

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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Staff: ALK-LB *ALK*
Staff Report: October 26, 2000
Hearing Date: November 14-17, 2000
Commission Action:

Item Tu 12b**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-00-192

APPLICANT: Mel & Paulette Blumenthal

AGENT: Kluger Kollin Architects, Inc.

PROJECT LOCATION: 1504 E. Oceanfront, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Construction of a new two-story, 25' high, 2113 square foot guest house with an attached 302 square foot one-car garage, two-car grass block parking area, pool, spa, landscaping and hardscaped areas on a beachfront lot. Approximately 485 cubic yards of grading (485 c.y. cut, 0 c.y. fill) is proposed for basement, pool and spa excavation and site preparation.

Lot Area:	3822 square feet
Building Coverage:	1237 square feet
Paved Area:	1890 square feet
Landscape Coverage:	686 square feet
Parking Spaces:	Three
Zoning:	Residential Low Density
Ht. above grade:	25 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept # 0014-2000 dated March 27, 2000 and Regional Water Quality Control Board (RWQCB) Santa Ana Region Dewatering Approval dated July 26, 2000.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits; 5-00-086 (Wells); 5-00-059 (Danner); 5-00-114 (Heuer); 5-00-271 (Darcy); 5-99-477 (Watson); 5-99-289 (NMUSD); 5-99-072 (Vivian); 5-97-319 (Steffensen); 5-95-185 (Sloan); 5-86-844 (Baldwin), 5-86-153 (Kredell), and 5-85-437 (Arnold).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions requiring the recordation of an assumption-of-risk deed restriction, a deed restriction prohibiting the construction of any future shoreline protective devices, and a future development deed restriction. The major issue of this staff report concerns beachfront development that could be affected by wave uprush and flooding during strong storm events.

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION:

Staff recommends that the Commission APPROVE the permit application with special conditions by making the following motion and adopting the following resolution.

MOTION:

I move that the Commission approve CDP No. 5-00-192 pursuant to the staff recommendation.

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

RESOLUTION TO APPROVE PERMIT APPLICATION WITH CONDITIONS:

I. APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding and wave uprush; (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.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. 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 Commission amendment to this coastal development permit.

2. No Future Shoreline Protective Device

- A(1) By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-00-192 including, but not limited to, the residence, balconies and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this permit, the applicant agrees, on behalf of himself and all other successors and assigns, that the permittee shall remove the development authorized by this permit, including the guesthouse, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that any portion of the development is destroyed, the permittee 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.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicant's entire parcels. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. **Future Development Deed Restriction**

- A. This permit is only for the development described in Coastal Development Permit No. 5-00-192. 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. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to, change in use to a permanent residential unit, 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. 5-00-192 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the applicant's entire parcel. 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. The deed restriction shall not be removed or changed without a Commission amendment to this Coastal Development Permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. **PROJECT LOCATION AND DESCRIPTION**

The subject site is located at 1504 E. Oceanfront Avenue on the Balboa Peninsula within the City of Newport Beach, Orange County (Exhibits 1 & 2). The site is a beachfront lot located between the first public road and the sea. The site is located just south of the portion of Oceanfront Avenue fronted by the City's paved beachfront public lateral accessway. The project is located within an existing urban residential area, located generally southeast of the Newport Pier. There is a wide sandy beach (approximately 400-500 feet) between the subject property and the mean high tide line. Vertical public access to this beach is available approximately 40 feet northwest of the subject site at the end of G Street.

The applicant is proposing the construction of a new two-story, 25' high, 2113 square foot guest house structure with an attached 302 square foot one-car garage, basement, two-car grass block parking area, pool, spa, landscaping and hardscaped areas on a vacant beachfront

lot (Exhibit 3). The previously existing single-family residence was demolished under De Minimis Waiver 5-00-021 (Blumenthal) reported to the Commission at the February 2000 hearing. Approximately 485 cubic yards of grading (485 c.y. cut, 0 c.y. fill) is required for basement, pool and spa excavation. Dewatering of the site is necessary for construction of these subterranean features. As such, the RWQCB has approved the discharge of wastewater under the terms and conditions of the Regional Board's general permit, Order No. 98-67 (Exhibit 4). The proposed guest house will serve the main house located on the adjacent parcel to the south.

B. PREVIOUS COMMISSION ACTION IN PROJECT AREA

The Commission has recently approved new development and residential renovation projects on beachfront lots in Orange County and southern Los Angeles with special conditions requiring the recordation of an assumption of risk deed restriction and no future protective device deed restriction. Projects similar to the currently proposed development in Orange County include Coastal Development Permits 5-99-477 (Watson); 5-99-072 (Vivian); 5-97-319 (Steffensen); 5-95-185 (Sloan); 5-86-844 (Baldwin), 5-86-153 (Kredell), and 5-85-437 (Arnold). Recent examples in Hermosa Beach include Coastal Development Permits 5-00-086 (Wells); 5-00-059 (Danner); 5-00-114 (Heuer) and 5-00-271 (Darcy). Projects in Hermosa Beach (Los Angeles County) are used for comparative purposes in the current situation because of their similar site characteristics, including the existence of a wide sandy beach and paved public walkway between the subject site and the mean high tide line. Lastly, the Commission approved CDP 5-99-289 (NMUSD) in April 2000 for the construction of a sand wall around an elementary school playfield site approximately one mile north of the subject site.

C. HAZARDS

Section 30253 of the Coastal Act states, in relevant 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.*

Section 30251 of the Coastal Act states that:

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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

1. Wave Uprush and Flooding Hazards

The subject site is located on a beach parcel on the Balboa Peninsula between the Newport Pier and the Balboa Pier in the City of Newport Beach. Presently, there is a wide sandy beach between the subject development and the ocean. Based on the applicant's estimate and Commission staff observation, the mean high tide line is approximately 400-500 feet from the seaward edge of the subject property. This wide sandy beach presently provides homes and other structures in the area some protection against wave uprush and flooding hazards. However, similar to other nearby beach fronting sites such as those at A1 through A91 Surfside in Seal Beach (north of the subject site), the wide sandy beach is the only protection from wave uprush hazards. Similar situations exist in downtown Seal Beach and Hermosa Beach (Los Angeles County).

Even though wide sandy beaches afford protection of development from wave and flooding hazards, development in such areas is not immune to hazards. For example, in 1983, severe winter storms caused heavy damage to beachfront property in Surfside. Additionally, heavy storm events such as those in 1994 and 1998, caused flooding of the Surfside community. As a result, the Commission has required assumption-of-risk deed restrictions for new development on beachfront lots throughout Orange County and southern Los Angeles County.

Section 30253 (1) states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Based on historic information and current conditions at the subject site, the proposed development is not considered to be sited in a hazardous area. There is currently a wide sandy beach in front of the proposed development. In addition, the existing development was not adversely affected by the severe storm activity which occurred in 1983, 1994, and 1998. Since the proposed development is no further seaward of existing development on either side of the subject lot, which has escaped storm damage during severe storm events, the proposed development is not anticipated to be subject to wave hazard related damage. Nonetheless, any development on a beachfront site may be subject to future flooding and wave attack as coastal conditions (such as sand supply and sea level) change.

To further analyze the suitability of the site for the proposed development, Commission staff requested the preparation of a wave run-up, flooding, and erosion hazard analysis, prepared by an appropriately licensed professional (e.g. coastal engineer), that anticipates wave and sea level conditions (and associated wave run-up, flooding, and erosion hazards) through the life of the development. For a 75 to 100 year structural life, that would be taking the 1982/83 storm conditions (or 1988 conditions) and adding in 2 to 3 feet of sea level rise. The purpose of this analysis is to determine how high any future storm damage may be so the hazards can be anticipated and so that mitigation measures can be incorporated into the project design.

The applicant's agent responded to the request with a letter describing current conditions at the subject site and justifying why no wave uprush analysis was provided for Commission review (Exhibit 5). Commission staff did not request the study within the first 30 days of receipt of the application; therefore, the filing of the application could not be delayed for the submittal of the analysis.

Although the agent's letter indicates that site is safe for development at this time, beach areas are dynamic environments, which may be subject to unforeseen changes. Such

changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. Therefore, the presence of a wide sandy beach at this time does not preclude wave uprush damage and flooding from occurring at the subject site in the future. The width of the beach may change, perhaps in combination with a strong storm event like those which occurred in 1983, 1994 and 1998, resulting in future wave and flood damage to the proposed development.

Given that the applicant has chosen to implement the project despite potential risks from wave attack, erosion, or flooding, the applicant must assume the risks. Therefore, the Commission imposes Special Condition 1 for an assumption-of-risk agreement. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

The assumption-of-risk condition is consistent with prior Commission actions for development along the beach. For instance, the Executive Director issued Administrative Permits 5-86-676 (Jonbey), 5-87-813 (Corona), and more recently 5-97-380 (Haskett) with assumption-of-risk deed restrictions for improvements to existing homes. In addition, the Commission has consistently imposed assumption-of-risk and no future protective device deed restrictions on new development. Examples include Coastal Development Permits 5-99-289 (NMUSD); 5-99-477 (Watson), 5-99-372 (Smith), 5-99-072 (Vivian), 5-86-844 (Baldwin), 5-86-153 (Kredell), and 5-85-437 (Arnold).

2. Future Shoreline Protective Devices

The Coastal Act limits construction of 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. Under Coastal Act Section 30235, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

The Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. The proposed project involves the construction of a new structure on a vacant beachfront lot. The construction of a shoreline protective device to protect this type of new development would conflict with Section 30251 of the Coastal Act, which states that permitted development shall minimize the alteration of natural landforms, including beaches which would be subject to increased erosion from such a device.

In the case of the current project, the applicant does not propose the construction of any shoreline protective device to protect the proposed development. The agent's letter states that *"based on the site location, we do not believe the wave run up is of concern"* and the agent has verbally indicated that the need for a seawall is not anticipated. However, as previously discussed, nearby beachfront communities have experienced flooding and erosion during severe storm events, such as El Nino storms. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed structure may be subject to wave uprush hazards.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, this portion of Newport Beach is currently characterized as having a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion.

In addition, the construction of a shoreline protective device to protect new development would also conflict with Section 30251 of the Coastal Act which states that permitted development shall minimize the alteration of natural land forms, including sandy beach areas which would be subject to increased erosion from shoreline protective devices. The applicant is not currently proposing a seawall and does not anticipate the need for one in the future. The coastal processes and physical conditions are such at this site that the project is not expected to engender the need for a seawall to protect the proposed development. There is a wide sandy beach in front of the proposed development that provides substantial protection from wave activity.

To further ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition No. 2 which requires the applicant to record a deed restriction that would prohibit the applicant, or future land owner, from constructing a shoreline protective device for the purpose of protecting any of the development proposed as part of this application. This condition is necessary because it is impossible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, as conditioned, the development can be approved subject to Section 30251 and 30253.

By imposing the "No Future Shoreline Protective Device" special condition, the Commission requires that no shoreline protective devices shall ever be constructed to protect the development approved by this permit in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future. The Commission also requires that the applicant remove the structure if any government agency has ordered that the structure be removed due to wave uprush and flooding hazards. In addition, in the event that portions of the development are destroyed on 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. Conclusion

The Commission finds that hazards potentially exist from wave uprush and flooding at the subject site. Therefore, to ensure that the proposed project is consistent with Sections 30251 and 30253 of the Coastal Act, and to ensure that the proposed project does not result in future adverse effects to coastal processes, Special Conditions 1 and 2 require the applicant to record Assumption-of-Risk and No Future Shoreline Protective Devices deed restrictions. As of the date of this staff report, the applicants oppose the imposition of these special conditions (Exhibit 5). However, as conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

D. PUBLIC ACCESS

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 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 a beachfront lot located between the nearest public roadway and the shoreline on the Balboa Peninsula in the City of Newport Beach. There is wide sandy beach seaward of the subject site which provides lateral public access. Vertical public access to this beach is available approximately 40 feet northwest of the subject site at the end of G Street. Therefore, the Commission finds adequate access is available nearby and the proposed development is consistent with Section 30212 of the Coastal Act.

When a private development does not provide adequate on-site parking, users of that development are forced to occupy public parking used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking 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 guest house structure provides three parking spaces, one in the attached garage and two on grass block parking area. Therefore, as currently designed, the development provides parking which exceeds the Commission's regularly used standard. However, if future additions are made or renovations occur that somehow omit the grass block parking area or convert the one-car garage to livable space, the parking demand at the subject site could increase. Deficient parking would lead to adverse impacts on public access.

Therefore, the Commission finds that it is necessary to place a deed restriction (Special Condition No. 3) requiring that future improvements to the structure (including conversion to a single family residence) obtain an amendment to Permit No. 5-00-192 from the Commission or obtain an additional coastal development permit from the Commission or from the applicable certified local government. As stated previously, Section 13250 (b) (6) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. Thus, as conditioned, the Commission finds that the proposed development is consistent with Sections 30212 and 30252 of the Coastal Act.

E. LAND USE PLAN

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 which conforms with Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As proposed, the development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program

for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's 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). 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 project is located in an urbanized area. The subject site is currently vacant, but was previously developed with a single-family residence. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Conditions imposed are: 1) an assumption-of-risk agreement, 2) a prohibition of future shoreline protective devices and 3) a future improvements deed restriction requirement. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.



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MAP 918

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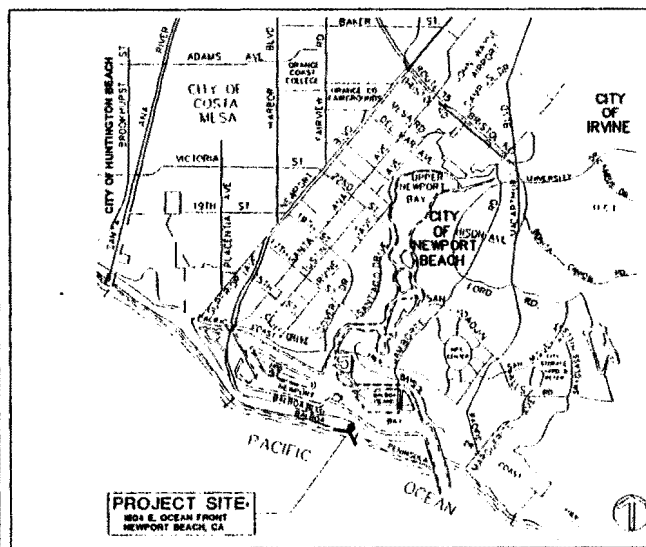
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CALIFORNIA
TAL COMMISS

1504 E. Ocean Front
Newport Beach, California

VICINITY MAP

**BUILDING DATA**[illegible]

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902	5F
135	5F
995	5F
1049	5F
22	5421 5F

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EXHIBIT # 3

1-01

Paid Notice (0.000) (7)

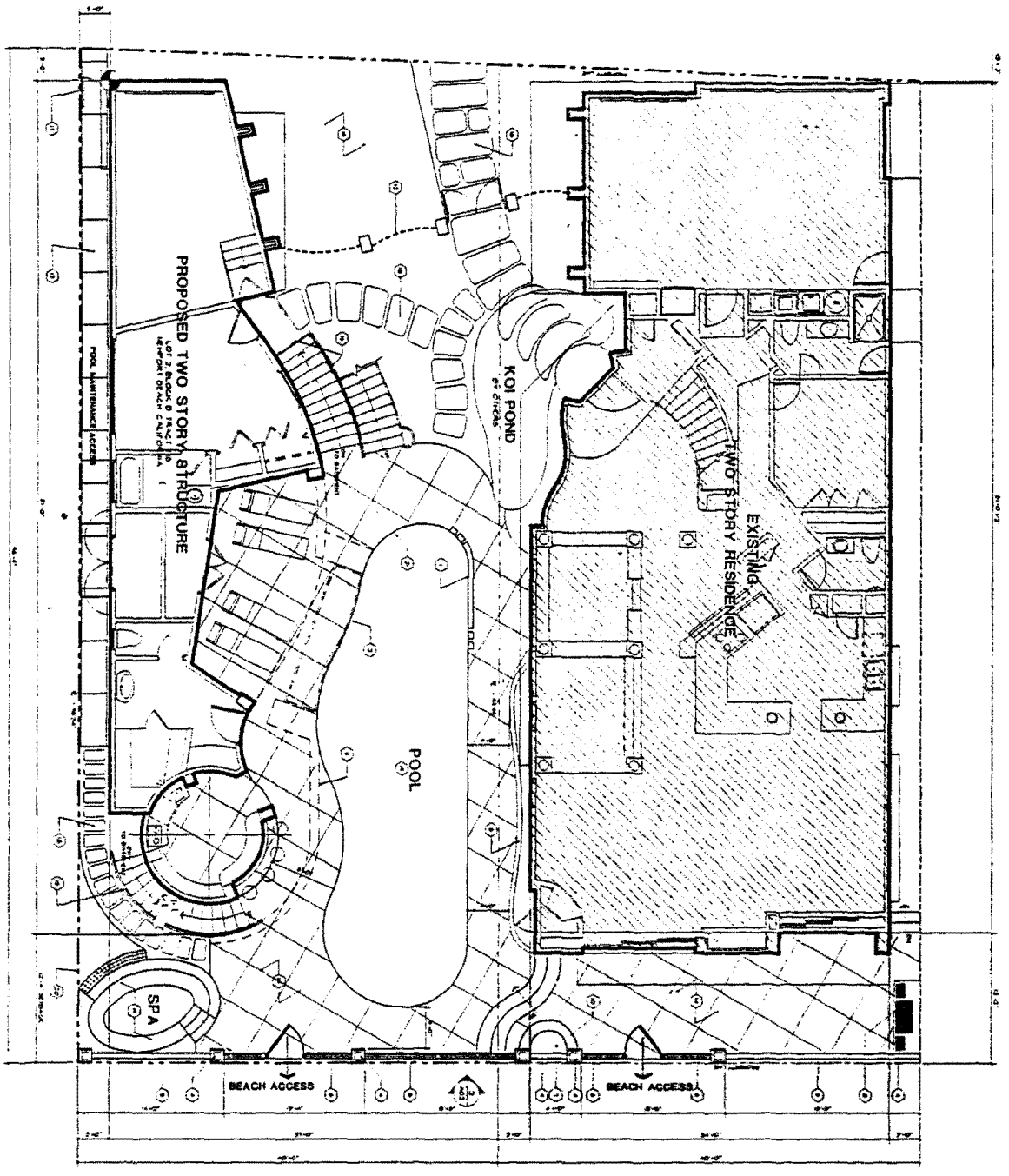
**The Blumenthal
Residence**
1604 E. Ocean Front
Newport Beach, California - 92661-

SHEET:
T-01

T-01

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SITE DEVELOPMENT PLAN
PROJECT NORTH
1/8" = 1'-0"



COASTAL COMMISSION
5-00-192
EXHIBIT # 3
PAGE 2 OF 8

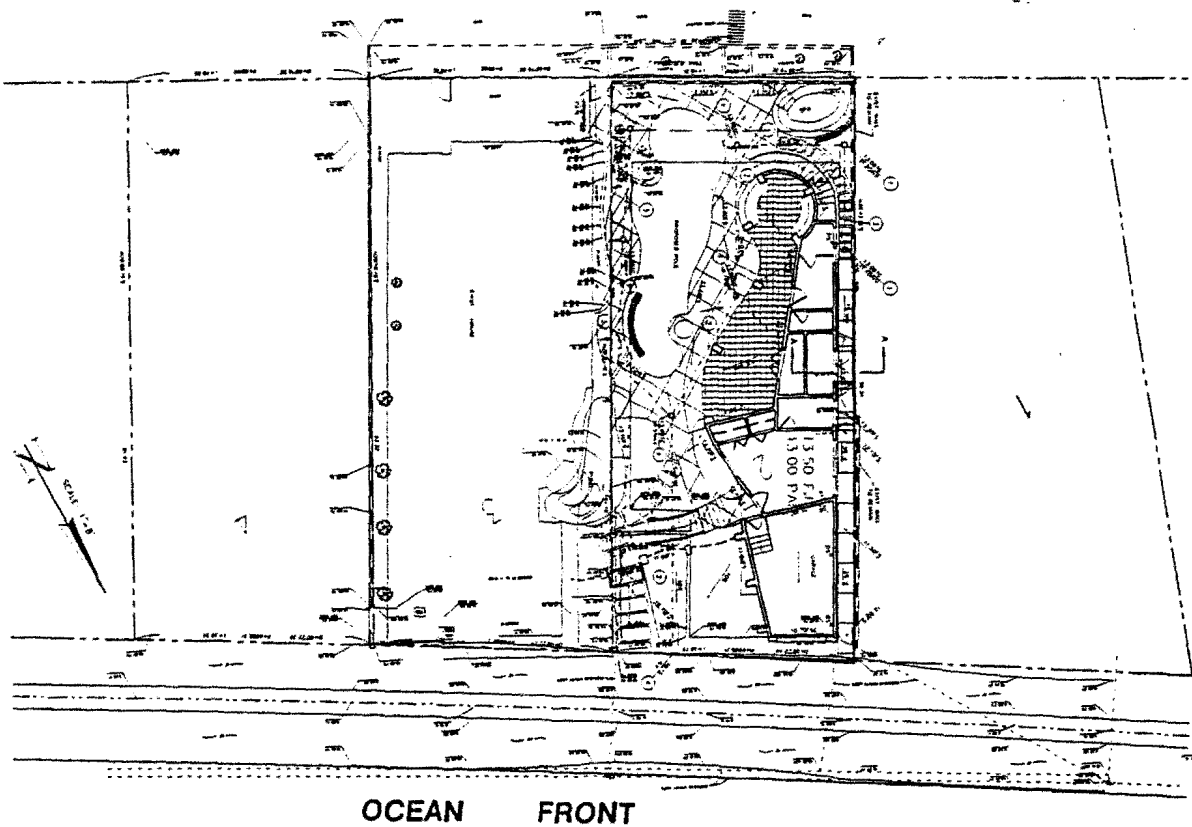
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SP-01

DATE: 08/01/00
DRAWN BY: BK
PROJECT ARCHITECT: BK
PROJECT MANAGER: BK
PROJECT NUMBER: 11000

The Blumenthal Residence
1504 E. Ocean Front
Newport Beach, California - 92661-

KLUGER KOLLIN ARCHITECTS



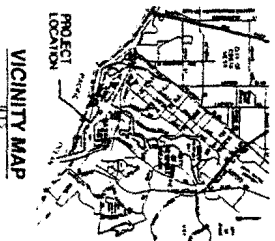
OCEAN FRONT

CONSTRUCTION NOTES:

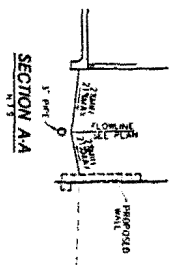
- 1) CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES.
- 2) CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES.
- 3) CONTRACTOR TO VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES.

COASTAL COMMISSION
5-00-192

EXHIBIT # 3
PAGE 3 OF 8



VICINITY MAP



SECTION A-A

MAINTENANCE SCHEDULE
ALL WORK TO BE COMPLETED BY THE DATE SHOWN ON THE SCHEDULE.

GENERAL NOTES:
1. THE PROJECT IS LOCATED AT THE CORNER OF 1504 E. OCEAN FRONT AND 15TH AVENUE, NEWPORT BEACH, CALIFORNIA.
2. THE PROJECT IS A RESIDENTIAL DEVELOPMENT.
3. THE PROJECT IS A SINGLE-FAMILY RESIDENCE.
4. THE PROJECT IS A TWO-UNIT RESIDENCE.
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101. THE PROJECT IS A NINETY-NINE-UNIT RESIDENCE.
102. THE PROJECT IS A HUNDRED-UNIT RESIDENCE.



PRECISE GRADING PLAN

BLUMENTHAL RESIDENCE
1504 E. OCEAN FRONT
NEWPORT BEACH, CALIFORNIA

KLUGER
KOLLIN
ARCHITECTS



117 ENGINEERING
P.O. BOX 8812
NEWPORT BEACH, CA 92658-1212
(949) 831-1812

Plot date: 3-6-00
Scale: 1/8" = 1'-0"
Drawn by: JAK
Project number: 117-001

[illegible]

NOTE.
SEE SHEET A-01 FOR CURVE WALL DIMENSION
REFERENCE

CONCLUSIONS **Dr. A. H. O. O. O. O.**

1. All the money outstanding all currencies are to be paid on the balance sheet of the company to the shareholders and the balance to the bank and to the bank.

The Blumenthal Residence

1504 E. Ocean Front
Newport Beach, California -92861-

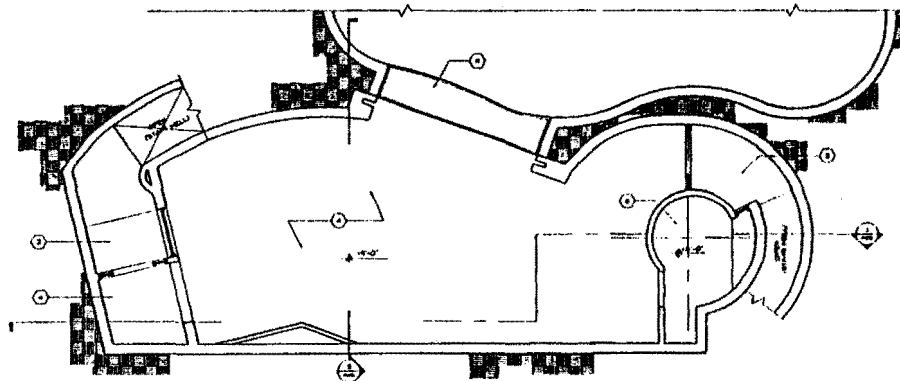
KLUGER
KOLLIN
ARCHITECTS

**FIRST FLOOR AND
SECOND FLOOR PLAN**

Date	08 01 00
Drawn by	BY
Project Architect :	AKK
Project Manager :	AKS
Project Number :	11000

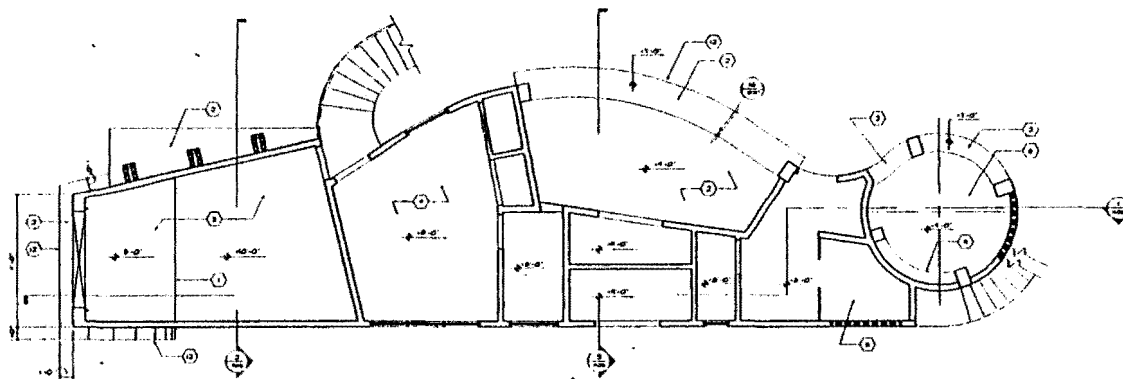
A-01

P:\11000 Blumenthal II CD's\Drawings\11000A01.dwg, 07/10/2000 09:26:35 AM, bvillia



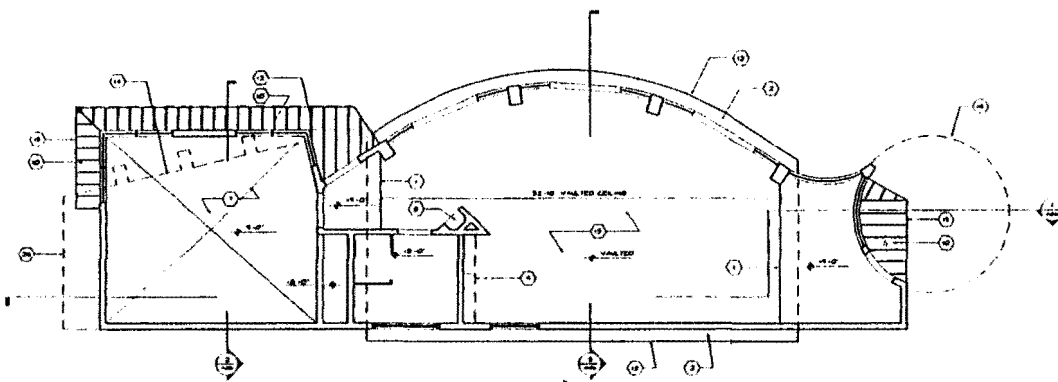
BASEMENT FLOOR REFLECTED CEILING PLAN

PROJECT NORTH
Scale 1/8" = 1'-0"



FIRST FLOOR REFLECTED CEILING PLAN

PROJECT NORTH
Scale 1/8" = 1'-0"



SECOND FLOOR REFLECTED CEILING PLAN

PROJECT NORTH
Scale 1/8" = 1'-0"

Key Notes:

- 1 LINE UP HALL BOTTLE DRIFT
- 2 1/2" EXTERIOR BRICK SMOOTH
- 3 LINE UP FACIA ABOVE
- 4 1/2" ORIGINAL 1/2" WALLS NOTED
- 5 1/2" 1/2" RATED BOTTLE DRIFT IN GARAGE
- 6 1/2" 1/2" BOTTLE DRIFT
- 7 SLOPED ORIGINAL CEILING
- 8 ORIGINAL BOTTLE DRIFT IN HALL
- 9 HALLWAY EXTERIOR
- 10 STANDING SEAM COPPER CEILING
- 11 FISH TANK
- 12 STANDING SEAM COPPER FACIA
- 13 BARREL VULNER CEILING
- 14 HALL LINE BELOW
- 15 STANDING SEAM COPPER EXTERIOR

COASTAL COMMISSION
5-00-192

EXHIBIT # 3

PAGE 6 OF 8

KLUGER
KOLLIN
ARCHITECTS

1111 CHAMBERLAIN ROAD
SUITE 100
OAKLAND, CA 94612
PH: 770 870 1111
FAX: 770 870 1111
www.klugerkollin.com

DATE	BY	REVISION

The Blumenthal
Residence
1504 E. Ocean Front
Newport Beach, California 92661

FIRST AND SECOND
FLOOR REF. CLG.
PLAN / ROOF PLAN

Date: 08/01/00
Drawn by: BV
Project Architect: MK
Project Manager: MK
Project Number: 11000

SHEET:

A-03



3472 CHALLENGER ROAD
SUITE 100
TOLSON CA
94708
314 726 6726 TEL
314 726 0888 FAX
SPEECHES@CHALLENGER.COM

[illegible][illegible]

The Blumenthal Residence

1504 E. Ocean Front
Newport Beach, California - 92661-

EXTERIOR ELEVATIONS

Date	06-01-00
Drawn by:	SV
Project Architect :	MR
Project Manager:	MR
Project Number:	11000

SHEET:

A-05

Page Number: 103-104



- [illegible]

EAST SIDE ELEVATION



WEST SIDE ELEVATION



NORTH (ALLEY) ELEVATION



SOUTH (BEACH) ELEVATION



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

RECEIVED
AUG 2 2000

Gray Davis
Governor

July 26, 2000

Mr. Charlie Hartwell
Hartwell Construction
2408 West Oceanfront
Newport Beach, CA 92663

CALIFORNIA
COASTAL COMMISSION

WASTE DISCHARGE REQUIREMENTS, ORDER NO. 98-67, NPDES NO. CAG998001 (DE MINIMUS DISCHARGES), HARTWELL CONSTRUCTION, DEWATERING AT MEL BLUMENTHAL RESIDENCE, 1504 E. OCEANFRONT, NEWPORT BEACH

Dear Mr. Hartwell:

On July 17, 2000, Michael Kollin of Kluger Kollin Architects, Inc. submitted on your behalf a Notice of Intent to discharge wastewater under the terms and conditions of the Regional Board's general permit, Order No. 98-67. The discharge will occur from the dewatering of a basement construction project at the Balboa Peninsula residence of Mr. and Mrs. Mel Blumenthal. The level of total suspended solids (TSS) in the discharge from the proposed settling tank must meet the Order's TSS limit of 75 ppm before discharge may proceed. Residual chlorine is included in case you use it to treat sulfides.

Effective immediately, you are authorized to discharge wastewater under the terms and conditions of Order No. 98-67. Enclosed is Monitoring and Reporting Program No. 98-67-107, which specifies the frequency of sampling and the constituents to be monitored. Please note that modifications to the sampling frequency and required constituents can be considered on a case-by-case basis.

Order No. 98-67 will expire on July 1, 2003. If you wish to terminate coverage under this general permit prior to that time, please notify us as soon as possible so that we can rescind this authorization and avoid billing you the \$400 annual fee. If you have any questions regarding the permit or the monitoring and reporting program, please contact Jessie Powell at (909) 320-6358.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosure: Order No. 98-67 and Monitoring and Reporting Program No. 98-67-107

cc w/o encl: Kluger Kollin Architects, Inc., Tustin - Michael Kollin
U.S. EPA, Region IX - Terry Oda (WTR-5)
State Water Resources Control Board, Division of Water Quality - John Youngerman
City of Newport Beach Public Works Department - Bill Patapoff

GSR/ Blumenthal/BalboaPennDewatering.ltr

COASTAL COMMISSION

5-00-192

EXHIBIT # 4

PAGE 1 OF 1

October 12, 2000

Anne L. Kramer
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

OCT 17 2000

COASTAL COMMISSION

RE: 1504 E. Ocean Front, Newport Beach CDPA# 5-00-192

Dear Anne,

In response to your Request for Supplemental Information dated October 4, 2000, we believe the request for a Wave Run Up Study is not required for the following reasons:

- 1) The property in question has 400-500 feet of sandy beach between the property line and the ocean.
- 2) Historically this property has not been subject to Wave Attack.
- 3) Based on the site location we do not believe the wave run up is of concern.
- 4) This project was submitted to the Coastal Commission on May 25, 2000. On June 23, 2000 we received a Notice of Incomplete Application, which stated nothing about this study and only made reference to a \$300 filing fee, a reduced set of drawings and a dewatering permit requirement. No mention was ever made in reference to the wave run up study.

It is my understanding per your phone conversation with Mike Brown, that due to the lateness of requesting this study it should not be a requirement of our application. Please consider our request for our application to be processed without the wave run up study.

Your urgent attention to this matter is greatly appreciated.

Sincerely,


Michael Kollin, AIA
Principal

CC: Mel Blumenthal
Mike Brown
Charlie Hartwell

COASTAL COMMISSION

5-00-192

EXHIBIT # 5

PAGE 1 OF 1

Charles E. Kluger, A
Principal

Michael Kollin, A
Principal

Paul J. Altomare, A
Associate

Arizona
California
Hawaii
Nevada
New York
Texas

2472
Chambers Road
Suite 230
Tustin
California
92780
p: 714.730.0730
f: 714.730.0588
e: kkarch@earthlink.