

CALIFORNIA COASTAL COMMISSION

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49th Day: March 19, 1998
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Staff: SFR-LB
Staff Report: March 19, 1998
Hearing Date: April 7-10, 1998
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NO.:** 5-98-027**APPLICANT:** George & Suzanne Woods, Et. Al.**AGENT:** None**PROJECT LOCATION:** 106 Coral Avenue, Newport Beach, County of Orange

PROJECT DESCRIPTION: Addition of 541 sq. ft. feet to an existing 1599 sq. ft. single family residence resulting in a 2140 residence. The detached garage which totals 724 sq. ft. will be reduced by 54 sq. ft. to 670 sq. ft. Three existing on-site parking spaces remain. No changes are proposed or approved to the existing 724 sq. ft. apartment unit above the garage.

LOCAL APPROVALS RECEIVED: Approval in Concept 2295-97 and Modification Permit 4647 both from the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan. Coastal Development Permits: 5-93-211, 5-93-258, 5-94-145, 5-94-209, 5-94-229, 5-95-060, 5-95-067, 5-96-122, 5-97-037, 5-97-095, and 5-97-237,

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with one special condition requiring a coastal development permit or amendment when future development occurs on the site. The applicant concurs with the special condition.

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 effects 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 construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction 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 of the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, 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.

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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 Development

This coastal development permit 5-98-027 approves only the development, as expressly described and conditioned herein, to the existing single family residence and garage located at 106 Coral Avenue in the City of Newport Beach. Any future development, such as a change in the intensity of use (including 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.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

The project site is located at 106 Coral Avenue which is located on Balboa Island in the City of Newport. The project site contains pre-Coastal Act non-conforming development consisting of a single family residence and an apartment located above a detached garage. The proposed project would result in the addition of 541 sq. ft. to an existing 1599 sq. ft. residence resulting in a 2140 residence. The proposed remodeling consists of a first floor addition of 219 sq. ft., and a second floor addition of 322 sq. ft.

The detached garage which totals 724 sq. ft. will be reduced by 54 sq. ft. to 670 sq. ft. The garage is being reduced in size to remove an extension of the garage which encroaches into a required setback from an alley. The existing 724 sq. ft. apartment above the garage will remain at 724 sq. ft. Three existing on-site parking spaces remain.

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,

When 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 coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. In this case, the project site is located on Balboa Island and is on the inland side of the first public road. The street-ends provide the public with vertical access to the water and there is a public walkway around the perimeter of the island providing lateral access. Public beaches are located nearby on the Balboa Peninsula and on the seaward side of Bayside Drive. All private development must, as a consequence 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 project site contains a single family residence and an apartment. Under the Commission's standard of two parking spaces per dwelling unit the project site should therefore provide four on-site parking spaces. However, only three spaces exist on-site and no additional parking spaces are proposed. Therefore, the proposed development is deficient by one parking space.

However, since no additional dwelling units are proposed, the proposed development would not result in an intensification of use of the site. Consequently 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 structures at the project site could result in an increase in the number of dwelling units beyond the two units which currently exist 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. Likewise, future development could propose a reduction in the number of parking spaces, which would also lead to adverse impacts on public access. Therefore, the Commission finds that it is necessary to place a condition on the permit informing the permittee 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 the

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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 and intensification of use but did have inadequate parking based on the Commission's regularly used standard. Thus, as conditioned for a future improvements condition, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act.

C. Local Coastal Program

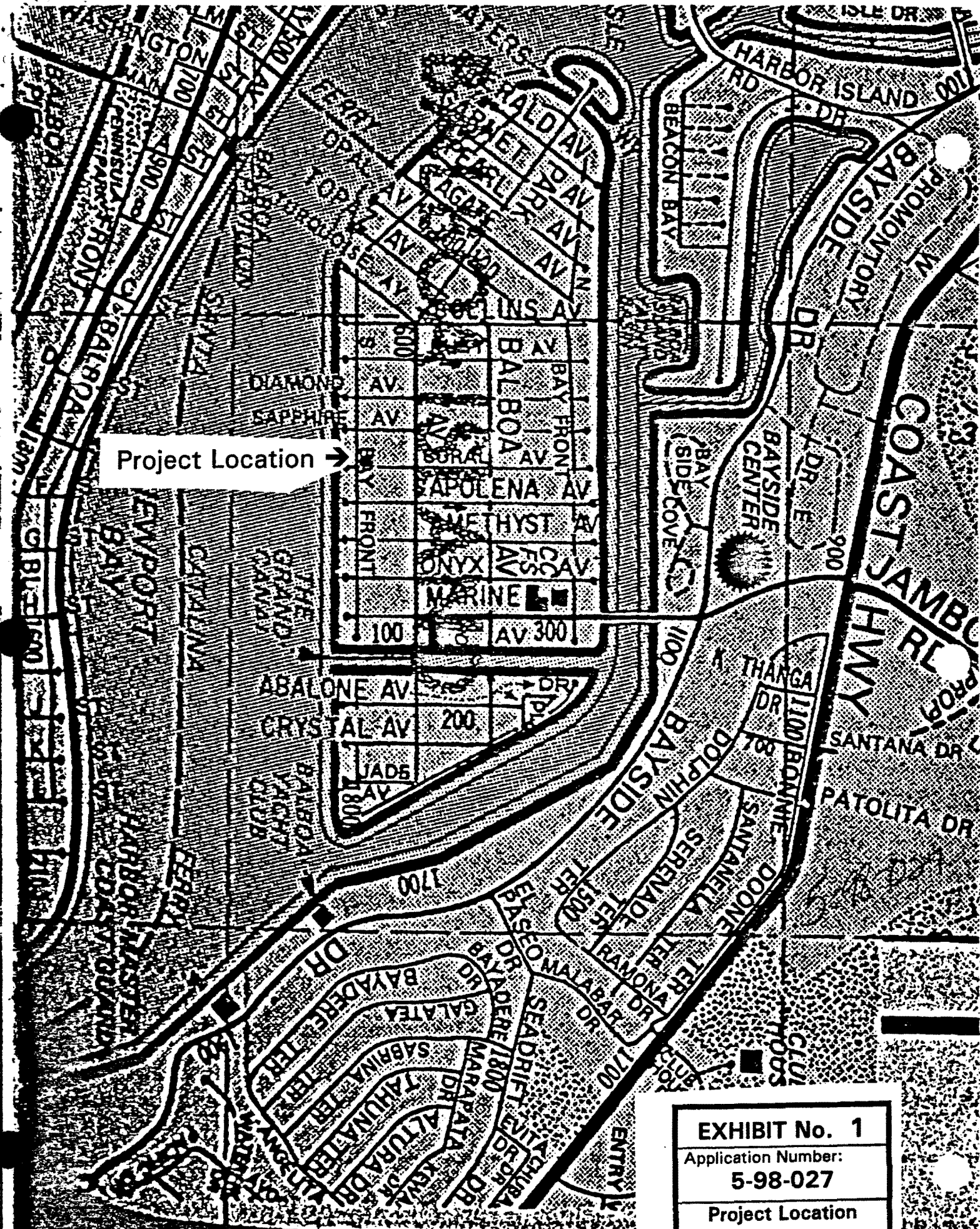
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

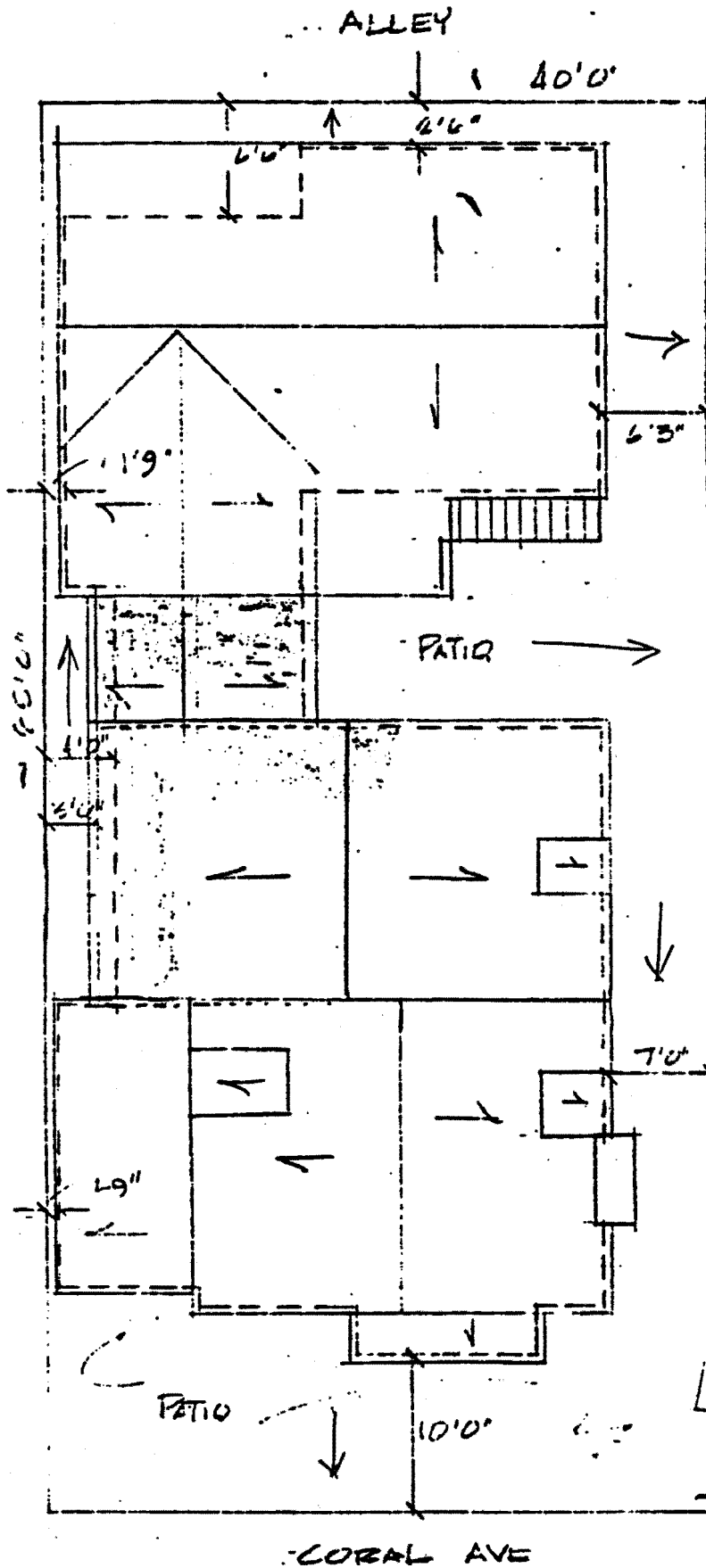
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The project is located in an existing urbanized area. Development already exists on the subject site. The proposed development has been conditioned to be consistent with the public access policies regarding parking that are contained in Chapter 3 of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



Project Location →

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| EXHIBIT No. 1 |
| Application Number: 5-98-027 |
| Project Location |
| California Coastal Commission |



Existing

Propose

Existing
Propose
Propose

Allowable

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| EXHIBIT No. 2 |
| Application Number: 5-98-027 |
| Site Plan |
|  California Coastal Commission |

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