

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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

Filed: May 1, 1996
49th Day: June 19, 1996
180th Day: October 28, 1996
Staff: John T. Auyong
Staff Report: May 17, 1996
Hearing Date: June 11-14, 1996
Commission Action:



STAFF REPORT: CONSENT CALENDAR

Th 80

APPLICATION NO.: 5-96-049

APPLICANT: Randy and Mary Johnson AGENT: Brent Sears

PROJECT LOCATION: 206 Ocean Avenue, City of Seal Beach, County of Orange

PROJECT DESCRIPTION: Demolition of an existing single-family residence and construction of a new 4,941 square foot three level single-family residence which would be 25 feet above street grade and 30+ feet above beach grade, with an attached 584 square foot two-car garage and 2 outdoor spaces.

Lot area:	6,860 square feet
Building coverage:	2,166 square feet
Pavement coverage:	1,643 square feet
Landscape coverage:	2,391 square feet
Unimproved area:	700 square feet
Parking spaces:	Four
Zoning:	Residential Low Density

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept

SUBSTANTIVE FILE DOCUMENTS: Geotechnical Investigation Prepared for Randy Johnson by NorCal Engineering (Project Number 5996-96) dated April 15, 1996.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed project with a condition regarding conformance with geotechnical recommendations.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, final revised grading and foundation plans signed and stamped by the geotechnical consultant which incorporate the recommendations of the Geotechnical Investigation Prepared for Randy Johnson by NorCal Engineering (Project Number 5996-96) dated April 15, 1996. The approved development shall be constructed in accordance with the final revised plans approved by the Executive Director. Any deviations from said plans shall require an amendment to this permit or a new coastal development permit, or written concurrence from the Executive Director that the deviation is not substantial and therefore a permit amendment or new permit is not needed.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to demolish an existing single-family residence and construct a new, three level, 4,941 square foot single-family residence with an attached 584 square foot two-car garage. Two additional open parking spaces are proposed. The subject site is located in the area of the City where the land gently slopes from Ocean Avenue to the beach. The lowest level of the proposed home would be below street level. Thus, the proposed home would be 25 feet high above street grade and would appear to be two-stories tall when viewed from the street-side. When viewed from the beach side, all three stories would be visible and the proposed home would be 30+ feet high.

B. Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

1. Wave Hazards

The proposed development would be located on a beachfront parcel in the part of Seal Beach's Old Town west of the municipal pier. In 1983, severe winter storms caused heavy damage to beachfront property in the part of Seal Beach's Old Town east of the municipal pier and also the City's Surfside Colony area to the southeast. The narrow beaches in these parts of the City do not adequately buffer beachfront homes from wave uprush during storm events. Since then, the Commission has required assumption-of-risk deed restrictions for new homes on beachfront lots in Surfside and eastern Old Town.

However, in the western Old Town area where the subject site is located, historically there has been little, if any, damage from wave hazards (See Exhibit B). The development, if constructed as proposed, would not be susceptible to damage from wave hazards because (1) the seaward edge of the proposed structure would be 1,049 feet landward of the mean high tide line, (2) the lowest level of the proposed structure would be 8" above the 12' high flood plain elevation, (3) the top of an existing 13'3" high concrete wall at the seaward property line is one foot above floodplain elevation, and (4) a sand dune exists in front of the subject site and other beachfront lots in the 200 block of Ocean Avenue. Therefore, the Commission finds that an assumption-of-risk deed restriction would not be necessary for new development on the subject site.

2. Geologic Hazards

The subject site slopes gently about 15 feet from Ocean Avenue down to the beach. The lowest level of the proposed 3-story home would be set into the slope such that the streetside of the house will be level with the street and the beachside of the house will be 30 feet above the sandy beach. A geotechnical investigation was prepared for Randy Johnson by NorCal Engineering (Project Number 5996-96) dated April 15, 1996. The site is a gentle slope rather than a steep unstable coastal bluff, and the majority of homes along this section of Ocean Avenue are 3-stories with their lowest levels set into the hillside. However, the geotechnical report contains recommendations addressing the issue of excessive settlement. Recommendations include methods and standards for site excavation, grading, foundation design, retaining walls, and lateral resistance loads.

To assure structural integrity, the Commission finds that it is necessary to impose a special condition requiring the submission of revised plans for grading and foundation which incorporate the recommendations contained in the geotechnical investigation. These revised plans shall contain a statement of the geotechnical consultant certifying that the recommendations in the geotechnical investigation prepared for Randy Johnson by NorCal Engineering (Project Number 5996-96) dated April 15, 1996 have been incorporated into the revised plans. The plans as submitted do not indicate that the recommendations in the geotechnical investigation have been incorporated, nor do they indicate that the geotechnical consultant has approved the plans to ensure that the recommendations have been incorporated. Therefore, as conditioned, the Commission finds the proposed development to be consistent with Section 30253 of the Coastal Act regarding hazards.

C. Public Access

Section 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
- (2) adequate access exists nearby . . .

The subject site is a beachfront lot located between the nearest public roadway and the shoreline. Adequate vertical access exists via the 2nd Street street-end two lots to the northwest and the 1st Street public beach parking lot one block to the northwest. The beach in this area is quite wide and provides adequate vertical and public recreation opportunities. The proposed development would provide 4 on-site parking spaces which exceeds the Commission's regularly used standard of 2 parking spaces per dwelling unit. Therefore, the Commission finds that the proposed development would be consistent with Section 30212 of the Coastal Act regarding public access.

D. Local Coastal Program

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

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

The proposed development as conditioned is consistent with the Chapter Three hazards policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

E. California Environmental Quality Act

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

The proposed development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding parking of Chapter Three of the Coastal Act. Mitigation measures requiring the incorporation of the recommendations of the geotechnical consultant into the design plans will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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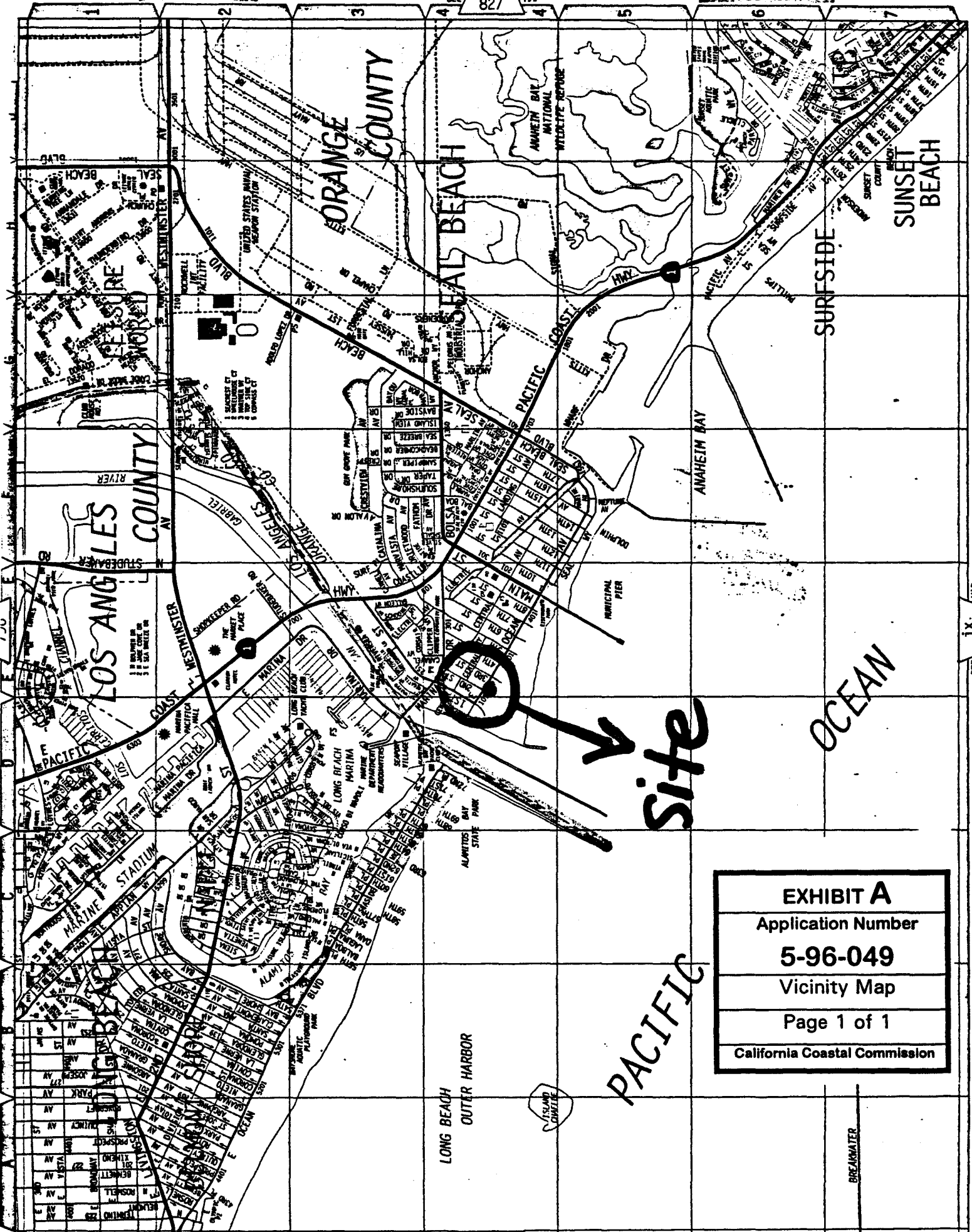


EXHIBIT A
Application Number
5-96-049
Vicinity Map
Page 1 of 1
California Coastal Commission

SEE IX MAP

Brent A. Sears

ARCHITECT

203 Argonne Ave. # 210

Long Beach, CA 90803

(310) 438-9938

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MAY 1 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

April 30, 1996

John T. Auyong Staff Analyst C/O

California Coastal Commission

245 W. Broadway, Suite 380

Long Beach, Ca. 90802-4416

RE: Coastal Development Permit Application 5-96-049
Proposed New Home for Randy and Mart Johnson at 206 Ocean Ave.,
Seal Beach.

Dear Mr. Auyong,

This Letter is in response to your letter of March 29 and provides the additional information you requested.

The beach is very wide at this location. The mean high tide line is 951 feet from the seaward edge of the property. The seaward edge of the structure is 98 feet from this property line, therefore the house is 1,049 feet from the mean high tide line. Historically there has been no flooding due to wave action at this site which is located north of the pier and south of the jetty. All past flooding has occurred to the south of the pier where the beach is quite narrow. It is not anticipated that there is any risk of future flooding. This is due to the wide beach and the existing concrete block wall at the seaward edge of the property. There is also a permanent sand dune between the site and the sea. The site is in a floodplain with a flood elevation of +12 feet above mean sea level. The site is sloping with the lowest elevation at +8.00 feet and the highest elevation at +22.1 feet above sea level. The lowest proposed finished floor elevation is at +12.67 feet (which is +8 inches above the floodplain). The concrete block wall between the structure and the sea has a top of wall elevation at +13.25 feet which will provide further protection.

I believe this answers your concerns, however, if you need anything else please call me at (310) 438-9938.

Sincerely,



Brent A. Sears, Architect

EXHIBIT B
Application Number
5-96-049
Agent's Letter
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California Coastal Commission

ARCHITECTURE

↑ Beach

13'3" high
Concrete wall
to remain

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D-96-049

MAY 8 1996

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SOUTH COAST DISTRICT

EXHIBIT C

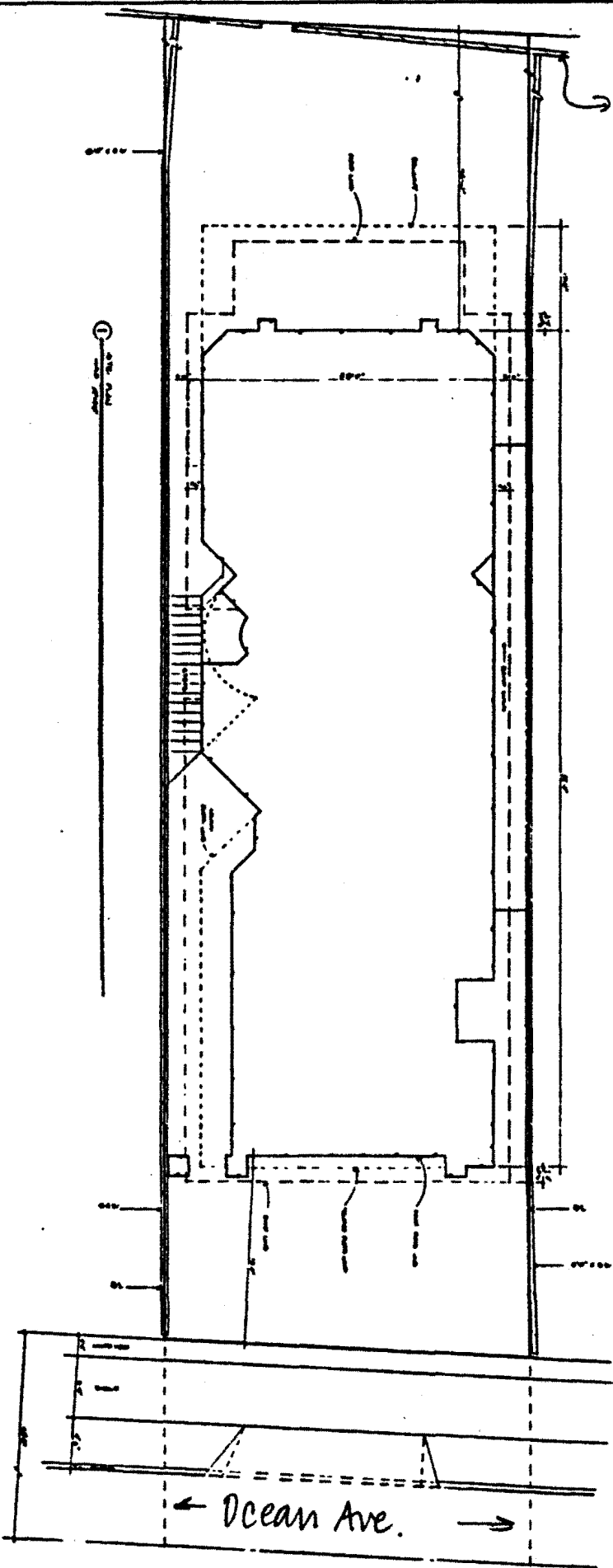
Application Number

5-96-049

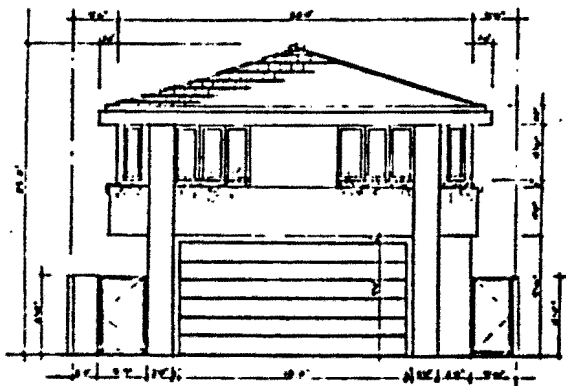
Plans and Elevations

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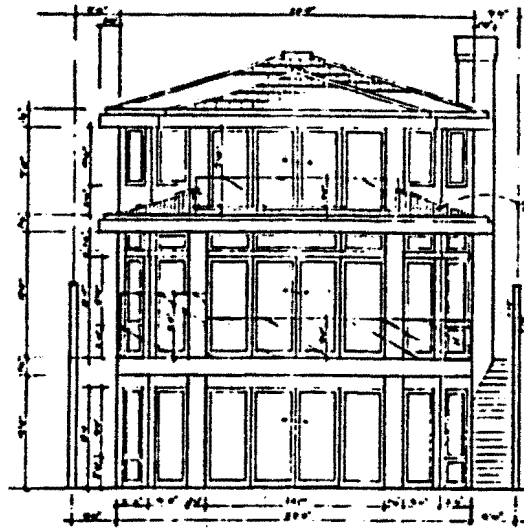


← Ocean Ave. →



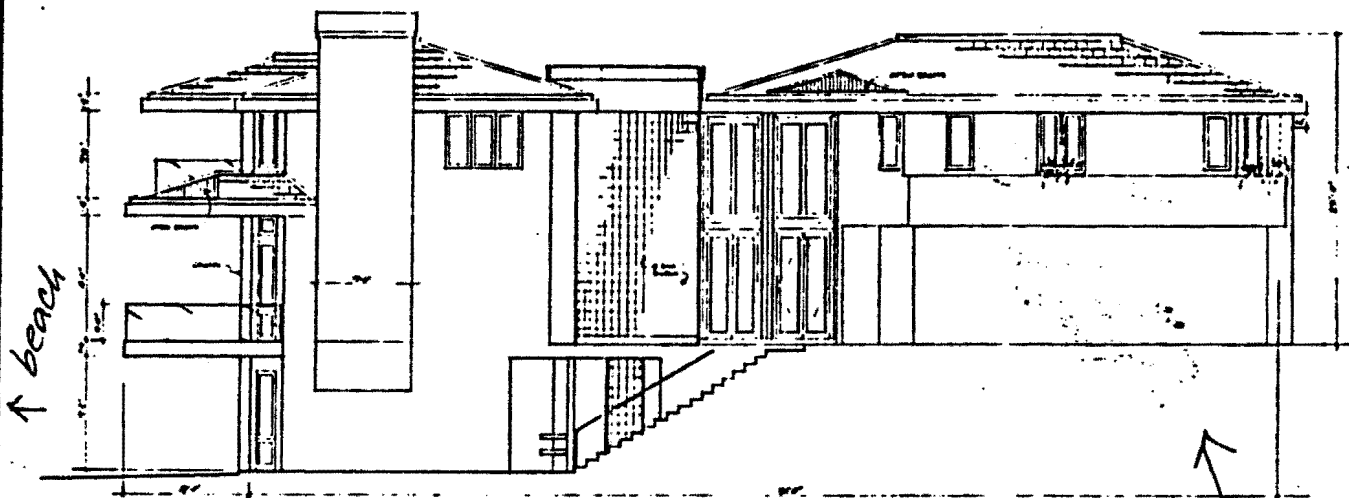
1 NORTHWEST ELEVATION - 100'00" BEACH AVENUE
Scale 1/8" = 1'-0"

streetside elevation



2 SOUTHWEST ELEVATION - 100'00" BEACH AVENUE
Scale 1/8" = 1'-0"

beach side elevation



3 SOUTHEAST ELEVATION
Scale 1/8" = 1'-0"

southeast elevation
northwest elevation

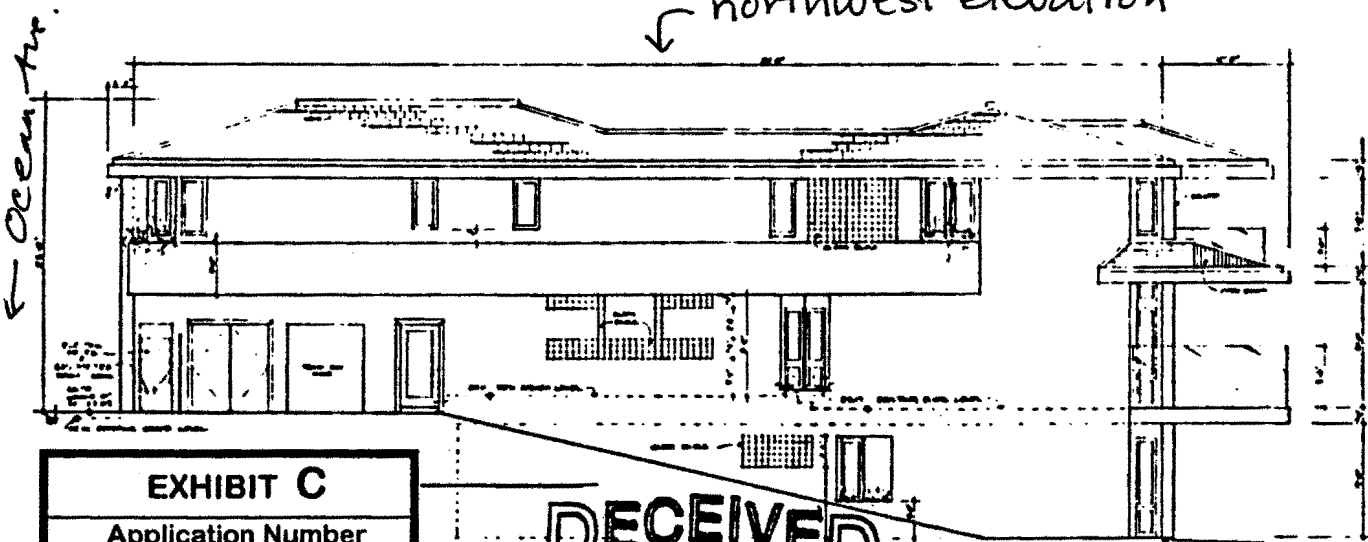


EXHIBIT C

Application Number

5-96-049

Plans and Elevations

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California Coastal Commission

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5-96-049

MAY 8 1996

beach

CIATES, INC.

Design - Development

5101 Green Valley Drive, Encino, CA 91436

818-990-3243

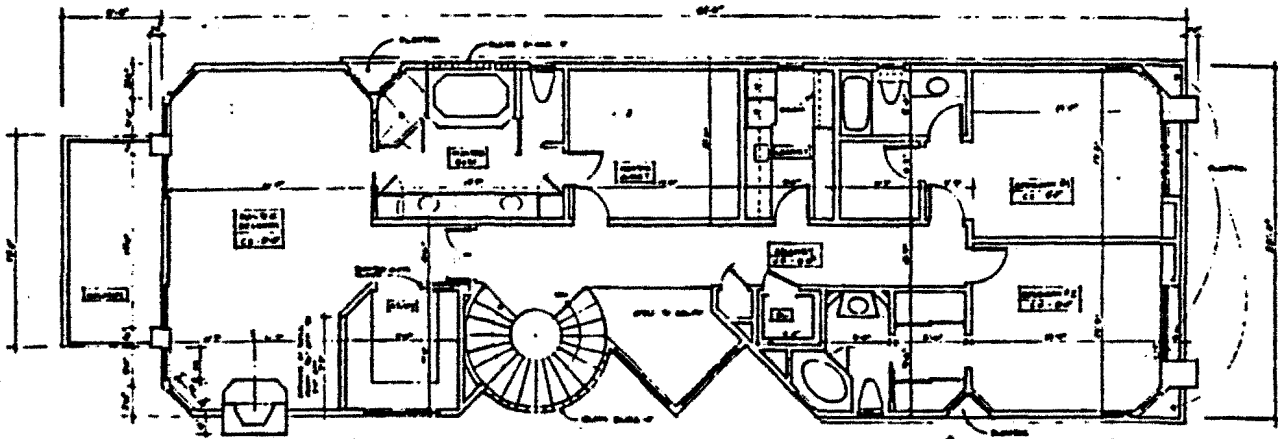
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COASTAL COMMISSION

SOUTH COAST DISTRICT

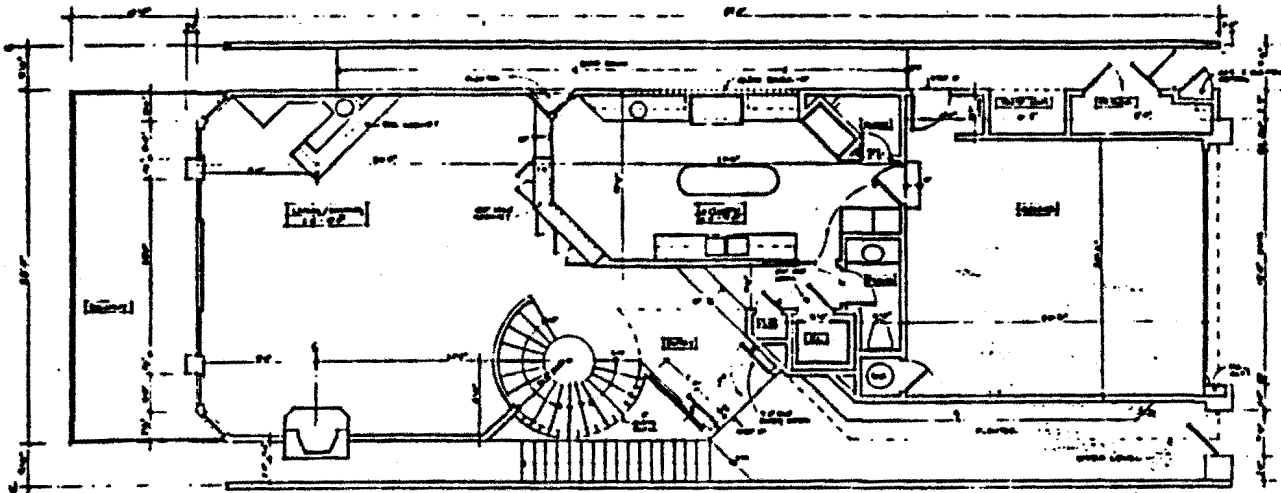
APPROVED SEALANCE FOR
KIMLY & MARY JOHNSON
100'00" BEACH AVENUE
BEACH, CA 90740

EXTERIOR ELEVATIONS



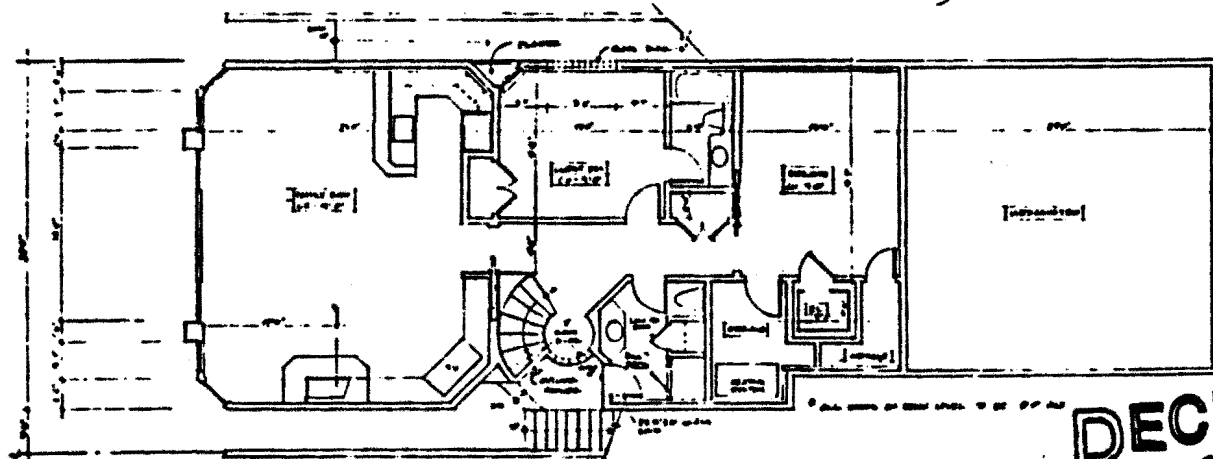
1 UPPER LEVEL PLAN

↑ upper level



2 STREET LEVEL PLAN

↑ street level (middle)



3 BEACH LEVEL PLAN

↙ beach/lower/ground level

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EXHIBIT **C**

Application Number

5-96-049

Plans and Elevations

Page 3 of 3

California Coastal Commission

SAVAGE & ASSOCIATES; II

Planning - Design - Develop

4101 Clear Valley Drive, Encino, CA 91436

818-990-3247

150N

FLOOR PLAN

1	2	3	4	5	6	7	8	9	10
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