

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

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LONG BEACH, CA 90802-4416

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Filed: January 26, 1996
49th Day: March 15, 1996
180th Day: July 24, 1996
Staff: John T. Auyong *John*
Staff Report: February 23, 1996
Hearing Date: March 12-15, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-95-296

APPLICANT: Thomas Blandi Trust AGENT: Jeff Jacobs

PROJECT LOCATION: 4505 Seashore Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Conversion of an existing two-story duplex with attached two car garage to condominiums.

Lot area: 2,550 square feet
Parking spaces: Two
Land Use Plan designation: Two Family Residential

LOCAL APPROVALS RECEIVED: Condominium Conversion No. 13, Approval-in-Concept No. 1989-95

SUBSTANTIVE FILE DOCUMENTS: Administrative Permits 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-198 (Cassesso), 5-94-209 (Noyes), and 5-94-229 (Batniji), Coastal Development Permits 5-90-905 (Harriman), 5-95-060 (Rewers) and 5-95-067 (Pifer); 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 first public road 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.

1. Future Improvements/Parking/Encroachments

This coastal development permit, 5-95-296, is only for the development as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including but not limited to a change in the number of dwelling units on-site or any other change in intensity of use of the property, or encroachment onto the adjacent public right-of-way (Ocean Front), shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to convert an existing two-story duplex with an attached two car garage to condominiums. No new construction is proposed, and no additional parking spaces are proposed.

B. Public Access/Parking

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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, or,

Section 30252 of the Coastal Act states, in relevant part:

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, . . .

1. Parking

When a 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 coastal zone. Thus, all private development 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 existing duplex should thus provide four on-site parking spaces. However, only two parking spaces currently exist on-site, and no additional parking spaces are proposed. Therefore, the proposed development theoretically would be deficient by two parking space.

Because of the narrow width of the lot and the narrow street-side setback, additional parking spaces could not be accommodated on-site, nor is parking available nearby which could be leased by the applicant. The proposed development would not result in an intensification of use of the site, nor would any physical construction be involved.

Since the development would not result in the demolition of the existing structure nor the addition of new dwelling units with the attendant increase in parking demand, the Commission finds that the applicant should not be required to provide the two deficient parking spaces at this time.

Nevertheless, future development could result in an increase in the number of dwelling units. This would result in an increase in parking demand and adverse impacts on public access.

Therefore, the Commission finds that it is necessary to place a condition informing the current permittee and future owners of the subject site that a new coastal development permit, or an amendment to this permit, would be required for any future development at the subject site, including a change in the intensity of use of the site which may result in increased parking demand. Thus, as conditioned, the Commission finds that the proposed development would be consistent with Section 30212 of the Coastal Act.

2. Seaward Encroachments

A public right-of-way (Ocean Front), as shown in Exhibit B, located adjacent to the subject site on the seaward property line is currently unimproved and consists of sandy beach area. Although the proposed development would not encroach onto the public right-of-way, future improvements or new development at the subject site could encroach onto the public right-of-way. The City's Certified Land Use Plan ("LUP") would allow encroachment onto the adjacent right-of-way, consistent with the standards in the LUP encroachment policies. If not properly mitigated, these encroachments would incrementally contribute to a cumulative adverse impact on beach use and access.

Therefore, the Commission finds that it is necessary to place a condition informing the current permittee and future owners of the subject site that a coastal development permit, or an amendment to this permit, would be required for any improvements including future encroachments onto the public right-of-way adjacent to the subject site. As conditioned, the Commission finds that the proposed development is consistent with Section 30210 of the Coastal Act.

3. Provision of Access

The subject site is located between the nearest public roadway and the shoreline. The proposed development would not result in an intensification of use of the site or significant adverse impacts to public access or public recreation. Vertical access is provided by the nearby 45th Street and 46th Street street-ends. The wide public beach provides adequate lateral access. Therefore, the Commission finds that the proposed development would be consistent with Section 30212 of the Coastal Act.

C. 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 Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. As conditioned, the proposed development would be consistent with the Chapter Three policies of the Coastal Act regarding public access and recreation. Therefore, approval of the proposed development as conditioned would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

D. 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.

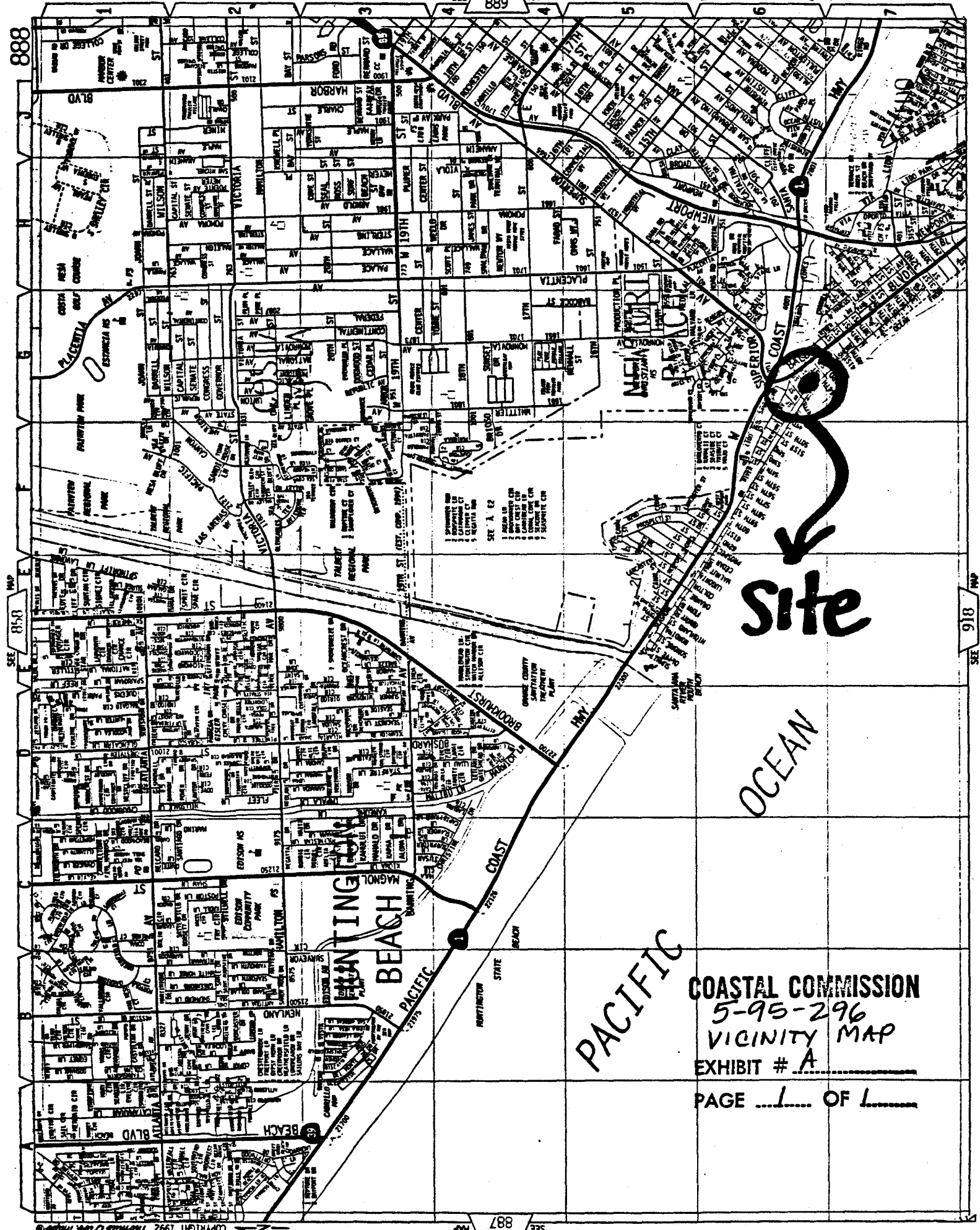
The subject site is in an urban zone. Development already exists on the subject site. Infrastructure necessary to service the subject site exists in the immediate area. The proposed development would not result in an intensification of use. No new construction is proposed.

The proposed project has been conditioned in order to be found consistent with the public access and recreation policies of the Coastal Act. The proposed development would not affect public access to the beach. Mitigation measures to inform the current permittee and future owners of the subject site that a new coastal development permit, or an amendment to this permit, would be required for any future development at the subject site, including a change in the intensity of use of the site which may result in increased parking demand or encroachment onto the public right-of-way, will minimize all adverse impacts.

As conditioned, 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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Site

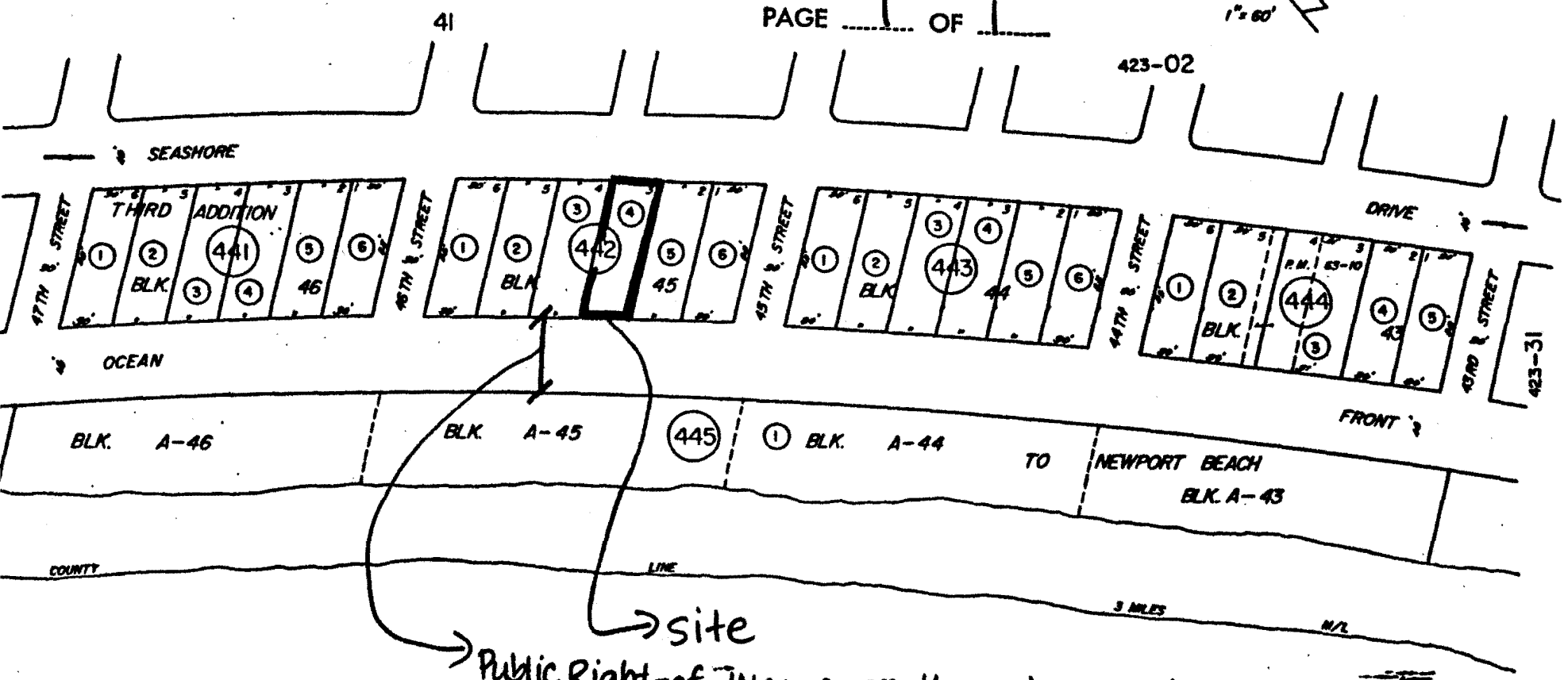
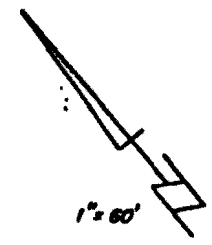
OCEAN

PACIFIC

COASTAL COMMISSION
5-95-296
VICINITY MAP
EXHIBIT # A
PAGE 1 OF 1

5-95-296

COASTAL COMMISSION
PUBLIC RIGHT-OF-WAY
(Ocean Front)
EXHIBIT # B
PAGE 1 OF 1



MARCH 1984

THIRD ADDITION TO
NEWPORT BEACH
M.M. 3-31

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

ASSESSOR'S MAP
BOOK 424 PAGE 44
COUNTY OF ORANGE

Public Right-of-Way currently unimproved Sandy Beach
(Ocean Front)