CALIFORNIA COASTAL COMMISSION

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

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Filed: 49th Day: May 18, 2004 July 6, 2004

180th Day: Staff: November 14, 2004

Staff Report:

FSY-LB **FSy**July 22, 2004
August 11-13, 2004

Hearing Date: Au Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER:

5-04-184

APPLICANTS:

Guy & Shahnaz Alexander

PROJECT LOCATION:

2471 Crestview Drive, Newport Beach, Orange County

PROJECT DESCRIPTION:

Demolition of an existing single-family residence and construction of

a new 4,412 square foot two-story single-family residence with an

attached 953 square foot two (2)-car garage. Grading for

recompaction will take place.

LOCAL APPROVALS RECEIVED: City of Newport Beach Planning Department Approval In Concept (No. 0658-2004) dated May 12, 2004 and Modification Permit No. MD2003-106 from the City of Newport Beach Planning Department.

SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing demolition and construction of a new single-family residence. The major issue of this staff report concerns water quality. Commission staff is recommending APPROVAL of the proposed project with Three (3) Special Conditions requiring submittal of: 1) a Revised Drainage and Run-Off Control Plan; 2) a Revised Landscaping Plan; and 3) evidence of conformance with geotechnical and soil gas recommendations.

SUBSTANTIVE FILE DOCUMENTS:

City of Newport Beach certified Land Use Plan; *Preliminary Geotechnical Investigation (Project File No. 23118-101)* by P.A. Associates, Inc. dated June 20, 2003; and *Soil Gas Investigation at 2471 Crestview Drive, Newport Beach, California (Project No. 7055)* by Black Rock Geosciences dated July 14, 2003.

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LIST OF EXHIBITS

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Site Plan
- 4. Floor Plans
- 5. Roof Plan
- 6. Elevations

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 <u>YES</u> 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

- 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.
- 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.

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- 3. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. Revised Drainage and Run-Off Control Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and approval of the Executive Director, a Revised Drainage and Run-Off Control Plan showing roof drainage and run-off from all impervious areas directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants common to coastal Orange County and/or non-native drought tolerant plants, which are non-invasive.
- B. The permittees 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.

2. Revised Landscaping Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a Revised Landscaping Plan to the Executive Director for review and approval. The landscaping plans shall show the following change to the project:
 - 1. Landscaping shall only consist of native plants common to Orange County and/or non-native drought tolerant plants, which are non-invasive.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

3. Conformance with Geotechnical and Soil Gas Recommendations

All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering and soil gas reports: *Preliminary Geotechnical Investigation (Project File No. 23118-101)* by P.A. Associates, Inc. dated June 20, 2003; and *Soil Gas*

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Investigation at 2471 Crestview Drive, Newport Beach, California (Project No. 7055) by Black Rock Geosciences dated July 14, 2003.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering and soil gas reports.
- C. The permittees 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 unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. LOCATION AND PROJECT DESCRIPTION

The subject site is located at 2471 Crestview Drive within the City of Newport Beach, Orange County (Exhibits #1-2) and is an inland lot not located between the first public road and the sea. The subject site is also located in the locked gate community of Bay Shores and within an existing urban residential area. The lot size is approximately 6,500 square feet and the City of Newport Beach Land Use Plan (LUP) designates use of the site for Single Family Detached Residential and the proposed project adheres to this designation.

No public access currently exists through the site. However, the project will have no impacts on existing coastal access. Public access to the harbor exists in the area across the channel from the Bayshores community along the public walkways on Lido Island and Balboa Island (Exhibit #1).

The applicants are proposing to demolish an existing single-family residence and construct a new 4,412 square foot two-story single-family residence with an attached 953 square foot two (2)-car garage (Exhibits #3-6). In addition, there will be a 127 square foot 2nd floor deck. Grading will consist of 450 cubic yards for purposes of recompaction.

MODIFICATION PERMIT

The applicants have obtained a Modification Permit No. MD2003-106 from the City of Newport Beach Planning Department which allows portions of the proposed residence to encroach a maximum 5 feet into the required 10-foot rear yard setback. In addition, the modification permit allows the related roof overhang to encroach an additional 24 inches into the 10-foot rear yard setback.

WATER QUALITY

A Site Grading and Drainage Plan for the proposed project has been submitted. On this plan it shows that front yard surface drainage will be directed to an underground perforated pipe drainage

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system. However, the drainage for the rear yard surface (alley side) and the locations of where roof top drainage will be directed are not shown. The Commission encourages that roof top drainage be directed towards permeable surfaces such as vegetated areas rather than driveways or impermeable surfaces in order to facilitate infiltration and reduce the amount of stormwater leaving the property. Therefore, the Commission imposes **Special Condition No. 1**, which requires submittal of Revised Drainage and Run-Off Control Plan showing surface, roof and area drainages showing how the project minimizes any adverse water quality impacts the proposed project may have during and after construction. The requested plans should also depict all vegetated and impermeable areas.

LANDSCAPING

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (http://www.caleppc.org/) and California Native Plant Society (www.CNPS.org) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm.

The applicants have submitted a Landscape Plan. The plan states that: Howea Forsterana, Pyrus Kawakamii, Cycas Revoluta, Petra Volublis, Ophiopogun Japonicus Dwarf, Alocasia Gageana, Begonia "Paul Hernandez", Coleus Species, Gardenia Mystery, Gardenia Veitchii, Hydrangea "Nikko Blue", Hydrangea Quercifolia, and Velthemia Bractrata will be used as part of the proposed landscaping. However, these plants are not drought tolerant. In addition, the submitted Landscape Plan further states that Plumeria Obtusa, Aeonium Zwartkop, Buxus Microphylla "Green Beauty", Clivia Miniata "Yellow", Dicksonia Antartica, and Melianthus Major. will be part of the proposed landscaping. However, the watering needs of these plants could not be determined. Therefore, the Commission imposes Special Condition No. 2, which requires submittal of Revised Landscape Plans with only native plants common to coastal Orange County and/or nonnative drought tolerant plants, which are non-invasive.

GEOTECHNICAL & SOIL GAS

To affirm that the proposed development will assure stability and structural integrity, neither create nor contribute significantly to geologic instability or destruction of the site or surrounding area and to assure that risks to life and property are minimized, the Commission imposes **Special Condition No. 3,** which requires the submission of final plans that incorporate the geologist's recommendations into the final design and construction plans of the proposed project.

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

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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. 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, 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.

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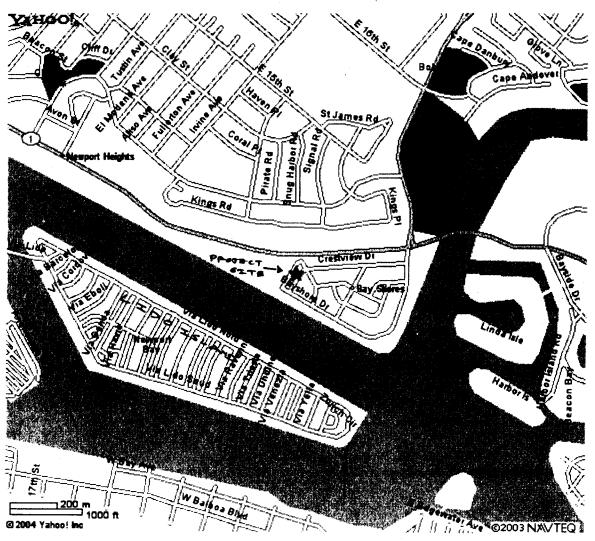


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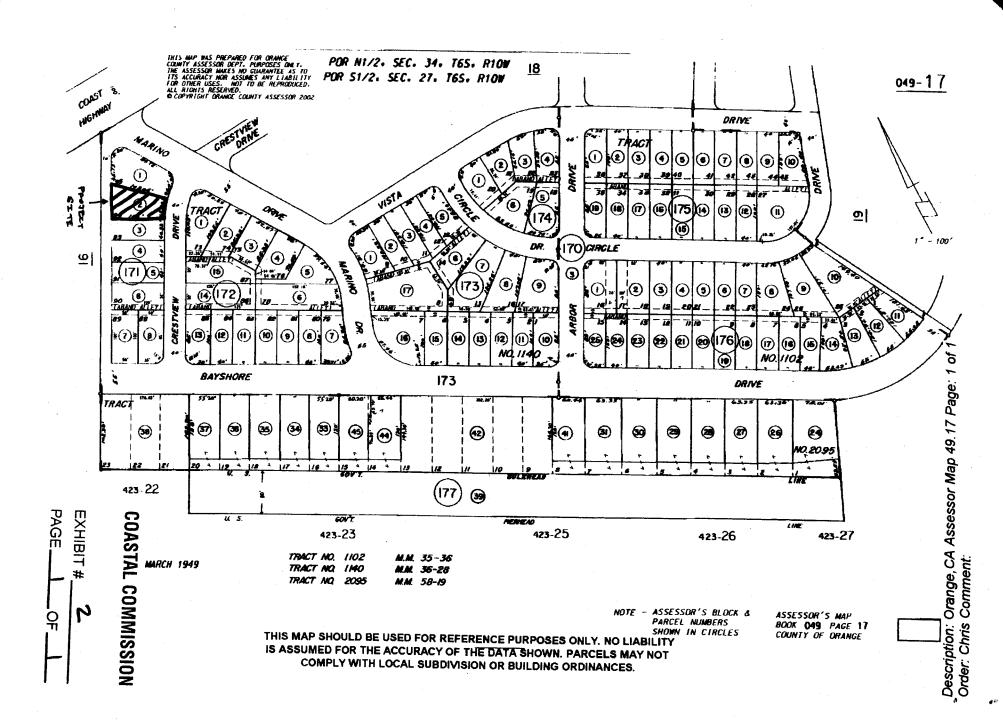
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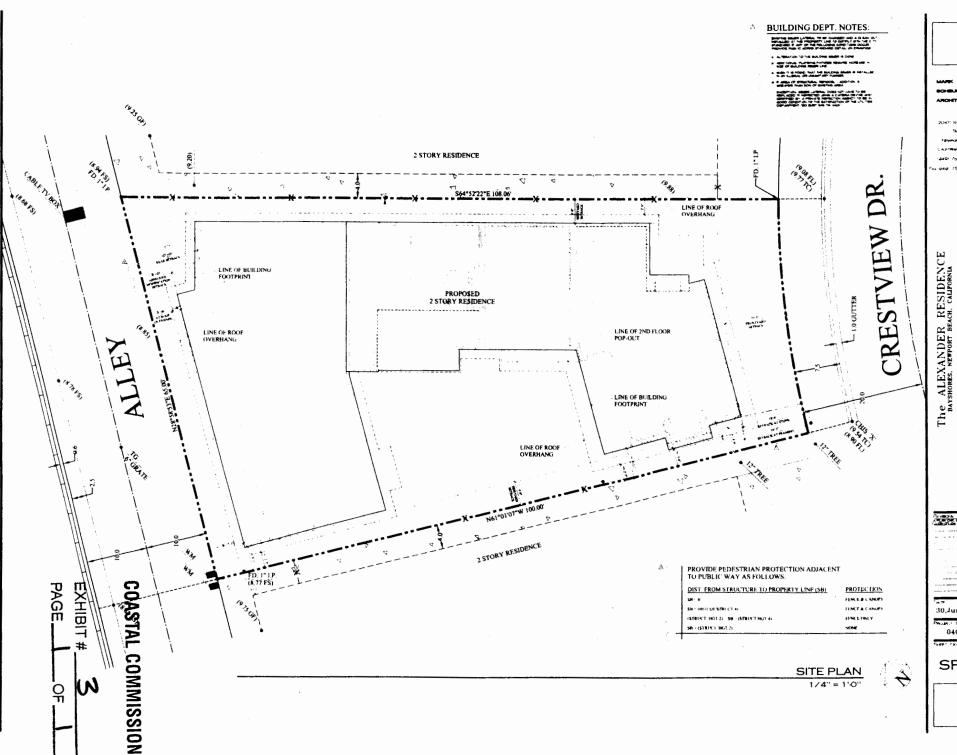
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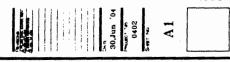
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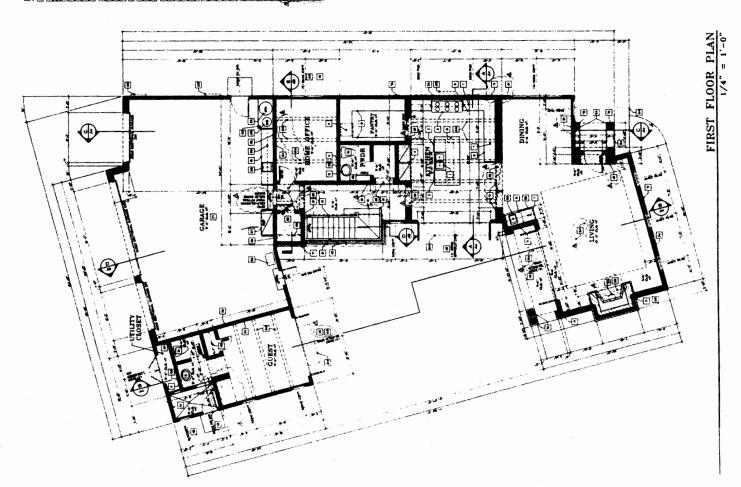
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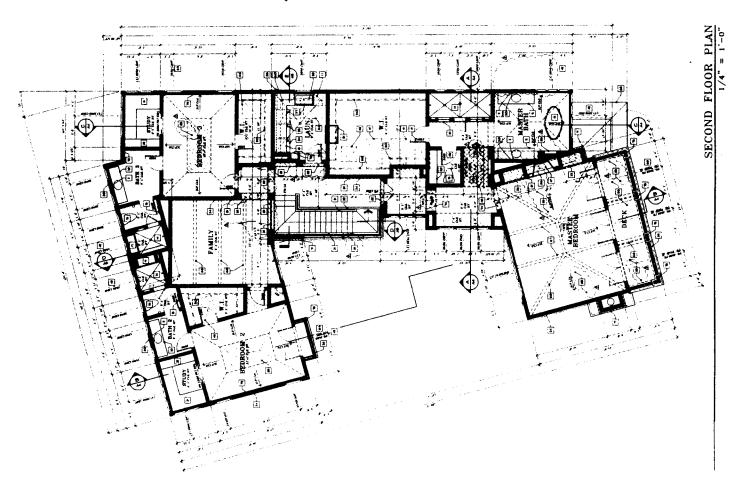
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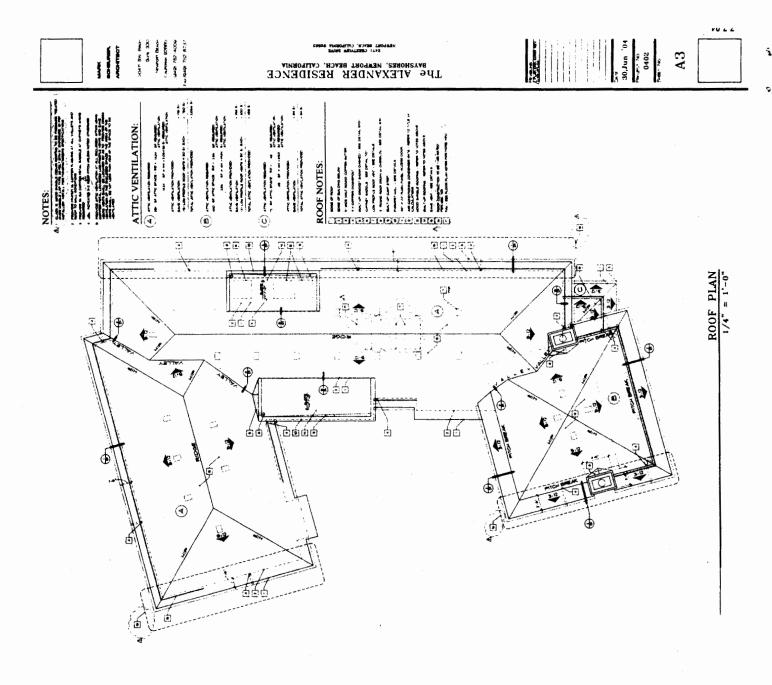
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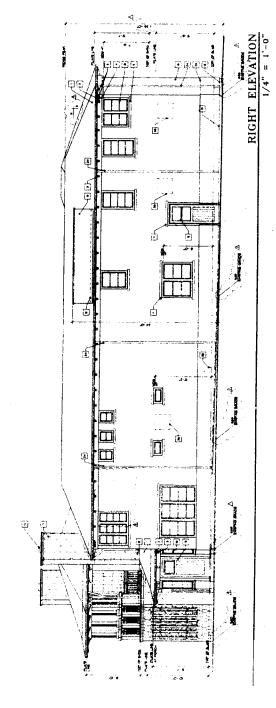
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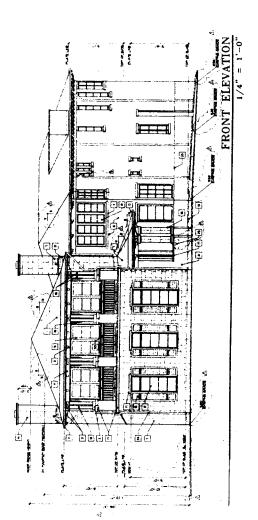
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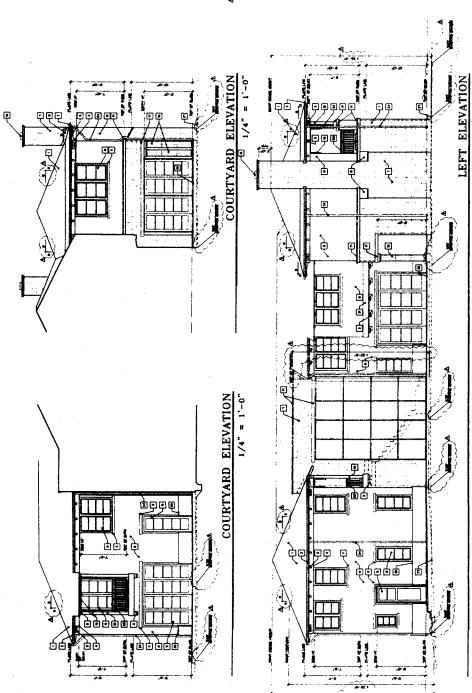
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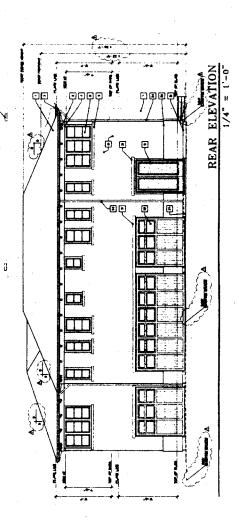
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