

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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(562) 590-5071

**TH 8b**

Filed:	9/11/15
180th Day:	3/9/16
Staff:	F. Sy-LB
Staff Report:	1/21/16
Hearing Date:	2/11/16

**STAFF REPORT: CONSENT CALENDAR**

<b>Application No.:</b>	<b>5-15-1005</b>
<b>Applicant:</b>	<b>Chandler Family Trust</b>
<b>Agent:</b>	Brion Jeannette Architecture
<b>Location:</b>	1215 E. Balboa Boulevard, City of Newport Beach (County of Orange)
<b>Project Description:</b>	Demolition of an existing single-family residence and construction of a new 4,449 square foot, three-story, single-family residence with an attached 640 square foot three-car garage on a beach fronting lot. In addition, the project includes the construction of a concrete patio and a 3 foot high perimeter wall with a wood gate that extends into a leasable area.
<b>Staff Recommendation:</b>	Approval with conditions.

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**SUMMARY OF STAFF RECOMMENDATION**

The applicant is proposing the demolition of an existing single-family residence and construction of a new single-family residence on a beach fronting lot. The major issues raised by this proposed development concern beachfront development that could be affected by waves, erosion, storm conditions, sea level rise or other natural hazards in the future and potential adverse impacts from beach encroachments.

Due to its oceanfront location, the project site may be potentially exposed to the hazard of waves, erosion, storm conditions, sea level rise or other natural hazards. However, the project is consistent

with previous Commission approvals in the area and conditions have been imposed in order to minimize potential adverse impacts from the development consistent with Coastal Act.

The project includes development in the public right-of-way on the oceanward side of the residence. Private improvements are allowed in the public right-of-way under a policy and mitigation program approved by the Commission in June 1991 and incorporated into the City's Coastal Land Use Plan. The proposed encroachments include the construction of a 3 foot high perimeter patio wall with a wood gate around the perimeter of an at-grade, 7 feet, 6 inches (length) x 45 foot (wide) concrete patio within the encroachment area (7 foot, 6 inches (length) x 45 foot (wide)). As conditioned, the proposed development conforms to the requirements of the program outlined in the CLUP.

Staff is recommending **approval** of the proposed project with Nine (9) Special Conditions regarding: 1) no future shoreline protective device; 2) assumption of risk, waiver of liability and indemnity; 3) future development; 4) storage of construction materials, mechanized equipment, and removal of construction debris; 5) conformance with the drainage and run-off control plans; 6) landscape controls; 7) no deviation from approved encroachments/participation in the City mitigation program; 8) City's right to revoke authorization of encroachment and compel removal of the encroachments; and 9) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

## **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 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 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. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-1005 including, but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waive, on behalf themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this permit, including the concrete slab, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowners shall remove all recoverable debris associated with the development from the beach and ocean and lawfully

dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- 2. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant 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 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.
- 3. Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-15-1005. 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. 5-15-1005. Accordingly, any future improvements to the residence and garage, foundations and patio 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. 5-15-1005 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 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; and
  - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 5. Conformance with the Grading/Drainage and Runoff Control Plan.** The applicant shall conform with the *Grading/Drainage and Run-Off Control Plan* received July 16, 2015 showing roof top and surface drainage directed to permeable areas. 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 legally required.
- 6. Landscaping-Drought Tolerant, Non-Invasive Plants.** 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 (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). If potable water is used for irrigation only drip or micro spray irrigation systems may be used. Other water conservation measures shall also be considered, such as use of weather based irrigation controllers.
- 7. Deviation from Approved Encroachments.**
- A. The only encroachments into the encroachment zone (7 foot, 6 inches (length) by 45 foot (wide)) within the City of Newport Beach Oceanfront public right-of-way allowed by this coastal development permit are a 3 foot high perimeter patio wall with a wood gate around

- the perimeter of an at-grade, 7 feet, 6 inches (length) x 45 foot (wide) concrete patio. Any development in the public right of way, including improvements, repairs, and maintenance, cannot occur without an amendment to this coastal development permit or a new coastal development permit from the Coastal Commission, unless the Executive Director determines that no amendment or new permit is legally required.
- B. The applicant and all other successors and assigns must remain enrolled in the City's public access impact mitigation payment program (i.e. annual encroachment payment system) and make the recurring annual payment so long as the encroachment remains in place.
- 8. City's Right to Revoke Encroachment Permit.** Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right of way.
- 9. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. PROJECT LOCATION AND DESCRIPTION**

The applicant proposes to demolish an existing two-story single-family residence with a detached two-car garage and construct a new 4,449 square foot, approximately 29 feet high, three-story single-family residence with an attached 640 square foot three-car garage on a beach fronting lot (**Exhibits No. 1-5**). Grading will consist of approximately 26 cubic yards of cut and 69 cubic yards of fill (including 43 cubic yards of import). In addition, the project includes the construction of a concrete patio and a 3 foot high perimeter patio wall with a wood gate that extends into a leasable area from the City of Newport Beach (**Exhibit No. 2**).

The project site is a beach fronting lot located at 1215 East Balboa Boulevard within the City of Newport Beach, Orange County (**Exhibit No. 1**). Currently, an existing two-story single-family

residence with a detached two-car garage occupies the project site. The lot size is 3,600 square feet and the City of Newport Beach Coastal Land Use Plan (CLUP) designates the site Single-Unit Residential Detached (RSD) and the proposed project adheres to this designation. The project is located within an existing urban residential area, located generally east of the Newport Pier.

There is a wide sandy beach, approximately 550 feet wide, between the subject property and the Pacific Ocean. Due to its oceanfront location, the project site may be potentially exposed to the hazard of waves, erosion, storm conditions, sea level rise or other natural hazards.

To minimize the project's potential future impact on shoreline processes, the Commission imposes **Special Condition No. 1**, which prohibits construction of any future shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-15-1005 including, but not limited to residence and garage, foundations, patio and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. Although no shoreline protection is necessary, the proposed development is located in an area where coastal hazards exist and can adversely impact the development. Therefore, the Commission imposes **Special Condition No. 2**, which requires the applicant to assume the risk of development.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated and potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, the Commission imposes **Special Condition No. 3**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-15-1005 or a new coastal development permit.

The proposed project is considered development and there is an opportunity to improve water quality. To minimize erosion and prevent debris from being dispersed down the storm drain system leading to the ocean during construction, the Commission imposes **Special Condition No. 4**, which provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To minimize any impacts to water quality the proposed project may have after construction, the applicant has submitted a Grading/Drainage and Run-Off Control Plan that shows rooftop and surface drainage directed to percolation pits consistent with past Commission action. In order to ensure that the Grading/Drainage and Run-Off Control Plan is adhered to, the Commission imposes **Special Condition No. 5**, which requires the applicant to conform with the Grading/Drainage and Run-Off Control Plan. The applicant has also stated that they shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances

The applicant has stated that landscaping is proposed and plans have been submitted. The placement of any 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](http://www.CNPS.org)) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). 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.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

Commission staff has reviewed the submitted landscaping plan and determined that it contains non-invasive and drought tolerant plants. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. Therefore in order to make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition No. 6**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The proposed project will not have an adverse effect on public access. The project site is bordered by a leasable area from the City of Newport Beach and City's paved beachfront public lateral access way (Oceanfront Boardwalk) oceanward of the project site. The Commission has found through previous permit actions in this area that the City's setback in this area is acceptable for maintaining public access. The proposed project is consistent with the City's 10 foot required setback from the oceanward property line. Vertical public access to this beach is available approximately 121 feet east (downcoast) of the project site at the end of "E" Street and approximately 186 feet west (upcoast) at the end of 9<sup>th</sup> Street. Lateral public access is available along the boardwalk and wide sandy beach oceanward of the project site (**Exhibit No. 1**).

The proposed development includes new patio development that encroaches into the 7 foot, 6 inches (length) x 45 foot (wide) City of Newport Beach Oceanfront public right-of-way at the oceanward side of the residence (**Exhibit No. 2**). The City holds the public right-of-way for street/walkway/bikeway purposes. Within the subject area (the southern part of the Balboa Peninsula) the right-of-way is developed with a paved public walkway/bikeway (Oceanfront Boardwalk). At the project site, the City has constructed the Oceanfront boardwalk approximately 7 feet, 6 inches from the applicant's property line. The development now pending consists of a 3 foot high perimeter patio wall with a wood gate around the perimeter of an at-grade, 7 feet, 6 inches (length) x 45 foot (wide) concrete patio within the encroachment area.

Construction of the proposed encroachments would contribute to the cumulative adverse impact on beach use resulting from the various existing encroachments on the public right-of-way. Although the encroachments exist between private residential lots and the paved boardwalk, the encroachments could make it difficult in the future for the City to improve the public right-of-way for lateral access purposes.

The LUP encroachment policies allow encroachment onto the Oceanfront right-of-way in the area of the project site, which is between A Street and a point 250 feet southeast of E Street. Encroachments in this area may encroach up to the sidewalk and within an oceanward prolongation



of the property lines on the side of the parcel. The LUP policies allow encroachments only if they do not interfere with access to the beach or ocean, when no building permit is required, and subject to payment of a mitigation fee. The proposed encroachment at the project site complies with these standards.

The applicant provided a copy of the Annual Oceanfront Encroachment Permit issued on September 1, 2015. In this case, the Commission finds that the proposed encroachment is consistent with the certified LUP encroachment policies and the Chapter 3 public access policies of the Coastal Act. The findings for which are found in the Newport Beach LUP Amendment 90-1 approved by the Commission on June 11, 1991 and which are incorporated here by reference. In addition, the City is continuing to carry out the public access improvements required by the LUP mitigation plan to offset any adverse impacts of the encroachments. The mitigation fee collected by the City is an annual recurring fee. In order to assure that the encroachments are consistent with the Land Use Plan policies addressing Oceanfront encroachments as certified by the Commission, and so are consistent with the public access policies of the Coastal Act, the applicant has submitted a copy of a current encroachment permit application and evidence that they are enrolled in the annual fee system. The applicant and any successors in interest must remain enrolled in the annual fee system and pay the recurring fee so long as the encroachment remains in place.

Section 13250 of the California Code of Regulations provides that development such as the proposed encroachments are not exempt from obtaining a coastal development permit pursuant to Coastal Act Section 30610(a). However, to ensure that no further encroachments occur without an approved amendment to this coastal development permit or approval of a new coastal development permit, the Commission imposes **Special Condition No. 7**, which requires that an amendment to this permit or a new coastal development permit be obtained for any deviations to the encroachments described in this permit. This would allow the Commission to evaluate future encroachment deviations for adverse public access and recreation impacts.

As a condition of the City's approval of an encroachment permit, the permittee must sign an encroachment agreement in which the permittee waives his or her right to contest the ability of the City to remove the encroachments in order to build public access improvements within the public right of way. Thus the proposed project is being conditioned (**Special Condition No. 8**) to provide that issuance of the coastal development permit does not restrict nor interfere with the City's right to revoke its encroachment permit, without cause, in order to construct public access and recreation improvements in the public right-of way. This would ensure future opportunities for public access and recreation.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 9**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property.

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 Coastal 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 Coastal Land Use Plan may be used for guidance.

## **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 run-off 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 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 with 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 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.

## **F. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

## **G. LOCAL COASTAL PROGRAM (LCP)**

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 8, 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Coastal 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.

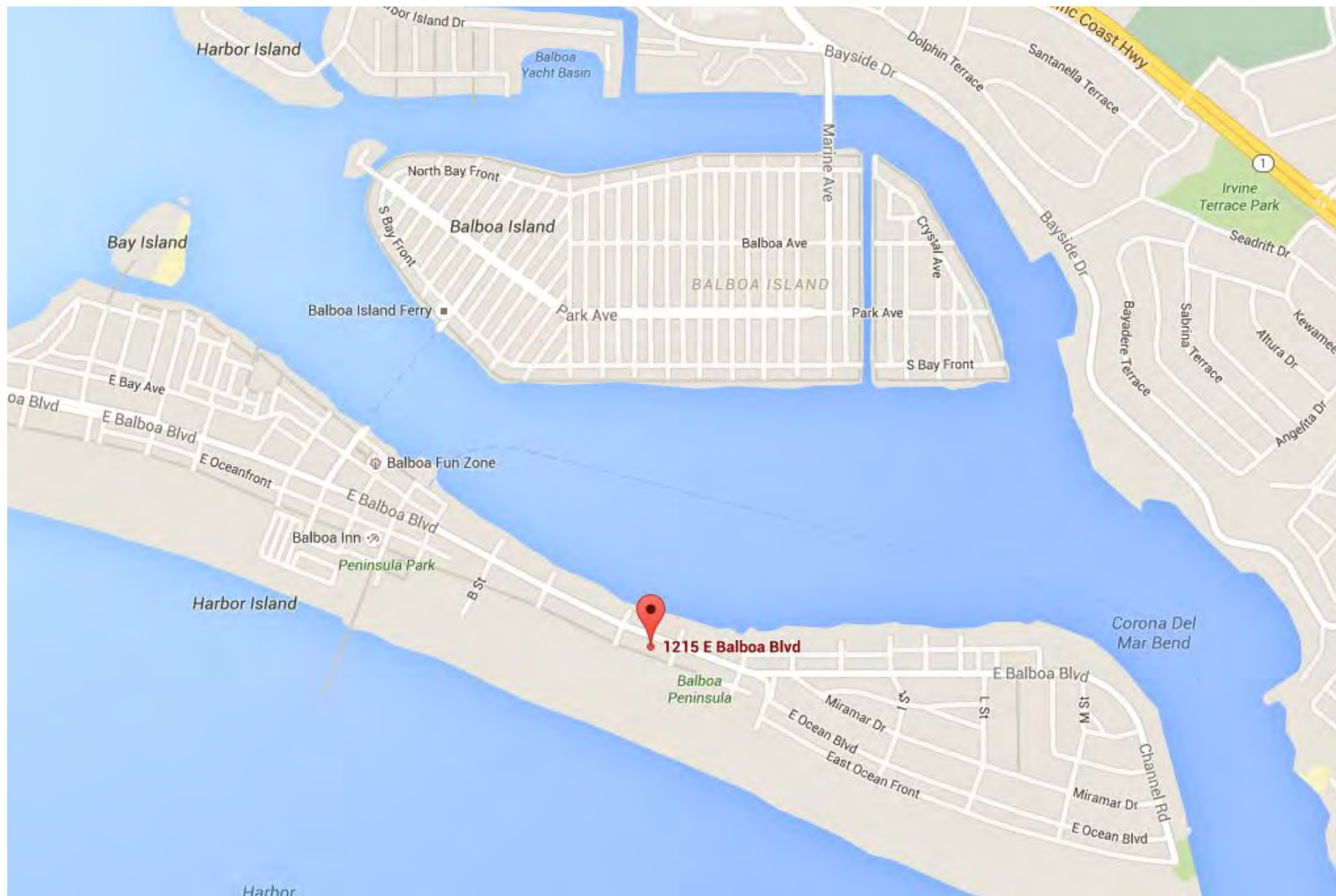
## **H. California Environmental Quality Act (CEQA)**

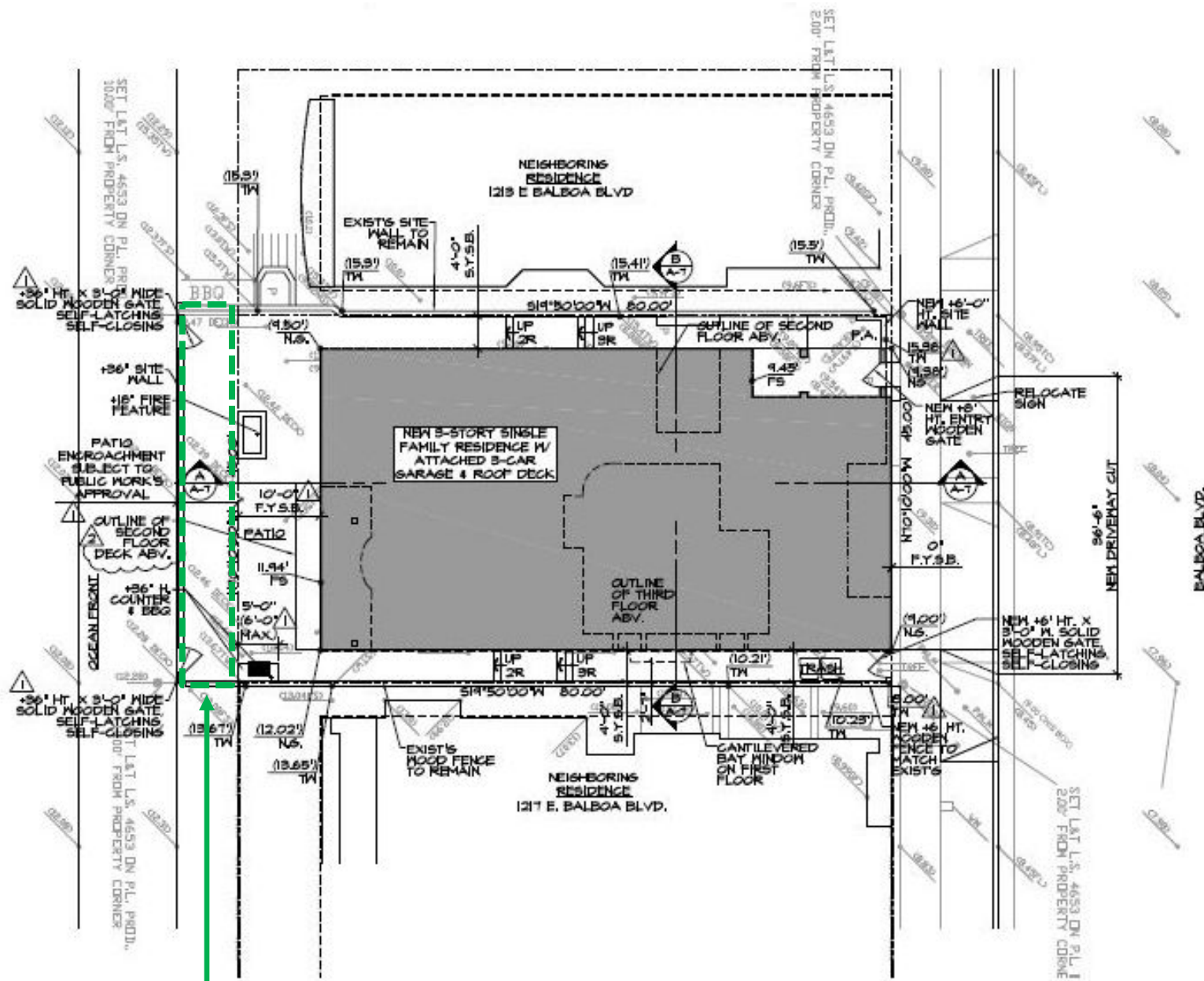
The City of Newport Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is ministerial or categorically exempt. Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Although the proposed development is categorically exempt from CEQA, the Commission has imposed conditions to ensure conformity with Coastal Act requirements. 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 consistent with the requirements of the Coastal Act and CEQA.

## **APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS:** Approval-In-Concept from the City of Newport Beach Planning Department dated July 6, 2015; *Coastal Hazard and Wave Runup Study, 1215 East Balboa, Newport Beach* prepared by *Geosoils, Inc.* dated July 9, 2015; Letter from Commission staff to the agent dated August 14, 2015; Letter from the agent to Commission staff dated September 10, 2015; and City of Newport Beach Annual Oceanfront Encroachment Permit issued on September 1, 2015.





Encroachment Area

SITE PLAN

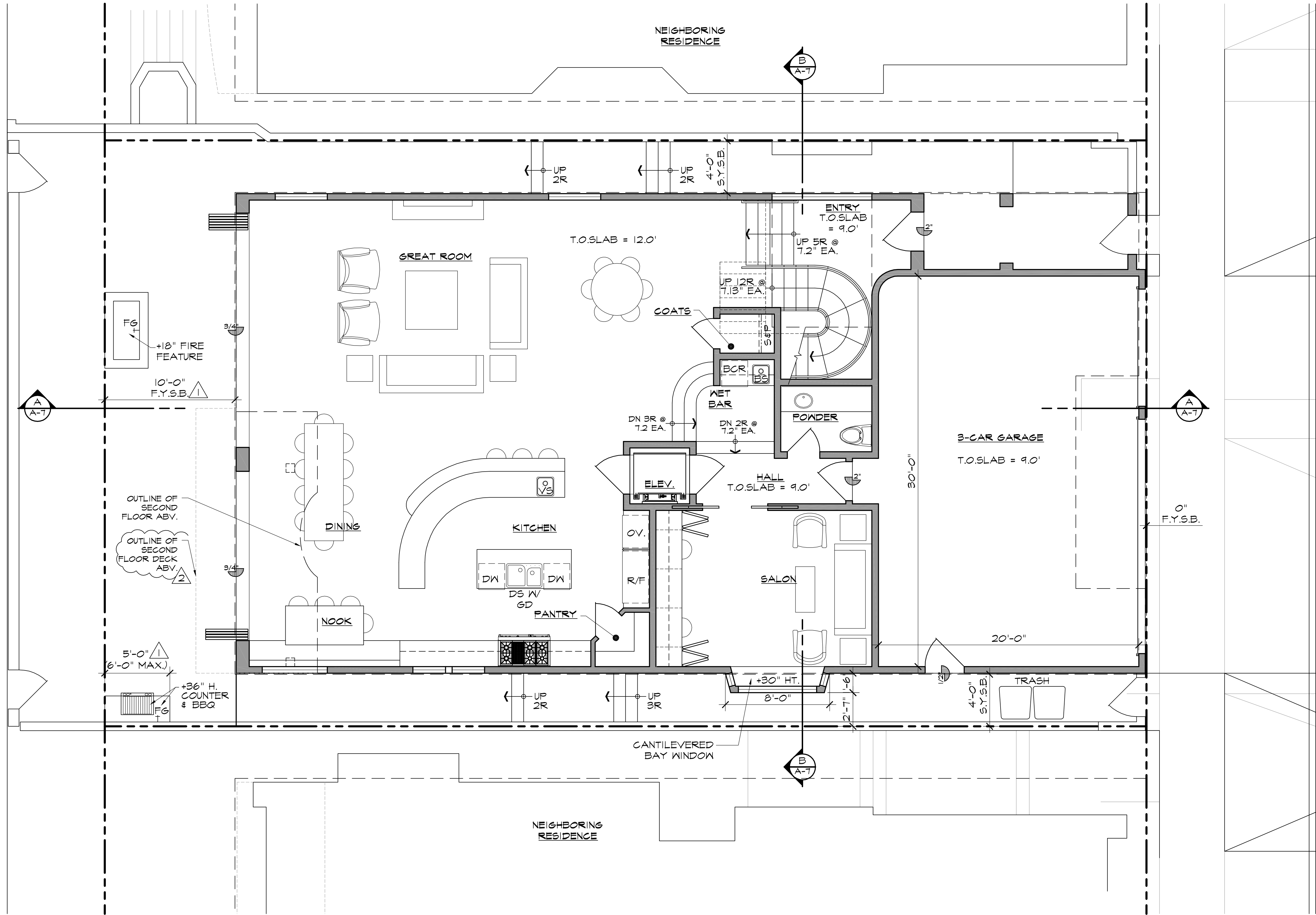
Exhibit No. 2  
Page 1 of 1



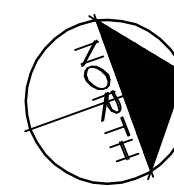
SCALE: 1/8" = 1' - 0"



OCEAN FRONT



FIRST FLOOR PLAN



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

Exhibit No. 3  
Page 1 of 3

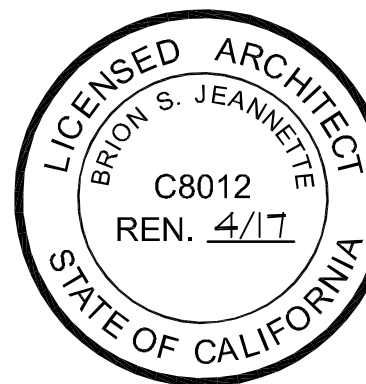
CHANDLER RESIDENCE  
1215 E. BALBOA BLVD.  
NEWPORT BEACH, CA

Brion Jeannette Architecture

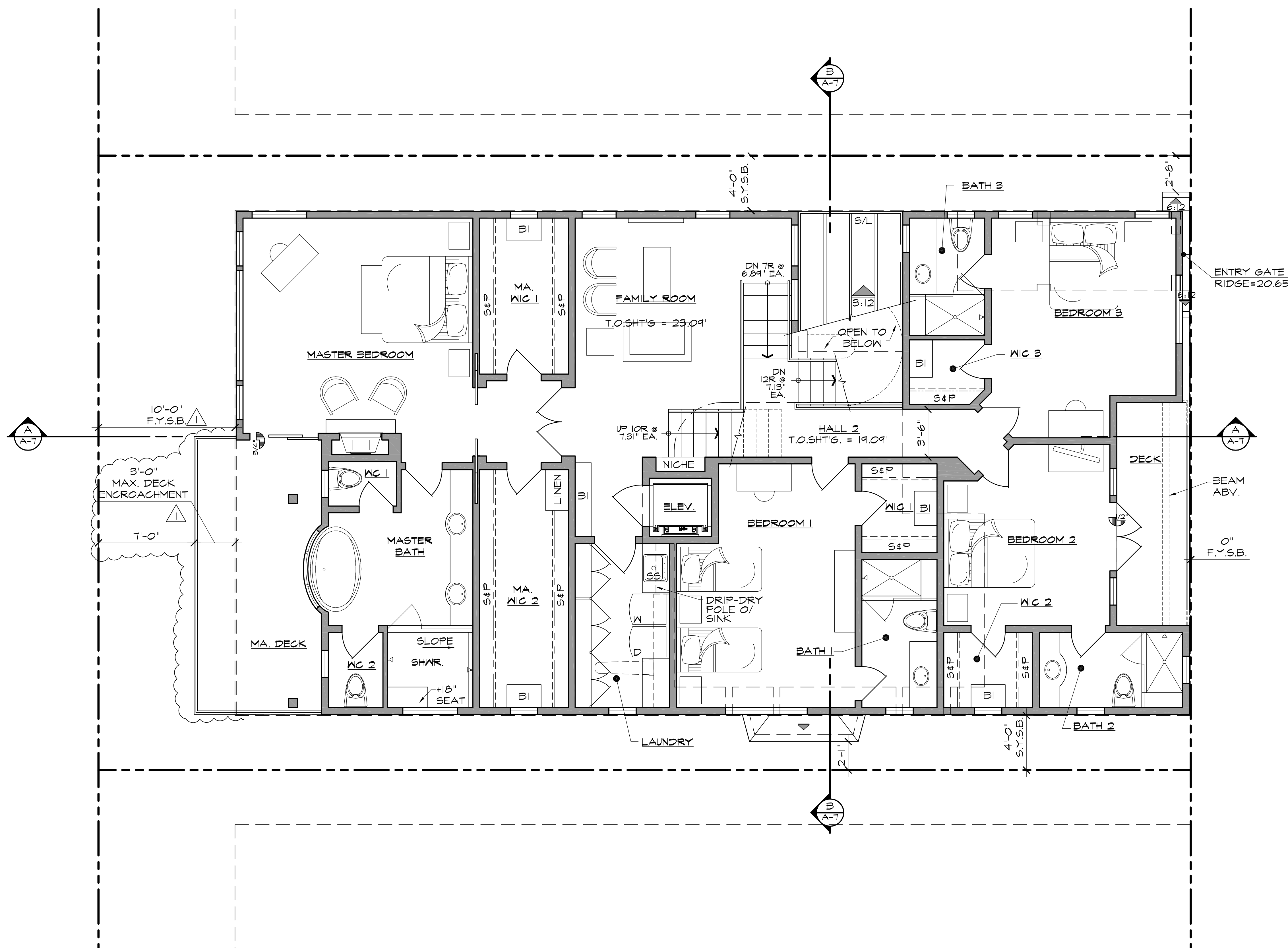
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FIRST  
FLOOR PLAN

Date:	
AIC REVIEW	
Revision 6.11.15	1
CCC REVIEW	
Revision 4.08.15	2
Revision:	
Revision:	
Revision:	
Job No: 15-026	



A-2

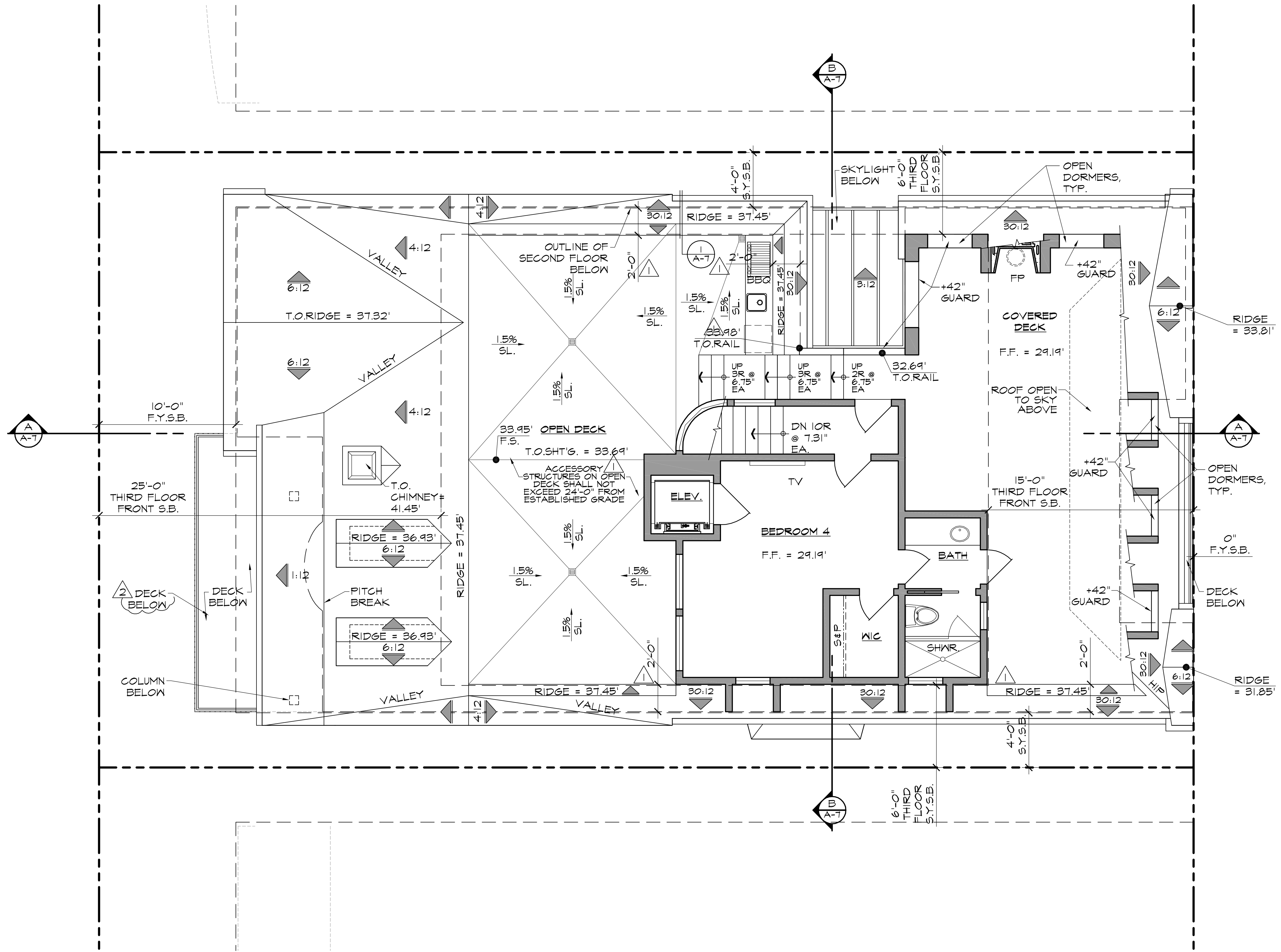


## SECOND FLOOR PLAN

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

Exhibit No. 3  
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THIRD FLOOR PLAN

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

Exhibit No. 3  
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CHANDLER RESIDENCE  
1215 E. BALBOA BLVD.  
NEWPORT BEACH, CA

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MEMBERS AIA & NCARB • ENERGY CONSCIOUS DESIGN

THIRD  
FLOOR PLAN

Date:	
AIC REVIEW	
Revision 6/11/15	1
CCC REVIEW	
Revision 11/08/15	2
Revision:	
Revision:	
Revision:	
Job No: 15-026	

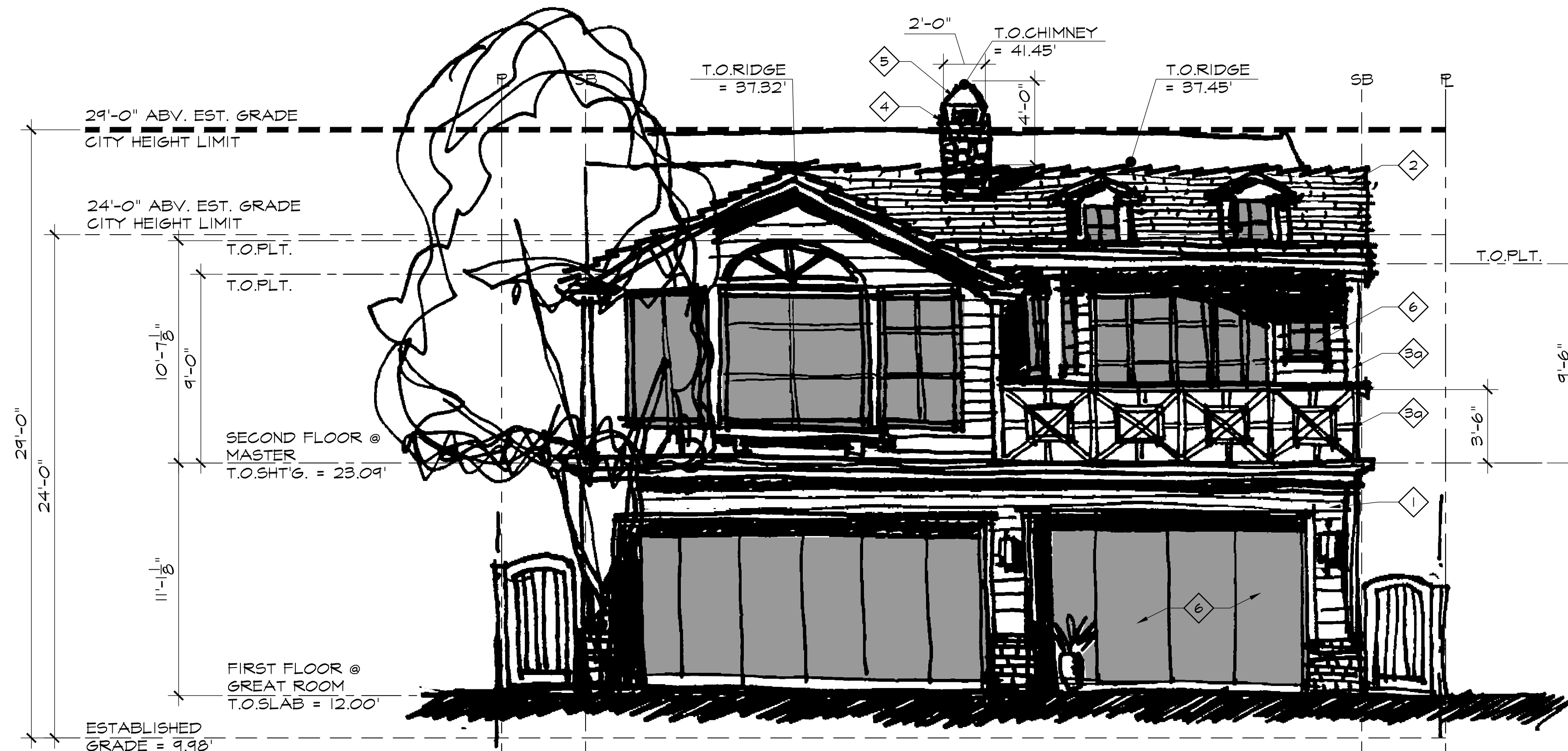


A-4



NORTH ELEVATION

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



SOUTH ELEVATION

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

## EXTERIOR FINISH SPECIFICATIONS:

### 1 EXTERIOR SIDING:

EXTERIOR SIDING TO BE FIRE-RESISTANCE RATED HARDIEPLANK H210 LAP SIDING IN "SELECT CEDARMILL" TEXTURE WITH 7" EXPOSURE 0/ (2) LAYERS TYPE 'D' BLDG. PAPER - USE TYVEK HOMEMRAP™ AT INNER LAYER. COLOR TO BE DETERMINE. CLIENT AND ARCHITECT TO APPROVE COLOR PRIOR TO APPLICATION.

### 2 ROOFING:

ROOF TILE TO BE CLASS A FIRE-RESISTANCE NATURAL SLATE. COLOR T.B.D.

### 3 WOOD:

WOOD AT COLUMNS, FASCIA, RAKE, TRIMS, SHUTTER, AND DECK RAIL TO BE TO BE SANDED, PRIMED, AND PAINTED FIRE-RETARDANT TREATED WOOD BY WINDSOR ONE +PROTECTED BOARDS. COLOR TO BE DETERMINED.

GARAGE DOOR TO BE SANDED, PRIMED, AND PAINTED CLEAR HEART GRADE CEDAR. COLOR TO BE DETERMINED.

### 4 BRICK:

THIN BRICK VENEER AT EXTERIOR WAINSCOT AND SELECT WALLS PER ELEVATIONS. COLOR TO BE DETERMINED.

### 5 COPPER:

GUTTERS, DOWNSPOUTS, COLLECTION BOXES, AND CHIMNEY CAP ARE TO BE 16 OZ COPPER WITH NATURAL FINISH.

### 6 WINDOWS & DOORS:

WINDOWS AND DOORS TO BE ALUMINUM CLAD WOOD. COLOR TO BE DETERMINED.

### ESTABLISHED GRADE CALCS.

$$9.38' + 9.00' + 9.50' + 12.02' = 39.90'$$

$$39.90' / 4 = 9.98' \text{ ESTABLISHED GRADE}$$

CHANDLER RESIDENCE  
1215 E. BALBOA BLVD.  
NEWPORT BEACH, CA

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EXTERIOR  
ELEVATIONS

Date:  
A/C REVIEW  
Revision: 6/11/15  
Revision:  
Revision:  
Revision:  
Job No: 15-026

LICENSED ARCHITECT  
BRION S. JEANNETTE  
C8012  
REN. 4/17  
STATE OF CALIFORNIA

A-5

Exhibit No. 4  
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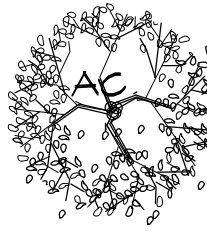





### LANDSCAPE NOTES:

- ALL PLANTING SHALL PROVIDE 90% COVERAGE WITHIN 90 DAYS AND SHALL BE REPEATED IF NECESSARY TO PROVIDE SUCH COVERAGE.
- ALL PLANTINGS SHALL BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE PROJECT, AND WHEN NECESSARY SHALL BE REPLACED WITH NEW PLANT MATERIALS.
- LANDSCAPED AREAS NOT OCCUPIED BY HARDSCAPE SHALL BE PLANTED AND MAINTAINED FOR SLOPE STABILITY AND EROSION CONTROL.
- TO MINIMIZE THE NEED FOR IRRIGATION AND MINIMIZE ENCROACHMENT OF NON-NATIVE PLANT SPECIES INTO ADJACENT OR NEARBY NATIVE PLANT AREAS, ALL LANDSCAPE SHALL CONSIST OF NATIVE AND DROUGHT TOLERANT PLANT SPECIES.
- 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.

### TREES & SHRUBS

SYMB.	BOTANICAL NAME/ COMMON NAME	SIZE	MATURE HT./WIDTH
	AESCULUS CALIFORNICA CALIFORNIA BUCKEYE (MULTI TRUNK)	24" BOX	20' X 25'
	BOUGAINVILLEA BARBARA KARST RED	5 GAL.	6' X 4'

- NOTES: 1. ALL TREES & PLANTS TO BE MAINTAINED AT A HEIGHT NO HIGHER THAN THE HOUSE.  
2. DEVELOPED PORTION OF SITE TO DRAIN TO CITY STORM DRAIN SYSTEM.

### IRRIGATION NOTES:

INSTALL TEMPORARY ABOVE GROUND IRRIGATION IN PLANTER AREAS, TO BE REMOVED WHEN PLANTS ARE ESTABLISHED. NO PERMANENT IRRIGATION SHALL BE INSTALLED.

THE TEMPORARY IRRIGATION SYSTEM SHALL HAVE AN AUTOMATIC IRRIGATION CONTROLLER TO ENSURE EFFICIENT WATER DISTRIBUTION. AUTOMATIC IRRIGATION CONTROLLERS SHALL BE EASILY ADJUSTABLE SO THAT SITE WATERING WILL BE APPROPRIATE FOR DAILY SITE WEATHER CONDITIONS. AUTOMATIC CONTROLLERS SHALL HAVE RAIN SHUTOFF SENSOR DEVICES SO THE IRRIGATION SYSTEMS WILL NOT UNNECESSARILY OPERATE ON RAINY DAYS.

### DRAINAGE NOTES:

- ALL SITE DRAINAGE WILL DRAIN PERCOLATION PITS AND THEN TO STREET.
- NO SITE DRAINAGE IS TO DISCHARGE ONTO ADJACENT SITES.
- SITE WALLS ARE NOT TO BLOCK ADJACENT SITE DRAINAGE SYSTEMS.
- ON-SITE STORM DRAIN SYSTEM IS TO BE ALL NEW CONSTRUCTION.
- HARDSCAPE TO SLOPE TO PLANTER AREA IF POSSIBLE.
- ALL ROOF DRAINAGE SHALL BE COLLECTED BY RAIN GUTTERS VIA DOWNSPOUTS AND CONNECT TO THE SITE DRAINAGE SYSTEM.

### WASTE & MATERIALS MANAGEMENT CONTROL NOTES:

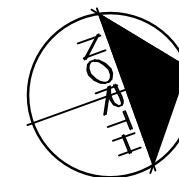
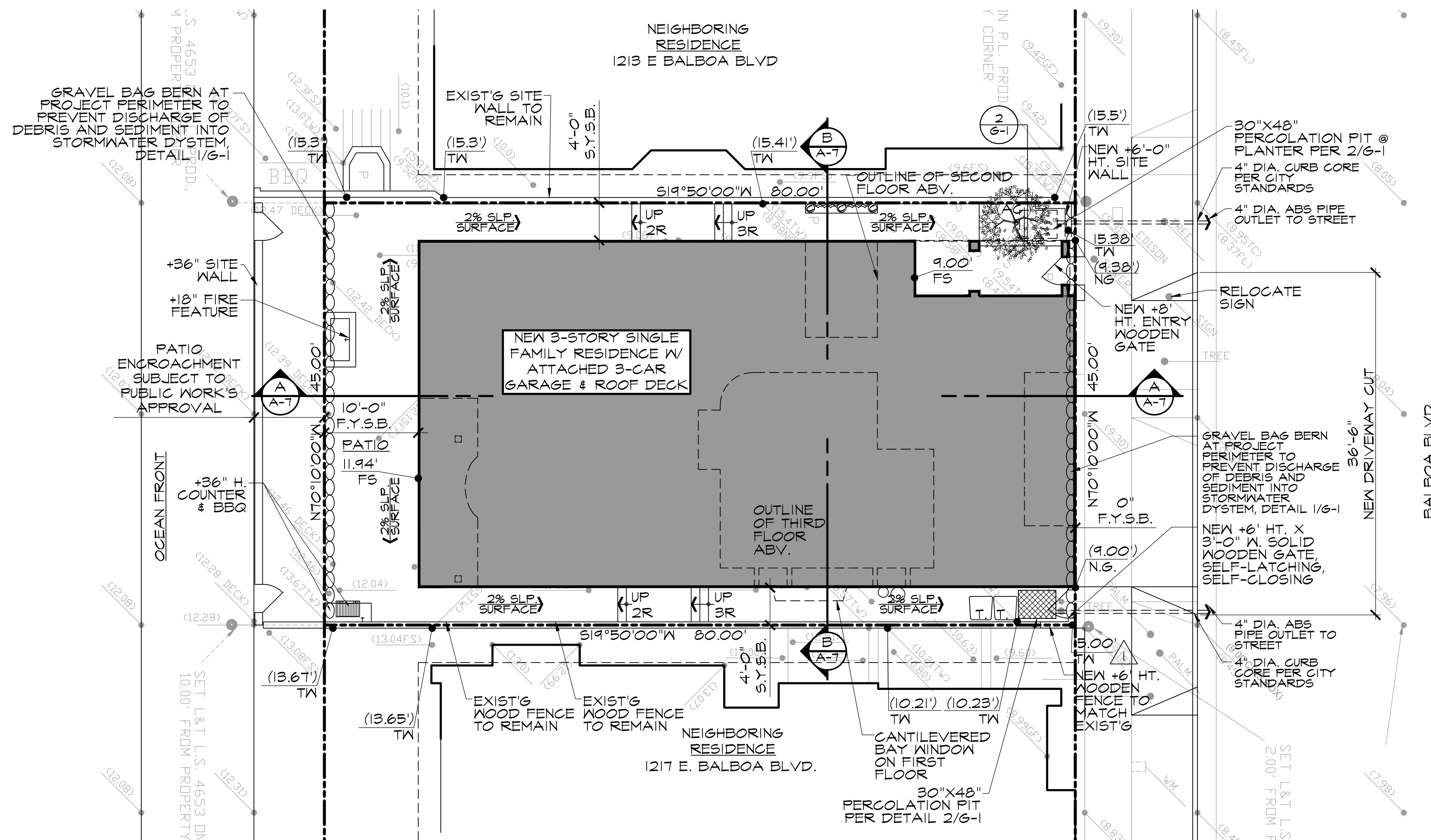
APPROPRIATE BMP'S FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILLS OR RESIDUES SHALL BE IMPLEMENTED AND RETAINED ON SITE TO MINIMIZE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJOINING PROPERTY BY WIND OR RUNOFF.

### EROSION & SEDIMENT CONTROL NOTES:

SEDIMENTS FROM AREAS DISTURBED BY CONSTRUCTION SHALL BE RETAINED ON SITE USING AN EFFECTIVE COMBINATION OF EROSION AND SEDIMENT CONTROLS TO THE MAXIMUM EXTENT PRACTICABLE, AND STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO MINIMIZE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND.

### OPERATION & MAINTENANCE PLAN

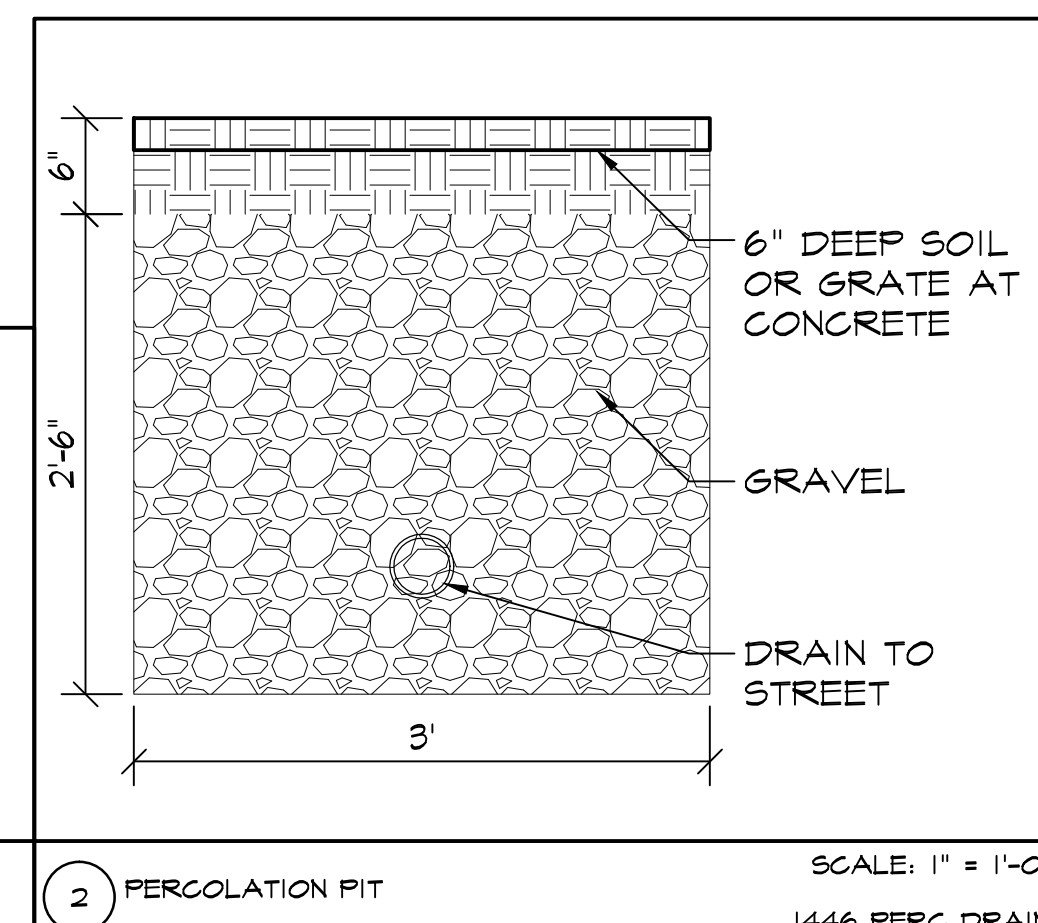
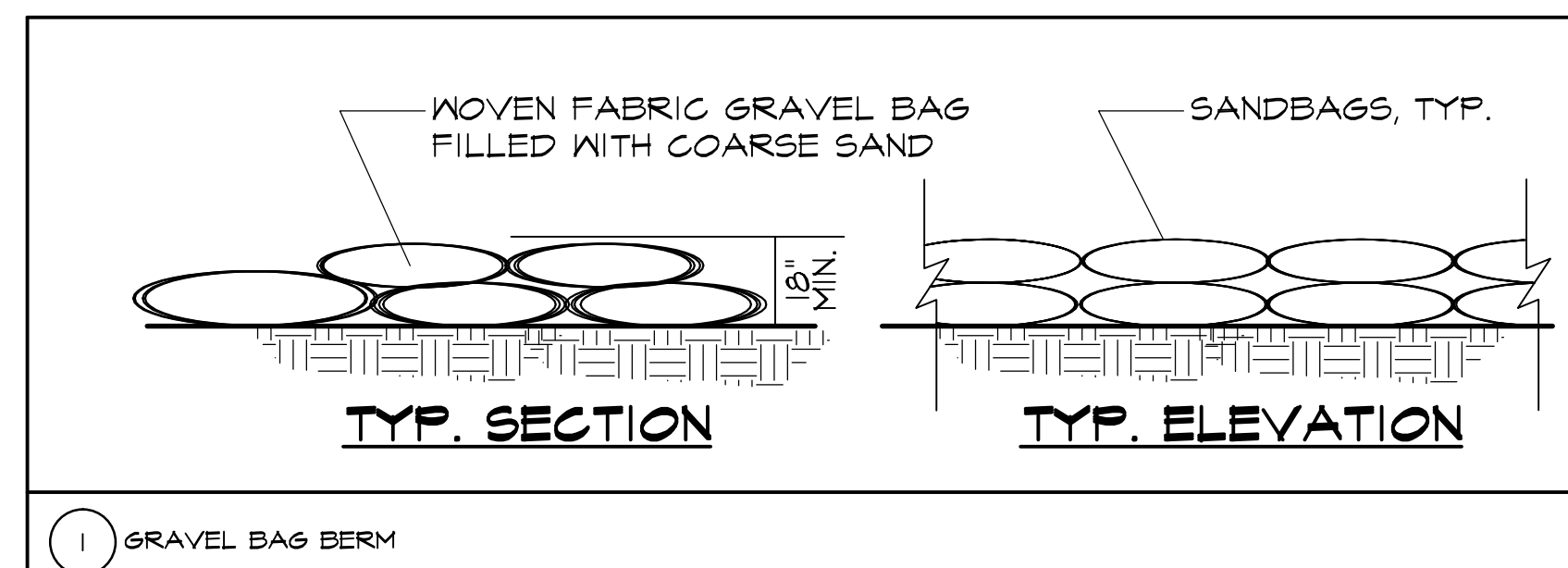
AN O&M PLAN WILL BE PREPARED FOR THE PROPOSED PROJECT AND MUST BE APPROVED BY THE CITY PRIOR TO CONSTRUCTION APPROVALS, PERMIT CLOSE OUT AND ISSUANCE OF CERTIFICATES OF USE AND OCCUPANCY. THE O&M PLAN DESCRIBES THE DESIGNATED RESPONSIBLE PARTY TO MANAGE THE STORMWATER BMP(S), EMPLOYEE'S TRAINING PROGRAM AND DUTIES, OPERATING SCHEDULE, MAINTENANCE FREQUENCY, ROUTINE SERVICE SCHEDULE, SPECIFIC MAINTENANCE ACTIVITIES, COPIES OF RESOURCE AGENCY PERMITS, AND ANY OTHER NECESSARY ACTIVITIES. AT A MINIMUM, MAINTENANCE AGREEMENTS SHALL REQUIRE THE INSPECTION AND SERVICING OF ALL STRUCTURAL BMP'S PER MANUFACTURER OR ENGINEERING SPECIFICATIONS. PARTIES RESPONSIBLE FOR THE O&M PLAN SHALL RETAIN RECORDS FOR AT LEAST 5 YEARS. THESE DOCUMENTS SHALL BE MADE AVAILABLE TO THE CITY FOR INSPECTION UPON REQUEST AT ANY TIME.



SCALE: 1/8" = 1' - 0"

SITE PLAN

Exhibit No. 5  
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SCALE: 1" = 1'-0"  
1446 PERC DRAIN