

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Th 14 c**

Filed: 7/3/03  
49th Day: 8/21/03  
180th Day: 12/30/03  
Staff: MV-LB  
Staff Report: 8/21/03  
Hearing Date: 9/10-12/03  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-03-165**APPLICANT:** Mr. & Mrs. Cook**AGENT:** Javier Gonzalez-Camarillo, AIA**PROJECT LOCATION:** 1108 S. Bay Front, Newport Beach, Orange County

**PROJECT DESCRIPTION:** Substantial demolition and remodel of an existing single family residence resulting in a 2,439 square foot two story, 29 foot high single family residence with an attached 471 square foot, two car garage.

Lot Area:	2,550 square feet
Building Coverage:	1,920 square feet
Pavement Coverage:	570 square feet
Landscape Coverage:	60 square feet
Parking Spaces:	2
Zoning:	R-1.5
Ht above final grade	29 feet

**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.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval in Concept 0455-2003.

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach certified Land Use Plan.

**I. APPROVAL WITH CONDITIONS**

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application as conditioned.

**MOTION:**     ***I move that the Commission approve Coastal Development Permit No. 5-03-165 pursuant to the staff recommendation.***

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

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. **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 applicant proposes to substantially demolish and remodel an existing single family residence resulting in a 2,439 square foot, two story, 29 foot high at maximum point, single family residence with an attached 471 square foot, two car garage. Also proposed is a 434 square foot roof deck. The existing residence is 2,661 square feet with an attached 196 square foot, single car garage and two car, carport. The applicant is also proposing to demolish existing hardscape and install new landscaping and hardscape.

Typically, the Commission has quantified demolition by tabulating the extent of exterior linear walls to be removed compared to the total overall amount of exterior linear walls existing prior to the proposed development. The Commission has generally found that if more than 50% of the linear feet of the existing exterior walls are removed, the project is reviewed as new construction rather than a remodel.

The applicant is proposing to demolish more the 50% of the length of the existing exterior walls. Based on demolition plans submitted by the applicant, the existing length of exterior walls (excluding the garage) is 323 feet. The length of the exterior walls to be demolished totals 190 feet (113 feet at the first floor and 77 feet at the second floor). Thus the total percentage to be demolished is 58% ( $190/323 = 58\%$ ). In this case, because of the extent of the length of exterior walls to be demolished, the project is reviewed as new construction. Thus, special conditions necessary to bring the proposed project into conformance with relevant sections of the Coastal Act are imposed.

The subject site is located between the first public road and the sea at 1108 S. Bay Front on Balboa Island within the City of Newport Beach. The nearest public access exists at the public walkway that rings Balboa Island which is seaward of and immediately adjacent to the subject site (see exhibit A).

## **B. Water Quality**

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution decreases the biological productivity of coastal waters.

The applicant has submitted a drainage plan that would collect site drainage and direct it to the street. No infiltration or other treatment is proposed. In addition, the majority of the yard area is proposed as impervious surface (brick on concrete slab). Drainage from the driveway is directed to the street untreated. The plan does include two small planter areas (approximately 14 square feet each), but pervious area is not proposed to be maximized.

Adverse water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas and/or other pervious areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water

infiltration areas can improve water quality. Filtering runoff that must leave the site is a further method of improving the quality of storm water runoff.

Another way to improve water quality is the use of native/drought tolerant plantings. Low water use, drought tolerant, native plants require less water than other types of vegetation. As these plantings use less water than ornamental plants, incidents of over-watering causing excess runoff, is substantially reduced. As previously stated, reducing site runoff reduces the extent of pollutants carried into the storm drain system and into coastal waters.

In order to maximize infiltration of drainage on-site, the brick areas could be placed on sand, dirt, or similar permeable surface. Another option for the impermeable side yard areas would be construction using a permeable surface such as gravel and stepping stones. In addition, a trench drain or similar drainage device with a permeable bottom could be placed at the base of the driveway to filter runoff. Thus as proposed, water quality protection will not be maximized as required by Section 30231 of the Coastal Act. The project's drainage plan could feasibly be revised as described above to maximize permeable area and increase filtration, thus improving water quality. 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.

#### **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.



project  
site

EXHIBIT NO. <i>A</i>
APPLICATION NO.
<i>5-03-165</i>
California Coastal Commission

VICINITY MAP







ICG  
Type: Concrete - Architect  
James G. Taylor, AIA  
James G. Taylor, AIA  
James G. Taylor, AIA

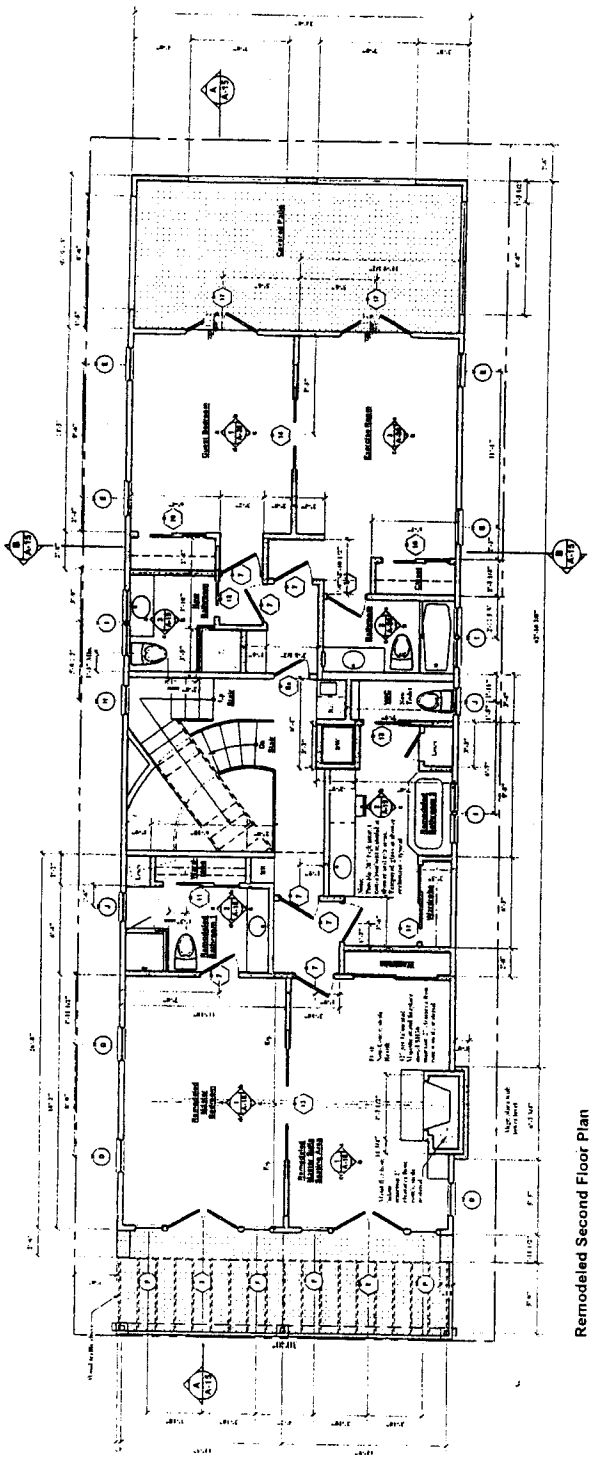
1108 South Bay Front  
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1108 South Bay Front

No.	Description	Date
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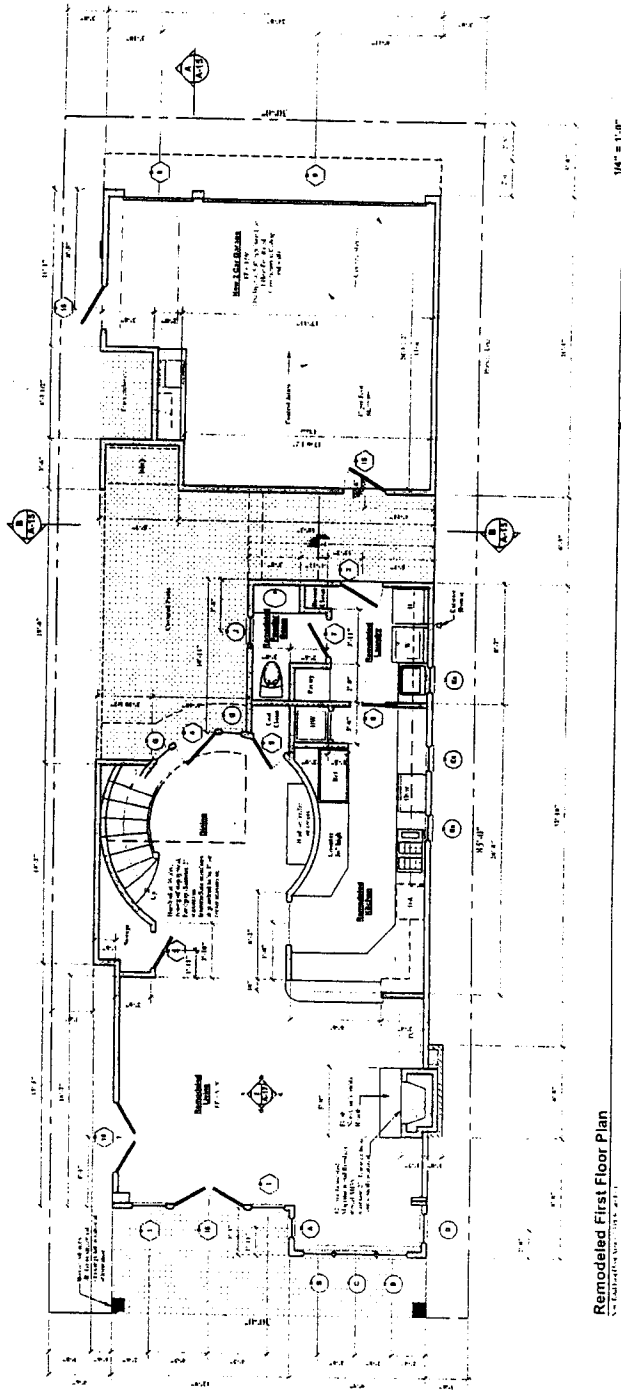
1108 South Bay Front  
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1108 South Bay Front

A-2

Architectural Floor Plans



Remodeled Second Floor Plan



Remodeled First Floor Plan

Proposed  
Floor Plans

Exhibit C.

- Legend
- Additional Area
  - Removed Area
- Wall Legend
- New wall
  - Existing wall to remain
  - Removed wall

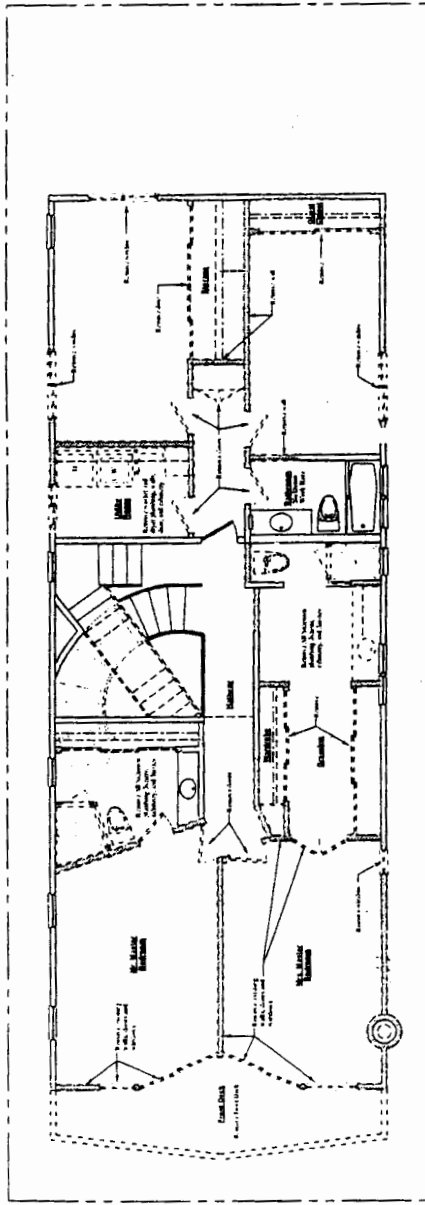


Item	Description	Size
1	Demolition	
2	Removal	
3	Reconstruction	
4	Foundation	
5	Structure	
6	Interior	
7	Exterior	
8	Roof	
9	Foundation	
10	Structure	
11	Interior	
12	Exterior	
13	Roof	
14	Foundation	
15	Structure	
16	Interior	
17	Exterior	
18	Roof	
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91	Interior	
92	Exterior	
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95	Structure	
96	Interior	
97	Exterior	
98	Roof	
99	Foundation	
100	Structure	

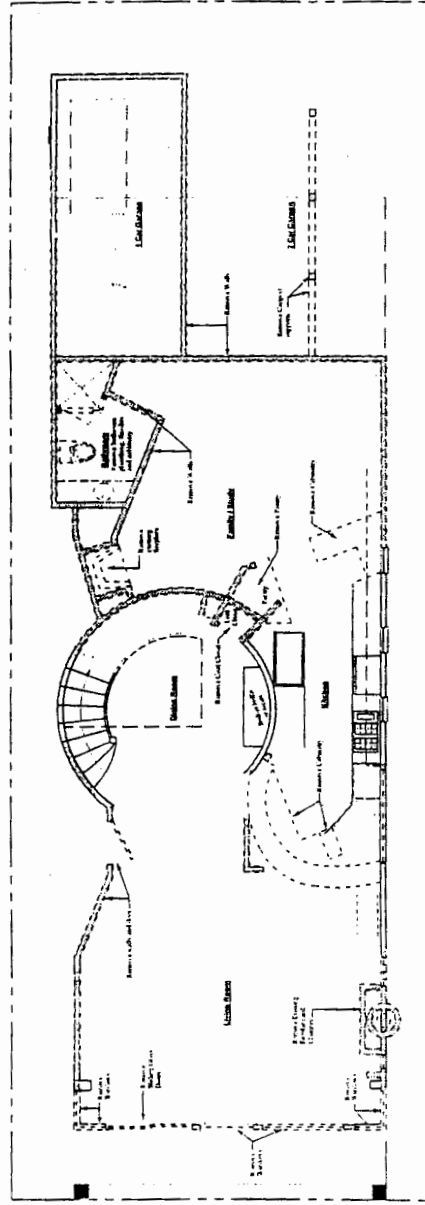
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Item	Description	Size
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6	Interior	
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10	Structure	
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93	Roof	
94	Foundation	
95	Structure	
96	Interior	
97	Exterior	
98	Roof	
99	Foundation	
100	Structure	



Second Floor Demolition Plan  
 Drawing by: [Name]



First Floor Demolition Plan  
 Drawing by: [Name]

Demolition  
 Plan

5-03-105

Exhibit D

Wall Legend  
 New wall  
 Existing wall to remain  
 Removed wall

14

