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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

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Permit Application No. 5-97-012

Date February 20, 1997**ADMINISTRATIVE PERMIT**

APPLICANT: Alan Harbour

PROJECT DESCRIPTION: Remodel an existing 1,838 square foot, one-story, 15'6" high building and convert the use from medical offices to two retail spaces. Six tandem on-site parking spaces exist. No new parking spaces are proposed.

PROJECT LOCATION: 119 Main Street, City of Seal Beach, County of Orange

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, March 14, 1997 at 9:00 a.m.
Carmel Mission Inn
3665 Rio Road, Carmel (408) 624-1841

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.

PETER DOUGLAS
Executive Director

John T. Auyong

By: John T. Auyong
Title: Staff Analyst

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 this permit is reported to 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

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, 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, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant is proposing to remodel an existing 1,838 square foot, one-story, 15'6" high building and convert the use from medical offices to two retail spaces. Six tandem on-site parking spaces exist. No new spaces are proposed.

B. Public Access/Parking

Section 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by . . . (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation. . .

The subject site is located in the first block of Main Street inland from the beach and municipal recreational pier in the City of Seal Beach. Main Street is the primary visitor-serving area of the City of Seal Beach, because of its restaurants, boutiques, and specialty stores. Thus, the subject site is located in the heart of the City's most heavily visited areas.

When a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the beach and municipal pier. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has regularly found that, in order to adequately meet parking demand, medical office uses must provide one parking space for each 150 square feet of gross floor area. For retail uses, one parking space must be provided for each 225 square feet of gross floor area.

The subject building has 1,838 square feet of gross floor area. Based on the Commission's regularly used parking standards, the previously existing medical office use would have required approximately twelve (12) parking spaces. The proposed retail use would hypothetically require eight (8) parking spaces.

Six (6) parking spaces currently exist on-site. No additional spaces are proposed. Thus, the previous medical office use had a hypothetical parking deficiency of six (6) spaces, and the proposed use would be deficient by (2) spaces. Therefore, as a result of the proposed conversion of use, the proposed development would decrease the parking deficiency by four (4) spaces.

The proposed development also has the potential to be more visitor-serving in nature than the previous medical use which existed on-site. The division of the existing building space into two retail units would be in keeping with the size and scale of other visitor-serving, boutique-like specialty shops which exist along Main Street. Also, the proposed retail use would not be as high intensity a use such as a restaurant.

In addition, residential uses exist one block over on either side of Main Street. Thus, Main Street is in close proximity to established residential neighborhoods. This close proximity to residential areas would allow residents to walk to the proposed retail use, rather than drive and have to use public parking spaces needed for visitors to the beach.

However, the Executive Director determines that it is necessary to impose a future improvements special condition. This special condition provides that future changes in intensity of use of the site, such as conversion to another type of use or change in the number of on-site parking spaces, require an amendment to this permit or a new coastal development permit. The future change in intensity of use thus would be evaluated for potential adverse impacts to public access during the course of review of the application for an amendment or new permit.

Further, the Commission approved coastal development permit 5-93-225 for the conversion of an existing Masonic Lodge building in the 200 block of Main Street to retail uses. No on-site parking spaces were provided in that case. The Commission approved the project because the retail use required only 26 spaces as opposed to the 76 spaces required by the previous use as a Masonic Lodge. In the case of 5-93-225, the proposed use deintensified the use of its site by 50 spaces, even though it was still 26 spaces deficient. A future improvements special condition was imposed on permit 5-93-225, similar to the special condition being imposed herein.

Thus, the Commission has allowed parking deficiencies in cases where; (1) the proposed use resulted in a reduction in an existing parking deficiency, especially if the new use was more visitor-serving in nature than the previous use, (2) the proposed development was only for the conversion of use of an existing structure and did not result in the demolition and rebuilding of the on-site structure, and (3) a future improvements special condition was imposed.

Thus, the Executive Director determines that the proposed project, as conditioned, would be consistent with Section 30252 of the Coastal Act and would not have an adverse impact on public parking for beachgoers because the proposed project would; (1) decrease the hypothetical parking deficiency over the previous use by four spaces; (2) most customers would not drive and park specifically to go only to the proposed use, but instead would likely also patronize other similar retail uses along Main Street, (3) the proposed retail use would be more in keeping with the existing retail uses along Main Street and would be more likely to be patronized by visitors to the coastal zone than the previous medical use, (4) the close proximity of the Main Street location of the proposed use to residential areas would allow local residents to walk rather than drive to the proposed use, and (5) the special condition would ensure that future changes in intensity of use of the site are reviewed for potential public access impacts.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter Three policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development has been conditioned to inform the permittee that an amendment to this permit or a new coastal development permit will be required for any future development which results in changes in intensity of use. This would allow for review of the future change in intensity of use for consistency with the public access policies of Chapter 3. The proposed development as conditioned is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Executive Director determines that the proposed development would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

D. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access and recreation policies of the Coastal Act. Mitigation measures; including a special condition informing the permittee that any future development resulting changes in intensity of use require an amendment to this permit or a new coastal development permit; will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Executive Director determines that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITION:

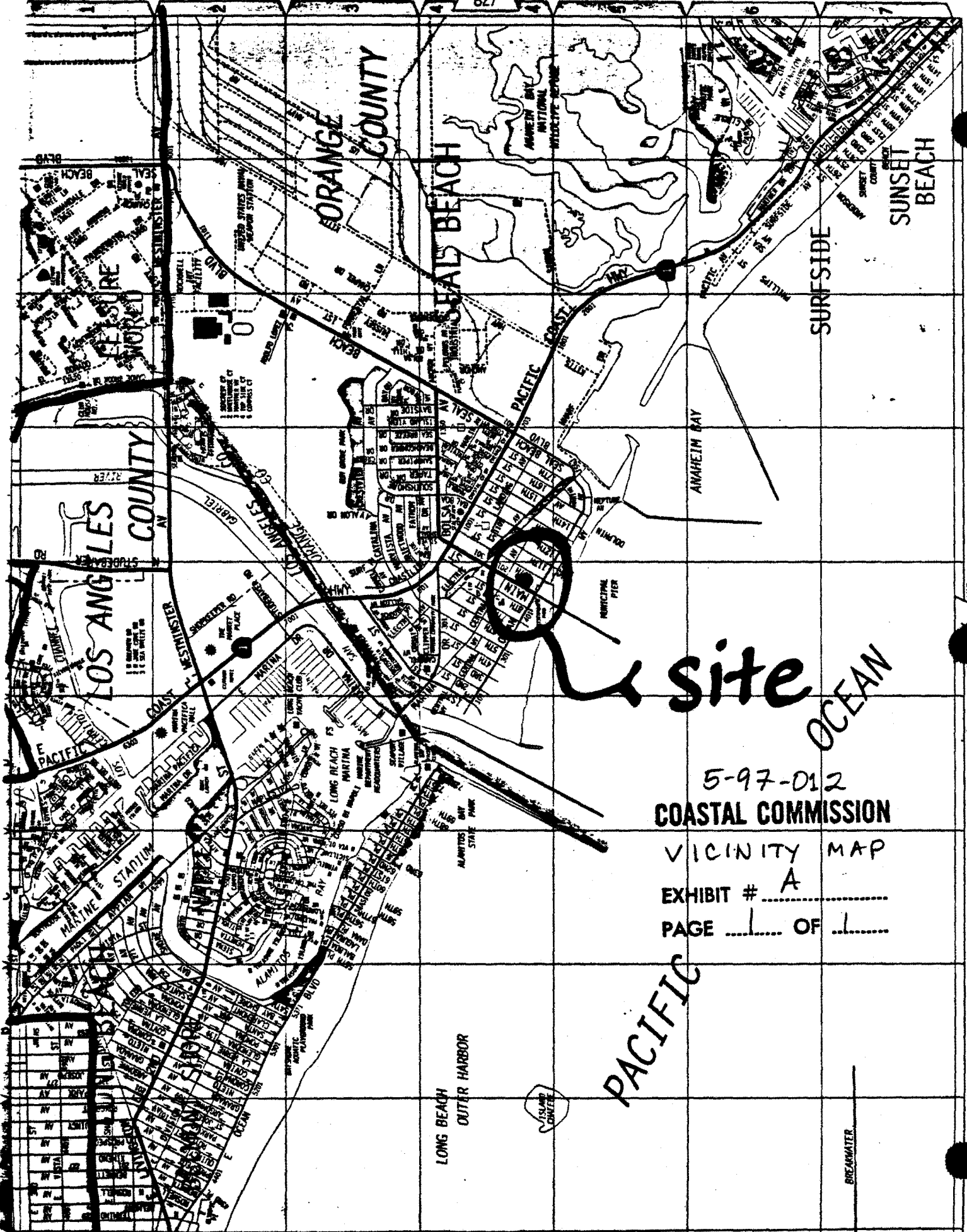
This coastal development permit 5-97-012 only approves the project as described herein. Any future development resulting in a change in intensity of use of the site, such as additions in square footage, a change from the proposed retail use to another type of use, and/or a change in the number of on-site parking spaces, shall require an amendment to this permit from the Coastal Commission or its successor agency, or a new coastal development permit.

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



site
OCEAN

5-97-012

COASTAL COMMISSION

VICINITY MAP

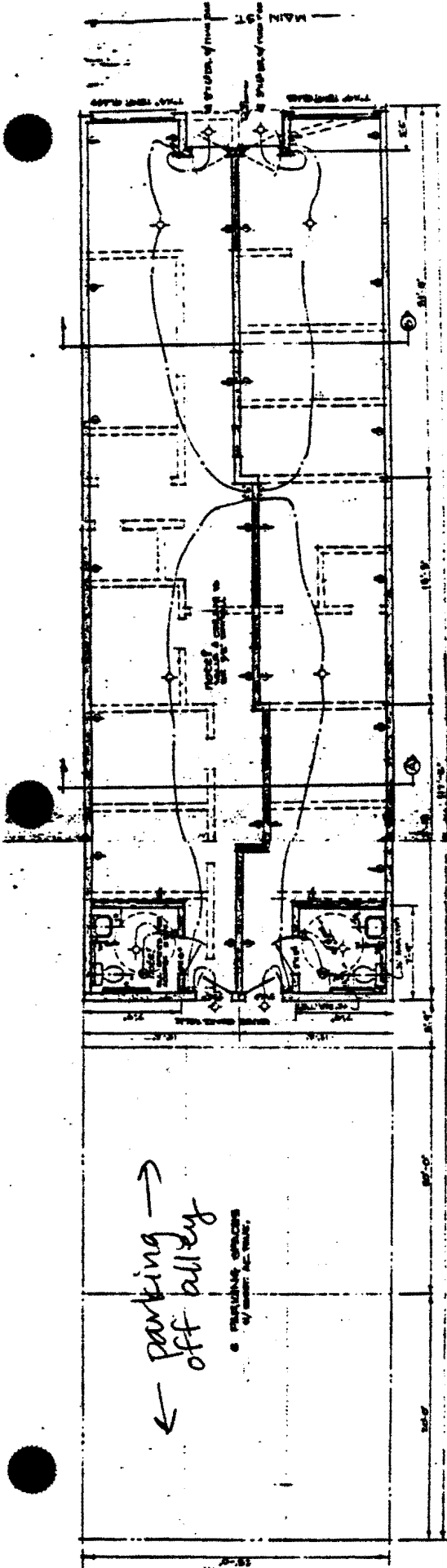
EXHIBIT # A

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PACIFIC

LONG BEACH
OUTER HARBOR

BREAKWATER

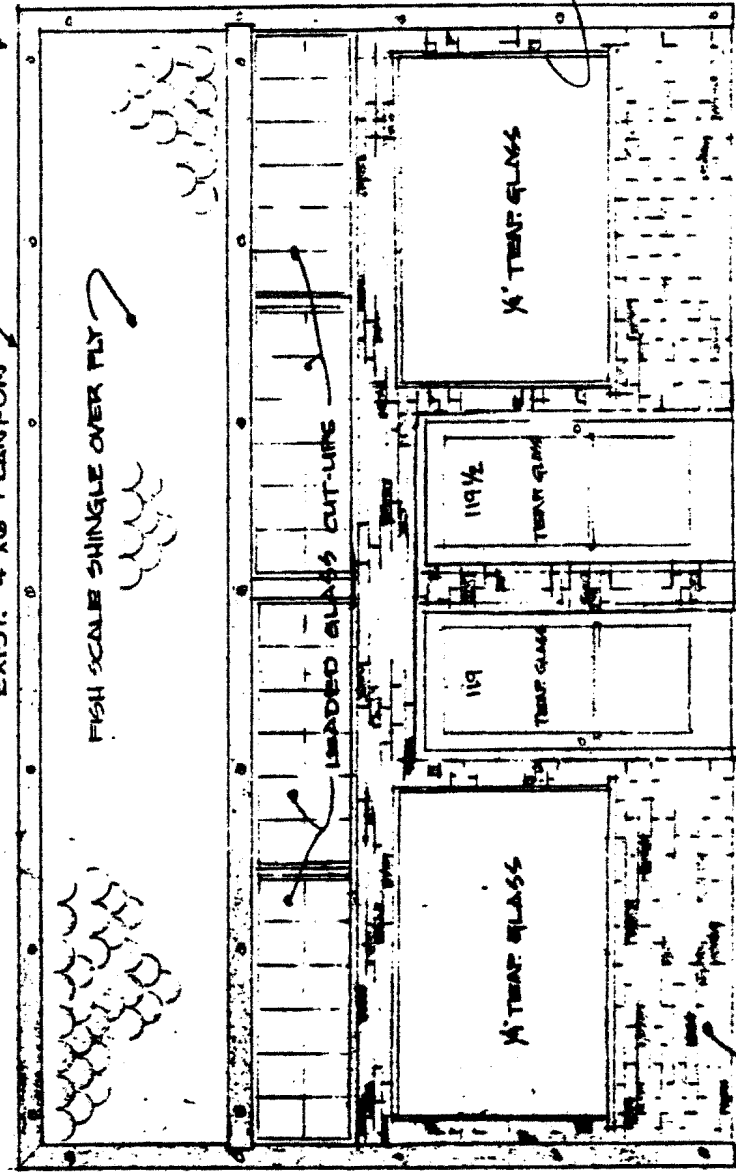


Floor Plan
and
site Plan

EXIST. 4' X 6' PLANTON

EXIST. 4' X 6' PLANTON

FISH SCALE SHINGLE OVER FLY



USED CRACK

West District Office

5-97-012

FRONT ELEVATION

5-97-012
COASTAL COMMISSION
 FLOOR PLAN/
 ELEVATION # B
 EXHIBIT # B
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