

**CALIFORNIA COASTAL COMMISSION**

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Filed: 4/10/03  
 49th Day: 5/29/03  
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 Staff: MV-LE  
 Staff Report: 6/19/03  
 Hearing Date: 7/9/03  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-03-142**

RECORD PACKET COPY

**APPLICANT:** Nancy Russell**AGENT:** Barry Walker**PROJECT LOCATION:** 144 South Bay Front, Balboa Island, Newport Beach, Orange County

**PROJECT DESCRIPTION:** Enclose an existing deck for an addition of 154 square feet to the existing second floor of an existing 2,505 square foot, two story, 28 foot high single family residence with an attached 466 square foot, two car garage

Lot Area	2742 square feet
Building Coverage	1657 square feet
Pavement Coverage	1105 square feet
Landscape Coverage	0 square feet
Parking Spaces	2
Zoning	R-1.5
Ht above final grade	28 feet

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval in Concept No. 0288-2003**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach certified Land Use Plan**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project subject to one special condition. The special condition is necessary to assure that the proposed addition is not converted into a second residential unit. Special Condition No. 1 informs the applicant that any future improvements will require approval of an amendment to this permit or a new coastal development permit. The special condition is necessary to assure that the proposed project is consistent with the public access (including provision of adequate parking) and avoidance of cumulative adverse impacts sections of the Coastal Act (30210, 30250, and 30252).

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 5-03-142 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**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 5-03-142 approves only the development, addition to an existing single family residence located at 144 South Bay Front, on Balboa Island in the City of Newport Beach, as expressly described and conditioned herein. 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 parking demand) 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 enclose an existing deck for an addition of 154 square feet to the existing second floor of an existing 2,505 square foot, two story, 28 foot high single family residence with an attached 466 square foot, two car garage

The subject site is located on Balboa Island in Newport Harbor. Balboa Island provides public access along the entire perimeter of the island via a public walkway along the bulkhead. The subject site fronts on the public walkway. The proposed development will not interfere with public use of the walkway.

#### 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.

As originally proposed, the second story addition included an exterior stairway that would have allowed separate outside entry into the proposed addition area. Because the addition area includes a bedroom and a bathroom, the exterior stairway created the potential for the addition to be converted into a second unit. As originally proposed, the features necessary for a second residential unit were present. Although the project was and is proposed to remain a single unit, given the features of the originally proposed addition, it would have been very easy to convert the addition to a second unit.

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 in Newport Harbor. Balboa Island is a popular visitor destination. During peak use periods, such as during the summer months and the holiday boat parades, parking becomes a major issue. 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 spaces are adequate to serve a single family residence but inadequate to support two units.

Since the application was submitted, the applicant has revised the project to eliminate the exterior stairway. The revised project proposes a second story exterior walkway between the existing second story and the proposed addition. The proposed addition can also be accessed through an adjacent, existing guest bedroom. The proposed exterior walkway is only accessible from within the existing residence at the second level. Thus, separate exterior access from the ground floor to the proposed addition has been eliminated. Limiting access to the proposed addition from within the existing residence substantially reduces the potential of converting the proposed addition area to a second unit.

Although the likelihood of the proposed addition being used as a second unit is substantially reduced by eliminating the exterior stairway, the possibility is not entirely eliminated. Future improvements at the subject site could result in the proposed addition becoming a separate, second unit. The resulting intensification of use 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. Further, intensification of use at the site must be reviewed for consistency with all Chapter 3 policies of the Coastal Act. 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, 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 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 a public walkway along the harbor. As conditioned, the proposed development (a second story addition to an existing single family residence within the existing building footprint) will not have adverse impacts on use of the public walkway. The proposed development, as conditioned, will not result in any significant 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.

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.



*subject site*

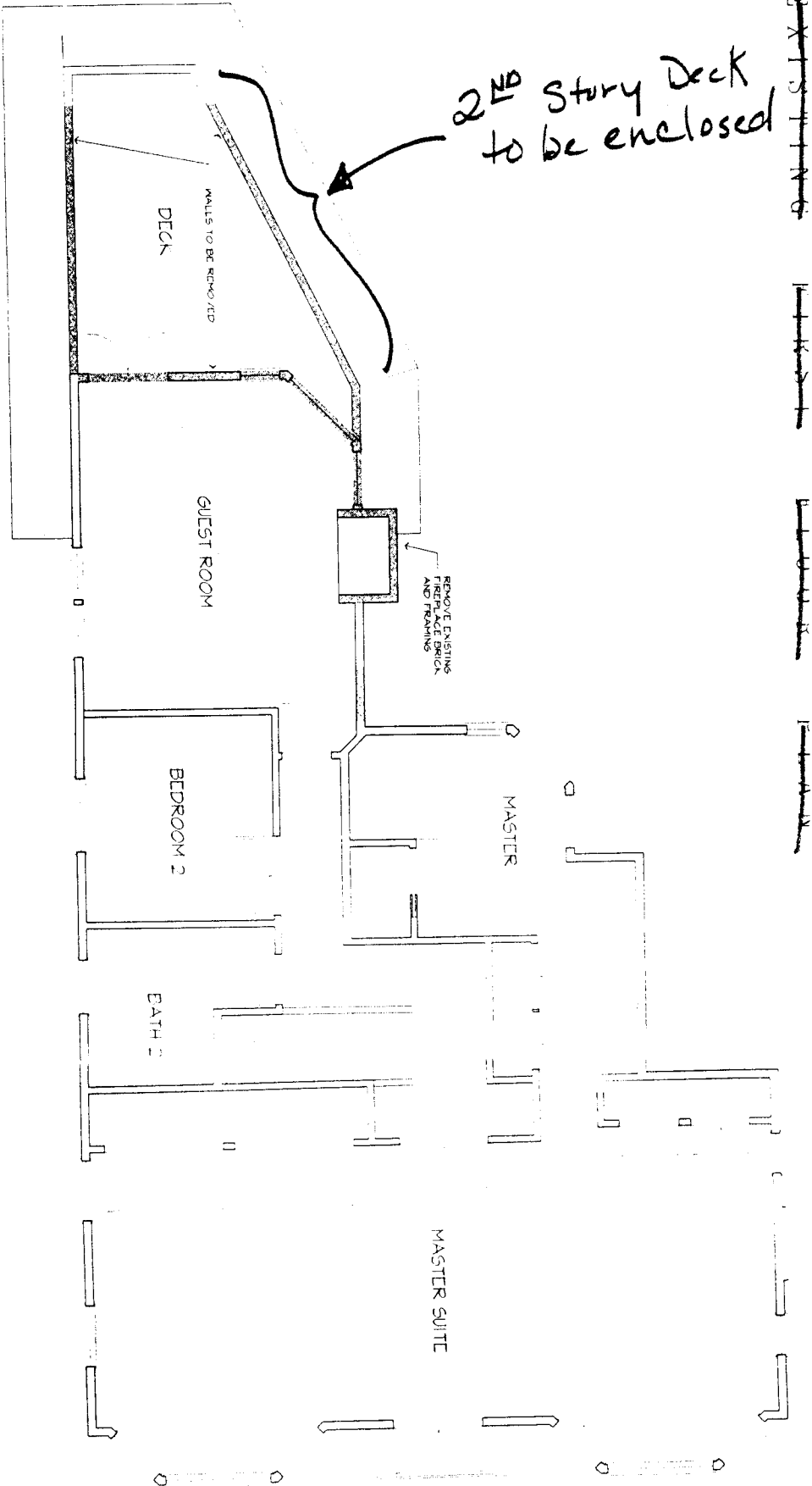
EXHIBIT NO. A
APPLICATION NO.
5-03-142
California Coastal Commission

VICINITY MAP





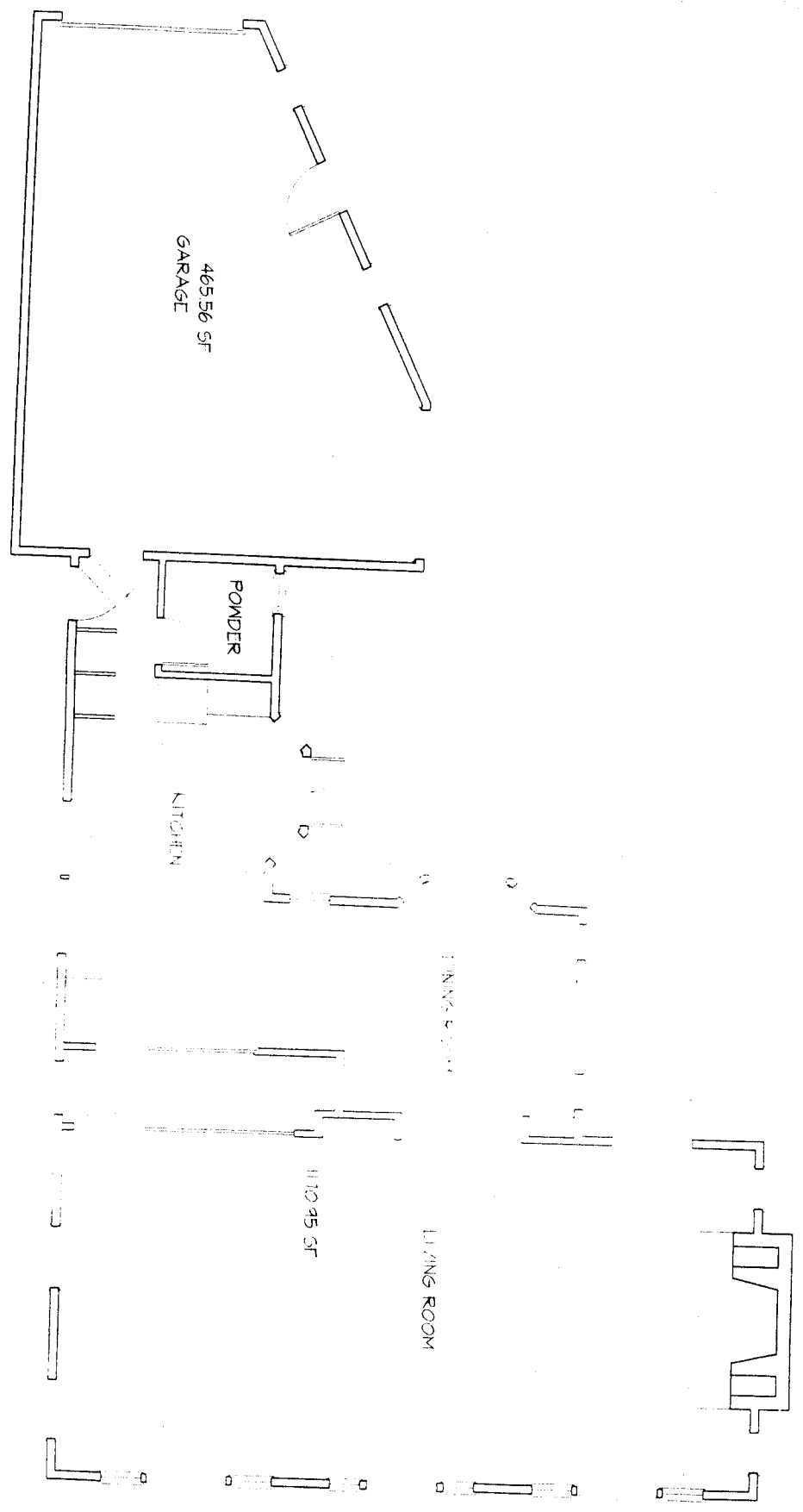
# EXISTING SECOND FLOOR PLAN



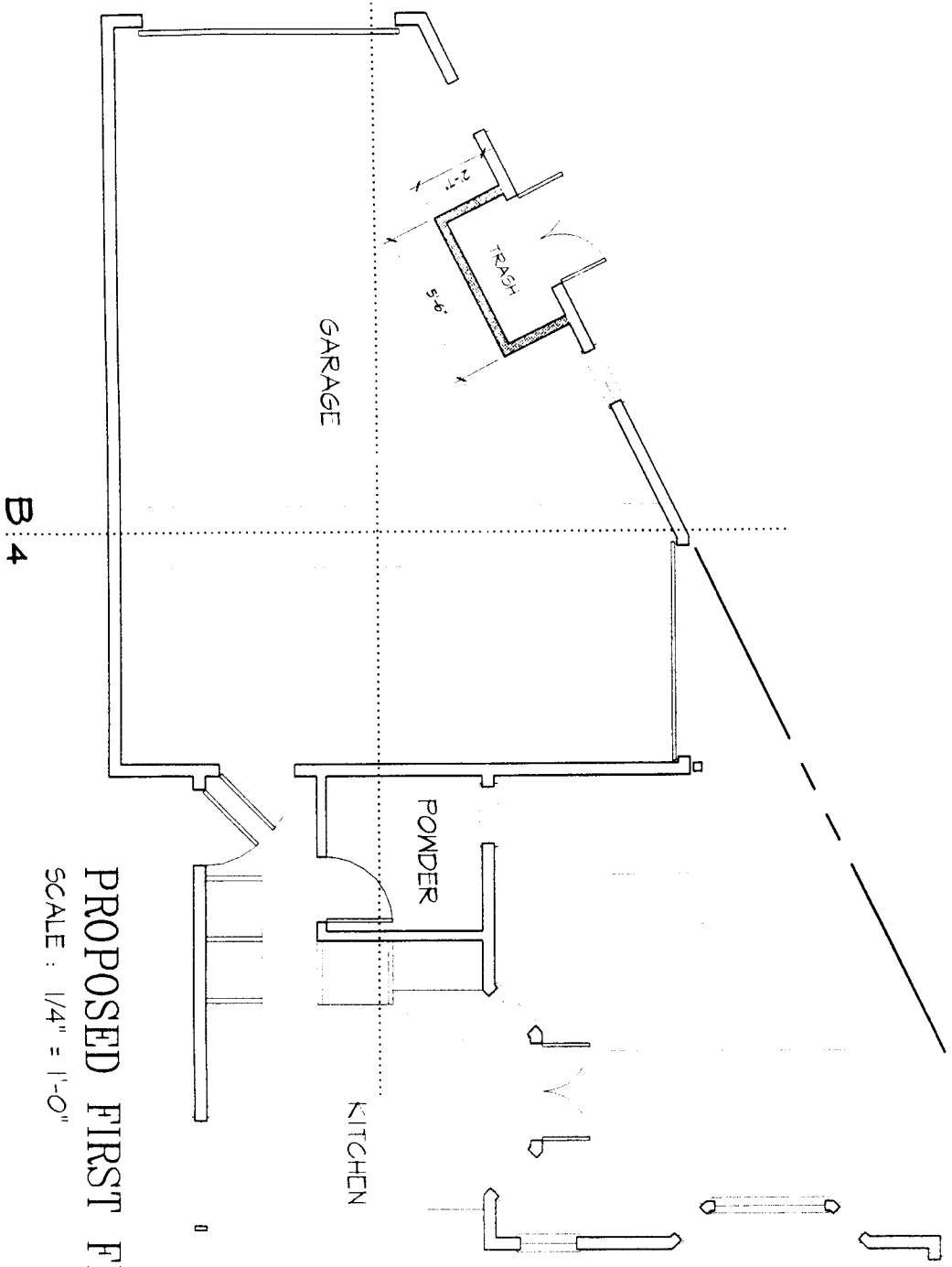
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# EXISTING FIRST FLOOR PLAN



B<sub>3</sub>



B-4

PROPOSED FIRST FLOOR PLAN  
 SCALE : 1/4" = 1'-0"  
 1501 21 ST

Proposed Floor Plans  
 Proposed Electrical

OWNER  
 Mrs. Nancy Russell  
 144 South Bay Front  
 Newport Beach, CA. 92663

REV. DATE REVS  
 B4

