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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 8/2/99
49th Day: 9/20/99
180th Day: 1/29/00
Staff: MV-LB
Staff Report: 10/14/99
Hearing Date: 11/2-5/99
Commission Action:

ADMINISTRATIVE PERMIT

APPLICATION NUMBER: 5-99-283

APPLICANT: Daniel Jensen

PROJECT DESCRIPTION: Remodel (including removal of one unit) of a four unit apartment complex, resulting in a three unit, 3488 square foot, three story, 29 foot high triplex. The removal of one unit will allow an increase in on-site parking from two spaces to five. The parking will be provided in one 855 square foot, four car (two sets of tandem spaces) garage and one single car garage.

PROJECT LOCATION: 1813 W. Bay Ave., 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 meeting time and place:

Tuesday, November 2, 1999 at 10:00 a.m.

Four Points Hotel

530 West Pico Blvd., Santa Monica, CA. (310) 399-9344

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Section 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 acknowledgment 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

Meg Vaughn

By: Meg Vaughn
Title: Coastal Program 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 applicant is proposing to remodel a four unit apartment complex, including removal of one unit, resulting in a three unit, 3488 square foot, three story, 29 foot high triplex. The removal of one unit will allow an increase in on-site parking from two spaces to five. The parking will be provided in one 855 square foot, four car (two sets of tandem spaces) garage and one single car garage.

The subject site is located on the Balboa Peninsula in the City of Newport Beach, but is not a waterfront lot.

B. Public Access/Parking

Section 30252 of the Coastal Act states, in 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 located on the Balboa Peninsula, a popular beach-goer and visitor serving destination area. Because of the project vicinity's popularity with visitors to the coastal zone, provision of adequate parking is a major issue. When a private development does not provide adequate on-site parking, users of that private development are forced to occupy public parking that could be used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The proposed project is a triplex with five parking spaces. The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by an individual dwelling unit. The proposed triplex should thus provide six on-site parking spaces. Only five will be provided, resulting in a one space deficiency. However, the existing four unit complex provides only three spaces, a deficiency of five parking spaces. The proposed remodel, by decreasing the number of residential units on site and increasing the number of parking spaces, will substantially reduce the on-site parking shortfall. The proposed project will improve the parking situation by decreasing the shortfall from five spaces to only one.

Because the proposed project will reduce the number of residential units, the project represents a de-intensification of use at the site. Therefore, the proposed project will not create an increase in parking demand on site but rather a decrease. Since the proposed development would not result in an intensification of use with the attendant increase in parking demand, the Executive Director determines that the proposed development does not warrant the need for additional parking at this time.

However, future development could result in an increase in the number of physical dwelling units beyond the three units proposed as part of this project, resulting in an intensification of use. This would result in an increase in parking demand and 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 development of the subject site. This would allow for the review of future development 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, such as condominium conversions and improvements to existing structures 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); and 5-96-122 (Saracino), and coastal development permits 5-95-060 (Rewers) and 5-95-067 (Pifer).

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 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 and recreation policies regarding parking of Chapter 3 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 3 policies of the Coastal Act.

E. CEQA

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 effects which the activity may have on the environment.

The proposed project has been conditioned to conform to the public access parking policies of Chapter 3 of the Coastal Act. There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the Executive Director determines that the proposed project is consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Future Improvements/Parking

This coastal development permit 5-99-283 is only for the development, located at 1813 W. Bay Avenue in the City of Newport Beach (County of Orange) as expressly described and conditioned herein. Any future development, including but not limited to a change in the physical number of residential units, shall require an amendment to this permit 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.

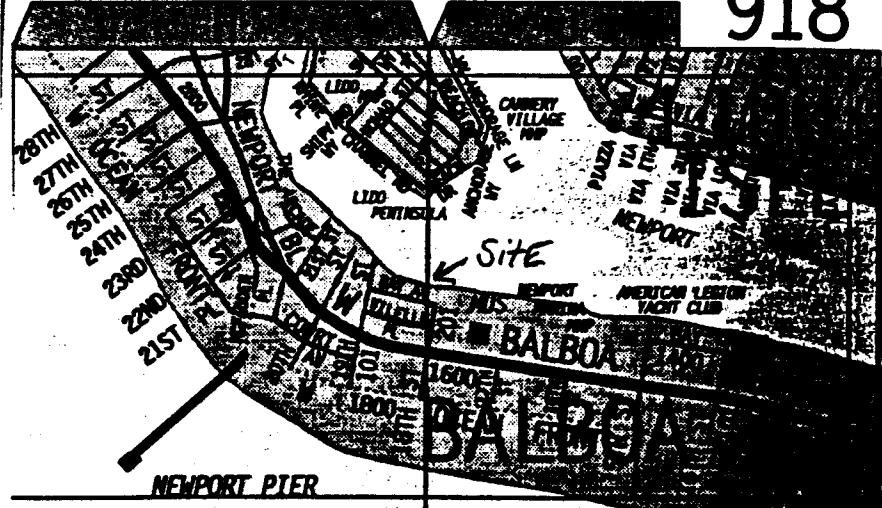
Applicant's Signature

Date of Signing

COPY



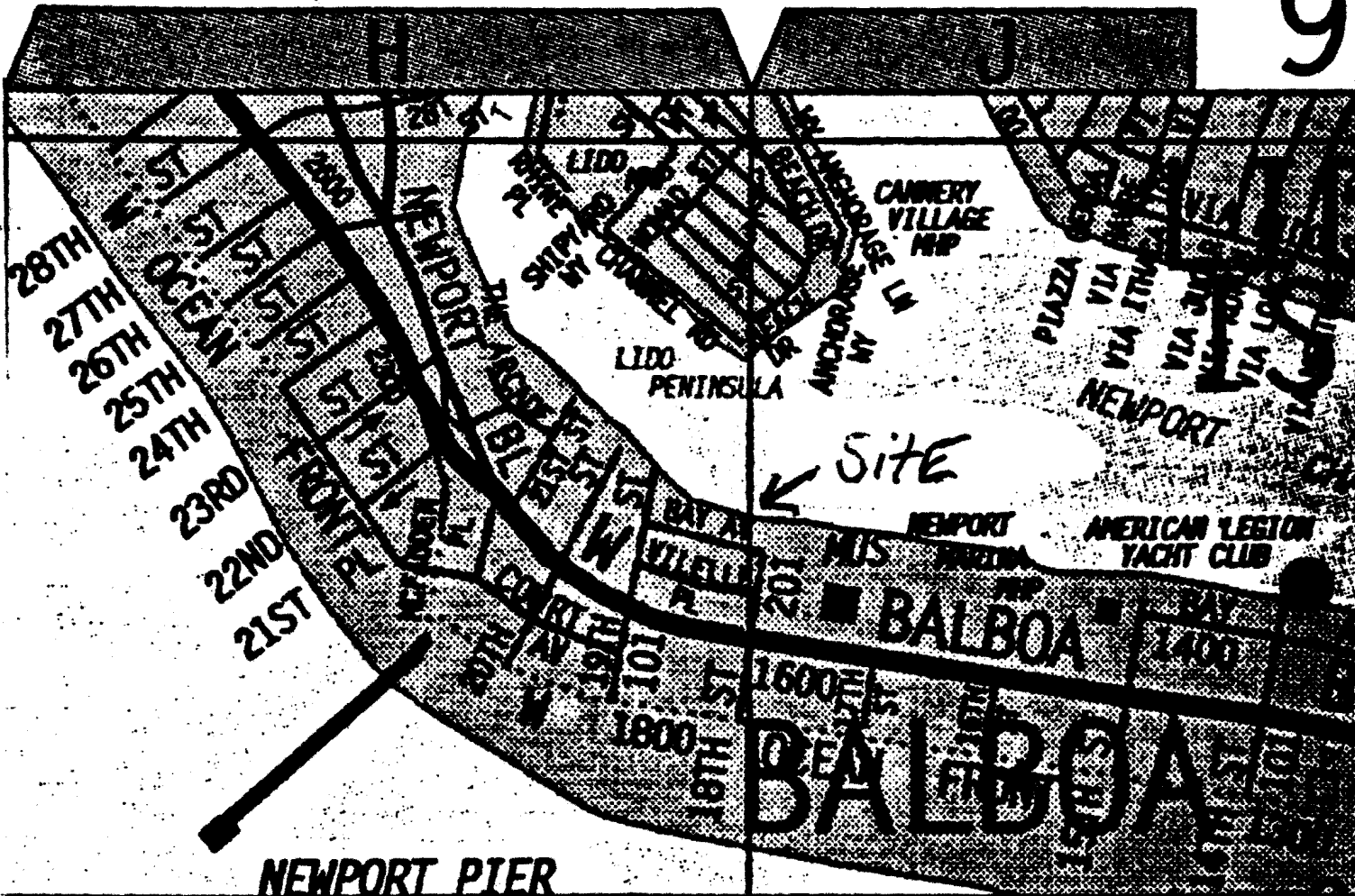
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Vicinity Map
 5-99-283

NEWPORT
 BEACH

Exhibit A



NEWPORT BEACH

Location Map

5-99-283

Exhibit B

MARCH 1949

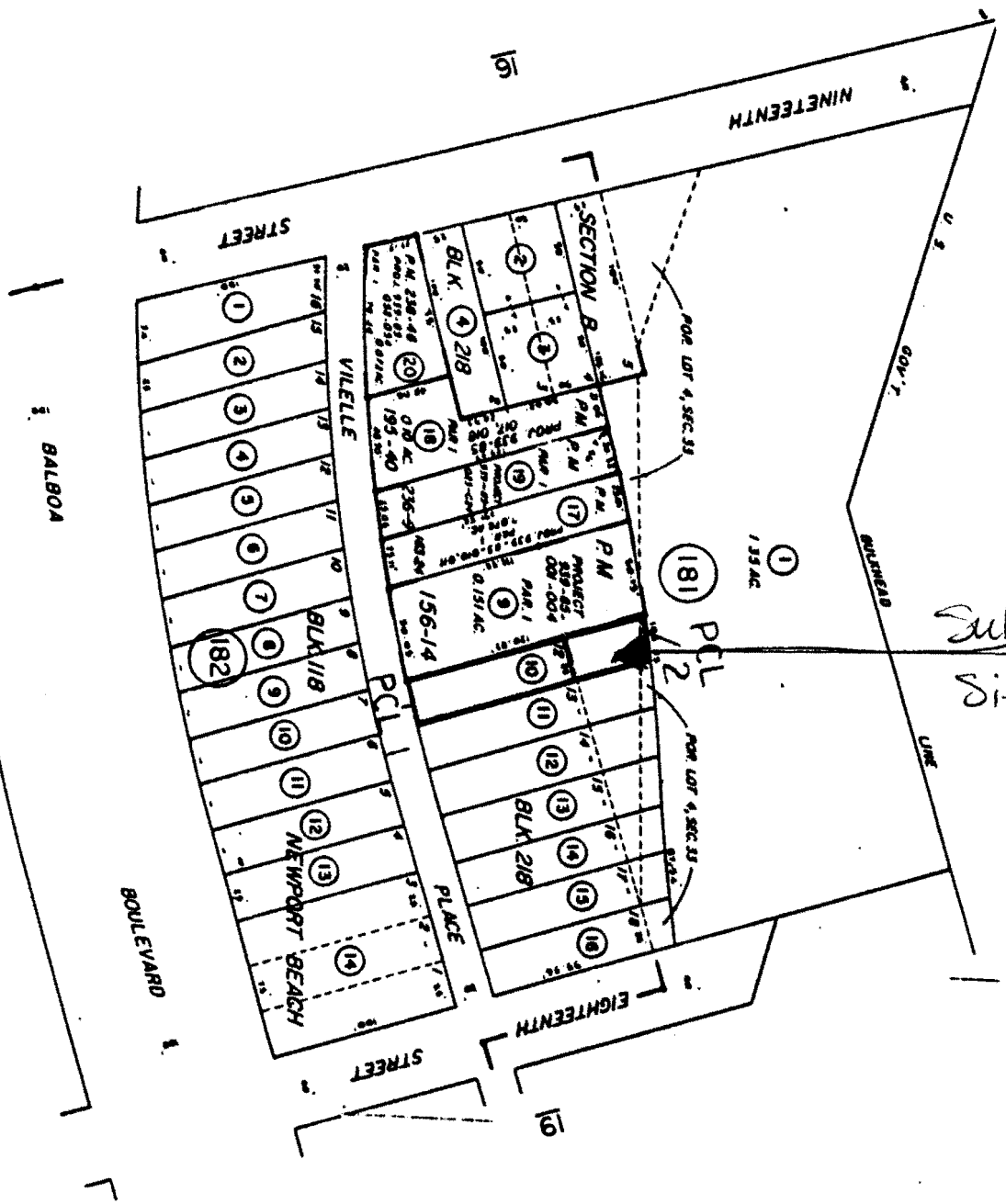
SEC. 8, NEWPORT BEACH
PARCEL MAPS
PARCEL MAP

M.M. 4-27
P.M. 156-14, 183-24, 195-40, 236-9
P.M. 238-46

NOTE: ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 47 PAGE 18
COUNTY OF ORANGE

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91



Assessor's Parcel Map

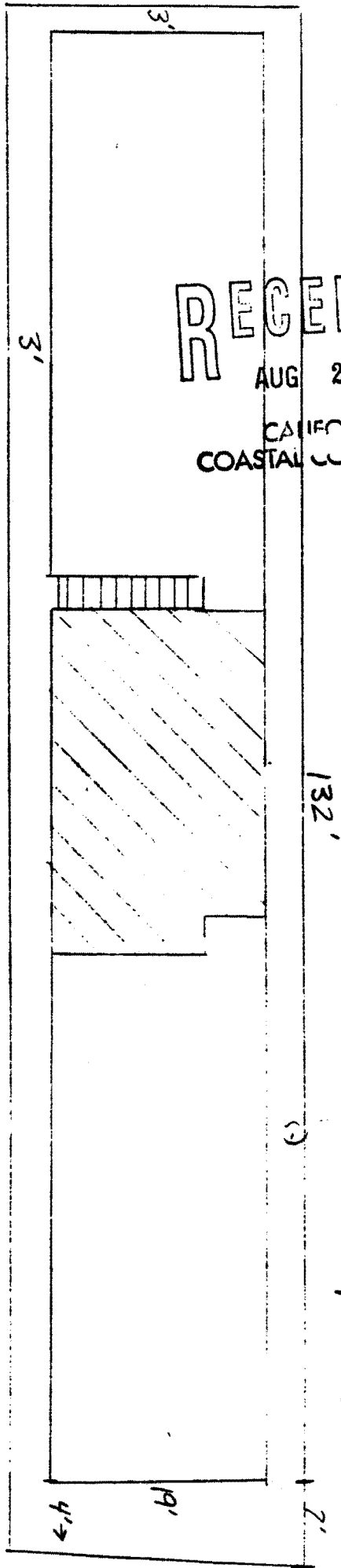
5.99-283

First American Title Insurance Company
THIS MAP IS FOR INFORMATION ONLY AND IS NOT A PART OF THIS TITLE EVIDENCE

Exhibit C

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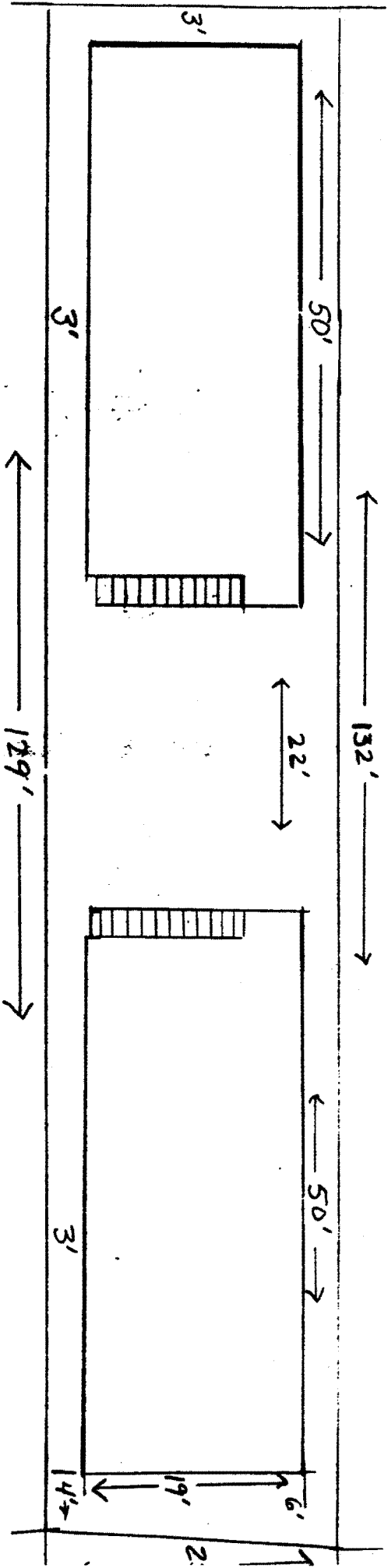
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Proposed Site



Existing Site



Site
Plan

5-99-283

Exhibit
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