

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071



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Filed: March 9, 2001
 49th Day: April 27, 2001
 180th Day: September 5, 2001
 Staff: KFS-LB
 Staff Report: May 24, 2001
 Hearing Date: June 12-15, 2001
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-085
APPLICANT: Dr. and Mrs. John Smith
AGENT: Dave Bartlett
PROJECT LOCATION: 617 Ocean Avenue, Seal Beach, Orange County

PROJECT DESCRIPTION: Remodel an existing 5 unit multi-family dwelling to convert it into a 4 unit multi-family dwelling by combining two units on the second floor and adding 356 square feet of living space, removal of existing decks and adding new decks on the second floor and roof, a new roof, reconfiguration of stairways and addition of an elevator, new stucco siding and decorative planters, new doors and windows. In addition, on-site parking will increase from 4 spaces to 5 spaces.

| | |
|---|-------------------------|
| Lot Area: | 5,500 square feet |
| Building Coverage (existing/proposed): | 2,662/3,018 square feet |
| Pavement Coverage (existing/proposed): | 400/400 square feet |
| Landscape Coverage (existing/proposed): | 2,438/2,082 square feet |
| Parking Spaces (existing/proposed): | 4/5 |
| Ht above final grade: | 23'8" |

LOCAL APPROVALS RECEIVED: City of Seal Beach approval-in-concept dated January 23, 2001

SUBSTANTIVE FILE DOCUMENTS: 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 are only 5 proposed parking spaces for a residential development that would typically require 8 parking spaces.

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-01-085 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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 5-01-085 is only for the development located at 617 Ocean Avenue, 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 proposed project is to remodel an existing 4,220 square foot 5 unit multi-family dwelling with an existing 830 square foot 4 vehicle garage. The proposed remodel would convert the 5 unit complex into a 4 unit multi-family dwelling by combining two units on the second floor and adding 356 square feet of living space. Upon completion the complex would have 4 units with a total of 4,576 square feet of living space (unit A = 1,072 square feet, unit b = 760 square feet, unit c = 2,124, unit d = 620 square feet). The remodel would also include the removal of existing decks and addition of new decks on the second floor and on the roof, a new roof, reconfiguration of stairways and addition of an elevator, new stucco siding and decorative planters, and new doors and windows. In addition, the garage would be remodeled to increase on-site parking from 4 spaces to 5 spaces. Only 26 linear feet of existing exterior walls would be demolished to implement the project which is less than 50% of the exterior walls of the existing structure. The proposed height of the structure is 23'8" above finished grade.

The subject site is located at 617 Ocean Avenue, up coast of the Seal Beach Pier within the City of Seal Beach (Exhibits 1 and 2). The subject site is on the inland side of Ocean Avenue (the first public road in the area), therefore, it is not between the first public road and the sea. However, the site is located within 300 feet of the inland extent of the beach. In addition, the proposed project involves a change in intensity of use (5 units to 4 units), therefore, the development requires a coastal development permit.

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 a private 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 private development must provide adequate on-site parking to minimize adverse impacts on public access.

The existing 5 unit multi-family dwelling presently has 4 on-site parking spaces, which is less than one parking space per residential unit. The Commission has consistently found that two parking spaces is adequate to satisfy the parking demand generated by one individual residential unit. Accordingly, if the existing 5 unit multi-family dwelling were built today, the Commission would normally require that 10 on-site parking spaces be provided. Therefore, since the existing development only has 4 on-site parking spaces there is presently a 6 parking space deficiency.

The proposed project will decrease the intensity of use of the site from 5 units to 4 units. Therefore, using the Commission's normally used parking ratio of 2 spaces per unit, the parking demand would decrease from 10 spaces to 8 spaces. In addition, the proposed project would relocate a stairway and reconfigure the garage and an interior patio to accommodate one more on-site parking space. Therefore, on-site parking would increase from 4 spaces to 5 spaces. Due to the narrow width of the lot and existing narrow setbacks, no additional parking can feasibly be accommodated on the vehicle-accessible portions of the site without substantial or complete demolition of the existing structure. However, no more than 26 linear feet of several hundred linear feet of existing walls (i.e. less than 50% of the structure) will be removed. Therefore, no substantial demolition is proposed. Accordingly, the proposed development would be deficient by 3 parking spaces. However, overall there will be a net improvement to parking conditions at the site and a decrease in the intensity of use of the site.

Since no substantial demolition of the existing structure is occurring and the development would decrease the number of residential units on the site, decrease the parking demand, and increase the quantity of on-site parking, the Commission finds that the applicant should not be required to provide the 3 deficient parking spaces 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 (Special Condition 1) 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 intensify use of the site but did have inadequate parking based on the Commission's commonly used ratios. These include 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); 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, 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.

D. 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 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 infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the public access policies of Chapter Three of the Coastal Act. These conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures notifying the applicant and future land owners of the need to obtain coastal development permits in the future will minimize any significant adverse effects that the activity may have on the environment.

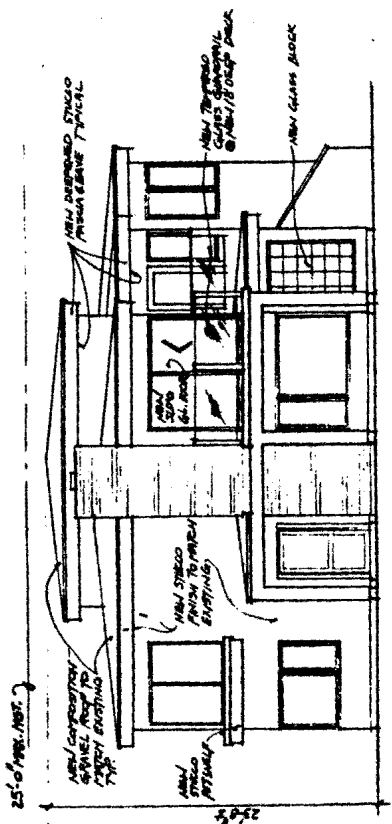
As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned is consistent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

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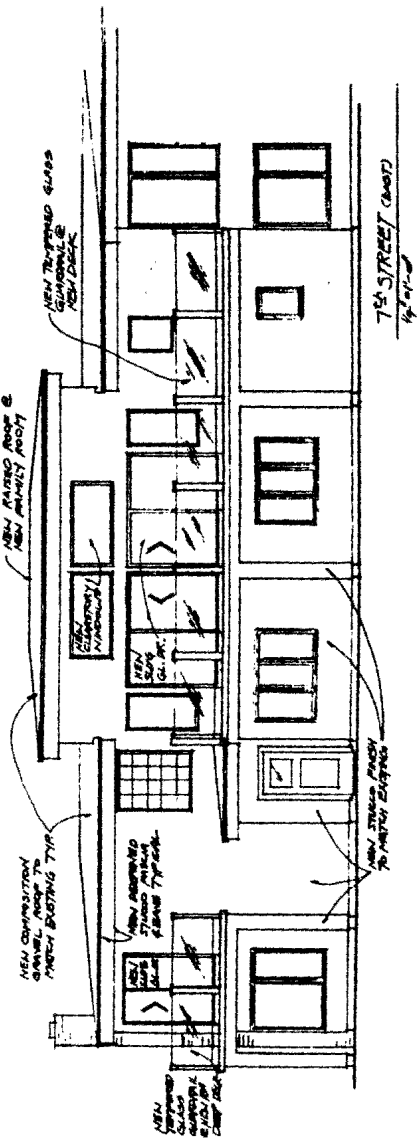
NEW EXTERIOR
 ELEVATIONS - WARD
 1/4" = 1'-0"

OCEAN AVENUE APARTMENTS RE-MODEL
 FOR: DELTA'S JOHN SMITH
 191 27 STREET, O.C., SAN BRAVO, CA 94066
 (415) 978-1203

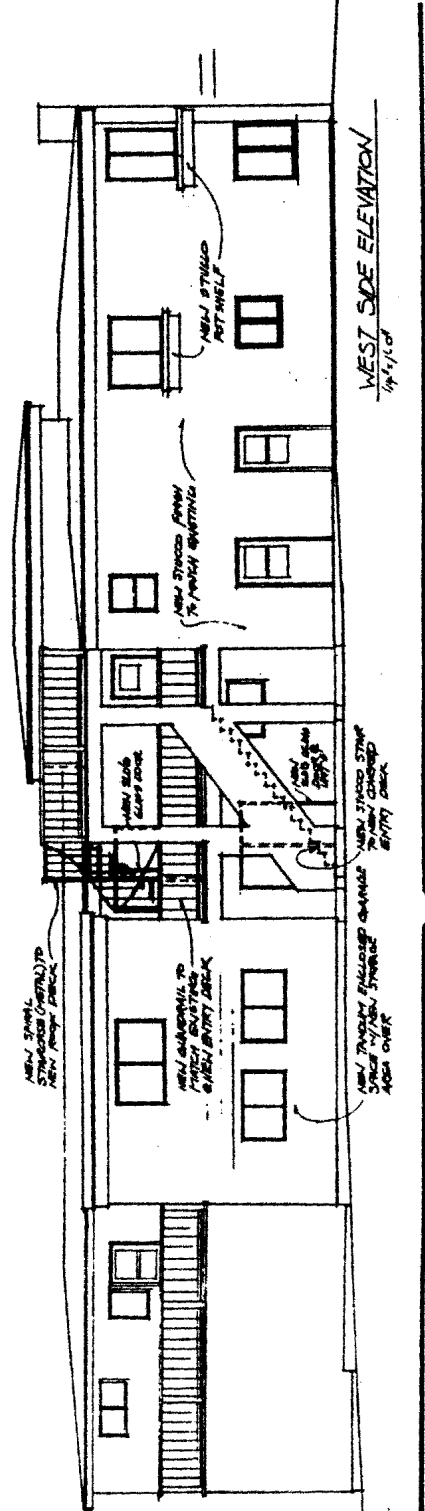
4
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 10-10-00
 WARD ARCHITECTURE



OCEAN AVENUE (SOUTH)
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75 STREET (EAST)
 1/4" = 1'-0"



WEST SIDE ELEVATION
 1/4" = 1'-0"

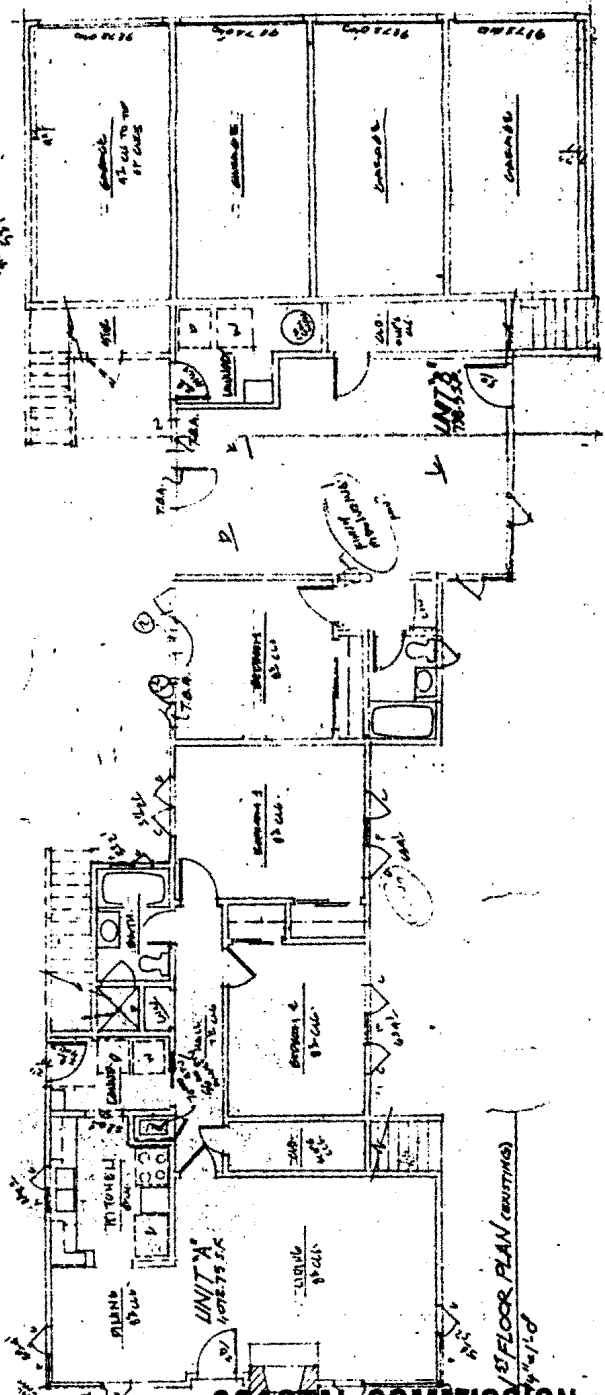
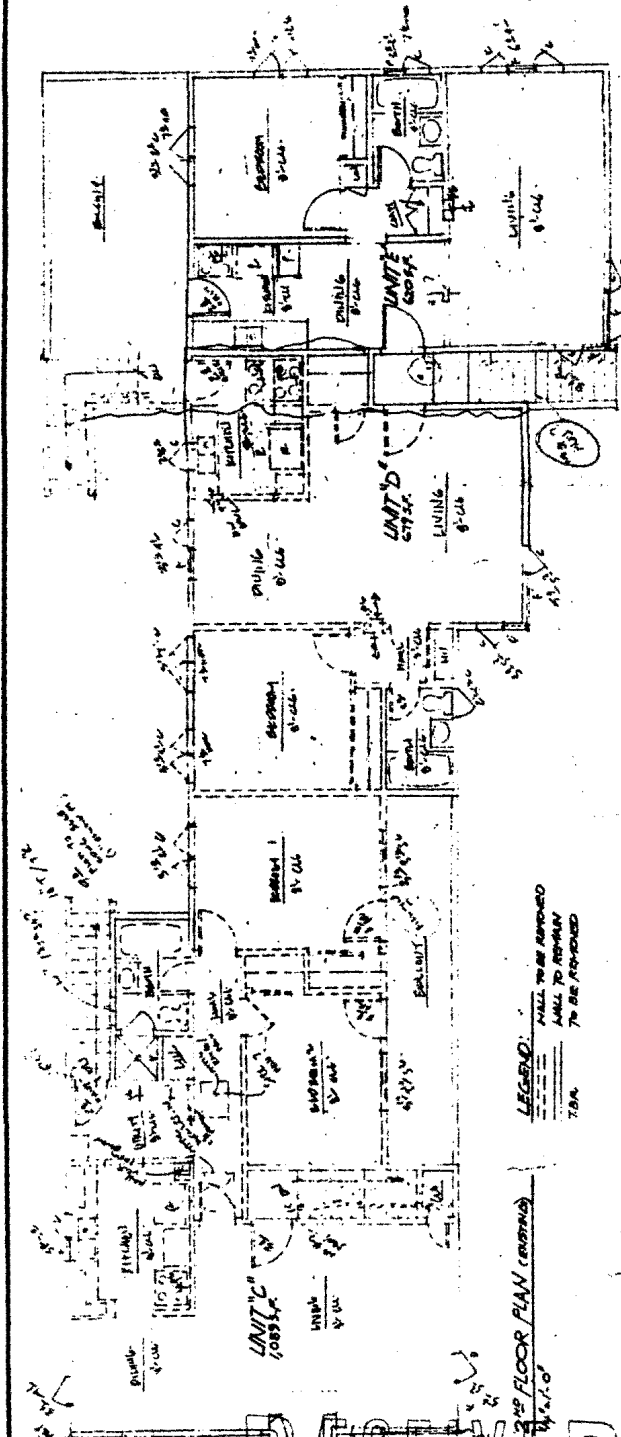
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 5-01-085

EXHIBIT # 2
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EXISTING / 2ND
FLOOR PLANS
FOR APARTMENTS UNIT 1
4/24/01

OCEAN AVENUE APARTMENTS RE-MODEL
FOR: DEANES, JOHN SMITH
150 1ST STREET, INC., SML BRKLYN A NY 100
(212) 475-1200

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EXHIBIT # 2
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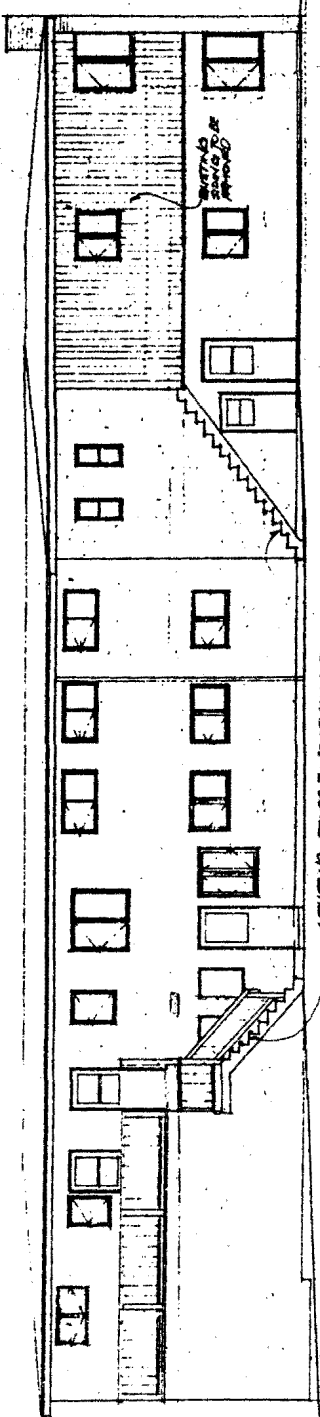
EXISTING EXTERIOR
ELEVATIONS
FOR REFERENCE ONLY
1/14/01

OCEAN AVENUE APARTMENTS RE-MODEL
FOR: DELTA REALTY, INC., 1511 15TH STREET, S.F., CA 94115
DATE: 1/14/01

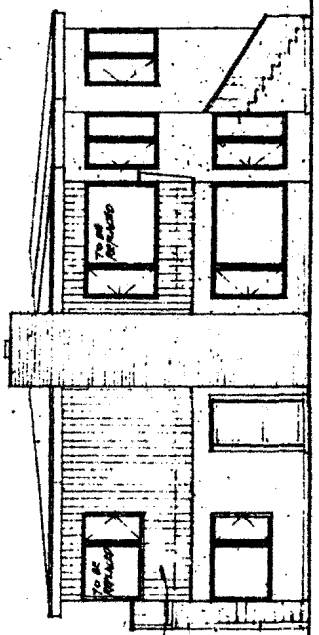
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DATE: 1/14/01
DRAWN BY: [illegible]

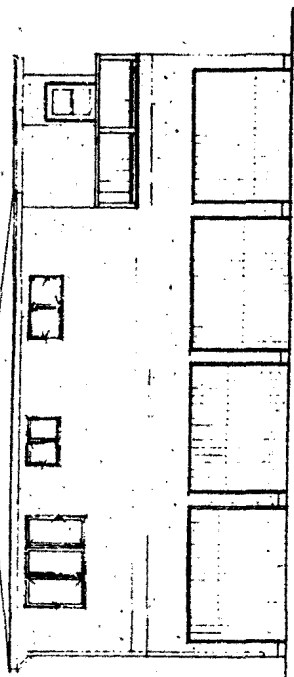
6



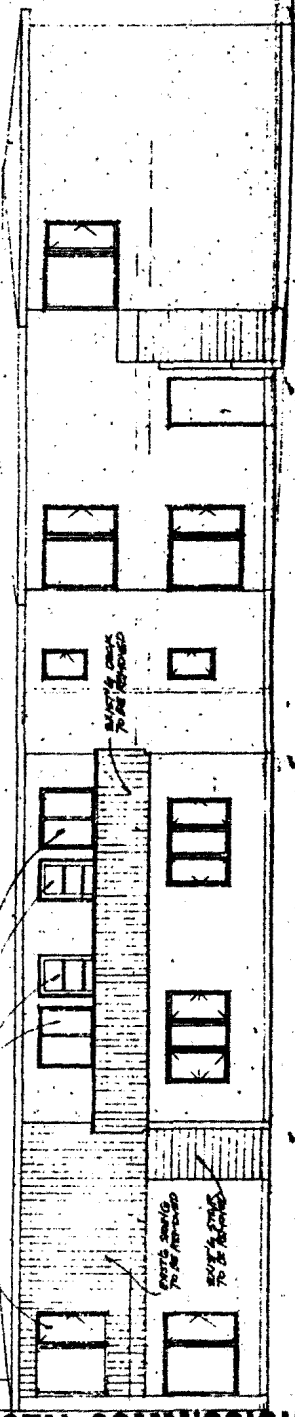
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EXHIBIT # 2
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