

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 27, 2003

TO: Orange County Zoning Administrator

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

SUBJECT: Public Hearing on Planning Application PA02-0120 for Coastal Development Permit

PROPOSAL: The applicant proposes the demolition of an existing single-family dwelling built across the common property line of two adjoining legal building sites; and, the construction of two new three-story single-family dwellings (one on each legal building site). A new 20 feet deep ground level deck is proposed at the rear of each of the new dwellings in the County encroachment area.

LOCATION: The project site is located in the community of Sunset Beach at 16791 South Pacific Avenue, which is at the corner of 14th Street and South Pacific Avenue. Second Supervisorial District.

APPLICANT: Kevin Smith, property owner
Marshall Innins Design Group, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Staff has determined that the proposal is consistent with the site development of the Sunset Beach Specific Plan and recommends Zoning Administrator approval of PA02-0120 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is developed with a single-family dwelling that according to available county records was built in 1958. The dwelling is constructed across the property line of two building sites (Lots 5 and 6, Block 534, Tract 21). The lots are level beachfront lots, fronting on what was called Ocean Avenue when the tract recorded some 90 years ago. The twenty feet wide Ocean Avenue has since then been abandoned as a street, but the County still maintains ownership. The only use of this area is for use by adjoining property owners for ground level decks or patios.

The applicant is requesting approval of a Coastal Development Permit as required by Zoning Code Section 7-9-118 to remove the existing dwelling and construct two new single-family dwellings, one each, on lots 5 and 6. County policy allows this procedure provide the lots were never combined through a parcel map. The project is defined as an *appealable development* in the Coastal Act requiring Coastal Development Permit approval both for the demolition of the existing dwelling and the construction of the

two proposed single-family dwelling. Also as an appealable development, the final County action on the proposal is appealable to the Coastal Commission.

SURROUNDING LAND USE: (all within the Sunset Beach Specific Plan/LCP)

Direction	Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential”	Residential
East	SBP “Sunset Beach Parking”	Public parking area/greenbelt
West	SBB “Sunset Beach Beach”	Public Beach
North	SBR “Sunset Beach Residential”	Residential
South	SBR “Sunset Beach Residential”	Residential



20 feet wide area permitting construction of ground level decks and patios.

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 along with a copy of the proposed site plan was distributed for review and comment to nine 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 reviewed the proposal at their December meeting and they indicated in comments dated 12-20-02 they had no problems with the proposal provided it follows the code (Exhibit 2).

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The subject property is composed of two legal building lots; Lots 5 and 6, Block 534, Tract 21. Lot 6 is a corner lot measuring 40 feet wide by 90 feet deep. Lot 5 is smaller interior lot measuring 30 feet wide by 90 feet deep. This lot configuration is typical along South Pacific Avenue where corner lots are larger than the interior lots. The current single-family dwelling is constructed across the common lot line between lots 5 and 6. The property owner is assigned only one assessors parcel number and receives only one tax bill. Since a parcel map was never recorded to combine the two lots into one parcel, it is still considered two separate building lots with one dwelling. Once the existing structure is removed, a single-family or a two-family dwelling could be constructed on each of the lots in accordance with the Sunset Beach Specific Plan regulations.

The subject property is designated SBR "Sunset Beach Residential" by the Sunset Beach Specific Plan/Local Coastal Program. The Coastal Commission certified the LCP in 1983. The SBR designation permits the construction of a single-family or two-family (duplex) dwelling on each legal building site regardless of the size of the site. The applicant proposes to build a single-family dwelling on each of the two legal building sites.

The proposed dwelling on Lot 6 (the corner lot with 3,600 square feet of area) is three-stories in height (35 feet as measured from the centerline of South Pacific Avenue) contains 7,620 square feet of living area and has a three-car garage fronting on South Pacific Avenue. The proposed dwelling on lot 5 (the interior lot with 2,700 square feet of area) is three-stories in height (35 feet as measured from the centerline of South Pacific Avenue) contains 5,099 square feet of living area and has a two-car garage fronting on South Pacific Avenue. Both dwelling are proposed to have a ground level deck at the rear of the property in the County encroachment area. Both decks are 20 feet deep and will be setback the appropriated side yard setbacks extended. Following is a chart showing the required setbacks and heights requirements in the SBR District and the proposed setbacks and height proposed for each dwelling.

STANDARD	REQUIRED	PROPOSED
Front setback Ground level/Garage 2 nd and 3 rd levels	5 feet 6 inches	5 feet 6 inches
Rear setback All levels	0 feet	0 feet
Side setback, all levels	3' adjacent to other lots 6" adjacent to street (Lot 6)	3' adjacent to other lots 6" adjacent to street
Maximum Building height	35' above centerline elevation of South Pacific Ave.	35' above centerline elevation of South Pacific Ave
Parking	2 covered spaces	3 garaged spaces, Lot 6 2 garaged spaces, Lot 5

CONCLUSION:

Staff has received no negative comments or any concerns raised by surrounding property owners. The comments received by other County divisions were addressed through the Conditions of Approval. The Sunset Beach LCP Review Board approved the proposal. Staff review of the proposal determined that the proposal conforms to the applicable development standards of the SBR District. Staff supports the proposal and makes a recommendation for approval 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 PA02-0120 for Coastal Development Permit 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. Comments from the Sunset Beach LCP Board of Review
- 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 \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

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.