

## CALIFORNIA COASTAL COMMISSION

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

Filed: April 3, 1997  
49th Day: May 22, 1997  
180th Day: September 30, 1997  
Staff: John T. Auyong *JTA*  
Staff Report: April 24, 1997  
Hearing Date: May 13-16, 1997  
Commission Action:

STAFF REPORT: CONSENT CALENDAR*In 3c*

APPLICATION NO.: 5-97-083  
APPLICANT: Tim and Susan Strader  
AGENTS: David Perumean/Anthony Shaw  
PROJECT LOCATION: 820 and 824 West Balboa Boulevard, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Conversion of two identical 2,405 square foot duplexes, each with an attached two-car garage, to condominium units (four units total). Each duplex is located on a separate legal lot. No structural changes are proposed, nor is additional parking proposed.

Lot area: 2,747 square feet (each lot)  
Building coverage: 1,713 square feet (each lot)  
Pavement coverage: 584 square feet (each lot)  
Landscape coverage: 450 square feet (each lot)  
Parking spaces: Two (each duplex); Four total  
Zoning: R-2  
Plan designation: Two Family Residential

LOCAL APPROVALS RECEIVED: City of Newport Beach Condominium Conversions 35 and 36; City of Newport Beach Approval-in-Concept 515-97

SUBSTANTIVE FILE DOCUMENTS: Administrative permits 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-209 (Noyes), 5-94-229 (Batniji), 5-96-122 (Saracino), and 5-97-037 (Branson); and coastal development permits 5-95-060 (Rewers) and 5-95-067 (Pifer).

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 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.

1. Future Improvements/Parking

This coastal development permit 5-97-083 is only for; the conversion of a duplex to 2 condominium units located at 820 West Balboa Boulevard, and the conversion of a duplex to 2 condominium units located at 824 West Balboa Boulevard; in the City of Newport Beach (County of Orange) as expressly described and conditioned herein. Any future improvements to the existing structures which would result in a change in intensity of use, including but not limited to a change in the number of residential units or a change in the number of parking spaces, shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

IV. Findings and Declarations.

A. Project Description

The proposed project involves two of three existing, identical, two-story duplexes located on adjacent lots along West Balboa Boulevard. Each duplex consists of two residential dwelling units, contains 2,405 square feet of living area, 196 square feet of deck area, and a 437 square foot attached two-car garage.

The middle duplex located at 822 West Balboa Boulevard is not owned by the applicants and is not part of the proposed project. The applicants are proposing to convert the other two duplexes, at 820 and 824 West Balboa Boulevard, to two condominium units per lot (four total) as part of this coastal development permit application.

The applicants are not proposing any changes to the number of parking spaces which exist on-site. No changes in the square footage of the buildings is proposed, and no changes in the number of dwelling units are proposed. No structural changes are proposed. Only minor remodeling, such as replacing appliances and fixtures and creating separate plumbing and water systems for each unit, is proposed.

B. Public Access

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 nearest public roadway and the shoreline. However, the subject site is located within 300 feet of both the beach to the south and Newport harbor to the north. Further, the subject site is located just eleven blocks from the prime visitor-serving area of the Balboa Peninsula containing Balboa Municipal Pier, Balboa Fun Zone, and the Main Street commercial corridor.

When a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the beach and visitor-serving commercial areas. A lack of public parking discourages visitors from coming to the beach and other visitor-serving areas, resulting in adverse public access impacts. 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. Since the proposed project has four dwelling units (two per lot), the proposed project should provide a total of eight parking spaces (four for each duplex, or in

other words four for each lot). However, only four parking spaces currently exist on-site (two on each duplex, or in other words two on each lot). No additional parking spaces are proposed on either lot. Therefore, the proposed development theoretically would be deficient by four parking spaces. In addition, because of the narrow width of each lot and the narrow setbacks on all sides of each property, additional parking spaces could not be accommodated on-site.

However, since no additional dwelling units are proposed, the proposed development would not result in an intensification of use. Therefore, parking demand would not increase beyond the existing demand, so no additional spaces are needed at this time. Thus, the parking deficiency does not need to be remedied at this time. In addition, the proposed development involves a condominium conversion only. No structural changes are being proposed which would result in additions of square footage of living area, a change in intensity of use, or the demolition of an existing structure and construction of a new structure.

However, future improvements to the existing structure could result in an increase in the number of dwelling units resulting in an intensification of use, or a reduction in on-site parking. An increase in the number of units would result in an increase in parking demand and an increase in the parking deficiency. Reducing on-site parking without also reducing the number of dwelling units would also increase the parking deficiency. An increase in the parking deficiency would result in 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 improvements to the existing structure which would result in a change in intensity of use. This would allow for the review of future improvements for any potential adverse impacts to public access resulting from inadequate parking.

This type of special condition has been previously imposed by the Commission or the Executive Director for similar residential projects which did not result in a change in intensity of use but did have inadequate parking based on the Commission's regularly used standards. These include administrative permits 5-93-211 (Coleman), 5-93-258 (Keys), 5-94-145 (Olsen), 5-94-209 (Noyes), 5-94-229 (Batniji), 5-96-122 (Saracino), and 5-97-037 (Branson); and coastal development permits 5-95-060 (Rewers) and 5-95-067 (Pifer). Thus, as conditioned, the Executive Director determines 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 ("LCP") 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 is consistent with Section 30252 of Chapter Three of the Coastal Act regarding the provision of adequate parking. Therefore, the Commission finds that 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. California Environmental Quality Act

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 development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the development policies regarding parking of Chapter Three of the Coastal Act. Mitigation measures to inform the permittee that future improvements will require and amendment to this permit or a new coastal development permit, to allow for review of public access impacts, will minimize all significant 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 as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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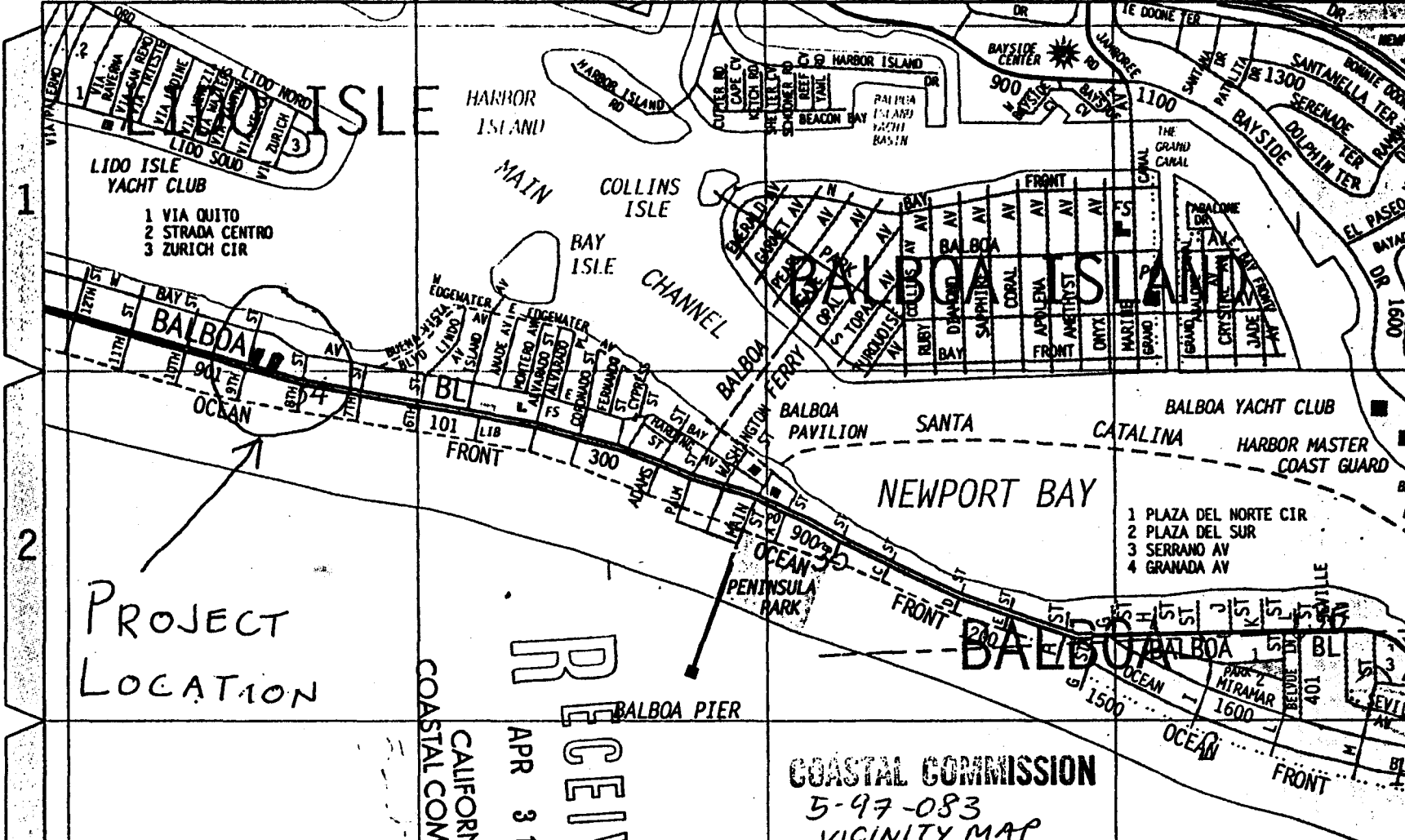
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PROJECT  
LOCATION

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5-97-083  
VICINITY MAP  
EXHIBIT # A  
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ORANGE CO.

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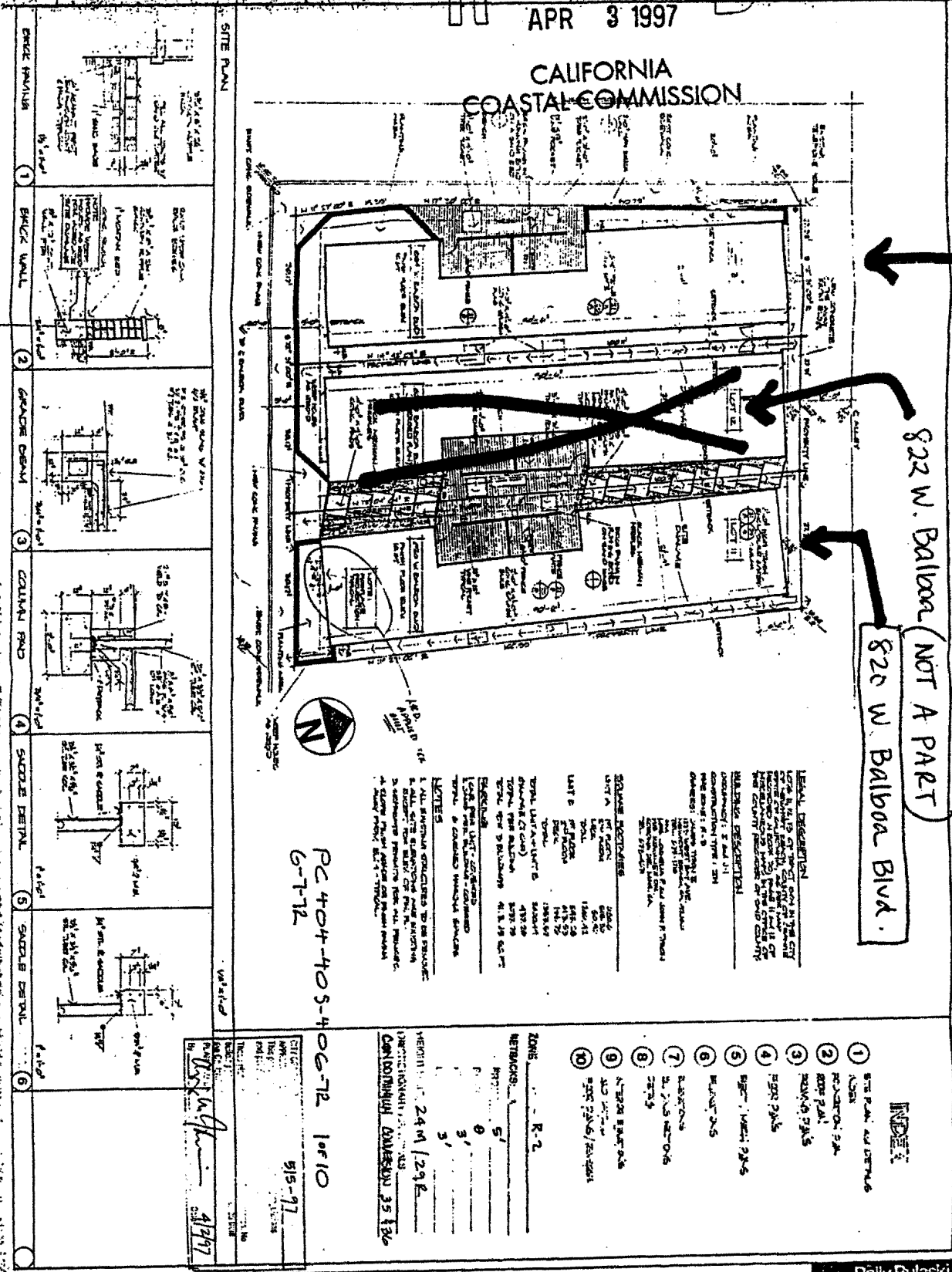
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824 W. Balboa Blvd.

822 W. Balboa (NOT A PART)

820 W. Balboa Blvd.

SITE PLAN

5-97-083 Exhibit B (plans) p. 1062

**LEGAL DESCRIPTION**  
 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PC 404-405-406-72 lot 10  
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  - 3 FLOOR PLAN
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  - 5 SECTION
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  - 8 DETAIL
  - 9 DETAIL
  - 10 DETAIL

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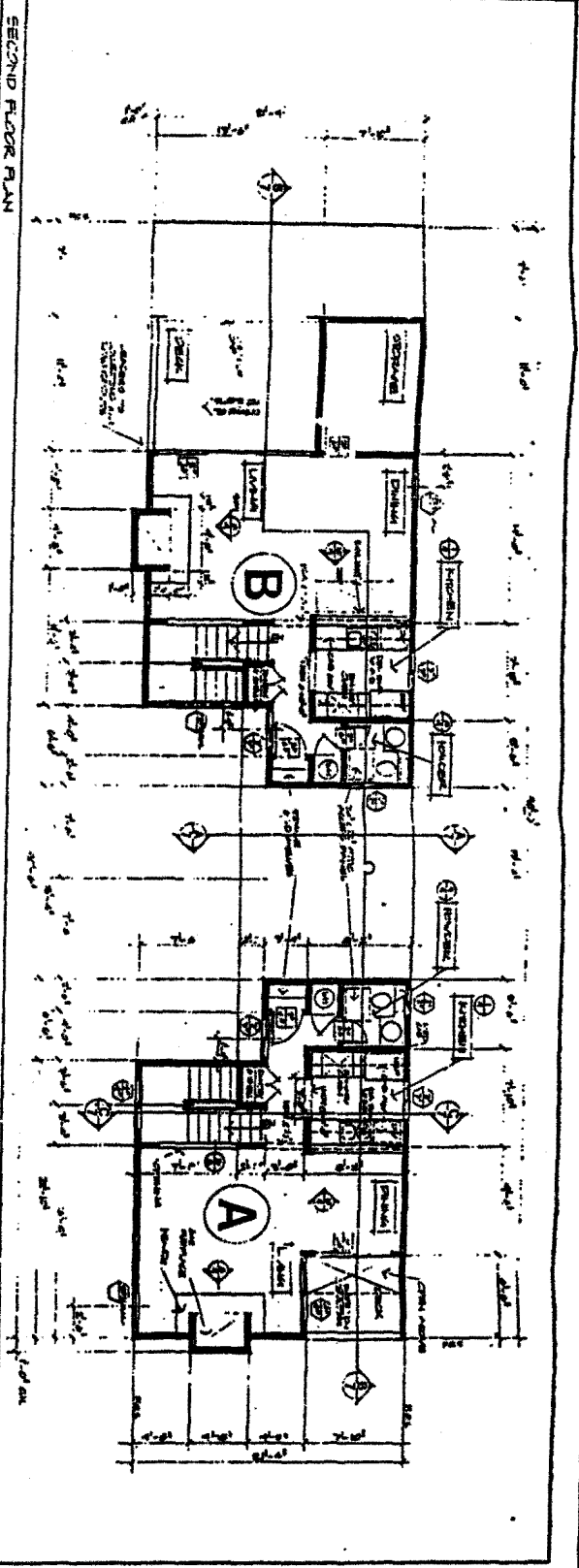
**1** SITE PLAN and DETAILS INDEX

**Jim Tyson Duplexes**

Rolly Pulaski  
 Architect A.I.A.

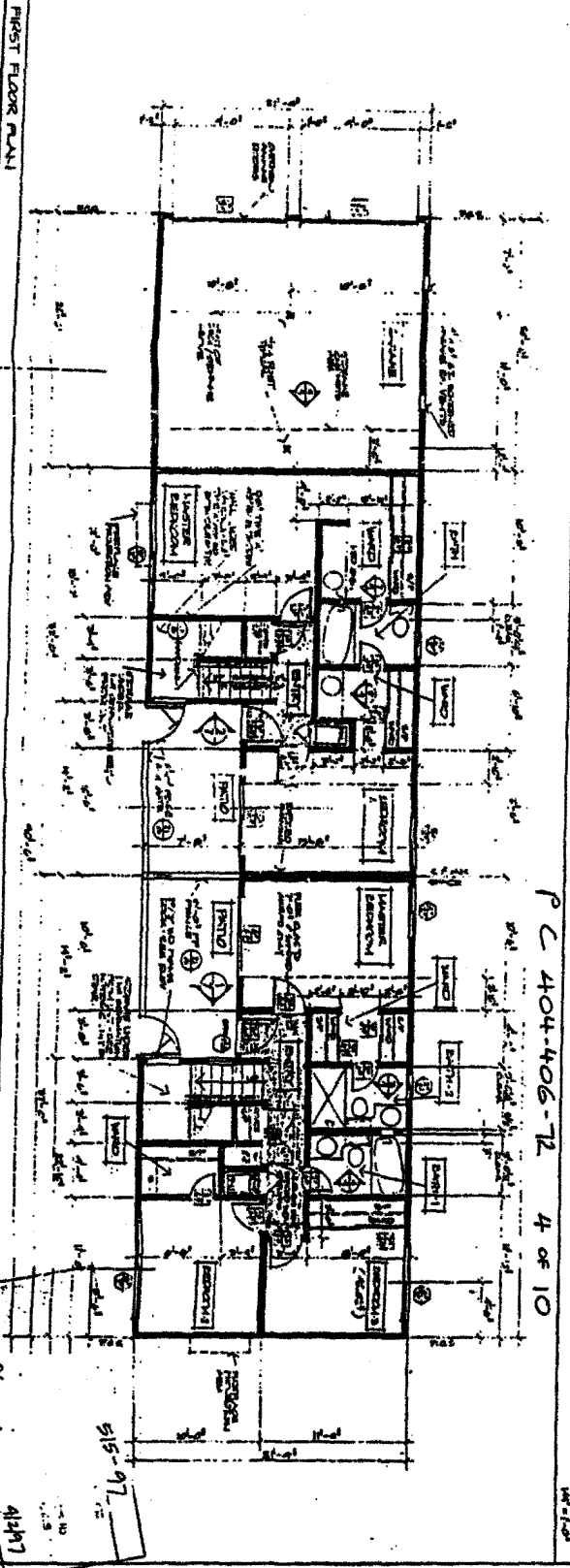
← SECOND FLOOR

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SECOND FLOOR PLAN

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FIRST FLOOR PLAN

← FIRST FLOOR

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FLOOR PLANS

Jim Tyson Duplexes

Polly Dusacki Architect AIA