

CALIFORNIA COASTAL COMMISSION

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



[Click here to go to original staff report](#)

ADDENDUM

Th7e

April 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO ITEM Th7e, COASTAL COMMISSION PERMIT 5-15-2007 FOR THE COMMISSION MEETING OF APRIL 14, 2016.

1. LETTER OF CONCERN

Since the staff report was written, staff received one letter (attached) from an opponent of the project, Sandi Kinton. The letter raised concerns regarding: 1) the timing of the proposed project in relationship to the Park Avenue Bridge construction project which connects Balboa Island with Little Balboa Island (CDP No. 5-14-1668 which was recently issued by the Commission); 2) impacts to traffic related to the bridge construction in conjunction with the new single family residence proposed in CDP No. 5-15-2007; and 3) negative impacts to the quality of life caused by the construction.

Commission staff has been in communication with staff from the City of Newport Beach, which has addressed the normal daily routine traffic concerns on the Islands and has therefore incorporated substantial traffic controls at both Marine Ave/Balboa Ave and Marine Ave/Park Ave street intersections in the Park Avenue Bridge Replacement Project, including the deployment of crossing guards to assist with traffic circulation full-time during summer as well as during morning and afternoon peak periods during "Off Season" until the Park Avenue Bridge Project is completed. Additionally, the temporary bridge to be installed at Balboa Avenue spanning the Grand Canal has the same number of vehicle lanes as the existing Park Avenue Bridge. As such, the City does not expect any traffic issues that could cause significant impact to the Islands' residents and any such impacts would be temporary.

RECEIVED
South Coast Region

IN OPPOSITION

APR 0 4 2016

March 30, 2016

CALIFORNIA
COASTAL COMMISSION

Mandy Revell
Coastal Program Analyst
South Coast District Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4325

RE: Permit #5-15-2007, Demolition of a single family home (120 Grand Canal, Balboa Island, CA 92662), item #Th7e at the hearing April 14, 2016 in Santa Rosa.

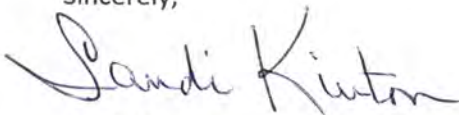
Ms. Revell,

I recently received a letter from the CA Coastal Commission regarding the demolition of a home at **120 Grand Canal**, (Balboa Island) Newport Beach, CA, permit number 5-15-2007, applicants Mr. and Mrs. Saul Adelsberg. Currently, Balboa Island is undergoing a major construction project, the demolition of a bridge connecting Balboa Island with Little Balboa Island. This is taking place three houses away from **120 Grand Canal**. The project has just begun and is scheduled to take at least a year.

This major construction is having an extreme impact on the residents of Balboa Island and especially those residents along Grand Canal. To add a further major construction project to the already impacted area is unthinkable. Balboa Island is a small Island. A temporary bridge is being constructed to take the residents of Little Island to the Big Island. The amount of construction materials being taken on and off the island will be choking off the streets, blocking alleys, and generally lessening our quality of life. I would hope that the demolition and construction project at 120 Grand Canal, along with any other new projects, be put on hold until the end of the bridge construction. There are also other homes being built on Balboa Island at this time. No one knows how bad it is going to get once they start tearing down the existing bridge.

I appreciate your consideration of this situation and hope that you will give thought to how much worse this added building project will make our everyday lives.

Sincerely,



Sandi Kinton
127 Grand Canal, Balboa Island, CA 92662
949-673-8176

Cc: Mary Shallenberger, Danya Bochco, Effie Turnbull-Sanders, Mary Luevano, Mark Vargus, Wendy Mitchell

CALIFORNIA COASTAL COMMISSION

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Th7e

Filed: 1/20/2016
180th Day: 7/18/2016
Staff: M. Revell-LB
Staff Report: 3/24/2016
Hearing Date: 4/14/2016

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-15-2007

Applicant: Saul and Dawn Adelsberg

Agent: Brandon Architects, Inc.

Location: 120 Grand Canal, Newport Beach (Orange County)
(APN 040-181-04)

Project Description: Demolition of an existing single family residence, and construction of a 2,739 square foot, three-story, approximately 29 foot high, single-family residence with an attached 427 square foot two-car garage.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes to demolish a single-family residence, and construct a canal-fronting single family residence with approximately 2,739 sq. ft. of total living area, and attached 427 sq. ft. two-car garage. The proposed project raises issues regarding hazards concerning canal-front development, compatibility with the existing character of the area, impact to public access, and water quality.

Staff is recommending **APPROVAL** of the proposed project with four special conditions to address the issues raised including: 1) revised final plans; 2) construction best management practices; 3) future development; and 4) assumption of risk. The proposed development has been conditioned to assure consistency with the resource protection policies of the Coastal Act.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plan

Exhibit 3 – Elevations

I. MOTION AND RESOLUTION

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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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:

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 on which 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 of 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:

This permit is granted subject to the following special conditions:

1. Revised Site Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, final revised project plans to address the following:

- (a) The garden wall and planter area located beyond the seaward property line and encroaching onto the public right-of-way, as depicted in Exhibit #3 shall be shaded and clearly marked "*this element not permitted by coastal development permit approval #5-15-2007*" on each set of plans where the encroachment is shown;

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. The applicants 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 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.

3. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-15-2007 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. 5-15-2007 . Accordingly, any future improvements to the single-family house authorized by this Coastal Development Permit No. 5-15-2007, 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. 5-15-2007 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. 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.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION & LOCATION

The applicants propose to demolish the existing 1,579 square foot single family residence, and construct an approximately 2,739 square foot, 29 foot. high, three-story, single-family residence with an attached 427 square foot two-car garage (**Exhibit 2 and 3**). Hardscape improvements include new concrete front and side yards. No landscaping is proposed. To address water quality concerns, the applicant proposes to direct site drainage and runoff from roof drains, gutters, and downspouts in the front yard via area drains which will be directed by subsurface drain pipe toward the rear alley along both the side yards, onto the sideyard drainage swales and eventually discharged off site to the alley. Regarding water conservation, the applicant intends to comply with the applicable water efficiency and conservation measures of the Governor's Executive Order B-29-15 concerning efficient fixtures and appliances and with the statewide and local regulations pertaining to plumbing fixtures and low flow rates.

The proposed project site is located at 120 Grand Canal on Balboa Island in the City of Newport Beach. The subject site is a 2,550 square foot corner lot surrounded by Park Avenue to the north, a single family residence to the south, a 10 ft. wide alleyway to the east, and the 9 ft. wide Grand Canal public walkway/promenade and a publicly maintained bulkhead leading down to the Grand Canal itself to the west (**Exhibit 1**). Balboa Island is largely developed with single family residences, and is encircled by a City owned and maintained public walkway/promenade between the row of residences and publicly maintained bulkhead that protects the walkway and homes against erosion. The lot is designated Two Unit Residential (RB-I) in the City of Newport Beach LUP, and the proposed project is allowable under this designation. Vehicular access to the site is via the alleyway as the site fronts the Grand Canal and there is no frontage road for vehicular access. Vertical public access to the coast (Newport Bay) is available immediately adjacent to the site at the Bayfront Ave. street-end at the Grand Canal.

The State of California supported the preparation of the 2012 National Research Council's Report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future, which is currently considered the best available science on sea level rise for California. That report estimates that sea levels may rise between 1.4 to 5.5 feet by the year 2100. Given the low and high estimates in sea level rise, extreme high tide still water in Newport Bay will fall between 8.4 feet (7.2 feet (HHT) + 1.4 foot rise in sea level) and 12.7 feet (7.2 feet (HHT) + 5.5 feet = 12.7 feet MLLW). The applicant proposes the project with a 9-foot finished floor elevation, which would be safe from the low estimated rise sea level. However, a 5.5 ft. rise in sea level would exceed the finished floor elevation and result in water up to 3.7 feet higher than the floor during peak tide or tide and wave events. Therefore, the applicant proposes to waterproof the development up to 9.5 feet with a concrete curb that will surround the residence in order to mitigate future flooding hazards if sea level rise approaches the upper range of the NRC projections (**Exhibit 2**). **Special Condition 4** requires the applicant to accept responsibility for all hazards associated with coastal development. Waterproofing the development up to 9.5 feet will provide additional protection against flooding should actual flood elevation exceed the anticipated 9 feet.

Any future improvements to the single-family house authorized by this Coastal Development Permit No. 5-15-2007, including but not limited to repair and maintenance identified as requiring a permit, will require an amendment to Permit No. 5-15-2007 from the Commission as imposed by **Special Condition 3**. In addition, because the project site is on a canal-front lot and in proximity to coastal waters, the Commission recommends construction-related requirements and best management practices under **Special Condition 2**.

The existing development also includes a patio encroachment which extends approximately 5 feet onto the Grand Canal walkway/promenade along the entire 30 foot width of the lot. Due to this existing encroachment, the Grand Canal walkway is approximately 5 ft. wide in front of the site. At this time, the applicant is not proposing any work within the existing encroachment area. Proposed project plans are included as **Exhibit 2**.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. 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.

D. 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, as proposed the development, as conditioned, conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. 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, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through the use of permeable

surfaces, installation of roof drains, gutters, downspouts, and a drainage system to direct storm water runoff to trench drains. Post-construction best management practices should minimize the project's potential adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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.

F. LOCAL COASTAL PROGRAM (LCP)

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.

G. 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 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.

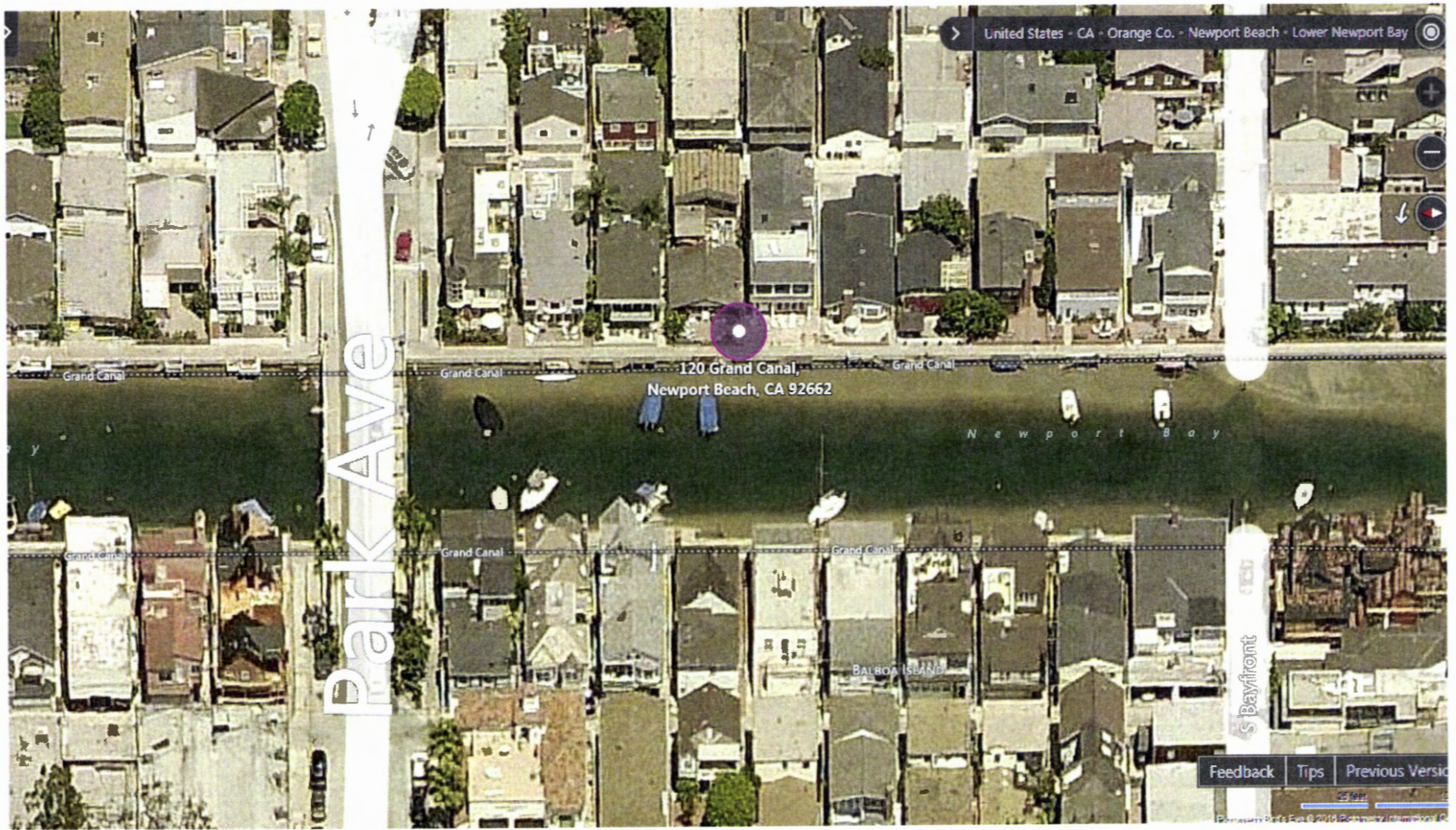
Appendix A - Substantive File Documents

- City of Newport Beach certified Land Use Plan
- City of Newport Beach Approval-in-Concept No. AIC2015056, dated 11/13/15
- Coastal Development Permit Application No. 5-15-2007



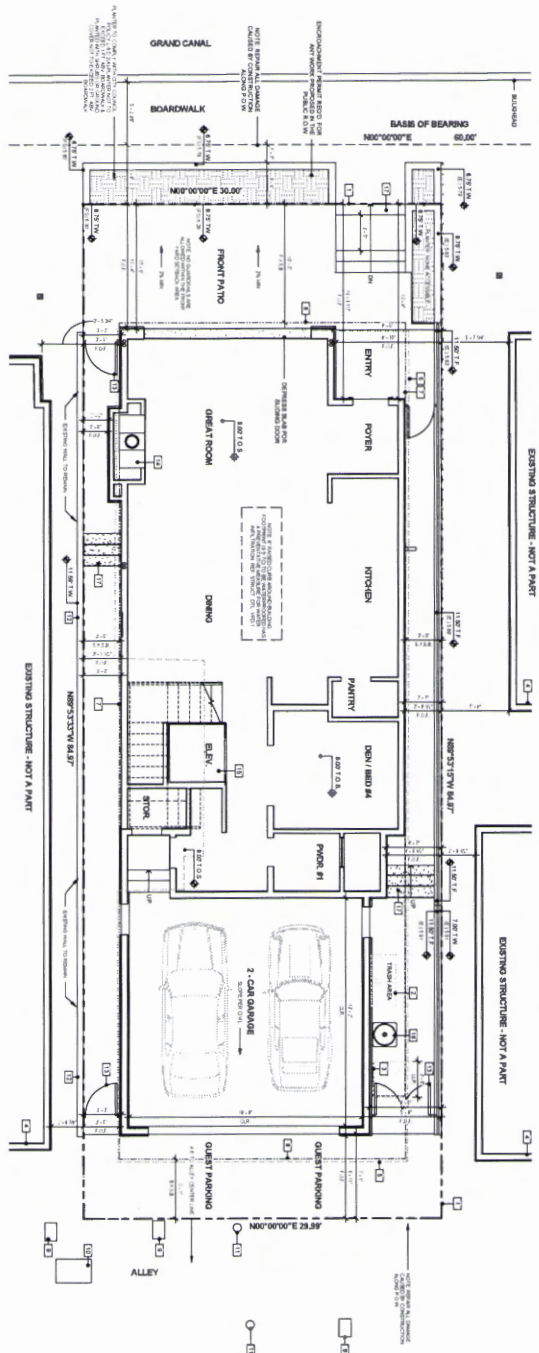
COASTAL COMMISSION

EXHIBIT # 1
 PAGE 1 OF 2



COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 2



[Symbol] TRAIL NORTH
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ARCHITECTURAL SITE PLAN
 DATE: 07/17/15

COASTAL COMMISSION
 EXHIBIT # 2
 PAGE 1 OF 1

REVISIONS

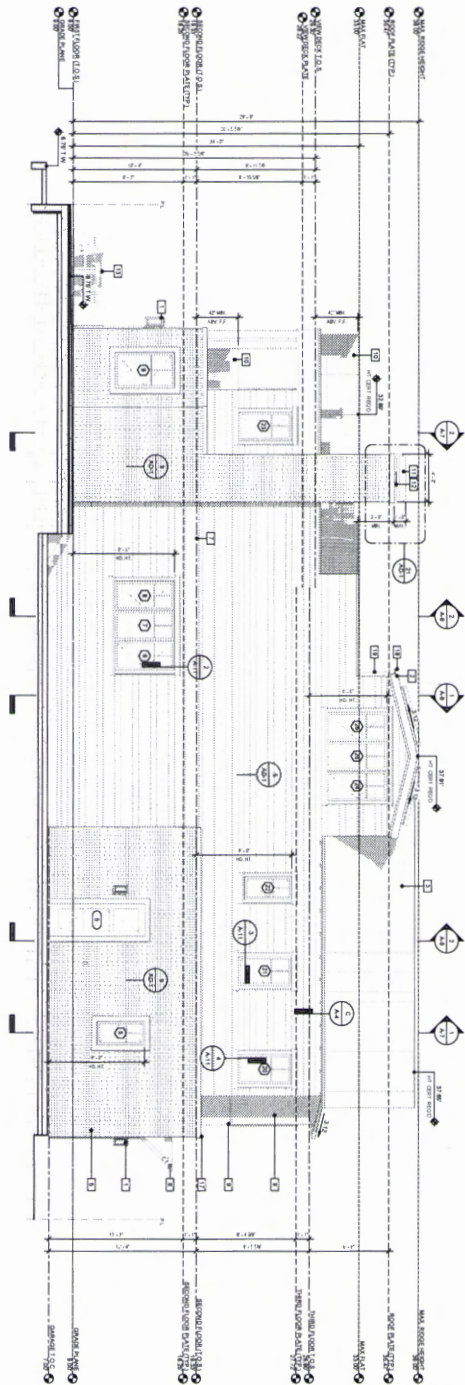
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3	07/17/15	ISSUE FOR PERMIT
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10	07/17/15	ISSUE FOR PERMIT

ARCHITECTURAL SITE PLAN
 DATE: 07/17/15
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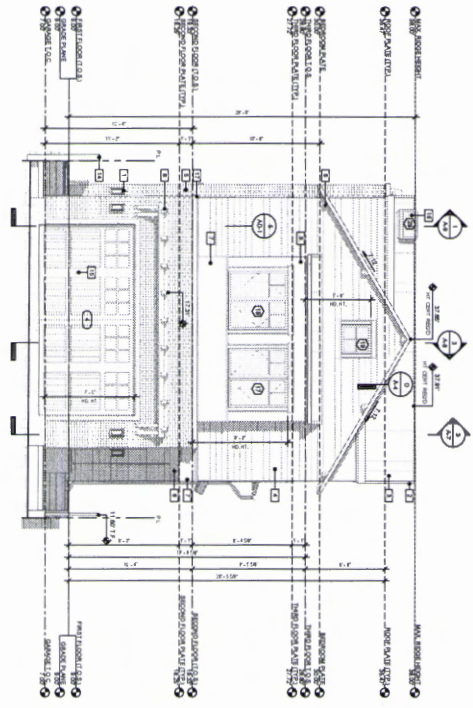
ADELSBERG RESIDENCE
 120 GRAND CANAL, NEWPORT BEACH CA 92662

OWNER INFORMATION
 MR & MRS. ADELSBERG
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BRANDON ARCHITECTS
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2] RIGHT SIDE ELEVATION - SOUTHWEST



1] REAR ELEVATION - SOUTHEAST

NEWPORT BEACH

120 GRAND CANAL, NEWPORT BEACH, CA 92662

ADELSBERG RESIDENCE

120 GRAND CANAL, NEWPORT BEACH, CA 92662

92662

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2

<p>A-6</p> <p>DATE: 12/20/15</p> <p>SCALE: 0 1" = 8'-0"</p> <p>SHEET NO: 0171816</p>	<p>EXTERIOR ELEVATIONS</p> <p>NO. 1 REVISION DATE</p>	<p>OWNER INFORMATION</p> <p>MR & MRS. ADELSBERG</p> <p>2 TESORO NEWPORT</p> <p>BEACH, CA 92657</p> <p>(949) 554-9112</p>	<p>BRANDON ARCHITECTS</p> <p>174 294 44th St, Suite 102, Newport Beach, CA 92660</p> <p>(949) 554-9112</p>
	<p>ADELSBERG RESIDENCE</p> <p>120 GRAND CANAL, NEWPORT BEACH, CA 92662</p>	<p>BRANDON ARCHITECTS</p> <p>174 294 44th St, Suite 102, Newport Beach, CA 92660</p> <p>(949) 554-9112</p>	