CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
ng Beach, CA 90802-4302
2) 590-5071

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Staff Report:	February 14, 2002
Hearing Date:	March 5-8, 2002
Commission Action:	

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-298

APPLICANT: Mr. & Mrs. Stuart Ryan RECORD PACKET COPY

AGENT: Brion S. Jeannette & Associates Inc.

PROJECT LOCATION: 2004 East Oceanfront, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Construct an approximately 30 foot high, new two story, 4,330 square foot single family residence with a basement and an attached 420 square foot, two-vehicle garage on a vacant beach front parcel. The construction of shoring walls on the property lines, retaining walls, a 6 foot high entry gate at the rear of the site, exterior stairs, upper and lower level patios, planters, a trash enclosure and 142 square feet of 2nd floor decks will also take place. Grading is proposed for this project. Grading will consist of 350 cubic yards of cut and 288 cubic yards of export. The remaining 62 cubic yards of cut will balance on site, for purposes of excavation and recompaction. The export will be taken to a location outside of the coastal zone.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept (No. 3 1736-2001) dated July 31, 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project subject to five (5) special conditions requiring 1) conformance with geotechnical recommendations, 2) recordation of an assumption-of-risk deed restriction; 3) recordation of a no future protective device deed restriction; 4) recordation of a future development deed restriction; and 5) conformance to the drainage plan. The major issues of this staff report concern beachfront development that could be affected by flooding during strong storm events and the necessity for a future protective structure to protect the residence.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits: 5-01-401 (Collins), 5-01-400 (Collins), 5-01-197 (Jacobs & Dolansky), 5-01-186 (Doukoullos), 5-01-084 (Muench), 5-00-492 (Palm), 5-00-466 (Steffensen), 5-00-420 (Collins); 5-00-285 (Collins); 5-00-262 (Puntoriero); 5-00-261 (Pearson); 5-00-192 (Blumenthal); 5-00-114 (Heuer); 5-00-086 (Wells); 5-00-059 (Danner); 5-99-477 (Watson); 5-97-380 (Hasket); 5-87-813 (Corona); 5-86-676 (Jonbey); City of Newport Beach certified Land Use Plan; *Wave Uprush Study* for 2004 East Oceanfront, Newport Beach, CA prepared by Skelly Engineering dated July 2001; *Preliminary Geotechnical Investigation For Foundation Design and Site Development*

(Project No. 71218-00/Report No. 01-3803), 2004 East Ocean front, Newport Beach prepared by Geofirm dated September 18, 2001.

LIST OF EXHIBITS

1. Location Map
2. Assessor's Parcel Map
3. Site Plan
4. Floor Plans
5. Exterior Elevations
6. Sections
7. Landscape/Hardscape Plans
8. Shoring Plans
9. Drainage/Grading Plans

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-01-298 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. Geotechnical Recommendations

   A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the engineering geologic report *Preliminary Geotechnical Investigation For Foundation Design and Site Development (Project No. 71218-00/Report No. 01-3803), 2004 East Ocean front, Newport Beach* prepared by Geofirm dated September 18, 2001.

   B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

   C. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

2. Assumption of Risk, Waiver of Liability and Indemnity

   A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding and wave uprush; (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.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. No Future Shoreline Protective Device

A(1). By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-01-298 including future improvements, in the event that the property is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicants hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

A(2). By acceptance of this permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this permit, including the house, garage, foundations, and patios, 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 any portion of the development is destroyed, the permittees 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.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restriction on development. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

4. Future Development Deed Restriction.

A. This permit is only for the development described in Coastal Development P rmit No. 5-01-298. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, change in use to a permanent residential unit, 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. 5-01-298 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this Coastal Development Permit.

5. Conformance With Submitted Drainage Plan

A. The permitee shall undertake development in accordance with the approved drainage plan received by the Commission on January 31, 2002 prepared by Brion S. Jeannette and Associates. 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 subject site is located at 2004 East Oceanfront on the Balboa Peninsula within the City of Newport Beach, Orange County (Exhibits #1-2). The site is a beachfront lot located between the first public road and the sea and is currently vacant. The site is located south of the portion of Oceanfront fronted by the City's paved beachfront public lateral accessway. The project is located within an existing urban residential area, located generally southeast of the Newport Pier and the Balboa Pier. There is a vegetated sand dune and a wide sandy beach (approximately 350-380 feet wide) between the subject property and the mean high tide line. Vertical public access to this beach is available approximately 40 feet west of the subject site at the end of "L" Street.

The applicant is proposing to construct an approximately 30 foot high, two story with a basement, 4,330 square foot new single family residence with an attached 420 square foot, two-vehicle garage on a current vacant beach front parcel (Exhibits #3-9).

Because of the loose cohesionless sand onsite and the close proximity of offsite improvements, shoring will be provided for vertical excavations along property margins with the proposed project. The proposed project will be partially subterranean with the garage and basement located below street level. The shoring walls will be a maximum of 11 feet high above finished grade at the garage and basement level and will be located on the north, northeast and southwest property lines (Exhibits #8-9). The uppermost 3 feet of the shoring walls will be above grade and will not present a visual impact due to their low height. Shoring along portions of the western property line will not be required because retaining walls for the adjacent property already exist and extend below the depth of proposed excavation. A shoring wall is not needed along portions of the western property line, however, there will be a maximum 9 foot high perimeter block wall above finished grade at the garage and basement level at this location (Exhibits #8-9). Seven feet of this wall will be below the street grade. This proposed wall will serve as a perimeter wall and is not meant to serve as a retaining wall. The shoring that will occur will be permanent and will consist of twenty, 24" wide caisson embedded H-piles with treated wood or steel plate lagging (Exhibits #8-9). The caisson and H-piles will be utilized to support the proposed retaining walls (for the basement). The uppermost 3 feet of the shoring wall above grade located on the southwest property line adjacent to the beach will have one foot openings to allow sunlight into the lower level patio. This 3 foot wall can be seen from the beach, but does not present a visual impact due to its low height. A maximum 3 foot high wall is allowed on the seaward property line by the City.

In addition, retaining walls, a 6 foot high entry gate at the rear of the site, exterior stairs, upper and lower level patio, an upper level patio fireplace, planters, a trash enclosure and 142 square feet of 2nd floor decks (Exhibit #3-9).

B. PREVIOUS COMMISSION ACTION ON BEACHFRONT LOTS

The Commission has recently approved new development and residential renovation projects on beachfront lots in Orange County and southern Los Angeles with special conditions requiring the recordation of an assumption of risk deed restriction and no future protective device deed restriction. The Commission is imposing these special conditions as new development which will necessitate a shoreline protective device in the future cannot be permitted. Though this project is in Orange County, projects in both Orange County and Los Angeles County are used for comparative purposes in the current situation because of their similar site characteristics, including the existence of a wide sandy beach between the subject site and the mean high tide line. Since 1999, the Commission has approved coastal development permits with the no future shoreline protective device and assumption-of-risk special conditions in Los Angeles County and Orange County. Recent Los Angeles County examples in Hermosa Beach include Coastal Development Permits 5-01-186 (Doukoullos), 5-00-086 (Wells); 5-00-059 (Danner) and 5-00-114 (Heuer). The most recent Orange County examples in Seal Beach and Newport Beach include Coastal Development Permits 5-01-401 (Collins), 5-01-400 (Collins), 5-01-084 Muench), 5-00-492 (Palm), 5-00-466 (Steffensen), 5-00-420 (Collins), 5-00-285 (Collins), 5-00-262 (Puntoriero), 5-00-261 (Pearson), 5-00-192 (Blumenthal) and 5-99-477 (Watson).

C. HAZARDS

Section 30253 of the Coastal Act states, in relevant part:

> *New development shall:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30251 of the Coastal Act states that:

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

1. Geotechnical Recommendations

The project site is adjacent to the seashore. Development adjacent to the seashore is inherently risky due to the potential for flooding and beach erosion resulting from significant storm events and changes in littoral processes. To evaluate the feasibility of undertaking the proposed development on a beachfront lot, a *Preliminary Geotechnical Investigation For Foundation Design and Site Development (Project No. 71218-00/Report No. 01-3803), 2004 East Ocean front, Newport Beach* prepared by Geofirm dated September 18, 2001 was conducted. The report explored soils condition at the site in order to make recommendations for the foundation design and site development for the proposed residence. This was accomplished through the excavation and logging of one exploratory boring in order to perform in site testing, to determine the distribution and character of subsurface materials and groundwater, and to obtain bulk soil samples for laboratory testing. According to the geotechnical investigation, the property is underlain by loose medium dense sandy dredge fill and beach deposits, which overlie dense sediments at depth, and that bedrock is located at an undetermined depth.

Recommendations were provided by Geofirm for load values to be used for the foundation design. In addition, construction guidelines regarding sequence, materials, and soil compaction were identified by Geofirm. This report concluded that development of the property for the proposed construction is geotechnically feasible and safe if the recommendations of the report are followed in design, construction, and long term maintenance of the property. The following geotechincal recommendations were made: 1) a stiffened foundation system combining conventional footings, grade beams, and thickened slab-on-grade founded on properly compacted fill, 2) because of the loose cohesionless sand onsite and the close proximity of offsite improvements, The geotechnical investigation recommends that shoring should be provided for vertical excavations along property margins. Shoring along portions of the western property margin may not be required where

retaining walls of the adjacent property extend below the depth of proposed excavation. The shoring will be permanent and will consist of caisson embedded H-piles with treated wood or steel plate lagging. The caisson and H-piles will be utilized to support the proposed retaining walls (for the basement), 3) any existing vegetation, organic materials and debris should be removed and disposed of offsite, and 4) all onsite materials are anticipated to be suitable for re-use as compacted fill, therefore, all materials should be placed with at least 120 percent of optimum moisture content and compacted under the observation of the soil engineer to at least 90 percent of the maximum dry density as determined by ASTM D 1557.

To affirm that the proposed development will assure stability and structural integrity, neither create nor contribute significantly to geologic instability or destruction of the site or surrounding area and to assure that risks to life and property are minimized, Special Condition No. 1 must be imposed which requires the submission of final plans that incorporate the geologist's recommendations into the final design and construction plans of the proposed project.

2. Wave Uprush and Flooding Hazards

The subject site is located on a beach parcel on the Balboa Peninsula located generally southeast of the Balboa Pier and Newport Beach Pier. Presently, there is a wide sandy beach between the subject development and the ocean. According to the Wave Uprush Study prepared by Skelly Engineering dated July 2001, the mean high tide line is approximately 350-400 feet from the seaward edge of the subject property. This wide sandy beach presently provides homes and other structures in the area some protection against wave uprush and flooding hazards. However, similar to other nearby beach fronting sites such as those at A1 through A91 Surfside in Seal Beach (approximately 30 miles northwest of the subject site), the wide sandy beach is the only protection from wave uprush hazards. Similar situations exist in downtown Seal Beach and Hermosa Beach (Los Angeles County).

Even though wide sandy beaches afford protection of development from wave and flooding hazards, development in such areas is not immune to hazards. For example, in 1983, severe winter storms caused heavy damage to beachfront property in Surfside, which is approximately 16 miles northwest of Newport Beach. Additionally, heavy storm events such as those in 1994 and 1998 caused flooding of the Surfside community. As a result, the Commission has required assumption-of-risk deed restrictions for new development on beachfront lots throughout Orange County and southern Los Angeles County.

Section 30253 (1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Based on historic information and current conditions at the subject site, the proposed development appears to be sufficiently setback from potential wave hazards. There is currently a wide sandy beach in front of the proposed development. In addition, the existing development was not adversely affected by the severe storm activity, which occurred in 1983, 1994, and 1998. Since the proposed development is no further seaward of existing development, which has escaped storm damage during severe storm events, the proposed development is not anticipated to be subject to wave hazard related damage. Nonetheless, any development on a beachfront site may be subject to future flooding and wave attack as coastal conditions (such as sand supply and sea level) change.

To further analyze the suitability of the site for the proposed development relative to potential wave hazards, Commission staff requested the preparation of a wave run-up, flooding, and erosion hazard analysis, prepared by an appropriately licensed professional (e.g. coastal engineer), that

anticipates wave and sea level conditions (and associated wave run-up, flooding, and erosion hazards) through the life of the development. For a 75 to 100 year structural life, the hazard analysis would need to take the 1982/83 storm conditions (or 1988 conditions) and add in 2 to 3 feet of sea level rise in order to determine whether the project site would be subject to wave run-up, flooding, and erosion hazards under those conditions. The purpose of this analysis is to analyze the potential for future storm damage and any possible mitigation measures, which can be incorporated into the project design.

The applicant provided the Wave Uprush Study prepared by Skelly Engineering dated July 2001 which addresses the potential of hazard from flooding and wave attack at the subject site. The report concludes the following:

> *"...[W]ave runup and overtopping will not significantly impact this property over the life of the proposed improvement. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding."*

Commission staff has reviewed the Wave Uprush Study and, based on the information provided and subsequent correspondence, concurs with the conclusion that the site is not subject to hazards from flooding and wave uprush at this time. Therefore, the proposed development can be allowed under Section 30253 of the Coastal Act, which requires new development to *"assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices..."*

Although the applicant's report indicates that the site is safe for development at this time, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. Therefore, the presence of a wide sandy beach at this time does not preclude wave uprush damage and flooding from occurring at the subject site in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1984 and 1998, resulting in future wave and flood damage to the proposed development. In order to address this situation with respect to Coastal Act policy, two special conditions are necessary.

3. Assumption of Risk

Given that the applicant has chosen to implement the project despite potential risks from wave attack, erosion, or flooding, the applicant must assume the risks. Therefore, the Commission imposes Special Condition No. 2 for an assumption-of-risk agreement. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

The assumption-of-risk condition is consistent with prior Commission actions for development along the beach. For instance, the Executive Director issued Administrative Permits, for example 5-86-676 (Jonbey), 5-87-813 (Corona) and 5-97-380 (Haskett), with assumption-of risk deed restrictions for improvements to existing homes. In addition, the Commission has consistently imposed assumption-of-risk deed and no future protective device restrictions on new development. Examples include Coastal Development Permits 5-01-401 (Collins); 5-01-400 (Collins); 5-01-197 (Jacobs & Dolansky); 5-01-084 (Muench); 5-00-492 (Palm); 5-00-420 (Collins); 5-00-285 (Collins); 5-00-262 (Puntoriero); 5-00-261 (Pearson); 5-00-192 (Blumenthal) and 5-99-477 (Watson).

4. Future Shoreline Protective Device

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. The proposed project involves the demolition of an existing structure and construction of a new single family residence. The proposed single family home is new development. Allowing new development that would eventually require a shoreline protective device would conflict with Section 30251 of the Coastal Act; which states that permitted development shall minimize the alteration of natural landforms, including beaches which would be subject to increased erosion from such devices.

In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. The Wave Uprush Study concludes that the *"There is little if any long term beach erosion at the site"* and *"The west jetty at the entrance of Newport Harbor forms a littoral barrier that holds the beach in front of the site in place."* However, as previously discussed, nearby beachfront communities have experienced flooding and erosion during severe storm events, such as El Nino storms. Therefore, it is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed residence may be subject to wave uprush hazards.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is based upon if there is a sand bar located near the shoreline protective device. A shoreline protective device would cause a progressive loss of sand shore material that would in turn not be available to nourish the sand bar.

The sand bar would have reduced the impact of the wave energy, but the erosion of it would allow waves with greater energy intensity to break further up the shore and also cause scour. This would in turn cause a loss of area between the mean high water line and the actual water and is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, this portion of Newport Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because of the explicit statutory prohibition and because such devices contribute to beach erosion. In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act, which states that permitted development, shall minimize the alteration of natural land forms. This includes sandy beach areas which would be subject to increased erosion from shoreline protective devices. The applicant is not currently proposing a seawall and does not anticipate the need for one in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There is a vegetated sand dune and a wide sandy beach in front of the proposed development that provides substantial protection from wave activity.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition No. 3 which requires the applicant to record a deed restriction that would prohibit the applicant, or future land owner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, as conditioned, the development can be approved subject to Section 30251 and 30253.

By imposing the "No Future Shoreline Protective Device" special condition, the Commission requires that no shoreline protective devices shall ever be constructed to protect the development

approved by this permit in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future.

5. Future Development

As discussed previously, the project site is located on a beachfront lot that may be subject to future flooding and wave attack as coastal conditions change. 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. For this reason, the Commission is imposing a deed restriction special condition (Special Condition No. 4) which states that any future development or additions on the property, including but not limited to hardscape improvements, grading, landscaping, vegetation removal and structural improvements, requires a coastal development permit from the Commission or its successor agency. Section 13250 (b) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. This condition ensures that any future development on this site that may affect shoreline processes receives review by the Commission.

6. Conclusion

The Commission finds that hazards potentially exist from wave uprush and flooding at the subject site. Therefore, to ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, Special Conditions No. 2, 3 and 4 require the applicant to record assumption-of-risk, no future shoreline protective devices and future development deed restrictions. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. PUBLIC ACCESS AND PARKING

Section 30252 of the Coastal Act states, in part:

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

The subject site is a beachfront lot located between the nearest public roadway and the shoreline on the Balboa Peninsula in the City of Newport Beach. There is a wide public sandy beach (approximately 350-400 feet wide) seaward of the subject site which provides lateral public access. Vertical public access to this beach is available approximately 40 feet west of the subject site at the end of "L" Street. Therefore, the Commission finds adequate access is available nearby and the proposed development is consistent with Section 30252 of the Coastal Act.

When a private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed single family

residence provides two parking spaces located in an attached garage and one additional one car front yard parking space. Therefore, as currently designed, the development exceeds the parking required. Thus, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act regarding parking.

E. WATER QUALITY

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The protection of water quality is an important aspect of the Coastal Act. Water from the project site lot will flow into the City of Newport Beach's Storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

In order to minimize adverse impacts to water quality, the applicant has included protective measures into the proposed project detailed in a drainage plan received by the Commission on January 31, 2002 prepared by Brion S. Jeannette and Associates. These measures include catch basins and planters that will capture runoff and filtrate it before it flows into pipes leading to the alley (Exhibit #9). Also, a downspout directed to a planter area to facilitate filtration will be installed (Exhibit #9).

Therefore, to lessen the potential for pollutants to enter the storm drain system at the subject site, the Commission imposes Special Condition No. 5 related to water quality. Special Condition No. 5 requires the applicant to conform to the drainage plan received by the Commission on January 31, 2002 prepared by Brion S. Jeannette and Associates. By implementing this condition, the project will be in compliance with Sections 30231 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. Since the City only has an LUP, the policies of the LUP are used only as guidance. The Newport Beach LUP includes the following policies that relate to development at the subject site:
Public Access, Policy 4 states,

Public access in coastal areas shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

Circulation, Policy 7 states,

All development shall provide adequate offstreet parking to meet the requirements of the Newport Beach Zoning Code

Coastal Views, Policy 2 states,

The City shall preserve beaches, surf action, and coastal shoreline in a manner that will maintain their aesthetic and natural value

The proposed development is consistent with the Chapter 3 policies of the Coastal Act and with the LUP. Therefore, approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act required by Section 30604 (a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's 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). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located in an urbanized area. Development already exists on the subject site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. Conditions imposed are conformance with geotechnical recommendations, recordation of assumption-of-risk, no future shoreline protective device, future development deed restrictions and conformance to the drainage plan. There are no feasible alternatives or further mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the policies of the Coastal Act.

As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.

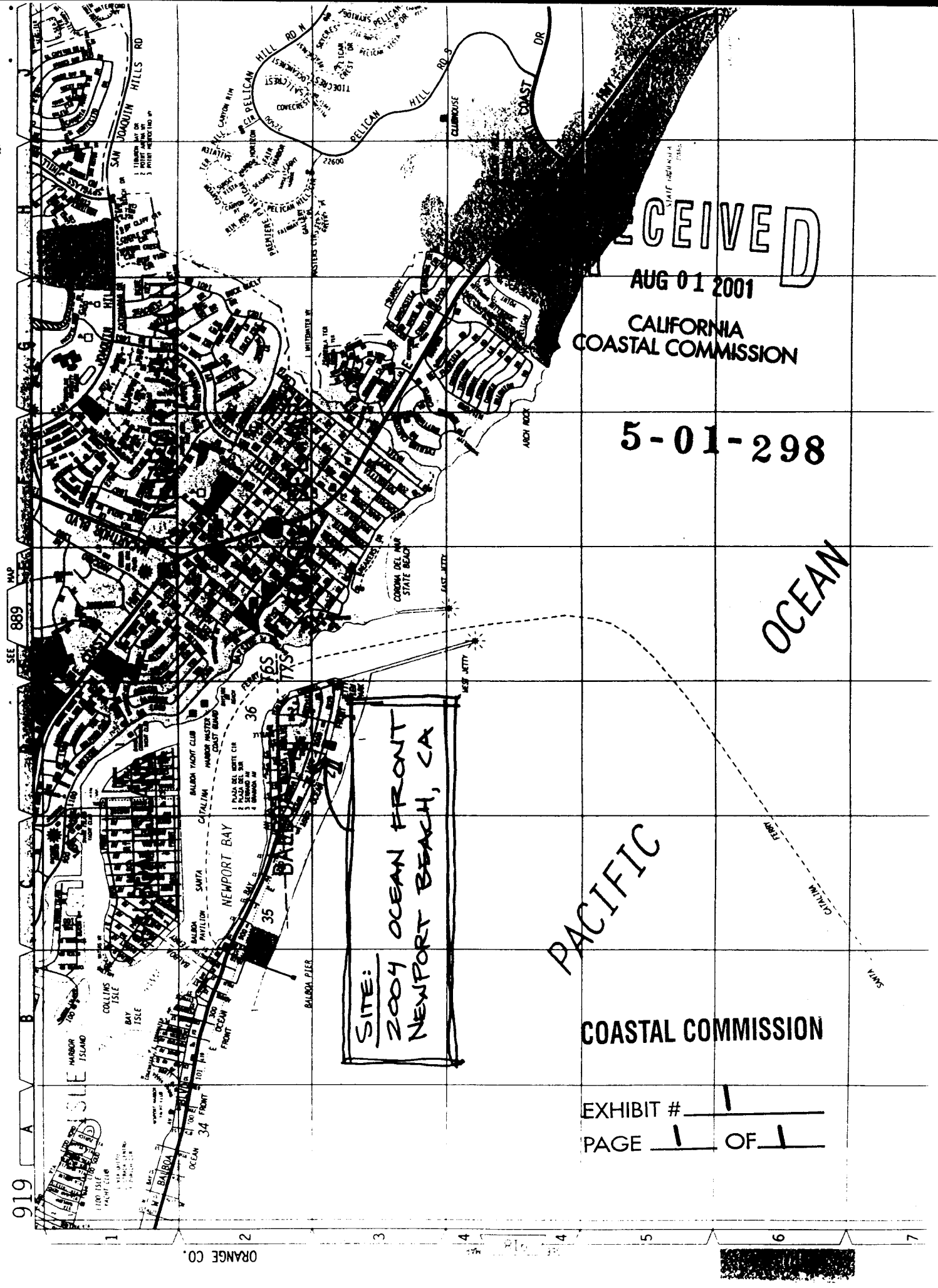

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EXHIBIT # 1

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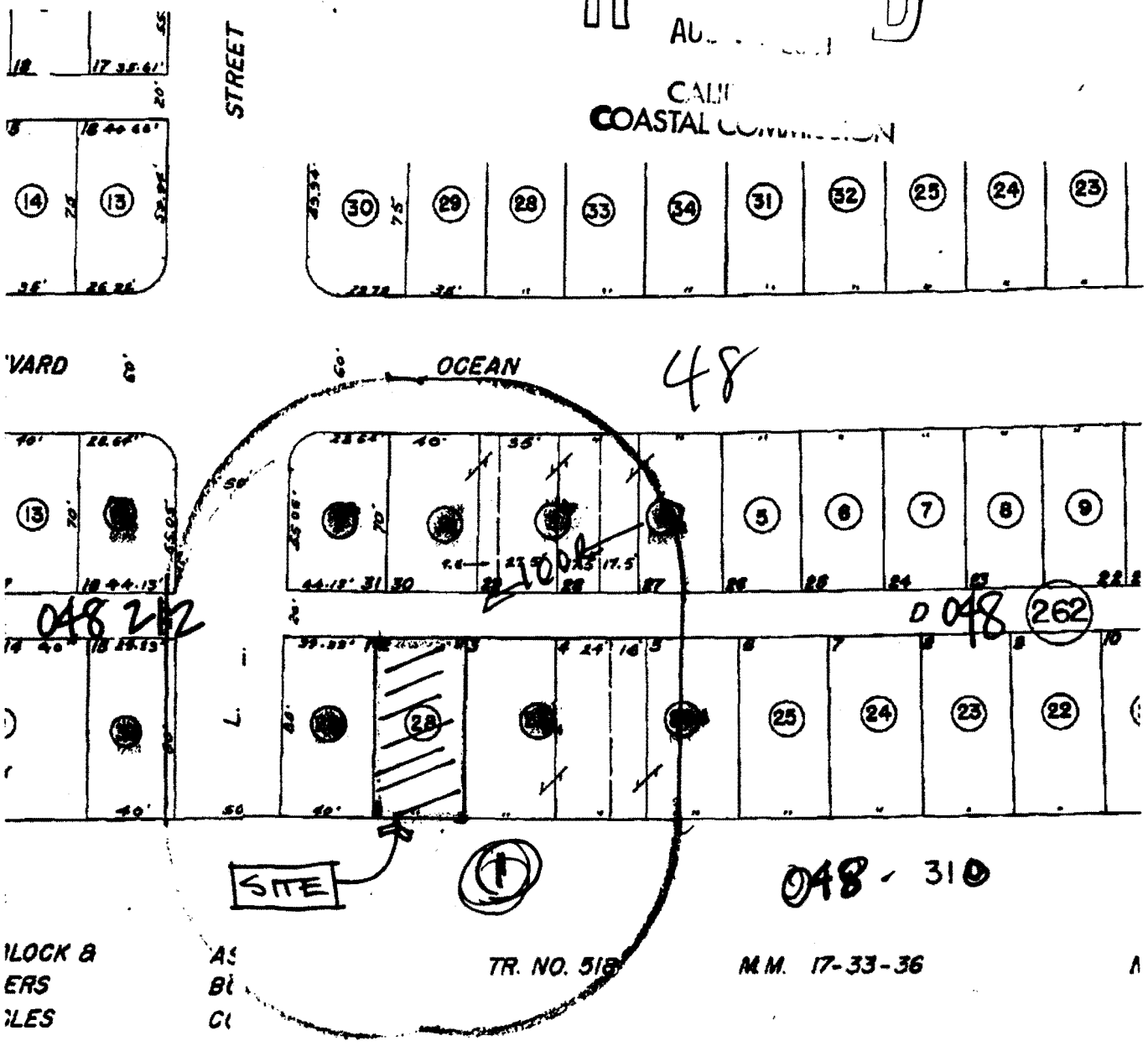

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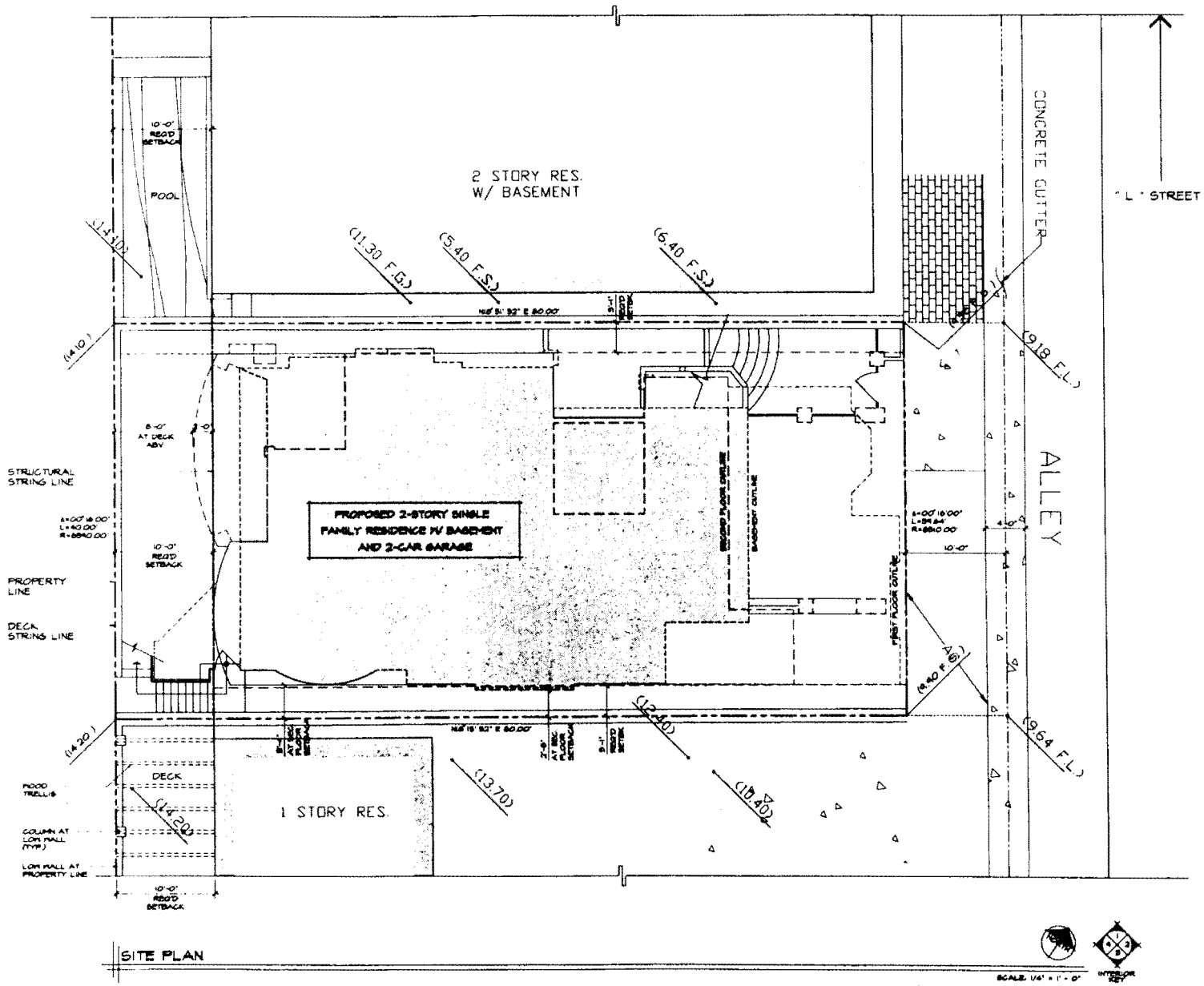
PAGE 1 OF 1

Ownership Map



SITE PLAN

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

SITE PLAN NOTES

1. See General Notes Division 19 for additional information.
2. County/City grading Engineer shall be contacted prior to start of grading to schedule a pre-grading meeting.
3. All water supply lines to the house shall be 1-1/2" min.
4. Refer to soils report for grading requirements. It shall be the General Contractors responsibility to have grading, compaction, back filling, testing and utility inspections completed prior to beginning of next phase of construction.
5. See UDS for job sign detail. See plans for location.
6. See grading plan for precise grading information.
7. See landscape plan.
8. Separate permit is required for each building or structure, i.e., fence walls, retaining walls, swimming pools/spas, and tennis courts.
9. DO NOT SCALE DRAWINGS.

RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT
NEWPORT BEACH, CA

Brion R. Jeannette and Associates, Inc.
ARCHITECTURE

SITE PLAN

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No: 01-088

LICENSED ARCHITECT
BRION R. JEANNETTE
No. C8018
STATE OF CALIFORNIA

A-1

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PAGE 1 OF 1

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EXHIBIT # 4

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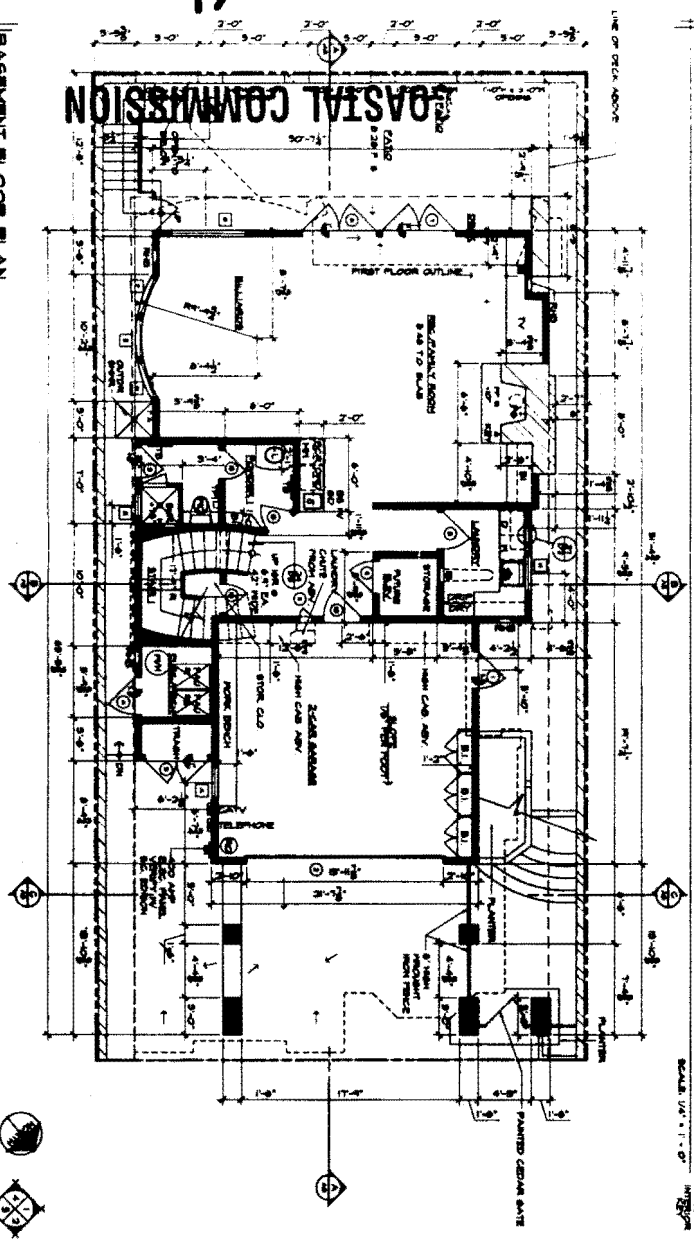

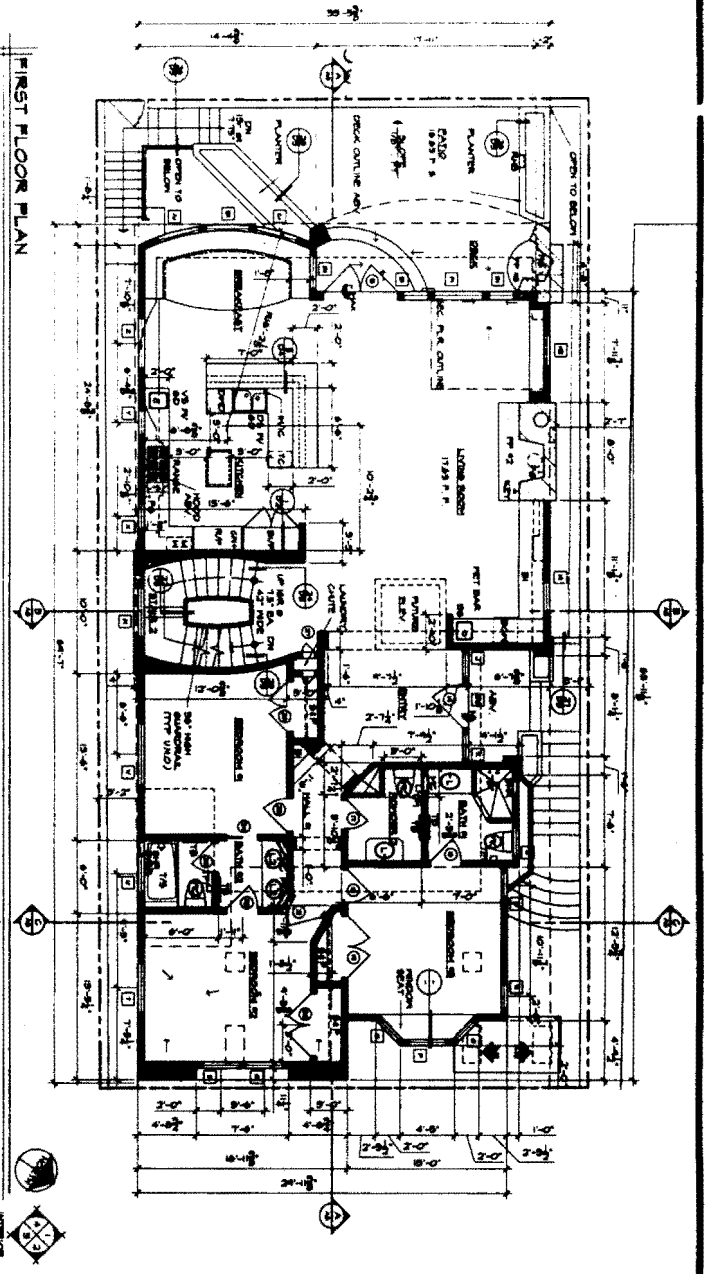

FLOOR PLAN NOTES

1. See General Notes for additional information.
2. Not used.
3. All fireplaces maintain a 2" min. clearance from chimney flues and have an all combustible masonry firebox with herringbone pattern.
4. All exterior framed and insulated glass doors per Title 24 standards and all insulated glass fixed windows per Title 24 standards.
5. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
6. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
7. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
8. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
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23. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
24. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
25. All insulated glass fixed windows and doors shall receive U-factor of 0.65 and SHGC of 0.40 per Title 24 standards.
26. Not used.
27. Not used.
28. DO NOT SCALE DRAWINGS.

A-4	BASEMENT & FIRST FLOOR PLANS	Brion S. Jeannette and Associates, Inc. ARCHITECTURE	RYAN BEACH COTTAGE 2004 EAST OCEAN FRONT NEWPORT BEACH, CA	

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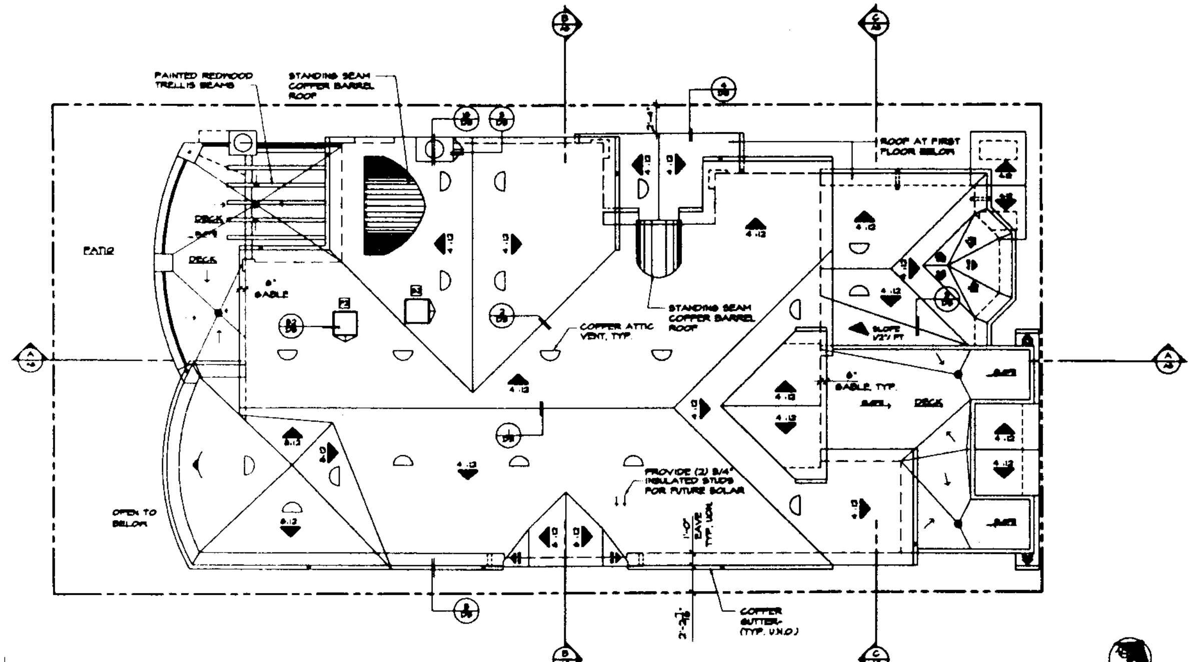
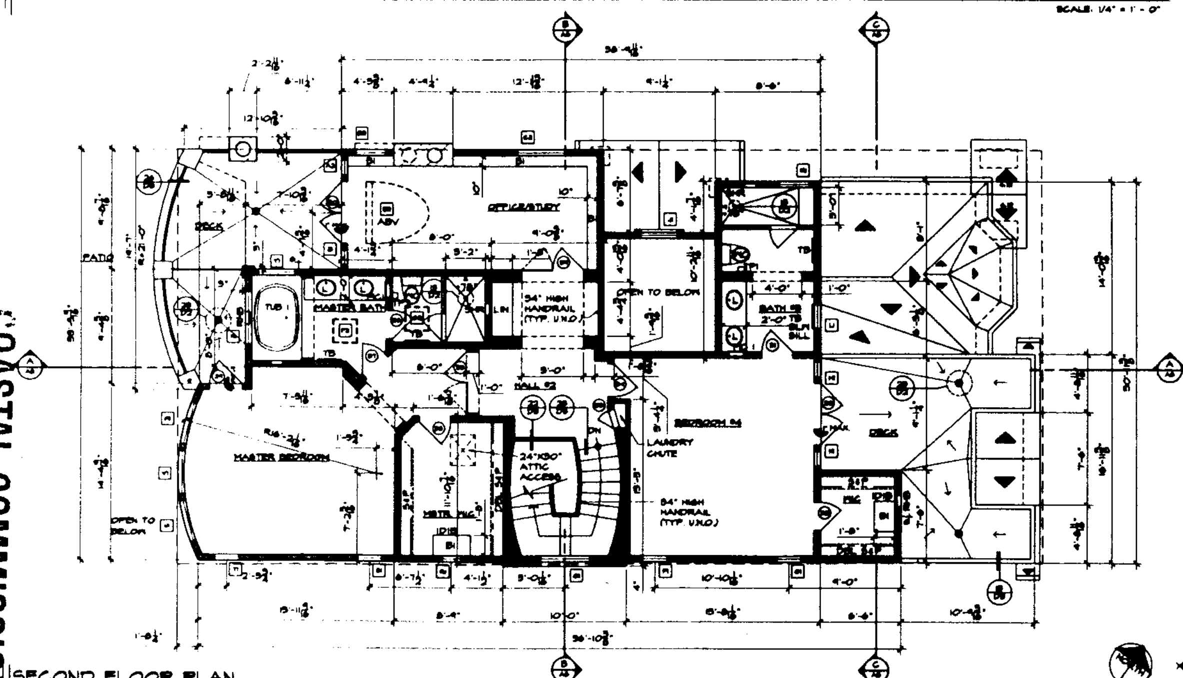


ROOF PLAN

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



SECOND FLOOR PLAN

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

INTERIOR KEY

ROOF NOTES

Division 1. Minimum slope 1/2" per foot.
3. Typical roof material shall be slate tile. See General Notes.
4. All roof and roof to wall flashing shall be 16 oz. copper U.N.O.
5. The roofs shall be fire stopped at eave ends to prevent entry of flames or embers under the tile.
6. Protection of openings. All openings into attics, floors, or other enclosed areas shall be covered with corrosion resistant wire mesh not greater than 1/4" in any dimension except where such opening are equipped by sash or door.
7. All gutters, collection boxes, and downspouts shall be 16 oz. copper. All downspouts to be 16 oz. copper.
8. Roof gutters shall be installed only in areas located on the roof plan. Downspouts shall be located only where shown on the plans. Slope gutter to nearest downspout.
9. All concealed roof drains shall be cast iron with PVC overflow. Drain shall penetrate foundation and connect to site drainage system.
10. All overhangs shall typically be 1'-0" U.N.O. See roof plan as overhangs vary.
11. All chimneys are to be equipped with approved spark arrestors or wire mesh screening not exceeding 1/2" in any dimension.
12. All solar water heater lines shall be insulated along their full length.
13. ◠ symbol indicates typical attic vent. Net free ventilation shall be not less than 1/150 of space to be ventilated per U.B.C. Sec. 1505.3.
14. Provide wind clips for shingles at eave, typ.
15. DO NOT SCALE DRAWINGS

ROOF VENT CALCULATIONS

UPPER ROOF AREA = 1688 S.F.

MINIMUM NET FREE AREA VENTILATION REQ'D (S.F./150) = 11.25 S.F.

SQUARE FOOT PER VENT = .7 S.F. (NET FREE AREA)

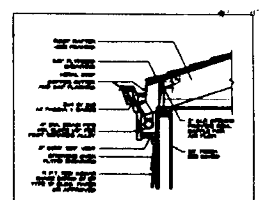
VENTS REQ'D = 16 VENTS
(MIN. S.F. REQ'D x .70 S.F.)

LOWER ROOF AREA = ENTRY CANOPY = 75 S.F.; LOWER ROOF = 203 S.F.; 278 S.F.

MINIMUM NET FREE AREA VENTILATION REQ'D (S.F./150) = 1.85 S.F.

SQUARE FOOT PER VENT = .7 S.F. (NET FREE AREA)

VENTS REQ'D = ENTRY CANOPY = 1; LOWER ROOF = 2; TOTAL = 3
(MIN. S.F. REQ'D x .70 S.F.)



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RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT
NEWPORT BEACH, CA

Brion S. Jeannette and Associates, Inc.
ARCHITECTURE

SECOND FLOOR & ROOF PLAN

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No. 01-099

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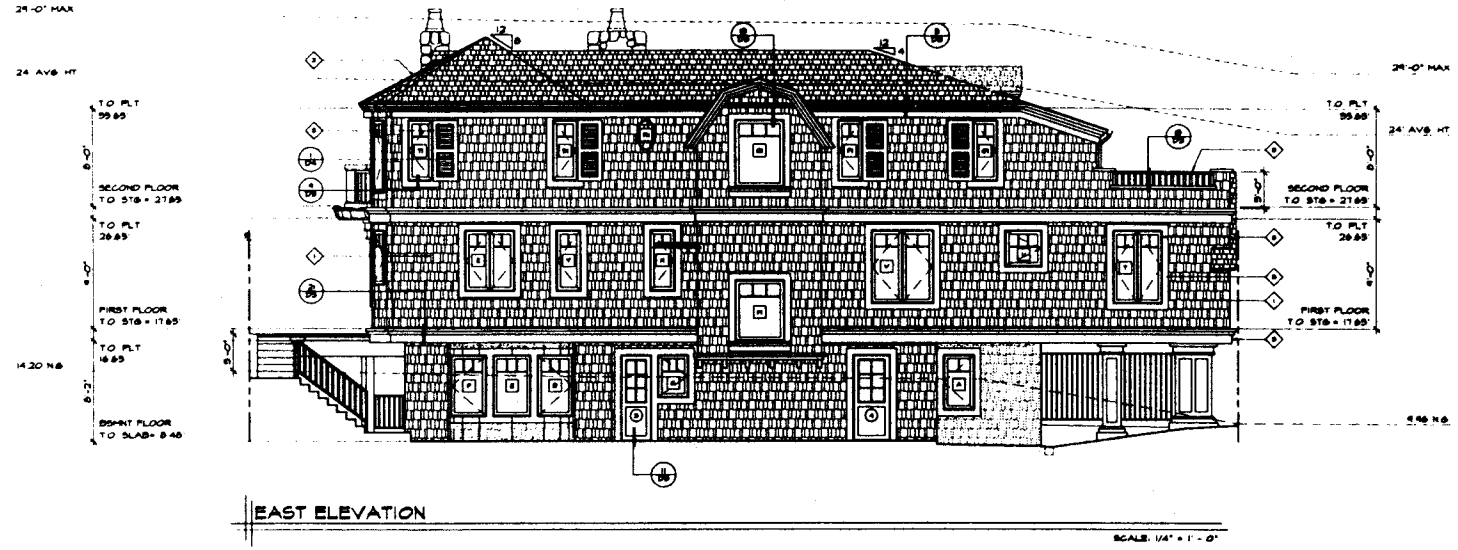
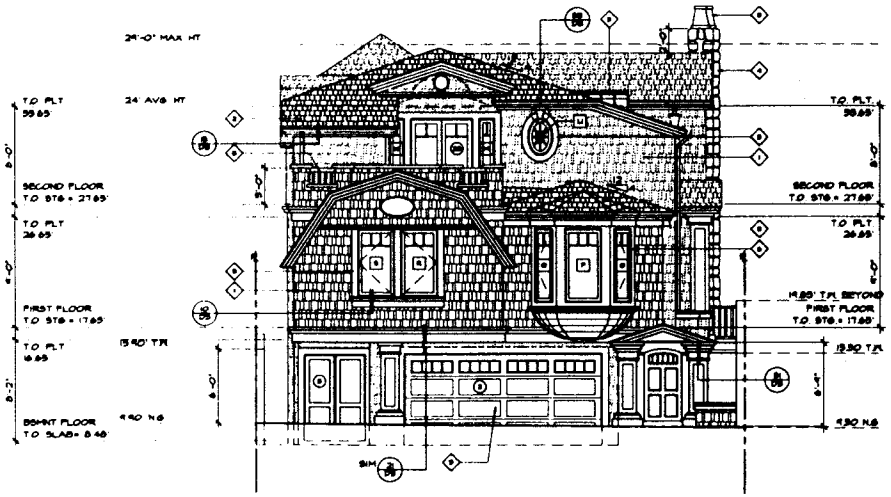
STATE OF CALIFORNIA

A-5



EAST ELEVATION

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



NORTH ELEVATION

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

EXTERIOR FINISH SPECIFICATIONS:

1. EXTERIOR SIDING. MEDIUM HEIGHT CEDAR SHAKE-PRESSURE TREATED W/ CLEAR WOOD FINISH
2. ROOFING. ROOF TILE TO BE CHINA MULTI COLOR SLATE W/ 30% BOOSTERS @ SLOPING ROOFS
3. WOOD. WOOD TO BE PRIMED AND PAINTED PAINT COLOR TO BE WHITE
4. STONE. EXTERIOR STONE AT PLANTERS AND CHIMNEYS TO BE "OKLAHOMA BRICK STONE" RANDOM PATTERN W/ 30% LARGER STONE W/ LEDGER FILL
5. COPPER. 16OZ COPPER WITH NATURAL FINISH @ GUTTERS, COLLECTION BOXES, DOWNSPOUTS, CHIMNEY CAP, AND ROOF ELEMENTS (STANDING SEAM)
6. WINDOWS/ DOORS. WOOD CLAD WINDOWS AND FRENCH DOORS BY PELLA CLADDING TO BE WHITE
7. EXTERIOR PLASTER. EXTERIOR PLASTER AT RETAINING WALLS TO RECEIVE A SMOOTH FINISH O/ 15# FELT FINISH TO BE OMEGA AKROPLEX COLOR TO BE APPROVED BY ARCHITECT PRIOR TO FULL APPLICATION

RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT
NEWPORT BEACH, CA

Brion & Jeannette and Associates, Inc.
ARCHITECTURE

EXTERIOR ELEVATIONS

Date:
Revision:
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Revision:
Revision:
Job No. 01-099

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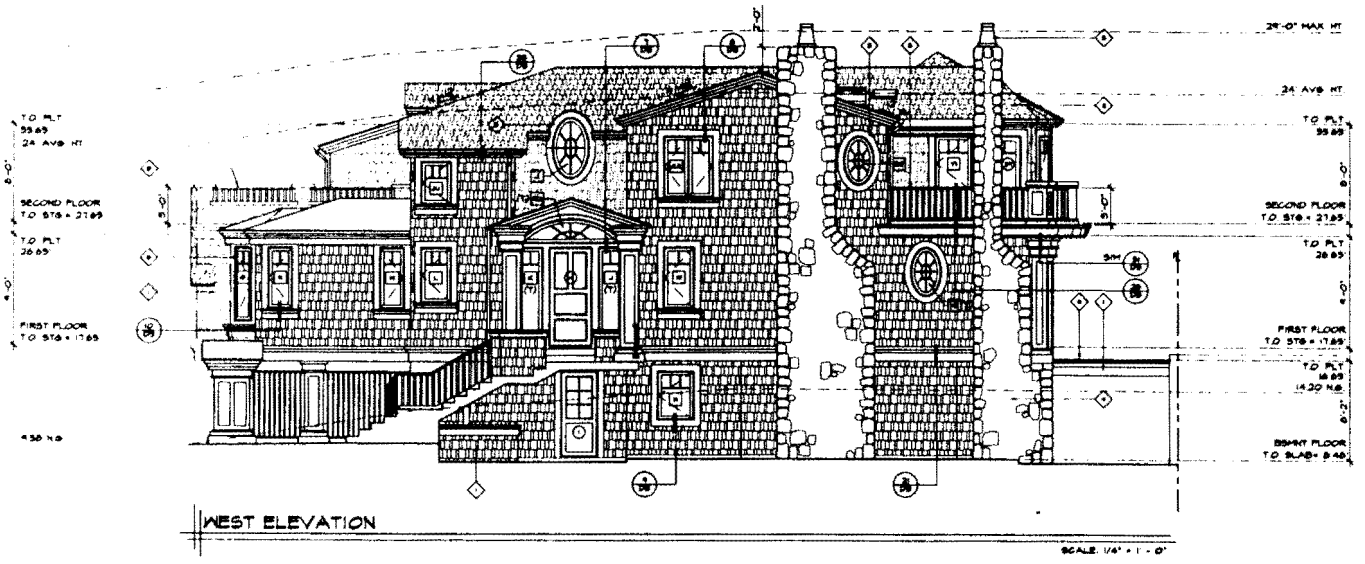

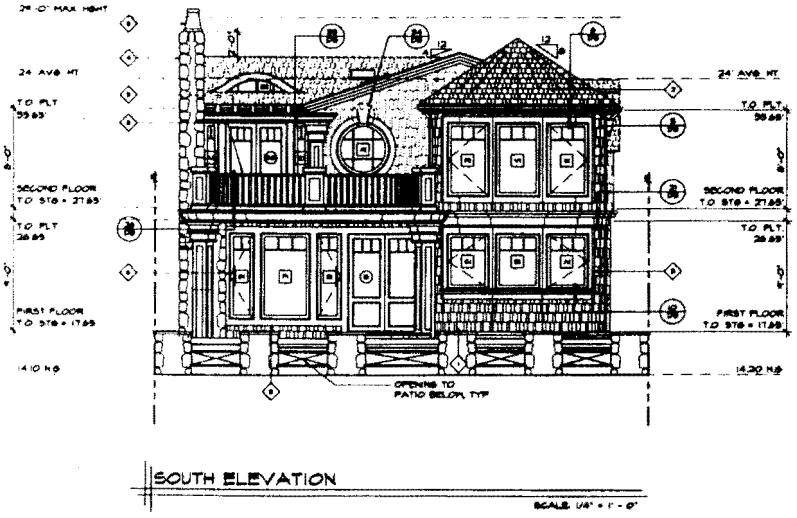

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EXHIBIT # 6

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RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT
NEWPORT BEACH, CA.

Brion S. Jeannette and Associates, Inc.
ARCHITECTURE

EXTERIOR ELEVATIONS

Date:
Revision:
Revision:
Revision:
Revision:
Job No. 01-099

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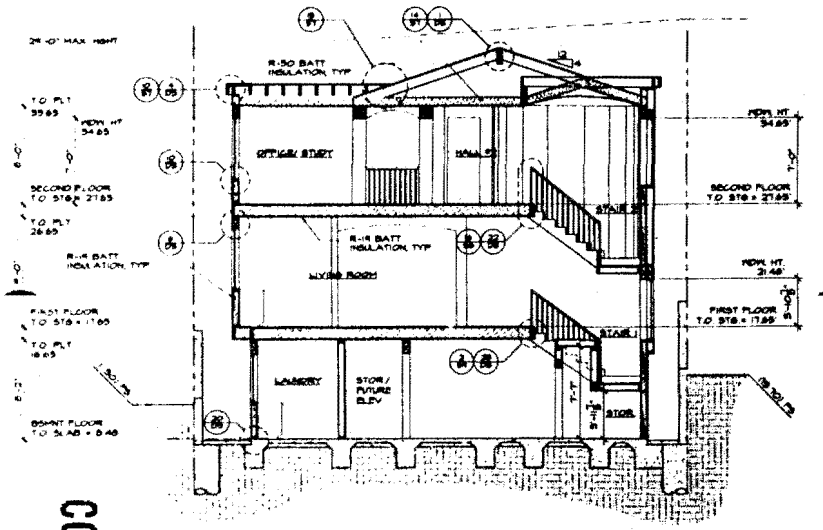
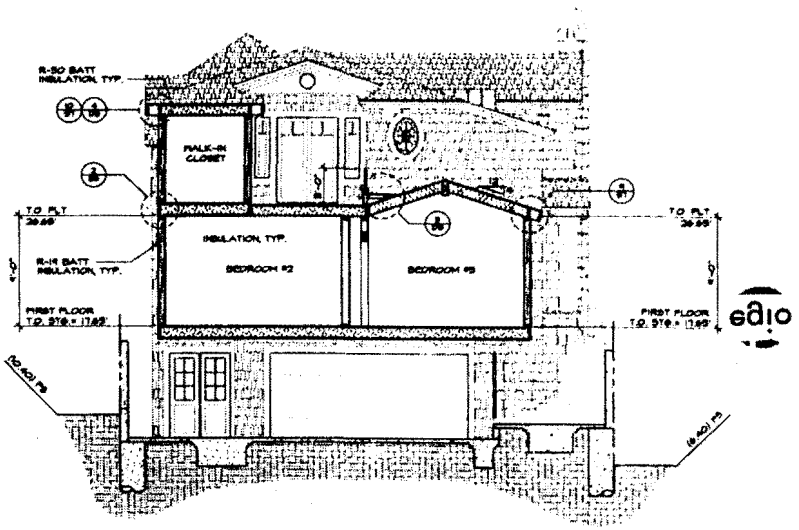


SECTION B

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



SECTION C

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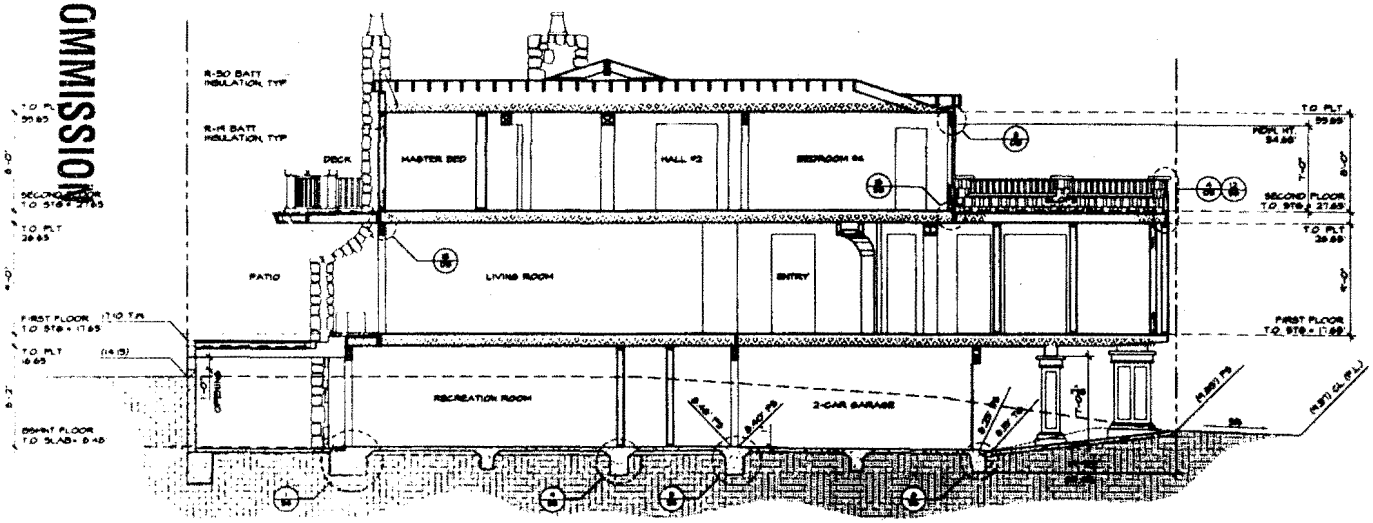

SECTION A

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

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RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT
NEWPORT BEACH, CA

Brion E. Jeannette and Associates, Inc.
ARCHITECTURE

SECTIONS

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No. 01-099

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RYAN BEACH COTTAGE
2004 E. OCEAN FRONT
NEWPORT BEACH, CA.

Brion G. Jeannette and Associates, Inc.
ARCHITECTURE

BASEMENT/ FIRST FLOOR
LANDSCAPE/ HARDSCAPE PLAN

L-1

OCT 08 2001

COASTAL COMMISSION

EXHIBIT # 7

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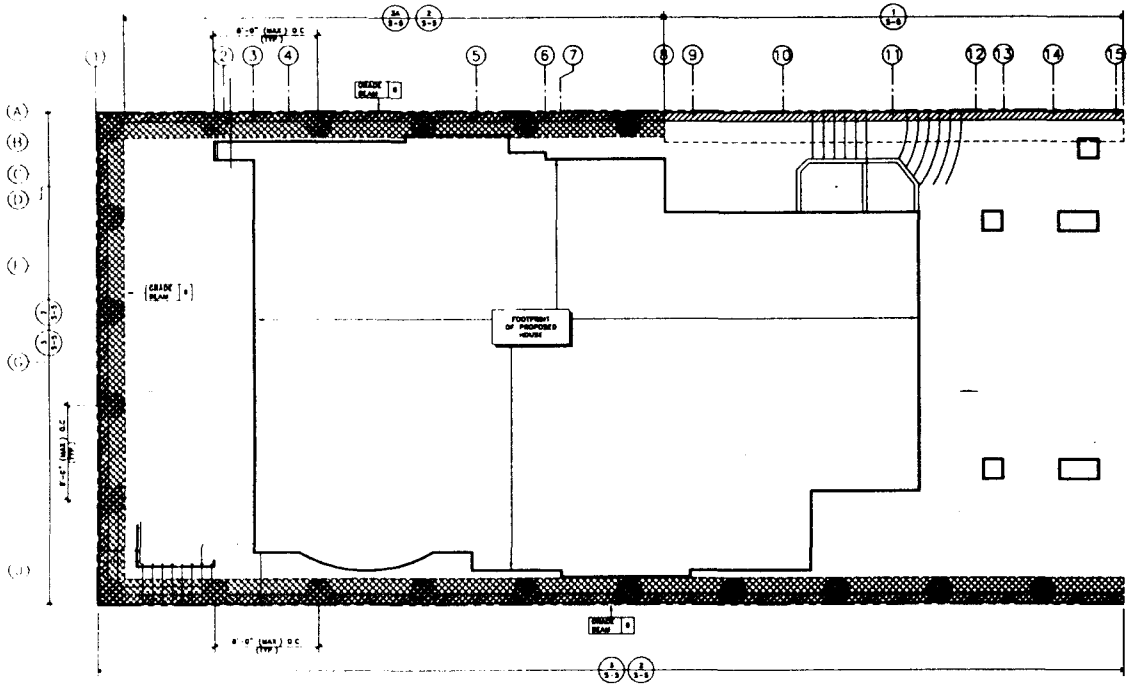
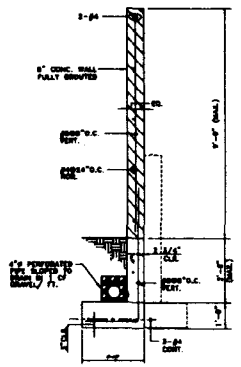
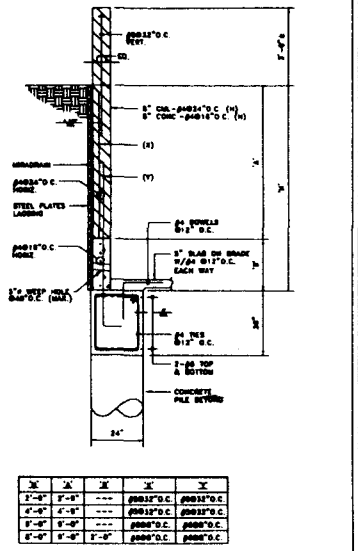


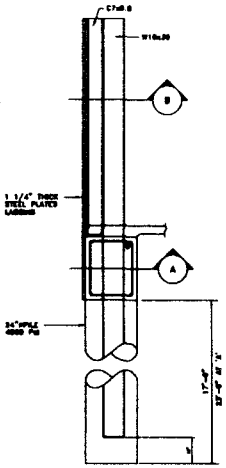
SHORING PLAN

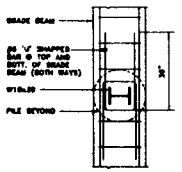
1/4" = 1'-0"



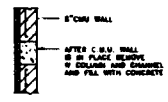


'A'	'B'	'C'	'D'	'E'
3'-0"	3'-6"	----	@12" O.C.	@12" O.C.
4'-0"	4'-6"	----	@12" O.C.	@12" O.C.
5'-0"	5'-6"	----	@8" O.C.	@8" O.C.
6'-0"	5'-6"	3'-0"	@8" O.C.	@8" O.C.

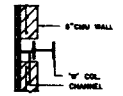




SECTION A



SECTION B-2



SECTION B-1

GRADE BEAM SCHEDULE			
G.B. #	SIZE	REINFORCING	
GRADE BEAM 6	24" x 30"	T/B #5 TOP & BOTTOM #4 TIES @12" O.C.	

NOTES:

1) GENERAL CONTRACTOR IS FULLY RESPONSIBLE TO VERIFY ALL DIMENSIONS, ELEVATIONS & CONDITION BEFORE START OF ANY WORK. ANY DISCREPANCY SHALL BE BROUGHT TO ATTENTION OF THE ENGINEER AT KNA IMMEDIATELY.

LEGEND

DENOTES GRADE BEAM f'c=4,000 Psi

DENOTES 8" C.M.U. WALL

DENOTES PILE f'c=4,000 Psi

SHORING WALL SEQUENCE OF CONSTRUCTION

1. EXCAVATE PILES. SEE DETAIL 3/S-5
2. PLACE STEEL COLUMNS
3. POUR CONCRETE PILES
4. EXCAVATE SITE / PLACE STEEL LAGGING
5. PLACE GRADE BEAM REINFORCING AND POUR. SEE DETAIL 2/S-5 AND 3/S-5
6. BUILD C.M.U. RET. WALL. SEE DETAIL 2/S-5 AND 3/S-5 SECTION B-1
7. REMOVE STEEL COL. AND CHANNEL.
8. PLACE 1-#5 VERTICAL BETWEEN C.M.U. WALLS GAP AND FILL WITH CONCRETE

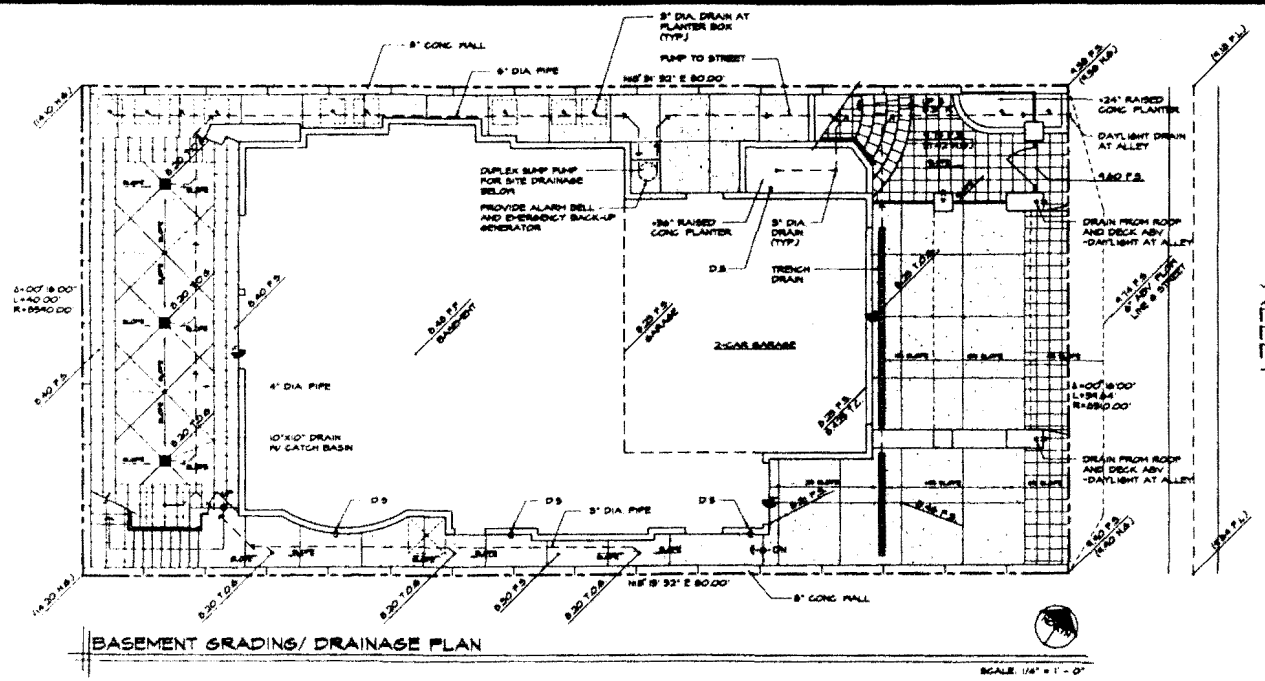
KNA ENGINEERING - STRUCTURAL CONSULTANTS
26720 ROADSIDE DRIVE, SUITE 240 AGOURA HILLS, CA 91301 (818) 865-2026

RYAN BEACH COTTAGE
2004 EAST OCEAN FRONT

SHEET TITLE: SHORING PLAN
DATE:

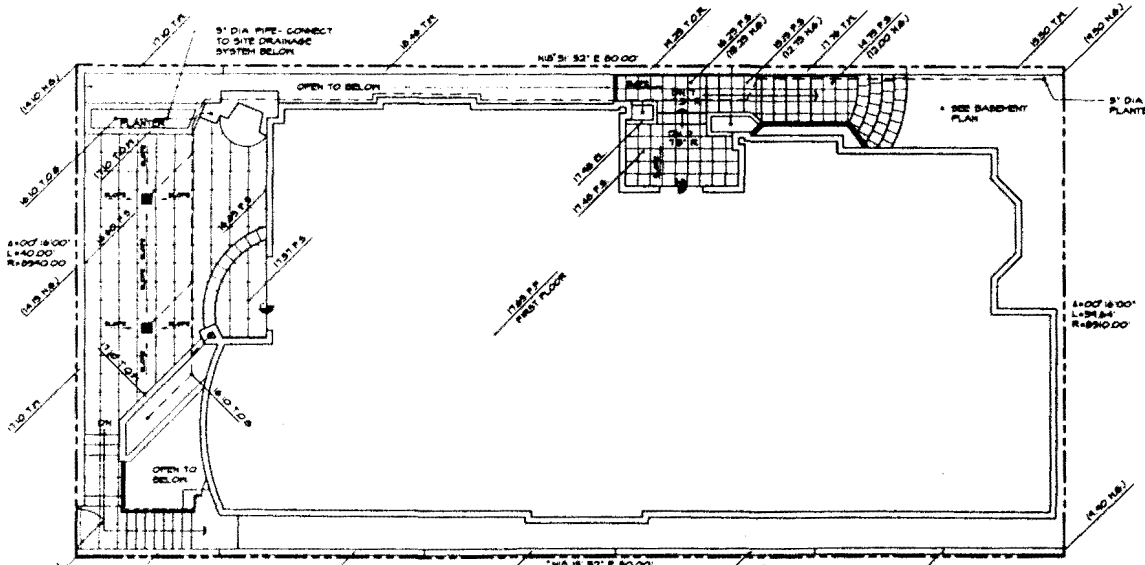
PLOT DATE:
DATE: 10-24-
DRAWN BY: G.S.
JOB NO: KNA 01
SCALE: NONE

SHEET S-1 OF



BASEMENT GRADING/ DRAINAGE PLAN

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



FIRST FLOOR GRADING/ DRAINAGE PLAN

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

GRADING PLAN LEGEND

EL	ELEVATION
F.F.	FINISHED FLOOR
F.S.	FINISHED SURFACE
T.O.G.	TOP OF GRATE
T.O.W.	TOP OF WALL

ROOF DRAINAGE NOTE:

ROOF DRAINAGE TO BE COLLECTED BY GUTTERS AT EAVE TO DOWN SPOUTS, AND TAKEN TO ALLEY IN A SEPARATE HARD PIPE SYSTEM. DRAINS TO DAYLIGHT AT ALLEY AND FOLLOW NATURAL DRAINAGE COURSE TO CITY STORM DRAIN

* REFER TO THE LANDSCAPE/ HARDSCAPE PLAN SHEET L-1 FOR FURTHER INFORMATION.

GRADING QUANTITIES:

288 CU. YDS. OF EXPORT
0 CU. YDS. OF FILL

RYAN BEACH COTTAGE
2004 E. OCEAN FRONT
NEWPORT BEACH, CA

Brion B. Jeannette and Associates, Inc.
ARCHITECTURE

BASEMENT/ FIRST FLOOR
GRADING/ DRAINAGE PLAN

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No. 01-099	

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