

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Page 1 of 5
Permit Application No. 5-97-095



Date 5-22-97

ADMINISTRATIVE PERMIT

APPLICANT: Lawson and Suzanne Hughes

PROJECT DESCRIPTION: Add 410 square feet to the first floor and 334 square feet to the second floor of an existing 2,006 square foot, 24'6" high two-story duplex with an attached 460 square foot two-car garage. No additional parking spaces are proposed.

PROJECT LOCATION: 3403 Finley Avenue, City of 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:

Tuesday, June 10, 1997 at 10:00 a.m.
Marin County Board of Supervisors Chambers
Administration bldg., Room #322
San Rafael (415) 499-3070

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

John T. Auyong

By: John T. Auyong
Title: Staff Analyst

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 applicants are proposing to add 410 square feet to the first floor and 334 square feet to the second floor of an existing 2,006 square foot, 24'6" high two-story duplex. The existing duplex has an attached 460 square foot two-car garage. No additional parking spaces are proposed. The proposed additions would be located on the side of the existing duplex facing Newport Harbor. The proposed seaward encroachment adheres to the City's twenty foot setback requirements from the waterside property line.

B. Public Access

1. 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, . . .

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 coastal zone. 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. The existing duplex should thus provide four on-site parking spaces. 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.

However, since no additional dwelling units are proposed, the proposed development would not result in an intensification of use of the site. 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.

Nevertheless, future improvements to the existing structure could result in an increase in the number of physical dwelling units beyond the two units which currently exists, resulting in an intensification of use. This would result in an increase in parking demand and an increase in the parking deficiency, leading to adverse impacts on public access.

Therefore, the Executive Director determines 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 and the Executive Director for similar residential projects which did not result in an intensification 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.

2. Nearby Access

Section 30212 of the Coastal Act states, in relevant part:

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

The subject site is located between the nearest public roadway and the shoreline of Newport Harbor. The 34th Street street-end located one lot to the southeast of the subject site, and the 35th Street street-end located four lots to the northwest of the subject site, provide vertical access to the harbor's edge. Therefore, the Executive Director determines that the proposed development would be consistent with Section 30212 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 the public access policies regarding parking of Chapter Three of the Coastal Act. Therefore, the Executive Director determines 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 requiring an amendment to this permit or a new permit to allow for review of future improvements for 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 Executive Director determines that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Future Improvements/Parking

This coastal development permit 5-97-095 approves only the addition of 410 square feet to the first floor and 334 square feet to the second floor of an existing duplex, located at 3403 Finley Avenue in the City of Newport Beach (County of Orange), as expressly described and conditioned herein. Any future improvements to the existing structure which would result in a change in intensity of use, including but not limited to a change in the physical 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.

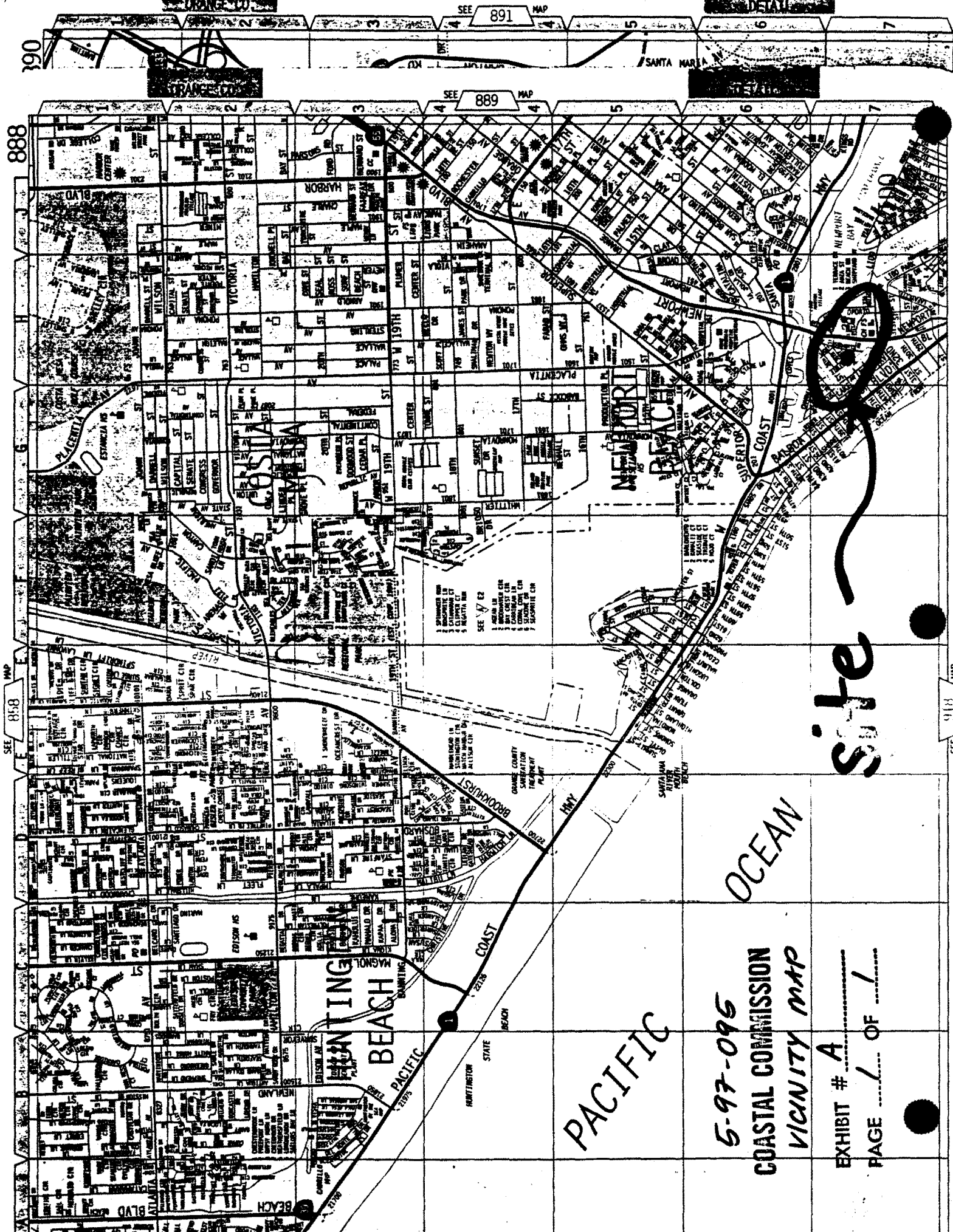
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

8865F:jta



site

OCEAN

PACIFIC

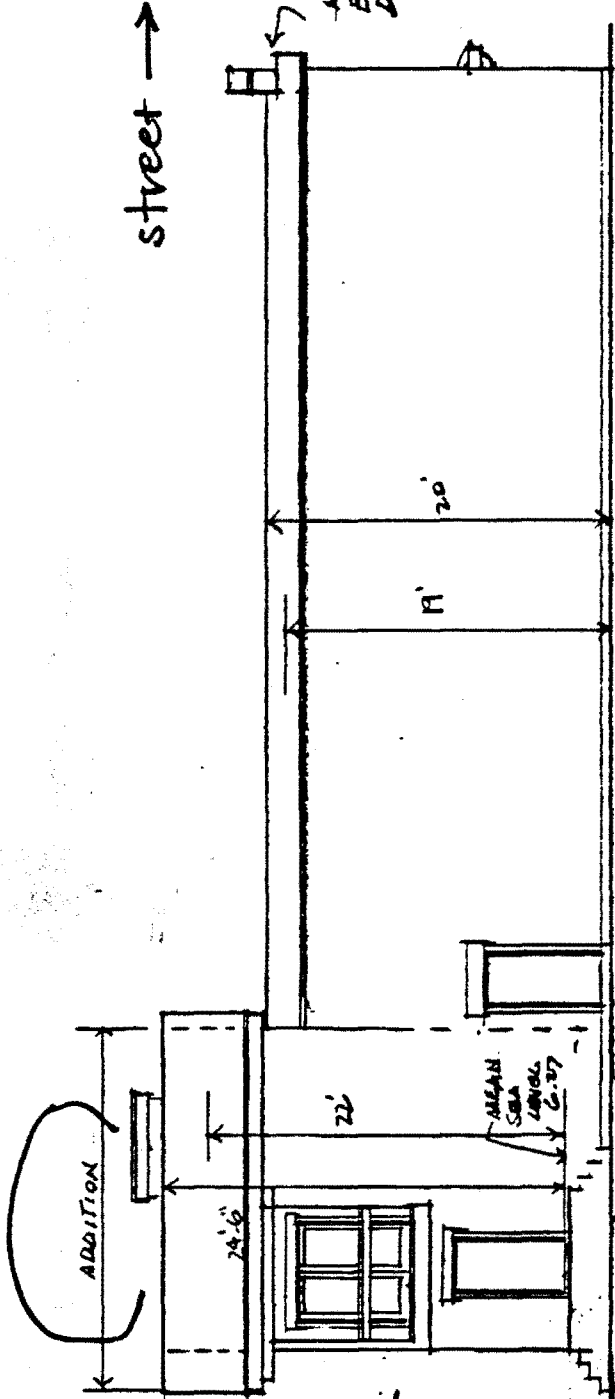
5-97-096
 COASTAL COMMISSION
 VICINITY MAP

EXHIBIT # A
 PAGE 1 OF 1

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- 1. AERIAL PH
 - 2. BOUNDARY L
 - 3. CHANGING L
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street →

NEW
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DOOR.



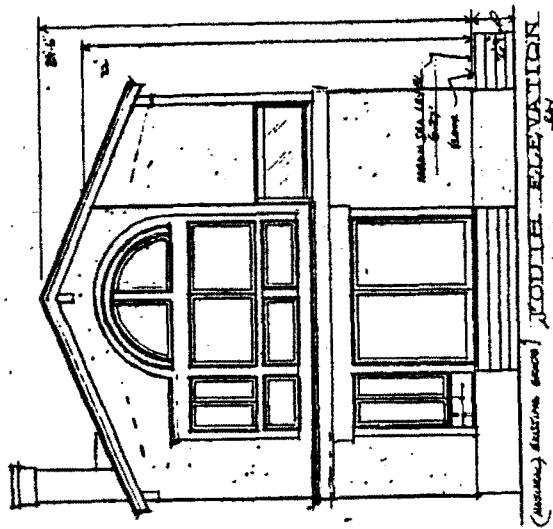
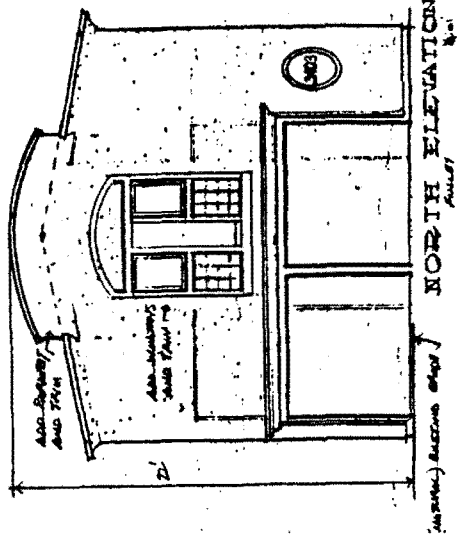
harbor ←

NATURAL (EXISTING) GRADE

EAST ELEVATION 8'51

WEST ELEVATION REVERSE

5-97-095
 COASTAL COMMISSION
 Plans B
 EXHIBIT # 1 OF 2
 PAGE



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