

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
1000 Ocean Gate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 500-5074

Filed: June 5, 2002  
49th Day: July 24, 2002  
180th Day: December 2, 2002  
Staff: FSY-LB FSY  
Staff Report: August 22, 2002  
Hearing Date: September 9-13, 2002  
Commission Action:

**TUES 4a****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-01-451**APPLICANT:** Mr. & Mrs. Christopher Walton**AGENT:** Charles Walton**PROJECT LOCATION:** 235 Canal Drive, City of Newport Beach, County of Orange**PROJECT DESCRIPTION:** Construct a two story single family residence with an attached two-car garage. Approximately 233 cubic yards of grading will be performed for purposes of recompaction and will be balanced on site.**RECORD PACKET COPY****SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing to construct a new single-family residence on a vacant lot adjacent to a wetland (Semeniuk Slough) in Newport Beach. The major issues of this staff report concerns waterfront development that could result in the potential discharge of construction materials and urban runoff into coastal waters.

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions requiring: 1) submittal of and conformance with a construction staging plan; 2) conformance with certain requirements related to the storage and management of construction debris and equipment; 3) submittal of a Drainage and Run-Off Control Plan; and 4) adherence to requirements for exterior lighting at the rear of the parcel.

**SUBSTANTIVE FILE DOCUMENTS:** Coastal development permits 5-00-359 (Debonis & Faubion Construction); 5-00-3609 (Debonis & Faubion Construction); Letter from staff to Charles Walton dated December 26, 2001; Letter from Charles Walton to staff dated February 27, 2002; Letter from staff to Charles Walton dated March 29, 2002; Letter from the California Regional Water Quality Control Board (RWQCB) dated April 11, 2002; Letter from the United States Department of the Interior, Fish and Wildlife Services received April 19, 2002; Email from the California Department of Fish and Game dated April 19, 2002; Letter from Charles Walton to staff dated June 1, 2002; *Drainage Assessment, 235 Canal St., Newport Beach, CA* by Frederick J. Kauppi dated May 24, 2002; *Storm Water Pollution Prevention Plan* received June 5, 2002; and *Preliminary Geotechnical Investigation For Foundation Design and Site Development, Single-Family Residence, 235 Canal Street, Newport Beach, California. (Project No: 71247-00/ Report No: 02-3886)* by Geofirm dated January 29, 2002.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval-in-Concept dated November 19, 2001.

**LIST OF EXHIBITS**

1. Location Map
  2. Assessor's Parcel Map
  3. Site Plan
  4. Floor Plans
  5. Elevations
  6. Roof Plan
  7. Sections
  8. Grading/Landscaping Plan
- 

**I. STAFF RECOMMENDATION, MOTION AND RESOLUTION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions by making the following motion and adopting the following resolution.

**MOTION:**

*I move that the Commission approve CDP No. 5-01-451 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

**RESOLUTION TO APPROVE PERMIT APPLICATION 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. Staging Area for Construction

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittees shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands.

1. The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
- (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to wetlands.

2. The plan shall include, at a minimum, the following components:

(a) A site plan that depicts:

- (1) limits of the staging area(s);
- (2) construction corridor(s);
- (3) construction site;
- (4) location of construction fencing and temporary job trailers with respect to existing wetlands.

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

#### 2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. All BMPs shall be maintained in a functional condition throughout the duration of the project.

Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone.

**3. Drainage and Run-Off Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for review and approval of the Executive Director, a drainage and runoff control plan showing roof drainage and runoff from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants which are non-invasive.
- B. The permittees 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.

**4. Lighting**

Exterior lighting at the rear of the parcel (i.e., Semeniuk Slough) shall be contained within the boundaries of the parcel by the use of lights that are shielded and directed downward.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. PROJECT DESCRIPTION AND LOCATION**

The project site is located at 105 Canal Street in the City of Seal Beach, Orange County (Exhibits #1-2). The site faces upon the tidally influenced Semeniuk Slough located inland of Pacific Coast Highway. Semeniuk Slough is a remnant channel of the Santa Ana River, which formed when the Santa Ana River entered Newport Bay in the vicinity of present day River Avenue. Semeniuk Slough branches off the Santa Ana River and receives water from the Banning Channel and adjacent oil fields, wetlands and upland areas. While Semeniuk Slough is tidally influenced, there is presently no open boating passage between the slough and the bay or ocean. Semeniuk Slough is a wetland considered an environmentally sensitive habitat area and unique coastal resource in the City's Certified Land Use Plan.

The subject site is a vacant approximately 26' x 85' parcel of land within an existing developed residential community. The site is relatively flat and is flanked on the east by a residence, on the west by another residence, on the south by Canal Street, and to the north by Semeniuk Slough. Semeniuk Slough is within the City of Newport Beach and is designated as Recreational and Environmental Open Space in the certified Land Use Plan. The land on the far side of the slough is relatively undeveloped where there are wetlands and some oil production facilities. This relatively vacant land is within unincorporated Orange County and is part of the approximately 75 acre area known as the Newport Ranch. Vertical public access to the slough is available approximately 60 feet east at the end of Lancaster Street. Lateral public access along the slough between the slough and the adjacent residences is possible but limited because the existing residences are located within feet of the water. The City's certified Land Use Plan indicates that lateral public access along the slough is present on the far (north) side.

The proposed project will consist of construction of an approximately 24 foot high, two story, 2,650 square foot single family residence with an attached 451 square foot, two-car garage on a vacant lot (Exhibits #3-8). Approximately 233 cubic yards of grading will be performed for purposes of recompaction and will be balanced on site.

The residential lots adjacent to Semeniuk Slough were created in the late 1940s. The subject site is one of a very few vacant lots remaining in the subdivision. Accordingly, the subject development is infill development. The Commission and its predecessor, the California Coastal Zone Conservation Commission, have consistently approved residential development on these lots since the Commission's inception in 1972.

##### **B. DEVELOPMENT**

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

**C. BIOLOGICAL RESOURCES**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

**D. PUBLIC ACCESS**

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.

**E. WATER QUALITY**

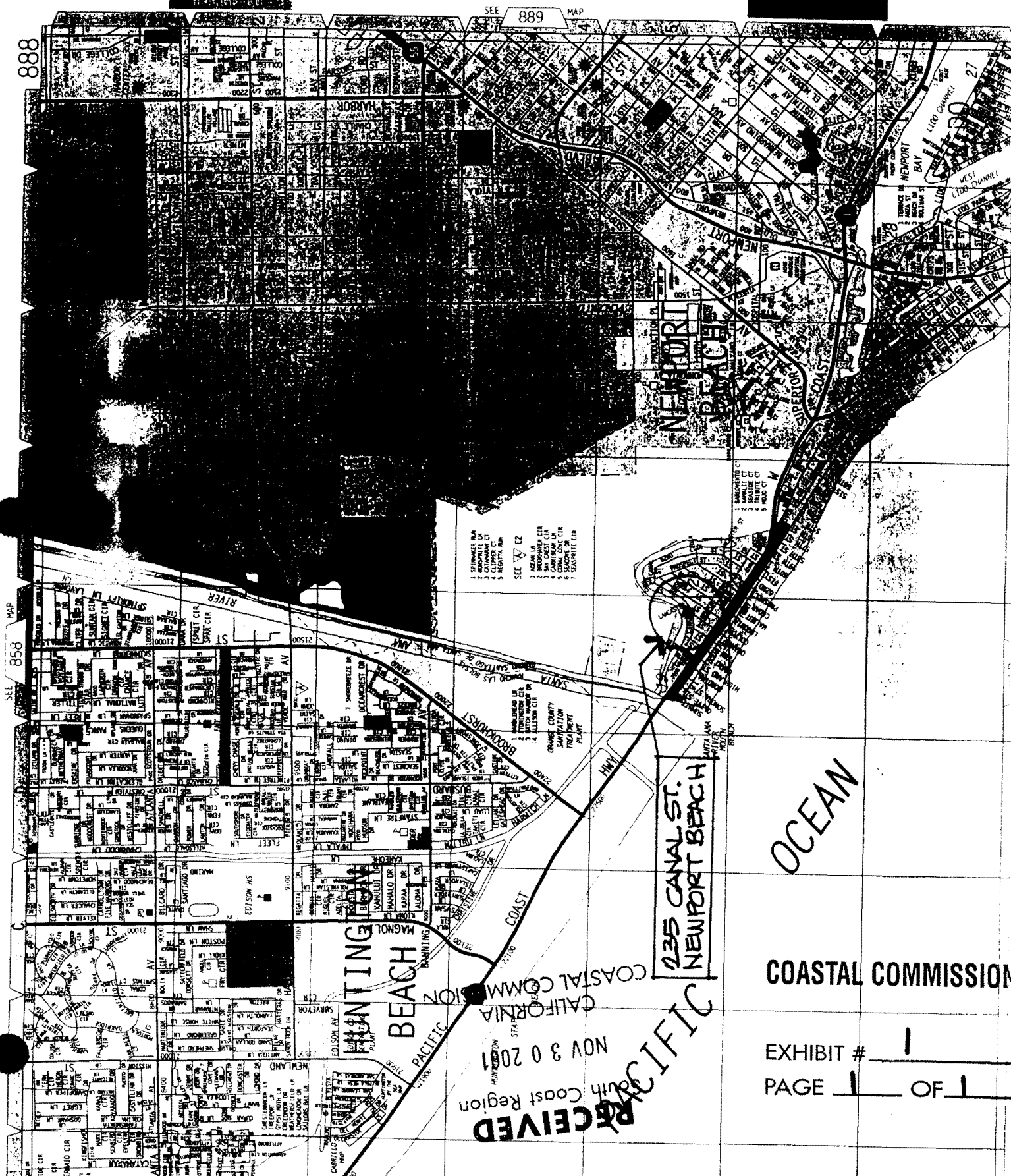
The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These 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.

**F. LOCAL COASTAL PROGRAM**

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.

**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.



888

SEE 889 MAP

SEE 858 MAP

- SEE E2
- 1. SHIMMER MAP
  - 2. CAYANNA CT
  - 3. CLIPPER CT
  - 4. ELEGANT DR
  - 5. ELEGANT DR
- SEE E2
- 1. AGUA
  - 2. BROADVIEW CIR
  - 3. BAY CREST CIR
  - 4. BAYVIEW DR
  - 5. CORAL COVE CIR
  - 6. SEASIDE DR
  - 7. SUGARHILL CIR

235 CANAL ST.  
NEWPORT BEACH

OCEAN

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EXHIBIT # 1  
PAGE 1 OF 1

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 FERN ST  
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 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47  
 BOULEVARD  
 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47  
 ORANGE STREET  
 2 3 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47  
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EXHIBIT # 2  
PAGE 1 OF 1



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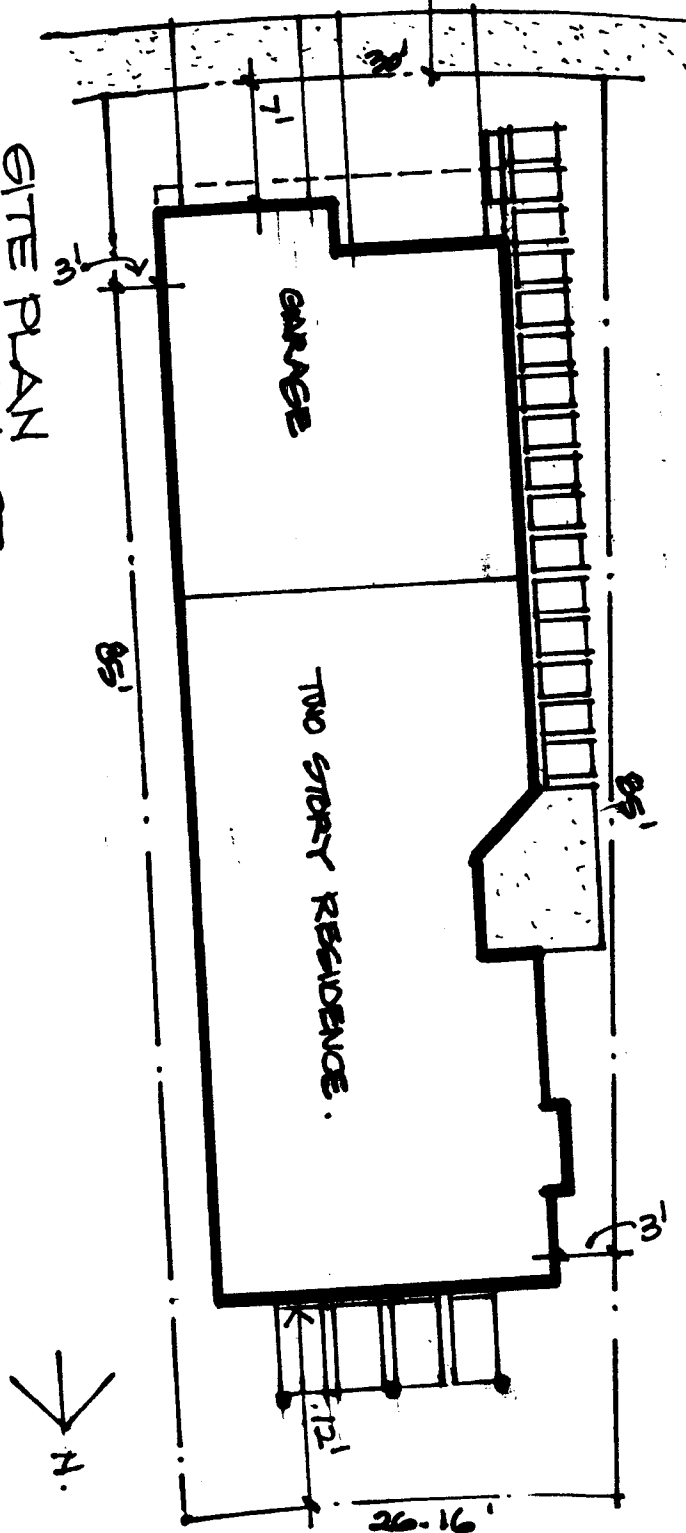
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SITE PLAN  
235 CANAL ST.  
NEWPORT BEACH



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EXHIBIT # 3  
PAGE 1 OF 1



Architects: Planning - Interior Design  
 120 Adler Avenue, Suite 200  
 Glendale, California 91201  
 Tel: 818 240 1416  
 Fax: 818 240 1933

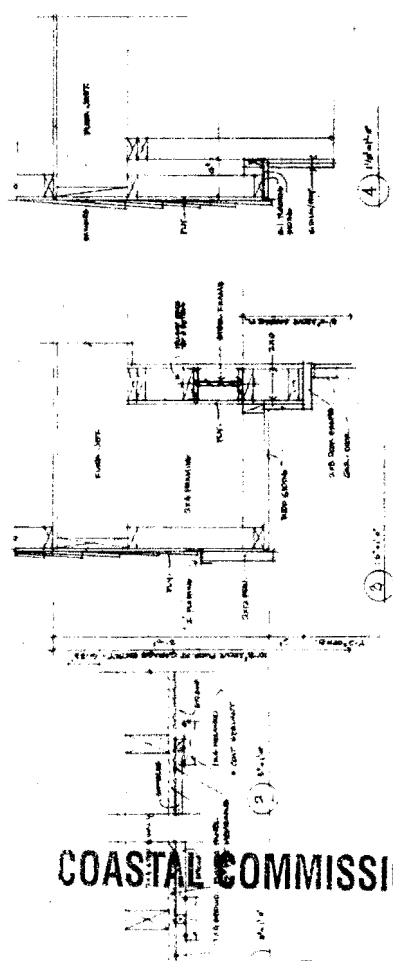
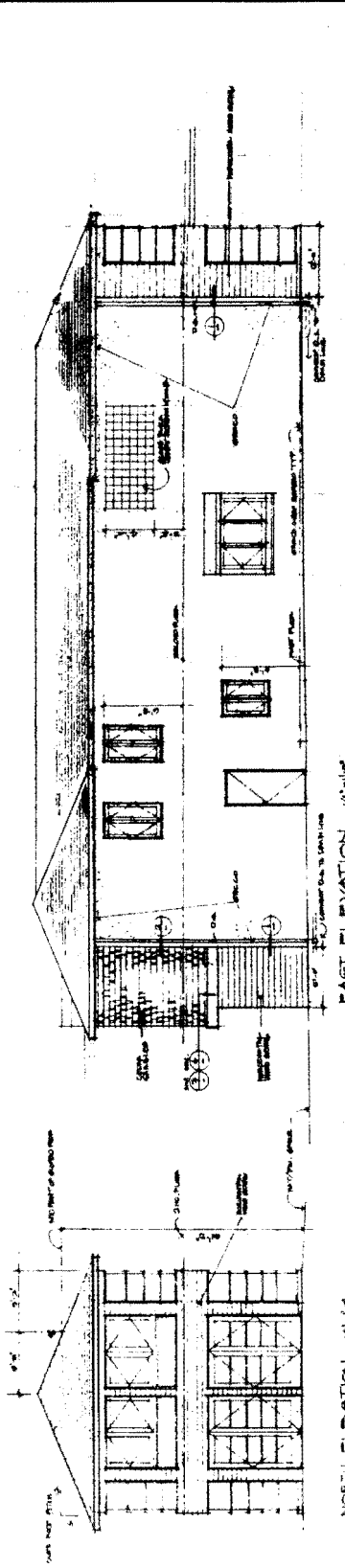
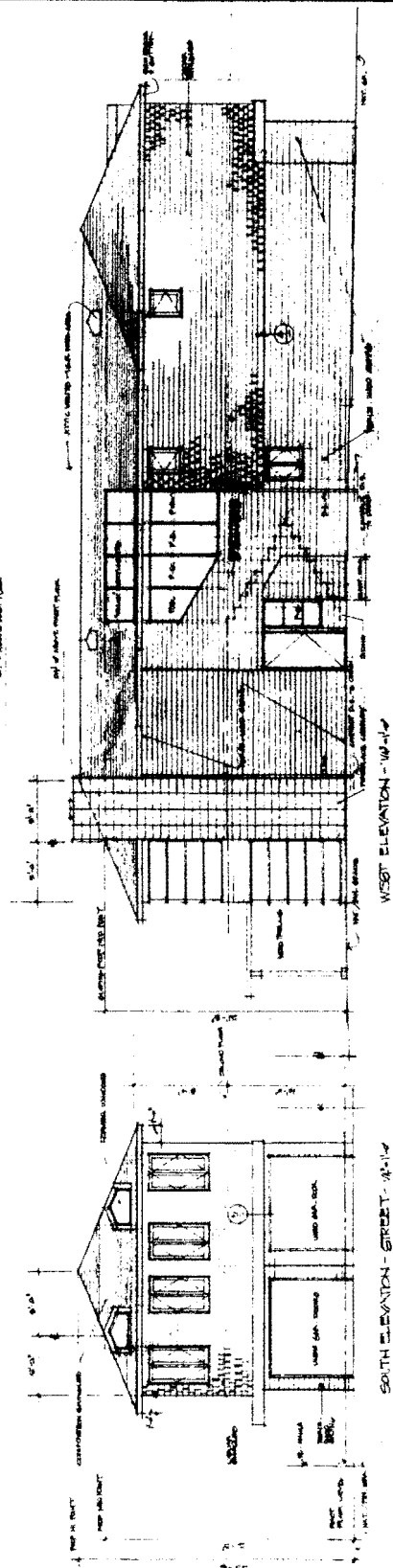
Project: SHAW'S RESIDENCE  
 Owner: M. M. CHRISTOPHER WALTON  
 Address: 425 CANAL ST. NEWPORT BEACH, CA

Sheet Title: EXTERIOR ELEVATIONS

Revisions	Date



Sheet No. 3 of 10 Sheets  
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Architect: Planning - Bureau One  
150 Alhambra Avenue, Suite 200  
Orange, California 92667  
Tel: 714/951-1516  
Fax: 714/951-1517

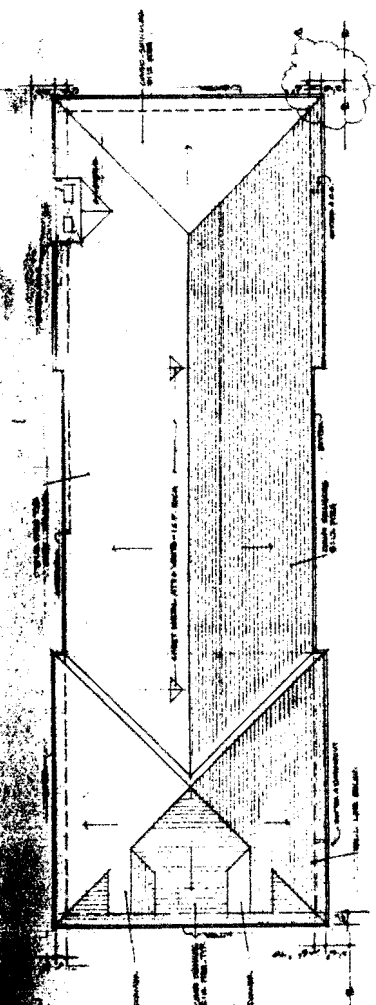
Project: MRS. M. M. WALTON  
RESIDENCE  
4355 CANAL ST.  
REDWOOD CITY, CA.

NOV 198  
ROOT  
PLAN  
REFLECTED  
CEILING

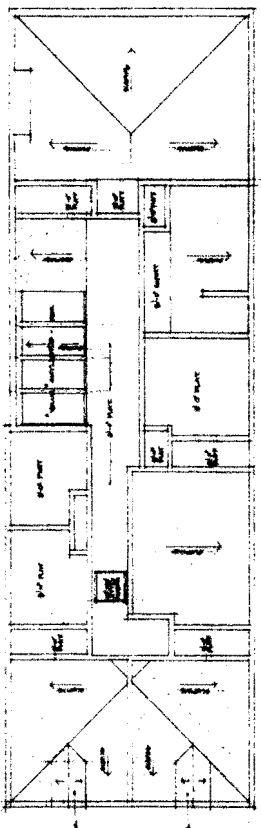
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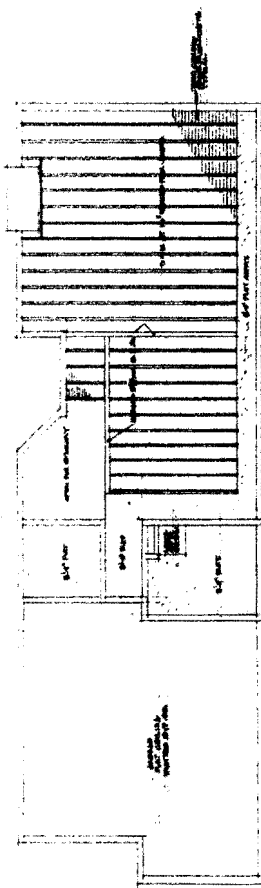
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Checked  
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ROOT PLAN - 1/8" = 1'-0"



REFLECTED CEILING - SECOND FLOOR - 1/8" = 1'-0"



REFLECTED CEILING - FIRST FLOOR - 1/8" = 1'-0"

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EXHIBIT # 6  
PAGE 1 OF 1

Architect: Planning - Interior D.  
 20 John Avenue, Suite 200  
 Costa Mesa, California 92626  
 (714) 440-5416  
 Fax (714) 440-5417

Client: E.  
 Residence  
 Mr. & Mrs.  
 CHRISTOPHER  
 WALTON

225 SANDHURST  
 REMOVED

SECTION  
 SECTION

1. 1/4" = 1'-0"  
 2. 1/4" = 1'-0"  
 3. 1/4" = 1'-0"  
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SECTION 1  
 1/4" = 1'-0"

SECTION 2  
 1/4" = 1'-0"

SECTION 3  
 1/4" = 1'-0"

NOTES: SEE PLANS FOR NOTES AND  
 SPECIFICATIONS.

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EXHIBIT # 7

PAGE 1 OF 1

JUN 5 2002

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UTILITY NOTES:  
 BASED ON EXISTING  
 RECORD DRAWINGS  
 AND FIELD SURVEY  
 TO BE CORRECTED  
 TO CURRENT CONDITIONS

GRADING AND PLOT PLAN - 11/1/01

EARTH QUANTITIES  
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 FILL: 286 CY  
 TOTAL: 572 CY

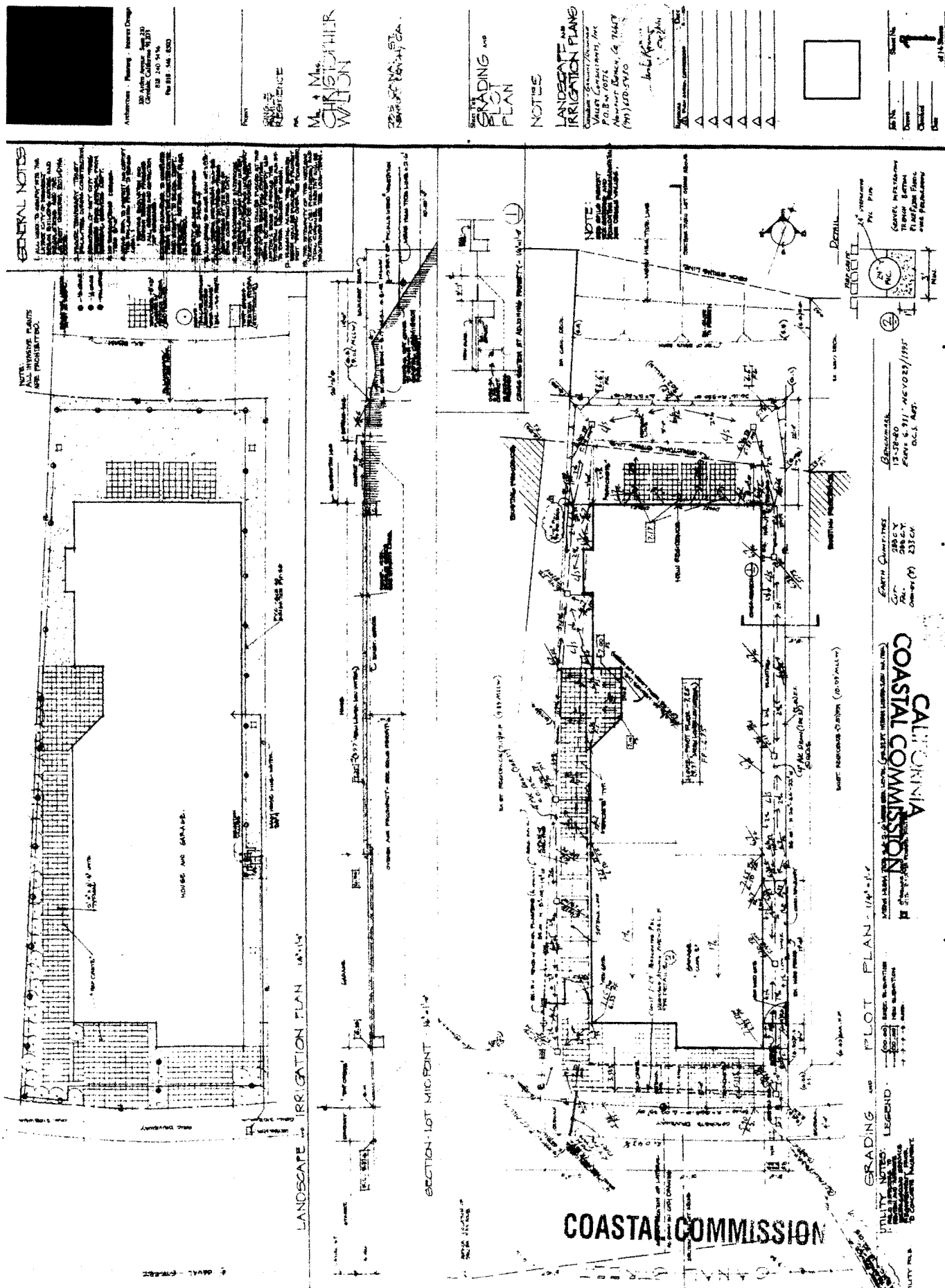
BRUSHING  
 15-20-40  
 PLANT: 6-911-161022/1997  
 D.C.S. AG.

CONVEYING MATERIALS  
 THROUGH EXISTING  
 PIPELINES  
 AND STRUCTURES

1

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EXHIBIT # **8**  
 PAGE **1** OF **1**



**NOTES:**  
 1. ALL EXISTING UTILITIES ARE SHOWN.  
 2. ALL EXISTING PLANTS ARE PROTECTED.  
 3. ALL NEW PLANTS ARE TO BE PLANTED AS SHOWN.  
 4. ALL EXISTING STRUCTURES ARE TO BE MAINTAINED.  
 5. ALL NEW STRUCTURES ARE TO BE CONSTRUCTED AS SHOWN.  
 6. ALL EXISTING DRIVEWAYS ARE TO BE MAINTAINED.  
 7. ALL NEW DRIVEWAYS ARE TO BE CONSTRUCTED AS SHOWN.  
 8. ALL EXISTING FENCES ARE TO BE MAINTAINED.  
 9. ALL NEW FENCES ARE TO BE CONSTRUCTED AS SHOWN.  
 10. ALL EXISTING LANDSCAPING IS TO BE MAINTAINED.  
 11. ALL NEW LANDSCAPING IS TO BE CONSTRUCTED AS SHOWN.  
 12. ALL EXISTING IRRIGATION SYSTEMS ARE TO BE MAINTAINED.  
 13. ALL NEW IRRIGATION SYSTEMS ARE TO BE CONSTRUCTED AS SHOWN.  
 14. ALL EXISTING GRADING IS TO BE MAINTAINED.  
 15. ALL NEW GRADING IS TO BE CONSTRUCTED AS SHOWN.

**LANDSCAPE AND IRRIGATION PLAN**  
 1. ALL EXISTING UTILITIES ARE SHOWN.  
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**GRADING AND PLOT PLAN**  
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 15. ALL NEW GRADING IS TO BE CONSTRUCTED AS SHOWN.

**RESIDENT**  
 M. & M. CHRISTIAN  
 200 S. 10th St.  
 Santa Ana, CA 92701  
 (714) 244-8800

**ARCHITECT**  
 M. & M. CHRISTIAN  
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