

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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(562) 590-5071



Th5b

Staff: Liliana Roman – LB
Date: May 22, 2014

ADMINISTRATIVE PERMIT

Application No. **5-14-0634**

Applicant: **Pete Lafkas**

Agent: John Stutzel

Project

Description: Construction of a new approximately 5' x 37' (185 sq. ft.) cantilevered concrete deck and new glass railing associated with an adjacent single family residence; the proposed concrete deck and railing will cantilever over an existing bulkhead and beyond the private property line over coastal waters.

Project

Location: 3351 Bounty 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:

Thursday, June 12, 2014 9:00 am
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

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 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 six.

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 subject site is a residentially zoned bayfront lot located at 16501 Peale Lane, on Gilbert Island in Huntington Beach, (within Huntington Harbor) Orange County (**Exhibit 1**). The applicant proposes to build a concrete cantilevered deck beyond the private property line over coastal waters. The site is currently developed with a single-family residence on a bulkhead lot and a private dock. Most of the Huntington Harbor water frontage is developed with single family homes, many of which also have cantilevered decks and boat docks over public waters. Virtually the entire water frontage in Huntington Harbor is supported by bulkheads.

Specifically, the proposed 185 sq. ft. concrete deck is 37 ft. long and cantilevered 4 ft. 6 in. beyond the bulkhead, over coastal waters, with a 42 in. tall glass railing along the perimeter of the cantilevered deck. Project plans are included in **Exhibit 2**. In order to prevent a bird strike hazard, the applicant proposes to etch or sand blasted glass railing to provide an opaque surface that would be visible to birds as compared to a clear glass railing. The proposed deck and railing is associated with the adjacent single family residential use. To address water quality concerns, the applicant is proposing directing deck drainage and runoff landward of the deck on the subject lot by installing a stainless steel gutter over the cantilevered deck and directing deck drainage and runoff to two filter boxes located landward of the deck on the subject lot. All work will occur from the landward side of the deck. The proposed construction will not disturb bay waters or bay bottom sediments. Most of the existing residences that front along the waters of Huntington Harbor have cantilevered decks including adjacent properties. 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.

The nearest public access in the area is at a small pocket beach across the located at Pacific Coast Highway and Park Avenue (approximately 1,000 feet southwest) and also at Sunset Beach located approximately 1,500 feet south of the site.

The City of Huntington Beach 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. The City of Huntington Beach reviewed the proposed plans and issued Approval-in-Concept dated 4/7/14. All work will occur from the landward side of the deck.

The proposed deck would cantilever over the open waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the State and administered by the City of Huntington Beach. Although cantilevered, the proposed deck would preclude the general public from utilizing the public water area underneath the dock for recreation or navigational purposes. However, no lease to use the water area for their proposed private uses is required from the City as is typically required for areas under the State Lands Commission's jurisdiction. The proposed development consisting of demolition and replacement of a cantilevered concrete deck on an existing developed residential lot on a bulkhead lot will not have any new adverse impact on public access to the coast or to nearby recreational facilities. There is no sandy beach area in front of the subject site, therefore, in this case, the placement of a concrete deck cantilevered 5' beyond the bulkhead would not create an impediment to public access as there is no opportunity for the public to walk upon the land in front of the bulkhead at this site.

In this case, there is an existing significant pattern of development of 5' wide decks cantilevered over the bulkhead (**Exhibit 2, page 2**). Thus, the construction of a cantilevered deck at this site and in this location would not be establishing a new pattern of development (nor create an adverse public access condition, as previously mentioned).

The Commission imposes **Special Condition 2** 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 or on adjacent public waters.

B. HABITAT

As conditioned, the 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.

C. 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 any future repair and maintenance of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act and the Commission's regulations. Section 13252 of the Commission's regulations provides that certain repair and maintenance activities require a coastal development permit because they involve a risk of substantial adverse impacts to coastal resources. Activities that involve a risk of such impacts include, in part, using mechanized construction equipment or construction materials within 20 feet of coastal waters or streams. Since the proposed concrete deck cantilevers over open coastal waters, future maintenance activities on the concrete deck involve a risk of substantial adverse impacts to coastal waters because such activities may involve the use of mechanized equipment or construction materials

over open coastal waters. Therefore, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition 3** requiring the applicant to apply for an amendment to this CDP or a new CDP, if applicable, for any future development within the subject site. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

D. 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 and as conditioned, the project conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to 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 Condition 1** 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. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 8, 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

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. **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.

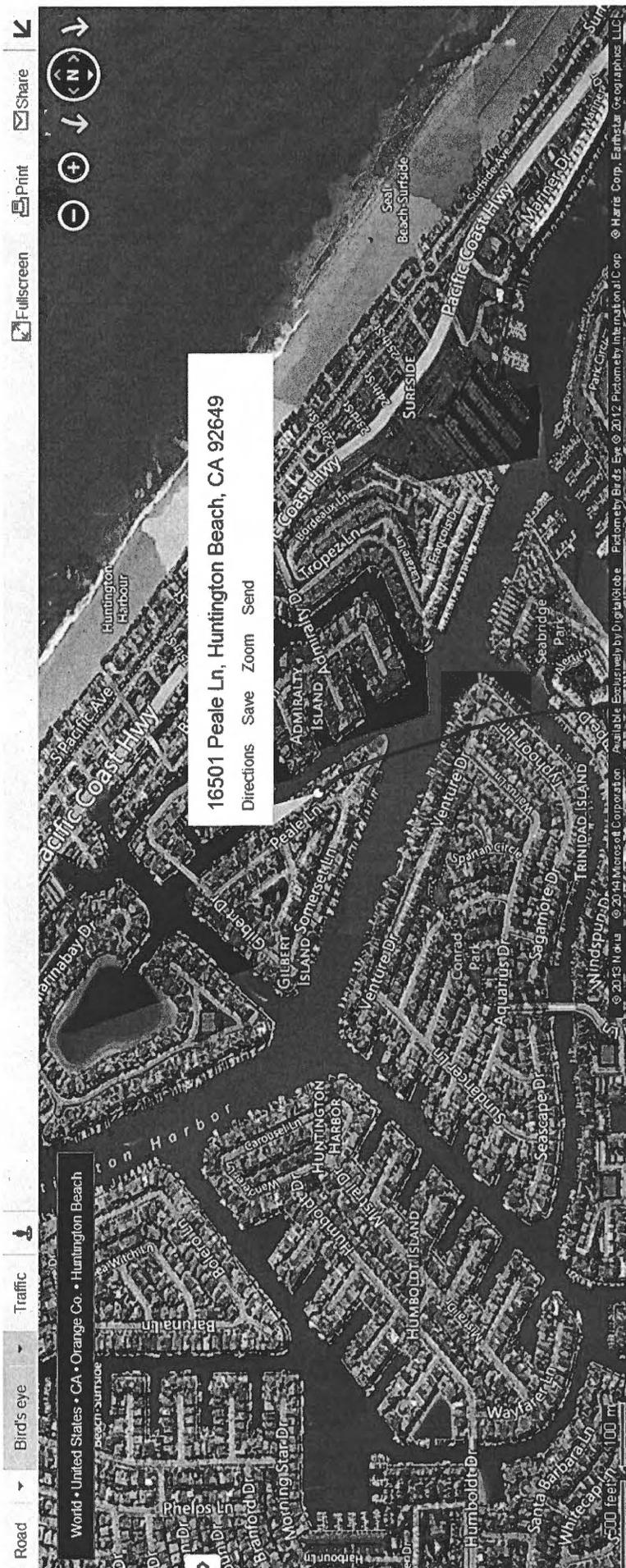
3. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-0634. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No. 5-14-0634. 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. 5-14-0634 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



COASTAL COMMISSION

EXHIBIT # 1

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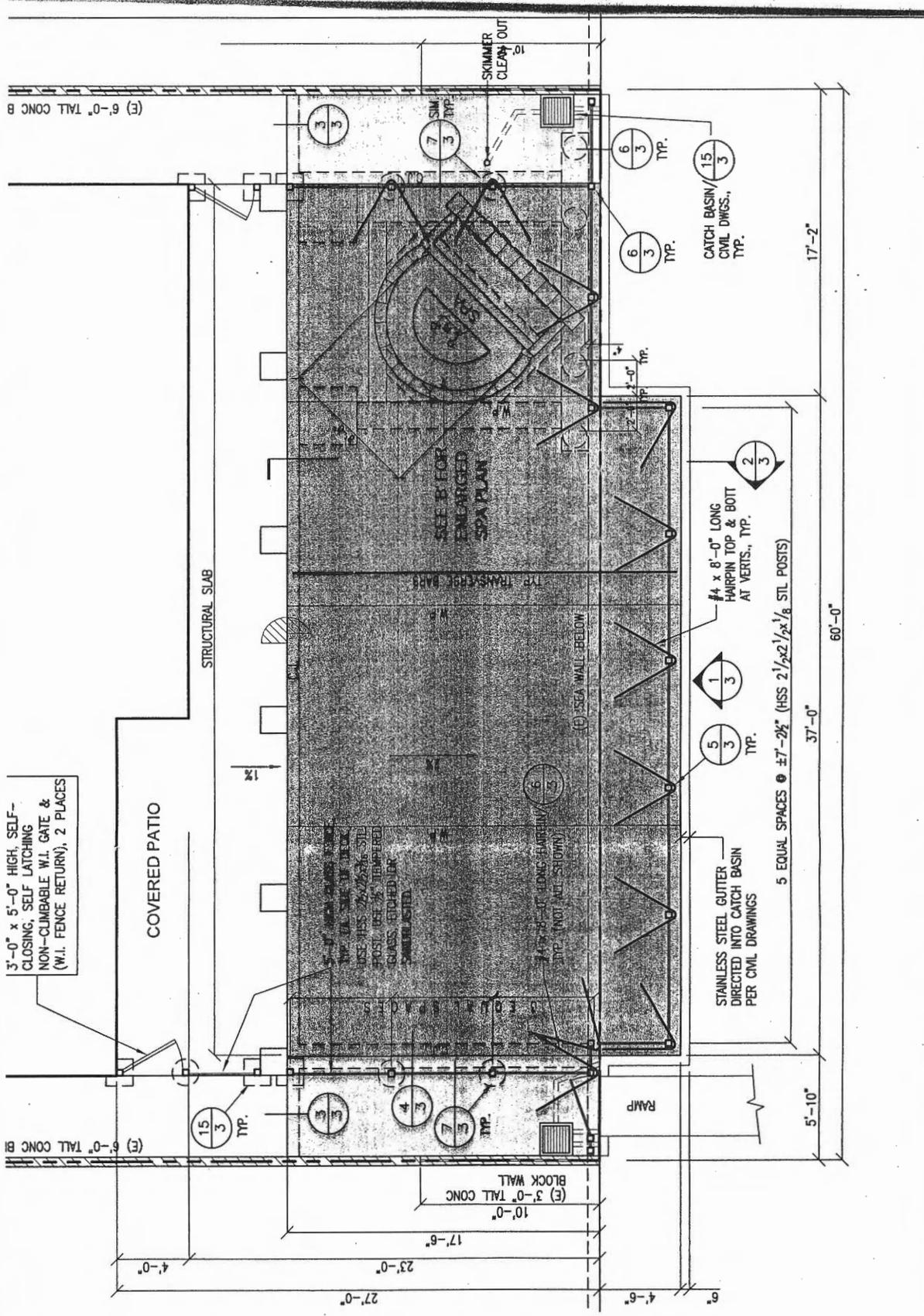
subject site



COASTAL COMMISSION

EXHIBIT # 1
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subject site



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SCALE: 3/16" = 1'-0"

DECK PLAN

