

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(714) 592-5071

Filed: 09-01-95
49th Day: 10-20-95
180th Day: 02-28-96
Staff: RMR-LB **RMR**
Staff Report: 10-17-95
Hearing Date: November 14-17, 1995
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-95-200

APPLICANT: Mr. Paul Casanova AGENT: Richard Holden

PROJECT LOCATION: 4627 Brighton Road, Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing residence and construction of a 14 foot high, 4,850 square foot single-family residence with a pool and an 850 square foot garage.

Lot area:	18,800 sq. ft.
Building coverage:	4,920 sq. ft.
Pavement coverage:	
Landscape coverage:	NA
Parking spaces:	3
Zoning:	R1-B
Plan designation:	Single-Family Detached Residential
Project density:	
Ht abv fin grade:	14

LOCAL APPROVALS RECEIVED: Approval in Concept from the Planning Department of the City of Newport Beach

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Assumption of Risk

Prior to issuance of the coastal development permit the applicant, as property owner, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to hazard from bluff erosion and wave attack and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part

of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest conveyed.

2. Drainage Plan

Prior to the commencement of construction, the applicant shall submit a grading and drainage plan signed and stamped by the consulting geotechnical experts showing that all runoff and/or pool water from the residence is taken to the street and not outletted on the bluff. The plan shall conform with the drainage recommendations made by the consultants in their report dated October 23, 1995.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to demolish an existing 5,324 square foot single-family residence and construct a 14 foot high, 4,070 square foot single-family residence with a 850 square foot garage. Grading consists of 200 cubic yards of cut for a basement.

The project is located in the Cameo Shores subdivision in the community of Corona del Mar in the City of Newport Beach. The site is a beach-fronting lot just north of Crystal Cove State Park's Little Treasure Cove. There is no public access across the site to the beach and none is required.

No landscaping or other improvements are proposed seaward of the existing footprint of the residence. In the past, the 20 foot high coastal bluff seaward of the residence has been modified in that a walkway has been cut to the bluff edge and exotic non-native plants were installed on the bluff. There is little native vegetation on the site. There is no existing staircase descending from the bluff to the beach.

The new residence will be located virtually in the footprint of the former residence. However, eight feet of the new residence will extend 24 inches further seaward than the prior residence. In addition, the basement will be located in the middle portion of the northwestern side of the residence. No grading or landscaping is proposed between the residence and the bluff top.

B. Coastal Access and Recreation

Section 30212(a)(2) of the Coastal Act states:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the sea and the first public road. The proposed project consists of the demolition of an existing single-family residence and the construction of a new single-family residence.

The proposed project is located on a coastal bluff just north of Crystal Cove State Park. Access to the State Park is difficult because of intervening rock outcroppings extending into the ocean. The project site does not provide access to the ocean by the applicant or other persons, however, there is a State beach several hundred feet to the south.

A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road, however, it does not impact access either directly or indirectly to the ocean. The project site will remain a single-family residence use and will not result in an intensification of use.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission also finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

C. Geologic Stability

Section 30253 of the Coastal Act states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located on a coastal bluff adjacent to the ocean. The beach at the foot of the bluff is a cobble beach and the bluff is subject

to wave attack and evidences signs of erosion. The plans submitted by the applicant show that the residence is located landward of an ocean setback line. This ocean setback line is the equivalent of the building setback line which was imposed on the original subdivision and to which other bluff-top residences conform. In effect, the ocean setback line operates as a stringline. The proposed development is in conformance with the ocean setback line.

A geotechnical report was prepared by Earth Systems Consultants on October 23, 1995. The report states that the project site was part of a subdivision which was constructed in the 1950's. The grading for the project site was conducted at the subdivision stage. The report notes that no faults or landslides are known to exist on the site.

The proposed residence is located on a 20 foot high coastal bluff which is being actively eroded by wave action. The geotechnical report states:

The bluff descending from the subject lot to the beach appears to be grossly stable at this time. However, the bluff is slowly being undermined by wave action that is forming arches and shallow sea caves below the pad. It is anticipated that as the slope is undermined, small blocks of the bluff may fail.

In addition, the report recommends:

The surficial stability of the slope can be enhanced by controlling the flow of storm and irrigation water over the slope. The site should be developed such that drainage is removed from the site via non-erosive devices. Subdrain system should be constructed at the bottom of the proposed swimming pool and outletted via non-erosive devices.

Finally, the report states:

Based upon the results of this evaluation, it is our opinion that the structure foundation can be supported by compacted soils placed as recommended above.

The applicant has submitted plans signed and stamped by the geotechnical consultant. However, those plans do not include the proposed drainage system. The consultant has emphasized that site drainage should be taken away from the bluff. Therefore, the Commission finds that as per Section 30253(2), the applicant shall submit a drainage plan reviewed and approved by the consult geotechnical consultant. The drainage plan shall ensure that no runoff from the site contributes to bluff erosion or site instability. Only as conditioned does the Commission find that the proposed project conforms with Section 30253 of the Coastal Act.

D. Land Use Plan

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. As conditioned for submittal of a drainage plan and assumption of risk condition the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program [Implementation Plan] 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 California Code of Regulations requires Commission approval of Coastal Development Permit application 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)(i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the coastal access and recreation and geologic stability policies of Chapter 3 of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact 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.

5548F

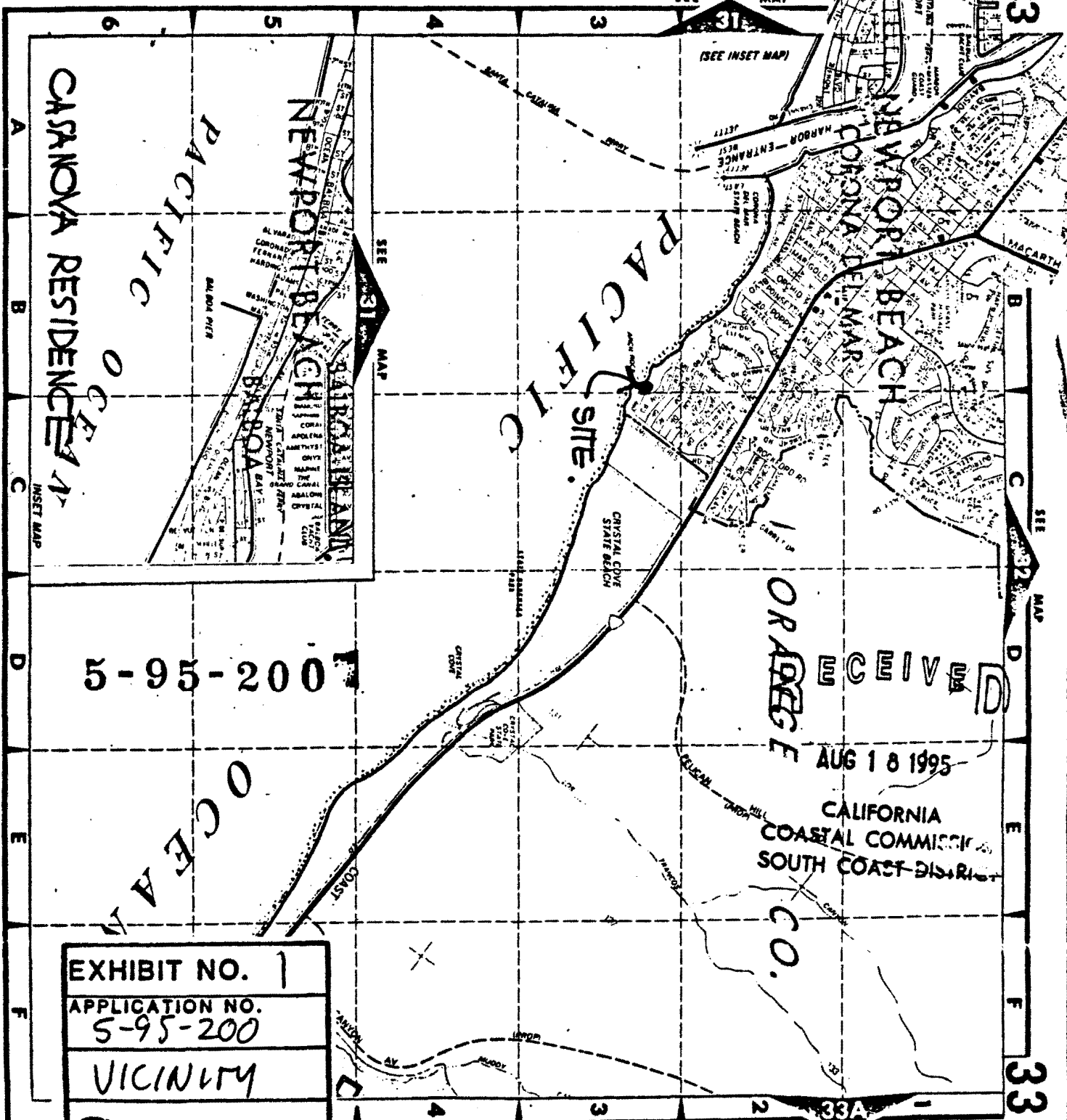
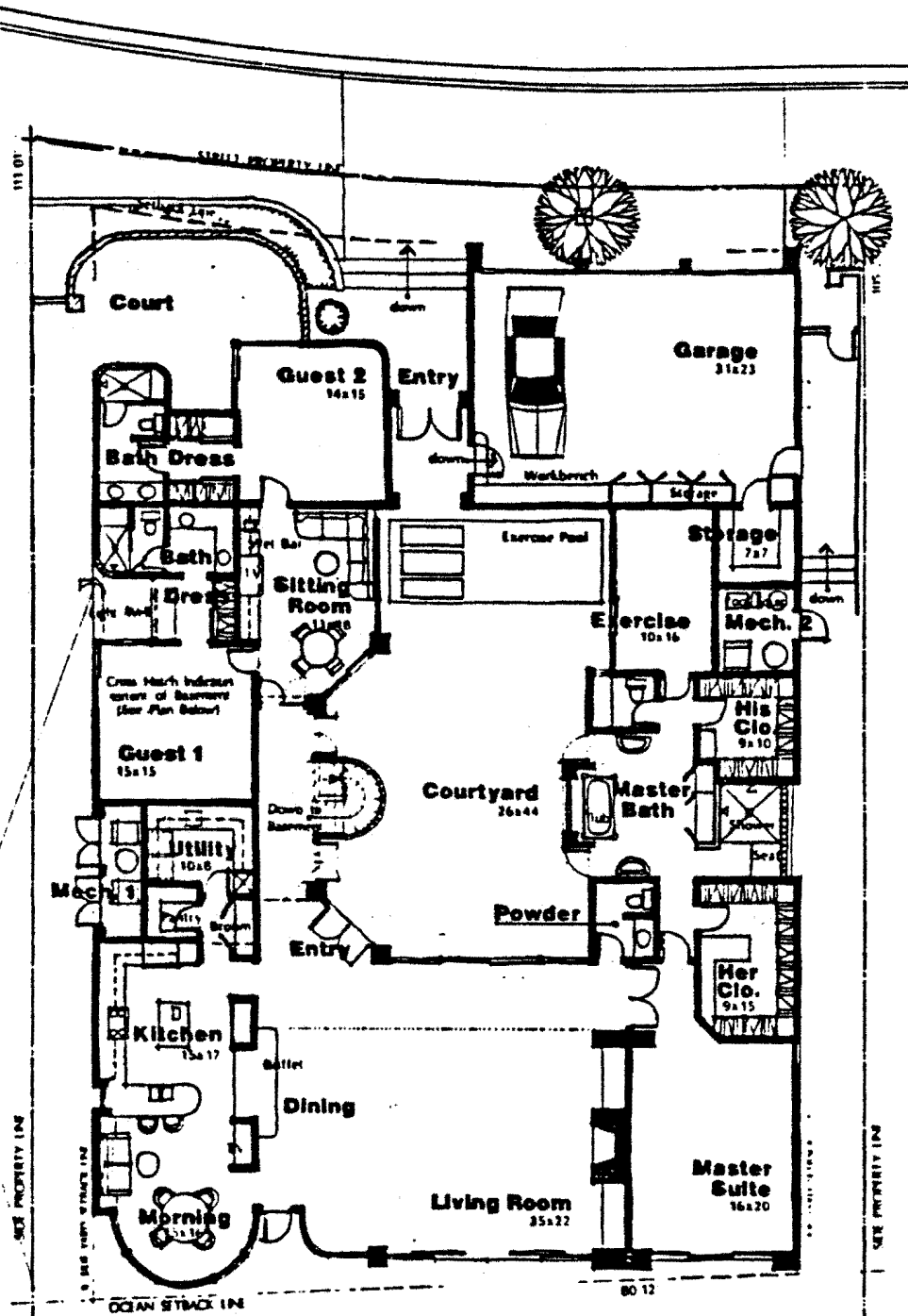
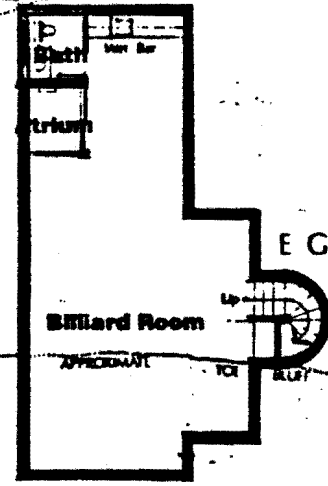


EXHIBIT NO. 1
 APPLICATION NO.
 5-95-200
 VICINITY





APPROXIMATE LIMIT OF GRADED AREA AND TOP OF BLUFF



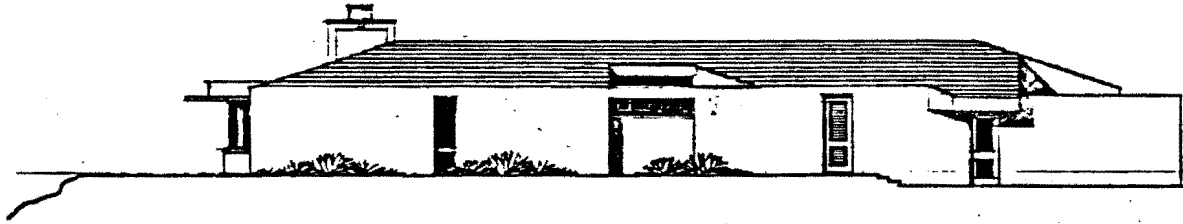
LEGAL DESCRIPTION:
 LOT #143 CAMEO SHORES
 4627 BRIGHTON ROAD

EXHIBIT NO. 2
 APPLICATION NO.
 5-95-200
 SITE PLAN

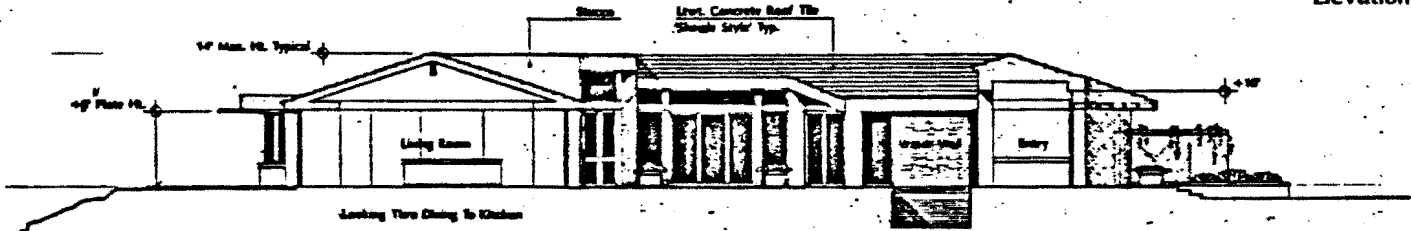
California Coastal Commission

CASANOVA RESIDENCE
 COASTAL DEVELOPMENT PERMIT # 5-95-200

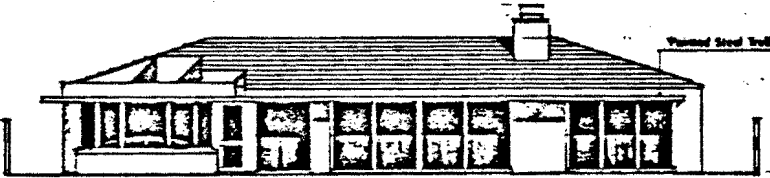
BEACH ELEVATION



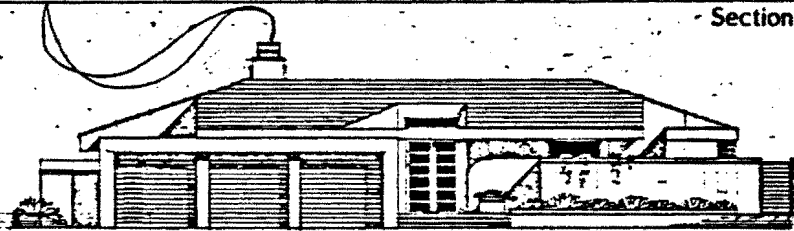
EAST
Elevation



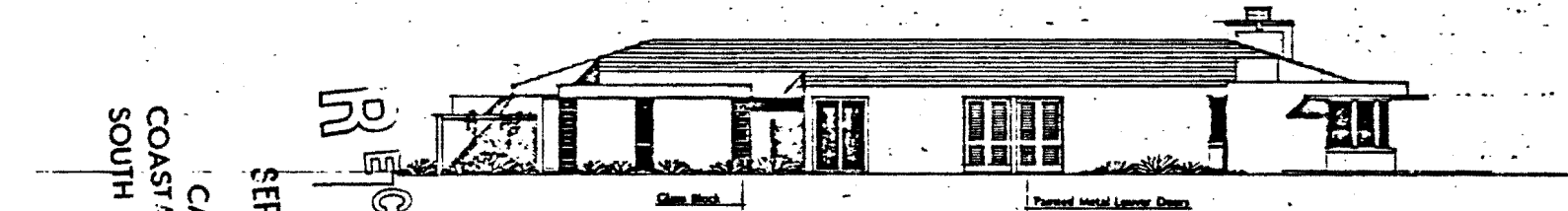
WEST COURTYARD
Section



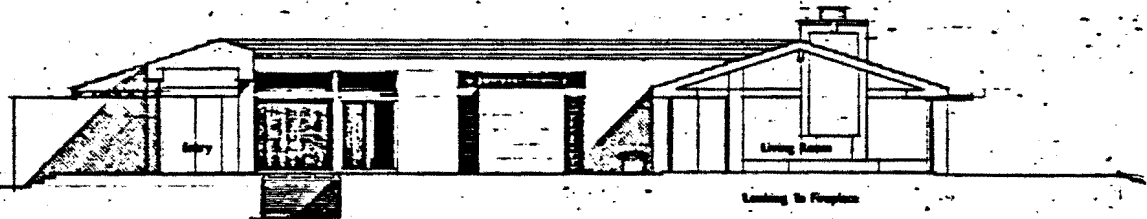
SOUTH
Elevation



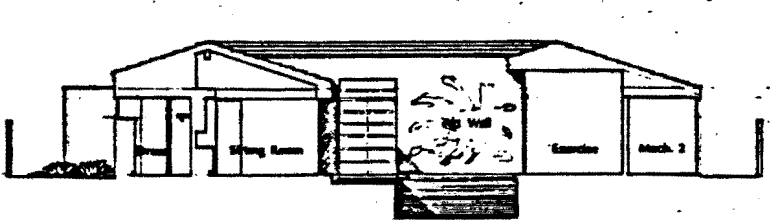
NORTH
Elevation



WEST
Elevation



EAST COURTYARD
Section



NORTH COURTYARD
Section



CALIFORNIA
 COASTAL
 SOUTH COAST DISTRICT

SEP 1 1995

RECEIVED

CASANOVA RESIDENCE
COASTAL DEVELOPMENT PERMIT # 5-95-200

EXHIBIT NO. 3
APPLICATION NO. 5-95-200
ELEVATIONS
California Coastal Commission