

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: July 31, 2002
49th Day: September 18, 2002
180th Day: January 27, 2003
Staff: ALB-LE **ALB**
Staff Report: September 19, 2002
Hearing Date: October 8-11, 2002
Commission Action:

Tu 5b**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-02-050**RECORD PACKET COPY****APPLICANT:** C.Z. Brockman**PROJECT LOCATION:** 2100 Mesa Drive, Newport Beach (Orange County)

PROJECT DESCRIPTION: Construction of an 8,750 square foot steel covered horse arena, a 3,168 square foot steel barn and approximately 1,950 cubic yards of grading on a Residential Equestrian (R-1 EQ) lot transected by the Coastal Zone Boundary in the Santa Ana Heights area. Grading will balance on site.

LOCAL APPROVALS RECEIVED: City of Newport Beach Use Approval in Concept 2902-2001 dated December 12, 2001.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan (LUP); *Water Quality Management Plan* prepared by Fuscoe Engineering dated July 2002.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to construct a horse arena and barn on a currently undeveloped parcel. A portion of the project is being considered "after-the-fact" development, as construction was initiated without benefit of a coastal development permit. The applicant was informed by City of Newport Beach planning division staff that the entire property was outside of the Coastal Zone and received all necessary local approvals. However, a boundary determination prepared by the Commission's Mapping Unit concludes that the western two-thirds of the parcel is located within the Coastal Zone. The major issue addressed by the staff report is water quality.

Staff recommends the Commission **APPROVE** the proposed development with five (5) special conditions requiring 1) use of construction best management practices (BMPs); 2) appropriate disposal of construction debris; 3) conformance with the Water Quality Management Plan (WQMP) submitted; 4) conformance with the Drainage and Run-off Control Plan submitted; and 5) conformance with the Manure Management Plan submitted.

EXHIBITS:

1. Vicinity Map
2. Boundary Determination
3. Project Plans

I. STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP #5-02-050 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This 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 WITH CONDITIONS:

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. **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.

III. **SPECIAL CONDITIONS:**

1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the Delhi Channel or Upper Newport Bay;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters (including the Delhi Channel) during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into Upper Newport Bay and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas adjacent to the Delhi Channel each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of in accordance with Special Condition No. 2.

2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. 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.

3. Conformance with the Water Quality Management Plan

- A. The project shall be carried out in conformance with the Drainage and Run-off Control Plan prepared by Fuscoe Engineering dated July 2002, which demonstrates that runoff will be collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into the Delhi Channel, which leads to Upper Newport Bay. The drainage system shall be engineered in such manner as to prevent the discharge of sediment or fine particulates into the channel.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. ^s
Conformance with Drainage and Run-off Control Plan

- A. The project shall be carried out in conformance with the Drainage and Run-off Control Plan prepared by Fuscoe Engineering dated July 2002, which demonstrates that runoff will be collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into the Delhi Channel, which leads to Upper Newport Bay. The drainage system shall be engineered and maintained in such a manner as to prevent the discharge of sediment or fine particulates into the channel.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Operation of Facility and Manure Management Plan Requirements

- A. In accordance with the applicant's proposal, the equestrian facility shall be a day use facility only. No horses may be boarded overnight.
- B. The applicant shall comply with the Manure Management Plan submitted as part of the Water Quality Management Plan prepared by Fuscoe Engineering dated July 2002. The plan includes management practices for the collection, storage, and disposal of manure. Manure shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.
- C. Any additional or intensified use of the site for livestock maintenance and/or recreation purposes shall require an amendment to Coastal Development Permit No. 5-02-050.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location, Description and Background

Project Location

The project site is located in the Santa Ana Heights Area of the City of Newport Beach, Orange County (Exhibit 1). The property abuts the Delhi Flood Control Channel to the west, a residential property to the east, Mesa Drive to the north and residential properties to the south. Upper Newport Bay is located beyond the residential properties to the south. The project site is the eastern portion of an approximately two-acre parcel currently used as a horse pasture. The site is located in an area of predominately large residential lots designated Residential Agriculture (R-A) and Residential Equestrian (R-1 EQ), which allow residential use in conjunction with light farming and equestrian use. The Coastal Zone Boundary transects the lot, as shown in Exhibits 2.

Project Description

The applicant proposes to construct an 8,750 square foot steel covered horse arena, a 3,168 square foot steel barn and approximately 1,950 cubic yards of grading (Exhibit 3). Grading will balance on site. As shown in the project plans, the arena and barn will be approximately 17' high.

The new equestrian facilities will accommodate six (6) horses during the daytime. No overnight boarding is proposed. The horses will continue to be boarded at an existing barn on an adjacent property. No formal organized events are planned for the site.

The proposed structures will not be visible from a public roadway and will not obstruct a significant public view of the coast. The frontage road (Mesa Drive) sits at a higher elevation than the project site. In addition, the site is currently fenced and screened with vegetation. The perimeter of the site is currently vegetated with drought tolerant and native plants. No further landscaping is proposed.

The creation of new equestrian facilities has the potential to affect current drainage and water quality at the subject site. The project involves the construction of an arena and barn where there is currently a pasture. While the type of runoff will not change, the pattern and amount of runoff will change as a result of site grading, concentrated ridership and watering for dust control. As such, the proposed development will affect the amount and direction of runoff currently entering the Upper Newport Bay. Consequently, appropriate erosion control and water quality measures are required.

In addition, animal waste is known to contribute to contamination. Continued discharge of potentially polluted runoff from the subject site would have significant adverse impacts on water quality in the Upper Newport Bay. As such, appropriate containment and disposal of manure is necessary. To address this, the applicant has submitted a Water Quality Control Plan (WQMP), which includes the implementation of structural and non-structural best management practices (BMPs) for water quality enhancement purposes. Structural BMPs include infiltration trenches, a detention basin, energy dissipaters, and runoff minimizing landscaping. Non-structural BMPs include education, activity restrictions and on-going maintenance. The WQMP also outlines proper manure management practices.

B. Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize 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, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, 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.

C. Public Access and Recreation

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit, including grading and construction of a covered arena. The work that was undertaken constitutes development that requires a coastal development permit.

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified Newport Beach Land Use Plan was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

E. Land Use Plan

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act (CEQA)

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.



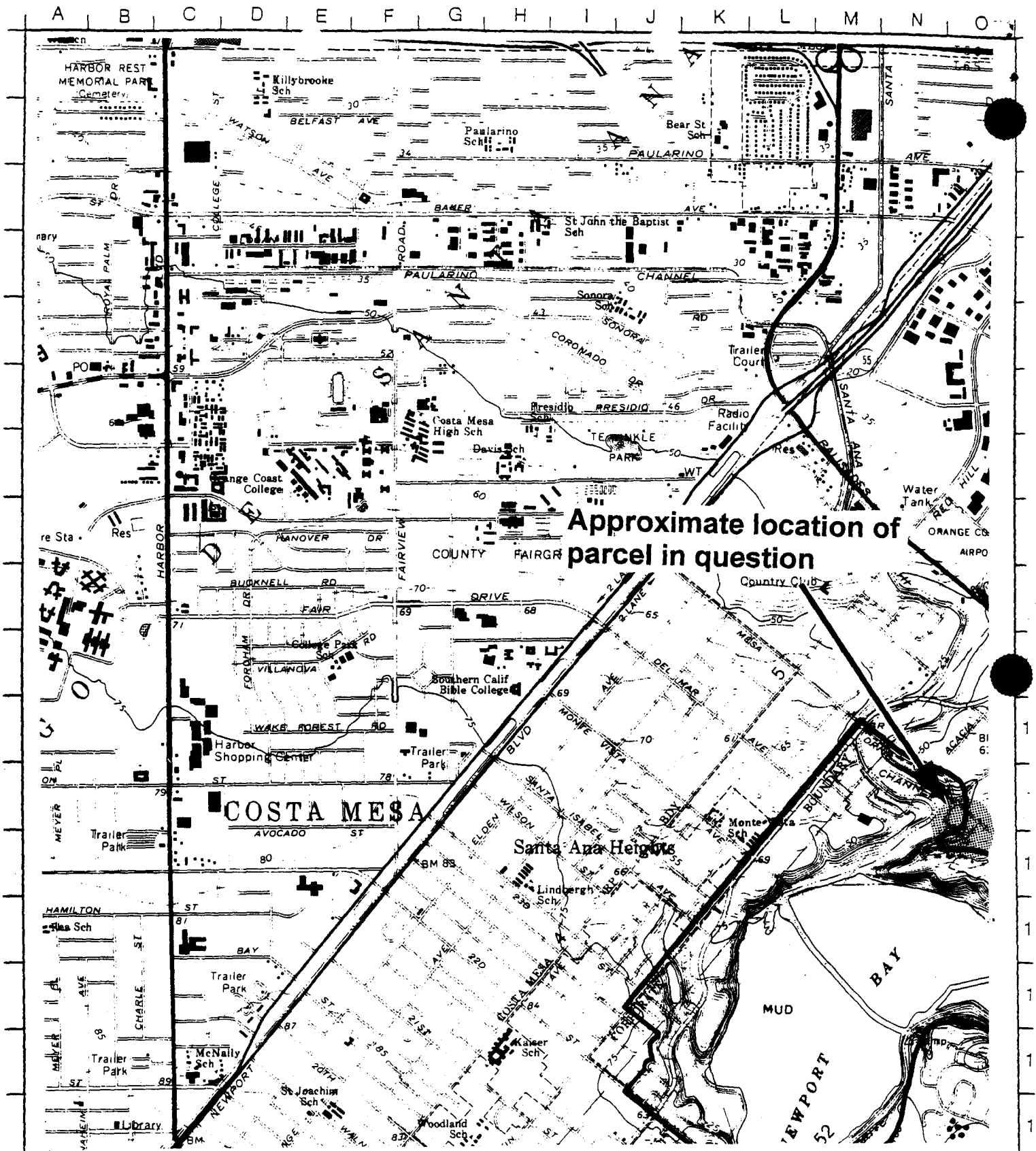
COASTAL COMMISSION

5-02-050

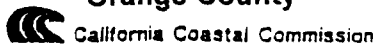
EXHIBIT #

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889



BD No. 04-2001
APN 439-061-03
Orange County



Portion of Coastal Zone Boundary
Map No. 145 (Newport Beach Quadrangle)
County of Orange



County of Orange

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EXHIBIT # 2

PAGE 1 OF 2

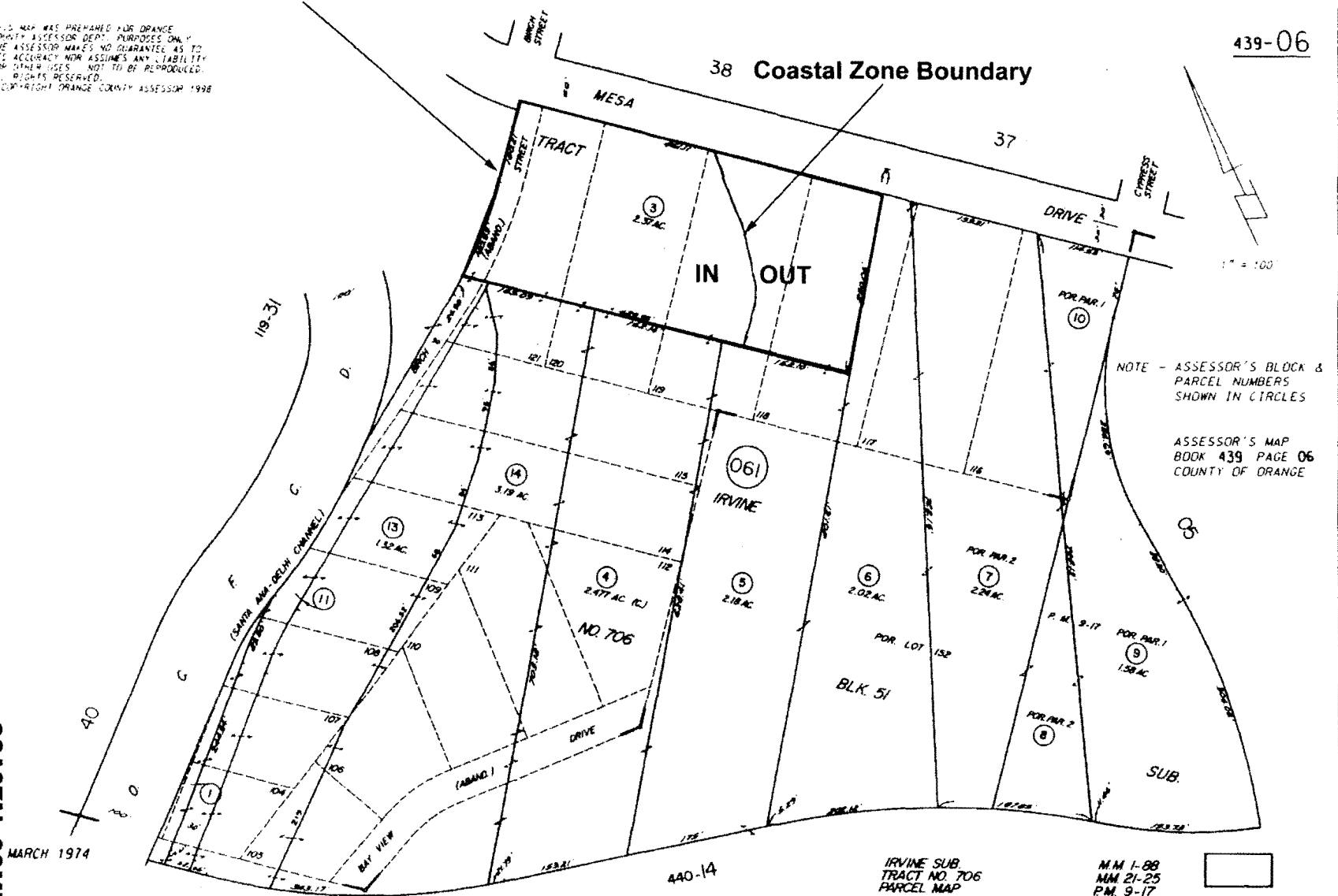
EXHIBIT 1

Subject Property

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © ORANGE COUNTY ASSESSOR 1998

439-06

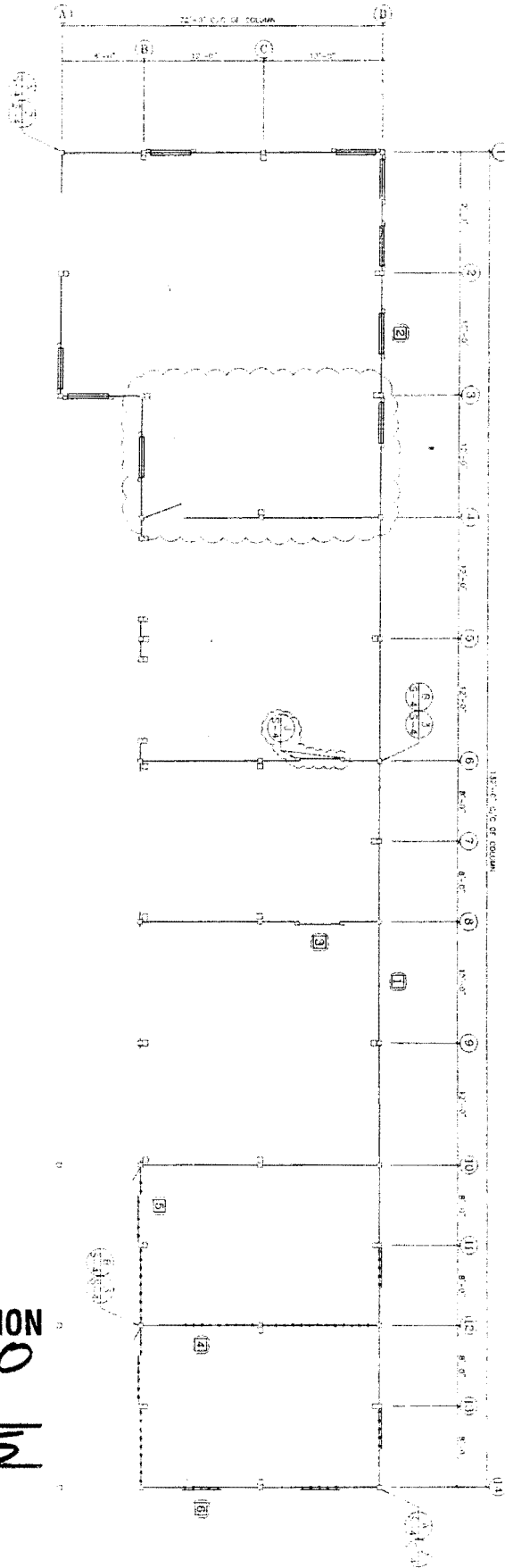
38 Coastal Zone Boundary



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EXHIBIT # 2
PAGE 2 OF 2

BD No. 04-2001
APN 439-061-03
Orange County

DRAFT EXHIBIT 2



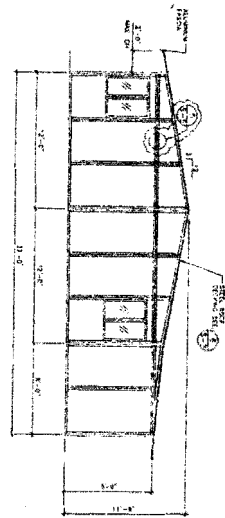
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1	STAIRCASE	1	EA	9,254.00	9,254.00
2	STAIRCASE	1	EA	9,254.00	9,254.00
3	STAIRCASE	1	EA	9,254.00	9,254.00
4	STAIRCASE	1	EA	9,254.00	9,254.00
5	STAIRCASE	1	EA	9,254.00	9,254.00
6	STAIRCASE	1	EA	9,254.00	9,254.00
7	STAIRCASE	1	EA	9,254.00	9,254.00
8	STAIRCASE	1	EA	9,254.00	9,254.00
9	STAIRCASE	1	EA	9,254.00	9,254.00
10	STAIRCASE	1	EA	9,254.00	9,254.00
11	STAIRCASE	1	EA	9,254.00	9,254.00
12	STAIRCASE	1	EA	9,254.00	9,254.00
13	STAIRCASE	1	EA	9,254.00	9,254.00

NOTES:
1. ALL WALLS ARE PRE-FABRICATED
2. ALL OPENINGS ARE BUILT-IN
3. REVERSE FLOOR PLAN/ELEVATIONS

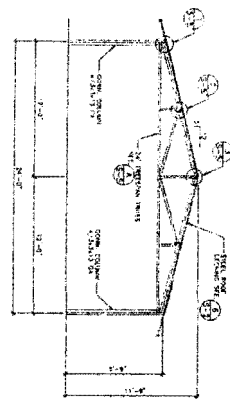
FLOOR PLAN A.A.A

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EXHIBIT # 3
PAGE 2 OF 5

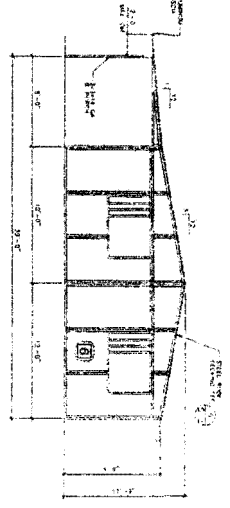




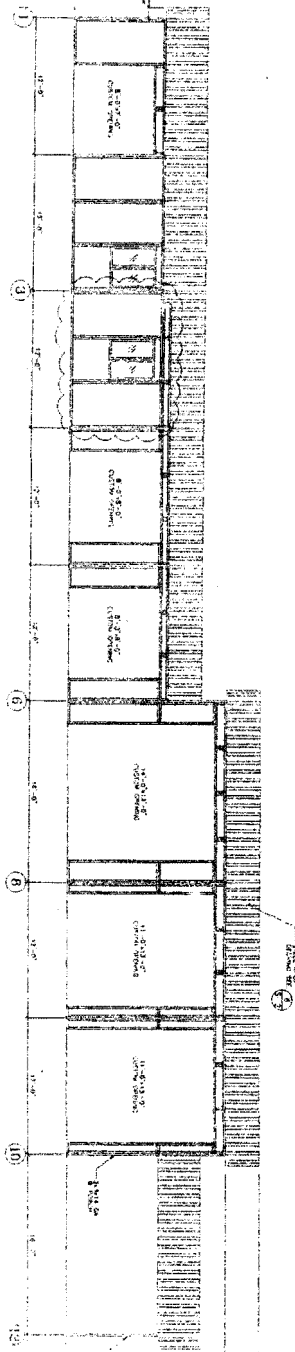
LEFT ENDWALL ELEVATION A



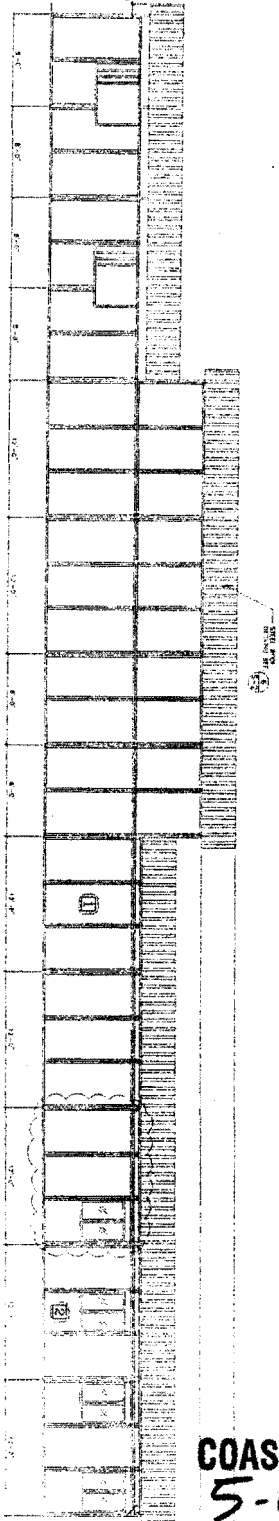
CROSS SECTION



RIGHT ENDWALL ELEVATION A



NEAR SIDEWALL ELEVATION A



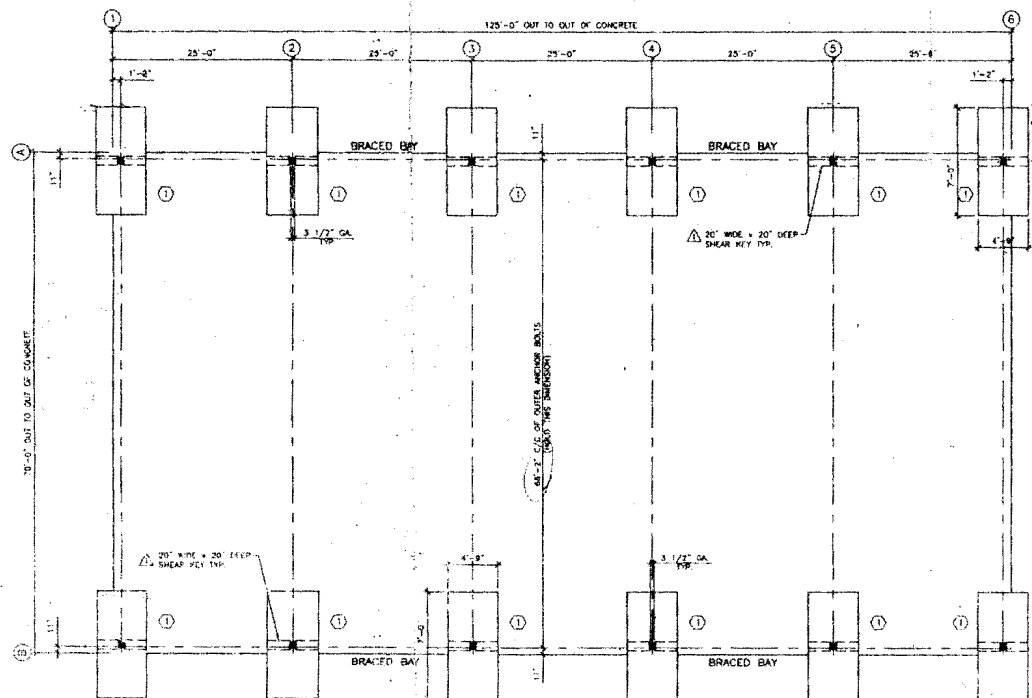
REAR SIDEWALL ELEVATION A

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EXHIBIT # 3
PAGE 3 OF 5

ITEM	DESCRIPTION	QTY	UNIT	PRICE
1	STEEL	1	EA	10.00
2	WOOD	1	EA	5.00
3	CONCRETE	1	EA	15.00
4	PAINT	1	EA	2.00
5	LABOR	1	EA	10.00
6	PERMIT	1	EA	5.00
7	INSURANCE	1	EA	1.00
8	TOTAL			58.00





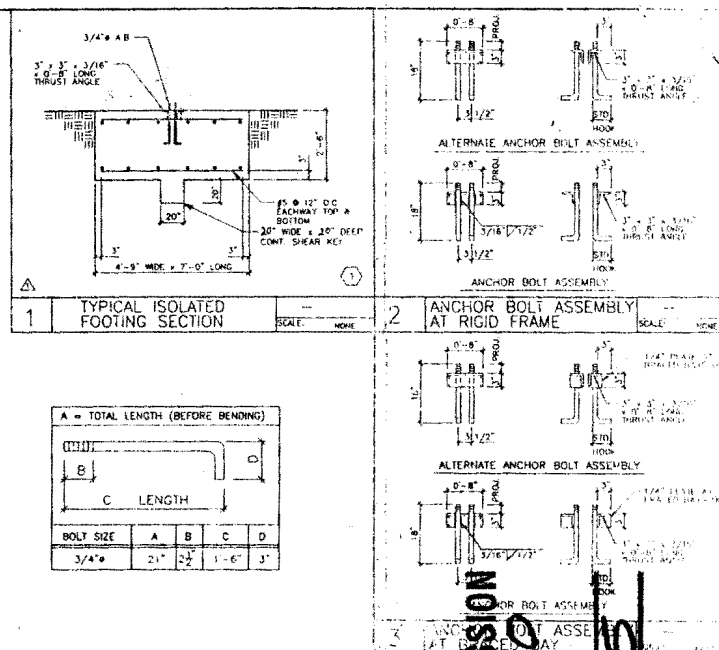
FOUNDATION PLAN

NO SCALE

FOOTING SCHEDULE									
TYPE	SIZE	DEPTH	REINFORCING	REBAR	REBAR	REBAR	REBAR	REBAR	REBAR
1	4'-0" x 7'-0"	2'-0"	3/4" x 8" (4) 3/16" x 3" x 3/16" (4) 3/16" x 3" x 3/16" (4) 3/16" x 3" x 3/16"	3/4"	3/4"	3/4"	3/4"	3/4"	3/4"

NOTE: FOR ANCHOR BOLT SIZE AND LOCATION REFER TO ANCHOR BOLT PLAN PREPARED BY AMERICAN STEEL BUILDING CO., INC. JOB #00-16641

NOTE: THE SOILS ENGINEER SHALL PROVIDE INSPECTION FOR THE FOOTING EXCAVATION



CONCRETE NOTES:

- ALL CONCRETE SHALL WITHSTAND 2500 LBS. PER SQ. IN. MIN. COMPRESSIVE STRESS AT 28 DAYS.
- ALL LOAD BEARING FOOTING SHALL BE A MINIMUM OF 12" (12" x 6" BELOW NATURAL GRADE, ALLOWABLE SOIL BEARING PRESSURE IS 1000 PER SQUARE FOOT PER TABLE 18.1-A 1997 U.B.C.
- CONTRACTOR SHALL INFORM THE ENGINEER OF ANY DISCREPANCIES, OMISSIONS OR ERRORS ON THE PLAN, BEFORE CONSTRUCTION. OTHERWISE, IT SHALL BE DONE AS INTENDED BY THE ENGINEER.
- THE ENGINEER ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION SUPERVISION OR DEVIATION FROM THESE PLANS WITHOUT PRIOR WRITTEN APPROVAL.
- ALL REINFORCING BARS SHALL CONFORM TO ASTM A-615, GRADE 60, LAP A MINIMUM OF 12 DIAMETER AT JOINTS.
- ALL ANCHOR BOLTS SHALL PROJECT FROM THE SAME ELEVATIONS. ALL ANCHOR BOLTS TO CONFORM WITH ASTM A-307.
- ALL CONSTRUCTION SHALL COMPLY WITH THE U.B.C. LATEST EDITION AS ADOPTED BY THE LOCAL AGENCY HAVING JURISDICTION.
- DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- ANY ENGINEERING DESIGN PROVIDED BY OTHERS MUST BE SUBMITTED FOR REVIEW AND SHALL BEAR THE STAMP AND SIGNATURE OF A REGISTERED ENGINEER.
- CONTRACTOR SHALL VERIFY ANCHOR BOLT SIZES, LOCATIONS AND DIMENSIONS WITH METAL BUILDING MANUFACTURER ANCHOR BOLT SETTING PLAN PRIOR TO PLACING OF ANCHOR BOLTS IN CONCRETE.
- ANCHOR BOLTS MUST BE TIED IN PLACE PRIOR TO FOUNDATION INSPECTION.
- ALL CONSTRUCTION JOINTS SHALL BE KEYS OR UNWELED.
- WELDED WIRE MESH SHALL CONFORM TO ASTM A-185.
- ALL PLUMBING, ELECTRICAL OR MISCELLANEOUS STUB OUT SHALL BE A MINIMUM OF NINE INCHES (9") CLEAR OF THE OUTSIDE OF CONCRETE IN ORDER TO CLEAR WALLS.
- 1/4" POWER DRIVEN FASTENERS SHALL BE USED TO SECURE REBAR ANGLE TO THE CONCRETE.
- FOOTINGS SHALL BE CENTERED ON CENTERLINE OF COLUMN ABOVE UNLESS OTHERWISE NOTED.

COASTAL COMMISSION

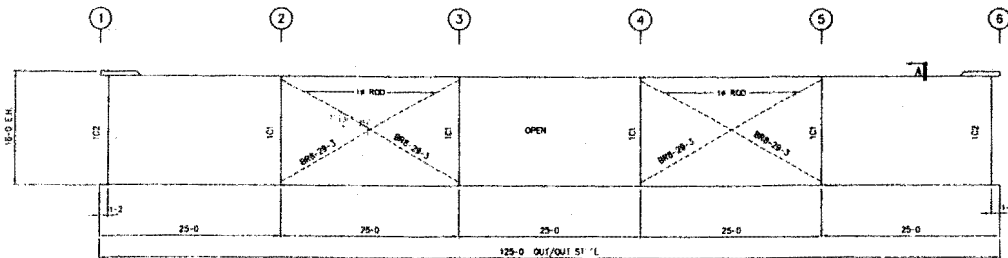
5-02-050

EXHIBIT # 3

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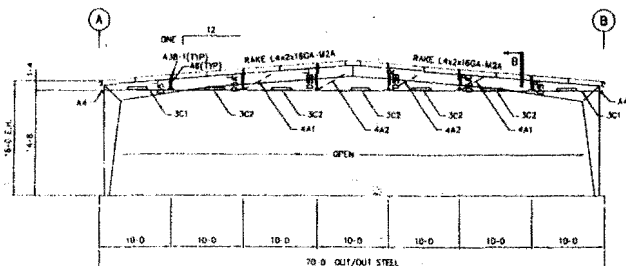


SEP 27 2000



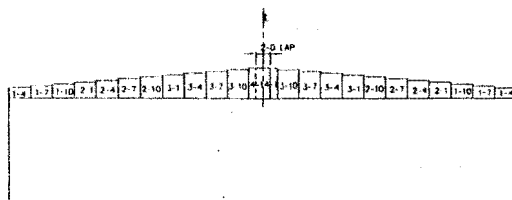
SIDEWALL ELEVATION @ LINE B (AS SHOWN)

SIDEWALL ELEVATION @ LINE A (OPP. HAND)



ENDWALL ELEVATION @ LINE 1 (AS SHOWN)

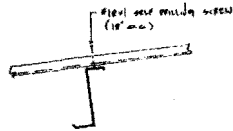
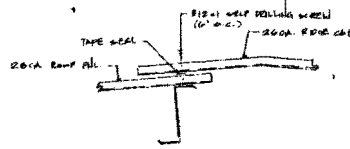
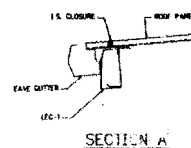
ENDWALL ELEVATION @ LINE 6 (OPP. HAND)



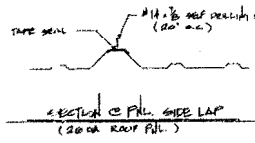
ENDWALL PANEL LAYOUT @ LINE 1 (AS SHN)

ENDWALL PANEL LAYOUT @ LINE 6 (OPP. HAND)

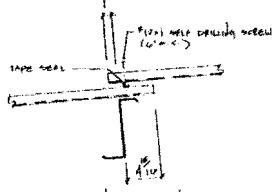
Roof only No Walls



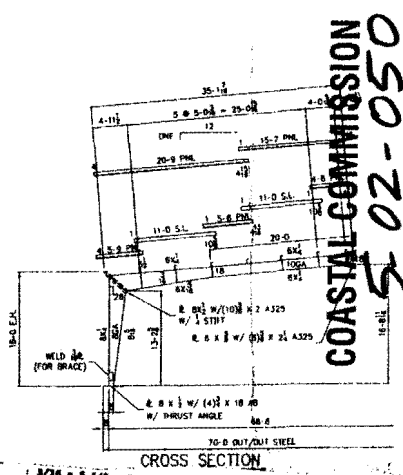
SECTION @ INT. PNL.



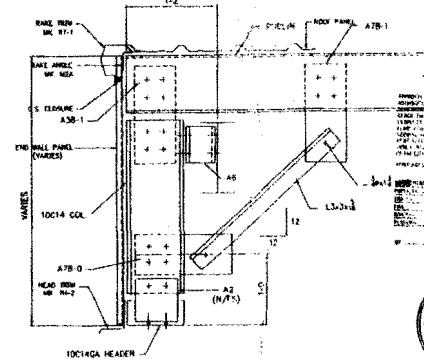
SECTION @ PNL. GIB LAP
(20'00' ROOF PNL.)



SECTION @ PNL. RID LAP
(20'00' ROOF PNL.)



AS : 3/16 x 5 1/2 x 9
ASB : 3/16 x 6 x 1 1/4
ATB : 3/16 x 6 x 1 1/4
AS : 3/16 x 5 1/2 x 9
ASB : 3/16 x 6 x 1 1/4
ATB : 3/16 x 6 x 1 1/4



SECTION B

COASTAL COMMISSION
02-050
EXHIBIT # 3
PAGE 5 OF 5



HOUSTON, TEXAS 77045 PHONE (713) 438-5861



SECTION DRAWING
02-050-00
SLOPE 1:12
REVISIONS
1. 12/1/2020
2. 12/1/2020

PROJECT NO. 02-050
DATE 12/1/2020
BY 12345
CHECKED 12345
APPROVED 12345
12/1/2020