

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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Th6a

Staff: A. Spencer – LB

Date: January 23, 2020

ADMINISTRATIVE PERMIT

Application No. 5-19-0991

Applicant: Scott Tran

Agent: Jeremy Wale

Project Location: 16841 Edgewater Lane, Huntington Beach, Orange County (APN: 178-363-56)

Project Description: Addition of tile flooring and a new glass handrail to an existing cantilevered concrete deck used in association with a single-family residence. Due to the weight of the tile, the existing deck would be strengthened using one 0.04-in. thick layer of Fiber Reinforced Polymer. The polymer would be applied between the existing concrete and the proposed tile. All work would be completed from above the patio deck.

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:

February 13, 2020, 9:00 a.m.
Long Beach City Hall, City Council Chambers
411 W. Ocean Boulevard
Long Beach, CA 90802

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.

John Ainsworth
Executive Director

by: Amrita Spencer
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 pages six through eight.

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 aesthetic improvements to an existing 41-foot by 5-foot concrete cantilevered deck, including the addition of a new tile flooring and the placement of a new 42-inch high paneled glass railing. One glass panel is proposed to utilize frosted glass, and the remaining panels are proposed to utilize bird-safe glass. The cantilevered deck is associated with an existing single-family residence, and is connected to a private gangway and dock that serves the single-family residence. No improvements to the existing gangway or dock float are proposed for this project.

Most of the Huntington Harbor water frontage is developed with single-family residences, many of which have cantilevered decks and boat socks over public waters, including properties adjacent to the project site. The existing deck and proposed railing are similar in function to the other cantilevered decks associated with residential development within Huntington Harbor. The proposed development is consistent with past Commission action in the area. Virtually the entire water frontage in Huntington Harbor is supported by bulkheads. The project plans are included in [Exhibit 2](#).

Although the existing deck is cantilevered above the water, the deck could preclude the general public from utilizing the public water area underneath the deck for recreation or navigational purposes. However, in this case, the proposed deck improvements will not change the size of the existing cantilevered deck. The deck will not expand further bayward than the surrounding decks. There is no sandy beach along the bulkhead; therefore, in this case, the project would not create any new impediment to public access as there is currently no opportunity for the public to walk in front of the bulkhead at this site or immediate area. The nearest public access in the area is the public beach (Davenport Beach Park) located approximately 200 feet southwest of the project site. The proposed development will not have any significant adverse impact on public access to the coast or to nearby recreational facilities. There is an existing significant pattern of development of five foot wide decks cantilevered over the bulkhead. The proposed projects maintains the existing five foot wide cantilevered deck, and would not establish a new pattern of development (or create an adverse public access condition, as previously mentioned). In any case, 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 waters.

The existing deck is cantilevered over the existing bulkhead. In projects that involve the removal and replacement of a cantilevered deck, a Bulkhead Condition Report is typically prepared in order to assess the condition of the existing bulkhead (and further, how the bulkhead could be impacted by development of the new cantilevered deck), as well as the ability for both the deck and the bulkhead to adapt to rising sea levels. In this case, the proposed deck improvements will not change the shape or function of the existing

deck. In addition, no work is being proposed to the bulkhead over which the existing deck is located. Therefore, a Bulkhead Condition Report is not required for this particular project.

The City of Huntington Beach has a certified Local Coastal Program. However, due to the project's location seaward of the mean high tide line, the project is within an area if 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 in Huntington Harbor in the Open Space Water Recreation zone. The City of Huntington Beach reviewed the proposed plans and issued an "Approval-in-Concept" on September 4, 2019. In this area of Huntington Harbor, the water area is owned by the state, but administered by the City of Huntington Beach.

C. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. RECREATION

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. WATER QUALITY

The proposed dock work will be occurring on or within coastal waters. 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 best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, 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. LOCAL COASTAL PROGRAM

The LCP for the City of Huntington Beach was certified in March of 1985. However, the proposed development is occurring within an area of the Commission's original permit jurisdiction. 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 the Chapter 3 policies of the Coastal Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with the Chapter 3 Coastal Act polices. Consequently, the standard of review is Chapter3 of the Coastal Act and the City's LCP may be used as guidance. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act and with the certified LCP for the area.

F. 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 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.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - (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; and
 - (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
2. **Public Rights.** The 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. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
 4. **Bird-Safe Glass.** Oceanfront deck railing systems, fences, screen walls, gates, and windows and the like that are subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, gate, window or similar feature. Such materials may consist of all or in part of wood, wrought iron, frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds or is used with appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area). Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at minimizing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.

Within 30 days of the completion of the development authorized by coastal development permit CDP No. 5-19-0991, the applicant shall submit evidence in the form of a narrative

report, for the review and written approval of the Executive Director, showing that all deck railing systems, fences, screen walls, gates, and windows, or other features covered by this condition installed subject to this permit were installed in accordance with this condition.

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