

CALIFORNIA COASTAL COMMISSION

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

Filed: June 6, 1996
49th Day: July 25, 1996
180th Day: December 3, 1996
Staff: John T. Auyong *JTA*
Staff Report: June 20, 1996
Hearing Date: July 9-12, 1996
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-100

APPLICANT: Dr. Mel Reich AGENT: Brion Jeannette & Assoc.

PROJECT LOCATION: 4609 Seashore Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Construction on a vacant lot of a new 29 foot high, 3-level, 3,099 square foot single-family residence with attached 466 square foot two-car garage and 253 square foot rooftop deck. No encroachment onto the adjacent public right-of-way (Ocean Front) is proposed.

Lot area:	2,550 square feet
Building coverage:	1,816 square feet
Pavement coverage:	734 square feet
Parking spaces:	Two
Zoning:	R-1
Plan designation:	Two Family Residential
Height above grade:	29

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept 729-96

SUBSTANTIVE FILE DOCUMENTS:

1. Previous Development on the Site: De Minimis Waiver 5-95-083 (Reich)
2. Future Encroachments: Coastal Development Permits 5-95-060 (Rewers), 5-95-061 (Glance), 5-95-296 (Blandi Trust)
3. Street-end Improvements: 5-93-114 (City of Newport Beach), 5-94-091 (City of Newport Beach), 5-95-010 (City of Newport Beach)
4. Geotechnical Report: Geotechnical Investigation prepared by Geofirm (Project No. 70652-00, Report No. 6-2226) for Dr. Melvin L. Reich dated May 13, 1996.

SUMMARY OF THE STAFF RECOMMENDATION

Staff is recommending approval of the proposed project with a special condition regarding conformance to geotechnical recommendations and a special condition informing the permittee that future encroachments onto the public right-of-way.

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. Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, final revised grading and foundation plans. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by Geofirm (Project No. 70652-00, Report No. 6-2226) for Dr. Melvin L. Reich dated May 13, 1996. The approved development shall be constructed in accordance with the final revised plans as approved by the Executive Director. Any deviations from said plans shall require an amendment to this permit or a new coastal development permit, or written concurrence from the Executive Director that the deviation is not substantial and therefore a permit amendment or new permit is not needed.

2. Future Encroachments

This coastal development permit, 5-96-100, is only for the development as expressly described and conditioned herein. Any future encroachment onto the adjacent public right-of-way (Ocean Front) shall require an amendment to this permit or a new coastal development permit.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to construct a new 29 foot high, 3-level, 3,099 square foot single-family residence with attached 466 square foot two-car garage on a vacant lot. The proposed third level consists of a 215 square foot loft and a 253 square foot rooftop deck a half level above the level of the loft. The Commission issued De Minimis Waiver 5-95-083 (Reich) for demolition of the previously existing single-family home on the subject site. No ground level oceanside patio improvements which would encroach onto the adjacent public right-of-way (Ocean Front) are proposed as part of the current permit application.

B. Public Access/Encroachments

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 requires that new development provide public access from the nearest public roadway to the shoreline when it is determined that the new development individually or cumulatively would adversely impact public access.

1. 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. If not properly mitigated, these encroachments would incrementally contribute to a cumulative adverse impact on beach use and public access.

The City's Certified Land Use Plan ("LUP") would allow encroachment onto the adjacent right-of-way, consistent with the standards for height and depth in the LUP encroachment policies. The LUP requires homeowners to obtain a City permit for encroachments onto Ocean Front. As mitigation, the City uses the permit fees to upgrade street-ends in the area which provide vertical access, thus enhancing public access to the beach. The Commission has approved coastal development permit nos. 5-93-114 (City of Newport Beach), 5-94-091 (City of Newport Beach), and 5-95-010 (City of Newport Beach) for these types of street-end upgrades in the area.

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 future encroachments onto the public Ocean Front right-of-way adjacent to the subject site. The Commission previously has imposed this special condition on permits 5-95-060 (Rewers), 5-95-061 (Glance), and 5-95-296 (Blandi Trust) for development adjacent to the Ocean Front public right-of-way. As conditioned, the Commission finds that the proposed development is consistent with Section 30210 of the Coastal Act.

2. 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 adverse impacts to public access or public recreation. Additionally, vertical access is provided by the nearby 46th Street and 47th Street street-ends, and 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. Geologic Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The subject site is a vacant beachfront lot. The Commission issued De Minimis Waiver 5-95-083 (Reich) to demolish the previously existing on-site development. A geotechnical report was prepared for the subject site by Geofirm (Project No. 70652-00, Report No. 6-2226 dated May 13, 1996). The report concludes that the likelihood of tsunami/wave damage is not great, nor is the probability of a fault rupture across the property or liquefaction of upper soils great. The report finds that the proposed development is considered geotechnically feasible if the report's recommendations are followed. The recommendations include a stiffened foundation system, adequate blending of existing fill materials with native beach deposits, and the use of Type V sulfate resistant cement with a maximum water-cement ratio of 0.45.

Incorporation of these recommendations would assure structural integrity and geologic stability and minimize risks from geologic hazards. Therefore, the Commission finds that it is necessary to impose a special condition requiring the submission of plans which have been approved by the geotechnical consultant and incorporate the recommendations of the consultant. Thus, as conditioned, the Commission finds the proposed project to be consistent with Section 30253 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 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 geologic hazards as well as public access and recreation. As conditioned, the proposed project would be consistent with the LUP encroachment policies. 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.

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

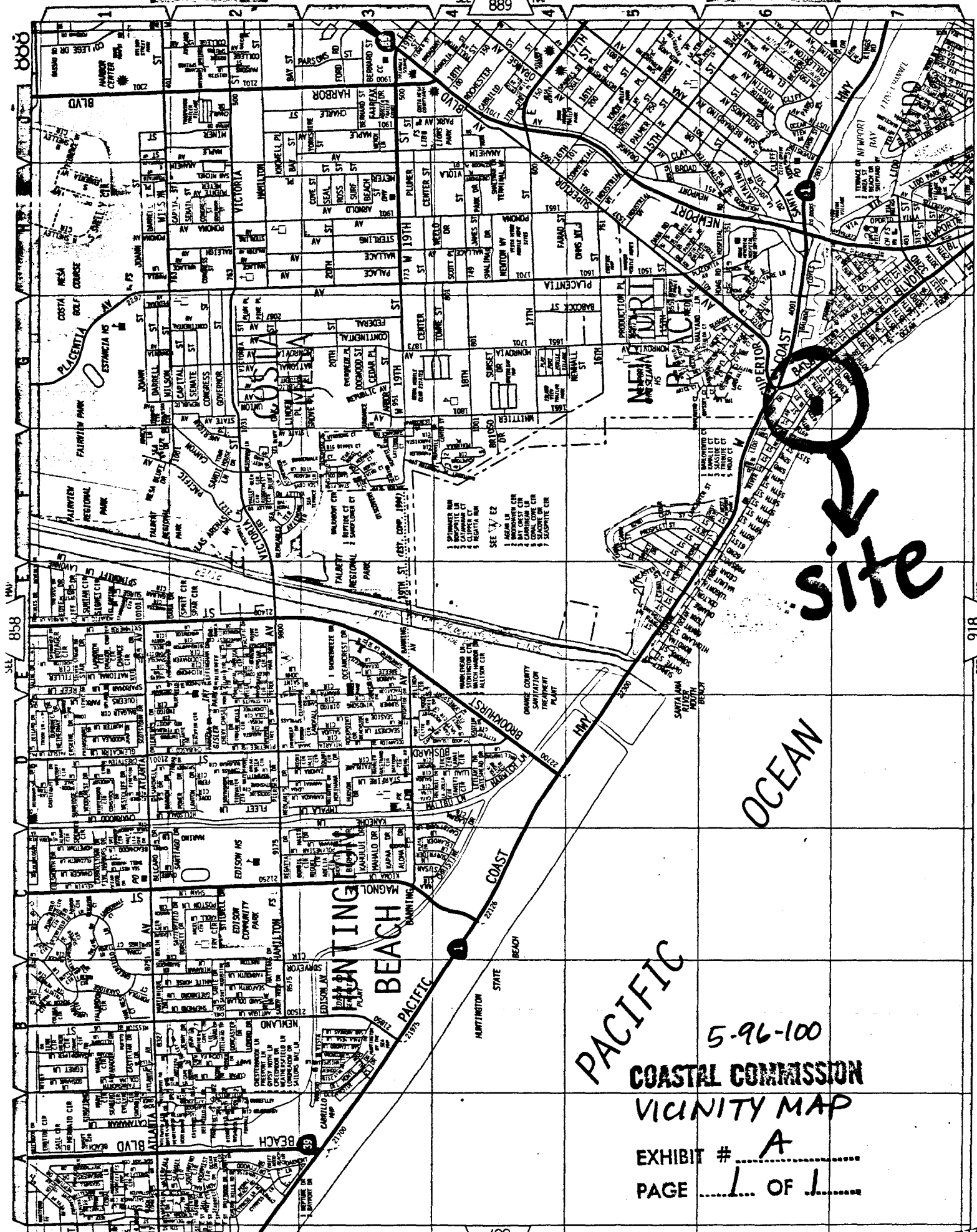
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 in an urban zone. Development previously existed on the subject site. Infrastructure necessary to service the subject site exists in the immediate area. The proposed development is infill development. The proposed development would not affect public access to the beach.

The proposed project has been conditioned in order to be found consistent with the public access and recreation policies and geologic hazards policies of the Coastal Act. 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 encroachment onto the adjacent Ocean Front public right-of-way, and conformance to geotechnical recommendations, 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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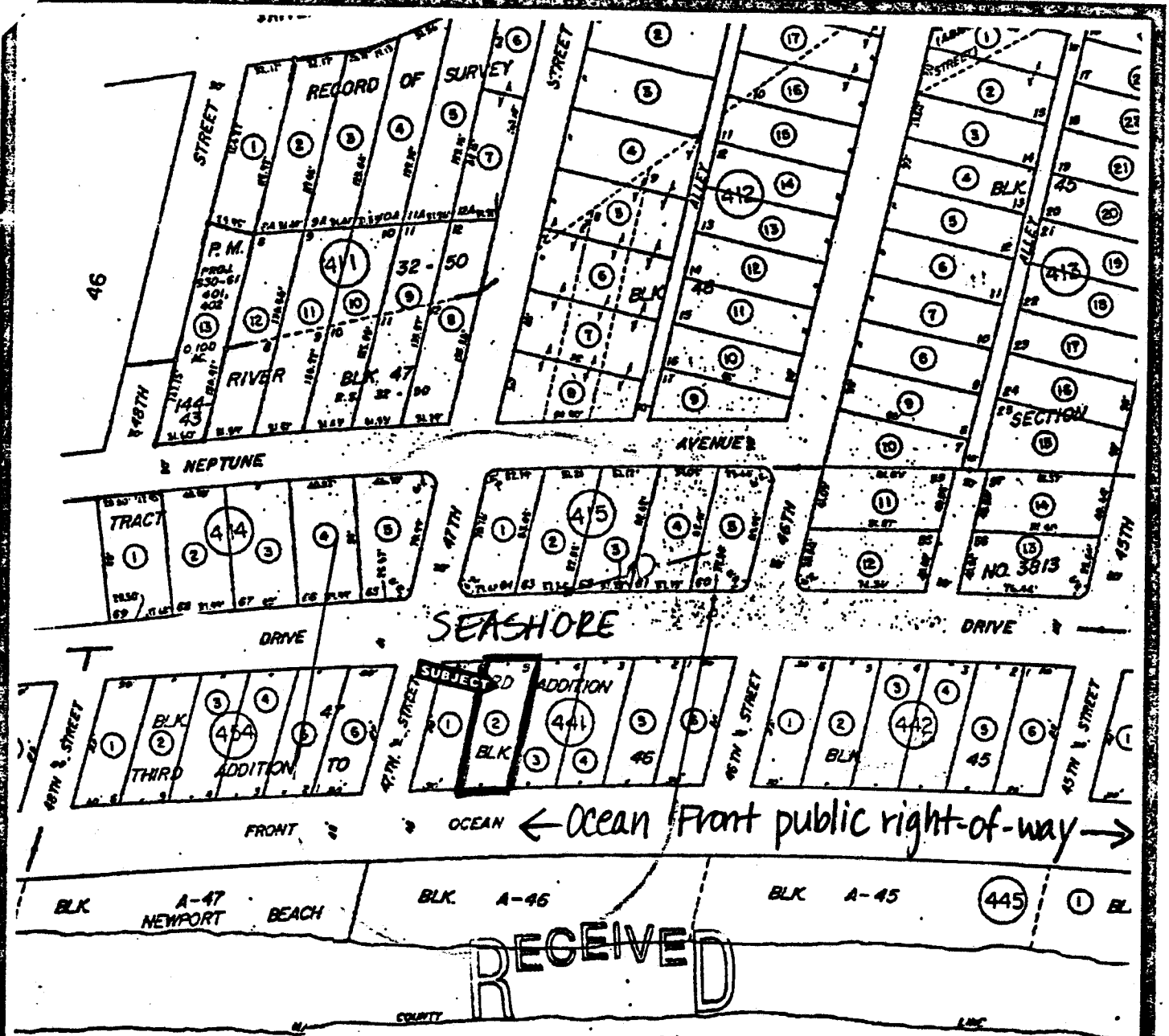
site

OCEAN

PACIFIC

5-96-100
 COASTAL COMMISSION
 VICINITY MAP

EXHIBIT # A
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MAY 14 1996

5-96-100

CALIFORNIA
COASTAL COMMISSION
MARCH 1994 SOUTH COAST DISTRICT

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

COASTAL COMMISSION
Location of Ocean Front public right-of-way

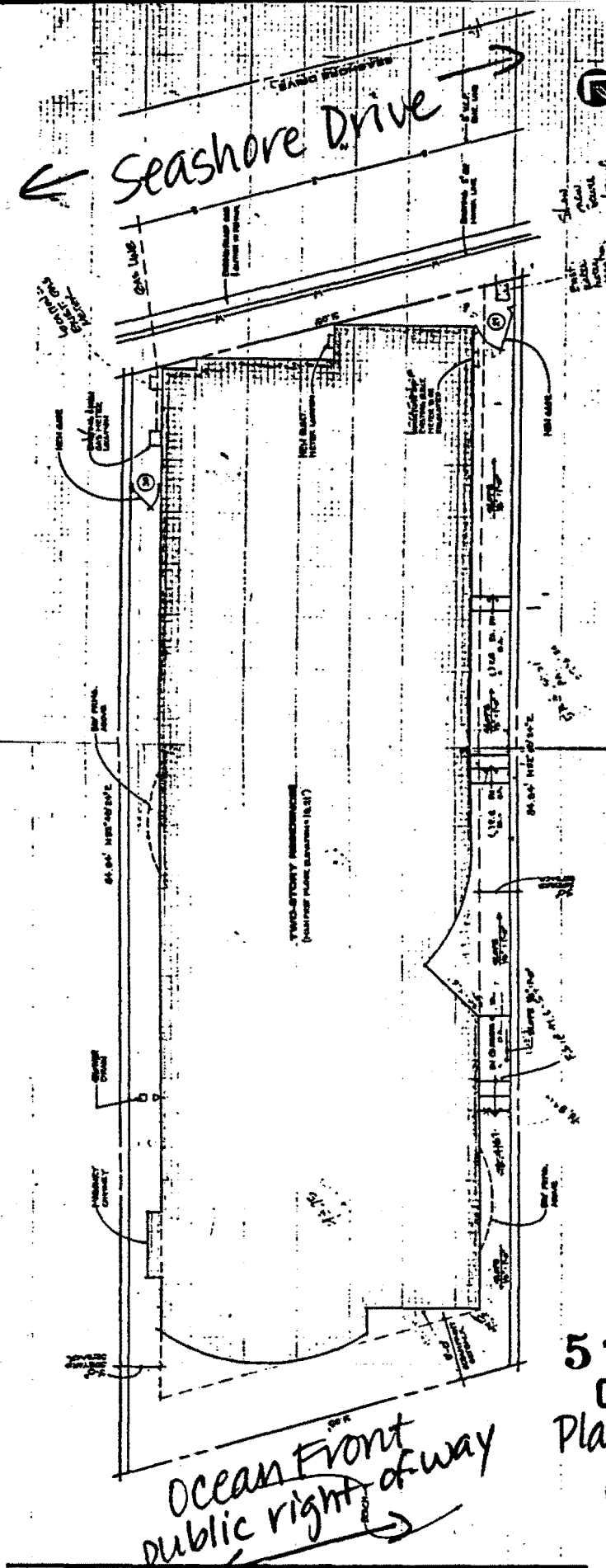
EXHIBIT # B
PAGE 1 OF 1

Ownership Map

5-96-100

OWNER'S BLOCK &
SI. NUMBERS
WHEN IN CIRCLES

COURT



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MAY 14 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

REDUCED
SITE PLAN

Ocean Front
public right of way
to water's edge

5-96-100
COASTAL COMMISSION
Plans/Elevations

EXHIBIT # C
PAGE 1 OF 6

Brion S. Jeannette & Associates, Inc.
ARCHITECTURE

470 Old Newport Boulevard • Newport Beach, CA • 92663 • Tel 714.448.8684 • Fax 714.448.5983
MEMBERS AIA & NCARB • CIBERBY EFFICIENT ARCHITECTURE

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JUN 12 1996

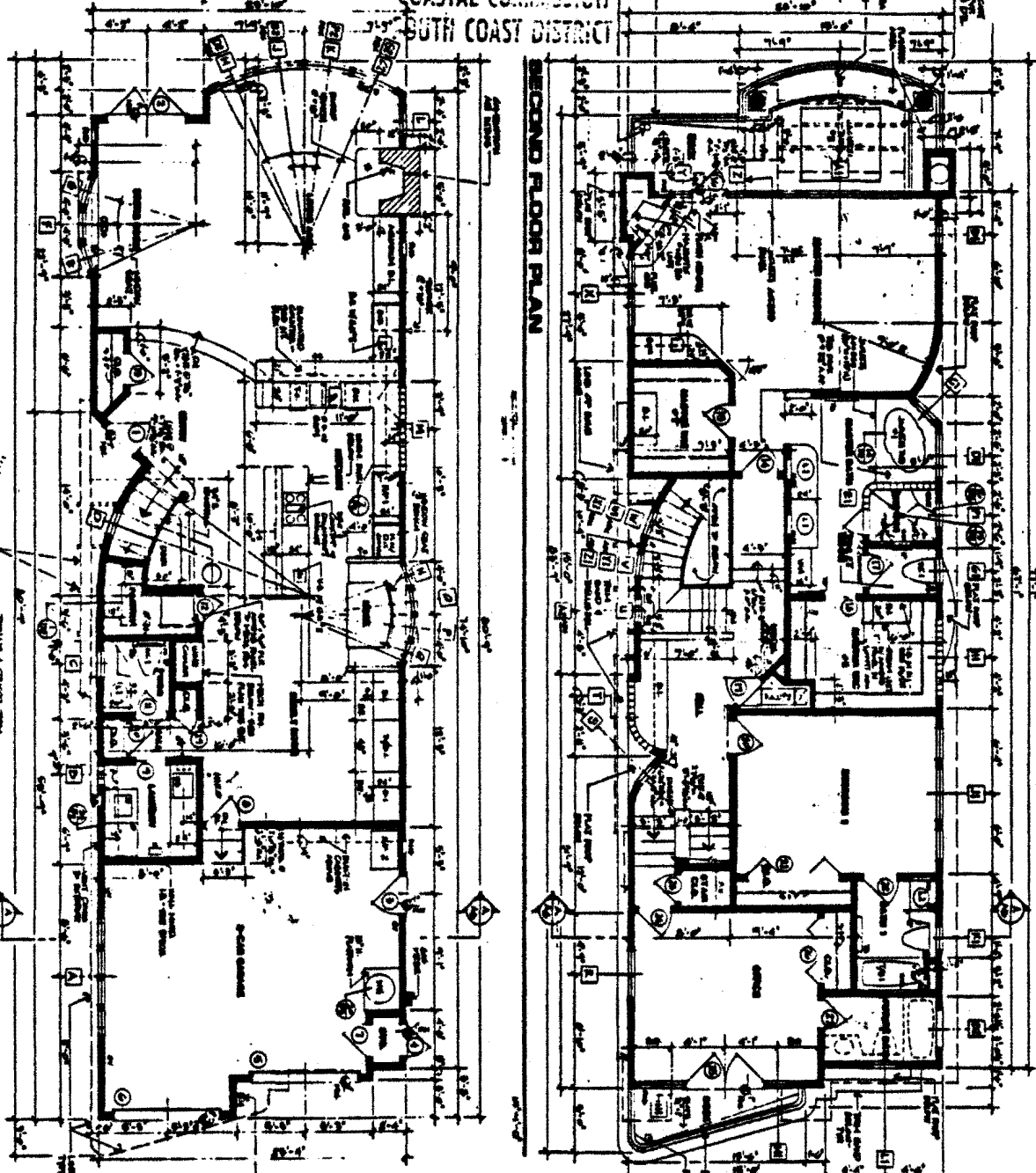
Ocean Front
public right-of-way
← →

CALIFORNIA
COASTAL COMMISSION
BOTH COAST DISTRICT

MECH ROOM
FLOOR PLAN
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN

SECOND FLOOR PLAN



NOTES:
1. All dimensions shall be as shown unless otherwise noted.
2. All work shall conform to the applicable building codes and regulations.
3. The contractor shall be responsible for obtaining all necessary permits.
4. The contractor shall be responsible for the construction of the foundation and framing.
5. The contractor shall be responsible for the construction of the exterior walls and roof.
6. The contractor shall be responsible for the construction of the interior walls and ceiling.
7. The contractor shall be responsible for the construction of the floor and stairs.
8. The contractor shall be responsible for the construction of the mechanical, electrical, and plumbing systems.
9. The contractor shall be responsible for the construction of the landscaping and site work.
10. The contractor shall be responsible for the construction of the driveway and parking area.
11. The contractor shall be responsible for the construction of the pool and pool deck.
12. The contractor shall be responsible for the construction of the deck and porch.
13. The contractor shall be responsible for the construction of the pergola and other outdoor structures.
14. The contractor shall be responsible for the construction of the site retaining walls and erosion control measures.
15. The contractor shall be responsible for the construction of the site drainage system.
16. The contractor shall be responsible for the construction of the site lighting system.
17. The contractor shall be responsible for the construction of the site irrigation system.
18. The contractor shall be responsible for the construction of the site fencing and gates.
19. The contractor shall be responsible for the construction of the site signage and markers.
20. The contractor shall be responsible for the construction of the site utility lines and conduits.
21. The contractor shall be responsible for the construction of the site access roads and easements.
22. The contractor shall be responsible for the construction of the site parking spaces and stalls.
23. The contractor shall be responsible for the construction of the site loading and unloading areas.
24. The contractor shall be responsible for the construction of the site storage areas.
25. The contractor shall be responsible for the construction of the site waste disposal areas.
26. The contractor shall be responsible for the construction of the site recycling areas.
27. The contractor shall be responsible for the construction of the site composting areas.
28. The contractor shall be responsible for the construction of the site water conservation measures.
29. The contractor shall be responsible for the construction of the site energy conservation measures.
30. The contractor shall be responsible for the construction of the site fire safety measures.
31. The contractor shall be responsible for the construction of the site security measures.
32. The contractor shall be responsible for the construction of the site accessibility measures.
33. The contractor shall be responsible for the construction of the site sustainability measures.
34. The contractor shall be responsible for the construction of the site resilience measures.
35. The contractor shall be responsible for the construction of the site disaster preparedness measures.
36. The contractor shall be responsible for the construction of the site emergency response measures.
37. The contractor shall be responsible for the construction of the site recovery measures.
38. The contractor shall be responsible for the construction of the site mitigation measures.
39. The contractor shall be responsible for the construction of the site adaptation measures.
40. The contractor shall be responsible for the construction of the site prevention measures.
41. The contractor shall be responsible for the construction of the site protection measures.
42. The contractor shall be responsible for the construction of the site restoration measures.
43. The contractor shall be responsible for the construction of the site rehabilitation measures.
44. The contractor shall be responsible for the construction of the site enhancement measures.
45. The contractor shall be responsible for the construction of the site improvement measures.
46. The contractor shall be responsible for the construction of the site upgrade measures.
47. The contractor shall be responsible for the construction of the site modernization measures.
48. The contractor shall be responsible for the construction of the site renovation measures.
49. The contractor shall be responsible for the construction of the site remodeling measures.
50. The contractor shall be responsible for the construction of the site reconstruction measures.

1st Floor

2nd Floor

← Seashore Dr. →

COASTAL COMMISSION

5-96-100
Plans/Elevations

EXHIBIT # C

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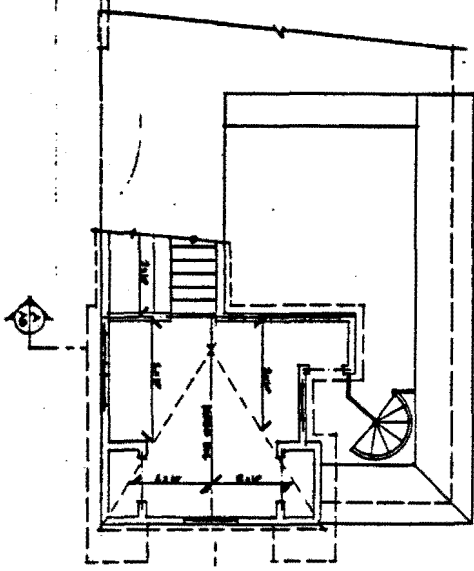
A-4		<p>FIRST & SECOND FLOOR PLANS</p> <p>BRION & JEANNETTE & ASSOCIATES/ INC. ARCHITECTS/PLANNERS</p>	<p>REICH RESIDENCE</p> <p>4609 SEASHORE DR. NEWPORT BEACH, CA.</p>
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5-96-100
 COASTAL COMMISSION
 Plans/Elevations

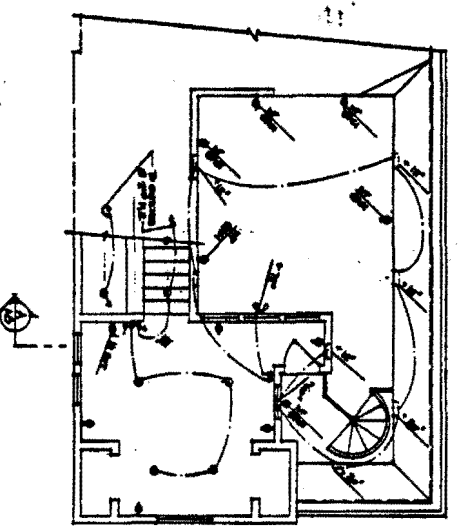
EXHIBIT # C

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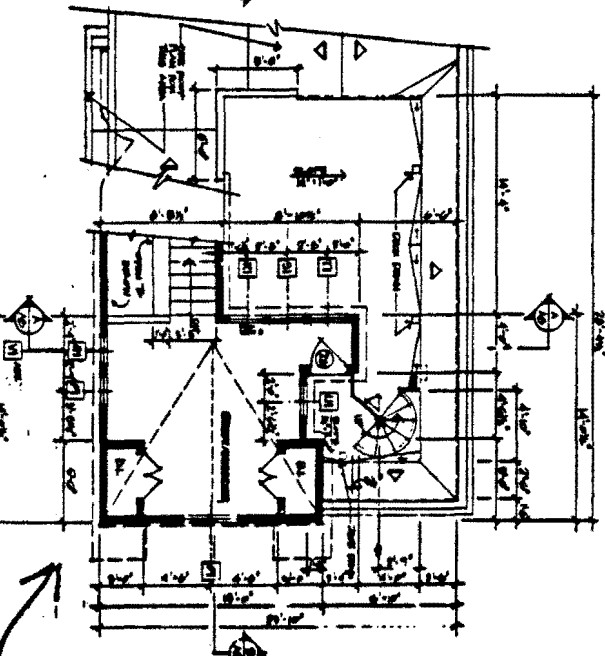
LOFT ROOF FRAMING PLAN



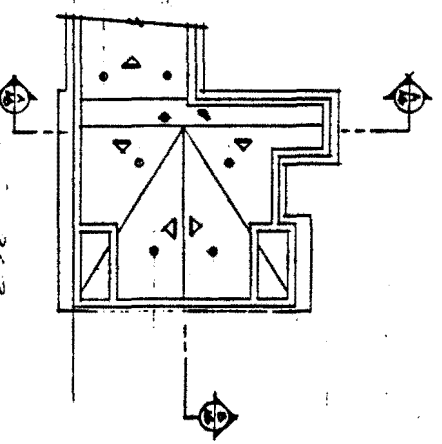
LOFT ELECTRICAL PLAN



LOFT FLOOR PLAN



LOFT REFLECTED CEILING PLAN



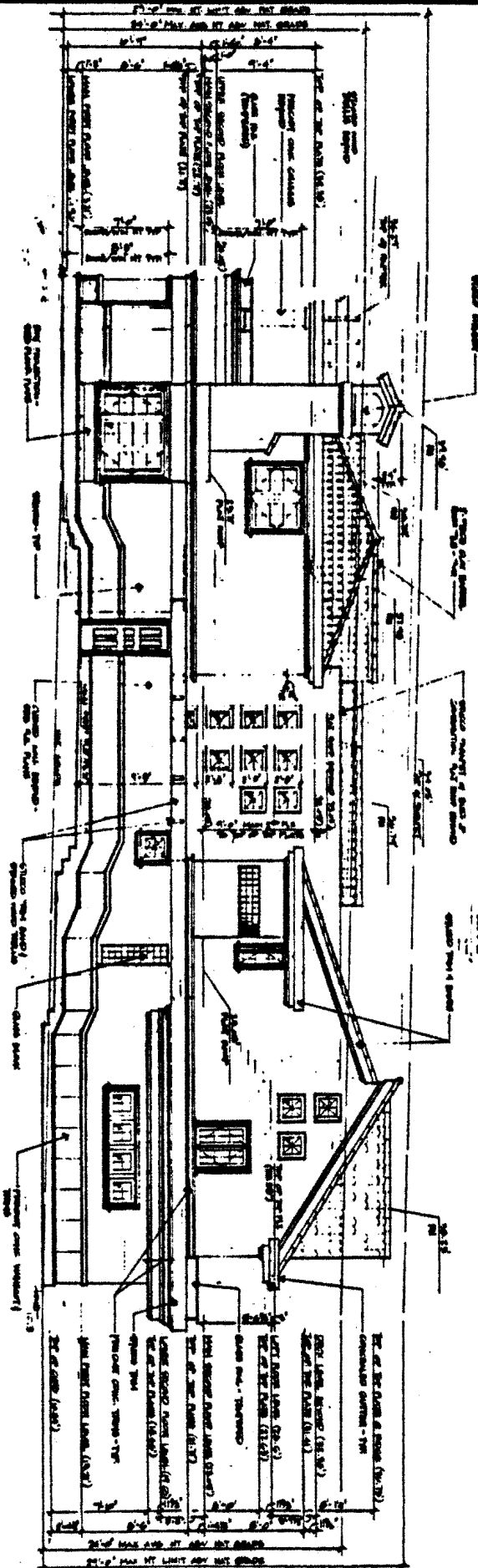
3rd Floor/Loft plan
 & roof deck



← Beach (Ocean Front)

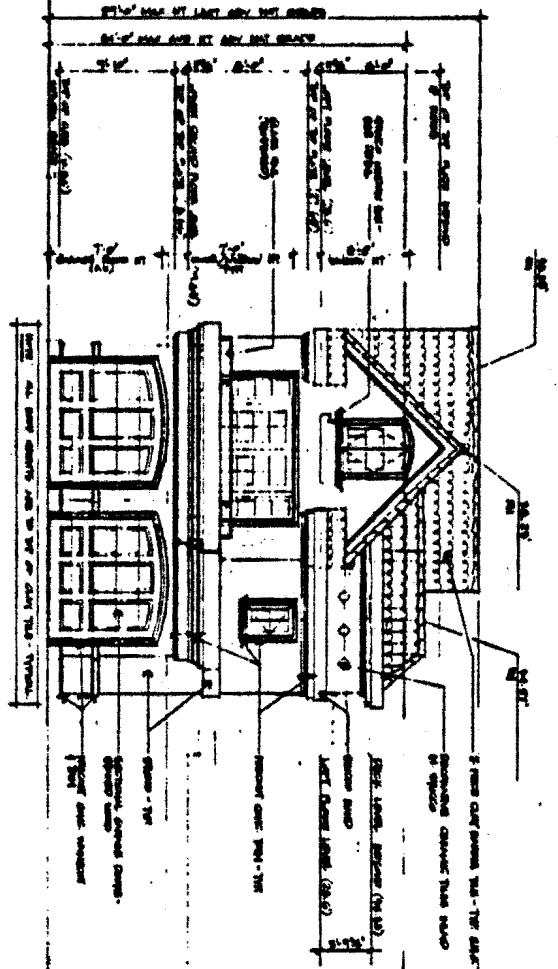
→ Street (Seashore)

SOUTHEAST ELEVATION



View from Street (Seashore Drive)

NORTHEAST ELEVATION



5-96-100
COASTAL COMMISSION
Plans/Elevations

EXHIBIT # C

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EXTERIOR ELEVATIONS

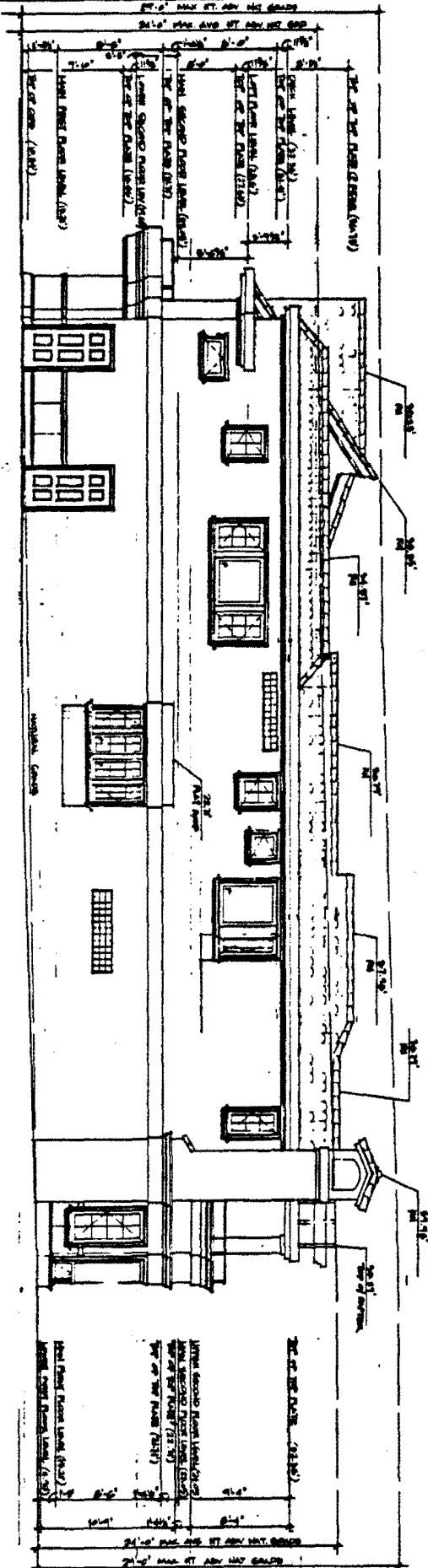
BRION & JEANNETTE & ASSOCIATES/ INC.
ARCHITECTS/
PLANNERS

REICH RESIDENCE
4609 SEASHORE DR.
NEWPORT BEACH, CA.

← Street (Seashore)

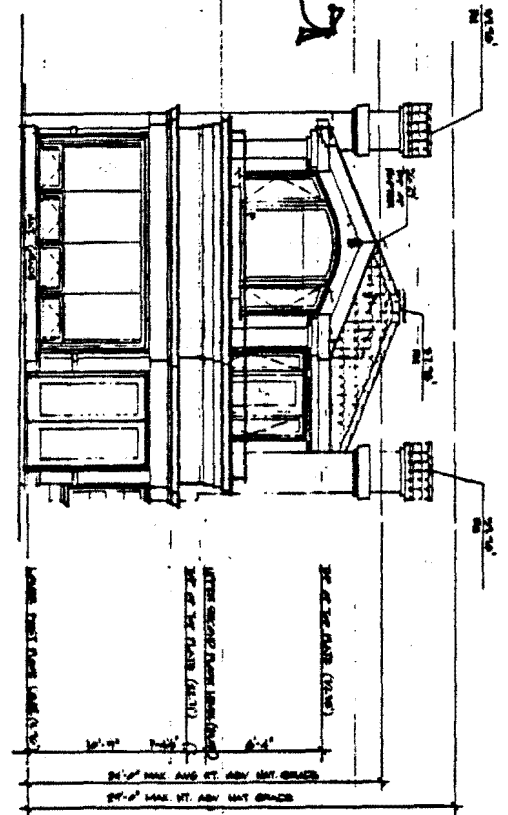
beach (ocean front) →

NORTHWEST ELEVATION



View from beach

SOUTHWEST ELEVATION



5-96-100
COASTAL COMMISSION
Plans/Elevations

EXHIBIT # C
PAGE 6 OF 6

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EXTERIOR ELEVATIONS

BRION & JEANNETTE & ASSOCIATES, INC.
ARCHITECTS / PLANNERS
10151
10151

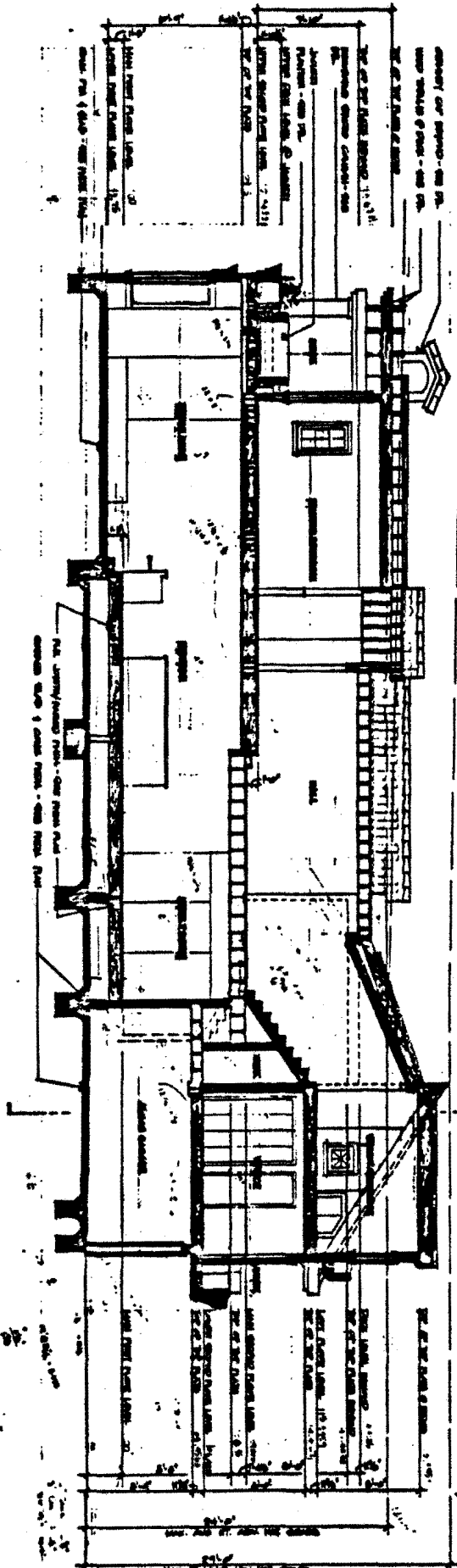
REICH RESIDENCE
4609 SEASHORE DR.
NEWPORT BEACH, CA.

Cross-sections

5-96-100
 COASTAL COMMISSION
 Plans/Elevations

EXHIBIT # C
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SECTION B



SECTION A

