

**CALIFORNIA COASTAL COMMISSION**

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



[Click here to go to original staff report](#)

# ADDENDUM

## Th5b

January 11, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO ITEM Th5b, COASTAL COMMISSION PERMIT 5-15-1343 FOR THE COMMISSION MEETING OF JANUARY 14, 2015.

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### 1. LETTER OF CONCERN

Add the following findings at the end of the project description on page 4 of the staff report:

Since the staff report was written, staff received comments from an opponent of the project, Charles Antos. According to his letter, Mr. Antos is the Secretary of the Seal Beach Historical Society, the entity that oversees the Red Car Museum, which is adjacent to the site selected by the City for the relocation of the subject historic structure. Mr. Antos contends that 1) he did not receive effective notice from the Coastal Commission of the hearing; and 2) the City of Seal Beach did not have a public hearing considering alternative locations for the cottage. Mr. Antos also makes allegations related to unpermitted development and makes a statement about the status of the Historical Society's lease of the Red Car Museum.

Commission staff has had several phone conversations with Mr. and Mrs. Antos beginning in July, 2015 regarding the location of the historic structure. Phone conversations regarding the status of Coastal Development Permit No. 5-15-1343 occurred on October 9<sup>th</sup> and November 3<sup>rd</sup>. On December 15<sup>th</sup>, Mr. Antos was verbally notified by staff of the date and location of the hearing, the item number, and how to obtain the staff report online. In addition to verbal notice over the phone, hearing notices were mailed out on December 22, 2015 to residences within a 100 foot radius of the project, in addition to those on the "list of interested parties" which included the Seal Beach Historical Society.

Commission staff contacted the City of Seal Beach, and the Senior Planner, Crystal Landavazo informed staff that the City of Seal Beach held public hearings and discussed two other alternative locations for the cottage, including Lopez Island, which is located on the southeastern end of the greenbelt, and Zoeter Field, a local sports field in the Old Town area of Seal Beach. According to City staff, the Lopez Island location was not feasible because it is located in a flood zone. Zoeter Field was also not feasible because the necessary concrete slab foundation for the cottage was not permissible in that location. The City Council ultimately voted in favor of the current location adjacent to the Red Car Museum on October 26, 2015. In response to the allegation of unpermitted development, the structure was temporarily relocated under an emergency declaration reported to the Commission on July 17, 2016. Finally, the lease agreement between the Historical Society and the City of Seal Beach is not the subject of this permit application.

JAN 10, 2016

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South Coast Region

JAN 11 2016

CALIFORNIA  
COASTAL COMMISSION

Jan 14, 2016

Permit 5-15-1343 *FTEM: TH SB*

City of Seal Beach

Seal Beach Historical Society

OPPOSITION

The Seal Beach Historical Society is opposed to approving this permit for the following reasons:

1. Lack of notice – After months of requests (phone and writing), we finally got a notice of hearing on January 7, 2016 for a hearing on January 14, 2016.
2. The City of Seal Beach placed the structure on it's present location without a Coastal Permit.
3. The City of Seal Beach constructed a new roof on the structure without a Coastal Permit, using the excuse of "emergency weather protection".
4. The City of Seal Beach never considered any other location for the structure and never permitted any public input on the location of the structure.
5. The City of Seal Beach did not apply for a Coastal Permit until the California Coastal Commission Code Enforcement told the City to apply for a permit after complaints and the treat of lawsuits.
6. In order to obtain a location to pla ce the structure, the City of Seal Beach changed the lease between the City and the Seal Beach Historical Society to remove all leased land, excepting the land under the Red Car (tracks and Red Car). We have been in the same location for 44 years. We have about 75 members.

In conclusion, since the Seal Beach Historical Society is the most impacted by this proposed location, and we received inadequate notice, we request the permit be denied, until adequate notice is given and all the City of Seal Beach actions be explained to the California Commission at a full public hearing.

Sincerely,



Charles Antos

Seal Beach Historical Society, Secretary

**SBHS - RED CAR MUSEUM**  
P.O. BOX 152  
SEAL BEACH, CA 90740

# City of Seal Beach



CITY HALL 211 EIGHTH STREET  
SEAL BEACH, CALIFORNIA 90740  
(562) 431-2527 • www.sealbeachca.gov

California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

January 11, 2016

Re: Application No. 5-15-1343 – 707 ½ Electric Avenue, Seal Beach, Orange County

Dear Coastal Commission,

The City of Seal Beach submitted an application for the relocation of a 180 square-foot, 14 foot high, historic, non-habitable single-story structure from a residential property to a city-owned greenbelt on July 30, 2015. The staff report prepared by Coastal Commission staff provided a brief timeline of the emergency actions taken by the City to temporarily relocate the structure within the time period specified by the structure's owner. As stated in the staff report, local residents voiced concern over the structure's temporary location and a new location was proposed to address these concerns. The staff report provided a clear summary of the request and this letter is intended only to provide the Coastal Commission with additional information regarding the City's actions to preserve the structure and address the concerns of its local residents.

### **Special Meeting of the Seal Beach City Council – July 2, 2015**

A Special Meeting of the City Council was noticed by posting the meeting agenda 24 hours in advance of the meeting date, in conformance with Section 54956 of the California Government Code. A copy of this agenda is attached to this letter for your reference. Residents were advised that the City Council would be meeting to review and take action on the following items:

1. Approve the terms of proposed donation agreement, authorize the City Manager to execute the final agreement when completed in a form acceptable to the City Attorney, and
2. Approve relocation of the historic cottage to the Greenbelt area near the Red Car museum and authorize the expenditure of associated costs.

At this meeting the City Council heard a staff report describing the proposed donation of an Anaheim Landing cottage to the City if it could be quickly removed from a residential property. Staff identified the proposed relocation site and the estimated cost of the relocation. The City Council opened the meeting for public comment, many residents supported preserving the structure but some residents voiced concern over the proposed location. Some comments included placing the structure on the opposite end of the Greenbelt in an area known as Isle De Lopez, in Zoeter Field, or at the City Yard until a more

suitable location could be found. The City Yard does have the space to the store such a structure and allow for regular use of City vehicles and equipment. Zoeter Field is a park located across from the residential property where the structure was originally located. This park is not designated in the General Plan for the placement of historic structures and is regularly used for league baseball games which would make securing the structure, to prevent further deterioration or damage, very difficult. Isle De Lopez is located in a flood zone and would make long term maintenance of the structure difficult. The Specific Plan for the Greenbelt and the General Plan identify the area to the east of the Mary Wilson Library as suitable for the placement of historic resources. After listening to and thoroughly discussing the community's comments, the City Council voted to approve the terms of the donation agreement and relocate the structure to the Greenbelt area near the Red Car museum so that the City's historic resources would be located in one centralized area.

#### **City Council Meeting – July 13, 2015**

At the City Council meeting, the Mayor opened Oral Communications during which residents were invited to speak to the City Council. At this meeting numerous residents spoke in regard to the relocation of the historic structure onto the Greenbelt. The comments varied between residents who were glad that the City Council had moved quickly to preserve a remnant of the City's history to residents who were upset that the structure blocked the view of residents who live on 8<sup>th</sup> Street between Pacific Coast Highway and Electric Avenue. Residents who spoke at this meeting also suggested locating the structure on Zoeter Field, The City Yard and Isle De Lopez.

#### **Emergency Action – July 15, 2015**

The City of Seal Beach had been in communication with Coastal Commission staff after the City Council action on July 2, 2015. City staff provided Commission staff with the project information so that they could determine if a Coastal Development Permit would be required. Upon recommendation from Commission staff, the City submitted a letter to Coastal Commission staff requesting approval for the emergency actions that were scheduled for preserving the historic structure. Coastal Commission staff responded notifying the City that the emergency action was reviewed on July 15, 2015 and found to be consistent with the provisions of Section 30611 of the Coastal Act. The structure was relocated to the Greenbelt on July 16, 2015. A Coastal Development Permit application was submitted to the Coastal Commission on July 30, 2015. The City letter and Coastal response were attached as exhibits 3 and 4 of the Coastal Commission Staff Report.

#### **City Council Meeting – September 28, 2015**

The City Council voted and approved agenda item "I" to adopt Resolution No. 6598 approving the new lease agreement between the City and the Seal Beach Historical Society for the continued location of the Red Car. The prior lease agreement identified a large area of the greenbelt that stretched from the sidewalk to sidewalk, north to south, bordering the greenbelt as part of the Seal Beach Historical Society lease area. The City renegotiated with the Seal Beach Historical Society to reduce this area so that the open area to the north of the Red Car museum would be available for the City's use in relocating the historic structure to address the view concerns raised by residents.

**City Council Meeting October 26, 2015 – Closed Session**

The City Council met in closed session and directed staff to move the structure and the foundation slab away from the Mary Wilson Library towards Main Street.

**Repairs to Roof and Porch – November 3-17, 2015**

The shingle roof was replaced and repairs were made to the porch on the historic structure. Prior to commencement of these repairs, City staff was in contact with Commission staff to ensure that the required repairs were within the scope of the temporary 30611 authorization that was granted to the City for its emergency action.

**Revised Coastal Commission Application – November 4, 2015**

A Revised project description and site location was submitted to Coastal Commission staff reflecting the City Council's direction to relocate the structure toward Main Street and away from the Mary Wilson Library. The relocation area was selected so that the historic structure would not obstruct views from residents living on 8<sup>th</sup> Street.

The Seal Beach City Council has acted as quickly as possible to preserve a remnant of the City's early local history and address the concerns of its residents. Due to time restrictions and existing lease agreements, the historic structure was temporarily placed on the greenbelt and a Coastal Development Permit application was submitted to the Coastal Commission. The City Council continued to listen to comments and concerns raised by local residents after the structure's initial placement on the Greenbelt. The City Council directed staff and the City Attorney's office to work with the Seal Beach Historical Society to revise the lease agreement to explore the ability of relocating the structure out of the view of residents on 8<sup>th</sup> Street. City staff has worked with the Coastal Commission staff to advise them of the City Council's actions to address the concerns of local residents. The City of Seal Beach has agreed to remove the concrete slab placed in the Greenbelt when the structure is relocated away from the Mary Wilson Library. The City of Seal Beach has been and continues to be willing to work with residents and the Coastal Commission in preserving a piece of its early history.

Respectfully,



Jim Basham  
Community Development Director

Attachment:

1. Agenda for Special Meeting of the Seal Beach City Council – July 2, 2015



City of Seal Beach  
211 - 8th Street  
Seal Beach, CA 90740  
562-431-2527

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**CALL AND NOTICE OF SPECIAL MEETING**  
**AGENDA FOR SPECIAL MEETING OF THE**  
**SEAL BEACH CITY COUNCIL**

TO THE PUBLIC AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF SEAL BEACH:

**YOU ARE HEREBY NOTIFIED THAT**, pursuant to Section 54956 of the California Government Code, Mayor Ellery Deaton calls a special meeting of the Seal Beach City Council to be convened in the City Council Chambers, 211 8th Street, Seal Beach, California on **Thursday, July 2, 2015 at 5:00 p.m.**

The business to be transacted at the special meeting is as follows:

**A. Proposed Donation of Historic Cottage to the City of Seal Beach:**

- 1. Approve the terms of proposed donation agreement, authorize the City Manager to execute the final agreement when completed in a form acceptable to the City Attorney, and**
- 2. Approve relocation of the historic cottage to the Greenbelt area near the Red Car museum and authorize the expenditure of associated costs.**

Please note that members of the public will be provided the opportunity to directly address the City Council concerning the items described above before the City Council considers such items. No other business shall be considered.

DATED THIS 30<sup>th</sup> day of June 2015.

Ellery Deaton, Mayor  
City of Seal Beach

**CALIFORNIA COASTAL COMMISSION**

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



# Th5b

Filed: 8/29/15  
180th Day: 2/25/16  
Staff: M. Revell-LB  
Staff Report: 12/17/15  
Hearing Date: 1/14/16

## STAFF REPORT: CONSENT CALENDAR

**Application No.** 5-15-1343

**Applicant:** City of Seal Beach

**Project Location:** 707 ½ Electric Ave., Seal Beach, Orange County

**Project Description:** Relocation of a 180 square-foot, 14 foot high, historic, non-habitable, single-story structure from a residential property to a city-owned greenbelt.

**Staff Recommendations:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The City of Seal Beach requests a permit to relocate a 180 square-foot, 14 foot high, non-habitable, single-story historic structure from private property to a city-owned greenbelt. The structure will be displayed as a monument of locally historic significance, and its interior space will not be open to the public. The primary Coastal Act issues raised by the subject development are: 1) coastal views; and 2) public access to the coast.

Staff recommends **APPROVAL** of Coastal Development Permit Application 5-15-1343 with **three SPECIAL CONDITIONS** regarding 1) **future development**; 2) **permit compliance**; and 3) **removal of the concrete slab foundation**.

## I. MOTION AND RESOLUTION

### Motion:

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

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*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 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

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

This permit is granted subject to the following special conditions:

1. **Future Development.** This permit is only for the development described in coastal development permit No. 5-15-1343. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit No. 5-15-1343. Accordingly, any future improvements to the structure authorized by this permit, shall require an amendment to Permit No. 5-15-1343 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
2. **Permit Compliance.** This Coastal Development Permit 5-15-1343 is only for the development expressly described and conditioned herein. The permittee shall undertake development in accordance with the approved coastal development permit. Any proposed changes to the development, including any change to the sequence of construction, shall be reported to the Executive Director. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
3. **Removal of Concrete Slab Foundation.** Within 60 days of the relocation of the structure, the permittee shall remove the unpermitted concrete slab foundation and restore the area to landscaped open space. The permittee shall submit evidence of the concrete slab removal and restoration to the Executive Director for review and approval.

### IV. FINDINGS AND DECLARATIONS

#### A. PROJECT DESCRIPTION

The applicant is proposing to relocate a 180 square foot, 14 foot high, non-habitable, single-story historic structure from private property to a City-owned greenbelt. The City intends to display the cottage as a monument representing the City's early history, and the interior space will not be open to the public. The proposed location of the structure on the green belt will not require the removal of any existing trees, will not obstruct coastal views, and will not impact public parking.

The project location is located at 707 ½ Electric Ave. within the City of Seal Beach, Orange County. The proposed project site is in the City-owned greenbelt along Electric Ave. adjacent to the Historic Red Car Museum and the Mary Wilson Public Library, approximately 1/3 of a mile inland from the beach, and approximately one block west of Main Street (**Exhibit 1**). The greenbelt, which was formerly an abandoned railroad right-of-way along Electric Ave., is 100 feet wide; approximately 3,600 feet long, and is slightly over 8 acres in size. It is bounded by Electric Avenue to the north and south, Marina Drive to the east, and Seal Beach Blvd to the west. The greenbelt was approved in 1974

by Commission-issued Coastal Development Permit No. P-12-23-74-4499, along with “limited public facilities” consisting of “mini-plazas, plazas at focal points, a bus shelter, 39 parking spaces, a gazebo, an open bicycle rest area, and a pedestrian walkway.” The Pacific-Electric Right-of-Way Specific Plan approved by the City of Seal Beach in 1974 does not limit what can be placed on the right-of-way, and the placement of the cottage in this location is consistent with the specific plan, and is also consistent with the original 1974 Coastal Development Permit.

The original owners of the cottage were authorized to demolish the structure located at 342 12<sup>th</sup> Street in Seal Beach, pursuant to Coastal Development Permit No. 5-14-0799-W. The cottage was in the process of being dismantled when its owners donated the remaining part of the cottage to the City for public use. The structure is not listed as historic on any local, state, or national register, but because of the age of the cottage (approximately 110 years), and locally historic significance, the City elected to preserve it. According to the City, they were granted a two week window of opportunity to move the structure to another location to avoid its complete destruction, and the City Council took action during a special meeting held on July 2, 2015 to relocate the cottage to its current location in the greenbelt approximately 30 feet west of the Mary Wilson Library without a Coastal Development Permit (**Exhibit 2**). The City notified Commission Staff in the Long Beach office of this “emergency action” in a letter dated July 15, 2015 (**Exhibit 3**). Commission staff then informed the City of Seal Beach by letter dated July 17, 2015 that such action constituted development, which required the City to apply for a coastal development permit within 90 days (**Exhibit 4**). In the meantime, Commission staff received several complaints from local residents concerning coastal view impacts caused by placement of the cottage in this location, as it impeded the otherwise unobstructed view of the open coastline from Pacific Coast Highway through the 8<sup>th</sup> Street view corridor (**Exhibit 5**).

The applicant now proposes to permanently relocate the structure 95 feet east of the Mary Wilson Public Library to 707 ½ Electric Ave., still within the greenbelt, approximately 20 feet north of the Historic Red Car Museum (**Exhibit 6**). The new proposed location is outside of the 8<sup>th</sup> Street view corridor, thereby restoring the coastal view. The City has agreed to remove the existing concrete slab foundation after the cottage is relocated and to restore the area to landscaped open space. To ensure it is removed, the Commission imposes **Special Condition 3**, which requires the applicant to remove the concrete slab foundation and restore the landscaped area.

It is the City’s intention that the cottage function as a monument of locally historic significance rather than a museum, and the public will not be permitted to enter the structure. For this reason, the City is not providing any new parking for the proposed project, because there is sufficient parking available in the surrounding area (i.e. the parking lot for the adjacent library, parking along Main Street, and in the metered parking lot north of Electric Ave.). Since the historic cottage will not likely attract new visitors to the location, but will rather be viewed incidentally by individuals visiting the public library or the Red Car Museum, Commission staff concurs with the City that adequate parking is provided. To ensure that the proposed use of the cottage does not change, Commission staff imposes **Special Condition 1**, which requires the applicant to apply for a separate coastal development permit for future changes in use of the structure or future improvements to the structure itself, and **Special Condition 2**, which requires the applicant to conform to the submitted project location, description and plans.

**B. PUBLIC ACCESS**

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

**C. RECREATION**

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

**D. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**E. LOCAL COASTAL PROGRAM**

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-15-1343 (City of Seal Beach)

**SUBSTANTIVE FILE DOCUMENTS**

1. Coastal Development Permit No. P-12-23-74-4499
2. Coastal Development Permit No. 5-14-0799-W

**EXHIBITS**

- Exhibit 1 – Project Location
- Exhibit 2 – Current Location of Cottage
- Exhibit 3 – Letter from City of Seal Beach to CCC
- Exhibit 4 – Letter from CCC to City of Seal Beach
- Exhibit 5 – View corridor of 8<sup>th</sup> Street
- Exhibit 6 – New Project Location