

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, Suite 1000
Seal Beach, CA 90802-4302
(562) 590-5071

TV17C

Staff: KFS-LB
Staff Report: April 22, 1999
Hearing Date: May 11-14, 1999
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**AMENDMENT****APPLICATION NUMBER:** 5-97-319-A1**APPLICANT:** Dwight and Arlene Steffensen**PROJECT LOCATION:** 308 Ocean Avenue, City of Seal Beach, County of Orange

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: 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 onto the former lot at 310 Ocean Avenue. The resultant structure would be 3 stories on the beach side and 2 stories on the street side; 231 cubic yards grading (100 cubic yards of cut and 131 cubic yards of fill); construction in the rear yard of a swimming pool, spa, planters, fences, and patio; construction of a side yard wall at the easterly property line

DESCRIPTION OF AMENDMENT: Construction of a one-story, 116 square foot, 11'6" high (to top of roof) potting shed/accessory structure in the rear yard, raise the block walls on the east, west and south, so that they will be six feet high above adjacent grade, and build a new block wall on the east side to be six feet high above adjacent grade.

LOCAL APPROVALS RECEIVED: Conceptual approval by the City of Seal Beach dated August 4, 1998.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits 5-97-319 (Steffensen); 5-83-800 (Specialty Restaurant Corp.); 5-97-233-A1 (Johnson)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed coastal development permit amendment with special conditions. The major issues of this staff report include public access and visual resources. Special condition one establishes that all prior conditions imposed by coastal development permit 5-97-319 remain in effect.

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF NOTE:

Pursuant to Title 14, section 13166(a)(2) of the California Code of Regulations, the Executive Director determined that the proposed development constituted an immaterial amendment. On October 6, 1998, a Notice of Proposed Permit Amendment was issued (Exhibit 4). A written objection to the Executive Director's determination of immateriality was received within ten working days (Exhibit 3). Therefore, since a written objection was received, pursuant to section 13166(a)(3) of the Commission's regulations, the Executive Director is referring this application to the Commission.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** the amendment to coastal development permit 5-97-319, 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 effects 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. Prior Conditions

Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit 5-97-319 remain in effect.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

- A. Project Location, Background, and Amended Project Description

The proposed development will occur at 308 and 310 Ocean Avenue, in the City of Seal Beach, County of Orange. The project site is located between the first public road and the sea (Exhibit 1).

1. Previously Approved Project

Coastal development permit 5-97-319 approved the following development at the project site: 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 within the footprint of the home to be demolished 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 3 stories (35 feet high) on the beach side and 2 stories (25 feet high) on the street side. 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 (Exhibit 6).

2. Proposed Amendment Description

The subject amendment would add the following development to the previously approved development: Construction of a one-story, 116 square foot, 11'6" high (to top of roof) potting shed/accessory structure in the rear yard, raise the block walls on the east, west and south, so that they will be six feet high above adjacent grade, and build a new block wall on the east side to be six feet high above adjacent grade (Exhibit 2).

The proposed development requires an amendment to coastal development permit 5-97-319. However, the proposed amendment does not result in any change to previously imposed special conditions. Therefore, special condition one establishes that the previously imposed special conditions remain in effect.

3. Commission Actions Prior to CDP 5-97-319

On December 14, 1983, the Commission granted a coastal development permit to Specialty Restaurant Corporation for a remodel and addition to an existing single family residence at

308 Ocean Avenue. The addition occurred on the first and second floor of the residence and resulted in a 715 square foot increase of living space. The proposed project also included a perimeter fence, patio, spa, and landscaping.

4. Objection Received

An objection to the Executive Director's determination of immateriality was received within the 10 working day objection period (Exhibit 3). The person objecting to the proposed project resides at 336 Ocean Avenue, which is adjacent to the project site. The objections raised are not Coastal Act issues.

The objector states that the existing home and proposed project does not comply with the Covenants, Codes, and Restrictions (CC&R's) of the area. However, the CC&R's are not the standard of review. The project conforms with City requirements and the City has issued conceptual approval for the project. In addition, the project is consistent with past Commission action in the area.

The objector also claims, in additional correspondence (Exhibit 3, page 2), that the proposed potting shed was omitted from the City's approval-in-concept. However, the Commissions files clearly show that the proposed potting shed has been approved in concept by the City of Seal Beach (Exhibit 5).

The objector also states that the proposed project will extend 5.5 feet above the proposed 6 foot high wall and that these structures will block their private view. The protection of private views is not a Coastal Act issue. The protection of public views is, however, a Coastal Act issue. Nevertheless, as outlined in Section IV.C. of this staff report, the proposed project will not obstruct any public views to and along the coast. In summary, the Commission finds that the issues raised by the objector are non-Coastal Act issues.

B. 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. The proposed development would not result in intensification of use of the site. While there is a public walkway between those residences and the sandy beach on Seal Way south of the municipal pier, there is no public walkway between residences and the sandy beach on those sites, including the subject site, north of the municipal pier. Vertical public access to the beach in front of the subject site is available approximately 90 feet north of the subject site at the end of Third Street and approximately 160 feet south of the subject site at the end of Fourth Street. These vertical accessways lead to a public beach providing unobstructed lateral access. The proposed project will not affect access to any vertical walkway, nor obstruct existing lateral access.

The proposed project would not result in direct adverse impacts, neither individually nor cumulatively, on vertical or lateral public access. Public access and public recreation opportunities exist nearby at the public beach located between the subject site and the water. Therefore, the Commission finds that the proposed development would not result in significant adverse impacts on public access nor public recreation. Thus, the Commission

finds that the proposed development would be consistent with Section 30212 of the Coastal Act.

D. Height and Views

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 Commission typically has limited accessory building height in the subject area of the City of Seal Beach to 15 feet, consistent with City requirements. This is to minimize the visual effect of a large wall of buildings along the beach which results when structures are constructed to maximize use of the City established building envelope. The proposed structure would be 11.5 feet high which is less than and consistent with City height requirements and with other appurtenant structures in the area.

The proposed property line perimeter walls will increase in height from the previously proposed 4 foot height to 6 feet. The proposed increase in wall height is necessary to comply with City requirements regarding swimming pool safety. Other homes in the area also have high, solid walls for this reason. The wall on the seaward property line would be stringlined with other adjacent walls which are all at the seaward property line. Therefore, the proposed development would be in character and visually compatible with surrounding development. In addition, the proposed development occurs in an area with wide sandy beaches. Since the proposed development will not encroach seaward past existing development in the area, no existing public views along the shoreline would be blocked. Since the proposed development will not block public views to and along the coast and is visually compatible with the surrounding character of the area, the Commission finds the proposed development is consistent with section 30251 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 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.

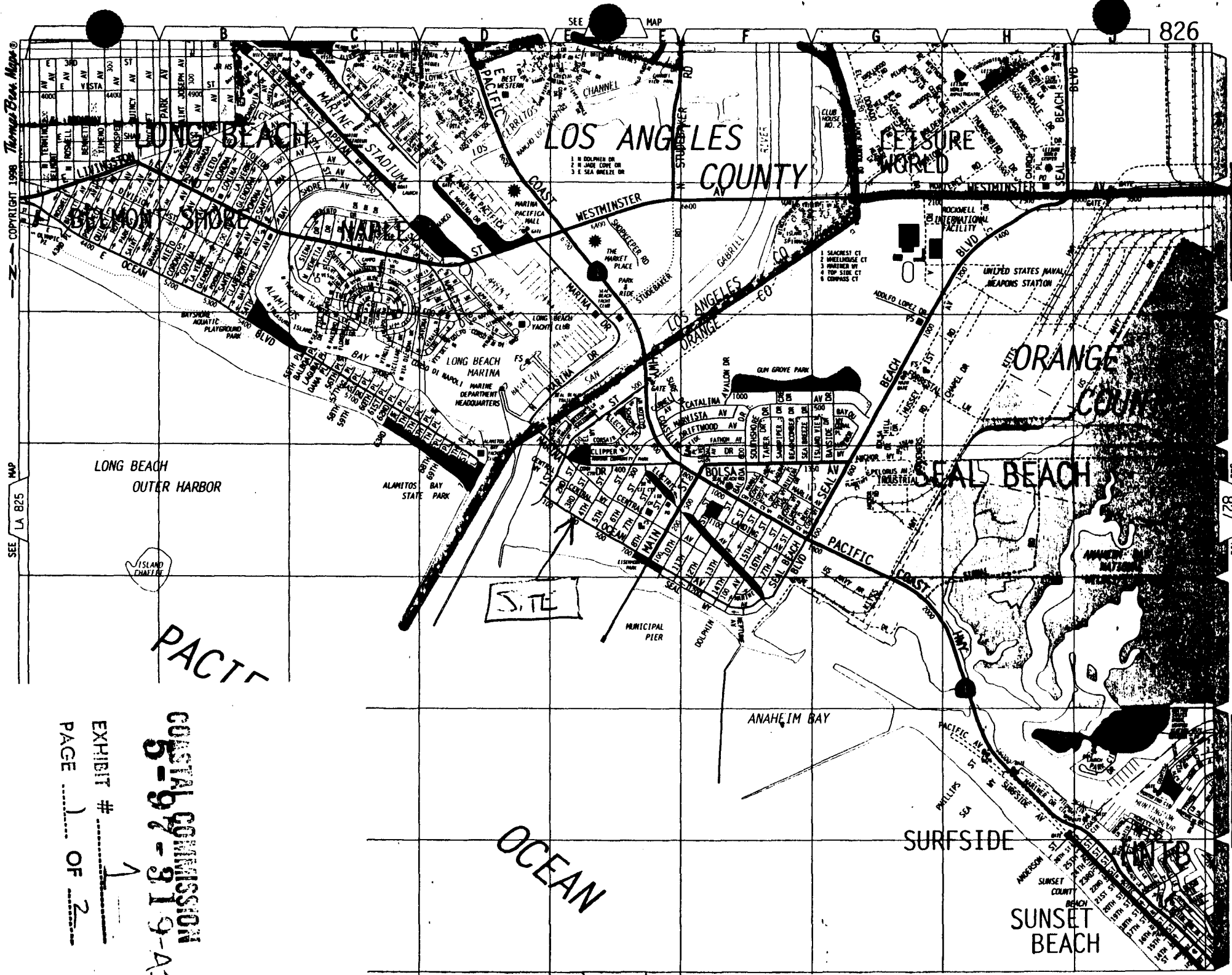
The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development as conditioned would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter Three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

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

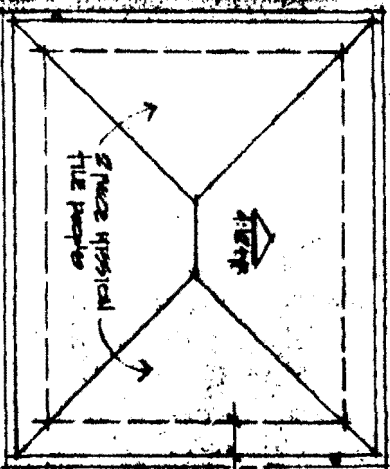
The proposed project is located in an urban area. All infrastructure necessary to serve the site exist in the area. No mitigation measures are required for the proposed amendment.

As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.



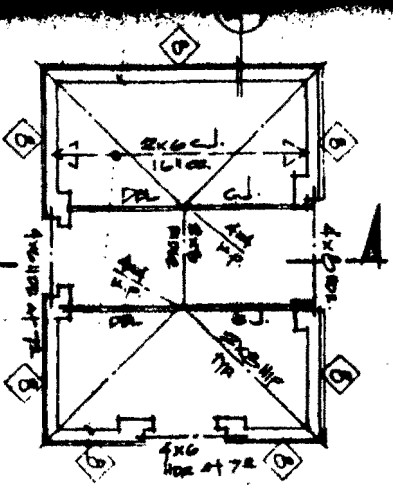
COASTAL COMMISSION
5-6-8-319-A

EXHIBIT # 1
PAGE 1 OF 2



ROOF PLAN

REFER TO DET A-6 FOR MORE INFO.



ROOF FRAMING

REFER TO DET A-6 FOR MORE INFO.



FLOOR PLAN NOTES

1. 20" H CERAMIC TILE COASTER TOP AND 6" SPLASH WITH OPEN SHELF BELOW
2. CL ENAMELED POTTERD SINK COLLECTED BY DRAIN.
3. 12" DEEP UTTER C/COINETS WITH 100L SHELVES, GRANT GRASS
4. 30" DEEP W/LL HEIGHT OPEN SHELVES, GRANT GRASS

SECTION NOTES

1. 1/2" CD-X PL/THOOD ROOF SHED OVER DWS RAFT AT 48" O.C. TR.
2. 2 NO CEILING JOIST @ 16" O.C.
3. 2 X 4 STUDS @ 16" O.C. WALL.
4. 300" TYP 7" GWT. BR. CLS. AND WALLS TYP.
5. 8" WIDE CONC. CORD (4" 8" VERT)
6. 4" CONC. SLAB. REFER TO FOUND. NOTES
7. 4 X HEADER REFER TO FRAMING PLAN

ELEVATION NOTES

1. 2 PIECE MASON TILE ROOF
2. COPPER EXTERIOR MOUNT RAIN GUTTER
3. COPPER DOWNSPOUT.
4. EXTERIOR CEMENT PLASTER (STUCCO) OVER 2 LAYERS OF FELT. 1/4" 7/8" THICK 3 COAT PLASTER TO MATCH HOUSE.
5. 6" THICK CONC. BLOCK WALL WITH STUCCO EACH SIDE.
6. CERAMIC TILE AT OUTDOOR SHOWER AS SHOWN (TILE SELECTED BY OWNER)
7. CWT CONC. WALL CAP.

EXHIBIT #

2

OF 4

POSTAL COMMISSION

POTTING SHED

DWIGHT & ARLENE STEPHENSON

500 CEDAR, SEAL BEACH

Brent A. Sears
ARCHITECT

803 Argonne Ave. # 210, Long Beach, CA. 90806 Telephone (714) 485-8888



REPORT TO THE
FEDERAL BUREAU OF INVESTIGATION



REFER TO SH# S-1
FOR MORE INFO



EXHIBIT # 2
PAGE 2 OF 4

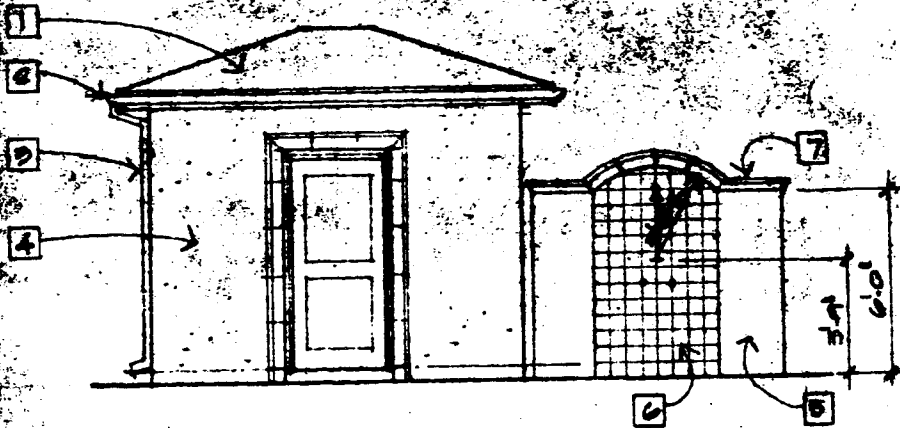
FLOOR PLAN

SCALE: 1/4" = 1'-0"

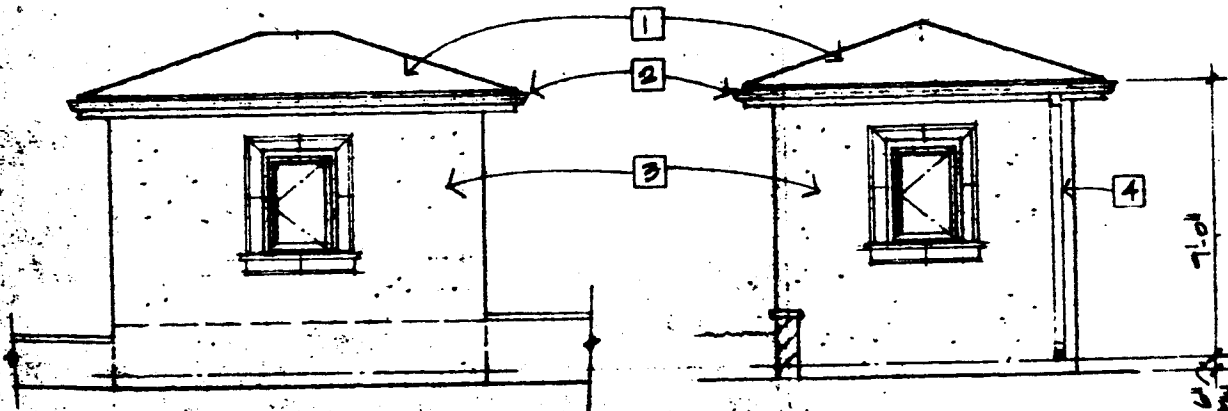


SECTION A

SCALE 1/4" = 1'-0"



WEST



EAST
ELEVATIONS

SCALE 1/4" = 1'-0"

NORTH

COASTAL COMMISSION

5-97-819

EXHIBIT #

2

PAGE

3

OF

A1

336 Ocean Avenue
Seal Beach, CA 90740

TO Peter Douglas, Executive
FROM Joyce Kucera
DATE October 19, 1998
SUBJECT Permit No: 5-97-319-A1

RECEIVED
OCT 20 1998

CALIFORNIA
COASTAL COMMISSION

The proposed change at 308 Ocean Avenue which you have detailed in your recent communique is unacceptable. Since having received it, I have tried (without success) to speak with the Stefensens --- which accounts for my delayed response. It is difficult for me to believe that they would propose such an offensive, view-obstructing edifice when, to date, they have been among the most considerate of neighbors.

I can see no valid justification for your commission to grant such a structure. It is clearly in violation of the CC&R's for these beach homes. (308 already has a pagoda which constitutes a privilege and the current house protrudes ten feet beyond the legal limit that the rest of "the Gold Coast" homes abide by --- clearly, that seems quite enough.) The structure that you seem so eager to approve would stand a full 5' 6" above the six foot wall that is proposed. That would constitute a serious impediment to our viewing the spectacular sunsets from our downstairs rooms or even from our back yard where I am frequently working in my garden at that time of day. And THAT, for me, would be a tragedy as "the view" is a major reason for paying the price to live here.

As I stated, I have tried to contact the Steffensens to discuss this matter directly, but, to date, have been unable to do so. I feel certain it is not their intent to offend nor take advantage of others --- at least, they have never impressed me as being so.

Your belief that this is "IMMATERIAL" is a total misconception. Furthermore, you will have to come, in person, and point out to me how this would be "visually compatible with surrounding development" as stated in your communique.

I will hand deliver this to meet your deadline of October 20th. Meanwhile, I will continue to try to speak with the Steffensens, in person and I will consult with the Seal Beach Building Department to check on my understanding of the CC&R's for the "Gold Coast."

Respectfully submitted,


Joyce Kucera

COASTAL COMMISSION

5-97-319-A

EXHIBIT # 3

PAGE 1 OF 2

cc: John Auyong; Lee Whittenberg, Seal Beach Building Department; Jim Dunn, Gold Coast Architectural Review Board

Subject: Steffensen potting shed; 5-97-319-A1

Date: Fri, 16 Oct 1998 14:27:48 -0700

From: John Auyong <jauyong@coastal.ca.gov>

To: "kucera@earthlink.net" <kucera@earthlink.net>

I'm sorry, but I didn't catch your first name which is why I'm sending you an e-mail. At any rate, it is my understanding that the City of Seal Beach permits accessory structures, such as greenhouses, potting sheds, storage sheds, etc., in backyards along this stretch of Ocean Avenue provided the structure is not larger than 150 square feet. The City gave this project conceptual approval.

Tuesday, October 20, 1998, is the last day for us to receive written objections to this project. E-mails and voicemail messages do not count as written objections. If a written objection is received by that date, then the project will have to be rescheduled for a public hearing.

RECEIVED
OCT 20 1998

CALIFORNIA
COASTAL COMMISSION

10-20-98

Re: 5-97-319-A1

Dear Mr. Auyong:

This morning I spoke with the Building Department and they showed me a copy of the plans that were submitted to you wherein Barry Curtis had clearly circled that proposed structure in bright red ink and marked "OMIT" and I spoke with Jim Dunn of the Gold Coast Architectural Review Board and showed him your initial letter and he said that such a structure was never approved by their board.

I am sorry to have to bring this to a public hearing issue and waste tax-payers' money when, even if YOU approve it, it is unlikely to be approved by the city or the rest of the neighbors..... unless, of course, it becomes an issue of "money talks" and that is downright nasty.

I trust the matter will be resolved amicably and satisfactorily for all.

Joyce Kucera
336 Ocean Ave.
Seal Beach, CA 90740

cc: L. Whittenberg, J. Dunn

COASTAL COMMISSION
5-97-319-A1
EXHIBIT # 3
PAGE 2 OF 2

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

PO Box 1450

200 Oceangate, 10th Floor

LONG BEACH, CA 90802-4418

(562) 580-5071

NOTICE OF PROPOSED PERMIT AMENDMENT

TO All Interested
 FROM Peter Douglas, Executive
 DATE October 6, 1998
 SUBJECT Permit No: 5-97-319-A1
 Granted to: Dwight & Arlene Steffensen

RECEIVED
 OCT 20 1998
 CALIFORNIA
 COASTAL COMMISSION

Original Description:

for 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 onto the former lot at
 310 Ocean Avenue - resultant structure would be 3 stories on the
 beach side and 2 stories on the street side; 231 cubic yards
 grading (100 cubic yards of cut and 131 cubic yards of fill);
 construction in the rear yard of a swimming pool, spa, planters,
 fences, and patio; construct a side yard wall at the easterly
 property line.

at 308 Ocean Ave., Seal Beach (Orange County)

The Executive Director of the Coastal Commission has reviewed a proposed amendment to

the above referenced permit, which would result in the following changes:

Construction of a one-story, 116 square foot, 11' 6" high (to top of roof) potting shed/accessory structure in the rear yard, raise the block walls on the east, west and south, so that they will be six feet high above adjacent grade, and build a new block wall on the east side to be six feet high above adjacent grade.

FINDING

Pursuant to Title 14, Section 13166(a)(2) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be notified accordingly if no

written objections are received within ten working days of the date of this notice. This amendment has been considered IMMATERIAL for the following reason(s):

The proposed accessory structure meets the City's limitation on the size of accessory structures. Other homes in the area have rear yard accessory structures. The proposed increase in wall heights is necessary to comply with City requirements regarding swimming pool safety. Other homes in the area also have high, solid walls for this reason. The wall on the seaward property line would be stringlined with other adjacent walls which are all at the seaward property line. Thus, the proposed development would be in character and visually compatible with surrounding development. The proposed development would not block public views to and along the coast. The adjacent public beach provides lateral public access and public recreation opportunities.

(TURN OVER) *from reverse side*

COASTAL COMMISSION

5-97 319-A

EXHIBIT # 4

PAGE 1 OF 1

If you have any questions about the proposal or wish to register an objection, please

5-97-319-A1

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX B

AUG 6 1998

LOCAL AGENCY REVIEW FORM

CALIFORNIA
COASTAL COMMISSION

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant Dwight + Arlene Steffensen
Project Description 150 SF. Accessory structure, raise block walls
prop line to be 6' from neighbors grade
Location 308 - 310 Ocean Ave. Seal Beach

Assessor's Parcel Number 199-113-003 + 199-113-004

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation RHD (residential high density) N/A du/ac
General or Community Plan Designation General Residential N/A du/ac

Local Discretionary Approvals

- ☒ Proposed development meets all zoning requirements and needs no local permits other than building permits.
☐ Proposed development needs local discretionary approvals noted below.

Needed Received

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Design/Architectural review
<input type="checkbox"/>	<input type="checkbox"/>	Variance for _____
<input type="checkbox"/>	<input type="checkbox"/>	Rezone from _____
<input type="checkbox"/>	<input type="checkbox"/>	Tentative Subdivision/Parcel Map No. _____
<input type="checkbox"/>	<input type="checkbox"/>	Grading/Land Development Permit No. _____
<input type="checkbox"/>	<input type="checkbox"/>	Planned Residential/Commercial Development Approval
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Site Plan Review
<input type="checkbox"/>	<input type="checkbox"/>	Condominium Conversion Permit
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Conditional, Special, or Major Use Permit No. <u>97-05 (previously approved)</u>
<input type="checkbox"/>	<input type="checkbox"/>	Other _____

CEQA Status

- ☒ Categorically Exempt Class 2 Item 5-97-319-A1
☐ Negative Declaration Granted (Date) _____ EXHIBIT # _____
☐ Environmental Impact Report Required, Final Report Certified (Date) _____ PAGE 1 of 1
☐ Other _____

Prepared for the City/County of Seal Beach by Kyle Kellner
Date Aug 4 '98 Title Associate Planner

CALIFORNIA COASTAL COMMISSION

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

COMMISSION ACTION ON *3-10-98*
☒ Approved as Recommended
☐ Denied as Recommended
☐ Approved with Changes
☐ Denied
☐ Other

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:

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.

COASTAL COMMISSION

5-97-319-A
 EXHIBIT # *6*
 PAGE *1* OF *15*

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.

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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.

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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.

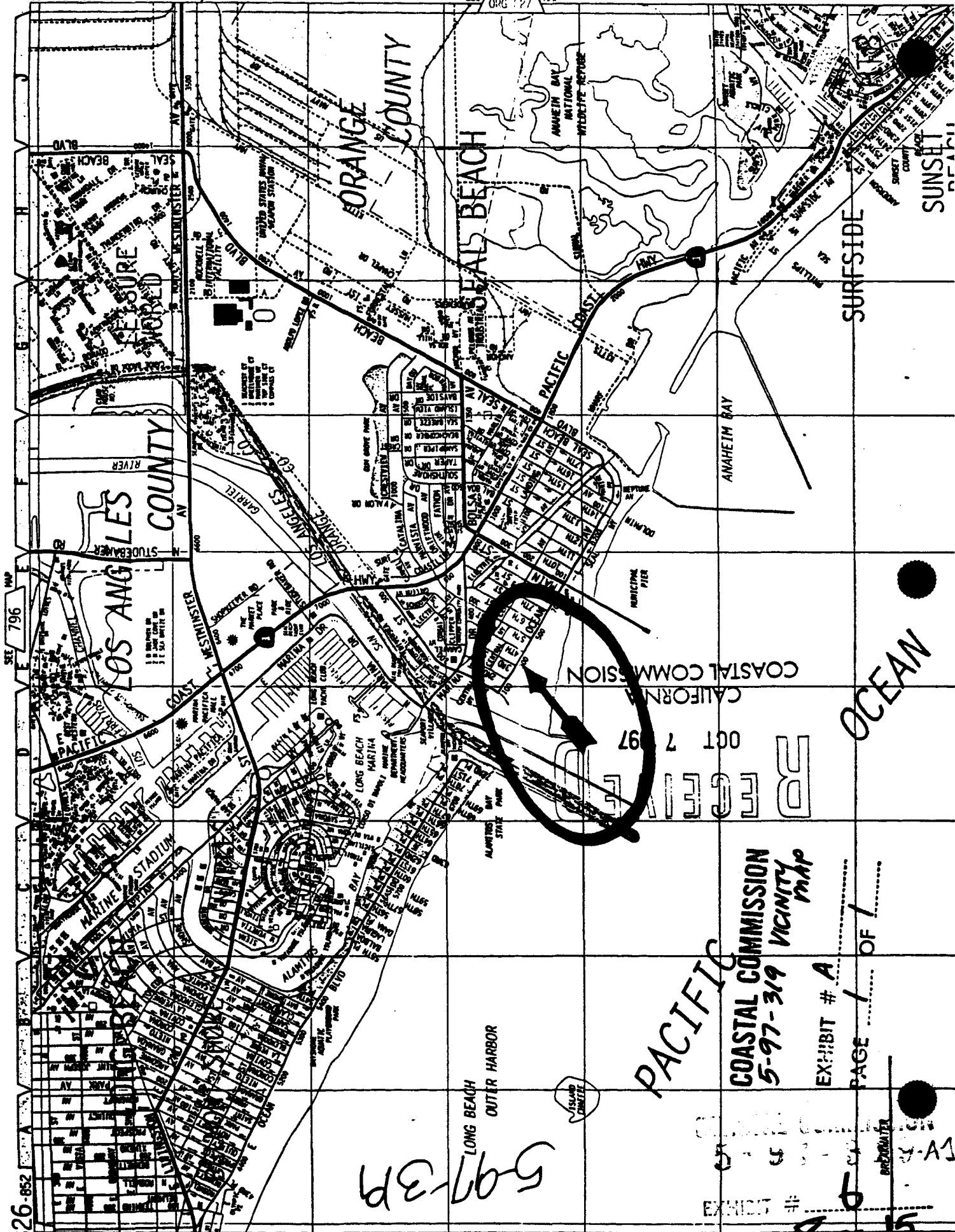
F. California Environmental Quality Act

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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LONG BEACH
OUTER HARBOR

PACIFIC

COASTAL COMMISSION
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map

EXHIBIT # A

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EXHIBIT # B

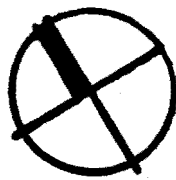
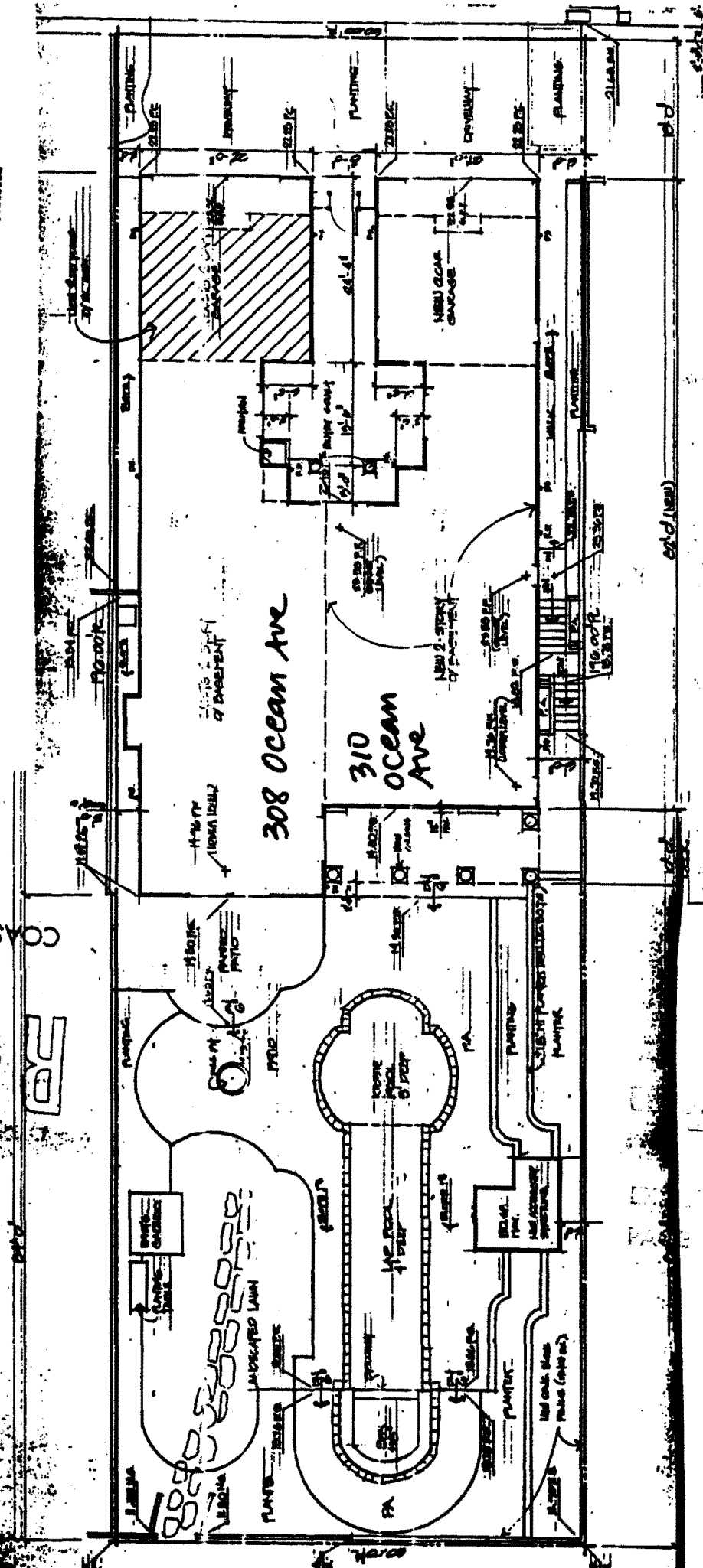
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COASTAL COMMISSION

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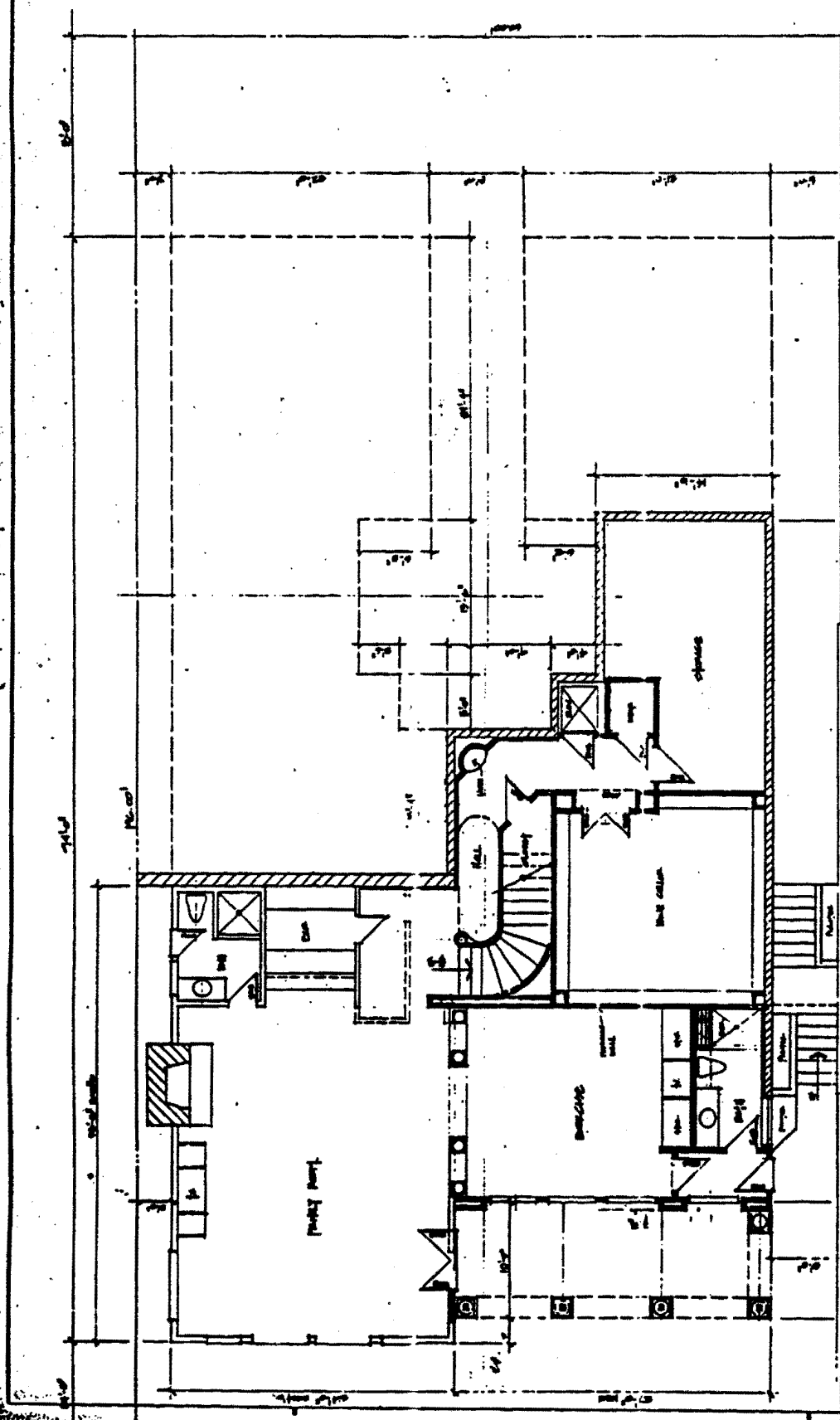
Beach →
→ Street



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Site Plan

JUL 28 1937

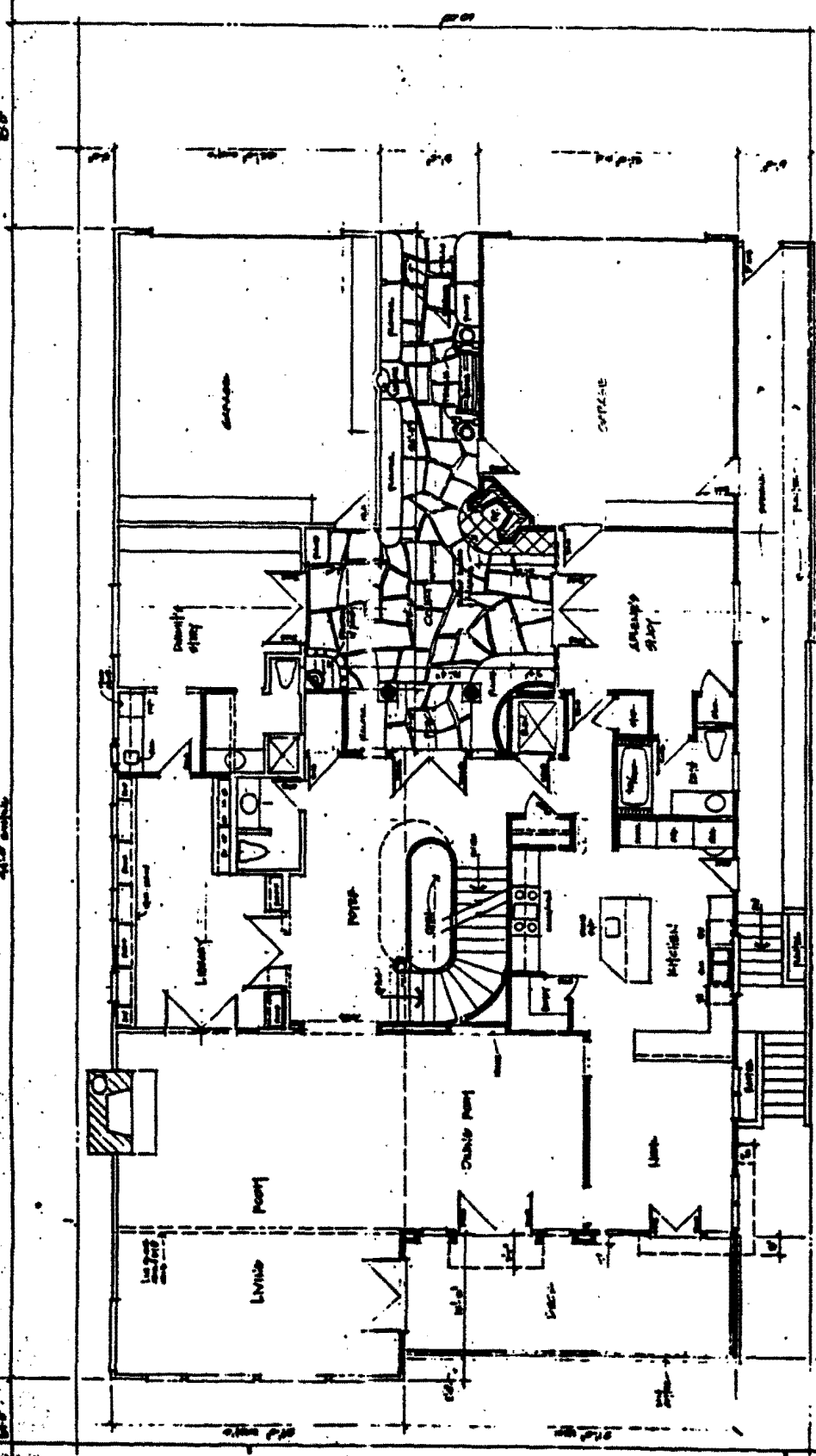


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basement plan

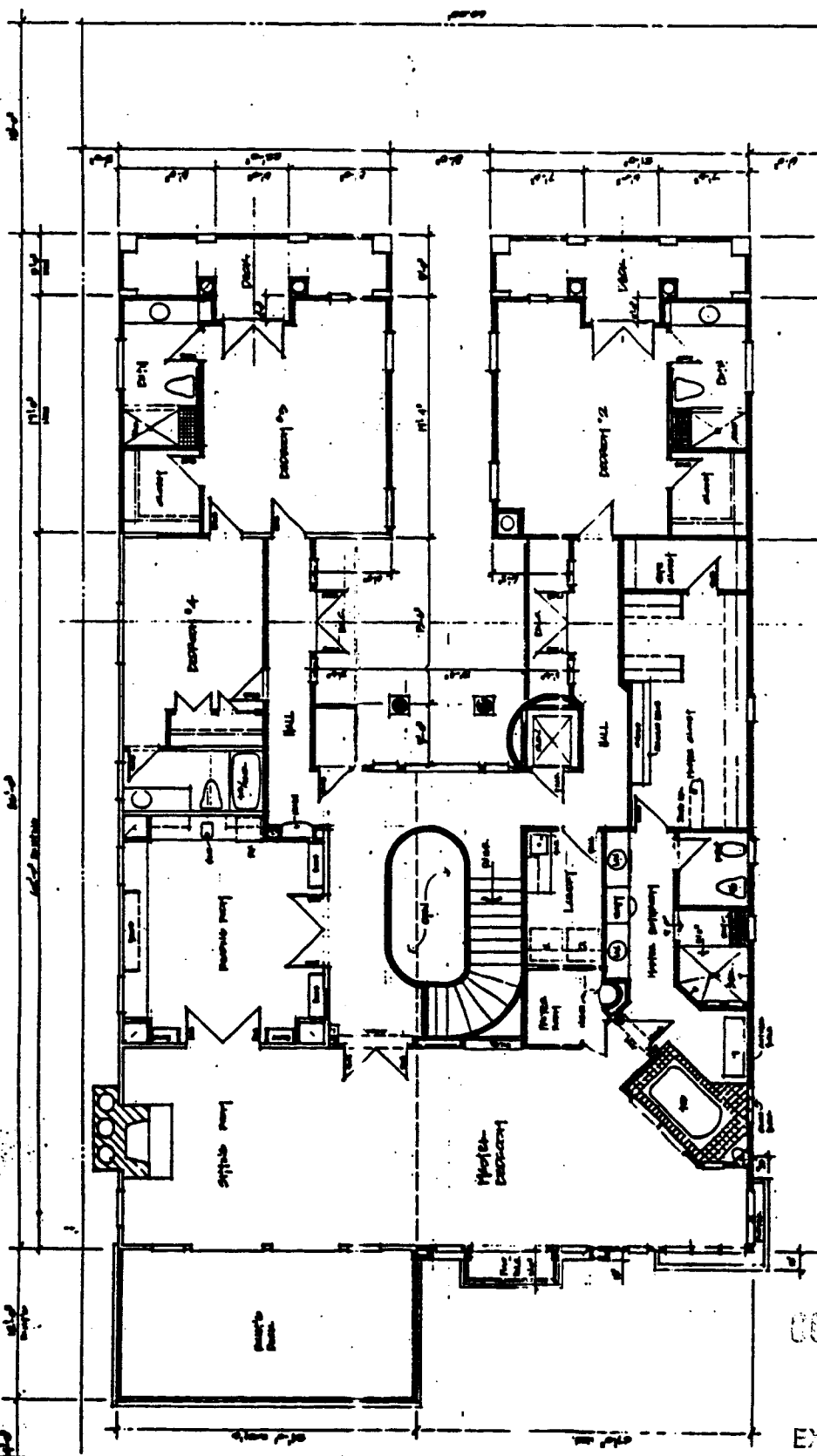
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first floor plan

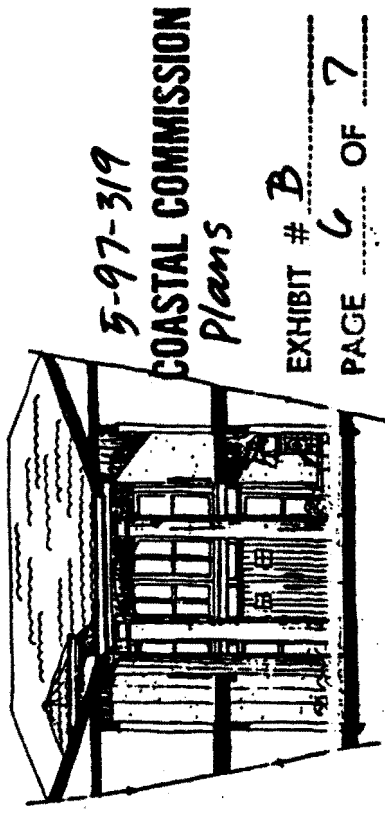


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second floor plan

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court elevation

looking west N.E. 1/4
(from street corner)

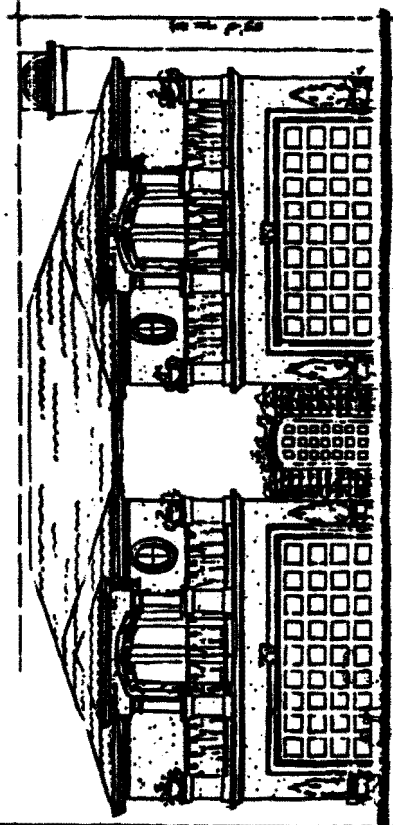
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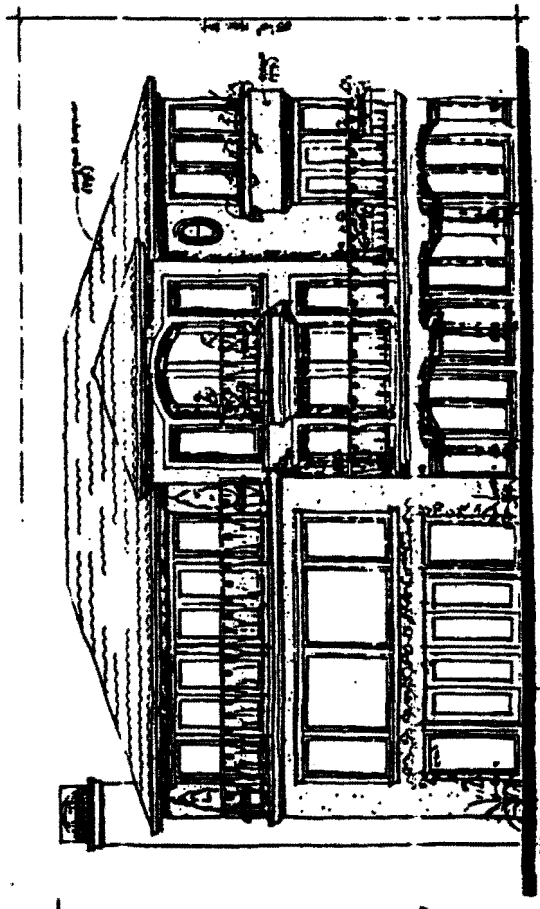
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court

looking north N.E. 1/4

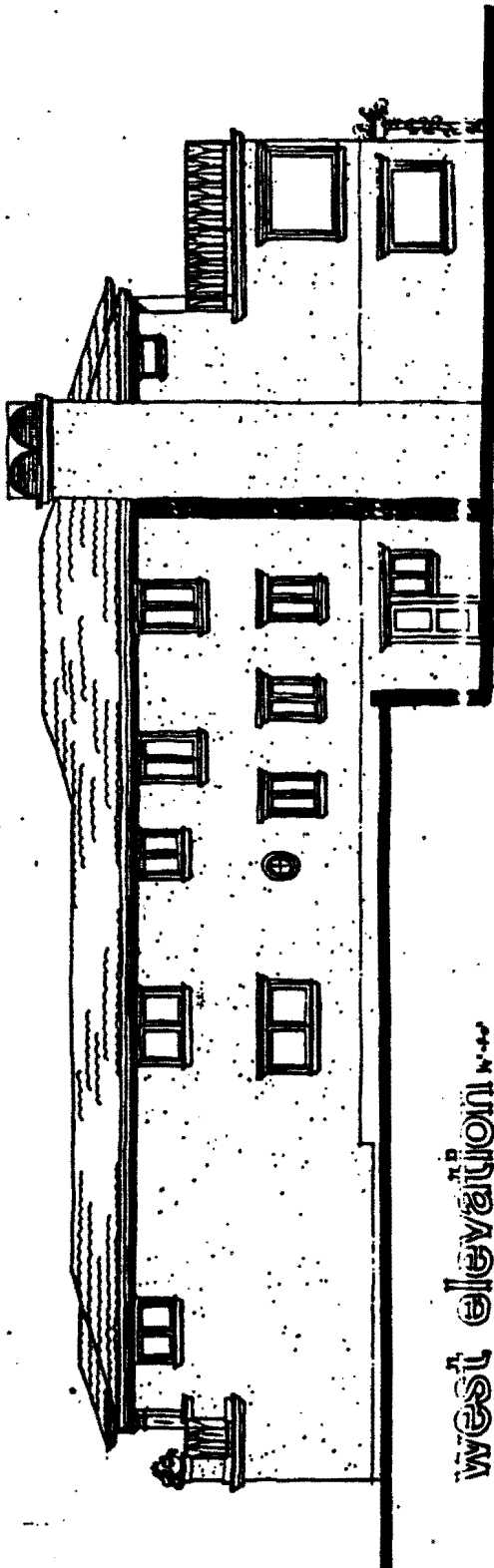


north elevation

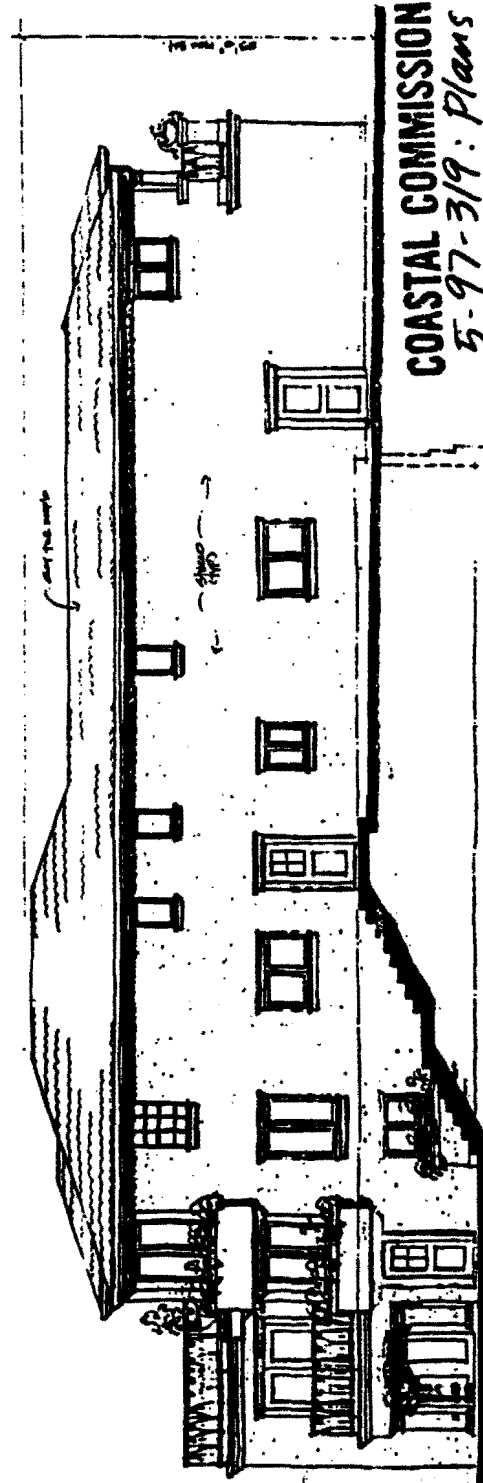


south elevation

JUL 28 1932



west elevation



east elevation

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