

**CALIFORNIA COASTAL COMMISSION**

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



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49th Day: 5/20/03  
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Staff: MV-LB  
Staff Report: 5/22/03  
Hearing Date: 6/10-13/03  
Commission Action:

**W 4 c****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER: 5-03-122****RECORD PACKET COPY****APPLICANT: Steve & Lisa Briggs****AGENT: Cynthia Childs****PROJECT LOCATION: 44 Beacon Bay, Newport Beach, Orange County**

**PROJECT DESCRIPTION:** Demolish existing single family residence and apartment and construct a new two story, 29 feet high at maximum point, 3,860 square foot single family residence with an attached 632 square foot, two car garage and a 119 square foot carport.

Lot Area: 4,875 square feet  
Building Coverage: 2,710 square feet  
Pavement Coverage: 1,859 square feet  
Landscape Coverage: 306 square feet  
Parking Spaces: 3 spaces  
Zoning: R-1  
Ht above final grade: 28 feet

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval in Concept No. 0584-2003

**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 one special condition which requires submittal of a drainage plan indicating that, to the maximum extent feasible, site drainage infiltrate on-site and any drainage that must be directed offsite will be treated/filtered. Landscaping shall use plants native to coastal Orange County or non-native drought tolerant plants that are non-invasive.

This condition is necessary in order to protect water quality to promote the biological productivity of coastal waters as required by Coastal Act Sections 30230 and 30231.

**STAFF RECOMMENDATION:**

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. 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. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. 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 and Location**

The applicants propose to demolish an existing single family residence and apartment and construct a new two story, 28 feet high, 3,860 square foot single family residence with an attached 632 square foot, two car garage and a 119 square foot carport.

The subject site is located on an interior lot in the Beacon Bay area of the City of Newport Beach. The nearest public access is located approximately ¼ mile south along the public walkway that rings Balboa Island and approximately ¾ of a mile further south along the sandy beach that runs the length of the Balboa Peninsula.

The site drainage plan submitted with the application includes a stone courtyard and walkway and a brick patio. It is not clear whether the stones and bricks are to be placed in cement or a similar impermeable surface. In order to maximize infiltration of drainage on-site, the stone and brick areas must be placed on sand, dirt, or similar permeable surface. In addition, one side yard is proposed to be concrete. This could be replaced with a permeable surface such as gravel and stepping stones. Finally, drainage from the driveway is directed to the street untreated. A trench drain or similar drainage device with a permeable bottom must be placed at the base of the driveway to filter runoff. Thus as proposed, water quality protection will not be maximized as required by Sections 30230 and 30231 of the Coastal Act. The project's drainage plan could feasibly be revised as described above to increase filtration. Therefore, a special condition is imposed which requires that site drainage be retained on site to the maximum extent feasible, and any runoff that must leave the site be filtered prior to being discharged off site.

##### **B. Water Quality**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and 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, the use of non-invasive drought tolerant vegetation, 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.

**C. Public Access**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Local Coastal Program**

The LUP for Newport Beach was effectively certified on May 19, 1982. 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 of the Coastal Act.

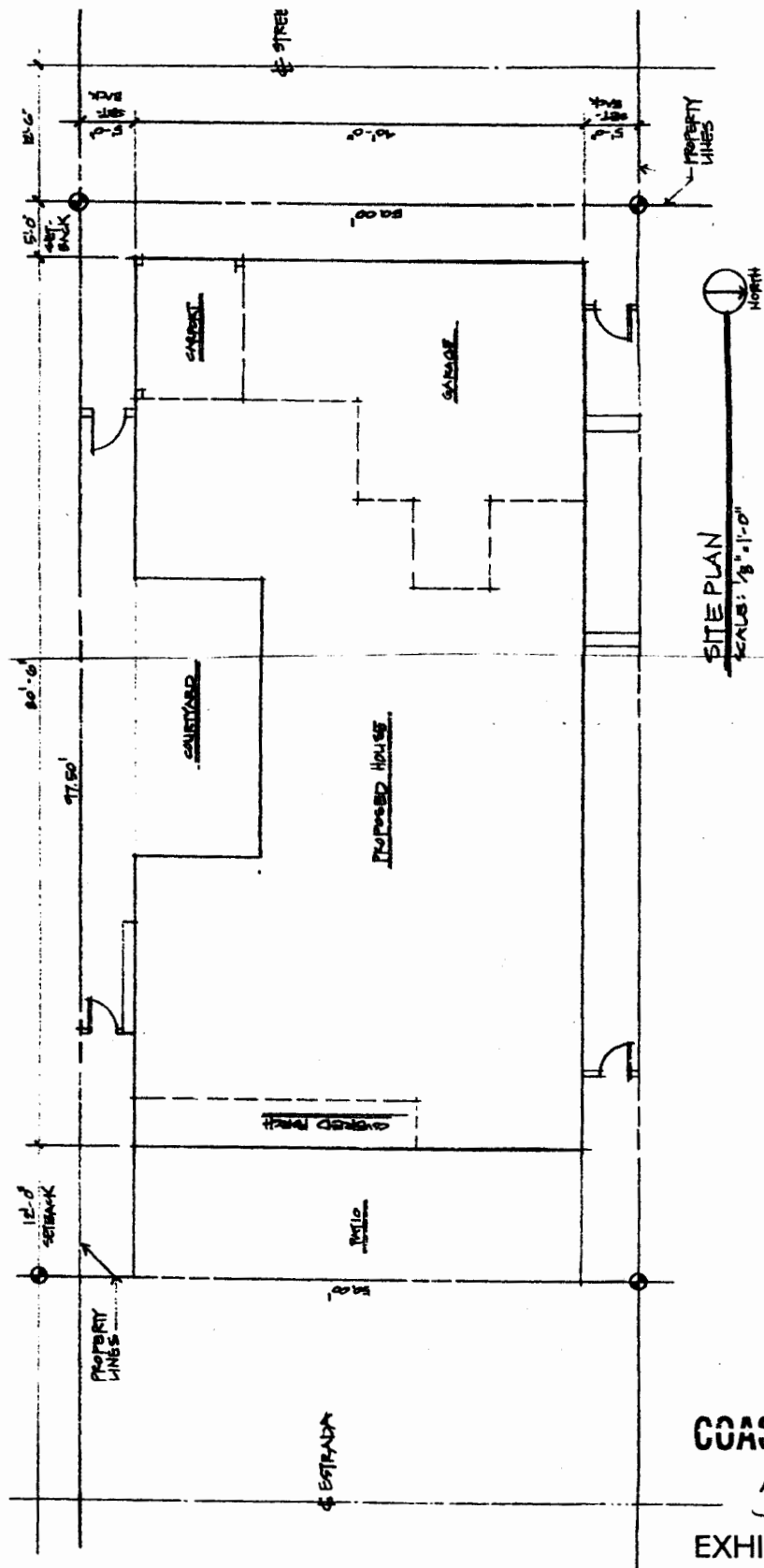
**E. California Environmental Quality Act**

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.



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