

CALIFORNIA COASTAL COMMISSION

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



Filed: June 29, 2001
 49th Day: August 17, 2001
 180th Day: December 29, 2001
 Staff: ALK-LB *ALK*
 Staff Report: August 23, 2001
 Hearing Date: September 11-14, 2001
 Commission Action:

Item Tu 23d**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-185

APPLICANT: Robert & Elizabeth Ackerman

RECORD PACKET COPY

AGENT: Tim Nichol, AIA

PROJECT LOCATION: 2016 E. Oceanfront, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Major renovation and addition to an existing one-story, single-family residence with detached garage and guest room above, including the construction of a new second story and roof deck and remodeling of the existing garage. The resultant structure will be a three-story (with roof access structure), 29' high, 3925 square foot single-family residence with an attached 524 square foot two-car garage, two-car carport and roof deck on a beachfront lot. No grading is proposed.

Lot Area:	4480 square feet
Building Coverage:	2501 square feet
Paved Area:	1672 square feet
Landscape Coverage:	307 square feet
Parking Spaces:	4 (2-car garage and 2-car carport)
Zoning:	Residential Low Density
Ht above grade:	29 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept #0258-2001 dated May 17, 2001, Use Permit 2001-009 and Modification Permit 2001-030.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits 5-00-420 (Collins); 5-00-262 (Puntoriero); 5-00-192 (Blumenthal); 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); *Wave Runup Study* for 2016 E. Oceanfront, Newport Beach, CA prepared by Skelly Engineering dated June 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project subject to three (3) special conditions requiring recordation of an Assumption-of-Risk deed restriction, a No Future Protective Device deed restriction and a Future Development deed restriction. The major issue of this staff report concerns beachfront development that could be affected by flooding during strong storm events. As of the date of this staff report, the applicant's agent has indicated agreement with the staff recommendation and special conditions.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-01-185 pursuant to the staff recommendation.

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

RESOLUTION:

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. 5-01-185 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 all patios and decks, 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

- A. This permit is only for the development described in Coastal Development Permit No. 5-01-185. 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. 5-01-185 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 2016 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 south of the portion of Oceanfront Avenue fronted by the City's paved beachfront public lateral accessway. There is no walkway seaward of the subject site. 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 feet) and a small area of dunes between the subject property and the mean high tide line. Vertical public access to this beach is available approximately 150 feet northwest (upcoast) of the subject site at the end of "L" Street.

The applicant is proposing a major renovation and addition to an existing single-family residence on a beachfront lot. The subject site is currently developed with a one-story single family residence and a detached two-car garage with a second story guestroom above. The existing ground floor of the residence will be partially demolished and the garage entry will be remodeled. A new second story with third level roof deck will be added to the structure. The resultant structure will be a three-story (with roof access structure), 29' high, 3925 square foot single-family residence with an attached 524 square foot two-car garage, two-car carport and roof deck on a beachfront lot (Exhibit 3). No grading is proposed.

Based upon the amount of work to be undertaken, the Commission is treating the proposed development as demolition and reconstruction of a residence, rather than as a remodel and addition to an existing residence.

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, no future protective device deed restriction and future development deed restriction. Projects similar to the currently proposed development in Orange County include Coastal Development Permits 5-00-192 (Blumenthal); 5-00-262 (Puntoriero); 5-00-420 (Collins); 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). Coastal Development Permits 5-00-192 (Blumenthal); 5-00-262 (Puntoriero); 5-00-420 (Collins) are located along Oceanfront Avenue in Newport Beach, upcoast (north) of the subject site. Recent examples in Hermosa Beach (Los Angeles County) 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 are used for comparative purposes in the current situation because of their similar site characteristics, including the existence of a wide sandy beach 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 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 south of the Newport Pier and the Balboa Pier in the City of Newport Beach. Presently, there is a wide sandy beach and small dunes between the subject development and the ocean (see site photograph, Exhibit 4). According to the Wave Runup Study prepared by Skelly Engineering dated June 2001, the mean high tide line is approximately 400 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 along the Balboa Peninsula. However, similar to other Orange County beach fronting sites such as those at A1 through A91 Surfside in Seal Beach, 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, 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 provided the Wave Uprush Study prepared by Skelly Engineering dated June 2001 which addresses the potential of hazard from flooding and wave attack at the subject site. In it, the applicant's consultant states that the *"long term shoreline erosion rate is small, if not zero"* at the subject site. As discussed in the report, the property has not been subject to significant wave uprush in the past and the presence of the vegetated dune on the ocean side of the site will also prevent wave overtopping from reaching the property. The report concludes the following:

"...[W]ave runup and overtopping will not significantly impact this property over the life of the proposed improvement. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave runup protection. The proposed project minimizes risks from flooding."

The Commission's Senior Coastal Engineer has reviewed the Wave Runup Study and, based on the information provided, concurs with the conclusion that the site is not subject to hazards from flooding and wave uprush at this time. Therefore, the proposed development can be allowed under Section 30253 of the Coastal Act, which requires new development to *"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..."*

Although the applicant's report 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 in this area. 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 deed and no future protective device restrictions on new development. Examples include Coastal Development Permits 5-00-192 (Blumenthal); 5-00-262 (Puntoriero); 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 major renovation of and addition to an existing structure, including the partial demolition and reconstruction of the existing one-story residence and construction of a new second story and roof deck. Due to the amount of work being undertaken, the Commission is considering the proposed development as demolition and reconstruction of the existing residence, rather than as a remodel and addition to the residence. 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 Wave Runup Study concludes that the *“long term shoreline erosion rate is small”* and that *“this beach is held in place by the west jetty at the entrance to Newport Bay.”* In addition, there is a small dune area that will also *“prevent wave overtopping from reaching the property.”* 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. 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. Consequently, as conditioned, the development can be approved subject to Section 30251 and 30253.

3. Future Development

Finally, in order to ensure that subsequent improvements on the subject site do not occur which could potentially adversely impact the wave uprush hazard and/or public access concerns expressed in this staff report, the Commission finds that the applicant shall comply with Special Condition 3, a future development deed restriction. This deed restriction will ensure that the applicant and all successors and assigns are aware that a coastal development permit is required for future development at the site. Future development includes, but is not limited to, structural additions and patios.

4. 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, 2 and 3 require the applicant to record Assumption-of-Risk, No Future Shoreline Protective Devices and Future Improvements deed restrictions. 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...

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 no paved public walkway along this stretch of Oceanfront Avenue. However, there is a wide sandy beach (approximately 400 feet) and a small area of dunes between the subject property and the mean high tide line. Vertical public access to this beach is available approximately 150 feet northwest (upcoast) of the subject site at the end of "L" Street. Therefore, the Commission finds adequate access is available nearby and the proposed development is consistent with Section 30212 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.

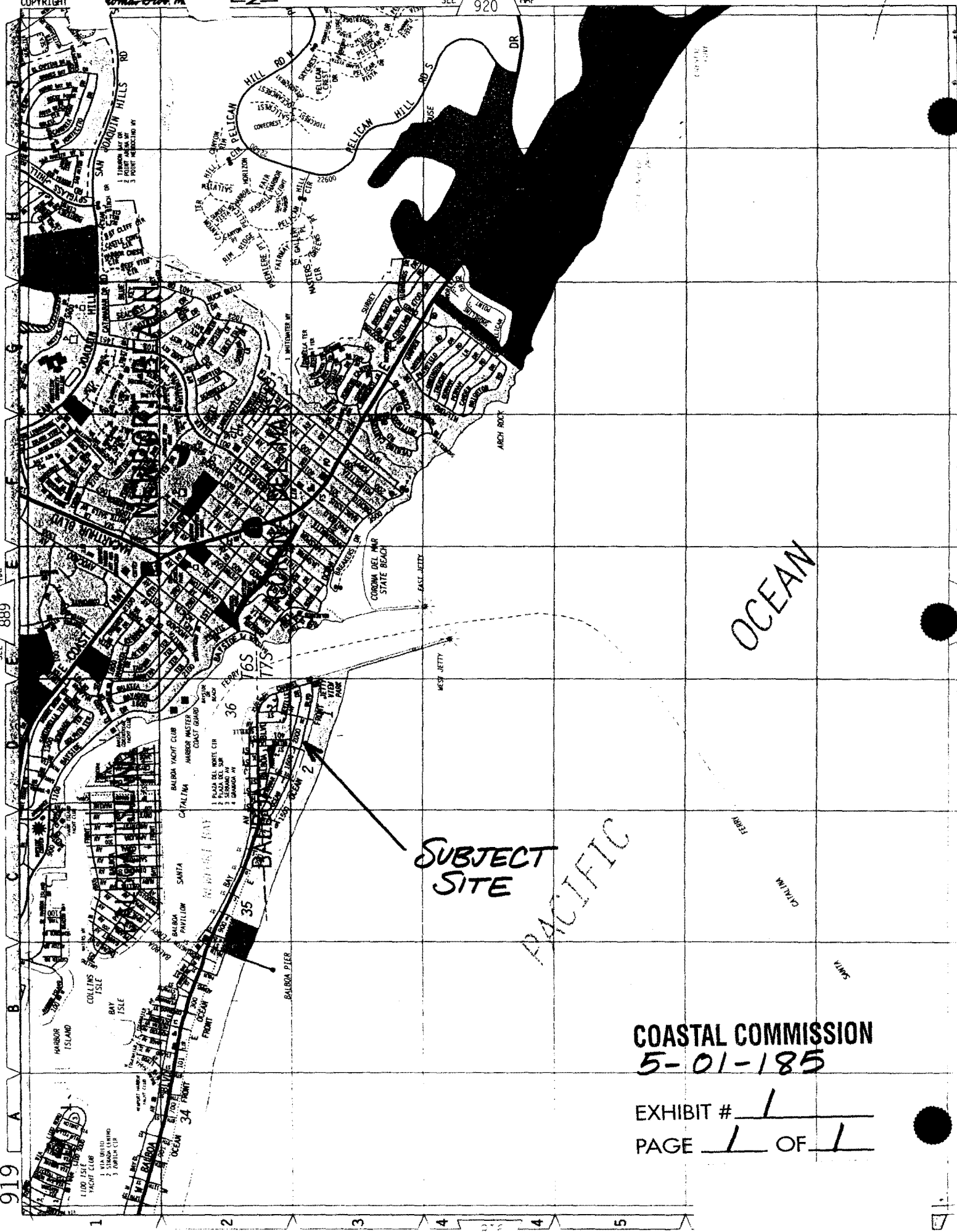
The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development, as conditioned, 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. Development already exists on the subject site. 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. 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.



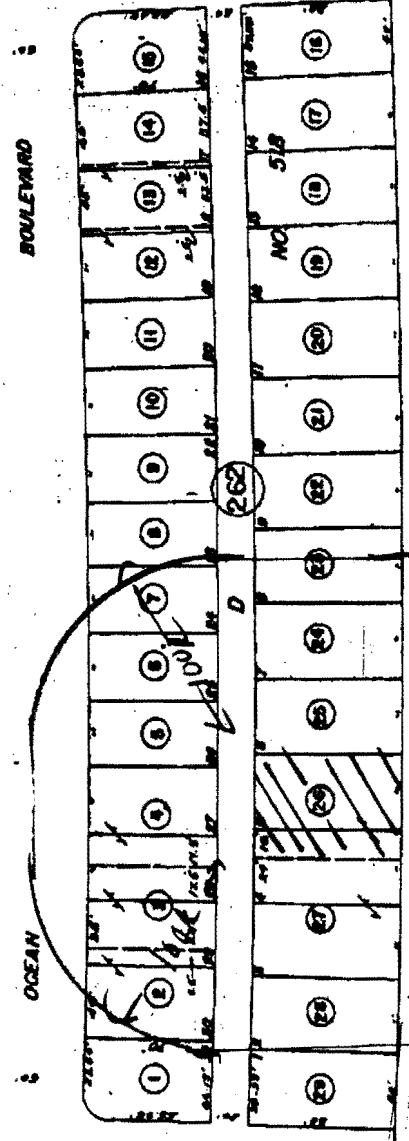
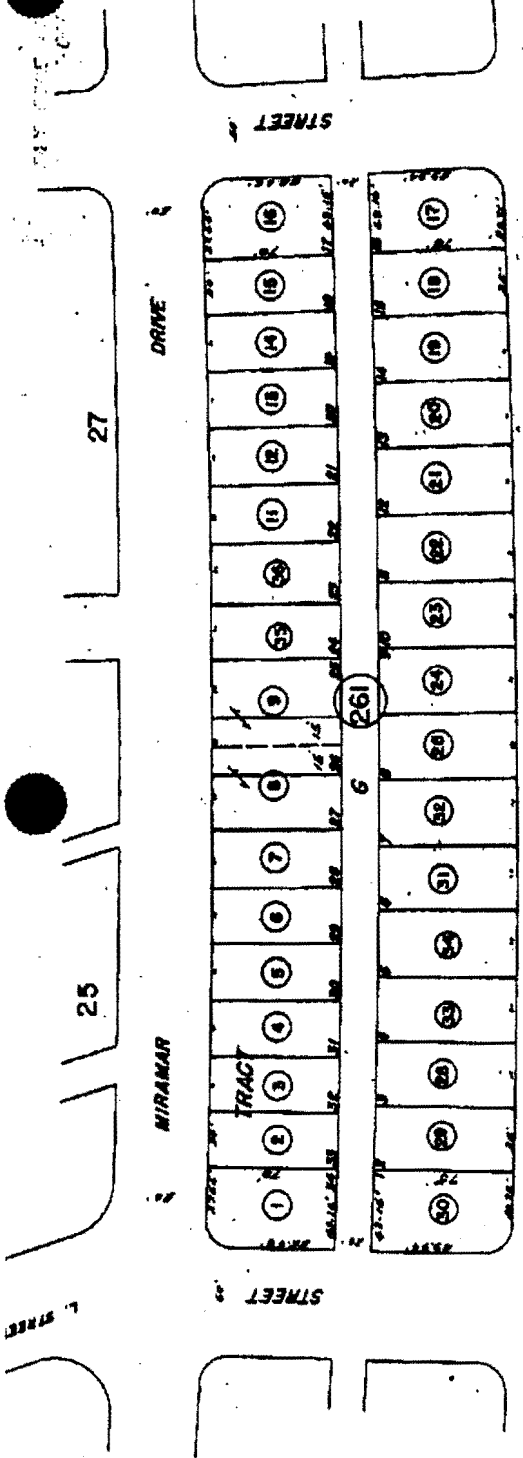
OCEAN

SUBJECT SITE

PACIFIC

COASTAL COMMISSION
5-01-185

EXHIBIT # 1
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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 48 PAGE 25 COUNTY OF ORANGE

5-01-185

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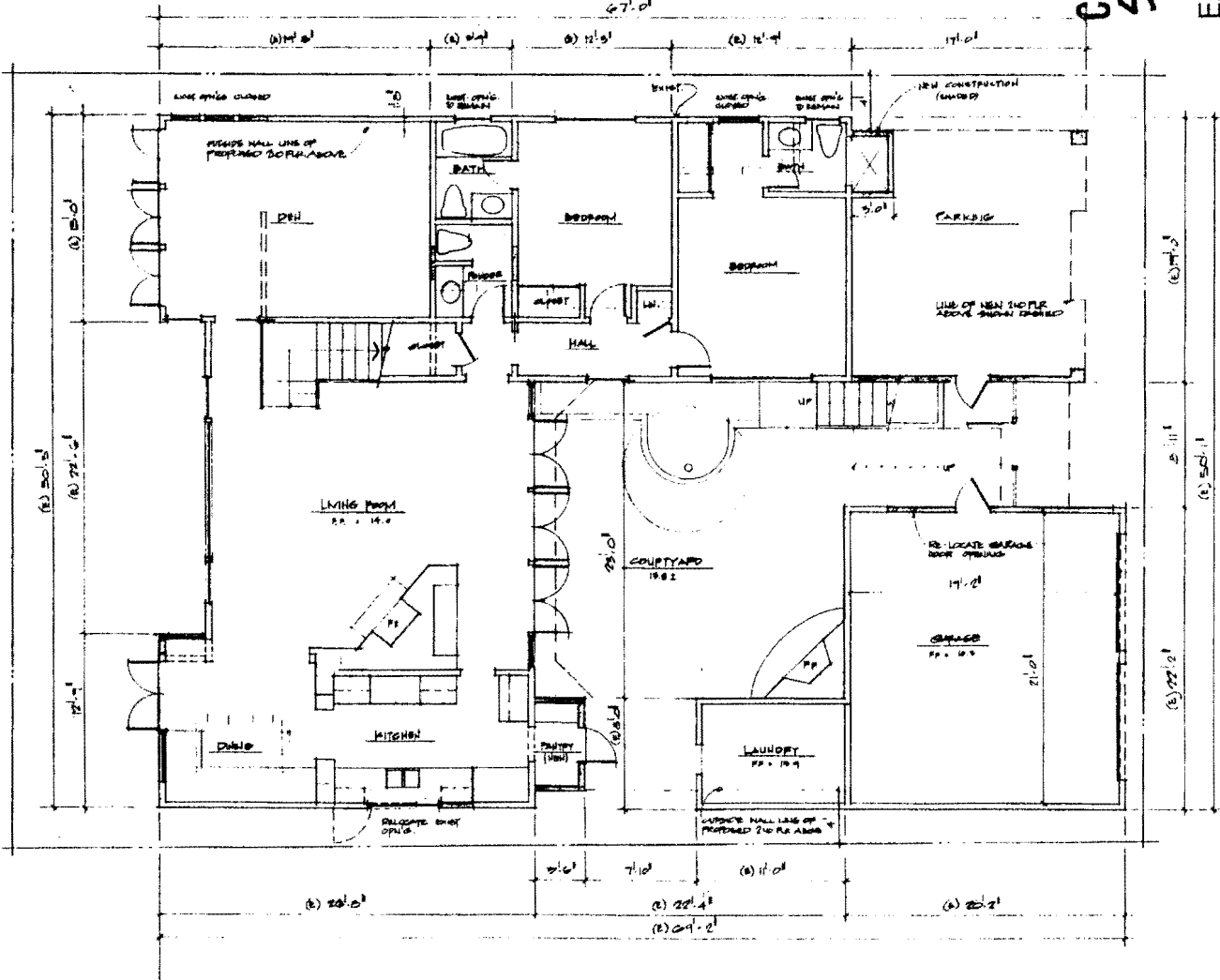
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EXHIBIT # 2
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EXHIBIT # 3
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PROJECT INFORMATION

OWNER
 MR. AND MRS. ACKERMAN
 2016 EAST OCEAN FRONT
 NEWPORT BEACH, CA

LEGAL DESCRIPTION
 LOT 5, BLOCK D, TRACT 818
 NEWPORT BEACH, CA

SQUARE FOOTAGES

EXISTING	
FIRST FLOOR	1887.0 SF
SECOND FLOOR	440.0 SF
TOTAL LIVING	2327.0 SF
GARAGE/LAUNDRY	324.0 SF
NEW	
SECOND FLOOR	297.0 SF
FIRST FLOOR	44.5 SF
SECOND FLOOR	161.5 SF
TOTAL LIVING	197.0 SF
DECKS	218.8 SF
PROPOSED TOTALS	
FIRST FLOOR	2184.0 SF
SECOND FLOOR	1741.5 SF
TOTAL LIVING	3925.5 SF
DECKS	218.8 SF
GARAGE/LAUNDRY	324.0 SF

LOT COVERAGE

LOT AREA	4,400 SF
BUILDABLE AREA	3,500 SF
BF ALLOWED	5,720 SF

LEGEND

--- EXIST. WALLS TO REMAIN

--- PART. WALLS TO BE REMOVED

--- NEW WALLS

FIRST FLOOR PLAN
 SCALE 1/8"=1'-0"

REVISIONS	BY

TIM NICOL - ARCHITECTURE
 804 VISTA LANE
 LAGUNA BEACH, CALIFORNIA
 949 494-0078

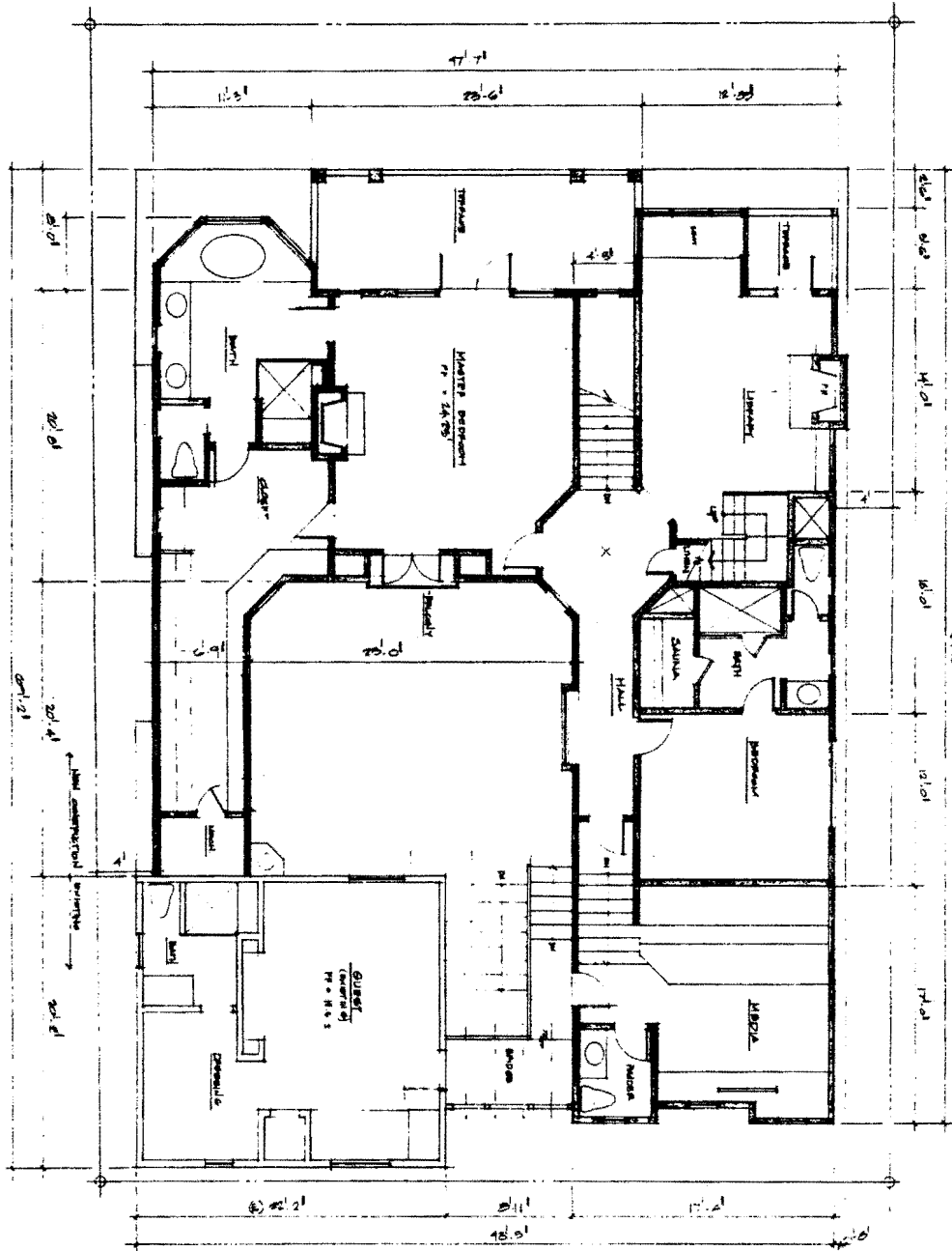
PROJECT INFORMATION
 FIRST FLOOR PLAN

ADDITION AND REMODEL TO RESIDENCE FOR
 MR. & MRS. ACKERMAN
 2016 EAST OCEAN FRONT
 NEWPORT BEACH, CA

DATE: _____
 SCALE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT NO.: _____
 SHEET NO.: _____

1.1

SECOND FLOOR PLAN
DATE: 10/13/99



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CALIFORNIA
COASTAL COMMISSION

FLOOR AREA: 792 S.F.
BATHS: 3
KITCHEN: 1
LIVING: 1
DINING: 1
STAIRS: 1
TOTAL: 792 S.F.

COASTAL COMMISSION
5-01-185
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PAGE 3 OF 3

ADDITION AND REMODEL TO RESIDENCE FOR:

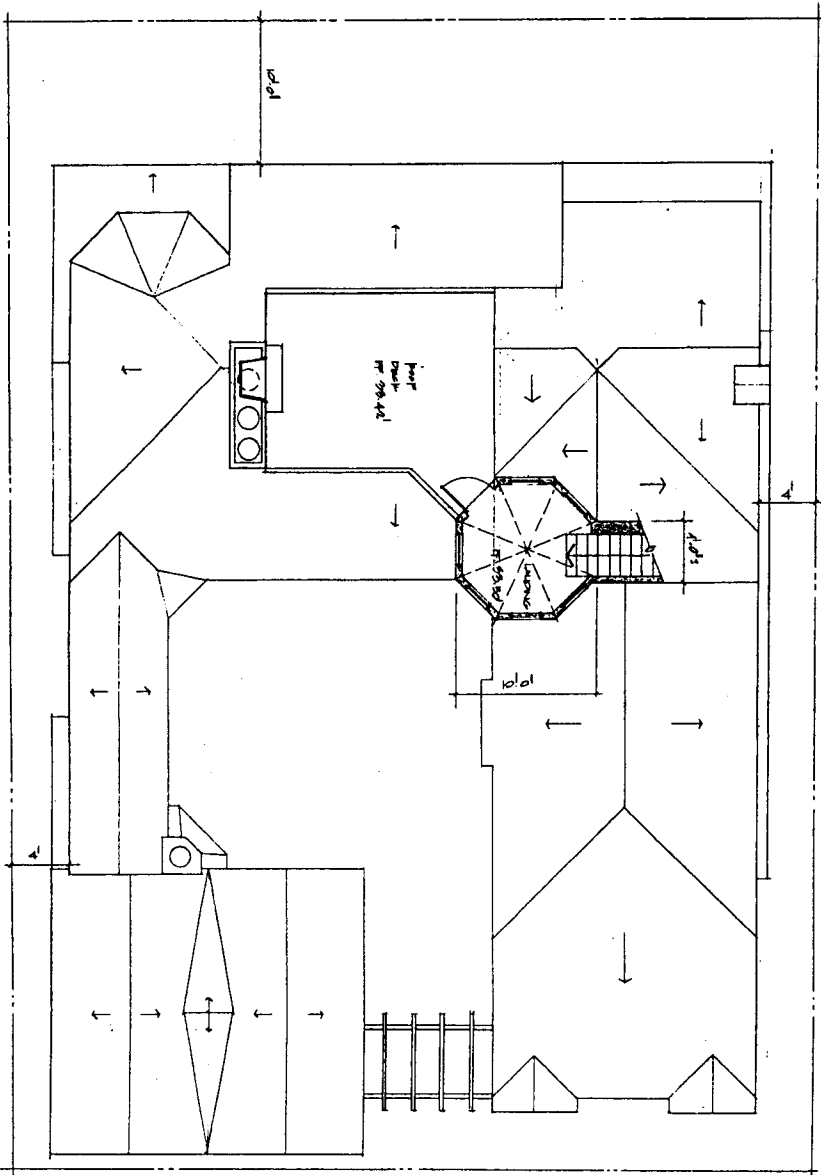
MR. & MRS. ACKERMAN
2018 EAST OCEAN FRONT
NEWPORT BEACH, CA

SECOND FLOOR PLAN

TIM NICOL - ARCHITECTURE

804 VISTA LANE
LAGUNA BEACH, CALIFORNIA
949 484-0026

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



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COASTAL COMMISSION

5-01-185

EXHIBIT # 3

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2

PROJECT NO.	3	DATE	7/1	BY	TN	SCALE	1/8" = 1'-0"	TITLE	ROOF PLAN	ARCHITECT	TIM NICOL - ARCHITECTURE	ADDRESS	604 VISTA LAKE LAGUNA BEACH, CALIFORNIA 949 404-0028	DATE		BY	
ADDITION AND REMODEL TO RESIDENCE FOR									MR. & MRS. ACKERMAN 2016 EAST OCEAN FRONT NEWPORT BEACH, CA								

