

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: December 17, 2001
49th Day: February 4, 2002
180th Day: June 15, 2002
Staff: FSY-LB FSY
Staff Report: February 14, 2002
Hearing Date: March 5-8, 2002
Commission Action:

**TU 6a****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-437**APPLICANT:** Steven Charles Furman**RECORD PACKET COPY****AGENT:** Tom Luera**PROJECT LOCATION:** 5208 Seashore Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Enlarging an existing 2nd floor room of an existing 2,569 square foot two story duplex by 790 square feet resulting in a 3,359 square foot residence. In addition, an existing attached 375 square foot two car carport will be enclosed and enlarged by 50 square feet for a total of 425 square feet, one 240 square foot covered carport will be constructed and a 66 square foot 2nd floor deck will be constructed. A total of three parking spaces for the duplex will be located on site.

LOCAL APPROVALS RECEIVED: City of Newport Beach Modification Permit (NO. MD2001-088) dated October 17, 2001 and City of Newport Beach approval-in-concept dated November 1, 2001.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan and Coastal Development Permit No. 5-98-027 (Woods).

SUMMARY OF STAFF RECOMMENDATION:

The primary issue before the Commission is parking. The proposed project is deficient by one parking space. However due to the minimum nature of the improvement, the parking deficiency does not need to be resolved at this time. Staff is recommending **APPROVAL** of the proposed project subject to one special condition requiring a coastal development permit or amendment when future development occurs on the site.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan
 4. Floor Plan
 5. Elevations
-

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-01-437 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent

manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Future Development

This coastal development permit 5-01-437 approves only the development, as expressly described and conditioned herein, to the existing duplex located at 5208 Seashore Drive in the City of Newport Beach. Any future development, such as a change in the intensity of use (including a change in the physical number of residential units or a change in the number of parking spaces) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 5208 Seashore Drive, which is located on the Balboa Peninsula in the City of Newport Beach, Orange County (Exhibits #1-2). The proposed project consists of enlarging an existing 2nd floor room of an existing 2,569 square foot two story duplex by 790 square feet resulting in a 3,359 square foot residence (Exhibits #3-5). In addition, an existing attached 375 square foot two car carport will be enclosed and enlarged by 50 square feet for a total of 425 square feet, one 240 square foot covered carport will be constructed and a 66 square foot 2nd floor deck will be constructed (Exhibits #3-5). A total of three parking spaces for the duplex will be located on site.

B. PRIOR COMMISSION ACTION AT SUBJECT SITE

On February 6, 1997, the Commission approved Waiver 5-97-010 (Sellers) for the addition of 644 square feet, over the existing garage, to the landward side of the upstairs unit of an existing 2,944 square foot, 24 foot high duplex, and construction of a one-car carport. A new 34' x 5' deck will be added to the seaward side of the upstairs unit. No change in the number of dwelling units was proposed. This project was never initiated due to lack of funds.

C. PUBLIC ACCESS

1. Encroachments

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by: (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation,

When private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. In this case, the project site is located on the Balboa Peninsula. The street-ends on Balboa Peninsula provide the public with vertical access to the water at the Balboa Peninsula beach. In regards to the project site, 53rd Street and 52nd Street are located approximately 200 feet northwest and southeast of the project site. All private development must, as a consequence must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The project site contains a duplex and therefore under the Commission's standard of two parking spaces per dwelling units the project site should therefore provide four on-site parking spaces. Only two parking spaces currently exist on site, however the proposed project will increase the number of parking spaces by one. The proposed project will consist of enlarging an existing attached two car carport and also enclosing it for a total of 425 square feet and construction of one 240 square foot covered car port. A total of three parking spaces for the duplex will be located on site post project. Even though an additional parking space is being proposed, which would result in a total of three parking spaces on site, the proposed development is deficient by one parking space.

However, since no additional dwelling units are proposed and that the proposed project is not a major redevelopment, the proposed development would not result in an intensification of use of the site. Consequently, parking demand would not increase beyond the existing demand, so no additional spaces are needed at this time. Thus, the parking deficiency does not need to be remedied at this time.

Nevertheless, future development at the project site could result in an increase in the number of dwelling units beyond the two units which currently exist resulting in an intensification of use. This would result in an increase in parking demand and an increase in the parking deficiency, leading to adverse impacts on public access. Likewise, future development could propose a reduction in the number of parking spaces, which would also lead to adverse impacts on public access. Therefore, the Commission finds that it is necessary to place a condition on the permit informing the permittee that a new coastal development permit, or an amendment to this permit would be required for any future improvements to the existing structure which would result in a change in the intensity of use. This would allow for the review of future improvements for any potential adverse impacts to public access resulting from inadequate parking.

This type of special condition has been previously imposed by the Commission and the Executive Director for similar residential projects which did not result in and intensification of use but did have inadequate parking based on the Commission's regularly used standard. Thus, as conditioned for a future improvements condition, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

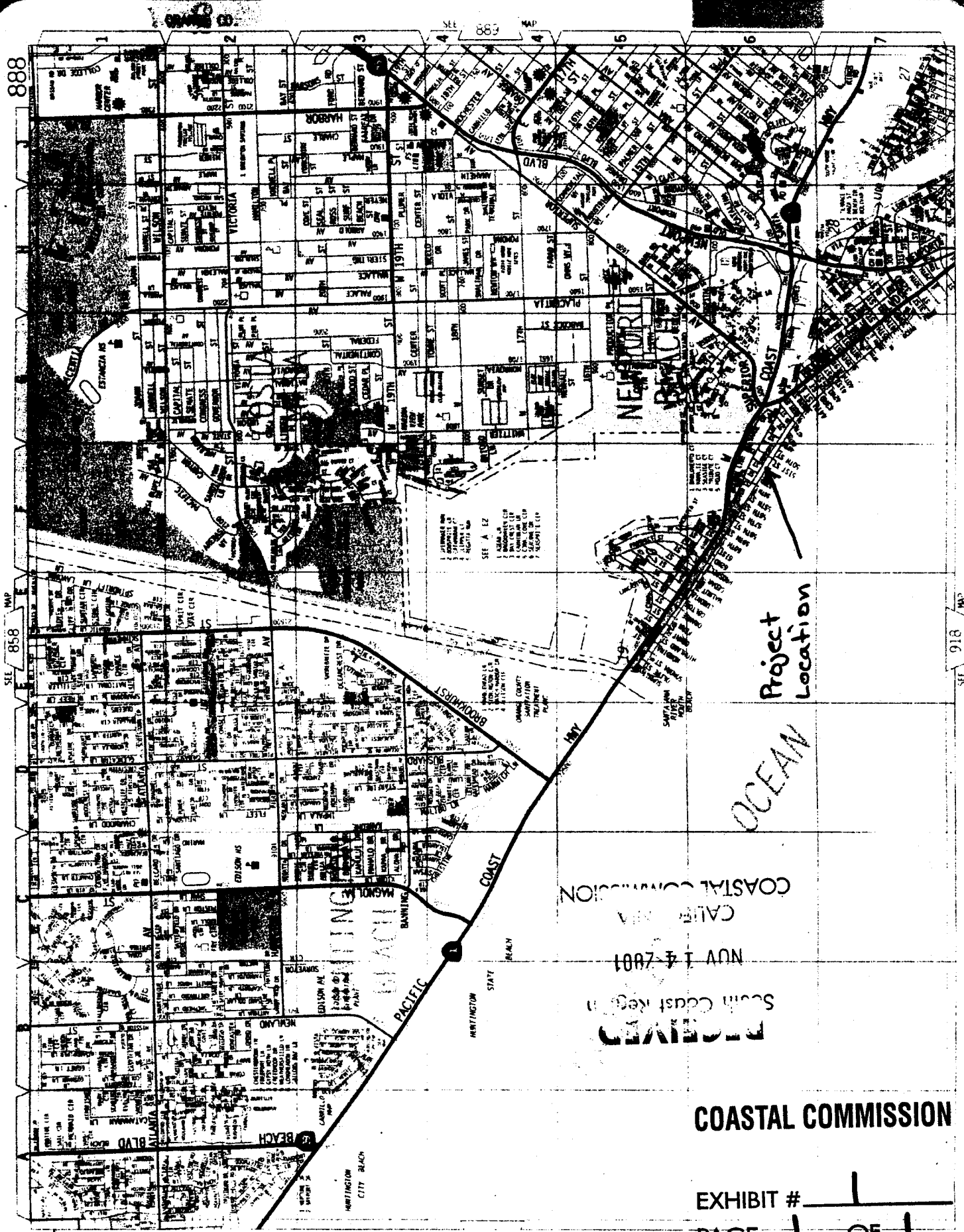
The Commission certified the Land Use Plan (LUP) for the City of Newport on May 19, 1982. The City currently has no certified implementation plan. As conditioned, the proposed development is consistent with the policies in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act required by Section 30604 (a).

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project site is located in an existing urbanized area. Development already exists on the subject site. The proposed development has been conditioned to be consistent with the public access policies regarding parking that are contained in Chapter 3 of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.

As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.



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EXHIBIT # 1

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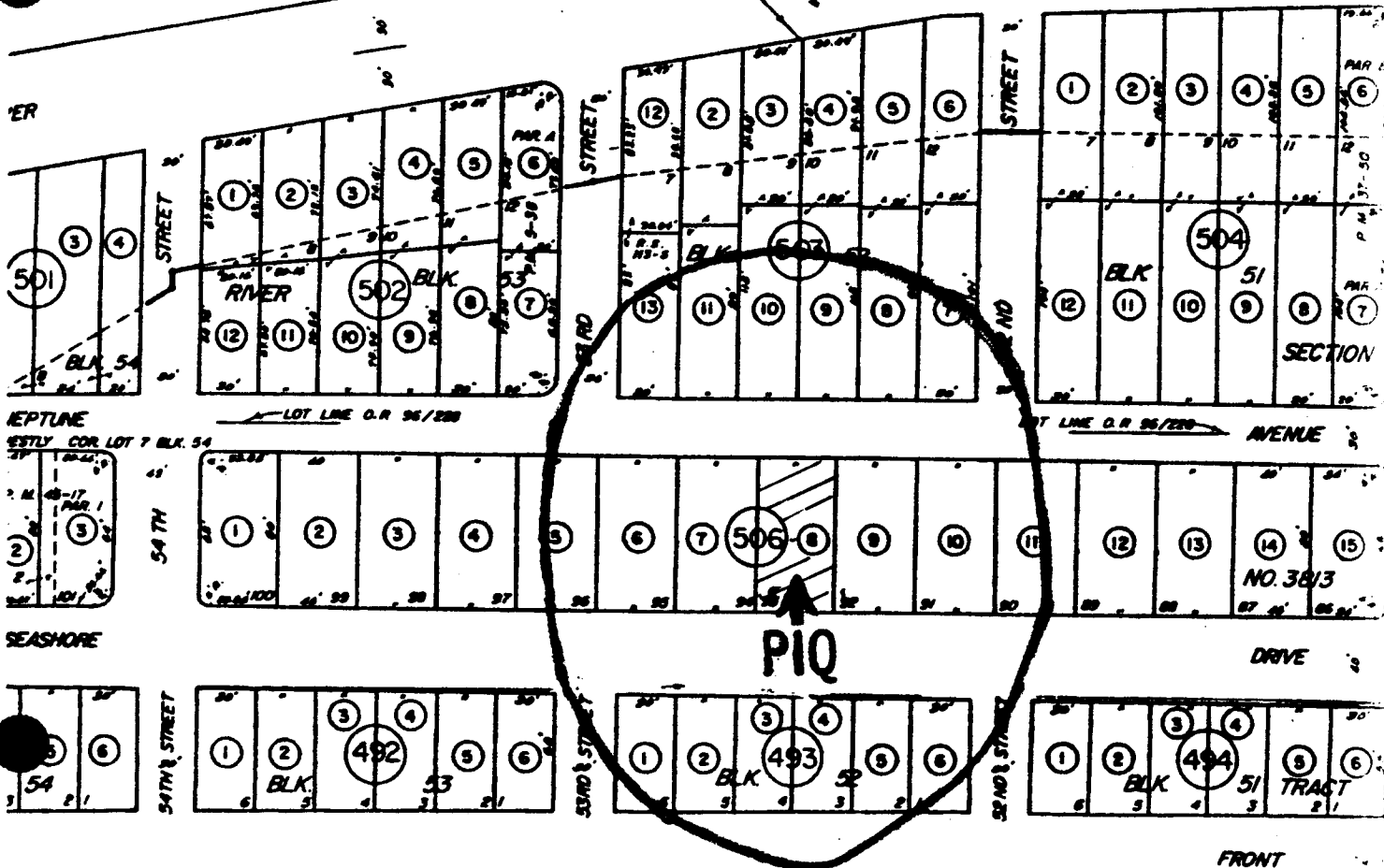
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Project Location

114-22

114-21

ER



FRONT

① **BLK.**

A-53

495

BLK.

A-52

② **BLK.**

A-51

3 MILES

RECEIVED

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OCEAN FRONT TRACT

M.M 4-12

**NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES**

ASSESSOR'S MAP

BOOK 424 PAGE 49

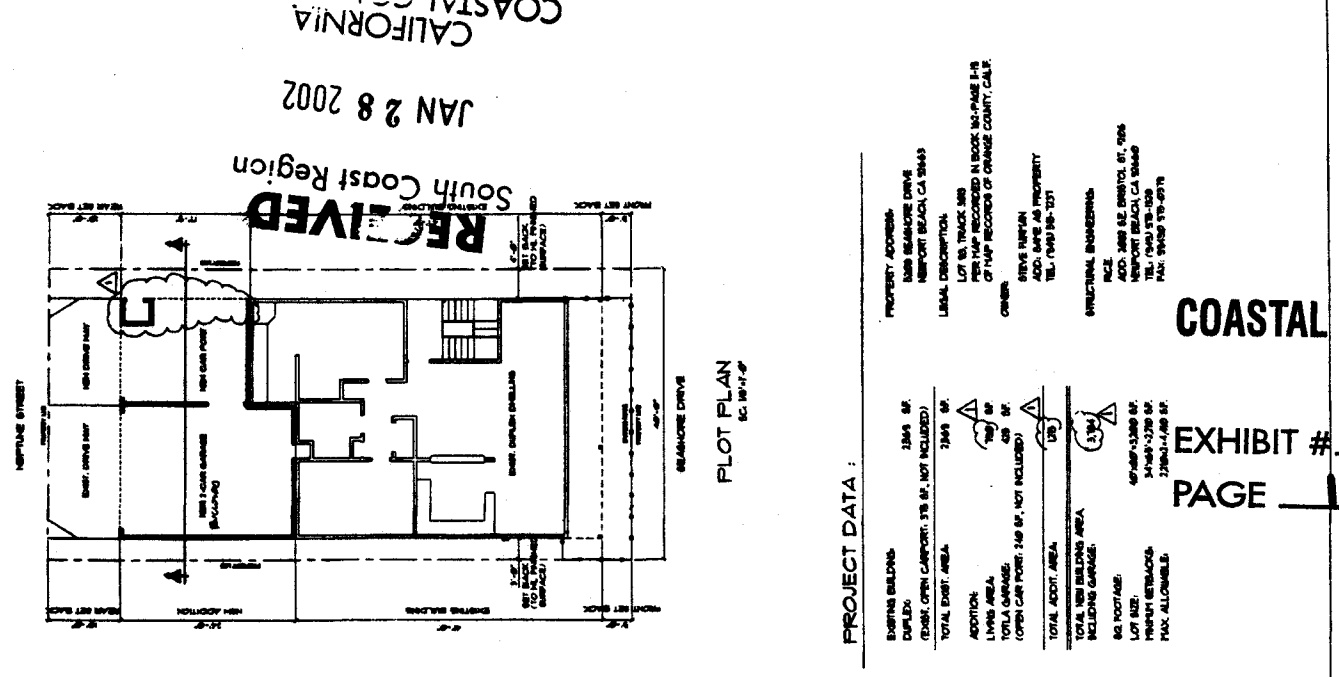
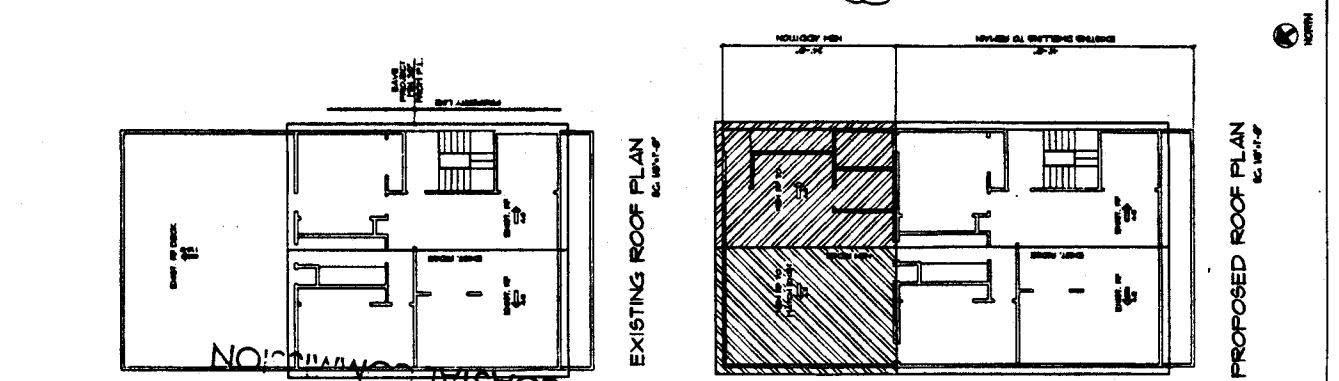
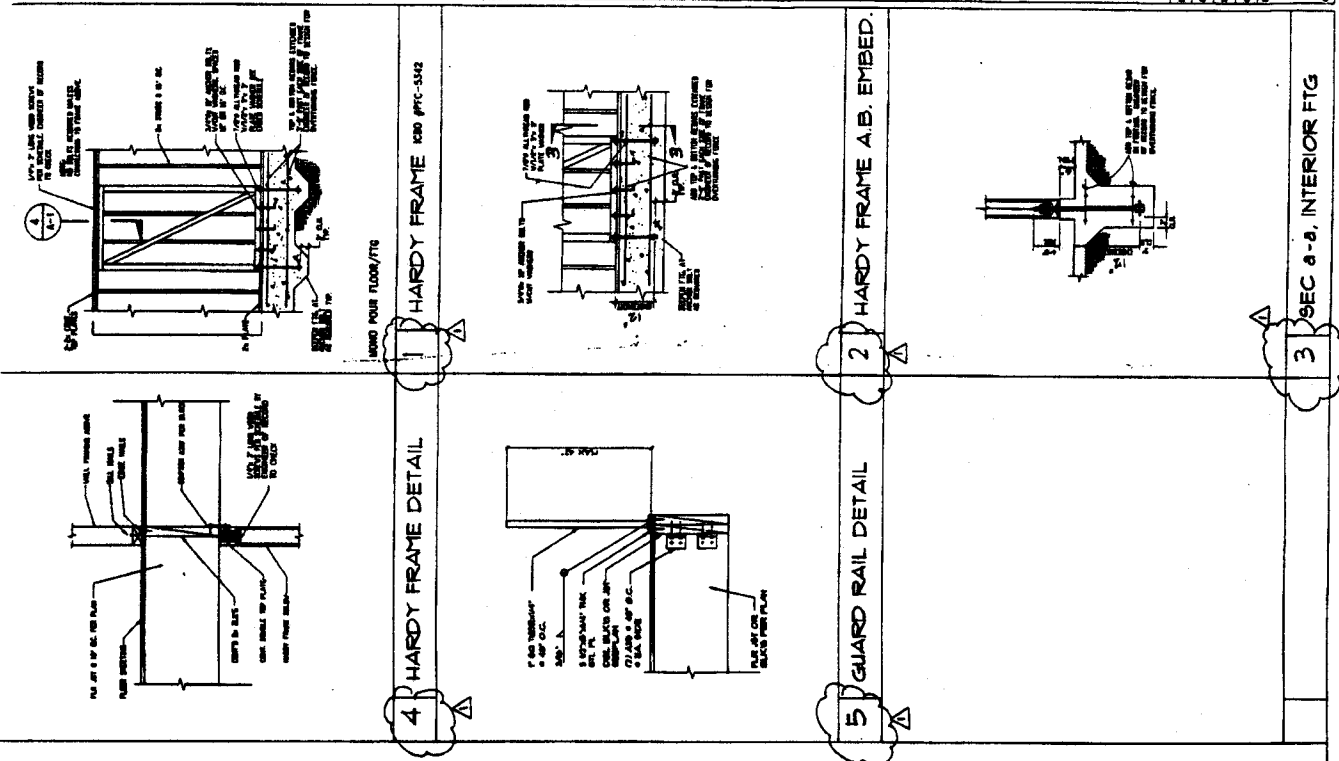
COUNTY OF ORANGE

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EXHIBIT #

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PROJECT DATA:
 EXISTING BUILDING: 3344 SF
 DUPLEX: (REMARK: OPEN CARPORT: 178 SF, NOT INCLUDED)
 TOTAL EXIST. AREA: 3344 SF
 ADDITION: 178 SF
 TOTAL AREA: 3522 SF
 TOTAL CARPORT: 178 SF, NOT INCLUDED
 TOTAL ADDITION AREA: 178 SF
 TOTAL NEW BUILDING AREA: 3522 SF
 INCLUDING GARAGE: 3522 SF
 NO FOOTAGE: 47'x10'x10'x10' SF
 LOT SIZE: 34'x10'x10'x10' SF
 PROPERTY RETENTION: 32'x10'x10'x10' SF
 MAX ALLOWABLE: 32'x10'x10'x10' SF

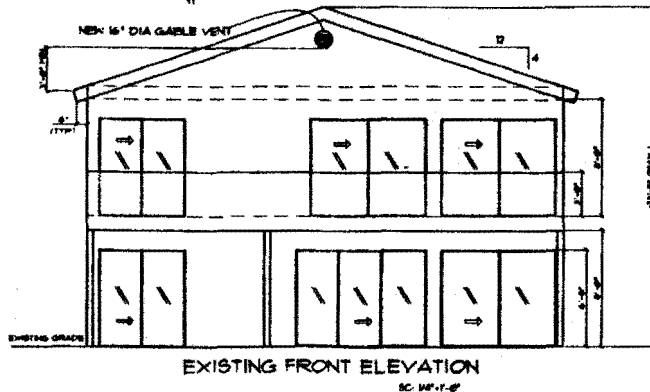
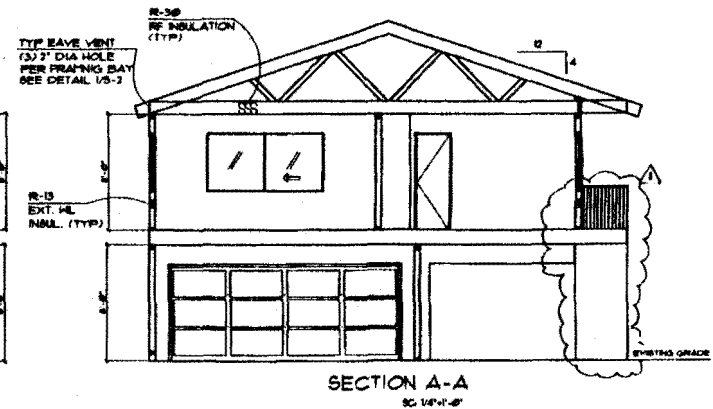
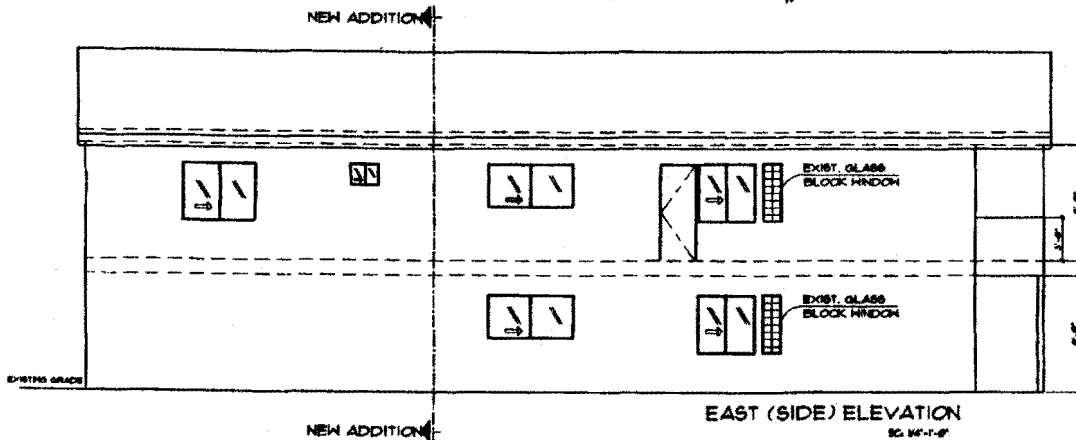
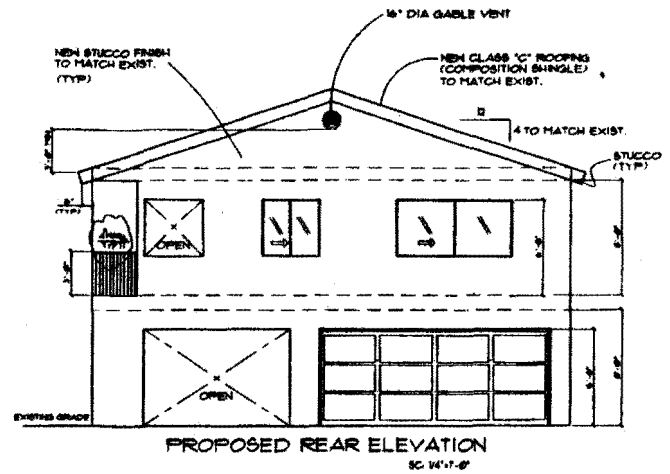
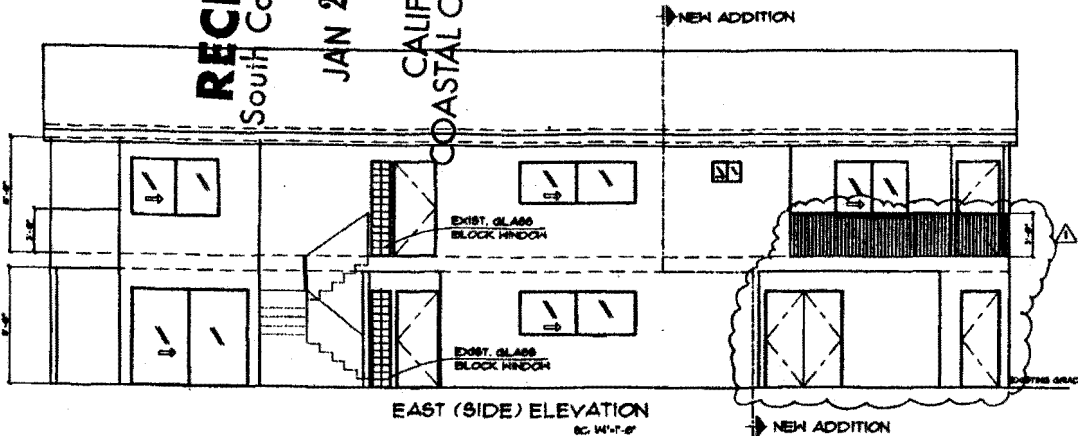
PROPERTY ADDRESS:
 5208 SEASHORE DRIVE
 NEWPORT BEACH, CA 92663
LEGAL DESCRIPTION:
 LOT 10, TRACT 180
 PER MAP RECORDED IN BOOK 10-PAGE 1-18
 OF MAP RECORDED IN CLERK COUNTY, CALIF.
OWNER:
 STEVE TURMAN
 ADD: 5208 SEASHORE DRIVE
 TEL: (949) 578-1528

STRUCTURAL ENGINEERING:
 RCE
 ADD: 2003 E. BRISTOL ST., SUITE 208
 NEWPORT BEACH, CA 92660
 TEL: (949) 578-1528
 FAX: (949) 578-0378

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 EXHIBIT # 3
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EXHIBIT # 4
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ROOF VENTILATION CALC.

TOTAL RF ADDITION	78 SF
VENTILATION RATIO	1/300
VENTILATION REQD.	258 SF
VENTILATION PROVIDED	263 SF

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EXHIBIT # 5
 PAGE 1 OF 1

PREPARED BY:
 R.C.E.
 RESIDENCE REMODEL FOR STEVE FURMAN
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DATE:
 SCALE:
 DRAWN:
 CHECK:
 SET:
 NORTH