

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Newport Beach, CA 90802-4302  
(2) 590-5071

W 209  
 Filed: 12/4/98  
 49<sup>th</sup> Day: 1/22/99  
 180<sup>th</sup> Day: 6/2/99  
 Staff: MV-LR  
 Staff Report: 1/6/99  
 Hearing Date: 2/2-5/99  
 Commission Action:

Staff Report: Regular Calendar

**Application No.:** 5-98-487

**APPLICANT:** Wilbur Leroy Lankford, Trustee  
Lankford Family Trust

**AGENT:** Frank E. Mosher, Architect

**PROJECT LOCATION:** 315 Larkspur Avenue, Corona del Mar (Newport Beach)  
Orange County

**PROJECT DESCRIPTION:** Remodel and addition to the front unit of an existing two-unit residential complex. The front unit is currently one story and 1074 square feet. It is proposed to be expanded to 1568 square feet at the first floor. The proposed project also includes the addition of a new 686 square foot new second story to the front unit. The resulting two-story structure will be 25 feet high and will total 2254 square feet. The second unit on site consists of a 735 square foot apartment above a two-car garage. No change is proposed to the garage or apartment. The two existing parking spaces will remain. No new parking is proposed.

Lot Area: 4130 square feet  
 Building Coverage: 2111 square feet  
 Pavement Coverage: 1128 square feet  
 Landscape Coverage: 891 square feet  
 Parking Spaces: 2 spaces  
 Zoning : R-2  
 Plan Designation: Two-Family Residential  
 Ht above final grade: 25 feet

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval in Concept No. 2214-98; Modification Permit No. 4809, City of Newport Beach.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit No. 5-93-050 (Ursini); City of Newport Beach certified Land Use Plan

**SUMMARY OF STAFF RECOMMENDATION:**

The issue for the Commission to resolve through this staff report is at what point partial removal of a structure is considered demolition. If a structure is demolished, the replacement is considered new development and is generally required to meet current standards. In this case the applicable new standard would be provision of four parking spaces rather than the two spaces proposed. The proposed project includes demolition of 40% of the existing development and so does not constitute new development. Staff is recommending approval with one special condition requiring a coastal development permit or amendment when future development occurs on the site. The applicant agrees with the staff recommendation.

**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, 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 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.

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. Future Development

This coastal development permit 5-98-487 approves only the development, as expressly described and conditioned herein, to the existing two unit residential complex and garage located at 315 Larkspur Avenue, Corona del Mar, (City of Newport Beach). Any future development to the two unit residential complex or garage, such as a change in the intensity of use (including a change in the physical number of residential units or a change in the number of parking spaces) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. Project Description and Location**

The applicant proposes to remodel and add to the front unit of an existing two-unit residential complex. The front unit is currently one story and 1074 square feet. It is proposed to be expanded to 1568 square feet at the first floor. The proposed project also includes the addition of a new 686 square foot second story. The resulting two-story structure will be 25 feet high and will total 2254 square feet. The second unit on site is a 735 square foot apartment above a two-car garage. The rear unit and the front unit share a single wall (see exhibit C). The forward wall of the second floor apartment is supported by the rear wall of the ground floor front unit. No change is proposed to the garage or apartment. The two existing parking spaces will remain. No new parking is proposed.

The subject site is located in the Corona del Mar area of the City of Newport Beach (see exhibit A). The City has a certified Land Use Plan. The land use designation at the subject site is Two-Family Residential. The subject site is developed with two residential units, which is consistent with the land use designation. The subject site is located in an area of an approved Categorical Exclusion. However, because of the parking deficiency the proposed development does not qualify to be categorically excluded.

The applicant has indicated that the original structure was built in the 1930s, with additions in the 1950s.

### **B. Demolition**

The proposed project includes removal of most of the existing front unit. At issue with the proposed project is whether the amount of removal proposed constitutes demolition, in which case the proposed construction would be considered new development. The Commission considers removal of more than fifty percent of an existing structure to be demolition (5-93-050, Ursini). Typically, the Commission has determined the 50% figure by measuring the linear feet of exterior walls to be removed compared to the linear feet of originally existing exterior walls. The 50% demolition rule is policy set through Commission precedence. Because demolition is not defined in the Coastal Act, California Code of Regulations or the Commission's adopted guidelines, there has been some confusion as to how the correct figure should be determined. However, staff believes the method described below, which results in a demolition percentage of 40% for the proposed development, to be the appropriate method. If a project did constitute 50% or more demolition, the project would be considered new development. Usually, with new development the Commission requires a proposal to meet current standards, including current parking standards. Based on the Commission's parking criteria of 2 spaces per residential unit, the subject site is deficient by 2 spaces.

Section 13250 of the California Code of Regulations provides a definition of what shall be considered a part of a single-family residence for purposes of Section 30610(a) of the Coastal Act. Section 13250 states that where there is an existing single-family residential building, structures normally associated with a single-family residence such as garages shall be considered a part of that structure. Section 13253 discusses structures other than single family residences. Although, Section 13253 does not identify garages as structures normally associated with two family residential development, it is reasonable to assume that they are because adequate parking is a requirement of new development. When the new development is residential, the parking is most often provided, at least in part, by a garage.

Section 30610(a) identifies when a coastal development permit may not be required. That is not at issue in this case. But the language of Section 13250 is useful in providing guidance in what should be considered part of an existing residential structure. Based on this, staff believes that the exterior walls of the garage should be used in addition to the walls of the front unit when calculating the existing exterior linear footage of the structure.

Staff has included both the front unit and the apartment in the total of the existing exterior linear footage because they are structurally attached. The front wall of the second floor apartment rests on the rear wall of the first story unit. This shared wall is proposed to remain. The shared wall was counted only once in the total (that is, it is not included as part of the total for both the front unit and apartment). In addition, staff included both the front unit and the apartment in the total because two-unit residential development is the principle permitted use in the Two-Family Residential land use designation certified at the site. Finally, staff determined that if a structure is multi-storied, each story should be included in the calculation, as in the garage and apartment above it.

Staff considered the following different scenarios in trying to determine the actual percent demolitions for the proposed project:

1. Counting the existing exterior linear footage of the front unit only because that was the only unit effected by the proposed project. However, because the apartment is structurally dependent on the front unit, staff concluded that the two units are attached and so cannot be considered separately.
2. Counting the existing exterior linear footage of the front unit and apartment only (not the garage). This scenario includes living area only. However, the language of the California Code of Regulations Section 13250 suggests a garage should be considered a part of a residential structure.
3. Counting the existing exterior linear footage of the front unit, apartment, and garage. This scenario does not take into account that the shared wall cannot be counted twice.
4. Counting the existing, exterior linear footage of the front unit, apartment, and garage less the walls adjacent to the breezeway. This is the method applied by staff. It recognizes that the two residential units are the principle permitted use at the site and that the garage is a structure normally associated with residential use. It also recognizes that the shared wall cannot be counted twice. In addition, this method recognizes that for a multi-story structure each story's exterior walls should be counted.
5. Counting the existing, exterior linear footage of the front unit and garage only. This is the method that would be applied if the site was in a single-family residential area or if the two units were not attached to each other (i.e. not structurally related).

The calculations for the alternate ways of determining the percent demolition of the proposed project are included on the chart attached as exhibit G. See exhibit F for the proposed project demolition plan.

Based on the above reasoning, Commission staff has determined that the proposed project would constitute demolition of only 40% of the existing development. Staff made this determination based on the following: the existing exterior linear footage of the front unit is 158 feet. The existing exterior linear footage of the apartment is 117 feet. The existing exterior linear footage of the garage is 93 feet. The existing exterior linear footage of the shared wall is 39 feet. Added together, the existing exterior linear footage of all three, less the shared wall, is 329 feet ( $158 + 117 + 93 - 39 = 329$ ). The exterior linear footage to be removed from the front unit is 131 feet. No work is proposed to the garage or apartment, so no footage will be removed. The percentage to be demolished is derived by dividing the exterior linear footage to be removed by the original (existing) exterior linear footage. So, 131 feet divided by 329 feet equals 0.398 or 40 %.

For the reasons described above, the Commission finds the proposed project includes demolition of only 40% of the existing development, less than the 50% demolition criteria for new development. Therefore, the Commission finds the proposed project is an improvement to an existing structure and not new development. Because the proposed project is not new development, and the use is not intensified, the project's parking deficiency is not required to be corrected at this time.

### C. Public Access/Parking

Section 30210 of the Coastal Act requires that public access be maximized. Further, Section 30252 of the Coastal Act states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by: (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (emphasis added)*

When private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. A proposed development's lack of parking could therefore have an adverse impact on public access.

#### Parking Demand in the Project Vicinity

The project site is located approximately one and a half blocks inland of Ocean Boulevard. Ocean Boulevard is the first public road paralleling the sea in this area. Residential development exists on the seaward side of Ocean Boulevard. Scenic overlooks are located along Ocean Boulevard at Heliotrope and Narcissus Avenues, four and a half blocks in either direction from the subject site. Direct access to the beach from Ocean Boulevard exists at Corona del Mar State Beach and at Little Corona Beach. Access to Corona del Mar State Beach is approximately three and a half blocks from the subject site. Access to Little Corona Beach is approximately seven and a half blocks from the subject site. (See exhibit B).

Corona del Mar State Beach is a popular beach destination, attracting members of the general public from beyond the City limits. A beach parking lot, snack bar and restroom facilities are provided at the state beach. Little Corona Beach is smaller in size. It is staffed by a lifeguard during peak use periods, but has no other support amenities. It does not have a parking lot.

The City's certified Land Use Plan (LUP) states that parking is a major issue in the Newport Beach Coastal Zone. Corona del Mar State Beach is specifically identified in the LUP as a site to be serviced from remote

parking lots by a future tram system. To date no such tram service has been developed by the City. But the fact that Corona del Mar State Beach is identified in the LUP for such service is indicative of the heavy public use the beach receives. Because the subject site is located in the near vicinity of a popular beach destination, the issue of the provision of adequate parking to maintain public access must be carefully considered.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The project site contains two residential units. Under the Commission's standard of two parking spaces per dwelling unit the project should provide four on-site parking spaces. However, only two spaces exist on-site and no additional parking spaces are proposed. Therefore, the proposed development is deficient by two parking spaces.

However, no additional dwelling units are proposed, so the proposed project would not result in an intensification of use of the site. Thus no increase in parking demand will occur as a result of the proposed project. The proposed project is an improvement to an existing structure and not new development. Because the proposed project is not new development, and the use is not intensified, the project's parking deficiency is not required to be corrected at this time.

Nevertheless, future improvements to the structure at the site could result in an increase in the number of dwelling units beyond the two units that currently exist, resulting in an intensification of use. This would result in an increase in parking demand and an increase in the parking deficiency, potentially leading to adverse impacts on public access. Therefore, the Commission finds that it is necessary to place a condition on the permit informing the permittee that a new coastal development permit, or an amendment to this permit, would be required for any future improvements to the existing. This would allow for the review of future improvements for any potential adverse impacts to public access.

This type of special condition has been previously imposed by the Commission and the Executive Director for similar residential projects involving addition which did not result in an intensification of use but did have inadequate parking based on the Commission's regularly used standard. Thus, as conditioned for a future improvements condition, the Commission finds that the proposed development is consistent with Section 30210 and 30252 of the Coastal Act.

#### Site Constraints

It should also be noted that the subject site's ability to provide additional parking spaces is constrained by the lot size (4130 square feet, 118 feet by 25 feet) and existing development on the site (see exhibit C). The existing garage is setback 12 feet from the alley. The City does not allow parking in the rear setback area because the narrow width of the alley does not allow vehicles to safely pass a car parked in that area. There is a nine-foot breezeway between the garage and the front unit. The apartment above the garage extends to the existing rear wall of the front unit, covering a portion of the breezeway. Access to the apartment is taken from stairs located in the uncovered portion of the breezeway.

No work is proposed to the garage or apartment. The rear of the front unit is proposed to be expanded but the existing rear wall is to remain. In order to accommodate two additional parking spaces at the site, the garage/apartment structure would have to be significantly altered or removed and reconstructed and a substantial portion of the existing front unit would have to be removed. Additionally, the access stairs to the second story apartment would have to be relocated. Consequently, provision of the additional parking spaces would

require significant redesign of the project. In this case, additional parking is not required because the project is an improvement to an existing structure that does not intensify the existing use of the site and not new development,

**D. Local Coastal Program**

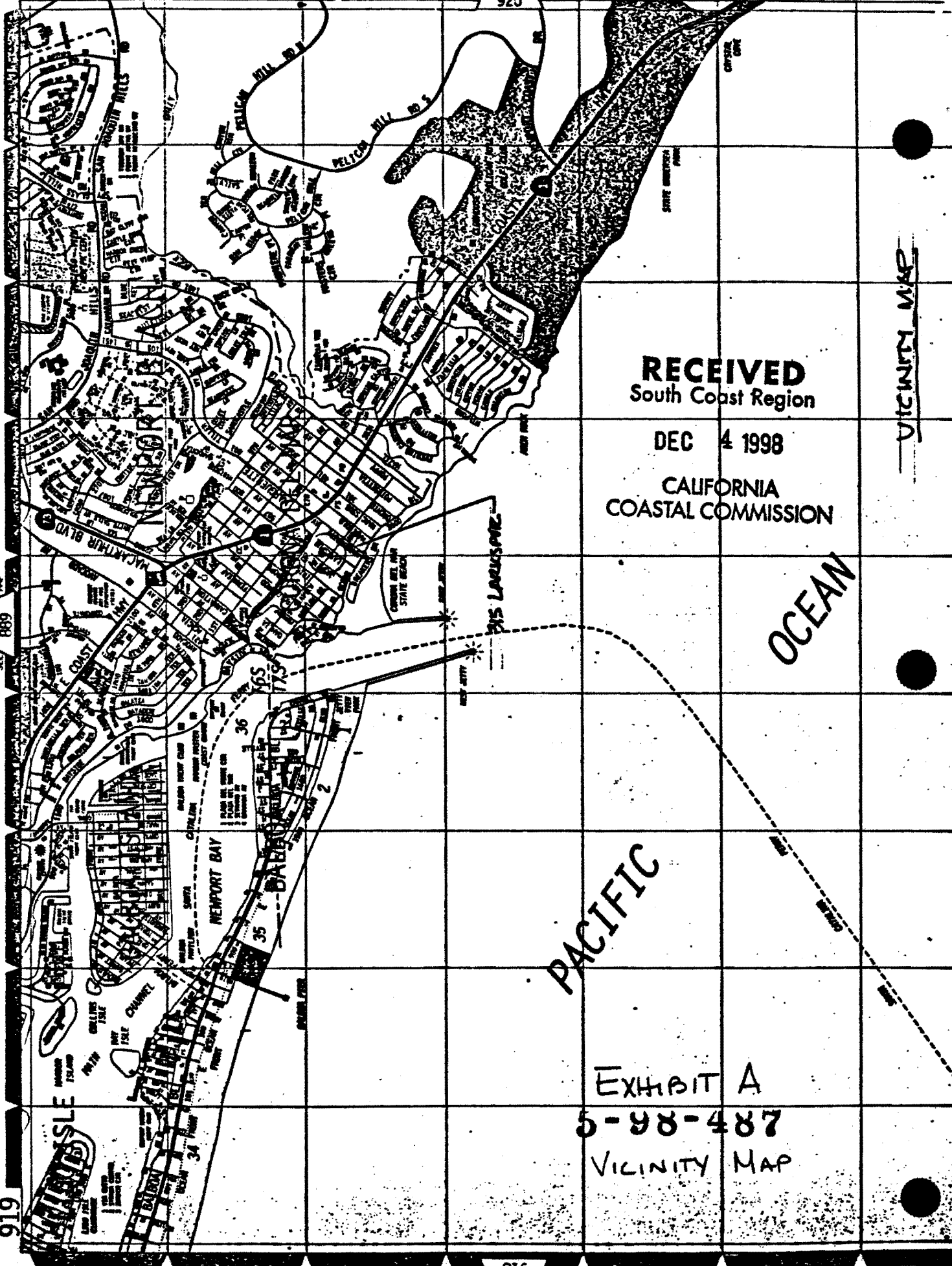
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned 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).

**E. 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)(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 project is located in an existing urbanized area. Development already exists on the subject site. The proposed development has been conditioned to be consistent with the public access policies regarding parking that are contained in Chapter 3 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.



**RECEIVED**  
South Coast Region

DEC 4 1998

CALIFORNIA  
COASTAL COMMISSION

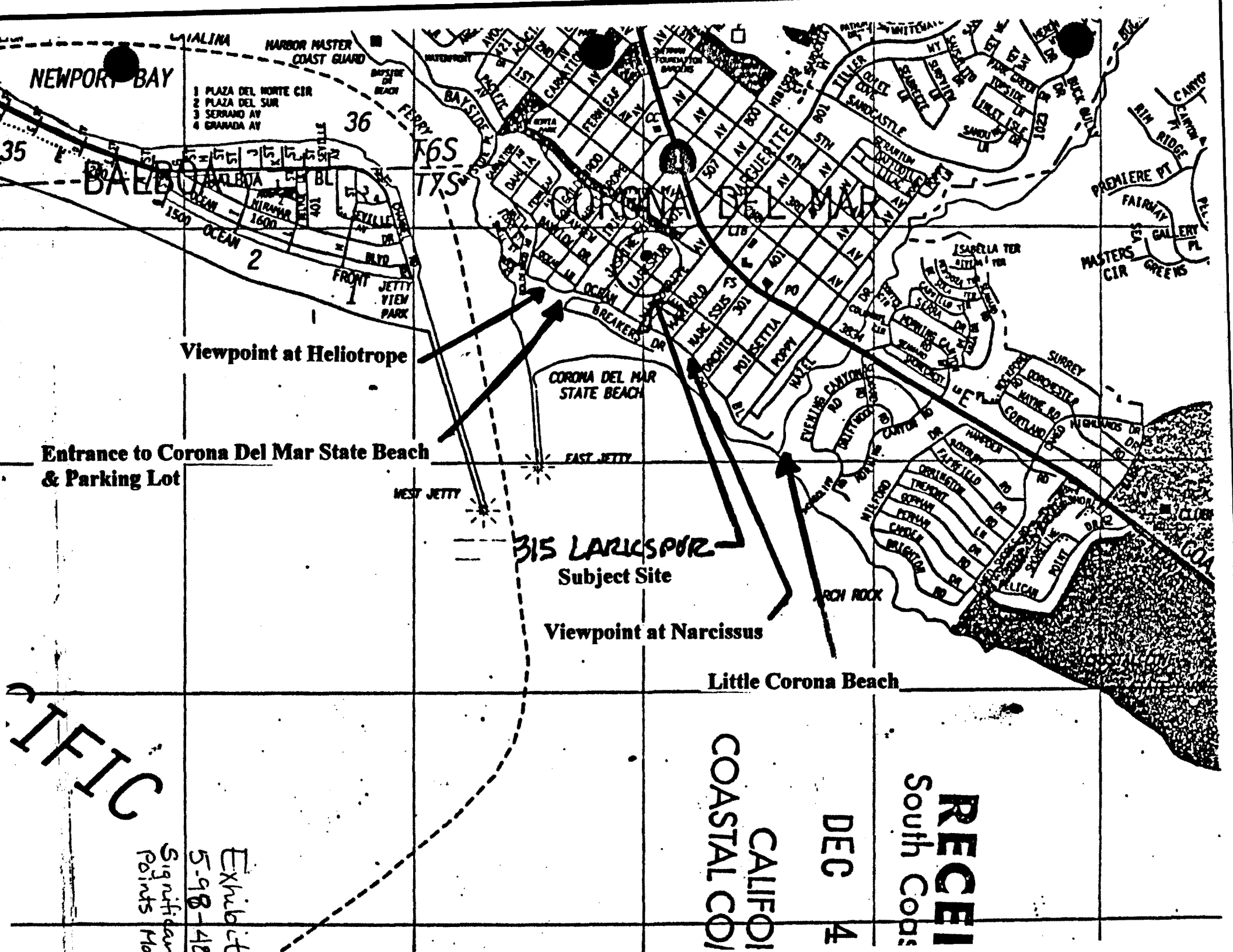
VICINITY MAP

OCEAN

PACIFIC

EXHIBIT A  
5-98-487  
VICINITY MAP





NEWPORT BAY

- 1 PLAZA DEL NORTE CIR
- 2 PLAZA DEL SUR
- 3 SERRANO AV
- 4 GARRAFA AV

Viewpoint at Heliotrope

Entrance to Corona Del Mar State Beach  
& Parking Lot

CORONA DEL MAR  
STATE BEACH

315 LARKSPUR  
Subject Site

Viewpoint at Narcissus

Little Corona Beach

CITIC

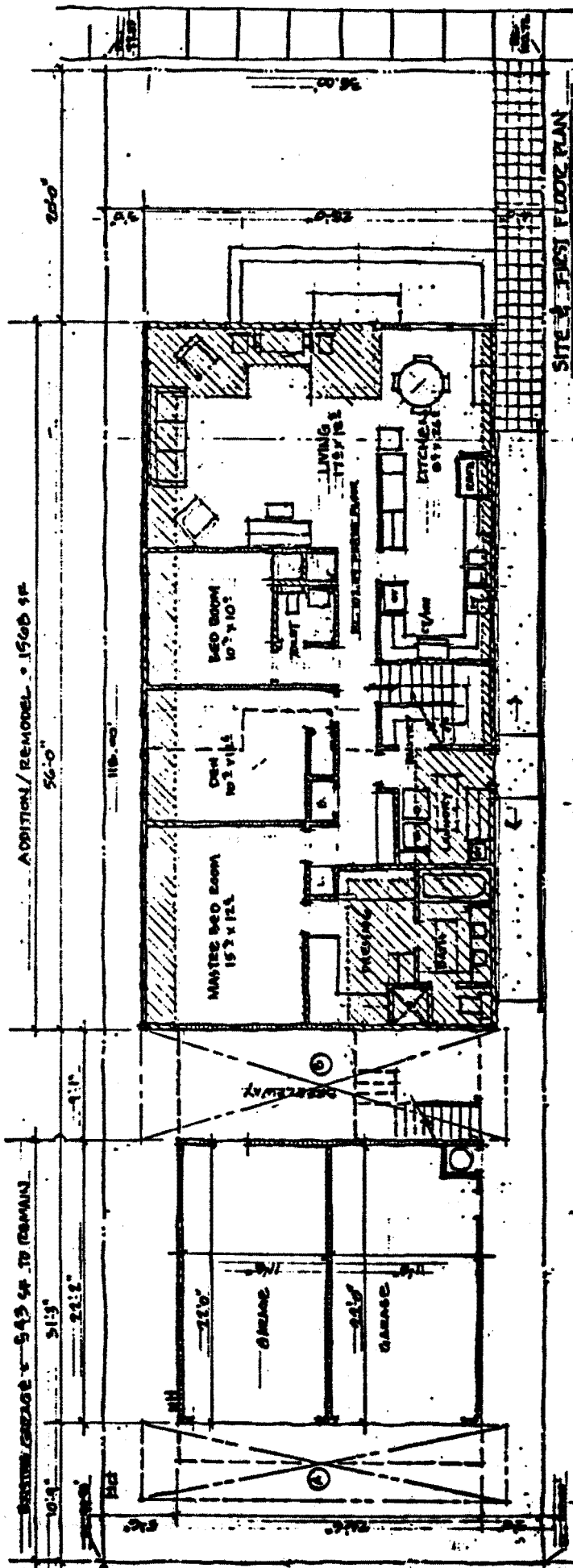
Significant  
Points Map  
5-98-428  
Exhibit

CALIFORNI  
COASTAL COI

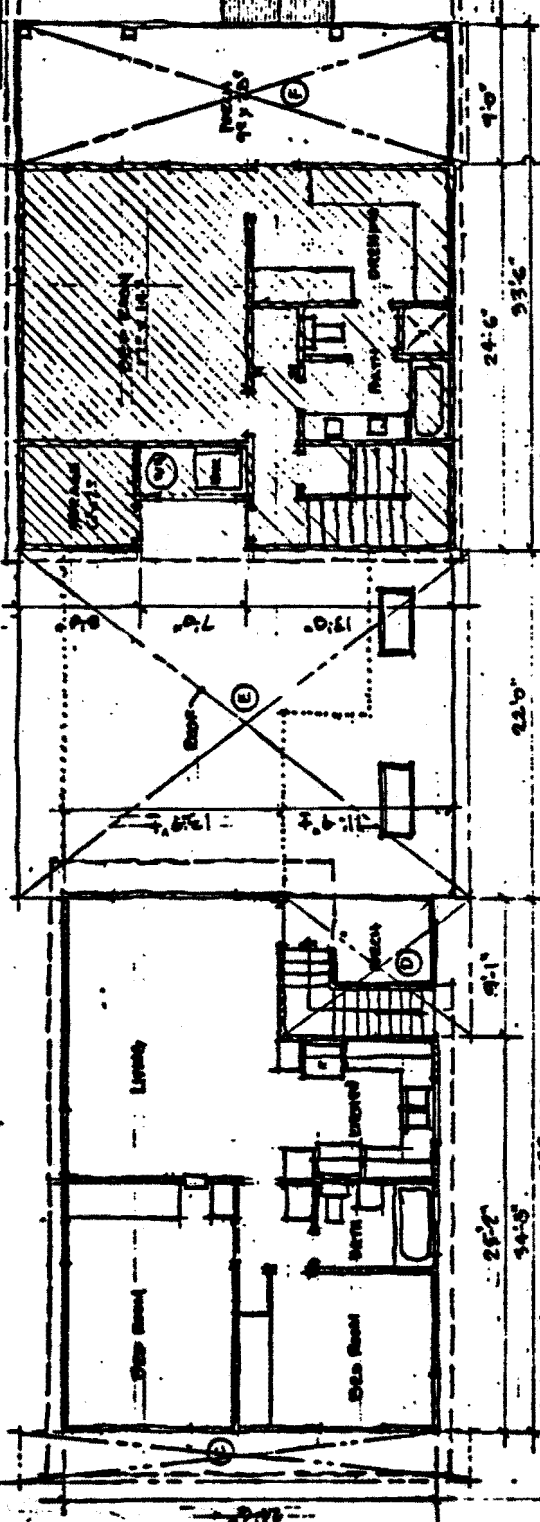
DEC 4

RECEI  
South Coast

EXISTING GARAGE - 543 SF TO REMAIN  
 ADDITION/REMODEL - 1560 SF



SITE & FIRST FLOOR PLAN



SECOND FLOOR PLAN

- EXISTING
- NEW WALLS
- EXISTING STAIR
- NEW STAIR
- EXISTING FLOORING
- NEW FLOORING
- ADDITION
- REMOVAL
- OPEN SPACE
- A TRAY F.



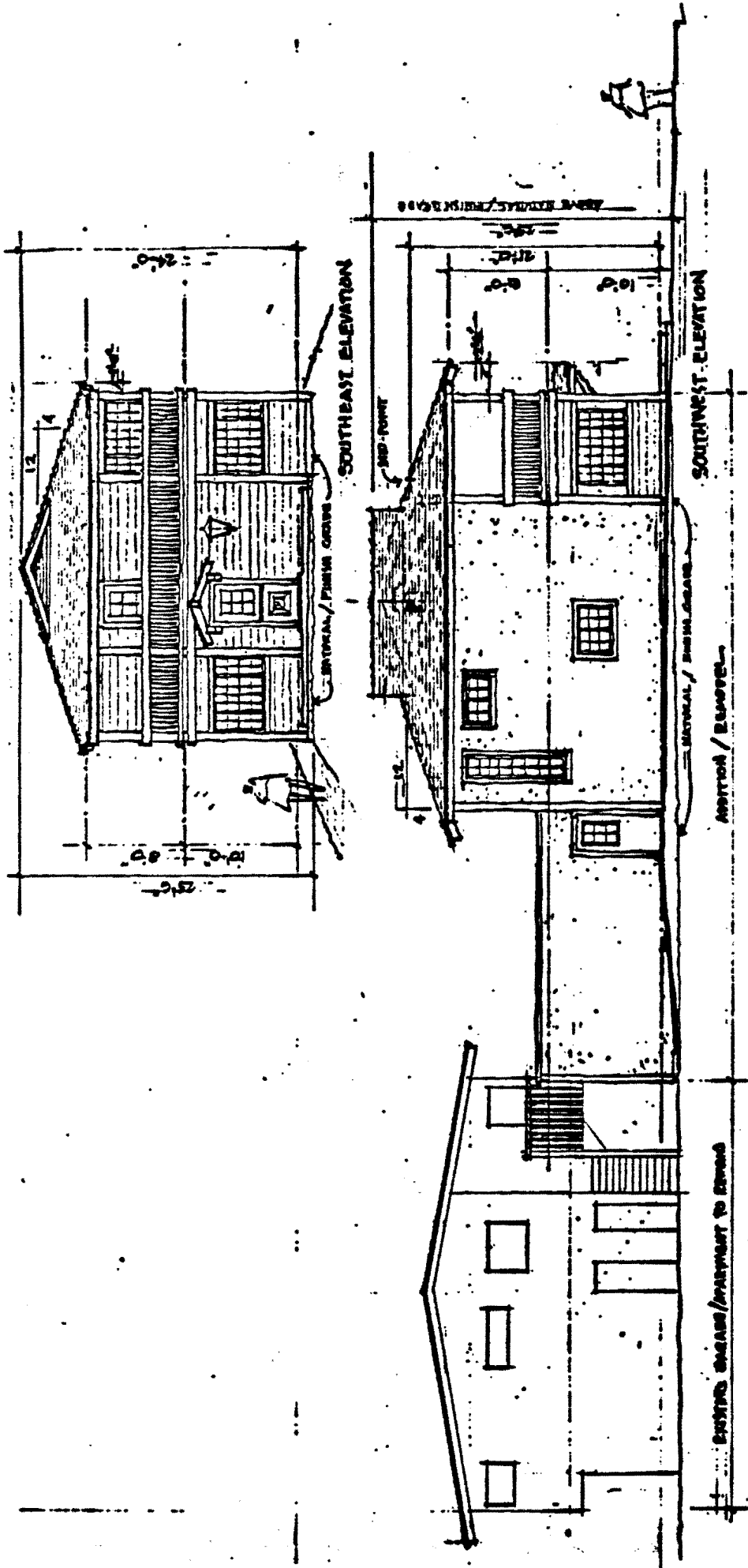
SD-5m  
 1 of 4

FRANK E. MOSHER, ARCHITECT  
 60 PENNINGTON ST., SAN FRANCISCO, CALIF.

SCHEMATIC DESIGN: SCALE 1/8" = 1'-0" (SEE SHEET 111718 FOR EXISTING HOUSE MODIFICATION FRONT NO. 2807 DATED NOVEMBER 11, 1978)

ADDITION/REMODEL TO R-2 RESIDENCE FOR LANKFORD FAMILY TRUST AT 315 LARKSPUR AVENUE, CORONA DEL MAR, CA. 92625

5-98-487 EXHIBIT 1C



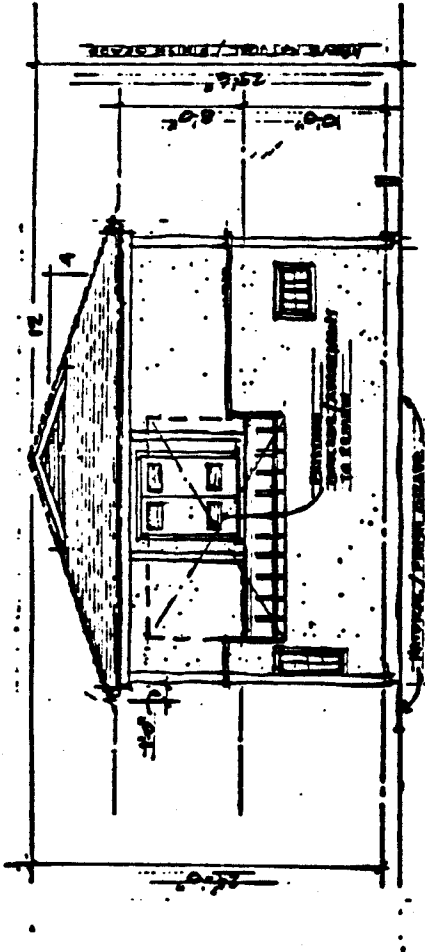
SD-5  
SHEET  
2 OF 4

REVISION 12/17/78 FOR CITY OF HUNTSVILLE  
PROPOSED PROJECT NO. 4809  
DATE: NOVEMBER 17, 1978.

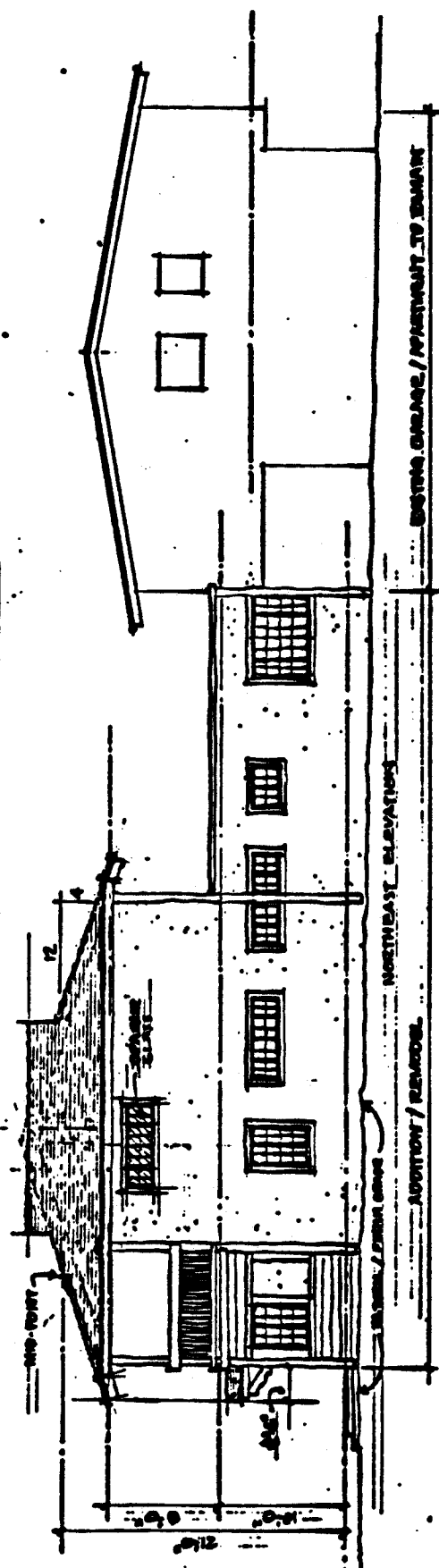
SCHMATIC DESIGN: SCALE 1/8" = 1'-0"  
ADDITION / REMODEL TO R-2 RESIDENCE FOR LANKFORD FAMILY TRUST AT 315 LARESPUR AVENUE, CORONA DEL MAR, CA 92625

FRANK B. MOSHER, ARCHITECT

5-98-487 EXHIBIT I



NORTHWEST ELEVATION



NORTHEAST ELEVATION

EXISTING GARAGE / PARTWAY TO GARAGE

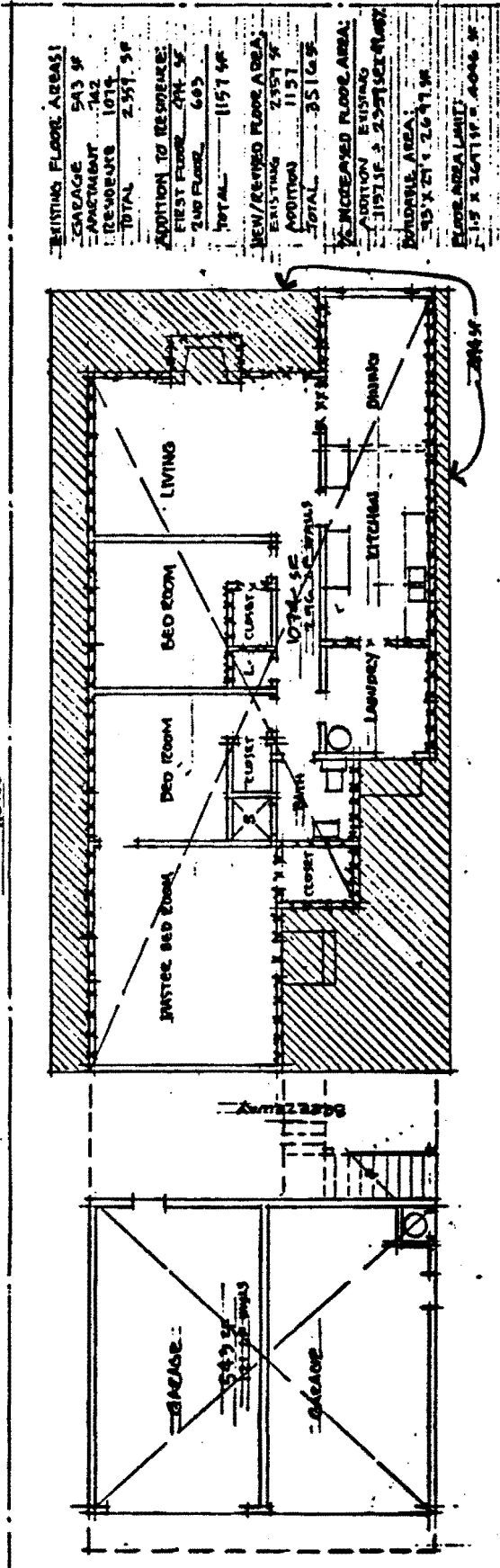
APPROVED FOR THE CITY OF SAN FRANCISCO  
 DEPARTMENT OF PUBLIC WORKS  
 1000 MARKET STREET, PH. 1118

5D-5m  
 sheet  
 3 of 4

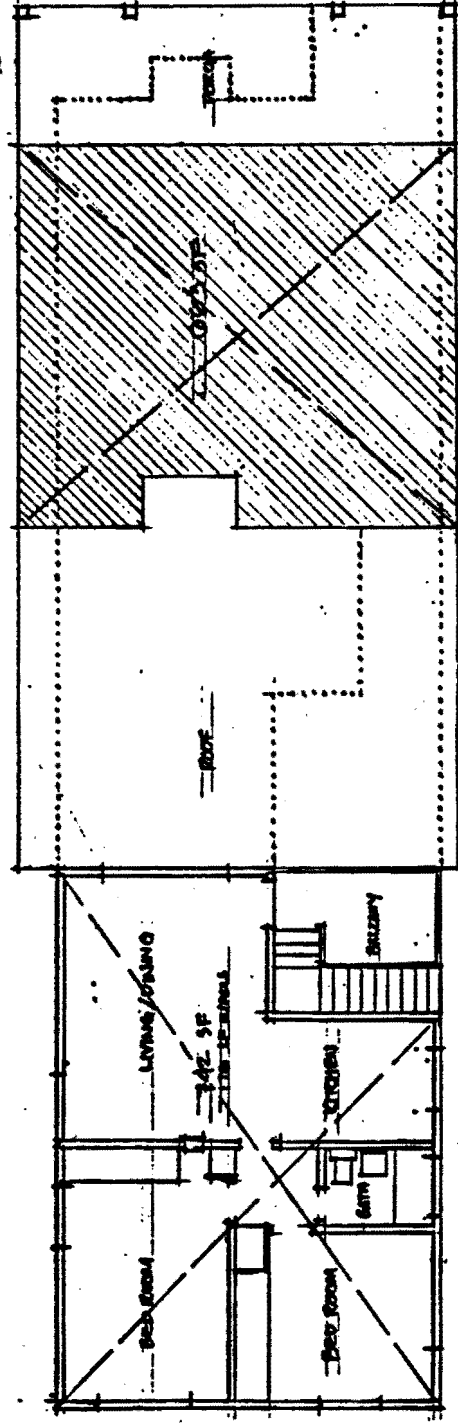
SCHEMATIC DESIGN: SCALE: 3/8" = 1'-0"  
 ADDITION / REMODEL TO R-2 RESIDENCE FOR LANKFORD FAMILY TRUST AT 315 LAUREL AVENUE, CORONA DEL MAR, CA 92625  
 22 OCTOBER 1978  
 FRANK E. MORRIS, ARCHITECT

5-98-487 EXHIBIT 1

116.00'



SITE 2 EXISTING FIRST FLOOR PLAN 1. ADDITION



EXISTING SECOND FLOOR PLAN 1. SECOND FLOOR ADDITION

**EXISTING FLOOR AREAS:**

GARAGE	543 SF
APARTMENT	142
RENOVATION	1074
TOTAL	2,557 SF

**ADDITION TO RESIDENCE:**

FIRST FLOOR	244 SF
2ND FLOOR	605
TOTAL	1157 SF

**NEW/REVISED FLOOR AREA:**

EXISTING	2,557 SF
ADDITION	1157
TOTAL	3,514 SF

**INCREASED FLOOR AREA:**

ADDITION EXISTING	1157 SF
1157 SF x 2.557 SF = 2,957 SF	

**POSSIBLE AREA:**

15' x 21' = 2,625 SF
----------------------

**FLOOR AREA LIMIT:**

1.12 x 2,625 SF = 4,046 SF
----------------------------

**OPEN SPACE:**

REQUIRED: 1,974 SF (20% OF 9,870 SF)

PROVIDED:

A	5112 SF	1940 SF
B	4127 SF	3086
C	2187 SF	714
D	1712 SF	1566
E	215 SF	1110
F	173 SF	2594
TOTAL	11,225 SF	11,225 SF

**EXISTING WALLS:**

TOTAL	549 LP
431 SF TO REMAIN	
118 SF TO BE DEMOLISHED	
% DEMOLISHED:	21.313% = 27.8%

**REMODELLED RESIDENCE FLOOR AREA:**

EXISTING / FIRST FLOOR	1074 SF
ADDITION / FIRST FLOOR	605
TOTAL	2,231 SF

PERMITS REQUIRED FROM THE CITY OF WASHINGTON BEACH  
 APPLICATION FOR PERMIT NO. 18197  
 DATED: NOVEMBER 17, 1978

DATE: 10/25/78  
 SHEET: 4 OF 4

SD-5 M  
 SHEET  
 4 OF 4

SCHEMATIC DESIGN: SCALE: 1/8" = 1'-0"  
 ADDITION / REMODEL TO R-2 RESIDENCE FOR LANKFORD FAMILY TRUST AT 315 LARKSPUR AVENUE, CORONA DEL MAR, CA 92625  
 23 OCTOBER 1978  
 ARCHITECT: PEARL B. MOSHEE, ARCHITECT

5-98-487

EXHIBIT F

existing  
linear footage

existing linear  
footage to be demold

to be demold  
original

% Demold.

① front unit alone

158'

158 existing  
- 27 to remain  
131'

$\frac{131}{158}$

83%

② front unit + apt.

158 - front unit  
+ 117 - Apt  
275'

131 front unit  
+ 0' apt  
131

$\frac{131}{275}$

48%

③ front unit + apt + garage

158 - front unit  
+ 117 - Apt  
+ 93 - garage  
368'

131 - front unit  
0 - apt  
+ 0 - garage  
131

$\frac{131}{368}$

36%

④ front unit + apt. + garage less walls adjacent to driveway

368 - front unit, apt + garage  
- 25 - garage front  
- 14 - front unit wall  
329'

131'

$\frac{131}{329}$

40%

⑤ front unit + garage

158 - front unit  
+ 93 - garage  
251'

131'

$\frac{131}{251}$

52%

Exhibit G

5-98-487