



**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** July 5, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA01-0038 for Coastal Development Permit and Variance.

**PROPOSAL:** The applicant requests approval of Coastal Development Permit to convert an existing one-story single-family dwelling with a detached apartment unit above a two-car garage into one single-family dwelling. Included in the Coastal Development Permit is a ten feet addition to an existing rear yard deck. A Variance is requested to allow the existing two-car garage with a driveway length of three feet to remain when a driveway length of five feet is required is for this proposal.

**LOCATION:** In the community of Sunset Beach, west of South Pacific Ave. between 22nd and 23rd Street at 16525 South Pacific. Second Supervisorial District.

**APPLICANT:** Robert Brkich, property owner  
Barry Kyler, agent

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA01-0038 for Coastal Development and Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site is a typical interior beachfront lot in this portion of Sunset Beach measuring 30 feet wide by 70 feet deep. The property is in the Sunset Beach Specific Plan/Local Coastal Program and has a land use designation of SBR "Sunset Beach Residential". One or two dwellings are permitted on each building site in the SBR designation. The lot is improved with a one-story single family dwelling near the rear of the lot (beach side) with a two-bedroom apartment above a detached two-car garage located at the front of the lot (South Pacific Avenue side). The current configuration of the lot is classified as a non-conforming duplex lot. The site is non-conforming because only two covered parking spaces are provided and four parking spaces are required for the two dwellings.

The applicant proposes to convert the two dwellings into one single-family residence. The existing single-family residence will be enlarged by adding a second story and by enclosing the space between the garage/apartment and the residence. A roof deck is proposed with a spa, fireplace, bar-b-que, sink and storage areas. What is currently the apartment will become part of the new dwelling and be converted into a single bedroom and a media room. A 525 square foot attic space will be added above this area. The conversion and additions bring the total living space of the new residence to 2,770 square feet, which is an addition of 1,270 square feet to the existing total living area square feet of 1,500 (residence + apartment).

A Coastal Development Permit is required for this proposal because the site is in the Coastal Commission appealable area of the coastal zone and the proposed additions exceed 10% of the square footage of the existing dwelling. A Variance is required for this proposal because the garage entrance setback from the street is only three feet. Records show that the house and garage were built in 1947, prior to establishment of setback regulations. Since the value of the proposed improvements exceeds 50 percent of the value of the existing structures, Zoning Code Section 7-9-151 requires the improved structure to conform to all current site development standards. The garage setback requirement for this structure is five feet. Since the garage has been existing at a setback of three feet for many years, the applicant requests a variance to allow the garage to remain. All new additions proposed conform to the SBB “Sunset Beach Residential” site development standards.

The Coastal Development Permits also includes an addition to an existing deck located at the rear of the property. The deck is located in the SBB “Sunset Beach Beach” district. The area was once planned as a 20 feet wide road called Ocean Avenue on the original Sunset Beach Subdivision map. A twenty-foot encroachment is permitted in this County area for uncovered ground level decks. The applicant has an existing deck that encroaches 10 feet into the County area. The applicant proposed to extend the deck an additional 10 feet to the maximum 20 feet encroachment. In addition to the Coastal Development Permit the applicant will be required to obtain a Public Properties encroachment permit for the deck addition. A condition of approval will require the applicant to design and construct the new deck to County design standards.

**SURROUNDING LAND USE:**

<b>Direction</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
Project Site	SBR “Sunset Beach Residential	Single-family dwelling with apartment unit
North	SBR “Sunset Beach Residential	Single-family residential
South	SBR “Sunset Beach Residential	Single-family residential
East	SBP “Sunset Beach Parking”	Public parking area and greenbelt
West	SBB “Sunset Beach Beach”	Beach area and Pacific Ocean

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborn Building. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to eight County Divisions and the Sunset Beach LCP Review Board. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Sunset Beach LCP Review Board recommended project approval at its June 19, 2001 meeting.

**CEQA COMPLIANCE:**

Negative Declaration No. PA010038 (Exhibit 2) has been prepared for this proposal. It was posted for public review on June 12, 2001 and became final on July 2, 2001. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

There are no planning issues associated with the conversion and additions proposed. The proposal, except with the existing garage setback, is consistent with site development standards of the SBR "Sunset Beach Residential" land use designation of the Sunset Beach Specific Plan/Local Coastal Program. The proposal will improve the site parking and general parking within the community by bringing it into conformance with the Sunset Beach SP/LCP off-street parking regulations. The project proposed is comparable with homes recently constructed and new homes under construction along So. Pacific Avenue. The addition proposed to the deck also conforms to the Sunset Beach standards. A condition of approval assures that the deck addition is constructed to County Standards.

Regarding the garage setback variance request, staff would not normally give a positive recommendation for a garage setback variance for new construction. As noted, the garage setback was established in 1947 and there appears to be no issues with the existing setback configuration. It should be noted that parallel parking between the garage and the street is permitted in Sunset Beach, subject to the issuance of a parking permit. The existing three feet garage setback does not appear to restrict the existing parallel parking on South Pacific Avenue. Staff believes there is justification for letting the garage remain with its three feet setback. However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the request for setback variance must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings. The special circumstances for approving the variance requested for this proposal are in Finding No. 12 of Appendix A.

Staff, along with the Sunset Beach LCP Review Board, supports the Coastal Development Permit for the conversion and additions as proposed; and, the Variance request to allow the existing garage setback of three feet to remain. Staff makes a recommendation as follows.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0038 for Coastal Development Permit and Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

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**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Environmental Documentation
- 3. Site photos
- 4. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.