

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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## RECORD PACKET COPY

Filed: 8/2/96  
49th Day: 9/20/96  
180th Day: 1/29/97  
Staff: MV-LB YW  
Staff Report: 9/19/96  
Hearing Date: 10/8-11/96  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-160

APPLICANT: William &amp; Patricia Behrens AGENT: Keith W. Behrens

PROJECT LOCATION: 620 Seaward Road, Corona del Mar (Newport Beach)  
Orange County

## PROJECT DESCRIPTION:

Addition of a 605 square foot, second unit above an existing single story, 440 square foot detached garage. Maximum height from existing grade is 20 feet. A single family residence exists on the same parcel.

Lot area:	7650 square feet
Building coverage:	1802 square feet
Pavement coverage:	2000 square feet
Landscape coverage:	3848 square feet
Parking spaces:	4
Zoning:	R-1B
Plan designation:	Single Family Detached
Ht abv fin grade:	20 feet

## LOCAL APPROVALS RECEIVED:

Approval in Concept No. 1178-96, City of Newport Beach;  
Use Permit No. 3589, Newport Beach Planning Commission.

## SUBSTANTIVE FILE DOCUMENTS:

Coastal Development Permit 5-94-001 (Seaward 17, Inc.);  
Local Coastal Program Land Use Plan Amendment 2-93.

## SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed development with one informational special condition stating that any development located within the rear annexed portion of the site will require merger of the parcel and a new coastal development permit or an amendment to this permit.

**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 will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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.

#### 1. Lot Merger

Consistent with the deed restriction recorded on the subject site, any future development proposed in the area of the rear annexed parcel shall require that the lots be merged and that both the lot merger and any future development require approval of a coastal development permit or an amendment to this permit.

### IV. Findings and Declarations.

#### A. Project Description

The applicants are proposing the addition of a 605 square foot, second unit ("granny" unit) above an existing single story, 440 square foot detached garage. Maximum height from existing grade is 20 feet. A single family residence exists on the same parcel. The subject site is located inland of Coast Highway.

#### B. Background

In August of 1993 the City of Newport Beach annexed a 1.22 acre parcel of land from the County of Orange. On March 17, 1994 the Coastal Commission approved Local Coastal Program Land Use Plan amendment 2-93 which designated that annexed parcel Single Family Detached Residential. At the same March 17, 1994 Commission hearing, the Commission approved coastal development permit 5-94-001 approving the Tentative Map for Tract 14795, which subdivided the 1.22 acre annexed parcel into 18 lots. The 18 lots were proposed by the applicants as "not legal building sites" consistent with the Tract Map conditions imposed by the City of Newport Beach.

The subject site includes one of the 18 lots subdivided under coastal development permit 5-94-001. As a condition of approval of that permit, a deed restriction was recorded which prohibits residential, ancillary, or other structures on any of the 18 subdivided lots "unless and until said parcel is merged with the adjacent existing residential parcel under similar ownership, with said structures and said merger subject to an approved coastal development permit." The smaller parcel has not yet been merged with the larger developed parcel. The project originally included a second story balcony and supports within the deed restricted area. However, the applicant has modified the project description by deleting the encroaching balcony. As currently proposed, the project does not include any development on the smaller parcel.

For clarity and to avoid confusion in the future, an informational special condition is recommended which makes clear the steps necessary if the applicant proposes development on the rear, annexed lot in the future. The special condition reiterates the language of the deed restriction required under approved coastal development permit 5-94-001. The language of the special condition states that any future development proposed in the area of the smaller annexed parcel requires that the lots be merged and that both the lot merger and any proposed structures require approval of a coastal development permit or an amendment to this permit.

### C. Second Unit

The subject site is designated Single Family Detached Residential in the City's certified Land Use Plan. The certified Land Use Plan describes the Single Family Detached Residential designation as follows:

This land use category has been applied to all single family detached subdivisions, and to vacant parcels where the development is anticipated to follow that product type. These areas are characterized by one single family dwelling constructed on each individual lot.

The proposed project includes construction of a second unit (a "granny unit") above the existing garage on a parcel already developed with one single family residential unit. The proposed project is a permitted use within this designation because the Land Use Plan recognizes that certain provisions of State law supersede local land use regulations, including the ability to add "granny units" in single family residential areas. In approving Use Permit No. 3589, the City has required the applicant to record a Covenant which limits the occupancy of the second dwelling unit to one or two adults 60 years of age or over. In addition, the City's approval of the use permit requires that the primary residence or the granny unit be occupied by at least one person having an ownership interest in the property.

When the Commission considers the addition of a second unit (i.e. increased density), the Coastal Act issues potentially raised are adverse impacts to: 1) public access due to lack of parking; 2) public views; 3) environmentally sensitive areas; or 4) community character and scale. In the case of the proposed project, none of these issues are raised.

The subject site includes an existing two car garage. In addition, the site can provide two additional parking spaces within the driveway and garage entry area. The Commission's adopted Regional Guidelines recommend two parking spaces per residential unit. The subject site can meet this parking standard. No public views exist in this area. The second unit addition is proposed above an existing garage; the garage is setback over 25 feet from the (new) rear property line. No impacts to environmentally sensitive habitat will occur from the proposed addition. The existing garage is at the rear portion of the site and is not visible from the street. Further, the proposed addition's height and dimensions are consistent with other structures in the vicinity. Moreover, the subject site is located inland of Coast Highway, approximately one mile from the coast. The area is not frequented by coastal zone visitors. Therefore, the Commission finds that the proposed addition is consistent with the Chapter 3 policies of the Coastal Act.

### D. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development 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 the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the standard of review for a coastal development permit application in the City is conformance

with the Chapter 3 policies of Coastal Act, and the LUP is used only for guidance. However, proposed development in the City should also be consistent with the LUP so as not to prejudice the City's ability to prepare an LCP as described above.

The proposed project is consistent with the Chapter 3 policies of the Coastal Act and with the certified Land Use Plan. The proposed development will have no adverse impacts on coastal access or resources. Therefore 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 as required by Section 30604(a).

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative 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)(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 project is not located between the sea and the first public road. The project consists of the addition of a second unit above an existing garage on a site located in an existing developed urban area. The project will have no adverse impacts on coastal access or resources. The proposed project is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

33

A

B

C

32

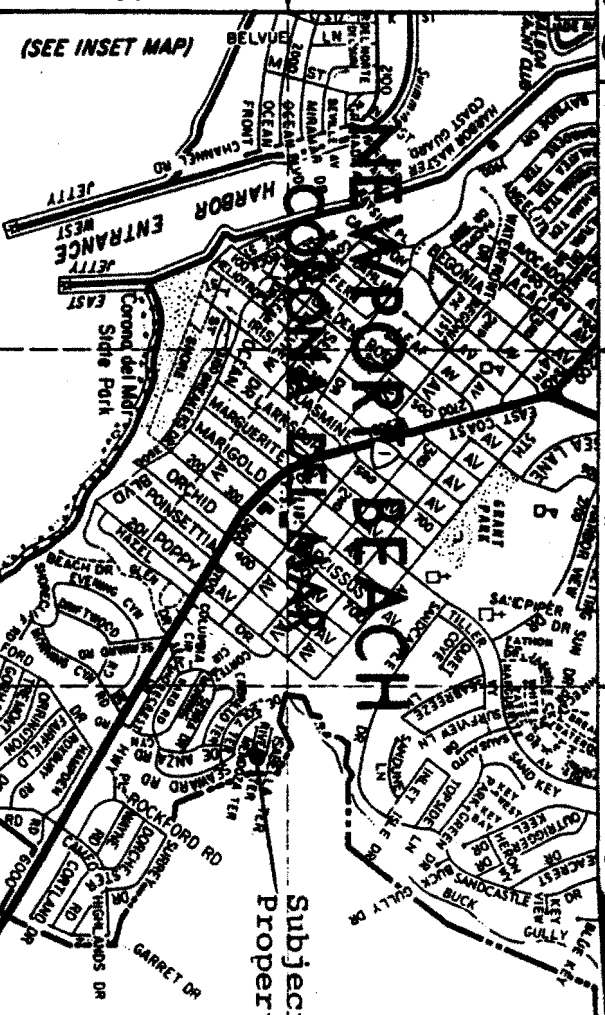
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E

F

SEE MAP

(SEE INSET MAP)



SEE MAP

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SOUTH COAST DISTRICT  
AUG 2 1996

ORANGE

COASTAL COMMISSION

5-96-160

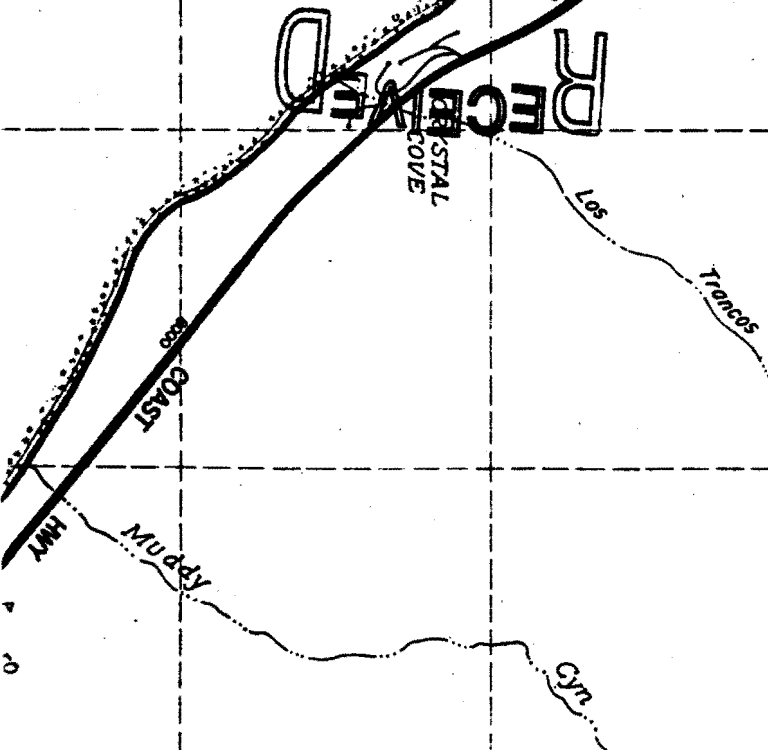
EXHIBIT # A

PAGE 1 OF 1

Canyon

CO.

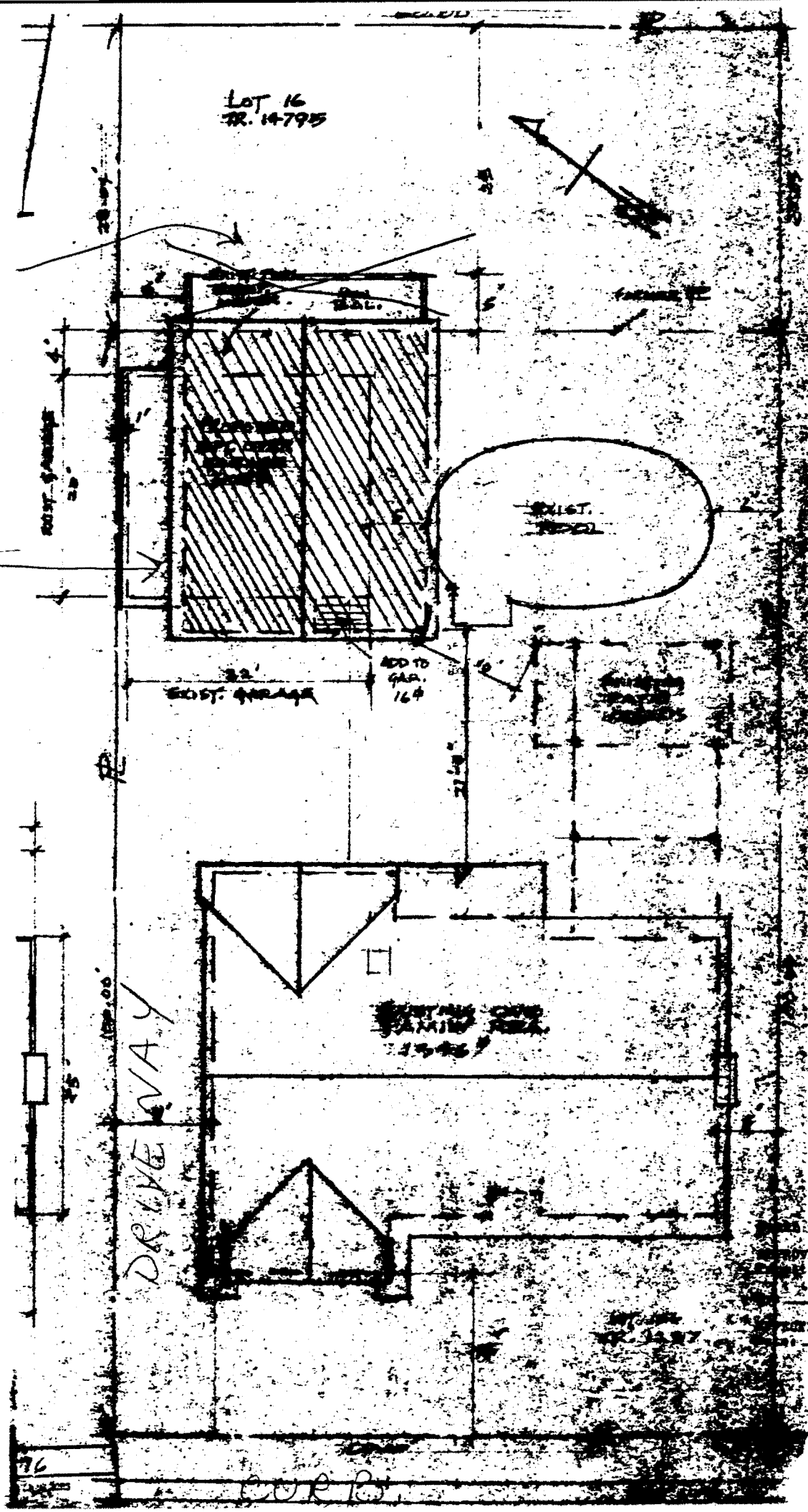
Vicinity  
Map



LOT 16  
TR. 14795

Balcony  
Deleted  
from  
Project

Area of  
Addition  
Above  
Garage



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EXHIBIT # B

PAGE 1 OF 1

Site Plan

# Floor Plan

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EXHIBIT # C

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22'-0"

5'-0"

Balcony Deleted from Project

BAL.

DR.

27'-6"

GAR. BELOW

BR.

5'-0"

8'-6"

STAIR DOWN STAIRS

LIN

B

BWL.

WD

## SECOND FLOOR PLAN