

## CALIFORNIA COASTAL COMMISSION

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

Filed: March 31, 1992  
49th Day: N/A  
180th Day: N/A  
Staff: John T. Auyong  
Staff Report: February 23, 1996  
Hearing Date: March 12-15, 1996  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-92-025

APPLICANT: Walt Miller AGENT: Mel Nutter

PROJECT LOCATION: 227/229 Seal Beach Boulevard, City of Seal Beach,  
County of Orange

PROJECT DESCRIPTION: Construction of a 1365 square foot, 14 foot high, one-story retail building on the front portion of the lot (fronting Seal Beach Boulevard), and a 5706 square foot, 35 foot high, three-story structure on the rear portion of the lot, containing two (2) artists gallery/workshops, two (2) artist residential units, storage, and four (4) parking spaces. Also proposed is the placement by Pacific Bell of telecommunication transmission equipment with the eaves of the proposed three story building.

Lot area:	6,625 square feet
Building coverage:	3,950 square feet
Pavement coverage:	1,400 square feet
Landscape coverage:	1,275 square feet
Parking spaces:	Four
Zoning:	Limited Commercial (L-C)
Plan designation:	Commercial
Height above grade:	35 feet

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated 1-24-92

SUBSTANTIVE FILE DOCUMENTS: Expired LUP for the City of Seal Beach, Orange County Regional Interpretive Guidelines, City of Seal Beach Zone Text Amendment 4-91 - "Limited Commercial Zone".

STAFF NOTE - SUMMARY OF HISTORY OF PROJECT:

The subject permit application was approved by the Commission with standard and special conditions on July 7, 1992. Subsequently, the applicant initiated litigation against the Commission based, in part, on objection to the imposed special conditions. The Superior Court of Orange County issued a peremptory writ of mandate on December 20, 1995. The Commission voted to comply with the peremptory writ of mandate by reagendizing the subject permit application at its March 13-15, 1996 hearing. Staff recommends approval of the project, with standard and special conditions, as provided for in the "Joint Return to Peremptory Writ of Mandamus by Respondent California Coastal Commission and Petitioner Walter F. Miller". (see Exhibit A)

### III. Special Conditions

#### 1. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit revised building plans, subject to the review and approval of the Executive Director of the Commission, which indicate that the proposed three story building, to be located behind the existing commercial retail shop, shall consist of: 1) a first story garage containing four parking spaces; 2) no more than two residential units contained within an additional two stories which are designed in such a way as to preclude use as more than two units; and 3) a site plan that shows that the commercial retail use is not being expanded beyond the existing proposal of a 1,365 square foot one-story bike shop fronting Seal Beach Boulevard. Said plans shall also show the location and nature of the telecommunication transmission equipment that Pacific Bell intends to place within the eaves of the three story building.

The revised plans shall include a site plan, building elevations and floor plans. Applicant shall construct the project in conformity with the revised plans as approved by the Executive Director of the Commission.

#### 2. Future Improvements

Any changes to the plans approved pursuant to special condition #1 shall be reported to the Executive Director of the Commission to determine if an amendment to this permit, or a new coastal development permit is required. This shall include changes to the square footage of the floor area, changes to parking, or changes in the types of permitted use (the permitted use is two residential units and the existing proposal of a 1,365 square foot one-story retail area.)

### IV. Findings and Declarations.

The Commission finds and declares:

#### A. Project Description/Site History

The applicant is proposing to construct a 1365 square foot, 14 foot high, one-story retail building on the front portion of the lot (fronting Seal Beach Boulevard), and a 5706 square foot, 35 foot high, three-story structure on the rear portion of the lot, containing two (2) artists gallery/workshops, two (2) artist residential units, storage, and four (4) parking spaces.

An outdoor deck/bike display area of the existing adjacent bike shop is located on a small part of the front portion of the subject site. Additionally, the applicant has modified the original project description by adding the proposed placement by Pacific Bell of telecommunication transmission equipment with the eaves of the proposed three story building (see Exhibit B: Letter from Walt Miller to Peter H. Kaufman dated January 20, 1996).

Under this alternative, in which the proposed rear building consists only of two residential units, the four proposed parking spaces on the ground level would satisfy the entire parking demand of the rear building, since the parking demand for residential units is calculated on a per-unit basis, regardless of the size or number of levels of the individual residential dwelling units. The applicant has agreed to this alternative as provided for in the Joint Return (Exhibit A).

Therefore, the Commission finds that it is necessary to impose a special condition which requires the applicant to submit revised plans which show that the proposed second level retail use/artist workshops are eliminated, leaving only the proposed residential units. This would allow the four proposed parking spaces to satisfy the entire parking demand of the proposed rear building under this alternative, and eliminate adverse impacts to public access resulting from inadequate on-site parking.

In addition, the revised plans required by this special condition must show that the one-story, 1,365 square foot retail area fronting Seal Beach Boulevard, as described under the applicant's existing project proposal, would not be expanded beyond the 1,365 square feet under the existing proposal. This 1,365 square foot, one-story building is the existing use referred to in the Joint Return.

Further, future development on-site would affect the parking demand and supply of the proposed development. Therefore, a second special condition is necessary which requires that any future changes to the proposed parking, square footage, and permitted uses shown in the revised plans described above shall be reported to the Executive Director to determine if an amendment to this permit, or a new permit, would be required. The second special condition would define the permitted uses as being limited to two residential units, as well as the one-story, 1,365 square foot retail area fronting Seal Beach Boulevard as described under the applicant's existing proposal. These permitted uses would minimize impacts on public access from inadequate parking as discussed previously. Requiring an amendment to this permit or a new permit would allow any change in the parking demand resulting from proposed changes to the revised plans to be evaluated for impacts to public access.

Thus, as conditioned, the Commission finds the proposed development to be consistent with Section 30252 of the Coastal Act regarding public access and parking. Further, the applicant has agreed to the two recommended special conditions as provided for in the Joint Return.

#### C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with, and is adequate to carry out, the Chapter Three policies of the Coastal Act.

List of Exhibits

- A. Joint Return to Peremptory Writ of Mandamus by Respondent California Coastal Commission and Petitioner Walter F. Miller  
[Begins on Page 8]
- B. Letter from Walter F. Miller to Peter H. Kaufman dated January 20, 1996  
[Begins on Page 13]
- C. Vicinity Map  
[Begins on Page 15]

List of Appendices

- A. Revised Findings Staff Report (Adopted November 18, 1992)  
[Begins on Page 16]
- B. Original Commission Staff Report Recommending Denial (Action taken on July 7, 1992)  
[Begins on Page 94]

1 Commission approve the project depicted by the revised plans  
2 described below, it has been agreed by petitioner and respondent,  
3 the application shall be placed on the Commission's consent  
4 agenda for approval subject to the following conditions:

5 Standard Conditions:

6 1. Notice of Receipt and Acknowledgement. The permit is  
7 not valid and development shall not commence until a copy of the  
8 permit, signed by the permittee or authorized agent,  
9 acknowledging receipt of the permit and acceptance of the terms  
10 and conditions, is returned to the Commission office.

11 2. Expiration. If development has not commenced, the  
12 permit will expire two years from the date of the Commission's  
13 decision. Development shall be pursued in a diligent manner and  
14 completed in a reasonable period of time. Application for an  
15 extension of the permit must be made prior to the expiration  
16 date.

17 3. Compliance. All development must occur in strict  
18 compliance with the proposal as set forth in the application for  
19 permit, subject to any special conditions set forth below. Any  
20 deviation from the approved plans must be reviewed and approved  
21 by the staff and may require Commission approval.

22 4. Interpretation. Any questions of intent or  
23 interpretation of any conditions will be resolved by the  
24 Executive Director of the Commission.

25 5. Inspections. The Commission staff shall be allowed to  
26 inspect the site and the project during its development, subject  
27 to 24-hour advance notice.

28 ///

COASTAL COMMISSION  
5-92-025 2/23/96

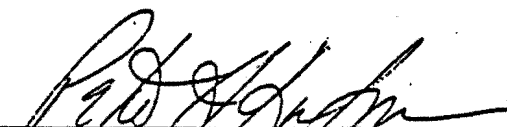
EXHIBIT # A  
PAGE 2 OF 5

1 Executive Director of the Commission to determine if an amendment  
2 to this permit, or a new coastal development permit is required.  
3 This shall include changes to the square footage of the floor  
4 area, changes to parking, or changes in the types of permitted  
5 use (the permitted use is two residential units and the existing  
6 retail area.)

7  
8 DATED: 1/26/96

  
WALTER F. MILLER, in propria  
persona

9  
10  
11 DATED: 1/30/96

  
PETER H. KAUFMAN, Supervising  
Deputy Attorney General,  
Counsel for the California  
Coastal Commission

12  
13  
14  
15  
16  
17  
18 COASTAL COMMISSION  
5-92-025 2/23/96

19  
20 EXHIBIT # A  
PAGE 4 OF 5

21  
22  
23  
24 RECEIVED  
5-92-025

25 FEB 5 1996

26 CALIFORNIA  
27 COASTAL COMMISSION  
28 SOUTH COAST DISTRICT



American Express Financial Advisors Inc.  
IDS Life Insurance Company

NASD Registered Office:  
Suite 200  
5000 East Spring Street  
Long Beach, California 90815

Suite 2  
231 Seal Beach Boulevard  
Seal Beach, CA 90740

Walt Miller, CPA  
Personal Financial Advisor

Bus. (310) 496-3500  
(714) 846-2122  
Fax (310) 430-0912

January 20, 1996

2/7 Is the file  
(J. Anyong)  
JH  
JAN 26 1996

CALIFORNIA COASTAL COMMISSION  
South Coast District  
245 West Broadway Street, Suite 320  
Long Beach, CA 90802-1450

Peter H. Kaufman  
Supervising Deputy Attorney General  
Suite 1100  
110 West A Street  
P.O. Box 85266  
San Diego, CA 92186-5266

COASTAL COMMISSION  
5-92-025 2/23/96

Re: Miller v. California Coastal Commission  
Application No. 5-92-025

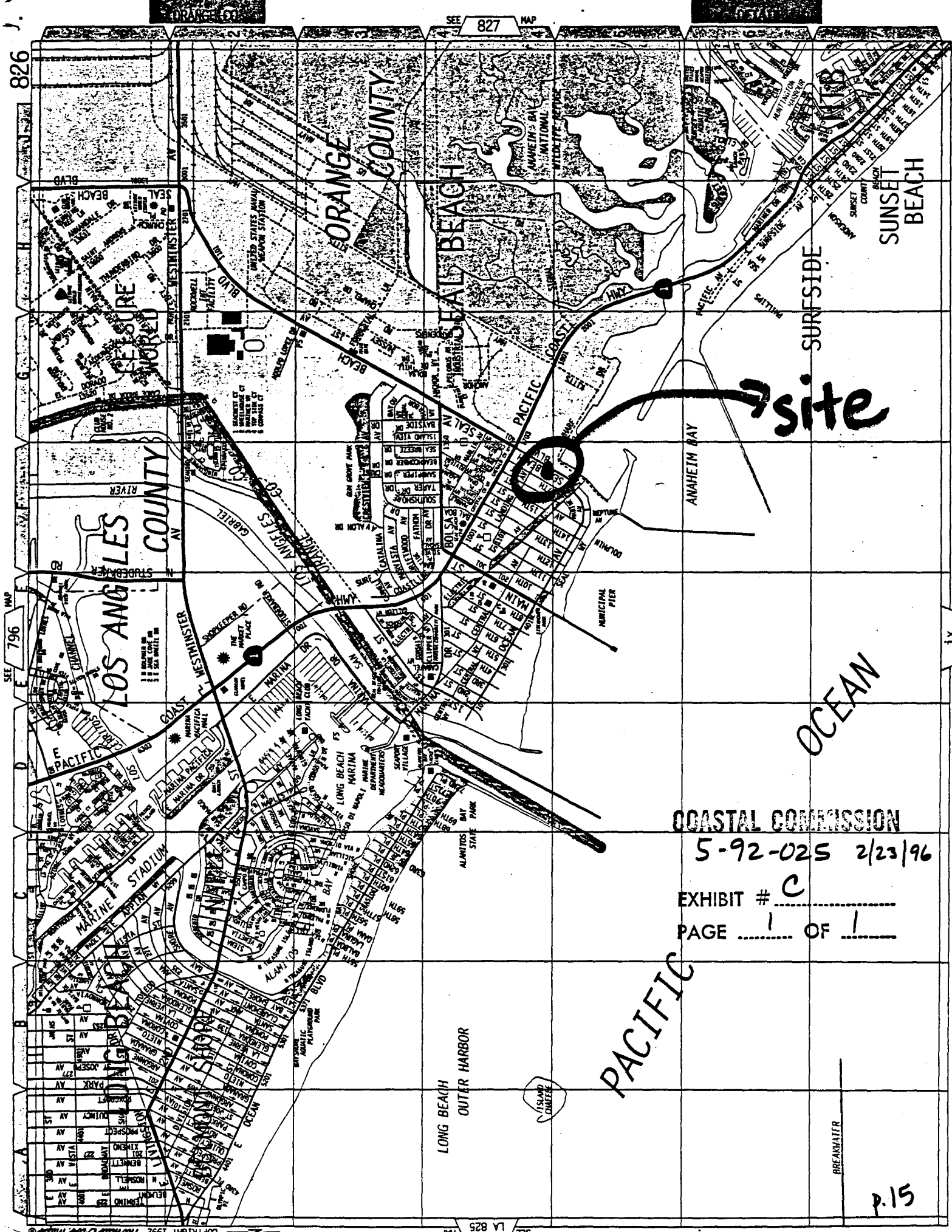
EXHIBIT # B  
PAGE 1 OF 2

Dear Mr. Kaufman:

This letter will confirm the message I left on your answer machine this afternoon. I again apologize for not having Mr. Carter send this communication.

In March 1995 I signed a Communications Site Lease Agreement with Pacific Bell. That lease will pay me \$440 per month for five years if they are able to install their next generation transmitter in the eaves of my proposed building. I received a telephone call from PacBell after our conference call today. I was advised that they will be forced to redesign their system if they do not have a written acknowledgment from the Coastal Commission staff that staff will recommend to the Commission, at their March 1996 meeting, that my permit be issued, subject to the elimination of the second story commercial spaces and retention of the bicycle shop and the two residential units. (what a sentence!)

A redesign means they re configure using another site and I lose \$25,000 in lease payments. It is very important to me that I get Pacific Bell what they need by next Wednesday. In the past it has taken a month to get a letter issued by staff. I plead with you to get a hand written letter addressed to Pacific Bell, and signed by Chuck Daum or Teresa Henry, dated January 24, 1996, stating they will recommend approval of my permit subject to the elimination of the two commercial units proposed for the second story. I will then pickup that letter



site

OCEAN

COASTAL COMMISSION

5-92-025 2/23/96

EXHIBIT # C

PAGE 1 OF 1

PACIFIC

p.15



non-residential use, designed as an intergral portion of the non-residential use and intended for the occupancy by the operator/owner of the adjoining non-residential use." Both the project description on the CDP application and the applicant's "Written Comments in Support of Spoken Testimony", which were a part of the Addendum to Staff Report #5-92-025 and were entered into the record, represent this project as containing two (2) artist studios with artist living quarters (exhibits 6 and 7). The artist/residential unit concept was re-enforced by the applicant throughout the project review. In the applicant's May 18, 1992 letter (exhibit 8), requesting a change to the advertised project description, the applicant requested that the project description read as follows: "Construction of a 1365 sq.ft., 14 ft. high, single story with observation deck, and a 35 ft. high, three story building in the rear of the property, containing (4) residential parking spaces and storage on the ground floor, 1534 sq.ft. of artist studios and workshops on the second story, and 1876 sq.ft. of artist living quarters on the top story." [emphasis added].

At the July 7, 1992 hearing the Commission asked staff for any recommended special conditions. Staff recommended that the Commission impose, among other special conditions, a deed restriction requiring that the occupant of the artist gallery/studio be required to also occupy the residential unit in order to reduce the parking demand. It was noted that this condition would be consistent with the stated intent of the applicant, the project description and the residential use provisions of the L-C zone. The Commission approved the project subject to the three special conditions recommended by staff.

Likewise, the project was also presented to the Commission as containing public amenities to enhance visitor opportunity to and along the coast. The Project Description and History portion (II.A.) of the June 22, 1992 Staff Report #5-92-025 states "The observation deck and center courtyard, which includes a bike wash, drinking fountain, and restrooms would be open to the general public during the hours the bike shop is open." The applicant did not object to this description at the hearing nor in any correspondence. In fact, the applicant stated, in his "Written Comments in Support of Spoken Testimony" (exhibit 7), that "...this project actually creates a public amenity that can be used without commercial entry. The project will provide a gathering place where the public will find a viewing deck overlooking Anaheim Landing, benches, grass areas, public restrooms and handicap ramp access." At the July 7, 1992 hearing, the Commission found that the public amenities of the project were part of the rationale of approval of the project, and conditioned the project to provide signage to notify the public of the availability of these amenities.

#### SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on July 7th, 1992, approving with conditions the permit for a retail bike shop with a public observation deck and courtyard on the front portion of the lot, and a three story building on the rear portion of the lot which contains two artist/residential units and 4 parking spaces.

### III. Special Conditions:

#### 1. Future Development:

Prior to the issuance of the coastal development permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit No. 5-92-025; and that any future improvements to the building, including but not limited to revisions of on-site amenities, modification of interior floor space of any retail areas, or a change in use, will require a permit amendment or a new Coastal Permit from the Coastal Commission or its successor agency. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

#### 2. Deed Restriction:

Prior to the issuance of the coastal development permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the occupant of the third story residential units shall be the occupant of the second story gallery/workshops immediately below them, and (b) that the rear portion of the building is to be leased or rented as not more than two individual artist/residential units. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

#### 3. Signage:

Prior to the issuance of the coastal development permit the applicant shall submit sign plans, subject to the review and approval of the Executive Director, which indicate all public amenities (restrooms, second story deck, drinking fountain, etc.) on the property that are available to the public during normal business hours. These plans shall show size and location of all signs which shall be conspicuously visible from Seal Beach Boulevard.

### IV. Findings and Declarations:

The Commission finds and declares as follows:

#### A. Project Description and History

In January of 1992 the City of Seal Beach, upon the request of several property owners, approved a Zone Change (Amendment 4-91) creating the "Limited Commercial Zone", in order to establish a mixed-use commercial/residential zone on the seaward most area of Seal Beach Boulevard, southwest of Pacific Coast Highway (see exhibit 2). Previously, the area was zoned "General Commercial", which allowed for some heavy retail uses. Currently, the 13 parcel, 1.6 acre area is characterized by a mixture of service commercial uses, with residential dwellings located on the second story above the commercial uses. Before the re-zone, most of the development along this portion of Seal Beach Boulevard was non-conforming, as the residences were not permitted under the old "General Commercial Zone".

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act States:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social or otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

The Commission has adopted Regional Interpretive Guidelines to assist in determining parking space requirements for new development. The Parking Appendix states:

"The following parking guidelines are intended to ensure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone require care in the application of these guidelines. Local parking requirements should be considered along with the Commission guidelines when assessing projects."

1. Beach Access Opportunity.

The subject site is located approximately one-quarter of a mile from the beach, and is only about 450 feet from the nearest public access point (The Seal Way walkway). Currently, there is street parking available in the vicinity of this development since the subject area is not built out and it is close to a mile south of the busy downtown area where the Main St. shops and Pier are located. The Seal Beach Naval Weapons Station is across the street from the subject property. This land is currently fenced and unavailable for public uses. The southern portion of Seal Beach receives fewer beach users than the beach area around the Pier or the northern section of the beach, in

3. The proposal is across the street from the Naval Weapons Station, which cannot be developed, therefore reducing the overall potential density for Seal Beach Boulevard; and
4. There is plenty of public beach parking available elsewhere in the City which is in better locations for providing beach access; and
5. The beach parking resources of the City operate at capacity only on very few occasions during the year, and the City has an agreement with Rockwell International to use their parking lot for the public, in conjunction with a shuttle, when the City is hosting a special event; and
6. The proposed re-striping of Seal Beach Boulevard will create an additional 17 on-street parking spaces that are still available to the public.

The Commission found that these factors are applicable, in this particular situation, to the proposed bike shop-artist/residential development. This is due to the fact that the proposed project is mitigating potential significant adverse impacts to public coastal access by providing for alternative forms of transportation along the coast, and by providing for public amenities and recreational opportunities on site.

The City zoning requirement for retail space is "one for each 300 square feet of gross floor area or part thereof." Therefore, according to the City's findings and calculations, the proposed development needs four (4) residential spaces, and only ten (10) commercial spaces. Since the property has 62.5 ft. of frontage on Seal Beach Boulevard, the parking program credits this property with 10 on-street parking spaces. The residential spaces are proposed on site and accessed via the alley, while the re-striped on-street parking is to provide the 10 commercial spaces necessary. The proposal meets the City's parking requirements, 14 spaces total, because the re-zone and General Plan Amendment utilize a parking program to satisfy commercial parking requirements.

Currently there are 67 on-street parking spaces in this area of Seal Beach Boulevard, and the re-striping program would add an additional 17 spaces for a total of 84 spaces (City's Initial Study, Item 13b). The approval of this project removes 10 parking spaces from the on-street parking, leaving 74 on-street parking spaces. Of the remaining 74 on-street parking spaces, 67 of these have historically been available to the public. This leaves 7 on-street parking spaces that can be allotted to future developments in the new L-C zone without creating adverse impacts to the existing parking and public access opportunities. Another limiting factor for potential development of the remaining lots in the L-C zone is that each lot can only build so much commercial square footage based upon the lot's Seal Beach Boulevard frontage. These lots need to use on-street parking for any proposed commercial uses because (1) the alley is not adequate for commercial traffic, and (2) an element of the new parking program is to close curb cuts to provide more on-street parking. In other words, the lot's Seal Beach Boulevard frontage dictates the number of on-street parking space credit, and the number of parking spaces limits the square footage of any commercial building in this zone.

Because of the design of the building it may not be apparent to the public that these opportunities exist behind and above the bicycle shop. Therefore, a special condition is needed that will provide signage, visible from Seal Beach Boulevard, that indicates the public restrooms and other amenities. As conditioned for appropriate signage, the Commission finds the proposed project consistent with section 30222 for enhancing public opportunities for coastal recreation on private land suitable for visitor serving commercial recreational facilities.

D. Land Use/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 3 policies of the Coastal Act.

The LUP was certified with suggested modifications on July 28, 1983. The major issues were the protection of the Hellman Estate Wetland, shoreline erosion, public access at Surfside Colony, and use of the Department of Water and Power lands. The City did not resubmit the LUP with the suggested modifications and the approval has since lapsed. A resubmittal date is unknown. Because no LCP was certified, the standard of review for this project is the Coastal Act.

According to the expired Seal Beach LUP, and the Seal Beach zoning ordinance, the subject property is designated Commercial, District 1. The development is consistent with the Land Use Designation. The proposed development, as conditioned, will not create adverse impacts and is consistent with the Chapter 3 policies of the Coastal Act. Therefore, The Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Seal Beach consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application 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.

Only as conditioned, is the project consistent with the Chapter 3 policies of the Coastal Act. As discussed earlier in the report, the proposed project is subject to special conditions designed to minimize impacts on parking resources and to ensure the public recreational opportunities on the project site. Therefore, the Commission finds that the project is the least environmentally damaging feasible alternative, and can be found consistent with the requirements of the Coastal Act and with conformance to CEQA.

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT PURPOSES ONLY. THE ASSessor MAKES NO GUARANTEE AS TO ITS ACCURACY. HE ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1987

# NAVAL WEAPONS STATION

Subject Site

SEAL BEACH

(BAY BOULEVARD)

BOULEVARD

2/23/96  
S-92-025 Appendix A  
PACIFIC COAST HIGHWAY

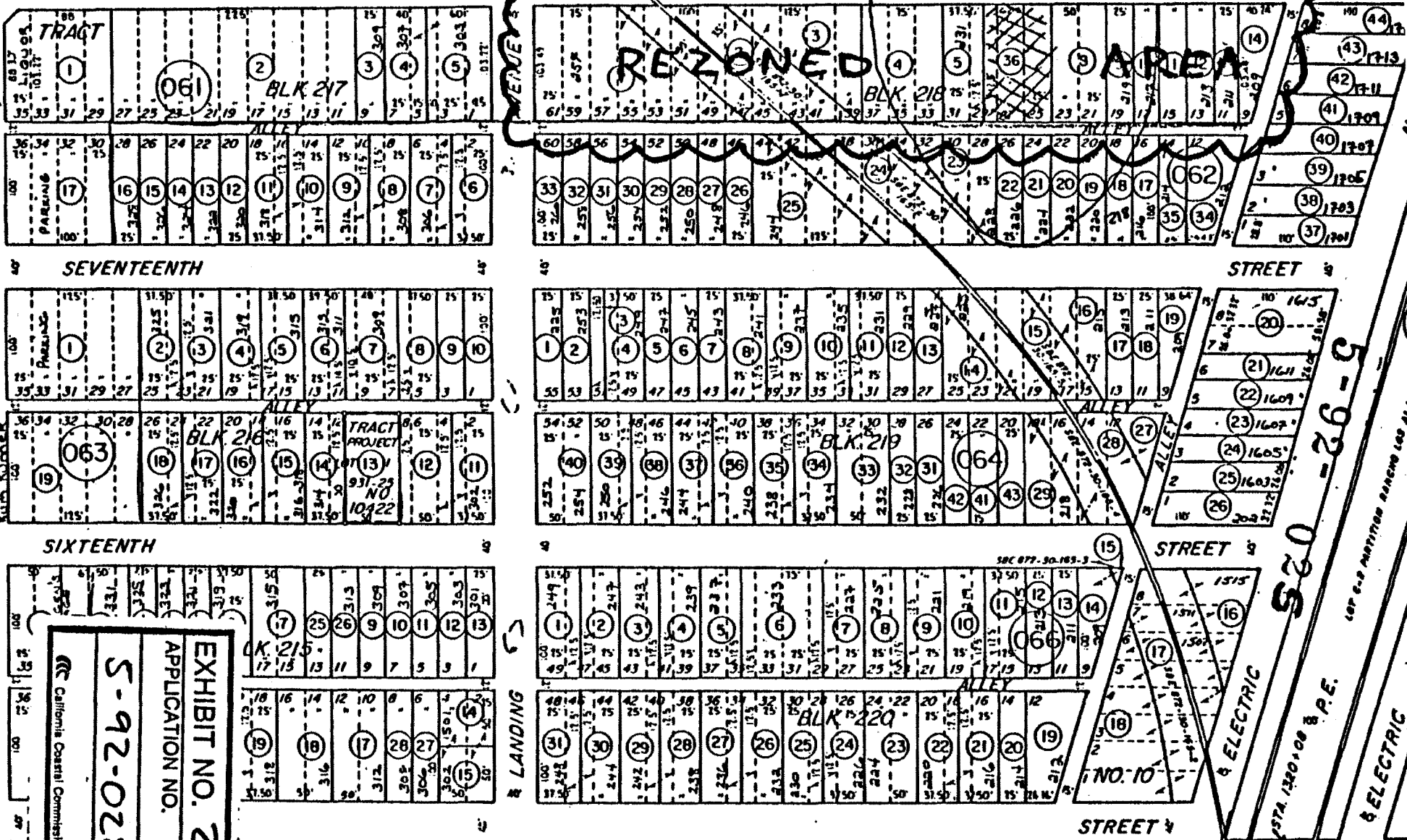


EXHIBIT NO. 2  
APPLICATION NO.  
S-92-025  
California Coastal Commission

PARTITION RANCHO LOS ALAMITOS  
TRACT NO. 10  
TRACT NO. 10422

L.A. COURT CASE #13527 NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS  
M.M. 9-10

ASSESSOR'S MAP  
BOOK 100

S-92-025

ELECTRIC

ELECTRIC

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

SOUTH ELEVATION

A B C D E F G H J K M N O P

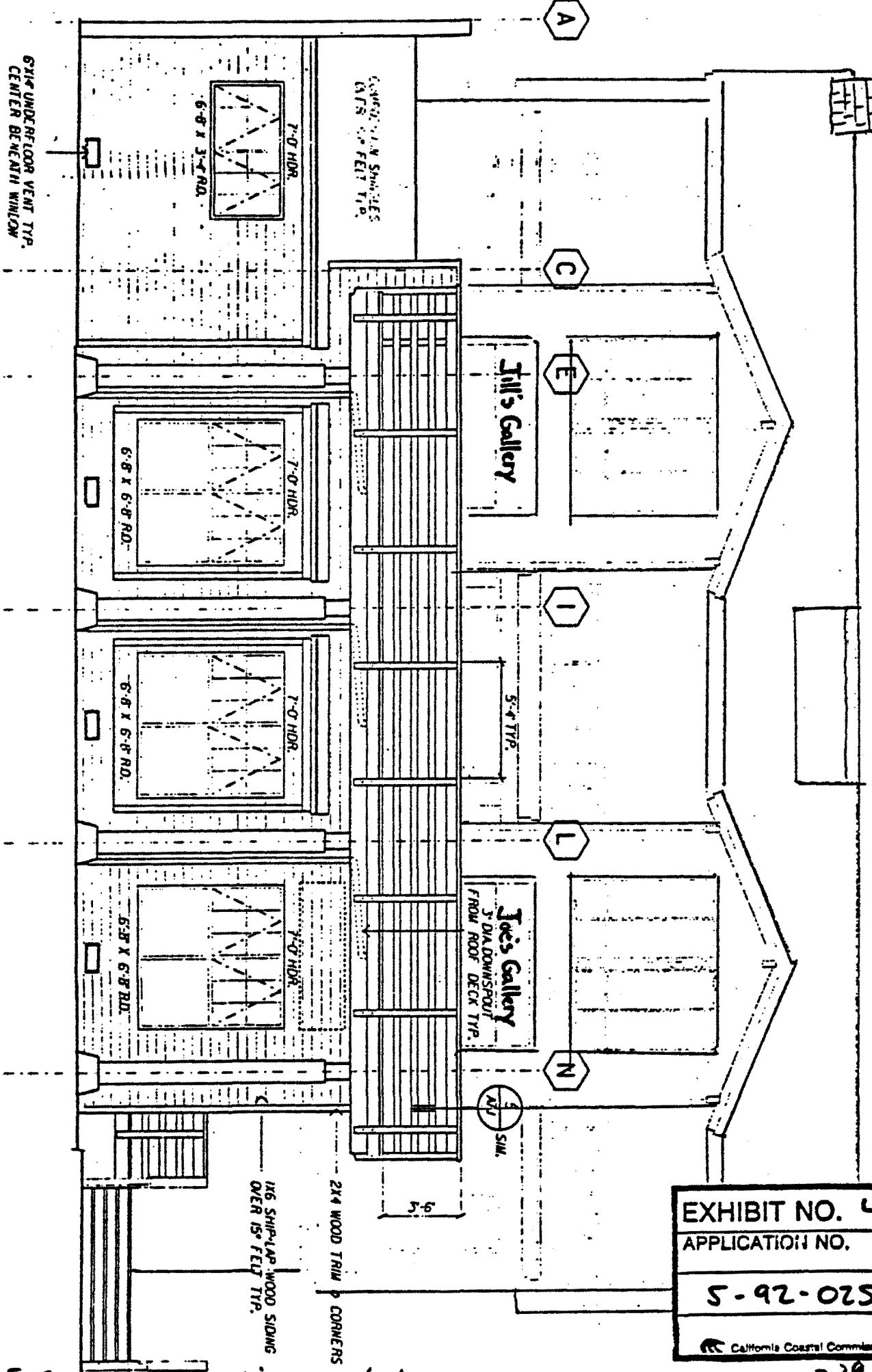


EXHIBIT NO. 4  
APPLICATION NO.  
5-92-025  
California Coastal Commission

3. Conflict of Interest. All applicants for the development must complete Appendix A, the declaration of campaign contributions.

SECTION II. PROPOSED DEVELOPMENT

Please answer ALL questions. Where questions do not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A."

1. Project Location. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross street.

227 and 229 Seal Beach Boulevard

number (8) street (9)

Seal Beach Orange

city (10) county (11)

Assessor's Parcel Number 199-062-36

- \* 2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.  
COMBINED LIVING AND WORKING DESIGN PERMITTED UNDER L-C ZONING.  
Single story retail bicycle repair shop in front of site

Three story building on rear of site. First story parking  
two  
and storage, second story/artist studios, and living quarters  
for artists on third story. Roof of bike shop to appear as a  
section of Seal Beach pier.

a) If residential, state:

1) Number of units two (28)

2) Number of bedrooms per unit one (28)

3) Type of ownership proposed: ☒ rental

☐ condominium

☐ stock cooperative

☐ time share

☐ other \_\_\_\_\_

b) Number of boat slips, if applicable N.A. (29)

c) If land division, number of lots to be created and size \_\_\_\_\_

N.A.

EXHIBIT NO. 6

APPLICATION NO.

5-92-025

California Coastal Commission



WALTER F. MILLER

CERTIFIED PUBLIC ACCOUNTANT

~~May 18, 1992~~

231 SEAL BEACH BOULEVARD, SUITE 2  
SEAL BEACH, CALIFORNIA 90740-6598

AREA CODE 714  
TELEPHONE 2122

Nicholas Salcedo  
Staff Analyst  
CALIFORNIA COASTAL COMMISSION  
P.O. Box 1450  
Long Beach, California 90802-4416  
(213)590-5071

RECEIVED  
MAY 19 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Re: Permit Number 5-92-025  
Applicant Walter F. Miller  
REQUEST FOR CHANGE TO ADVERTISED PROJECT DESCRIPTION

Dear Nick:

I previously spoke with you about the public hearing announcement dated 4/28/92. I have had some feedback on the description of my project.

This project has been most difficult to get approved. I am not building "a 7071 sq.ft., 35 ft. high, three story structure with (4) parking spaces and an observation deck." I am building a single story building with an observation deck, and a three story building with parking on the ground floor. I would like the description in the next notice changed to the following:



"Construction of a 1365 sq.ft., 14 ft. high, single story retail building with observation deck, and a 35 ft. high three story building in rear of property, containing (4) residential parking spaces and storage on the ground floor, 1534 sq.ft. of artist studios and workshops on second story, and 1876 sq.ft. artists living quarters on top story."

It is my understanding that the City of Seal Beach did not submit its study to your office in time to allow you to prepare your staff report for the June 1992 Coastal Commission hearing in San Diego. You have therefore taken my application off the June 1992 calendar and put it on the July 1992 calendar. As a result of our meeting at the City of Seal Beach offices on March 2, 1992, you had previously removed my application from the May 12, 1992 calendar to await the traffic and parking study to be prepared by City staff.

Mr. Wittenberg has just returned from vacation today and is to make a final review of the study before sending your office. Please advise me if any other data is re stay on the July 1992 calendar. I am still hopeful t have this keystone project built before year end. Ou

EXHIBIT NO. 8

APPLICATION NO.

5-92-025

California Coastal Commission

5-92-025 Appendix A 2/23/96

September 1, 1992

the authority to require me to hold my property vacant, or require a variance. I am providing residential parking on site to the tenants. I am limited to low intensity commercial use by the City ordinance. Common ownership is preferred, but should not be restricted to the owners hardship.

It seems that the signage to the public advising them of all the amenities on the project is designating this project to be a public park, subject only to opening and closing hours. If all future development along this limited section of the street must have what I have, then we have created a state where there will be no future development. Each applicant would have to advertise that he offered public restrooms, drinking fountains, viewing decks, conversation areas, benches, etc. I know of no other area in this country that requires that of all individually owned businesses. I see this requirement being imposed on me to somehow make up for the lost parking. Here again, the requirements of signage on my property have nothing to do with impacting coastal access to the public.

I will not argue these issues to the delay of my permit, but I foresee no future building activity on this street, if these two requirements are not withdrawn, and the parking credit ordinance of Seal Beach approved in total as it was intended.

It would be appreciated if you would have this letter read into the record at the Commission meeting starting this Friday, September 11, 1992, at 9:00 a.m. at the Eureka Inn, Eureka, California.

Sincerely,



Walter F. Miller, Applicant

Enclosure - Acknowledged Notice

cc: Lee Whittenburg  
Director of Planning  
City of Seal Beach

EXHIBIT NO. 96
APPLICATION NO.
5-92-025
CCC California Coastal Commission

WRITTEN COMMENTS - REVISED FINDINGS (continued)

prompted by a voice that said, "Say, are all conditions acceptable to the maker of the motion?" He then asked that question. Although the response was not audible, the assumption was Commissioner Moulton-Patterson expressed her agreement and the vote was taken eight for, with the chairman against.

Commissioner Cervantes made the only amendment to the original motion that was seconded. That motion was Special Condition 1. Future Development found on page 2. Chairman Gwyn did not cast the remarks made by staff member Ms. Henry into an amendment to the original motion. Had he done so, I do not believe it would have been seconded because the deed restriction dealt solely with the parking issue. The previous amendment by Commissioner Glickfeld, requiring the applicant to provide four commercial parking spaces for the artist studios had died for lack of a second.

I believe the Commissioner can only find that the "conditions acceptable to the maker of the motion," were the conditions found in Special Condition 1. Future Development.

I respectfully request that Special Conditions 2 and 3 be removed from the revised findings before approval by the Coastal Commission.

Furthermore, staff advised me that the reason for the deed restriction was that the business owner would require an extra parking space on the street if he were not a resident of the building. That thinking was consistent with the conditions Ms. Henry gave Chairman Gwyn at his request.

However, please remember that Commissioner Orsini was recalled to the stand in our hearing and asked at length about available beach front parking. His answers contradicted staff who maintained that beach front parking was available only north of the pier, and that the lot was full most of the time. He stated that parking lot C, which was less than 20%

5-92-025 Appendix A 2/23/96

EXHIBIT NO. 10
APPLICATION NO.
5-92-025
p. 37
California Coastal Commission

(restrooms, second story deck, drinking fountain, etc.) on the property. ...signs which shall be conspicuously visible from Seal Beach Boulevard." The only condition mentioned on the tape was "public restrooms." My prior testimony was misquoted by staff. I said I would provide a public restroom for the bike shop, and I did provide a public restroom for cyclists in the present bicycle shop. I do not want to see each new development on this street required to advertise to the general public through conspicuous signs that it has restrooms, second story deck, drinking fountains, etc.) open to all during normal business hours. No other commercial business, that I know of, is required to provide such signage. I again find this imposed Special Condition: 2. Signage, impractical, and taken out of context to the spoken word.

Special Conditions: 2. Deed Restrictions, and 3. Signage, must be deleted from these revised findings before passage by the Commission if we are to expect any further development on this long neglected street front in Old Town Seal Beach. This is a precedent case and should present a positive sign to those who might follow. I respect the charter of the Coastal Act to open coastal access and encourage the use of our oceanfront recreational areas by the general public. Our City could not be more dedicated to your charter. Please do not trash this program by passing the revised findings as presented. WE, working together, can do better.

Respectively,



Walter F. Miller  
Applicant 5-92-025

Enclosure

EXHIBIT NO. 10c
APPLICATION NO.
5-92-025
California Coastal Commission

hearing Ms. Henry confirmed my assumption. Since the Commissioners had previously indicated their support for the commercial parking credits granted this project under the City Parking Plan, Special Condition 2 - Deed Restriction, is redundant. Parking requirements are met without the deed restriction.

Commissioner Wright (although a lot of his comments could not be transcribed because the microphone was out) followed, and indicated he acknowledged the City Parking Plan and could support it (page 30, lines 21-28, and page 31, line 1).

#### SPECIAL CONDITION - SIGNAGE

Ms. Henry also stated that "Staff would recommend a signage condition that the restroom is available for general public use" (page 30, lines 10-12).

The signage condition 3, found in the revised findings, goes beyond the testimony and requires signage "which indicate all public amenities (restrooms, second story deck, drinking fountain, etc.)..." and "all signs which shall be conspicuously visible from Seal Beach Boulevard." (page 3 of revised findings 5-92-025).

#### CONCLUSION

I only want the special conditions to accurately reflect what the desires of the Commissioners were when they approved my permit 8 for, 1 against. As it stands now, the deed restriction and expanded signage kill the project. Let me explain why.

- a. The Deed Restriction goes beyond the testimony and requires that the occupant be an artist (page 30, lines 5-7).
- b. The deed restriction goes beyond the economic limits of good judgment and prevents the rental of the commercial galary spaces on the second level to anyone who:
  1. Is not an artist.
  2. Has no children (only one bedroom in residence).
  3. Has a handicapped spouse (no elevator to third level).
  4. Owns or leases a home in surrounding area.

The building plans, more than any words, show what this project is meant to be.

EXHIBIT NO. 11B
APPLICATION NO.
5-92-025
California Coastal Commission

p-41

RECEIVED

To: Mick S. (So. Coast)

WALTER F. MILLER  
CERTIFIED PUBLIC ACCOUNTANT

OCT 9 1992

October 3, 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

231 SEAL BEACH BOULEVARD, SUITE 2  
SEAL BEACH, CALIFORNIA 90740-6598  
AREA CODE 714  
TELEPHONE 846-2122

Peter M. Douglas  
Executive Director  
CALIFORNIA COASTAL COMMISSION  
45 Fremont Street, Suites 1900 and 2000  
San Francisco, California  
(415) 904-5200



\* Re: Monterey Hearing Agenda  
Approval of revised findings  
Permit Application 5-92-025 Seal Beach

Dear Mr. Douglas:

I just received your letter dated September 29, 1992, in my mail today. I find your letter in conflict with the letter I received from District Director Daum, dated September 25, 1992. I have enclosed a copy for your reference.

Your letter also seems to be in conflict with a telephone call I received yesterday afternoon, October 2, 1992, from your Administrative Assistant, Chris Gaylor. She advised me that she had put the agenda, and the addendum in your mail service just before she called me. She called because she realized that she had not put my item on the agenda for the October hearing. She said that, by a law enacted two years ago, she was not able to mail out a correction to the agenda or addendum, once it had been turned over to your mail service. As a result, the Commission would not be able to consider my issue until the November 1992 hearing. I told her I was shocked at this turn of events. I further told her that I would confirm her telephone notice to me in writing to you. This letter hereby confirms that I understand my matter will not be on the October agenda.

Your letter and the letter of Director Daum seems to contradict the directive given me by Commissioner Wright over the telephone and reiterated to you in my September 25, 1992, letter. He said that "If the staff could point out any significant inaccuracies in your transcript, or on the copy of the tape, the Commission could make its decision to then require a certified court reporter to furnish the tape." Do you question the judgment of Commissioner Wright in making this statement? Or do you not believe he made this statement to me? Why else would you continue to argue that "you did not follow the procedures that staff had asked you to follow--" and continue to direct staff to make tapes and write me

\* Additional correspondence received  
since 10-1-92.  
5-92-025 Appendix A 2/23/96

EXHIBIT NO. 12
APPLICATION NO.
5-92-025
California Coastal Commission

October 5, 1992.

CALIFORNIA COASTAL COMMISSIONERS

(Distribution limited to members voting on issue)

TO Long Beach  
RECEIVED

OCT 13 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT



APPLICANT: Walter F. Miller, Seal Beach

PERMIT: 5-92-025 South Coast Area

\* WRITTEN COMMENTS ON HEARING PROCEDURES - REVISED FINDINGS

Honorable Chairman and Commissioners:

I submitted my application in January 1992, and it was approved 8 for, 1 against in July 1992. Revised findings were issued by staff in September. Staff has now postponed the re hearing to November 1992. I would now conclude, under the best of circumstances, that my permit will not be issued until January 1993. Do others wait one year for a permit?

Everyone was surprised when the Commissioners approved my project. Staff had recommended denial, I did not have an attorney, and I was not a land developer. I was not surprised because it was supported by the City of Seal Beach and had no adverse impact. Your strong vote indicated you knew that the City parking credit ordinance was not impinging on coastal access...it was enhancing it.

Later, I was surprised. I read the revised findings and found that deed restriction and signage special conditions were included that had not been discussed, let alone seconded as amendments, at the July hearing. So I went to Eureka and was told to come to Monterey to clear this matter up. Last Friday I got a telephone call telling me that, due to a mix-up in the director's office, my item was not put me on the October agenda, and therefore I must now wait until November. I later received a letter admonishing me that I must follow procedures dictated by staff if I wanted this matter heard.

\* Additional correspondence received  
since 10-1-92.  
5-92-025 Appendix A 2/23/96

EXHIBIT NO. 13,
APPLICATION NO.
5-92-025
California Coastal Commission

## CALIFORNIA COASTAL COMMISSION

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



DATE: November 4, 1992

TO: Commissioners and Interested Persons

FROM: South Coast District Staff

SUBJECT: Copy of Hearing Tape and Applicant's Transcript of the Hearing for Application No. 5-92-025 (Miller). For Commission Meeting of Tuesday, November 17, 1992, Item 11a, Revised Findings (copies provided only for those Commissioners who voted on prevailing side).

For those Commissioners who voted on the prevailing side as noted on the staff report for item 11a (revised findings for 5-92-025), attached is a copy of the hearing tape for that project which was approved at the July 7, 1992 Coastal Commission meeting. Copies of the hearing tape were prepared from the original hearing tape by staff.

Also included is a copy of a transcript of the hearing prepared by the applicant (Mr. Walter F. Miller). This transcript was not prepared by a certified court reporter, nor certified by the Commission staff as complete and accurate.

6701E

5-92-025 Appendix A 2/23/96

p.47



APPEARANCES:

FOR THE APPLICANT: FRANK LAZLO, MAYOR OF SEAL BEACH  
JOSEPH ORSINI, CITY PLANNING COMMISSIONER  
LEE WHITTENBERG, DIR OF DEVELOPMENT SERVICES  
SORETTA FIELDING, PROP OWNER SEAL BEACH BLVD.  
FRANK PRIOR, PROPERTY OWNER SEAL BEACH BLVD.

FOR THE COMMISSION: THOMAS W. GWYN, CHAIRMAN  
LILY CERVANTES, VICE CHAIRMAN  
DIANA DOO  
GARY GIACOMINI (ABSENT)  
MADELYN GLICKFELD  
DAVID MALCOLM  
LINDA MOULTON-PATTERSON  
BONNIE NEELY  
WILLIAM RICK  
DORILL WRIGHT  
JANE YOKOYAMA (ABSENT)

FOR THE STAFF: PETER M. DOUGLAS, EXECUTIVE DIRECTOR  
CHARLES DAUM, DIRECTOR  
TERESA HENRY, STAFF MANAGER  
NICHOLAS SALCEDO, STAFF ANALYSIS

ALSO PRESENT: VARIOUS UNNAMED STAFF MEMBERS AND COUNSEL

1 LONG BEACH, CALIFORNIA, TUESDAY, JULY 7, 1992

2 11:00 A.M.

3 \* \* \*

4 TESTIMONY

5 BY MS. HENRY: APPLICATION 5-92-025

6 HENRY: Application of Walter Miller for the  
7 construction of an approx 7,000 sq ft mixed used project with  
8 four on-site parking spaces on 6,600 sq ft lot at 227 - 229  
9 Seal Beach Boulevard in the City of Seal Beach, Orange County.  
10 Staff is recommending denial of the proposed project based on  
11 inadequate parking and the resultant individual and cumulative  
12 adverse impact on public access to the shoreline. More  
13 specifically described the proposed project consists of a 1,365  
14 sq ft single story bicycle shop along Seal Beach Boulevard, an  
15 observation deck is proposed atop the structure. The deck,  
16 along with the central courtyard, drinking fountain, and  
17 restroom would be open to the general public during the hours  
18 that the bicycle shop is open, as stated by the applicant. The  
19 rear of the 100 ft deep lot would be developed with a three  
20 story 5,700 sq ft retail and residential use building, with  
21 four parking spaces on the ground floor for the two residential  
22 units that are located on the third level. The project is  
23 located along the southern end of Seal Beach Boulevard across  
24 from the Naval Weapons Station property. It is within walking  
25 distance, or approximately 450 ft from the Seal Way public  
26 beach lateral access way, and the wide public sandy beach.  
27 Using the parking standards of the adopted Orange County  
28 Regional guidelines, the 7,000 sq ft structure would need a

1 right-of-way within the one block area. Property owners are  
2 then allowed to develop their properties, and are given credit  
3 for both the existing and new street parking based on the  
4 length of their street frontage. Under a scenario of full  
5 build-out of the one block area, a parking deficiency of  
6 approximately 30 spaces will exist after all 67 of the existing  
7 public parking spaces are usurped by the new commercial  
8 customers and employees. The subject property alone, received  
9 credit for 10 of the 17 additional parking spaces. Using the  
10 parking standard from the guidelines, the applicant needs 13  
11 spaces for the proposed retail use, in addition to the 4  
12 on-site spaces. Staff would note that very little  
13 redevelopment has occurred within the project vicinity due  
14 primarily to existing site constraints. Those constraints  
15 include small lot size, as small as 2,500 sq ft, a rear alley  
16 of only 12 feet in width, and the lack of curb cuts along Seal  
17 Beach Boulevard. However, these features are not unique to the  
18 project site. Many commercial lots within urbanized areas of  
19 LA and Orange County have similar site constraints. In  
20 approving development of these lots, the Commission has  
21 required the applicant to reduce the intensity of development  
22 to match the on-site parking availability, or has required the  
23 applicant to obtain off-street parking within walking distance  
24 of the project site. The staff report cites other feasible  
25 alternatives to the proposed project which would not result in  
26 a significant individual and cumulative adverse public access  
27 impact. Some alternatives would require, some of the  
28 alternatives would require action on the part of the City, to

1 whispers - unintelligible) (Slide presentation made by Ms.  
2 Henry and Mr. Salcedo)

3       Okay, here we go.

4       Okay, this first slide is of Seal Beach Boulevard,  
5 looking from Pacific Coast Highway, toward the beach. The  
6 subject site is located behind the fire hydrant, Aaa, the  
7 second fire hydrant...down here. Aaa the electric company  
8 building down at the far end of the street is where the public  
9 access way, the lateral access way, Seal Way, is located.

10       (Pause) In this next slide, it shows the west side of  
11 Seal Beach Boulevard showing the existing railroad  
12 right-of-way. Within this one block area there is a railroad  
13 right-of-way that could be used as a centralized off-street  
14 parking area. Pause.

15       This is the subject site, a which is currently vacant.

16       This slide is looking from the site toward the access  
17 way. Aa, again, the electric company building here, is at the  
18 head of the a, public lateral access way.

19       This is walking from the site toward the access way,  
20 which again, is located on the other side of this building.

21       This is looking back toward Pacific Coast Highway from  
22 the beginning of the access way.

23       This is the access way here, at the end, um it goes in  
24 front of these a residential structures.

25       This is taken from the Seal Way, public access way,  
26 looking toward the beach. A, you note the white and yellow  
27 signs in front of the fishermen.

28       OK, this is further along Seal Way to the southeast

1 Anaheim Bay Landing. And all that stopped in 1944 when the Navy  
2 put up their barb wire fence, and took over Anaheim Bay and  
3 filled in the landing. The stroll that you just took failed to  
4 note the barb wire fence across the street, or the lack of any  
5 sidewalk or trash pickup on the east side of the street that  
6 we're facing. This is what we have been looking at for, myself,  
7 since 1977. And the City has been looking at that a lot  
8 longer. So I assume that in addition to the drawing, I had  
9 distributed, what I thought were three packets, and I won't be  
10 able to cover these, I won't be able to read from them, because  
11 the time is too short. So I just want sort of talk about aa  
12 some of the high points that I see.

13 We feel that the Coastal Act is probably one of the best  
14 things that has happened to California. We think that we have  
15 the same feelings to maintain access to the coast as the staff  
16 does here. We have no argument whatsoever with that. We think  
17 we are not only maintaining access, we think we are  
18 de-intensifying the use of this area under this new limited  
19 commercial zoning. We feel that the parking requirements built  
20 out, will be less than they are today. We feel this project  
21 will add parking spaces to the area, and not take away from  
22 them. We think that a the public deserves to come down to the  
23 beach to see more than a parking lot. We think that visitor  
24 attractions are a vital part of the vitality of a small  
25 community like Seal Beach. And I guess my feeling is the Seal  
26 Beach Boulevard entrance, for the last forty years has really  
27 been a decelleration ramp from Seal Beach Boulevard, on the  
28 other side of Coast Highway, which connects to the freeway, and

1 traffic by doing something like this. We're de-intensifying  
2 it. The, the Navy is the one that probably ought to be  
3 standing here saying, "Ya, know, we want to keep our barb wire  
4 fence, and we want to access away to the ocean from the  
5 public." That's where it is, we're creating this entity here  
6 so people can look and see the ocean. And when we talk about  
7 the parking, I think there is something very simplistic about  
8 this whole thing...is that we have property owners that all own  
9 25 ft lots along there. And they are individual property  
10 owners. One recommendation was that everybody get together and  
11 develop the whole thing, and put a parking lot in the center  
12 like Disneyland does and have a community. Aa, that does not  
13 make sense because we are individual property owners. And if  
14 we are going to develop a 25 ft width property, in staff, in  
15 their report, said, that the alley will not support commercial  
16 traffic. I asked, "If the alley will not support commercial  
17 traffic, how do we get commercial parking on to our site?"  
18 Staff said, "We will, in that case, allow a curb cut." Well, a  
19 25 ft frontage would require two curb cuts...24 feet. That  
20 would put two parking places on the site. That's all, because  
21 you can't put commercial in tandem. Therefore we would have a  
22 450 foot commercial facility with two parking places in front.  
23 That's sort of ludicrous. The parking places on the street  
24 would be usurped by the curb cuts. So therefore, instead of  
25 counting the credits on the street as usurping the the Coastal  
26 Commission's parking, I think we should allow that for access  
27 to the property. And I hope that a very simplistic thing, but  
28 I think people should should listen to that.

1 Seal Beach Boulevard, and I was there, and I have lived in Seal  
2 Beach 12 years. Okay?

3 First of all I would like to say that the block in  
4 itself needs improvement. That's why the property owners got  
5 together seven years ago and said "What can we do to improve  
6 this block?" Aa, we did not feel it would impact because of  
7 the fact that Seal Beach itself provides adequate parking for  
8 the beach community and the public. Aa, I do not agree with  
9 the report, the staff report that said beach visiting parking  
10 is limited. Aa, I would also like to say that I have lived  
11 there, I see what goes on in that block for all these years,  
12 and no one knows better than I. I am now turning my time over  
13 to Mr. Orsini, who will give you some figures on public  
14 parking. Thank you.

15 ORSINI: Joseph Orsini, Planning Commissioner, District  
16 1, Seal Beach. Aa, since this area fell into my district the  
17 most important thing to us was the parking. So I have some  
18 figures for you. We have three lots on the beach. Lot A on  
19 First Street, which has 216; Lot B 121, Lot C 209. During  
20 peak, which is basically the months of, from June 18th to  
21 September 1st, on Lot A we get roughly 50% occupancy, Lot B get  
22 completely filled, Lot C goes around 90. So even in our peak,  
23 we have 121 open spaces. Basically what we have down there is  
24 73 days of summertime, where we actually start getting the  
25 summer crowd, but we only have 22 days on the weekend. This  
26 whole project is tied into 22 days, and that's what we looked  
27 at. We have, basically during the week, and off season, we  
28 have 390 parking places open on the beach. This is adding

1 absolutely no parking restrictions placed on them in any  
2 manner. When the planning commission and council considered  
3 the general plan amendments to the zone change and the zone  
4 text amendments, the restripping plan, and the bike way  
5 relocation plan for this area of the City, the issue of parking  
6 along Seal Beach Boulevard was a major concern of the City. We  
7 feel that the provision of an additional 17 parking spaces on  
8 the street and the removal of the existing bike path out of the  
9 street right-of-way, and moving that adjacent to the fence of  
10 the Naval Weapons Station, will, in fact, increase the number  
11 of parking spaces available for that end of the beach area. It  
12 will also provide a much safer situation for visitors to the  
13 beach area who do decide to use their bikes to access the beach  
14 area. We would strongly urge that you approve the project  
15 that's before you, and if you have any questions, as you are  
16 going through your deliberations, I'd be happy to try to  
17 respond to those. Thank you.

18 CHAIRMAN: Thank you very much. And Mr. Lazlo is not  
19 present.

20 FIELDING: No

21 CHAIRMAN: We'll close the public hearing and ask for  
22 staff comments.

23 HENRY: Thank you Chairman Gwyn. I'd like to just  
24 reiterate a few points that were brought up. Aa, the parking  
25 spaces that were stated as being provided on the beach, are  
26 provided from the pier going north. None of these parking  
27 spaces...there are no public parking lots in the vicinity of  
28 the project site. Therefore public use of the Seal Way walkway



1 look...How can I say it? If you think of a beach community,  
2 you think of Long Beach, you think of Manhattan, you think of  
3 Hermosa, you think of beaches. Seal Beach is only a mile and a  
4 half long. From this project to the pier is only seven blocks.  
5 So when you think of a parking lot down by the pier, what  
6 comes to your mind? Not seven blocks. But probably a mile, a  
7 half a mile.

8 MALCOLM: That's my ...

9 ORSINI: It's a big difference.

10 MALCOLM: My street is a mile and a half. I guess yours  
11 are still are short blocks.

12 ORSINI: No. Ours are real short. But that's what I am  
13 saying. The actual City, Old Town Seal Beach, is only three  
14 blocks wide, fourteen blocks long. That is our beach. That's  
15 our whole town. And here we have a chance to clean up an area  
16 which give a lot more people a view of the ocean. Because Seal  
17 Beach, right now is not utilized. The beach ....

18 MALCOLM: Well, I like the idea of bicycle shops and  
19 roller blades, and that type of thing. But my concern is why  
20 should this particular applicant be entitled to a majority of  
21 those new spaces that are being created. My concern is that if  
22 this was the last block being developed and there wasn't any  
23 more, I think that there is very real justification before us  
24 today to go ahead and approve it, but the person that owns the  
25 vacant lot, since all these aren't developed in this area, from  
26 my understanding, what if he comes in and wants to be 16 lots  
27 deficient? Why should we give 'em all to this one and, and say  
28 first in, you get 'em all, and last guy here...Tough luck.

1 rentals on those units, will never be torn down, because the  
2 current codes would not allow them to replace it with an equal  
3 number of housing units. We feel that those properties will  
4 remain as residential units and they will not take advantage of  
5 the standards that we have in effect. Currently, those  
6 properties are non-conforming. They cannot get financing  
7 because the property is owned for commercial purposes. Top  
8 grade properties. We wanted to put a zoning category in that  
9 would allow for residential uses so, at least they can get  
10 financing to upgrade the existing structures. As far as the  
11 remaining four lots, which are either under utilized, or  
12 currently have come sort of commercial or institutional use on  
13 them at this point in time, Mr. Miller's is the largest. His  
14 is sixty-two and a half feet by one hundred feet. Two of the  
15 other parcels are fifty feet by hundred foot parcels. One of  
16 them has about twenty-seven feet of frontage on Seal Beach  
17 Boulevard, and in the slide you saw that railroad right-of-way  
18 going through the property. It goes through on a diagonal.  
19 The one lot has twenty-seven feet of frontage on the front of  
20 the property. It has one hundred twenty-five feet of frontage  
21 on the back alley, and it is developed with a seventeen unit  
22 apartment complex which again, we feel, unless the structure  
23 itself burns down, will be there for many, many years, because  
24 of the rental incomes that are being generated off that  
25 particular piece of property.

26 NEELY: Ms. Henry or Mr. Daum.

27 DAUM: Yes

28 NEELY: This parking credit. I am still a little bit

1 allowed the boulevard.

2 CHAIRMAN: So they have a requirement now for 7 spaces?

3 HENRY: Ten. According to the City's standards.

4 CHAIRMAN: A credit for 10, and a requirement for 17.

5 That's what I heard.

6 HENRY: The 17 is based on the Commission guidelines.

7 CHAIRMAN: The Commission guidelines versus City  
8 guidelins.

9 HENRY: City guidelines would be 10 for the retail use.

10 GLICKFELD: Mr. Chairman, if I might on that point,  
11 Commissioner Malcolm, excuse me. The Commission is stricter  
12 however, right?

13 HENRY: Right

14 GLICKFELD: So in essence, there is only a 7 parking slot  
15 deficit.

16 NEELY: No, only three.

17 GLICKFELD; Three? Okay.

18 NEELY: Three deficit. Is that correct? Since it  
19 requires 17, they have a credit of 10, and they have 4, that  
20 leaves 3, that they're deficient.

21 HENRY: If you allow them to use the 10 on-street parking  
22 spaces, which staff is recommending against. But if you allow..

23 NEELY: We don't believe in this credit program?

24 HENRY: Right. The credit is giving credit for public  
25 parking that should be available for public access.

26 ORSINI: Can I make a statement to that?

27 CHAIRMAN: Just a second, sir. ...make a statement.

28 NEELY: Somewhere along the line, Mr. Chairman, I'm

1 pier.

2 MOULTON-PATTERSON: Here's the parking lot here. It's  
3 pre (inaudible)

4 CHAIRMAN: Yes. So there is close public parking to the  
5 pier? Close proximity.

6 HENRY: On the beach. There's parking on the beach at  
7 the pier.

8 CHAIRMAN: That is not fully utilized as represented by  
9 the City most of the time?

10 HENRY: No. The statement of the City was that parking  
11 lot at the pier was fully used. The other parking lots,  
12 adjacent to the pier, north of it, was 90 used, and the most  
13 northern lot, which is at the San Gabriel River, is the one  
14 that is not fully utilized.

15 DAUM: And those are farther.

16 HENRY: Even farthest going north toward the City of  
17 Long Beach. Excuse me. Did I say...

18 CHAIRMAN: Mr. Orsini, is it? Do you wish to, do you  
19 want to make a comment?

20 ORSINI: Yea, um. Okay, the pier closest to the  
21 project. Okay, which ends on 10th Street, and during the  
22 weekdays, and everything else, is only used about twenty  
23 percent. Okay, that has 209 parking places. Okay, the pier,  
24 the parking lot that is used the most is on the north side of  
25 the pier, because that's where the life guard station is,  
26 that's where the people that work on the oil wells, and  
27 everything else, catch the boat, and they park in there. And  
28 that's why there is so much parking in there. And as far as

1 think of 7, and then narrowing it down to 3, and I believe  
2 Commissioner Malcolm...if he says there's 3, then I think  
3 there's a deficit of 3. I, you know, that isn't to me as  
4 outrageous as a project where you are already running a 320 or  
5 a 312 parking deficit, which we'll see later on in this  
6 meeting's agenda. When you ... went before this commission  
7 that had a deficit of 312 parking spaces versus possibly 7 to  
8 me doesn't appear to be such a difficult thing to deal with.  
9 Especially given the fact that this type of business is  
10 bicycle. And I am going to ask this question. Maybe staff has  
11 the answer. It's gonna be the retail sale of bikes, but is  
12 there going to be some sort of, applicant is not in yet,  
13 there's going to be some sort of rental opportunity for the  
14 public. So you park, you walk over to the place, you pick a  
15 bike and you ride along the coast line. That to me is public  
16 access. And so I am going to strongly support Commissioner  
17 Patterson's motion, I think, given the specific facts of this  
18 case, that we're not impeding public access, but we're at least  
19 maintaining the status quo on public access. And you know, if  
20 I had my druthers, we'd get rid of all the cars. But the fact  
21 remains, that people live there, and have to park there, and so  
22 forth. Thank you.

23 CHAIRMAN: Commissioner Glickfeld.

24 GLICKFELD: Chairman, to the staff, if we approve this  
25 permit today based on (blank in tape)

26 If we were to approve this project, would it come back  
27 before us again to reconsider the requirement for parking?

28 HENRY: I'd just like to clarify the square footage and

1 amendment.

2 GLICKFELD: What was your..I'm sorry. Amendment. If you  
3 require four spaces in addition for the gallery use, and  
4 distinguish that from the bicycle shop use. I really find, we  
5 just early today denied the application of the City of  
6 Huntington Beach to count on-street parking for housing  
7 development, and asked them to come back. I think there is a  
8 principal of equal treatment here, and I think we can find that  
9 there is a particular use that is being proposed here that is  
10 very coastal access enhancing, in terms of the bicycle shop,  
11 that doesn't necessarily mean that people are going to be  
12 adding, they'll be enhancing their use of the coast by doing  
13 that. And to ask this applicant to add 4 more parking spaces,  
14 or provide 4 more parking spaces elsewhere, to make sure that  
15 the art gallery doesn't impede other people from getting to the  
16 beach, I don't think is an unreasonable thing to do.

17 CHAIRMAN: Is there a second to that amendment? No.

18 UNIDENTIFIED: Mr. Chairman?

19 CHAIRMAN: Dies for lack of a second. Commissioner  
20 Cervantes.

21 CERVANTES: Mr. Chairman. Thank you. Am I on? What I  
22 would rather see Commissioner Glickfeld is what you started  
23 with a few seconds ago. And that is, in the future, if the use  
24 of that building changes, to something more intense an  
25 activity, then I think we're talking about a real parking  
26 problem. And perhaps you if you would want, I mean, I'm  
27 willing to put a motion, if that's the correct procedure, on  
28 the floor..

1 recommending?

2 HENRY: Staff would recommend a deed restriction on the  
3 current uses. Also it is stated in the limited commercial zone  
4 that it intended that the resident also occupy the commercial  
5 use. But there is no deed restriction regarding that. I would  
6 also recommend a deed restriction that would require the  
7 resident to occupy the commercial use on the middle level.  
8 Yes. Also, the applicant stated that the restrooms on the  
9 courtyard, and all, be available to the general public during  
10 hours that the bicycle shop is open. Staff would recommend a  
11 signage condition that the restroom is available for general  
12 public use.

13 CHAIRMAN: That the extent of it?

14 CERVANTES: And, Mr. Chairman, that takes care of the  
15 future uses?

16 HENRY: That was the first special condition that we  
17 recommended. For future improvements, a deed restriction that  
18 would require a subsequent permit for any change in use. Thank  
19 you.

20 CHAIRMAN: Mr. Wright

21 WRIGHT: A couple of comments. (microphone not on - only  
22 parts of comments could be heard on tape) City developed a  
23 parking plan. The fact deals with this situation. Parking  
24 credit if you will ... to the planning department, and so this  
25 one gets nothing that someone else gets when they come in under  
26 the same program. I have no problem. On that basis that I can  
27 support going ahead with this without having a master plan.  
28 Well, we'll try it again. The City has developed a parking

1           DAUM: Staff will come back with revised findings on  
2 that.

3           FIELDING: Thank you very much. That has made the last  
4 seven years worthwhile.

5                           \* \* \*  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



CALIFORNIA COASTAL COMMISSION HEARING  
Tuesday, July 7, 1992 9:00 a.m.  
Board Room  
Port of Long Beach  
Harbor Administration Building

PERMIT NUMBER: 5-92-025

APPLICANT: Walter F. Miller, Property Owner

LOCATION: 227 Seal Beach Boulevard, Seal Beach

WRITTEN COMMENTS IN SUPPORT OF SPOKEN TESTIMONY

My project is for new construction on a 62.5'x106' building site which I purchased August 1, 1987. Forty-two percent (42%) of the land will be open to pedestrians...a rarity in a coastal city. My site is located across from Anaheim Bay and has never been improved. It is located in the center of the block that enjoyed bay front access until 1944 when the Navy put up a barb wire fence separating the beach from the commercial frontage. After that the street DIED and has become nothing more than a deceleration ramp rather than the "Gateway" into Old Town. The City rarely services the right of way, which is dirt and palm trees. I have a 1921 black and white photograph that shows the stores and shops that were once there, including the two story building next to my property. The dirt street has been paved, some of the buildings torn down and replaced with substandard high density apartments, but the lot sizes, diversified ownerships, and the twelve foot alley remains the same.

For the past eight years, since 1984, the City has tried to encourage local property owners to restore life to this once vibrant block of the street. Nothing has happened because on-site commercial

APPLICANT EXHIBIT 2

5-92-025 Appendix A 2/23/96

WRITTEN COMMENTS (continued)

project that will serve as an attraction for those coming into Seal Beach, but that the parking is inconsistent with the Coastal Act. We do not agree.

The City weighed this issue when they passed their ordinance. They believed that this one block, 15 lots on the west side of the street, between Landing Avenue and the alley before Electric Avenue, suffers from constraints that are unique...the lot sizes, the residential alley, the water table, and the Navy's seizure of the Anaheim Landing Bay front. They felt this was not a precedent issue, but one of a "blanket variance." There will NEVER be building on the Navy side of the street! Therefore "in lieu" fees were not applicable because the property owners had no choice...on-site commercial parking was not viable under diverse ownership and 25' width lots. Their solution, commercial parking credits, recognizes that this block rarely serves beach goers because it is over 3/4 mile from the pier, restrooms and changing rooms. All street parking within the Old Town area is closer to the recreational areas and has sidewalks. Without nearby facilities and no sidewalks, beachgoers DO NOT park on this street. I rarely see someone in a bathing suit getting into their car on this street. My office has overlooked this section of the street for the last fifteen years. The practicality was that there is miniscule, if any, recreational parking use presently on the street, and that commercial parking credits would not impact public access to the beaches. Furthermore, the credits are to be applied against the standard parking requirements of one space for each three hundred square feet of new interior commercial floor space. All projects are

WRITTEN COMMENTS (continued)

with the intent of the Coastal Act. If the Coastal Act is to protect public access to the coastline, your finding in favor will not violate that caveat, and it would not set a precedent for other California coastal cities. As built, this project will block no one's view of the ocean because it is on the far side of the street overlooking the bay.

To the contrary, this project actually creates a public amenity that can be used without commercial entry. The project will provide a gathering place where the public will find a viewing deck overlooking Anaheim Landing, benches, grass areas, public restrooms and handicap ramp access. The pier section covering the bike shop, the authentic pilings used to support the pier, and the seaside village architecture of wood siding and railings will offer the visitor his first glimpse of Old Town Seal Beach.

The front commercial site will be a "state-of-the-art" bike shop which rents bicycles for use on the coastal bike paths, supports wheel chair athletics and Olympic competitors, as well as professional cyclists. The rear building will contain two artist's studios and workshops on the second floor. The top floor of the building will contain living quarters for the artists. There will be no roof deck. Recent studies have found that this "live-work" concept can have a significant impact in cleaning up our environment and increasing personal productivity.

I urge you to approve this project and the parking credit ordinance so we can begin to recapture what we have been denied for the last forty eight years, a vibrant street serving as the entrance to our quaint beachside community of Seal Beach.

CALIFORNIA COASTAL COMMISSION HEARING  
Tuesday, July 7, 1992 9:00 a.m.  
Board Room  
Port of Long Beach  
Harbor Administration Building

PERMIT NUMBER: 5-92-025

APPLICANT: Walter F. Miller, Property Owner

LOCATION: 227 Seal Beach Boulevard, Seal Beach

POINTS AND AUTHORITIES  
CALIFORNIA COASTAL ACT OF 1976  
As of January 1992

Section 30221.

Present and foreseeable future demand for public recreational parking that could be accommodated on the property is already adequately provided for in the area. See parking study submitted by the City of Seal Beach to Coastal staff.

Section 30222.

Visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority. See rendering showing pier replica, public viewing areas, public gathering area, proposed right-of-way bicycle path and grass areas.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Only the parking credits provided by the City of Seal Beach ordinance will allow for the creation of the subject visitor-serving commercial recreational facility.

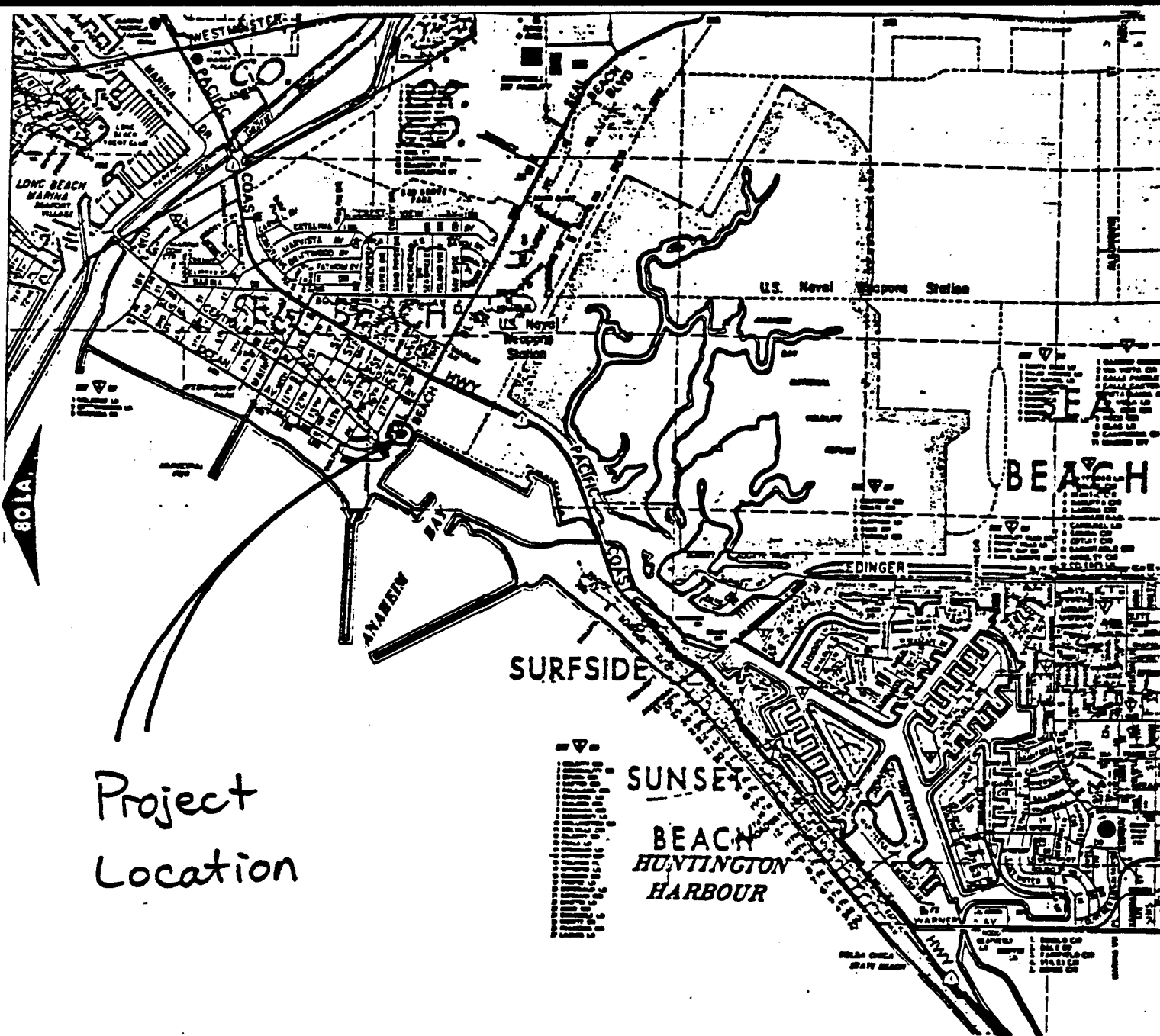
Section 30250.

New commercial development shall be located within existing developed areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The City of Seal Beach has down zoned this one block area which eventually decrease the parking intensity. Today the parking supports high intensity use from substandard multiple residential units. In addition the C-2 zoning allowed high intensity parking uses.

APPLICANT EXHIBIT 3

5-92-025 Appendix A 2/23/96

P.87



## VICINITY MAP

EXHIBIT NO. 1

APPLICATION NO.

5-92-025

California Coastal Commission

5-92-025  
Appendix A 2/23/96

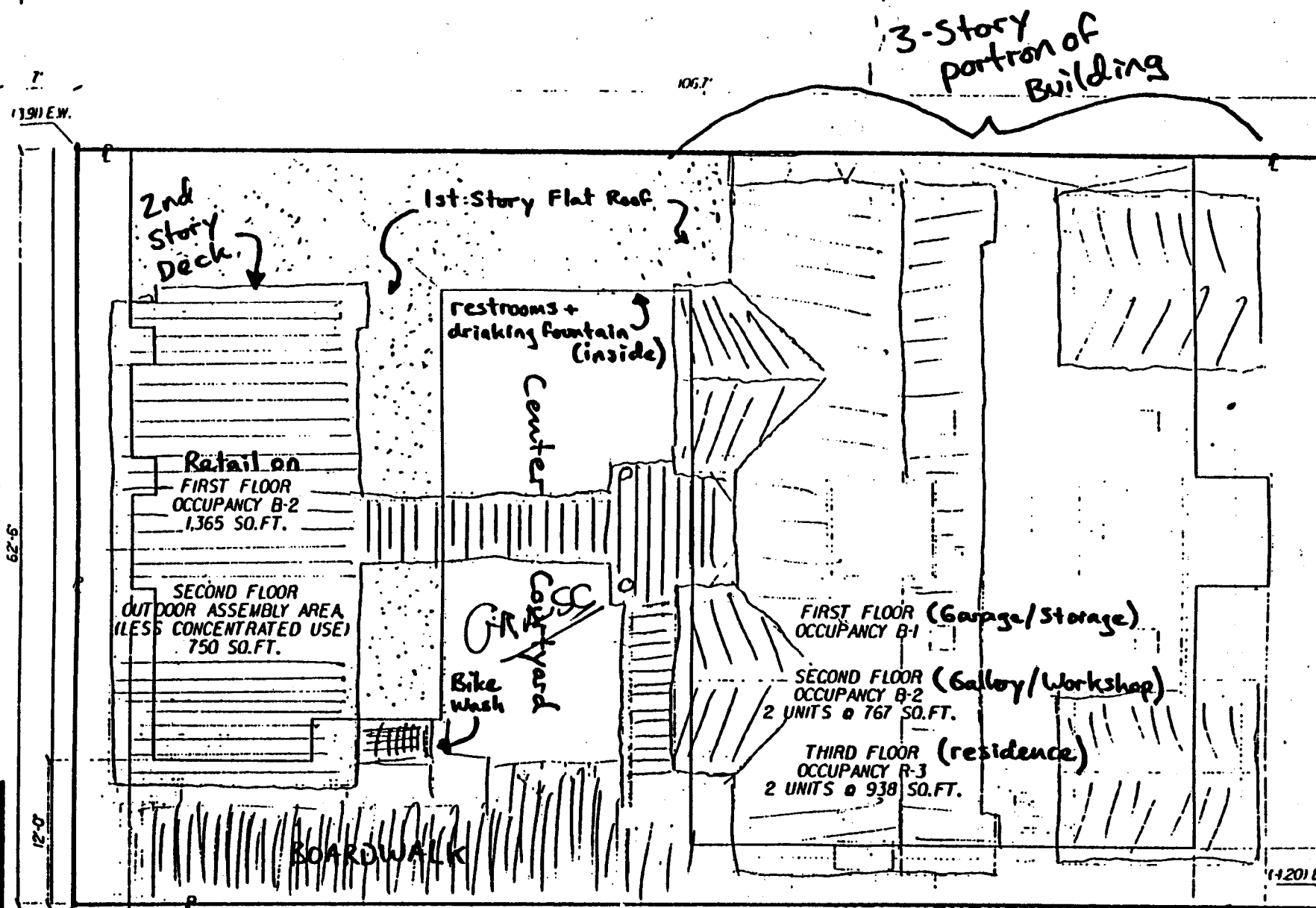
PERMITTED CORNER ELEVATIONS ARE BASED  
ON THE ORANGE COUNTY SURVEYOR'S BUILDING  
SECTION, ARCHITECTURAL FLOOR PLAN ELEVATION  
NOTES AT (19).

1/4" = 1' SCALE OF ALLEY  
1/4" = 1' SCALE OF WALK

5-92-025  
Appendix A 2/23/91  
STREET  
SEAL BEACH BOULEVARD

EXHIBIT NO. 3  
APPLICATION NO.  
5-92-025  
California Coastal Commission

P.91



South Coast District Office

APPROVED 5-92-025 RECEIVED  
Permit No. \_\_\_\_\_

By: \_\_\_\_\_

JAN 27 1992

EFFECTIVE

CALIFORNIA



NORTH



I. Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976; would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act; and would have significant adverse effects within the meaning of the California Environmental Quality Act.

II. Findings and Declarations:

The Commission finds and declares as follows:

A. Project Description and History

In January of 1992 the City of Seal Beach, upon the request of several property owners, approved a Zone Change (Amendment 4-91) creating the "Limited Commercial Zone", in order to establish a mixed-use commercial/residential zone in a two block area fronting Seal Beach Boulevard, seaward of Pacific Coast Highway (see exhibit 2). Previously, the area was zoned "General Commercial", which allowed for some heavy retail uses. Currently, the 13 parcel, 1.6 acre area is characterized by a mixture of service commercial uses, with residential dwellings located on the second stories above the commercial uses. Before the re-zone, most of the development along the 1,100 ft. length of Seal Beach Boulevard was non-conforming, the residences were not permitted under the "General Commercial Zone".

Further, the small lot sizes prevented adequate on-site parking area for the existing office/retail buildings. In addition to the to small lot size, the parcels are also limited by other inherent development restrictions. The alley adjacent to the rear property line is only 12 ft. wide and is inadequate for commercial traffic. Also, curb cuts along this portion of Seal Beach Boulevard are discouraged as they decrease the number of on-street parking spaces. These factors combine to inhibit vehicular access to the subject property, constraints however that existed prior to the zone change and which will remain. The re-zone was approved with the intent of both bringing the existing development of the area into conformity, and allowing for new development that would upgrade the dilapidated state of this portion of Seal Beach Boulevard.

A major element of the re-zone was the re-striping of on-street parking to establish diagonal parking, thereby creating more on street parking spaces while attempting to imitate the village atmosphere that exists on Main Street in downtown Seal Beach. Lot owners in the two block area are required to pay an in-lieu fee for all non-residential parking. The fee is based on the cost of restriping the public parallel parking along Seal Beach Boulevard creating diagonal parking and closing curb cuts. No actual dollar amount is provided.

The applicant is proposing a new mixed-use building consistent with the new zoning. It consists of a 1365 sq.ft., 14 ft. high, one story retail structure (intended as a bicycle shop) fronting the Seal Beach Boulevard with an



The Commission has adopted Regional Interpretive Guidelines to assist in determining parking space requirements for new development. The Parking Appendix states:

"The following parking guidelines are intended to ensure beach access. They should be used as a general indicator of parking need. The diversity of circumstances occurring within the various areas of the coastal zone require care in the application of these guidelines. Local parking requirements should be considered along with the Commission guidelines when assessing projects."

#### 1. Beach Access Opportunity.

The subject site is located approximately one-quarter of a mile from the beach, and is only about 450 feet from the nearest public access point (The Seal Way walkway). Currently, there is street parking available in the vicinity of this development since the subject area is not built out and it is close to a mile south of the busy downtown area where the Main St. shops and Pier are located. The Seal Beach Naval Weapons Station is across the street from the subject property. This land is currently fenced and unavailable for public uses. The southern portion of Seal Beach receives fewer beach users than the beach area around the Pier or the northern section of the beach, in part because of the lack of public amenities available (i.e. restrooms, concessions, beach parking lots, etc.). As a result, the southern portion of the beach provides a less intense beach experience, creating an attraction for certain types of beach goers who wish to avoid the crowds. Beachcombers, walkers, runners, and fishermen are some of the people who use the Seal Way walkway for access to the wide sandy beach. As stated in Coastal Act Sections 30210 and 30212.5, coastal areas need to be protected from overuse. Both the Seal Way walkway and the public parking available along Seal Beach Boulevard help provide public access that is needed now as well as in the future, as the access constraints in the crowded downtown area increase.

#### 2. Parking Requirements for New Development

The Coastal Commission Regional Guidelines for Orange County suggest a parking ratio for commercial retail space of one parking space for every 225 square feet of floor area, and two spaces for every residential unit. Per coastal staff calculations, the proposed project contains 1649 sq.ft. of retail space on the first floor, and 674 sq.ft. of retail space for each of the two retail artist gallery/workshops, for a total of 2997 sq.ft. of gross retail floor area. According to the Interpretive Guidelines parking ratio the proposed building would require 13 spaces to serve the retail area and 4 spaces for the residential units for a total of 17 spaces. The proposed development only contains 4 on-site parking spaces, however, and would therefore create a deficiency of 13 parking spaces if approved.

On the other hand, the City zoning requirement for retail space is "one for each 300 square feet of gross floor area or part thereof." In addition, the City, as part of the zone change, credited the affected properties with four (4) on-street public parking spaces for each 25 feet of frontage on Seal Beach

parking spaces would usurp public parking that is currently available to the public.

The Commission routinely reviews applications in which inadequate on-site parking is proposed and where the project sites are substandard and have access constraints. This problem is not unique to the proposed project nor to Seal Beach. In December, 1991 the Commission acted on a series of applications for the redevelopment of the Rum Runners restaurant site which is located within walking distance of the subject site on Pacific Coast Highway between 16th and 17th Streets [5-91-516-519, 5-91-522-531(Watson)]. The three 2,500 sq. ft. lots fronting Pacific Coast Highway could not each provide adequate on-site parking for the proposed commercial uses which ranged in size from 524 to 1228 sq. ft. The Commission did not allow public on-street parking to be usurped by the project. The applicant was required to reduce the development so that the parking demand would not exceed the ten parking spaces available through shared use of the parking spaces on the three commercial lots along PCH.

In order to avoid adverse public access impacts, the intensity of new development must not be allowed to exceed off-street parking availability unless there is comparable offsetting public access mitigation. The Commission recognizes that there are constraints to commercial development of the site given the lack of curb cuts providing vehicular access, the width of the rear access alley, and the size of the lot. The proposed development is therefore too intense for the site given the ability to provide on-site parking. The applicant is proposing over 7,000 sq. ft. of development on a 6,625 sq. ft. lot and providing only four on-site parking spaces. One alternative to on-site parking which also protects public on-street parking is to obtain the use of off-street parking within a reasonable distance of the project site. There is vacant land within the two block re-zone area, including an abandoned railroad right-of-way, which the applicant could explore for the provision of parking.

Approval of the project as proposed would also create cumulative adverse parking impacts as well. According to the Initial Study prepared for the re-zone by the City of Seal Beach (Item 13a), "[t]he proposed zoning standards would allow for approximately 26,500 sq.ft. of professional office, service, and specialty retail space." If the entire two block area was allowed to develop to the maximum, as many as 117 parking spaces could be required to meet Commission standards. Currently there are only 67 spaces in this area of Seal Beach Boulevard, the re-striping program would add an additional 17 spaces for a total of 84 spaces (Item 13b). These spaces are currently available to beach goers as well as patrons of the existing commercial establishments along the boulevard. Due to the depressed nature of the existing development, the full commercial parking demand is not occurring. If the City's proposal to credit public on-street parking to commercial development was applied to all 13 lots within the re-zone area, a parking deficiency of 33 spaces would be created on Seal Beach Boulevard. This 33 space parking deficiency would exist after all the 84 existing public on-street spaces (67 spaces prior to restriping plus the 17 additional spaces) are usurped by the revitalized commercial development brought on by the rezoning effort. As stated, the intent of the rezoning is to create a Main Street atmosphere along Seal Beach Boulevard. Main Street is plagued with parking problems due to the intensification of existing commercial uses, inadequate off-street parking, and competition between commercial customers

In conclusion, the Commission finds that the proposed project does not provide adequate parking and thus is inconsistent with Sections 30210, 30212.5 and 30252 of the Coastal Act for protecting public access to the shore.

C. Intensity of New Development

The proposal would create a two unit residential property as well as a commercial destination with public opportunities on a vacant lot. This would increase the demand for parking in the area. Section 30250 of the Coastal Act states (in part):

(a) New residential, commercial, or industrial development, except as otherwise provide in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

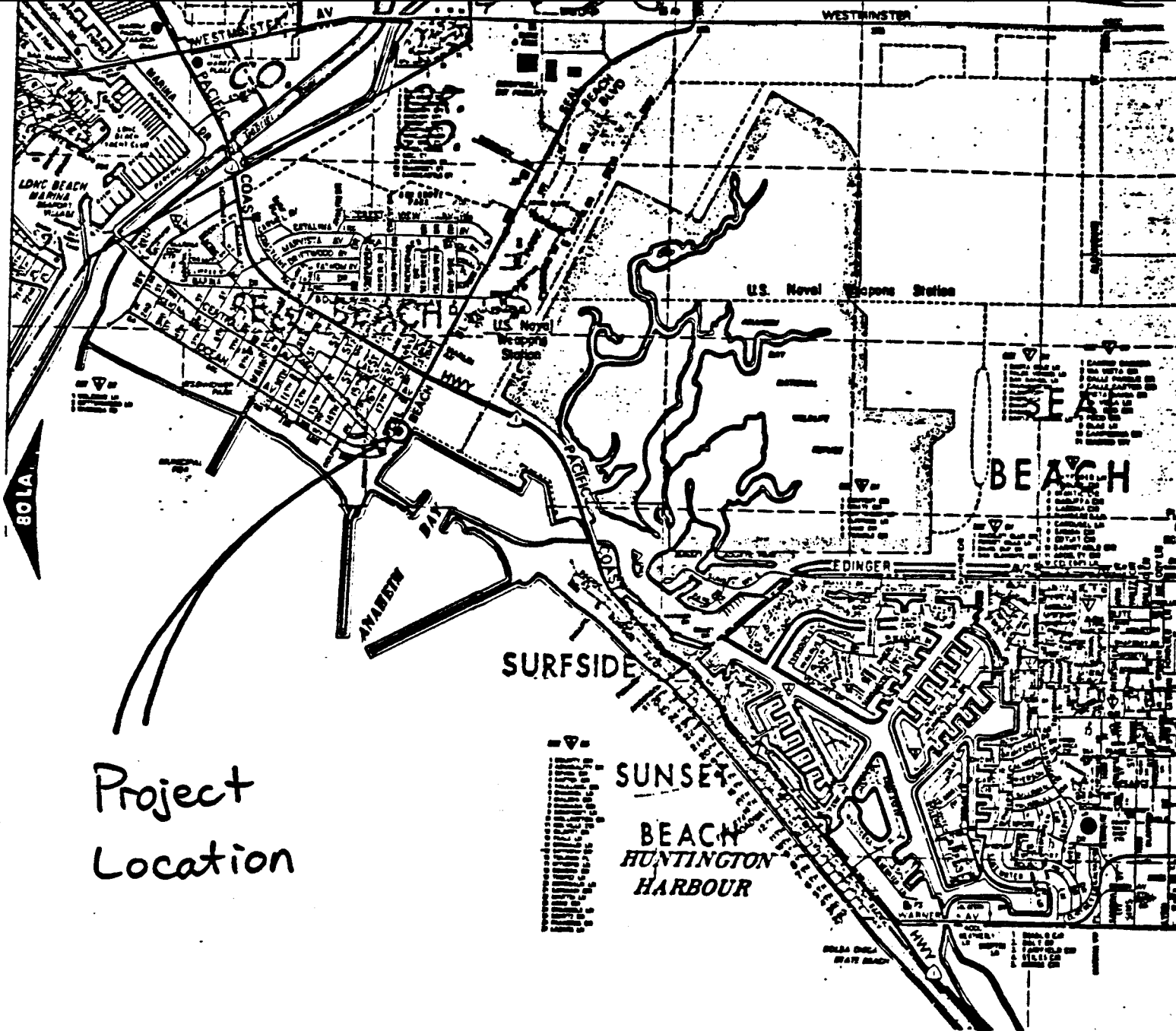
The courtyard and observation deck were designed and intended to be used as meeting places. As discussed in the Public Access portion of this report, there are not enough parking spaces for the potential allowable uses in this area of Seal Beach Boulevard, and the proposal is of a caliber that would require both residential and commercial parking, as well as parking for any persons wishing to use the structure for a meeting place. Although the re-zone was an attempt to down zone the area, physical constraints (i.e. the narrow alley and discouraged curb cuts) exist that would have prevented a maximum build out of the area under the old "General Commercial Zone". Therefore, the Commission finds that the proposal would increase the intensity of development, both individually and cumulatively, in the area, and this would have adverse impacts on coastal resources (i.e. parking spaces) inconsistent with Section 30250(a) of the Coastal Act.

D. Land Use/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 3 policies of the Coastal Act.

The LUP was certified with suggested modifications on July 28, 1983. The major issues were the protection of the Hellman Estate Wetland, shoreline erosion, public access at Surfside Colony, and use of the Department of Water and Power lands. The City did not resubmit the LUP with the suggested modifications, however, the approval has since lapsed. A resubmittal date is unknown. Because no LCP was certified, the standard of review for this project is the Coastal Act.

According to the expired Seal Beach LUP, and the Seal Beach zoning ordinance, the subject property is designated Commercial, District 1. Although the development is consistent with the Land Use Designation, parking for the



Project  
Location

## VICINITY MAP

EXHIBIT NO. 1  
APPLICATION NO.

5-92-025

California Coastal Commission

PROPERTY CORNER ELEVATIONS ARE BASED  
ON THE ORANGE COUNTY SURVEYOR'S BUILDING  
CONTROL ARCHITECTURAL FLOOR PLAN ELEVATION  
470715 AT (13.9).

E.A. EDGE OF ALLEY  
E.A. EDGE OF WALK

5-92-025 Appendix B 2/23/92

28' N.T.S.

5'

7'

105.7'

(13.9) E.W.

9'-29"

0'-21"

(13.89) E.W.

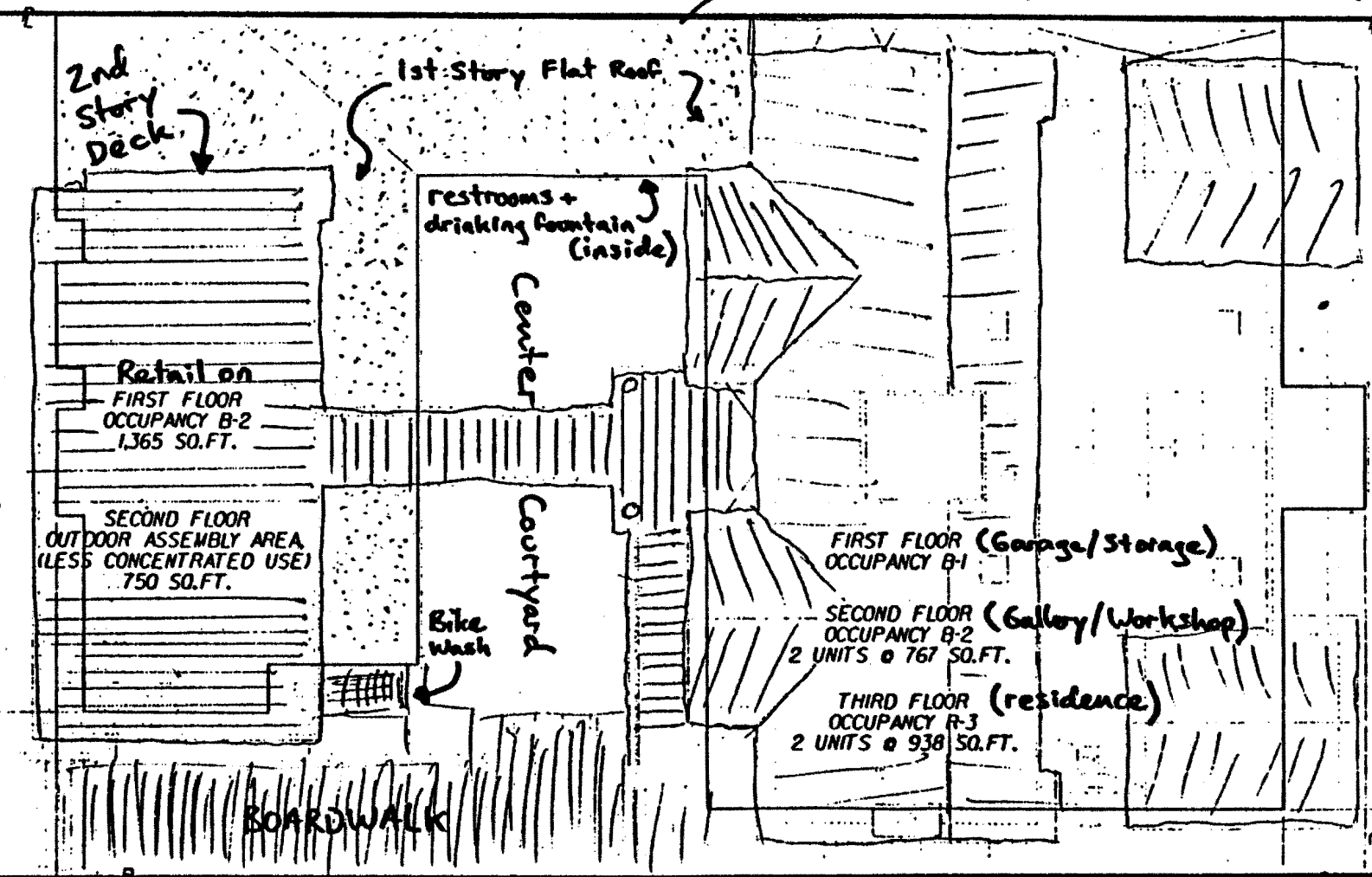


EXHIBIT NO. 3  
APPLICATION NO.  
5-92-025

California Coastal Commission

South Coast District Office

APPROVED  
Permit No.

By:

EFFECTIVE

D. 01

5-92-025

RECEIVED

JAN 27 1992

CAUTION

COASTAL COMMISSION



NORTH

6'-0"

12'-0"

(14.20) E.A.

P.105



# City of Seal Beach



EMILY J. MILLER, Mayor  
Seal Beach, California 92704  
Phone 949-227-2277

RECEIVED

JUL 3 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

July 2, 1992

Thomas W. Gwyn, Chairman  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

SUBJECT: APPLICATION NO. 5-92-025 WALTER F. MILLER  
227-229 SEAL BEACH BOULEVARD

Dear Mr. Gwyn:

We have reviewed the Coastal Commission staff report and recommendation on the above referenced application and are disturbed to see that the staff recommendation is for denial of the proposed project. The City of Seal Beach strongly urges the Coastal Commission to approve the project before you as consistent with Sections 30210, 30212.5, 30250, 30251, 30252, and 30604(a) of the Coastal Act.

The City of Seal Beach has several issues that need to be brought to the attention of the members of the Coastal Commission prior to rendering a decision on this important project. Those issues relate to the following areas:

- 1) Extensive citizen review and public participation process;
- 2) Strong community support of the proposed project;
- 3) Benefits to City of project;
- 4) Impact on beach recreation facilities;
- 5) Project is consistent with the Coastal Act; and
- 6) Impact of denial of project.

5-92-025 Appendix B 2/23/96

P.109

compatibility with existing residential neighborhoods was extensively reviewed and discussed by the public, the Planning Commission and the City Council.

Many hours have gone into the approval process for this project to come before you in its present format. It may not satisfy the concerns of every person who addressed the City during the review process; it does represent an acceptable project to the City of Seal Beach which is

- in accordance with the Coastal Act
- is environmentally sensitive
- is responsive to local citizen concerns, and
- is economically achievable.

### **STRONG COMMUNITY SUPPORT OF THE PROPOSED PROJECT**

As indicated above, at the public hearings before the Planning Commission and City Council, the predominate reaction of persons speaking at the public hearings was to support the proposed rezoning of Seal Beach Boulevard to allow for the mixed-use concept. The strong support of the community was based on concerns regarding the following areas of impact upon the community:

#### **1) Traffic**

A major reason for the community support expressed was concern regarding traffic impacts of future intense commercial uses along the subject area of Seal Beach Boulevard. Seal Beach Boulevard is designated as a "Primary Arterial" at this time, however, the City is exploring with the County of Orange a re-designation to "Commuter" to reflect the desire of the City to reduce the right-of-way from 100 feet to 80 feet. In addition, the Initial Study<sup>2</sup> for this project indicated that the previous C-2 zoning could generate 1,400 to 1,700 vehicle trips per day, assuming total build-out, with the current L-C zoning generating approximately 1,125 vehicle trips per day, a 20 to 33 percent reduction in daily vehicle trips. A recently completed Traffic Impact Fee Study<sup>3</sup> for the City of Seal Beach indicates that existing traffic at Pacific Coast Highway and Seal Beach Boulevard exceeds the design capacity of the intersection, providing a Level of Service (LOS) "F". The design capacity of Pacific Coast Highway is 37,500 vehicles per day, and existing vehicle usage is 42,100 to 47,000 vehicles per day, a 12% to 25% over capacity usage. Any reduction of potential vehicle trips from Seal Beach Boulevard onto PCH will help alleviate this extremely impacted intersection.

---

<sup>2</sup>"Initial Study - General Plan Amendments 2A-91 and 2B-91, Zone Text Amendment 4-91, and Zone Change 2-91", City of Seal Beach, November 4, 1991.

<sup>3</sup>"City of Seal Beach Traffic Impact Fee Study", DKS Associates, December 6, 1991.



framework which is the least intrusive and most architecturally compatible with the adjoining residential neighborhood.

## **BENEFITS TO CITY OF "LIMITED COMMERCIAL" ZONING**

This project encompasses many aspects which are extremely beneficial to the City and which were agreed to during the extensive citizen review process described above. All components of the "Limited Commercial" Zone have been carefully considered to insure an integrated, environmentally sensitive, and financially viable improvement mechanism for this area of the community.

Major benefits to the community include the following items which respond to many issues and concerns raised during the creation of the "Limited Commercial" Zone designation:

- The "Limited Commercial" zoning will provide a less intensive development environment than was allowed under the previous General Plan and zoning designations.
- Full implementation of the "Limited Commercial" Zone will result in completion of a city study which was initiated in 1983 and adopted in 1986, but not finalized until adoption of the General Plan Amendments, Zoning Text Amendments, and Zone Change in late 1991.
- This proposal will encourage the establishment of new commercial, service, institutional and office uses that do not attract large volumes of traffic and continuous customer turnover. A 20 to 33 percent reduction in daily vehicle trips would result upon full implementation of the provisions of the "Limited Commercial" Zone.
- This proposal will limit and discourage development of strip-type, highway-oriented commercial uses that create traffic hazards and congestion because they require numerous individual curb cuts and generate higher traffic volumes.
- This proposal will minimize visual and functional conflicts between residential and nonresidential uses within and abutting the zone.
- This proposal will encourage elimination of curb cuts for vehicular access and promote more efficient and economical parking facilities, utilizing both on-street and off-street parking facilities.
- This proposal will encourage uses that minimize noise and congestion.
- The proposed project has the potential to provide additional low-moderate income housing opportunities within the coastal zone.
- The proposed zoning will provide the potential for additional park and recreation funds to be generated to the City for recreation improvements within the coastal zone. A

consider the distribution of public facilities, including parking, so as not to overcrowd or overuse any single area. Lastly, the Act discusses the issues of new development maintaining and enhancing public access to the coast through several measures, including providing commercial facilities within or adjoining residential development, providing non-automobile circulation within the development, and assuring that the recreational needs will not overload nearby coastal recreation areas.

The City of Seal Beach is of the strong opinion that the proposal under consideration complies with these sections of the Coastal Act.

**1. Beach Access Opportunity.**

The Coastal Commission staff report expresses concern regarding the lack of available parking within the beach area for visitors. City staff presented a Memorandum to the Coastal Commission on May 17, 1992 addressing this issue<sup>5</sup> (Attachment 1). This report indicates that there are currently over 4,200 public parking spaces available within 1/2 mile of the beach. Of these 4,200 parking spaces, 546 are located in public parking lots immediately accessible to the beach, and 3,497 are located on the adjoining public streets. Of these 3,497 on-street spaces, 2,039 or 58% have no parking restrictions. With the exception of approximately 15 to 20 days during the summer which experience extremely high beach attendance (in excess of 10,000 visitors per day), the demand for beach parking can be met by the existing parking within the Old Town area. As also noted in the May 17 Memorandum, the City has an existing agreement with Rockwell International to utilize their 4,400 space parking facility as a shuttle bus transfer point to the beach for special events such as the volleyball tournaments.

The portion of Seal Beach closest to the project area is the most underutilized portion of the beach. This is due to several factors including the distance from pier, and the lack of public facilities. To access the southern portion of the beach from Seal Beach Boulevard persons would need to walk along Seal Beach Boulevard and Seal Way approximately 1/3 of a mile. Persons visiting the beach also park along Ocean Avenue, 13th and 14th Streets, and Dolphin Way and would have a walk of approximately 900 to a 1,000 feet, even if parking along Electric Ave.

Seal Beach Boulevard does not provide desirable parking within the Old Town area for beach visitors and has never been utilized heavily for that purpose.

**2. Parking Requirements for New Development.**

In developing the provisions of the "Limited Commercial" Zone, the City recognized the very unique circumstances which occur in this area of the community. The fact that the Seal Beach Naval Weapons Station adjoins Seal Beach Boulevard along the entire length of the street from Pacific Coast Highway to Electric Avenue, that only 42.5% of the affected area is anticipated to be developed under the "Limited Commercial" standards, the provision of an additional 17

---

<sup>5</sup>Memorandum re: Public Parking Spaces in the Old Town District of Seal Beach, City of Seal Beach, May 17, 1992.

related to the project at hand, and is proposed to be funded by a fee against the properties along Seal Beach Boulevard.

The City is of the opinion that the proposed "Limited Commercial" development standards, restriping of Seal Beach Boulevard to provide an additional 17 parking spaces, and relocating the existing right-of-way out of the street roadway will provide adequate parking and not have a negative impact upon public access to the shore.

#### Section 30250: Intensity of New Development

By providing a mechanism to allow for mixed-use development of commercial and residential, and requiring that any new residential development only occur in conjunction with a non-residential use (Section 28-1151.F., Code of the City of Seal Beach), the provisions of the Coastal Act are met. The proposed project is "... located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, ...and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The purpose of the "Limited Commercial" zone is to allow for future development which respects adjoining land uses, provides a jobs/housing balance, limits the need for vehicle trips, and provides reasonable and environmentally sensitive land use entitlements to encourage an upgrading of this area of the City.

The Coastal Commission staff report does not discuss the provisions of Section 30251 of the Coastal Act, which requires "... permitted development... to be visually compatible with the character of the surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas." As discussed above, it is the opinion of the City that the proposed development standards are the most visually compatible development proposal for the community, and the specific project under consideration by Mr. Miller is an outstanding example of design sensitivity within the community.

Within this area of the City there has been no new commercial development for over 45 years. This goes a long way in describing the unsuitability of previous development standards. The recognition of the potential for mixed-use development was created in 1983 and should be allowed to come to completion at this time. The area is one of the most visually unattractive areas within the Old Town area, and private investment is now poised to dramatically alter that image. The proposed project recognizes the provisions of Section 30251 of the Coastal Act and the project should be approved as being consistent with this section of the Coastal Act.

#### Section 30604(a): Land Use/Local Coastal Program

The Coastal Commission staff report indicates that the ability of the City to prepare a Coastal Program consistent with the policies of the Act will be prejudiced by the approval of this project by the perceived inadequate parking issue.

July 2, 1992

- This proposal will encourage the establishment of new commercial, service, institutional and office uses that do not attract large volumes of traffic and continuous customer turnover. A 20 to 33 percent reduction in daily vehicle trips would result upon full implementation of the provisions of the "Limited Commercial" Zone.
- This proposal will limit and discourage development of strip-type, highway-oriented commercial uses that create traffic hazards and congestion because they require numerous individual curb cuts and generate higher traffic volumes.
- This proposal will minimize visual and functional conflicts between residential and nonresidential uses within and abutting the zone.
- This proposal will encourage elimination of curb cuts for vehicular access and promote more efficient and economical parking facilities, utilizing both on-street and off-street parking facilities.
- This proposal will encourage uses that minimize noise and congestion.
- The proposed project has the potential to provide additional low-moderate income housing opportunities within the coastal zone.
- The proposed zoning will provide the potential for additional park and recreation funds to be generated to the City for recreation improvements within the coastal zone. A contribution of \$10,000.00 per new housing unit constructed in the "Limited Commercial" zone will be required as part of final building permit issuance.
- provides commercial facilities within or adjoining residential development, provides non-automobile circulation within the development, and assuring that the recreational needs will not overload nearby coastal recreation areas. (Section 30252, Coastal Act)
- the project under consideration will enhance public access and parking by allowing the city to proceed with the proposed restriping program which will create an additional 17 parking spaces on the street and allow for relocating the existing bike path out of the public right-of-way. (Section 30210 and 30212.5, Coastal Act)
- the proposed project recognizes the provisions of Section 30251 of the Coastal Act and the project should be approved as being consistent with this section of the Coastal Act.

### **CITY RECOMMENDATION**

The City of Seal Beach strongly urges the Coastal Commission to approve the project before you as consistent with Chapter 3 of the Coastal Act for the reasons enumerated in detail in this letter. The development concept considered and approved by the City of Seal Beach is consistent the desires of the community and the requirements of the Coastal Act.

# ATTACHMENT 1

May 17, 1992

## MEMORANDUM

**To:** Honorable Chairman and Members of the California Coastal Commission  
**From:** City of Seal Beach  
**Subject:** Public Parking Spaces in the Old Town District of Seal Beach

### REQUEST

The City of Seal Beach is requesting that the Coastal Commission approve a proposal to utilize a limited number of on-street parking spaces to meet commercial parking requirements.

### BACKGROUND

On January 13, 1992, the City of Seal Beach approved Zone Change 2-91 changing the zoning on a 690 foot stretch of Seal Beach Boulevard comprising 1.6 acres from General Commercial (C-2) to the newly created Limited Commercial (LC). This Zone Change was the culmination of nearly six (6) years of planning and hearings aimed at revitalizing the 200-300 blocks of Seal Beach Boulevard, recognizing the inherent opportunities of the area, and encouraging full utilization of those opportunities.

Existing uses along the affected portion of Seal Beach Boulevard include a mixture of service commercial uses (Realtor, tax preparation, bicycle shop, antiques, nursery school, etc.) and residential uses. Presently, many of the structures contain a mixture of uses with second story residential units above the first floor commercial uses. The residential units, the majority of which are inhabited by the proprietors of the businesses, are not a permitted use under the C-2 zoning.

The General Commercial zoning resulted in nonconforming property status for the majority of properties in the affect area. Due to the nonconforming status many property owners experienced difficulty securing property improvement loans. In order to attain conforming status many property owners were faced with having to abandon and demolish their residences. Additionally, due to the narrow width (25 foot average width) of the affected lots only 600 square feet of commercial floor space<sup>1</sup> could be constructed on the lots if the existing residential/commercial structures were razed.

<sup>1</sup> Based on a parking requirement of 1 space (9' x 20') per each 300 square feet of gross floor area or part thereof  
C:\MPL\DOCS\MISC\PAKING.BCCM

only 12 feet wide. For these reasons business parking of the rear alley would be under-utilized. If the City permitted curb openings along Seal Beach Boulevard virtually all of the on-street public parking could be lost to allow private on-site parking.

- The Old Town district of Seal Beach has an abundance of public parking, both on the streets as well as in several public parking lots as Tables 1 through 3 illustrate.
  - All together there are approximately 4,200 public parking spaces available in the Old Town area.
  - All public parking, with the exception of the three (3) beach lots, is free.
  - Of the on-street public parking there are approximately 2,040 unrestricted (no time limits) parking spaces.
  - All public parking in the Old Town area is located less than one-half mile of the beach, the majority of public parking is located less than a quarter mile from the beach.
- The City's public parking resources operate at or near capacity only on very few occasions during the year. Generally facilities operate well below capacity about 99% of the time, the only exception being during large-scale special events, such as the Miller Pro Volleyball Tournament, which happen to coincide with particularly warm weather.
- On such occasions the City has a working agreement with Rockwell International for use of a portion of its parking facilities for public parking. The City offers a free shuttle service to transport the public to and from the downtown area.

## CONCLUSION

The City of Seal Beach believes the proposed zone change will have a positive effect on the coastal zone of Seal Beach through the provision of additional public parking spaces and the removal blighted or near-blighted conditions from the Old Town area. Parking credits given to affected businesses for newly created on-street parking spaces will not negatively affect the public parking situation in Old Town. The City bases its belief on the following:

- In Seal Beach there are over 4,200 public parking spaces located less than one-half of a mile from the municipal beach. The municipal beach is less than one mile in length.
- The proposed zone change and re-striping of Seal Beach Boulevard will increase the number of on-street parking spaces by approximately 20 spaces.

**Table 1.**

**PUBLIC PARKING SPACES - OLD TOWN SEAL BEACH**

On Street Spaces	3,497
Public Lots	705
<b>TOTAL</b>	<b>4,202</b>

Note: The figures in Table 1 are cumulative totals of all public parking spaces. Tables 2 and 3 include breakdowns for all streets and public parking lots located within the Old Town area of Seal Beach.

**Table 2.**

**PUBLIC PARKING SPACES - OLD TOWN SEAL BEACH  
(PUBLIC PARKING LOTS)**

Beach Lot A	216
Beach Lot B	121
Beach Lot C	209
Main Street Lots	82
St. Anne's Church *	57
Bank of America **	20
<b>TOTAL</b>	<b>705</b>

\* St. Anne's Church lot is used as public parking through several parking variances.

\*\* Bank of America's lot is available for public parking during non-banking hours.

CALIFORNIA COASTAL COMMISSION HEARING  
Tuesday, July 7, 1992 9:00 a.m.  
Board Room  
Port of Long Beach  
Harbor Administration Building

PERMIT NUMBER: 5-92-025

APPLICANT: Walter F. Miller, Property Owner

LOCATION: 227 Seal Beach Boulevard, Seal Beach

POINTS AND AUTHORITIES  
CALIFORNIA COASTAL ACT OF 1976  
As of January 1992

RECEIVED

JUL 02 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH DISTRICT

Section 30221.

Present and foreseeable future demand for public recreational parking that could be accommodated on the property is already adequately provided for in the area. See parking study submitted by the City of Seal Beach to Coastal staff.

Section 30222.

Visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority. See rendering showing pier replica, public viewing areas, public gathering area, proposed right-of-way bicycle path and grass areas.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Only the parking credits provided by the City of Seal Beach ordinance will allow for the creation of the subject visitor-serving commercial recreational facility.

Section 30250.

New commercial development shall be located within existing developed areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The City of Seal Beach has down zoned this one block area which eventually decrease the parking intensity. Today the parking supports high intensity use from substandard multiple residential units. In addition the C-2 zoning allowed high intensity parking uses.



CALIFORNIA COASTAL COMMISSION HEARING  
Tuesday, July 7, 1992 9:00 a.m.  
Board Room  
Port of Long Beach  
Harbor Administration Building

PERMIT NUMBER: 5-92-025

APPLICANT: Walter F. Miller, Property Owner

LOCATION: 227 Seal Beach Boulevard, Seal Beach

WRITTEN COMMENTS IN SUPPORT OF SPOKEN TESTIMONY

My project is for new construction on a 62.5'x106' building site which I purchased August 1, 1987. Forty-two percent (42%) of the land will be open to pedestrians...a rarity in a coastal city. My site is located across from Anaheim Bay and has never been improved. It is located in the center of the block that enjoyed bay front access until 1944 when the Navy put up a barb wire fence separating the beach from the commercial frontage. After that the street DIED and has become nothing more than a deceleration ramp rather than the "Gateway" into Old Town. The City rarely services the right of way, which is dirt and palm trees. I have a 1921 black and white photograph that shows the stores and shops that were once there, including the two story building next to my property. The dirt street has been paved, some of the buildings torn down and replaced with substandard high density apartments, but the lot sizes, diversified ownerships, and the twelve foot alley remains the same.

For the past eight years, since 1984, the City has tried to encourage local property owners to restore life to this once vibrant block of the street. Nothing has happened because on-site commercial

RECEIVED  
JUN 29 1992

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

5-92-025 Appendix B 2/23/96

WRITTEN COMMENTS (continued)

project that will serve as an attraction for those coming into Seal Beach, but that the parking is inconsistent with the Coastal Act. We do not agree.

The City weighed this issue when they passed their ordinance. They believed that this one block, 15 lots on the west side of the street, between Landing Avenue and the alley before Electric Avenue, suffers from constraints that are unique...the lot sizes, the residential alley, the water table, and the Navy's seizure of the Anaheim Landing Bay front. They felt this was not a precedent issue, but one of a "blanket variance." There will NEVER be building on the Navy side of the street! Therefore "in lieu" fees were not applicable because the property owners had no choice...on-site commercial parking was not viable under diverse ownership and 25' width lots. Their solution, commercial parking credits, recognizes that this block rarely serves beach goers because it is over 3/4 mile from the pier, restrooms and changing rooms. All street parking within the Old Town area is closer to the recreational areas and has sidewalks. Without nearby facilities and no sidewalks, beachgoers DO NOT park on this street. I rarely see someone in a bathing suit getting into their car on this street. My office has overlooked this section of the street for the last fifteen years. The practicality was that there is miniscule, if any, recreational parking use presently on the street, and that commercial parking credits would not impact public access to the beaches. Furthermore, the credits are to be applied against the standard parking requirements of one space for each three hundred square feet of new interior commercial floor space. All projects are

WRITTEN COMMENTS (continued)

with the intent of the Coastal Act. If the Coastal Act is to protect public access to the coastline, your finding in favor will not violate that caveat, and it would not set a precedent for other California coastal cities. As built, this project will block no one's view of the ocean because it is on the far side of the street overlooking the bay.

To the contrary, this project actually creates a public amenity that can be used without commercial entry. The project will provide a gathering place where the public will find a viewing deck overlooking Anaheim Landing, benches, grass areas, public restrooms and handicap ramp access. The pier section covering the bike shop, the authentic pilings used to support the pier, and the seaside village architecture of wood siding and railings will offer the visitor his first glimpse of Old Town Seal Beach.

The front commercial site will be a "state-of-the-art" bike shop which rents bicycles for use on the coastal bike paths, supports wheel chair athletics and Olympic competitors, as well as professional cyclists. The rear building will contain two artist's studios and workshops on the second floor. The top floor of the building will contain living quarters for the artists. There will be no roof deck. Recent studies have found that this "live-work" concept can have a significant impact in cleaning up our environment and increasing personal productivity.

I urge you to approve this project and the parking credit ordinance so we can begin to recapture what we have been denied for the last forty eight years, a vibrant street serving as the entrance to our quaint beachside community of Seal Beach.

9a

To The file

CALIFORNIA COASTAL COMMISSION HEARING  
Tuesday, July 7, 1992 9:00 a.m.  
Board Room  
Port of Long Beach  
Harbor Administration Building

PERMIT NUMBER: 5-92-025

APPLICANT: Walter F. Miller

LOCATION: 227 Seal Beach Boulevard, Seal Beach

WRITTEN COMMENTS IN SUPPORT OF SPOKEN TESTIMONY - ADDENDUM

The Coastal Commission staff report on my application was not released to me until the afternoon of June 29, 1992. As a result I was not able to include my comments on the staff report in my original submission, and take this opportunity to do so.

Although the staff report appears to be thorough and non-partisan, I see several areas that might mislead the reader in reaching an incorrect conclusion.

On page 3 Section B., section 30210 is cited and states that in carrying out the requirements of the Coastal Act, they must be consistent with the rights of private property owners. In that light I want to comment on Page 7, Section 3. Alternatives.

If the best solution would be a comprehensive plan that would provide adequate parking for the ultimate development, the City or a large developer would have to buy up the area. That move would require a great deal of money from the City. It has none. That move would have to guarantee a developer a great deal of profit from the development. It would not. What are the chances of supporting an intense retail center with a Navy barb wire fence across the street?

WRITTEN COMMENDS - ADDENDUM (continued)

In summary, I regret to say that I do not find the staff "alternatives," stated on page 7 of their report, to be appropriate and feasible (Sec. 30212.5), reasonable (Sec. 30214(b)), nor innovative (Sec. 30214(c)). I urge you to find the proposed parking credit ordinance passed by the City of Seal Beach, consistent with the requirements of the California Coastal Act of 1976.

Thank you.

Respectfully,



Walter F. Miller  
Applicant