

Bell CDP/SP/CUP Modification and Notice of Merger

Record Number: PLN-2020-16840

Assessor's Parcel Number: 109-351-061

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda;
2. Survey the audience for any person who would like to discuss the application;
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find that the Zoning Administrator has considered project as Categorically Exempt from environmental review pursuant to Section 15302, 15303, and 15305 of the CEQA Guidelines, make all of the required findings for approval of the Coastal Development Permit and adopt the Resolution approving the Bell Coastal Development Permit, Special Permit, and Conditional Use Permit Modifications, and Notice of Merger, as recommended by staff subject to the recommended conditions.

Executive Summary: The project is a Modification to a previously issued Coastal Development Permit, Conditional Use Permit, and Special Permit (CDP-46-90/CUP-35-90/SP-44-90) to authorize the after-the-fact permitting of the following development: 1) Construction of a 120 square foot garden shed, 2) Construction of a 15 square foot concrete pad for the installation of a generator, 3) Construction of a 2-inch deep, quarter inch-wide underground coaxial cable, 4) Addition of 192 square foot extension of an existing deck and two staircases on either side of the deck on the western side of the existing residence, 5) repair of existing 45" fence on the eastside of the residence using existing footings and 6) Removal of 11 dead/dying trees (<12" DBH) within 30-feet of a residence. All of the work was completed prior to County review. The parcel is developed with an existing single-family residence, gravel driveway and served community water and sewer by the Shelter Cove Resort Improvement District. The original CDP authorized construction of a Bed and Breakfast. The project requires a Notice of Merger to merge three parcels to remedy a violation of development across property lines and encroaching on property lines. The residence is no longer occupied as a bed and breakfast; therefore, a modification to the CUP is required to authorize the change of the use to a single-family residence.

This project is located in the Shelter Cove area, on the west side of Dolphin Drive, approximately 200 feet south from the intersection of Dolphin Drive and Tern Road, on the property known as 128 Dolphin Drive, 138 Dolphin Drive, and 148 Dolphin Drive. It is described as one Assessor Parcel Number but contain three (3) separate legal lots (Lots 22, 23, and 24). The parcel is zoned Commercial Recreation (CR) and has Design Review (D) and Qualified (Q) combining zones. The parcel is designated Commercial Recreation in the South Coastal Area Plan (SCAP). The parcel is developed with an existing 3,350 square foot single family residence that was authorized under CDP-46-90/CUP-35-90/SP-44-90. The parcel is located within the Appeals Jurisdiction of the California Coastal Commission and therefore requires a public hearing.

The project is consistent with the South Coast Area Plan (SCAP) for the following reasons: 1) the after-the-fact development is authorized with the Modification as accessory to the conditionally permitted residential use in the CR Zone; 2) the proposed development complies with applicable development standards of the zone, 3) All referral agencies have recommended approval or conditional approval of the project, and 4) There is no evidence that the proposed development will negatively impact the environment. The Department believes that the project may be found Categorically Exempt from environmental review pursuant to 15301 Existing facilities, and 15303(a) New Construction or Conversion of Small Structures of the CEQA

Guidelines, because the project is for the after-the-fact permitting of small structures that are accessory to the residence. Categorical Exemption 15305 – Minor Alterations in Land Use Limitations also may apply because a new parcel is not being created, and there is no change in land use or density because of the Merger.

Staff Recommendations: Based upon a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit, Special Permit, and Conditional Use Permit Modifications and Notice of Merger.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permit if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.