

RECORD PACKET COPY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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49th Day: December 14, 1995
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Staff: John T. Auyong *JTA*
Staff Report: November 22, 1995
Hearing Date: December 12-15, 1995
Commission Action:



STAFF REPORT: CONSENT CALENDAR

F4b

APPLICATION NO.: 5-95-244

APPLICANT: Bayside LLC AGENT: George Seitz

PROJECT LOCATION: 1401 Bayside Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Demolition of an existing twelve unit apartment building and subdivision of the 27,069 square foot subject site into three parcels of 8,874 square feet, 8,881 square feet, and 9,314 square feet each (Tentative Parcel Map 95-163).

Lot area:	27,069 square feet total
Parcel 1	8,874 square feet
Parcel 2	8,881 square feet
Parcel 3	9,314 square feet
Zoning:	Multi Family Residential
Plan designation:	Multi Family Residential

LOCAL APPROVALS RECEIVED: Resubdivision 1017; Coastal Residential Development Permit 22 (for purposes of State affordable housing requirements)

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the sea, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. None

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to demolish an existing twelve unit apartment building and subdivide the 27,069 square foot harborfront subject site into three parcels, as proposed by Tentative Parcel Map 95-163. The proposed three resultant parcels would be the following sizes: 8,874 square feet (northwest parcel), 8,881 square feet (central parcel), and 9,314 square feet (southeast parcel). Each proposed resultant lot would extend from Bayside Drive to the existing on-site harborside bulkhead (Exhibit B). No actual construction of structures on the proposed resultant lots is proposed as part of this application.

B. New Development

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The proposed development involves demolition of an existing 12 unit apartment building and subdivision of the existing site into three parcels. No new construction is proposed as part of this permit application. The subject site is located within an urban zone which is highly developed and would be able to accommodate future development. More than 50 percent of the usable parcels in the area have been developed. The proposed three parcels, which would range in size from 8,874 square feet to 9,314 square feet, would be between four and five times bigger than the smallest existing lots in the City which are just under 2,000 square feet.

In addition, the site is currently developed with a 12 unit apartment building. Current zoning and the Certified Land Use Plan limit the subject site to one unit for each 2,178 square feet of buildable lot area. Thus, no more than 12 new units could be built on the three proposed lots, which is no more than the existing 12 apartment units on-site. This would not create a potential for intensification of use of the site, unless the land use standards are changed. Thus, the Commission finds that the proposed development would be consistent with Section 30250 of the Coastal Act.

C. Coastal Access

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby, . . .

The proposed development is located between the nearest public roadway and the shoreline of Newport Harbor. The proposed development involves the demolition of an existing 12 unit apartment building, and the subdivision of the subject site into three parcels. No construction on the resultant three lots is proposed as part of this permit application.

The subject site is within close proximity to the Bayside Drive public beach to the southeast and the bikeway/walkway ringing Balboa Island immediately across the harbor channel, which provide adequate access and public recreation opportunities. Therefore, the Commission finds that the proposed development would be consistent with the public access and recreation policies of Chapter Three of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with, and is adequate to carry out, the Chapter Three policies of the Coastal Act.

The Newport Beach Land Use Plan ("LUP") was certified on May 19, 1982. The LUP identifies the subject site as the "Ullman Trust Property." The LUP designates the subject site for Multi-Family Residential use, with one unit allowed for each 2,178 square feet of buildable lot area.

Since no new construction is proposed as part of this coastal development permit application, the proposed development would not result in adverse impacts to coastal access or resources and would be consistent with the Chapter Three policies of the Coastal Act and with the Certified LUP. The consistency of future development on the subject site with the Chapter Three policies of the Coastal Act would be addressed during the coastal development permit process for the future development.

Therefore, the Commission finds that the proposed development would not prejudice the ability of the City of Newport Beach to prepare a local coastal program which conforms with, and is adequate to carry out, the Chapter Three policies of the Coastal Act.

E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

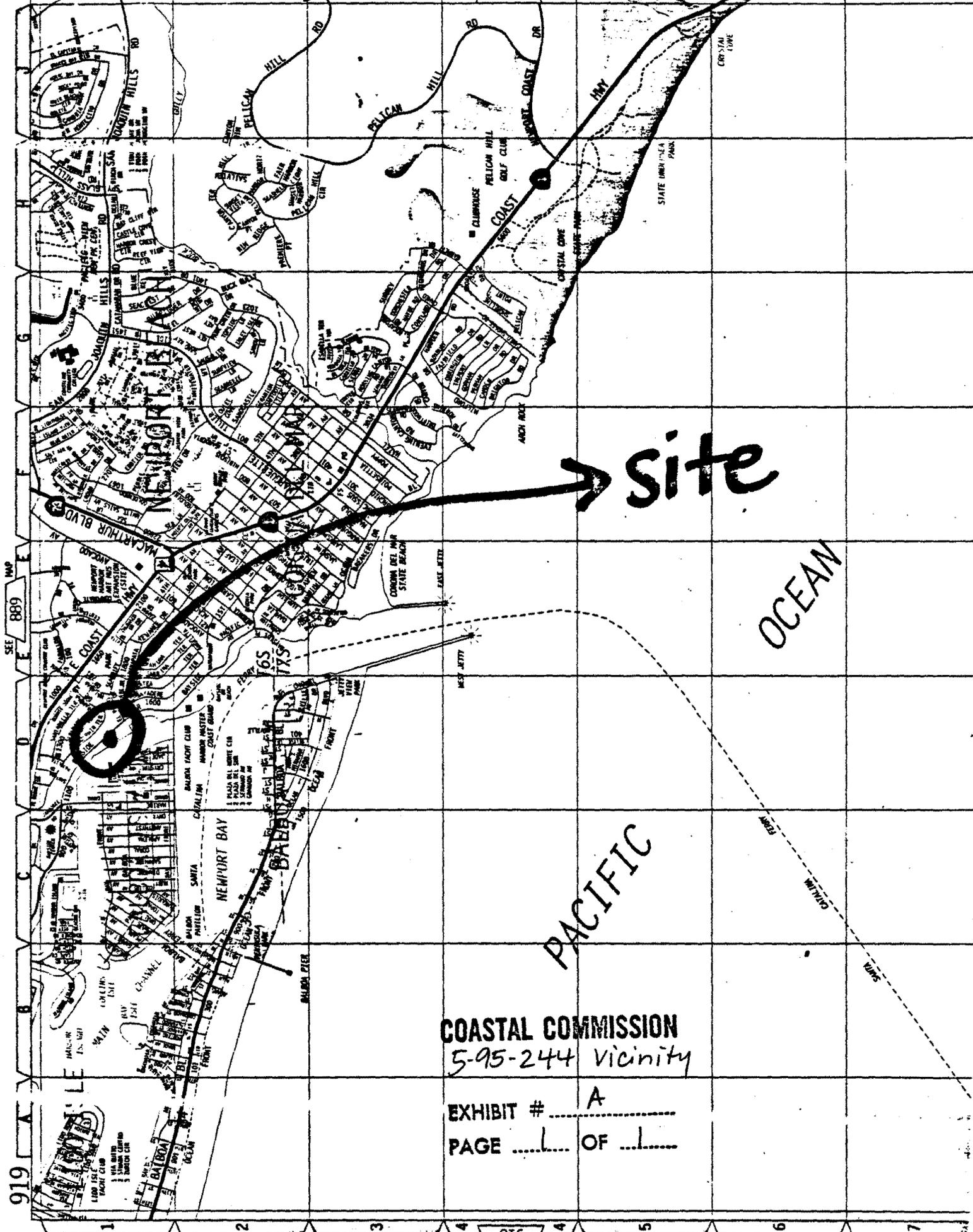
The subject site is located in an urban zone, with services available in the area to accommodate future development on-site. The site is currently developed, and the proposed development is limited to demolition of the existing structure and does not include new construction. The proposed project would be consistent with the development and public access policies of the Coastal Act.

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Significant adverse environmental impacts would not result from the development as proposed since no new construction is proposed. Additional environmental review for future development on-site would occur during the coastal development permit review process to assess the future development's environmental impact.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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EXHIBIT # A
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