

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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**RECORD PACKET COPY**

Filed: 4/24/02
 49th Day: 6/12/02
 180th Day: 10/21/02
 Staff: MV-LB
 Staff Report: 5/23/02
 Hearing Date: 6/11-14/02
 Commission Action:

Tu 4 d**Staff Report: Consent Calendar**

Application No.: 5-02-124
APPLICANT: Larry Swartz
AGENT: Pacific Coast Architects
PROJECT LOCATION: 5304 Seashore Drive, Newport Beach, Orange County

PROJECT DESCRIPTION: Remodel of an existing duplex consisting of 288 square foot addition to the first story (of which 277 square feet is created by enclosing the existing covered single-car carport), and addition of 234 square foot addition to the second floor (enclosing an existing balcony). Resultant structure will be a 2,935 square foot, 23 foot high, two story duplex with a 421 square foot roof deck and an attached 704 square foot, three-car garage. The three-car garage will be divided into one two-car and one single car garage.

Lot Area:	3,200 square feet
Building Coverage:	1,838 square feet
Pavement Coverage:	1,362square feet
Landscape Coverage:	0 square feet
Parking Spaces:	3 spaces
Zoning:	R-2
Plan Designation:	Two Family Residential
Ht above final grade:	23 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 0538-2002;
 City of Newport Beach Modification Permit No. MD2002-017.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with one special condition. The existing and proposed duplex provides only three parking spaces rather than the Commission's usual standard of four. However, the proposed changes will not increase the intensity of use at the site and so no nexus exists to require an additional space at this time. However, the special condition requires that any future development at the subject site will necessitate an amendment to this permit or a new coastal development permit. The special condition is necessary to assure that any development that results in an intensification of use at the site will be evaluated for potential impacts on public access to the sea in the project vicinity.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application.

MOTION:

I move that the Commission approve CDP #5-02-124 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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, as conditioned, 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. Future Development**

This coastal development permit 5-02-124 approves only the development, as expressly described and conditioned herein, to the existing duplex and garage located at 5304 Seashore Drive, Newport Beach. Any future development to the duplex 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 the remodel of an existing duplex consisting of a 288 square foot addition to the first story (of which 277 square feet is created by converting the existing covered single-car carport into a garage), and addition of 234 square foot addition to the second floor (enclosing an existing balcony). Resultant structure will be a 2,935 square foot, 23 foot high, two story duplex with a 421 square foot roof deck and an attached 704 square foot, three-car garage. The three-car garage will be divided into one two-car and one single-car garage.

The subject site is not a water front lot and is not located between the sea and the first public road. It is located one block (less than 300 feet) inland of the wide sandy public beach at the upcoast end of the City of Newport Beach. Public access in the project vicinity exists approximately 100 feet from the subject site at the 53rd Street street end. The proposed project will not create any adverse impacts on public access to the sea.

The City approved Modification Permit No. MD2002-017 in conjunction with the proposed project. The modification permit was necessary because the project is short one parking space by the City's parking standards. The City found that the modification was acceptable in this case because the project would not increase the number of dwelling units on the property and would not increase the demand for on-street parking in the neighborhood.

The project needs a coastal development permit from the Coastal Commission because the City of Newport Beach does not yet have a certified Local Coastal Program and because the project constitutes an addition of more than 10% in an area that is within 300 feet of the beach.

B. 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.

Section 30252 also encourages the use of alternative forms of transportation. The existing and proposed use of the subject site is a private, two-unit residence. The proposed development will not increase the density or intensity at the site. Bicycle paths and public transit currently serve the project vicinity. Moreover, the applicant is not in a position to provide public transit. Therefore, the focus of this project's consistency with Section 30252 of the Coastal Act is the question of whether the provision of adequate parking is provided as necessary to maintain public access in the project vicinity.

Parking Demand in the Project Vicinity

The City's certified Land Use Plan (LUP) states that parking is a major issue in the Newport Beach Coastal Zone. The project site is located one block inland of the City's wide, sandy, ocean-fronting beach. Public access in this area exists at all the street ends. The beach in this area is a popular destination point, attracting members of the general public from beyond the City limits. On-street parking in the project vicinity is the primary source of public beach parking.

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 three spaces exist on-site and no additional parking spaces are proposed. Therefore, the proposed development is deficient one parking space.

However, the proposed project is an improvement to an existing structure with no new residential units to be created. Because the proposed project will not increase the number of units, the use is not intensified. Thus no increase in parking demand will occur as a result of the proposed project. Therefore, 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 therefore 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 duplex. 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 additions 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 with 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 (3,200 square feet, 40 feet by 80 feet) and existing development on the site (see exhibit C). The proposed additions will occur in areas that are already developed. The addition at the second story is proposed to enclose an existing balcony. The first floor addition consists primarily (277 square feet of the total 288 square feet) of the enclosure of the existing single car carport, converting it into a single car garage. The carport currently is covered by the existing second story. Thus the existing footprint will not be significantly expanded. An additional parking space could not be provided on site even if the proposed project were not to occur unless demolition of existing development was required. The proposed project does not provide a nexus for such a requirement.

In this case, the 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 because an additional space cannot be feasibly provided.

C. Land Use Plan

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. Pursuant to Section 30604(a), the permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan (LUP) was effectively certified on May 19, 1982. The proposed development, as conditioned, is consistent with the policies of the certified Land Use Plan and Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

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 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.



project site

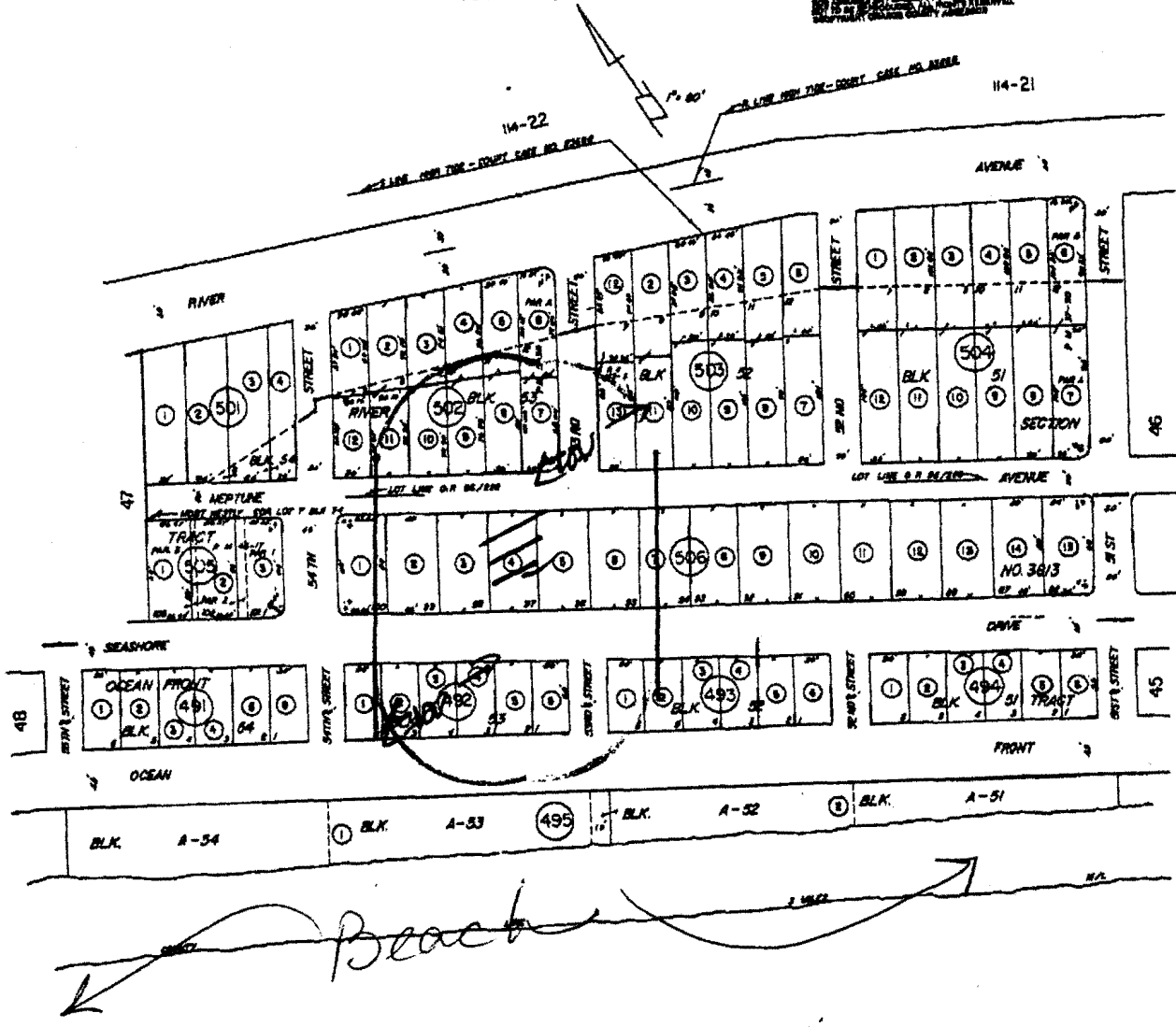
EXHIBIT NO. A
APPLICATION NO.
5-02-124
California Coastal Commission

VICINITY MAP

COASTAL

POR. NE. 1/4, SEC. 29, T. 6 S., R. 10 W.

424-



MARCH 1984

OCEAN FRONT TRACT

N.M. 4-12

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 424 PAGE 49 COUNTY OF ORANGE

COASTAL COMMISSION

5-02-124

EXHIBIT # B

PAGE 1 OF 1

Ownership Map



DRAWN BY: LARRY QUANT
CHECKED BY: BOB SEABROOK
REVISION: 02-01-03

SITE PLAN

ENCLOSURE SHEET NO. 5



APR 24 2002

South Coast Region

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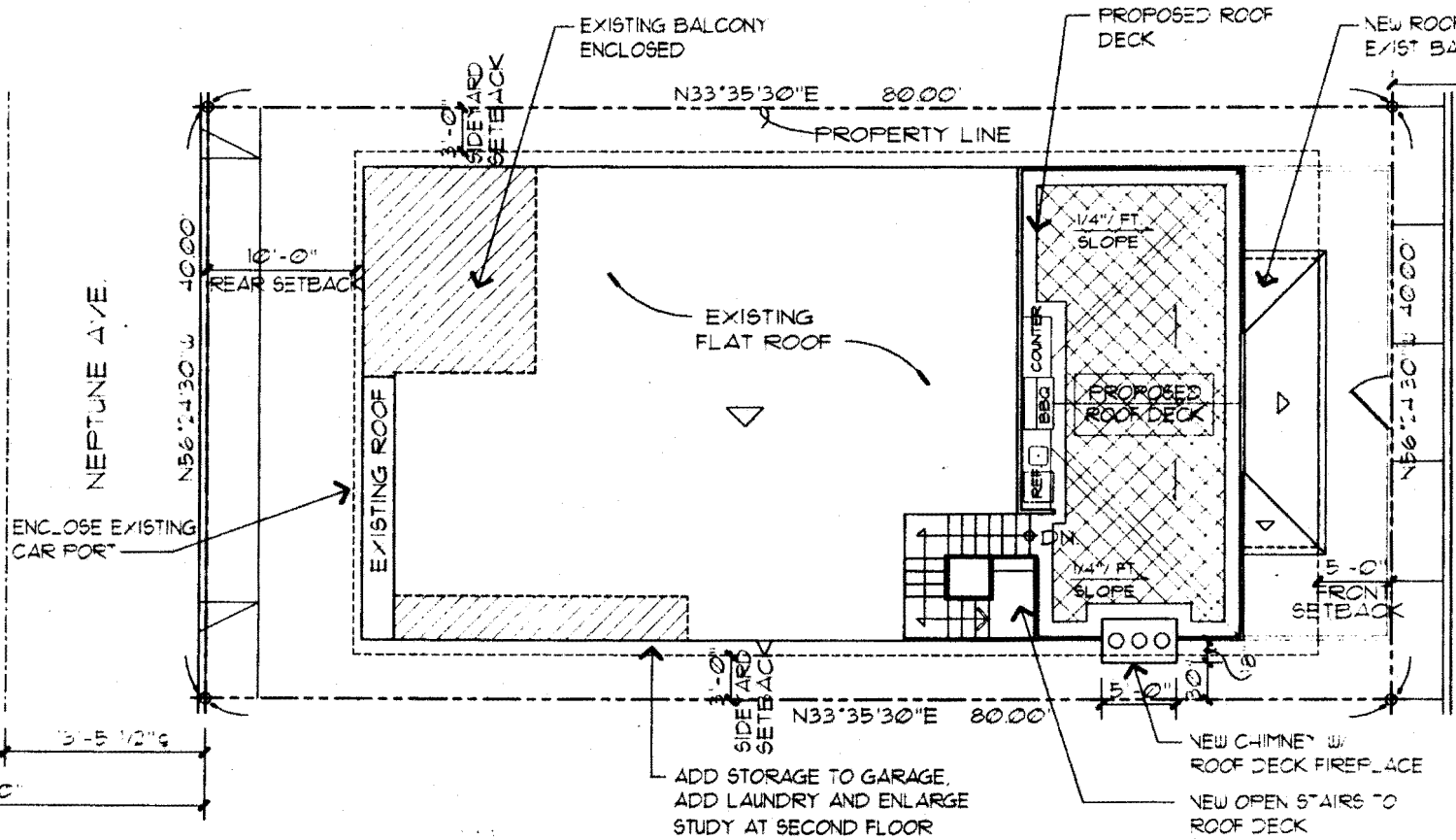


SCALE 1/4" = 1'-0"

COASTAL COMMISSION

OF
PAGE #
EXHIBIT #

hel-20-5



SITE PLAN
LEGAL DESCRIPTION: N TRACT 3013 LOT 97
APN: 474-506-04

6'-6 1/2"
3'-5 1/2"
30'-0"

A CUSTOM REMODEL AT 5304 SEASHORE DRIVE NEWPORT BEACH, CA 92663

COASTAL COMMISSION
5-02-124

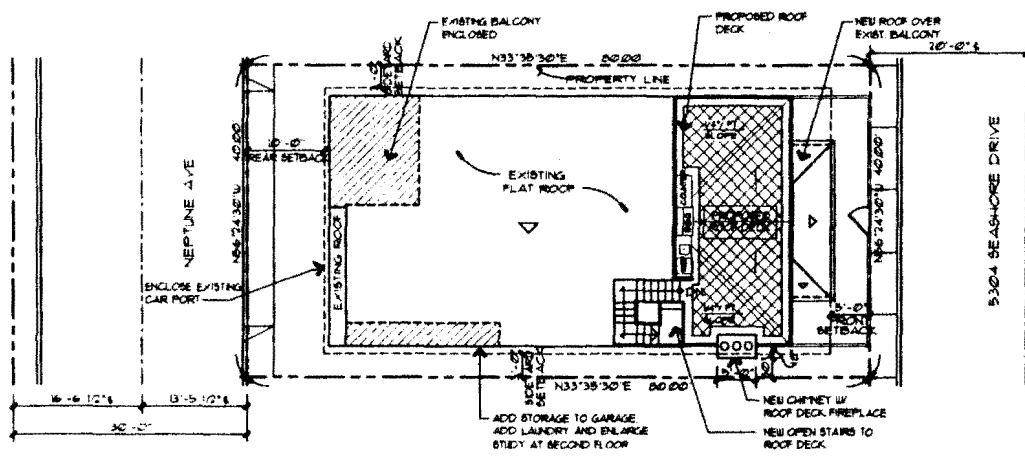
EXHIBIT # D
PAGE 1 OF 6

Project Plans

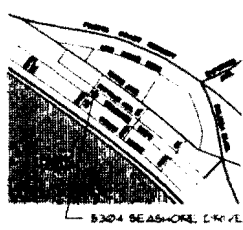


JUNEK L. COPELAND, ARCHITECT
NEWPORT BEACH, CA 92663

TITLE/ DATA SHEET
& SITE PLAN



VICINITY MAP



PROJECT DIRECTORY

ARCHITECT:
PACIFIC COAST ARCHITECTS
2600 NEWPORT BLVD, SUITE 114
NEWPORT BEACH, CA 92663
(949) 675-9468
ATTN: PHIL EDMONDSON

LIST OF DRAWINGS

1. TITLE/ DATA SHEET/ SITE PLAN
2. FIRST FLOOR PLAN
3. SECOND FLOOR PLAN
4. THIRD FLOOR PLAN AND PARTIAL ROOF PLAN
5. EXTERIOR ELEVATIONS
6. EXTERIOR ELEVATIONS

PROJECT DATA

ZONE	R-2
SEASHORE SETBACK	5'-0"
SIDE YARD SETBACK	3'-0"
NEPTUNE SETBACK	10'-0"
HEIGHT LIMIT	24' HIGH 25' MAX.
LOT AREA	3200 SF

EXISTING GARAGE	471.00 SF
PROPOSED GARAGE ADDITION	271.00 SF
EXISTING FIRST FLOOR	323.00 SF
PROPOSED FIRST FLOOR ADDITION	105.00 SF
EXISTING SECOND FLOOR	156.150 SF
PROPOSED SECOND FLOOR ADDITION	233.50 SF
PROPOSED GARAGE GROSS 742.00 SF	
PROPOSED FIRST FLOOR GROSS 428.00 SF	
PROPOSED SECOND FLOOR GROSS 390.00 SF	
TOTAL GROSS SF 1560.00 SF	
PROPOSED ROOF DECK 421.00 SF	
ALLOWABLE BF (2 KIP LOAD) 4420.00 SF	

SITE PLAN FOR DETAILED ROOF INFORMATION REFER TO ROOF PLAN SHEET 4

LEGAL DESCRIPTION: IN TRACT 3013 LOT 91
APN: 4-506-04



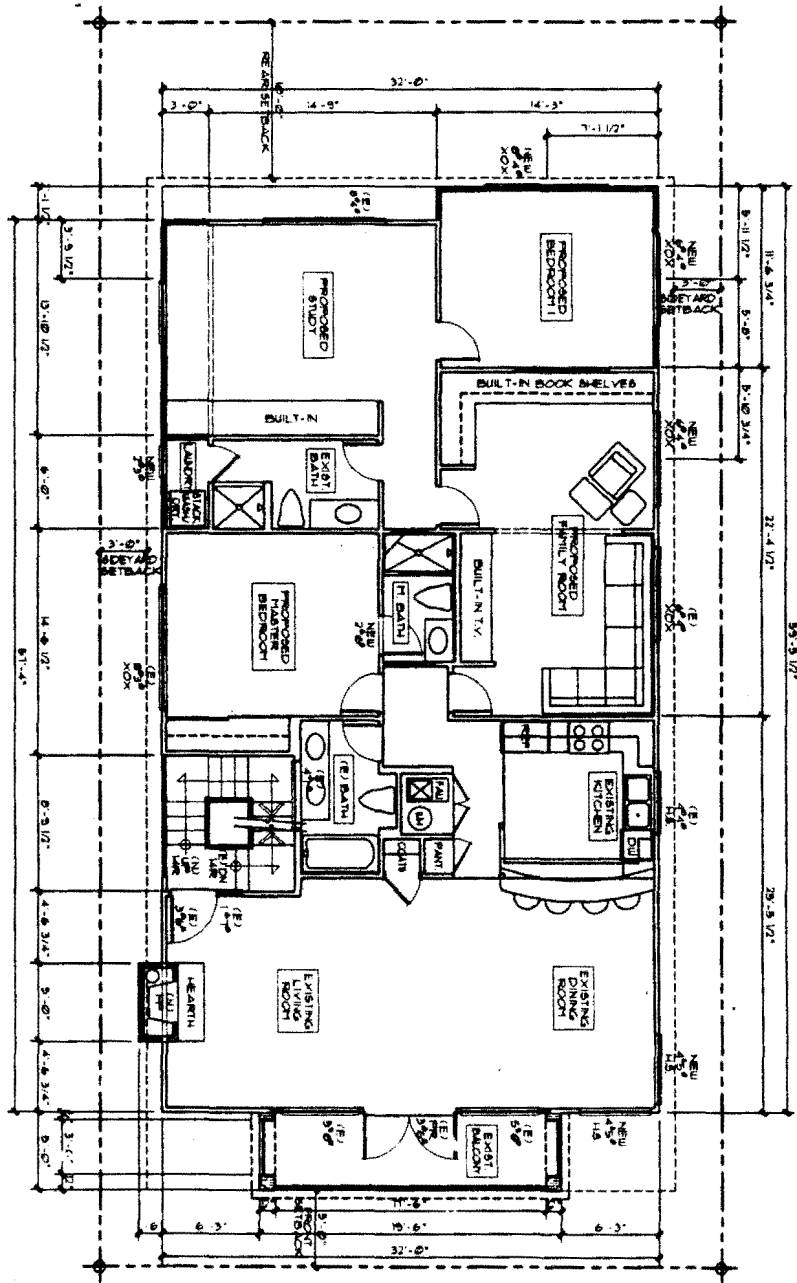
SCALE: 1/8"=1'-0"

07 MAR 02



1 OF 6

SECOND FLOOR PLAN



SCALE: 1/4" = 1'-0"

- WALL LEGEND**
- EXISTING WALLS TO REMAIN
 - WALLS TO BE REMOVED
 - NEW 2x4 STUDS @ 16" O.C. AND FINISH FOR PLUMBING WALLS

D3

3

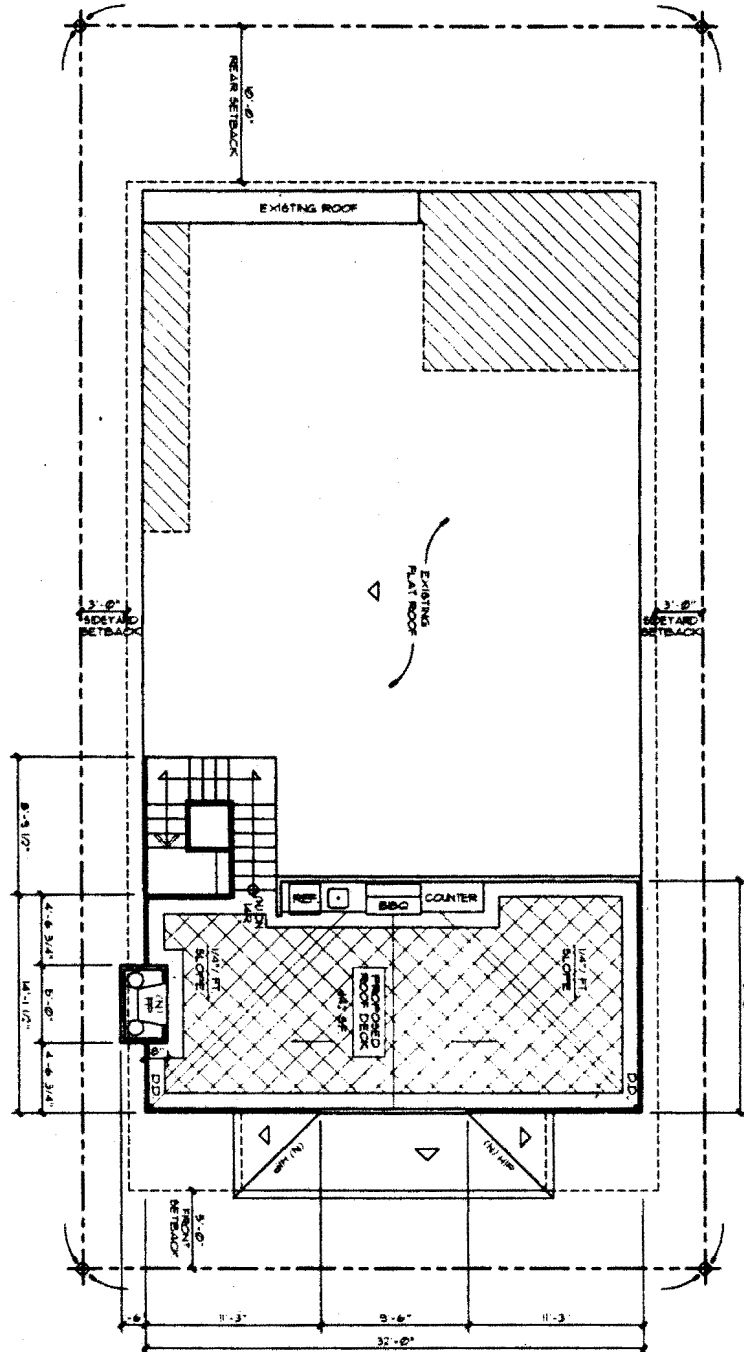


SECOND FLOOR PLAN

OWNER: LARRY BLUMITZ
 5304 SEASHORE
 NEWPORT BEACH, CA 92663



ROOF PLAN



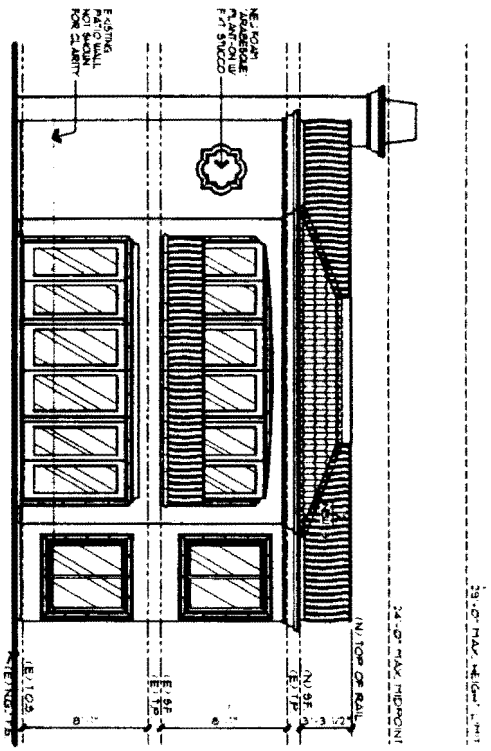
LEGEND:
 [Hatched Box] AREA OF ADDITION

SCALE 1/4" = 1'-0"



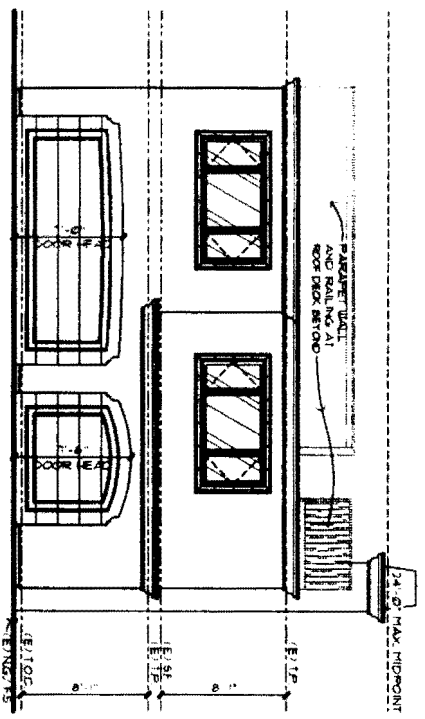
D4





FRONT ELEVATION

SCALE 1/4" = 1'-0"



REAR ELEVATION

SCALE 1/4" = 1'-0"

D5



EXTERIOR ELEVATIONS

ONE LARRY SUART
5504 SEASHORE
NEWPORT BEACH CA 92662



