

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 590-5071



Filed: August 17, 1999
 49th Day: October 5, 1999
 180th Day: February 13, 2000
 Staff: KFS-LB
 Staff Report: August 26, 1999
 Hearing Date: September 14-17, 1999
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-99-238

APPLICANT: Bibi Van Zanten

AGENT: William Bruton

PROJECT LOCATION: B-96 Surfside, Seal Beach, Orange County

PROJECT DESCRIPTION: Increase the height of an existing 535 square foot two-story single-family residence from an existing 14 feet to 16.5 feet to allow the elevation of the ceiling of an existing single vehicle garage.

Lot Area:	875 square feet
Building Coverage (existing):	535 square feet
Pavement Coverage (existing):	150 square feet
Landscape Coverage (existing):	25 square feet
Parking Spaces (existing):	One (not usable)
Zoning:	R-1 (Single family residential)
Ht above final grade:	16 feet 6 inches

LOCAL APPROVALS RECEIVED: City of Seal Beach approval-in-concept

SUBSTANTIVE FILE DOCUMENTS: Administrative Coastal Development Permits: 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-209 (Noyes), 5-94-229 (Batniji), 5-96-122 (Saracino), and 5-97-037 (Branson); 5-95-060 (Rewers), 5-95-067 (Pifer), 5-97-095 (Hughes), 5-97-237 (Jacobs), and 5-98-027 (Woods), 5-99-066 (Gregurek)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with a future improvements special condition informing present and future owners of their obligation to obtain a coastal development permit for any future improvements in accordance with section 30106 of the Coastal Act. The major issue of this staff report concerns the proposed parking situation which does not meet the Commission's standard parking requirement of two spaces per residential unit as there is only one parking space.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse 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. Future Improvement/Parking

This coastal development permit 5-99-238 is only for the development, located at B-96 Surfside, in the City of Seal Beach, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including a change in the number of residential units or any other change in the intensity

of use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location and Description

The subject site is located at B-96 Surfside, in the private gated community of Surfside within the City of Seal Beach (Exhibits 1 and 2). The subject site is located between the first public road and the sea, but is not an oceanfront lot.

The proposed project is to remodel an existing 535 square foot two-story single-family residence with an existing 150 square foot single vehicle garage which is not presently usable due to an existing low ceiling (Exhibit 3). In order to allow the use of the existing garage, the elevation of the roof of the loft above the garage will be increased from an existing 14 feet to 16.5 feet above natural grade (a 17% increase in elevation). Elevation of the roof of the loft will in turn allow elevation of the existing floor of the loft, which forms the ceiling of the garage. Upon completion the applicant will be able to park a vehicle in the existing garage. The proposed development will increase on-site parking by allowing use of the existing parking space which is presently not usable according to the applicant. There is no proposed change to the total square footage of the structure or the number of dwelling units. Accordingly, there is no proposed change in the intensity of use of the site.

B. Public Access/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 or providing substitute means of serving the development with public transportation.

When development does not provide adequate on-site parking, users of that development are forced to occupy public parking used by visitors to the coastal zone. Thus, all new development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces is adequate to satisfy the parking demand generated by one individual residential unit. The existing single family residence should thus provide two parking spaces consistent with the standard of two parking spaces per residential dwelling unit. One parking space currently exists on-site, which according to the applicant is not usable. The proposed project will increase the height of the existing roof to allow elevation of the ceiling of the existing garage such that the space will be usable to park a vehicle. Due to the small size of the lot and existing narrow setbacks, an additional parking space cannot be feasibly accommodated on the vehicle accessible portion of the site without substantial or complete demolition of the existing structure. However, no substantial demolition is proposed and the proposed addition is minor in scope. Accordingly, the proposed development would be deficient by one parking space. However, overall there will be a net improvement to parking conditions at the site and no change in the intensity of use of the site.

3ae)

Since the development is minor in scope, does not involve substantial demolition, and would not result in additional residential units nor the attendant increase in parking demand, the Commission finds that the applicant should not be required to provide the deficient one parking space at this time. Nevertheless, future development could result in an increase in the number of residential dwelling units. This would result in an increase in parking demand and adverse impacts on public access.

Therefore, the Commission finds 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 development at the subject site, including a change in the intensity of use of the site which may result in increased parking demand. This type of special condition has been previously imposed by the Commission or the Executive Director for similar residential projects which did not result in a change in intensity of use but did have inadequate parking based on the Commission's commonly used standards. These include administrative permits 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-209 (Noyes), 5-94-229 (Batniji), 5-96-122 (Saracino), and 5-97-037 (Branson); and coastal development permits 5-95-060 (Rewers), 5-95-067 (Pifer), 5-97-095 (Hughes), 5-97-237 (Jacobs), 5-98-027 (Woods), and 5-99-066 (Gregurek). Thus, as conditioned, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act.

C. Land Use Plan

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.

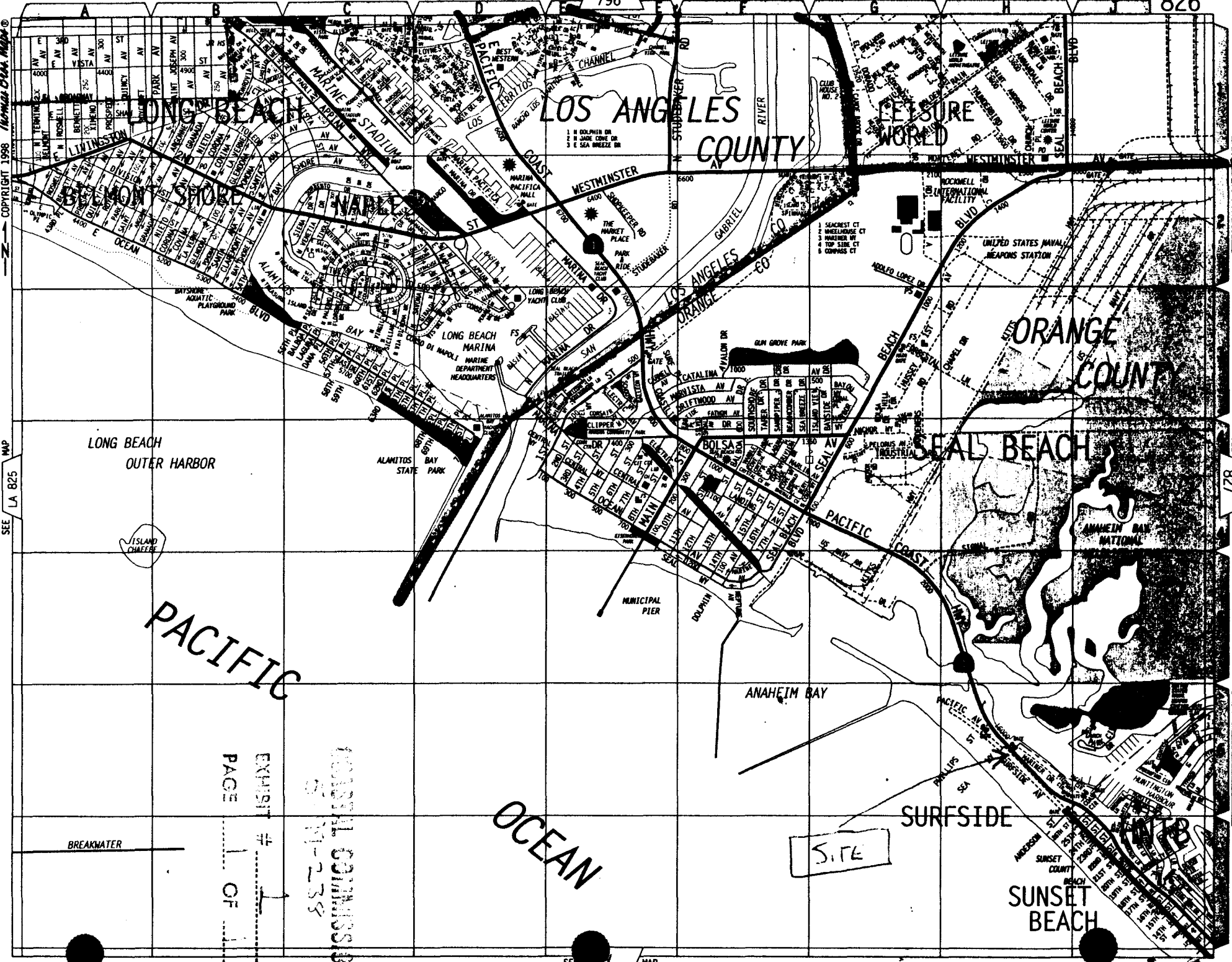
The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter Three policies of the Coastal Act.

D. California Environmental Quality Act

Section 13096 of the Commission's 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. The proposed project has been found consistent with the public access policies of Chapter Three of the Coastal Act.

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



SEE LA 825 MAP

SEE 827 MAP

LONG BEACH OUTER HARBOR

ISLAND CHIFFRE

PACIFIC

OCEAN

EXISTING # PAGE 1 OF 1

CITY COMMISSION 826-238

SITE

SURFSIDE

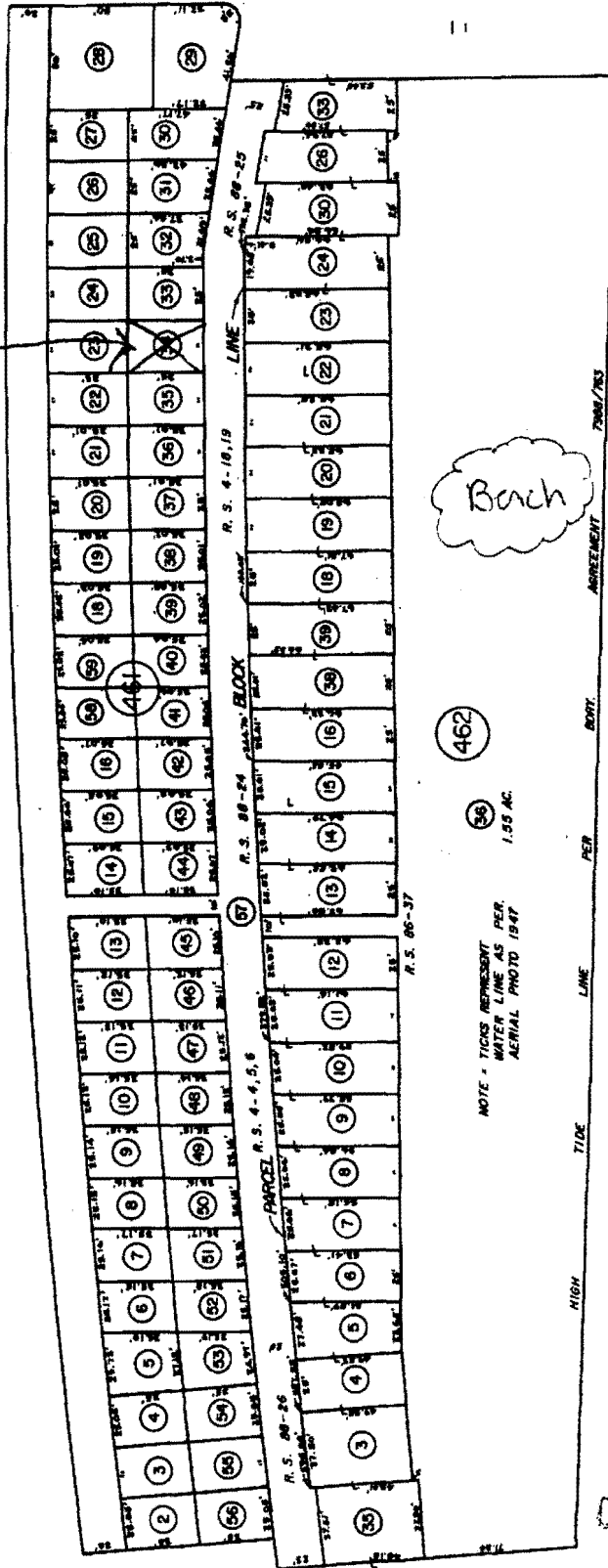
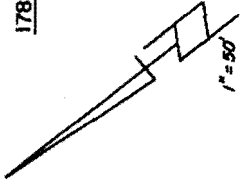
SUNSET BEACH

FOR N.W. 1/4, N.E. 1/4, SEC. 24, T. 5S., R. 12W

THIS MAP WAS PREPARED BY THE COASTAL COMMISSION AND THE COUNTY ASSESSOR AND IS A PUBLIC RECORD. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE COUNTY ASSESSOR'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN HEREON. FOR THE PURPOSES OF THIS MAP, ALL RIGHTS RESERVED BY THE COUNTY OF ORANGE COUNTY, CALIFORNIA, ARE HEREBY CONFIRMED.

PACIFIC COAST HWY 67

Site



NOTE - TICKS REPRESENT WATER LINE AS PER AERIAL PHOTO 1947

ASSESSOR'S MAP
BOOK 178 PAGE 46
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

MARCH 1971

COASTAL COMMISSION

5-91-238

EXHIBIT # 2
PAGE 1 OF 1

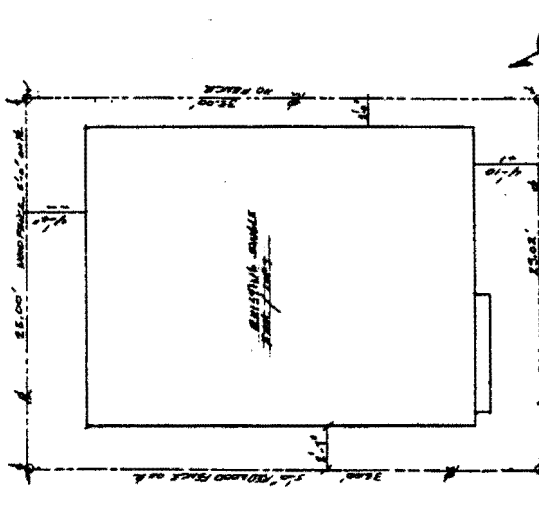
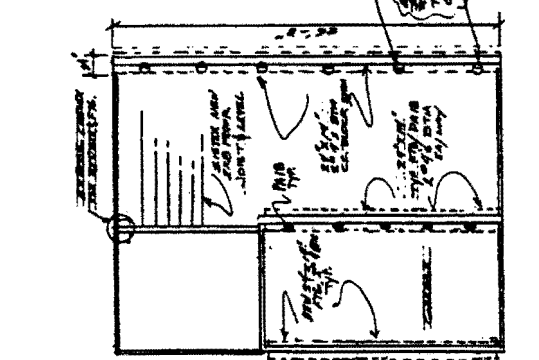
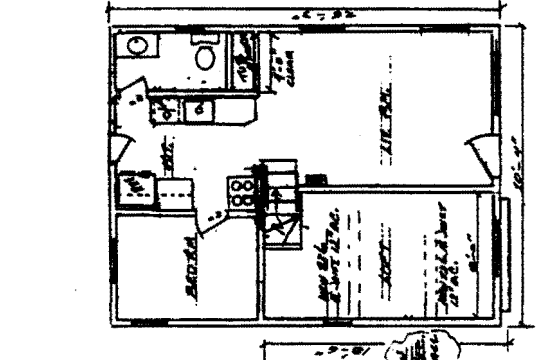
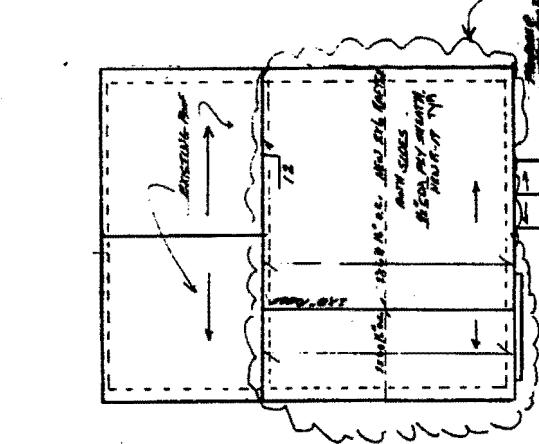
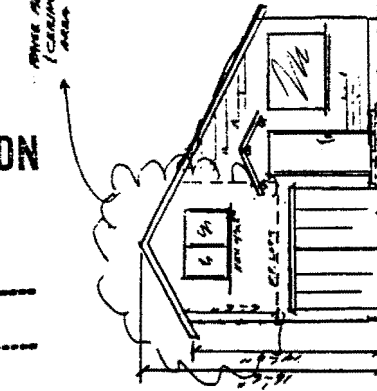
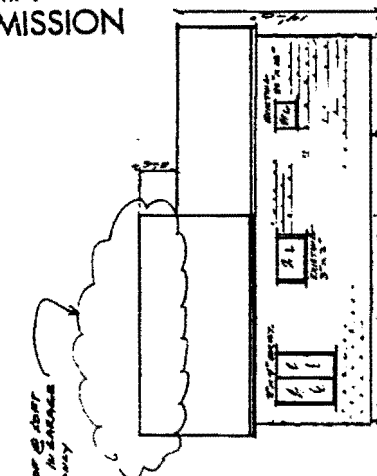
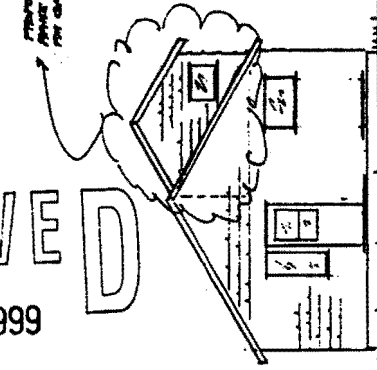
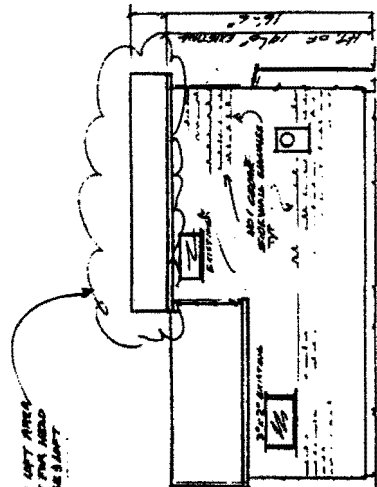
NO.	

APPROVED FOR THE PROJECT BY: _____
 DATE: _____
 PROJECT NO.: _____

NO.	

RECEIVED
 AUG 17 1999
 CALIFORNIA
 COASTAL COMMISSION

COASTAL COMMISSION
 5-91-238
 EXHIBIT # 3
 PAGE 1 OF 2



ROOF PLAN - EXISTING

1ST FLOOR LAYOUT

END PLAN PROPOSED

FOOT PLAN PROPOSED

FRONT ST. AVENUE

