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CALIFORNIA COASTAL COMMISSION

August 31, 2016

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Wayne and Marianne Zippi 420 E. Bay Avenue Newport Beach, Ca 92661 App. # 5-16-0074 Hearing Date: 9/7/16 Agenda# W9a

Mr. Fernie Sy, Coastal Program Analyst South Coast District Office California Coastal Commission 200 Oceangate, 10th Floor #1000 Long Beach, Ca 90802 Zippi: Opposed

Dear Mr Sy,

As requested, we are submitting the following to you.

My husband and I believe that property owners have the right to develop their properties as they see fit. However, the caveat that comes with that is that the owners tell the truth about their projects to the neighbors who will have to endure the chaos of construction and the resulting changes in the neighborhood.

Our house is across the alley from this property. And unfortunately this developer decided not to give us the true facts. Several months ago my husband called the owner and asked if he could talk with him about the possibility of shaving a small section of the front patio roof off the house, which would allow us to enjoy at least a sliver of the broad view we will be losing when this house is built.

We know views are not protected by the city, but this owner told us it was too late to make any changes as the project had all its approvals including the coastal commission approval. And then last week we got the notice of this hearing, so in fact, he didn't have all the approvals he told us that he did, and there were months between our conversation and this hearing when we might have negotiated this minor change, particularly since he submitted a completely different plan to the city on August 15, 2016.

I have read the your staff report. There is a lot of boilerplate but no specifics on how the owner will comply with coastal commission rules that affect this project.

The staging is a major problem. What the staff report refers to as a public road is actually a one car width alley which is the only access we in the neighborhood have to our garages. Staff claims that the developer has indicated he can store all building materials and vehicles on the property. The property is a little over 2200 square feet --- approximately 30 X 70 feet. I have lived here since 1982 and seen a lot of houses built. All of them extended equipment and materials onto the street which for this project would be the alley,.....again our only access.

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They cannot store equipment or vehicles nearby on Adams because of the delivery trucks coming and going all day long to the restaurants in the fun zone.

The report says spill prevention will be provided. How? Because the "applicant says he will comply with adequate water efficiency" doesn't mean a thing if there are no consequences if he doesn't. The alley drains directly in to the bay. We are not allowed to pour any water into the bay from the alley much less construction debris contaminated water.

The report says that "As conditioned, the proposed project will not have an adverse affect on public access." But when I asked what recourse we would have if it did, staff told me that that was a city problem. Apparently if the alley is blocked for long periods or days, we neighbors can just pound sand.

I am suggesting that in light of the questionable actions already displayed by t his owner, that the coastal commission should postpone approval of this project until specifics on some of these conditions, not all of which I have time to enumerate now, can be met. It's dishonorable for a new neighbor to start what could be a long term relationship this way. If this owner is a developer who will sell this property, it is a mistake to take such a chance on ruining his reputation.

Sincerely, Sincerely, Wayne and Marianne Zippi

CALIFORNIA COASTAL COMMISSION

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





 Filed:
 3/17/16

 180th Day:
 9/13/16

 Staff:
 F. Sy-LB

 Staff Report:
 8/18/16

 Hearing Date:
 9/7/16

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-16-0074
Applicant:	JCUBED Properties, LLC
Agent:	Richard H. Dodd, Architect
Location:	419 E. Edgewater Place, City of Newport Beach (County of Orange)
Project Description:	Demolition of an existing two-story residential duplex and construction of a new three-story, 2,527 square foot, two-unit residence with an attached two-car garage and two-car carport on a bayfronting lot.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

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

Due to its oceanfront location, the project site may be potentially exposed to the hazard of waves, erosion, storm conditions, sea level rise or other natural hazards and also during construction could adversely impact water quality. However, conditions have been imposed on the project in order to minimize potential adverse impacts from the development consistent with the Coastal Act and are consistent with previous Commission approvals in the area.

Staff is recommending **approval** of the proposed project with six (6) Special Conditions regarding: 1) assumption of risk, waiver of liability and indemnity; 2) future development; 3) storage of

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construction materials, mechanized equipment, and removal of construction debris; 4) public rights; 5) landscape controls; and 6) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

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

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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

I. MOTION AND RESOLUTION

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

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

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the 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.
- 2. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-16-0074. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-16-0074. Accordingly, any future improvements to the residences and garage, foundation and patio authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-16-0074 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- **3.** Storage of Construction Materials, Mechanized Equipment and Removal of Construction **Debris.** The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

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Consent Calendar

- F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- **4. Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
- 5. Landscaping-Drought Tolerant, Non-Invasive Plants. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<u>http://www.CNPS.org/</u>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<u>http://www.cal-ipc.org/</u>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <u>http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf</u>). Use of reclaimed water for irrigation is encouraged. If potable water is used for irrigation only drip or micro spray irrigation systems may be used. Other water conservation measures shall also be considered, such as use of weather based irrigation controllers.
- **6. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation

demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to demolish an existing two-story duplex with a detached two-car garage and construct a new three-story, 2,527 square foot, two-unit residence with an attached two-car garage and two-car carport on a bayfronting lot (**Exhibits No. 2-4**). Glass railings are proposed on the 2nd floor bayfronting exterior deck and they will be etched in order to avoid bird strikes. Grading will consist of 200 cubic yards of and 200 cubic yards of fill for recompaction purposes.

The project site is a bayfronting lot located at 419 E. Edgewater Place within the City of Newport Beach, Orange County (**Exhibit No. 1**). Currently, an existing two-story residential duplex with a detached two-car garage occupies the project site. The lot size is 2,246 square feet and the City of Newport Beach Coastal Land Use Plan (CLUP) designates the site as Two-Family Residential (RTE) and the proposed project adheres to this designation. The project site is located between the first public road and the sea and there is a bulkheaded paved public walkway between the site and the bay. Furthermore, the project site is located within an existing urban residential area that is also near a mixed commercial recreational and residential area known as Balboa Village on the Balboa Peninsula. Additionally, near the project site within the Balboa Village area is an area known as the "Balboa Fun Zone", an area that includes visitor-serving and recreational facilities that include restaurants, snack bars, boat rentals, sports equipment rentals, boat tours of the harbor, boat launching facilities, games and rides and numerous shops selling specialized merchandise.

The State of California supported the preparation of the 2012 National Research Council's (NRC) Report, Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future, which is currently considered the best available science on sea level rise for California. That report estimates that sea levels may rise between 1.4-feet to 5.5-feet by the year 2100. If there were to be a 5.5-foot rise an extreme high tide still water level of 12.7-feet (7.2-feet, the maximum historical water elevation for the Newport Bay + 5.5-feet = 12.7-feet MLLW) could result in Newport Bay. Such a rise would exceed the proposed finished first floor elevation of 9.0-feet, resulting in water up to 3.70-feet higher than the proposed finished floor. Therefore, the proposed development may be impacted by future flooding hazards if sea level rise approaches the upper range of the NRC projections. Thus, since the project is located in an area that is susceptible to coastal hazards, the Commission imposes **Special Condition No. 1**, which requires the applicant to accept responsibility for all hazards associated with coastal development.

In an attempt to minimize risks to life and property from sea level rise-related flood hazards, the applicant has proposed adaptation measures to deal with flooding, such as installing an approximate 1-foot tall fiberglass waterproof membrane over copper embedded in the concrete footing along the exterior base perimeter of the habitable area of the proposed residence to elevation 9.5-feet. The applicant also proposes to install front yard property line walls that will be at an elevation of 10-feet and waterproof the foundation to provide added flooding protection. In addition, the applicant proposes to install sands bags in the future if necessary to provide added flooding protection. Such

measures will provide additional protection against flooding should actual flood elevation exceed the anticipated 9.00-feet.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the bay could adversely affect future shoreline conditions if not properly evaluated and potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially result in adverse impacts to coastal processes, the Commission imposes **Special Condition No. 2**, which informs the applicant that future development at the site requires an amendment to Coastal Development Permit No. 5-16-0074 or a new coastal development permit.

The proposed project is considered development and there is an opportunity to improve water quality. To minimize erosion and prevent debris from being dispersed down the storm drain system leading to the ocean during construction, the Commission imposes **Special Condition No. 3**, which provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. To minimize any impacts to water quality the proposed project may have after construction, the applicant has submitted a Grading/Drainage and Run-Off Control Plan that shows rooftop and surface drainage directed to bottomless trench drains and French drains. 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

As conditioned, the proposed project will not have an adverse effect on public access. The project site is fronted by a bulkheaded paved public walkway. The Commission has found through previous permit actions in this area that the City's setback in this area is acceptable for maintaining public access. The proposed project is consistent with the City's 7-foot required setback from the seaward property line. Bayward of the bulkheaded paved public walkway is a small sandy beach, which may not always be exposed, especially during high tides. The small sandy beach is subject to the public trust; however, there is no direct public access to the small sandy beach due to the presence of the bulkhead. Direct access to the tidelands exists approximately 0.20 miles northeast of the project site at the end of Medina Way. From this access point, members of the public may access the beach/public tidelands and, for example, launch a kayak. At lower tides, it may be possible to walk under the residential piers for strolls along the sandy beach; however, this may be difficult because many of the piers do not appear to have enough clearance for a person to comfortably walk under. The applicant is not proposing changes to the dock or pier approach at this time. Any future changes to the dock or pier approach will require a coastal development permit. The public can also access the beach/public tidelands area seaward of the subject site by watercraft or by swimming to the site. In order to preserve and maintain access to the public tidelands, Special Condition No. 4 is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

Currently, minimal landscaping is being proposed that has been determined to be non-invasive and drought tolerant. If in the future, the placement of any new vegetation that is considered to be invasive which could supplant native vegetation should not be allowed and water-efficient practices should be followed. Therefore in order to minimize the use of water and the spread of invasive vegetation,

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the Commission imposes **Special Condition No. 5**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

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. 6**, 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.

B. PRIOR COMMISSION PERMIT ACTIONS

On May 12, 2016, the Commission approved Administrative Permit No. 5-16-0107 (J. Cubed Properties, LLC). Administrative Permit No. 5-16-0107 (J. Cubed Properties, LLC) allowed the removal of an existing 370 square foot floating dock and pier platform and replace it with a 296 square foot floating dock and pier platform and the relocation of two 12" marina guide piles. The Commission approved the project subject to four (4) Special Conditions regarding: 1) construction responsibilities, debris removal and best management practices; 2) pre- and post-construction eelgrass surveys; 3) pre-construction *Caulerpa Taxifolia* survey; and 4) public rights.

C. HAZARDS

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

D. DEVELOPMENT

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

E. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned,

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

F. WATER QUALITY

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

G. DEED RESTRICTION

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

H. LOCAL COASTAL PROGRAM (LCP)

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

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

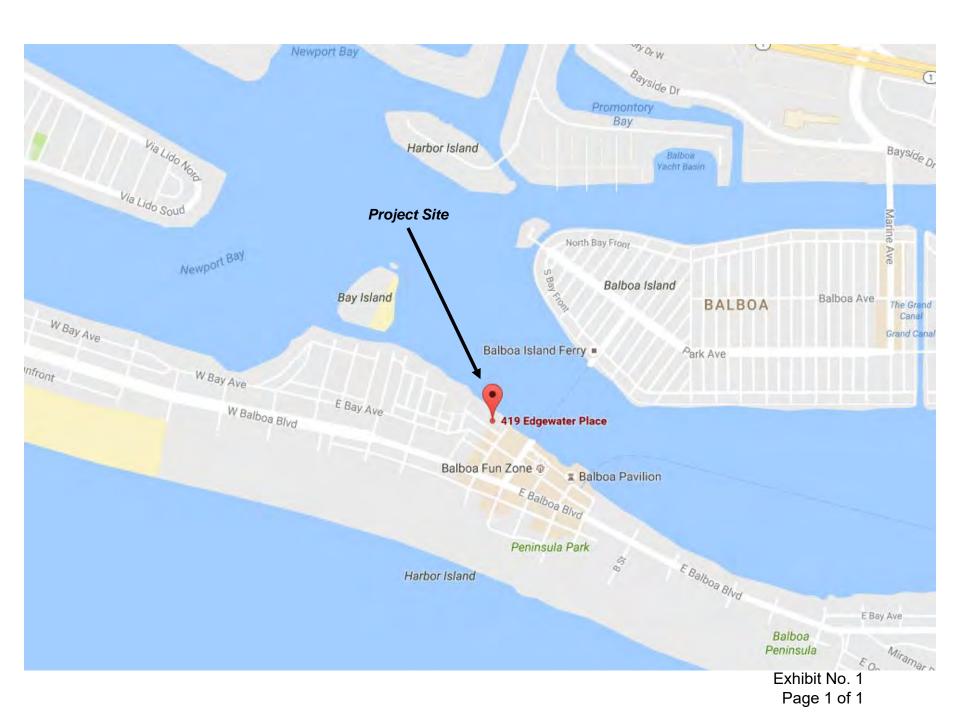
The City of Newport Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is ministerial or categorically exempt. Section 13096(a) of the Commission's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

Although the proposed development is categorically exempt from CEQA, the Commission has imposed conditions to ensure conformity with Coastal Act requirements. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially 5-16-0074-(JCUBED Properties, LLC) Consent Calendar

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: 5-16-0107 (J. Cubed Properties, LLC); Approval-In-Concept from the City of Newport Beach Planning Department dated January 22, 2016; *Preliminary Update for Limited Geotechnical Investigation Report Proposed Residential Duplex 419 East Edgewater Place Newport Beach, California (Project No. 15-0184/February 25, 2013/Updated on October 19, 2015)* prepared by Geoquake, Inc. dated October 19, 2015; Letter from Commission staff to agent dated February 26, 2016; Letter from the agent to Commission staff dated March 16, 2016; Coastal Hazard Analysis, Bulkhead Inspection, and Sea Level Rise Discussion for a New *Residence, 410 Edgewater Avenue, Newport Beach, Orange County, California* prepared by *Geosoils, Inc.* dated March 7, 2016; and Letter from the agent to Commission staff dated May 2, 2016.



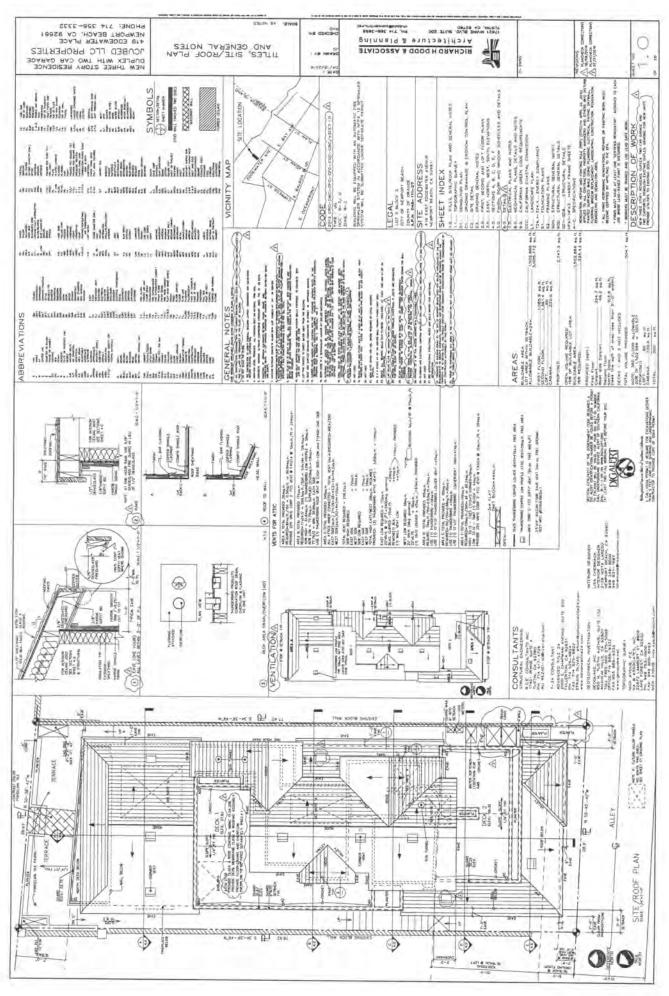


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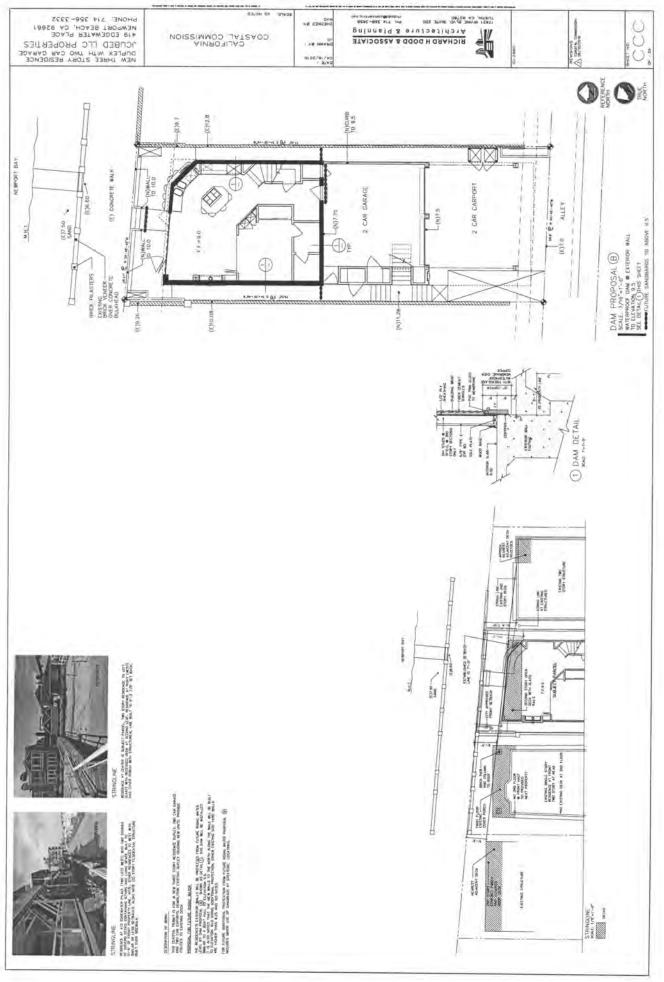


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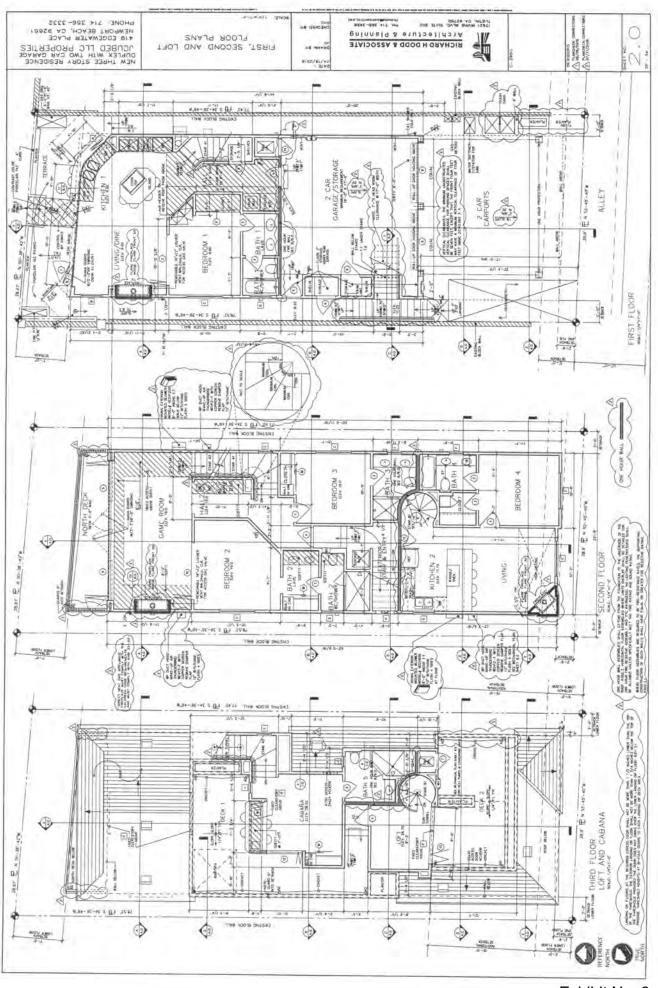


Exhibit No. 3 Page 1 of 1

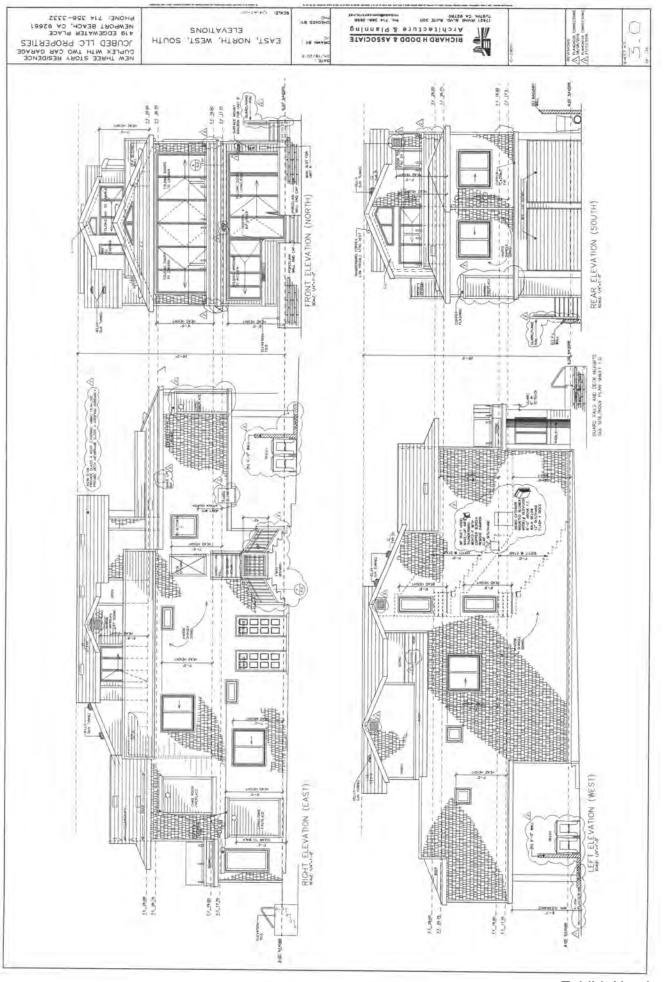


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