

**CALIFORNIA COASTAL COMMISSION**

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Filed: 7/29/03  
49th Day: 9/16/03  
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Staff: MV-LB  
Staff Report: 9/18/03  
Hearing Date: 10/7-10/03  
Commission Action:

**Tu 4 g****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-03-310

RECORD PACKET COPY

**APPLICANT:** Chris Doostmard**AGENT:** Bill Caskey**PROJECT LOCATION:** 212 E. Balboa Blvd., Newport Beach, Orange County**PROJECT DESCRIPTION:** Addition of 510 square feet to an existing 1,560 square foot, two story, 18 foot high, duplex with two attached single car garages

Lot Area: 2,400 square feet  
Building Coverage: 1,272 square feet  
Pavement Coverage: 732 square feet  
Landscape Coverage: 396 square feet  
Parking Spaces: 2 spaces  
Zoning: R-2  
Ht above final grade: 18 feet

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval in Concept No. 1756-2003**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach certified Land Use Plan.**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project subject to one special condition which informs the applicant that future development at the site will require an amendment to this permit or a new coastal development permit.

This condition is necessary in order to assure that public access is maximized as required by Coastal Act Section 30210.

**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 5-03-310 approves only the development, as expressly described and conditioned herein, addition to an existing duplex located at 212 E. Balboa Blvd., in the City of Newport Beach. Any future development to the duplex 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.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Description and Location**

The applicant proposes to add 510 square feet of living area by enclosing an existing second story deck. The resultant structure will be a 2,070 square foot, two story, 18 foot high duplex with two attached single car garages.

The subject site is an interior lot located on the Balboa Peninsula in the City of Newport Beach. The nearest public access is located approximately two blocks south along the public sandy beach that runs the length of the Balboa Peninsula.

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 is located on the Balboa Peninsula. Public access exists approximately two blocks south of the subject site at the wide sandy public beach which extends the entire length of the oceanward side of the Balboa Peninsula. The Balboa Peninsula in general and especially the ocean beach are extremely popular with residents and visitors alike. 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, two short of the Commission's typically imposed standard of two spaces per unit. However, the proposed development will only expand two existing bedrooms in the duplex, and will not create any new units. No new demand is created and the use of the site will not be intensified. Thus, no new parking spaces are required at this time. However, if development in the future changes the intensity of use at the site, the shortage of parking must be addressed. Therefore a special condition is imposed notifying the applicant that any future development at the site will require an amendment to this permit or a new coastal development permit.

Therefore, as conditioned, the Commission finds that the proposed development would not result in significant adverse impacts on public access cumulatively or individually. Thus, the Commission finds that the proposed development, as conditioned, would be consistent with Sections 30210, 30250 and 30252 of the Coastal Act.

**B. Public Access**

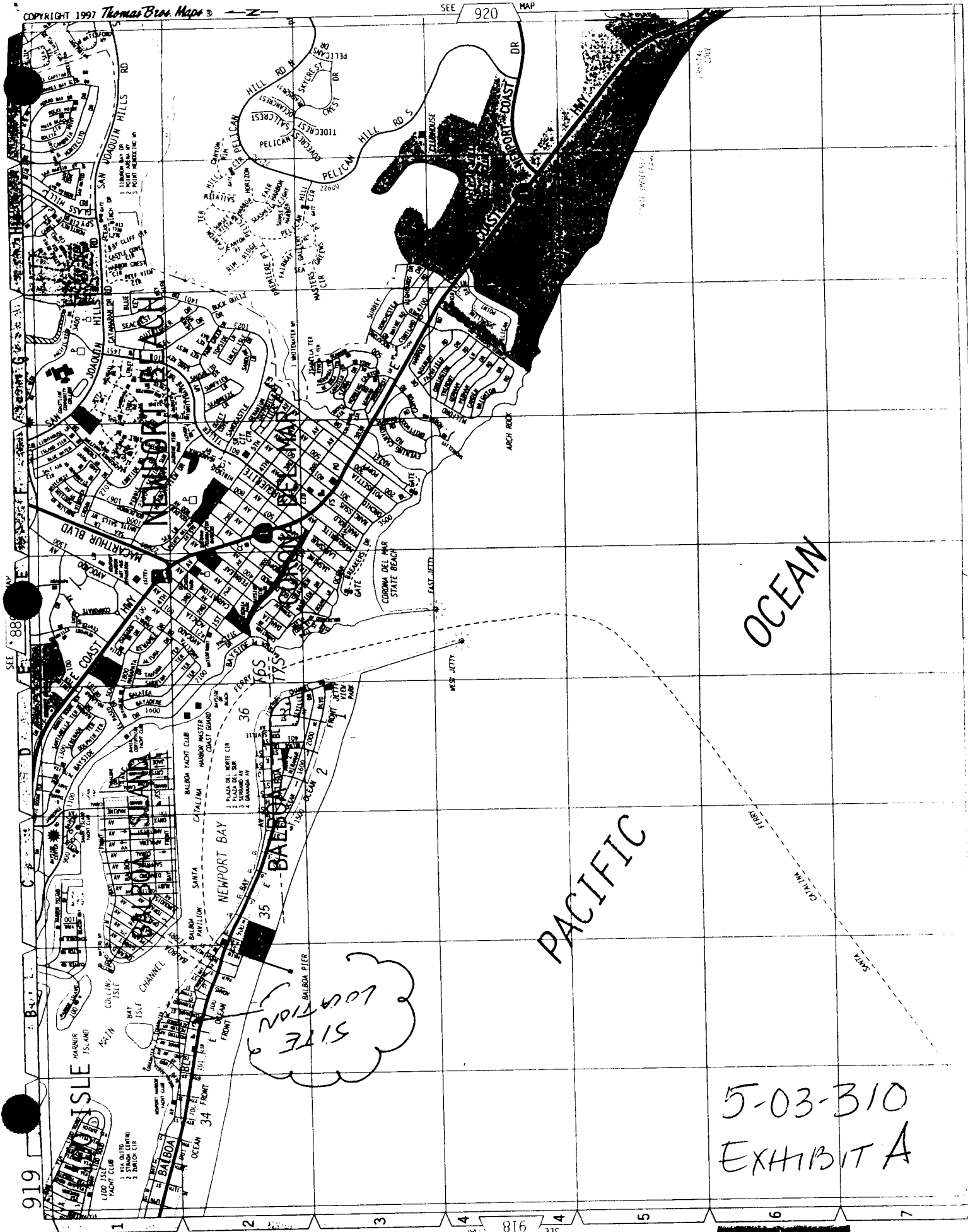
As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Local Coastal Program**

The LUP for Newport Beach was effectively certified on May 19, 1982. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, 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 of the Coastal Act.

**E. California Environmental Quality Act**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SITE  
3715

PACIFIC

OCEAN

5-03-310  
EXHIBIT A

EAST BALBOA BLVD.

EXISTING SIDEWALK

PROPERTY LINE

30'-0"

EXISTING  
YARD

CONC. WALK.

LIVING  
RM.

KIT.

CONC. WALK.

80'-0"

22'-0"

CLO.

CONC. WALK.

BD RM

BP. RM.

22'-0"

PROPERTY LINE

9'-0"

EXISTING  
2 CAR  
GARAGE

PROPERTY LINE

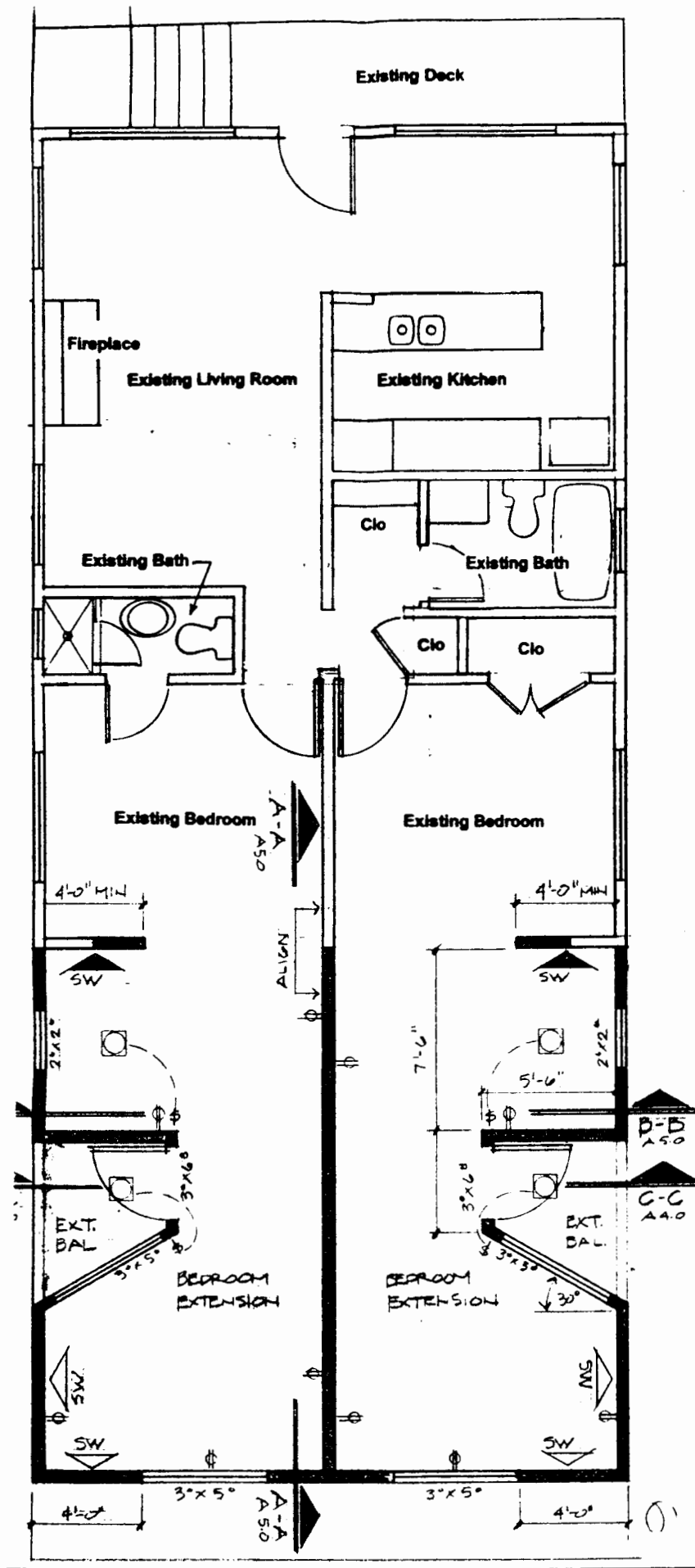
111 E4

5/17E PLAN  
N.T.S.

existing  
first floor  
no change

5-03-31

EXHIBIT B



existing,  
no change

area of  
addition  
(2nd story,  
former deck)  
above garage

5-03-310  
EXHIBIT C