

RDMD/Planning and Development Services

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DATE: May 25, 2004

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advanced Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0015 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing single-family dwelling and construct a new three-story (35 feet in height) two-family (duplex) dwelling on a lot measuring 30 feet by 90 feet. Each dwelling unit of the proposal has 2,160 square feet of living area and a two-car garage.

LOCATION: The site is located in the community of Sunset Beach, on 5th Street between Pacific Coast Highway and North Pacific Avenue at 17088 5th Street. Second Supervisorial District.

APPLICANT: James J. Cafalia, property owner
Jeff Chamley Residential Design, agent

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

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0015 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is located in Sunset Beach between Pacific Coast Highway and North Pacific Avenue and is typical of the residential lots from 4th Street to the south to Anderson Street (the northern boundary of the Sunset Beach Specific Plan/Local Coastal Program) Lots in this area have access from both a 35 feet wide street and a 20 feet wide alley to the rear. This lot configuration creates a situation where new requests for Coastal Development Permits are for residential duplex construction based on the fact the SBR "Sunset Beach Residential" land use designation permits a one-family or two-family dwelling on each lot and because access for the required two covered parking spaces for each unit of duplex can be from the street or the alley.

The subject lot is typical; it is level, is 2,700 square feet in area and measures 30 feet wide and 90 feet deep and has access from both a street and alley. The lot is development with a small one-story single-family dwelling that was built in the early 1950s. The applicant proposes to demolish this dwelling and construct a new three-story duplex dwelling in compliance with the site's land use designation of SBR "Sunset Beach Residential."

The subject site is in an appealable area of the Coastal Zone and a Coastal Development Permit is required for both the demolition of the existing residence and construction of the new residence. Additionally, the project is defined by Zoning Code Section 7-9-118 “Coastal Development” District as an *appealable development*, which is subject to appeal directly to the California Coastal Commission. Most all sites in Sunset Beach are in the Coastal Commission appeal area.

SURROUNDING LAND USE:

Direction	Sunset Beach Specific Plan Land Use Designation	Existing Land Use
Project Site	SBR “Sunset Beach Residential	Residential
North	SBR “Sunset Beach Residential	Residential
South	SBR “Sunset Beach Residential	Residential
East	SBR “Sunset Beach Residential	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 along with a copy of the proposed site plan was distributed for review and comment to six 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 this proposal and returned a memo indicating “no comment.”

CEQA COMPLIANCE:

Negative Declaration No. PA040015 (Exhibit 3) has been prepared for this proposal and was posted for public review on March 22, 2004. An appeal of the Negative Declaration was filed with RDMD in accordance with CEQA procedures. A public hearing on the appeal is scheduled before the Planning Commission on May 25, 2004 prior to the public hearing on this Coastal Development Permit request. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The proposed 3-story structure is typical of the dwelling structure size and design that are being built in Sunset Beach for the past decade. The majority of new construction takes place on South Pacific where homes have direct views to the ocean. A typical home on South Pacific Ave is a single-family dwelling, 3-stories, 35 feet in height, with a two-car garage. Typical dwellings currently being developed on properties located between North Pacific Ave and Pacific Coast Highway, and properties located on Bay View Drive (which is located east of Pacific Coast Highway and north of Broadway are duplexes. A project currently under construction in the vicinity is for two duplexes on two lots between located at the corner of 7th Street and Pacific Coast Highway. Exhibit 2 is an air photo showing the location of this development.

The chart on the following page lists the required site development standards in the SBR “Sunset Beach Residential” designation for residential development located between North Pacific Ave and PCH and the projects compliance with those site development standards.

STANDARD	REQUIRED	PROPOSED
Front setback (5 th St.) Garage, ground level 2 nd and 3 rd levels	5 feet 6 inches	5 feet 6 inches
Rear setback (alley) Ground level 2 nd and 3 rd levels	5 feet 6 inches	5 feet 6 inches
Side setback All levels	3 feet	3 feet east side 4 feet west side
Ground level elevation (living area)	2 feet above 5 th St.	2 feet above 5 th St.
Max Building height	35' above ground level	35' above ground level
Parking	2 covered spaces/unit	2 garaged spaces/unit
Open area, excluding setback areas	90 sq. ft. per unit	153 sq. ft. per unit

As indicated in the chart above, the construction of the proposed duplex conforms to all development standards for new construction in the SBR District of the Sunset Beach SP.

All residential designated lots in Sunset Beach are permitted one or two dwelling units per building site, regardless of lot size. The controlling development factors are the site development standards and off-street parking standards. Except for building setbacks, there is no regulation requiring maximum lot coverage; nor are there architectural design standards in Sunset Beach. The proposed duplex is consistent with all site development standards and the off-street parking standards required for new residential development in the Sunset Beach SP/LCP.

The high concentration of three-story dwellings is found along South Pacific. However there are numerous three-story residential units, both single-family and duplex units, between North Pacific and PCH. As older one and two-story homes are replaced, three-story single-family or duplex units that maximize the allowable building envelope, similar to that proposed by the applicant typically replace them. As seen in the air photos in Exhibit 2, a three-story structure has been constructed on the opposite side of 5th Street.

There have been comments received on this proposal regarding impacts on views to the ocean from an adjacent property owner on 5th Street, and other surround property owners. The Land Use Plan of the Sunset Beach SP/LCP contains 57 Coastal Act policies. Sixteen of the policies (numbers 41 through 56) address Viewshed Protection/Viewshed Reclamation. Following are the sixteen policies addressing Viewshed:

41. All development within the Sunset Beach Local Coastal Program study area shall be subject to a Coastal Development Permit, including local community review.
42. Outdoor advertising signs shall be prohibited in the Coastal Zone area.
43. Undergrounding of electric distribution lines by the utility companies shall be required at the earliest time practicable. (See also Policy *46.)
44. The County of Orange shall ensure that land uses within designated scenic highway corridors are compatible with scenic enhancement and preservation.
45. The County of Orange shall protect the County's visual amenities and historical values through the permanent preservation of scenic areas as open space.
46. A master plan for undergrounding of utilities shall be prepared and a study shall be initiated of the feasibility of combining utility easement to avoid disfiguring use of land.
47. The County of Orange shall determine requirements, plan or assist in the planning, and assume management responsibility when appropriate for open space areas used for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic, and cultural value particularly suited for park and recreation purposes, including access to lake shore, beaches, and rivers and streams, and areas which serve as links between major recreation and open space reservations, including utility easements, greenbelts, banks of rivers and streams, trails and scenic highway corridors.
48. Scenic highways developed by the County shall benefit the entire County.
49. Scenic highway corridors shall be designed to maximize the compatible multipurpose objectives of open space planning such as recreation, conservation, public health and safety, and preservation of scenic aesthetic amenity.
50. The scenic corridor plan should not provide impetus for other forms of development detrimental to the values of the scenic highway corridor.
51. The scenic highway should be linked, when possible, to regional parks, trails, wildlife areas and historical sites, greenbelts and other recreation—open space areas without being detrimental to them.
52. Signing shall respond to driver perception criteria, such as distance, speed and core of vision.
53. Public signs where possible, shall be consolidated and organized on common sign frames.
54. Signs shall be an integral part of the building design, using compatible materials.

55. Freestanding signs where permitted shall relate to the design of the main structure and shall be located so as not to detract from the aesthetic appeal of the development. Utilization of low profile signs is encouraged to promote this end.

56. Light sources on site shall not be directly visible, or be of such high intensity as to cause a traffic or public safety hazard.

These 16 policies above mainly address overhead power lines, signs and vistas of open space areas. The policies do not address new construction of permitted uses and how it might impact views from adjacent residential structures. Therefore, the proposed three-story duplex is consistent with the policies of the certified Land Use Plan.

The proposed new duplex will be larger than the existing structure, however, it is not out of place with new construction in the residential areas of Sunset Beach. The proposed duplex is also consistent with all development standards required for construction on the existing building site. However, the Planning Commission must note that this project is contingent upon the determination of the associated Negative Declaration PA040015 appeal considered prior to this item as adequate to satisfy CEQA requirements. Staff, as well as the Sunset Beach LCP Review Board, could not identify any planning issues associated with the applicant's proposal that would prevent staff from supporting proposal and submitting a recommendation for approval as follows.

RECOMMENDED ACTION:

RDMD/PDS/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0015 for Coastal Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current and Advanced Planning Services

WVM

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APPENDICES:

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

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Project Location Map and Site Photos
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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 Resources and Development Management Department.

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.

DATE: July 13, 2004 (Continued from June 8, 2004)

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advanced Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0015 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing single-family dwelling and construct a new three-story (35 feet in height) two-family (duplex) dwelling on a lot measuring 30 feet by 90 feet. Each dwelling unit of the proposal has 2,160 square feet of living area and a two-car garage.

LOCATION: The site is located in the community of Sunset Beach, on 5th Street between Pacific Coast Highway and North Pacific Avenue at 17088 5th Street. Second Supervisorial District.

APPLICANT: James J. Cafalia, property owner
Jeff Chamley Residential Design, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0015 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposal was originally scheduled to be heard at a public hearing by the Planning Commission on May 25, 2004 (RDMD Report to the Planning Commission dated May 25, 2004 included as Exhibit 1). Because of a lack of a quorum, the public hearing was continued to June 8, 2004. At the June 8, 2004 hearing, the Planning Commission continued the public hearing to July 13, 2004 in order to have the Second District Planner Commissioner present at the hearing. At the June 8, 2004 hearing, the Planning Commission also considered testimony on the appeal of the Negative Declaration prepared for the proposal. The Planning Commission voted 4-0 to deny the appeal and approved the Negative Declaration. The Negative Declaration is included in this supplemental report as Exhibit 2.

Also at the June 8, 2004 public hearing, the Commission raised a question on the procedures of public hearing notification for the proposal. Included in this report is a copy of the Notice of Hearing and the list of names of property owners within 300 feet of the site that were mailed notices (Exhibit 3). Included in this Exhibit are the names and addresses of the people that were sent a hearing notice of the appeal of the Negative Declaration. These are the people that signed a petition for the appeal. Also, staff is including copies of returned hearing notice envelopes. These notices were returned by the Post Office because they

did not have a Post Office Box number (Exhibit 4). A discussion of the public hearing notice mailing procedure follows.

DISCUSSION OF PLANNING COMMISSION ISSUES:

The Planning Commission raised several issues on public hearing notices. Procedures for public notices for proposal requiring a Coastal Development Permit are described in Zoning Code Section 7-9-118 CD “Coastal Development” District. Specifically, section 7-9-118.6 (d) states:

(d) Public notice.

(1) A notice shall be mailed or delivered by the Director, EMA, at least ten calendar days before the public hearing on coastal development permit applications to the following people and agencies:

- a. Applicant.
- b. All persons owning property within 300 feet from the exterior boundaries of the premises to which the application pertains.
- c. All persons residing on a building site within 100 feet from the exterior boundaries of the premises to which the application pertains.
- d. The Coastal Commission.
- e. Any board or committee as provided in the certified LCP.
- f. Public agencies which, in the judgment of the Director, EMA, may have an interest in the project.
- g. All persons who have submitted a written request for public notice of all coastal development permit applications or who have submitted a written request for public notice for any development of the subject property, and who have submitted self-addressed, stamped envelopes.

Addressing the Coastal Development Permit hearing notice procedure above, the following was included in the May 25, 2004 staff report to the Planning Commission:

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.

Regarding f and g above, no other public agency has expressed an interest in this proposal; and, no other persons submitted a written request or submitted self-addressed stamped envelopes for a notice on this proposal.

The Planning Commission also raised a question regarding whether the hearing notice was posted at the Sunset Beach Post Office. On June 9, 2004, staff telephoned David Porter, Chairman of the Sunset Beach LCP Review Board inquiring about the posting at the Post Office. Mr. Porter said the he did post the notice of hearing on a community bulletin board in the post office a day after being received (the notices were post marked May 13, 2004). Mr. Porter also said that prior to posting the notice of hearing for the Planning Commission, he posted a notice of meeting for the local Sunset Beach LCP Board of Review meeting in accordance with their procedures. Mr. Porter told staff that no one from the community attended the meeting.

The Planning Commission also inquired about the “no comment” statement received from the Sunset Beach LCP Review Board indicated in the May 25, 2004 staff report. Mr. Porter stated to staff during the June 9, 2004 telephone call that the Board reviewed the proposal and found that it conformed to all the development standards of the Sunset Beach Residential land use designation and they had no issues with the proposal. Since they did note any concerns with the proposal, proposal information sheet sent with a copy of the plans by staff was returned with the no comment box checked (Exhibit 5).

CEQA COMPLIANCE:

Negative Declaration No. PA040015 has been prepared for this proposal. The Negative Declaration was appealed by Lindsay Tognetti, et al. The Planning Commission held a public hearing on the merits of the appeal on June 8, 2004. After hearing testimony from the appellant and others on this matter, the Planning Commission voted 4-0 to deny the appeal and approved the Negative Declaration as adequate to satisfy the requirements of CEQA for the proposal. Appendix A contains the required CEQA Finding. Exhibit 2 is a copy of Negative Declaration No. PA040015.

CONCLUSION:

Staff’s recommendation for project approval is unchanged from the Planning Commission report dated May 25, 2004. Staff bases this recommendation on the fact that the proposal conforms to all development standards of the Sunset Beach Residential District of the Sunset Beach Specific Plan/Local Coastal Program, and the proposal did not raise any issues with the Sunset Beach LCP Board of Review.

RECOMMENDED ACTION:

RDMD/PDS/Current Planning Services Division recommends the Planning Commission:

- b. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0015 for Coastal Development Permit subject to the findings and conditions of approval submitted with the RDMD report dated May 25, 2004 (attached with this report).

Respectfully submitted

John B. Buzas, Manager
PDS/Current and Advanced Planning Services

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APPENDICES:

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

EXHIBITS:

1. RDMD Report dated May 25, 2004 (less attachments and exhibits)
2. Negative Declaration No. PA040015
3. Public Hearing Notice including names and address of property owners within 300 feet and names and address that where sent the Notice of Nearing for the appeal of the Negative Declaration
4. Sample of returned envelopes for lack of a Sunset Beach Post Office Box number.
5. Comment from the Sunset Beach LCP Review Board

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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 Resources and Development Management Department.

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.

DATE: September 28, 2004 (Continued from July 13, 2004)

TO: Orange County Planning Commission

FROM: RDMD/PDS/Current and Advanced Planning Services

SUBJECT: Public Hearing on Planning Application PA04-0015 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing single-family dwelling and construct a new three-story (35 feet in height) two-family (duplex) dwelling on a lot measuring 30 feet by 90 feet. Each dwelling unit of the proposal has 2,160 square feet of living area and a two-car garage.

LOCATION: The site is located in the community of Sunset Beach, on 5th Street between Pacific Coast Highway and North Pacific Avenue at 17088 5th Street. Second Supervisorial District.

APPLICANT: James J. Cafalia, property owner
Jeff Chamley Residential Design, agent

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: RDMD/PDS/Current and Advanced Planning Services recommends Planning Commission approval of PA04-0015 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposal was originally scheduled to be heard at a public hearing by the Planning Commission on May 25, 2004. Because of a lack of a quorum, the public hearing was continued to June 8, 2004. At the June 8, 2004 hearing, the Planning Commission voted to continue the public hearing to July 13, 2004 in order to have the Second District Planner Commissioner present at the hearing. Also at the June 8, 2004 hearing, the Planning Commission also considered testimony on the appeal of the Negative Declaration prepared for the proposal. The Planning Commission voted 4-0 to deny the appeal and approved the Negative Declaration. At the July 13, 2004 hearing, the applicant requested a continuance because only three members of the Planning Commission were present. The Planning Commission continued the proposal to the September 28, 2004 hearing.

CEQA COMPLIANCE:

The Negative Declaration prepared for this proposal was appealed by Lindsay Tognetti, et al. The Planning Commission held a public hearing on the merits of the appeal on June 8, 2004 and voted 4-0 to deny the appeal and approved the Negative Declaration as adequate to satisfy the requirements of CEQA. Appendix

RDMD/PDS Report – September 28, 2004

(Continued from July 13, 2004)

PA04-0015 Cafalia

Page 14 of 14

A contains the required CEQA Finding. A copy of the Negative Declaration was included in the Planning Commission's July 13, 2004 hearing report and is not included with this report

RECOMMENDED ACTION:

Staff's recommendation for project approval is unchanged from the Planning Commission report dated May 25, 2004. Staff bases this recommendation on the fact that the proposal conforms to all development standards of the Sunset Beach Residential District of the Sunset Beach Specific Plan/Local Coastal Program, and the proposal did not raise any issues with the Sunset Beach LCP Board of Review. Therefore, RDMD/PDS/Current and Advance Planning Services recommends the Planning Commission:

- c. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA04-0015 for Coastal Development Permit subject to the findings and conditions of approval submitted with the RDMD report dated May 25, 2004.

Respectfully submitted

John B. Buzas, Manager
PDS/Current and Advanced Planning Services

WVM

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APPENDICES:

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

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors 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 Resources and Development Management Department.

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.