

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: November 5, 1997
49th Day: December 24, 1998
180th Day: May 4, 1998
Staff: John T. Auyong *John*
Staff Report: February 19, 1998
Hearing Date: March 10-13, 1998
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-319

APPLICANT: Dwight and Arlene Steffensen AGENT: Brent Sears

PROJECT LOCATION: 308 & 310 Ocean Avenue, City of Seal Beach, Orange County

PROJECT DESCRIPTION: Merge two lots (308 and 310 Ocean Avenue) into one lot; Demolish the existing residence at 310 Ocean Avenue; Expand the existing residence at 308 Ocean Avenue by 4,655 square feet, a portion of which would be located on the former lot at 310 Ocean Avenue - resultant structure would be three stories (35 feet high) on the beach side and two stories (25 feet high) on the street side; 231 cubic yards of grading (100 cubic yards of cut and 131 cubic yards of fill); Construct a swimming pool, spa, planters, fences, and patio in the rear yard; Construct a four foot high (above natural grade) concrete block wall along the easterly side property line and along the easterly portion of the seaward property line to match existing walls. No accessory building (e.g.; gazebo, greenhouse, etc.) in the rear yard is proposed.

Lot area:	11,743 square feet
Building coverage:	3,926 square feet
Pavement coverage:	4,211 square feet
Landscape coverage:	3,606 square feet
Parking spaces:	Four
Height above grade:	35 feet (Beach side) 25 feet (Street side)

LOCAL APPROVALS RECEIVED: Lot-Line Adjustment, Planning Commission Resolution

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit 5-83-800 (Specialty Restaurant Corp.); "Preliminary Foundation Soils Exploration" at 310 Ocean Avenue prepared for Brent Sears by Geo-Etka, Inc., dated July 31, 1997 (Job No. F-8155-97)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with a special condition regarding conformance with geologic 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, located between the nearest public roadway and the shoreline, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, 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. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the "Preliminary Foundation Soils Exploration" at 310 Ocean Avenue prepared for Brent Sears by Geo-Etka, Inc., dated July 31, 1997 (Job No. F-8155-97). The approved development shall be constructed in accordance with the final revised plans as 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; 1) merge two lots (308 and 310 Ocean Avenue) into one lot, 2) demolish the existing residence at 310 Ocean Avenue, 3) expand the existing residence at 308 Ocean Avenue by 4,655 square feet, with most of the proposed expansion located in the place of the home to be demolished on the lot at 310 Ocean Avenue, 4) 231 cubic yards of grading (100 cubic yards of cut and 131 cubic yards of fill), 5) construct a swimming pool, spa, planters, fences, and patio in the rear yard, and 6) construct a four foot high (above natural grade) concrete block wall both along the easterly side property line and along the easterly portion (310 Ocean Avenue portion) of the seaward property line to match existing walls along the property lines. The resultant structure would be three stories (35 feet high) on the beach side and two stories (25 feet high) on the street side. The applicant is not proposing to build any accessory buildings (e.g.; gazebo, greenhouse, etc.) in the rear yard at this time. The enclosed living area of the portion of the proposed home on the former lot at 310 Ocean Avenue would not encroach onto the abandoned street right-of-way.

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. Geologic Hazards

The subject site is terraced, with a small flat portion at street level which gently slopes about one-story down, and then extends relatively level toward the beach about 90 feet away. The lowest level of the proposed 3-story home would be set into the slope at beach level such that the home would appear to be two stories from the street side and three stories from the beach side. The applicant is proposing 231 cubic yards of grading to accommodate setting the lowest level into the slope.

A geotechnical report of the subject site dated July 31, 1997 was prepared for Brent Sears by Geo-Etka, Inc. (Job No.: F-8155-97). The majority of homes along this section of Ocean Avenue have their lowest levels set into the slope, similar to the proposed development. The site is a low, gentle slope abutting deep back yards and a wide beach further out, rather than a tall, unstable bluff subject to wave attack. However, the geotechnical report contains recommendations to assure stability and structural integrity. Recommendations include: 1) footings should be at least 15 inches wide and at least 18 inches below the lowest adjacent finish grade, 2) footings must rest on properly recompacted soil at least 18 inches thick, 3) fill to be replaced must be recompacted at 90%, and 4) overexcavation should extend 5 feet beyond the footprint of the structure (except where constrained by property line setbacks).

To assure stability and structural integrity, a special condition must be imposed which requires the submission of final plans approved by the geotechnical consultant which incorporate the recommendations of the consultant, and compliance with these plans. Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

2. Flood Hazards

The subject site is a beachfront lot. However, it is located north of the Seal Beach municipal pier. Historically, flooding from wave hazards has occurred south of the pier, where the beach is narrower. The beach in front of the subject site is 951 feet wide (between the seaward edge of the subject site and the mean high tide line). Further, the subject site is protected from winter waves by the jetty on the south side of the San Gabriel River mouth. The lowest finished floor of the proposed home is almost three feet above the floodplain. Further, an existing concrete block fence at the seaward edge of the property would provide some protection from any freak occurrence of wave uprush. Even during the current El Nino pattern which has resulted in unusually strong wave action which has flooded homes south of the pier this winter, the homes north of the pier have not suffered flood damage. Therefore, the proposed development would normally not be subject to flood hazards from wave uprush. Thus, the Commission finds that the proposed development would be consistent with the wave hazards provisions of Section 30253 of the Coastal Act.

C. Visual Impacts

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed development involves the demolition of an existing residence and expansion of an adjacent residence onto the site of the demolished residence. Therefore, the gap between the two residences resulting from side property line setbacks would be eliminated. However, the existing gap does not provide a view corridor since it is blocked by a wall and landscaping. Public views to the ocean down most of the gaps between homes in the vicinity are similarly blocked because of landscaping and walls. Therefore, the proposed development would not eliminate any public view corridor.

The existing residence at 308 Ocean Avenue does not conform to the informal stringline established by an abandoned alley right-of-way. The abandoned alley runs between, and parallel to, Ocean Avenue and the beach. The abandoned alley extends across the middle of the lots located both north of the Seal Beach municipal pier and seaward of Ocean Avenue. The City has established the landward edge of the abandoned alley as the limit, or stringline, for seaward encroachment of enclosed living area.

The existing residence at 308 Ocean Avenue encroaches past the stringline. The encroachment is not proposed to be removed as part of the proposed development. (see Page 1 of Exhibit B) However, the encroachment existed previously and was not required to be removed when the Commission approved coastal development permit 5-83-800 (Specialty Restaurants) for improvements to the residence at 308 Ocean Avenue. Further, the existing home at 310 Ocean Avenue to be demolished also encroaches past the stringline. The portion of the proposed expansion located on the area of the demolished home at 310 Ocean Avenue would not encroach past the stringline. Thus, the proposed development would pull back development on the 310 Ocean Avenue portion of the site from its current location seaward of the stringline to a location in-line with the stringline.

In addition, the proposed home would be similar in height to the majority of homes along Ocean Avenue, which are also 3 stories on the beach side and 2 stories on the street side. Further, the existing 6 foot high wall at the seaward edge of the property would somewhat conceal the proposed residence, which is setback 84 feet from the seaward property line. Therefore, the Commission finds that the proposed development would be consistent with Section 30251 of the Coastal Act.

D. 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 result in a deintensification because it would reduce the number of units on-site from two to one. The proposed development would provide 4 parking spaces, which exceeds the Commission's regularly used standard of two spaces per dwelling unit.

The proposed development would not result in direct adverse impacts, neither individually nor cumulatively, on physical vertical or lateral public access. Vertical public access is provided by the nearby 3rd and 4th Street street-ends. Lateral access and public recreation opportunities are available at the adjacent wide, public beach. Therefore, the Commission finds that no public access is necessary with the proposed development. Thus, the Commission finds that the proposed development would be consistent with Section 30212 of the Coastal Act.

E. 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 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.

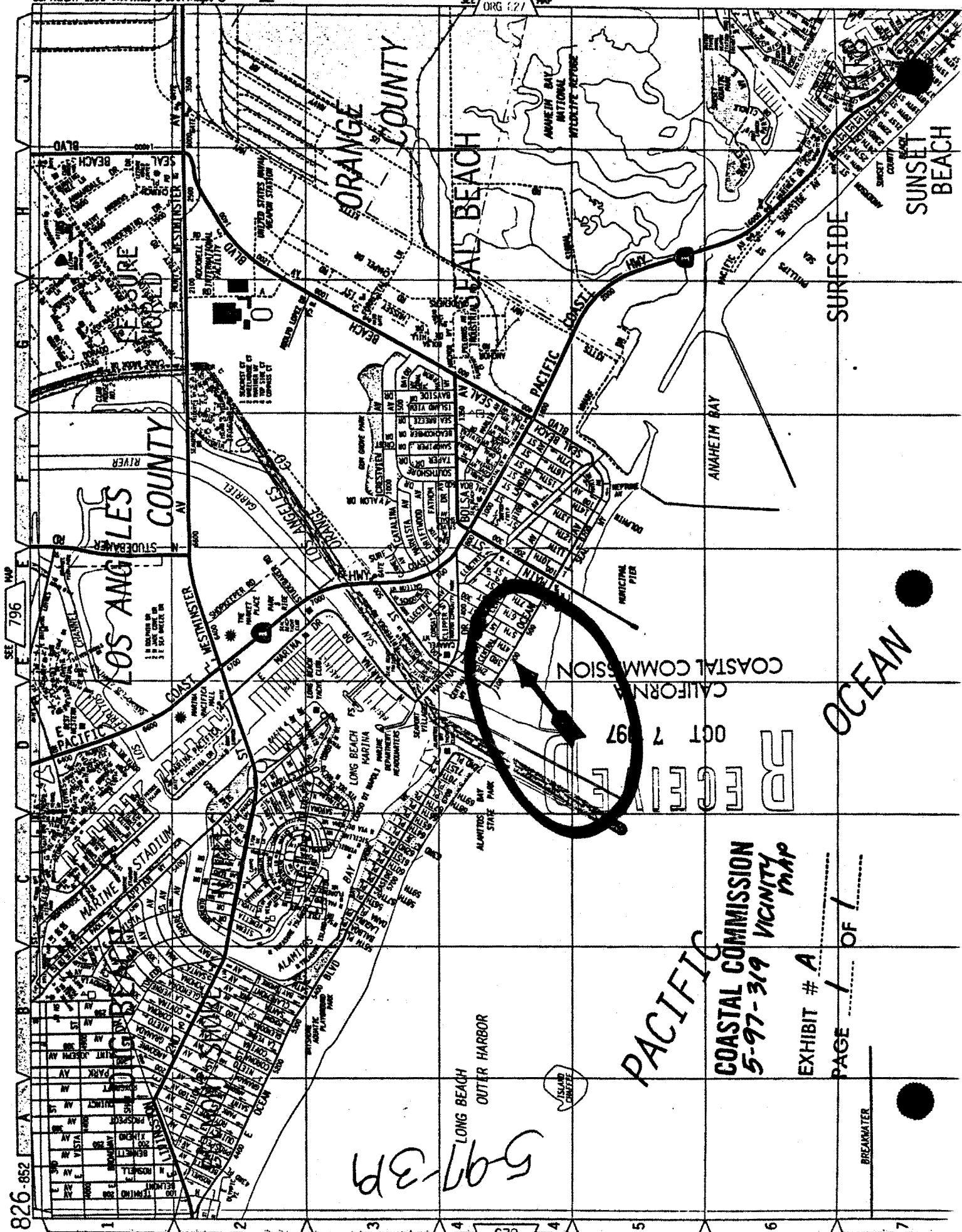
F. California Environmental Quality Act

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 geologic hazards policies of Chapter Three of the Coastal Act. Mitigation measures requiring conformance with geotechnical recommendations 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, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SEE 796 MAP

826-852

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PACIFIC
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VICINITY map

EXHIBIT # A
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BREAKWATER

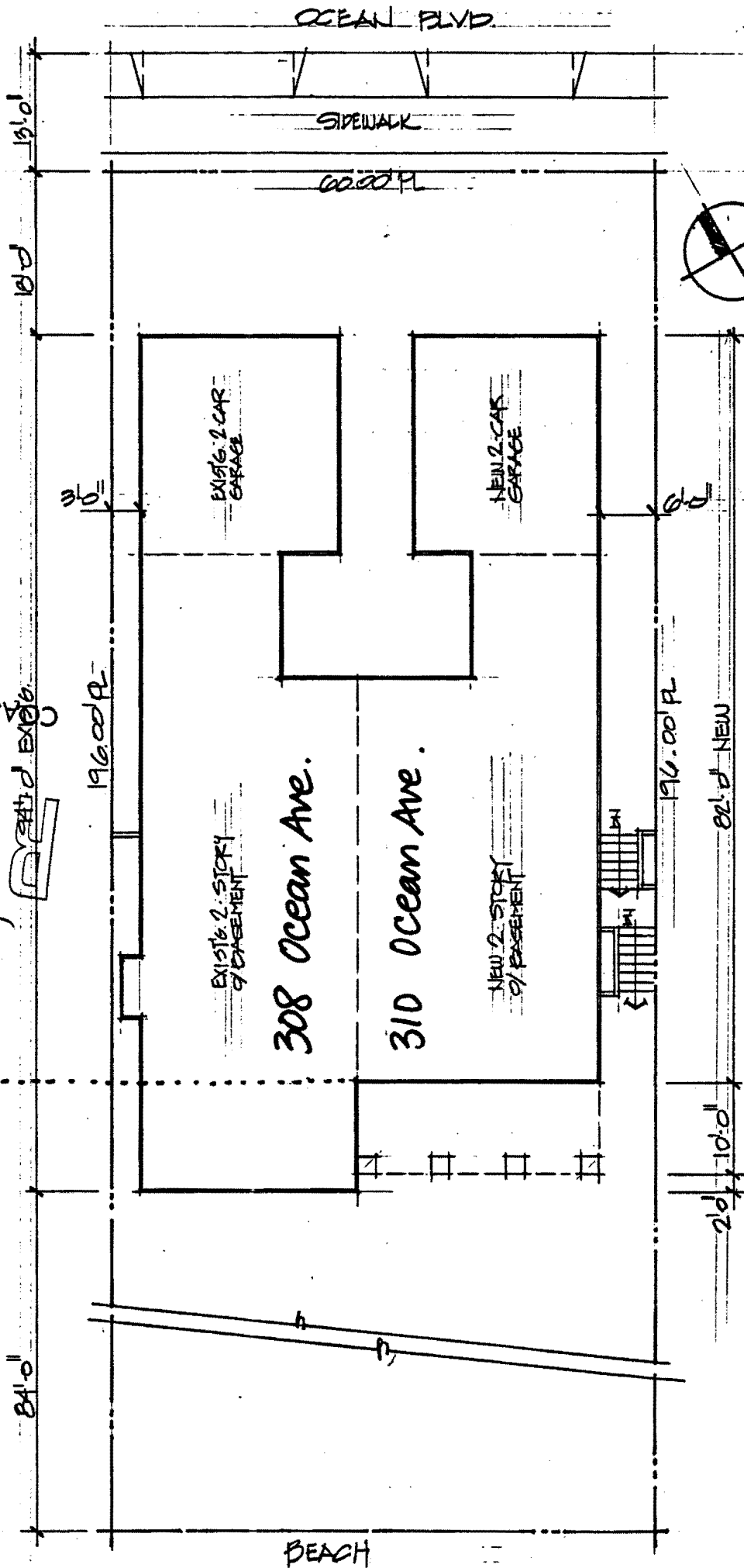
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EXHIBIT # B
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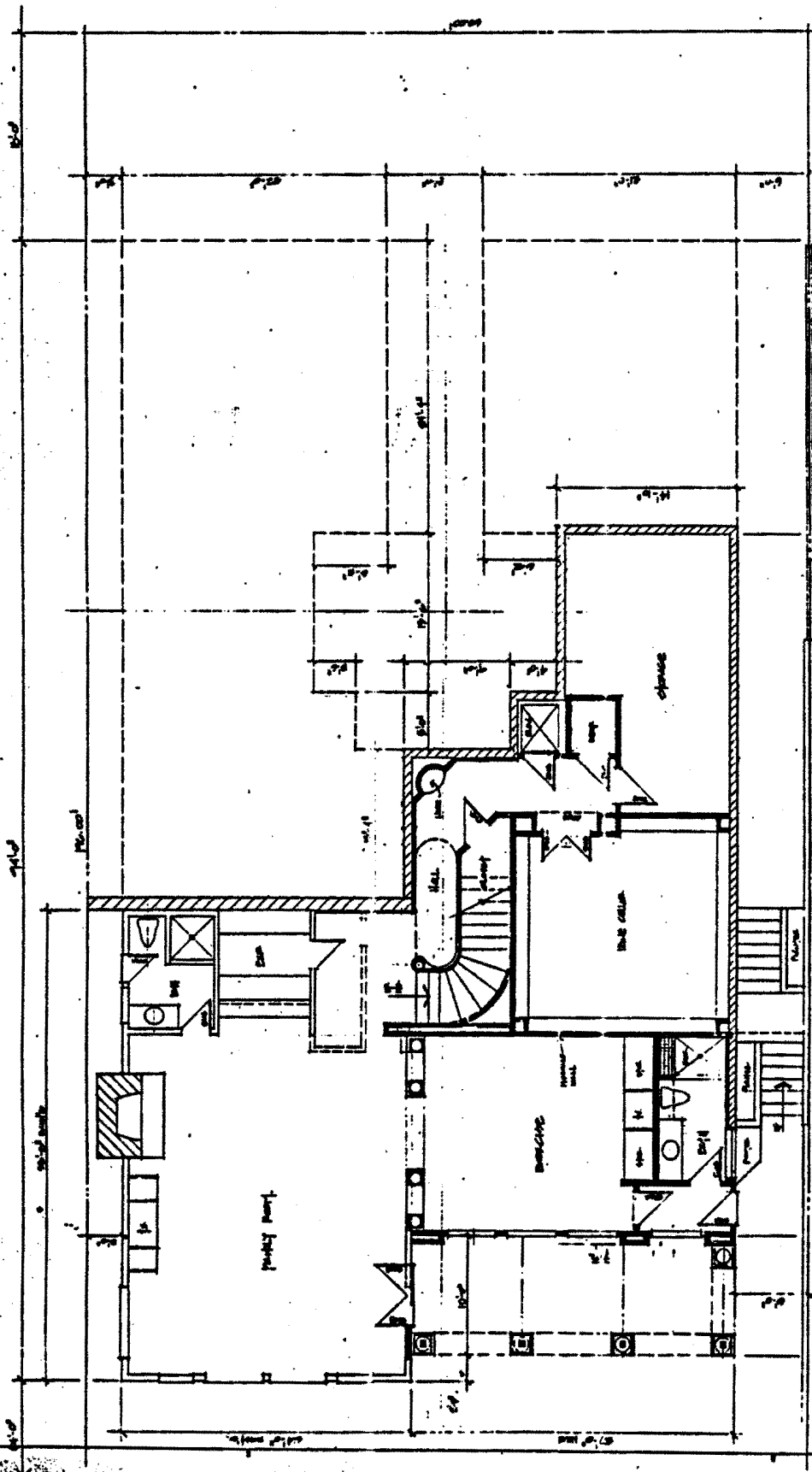
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stringline



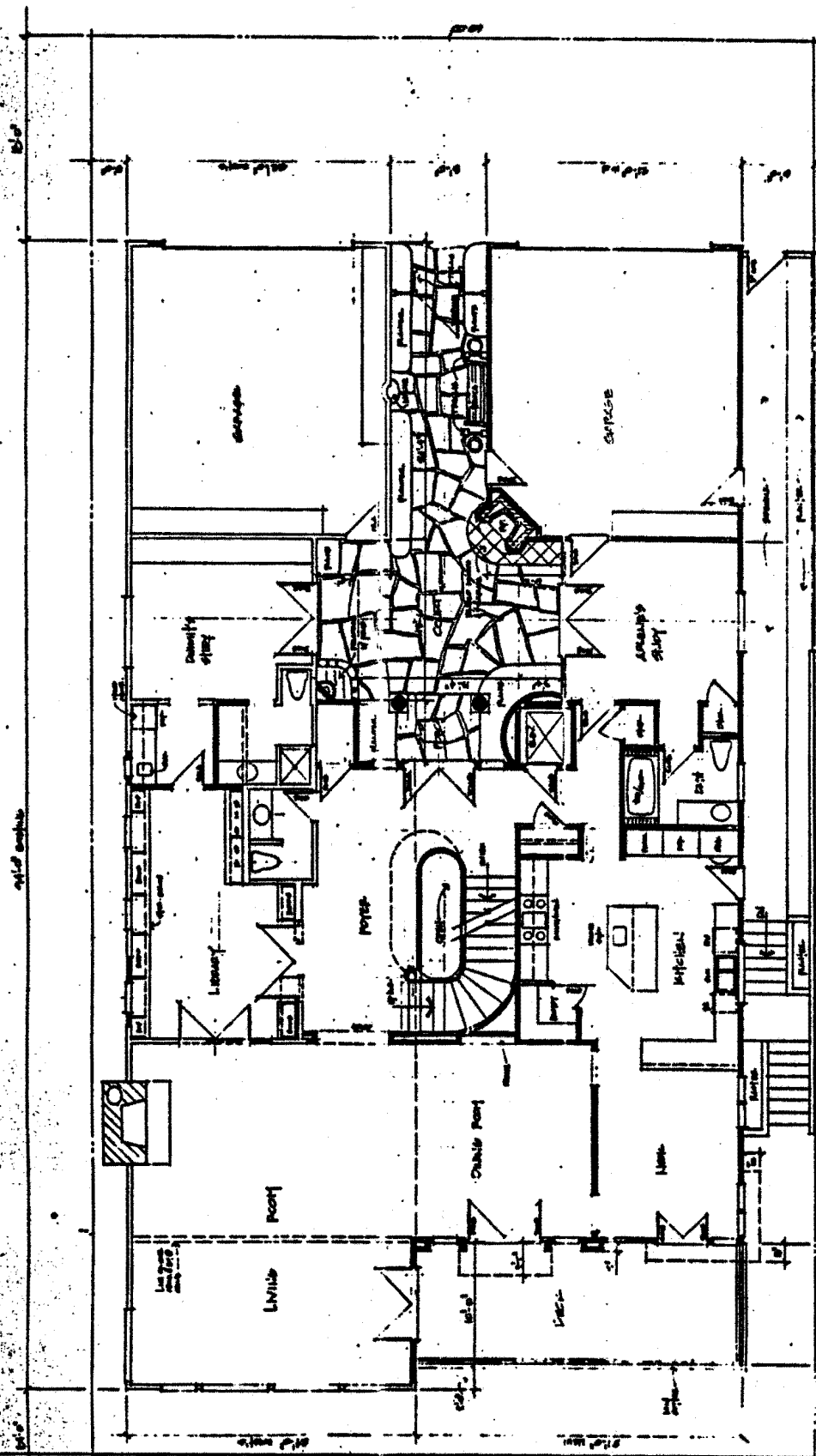
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basement plan

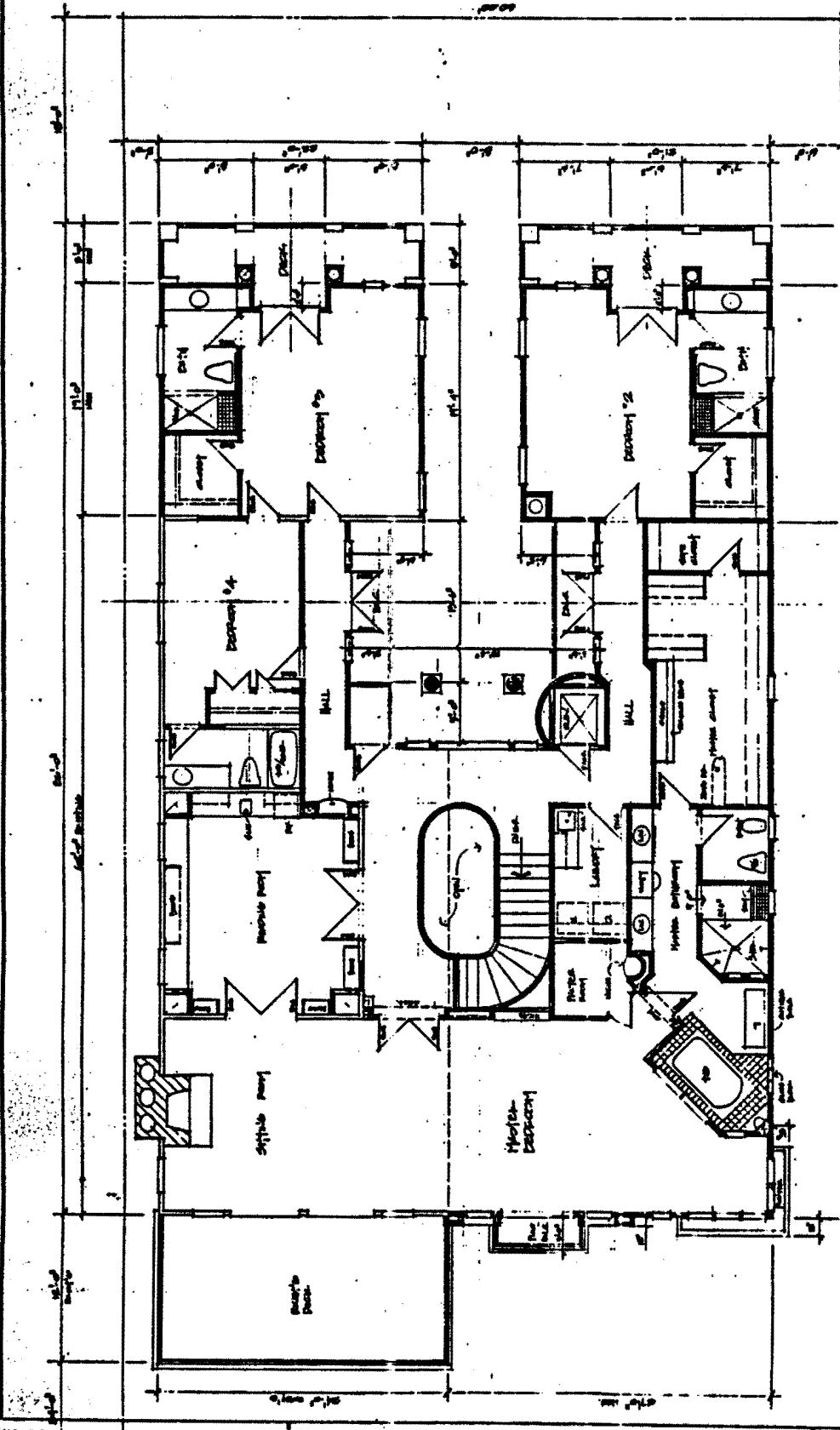


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first floor plan



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second floor plan

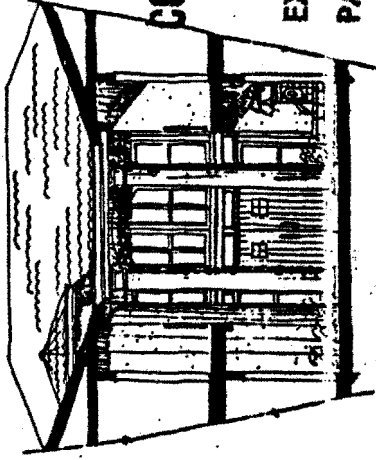
EXHIBIT # B
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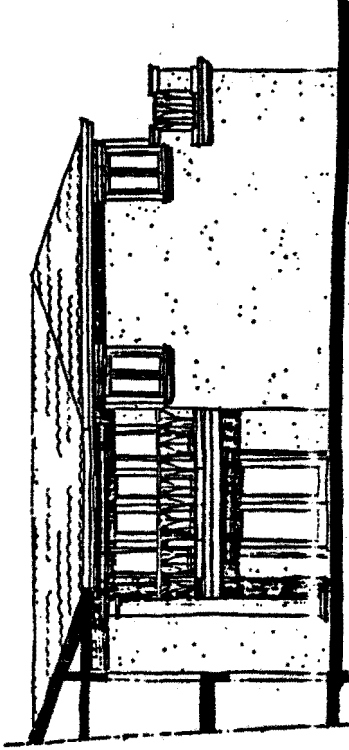
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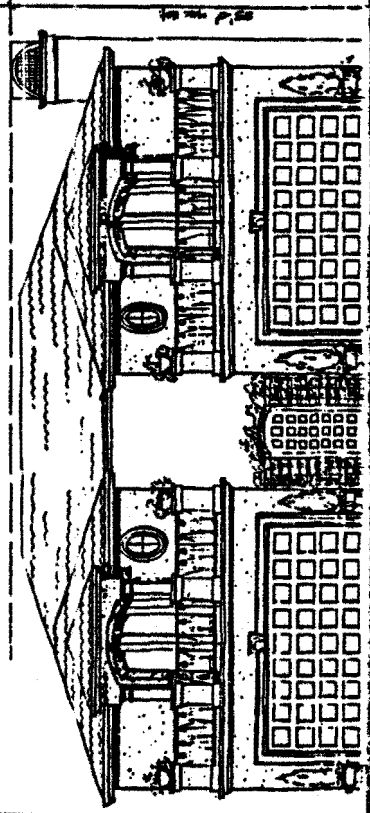
court

Looking South N.E.P.

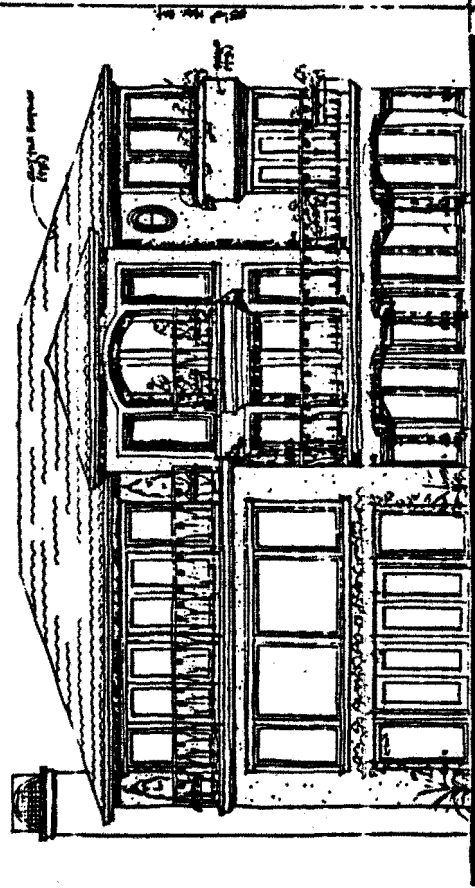


court elevation

Looking West N.E.P.
(Looking East Street)



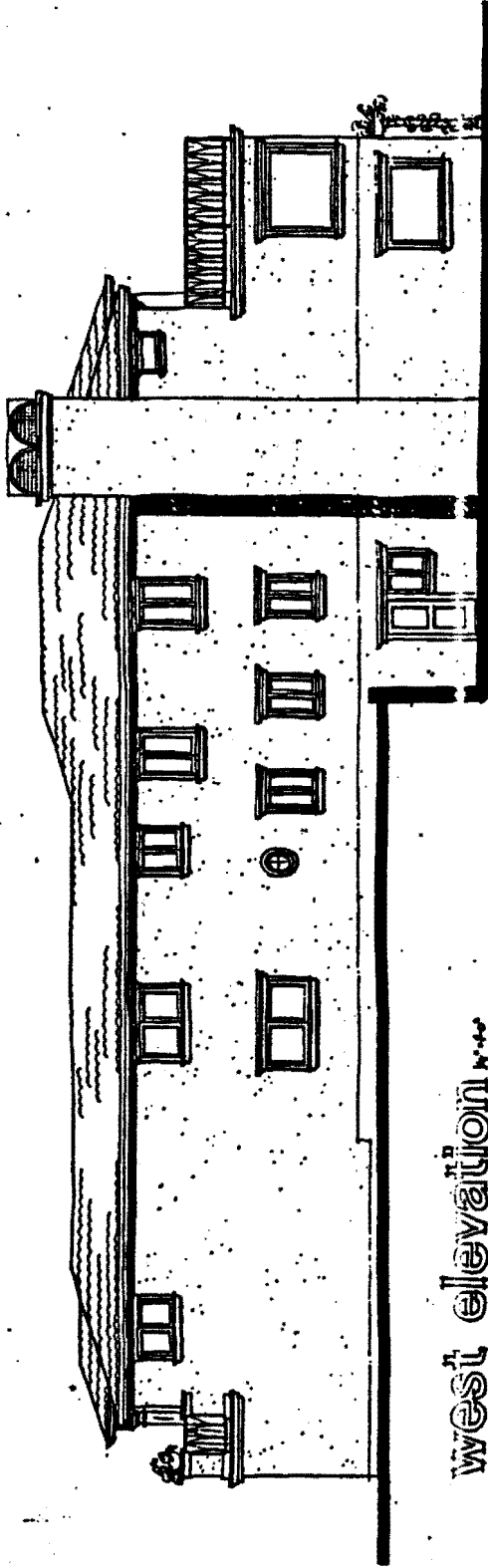
north elevation



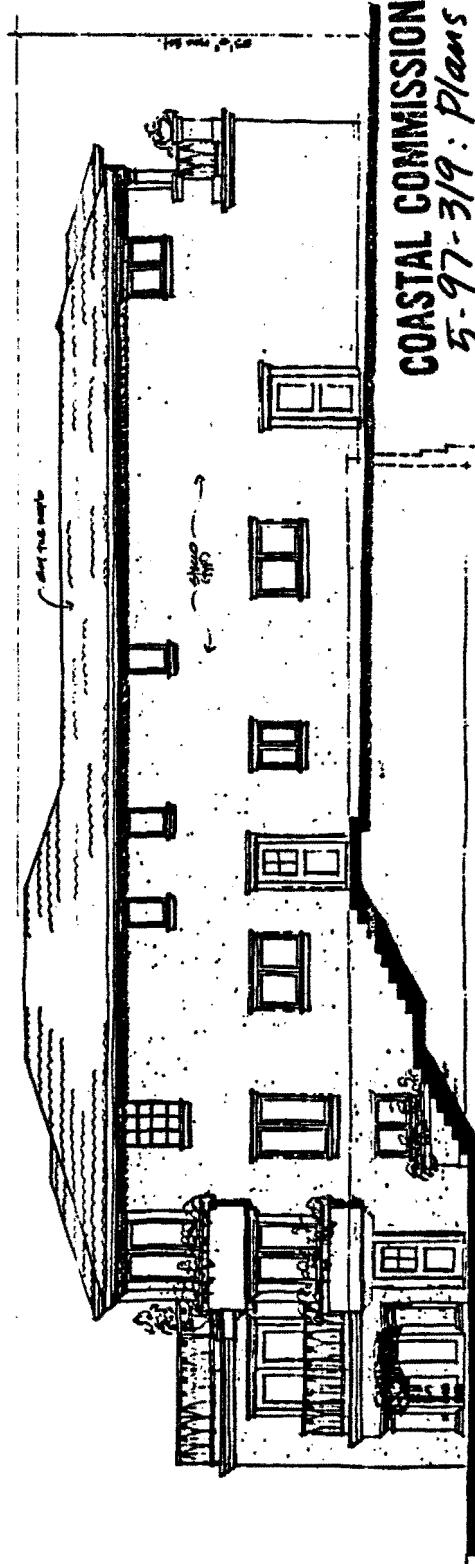
south elevation

N.E.P.

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west elevation



east elevation

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EXHIBIT # *B*
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Brent A. Sears
ARCHITECT

