

**CALIFORNIA COASTAL COMMISSION**

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**W 18e**

Filed: April 12, 2007  
49th Day: May 31, 2007  
180th Day: October 9, 2007  
Staff: Fernie Sy-LB  
Staff Report: July 23, 2007  
Hearing Date: August 8-10, 2007  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 5-07-014  
**APPLICANTS:** Tim Reitkerk & Jessica Haugh  
**AGENTS:** Doug, Rouchelle & Jeff Haugh  
**PROJECT LOCATION:** 1508 East Ocean Avenue, City of Seal Beach (County of Orange)

**PROJECT DESCRIPTION:** Demolition of an existing one-story, 1,281 square foot four (4)-unit apartment structure and construction of a new two-story, 2,609 square foot single-family residence with an attached two (2)-car garage on a 2,500 square foot lot. Grading will consist of 60 cubic yards of cut and 60 cubic yards of fill for recompaction purposes, which will balance on site.

**SUMMARY OF STAFF RECOMMENDATION:**

The applicants are proposing the demolition of an existing one-story, four (4)-unit apartment structure and construction of a new two-story single-family residence. The primary issues before the Commission are concentration of development and affordable housing in the coastal zone; and water quality. In this particular case, the existing four (4) units are non-conforming to the existing zoning and are not capable of being rehabilitated. The proposed single family unit is the maximum number of units allowed on the 2,500 square foot property through current zoning. Visitor-serving or other commercial use of the site would not be compatible with development in the immediate area and adequate visitor-serving commercial development serves the site and this area of the coastal zone.

Therefore, staff is recommending **APPROVAL** of the proposed project with **THREE (3) SPECIAL CONDITIONS** regarding: **1)** future development; **2)** construction-phase best management practices; and **3)** conformance with the submitted drainage and run-off control plan (including landscape controls).

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 City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

**LOCAL APPROVALS RECEIVED:** Approval-In-Concept dated January 16, 2007 City of Seal Beach Planning Department and Height Variation 06-5 (Resolution No. 06-49) from the City of Seal Beach Planning Commission.

**SUBSTANTIVE FILE DOCUMENTS:** *Geotechnical Engineering Investigation For New Residence at 1508 Ocean Avenue, Seal Beach, California (W.O. 314006)* prepared by Coast Geotechnical, Inc. dated August 8, 2006; Letter from Commission staff to Doug, Rouchelle and Jeff Haugh dated February 14, 2007; Letter from Rouchelle Haugh to Commission staff dated February 28, 2007; and Letter from the City of Seal Beach to Commission staff dated April 12, 2007.

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## **LIST OF EXHIBITS**

1. Location Map
  2. APN Map
  3. Site Plan
  4. Floor Plans
  5. Elevation Plans
  6. Drainage Plan
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## **I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL**

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 5-07-014 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of 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 policies of the Coastal Act. 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 DEVELOPMENT**

This permit is only for the development described in Coastal Development Permit No. 5-07-014. Pursuant to Title 14 California Code of Regulations Section 13250(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-07-014. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-07-014 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### **2. CONSTRUCTION BEST MANAGEMENT PRACTICES**

A. The permittees shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) 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;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and 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 coastal waters; and

- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

**B.** Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicants shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicants shall develop and implement spill prevention and control measures;
- (3) The applicants shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

**3. DRAINAGE AND RUN-OFF CONTROL PLAN**

The applicants shall conform with the drainage and run-off control plan received on March 2, 2007 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. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. 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.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. PROJECT LOCATION AND DESCRIPTION**

The subject site is located at 1508 Ocean Avenue in the City of Seal Beach, Orange County (Exhibits #1-2). The site is an inland lot, but located between the first public road and the sea, is 2,500 square feet in size and the City of Seal Beach Zoning Code designates use of the site for Residential High Density (RHD). The project site is located in an area that consists of a mixture of single- and multi-family residential development. To the north of the project site is Ocean Avenue and single- and multi- residential development. To the east of the project site is a multi-family residential development and to the west is a single-family residential development. To the south of the site are an alley and single-family residential development and then the public beach.

The applicants are proposing the demolition of an existing one-story, 1,281 square foot four (4)-unit apartment structure and construction of a new two-story, 2,609 square foot single-family residence with an attached two (2)-car garage (Exhibits #3-5). The residence will also have a 497 square foot roof-top deck. Grading will consist of 60 cubic yards of cut and 60 cubic yards of fill for recompaction purposes, which will balance on site.

The applicant has received Height Variation 06-5 (Resolution No. 06-49) from the City of Seal Beach Planning Commission for the construction of a covered roof access structure leading to a roof-top deck.

The proposed lot is in conformance with the minimum lot size standards of the proposed Residential High Density (RHD) Zone, which are a minimum lot size of 2,500 square feet and minimum lot dimensions of 25' x 100'. The minimum lot area per dwelling unit on-site is 1 per 2,178 square feet.

**B. DENSITY**

Section 30250 of the Coastal Act states, in part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of*

*...serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30253 of the Coastal Act states, in part:

*New development shall:*

*(4) Minimize energy consumption and vehicle miles traveled.*

Section 30250 of the Coastal Act requires that new development be concentrated in existing developed areas where it can be accommodated without adverse effects on coastal resources. Section 30252 of the Coastal Act states that the location and concentration of development should maintain and enhance public access to the coast by facilitating the extension of transit service and minimizing the use of coastal access roads. Section 30253 indicates new development shall minimize energy consumption and vehicle miles traveled. Concentrating development in existing developed areas provides more opportunities for people to live near places they work and recreate, such as the beach, and, thereby, reduces impacts to coastal resources. Impacts to roads and vehicle miles traveled would be reduced by having a more intense stock of housing located closer to employment and recreational opportunities within the coastal zone. Also, by having a higher density in an existing developed area places more people in a single location so that public transit service is facilitated, which then again aids in reducing the number of cars on streets and thus reduces impacts to coastal resources and public access.

Concentrating development in developed areas also has other cumulative benefits. It would lead to less pressure to extend new development into undeveloped areas, which would prevent sprawl, preserve open space and prevent adverse impacts to sensitive habitats. By concentrating development in developed areas where it can be accommodated, sensitive coastal resources would be protected and preserved. Additionally, the location and concentration of development would maintain and enhance public access to the coast.

The applicant is proposing demolition of an existing one-story, 1,281 square foot four (4)-unit apartment structure and construction of a new two-story, 2,609 square foot single-family residence with an attached two (2)-car garage on a Residential High Density (RHD) zoned lot. The proposed project would provide less density than what is currently on-site (three (3)-306 square foot units and one (1)-363 square foot unit for a total of four (4) units in a one-story building). The minimum lot size allowed for RHD in this area is 25' x 100' = 2,500 square feet and the maximum density is 1 unit per 2,178 square feet. Adhering to these standards, the maximum density on-site would actually be 1 unit ( $2,500/2,178 = 1$  unit). Therefore, the existing structure is currently non-conforming to the density standards of the site since there are currently four (4) units on-site. The lot size and the allowed density would not permit the construction of four (4) units if the existing structure were to be demolished. However, as proposed, the project is consistent with the maximum allowable density since one (1) unit is being proposed.

In addition, the existing site does not currently provide any parking on site due to the small size of the lot (2,500 square feet). Therefore, it would be difficult to provide much more parking on-site above that proposed for a single-unit.

Additionally, the applicant has stated that demolition of the existing structure is necessary due to the health concerns raised by mold and asbestos problems found within the existing structure. Recently, the asbestos and mold found within the structure was removed. However, the mold problems persist as the mold has begun to grow again. Therefore, the approximately 1950's house appears to present a health hazard and must be demolished.

The proposed project does not concentrate development in a developed area since it results in the reduction of four (4) units on-site to one (1) unit. However in this case, it is infeasible to retain the four (4) units due to the applicant's unsuccessful attempt to rehabilitate the existing structure; the small size of the lot which does not allow construction of four (4) units even under high density zoning; the difficulty to provide parking on site for multi-family development; and the lack of off-site parking in the area.

To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **SPECIAL CONDITION NO. 1**, which is a future improvements special condition. This condition notifies the applicants that since the project is located between the first public road and the sea, any improvements to the residence will require a coastal development permit from the Commission or its successor interest.

### CONCLUSION

To maintain the concentration of development in a developed area and to reduce impacts to coastal resources and public access, **ONE (1) SPECIAL CONDITION** has been imposed. **SPECIAL CONDITION NO. 1** requires additional approvals for any future development. Therefore, only as conditioned, the Commission finds that the proposed project is consistent with Sections 30250, 30252 and 30253 of the Coastal Act.

### **C. AFFORDABLE HOUSING**

Coastal Act Section 30604 states, in part:

*(f) The commission shall encourage housing opportunities for persons of low and moderate income.*

*(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

Encouraging the protection and provision of affordable housing is an important aspect of the Coastal Act. In enacting Public Resources Code §§ 30604(f) and (g), the Legislature clearly expressed the importance of protecting affordable housing in the Coastal Zone. Section 30607 of the Coastal Act requires that "any permit that is issued ..., pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development ... will be in accordance with the provisions of [the Coastal Act]." Sections 30604(f) and (g) are part of the Coastal Act, so the Commission is therefore required to ensure that proposed development is in accordance with §§ 30604(f) and (g). These provisions express the legislature's clear intent that the Commission shall encourage the protection of affordable housing.

The applicants are proposing the demolition of an existing one-story, 1,281 square foot four (4)-unit apartment structure and construction of a new single-family residence. Three (3) of the existing

units are 306 square feet in size and one (1) is 363 square feet in size. Typically, multi-family rental units are less costly and more affordable than single-family residential units. For example, the current units in the apartment structure rent for approximately \$1,500 a month. This is substantially lower than what one would have to pay for a single-family residence. The City of Seal Beach Building Department Permit records indicate that a permit was finalized in 1953 for the one-story, 4-unit apartment building on site. A property profile conducted by the City in 1979 indicated that the property was still developed with 4-units. The City assumed that each “unit” had a kitchen and a bathroom. Typically, a “unit” has a kitchen and a bathroom. However, the applicants have provided pictures and information showing that only one (1) of the existing units had a kitchen. Thus, the remaining “units” actually would have been “rooms for rent” instead of an actual “unit”. Therefore, the site actually only has one (1) “unit” on-site and three (3) “rooms for rent”. Nonetheless, the proposed project would be reducing the number of “units” from four (4) to one (1) with the proposed project, but there are mitigating reasons why this should be allowed.

While retaining the existing use would protect affordable housing, as previously discussed, there were asbestos and mold problems on site making it hazardous for human habitation. The applicant recently removed the asbestos and mold; however, the problem persists as mold has returned. The applicants have tried to rehabilitate the building, but it appears for health concerns, the building must be demolished.

Finally, as previously discussed, the minimum lot size allowed for RHD in this area is 25' x 100' = 2,500 square feet and the maximum density is 1 unit per 2,178 square feet. Adhering to these standards, the maximum density on-site would actually be 1 unit ( $2,500/2,178 = 1$  unit). Therefore, the existing structure is currently non-conforming to the density standards of the site since there are currently four (4) units on-site. The lot size and the allowed density would not permit the construction of four (4) new units, and the proposed project is consistent with the maximum number of units permitted in the Residential High Density designation and zoning that exists on the site.

## CONCLUSION

As proposed, the project does not encourage or protect the existing more affordable housing. However, the units are not capable of being rehabilitated. In addition, the existing units are non-conforming and the proposed project provides the maximum number of units allowed through existing zoning. By approving the project, the Commission acknowledges the importance of encouraging and protecting affordable housing; however in this case, the existing affordable housing cannot be retained and only a single unit can be rebuilt.

## **D. VISITOR-SERVING COMMERCIAL USE**

Section 30213 of the Coastal Act states, in relevant part:



*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 30213 of the Coastal Act states that lower cost visitor recreational facilities shall be protected, encouraged, and where feasible, provided. Section 30222 of the Coastal Act states that the use of private lands for visitor serving uses takes priority over private residential. The Coastal Act places a higher priority on visitor-serving commercial uses than on private residential uses. Visitor-serving commercial uses provide greater public benefit than private residential 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, including providing places to stay overnight, dine and shop.

The location of the proposed project is seaward of Pacific Coast Highway, one (1) block north of the public beach. The site is located six (6) blocks east of Main Street, the primary visitor-serving commercial area of Seal Beach.

The project site is located in an area that consists of a mixture of single- and multi-family residential development. The proposed project is consistent with the development found in the area and would be consistent with the Residential High Density (RHD) zoning of the project site. Commercial development at the subject site would be inconsistent with the development in the area. Also, there is already commercial development located six (6) blocks west of the site along Main Street, which serves as the primary visitor-serving commercial area of Seal Beach. In addition, the proposed project would not adversely impact the commercial development and lower-cost visitor and recreational facilities near the site, but would support its use by residents. Therefore, since commercial development would not be compatible with the development found in the immediate area, a major commercial area already exists near the project site, and the proposed project does not adversely impact commercial development and lower-cost visitor and recreational facilities, the project is consistent with the Coastal Act.

## CONCLUSION

Therefore, the Commission finds that the proposed project is consistent with Sections 30213 and 30222 of the Coastal Act.

## **E. WATER QUALITY AND THE MARINE ENVIRONMENT**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The protection of water quality is an important aspect of the Coastal Act. Water from the project site will flow into the City of Seal Beach's Storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

1. Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **SPECIAL CONDITION NO. 2** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicants to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

2. Post-Construction Impacts to Water Quality

The proposed development will result in urban runoff entering the storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water

system. In this case, the site drains a new parking lot, paved walkways, landscaped areas and a new building. Therefore, the primary post-construction water quality concerns associated with the proposed project include grease, motor oil, heavy metals, trash, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Seal Beach.

The proposed project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The currently proposed project drains new paved walkways, landscaped areas and a new building. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized. The applicants are proposing water quality improvements as part of the proposed project, including downspouts and on site drainage directed to permeable areas (Exhibit #6). The measures proposed by the applicants are acceptable. However, in order to make sure that the proposed water quality measures are implemented, the Commission imposes **SPECIAL CONDITION NO. 3**, which requires the applicants to conform with the submitted drainage and run-off control plans. Any vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

## CONCLUSION

To minimize the adverse impacts upon water quality and the marine environment, **TWO (2) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 2** identifies construction-phase best management practices. **SPECIAL CONDITION NO. 3** requires the

applicants to conform with the submitted drainage and run-off control plans. Therefore, only as conditioned, the Commission finds that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

**F. PUBLIC ACCESS**

Section 30212 of the Coastal Act states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(2) adequate access exists nearby...*

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 subject site is an inland lot, but located between the first public road and the sea in the City of Seal Beach. Public access to the beach exist approximately 90-feet west of the project site at the end of Dolphin Avenue. Therefore, adequate access exists nearby.

The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed single-family residence will provide a two-car garage; hence, the development is consistent with the parking normally required.

**CONCLUSION**

Therefore, the Commission finds that the proposed project is consistent with Sections 30212 and 30252 (4) of the Coastal Act.

**G. 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 is consistent with the Chapter 3 policies of the Coastal Act and would not prejudice the City's ability to prepare a Local Coastal Program for Seal Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). However, the density issue associated with the proposed project is a larger planning issue that should be addressed by the City. Approving projects that reduce the density of an area or allow development of lower priority uses could prejudice the City's ability to prepare a LCP that is consistent with the Coastal Act.

#### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

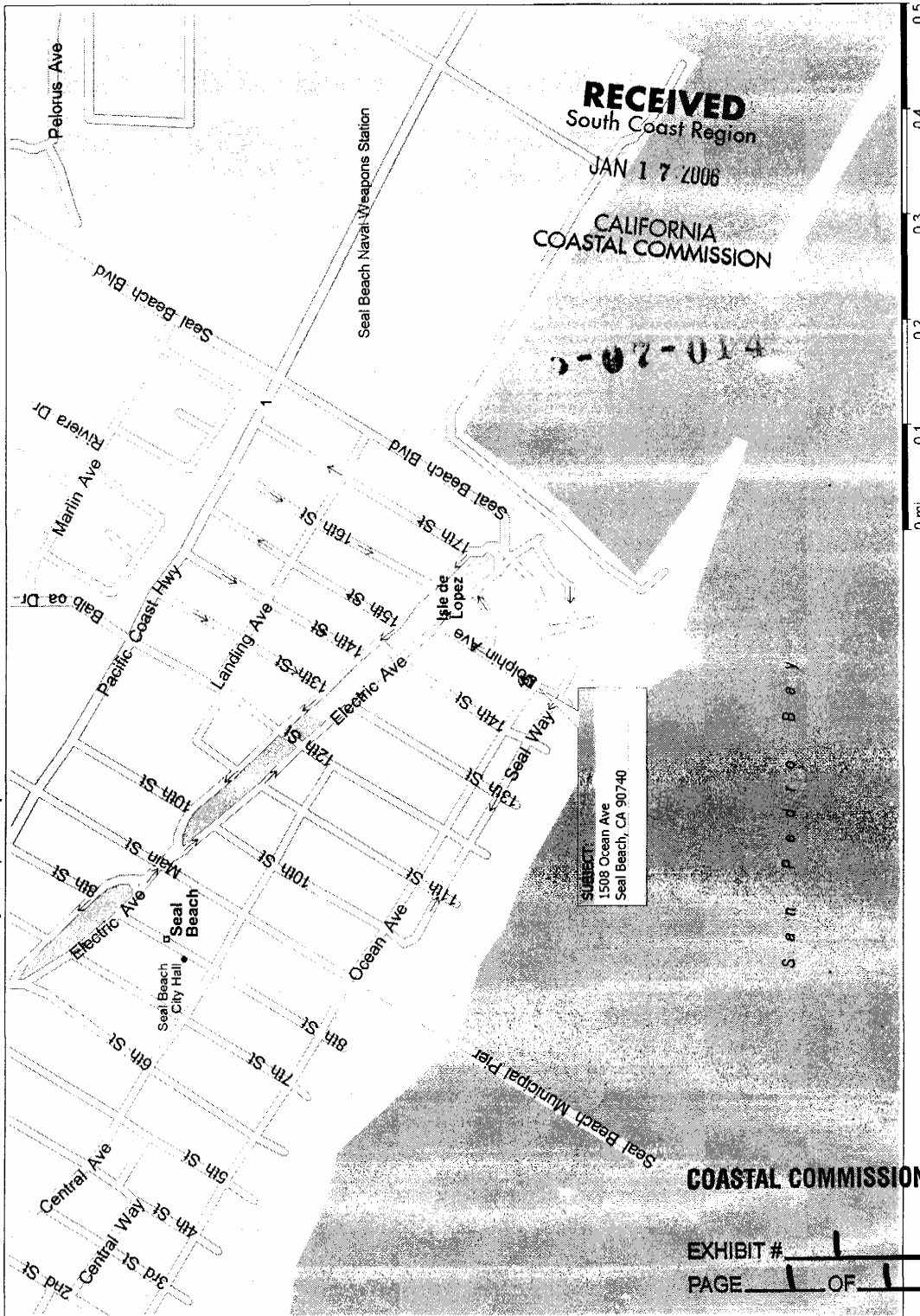
Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Seal Beach is the lead agency for California Environmental Quality Act (CEQA) purposes. The project was determined by the City to be Categorical Exempt (Class 3, Item a).

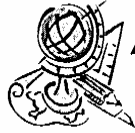
The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the hazards, public access, and water quality policies of Chapter 3 of the Coastal Act. Mitigation measures include: **1)** future development; **2)** construction-phase best management practices; and **3)** conformance with the submitted drainage and run-off control plan (including landscape controls).

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.

Vicinity Map Prepared for: 1508 Ocean Ave., Seal Beach



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Ownership Listings & Radius Maps  
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 Office: (949) 361-3921 • Fax: (949) 361-3923  
 www.Advancedlisting.com

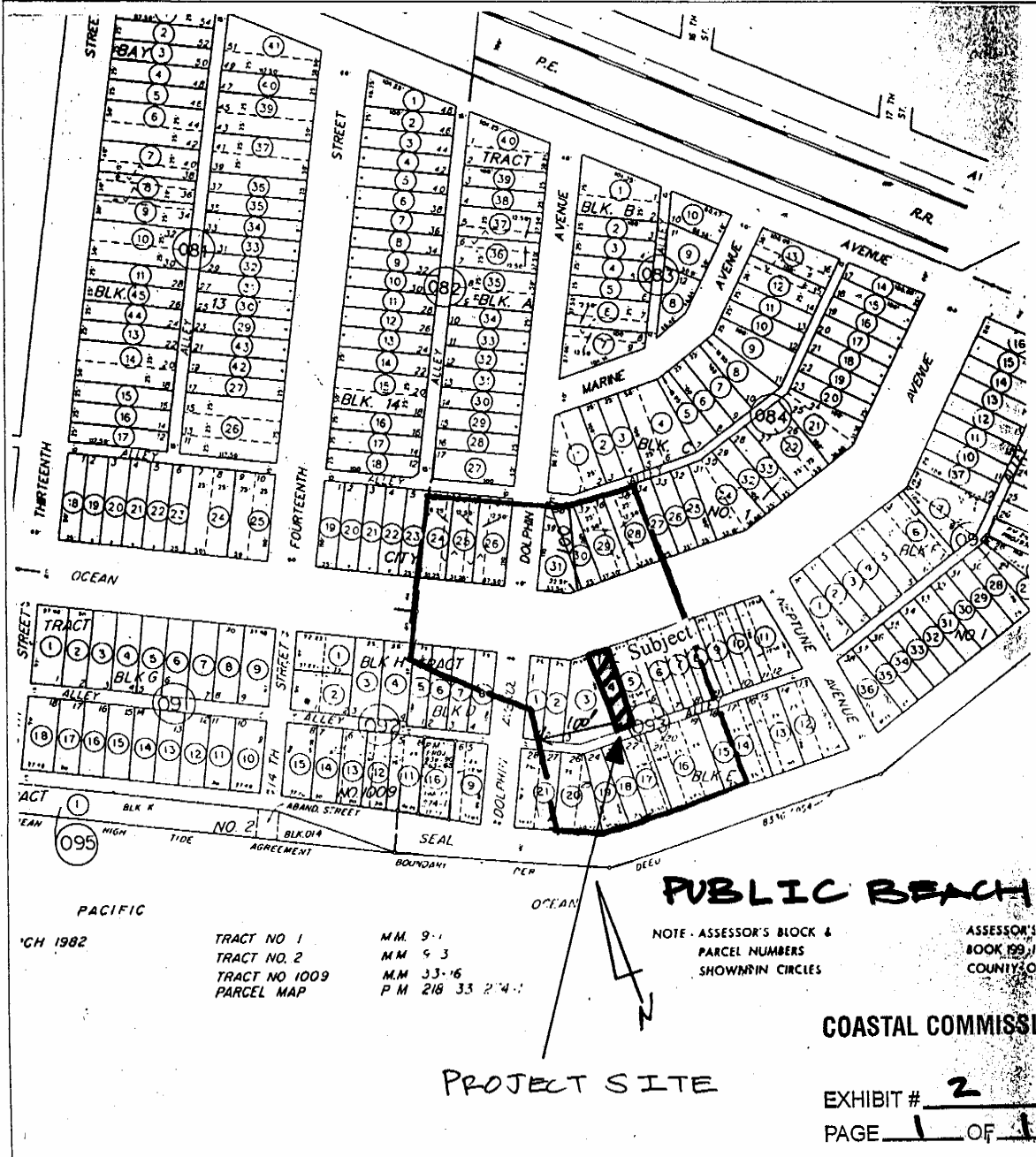
RECEIVED  
 South Coast Region

JAN 17 2006

CALIFORNIA  
 COASTAL COMMISSION

Subject APN: 199-093-04  
 100' Radius

Subject Address: 1508 Ocean  
 Seal Beach CA 90740



PACIFIC OCEAN

TRACT NO. 1  
 TRACT NO. 2  
 TRACT NO. 1009  
 PARCEL MAP

M.M. 9-1  
 M.M. 9-3  
 M.M. 33-16  
 P.M. 218 33 2-4-1

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

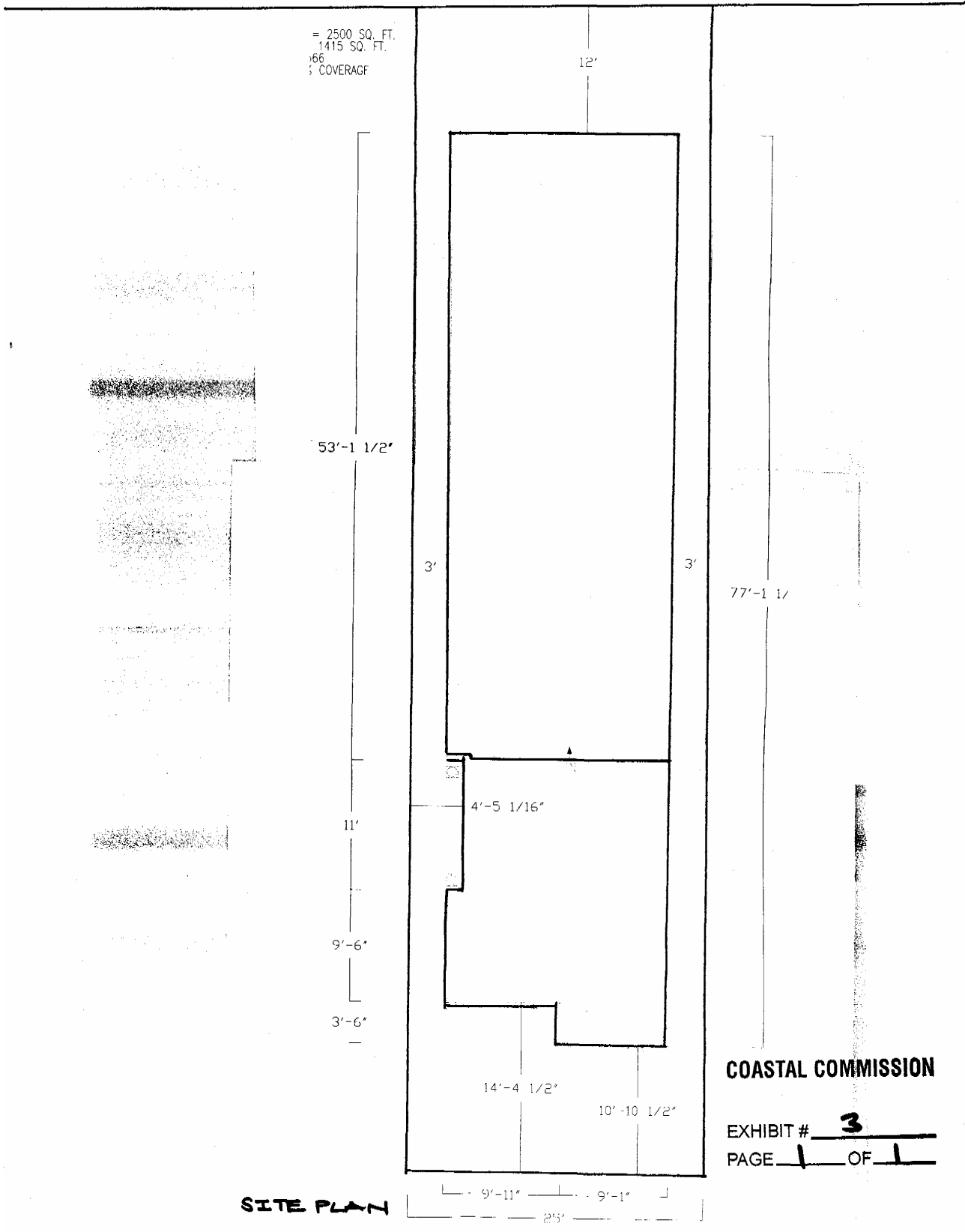
ASSESSOR'S BOOK 199 / COUNTY 10

**PUBLIC BEACH**

COASTAL COMMISSION

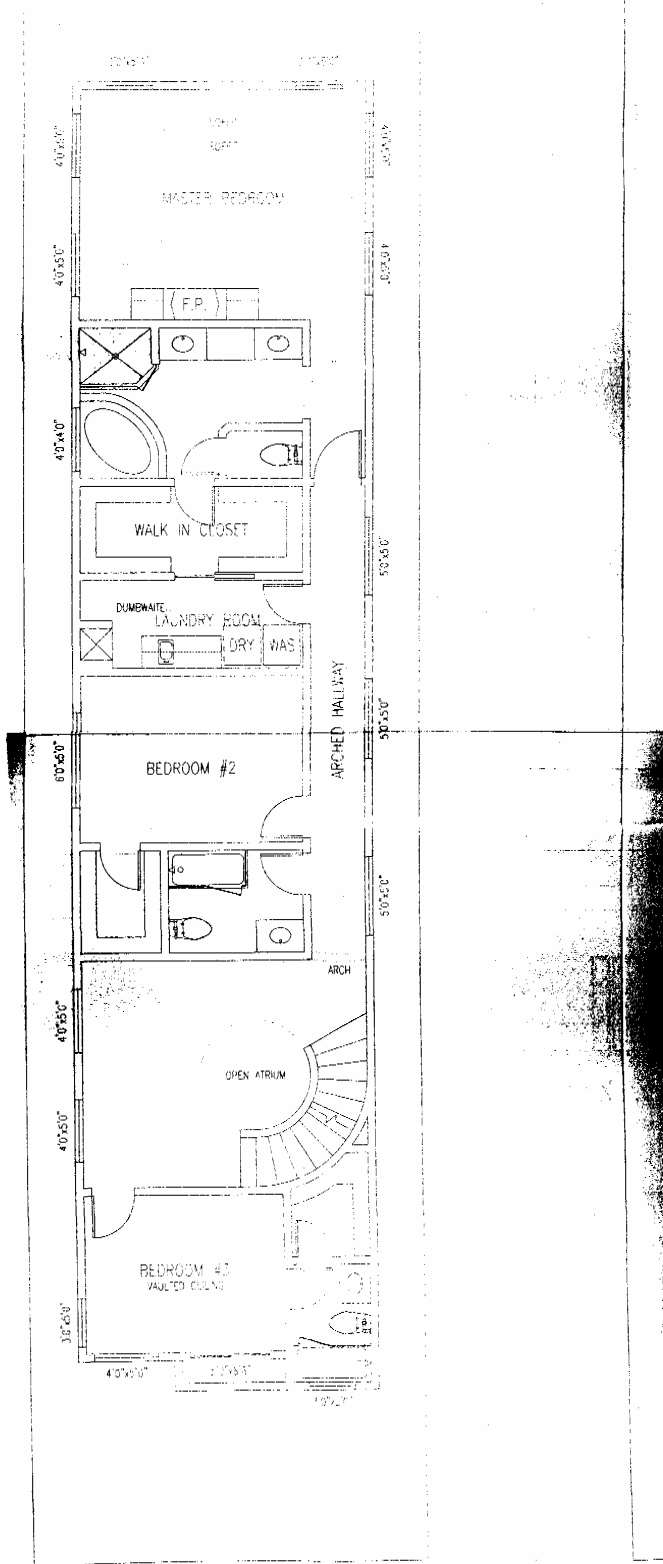
PROJECT SITE

EXHIBIT # 2  
 PAGE 1 OF 1





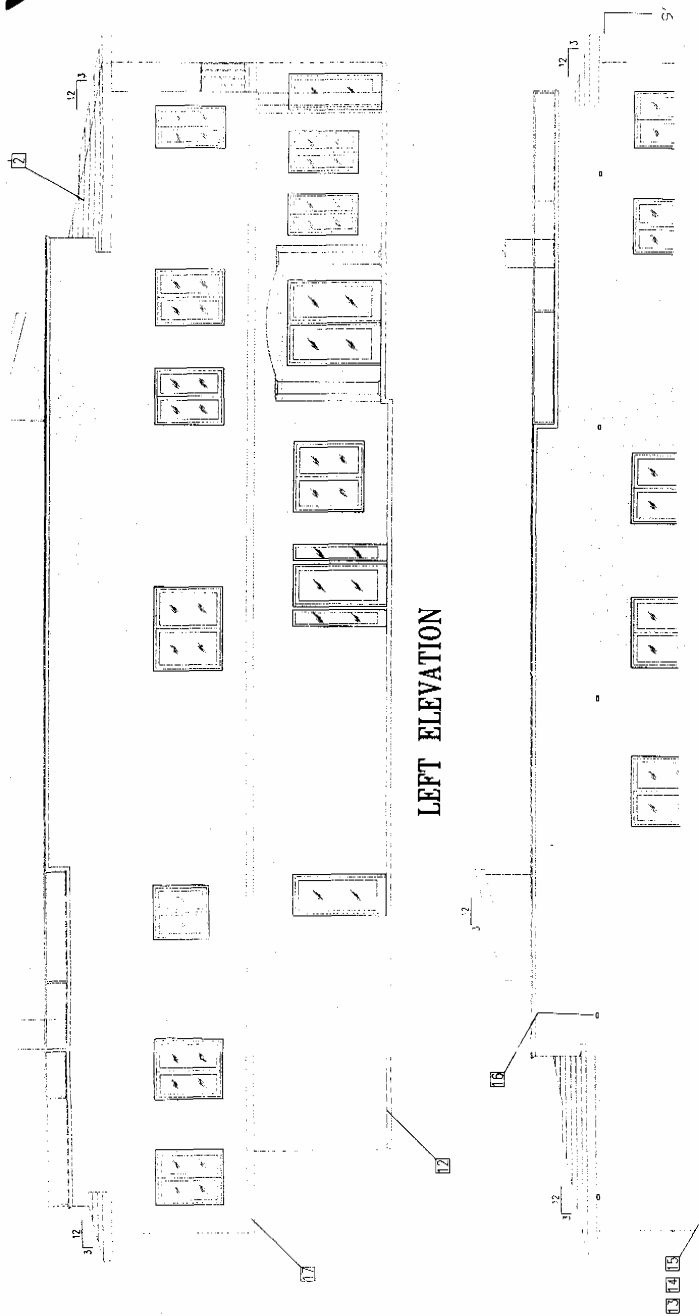




COASTAL COMMISSION

EXHIBIT # 4  
PAGE 2 OF 2

SECOND FLOOR



COASTAL COMMISSION

EXHIBIT # 5  
PAGE 1 OF 2

ACENT FINISHED

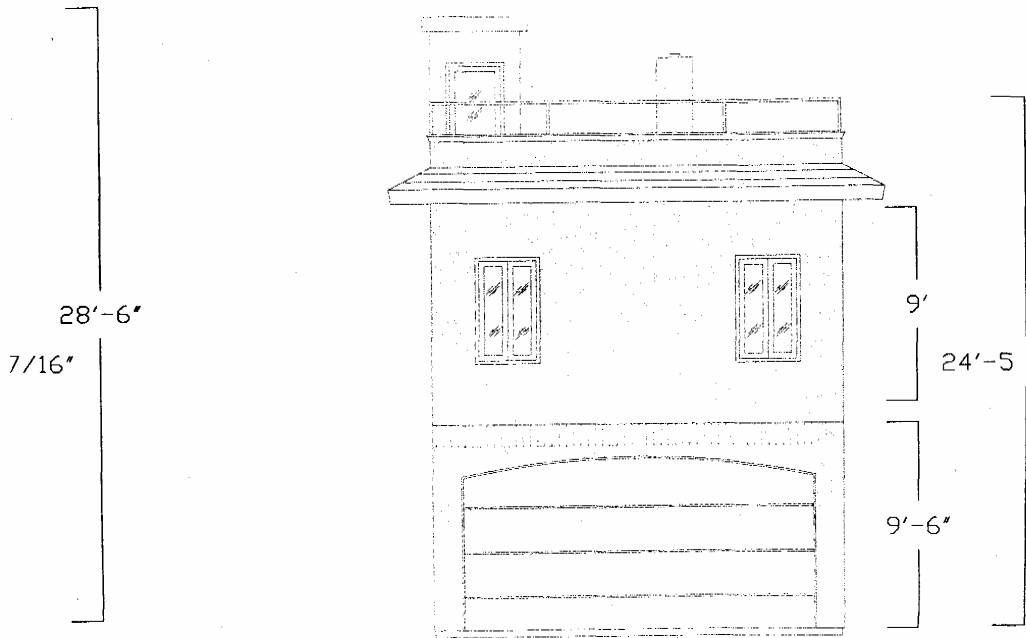
3/4" ABOVE

P-CILES

BASE SHEATING

STONS (TYP.)

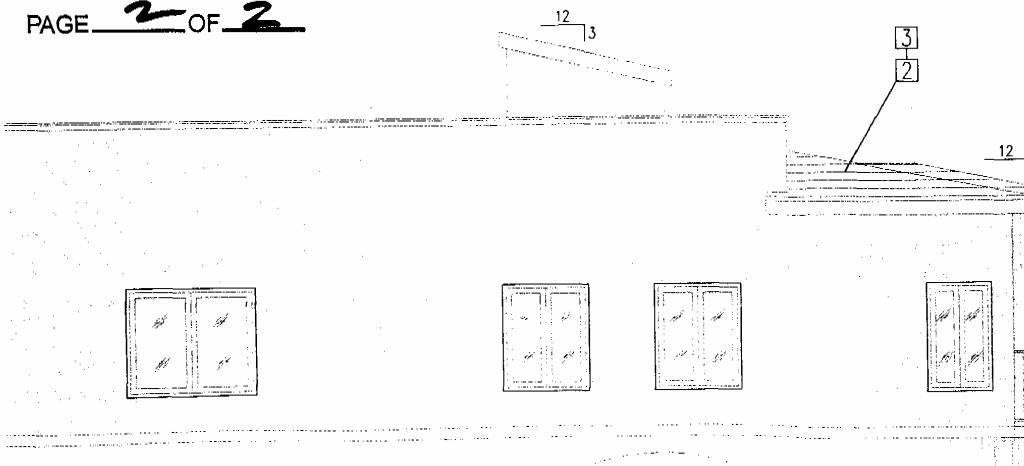
ORS AROUND



**COASTAL COMMISSION**

**REAR ELEVATION**

EXHIBIT # 5  
PAGE 2 OF 2

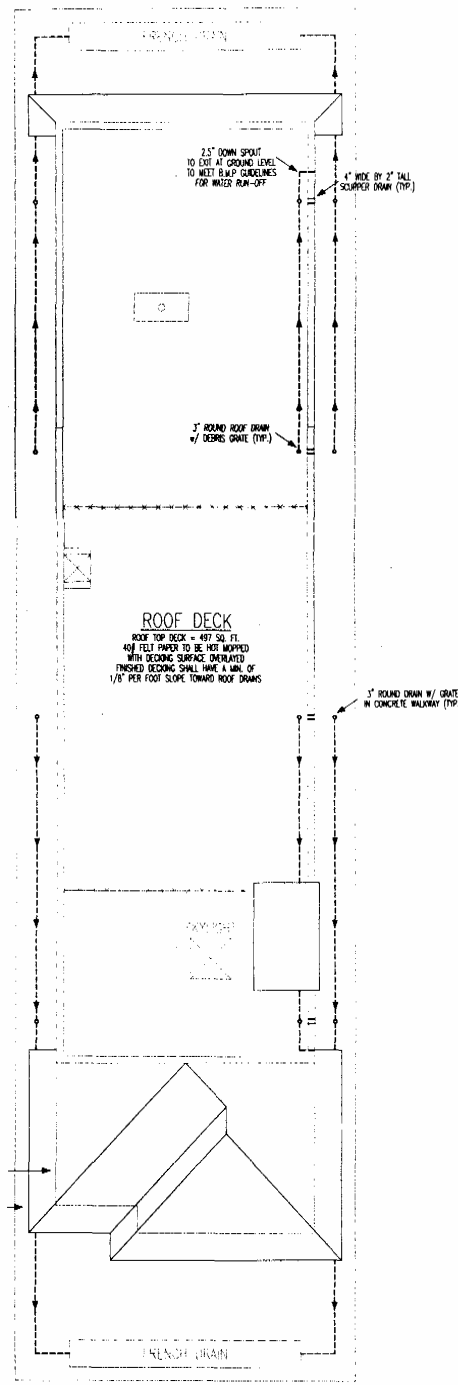


10	11	12	13	14	15
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SECTION CUTS  
 BY 17" LONG BY 3" DEEP  
 PROFILED WITH PEA GRADE  
 IF FOR WATER PERCUSSION  
 K INTO GROUND (TYP.)

California Coastal Commission  
 South Coast District Office  
 APPROVED [Signature]  
 Permit No. \_\_\_\_\_  
 By: \_\_\_\_\_  
 EFFECTIVE \_\_\_\_\_  
 Date: \_\_\_\_\_

**RETE WALKWAY**  
 7" 2500 P.S.I. CONCRETE  
 1" THICK CONCRETE SLAB  
 ANNE STAMPING & COLOR  
 BE VERIFIED BY OWNER  
 WALKWAY SHALL HAVE A MIN. OF  
 FOOT SLOPE TOWARD DRAINS



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 South Coast Region  
 MAR 2 2007  
 CALIFORNIA  
 COASTAL COMMISSION

**COASTAL COMMISSION**

EXHIBIT # 6  
 PAGE 1 OF 1

**DRAINAGE PLAN**

11	12	13	14	15
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D	SUBMITTANCE FOR:
E	
F	
G	
H	
I	REVISIONS
J	DATE