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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 Staff: MV-LB
 Staff Report: 8/22/01
 Hearing Date: 9/11-14/01
 Commission Action:

RECORD PACKET COPY**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-01-218

APPLICANT: Walter G. Lake

AGENT: Vincent DiBiasi

PROJECT LOCATION: 221 Grand Canal, Newport Beach (Balboa Island), Orange County

PROJECT DESCRIPTION: Demolition of an existing, two car garage and construction of a new 465 square foot, two car garage with a 576 square foot living area above and a 288 square foot second story deck addition attached to an existing single story, single family residence. Resultant structure will be an 1176 square foot 27 foot high, two story (above garage only), single family residence with an attached garage.

Lot Area	2550 square feet
Building Coverage	1647 square feet
Pavement Coverage	759 square feet
Landscape Coverage	150 square feet
Parking Spaces	2
Zoning	R-1.5
Ht above final grade	27 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 0302-2000

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development subject to one special condition which clarifies that the coastal development permit is for one residential unit only and that any future development requires an amendment to this permit or a new coastal development permit.

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 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
5. 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 5-01-218 approves only the development, as expressly described and conditioned herein, demolition and reconstruction of an existing garage and addition of 576 square feet of living area above the reconstructed garage, to the existing single family residence and garage located at 221 Grand Canal on Balboa Island in the City of Newport Beach. Any future development to the single family residence or garage, 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:

A. Project Description and Location

The applicant proposes the demolition of an existing, two car garage and construction of a new 465 square foot, two car garage with a 576 square foot living area above and a 288 square foot second story deck addition attached to an existing single story, single family residence. The resultant structure will be an 1176 square foot, 27 foot high, two story (above garage only), single family residence with an attached garage.

The subject site is located on Balboa Island in Newport Harbor and fronts on the public boardwalk adjacent to the Grand Canal.

B. Future Development

Section 30250 of the Coastal Act requires, in part, that new residential development be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, Section 30252 of the Coastal Act requires, among other things, that the amount and location of new development maintain and enhance public access to the coast by providing adequate parking facilities.

When private development does not provide adequate on-site parking, users of that development may be 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. A proposed development's lack of parking could therefore have an adverse impact on public access.

The proposed project includes an addition to a single family residence. The proposed second story addition above the garage includes stairway access from within the garage, from the existing kitchen and from outside the residence. Although the access from the kitchen and garage indicates that use of the proposed addition as a separate residential unit is unlikely, it is possible that if these accesses were closed off, the addition could possibly be converted to a second unit since it also has outside access. If the second story addition were to become a separate and distinct dwelling unit from the single family residence, the issue of adequate parking is raised. Although impacts that arise from one dwelling unit might appear to be minimal, Section 30250 requires that the cumulative effects of such impacts be considered. Therefore the Commission must consider whether approval of the proposed addition at the subject site could create adverse impacts on coastal resources, specifically to public access due to lack of parking.

The proposed project is located on Balboa Island fronting on the Grand Canal, one block east of Marine Avenue. Balboa Island is ringed by a public walkway around the entire island. Marine Avenue is the Island's commercial core. It provides primarily visitor serving commercial uses such as souvenir and gift shops, ice cream shops and restaurants. Balboa Island is linked to the mainland by a bridge at Marine Avenue and to the Balboa Peninsula by a small auto ferry. In all, Balboa Island is itself a visitor serving destination. Parking on the island, especially in the vicinity of Marine Avenue, is extremely constrained, particularly during peak use periods such as the summertime and during the Christmas boat parade. Consequently, it is imperative that new

development in the vicinity provide adequate parking in order to avoid adverse impacts to public access due to lack of parking.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The proposed project will provide two parking spaces, consistent with the Commission's standard.

The proposed addition would include access from the existing kitchen and from inside the garage in addition to access from the outside. As such it is unlikely that the addition would be used as a second residential unit. Nevertheless, future improvements at the subject site could result in the proposed addition becoming a separate, second unit, resulting in an intensification of use. This could create an increase in parking demand. The proposed project does not provide adequate parking to serve two units. Therefore, use of the proposed addition as a second unit could potentially lead to adverse impacts on public access due to insufficient parking. 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 project as proposed. This would allow for the review of future improvements for any potential adverse impacts to public access.

Therefore, as conditioned for a future improvements condition, the Commission finds that the proposed development is consistent with Sections 30250 and 30252 of the Coastal Act.

C. Public Access & Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road.

The subject site is located adjacent to the public walkway that encircles Balboa Island. The proposed development will not have any impact on the existing public walkway. Additional public access exists in the vicinity at the wide sandy ocean beach along the Balboa Peninsula which can be accessed from Balboa Island via the ferry. The proposed development, as conditioned, will not result in any adverse impacts to existing public access or recreation in the area. Therefore the Commission finds that the project is consistent with the public access and recreations policies of the Coastal Act.

D. Local Coastal Program

Section 30604 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 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

Section 13096 of the Commission's 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 proposed project is located in an urban area. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the public access policies of Chapter 3 of the Coastal Act. The special condition also serves to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring that future improvements require approval of a coastal development permit will minimize any significant adverse effects that the activity may have on the environment.

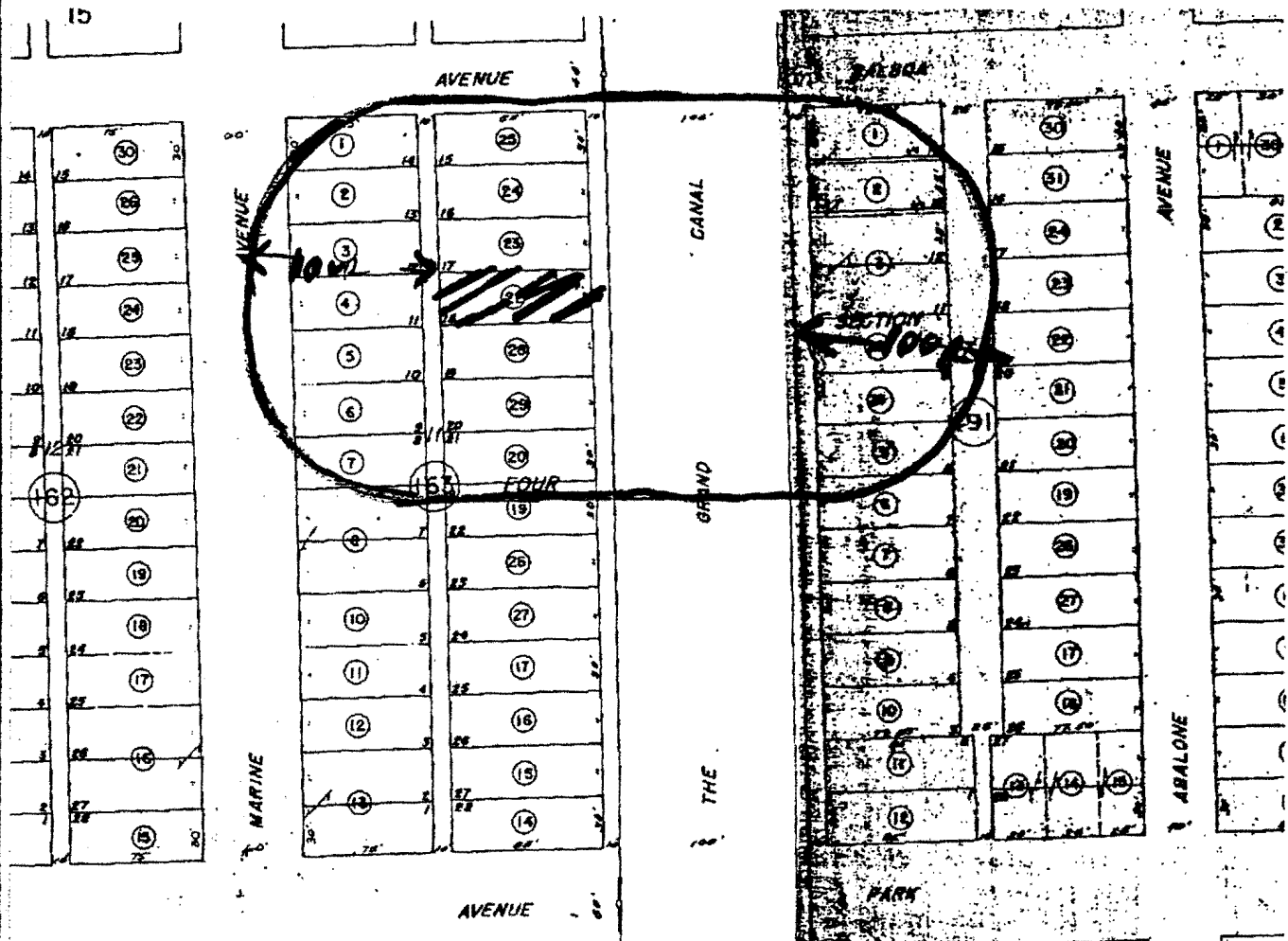
There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



Subject
Site

EXHIBIT NO. A
APPLICATION NO.
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California Coastal Commission

VICINITY MAP



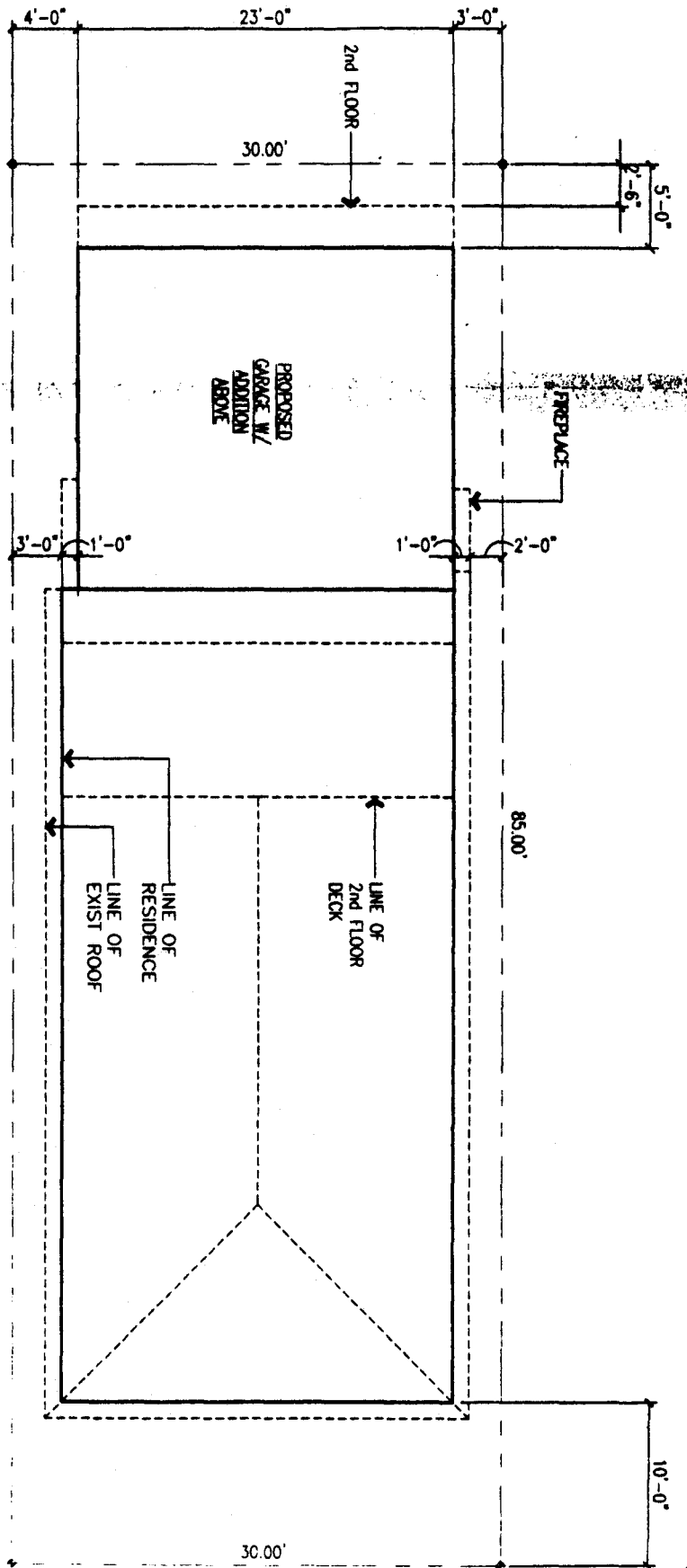
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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 50 PAGE 16 COUNTY OF ORANGE

BALBOA ISLE, SEC. FIVE

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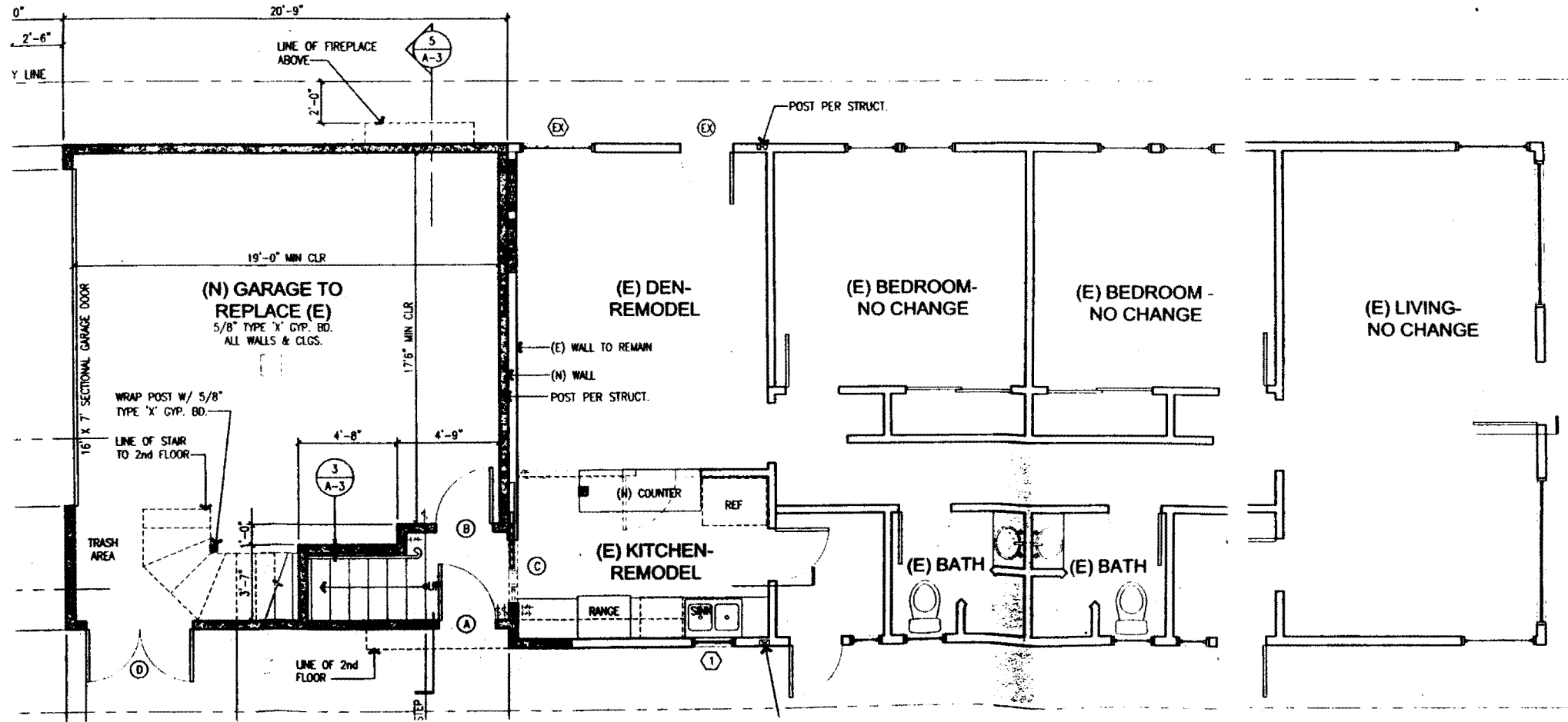
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SITE PLAN

1/8"=1'-0"





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First Floor
 Plan

FIRS

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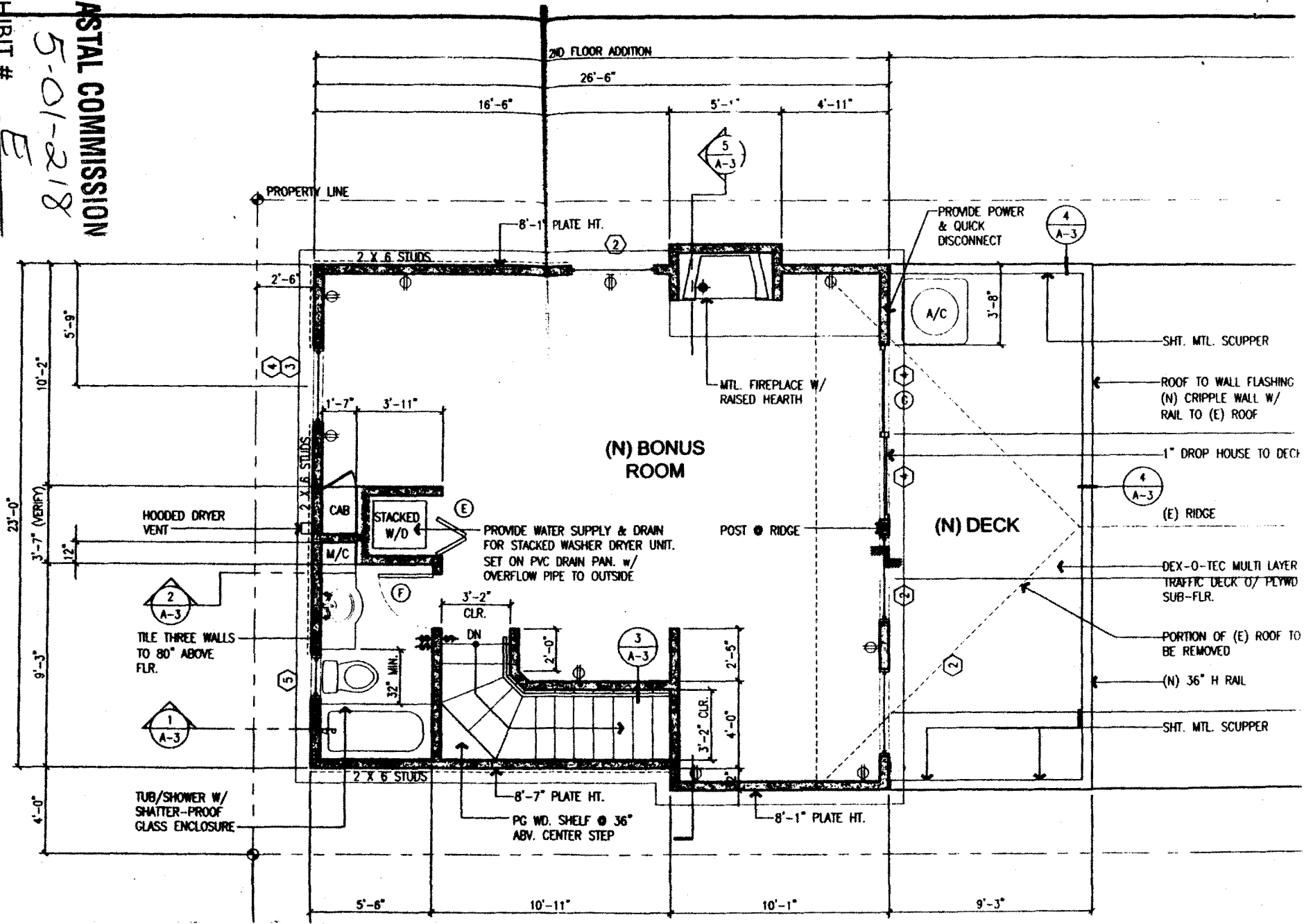
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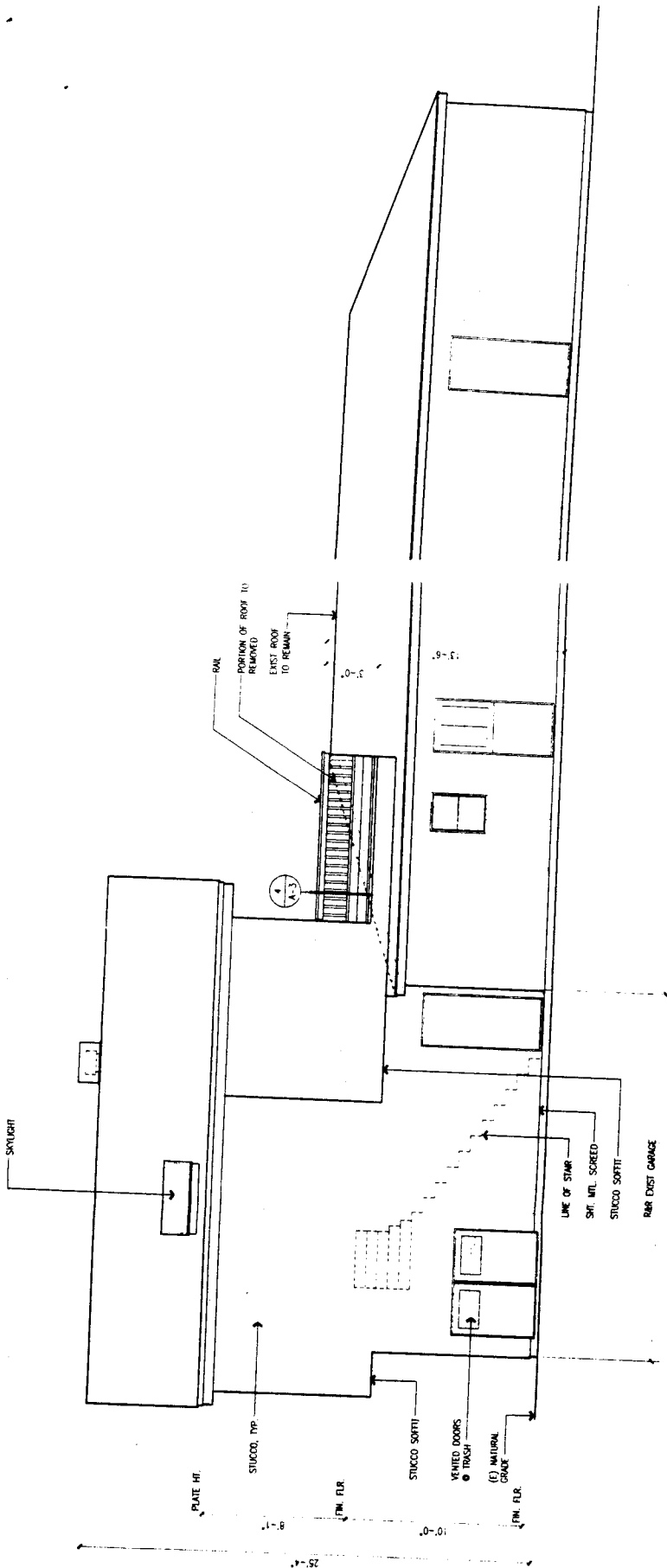
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Second Floor Plan





SOUTH ELEVATION

South
Elevation

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EXHIBIT # F

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