

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**RECORD PACKET COPY**

Filed: June 1, 2000
49th Day: July 20, 2000
180th Day: November 28, 2000
Staff: KFS-LB *JK*
Staff Report: June 22, 2000
Hearing Date: July 11-14, 2000
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**AMENDMENT**

APPLICATION NUMBER: 5-98-183-A1

APPLICANT: ETCO Development, Inc.

AGENT: CEC Properties, Marcia M. Dossey

PROJECT LOCATION: 3336 Via Lido, City of Newport Beach, Orange County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolition of a ten unit apartment building covering four lots. The re-subdivision of the four existing, unequally sized lots into four 2812 square foot sized lots.

DESCRIPTION OF AMENDMENT: Addition of easements to previously approved 4-lot subdivision. Construction of four 3,358 square foot single family residences with attached 2-car garages (one on each lot) including patios, perimeter walls and landscaping; and demolition of an existing dock ramp and construction of a new dock ramp in a different location.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-concept 0436-2000, City of Newport Beach Approval-in-concept 835-98; City of Newport Beach Fire and Marine Department Approval-in-concept 124-3336. General Plan Amendment 97-3(A). Local Coastal Program Amendment 48, and Re-subdivision 1033.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan (LUP), City of Newport Beach Certified LUP Amendment 1-98; Coastal development permit 5-98-183; *Preliminary Geotechnical Investigation for Foundation Design and Site Development* prepared by GeoFirm, Inc. (Project No. 71056-00/Report No. 00-3320) dated February 18, 2000; *Inspection Report* by SAVY Consulting Group of Westminster, California dated May 1, 2000.

SUMMARY OF STAFF RECOMMENDATION:

The major issues of this staff report concern the presence of flooding and liquefaction hazards at the site. Staff recommends approval of the proposed amendment with special conditions concerning 1) conformance with geotechnical recommendations to avoid the hazards; and 2) notification of future coastal development permit requirements.

PROCEDURAL NOTE

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the amendment application with special conditions.

MOTION

I move that the Commission approve CDP Amendment #5-98-183-A1 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

I. APPROVAL WITH CONDITIONS

The Commission hereby APPROVES the amendment to Coastal Development Permit 5-98-183, 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreational policies of Chapter 3 of the Coastal Act, 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL INVESTIGATION RECOMMENDATIONS
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the *Preliminary Geotechnical Investigation for Foundation Design and Site Development* prepared by GeoFirm, Inc. (Project No. 71056-00/Report No. 00-3320) dated February 18, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
 - B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. ^{جج}
²²⁾ **FUTURE DEVELOPMENT**

This permit amendment is only for the development described in Coastal Development Permit No. 5-98-183-A1. Any changes to the proposed development described in this permit, including but not limited to repair and replacement of the existing seawall/bulkhead, shall require an amendment to Permit No. 5-98-183 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND AMENDED PROJECT DESCRIPTION

The project site is located at 3336 Via Lido, City of Newport Beach, County of Orange (Exhibit 1). The project site is within the Lido Village area of Newport Beach. Lido Village is bounded by Newport Boulevard, Via Lido and Newport Bay. The Land Use classification for the project site was changed to "*Multi-Family Residential*" through the City's Land Use Plan Amendment 1-98 which was approved by the Commission in October 1998. Prior to the Commission's action on the Land Use Plan amendment, the existing residential development on the project site (consisting of a pre-Coastal Act ten unit apartment) was a legal non-conforming use since the site was previously designated "*Retail and Service Commercial*".

On October 14, 1998, the Commission granted to Lido Investment Company, LLC, Coastal Development Permit 5-98-183 for the demolition of a ten unit apartment building and the re-subdivision of four existing unequally sized lots into four equally sized 31.25' x 90' lots of 2812 sq. ft. each. The permit was granted without special conditions (Exhibit 3).

The proposed amendment is to add several private access easements to the approved subdivision and to construct single family residences upon each lot. Four easements are being proposed, one on each lot. A 42 foot long by 3 foot wide easement will be added to Parcel 1 as a means of private access to the proposed development on Parcel 2. A 48 foot long by 3 foot wide easement will be added to Parcel 2 to provide private access to Parcel 3. A 40 foot long by 3 foot wide easement will be added to Parcel 3 to provide private access to the proposed residence on Parcel 4. Finally, a 90 foot long by 3 foot wide easement will be placed on Parcel 4 for a private gated access to the existing docks which front the seaward side of the site (Exhibit 2).

In addition, the applicant is proposing to construct four 3,358 square foot single family residences (one on each lot) including patios, perimeter walls and landscaping and an attached 2-car garage (Exhibit 2). The single family residence will be 3 stories and 32.5 feet tall from the centerline of the frontage road (Via Lido). The application includes patios with planters, spas, barbecues, and perimeter walls on the bayfront side of the proposed residences.

Finally, the proposed development includes the removal of an existing 26 foot long by 3 foot

wide dock ramp and construction of a new 28 foot long by 3 foot wide dock ramp approximately 100 feet south of the existing location so that it coincides with the new proposed private dock access easement. The relocation of the dock ramp will require no in-water construction. In addition, there is no proposed work on the existing bulkhead.

B. COASTAL ACCESS

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road. In this case the sea is Newport Harbor.

Section 30212 of the Coastal Act requires that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except in certain limited situations. A public access dedication can only be required where a proposed project adversely impacts public access. The certified land use plan identifies the subject site as being suitable for the construction of a walkway along the bulkhead. However, the subject site is currently developed as a private residential apartment and the public does not currently have access to the waterfront at the project site. The demolition of the ten unit apartment would result in a de-intensification of use of the site. Access to the water exists nearby the subject site. Coastal access opportunities exist at Lido Village, the Lido Sailing Club, and the Via Lido Bridge. Each of these coastal access sites are in easy walking distance of each other. Therefore, the Commission previously found in its October 1998 approval of the proposed development that the demolition of the apartment building and re-subdivision of the project site will not affect the public access situation.

Therefore, since the Commission previously contemplated residential development on the site and found that no adverse impact upon public access would occur the Commission finds that the proposed development will not adversely impact the public's ability to access the water. Therefore, the Commission finds that the development is consistent with the public access and recreation policies of the Coastal Act.

C. HAZARDS

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...*

A Preliminary Geotechnical Investigation for Foundation Design and Site Development prepared by GeoFirm, Inc. (Project No. 71056-00/Report No. 00-3320) dated February 18, 2000 was submitted by the applicant. The report states that the subject site is composed of

earth materials including beach deposits, bay deposits, and dredge fill. In addition, groundwater is present on the subject site at approximately 6 feet below grade which can fluctuate ± 2 to 3 feet during high tide and heavy rainfall. Due to these conditions the site is subject to certain hazards including flooding and soil liquefaction from seismic events. In order to mitigate these hazards, the geotechnical report includes certain recommendations to increase the degree of stability of the proposed development. The recommendations included in the report address foundation design, seismic conditions, concrete type, hardscape design and construction, and grading. With these measures the geotechnical report concludes that the subject site is safe for development.

In order to assure that risks are minimized, the geotechnical consultant's recommendations must be incorporated into the design of the project. As a condition of approval (Special Condition No. 1), the applicant shall submit final site plans, grading and foundation plans signed by the geotechnical consultant indicating that the recommendations contained in the Preliminary Geotechnical Investigation have been incorporated into the design of the proposed project.

The subject site is a bayfront lot with an existing seawall/bulkhead. The applicant investigated the stability of the seawall (*Inspection Report* by SAVY Consulting Group of Westminster, California dated May 1, 2000) and determined that there were no signs that the existing seawall is unstable. Seawall/bulkheads fronting Newport Bay are generally constructed using concrete panels which are tied back to a concrete deadman located several feet landward of the bulkhead. The tiebacks and deadman are subsurface structures which can be subject to corrosion and other forms of deterioration. Corrosion of the tiebacks can cause them to fail leading to lateral instability of the seawall. Instability of the seawall can result in damage to the property and surrounding properties. Accordingly, the civil engineer who performed the investigation of the seawall at the subject site advised that the condition of the tiebacks should be verified by exposing them following demolition of the existing building and prior to construction of the new single family residences. It is best to repair and/or replace these types of seawalls prior to the placement of new structures on a site because, in cases where there are already structures on the site, repairs to seawalls such as those at the subject site often necessitates placement of shoring structures seaward of the existing bulkhead. These shoring structures typically result in the filling of coastal waters with attendant adverse impacts upon marine resources. If replacement or shoring of any portion of the seawall is required, the applicant must obtain an amendment to this permit or a new coastal development permit. This approval is necessary to assure compliance with Section 30253 of the Coastal Act. In order to assure the applicant is advised of the need to obtain an approval from the Coastal Commission for this work, the Commission imposes Special Condition 2.

As conditioned by both Special Conditions No. 1 and No. 2, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act which requires that geologic and flood hazards be minimized, and that stability and structural integrity be assured.

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. At the October 1998 Commission meeting, the Commission approved an amendment to the City's certified Land Use Plan to re-designate the subject site from "*Retail and Service Commercial*" to "*Multi-Family Residential*" which would bring the land use designation into conformance with the existing residential development on the project site. Furthermore, this land use re-designation allowed future residential development to occur on the project site. The proposed development is consistent with this land use designation. However, the certified Land Use Plan is used as guidance since the standard of review is consistency with the Chapter 3 policies of the Coastal Act. The project, as conditioned, has been found to be consistent with the Chapter 3 policies of the Coastal Act regarding public access and geologic hazards. Therefore, the Commission finds that approval of 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.

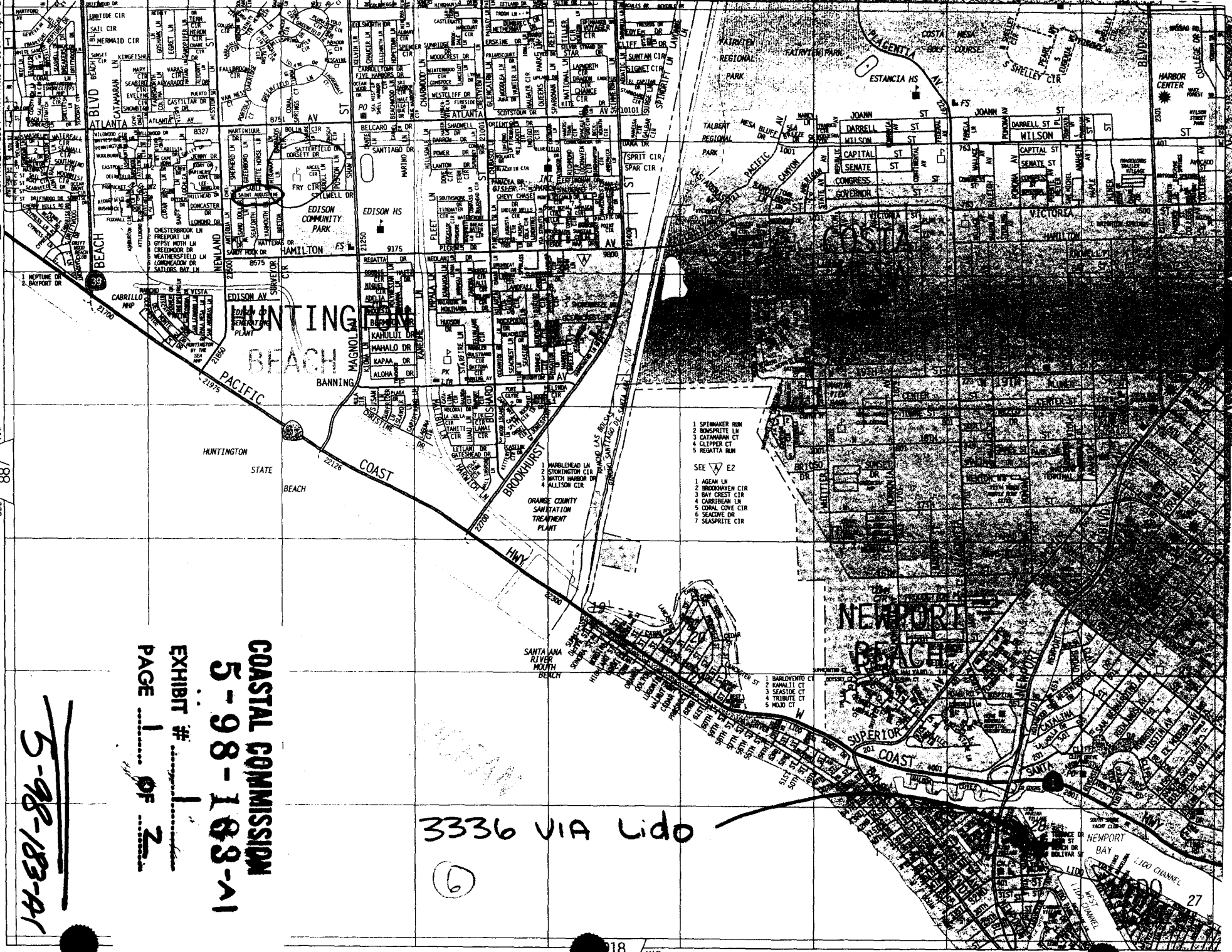
The project is located in an existing urbanized area. Development already exists in the project vicinity and all necessary utilities needed to serve the subject site are available. The proposed development will have minimal adverse impacts on coastal resources since it will be limited to the demolition of existing residential development and construction of new residential development on the same site. There are no mitigation measures other than those imposed or alternatives necessary as there are no adverse impacts. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

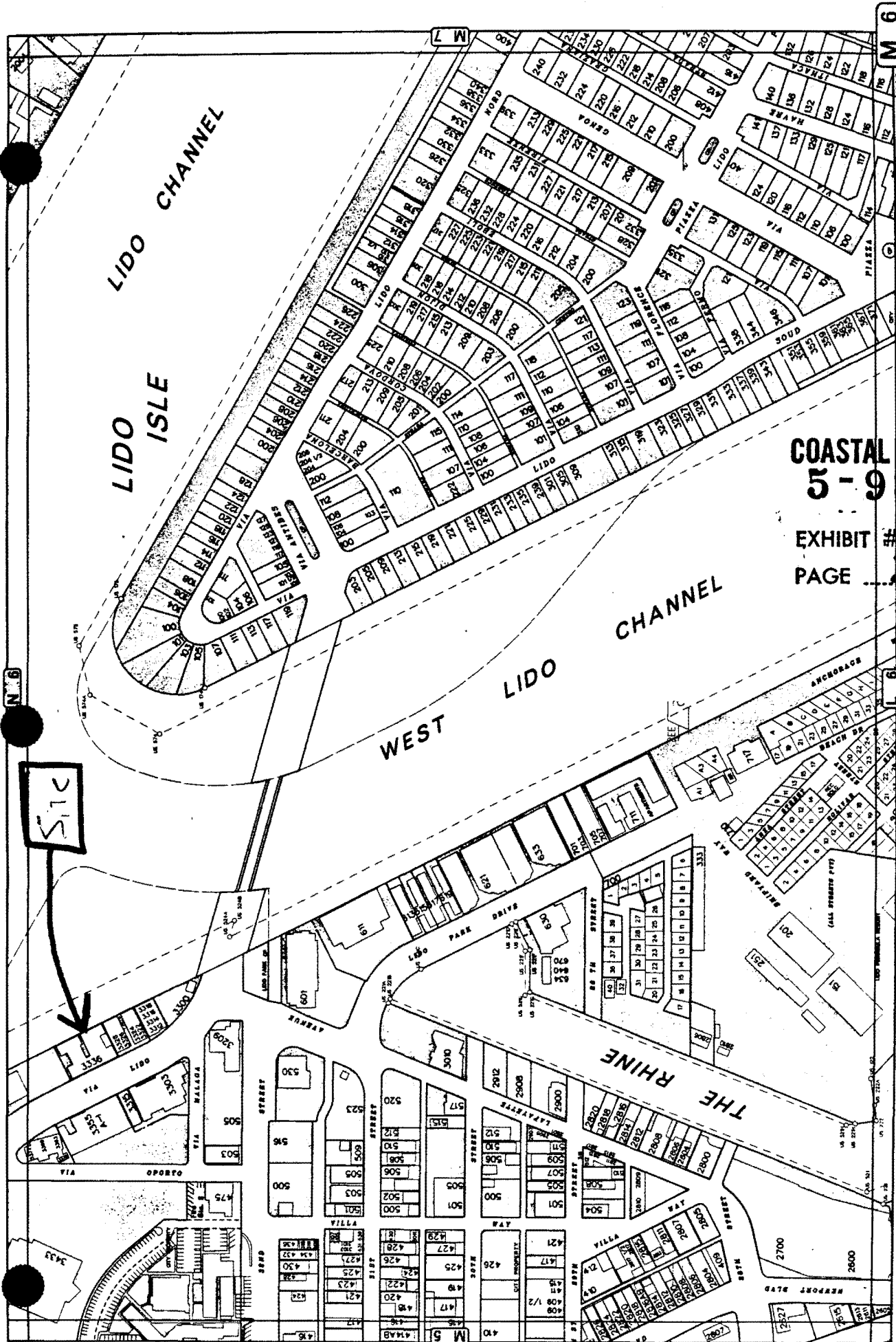
5-98-183-A1

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EXHIBIT # 5-98-183-A1
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3336 VIA LIDO

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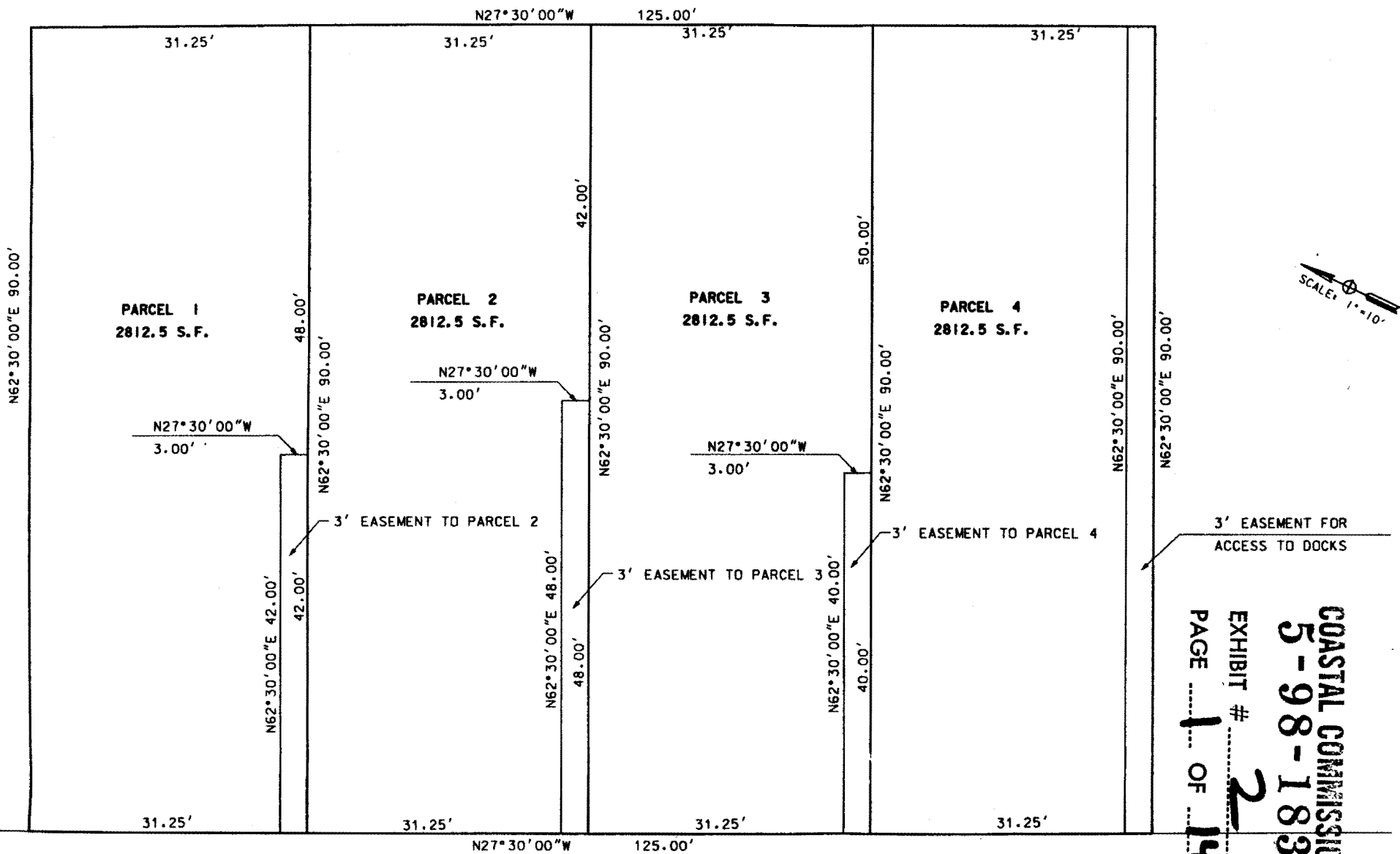




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5-98-183-A

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October, 1998



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GENERAL

1. ALL WORK SHALL CONFORM TO CHAPTER 15 OF THE NEWPORT BEACH MUNICIPAL CODE (CMC), THE LATEST REVISIONS AND SPECIAL REQUIREMENTS OF THE PERMIT.
2. WORK SHALL BE CONTROLLED BY INTERIOR AND/OR EXTERIOR FENCING.
3. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE DURING THE CONSTRUCTION PERIOD.
4. WORK SHALL BE LIMITED FROM 7:00 AM TO 5:00 PM DURING THE CONSTRUCTION PERIOD. WORK SHALL BE LIMITED TO 10:00 PM DURING THE CONSTRUCTION PERIOD.
5. TRUCKS, EQUIPMENT, DELIVERY AND REMOVAL SHALL BE CONTROLLED PER SECTION 10-05 OF THE CMC.
6. THE STAMPED SET OF APPROVED PLANS SHALL BE ON THE JOB SITE AT ALL TIMES.
7. PERMITTEE AND CONTRACTOR ARE RESPONSIBLE FOR LOCATING AND PROTECTING UTILITIES.
8. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTIVE MEASURES MUST BE USED TO PREVENT AVOIDING DAMAGE TO EXISTING UTILITIES.
9. CEMENTS AND SETTING TIMES SHALL BE APPROVED IN COMPLIANCE WITH THE UNIFORM PLUMBING CODE AND APPROVED BY THE BUILDING OFFICIAL.
10. ALL NOTES FOR IMPROVEMENT OR EXISTING UTILITIES SHALL BE APPROVED BY THE CITY TRAFFIC ENGINEER AND PROCEEDERS SHALL COMPLY WITH CHAPTER 15 OF THE CMC.
11. POSITIVE DRAINAGE SHALL BE MAINTAINED AWAY FROM ALL BUILDINGS AND DRIVEWAYS.
12. FAILURE TO MAINTAIN POSITIVE DRAINAGE SHALL BE CAUSE FOR STOPPAGE OF THE CONSTRUCTION SITE DRAINAGE REPORT.
13. ALL EXISTING DRAINAGE SHALL CONSIST OF PVC OR ABS PLASTIC AND EITHER 4" OR 6" DIA. WITH 12" DIA. SLOPE ON 4" DIA. SLOPE.
14. NO PAINT, PLASTER, GROUT, SOIL, CEMENT OR OTHER MATERIAL SHALL BE ALLOWED TO ENTER THE DRAINAGE SYSTEM. ALL MATERIAL AND WASTE SHALL BE REMOVED FROM THE SITE.

EROSION CONTROL

1. TEMPORARY EROSION CONTROL PLANS ARE REQUIRED FROM OCTOBER 15 TO MAY 15.
2. EROSION CONTROL DEVICES SHALL BE AVAILABLE ON SITE BETWEEN OCTOBER 15 TO MAY 15.
3. BETWEEN OCTOBER 15 AND MAY 15, EROSION CONTROL DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY AND THROUGH THE FIRST DAY FOLLOWING THE END OF THE WORKING DAY. EROSION CONTROL DEVICES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. LANDSCAPING OF ALL SLOPES SHALL BE SUBMITTED FOR APPROVAL - WORK COMPLETION AND A CERTIFICATE OF COMPLETION FOR THE EROSION CONTROL DEVICES PRIOR TO CLOSURE OF PERMIT. UNLESS OTHERWISE NOTED BY THE CITY ENGINEER, EROSION CONTROL DEVICES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
5. TEMPORARY EROSION CONTROL DEVICES, WHEN REQUIRED, SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PERMIT.

GRADING REQUIREMENTS

1. A PRELIMINARY GRADING SHALL BE SUBMITTED 48 HOURS PRIOR TO START OF GRADING WITH THE FOLLOWING INFORMATION: CITY ENGINEER, BUILDING DEPARTMENT, CIVIL ENGINEER, FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
2. A PRELIMINARY GRADING SHALL BE SUBMITTED 48 HOURS PRIOR TO START OF THE SUB-GRADING. INFORMATION FOR THE GRADING SHALL BE SUBMITTED TO THE CITY ENGINEER, BUILDING DEPARTMENT, CIVIL ENGINEER, FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.

GRADING FILL/ROCK

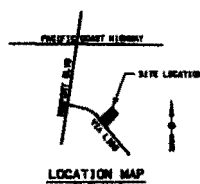
1. GRADING SLOPES SHALL BE NO STEEPER THAN 2 HORIZONTAL TO 1 VERTICAL.
2. FILL SLOPES SHALL BE COMPACTED TO NO LESS THAN 90 PERCENT RELATIVE COMPACTION OUT TO THE FINISHED GRADE ELEVATION.
3. ALL FILL SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION AS DETERMINED BY TEST METHOD 1001, AND APPROVED BY THE BUILDING ENGINEER. COMPACTION SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
4. AREAS TO RECEIVE FILL SHALL BE CLEANED OF ALL VEGETATION AND DEBRIS, GRADIFIED AND APPROVED BY THE BUILDING ENGINEER AND SHALL BE SUBMITTED FOR APPROVAL.
5. FILL SHALL BE SET ON EXISTING OR REMOVED INTO COMPETENT MATERIAL.
6. ALL EXISTING FILL SHALL BE APPROVED BY THE BUILDING ENGINEER OR REMOVED BEFORE ANY ADDITIONAL FILL IS ADDED.
7. ALL EXISTING UTILITY LINES AND EXISTING SHALL BE REMOVED OR GRADIED IN PLACE AND APPROVED BY THE BUILDING ENGINEER.
8. THE ENGINEERING CONSULTANT AND BUILDING ENGINEER SHALL, AFTER GRADING AND PRIOR TO THE PLACEMENT OF FILL, INVESTIGATE EACH AREA FOR AREAS OF AVOIDANCE, STABILITY AND DETERMINE THE LOCATION OF ALL EXISTING UTILITY LINES AND EXISTING SHALL BE SUBMITTED FOR APPROVAL. IF EXISTING UTILITY LINES ARE FOUND, THE BUILDING ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
9. THE EXIST LOCATION OF THE UNDERLINE SHALL BE SURVEYED IN THE FIELD FOR LINE AND GRADE.
10. ALL EXISTING BACKFILL SHALL BE REMOVED THROUGHOUT TO A MINIMUM OF 90 PERCENT RELATIVE COMPACTION AS DETERMINED BY TEST METHOD 1001, AND APPROVED BY THE BUILDING ENGINEER. FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
11. THE STOPPING OF EXISTING MATERIAL SHALL BE APPROVED BY THE CITY GRADING ENGINEER.
12. LANDSCAPING OF ALL SLOPES AND PADS SHALL BE IN ACCORDANCE WITH CHAPTER 15 OF THE CMC.
13. ALL CITY SLOPES SHALL BE INVESTIGATED WITHIN 48 HOURS AFTER GRADING BY AN ENGINEERING CONSULTANT TO DETERMINE IF ANY STABILITY PROBLEMS EXIST. SHOULD ANY STABILITY PROBLEMS EXIST, THE BUILDING ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
14. WORK SUPPORT ON BATTERING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY. THE BUILDING ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
15. THE ENGINEERING CONSULTANT AND BUILDING ENGINEER SHALL, AFTER GRADING AND PRIOR TO THE PLACEMENT OF FILL, INVESTIGATE EACH AREA FOR AREAS OF AVOIDANCE, STABILITY AND DETERMINE THE LOCATION OF ALL EXISTING UTILITY LINES AND EXISTING SHALL BE SUBMITTED FOR APPROVAL. IF EXISTING UTILITY LINES ARE FOUND, THE BUILDING ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
16. WHEN CUT FILL ARE REQUIRED TO BE MAINTAINED, THE ENGINEERING CONSULTANT SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
17. THE ENGINEERING CONSULTANT SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
18. NOTIFICATION OF SUBCOMPLIANCE, IF, IN THE COURSE OF FULFILLING THEIR RESPONSIBILITY, THE CIVIL ENGINEER FINDS THAT THE GRADING IS NOT IN ACCORDANCE WITH THE APPROVED GRADING PLANS, THE CIVIL ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
19. THE CIVIL ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.
20. THE CIVIL ENGINEER SHALL, IN THE PLACEMENT OF FILL TO EACH RESPECTIVE CORNER.

DOCUMENTATION

1. AN AS-BUILT GRADING PLAN SHALL BE PREPARED BY THE CIVIL ENGINEER, INCLUDING ORIGINAL, REVISIONS AND A COPY OF THE PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER, BUILDING DEPARTMENT, CIVIL ENGINEER, FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
2. A FILL GRADING REPORT PREPARED BY THE CIVIL ENGINEER, INCLUDING LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND EXISTING SHALL BE SUBMITTED TO THE CITY ENGINEER, BUILDING DEPARTMENT, CIVIL ENGINEER, FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.
3. A FILL GRADING REPORT PREPARED BY THE CIVIL ENGINEER, INCLUDING LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND EXISTING SHALL BE SUBMITTED TO THE CITY ENGINEER, BUILDING DEPARTMENT, CIVIL ENGINEER, FIELD INSPECTIONS WILL BE OUTLINED AT THE MEETING.

LEGEND

- CONCRETE BLOCK WALL
- GATE
- PROPERTY LINE
- TOP OF WALL
- FINISHED SURFACE
- BACK OF WALL
- FINISHED FLOOR
- PAD ELEVATION
- GARAGE FINISHED FLOOR
- INVERT
- HIGH POINT
- EXISTING
- GAS METER
- SEWER CLEANOUT
- WATER METER
- CENTERLINE



CONSTRUCTION NOTES

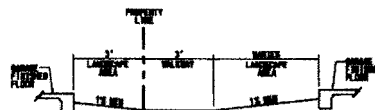
1. CONSTRUCT 4" CONCRETE WALL/PATIO.
2. CONSTRUCT 4" DRAIN OPENING THROUGH BLOCK WALL AT FINISHED GRADE ELEVATION.
3. CONSTRUCT TWO 4" CONCRETE STEP STAIRCASES.
4. CONSTRUCT 6" DRIVEWAY, 8" DIA. PER CITY STD-102-L.
5. CONSTRUCT 3" HIGH BLOCK WALL PER CITY STD. (SEPARATE PERMIT REQUIRED).
6. CONSTRUCT 6" HIGH BLOCK WALL PER CITY STD. (SEPARATE PERMIT REQUIRED).
7. INSTALL SECURITY GATE.
8. INSTALL SEWER CLEANOUT PER CITY STD.
9. INSTALL GAS METER.
10. INSTALL WATER METER.
11. INSTALL STREET TIE PER CITY STD-118-L.
12. CONSTRUCT 4" CONCRETE SIDEWALK.

LEGAL DESCRIPTION

THE NORTHWESTERLY 23 FEET OF LOT 4 AND ALL OF LOTS 5, 6 AND 7 OF TRACT NUMBER 1622 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, PER MAP BOOK 47 PAGE 39 OF MISCELLANEOUS MAPS EXCEPT THE NORTHWESTERLY 20 FEET OF SAID LOT 7.

PROPERTY ADDRESS
3336 VIA LIDO
NEWPORT BEACH, CA

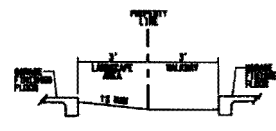
PROPERTY OWNER
ETCO HOMES
5400 WESTMINSTER MALL
WESTMINSTER, CA 92386
TEL: (714) 379-3278



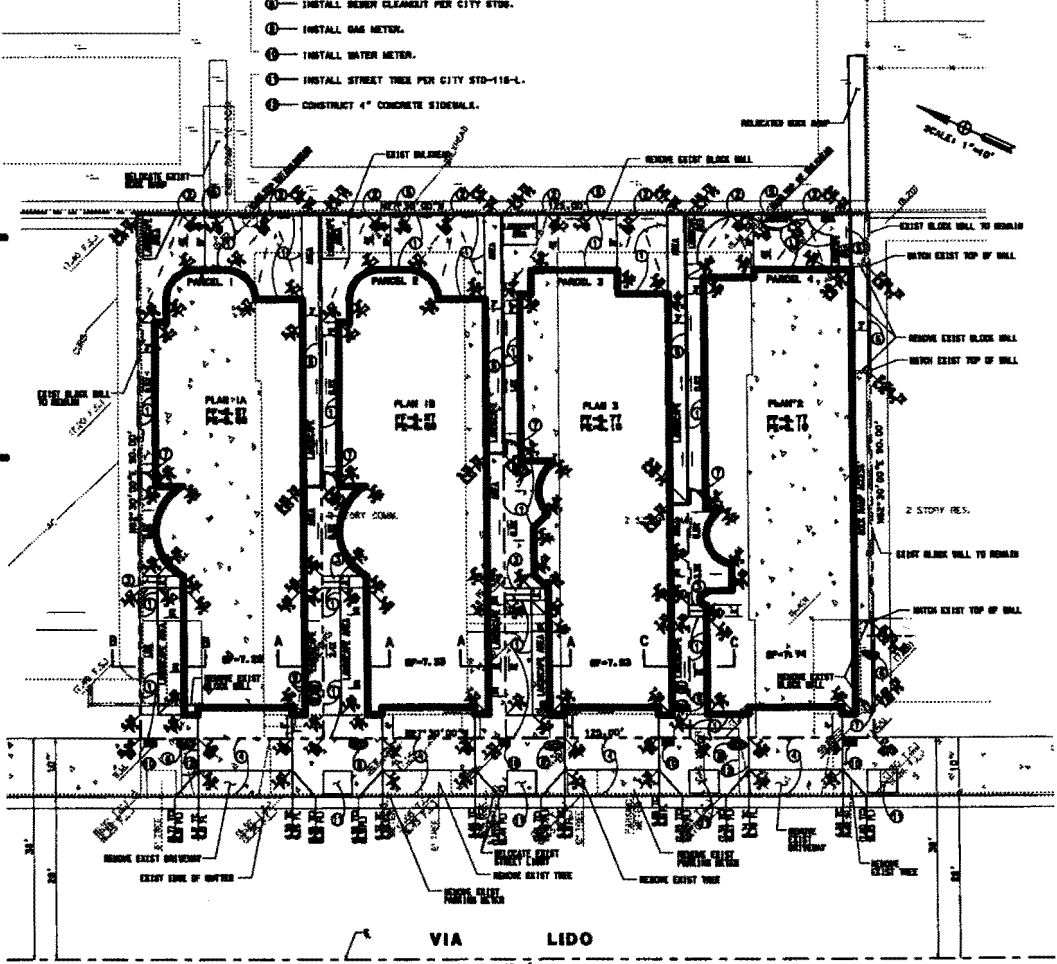
SECTION A-A
NOT TO SCALE



SECTION B-B
NOT TO SCALE



SECTION C-C
NOT TO SCALE



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SAVY CONSULTING GROUP
540 WESTMINSTER MALL
WESTMINSTER, CA 92386
(714) 379-3278

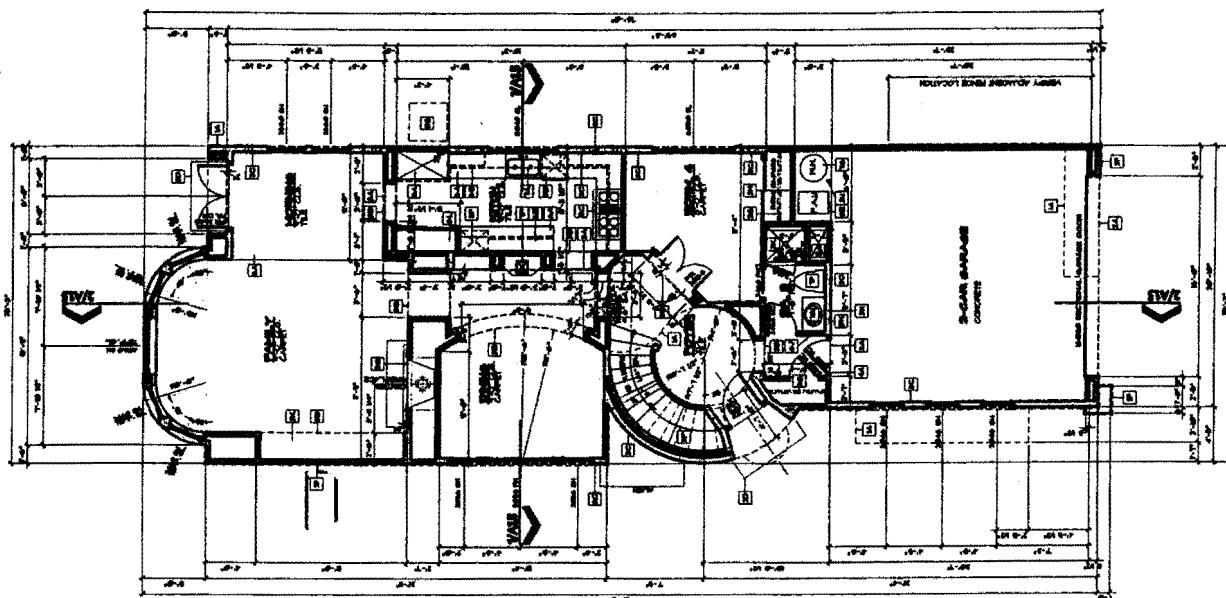


NO.	DATE	BY	DESCRIPTION
1	4/10/08		

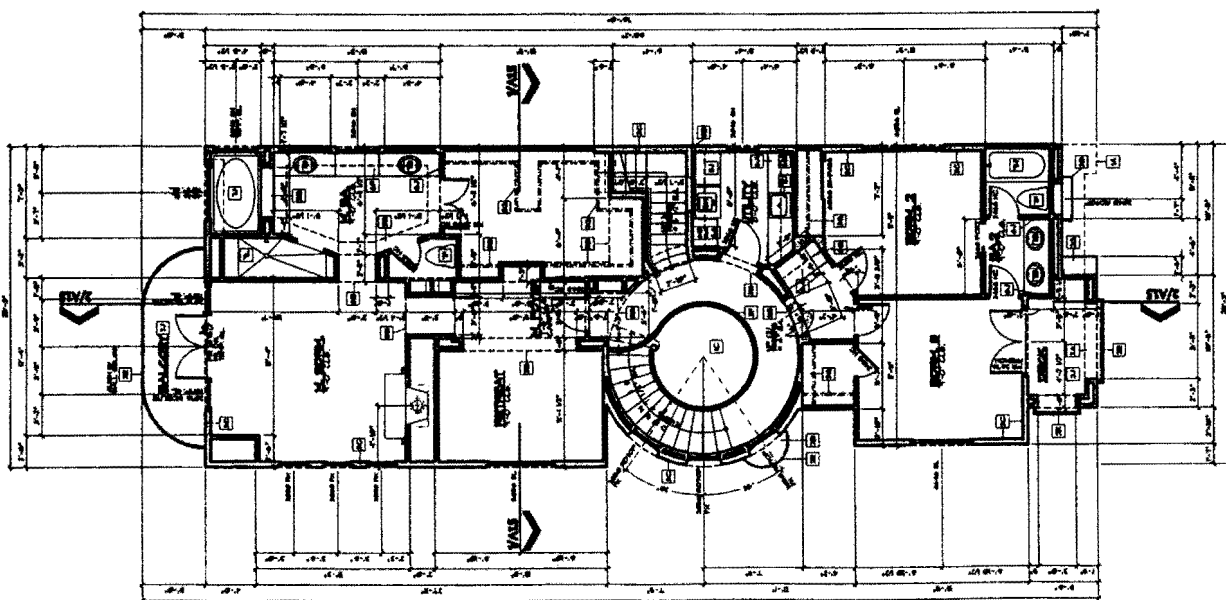
CITY OF NEWPORT BEACH
BUILDING DEPARTMENT

PRECISE GRADING PLAN
PARCEL NUMBER 2000-114

SHEET 1 OF 1

[illegible]

FIRST FLOOR PLAN



SECOND FLOOR PLAN

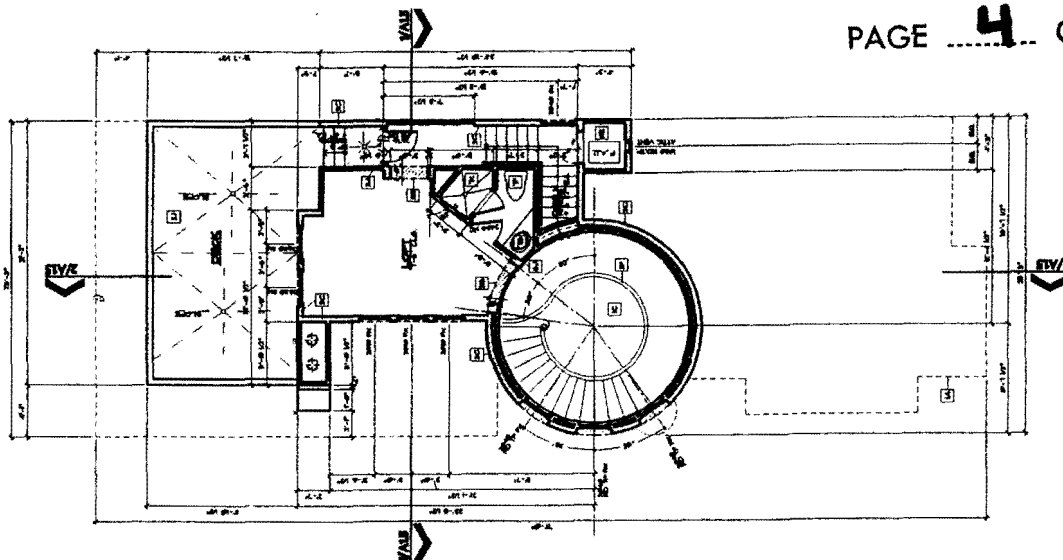
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EXHIBIT # 2
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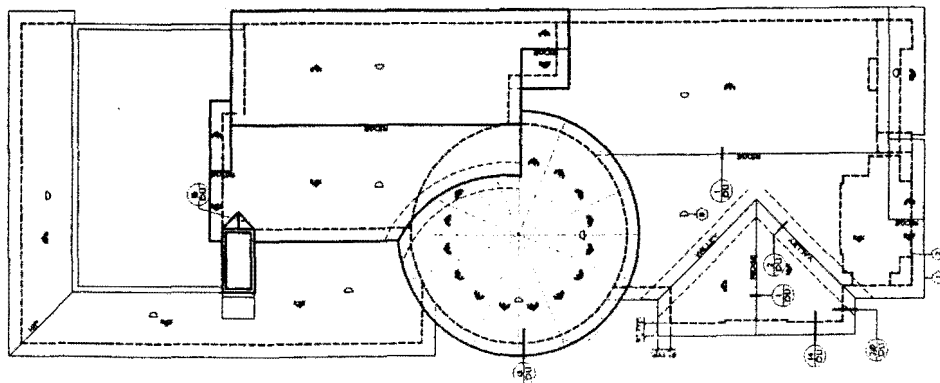
AREA TABULATION

FLOOR PLAN - KEYNOTES

ROOF NOTES



1 THIRD FLOOR PLAN



2 ROOF PLAN

COASTAL COMMISSION
5-98-183-A1
EXHIBIT # 2
PAGE 4 OF 14

EXTENSION ELEVATION - GENERAL

1. THE EXISTING AND NEW WALLS, AND EXISTING AND NEW ROOFING ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE 1995 IBC.
2. EXISTING TO EXISTING FLOOR SLABS SHALL BE REINFORCED/CONCRETE.
3. EXISTING/NEW WALLS SHALL BE 8" OR 12" CMU, FINISH PLASTER AND 1/2" GYP BOARD.
4. ALL FLOOR JOIST ENDING IN AN EXISTING/NEW WALL OR EXISTING/NEW ROOFING SHALL BE REINFORCED/CONCRETE. EXISTING/NEW ROOFING SHALL BE 12" OR 18" CMU, FINISH PLASTER AND 1/2" GYP BOARD.

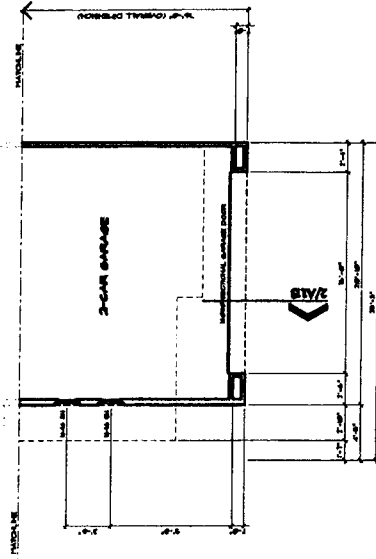
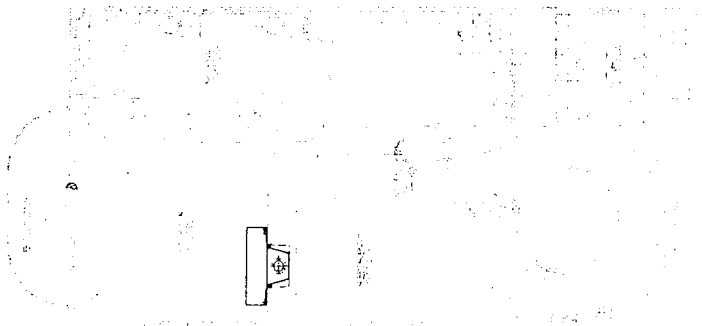
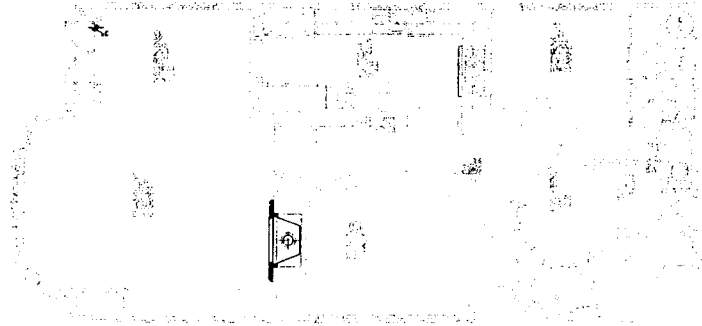
LEFT ELEVATION

AREA TABULATION

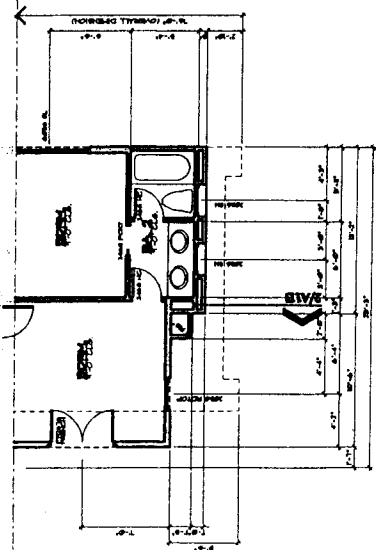
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FLOOR PLAN - KEYNOTES

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FIRST FLOOR PLAN



COND FLOOR PLAN

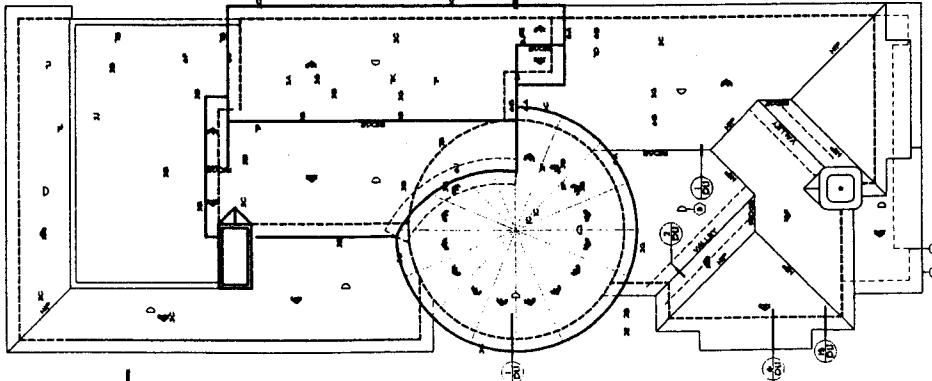
COASTAL COMMISSION

5-98-183-11

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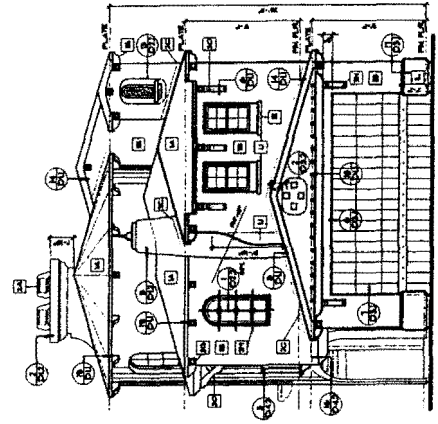
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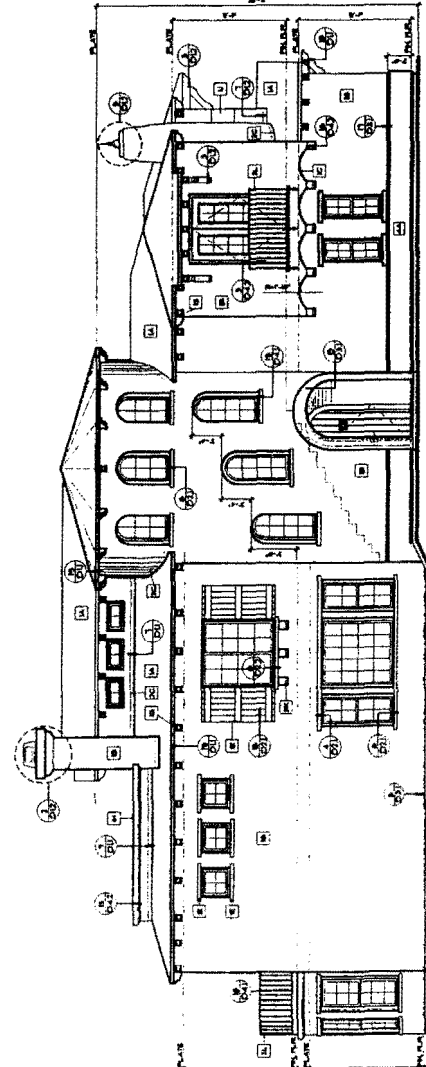
ROOF PLAN

COASTAL COMMISSION
5-98-183-A1

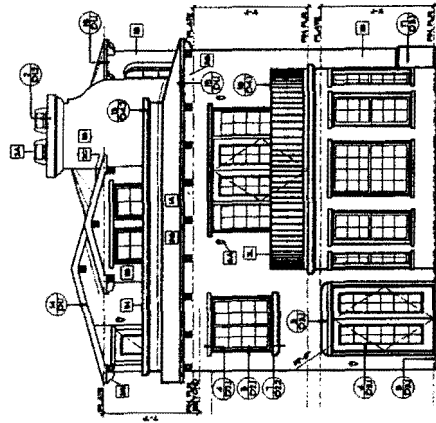
EXHIBIT # 2
PAGE 8 OF 14



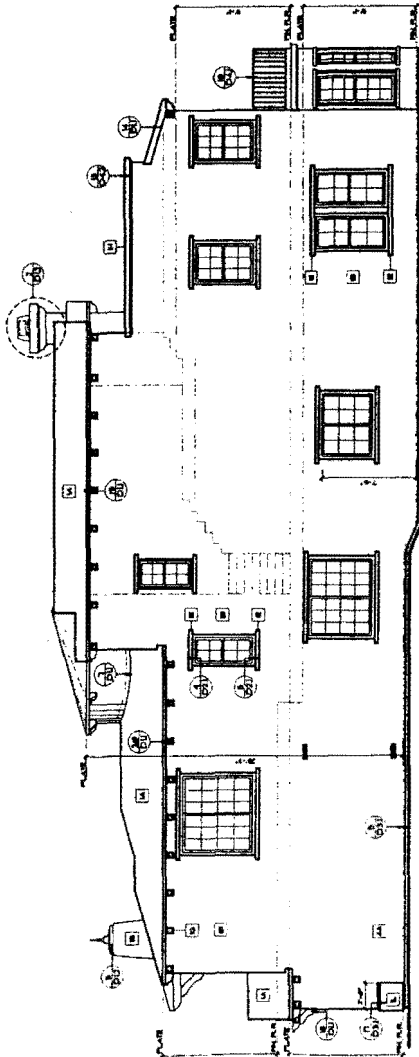
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

EXTERIOR ELEVATION - GENERAL NOTES

EXTENSION ELEVATION - KEYNOTES

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AREA TABULATION

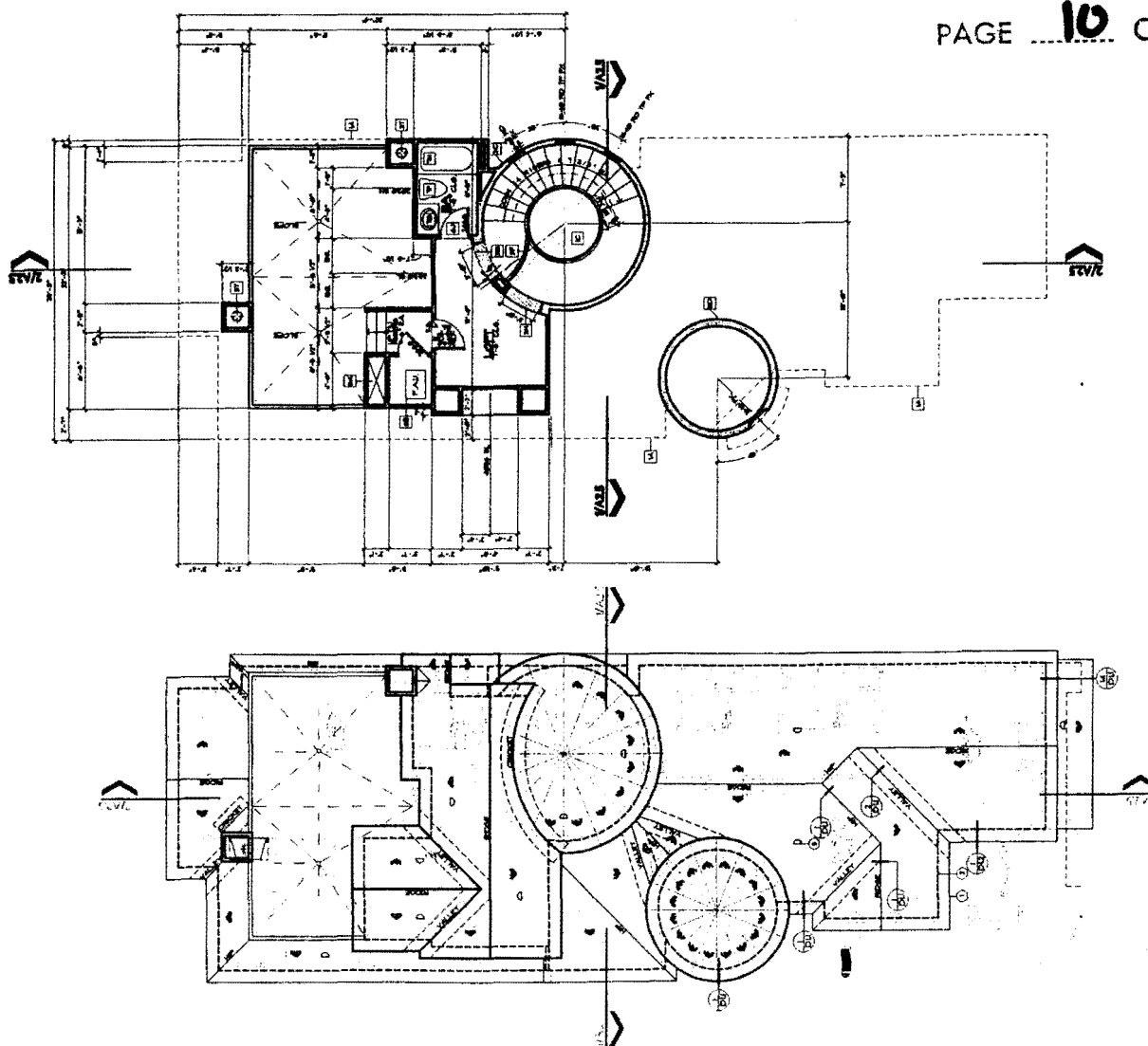
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FLOOR PLAN - KEYNOTES

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ROOF NOTES:

- [illegible]



COASTAL COMMISSION
5-98-183-A1

EXHIBIT # 2

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THIRD FLOOR PLAN

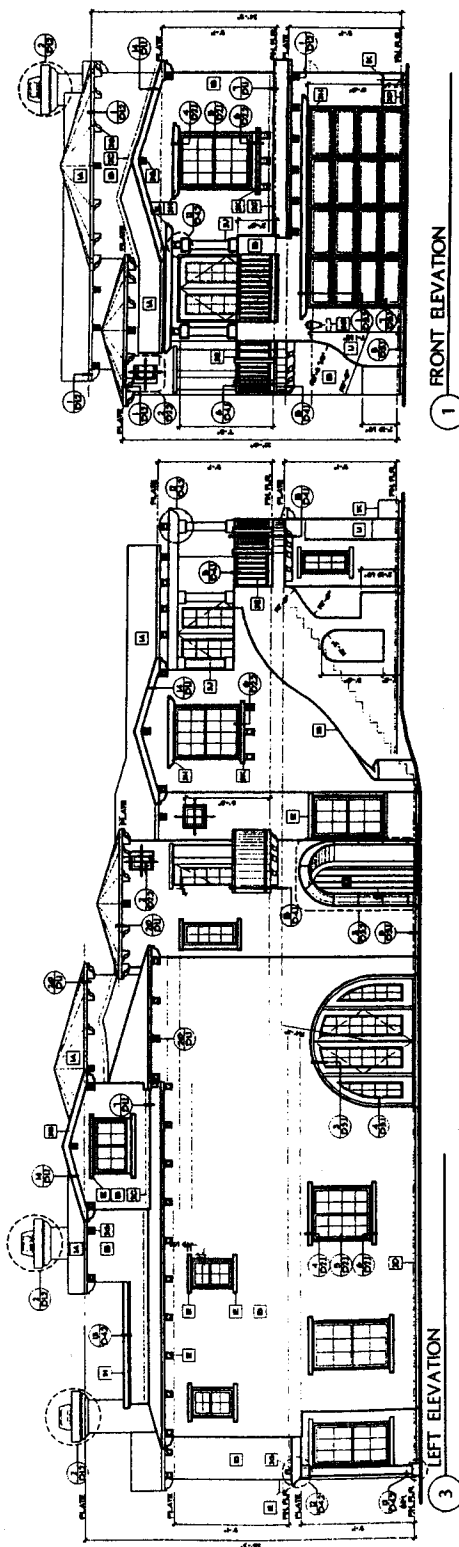
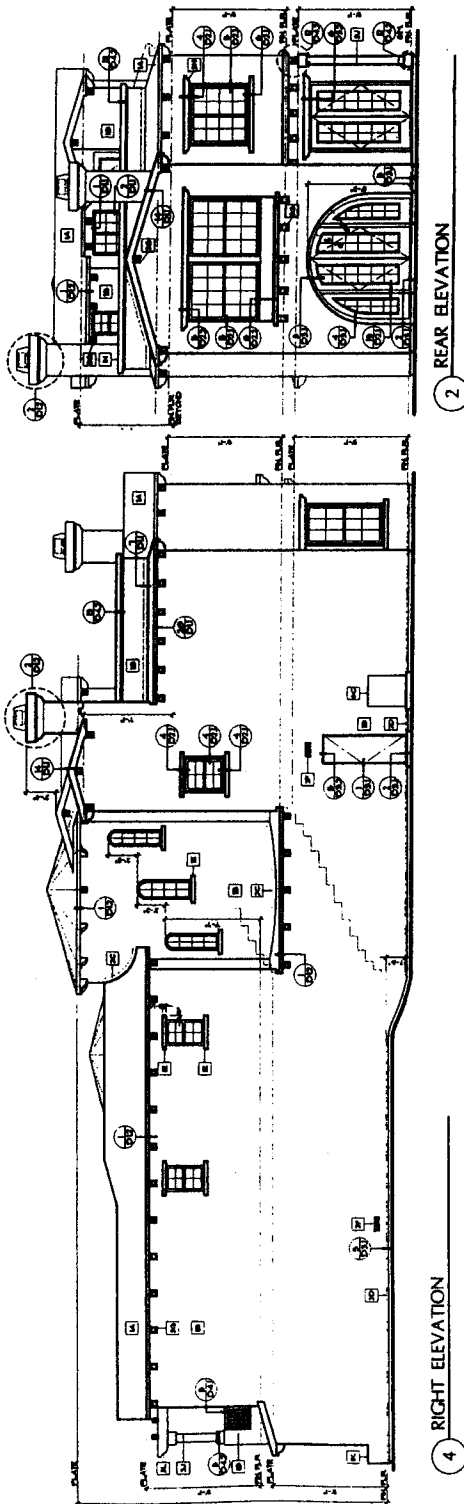
ROOF PLAN

EXTERIOR ELEVATION - GENERAL NOTES

14. *What are the benefits and risks of the use of the Internet for the dissemination of information on the environment? Do you have suggestions for the use of the Internet for the dissemination of information on the environment?*

EXTERIOR ELEVATION - KEYNOTES

- ☐
- Reference to prior**



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 Los Angeles, CA 90024
 Tel: 310.277.1111
 Fax: 310.277.1112

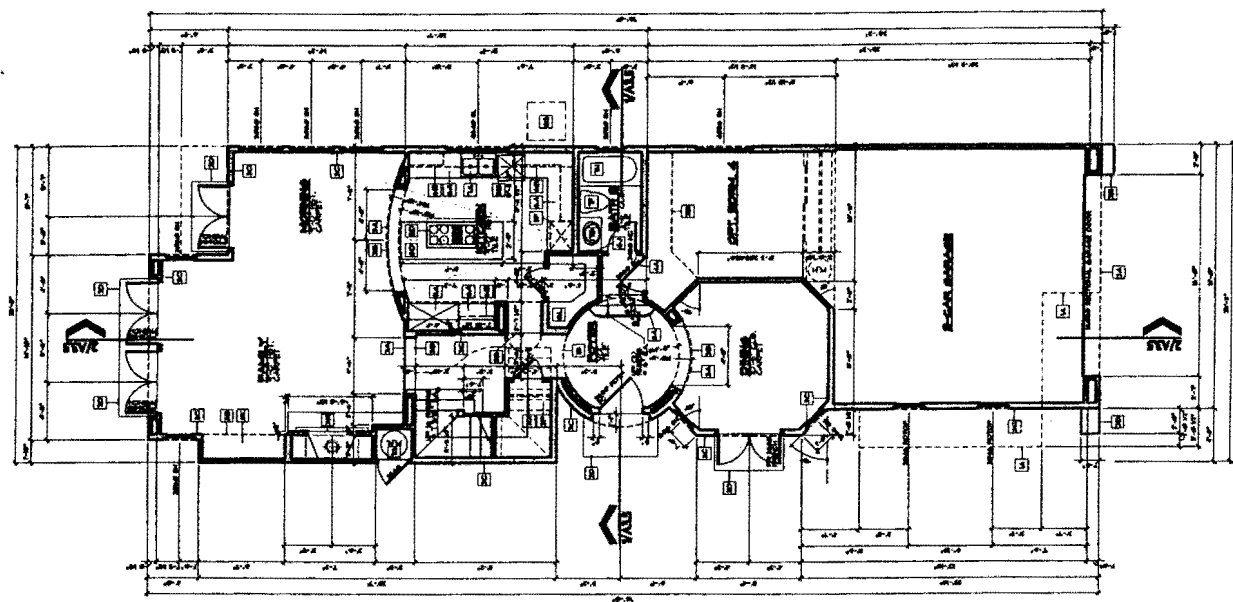
PLAN 3
FIRST & SECOND
FLOOR PLAN

VIA LIDO
 NEWPORT BEACH, CA
 ETICO DEVELOPMENT

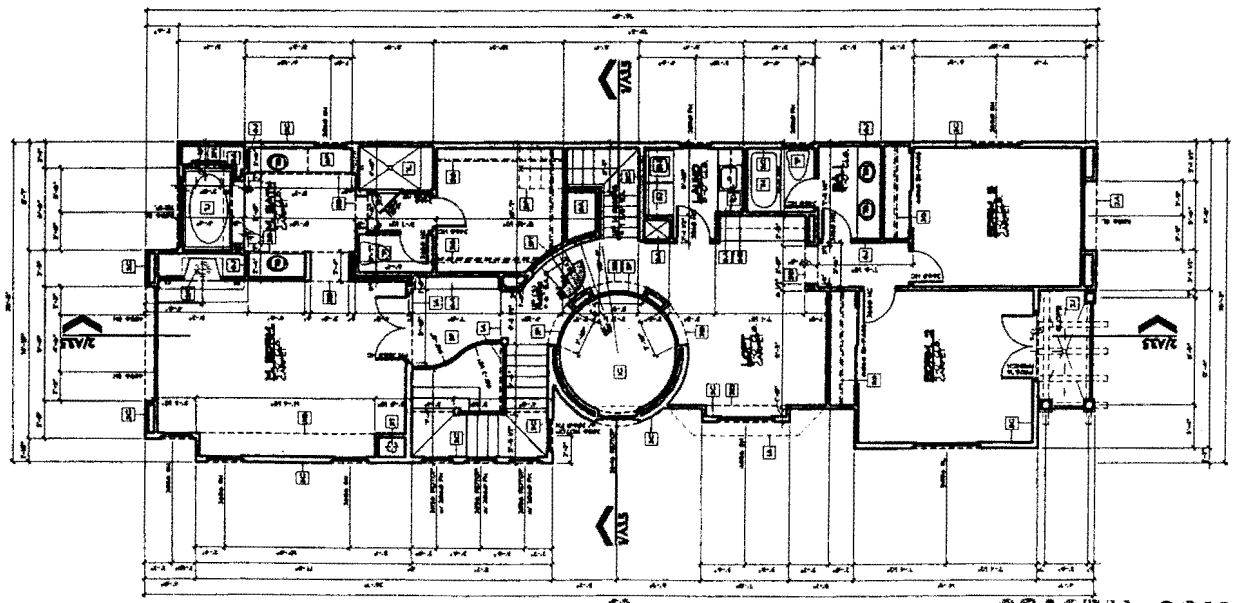
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FLOOR PLAN - KEYNOTES
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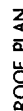
1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

COASTAL COMMISSION
5-98-183-41
 EXHIBIT # **2**
 PAGE **12** OF **14**

COASTAL COMMISSION
5-98-183-A1
EXHIBIT # 2
PAGE 13 OF 14



CALIFORNIA COASTAL COMMISSION

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



COMMISSION ACTION ON 10-19-98

☒ Approved as recommended

☐ Deleted as recommended

☐ Approved with changes

☐ Denied

☐ Other

Filed: September 4, 1998
49th Day: October 23, 1998
180th Day: March 3, 1999
Staff: SFR-LB
Staff Report: September 24, 1998
Hearing Date: October 13-16, 1998
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-183

APPLICANT: Lido Investment Company, LLC **AGENT:** Balalis Corporation

PROJECT LOCATION: 3336 Via Lido, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: The demolition of a ten unit apartment building covering four lots. The re-subdivision of the four existing, unequally sized lots into four 2812 sq. ft. sized lots.

LOCAL APPROVALS RECEIVED: Approval in Concept 835-98 from the City of Newport Beach. General Plan Amendment 97-3(A). Local Coastal Program Amendment 48, and Re-subdivision 1033.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan. Coastal development permit 5-98-007 (La Charite & Sons Construction, Inc.). Report to the Mayor and City Council (City of Newport Beach, April 13, 1998) and Report to the Mayor and City Council (City of Newport Beach, March 9, 1998)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project as submitted. This project will be heard concurrently with Newport Beach Land Use Plan Amendment 1-98 which proposes the re-designation of the project site from "Retail and Service Commercial" to "Multi-Family Residential". The basic issue of whether or not the subject parcels should be reserved for future commercial use or whether the legal non-conforming residential use should be legitimized was dealt with in the Land Use Plan Amendment. Since staff recommends that the Commission approve the project as submitted, there are no outstanding concerns.

COASTAL COMMISSION
5-98-183-A

EXHIBIT # 3
PAGE 1 OF 9

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 construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction 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 of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, 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 as follows:

A. Project Description and Location

The demolition of a ten unit apartment building. The re-subdivision of four existing unequally sized lots into four equally sized lots of 2812 sq. ft. each. The project site is located at 3336 Via Lido, City of Newport Beach, County of Orange (Exhibits 1 & 2).

The project site is within the Lido Village area of Newport Beach. Lido Village is bounded by Newport Boulevard, Via Lido and Newport Bay. The Land Use classification for the project site was changed to "*Multi-Family Residential*" through the City's Land Use Plan Amendment which was heard at this Commission meeting. Prior to the Commission's action on the Land Use Plan amendment, the existing residential development on the project site (consisting of a pre-Coastal Act ten unit apartment) was a legal non-conforming use since the site was previously designated "*Retail and Service Commercial*". The certified Land Use Plan is used as guidance by the Commission as the standard of review is the Coastal Act.

Though not part of the current project before the Commission, approval of this project would allow the site to be developed with one single-family residence per lot, for a total of four single family residences. Coastal development permits will be required for this subsequent development.

B. New Development

The project consists of the demolition of a ten unit apartment building and the re-subdivision of four existing, but unequally sized lots into four equally sized lots. Residential use currently on the subject property was developed prior to the passage of the Coastal Act. The subject site (3336 Via Lido) fronts Newport Bay and is adjacent to visitor serving and coastal dependent commercial uses, specifically the Lido Village retail center just to the north of the subject site.

Section 30250.

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.

The proposed demolition and re-subdivision constitutes new development. Section 30250 requires that new development be located within a developed area able to accommodate it. The project site has been used for residential purposes on an historic basis and all infrastructure necessary to serve future development which may occur on the site already exists. Furthermore, the project site is in a highly urban area which has been built out. The proposed demolition of the ten unit apartment will result in a de-intensification of use of the site.

The re-subdivision of the apartment building site, based on the newly adopted Land Use Plan Amendment, would allow the construction of four single family dwellings. No coastal development permit applications have been submitted for construction of the homes that would be allowed by this re-subdivision. The new lots created by this re-subdivision, however, do not meet the City's requirement of having a fifty (50) foot lot width as each lot would be thirty-one (31) feet wide.

In reaching its decision approving the subdivision, the City Council evaluated several alternatives for how the subject property (3336 Via Lido) plus the two adjoining properties to the south could be developed in the future. One alternative considered future development, without subdividing the subject property. Under this scenario four condominiums could be built on the project site (3336 Via Lido). This alternative would result in the same density of residential development as contemplated by the proposed subdivision. A second alternative considered slightly larger lots. This alternative would have required the participation of the other property owners and would not have resolved the fact that the lots would not

comply with the fifty foot minimum width. A third alternative based on meeting the lot width criteria would have allowed a total of four single family residences on all three properties. This alternative, however, would limit the subject parcel to two single family residences and would have reduced the development potential of the other two properties from eight residential units to two residential units. In approving the subdivision with four thirty-one foot wide lots, the City Council rejected the alternatives to the proposed subdivision and granted the applicant a variance based on the following summarized reasons: the property owner is proposing a substantial reduction in the number of dwelling units, the proposed lot width is consistent with other residential parcels in the area, and strict adherence to minimum standards would deprive the landowner of the preservation and enjoyment of a substantial property right.

Based on the project sites historical use as residential development, that the project site can accommodate future residential development, and the fact that the demolition of the apartment building and the re-subdivision will not adversely impact visitor serving commercial opportunities, the proposed development would be consistent with the Coastal Act. Therefore, the Commission finds that the demolition of the existing apartment building and the re-subdivision of the four lots is consistent with Section 30250 of the Coastal Act.

C. Coastal Access

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road. In this case the sea is Newport Harbor.

Section 30212 of the Coastal Act requires that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except in certain limited situations. A public access dedication can only be required where a proposed project adversely impacts public access. The certified land use plan identifies the subject site as being suitable for the construction of a walkway along the bulkhead. One of the stated reasons for the Planning Commission denying the project was the lack of a proposed coastal walkway as part of the development project under consideration. The proposed demolition of the apartment building and re-subdivision of the project site, however, will not affect the public access situation.

The subject site is currently developed as a private residential apartment and the public does not currently have access to the waterfront at the project site. The demolition of the ten unit apartment would result in a de-intensification of use of

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the site. Access to the water exists nearby the subject site. Coastal access opportunities exist at Lido Village, the Lido Sailing Club, and the Via Lido Bridge. Each of these coastal access sites are in easy walking distance of each other.

For the foregoing reasons, the proposed development will not adversely impact the public's ability to access the water as public access through the subject site or along the waterfront does not currently exist and access opportunities exist nearby. Therefore, the Commission finds that the development is consistent with the public access and recreation policies of the Coastal Act.

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. At the October 1998 Commission meeting, the Commission approved an amendment to the City's certified Land Use Plan to re-designate the subject site from "*Retail and Service Commercial*" to "*Multi-Family Residential*" which would bring the land use designation into conformance with the existing residential development on the project site. Furthermore, this land use re-designation allows future residential development to occur on the project site. However, the certified Land Use Plan is used as guidance since the standard of review is consistency with the Chapter 3 policies of the Coastal Act. The project, as submitted, has been found to be consistent with the Chapter 3 policies of the Coastal Act regarding public access and new development. Therefore, the Commission finds that approval of 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.

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The project is located in an existing urbanized area. Development already exists in the project vicinity and all necessary utilities needed to serve the subject parcel are available when the site is re-developed. The proposed development will have minimal adverse impacts on coastal resources since it will be limited to the demolition of an existing ten unit apartment building and the re-subdivision of the project site. This will lower the intensity of use of the site. There are no mitigation measures or alternatives necessary as there are no adverse impacts. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

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