

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: April 12, 2010
49th Day: May 31, 2010
180th Day: October 9, 2010
Staff: Liliana Roman-LB
Staff Report: March 24, 2010
Hearing Date: May 12-14, 2010
Commission Action:



Item Th4c

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-10-87

APPLICANT: Medhat Rofael

PROJECT LOCATION: 4607 Seashore Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Request for after-the-fact approval of a remodel of an existing ocean front 3,044 sq. ft. two-story duplex with attached 358 sq. ft. two-car garage with the addition of a new 226 sq. ft. third story and 258 sq. ft. third story uncovered deck resulting in a 3,270 sq. ft. three-story, 28' tall duplex and request for after-the-fact approval of a 10' deep by 30' wide concrete at-grade patio with 2' tall concrete block perimeter fence within a designated oceanfront encroachment area and no landscaping.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-In-Concept (No. 0071-2007) dated March 12, 2007, City of Newport Beach Oceanfront Encroachment Permit issued December 15, 2005 for 4607 Seashore Drive

SUMMARY OF STAFF RECOMMENDATION:

The applicant is requesting after-the-fact approval of a third floor bedroom and deck addition to an existing beach-fronting duplex and after-the-fact approval of a 10' deep concrete patio and low wall oceanfront encroachment within the City's allowable encroachment area.

The applicant previously received Commission approval for this development in October 2007 under CDP 5-07-121(Rofael). However, the applicant did not meet the prior to issuance conditions within the two-year time period allotted and the permit expired in October 2009. The applicant erroneously acted on building permits that were issued by the City for the proposed project without a coastal development permit and the applicant commenced construction of the development in April 2009 under the mistaken impression that he had met coastal development permit requirements. The applicant through his own accord, and not through a notice of violation, has re-applied for a coastal development permit seeking after-the-fact approval of the project.

Staff is recommending **APPROVAL** of the proposed project with **nine (9) special conditions** regarding: 1) revised final plans; 2) no deviation from approved encroachments; 3) City's right to revoke the encroachments; 4) future development; 5) assumption of risk; 6) landscaping; 7) bird strike hazard prevention; 8) condition compliance and 9) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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 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 Land Use Plan may be used for guidance.

The proposed development amounts to minor improvements to an existing residential structure that will not result in any seaward encroachment of the principal structure beyond the existing on-site development that is proposed-to-be retained. There is no proposed addition to enclosed living space on the ground floor either. Typically, in cases of substantial improvements to a principal structure that could be affected by wave uprush in Newport Beach, the Commission imposes a special condition requiring No Future Shoreline Protective Device. In this particular case Commission staff recommends that the Commission approve the proposed development without this special condition due to the minor nature of the development and the fact that the proposal will not result in seaward encroachment of the principal development. The at-grade patio improvements authorized by this action would not warrant protection under Section 30235 of the Coastal Act if they were threatened because it is accessory development that could be removed or relocated to avoid the hazard.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan, CDP Application 5-07-121(Rofael).

LIST OF EXHIBITS

1. Location Map
 2. Assessor's Parcel Map
 3. Project Plans
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STAFF RECOMMENDATION:

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

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:

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. Revised Final Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final project plans to the Executive Director for review and approval. The plan shall substantially conform to the preliminary plans, except that those plans shall depict the existing patio oceanfront encroachment on the site plan to scale and the proposed bird strike prevention treatment for the proposed deck rails/screen walls per Special Condition 8.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission

amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Deviation from Approved Encroachments

- A. The only encroachment into the 10-foot deep encroachment area within the City of Newport Beach Oceanfront public right-of-way allowed by this coastal development permit is a patio wall and planters (no more than 2 feet high) around the perimeter of an at-grade 10' deep by 30' 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 through written confirmation that no amendment or new permit is legally required.
- B. The applicants and all other successors and assigns must remain enrolled in the City's public access impact mitigation fee program (i.e. annual encroachment permit/fee system) and pay the recurring encroachment fee so long as the encroachment remains in place. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit evidence, for the review and approval of the Executive Director, that the encroachment fee required by the City to construct the proposed encroachments has been paid and that the property is enrolled in the City's annual encroachment permit/fee system.

3. 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.

4. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-10-087 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. 5-10-087. Accordingly, any future improvements to the development 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. 5-10-087 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. 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 flooding, erosion, sea level rise 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.

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.owue.water.ca.gov/docs/wucols00.pdf>).

7. Bird Strike Prevention

- A. Where the back or front yard of a residence abuts coastal resources, there shall be walls, fences, gates, screen walls, safety devices and boundary treatments, as necessary, to protect coastal resources (oceanfront, bayfront, blufftop, coastal canyons). Ocean front fences, screen walls and gates subject to this permit shall use materials designed to minimize bird-strikes with the fence, or gate. Such materials may consist, all or in part, of wood; wrought iron; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area) and the recommendations of the Executive Director. Use of opaque or partially opaque materials is preferred to clean glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications and as recommended by the Executive Director. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit final revised plans showing the location, design, height and materials of fences, screen walls and gates for the review and approval of the Executive Director. Said plans shall reflect the requirements of this special condition.
- B. The permittee shall undertake development in accordance with the approval 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 to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Condition Compliance

Within 120 days of Commission action on this coastal development permit application or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

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(s) have 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 subject site is located at 4607 Seashore Drive within the City of Newport Beach, Orange County (Exhibits #1 & 2) and is located between the first public road and the sea. The lot area is 2,550 square feet. The City of Newport Beach Land Use Plan (LUP) designates the site as RT-E, Two Unit Residential - (30.0 - 39.9 DU/AC). The proposed project seeks 'after-the-fact' approval for a new 226 sq. ft. third floor bedroom and 258 sq. ft. third floor uncovered deck addition and continuation of the existing stair from the second to the new third floor to an existing 3,044 sq. ft. two-story duplex with attached 358 sq. ft. two-car garage, resulting in a 3,270 sq. ft. three-story, 28' tall duplex (Exhibit #3). Additionally, the applicant also seeks 'after-the-fact approval' for a 10' deep by 30' wide concrete at-grade patio with 2' tall concrete block perimeter fence. No changes to existing landscaping or drainage/runoff control are proposed as part of the proposed project. The project is located on a beach front lot within an existing urban residential area, between the mouth of the Santa Ana River and the Newport Pier. There is a wide sandy beach (approx. 300 feet wide) between the subject property and the Pacific Ocean. The project site is located north of the ocean-fronting properties bordered by the City's paved beachfront public lateral access way (boardwalk). Vertical public access to this beach is available at the end of 47th Street, less than 60 feet from the site. Lateral public access is available along the wide sandy beach seaward of the subject site. A wave uprush study was not submitted as the site is not proposed for substantial or complete redevelopment.

The existing duplex provides only one parking space per unit. The Commission typically requires two spaces per unit. The site cannot accommodate additional on-site spaces without requiring significant demolition of the existing dwelling. A limited amount of demolition is required for the proposed new third story 226 sq. ft. addition and 258 sq. ft. roof deck; insufficient to address the site's parking deficiency. The addition is not located in an area that could accommodate parking. If demolition and/or construction is proposed at the site in the future, or if the site is proposed for a condominium conversion, the provision of additional parking spaces will be evaluated at that time.

The submitted plans depict a clear/glass-like 36" tall guardrail for the proposed third story deck. Due to the oceanfront location of the proposed glass guardrail, there is a substantial risk of bird strikes to the glass guardrail/screenwall. Glass walls are known to have adverse impacts upon a variety of bird species. Birds are known to strike glass walls causing their death or stunning them which exposes them to predation. Some authors report that such birds strikes cause between 100 million to 1 billion bird deaths per year in North America alone. Birds strike the glass because they either don't see the glass, or there is some type of reflection in the glass which attracts them (such as the reflection of bushes or trees that the bird might use for habitat). To provide further protection to coastal avian species, **Special Condition #7** requires the applicant submit final revised plans showing a treatment to the proposed glass guardrail to address bird strike issues, necessary to protect against significant disruption of habitat values.

There are a variety of methods available to address bird strikes against glass. For instance, glass can be frosted or etched in a manner that renders the glass more visible and less reflective. Where clear glass is used, appliques (e.g.) stickers can be affixed to the glass that have a pattern that is visible to birds. Some appliques incorporate features that allow humans to see through the glass, but which are visible birds. Usually appliques must be replaced with some frequency in order to retain their effectiveness. In the case of fences or walls, alternative materials can be used, such as wood, stone, or metal (although this approach isn't usually palatable when there is a desire to see through the wall). Use of frosted or etched glass, wood, stone or metal material is preferable to appliques because of the lower maintenance and less frequent replacement that is required.

The project also consists of 'after-the-fact' approval of a 10' deep by 30' wide concrete patio into the 10-foot deep encroachment area within the City of Newport Beach oceanfront public right-of-way. The applicant acquired the proper City permits, including the encroachment permit for the construction of the patio in 2005; but was unaware or uninformed at the time that the development also required a Coastal Development Permit. The patio development is located in an area where a 10 foot encroachment onto the City of Newport Beach Oceanfront public right-of-way on the seaward side of the home is allowed. The City holds the public right-of-way for street/walkway/bikeway purposes. The public right-of-way is designated on assessor's parcel maps as Oceanfront Street (Exhibit #2). The portions of Oceanfront Street in the central part of the Balboa Peninsula near the City's two municipal piers is developed with a public walkway/bikeway. In the vicinity of the subject site, however, the City has never constructed any part of the Oceanfront street, but it has at times addressed the possibility of constructing a bike path and pedestrian walkway in the right-of-way in this area. The proposed development includes an after-the-fact approval of a 2-foot high patio wall around the perimeter of an at-grade, 10' deep by 30' wide concrete patio encroachment. **Special Condition #1** is imposed requiring submittal of revised plans showing the existing encroachment area at-grade patio and 2-foot high wall.

The proposed encroachment would contribute to the cumulative adverse impact on beach use resulting from the various existing encroachments on the public right-of-way in the area. In

addition, the encroachments could make it difficult in the future for the City to improve the public right-of-way for lateral access purposes.

In 1991, the Commission certified an amendment to the City of Newport Beach Land Use Plan (LUP). The LUP acknowledges the adverse public access impacts that will result from the development on the sandy beach area which is owned by the City for street purposes. This cumulative impact is addressed in the certified LUP by imposition of a mitigation plan. The mitigation plan requires that fees paid by encroaching homeowners be applied to improving public access in Newport Beach. The City has constructed a number of public access improvements (including street end improvements which provide additional public parking spaces) using the encroachment fee funds. When it certified the LUP amendment allowing these encroachments, the Commission found that, if developed consistent with the mitigation plan, encroachments onto the City's Oceanfront public right-of-way would be consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

The LUP encroachment policies allow encroachment onto the Oceanfront right-of-way in the area of the subject site, which is between 52nd and 36th Streets. Encroachments in this area may encroach up to 10 feet. The LUP policies allow encroachments only if they do not interfere with access to the beach or ocean, when a building permit is not required, and subject to payment of a mitigation fee. The Commission finds that construction of the encroachments at the subject site is consistent with the certified LUP encroachment policies.

The applicant provided a copy of the Oceanfront Encroachment Permit issued in 2005 for construction of the patio encroachment. Additionally, **Special Condition #2** requires the applicant submit proof that the property is enrolled in the City's annual encroachment permit/fee system by providing proof that the annual encroachment fee has been paid. 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 must submit evidence that the required encroachment fee payment is up to date. Therefore, as a condition of approval the applicant is required to submit, for the review and approval of the Executive Director, evidence that the current encroachment permit fee has been paid to the City. Also, the applicants and all other successors and assigns must remain enrolled in the City's public access impact mitigation fee program (i.e. annual encroachment permit/fee system) and pay the recurring encroachment 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 a special condition 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.

Additionally, the permittee signed an encroachment agreement with the City in which he waived his 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 also conditioned 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.

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

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 13, 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

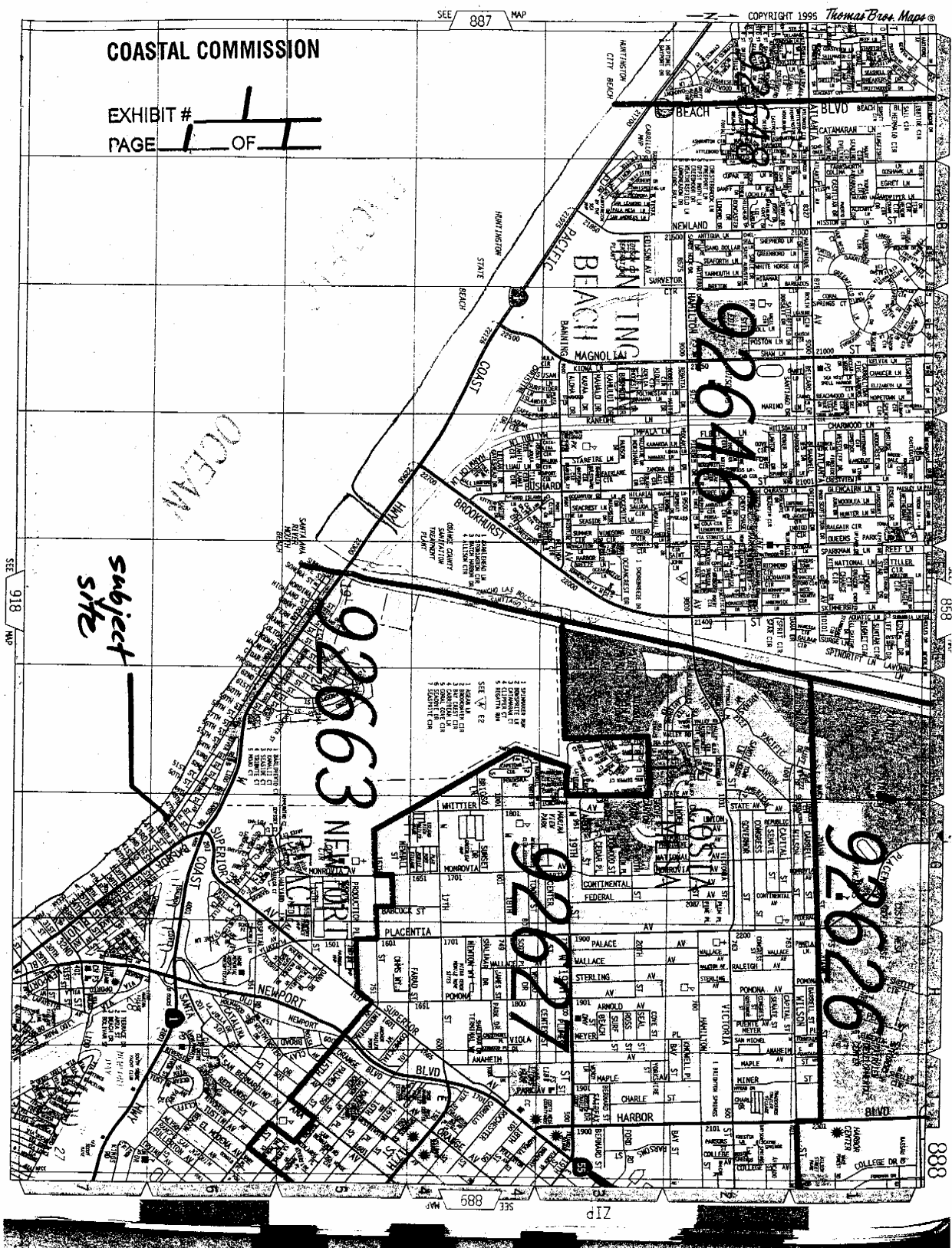
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

I. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred on the subject site as follows: remodel/addition of a new 226 sq. ft. third story bedroom/bathroom/storage room and 258 sq. ft. third story uncovered deck resulting in a 3,270 sq. ft. three-story, 28' tall duplex and a 10' x 30' concrete at-grade patio with 2' tall concrete block perimeter fence with no landscaping.

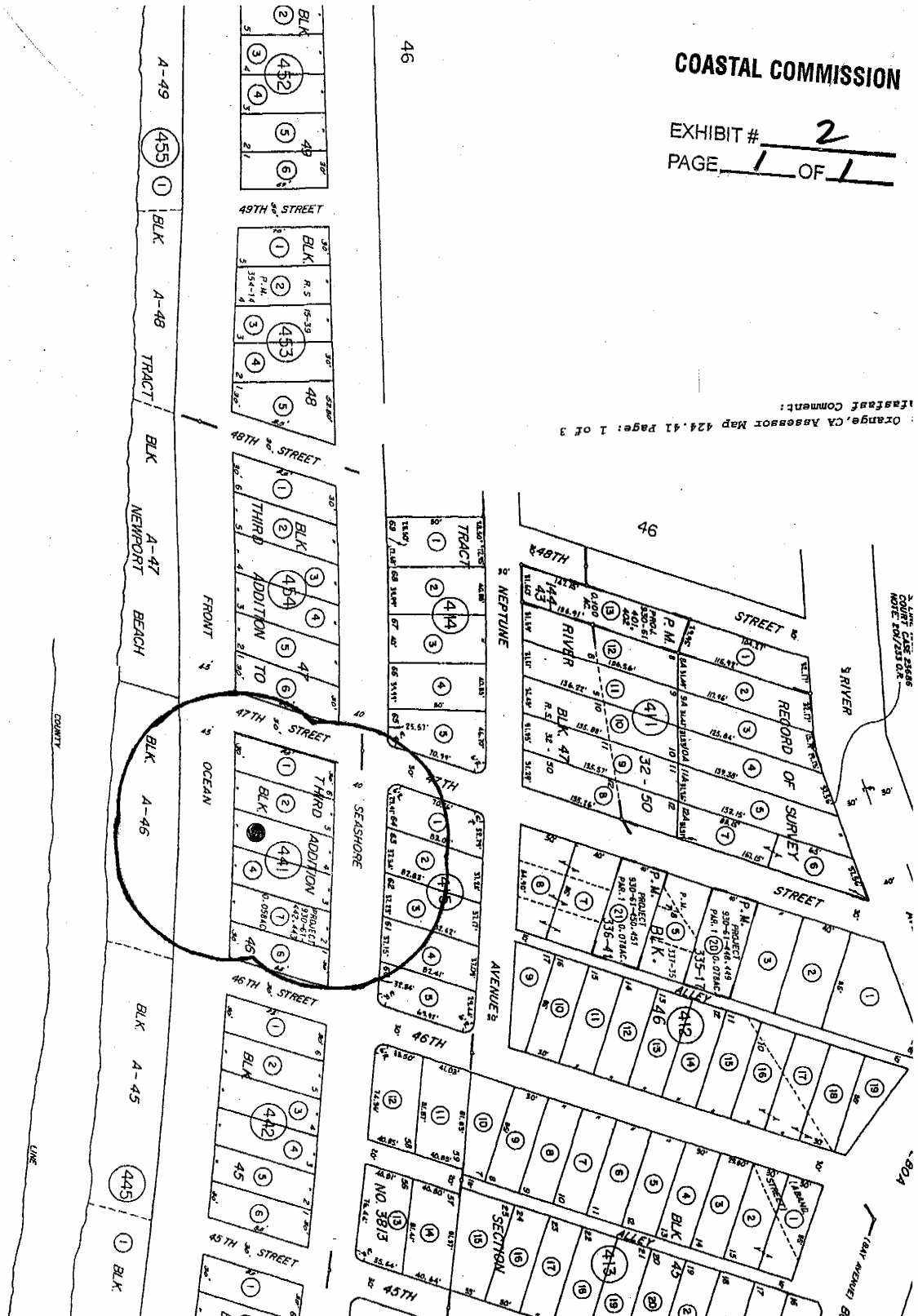
To ensure that the unpermitted development component of this application is resolved in a timely manner, **Special Condition 9** requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action. The Executive Director may grant additional time for good cause. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.



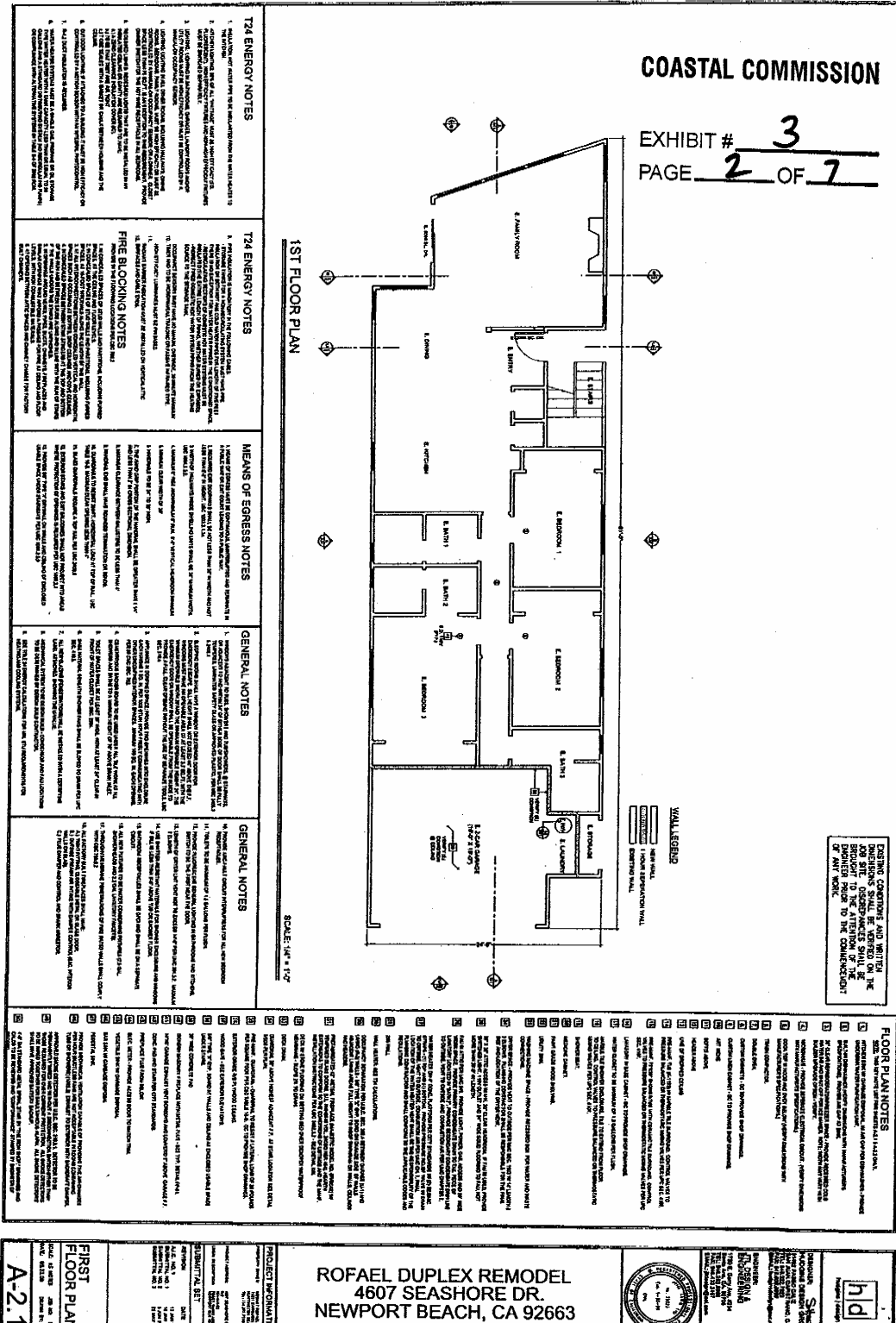
COASTAL COMMISSION

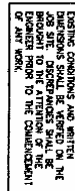
EXHIBIT # 2
PAGE 1 OF 1

Orange, CA Assessor Map 424.41 Page: 1 of 3
Assessor Comment:



[illegible]





Date	Particulars	Debit		Credit		Balance
		Rs.	Paise	Rs.	Paise	
1/1	By Balance b/d					
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	To Bank					
	To Sales					
	To Other Income					
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STUDENT RECORD		NAME		AGE		SEX		DATE	
NO.	NAME	AGE	SEX	DATE	NO.	NAME	AGE	SEX	DATE
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99	100

WHEEL RECORD
 [] NEW WALL
 [] 1 HOUR REPAIR WALL
 [] DOORING WALL

3RD FLOOR PLAN
(AS APPROVED BY MODIFICATION PERMIT NO. MD2008-011)

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

GENERAL NOTES

- [illegible]

1. ACCOUNTS INVOLVED
SCIE This entry is in unit from December 1992 to 6 March 1993 only.

- [illegible]



h/d

THIRD
FLOOR PL

SCALE: AS SHOWN

DATE: 12/20/99

A-2.

10

A-3.1

