

RDMD/Planning and Development Services

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DATE: February 24, 2005

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Land Use Planning

SUBJECT: Public Hearing on Planning Application PA04-0107 for Coastal Development Permit

PROPOSAL: The applicant proposes to demolish an existing one-story, single-family dwelling with detached garage and construct a new three-story, single-family dwelling with an attached two-car garage.

LOCATION: The project is located in the community of Sunset Beach, at the southwest corner of North Pacific Ave and 26th Street. The site address is 16392 26th Street. Second Supervisorial District.

APPLICANT: Jeanne Pryharski, property owner
Louis J. Hernandez, The Louie Group, agent

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

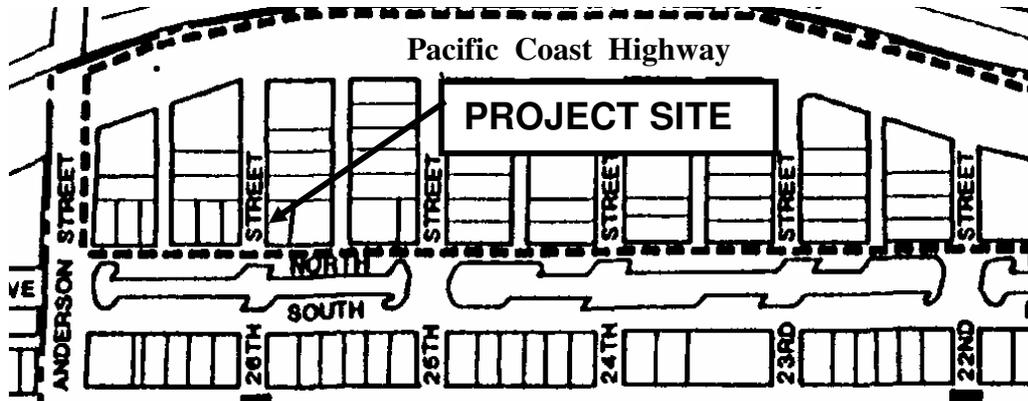
SYNOPSIS: PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA04-0107 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is located in the Sunset Beach Specific Plan/Local Coastal Program. Sunset Beach is generally located between Warner Avenue to the south, the City of Seal Beach to the north, the City of Huntington Beach to the east, and Pacific Ocean beach to the west. The subject property is rectangular in shape measuring approximately 30 feet on North Pacific Avenue and 60 feet on 26th Street for an area of 1,800 square feet. The site is developed with a small 725 square foot single-family dwelling that was built, according to County records, in 1927. The proposal is to construct a new 2,712 square feet three-story single-family dwelling. The front of the property is on North Pacific, with the side of the property on 26th Street providing access to a two-car garage.

The majority of residential lots between Pacific Coast Highway and North Pacific Avenue measure 30 feet by 90 feet; have side lot lines that are parallel to North Pacific Avenue; and, have access on the cross street and an alley to the rear. The subject sites as well as the other lots on North Pacific between 25th Street and Anderson Street were created sometime in the 1920s to make the side lot line perpendicular to North Pacific. As shown in the map segment on the following page, two of the original lots 30 feet by 90 feet lots were divided into lots of 30 feet by 60 feet and lots 60 feet by 60 feet. The setback standards for

these lots were not incorporated by the Sunset Beach SP and modification to the setback standards are required for this proposal. The Discussion section of this report addresses this setback issue.



SURROUNDING LAND USE:

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBR "Sunset Beach Residential"	Single-family dwelling
North	SBR "Sunset Beach Residential"	Single-family dwelling
South	SBR "Sunset Beach Residential"	Two single-family dwelling dwellings
East	SBR "Sunset Beach Residential"	Single-family dwelling
West	SBP "Sunset Beach Parking"	Parking and open space



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 8 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 by staff. The Sunset Beach LCP Review Board reviewed the proposal at their January 18, 2005 meeting and recommended project approval.

CEQA COMPLIANCE:

The proposed project is Categorical 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 proposed project conforms to the site development standards as shown below. Typically, new residential development along North Pacific Avenue and the streets between North Pacific Avenue and Pacific Coast Highway are replacing a one or two story single-family dwelling with a new three-story single-family or two-family dwelling. Two-family dwellings are permitted on each lot provided the parking requirements can be satisfied. The following chart shows the SBR site development standards and compares the project site against those standards.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED
Front setback (North Pacific)		
Ground level	5 feet	5 feet
2 nd and 3 rd levels	6 inches	6 inches
Rear setback		
Ground level	5 feet	3 feet
2 nd and 3 rd levels	6 inches	3 feet
Street side setback		
Ground level	3 feet	3 feet

Garage 2 nd and 3 rd levels	5 feet 6 inches	5 feet 12 inches
Adjacent property side setback	3 feet all floors	3 feet all floors
Ground level bottom elevation (living area)	2 feet above N. Pacific.	2 feet above N. Pacific.
Maximum Building height from bottom elevation	3-stories, no more than 35 feet	3-stories, 35 feet
Parking required	2 covered spaces	2 garage spaces
Open area	90 square feet	108 square feet 2 nd level deck 617 square feet 3 rd level deck

As shown in the chart above, the proposal conforms to the development regulations of the Sunset Beach SP/LCP except for the rear yard setback. The setbacks assumed for the lots between PCH and North Pacific were based on the typical 30 feet by 90 feet lot that had a front yard on a street and a rear yard on an alley. With this type of configuration, a garage could be constructed at the front or rear with a maneuvering area of 30 feet between ground level garages on the opposite side of the street or alley. However the 6-inch setback for the 2nd and 3rd levels will not work for the subject site since it does not have a rear yard on an alley. Not only would a 6-inch setback be inappropriate for the adjoining site at the rear, it would not be approved by the Orange County Fire Authority. Staff determined that a three-foot rear yard setback on all levels for this site would be appropriate since: 1) had the lot remained in the original configuration, it would have been a side yard; and 2) the adjoining property is a side yard with a three-foot setback.

As seen in the photos on page 2 of this report and in Exhibit 2, the homes fronting on North Pacific Ave. north and south of 26th Street have similar rear yard setbacks. Records indicate that the homes were constructed in a range from the 1920s to the early 1960s. These homes were constructed prior to adoption of the Sunset Beach Specific Plan and the Coastal Act. County discretionary permit records are very sketchy for this time period. Staff was able to locate one early discretionary permit (Use Variance UV4832) that indicated the dwelling on the north side of 26th Street was previously approved for a rear yard setback variance of 3 feet. The property was zoned R4 at that time. The other properties along North Pacific Ave appear to have similar setbacks. The proposed setback for this new dwelling would conform to the previously approved setbacks.

Except for the rear setback as noted, the proposed project conforms to the site development standards of the SBR District. The Sunset Beach LCP Review Board approved the project. The project is similar in scale as previously newly approved dwelling units located between North Pacific Avenue and Pacific Coast Highway. The project is compatible with dwelling units in the vicinity subject to the same development standards. Staff supports the project as proposed and recommends project approval as 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 PA04-0107 for Coastal Development Permit, with the modified rear yard setback, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles M. Shoemaker, Chief
LUP/Current and Advance Planning

WVM

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APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site photos
3. 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. 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.