# CALIFORNIA COASTAL COMMISSION

South Coast Area Office \$ 200 Oceangate, Suite 1000 ong Beach, CA 90802-4302 2) 590-5071



12/28/01

180th Day:

2/15/02 6/26/02

Staff:

MV-LBW

Staff Report: Hearing Date:

1/17/02 2/5-8/02

Commission Action:

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER:

5-01-370

**APPLICANT:** 

Warren & Susan Lortie

AGENT:

Carlile Coatsworth Architects, Inc.

PROJECT LOCATION:

1915 Bayside Drive, Corona del Mar (Newport Beach)

**Orange County** 

PROJECT DESCRIPTION: Demolition of existing single family residence and construction of a new, 5182 square foot, two story, 26 foot high, single family residence with an attached 745 square foot. 3-car garage on a harbor front lot.

Lot Area:

6,690 square feet

Building Coverage:

3,054 square feet

Pavement Coverage: 2,836 square feet

Landscape Coverage: 800 square feet

Parking Spaces:

3

Zoning:

R-1

Ht above final grade 26 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 1525-2001.

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

# **SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project subject to two special conditions which are necessary to assure that the project conforms with Sections 30230 and 30231 of the Coastal Act regarding water quality. Special condition No. 1 requires that the applicant submit a landscaping plan that maximizes pervious surfaces and includes native and drought tolerant plants. Special condition No. 2 requires that the applicant submit a drainage plan that directs drainage to pervious areas on site for infiltration.



### **STAFF RECOMMENDATION:**

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

### **MOTION:**

I move that the Commission approve CDP #5-01-370 pursuant to the staff recommendation.

Staff recommends a <u>YES</u> 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.

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 effects on the environment within the meaning of the California Environmental Quality Act.

### II. STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> 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.
- 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Inspections.</u> The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 5. <u>Terms and Conditions Run with the Land.</u> 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. <u>Landscaping Plan</u>

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a landscaping plan that maximizes pervious surfaces (e.g. by increasing the amount of planted areas and/or uses porous pavement or other best management practices that promote infiltration/ground water recharge).

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

### 2. Drainage Plan

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. Drainage that is not retained on-site shall be directed to the street and not allowed to enter the harbor.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

### IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

### A. <u>Project Description and Location</u>

The applicant is proposing to demolish an existing single family residence and construct a new, 5,182 square foot, two story, 26 foot high, single family residence with an attached 745 square foot, 3-car garage on a harbor front lot.

The subject site is fronts on a sandy, public beach within Newport Harbor (Lower Newport Bay). The site is set well back from the water (see exhibit B). The nearest public access is located at the sandy public beach adjacent to the site.

## B. Water Quality

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Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

### Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project is located adjacent to a sandy beach within Newport Harbor (Lower Newport Bay). Newport Bay is a critical coastal water body on the federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means that water quality within the water body does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal of "fishable, swimmable" waters. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which includes Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Development adjacent to coastal waters has the potential to impact water quality and marine resources. The bay provides an opportunity for water oriented recreation and also serves as a home for marine habitat. The coastal recreational activities and the sensitivity of the bay habitat necessitate that water quality issues are addressed during the review of this project.

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution results in decreases in the biological productivity of coastal waters.

Typically, water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas where

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pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality.

The proposed landscaping and grading/drainage plans indicate that the rear (street side) of the lot is proposed to be developed with pervious material. The area on either side of the driveway is described on the plan as "decorative porous paving material such as interlocking pavers." In addition, the driveway is described on the plan as "decorative, concrete, 4' x 4' grid pattern with exposed aggregate finish to increase filtration of drainage run-off." The courtyard/pool area is proposed as a combination of planted areas and hardscape. The western side yard is proposed to have plantings and stepping stones placed in decorative rocks. The front yard (seaward side) as well as the eastern side yard are proposed to be primarily hardscape with a few small planting pockets.

The use of pervious material at the rear and side yards is commendable. However, in reviewing the grading/drainage plan, it appears that the total amount of proposed permeable area is less than what currently exists at the site. It appears that close to half of the existing front yard is currently landscaped, as well as most of the rear yard. The front yard is proposed to be converted almost entirely to impervious hardscape. Additionally, it is not clear what "decorative, concrete, 4' x 4' grid pattern with exposed aggregate finish to increase filtration of drainage run-off" is or how it would increase infiltration. Even when considering the proposed driveway as pervious area, there is an overall decrease in permeable area.

The eastern side yard could easily be developed in the same manner proposed for the western side yard, with stepping stones in decorative rock. By doing so the pervious area would be significantly increased. In addition, more of the front yard should be retained as pervious area. This could be done by converting some of the area proposed to be hardscape to pervious surfaces such as gravel, turf block pavers, or brick areas set in sand with permeable joint materials such as sand. Some hardscape is acceptable, but if the entire front yard is impervious, water infiltration will not be maximized. Maximum infiltration is necessary to reduce the amount of water that flows off-site, unfiltered into the storm drain and ultimately to the harbor and ocean.

The proposed landscape plan would not result in the maximum amount of on site infiltration practicable, which in turn does not maximize water quality as required by Section 30230 and 30231 of the Coastal Act. Special condition No. 1 requires that a revised landscape plan be submitted. The revised landscape plan should indicate that the total amount of pervious area at the site would increase; particularly with regard to the front and eastern side yard. In addition, the revised landscape plan should clarify what material is to be used for the driveway and what makes it pervious.

The proposed grading/drainage plan indicates that the drainage from the front yard hardscape area will be directed off site to an adjacent lawn area located within the public area. It is not acceptable to direct the drainage off site. The applicant has no control over whether that area will remain permeable grass area. In order to assure that the drainage is filtered through permeable areas, the drainage must be collected on site and directed through on-site permeable area to the maximum extent practicable. Further, there must be an assurance that any drainage that is directed off site is directed to the street and not onto the public grass area adjacent to the public beach.

As proposed, the Commission cannot find that the project will protect coastal water quality and the related marine resources and biological productivity. Therefore, as a condition of approval, that

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applicant shall submit for the review and approval of the Executive Director, revised landscape and drainage plans. These plans should document that the amount of pervious surface is maximized and that the runoff from the roof, driveway and other impervious surfaces are collected and directed onto pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. And that any drainage that is directed off site is directed to the street and not toward the beach and the harbor. As conditioned, the Commission finds that the proposed development is consistent with Sections 30230 and 30231 which require that coastal water quality be maintained and enhanced.

## C. Land Use Plan

Section 30604 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 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

### D. California Environmental Quality Act

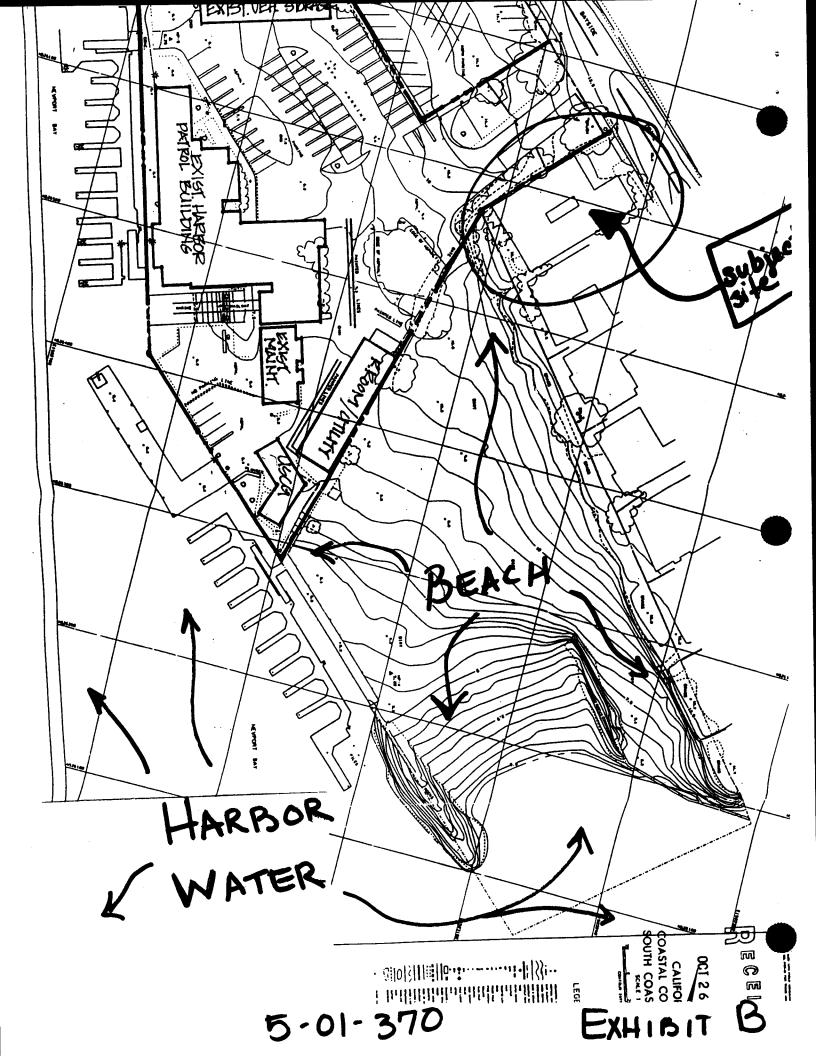
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

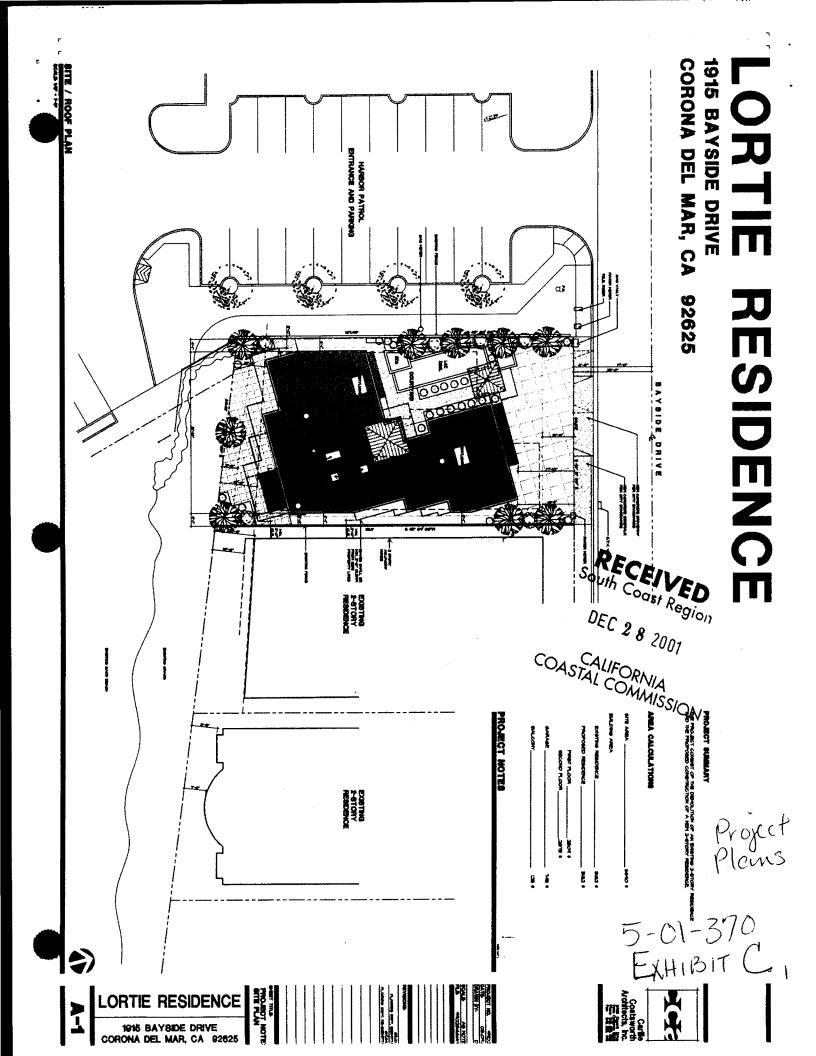
The proposed project is located in an urban area. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the water quality policies of Chapter 3 of the Coastal Act. The special conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring submittal of drainage and landscaping plans will minimize any significant adverse effects that the activity may have on the environment.

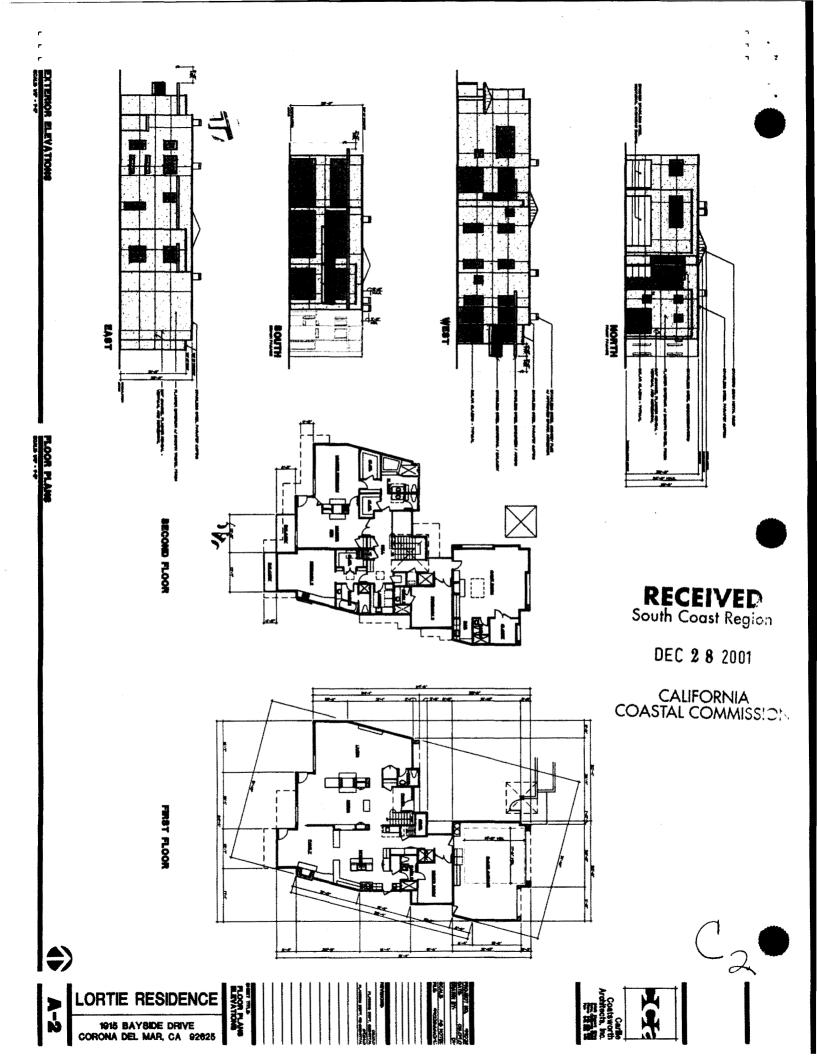
There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



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BAYSIDE DRIVE STATE OF THE PARTY EXISTING 2-STORY RESIDENCE HARBOR PATROL ENTRANCE AND PARKING PROPOSED 2-STORY RESIDENCE HARBOR PATROL

CONCEPTUAL LANDSCAPE / HARDSCAPE MASTER PLAN

PLANTING LEGEND











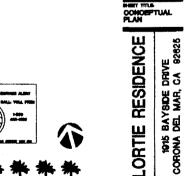






SCOTT PETERSON, A.S.L.A.

COASTAL COMMISSION SUBMITTAL 12-14-01







16' SCALE: 1'=8'-0"

dreimage/grading



BAYSIDE Bin /

P.O. BOX 1768, NEWPORT BEACH, CA 92659-1768 CITY OF NEWPORT BEACH - BUILDING DEPARTMENT

**2** 8 2001

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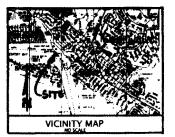
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BENCHMARK:

PREPARED BY DUCA - McCOY, INC

## **GRADING PLAN**

1915 BAYSIDE DRIVE CORONA DEL MAR, CALIF.

LEG DESCR : LOT 1 OF TRACT NO. 2094