

CALIFORNIA COASTAL COMMISSION

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



Th7a

Staff: A Dobson – LB
Date: January 21, 2016

ADMINISTRATIVE PERMIT

Application No. 5-15-1241

Applicant: Vincent Pozzuoli

Project Description: Construction of a new 2 story, 30 foot high, 2,412 sq. ft. single family residence with roof deck and 2 car garage.

Project Location: 226 Ruby Ave., Newport Beach (Orange County)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

February 11, 2016 9:00 a.m.

**Inn at Morro Bay
60 State Park Road
Morro Bay, Ca 93442**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Amber Dobson
Coastal Program Analyst

STANDARD CONDITIONS:

This permit is granted subject to the following 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 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. **Interpretation.** Any questions of intent or interpretation of any term or 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.

SPECIAL CONDITIONS: None.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION

The applicant proposes to construct a 2 story, 30 foot high single family home on a vacant, level lot with hardscape and landscape improvements, including new side yard planters, new front yard concrete paver patio and site drainage improvements. Minimal landscaping is proposed. All storm water runoff will be directed to an on-site trench drain in the sideyard of the property. All landscaping will be primarily native and drought tolerant. The proposed project has been given local approvals (AIC2015027) and meets the Commission's parking requirements of two spaces per

residential unit with the construction of an attached two-car garage. The project is designed to be compatible with the residential character of the surrounding development. The project will be constructed with a 9 foot finished floor elevation for protection against seasonal flooding. The existing home was demolished under a Categorical Exclusion order by the City of Newport Beach.

The project site is on Balboa Island, which is largely developed with single family residences, and is encircled by a City owned and maintained public walkway/promenade between the row of residences and publicly maintained bulkhead that protects the homes against erosion. The lot is designated Two Unit Residential (RT-D) in the City of Newport Beach LUP. Vertical public access to the coast (Newport Bay) is available near the site at the Balboa Avenue street-end at the Grand Canal, or the Ruby Ave. street-end.

There are limited on-street public parking spaces on each street-end abutting the public walkway on Balboa Island. Public parking is limited to on-street parking. There are no public parking lots on Balboa Island. Therefore, the public competes with residents for the limited spaces available. Private residential development must provide adequate on-site parking to minimize adverse impacts to on-street public parking spaces important to coastal public access. The Commission typically requires two (2) parking spaces per residential unit. In addition to requiring new development provide adequate parking facilities, Section 30252 of the Coastal Act also has a provision that new development should also enhance public access to the coast. The proposed project provides the typically required two parking spaces in an attached covered garage, however, as proposed, would maintain the existing garage access from the street rather than from the adjacent alley way.

Taking access from the alley as opposed to the street frontage generally reduces impacts to public parking available on the street, and can potentially increase public parking by eliminating curb cuts and replacing them with curbs and sidewalks. The existing driveway and curb cut faces Balboa Ave. Instead of relocating the driveway access to the adjacent alley, the applicant proposes to retain the existing curb cut on Balboa Ave. The structure located on the opposite side of the alley (the neighboring residence) has an existing non-conforming zero foot setback, and therefore, the alley access in this location is approximately 4-5 feet more narrow than usual. Balboa Ave. is a narrow street and is red-curbed on the south side of the street in this location to allow for 2 lanes of traffic, one in each direction. The street could not accommodate 2 lanes of traffic and parking on both sides of the street. Because the street immediately in front of this site is red-curbed, retention of the existing curb cut on Balboa Ave. on this side of the street will not negatively impact public parking opportunities.

A similar project at 227 Grand Canal (5-15-1264, Thomas) proposed retention of the driveway access off of Balboa Ave., instead of providing garage access from the alley as required by Certified Land Use Plan (CLUP) policies. The project was approved with conditions in November 2015 for revised plans showing the curb cut relocated to the alley. In this location, at the far west side of Balboa Ave. facing Grand Canal, both sides of the street are available for public parking and are not red-cured. As proposed, the project would perpetuate impacts to coastal access caused by limited parking on Balboa Island, is inconsistent with the City's CLUP and would prejudice the City's ability to prepare a Certified Local Coastal Program. In order to bring the project into compliance with the Coastal Act and the City's CLUP policies, the Commission imposed a condition for final revised plans requiring the applicant revise the project to provide garage access from the alleyway,

close the existing driveway cut-out on Balboa Ave., effectively creating one new on-street public parking space.

Under the current proposal the driveway curb cut, if eliminated and parking access is taken from the alley per CLUP, no additional public parking opportunities would be provided because of the existing red-curb on the south side of Balboa Ave. immediately in front of this lot. If the applicant took access from the alley and constructed a curb in place of the existing driveway access, it would not provide any public parking spaces, unlike the project at 227 Grand Canal where the newly created curb would provide 1 -2 additional public parking spaces. As such, the project as proposed does not have any public access impacts on public parking on Balboa Island.

The CLUP policies require new developments minimize curb cuts to protect on-street parking spaces and close existing curb cuts to create new public parking wherever feasible. In this case, the closure of the existing curb cut would not protect any on-street parking opportunities and additionally, entrance to the site from the alleyway is not feasible due to the location of the adjacent structure, therefore the project as proposed can be found to be consistent with the CLUP.

B. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, as proposed, the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 2005 and in October 2009. 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 will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

PROJECT SITE

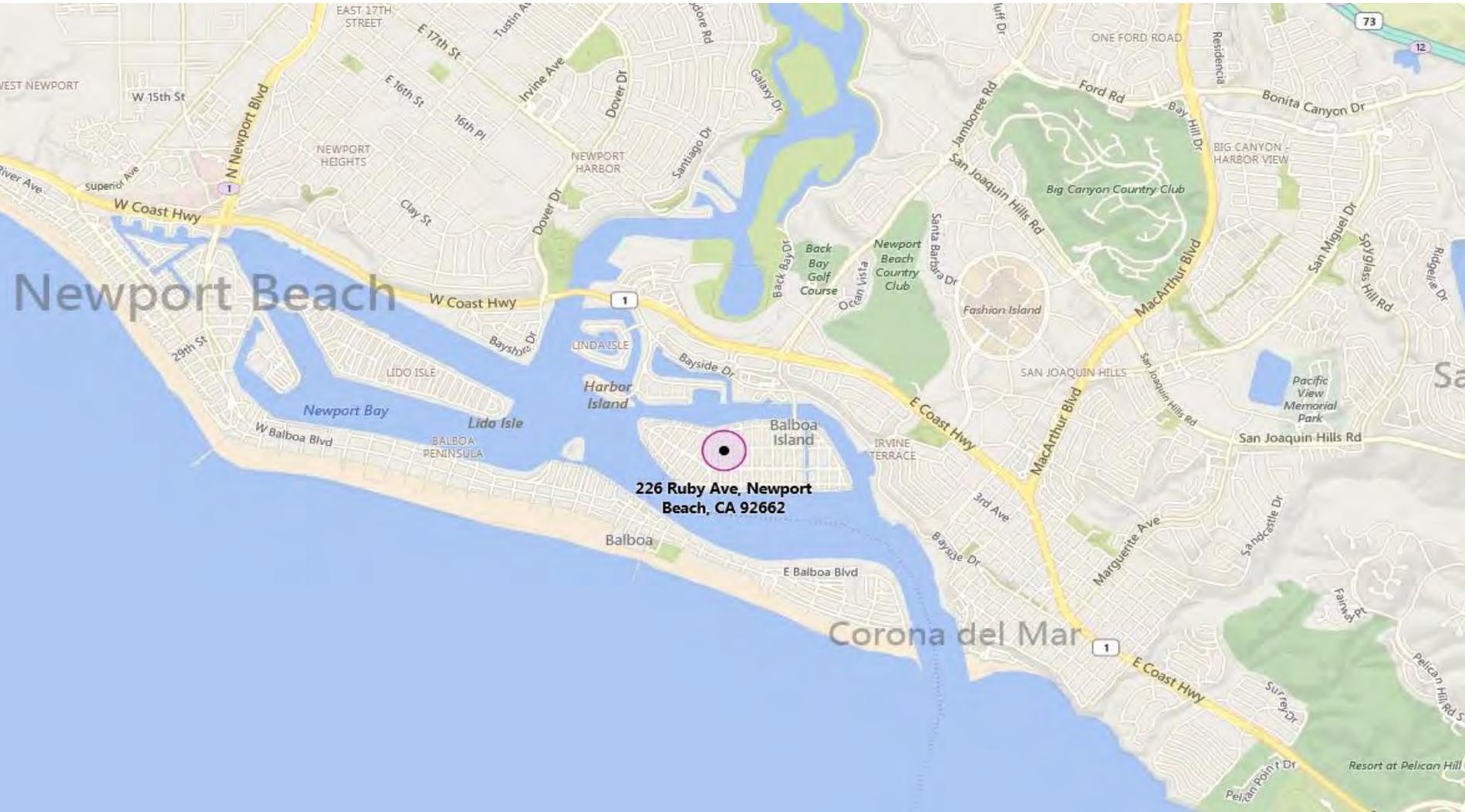


Exhibit 1



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PROJECT SITE

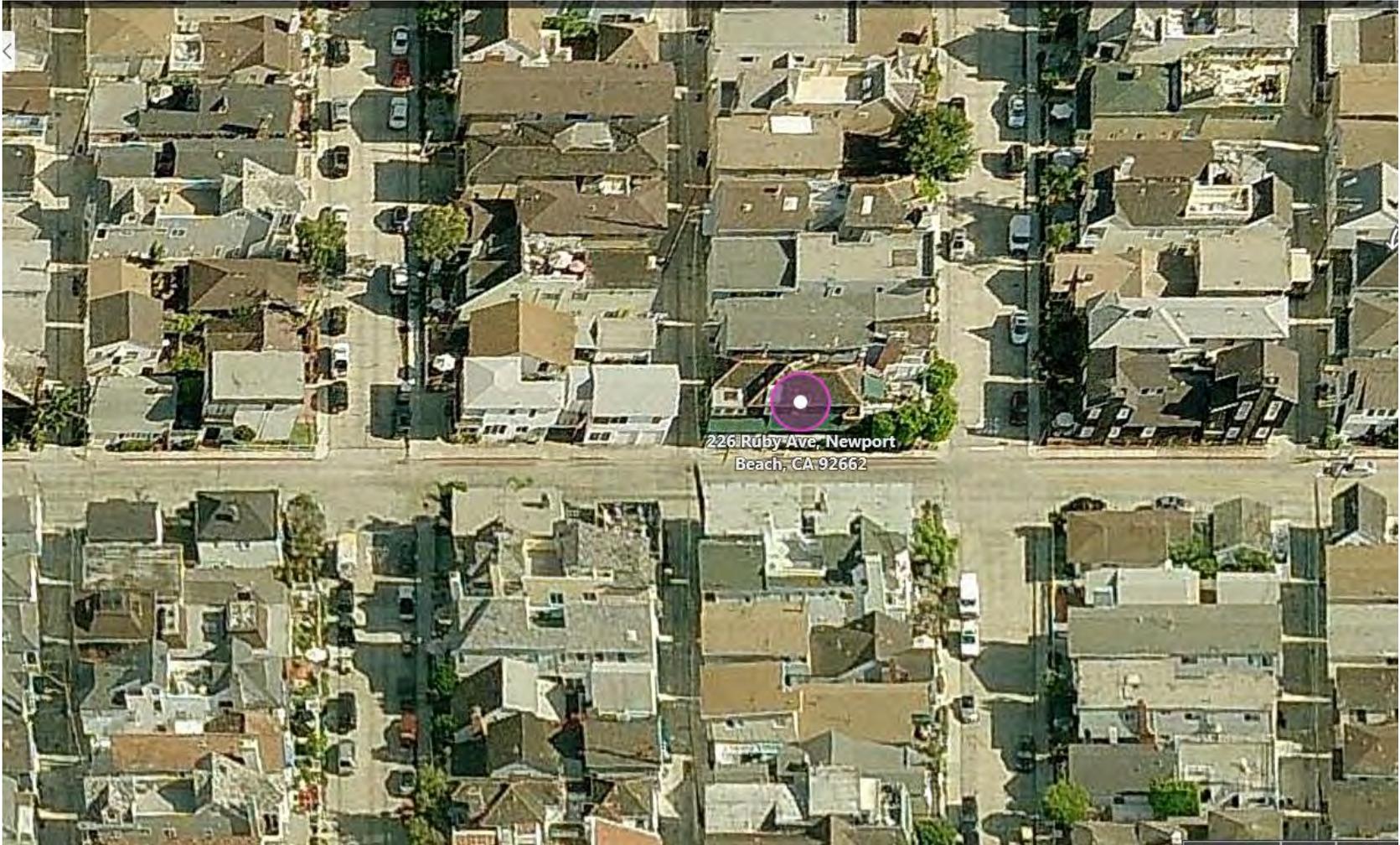
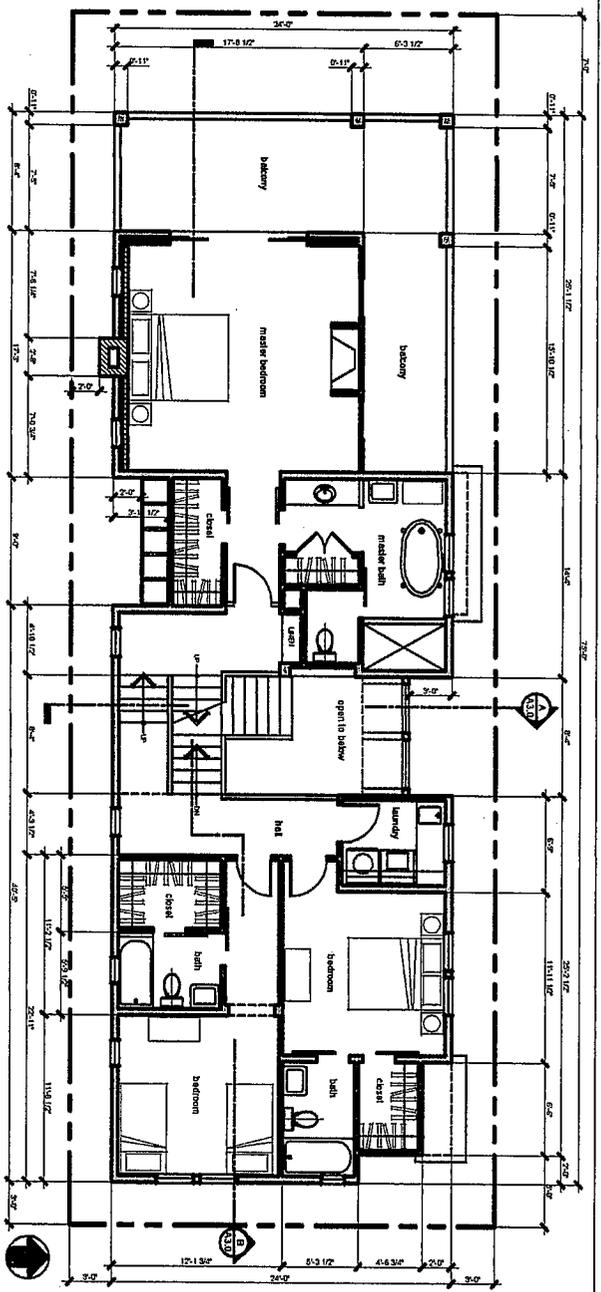


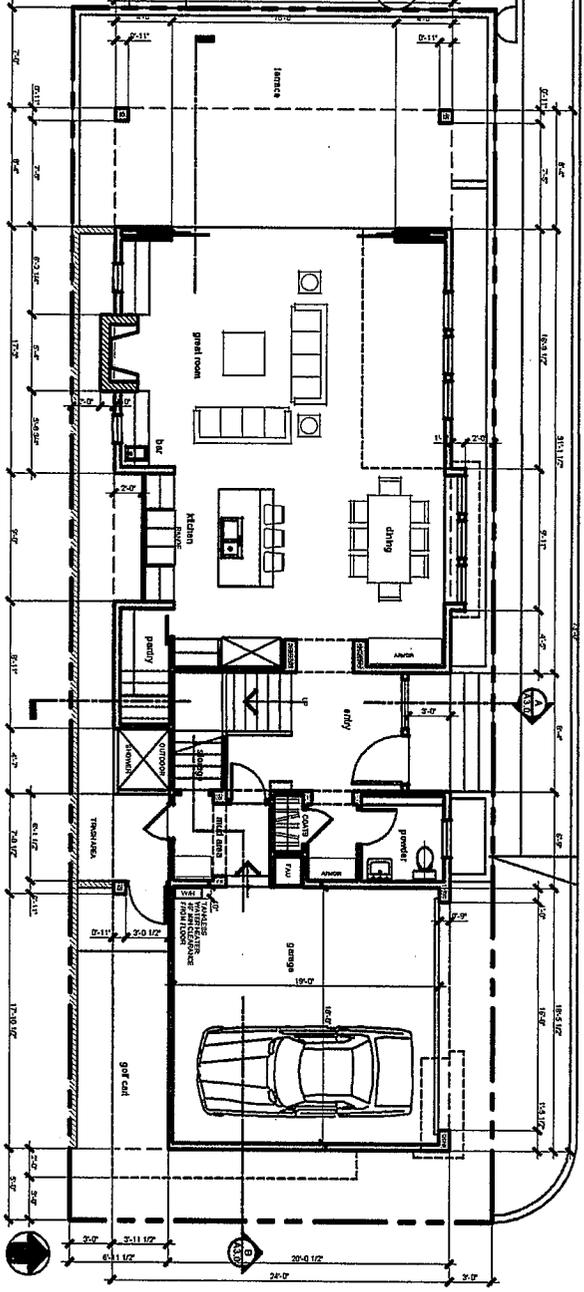
Exhibit 1



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second floor plan
1/8" = 1'-0"



first floor plan
1/8" = 1'-0"



226 RUBY

226 Ruby Avenue
Newport Beach, CA

NO.	REVISION	DATE	BY	CHKD.
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