

RDMD/Planning and Development Services

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- DATE:** December 9, 2004
- TO:** Orange County Zoning Administrator
- FROM:** RDMD/PDS/Current and Advance Planning Services
- SUBJECT:** Public Hearing on Planning Application PA04-0053 for Coastal Development Permit
- PROPOSAL:** The applicant proposes to construct a new three-level commercial building that includes an office area and a single-family residential dwelling above the ground level. The proposed structure has a total of 3,743 square feet of floor area with a total residential floor area of 1,871 square feet (located on the second and third levels and is 50 percent of the total structure area). The project includes six (6) ground level parking spaces including: two for the residential use and four (4) spaces for the office use, which includes one standard space, one handicap space and two compact spaces. The project is in the SBT “Sunset Beach Tourist” District of the Sunset Beach Specific Plan/Local Coastal Program that permits a residential use above a commercial use.
- LOCATION:** The project is located in the community of Sunset Beach, at the southwest corner of Pacific Coast Highway and 20th Street. The site address is 16601 Pacific Coast Highway, Sunset Beach. Second Supervisorial District.
- APPLICANT:** Gene and Alice Raio, property owner
Ron Hoover, agent
- STAFF** William V. Melton, Project Manager
- CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-3522
- SYNOPSIS:** PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA04-0053 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is located in the community of Sunset Beach, west and north of the City of Huntington Beach and south of the City of Seal Beach. The site is within the Sunset Beach Specific Plan/Local Coastal Program and has a land use designation of SBT “Sunset Beach Tourist. The project site is 3,200 square feet in area, measuring 40 feet by 80 feet. The site is located between Pacific Coast Highway to the east, South Pacific Avenue to the west and 20th Street to the north. The site is developed with a commercial building (currently vacant), what appears to be a garage and outbuildings. The property to the south is also owned by the project applicant and includes a single-family dwelling and a large outdoor advertising sign (billboard). The double-sided sign faces measures 50 feet wide by 16 feet high. The

billboard support structure is a single column. The total sign height is approximately 56 feet above grade with the bottom of the sign area 40 feet above grade. A portion of the billboard (a service walkway) overhangs the project site.

The applicant proposes to remove all existing structures from the site and construct a new structure, with under building parking that contains both commercial use and residential use. The project is located in the Coastal Zone and within an area and type of use that is appealable to the California Coastal Commission.

SURROUNDING LAND USE:

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBT “Sunset Beach Tourist”	Vacant commercial building
North	SBT “Sunset Beach Tourist”	Restaurant and Motel
South	SBT “Sunset Beach Tourist”	Single-family dwelling and billboard
East	City of Huntington Beach	Residential
West	SBP “Sunset Beach Parking Facility”	Public parking area and open space area



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. 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 seven County divisions and the Sunset Beach LCP Review Board. As of the writing of this staff report, no comments raising issues with the project, which could not be resolved through the incorporation of conditions of approval, have been received from other County divisions.

The Sunset Beach LCP Review Board reviewed this proposal a meeting held August 17, 2004. The Board recommended project approval provided that the project meets all applicable development standards of the SBT “Sunset Beach Tourist” land use designation.

CEQA COMPLIANCE:

Negative Declaration No. PA40053 (Exhibit 4) has been prepared for this proposal. It was posted for public review on November 17, 2004 and became final on December 7, 2004. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The project site has a land use designation of SBT “Sunset Beach Tourist” in the Sunset Beach Specific Plan/Local Coastal Program. The purpose and intent of the SBT District is: *“The Sunset Beach Tourist (SBT) District is intended to provide the regulations which will permit the establishment, operation and maintenance of a commercial area that will supply the needs of tourists, visitors, and the local community.”* Attached to this report is Exhibit 3, which are the SBT development regulations. Additionally, the SBT District allows for limited residential use under the following regulations: a) Located above the first floor of a Principal Permitted Use; b) Parking for both the primary commercial uses and the residential use conforms to Section E of these regulations; and, c) Such residential use shall not exceed fifty (50) percent of the gross square footage of the entire structure.

After reviewing the proposal and the Sunset Beach SP/LCP, staff identified two specific planning issues for this proposal that need further discussion. These two issues are: 1) does the proposed commercial office use meet the purpose and intent of the SBT District; and 2) does the proposed residential unit conform to the development standards. Staff first reviewed the proposals for conformance with the applicable development standards. The following chart lists the overt Sunset Beach SP/LCP development standards and the development standards of the proposed project:

STANDARD	REQUIRED	PROPOSED
Setback, all property lines and all levels of the structure	No setback required, unless adjacent to SBR District	1 inch
Maximum Building height	35' above the bottom elevation of the finished first floor (except for parking area). The bottom elevation is 2 feet above the centerline of 20 th Street.	34'-9" above the bottom elevation
On-site parking spaces	2 for residential use, covered 4 for the commercial use (based on 1 space/250 square feet of office area)	2 covered standard 4 for the commercial (1 standard, 1 handicap and 2 compact)
Gross structure square footage	No maximum	3,743
Office space (excluding lobbies, stairways, elevators and equipment rooms)	Maximum 1,000 square feet (net), based on parking provided	1,000 square feet
Maximum residential square footage	1,871.5 (50% of gross structure square footage)	1,871 square feet

From the chart above it would appear the proposed project conforms to the applicable site development standards for the SBR District. However, it is the proposed use of “office” that is a potential issue. Following is a discussion of the office use followed by the second issue of the residential use.

Office Use

The “office” use in general may not always conform to the SBR District’s purpose and intent to provide the regulations which will permit the establishment, operation and maintenance of a commercial area that will supply the needs of tourists, visitors, and the local community. Uses such as a real estate office, a service business office or other similar type uses could be found to comply with the purpose and intent of the SBR District. The applicant did not say what type of office use was proposed at this time. Staff recommends the following condition of approval be applied so that any future use would be considered a Principal Permitted Use in the SBR District.

A tenant occupancy permit is required for the commercial office use portion of this proposal and for each change in tenant occupancy. Prior to the issuance of the tenant occupancy permit, said

permit shall be reviewed by the Manager, Current and Advance Planning Service for compliance with the permitted uses in the SBT "Sunset Beach Tourist" District of the Sunset Beach Specific Plan/Local Coastal Program. Only those uses listed under "Principal Permitted Use" requiring four (4) or fewer parking spaces will be permitted. In the event the proposed use cannot be readily determined, the commercial use proposed by the prospective tenant will be forwarded to the California Coastal Commission for advise and consent.

Residential Use

As previously mentioned any new residential use in the SBT needs to meet the following criteria: a) Located above the first floor of a Principal Permitted Use; b) Parking for both the primary commercial uses and the residential use conforms to Section E of these regulations; and, c) Such residential use shall not exceed fifty (50) percent of the gross square footage of the entire structure.

Regarding a), the structure is in three levels: level 1 is the parking area, the lobby and elevator for the commercial business; level 2 is a portion of the residential unit and the main commercial office; and level 3 is the balance of the residential unit. Since the lobby is part of the commercial use, it could be interrupted that the second level residential use is located above the first floor of the Principal Permitted Use. If the Zoning Administrator finds that this interruption is correct, then the proposal conforms to the SBT District regulations for residential use.

Regarding b), two under building parking (covered) spaces for the residential use and four parking spaces for the commercial use are proposed. This satisfies the parking requirement.

Regarding c), the applicant submitted building calculations showing that the residential unit does not exceed 50 percent of the gross building square footage.

Staff also has a concern regarding the billboard on the adjoining lot (on 16605 Pacific Coast Highway, APN 178-522-02)) that is also owned by the applicant of this proposal. The concern is that the billboard's service walkway overhangs the property line between the two properties (the subject property's APN is 178-522-01). Exhibit 4 details the existing billboard location and overhang. Records indicate that an outdoor advertising structure (ground sign) was approved for installation on 16605 PCH in June 1971. The building permit indicates the sign is located 70 feet from the centerline of PCH and 70 feet from the centerline of 20th Street. The building permit for the sign was signed off final on August 26, 1971. The sign permit also shows that the both APNs were under single ownership and were included in the sign permit. It would appear to staff that the billboard and its location have been approved, as it now exists. The Zoning Administrator may wish to consider the billboard structure's overhang on the subject property.

In conclusion, the project's proposed uses and structure appear to meet the development standards of the SBT District. It may be difficult to lease the office portion of this proposal since the uses permitted under the SBT District and the available on-site parking are very limited. If the office space is never rented or leased, staff could not identify any provision in the Sunset Beach SP/LCP that would prevent the proposed dwelling unit be occupied. Staff's recommendation for this proposal follows.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA04-0053 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

William V. Melton, Project Manager
CAPS/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. Site photos and air photos
3. SBT regulation of the Sunset Beach PC/LCP
4. Plans of adjacent billboard
5. Environmental Documentation
6. 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 RDMD/Planning and Development Services.

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.