

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Newport Beach, CA 90802-4302
(949) 590-5071



RECORD PACKET COPY

Item Tu 5h

Filed: January 21, 2003
49th Day: March 11, 2003
180th Day: July 20, 2003
Staff: ALB-LB **ALB**
Staff Report: February 13, 2003
Hearing Date: March 4-7, 2003
Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-02-410**APPLICANT:** Emmett Conrecode**PROJECT LOCATION:** 3410 Marcus Drive, City of Newport Beach, County of Orange**PROJECT DESCRIPTION:** Addition of 495 square feet of internal floor area and a new roof deck to one unit of an existing duplex. No work is proposed to the other unit. A total of three parking spaces for the duplex are provided on site.**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval-in-Concept No. 1816-2002 dated September 27, 2003.**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan**SUMMARY OF STAFF RECOMMENDATION:**

The primary issue before the Commission is parking. The proposed project is deficient by two parking spaces. However, due to the minimum nature of the improvement, the parking deficiency does not need to be resolved at this time. Staff is recommending **APPROVAL** of the proposed project subject to two (2) special conditions. Special Condition No. 1 requires a coastal development permit or amendment when future development occurs on the site. Special Condition No. 2 requires compliance with construction-related best management practices (BMPs).

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Project Plans

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-02-410 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:

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 coastal development permit (5-02-410) approves only the development, as expressly described and conditioned herein, to the existing duplex located at 3410 Marcus Avenue in the City of Newport Beach. Any future development, such as a change in the intensity of use (including a change in the physical number of residential units or a change in the number of parking spaces) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

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 the storm drain system leading to the Pacific Ocean;
- (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 during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the Rivo Alto Waterway and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas 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 outside the coastal zone, as proposed by the applicant.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 3410 Marcus Drive, which is located adjacent to the Rivo Alto Waterway in the City of Newport Beach, Orange County (Exhibits 1 & 2). The site is a bulkheaded lot located between the first public road and the sea. Public access to the waterway is available at the end of 36th Street, approximately 30 feet northwest of the subject site.

The proposed project involves an addition of 495 square feet of internal floor area (173 sq. ft. first floor and 322 sq. ft. second floor) to one unit of an existing two-story duplex (Exhibit 3). A new 319 square foot roof deck with spiral staircase will also be added to that residential unit. No work is proposed to the other unit within the duplex. A total of two parking spaces are provided on site. By applying the Commission's typically imposed parking requirement of two spaces per unit, the duplex is deficient by two spaces. Additional parking cannot be accommodated through the

proposed remodel, as the addition will occur on the rear (seaward side) of the property. Although the proposed project will result in additional development along the waterfront portion of the site, the development is consistent with the City's required 25' setback from the seaward property line.

No work is proposed to the rear yard area or existing bulkhead. Roof runoff from the proposed addition will continue to drain to permeable areas within the rear yard, which include vegetation and brick pavers over sandy soil. During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the adjacent Rivo Alto Waterway, a channel of the Newport Harbor.

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 lacks adequate parking based on the Commission's typically applied parking standards. Though the project does not currently provide adequate parking, the extent of improvements do not warrant that the deficient parking situation be corrected at this time since the project will not change the use or intensity of use of the project site. Nevertheless, the Commission finds that a future improvements special condition be imposed so that the parking deficiency can be reviewed in the future. As conditioned the development conforms to Sections 30250, 30251, 30252, and the public access policies of the Coastal Act.

C. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms to Sections 30230 and 32031 of the Coastal Act.

D. PUBLIC ACCESS

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

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan (LUP) for the City of Newport on May 19, 1982. The City currently has no certified implementation plan. As conditioned, the proposed development is consistent with the policies 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 required by Section 30604 (a).

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.

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- 1 SPINAKER RUN
 - 2 BONSPRITE LN
 - 3 CATWALK CT
 - 4 CLIPPER CT
 - 5 REGATTA RUN
- SEE Δ E2
- 1 AGEAM LN
 - 2 BROADWAYEN CIR
 - 3 BAY CREST CIR
 - 4 CARTBEAM LN
 - 5 CORAL COVE CIR
 - 6 SEACOVE DR
 - 7 SEASPIRE CIR

RECEIVED
 South Coast Region
 CALIFORNIA
 COASTAL COMMISSION
 DEC 10 2002

*3410
 Manas Ave
 Newport Beach*

**SUBJECT
 SITE**

EXHIBIT # 1
 PAGE 1 OF 1

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423-37

SUBJECT
 SITE

09

35TH ST.

34TH ST.

36TH ST.

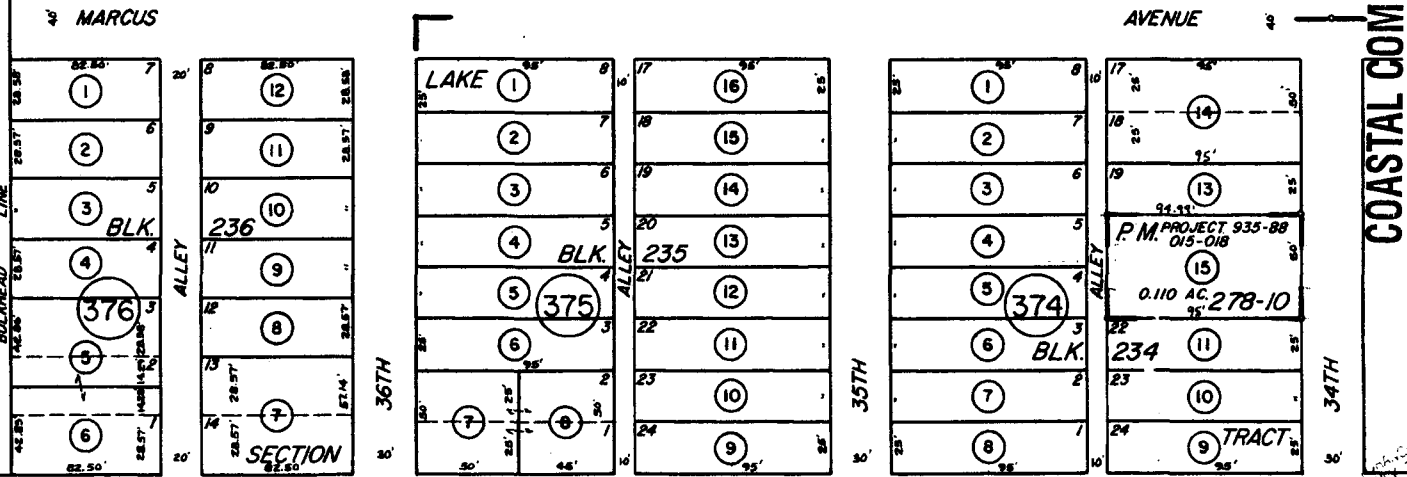
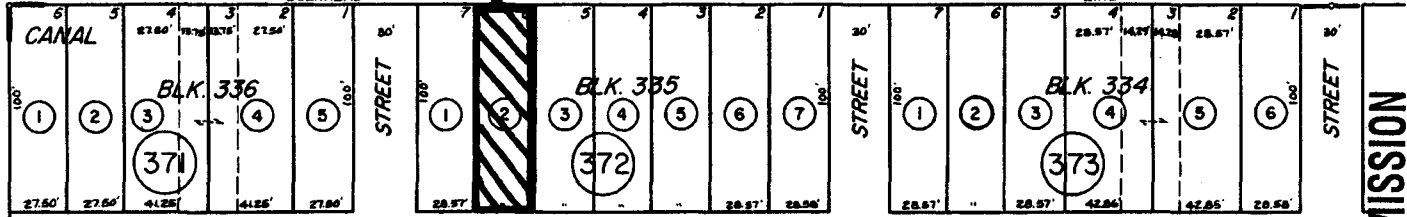
ST.

LINE

BULKHEAD

WATERWAY
 THE RIVO ALTO

1" = 60'



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38

EXHIBIT # 2
 PAGE 1 OF 1

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MARCH 1984

LAKE TRACT M. M. 4-13
 CANAL SECTION M.M. 4-98
 PARCEL MAP P. M. 278-10

NOTE - ASSESSOR'S BLOCK &
 PARCEL NUMBERS
 SHOWN IN CIRCLES

ASSESSOR'S MAP
 BOOK 423 PAGE 37
 COUNTY OF ORANGE

1-1-02

07

MARCUS
 AVE.

W WATERWAY
 THE RIALTO

MARCUS

AVENUE

BULKHEAD
 LINE

36TH

35TH

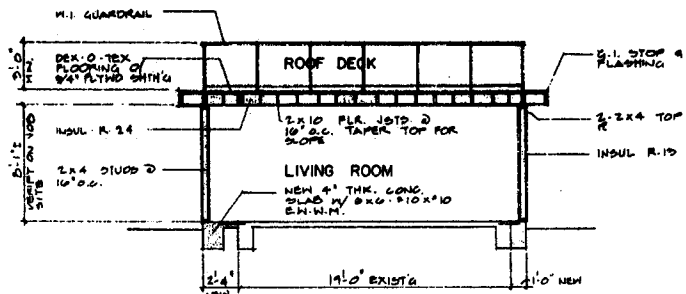
34TH

LAKE

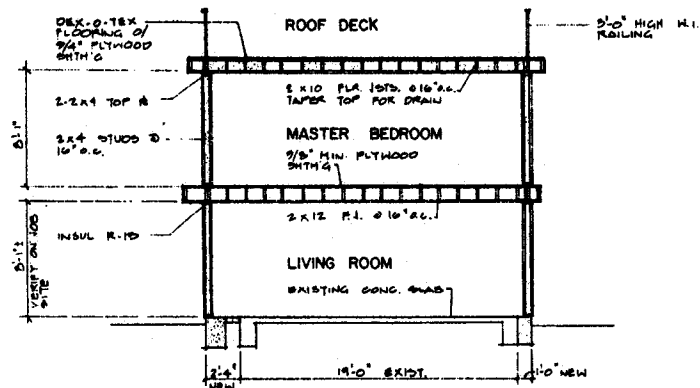
AVENUE

36

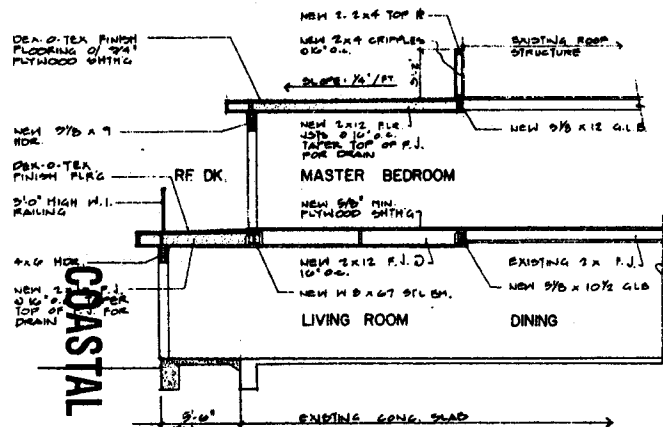
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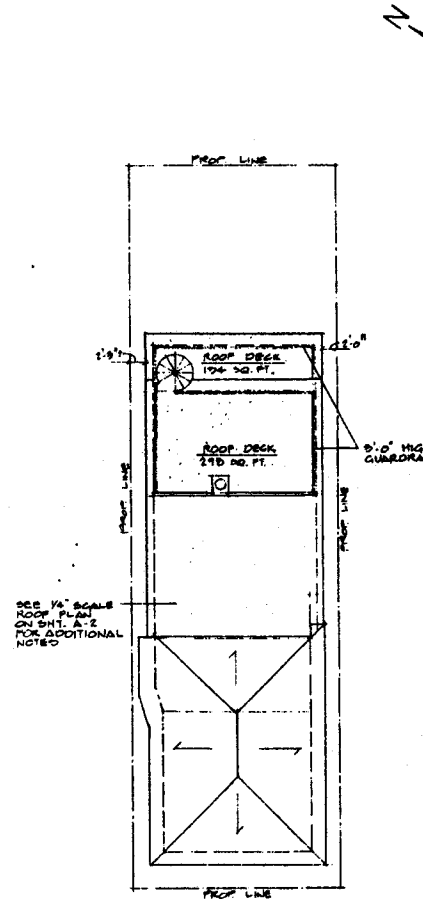
section A - A



section B - B
1/4" = 1'-0"

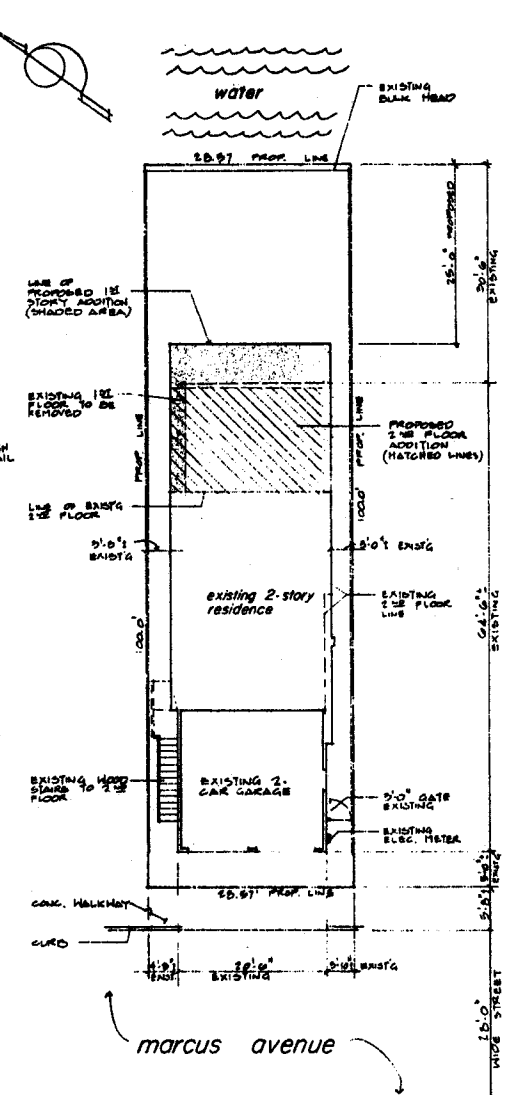


partial section C - C



marcus ave.

roof plan
1/8" = 1'-0"



marcus avenue

site plan 1/8" = 1'-0"

LEGAL DESCRIPTION
 LOT - 6
 BLOCK - 334 CANAL SECTION
 JOB ADDRESS - 3410 marcus ave.
 newport beach CA 92663
 ZONE - R-2

REVISIONS	BY

ROY'S drafting service
 957 carnation avenue
 costa mesa ca 92626 714.549.4765

PROPOSED ADDITION
 EMMETT CONCRETE
 3410 MARCUS AVENUE
 NEWPORT BEACH, CA 92663

DRAWN	CHECKED	DATE	SCALE	JOB NO.	DATE

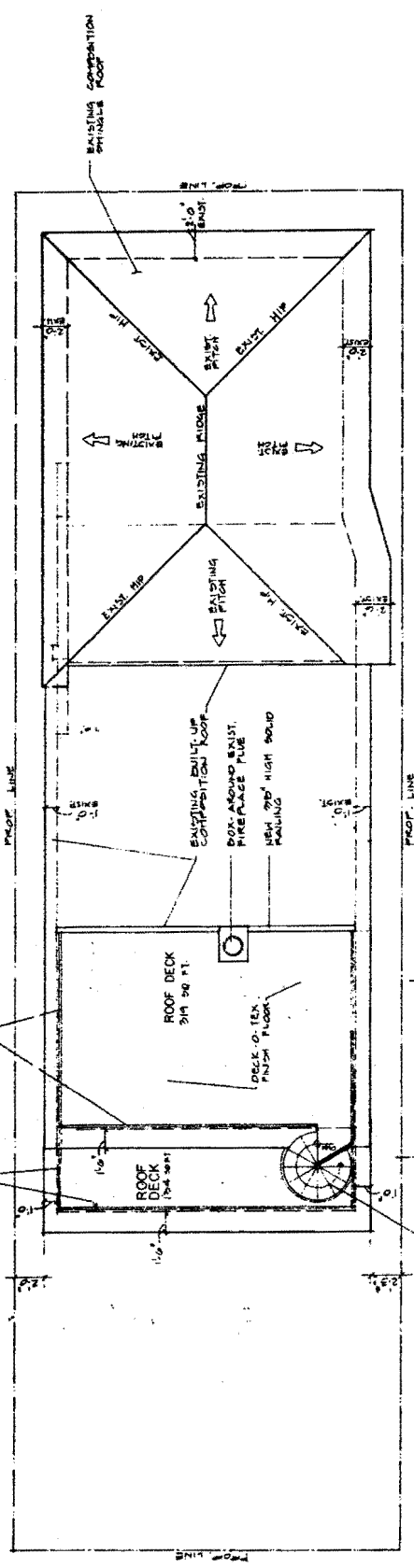
PAGE 1 OF 6
 EXHIBIT # 3
 COASTAL COMMISSION

NO. 1
NO. 2
NO. 3
NO. 4
NO. 5
NO. 6
NO. 7
NO. 8
NO. 9
NO. 10

ROY'S drafting service
 937 carnation avenue
 costa mesa ca 92626 714.549.4765

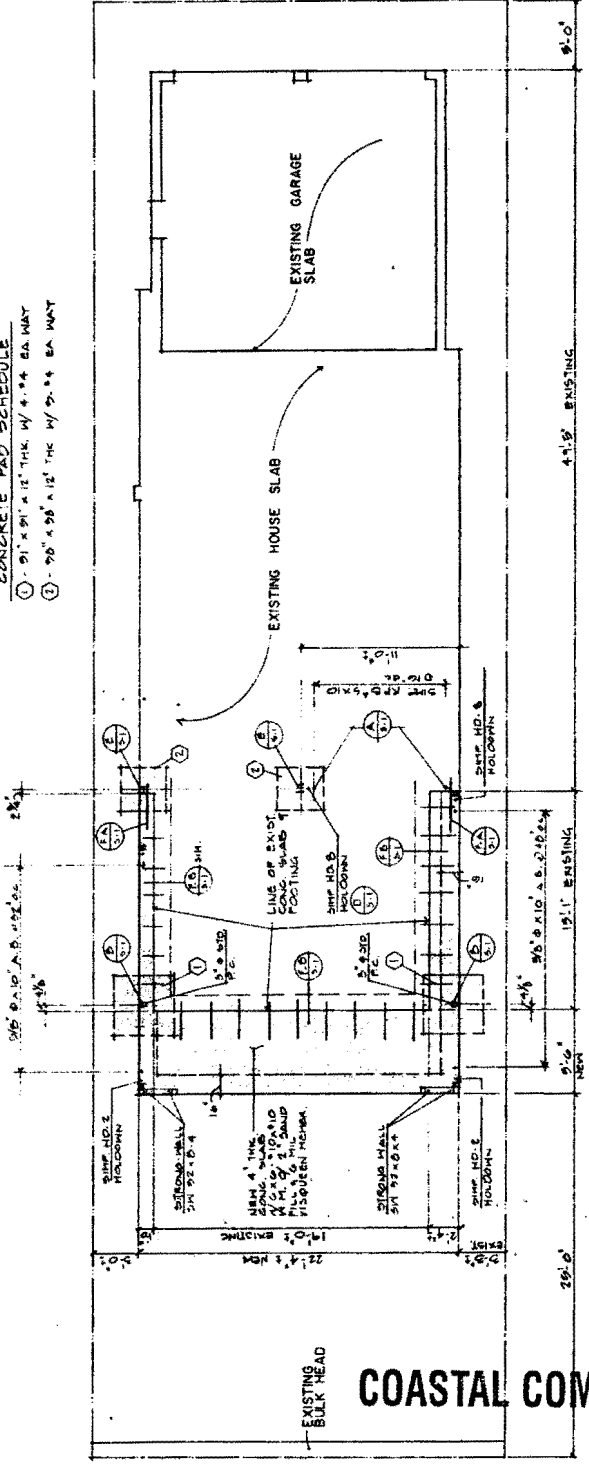
PROPOSED ADDITON
 EMMETT CONRACODE
 3410 MARCUS AVENUE
 NEWPORT BEACH, CA 92663

DATE
DESIGNED BY
CHECKED BY
DATE
SCALE
NO. OF SHEETS
TITLE
SHEET NO.
A-2



roof plan

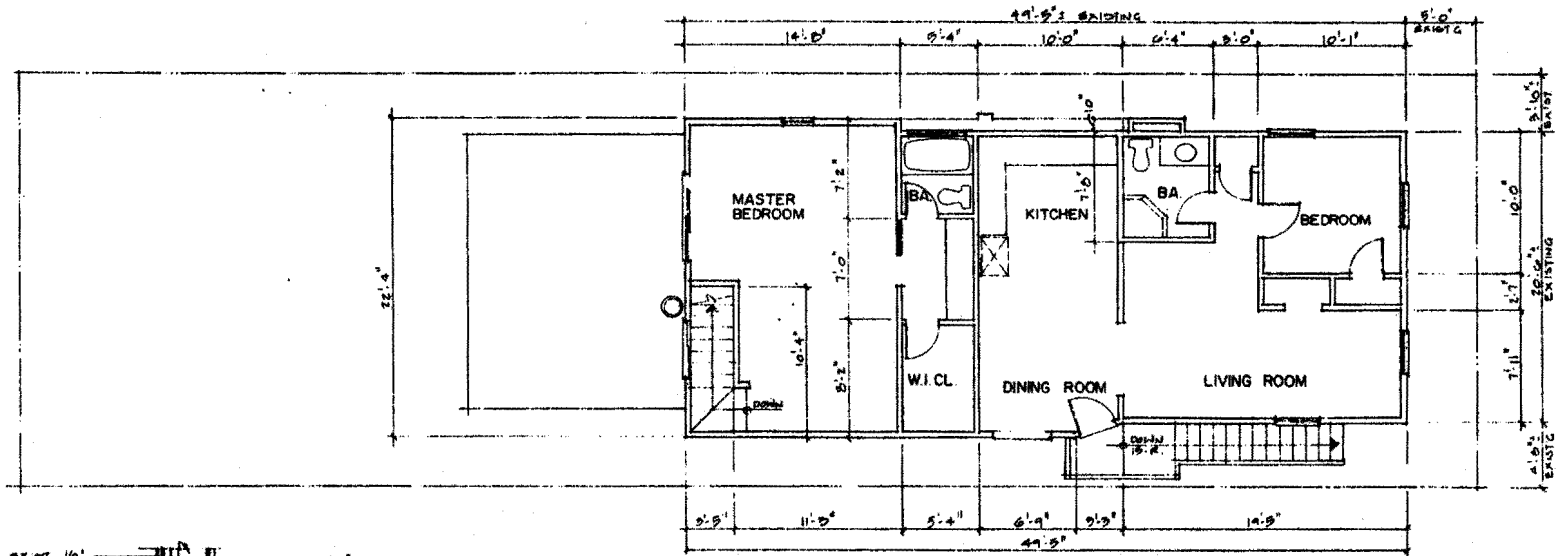
CONCRETE PAD SCHEDULE
 ① - 21' x 91' x 12" THK W/ 4" x 4" BA MAT
 ② - 98' x 98' x 12" THK W/ 2" x 2" BA MAT



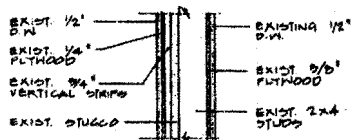
foundation plan

COASTAL COMMISSION

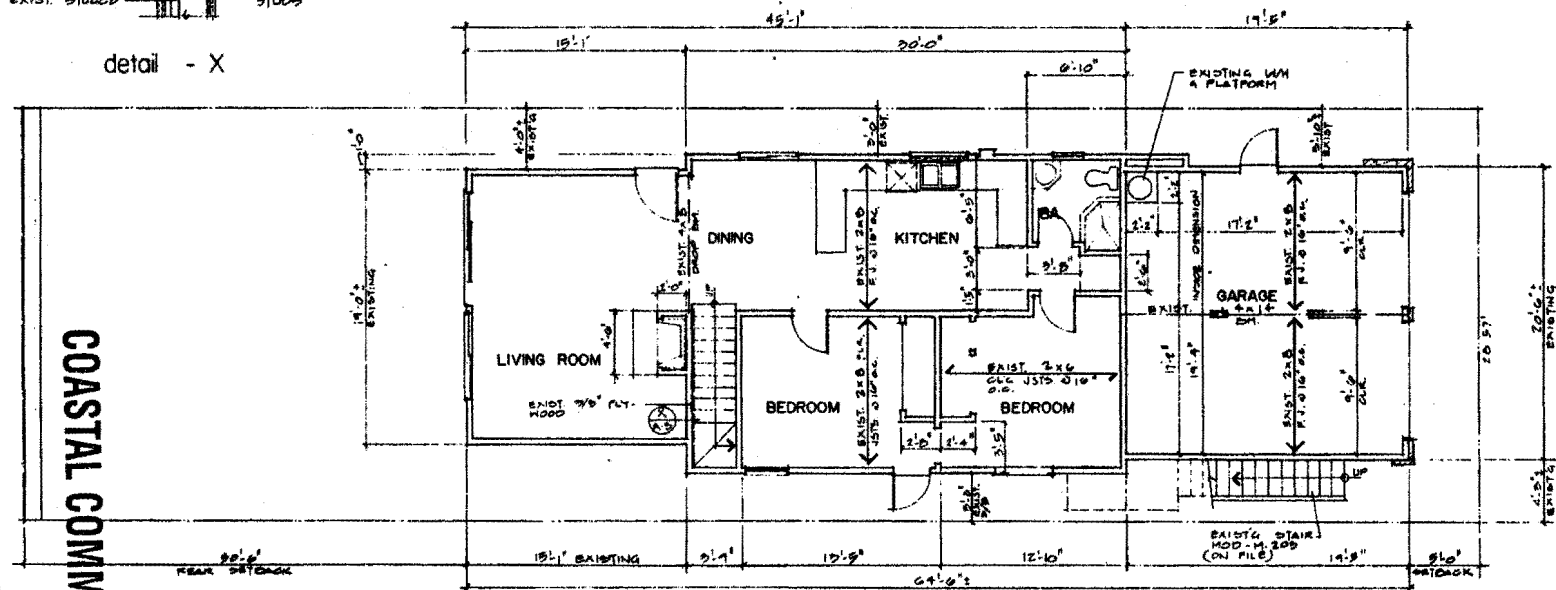
EXHIBIT # 3
 PAGE 2 OF 6



existing second floor plan 1029.0 SQ. FT.



detail - X



existing first floor plan House - 459 SQ. FT. GARAGE - 276 SQ. FT.

FIRST FLR - 1391 SQ. FT.
SECOND FLR - 1029 SQ. FT.
TOTAL - 2420 SQ. FT.

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EXHIBIT # 3 OF 4

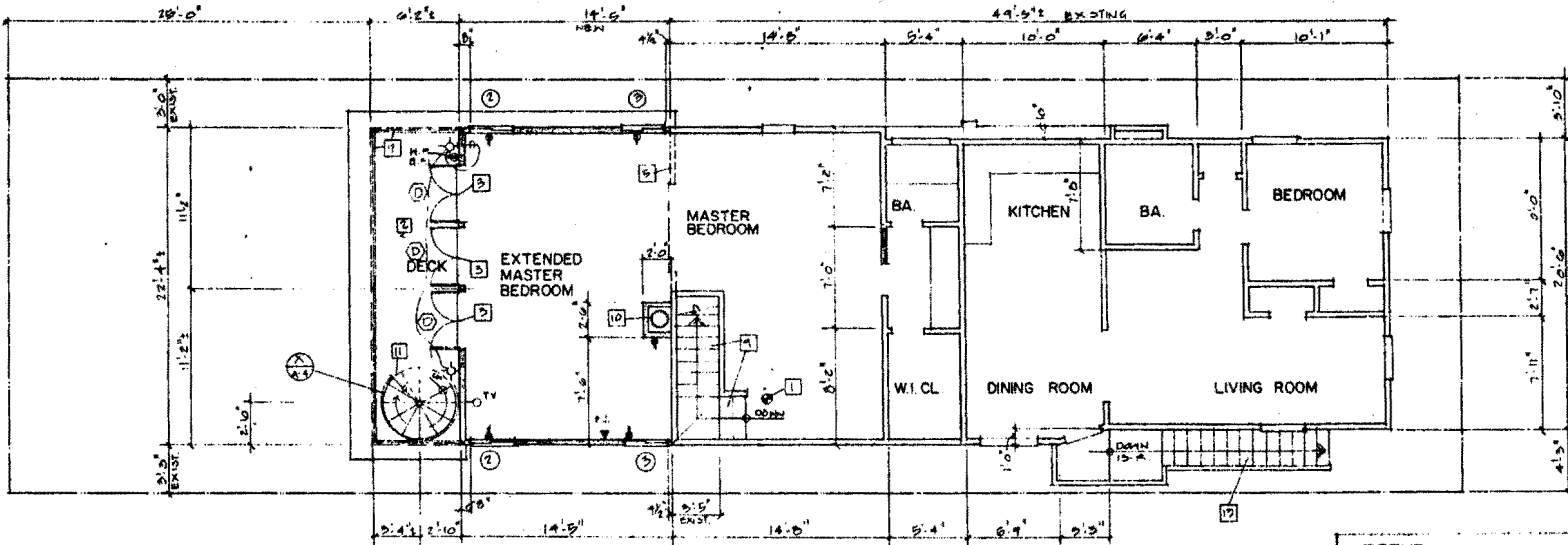
REVISION	

ROY'S drafting service
957 carnation avenue
costa mesa ca 92626 714-549-4768

PROPOSED ADDITION
EMMETT CONRECODE
3410 MARCUS AVENUE
NEWPORT BEACH, CA 92663

DRAWN
DESIGNED
DATE
SCALE
PROJECT
0216
SHEET

A-3

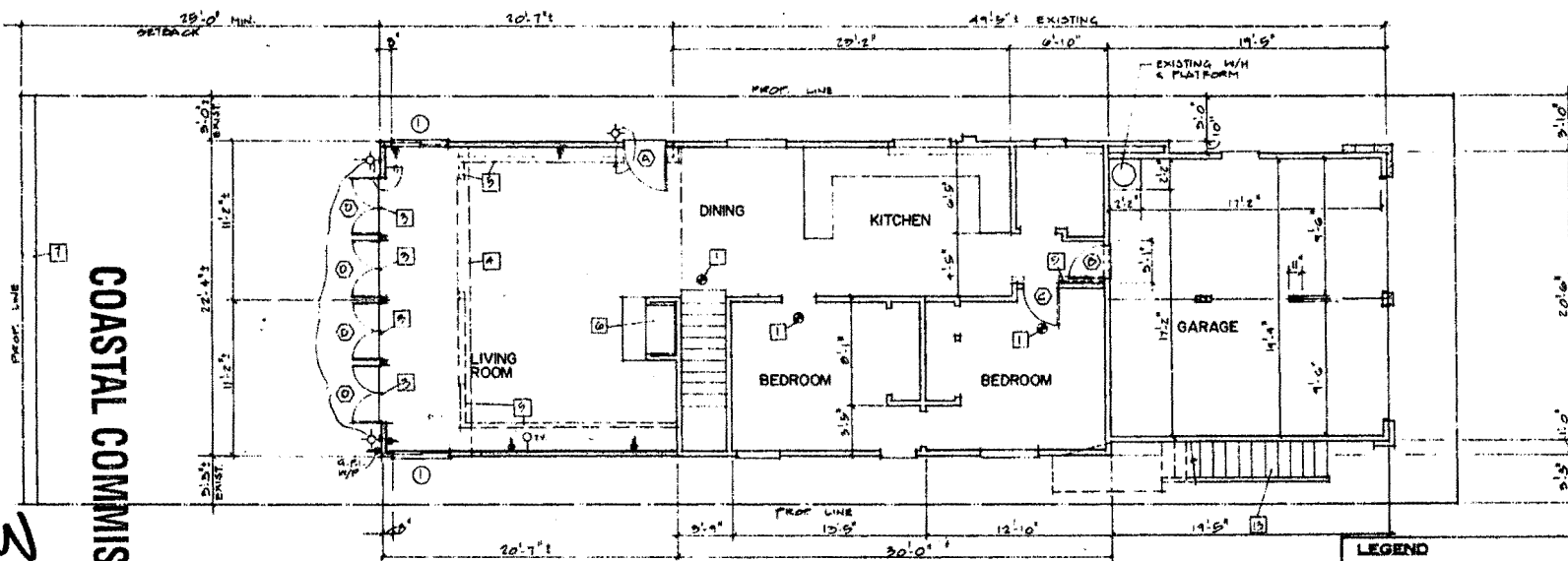


new second floor plan

EXIST - 1,029 SQ. FT.
 NEW - 922 SQ. FT.
 1,951 SQ. FT.

LEGEND

- ☐ - REFER TO FLOOR PLAN NOTES. SEE SHEET 1A-4
- - REFER TO DOOR SCHEDULE. SEE SHEET 1A-4
- - REFER TO WINDOW SCHEDULE. SEE SHEET 1A-4



new first floor plan

EXIST - 759 SQ. FT.
 NEW - 175 SQ. FT.
 934 SQ. FT.

LEGEND

- ▬ - EXISTING 2 X STUDS TO REMAINED.
- - EXISTING STUDS WALL TO BE REMOVED.
- ▬ - NEW 2 X STUDS @ 16" O.C.

EXHIBIT #
 PAGE 4 OF 6

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PROPOSED ADDITION
 EMMETT CONCRETE
 3410 MARCUS AVENUE
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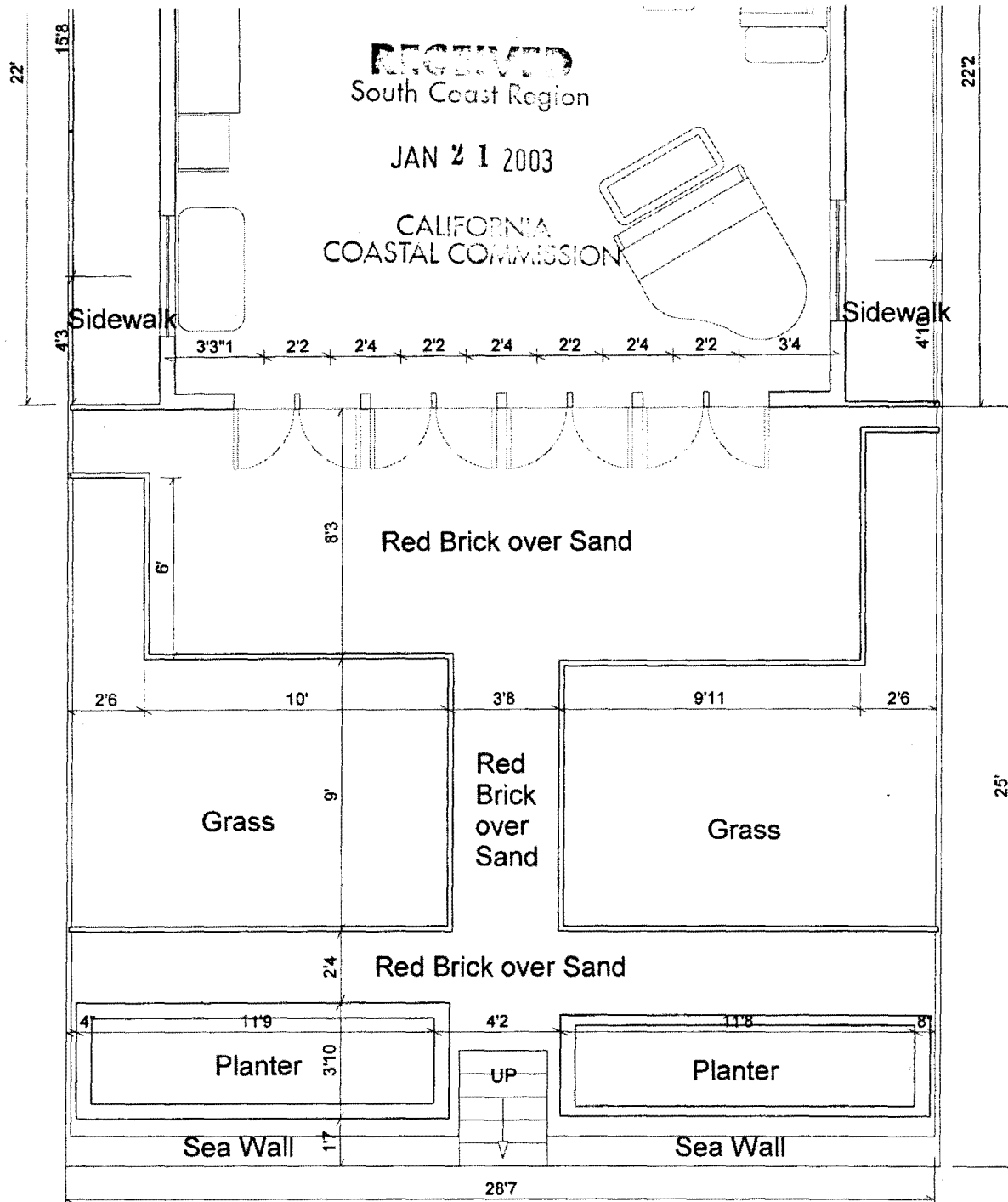
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0216
REV. 1
SHEETS
1-5

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CANAL

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EXHIBIT # 3
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