

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Filed: April 23, 1998
49th Day: June 11, 1998
180th Day: October 20, 1998
Staff: John T. Auyong *John*
Staff Report: June 17, 1998
Hearing Date: July 7-10, 1998
Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-96-027-A2

APPLICANT: Gilbert Foerster

AGENT: Jay Brian Evarts

PROJECT LOCATION: 2436 West Coast Highway, City of Newport Beach, Orange County

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Combination of two parcels of land into a single parcel. Addition of a two-story extension of 3,737 square feet to an existing two-story, 5,829 square foot, 25 foot high office building. Restriping of the existing 30 space parking lot to create a new total of 38 parking spaces.

DESCRIPTION OF AMENDMENT: Relocating the previously approved two-story addition to the existing office building, by moving it ten feet inland and increasing the size to 4,595 square feet (3,723 square feet of internal floor area), and eliminating three parking spaces (new total of 35 parking spaces).

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept 1968-27

SUBSTANTIVE FILE DOCUMENTS: Coastal development permits P-6-20-78-3550 (Price/Smith and Assoc. Psychiatry), 5-90-602 (Jakosky), 5-92-207 (Foerster), 5-96-027 (Foerster); City of Newport Beach Certified Land Use Plan

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The Executive Director has determined that the proposed amendment is a material amendment because it affects previously imposed Special Condition No. 2 regarding the provision of parking.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act. The special conditions include deleting the existing conditions and replacing them with: 1) a deed restriction requiring; a) that the proposed outdoor areas, including balconies, breezeways, and stairs, shall not be enclosed, b) that gross internal floor area (i.e., gross enclosed floor area) of the proposed addition shall be limited to 3,723 square feet, and c) future improvements shall require an amendment to this permit from the Coastal Commission; and 2) revised plans reducing the size of the proposed addition.

The Executive Director has determined the change to be material because the proposed amendment would affect a previously imposed special condition of approval to protect public access. However, the Executive Director did not reject the proposed amendment, pursuant to Section 13166(a)(1) of Title 14 of the California Code of Regulations, because the proposed amendment as conditioned would still be consistent with the public access policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS.

The Commission hereby grants an amendment to permit no. 5-96-027, subject to the conditions below, for the proposed development on the grounds that the development as amended will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

All previously imposed special conditions of coastal development permit 5-96-027 shall be deleted and shall be replaced with the following special condition which shall apply to permit amendment 5-96-027-A2:

1. Deed Restriction. PRIOR TO ISSUANCE OF THE AMENDMENT TO THIS PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that:
 - a) The proposed outdoor areas of the proposed addition as generally depicted on Page 2 of Exhibit D of the staff report for this permit, including exterior balconies/hallways, breezeways, and stairs, shall not be enclosed.
 - b) Gross internal floor area of the proposed addition (i.e., gross enclosed floor area, not including outdoor area such as exterior balconies/hallways, breezeways, and stairs as generally shown on Page 2 of Exhibit D of the staff report for this permit) shall be limited to 3,723 square feet.
 - c) Future improvements, including changes in intensity of use such as a reduction in parking or change in type of use, shall require an amendment to this permit from the Coastal Commission.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS.

A. Previous Approvals.

1. Previous Permits.

a. Permit P-78-3350 (Price/Smithy and Assoc. Psychiatry).

Price/Smith and Assoc. Psychiatry applied for coastal development permit P-6-20-78-3350 to "[c]onstruct a 300 sq. ft. addition and interior and exterior remodeling of an existing 1,685 square foot commercial building to convert to professional office use" on the subject site. (see Exhibit E) The Commission denied the permit on the grounds that the proposed development's 20 space parking deficiency would be inconsistent with Section 30252 of the Coastal Act.

Further, the Commission found that the conversion of the existing commercial uses to non-coastal dependent professional office uses would be inconsistent with Section 30255 of the Coastal Act. In addition, because the City of Newport Beach's land use plan was not certified at that time, the Commission found that allowing non-coastal dependent uses in the Mariner's Mile section of the City would prejudice the City's ability to prepare a local coastal program consistent with the Chapter 3 policies of the Coastal Act.

b. Permit 5-90-602 (Jakosky).

The Commission approved coastal development permit 5-90-602 (Jakosky) to subdivide a "T" shaped neighboring property to the west, located at 2500 West Coast Highway, into three parcels. (see Exhibit F) As part of this subdivision, the new parcel located at the rear of the subject site was transferred to the subject site. Therefore, the subject site (2436 West Coast Highway) is now comprised of two parcels; the existing parcel plus the added new parcel resulting from the subdivision. This added new parcel currently consists of a parking lot. Permit 5-90-602, as a special condition of approval, required the recordation of a declaration that both the existing parcel and the added new parcel on the subject site be tied together by remaining under single ownership for purposes of conveyance and development. The special condition and declaration would not be affected by the proposed amendment.

c. Permit 5-92-207 (Foerster).

The Commission approved coastal development permit 5-92-207 (Foerster) allowing the expansion of the office building on the subject site. (See Exhibit G) As described in the staff report for this permit, the expansion involved converting an existing 7 car covered parking area comprised of 977 square feet of net floor area to additional office space for the existing 3,986 square foot (net) office building. The new total net floor area was 4,963 square feet. The plans in the file for permit 5-92-207 also indicate the gross floor area as well as the net floor area. The gross floor area of

covered parking area was 1,039 square feet. The existing building contained 4,259 square feet of gross floor area plus an additional 360 square feet of exterior balcony area. With the covered parking area converted to office space, the resultant structure contained 5,658 square feet of gross floor area, including the second floor exterior balconies.

Permit application 5-92-207 also included restriping the existing parking lot to increase the number of parking spaces from twenty (20) to thirty (30). The staff report for permit 5-92-207 indicates that the existing building with the garage conversion resulted in a total of 4,963 square feet. The plans in the file for permit 5-92-207 indicate that the 4,963 square foot figure is net floor area rather than gross floor area. The Commission in this case deviated somewhat from its normal parking standard of one space for every 250 square feet of gross floor area for office use and instead calculated parking demand based on one space for every 250 square feet of net floor area. This resulted in a parking demand of 20 spaces. It is not clear why net floor area was used instead of gross floor area. However, the 30 parking spaces proposed as part of permit application 5-92-207 were more than adequate to meet the demand of the conversion of the garage to office space, even based on the Commission's regularly used parking standard of one space for every 250 square feet of gross floor area for office use which would result in a demand of 23 spaces.

The parking lot was divided between the existing parcel and the added new parcel created by permit 5-90-602. Thus, some of the parking spaces for the subject site were not on the same parcel as the office building at the time permit 5-92-207 was approved. However, the Commission found that the recorded declaration required by permit 5-90-602 which tied the two parcels together under the same ownership would guarantee that the parking remained together.

2. Subject Permit 5-96-027 (Foerster).

The Commission approved coastal development permit 5-96-027 on April 12, 1996, the permit which is proposed to be amended by the subject amendment application. (see Exhibit B) The approved development consisted of; 1) combining the two parcels of land on the subject site into a single parcel, 2) restriping the existing 30 space parking lot to create a new total of 38 spaces, and 3) construction of a two-story, 3,737 square foot addition to the existing 5,829 square foot, 25 foot high office building. By combining the parcels, all the parking for the subject site would be on one parcel.

As a condition of approval, permit 5-96-027 required that 38 parking spaces be provided at all times for the life of the approved project so that adequate parking would be provided to minimize adverse public access impacts. The permit was also conditioned so that future improvements would require an amendment to this permit.

3. First Amendment to Permit 5-96-027.

A previous amendment request was received for essentially the same project as the subject permit amendment application. The amendment request was rejected because of inadequate parking based on the total floor area of the proposed addition. The applicant has since revised the plans to provide a breakdown of the configuration of the proposed office spaces.

B. Proposed Amendment.

The applicant is proposing to modify the previously proposed addition approved under the underlying permit 5-96-027. The applicant is proposing to increase the size of the addition from 3,737 square feet of gross floor area to 4,595 square feet of gross floor area (3,723 square feet of internal floor area, not counting the exterior balcony/hallway and stairs as generally shown on Page 2 of Exhibit D). The applicant is also proposing to shift the addition ten feet inland, so that the proposed addition would no longer be attached to the existing building and instead would be freestanding. As a result, three parking spaces would be eliminated, leaving a total of 35 parking spaces on-site.

C. Public Access.

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 . . .

The subject site is located on the landward side of Coast Highway (State Route One), the first public road in this area. The subject site is also located adjacent to the Mariner's Mile municipal parking lot. When a development does not provide adequate on-site parking, users of that development who cannot find an on-site parking space are forced to occupy off-site public parking that could be used by visitors to the coastal zone. A lack of public parking discourages visitors from coming to the beach and other visitor-serving areas, resulting in adverse public access impacts. Thus, all development must provide adequate on-site parking to minimize adverse impacts on public access.

In past Commission actions, the Commission has routinely used specific parking standards to determine the adequacy of parking, particularly in the area of the proposed development. In approving the underlying permit for development on the subject site, the Commission employed its regularly used standard of one parking space for every 250 square feet of gross floor area.

The proposed 4,595 square foot addition would have 3,723 square feet of gross internal floor area, excluding the exterior stairways and balconies/hallway. These exterior areas are circulation areas which are not occupied nor leased by office uses and thus are not counted. The 3,723 square feet of internal gross floor area would require fifteen (15) spaces, based on the Commission's regularly used standard.

As described above, the Commission found in approving permit 5-92-207 that the parking demand of the existing building is twenty (20) parking spaces. Thus, the total demand for the existing building and the proposed addition as amended is thirty-five (35) parking spaces. The applicant is proposing to increase the number of on-site parking spaces from 30 to 35. Thus, the proposed 35 parking spaces would be adequate to meet the parking demand generated by the existing building and the proposed addition as amended.

However, the Commission finds that the applicant must record a deed restriction which provides that; a) that the proposed outdoor areas, including balconies, breezeways, and stairs, shall not be enclosed, b) that gross internal floor area (i.e., gross enclosed floor area) shall be limited to 3,723 square feet for the proposed addition, and c) future improvements shall require an amendment to this permit from the Coastal Commission. Enclosure of the outdoor areas would create internal floor area that would result in increased parking demand, so this area should not be enclosed. Limiting the gross internal floor area of the proposed addition to 3,723 square feet would ensure that the 35 parking spaces proposed are adequate to meet the demand of the existing and proposed office space. The requirement of an amendment to this permit for future improvements would ensure that the Commission gets to review future improvements for potential adverse public access impacts.

Thus, as conditioned for a deed restriction with the requirements described above, the Commission finds that the proposed permit amendment would be consistent with the Chapter 3 policies of the Coastal Act.

D. Local Coastal Program.

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. The subject site is located in Mariner's Mile. The LUP designates land in Mariner's Mile seaward of Coast Highway (State Route One) for Recreation and Marine Commercial use. The subject site and the rest of Mariner's Mile on the landward side of Coast Highway is designated by the LUP for Retail and Service Commercial ("RSC") uses. The proposed office uses are allowed by the RSC land use designation for the site.

As conditioned, the proposed development is consistent with the public access policies of Chapter Three of the Coastal Act regarding parking. Therefore, the Commission finds that approval of the proposed development, as conditioned, would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

E. California Environmental Quality Act.

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

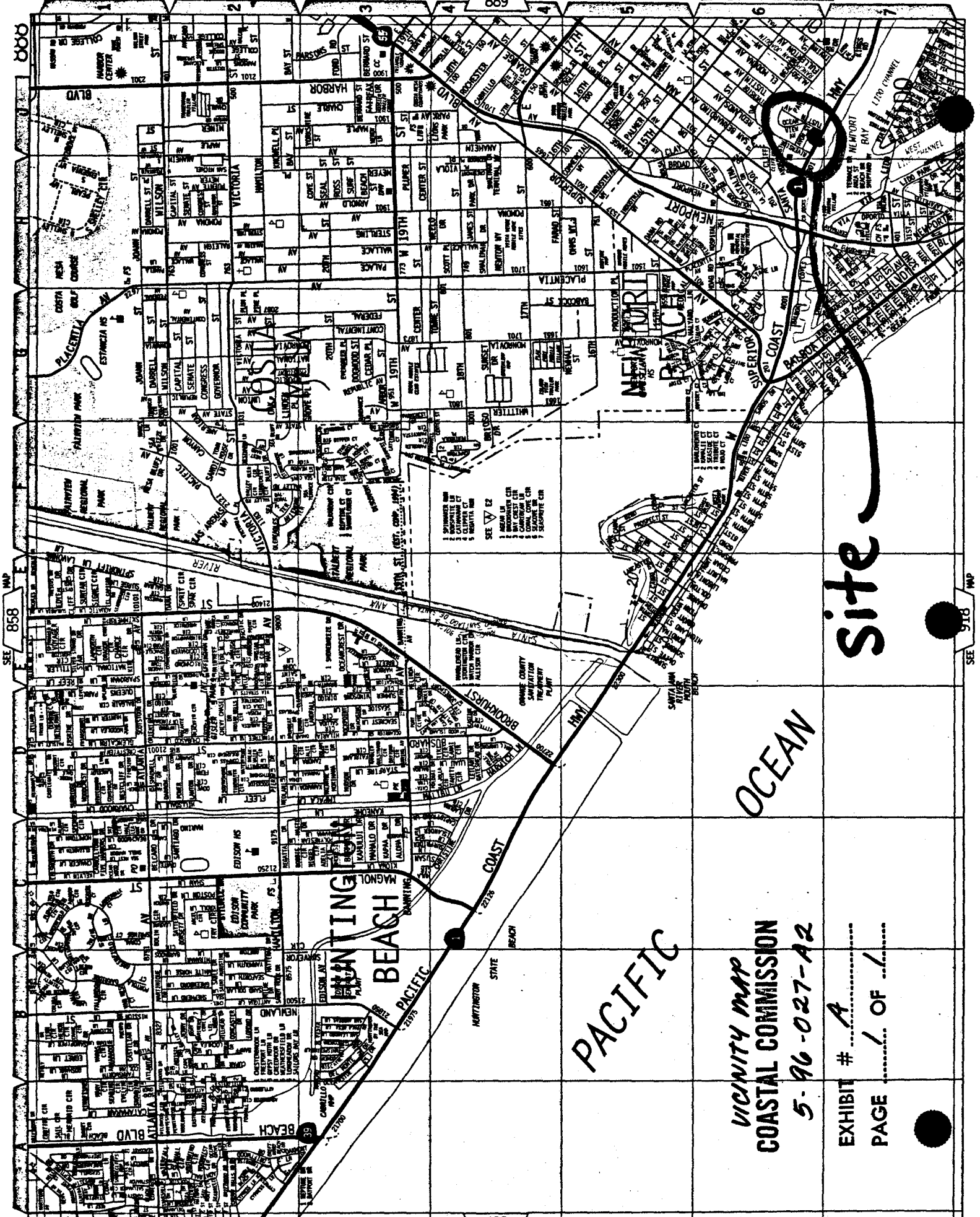
The proposed development is located in an urban area. Development already exists on the subject site. All infrastructure necessary to serve the site exist in the area. The proposed project has been conditioned in order to be found consistent with the public access policies of Chapter Three of the Coastal Act. Mitigation measures requiring a deed restriction which provides that: a) the proposed outdoor areas, including balconies, breezeways, and stairs, shall not be enclosed, b) gross internal floor area (i.e., gross enclosed floor area) of the proposed addition shall be limited to 3,723 square feet, and c) future improvements shall require an amendment to this permit from the Coastal Commission, will minimize all significant adverse effects which the activity may have on the environment.

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

List of Exhibits

- A. Vicinity Map
- B. Permit 5-96-027
- C. Extension 5-96-027-E
- D. Plans
- E. Permit P-78-3550
- F. Permit 5-90-602
- G. Permit 5-92-207

9809F:jta



site

OCEAN

PACIFIC

VICINITY MAP
COASTAL COMMISSION
5-96-027-A2

EXHIBIT # A
PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1430
LONG BEACH, CA 90802-4416
(310) 590-5071

Page 1 of 2
Date: 4-17-96
Permit No. 5-96-027

COASTAL DEVELOPMENT PERMIT

APR 23 1996

On April 12, 1996, the California Coastal Commission granted to Pat and Gil Foerster this permit subject to the attached Standard and Special conditions, for development consisting of:

Combination of two parcels of land into a single parcel. Addition of a two-story extension of 3,737 square feet to an existing two-story, 5,829 square foot, 25 foot high office building. Restriping of the existing 30 space parking lot to create a new total of 38 parking spaces.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 2436 West Coast Highway, City of Newport Beach.

Issued on behalf of the California Coastal Commission by

5-96-027-A2
COASTAL COMMISSION
Underlying Permit

EXHIBIT # B
PAGE 1 OF 2

PETER DOUGLAS
Executive Director

John T. Auyong

By: John T. Auyong
Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

4/22/96
Date

A6: 4/88

[Signature]
Signature of Permittee

(cont'd)

COASTAL COMMISSION

5-96-027-A2

COASTAL DEVELOPMENT PERMIT

EXHIBIT # 8

PAGE 2 OF 2

Page 2 of 2
Permit No. 5-96-027

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

SPECIAL CONDITIONS:

1. Future Change in Intensity of Use

This permit approves only the development described herein and on the approved plans. Any future development as defined in Section 30610 of the Coastal Act, such as but not limited to a change in the intensity of use, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

2. Provision of Parking

For the life of the permitted development as described and conditioned herein, the property owner shall provide, at all times, a minimum of 38 parking spaces on-site.

CALIFORNIA COASTAL COMMISSION

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

**COASTAL DEVELOPMENT PERMIT EXTENSION**

June 10, 1998

Re: Extension Request for Permit No.: 5-96-027
Original Permit Expiration Date: 12 April 1998
Extended Permit Expiration Date: 12 April 1999

Pat & Gil Foerster
c/o Jay Brian Evarts, Architect
P.O. Box 2187
Julian, CA 92036

5-96-027 file copy

Dear Pat & Gil Foerster:

The Executive Director has determined that there are no changed circumstances affecting the conformity of the subject development with the California Coastal Act. No objections to this determination have been received at the Commission office. Therefore, the Executive Director grants an extension of the subject permit, subject to the same conditions approved by the Commission, to expire on the Extended Permit Expiration Date indicated above.

5-96-027-A2
COASTAL COMMISSION
Extension of Underlying permit

EXHIBIT # *C*
PAGE *1* OF *1*

PETER M. DOUGLAS
Executive Director

[Signature]
By: Stephen F. Rynas
Title: Coastal Program Analyst

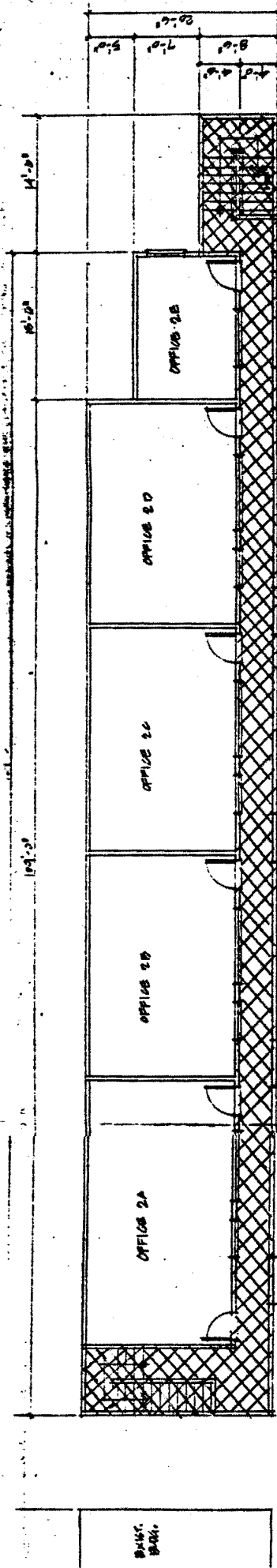
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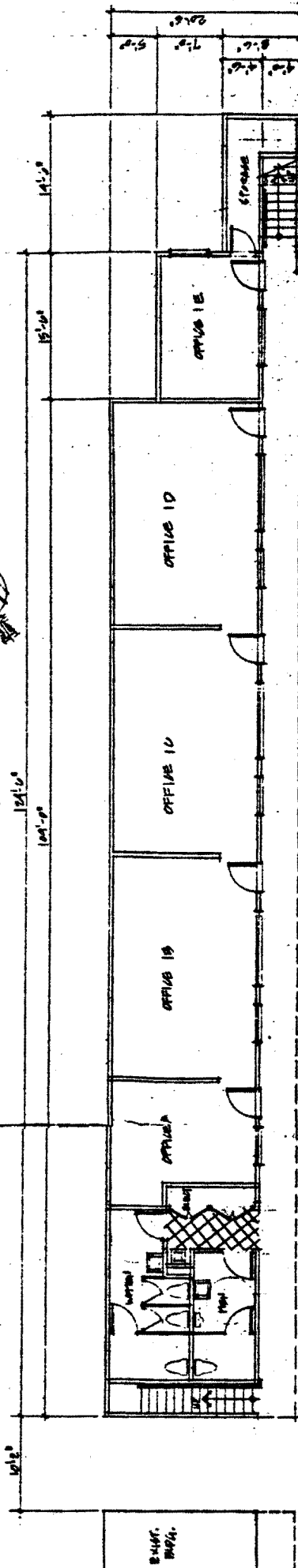
EXHIBIT # D
PAGE 1 OF 3

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← Coast Hwy.



SECOND FLOOR PLAN

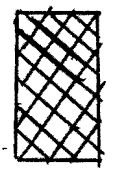


FIRST FLOOR PLAN

COASTAL COMMISSION
5.96-027-12

EXHIBIT # D
PAGE 2 OF 3

exterior, unenclosed area
(balconies/hallways, stairs,
brezeeways)



ALL 15' WIDE/PERMANENT PARTIAL TO HIGH BAY

1/2" = 1'-0"

HEIGHT LIMIT

COASTAL COMMISSION
5-96-027-A2

EXHIBIT # D
PAGE 3 OF 3

FIRST FLOOR PLAN

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

Class 1/2" square / rectangular windows to north wall.

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

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8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

SOUTH ELEVATION

10' x 12' door (all glass)

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

EAST ELEVATION

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

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8' x 12' window

8' x 12' window

8' x 12' window

8' x 12' window

NORTH ELEVATION

WEST ELEVATION

8' x 12' window

8' x 12' window

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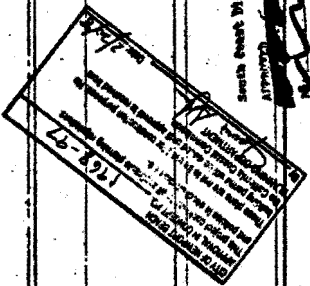
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South East District Office
Architect
01-10-10

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION

666 E. OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1430

LAGUNA BEACH, CALIFORNIA 90801

(213) 590-5071 (714) 846-0648

5-96-027 file copy

DENIAL OF COASTAL DEVELOPMENT PERMIT

Application Number: P-6-20-78-3550

Name of Applicant: Price/Smith and Assoc. Psychiatry
825 Coast View, Laguna Beach, CA 92651

Development Location: 2436 W. Coast Highway (Mariner's Mile), Newport Beach,
CA

Development Description: Construct a 300 sq. ft. addition and interior
and exterior remodeling of an existing 1685 sq. ft. commercial building
to convert to professional office use.

I. The South Coast Regional Commission finds that:

1. The proposed development is deficient 20 on-site parking spaces and is therefore not in conformity with Section 30252 of the Coastal Act.
2. The proposed development will convert an existing structure located on West Coast Hwy. to a coastal-independent use and is therefore not in conformity with Section 30255 of the Coastal Act.
3. There are indications of conflict between the Issue Identification and the adopted Specific Plan for the Mariner's Mile District and commitment of any portion of the commercial strip along Coast Hwy. to coastal-independent use at this time would be premature until such time as these conflicts are resolved by the certification of the Local Coastal Program.
4. There are feasible alternatives and feasible mitigation measures, such as citing the proposed project in the existing public-service use area in the Mariner's Mile, as provided in CEQA, available for imposition by this Commission under the power granted it which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment.

5-96-027-A2
COASTAL COMMISSION
Permit P-78-3550

Page 1 of 2

EXHIBIT # E
PAGE 1 OF 2

5. The proposed development is not in conformity with the provisions of Chapter 3 of the Coastal Act and will substantially prejudice the ability of the local government to prepare a local coastal program that is in conformity with said chapter.

II. Whereas, at a public hearing held on July 24, 1978 at Huntington Beach by a 2 to 9 vote permit application number P-6-20-78-3550 is denied.

III. Issued on behalf of the South Coast Regional Commission on August 7, 1978.



M.J. Carpenter
Executive Director

MJC:cw

COASTAL COMMISSION
5-96-027-A2

EXHIBIT # E
PAGE 2 OF 2

RECEIVED

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

145 WEST BROADWAY, SUITE 380

LONG BEACH, CA 90802

(213) 590-5071

JAN 25 1991

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICTonly 2 pages
Page 1 of 3
Date: January 11, 1991
Permit No. 5-90-6025-96-027
file copyCOASTAL DEVELOPMENT PERMITOn September 13, 1990, the California Coastal Commission granted toJOHN JAKOSKY

this permit subject to the attached Standard and Special conditions, for development consisting of:

To adjust lot lines of 2 lots to create 3 lots.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at
2500 West Coast Highway, Newport Beach

Issued on behalf of the California Coastal Commission by

5-96-027-A2
COASTAL COMMISSION
CDP 5-90-602PETER DOUGLAS
Executive DirectorEXHIBIT # F
PAGE 1 OF 2By: Vicky Kome
Title: Staff AnalystACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).1/22/91
Date[Signature]
Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Page 2 of 2
Permit No. 5-90-602

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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **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.
7. **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.

COASTAL COMMISSION
5-96-027-A2

SPECIAL CONDITIONS:

1. Parcel Deed Restriction

EXHIBIT # F
PAGE 2 OF 2

CDP # 5-90-602 shall issue to the applicant only upon:

- a. Sale of newly created parcels 1 and 3 to the owners of properties located adjacent to and on either side, respectively, of the applicants property; and
- b. Recordation against parcels 1 and 3 and the adjoining properties, respectively, with which they are held in common ownership pursuant to the above-referenced sales transaction(s), of deed restrictions, in form and substance acceptable to the Executive Director, recombining and merging the subject parcels for all purposes, including sale, development, and financing.

Accordingly, this permit together with said deed restrictions, duly executed, notarized, and otherwise in recordable form, shall be placed in escrow established for the above-described sales transaction(s) subject to instructions providing for issuance of this permit to the applicant only upon close of such escrow(s).

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 200

P.O. BOX 1480

LONG BEACH, CA 90802-4416

(310) 890-8071

RECEIVED

SEP 24 1992

Page 1 of 2
Date: August 18, 1992
Permit No. 5-92-207

5-96-027 file copy

COASTAL DEVELOPMENT PERMIT

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICTOn August 11, 1992, the California Coastal Commission granted toGILBERT FOERSTER

this permit subject to the attached Standard and Special conditions, for development consisting of:

Conversion of an existing 7 car, 977 square foot garage to office space, in an existing, 3986 square foot, 27 feet high office building. The project includes 30 parking spaces.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 2436 W. Coast Hwy., Newport Beach

Issued on behalf of the California Coastal Commission by

5-96-027-A2
COASTAL COMMISSION
CDP 5-92-207PETER DOUGLAS
Executive DirectorEXHIBIT # 3
PAGE 1 OF 2By: Meg Vaughn
Title: Staff AnalystACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 1315B(a).

Date

Sept 18

Signature of Permittee

Gilbert Foerster

COASTAL DEVELOPMENT PERMIT

Page 2 of 2
Permit No. 5-92-207

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4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

SPECIAL CONDITIONS:

None.

MV:tn
5808E

COASTAL COMMISSION
- 5-96-027-A2

EXHIBIT # 6
PAGE 2 OF 2