

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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 Staff: MV-LB ML
 Staff Report: 2/20/97
 Hearing Date: 3/11-14/97
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-008
 APPLICANT: Kenneth Honig
 AGENT: Eric Mossman
 PROJECT LOCATION: 521 W. Balboa Blvd., Newport Beach, Orange County
 PROJECT DESCRIPTION: Demolition of social club assembly hall and construction of a 2,321 square foot, two story, 26 foot high, single family residence with an attached two car garage.

Lot area: 2,100 square feet
 Building coverage: 1,390 square feet
 Pavement coverage: 436 square feet
 Landscape coverage: 274 square feet
 Parking spaces: 2
 Plan designation: Government, Educational, & Institutional Facilities (GEIF)
 Ht abv fin grade: 26 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 2065-96
 SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-97-005, 006, 007 (Honig); City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development as submitted, with standard conditions.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts 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 on which the Commission voted on the application. 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: None

IV. Findings and Declarations.

A. Project Description

The applicant proposes to demolish a social club assembly hall and construct a 2,321 square foot, two story, 26 foot high, single family residence with an attached two car garage. The social club assembly hall (Ebell Club) and it's associated parking extend across four lots. The proposed development is associated with three other coastal development permits (5-97-005, 006, & 007) being processed concurrently by the same applicant. All four permits describe the demolition of the single social club assembly hall and construction of one single family residence.

The subject site is located on the Balboa Peninsula, in the City of Newport Beach. The site is not a waterfront lot.

B. Land Use

The City of Newport Beach has a certified Land Use Plan (LUP). An Implementation Plan for the City has not yet been certified. Consequently, the City has not yet assumed permit issuing authority. Therefore, the standard of review for coastal development permits in this area is the Chapter 3 policies of the Coastal Act. The LUP designation of the subject site is Government, Educational, and Institutional Facilities (GEIF). The GEIF designation is defined in the LUP as follows:

This land use category applies to areas developed with uses which form the physical and social "infrastructure" of the community. Permitted uses include governmental facilities, such as Newport Beach City Hall, fire stations and libraries, postal service facilities, and the Harbor Department; educational facilities such as schools, and day care centers; and institutional facilities, such as hospitals, churches, utility yards, reservoirs, museums, the YMCA, and senior citizen housing.

The current land use designation reflects the existing institutional use at the site, a private social club. The City has processed a General Plan amendment, a Local Coastal Program Land Use Plan amendment, and a zone change at the subject site from GEIF to Single Family Residential. The City has not yet forwarded the Local Coastal Program Land Use Plan amendment to the Commission for final certification. Consequently, the proposed development is not consistent with the certified land use designation.

The Commission's standard of review in evaluating coastal development permit applications is the Chapter 3 policies of the Coastal Act. A certified LUP, such as the City's may be used as guidance. In a case such as this, when the proposed development is not consistent with the certified land use designation, the Commission must consider whether the proposed inconsistent development would create an adverse impact on coastal access or resources, would be prejudicial to the certification of the LCP, or would be otherwise inconsistent with the Chapter 3 policies of the Coastal Act.

Neither the current use, private club, nor the other uses allowed under the certified land use designation are high priority uses under the Coastal Act. The Coastal Act places a high priority on public uses that provide access, or recreation. In addition, the Coastal Act places a high priority on visitor serving uses and on uses that are coastal dependent. In addition, the Coastal Act places a high priority on land use designations that preserve environmentally sensitive habitat. The existing use and designation do not provide any of these high priority uses.

The subject site is surrounded on three sides by single family residential development. Except for the site located directly across Balboa Boulevard from the subject site which is designated Retail and Service Commercial, the majority of development in the general area is residential development. The Balboa Peninsula provides a number of visitor serving nodes such as the Fun Zone area, Cannery Village area, Lido Village area, and the two public piers. In addition, a wide sandy public beach runs the entire length of the ocean side of the peninsula.

The site as currently designated would not allow most visitor serving uses. No environmentally sensitive area exists in the project vicinity. Because the site is not water front it is not likely that it could support coastal dependant uses. The loss of a GEIF designation will not result in a loss of visitor serving uses or public access or recreation. The proposed single family residential development is less intense and is expected to generate less traffic than the existing development. So the proposed development would not adversely impact visitor traffic. The proposed development is consistent with surrounding development.

For the reasons described above, the Commission finds the proposed development will not create adverse impacts on coastal access or resources, and is consistent with the Chapter 3 policies of the Coastal Act.

C. Local Coastal Program

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

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as proposed is consistent with the Chapter 3 policies of the Coastal Act. The City, however, will need to submit a Land Use Plan amendment for Commission action to update the certified LUP to reflect the change in land use designation made by the City at the local level. In this case, however, the Commission has found that the proposed use, though not consistent with the certified land use designation, does not displace higher priority uses and is consistent with the Chapter 3 policies of the Coastal Act. Therefore, 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).

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)(i) 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 impact which the activity may have on the environment.

The project is not located between the sea and the first public road. The project is proposed in an existing urbanized area. The proposed development will not have a significant adverse impact on the environment. The proposed development will not result in adverse impacts to coastal access or resources. The proposed development is consistent with the Chapter 3 policies 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.

8519F



subject site

EXHIBIT NO. A
APPLICATION NO.
5.97-00.8
California Coastal Commission

VICINITY MAP

5-97-005

JAN 9 1997

CALIFORNIA COASTAL COMMISSION

W. BALBOA BLVD.

EXIST. SIDEWALK

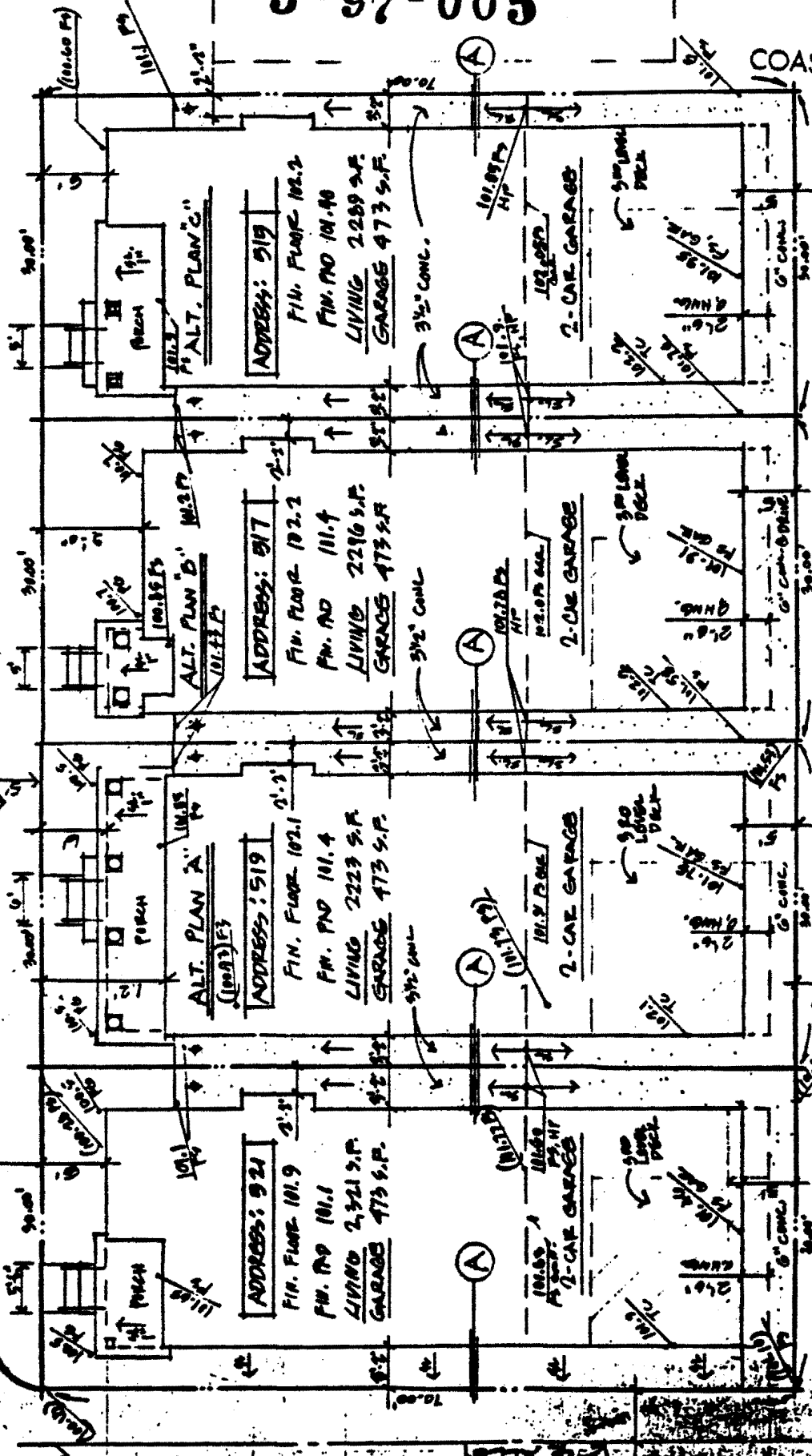
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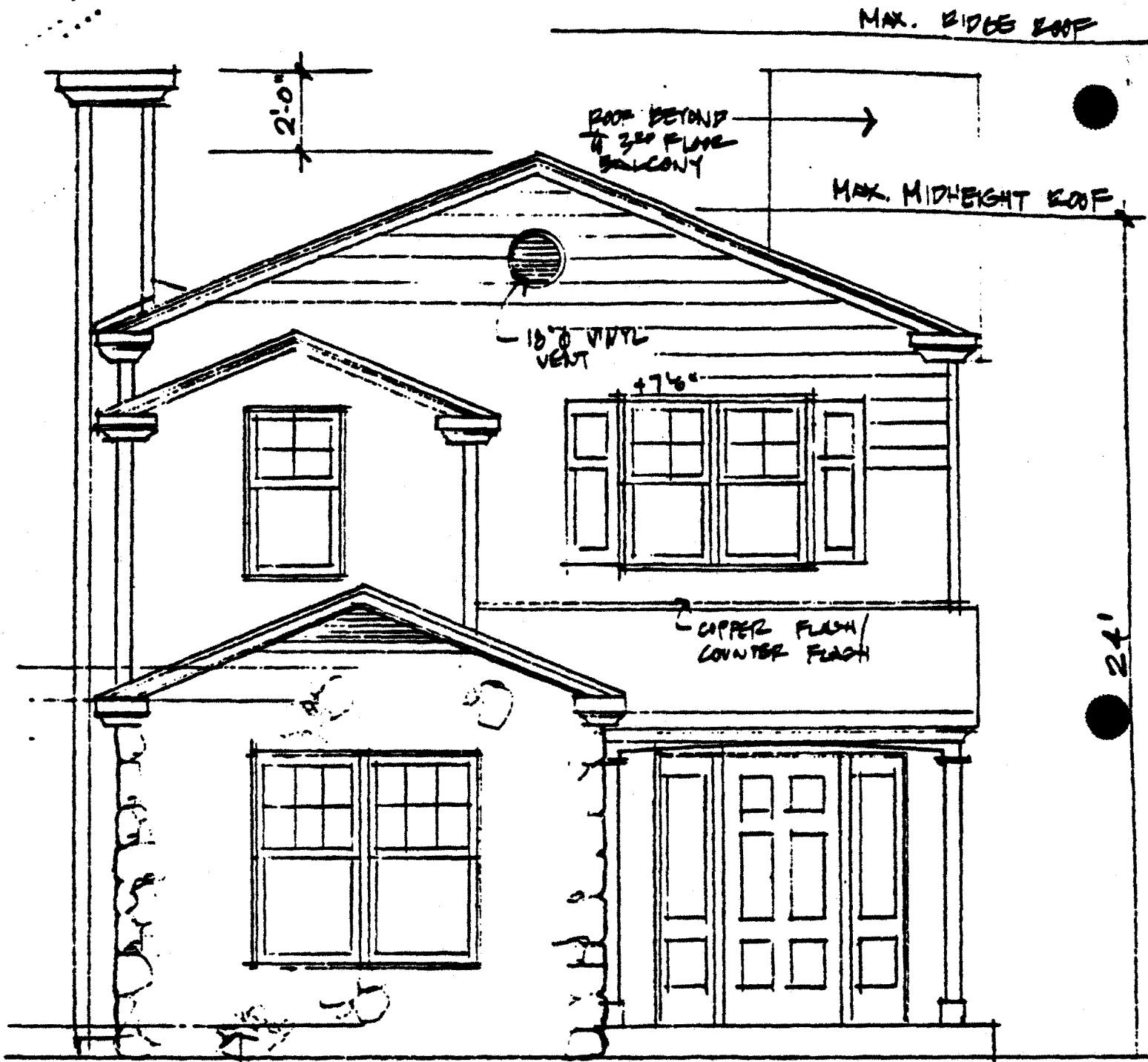
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SITE/GRADING PLAN



Exhibit B

5-97-008



RED MOUNTAIN
 SELECT O/TYP. STUCCO
 1/2-LAYER 15lb. FELT

NORTH ELEVATION

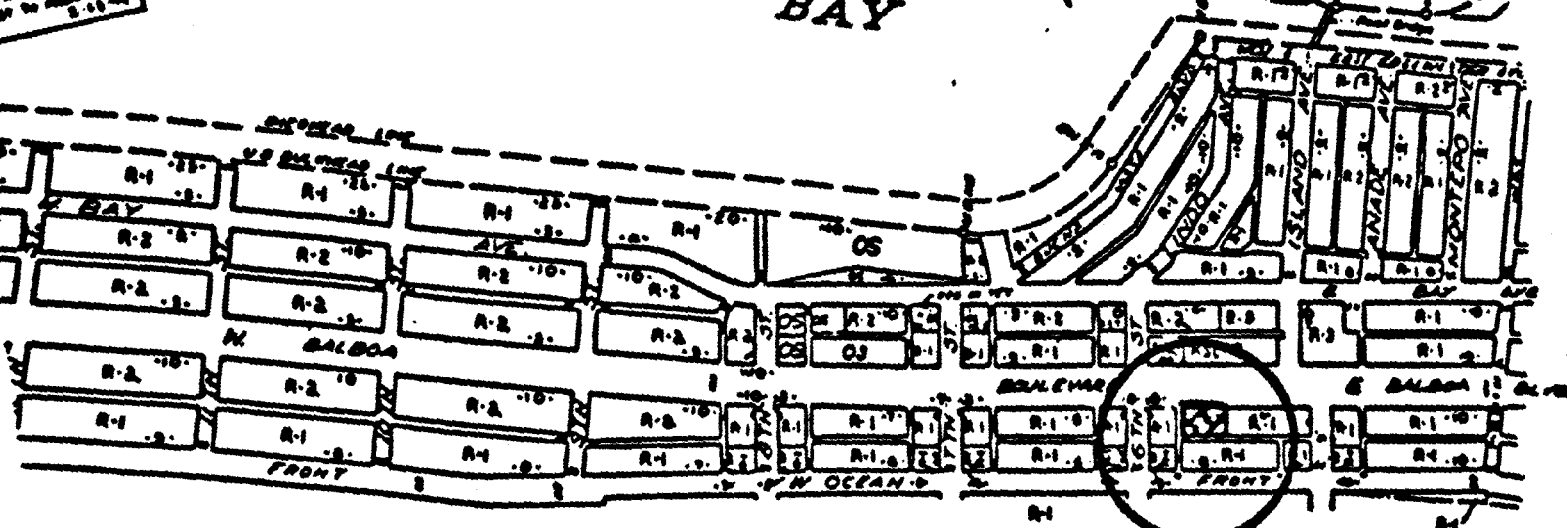
Exhibit C
 5.97.008

NEWPORT
BAY

NEWPORT

BAY

BAY ISLAND



PUBLIC BEACH

PACIFIC Ocean

Surrounding Land Use Designations

Exhibit 5-97-00