

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Filed: May 8, 1996
49th Day: June 26, 1996
180th Day: November 4, 1996
Staff: John T. Auyong *JTA*
Staff Report: May 17, 1996
Hearing Date: June 11-14, 1996
Commission Action:



STAFF REPORT: CONSENT CALENDAR

TR 8h

APPLICATION NO.: 5-96-085

APPLICANT: Bayside LLC AGENT: Pacific Coast Architects

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

PROJECT DESCRIPTION: Construction of a 28 foot high, 4,819 square foot two-story single-family residence with attached 685 square foot three-car garage and three open parking spaces, with 150 cubic yards of grading (all fill) on a vacant, harborfront lot.

Lot area:	6,305 square feet
Building coverage:	2,857 square feet
Pavement coverage:	2,572 square feet
Landscape coverage:	876 square feet
Parking spaces:	Six
Zoning:	Multi-Family Residential
Plan designation:	Multi-Family Residential
Height above grade:	28 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept 511-96

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-95-244 (Bayside LLC); 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 shoreline, 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. Recordation of Revised Parcel Map 95-163

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, copies of recorded revised Parcel Map 95-163 (as approved by City of Newport Beach Resubdivision 1023 and coastal development permit amendment 5-95-244A) or written evidence of said map's recordation with the County of Orange.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to construct a 28 foot high, 4,819 square foot two-story single-family residence with attached 685 square foot three-car garage and three open parking spaces on a vacant, harborfront lot. Also proposed are 150 cubic yards of grading for fill purposes.

B. Previous Commission Action

On December 15, 1995, the Commission approved permit 5-95-244 for the applicant's request to demolish an existing twelve unit apartment building and subdivide the 27,069 square foot lot on which the building was located into three parcels of 8,874 square feet, 8,881 square feet, and 9,314 square feet each (Tentative Parcel Map 95-163). The applicant subsequently proposed an amendment to permit 5-95-244 to subdivide the subject site into four parcels instead of three. Revised survey information indicated that the existing lot is actually 27,075 square feet. The new proposed lots 1 through 4 would be 6,305 square feet, 6,613 square feet, 6,923 square feet, and 7,234 square feet respectively. The subject site would be proposed Parcel 1.

C. Public 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, . . .

Section 30252 of the Coastal Act requires in part that new development maintain access to the coast by providing adequate parking.

The proposed development is located between the nearest public roadway and the shoreline of Newport Harbor. 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.

The proposed development would provide adequate parking. The proposed development includes three on-site parking spaces which exceeds the Commission's regularly used standard of two parking spaces per individual dwelling unit. The Commission finds that the provision of three parking spaces will ensure that the proposed home maintains access to the coast by allowing residents to park on-site and not use off-site public parking which should be available to coastal zone visitors.

Further, the proposed development conforms to City setback requirements. Therefore, the Commission finds that the proposed development would be consistent with Section 30212 of the Coastal Act regarding public access.

D. Recordation of Subdivision

Section 30600(a) of the Coastal Act requires that all development requires a coastal development permit. Section 30106 of the Coastal Act defines development, in part, as "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits . . .". Until the revised Parcel Map 95-163 approved by permit amendment 5-95-244A is recorded, the legal lots for the proposed home would not exist. Therefore, since the map has not been

recorded, the Commission finds that it would be necessary to impose a special condition requiring that, prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, copies of recorded Parcel Map 95-163 (as approved by City of Newport Beach Resubdivision 1023) or written evidence of said maps recordation with the County of Orange. With this condition, the proposed development would be consistent with the requirements of the Coastal Act.

E. 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 ("LCP") 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 submitted, the proposed development is consistent with the public access policies of Chapter Three of the Coastal Act. In addition, the proposed development meets the specific LUP policy for the subject site which requires 2,178 square feet for each residential unit. 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.

F. California Environmental Quality Act

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 proposed development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project is consistent with the policies of Chapter Three of the Coastal Act.

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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SOUTH COAST DISTRICT

1401 BAYSIDE DRIVE
NEWPORT BEACH, CA.
COASTAL COMMISSION
VICINITY MAP 5-96-085

EXHIBIT # A
PAGE 1 OF 1

SITE PLAN
LEGAL DESCRIPTION: PARCEL 1 OF RESUBDIVISION 1023

16 APRIL '96
 SCALE: 1/20" = 1'-0"



EXHIBIT # B
 PAGE 1 OF 1

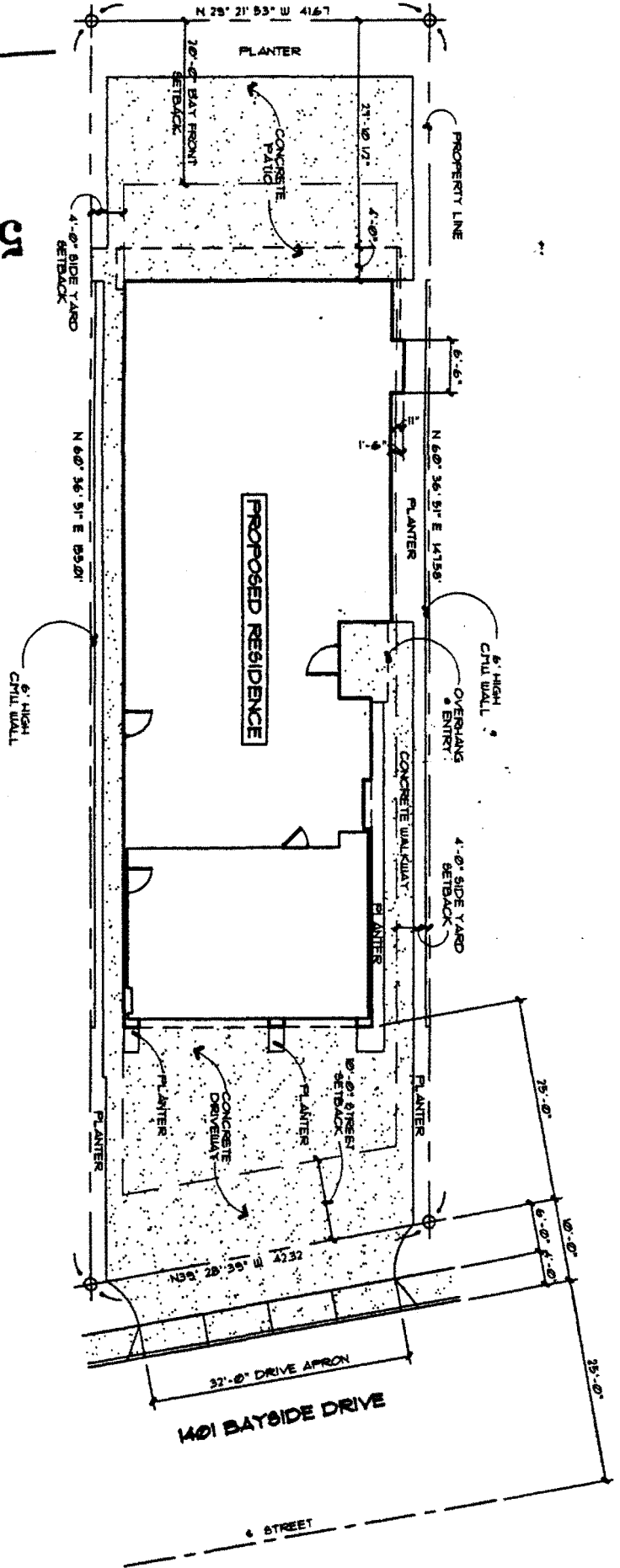
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5-96-085
 COASTAL COMMISSION
 site plan

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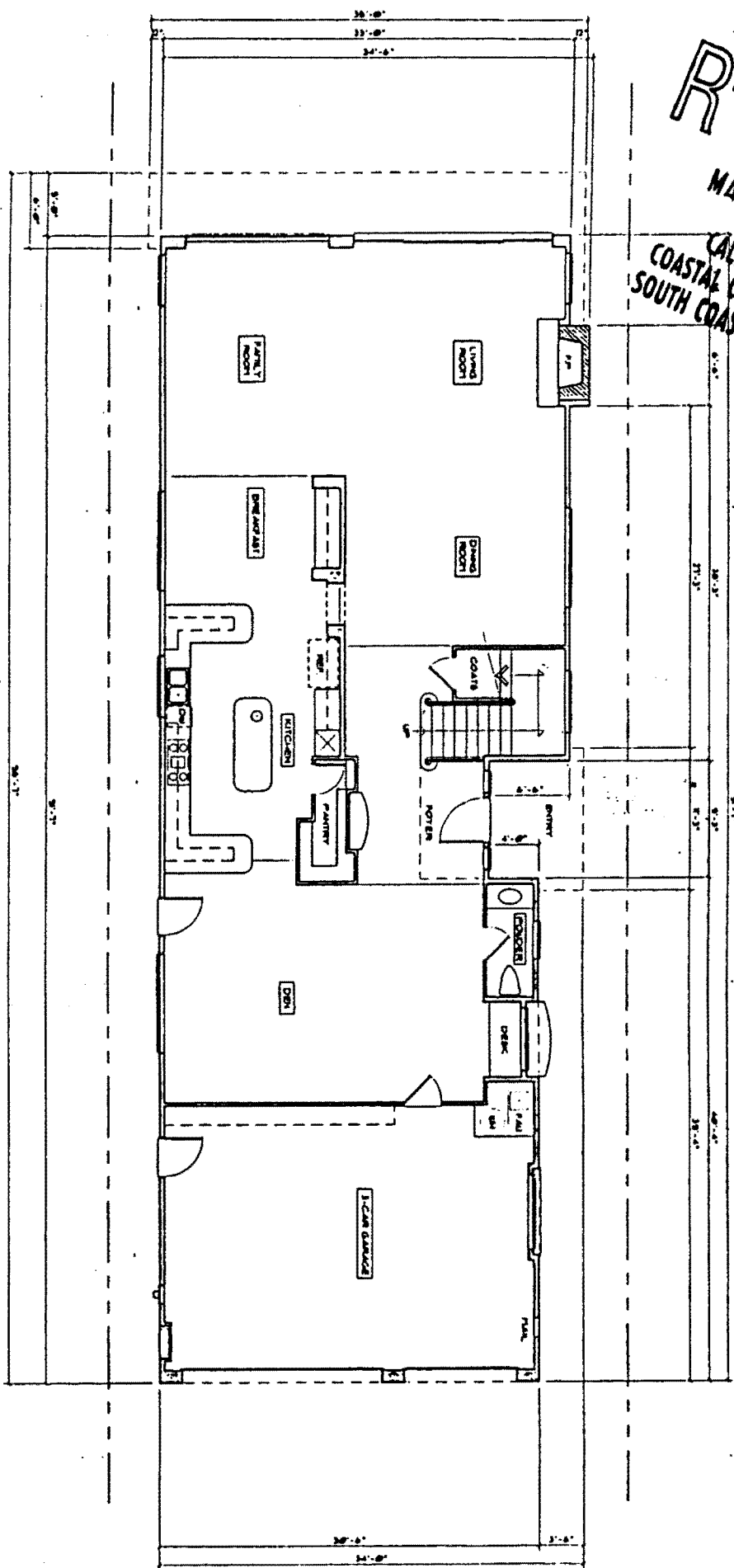
5-96-085

harbor ↗



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MAY 9 1996

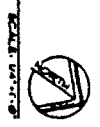
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SOUTH COAST DISTRICT



FIRST FLOOR PLAN

EXHIBIT # C
PAGE 1 OF 4

COASTAL COMMISSION B-96-085
Plans/Elevations



1401 BAYSIDE PK.
(5-76-085)

FIRST FLOOR PLAN

OWNER: BAYSIDE COLONY
1879 N BALBOA BLVD
NEWPORT BEACH, CA 92663
(714) 73-3111

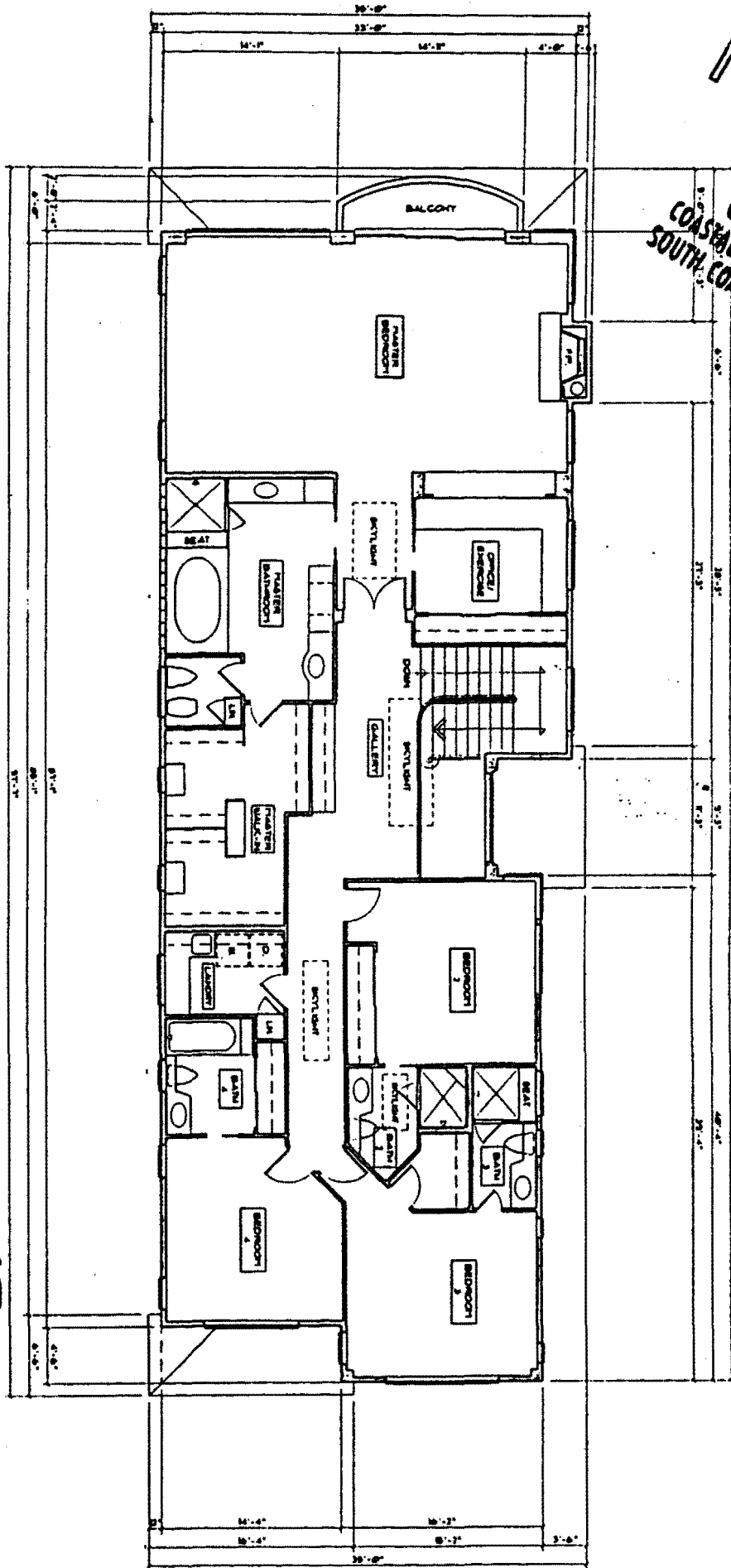


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SECOND FLOOR PLAN

COASTAL COMMISSION 5-96-085
Plans/Elevations

EXHIBIT # 2

PAGE 2 OF 4



1401 BAYSIDE DR.
(5-96-085)

SECOND FLOOR PLAN

OWNER: BAYSIDE COLONY
3828 N. BALBOA BLVD.
MURPET BEACH, CA 90663
(714) 613-3711



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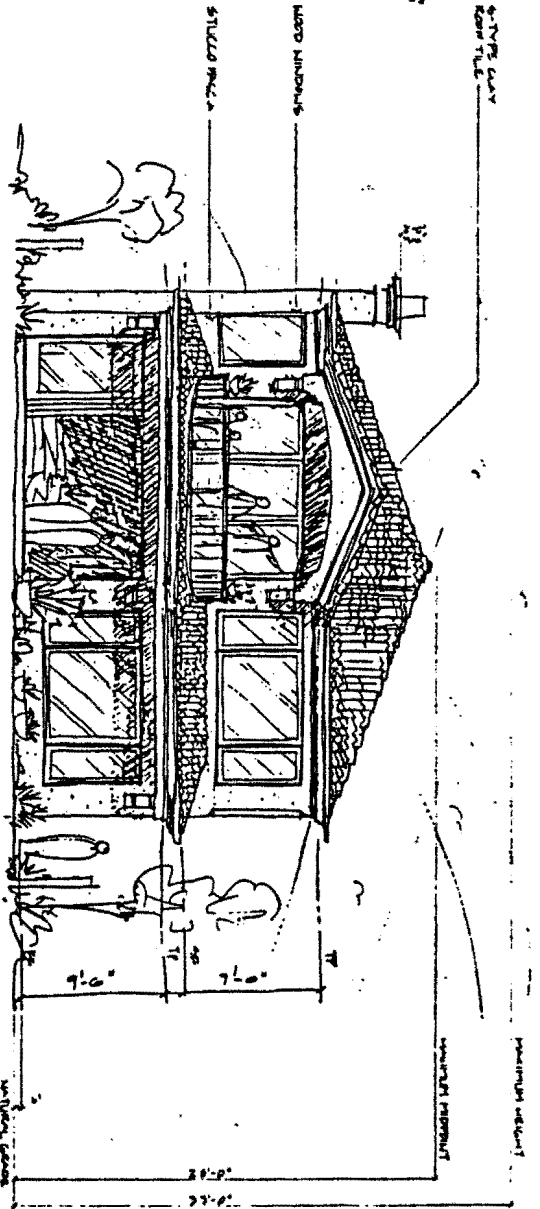
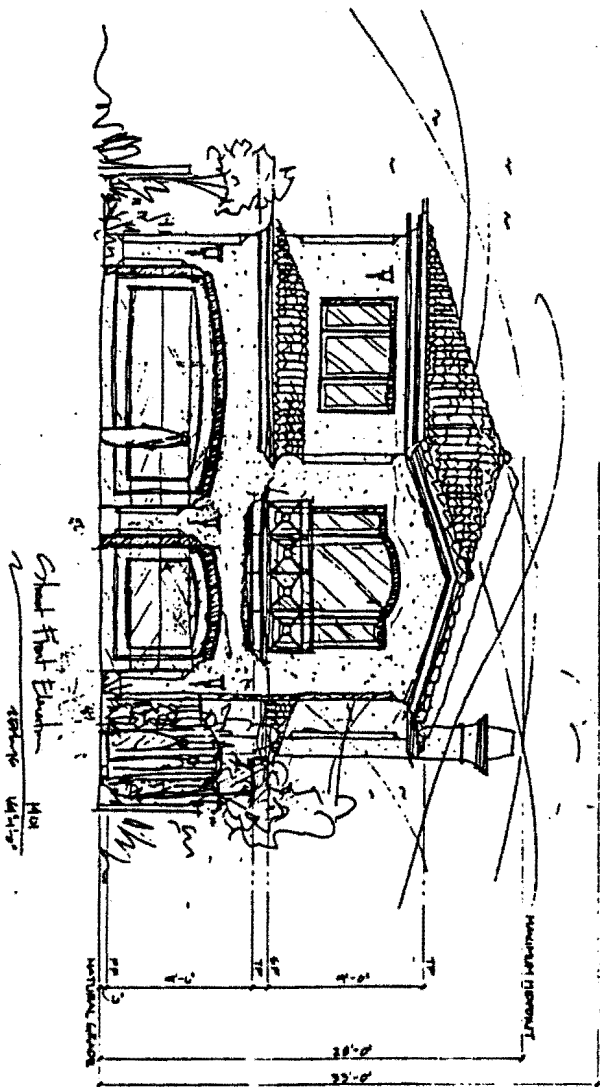
5-96-085
 COASTAL COMMISSION
 Plans/Elevations

EXHIBIT # C
 PAGE 3 OF 4

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 SOUTH COAST DISTRICT



1401 BAYSIDE DR.
 (5-96-085)



EXTERIOR ELEVATIONS

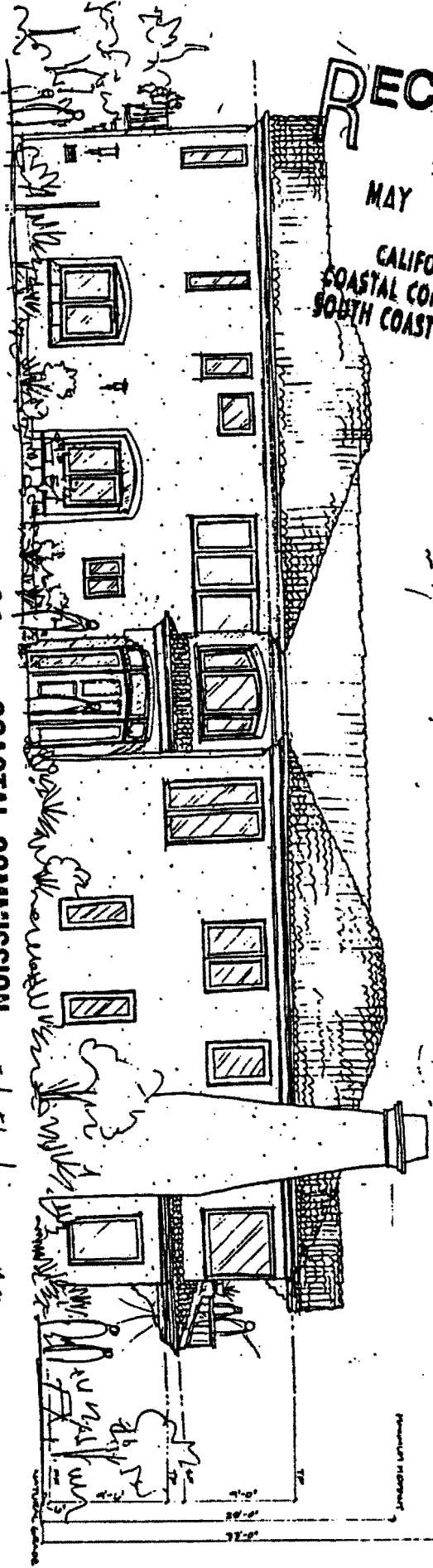
OWNER: BAYSIDE COLONY
 2675 N. BALBOA BLVD.
 NEWPORT BEACH, CA 92663
 (714) 613-3771



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SOUTH COAST DISTRICT



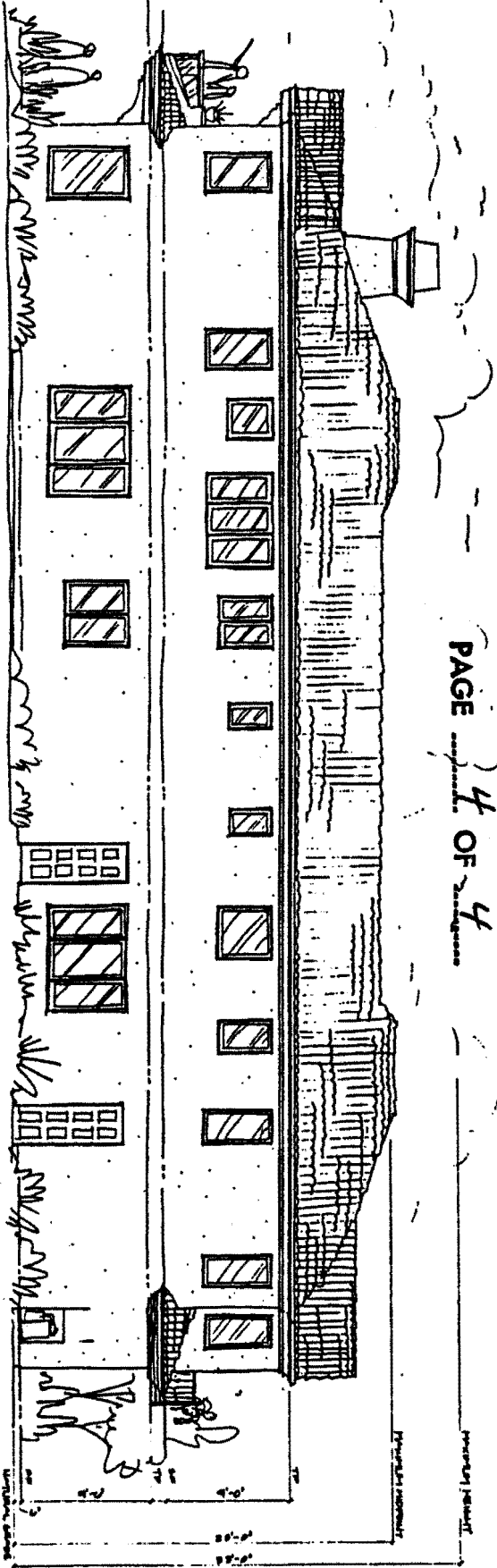
5-96-085

COASTAL COMMISSION
Plans/Elevations

Empty Elevation
1401

FOR PLUMBING INSPECTION
REFER TO SHEET C

EXHIBIT # C
PAGE 4 OF 4



1401 BAYSIDE DR.
(5-96-085)

SOUTH ELEVATION 02/24/96
1401

PROPOSED ELEVATION



ONE BAYSIDE COLONY
1475 N BALBOA BLVD.
NEWPORT BEACH, CA 92660
(714) 613-1171

EXTERIOR ELEVATIONS

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