

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
1000 Ocean Gate, Suite 1000  
Newport Beach, CA 90802-4302  
(562) 590-5071

Permit Application No.: **5-00-027**  
Date: February 22, 2000  
Page: 1 of 6

**ADMINISTRATIVE PERMIT****Tu 3a****APPLICANT:** Rush N. Hill, II**RECORD PACKET COPY**

**PROJECT DESCRIPTION:** Alterations to the first floor and addition of a second floor to an existing single-story commercial building. The gross square footage for the existing 1<sup>st</sup> floor is 2510 square feet and the proposed gross square footage for the second floor is 3165 square feet, for a total of 5675 square feet. The applicant is proposing 23 parking spaces. The first floor is proposed for retail and the existing architectural firm will relocate from the first to the second floor.

**PROJECT LOCATION:** 115 22<sup>nd</sup> Street, Newport Beach, Orange County

**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination 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, March 14, 2000 at 10:00 a.m.  
Carmel Mission Inn  
3665 Rio Road  
Carmel, CA 93923

**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: *Anna S. Kramer*  
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.

**SPECIAL CONDITIONS:** None.

**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 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 and Background**

The proposed development is located between the sea and the first public road on the corner of Balboa Boulevard and 22<sup>nd</sup> Street, just west of McFadden Square. The site address is 115 22<sup>nd</sup> Street in the City of Newport Beach (Exhibits 1 & 2).

The applicant is proposing alterations to the first floor and a second floor addition to an existing single-story commercial building. The gross square footage for the existing first floor is 2510 square feet and the proposed gross square footage for the second floor is 3165 square feet, for a total of 5675 square feet. The project site currently has 20 parking spaces. Three (3) spaces will be added by the proposed project, for a total of 23 parking spaces. The first floor is proposed for retail use and the existing architectural firm will move from the first to the second floor (Exhibit 3).

The property is designated in the Certified Land Use Plan (LUP) as Retail and Service Commercial. The site is located in the B5 area of the Certified LUP, commonly known as McFadden Square. Commercial areas are allowed a maximum floor area ratio (FAR) of 0.50/1.0, with no second floor residential use allowed on sites involved in transfer of commercial development rights. The current project exceeds the maximum FAR; therefore, the proposed development includes a use permit to allow the transfer of development rights to the project site from property located at 2206 West Ocean Front (total borrowed FAR = 937.5 square feet). In accordance with the LUP, the second floor will not be residential use, but office use.

The proposal also includes a modification to the City of Newport Beach Zoning Code so as to allow: a portion of the proposed building addition, off-street parking and a trash enclosure to encroach into the 10 foot rear yard setback adjacent to an alley; a portion of the second floor addition and new ground floor front facade to encroach into the 5 foot front yard setback; a request to waive a portion of the required landscaping and allow a portion of the required on-site parking to utilize a tandem parking design.

On September 14, 1995, the Commission approved Administrative Permit 5-95-153 for the same development at this site. The applicant did not commence development within two years from the date the permit was reported to the Commission. No application for extension was submitted. Therefore, the permit expired on September 14, 1997. The project was resubmitted for Commission review in January 2000. No changes to the previously approved project are proposed.

**B. New Development**

Section 30250 of the Coastal Act states, in pertinent part:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

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Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The project site is designated in the Certified LUP as Retail and Service Commercial. Allowable uses include retail sales and offices which provide goods or service to the general public. Office uses which do not provide services directly to the public are prohibited on the ground floor, but allowed on the second level.

The tenant in the existing ground floor is Hill Partnership Architects. Following construction, the architectural firm will occupy the second floor, while the ground floor will be allotted to retail use. This new development configuration conforms to the Certified LUP.

There are currently 20 parking spaces, 16 regular and 4 compact. During construction, a two-car garage will be demolished and a three-car garage will be built into the ground floor. After completion of the project, there will be a total of 23 parking spaces.

The Commission typically imposes the following parking standards for development of this type. For the proposed second floor architectural offices, the standard is 1 space per each 250 square feet of gross office space. For the general retail proposed on the first floor, the standard is 1 space per each 225 square feet of gross retail space. The gross square footage of the proposed structure is 5675 square feet. The ground floor general retail square footage equals 2510 square feet, thereby requiring 10 parking spaces. The 3165 square feet of office space on the second floor requires 13 spaces. Consequently, the total parking required for the site is 23 spaces. The applicant is supplying 23 parking spaces and is therefore in conformance with regularly used Commission parking standards.

The proposed development is occurring in an existing developed area in accordance with Section 30250 of the Coastal Act. The area is adjacent to McFadden Square, a visitor-serving tourist destination area. The Coastal Act promotes low-cost visitor-serving commercial and recreational opportunities. Consequently, the proposed project is a preferred use, as the project will create visitor-serving retail on the first floor and move the non-visitor serving office use to the second floor. In addition, the development of ground floor retail and a second story architectural firm conforms to the land use policies of the Certified Land Use Plan. The proposed project has sufficient parking and thus conforms to Section 30252 (4) of the Coastal Act.

Therefore, the Executive Director finds that the proposed development poses no adverse impacts to coastal resources and is consistent with Sections 30250 and 30252 (4) of the Coastal Act.

**C. Public Access and Recreation**

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...*

Section 30604 (c) of the Coastal Act requires that permit application 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 development is located between the first public road and the sea. The proposed project consists of alterations to the first floor and construction of a second floor addition to an existing single-story commercial building.

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 first public road and the sea, but does not impact coastal access either directly or indirectly. Public coastal access exists in the project vicinity at the street end of 22<sup>nd</sup> Street, approximately 150' south of the subject site.

The development will not create adverse impacts, either individually or cumulatively on public access and recreation 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. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal 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 Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of 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).

**E. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of a 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 27380.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible

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alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is consistent with the Chapter 3 policies of the Coastal Act. The proposed project will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA. Therefore, the Executive Director has determined that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

**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



**RECEIVED**  
 JAN 21 2000  
 CALIFORNIA  
 COASTAL COMMISSION

**Vicinity Map**

- ANCHORAGE
- BEACH ST
- ANGA ST
- BOLIVAR ST
- CARRILLO ST
- DRAKE ST
- EL PASO ST
- FREMONT ST
- CHAMBERLAIN ST
- SHIPLEY ST
- RHINE ST
- NOMAD ST

5-00-027

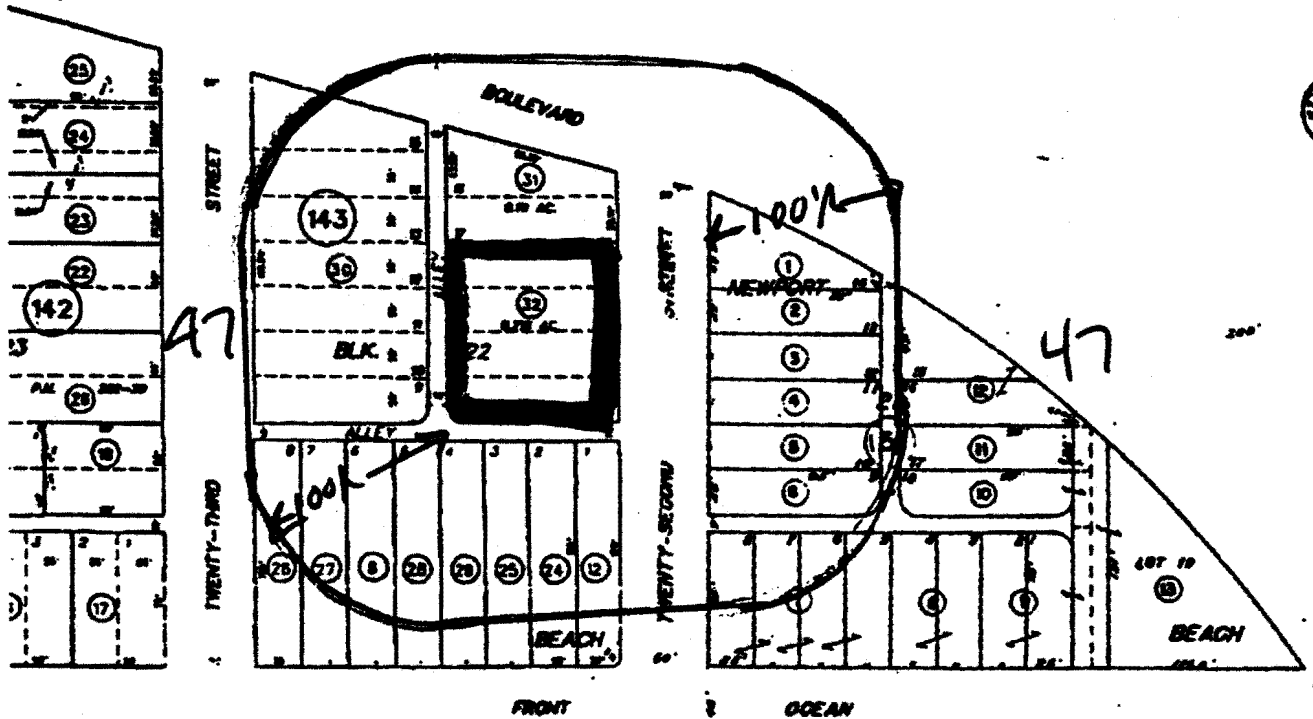
EXHIBIT NO. /
APPLICATION NO.
5-00-027
VICINITY MAP
California Coastal Commission

13

47-14

NEWPORT

BLVD.



30

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

ASSESSOR'S MAP BOOK 047 PAGE COUNTY OF ORANGE

30

MARCH 1949

NEWPORT BEACH  
SEG. A, NEWPORT BEACH  
1ST. ADD. TO NEWPORT BEACH  
PARCEL MAP

M.  
M.  
M.  
P.

EXHIBIT NO. 2
APPLICATION NO. 5-00-027
A.P. MAP
California Coastal Commission

SCALE 1" = 100'



**PROJECT DATA**

PLANNING REVISION  
 No. 1000 AREA - 1000 SQ. FT.  
 : REVISIONS FOR SETS

PLANNING REVISION  
 No. 1000 AREA - 1000 SQ. FT.  
 : REVISIONS FOR SETS

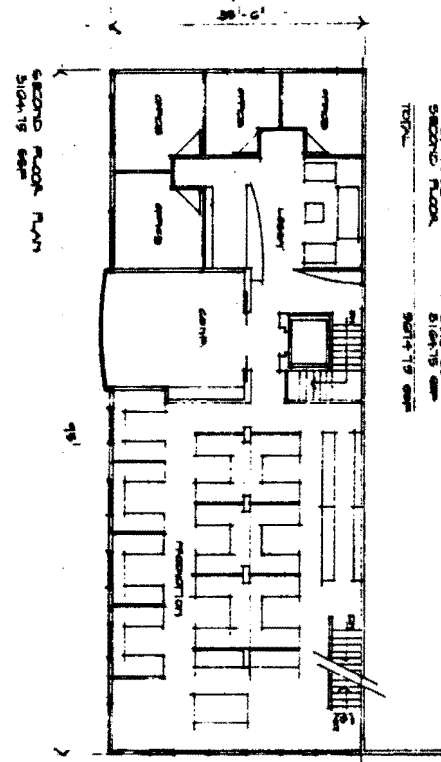
COMMERCIAL AREA  
 SITE AREA  
 4475 SQ. FT.

REMOVED AREA  
 1000 SQ. FT.

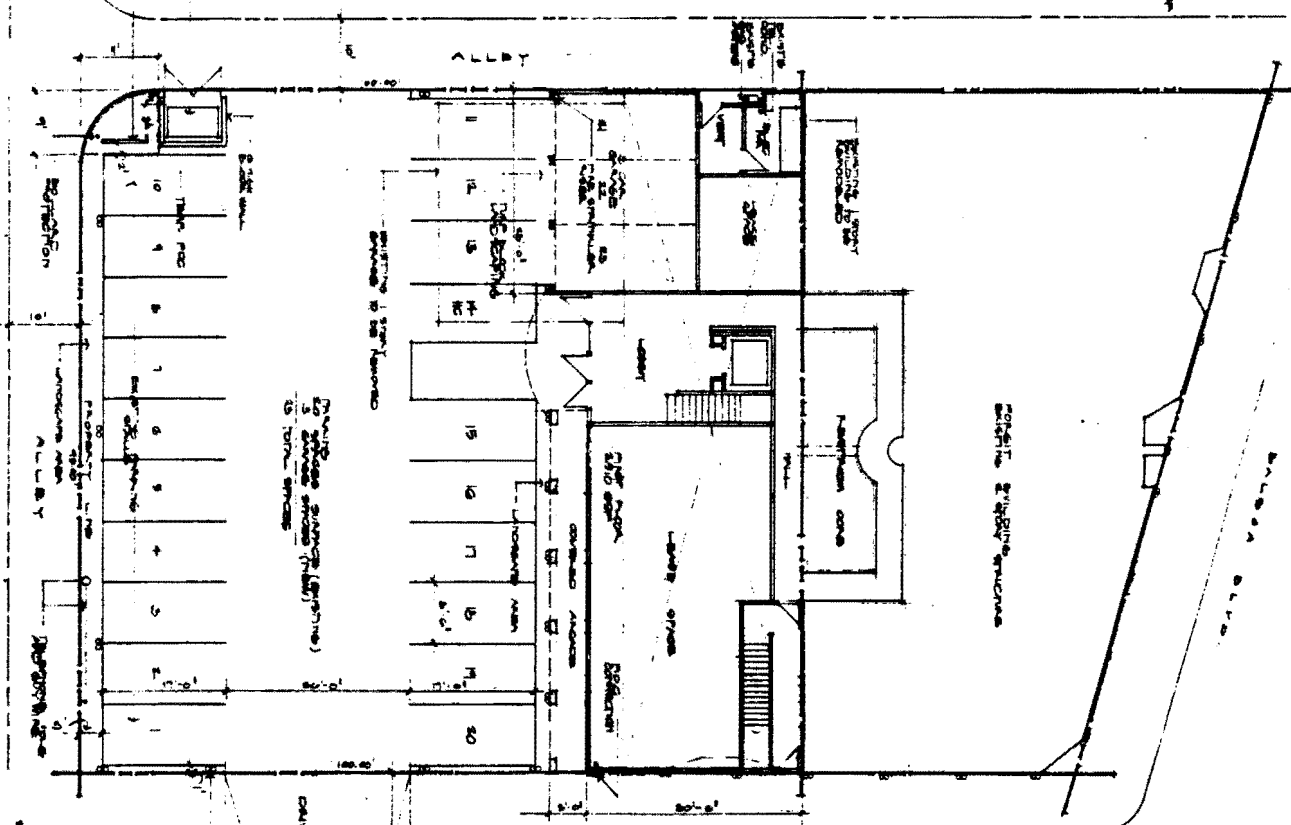
TOTAL ALLOW. FTL  
 5475 SQ. FT.

SECOND FLOOR AREA - 1000 SQ. FT.  
 INCLUDING OFFICE, RECEPTION, CONFERENCE ROOM, STORAGE, RESTROOMS, ETC.

OFFICE - 1000 SQ. FT. TOTAL  
 1115 SQ. FT.



THREAT ENCLOSURES  
 RECEPTION AREA

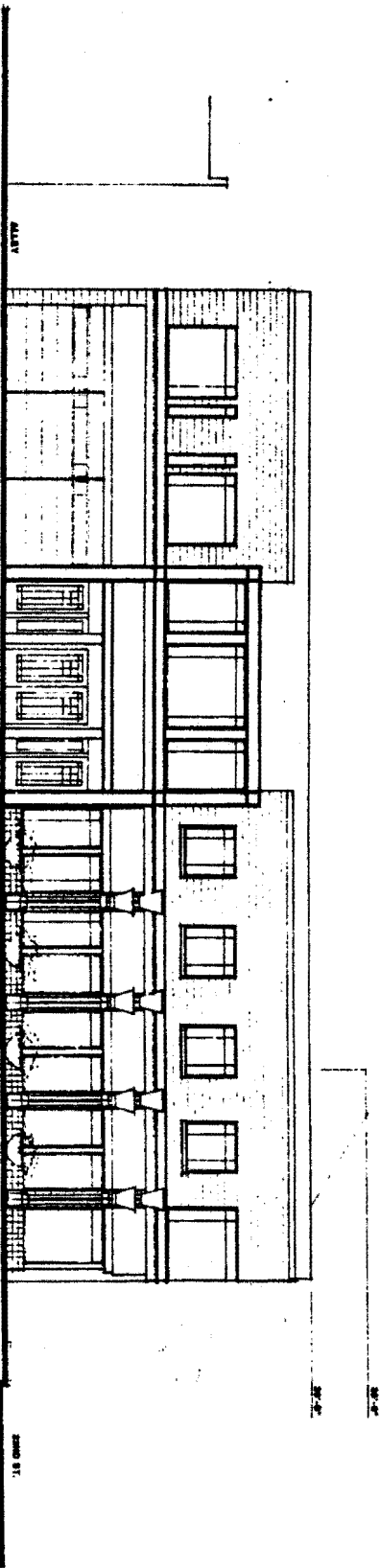


**EXHIBIT NO. 3**  
 APPLICATION NO.  
**5-00-027**  
**PROJECT PLANS**  
 1 of 2  
 California Coastal Commission

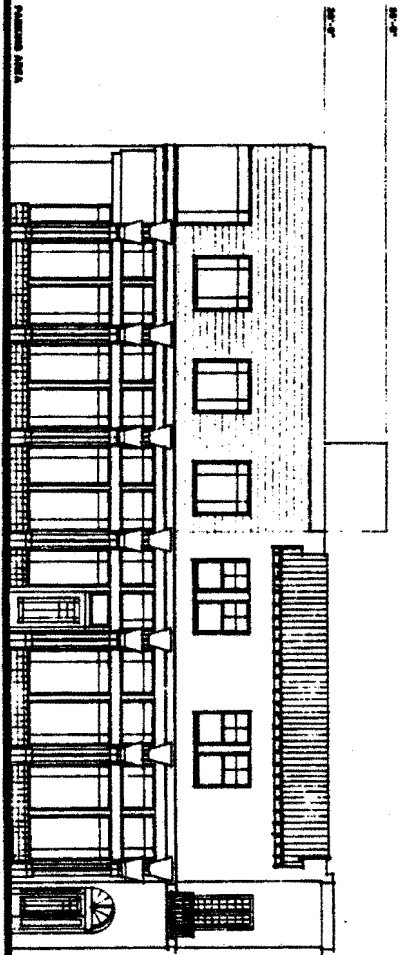
OWNER:  
 CONSULTING ENGINEER:  
 ARCHITECT:  
 PROPOSED REMODEL  
 FOR  
 CORPORATE OFFICES  
 118 22ND ST  
 REDFORD BEACH  
 CA 92663

NO.	DATE	DESCRIPTION
1	5/1/82	PRELIMINARY
2	5/15/82	REVISIONS FOR SETS
3	5/25/82	REVISIONS FOR SETS
4	6/10/82	REVISIONS FOR SETS
5	6/20/82	REVISIONS FOR SETS
6	7/5/82	REVISIONS FOR SETS
7	7/15/82	REVISIONS FOR SETS
8	7/25/82	REVISIONS FOR SETS
9	8/5/82	REVISIONS FOR SETS
10	8/15/82	REVISIONS FOR SETS
11	8/25/82	REVISIONS FOR SETS
12	9/5/82	REVISIONS FOR SETS
13	9/15/82	REVISIONS FOR SETS
14	9/25/82	REVISIONS FOR SETS
15	10/5/82	REVISIONS FOR SETS
16	10/15/82	REVISIONS FOR SETS
17	10/25/82	REVISIONS FOR SETS
18	11/5/82	REVISIONS FOR SETS
19	11/15/82	REVISIONS FOR SETS
20	11/25/82	REVISIONS FOR SETS

WEST ELEVATION



22ND STREET ELEVATION



RECEIVED

JAN 21 2000

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EXHIBIT NO. 3  
APPLICATION NO.  
**5-00-027**  
**PROJECT PLANS**  
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California Coastal Commission

PROJECT TITLE  
PROPOSED REMODEL  
AND  
CORPORATE OFFICES  
178 22ND ST  
NEWPORT BEACH  
CA 92663

DATE  
DRAWN BY  
CHECKED BY  
DATE  
SCALE  
BY THE ARCHITECT  
DATE

SCALE  
1" = 8'-0"