

CALIFORNIA COASTAL COMMISSION

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

TU 4a

Filed: February 23, 2005
49th Day: April 13, 2005
180th Day: August 22, 2005
Staff: FSY-LB ~~FSY~~
Staff Report: May 19, 2005
Hearing Date: June 7-10, 2005
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-04-482 **RECORD PACKET COPY**

APPLICANT: Dino Capannelli

PROJECT LOCATION: 430 31st Street, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Demolition of two (2) commercial buildings and construction of a new mixed-use building consisting of one (1) residential unit over a ground level area consisting of two (2) artist studio spaces.

LOCAL APPROVALS RECEIVED: Approval in Concept (#1174-2002) from the City of Newport Beach Planning Department dated December 20, 2004.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to construct a mixed-use development that provides artist studio/warehouse space on the ground floor and a residential unit on the upper two floors. Parking will be provided on site through a residential garage and separate on-site commercial parking spaces accessible via the alley and street. The major issues of the staff report include parking, land use, and water quality.

Staff recommends the Commission **APPROVE** the proposed development with **five (5) Special Conditions** requiring **1)** acknowledgement of a future improvements condition; **2)** submittal of a Parking Management Plan, **3)** conformance with construction best management practices, **4)** conformance with the submitted drainage and run-off control plan; and **5)** recordation of a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan (LUP), Coastal Development Permit #5-03-299-[29th Street Partners, L.L.C.]; Letter from Commission staff to Dino Capannelli dated January 19, 2005; Letter from Dino Capannelli to Commission staff dated January 21, 2005; Letter from Dino Capannelli to Commission staff dated February 1, 2005; and *Parking Study for 430 31st Street, Cannery Village* prepared by Kimley-Horn and Associates, Inc. dated February 21, 2005.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site/Drainage Plan
 4. Floor Plans
 5. Elevation Plans
 6. Section/Roof Plans
-

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. 5-04-482. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-04-482. Accordingly, any future improvements to the mixed use building consisting of two (2) artist/warehouses spaces and one (1) residential unit 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. 5-04-482 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Parking Management Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a parking management plan for the development approved by Coastal Development Permit No. 5-04-482.
1. The parking plan shall demonstrate that parking is designated on-site in the following manner: two (2) parking spaces for exclusive use by the tenant of the residential unit and two (2) spaces for use by employees and customers of the artist studio/warehouse spaces.
 2. The parking plan shall include, at a minimum, the following components:
 - a. A signage plan, depicting the design (e.g., dimensions, wording, etc.) of the posted parking signs. Signs shall be placed at both the front and rear of the buildings.
 - b. A site plan depicting the locations where residential, employee and customer parking signs will be installed.
- 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.

3. Construction Best Management Practices

The permittee shall comply with the following construction-related requirements:

- A. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity shall be implemented prior to the on-set of such activity;
- B. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- C. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- D. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- E. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- F. A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- G. All BMPs shall be maintained in a functional condition throughout the duration of the project;
- H. Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

4. Drainage and Run-Off Control Plan

The applicant shall conform with the drainage and run-off control plan received on December 24, 2004 showing roof drainage and runoff from all impervious areas directed to a trench drain or vegetated/landscaped areas. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 430 31st Street in the City of Newport Beach, Orange County (Exhibits #1-2). The lot size is 2,790 square feet (30-feet x 93-feet) and the City of Newport Beach Land Use Plan (LUP) designates use of the site for Retail and Service Commercial and the proposed project adheres to this designation. The site is located within the Cannery Village area, which encompasses the area located between 32nd Street and 26th Street on the Balboa Peninsula. Cannery Village is a mixed-use district with commercial, industrial, and residential uses. In this district, residential development is allowed on the upper floors in conjunction with ground floor commercial usage. The subject site is located approximately 200 feet from the Rhine Waterway. The nearest public coastal access to the Rhine Waterway is available at the corner of 31st Street and Lafayette Avenue, east of the project site.

The project involves demolition of two (2) commercial (500 square feet and 600 square feet) one-story buildings used as artists' studios and construction of a new approximately 31-foot high, three-story 3,304 square foot mixed-use building consisting of one (1) 2,086 square foot residential unit (2nd and 3rd floors) over a ground level area consisting of a total of two (2) artist studio spaces: a 791 square foot space and a 427 square foot space (Exhibit #3-6). Also, there will be a total of 454 square feet of 2nd floor decks and a 387 square foot 3rd floor deck. In addition, the project includes a parking area for both the commercial and residential components of the structure on the ground floor. There will be a 563 square foot two (2)-car garage for the residential use and one (1) carport for each of the artist studio spaces, totaling two (2) parking spaces for the commercial components. No grading is proposed. There is an existing large curb cut along Villa Way adjacent the project site. A portion of this existing curb cut will be converted to new sidewalk and the rest will be reused as access to one of the proposed parking stalls. Villa Way is a one-way street and presently along Villa Way adjacent to the curb described above, there are no metered parking spaces and there are no un-metered parking spaces. However, on the other side of Villa Way there are un-metered parking spaces.

The residence will be served by a two (2)-car garage accessible from the alley. Thus, the proposed development provides parking that meets the Commission's regularly used standard of two (2) spaces per residential unit. All of the ground floor commercial spaces are proposed to be used as artist studios/warehouses and each ground floor commercial space will be served by one (1) of two (2) off-street parking spaces—one (1) space accessible from the alley and one space accessible from the side street (Villa Way). The proposed development provides parking that is deemed adequate to serve the parking demand of the proposed artist studio/warehouse use on the ground floor, but will not be sufficient to serve a general commercial use. For artist studio/warehouse uses, the Commission has typically imposed a standard of 1 space per 1,000 square feet of gross floor area. Using this standard, each artist' studio would require only one (1) parking space. Also, a parking study was done that showed that the proposed parking on-site would be adequate for the proposed uses. As such, the use of the ground floor spaces are restricted to the proposed use of artist studio/warehouse and any changes in the type or intensity of use will require an amendment or new permit. In addition, a parking management plan must be submitted prior to permit issuance to ensure that appropriate signage is provided.

The applicant is proposing water quality improvements as part of the proposed project, consisting of rooftop and surface drainage directed to permeable areas (Exhibit #3). Any vegetated landscaped areas located on site shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

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>.

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, 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. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes an additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

F. LOCAL COASTAL PROGRAM

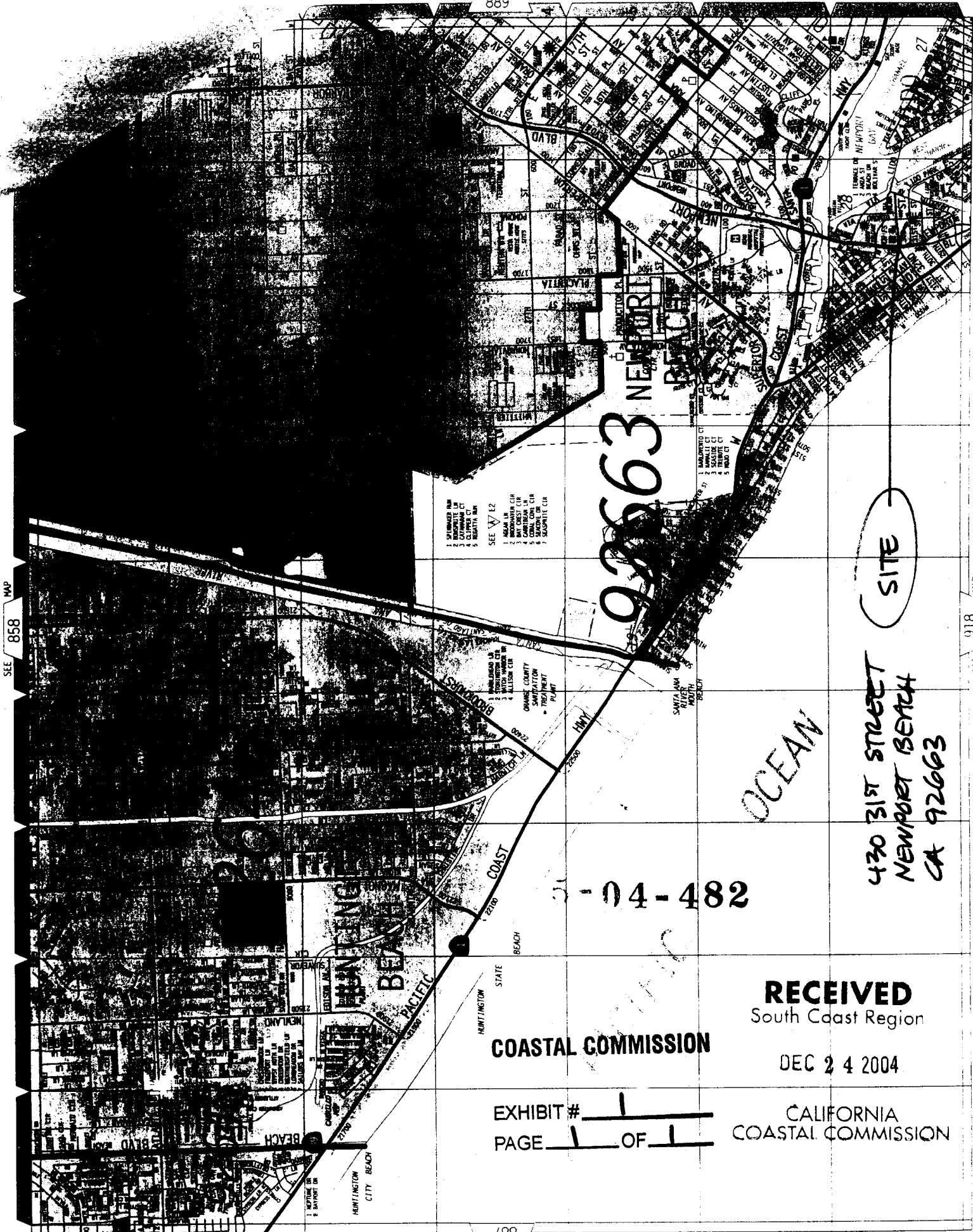
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability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

G. 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.

SEE 858 MAP

889



- SEE V E2
- 1 AGUA LN
 - 2 INDEPENDENT CIR
 - 3 CAYMANA CT
 - 4 CANTONIA LN
 - 5 CORAL CIRCLE CIR
 - 6 CANTONIA LN
 - 7 SCAPATE CIR

922663

SITE

430 31ST STREET
NEWPORT BEACH
CA 92663

04-482

COASTAL COMMISSION

RECEIVED
South Coast Region

DEC 24 2004

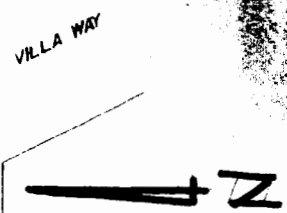
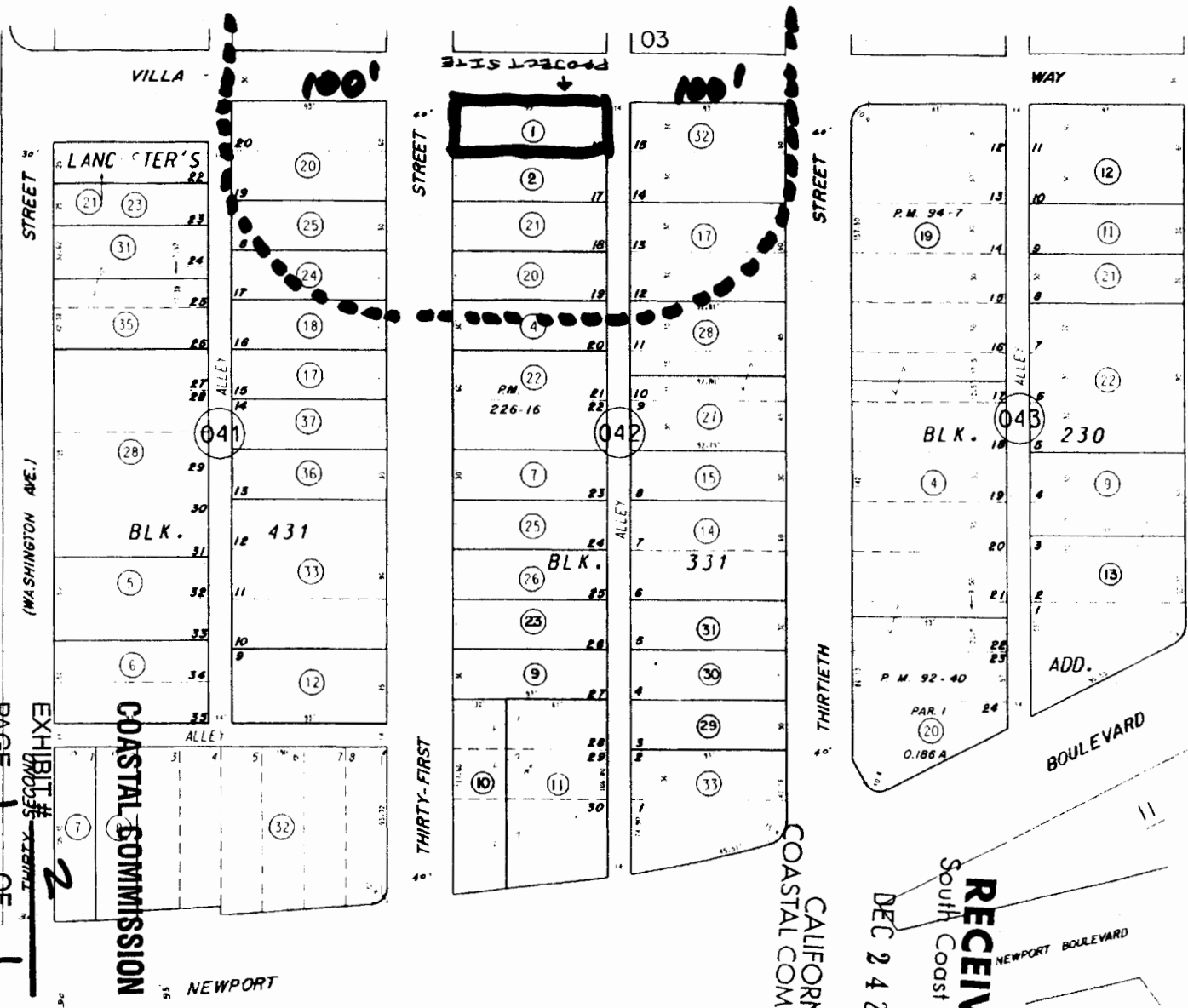
CALIFORNIA
COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

NOT BE USED FOR ANY PURPOSES
 EXCEPT AS SHOWN ON THIS MAP
 THE ASSessor'S MAP IS A PUBLIC RECORD
 AND IS NOT TO BE REPRODUCED
 WITHOUT THE WRITTEN PERMISSION OF
 THE COUNTY OF ORANGE ASSESSOR 2002

423

EXHIBIT # 2
 PAGE 1 OF 1



100' RADIUS MAP
 FOR
 430 31ST STREET
 DATE: 12/8/04
 SCALE: 1" = 97'
 SHEET: 1 OF 2

RECEIVED
 South Coast Reg
 DEC 24 2004
 NEWPORT BOULEVARD

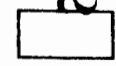
MARCH 1949

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LANCASTER'S ADD. M.M. 5-14
 PARCEL MAP P.M. 92-40
 PARCEL MAP P.M. 94-7 (STREET ONLY)

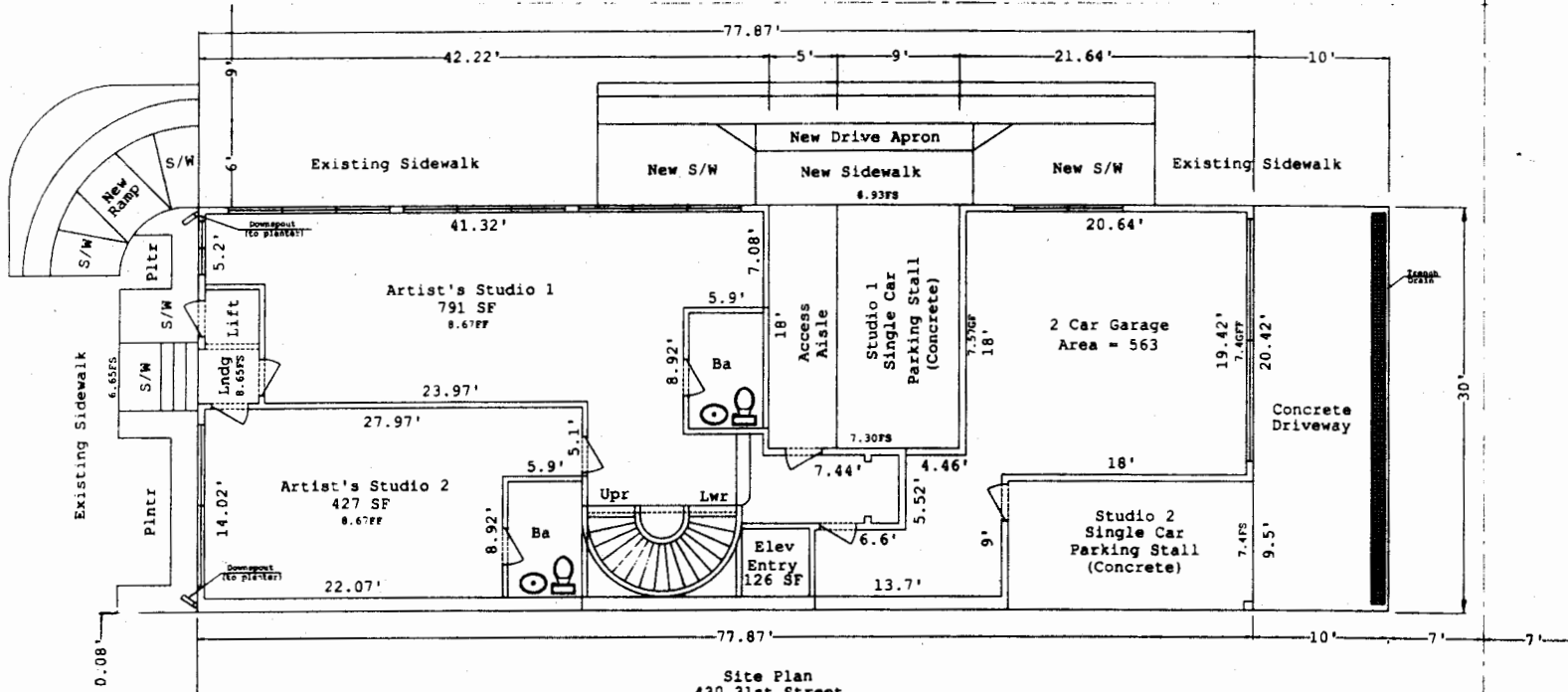
NOTE: ASSessor'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 047 PAGE 04 COUNTY OF ORANGE





Plans prepared by
Michael J. ...
 License No. ...
 State of California



Site Plan
 430 31st Street
 Newport Beach, CA
 Permit # 5-04-482

Existing Building
 428 31st Street



Plot Plan and
 Drainage Plan

PROPERTY OWNER/BUILDER:
 403 ORCHARD WAY
 NEWPORT BEACH, CALIFORNIA
 Phone: 642-1830

APPROVAL IN CONCRETE PLAN
 PROPOSED MIXED USE BUILDING
 430 31st STREET
 NEWPORT BEACH, CALIFORNIA

DATE: 01/16/05
 SHEET: 1 OF 7
 JOB NO.: 2004-41

COASTAL COMMISSION

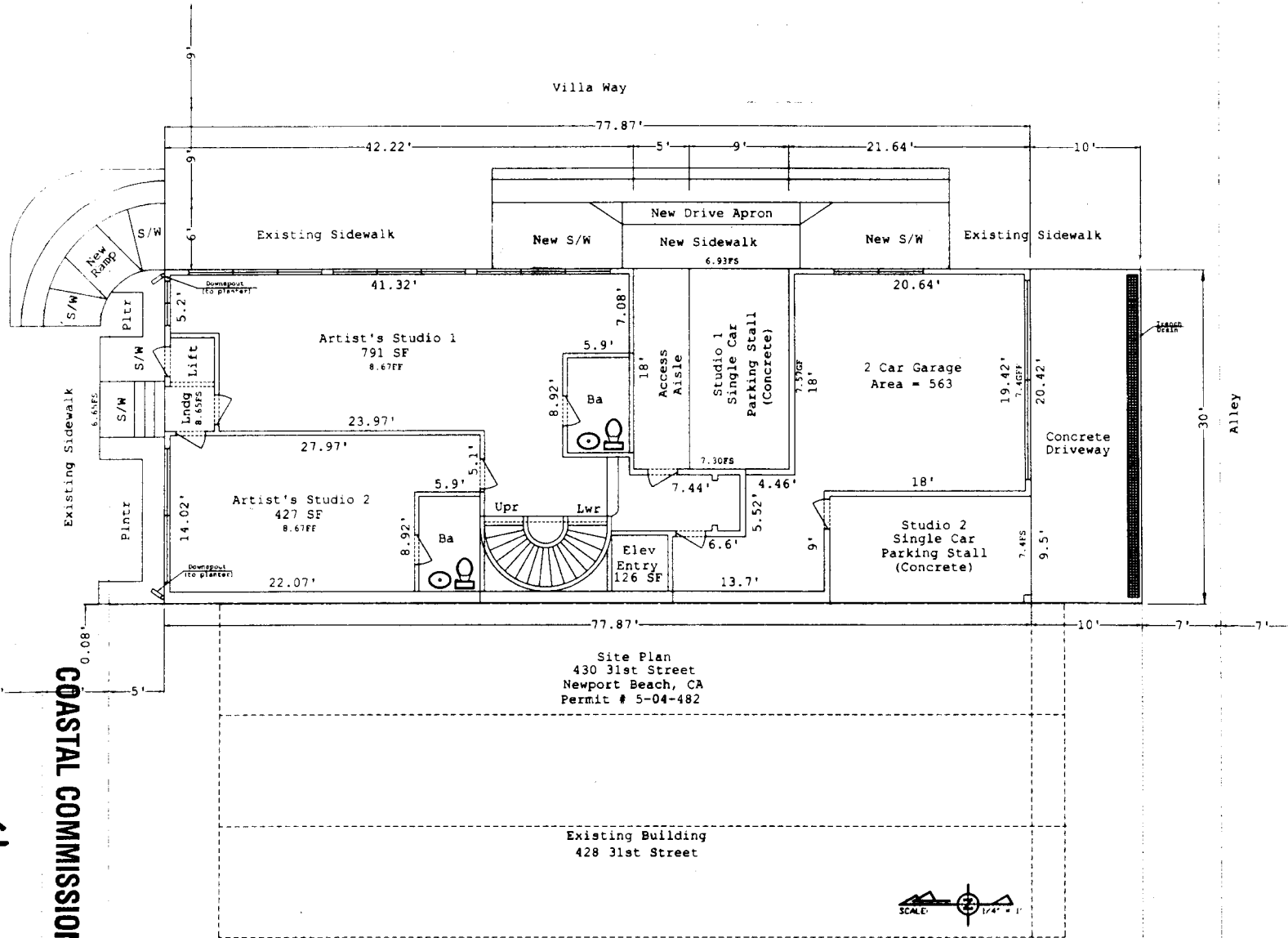
EXHIBIT # 3

PAGE 1 OF 1

31st Street

EXHIBIT # 4
PAGE 1 OF 2

COASTAL COMMISSION



Site Plan
 430 31st Street
 Newport Beach, CA
 Permit # 5-04-482

Existing Building
 428 31st Street



Prepared by
 DINO CANNELLI
 License No. 44888
 State of California
 P.E.C. 04/88

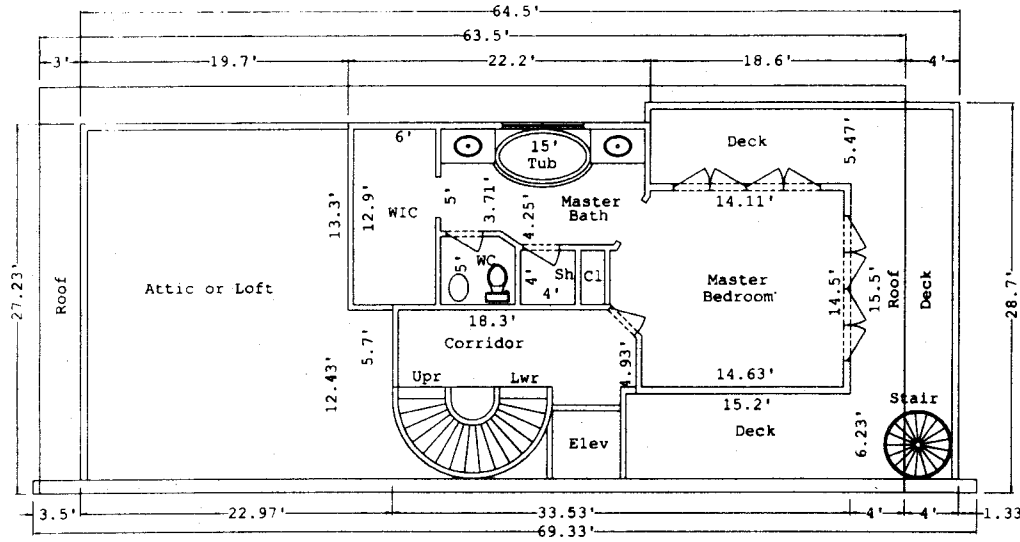
31st Street
 Villa Way
 Alley

First Floor Plan

PROPERTY OWNER/BUILDER
 DINO CANNELLI
 NEWPORT BEACH, CALIFORNIA
 Phone 642-4840

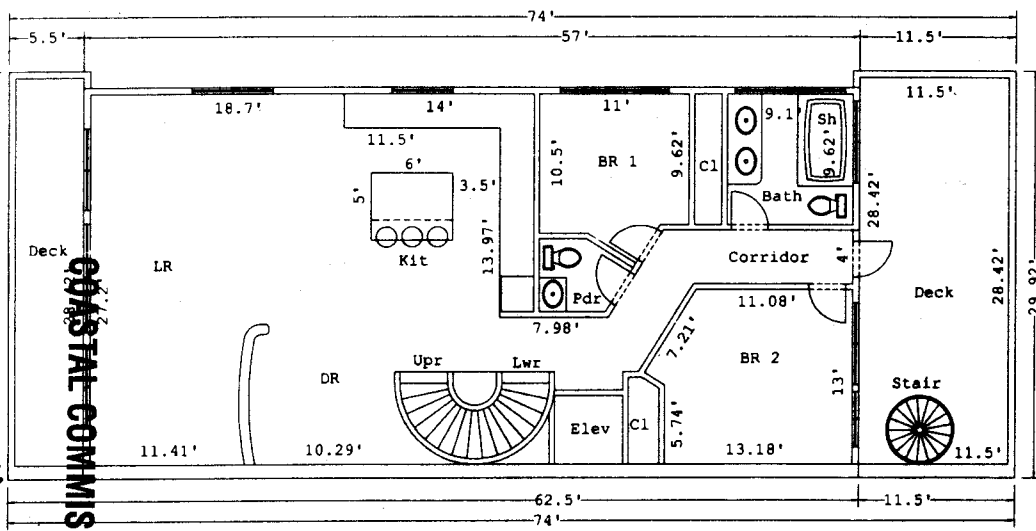
APPROVAL IN CONCEPT PLAN
 PROPOSED MIXED USE BUILDING
 430 31st Street
 NEWPORT BEACH, CALIF. 94

Drawn By: DC
 Date: Dec 19, 2004
 Sheet: 1 of 7
 Job No. 2004-01



Third Floor Plan
Horizontal Scale: 1/4" = 1'

Third Floor Areas
Living Area = 538 sf
Stairwell, Elev and Corridor Area = 211 sf



Second Floor Plan
Horizontal Scale: 1/4" = 1'

Second Floor Areas:
Living Area = 1552 sf
Stairwell and Elev Area = 64 sf

EXHIBIT # 4
PAGE 2 OF 2

CRISTAL COMMISSION



Plans prepared by
Angus
ANGUS
1001 GARDEN WAY
NEWPORT BEACH, CALIFORNIA
92640-1428
Phone: 949-486-1428



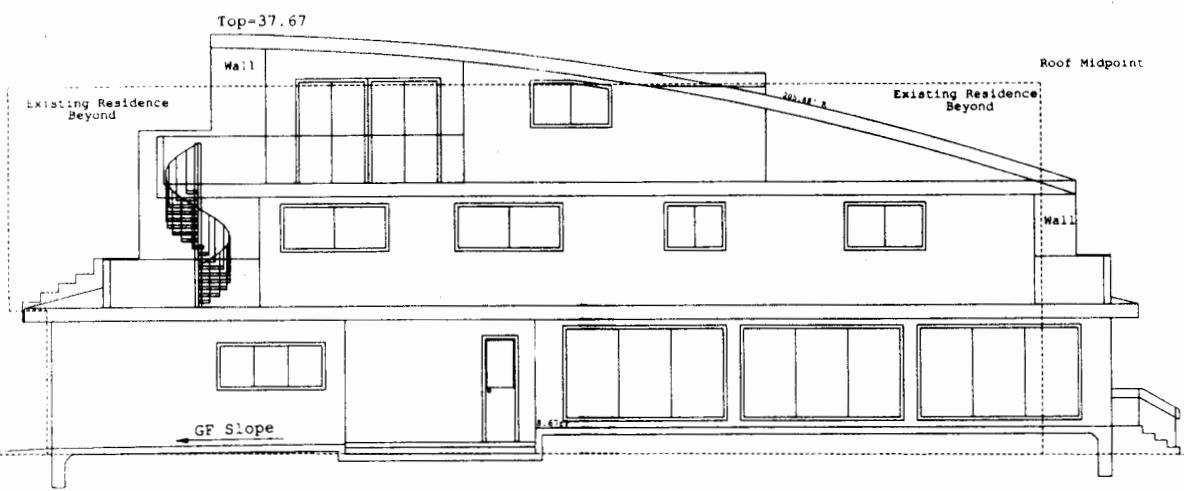
Second and Third Floor Plans

PROPERTY OWNER/BUILDER
ANGUS
1001 GARDEN WAY
NEWPORT BEACH, CALIFORNIA
92640-1428
Phone: 949-486-1428

APPROVAL IN CONCEPT PLAN
PROPOSED MIXED USE BUILDING
430 31st STREET
NEWPORT BEACH, CALIFORNIA
92640-1428
DATE: 01/03/05
SHEET: 5 OF 7
SCALE: AS SHOWN



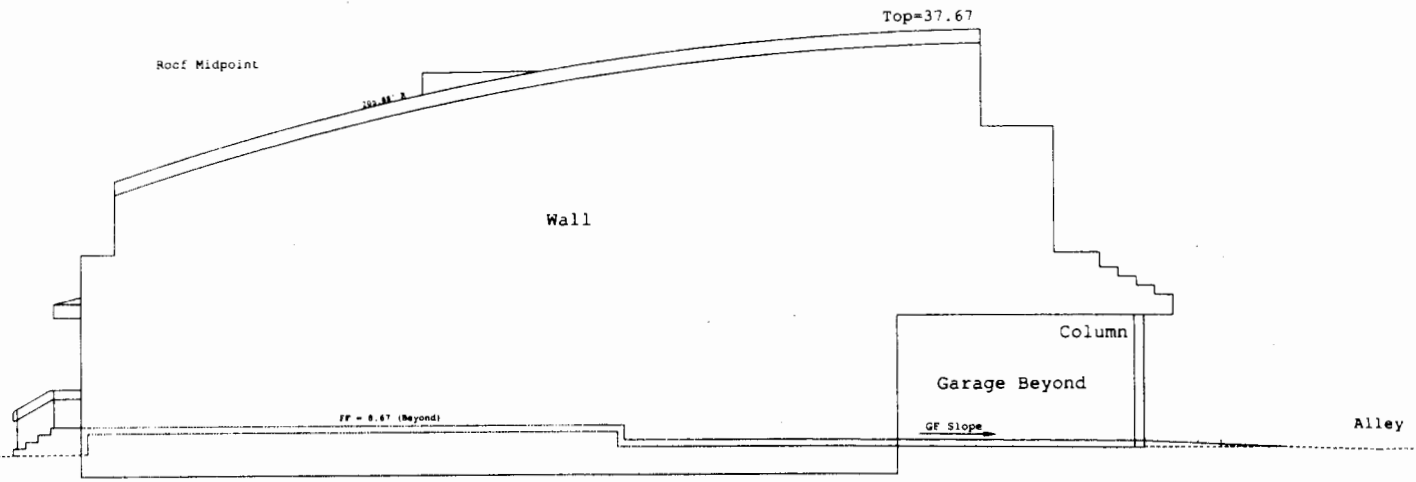
Plans prepared by
David Campbell
DAVID CAMPBELL
P.E. C.E. 13838
ARCHITECTS
1000 S. GARDEN ST.
NEWPORT BEACH, CALIF. 92660
PHONE: 949-440-0000



East Elevation
(Villa Way)
Horizontal Scale: 1/4" = 1'
Vertical Scale: 1/4" = 1'

Elevations

West Elevation
(428 31st St)
Horizontal Scale: 1/4" = 1'
Vertical Scale: 1/4" = 1'



PROPERTY OWNER/BUILDER
DAVID CAMPBELL
403 ORION WAY
NEWPORT BEACH, CALIFORNIA
PHONE: 949-440-0000

APPROVAL IN CONCEPT PLAN
PROPOSED MIXED USE BUILDING
430 31ST STREET
NEWPORT BEACH, CALIFORNIA

DATE: 01/03/05
SHEET: 5 OF 7
JOB NO.: 2005-01

COASTAL COMMISSION

EXHIBIT # **S**
PAGE **1** OF **1**



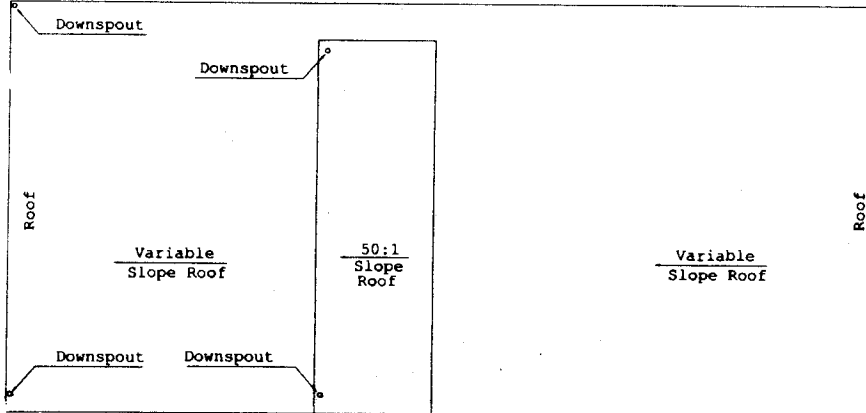
Plans prepared by
Dino Capannelli
DINO CAPANNELLI
P.E. 10000
NEWPORT BEACH, CALIFORNIA
PHONE 949-482-4840

Elevations and Roof Plan

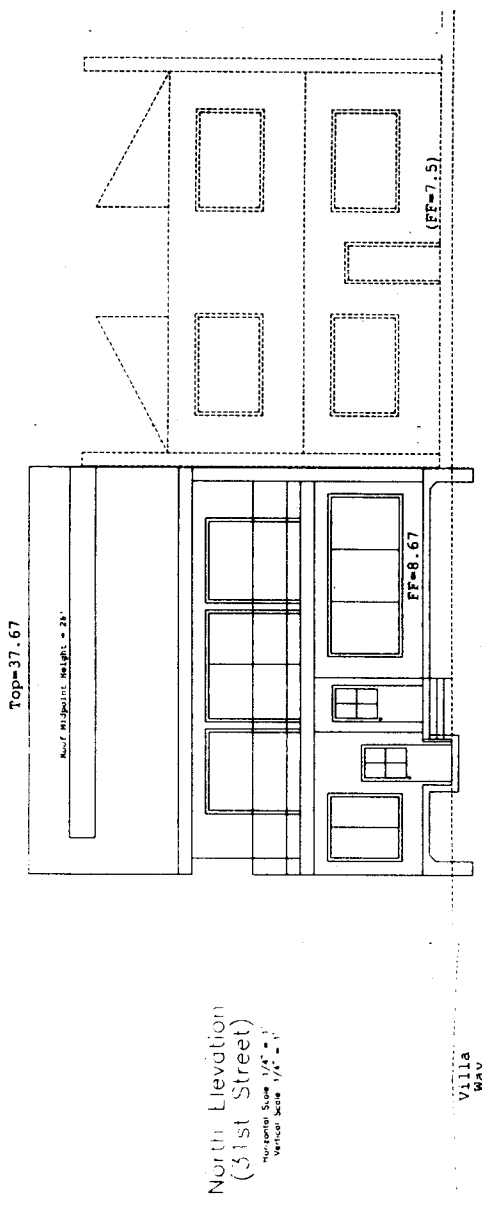
PROPERTY OWNER/BUILDER
DINO CAPANNELLI
400 BROWN WAY
NEWPORT BEACH, CALIFORNIA
PHONE 949-482-4840

APPROVAL IN CONCEPT PLAN
PROPOSED MIXED USE BUILDING
430 31st STREET
NEWPORT BEACH, CALIFORNIA

DRAWN BY: DC
DATE: 01.18.2004
SHEET: 7 OF 7
JOB NO.: 2004-01

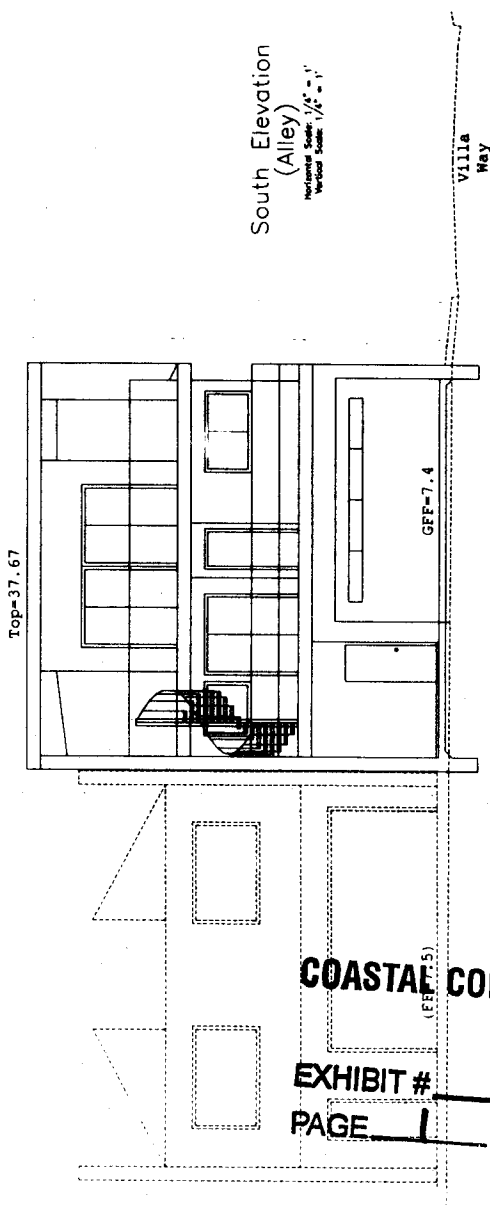


Roof Plan
Horizontal Scale: 1/4" = 1'
Vertical Scale: 1/4" = 1'



North Elevation
(31st Street)
Horizontal Scale 1/4" = 1'
Vertical Scale 1/4" = 1'

Proposed Mixed Use Building
430 31st Street
Elevation
430 31st Street



South Elevation
(Alley)
Horizontal Scale: 1/4" = 1'
Vertical Scale: 1/4" = 1'

Proposed Mixed Use Building
430 31st Street

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1

C:\Pathfinder\31st Street\Floorplan\Working\2005-01-03\07_layoutsheets-01.dwg, Jan 3, 2005 12:18:48 p. 1:3.25581