

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 12/17/96
 49th Day: 2/4/97
 180th Day: 6/15/97
 Staff: MV-LB
 Staff Report: 1/16/97
 Hearing Date: 2/4-7/97
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-272

APPLICANT: 701 Lido Park Partnership

AGENT: Jay Evarts

PROJECT LOCATION: 613 Lido Park Drive, Newport Beach, Orange County

PROJECT DESCRIPTION:

Construction of a 4,132 square foot, two story, 30 foot maximum height, single family residence with an attached 788 square foot, 3-car garage.

Lot area:	4950 square feet
Building coverage:	2779 square feet
Pavement coverage:	1511 square feet
Landscape coverage:	490 square feet
Parking spaces:	3
Zoning:	Multi-Family Residential
Plan designation:	Single Family Attached
Ht abv fin grade:	30 feet

LOCAL APPROVALS RECEIVED:

City of Newport Beach Approval in Concept No. 1924-96

SUBSTANTIVE FILE DOCUMENTS:

City of Newport Beach certified Land Use Plan;
 Coastal Development Permit No. 5-96-192 (701 Lido Park Partnership); Coastal Development Permit No. 5-92-250 (701 Lido Park Partnership); and Coastal Development Permit No. 5-92-251 (Lido Park Partnership).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project as submitted.

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 on which the Commission voted on the application. 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 proposes to construct a 4,132 square foot, two story, 30 foot maximum height, single family residence with an attached 788 square foot, 3-car garage. The subject site is located between the sea and the first public road on the Balboa Peninsula. The site fronts on the West Lido Channel of Lower Newport Bay. Private boat docks and ramps exist seaward of the bulkhead. No usable sandy beach area exists adjacent to the site. No development is proposed seaward of the bulkhead.

The certified land use designation at the subject site is single family attached residential. The lots on either side of the subject site are designated and developed as single family attached residential. On November 14, 1996, the Commission approved coastal development permit 5-96-192. Coastal development permit 5-96-192 allowed the demolition of a 30 unit hotel and subdivision of the two underlying lots into a total of four lots. The subject project is proposed on one of the four lots created under coastal development permit 5-96-192.

B. Public Access

Section 30212(a)(2) of the Coastal Act states:

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, ...

Public access (both lateral and vertical) to the bayfront is not available on the subject site nor on the adjacent residential lots. Section 30212(a)(2) of the Coastal Act allows for new development without the provision of public access if the proposed project does not create an adverse impact on existing access and when adequate access exists nearby. Public access to the bayfront has not historically been available on the subject site nor on the adjacent bayfront residential lots. Public access in the subject area is available along the Rhine channel from Lafayette Avenue and along Lido Park Drive. Public access to the bay is also available north of the site at Lido Village. In addition, public access exists across the Via Lido bridge. A small public park exists at the west end of the Via Lido bridge. The certified Land Use Plan cites 36 street end access points to lower Newport Bay on the Balboa Peninsula. Public access to the ocean side of the Balboa Peninsula extends for the length of the peninsula.

Section 30604(c) of the Coastal Act requires that the findings for projects between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. Public access and recreation opportunities exist nearby. Additionally, the proposed project does not adversely impact existing public access. Therefore, the Commission finds that the proposed development is consistent with Section 30212 of the Coastal Act as the proposed development would not create adverse impacts on public access and public access exists nearby.

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 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as proposed is consistent with the Chapter 3 policies of the Coastal Act. 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).

D. 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 located between the sea and the first public road. The project is proposed in an existing urbanized area. All utilities exist to serve the subject site. The proposed development will not have a significant impact on the environment. This development will not result in adverse impacts to coastal access or resources. The proposed development is consistent with the Chapter 3 policies of the Coastal Act. The project as proposed 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.

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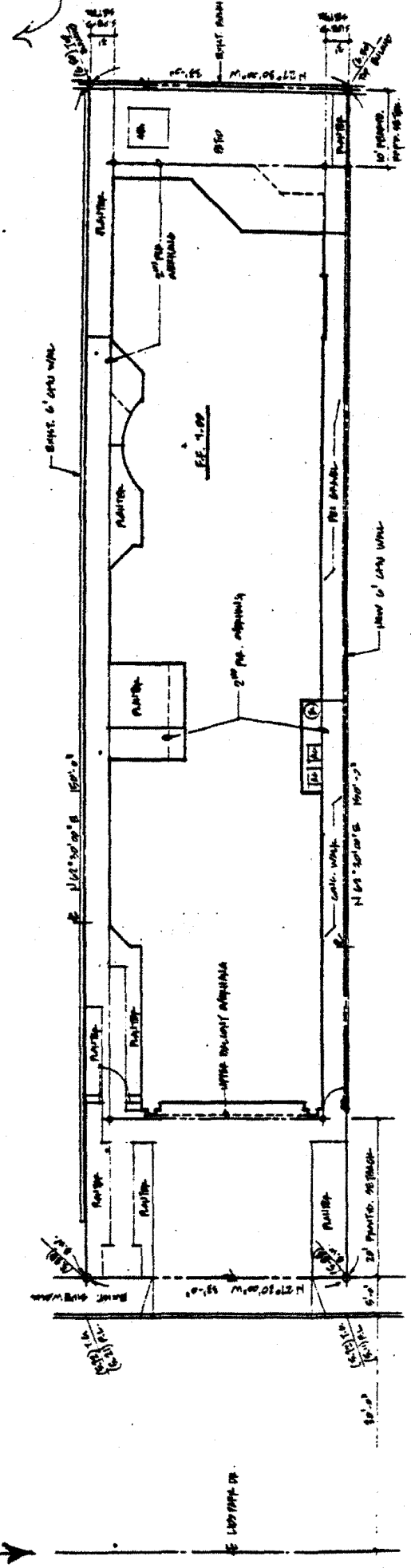


PACIFIC COASTAL COMMISSION
5-96-272
Vicinity Map
EXHIBIT # A
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5-96-272
RECEIVED
SITE

DEC 17 1990
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

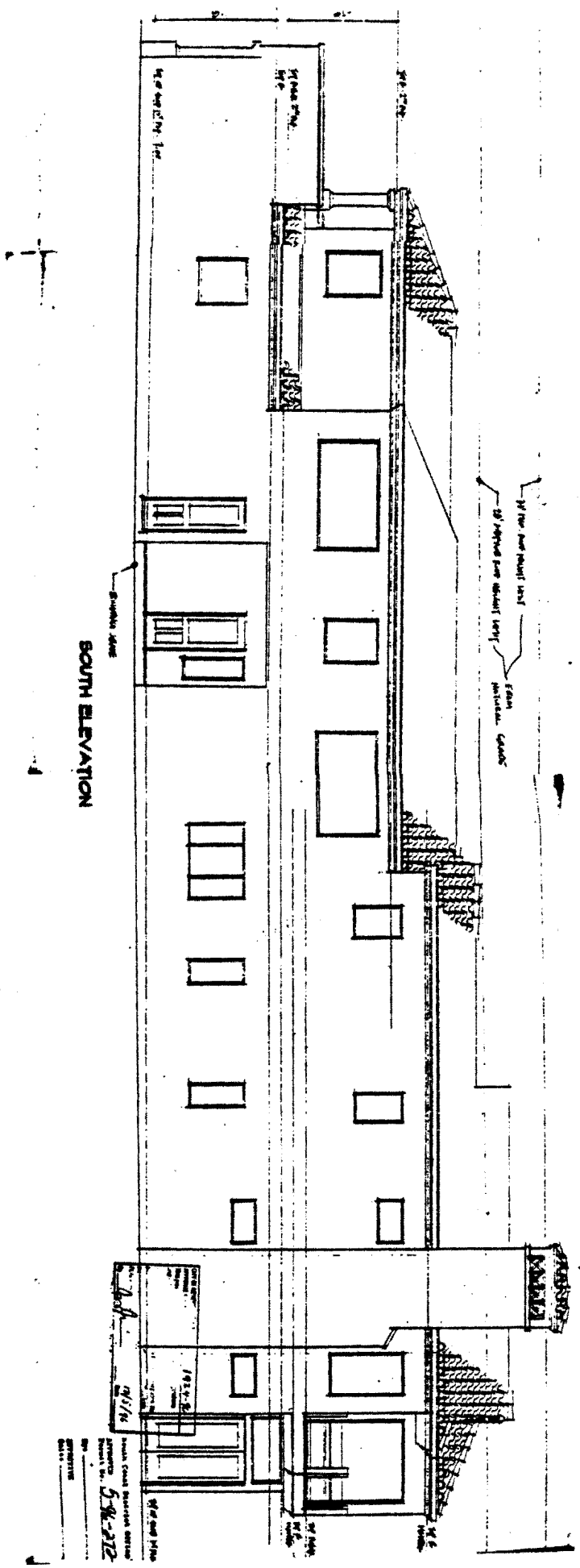
Newport Harbor



SITE PLAN
April 1971

COASTAL COMMISSION
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 Site Plan
 EXHIBIT # B
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Lido Park Dr.
 centerline →

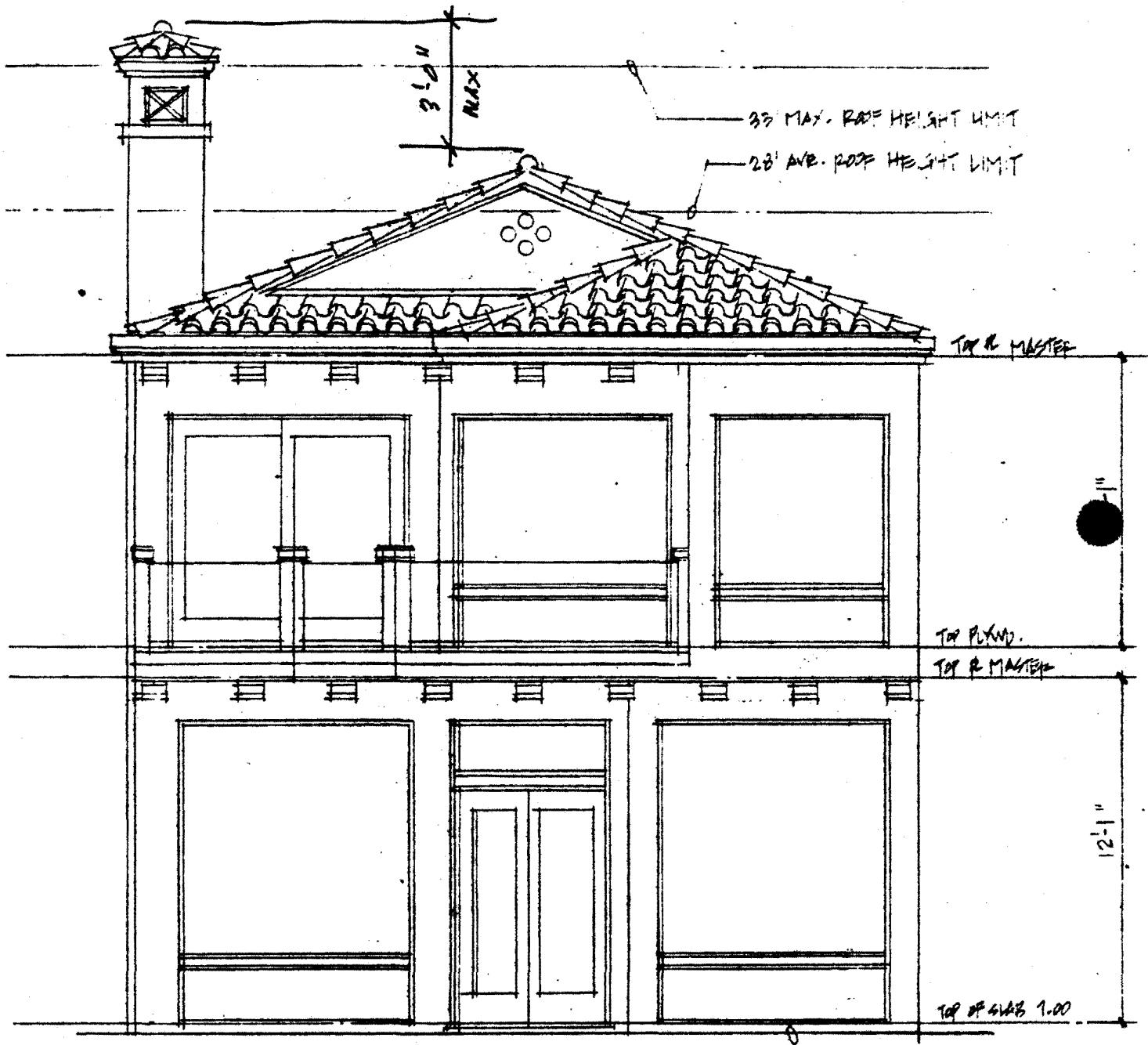


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South Elevation

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 East Elevation
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EAST ELEVATION

EXIST. GRADE & REAR SETBACK