

**CALIFORNIA COASTAL COMMISSION**

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



# W5b

Staff: M. Revell – LB  
Date: September 17, 2015

## ADMINISTRATIVE PERMIT

**Application No.** 5-15-0743

**Applicant:** RREG Investments Series, LLC

**Agent:** Ryan Oldham

**Project Location:** 1512 East Balboa Blvd., Newport Beach (Orange County)  
(APN 048-182-14).

**Project Description:** Demolition of a single family residence and removal of 3 established trees. Construction of a 3,303 square foot, 29 foot high, 3 level, single family residence with an attached 469 square foot 2-car garage. Landscaping, drainage control, and water conservation measures are also proposed.

## EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

**October 7, 2015, 9:00 a.m.**  
**Long Beach Convention & Entertainment Center**  
**Seaside Ballroom**  
**300 Ocean Blvd.**  
**Long Beach, CA 90802**

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

**BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.**

CHARLES LESTER  
Executive Director

by: Mandy Revell  
Coastal Program Analyst

**STANDARD CONDITIONS:**

This permit is granted subject to the following 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 the Commission voted on the application. 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 term or 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.

**SPECIAL CONDITIONS:** See pages five through seven.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

**FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:**

**A. PROJECT DESCRIPTION**

The applicant proposes to demolish the existing single family residence, and construct an approximately 3,303 square foot, 3-level, 29 foot high, single-family residence with an attached 469 square foot two-car garage (**Exhibit 2**). A 50 foot pine tree, 20 foot Magnolia tree, and 20 foot Elm tree located on the property are proposed to be removed (**Exhibit 3**). All storm water runoff will be directed to on-site filtration drains. All proposed landscaping will be drought tolerant and non-invasive.

To address water quality concerns, the applicant proposes to direct site drainage and runoff from roof drains, and internal piping to planters and filtration drains in front of the residence. The hardscape located at the side property lines will be controlled by a deck drains and internal piping that flows to filtration drains (**Exhibit 4**). Regarding water conservation, the applicant intends to comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, efficient fixtures, and appliances.

The subject site is located at 1512 East Balboa Blvd. within the City of Newport Beach, Orange County (**Exhibit 1**). The lot area is 2,700 sq. ft. The proposed project is located on a lot with an R-1 (single-family residential) zoning designation under the City of Newport Beach Land Use Plan (LUP), and the proposed project is allowable under this designation. The proposed project conforms to the Commission's parking requirement of 2 spaces per residential unit. The project is an inland lot, located within an existing urban residential area on the harbor side of the Balboa Peninsula. Although the project is located between the first public road (East Balboa Blvd.) and the sea, it will not have an adverse impact on public access. Vertical public access is available approximately 160 feet east and 280 feet west of the project site. (**Exhibit 1**).

Any future improvements to the single-family house authorized by this Coastal Development Permit No. 5-15-0743, including but not limited to repair and maintenance identified as requiring a permit, will require an amendment to Permit No. 5-15-0743 from the Commission, as imposed by **Special Condition 3**. In addition the Commission recommends construction-related requirements and best management practices under **Special Condition 4**, and to address water quality, recommends **Special Condition 5** to prevent pollution of the coast.

Given their close proximity to coastal resources, the three established trees to be removed are of type and size that could potentially be nesting habitat for birds. To prevent such negative impacts upon avian species, the Commission recommends **Special Condition 2**.

**B. PUBLIC RECREATION/MARINE RESOURCES**

The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon water quality and potential nesting trees. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact water quality and nesting trees. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms with Sections 30224 and 30233 of the Coastal Act.

**C. PUBLIC ACCESS**

As conditioned, the proposed development will not have any 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 runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, 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 October 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.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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 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.

## **SPECIAL CONDITIONS:**

This permit is granted subject to the following special conditions:

- 1. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant(s) acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding and sea level rise; (ii) to assume the risks to the applicant(s) and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 2. Tree Trimming and Removal**—The proposed project includes the removal of three established trees in the project area. One week prior to any tree trimming or removal associated with the proposed redevelopment plan, a survey shall be conducted by a qualified biologist to ensure that no breeding or nesting birds are present in the subject trees. Should a nest site(s) be located, all tree trimming and removal shall cease until the nest(s) is/are naturally vacated, and juveniles have fledged without human or mechanical interference, and there is no longer evidence of any further-attempt(s) at nesting.
- 3. Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-15-0743. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-15-0743. Accordingly, any future improvements to the single-family house authorized by this Coastal Development Permit No. 5-15-0743, 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. 5-15-0743 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- 4. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant(s) shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of 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 legally required.
- (h) 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.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of

construction activity.

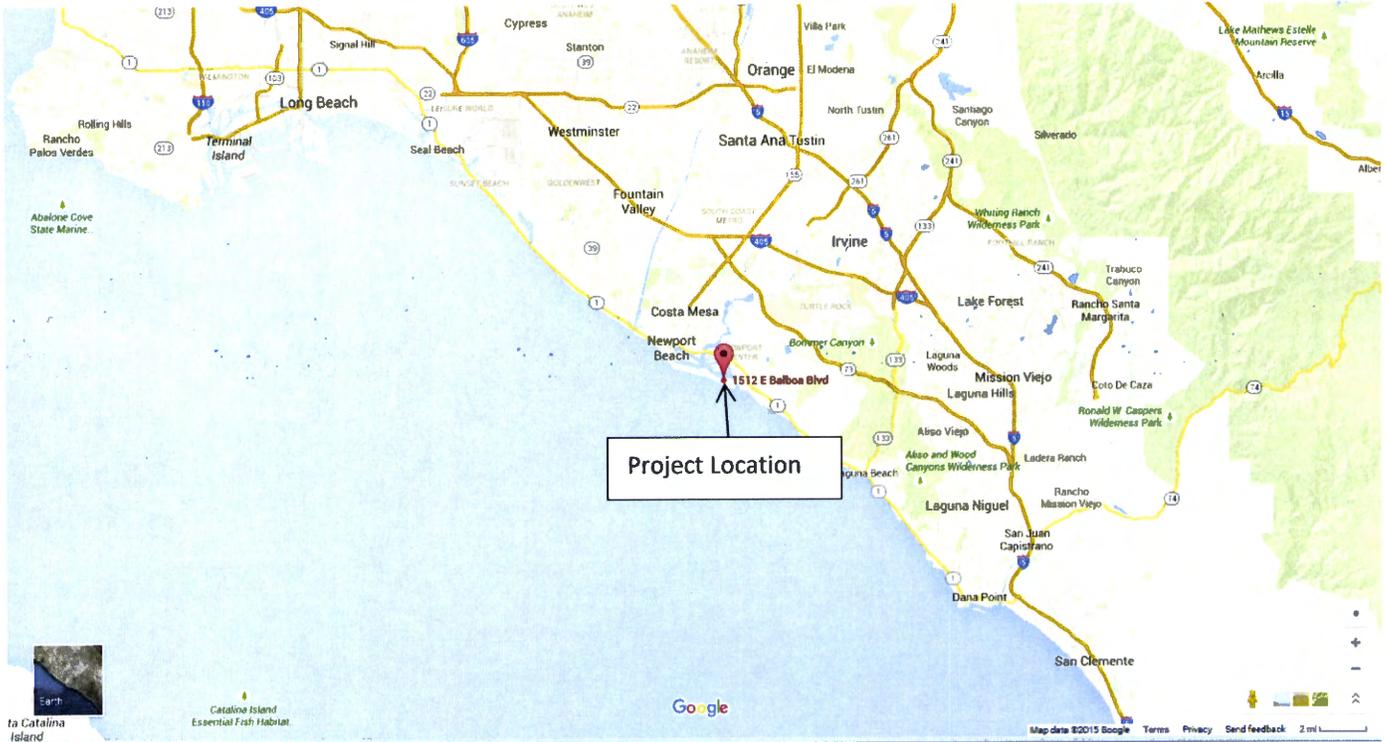
- 5. Conformance with the submitted Site and Drainage Plan.** The applicant(s) shall conform to the drainage and run-off control plan received on June 12, 2015 to the South Coast Region office showing planters, deck drains, and associated internal piping designed to flow into filtration drains in the front of the home. 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.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

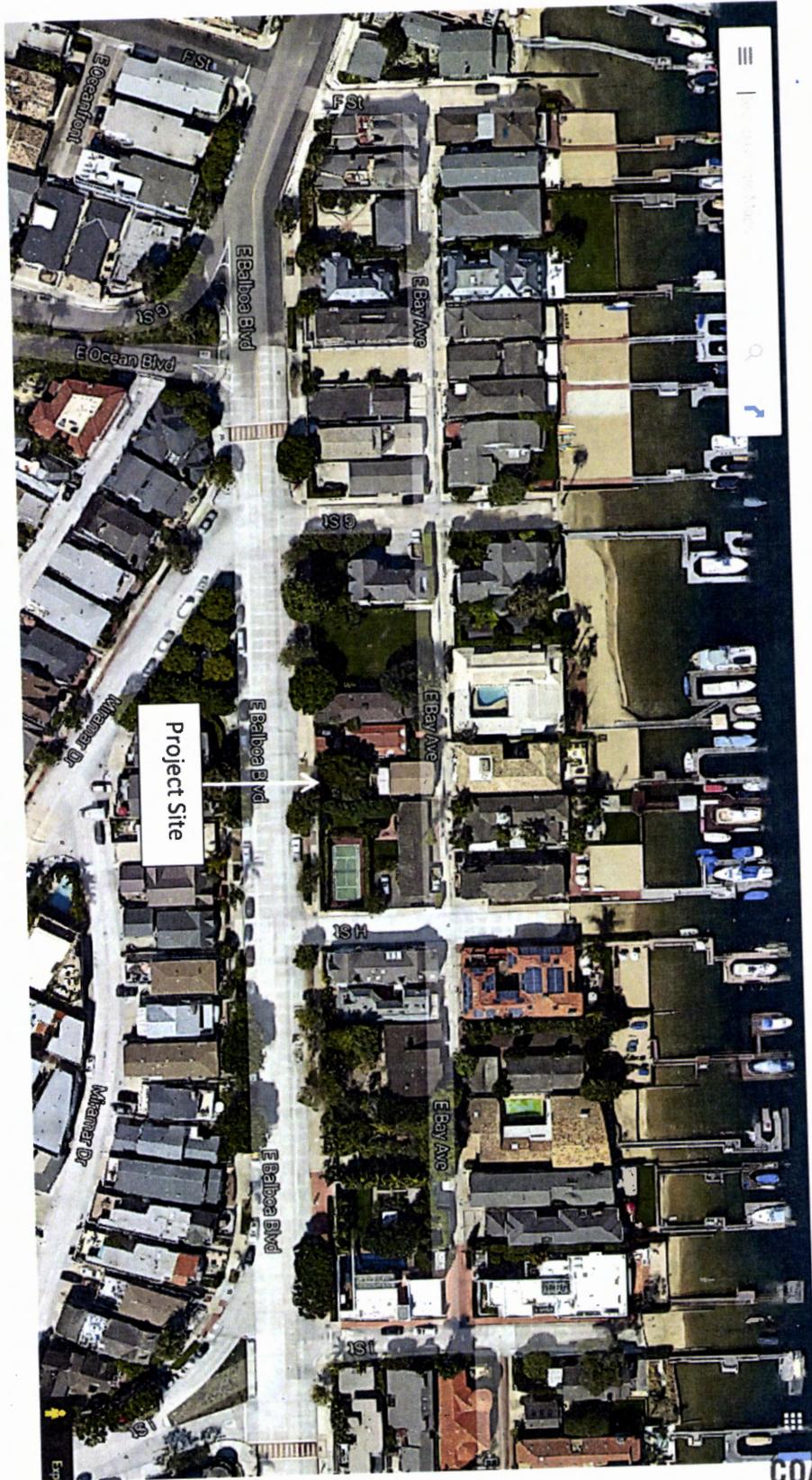
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Applicant's Signature

\_\_\_\_\_  
Date of Signing



**COASTAL COMMISSION**

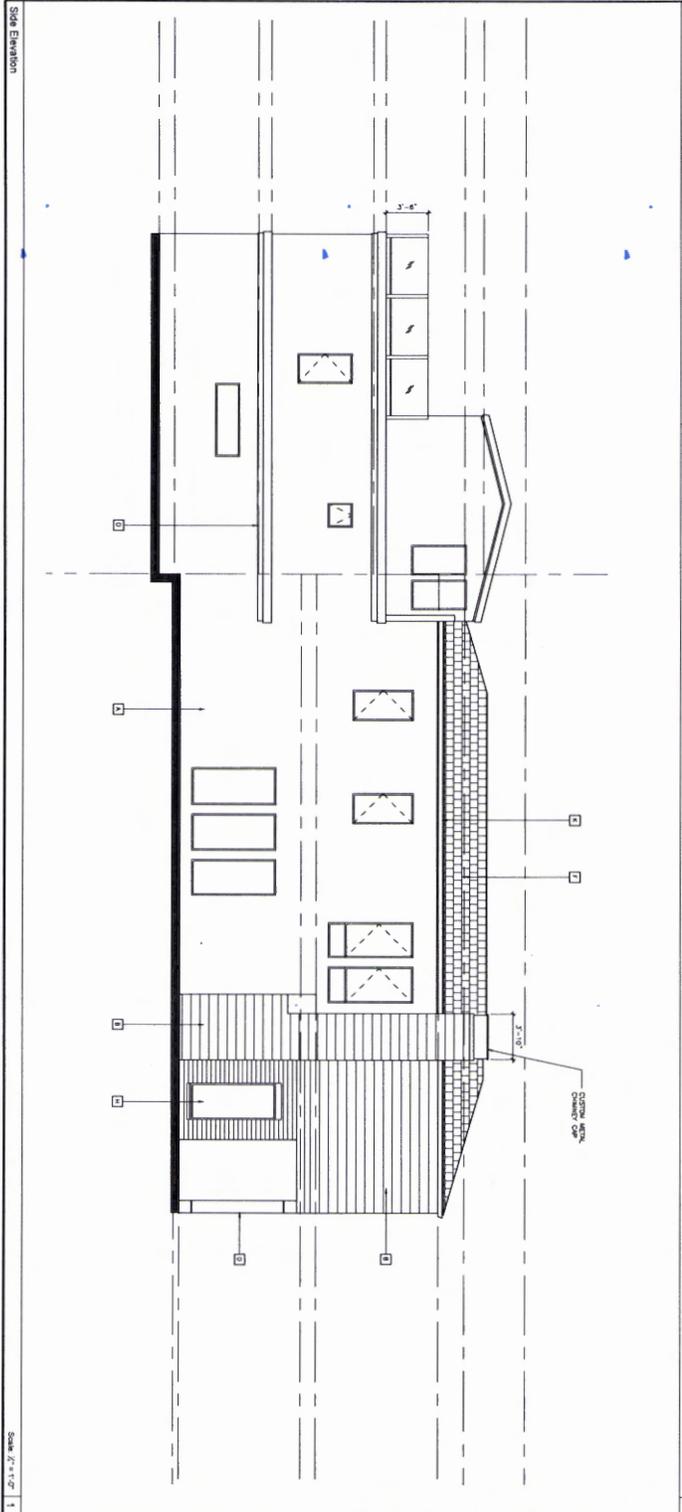
EXHIBIT # 1  
PAGE 1 OF 2



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EXHIBIT # 1  
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**Elevation Notes**  
SEE SHEET A4.9

**Material Legend**  
SEE SHEET A4.9

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EXHIBIT # 2  
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PROJECT No. 1512  
OWNER: New Home Construction  
DATE: Jan 11, 2011  
SCALE: Not Applicable to this drawing

1/4" = 1'-0" (Vertical)  
1/4" = 1'-0" (Horizontal)

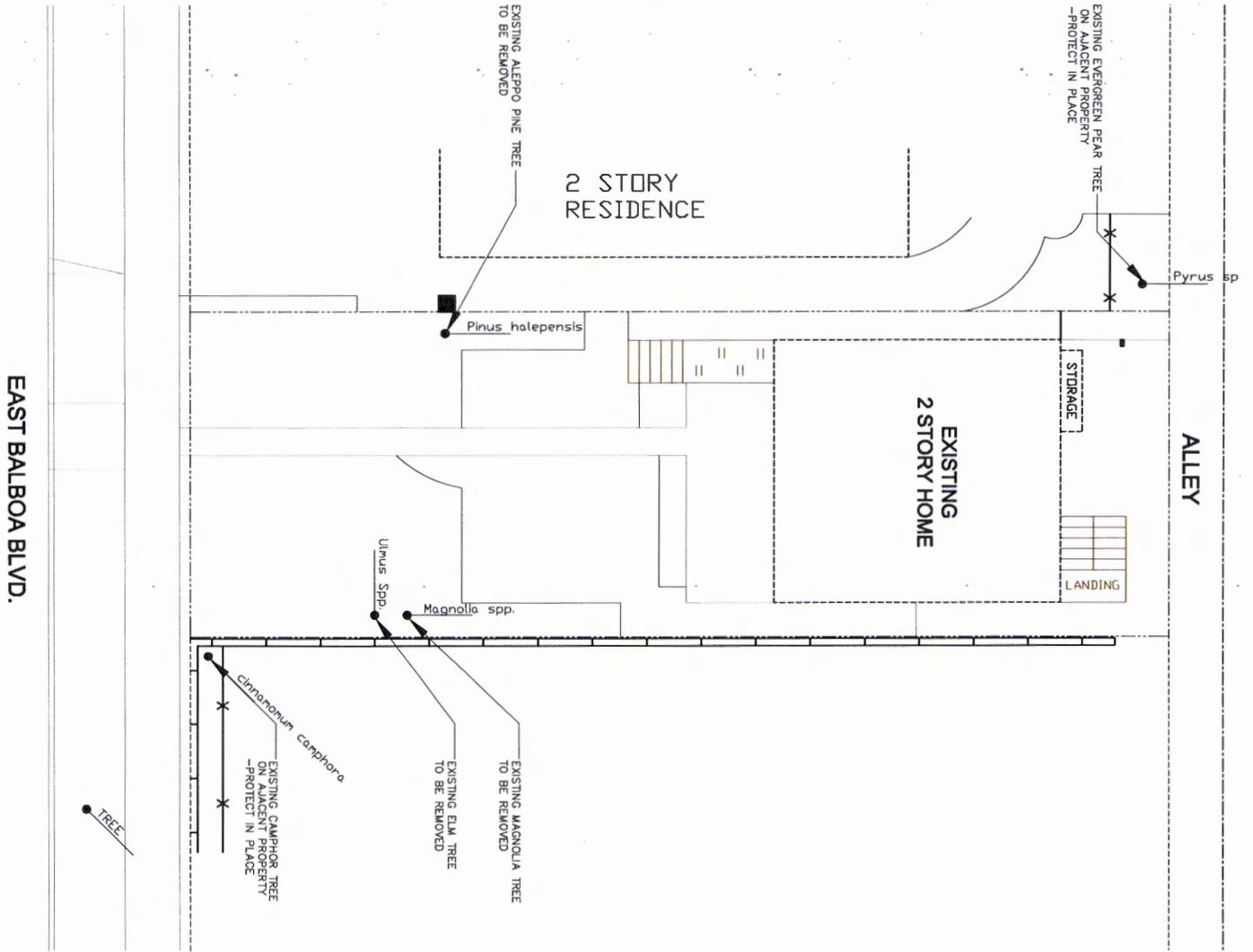
**New Home Construction**  
**1512 Balboa**  
1512 East Balboa Boulevard, Newport Beach, California 92661



**oldham**  
ARCHITECTS

7250 STEVEN AVENUE  
SUITE 400  
NEWPORT BEACH, CALIFORNIA 92660  
TEL: 949.440.8800 FAX: 949.440.8801  
WWW.OLDHAMARCHITECTS.COM

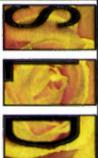
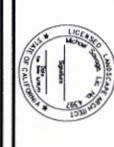
**A3.1**  
Exterior Elevations



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EXHIBIT # 3  
PAGE 1 OF 1



 <p><b>Savage Land Design</b> 1181 Newport Blvd, Newport, CA Tel: 949.261.1111 www.savage-land.com</p>	<p>1512 E. BALBOA BLVD</p> <p>NEWPORT BEACH, CA</p>							
	<p>LANDSCAPE DEMOLITION PLAN</p> <p>6-10-15</p> <p>2 of 2</p> <p>LCP-1</p>		<table border="1"> <tr><td>No.</td><td></td></tr> <tr><td>Description</td><td></td></tr> <tr><td>Date</td><td></td></tr> </table>	No.		Description		Date
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