

CALIFORNIA COASTAL COMMISSION

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

Filed: June 6, 2002
 49th Day: July 30, 2002
 180th Day: December 8, 2002
 Staff: FSY-LB FSY
 Staff Report: October 17, 2002
 Hearing Date: November 5-8, 2002
 Commission Action:

**TU 5a****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 5-02-042

APPLICANTS: Tara Rands **RECORD PACKET COPY**

AGENT: John Morgan

PROJECT LOCATION: 1132 East Balboa Boulevard, City of Newport Beach (County of Orange)

PROJECT DESCRIPTION: Demolish and construct a single family residence, demolish and construct a bulkhead in the same location and also extend an existing bayfront patio over the water.

LOCAL APPROVALS RECEIVED: Approval In Concept from the City of Newport Beach Planning Department dated April 4, 2001; Approval In Concept (2nd Revision) from the City of Newport Beach Planning Department dated June 4, 2002; Approval In Concept from the City of Newport Beach Harbor Resources Division dated May 2, 2001, Order for a Standard Clean Water Act Section 401 Water Quality Standards Certification dated April 8, 2002 from the Regional Water Quality Control Board and Addendum to the Order for a Standard Clean Water Act Section 401 Water Quality Standards Certification dated May 28, 2002 from the Regional Water Quality Control Board.

SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing the demolition and construction of a single family residence, demolition and construction of a bulkhead in the same location and also extend an existing bayfront patio over the water on a bayfront lot in Newport Beach. The major issues of this staff report concerns bayfront development and water quality impacts during and after construction.

Staff is recommending **APPROVAL** of the proposed project with two (2) special conditions regarding: 1) construction responsibilities and debris removal and 2) submittal of a Drainage and Run-Off Control Plan.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; Coastal Development Permits 5-00-495 (Schulze); 5-01-104 (Fluter); 5-01-117 (Childs); *Preliminary Geotechnical Investigation, 1132 E. Balboa Blvd., Newport Beach, California (Project File No. 20146-101)* prepared by P.A. & Associates dated July 27, 2000; letter from staff to John Morgan dated May 18, 2001; letter from John Morgan to staff dated January 31, 2002; letter from John Morgan to staff dated February 4, 2002; *Tara Rands Residence--Coastal Engineering Assessment*

prepared by Noble Consultants, Inc. dated August 23, 2001; *Marine Biological Resources Impact Assessment* prepared by Coastal Resources Management dated January 28, 2002; *Marine Biological Survey and Site Assessment for Bulkhead Replacement, Deck, and Supporting Pile Improvements at 1132 East Balboa Boulevard, Newport Beach, CA.* prepared by Coastal Resources Management dated January 30, 2002; letter from Noble Consultants, Inc. to John Morgan dated May 17, 2002; and *Report Update, 1132 E. Balboa Blvd., Newport Beach, California (Project File No. 20146-101)* prepared by P.A. & Associates received June 11, 2002.

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Site Plan from Noble Consultants, Inc.
 4. Section view of bulkhead, deck and piles from Noble Consultants, Inc.
 5. Approval-In-Concept Plan from the City of Newport Beach Harbor Resources Division
 6. Site Plan/Drainage Plan
 7. Floor Plans
 8. Elevations
 9. Roof Plan
 10. Deck Plan and Site Section
 11. Drainage Plan Details
-

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-02-042 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of 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. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave wind, or rain erosion and dispersion.
- (b) Any and all construction material will be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (e) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- (f) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

2. **Drainage and Run-Off Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a drainage and runoff control plan showing roof drainage and runoff 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.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The proposed project is located on a bayfront lot fronting Newport Bay at 1132 East Balboa Boulevard in the City of Newport Beach, County of Orange (Exhibits #1-2). North of the project site is Newport Bay; South of the project site is East Balboa Boulevard and to the East and West are existing residential structures on bulkheaded lots. The project site is located in a residential area where the majority of the homes fronting Newport Bay are located on bulkheaded lots. Staff has researched and determined that the majority of the existing bulkheads are pre-coastal (meaning that they pre-date the Coastal Act and the creation of the Coastal Commission) due to the lack of coastal development permits found for the construction of bulkheads in this area. Site conditions on the bayward side of the site include an existing bulkhead (retaining wall), deck, beach, pier and dock. The applicant wishes to replace the bulkhead in the same location as it has deteriorated to the point that it needs to be replaced. The existing bulkhead is approximately 3 feet high and 30 feet wide across the rear of the property.

The location of the bulkhead is inland of the Mean Higher High Water (MHHW), +5.40 Feet, Mean Lower Low Water (MLLW); therefore, the bulkhead will not have a significant adverse impact on sand movement since it will be located above the MHHW. The current foreshore beach slope is approximately 14:1 (horizontal to vertical) within the littoral compartment.

Public access to the bay is available approximately 30 feet to the east at the "D" Street street end.

The project consists of: 1) demolition and construction of a 2,548 square foot two story single family with 477 square foot two-car garage and a 47 square foot 2nd floor deck; 2) demolition and construction of a new bulkhead (3 feet high and 30 feet long) in the same location (elevation of +5.9 feet MLLW) designed to meet the minimum elevation requirements established by the City of Newport Beach (typically +9.0 feet, MLLW for Newport Harbor). The bulkhead will be a 10 inch thick reinforced concrete retaining wall and will be constructed utilizing interlocking concrete sheetpile sections that can be driven in place. The location of the new bulkhead will be the same

as the existing bulkhead, which is inland of the MHHW, +5.40 Feet, MLLW; and therefore will not result in additional fill; 3) demolition and re-construction of an existing wood deck and extension of the deck bayward by 5 feet. The proposed deck and supporting pile foundation has a design elevation of +9.39 feet, MLLW exceeding the minimum design criteria required by the City of Newport Beach to minimize potential flooding during high tidal conditions; 4) removal of 5 existing 12" piles and installation of 4-12" octagonal concrete piles, approximately 20 feet long and driven in place at the same cross-shore location as the 5 preexisting piles. The location of these piles is inland of the Mean Higher High Water (+5.40 Feet, MLLW) (Exhibits #3-11).

B. WATER QUALITY

The proposed bulkhead work will be occurring adjacent to and within coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

C. PUBLIC ACCESS

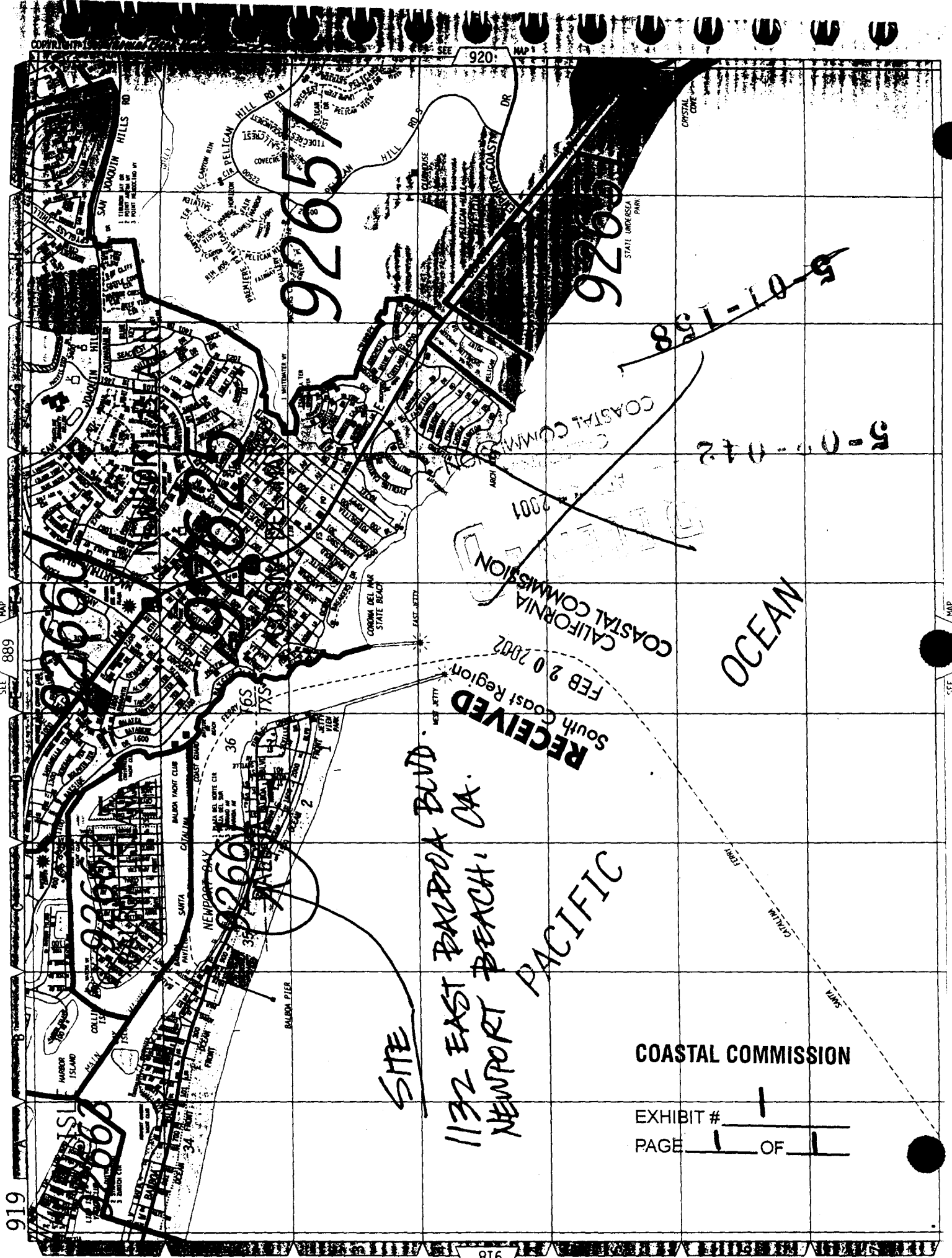
The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

The LUP 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 a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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.



SITE
 1132 EAST BALBOA BLVD.
 NEWPORT BEACH, CA.

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 FEB 20 2002
 CALIFORNIA
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EXHIBIT # 1
 PAGE 1 OF 1

SEE 889 MAP

919

SEE 918 MAP

117

SEE MAP

920

920651

920651

920660

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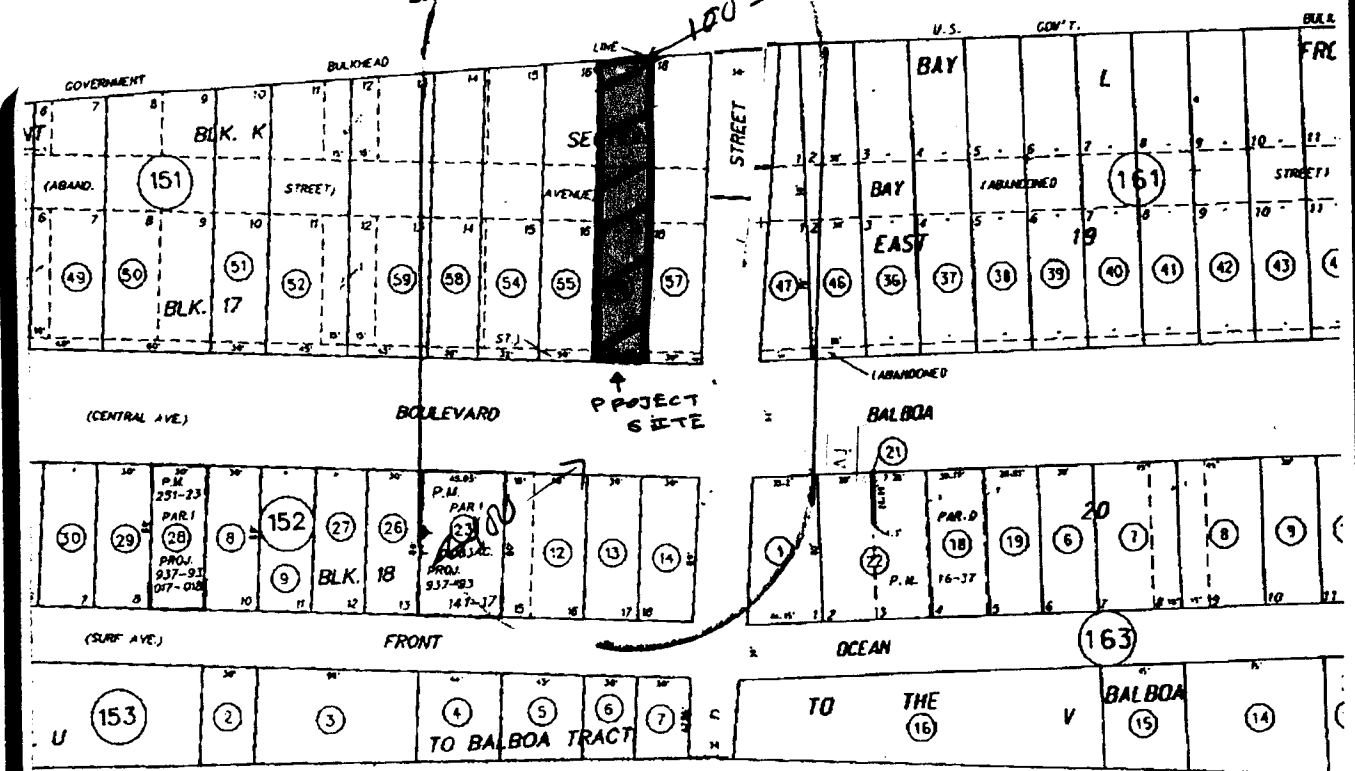
5-01-158

5-0-012

OCEAN

10 - 10

+ = WATER LINE AS PER AERIAL PHOTO - 1947



32

949

32

BAY FRONT SECTION THE EAST SIDE ADD. TO THE BALBOA TRACT PARCEL MAP

20

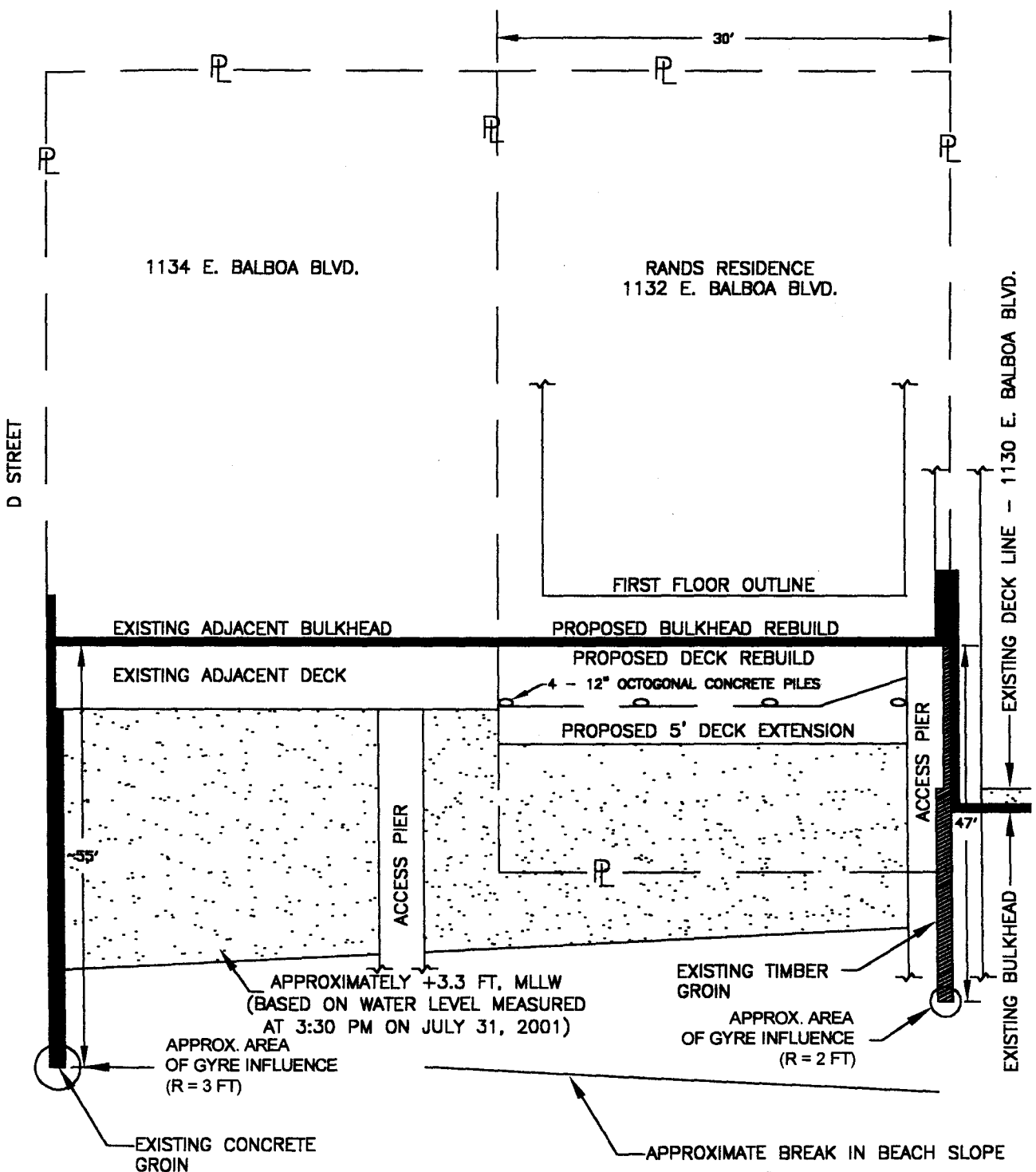
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 48 PAGE 11 COUNTY OF ORANGE

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EXHIBIT # 2
PAGE 1 OF 1

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EXHIBIT # 3

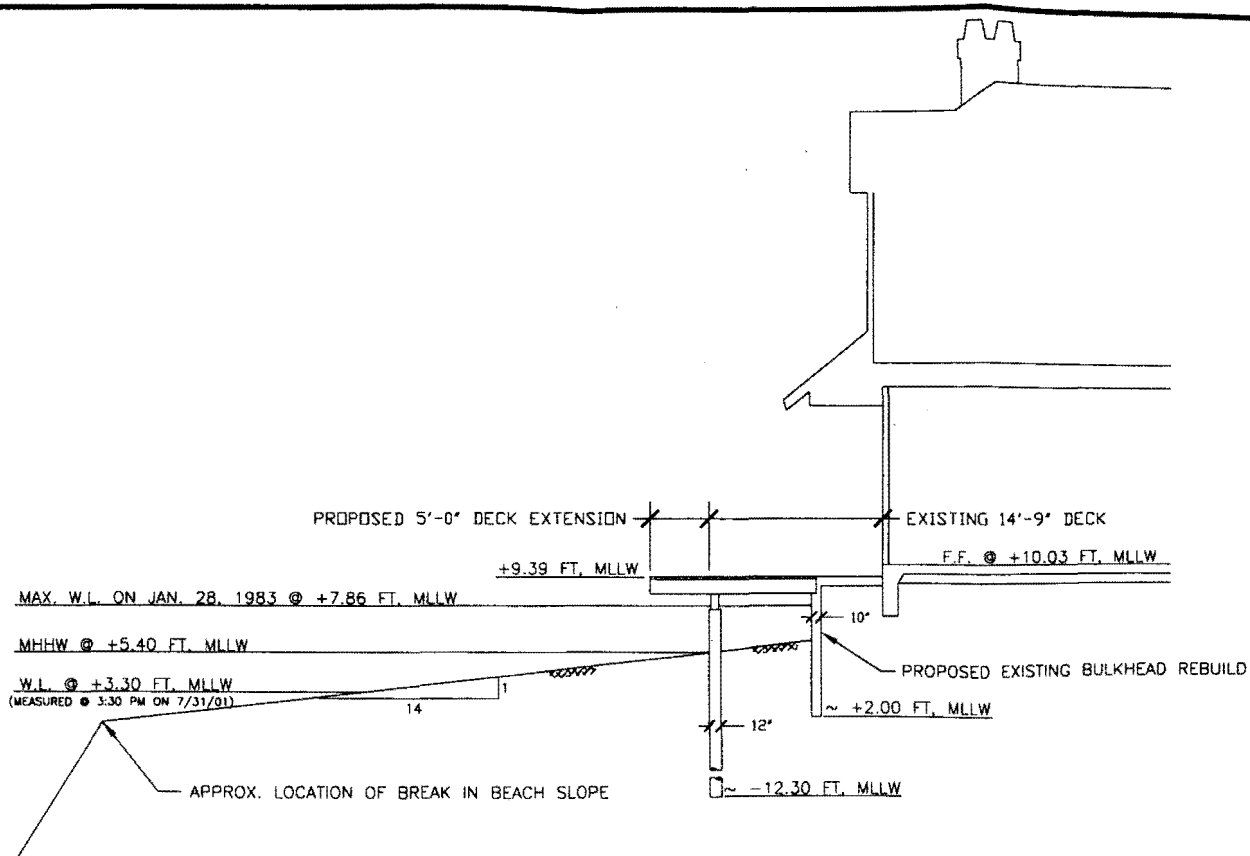
PAGE 1 OF 1

Existing Coastal Conditions and Proposed New Development - Revised

HORIZONTAL SCALE: 1" = 10'
 VERTICAL SCALE: 1" = 20'



Figure 4



Revised Representative Cross-Section - 1132 E. Balboa Blvd.

HORIZONTAL SCALE: 1" = 8'
 VERTICAL SCALE: 1" = 5'

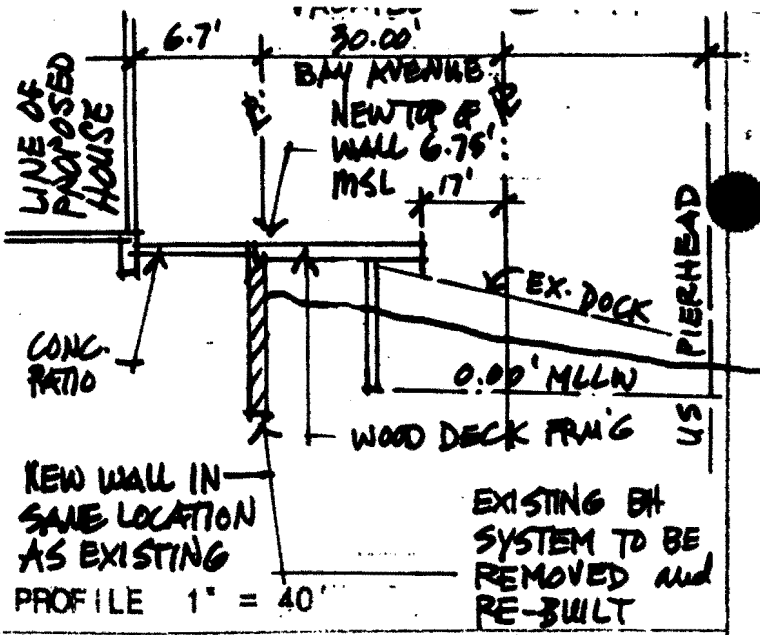
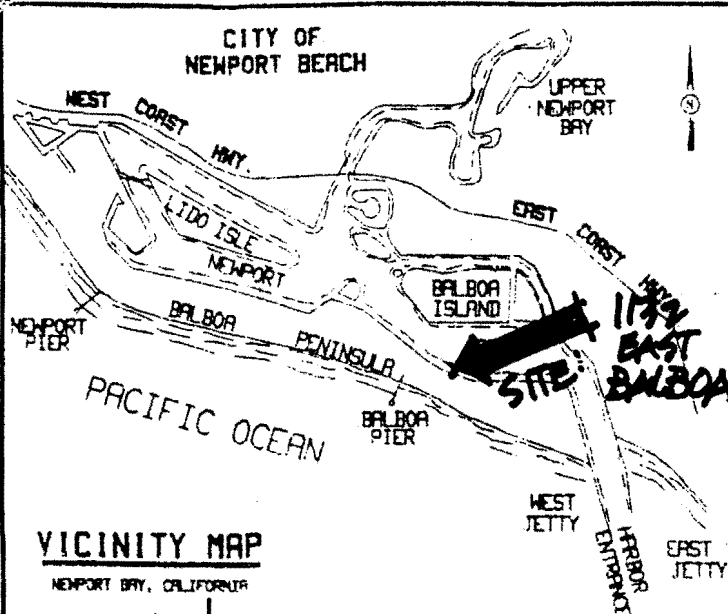


Figure 5

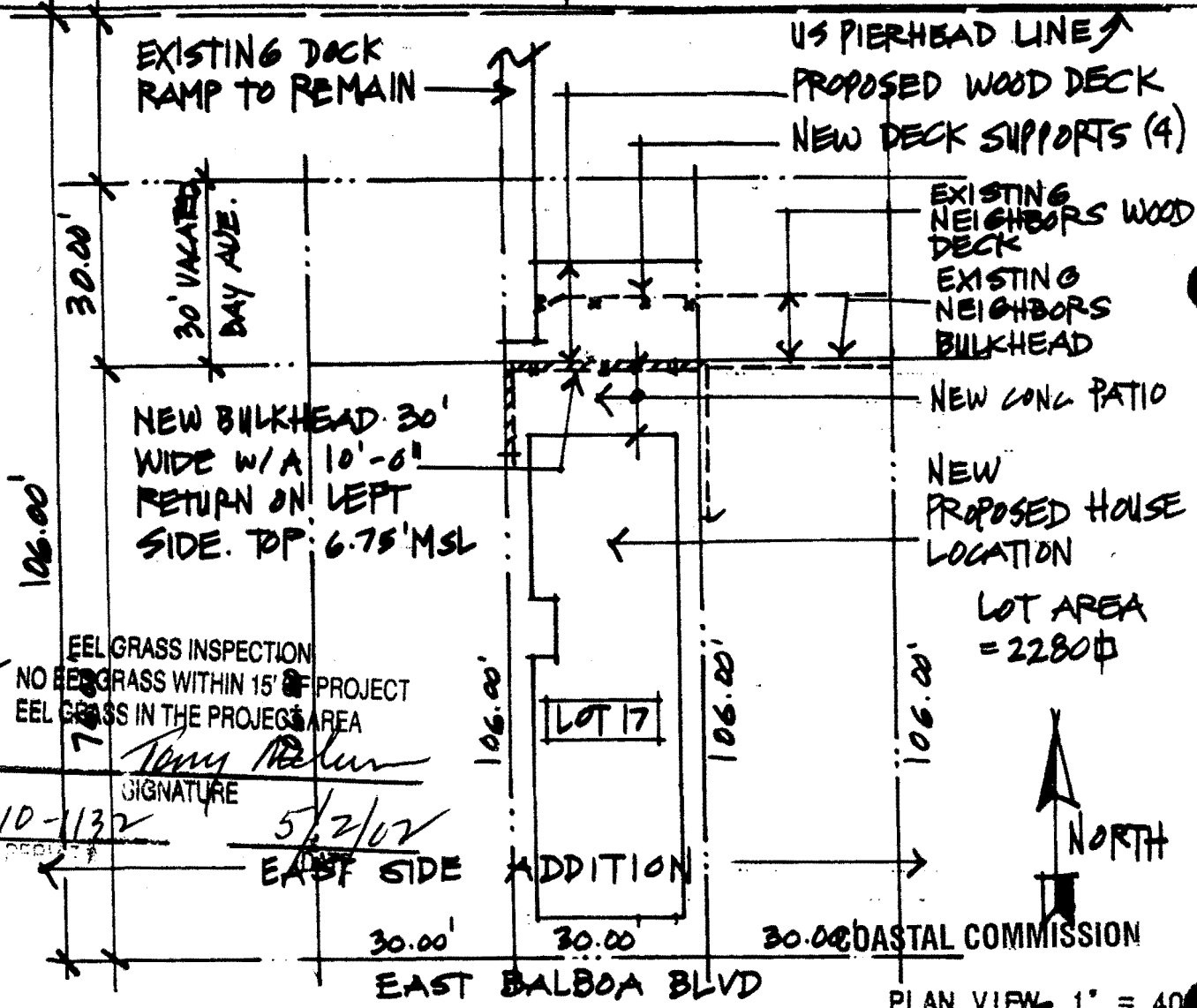
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EXHIBIT # 4
 PAGE 1 OF 1

CITY OF NEWPORT BEACH



SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.



- EEL GRASS INSPECTION
- NO EEL GRASS WITHIN 15' OF PROJECT
- EEL GRASS IN THE PROJECT AREA

Tony Melun
SIGNATURE

110-1132
5/2/02
EAST SIDE ADDITION

PLAN VIEW 1" = 40'

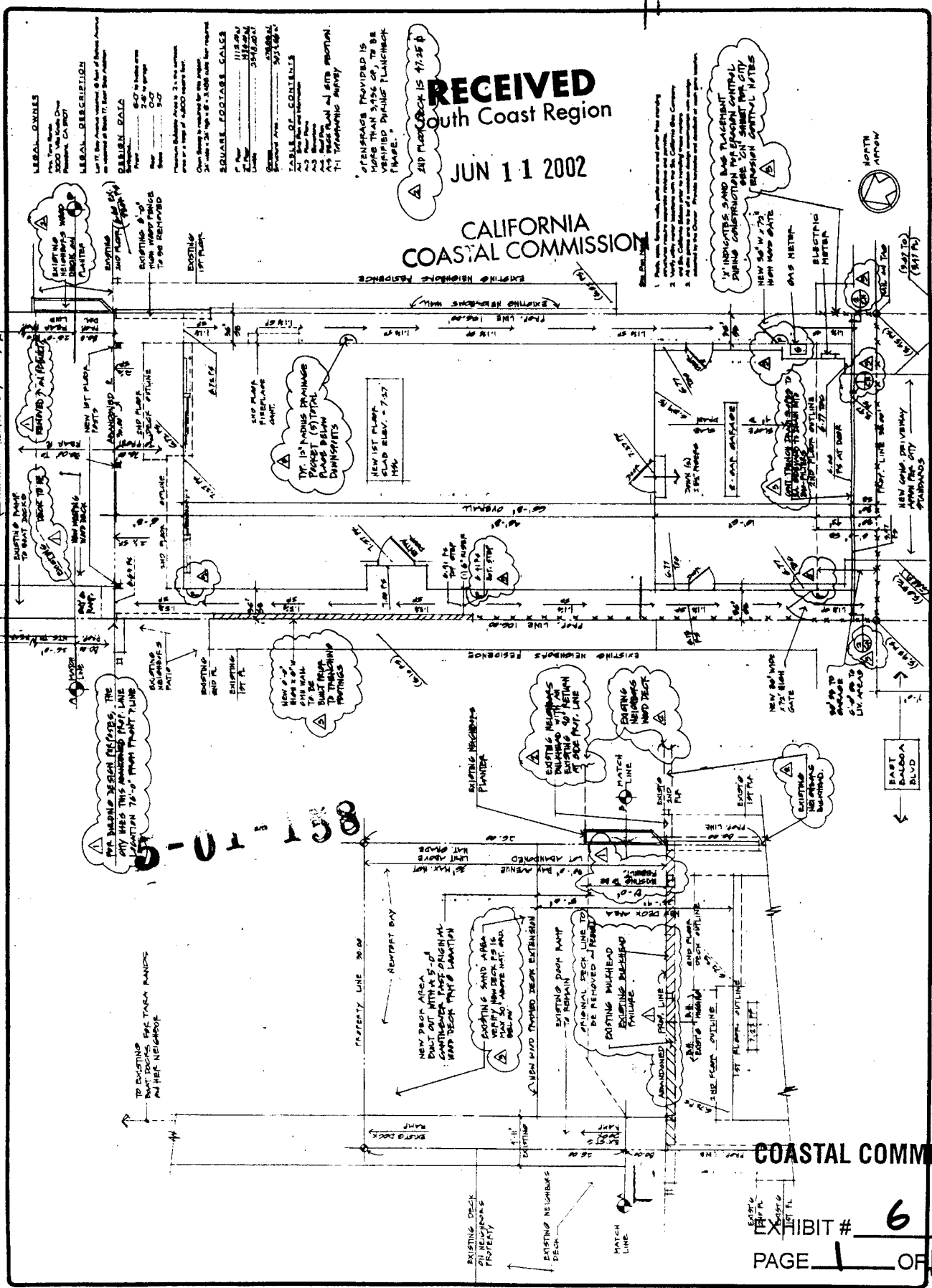
APPLICANT'S NAME	JOB ADDRESS	EXHIBIT #	DATE OF
		PAGE 1	OF 1

DATE	10/1/99
DRAWN BY	J.E.
CHECKED BY	J.E.
SCALE	AS SHOWN
TITLE	GENERAL NOTES

ARCHITECT
 J. RANDS
 1130 East Bohannon Blvd
 Newport Beach, CA 92661
 RANDS RESIDENCE

INFORMATION
 SHEET NO. 1
 SHEET TOTAL 1

A1



LEGAL OWNERS
 Mrs. Vera Rands
 1000 Via Lago
 Newport, CA 92660

LEGAL DESCRIPTION:
 Lot 17, New American Subdivision of Four of Blocks, Block 17, East Shore Addition, Newport Beach, California.

DEADLINE DATA:
 Plot Area: 600 sq. ft. (approx)
 Front Yards: 2.50 ft. (approx)
 Side Yards: 0.00 ft. (approx)
 Rear Yards: 3.00 ft. (approx)

SQUARE FOOTAGE TABLE:
 Floor Area: 1100 sq. ft.
 Total Area: 1100 sq. ft.
 Building Area: 1100 sq. ft.

TABLE OF CONTENTS:
 1. General Notes
 2. Site Plan
 3. Deck Plans
 4. Landscape Plans
 5. Electrical Plans
 6. Mechanical Plans
 7. Trimming Survey

PERMITS PROVIDED IS MORE THAN 91% OF TO BE VERIFIED DURING PLANCHALK PHASE.
SIP PLANCHALK IS 1125 D

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 JUN 1 1 2002
 South Coast Region

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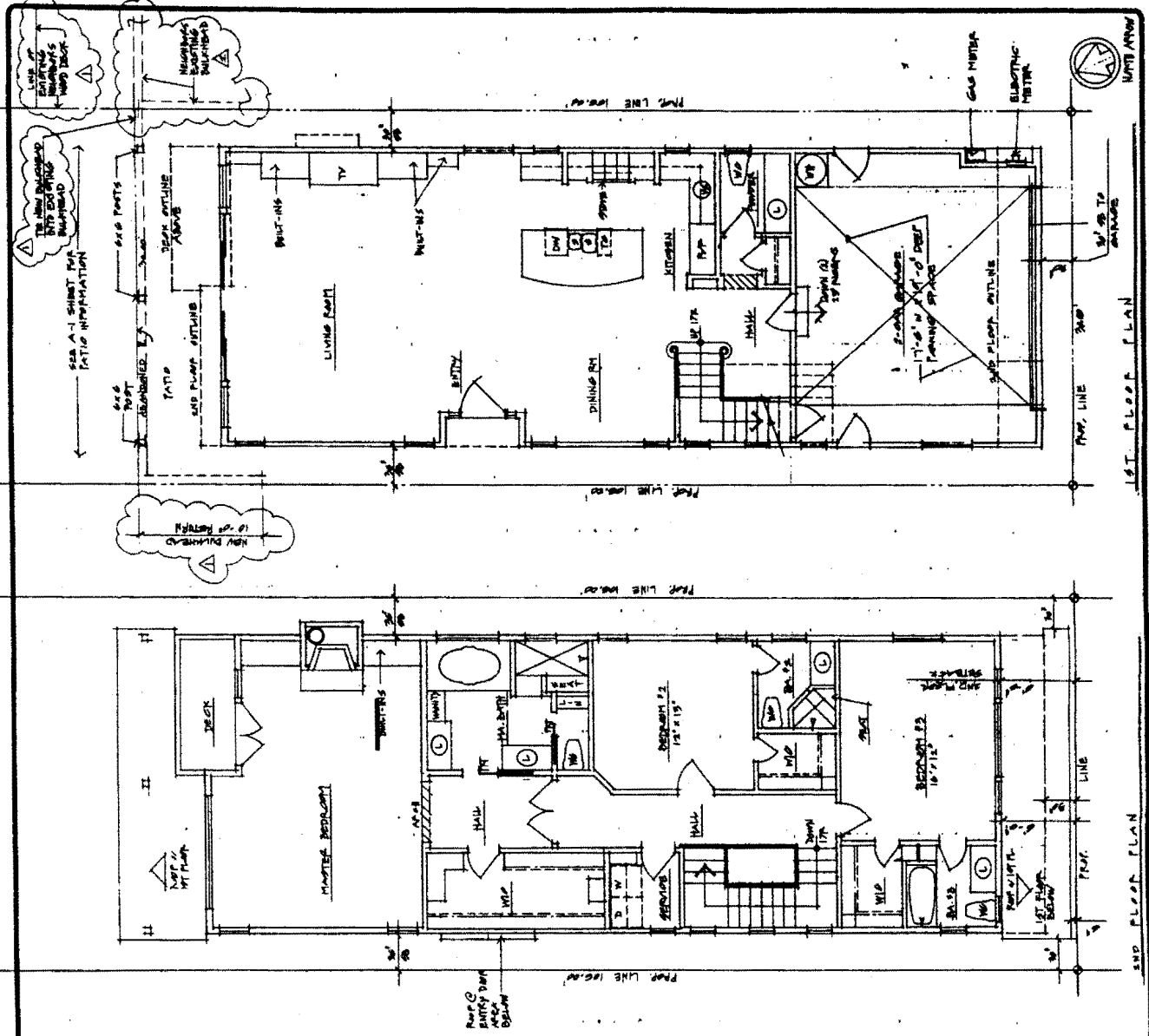
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FLOOR PLANS

ARCHITECT
APR 1, 1980
15622 Beachmont Avenue
San Diego, CA 92128
552-3333

RANDS RESIDENCE
1130 East Bolger Blvd
Newport Beach, CA 92661

NO. 1	1st Floor Plan
NO. 2	2nd Floor Plan
NO. 3	3rd Floor Plan
NO. 4	4th Floor Plan
NO. 5	5th Floor Plan
NO. 6	6th Floor Plan
NO. 7	7th Floor Plan
NO. 8	8th Floor Plan
NO. 9	9th Floor Plan
NO. 10	10th Floor Plan
NO. 11	11th Floor Plan
NO. 12	12th Floor Plan
NO. 13	13th Floor Plan
NO. 14	14th Floor Plan
NO. 15	15th Floor Plan
NO. 16	16th Floor Plan
NO. 17	17th Floor Plan
NO. 18	18th Floor Plan
NO. 19	19th Floor Plan
NO. 20	20th Floor Plan

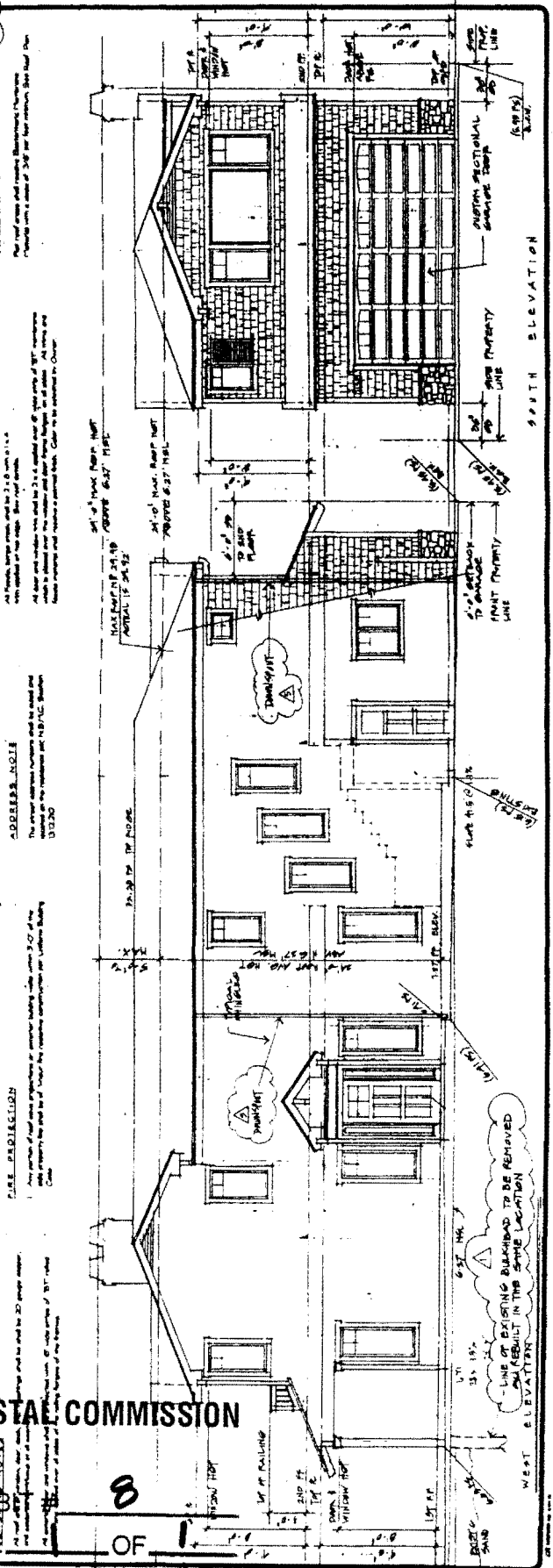
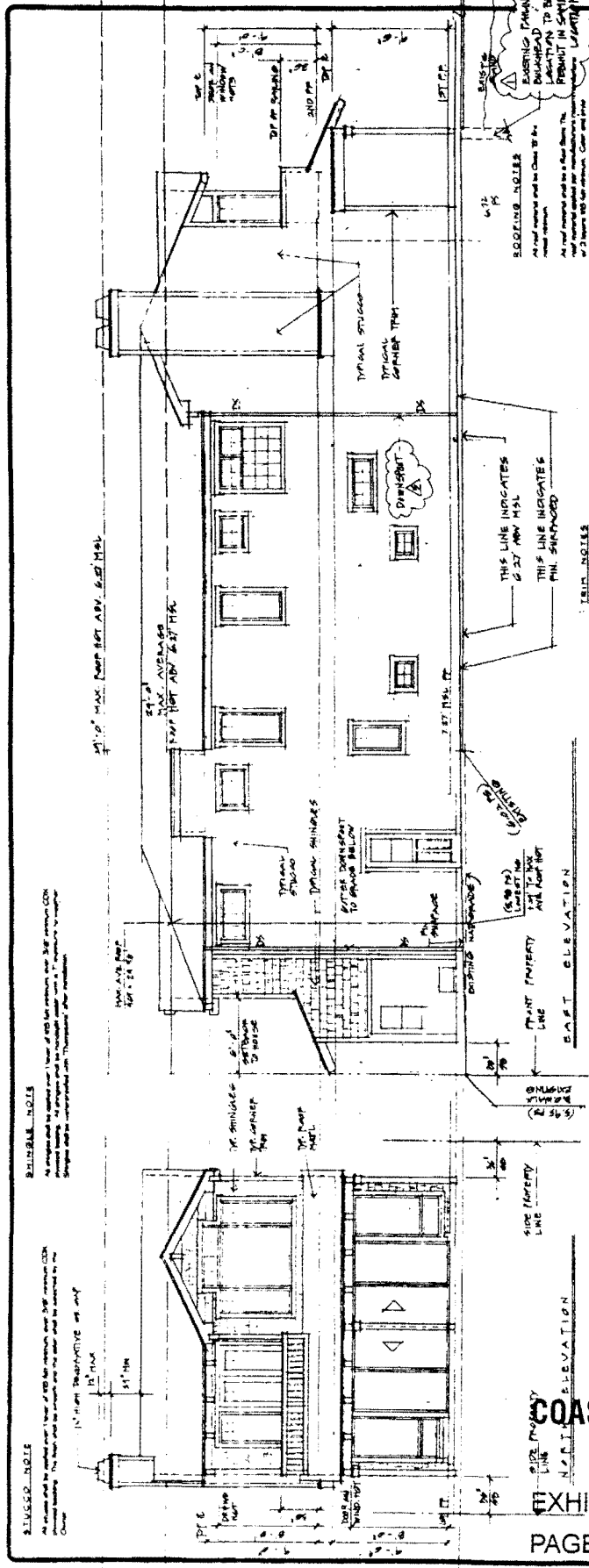


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EXHIBIT # 7

PAGE 1 OF 1

NO. 1	FOUNDATION	1/15/2010
NO. 2	FRONT ELEVATION	1/15/2010
NO. 3	REAR ELEVATION	1/15/2010
NO. 4	SOUTH ELEVATION	1/15/2010
NO. 5	WEST ELEVATION	1/15/2010
NO. 6	SECTIONAL	1/15/2010
NO. 7	PLAN	1/15/2010
NO. 8	EXHIBIT	1/15/2010



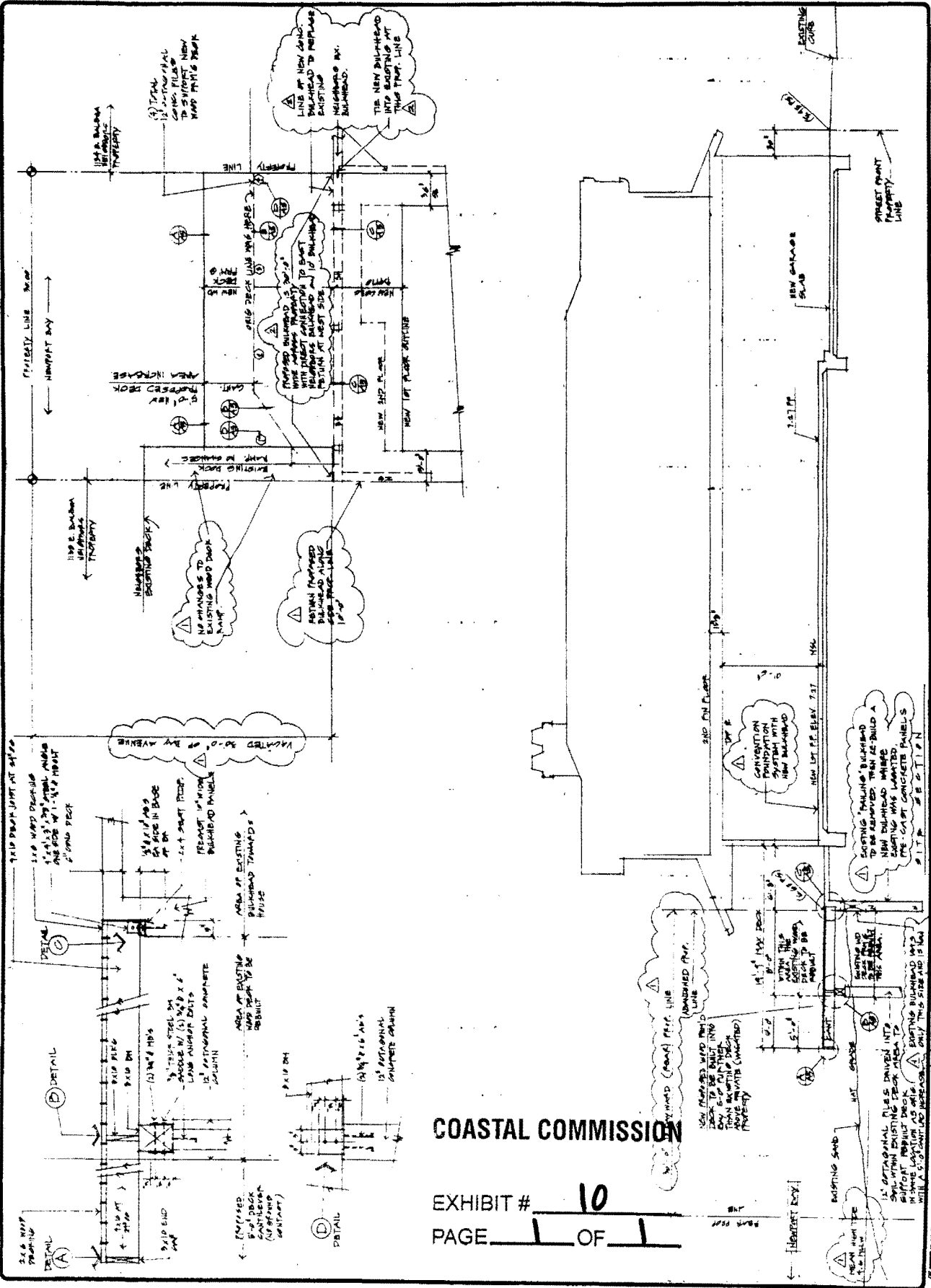
NO.	
DATE	
REVISION	
BY	
CHECKED	
DATE	

ARCHITECT
 JOHN T. TORON
 152 EAST BROADWAY
 NEWPORT BEACH, CA 92660
 PHONE: 949-261-3000
 FAX: 949-261-3001

RAVENS RESIDENCE
 152 EAST BROADWAY
 NEWPORT BEACH, CA 92660

DECK PLAN AND
 ... SITE SECTION

DATE: 11/11/01
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
A5



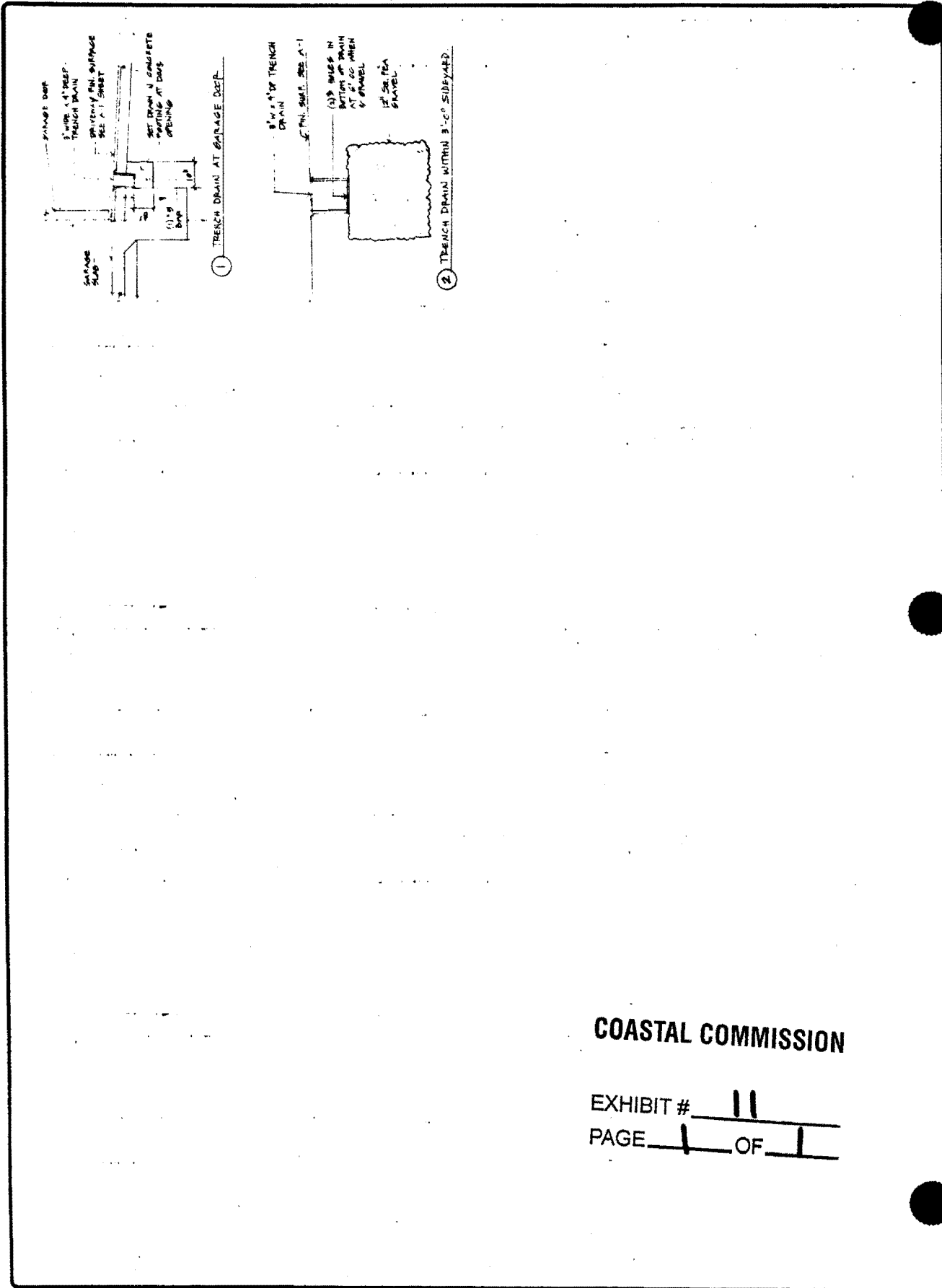
COASTAL COMMISSION

EXHIBIT # 10
 PAGE 1 OF 1

DATE	
REVISION	

ARCHITECT
 JOHN T. MORGAN JR.
 1882 Beckwith Avenue
 Santa Ana, CA 92705
 ARCHITECTS & ENGINEERS

DATE	
REVISION	



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EXHIBIT # 11

PAGE 1 OF 1