

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**MON 10a**

Filed: March 14, 2001
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Staff: FSY-LB FSY
Staff Report: September 20, 2001
Hearing Date: October 8-12, 2001
Commission Action: Approved with Conditions

**STAFF REPORT: REVISED FINDINGS****APPLICATION NUMBER:** 5-00-452**APPLICANT:** Jay Cowan**AGENT:** None**PROJECT LOCATION:** 3030 and 3030 ½ Breakers Drive, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Demolish an existing two (2) story duplex with a two (2) car garage and construct a four (4)-story, 6,073 square foot residential duplex, stepped up the hillside to a maximum height of 55.5 ft above the base of the hillside, with two (2) attached two (2) car garages totaling 840 square feet. Retaining walls will be constructed along the west and portions of the east property lines and along the concrete deck on the 4th floor. Also, a caisson and grade beam foundation system supporting front portions of the residence will be utilized.

DATE OF COMMISSION ACTION: May 7, 2001**COMMISSIONERS ON PREVAILING SIDE:** Commissioners Desser, Luna, Hart, Kruer, McCoy, Orr, Potter, Wan**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action of May 7, 2001 approving the construction of the new duplex. In approving the project, the Commission revised special condition number three to also include that the landscaping be monitored once at five years (special condition 3c). The findings have been revised on page 9 to reflect the addition to special condition number three. In approving the project, the Commission has also required revised findings to clarify that the specific location of the proposed development is in a limited area where bluff face development already exists and has been allowed by the Commission, but development on the bluff face is not routinely approved by the Commission. The findings have been revised on page 10 and 11 to further discuss how the immediate project area is unique regarding bluff face development.

LOCAL APPROVALS RECEIVED:

Variance No. 1236 from the City of Newport Beach and City of Newport Beach approval-in-concept dated November 7, 2000. (a)

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-00-424 (Spriggs), 5-95-040 (Veenstra), 5-93-381 (Grey Fox, Inc. & Old World Craftsman, Inc.), City of Newport Beach Land Use Plan, "Preliminary Geotechnical investigation" (Report No. 70998-00, Report No. 9-3124) dated June 4, 1999 prepared by Geofirm.

LIST OF EXHIBITS

1. Location Map
2. Assessor's Parcel Map
3. Assessor's Parcel Map
4. Site Plan
5. Floor Plans
6. Elevations Plan
7. Section Plan
8. Topographic Map
9. Grading/Drainage/Landscape Plans

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following motion and resolution:

MOTION:

"I move that the Commission adopt the revised findings in support of the Commission's action of May 7, 2001 in approving coastal development permit application 5-00-452 with conditions."

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the May 7, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commissions action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for approving coastal development permit application 5-00-452 with conditions on the grounds that the findings support the Commissions decision made on May 7, 2001 and accurately reflect the reasons for it.

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** 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

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. Geotechnical Recommendations
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering report "*Preliminary Geotechnical Investigation*" (Report No. 70998-00, Report No. 9-3124), Proposed Single Family Residence, 3030 Breakers Drive, Corona Del Mar, California, dated June 4, 1999 prepared by Geofirm.
 - B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering report.
 - C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

2. Submittal of Drainage and Runoff Control

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a drainage and runoff control plan. The drainage and runoff control plan shall show that all roof drainage, including roof gutters, collection drains, and sub-drain systems for all landscape and hardscape improvements for the residence and all yard areas, shall be collected on site for discharge to the street through piping without allowing water to percolate into the ground. The applicant shall maintain the functionality of the approved drainage and runoff control plan to assure that water is collected and discharged to the street without percolating into the ground.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Submittal of Landscaping Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a landscaping plan which demonstrates the following:
- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas in the rear yard area not occupied by hardscape shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas all landscaping shall consist of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (d) Landscaped areas in the front yard area shall consist of native, drought tolerant plants. Other vegetation which is placed in above-ground pots or planters or boxes may be non-invasive, non-native ornamental plants.
 - (e) No permanent in-ground irrigation systems shall be installed on site. Temporary above ground irrigation is allowed to establish plantings.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. Five years from the date of issuance of Coastal Development Permit No. 5-00-452 the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the

landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species, plant coverage, and an evaluation of the conformance of the landscaping with the requirements of this special condition.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to demolish an existing two-story duplex with a 2-car garage and construct a four-story, approximately 6,073 square foot, residential duplex with two attached two (2) car garages, for a total of four (4) parking spaces, totaling 840 square feet. The project site is located at 3030 and 3030 ½ Breakers Drive between the Corona Del Mar beach access driveway and Breakers Drive (Exhibits #1-3). The property has steep slopes as it is part of the coastal bluff and vehicular access is provided from below on Breakers Drive, a private street. Ocean Boulevard is located north of the proposed project at the top of the bluff. South of the project site is Breakers Drive, a wall, bushes and an approximately 200 foot wide parking lot for Corona Del Mar State Beach. The project is located within an existing developed urban residential area and the historic bluff has been substantially altered by other similar residential structures. The subject site consists of both an area of relatively flat land at the base of a bluff (altered by previous developments on-site and on the adjacent lots) and also a portion of the bluff face (approximately between 3:1 and 1:1 slope). The existing duplex is located at the base of the coastal bluff and the remainder is undeveloped and covered with non-native vegetation. The first level of the proposed duplex would be primarily on the flat portion of the site and would back-up against the bluff face. The second, third and fourth floors would step up and be recessed into the bluff face. The maximum height of the proposed development would be 55.5" above grade measured from Breakers Drive (Exhibits #4-9).

Also proposed (Exhibits #4-9) would be 1) 1,500 cubic yards of cut and 1,700 cubic yards (200 cubic yards result from soil expansion) of export to be taken to the Frank R. Bowerman Landfill, which is outside of the Coastal Zone; 2) a retaining wall on the west property line with its highest point at 6 feet; 3) retaining walls on portions of the east property line with its highest point at approximately 4 feet; 4) retaining walls serving as building walls on the east and west side with its highest point at approximately 16 feet; 5) a 6 foot high retaining wall in the rear of the property along the concrete deck; 6) construction of a stairway along the eastern property line from the first floor to the second floor; 7) construction of a stairway from the rear of the proposed project to Ocean Boulevard; 8) construction of a stairway that runs along the western property line from the first floor to the fourth floor; 9) installation of an elevator and 10) construction of decks on the second, third and fourth floors.

The project will also involve landscaping in the rear yard area. A grading/drainage/landscaping plan has been submitted which states that landscaping will consist of *Myoporum* and that a sprinkler system will be installed (Exhibit #9). Also, existing ornamental, non-native vegetation will be removed in the rear yard to make room for the proposed project.

Grading/drainage/landscaping plans also show that the site will be drained to the street (Breakers Drive).

B. RELATED DEVELOPMENT

The Commission previously approved coastal development permit 5-95-040 (Veenstra) for a demolition of an existing two-story duplex and construction of a four-story duplex with two attached 2-car garages located at 3016 Breakers Drive. The first two levels of the duplex are primarily on the flat portion at the base of the bluff and back-up against and are recessed into the bluff face. The third and fourth floors step up and are also recessed into the bluff face. The approximate height of the structure is 41'-6" above grade and is 12 feet below the top of the curb on Ocean Boulevard. There were two (2) Special Conditions imposed on this project: 1) conformance with geotechnical recommendations and 2) submittal of foundation and drainage plans for the project signed by the geologic consultant incorporating the recommendations made in the geotechnical report.

The Commission also previously approved coastal development permit 5-93-381 (Grey Fox, Inc. and Old World Craftsman, Inc.) to merge three lots into one lot at 3014 Breakers Drive, and construct a residence similar in height and configuration (stepped up and recessed into the hillside) to the duplex described previously. This structure is 6 feet below the top of the curb on Ocean Boulevard. One (1) Special Condition was imposed on this project requiring that foundation and drainage plans for the project be signed by the geologic consultant incorporating the recommendations made in the geotechnical report.

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.

In general, bluff erosion is caused by environmental factors and impacts caused by man. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding, and soils conducive to erosion. Factors attributed to man include bluff oversteepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, improper site drainage, use of impermeable surfaces to increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in water or sewage lines. In addition to runoff percolating at a bluff top site, increased residential development inland also leads to increased water percolation through the bluff.

To address site-specific geotechnical issues, the applicant has submitted a Preliminary Geotechnical Investigation prepared by Geofirm (Report No. 70998-00, Report No. 9-3124) dated June 4, 1999. The geotechnical investigation consisted of: reconnaissance of the property and surrounding area; excavation and logging of six shallow exploratory trenches to determine the character and distribution of earth materials, and geologic structure of bedrock material and laboratory testing of representative soils to determine expansion index, soluble sulfate and corrosivity.

The geotechnical investigation concludes that no gross slope instability was observed and no former gross instability has been reported and that there are no known active faults or projections of faults are depicted upon published regional maps as transecting the property. Consequently, potential damage to the property is considered remote. The geotechnical investigation concludes:

Proposed development is considered feasible and safe from a geotechnical viewpoint provided the recommendations of this report are followed during design, construction and maintenance of the subject property. Proposed development should not adversely affect adjacent properties.

Among the recommendations contained in the geotechnical investigation are that proposed development incorporate engineering and landscape drainage design to minimize the potential of erosive or ponding of water adjacent to foundation elements. Additional recommendations include: remedial grading of the flat portion of the subject site, utilization of conventional footings and retaining walls in conjunction with a caisson and grade beam foundation system supporting front portions of the residence, 24-inch diameter caissons founded a minimum of 5 feet into competent bedrock at depth and reinforced slab-on-grade construction, to assure that the proposed development is rooted in firm, stable ground.

The geotechnical report concludes that the proposed development is considered technically feasible. The report also notes that the need for drainage control. As noted in this staff report, bluff failures have been attributed to over-watering, broken irrigation lines, broken water lines and inadequate drainage systems. To meet the requirements of the Coastal Act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas which would then require stabilization measures that would substantially alter natural landforms.

The Commission has been imposing a no future bluff top protective device deed restriction on development occurring on coastal bluffs which have significant potential for landsliding. Such areas include ocean fronting bluff top property in San Clemente and areas of Newport Beach such as Galaxy Drive which is located on a bluff overlooking the Upper Newport Bay Ecological Reserve. The most recently approved project where the no future bluff top protective device deed restriction condition was imposed was coastal development permit 5-00-424 (Spriggs) in the City of San Clemente. Though the proposed development is located on the face of a coastal bluff, it is in an area which has been developed with similar residential structures that have also been built into the bluff face. Furthermore, the site specific geotechnical investigation concluded that no gross slope instability was observed and no former gross instability has been reported. A review of other geotechnical reports for Commission approved projects, such as coastal development permits 5-93-381 (Grey Fox, Inc. & Old World Craftsman, Inc. and 5-95-040 (Veenstra), in this area of Corona del Mar imply that the project area is grossly stable and does not have a significant

potential for landsliding. Finally, the coastal bluff is not subject to direct coastal processes such as wave attack considering that it is separated from the ocean by Breakers Drive and an approximately 200 foot wide parking lot for the Corona Del Mar State Beach. As a result, a future bluff top protective device deed restriction is not required in this situation and has not been imposed.

The applicant has submitted grading/drainage/landscape plans (Exhibit #9) for the proposed project. The drainage plan shows that water from the project area will be directed toward the street, which will assist in preventing any damage to the structural stability of the bluff. The landscaping plan states that a sprinkler system will be installed in the rear yard landscaped area along with *Myoporum*. In ground irrigation systems are not considered to be an acceptable form of irrigation for development occurring on bluffs. These types of irrigation systems can possibly lead to bluff failure.

To assure geologic stability and structural integrity and to minimize risks to life and property, as required by Section 30253 of the Coastal Act, three (3) Special Conditions have been imposed:

Special Condition 1 requires the applicant to submit final construction plans, which have been reviewed, signed and stamped by a geotechnical consultant. The geotechnical report includes specific recommendations for foundations, footings, etc. which will ensure the stability of the proposed residential structure.

Special Condition 2 requires the applicant to submit a drainage and run-off plan for the review and approval of the Executive Director. In keeping with the geotechnical recommendations, this condition requires that the drainage system reduces water infiltration into the subgrade soils, minimizes percolation into the bluff and directs surface waters away from the building foundations, walls and sloping areas. In addition, the condition requires that all rooftop drainage be taken to the street to minimize infiltration.

Special Condition 3 requires that the applicant submit a final landscaping plan which consists primarily of native, drought-tolerant plants and prohibits in-ground irrigation throughout the entire lot. This special condition requires that areas not occupied by hardscape be planted primarily with native, drought tolerant plants indigenous to the area. The condition distinguishes between the types of plants allowed in the rear and front yards. Non-native ornamental plants are allowed in the front yard only if they are kept in containers. Non-native plants can be allowed in containers in the front yard since it minimizes their ability to spread to the rear slope which is to be planted with native vegetation. Temporary irrigation may be allowed for purposes of establishing native plants in the rear yard. Native, drought-tolerant plants common to coastal bluffs do not require watering after they become established, have deep root systems which tend to stabilize soils, are spreading plants and tend to minimize the erosive impact of rain, and provide habitat for native animals. In order to verify that the on-site landscaping is maintained in conformance with the approved landscape plan, a landscaping monitoring report five years from the date of issuance of coastal development permit 5-00-452 shall be submitted for review and approval of the Executive Director. If this landscaping monitoring report indicates that the landscaping is not in conformance with or has failed to meet the performance standards specified in the approved landscaping plan pursuant to this permit, these deficiencies and non-conformance issues must be identified and resolved through a revised or supplemental landscape plan which must be submitted for the review and approval of the Executive Director.

Therefore, as conditioned for conformance with geotechnical recommendations, submittal of a drainage plan, submittal of a final landscaping plan and long term monitoring of the landscaping

does the Commission find that the proposed project is consistent with Section 30253 of the Coastal Act.

D. VISUAL IMPACTS/LANDFORM ALTERATION

Section 30251 of the Coastal Act states, in relevant part:

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. Visual Impacts

The subject site is located on a gated street between the nearest public roadway and the shoreline, at the base of a bluff, seaward of and below Ocean Boulevard. The City's certified Land Use Plan (LUP) contains policies regarding visual impacts, which will be used as guidance. The LUP identifies Ocean Boulevard as a coastal view area. Benches for sitting and enjoying the ocean views are scattered along Ocean Boulevard on the blufftop. The LUP requires that development within sight lines of coastal views be sited and designed to maximize protection of coastal views.

As proposed, the maximum height of the proposed development would be 10 feet below the top of the curb on Ocean Boulevard. Except for a small portion of the seaward side of the third and fourth levels, the proposed duplex would conform to the City's maximum height limits. The City granted Variance No. 1236 for the exception to the height limitation by up to five (5) feet. This exception would not affect public coastal views from Ocean Boulevard. The proposed development would be recessed into the bluff, reducing its intrusion into viewsheds from the blufftop. The height of the proposed structure is similar to the height of the adjacent duplex to the west. The proposed project will block a portion of the public view of the beach parking lot from Ocean Boulevard, but will not block public views of the beach, ocean, horizon or harbor entrance. Consequently, public views of the beach and sea from Ocean Boulevard would not be significantly impacted.

As to views from the beach towards the bluff, there is an approximately 200 foot wide parking lot for the Corona Del Mar State Beach, a wall and bushes and Breakers Drive across from the subject site. The wall and bushes would partially screen the lower portion of the proposed development. Further, the proposed development would not obstruct views of the blufftop.

In addition, views of the bluff face from the beach are already partially obstructed by adjacent development on the gated street. The proposed development would be similar in nature to the pattern of existing development in the specific area, which is bounded by four homes northwest and one lot southeast of the project site, and thus would not result in additional, significant obstruction of views of the bluff face (Exhibit #2).

Therefore, the Commission finds the proposed project is consistent with Section 30251 regarding protection of scenic and visual qualities of coastal areas.

2. Landform Alteration

The subject site is located in a portion of Corona Del Mar bounded by the four lots northwest of the project site and the one lot immediately to the southeast which contain development on the bluff face (Exhibit 2). Development on the bluff face in this limited portion of Corona Del Mar resulted from construction of the beach access road and the necessity to recess residential development into the bluff face. The existing home conforms to the existing pattern of development in this limited area as it is recessed into the bluff face. Backyard improvements to the existing home have also altered the bluff face. The new home to be constructed on the subject site will also be recessed into the bluff face.

The four residential developments that are to the northwest of the project site and the one lot immediately southeast of the project site, consist of residential structures which start at beach level (base of bluff) and cascade up the bluff face (Exhibit #2). Within this limited area, the Commission has approved two of these developments. One at 3014 Breakers Drive (5-93-381; Grey Fox, Inc. and Old World Craftsman, Inc.) and the other 3016 Breakers Drive (5-95-040; Veenstra), which are similar in scope to the proposed development. These developments are located 100 feet and 50 feet northwest of the project site respectively. The remaining four homes at 3002, 3024, 3030 and 3036 Breakers Drive are pre-coastal homes, which are also cascading up the bluff face. Thus, the new residential development at 3030 and 3030 ½ Breakers Drive will be in-fill development similar to the existing development in this limited area.

Though the Commission is approving residential development on the bluff face in this particular case because it is in-fill development, residential development on a bluff face raises concerns with Section 30251 and Section 30253 of the Coastal Act. Section 30251 of the Coastal Act states that permitted development should minimize landform alteration, visual impacts and the cumulative adverse impact that would occur if other lots develop the bluff face. Section 30253 of the Coastal Act states that new development should not contribute to significant erosion and geologic instability.

The existing pattern of development, outside the in-fill area, is to have residential development either at the top of the bluff or at the base of the bluff, but not over the majority of the bluff face. Of the thirteen (13) homes on Breakers drive, six (6) of the homes in the northwestern most stretch constitute the limited area where development occurs over the majority of the bluff face. The remaining seven (7) homes are constructed at the base of the bluff with only limited portions recessed into the bluff face (Exhibit 2). The bluff face above the residential units is principally covered with vegetation in contrast to the developments located along the bluff face to the northwest. In addition, these homes do not terrace up the bluff like the developments located to the northwest.

Following the line of residential development further to the southeast along Breakers Drive are an additional thirteen homes, which take their addresses from Ocean Boulevard rather than Breakers Drive. Residential development along this

stretch is concentrated on the bluff top (Exhibit 2). The bluff face below these homes is principally covered with vegetation.

As demonstrated in the above findings and Exhibit 2, the proposed project adheres to the current pattern of development in the immediate surroundings, which cascades up the bluff face, but further southeast are developments that do not occupy a majority of the bluff face. There are a total of thirteen total homes located on Breakers Drive. Six of these homes, which consist of 3002-3036 Breakers Drive, all cascade up the bluff face. Although the Commission does not normally approve development on bluff face, the Commission finds that the proposed project continues the pattern of development established in this area bounded from 3002-3036 Breakers Drive. In contrast, the remaining seven homes (3100-3200 Breakers Drive) on Breakers Drive are not built over a majority of the bluff face. The bluff face above these seven homes is principally covered with vegetation. In addition, southeast of these seven homes are an additional thirteen homes that take their addresses from Ocean Boulevard (3207-3431 Ocean Boulevard). Residential development along this stretch is concentrated on the bluff top. The bluff face below these thirteen homes is as well principally covered with vegetation. Thus, the bluff face from 3100 Breakers Drive to 3431 Ocean Boulevard has had limited residential encroachments and remains principally vegetated. Hence, even though the proposed project adheres to development that cascades along the bluff face located along 3002-3036 Breakers Drive, the remaining development southeast of the project located at 3100-3200 Breakers Drive and 3207-3431 Ocean Boulevard has limited development on the bluff face and remains principally vegetated.

Therefore, as stated above, the immediate project site is in a unique location where the bluff face has already been developed with residential units that cascade up the bluff face. The Commission does not typically approve bluff face development, but the proposed project is in-fill development which is compatible with the pattern of development of the immediate surrounding area.

The proposed grading of the bluff is necessary to recess the proposed duplex into the bluff face to maintain existing public views from the blufftop. Further, the proposed grading is also necessary to root the proposed duplex into firm, stable ground to maintain structural integrity to conform to updated building codes for foundation requirements. The altered area would be covered by the proposed duplex and not be visible. The Commission approved coastal development permit 5-95-040 and 5-93-381 for structures northwest of the project site involving similar landform alteration. Therefore, the Commission finds the proposed project is consistent with Section 30251 of the Coastal Act regarding minimizing alterations of natural landforms and protecting public views to the coast.

E. PUBLIC ACCESS AND RECREATION

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 30604(c) of the Coastal Act requires that a specific finding regarding public access and recreation shall be made for all development between the nearest public roadway and the shoreline. The subject site is located on a gated street adjacent to the Corona Del Mar Street Beach parking lot. The nearest public roadway is the beach access road. Corona Del Mar State Beach provides public access and recreational opportunities. The proposed development would not interfere with access to or use of the beach.

The number of residential units on-site would not increase as a result of the proposed development. Thus, the proposed development would not result in an intensification of use on the site. Additionally, the proposed project provides two off-street parking spaces per residential dwelling unit, thus avoiding any adverse impacts on public parking used for coastal access. Therefore, the Commission finds the proposed development is consistent with Section 30212 of the Coastal Act.

F. 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 which conforms with the Chapter 3 policies of the Coastal Act.

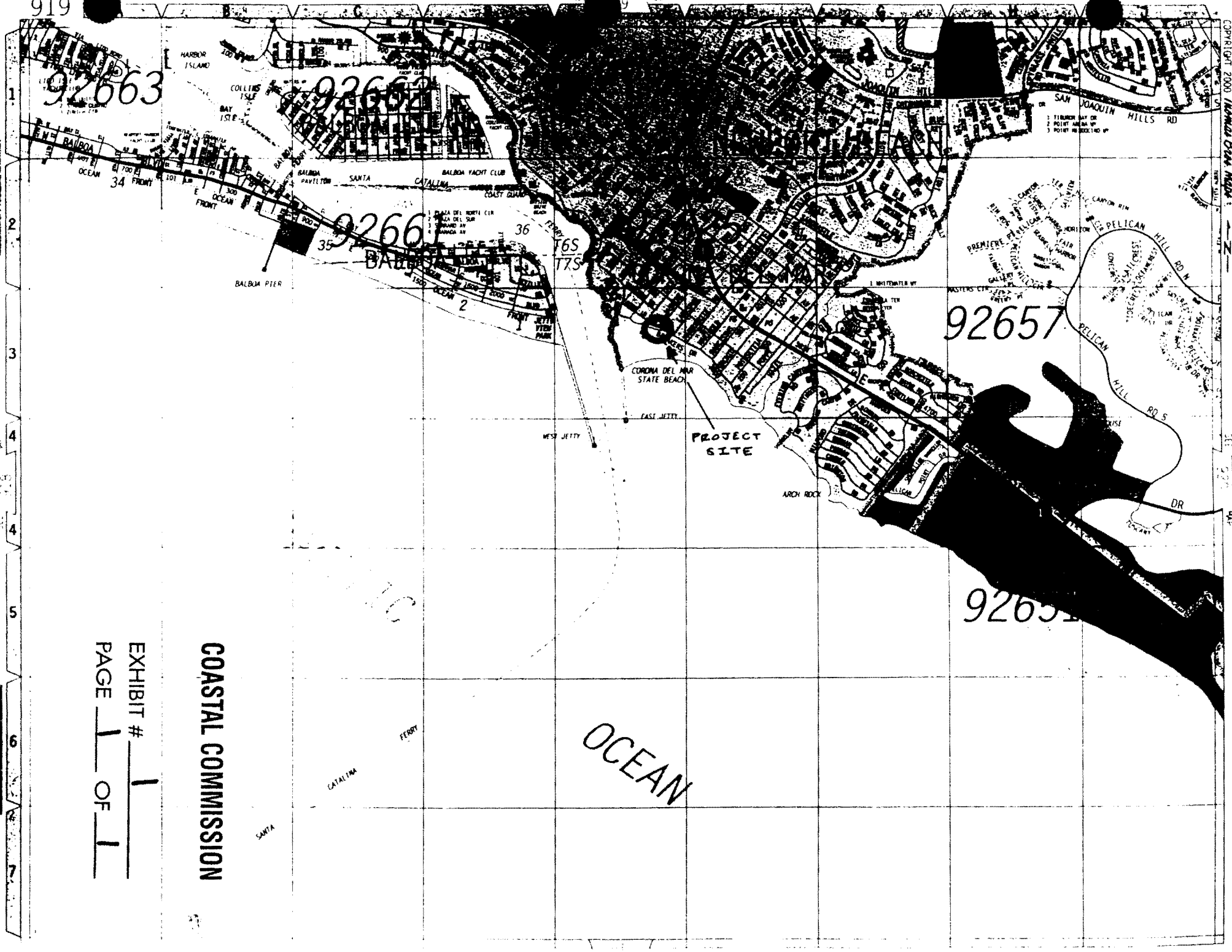
The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. In addition, the proposed development is located in an already developed area and is consistent with the existing uses. The proposed development therefore 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).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 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). Section 27380.5 (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 that the activity may have on the environment.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the hazard policies of Chapter 3 of the Coastal Act. Mitigation measures include Special Conditions requiring conformance with geotechnical recommendations, submittal of a drainage plan and submittal of a final landscaping plan.

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 consistent with CEQA..



COASTAL COMMISSION

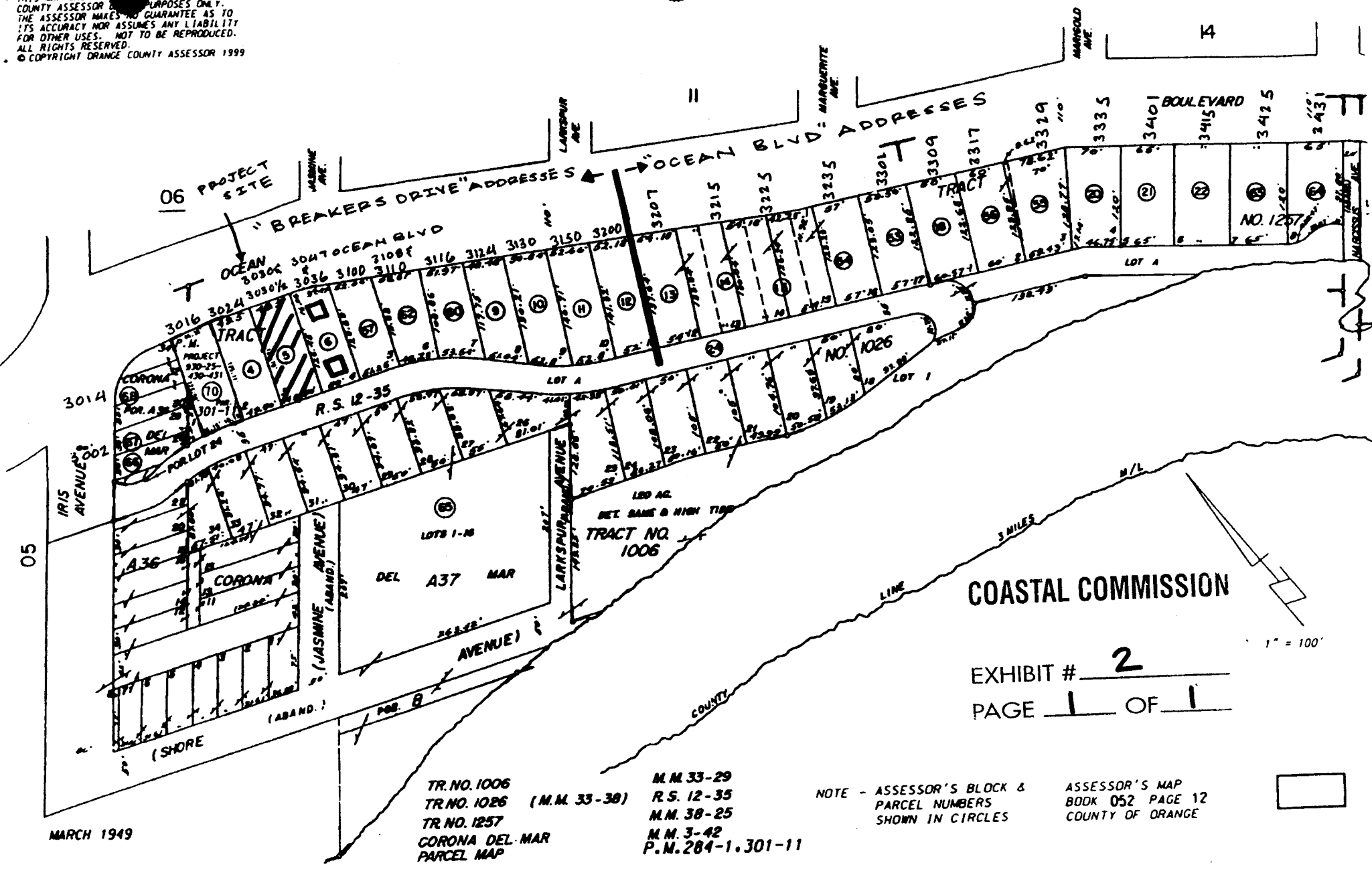
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SCALE BAR

SCALE BAR

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MARCH 1949

TR. NO. 1006
TR. NO. 1026 (M.M. 33-38)
TR. NO. 1257
CORONA DEL MAR
PARCEL MAP

M.M. 33-29
R.S. 12-35
M.M. 38-25
M.M. 3-42
P.M. 284-1.301-11

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

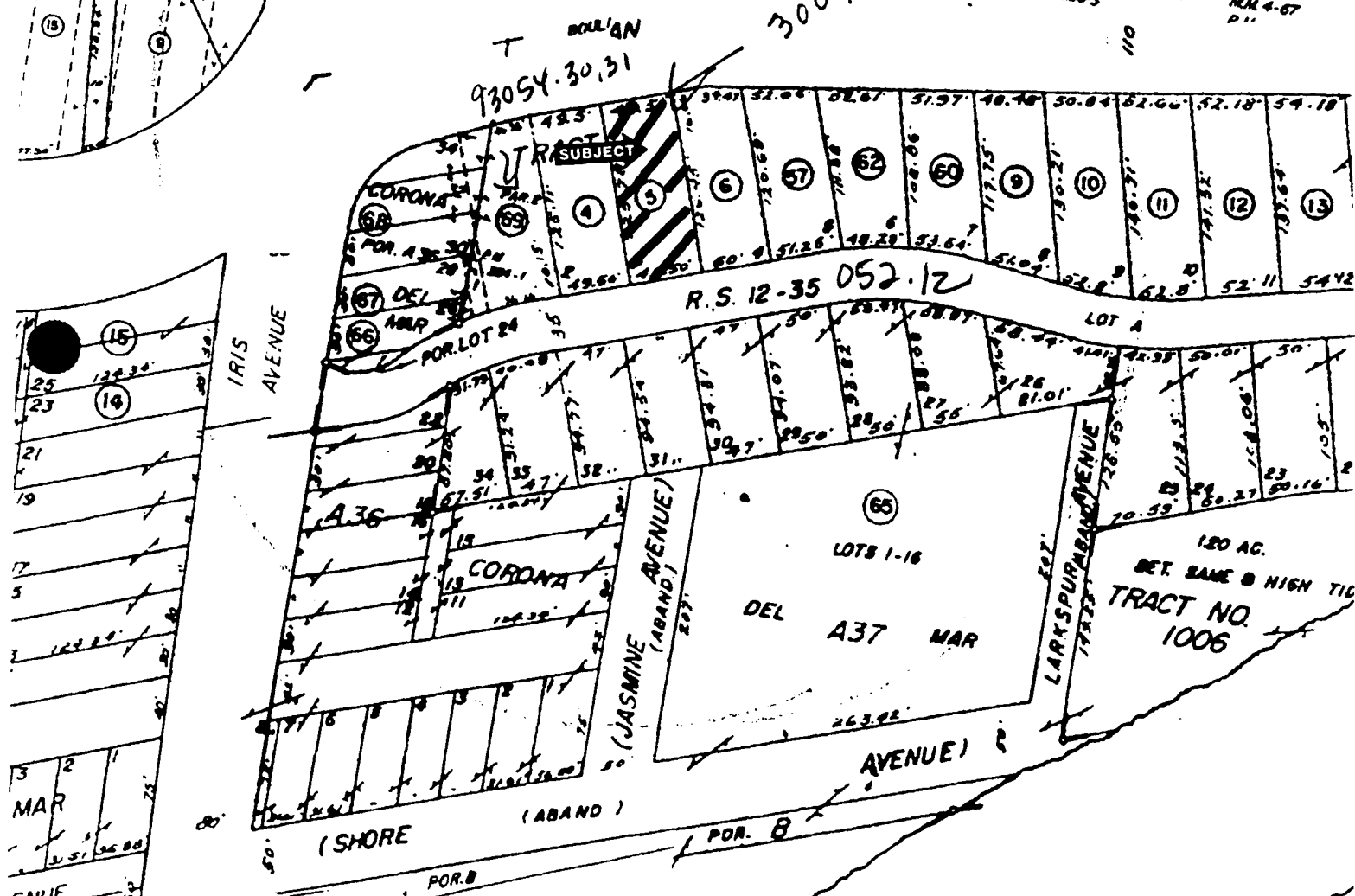
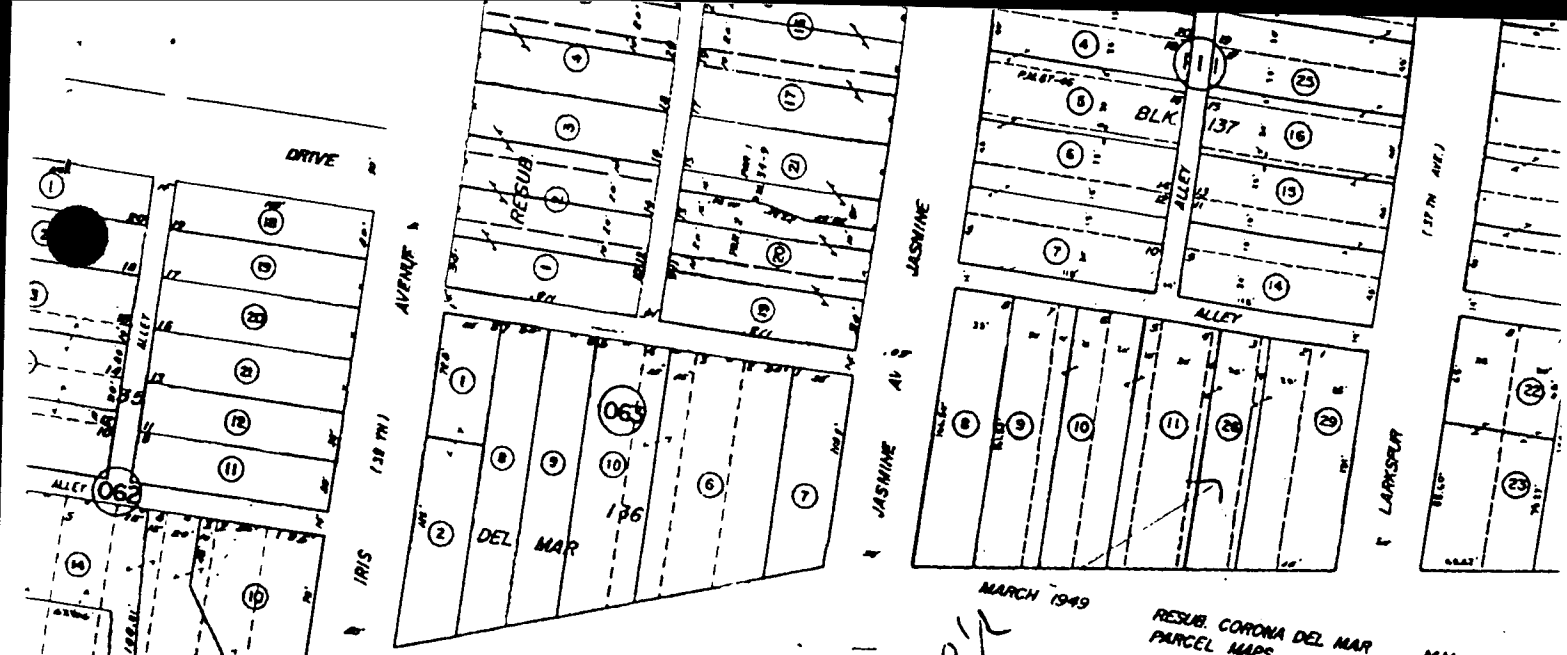
ASSESSOR'S MAP
BOOK 052 PAGE 12
COUNTY OF ORANGE

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

1" = 100'





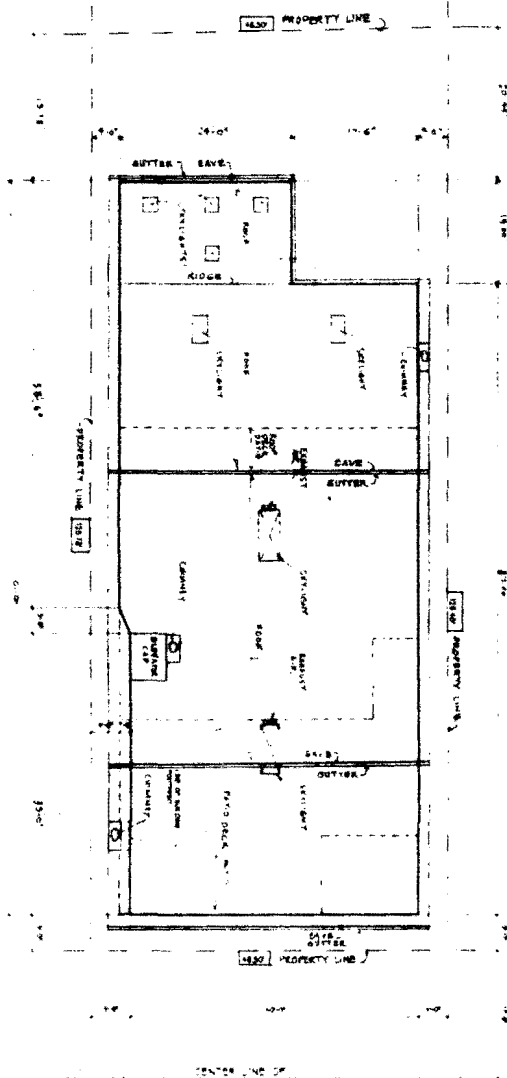
COASTAL COMMISSION COUNTY

TR. NO. 1006
 TR. NO. 1026 EXHIBIT # 3
 TR. NO. 1257 PAGE 1 OF 3
 M.M. 33-29
 R.S. 12-35

24



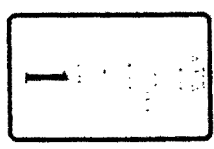
SITE PLAN
SCALE 1/8" = 1'-0"



LOT	SQUARE FOOTAGE
101	5,245.43 sq. ft.
BUILDING FOOTPRINT	3,876.30 sq. ft.

RECEIVED
 South Coast Region
 APR 4 2001
 CALIFORNIA
 COASTAL COMMISSION

COASTAL COMMISSION

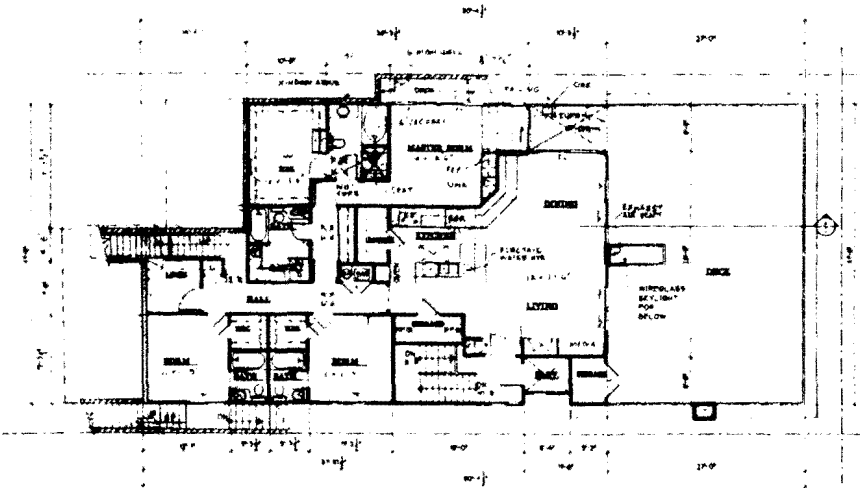


COASTAL COMMISSION
 2200 CALIFORNIA STREET
 OCEANA, CALIFORNIA 92651
 TEL: (714) 761-1000
 FAX: (714) 761-1001
 WWW.COASTALCOMMISSION.CA.GOV

SITE PLAN EXHIBIT #
 PAGE 1

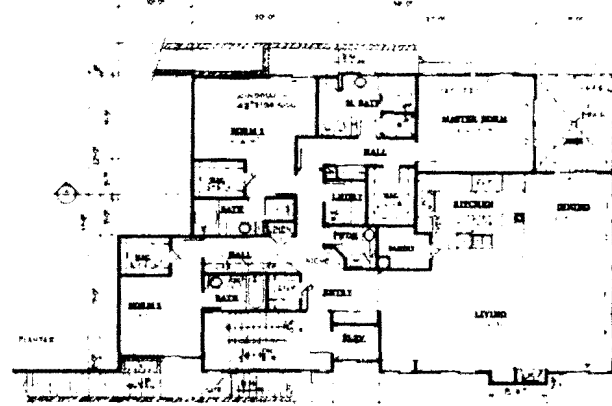
4
 OF 1

COASTAL COMMISSION



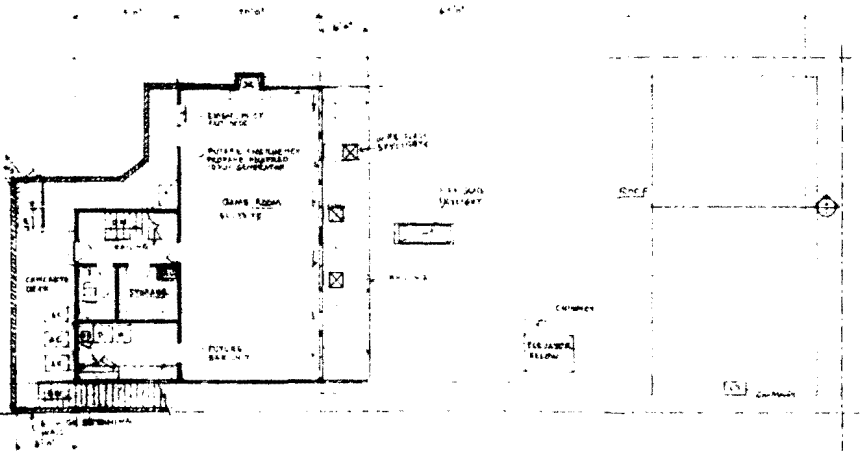
THIRD FLOOR PLAN

SCALE 1/8"=1'-0"



SECOND FLOOR PLAN

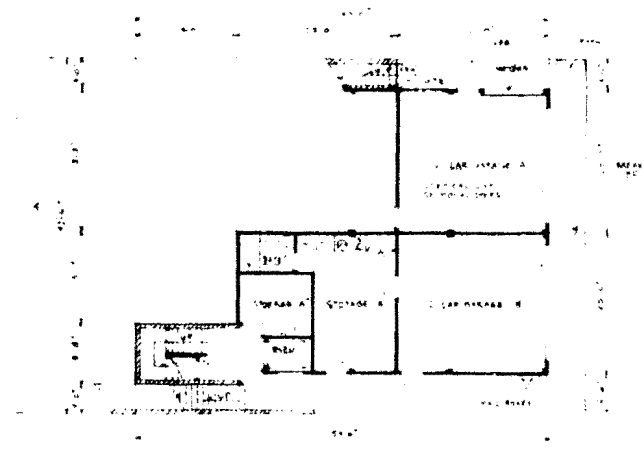
SCALE 1/8"=1'-0"



FORTH FLOOR PLAN

SCALE 1/8"=1'-0"

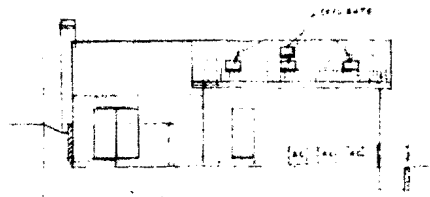
MAX. ALLOWABLE BUILDING AREA	
40' SKILLION 5-6917	
ENCLOSED AREA	
1st	= 1420 s.f.
2nd	= 2217 s.f.
3rd	= 2114 s.f.
4th	= 1102 s.f.
TOTAL	= 6915 s.f.



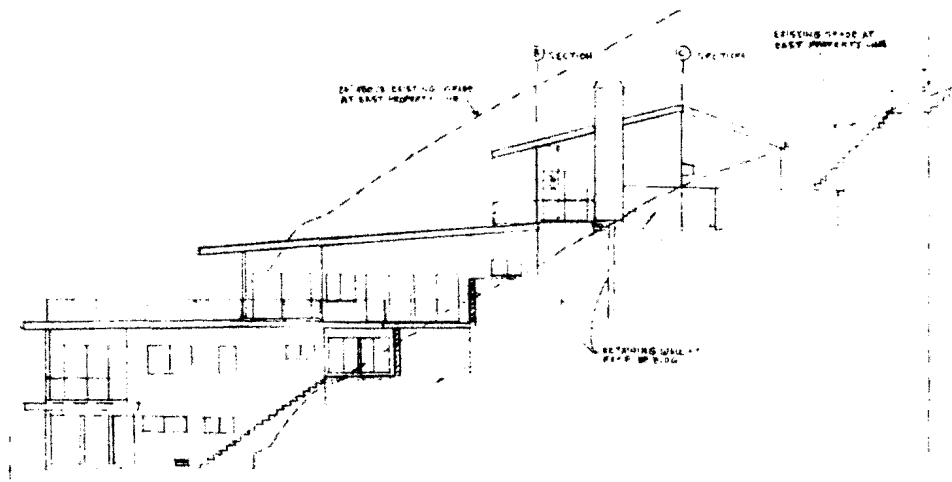
FIRST FLOOR PLAN

SCALE 1/8"=1'-0"

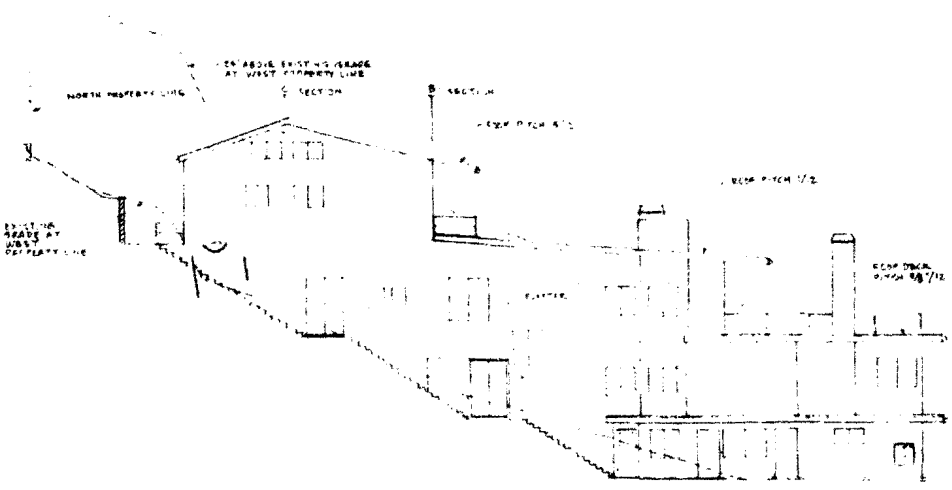
COASTAL COMMISSION
 1000 WEST BAY STREET
 OAKLAND, CALIF. 94612
 TEL. 424-3300



NORTH ELEVATION
 SCALE 1/8"=1'-0"

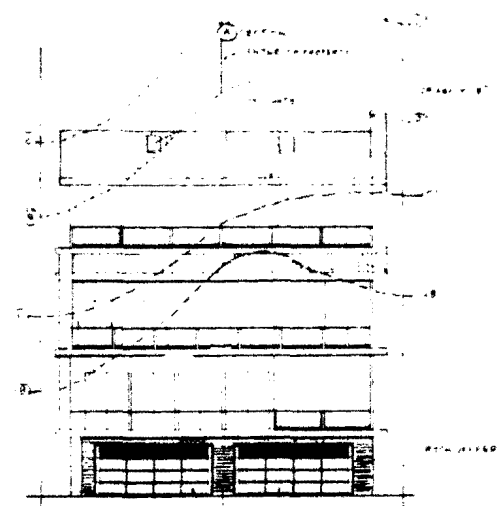


EAST ELEVATION
 SCALE 1/8"=1'-0"



WEST ELEVATION
 SCALE 1/8"=1'-0"

EXTERIOR WALLS: PLASTER
 FLOORING: CONCRETE, SPINDLES
 PATIO DECKS: CONCRETE, TILES
 ON SKYBRIDGE: RED OAK
 WATERPROOF MEMBRANE
 S. DING DOOR: ENAMELED
 ALUMINUM
 WINDOWS AND SHUTTER DOORS:
 VINYL OR ENAMELED ALUM.
 GARAGE: SECTIONAL LUMBER
 ENAMELED ALUMINUM
 RAUNIGES: ALUMINUM, DOWN
 JARSTY: GLASS PANELS
 GUTTERS AND DOWNSPOUTS:
 VINYL OR ENAMELED ALUM.
 FLASHING AND CHIMNEY CAPS:
 COPPER OR ENAMELED ALUM.
 ROOF: SHEDS TO BE SELECTED.
 RESTRICTED WHILE AS
 DESIGNED BY STRUCTURAL
 ENGINEER.
 PERIODIC MAINTENANCE
 SHOULD BE ALL OTHER
 FINISHES: GARY HANCOCK

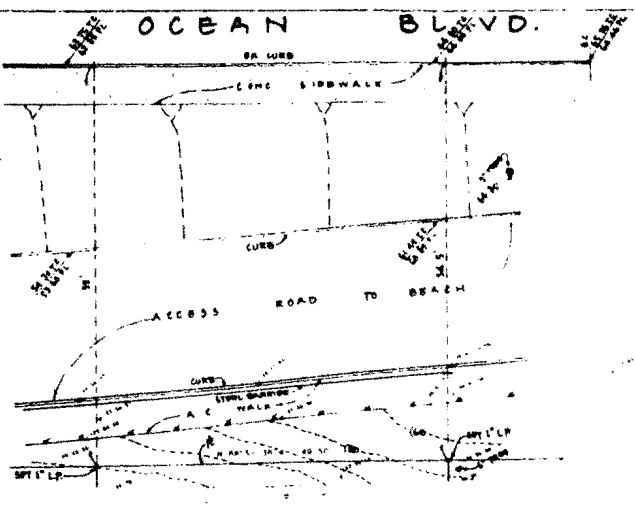
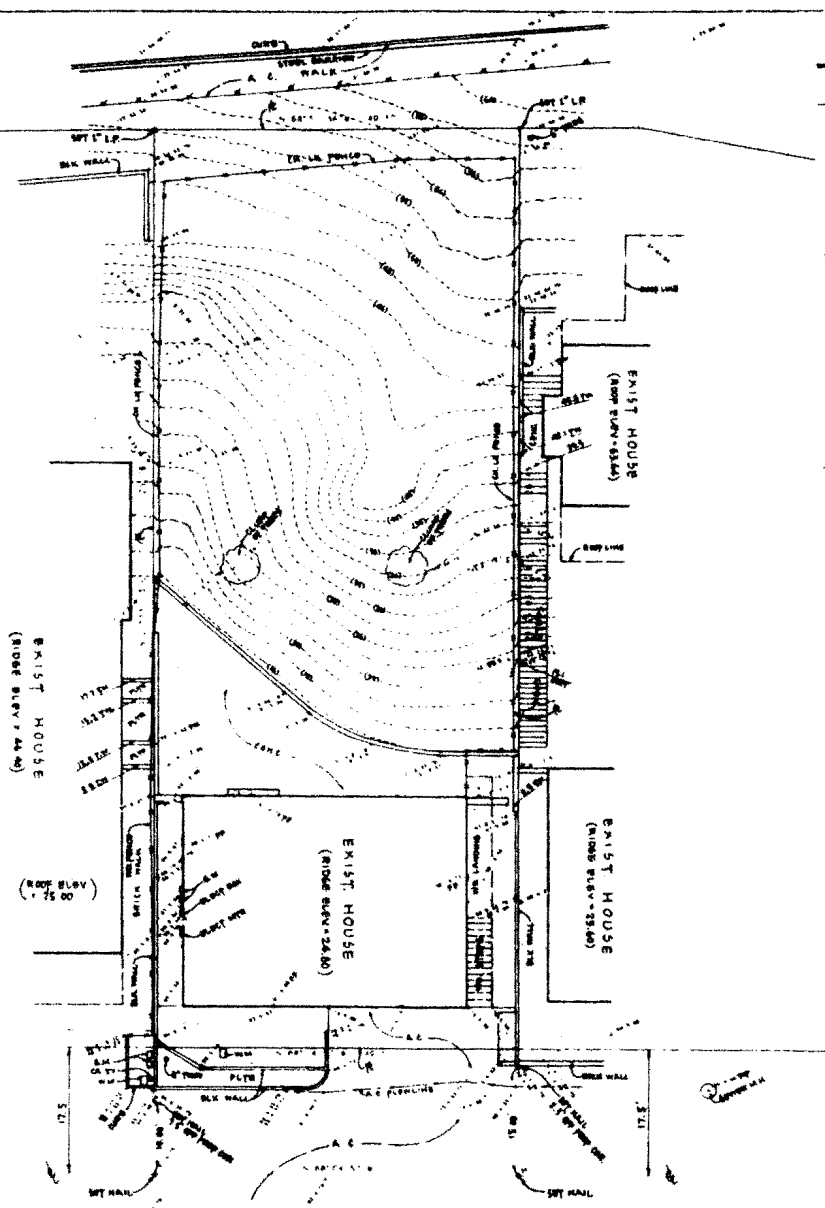


SOUTH ELEVATION
 SCALE 1/8"=1'-0"

COASTAL COMMISSION

EXHIBIT # 8

PAGE 1 OF 1



LEGAL DESC
 LOT 3 OF TRACT NO. 1726, IN THE CITY OF BEVERLY BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED IN BOOK 12, PAGE 20 OF RECORDS OF COUNTY CLERK OF SAID COUNTY, CALIFORNIA, BEING A PLAT OF SAID TRACT NO. 1726 SHOWING CERTIFICATION OF READINESS AND DETAIL.

PROPERTY AREA:
 6,242.69 SF
 = 0.142 AC

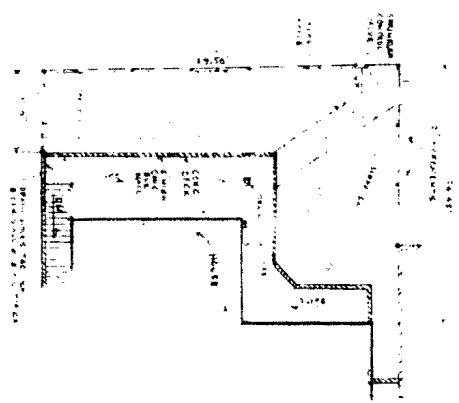
ELEVATION LEGEND:
 1.5' ELEVATION SURVEY FT. M.P. NO.

DUCA-McCOY, INC.
 1545 S. GARDEN ST.
 ANAHEIM, CALIF. 92805
 (714) 771-1111

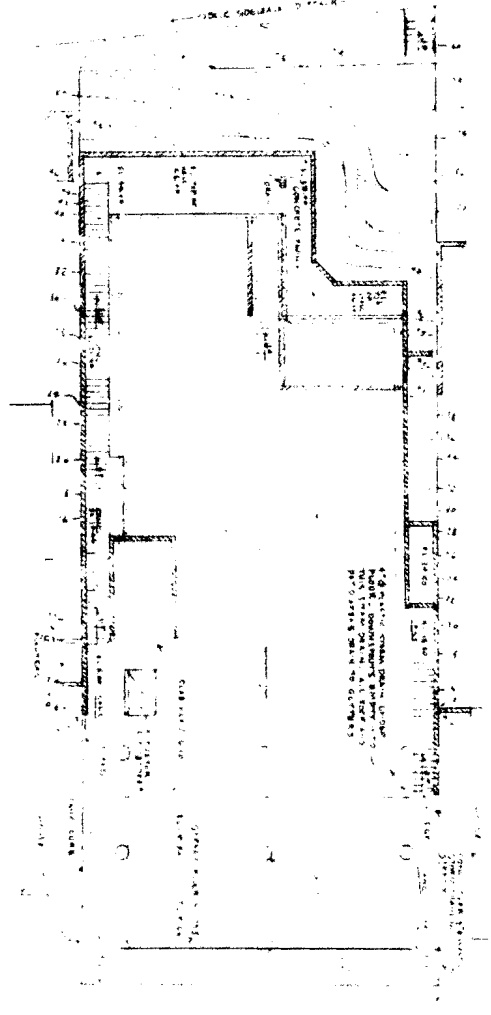
TOPOGRAPHIC SURVEY
 3030 BREAKERS DRIVE
 CORONA DEL MAR, CALIF

15

- NOTES
1. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 2. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 3. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 4. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 5. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 6. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 7. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 8. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 9. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.
 10. SEE SPECIFICATIONS FOR THE ACCURACY OF THE SURVEY DATA.



- CONSTRUCTION NOTES
1. THE GRADING SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 2. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 3. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 4. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 5. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 6. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 7. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 8. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 9. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
 10. ALL EXCAVATIONS SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.



GRADING PLAN

SCALE: 1" = 10' (SEE PLAN)

COASTAL COMMISSION

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GRADING PLAN

EXHIBIT # 9
PAGE 1 OF 1

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