

CALIFORNIA COASTAL COMMISSION

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T16c

Filed: March 27, 2006
49th Day: May 15, 2006
180th Day: September 23, 2006
Staff: Anne Blemker-LB
Staff Report: May 25, 2006
Hearing Date: June 13-16, 2006
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-096

APPLICANT: Cameo Community Association

PROJECT LOCATION: Cameo Shores Entrance and Cameo Highlands Entrance and landscaped area along southbound (seaward) side of Pacific Coast Highway (PCH) between Cameo Shores Road and Morning Canyon Road, Corona del Mar, Newport Beach (Orange County)

PROJECT DESCRIPTION: Refurbishment of neighborhood entry areas at Cameo Shores and Cameo Highlands, including hardscape and landscape improvements and replacement of existing retaining wall and wooden fence with new concrete block retaining wall and 6' high concrete block screen wall with stucco finish, landscaping and irrigation along the southbound (seaward) side of Pacific Coast Highway between Cameo Shores Drive and Morning Canyon Road.

LOCAL APPROVAL RECEIVED: City of Newport Beach City Council approval of Encroachment and Landscape Maintenance Agreement (N2006-0026) on January 24, 2006 and Approval-in-Concept 0199-2004 dated February 7, 2006.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing aesthetic improvements to the neighborhood entryways at Cameo Shores and Cameo Highlands along Pacific Coast Highway in Newport Beach. Cameo Shores is located on the seaward side of PCH and Cameo Highlands is located on the inland side. Both are ungated neighborhoods where the streets are public, but no public coastal access is available. The major issues addressed in the staff report involve appropriate vegetation, water quality, public access and scenic resources.

Staff is recommending **APPROVAL** of the proposed project with four (4) special conditions requiring: 1) submittal of a revised landscape plan showing removal of invasive plant species in proposed plant palette; 2) construction best management practices; 3) maintenance of public access through conformance with project plans; and 4) that future development obtain Commission approval.

Section 30600(c) 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 and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. 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.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Project Plans
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STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP #5-06-096 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in approval of the permit as conditioned and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by affirmative vote of a majority of the Commissioners present.

The staff recommends that the Commission adopt the following resolution:

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. Submittal of Revised Landscaping Plan
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised landscaping plan for visual treatment of the screen wall and enhancement of a scenic area. The plan shall be prepared by a licensed landscape architect or qualified professional.
 1. The plan shall demonstrate that
 - (a) all planting will be completed within 60 days after completion of construction;
 - (b) all required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) To minimize encroachment of non-native plant species into nearby native plant areas, all vegetation shall consist of plant species that are native or non-invasive non-native. 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 existing landscaping that doesn't meet the above requirements shall be removed;

2. The plan shall include, at a minimum, the following components:
 - (a) a map showing the type, size, and location of all plant materials that will be used, topography of the site, and all other landscape features, and
 - (b) a schedule for installation of plants.
 - 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 legally required.
2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris
- The permittee shall comply with the following construction-related requirements:
- A. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain;
 - B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
 - C. 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. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. All BMPs shall be maintained in a functional condition throughout the duration of the project.
 - D. 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. 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. Debris shall be disposed at a debris disposal site outside the coastal zone.
3. Maintenance of Public Access and Coastal Views
- A. The applicant shall maintain public access by carrying out development in conformance with the project plans and written project description submitted, which specify:

1. No new obstructions to vehicular or pedestrian access shall be constructed;
2. No permanent changes to on-street parking in the project area shall occur (temporary construction impacts allowed);
3. Staging and storage of material and equipment during construction shall occur outside of the Pacific Coast Highway right-of-way;
4. Two-lane traffic shall be maintained in each direction along Pacific Coast Highway at all time; and
5. Maximum height of screen wall shall not exceed the height of the existing fence as measured from the sidewalk on Pacific Coast Highway (southbound).
6. No new obstructions to existing public ocean views.

B. The permittee 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 to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-096. 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. 5-06-096. Accordingly, any future improvements to the development authorized by this permit, including, but not limited to, the addition of any physical impediments to existing access conditions or public views, and/or 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. 5-06-096 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is located approximately 0.75-mile inland of the sea at 1) the entrance to the Cameo Shores neighborhood at PCH and Cameo Shores Road, 2) the entrance to the Cameo Highlands neighborhood at PCH and Cameo Highlands Drive and 3) within an approximately 10' wide x 900' long landscaped strip along the southbound (seaward) side of Pacific Coast Highway between Cameo Shores Drive and Morning Canyon Road, Corona del Mar, Newport Beach (Orange County) (Exhibits 1 & 2). The proposed improvements are located within the City's public right-of-way and required the approval of a City Encroachment and Landscape Maintenance Agreement.¹

¹ The City was invited to become a co-applicant in the current application, but declined the invitation.

The applicant, the Cameo Community Association, proposes to refurbish the neighborhood entry areas at Cameo Shores and Cameo Highlands, located on either side of Pacific Coast Highway. The proposed entryway improvements include decorative roadway paving, lighting, neighborhood identification signage, accent columns/pilasters, boulders, landscaping and irrigation. No vehicular gates exist or are proposed. The proposed right-of-way improvements along PCH involve replacement of an existing retaining wall and 6' high wooden fence with a new concrete block retaining wall and 6' high concrete block screen wall with stucco finish, landscaping and irrigation. Conceptual project plans are included as Exhibit 3. Landscaping will involve the removal and replacement of 41 City owned street trees with new trees and shrubs, including 48 New Zealand Christmas Trees and Orchid Trees. The improvements along the PCH right-of-way are intended to complement the City's recently constructed low slough wall and pedestrian sidewalk (approved by the Commission in March 2004 by 5-04-048-W).

Work is anticipated to commence in late Summer/early Fall 2006 and take approximately 3-4 months to complete. Two-lane traffic will be maintained in each direction along Pacific Coast Highway during construction, as proposed in the applicant's Traffic Control Plan. Construction staging will occur on Hampden Road, within the boundaries of the Cameo Shores neighborhood. No staging or storage will occur on Pacific Coast Highway.

Public access to the beach is available at Crystal Cove State Park approximately 0.25 mile to the southwest (downcoast). The subject site is located in a residential neighborhood with no direct public access route to the beach. No changes to access conditions are proposed by this application.

B. VEGETATION

Section 30240 (b) of the Coastal Act states:

- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The project site is located just upcoast (approx.0.25 mile) of Crystal Cove State Park. The State Park features approximately three miles of coastline, wooded canyon, and brush-covered bluffs that support coastal sage scrub (CSS) species. The applicant's proposed Landscaping Plan includes plant species that are known to be invasive, including *cotoneaster lacteus* (Cotoneaster) and *leptospermum laevigatum* (Tea Tree). To minimize encroachment of non-native plant species into the nearby native plant area, the applicant will be required to submit a revised Landscaping Plan demonstrating that only non-invasive plant species will be used in their project. Special Condition No. 1 specifies these requirements.

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.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications.

C. WATER QUALITY

Section 30230 of the Coastal Act states, in part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

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.

As described previously, the project involves refurbishment of the existing neighborhood entrances at Cameo Shores and Cameo Highlands. Construction will occur at an inland location that drains to the ocean. As such, there is a possibility that construction phase activities could result in adverse water quality impacts.

Potential construction phase impacts include improper storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or in a manner which allows such materials to be discharged into coastal waters via rain or urban runoff. These actions would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters.

In order to assure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, the Commission imposes Special Condition No. 2. Special Condition No. 2 requires the applicant to implement construction-related best management practices.

The Commission finds that, as conditioned, the proposed project will ensure that marine resources and water quality be protected as required by Sections 30230, 30231, 30233 and 30240(b) of the Coastal Act.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states, in pertinent part:

...maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs...

Section 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation..

The streets within the Cameo Shores and Cameo Highlands neighborhood are public. However, there is no direct public access to the coast available through these neighborhoods. There are private gated accessways within Cameo Shores that are only accessible to residents. Although access to the beaches located immediately seaward of Cameo Shores is unavailable, staff is aware that the streets are sometimes used for parking by non-residents visiting Crystal Cove State Park, located just downcoast of Cameo Shores.

As proposed, the current project will not discourage continued use of the public streets. Public parking will remain available on the streets within Cameo Shores. No physical impediment or signage is proposed or authorized by this permit that will adversely affect continued public access. To ensure that public access is protected, the Commission imposes Special Condition No. 3. This condition memorializes the applicant's proposal to keep the streets open and not obstruct continued use of on-street parking.

Work is anticipated to commence in late Summer/early Fall 2006 and take approximately 3 to 4 months to complete. During construction, two-lane traffic will be maintained in each direction along Pacific Coast Highway. Construction staging will occur on Hampden Road, within the boundaries of the Cameo Shores neighborhood. No staging or storage will occur on Pacific Coast Highway. As proposed, the project will not result in adverse traffic impacts along Pacific Coast Highway, the primary coastal thoroughfare. Special Condition No. 3 reiterates the proposal made by the applicant.

Relatively minor changes to this site could have a significant impact on public access and views (Views discussed in subsection E). This is a concern because the Coastal Act states that, unless the Commission indicates otherwise in approving a project, such minor changes can be made subsequently without any Commission review. Thus, without additional assurances, 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. Special Condition 4 requires that any future changes or improvements, including new or revised signage and/or any physical impediments to existing access conditions, require an amendment to Permit No. 5-06-096 from the Commission or shall require an additional permit and informs the applicant of this.

As conditioned by this permit, the project will not have a significant adverse impact to public access. Therefore, for the reasons stated above, the proposed project, as conditioned, is consistent with Sections 30210 and 30252 of the Coastal Act.

E. PUBLIC VIEWS

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be considered and protected. The proposed project is located along a scenic stretch of Pacific Coast Highway approaching a State Park. Consequently, impacts that the proposed project may have on existing public views must be considered.

The project involves refurbishment of two existing neighborhood entryways and landscape improvements along the seaward side of the highway. Intervening development, including existing homes and fences, prevents public views from the highway to the ocean along a large stretch of the Cameo Shores tract. However, a blue water ocean view is available at the Cameo Shores entry at the intersection of PCH and Cameo Shores Road. As proposed, median trees will be removed from the Cameo Shores entrance and replaced with low level improvements and landscaping, resulting in an improved ocean view.

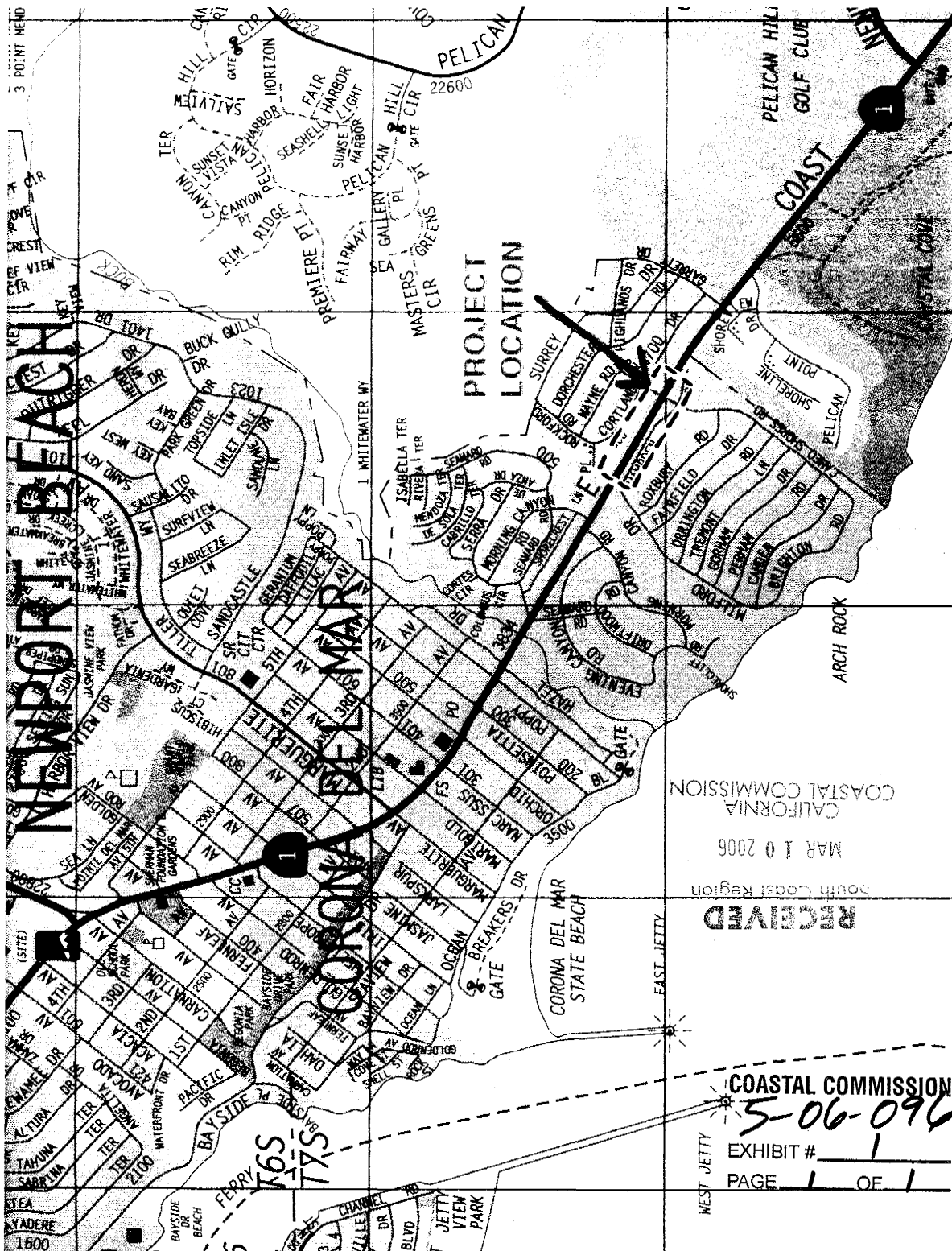
Additionally, the proposed 6' high smooth stucco screen wall will replace a deteriorated wooden fence in the same location. No height increase is proposed. A variety of plantings will screen and soften the appearance of the new wall. As designed, the proposed improvements will not adversely affect the public's visual experience when traveling along Pacific Coast Highway and will in fact improve the scenic quality of this stretch of highway. To ensure that development is carried out in a manner that protects and enhances coastal views, the Commission imposes Special Condition No. 3, which requires the applicant to conform to the plans submitted. The condition specifies that the new screen wall shall be the same height as the existing fence and requires the protection of existing public ocean views. The Commission also imposes Special Condition No. 4, which requires that future changes be reviewed by the Commission. As conditioned, the Commission finds that the proposed project will not result in any adverse impacts on public views and so is consistent with Section 30251 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

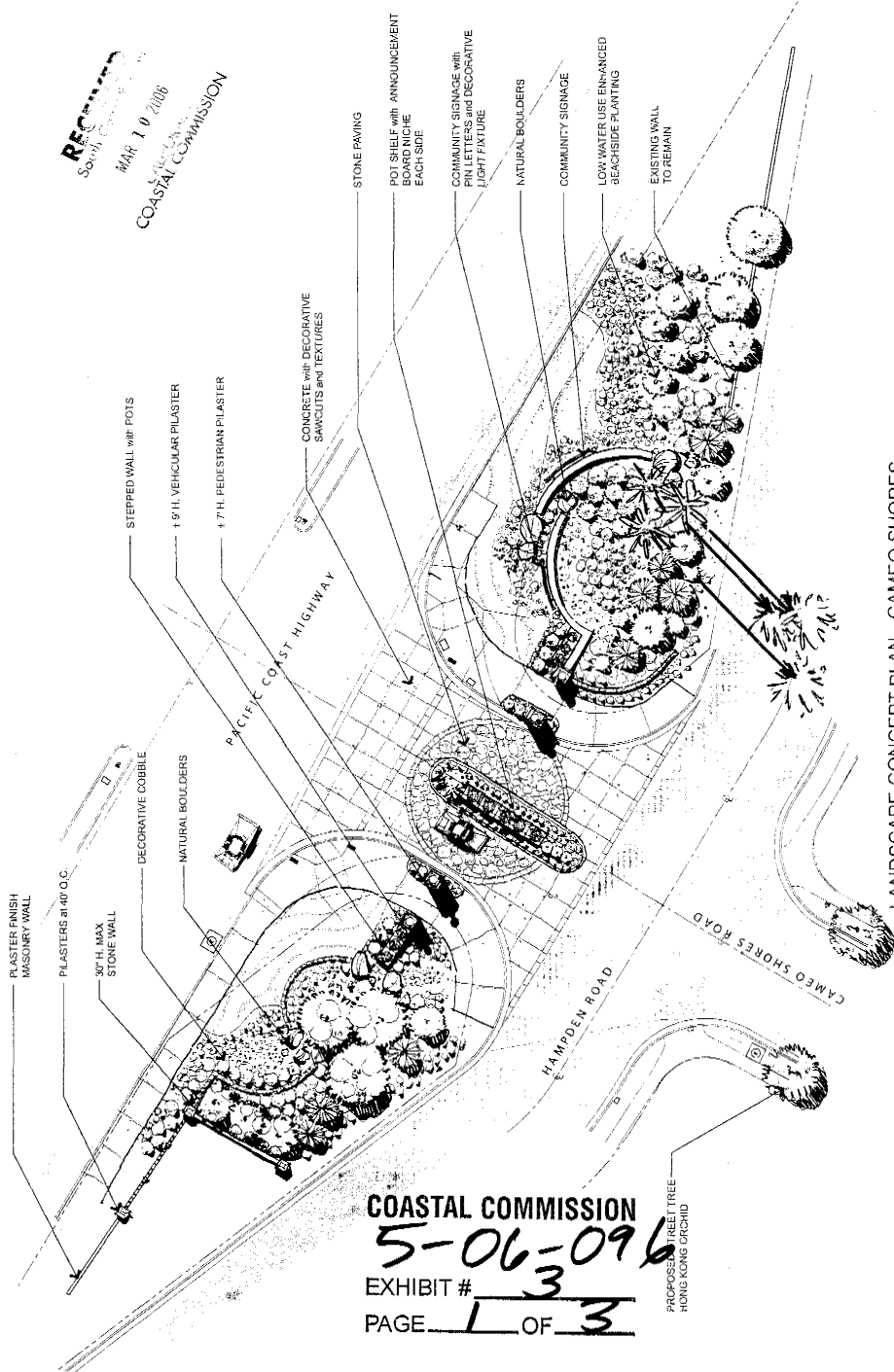
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability 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 comprehensively updated on October 13, 2005. 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.

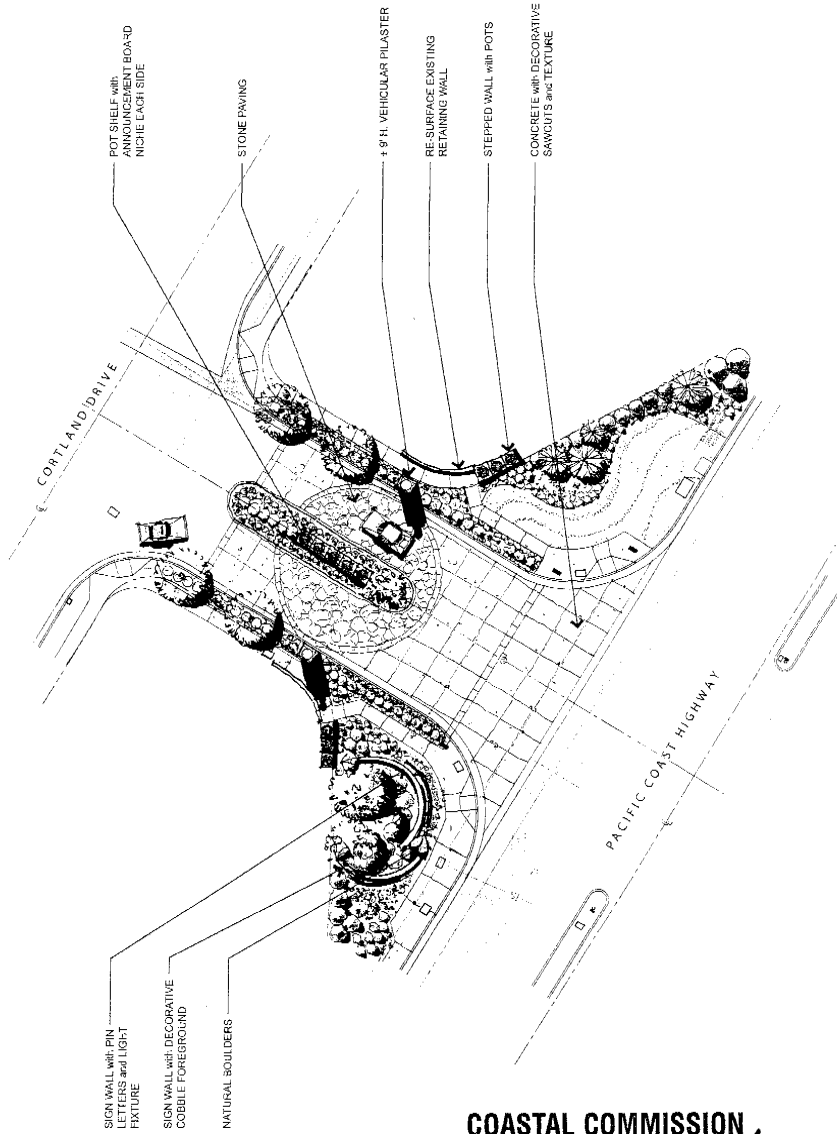
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.









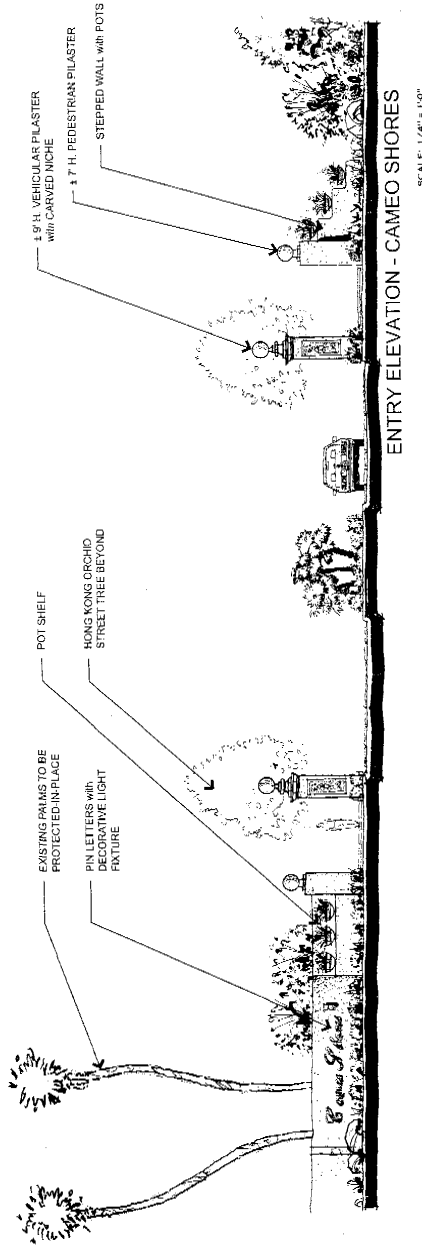
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LANDSCAPE CONCEPT PLAN - CAMEO HIGHLANDS
 CAMEO COMMUNITY ASSOCIATION - CORONA DEL MAR

FEBRUARY 9, 2006





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

3'-6" OPEN METAL FENCE ON LOW RETAINING WALL (IF NECESSARY)

6'-0" H. X 12" SQUARE FILASTER with PLASTER FINISH and STONE CAP

5'-6" HEIGHT PLASTER FINISH MASSIVE WALL with 5" BLOCK CAP

PLASTER FINISH MASONRY (ROUGH WALL 12" - 36" TO CAP)

PERIMETER WALL and FENCE ELEVATION

SCALE: 1/2" = 1'-0"

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