

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

Th5b

Permit Application No. **5-11-286**
Date: March 19, 2012
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ADMINISTRATIVE PERMIT

APPLICANT: Farmer Ltd.

PROJECT DESCRIPTION: Complete interior remodel including demolition of all interior walls and floor area and construction in a different configuration and replacement of windows and doors and new insulation of an existing 1,218 sq. ft. single family residence and construction of a 20' x 20' and 12 foot tall 2-vehicle wood carport and new driveway along frontage road for carport access.

PROJECT LOCATION: 17016 7th Street, Sunset Beach (Orange County)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Thursday, April 12, 2012
9:00 am
Ventura City Hall, Council Chambers
501 Poli Street
Ventura, CA 93001

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Liliana Roman
Title: Coastal Program Analyst

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 on which the Commission voted on the application. 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 term or 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.

SPECIAL CONDITIONS: See page five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Location and Description

The project site is a 2,700 sq. ft. inland lot within the first public road and the sea located at 17016 7th Street in the Sunset Beach community which was recently annexed to the City of Huntington Beach (Exhibit #1 and #2). The rectangular lot (90' deep x 30' wide) is located between North Pacific Avenue and Pacific Coast Hwy. Single and multiple family residences characterize the surrounding area to the west and commercial area along Pacific Coast Hwy to the east. Coastal public access is available approximately 200 feet from the site.

The property was originally developed in 1922 as a single family residence. However, at the time the previously certified Sunset Beach LCP was originally certified on July 22, 1981, the land use designation for this lot and an adjacent lot was classified as Sunset Beach Tourist/Commercial, most likely due to their proximity to the Pacific Coast Hwy commercial zone and the need for tourist/commercial uses in Sunset Beach. The lot originally developed for residential use in 1922, has remained in a residential legal non-conforming use since the adoption of the previously certified Sunset Beach LCP.

The applicant is proposing a complete interior remodel to an existing two story, 17' tall, 1,218 sq. ft. single family residence including demolition of all interior walls and floor area and construction in a new configuration, new replacement windows, doors and exterior façade improvements and construction of a new 20' x 20' and 12' tall 2-vehicle wood carport and new driveway cut-out along frontage road for carport access. No foundation work or demolition/reconstruction of exterior walls or roof is proposed. Removal of permeable grass area for concrete carport paving proposed. Project plans included as Exhibit #3.

Although the applicant is proposing a complete interior remodel, as no work is proposed to the foundation, the roof or exterior walls of the existing primary structure and garage, the amount of demolition is not substantial enough to consider the proposed remodel new development on the site. Therefore, as the site is not proposed for complete re-development (i.e., demolition and reconstruction), continuation of the non-conforming residential use may persist at this time. Furthermore, the applicant submitted documentation indicating that although there are discrepancies (non-conformities) between the zoning designations of some lots in the previously certified Sunset Beach LCP and the actual current use of the lots, the majority of the lots do provide Tourist/Commercial services. Per the supporting information submitted by the applicant, in the vicinity of the subject site along the area designated Sunset Beach Tourist/Commercial out of 89 lots of varying sizes along Pacific Coast Hwy between Warner Avenue and Anderson Street, 76 lots (85.4%) provided Tourist/Commercial uses and only 13 lots were developed similarly with residences but were designated as Sunset Beach Tourist/Commercial in the previously certified Sunset Beach LCP. Therefore, staff concludes that the continuation of the non-conforming residential use at this site would not have an adverse impact on the provision of tourist commercial services in the vicinity.

Adequate measures to address water quality have been incorporated during construction. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views.

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 annexation of Sunset Beach from Orange County to the City of Huntington Beach became final in August 22, 2011. The City of Huntington Beach has submitted an LCP amendment request to incorporate the previously certified Sunset Beach LCP into the Huntington Beach LCP. In the meantime, the Coastal Commission is the coastal development permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The previously certified Sunset Beach Land Use Plan may be used for guidance.

B. Water Quality

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter 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.

C. Access

There currently is no on-site parking provided for the existing single-family development. Residents rely on public on-street parking along 7th Street and parking in the back alley. When a private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Access to the closest public beach is only 200 feet (2 blocks) southwest of the project site (Exhibit #2). The relative proximity of public coastal access to the project site gives good reason for the need for adequate parking for private residential development. There are no parking restrictions on 7th Street aside from street sweeping twice a month. Insufficient parking on the project site results in users of that development taking up on-street public parking spaces that the general public may use to access the public beach two blocks away. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The applicant proposes construction of a two-vehicle carport for the existing single-family residence. As proposed, the development is consistent with the Commission's typically applied parking standards and those of the previously certified LCP. However, provision of on-site parking would require a new driveway apron cutout on 7th Street where none existed before for access to the proposed new carport, which would result in the loss of one on-street parking space. Staff finds that there is ample unrestricted and unmetered on-street parking available along Pacific Avenue so that the loss of one to two on-street spaces in order to meet the on-site parking requirement for the existing residential use would not adversely affect the public's ability to gain access to and/or to make use of the coast and nearby recreational facilities. Therefore, the Commission finds the project consistent with Section 30252 of the Coastal Act.

D. Local Coastal Program

The LCP for Sunset Beach was effectively certified on July 22, 1981. The certified LCP was comprehensively updated in June 1991. The annexation of Sunset Beach from Orange County to the City of Huntington Beach became final in August 22, 2011. The City of Huntington Beach has since submitted an LCP amendment request to incorporate the previously certified Sunset Beach LCP into the certified Huntington Beach LCP. In the interim, the Coastal Commission is the coastal development permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the previously 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.

E. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

SPECIAL CONDITIONS:

1. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-11-286. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by Coastal Development Permit No. 5-11-286. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes to the overall height of the structure, divisions of land, conversion to condominiums, and repair and maintenance activities 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. 5-11-286 from the Commission or shall require an additional coastal development permit from the Commission.

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 the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (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 of outside the coastal zone, as proposed by the applicant.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing