

CALIFORNIA COASTAL COMMISSION

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

Filed: November 19, 2003
49th Day: January 7, 2004
180th Day: May 17, 2004
Staff: FSY-LB **FSY**
Staff Report: January 29, 2004
Hearing Date: February 18-20, 2004
Commission Action:

**W 4b****RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-03-362

APPLICANTS: Edward McLaughlin II & Edward McLaughlin III

PROJECT LOCATION: 233, 235 & 237 Seal Beach Boulevard, City of Seal Beach, Orange County

PROJECT DESCRIPTION: Demolish an existing one (1)-story building located on one (1)-parcel comprised of three (3)-lots and construct three (3) new 2,499 square single-family residences each with an attached 390 square foot two (2)-car garage. Each lot will contain one (1) single-family residence for a total of three (3) new residences.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with **Five (5) Special Conditions** which require: **1)** use of construction best management practices (BMPs); **2)** the debris disposal site to be located outside of the Coastal Zone; **3)** conformance with the submitted drainage and run-off control plan; **4)** submittal of revised project plans showing that the existing curb cut and parking time limit (green zone) that currently exists along Seal Beach Boulevard in front of the project site are removed; and **5)** submittal of written documentation demonstrating that the applicants have the legal ability to carry out the proposed project and all conditions of approval of this permit. The major issues associated with this development are land use and water quality.

LOCAL APPROVALS RECEIVED: City of Seal Beach Planning Department Approval-In-Concept dated August 28, 2003; Seal Beach City Council Resolution No. 5126; Ordinance No. 1499; and Ordinance No. 1500.

SUBSTANTIVE FILE DOCUMENTS: City of Seal Beach General Plan and Zoning Code; Letter to Edward McLaughlin from Commission staff dated September 25, 2003; Submittal from Edward McLaughlin received October 14, 2003; Letter to Edward McLaughlin from Commission staff dated November 12, 2003; *Soils Investigation (Project Number 10920-03) Proposed Residential Development 233, 235 and 237 Seal Beach Boulevard, Seal Beach, California* prepared by Norcal Engineering dated November 7, 2003 and Coastal Development Permits No. 5-02-260-[Raouf] and No. 5-99-026-[Musso].

LIST OF EXHIBITS:

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

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

STAFF RECOMMENDATION:

MOTION: I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittees 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 No. 2.

2. Location of Debris Disposal Site

The applicants 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.

3. Drainage and Polluted Runoff Control Plan

The applicants shall conform with the drainage and run-off control plans received on October 14, 2003 showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Revised Project Plans

A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, two (2) full size sets of revised project plans showing that that the existing curb cut and parking time limit (green zone) that currently exists along Seal Beach Boulevard in front of the project site are removed and the curb is made available to the general public for parking purposes.

B. The permittees 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.

5. Legal Interest

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to carry out the proposed project and all conditions of approval of this permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION, DESCRIPTION AND PREVIOUS COMMISSION ACTION

1. Prior Commission Action at Subject Site

On December 10, 2002, the Commission approved Coastal Development Permit Application #5-02-260-[Raouf]. The proposed project was for the demolition of an existing office building and construction of two (2) new three (3) story mixed-use structures (commercial on ground floor with one (1) residential unit above each) with a shared parking lot on three (3) contiguous lots. The major issues of the project were land use, parking and water quality. Four (4) Special Conditions were imposed: 1) the applicant was informed that any future change in the density or intensity of use of the site will require a permit amendment or new permit; 2) required use of construction best

management practices (BMPs); 3) required the debris disposal site to be located outside of the Coastal Zone and 4) required submittal of a water quality management plan incorporating post-construction BMPs.

2. Project Location and Description

The subject site is located at 233, 235 and 237 Seal Beach Boulevard within the southeastern portion of the City of Seal Beach, Orange County (Exhibits #1 & #2). The site was designated Limited Commercial (LC) in the General Plan and Zoning Code. This LC designation allows a mixture of low intensity commercial use and residential use on a single site. However, in April 2003, the site designation was changed to a Limited Commercial/Residential Medium Density designation (LC/RMD), which allows residential uses to be constructed on this site as permitted by right, stand alone use. As such, the applicants' proposal to construct three (3) individual stand-alone residences is consistent with the current local land use designation, which has not been certified by the Commission because the City has neither a certified Land Use Plan or Implementation Plan. The subject property is made up of three (3) 25' x 103' (2,575 square feet) separate rectangular lots with a total area of 7,725 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 applicants are proposing the demolition of the existing vacant office building located on one (1) parcel comprised of three (3) lots and construction of three (3) new 2,499 square single-family residences each with an attached 390 square foot 2-car garage (Exhibit #4). In addition, each residence will have a 133 square foot 2nd floor balcony and a 570 square foot roof deck. These residences will be two-stories and be 25 feet above existing grade, consistent with the pattern of development in the subject area. Each lot will contain one (1) single-family residence for a total of three (3) new residences. A total of 450 cubic yards of grading will be performed for purposes of recompaction and will be balanced on site. In addition, the applicants are proposing the installation of pavers, sediment basins and infiltration trenches to address water quality issues.

The proposed development provides two parking spaces per residential unit. This is consistent with the Commission's previous actions finding that two (2) parking spaces per residential unit is adequate to satisfy the parking demand for residential use. In addition, the project has been conditioned with the applicants' concurrence, to close an existing curb cut and remove the parking time limit area located in front of the project site along Seal Beach Boulevard that were associated with the former commercial use of the site. This would increase public access to the beach by providing two (2) new parking spaces along Seal Beach Boulevard in front of the project site.

Commercial uses along this stretch of Seal Beach Boulevard have struggled. Rather, 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 has not thrived as a visitor-serving area despite the City efforts to revitalize the commercial component of this area. Recently, the older commercial structures have been demolished and replaced by residences (i.e. CDP No. 5-99-026-[Musso]).

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with 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 design features to minimize the effect of construction and post-construction activities on the 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 with 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 30600(c) 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 Section 30604 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 Executive Director finds that approval of the proposed development, as conditioned, would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

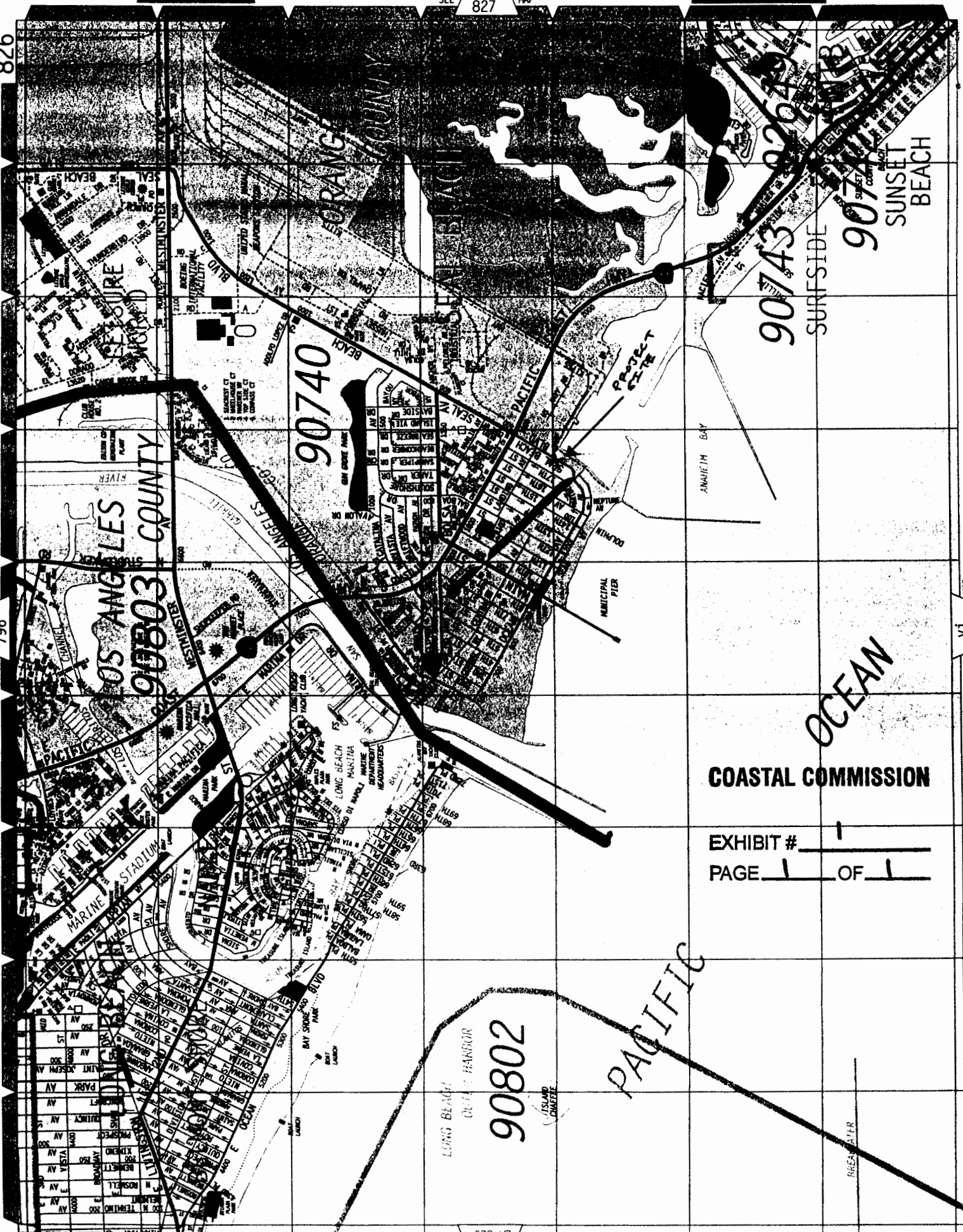
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate 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.

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SEE 796 MAP

SEE VI MAP



90740

90743

90744

90803

90802

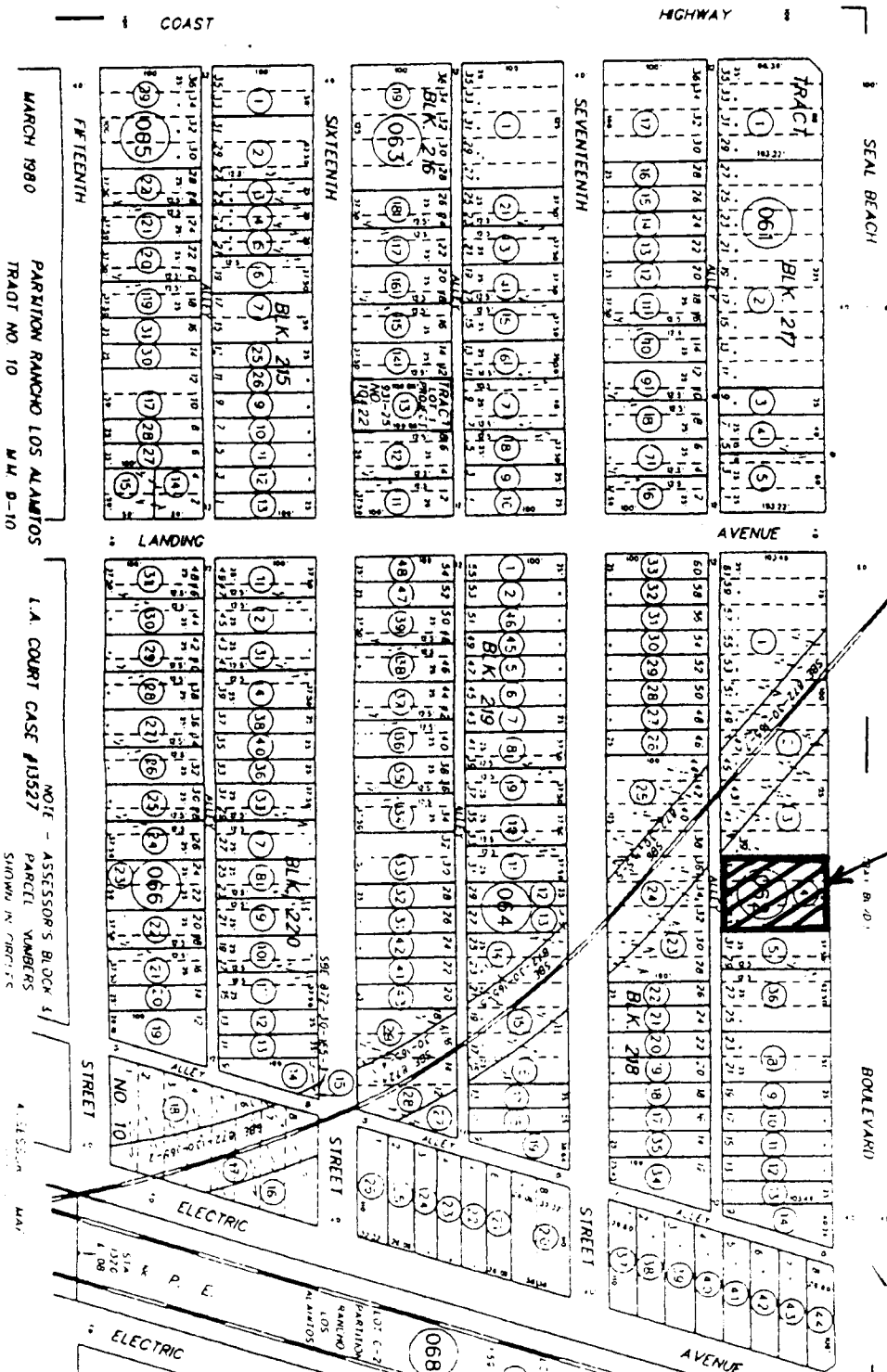
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EXHIBIT # 1

PAGE 1 OF 1

OCEAN

PACIFIC



43-15
SUBJECT SITE

MARCH 1980
 PARTIUM RANCHO LOS ALAMITOS
 TRACT NO 10 M.M. D-10

NOTE - ASSESSOR'S BLOCK 4
 PARCEL NUMBERS
 SHOWN IN RED INCS

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EXHIBIT # 2
 PAGE 1 OF 1

199-06

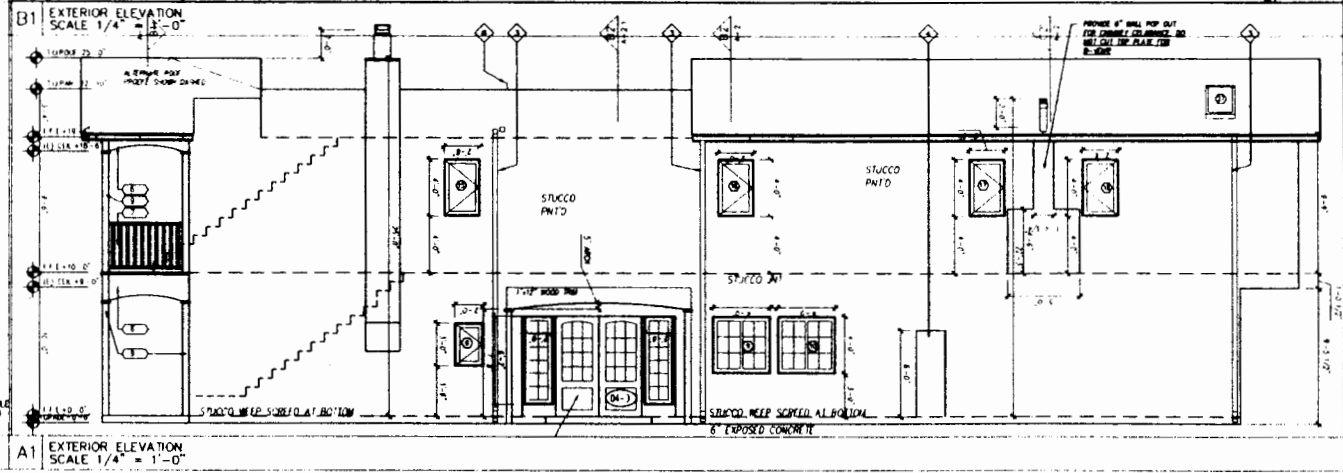
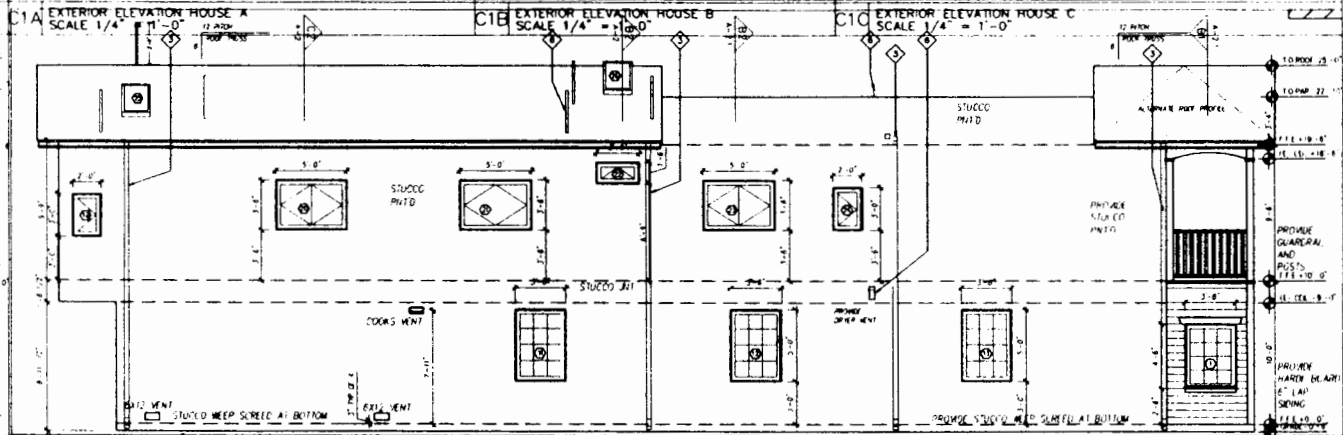
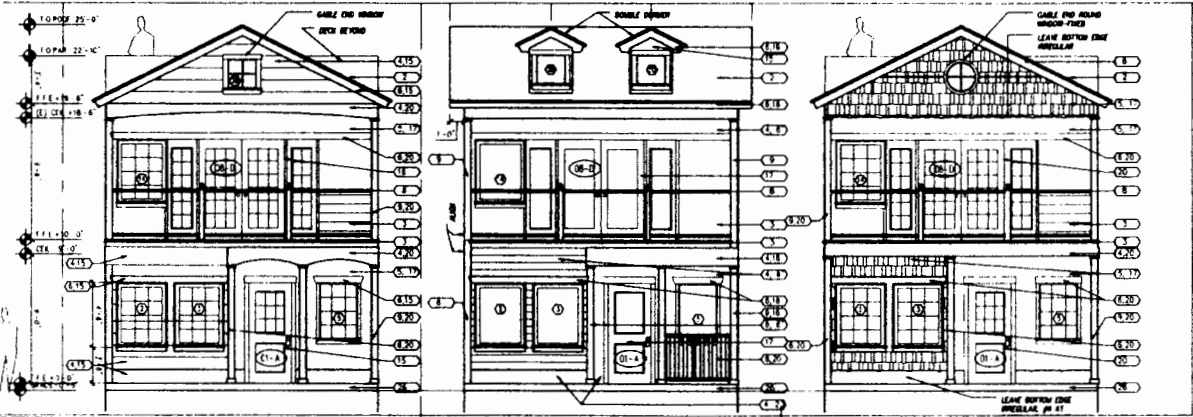
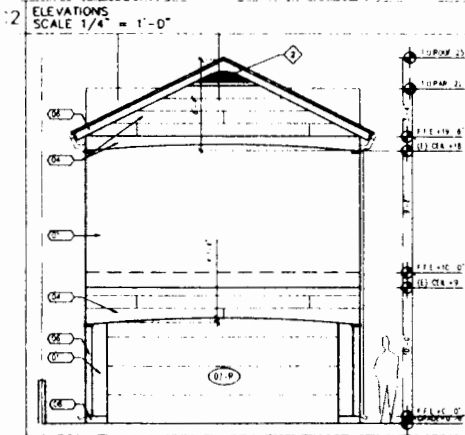
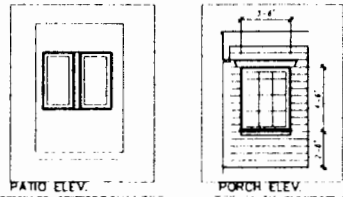
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Seal:

DAVID KETCH ARCHITECT
12000 W. 10TH STREET
LOS ANGELES, CALIFORNIA 90024

SEAL BEACH
HOME A B C
233 SEAL BEACH BLVD
SEAL BEACH, CALIFORNIA

Key Plan: Reference North
No. Issue: Date:
ISSUED FOR CITY REVIEW

Project Number: 01
Date: 11/23/03
Scale: AS NOTED
Sheet Number:

EXHIBIT # 4
PAGE 3 OF 4

COASTAL COMMISSION

ELEVATION OR SECTION
DETAIL / SECTION NO.
SHEET NUMBER
DETAIL NUMBER
SHEET NUMBER
SHEET NUMBER
SHEET NUMBER

NEW WALL EXTEND TO ROOF
CABLE END VENT
CLUTTER / DISMISPOUT IMMEDIATE TO STREET
PROVIDE DOOR FOR ACCESS TO WATER HEATER CLOSET
ALTERNATE ROOF AT BEARING B VENT

LEGEND CONSTRUCTION

SHEET SPECIFIC NOTES CONSTRUCTION

233, 735 & 237 SEAL BEACH BLVD.

A-3

NOTES:

1. ALL RAN GUTTERS TO BE ORIENTED TO SEDIMENT BASINS AND/OR VEGETATED AREAS
2. ALL PAVED AREAS SHALL HAVE SLOPE ORIENTED TOWARDS PERMEABLE AREAS OR INFILTRATION TRENCHES.
3. ALL DRIVEWAYS AND WALKWAYS WILL BE CONSTRUCTED WITH PAVERS IN ORDER TO ALLOW INCREASE PERCOLATION OF RUNOFF INTO GROUND.
4. GRADING: OVER EXCAVATE 3 FEET, 450 CUBIC YARDS. SITE TO BALANCE, NO IMPORT NO EXPORT.
5. AVOID THE USE OF HEAVY EQUIPMENT WHERE INFILTRATION TRENCHES ARE TO BE LOCATED.
6. CONTRACTOR SHALL COVER EXPOSED CUT AND FILL SLOPES WITH PLASTIC SHEETING (VISQUEEN) DURING CONSTRUCTION TO LIMIT THE EROSION OF THESE SOILS.
7. THE PLASTIC SHEETING WILL BE REPLACED WITH VEGETATION ONCE CONSTRUCTION IS OVER.
8. DO NOT SCALE DRAWINGS.

SQUARE FOOTAGE CALCULATIONS:

1ST FLOOR UNIMBLD SF	1054
2ND FLOOR UNIMBLD SF	1444
TOTAL UNIMBLD	2498 SF
PAVED SF	
GRAVE AREA	
SEDIMENT BASIN	
COVERED ENTRY PORCH	57.93 SF
COVERED BALCONY AREA	133.00 SF
PERMEABLE PAVEMENT	270.00 SF
TOTAL PAVED	460.93 SF
ALLOWED COVERAGE AREA SF	1,846.00

LEGAL OWNER

248 17th STREET
SEAL BEACH, CA

LEGAL DATA:

CITY: SEAL BEACH
COUNTY: ORANGE

LEGAL DESCRIPTION:

LOT: 33 2.5 AC
TRACT: 18
VALOOK: 798

DESIGN DATA:

CODE: 97 USC 18.05C
ZONE: PD DISTRICT 1
USE: SFD
RETRACT: 5 FT
SIDE: 5 FT
REAR: 5 FT



STRAIGHTLINE DRAFTING & DESIGN
1236 E. Ocean Blvd.
Long Beach, CA 90802
Phone: 562.438.8880

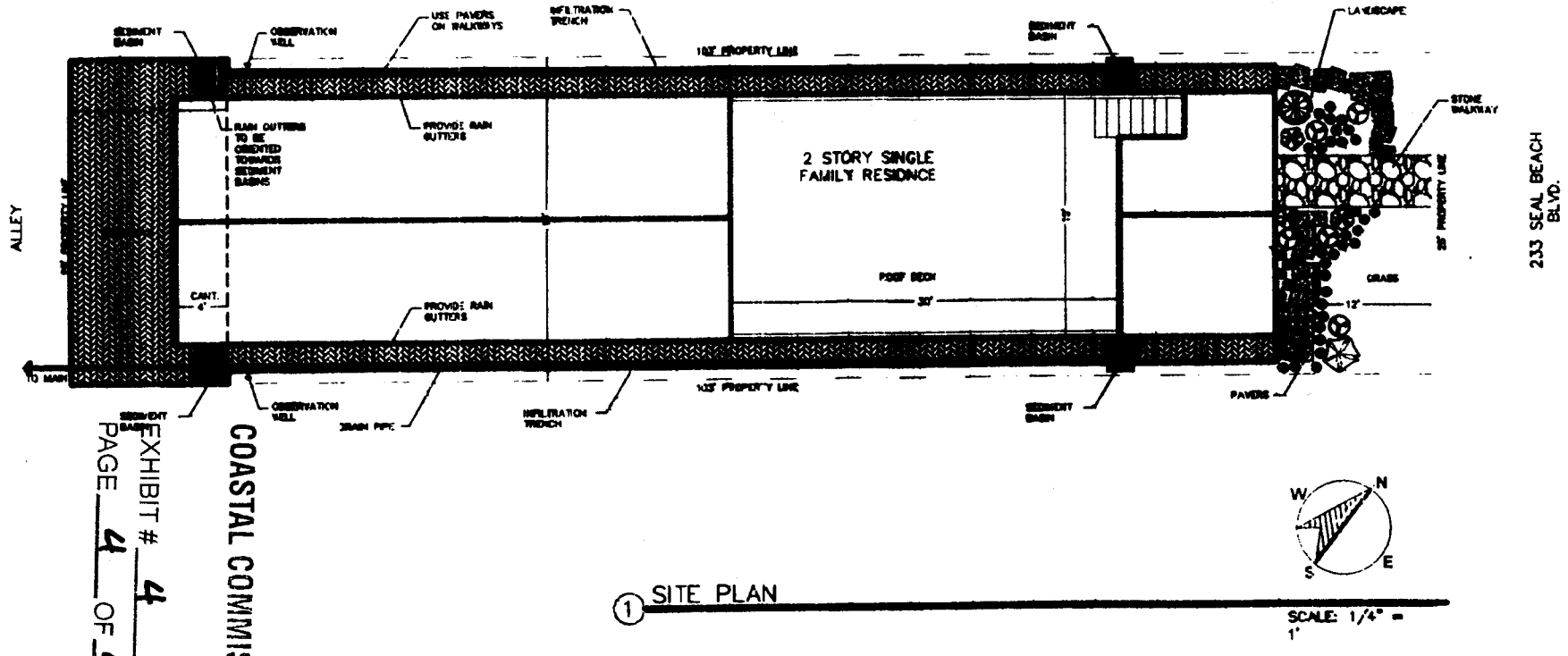
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 CONTENT: SITE PLAN DRAINAGE PLAN

PROJECT: 7.2.0.2.3.5.4.2.3.7
 SINGLE FAMILY RESIDENCE
 ED MCLAUGHLIN
 248 17th STREET
 SEAL BEACH, CA

REVISIONS:

DATE: OCT 13th, 2003
SCALE: 1/4" = 1'
JOB: 0303-03
DRAWN: EAL
BY: ETR

A-1



1 SITE PLAN

SCALE: 1/4" = 1'

EXHIBIT # 4
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COASTAL COMMISSION