

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 PA04-0110 for Coastal Development Permit

PROPOSAL: The applicant proposes to construct a detached ground level deck measuring 28 feet wide by 20 feet deep at the rear of an existing single-family dwelling. The proposed deck will be constructed on a 20-foot wide strip of County property that is within a land use designation of SBB "Sunset Beach Beach" in the Sunset Beach Specific Plan/Local Coastal Program. The proposed deck is permitted in this 20-foot wide strip subject to the approval of a Coastal Development Permit and a Public Property Permit.

LOCATION: The project site is located in the community of Sunset Beach at the southwest intersection of South Pacific Avenue and 18th Street. The project address is 16661 South Pacific Avenue. Second Supervisorial District.

APPLICANT: Kevin Smith, property owner
Marshall Innins Design Group, 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 PA04-0110 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is in the Sunset Beach Specific Plan/Local Coastal Program. The site for the proposed deck has a land use designation of SBB "Sunset Beach Beach and is adjacent to a land use of SBR "Sunset Beach Residential". The site in the SBR designation is developed with a single-family dwelling. The applicant started construction of a 20 feet x 28 feet ground level deck at the rear of this property in the SBB designation and received a County Code Enforcement violation (case number CE040531) on November 3, 2004. The SBB designation permits the construction of a detached ground level deck, however; a deck is subject to the approval of both a Coastal Development Permit and a Public Property Permit prior to construction. Approval of this Coastal Development Permit approval will allow the applicant to proceed with obtaining a Public Property Permit, address the County Code Enforcement violation and complete the construction of the proposed deck.

SURROUNDING LAND USE:

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBB “Sunset Beach Beach” SBR “Sunset Beach Residential”	20’ County encroachment area and beach Single-family dwelling
North	SBR “Sunset Beach Residential”	Single-family dwelling
South	SBR “Sunset Beach Residential”	Single-family dwelling
East	SBP “Sunset Beach Parking”	Public parking area and open space
West	SBB “Sunset Beach Beach”	Beach



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 plans were distributed for review and comment to three 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 January 18, 2005 meeting and recommended project approval.

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 proposed deck is located in “public encroachment area”, which is a strip of land 20 feet wide adjacent to the beachfront homes on South Pacific Avenue. The Sunset Beach subdivision map (recorded in 1917) called this strip “Ocean Avenue”. Under the Sunset Beach SP/LCP this strip is part of the SBB District that includes that property located between the SBR District and the Pacific Ocean.

The Land Use Regulations of the Sunset Beach Specific Plan/Local Coastal Program for the SBB” Sunset Beach Beach District (Section D.3.b.4) prohibits permanent above-ground structures on the beach and sand areas except for: “Temporary uses and structures accessory residential development on contiguous SBR property subject to a Coastal Development Permit and a Public Property Encroachment Permit.” Decks and patios at the rear of a residential use falls into this category of temporary uses and accessory structures. Public Property Permits Division maintains additional regulations for construction of decks (attached as Exhibit 3). In general, the regulations, limits the height of decks and lists prohibited uses such as landscaping over 30 inches, fencing, walls, windbreaks, screening and railings. The County also maintains a policy that the deck cannot encroach into the side yard setback extended from the SBR District regulations, which is 6 inches on the street side and 3 feet on the other side. A purpose of this policy is to prevent a continuous deck along the rear property line.

As previously noted, construction on the deck was started prior to the approval of a Coastal Development Permit and the issuance of a Public Property Permit. Photos submitted by the applicant and a follow up visit to the site, shows that construction started will not conform to the requirement for such deck, including nonconformance with the setback requirement and the use of railings. The plans for the deck show that the final site plan has the deck setback 3 feet from the side property line extended and the rails have been deleted. The deck could be constructed 3 feet from the property line adjacent to the other residential property and 6 inches from the street side setback. Because a deck is permitted at the proposed location, and the site plan submitted shows that the deck conforms to the Public Property Permit regulations, staff can support the proposal and make a recommendation for 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 PA04-0110 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles M. Shoemaker, Chief
PDS/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. Public Property Permits regulations on decks
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 \$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.

DATE: March 3, 2005 (Continued from February 24, 2004)

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Land Use Planning

SUBJECT: Public Hearing on Planning Application PA04-0110 for Coastal Development Permit

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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 PA04-0110 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The proposal was continued from February 24, 2005 so that the applicant could submit a revised site plan showing the proposed deck does not exceed the permitted height of 4 feet above the centerline of South Pacific Avenue as permitted by Public Property Permits. The applicant has submitted that revised plan showing the top surface of the proposed deck is 3 ½ feet above the centerline of South Pacific Avenue.

Also at the February 24, 2005 hearing, staff submitted a memo dated February 22, 2005 recommending a new condition of approval, number 8, which required the applicant to submit a revised site plan. The revised site plan submitted with this Staff Report addresses the required revisions to the site plan specified by previously proposed Condition of Approval Number 8; therefore, new Condition of Approval Number 8 is no longer required.

RECOMMENDED ACTION:

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

- a. Receive staff report and public testimony as appropriate; and,
- c. Approve Planning Application PA04-0110 for Coastal Development Permit as recommended in the PDS Report dated February 24, 2005, with the revised site plan, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

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

WVM

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EXHIBITS:

4. Revised site plan
2. PDS Report dated February 24, 2005, with Appendix A. Recommended Findings and Appendix B. Recommended Conditions of Approval

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.

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