

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: April 4, 1996
49th Day: May 23, 1996
180th Day: October 1, 1996
Staff: John T. Auyong
Staff Report: April 18, 1996
Hearing Date: May 7-10, 1996
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-056

APPLICANT: City of Newport Beach AGENT: Dave Bartlett

PROJECT LOCATION: Within the Seaview Avenue right-of-way from Fernleaf Avenue to Alley 32-A, and within the Marguerite Avenue right-of-way from 275 feet south of Seaview Avenue to Bayside Drive, in Corona del Mar, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Construction of domestic water mains consisting of 2,000 lineal feet of 12" diameter PVC pipe in Seaview Avenue, and 800 lineal feet of 12" PVC pipe in Marguerite Avenue. The proposed project would replace the existing domestic water mains in alleys 35-A, 36-A, 37-A, 38-A and 39-A (between Fernleaf Avenue and Larkspur Avenue).

LOCAL APPROVALS RECEIVED: Approval-in-Concept 436-96

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

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed development with no special conditions.

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 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. None

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to construct domestic water mains in the Corona del Mar area of the City of Newport Beach (See Exhibit B). The proposed development would consist of 2,000 lineal feet of 12" diameter PVC pipe within the Seaview Avenue right-of-way from Fernleaf Avenue on the westerly end to Alley 32-A on the easterly end. Alley 32-A is located between Marigold and Narcissus Avenues. The proposed development would also consist of 800 lineal feet of 12" PVC pipe within the Marguerite Avenue right-of-way beginning 275 feet south of Seaview Avenue north to Bayside Drive. The proposed project would replace the existing domestic water mains in alleys 35-A, 36-A, 37-A, 38-A and 39-A (between Fernleaf Avenue and Larkspur Avenue). The subject site is not located between the nearest public roadway and the shoreline.

B. Growth Inducement

Section 30254 of the Coastal Act states, in relevant part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; . . .

The proposed development would serve the same number of homes in this built out neighborhood of Corona del Mar. The existing pipes, built in 1923, are 6 inches in diameter but have deteriorated through calcification and accumulated build-up so that they now only have a one inch opening for water to pass through. Over time, chemicals and minerals in the water have resulted in corrosion of the existing pipes to the point where they cannot be repaired and must be abandoned. As a result, the system has lost considerable capacity to deliver water.

The proposed development would replace this lost ability to deliver water and not increase the overall capacity of the water delivery system. In addition, the specific neighborhood served by the existing pipes and proposed development, and the overall Corona del Mar community, are old, established, and built out urbanized areas. The proposed development would serve the existing needs of an already developed community. The existing pipes are scheduled to be abandoned, by capping each end of each pipe, by the City during its 1996-97 fiscal year. Therefore, the Commission finds that the proposed development would not induce growth and is consistent with Section 30254 of the Coastal Act.

C. Geologic 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 existing pipes go up very steep hillsides to serve the residential development on the flat, mesa-type area at the top of the hillsides. Even if the existing pipes were not so deteriorated that they could be repaired, to do so would involve development on steep hillsides which would result in possible geologic instability. According to the applicant, this would pose a threat to the structural integrity of the existing residences at the top of the hillsides served by the existing pipes. By having the replacement pipes located within street rights-of-way at the top of the hillside, the proposed development would avoid impacts on the hillsides and the resultant geologic instability. Therefore, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act.

D. Local Coastal Program

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 Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. The proposed development is consistent with Sections 30253 and 30254 of the Coastal Act regarding hazards and growth inducement, respectively. Therefore, approval of the proposed development would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

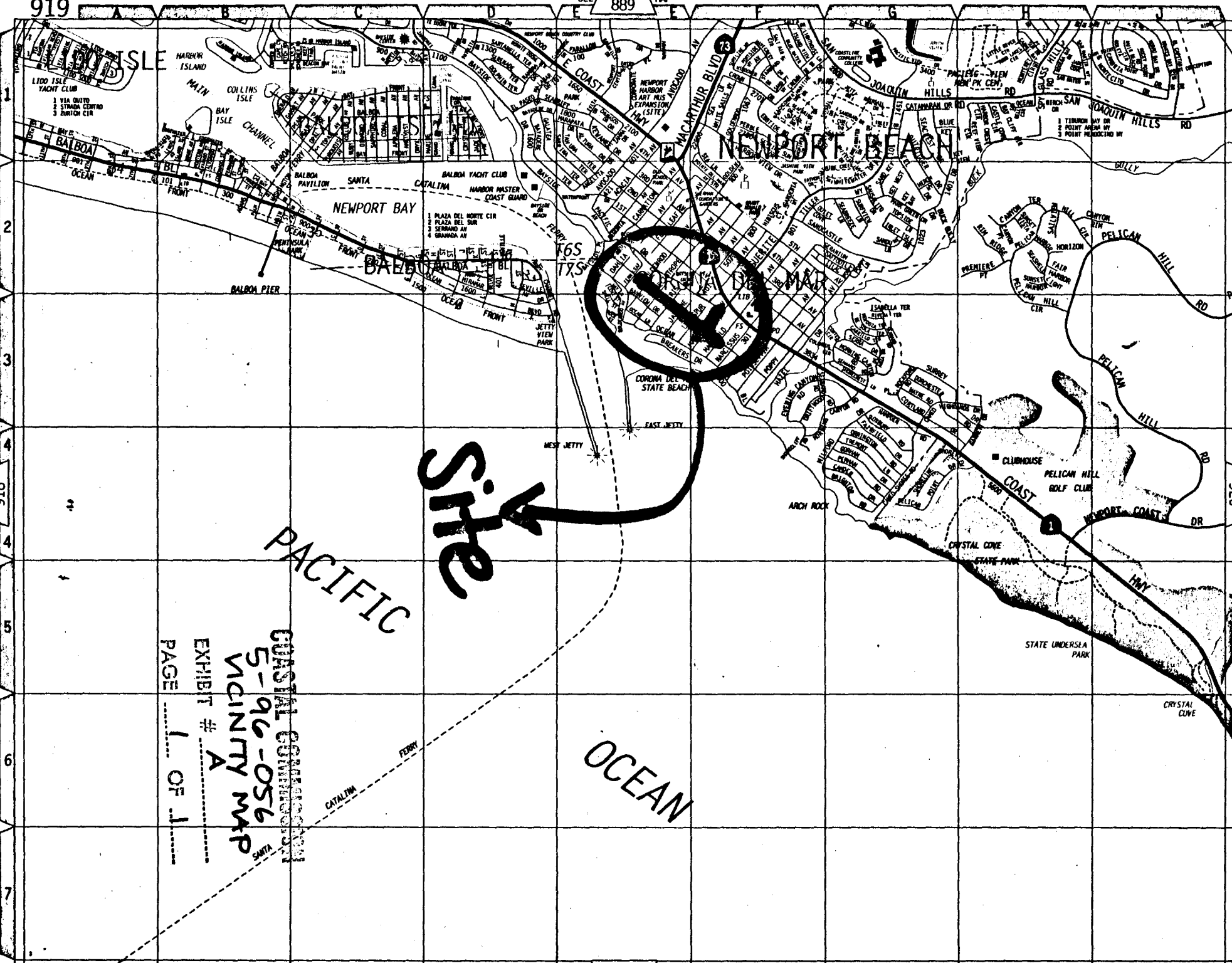
E. California Environmental Quality Act

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 proposed development is located in an urban area. The proposed development would be within the right-of-way of existing developed streets. The proposed development would replace, in a new location, the existing, outdated facilities serving a portion of the Corona del Mar community. The proposed development would not induce growth, and is needed to serve the existing built-out neighborhood more efficiently.

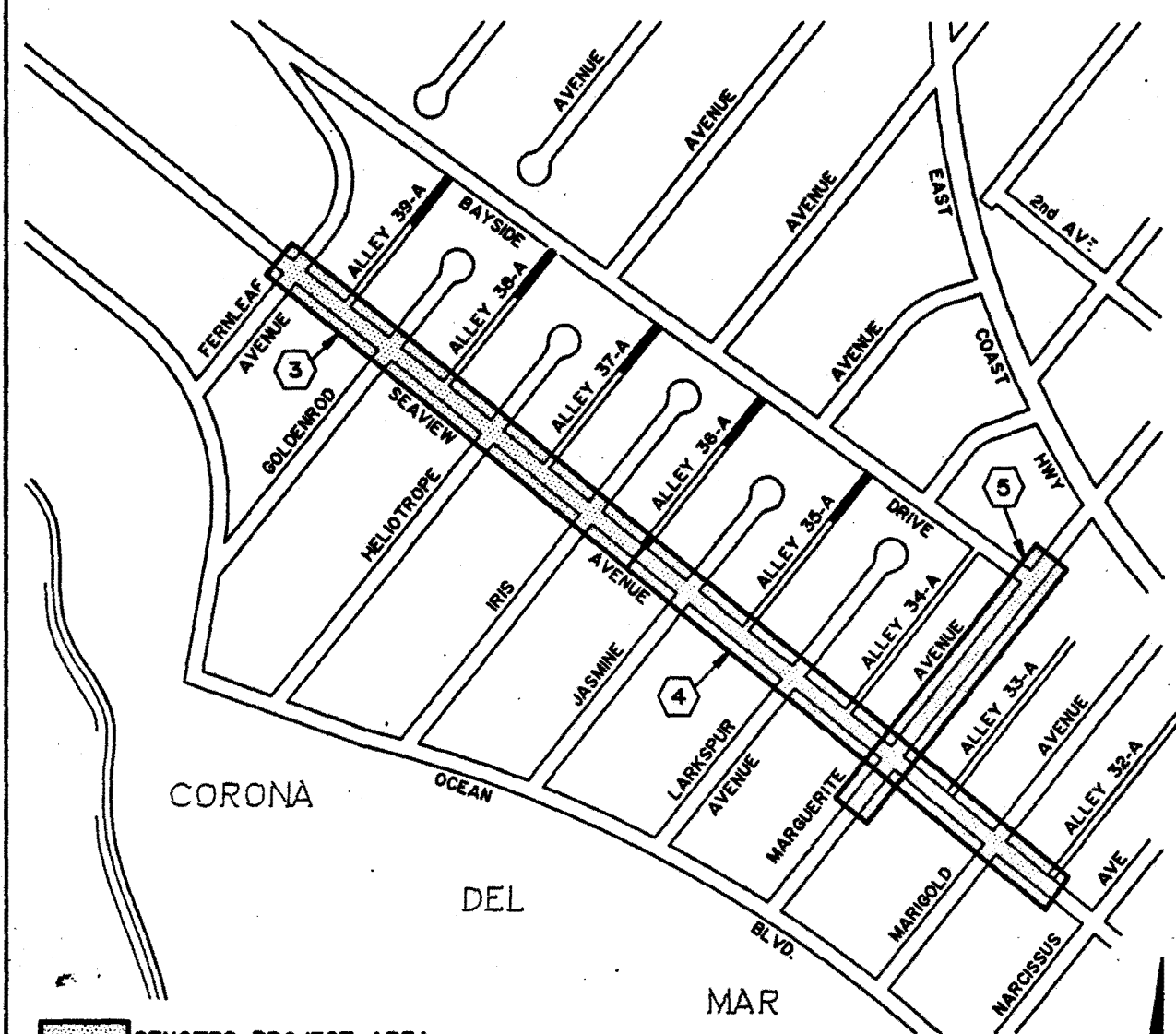
The existing facilities are beyond repair according to the applicant and must be abandoned. Further, because of the location of the existing pipes in very steep hillsides, replacing the pipes in their existing location would result in adverse impacts to the hillsides.

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.



COASTAL COMMUNITIES
 5-96-056
 VICINITY MAP
 EXHIBIT # A
 PAGE 1 OF 1





DENOTES PROJECT AREA

DENOTES SHEET NUMBER

WATER MAIN TO BE ABANDONED BY OTHERS

LOCATION MAP

NOT TO SCALE

CORONA

OCEAN

DEL

MAR

5-96-056
**COASTAL COMMISSION
 SITE MAP**

EXHIBIT # B
 PAGE 1 OF 1

CITY OF NEWPORT BEACH
 APPROVAL IN CONCEPT NO. 436-96
 This project conforms to all applicable planning regulations and policies in effect on this date.
 These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.
 PLANNING DEPARTMENT
[Signature] Date: 3/20/96

RECEIVED

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