

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: November 1, 2001

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA01-0077 for Coastal Development Permit including a Tentative Parcel Map and a request for a Variance

PROPOSAL: Coastal Development Permit to demolish an existing single-family dwelling and construct two new three-story residential duplex buildings. A Parcel Map (PM 2001-159) is proposed to create two legal building sites from the existing 5,220 square foot lot. One new parcel is proposed to be 2,700 square feet and the second parcel is proposed to be 2,520 square feet. A Variance is requested to allow the proposed duplex on the smaller parcel to have one ground floor side yard setback (adjacent to Pacific Coast Highway) to be as close as 2 feet – 3 inches from the property line when a side yard setback of 3 feet is the standard setback.

LOCATION: In the community of Sunset Beach at 17011 7th Street, which is the northwest corner of 7th Street and Pacific Coast Highway. Second Supervisorial District

APPLICANT: DS Development, owner/developer

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 PA01-0077 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is currently developed with a single-story dwelling with a detached garage. The lot is level, which is typical of all lots in Sunset Beach. The home, which is unoccupied, is approximately 80+ years old, and has undergone several revisions over the years. The property measures approximately 60 feet wide and 90 feet deep. The site's legal description is Sunset Beach Lot 9 Block 108 and portion of Sunset Drive (the name Sunset Drive was later changed to the current Pacific Coast Highway). Pacific Coast Highway to the east, 7th Street to the south, another residential lot to the west and an alley to the west border the site.

The applicant proposes to demolish the existing residence and construct two new duplexes on two lots to be created by Parcel Map PM2001-159. Each duplex will be three stories in height with an attached two-car garage for each unit. The units are constructed end to end on each proposed lot with two of the units accessed from 7th Street and the other two units accessed from a 20 feet wide alley at the rear of the

property. Since this site is within the Coastal Zone, a Coastal Development Permit is required for the removal of the existing structure, the construction of the two duplexes and the parcel map. This site is also in an “appealable area” (as is the majority of properties in Sunset Beach) and approval of the proposal is subject to appeal by the California Coastal Commission. Additionally, the applicant is requesting a side yard setback variance for the two units that are adjacent to Pacific Coast Highway (PCH). A discussion of this variance request and the parcel map proposed are presented in the **DISCUSSION/ANALYSIS** section of this report.

SURROUNDING LAND USE: (assumes Pacific Coast Highway is a north/south street)

| Direction | Land Use Designation | Existing Land Use |
|------------------|--------------------------------|--------------------------------|
| Project Site | SBR “Sunset Beach Residential” | Single-family dwelling, vacant |
| North | SBR “Sunset Beach Residential” | Residential |
| South | SBT “Sunset Beach Tourist” | Residential |
| East | City of Huntington Beach | Residential |
| West | SBR “Sunset Beach Residential” | Residential |

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 Osborne Building. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 7 County Divisions, CalTrans and the Sunset Beach LCP Board of Review.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. CalTrans did not submit comments. PFRD/HBP/Historical Facilities reviewed photos of the existing structure on the site and determined that because of the changes to the structure over the years, it has no historical significance.

The Sunset Beach LCP Board of Review conducted two-scheduled public meeting to discuss the proposal. At the first meeting held on September 18, 2001, the Board recommended that the proposal should not be approved. The applicant was not able to attend this meeting. The applicant contacted the Board to see if a second meeting could be held so that he could better explain the proposal. The Board conducted a second meeting on October 16, 2001, where the applicant was in attendance. The Board

reconsidered the proposal and recommended the proposal be approved with a conditions that the applicant does not erect a fence on the Pacific Coast Highway property line. The applicant agreed to the condition.

CEQA COMPLIANCE:

Revised Negative Declaration No. PA010077 (Exhibit 2) has been prepared for this proposal. It was posted for public review on September 5, 2001 and became final on September 25, 2001. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The discussion and analysis for this Coastal Development Permit proposal is divided into three parts: 1) the construction of the two duplex condominiums and conformance with development standards; 2) the proposed two-lot parcel map; and, 3) the side yard variance requested.

Construction of the duplexes

Regarding the construction two duplexes, it is assumed that the two-lot parcel map proposed will be approved as submitted. A duplex is permitted on each lot subject to the site development standards of the SBR “Sunset Beach Residential” designation. The following chart lists the applicable site development standards in the SBR “Sunset Beach Residential” designation for residential development between North Pacific Ave and PCH and the compliance with each duplex structure. In the chart, Bldg A is on lot 1 of the tentative parcel map (the lot adjacent to PCH) and Bldg B is on lot 2 of the tentative parcel map.

| STANDARD | REQUIRED | PROPOSED BLDG A | PROPOSED BLDG B |
|--|--|---|----------------------------------|
| Front setback Garage, ground level | 5 feet | 5 feet | 5 feet |
| 2 nd and 3 rd levels | 6 inches | 6 inches | 6 inches |
| Rear setback Ground level | 5 feet | 5 feet | 5 feet |
| 2 nd and 3 rd levels | 6 inches | 6 inches | 6 inches |
| Side setback Ground level | 3 feet | <i>2’ – 3” inches on PCH and 3’ on the other side</i> | 3 feet both sides |
| 2 nd and 3 rd levels | 3’ adjacent to other lots 6” adjacent to street | 3 feet one side 6 inches on PCH | 3 feet both sides |
| Ground level elevation | 2 feet above 7 th St. | 2 feet above 7 th St. | 2 feet above 7 th St. |
| Max Building height | 35’ above ground level | 35’ above ground level | 35’ above ground level |
| Parking | 2 covered spaces/unit | 2 garaged spaces/unit | 2 garaged spaces/unit |

| | | | |
|------------------------------------|---------------------|--|--|
| Open area, excluding setback areas | 90 sq. ft. per unit | 231 sq. ft. per unit provided by a roof deck | 216 sq. ft. per unit provided by a roof deck |
| Minimum lot size | No minimum | 2,520 square feet | 2,700 square feet |

As indicated in the chart, the construction of the two duplexes on the proposed parcel map conform to all development standards except for the Bldg A ground floor setback adjacent to PCH, where the applicant is requesting a variance. Further discussion on the requested variance is presented later in this report.

Tentative Parcel Map

The second part of the application is a parcel map to subdivide the existing lot into two building sites. This parcel map requires approval of a Coastal Development Permit before the Subdivision Committee can take any action. As noted in the chart, there is no minimum lot size requirement in the Sunset Beach Specific Plan. The land use regulations however permit one or two dwelling units on each lot of record. The specific plan has the following General Provision (Section IV.C.7.):

7. Except as noted in a. and b. below, existing legal building sites shall not be subdivided in a manner that would create more parcels than the original number.

a. Lot 7, Block 109, Sunset Beach Tract and that portion of vacated Pacific Coast Highway (portion of AP No. 178-541-13) may be subdivided into two (2) lots. One lot shall have a minimum width of 30 feet and shall be permitted two (2) dwelling units. The second lot shall be permitted two (2) dwelling units.

b. Lot 9, Block 108, Sunset Beach Tract and that portion of vacated Pacific Coast Highway (AP No.178-542-15) may be subdivided into (2) approximately equally sized lots, and shall be permitted two (2) dwelling units on each lot.

The subject site is the lot listed in 7.b. above, and therefore can be divided and two dwelling units may be constructed on each new parcel. The reason for permitting the subdivision of the lots listed above is based on the size of the lot. When PCH was aligned to its current alignment many years ago, a portion of the road was included with Lot 9, increasing the lot area. The typical lot along 7th Street, as is most of the lots in the near vicinity, are 30 feet wide by 90 feet deep and a lot size of 2,700 square feet. The current lot 9 is 90 feet deep with an average lot width of 58 feet and an area of 5,220 square feet, which is nearly double the typical lot size.

The applicant proposes to create one lot measuring 30 feet by 90 feet and the other lot measuring 90 feet deep with a front width of 28.23 feet and a rear width of 23.93 feet with an area of 2,520 square feet. The applicant proposes the one lot at a typical 30 feet by 90 feet because: 1) it would be consistent in size with the adjacent residential lot; and, 2) he would be able to use an existing duplex plan that was previously approved on 24th Street (PA98-0083). Since there is no minimum lot size requirement in Sunset Beach, no variance is required for the tentative parcel map itself. Staff is of the opinion that while the two lots proposed are not equal in area, the two lots do conform to the Sunset Beach Specific Plan General note 7.b above permitting two *approximately equally sized lots*.

Variance request

The third part of this application is the side yard variance request for the duplex proposed on Parcel 1 of the Tentative Parcel Map. The applicant is requesting a side yard of 2 feet - 3 inches when the requirement is 3 feet - 0 inches. This setback variance is only on the side adjacent to PCH. This variance request is not for the entire side property line. As shown on the site plan, the PCH side is not parallel with the other side property line. In order to make parallel building sides, the PCH side is stepped. By doing this, only two points of the duplex actually encroach 9 inches into the setback back area to within 2'-3" of the side property line. The average side setback encroachment is closer to 6 inches or less.

The side property line for this project is also the ultimate right-of-way line for PCH (which is 50 feet from the center line). Adjacent to the property line within the right-of-way is a two-foot wide unmaintained dirt strip of land. Between this dirt strip and the edge of improved PCH is a six-foot wide public sidewalk. The ground level of the structure will therefore be 4'-3" from the edge of the sidewalk. It should also be noted that the 3 feet side yard setback on PCH only applies to the ground level floor. The second and third levels are permitted to within 6 inches of the property line.

As mentioned in the Comments section, the Sunset Beach LCP Board of Review recommended that the proposal be approved subject that no fence be placed on the PCH property line. Staff has included a Condition of Approval reflecting the Sunset Beach LCP Board of Review recommendation that no fence be along the property line with the addition that the dirt strip and the site between the side property line and building be landscaped with grass and/or some type of low growing plants or scrubs.

Variance requests, let alone variance approvals, are rare in Sunset Beach. Development standards in Sunset Beach permit the maximum development footprints on each lot, compared to other residential zones in the County. In most situations therefore, there is no justification for granting a variance. Front setbacks are typically 5 feet on the ground level and 6 inches on the upper levels. Rear setbacks range from 0 feet on beach front lots to 5 feet on all other lots. Side setbacks are 3 feet for interior lots and as little as 6 inches for some building sites. The typical Sunset Beach lot has parallel side property lines and setback are easier to maintain. This subject site however does not have parallel sides because of the nature in which PCH right-of-way was created. Staff supports the request for the side yard setback as submitted based on the following three points: 1) the non-parallel side property line situation; 2) the second and third levels of the structure can be located to within 6 inches of the side property line; and, 3) the encroachment into the setback area is no greater than 9 inches at any point and the average encroachment is approximately 6 inches.

CONCLUSION:

The two duplex structures proposed conform to the principal permitted uses within the SBR "Sunset Beach Residential" district of the Sunset Beach Specific Plan/LCP. As shown in this report, except for the side setback adjacent to PCH, the proposal conforms to all other SBR site development standards. The tentative parcel map proposed conforms to the general regulations permitting such a parcel map. The variance requested is justifiable because of the unusual shape of the lot. Staff supports all portions of this Coastal Development Permit application and 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 PA01-0077 for Coastal Development and Variance including PM 20001-159 subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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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 and aerial photo
4. Tentative Parcel Map No. 2001-159
5. 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 \$760.00 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.