requirement of 6 inches from property lines (which differ from the ground floor setback requirements). Therefore, the proposed project will not exacerbate or increase the degree of non-conformity of the development.

Additionally, the County of Orange previously permitted encroachments consisting of 16" tall raised planters beyond the private property lines onto N. Pacific Avenue and onto 11th Street. The planters on the N. Pacific Avenue side of the property encroach 8 feet and approximately 4 feet beyond the private property line along 11th Street onto public right-of-way (that otherwise may be used as sidewalk) to the roadway. These landscaped areas provide a de facto setback along the frontage roads on this corner lot. The applicant is not proposing any development to these existing encroachments as part of this Coastal Development Permit application (CDP 5-13-078). Few residential blocks along North or South Pacific Avenue have actual sidewalks; the pattern of development along these small and narrow residential lots is that of minimal setbacks and landscaping/garden walls/fences encroachments onto the public right-of-way. Instead, there is a park median with a pedestrian path and restroom amenities between North and South Pacific Avenue with diagonal parking that provides public parking for the adjacent beach access points at all the numbered street street-ends. Exhibit 4 provides photographic evidence of the pattern of development along N. Pacific Drive.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

C. 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, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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.

E. HABITAT, RECREATION AND PARK IMPACTS

The proposed development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

F. 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. The Land Use Plan for the Sunset Beach was effectively certified on in 1982 and updated in 1992. However, Sunset Beach was annexed into the City of Huntington Beach effective August 2011, at which point the certification of the LCP lapsed. The City of Huntington Beach has since submitted an LCP Amendment to incorporate the Sunset Beach area into the City of Huntington Beach LCP. In the interim, Chapter 3 of the Coastal Act is the standard of review and the previously certified Sunset Beach LCP may be used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. 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. **Conformance to Proposed Plans.** The applicant shall conform with the proposed architectural plans submitted to the Commission on March 25, 2013, prepared by Scott & Associates, Building Designers and dated 11/12/2012.

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.

2. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (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.

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 stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

3. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-13-078. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-13-078. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to, repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-078 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

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