#### CALIFORNIA COASTAL COMMISSION South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 (562) 590-5071



# Th6aStaff:Z. Rehm - LBDate:July 23, 2015

#### **ADMINISTRATIVE PERMIT**

Application No. 5-15-0015

Applicant: Jo and William Barnes Trust

ProjectDemolish an existing two-story single family residence and attached two-carDescription:garage and construct a new two story over basement approximately 10,058square foot 30-foot high single family residence and attached three-car garage;<br/>and new drought tolerant non-invasive landscaping and perimeter walls.

Project Location:200 Poppy Avenue, Corona Del Mar, City of Newport Beach, Orange County;<br/>APN 052-182-01

#### **EXECUTIVE DIRECTOR'S DETERMINATION**

The findings for this determination, and for any special conditions, appear on subsequent pages.

<u>NOTE</u>: 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:

Thursday, August 13, 2015, 9:00 a.m. Chula Vista Council Chambers 276 Fourth Avenue Chula Vista, CA 91910

#### 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.**

CHARLES LESTER Executive Director

by: Zach Rehm Coastal Program Analyst

#### **STANDARD CONDITIONS:**

This permit is granted subject to the following 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 the Commission voted on the application. 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 term or condition will be resolved by the Executive Director or the Commission.
- 4. **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.
- 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.

**SPECIAL CONDITIONS:** See pages five through seven.

#### **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 LOCATION AND DESCRIPTION

The Jo and William Barnes Trust proposes to demolish an existing two-story single family residence and attached two-car garage and construct a new two story over basement approximately 10,058 square foot 30-foot high single family residence and attached three-car garage at 200 Poppy Avenue in Corona Del Mar, a residential neighborhood within the City of Newport Beach. The subject site is a gently sloping lot with a side yard and retaining wall at its western edge facing the Pacific Ocean, with a wide public walkway and a coastal bluff between the property and the ocean (**Exhibit 1**).

The intersection of Poppy Avenue, Ocean Boulevard, and the beginning of the public walkway is at the northwest corner of the subject site. Ocean Boulevard terminates at the intersection of Poppy Avenue and the public walkway slopes down to Little Corona Beach. The applicant's proposed house is set back a minimum of 10 feet from the public walkway, with native vegetation and a 42-inch high wall between the house and the walkway (**Exhibit 2**). The walkway is approximately 30 feet wide and features public amenities including beaches and a drinking fountain, with a coastal bluff and native vegetation on the seaward side sloping down to the ocean. The property is bordered by the public walkway to the west, Poppy Avenue to the north, Hazel Lane to the east, a large single family residence to the south.

The elevation of the lot undulates from a low of approximately 87 feet above sea level to a high of approximately 91 feet above sea level. The geotechnical report indicates stable soil conditions consisting of sediment and soft clay, with no anticipated need for shoring during grading or construction. The partial basement consists of a three car garage, storage area, and wine cellar at the eastern (landward) side of the property, which is at a slightly higher elevation than the western (seaward) side. A conventional slab on grade foundation is proposed. The residence will be set back more than 50 feet from the coastal bluff and the geotechnical report indicates that "the site should not be adversely affected by potential instability that may affect lower portions of the sea cliff." The drainage plan incorporates gutters, downspouts, and five bio-retention planters which filter stormwater and discharge it to the City drainage system along Poppy Avenue and Hazel Drive (**Exhibit 3**). The proposed drainage plan and the existing City drainage system will ensure that water from the site does not sheet-flow down the coastal bluff.

The site is located adjacent to a coastal bluff which is vegetated with native plants and is subject to erosion caused by water runoff. California is experiencing extreme drought conditions and the Governor has imposed water conservation requirements on all new residential development. All landscaping proposed by the applicant consists of drought tolerant native species and all irrigation will be subject to City of Newport Beach Water Efficient Landscape Ordinance. In order to preserve the coastal bluff habitat and preserve water and energy, **Special Condition 1** requires all landscaping to be drought tolerant and non-invasive and all irrigation systems to be drip or microspray.

The applicant proposes to close the existing curbcut at Poppy Avenue and construct a new driveway and curbcut at Hazel Drive, which the applicant's diagrams and Newport Beach staff indicate will preserve two existing public parking spaces along Hazel Drive (**Exhibit 4**). In order to maximize public access to the coast, **Special Condition 2** requires the permittee to provide a minimum of three on-site parking spaces and to locate the curbcut where it does not result in a loss of public parking.

The applicant proposes to remove the existing front property walls along Poppy Avenue which encroach into the public right-of-way and construct new walls up to six feet high at the front property line along Poppy Avenue. The front property walls will be lower than the side property walls of the residence across the street, lower than the maximum height permitted by the Newport Beach Municipal Code, and will improve coastal views from the public sidewalk compared to the current condition (**Exhibit 5**). In order to ensure that the front and side walls minimize impacts to visual resources and provide a pedestrian scale for coastal visitors walking to Little Corona Beach, **Special Condition 3** requires the property walls along Poppy Avenue be constructed no higher than six-feet above the grade of the public sidewalk on the south side of Poppy Avenue and the retaining walls along the public walkway be constructed no higher than 42-inches above grade as measured from the surface of the walkway.

The existing house was constructed in 1955 and remodeled in 1993 under Coastal Development Permit 5-91-341. The Commission received a letter from a Newport Beach resident in opposition to the project which argues that the existing house does not need to be demolished and that construction will disturb coastal visitors. The existing house is sixty years old. The proposed new house was approved in concept by the City of Newport Beach Planning Division on April 6, 2015 (AIC 2014-079), is consistent with the R-1 (Single Unit Residential) zoning designation, and is consistent with the surrounding development, which consists entirely of large single family residences. The applicant's construction plan indicates that all construction will occur within the applicant's property, construction equipment will be stored at the eastern (landward) side, and there will be no obstructions of the public walkway to Little Corona Beach. In order to preserve water quality and public access during construction, **Special Condition 4** requires the applicant to implement construction best management practices and carry out construction consistent with the plan. Therefore, as proposed and conditioned herein, the development will not have any substantial adverse impacts on public access and recreation, water quality or coastal resources and is consistent with the Chapter 3 policies 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.

#### C. **DEVELOPMENT**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

#### **D.** WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Coastal Land Use Plan (CLUP) for the City of Newport Beach was effectively certified on May 19, 1982. The certified CLUP was updated on October 2005 and in October 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified CLUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity of the local government to prepare and the coastal Act and with the certified CLUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

#### **SPECIAL CONDITIONS:**

This permit is granted subject to the following special conditions:

- 1. Landscaping and Irrigation. By acceptance of this permit, the permittee agrees that:
  - A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf).

- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems shall be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.
- **2. Parking.** The permittee shall provide at least three off-street parking spaces within the property. These parking spaces shall take access through a new curbcut from the Hazel Drive. The applicant shall work with the City of Newport Beach to locate the curbcut where it does not result in a loss of public parking, consistent with the plan on Exhibit 4 of the staff report dated July 23, 2015.
- **3. Property Walls.** The property walls along Poppy Avenue shall be constructed no higher than sixfeet above grade at any point measured from the public sidewalk along the south side of Poppy Avenue. The retaining walls along the public walkway shall be constructed no higher than 42inches above grade as measured from the surface of the walkway.
- 4. Construction Plan and Best Management Practices. By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
  - A. The permittee shall comply with the following construction-related requirements:
    - i. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
    - ii. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
    - iii. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
    - iv. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
    - v. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
  - B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of constructionrelated materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
    - i. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
    - ii. The applicant shall develop and implement spill prevention and control measures;

#### 5-15-0015 (Jo and William Barnes Trust) Administrative Permit

- iii. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- iv. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

The applicant shall conform to the construction staging plan received by the South Coast District Office on April 9, 2015. All construction shall occur within the applicant's property, construction equipment shall be stored at the eastern (landward) side, and shall will be no obstructions to the public walkway to Little Corona Beach. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- **5.** Location of Export Disposal Site. The permittee shall dispose of all export at an appropriate location. If the disposal site is located within the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- 6. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
- 7. Assumption of Risk. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### 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.

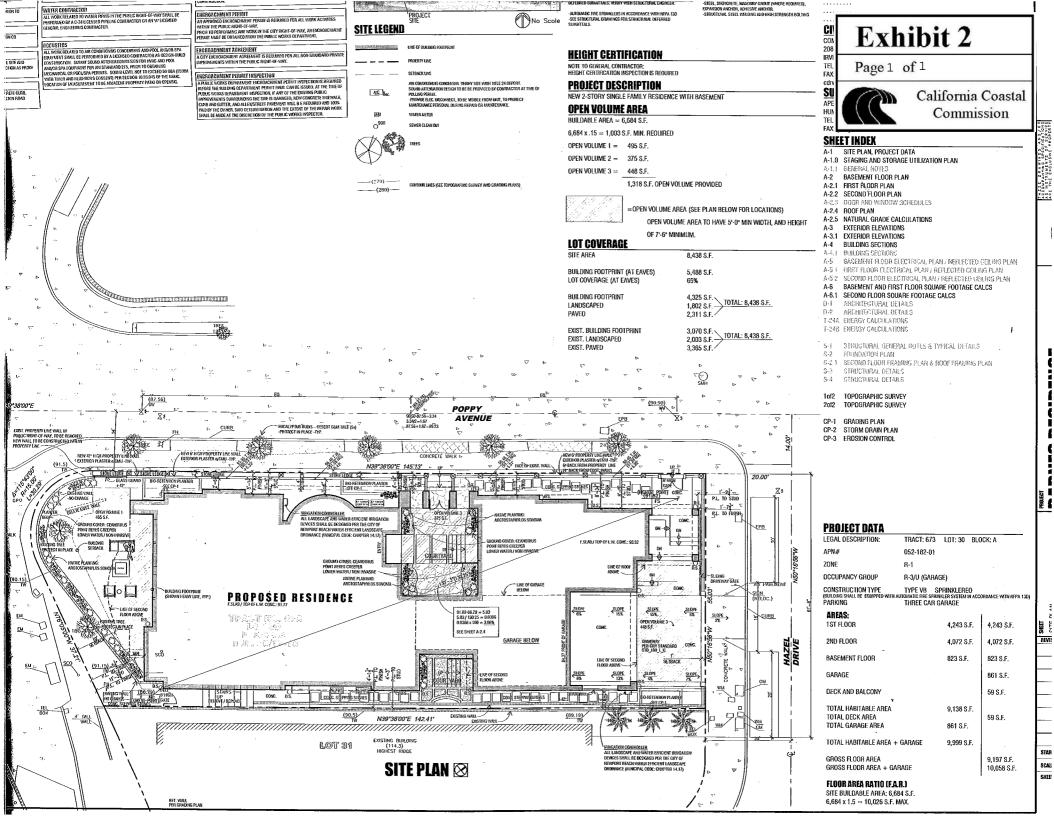
Applicant's Signature

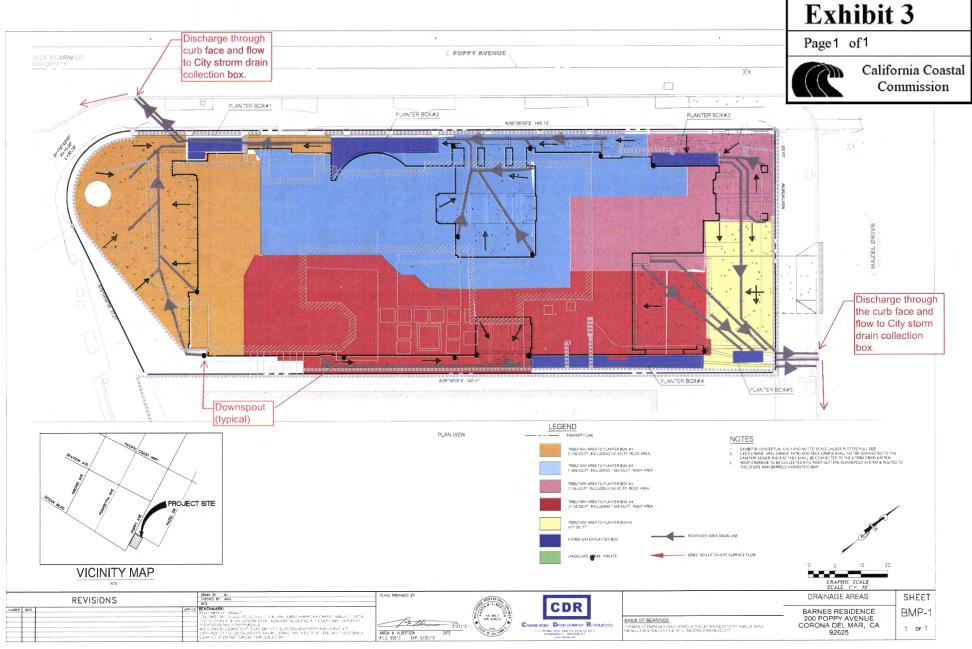
Date of Signing

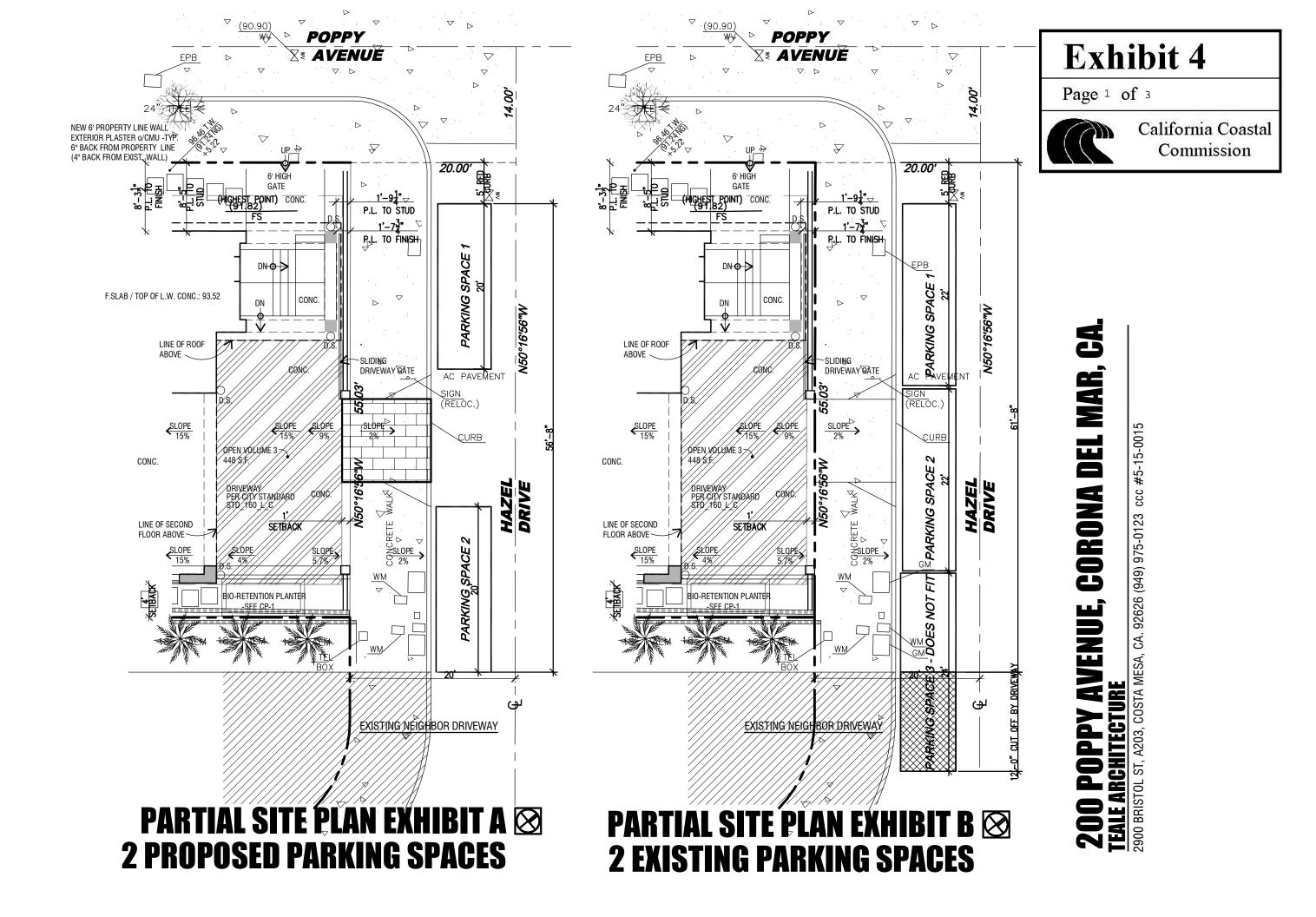
### Vicinity Map: 200 Poppy Avenue, Corona del Mar, Newport Beach



Photo credit: Bing Maps











CITY OF NEWPORTE

PUBLIC WORKS DEPARTMENT DAVID A. WEBB, DIRECTOR

June 24, 2015

Mark Teale TEAL ARCHITECTURE 2900 Bristol Street, Suite 203 Costa Mesa, CA

## SUBJECT: 200 Poppy Avenue – Proposed Driveway via Hazel Drive (AIC 2014-079)

The Public Works Department reviewed the proposed driveway approach along Hazel Drive as part of the Approval in Concept submittal (attached). Parking is available for approximately 53 feet along Hazel Drive, excluding the existing 6 feet of red curb located at the Hazel Drive/Poppy Avenue curb return. The 53 feet of parking area along Hazel Drive can accommodate no more than 2 parking spaces, using the standard of 20 feet per vehicle.

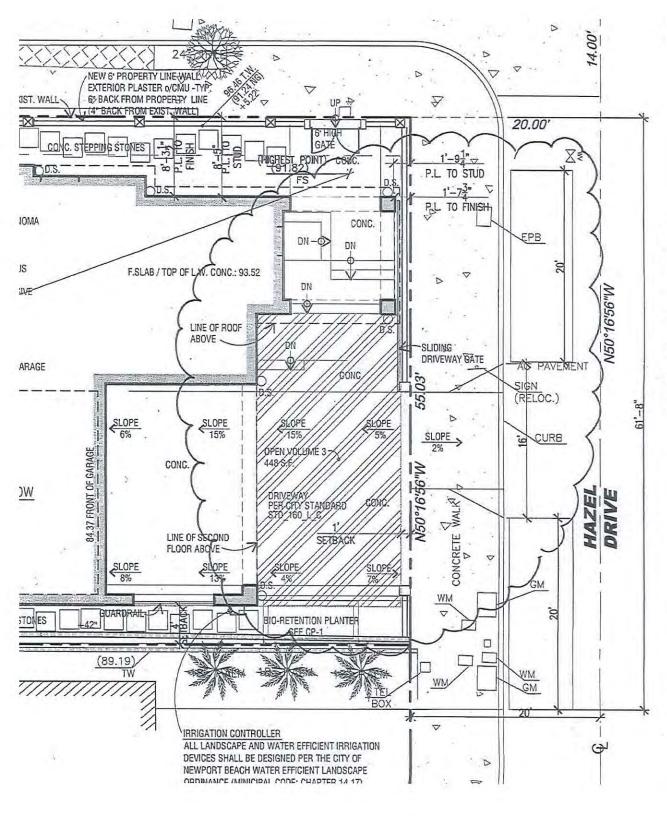
The proposed project retains two 20-foot parking spaces on either side of the proposed new driveway approach. The existing red curb at the Hazel Drive/Poppy Avenue curb return would require minor modification. The Public Works Department is supportive of the proposed design, since it removes the non-standard driveway approach off of Poppy Avenue and retains the existing 2 on-street parking spaces on Hazel Drive.

If you have any questions, please contact David Keely at 949.644.3349 or by email at <u>dkeely@newportbeachca.gov</u>.

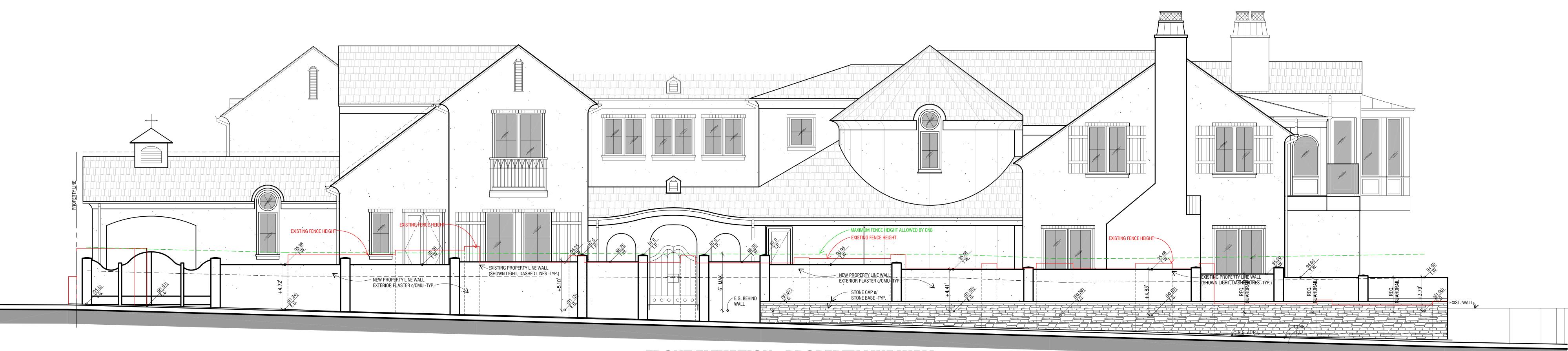
Sincerely,

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Antony Brine City Traffic Engineer



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CP-3 EROSION CONTRO	DL Exh	Exhibit 4	
	Page 3	of 3	
CITY OF NEWPORT I APPROVAL IN CONCE	EPT NO. A	California Coastal Commission	
and policies in effect or These plans are not to	be used for construction purposed until approval is received	oses. No ed from the	
PROJECT DATA			
LEGAL DESCRIPTION:	<b>TRACT: 673</b>	LOT: 30 BL(	
APN#	052-182-01		
ZONE	R-1		
OCCUPANCY GROUP	R-3/U (GARAGE)		
CONSTRUCTION TYPE (BUILDING SHALL BE EQUIPPED WI PARKING	TYPE VB S TH AUTOMATIC FIRE SPRIM THREE CAR G		
AREAS: 1ST FLOOR		4,243 S.F.	
2ND FLOOR	4	4,072 S.F.	
BASEMENT FLOOR		823 S.F.	
GARAGE	÷		
DECK AND BALCONY			
TOTAL HABITABLE ARE/ TOTAL DECK AREA	Ą	9,138 S.F.	
TOTAL GARAGE AREA		861 S.F.	
TOTAL HABITABLE AREA	A + GARAGE	9,999 S.F.	
GROSS FLOOR AREA GROSS FLOOR AREA +	GARAGE		



# FRONT ELEVATION - PROPERTY LINE WALL 200 Poppy ave. Corona del Mar, ca.

