

CALIFORNIA COASTAL COMMISSION

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



Th 4 g

Filed: 10/10/03
49th Day: 11/28/03
180th Day: 4/7/03
Staff: MV-LB
Staff Report: 11/20/03
Hearing Date: 12/10-11/03
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-03-432

APPLICANTS: MARK ROBINSON

AGENT: Leslie Persohn, Caroden Group

PROJECT LOCATION: 103 Bayside Place, Newport Beach, Orange County

PROJECT DESCRIPTION: Remodel and addition of 2,588 square feet (including a 123 square foot "sun room" and 323 square foot roof deck at the new, proposed third story) to an existing 4,121 square foot, two story, single family residence. The maximum height of the proposed structure will be 28 feet above finished and existing grade. A new 207 square foot, single car garage is proposed in addition to the existing 486 square foot, two car garage. Also proposed is new landscaping and drainage improvements.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval Concept (No. 0808-2003) dated October 3, 2003; Modification Permit MD2003-065; and Use Permit UP2003-022.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing a major addition and remodel to an existing harbor front home. The major issue of this staff report concerns assuring that the applicant is aware that future improvements at the site will require additional review and that the proposed landscaping be, in addition to the proposed low water use, also be non-invasive and preferably primarily native to coastal Orange County. Staff is recommending **APPROVAL** of the proposed project subject to two special conditions which 1) alert the applicant to the requirement that future development at the site will require an amendment to this permit or approval of a new coastal development permit; and 2) requires submittal of a revised drainage/landscape plan indicating that, in addition to the water quality measures proposed the landscaping shall be primarily plants native to coastal Orange County or non-native drought tolerant plants that are non-invasive.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit A-11-15-77-2301 (Deane); City of Newport.Beach certified Land Use Plan.

STAFF RECOMMENDATION:

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

MOTION: I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL 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. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-03-432. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-03-432. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-03-432 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. 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 plants native to coastal Orange County 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION, LOCATION AND PAST PERMIT

The applicant is proposing a major remodel of and addition to an existing single family residence. The proposed addition will constitute approximately 63% of the existing residence. Development proposed includes a 142 square foot addition to the existing 3,000 square foot first floor; 2,323 square foot addition to the existing 1,121 square foot

second floor, a 123 square foot new third floor, and 323 square foot roof deck. The resultant structure will be a 6,709 square foot, 28 feet high, three story single family residence. In addition to the existing 486 square foot, two car garage, a new 207 square foot single car garage is proposed. Also proposed are new landscaping and drainage improvements.

An existing boat dock, bulkhead and cantilevered deck are proposed to remain. No work is proposed to these existing facilities. The cantilevered deck was approved by the Commission pursuant to coastal development permit No. A-11-15-77-2301.

The subject site is a harbor front, bulkheaded lot. The site is located within a private, gated community between the sea and the first public road. No public access currently exists at the subject site. The nearest public access exists at Bayside Drive Beach approximately $\frac{1}{4}$ mile northwest of the subject site and at Corona del Mar State Beach, approximately $\frac{1}{2}$ mile southeast of the subject site. The proposed development, remodel and addition to an existing single family residence, will have no impact on existing public access in the vicinity.

The existing residence encroaches a maximum of three feet into the City's required 20-foot front (harbor side) setback. The total area of encroachment is approximately 24 square feet. No work is proposed in the vicinity of the existing encroachment. Virtually the entire exterior walls of the existing residence are proposed to remain. The only walls to be removed are those adjacent to the areas of the proposed addition. The exterior walls proposed to be removed on the first floor, where the encroachment exists, are adjacent to an existing interior courtyard. The demolition at the first floor is proposed to accommodate the new 142 square foot entry area and replacing existing window and wall area with new windows and doors. No demolition is proposed in the front (harbor side) setback area. The City has approved Use Permit No. UP2003-022 to allow the existing non-conforming setback to continue.

In reviewing appropriate setback, the Commission typically considers the requirements of Coastal Act Sections 30251 and 30253 which require that coastal views be protected and that hazards be minimized. Retaining the existing, non-conforming setback will not create adverse impacts either to public views or with regard to hazard. However, if development in the encroachment area were to be contemplated in the future, such development would need to be reviewed for consistency with the Chapter 3 policies of the Coastal Act. Therefore, a special condition is imposed which makes the applicant aware that any future development at the site requires an amendment to this permit or a new coastal development permit.

As stated above, a bulkhead exists at the subject site. No work is currently proposed on the existing bulkhead. However, if improvements to the bulkhead were to be contemplated in the future, such development would need to be reviewed for consistency with the Chapter 3 policies of the Coastal Act. Therefore, a special condition is imposed which makes the applicant aware that any future development at the site, including work

on the existing bulkhead, requires an amendment to this permit or a new coastal development permit.

The City approved Modification Permit No. MD2003-065 to allow the addition of an architectural roof top finial that exceeds the City's required height limit. The City's height limit at the subject site is an average of 24 feet above grade and a maximum of 29 feet. The proposed finial would exceed that limit by approximately one foot. The finial is a very slender architectural detail and will have no impact on any existing public views.

The applicant is proposing drainage improvements as part of the proposed project, including the direction of roof runoff to open drainage pockets within the side yards on the project site, increasing the landscaped area on site, and directing the majority of site drainage to landscaped areas or to the three open bottom catch basins proposed on site (Exhibit C). The landscaping is proposed to be "low water consumption" plants. However, the specific plants to be used have not been identified. In order to decrease the need for pesticides/fertilizers, the plants, in addition to being low water use, should also be primarily natives to coastal Orange County. Therefore a special condition is imposed which requires landscaping at the site to be, in addition to low water use, primarily native to coastal Orange County and which prohibits the use of invasive plants.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

C. 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, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. 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.

E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

RECEIVED
South Coast Region
OCT 10 2003
CALIFORNIA
COASTAL COMMISSION

SUBJECT PROPERTY

VINCITY MAP

- 103 BAYSIDE PLACE
- NEWPORT BEACH, CALIFORNIA
- MARK P. ROBINSON JR. RESIDENCE
- THOMAS GUIDE MAP BOOK PAGE 919, REF:E-2

PACIFIC

OCEAN

COASTAL COMMISSION

EXHIBIT # 5-03-432
A
PAGE 1 OF 1

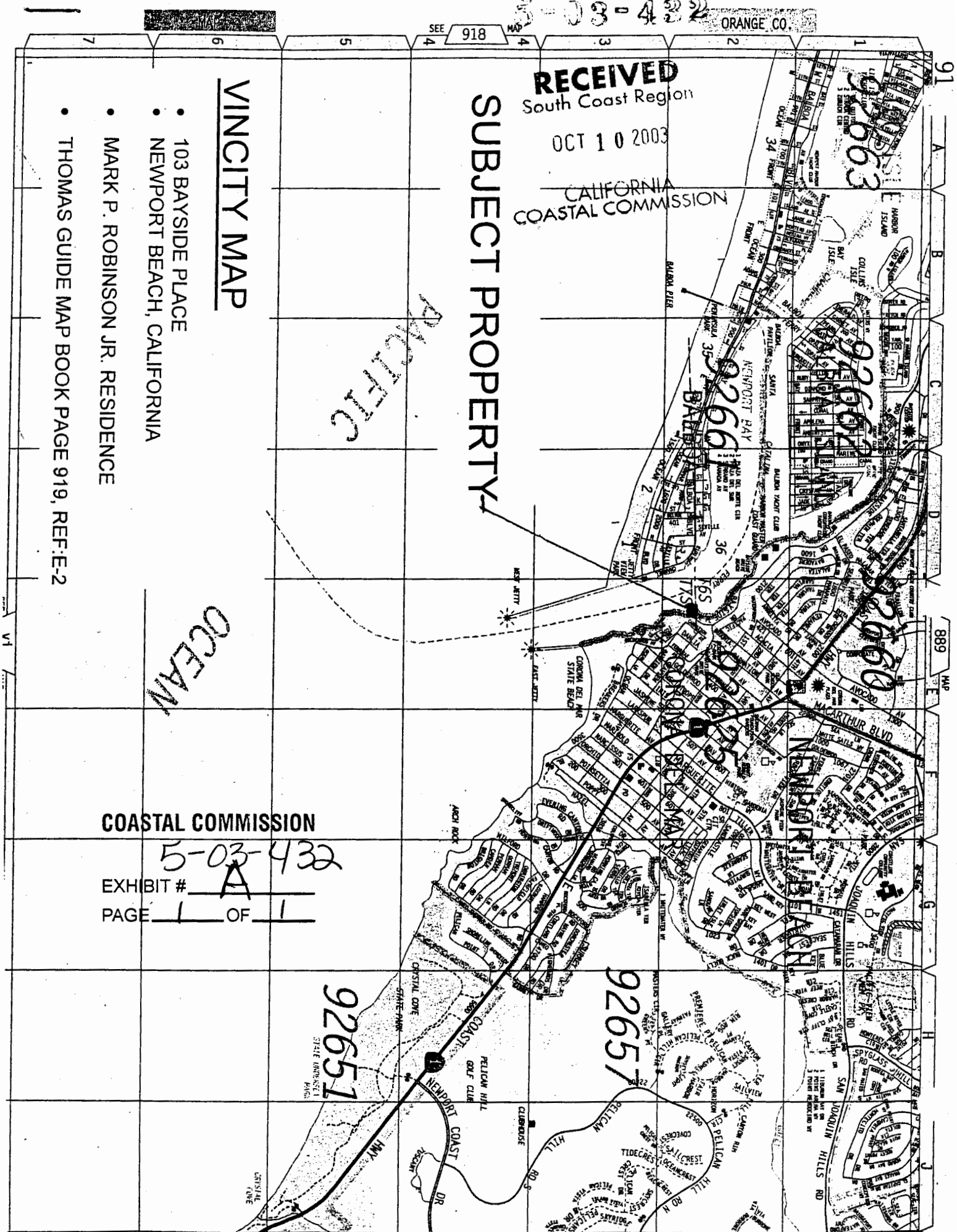
92651

92657

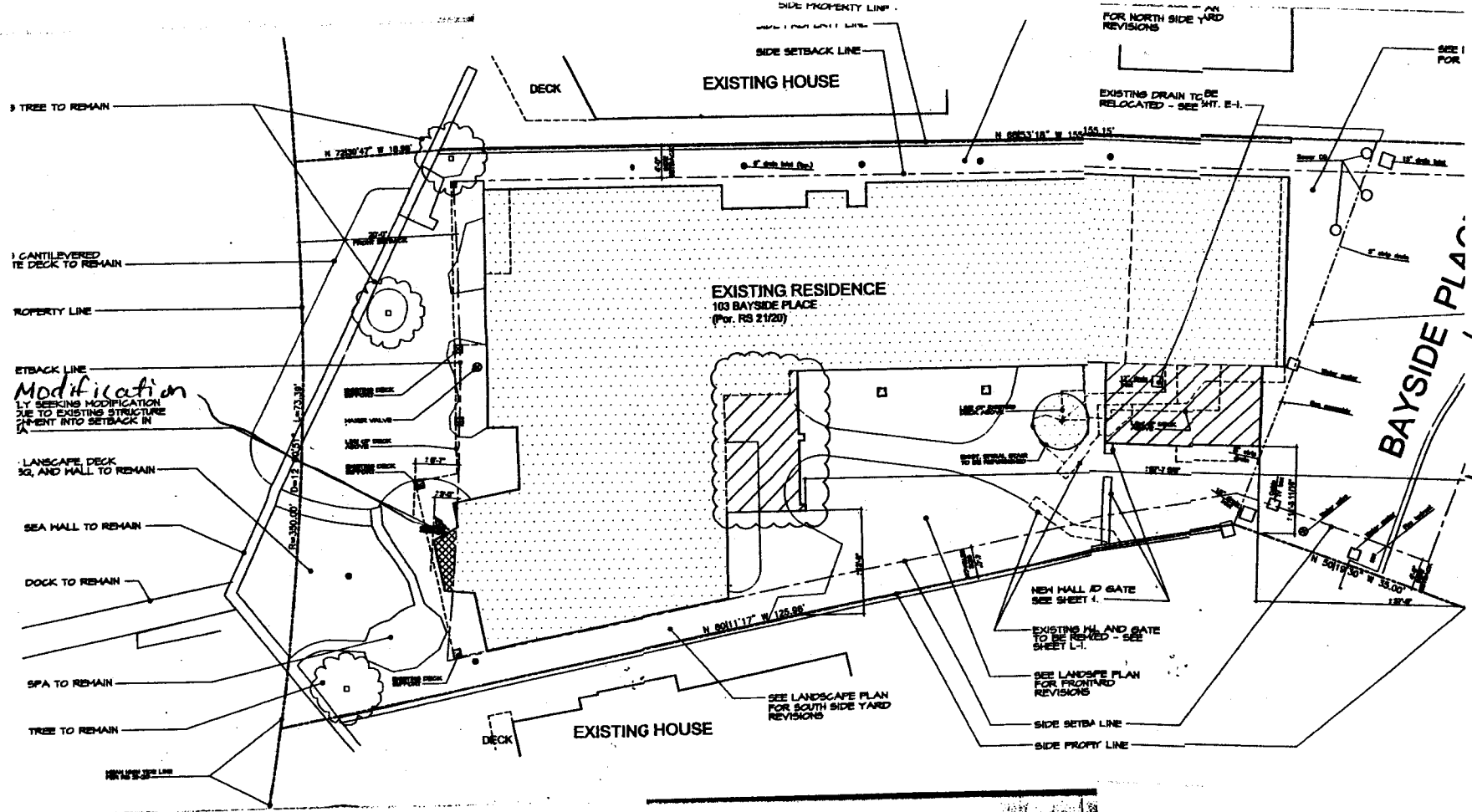
92663

92662

92660

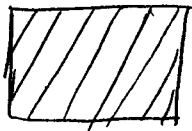


Harbor



Modification
SEEKING MODIFICATION
DUE TO EXISTING STRUCTURE
FITMENT INTO SETBACK IN
A

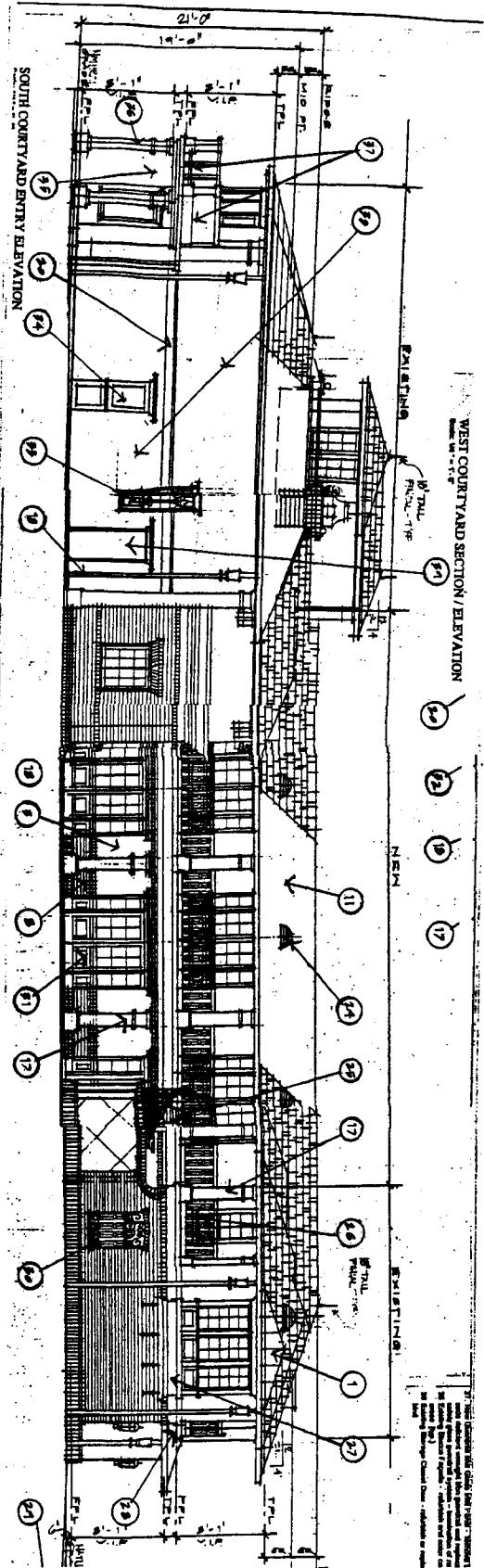
- 3 TREE TO REMAIN
- 1 CANTILEVERED DECK TO REMAIN
- PROPERTY LINE
- SETBACK LINE
- LANDSCAPE DECK, SG, AND HALL TO REMAIN
- SEA HALL TO REMAIN
- DOCK TO REMAIN
- SPA TO REMAIN
- TREE TO REMAIN



= Area of increased foot print

COASTAL COMMISSION
 5-03-432
 EXHIBIT # B
 PAGE 1 OF 1

Harbor



COASTAL COMMISSION
 5-03-432
 EXHIBIT # C
 PAGE 1 OF 1

Street

