

CALIFORNIA COASTAL COMMISSION

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W19e

ADDENDUM

June 7, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W19e, Application No. 5-20-0646 (Nerja Investments, LLC) for the Commission meeting of June 9, 2021.**

I. CORRESPONDENCE RECEIVED FROM THE PUBLIC; STAFF'S RESPONSE TO THE CORRESPONDENCE

Since the publication of the staff report on May 21, 2021, the Commission has received 12 letters (via email) in opposition to the proposed project.

The letters of opposition raise the following contentions: 1). The proposed development is to be built at a 45-degree angle which is inconsistent with the neighborhood and all of the Old Town Seal Beach Area, and any new development should be consistent with current development standards; 2). Parking is already difficult on 17th Street; 3). The proposed development should be considered two separate single-family residences on one lot (as opposed to apartments or a duplex); 4). Too much development is being approved/will be approved on 17th Street, 16th Street, and Seal Beach Boulevard; 5). Portions of Unit A do not meet the stated elevation of +10.27 ft NAVD88; 6). The requirements of Special Condition 2.C to waterproof an additional 1.5 feet above 10.27 ft. NAVD88 for all wood framing with impermeable bituthene sheeting and of Special Condition 2.D to elevate utility connections 3 feet above adjacent grades do not make sense and should be removed; 7). Special Condition 3 (No Future Shoreline Protective Device) is defective; 8). Roof decks are not part of the proposal and references should be removed from the staff report; 9). The proposal includes replacement of pervious surfaces (soil on a vacant lot) with impervious surfaces (the proposed units and peagravel) which will increase the time of concentration and make the potential for flooding worse.

Commission staff has the following responses to the letters of opposition. First, the City of Seal Beach's zoning code does not prohibit new development on the subject site to be developed at a 45-degree angle. The zoning code is not the standard of review, but it may be used as guidance when analyzing the character of the area consistent with Section 30251 of the Coastal Act. There is no other Commission certified document that designates the subject area as exhibiting a particular character that makes it a popular destination for coastal visitors or recreation. Accordingly, the irregularly shaped lot, and the consequentially irregularly oriented units, will not adversely impact coastal resources in the neighborhood or prejudice the City of Seal Beach's ability to prepare a Local Coastal Program. Further, as noted on page 14 of the staff report, the orientation of the units on the lot is at the discretion of the property owner and there are other homes in the area of varying architectural styles and character (see the aerial image and streetview images at the end of this addendum). Second, parking may be heavily impacted in this area, for residents and non-residents visiting the beach; however, the proposed development is providing four on-site parking spaces (two 2-car garages), consistent with the zoning code requirements for the development, which may be used as guidance, and consistent with previous Commission actions on proposed development in coastal Orange County. Third, the staff report refers to the proposed development as two separate units or residences, not apartments. The applicant's proposal is for two separate units, both of which have common ownership, and will be built on one lot. The terms "units", "houses", and "apartments" may be used interchangeably; the important distinction is that they are on a single lot owned by a single entity and not divided in ownership as condominiums. Fourth, the applicant is adhering to the City of Seal Beach's RHD20 zoning requirements which requires one unit per 2,178 sq. ft - the site could support up to three residential units according to the zoning code. In past actions, the Commission has supported more dense development in urban areas with public services that are able to accommodate growth, although the action to increase density must be balanced with vulnerability to hazards like sea level rise in vulnerable areas. Fifth, language has been added to Special Condition 2.A to clarify that all structures of the proposed development shall be at a minimum elevation of 10.27 ft. NAVD88. Sixth, the applicant proposed all of the waterproofing measures and language in Special Condition 2. Language has been added to Special Condition 2.C to clarify that all wood framing will be waterproofed *using flood damage-resistant materials* with impermeable bituthene sheeting. With regard to Special Condition 2.D, the applicant states that electric, phone, and cable utilities will be overhead, and gas utilities will be at or near the finished grade; however, sewer will be underground. Seventh, Special Condition 3: No Future Shoreline Protective Device does not preclude the applicant or nearby property owners from applying for a coastal development permit or coastal development permit amendment to construct a future shoreline protective device; it merely makes clear that they do not have the right to such a shoreline protective device pursuant to this coastal development permit. Eighth, all references to "roof decks" in the staff report have been removed as there are no roof decks as part of the proposed development. Ninth, to address water quality and runoff, Special Condition 10 has been added to the staff report, which requires a Permanent Drainage and Runoff Control Plan, prior to the issuance of the coastal development permit.

II. CHANGES TO THE STAFF REPORT

This addendum modifies the staff report dated May 21, 2021, adding the following modifications on pages 6, 7, 11, 18, 20, and 23. Language to be added to the staff report is shown in underlined text and language to be deleted is identified by ~~strikethrough~~.

a. On page 6 of the staff report, Special Condition 1 shall be modified as follows:

1. No Subdivisions Allowed. By acceptance of this permit, the applicant/landowner agrees, on behalf of themselves and any successors and assigns, that subdivisions shall be prohibited at the project site. ~~The lot designated as APN: 199-064-55 shall maintain one owner only.~~ The lot designated as APN: 199-064-55 shall remain in common ownership.

b. On page 6 of the staff report, Special Condition 2 shall be modified as follows:

2. Final Foundation Waterproofing Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, Final Foundation Waterproofing Plans which include waterproofing and adaptation measures for the impacts of sea level rise, proposed by the applicant in a letter dated January 8, 2021. At a minimum, the plans shall show:

A. The first finished floor is at least 3 feet above the existing natural lot grade, which is 10.27 ft. NAVD88. All of the proposed structures shall be sited at an elevation of 10.27 ft. NAVD88, at a minimum.

B. All of the walls and/or structure from 10.27 ft. NAVD88 and below will be solid concrete.

C. An additional 1.5 feet above 10.27 ft. NAVD88 for all wood framing will be waterproofed using flood damage-resistant materials with impermeable bituthene sheeting

D. Utility connections will be elevated an additional 3 feet above adjacent grades.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

c. On page 7 of the staff report, Special Condition 5 shall be modified as follows:

5. Future Development. This permit is only for the development described in CDP No. 5-20-0646. Pursuant to Title 14 of the California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. 5-20-0646. Accordingly, any future improvements to the residences, garages, ~~roof decks,~~ foundations, and any future improvements including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. 5-20-0646 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.

d. On page 11 of the staff report, a tenth special condition shall be added:

10. Permanent Drainage and Runoff Control Plan. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, two copies of a final Drainage and Runoff Control Plan for the postconstruction project site, prepared by a licensed

civil engineer or qualified licensed water quality professional. The plan shall include detailed drainage and runoff control plans with supporting descriptions and calculations. The plan shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather runoff leaving the developed site. The consulting licensed civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

- A. The plan shall incorporate appropriate Best Management Practices (BMPs) into the development, designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner into the City's storm drain system;
- B. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the permittee or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicants shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The permittees shall undertake development in accordance with the final Drainage and Runoff Control Plan approved by the Executive Director. The final Drainage and Runoff Control Plan shall be in substantial conformance with Landscape and Drainage Plan submitted to the Commission, titled "Proposed Apartment BLDG. A & B: L-1 Preliminary Landscape and Drainage Plan" and dated September 20, 2019. Any changes to the Commission approved plans required by the consulting licensed civil engineer or engineering geologist shall be reported to the Executive Director. No changes to the Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

e. On page 18 of the staff report, the first paragraph shall be modified as follows:

...of 7.27 ft. NAVD88 to 10.27 ft. NAVD88. All of the walls and/or structure from 10.27 ft. NAVD88 and below will be solid concrete. An additional 1.5 feet above 10.27 ft. NAVD88 for all wood framing will be waterproofed with impermeable bituthene sheeting, therefore, all of the structures will be waterproofed to approximately 11.77 ft. NAVD88 (almost 12 ft. NAVD88). In addition, utility connections will be elevated an additional 3 feet above adjacent grades. Generally, for new development in this area of Seal Beach, a minimum of 12 ft. NAVD88 is preferred for the first finished floor to accommodate for 6.6 ft. of sea level rise plus a king tide. The applicant states that it is not feasible to raise the first finished floor any higher than 10.27 ft. NAVD88 for the proposed project. The applicant's proposal to waterproof 1.5 ft. above the first finished floor (waterproof to 11.77 ft. NAVD88) is generally consistent with the preferred waterproofing measures for development in this area of Seal Beach, although water could reach an elevation greater than the

foundation and greater than the lower waterproofed walls. **Special Condition 2** requires the applicant to submit to the Executive Director for review and approval, **Final Foundation Waterproofing Plans which include waterproofing and adaptation measures for the impacts of sea level rise.**

f. On page 20 of the staff report, the second full paragraph shall be modified as follows:

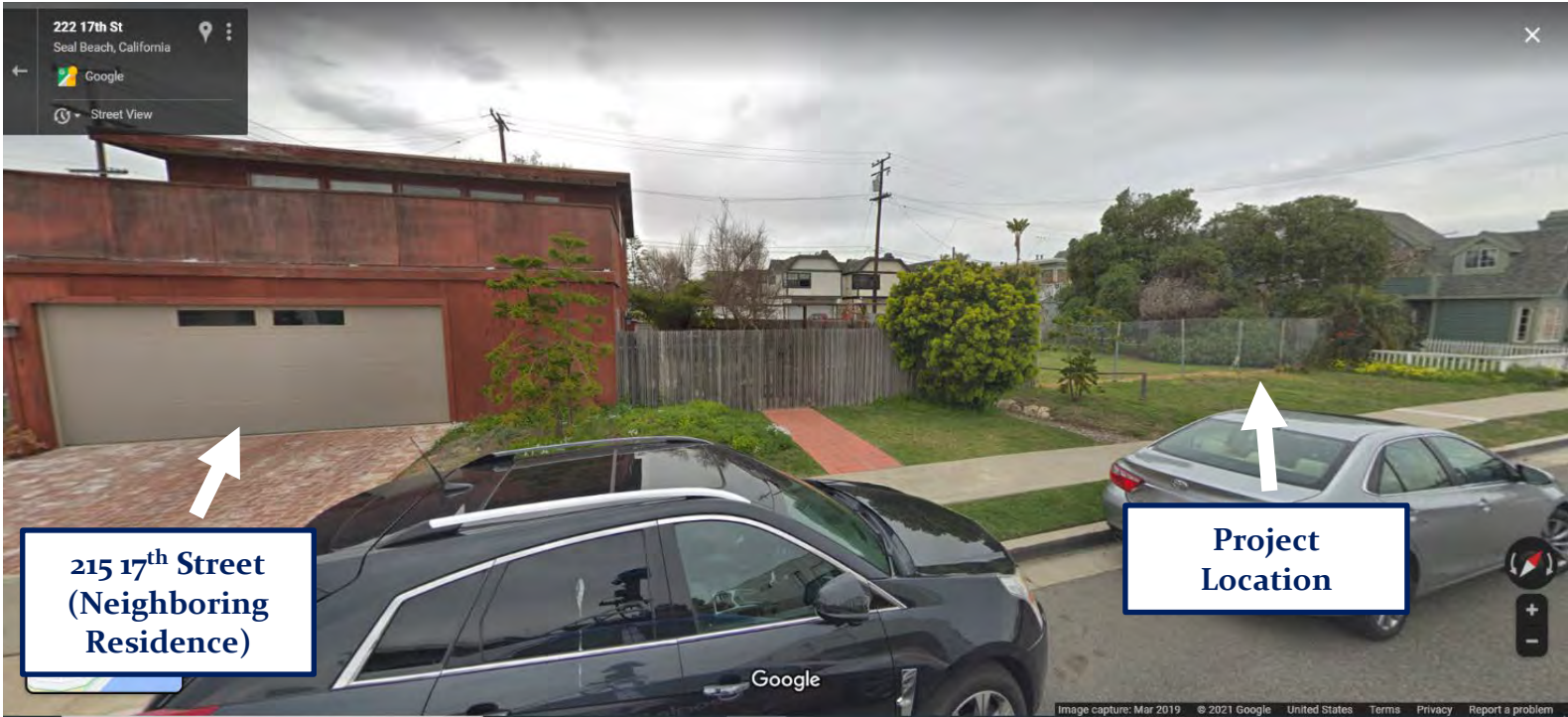
Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. For this reason, the Commission imposes **Special Condition 5**, which states that any future improvements to the residences, garages, ~~roof decks~~, foundations, 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 13250(b)(6) shall require an amendment from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. This condition ensures that any future development on this site that may affect shoreline processes receives review under the Coastal Act (or future certified LCP) by the appropriate regulatory body.

g. On page 23 of the staff report, the first full paragraph shall be modified as follows:

The proposed project has the potential to adversely impact the water quality of the nearby Pacific Ocean. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. The applicants ~~have~~ has indicated that roof and surface runoff will be managed onsite through the use of downspouts and a drainage pipe to capture and filter runoff and direct flow to the public storm drains located along 17th Street ~~and the rear alleyway only~~. Thus, to protect water quality and biological productivity, the Commission imposes **Special Condition 7**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. In addition, to ensure that water quality is maintained post-construction, **Special Condition 10** which requires the applicant to submit a final Drainage and Runoff Control Plan that ensures no water quality impacts from the proposed project.



Project Site



**215 17th Street
(Neighboring
Residence)**

**Project
Location**







Street view image looking west on 17th Street

Project Location