

CALIFORNIA COASTAL COMMISSION

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Th6a



Filed: 1/29/15
180th Day: 7/28/15
Staff: F. Sy-LB
Staff Report: 6/18/15
Hearing Date: 7/9/15

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-14-1831

Applicant: 18 Beacon Bay, LLC

Agent: Eric Olsen

Location: 18 Beacon Bay, City of Newport Beach (County of Orange)

Project Description: Demolish an existing single-family residence with an attached garage and construct a new 4,106 square foot, three-story single-family residence with an attached 698 square foot three car garage on a bay fronting lot. Grading will consist of 80 cubic yards.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

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

The project site is a bayfront lot that is located well within the more protected “upstream” parts of Newport Bay/Harbor. Thus, the potential hazard of waves, erosion, storm conditions, sea level rise or other natural hazards upon this project site are not as significant as oceanfront lots that would be subject to wave action. However to minimize any potential hazards arising from this project, conditions have been imposed consistent with previous Commission action that minimizes any potential adverse impacts from the development consistent with the Coastal Act.

Staff is recommending **approval** of the proposed project with Eight (8) Special Conditions regarding: 1) no future shoreline protective device; 2) assumption of risk, waiver of liability and indemnity; 3) future development; 4) storage of construction materials, mechanized equipment, and removal of construction debris; 5) conformance with the Water Quality Management Plan (WQMP); 6) submittal of revised landscape plans; 7) submittal of revised project plans showing the use of bird safe glass; and 8) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

I. MOTION AND RESOLUTION

Motion: *I move that the Commission approve the Coastal Development Permit applications included on the consent calendar in accordance with the staff recommendations.*

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

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-1831 including, but not limited to, the residence and garage, foundations, patio and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waive, on behalf themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this permit, including the concrete slab, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the wetland before they are removed, the landowner shall remove all recoverable debris associated with the development from the wetland and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

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

3. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-14-1831. 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. 5-14-1831.

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. 5-14-1831 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 Water Quality Management Plan (WQMP). The applicant shall conform with the *Water Quality Management Plan (WQMP) prepared for Tim and Dottie Hobin 18 Beacon Bay Newport Beach, CA. 92660* prepared by Duca-McCoy, Inc. dated January 2015 showing roof top and surface drainage directed to bottomless trench drains. 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. Revised Landscape Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and written approval, two (2) sets of revised landscape plans prepared by an appropriately licensed professional which demonstrates the following:

1. The plans shall demonstrate that:

- (a) All planting shall provide 90 percent coverage within ninety (90) days and shall be repeated if necessary to provide such coverage;
- (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (c) All landscaping shall consist of native drought tolerant on-invasive plant species native to coastal Orange County and appropriate to the habitat type. 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>); and

2. The plan shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features,
- (b) a schedule for installation of plants; and

- (c) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used.

B. The permittee 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.

7. Bird Strike Prevention. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee 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 permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required

8. 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:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is a bayfront lot located at 18 Beacon Bay within the City of Newport Beach, Orange County (**Exhibit No. 1**). Currently, an existing one-story single-family residence with an attached garage occupies the project site. The lot size is 3,999 square feet and the City of Newport Beach Coastal Land Use Plan (CLUP) designates the site as Two-Unit Residential (RT) and the proposed project adheres to this designation. Although the site fronts on Newport Bay/Harbor, no bulkhead currently exists at the site and one is not expected to be necessary over the life of the proposed project. The project is located within an existing urban residential area, which is bounded by the Beacon Bay residential community to the north, by sandy beach and channel waters of the Lower Newport Bay/Harbor to the south, and by similar single-family dwellings to the east and west.

The project site is located in Beacon Bay, which refers to an area located between Promontory Bay and the Balboa Island Channel. This area was tidelands that were filled and reclaimed in the 1920s as the result of an improvement plan, which included the development of a harbor facility that would become the Balboa Yacht Basin. Chapter 200 of the Statutes of 1931 allowed the area west of the Balboa Yacht Basin (designated as Beacon Bay) to be leased for residential purposes. A 72-unit residential subdivision was developed in the 1930s, which included 35-homes located on approximately 4 acres of State tidelands. These leases are limited to terms not to exceed 50 years and lease revenues have to be deposited into tidelands trust funds. Senate Bill 573 (Chapter 317, Statutes of 1997) revised the Beacon Bay Bill to require the residential lease revenue be deposited into specific tidelands trust funds. The current lease runs to June 13, 2064.

The applicant proposes to demolish an existing one-story single-family residence with an attached garage and construct a new 4,106 square foot, 29-foot high, three-story single-family residence with an attached 698 square foot three car garage on a bayfronting lot (**Exhibits No. 2-4**). The project also includes the construction of a new bayfront 1st floor patio with a spa and bbq with a glass enclosure, in which approximate 7-1/2-foot tall glass panels are located above an approximate 2-foot tall rear yard property line wall that spans only across the southwest 1/2 of the rear yard property line. Grading will consist of 60 cubic yards of cut, 20 cubic yards of fill and 40 cubic yards of export to a location outside of the Coastal Zone.

Along the bayward side of the property and the other properties along this stretch in Beacon Bay, there is a narrow stretch of public sandy beach that extends from Harbor Island Road to approximately Yawl Road that provides lateral public access. Vertical public access to the public sandy beach is available approximately 40-feet east of the project site at a community park with a walkway to the beach and at two other similar community parks west of the project site. Additional access to the bay is available at the Beacon Bay docks located at the end of the three community parks.

The project site is a bayfront lot. No bulkhead or other type of shoreline protection device currently exists at the site nor do the neighboring properties have bulkheads/shoreline protection. The project site is not located near the harbor entrance, rather it is located well within the more protected (from wave action), “upstream” parts of the harbor. A relatively narrow, but stable sandy beach lies seaward of the subject lot. “Slow” erosion would be expected to occur on site; however, the slow erosion trend is expected to be offset by the periodic dredging and nourishment activities that occur within the harbor to provide adequate depths for vessels moored to the Beacon Bay community docks located in this area. Based on these factors, no shoreline protection is proposed at the site and no protection is expected to be needed in the future as stated in the applicant’s Coastal Hazard Analysis.

To minimize the project’s potential future impact on shoreline processes, the Commission imposes **Special Condition No. 1**, which prohibits construction of any future shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-14-1831 including, but not limited to residence and garage, foundations, patio and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, sea level rise or other natural coastal hazards in the future. Although no shoreline protection is necessary, the proposed development is located in an area where coastal hazards exist and can adversely impact the development. Therefore, the Commission imposes **Special Condition No. 2**, which requires the applicant to assume the risk of development.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated and potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, the Commission imposes **Special Condition No. 3**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-14-1831 or a new coastal development permit.

The proposed project is considered development and there is an opportunity to improve water quality. To minimize erosion and prevent debris from being dispersed down the storm drain system leading to the ocean during construction, the Commission imposes **Special Condition No. 4**, which provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To minimize any impacts to water quality the proposed project may have after construction, the applicant has submitted a Water Quality Management Plan (WQMP) that shows rooftop and surface drainage directed to bottomless trench drains consistent with past Commission action. In order to ensure that the WQMP is adhered to, the Commission imposes **Special Condition No. 5**, which requires the applicant to conform with the WQMP 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 applicant has stated that landscaping is proposed and plans have been submitted. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

Commission staff has reviewed the submitted Landscaping Plan and determined that an invasive plant has been found: Mayyten (*Maytenus Boaria*). In addition, non-drought tolerant plants have been found as well: Mayyten (*Maytenus Boaria*), Variegata Dianella (*Dianella Tasmanica* "Variegata"), Autumn Moor Grass (*Sesleria Autumnalis*), Cup of Gold (*Solandra Maxima*); and Dwarf Mondo Grass (*Ophiopogon Japonicus* "Nana"). Therefore in order to minimize the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition No. 6**, which requires the applicant to submit revised landscaping plans, which consists of native plants or non-native drought tolerant plants, which are non-invasive and that use of reclaimed water for irrigation is encouraged, but if potable water is used that only drip or microspray irrigation systems may be used.

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 exposes 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 1st floor glass patio enclosure that may have adverse impacts upon birds. 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 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.

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. 8**, which requires the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program (CLP). 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.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and run-off control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. DEVELOPMENT

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

D. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

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

F. DEED RESTRICTION

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

G. LOCAL COASTAL PROGRAM (LCP)

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 8, 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Coastal Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

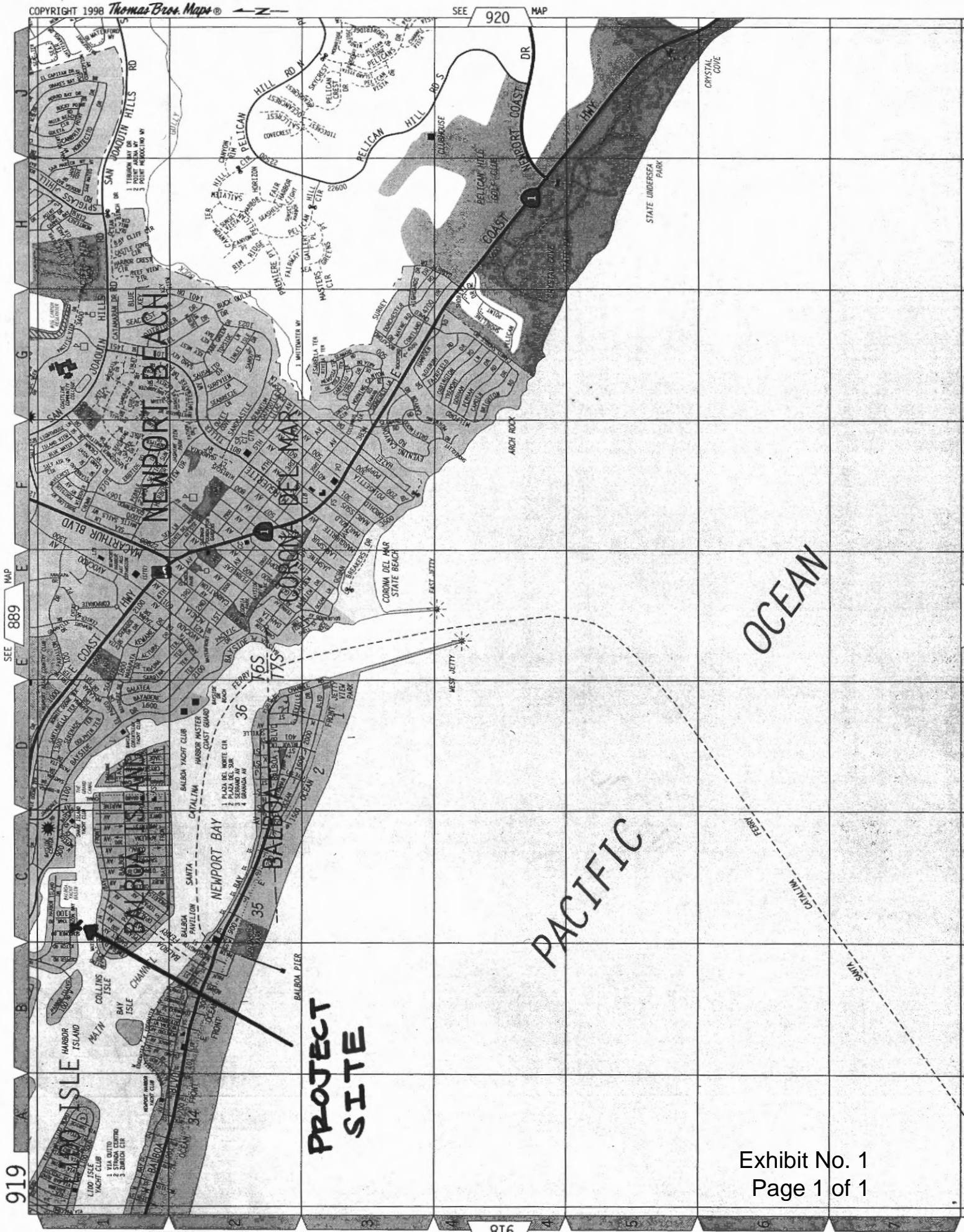
H. California Environmental Quality Act (CEQA)

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

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

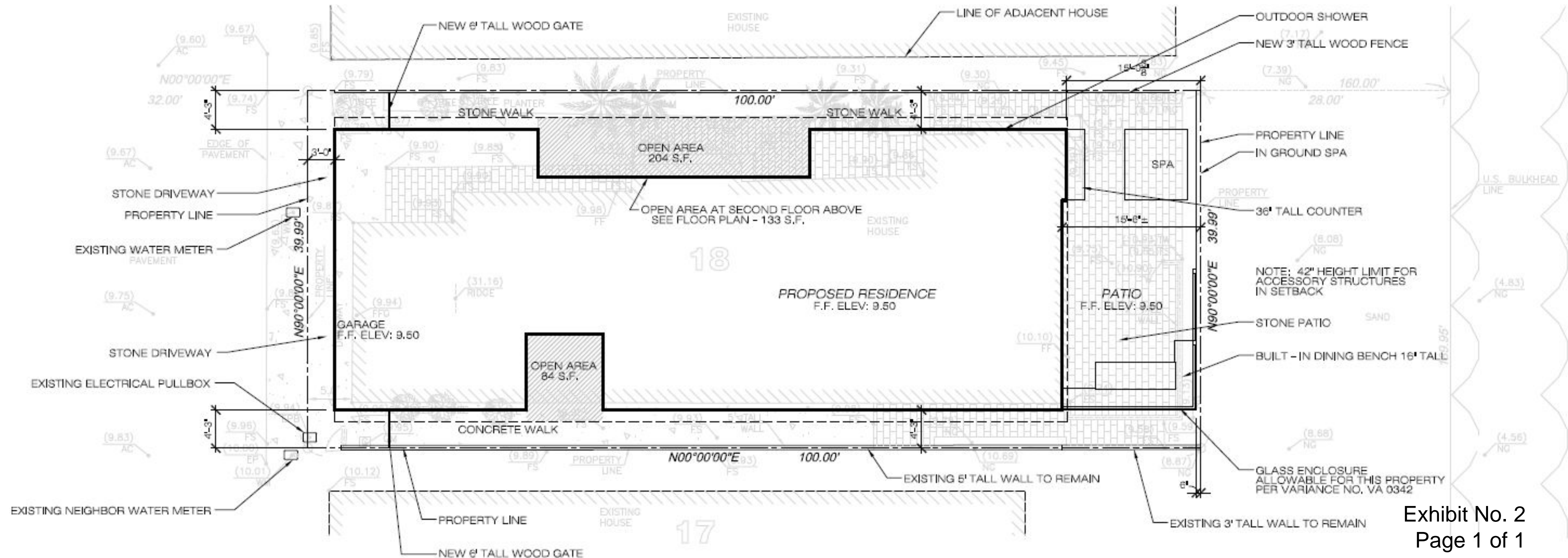
APPENDIX A

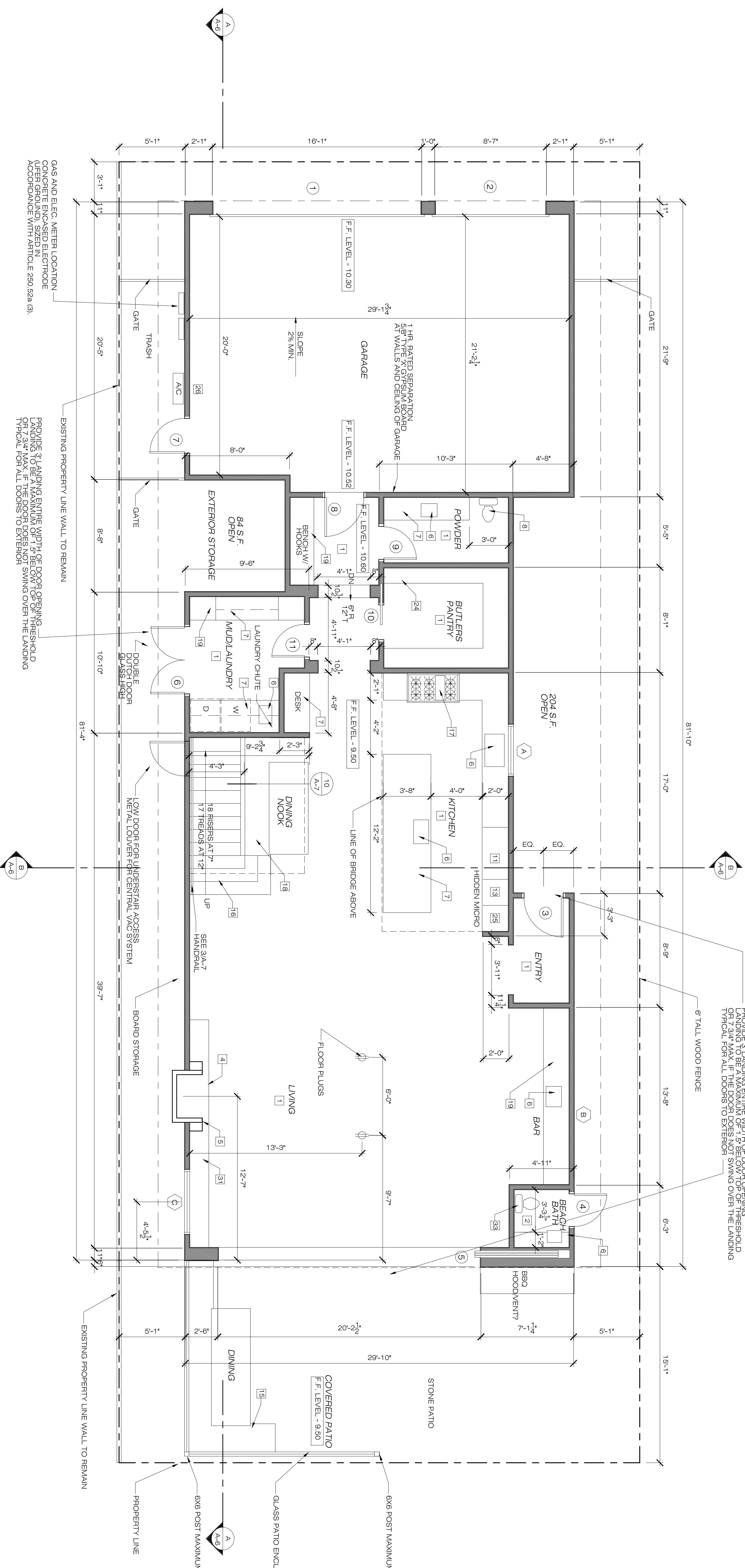
SUBSTANTIVE FILE DOCUMENTS: Approval-In-Concept from the City of Newport Beach Planning Department dated November 12, 2014; *Geotechnical Investigation For Proposed Residential Development Located At 18 Beacon Bay Newport Beach, California (Project No. E0836.1)* prepared EG Consultants dated October 31, 2014; *Coastal Hazard Analysis, 18 Beacon Bay, Newport Beach, Orange County, California* prepared by *Geosoils, Inc.* dated January 12, 2015; *Water Quality Management Plan (WQMP) prepared for Tim and Dottie Hobin 18 Beacon Bay Newport Beach, CA. 92660* prepared by Duca-McCoy, Inc. dated January 2015; Letter from Commission staff to agent dated May 21, 2014; and Letter from the agent to Commission staff dated January 29, 2015.



PROJECT SITE

SITE PLAN





FLOOR PLAN KEYNOTES

- 1 WOOD FLOORING
- 2 STONE FLOORING
- 3 CARPET
- 4 ISOKERN STANDARD 42 FIREPLACE, IOC REPORT #ESR-2316, UL 217
- 5 SMOOTH PLASTER FIREPLACE
- 6 SINK
- 7 STONE COUNTERTOP
- 8 TOILET
- 9 SHOWER W/ 3/8\"/>
- 10 DISHWASHER
- 11 48\"/>
- 12 42\"/>
- 13 UNDERCOUNTER FREEZER DRAWERS
- 14 TRASH PULLOUT
- 15 BUILT-IN DINING, SEE LANDSCAPE
- 16 SOLID WOOD TREADS
- 17 48\"/>

- 18 16\"/>
- 19 CABINETS, SEE INTERIOR ELEVATIONS
- 20 UNDERMOUNT TUB WITH SLAB TOP AND FRONT
- 21 42\"/>
- 22 FOUNTAIN
- 23 WINE STORAGE SHELVING, ENCLOSED WITH GLASS DOORS
- 24 SHELVING, SEE INTERIOR ELEVATIONS
- 25 DOUBLE OVENS
- 26 TANKLESS WATER HEATER LOCATION
- 27 3/8\"/>
- 28 DEPRESS FRAMING FOR TILE TO SLOPE TO LINEAR DRAIN, NO SHOWER CURB
- 29 16\"/>
- 30 1 1/2\"/>
- 31 12\"/>
- 32 WARDROBE CLOSET CABINETS
- 33 WALL HUNG TOILET

FIREPLACE NOTES

-FIREPLACE OPENING TO BE MIN. 6\"/>

-CONCRETE ENCASING SHALL BE 4\"/>

-DISTANCE FROM OPENING TO COMBUSTIBLE MATERIAL AT SIDES SHALL BE MORE THAN 1 1/2\"/>

-CLEARANCE EQUAL TO THE PROJECTION

-PROVIDE 2\"/>

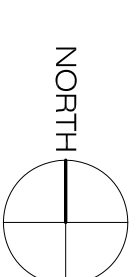
-FLOOR JOISTS TO BE 2 INCHES MIN.

-HEARTH THICKNESS TO BE 2 INCHES MIN.

WALL LEGEND

NEW WALL

ALL EXTERIOR WALLS AND INTERIOR WALLS BETWEEN THE R-3 AND U OCCUPANCY SHALL BE 2X6 AT 18\"/>



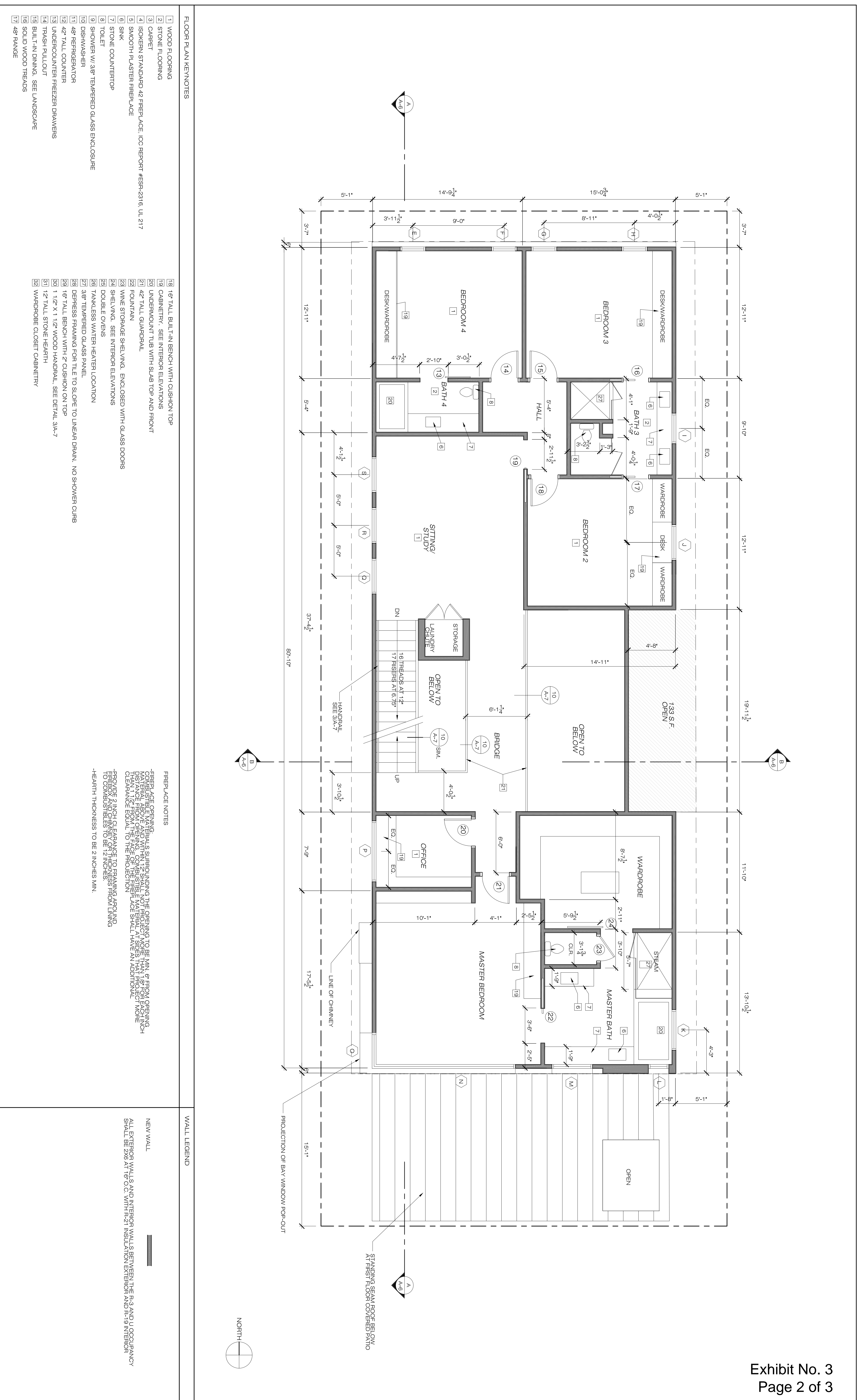
PROJECT: **HOBIN RESIDENCE**
18 BEACON BAY
NEWPORT BEACH, CA

ERIC OLSEN DESIGN
158 N. GLASSSELL ST., SUITE 201
ORANGE, CA 92666
TEL: 714.960.2222
FAX: 714.971.8884

REVISION:	DATE:	DRAWING:

JOB NUMBER: **FIRST LEVEL FLOOR PLAN**
DATE: 01.28.15
DRAWN BY: E.O.
SCALE: 1/4" = 1'-0"

DRAWING NUMBER: **A-2.1**



FLOOR PLAN KEYNOTES

- 1 WOOD FLOORING
- 2 STONE FLOORING
- 3 CARPET
- 4 ISOKERN STANDARD 42 FIREPLACE, ICC REPORT #ESR-2316, UL 217
- 5 SMOOTH PLASTER FINISH
- 6 SINK
- 7 STONE COUNTERTOP
- 8 TOILET
- 9 SHOWER W/ 38" TEMPERED GLASS ENCLOSURE
- 10 DISHWASHER
- 11 48" REFRIGERATOR
- 12 42" TALL COUNTER
- 13 UNDERCOUNTER FREEZER DRAWERS
- 14 TRASH PULLOUT
- 15 BUILT-IN DINING, SEE LANDSCAPE
- 16 SOLID WOOD TREADS
- 17 48" RANG

- 18 16" TALL BUILT-IN BENCH WITH CUSHION TOP
- 19 CABINETRY, SEE INTERIOR ELEVATIONS
- 20 UNDERMOUNT TUB WITH SLAB TOP AND FRONT
- 21 42" TALL GUARDRAIL
- 22 FOUNTAIN
- 23 WINE STORAGE SHELVING, ENCLOSED WITH GLASS DOORS
- 24 SHELVING, SEE INTERIOR ELEVATIONS
- 25 DOUBLE OVENS
- 26 TANKLESS WATER HEATER LOCATION
- 27 38" TEMPERED GLASS PANEL
- 28 DEPRESS FRAMING FOR TILE TO SLOPE TO LINEAR DRAIN, NO SHOWER CURB
- 29 16" TALL BENCH WITH 2" CUSHION ON TOP
- 30 1 1/2" X 1 1/2" WOOD HANDRAIL, SEE DETAIL 3/A-7
- 31 12" TALL STONE HEARTH
- 32 WARDROBE CLOSET CABINETRY

FIREPLACE NOTES

-FIREPLACE OPENING TO BE MIN. 6" FROM OPENING TO BE MIN. 6" FROM OPENING
-DISTANCE FROM OPENING TO BE MIN. 12" FROM OPENING TO BE MIN. 12"
-DISTANCE FROM OPENING TO BE MIN. 12" FROM OPENING TO BE MIN. 12"
-HEARTH THICKNESS TO BE 2 INCHES MIN.
-HEARTH THICKNESS TO BE 2 INCHES MIN.
-HEARTH THICKNESS TO BE 2 INCHES MIN.

WALL LEGEND

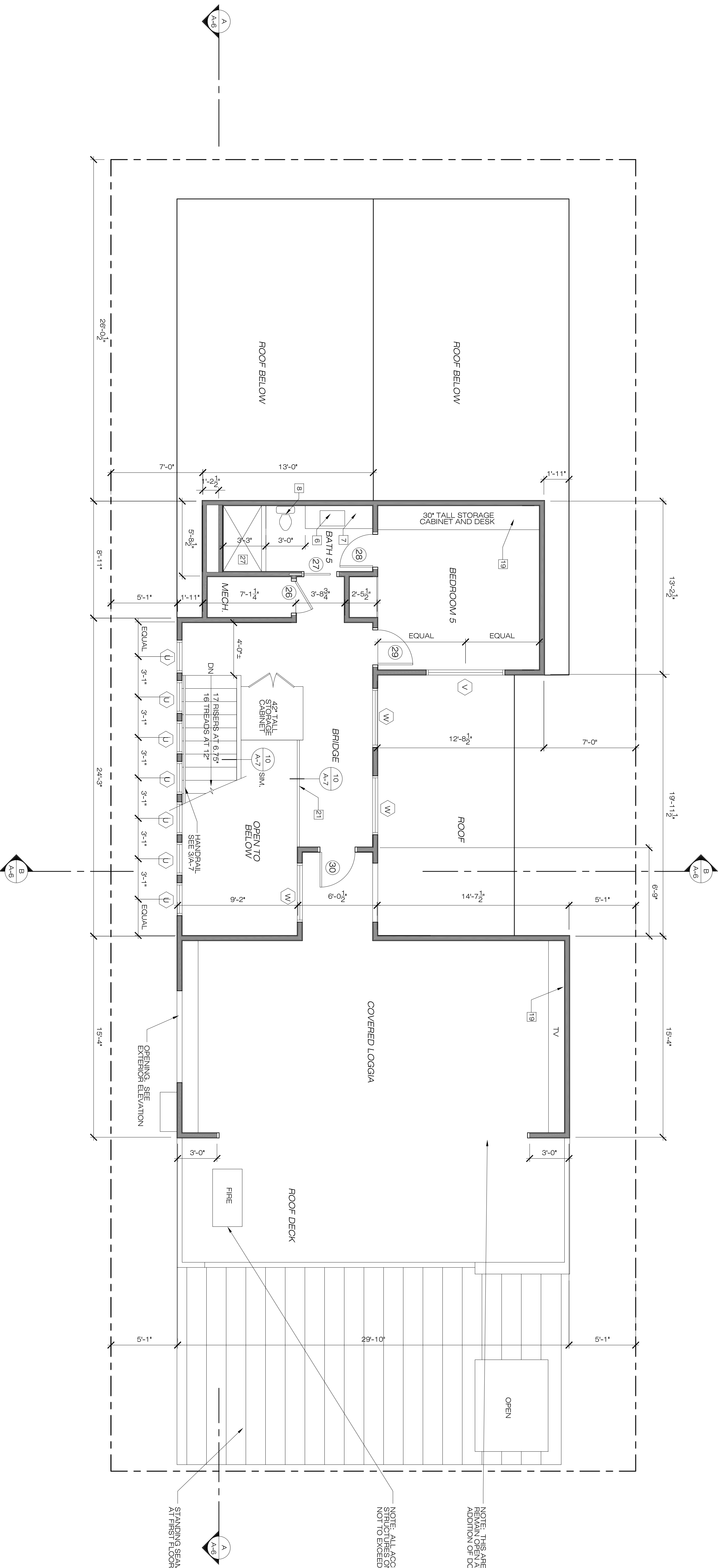
NEW WALL
ALL EXTERIOR WALLS AND INTERIOR WALLS BETWEEN THE R-3 AND U OCCUPANCY SHALL BE 2X6 AT 16" O.C. WITH R-21 INSULATION EXTERIOR AND R-19 INTERIOR

PROJECT: HOBIN RESIDENCE 18 BEACON BAY NEWPORT BEACH, CA	ERIC OLSEN DESIGN	REVISION: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					DATE: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					DRAWING: SECOND LEVEL FLOOR PLAN	JOB NUMBER: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					DRAWING NUMBER: A-2.2

158 N. GLASSBELT ST., SUITE 201
ORANGE, CA 92666
TEL: 949.741.8884
FAX: 714.971.8884

DATE: 01.28.15
DRAWN BY: E.O.
SCALE: 1/8" = 1'-0"

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FIREPLACE NOTES

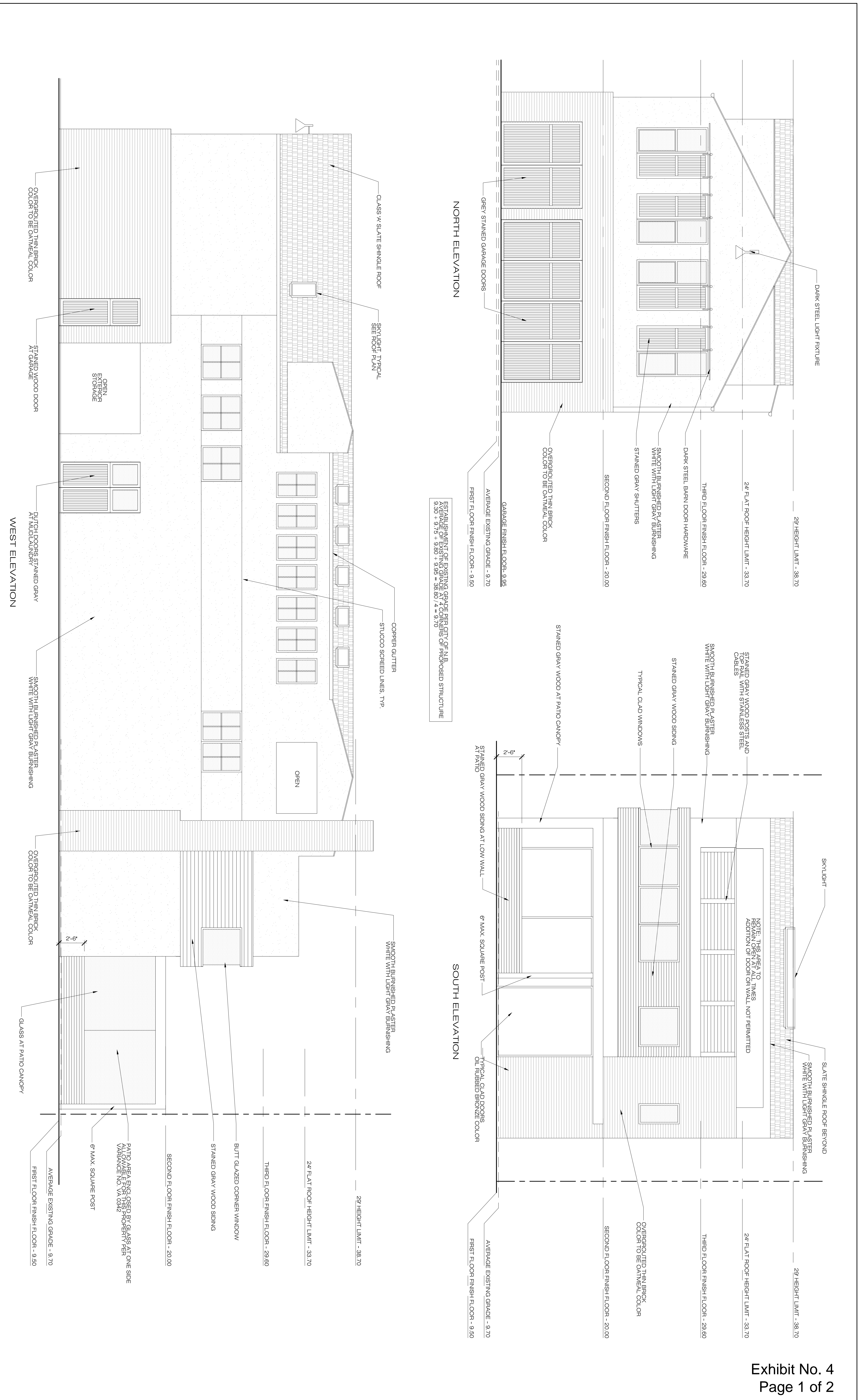
- FIREPLACE OPENING SHALL BE SURROUNDING THE OPENING TO BE MIN. 6" FROM OPENING
- COMBUSTIBLE MATERIAL SHALL BE MIN. 12" FROM OPENING
- DISTANCE FROM OPENING COMBUSTIBLE MATERIAL AT SIDES SHALL BE PROJECT MORE
- CLEARANCE EQUAL TO THE PROJECTION
- PROVIDE 2 INCH CLEARANCE TO FRAMING AROUND
- FLOOR AND CEILING SHALL BE 1/2" THICKNESS
- TO COMBUSTIBLES TO BE 2 INCHES MIN.
- HEARTH THICKNESS TO BE 2 INCHES MIN.

WALL LEGEND

- NEW WALL
- ALL EXTERIOR WALLS AND INTERIOR WALLS BETWEEN THE R-3 AND U OCCUPANCY SHALL BE 2X6 AT 18" O.C. WITH R-21 INSULATION EXTERIOR AND R-19 INTERIOR

<p>PROJECT:</p> <h2 style="text-align: center;">HOBIN RESIDENCE</h2> <p style="text-align: center;">18 BEACON BAY NEWPORT BEACH, CA</p>	<p>ERIC OLSEN DESIGN</p> <p>158 N. GLASSBELL ST., SUITE 201 ORANGE, CA 92666 TEL: 714.771.8884 FAX: 714.771.8884</p>	<p>REVISION:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO.</th> <th style="width: 50%;">DATE</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	DATE							<p>DRAWING:</p> <h3 style="text-align: center;">THIRD LEVEL FLOOR PLAN</h3> <p>JOB NUMBER: DRAWING NUMBER: DATE: 11.05.14 A-2.3 DRAWN BY: E.O. SCALE: 1/4" = 1'-0"</p>
NO.	DATE										

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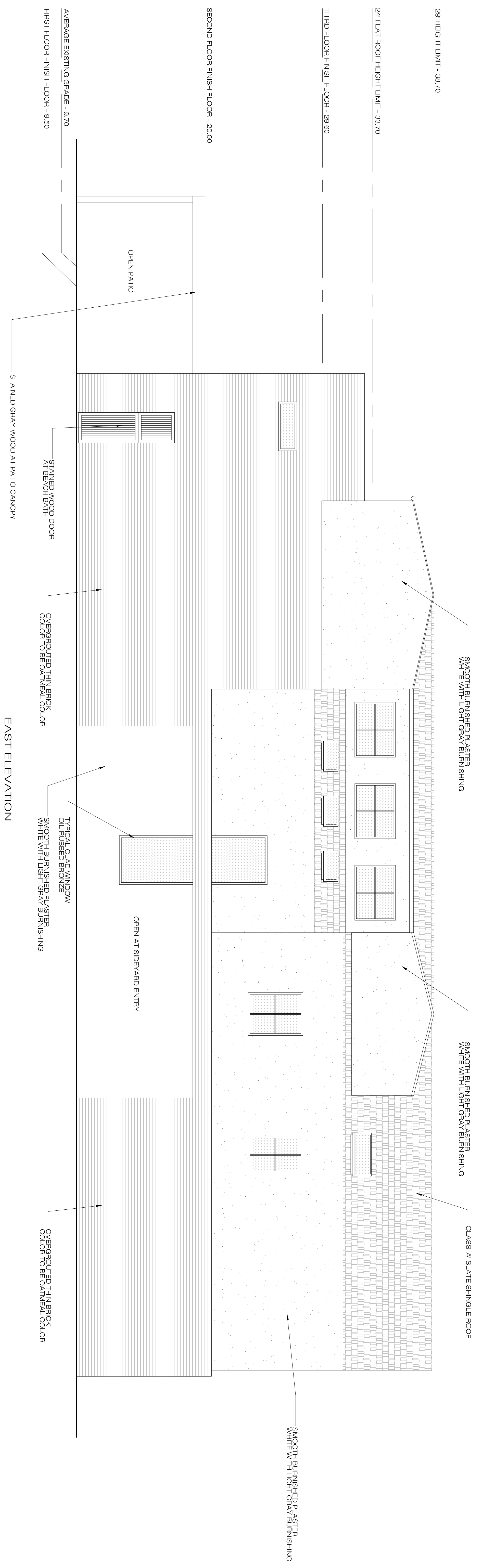
PROJECT: **HOBIN RESIDENCE**
18 BEACON BAY
NEWPORT BEACH, CA

ERIC OLSEN DESIGN
1561 N. GILLESPIE ST., SUITE 201
ORANGE, CA 92666
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REVISION:	DATE:

DRAWING: **EXTERIOR ELEVATIONS**
JOB NUMBER: **A-5.1**
DATE: 11.05.14
DRAWN BY: E.O.
SCALE: 1/4" = 1'-0"

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PROJECT:		HOBIN RESIDENCE 18 BEACON BAY NEWPORT BEACH, CA	
ERIC OLSEN DESIGN 1561 N. GILASSELL ST., SUITE 201 ORANGE, CA 92666 TEL: 714.771.8984 FAX: 714.771.8984		REVISION:	
DATE:		DRAWING:	
		EXTERIOR ELEVATIONS	
JOB NUMBER:	DATE:	DRAWING NUMBER:	
	11.05.14		
DRAWN BY:	E.O.		
SCALE:	1/4" = 1'-0"		
			A-5.2

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