

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

TU 21a

Filed: March 13, 1998
49th Day: May 1, 1998
180th Day: September 9, 1998
Staff: John T. Auyong
Staff Report: July 23, 1998
Hearing Date: August 11-14, 1998
Commission Action:

STAFF REPORT: MATERIAL EXTENSION

RECORD PACKET COPY

APPLICATION NO.: 5-92-025-E2

APPLICANT: Walter F. Miller

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

PROJECT DESCRIPTION: Request to extend coastal development permit 5-92-025 for a period of one year. The approved permit is for the 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) residential units, storage, and four (4) parking spaces. Also proposed is the placement by Pacific Bell of telecommunication transmission equipment within 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: Coastal development permit 5-92-025.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the extension be granted for the following reasons:

There are no changed circumstances, since the time of approval of the permit by the Commission, which would cause the project as conditioned to be inconsistent with the Chapter Three policies of the Coastal Act.

PROCEDURAL NOTES:

1. Report of Extension Requests to the Commission. Section 13169(a)(1) of Title 14 of the California Code of Regulations ("regulations") provides that permit extension requests shall be reported to the Commission if

objection is made to the Executive Director's determination that there are no changed circumstances that may affect the permit's consistency with the Coastal Act. Pursuant to Section 13169(a)(1) of the California Code of Regulations, the Executive Director published notice of the determination that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. Section 13169(a)(1) of the California Code of Regulations sets forth an objection period of ten (10) working days after notice of the Executive Director's determination is published. Within this period, a letter of objection was received. (see Exhibit B) Therefore, the permit extension request is being reported to the Commission pursuant to Section 13169(a)(2) of the regulations.

2. Commission Action on Permit Extension Requests. Pursuant to Section 13169(a)(2) of the regulations, if three (3) commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not made, the permit will be extended for an additional one-year period.

I. STAFF RECOMMENDATION.

Staff recommends that the Commission approve an extension of coastal development permit 5-92-025 for one year from the most recent date of permit expiration by concurring with the Executive Director's determination that there are no changed circumstances (since the time of approval of the permit by the Commission) which would cause the approved project to be inconsistent with the Chapter Three policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS.

A. Project Description.

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) residential units, storage, and four (4) parking spaces. Also proposed is the placement by Pacific Bell of telecommunication transmission equipment within the eaves of the proposed three-story building.

B. Analysis of Objections to the Permit Extension Request.

1. Standard of Review.

Section 13169(a)(2) of Title 14 of the California Code of Regulations provides that in order for a permit extension request not to be granted, three Commissioners must object to the extension on the grounds that the approved project is not consistent with the Coastal Act. The letter of objection should therefore demonstrate that there have been changed circumstances (since the time of approval of the project by the Commission) which would now cause the development as conditioned to be inconsistent with the Coastal Act.

2. Objection to Height of the Project.

The letter of objection states an objection to the 35 foot height of the approved building on the rear portion of the lot. The letter also implies that the proposed height may not be consistent with the City of Seal Beach's height limits, or that it may have received a variance to exceed the City's stated height limit.

The City has indicated that for lots which are 37'6" wide or wider, a three-story, 35 foot high building may be built on the rear portion of the lot. The subject site is 62'6" wide and thus meets the minimum 37'6" width requirement for allowing buildings with a maximum of three stories and up to 35 feet high on the rear portion of a lot. The building proposed is only on the rear portion of the lot, and does not exceed the three-story or 35 foot height limitations. Thus, the proposed project is consistent with the City's height requirements.

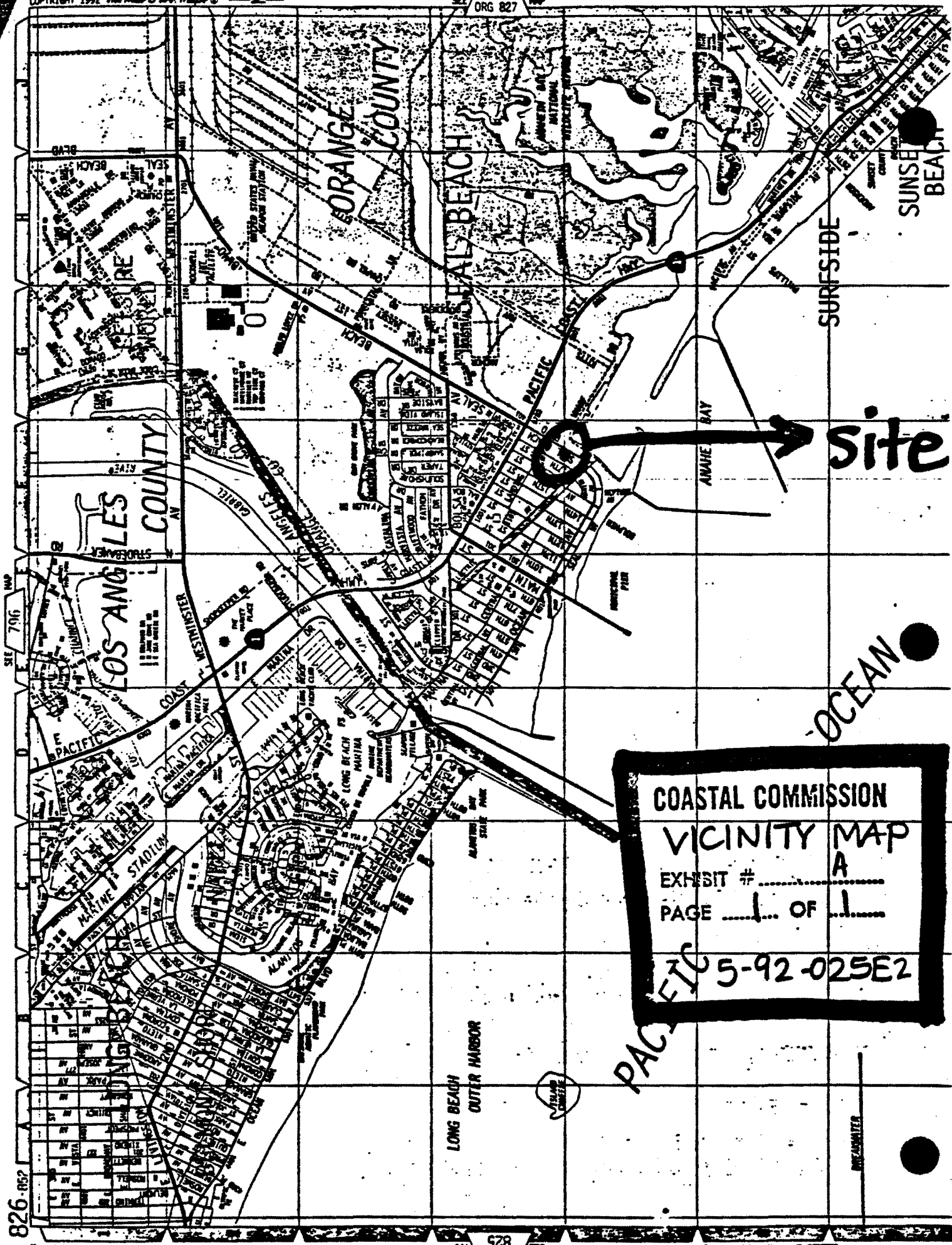
Further, this objection does not demonstrate changed circumstances which would cause the height of the building to be inconsistent with the Coastal Act. Section 30251 of the Coastal Act in part requires permitted development to be sited and designed in a manner that protects public views to and along the shoreline. The approved development would not block public views to and along the shoreline since it is located several blocks inland of the shoreline.

In addition, the 35 foot high structure is on the rear portion (alley-side) of the subject site. The structure on the street-fronting portion of the lot is only 14 feet high. The height of the structure has not changed since the Commission's approval of the proposed project. The issue of height and public view blockage has been previously addressed by the Commission. Thus, the Commission finds that there are no changed circumstances which would cause the proposed project as conditioned to be inconsistent with Section 30251 of the Coastal Act.

3. Conclusion.

The Commission therefore concurs with the Executive Director's determination that there are no changed circumstances (since the time of approval of coastal development permit 5-92-025) which would cause the approved development as conditioned to be inconsistent with the Coastal Act. The Commission finds that the objection raised is not Coastal Act related and it has been previously addressed by the Commission. Therefore, the Commission finds that the permit shall be extended for a period of time not to exceed one year from the most recent expiration date.

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site

OCEAN

COASTAL COMMISSION
VICINITY MAP
EXHIBIT # A
PAGE 1 OF 1
ETC 5-92-025E2

826-852

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
PO Box 1450
200 Oceangate, 10th Floor
LONG BEACH, CA 90802-4416
(562) 590-5071



June 5, 1998

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Walter F. Miller**
has applied for a one year extension of Permit No **5-92-025-E2**
granted by the California Coastal Commission on:

for Construction of a 1365 sq.ft., 14 foot high, one story retail building on front portion of the lot (fronting Seal Beach Boulevard), and a 5706 sq. ft., 35 foot high, 3 story structure on the rear portion of the lot, containing two (2) residential units, storage, and four (4) parking spaces. Also proposed is the placement by Pacific Bell of telecommunication transmission equipment within the eaves of the proposed three story building.

at 227/229 Seal Beach Blvd., Seal Beach

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

5-92-025-E2**COASTAL COMMISSION****2nd Immaterial Extension**EXHIBIT # BPAGE 1 OF 2

Sincerely,
PETER M. DOUGLAS
Executive Director


By: STEVE RYNAS
Orange County Area Supervisor

June 8, 1998

To California Coastal Commission,
Peter Douglas,
Steve Ryngaert,

In regards to the extension
request by Walter F. Miller, Permit
No. 5-92-025-E2.

I again object to the con-
struction's height of 35 feet, three
story structure. Surely there is
a restriction in Seal Beach to
this height.

Anna Miller
3125 Carfax Ave.
Long Beach, Calif.
90808

RECEIVED

JUN 12 1998

CALIFORNIA
COASTAL COMMISSION

5-92-025-E2
COASTAL COMMISSION
Objection Letter to 2nd
Immaterial Extension
EXHIBIT # 3
PAGE 2 OF 2

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4418

(310) 590-5071

Page 1 of 3

Date: March 28, 1996

Permit No. 5-92-025



COASTAL DEVELOPMENT PERMIT

On March 14, 1996, the California Coastal Commission granted to

Walt Miller

this permit subject to the attached Standard and Special conditions, for development consisting of

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) residential units, storage, and four (4) parking spaces. Also proposed is the placement by Pacific Bell of telecommunication transmission equipment within the eaves of the proposed three story building.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at
227/229 Seal Beach Boulevard, City of Seal Beach.

Issued on behalf of the California Coastal Commission by

5-92-025-E2
COASTAL COMMISSION

1996 Approval of
Development

EXHIBIT # C

PAGE 1 OF 3

RECEIVED

MAR 28 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

PETER DOUGLAS
Executive Director

John T. Auyong

By: John T. Auyong
Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

3/28/96

Signature of Permittee

Walt Miller

COASTAL DEVELOPMENT PERMIT

Page 2 of 3
Permit No. 5-92-025

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 on which the Commission voted on the application. 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.

5-92-025-E2
COASTAL COMMISSION
1996 Permit Approval

EXHIBIT # C
PAGE 2 OF 3

COASTAL DEVELOPMENT PERMIT

Page 3 of 3
Permit No. 5-92-025

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 feet 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.)

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5-92-025-E2
COASTAL COMMISSION
1996 permit Approval

EXHIBIT # C
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