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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Page 1 of 5

Permit Application No. 5-95-250

Date 02-18-96



ADMINISTRATIVE PERMIT

APPLICANT: Paul Donnelly

PROJECT DESCRIPTION: First and second story additions to an existing two-story single family residence. The existing square footage is 2,146 and the new square footage will be 3,727 square feet. No bulkhead or swimming pool improvements are a part of this permit.

PROJECT LOCATION: 8 Balboa Coves, 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:

Thursday, March 14, 1996 at 9:00 a.m.
Radisson Hotel-Santa Barbara
1111 E. Cabrillo Blvd. (805) 963-0744

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.

PETER DOUGLAS
Executive Director

By:

Robin Maloney-Ramos

Title:

CPT 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.

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, 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, 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 proposed development consists of first and second story additions to an existing bay-front home. The existing residence is a total of 2,146 square feet,

1,568 square feet on the first floor and 578 square feet on the second floor, with a 462 square foot garage. The applicant is proposing to add 311 square feet on the first floor and 1,270 square feet on the second floor for a new total of 3,727 square feet.

The second floor of the existing residence is located above the garage on the inland side of the residence. The second floor remodel includes a master bedroom and bath, two other bedrooms and another bathroom, and second story deck. The second story addition will extend from the existing second floor to the seaward extent of the existing first floor.

The project description and plans submitted with the application included extending the existing bulkhead 31 feet bayward, constructing new bulkheads and side walls and constructing a swimming pool. On January 8, 1996 the applicant's agent, Mr. John McNeely, submitted a letter amending the project description of application 5-95-250 to include the residence remodel only. Therefore, the bulkhead improvements and pool improvements are not a part of this application and will be deleted on the plans (see Exhibit 2). This letter is included as Exhibit 3. Therefore, the project description has been amended to include the house remodel only.

The proposed project is located in the private gated subdivision of Balboa Coves. The residence is situated on a corner lot and has development to the north and east and the bay on the south and west. The sandy beach area located directly in front of the bulkhead is tidally inundated.

B. Coastal Access and Recreation

Section 30212(a)(2) of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding.

The proposed project is located on a bay-front lot in the Balboa Coves gated private subdivision. The project is located between the first public road (Pacific Coast Highway) and the sea.

A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, the proposed remodel does not impact access either directly or indirectly to the ocean. The project site will remain a single-family residence use and will not result in an intensification of use.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

C. Land Use Plan

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 proposed development consisting of additions to the first and second story of an existing residence is consistent with the policies contained in the certified Land Use Plan. Therefore, 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 of the California Code of Regulations requires Commission approval of Coastal Development Permit application 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 proposed project has been found consistent with the coastal access and recreation policies of Chapter 3 of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which 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.

SPECIAL CONDITIONS:

None.

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

6354F

JOHN F. MCNEELY
PLANNING & DESIGN



California Coastal Commission

JOHN F. McNEELY

PLANNING & DESIGN

1-8-96

California Coastal Commission
South Coast Area
245 W. Broadway, Ste. 380
Long Beach, CA 90802-4416

Robin Maloney-Rames

Re: Coastal Development Permit Application 5-95-250
8 Balboa Coves
Newport Beach, CA 92663

RECEIVED

JAN 31 1996

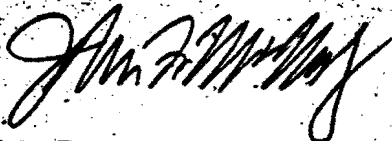
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Mr. Maloney-Rames:

Per our conversation and your subsequent letter informing us of the difficulty in obtaining clearances for the swimming pool portion of the proposed project, we would at this time prefer to isolate the two and apply the current application to the house remodel only. Enclosed is the additional information you requested pertaining to the property immediately to the North.


Please let me know if further information is needed.

Best Regards,



John F. McNeely

cc: Paul Donnelly

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| EXHIBIT NO. 3 |
| APPLICATION NO. 5-95-250 |
| LETTER |
|  California Coastal Commission |