

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
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Filed: February 29, 1996
 49th Day: April 18, 1996
 180th Day: August 27, 1996
 Staff: John T. Auyong *gjm*
 Staff Report: March 22, 1996
 Hearing Date: April 9-12, 1996
 Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-297

APPLICANT: Robert Losey AGENT: Eric Mossman

PROJECT LOCATION: 319 Carnation Avenue, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Construction of a new 3,904 square foot four level single-family residence, 33 feet above grade, with an attached two car garage and roof deck, stepped down a vacant steep slope lot. Retaining walls and landscaping are proposed within the Bayside Drive right-of-way at the base of the slope.

Lot area:	5,561 square feet
Building coverage:	1,811 square feet
Pavement coverage:	1,400 square feet
Landscape coverage:	2,350 square feet
Parking spaces:	Two
Zoning:	MFR (2178)
Plan designation:	Multi Family Residential
Height above grade:	33 feet

LOCAL APPROVALS RECEIVED:

City of Newport Beach Variance 1202; Approval-in-Concept 2021-95

SUBSTANTIVE FILE DOCUMENTS:

1. "Site Reconnaissance and Geotechnical Review of Grading Plan and Foundation Plans for Proposed Three-Story Single-Family Residence, 319 Carnation Avenue, Corona del Mar, Newport Beach, California", dated February 15, 1996 (Job No. 143-96) prepared by Petra Geotechnical, Inc. for Robert Losey; and Geotechnical Investigation for 300 Carnation Avenue, Newport Beach, dated May 28, 1991 (Job Number 191-91), prepared by Petra Geotechnical Associates, Inc. for Mr. Robert Losey
2. City of Newport Beach Certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed development with special conditions to minimize geologic hazards through (1) conformance with geologic recommendations, (2) drainage, and (3) landscaping.

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, located between the nearest public roadway and the sea, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, 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 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. Geotechnical Recommendations

Prior to issuance of the coastal development permit, the applicant shall submit, subject to the review and approval of the Executive Director, plans which incorporate into the final design the recommendations in the Geotechnical Investigation for 300 Carnation Avenue, Newport Beach, dated May 28, 1991 (Job Number 191-91), prepared by Petra Geotechnical Associates, Inc. for Mr. Robert Losey, and as updated in the geotechnical review for 319 Carnation Avenue, Newport Beach dated February 15, 1996 (Job Number 143-96), prepared by Petra Geotechnical, Inc. for Robert Losey shall be incorporated into the final design of the proposed development. Any changes to the plans which the Executive Director determines to be substantial shall require an amendment to this permit or a new coastal development permit. The project shall be constructed in compliance with the plans approved by the Executive Director.

2. Landscaping

Landscaping shall be required to reduce the potential for erosion and resultant geologic instability of the subject site. Landscaping shall consist of deep-rooted, drought tolerant plant material and minimize the need for irrigation. Landscaping shall be installed as depicted on the plans approved by the Executive Director.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a landscaping plan that incorporates the use of deep-rooted, drought tolerant plant material and minimizes the need for irrigation.

3. Drainage

Surface runoff on the face of the slope of the subject site shall be minimized to reduce the potential for erosion of the slope and resultant geologic instability. Drainage control devices shall be installed in accordance with the plans approved by the Executive Director, in order to reduce the potential for erosion and resultant geologic instability.

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, drainage plans which demonstrate that surface runoff will be minimized through methods such as, but not limited to, directing all drainage to Carnation Avenue, top-of-slope compacted earth berms, and/or concrete interceptor drains which collect and divert surface runoff to an appropriate drainage facility.

4. Evidence of Legal Ability to Undertake Development

Prior to issuance of the coastal development permit, the applicant shall submit written evidence, for the review and approval of the Executive Director, of the City of Newport Beach's permission allowing the applicant to undertake the development as described and conditioned herein within the Bayside Drive right-of-way.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares:

A. PROJECT DESCRIPTION/SITE HISTORY

The applicant is proposing to construct a new 3,904 square foot, four level single-family residence stepped down a steep, vacant lot (see Exhibit C). The proposed residence would have an attached 404 square foot two-car garage and a roof deck. The proposed residence would involve 402 cubic yards of grading (350 cubic yards of cut, 52 cubic yards of fill) and would be supported by a system of grade beams and 18" diameter caissons. The proposed residence would be 52 feet from its highest point to its lowest point. However, because it would be stepped down the steep subject site, the proposed residence would not be higher than 33 feet above natural grade at any point. Also proposed are retaining walls and landscaping within the City's Bayside Drive right-of-way at the base of the slope.

B. HAZARDS

Section 30253 of the Coastal Act states, in relevant 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 would involve a new home sunk into a steep vacant hillside lot and would involve 350 cubic yards of grading. "Geotechnical Investigation" for 300 Carnation Avenue, Newport Beach, dated May 28, 1991 (Job Number 191-91), was prepared by Petra Geotechnical Associates, Inc. for Mr. Robert Losey regarding the subject site. The report found the underlying material of the sloping subject site to be sedimentary bedrock materials such as siltstone, shale, and sandstone. The lower slope is overlain with slopewash slumps comprised of fractured bedrock and sandy clay, while the upper slope is overlain with clayey and silty sand fill deposits on top of slopewash materials. Groundwater was not encountered to a depth of 42 feet, and the report hypothesizes that groundwater is more than 100 feet below the surface of the site.

The report goes on to indicate that the subject site would be suitable for the proposed development provided that the recommendations outlined in the report are incorporated into the project design. Some of the recommendations include the compaction in place of fill material to a minimum relative density of 90%, the founding of building footings in underlying competent bedrock, the use of deep rooted plant material requiring minimal irrigation, and the control of surface runoff.

The report was updated by the "Site Reconnaissance and Geotechnical Review of Grading Plan and Foundation Plans for Proposed Three-Story Single-Family Residence, 319 Carnation Avenue, Corona del Mar, Newport Beach, California", dated February 15, 1996 (Job No. 143-96) prepared by Petra Geotechnical, Inc. for Robert Losey. The update lists the correct address, since the subject site did not have a site address in 1991. This update indicated that the proposed development and geologic conditions remained essentially the same, and that additional grading recommendations would not be needed. However, the update did recommend changes to the subdrains behind the retaining walls.

To assure geologic stability and structural integrity and minimize risks from geologic hazards, a special condition must be imposed which requires the submission of plans approved by the geotechnical consultant which incorporate all the recommendations contained in the Petra Geotechnical Associates, Inc., geotechnical report dated May 28, 1991 (Job Number 191-91) prepared for Robert Losey for 300 Carnation Avenue, and as further modified in the update for 319 Carnation Avenue dated February 15, 1996 (Job No. 143-96) prepared by Petra Geotechnical for Robert Losey.

The geotechnical investigation and update recommend landscaping. Thus, special conditions are necessary requiring the submission of drainage plans and landscaping plans which control and minimize surface runoff, and minimize irrigation and use deep-rooted drought tolerant plants, as recommended by the geotechnical consultant. Controlling surface runoff would minimize erosion which would lead to slope instability. The use of deep rooted plants would help stabilize the slope. Drought tolerant plants would minimize the need for irrigation, thus reducing surface runoff and ground water buildup that would lead to slope instability. Therefore, as conditioned, the Commission finds that the proposed development would be consistent with Section 30253 of the Coastal Act.

C. VISUAL IMPACTS

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic area such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site is not a coastal blufftop lot but is located directly across from the City of Newport Beach's Begonia Park. While the proposed development would be visible from the park, the proposed development would not block views to the ocean from the park because the view to the ocean is not in the same direction as the view to the proposed development. Neither the subject site nor the ocean are visible from Bayside Drive Park, another City park located

further inland, so the proposed development would not block views of the ocean from Bayside Drive Park. Further, Begonia Park, Bayside Drive Park and the subject site are not listed as public view points or scenic areas in the City's certified land use plan.

In addition, the proposed development would not be out of character with the large, highly visible multi-family and single-family residential development which exist on either side of the subject site. Also, the inland bluff of which the subject site is a part already has been significantly altered by existing development adjacent to the subject site. Therefore, the Commission finds that the proposed development would be consistent with Section 30251 of the Coastal Act regarding the protection of public views.

D. PUBLIC ACCESS

Section 30212 of the Coastal Act states, in relevant part:

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

(2) adequate access exists nearby,

The subject site, although not a beachfront lot, is located between the nearest public roadway and the shoreline. Adequate access and public recreation opportunities exist nearby at China Cove beach and Corona del Mar state beach. The proposed development would have two parking spaces, consistent with the Commission's findings in previous permit actions that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. Therefore, the Commission finds that the proposed development would not have significant adverse impacts on coastal access and is consistent with Section 30212 of the Coastal Act regarding access.

E. LEGAL ABILITY TO UNDERTAKE DEVELOPMENT

Section 30601.5 of the Coastal Act requires, in part, that the applicant provide evidence of legal ability to undertake the proposed development. A retaining wall and landscaping are proposed at the base of the slope within the City's Bayside Drive right-of-way. Therefore, the Commission finds it necessary to impose a special condition requiring the applicant to submit written evidence, for the review and approval by the Executive Director, of the City's permission allowing the applicant to undertake the proposed development within the Bayside Drive right-of-way. Thus, only as conditioned can the Commission find that the requirements of Section 30601.5 would be met.

F. LOCAL COASTAL PROGRAM

Section 30604(a) 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 Three policies of the Coastal Act.

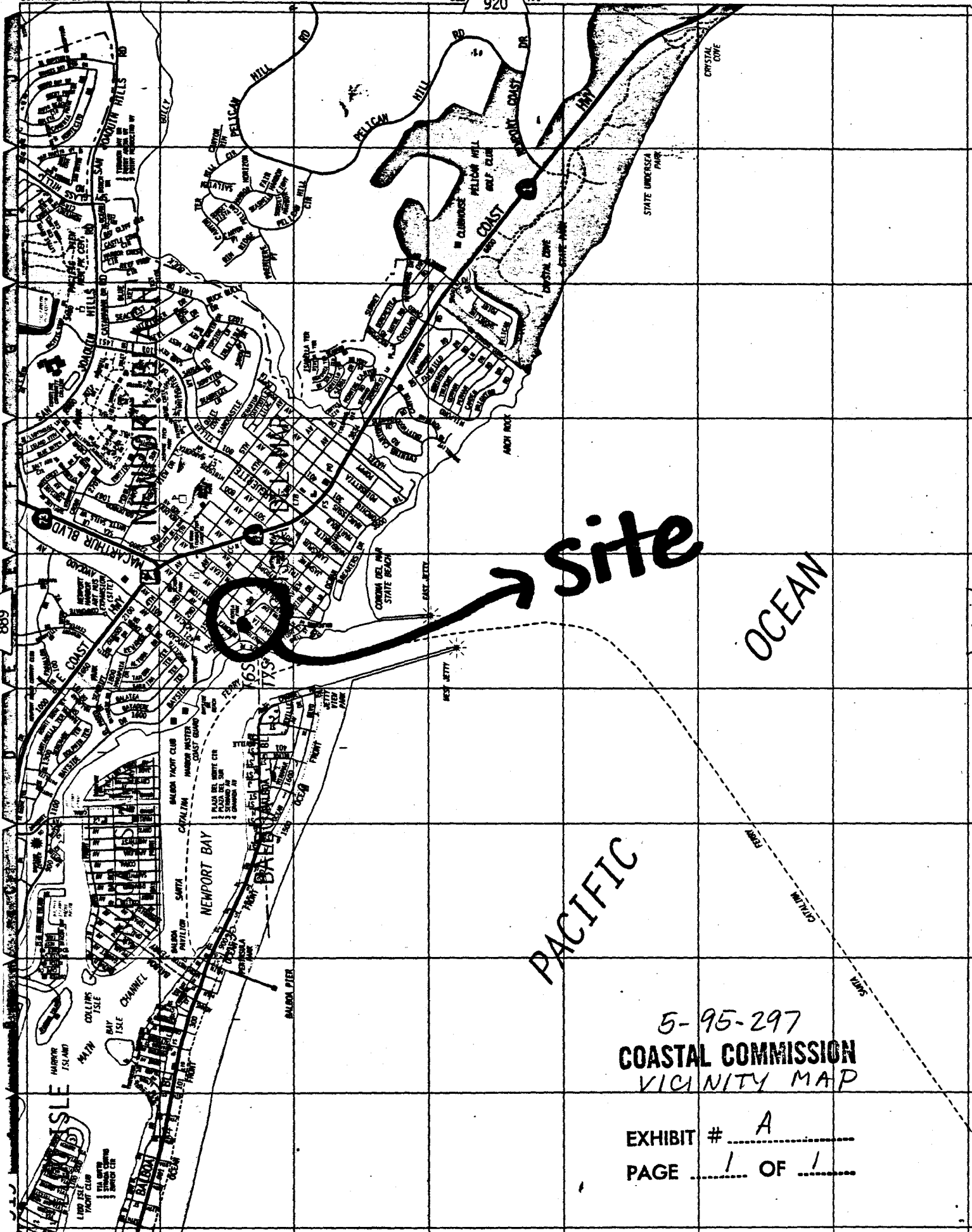
The Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. The proposed project would be conditioned to be consistent with the hazards policies of Chapter 3 of the Coastal Act. The proposed project as submitted is also consistent with the visual quality and access policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed project as conditioned would not prejudice the ability of the City of Newport Beach to prepare an LCP consistent with the Chapter 3 policies of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 subject site would be infill development located in an urban zone. Infrastructure necessary to serve the site exists in the area. The proposed project has been conditioned in order to be found consistent with the hazards policies of Chapter 3 of the Coastal Act. Mitigation measures including (1) conformance with geologic recommendations, (2) plans for landscaping and (3) plans for drainage will minimize all adverse impacts from geologic hazards. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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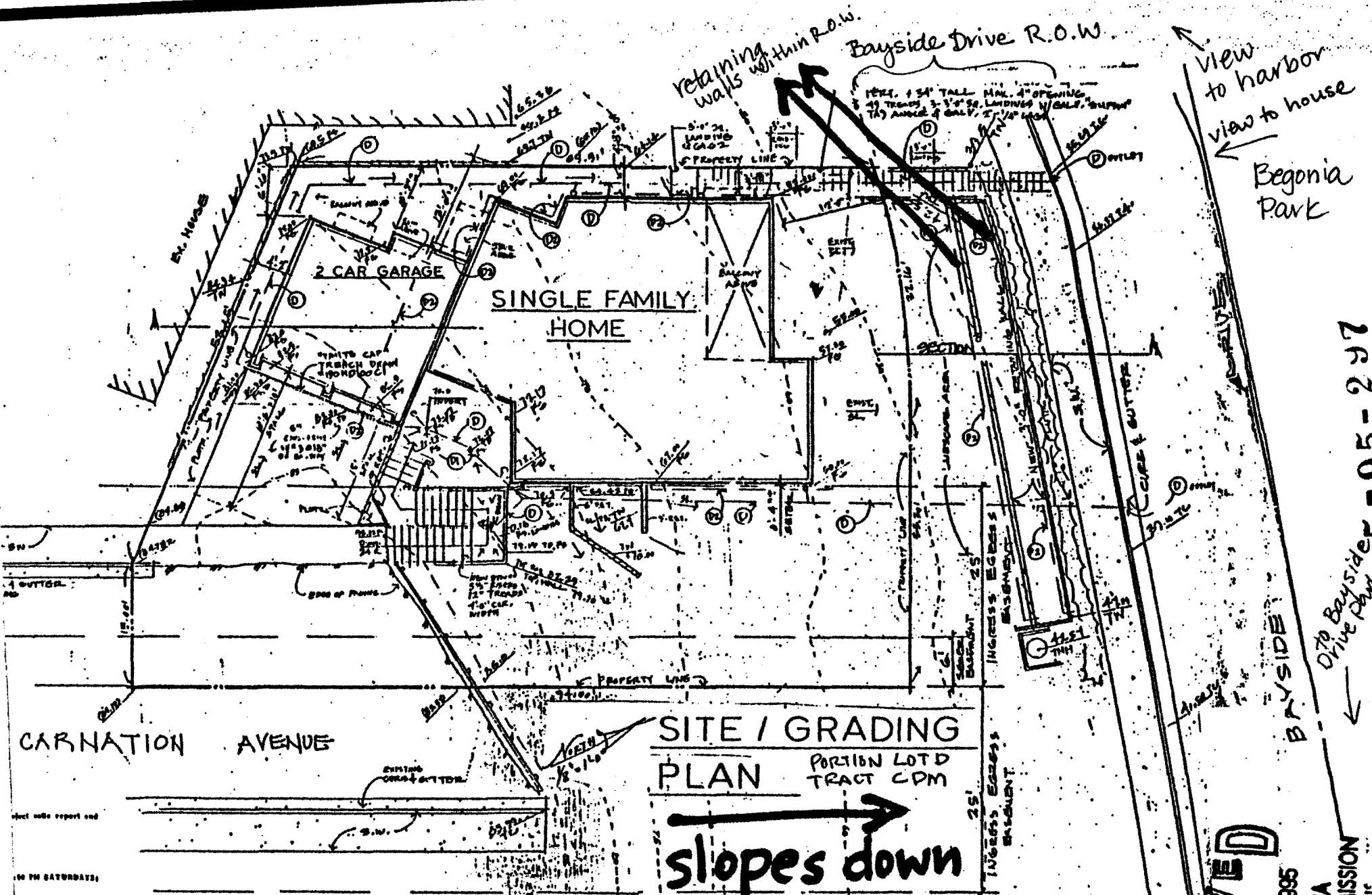


OCEAN

PACIFIC

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 VICINITY MAP

EXHIBIT # A
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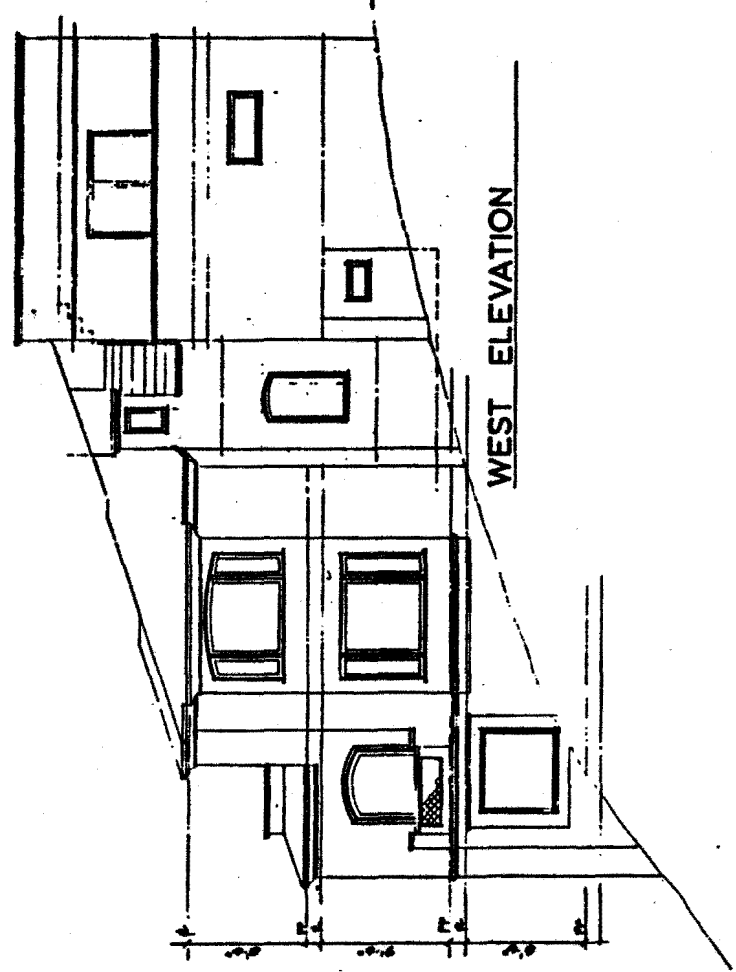
319 CARNATION, NEWPORT BCH
CORONA DEL MAR

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5-95-297
site plan
EXHIBIT # B
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5-95-297

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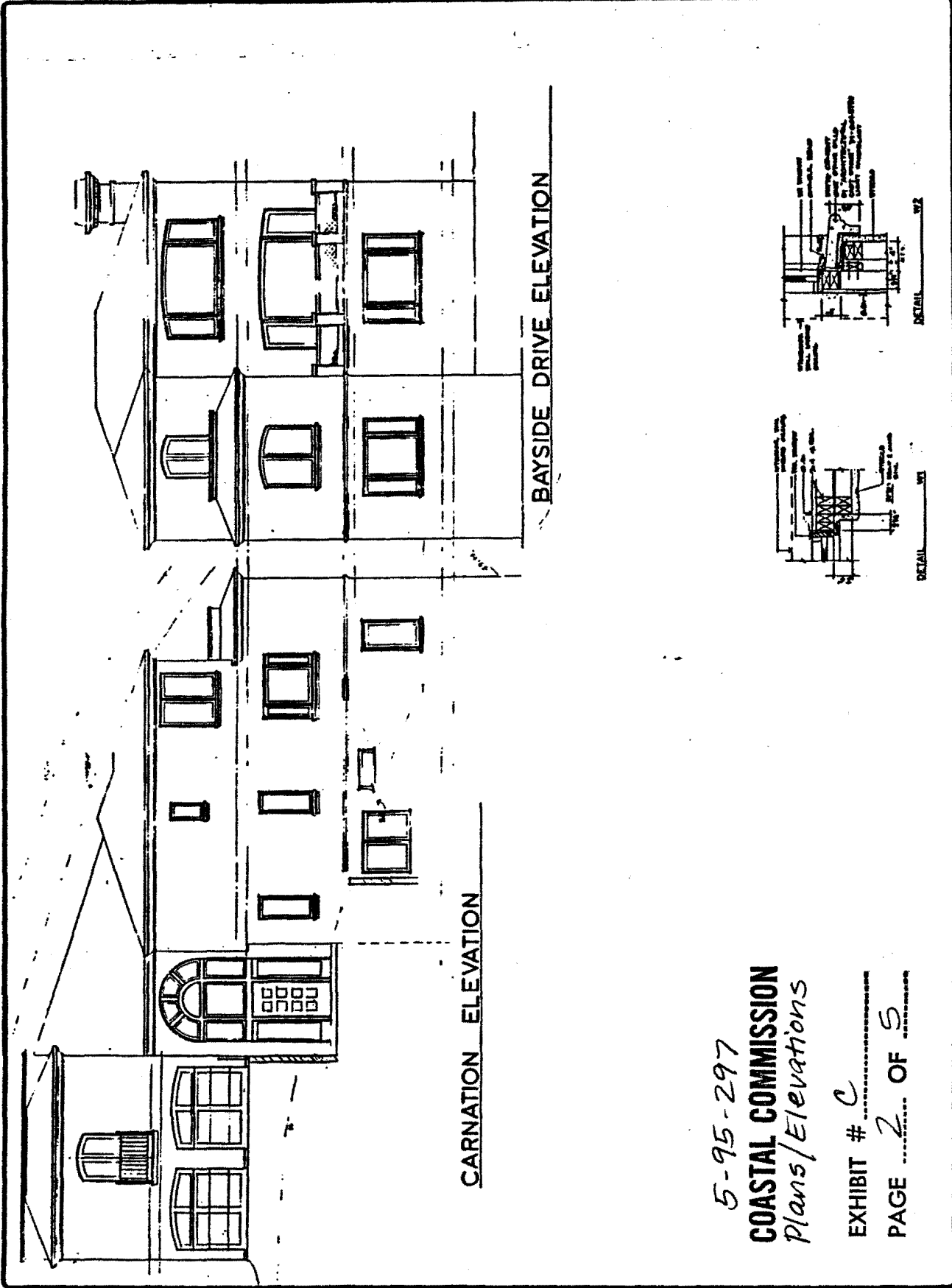
LOSEY RESIDENCE
Corona Del Mar, CA



WEST ELEVATION

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Plans/Elevations
EXHIBIT # C
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DATE
SCALE
PROJECT
CLIENT
ARCHITECT
DRAWN BY
CHECKED BY
DATE

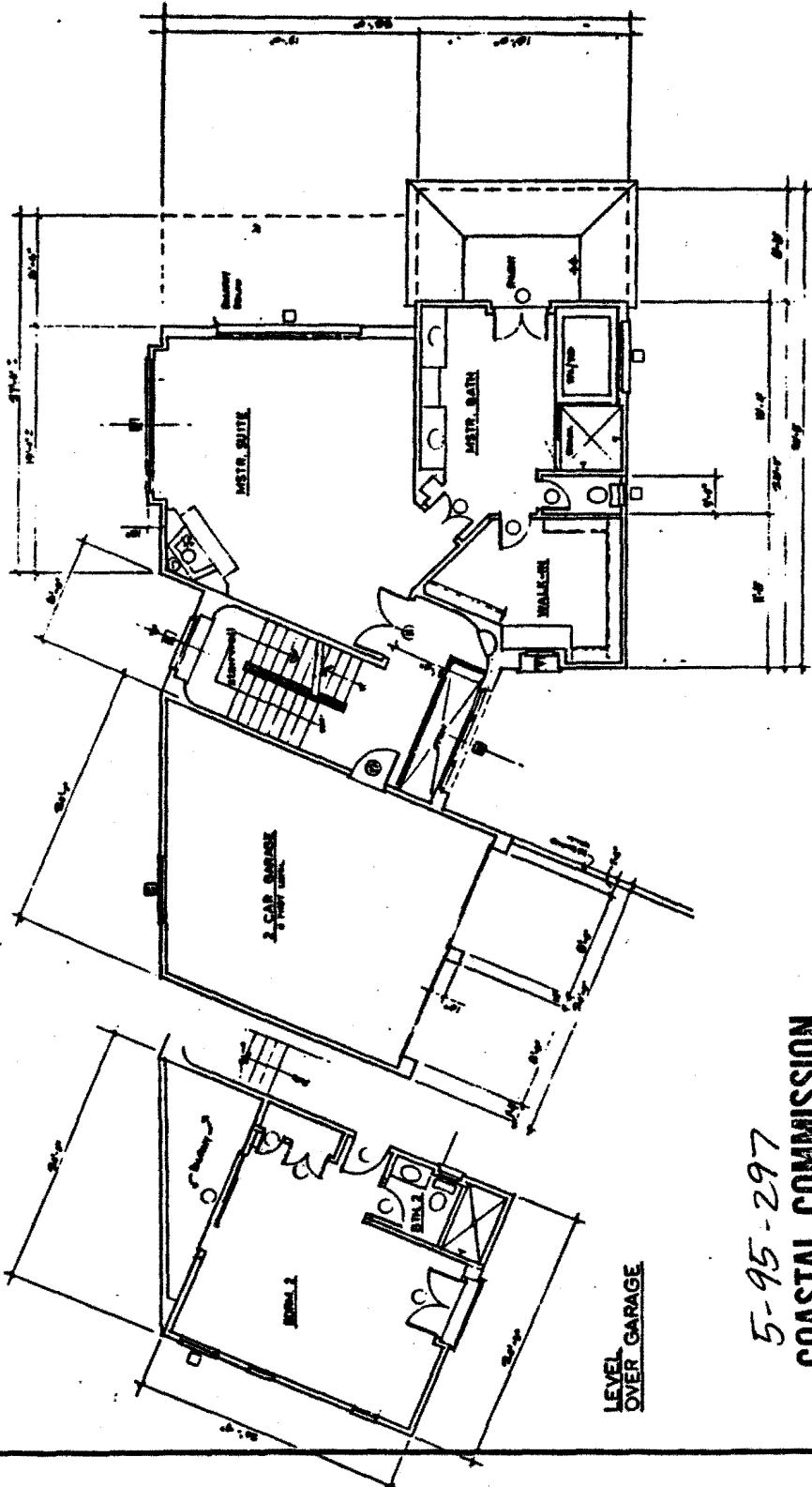


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LOSEY RESIDENCE
 Corona Del Mar, CA



SECOND FLOOR PLAN

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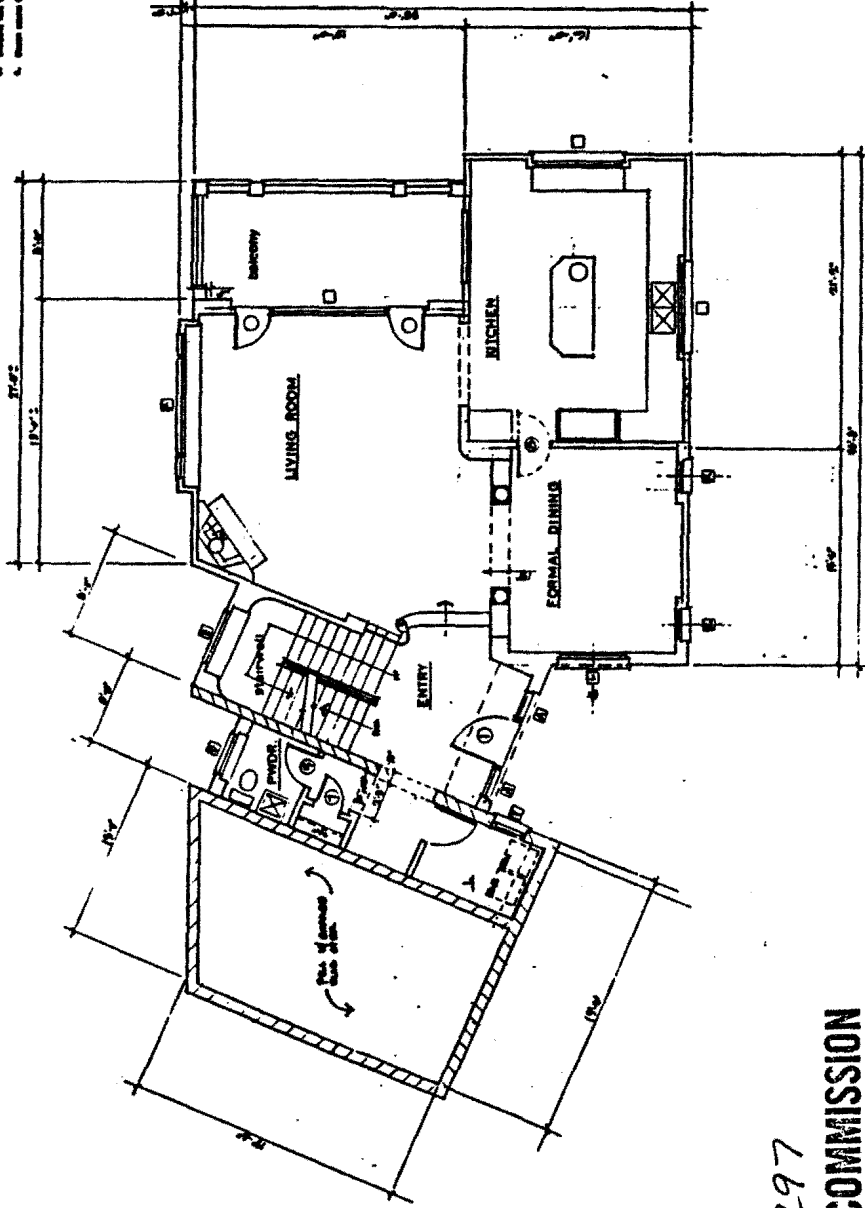
EXHIBIT # C
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I hereby certify that the above is a true and correct copy of the original plans and specifications as filed in my office and that I am a duly licensed Architect under the laws of the State of California.

ERIC F. MOSSMAN, ARCHITECT
 1508 NEWPORT BLVD., NEWPORT BEACH, CALIF. 92663
 (714) 435-3333

LOSEY RESIDENCE
 Corona Del Mar, CA

1. These plans were prepared by me or under my direct supervision and to the best of my knowledge and belief they conform to all applicable codes and regulations.

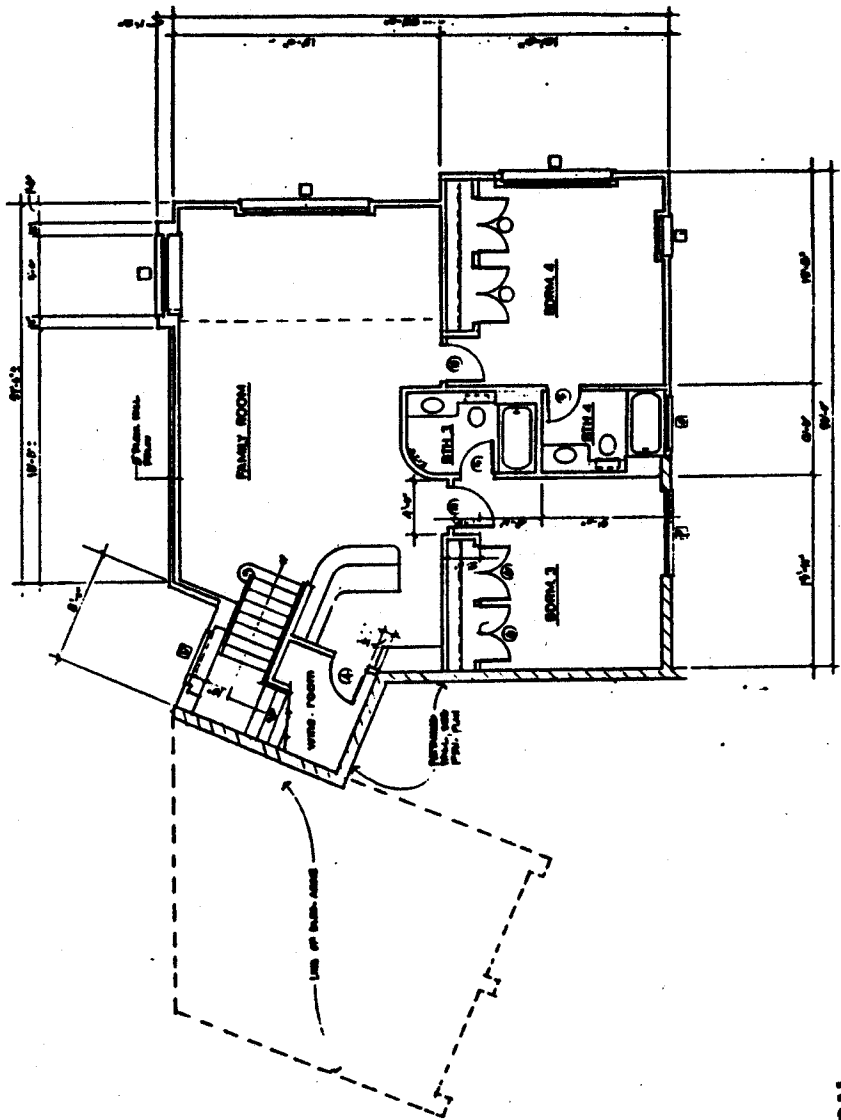


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FIRST FLOOR PLAN

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 1500 AIRPORT BLVD, AIRPORT HIGHL, CA 92661

LOSEY RESIDENCE
 Corona Del Mar, CA



BASEMENT FLOOR PLAN

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