

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Tu 17f



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 Staff: MV-LB
 Staff Report: 2/18/99
 Hearing Date: 3/9-12/99
 Commission Action:

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-011

**APPLICANT: Warren & Susan Lortie,
 Trustees of the Lortie Community Property Trust**

AGENT: Warren Lortie, A.I.A.

**PROJECT LOCATION: 1915 Bayside Drive, Corona Del Mar (Newport Beach),
 Orange County**

**PROJECT DESCRIPTION: Demolition of existing single family residence and construction of
 new 4,920 square foot, two story, 24 foot high, single family residence with an
 attached 3-car garage.**

Lot Area: 6,690 square feet
 Building Coverage: 2,677 square feet
 Pavement Coverage: 3,143 square feet
 Landscape Coverage 870 square feet
 Parking Spaces: 3
 Zoning R-1
 Ht above final grade 24 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No.1257-98

**SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; 5-90-589
 (Furnish).**

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with one special condition which requires that the project conform to a setback determined by a modified stringline as depicted in exhibit B. The applicant is in agreement 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, 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 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

1. Plans Conforming to Required Setback

Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, revised plans indicating that the proposed residence will not exceed the setback determined by extending the line of the face of the adjacent residence across the subject site, as shown on attached exhibit B.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicants propose to demolish an existing single family residence and construct a new 4,920 square foot, two story, 24-foot high, single family residence with an attached 3-car garage. The subject site is located on Newport Harbor, adjacent to a public sandy beach (see exhibit A). The certified land use designation at the subject site is Single Family Detached Residential.

B. Public Access/Beachfront Setback

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.

In order to assure maximum access and recreational opportunities, the Commission typically applies some method of setback for development proposed along the waterfront. The setbacks are applied as a means of controlling seaward encroachment of residential structures on a beach. The setbacks are also intended to prevent psychological barriers caused by development directly adjacent to public beaches. As private development is allowed closer to the public/private property border, the public is less likely to use the public area near the private property. This has the effect of diminishing the amount of area effectively available for public use. In some areas of Newport Beach where the public/private boundary is clearly established, this psychological barrier does not exist. Areas where there is a public boardwalk is an example of such an area. The public will continue to use the boardwalk even with private development immediately adjacent to it. Consequently, where there are existing bulkheads along the harbor or where a public boardwalk exists, the Commission has found the City's required setback to be sufficient. In other areas, where development is proposed adjacent to public sandy beach areas, the Commission has found a stringline setback to be

most effective and equitable. The Commission has applied the stringline setback in this area at 2215 Bayside Drive under coastal development permit 5-90-589 (Furnish).

Usually, a stringline is a line drawn from the nearest adjacent corners of the adjacent residences. However, in this case the structure located to the west of the subject site is the Harbor Patrol/Coast Guard (HPCG) facility. The Harbor Patrol/Coast Guard facility structure is located significantly seaward of the proposed development. The HPCG structure is necessarily situated so because of the nature of work those agencies perform. Consequently, a typical stringline cannot be applied to the subject site. Instead, staff is recommending a stringline defined by a line extending from the face of the first floor of the adjacent residence, as depicted on exhibit B. This would allow development to extend as far seaward as the neighboring residence and would be consistent with the general pattern of development in the area while still limiting seaward encroachment of private development adjacent to a public sandy beach.

As proposed, the development would extend beyond the recommended stringline setback by approximately one half a square foot. If modified to be consistent with the recommended stringline, the development adjacent to sandy beach area would not create adverse impacts on public access. As a condition of approval, the applicant shall submit revised plans indicating that the proposed development will conform to the modified stringline setback as depicted in exhibit B. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30210 of the Coastal Act which requires that public access and recreation be maximized.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

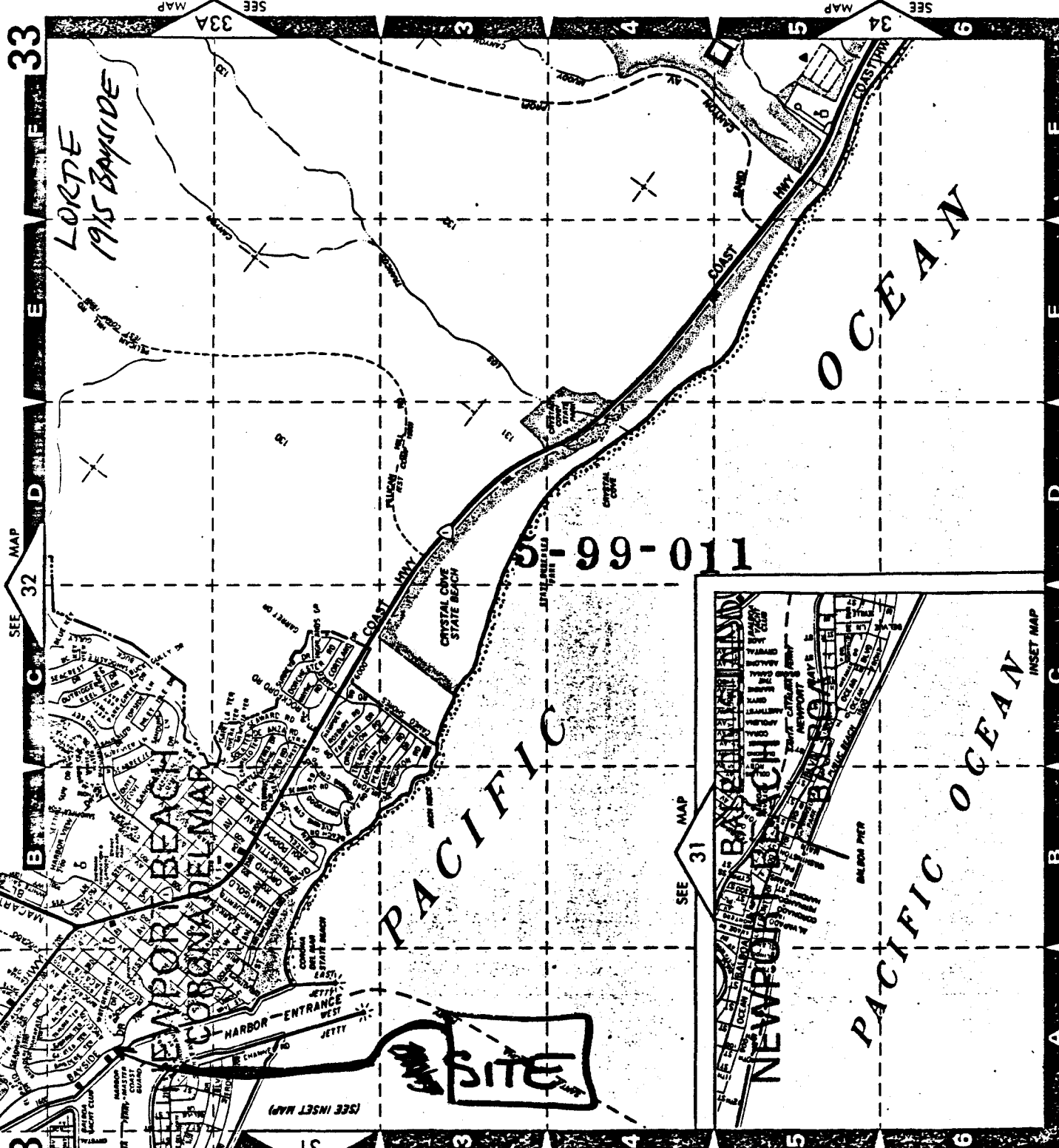
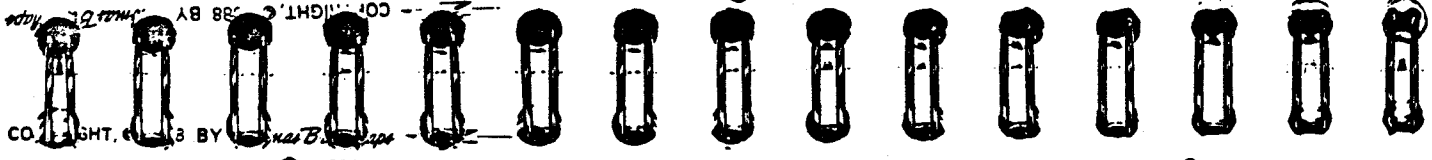
The Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. The proposed development is consistent with the certified Land Use Plan land use designation for the site. The proposed development has been conditioned to conform to the public access and recreation policies of the Coastal Act. Therefore, the Commission finds that the proposed development, as conditioned, would not prejudice the ability of the City of Newport Beach to prepare a local coastal program consistent with the Chapter 3 policies of the Coastal Act.

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)(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.

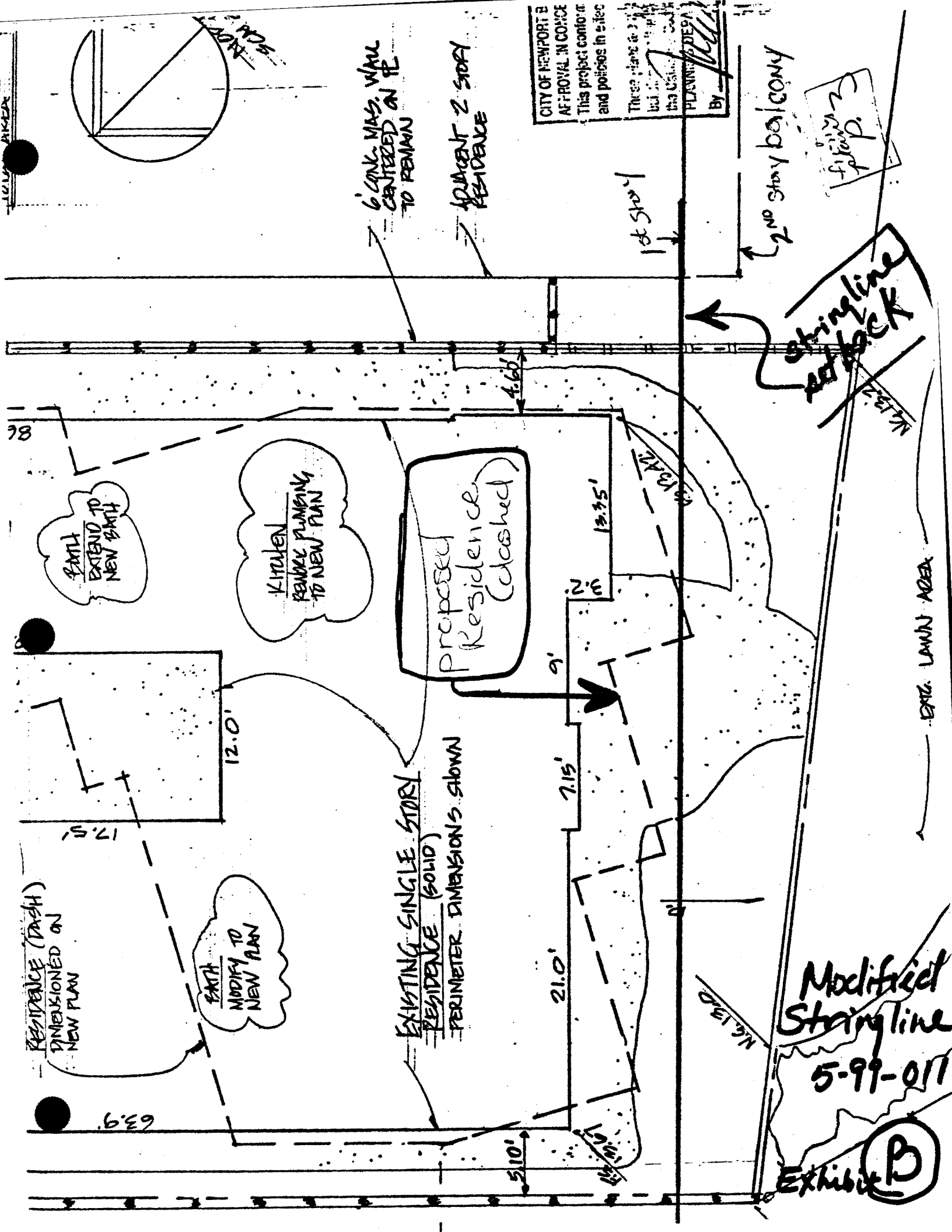
The proposed project is replacement of an existing single family residence in an existing urbanized area. In addition, the project has been conditioned to be consistent with the public access and recreation policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment. The project as conditioned 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.

33A



Vicinity Map.

5-99-011
Exhibit A



CITY OF NEWPORT
 APPROVAL IN CONCEPT
 This project conforms
 and positions in 5-sec
 These plans are in
 the City of Newport
 PLANNING DEPT
 By *[Signature]*

CONC. MASS. WALL
 CENTERED ON PL
 TO REMAIN

ADJACENT 2-STOREY
 RESIDENCE

1st Story
 2nd Story balcony

Figure 2
 p. 10

Stringline
 REFLECT

EXT. LAWN AREA

RESIDENCE (DASH)
 DIMENSIONED ON
 NEW PLAN

BATH
 MODIFY TO
 NEW PLAN

EXISTING SINGLE STORY
 RESIDENCE (SOLID)
 PERIMETER DIMENSIONS SHOWN

Proposed
 Residence
 (dashed)

KITCHEN
 REMOVE PLUMBING
 TO NEW PLAN

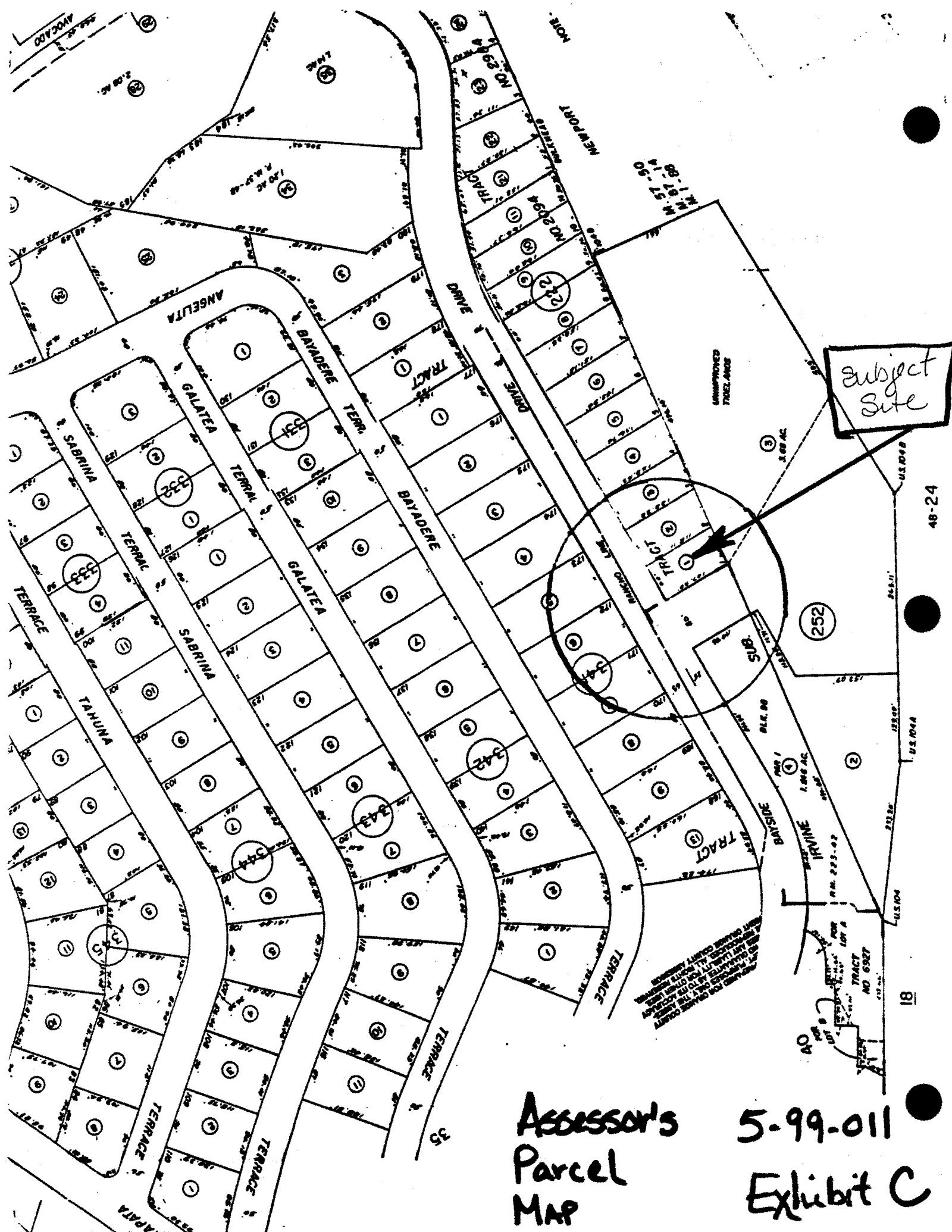
BATH
 EXTEND TO
 NEW BATH

78

63.9

Modified
 Stringline
 5-99-011

Exhibit **B**



Subject Site

Assessor's
Parcel
MAP

5-99-011
Exhibit C

48-24

U.S. 1044

U.S. 104

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