

**CALIFORNIA COASTAL COMMISSION**

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

**Th13b**

Click here to go to  
 original staff report

**2<sup>nd</sup> ADDENDUM**

January 12, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th13b, CDP NO. 5-15-0413 (239 CARNATION NB LLC) FOR THE COMMISSION MEETING OF THURSDAY, JANUARY 14, 2016.**

**CHANGES TO STAFF REPORT**

In response to public comments received, Commission staff recommends modifications to the staff report dated December 18, 2015. Language to be added to the findings and conditions is shown in **underlined italicized bold text**, and language to be deleted is identified by ~~strike-out~~.

**A. Page 1 – Revise summary of staff recommendation, as follows:**

The pattern of existing development in the project area consists of development on the bluff face and because of this the City's Coastal Land Use Plan (CLUP) contains policies that allow for bluff face development, however, provided that development complies with the 'predominant line of existing development' (PLOED). The PLOED, which has been established by the City ~~for~~ **for** principal structures only, for this development area has been determined to be at elevation 50.7 feet. **The PLOED for this area along Carnation Avenue was determined in conjunction with Coastal Development Permit No. 5-10-298-(AERIE) that was approved by the Commission in 2011 (Exhibit No. 7). The PLOED was determined by looking at the average elevation of the lowest visible development along the bluff along this stretch of Carnation Avenue.** No new visible surface development is proposed to be at the 50.7 feet elevation. The lowest point of development, in this case being grading, will extend down to the 59 foot contour, which is above the 50.7 PLOED elevation. The natural bluff will be maintained below the 59 foot elevation.

**B. Page 5 – Revise exhibits, as follows:****EXHIBITS**

- Exhibit No. 1 – Location Map
- Exhibit No. 2 – Site Plan
- Exhibit No. 3 – Floor Plans
- Exhibit No. 4 – Elevation Plans

Exhibit No. 5 – Foundation Plan

Exhibit No. 6 – Elevation Plan showing cantilevered decks at the basement and the 1<sup>st</sup> floor level extending beyond the vertical plane PLOED at the 50.7 elevation

**Exhibit No. 7 – PLOED (Predominant Line of Existing Development) for development along this stretch of Carnation Avenue**

**Exhibit No. 8 – Overlay of proposed plan to PLOED and its consistency with development along this stretch of Carnation Avenue**

**C. Pages 18 - 19 – Revise Section IV.C. Scenic Resources, as follows:**

Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected.

**Use of Predominant Line of Existing Development (PLOED) for Bluff Setbacks**

The pattern of existing development in the area involves development on the bluff face. In recognition of this pattern, the City's Coastal Land Use Plan (CLUP) contains policies that allow for bluff face development, provided that development complies with the 'predominant line of existing development' (PLOED). **The PLOED for this area along Carnation Avenue was determined in conjunction with Coastal Development Permit No. 5-10-298-(AERIE) that was approved by the Commission in 2011 (Exhibit No. 7). The PLOED was determined by looking at the average elevation of the lowest visible development along the bluff along this stretch of Carnation Avenue.**

For this development site, the PLOED has been developed to be at elevation 50.7 feet. This PLOED is for the principal structures only. New visible surface development is not proposed to be at the 50.7 feet elevation. The lowest point of development, in this case being grading, will extend down to the 59 foot contour, which is above the 50.7 foot PLOED elevation. The natural bluff will be maintained below the 59 foot elevation.

Both the Coastal Act, Section 30251, in particular, and the policies of the CLUP require that landform alteration be minimized to ensure that the development does not impact scenic and visual qualities of natural landforms. The intent of the CLUP policies that permit continued development on the bluff face is intended to minimize further bluff alteration than that which has already taken place pre-Coastal Act. As noted above, the Commission has typically applied the City's PLOED determination when evaluating the visual and scenic impacts of bluff face development. Further, when the Commission evaluates whether proposed development alters landforms in this area and results in visual and scenic resource impacts, it considers (1) past Commission action in the area, (2) the pattern of existing development, and (3) the likely impacts to the site under the existing categorical exclusion order that currently applies to property located along Carnation Avenue.<sup>1</sup> First, the Commission has granted coastal permits for residential development along Ocean Avenue where conforming to the existing pattern of development resulted in removal of some existing bluff

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<sup>1</sup> 239 Carnation Avenue falls within the boundaries of the Categorical Exclusion Order E-77-5 adopted by the Commission in 1977 for the demolition and/or construction of single-family and two-family residences and their appurtenant facilities in R1 thru R-4 zones. Structures are only subject to this exclusion if they provide two parking spaces and are designed so that the gross structural area, including storage, parking and stairways does not exceed 1.5 times the buildable area on non-conforming lots (4,000 sq. ft. of less) and in areas where a majority of the lots are non-conforming.

face (uppermost area) and was found to minimize landform alteration (e.g. 5-10-298-(AERIE), 5-12-260-(Evensen), 5-02-203-(Tabak), 5-05-328 (Palermo), 5-03-100-(Halfacre)) because the lower portion of the bluff was preserved. Second, the existing pattern of development is also important here. All of the properties along Carnation Avenue involve bluff face development. Third, under the Commission-approved categorical exclusion order **E-77-5 (granted by the Commission in 1977)**, in which the project site is located within could be re-developed with a single family residence if they comply with the categorical exclusion requirements. The lot owner would be able to develop down the bluff to 10 feet from the bayside property line. **Under the Commission approved categorical exclusion order, any proposed structure that exceeds the 1.5 buildable area is not subject to the exclusion and would need to obtain a coastal development permit. Since the maximum buildable area authorized under the categorical exclusion order for this lot is 5,094 square feet (3,396 square feet x's 1.5) and the proposed projects square footage is 5,691 square feet, the project wasn't covered by the exclusion and the applicant applied for this separate CDP. Under the CLUP, there is no 1.5 maximum lot coverage, so the projects' total square footage of 5,691 square feet is allowed.**

As proposed, the project does not extend below the 50.70 foot elevation, in an effort to protect public views of the bluff by not altering the bluff below the predominant line of existing development. In fact, development is actually limited to the 59 foot elevation.

**Currently there is an existing one-story single-family residence on site, so there are no public views available through the site of the harbor from Carnation Avenue or Seaview Avenue. Therefore, the addition of a two floors above the street level will not adversely impact public views to the harbor.**

As previously noted, no new interior living space is proposed beyond (bayward) of the PLOED. However, decks on the basement and 1<sup>st</sup> floor levels are proposed to be cantilever beyond (bayward) of the PLOED (**Exhibit No. 6**). The PLOED as defined in the City's certified LUP is not for accessory development such as decks. However, the proposed decks which extend approximately 9 feet to 12 feet beyond the PLOED vertical plane add to the visual mass of the structure which adversely impacts public views of the bluff. Thus, revising the decks or pulling the development back to be consistent with the PLOED would minimize the proposed development's adverse visual impact upon the coastal bluff by maintaining a visual line along the bluff **and the proposed project would be consistent with the surrounding development (Exhibit No. 8)**. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing the primary structure and all accessory structures (i.e., cantilevered decks) to be placed behind a plane extended vertically from the 50.7 foot elevation, the established PLOED, in order to reduce the visual impact of development over the coastal bluff. Therefore, as conditioned, the Commission finds the proposed development consistent with past permit approvals in this area, consistent with the pattern of development in the area, would result in less impact to the bluff under the categorical exclusion order and does not adversely impact scenic and visual qualities along the bluff face. This condition is similar to the condition imposed on the AERIE project (CDP No. 5-10-298) approved by the Commission 2011.

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## **D. CORRESPONDENCE RECEIVED**

On January 8, 2016 Commission staff received a letter in opposition from J. Sebag, MD, the letter has been attached to this addendum. We have responded to his letter by revising the staff report as found in this addendum.

# PLOED for this stretch along Carnation Avenue

Location of  
development for CDP  
No. 5-10-298-(AERIE)

Project Site  
(It is the lot  
located at  
end of this  
picture that  
is only  
partially  
seen. The  
PLOED is  
applicable to  
this site.)



Median elevation of the seven structures is 50.7 feet MSL.

# Consistency of proposed project with PLOED for this stretch along Carnation Avenue



**Project Site.** This shows the proposed plan before being modified to be consistent with Special Condition No. 1, which requires revised project plans showing the primary structure and all accessory structures (i.e., cantilevered decks) to be placed behind a plane extended vertically from the 50.7 foot elevation, the established PLOED. As conditioned, the project would be consistent with the PLOED and the surrounding development.

J. Sebag, MD, FACS, FRCOphth, FARVO  
2500 Seaview  
Corona Del Mar, CA 92625

Th13b

January 8, 2015

VIA FACSIMILE  
FAX: 562-590-5084

**RECEIVED**  
South Coast Region

JAN 8 2016

CALIFORNIA  
COASTAL COMMISSION

Mr. Fernie Sy  
Coastal Program Analyst  
California Coastal Commission  
South Coast District Office  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4325

*Re: Opposition to Application No.: 5-15-0413; 239 Carnation Avenue, Newport Beach, Orange County*

Dear Mr. Sy:

The opponents of this project include members of The Palisades Condominium Homeowners Association ("TPCHOA") whose members own certain residences located across the street from 239 Carnation Avenue in Corona Del Mar. Given their proximity, the TPCHOA members have reviewed the Staff Report and oppose the recommended approval of the application. The matter is set for hearing on Thursday, January 14, 2016 at 9:00 AM as Item No.: Th13b. The most significant issues of opposition are the size and scale of the proposal, coupled with the resulting destruction of the coastal bluff related to its mass as compared to the existing single story residence at this location. Both the California Coastal Act and the Newport Beach Land Use Plan require "minimized development of natural land forms" and development to be "visually compatible with the character of surrounding areas."

**Destruction of the Bluff:** The proposal requires significant excavation of the bluff to allow a terraced structure built into the face of the bluff to replace a residence sitting on top of the bluff. Additionally, the proposed decks, which extend beyond the vertical plane of the "predominant line of existing development" ("PLOED") add to the visual mass of the proposed structure which increases the visual impact along the bluff. The impact is further amplified by the proposed Coastal Development Permit so as to exceed allowable lot coverage. The Newport Beach Coastal Land Use Plan provides that structures shall not exceed 1.5 times the buildable area of the lot. The proposed project exceeds this requirement by approximately 600 square feet. This seems significant and excessive. The applicant is also proposing a basement level cantilevered pool to be built into the bluff. Such development disregards natural land forms and is not visually compatible with the character of the surrounding areas.

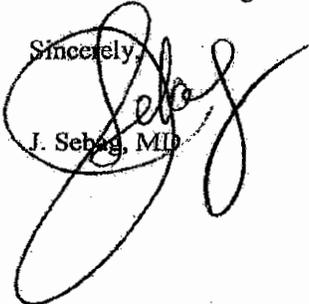
The new development will also obstruct public views from adjacent roads in violation of Newport Beach Zoning Code section 20.30.080. Since the project is located adjacent to a coastal bluff, the proposed size, bulk and mass of the structure relative to the existing structure will

Mr. Fernie Sy  
Coastal Program Analyst  
California Coastal Commission  
January 8, 2016  
Page 2

result in significant impacts to the scenic and visual qualities of the Coastal Zone. However, there is no indication of any visual impact analysis having been submitted by the applicant. Additionally, the development is not designed to minimize the alteration of the affected bluff. While mindful of the special conditions recommended by the staff report, the opponents respectfully request that the application be denied until plans are submitted which fully conform to the law.

We look forward to addressing these issues at the hearing next Thursday.

Sincerely,

  
J. Sebag, MD

cc: James G. Damon, Esq.

**CALIFORNIA COASTAL COMMISSION**

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

# Th13b



## ADDENDUM

January 8, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th13b, CDP NO. 5-15-0413 FOR THE COMMISSION MEETING OF THURSDAY, JANUARY 14, 2016.**

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### CHANGES TO STAFF REPORT

Commission staff recommends modifications to the staff report dated December 18, 2015. Language to be added to the findings and conditions is shown in **underlined italicized bold text**, and language to be deleted is identified by ~~strike-out~~.

**A. Page 1 – Revise project description, as follows:**

**Project Description:** Demolition of an existing 3,500 **938** square foot, one-story, single-family residence and construction of a new 5,048 square foot, four-level, single-family residence with a 643 square foot three-car garage on a coastal bluff lot.

**B. Page 11 – Revise Section IV.A. Project Description and Location, as follows:**

The proposed project consists of demolition of an existing 3,500 **938** square foot, one-story, single-family residence and construction of a new 5,048 square foot, four-level (including a daylighting basement), approximately 33-feet tall, single-family residence with an attached 643 square foot three car garage on a coastal bluff top lot (**Exhibits No. 2-5**). Hardscape along the front yard (adjacent to Carnation Avenue) and side yards is proposed. No landscaping is proposed.

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 (562) 590-5071

**Th13b**

Filed:	6/19/15
180 <sup>th</sup> Day:	Extended
270 <sup>th</sup> Day:	3/15/16
Staff:	F. Sy-LB
Staff Report:	12/18/15
Hearing Date:	1/14/16

**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 5-15-0413

**Applicant:** 239 Carnation NB, LLC

**Agent:** Andrew Goetz

**Project Location:** 239 Carnation Avenue, Newport Beach, Orange County

**Project Description:** Demolition of an existing 3,500 square foot, one-story, single-family residence and construction of a new 5,048 square foot, four-level, single-family residence with a 643 square foot three-car garage on a coastal bluff lot.

**Staff Recommendation:** Approval with conditions.

**SUMMARY OF STAFF RECOMMENDATION:**

Commission staff is recommending **APPROVAL** of the demolition of an existing single-family residence and construction of a new single-family residence on a coastal bluff top lot in the City of Newport Beach. The project site is inland of a private residential road and a row of bayfronting residential development. The major issues raised by this proposed development concern bayfront development that could be subject to hazards and impact scenic resources, marine resources and water quality and public access and recreation.

The pattern of existing development in the project area consists of development on the bluff face and because of this the City's Coastal Land Use Plan (CLUP) contains policies that allow for bluff face development, however, provided that development complies with the 'predominant line of existing development' (PLOED). The PLOED, which has been established by the City for principal structures only, for this development area has been determined to be at elevation 50.7 feet. No new visible surface development is proposed to be at the 50.7 feet elevation. The

lowest point of development, in this case being grading, will extend down to the 59 foot contour, which is above the 50.7 PLOED elevation. The natural bluff will be maintained below the 59 foot elevation.

The Coastal Act, Section 30251 in particular, and the policies of the CLUP require that landform alteration be minimized to ensure that the development does not impact scenic and visual qualities of natural landforms. The intent of the CLUP policies that permit continued development on the bluff face is intended to minimize further bluff alteration than that which has already taken place pre-Coastal Act. The Commission has typically applied the City's PLOED determination when evaluating the visual and scenic impacts of bluff face development. In an effort to protect public views of the bluff by not altering the bluff below the predominant line of existing development the proposed project does not extend below the 50.70 foot elevation. The proposed principal structure does not extend below the 59 foot elevation.

While no new interior living space is proposed below (bayward) of the PLOED, the project does contain decks on the basement and 1<sup>st</sup> floor levels that are proposed to be cantilever beyond (bayward) of the PLOED. The PLOED, as defined in the City's certified LUP, is not for accessory development such as decks. However, the proposed decks, which extend approximately 9 feet to 12 feet beyond the PLOED's vertical plane, add to the visual mass of the structure which increases the visual impact along the bluff. Thus, revising the decks or pulling the development back to be consistent with the PLOED would minimize the proposed development's adverse visual impact upon the coastal bluff by maintaining a visual line along the bluff. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing the primary structure and all accessory structures (i.e., cantilevered decks) to be placed behind a plane extended vertically from the 50.7 foot elevation, the established PLOED, in order to reduce the visual impact of development over the coastal bluff. This condition is similar to the condition imposed on the AERIE project (CDP No. 5-10-298) approved by the Commission 2011.

The applicant's geotechnical consultant has indicated that the site is grossly stable, that coastal hazards are not expected to impact the proposed development, that the project should be safe for the life of the project (75 years), and therefore, that no bluff or shoreline protection devices will be needed. The Commission's staff geologist reviewed the submitted geotechnical and coastal hazard studies and agreed with their conclusions. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." The proposed development appears to be safe from erosion on the basis of available information and is therefore consistent with Coastal Act section 30253(a). Nonetheless, the project would perpetuate exposure to threats from erosion by increasing the amount of development close to the bluff. To minimize the project's potential future impact on shoreline processes, **Special Condition No. 2** prohibits construction of any future bluff or shoreline protective device(s) such as revetments, seawalls, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face to protect the proposed new development if approved pursuant to this CDP in the event that the development is threatened with damage or destruction from

waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future.

Development on coastal bluff sites is inherently dangerous; therefore, the Commission imposes **Special Condition No. 3**, which requires the applicant to assume the risk of development.

The proposed project raises concerns that future development at the project site 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 adversely impact the geologic stability concerns expressed in this staff report, the Commission imposes **Special Condition No. 5**, which informs the applicant that future development at the site requires an amendment to this permit (5-15-0413) or a new coastal development permit.

As originally proposed, a deepened foundation system consisting of caissons was proposed for the cantilevered pool (exposed caissons along and within the coastal bluff face) and also for the lowest level cantilevered deck (non-exposed caisson), which are considered accessory structures. The Commission based on past Commission action does not allow deepened foundation systems for accessory development due to the potential for exposure of these foundation elements and the adverse visual impact. Commission staff shared these concerns with the applicant and the applicant has proposed to revise the foundation system for the cantilevered pool and the lowest level cantilevered deck. While the applicant has proposed and submitted preliminary revised foundation plans for the cantilevered pool and the lowest level cantilevered deck, final project plans need to be submitted. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing removal of the deepened foundation system (i.e., caisson) for the proposed cantilevered pool and lowest level cantilevered deck.

The applicant is proposing a basement level cantilevered pool. If not properly designed pools can leak and lead to erosion and bluff instability. In order to prevent possible bluff erosion and instability caused by water saturated slopes, **Special Condition No. 4** requires a pool leak prevention and detection system. Such pool leak prevention and detection systems are typically required where new pools are proposed in conjunction with development near a bluff.

The applicant has indicated that an emergency subsurface sewer lateral installed by directional drilling is proposed down the bluff face that will connect to the City sewer line at the base of the bluff along Bayside Place. The potential failure of this line may result in significant adverse impacts to the stability of the bluff. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing removal of the emergency sewer lateral line down the bluff face.

Due to the close proximity of the site to the bay and frequent bird activity in the area, there is a substantial risk of bird strikes. Clear glass walls that extend beyond the main structure, such as, patio wind screens, are known to have adverse impacts upon a variety of bird species. The proposed project contains bayfront glass deck rails that may have adverse impacts upon birds. Therefore in order to minimize adverse impacts to birds, the Commission imposes **Special Condition No. 6**, 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.

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 address and minimize impacts to water quality and marine resources as follows: **Special Condition No. 7** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. In order to deal with these post construction water quality impacts, the applicant has indicated that all water from the project site will be directed onto concrete swales that surround the building and that subsurface and concealed piping will collect all the water from the roof and deck areas and will be filtered and pumped to the curb drain in the Carnation right-of-way. Also, adjacent to the street (Carnation Avenue), a bottomless trench drain will be provided across the driveway location. No runoff will be allowed to drain over the bluff. However, the applicant has not provided a clear a plan showing and indicating these features has not been provided. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit drainage and runoff control plans.

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. 9**, 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 30210, 30212, 30230, 30231, 30232, 30251, 30252, and 30253 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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**APPENDICES**

Appendix A – Substantive File Documents

**EXHIBITS**

- Exhibit No. 1 – Location Map
- Exhibit No. 2 – Site Plan
- Exhibit No. 3 – Floor Plans
- Exhibit No. 4 – Elevation Plans
- Exhibit No. 5 – Foundation Plan
- Exhibit No. 6 – Elevation Plan showing cantilevered decks at the basement and the 1<sup>st</sup> floor level extending beyond the vertical plane PLOED at the 50.7 elevation

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-15-0413 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 5-15-0413 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. Revised Project Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a revised project plan, including floor, elevation, grading, drainage, shoring, foundation, pool, pool foundation, etc. The revised project plans shall be in substantial conformance with the plans received by South Coast District staff on April 1, 2015 and June 19, 2015, except they shall be modified according to the following:

- A. Any and all portions of the development below and/or beyond (bayward) of the Predominant Line of Existing Development (PLOED) at elevation 50.70 feet, including cantilevered decks shall be set back behind a plane extended vertically from the PLOED. This condition is similar to the Special Condition imposed on CDP No. 5-10-298-(AERIE);
- B. Any deepened foundations for accessory structures (i.e., decks, pools, etc.) are not permitted);
- C. The emergency subsurface sewer lateral line down the bluff face will be removed from the project plans; and
- D. No grading/foundation/daylighting of structures on bluff face below and/or beyond (bayward) of the PLOED at elevation 50.70 foot; all proposed structures, including but not limited to the pool and decks, shall be set back landward from the PLOED as necessary to avoid grading/foundation/daylighting of any structures on the bluff face below and/or beyond (bayward) of the PLOED.

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 unless the Executive Director determines that no amendment is legally required.

**2. No Future Bluff or Shoreline Protective Devices.** By acceptance of this permit, the applicant agrees, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-15-0413 including, but not limited to, the residence, foundations, decks, hardscape and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, foundations, decks, hardscape and any other future improvements if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

**3. 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.

**4. Pool Protection Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a pool protection plan prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool. The pool protection plans shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool which is separate from the water meter for the house to allow for the monitoring of water usage for the pool, and 2) use of materials and pool design features, such as but not limited to, double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the spa that conveys any water leakage to an appropriate drainage outlet. The applicant shall comply with the pool protection plans approved by the Executive Director.

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 unless the Executive Director determines that no amendment is legally required.

**5. Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-15-0413. Pursuant to Title 14, California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to this development governed by the Coastal Development Permit No.

5-15-0413. Accordingly, any future improvements to the structures 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 Coastal Development Permit No. 5-15-0413 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**6. Bird Strike Prevention.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, , the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a revised project plan 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

**7. Construction Best Management Practices.** The permittees shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- C. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- D. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- E. 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.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- A. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- B. The applicant shall develop and implement spill prevention and control measures;
- C. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- D. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

**8. Drainage and Runoff Control Plans.** 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 a drainage and runoff control plan for the post-construction project site, prepared by a licensed civil engineer or qualified water quality professional. The plan shall include detailed drainage and runoff control plans with supporting calculations showing drainage directed off site. The plans shall incorporate Best Management Practices (BMPs) including site design, source control and treatment control measures designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site.

- A. The plan shall demonstrate the use of distributed small-scale controls or integrated Best Management Practices (BMPs) that serve to minimize alterations to the natural pre-development hydrologic characteristics and conditions of the site, and effectively address pollutants of concern;
- B. Post-development peak runoff rate and average volume from the site shall be maintained at levels similar to pre-development conditions;
- C. Selected BMPs shall consist, or primarily consist, of site design elements and/or landscape based systems or features that serve to maximize site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas, where feasible;
- D. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
- E. All BMPs shall be operated, monitored, and maintained in accordance with manufacturer's specifications where applicable, or in accordance with well recognized

technical specifications appropriate to the BMP for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired prior to the onset of the storm season (October 15<sup>th</sup> each year) and at regular intervals as necessary between October 15<sup>th</sup> and April 15<sup>th</sup> of each year. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;

- F. For projects located on a hillside, slope, or which may otherwise be prone to instability, drainage plans should be approved by the project consulting geotechnical engineer; and
- G. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

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.

**9. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION AND LOCATION

The proposed project consists of demolition of an existing 3,500 square foot, one-story, single-family residence and construction of a new 5,048 square foot, four-level (including a daylighting basement), approximately 33-feet tall, single-family residence with an attached 643 square foot three car garage on a coastal bluff top lot (**Exhibits No. 2-5**). Hardscape along the front yard (adjacent to Carnation Avenue) and side yards is proposed. No landscaping is proposed.

Grading will consist of 850 cubic yards of cut, 100 cubic yards of fill and 750 cubic yards of export to a location outside of the Coastal Zone. A majority of the site will be excavated to proposed finish grades with fills proposed. Grading in the rear yard down the bluff will be completed to create benched areas for the construction of the residential structure.

The foundation system for the residence will consist of a conventional slab-on-grade system with continuous footings and retaining walls. The applicant has also stated that shoring walls to accommodate grading and floor construction along the east and west side yard property lines that include soldier piles ranging from 14-inches to 24-inches in diameter are also proposed.

The applicant has indicated that all water from the project site will be directed onto concrete swales that surround the building and that subsurface and concealed piping will collect all the water from the roof and deck areas and will be filtered and pumped to the curb drain in the Carnation right-of-way. Also, adjacent to the street (Carnation Avenue), a bottomless trench drain will be provided across the driveway location. No runoff will be allowed to drain over the bluff. In addition, the applicant has stated that an emergency subsurface sewer lateral will be constructed down the bluff face connecting to the City sewer line at the bottom of the bluff at the street, Bayside Place.

The subject site is a coastal bluff top lot located at 239 Carnation Avenue in the City of Newport Beach, Orange County (**Exhibit No. 1**). The coastal bluff is approximately 90 foot high with a slope inclination of approximately 1:1 (H: V). The elevation of the lot is approximately 84 feet along the property line fronting Carnation Avenue and descends to approximately 30 feet at the base of the coastal bluff at the bayward property line. The lot size is 4,796 square feet and is located within an existing urban residential area. The site is a 4,796 square foot lot located within an existing urban residential area designated Medium Density Residential by the City of Newport Beach Land Use Plan (LUP) and the proposed project adheres to this designation. To the north of the subject site, at the base of the coastal bluff, is a private residential street, Bayside Place and residential development on bulkheaded lots that front Newport Harbor; to the east and west of the subject site are single-family residences, to the south of the subject site is Carnation Avenue and single-family residences. Because of existing development at the toe of the bluff and bayward of the site, the site is not subject to wave impacts. However, the site is visible from the water along Newport Harbor and from public beach areas on Balboa Peninsula across the harbor.

The pattern of existing development in the area involves development on the bluff face. In recognition of this pattern, the City's Coastal Land Use Plan (CLUP) contains policies that allow for bluff face development, provided that development complies with the 'predominant line of existing development' (PLOED). For this development site, the PLOED would be at elevation 50.7 feet. New visible surface development on the bluff face is proposed to be behind the PLOED at the 59 foot elevation. The natural bluff will be maintained below the 59 foot elevation. As proposed, the lowest level finished floor (basement) will be at the 68 foot elevation and daylights at the bluff face along the northern side of the structure. A cantilevered pool (originally to be supported by caissons which will be discussed later in the staff report) is also proposed on the lowest level and will have a foundation system that makes contact with the bluff at the approximate 59 foot elevation. Grading of the bluff will be limited to the 59 foot

elevation. Currently, the lowermost exposed visible surface of the existing single-family residence is at the approximate 82 foot elevation on the bluff face. While no new interior living space is below (bayward) of the PLOED, cantilevered decks at the basement and the 1<sup>st</sup> floor level extend below (bayward) of the vertical plane PLOED at the 50.7 elevation (**Exhibit No. 6**). The proposed decks extend approximately 9 feet to 12 feet beyond the PLOED vertical plane. While these decks do not result in further landform alteration, these decks add to the visual massing of the structure above grade, which will be discussed later in the staff report. At approximately 33 feet tall, the proposed bluff-top structure meets the City's 33 foot height limit in this area.

## **B. HAZARDS**

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

*New development shall:*

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

The City of Newport Beach Certified Land Use Plan (LUP) policies regarding natural landform protection may be used for guidance, but are not the legal standard of review.

LUP Policy 4.4.3-8:

*Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.*

LUP Policy 4.4.3-9:

*Where principal structures exist on coastal bluff faces along Ocean Blvd., Carnation Ave., and Pacific Dr., in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principal and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.*

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 nor 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.

## 1. Geology

The site consists of a steep coastal bluff lot on the north side of the site which is not subject to tidal action since at the base of the coastal bluff is a private residential street with bulkheaded single-family residences. The bluff top and portions of bluff face are developed with single and multi-family residential structures both on the subject site and adjacent to the site.

The bedrock present on-site is generally massive, dense and well-cemented. Grading of the bluff will be limited to the 59 foot elevation. To accommodate grading and floor construction along the east and west side yard property lines, shoring walls are proposed that include soldier piles ranging from 14-inches to 24-inches in diameter are also proposed. The shoring walls required for the excavation phase will not be removed but be kept in place; however, piles are not required to support the foundation of the proposed building structure. The foundation system for the residence will consist of a conventional slab-on-grade system with continuous footings and retaining walls. However, as originally submitted, a deepened foundation system consisting of caissons was proposed for the cantilevered pool (exposed caissons along and within the coastal bluff face) and also for the lowest level cantilevered deck (non-exposed caisson), which are considered accessory structures (**Exhibit No. 5**). The Commission based on past Commission action does not allow deepened foundation systems for accessory development due to the potential for exposure of these foundation elements and the adverse visual impact. Commission staff shared these concerns with the applicant and the applicant has proposed to revise the foundation system for the cantilevered pool, replacing the caisson foundation system with a foundation system that makes contact with the bluff at the approximate 59 foot elevation behind the PLOED line. Regarding the caisson for the lowest level cantilevered deck, the applicant has stated that they are in agreement with removal of the caisson. While the applicant has proposed and submitted preliminary revised foundation plans for the cantilevered pool and the lowest level cantilevered deck, final project plans need to be submitted. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing removal of the deepened foundation system (i.e., caisson) for the proposed cantilevered pool and lowest level cantilevered deck.

The applicant submitted two geotechnical investigations for the proposed development: Preliminary *Geotechnical Investigation for the Proposed Single-Family Residence 239 Carnation Avenue, Corona Del Mar, City of Newport Beach, California* prepared by Geo Environ (Job No. 13-703P) dated July 7, 2014; and *Geotechnical Report Update For Coastal Commission Submittal Proposed Single Family Residence 239 Carnation Avenue Corona Del Mar, California* prepared by G3SoilWorks dated June 19, 2015. The Geo Environs investigation determined and evaluated the surface and subsurface conditions and presented preliminary recommendations for the foundation systems and grading requirements. The G3Soils investigation was submitted later in the review process and incorporated the findings in the previous investigation and provided up to date review and recommendations. The Commission's staff geologist has reviewed the submitted geotechnical reports, preliminary grading and drainage plans and agrees with the report's conclusions.

The underlying geologic units at the site include artificial fill, marine terrace deposits and bedrock of the Monterey Formation. Based on the results of stability analyses provided by the geotechnical investigation, the site is considered to be grossly stable with factors of safety for gross stability greater than 1.5 and 1.1 under static and pseudo-static conditions, respectively.

## **2. Bluff Setback – Use of Predominant Line of Existing Development (PLOED)**

In the City of Newport Beach, the Commission typically imposes a minimum bluff edge setback of 25 feet from the edge of the bluff for primary structures on bluff top lots subject to marine erosion (e.g. the enclosed living area of residential structures). However, the Commission has used a different approach in areas like Corona del Mar where there is already development on the bluff face. Specifically, the Commission has used the City’s bluff setback LUP provision to maintain an equitable approach to setback conditions that are consistent with the prevailing patterns of development in Corona del Mar and that are appropriate given the relatively stable geology of the area. In the Corona del Mar community, the City’s CLUP has specific policies permitting new *bluff face* development (i.e., no bluff edge setback) on lots with pre-existing bluff face development if determined to be consistent with the predominant line of existing development (PLOED), but only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to erosion of the bluff face and to be visually compatible with the surrounding area. These setbacks are deemed acceptable within this area of Corona del Mar based on the relatively stable, underlying bedrock of the bluffs in the area. The intent of the setback is to substantially reduce the likelihood of new development from grading down further and altering the remaining bluff face (as substantial pre-Coastal Act development on the bluff face exists in this area of Corona del Mar).

Furthermore, the Commission finds that development on the upper portion of the bluff face does not result in a geologic hazard in this case because, as indicated in the geotechnical report, the geologic stability of the site is adequate to support the proposed development. Applying a PLOED setback would be appropriate for the proposed project considering that the proposed new structure would not daylight lower down the bluff face than the lowest point of visible development on the existing pre-Coastal Act structure on this bluff.

## **3. Future Bluff and Shoreline Protection**

Section 30253 of the Coastal Act requires, in part, that new development be constructed in a manner that ensures that it will not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The north facing bluff along Carnation Avenue at this site is not subject to tidal action. However in general, bluff lots are inherently hazardous. It is the nature of bluffs to erode. Bluff failure can be episodic, and bluffs that seem stable now may not be so in the future. The proposed development could not be recommended for approval and deemed consistent with Section 30253 of the Coastal Act *if* projected bluff retreat would affect the proposed development and necessitate construction of a protection device. A protective device may be a seawall at the base of the bluff, or a rock anchor system, or shotcrete wall on the bluff face. If new development necessitates future protection, the landform and shoreline processes could be dramatically altered by the presence of the protective system. Currently, the single-family residences constructed at the toe of the north bluff (Carnation Ave. side) are protected from tidal action by bulkheads along these Bayside Place lots.

The Coastal Act limits construction of these protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach.

As the project proposes complete redevelopment of the site, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline/bluff protective device is not expected to be needed in the future.

The applicant's submitted G3Soils investigation included a coastal hazards analysis of the site. Coastal hazards include shoreline erosion, sea level rise, wave run-up, and coastal flooding. The subject site is located on the coastal bluff above Bayside Place, a private residential street. Residential development along Bayside Place provides protection of the bluff face below the subject property from the aforementioned coastal hazards, particularly, with regard to shoreline erosion as these properties are directly adjacent to Newport Harbor and are developed with bulkhead protection. Considering that the current proposed lowest finished floor elevation (basement) for the development is at 68 feet, the coastal hazards, as identified above, are not expected to impact the proposed development over the design life (75 years).

Furthermore, the applicant's geotechnical consultant has indicated that the site is grossly stable, that the project should be safe for the life of the project (75 years), and therefore, that no shoreline protection devices will be needed. The Commission's staff geologist reviewed the submitted geotechnical and coastal hazard studies and agreed with their conclusions. If not for the information provided by the applicant that the site is safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." The proposed development appears to be safe from erosion on the basis of available information and is therefore consistent with Coastal Act section 30253(a). Nonetheless, the project would perpetuate exposure to threats from erosion by increasing the amount of development close to the bluff. The record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicant to the geotechnical analysis they submitted, which states that the site is safe for development without the need for protective devices. To minimize the project's potential future impact on shoreline processes, **Special Condition No. 2** prohibits construction of any future bluff or shoreline protective device(s) such as revetments, seawalls, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face to protect the proposed new development if approved pursuant to this CDP in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise or other natural coastal hazards in the future. This, as conditioned, the project conforms to Section 30253 of the Coastal Act.

Development on coastal bluff sites is inherently dangerous; therefore, the Commission imposes **Special Condition No. 3**, which requires the applicant to assume the risk of development. By

this means, the applicant are notified that the proposed development is built in an area that is potentially subject to bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion that can damage the applicant' property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition requires the applicant to waive claims against the Commission and indemnify the Commission for third-party claims.

#### **4. Drainage**

Section 30253 of the Coastal Act requires, in part, new development to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The applicant is taking drainage design measures to bring the development into further compliance with section 30253. Regarding drainage on the site, the geotechnical report concludes that the proposed development should improve site drainage. As to be discussed in the section on water quality, the applicant has indicated that all water from the project site will be directed onto concrete swales that surround the building and that subsurface and concealed piping will collect all the water from the roof and deck areas and will be filtered and pumped to the curb drain in the Carnation right-of-way. Also, adjacent to the street (Carnation Avenue), a bottomless trench drain will be provided across the driveway location. No runoff will be allowed to drain over the bluff. While the applicant has provided this information, a clear plan showing and indicating these features has not been provided. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit drainage and runoff control plans. The applicant is proposing a basement level cantilevered pool, in order to prevent possible bluff instability caused by water saturated slopes, **Special Condition No. 4** requires a pool leak prevention and detection system. Such pool leak prevention and detection systems are typically required where new pools are proposed in conjunction with development near a bluff.

The applicant has indicated that an emergency subsurface sewer lateral installed by directional drilling is proposed down the bluff face that will connect to the City sewer line at the base of the bluff along Bayside Place. The potential failure of this line may result in significant adverse impacts to the stability of the bluff. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing removal of the emergency sewer lateral line down the bluff face.

#### **5. Future Development**

The proposed 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 at the project site 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 adversely impact the geologic stability concerns expressed in this staff report, the Commission imposes **Special Condition No. 5**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-15-0413) or a new coastal development permit. Future development includes, but is not limited to, structural additions, accessory structures, landscaping, and fencing.

## **Conclusion**

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

## **C. SCENIC RESOURCES**

Section 30251 of the Coastal Act pertains to visual resources. It states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...*

Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected.

### **Use of Predominant Line of Existing Development (PLOED) for Bluff Setbacks**

The pattern of existing development in the area involves development on the bluff face. In recognition of this pattern, the City's Coastal Land Use Plan (CLUP) contains policies that allow for bluff face development, provided that development complies with the 'predominant line of existing development' (PLOED). For this development site, the PLOED has been developed to be at elevation 50.7 feet. This PLOED is for the principal structures only. New visible surface development is not proposed to be at the 50.7 feet elevation. The lowest point of development, in this case being grading, will extend down to the 59 foot contour, which is above the 50.7 foot PLOED elevation. The natural bluff will be maintained below the 59 foot elevation.

Both the Coastal Act, Section 30251, in particular, and the policies of the CLUP require that landform alteration be minimized to ensure that the development does not impact scenic and visual qualities of natural landforms. The intent of the CLUP policies that permit continued development on the bluff face is intended to minimize further bluff alteration than that which has already taken place pre-Coastal Act. As noted above, the Commission has typically applied the City's PLOED determination when evaluating the visual and scenic impacts of bluff face development. Further, when the Commission evaluates whether proposed development alters landforms in this area and results in visual and scenic resource impacts, it considers (1) past Commission action in the area, (2) the pattern of existing development, and (3) the likely impacts to the site under the existing categorical exclusion order that currently applies to property located along Carnation Avenue.<sup>1</sup> First, the Commission has granted coastal permits for residential

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<sup>1</sup> 239 Carnation Avenue falls within the boundaries of the Categorical Exclusion Order E-77-5 adopted by the Commission in 1977 for the demolition and/or construction of single-family and two-family residences and their appurtenant facilities in R1 thru R-4 zones. Structures are only subject to this exclusion if they provide two parking spaces and are designed so that the gross structural area, including storage, parking and stairways does not exceed 1.5 times the buildable area on non-conforming lots (4,000 sq. ft. of less) and in areas where a majority of the lots are non-conforming.

development along Ocean Avenue where conforming to the existing pattern of development resulted in removal of some existing bluff face (uppermost area) and was found to minimize landform alteration (e.g. 5-10-298-(AERIE), 5-12-260-(Evensen), 5-02-203-(Tabak), 5-05-328 (Palermo), 5-03-100-(Halfacre)) because the lower portion of the bluff was preserved. Second, the existing pattern of development is also important here. All of the properties along Carnation Avenue involve bluff face development. Third, under the Commission-approved categorical exclusion order, in which the project site is located within could be re-developed with a single family residence if they comply with the categorical exclusion requirements. The lot owner would be able to develop down the bluff to 10 feet from the bayside property line.

As proposed, the project does not extend below the 50.70 foot elevation, in an effort to protect public views of the bluff by not altering the bluff below the predominant line of existing development. In fact, development is actually limited to the 59 foot elevation.

As previously noted, no new interior living space is proposed beyond (bayward) of the PLOED. However, decks on the basement and 1<sup>st</sup> floor levels are proposed to be cantilever beyond (bayward) of the PLOED (**Exhibit No. 6**). The PLOED as defined in the City's certified LUP is not for accessory development such as decks. However, the proposed decks which extend approximately 9 feet to 12 feet beyond the PLOED vertical plane add to the visual mass of the structure which adversely impacts public views of the bluff. Thus, revising the decks or pulling the development back to be consistent with the PLOED would minimize the proposed development's adverse visual impact upon the coastal bluff by maintaining a visual line along the bluff. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing the primary structure and all accessory structures (i.e., cantilevered decks) to be placed behind a plane extended vertically from the 50.7 foot elevation, the established PLOED, in order to reduce the visual impact of development over the coastal bluff. Therefore, as conditioned, the Commission finds the proposed development consistent with past permit approvals in this area, consistent with the pattern of development in the area, would result in less impact to the bluff under the categorical exclusion order and does not adversely impact scenic and visual qualities along the bluff face. This condition is similar to the condition imposed on the AERIE project (CDP No. 5-10-298) approved by the Commission 2011.

The applicant has indicated that an emergency subsurface sewer lateral installed by directional drilling is proposed down the bluff face that will connect to the City sewer line at the base of the bluff along Bayside Place. The potential failure of this line and erosion of the bluff may result in significant adverse visual impacts. Therefore, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised project plans showing removal of the emergency subsurface sewer lateral line down the bluff face.

### **Conclusion**

Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

## **D. MARINE RESOURCES AND 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.

### **1. Sensitive Habitat and Resources**

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 contain

bayfront glass deck rails that may have adverse impacts upon birds. Therefore in order to minimize adverse impacts to birds, the Commission imposes **Special Condition No. 6**, 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.

## **2. 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. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **Special Condition No. 7**, 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.

## **3. 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 indicated that all water from the project site will be directed onto concrete swales that surround the building and that subsurface and concealed piping will collect all the water from the roof and deck areas and will be filtered and pumped to the curb drain in the Carnation right-of-way. Also, adjacent to the street (Carnation Avenue), a bottomless trench drain will be provided across the driveway location. No runoff will be allowed to drain over the bluff. However, the applicant has not provided a clear a plan showing and indicating these features has not been provided. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit drainage and runoff control plans.

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.

## **Conclusion**

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

## **E. 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.*

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 30212 of the Coastal Act requires 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 nearest access to a public beach is available approximately 700 feet south of the site at China Cove Beach and also at Corona del Mar State Beach approximately 2,000 feet south of the site. The nearest public access to the bay for boaters is at a public launch site approximately 2,000 feet northwest of the site at the Orange County Harbor Patrol facility. Thus, adequate public access exists nearby.

When a private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Access to the closest public beach and a local recreation park is located within walking distance from the site. Public parking for these coastal resources is on-street along

Ocean Blvd. The relative proximity of these public coastal access facilities to the project site gives good reason for the need for adequate parking for private development. Insufficient parking on the project site may result in users of that development taking up spaces that the public may use to access coastal resources. Thus, all private development must provide adequate on-site parking or alternative public transportation to minimize adverse impacts on public access. The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed single family residence provides a total of two parking spaces located in two individual attached garages. Therefore, as currently designed, the development provides adequate parking.

### **Conclusion**

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30212 and 30252 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. 9**) requiring that the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land 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.

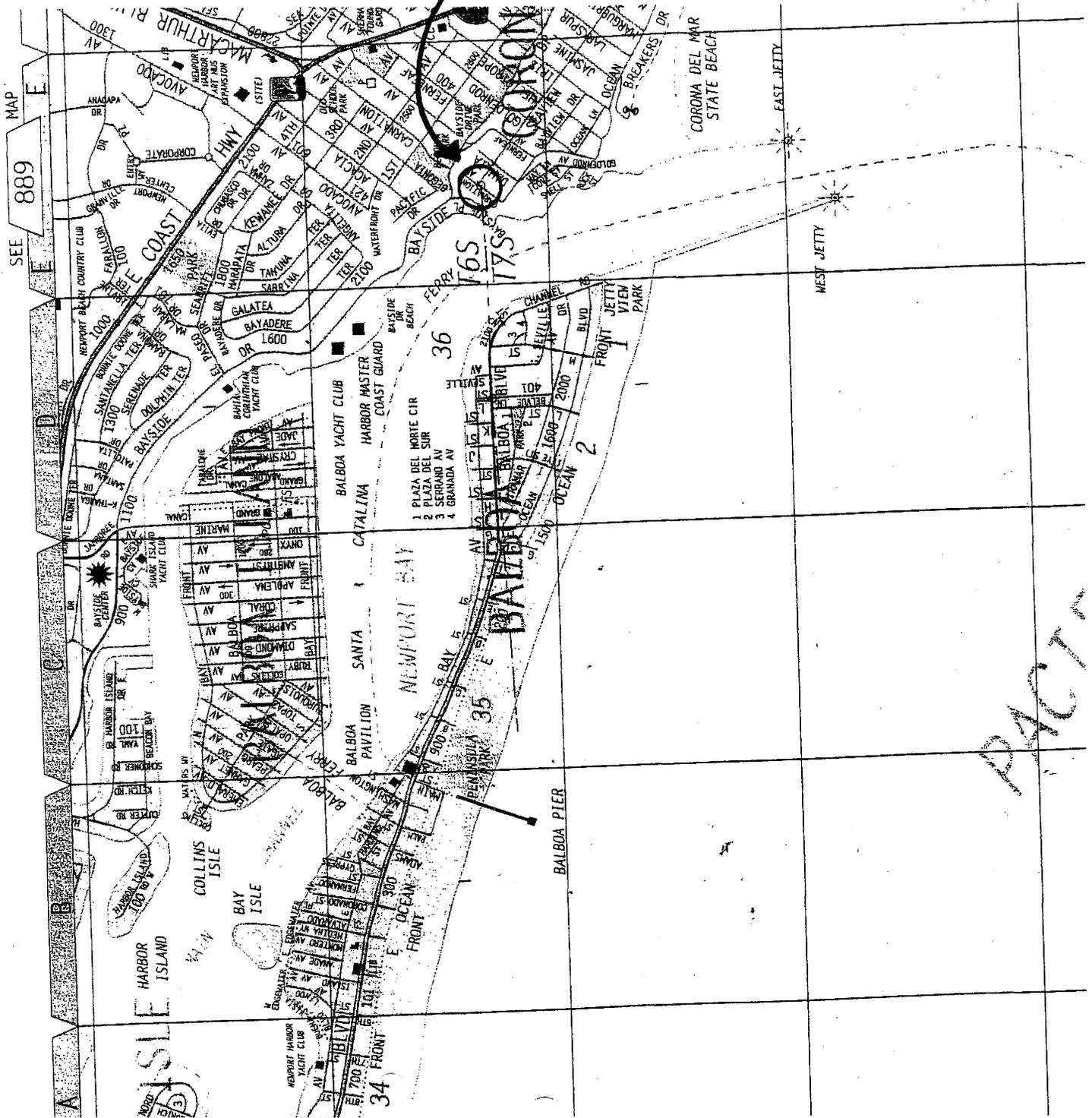
The City of Newport Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is Categorical Exempt from Provisions of CEQA for the construction. 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, scenic resources, marine resources and water quality and public access and recreation 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 March 26, 2015; *Preliminary Geotechnical Investigation for the Proposed Single-Family Residence 239 Carnation Avenue, Corona Del Mar, City of Newport Beach, California* prepared by Geo Environ (Job No. 13-703P) dated July 7, 2014; Letter from agent to Commission staff dated March 27, 2015; Letter from Commission staff to agent dated May 1, 2015; Letter from agent to Commission staff received June 19, 2015; Letter from agent to Commission staff dated November 13, 2015; Letter from G3SoilWorks dated June 19, 2015; and *Geotechnical Report Update For Coastal Commission Submittal Proposed Single Family Residence 239 Carnation Avenue Corona Del Mar, California* prepared by G3SoilWorks dated June 19, 2015.



*Project Site*

<b>EXHIBIT NO. 1</b>
Application Number
<b>5-16-0413</b>
California Coastal Commission

*BACTM*

EXHIBIT NO. 2

Application Number

6-15-0413

California Coastal Commission

**SITE PLAN NOTES**

1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CALIFORNIA COASTAL ACT AND THE CALIFORNIA COASTAL COMMISSION'S REGULATIONS. THE DEVELOPER SHALL OBTAIN A COASTAL DEVELOPMENT PERMIT FROM THE CALIFORNIA COASTAL COMMISSION PRIOR TO COMMENCING CONSTRUCTION.

2. THE DEVELOPER SHALL MAINTAIN THE EXISTING NATURAL VEGETATION AND TOPOGRAPHY TO THE MAXIMUM EXTENT POSSIBLE. ANY REMOVAL OF VEGETATION SHALL BE COMPENSATED BY THE PLANTING OF EQUIVALENT SPECIES.

3. THE DEVELOPER SHALL PROVIDE ADEQUATE DRAINAGE FOR THE PROPOSED DEVELOPMENT. ALL DRAINAGE SHALL BE CONDUCTED TO EXISTING OR DESIGNATED DRAINAGE CHANNELS.

4. THE DEVELOPER SHALL PROVIDE ADEQUATE EROSION CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION OF NEARBY WATER BODIES.

5. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESS TO THE PROPOSED DEVELOPMENT FROM EXISTING OR DESIGNATED ROADS.

6. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHTING FOR THE PROPOSED DEVELOPMENT. ALL LIGHTING SHALL BE SHIELDED TO PREVENT LIGHT POLLUTION.

7. THE DEVELOPER SHALL PROVIDE ADEQUATE SECURITY MEASURES FOR THE PROPOSED DEVELOPMENT. ALL SECURITY MEASURES SHALL BE DESIGNED TO PREVENT UNAUTHORIZED ACCESS TO THE DEVELOPMENT.

8. THE DEVELOPER SHALL PROVIDE ADEQUATE FLOOD PROTECTION FOR THE PROPOSED DEVELOPMENT. ALL FLOOD PROTECTION SHALL BE DESIGNED TO PROTECT THE DEVELOPMENT FROM FLOODING.

9. THE DEVELOPER SHALL PROVIDE ADEQUATE UTILITIES FOR THE PROPOSED DEVELOPMENT. ALL UTILITIES SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA COASTAL COMMISSION.

10. THE DEVELOPER SHALL PROVIDE ADEQUATE PARKING FOR THE PROPOSED DEVELOPMENT. ALL PARKING SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA COASTAL COMMISSION.

**NEWPORT BEACH REQUIREMENTS**

1. THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE NEWPORT BEACH LOCAL ORDINANCES AND REGULATIONS. THE DEVELOPER SHALL OBTAIN A DEVELOPMENT PERMIT FROM THE CITY OF NEWPORT BEACH PRIOR TO COMMENCING CONSTRUCTION.

2. THE DEVELOPER SHALL MAINTAIN THE EXISTING NATURAL VEGETATION AND TOPOGRAPHY TO THE MAXIMUM EXTENT POSSIBLE. ANY REMOVAL OF VEGETATION SHALL BE COMPENSATED BY THE PLANTING OF EQUIVALENT SPECIES.

3. THE DEVELOPER SHALL PROVIDE ADEQUATE DRAINAGE FOR THE PROPOSED DEVELOPMENT. ALL DRAINAGE SHALL BE CONDUCTED TO EXISTING OR DESIGNATED DRAINAGE CHANNELS.

4. THE DEVELOPER SHALL PROVIDE ADEQUATE EROSION CONTROL MEASURES TO PREVENT SOIL EROSION AND SEDIMENTATION OF NEARBY WATER BODIES.

5. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESS TO THE PROPOSED DEVELOPMENT FROM EXISTING OR DESIGNATED ROADS.

6. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHTING FOR THE PROPOSED DEVELOPMENT. ALL LIGHTING SHALL BE SHIELDED TO PREVENT LIGHT POLLUTION.

7. THE DEVELOPER SHALL PROVIDE ADEQUATE SECURITY MEASURES FOR THE PROPOSED DEVELOPMENT. ALL SECURITY MEASURES SHALL BE DESIGNED TO PREVENT UNAUTHORIZED ACCESS TO THE DEVELOPMENT.

8. THE DEVELOPER SHALL PROVIDE ADEQUATE FLOOD PROTECTION FOR THE PROPOSED DEVELOPMENT. ALL FLOOD PROTECTION SHALL BE DESIGNED TO PROTECT THE DEVELOPMENT FROM FLOODING.

9. THE DEVELOPER SHALL PROVIDE ADEQUATE UTILITIES FOR THE PROPOSED DEVELOPMENT. ALL UTILITIES SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA COASTAL COMMISSION.

10. THE DEVELOPER SHALL PROVIDE ADEQUATE PARKING FOR THE PROPOSED DEVELOPMENT. ALL PARKING SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CALIFORNIA COASTAL COMMISSION.

**SITE PLAN KEYNOTES**

1. EXISTING LOT LINES

2. EXISTING EASEMENTS

3. EXISTING UTILITIES

4. EXISTING ROADS

5. EXISTING DRAINAGE

6. EXISTING VEGETATION

7. EXISTING TOPOGRAPHY

8. EXISTING STRUCTURES

9. EXISTING FENCES

10. EXISTING SIGNAGE

11. EXISTING LIGHTING

12. EXISTING SECURITY

13. EXISTING FLOOD PROTECTION

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308. EXISTING UTILITIES

309. EXISTING PARKING

310. EXISTING ACCESS

311. EXISTING EROSION CONTROL

312. EXISTING LIGHT POLLUTION

313. EXISTING UNAUTHORIZED ACCESS

314. EXISTING FLOODING

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390. EXISTING UNAUTHORIZED ACCESS

391. EXISTING FLOODING

392. EXISTING UTILITIES

393. EXISTING PARKING

394. EXISTING ACCESS

395. EXISTING EROSION CONTROL

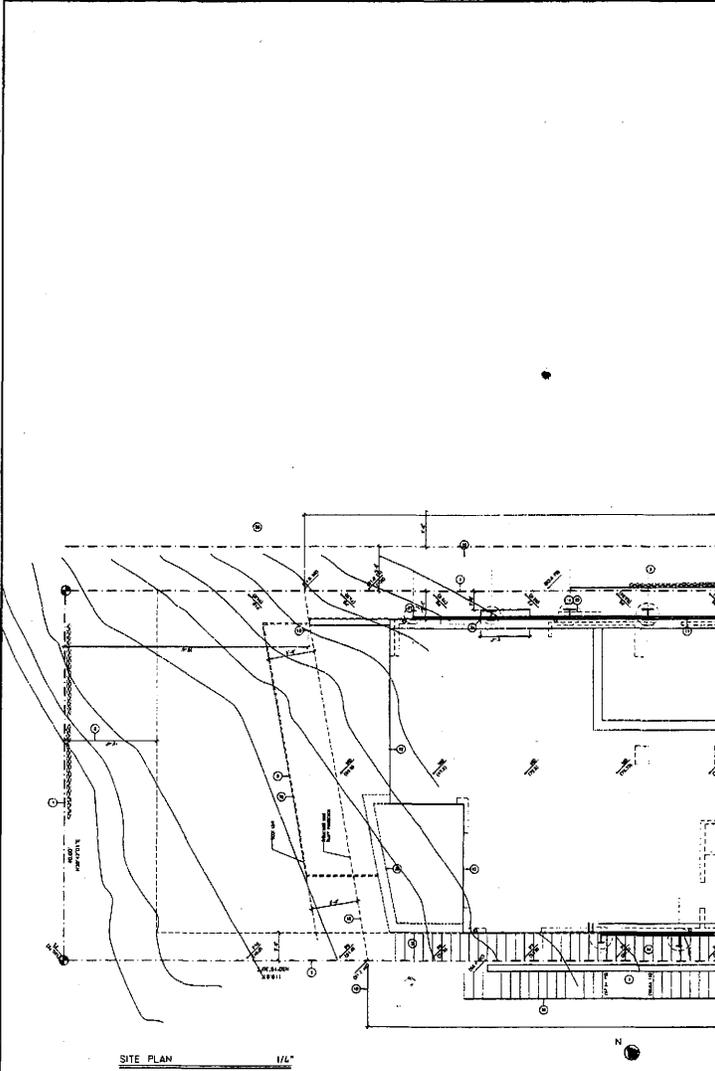
396. EXISTING LIGHT POLLUTION

397. EXISTING UNAUTHORIZED ACCESS

398. EXISTING FLOODING

399. EXISTING UTILITIES

400. EXISTING PARKING

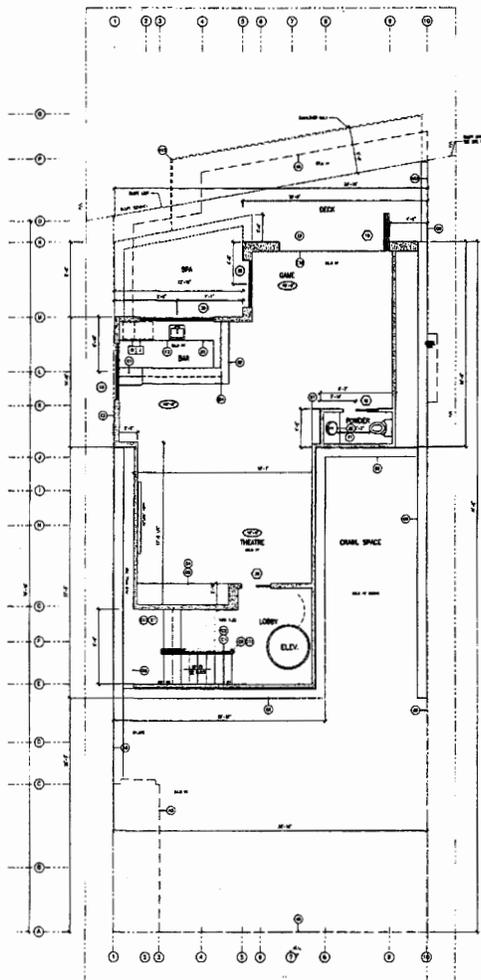


SITE PLAN 1/4" = 1'

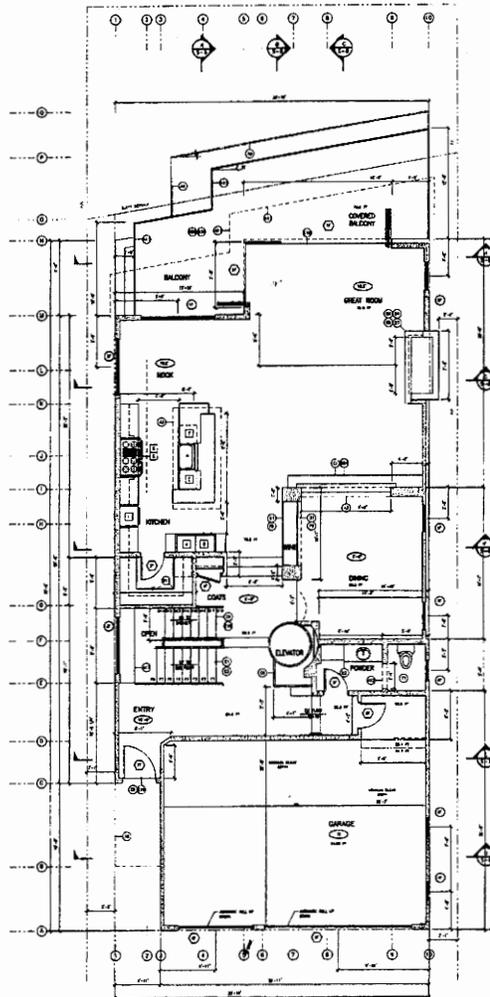
**STUDIO DEL MAR**  
ARCHITECTS  
1000 W. 10TH ST., SUITE 200  
CORONA DEL MAR, CA 92625  
TEL: 949.233.1318  
FAX: 949.233.1318

**NEW SINGLE FAMILY RESIDENCE:**  
239 CARNATION LLC  
CORONA DEL MAR, CA 92625

**PLAN CHECK**  
DATE: 8/15/13  
BY: [Signature]  
SCALE: A-1  
SHEET: 6 OF 10



BASEMENT PLAN 1/4" = 1'-0"



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

**STUDIO DEL MAR**  
 239 CARNATION  
 CARSON, CALIF. 90745  
 408 471 1118  
 FAX 408 471 1118

**NEW SINGLE FAMILY RESIDENCE:**  
 239 CARNATION  
 CARSON, CALIF. 90745

**FLOOR PLAN NOTES**

NO.	DESCRIPTION	MODEL NUMBER	SIZE (W. X H. X D)
1	CEILING	BRASS	12" X 12"
2	FLOOR	WOOD	12" X 12"
3	WALL	WOOD	12" X 12"
4	DOOR	WOOD	12" X 12"
5	WINDOW	WOOD	12" X 12"
6	STAIR	WOOD	12" X 12"
7	ROOF	WOOD	12" X 12"
8	TRUSS	WOOD	12" X 12"
9	BEAM	WOOD	12" X 12"
10	JOIST	WOOD	12" X 12"
11	RAFTER	WOOD	12" X 12"
12	BRACE	WOOD	12" X 12"
13	POST	WOOD	12" X 12"
14	ANCHOR	WOOD	12" X 12"
15	SCREW	WOOD	12" X 12"
16	NAIL	WOOD	12" X 12"
17	PLATE	WOOD	12" X 12"
18	CLIP	WOOD	12" X 12"
19	SHIM	WOOD	12" X 12"
20	WEDGE	WOOD	12" X 12"
21	DRILL	WOOD	12" X 12"
22	BIT	WOOD	12" X 12"
23	SAW	WOOD	12" X 12"
24	SHARPEN	WOOD	12" X 12"
25	FILE	WOOD	12" X 12"
26	SAND	WOOD	12" X 12"
27	GLASS	WOOD	12" X 12"
28	WAX	WOOD	12" X 12"
29	FINISH	WOOD	12" X 12"
30	PROTECT	WOOD	12" X 12"
31	REMOVE	WOOD	12" X 12"
32	REPAIR	WOOD	12" X 12"
33	REPLACE	WOOD	12" X 12"
34	INSTALL	WOOD	12" X 12"
35	REMOVE	WOOD	12" X 12"
36	REPAIR	WOOD	12" X 12"
37	REPLACE	WOOD	12" X 12"
38	INSTALL	WOOD	12" X 12"
39	REMOVE	WOOD	12" X 12"
40	REPAIR	WOOD	12" X 12"
41	REPLACE	WOOD	12" X 12"
42	INSTALL	WOOD	12" X 12"
43	REMOVE	WOOD	12" X 12"
44	REPAIR	WOOD	12" X 12"
45	REPLACE	WOOD	12" X 12"
46	INSTALL	WOOD	12" X 12"
47	REMOVE	WOOD	12" X 12"
48	REPAIR	WOOD	12" X 12"
49	REPLACE	WOOD	12" X 12"
50	INSTALL	WOOD	12" X 12"

**APPLIANCE SCHEDULE**

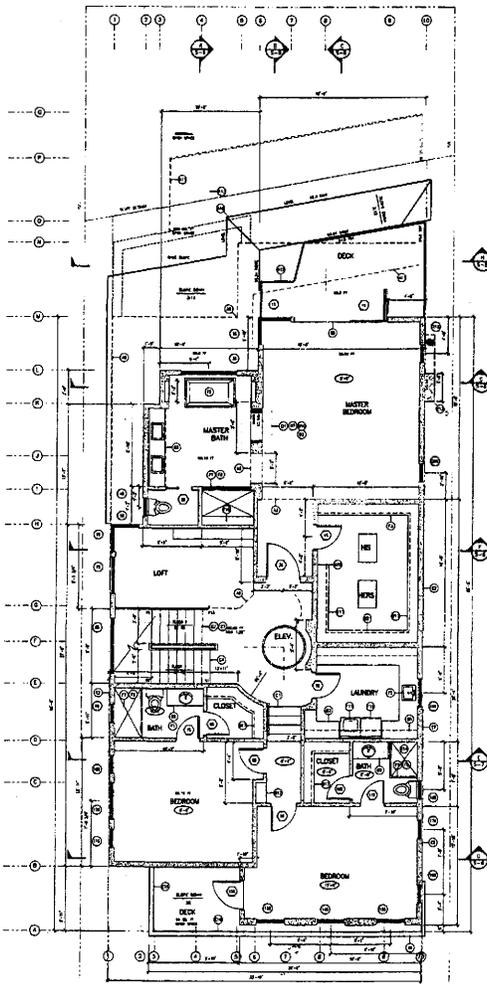
NO.	DESCRIPTION	MODEL NUMBER	SIZE (W. X H. X D)
1	REF	WOOD	12" X 12"
2	STOVE	WOOD	12" X 12"
3	DISHWASHER	WOOD	12" X 12"
4	WASHER	WOOD	12" X 12"
5	DRYER	WOOD	12" X 12"
6	AC	WOOD	12" X 12"
7	HVAC	WOOD	12" X 12"
8	HEAT	WOOD	12" X 12"
9	CHEST	WOOD	12" X 12"
10	STOVE	WOOD	12" X 12"
11	REF	WOOD	12" X 12"
12	DISHWASHER	WOOD	12" X 12"
13	WASHER	WOOD	12" X 12"
14	DRYER	WOOD	12" X 12"
15	AC	WOOD	12" X 12"
16	HVAC	WOOD	12" X 12"
17	HEAT	WOOD	12" X 12"
18	CHEST	WOOD	12" X 12"
19	STOVE	WOOD	12" X 12"
20	REF	WOOD	12" X 12"
21	DISHWASHER	WOOD	12" X 12"
22	WASHER	WOOD	12" X 12"
23	DRYER	WOOD	12" X 12"
24	AC	WOOD	12" X 12"
25	HVAC	WOOD	12" X 12"
26	HEAT	WOOD	12" X 12"
27	CHEST	WOOD	12" X 12"
28	STOVE	WOOD	12" X 12"
29	REF	WOOD	12" X 12"
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41	DRYER	WOOD	12" X 12"
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43	HVAC	WOOD	12" X 12"
44	HEAT	WOOD	12" X 12"
45	CHEST	WOOD	12" X 12"
46	STOVE	WOOD	12" X 12"
47	REF	WOOD	12" X 12"
48	DISHWASHER	WOOD	12" X 12"
49	WASHER	WOOD	12" X 12"
50	DRYER	WOOD	12" X 12"

**STAIR NOTES**

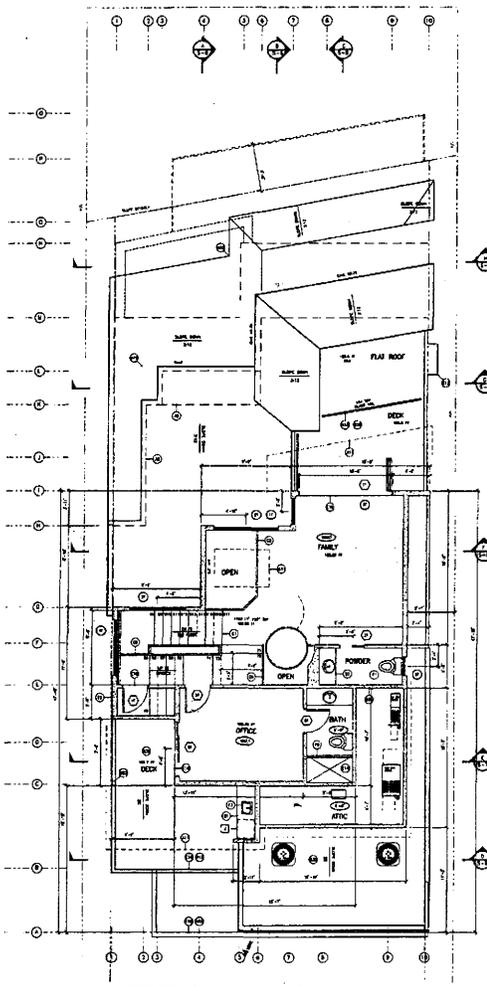
6/15/13  
 A-2  
 8 - 45

**6-15-0413**

California Coastal Commission



SECOND FLOOR PLAN 1/4"



THIRD FLOOR PLAN 1/4"

**STUDIO DEL MAR**  
 230 CANYON  
 CORONA DEL MAR, CA 92623  
 PHONE 949.433.1199  
 FAX 949.433.1198

**NEW SINGLE FAMILY RESIDENCE**  
 230 CANYON LLC  
 230 CANYON  
 CORONA DEL MAR, CA 92623

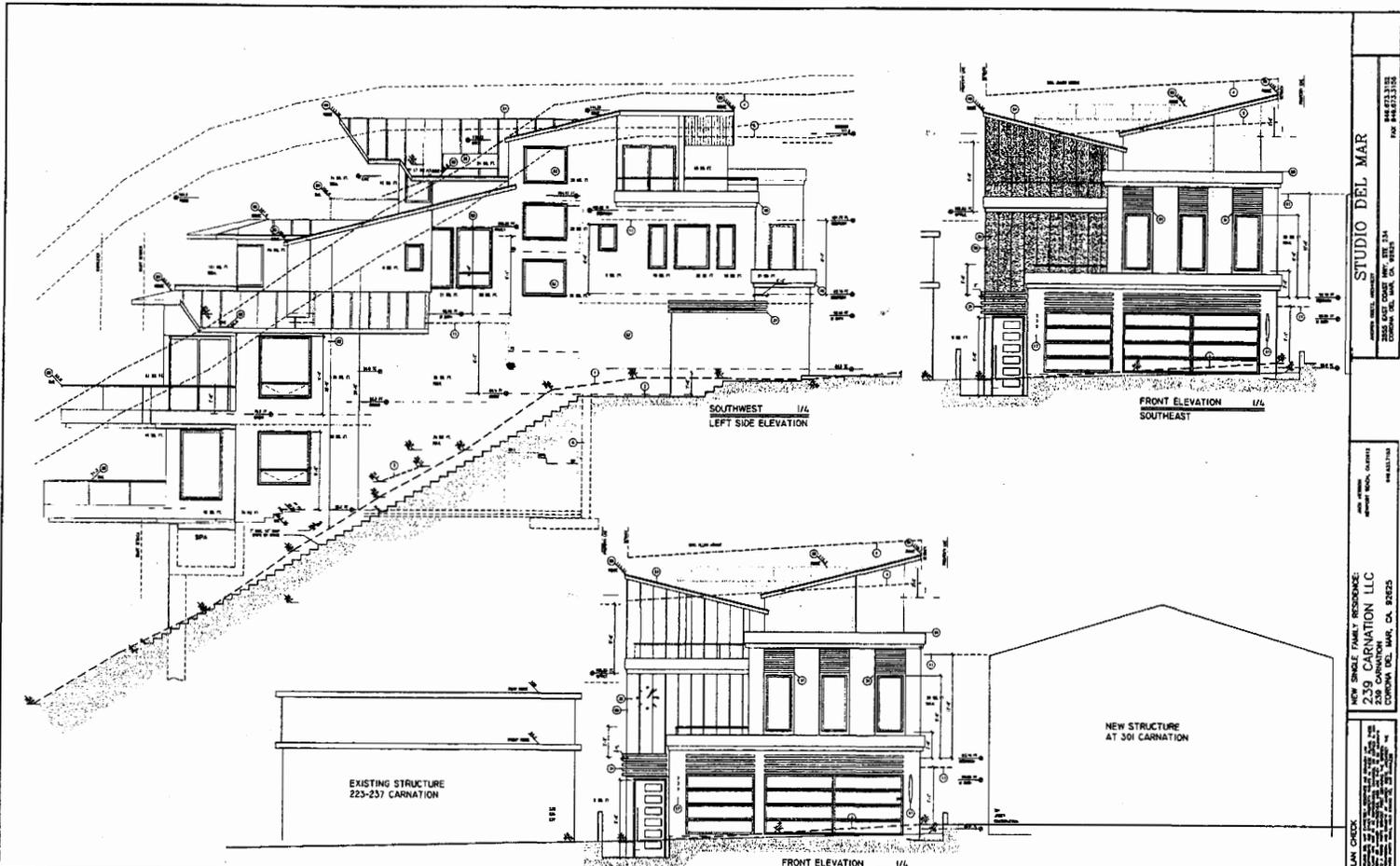
**STAR NOTES**  
 FLOOR PLAN

**FLOOR PLAN NOTES**

NO.	DESCRIPTION	SCALE	DATE	BY	CHKD.
1	PRELIMINARY	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
2	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
3	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
4	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
5	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
6	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
7	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
8	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
9	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
10	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
11	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
12	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
13	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
14	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
15	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
16	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
17	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
18	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
19	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR
20	REVISED	AS SHOWN	06/15/15	STUDIO DEL MAR	STUDIO DEL MAR

**APPLIANCE SCHEDULE**  
 FLOOR PLAN

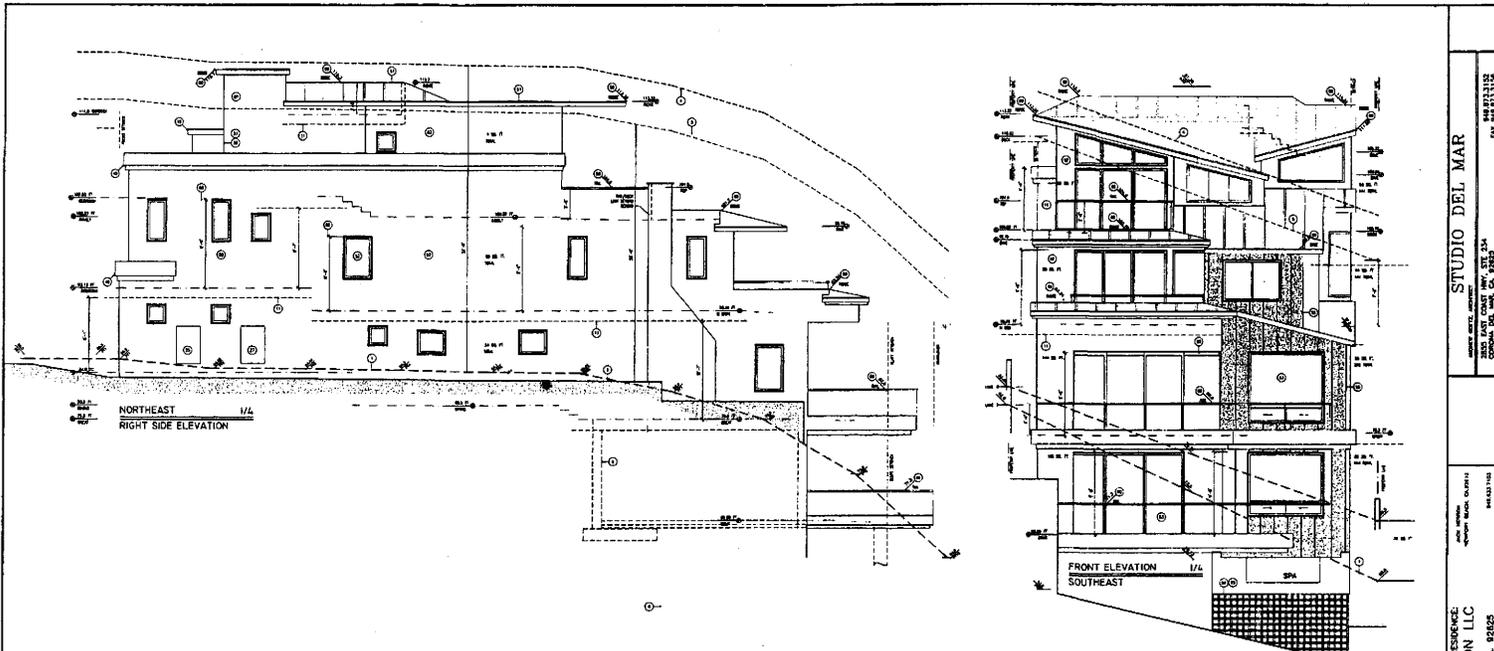
**STAR NOTES**  
 FLOOR PLAN



**STUDIO DEL MAR**  
 ARCHITECTS  
 239 CARNATION LLC  
 CORONA DEL MAR, CA 92625  
 TEL: 949.441.1111  
 FAX: 949.441.1112

SUPPLIER:	MANUFACTURER:	DESCRIPTION:	REMARKS:
<b>PORCELAIN SIDING</b> ELEVATION PLAN	<b>EXTERIOR DOORS &amp; WINDOWS</b> ELEVATION PLAN	<b>CEMENT PLASTER</b> ELEVATION PLAN	<b>ROOFING</b> ELEVATION PLAN
<b>ELEVATION KEYNOTES</b> ELEVATION PLAN			

PLAN CHECK: [ ]  
 DATE: 6/15/15  
**A-5.0**  
 5 of 48



**STUDIO DEL MAR**  
 ARCHITECTURE  
 239 CARNATION LLC  
 CORONA DEL MAR, CA 92625

<b>SUPPLIER:</b> MASONRY PRODUCTS	<b>MANUFACTURER:</b> MASONRY PRODUCTS
<b>PRODUCT:</b> PORCELAIN SIDING	<b>EXTERIOR FINISH:</b> EXTERIOR FINISH
<b>APPLICATION:</b> RESIDENTIAL	<b>WINDOW TYPE:</b> WINDOW TYPE
<b>PORCELAIN SIDING</b> D	<b>EXTERIOR DOORS &amp; WINDOWS</b> C
<b>ELEVATION PLAN</b> D	<b>ELEVATION PLAN</b> C
<b>DESCRIPTION:</b> 1/4" SCALE	<b>MANUFACTURER:</b> MASONRY PRODUCTS
<b>FINISH:</b> MASONRY PRODUCTS	<b>DATE COLOR:</b> MASONRY PRODUCTS
<b>WARRANTY:</b> MASONRY PRODUCTS	<b>TEXT:</b> MASONRY PRODUCTS
<b>FINISH:</b> MASONRY PRODUCTS	<b>FINISH:</b> MASONRY PRODUCTS
<b>ROOFING</b> A	<b>CEMENT PLASTER</b> B
<b>ELEVATION PLAN</b> A	<b>ELEVATION PLAN</b> B

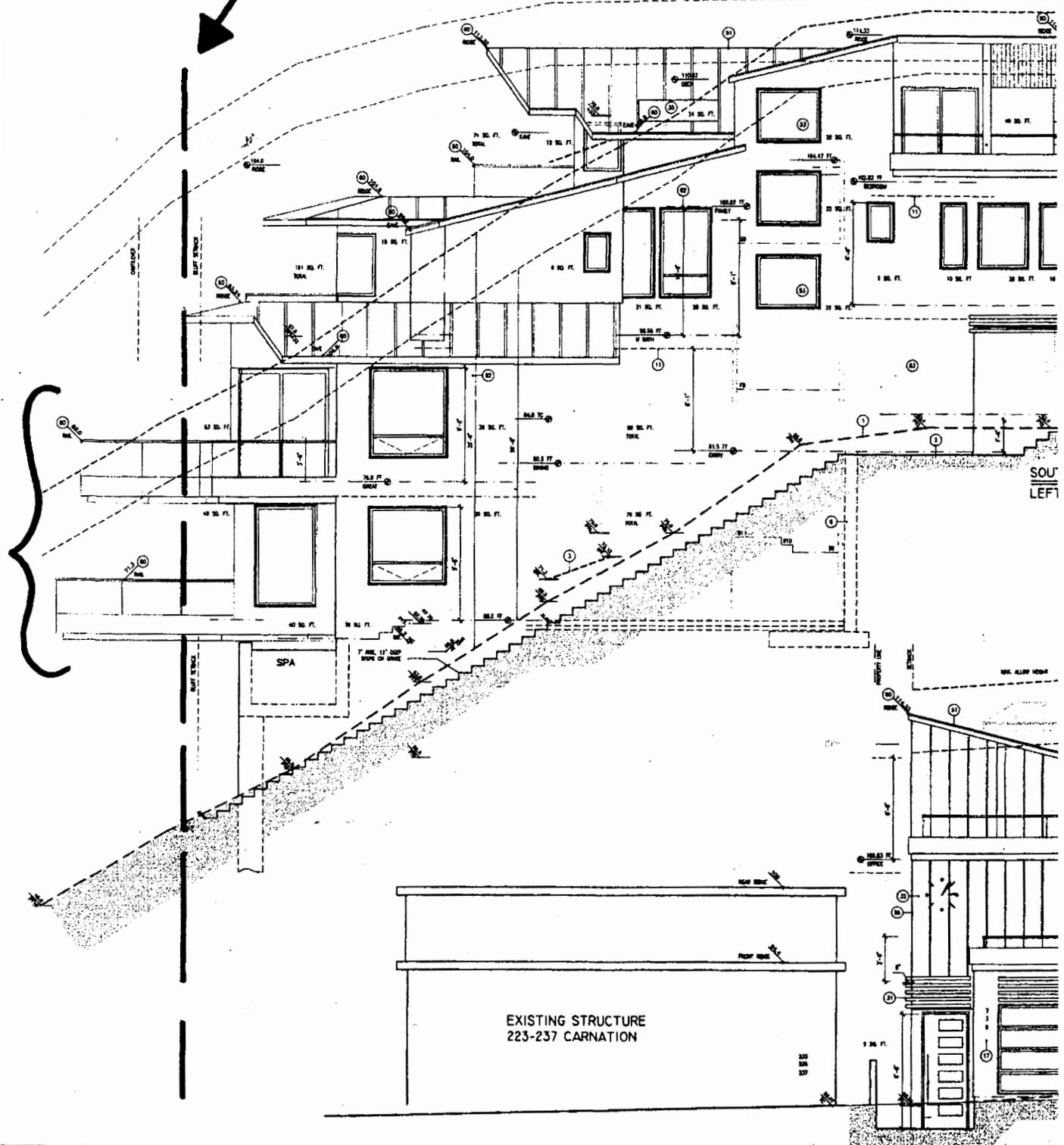
<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. See notes on sheet 5-15-0413-1</li> <li>2. See notes on sheet 5-15-0413-2</li> <li>3. See notes on sheet 5-15-0413-3</li> <li>4. See notes on sheet 5-15-0413-4</li> <li>5. See notes on sheet 5-15-0413-5</li> <li>6. See notes on sheet 5-15-0413-6</li> <li>7. See notes on sheet 5-15-0413-7</li> <li>8. See notes on sheet 5-15-0413-8</li> <li>9. See notes on sheet 5-15-0413-9</li> <li>10. See notes on sheet 5-15-0413-10</li> <li>11. See notes on sheet 5-15-0413-11</li> <li>12. See notes on sheet 5-15-0413-12</li> <li>13. See notes on sheet 5-15-0413-13</li> <li>14. See notes on sheet 5-15-0413-14</li> <li>15. See notes on sheet 5-15-0413-15</li> <li>16. See notes on sheet 5-15-0413-16</li> <li>17. See notes on sheet 5-15-0413-17</li> <li>18. See notes on sheet 5-15-0413-18</li> <li>19. See notes on sheet 5-15-0413-19</li> <li>20. See notes on sheet 5-15-0413-20</li> <li>21. See notes on sheet 5-15-0413-21</li> <li>22. See notes on sheet 5-15-0413-22</li> <li>23. See notes on sheet 5-15-0413-23</li> <li>24. See notes on sheet 5-15-0413-24</li> <li>25. See notes on sheet 5-15-0413-25</li> <li>26. See notes on sheet 5-15-0413-26</li> <li>27. See notes on sheet 5-15-0413-27</li> <li>28. See notes on sheet 5-15-0413-28</li> <li>29. See notes on sheet 5-15-0413-29</li> <li>30. See notes on sheet 5-15-0413-30</li> <li>31. See notes on sheet 5-15-0413-31</li> <li>32. See notes on sheet 5-15-0413-32</li> <li>33. See notes on sheet 5-15-0413-33</li> <li>34. See notes on sheet 5-15-0413-34</li> <li>35. See notes on sheet 5-15-0413-35</li> <li>36. See notes on sheet 5-15-0413-36</li> <li>37. See notes on sheet 5-15-0413-37</li> <li>38. See notes on sheet 5-15-0413-38</li> <li>39. See notes on sheet 5-15-0413-39</li> <li>40. See notes on sheet 5-15-0413-40</li> <li>41. See notes on sheet 5-15-0413-41</li> <li>42. See notes on sheet 5-15-0413-42</li> <li>43. See notes on sheet 5-15-0413-43</li> <li>44. See notes on sheet 5-15-0413-44</li> <li>45. See notes on sheet 5-15-0413-45</li> <li>46. See notes on sheet 5-15-0413-46</li> <li>47. See notes on sheet 5-15-0413-47</li> <li>48. See notes on sheet 5-15-0413-48</li> <li>49. See notes on sheet 5-15-0413-49</li> <li>50. See notes on sheet 5-15-0413-50</li> </ol>	<p><b>LABOR:</b></p> <ol style="list-style-type: none"> <li>1. Masonry</li> <li>2. Brickwork</li> <li>3. Blockwork</li> <li>4. Mortar</li> <li>5. Plaster</li> <li>6. Lathing</li> <li>7. Formwork</li> <li>8. Scaffolding</li> <li>9. Painting</li> <li>10. Carpentry</li> <li>11. Electrical</li> <li>12. Plumbing</li> <li>13. HVAC</li> <li>14. Roofing</li> <li>15. Landscaping</li> <li>16. General</li> <li>17. Ironing</li> <li>18. Millwright</li> <li>19. Electrician</li> <li>20. Welder</li> <li>21. Welding</li> <li>22. Welding</li> <li>23. Welding</li> <li>24. Welding</li> <li>25. Welding</li> <li>26. Welding</li> <li>27. Welding</li> <li>28. Welding</li> <li>29. Welding</li> <li>30. Welding</li> <li>31. Welding</li> <li>32. Welding</li> <li>33. Welding</li> <li>34. Welding</li> <li>35. Welding</li> <li>36. Welding</li> <li>37. Welding</li> <li>38. Welding</li> <li>39. Welding</li> <li>40. Welding</li> <li>41. Welding</li> <li>42. Welding</li> <li>43. Welding</li> <li>44. Welding</li> <li>45. Welding</li> <li>46. Welding</li> <li>47. Welding</li> <li>48. Welding</li> <li>49. Welding</li> <li>50. Welding</li> </ol>	<p><b>REVISIONS:</b></p> <ol style="list-style-type: none"> <li>1. 5/15/15</li> <li>2. 5/15/15</li> <li>3. 5/15/15</li> <li>4. 5/15/15</li> <li>5. 5/15/15</li> <li>6. 5/15/15</li> <li>7. 5/15/15</li> <li>8. 5/15/15</li> <li>9. 5/15/15</li> <li>10. 5/15/15</li> <li>11. 5/15/15</li> <li>12. 5/15/15</li> <li>13. 5/15/15</li> <li>14. 5/15/15</li> <li>15. 5/15/15</li> <li>16. 5/15/15</li> <li>17. 5/15/15</li> <li>18. 5/15/15</li> <li>19. 5/15/15</li> <li>20. 5/15/15</li> <li>21. 5/15/15</li> <li>22. 5/15/15</li> <li>23. 5/15/15</li> <li>24. 5/15/15</li> <li>25. 5/15/15</li> <li>26. 5/15/15</li> <li>27. 5/15/15</li> <li>28. 5/15/15</li> <li>29. 5/15/15</li> <li>30. 5/15/15</li> <li>31. 5/15/15</li> <li>32. 5/15/15</li> <li>33. 5/15/15</li> <li>34. 5/15/15</li> <li>35. 5/15/15</li> <li>36. 5/15/15</li> <li>37. 5/15/15</li> <li>38. 5/15/15</li> <li>39. 5/15/15</li> <li>40. 5/15/15</li> <li>41. 5/15/15</li> <li>42. 5/15/15</li> <li>43. 5/15/15</li> <li>44. 5/15/15</li> <li>45. 5/15/15</li> <li>46. 5/15/15</li> <li>47. 5/15/15</li> <li>48. 5/15/15</li> <li>49. 5/15/15</li> <li>50. 5/15/15</li> </ol>
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**PLAN CHECK:**  
 5/15/15  
 A-5.1



**BASEMENT LEVEL DECK AND 1ST FLOOR LEVEL DECK EXTENDING BEYOND THE FLOED**

**SO.7 ELEVATION VERTICAL PLANE FLOED**



**EXHIBIT NO. 6**  
 Application Number  
**5-15-0413**

<b>SUPPLIER:</b> BEOLOGICA 1390 SOUTH VISION ANAHEIM, CALIFORNIA 714-837-7000		<b>MANUFACTURER:</b> FLEETWOOD CORP. 1 FINEWOOD WAY CORDON CALIF. 96333		<b>MANUFACTURER:</b> DUEBA PRODUCTS INTERNATIONAL 1487 CALIFORNIA AVE. TORONTO, ON. M2H 1E1 905-737-7447 FAX: 905-880-2884 WWW.DUEBA-PRODUCTS.COM		<b>DESCRIPTION:</b> 18 GA. GALV SHEET # 12	
<b>PRODUCT:</b> PORCELAIN TILE ROVERE CILENO		<b>EXTERIOR FINISH:</b> 1088 1096		<b>BASE COLOR:</b> TEXTURE: FINISH:		<b>FINISH:</b> COLOR 8044 <b>WARRANTY:</b> 30 YEAR	
<b>APPLICATION:</b> STRAIGHT JOINT, WITH TRIMSET FACTORY FINISH		<b>WINDOW TYPE:</b> CASHEMPT PICTURE DUAL GLAZED		SMOOY WALL OVERSIZED BALLBEAR CORNICE VERTICAL FLOAT LEVEL TO 1/8" @ 10' REFER TO EXTERIOR ELEVATION FOR BRICKED FINISH APPLICATION			
PORCELAIN SIDING	D	EXTERIOR DOORS & WINDOWS	(6)	CEMENT PLASTER	(5)	B	ROOFING
ELEVATION PLAN	ELP-MT3	ELEVATION PLAN		ELEVATION PLAN		ELP-MT3	ELEVATION PLAN