

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

Page 1 of 6
Permit Application No. 5-97-037

Date 3-19-97

ADMINISTRATIVE PERMIT

RECORD PACKET COPY

APPLICANT: Sonya Branson

PROJECT DESCRIPTION: Add 715 square feet of enclosed living area, a new 335 square foot roof deck, and a 43 square foot first floor storage room to an existing two-story 995 square foot single-family residence with no on-site parking spaces. No on-site parking spaces are proposed. The resultant structure would be 22 feet high. The applicant has recorded a covenant prohibiting use of the residence for two or more dwelling units.

PROJECT LOCATION: 1619 Seal Way, City of Seal Beach, County of Orange

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:
Tuesday, April 8, 1997 at 10:00 a.m.
Waterfront Hilton Beach Resort
21100 Pacific Coast Hwy., Huntington Beach (714) 960-7873

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive DirectorBy: John T. Auyong
Title: Staff Analyst

Administrative Coastal Development Permit
No. 5-97-037 (Branson)
Page 2 of 6

STANDARD CONDITIONS:

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

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. The Executive Director further determines that this development, located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3.

Administrative Coastal Development Permit
No. 5-97-037 (Branson)
Page 3 of 6

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant is proposing additions to the landward side of an existing 995 square foot two-story single-family residence. Specifically, the applicant proposes to add 240 square feet of enclosed living area to the existing 570 square feet of first floor enclosed living area, plus add a new 43 square foot first floor storage room accessible only from outside the home. In addition, the applicant proposes to add 475 square feet of enclosed living area to the existing 425 square foot second floor, including conversion of 49 square feet of the existing 176 square foot second floor deck to enclosed living area. The resultant structure would have a new total of 1,710 square feet of enclosed living area.

The applicant further proposes to add a new 335 square foot third level roof deck. The subject site has no on-site parking. No on-site parking is proposed. The existing first floor has a kitchenette/wet bar area, with a sink, refrigerator, and microwave. To minimize the possibility of illegal conversion of the proposed home to two dwelling units, the City of Seal Beach required the applicant to record a covenant prohibiting the use of the home from two or more dwelling units, so long as the City's zoning for the site is for single-family use. The applicant has recorded this agreement (see exhibit C).

B. Parking

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities . . .

The subject site is located between the nearest public roadway and the public East Beach in Seal Beach. Further, a public walkway/bikeway is located adjacent to the seaward side of the home. When a private development does not provide adequate on-site parking, users of that private development are forced to occupy public parking that could be used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by an individual dwelling unit. The existing single-family dwelling should thus provide two on-site parking spaces. However, no parking spaces currently exist on-site. Although the subject site has a concrete area which could accommodate cars, the narrow seven foot street frontage makes it impossible for most cars to enter onto the property (see Exhibit B). As it exists, then, there is a two space parking deficiency which the proposed development would not remedy.

However, since no additional dwelling units are proposed, the proposed development would not result in an intensification of use of the site. Therefore, parking demand would not increase beyond the existing demand, so no additional spaces are

Administrative Coastal Development Permit
No. 5-97-037 (Branson)
Page 4 of 6

needed at this time. Thus, the parking deficiency does not need to be remedied at this time. In addition, the proposed development involves improvements to an existing structure rather than demolition of the existing structure and construction of a new structure.

However, future improvements to the existing structure could result in an increase in the number of physical dwelling units beyond the one which currently exists, resulting in an intensification of use. This would result in an increase in parking demand and adverse impacts on public access. Therefore, the Executive Director determines that it is necessary to place a condition informing the current permittee and future owners of the subject site that a new coastal development permit, or an amendment to this permit, would be required for any future improvements to the existing structure which would result in a change in intensity of use. This would allow for the review of future improvements for any potential adverse impacts to public access resulting from inadequate parking.

This type of special condition has been previously imposed by the Commission and the Executive Director for similar residential projects which did not result in an intensification of use but did have inadequate parking based on the Commission's regularly used standards. These include administrative permits 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-209 (Noyes), and 5-94-229 (Batniji) and 5-96-122 (Saracino), and coastal development permits 5-95-060 (Rewers) and 5-95-067 (Pifer). Thus, as conditioned, the Executive Director determines that the proposed development would be consistent with Section 30252 of the Coastal Act.

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 located between the nearest public roadway and the shoreline. The proposed development would not result in an intensification of use of the site. Lateral access exists via the public walkway/bikeway adjacent to the seaward side of the property. Vertical access exists via the Electric Avenue and Neptune Avenue street-ends, nine lots over in either direction from the subject site. The Executive Director therefore determines that the proposed development would be consistent with Section 30212 of the Coastal Act.

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 ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

Administrative Coastal Development Permit
No. 5-97-037 (Branson)
Page 5 of 6

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 policies of the Coastal Act. Therefore, the Executive Director determines that the proposed development would not prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

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. The proposed development would not result in an intensification of use. All infrastructure necessary to serve the site exists 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 a permit or permit amendment for future development of the site, 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 Executive Director determines that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Future Improvements/Parking

This coastal development permit 5-97-037 is only for the development, located at 1619 Seal Way, in the City of Seal Beach (County of Orange) as expressly described and conditioned herein. Any future improvements to the existing structure which would result in a change in intensity of use, including but not limited to a change in the physical number of residential units or a change in the number of parking spaces, shall require an amendment to this permit from the Coastal Commission or its successor agency or a new coastal development permit.

Administrative Coastal Development Permit
No. 5-97-037 (Branson)
Page 6 of 6

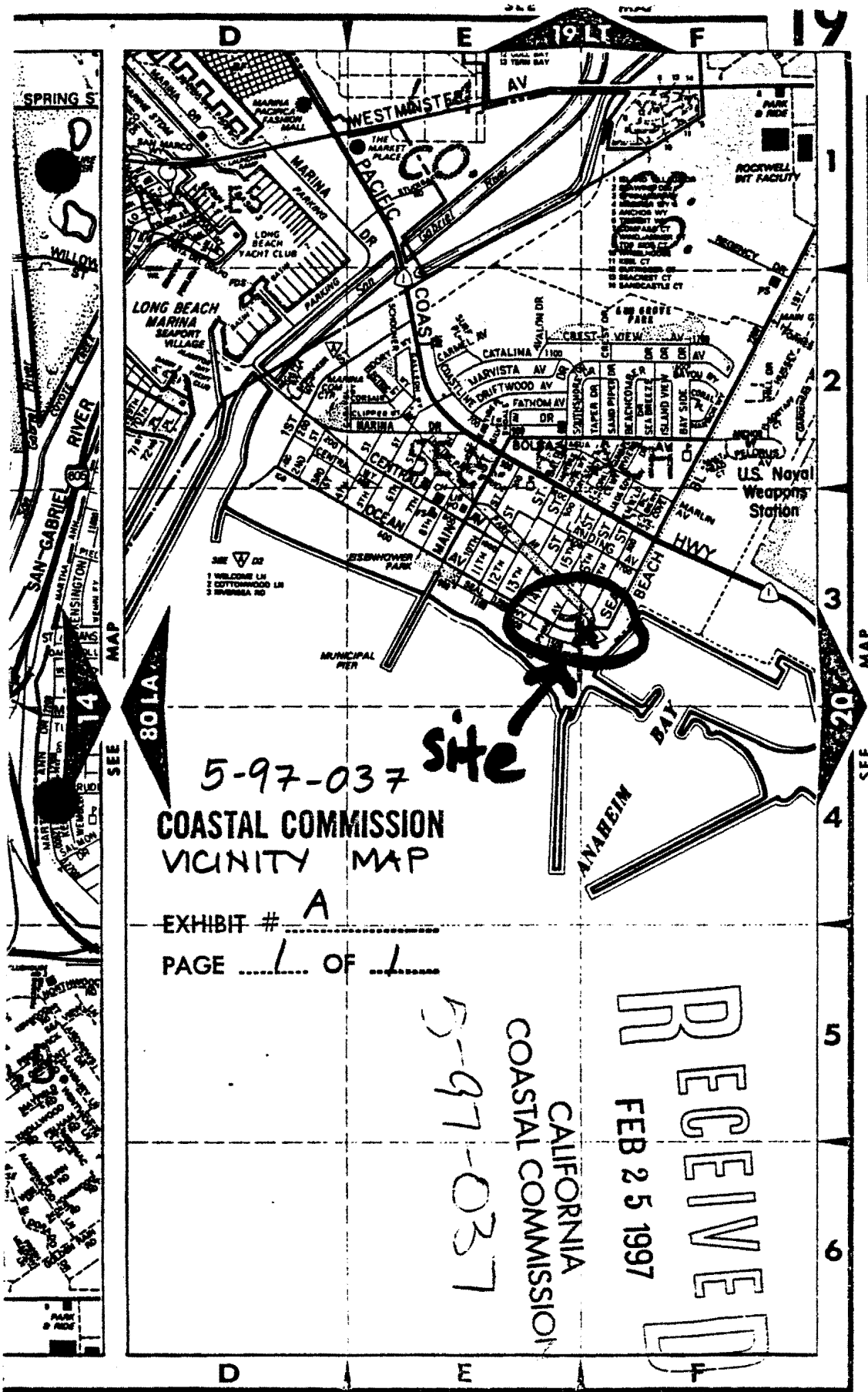
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

8574F:jta



5-97-037 site
COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
PAGE 1 OF 1

5-97-037
CALIFORNIA
COASTAL COMMISSION

RECEIVED
FEB 25 1997

ORANGE CO

BOARDWALK AND PARK/BEACH

SITE PLAN

COASTAL COMMISSION
Plans
EXHIBIT # B
PAGE 1 OF 3

5-97-037

EXHIBIT # B
PAGE 1 OF 3

← Beach →

ROOF DECK

← Seal way →

7 foot
street frontage

SEAL WAY ALLEY

RECEIVED

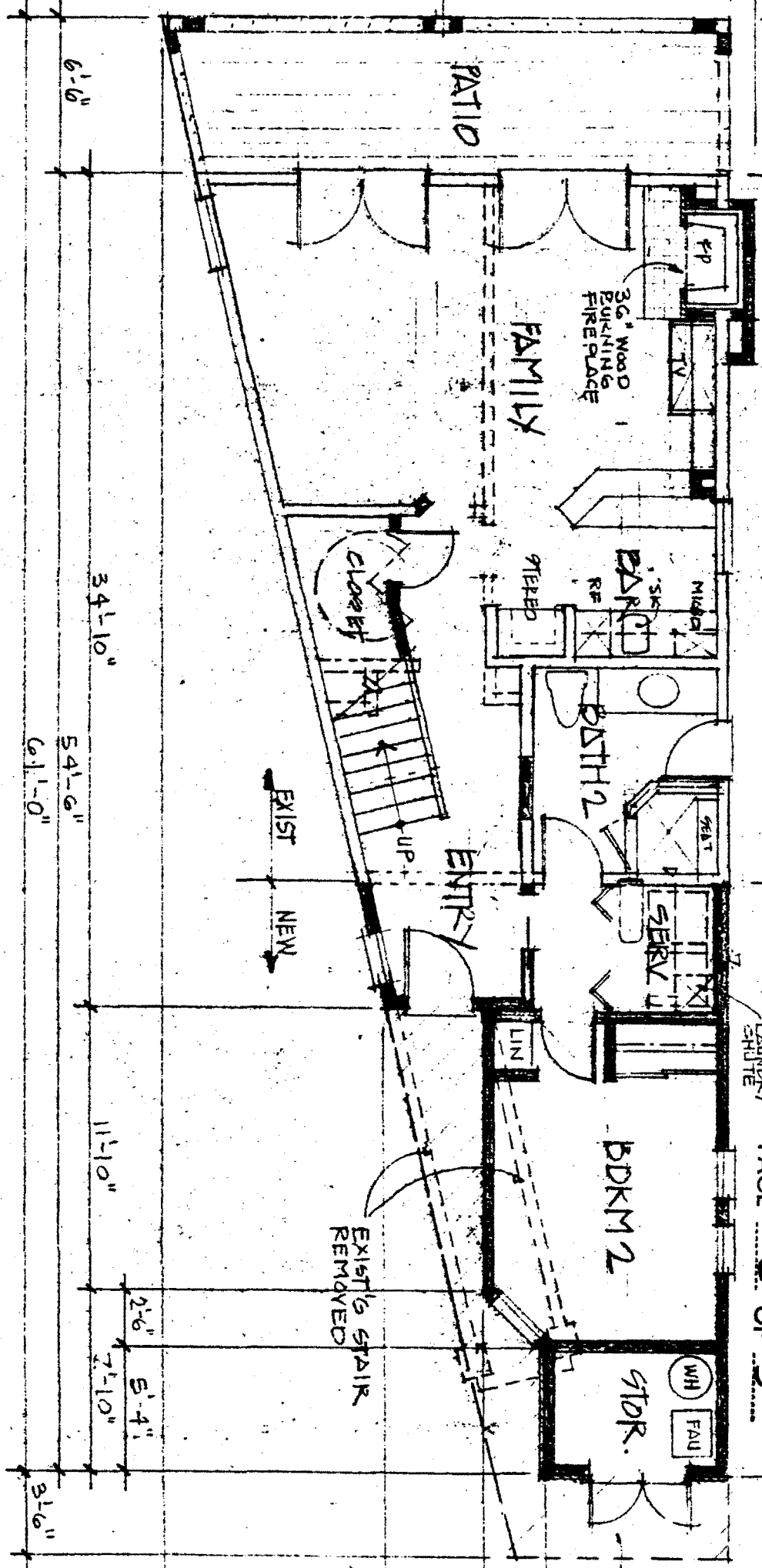
[illegible]

61'-0"
54'-6"
3'-6"

COASTAL COMMISSION
5-97-037 Plans

EXIST NEW

EXHIBIT # B
PAGE 2 OF 3



FIRST FLOOR PLAN

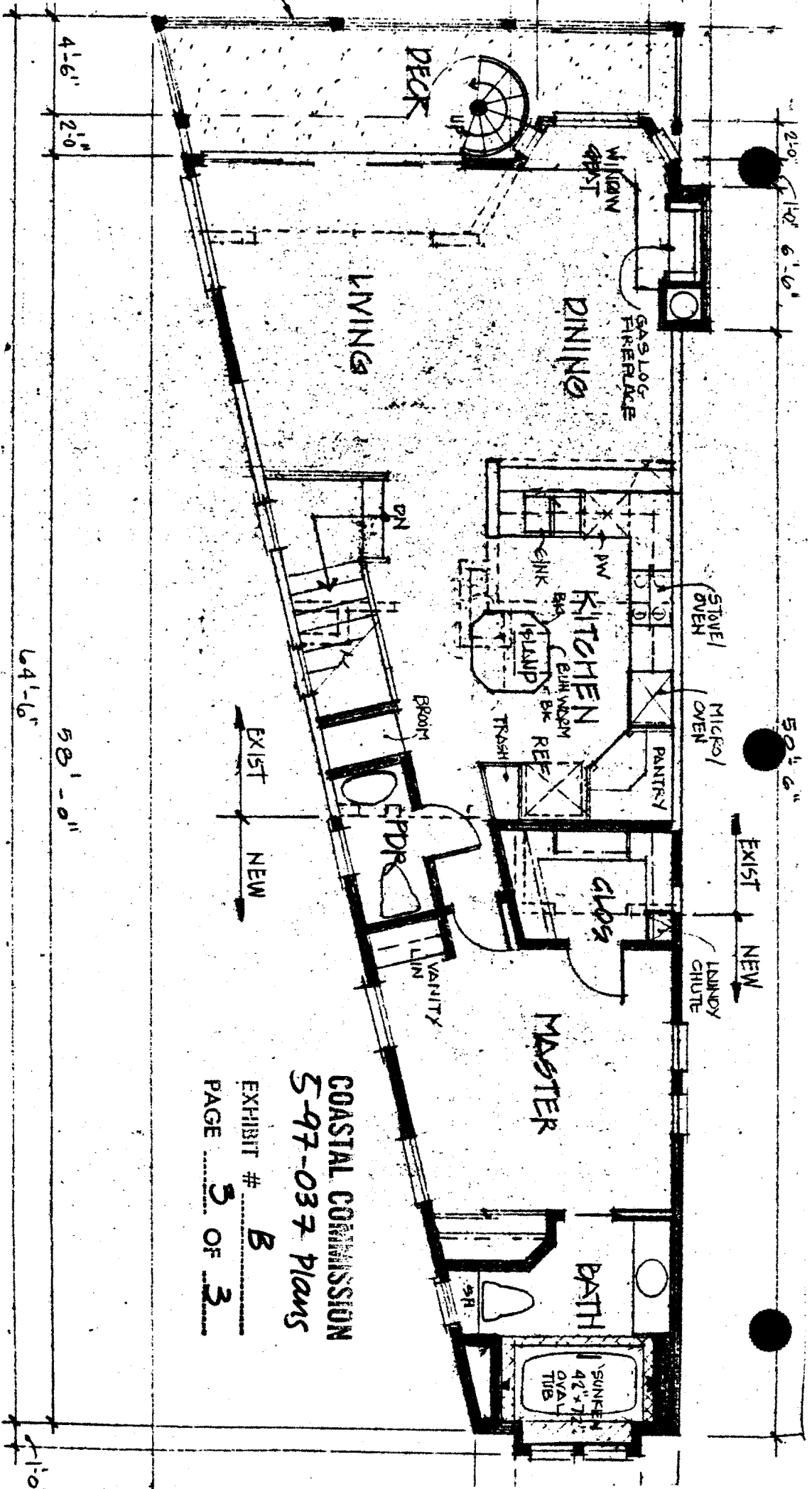
1/4" = 1'-0"

SECOND FLOOR PLAN

1/4" = 1'-0"

61'-0"

13'-6"



COASTAL COMMISSION
S-97-037 Plans

EXHIBIT # B
PAGE 3 OF 3

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City Clerk
City of Seal Beach
211 Eighth Street
Seal Beach, California 90740

Recorded in the County of Orange, California
Gary L. Granville, Clerk/Recorder



13.00

19970113581 2:47pm 03/12/97

005 22021208 22 17
C38 3 7.00 6.00 0.00 0.00 0.00 0.00

COASTAL COMMISSION
5-97-037 Covenant

EXHIBIT # C

PAGE 1 OF 2

COVENANT

This Covenant is made on this 12 day of March, 1997 by Sonya J. Branson (hereafter "Owner"), in favor of the City of Seal Beach (hereafter "City"), a municipal corporation.

RECITALS

A. Owners are the record owners of the following described real property (hereafter "Property"), commonly known as 1619 Seal Way, located in a Residential High Density (RHD) zone within the City of Seal Beach, County of Orange, State of California:

Lot 29 in Block F of Tract 1, in the City of Seal Beach, as shown on a map in Book 9, Page 1 of Miscellaneous Maps, in the office of the County Recorder of Orange County, California.

B. Owner has applied to City for approval of a building permit to remodel a single family dwelling on the property. The permit will allow a remodel of the single-family dwelling to allow a second floor kitchen and a wet bar on the first floor.

C. In consideration of the City's agreement to approve the requested permit, and to assure compliance with the applicable provisions of Chapter 28 of the Seal Beach Municipal Code, Owner has agreed to record this covenant to restrict the use of the Property to a single family dwelling.

NOW THEREFORE, in consideration of the foregoing, and as a condition precedent to approval of the building permit, Owner covenant, promise and agree as follows:

1. Owner hereby covenants and agrees in favor of the City that the single family dwelling located on the Property shall not be used as two (2) or more dwelling units, as defined by Section 28-228 of the Code of the City of Seal Beach, so long as the zoning regulations

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2PC

applicable to the Property limit the Property to one (1) dwelling unit.

2. This covenant shall be recorded in the Office of the County Recorder for the County of Orange.

3. It is the intention hereof that this covenant shall be deemed to be a covenant running with the land, shall burden the Property, and shall be a condition precedent to the approval of any work on the Property.

4. This covenant shall be enforceable by and inure to the benefit of City and shall bind Owner and the successors, heirs and assigns of Owner.

Dated: 3/12/97

OWNER

Sonya J. Branson
Sonya J. Branson

5-97-037
COASTAL COMMISSION
—covenant

EXHIBIT # C
PAGE 2 OF 2