

CALIFORNIA COASTAL COMMISSION

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

**Th6b****ADDENDUM**

June 10, 2013

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th6b** – COASTAL DEVELOPMENT PERMIT APPLICATION 5-12-315 (ROGERS) FOR THE COMMISSION MEETING OF JUNE 13, 2013.

Minor correction to Page 2 of the consent calendar report as follows:

~~The major A Coastal Act issue in this staff report involves hazards due to the construction of a 1,422 square foot subterranean basement and its potential liquefaction susceptibility to changing groundwater levels over time.~~ The project's geotechnical consultant, Geofirm of Laguna Beach, California, found that "groundwater has been locally recorded at depths ranging from plus or minus 5 feet to plus or minus 7 feet below ground surface on nearby sites. Groundwater will fluctuate based on tidal conditions and other factors, and will be a design and/or construction constraint depending on the depth of improvements and excavations."

Due to the shallow groundwater level, the consultant said saturated conditions should be expected during grading for the basement. Due to the construction of a 1,422 square foot subterranean basement, dewatering of the site should be anticipated along with the need for specialized shoring. Excavation and preparation of the site will require extensive dewatering, a process that could take as long as 100 days, according to the project architect. Prior to construction, approval of a Water Quality Management Plan and issuance of a discharge permit by the Santa Ana Regional Water Quality Control Board will be required as a condition.

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Th6b

Filed: December 26, 2012
180th Day: June 24, 2013
Staff: J. Rabin - LB
Staff Report: May 24, 2013
Hearing Date: June 13, 2013

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-12-315

Applicant: Steven and Pamela Rogers

Agent: Brion Jeannette Architecture; Attn: Martin Bard

Location: 3200 West Oceanfront, Newport Beach, Orange County
(APN 423-343-20)
105 32nd Street, Newport Beach, Orange County
(APN 423-343-19)

Project Description: Demolish two single-family homes on adjacent lots; merge those lots into one beachfront parcel and construct a new three-story, 29-foot tall, 4,366 square foot single family home with a basement, an attached 2-car garage, and 1,158 square feet of decks. The project also includes approximately 827 cubic yards of grading (817 cubic yards of cut and 10 cubic yards of fill) for site preparation.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

The applicants are proposing demolition of two, two-story single family homes on two adjacent lots; merger of those lots into a single parcel and construction of a new beachfront single-family residence on the combined parcel. The project involves construction of a three-story, 29 foot tall

single family residence with an attached two-car garage, extensive decks, and a large subterranean basement. The proposed structure will have a total area of 4,366 square feet.

The major Coastal Act issue in this staff report involves hazards due to the construction of a 1,422 square foot subterranean basement and its potential susceptibility to changing groundwater levels over time. The project's geotechnical consultant, Geofirm of Laguna Beach, California, found that "groundwater has been locally recorded at depths ranging from plus or minus 5 feet to plus or minus 7 feet below ground surface on nearby sites. Groundwater will fluctuate based on tidal conditions and other factors, and will be a design and/or construction constraint depending on the depth of improvements and excavations."

Due to the shallow groundwater level, the consultant said saturated conditions should be expected during grading for the basement. Dewatering of the site should be anticipated along with the need for specialized shoring. Excavation and preparation of the site will require extensive dewatering, a process that could take as long as 100 days, according to the project architect. Prior to construction, approval of a Water Quality Management Plan and issuance of a discharge permit by the Santa Ana Regional Water Quality Control Board will be required as a condition.

Due to what the geotechnical consultant described as the "potential for liquefaction at the site," project plans call for a stiffened foundation system with a 30" thick mat slab and 28 caissons beneath the basement.

The landscaping plan proposes use of low water plants and trees on the south side of the property. The Drainage, Grading, and Erosion Control Plan would include a bio-retention system to capture, filter, infiltrate, and retain as much runoff as possible on site. A trench drain at the rear of the property next to the alley would capture runoff from the north side of the property and the garage area. The drain would tie into the bio-retention system on the south side where the landscaping would be planted.

Staff is recommending **approval** of the proposed project with **nine (9) Special Conditions** regarding: **1)** assumption of risk; **2)** no future shoreline protective device; **3)** future development; **4)** recommendations of the geotechnical report; **5)** approval of the Water Quality Management Plan and issuance of a discharge permit by the Santa Ana Regional Water Quality Control Board; **6)** conformance with the submitted drainage, grading and run-off control plan; **7)** drought tolerant landscaping; **8)** storage of construction materials, mechanized equipment, and removal of construction debris; and **9)** recording 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.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Aerial View of the Parcels
- Exhibit 3 – Lot Merger Plan
- Exhibit 4 – Photo of Existing House at 3200 W. Oceanfront
- Exhibit 5 – Photo of Existing House at 105 32nd Street
- Exhibit 6 – Site Plan
- Exhibit 7 – Floor Plans
- Exhibit 8 – Elevations
- Exhibit 9 – Building Sections

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following **Special Conditions**:

1. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicants 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.
2. **No Future Shoreline Protective Device**
 - A. By acceptance of this permit, the applicants and landowner agrees, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-12-315 including, but not limited to, the residence, garage, basement, foundations, and patio, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicants and landowner hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
 - B. By acceptance of this permit, the applicants and landowner further agree, on behalf of themselves and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, basement, foundations, and patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner(s) 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.

3. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-12-315. 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. 5-12-315. Accordingly, any future improvements to the single-family house 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. 5-12-315 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Recommendations of the Geotechnical Report. The applicants shall abide the recommendations of the Preliminary Geotechnical Investigation, Proposed Single Family Residence, 3200 West Oceanfront, Newport Beach, California, dated October 2, 2012, prepared by Geofirm, Laguna Beach, CA.

5. Approval of Water Quality Management Plan and Discharge Permit.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a Water Quality Management Plan to the Santa Ana Regional Water Quality Control Board. The water quality plan must detail how the applicants plan to dewater the subject site to prepare the property for construction. The Regional Water Quality Control Board must approve the Water Quality Management Plan and issue an NPDES permit for the discharge of water from the site to nearby storm drains before the Coastal Development Permit can be issued.

6. Conformance with the submitted drainage, grading and run-off control plan. The applicants shall conform with the Drainage, Grading, and Erosion Control Plan dated December 26, 2012 showing roof drainage and runoff from all impervious areas directed to deck drains, downspouts, drop-inlets, a trench drain, and a bio-retention system. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Drought Tolerant Landscaping

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans prepared by an appropriately licensed professional which demonstrates the following:

- (1) The plan shall demonstrate that:
- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas not occupied by hardscape shall be planted and maintained for erosion control and water quality protection. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. 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 or very low water plants as identified by California Department of Water Resources (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Any existing landscaping that doesn't meet the above requirements shall be removed.
- (2) The plan shall include, at a minimum, the following components:
- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) A schedule for installation of plants.
- B.** The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 required.

8. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is two adjacent lots located at 3200 West Oceanfront (APN 423-343-20) and 105 32nd Street (APN 423-343-19) in the City of Newport Beach, Orange County. The two adjacent lots are in the process of being merged into a single rectangular parcel 25 feet wide by 90 feet deep. The combined lot size will be 2,250 square feet. **(Exhibits #1-3).**

The city's certified Land Use Plan (LUP) designates the lots as Two-Unit Residential and the proposed project adheres to this designation. The project is located within an existing urban residential area on the Balboa Peninsula near the Newport Pier.

As noted above, the site currently consists of two adjacent lots located between the first public road and the sea. There is a wide sandy beach (approximately 350 feet wide) between the subject property and the Pacific Ocean. Due to its oceanfront location, the project site may be potentially exposed to the hazard of wave run-up during a severe storm event.

The applicant is proposing to demolish the two existing single family residences **(Exhibits #4-5)** on adjacent parcels, merge the two lots into a single parcel **(Exhibit #6)** and construct a new three-story, 29' foot high single family residence, including 2,577 square feet of livable area on the first, second, and third floors, a 1,422 square foot subterranean basement, and an attached two-car, 367 square foot garage. There will also be 1,158 square feet of decks. The total structure will be 4,366 square feet. **(Exhibits #7-8).** The foundation will include a 30" thick mat slab and 28 caissons beneath the basement. **(Exhibit #9)** In addition, the project consists of hardscape improvements, including concrete walkways, a patio, and property line walls and fences. Approximately 827 cubic yards of grading (817 cubic yards of cut and 10 cubic yards of fill) is proposed for site preparation.

Excavation and preparation of the site will require extensive dewatering, a process that could take as long as 100 days, according to the project architect. Prior to construction, approval of a Water Quality Management Plan and issuance of a discharge permit by the Santa Ana Regional Water Quality Control Board will be required as **Special Condition 5.**

The proposed project will not have an adverse effect on public access. The project site is located along a portion of West Oceanfront bordered by the City's paved beachfront public lateral access way (boardwalk). The Commission has found through previous permit actions in this area that the City's setback in this area is acceptable for maintaining public access. The proposed project is consistent with the City's required 5-foot setback from the seaward property line. Vertical public access to the beach is available next to the site at the end of 32nd Street. Lateral public access is available along the boardwalk and the wide sandy beach seaward of the subject site.

B. HAZARDS

The geotechnical consultant for the project, Geofirm of Laguna Beach, California, reported that exploratory drilling on nearby sites encountered groundwater at depths ranging from plus or minus 5 feet to plus or minus 7 feet below ground surface. "This groundwater level is anticipated to experience some fluctuation in response to the tidal cycle," according to the geotechnical report.

The geotechnical consultant noted that "although seismically induced liquefaction has not historically been observed in the vicinity of the site, the liquefaction potential of soils in the general area is considered moderate. In order to reduce possible distress if liquefaction occurs, and in accordance with the City of Newport Beach, a stiffened foundation or mat slab foundation system should be utilized." Project plans call for a 30" thick concrete mat slab foundation beneath the basement. Below the mat slab will be 28 caissons of 24" diameter every 8 feet around the perimeter of the structure.

The consultant also recommended that care be taken to protect adjacent improvements during excavation and grading. "Excavations for proposed subterranean construction will require specialized temporary shoring to reduce the potential for ground movement at adjacent properties," according to the consultant's report. **Special Condition 4** requires the applicant to abide by the recommendations of the Preliminary Geotechnical Investigation for the project, dated October 2, 2012, prepared by Geofirm, Laguna Beach, CA.

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 by **Special Conditions 1, 2, and 6** to: require an appropriate setback from the water; require a drainage and run-off control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future development **Special Condition 3** be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

D. PUBLIC ACCESS

The proposed project will not have an adverse effect on public access. Vertical public access to the beach is available nearby and lateral public access is available along the boardwalk and the wide sandy beach seaward of the subject site.

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

E. WATER QUALITY

The proposed development has a potential for a discharge of polluted run-off from the project site into coastal waters. The applicant is proposing water quality improvements, including directing runoff from the roof and deck areas through downspouts and drop inlets to an underground drainage and bio-retention system. A trench drain running across the rear (alley-facing) width of the property, will capture and direct runoff from the north side and the rear of the property to the bio-retention system on the south side. A similar underground system will capture and direct runoff from the front of the property to the bio-retention system on the south side. The bio-retention system will capture, filter, infiltrate, and retain as much runoff as possible on site. In the event the system is unable to infiltrate all runoff, a pump system will allow for off-site discharge through curb drains.

The Commission imposes **Special Condition 6** to ensure that the applicant complies with the submitted Drainage, Grading, and Erosion Control Plan dated December 26, 2012 to minimize the effects of the development on biological productivity and water quality. Any vegetated landscaped areas located on site shall consist only of native plants or non-native drought tolerant, low or very low water use plants, which are non-invasive. **Special Condition 7** specifies these requirements.

The placement of vegetation that is considered to be invasive could supplant native vegetation and should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'very low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at: www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf

Ornilux bird protection glass is specified for use on all glass railings to deter bird strikes.

The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing run-off through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional **Special Condition 9** 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, this permit ensures that 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 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.

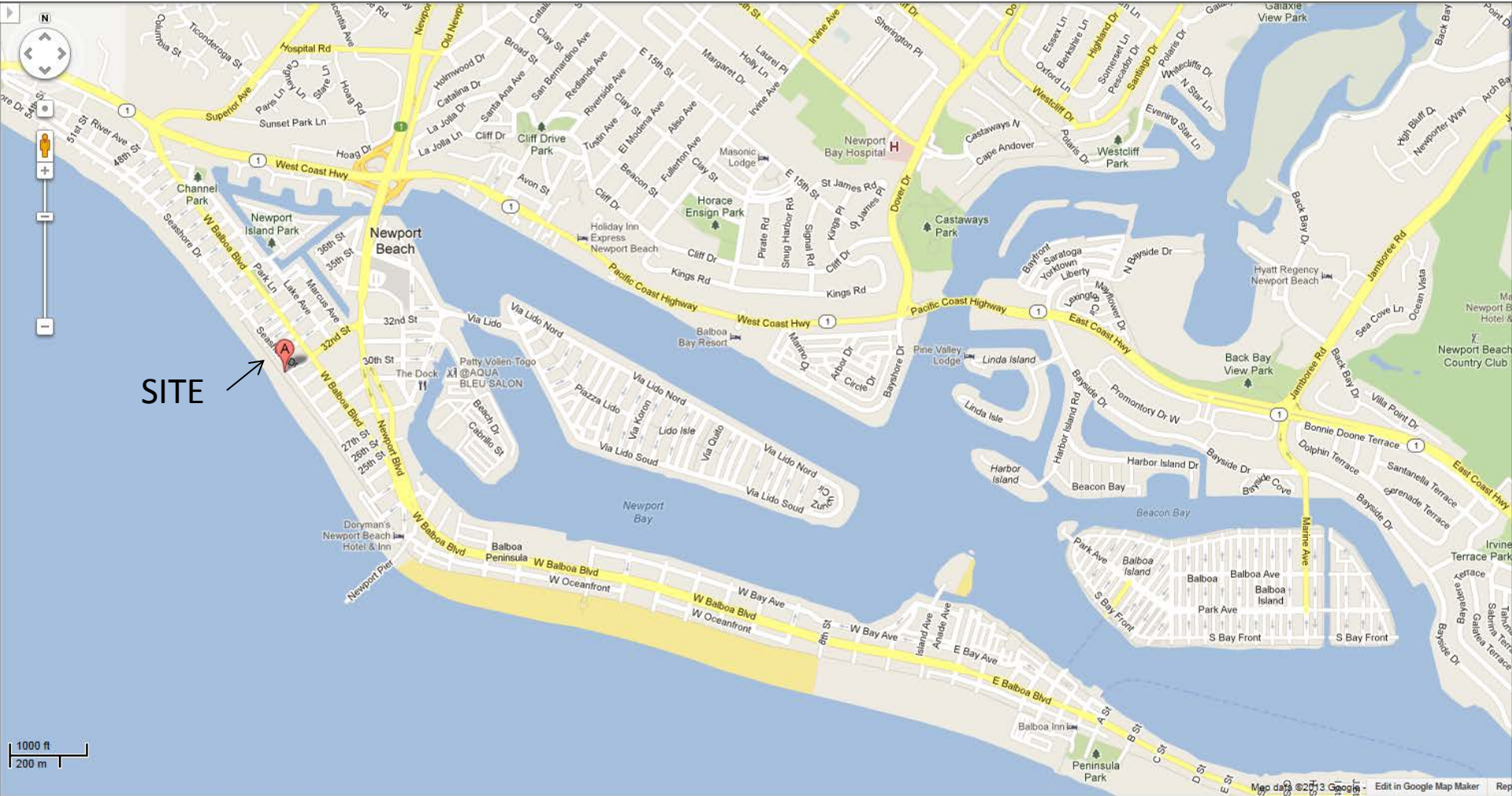
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

APPENDIX A

Substantive File Documents: City of Newport Beach Approval-in-Concept No. 2012-052, dated November 15, 2012; Coastal Development Permit Application File No. 5-12-315; Preliminary Geotechnical Investigation, Proposed Single Family Residence, 3200 West Oceanfront, Newport Beach, California, dated October 2, 2012, prepared by Geofirm, Laguna Beach, CA; Coastal Hazard & Wave Run-up Study, 3200 West Oceanfront, Newport Beach, dated November 14, 2012, Prepared for Mr. & Mrs. Rogers, by GeoSoils, Inc., Carlsbad, CA; City of Newport Beach Certified Land Use Plan; Lot Merger No. LM2012-001 (PA2012-117) for the parcels at 3200 West Oceanfront and 105 32nd Street, Newport Beach.

Vicinity Map – 3200 West Oceanfront, Newport Beach

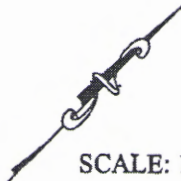


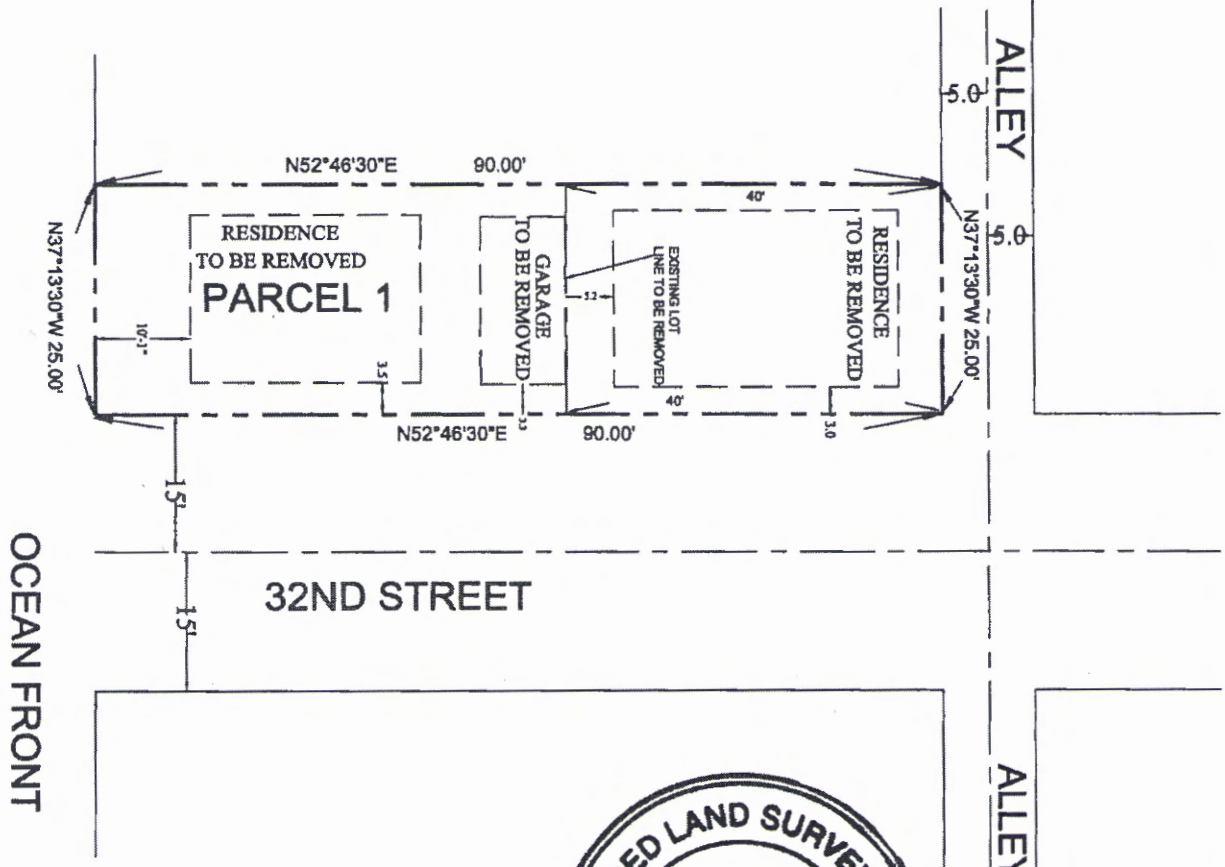






CDP #5-12-315 – Exhibit #2

EXHIBIT "C"
CITY OF NEWPORT BEACH
LOT MERGER NO. LM _____
(SITE PLAN)

OWNER	EXISTING PARCEL AP NUMBERS	PROPOSED PARCEL REFERENCE NUMBERS
STEVEN ROGERS PAMELA ROGERS	423-343-19 423-343-20	PARCEL 1


 SCALE: 1"=20'



- LEGEND:**
-  PROPOSED PARCEL LINE
 -  LOT LINE TO BE REMOVED
 -  CENTER LINE STREET
 -  EXISTING LOTS LINES TO REMAIN



PREPARED BY: _____
 RON MIEDEMA L.S. 4653
 REGISTRATION EXPIRES: 9-13-2013
 DATE: 8-25-2012.

EXHIBIT No. 3

Application Number:
5-12-315

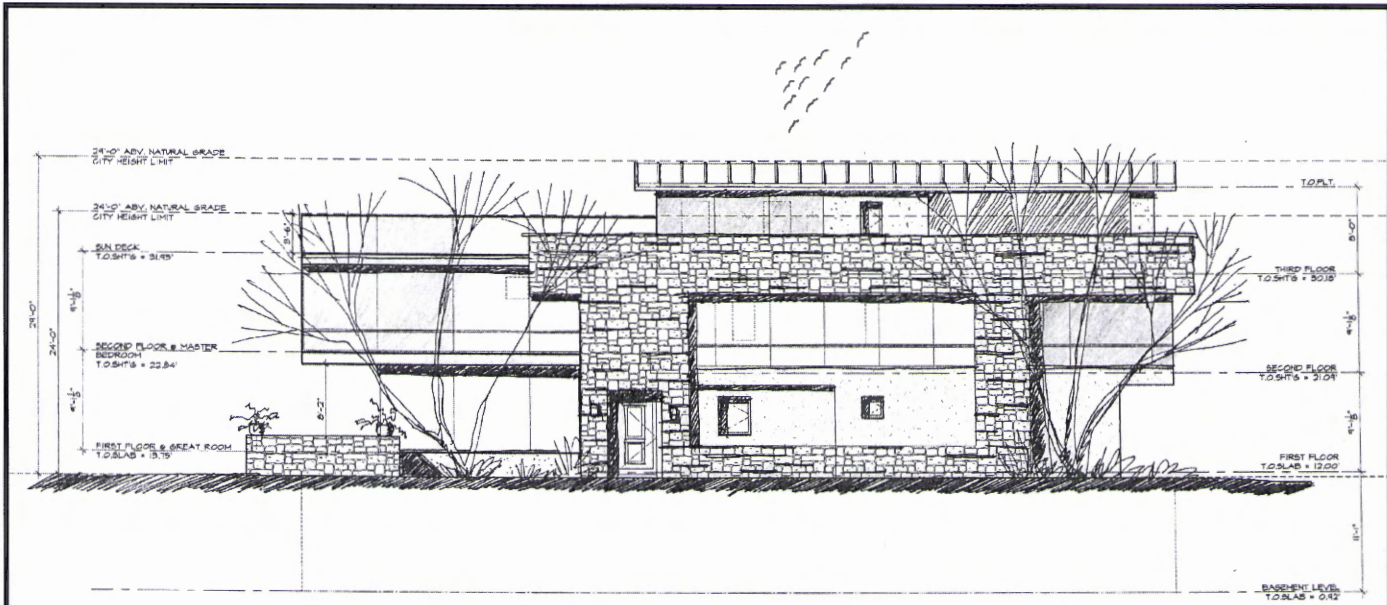
 California Coastal Commission



EXHIBIT No. 4
Application Number:
5-12-315
 California Coastal
Commission



EXHIBIT No. 5
Application Number:
5-12-315
 California Coastal
Commission

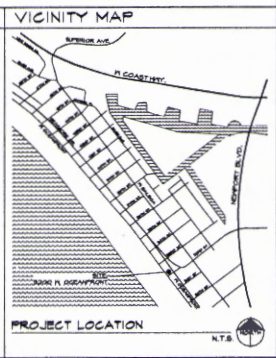


LEGAL OWNER	
STEVE & PAMELA ROGERS 34 BALBOA COVES NEWPORT BEACH, CA 92663 CONTACT: BRION JEANNETTE ARCHITECTURE (444) 643-5854	
LEGAL DESCRIPTION	
PROJECT ID:	LOT 1 BLOCK B2
A.P. NUMBER:	423-848-20
AREA:	NB2 NEWPORT BEACH
CITY:	NEWPORT BEACH
COUNTY:	ORANGE
SCOPE OF WORK	
DEMOLISH (2) EXISTING 2-STORY SINGLE FAMILY RESIDENCES AND CONSTRUCT A NEW (1) 3-STORY SINGLE FAMILY RESIDENCE IV ATTACHED 2-CAR GARAGE, SUBTERRANEAN BASEMENT & ROOF DECK	
NOTE: BRION S. JEANNETTE IS THE D.P.I.R.C. - THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE SHALL BE RESPONSIBLE FOR REVIEWING AND COORDINATING SUBMITTAL DOCUMENTS PREPARED BY OTHERS, INCLUDING PHASED AND DEFERRED SUBMITTAL ITEMS, FOR COMPATIBILITY WITH THE DESIGN OF THE BUILDING. DO NOT SCALE DRAWINGS.	

CONSULTANTS	
GEOTECHNICAL: SOFFERS 807 ALLENBYNE ST. SUITE P LAJANA BEACH, CA 92659 (444) 444-9333	
SURVEYOR(S)/I: RDH SURVEYING INC. 2018 LAKE FOREST DRIVE RA 404 LAJANA HILLS, CA 92659 (444) 898-7054	

DESIGN DATA	
CITY:	NEWPORT BEACH
ZONE:	R-1
CODES:	2010 CBC, 2010 CBC, 2010 CPC 2010 CBC, 2010 CMC, 2008 BUILDING ENERGY EFFICIENCY STANDARDS (BEES) 2012 CAL GREEN BUILDING STANDARDS
USE:	SFD
CONSTRUCTION TYPE:	VB (SPRINKLERED)
OCCUPANCY:	R-3/U
SETBACKS:	
FRONT:	5'-0"
REAR:	5'-0"
SIDE:	5'-0"
MINIMUM HEIGHT:	24'-0"
SQUARE FOOTAGE CALCS.	
LOT SIZE:	3282 S.F.
BUILDABLE AREA:	1920 S.F.
MAX. BUILDING AREA (DX PARK):	8,040 S.F.
BASEMENT:	1,432 S.F.
FIRST FLOOR:	843 S.F.
SECOND FLOOR:	1,484 S.F.
THIRD FLOOR:	281 S.F.
TOTAL LIVABLE:	2911 S.F.
GARAGE:	587 S.F.
MECHANICAL:	0 S.F.
TOTAL STRUCTURE:	2,444 S.F.
TOTAL DESIGN:	130 S.F.

SHEET INDEX	
T-1	TITLE SHEET & INFORMATION
A-1	SITE PLAN
A-2	BASEMENT & FIRST FLOOR PLAN
A-3	SECOND & THIRD FLOOR PLAN
A-4	EXTERIOR ELEVATIONS
A-5	EXTERIOR ELEVATIONS
A-6	BUILDING SECTIONS
A-7	BUILDING SECTIONS
A-8	ROOF PLAN & FOUNDATION PLAN
G-1	DRAINAGE BRADINS, EROSION CONTROL PLAN
G-2	ORIENTATION DETAILS
TS-1	TOPOGRAPHIC SURVEY
L-1	PRELIMINARY LANDSCAPE PLAN



**ROGERS RESIDENCE
3200 N. OCEANFRONT
NEWPORT BEACH, CA**

Brion Jeannette Architecture
11150 NE 15th Street, Suite 100, Newport Beach, CA 92659
(444) 643-5854

TITLE SHEET & INFORMATION

Date: _____
 Revision: _____
 Revision: _____
 Revision: _____
 Revision: _____
 Revision: _____
 Job No: 12-099

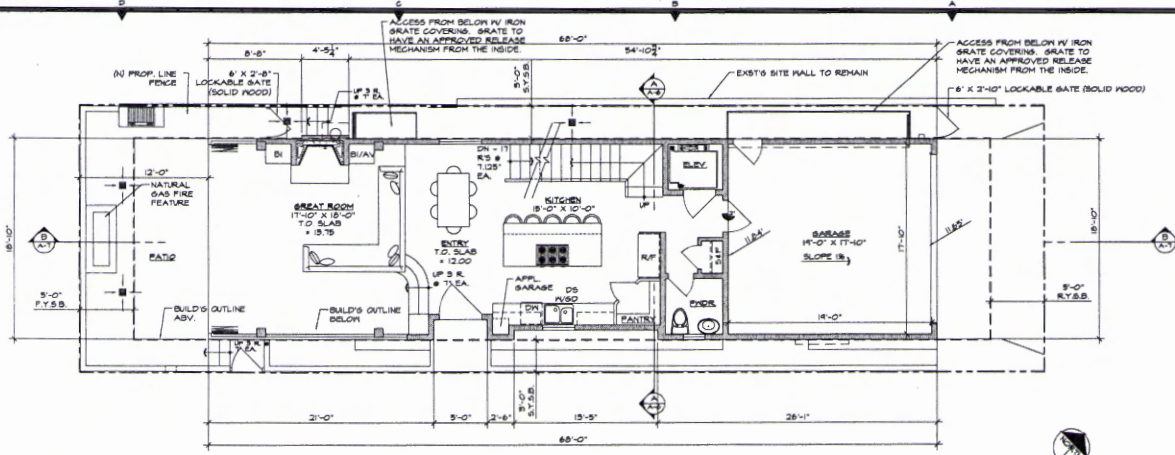
EXEMPT ARCHITECT
 C8012
 REN. 4/03
 STATE OF CALIFORNIA

T-1

EXHIBIT No. 6

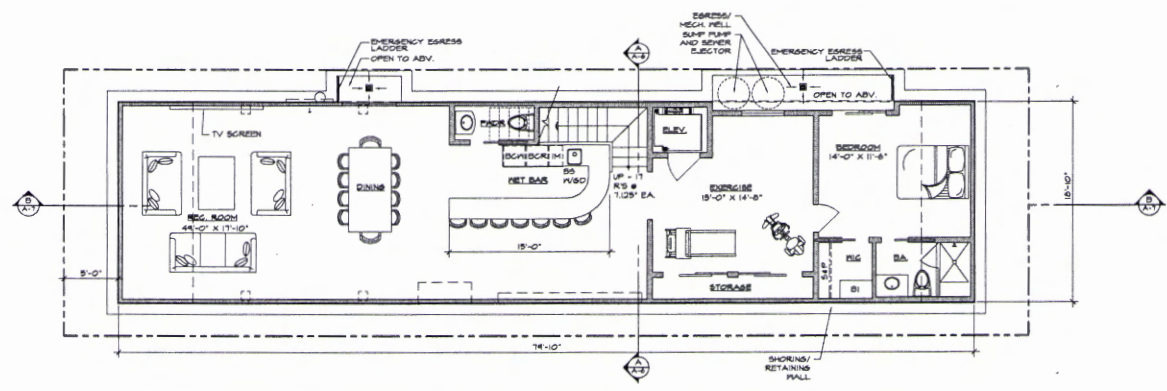
Application Number:
5-12-315

California Coastal
 Commission



FIRST FLOOR PLAN

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



BASEMENT FLOOR PLAN

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

ROGERS RESIDENCE
3200 N. OCEANFRONT
NEWPORT BEACH, CA

Biron Jeannotte Architecture
11000 Newport Blvd., Suite 100
Newport Beach, CA 92658
Tel: 949.440.1100

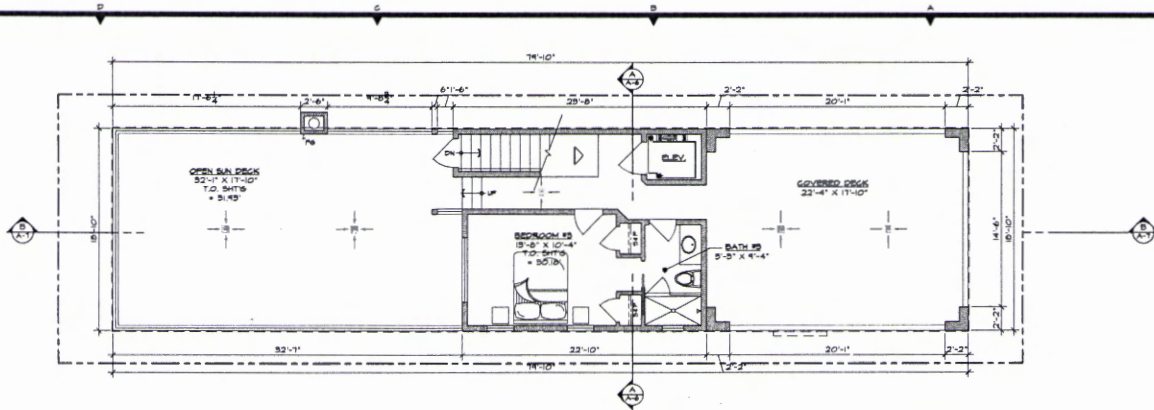
FLOOR PLANS

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No:	12-055



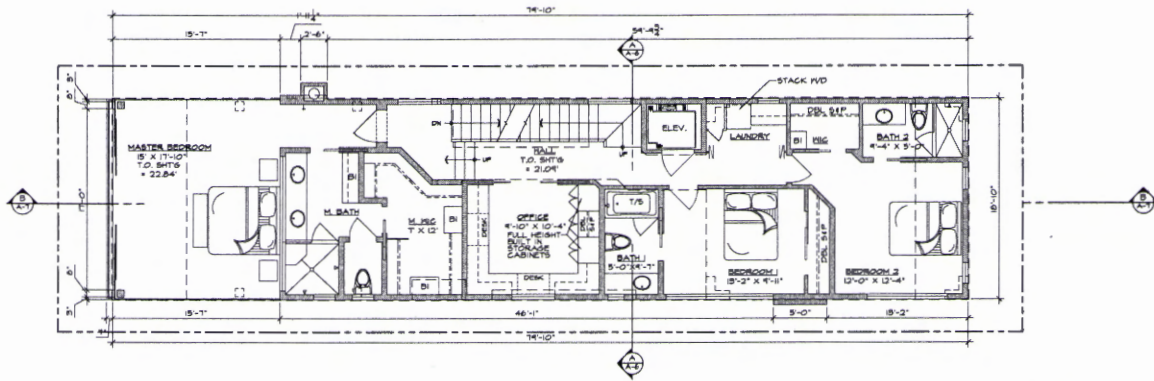
A-2

EXHIBIT No. 7A
 Application Number:
5-12-315
 California Coastal
 Commission



THIRD FLOOR PLAN/ROOF DECK

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



SECOND FLOOR PLAN

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

ROGERS RESIDENCE
3200 N. OCEANFRONT
NEWPORT BEACH, CA

Bilon Jeannelle Architecture
ARCHITECTS

FLOOR PLANS

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No:	12-088



A-3

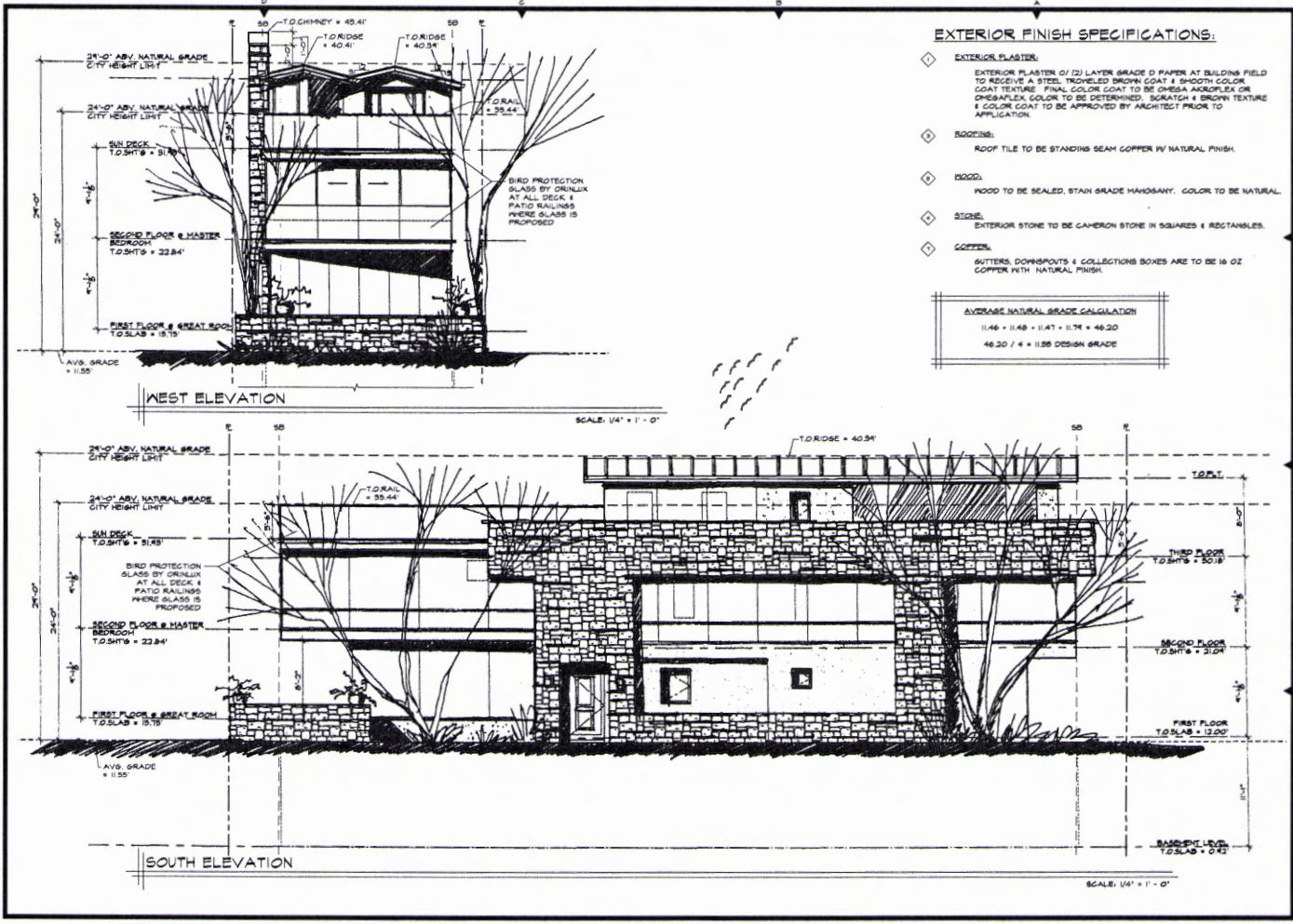
EXHIBIT No. 7B

Application Number:

5-12-315



California Coastal
Commission



EXTERIOR FINISH SPECIFICATIONS:

- ◆ **EXTERIOR PLASTER:**
EXTERIOR PLASTER 01 (2) LAYER GRADE D PAPER AT BUILDING FIELD TO RECEIVE A STEEL TROWELED BROWN COAT & SMOOTH COLOR COAT TEXTURE. FINAL COLOR COAT TO BE OMEGA AEROFLEX OR OMEGA FLEX. COLOR TO BE DETERMINED. SCRATCH & BROWN TEXTURE & COLOR COAT TO BE APPROVED BY ARCHITECT PRIOR TO APPLICATION.
- ◆ **ROOFING:**
ROOF TILE TO BE STANDING SEAM COPPER IV NATURAL FINISH.
- ◆ **WOOD:**
WOOD TO BE SEALED STAIN GRADE HANDBRANT. COLOR TO BE NATURAL.
- ◆ **STONE:**
EXTERIOR STONE TO BE CAMERON STONE IN SQUARES & RECTANGLES.
- ◆ **COPPER:**
GUTTERS, DOWNSPOUTS & COLLECTION BOXES ARE TO BE 16 OZ COPPER WITH NATURAL FINISH.

AVERAGE NATURAL GRADE CALCULATION	
11.46	+ 11.48
+ 11.47	+ 11.74
46.20	
46.20 / 4 = 11.55 DESIGN GRADE	

BOGERS RESIDENCE
300 W. CENEFONT
NEWPORT BEACH, CA

Brian Jeannelle Architecture
 1100 BROADWAY, SUITE 1000, NEWPORT BEACH, CA 92660
 TEL: 949.440.1100 FAX: 949.440.1101

EXTERIOR ELEVATIONS

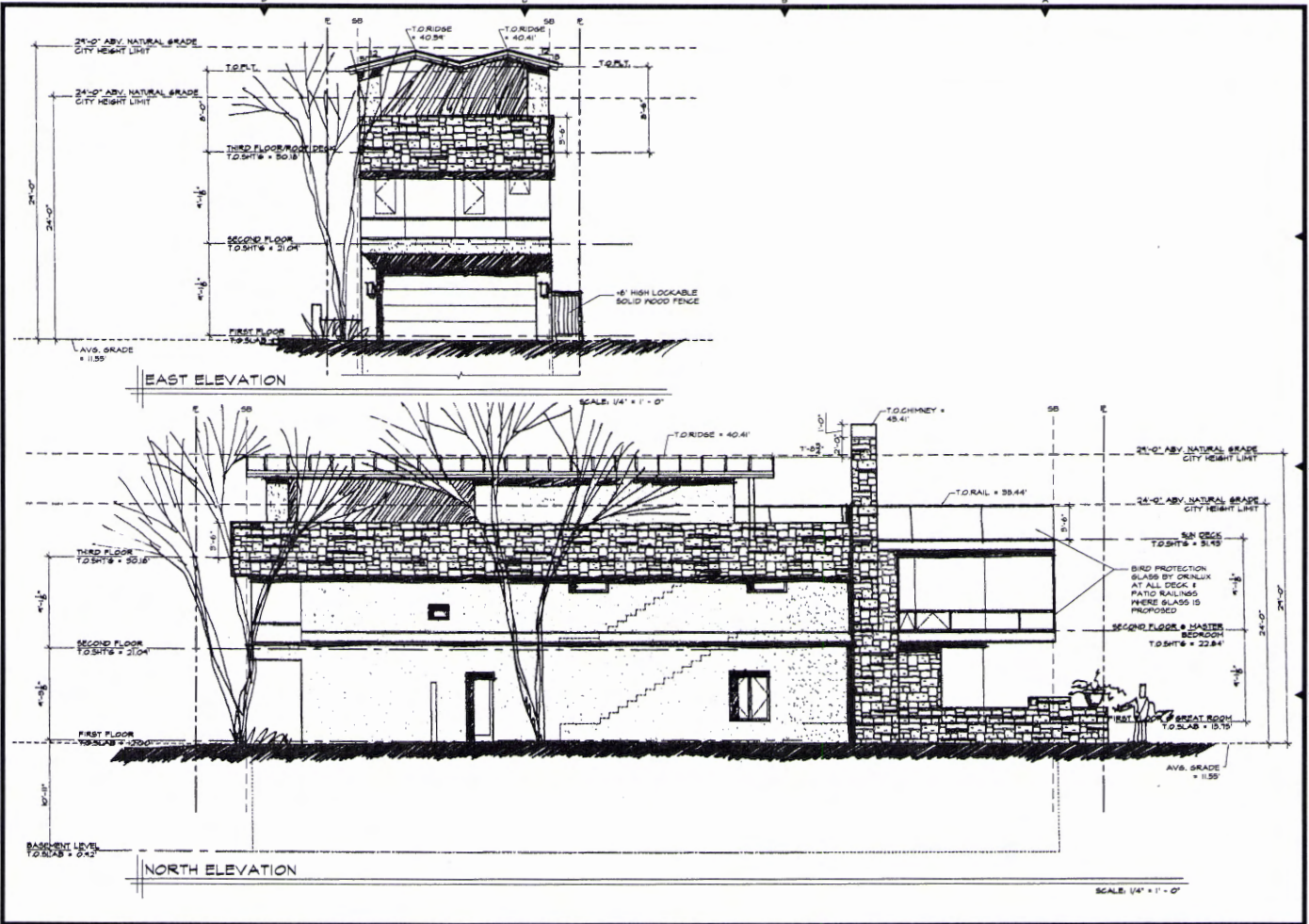
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Revision:	
Revision:	
Revision:	
Revision:	
Revision:	

Job No: 12-095

A-4

EXHIBIT No. 8A
 Application Number:
5-12-315

California Coastal
 Commission



ROGERS RESIDENCE
 3200 N. OCEANFRONT
 NEWPORT BEACH, CA

Brian Jeannette Architecture
 ARCHITECT/DESIGNER
 11000 BAYVIEW BLVD., SUITE 100
 NEWPORT BEACH, CA 92660

EXTERIOR ELEVATIONS

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	

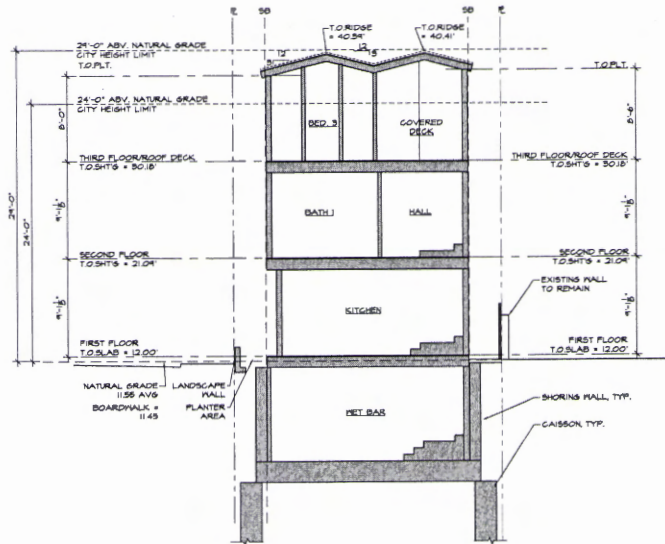
JOB No. 13-055



A-5

EXHIBIT No. 8B
 Application Number:
5-12-315

California Coastal Commission



BUILDING SECTION A

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

ROGERS RESIDENCE
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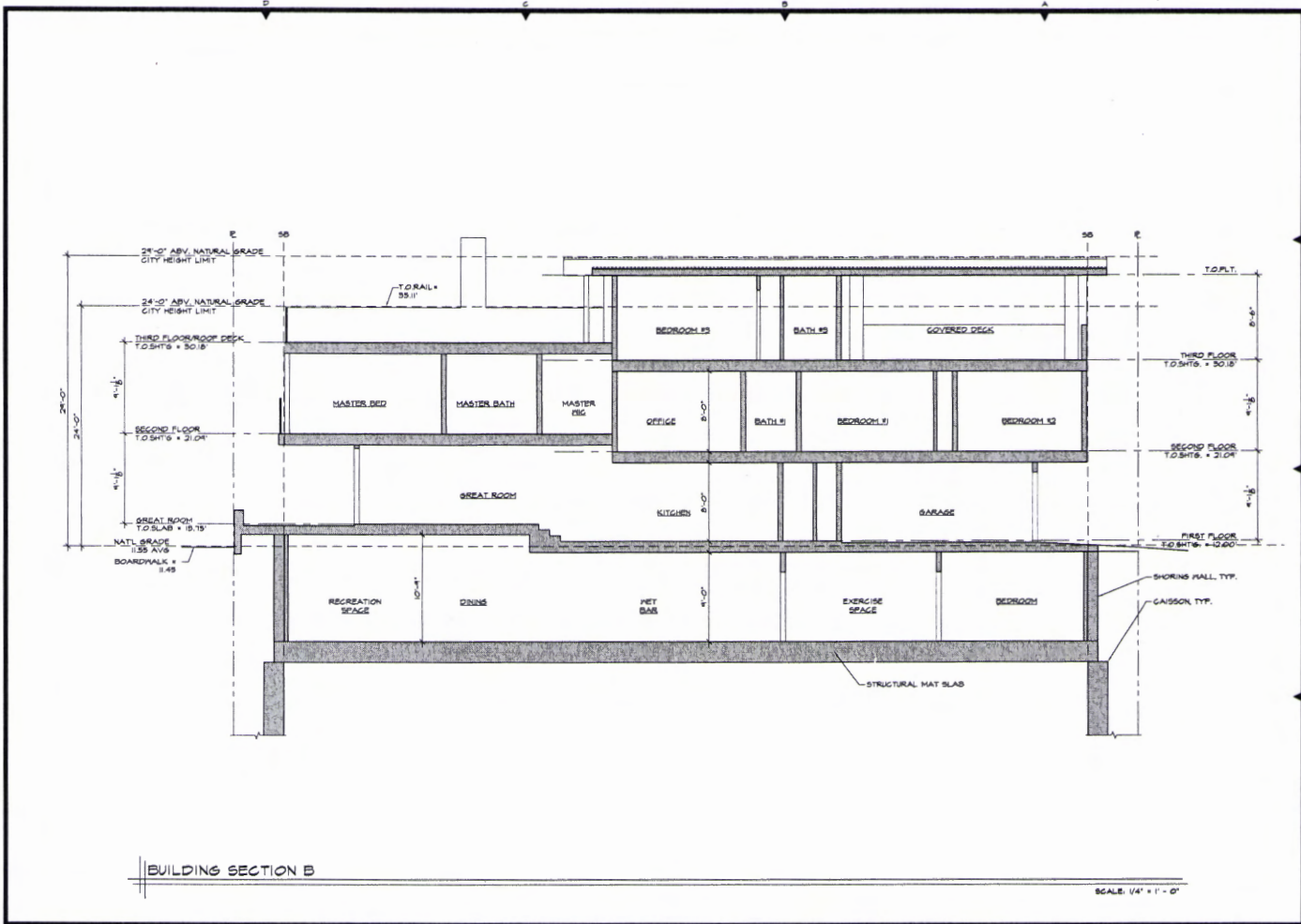
BUILDING SECTIONS

Date
Revision
Revision
Revision
Revision
Revision
Job No. 12-029



A-6

EXHIBIT No. 9A
 Application Number:
5-12-315
 California Coastal
 Commission



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3200 N. OCEANFRONT
NEWPORT BEACH, CA

Biron Jeannelle Architecture
4180 Newport Blvd., Suite 100
Newport Beach, CA 92660
Tel: 949.441.1111

BUILDING SECTIONS

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No. 12-099	



A-7

EXHIBIT No. 9B
Application Number:
5-12-315
California Coastal Commission