

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Seal Beach, CA 90802-4302
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Filed: June 6, 2001
49th Day: July 24, 2001
180th Day: December 2, 2001
Staff: KFS-LB
Staff Report: July 19, 2001
Hearing Date: August 7-10, 2001
Commission Action:

**Item # M7.5****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-129**RECORD PACKET COPY****APPLICANT:** Walt Miller**AGENT:** Kent Trolen**PROJECT LOCATION:** 229 Seal Beach Boulevard, City of Seal Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing deck and storage shed and construction of a 7,185 square foot mixed commercial and residential building on an existing approximately 107 foot long by 63 foot wide lot. The commercial portion of the building will be a one story 16.5 to 18.5 foot high structure with 1,316 square feet of retail area plus 683 square feet of storage and utility space. The proposed residential component would be a three story, 2-unit, 35 foot tall structure. The residential portion would have a 1,222 square foot 4 vehicle garage and 1,797 square feet of living space plus 370 square feet of lobby and stairwell space and a 122 square foot roof deck.

SUMMARY OF STAFF RECOMMENDATION

The proposed project does not provide on-site parking to serve the proposed commercial development. Commercial intensity is low in this area of Seal Beach and use of on-street parking for public access to the beach is low in this area. Therefore, sufficient on-street parking is available to serve the development without adverse impacts upon public access. Commission staff recommend **APPROVAL** of the proposed project with special conditions 1) requiring the applicant to submit final plans; and 2) which notify the applicant that future modifications which change the use or intensity of use of the structure require a coastal development permit. The proposed project is roughly identical to the development previously approved by the Commission under Coastal Development Permit 5-92-025. Coastal Development Permit 5-92-025 expired in 2000. Therefore, the applicant is requesting reauthorization of the project under this application. The proposed development is also consistent with a previous resolution of litigation reached between the applicant and the Commission regarding Coastal Development Permit 5-92-025.

LOCAL APPROVALS: City of Seal Beach approval-in-concept dated May 21, 2001; Minor Plan Review 01-6 (Planning Commission Resolution 01-22); Minor Plan Review 01-6 (City Council Resolution 4906).

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-92-025 (Miller) and associated files and Coastal Development Permit 5-99-026 (Musso).

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION:

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-129 per the staff recommendation as set forth below."

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote which would result in approval of the permit as conditioned and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE A 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. Final Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director final foundation, site, floor, elevation, and grading plans for the proposed development that substantially conform with the plans submitted to the Commission, titled Site Plan (page CS), Foundation Plan (page 1), First Floor Plan (page 2), Second Floor Plan (page 3), Third Floor Plan/Fourth Floor Deck Plan (page 4), Exterior Elevations and Roof Plan (pages 10, 11, and 12) with a revision date of January 4, 1996, and Precise Grading Plan dated January 14, 1997, which were received in the Commission's offices on May 21, 2001. As proposed, the plans shall conform with these parameters: 1) the commercial portion of the building is a one story 16.5 to 18.5 foot high structure on the front portion of the lot (fronting Seal Beach Boulevard) and has 1,316 square feet of retail area, 588 square feet of storage and a 95 square foot electrical room; 2) the commercial building is connected to a 2-unit residential structure that is three stories, 35 feet tall and has a 1,222 square foot 4 vehicle garage, a 302 square foot lobby and stairwell to provide access to the residences on the second and third floors, two 2-story, 1,797 square foot residential structures which occupy the second and third floors of the structure with a 68 square foot stairwell leading from the second to the third floor and a 122 square foot roof deck. The final plans may deviate from the plans received in the Commission's offices on May 21, 2001 to allow a setback to be established between the proposed commercial building and the southerly property line provided such deviation substantially conforms with the above defined parameters. Any substantial deviation (e.g. any change in the quantity of parking spaces or residential units) shall require an amendment to this permit or a new coastal development permit. The final plans shall be accompanied by written evidence of review and approval by the City of Seal Beach.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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 1,316 square foot one-story retail area.)

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares:

A. Project Description

The applicant is proposing to demolish an existing deck and storage shed and construct a 7,185 square foot mixed commercial and residential building on an existing approximately 107 foot long by 63 foot wide lot (Exhibit 2). The proposed development is located at 229 Seal Beach Boulevard, Seal Beach, Orange County (Exhibit 1). The site is on the western side of Seal Beach Boulevard and faces upon the Seal Beach Naval Weapons Station located on the eastern side of Seal Beach boulevard. The site is seaward of Pacific Coast Highway but is not a shorefront lot and is not located between the first public road and the sea.

The commercial portion of the proposed building will be a one story 16.5 to 18.5 foot high structure on the front portion of the lot (fronting Seal Beach Boulevard). The commercial component of the structure will have 1,316 square feet of retail area, 588 square feet of storage and a 95 square foot electrical room. There is no proposed on-site dedicated parking for the commercial structure. The applicant has indicated that the commercial building will be utilized as a bicycle shop which will sell, repair and rent bicycles. This commercial activity would encourage non-automobile public access in the area.

The commercial portion of the building will be connected to a proposed 2-unit residential structure. The residential structure will be a three story, 35 foot tall structure. The first floor of the structure would have a 1,222 square foot 4 vehicle garage and a 302 square foot lobby and stairwell to provide access to the residences on the second and third floors. Two 2-story, 1,797 square foot residential structures will occupy the second and third floors of the structure with a separate 68 square foot stairwell leading from the second to the third floor and a 122 square foot roof deck.

B. History of Commission Actions

1. Coastal Development Permit 5-92-025

On March 14, 1996, the Commission granted Coastal Development Permit 5-92-025 to Walt Miller for the construction of a mixed commercial and residential structure on the subject site. The Commission's approval included conditions which required the applicant to submit revised plans limiting the commercial use to 1,365 square feet and limiting the building to 2 residential units with a minimum of 2 parking spaces per unit. The approval also included the placement of a telecommunications equipment on the building by Pacific Bell. The permit was extended twice, however, construction was not undertaken. The permit expired on March 14, 2000.

The approval of Coastal Development Permit 5-92-025 in 1996 marked the Commission's compliance with a peremptory writ of mandate issued by the Superior Court of Orange County on December 20, 1995 stemming from litigation initiated by Mr. Miller against the Commission regarding their previous approval of the project on July 7, 1992. The proposed project is the same as the project previously approved and conditioned by the Commission in 1996, however, the proposed project does not include the installation of telecommunications equipment on the building.

2. Coastal Development Permit Waiver 5-00-493-W

On March 12, 2001, Coastal Development Permit Waiver 5-00-493-W was granted to Walt Miller for the after the fact construction of a 286 square foot storage facility. This structure will be demolished under the proposed project.

C. Public Access/Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30252 of the Coastal Act states in relevant 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...

The access policies of the Coastal Act require the protection of public access to the beach. When a private development does not provide adequate on-site parking, patrons of that development must use off-site public parking spaces which would otherwise be available to the public including visitors to the coastal zone. This results in significant adverse impacts upon coastal access. Therefore, an adequate quantity of on-site parking spaces sufficient to meet the demands of the development ensures that public parking spaces and public access are not adversely affected by the proposed development.

The subject site is located on Seal Beach Boulevard seaward of Pacific Coast Highway. Seal Beach Boulevard provides the eastern entry to the Old Town portion of the City. Old Town is the main visitor serving commercial destination in the community. The subject site is also located approximately 2 blocks (approximately 450 feet) from the Neptune Avenue street end which provides a vertical access point to the Seal Way public concrete walkway/bikeway and the City of Seal Beach's East Beach. The walkway/bikeway provides public lateral access along East Beach from Electric Avenue to the municipal pier. There is no municipal public parking lot in this portion

of the City next to the vertical access way. The only public parking available in this area is parallel on-street parking.

The Commission has consistently found in the past that: (1) two parking spaces are adequate to satisfy the parking demand of individual dwelling units, and (2) one parking space is adequate to satisfy the parking demand of every 225 square feet of retail space. Using these ratios, the parking demand for the proposed residential uses would be 4 spaces and the demand for the retail use would be approximately 6 spaces. The four on-site parking spaces proposed for the rear building would support the parking demand for the proposed residential uses. However, the parking demand for the commercial development would not be met on site.

Previously, under Coastal Development Permit 5-92-092, the Commission reduced the proposed intensity of use of the site by eliminating a previously proposed retail use on the second floor. Subsequently, this second floor space became a part of the two proposed residential units. The project proposed under this application (5-01-129) is consistent with the previous de-intensification of use of the site required by the Commission.

Also, a signed public bike lane runs along the eastern side of Seal Beach Boulevard. This bike lane links the Seal Way walkway with Pacific Coast Highway. Because of its proximity to a bike lane, the visibility of the applicant's proposed bicycle shop on the portion of the lot fronting Seal Beach Boulevard would promote non-automobile bicycle patronage of this street side retail use, thus reducing the need for parking.

Uses along the west side of Seal Beach Boulevard, between PCH and Electric Avenue include a mixture of residential and commercial uses. There are eighteen sites with residential uses and eight sites with commercial uses. The commercial uses are generally lower in intensity including a travel agent, tax preparation service, chiropractor, animal clinic, pre-school, and copier rental company.

On the east side of Seal Beach Boulevard between PCH and Electric Avenue is Anaheim Bay and the Naval Weapons Station. Excepting some areas of Anaheim Bay, public access and recreation on Naval Weapons Station property is presently prohibited. A fence along the Naval Weapons Station property boundary facing the east side of Seal Beach Boulevard prevents access to the site. Meanwhile, a bicycle path runs along the east side of Seal Beach Boulevard continuing from PCH to Electric Avenue where there is access to Seal Way, the paved lateral accessway along the beach. Bicycle path users have a mostly unobstructed view of Anaheim Bay and the Naval Weapons Station from the bicycle path between PCH and Electric Avenue.

The Coastal Act places a priority on visitor-serving commercial uses. Visitor serving uses provide greater public benefit than other uses such as residential or general commercial uses because a larger segment of the population is able to take advantage of and enjoy the use. In addition, visitor serving commercial areas provide services to the visiting beach user. The proposed bike shop is a visitor serving commercial use because the shop will rent bicycles to beach visitors.

Also, as noted above, the existing commercial uses in the vicinity of the proposed development are lower-intensity uses which do not have a high parking demand. Due to the small size of the lots, most of the commercial uses do not have on-site parking. Rather, on-street parking serves the commercial uses. Existing commercial use of on-street parking along this section of Seal Beach Boulevard does not interfere with public access to the beach because the commercial demand for parking is low and the relative quantity of on-street parking spaces is high. Similarly, the proposed

project is anticipated to have a nominal parking demand due to the non-automobile oriented nature of the development. Therefore, since demand will be low, the proposed use of on-street parking would not significantly impact the public's ability to use on-street parking for public access to the beach.

The viability of commercial uses along this section of Seal Beach Boulevard appears to be low at this time. A recent Commission action (5-99-026) authorized the demolition of a commercial building (known as the Shore Shop building) and conversion of the site to residential uses. Even though the Shore Shop commercial site had reasonable visibility from Pacific Coast Highway, the applicant was unable to attract enough tenants to maintain commercial viability of the site. The subject site is further removed from Pacific Coast Highway than the Shore Shop building (now demolished) and is generally not visible to traffic on PCH. Other than the subject site, there have been no coastal development permit requests for re-development of the existing commercial sites for new commercial uses or for the conversion of any residential sites to commercial uses (even though local ordinances would allow for such uses). Therefore, it is not anticipated that there will be a commercial resurgence of the area which would intensify commercial parking demand for on-street parking spaces. Therefore, it is not anticipated that public access would be significantly impacted by the proposed use of on-street parking spaces to serve the proposed commercial development. However, if the area were to experience a commercial resurgence, the Commission would analyze the public access impacts that any future commercial use of on-street parking may have. If adverse impacts are identified, the Commission would require mitigation to address the adverse impacts.

In addition, as noted above, Coastal Development Permit 5-99-026 approved by the Commission on May 11, 1999 authorized the demolition of an existing commercial building and construction of 8 single family residences. This development is presently under construction. This development decreased the intensity of use of the site from commercial to residential. The proposed residential units included at least 2 parking spaces per unit, therefore, adequate on-site parking was provided to support the development. On-street parking to support the residential development is expected to be low or non-existent. In addition, re-development of the commercial site into residential sites eliminated curb cuts on Seal Beach Boulevard. The elimination of these curb cuts added 5 parking spaces available for public use. The availability of these new parking spaces would offset the parking demand of the proposed commercial development.

Meanwhile, the applicant has submitted preliminary plans depicting the proposed development. The plans were accompanied by evidence of preliminary and discretionary local government approvals of the project. Since the filing of the application, Commission staff were advised that an appeal of the local discretionary approval (not a coastal development permit – the City does not have a certified Local Coastal Program) had been filed at the local level contesting the proposed zero foot setback from the southerly property line. Subsequently, the City Council approved the project with a 3 foot setback from the southerly property line (Exhibit 3). The applicant objects to this modification and is requesting that the City Council reconsider the setback requirement. This proposed change would not affect the consistency of the proposed project with the Chapter 3 policies of the Coastal Act provided the setback does not affect the height, intensity of use, or quantity of proposed parking space of the development. A review of the plans submitted indicates that the 3 foot setback can be accommodated without affecting the height, intensity of use, or on-site parking proposed. In order to confirm that the local approval does not affect the consistency of the proposed project with the Chapter 3 policies of the Coastal Act, the Commission imposes Special Condition 1 which requires the applicant to submit final plans which indicate final approval of the project from the local government. The final plans may deviate from those previously

submitted on May 21, 2001 to implement a setback from the southerly property line providing the plans do not change the following parameters of the project: 1) the commercial portion of the building is a one story 16.5 to 18.5 foot high structure on the front portion of the lot (fronting Seal Beach Boulevard) and has 1,316 square feet of retail area, 588 square feet of storage and a 95 square foot electrical room; 2) the commercial building is connected to a 2-unit residential structure that is three stories, 35 feet tall and has a 1,222 square foot 4 vehicle garage, a 302 square foot lobby and stairwell to provide access to the residences on the second and third floors, two 2-story, 1,797 square foot residential structures which occupy the second and third floors of the structure with a 68 square foot stairwell leading from the second to the third floor and a 122 square foot roof deck.

Further, future development on-site may affect the parking demand and supply of the proposed development. Therefore, the Commission imposes Special Condition 2 which requires that any future changes to the proposed parking, square footage, and permitted uses shown in the revised plans described above shall be reported to the Executive Director to determine if an amendment to this permit, or a new permit, would be required. The second special condition would define the permitted uses as being limited to two residential units, as well as the one-story, 1,316 square foot retail area fronting Seal Beach Boulevard as described under the applicant's existing proposal. These permitted uses would minimize impacts on public access from inadequate parking as discussed previously. Requiring an amendment to this permit or a new permit would allow any change in the parking demand resulting from proposed changes to the revised plans to be evaluated for impacts to public access.

Therefore, as conditioned, the Commission finds the proposed development to be consistent with Sections 30210, 30213, 30222, and 30252 of the Coastal Act.

D. 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 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.

E. 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 Commission has imposed conditions to assure that any modifications to the proposed plans and any future development on the site do not adversely impact public access to the coast. The proposed project has been found consistent with the visitor serving and 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.



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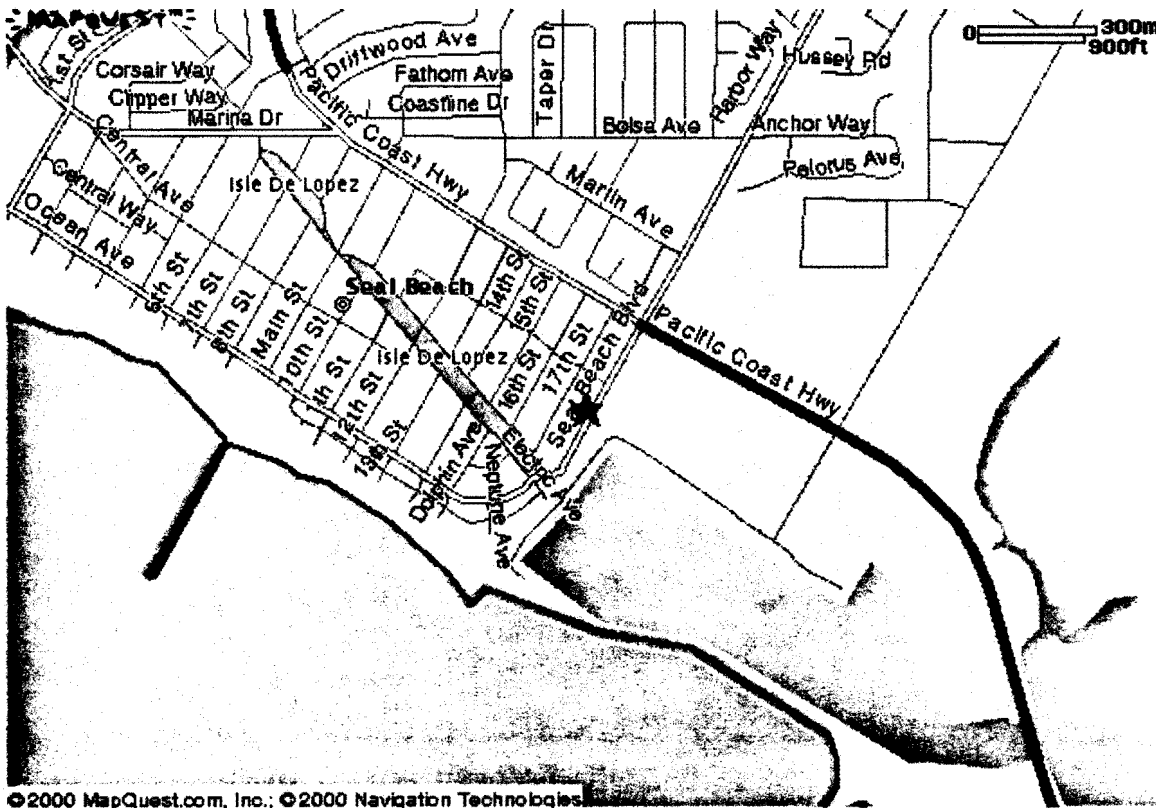
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EXHIBIT # 1

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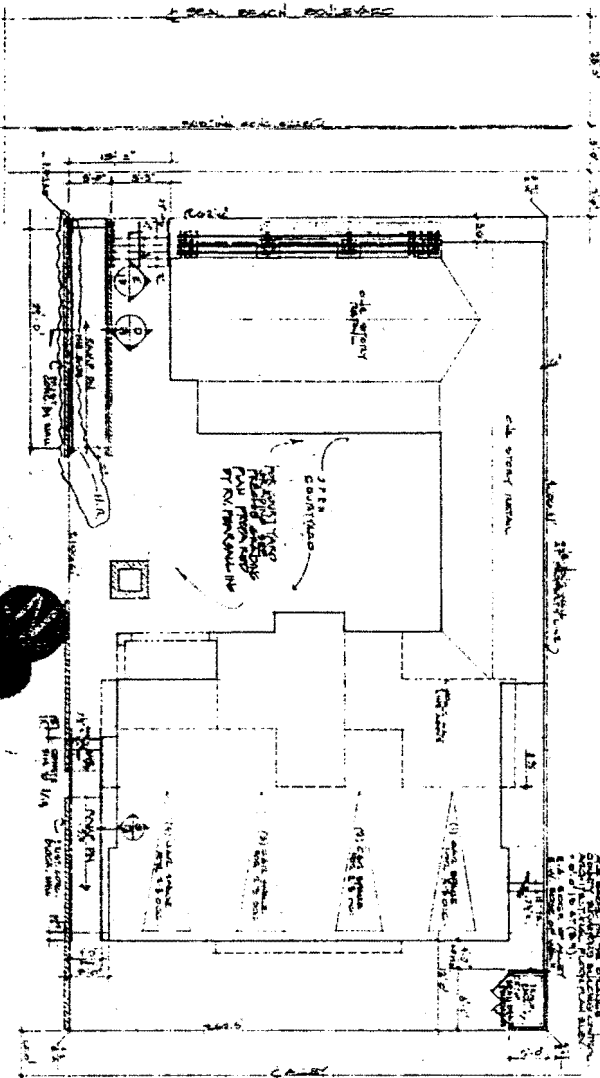
MAY 21 2001

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION

GENERAL REQUIREMENTS

GENERAL REQUIREMENTS
MISCELLANEOUS NOTES
CODE ANALYSIS
PROJECT DESCRIPTION



NOTES:
1. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND DETAILS.
2. SEE SITE PLAN FOR RAMP DETAILS.



APPROVED BY:
[Signature]
DATE: 5/15/01

COASTAL COMMISSION

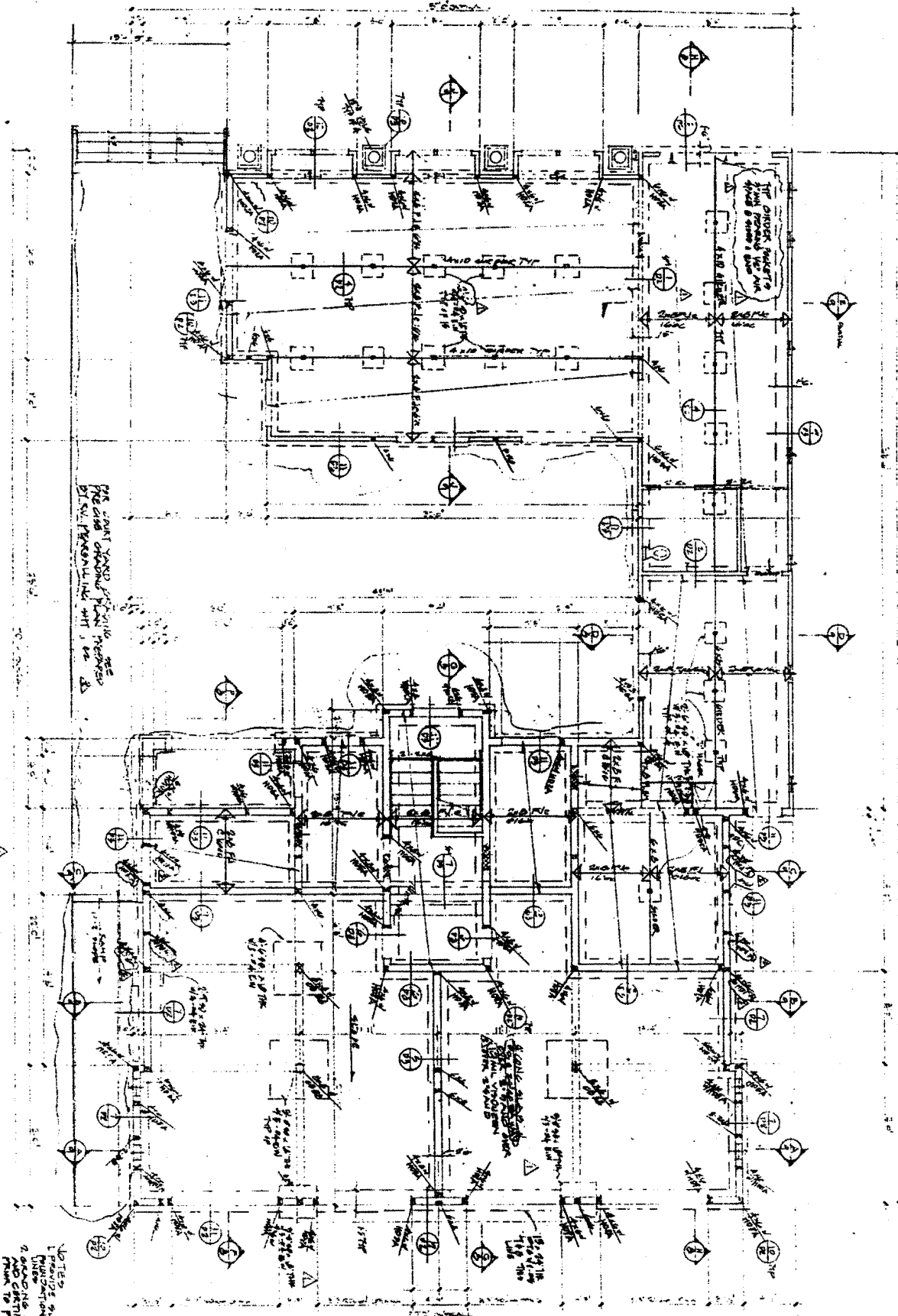
5-01-129

EXHIBIT # 2
PAGE 1 OF 10

MIXED USE RETAIL/RESIDENTIAL
WALT MILLER
229 SEAL BEACH BLVD.
SEAL BEACH, CALIF.

SHUKRI (CHUCK) I. YAGHI
Consulting Engineers
Residential and Commercial Structures

113 E. Chapman Ave., Suite C
Orange, CA 92668
Tel: (714) 971-4130
Fax: (714) 744-3676



LEGEND:
 ▽ INDICATES 64-1/2" SQUARE HILTS
 ⊕ INDICATES 16-6" SQUARE HILTS
 ⊙ INDICATES 16-6" SQUARE HILTS
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FOUNDATION PLAN

- 1. PROVIDE ALL NECESSARY REINFORCING TO BE INSTALLED IN ACCORDANCE WITH THE FOUNDATION DESIGN.
- 2. PROVIDE ALL NECESSARY REINFORCING TO BE INSTALLED IN ACCORDANCE WITH THE FOUNDATION DESIGN.
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APPROVED BY
 MELINDA S. ASSOCIATES

COASTAL COMMISSION

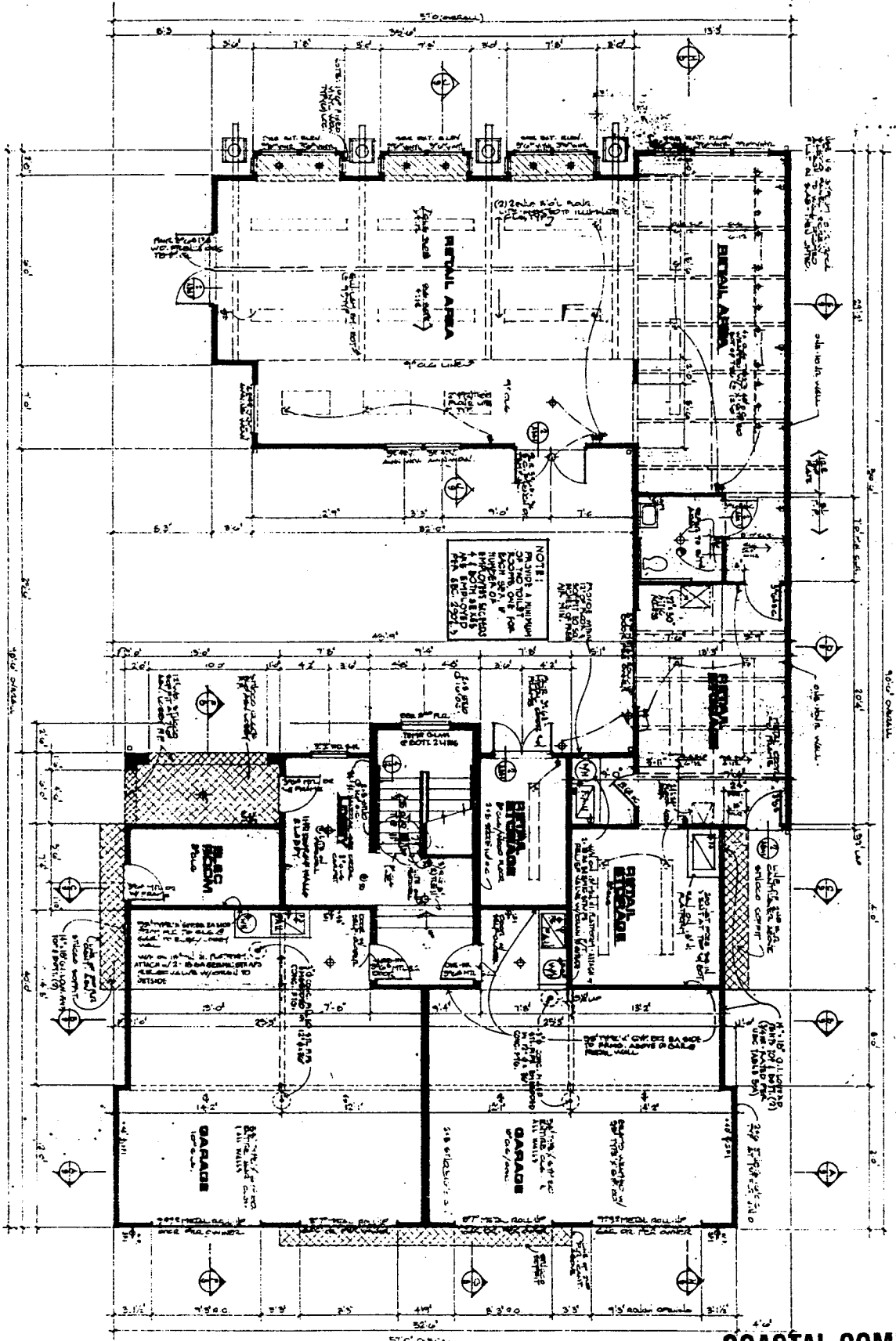
EXHIBIT # 2
 PAGE 2 OF 10

**MIXED USE RETAIL/RESIDENTIAL
 WALT MILLER
 229 SEAL BEACH BLVD.
 SEAL BEACH, CALIF.**

SHUCRI (CHUCK) YAGHI
 Consulting Engineers
 Mechanical and Commercial Structures

DATE: 01/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]

1



NOTES:

1. ALL WINDOWS 1' CLEARANCE FROM FINISH FLOOR TO BOTTOM OF GLASS SHALL BE MAINTAINED.
 2. FINISH SHALL BE DOCKET GRADED.
 3. CONCRETE DRIVE FOR NEIGHBORS SHALL BE MAINTAINED.
 4. METEOROLOGICAL RISKING VALUE TYPE - IBC SECTION 603.
 5. SLOPE 2% TOWARD STREET SIDE.
 6. SEE PLAN FOR DETAILS OF NEIGHBORING DRIVEWAY.

FIRST FLOOR PLAN

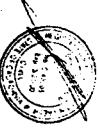
SCHEDULE

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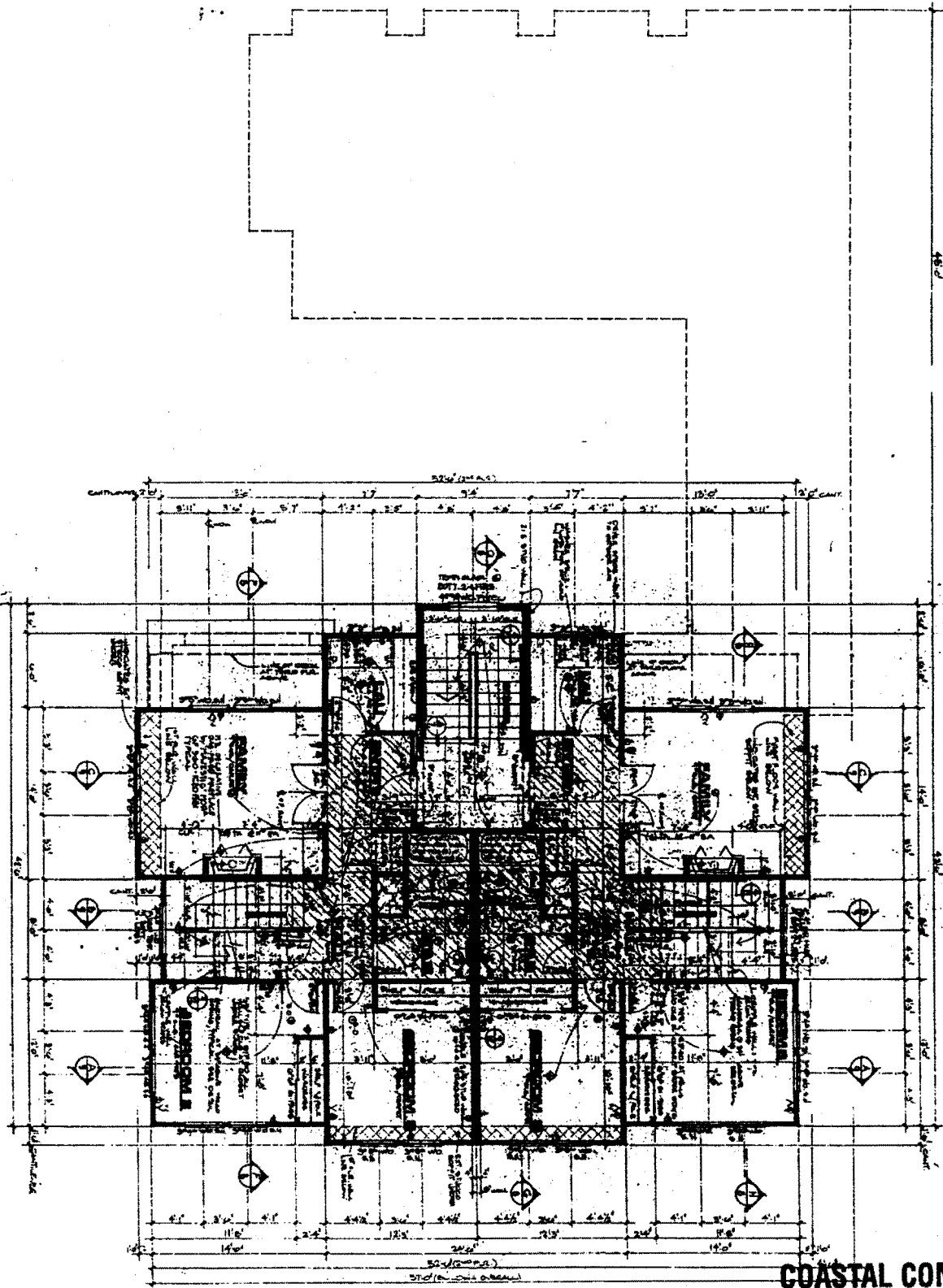
SCALE: 1/4" = 1'-0"

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EXHIBIT # 2
 PAGE 3 OF 10



APPROVED BY:
 MELINDA S. ASSOCIATES
 JUN 1 1 58 PM '07



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"
 DATE: 10/15/87
 DRAWN BY: J. VAUGHN

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EXHIBIT # 2
 PAGE 4 OF 10

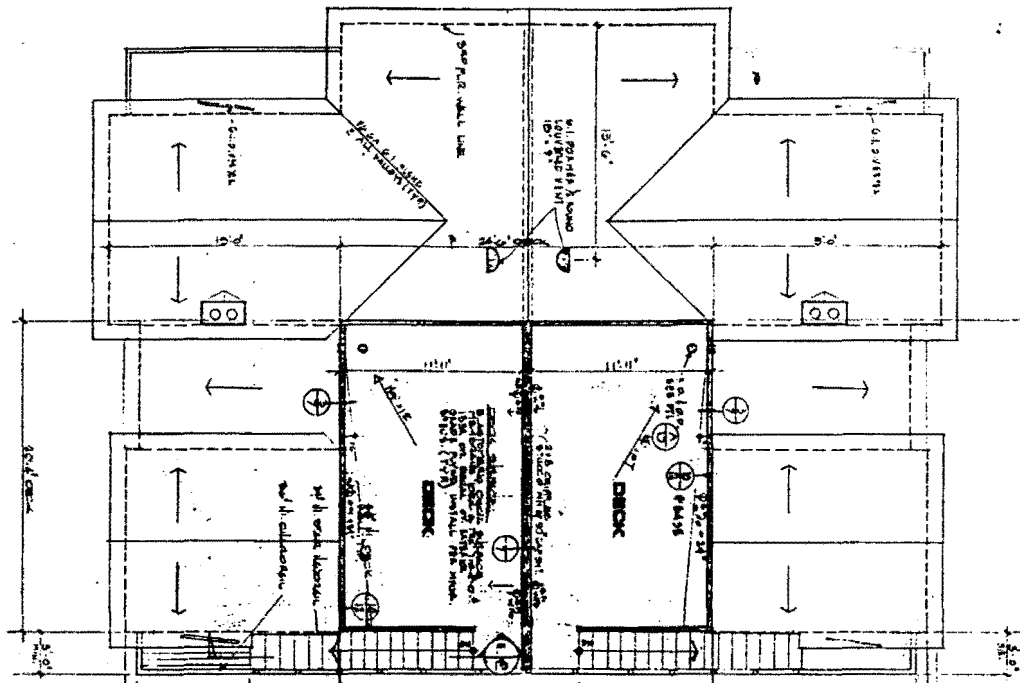
APPROVED BY:
 [Signature]
 J. VAUGHN
 10/15/87

MIXED USE RETAIL/RESIDENTIAL
WALT MILLER
 229 SEAL BEACH BLVD
 SEAL BEACH, CALIF

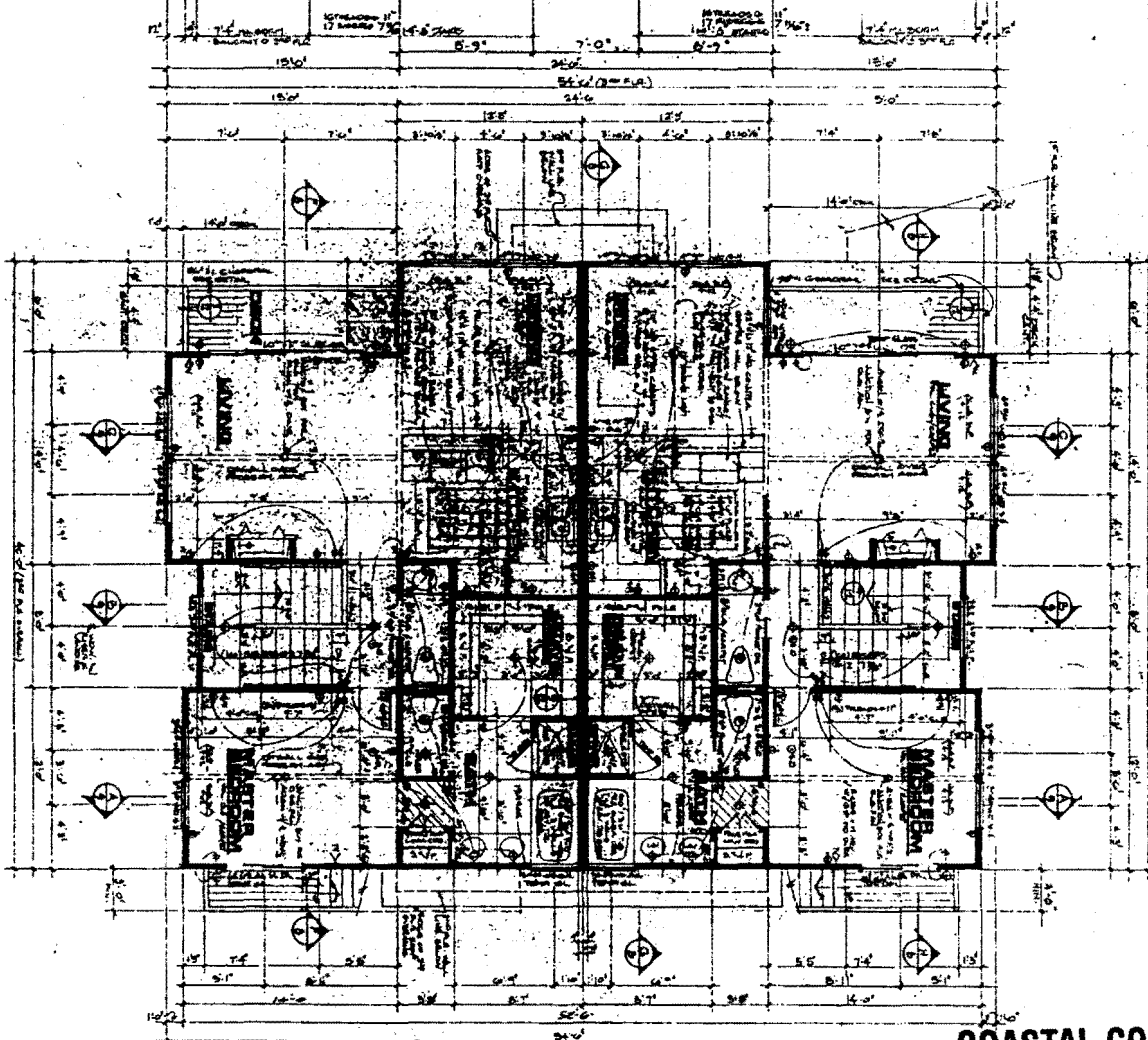
SMOON (CHUCK) I. VAUGHN
 Consulting Engineers
 Residential and Commercial Structures

SECOND FLOOR

FOURTH FLOOR DECK PLAN



THIRD FLOOR PLAN



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EXHIBIT # 2
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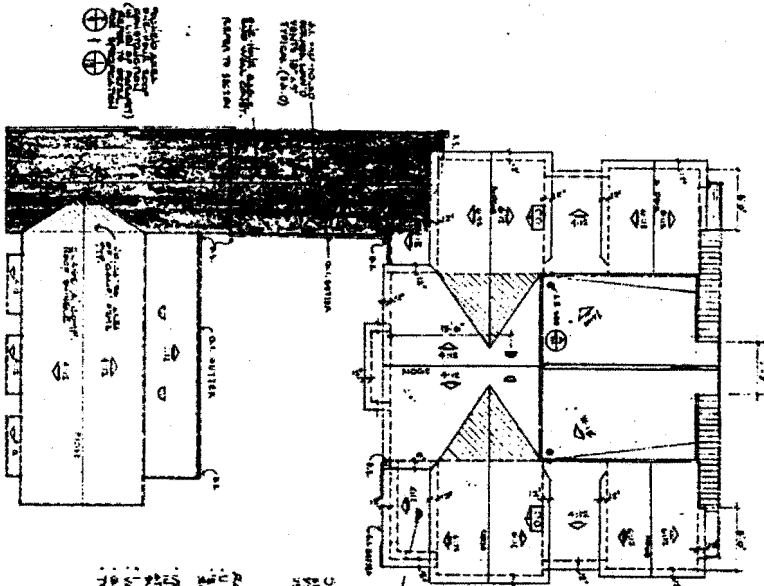


APPROVED BY
FIELD & ARCHITECTS

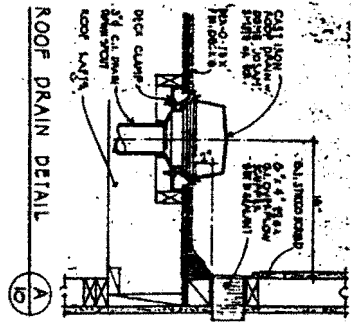
THIRD FLOOR PLAN

MIXED USE RETAIL/RESIDENTIAL
WALT MILLER
229 SEAL BEACH BLVD.
SEAL BEACH, CALIF.

SHUKRI (CHUCK) L. YAGHI
Consulting Engineers
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Tel: 714/940-4000
Fax: 714/940-4000



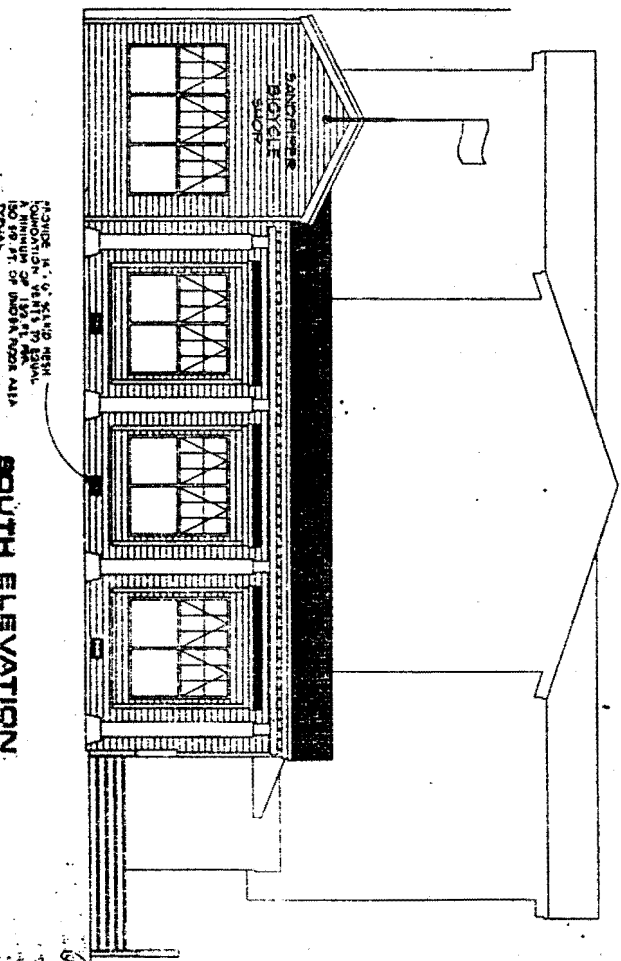
ROOF PLAN



ROOF DRAIN DETAIL

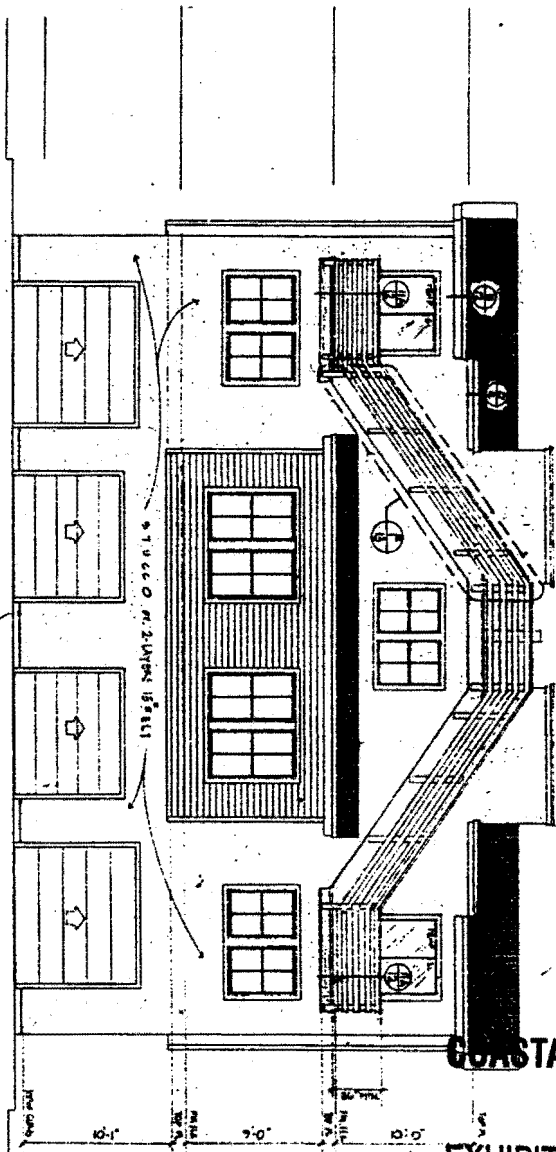
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SIDING NOTES:
 1. All siding to be installed in accordance with manufacturer's instructions.
 2. Siding to be installed over a minimum of 1/2" gypsum board.
 3. All joints to be caulked with a high quality, elastomeric sealant.
 4. All trim to be installed in accordance with manufacturer's instructions.
 5. All trim to be caulked with a high quality, elastomeric sealant.



NORTH ELEVATION

SOUTH ELEVATION



COASTAL COMMISSION

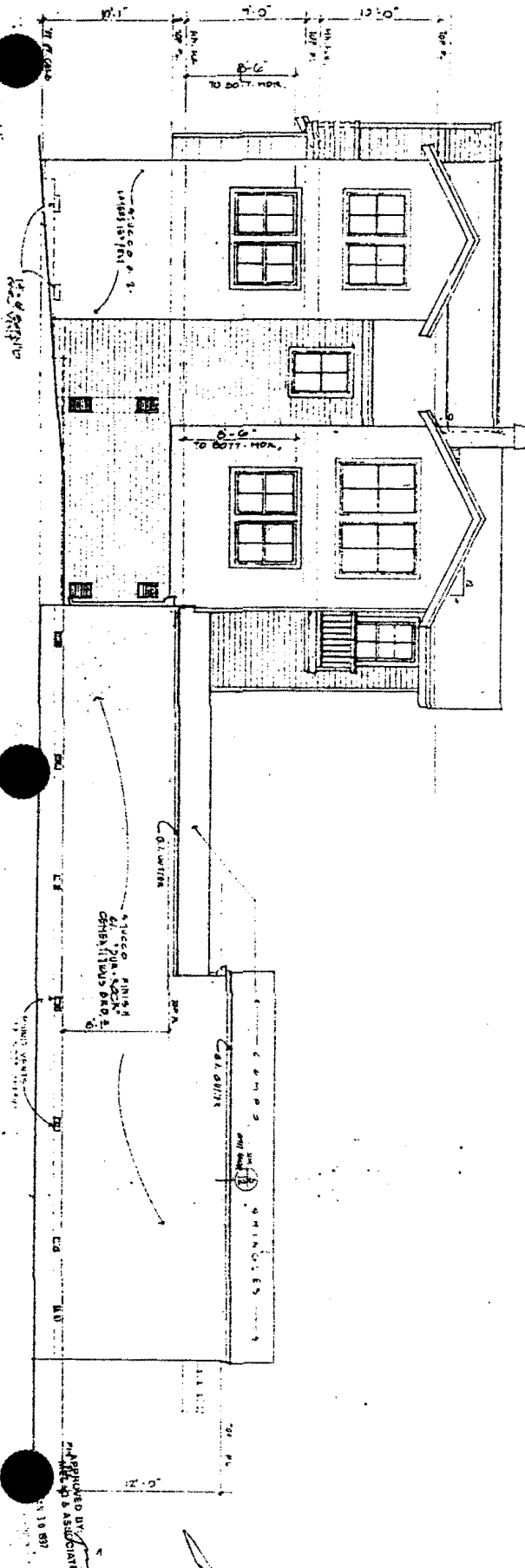
EXHIBIT # **2**
 PAGE **6** OF **10**

MIXED USE RETAIL/RESIDENTIAL
WALT MILLER
 225 SEAL BEACH BLVD.
 SEAL BEACH, CALIF.

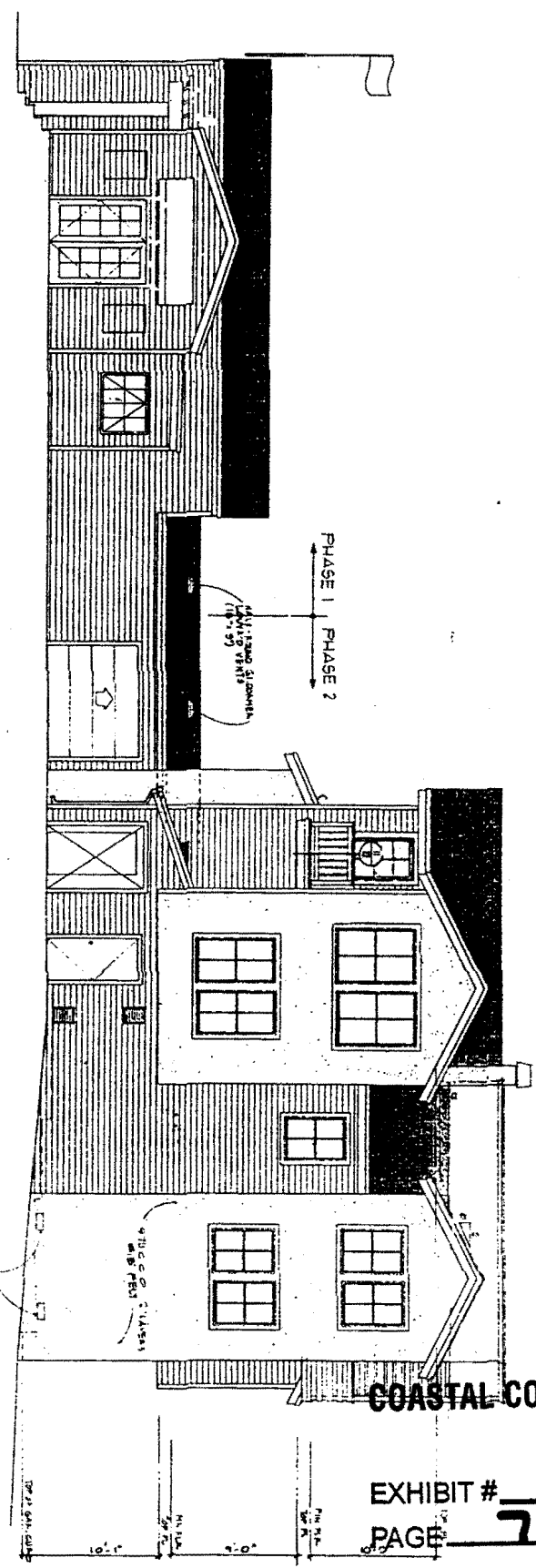
SHUCHEN (SHUCHEN) YAGHI
 Consulting Engineer
 Residential and Commercial Structures
 1500 S. Orange Ave. #200
 Orange, CA 92668
 Tel: 714/962-2222
 Fax: 714/962-2222



DATE: 10/1/01
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]



EAST ELEVATION



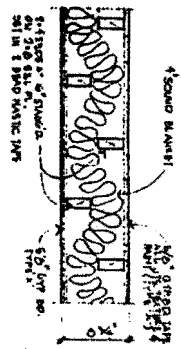
COASTAL COMMISSION

EXHIBIT # 2
PAGE 7 OF 10

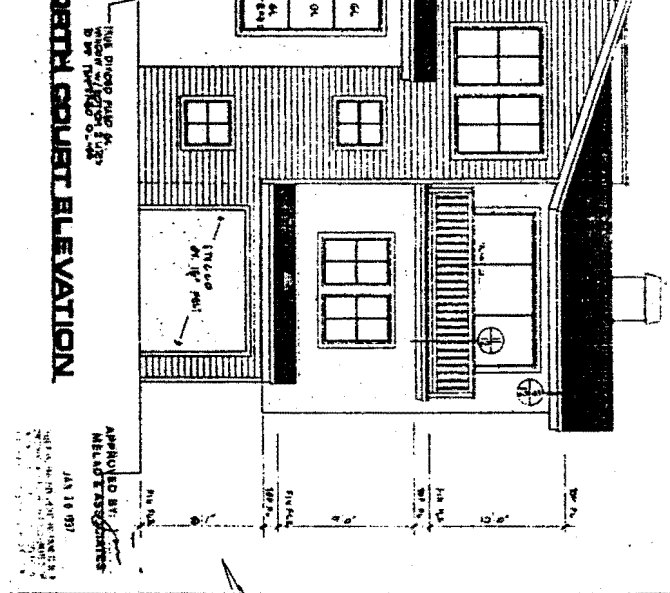
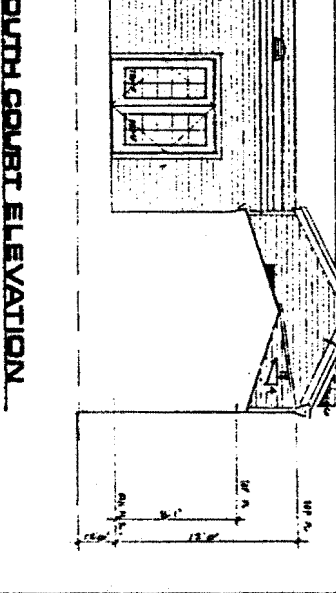
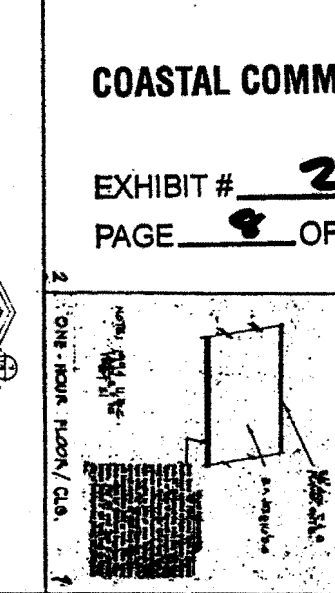
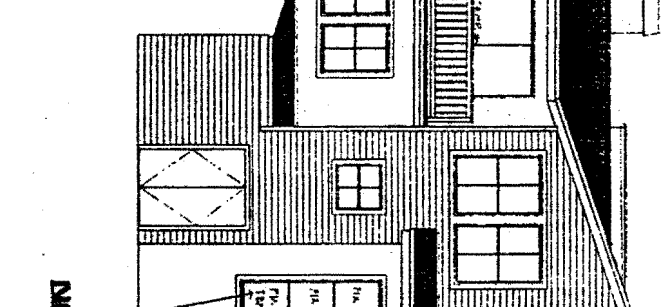
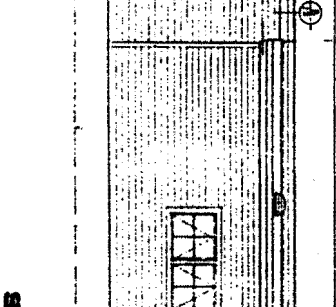
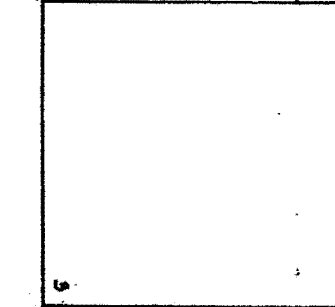
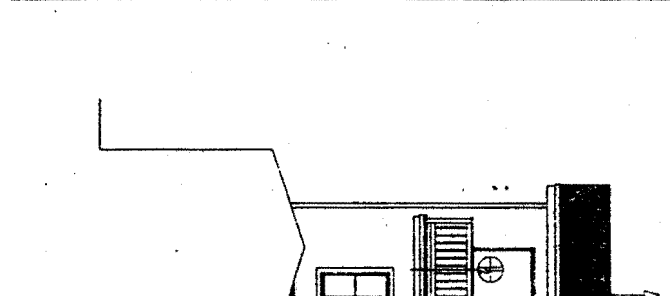
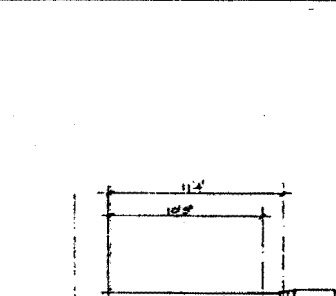
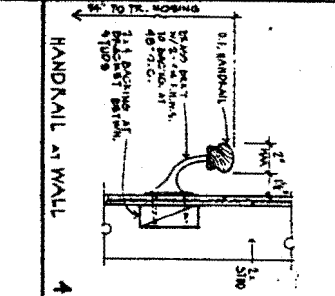
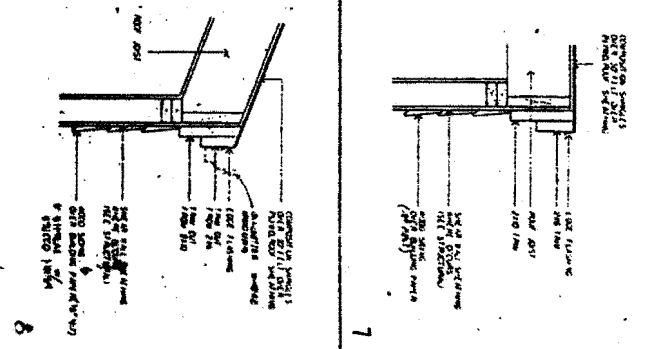
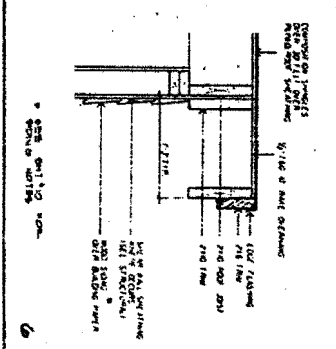
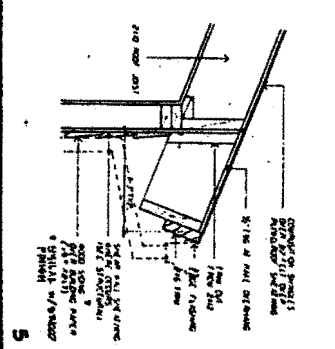
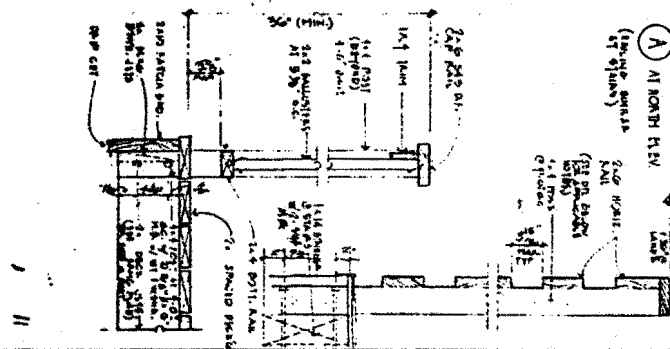
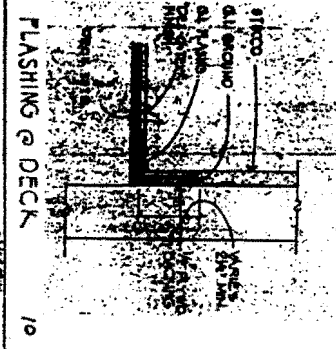


**MIXED USE RETAIL/RESIDENTIAL
WALT MILLER
229 SEAL BEACH BLVD.
SEAL BEACH, CALIF.**

SHUKR (CHUCK) L. YAGHI
Consulting Engineer
Residential and Commercial Structures
113 E. Channing Ave., Suite C
Orange, CA 92668
Tel: 714.887-8139
Fax: 714.744-3076



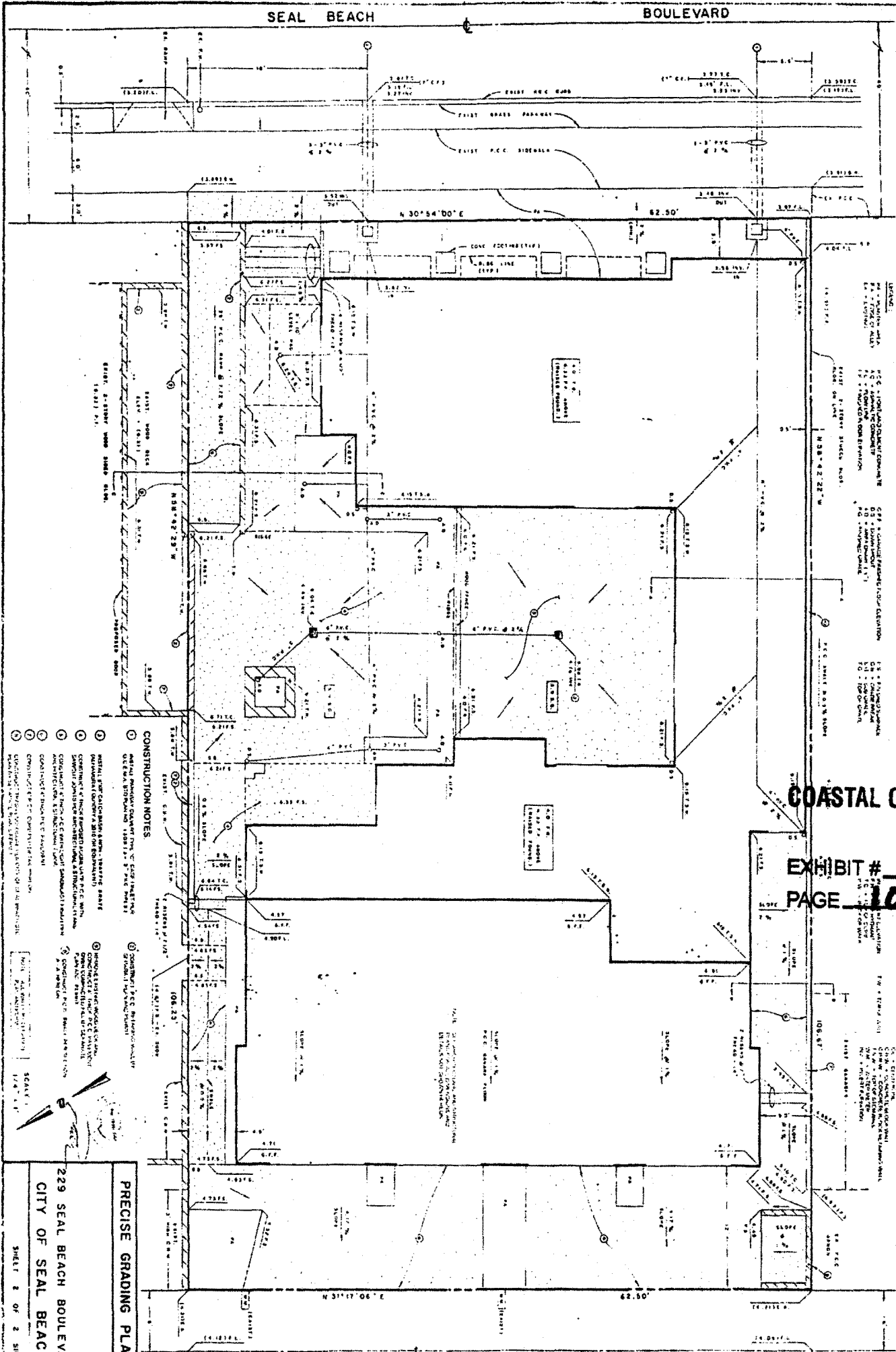
1-HR SEPARATION WALL



COASTAL COMMISSION
 EXHIBIT # 2
 PAGE 8 OF 10

SEAL BEACH

BOULEVARD



- LEGEND
- 1. 1\"/>

COASTAL COMMISSION

EXHIBIT # 2
PAGE 10 OF 10

CONSTRUCTION NOTES

1. EXIST. 2-STORY WOOD SHOP, 1000 RICH, EAST - (EXIST.)
2. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)
3. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)
4. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)
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18. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)
19. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)
20. EXIST. 2-STORY WOOD GARAGE, 1000 RICH, EAST - (EXIST.)

PRECISE GRADING PLAN

229 SEAL BEACH BOULEVARD
CITY OF SEAL BEACH

SHEET 2 OF 2 SHEETS

RESOLUTION NO. 4906

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SEAL BEACH APPROVING
MINOR PLAN REVIEW 01-6, A REQUEST
FOR ARCHITECTURAL REVIEW OF A
PROPOSAL TO CONSTRUCT A NEW MIXED
USE DEVELOPMENT AT 229 SEAL BEACH
BOULEVARD

THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES HEREBY
RESOLVE, DETERMINE AND FIND:

Section 1. On April 12, 2001, Walter F. Miller submitted an application for Minor Plan Review 01-6. Specifically, the applicant is seeking Architectural Review of a proposal to construct a new mixed-use development at 229 Seal Beach Boulevard. The proposed development consists of a one-story commercial building at the front of the lot with a three (3) story, two-unit residential structure over parking at the rear of the lot.

Section 2. Pursuant to 14 Calif. Code of Regs. § 15025(a) and § II.B of the City's Local CEQA Guidelines, staff has determined as follows: The application for Minor Plan Review 01-6 is categorically exempt from review pursuant to the California Environmental Quality Act pursuant to 14 Calif. Code of Regs. § 15303 (New Construction), because it involves the construction of only two (2) apartment units in an urbanized area and other small commercial structures; and, pursuant to § 15061(b)(3), because it can be seen with certainty that there is no possibility that the approval may have a significant effect on the environment.

Section 3. A duly noticed consent calendar hearing was held before the Planning Commission on May 9, 2001, to consider the application for Minor Plan Review 01-6. No persons requested the matter to be removed from the Consent Calendar for separate consideration.

Section 4. The Planning Commission approved Minor Plan Review 01-6, subject to 9 conditions, through the adoption of Planning Commission Resolution No. 01-22 on May 9, 2001.

Section 5. An appeal of the Planning Commission's approval of Minor Plan Review 01-6 was timely filed. On June 11, 2001 the City Council held a duly noticed public hearing to consider the appeal. The Council considered all oral and

written testimony and evidence presented at the time of the de novo public hearing, including the staff reports.

Section 6. The record of the de novo hearing indicates the following:

(a) On April 12, 2001, Walter F. Miller submitted an application for Minor Plan Review 01-6.

(b) Specifically, the applicant is seeking Architectural Review of a proposal to construct a new mixed-use development at 229 Seal Beach Boulevard. The proposed development consists of a one-story commercial building at the front of the lot with a three (3) story, two-unit residential structure at the rear of the lot.

(c) The subject property is legally described as Orange County Assessor's Parcel Number 199-062-36 and is located in the Limited Commercial zone of Old Town.

(d) The subject property is rectangular in shape with a lot area of 6,666 square feet (62.5' x 106.67').

(e) The surrounding land uses and zoning are as follows:

NORTH & SOUTH: A mixture of commercial and residential uses along Seal Beach Boulevard in the Limited Commercial zone (L-C).

EAST: The Seal Beach Naval Weapons Station across Seal Beach Boulevard in the Public Land Use / Recreation zone (PLU/R).

WEST: A mixture of single family and multi-family residences in the Residential Medium Density zone (RMD).

(f) An appeal of the Planning Commission determination was timely filed in accordance with Article 29.4 of the Code of the City of Seal Beach. At the hearing, residents and property owners in the neighborhood opposed the project as submitted. *Inter alia*, opponents were concerned about the adverse impacts that would arise from the installation of a commercial use within six inches from the adjacent property as proposed. Also, there was testimony that constructing a mixed use building six inches from an existing building would not be compatible with surrounding uses, both existing and future uses.

Section 7. Based upon the facts contained in the record, including those stated in § 6 of this resolution, and pursuant to §§ 28-1158 of the City's Code, the City Council hereby finds as follows:

(a) Minor Plan Review 01-6, as conditioned, is consistent with the provisions of the Land Use Element of the City's General Plan, which provides a

"Limited Commercial" designation for the subject property and permits mixed use developments. The use, as conditioned, is also consistent with the remaining elements of the City's General Plan as the policies of those elements are consistent with, and reflected in, the Land Use Element. Accordingly, the proposed use, as conditioned, is consistent with the General Plan.

(b) The development, as conditioned, complies with all development standards of the Limited Commercial (L-C) Zone.

(c) The proposed Cape Code style architectural scheme is appropriate for the beach character of Old Town Seal Beach.

(d) Reorientation of the commercial/retail portions of the proposed mixed-use structure to a minimum of 3 feet from the southerly property line adjacent to the structure at 223 Seal Beach Boulevard will make the use compatible with surrounding land uses, including future uses that may be developed at 223 Seal Beach Boulevard by minimizing visual and functional conflicts between residential and nonresidential uses.

Section 8. Based upon the foregoing, the City Council hereby approves Minor Plan Review 01-6, subject to the following conditions:

1. Minor Plan Review 01-6 is approved for architectural review of a one-story commercial structure at the front of the lot and a three-story duplex at the rear of the lot at 229 Seal Beach Boulevard, Seal Beach.
2. Final construction plans shall comply with all current Uniform Code requirements for construction as set forth in Chapter 5 of the Code of the City of Seal Beach (adopts by reference 1997 Uniform Construction Codes with local amendments).
3. Final building plans shall indicate the location of all commercial/retail structures to be a minimum of three (3) feet from the southerly property line adjacent to the structure at 223 Seal Beach Boulevard.
4. The applicant shall provide 177 square feet of landscaping within the required front yard setback and an additional 323 square feet of landscaping elsewhere on the property. Final building plans shall indicate 177 square feet of landscaping within the required front yard setback and an additional 323 square feet of landscaping elsewhere on the property.
5. The applicant shall provide a total of seven (7) parking spaces for the commercial use, or contribute an amount to be determined for in-lieu parking. The applicant shall sign and record an agreement to participate in the City's in-lieu parking program for a total of seven (7) parking spaces.
6. The applicant shall post a surety bond in the amount of \$3,500 (\$500/space) for in-lieu parking fees prior to issuance of a building permit. Once a specific in-lieu

fee is determined, the applicant shall pay the fee in full and the bond will be released.

7. The applicant shall record a covenant on the Title of the property requiring that the occupants of the residential units shall be involved in "non-residential" uses on the subject property.
8. All construction shall be in substantial compliance with the plans approved through MPR 01-6, as amended herein.
9. All standard permit issuance fees of the Department of Building and Safety and the Department of Public Works shall be paid prior to issuance of a building permit. This condition would entail payment of the following fees and/or submission of additional plans:
 - Grading Permit: Grading plans to be approved by the Engineering Department and a grading permit to be issued by Engineering Department prior to issuance of a building permit.
 - Building Department standard conditions of approval:
 - Final construction plans shall comply with all current Uniform Code requirements for construction as set forth in Chapter 5 of the Code of the City of Seal Beach (adopts by reference 1997 Uniform Construction Codes with local amendments).
 - Payment of all required fees at time of submittal of plans for plan check/issuance of building permit:
 - Plan Check Fee (pursuant to City Council Resolution No. 4816)
 - Building Permit Fee (pursuant to City Council Resolution No. 4816)
 - Environmental Reserve Tax (pursuant to Code § 22-52)
 - Construction Excise Tax (pursuant to Code § 22-14)
 - Park and Recreation Non-Subdivision Fee (pursuant to City Council Resolution No. 4816)
 - Transportation Facilities and Programs Development and Development Application Fees (pursuant to City Council Resolution No. 4816)
 - Orange County Sewer Connection Fee
 - Public Works Department standard conditions of approval:
 - City Sewer Connection Fee (pursuant to City Council Resolution No. 4816)
 - Grading Plan Check Fee Deposit (pursuant to City Council Resolution No. 4816)
 - Right of Way Improvements:
 - Replace deficient or inadequate sidewalk abutting lot or construct all new as determined by the City Engineer.

- Replace deficient or inadequate curb and gutter abutting lot or construct all new as determined by the City Engineer.
 - Make all public pedestrian access, including but not limited to driveway approaches, access ramps, sidewalk abutting lot ADA compliant.
 - Rehabilitate half the section of the street abutting the frontage of the property as determined by the City Engineer.
 - Rehabilitate the entire alley section abutting the frontage of the property as determined by the City Engineer.
 - Street Improvements:
 - Underground all overhead utilities abutting lot including but not limited to electrical, phone, cable.
 - Street Trees and landscaping:
 - Plant new street trees and landscaping in the public right of way as determined by the Director of Parks and Recreation in accordance with the City's Street policy.
 - Public Utilities:
 - On commercial developments with City maintained water facilities, replace any water lines, hydrants, or facilities as determined by the City Engineer or take over maintenance of the water lines as a private on-site system.
 - Replace existing sewer laterals as necessary as determined by the City Engineer.
 - Upgrade water services as necessary as determined by the City Engineer.
 - Replace existing public facilities such as street lighting, water and sewer lines and related appurtenances serving the property if in the determination of the City Engineer the existing public utilities are insufficient or are in need of replacement.
 - Ocean Water Quality:
 - Provide that stormwater pollution requirements as determined by the City Engineer including but not limited to the following:
 - Minimize runoff to impermeable areas/reuse storm water.
10. This Minor Plan Review shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant in the presence of the Director of Development Services, or notarized and returned to the Planning Department.
11. The applicant shall indemnify, defend and hold harmless City, its officers, agents and employees (collectively "the City" hereinafter) from any and all claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, and any and all claims, lawsuits or actions arising from the granting of or the exercise of the rights permitted by this Minor Plan Review,

and from any and all claims and losses occurring or resulting to any person, firm, corporation or property for damage, injury or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend and hold harmless the City as stated herein shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, expert witness fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

Section 9. The time within which judicial review, if available, of this decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure and Section 1-13 of the Code of the City of Seal Beach, unless a shorter time is provided by applicable law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Seal Beach at a meeting thereof held on the 25th day of June, 2001 by the following vote:

AYES: Councilmembers Boyd, Campbell, Doane, Larson
NOES: Councilmembers Yeat
ABSENT: Councilmembers None
ABSTAIN: Councilmembers None

William J. Doane
William J. Doane, Mayor

ATTEST:
Joanne M. Yeo
Joanne M. Yeo, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SEAL BEACH)

I, Joanne M. Yeo, City Clerk of the City of Seal Beach, California, do hereby certify that the foregoing resolution is an original copy of Resolution Number 4906 on file in the Office of the City Clerk, passed, approved and adopted by the City Council of the City of Seal Beach at a meeting thereof held on the 25th day of June, 2001.



Joanne M. Yeo, City Clerk
City of Seal Beach

