

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

RECORD PACKET COPY



Filed: 09-25-98
49th Day: 11-13-98
180th Day: 03-24-99
Staff: RMR/LB RNR
Staff Report: 11-17-98
Hearing Date: 12/8-11/98
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.: 5-98-401****APPLICANT:** ETCO Development **AGENT:** Afshin Etebar**PROJECT LOCATION:** 328 Narcissus, Corona del Mar, Orange County**PROJECT DESCRIPTION:** Subdivision of an existing 60 foot by 118 foot lot into two 30 foot by 118 foot lots. No grading or construction is proposed with this application.**LOCAL APPROVALS RECEIVED:** Approval in Concept from the City of Newport Beach**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan, Coastal Commission Categorical Exclusion Order E-77, City of Newport Beach Categorical Exclusion Orders 65-98 and 66-98

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development. There are no special conditions.

STAFF NOTE:

The proposed development is located in the Categorical Exclusion Order area of Newport Beach. This application is before the Commission because subdivisions are not included in the Categorical Exclusion Order. Therefore, if the Commission approves the subdivision permit, no permits are required from the Commission for demolition or construction of single-family residences.

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 will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse effects 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.

None

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to subdivide an existing 60 foot by 118 foot lot into two 30 foot by 118 foot lots. No grading, demolition or construction is proposed with this application. There is an existing single-family residence across on the lot. The City of Newport Beach staff report to the Planning Commission documents the history of this site. The lots were subdivided in 1904 into 2 lots as part of a larger residential subdivision. In 1974 the site was resubdivided to one lot for the construction of a single-family dwelling. Now the applicant wants to split the one lot back into two lots.

The proposed development is located at 328 Narcissus in the community of Corona del Mar. The project site is located over 1,000 feet inland of the beach, adjacent to Pacific Coast Highway (see Exhibit 1).

The application is for subdivision only. The demolition of the existing single-family residence and the future construction of residences on the individual lots are categorically excluded.

B. New Development

Section 30250 of the Coastal Act states in part..

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30610(e) of the Coastal Act states:

e. Any category of development, or any category of development within a specifically defined geographic area, that the Commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the Commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

Section 30610.5(b) states:

(b) Every exclusion granted under subdivision (a) of this section and subdivision of (e) Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.

On June 14, 1977 the Commission approved Categorical Exclusion Order E-77 for the City of Newport Beach. The Exclusion Order became effective on September 23, 1977. The City has only a certified land use plan, therefore the Exclusion Order is still in effect. The Exclusion order applies to:

...the demolition and/or construction of all single-family and 2-family residences and their appurtenant facilities in the R-1, R-1.5, R-2, R-3 and 4-4 zoned districts of the city within the coastal zone. This request does not include the first row of lots adjacent to the beach, bay or wetlands, nor is it proposed to apply to the major undeveloped residential sites, PC zones or "locked gate" communities in the city.

The exclusions shall apply only to the following areas: Balboa Island, Balboa Peninsula, Cameo Highlands, Cameo Shores, Corona del Mar, Corona Highlands, Irvine Terrace, Lido Island, Shorecliffs, Upper Bay and West Newport.

South Coast District Staff received two Categorical Exclusion Orders from the City of Newport Beach for the construction of single family residences at 326 and 328 Narcissus Avenue in Corona del Mar. These orders were received on August 13, 1998 and are included as Exhibits 4 and 5. However, these Categorical Exclusion Orders are contingent upon the applicant obtaining approval from the Coastal Commission for the subdivision.

The project site is not adjacent to the beach, bay or wetlands, is not a major undeveloped residential site and is not in a PC zone or "locked gate" community. However, an exception was required at the local level for this subdivision because the current zoning code requires that R-1 and R-2 lots must be 50 feet wide and at least 5,000 square feet. The proposed site, when subdivided, would consist of two 30 foot wide, 3,540 square foot lots. The Planning Commission approved the exception because the development is essentially a re-subdivision and because the configuration of the new lots is consistent with the configuration of the adjoining lots. (see Exhibits 2 and 3)

The resubdivision permit for the development required in Condition 12 that the applicant obtain the approval of the Coastal Commission prior to recordation of the parcel map. In

its findings of approval the Planning Commission of the City of Newport Beach stated that:

...the proposed lot widths and sizes are compatible with the surrounding area and the same size as the lots of the underlying subdivision (30 x 118 lots, or 3,540 sq. ft.) when the Eastside Addition to the Newport Beach Tract was established.

An assessor's parcel map showing the project site and surrounding lots is included as Exhibit 2.

Finally, in the findings for the approval the Planning Commission stated:

That the granting of the exception will not be detrimental to the public welfare or injurious to other properties in the vicinity since the proposed single-family development is comparable and compatible to the surrounding development than the existing condition...

The Planning Commission also found that the development was consistent with the General Plan and the Local Coastal Program Land Use Plan because the lots are designated for single-family development, a permitted use.

The project site is designated as Low Density Residential in the certified land use plan. The proposed development is consistent with the land use designation, the configuration of the adjoining lots and with the pattern of development in the area. The development is not located on the beach, coastal bluff or environmentally sensitive resource area. The subdivision is consistent with section 30250 of the Coastal Act because the project is in an existing residential area, is consistent with the pattern of development and will not have any adverse impacts on coastal resources. Therefore, the Commission finds that the proposed development will pose no significant adverse impacts to coastal resources identified in Chapter 3 of the Coastal Act and is consistent with Section 30250 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 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the ability of the City of Newport Beach to prepare a Local Coastal Program [Implementation Plan] that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

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 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 effect which the activity may have on the environment.

The proposed project has been found consistent with the new development policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

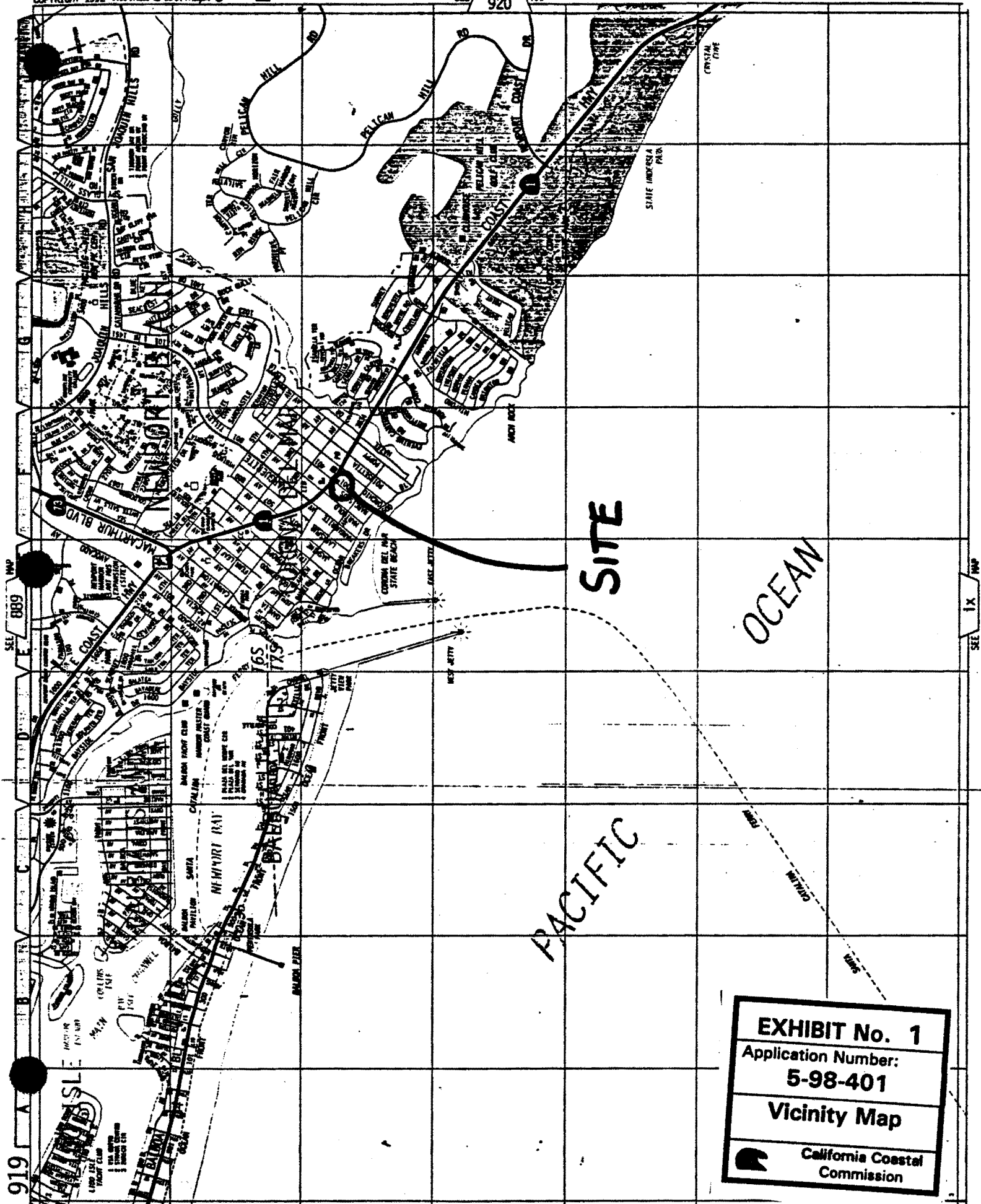


EXHIBIT No. 1

Application Number:

5-98-401

Vicinity Map



**California Coastal
Commission**

6541

IN THE CITY OF NEWPORT BEACH,
ORANGE COUNTY, CALIFORNIA.
SURVEY BY WILLIAM R. HAYNES, LS 3120

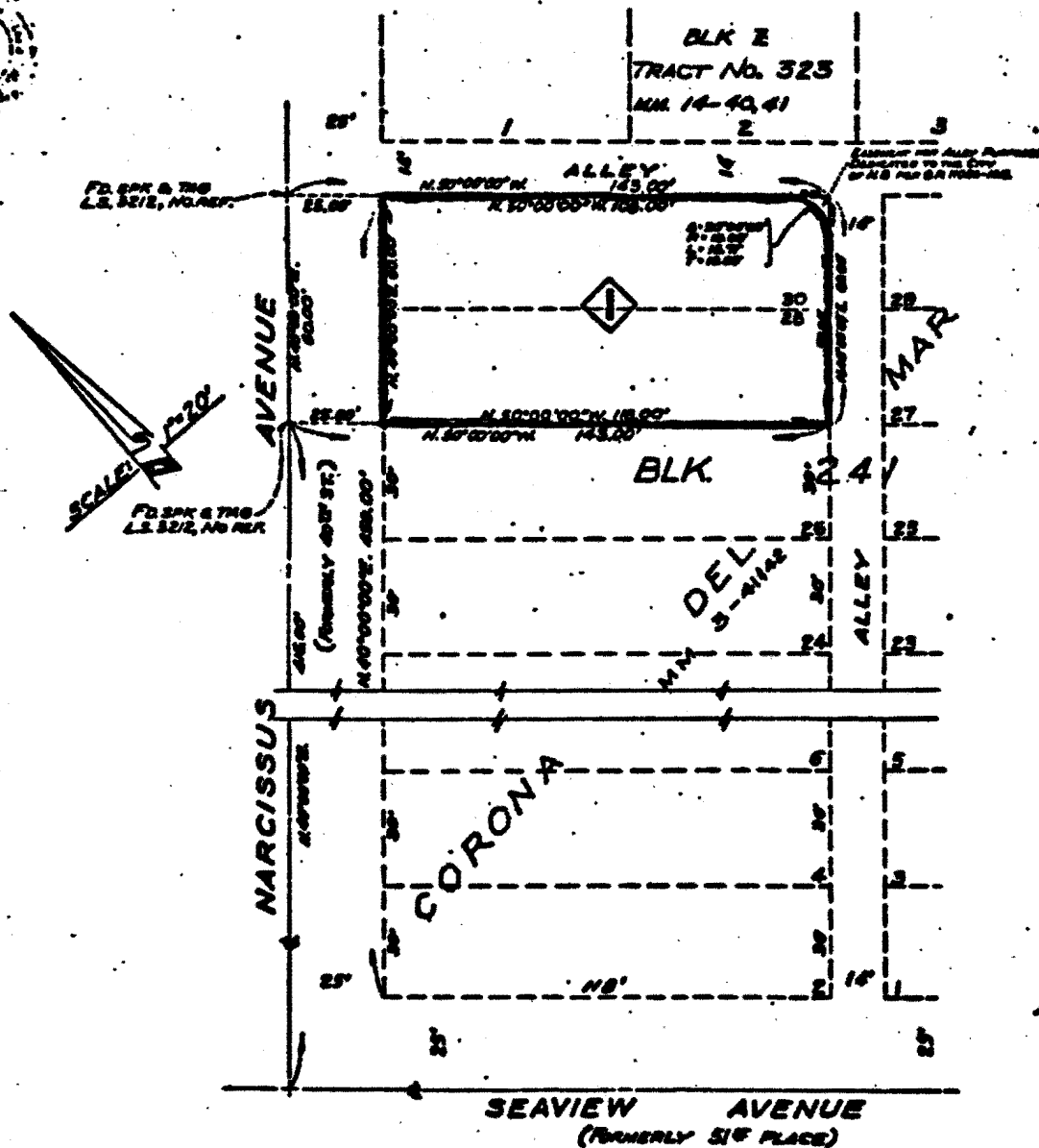
This map was prepared by me or under my direction and was compiled from record data in conformance with the requirements of the Subdivision Map Act of the request of Mrs. EUGENE BOERD in DECEMBER, 1973, thereby certify that it conforms to the approved tentative map and conditions of approval thereof and that all provisions of applicable state law and local ordinances have been complied with.

This map has been examined this 28th day of MARCH 1974 in conformance with the requirements of Section 1157 of the Subdivision Map Act.

William J. Rahn
 Planning & Survey
 CITY ENGINEER

Attest: William R. Myer
William R. Myer, Clerk

Examined and approved this 4th day of April 1974
 L. McDEVILLE by Lawrence J. Bacon
 County Surrogate Notary Public



DESCRIPTION

**LOTS 28 AND 30, BLOCK 241, MAP OF
CORONA DEL MAR, M.M. 3-2162,
RECORDS OF ORANGE COUNTY,
CALIFORNIA.**

NOTES:

2. ALL DATA SHOWN HEREON ARE RECORD
OR CALCULATED FROM AN
MAP OF CORONA DEL MAR
RECORDS OF ORANGE C
CALIFORNIA.
2. THE PURPOSE OF THIS PLAN
TO COMBINE THE SEASTING
ONE NEW PARCEL.
- EXHIBIT**
Application
 for
 Survey

EXHIBIT No. 2

Application Number:

5-98-401

Site Map

**California Coastal
Commission**

First American Title Insurance Company

THIS MAP IS FOR INFORMATION ONLY AND IS NOT A PART OF THIS TITLE EVIDENCE

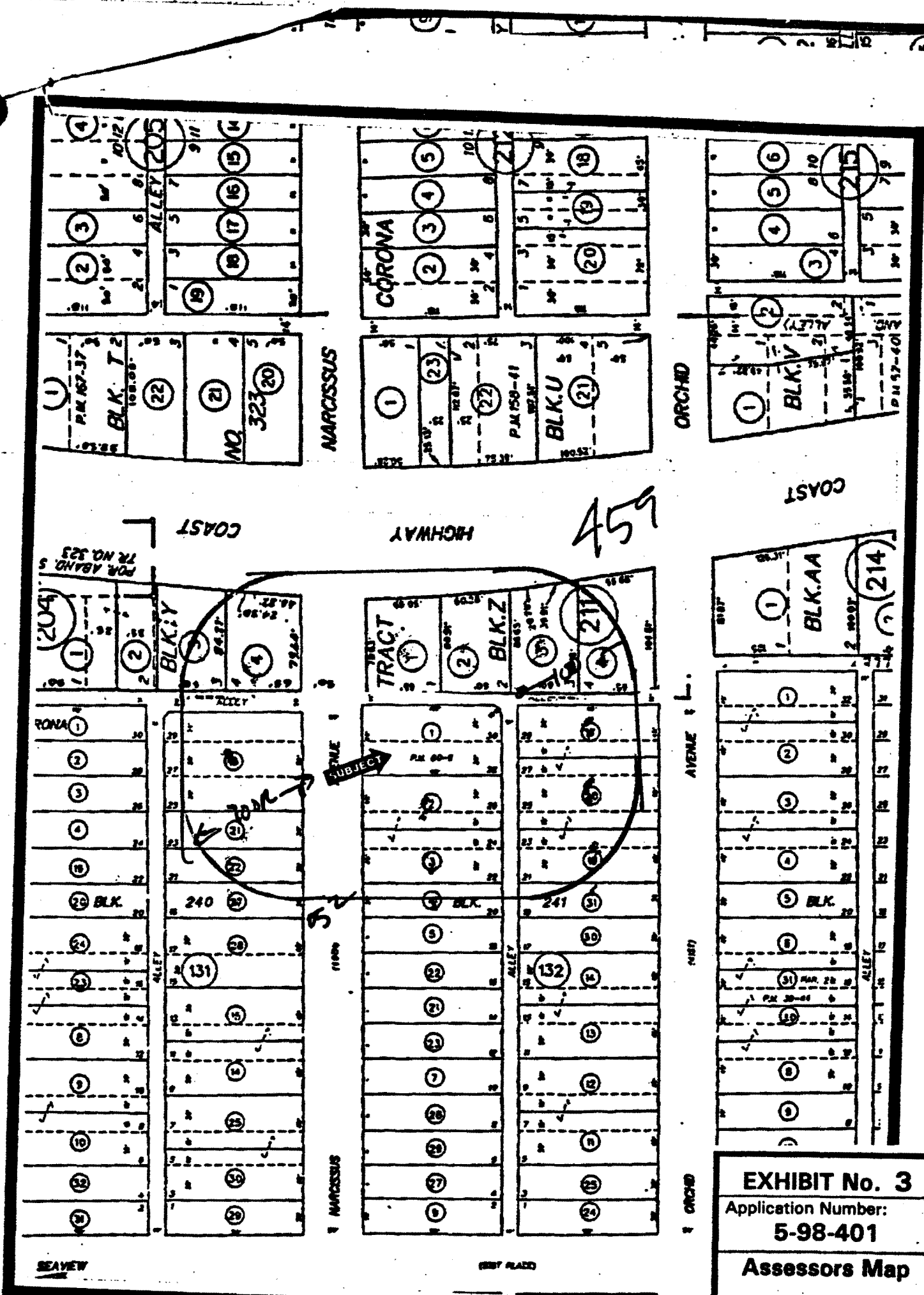


EXHIBIT No. 3
 Application Number:
5-98-401
Assessors Map
 California Coastal

CATEGORICAL EXCLUSION ORDER
CITY OF NEWPORT BEACH
PLANNING DEPARTMENT
(714) 644-3200

RECEIVED
AUG 13 1998



Plan Check No. 1198-98
C.E.O. No. 65-98

CALIFORNIA
COASTAL COMMISSION

NOTICE OF INTENT TO ISSUE BUILDING PERMIT
PURSUANT TO CATEGORICAL EXCLUSION ORDER E-77-5
FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS

Building Address 328 Narcissus Ave
Lot No. 30 Block 241 Tract Coronado del Mar
Owner's Name Etco Hones
Address 328 Narcissus Ave City Coronado del Mar 92625

Building Type: Single Family X Duplex _____
Type of Work: New X Addition _____ Alter _____ Demo X

Work Description demo & rebuild single family residence

Zoning District: R-1 Lot Area: 3540 ft Parking per Dwelling Unit: 2

Lot Coverage (calculated in accordance with the South Coast Regional Commission's "1.5 Lot Coverage Criteria"): 1.5 times Buildable Area.

This project has been reviewed and found to be in conformance with the terms and conditions of Categorical Exclusion Order E-77-5 and all other applicable provisions of the City's Zoning Ordinance (Title 20) of the Municipal Code.

This exclusion order will become effective ten (10) days after the date of issuance, therefore no construction shall commence during this 10 day review period.

Contact Person Marina Marcelli
Signature: Marina Marcelli

Title: Assistant
Date Issued: 8-3
Effective Date: 8-13

EXHIBIT No. <u>4</u>
Application Number 5-98-401
Exclusion Order
California Coastal Commission

CATEGORICAL EXCLUSION ORDER
CITY OF NEWPORT BEACH
PLANNING DEPARTMENT
(714) 644-3200

RECEIVED
AUG 13 1998



Plan Check No. 1196-98
C.E.O. No. 66-98

CALIFORNIA
COASTAL COMMISSION

NOTICE OF INTENT TO ISSUE BUILDING PERMIT
PURSUANT TO CATEGORICAL EXCLUSION ORDER E-77-5
FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS

Building Address 326 Narcissus Avenue

Lot No. 28 Block 241 Tract Corona del Mar

Owner's Name Etco Homes

Address 328 Narcissus Ave City Corona del Mar

92625

Building Type: Single Family X Duplex

Type of Work: New X Addition Alter Demo

Work Description new single fam. residence

Zoning District: R-1 Lot Area: 3540 sq ft Parking per Dwelling Unit: 2

Lot Coverage (calculated in accordance with the South Coast Regional Commission's "1.5 Lot Coverage Criteria"): 1.5 times Buildable Area.

This project has been reviewed and found to be in conformance with the terms and conditions of Categorical Exclusion Order E-77-5 and all other applicable provisions of the City's Zoning Ordinance (Title 20) of the Municipal Code.

This exclusion order will become effective ten (10) days after the date of issuance, therefore no construction shall commence during this 10 day review period.

Contact Person: Maria Marcelli

Title: ASSIST

Signature: Maria E. Marcelli

Date Issued: 8

Effective Date: 8

EXHIBIT No. 5

Application Number:

5-98-401

Exclusion Order

California Coastal
Commission