

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(62) 590-5071

Filed: August 20, 1998
49th Day: October 8, 1998
180th Day: February 16, 1999
Staff: KS-LB
Staff Report: September 4, 1998
Hearing Date: October 13, 1998
Commission Action:

**ADMINISTRATIVE PERMIT**

APPLICATION NUMBER: 5-98-312

APPLICANT: WMC Development

PROJECT DESCRIPTION: Demolition of an existing single family dwelling. Construction of a 2,558 sq. ft. single family dwelling with an attached, 433 sq. ft., 2-space garage.

PROJECT LOCATION: 619 Via Lido Soud, City of Newport Beach, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following meeting time and place:

Tuesday, October 13, 1998 at 10:00 a.m.
City of Oceanside, City Council Chambers
300 North Coast Highway, Oceanside
(760) 966-8732

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Section 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Karl Schwing
Title: Coastal Program Analyst

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:A. Project Description

The applicant proposes to demolish and replace an existing two-story 2,700 square foot single-family residence. The proposed new single-family residence will be a two-story, 24 foot tall, 2,558 square foot dwelling with an attached, 433 square foot, 2-space garage.

The proposed project site is located on the bayfront side of Via Lido Soud on Lido Isle within the City of Newport Beach. Via Lido Soud is the first public road paralleling the sea. Vertical public access to the bay is provided locally at Via Orvieto, 210 feet to the west of the proposed project site, and at Via San Remo, 390 feet to the east. Lido Isle is an urban, residential area with single and two family dwellings. Recreational and environmental open spaces, including urban parks and walkways, provide public access to the bayfront throughout the Isle.

B. Application Information Requirements

Section 30601.5 of the Coastal Act states in part:

Where the applicant...is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as co-applicant...In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Section 13053.5 of the California Code of Regulations states in part:

The permit application form shall require at least the following items: (b) A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved...

Section IV of the *Application for Coastal Development Permit* states in part:

Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit...is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.

The applicant has submitted a residential purchase agreement and receipt for deposit as proof of legal interest. The administrative regulations allowed this agency to accept the application for review based on this information. However, evidence that the sale has been completed was not submitted with the application. Therefore, a special condition has been made a part

of this permit which requires the applicant to supply proof the sale has been completed prior to authorization to proceed.

C. Public Access

Section 30212 (a) of the Coastal Act states in part:

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.

Adequate vertical public access exists to the west and east of the proposed project site.

D. Development

Section 30250 (a) of the Coastal Act states in part:

New residential...shall be located within, contiguous with or in close proximity to existing developed areas able to accommodate it...

The proposed project will occur within an existing residential community and will consist of the demolition and reconstruction of a single-family dwelling. In addition, the proposed project is compatible with existing development and consistent with previous Commission action.

E. Local Coastal Program

Section 30604 (a) of the Coastal Act states in part:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).

The Commission effectively certified the Land Use Plan (LUP) element of the City of Newport Beach's Local Coastal Program on May 18, 1982. The certified LUP contains policies to guide the types, locations and intensity of development within the City of Newport Beach coastal zone. These policies, as certified, are consistent with Chapter 3 of the Coastal Act. The proposed project conforms with the certified LUP.

As proposed, the project will not adversely impact coastal resources or access. The Executive Director, therefore, determines that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604 (a).

F. CEQA

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) (A) 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 effects which the activity may have on the environment.

There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the Executive Director determines that the proposed project is consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

Prior to authorization to proceed with development the applicant shall provide evidence satisfactory to the Executive Director that the pending property sale has been completed and that the applicant has legal interest in the subject property.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

SITE VICINITY MAP

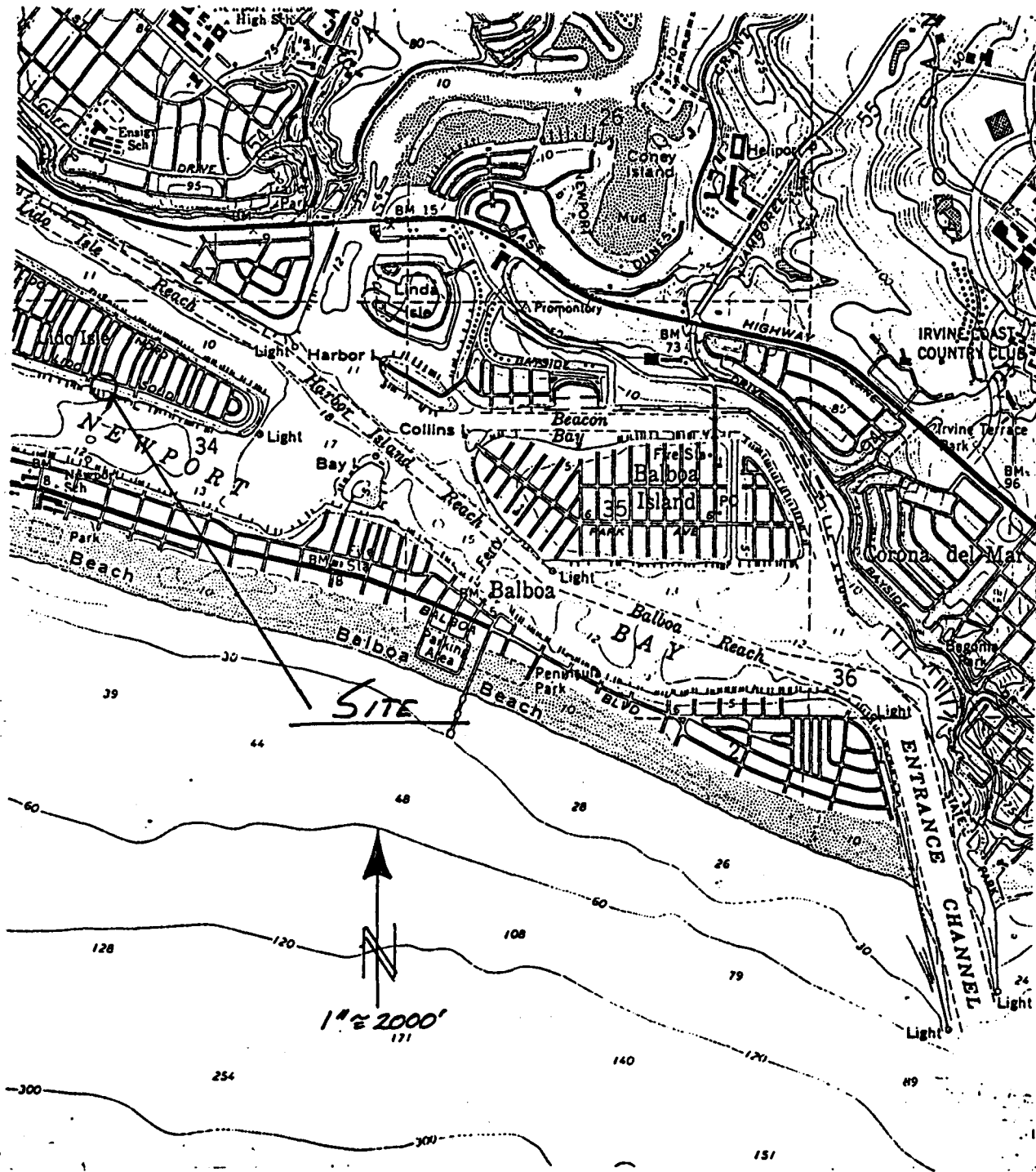


Figure 1

STRATA-TECH, INC.

GEOTECHNICAL CONSULTANTS

W.O. 120798

EXHIBIT No. 1

Application Number:

5-98-312

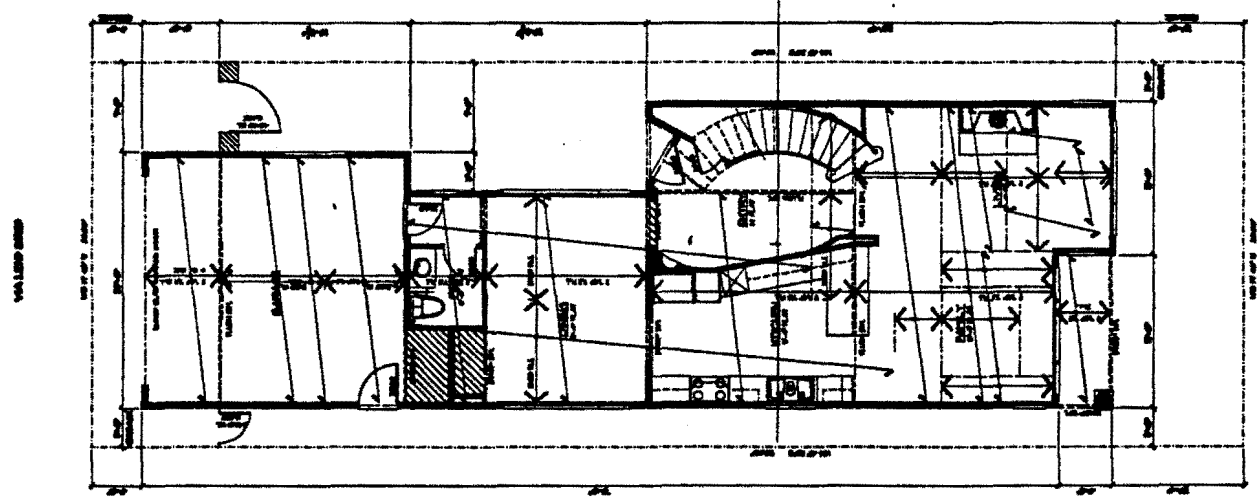
California Coastal
Commission

SITE / FLOOR PLANS

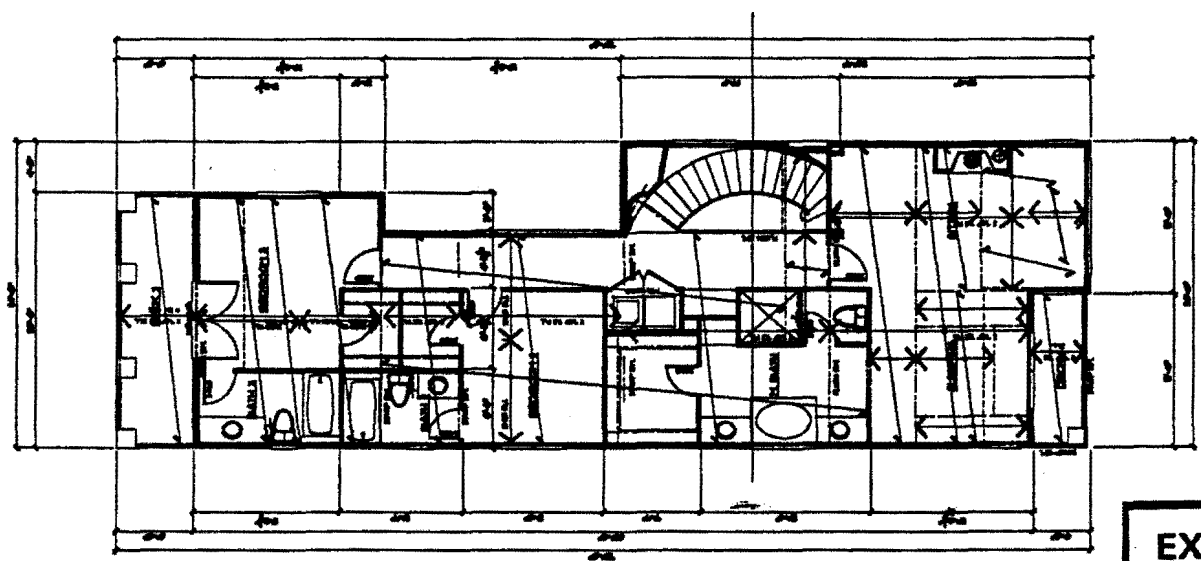
- NOTES
- 1. EXISTING CONDITIONS TO BE MAINTAINED PERMITTED TO REMAIN.
 - 2. EXISTING MAINTAINED EXISTING PERMITTED TO REMAIN.
 - 3. EXISTING MAINTAINED EXISTING PERMITTED TO REMAIN.
 - 4. EXISTING MAINTAINED EXISTING PERMITTED TO REMAIN.

LOT AREA:	2700 S.F.
1ST FLOOR:	1121 S.F.
2ND FLOOR:	1437 S.F.
GARAGE:	433 S.F.
TOTAL:	2991 S.F.
ALLOWABLE S.F.	3700.8 S.F.
(17 X BUILDABLE)	

VICINITY MAP



SITE / FIRST FLOOR



SECOND FLOOR