

## 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. 5-96-002  
Date March 8, 1996

ADMINISTRATIVE PERMIT

APPLICANT: James & Maryann Bycott

PROJECT DESCRIPTION: Construction of a 29 foot high 2,481 square foot single-family residence with a 424 square foot garage. No grading is proposed.

PROJECT LOCATION: 211 Canal St., Newport Beach, County of Orange

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:

Friday, April 12, 1996 at 9:00 a.m.  
Carmel Mission Inn  
3665 Rio Road, Carmel (408) 624-1841

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-Rames  
Title: CPA 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 applicant is proposing to construct a 29 foot high, 2,481 square foot single-family residence with a 424 square foot garage. No grading is proposed. The site is an existing vacant lot located between the sea and the first public

road. The site is bounded on the east by a side channel of the Santa Ana River and vacant land. To the north and west is vacant land and the Santa Ana River. To the west is residential development and the Pacific Coast Highway. To the south is residential development. The proposed project is infill development in an existing developed area. The lot contains a level graded pad area with a 10 foot bank at the rear of the property. No development is proposed beyond the property line at the rear of the property. The project description as originally proposed contained a deck at the rear of the property extending down the channel bank beyond the applicant's rear property boundary. The applicant's agent amended the proposed development to remove this deck and limit development within the applicant's property boundary.

#### B. Adjacent Property

The subject permit includes development only located within the applicant's property boundary. The plans submitted with the original project description show that a deck extends out beyond the applicant's rear property boundary. The applicant did not supply either proof of legal ownership or the legal ability to develop outside the property boundary as required by Section 30601.5 of the Coastal Act.

On February 14, 1996 (see Exhibit 5) the applicant's agent submitted a letter with reductions of revised plans showing that no development is proposed beyond the applicant's property boundary at this time. Any future development on the property adjacent to the applicant's rear property boundary shall require a coastal development permit processed through the Coastal Commission or its successor agency. Therefore, the Executive Director has included a special condition informing the applicant of the necessity of obtaining a coastal development permit for any development beyond the applicant's property boundary.

#### C. 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 adjacent to the flood plain of the Santa Ana River next to a side channel of the Santa Ana River. The project is located between the first public road and the sea. Street ends which open onto the

Santa Ana River mouth floodplain are located at Highland St., Grant St., Lancaster St. and Sunset Dr. The Grant St. streetend is located closest to the development site.

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 development does not impact access either directly or indirectly to the ocean because access is available at the nearby Grant St. streetend and other nearby streetends.

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 Executive Director finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

#### D. 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 construction of a new single-family residence is consistent with the policies contained in the certified Land Use Plan. Therefore, the Executive Director determines that 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).

#### E. 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 Executive Director 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:

1. Conformance with Project Plans

In accepting this permit the applicant acknowledges that all development on the proposed site will occur within the property boundary, as per the project plans revised by the applicant's agent in a letter dated February 14, 1996 and subsequently approved by the Commission. Any future development extending over the channel bank beyond the property boundary will require a permit amendment by the Commission or its successor agency. In addition, any future application for development beyond the property boundary shall include proof of the legal right to conduct the development.

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.

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Applicant's Signature  
Date of Signing

6472F

JAN 11 1996 5-96-002

ORANGE CO.

DETAIL



COPYRIGHT © 1980 BY Thomas Dunne Maps

EXHIBIT NO. 1
APPLICATION NO. 5-96-002
VICINITY
California Coastal Commission



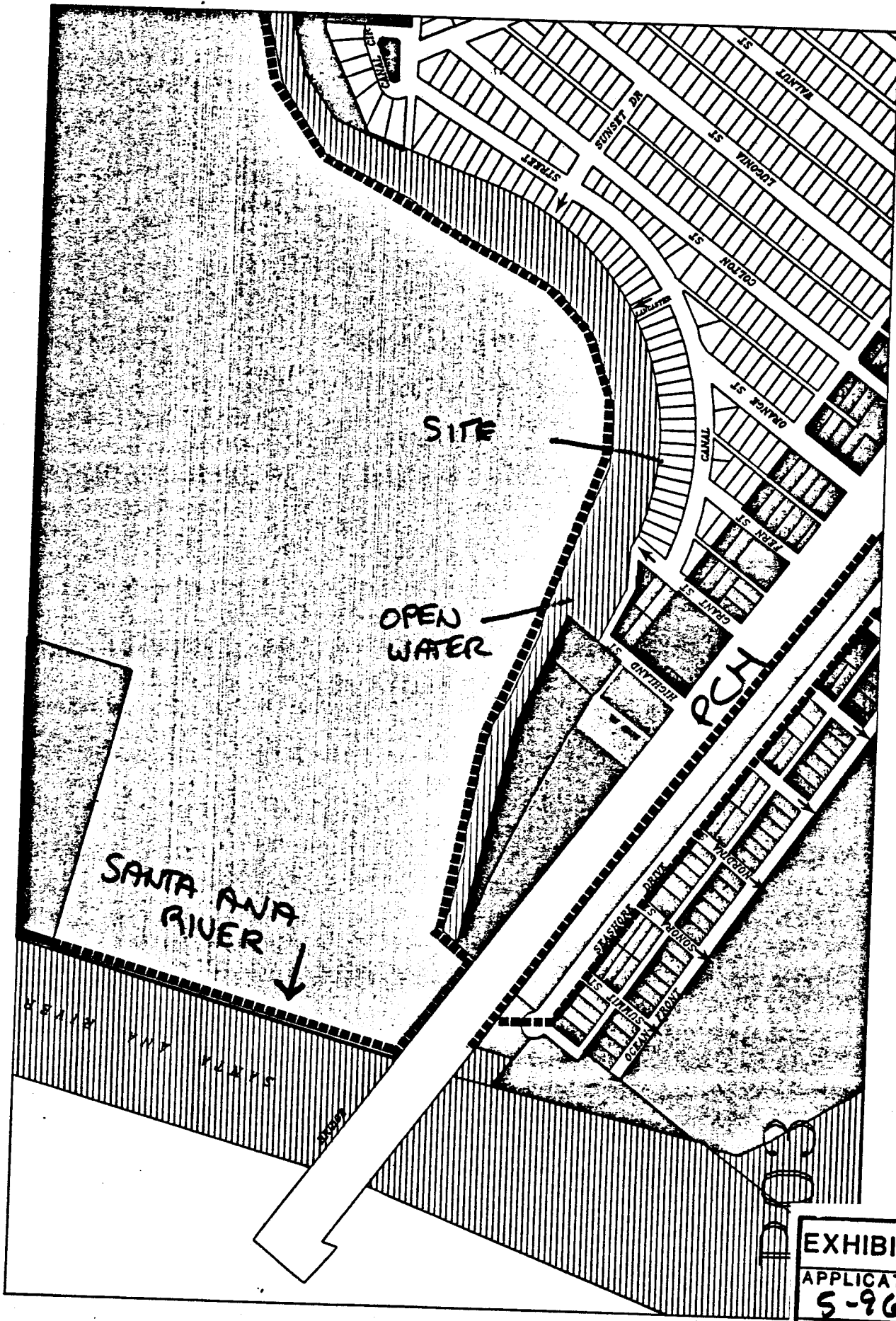
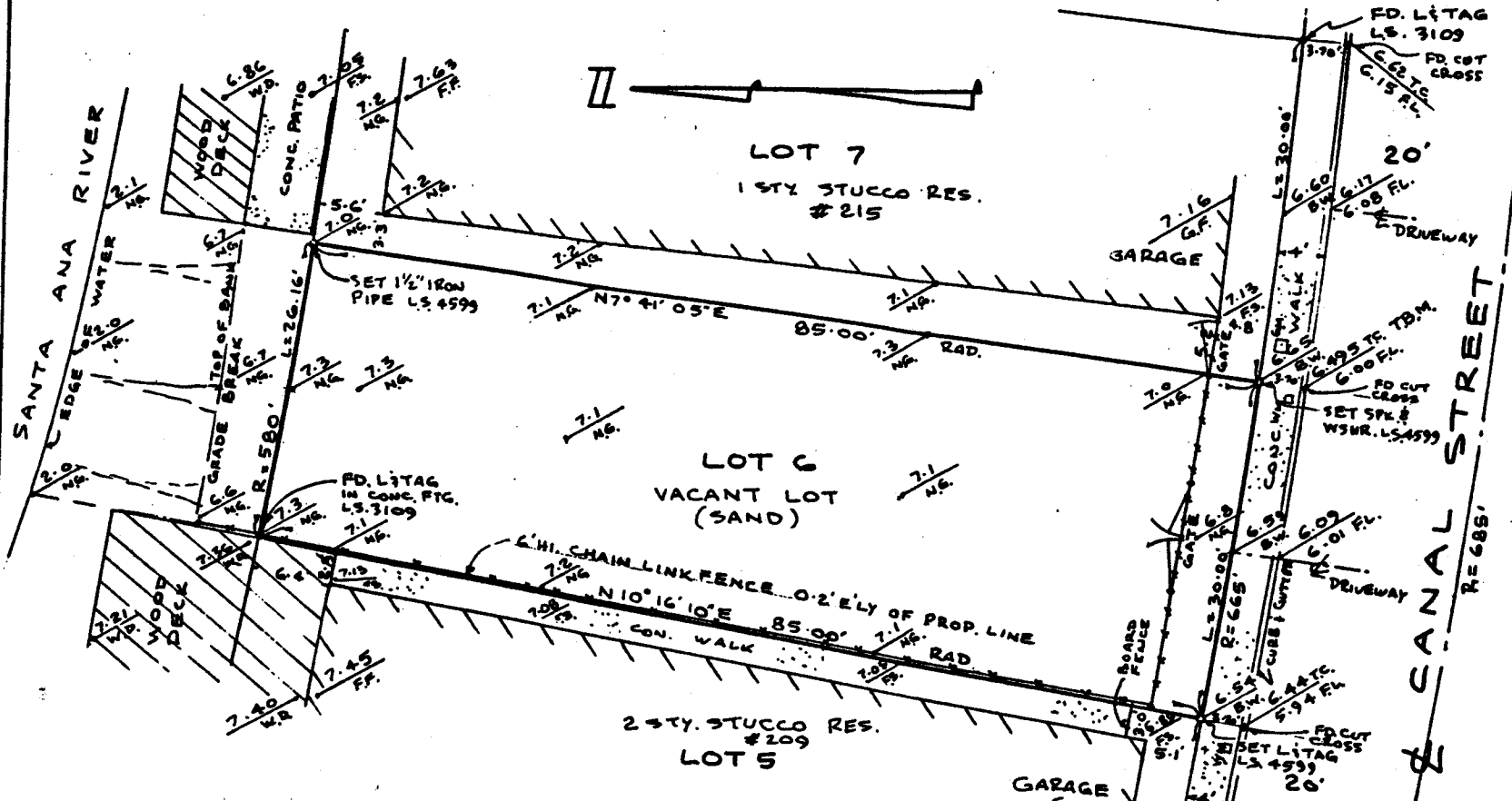


EXHIBIT NO. 2  
APPLICATION NO.  
5-96-002  
LUP MAP  
California Coastal Commission



**BENCH MARK: ELEVATIONS HEREON ARE REFERENCED TO ORANGE COUNTY BENCH MARK 1J-58-80 BEING EL. 7.115 MSL.**

- LEGEND**
- F.F. FINISHED FLOOR
  - F.S. FINISHED SURFACE
  - G.F. GARAGE FLOOR
  - T.C. TOP OF CURB
  - FL. FLOW LINE
  - G.M. GAS METER
  - W.M. WATER METER
  - NG. NATURAL GROUND
  - W.D. WOOD DECK
  - B.W. BACK OF WALK
  - T.B.M. TEMPORARY BENCH MARK
  - RAD. RADIAL LINE TO CURVE

*Douglas O. Foster*  
**DOUGLAS O. FOSTER LS4599**



**SURVEYED FOR: MR & MRS J BYCOTT**

**SURVEY OF LOT 6, BLOCK 11, TRACT NO. 772, CITY OF NEWPORT BEACH, ORANGE COUNTY, CA PER MM. 23/5-6**

SCALE: 1" = 10'      APPROVED BY: \_\_\_\_\_

DATE: 11-10-95      DRAWN BY: DOF

**BACK BAY SURVEYING & MAPPING**  
 2338 TUSTIN AVENUE  
 NEWPORT BEACH, CALIFORNIA 92660  
 (714) 831-1825

REVISED \_\_\_\_\_  
 DRAWING NUMBER \_\_\_\_\_

**EXHIBIT NO. 3**

**APPLICATION NO. 5-96-002**

**SURVEY**

California Coastal Commission



**GENERAL GRADING SPECIFICATIONS**

1. All work shall conform to the requirements of the Uniform Building Code, the Uniform Building Code, and the California Building Code, as amended, and all applicable laws, rules and regulations of the State of California and the County of Orange.

2. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable laws, rules and regulations of the State of California and the County of Orange.

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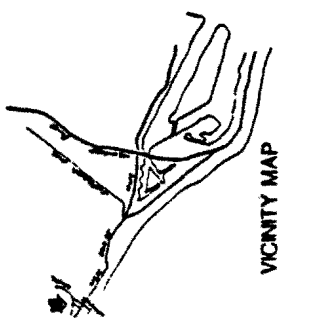
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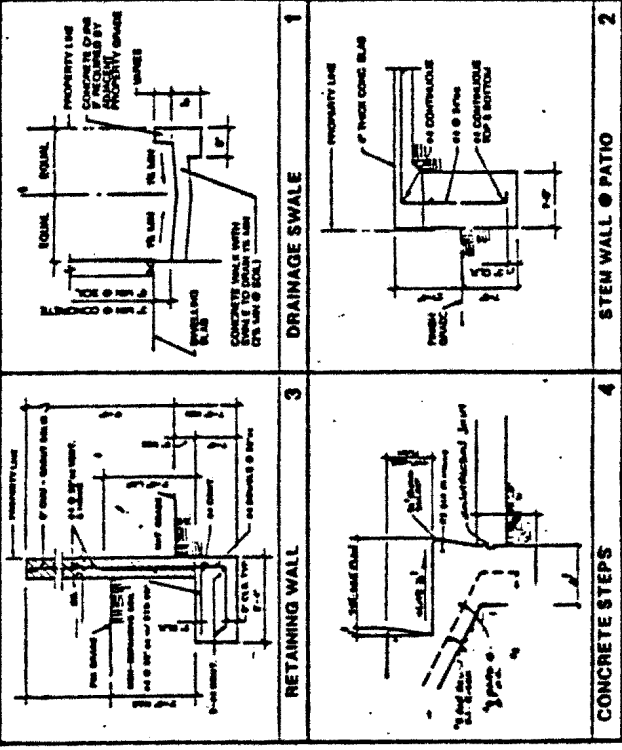
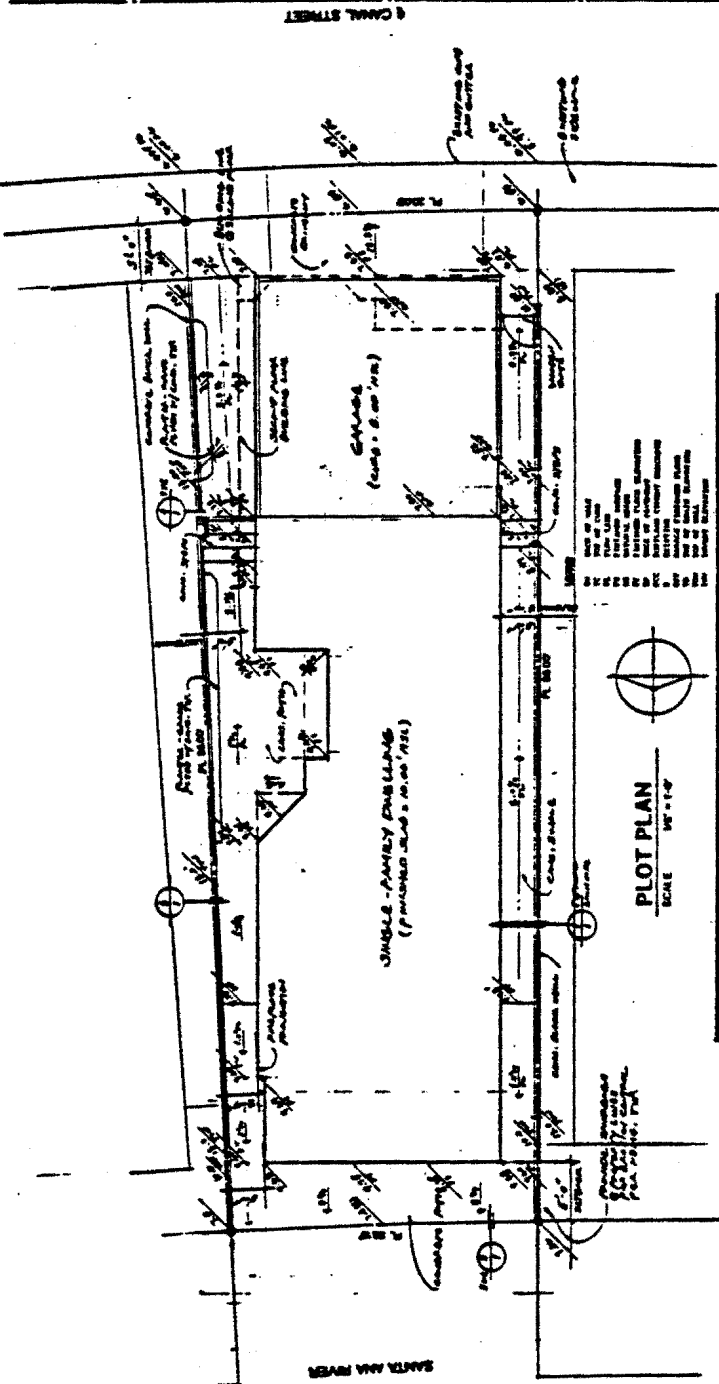
**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**S-96-002**  
**SITE PLAN**

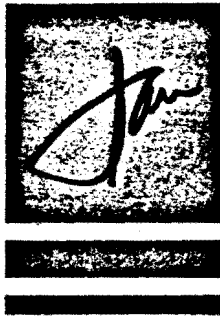
California Coastal Commission



**NOTES**

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IAN J.N. HARRISON, AIA  
ARCHITECTURE & PLANNING

February 14, 1996

RECEIVED

FEB 15 1996

CALIFORNIA COASTAL COMMISSION  
Attn: Robin  
P.O. Box 1450  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Re: Application No. 5-96-002  
211 Canal Street, Newport Beach

Dear Robin,

Please find enclosed the additional information you requested; reduced drawings of the site plan, elevations and topography map, and a stringline map.


Regarding the improvements at the rear of the residence. There is no intention for the patio to extend past the property line. It was shown by mistake. The reduced drawings have been modified to show no encroachment.

If you have any questions or require additional information, please call.

Yours truly,

Ian J.N. Harrison, AIA

enclosure

EXHIBIT NO. 5
APPLICATION NO. 5-96-002
AMENDING LETTER
 California Coastal Commission