

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: July 16, 2003
49th Day: September 3, 2003
180th Day: January 12, 2004
Staff: FSY-LB FSY
Staff Report: September 18, 2003
Hearing Date: October 7-10, 2003
Commission Action:

**TU 4a****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-03-176**RECORD PACKET COPY****APPLICANT:** Richard Felling**PROJECT LOCATION:** 5300 Seashore Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Remodel and addition to an existing two-story duplex. The project more specifically consists of: 1) remodel and addition of 34 square feet to the 1st floor; 2) remodel and addition of 413 square feet to the 2nd floor and 3) reduction of the 373 square foot 2nd floor deck to 54 square feet. A total of three (3) parking spaces for the duplex exist on site and no changes are proposed with the parking.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-In-Concept (No. 1032-2003) dated April 18, 2003.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan, Coastal Development Permit No. 5-98-027-[Woods] and 5-01-437-[Furman].

SUMMARY OF STAFF RECOMMENDATION:

The primary issue before the Commission is parking. The proposed project is deficient by one (1) parking space. However due to the minimum nature of the improvement, the parking deficiency does not need to be resolved at this time. Staff is recommending **APPROVAL** of the proposed project subject to **One (1) Special Condition** requiring a Coastal Development Permit or amendment when future development occurs on the site.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan
 4. Floor Plans
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STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Future Development

This coastal development permit 5-03-176 approves only the development, as expressly described and conditioned herein, to the existing duplex located at 5300 Seashore Drive in the City of Newport Beach. Any future development, such as but not limited to 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 LOCATION, DESCRIPTION AND PRIOR COMMISSION ACTION

1. PROJECT LOCATION AND DESCRIPTION

The proposed project is located on an inland lot at 5300 Seashore Drive in the City of Newport Beach, County of Orange (Exhibits #1-2). North of the project site is Neptune Avenue; South of the project site is Seashore Drive and to the East and West are existing residential structures. The project site is located in an existing urban residential area and is consistent with development in the vicinity.

Public access to the beach is available to the south of the duplex at the 53rd Street, street end, approximately 100 feet south of the project site.

The project consists of a remodel and addition to an existing two-story duplex. The project more specifically consists of: 1) remodel and addition of 34 square feet to the 1st floor; 2) remodel and addition of 413 square feet to the 2nd floor and 3) reduction of the 373 square foot 2nd floor deck to 54 square feet (Exhibits #3-4). A total of three (3) parking spaces for the duplex exist on site and no changes are proposed with the parking.

2. Prior Commission Action at Subject Site

On January 20, 1975, the Commission approved A-4557 for the enclosure of a carport. No Special Conditions were imposed.

B. PUBLIC ACCESS

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. The lack of parking would therefore have an adverse impact on public access. In this case, the project site is located on the Balboa Peninsula. The street-ends on Balboa Peninsula provide the public with vertical access to the water at the Balboa Peninsula beach. In regards to the project site, the 53rd Street, street end is approximately 100 feet south of the project site. All private development must, as a consequence provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two (2) parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The project site contains a duplex and therefore under the Commission's standard of two (2) parking spaces per dwelling units the project site should therefore provide four (4) on-site parking spaces. Thus, the proposed development is deficient by one (1) parking space.

However, since no additional dwelling units are proposed and that the proposed project is not a major redevelopment, the proposed development would not result in an intensification of use of the site. Consequently, parking demand would not increase beyond the existing demand, so no additional spaces are needed at this time. Thus, the parking deficiency does not need to be remedied at this time.

Nevertheless, future development at the project site could result in an increase in the number of dwelling units beyond the two existing units resulting in an intensification of use. This would result in an increase in parking demand and an increase in the parking deficiency, leading to adverse impacts on public access. Likewise, future development could propose a reduction in the number of parking spaces, which would also lead 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 development on the existing lot which would result in a change in the intensity of use. This would allow for

the review of future improvements for any potential adverse impacts to public access resulting from inadequate parking.

This type of special condition has been previously imposed by the Commission and the Executive Director for similar residential projects which did not result in an intensification of use but did have inadequate parking based on the Commission's regularly used standard. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act

C. LOCAL COASTAL PROGRAM

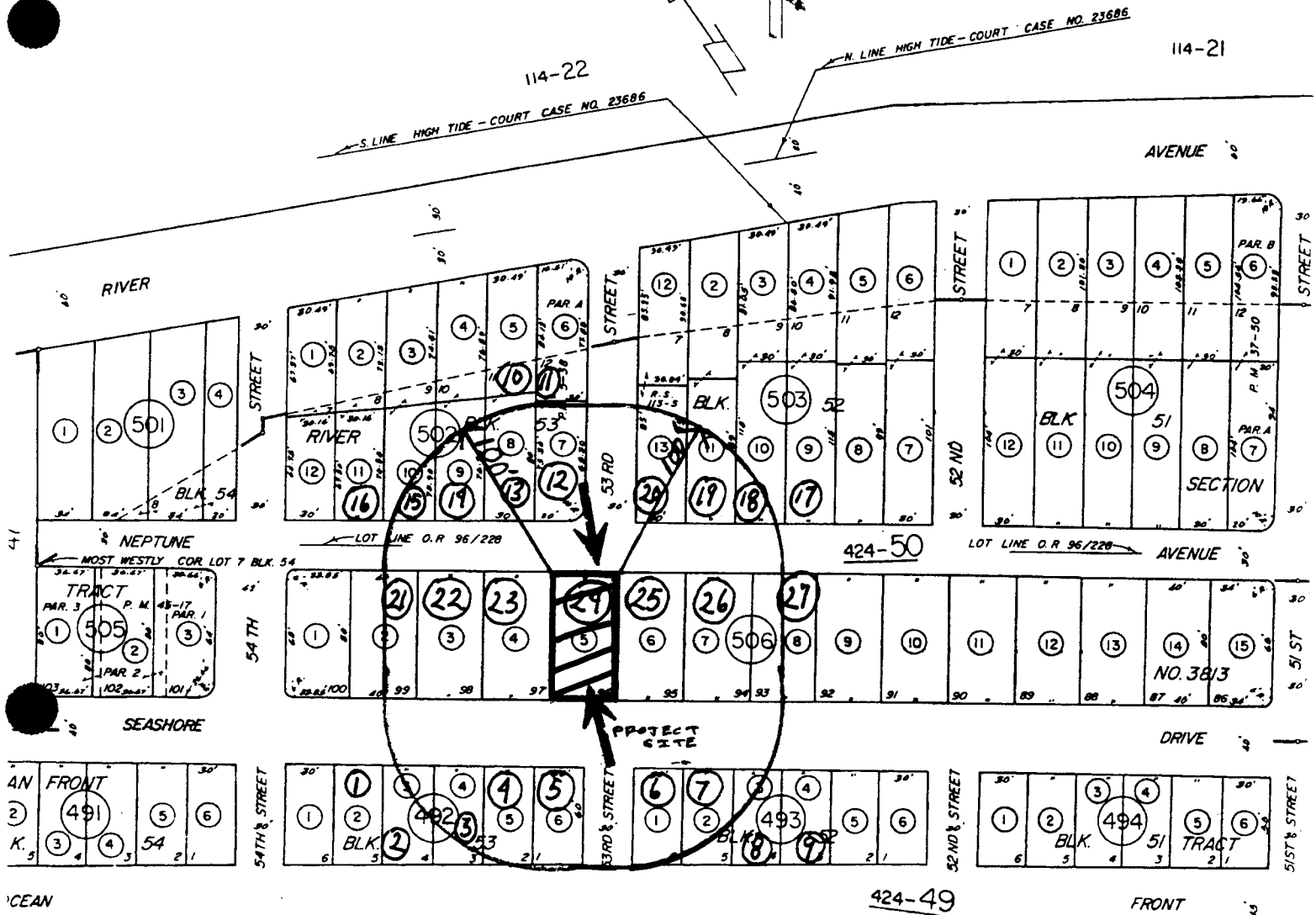
The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSE: THE ASSESSOR MAKES NO GUARANTEE OF ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF THE ASSESSOR. COPYRIGHT ORANGE COUNTY AS



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EXHIBIT # 2
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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

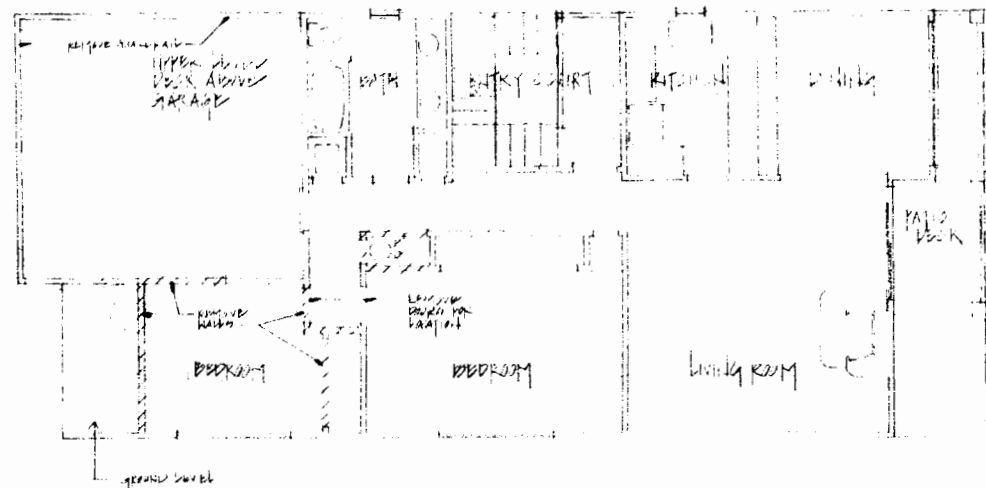
ASSESSOR'S MAP
BOOK 424 PAGE 49
COUNTY OF ORANGE

DONNA'S RADIUS MAPS

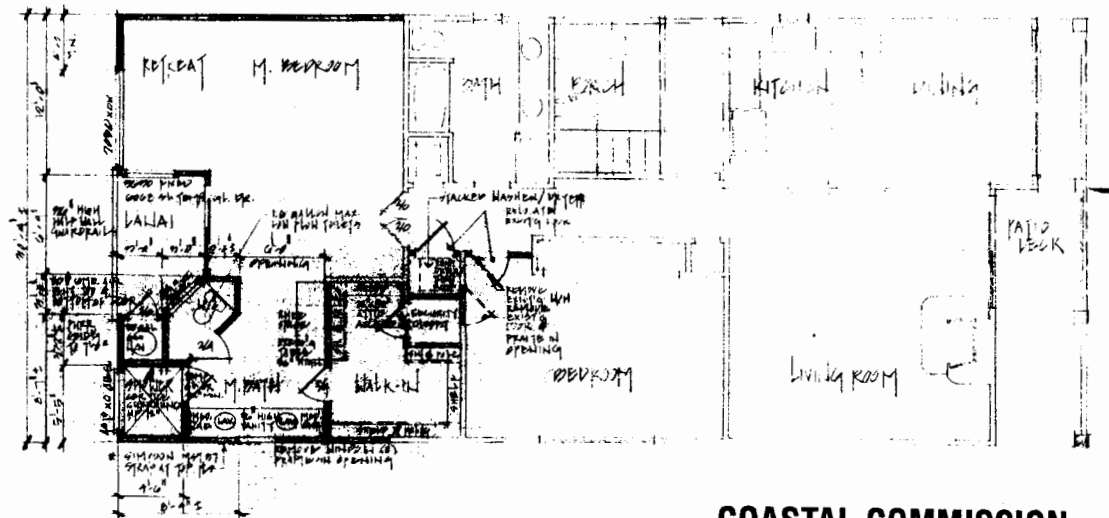
Date: 4-21-03

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DEMOLITION FLOOR PLAN (UPPER LEVEL) 1/4/10



REMODEL FLOOR PLAN (UPPER LEVEL) 1/4/10

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EXHIBIT #

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DEMOLITION FLOOR PLAN (GROUND LEVEL) $\frac{1}{4"} = 1'-0"$

REMODEL FLOOR PLAN (GRAND LEVEL) 1/4" = 1'-0"

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