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

W21a

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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-14-1901**
Applicants:	**7 Harbor LLC, a Colorado Limited Liability Company**
Agent:	Christopher Brandon, Architect
Project Location:	7 Harbor Island, Newport Beach, Orange County
Project Description:	Demolition of a 4,500 square foot single-family residence with an attached garage and construction of a new 7,549 square foot, three-story, single-family residence with an attached 959 square foot three-car garage on a bayfront lot.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff is recommending **APPROVAL** of the demolition of an existing single-family residence with an attached garage and construction of a new single-family residence with an attached garage on a bayfront lot in the City of Newport Beach. The major issues raised by this proposed development concern bayfront development that could be affected by waves, erosion, storm conditions, and sea level rise or other natural hazards in the future.

The subject site is a bayfronting lot with an existing 3.5 foot tall retaining wall located bayward of the proposed residence on public tidelands that is subject to coastal hazards. A coastal hazards analysis was completed that concludes, given the project's location inside a bay, that the subject site is not exposed to typical ocean waves or wave run-up and that the existing bay beach is stabilized and not subject to significant long term erosion. Regarding sea level rise, the analysis concludes that no new shoreline protective device will be needed over the life of the proposed development and the existing single-family residence is not dependent on the existing 3.5 foot tall retaining wall which performs similarly to a bulkhead/seawall/shoreline protective device because it, too, deflects wave and tidal forces which effectively alters natural shoreline processes. Based on field observations, this wall appears to be built on shallow footings and lacks important elements of a modern harbor bulkhead such as deepened sheet-piles that typically extend to bedrock and tie-backs (for the sake of simplicity this retaining wall is referred to as the seawall/bulkhead elsewhere in the report).

The plans for the proposed project show the top of the slab/finished floor elevation of the residence will be at two different elevations, 11.58-feet (inland side/northern half of residence) and 13.41-feet (harborside/southern half of residence). Also, the top of the concrete footings surrounding the top of slab/finished floor will be at an elevation of 13.41-feet consistent with the highest floor elevation. The project has been designed to be above the highest high tide of 7.8 feet and above the City of Newport Beach design flood height of +9.0 feet MLLW. The project elevation would protect it from current flood risks as well as from projected future flood risk, based on a possible 3-foot rise in sea level. However, if sea level rises higher, such as to 5.5 feet (which is at the upper range of the sea level rise projections for 2100, as provided by the 2012 National Research Council's report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future) the project would be at risk from flooding in the future.

The applicant's Hazards Analysis notes that the top of the seawall can be raised to protect the development from future sea level. However, the seawall is currently located seaward of the applicant's property, on public trust tidelands, which is not a preferred alignment. Also seawalls contribute to the destruction of sites through impacts to marine habitats and regional sediment dynamics. Further, seawalls adversely impact public access and recreation. In the near-term, the State Lands Commission, through its tidelands grantee the County of Orange, which thereby acts as the trustee of the granted tidelands, has entered into a 49-year lease (through 2037) giving the applicant exclusive use of an approximate 30-foot wide area of filled and reclaimed former tidelands seaward of their property for landscaping and non-permanent recreational improvements, such as patios, walks, dock access walks, and garden walls not exceeding 36 inches in height above natural grade. Over the long-term, these tidelands must be protected for public trust allowed uses, such as public recreational piers, visitor-serving facilities and boating facilities. To ensure that the proposed new development does not contribute to the destruction of the site or the surrounding area and is consistent with Section 30253 and the public access and recreation and marine resource protection policies of the Coastal Act, the Commission imposes **Special Condition No. 1** requiring the applicants to agree that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this CDP, including but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural hazards in the future.

The proposed project is located in an area where coastal hazards exist and can adversely impact the development. Therefore, the Commission imposes **Special Condition No. 2**, requiring the applicant to assume the risk for the development.

Any potential changes to the proposed project may result in adverse impacts to coastal processes. To ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, the Commission imposes **Special Condition No. 3**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-14-1901 or a new coastal development permit.

During construction and post construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, as a result, several special conditions have been imposed in order to minimize any impacts to water quality and marine resources the proposed project may result in: **Special Condition No. 4** outlines construction-related

requirements to provide for the safe storage of construction materials and the safe disposal of construction debris; **Special Condition No. 5** requires the applicant to conform with the submitted drainage and runoff control plan and to adequately maintain it throughout the life of the proposed development; and **Special Condition No. 6** imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

To address potential impacts due to bird strikes with glass railing, the applicants have proposed to etch the glass railing; however; no plans have been submitted showing this proposal. Therefore in order to minimize adverse impacts to birds, the Commission imposes **Special Condition No. 7**, which requires the applicant to submit revised project plans that identify the location, design, height and materials of glass railings, fences, screen walls and gates and what materials will be used in conjunction with them to minimize bird-strikes.

Public tidelands are located bayward of the project site. The proposed project does not involve any development on public tidelands. As conditioned, the proposed development will not impact public access to or along the public tidelands. To preserve and maintain access to the public tidelands, **Special Condition No. 8** is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property. The filled public tidelands seaward of the applicant's property presently contains landscaping, hardscape walkways and planters, the 3.5 foot tall retaining wall/seawall and, in the submerged tidelands, a dock system. The provenance of these features is unknown (records and photos available to staff at this time are inconclusive) and may or may not have been constructed prior to Proposition 20 and the Coastal Act. In order to ensure clarity on the scope of the Commission's approval in this case, **Special Condition No. 9** is recommended which would require the applicant to mark each set of final plans to indicate "these elements not permitted by coastal development permit 5-14-1901" .

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 10**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property.

As conditioned, the proposed project will conform with Coastal Act Policy Sections 30253, 30230, 30231, 30232, 30212, and 30252 of the Coastal Act.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Coastal Land Use Plan (CLUP) and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Coastal Land Use Plan may be used for guidance.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-14-1901 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit 5-14-1901 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 will 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 permittees 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 permittees to bind all future owners and

possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. No Future Shoreline Protective Device and Future Removal of Development.

A. By acceptance of this permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no existing shoreline protective device(s) shall be maintained or expanded and no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-1901 including, but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowners shall remove and/or relocate, in whole or in part, the development authorized by this permit, including the residence and garage, foundations, patio and any future improvements, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above, in subsection A. of this condition. In the event that portions of the development fall to the bay before they are removed, the landowner shall remove all recoverable debris associated with the development from the bay and lawfully dispose of the material in an approved disposal site. Removal of any development from the subject property and from areas bayward of the subject property, shall require an amendment to this coastal development permit or a new coastal development permit, if legally required.

2. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-14-1901. 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. 5-14-1901. Accordingly, any future improvements to the residence and garage, foundations and patio authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of

Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-14-1901 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. The permittees shall comply with the following construction-related requirements:

A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;

C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;

D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;

J. The discharge of any hazardous materials into any receiving waters shall be prohibited;

K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

5. Conformance with the Drainage and Runoff Control Plan. The applicant shall conform with the Grading Plan/Drainage Runoff Plan prepared by Toal Engineering, Inc. dated April 2, 2015 showing roof top and surface drainage directed to a trench drain and bottomless trench drain. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Landscaping-Drought Tolerant, Non-Invasive Plants. Vegetated landscaped areas shall only consist of native plants (preferably native to Orange County and appropriate to the habitat type) or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf). If potable water is used for irrigation only drip or micro spray irrigation systems may be used. Other water conservation measures shall also be considered, such as use of weather based irrigation controllers.

7. Bird Strike Prevention. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**,** the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of revised project plans showing the location, design, height and materials of glass railings, fences, screen walls and gates. Said plans shall reflect the requirements of this special condition. Bayfront glass railings, screen walls, fences and gates subject to this permit shall use materials designed to minimize bird-strikes with the railing, screen wall, fence, or gate. Such materials may consist, all or in part, of wood; metal; 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 an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and transparency is also used. Any coating or shall be installed to provide coverage consistent with manufacturer specifications and the recommendations of the Executive Director. All materials and coatings 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.

The applicant 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. Public Rights. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

9. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of final site plans, building plans and grading plans that substantially conform with the project plans by Brandon Architects Inc. dated 12/1/14, and the precise grading plan by Toal Engineering dated 4/2/2015 but shall be revised to include the following:

The plans shall fully depict all existing development on the public tidelands area seaward of the applicants adjudicated bayfront private property line and between the projection of the applicant's side property lines as generally depicted on Exhibit #2, page 1 and Exhibit #5, page 1, generally comprised of landscaping, walkways, a 3.5 foot tall retaining wall/seawall, pier and dock. These features and structures shall be shaded and clearly marked "these elements not permitted by coastal development permit 5-14-1901" on each set of plans;

The applicant 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 to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

10. 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 landowners 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 project site is a bayfront lot located at 7 Harbor Island, a private gated island community within Newport Harbor, in the City of Newport Beach, Orange County (**Exhibit No. 1**). Currently a 4,500 square foot single-family residence with an attached garage occupies the project site. The lot size is 55 feet wide by 165.12 feet long (9,082 square feet). The City of Newport Beach Coastal Land Use Plan (CLUP) designates the site as Single-Unit Residential Detached (RSD-B) and the proposed project adheres to this designation. The project is located in an urbanized area of the bay. To the south of the project site is a residential street, to the east

and west of the project site are similar single-family residences, to the north (harborside) of the project site is an area of filled tidelands followed by the bay.

The harborside boundary line of this parcel separates private property from public tidelands. That line is an adjudicated one established through a judgment rendered in Orange County Superior Court Case No. 23690 which was recorded 7/12/28 in book 181 page 162 of the County's official records. Harbor Island is surrounded by a strip of filled reclaimed public tidelands approximately 30 feet wide. A 55 foot long segment of this 30-foot wide strip is located north of the adjudicated boundary line. Further north of the upland tidelands are the submerged tidelands of Newport Bay. These tidelands are part of a legislative trust grant to Orange County (Chapter 526, Statutes of 1919, later amended by Chapter 415, Statutes of 1975) which presently manages them. As a result of special legislation (Chapter 715, Statutes of 1984), the County of Orange has entered into 49-year leases (through 2037) with the landowners on Harbor Island that give each landowner exclusive use of the 30-foot wide area of filled tidelands seaward of their properties for landscaping and non-permanent recreational purposes. At this site there's existing development consisting of landscaping, hardscape walkways and planters, a 3.5 foot tall retaining wall/seawall and, in the submerged tidelands, a dock system. The applicant is not proposing any change to the existing development in the public tidelands.

The applicant proposes to demolish the existing 4,500 square foot single family residence and garage and to construct a three-story, approximately 29-foot high, 7,549 square foot, single-family residence with an attached 959 square foot three-car garage (**Exhibits No. 1-5**). The foundation will consist of footings and slab on grade. The plans for the proposed project show the top of the slab/finished floor elevation of the residence will be at two different elevations, 11.58-feet (inland side/northern half of residence) and 13.41-feet (harborside/southern half of residence). Also, the top of the concrete footings surrounding the top of slab/finished floor will be at an elevation of 13.41-feet consistent with the highest floor elevation. The project has been designed to be above the highest high tide of 7.8 feet and above the City of Newport Beach design flood height of +9.0 feet MLLW. The project also includes hardscape and landscape work along the side yards and the rear yard up to the adjudicated boundary line. No work in the public tidelands is proposed. Grading will consist of 715 cubic yards of cut and export to a location outside of the Coastal Zone and 375 cubic yards of recompaction.

B. HAZARDS

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

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) 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 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve

coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and requires that new development shall not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require construction of protective devices that substantially alter natural landforms along bluffs and cliffs.

The subject site is a bayfronting lot with a 3.5 foot tall wall located bayward of the proposed residence on public tidelands. The existing 3.5 foot tall wall performs similarly to a seawall because it, too, deflects wave and tidal forces in the bay which effectively alters natural shoreline processes. The top of wall elevation on this structure ranges from 10.16 feet to 10.21 feet. Based on field observations, this wall appears to be built on shallow footings and lacks important elements of a modern harbor bulkhead such as deepened sheet-piles that typically extend to bedrock and tie-backs.

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

As noted in the project description, the submitted plans for the proposed project show that the top of slab/finished floor elevation of the residence will be at two different elevations, 11.58 feet (inland side/southern half of residence) and 13.41 feet (seaward side/northern half of residence) (**Exhibit No. 5**). In addition, the top of the concrete footings surrounding the top of slab/finished floor will be at an elevation of 13.41 feet consistent with the highest floor elevation (**Exhibit No. 5**). Thus, the project has been designed with a finished floor elevation that is 3.78 feet to 5.6 feet above the current highest high tide in the area (7.8 feet MLLW). The current design flood elevation in Newport Bay is +9.0 feet MLLW and the finished floor would be 2.58 feet to 4.41 feet above that elevation.

The applicant provided a Hazard Analysis prepared by William Simpson & Associates, Inc. (WSA Job #6883-1) dated February 24, 2015, which addresses potential coastal hazards at the subject site. The analysis states that the highest high tide in this project area is currently 7.8-feet Mean Lower Low Water (MLLW). The analysis concludes that due to its location within a bay, the subject site is not subject to typical ocean waves and the associated wave run-up. In addition, it states that the beach area in front of the wall is stabilized and not subject to significant long term erosion, assuming erosion rates continue at their historic rate. The study concludes that wave run-up and erosion will not significantly impact the property over the proposed life of the development (100 years), but because their analysis used historic erosion rates, as opposed to accelerated erosion rates that may occur due to sea level rise, this conclusion may not be accurate.

Regarding sea level rise, the Hazard Analysis concludes that no new shoreline protective device will be needed over the life of the proposed development and the existing single-family residence is not dependent on the existing wall, provided that the mudline elevation in front of the existing seawall is maintained at its current elevation, approximately 3.3-feet below the top of the seawall (@ 10.19-10.21 feet). The report does not explain the relationship between the mudline elevation and the seawall, nor does it explain what might cause the mudline elevation to change in the future. However, beach nourishment is known to occur in front of bulkheads throughout the harbor from time to time using sand dredged from nearby docks (see CDP 5-06-117 and 5-14-0200) and may be one source of mudline elevation changes at the site. Further, the applicant's report states that given the high amount of projected sea level rise of 5.5-feet by 2100 (NRC Report – National Research Council Report "*Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present and Future*" 2012), and the 7.8-feet MLLW highest high tide in the area, a sea level rise up to an elevation of 13.3-feet may occur and impact the proposed development.

Thus, a 3-foot rise in sea level would result in a flooding height of 10.8 feet MLLW (7.8 feet MLLW + 3 feet = 10.8 feet MLLW), and the residence would still be protected based on the designed floor height of the proposed structure (@11.58-13.41 feet). However, the upper range of sea level rise projections by 2100, based on the 2012 National Research Council Report, is 5.5 feet. If there were to be a 5.5-foot rise, a still water level of 13.3-feet MLLW (7.8-feet + 5.5-feet = 13.3-feet MLLW) would result. The residence might be at risk from small waves generated within the bay, and the residence would have only 1.3 inches of freeboard (the difference between the elevation of the structure and the elevation of the water). Also, much of the landscaping and patio areas could be routinely flooded during most high tide events. At 13.3-feet MLLW, water levels would be higher than the top of the slab/finished floor elevation of 11.58-feet MLLW on the inland side of the house, putting the floor at risk if the concrete footings were overtopped by waves. Therefore, the proposed development may be impacted by hazards related sea level rise if the high amount of sea level rise (5.5 feet by 2100) occurs. The applicant's Hazards Analysis suggests that changes to mudline elevation may also factor into sea level rise hazards, but this statement isn't explained or supported in the analysis.

In considering sea level rise impacts, the Commission has recognized that there can be differences between the conditions that should be used in planning level analysis and those that are used in design decisions. It is important to understand the range of impacts from the highest possible sea level rise conditions; however, it may not be appropriate or possible to design all projects for the worst possible sea level rise projections. Thus, the Commission considers both the initial design, as well as options for adaptation, in cases where future sea level may exceed the amount used in the initial design. In reviewing projects for flood risk and hazards related to sea level rise, the Commission considers both the design elements and the options for adaptation.

In this project, the applicant has proposed a design that accommodates a significant amount of future sea level rise, but less-than-worst-case sea level rise condition. The top of slab/finished floor for a portion of the residence has been designed to be above the still water level that will result from a 3-foot rise in sea level. In addition, the footing walls surrounding the entire residence has been designed to be at an elevation of 13.41-feet, consistent with the highest finished floor elevation for a portion of the residence, and thus resulting in a residence that is designed above a 3-foot high rise in sea level and is not reliant upon a protective device,

including the existing seawall. To further adapt to potential flooding from a higher level of sea level rise, without the need of a protective device, the applicant has proposed to flood proof the foundation. However, even if the foundation is flood-proofed, the freeboard[1] would still be only 1.3 inches, which is well below the typical freeboard of 1 to 2 feet or more. As described further below, given the facts of this project, the Commission is finding that the applicant's proposal is adequate to minimize risk to life and property in areas of high flood hazard, consistent with 30253(a).

The existing seawall/bulkhead is seaward of the project and outside the applicant's property line on public tidelands. The provenance of this wall is presently unknown and may have been built prior to the passage of Proposition 20 and may not have received proper approvals from relevant authorities, or it may have been built after Proposition 20 and may never have received a coastal development permit. A second adaptation option that has been proposed by the applicant in the Hazards Analysis is to raise the top of the seawall (presently at 10.19 to 10.21 feet) to protect the development from future sea level. However, the existing seawall, if unpermitted, should be removed. In such case there would not be an existing wall in the future that could be raised taller. Furthermore, since the wall is on leased public tidelands, the lease provides that only non-permanent recreational improvements are allowed on the leased tidelands and that the tenant shall not use the leased area "for any other purpose nor to engage in or permit any other activity within or from [the leased area]." Since a seawall is not a non-permanent recreational improvement, it would not be allowed in the leased area. As explained further, below, the proposed development cannot rely on the existing seawall (repaired or expanded) or a future seawall to protect the structure. Thus, the applicant's proposal to raise the top of the existing seawall is not a feasible alternative to protecting the proposed development from flood hazards.

Section 30253 of the Coastal Act states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard and states that new development shall not contribute to the 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. Should the proposed new development require the construction of a seawall in the future such seawall would contribute to the destruction of the surrounding area, inconsistent with section 30253(b) of the Coastal Act. For example, the construction of a seawall would lead to significant erosion/destruction of beach area in front of the seawall. Current aerial images of the harbor provide evidence of such erosion on sites near to the subject site. In the following image there is a beach at 4 Harbor Island, which has no apparent seawall. Whereas, the site at #1 Harbor Island clearly has a seawall but little to no beach. Such effects will become more pronounced with sea level rise.

[1] "Freeboard" in this case generally means the distance between the waterline and the upper edge of the foundation

The effects of this destruction on biological resources, and public access and recreation are discussed in those sections of this staff report.

The Hazard Analysis states that if sea level rises the amount predicted by the upper end of the National Research Council's 2012 report, "obviously, the entire Newport Bay area would be affected […] and regional efforts to mitigate the potential flooding hazard shall be taken." This statement highlights the importance of planning ahead for possible sea level rise, notifying future property owners of potential hazards, understanding the impacts of adaptation options on coastal resources, and planning regionally. Efforts should be taken by the City of Newport Beach and County of Orange, including in their capacity as Trustees of public tidelands in Newport Harbor, to create such a regional adaptation plan.

The proposed project is the feasible alternative that will avoid impacts to the surrounding area and erosion rates because it will not require the construction of a shoreline protective device for the life of the development as concluded by the Applicant's Hazard Analysis prepared by William Simpson & Associates, Inc. Therefore, to ensure that the proposed new development does not contribute to the destruction of the surrounding area nor contribute significantly to erosion throughout the life of the development that is approved under this permit, thereby enabling the Commission to find that the proposed project is consistent with Section 30253 of the Coastal Act, he Commission imposes **Special Condition No. 1** requiring the applicants to agree that no existing shoreline protective device(s) shall be maintained or expanded and no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this CDP, including but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural hazards in the future. Special Condition No. 1 also requires that the landowner remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to the hazards identified above. The landowner must also remove any recoverable debris associated with the development that should fall into bay waters before they are removed.

Although no shoreline protection is necessary, the proposed development is located in an area where coastal hazards exist and can adversely impact the development. Therefore, the Commission imposes **Special Condition No. 2**, which requires the applicant to assume the risk of development.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated and potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, the Commission imposes **Special Condition No. 3**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-14-1901 or a new coastal development permit.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

C. PUBLIC ACCESS & RECREATION

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former

structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30224 states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Effects of Seawalls

Seawalls are known to interrupt normal processes of erosion and sediment transport, which can lead to regional sediment starvation in beaches, inconsistent with Coastal Act policies protecting access and recreation. In addition, shoreline protection is placed on waterfront areas that are protected for public access and recreational uses. In this case, part of the site is public trust tidelands. The adjudicated boundary line lies within the existing garden on the seaward side of the proposed residence and the existing seawall is located on public trust land. Public trust lands must be protected for public trust allowed uses, such as public recreational piers, visitor-serving facilities, and boating facilities. The tidelands in Newport Harbor were granted by legislation to the County of Orange and City of Newport Beach. Public trust doctrine traditionally describe navigation, commerce and fisheries as the acceptable uses within public tidelands, but these uses have been broadened to include the right of the public to fish, hunt, bathe, swim; boating and general recreation; preservation; scientific study; use as open space; and the right of the public to use the bottom of the navigable waters for anchoring, walking, or standing. The grant to the County further limits these uses, stipulating that the tidelands at the project site can only be used for purposes of general statewide interest, including the operation of docks and similar structures, recreational facilities, preservation of nature for scientific study, open space, and wildlife habitat. Coastal Act Sections 30220, 30221, 30222 and 30224 require that coastal areas suited for water-oriented recreational activities be protected for such uses; that oceanfront land suitable for recreational use be protected for such uses; that visitor-serving commercial recreational facilities shall have priority over private residential uses on private lands; and that recreational boating be encouraged by limiting non-water dependent land uses that congest access corridors and preclude boat support facilities. Further Coastal Act Sections 30210 through 30212 require maximum public access and recreational opportunities to be provided. The project site, including the public trust lands, are coastal areas suitable for boating and other water-oriented recreation activities.

When seawalls/bulkheads are constructed along the shores of Newport Bay they have a generally consistent design that involves placing a vertical sheetpile, embedded in bedrock, parallel to the shoreline. To provide lateral support tie backs are affixed to the wall, extending landward, that are embedded in soil or a large block of concrete known as a ‘deadman’ behind the wall. As described in the ‘Hazards’ portion of these findings, such walls lead to erosion of the soils and beach in front of the seawall.

Where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the bay and the upland. On an eroding shoreline, a beach will exist between the shoreline or waterline as long as sand is available to form a beach. As erosion proceeds, the profile of the beach also retreats and the beach area migrates inland. This process stops, however, when the backshore is fronted by a hard protective structure such as a seawall/bulkhead. While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armor.

In addition, sea level has been rising for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that an increase in sea level can be

expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise by as much as 5.5 feet by the year 2100). Mean sea level affects shoreline erosion in several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast the effect of a rise in sea level will be the landward migration of the intersection of the ocean/bay with the shore, leading to a faster loss of the beach as the beach is squeezed between the landward migrating ocean and the fixed backshore.

Maintaining or expanding the existing wall or placement of a new seawall to protect the proposed residence would preclude the future public use of the area as it becomes available upon expiration of the lease, including the public trust lands, for recreational uses. Even a wall located further landward will eventually stop the inland migration of beach, that with rising sea level, will become submerged, which puts limitations on the usefulness of the area for standing and walking along the shoreline. Thus, a future seawall at the site would be inconsistent with public access and recreation policies of the Coastal Act, including Sections 30210 through 30212 and 30220 , 30221, 30222 and 30224. Therefore, the proposed project is the feasible alternative that will avoid future impacts to public access because it has been designed in a manner that will not require shoreline protection. To ensure that future impacts to public access resources identified above are avoided throughout the life of the development that is approved under this permit, thereby enabling the Commission to find the development consistent with the public access and recreation policies of the Coastal Act, noted above, the Commission imposes **Special Condition No. 1**, which prohibits the construction of any shoreline protective device to protect the development authorized by this coastal development permit.

Parking

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby…

Section 30252 of the Coastal Act states, in relevant 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…

Section 30210 of the Coastal Act requires that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where adequate access exists nearby. Section 30252 of the Coastal Act requires that public access to the coast be maintained and enhanced by supplying adequate parking to support new development.

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 three parking spaces located in an attached garage. Therefore, as currently designed, the development provides adequate parking.

Harbor Island is a private community within Newport Bay. No public pedestrian or vehicle access presently exists to Harbor Island. The nearest public access is located along a beach in the Beacon Bay community located on the landward side of the bridge leading to the island. There is also a public walkway that surrounds Balboa Island, approximately ¼ mile southeast of the project site and public beaches approximately ½ mile south along the Balboa Peninsula. Because there is no public pedestrian or vehicle access to the island, the project will not impact such public access. However, the public can access the beach/public tidelands area seaward of the subject site by watercraft or by swimming to the site. The proposed project does not involve any development on public tidelands. Therefore, except as described above with regard to future potential impacts to public access, the proposed development will not impact current public access resources to or along the public tidelands. In order to preserve and maintain access to the public tidelands, **Special Condition No. 8** is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30212 and 30252 of the Coastal Act.

D. BIOLOGICAL RESOURCES

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Seawalls and bulkheads are known to adversely impact marine resources if the structures are placed on actual marine resources, resulting in the destruction of surrounding marine habitat areas. Newport Harbor contains eelgrass beds, which are important nursery habitats for many fish species that maintain the populations of open ocean fish species, many of which are fished commercially and recreationally. Eelgrass beds are the kind of habitat area that, pursuant to Section 30230 of the Coastal Act, deserves special protection as an area of special biological significance. The National Marine Fisheries Service Eelgrass Mitigation Policy (October 2014) states the following about eelgrass:

> *Eelgrass species (Zostera marina L. and Z. pacifica) are seagrasses that occur in the temperate unconsolidated substrate of shallow coastal environments, enclosed bays, and estuaries. Eelgrass is a highly productive species and is considered to be a "foundation" or habitat forming species. Eelgrass contributes to ecosystem functions at multiple levels as a primary and secondary producer, as a habitat structuring element, as a substrate for epiphytes and epifauna, and as sediment stabilizer and nutrient cycling facilitator. Eelgrass provides important foraging areas and shelter to young fish and invertebrates, food for migratory waterfowl and sea turtles, and spawning surfaces for invertebrates and fish such as the Pacific herring. Eelgrass also provides a significant source of carbon to the detrital pool which provides important organic matter in sometimes food-limited environments (e.g., submarine canyons). In addition, eelgrass has the capacity to sequester carbon in the underlying sediments and may help offset carbon emissions. Given the significance and diversity of the functions and services provided by seagrass, Costanza et al. (2007) determined seagrass ecosystems to be one of Earth's most valuable.*

Thus, eelgrass beds are the kind of habitat area that, pursuant to Section 30230 of the Coastal Act, deserves special protection as an area of special biological significance.

The NMFS October 2014 eelgrass policy also reports the following adverse effects of human development on eelgrass beds like those in front of the subject site:

> *Seagrass habitat has been lost from temperate estuaries worldwide (Duarte 2002, Lotze et al. 2006, Orth et al. 2006). While both natural and human-induced mechanisms have contributed to these losses, impacts from human population expansion and associated pollution and upland development is the primary cause (Short and Wyllie-Echeverria 1996). Human activities that affect eelgrass habitat distribution and abundance, including, but not limited to, urban development, harbor development, aquaculture, agricultural runoff, effluent discharges, and upland land use associated sediment discharge (Duarte 2008) occur throughout California. For example, dredging and filling; shading and alteration of circulation patterns; and watershed inputs of sediment, nutrients, and unnaturally concentrated or directed freshwater flows can directly and indirectly destroy eelgrass habitats.*

Eelgrass surveys performed by the City show eelgrass grows in the channel offshore of the subject site. Coastal Act Section 30230 states that marine resources shall be maintained and enhanced, and Coastal Act Section 30231 states that the biological productivity of coastal waters shall be maintained, so construction of a future bulkhead or seawall that encroach on this habitat would be inconsistent with these policies.

Furthermore, on a shoreline without a fixed back beach habitat along that shoreline would move inland along with rising sea levels. However, where there is a back beach fixed by a structure, like a seawall, that inland migration of habitat would be stopped at the face of the wall. As seas continue to rise, the habitat in front of the wall will convert to deep water habitat type. So, in this case, even if a seawall were placed inland of the tidelands, erosive forces would eventually reach the wall, converting the nearshore sandy beach environment to deep-water habitat. Eelgrass thrives in shallow water areas of the harbor. As the area converts to deeper water it

becomes less suitable to the growth of eelgrass and subsequent loss of eelgrass beds. As such, the construction of a future bulkhead or seawall would not maintain, enhance, or lead to restoration of eelgrass beds which are areas of special biological significance and would not sustain the biological productivity of coastal waters. Thus, the proposed project is the feasible alternative that will avoid marine resource impacts because it has been designed in a manner that will not require shoreline protection. To ensure that marine resource impacts identified above are avoided throughout the life of the development that is approved under this permit, and to assure that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act, the Commission imposes **Special Condition No. 1** that prohibits the construction of future shoreline protective devices at the site.

Bird Strikes

Due to the bayfront location of the proposed development and frequent bird activity in the area, there is a substantial risk of bird strikes. Clear 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 expose them to predation. 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.). The proposed project contains a bayfront 2nd floor balcony with glass railing that may have adverse impacts upon birds. To address these potential impacts, the applicants have proposed to etch the glass railing; however; no plans have been submitted showing this proposal. Therefore in order to minimize adverse impacts to birds, the Commission imposes **Special Condition No. 7**, which requires the applicant to submit revised project plans that identify the location, design, height and materials of glass railings, fences, screen walls and gates and what materials will be used in conjunction with them to minimize bird-strikes.

Conclusion

In sum, maintaining, expanding or building a future new seawall to protect the proposed development would cause significant impacts to coastal resources including marine habitats. Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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.

Section 30232 of the Coastal Act states:
Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30230 of the Coastal Act requires that marine resources including biological productivity be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained, and where feasible, restored. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. Eelgrass, known to grow offshore of the subject site, is also adversely impacted by poor water quality and sedimentation. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition No. 4**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Post-Construction Impacts to Water Quality

The proposed project is considered development and there is an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to deal with these post construction water quality impacts, the applicant has submitted a drainage and runoff control plan. To minimize any impacts to water quality the proposed project may have after construction; all onsite runoff will be directed to a trench drain and bottomless trench drain. In order to ensure that the drainage and runoff control plan is adhered to, the Commission imposes **Special Condition No. 5**, which requires the applicant to conform with the submitted drainage and runoff control plan and to adequately maintain it throughout the life of the proposed development.

The applicant has also stated that they shall also comply with the applicable water efficiency and conservation measures of the City's adopted CALGreen standards concerning irrigation systems, and efficient fixtures and appliances

The applicants have submitted a landscape plan. The use of non-native vegetation that is invasive can have an adverse impact on native vegetation. 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). No plant species listed as problematic and/or invasive by the California Native Plant Society or the California Invasive Plant Council 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 shall be utilized within the property. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County and appropriate to the habitat type). Commission staff has reviewed the plan and determined that it contains native drought tolerant non-invasive plant species. However, in order to verify that only landscaping consistent with these requirements are placed onsite, the Commission imposes **Special Condition No. 6**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

F. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition (**Special Condition No. 10**) 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 in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

G. LOCAL COASTAL PROGRAM (LCP)

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 last updated in October 2009. 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.

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

The proposed project is located in an urban area. Infrastructure necessary to serve the project exists in the area. The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned, the proposed project has been found consistent with the hazards, water quality and public access policies of the Coastal Act.

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

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS: Approval-In-Concept from the City of Newport Beach Community Development Department dated December 10, 2014; Letter from Commission staff to agent dated January 9, 2015; Letter from agent to Commission staff received March 6, 2015; *Geotechnical Engineering Investigation of Proposed New Residence at 7 Harbor Island Road Newport Beach, California* prepared by Coast Geotechnical, Inc. (W.O. 465113-01) dated December 23, 2013; Hazard Analysis prepared by William Simpson & Associates, Inc. (WSA Job #6883-1) dated February 24, 2015; and Letter from agent to Commission staff dated June 23, 2015.

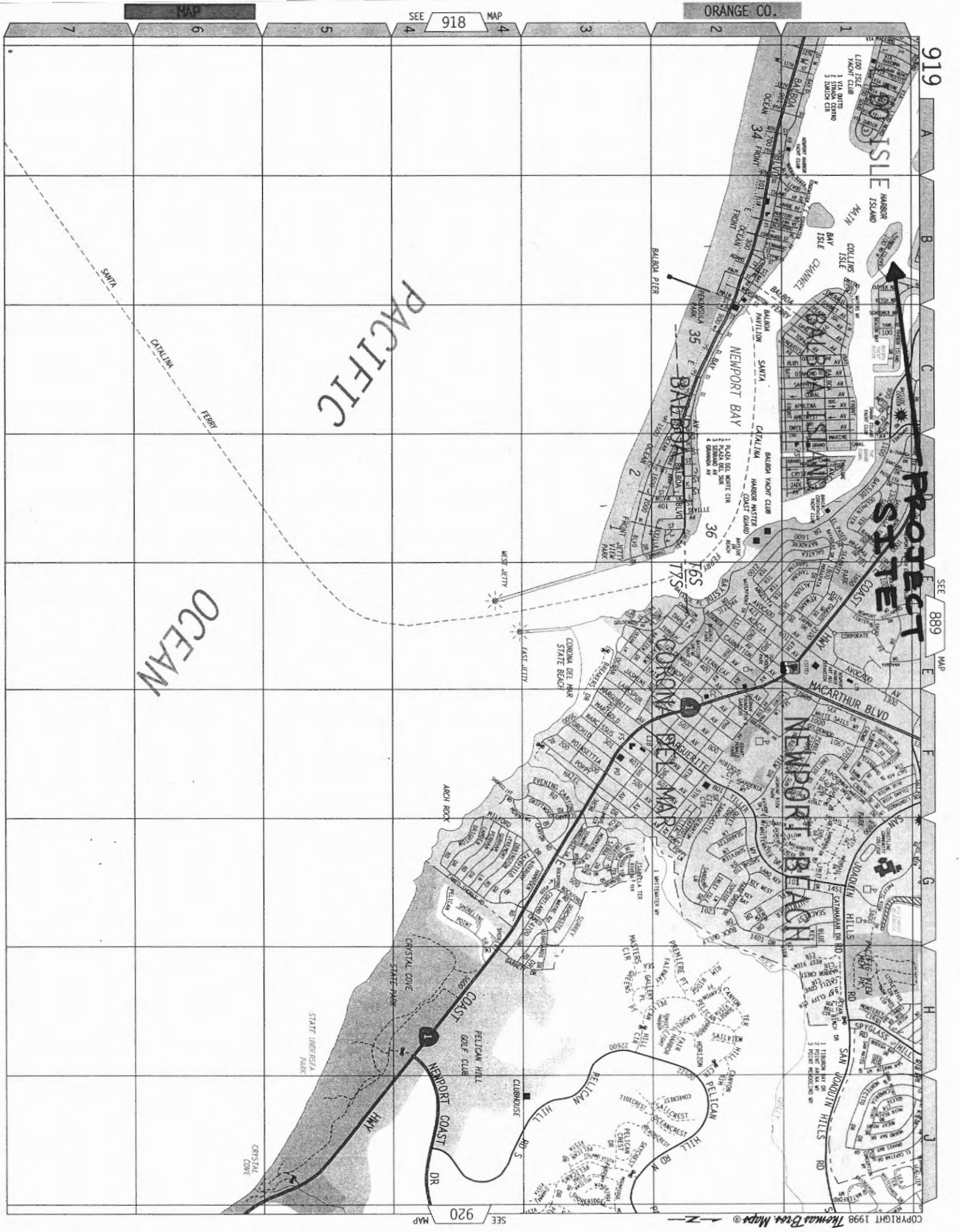

Exhibit No. 1
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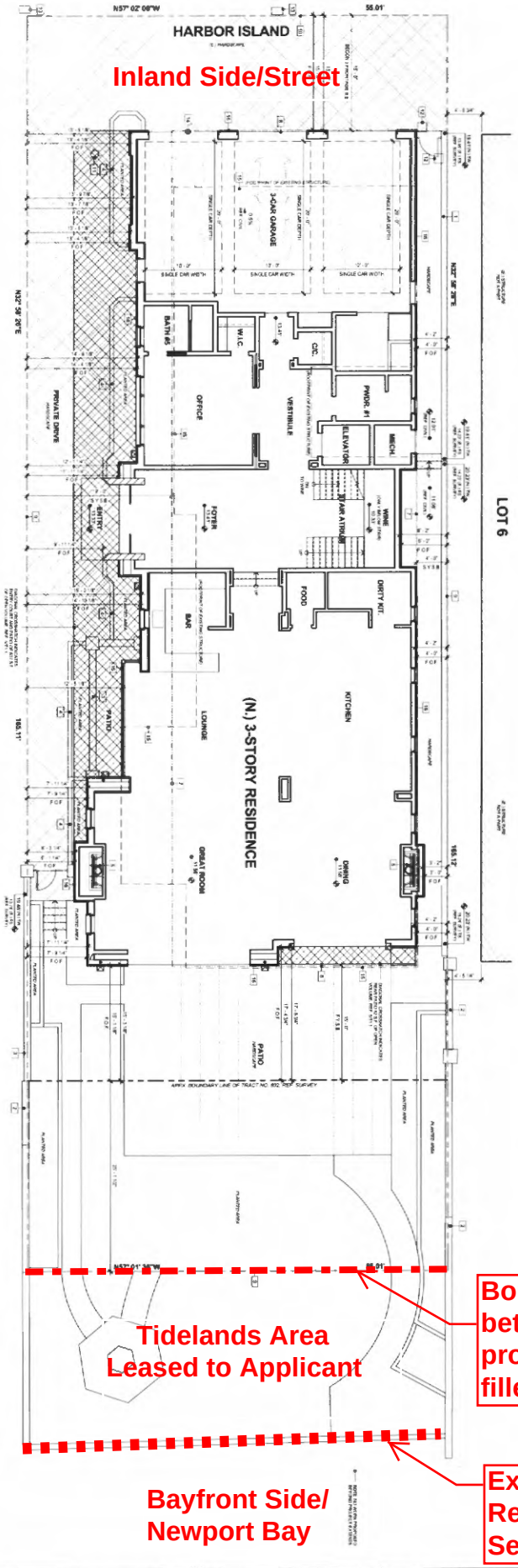


1 ARCHITECTURAL SITE PLAN
3/16" = 1'-0"

TRUE NORTH
PROJECT NORTH

KEYNOTE LEGEND

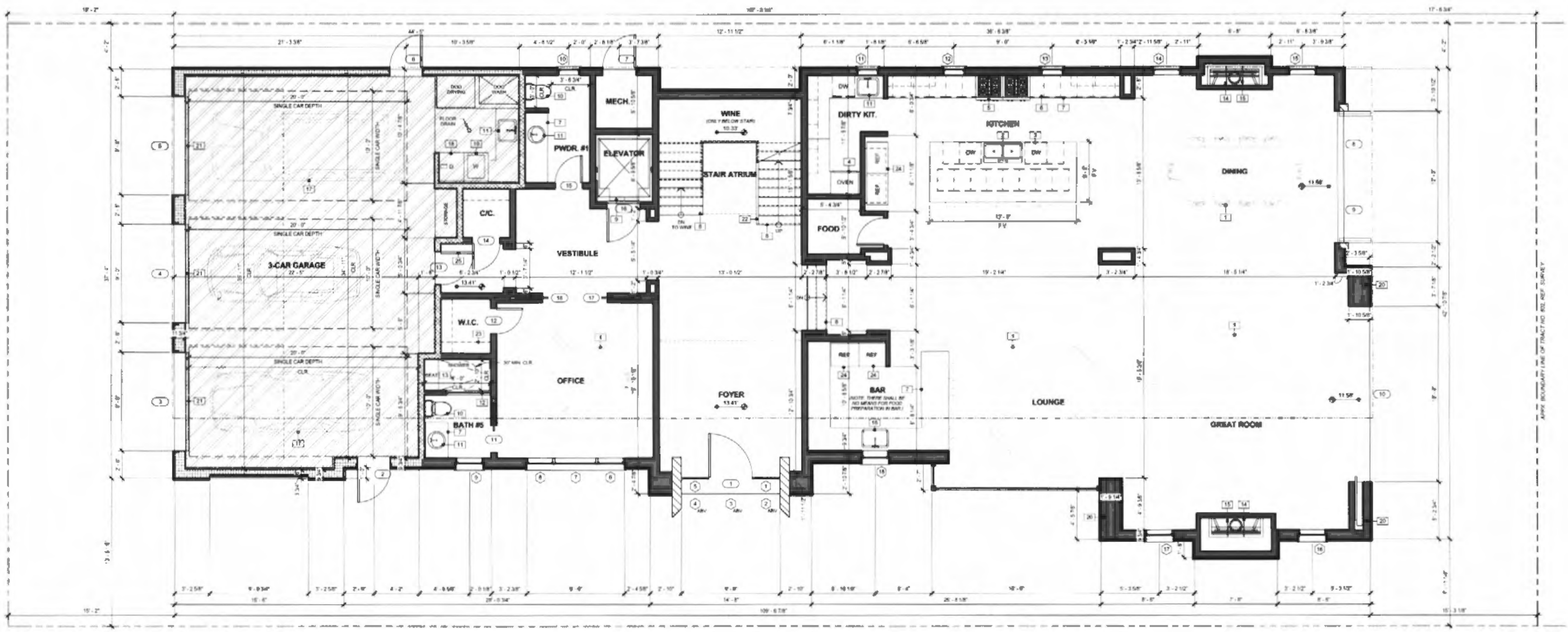
ARCHITECTURAL SITE PLAN

A-0

THE FRANCESCON RESIDENCE
7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

BRANDON ARCHITECTS, INC.
smart design = better living
3001 Red Hill Ave, Bldg. 1 Ste. 102
Costa Mesa, CA 92626
P: 714.754.4040 F: 714.754.4099

Exhibit No. 2
Page 1 of 1



1 FIRST FLOOR PLAN

1/4" = 1'-0"

TRUE NORTH — PROJECT NORTH

DIMENSION NOTE
ALL DIMENSIONS ARE TO FACE OF SHEATHING (EXT. WALLS) OR FACE OF STRUCTURE (F.O.S.) TYP. U.N.O. ROUNDED TO THE NEAREST 1/8". CONTACT ARCHITECT IN WRITING FOR ANY CLARIFICATION OF NOTED DIMENSIONS. DO NOT SCALE PLANS

STAIRWAY NOTE
ALL STAIRWAYS SHALL HAVE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT CANDLE PER CRC R303.6

KEYNOTE LEGEND	
1	FURNISHINGS - AS SELECTED
2	KITCHEN SINK - AS SELECTED
3	DISHWASHER - AS SELECTED
4	DOUBLE OVEN - AS SELECTED
5	RANGE - VERIFY APPLIANCE W/ OWNER - PROVIDE HOOD CAPABLE OF 100 CFM MIN. (VERIFY W/ MFGR.)
6	BASE CABINET - BUILT-IN, FINISH AS SEL
7	COUNTERTOP - AS SELECTED
8	STAIRS - MAX. 7 7/8" RISE, MIN. 10" RUN. PROVIDE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT CANDLE (CRC 1205.4) REF. DTL. 3/AD-1
9	RESIDENTIAL ELEVATOR - "CALIFORNIA CUSTOMLIFT, INC." OR EQUIV. SHAFT SIZE = 54" x 58" CLEAR - PROVIDE SHOP DWGS. TO ARCH. PRIOR TO PURCHASE & INSTALLATION
10	TOILET - MIN. 24" CLR. IN FRONT, MIN. 30" CLR. WIDTH. REF. CAL GREEN NOTES FOR FLOW RATE INFO
11	SINK - AS SELECTED (VERIFY COUNTER OR WALL MOUNT FIXTURES W/ OWNER)
12	TEMPERED GLASS ENCLOSURE - 1/2" THK. (MIN. 3/8" THK.) GLASS TO BE ETCH MARKED (FRAMELESS U.N.O.)
13	SHOWER - HOT-MOP PAN, PROVIDE TILE W/ CEMENT BACKING MIN. 72" HIGH. NET AREA ≥ 1 S.F. MIN., 30" DIA. CIRCLE MIN., REF. DTL. 23/AD-1
14	FIREPLACE - PREFABRICATED, GAS ONLY, "MAJESTIC FIREPLACE" MODEL "BURNTECH DRVS48" ICC# ESR-2401 (DTL. 22/AD-1) (FACTORY BUILT FIREPLACES, CHIMNEYS AND ALL OF THEIR COMPONENTS SHALL BE LISTED AND INSTALLED IN ACCORDANCE W/ THEIR LISTING AND MFG'R. INSTALLATION INSTRUCTIONS. GASEOUS FUEL BURNING PAN MUST BE PERMANENTLY ANCHORED TO THE FIREBOX. FIREPLACE MUST COMPLY W/ THE CALIFORNIA ENERGY STANDARDS MANDATORY MEASURES.)
15	EXTERIOR COMBUSTION AIR DUCTS SHALL BE LISTED COMPONENTS OF THE FIREPLACE, AND INSTALLED ACCORDING TO THE F.P. MFGR'S. INSTR'S. (CRC R1006)
16	BAR SINK - AS SELECTED
17	VEHICLE - MINIMUM PARKING DIMENSIONS ON PLANS
18	DRYER - DRYER VENT 14' MAX. LENGTH (CMC 504.3.2) PROVIDE GAS STUB-OUT & POWER
19	WASHER - PROVIDE HOOK-UPS & POWER
20	DRAIN LINE - IN WALL/FROM ABV. (REF. CIVIL DWGS. & DETAILS)
21	GARAGE DOOR - CUSTOM BUILT W/ GLASS, REF. [illegible]
22	INTERIOR STAIR MOUNTED GUARDRAIL - 34"-38" ABV. NOSING, REF. DTLS. 4, 9/AD-1
23	SHELF AND POLE - BUILT IN, FINISH AS SEL
24	REFRIGERATOR - VERIFY APPLIANCE W/ OWNER
25	1-3/8" MIN. SOLID CORE DOOR, SELF CLOSING & SELF LATCHING (R302.5.1)

MECHANICAL VENTILATION NOTE:

1. PROVIDE WHOLE BUILDING MECHANICAL VENTILATION PER ASHRAE STANDARD 62.2-2007 SECTION 4, WITH EXCEPTION THAT NATURAL VENTILATION THROUGH DOORS AND WINDOWS IS NOT AN ACCEPTABLE ALTERNATIVE TO WHOLE-BUILDING VENTILATION (BEES 150(o), EXCEPTION 1 TO SECTION 152(a)). FOR CONTINUOUS WHOLE-BUILDING VENTILATION, MIN. REQUIRED RATE OF VENTILATION IS 1 CFM FOR EACH 100 S.F. OF CONDITIONED FLOOR AREA PLUS 7.5 CFM FOR EACH OCCUPANT (ONE OCCUPANT PER BEDROOM +1). VENTILATION TO BE PROVIDED BY EXHAUST AIR, SUPPLY AIR OR COMBINED EXHAUST AND SUPPLY AIR.

2. PROVIDE IN KITCHEN LOCAL EXHAUST SYSTEM VENTED TO OUTDOORS WITH RATE = 100 CFM (PART OF WHOLE-BUILDING VENTILATION REQUIREMENT).

CALCULATIONS
LIVING AREA: [illegible]
[illegible]
[illegible]

A PLAN LEGEND

- FIRE RATED CEILING ASSY. REF. DTL. 7/AD-1
- EXT. FIRE RATED PARTITION REF. DTL. 12/AD-1
- INT. FIRE RATED PARTITION REF. DTL. 12/AD-1
- WALL - 2 x 6 STUDS @ 16" O.C.
- WALL - 2 x 4 STUDS @ 16" O.C.
- WALL W/ STONE VENEER - 2x STUDS @ 16" O.C.
- CONCRETE WALL - REF. STRUCT.
- DOUBLE WALL CONSTRUCTION - 2 x 4 MIN. STAGGERED STUD @ 16" O.C.
- WINDOW - REFERENCE SCHEDULE
- DOOR - REFERENCE SCHEDULE
- CABINET - BUILT IN CASEWORK
- COLUMN - WOOD, STEEL, REF. STRUCTURAL DWGS.
- FURNITURE - FOR PRESENTATION PURPOSES ONLY
- FIREPLACE - PREFAB GAS-ONLY APPLIANCE
- PLUMBING FIXTURE - SINK (AS SELECTED)
- PLUMBING FIXTURE - TOILET (AS SELECTED)
- LIGHTING FIXTURE - REFERENCE ELECTRICAL PLANS
- DOOR TAG - REFERENCE SHEET A-8
- WINDOW TAG - REFERENCE SHEET A-8
- KEYNOTE TAG - REFERENCE KEYNOTE LEGEND THIS SHT

PROJECT NAME
THE FRANCESCON RESIDENCE
STATUS
A.I.C.

BRANDON ARCHITECTS, INC.
smart design = better living
3001 Red Hill Ave. Bldg. 1 Ste. 102
Costa Mesa, CA 92626
P: 714.754.4040 F: 714.754.4004
www.BrandonArchitects.com

OWNER INFORMATION

THE FRANCESCON RESIDENCE

7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

DOCUMENT VALID UPON

ORIGINAL SIGNATURE

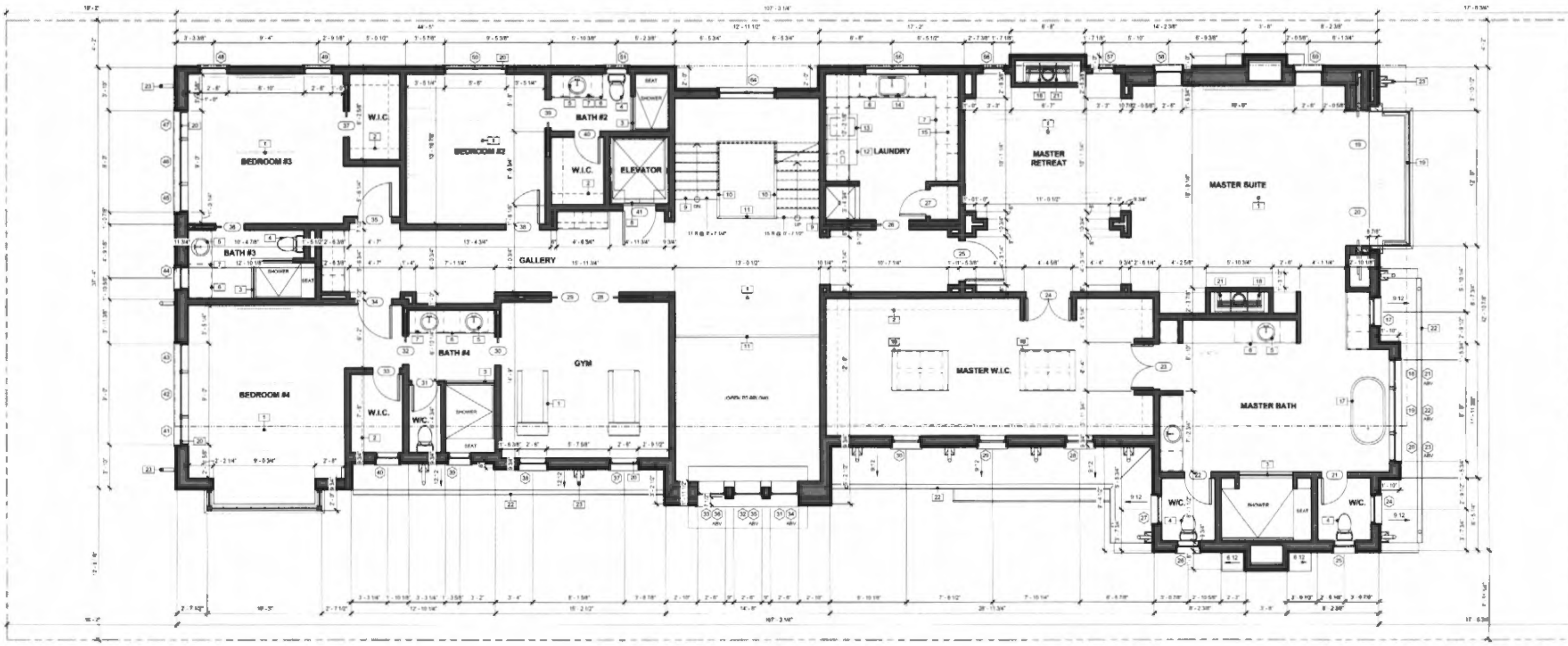
FIRST FLOOR PLAN

REVISIONS

NO.	REVISION	DATE

JOB NO. 7-2013
DATE 12/01/2014
SHEET NO.
A-2

Exhibit No. 3
Page 1 of 3



1 SECOND FLOOR PLAN
1/4" = 1'-0"

TRUE NORTH — PROJECT NORTH

DIMENSION NOTE
ALL DIMENSIONS ARE TO FACE OF SHEATHING (EXT. WALLS) OR FACE OF STRUCTURE (F.O.S.) TYP. U.N.O. ROUNDED TO THE NEAREST 1/8". CONTACT ARCHITECT IN WRITING FOR ANY CLARIFICATION OF NOTED DIMENSIONS. DO NOT SCALE PLANS.

STAIRWAY NOTE
ALL STAIRWAYS SHALL HAVE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT CANDLE PER CRC R303.6

KEYNOTE LEGEND

1	FURNISHINGS - AS SELECTED
2	SHELF AND POLE - BUILT IN, FINISH AS SEL.
3	TEMPERED GLASS ENCLOSURE - 1/2" THK. (MIN. 3/8" THK.) GLASS TO BE ETCH MARKED (FRAMELESS U.N.O.)
4	TOILET - MIN. 24" CLR. IN FRONT, MIN. 30" CLR. WIDTH, REF. CAL GREEN NOTES FOR FLOW RATE INFO.
5	SINK - AS SELECTED (VERIFY COUNTER OR WALL MOUNT FIXTURES W/ OWNER)
6	COUNTERTOP - AS SELECTED
7	BASE CABINET - BUILT-IN, FINISH AS SEL.
8	RESIDENTIAL ELEVATOR - CALIFORNIA CUSTOMLIFT, INC. OR EQUIV. SHAFT SIZE = 54" x 58" CLEAR - PROVIDE SHOP DWGS. TO ARCH. PRIOR TO PURCHASE & INSTALLATION
9	STAIRS - MAX. 7 3/4" RISE, MIN. 10" RUN. PROVIDE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT CANDLE (CRC 1205.4) REF. DTL. [illegible]
10	INTERIOR STAIR MOUNTED GUARDRAIL - 34"-38" ABV. NOSING, REF. DTLS. 4 [illegible]
11	INTERIOR GUARDRAIL - MIN. 42" HIGH - 4" MAX. SPHERE OPENING, REF. DTLS. 2, 4 [illegible]
12	DRYER - DRYER VENT 14' MAX. LENGTH (CMC 504.3.2) PROVIDE GAS STUB-OUT & POWER
13	WASHER - PROVIDE HOOK-UPS & POWER
14	BAR SINK - AS SELECTED
15	UPPER CABINET - BUILT-IN, FINISH AS SEL.
16	CLOSET ISLAND - CUSTOM PER INTERIOR DESIGNER
17	BATHTUB - AS SELECTED (VERIFY LOC'N. OF FIXTURES W/ OWNER)
18	FIREPLACE - PREFABRICATED, GAS ONLY, MASON-LITE FIREPLACE, MODEL BURNTECH GBV54F ICC# ESR-2401 (DTL. 22/AD-1) (FACTORY BUILT FIREPLACES, CHIMNEYS AND ALL OF THEIR COMPONENTS SHALL BE LISTED AND INSTALLED IN ACCORDANCE W/ THEIR LISTING AND MFGR. INSTALLATION INSTRUCTIONS. GASEOUS FUEL BURNING PAN MUST BE PERMANENTLY ANCHORED TO THE FIREBOX. FIREPLACE MUST COMPLY W/ THE CALIFORNIA ENERGY STANDARDS MANDATORY MEASURES.)
19	EXTERIOR GUARDRAIL - MIN. 42" HEIGHT - 4" MAX. SPHERE OPENING, REF. DTLS. 4, 13, 11/AD-1
20	WINDOW TO MEET EGRESS REQTS. - REF. WINDOW NOTE ## ON SCHEDULE
21	EXTERIOR COMBUSTION AIR DUCTS SHALL BE LISTED COMPONENTS OF THE FIREPLACE AND INSTALLED ACCORDING TO THE F.P. MFGRS. INSTR'S. (CRC R1006)
22	ZINC GUTTER - SHAPE AS SEL. - PROVIDE SHOP DWGS. TO ARCH.
23	DOWNSPOUT - ZINC - AS SEL. (ARCH. TO APPV.)

MECHANICAL VENTILATION NOTE:

1. PROVIDE WHOLE BUILDING MECHANICAL VENTILATION PER ASHRAE STANDARD 62.2-2007 SECTION 4, WITH EXCEPTION THAT NATURAL VENTILATION THROUGH DOORS AND WINDOWS IS NOT AN ACCEPTABLE ALTERNATIVE TO WHOLE-BUILDING VENTILATION (BEES 150(o)) EXCEPTION 5 TO SECTION 150(o). FOR CONTINUOUS WHOLE BUILDING VENTILATION, MIN. REQUIRED RATE OF VENTILATION IS 1 CFM FOR EACH 100 S.F. OF CONDITIONED FLOOR AREA PLUS 7.5 CFM FOR EACH OCCUPANT (ONE OCCUPANT PER BEDROOM +1). VENTILATION TO BE PROVIDED BY EXHAUST AIR, SUPPLY AIR OR COMBINED EXHAUST AND SUPPLY AIR.

2. PROVIDE IN KITCHEN LOCAL EXHAUST SYSTEM VENTED TO OUTDOORS WITH RATE = 100 CFM (PART OF WHOLE-BUILDING VENTILATION REQUIREMENT)

CALCULATIONS
LIVING AREA: [illegible] S.F.
[illegible]
[illegible] CFM REQ'D

A PLAN LEGEND

- FIRE RATED CEILING ASSY. REF. DTL. 7/AD-1
- EXT. FIRE RATED PARTITION REF. DTL. 12/AD-1
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- DOUBLE WALL CONSTRUCTION - 2 x 4 MIN. STAGGERED STUD @ 16" O.C.
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- DOOR - REFERENCE SCHEDULE
- CABINET - BUILT IN CASEWORK
- COLUMN - WOOD, STEEL, REF. STRUCTURAL DWGS.
- FURNITURE - FOR PRESENTATION PURPOSES ONLY
- FIREPLACE - PREFAB GAS-ONLY APPLIANCE
- PLUMBING FIXTURE - SINK (AS SELECTED)
- PLUMBING FIXTURE - TOILET (AS SELECTED)
- LIGHTING FIXTURE - REFERENCE ELECTRICAL PLANS
- DOOR TAG - REFERENCE SHEET A-8
- WINDOW TAG - REFERENCE SHEET A-8
- KEYNOTE TAG - REFERENCE KEYNOTE LEGEND THIS SHT

PROJECT NAME: THE FRANCESCON RESIDENCE
STATUS: A.I.C.

BRANDON ARCHITECTS, INC.
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3001 Red Hill Ave. Bldg. 1 Ste. 102
Costa Mesa, CA 92626
P: 714.754.4040 F: 714.754.4004
www.BrandonArchitects.com

OWNER INFORMATION:

THE FRANCESCON RESIDENCE
7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

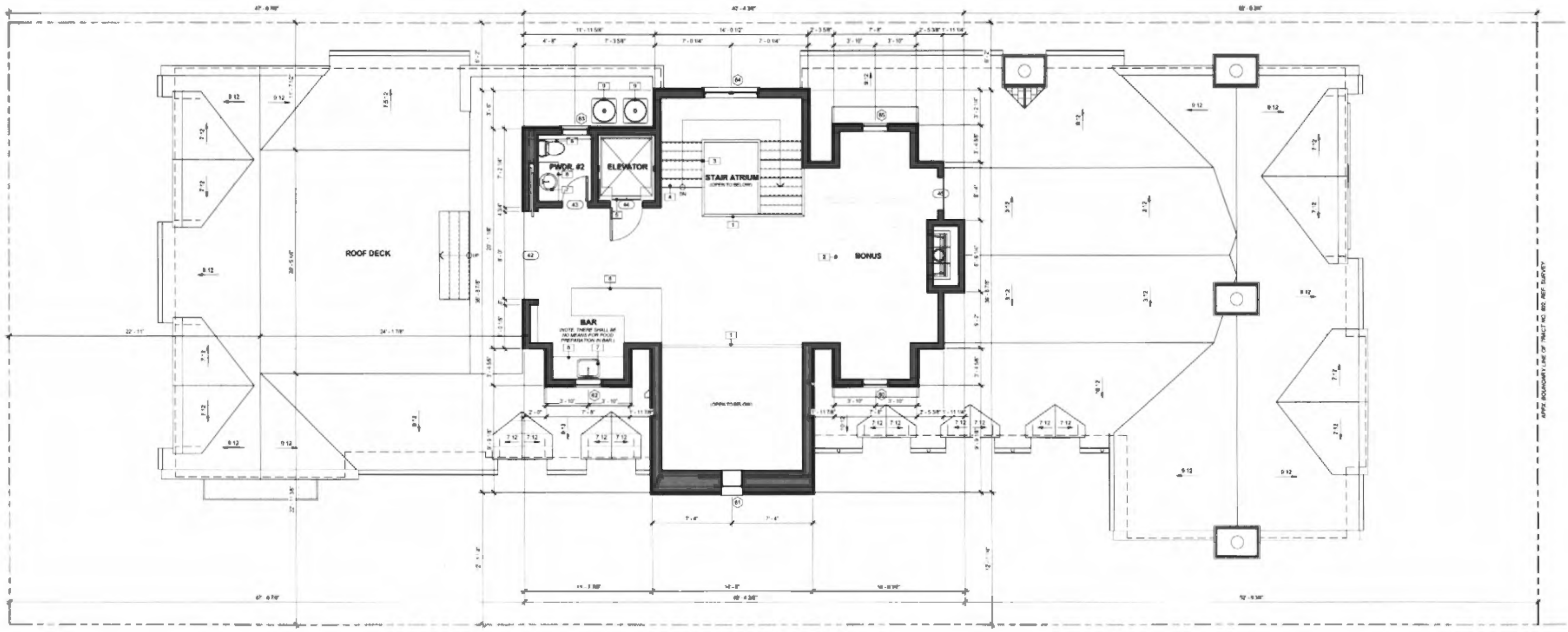
DOCUMENT VALID UPON

ORIGINAL SIGNATURE

SECOND FLOOR PLAN

NO.	REVISION	DATE

JOB NO: 7-2013
DATE: 12/01/2014
SHEET NO: A-3



1 THIRD FLOOR PLAN
1/4" = 1'-0"

TRUE NORTH — PROJECT NORTH

KEYNOTE LEGEND	
1	INTERIOR GUARDRAIL - MIN. 42" HIGH - 4" MAX. SPHERE OPENING. REF. DTLS. 2, 4, 8/AD-1
2	FURNISHINGS - AS SELECTED
3	INTERIOR STAIR MOUNTED GUARDRAIL - 34"-38" ABV. NOSING. REF. DTLS. 4, 8/AD-1
4	STAIRS - MAX. 7.75" RISE. MIN. 10" RUN. PROVIDE AN ILLUMINATION LEVEL ON TREAD RUNS OF NOT LESS THAN 1 FOOT CANDLE (CRC 1205.4) REF. DTL. 3/AD-1
5	RESIDENTIAL ELEVATOR - CALIFORNIA CUSTOM LIFT, INC. OR EQUIV. SHAFT SIZE = 54" x 58" CLEAR - PROVIDE SHOP DWGS. TO ARCH. PRIOR TO PURCHASE & INSTALLATION
6	TOILET - MIN. 24" CLR. IN FRONT. MIN. 30" CLR. WIDTH. REF. CAL GREEN NOTES FOR FLOW RATE INFO
7	SINK - AS SELECTED (VERIFY COUNTER OR WALL MOUNT FIXTURES W/ OWNER)
8	COUNTERTOP - AS SELECTED
9	A/C CONDENSER UNIT - SIZE TBD - PROVIDE POWER AND SOUND DAMPENING PAD AS REQ'D (SOUND ATT. REQ'D. BY C.N.B.)

DIMENSION NOTE
ALL DIMENSIONS ARE TO FACE OF SHEATHING (EXT. WALLS) OR FACE OF STRUCTURE (F.O.S.) TYP. U.N.O. ROUNDED TO THE NEAREST 1/8" - CONTACT ARCHITECT IN WRITING FOR ANY CLARIFICATION OF NOTED DIMENSIONS. DO NOT SCALE PLANS

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MECHANICAL VENTILATION NOTE:

1. PROVIDE WHOLE BUILDING MECHANICAL VENTILATION PER ASHRAE STANDARD 62.2-2007 SECTION 4, WITH EXCEPTION THAT NATURAL VENTILATION THROUGH DOORS AND WINDOWS IS NOT AN ACCEPTABLE ALTERNATIVE TO WHOLE BUILDING VENTILATION (BEES 150(o), EXCEPTIONS TO SECTION 150(o)). FOR CONTINUOUS WHOLE BUILDING VENTILATION, MIN. REQUIRED RATE OF VENTILATION IS 1 CFM FOR EACH 100 S.F. OF CONDITIONED FLOOR AREA PLUS 7.5 CFM FOR EACH OCCUPANT (ONE OCCUPANT PER BEDROOM +1). VENTILATION TO BE PROVIDED BY EXHAUST AIR, SUPPLY AIR OR COMBINED EXHAUST AND SUPPLY AIR

2. PROVIDE IN KITCHEN LOCAL EXHAUST SYSTEM VENTED TO OUTDOORS WITH RATE = 100 CFM (PART OF WHOLE BUILDING VENTILATION REQUIREMENT)

CALCULATIONS
LIVING AREA: [illegible] S.F.
[illegible]

PROJECT NAME	THE FRANCESCON RESIDENCE
STATUS	A.I.C.

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smart design = better living
3001 Red Hill Ave. Bldg. 1 Ste. 102
Costa Mesa, CA 92626
P: 714.754.4040 F: 714.754.4004
www.BrandonArchitects.com

OWNER INFORMATION

THE FRANCESCON RESIDENCE
7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

DOCUMENT VALID UPON

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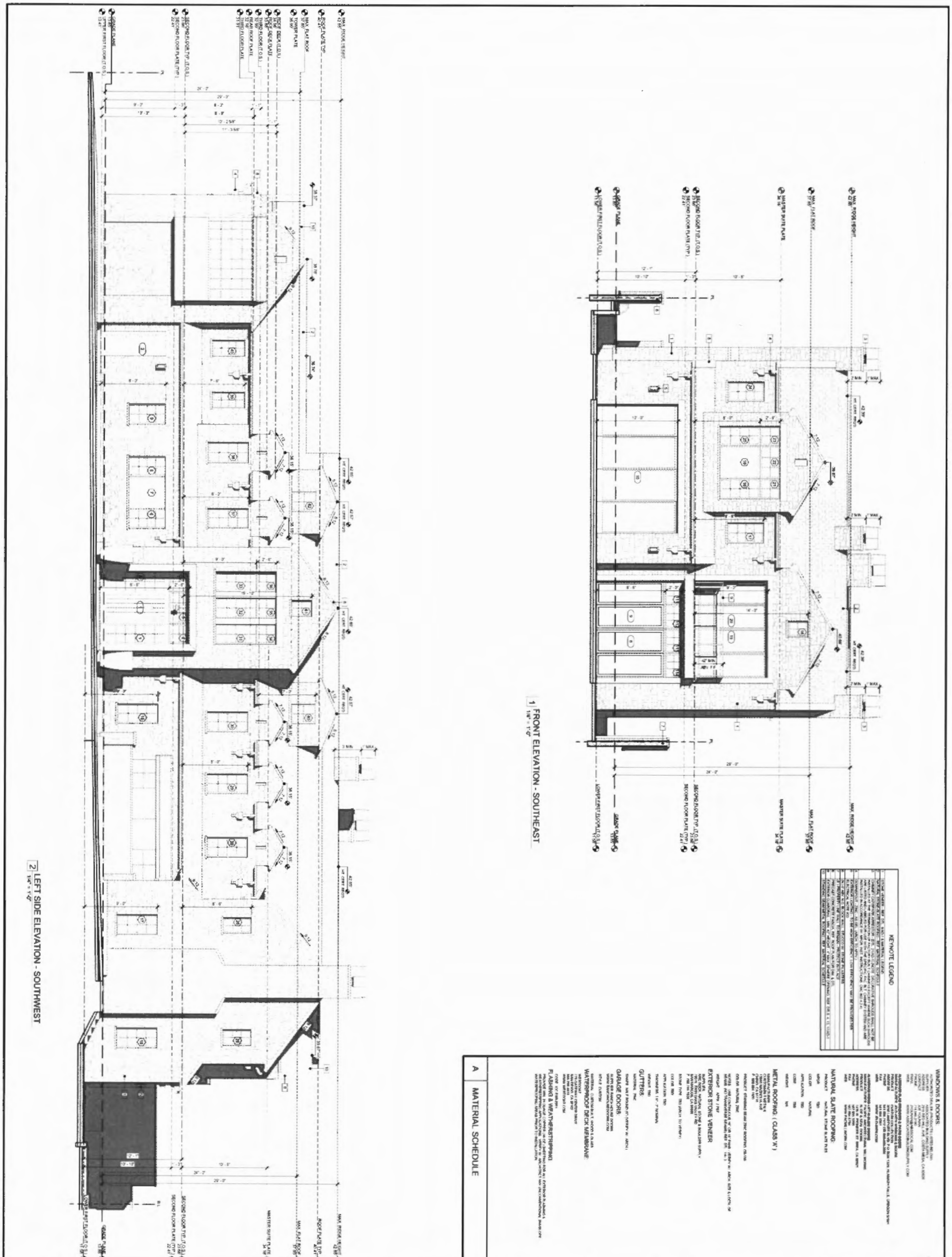
THIRD FLOOR PLAN

REVISIONS		
NO.	REVISION	DATE

JOB NO.	7-2013
DATE	12/01/2014
SHEET NO.	A-4

Exhibit No. 3
Page 3 of 3



EXTERIOR ELEVATIONS & MATERIAL SCHEDULE

THE FRANCESCON RESIDENCE

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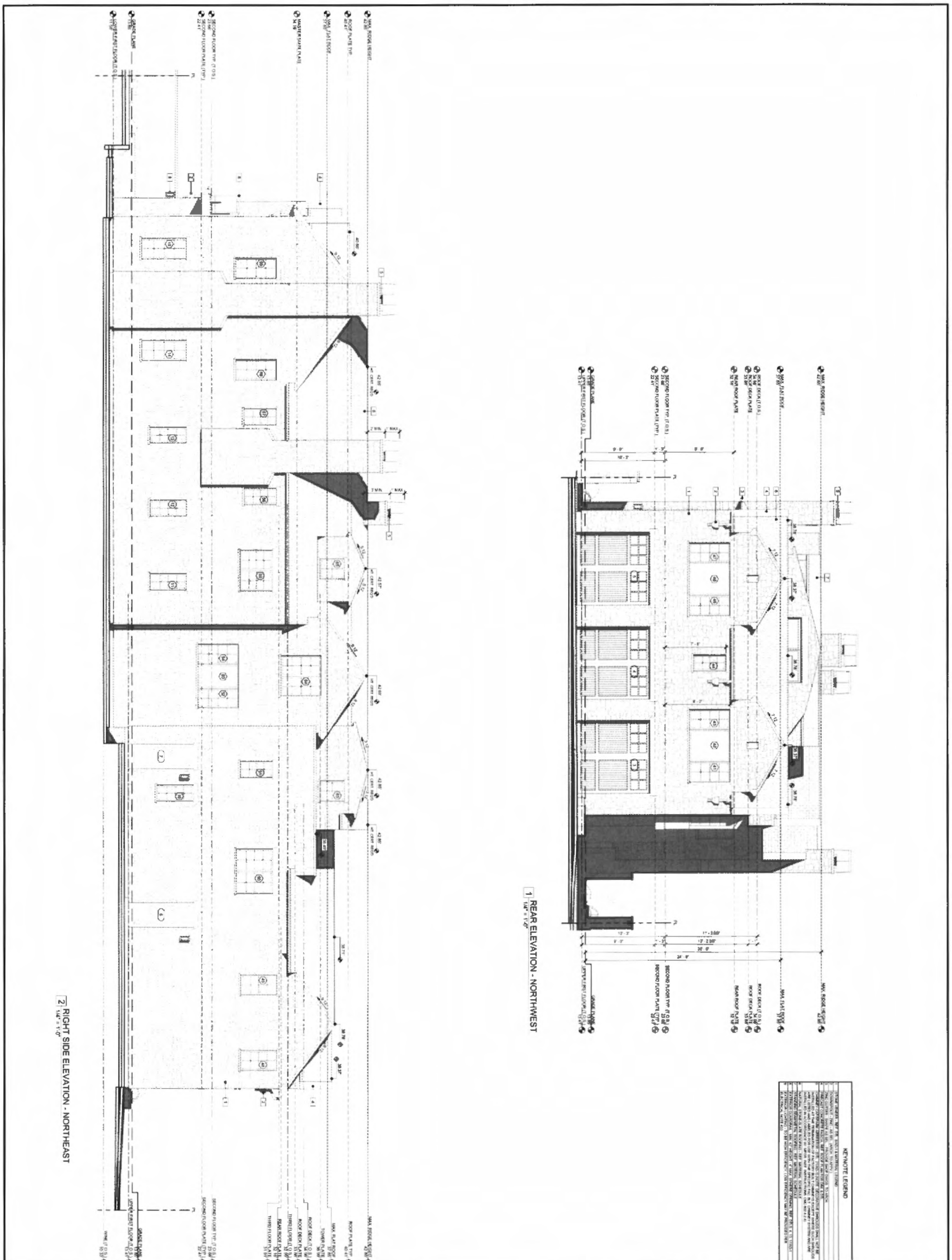
A-6



2 RIGHT SIDE ELEVATION - NORTHEAST
1/4" = 1'-0"

1 REAR ELEVATION - NORTHWEST
1/4" = 1'-0"

EXTERIOR ELEVATIONS

THE FRANCESCON RESIDENCE

7 HARBOR ISLAND, NEWPORT BEACH, CA
92660

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JOB NO. 7-2013
DATE 12/01/2014
SHEET NO. A-7

LEGEND

	CONCRETE PAVING	● DS	DOWNSPOUT
	ASPHALT CEMENT (PROPOSED)	FF	FINISH FLOOR
		FG	FINISH GRADE
--(100)--	CONTOUR (EXISTING)	FL OR ℄	FLOW LINE
—100—	CONTOUR (PROPOSED)	FS	FINISH SURFACE
100.00	SPOT ELEVATION (PROPOSED)	GFF	GARAGE FINISH FLOOR
(100.00)	SPOT ELEVATION (MATCH EXISTING)	INV	INVERT
==4"==	PROPOSED DRAIN LINE	P.L. OR ℙ	PROPERTY LINE
--FM--	PROPOSED FORCE MAIN	R.O.W. OR R/W	RIGHT OF WAY
	PROPOSED BEARING/RETAINING WALL	TC	TOP OF CURB
	PROPOSED PLANTER/SCREEN WALL	TF	TOP OF FOOTING
	PROPOSED RETAINING WALL	TG	TOP OF GRATE
	PROPOSED WOOD FENCE	TW	TOP OF WALL
		T/SLAB	TOP OF SLAB
		HP	HIGH POINT
		DF	DEEPENED FOOTING
A / 10			SECTION LETTER / SHEET NUMBER

CITY OF NEWPORT BEACH NOTES

1. A PUBLIC WORKS DEPARTMENT ENCROACHMENT PERMIT INSPECTION IS REQUIRED BEFORE THE BUILDING DEPARTMENT PERMIT FINAL CAN BE ISSUED. AT THE TIME OF PUBLIC WORKS DEPARTMENT INSPECTION, IF ANY OF THE EXISTING PUBLIC IMPROVEMENTS SURROUNDING THE SITE IS DAMAGED, NEW CONCRETE SIDEWALK, CURB AND GUTTER, AND ALLEY/STREET PAVEMENT WILL BE REQUIRED AND 100% PAID BY THE OWNER. SAID DETERMINATION AND THE EXTENT OF THE REPAIR WORK SHALL BE MADE AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR.
2. A CITY ENCROACHMENT AGREEMENT IS REQUIRED FOR ALL NON-STANDARD PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY.
3. AN APPROVED CITY OF NEWPORT BEACH ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK ACTIVITIES WITHIN THE PUBLIC RIGHT-OF-WAY.
4. SURVEYOR OR ENGINEER SHALL PERMANENTLY MONUMENT PROPERTY CORNERS OR OFFSETS BEFORE STARTING GRADING.
5. SURVEYOR TO FILE A CORNER RECORD OR RECORD OF SURVEY WITH THE OFFICE OF THE COUNTY SURVEYOR. EVIDENCE OF FILING SHALL BE SUBMITTED TO BUILDING INSPECTOR PRIOR TO FOUNDATION INSPECTION.
6. ALL WORK RELATED TO DOMESTIC WATER IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED BY A C-34 LICENSED PIPELINE CONTRACTOR OR A LICENSED GENERAL ENGINEERING CONTRACTOR.
7. ALL WORK RELATED TO WASTEWATER IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERFORMED BY A C-42 LICENSED SANITATION SEWER CONTRACTOR OR A LICENSED GENERAL ENGINEERING CONTRACTOR.
8. ISSUANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE APPLICANTS OF THE LEGAL REQUIREMENTS TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN PLANS. YOU SHOULD CONTACT YOUR COMMUNITY ASSOCIATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION AUTHORIZED BY THIS PERMIT.
9. PRIOR TO PERFORMING ANY WORK IN THE CITY RIGHT-OF-WAY AN ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.

ADDITIONAL NOTES

1. ALL ROOFS SHALL BE GUTTERED & DOWNSPOUTS CONNECTED TO STORM DRAIN SYSTEM.
2. PAD ELEVATIONS ARE BASED ON FOUNDATION PLAN RECOMMENDATION OF 5" CONC. SLAB OVER 2" SAND OVER 4" AGGREGATE. CONTRACTOR SHALL VERIFY W/ SOILS REPORT AND STRUCTURAL DRAWINGS.
3. SEE SOIL REPORT FOR ALL OVEREXCAVATION REQUIREMENTS.
4. FOR FOOTING AND FOUNDATION DESIGN, SEE STRUCTURAL PLANS.
5. ALL RECOMMENDATIONS CONTAINED IN THE SOILS REPORT BY COAST GEOTECHNICAL, INC., W.O. 465113-01 DATED DECEMBER 23, 2013 ARE CONSIDERED PART OF THIS PLAN.

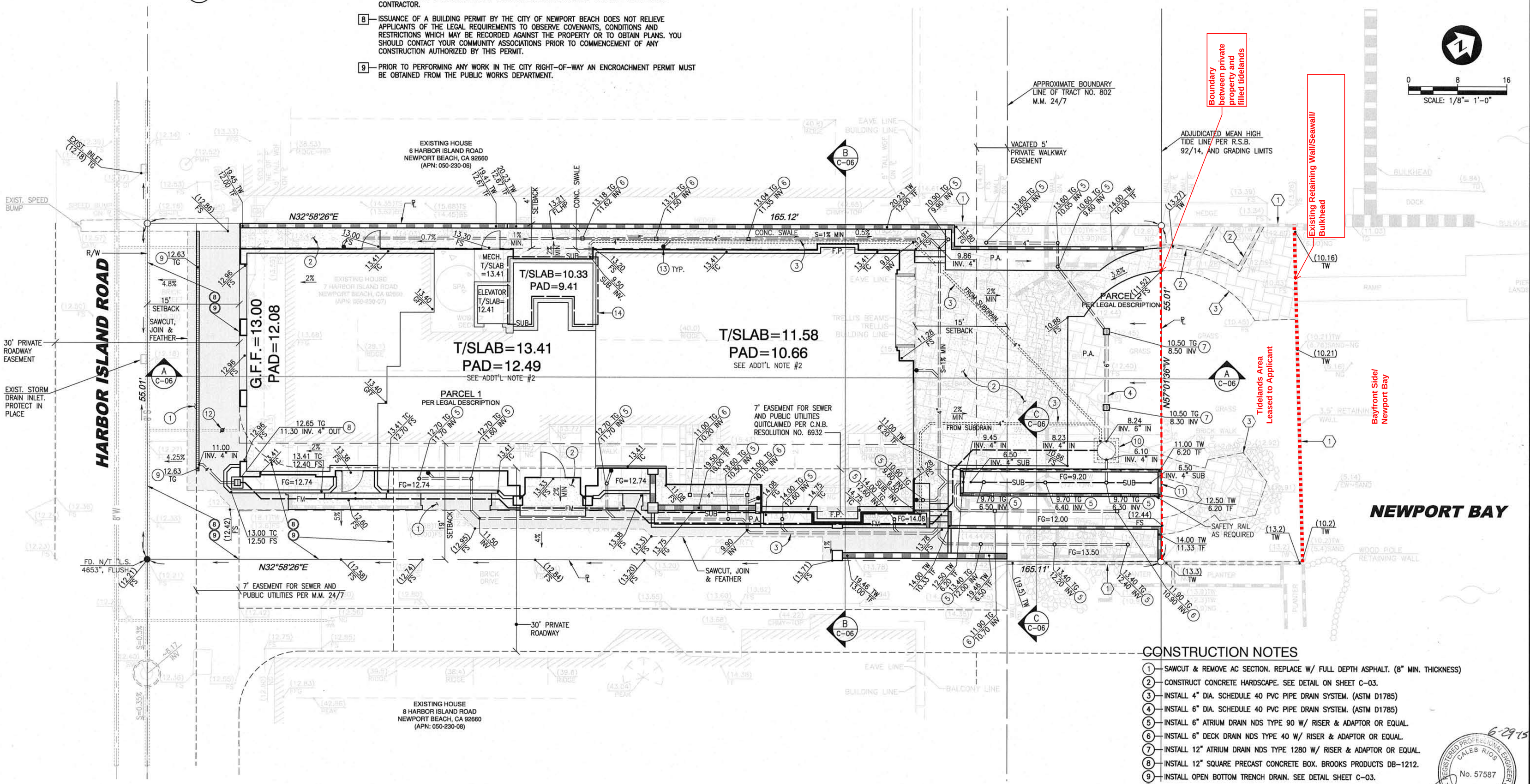
EASEMENT NOTES

EASEMENT NOTE PER TOPOGRAPHIC SURVEY DATED 7/19/2013 PREPARED BY APEX LAND SURVEYING, INC. STATES TWO EASEMENTS, (8) & (9).

TOAL ENGINEERING, INC. SEARCHED AND FOUND SAID EASEMENTS IN THE TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, DATED JUNE 27, 2013, ORDER NO. O-SA-4443375.

SCOPE OF WORK

DEMOLITION OF EXISTING SINGLE FAMILY RESIDENCE AND GARAGE AND CONSTRUCTION OF NEW CUSTOM TWO-STORY, SINGLE FAMILY RESIDENCE AND GARAGE, TOGETHER WITH APPURTENANT HARDSCAPE, LANDSCAPE, AND DRAINAGE IMPROVEMENTS.



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

CONSTRUCTION NOTES

1. SAWCUT & REMOVE AC SECTION. REPLACE W/ FULL DEPTH ASPHALT. (8" MIN. THICKNESS)
2. CONSTRUCT CONCRETE HARDSCAPE. SEE DETAIL ON SHEET C-03.
3. INSTALL 4" DIA. SCHEDULE 40 PVC PIPE DRAIN SYSTEM. (ASTM D1785)
4. INSTALL 6" DIA. SCHEDULE 40 PVC PIPE DRAIN SYSTEM. (ASTM D1785)
5. INSTALL 6" ATRIUM DRAIN NDS TYPE 90 W/ RISER & ADAPTOR OR EQUAL.
6. INSTALL 6" DECK DRAIN NDS TYPE 40 W/ RISER & ADAPTOR OR EQUAL.
7. INSTALL 12" ATRIUM DRAIN NDS TYPE 1280 W/ RISER & ADAPTOR OR EQUAL.
8. INSTALL 12" SQUARE PRECAST CONCRETE BOX. BROOKS PRODUCTS DB-1212.
9. INSTALL OPEN BOTTOM TRENCH DRAIN. SEE DETAIL SHEET C-03.
10. INSTALL STORM WATER DUPLEX PUMP SYSTEM. DESIGN BY OTHERS.
11. CONSTRUCT BIO RETENTION PLANTER. SEE DETAIL SHEET C-03.
12. INSTALL SEWER CLEANOUT ON EXIST. LATERAL PER CITY OF N.B. STD-406-L.
13. CONNECT DOWNSPOUT (LOCATION PER ARCH'L PLAN) TO THE STORM DRAIN SYSTEM. SEE DETAIL ON SHEET C-03.
14. INSTALL SUBDRAIN PER SOILS ENGINEER'S RECOMMENDATION.

DISPOSITION NOTES

1. EXIST. WALLS TO REMAIN. PROTECT IN PLACE.
2. PORTION OF EXIST. WALL TO REMAIN OUTSIDE PROPERTY BOUNDARY.
3. PORTION OF EXIST. HARDSCAPE TO REMAIN OUTSIDE PROPERTY BOUNDARY.

TOPOGRAPHIC SURVEY BY:

APEX LAND SURVEYING, INC.
HUNTINGTON BEACH, CA 92646
PHONE: (714) 488-5006
FAX: (714) 333-4440
EMAIL: APEXLSINC@GMAIL.COM

NOTE TO CONTRACTOR:

CIVIL ENGINEER OF RECORD APPROVAL REQUIRED PRIOR TO BACKFILL OF ALL DRAIN PIPES, CONTACT CIVIL ENGINEER TO FIELD VERIFY LOCATION, SIZE, AND DEPTH OF DRAIN SYSTEM.

PLANS PREPARED BY:
TOAL ENGINEERING, INC.
CIVIL ENGINEERING
LAND SURVEYING
STORMWATER QUALITY
139 Avenida Navarro
San Clemente, CA 92672
949.492.8886
www.toalengineering.com

REGISTERED PROFESSIONAL ENGINEER CALEB RIOS No. 57587 EXP. 12-31-15 CIVIL STATE OF CALIFORNIA

CALEB RIOS
R.C.E. 57587
DATE:

PREPARED FOR:
7 HARBOR, LLC
c/o ROBERT FRANCESCON
8390 EAST CRESCENT PARKWAY, SUITE 650
GREENWOOD VILLAGE, CO 80111

REVISIONS	BY	DATE	APVD.	DATE

FRANCESCON RESIDENCE

PRECISE GRADING PLAN

LOT 7, TRACT 802
7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

CALEB RIOS No. 57587 CIVIL STATE OF CALIFORNIA 6-29-15

DATE: 4/2/15		H. SCALE: 1"=8'	
SURVEY DATE: 7/19/2013		V. SCALE: N/A	
DRN.: K.B.		DWG. NO. C-02	
CHD.: C.R.			
APPD.: C.R.			
JOB NO. 15411	SHEET 2	OF 6	

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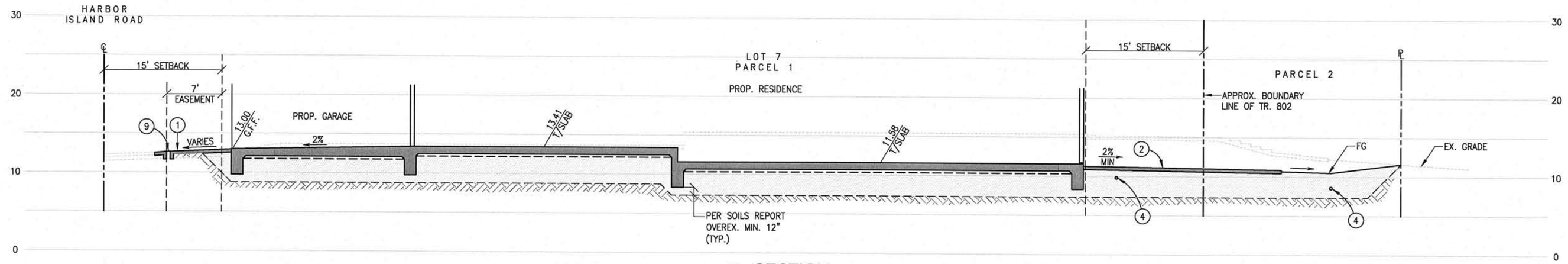
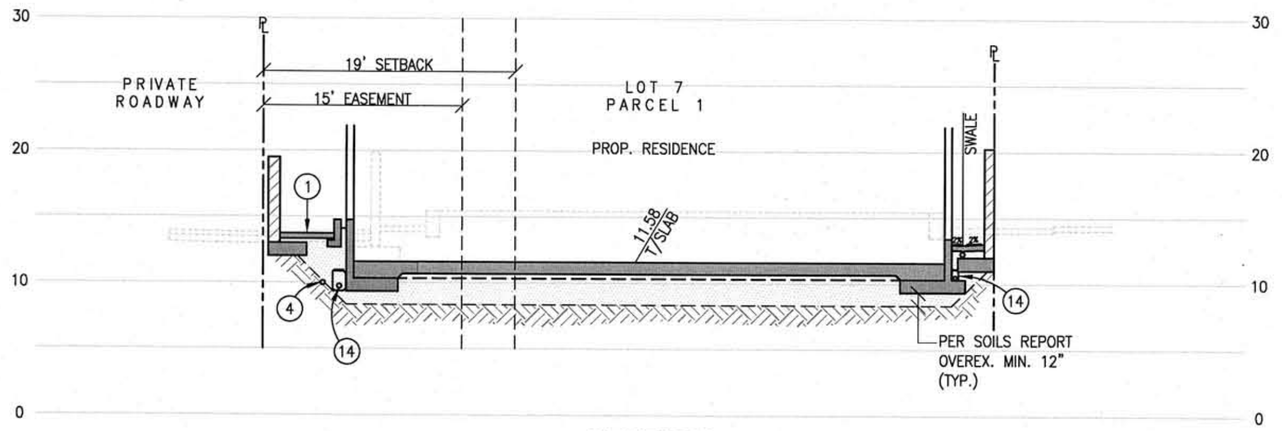
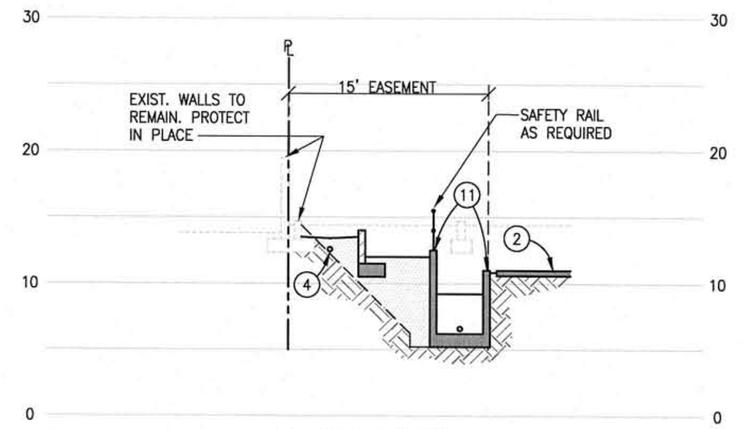
Exhibit No. 5
Page 1 of 2



A C-02 **SECTION**
SCALE: 1" = 8'



B C-02 **SECTION**
SCALE: 1" = 8'



C C-02 **SECTION**
SCALE: 1" = 8'

PLANS PREPARED BY:

TOAL ENGINEERING, INC.

CIVIL ENGINEERING
LAND SURVEYING
STORMWATER QUALITY

139 Avenida Navarro
San Clemente, CA 92672
949.492.8586
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REGISTERED PROFESSIONAL ENGINEER
CALEB RIOS
No. 57587
EXP. 12-31-15
CIVIL
STATE OF CALIFORNIA

CALEB RIOS
R.C.E. 57587
DATE: 6-29-15

PREPARED FOR:

7 HARBOR, LLC
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8390 EAST CRESCENT PARKWAY,
SUITE 650
GREENWOOD VILLAGE, CO 80111

REVISIONS	BY	DATE	APVD.	DATE

FRANCESCON RESIDENCE

SECTIONS

LOT 7, TRACT 802
7 HARBOR ISLAND, NEWPORT BEACH, CA 92660

DATE: 4/2/15		H. SCALE: N/A	
SURVEY DATE: 7/19/2013		V. SCALE: N/A	
DRN.: K.B.		DWG. NO. C-06	
CHD.: C.R.			
APPD.: C.R.			
JOB NO. 15411	SHEET 6	OF 6	

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Exhibit No. 5
Page 2 of 2