

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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Staff: John T. Auyong *John*  
Staff Report: December 15, 1995  
Hearing Date: January 9-12, 1996  
Commission Action:



## RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-95-259

APPLICANT: Mark Becker AGENT: Terry W. Odle

PROJECT LOCATION: 228 Opal and 303 Collins, City of Newport Beach,  
County of OrangePROJECT DESCRIPTION: Conversion of an existing 22'6" high, 2,072 square  
foot two-story duplex with two parking spaces to  
condominium ownership and minor improvements to bring  
the existing structure and site up to current building  
standards

Lot area:	1,878 square feet
Building coverage:	1,157 square feet
Pavement coverage:	646 square feet
Landscape coverage:	75 square feet
Parking spaces:	Two
Zoning:	R1.5
Plan designation:	Two Family Residential
Height above grade:	22'6"

LOCAL APPROVALS RECEIVED: Condominium Conversion No. 14; Approval-in-Concept  
1698-95SUBSTANTIVE FILE DOCUMENTS: Administrative Permits 5-93-211 (Coleman),  
5-93-258 (Keys), 5-94-145 (Olsen), 5-94-198 (Cassesso), 5-94-209 (Noyes), and  
5-94-229 (Batniji), Coastal Development Permits 5-95-060 (Rewers) and 5-95-067  
(Pifer); City of Newport Beach Certified Land Use PlanSTAFF 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 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. 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.

This coastal development permit 5-95-259 is only for the development as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including a change in the number of dwelling units on-site or any other change in intensity of use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

## IV. Findings and Declarations

### A. Project Description

The applicant is proposing to convert an existing two-story, 22'6" high, 2,072 square foot duplex to condominium ownership. Each dwelling unit has an attached one-car garage for a total of two on-site parking spaces. No additional parking is proposed. The applicant is also proposing minor improvements to bring the existing structure and site up to current building standards, such as driveway improvements and new curb cuts, separate utility meters, and upgrading stairway handrails.

## B. Public Access/Parking

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, . . .

The subject site is not located between the first public road and the sea but is within two blocks of the bikeway/walkway ringing Balboa Island which provides public recreation opportunities and lateral access. The subject site is also located within two blocks of the Collins Avenue street-end which provides vertical access to the bikeway/walkway.

When a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The existing duplex should thus provide four on-site parking spaces consistent with the standard of two parking spaces per dwelling unit. However, only two parking spaces currently exist on-site, and no additional parking spaces are proposed. Therefore, the proposed development theoretically would be deficient by two parking spaces.

Since the development would not result in additional dwelling units nor the attendant increase in parking demand, the Commission finds that the applicant should not be required to provide the deficient two parking spaces at this time. Because of the small lot size, there is not enough room to accommodate additional parking spaces, such as by incorporating parking spaces as part of the proposed driveway improvements. Nevertheless, future development could result in an increase in the number of dwelling units. This would result in an increase in parking demand and adverse impacts on public access.

Therefore, the Commission finds that it is necessary to place a condition informing the current permittee and future owners of the subject site that a new coastal development permit, or an amendment to this permit, would be required for any future development at the subject site, including a change in the intensity of use of the site which may result in increased parking demand. Thus, as conditioned, the Commission finds that the proposed development would be consistent with Section 30252 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 Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. As conditioned, the proposed development would be consistent with the Chapter Three policies of the Coastal Act regarding public access and recreation.

Therefore, approval of the proposed development as conditioned would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

D. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 proposed project has been conditioned in order to be found consistent with the public access and recreation policies of the Coastal Act. Mitigation measures to inform the current permittee and future owners of the subject site that a new coastal development permit, or an amendment to this permit, would be required for any future development at the subject site, including a change in the intensity of use of the site which may result in increased parking demand, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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