

**CALIFORNIA COASTAL COMMISSION**

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



Filed: August 8, 2002  
49th Day: September 26, 2002  
180th Day: February 4, 2003  
Staff: ALB-LB **ALB**  
Staff Report: November 21, 2002  
Hearing Date: December 10-13, 2002  
Commission Action:

**Tu 5c****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-02-260 **RECORD PACKET COPY**

**APPLICANT:** Medhat Raouf

**PROJECT LOCATION:** 233 Seal Beach Boulevard, City of Seal Beach,  
Orange County

**PROJECT DESCRIPTION:** Demolition of an existing office building and  
construction of two new three-story mixed-use  
structures (commercial on ground floor with one  
residential unit above each) with shared parking lot on  
three contiguous lots. No grading is proposed.

**LOCAL APPROVALS RECEIVED:** City of Seal Beach Planning Commission approval of  
Minor Plan Review 02-1 on March 20, 2002 and  
Approval in Concept by Planning Department on July  
15, 2002.

**SUBSTANTIVE FILE DOCUMENTS:** City of Seal Beach General Plan and Zoning Code, Seal  
Beach Land Use Plan (uncertified).

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions which 1) informs the applicant that any future change in the density or intensity of use of the site will require a permit amendment or new permit; 2) requires use of construction best management practices (BMPs); 3) requires the debris disposal site to be located outside of the Coastal Zone and 4) requires submittal of a water quality management plan incorporating post-construction BMPs. The major issues associated with this development are land use, parking and water quality.

**LIST OF EXHIBITS:**

1. Location Map
2. Assessor's Parcel Map
3. Coastal Access Points
4. Project Plans

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

*I move that the Commission approve CDP No. 5-02-260 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS:**

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 5-02-260 is only for the development, located at 233 Seal Beach Boulevard, 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 an increase in square footage or any other change in the intensity or 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.

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition 3.

3. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

4. Submittal of a Water Quality Management Plan

- A. The applicant shall implement structural and/or non-structural Best Management Practices (BMP's) designed to minimize pollutant loads contained in runoff prior to

entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs may include, but are not limited to:

- (i) Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
- (ii) Sweep parking lot(s) with a vacuum regenerative sweeper on a monthly basis;
- (iii) Installation of catch basin inserts or vegetative or other media filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs shall be of a design capacity capable of mitigating (infiltrating or treating) stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile 24-hour runoff event;
- (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15<sup>th</sup> through April 31<sup>st</sup> of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15<sup>th</sup> each year. The BMP's shall be maintained to uphold their functionality.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

#### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

##### A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 233 Seal Beach Boulevard within the southeastern portion of the City of Seal Beach, Orange County (Exhibits 1 & 2). The site is designated Limited Commercial (L-C) in the General Plan and Zoning Code. The subject property is made up of three separate rectangular lots with a total area of 7,763 square feet. The property fronts on Seal Beach Boulevard and backs to an alley. The property is currently occupied with a vacant office building surrounded by vacant land.

Surrounding development consists mainly of commercial and residential uses. Commercial and residential development exists to the south. A mix of residential development and vacant land exists to the north. The Naval Weapons Station is located across Seal Beach Boulevard to the east. Single- and multi-family residential development exists to the west.

The subject site is located approximately ¼ mile from the City's primary, mile-long public beach. Vertical public access to this beach is available in the vicinity at several street ends including Electric Avenue, Neptune Avenue, and Dolphin Avenue. These street ends provide access to Seal Way, a lateral accessway (paved walkway) along the shoreline extending from Electric Avenue to the municipal pier (Exhibit 3).

The Limited Commercial zoning designation allows a mixture of low intensity commercial and residential uses on a single site. The Limited Commercial designation encourages "*commercial, service, institutional, and office uses that do not attract large volumes of traffic and continuous customer turnover.*" The designation discourages "*strip-type, highway oriented commercial uses that create traffic hazards and congestion.*" As such, the applicant's proposal to construct a mixed-use development with commercial office uses on the ground floor and residential units on the upper floors is consistent with the local land use designation.

Specifically, the applicant is proposing the demolition of the existing vacant office building and construction of two new three-story, mixed-use structures with a shared parking lot on three contiguous lots (Exhibit 4). The structures will be sited on the outer lots and a 7-space parking lot will be sited on the middle lot. Two (2) additional shared parking spaces will be provided beneath the more northerly structure. The structures will reach a maximum height of 30', consistent with the pattern of development in the subject area. Minimal landscaping is proposed along the frontage street. No grading is proposed.

The lower level of the southerly building will be occupied with a 1,160 square foot dental office. A 2,188 square foot residential unit will be located on the second and third floors above. The lower level of the northerly building will provide 827 square feet of general office space. A 2,188 square foot housing unit will be located on the second and third floors above. Each residential unit will be served by a 2-car garage located on the alley-facing side of the ground floor. A pool of 9 shared parking spaces will be provided to serve the commercial office uses. Five (5) spaces will be accessible from the frontage street and 4 spaces will be accessible from the alley.

As proposed, the project provides adequate parking to meet the City's parking standards. If the Commission's typically-imposed parking standards are applied, the project is deficient by 2 spaces. Applying the City parking standards, dental offices have a parking requirement of 1 space per each 200 square feet of area. As such, the 1,160 square foot office space requires 6 parking spaces. The Commission's typically-applied standard of 1 space per 150 square feet of area would require 8 spaces to serve the dental office. The City's requirement for general offices is 1 space per each 300 square feet of area, whereas the Commission's requirement is 1 space per each 250 square feet. As such, the 826 square foot office space requires 3 parking spaces by local standards and 3.3 (rounded up to 4) by the Commission's standards. In this instance, the Commission finds the parking proposed by the applicant to be adequate due to project-specific circumstances, including the land uses proposed and the lack of adverse public access impacts.

The applicant is proposing a mixed-use project with office uses on the ground floor and residential units above, served by a total of 13 parking spaces. If the land uses were to change in the future to a more intense use (such as a restaurant on the ground floor), the demand for parking would increase. Therefore, the Commission must review future proposals that would change the use or intensity of use of the site.

Due to its location and the availability of parking closer to the beach, the subject site is not currently used for public parking by beach-goers. The primary tourist-oriented attractions in Seal Beach are focused around the municipal pier and along Main Street. The subject site, located approximately ½ mile southeast of the pier and Main Street, is not a visitor-serving area. As such, public parking will not be adversely impacted by the proposed development.

To address potential water quality impacts, the applicant has indicated that both construction and post-construction best management practices (BMPs) will be incorporated into the project. However, no detailed information has been submitted for review. Information regarding design and maintenance of the BMPs is necessary prior to permit issuance.

## **B. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned, the development conforms with the Chapter 3 policies of the Coastal Act.

## **C. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **D. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates

marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**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.

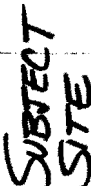
On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.







5-02-260

AUG 8 2002

CALIFORNIA  
COASTAL COMMISSION

SUBJECT  
SITE

## COASTAL ACCESS POINTS

INDEX MAP  
ASSESSOR'S MAP BOOK 199

BOOK 43  
INDEX MAP NO

BOOK 43  
INDEX MAP NO. 1

# COASTAL COMMISSION

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EXHIBIT # 3

PAGE 1 OF 1

12' ALLEY

75'

FLR ABOVE

20'-6"

20'-6"

①

②

③

④

20'-6"

20'-6"

⑤

⑥

⑦

↑  
SLOPE

103'

BUILDING ⑦

3" AC PAVING  
OVER 4" DBC-7

BUILDING ⑦

⑧

⑨

↑  
SLOPE

1/4" SLOPE

15

PLANTING

PLANTER

25'

25'

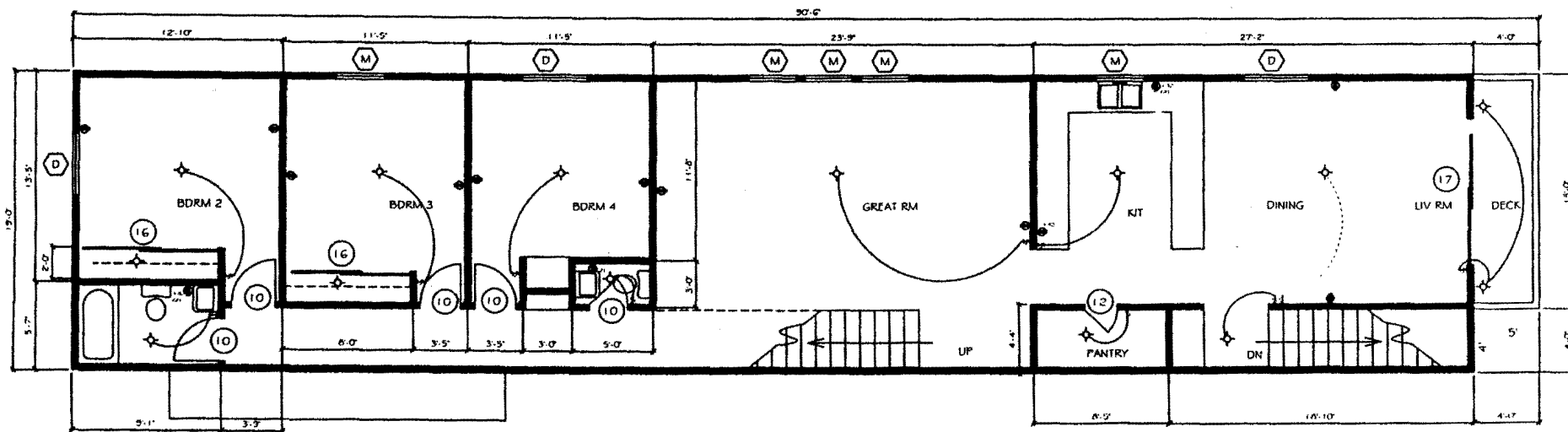
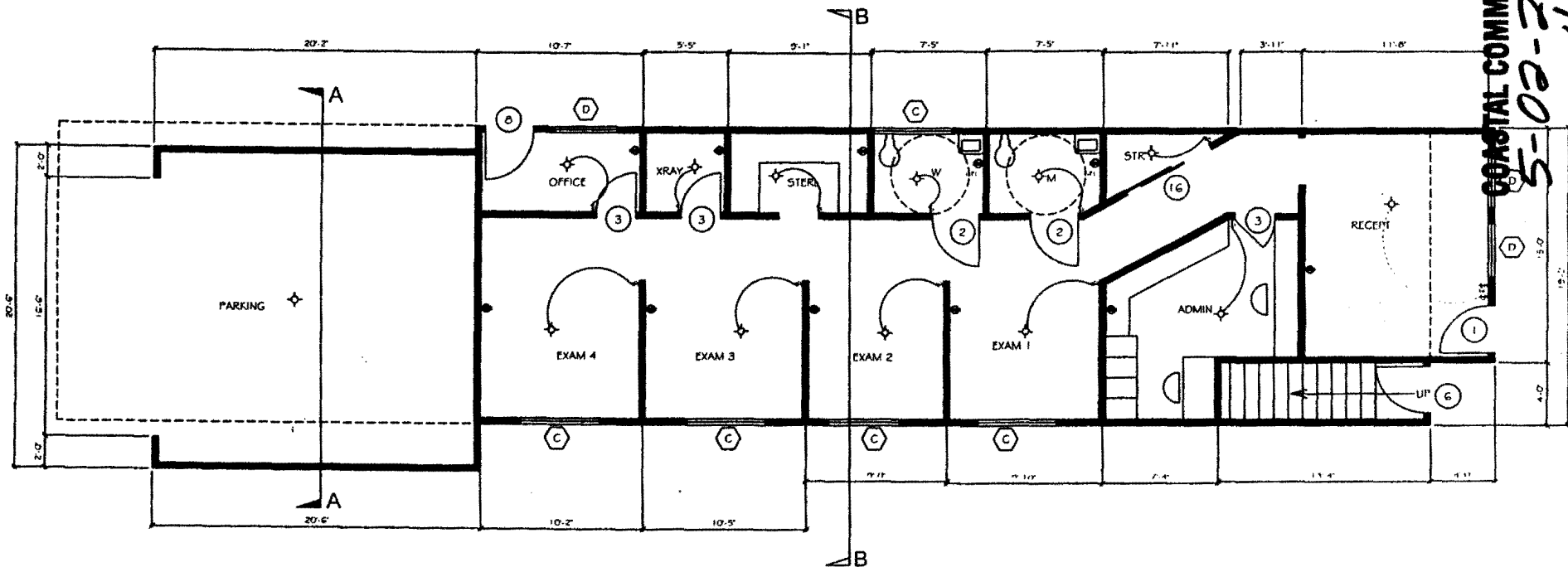
25'

Existing  
Approach

↖  
SITEPLAN  
SCALE: N.T.S.

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EXHIBIT # 4  
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233 55th Beach Blvd

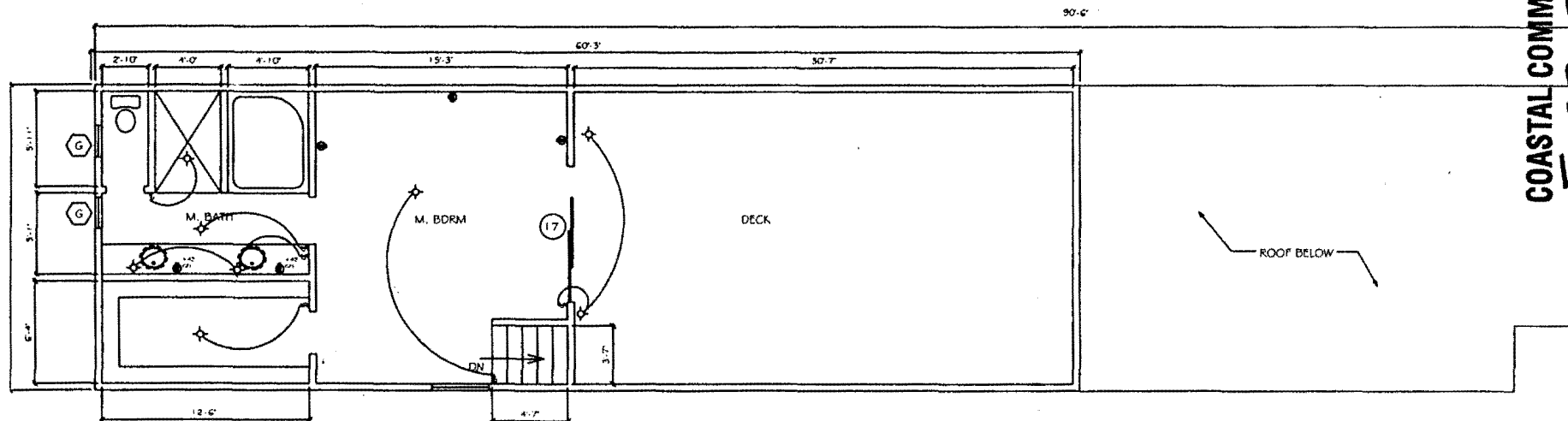


COASTAL COMMISSION

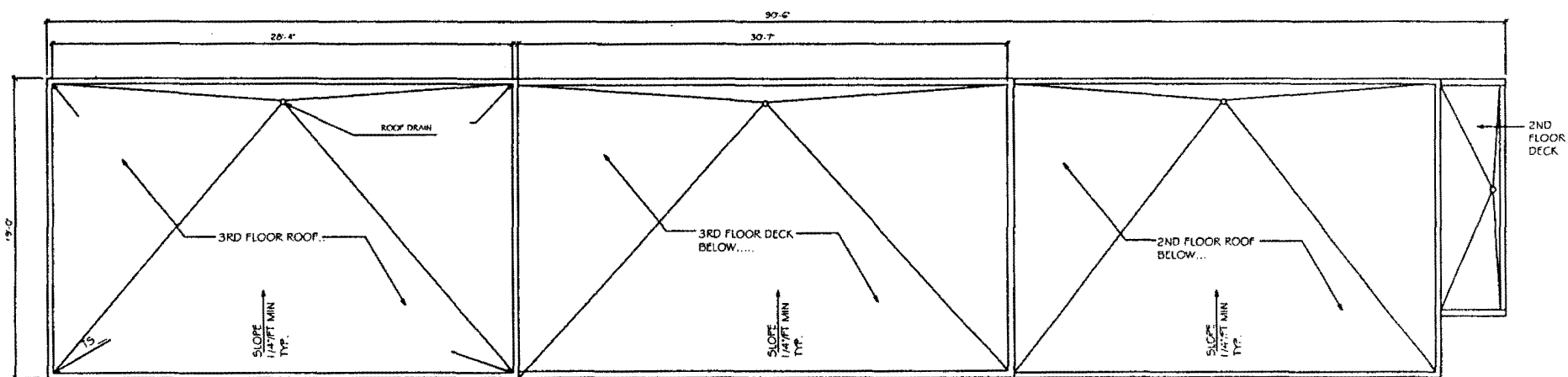
5-02-260

EXHIBIT # 4

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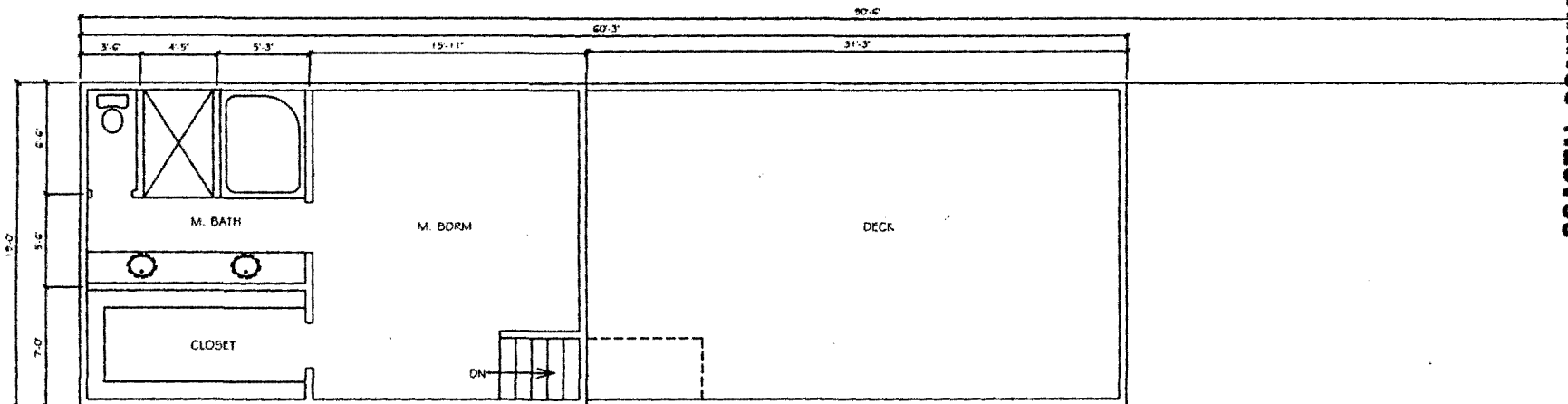


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 SCALE: n.l.s. 1:10

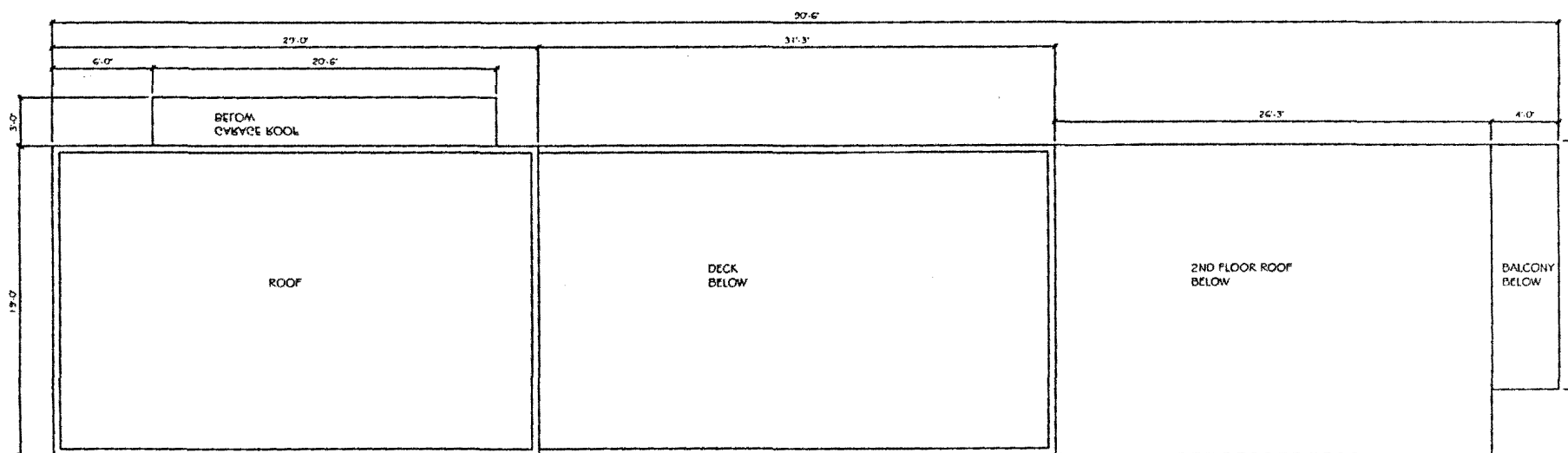


BLDG 1 ROOF PLAN  
 SCALE: n.l.s. 1:10

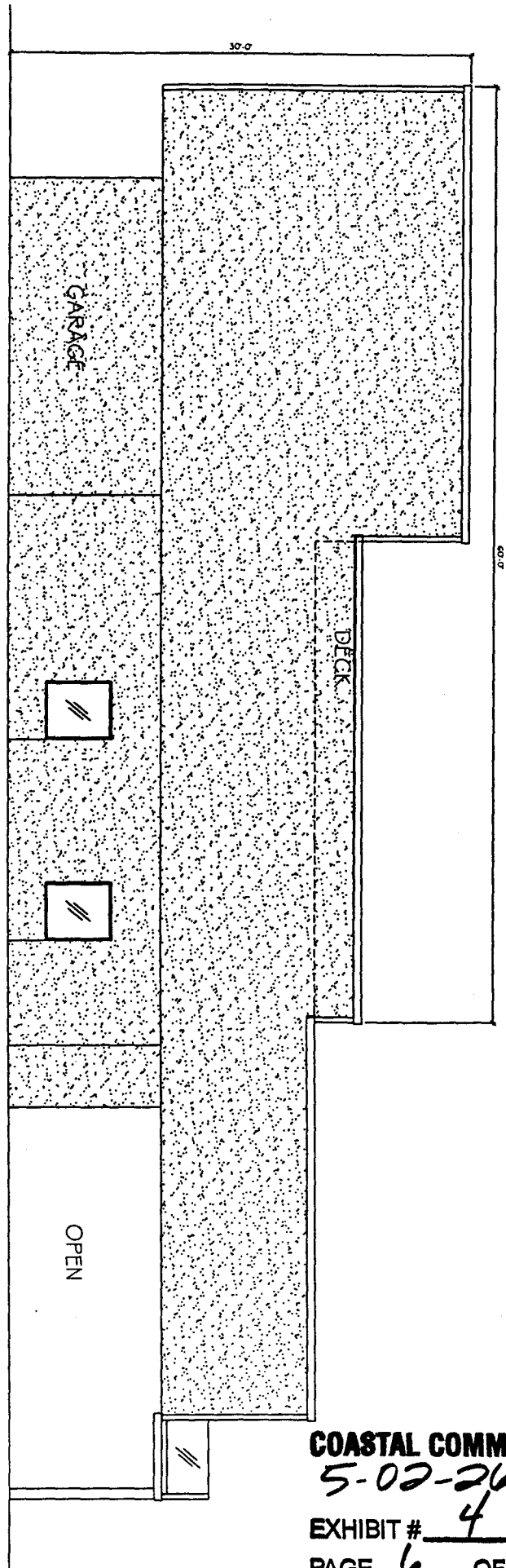




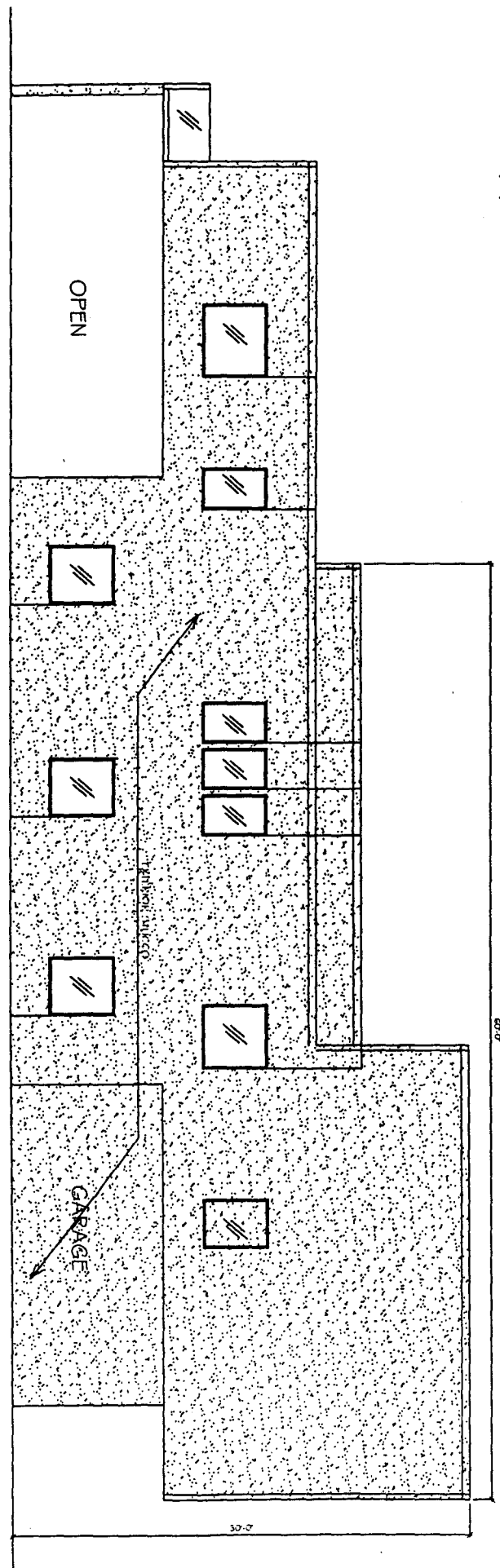
BLDG 2 THIRD FLOOR  
SCALE: n.t.s.  
1:10



BLDG 2 ROOF PLAN  
SCALE: n.t.s.  
1:10

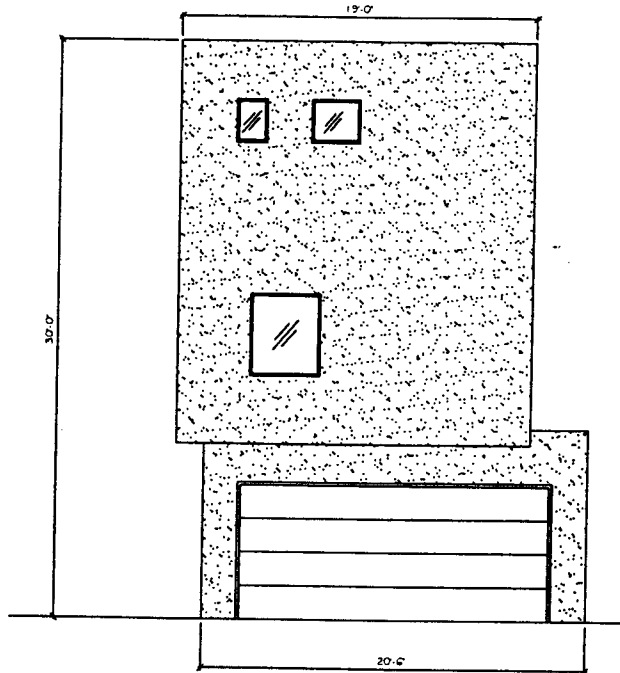


BLDG 2 SOUTH ELEVATION  
SCALE: A1/E 1:10

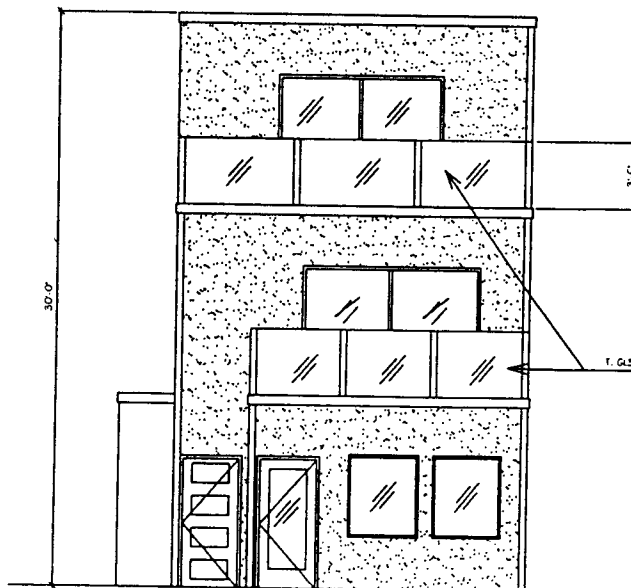


BLDG 2 NORTH ELEVATION  
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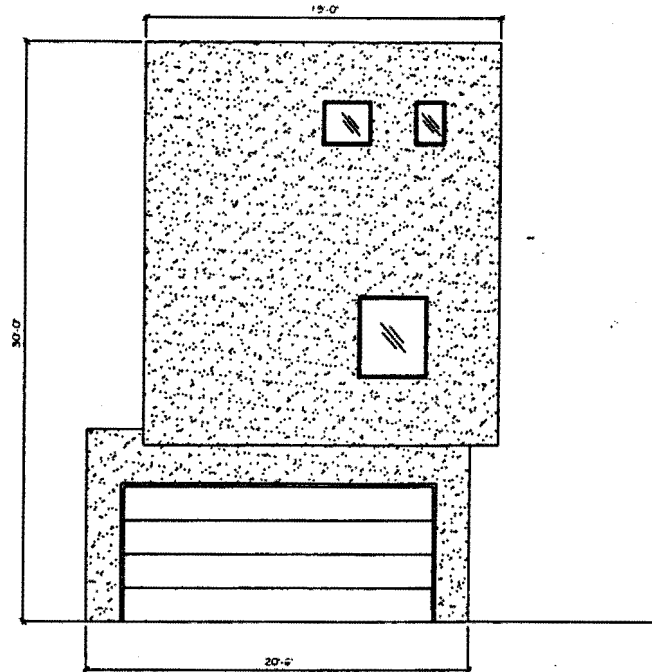
BLDG 1 WEST ELEVATION  
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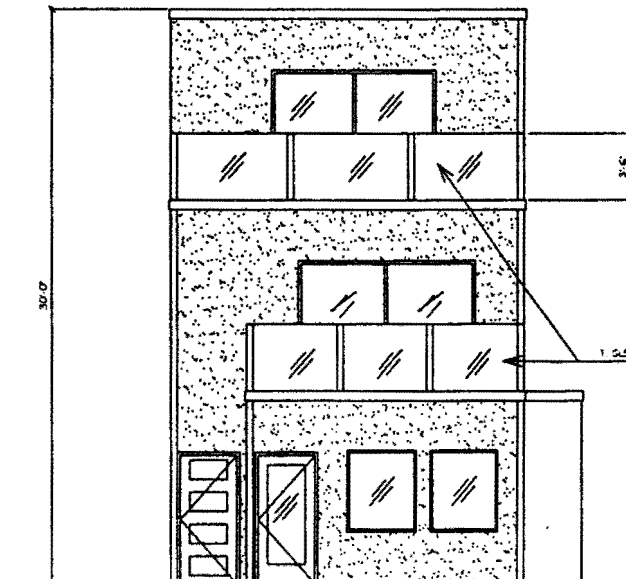
BLDG 1 EAST ELEVATION  
SCALE: n.t.s. 1:10

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EXHIBIT # 4  
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BLDG 2 EAST ELEVATION  
SCALE: N.T.S. 1:10



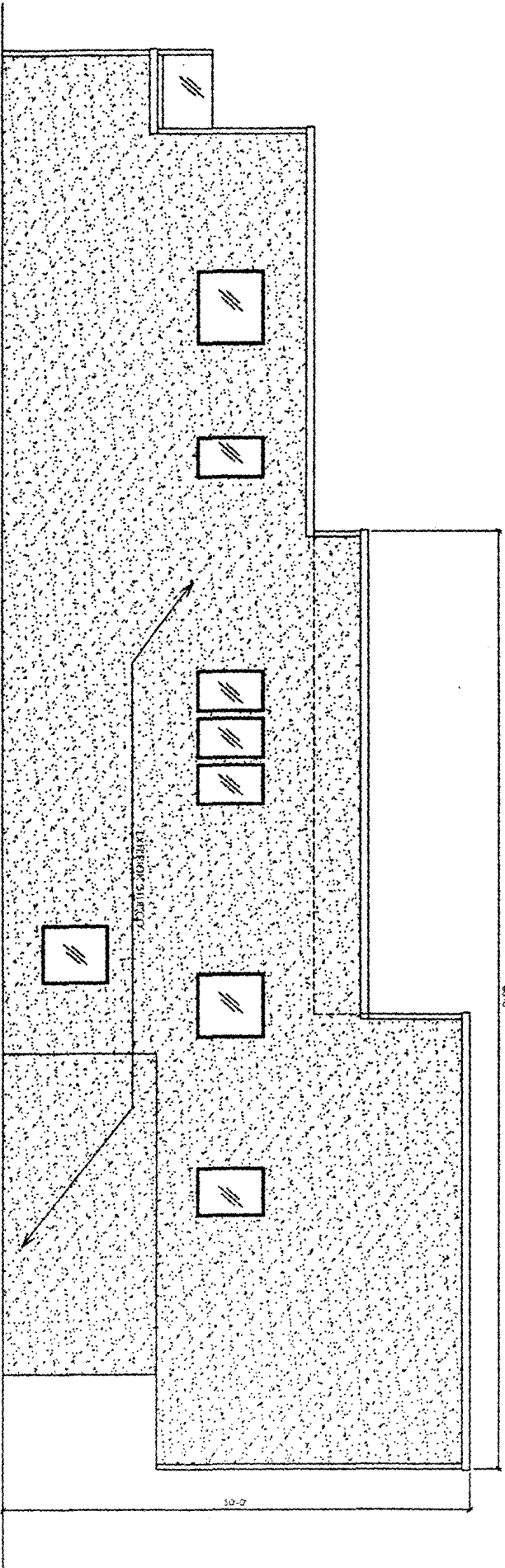
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EXHIBIT # 4  
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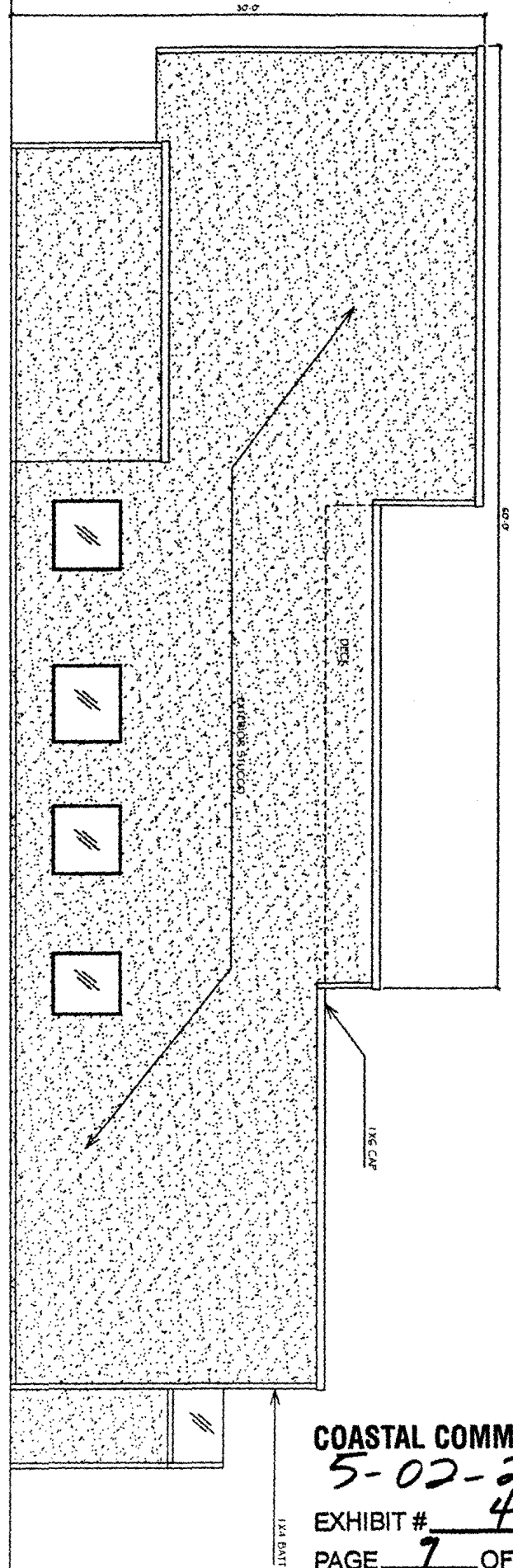
BLDG 1 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



BLDG 1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



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EXHIBIT # 4

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