

CALIFORNIA COASTAL COMMISSION

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

W 4c**RECORD PACKET COPY**

Filed: March 18, 2005
49th Day: April 6, 2005
180th Day: September 14, 2005
Staff: FSY-LB **FSJ**
Staff Report: June 23, 2005
Hearing Date: July 13-15, 2005
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-05-103**APPLICANT:** Bayshores Community Association; Attn: Debbie Boyd**AGENT:** David George & Associates, Inc., Attn: David George**PROJECT LOCATION:** 261 West Coast Highway, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Remove an existing 45 square foot guardhouse for the private gated community of Bayshores and construct a new 145 square foot, 16.71-feet above finished grade, guardhouse. The project also consists of: widening of the road at the exit of the property, minor grading, new curb and gutter, enhanced driveway paving, street striping, relocate and update existing entrance signs, new planters, new catch basin and electronic gate modifications.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-In-Concept (No. 0839-2004) dated April 14, 2004.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing demolition and construction of a new guardhouse for a private gated community. The major issues of this staff report concern public access and water quality.

Staff is recommending **APPROVAL** of the proposed project with **Three (3) Special Condition** regarding: **1)** future improvements; **2)** construction responsibilities; and **3)** conformance with the drainage and run-off control plan.

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; and Letter from David George and Associates to Commission staff dated March 16, 2005.

LIST OF EXHIBITS

1. Location Map
 2. Vicinity Map
 3. Site Plans (Existing and New)
 4. Floor Plans/Elevations
 5. Drainage and Run-Off Control Plan
-

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. 5-05-103. 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. 5-05-103. Accordingly, any future improvements to the guard house building 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. 5-05-103 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. 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 run-off 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.

3. Conformance with Drainage and Run-Off Control Plan

The applicant shall conform with the drainage and run-off control plan received on March 18, 2005 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 or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 261 West Coast Highway and is the entrance to the locked gate community of Bayshores within the City of Newport Beach, Orange County (Exhibits #1-2). 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.

The applicant is proposing to remove an existing 45 square foot guardhouse for the private gated community of Bayshores that has been damaged and construct a new 145 square foot, 16.71' above finished grade, guardhouse (Exhibit #3-5). The project also consists of: widening of the road at the exit of the property, minor grading, new curb and gutter, enhanced driveway paving, street striping, relocate and update existing entrance signs, new planters, new catch basin and electronic gate modifications (Exhibit #3-5).

The applicant is proposing a water quality improvement as part of the proposed project, consisting of a new catch basin with a french drain filtering component located in the street near the new guardhouse building (Exhibit #5). 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 must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

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. WATER QUALITY

The proposed development has a potential for a discharge of polluted run-off 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 run-off through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the run-off 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.

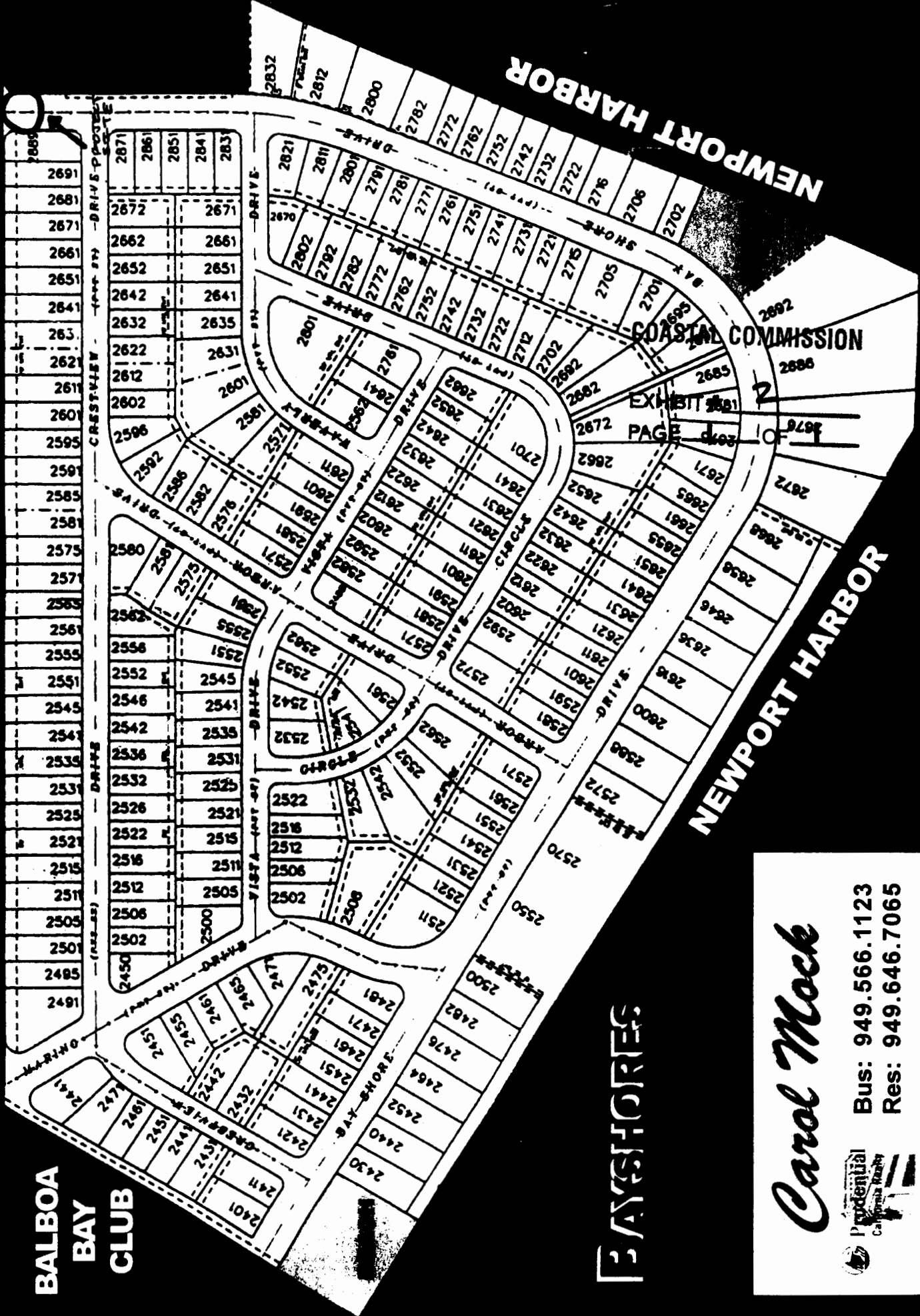
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.



PACIFIC COAST HIGHWAY

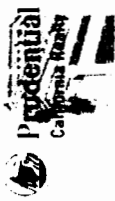
**BALBOA
BAY
CLUB**

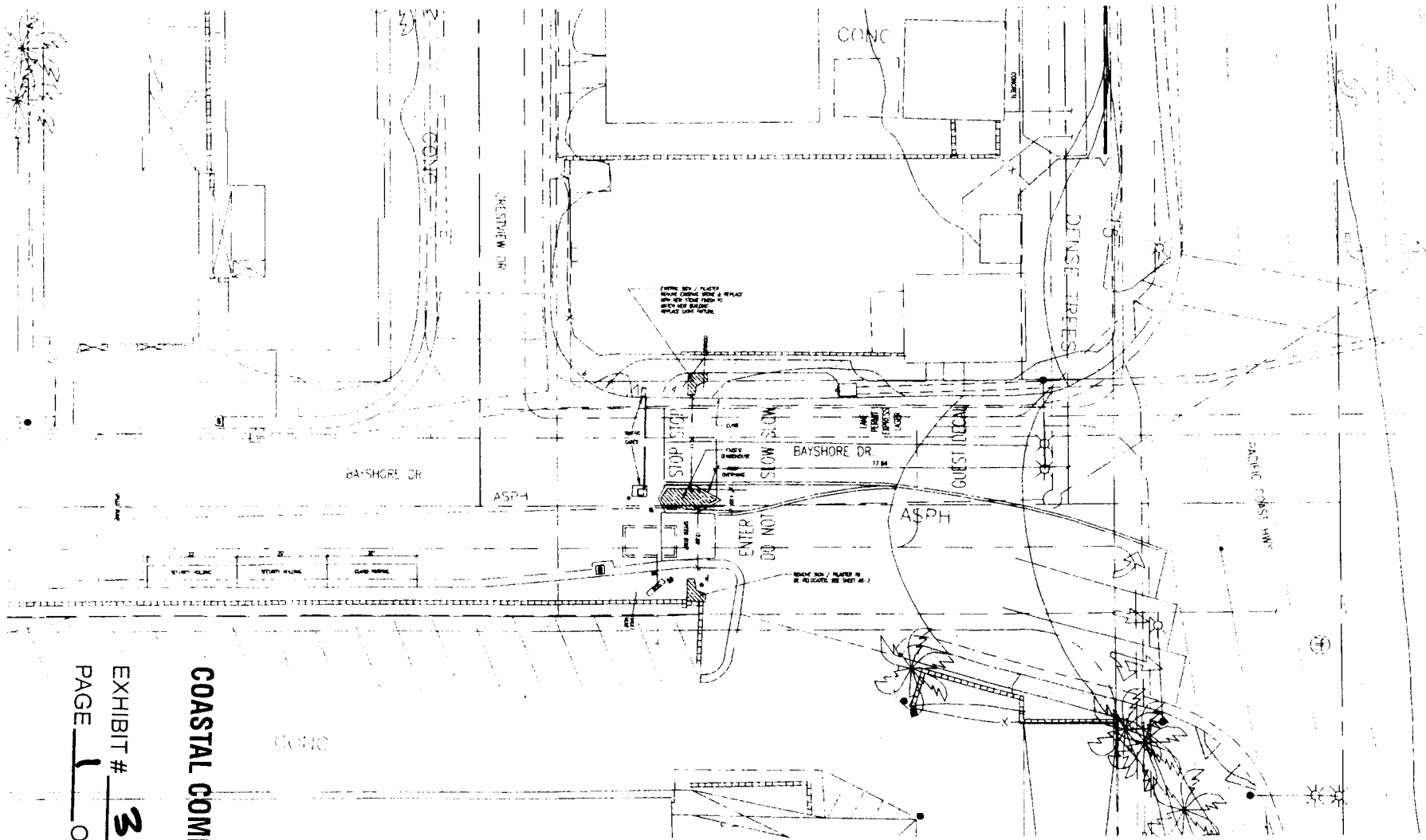


BAYSHORES

Carol Mock

Bus: 949.566.1123
Res: 949.646.7065





COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 2

NEW SITE PLAN
1" = 10'-0"



DATE:
MARCH 18, 2004

PROJECT NO:
0411
SHEET NO:

EXISTING
SITE PLAN

REVISIONS

BAYSHORES
GUARDHOUSE
201 1/2 WEST COAST HWY
NEWPORT BEACH, CALIFORNIA



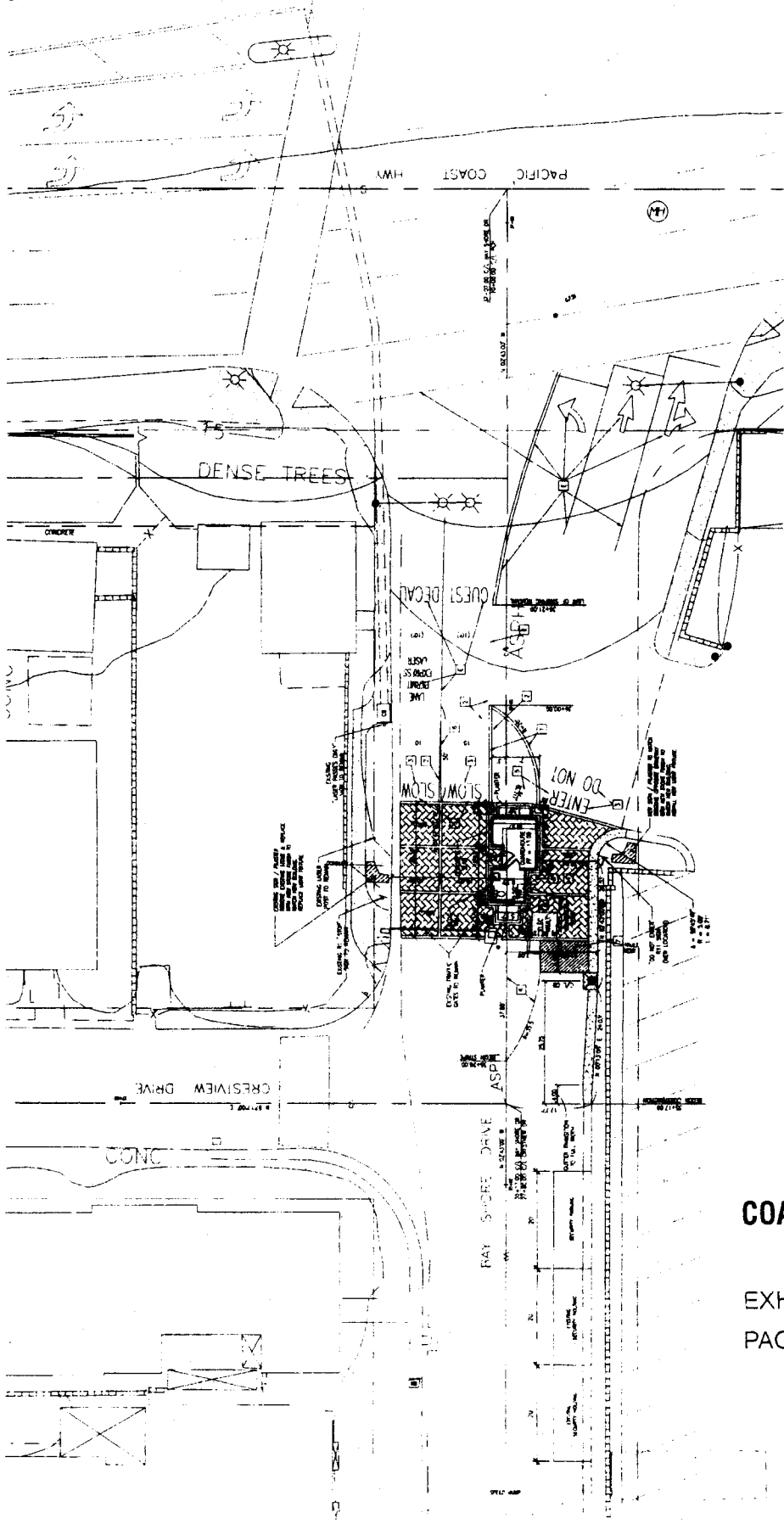
ARCHITOPIA
ARCHITECTS
1000 WEST COAST HWY
SUITE 100
NEWPORT BEACH, CA 92660
TEL: 949/440-1000
FAX: 949/440-1001
WWW.ARCHITOPIA.COM



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EXHIBIT # 3
PAGE 2 OF 2

NEW SITE PLAN
1" = 10'-0"



LEGEND

- 1 PAINT DOUBLE YELLOW LINE PER CALTRANS STD PLAN ASDA DETAIL 21 (SEE CIVIL)
 - 2 SANDBLAST EXISTING STRIPING
 - 3 REPAINT PAVEMENT LEGEND TO MATCH EXISTING
 - 4 RELOCATE EXISTING "DO NOT ENTER" SIGN AS SHOWN ON PLAN
 - 5 SANDBLAST EXISTING PAVEMENT LEGEND
 - 6 PAINT 6" WHITE CHANNELIZING LINE PER CALTRANS STD PLAN ASDA DETAIL 33 (SEE CIVIL)
 - 7 NEW A.C. SPEED BUMP (SEE CIVIL)
 - 8 DOLLAND - SEE DETAIL WAS 2 ON SHEET AS-2
 - 9 EXISTING STRIPING / PAVEMENT LEGEND TO REMAIN
- NOTE: REFER TO SHEET AS-3 FOR SITE DETAILS.

ACCESSIBILITY

THE NEW STRUCTURE HAS BEEN CONSTRUCTED TO COMPLY WITH APPLICABLE ACCESSIBILITY REQUIREMENTS.

HOWEVER, IT IS PHYSICALLY IMPOSSIBLE TO PROVIDE ACCESSIBLE PARKING DUE TO THE EXISTING PHYSICAL SITE CONSTRAINTS. PROVIDED IS THE MAXIMUM PERMITTED BY THE SITE, INCLUDING A DESIGNATED / BARRIERS SPACE AND PATH OF TRAVEL.

PER CODE EXCEPTION 4.1.6 (1) @ WHICH READS AS FOLLOWS:

"IN EXCEPTIONAL CIRCUMSTANCES, WHERE COMPLIANCE WITH 4.1.6.2 IS PHYSICALLY IMPOSSIBLE, THE ATTENDANT SHALL PROVIDE ACCESSIBILITY TO THE EXTENT FEASIBLE. ANY ELEMENTS OR FEATURES OF THE BUILDING OR FACILITY THAT BEING ALTERED AND CAN BE MADE ACCESSIBLE SHALL BE MADE ACCESSIBLE WITHIN THE SCOPE OF THE ALTERATION."



ARCHILOPIA
ARCHITECTS
1001 1/2 WEST COAST HWY
NEWPORT BEACH, CALIFORNIA 92660
(714) 366-1111
WWW.ARCHILOPIA.COM



VDA
VERDE DESIGN ASSOCIATES
201 1/2 WEST COAST HWY
NEWPORT BEACH, CALIFORNIA 92660
(714) 366-1111
WWW.VDA-ARCHITECTS.COM

BUILDING DEPARTMENT SUBMITTAL

PROPOSED
SITE PLAN

PROJECT NO:
0411

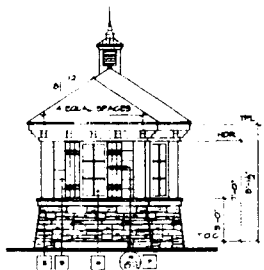
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SP-2

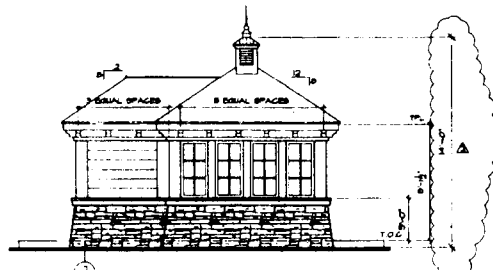
DATE: 10/14/2014
DRAWN BY: R. HARRIS

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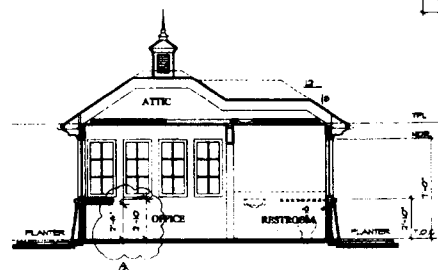
EXHIBIT # **4**
PAGE **1** OF **1**



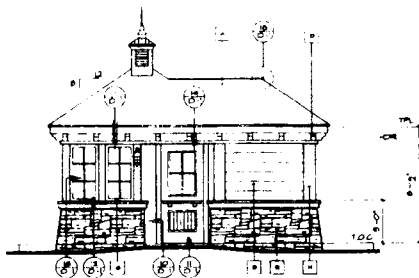
REAR ELEVATION
SCALE 1/4" = 1'-0"



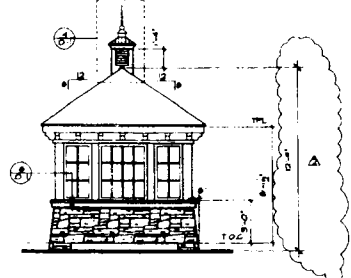
LEFT ELEVATION
SCALE 1/4" = 1'-0"



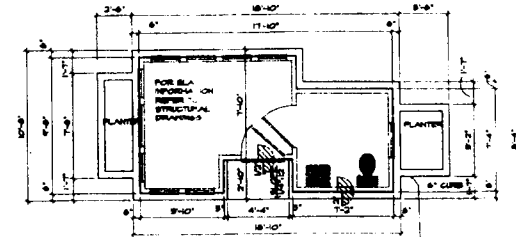
SECTION
SCALE 1/4" = 1'-0"



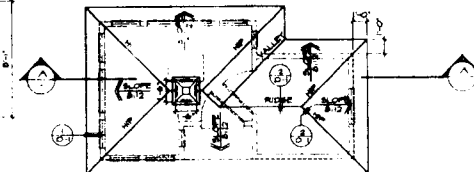
RIGHT ELEVATION
SCALE 1/4" = 1'-0"



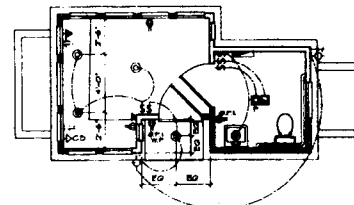
FRONT ELEVATION
SCALE 1/4" = 1'-0"



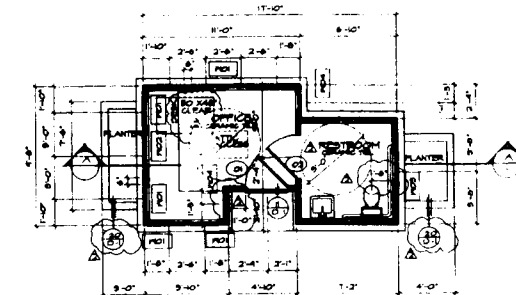
SLAB PLAN
SCALE 1/4" = 1'-0"



ROOF PLAN
SCALE 1/4" = 1'-0"



UTILITY PLAN
SCALE 1/4" = 1'-0"



FLOOR PLAN
SCALE 1/4" = 1'-0"

ELEVATION LEGEND A

- A. NATURAL SLATE (MIN. CLASS 10) AT 10 LB/SY. INSTALL PER MANUFACTURER'S SPECIFICATIONS. LAP/JUNCTION: 30" x 18" x 1/2".
- B. 2 x 8 ROOF PANDA
- C. 4 x 8 SHAPED ROOF CORREL
- D. MANUFACTURED STONE VENER
- E. OPERABLE ROOF SHUTTERS IN AUTHENTIC HARDWARE
- F. ROOF PENDINGS
- G. 12" CORNER BORDS IN MITERED CORNERS
- H. COPPER ROOF GUTTER IN COPPER FINISH. COLOR: PAULISSE 1000A BROWN BROWN

SLAB PLAN NOTES

- A. THIS DRAWING IS FOR DIMENSIONAL PURPOSES ONLY.
- B. REFER TO UNDERGROUND DRAWINGS FOR ADDITIONAL INFORMATION.
- C. REFER TO STRUCTURAL DRAWINGS FOR HOLDINGS, FOOTING DETAILS AND INFORMATION NOT SHOWN ON SLAB CONSTRUCTION PLAN.
- D. PLUMBING FIXTURES, SINKS, TUBS, SHOWER, VENT LOCATIONS, ETC. ARE APPROXIMATE. VENT LOCATIONS AND LOCATIONS TO BE DETERMINED BY PLUMBER.
- E. PROVIDE ALL STAIRS AND UNDERGROUND MATERIAL AWAY FROM BUILDING MIN. 18" FROM FOOTING.

ROOF PLAN NOTES

1. SEE ATTIC VENTILATION CALCULATIONS FOR COMPLIANCE INFORMATION.
2. PROVIDE MIN. 80" HEAD CLEARANCE AT ATTIC ACCESS WITH SINGLE POLE STRETCH TO LIGHT FIXTURE.

ELECTRICAL LEGEND:

- ⊙ ROUND RECESSED LIGHT FIXTURE
- ⊙ WALL MOUNTED INCANDESCENT FIXTURE
- ⊙ NOV OUTLET CONVENIENCE (OUTLET) WEATHERPROOF
- ⊙ TELEVISION / CABLE JACK
- ⊙ 2-WAY SWITCH (COMPUTER READY) SWITCH
- ⊙ TELEPHONE OUTLET
- ⊙ ELECTRICAL PANEL
- ⊙ RECESSED COMBINATION LIGHT / 40 WATT FLUORESCENT LIGHT / EXHAUST FAN PLUMBING TO OUTSIDE
- ⊙ MORE TO BE

FLOOR PLAN KEY

- 8 x 8 STUDS AT 16" O.C. MAX. L.I.D. ON STRUCTURAL DRAWINGS
- 3/4" STONE VENER
- INDICATES SLOPE OF SLAB AND DIRECTION
- INDICATES DIRECTION AND HEIGHT OF STEP IN SLAB
- INDICATES PLUMBING FIXTURES
- INDICATES SLOPE OF ROOF AND DIRECTION

WINDOW / DOOR LEGEND

- PO1 3040 CSM WOOD WINDOWS. MANUF. HAS SELECTED BY OWNER
- PO2 3040 CSM WOOD WINDOWS. MANUF. HAS SELECTED BY OWNER
- PO3 3040 CSM WOOD WINDOWS. MANUF. HAS SELECTED BY OWNER
- PO4 3040 CSM WOOD WINDOWS. MANUF. HAS SELECTED BY OWNER
- DO 3040 WOOD DOOR. DOOR
- DO2 3060 WOOD DOOR

BATHROOM FINISHES

- BATHROOM WALLS: (SANDS IN RATING) MARBLE / HICK RECESSED PANELS
- BATHROOM FLOOR: (SANDS IN RATING) MARBLE / HICK RECESSED PANELS
- FLOORS: FIELD: GALTILE, TERRA ANTICA, CELESTE / GALTILE / SANDS IN RATING
- CEILING: GALTILE, TERRA ANTICA, CELESTE / GALTILE / SANDS IN RATING
- GRAB BARS: 5/8" TWO WALL GRAB BARS WITH SHAF PLUMB COVER. BROWNE & BROWNE (B&B) 401
- PAPER TOWEL DISPENSER: 5/8" WALL MOUNTED. BROWNE & BROWNE (B&B) 401
- TOILET PAPER DISPENSER: 5/8" WALL MOUNTED. BROWNE & BROWNE (B&B) 401

TABULATIONS

TOTAL BLDG. 145 SQ. FT.

ATTIC VENTILATION

ATTIC AREA	554	50	FT
VENT RATIO	150	50	FT
REQUIRED VENTILATION	150	50	FT
PROPOSED VENTILATION	150	50	FT

(4) 10" 104" GUTTER LOUVERED VENT 40 50 IN. EA. = 342 50 IN.



ARCHITOPIA
1011 1/2 N. 10TH AVE
NEWPORT BEACH, CA 92663
(714) 361-1011



BAYSHORES
GUARDHOUSE
2811 W. COAST HWY
NEWPORT BEACH, CA 92663

REVISIONS



FLOOR PLANS
ELEVATIONS
SECTION

PROJECT NO. 0411
SHEET NO.

A-1

DAT: MAR 18, 2004

Architect

