

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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RECORD PACKET COPY**TUES 4b**

Filed: July 19, 2002
49th Day: September 6, 2002
180th Day: January 15, 2003
Staff: FSY-LB FSY
Staff Report: August 22, 2002
Hearing Date: September 9-13, 2002
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-02-060**APPLICANT:** Newport Shores Community Association, Attn: William Guidero**AGENT:** N/A**PROJECT LOCATION:** 511 Canal Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Demolish an existing private community clubhouse and construct a new community clubhouse, which includes a pool, recreation center and associated amenities. Approximately 68 cubic yards of grading will be performed for purposes of recompaction and will be balanced on site.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing demolish an existing private community clubhouse and construct a new community clubhouse on a 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); 5-00-360 (Debonis & Faubion Construction); Letter from the staff to William Guidero dated April 3, 2002; Letter from William Guidero to staff dated June 12, 2002; Letter from staff to William Guidero dated July 10, 2002; Letter from William Guidero to staff dated July 18, 2002.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept dated February 16, 2002; City of Newport Beach Planning Department Staff Approval dated November 16, 2001 and County of Orange, Health Care Agency, Regulatory Health Services, Environmental Health dated July 5, 2002.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Floor Plan
 4. Roof Plan
 5. Sections
 6. Elevations
 7. Grading Plan
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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. 5-02-060 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 permittee 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 permittee 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 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 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 applicant 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 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.

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 511 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 community pool and recreation center within an existing developed residential community, which has an existing clubhouse. The site is relatively flat and is flanked on the west by a residence, on the south by Canal Street, and to the north and east by the 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 on site and at the Canal Street, street end located to the southeast of the project site. Lateral public access is also available on site and along the slough between the slough and the adjacent residences, but it is 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 demolition of an existing 2,200 square foot clubhouse and construction of a new approximately 20' high, 1,770 square foot clubhouse at a community pool and recreation center (Exhibits #3-7). Construction will also consist of: a storage area, bike racks, foot wash, outdoor showers, barbeques and planters (Exhibit #3). In addition, replacement of an approximately 6-8' high existing chain link fence/block wall fence with an approximately 6-8' high arched iron rod fence separating the pool from the beach area and abandonment of an existing concrete swale will take place (Exhibit #7). Approximately 68 cubic yards of grading will be performed for purposes of recompaction and will be balanced on site.

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

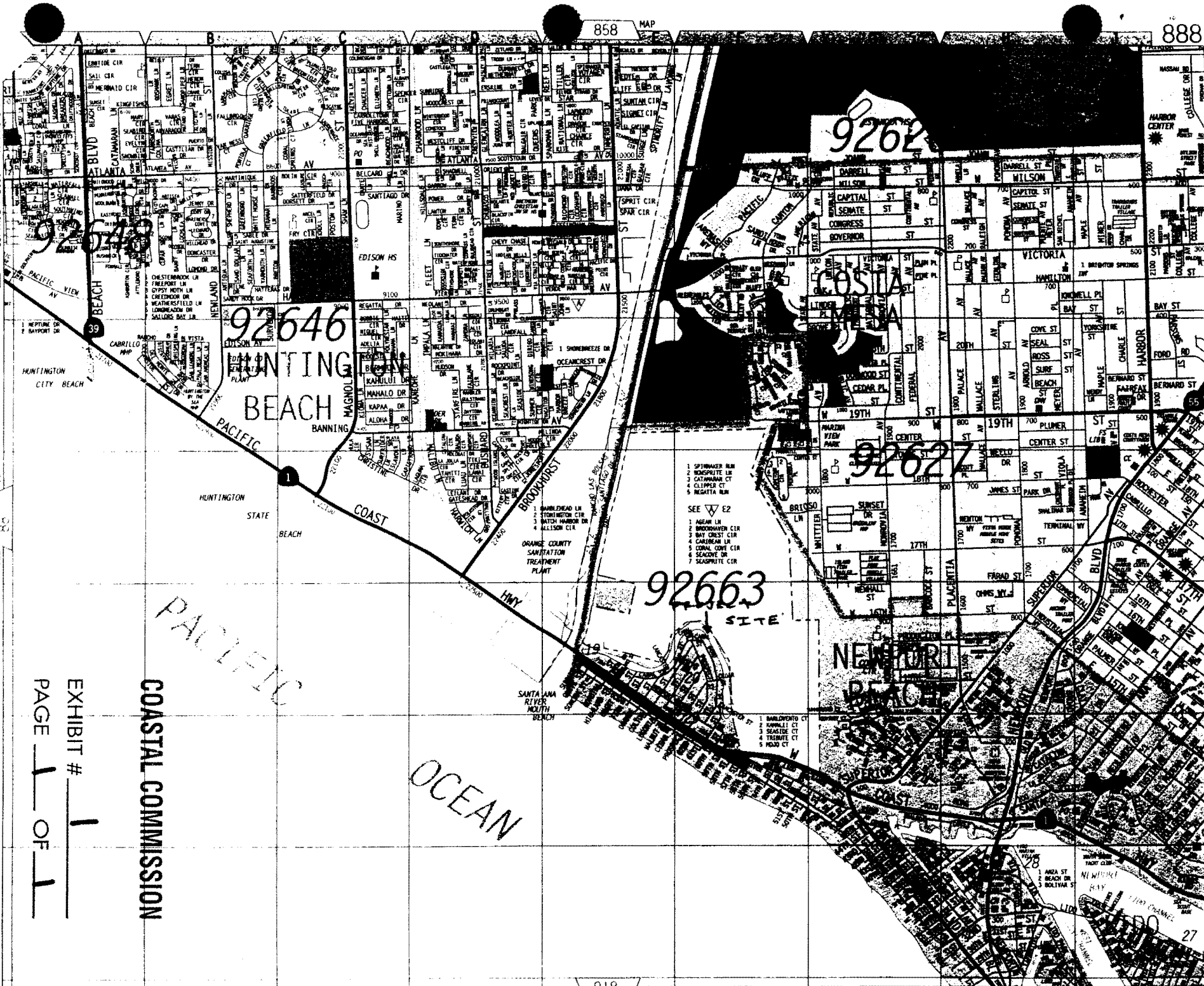
The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, 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.

EXHIBIT # 1
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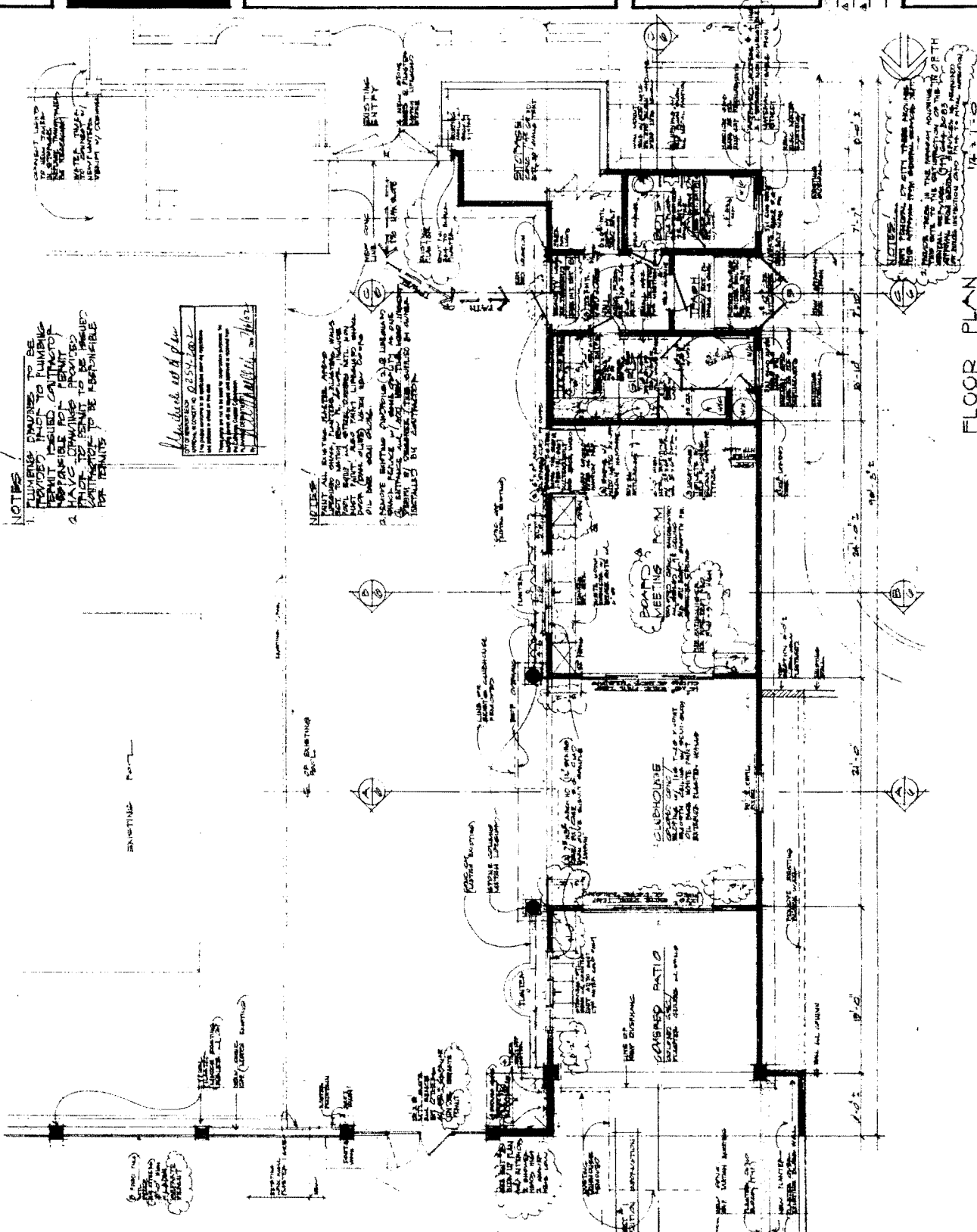
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NOTES:
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE PERMITTING AGENCIES.
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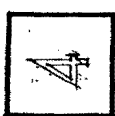
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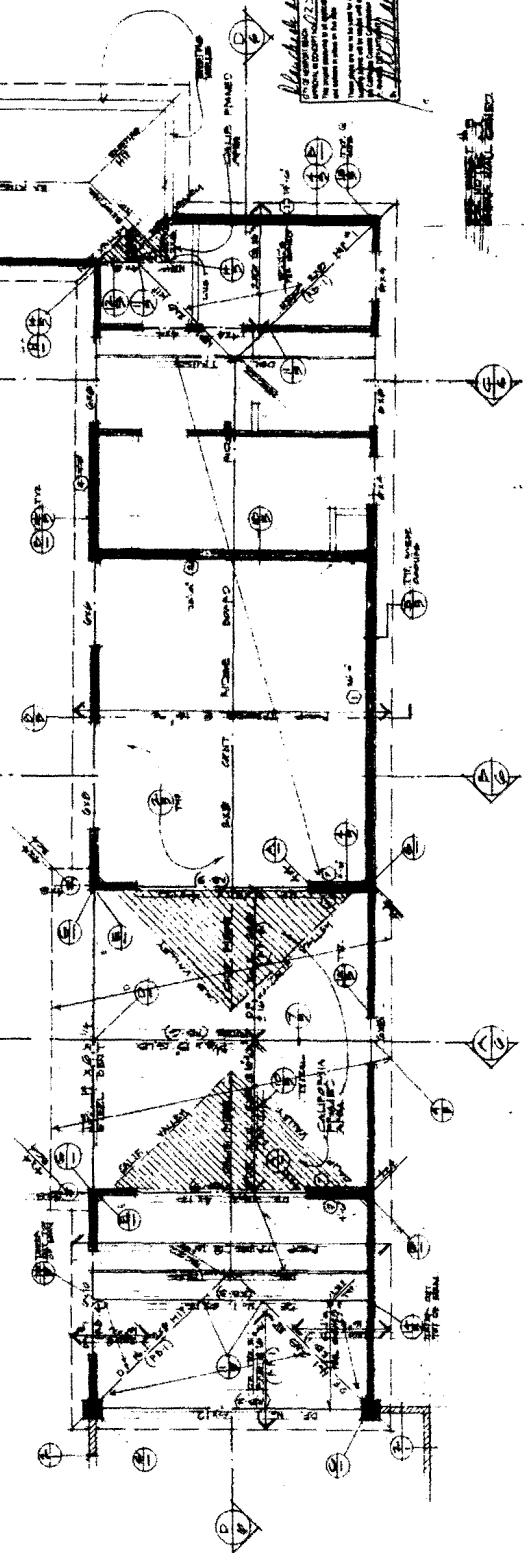
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ROOF FRAMING PLAN 1/4"

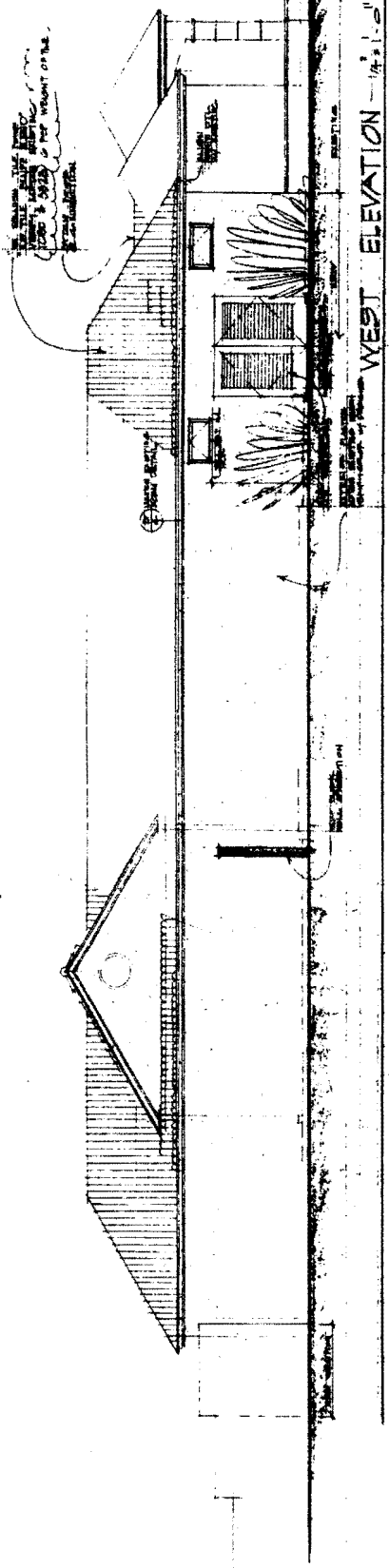
<p>A SHEAR WALL HEADER</p>	<p>D STL. BENT. N.T.C.</p>
<p>B PAVE DET.</p>	<p>C STL. COLUMN</p>
<p>E STL. CONN. N.T.C.</p>	<p>F DROPPED BM. AT WALL</p>
<p>G PLATE JUMP</p>	<p>H DRAG STRAP</p>



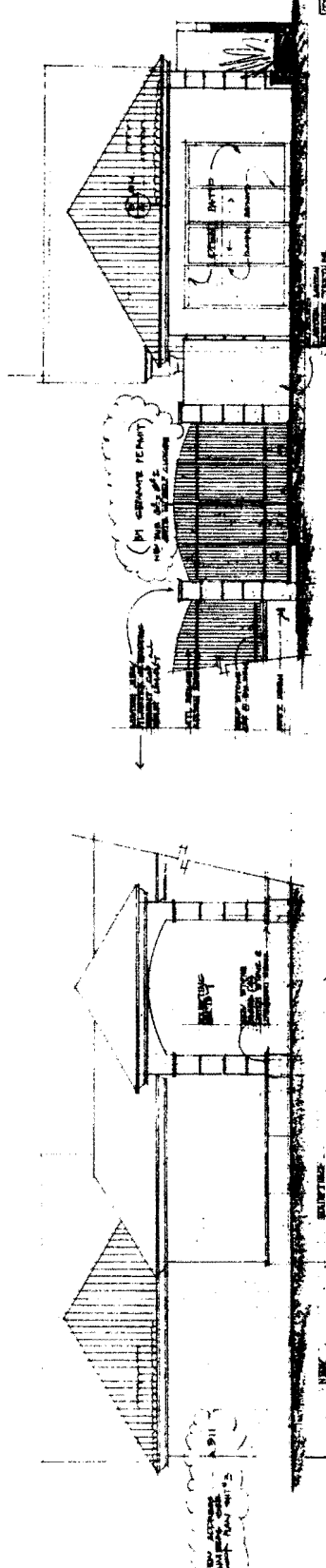
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EXHIBIT # 4

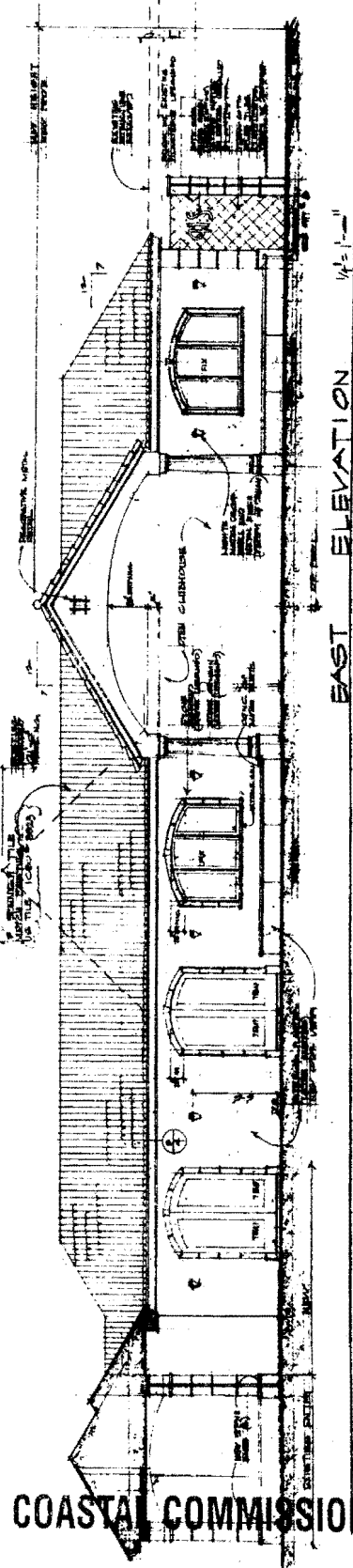
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WEST ELEVATION 1/4" = 1'-0"



NORTH ELEVATION 1/4" = 1'-0"



EAST ELEVATION 1/4" = 1'-0"

SOUTH ELEVATION 1/4" = 1'-0"

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