

CALIFORNIA COASTAL COMMISSION

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Staff: MV-LB
Staff Report: 6/20/02
Hearing Date: 7/9-12/02
Commission Action:

STAFF REPORT: PERMIT AMENDMENT**AMENDMENT
APPLICATION No.:**

5-01-219-A1

APPLICANT:

Robert Voit

AGENT:

Daniel Gomez

PROJECT LOCATION:

2140 E. Balboa Blvd., Newport Beach, Orange County

RECORD PACKET COPY

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Addition of 1,000 square feet of living area and a 212 square foot balcony to the second story of a 3,318 square foot, two story, 22 foot high single family residence with an attached 642 square foot, two-car garage and a 212 square foot, detached single car garage on a harbor front site.

DESCRIPTION OF AMENDMENT: Revisions to the previously approved plans for the addition to the single family residence and a request to delete Special Condition No. 1 which prohibited the second stairway which was to be located adjacent to the attached two car garage. The project revisions currently proposed include eliminating exterior access to the proposed second stairway, scaling back the second kitchen to a bar area, and revising the previously approved separate rooms (living, dining and bedroom) into a single multi-purpose room. The total square footage of the proposed addition will be decreased from 1,000 square feet to 703 square feet. The resultant structure will be a 4,521 square foot, 23 foot high, two story single family residence with an attached 642 square foot, two-car garage and a detached 212 square foot single car garage. A 212 square foot balcony exists at the site and a new 166 square foot balcony is proposed (previously approved balcony addition was 212 square feet).

SUMMARY OF STAFF RECOMMENDATION:

Approval of the original project was subject to two special conditions deemed necessary to assure that the proposed addition would not be converted to a second unit. Special Condition No. 1 required that the proposed second stairway which could provide separate, exterior entry to the proposed addition, be eliminated. Special condition No. 2 required recordation of a deed restriction requiring that any future improvements will require approval of an amendment to the permit or a new coastal development permit. These special conditions were deemed necessary in order to assure that the proposed project was consistent with the public access (including provision of adequate parking) and cumulative impacts sections of the Coastal Act (30210, 30250, and 30252).

The proposed amendment includes a redesign of the project that will substantially reduce the potential that the addition could be converted to a second unit. Staff believes that the redesign will reduce the potential for a second unit because 1) the separate, exterior access to the proposed second stairway (and therefore to the area of the addition) has been eliminated; 2) the previously proposed kitchen has been scaled back to a bar area; and 3) the separate rooms (living, dining, and bedroom) have been consolidated into a single multi-purpose room.

For these reasons staff is recommending **approval** of the proposed amendment with one informational future improvements special condition.

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

Note: The previous special condition prohibiting the second stairway is eliminated pursuant to this amendment.

1. Future Development

This coastal development permit 5-01-219 and coastal development permit amendment 5-01-219 A1 approves only the development, as expressly described and conditioned herein, addition to an existing single family residence located at 2140 Balboa Blvd., on the Balboa Peninsula in the City of Newport Beach. Any future development to the single family residence or garages, 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.

lack of parking do not result from the proposed project, it must be assured that the project remain a single residential unit.

The Commission's approval of the previously proposed project included two special conditions intended to assure that the proposed addition would not be converted to a second residential unit. The Commission found that the two special conditions were necessary to assure that adequate parking was provided to serve the development, and thus protect public access by assuring that adequate parking exists to serve the project. The three on-site parking spaces are adequate to serve a single residential unit but not two residential units. The previous project raised concerns that a second unit may be contemplated because the proposed addition included a new second kitchen, living room, dining room and bedroom. Moreover, the proposed addition would have allowed a separate, exterior entry from outside existing living area via a proposed second stairway. The Commission found that if the proposed second stairway were eliminated from the project the likelihood that the addition would be used as a second residential unit would be substantially reduced. If the second stairway were eliminated, access to the addition area would only be possible through existing living area. It is unlikely that a second unit would be feasible if tenants were required to pass through the private living area of the existing residence. Consequently, the Commission required as a condition of the original approval the elimination of the proposed second stairway.

The current amendment requests that the special condition regarding the second stairway be deleted. This request is based on proposed revisions to the project plans the substantially decrease the possibility that the proposed addition could be converted to a second residential unit. Most significant among the proposed revisions is the elimination of exterior access to the proposed second stairway. Under the proposed revision access to the second stairway would be from the attached two car garage and from within the existing first floor residential area. Another significant revision to the proposed plans is the change to the kitchen area. Rather than a full second kitchen, the revised plans show a bar area with only an under-counter refrigerator and no stove. The reduction in the scope of the kitchen area to a bar further supports the likelihood that the addition would not be used as a second unit. Finally, the previously proposed separate living room, dining room and bedroom have been revised such that the area is now proposed as a single large multi-purpose room.

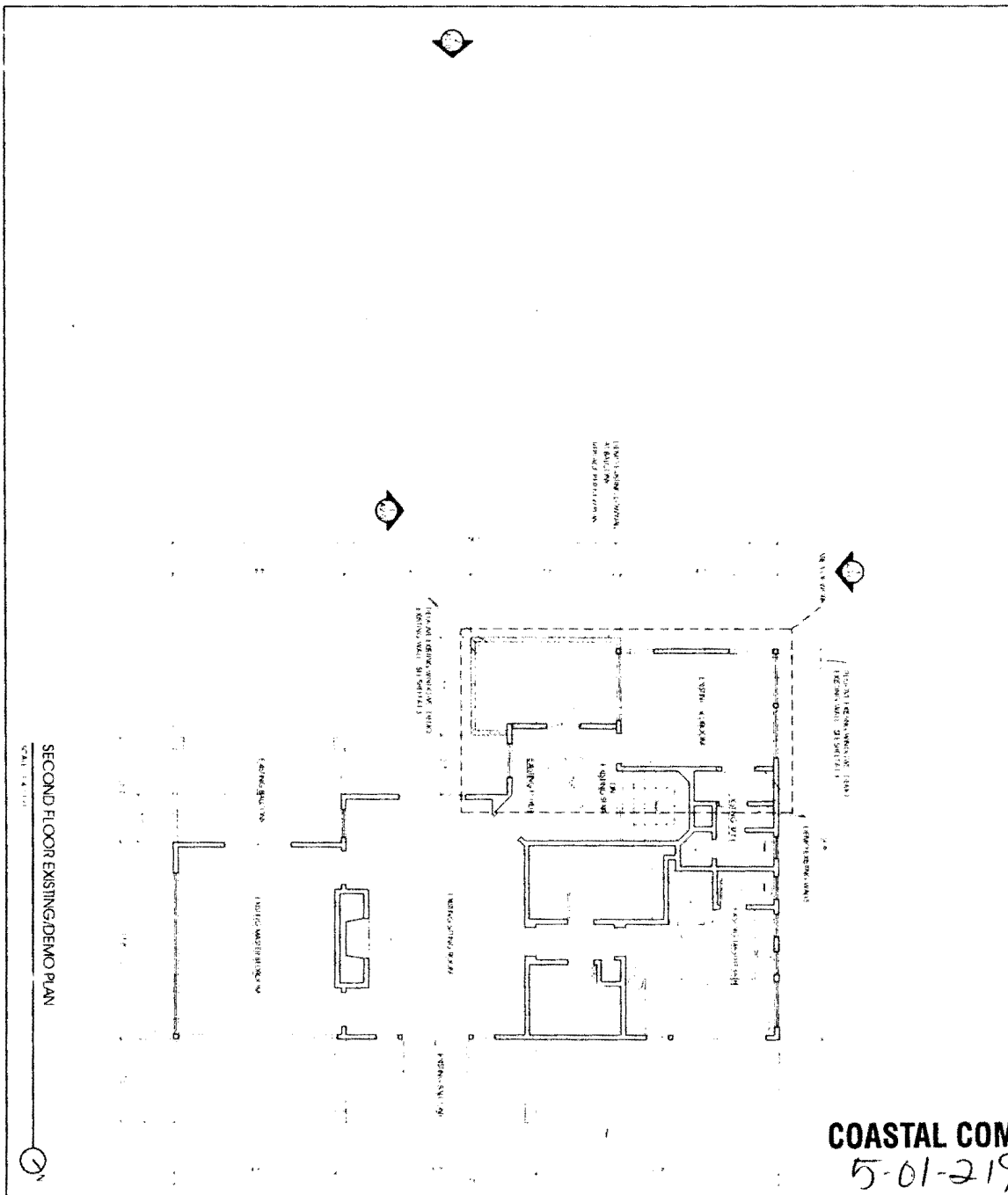
When the Commission imposed the special condition concerning the second stairway, it found: "If the stairway were eliminated from the project, access to the addition would have to pass through the existing living area. Limiting access to the proposed addition to the existing stairway would substantially reduce the potential of converting the proposed addition area to a second unit." The Commission's intent in imposing the special condition was to force access to the addition to be through existing living area. The proposed revisions to the project plans, as described above, would achieve this same goal. In addition, eliminating the full kitchen and separate rooms further reduces the likelihood that the addition would be used as a second unit. Thus, based on the revised plans proposed by the applicant, the Commission finds that elimination of the second stairway is not necessary. Therefore, the Commission finds that the previously required Special Condition No. 1 (Revised Plans Eliminated the Proposed Second Stairway) is no longer necessary and is hereby removed as a special condition of approval.

The previously approved project also included a special condition which required the recordation of a deed restriction requiring that any future development at the site would require approval of a new coastal development permit or an amendment to the coastal development permit. With the likelihood of the addition being converted to a second unit substantially reduced by the proposed redesign as described above, the Commission finds that the recordation of a deed restriction is no longer necessary. Although the likelihood of the proposed addition being used as a second unit is substantially reduced by the proposed redesign, the possibility is not entirely eliminated. Future

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 development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources, specifically public access. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no 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.



SECOND FLOOR EXISTING DEMO PLAN
SCALE: 1/8" = 1'-0"

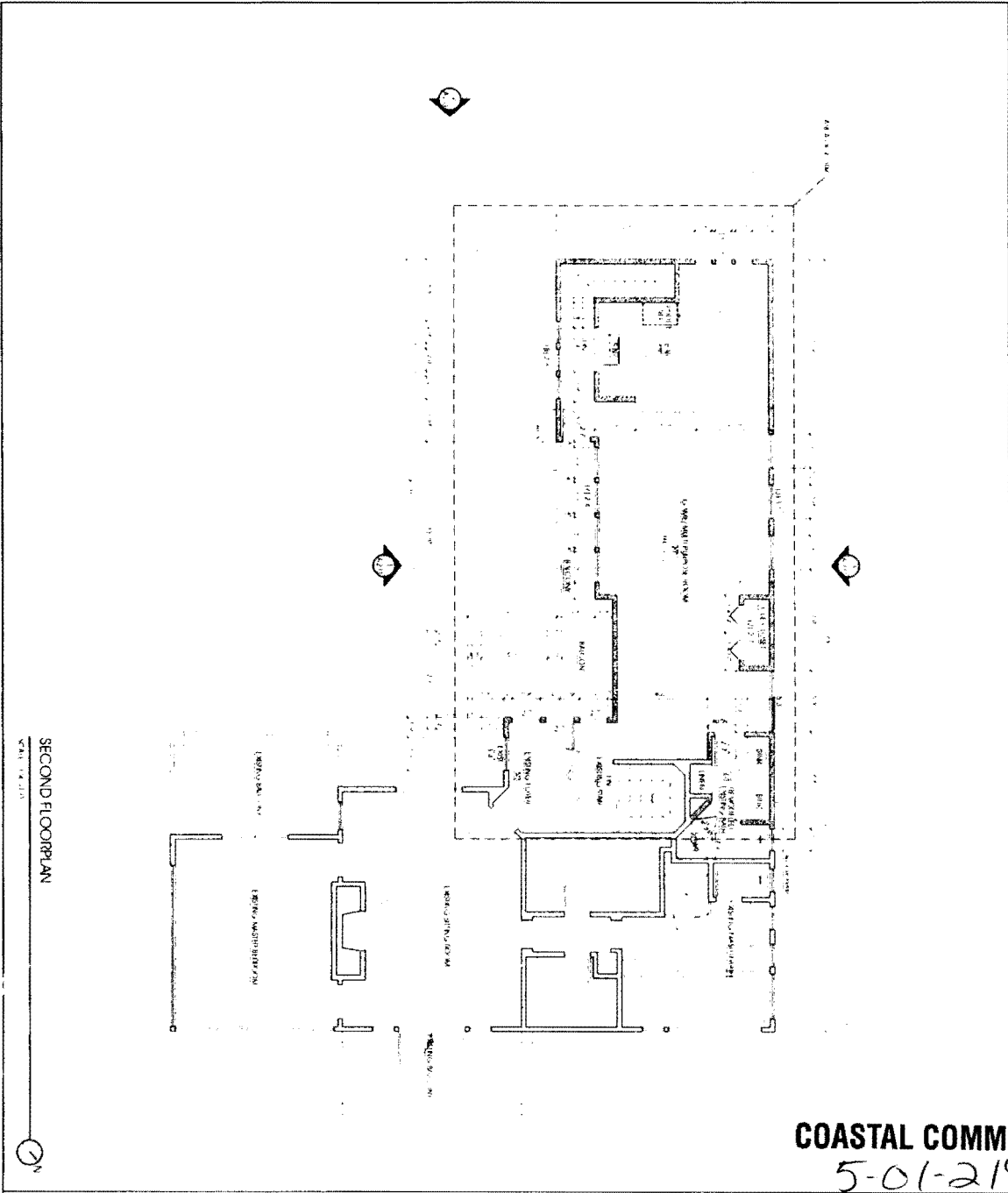
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EXHIBIT # D

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A1.1	Second Floor - Existing Demo Plan	BOB VOIT RESIDENCE addition & alterations		ing	
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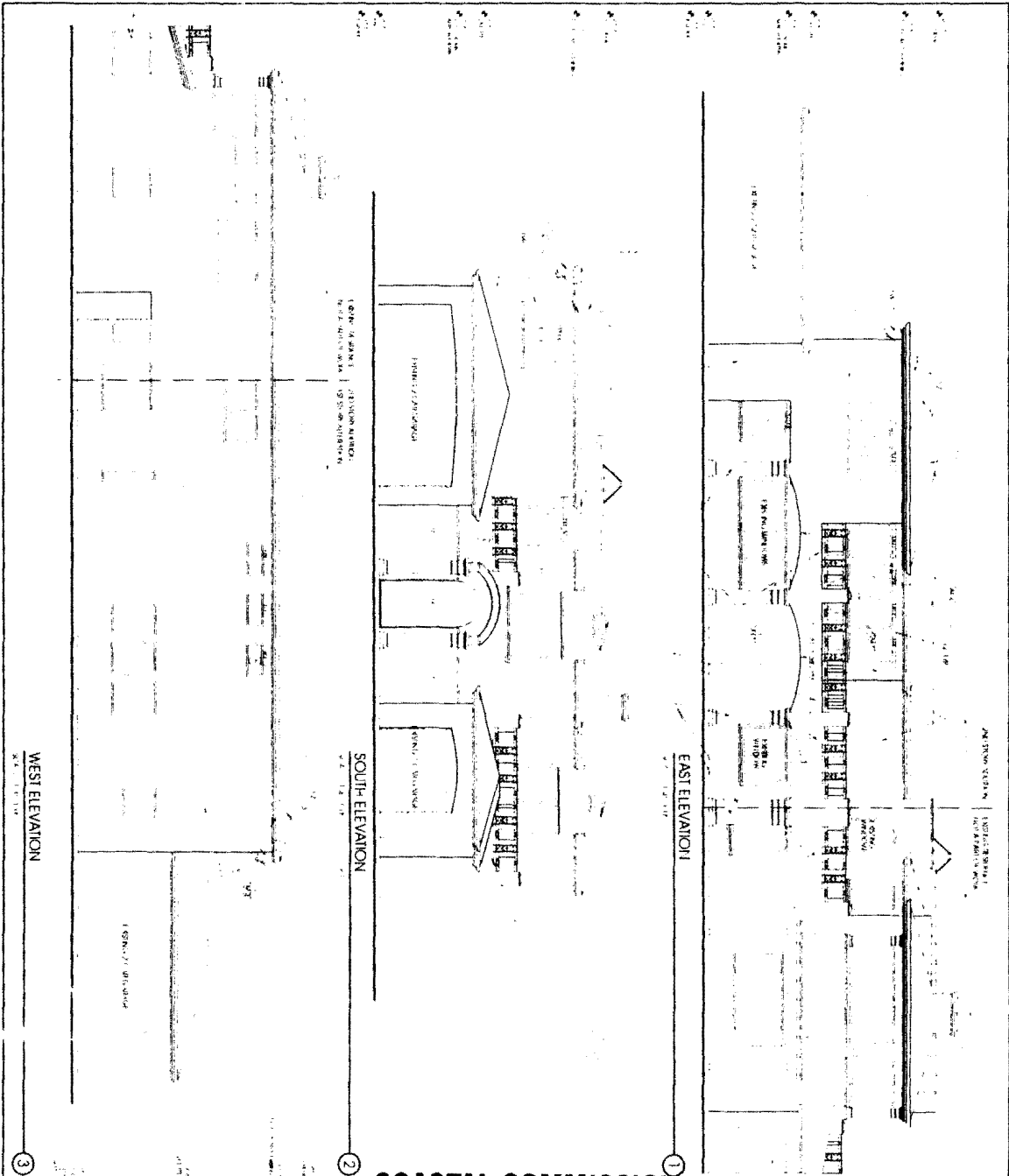


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EXHIBIT # F
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A1.3	Second Floor - Floor Plan	BOB VOIT RESIDENCE addition & alterations		ing	
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DATE: 5/1/01	BY: [Signature]
PROJECT: BOB VOIT RESIDENCE	LOCATION: [Address]
SCALE: AS SHOWN	DATE: 5/1/01

DATE: 5/1/01	BY: [Signature]
PROJECT: BOB VOIT RESIDENCE	LOCATION: [Address]
SCALE: AS SHOWN	DATE: 5/1/01

A2.0	Elevations	BOB VOIT RESIDENCE addition & alterations	ing
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