

**CALIFORNIA COASTAL COMMISSION**

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

**F 16b**

Click here to go to  
original staff report

**ADDENDUM**

November 7, 2014

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM F 16b, COASTAL COMMISSION PERMIT  
APPLICATION NO. 5-14-0540-(ROTHMAN) FOR THE COMMISSION  
MEETING OF FRIDAY, NOVEMBER 14, 2014.**

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**LETTERS RECEIVED**

Commission staff received an email on November 5, 2014 and two letters on October 30, 2014 and November 5, 2014 in opposition to Coastal Commission Staff's recommendation of Approval for Coastal Development Permit No. 5-14-0540, which is on the Regular Calendar (See attached letters). These three pieces of correspondence are concerned with the proposed project because they believe that the subdivision of the lot will impact the character of the area and that the subdivision is not consistent with the City's required minimum lot width.

As stated in the staff report, the proposed project includes the demolition of the existing one-story, single-family residence and subdivision of the beachfronting lot into two smaller lots of approximately 8,330 square feet (42.6-feet x 196-feet, corner lot) and approximately 6,370 square feet (32.6-feet x 196-feet, interior lot). The street frontage widths along Ocean Avenue of the proposed two new lots would consist of 42.6-feet (corner lot, referenced as Parcel #1) and 32.6-feet (interior lot, referenced as Parcel #2). While both lots meet the minimum lot size (5,000 square feet for interior lots & 5,500 square feet for corner lots), neither meet the City's current minimum lot width standards for lots within the City of Seal Beach Residential Low Density Zone (RLD-9), which is 50-feet. Therefore, the applicant obtained a variance from the City of Seal Beach in order to allow both of these lots to be of a substandard lot width. Of the 45 beachfronting lots along Ocean Avenue, based on a survey provided by the applicant, a majority of the lots are less than the 50-foot width minimum, and range from 29 feet to 68 feet in width. Furthermore, there are only two remaining lots that have a similar width, 75 feet in one case and 83 feet in another case, that could be further subdivided resulting in lots with substandard lot widths. However, the proposed lot widths and any future subdivision of any other lot in this

location will be similar in width and size to existing lots in the area and consistent with the character of the area.

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South Coast Region

OCT 30 2014

CALIFORNIA  
COASTAL COMMISSION

**Agenda Number: F16b**  
**Application Number: 5-14-0540**  
**Names: Fiona and Scott Keller**  
**STRONG OBJECTION TO THE**  
**PROPOSED SUBDIVISION**

Fiona & Scott Keller  
350 Ocean Ave  
Seal Beach CA 90740

October 27, 2014

California Coastal Commission  
South Coast District Office  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, CA 90802

## **Strong objection to the subdivision of 400 Ocean Ave**

Members of the California Coastal Commission

We are writing to express our strong objections against the proposal being presented to the members of the California Coastal Commission on November 14, 2014. Mr Rothman successfully appealed with the Seal Beach City Council the decision of the Planning Commission on December 7, 2011, where the application by Harold Rothman to subdivide the land at 400 Ocean Ave, Seal Beach was denied.

We begin by refuting the 3 main arguments Mr. Rothman put forward to the Planning Commission:

### **Argument #1: 'This is about getting rid of the 'white elephant' in Seal Beach'.**

Mr. Rothman argued that the block of land in question is a 'white elephant' in the context of Seal Beach – something different that there aren't a lot of. Because of this, he argues, he should be allowed to subdivide the land so as to create two new lot sizes that he would see are more in keeping with the broader Seal Beach community. Our response is that *Seal Beach is about diversity, not uniformity*. By way of analogy, Mr. Rothman's argument leads us to a forest with no tall trees or an ocean with no big fish. The fact of the matter is that large lots of this nature were once much more plentiful in Seal Beach, but now they are the equivalent of an 'endangered species' as there are only three left on the Gold Coast side of Ocean. As with nature, 'knocking down a tree/killing one of the

big fish' when they are plentiful creates little difference, but when there are only three the loss of one makes proportionately larger impact.

Beyond the scarcity factor, the whole notion that these lots are somehow unattractive/undesirable for the community is suspect. Mr. Rothman also showed an artist's rendering of what a huge mansion would look like placed on the land versus two tastefully done homes – arguing it's better for the community aesthetically to have the two. Aside from being a blatant attempt to 'lead the witness', this logic isn't even sound. Given the size of the land, we argue that it's actually less probable an 'ugly mansion' will be put on the land versus a tasteful single family home. Our logic is grounded in fact – look at the three large lots currently on Ocean: two have single story homes on them and one uses the land to have a large side garden. We also argue that if the lot is split into two the probability is extremely high that all buildable area will be used in a multi-story structure – thereby ensuring a more crowded look and feel for the street and the community. The pictures below are worth 1000 words:

**Which aesthetic is better for immediate neighbors and the overall Seal Beach community?**

706 Ocean (uses land for side yard)

204 Ocean (uses land for one story house)

Existing 'large lot' formats



410 & 408 Ocean

344 & 340 Ocean

'Subdivided lot' look



### **Argument #2: 'There is precedent'.**

We see *this is not about precedent, it is about the law – and even if it wasn't, the only recent precedent is admitted to be a mistake by the Planning Commission* chairwoman (she indicated this publically when the case was heard on December 7, 2011). We believe the law was made for a reason – to preserve the unique character of Seal Beach. If the Seal Beach community doesn't want the law to be abided by, the conversation should be about changing the law, not



about making exceptions to the law (and we've no reason to believe the community wants the law changed).

If the law stands, and exceptions continue to be made, where will it end? What if someone influential on a 60' lot wants to make it into two 30' lots (for which there are precedents on Ocean Ave)? What if someone influential living on a corner lot wants to push hard to split their lot horizontally so it looks like the 'precedent' on the other side of the pier? Where does this all end? While every incremental 'exception' feels small, over time we risk being the proverbial frog in the boiling water, not realizing it's slowly coming to a boil resulting in a very bad outcome given each change in temperature is experienced as a small 'exception' to the previous. Seal Beach is a wonderful place, but are we not already almost 'boiling' when it comes to parking, population density, diminishing the character in the neighborhood, etc.?

**Argument #3: 'We are doing this for the good of the community'.**

We feel insulted by this argument, and suspect many in the community would agree with us. How can someone who doesn't even reside in Seal Beach anymore – who has significant amounts to gain personally by this happening – be opining on what is best for the community (our research indicates Mr. Rothman now resides in Hermosa Beach)? Had this property sold early on to a buyer wanting to put a single family home on the property, would this proposal even be in consideration? The facts are that when the issue was brought before the Seal Beach planning commission and the Seal Beach City Council members the property had been on the market for over a year and hasn't sold at its \$8million price tag for the one property. It doesn't take a real estate agent to know that in the current market it'd be a lot easier to move two lower priced properties than one high priced one. And if the primary motivation to split the property isn't this (and is instead about what is best for the community), then why in the listing/sales literature for the property is the headline included: 'Owner is currently negotiating with the city to divide the lot'? ***The only logical reason the owner is pushing for this is to sell the land sooner than otherwise and at a higher profit. Those in the community most directly affected by this are not in favor of it.*** We, the neighbors directly to the west of 400 Ocean don't want this – it's not in our best interest or do we see that it is in the community's best interest. We've spoken with the neighbors directly to the east of the property, the Haley family, and they are resolute they don't want this either. The neighbors across the street, the Bartons, also don't want this.

We also note that the potential new owners aren't even winners in this scenario. They will have less freedom to design the home of their dreams and for the owner on the 32' piece of land (which one of the plots is proposed to be), they'll not be able to maximize the livability of their house as at that lot size one can't design around a central hallway (by the time you leave space between houses, put a 4' hallway in and make room for the walls you no longer have enough space for standard size rooms).

Ultimately no one wins but Mr. Rothman if this goes through. We'd note that if there was financial hardship involved we'd have sympathy for an honest argument regarding the home – that it needs to be sold quickly and for the highest price possible. As we wanted to be even-handed in this regard, we investigated this question before writing this letter and found that Mr. Rothman sold his bakery for \$139.6 million in cash in 2007 (according to the Ralcorp press release on March 5, 2007) and therefore we don't see a case for financial hardship coming into play here.

To summarize, the arguments to subdivide 400 Ocean Avenue simply don't stand up. Seal Beach is not about uniformity (which this is a move towards) – it is about the diversity of which the few of these plots of land left represent. This shouldn't be about precedent, it should be about the law made to keep Seal Beach special – and even it was about precedent, the only recent 'precedent' is seen as a bad decision. Finally, this isn't good for the community – it's only good for Mr. Rothman. All of those directly affected agree on this and don't want it to happen.

Before we close, we also feel it important to note that *we've been told by a number of people not to fight this*. Their logic is that Harold Rothman is far wealthier and more influential than us in the community, and therefore people won't speak up against this for fear of getting on his bad side. They also argue to us that our neighbors who are friends with Mr. Rothman will feel torn in their allegiances, and ultimately won't voice what they feel. Further, they have emphasized to us that the Council may fear a lawsuit from Mr. Rothman if they don't make this exception, and that would be something they won't be willing to go through on this issue.

*We hope and we pray that decisions in Seal Beach aren't made this way.* We ask that this decision is looked at through the lens of what is the best answer for our community – those of us who live here and send our kids to school here, not of fear of some sort of retribution. Our family love Seal Beach, we are committed to Seal Beach with our 3 sons (Lachlan, 13; Jackson, 11 and Camden, 8 – all of whom are proud students of Los Alamitos Unified School District), and we want to and plan to spend the rest of our lives here.

Finally, we close by acknowledging that some Coastal Commission members may naturally think to themselves, 'Is this really that big of a deal?' Please know that for us and for all of the direct neighbors affected – this is a big deal to us, and it's why we are asking you to reject the request of Mr Rothman to allow him to subdivide 400 Ocean Ave.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fiona C Keller' followed by a stylized flourish or second signature.

Fiona & Scott Keller

**From:** [fiona keller](#)  
**To:** [Sy\\_Fernie@Coastal](mailto:Sy_Fernie@Coastal)  
**Subject:** 5-14-0540 - 400 Ocean Ave, Seal Beach  
**Date:** Wednesday, November 05, 2014 12:42:26 PM

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Dear Fernie

I have been tried to reach you via phone unsuccessfully to speak about the hearing next Friday regarding the proposed subdivision of 400 Ocean.

My husband Scott is wanting to attend the meeting to strongly object to the subdivision being passed by the Coastal Commission, so we want to ensure that the issue will not be passed prior to the meeting.

What is the best way to speak with you either today or tomorrow?

My home number is 562 431 5102 cell 505 449 8654

THANK YOU

Fiona



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South Coast Region

NOV 5 2014

CALIFORNIA  
COASTAL COMMISSION

Agenda Number: F16b  
Application Number: 5-14-0540  
Name: Jeanette Haley  
Position: Against

Jeanette Haley  
404 Ocean Ave  
Seal Beach Ca 90740

30 October 2014

**RE: PROPOSAL TO SUBDIVIDE 400 OCEAN AVE**

Dear Californian Coastal Commission members,

I am writing to request your support in **opposing the proposal** to subdivide 400 Ocean Avenue.

The current lot measures 75 feet, yet the The RLD-9 zoning law states that the minimum required lot width is 50 feet, so this would be an exception to the law. The current owner will be arguing that there are many ocean front lots on Ocean Avenue which are less than the minimum required lot width, which while true, we believe does not make this the right decision given the following:

**It will disproportionately erode the character of our neighborhood.** The '50 foot' law was created for a reason – to preserve the character of the neighborhood that is so rare and so special among beach communities. One can easily see why for the first few lots being subdivided this wasn't a big deal as the vast majority of lots would have been larger, and so the 'character' would have been preserved. We are now to a point, however, with fewer large lots left in the community that every additional lot for which this is done disproportionately erodes the feeling of our neighborhood (each subdivided lot decreases the



number of large lots left by a very significant percentage – something not the case in the past, so past precedent isn't the way to view this request).

**If we don't enforce the law now, then who will and when – and will it be too late?** If we as a community don't at some point decide to use our rights to have the law enforced, where will it stop? Will the current 50 foot lots be subdivided into two as well? It's up to us to draw a line in the sand of the Gold Coast if we are to keep it golden.

**Subdividing is a step towards lower home values and more congested parking.** Subdividing increases population density. More homes available means home values go down (more housing supply vs. demand). More residents means more cars to park between them and their visitors.

I understand why the current owner wants to subdivide – he will more easily sell the properties and receive a higher price for the land. It is a 'win' for him, but as per above it's a loss for the community.

**Let's keep the Seal Beach Gold Coast special!**

A handwritten signature in cursive script that reads "Jeanette Haley". The signature is fluid and elegant, with the first name and last name clearly distinguishable.

Jeanette Haley

**CALIFORNIA COASTAL COMMISSION**

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

**F 16b**

Filed: June 16, 2014  
180th Day: Dec. 13, 2014  
Staff: F. Sy-LB  
Staff Report: Oct. 24, 2014  
Hearing Date: Nov. 12-14, 2014

**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 5-14-0540

**Applicant:** Harold Rothman

**Project Location:** 400 Ocean Avenue, Seal Beach (Orange County)

**Project Description:** Demolition of an existing single-family residence and subdivision of the lot into two separate parcels.

**Staff Recommendation:** Approval with conditions

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing the demolition of an existing single-family residence and the subdivision of the 75-foot wide lot into two separate parcels. The major issue of this staff report concerns the loss of public street parking, an impact upon public access, as a result of the subdivision.

The proposed subdivision results in two newly created lots: a corner lot (42.6-feet x 196-feet with 42.6-feet of frontage along Ocean Avenue, referenced as Parcel #1) and an interior lot (32.6-feet x 196-feet with 32.6-feet of frontage along Ocean Avenue, referenced as Parcel #2). The curb that fronts the subject property and runs along the beach side of Ocean Avenue is a popular parking area used by the public to access the adjacent public beach. Vertical pedestrian access to the beach is provided at each street end along Ocean Avenue, such as at the 4<sup>th</sup> Street, street end that is adjacent to the site. There are currently no curb cuts along the subject property that fronts Ocean Avenue. Thus, there are presently 2 to 3 public parking spaces along Ocean Avenue at this location.

Future development of these two lots would result in a single-family residence on each lot with a curb cut along Ocean Avenue that would be needed for the new driveways. Those curb cuts would eliminate the currently available public parking. The proposed project does not include development of the new residences. However, it is anticipated that it will occur in the future and therefore, measures must be put into place now to prevent the future loss of parking and reduction of public access. Vehicles currently gain access to the garage of the existing residence (to be demolished) via the 4<sup>th</sup> Street, street end. When the lot is redeveloped the new design would have the option of providing driveway access from 4<sup>th</sup> Street, or via a new curb cut on Ocean Avenue. Staff is recommending that the development on this lot be restricted such that driveway access remains via 4<sup>th</sup> Street. This would avoid one new curb cut along Ocean Avenue, preserving 1 to 2 parking spaces. Driveway access to the 2<sup>nd</sup> lot would, unavoidably, be via a new curb cut along Ocean Avenue. In that case, staff is recommending the curb cut be designed with the minimum width such that the loss of curb space and parking is minimized. These requirements are outlined in **Special Condition No. 1**, which establishes the future driveway access design requirements. Existing and future owners of the new lots would be given notice through the deed restriction required by **Special Condition No. 3**.

There are 45 beachfronting residential lots along Ocean Avenue, but there are only two other lots that have sufficient width, 75-feet in one case and 83-feet in the other, to accommodate a future subdivision and result in the same potential adverse impacts to public parking as the proposed project. Additionally, as conditioned, the proposed project minimizes adverse cumulative impacts to public access. Thus, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

Staff is recommending **approval** of the proposed project with **Three (3) Special Conditions** regarding: **1)** access to the newly created interior and corner lots; **2)** future development; and **3)** a deed restriction against the property, referencing all of the special conditions contained in this staff report.

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### **APPENDICES**

Appendix 1 – Substantive File Documents

### **EXHIBITS**

Exhibit #1 – Vicinity Map

Exhibit #2 – Tentative Parcel Map No. 2013-112

Exhibit #3 – Private vehicle/driveway access plan



## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission approve Coastal Development Permit No. 5-14-0540 pursuant to the staff recommendation.*

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:

*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 will substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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 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. Access to the Newly Created Interior and Corner Lots**

The lots resulting from the subdivision (Tentative Parcel Map No 2013-112) approved by this Coastal Development Permit No. 5-14-0540 are subject to the following restrictions:

- a. Private vehicle/driveway access to the newly created corner lot (42.6-feet x 196-feet, referenced as Parcel 1) shall only occur from the existing 4<sup>th</sup> Street, street end access point, as generally depicted in Exhibit No. 3 of Staff Report dated October 24, 2014;
- b. Private vehicle/driveway access to the newly created interior lot (32.6-feet x 196-feet, referenced as Parcel 2) shall only be made available via a single new curb cut along Ocean Avenue, as generally depicted in Exhibit No.3 of Staff Report dated October 24, 2014. The width of that curb cut shall be minimized such that public parking can still be provided to the maximum extent feasible.

2. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-14-0540. 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. 5-14-0540. Accordingly, any change in use or intensity of use and any future improvements to the development 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. 5-14-0540 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

3. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part,

modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

##### **A. Project Location and Description and Standard of Review**

###### **Project Location and Description**

The subject property is a corner beachfront lot at the intersection of Ocean Avenue and the 4<sup>th</sup> Street, street end located at 400 Ocean Avenue in the City of Seal Beach (Orange County). The subject property is approximately 14,700 square feet in area that has 75-feet of frontage on Ocean Avenue and has a depth of 196-feet (Exhibits #1-2). The site is currently developed with an existing one-story, single-family residence and is zoned Residential Low Density (RLD-9) in the City of Seal Beach Zoning Code. The subject property is located within an existing urban residential area, located northwest of the Seal Beach Municipal Pier, and is in the part of Seal Beach known as 'Old Town'. Though the subject property is in an urban residential area, it is located just inland of the public beach and the subject property slopes upward as it goes inland. The subject property is between the first public road (Ocean Avenue) and the sea and there is a wide sandy beach between the subject property and the ocean and mean high tide line. Upcoast of the site is the 4<sup>th</sup> Street, street end that becomes a pedestrian access route to the public beach and downcoast of the site is an existing residential use.

The applicant is proposing the demolition of the existing one-story, single-family residence and subdivision of the lot into two smaller lots of approximately 8,330 square feet (42.6-feet x 196-feet, corner lot) and approximately 6,370 square feet (32.6-feet x 196-feet, interior lot) (Exhibit #2). The street frontage along Ocean Avenue of the proposed two new lots would be 42.6-feet (corner lot, referenced as Parcel #1) and 32.6-feet (interior lot, referenced as Parcel #2). While both lots meet the minimum lot size, neither meet the City's current minimum lot width standards for corner or interior lots within the RLD-9 zone, which is 50-feet. Thus, the applicant obtained a variance in order to allow both of these lots to be of a substandard lot width. The resulting lot widths are consistent with the pattern of development in the area.

Currently, there are no curb cuts along the subject property that fronts Ocean Avenue. The curb fronting the site on the beach side of Ocean Avenue, as well as the remaining curbs along Ocean Avenue upcoast and downcoast of this area are used for public parking, except for locations where there are curb cuts for access to the driveways associated with the residential developments along Ocean Avenue. This is a popular parking area for access to the coastal community and especially for the nearby public beach that is accessed through the perpendicular street ends that are located along Ocean Avenue, such as the 4<sup>th</sup> Street, street end that is adjacent to the site (Exhibits #1-2). No parking is allowed at the street ends, so as to provide unimpeded pedestrian access to the public beach. Vehicular access to the subject property is currently provided via a driveway located off the 4<sup>th</sup> Street, street end near its' intersection with Ocean Avenue (Exhibits #1-2).

###### **Standard of Review**

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 (LCP). 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.

## **B. Public Access**

Section 30210 of the Coastal Act states:

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

Section 30250 of the Coastal Act states, in pertinent 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.*

One of the strongest legislative mandates of the Coastal Act is to maximize public access to and along the coast. Section 30210 of the Coastal Act protect the publics' right to access the shoreline and water and recreational opportunities. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking or by providing substitute means of serving the development with public transportation.



The grid-like public streets throughout Old Town Seal Beach are the main public parking reservoir used by visitors for beach and pier access and for patrons of the commercial area along Main Street. The curb that fronts the subject property and runs along the beach side of Ocean Avenue is within that popular parking area. Vertical pedestrian access to the beach is provided at each numbered street end along Ocean Avenue, such as at the 4<sup>th</sup> Street, street end that is adjacent to the site (Exhibits #1-2). There are currently no curb cuts along the subject property that fronts Ocean Avenue. Thus, 2 to 3 public parking spaces are present along Ocean Avenue fronting the subject property. The subject lots will be developed with two single family residences in the future (after applying and receiving a Coastal Development Permit). Construction of the garages and accompanying driveways on them would result in 2 separate curb cuts that would eliminate the 2 to 3 public parking spaces presently available. A lack of public parking discourages visitors from coming to the public beach and taking part in other visitor-serving activities in the Coastal Zone. The general public tends to avoid visiting coastal areas when there is an inadequate public parking supply to accommodate a visit to the coast. Thus, a lack of parking has an adverse impact on public access. While the proposal does not include the construction of the single-family residences, such future development is anticipated thus, measures must be put into place now to minimize or prevent those anticipated adverse impacts to public access. All development must, as a consequence, minimize adverse impacts on public access.

Vehicular access to the subject property is currently provided by a driveway located off the 4<sup>th</sup> Street, street end near its' intersection with Ocean Avenue. The proposed subdivision would result in one corner lot (Parcel #1) and one interior lot (Parcel #2). In order to minimize curb cuts along Ocean Avenue and consequently adverse impacts to parking and public access, the number of curb cuts must be minimized. By requiring the corner lot to maintain its' access only via the 4<sup>th</sup> Street, street end and requiring that the interior lot only have access via a single new curb cut along Ocean Avenue, then adverse impacts to public street parking and access will be minimized (Exhibit #3). Furthermore, the width of that curb cut shall be minimized such that public parking can still be provided to the maximum extent feasible. Thus, the Commission imposes **Special Condition No. 1**, which requires that imposes restrictions on the future development of the two lots, as described above.

As conditioned, adverse impacts to public access have been minimized. However, future development may potentially result in adverse impacts to public access. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition No. 2**, which requires a future development special condition.

There are 45 beachfronting residential lots along Ocean Avenue, but there are only two other lots that have sufficient width, 75-feet in one case and 83-feet in the other, to accommodate a future subdivision and result in the same potential adverse impacts to public parking as the proposed project.

Additionally, approval of the project as conditioned would not lead to foreseeable adverse cumulative impacts on public access since impacts would be minimized. Consequently, approval

of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

### **Conclusion**

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30250 and 30252 of the Coastal Act.

### **C. Deed Restriction**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition (**Special Condition No. 3**) requiring that the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

### **D. Local Coastal Program (LCP)**

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 is in conformity with Chapter Three of the Coastal Act and that the permitted 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.

### **E. California Environmental Quality Act (CEQA)**

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or

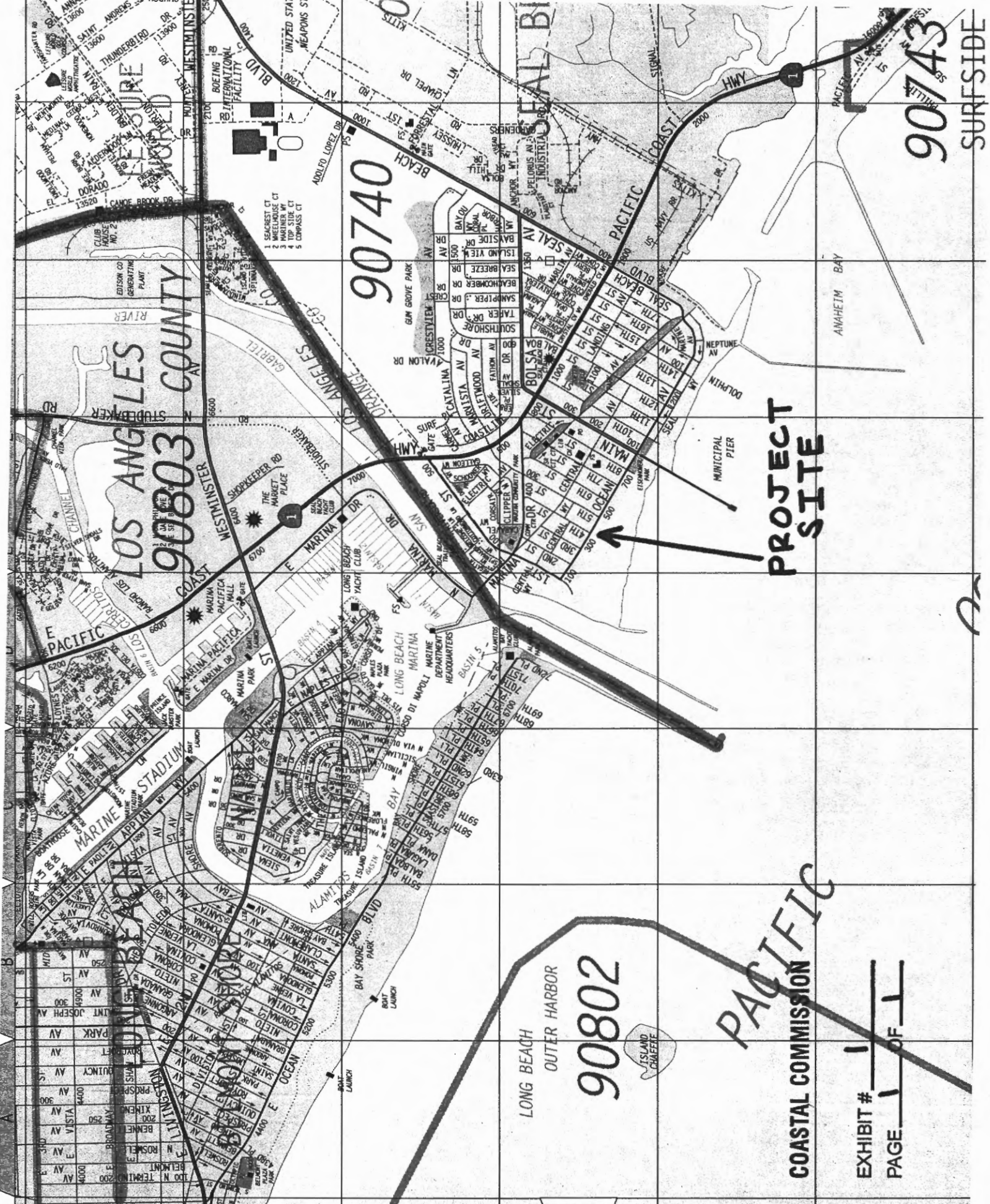
feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Seal Beach Planning Department is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Seal Beach Planning Department determined that the proposed development is ministerial or categorically exempt on December 21, 2012. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX 1**

**SUBSTANTIVE FILE DOCUMENTS:** City of Seal Beach Planning Commission Resolution No. 11-27; City of Seal Beach City Council Resolution No. 6343; Variance No. 11-2, Tentative Parcel Map No. 2013-112; Letter from Harold Rothman dated December 14, 2011; Letter from Harold Rothman dated November 29, 2012; Email from the City of Seal Beach dated April 29, 2014; Letter from Commission Staff to Harold Rothman dated April 8, 2014; Letter from Commission Staff to Harold Rothman dated May 29, 2014; and Letter from Harold Rothman to Commission Staff dated June 16, 2014.





PROJECT SITE

PACIFIC COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

LONG BEACH  
OUTER HARBOR

90802

90740

90743

SURFSIDE

LOS ANGELES COUNTY  
90803

MARTINE STADIUM

LONG BEACH

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SCALE: 1" = 20'

EXISTING PARCELS: 1  
ACREAGE: 0.34 AC.  
PROPOSED PARCELS: 2  
PROPOSED PARCEL 1  
ACREAGE: 0.19 AC.  
PROPOSED PARCEL 2  
ACREAGE: 0.15 AC.

**ENGINEER**

FORKERT ENGINEERING & SURVEYING INC.  
MICHAEL A. FORKERT P.L.S.  
22311 BROOKHURST ST.  
HUNTINGTON BEACH, CA 92646  
(714) 963-6793



**BENCHMARK**

T-280-R75  
DESCRIBED BY OCS 2001-FD3 NATIONAL GEODETIC  
SURVEY BRASS DISK STAMPED "T-280 RESET 1975".  
SET IN THE SOUTHWESTERLY CORNER OF A 4 FT. BY 4 FT.  
CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE  
SOUTHWESTERLY CORNER OF THE INTERSECTION OF MARINA  
DRIVE AND FIRST STREET, 27 FT. WESTERLY OF THE  
CENTERLINE OF FIRST STREET AND 46 FT. SOUTHERLY OF  
THE CENTERLINE OF MARINA DRIVE. MONUMENT IS SET  
LEVEL WITH THE SIDEWALK.  
ELEVATION = 9.33' NAVD83/1989

**DATE OF PREPARATION**  
APRIL, 2013

**OWNER / DEVELOPER**  
HAROLD ROTHMAN  
400 OCEAN AVENUE  
SEAL BEACH, CA 90740  
(562) 221-4837

**SITE ADDRESS**  
400 OCEAN AVENUE

**ZONING**  
PROPOSED SINGLE FAMILY

**PROPERTY USAGE**  
SINGLE FAMILY

**UTILITY NOTES**

- GAS** -  
SOUTHERN CALIFORNIA GAS COMPANY  
(800) 427-2200
- ELECTRICITY** -  
SOUTHERN CALIFORNIA EDISON COMPANY  
(800) 655-4555
- CABLE** -  
TIME WARNER COMMUNICATIONS  
(888) 892-2253
- WATER** -  
SEAL BEACH UTILITY SERVICES  
(562) 431-2527 EXT. 1309
- SEWER** -  
ORANGE COUNTY SANITATION DISTRICT  
(714) 926-2411
- TELEPHONE** -  
VERIZON  
(800) 463-4000
- TRASH** -  
CONSOLIDATED DISPOSAL  
(800) 299-4898

**EASEMENT NOTES**

- ① 10' WIDE EASEMENT OF THE CITY OF SEAL  
BEACH FOR PUBLIC UTILITIES & SEWER  
PURPOSES PER O.R. 884/159.

**LEGEND NOTES**

- ② 12' WIDE ALLEY AS VACATED MAY 16, 1916  
BY CITY OF SEAL BEACH BOARD OF  
TRUSTEES RESOLUTION, ORDINANCE #17.

# TENTATIVE PARCEL No. 2013-112

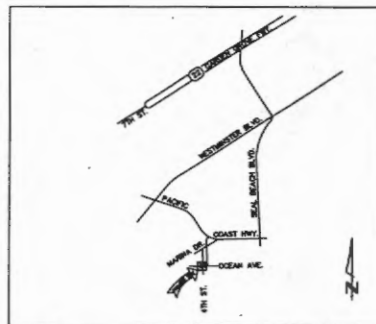
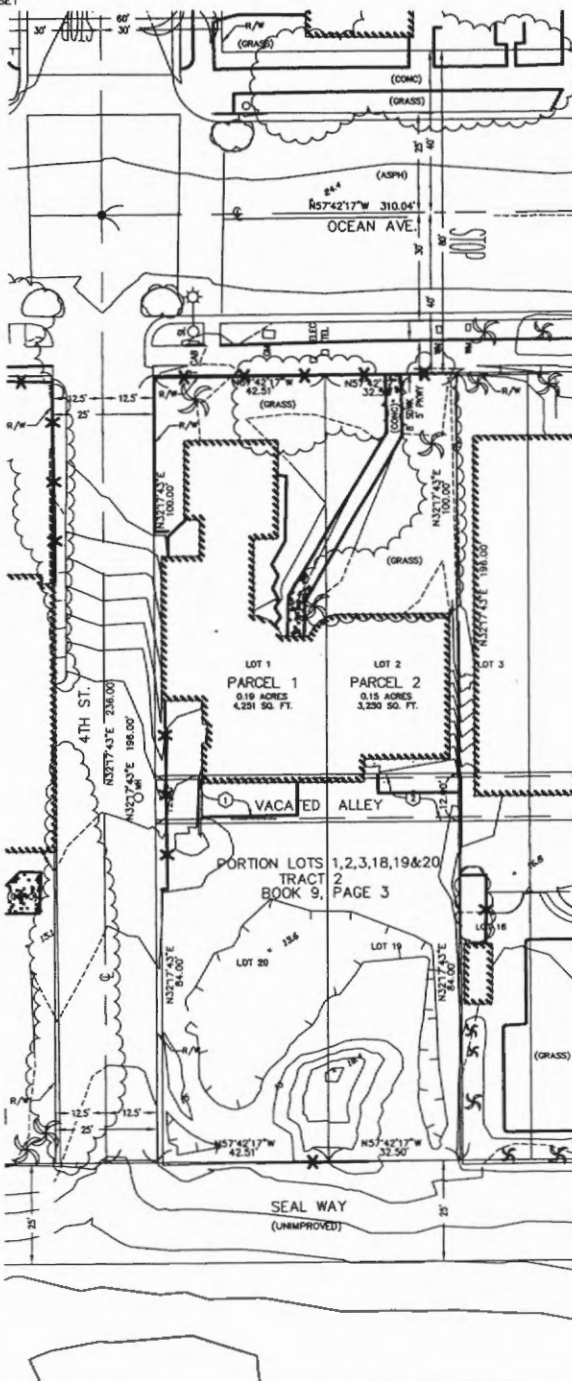
IN THE CITY OF SEAL BEACH  
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A PROPOSED SUBDIVISION OF A PORTION OF PARCEL 1 AND PARCEL 2:

PARCEL 1:  
LOTS ONE (1), TWO (2), NINETEEN (19) AND TWENTY (20) AND THE WESTERLY 7 1/2 FEET,  
FRONT AND REAR, OF LOTS THREE (3) AND EIGHTEEN (18), ALL IN BLOCK 04 OF TRACT NO. 2,  
SEAL BEACH TRACT, BAY CITY, AS PER MAP THEREOF RECORDED IN BOOK 9, AT PAGE 3, OF  
MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY;  
EXCEPTING ANY PORTION OF SAID LAND LYING BELOW THE LINE OF ORDINARY HIGH TIDE OF  
THE PACIFIC OCEAN;  
ALSO EXCEPTING ANY PORTION OF SAID LAND FORMED BY ACCRETION BY THE PACIFIC OCEAN  
WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY  
IMPERCEPTIBLE DEGREES.

PARCEL 2:  
THE ALLEY IN BLOCK 04 LYING BETWEEN SAID LOTS ONE (1), TWO (2), THE SAID WESTERLY 7  
1/2 FEET OF LOT THREE (3), AND LOTS NINETEEN (19), TWENTY (20) AND THE SAID WESTERLY  
7 1/2 FEET OF LOT EIGHTEEN (18), ALL IN SAID BLOCK 04 OF TRACT NO. 2, SEAL BEACH  
TRACT, BAY CITY, AS PER MAP THEREOF RECORDED IN BOOK 9, AT PAGE 3, OF  
MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; VACATED ON MAY 16, 1916, BY  
RESOLUTION OF THE BOARD OF TRUSTEES OF THE CITY OF SEAL BEACH, ORDINANCE #17;  
EXCEPTING ANY PORTION OF SAID LAND LYING BELOW THE LINE OF ORDINARY HIGH TIDE OF  
THE PACIFIC OCEAN;  
ALSO EXCEPTING ANY PORTION OF SAID LAND FORMED BY ACCRETION BY THE PACIFIC OCEAN  
WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY  
IMPERCEPTIBLE DEGREES.

APN: 199-114-01



VICINITY MAP  
NOT TO SCALE

**RECEIVED**  
South Coast Region

MAR 12 2014

CALIFORNIA  
COASTAL COMMISSION

5-140540

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1

KEY NOTES:

- 1 LOST ON STREET PARKING SPACE
- 2 ADDITIONAL OFF STREET PARKING SPACES PROVIDED OVER CITY REQUIREMENT (REPLACEMENT PARKING)
- 3 NEW SINGLE FAMILY RESIDENCE
- 4 EXISTING SIDEWALK
- 5 NEW DRIVEWAY
- 6 LANDSCAPE AREA
- 7 OPTIONAL PARKING SPACE (REQUIRED FOR 6 BEDROOM RESIDENCE)

New driveway curb cut

OCEAN AVE.

Existing driveway access

4<sup>th</sup> Street Beach access

4TH ST.

Parcel #1  
LOT #1

Parcel #2  
LOT #2

Beach



COASTAL COMMISSION

EXHIBIT # 3  
PAGE 1 OF 1