

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Newport Beach, CA 90802-4302
 (949) 590-5071

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Filed: 3/8/02
 49th Day: 4/26/02
 180th Day: 9/4/02
 Staff: MV-LB
 Staff Report: 3/21/02
 Hearing Date: 4/9-12/02
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER: 5-02-018****APPLICANT: Jim Marino****RECORD PACKET COPY****AGENT: Don Monteleone****PROJECT LOCATION: 600 & 602 36th Street, Newport Beach, Orange County**

PROJECT DESCRIPTION: Construction of two, two-unit condominium structures on two adjacent lots, including approval of Tentative Parcel Map No. 2001-234. Each of the two-unit structures is proposed to be three stories and 29 feet high. The structure at 600 36th St. is proposed to have 3229 square feet of living area (front unit = 1926 sq. ft., rear unit = 1303 sq. ft.) with an attached two-car garage and one single car garage and single car carport. The structure at 602 36th St. is proposed to have 3234 square feet of living area (front unit = 1886 sq. ft.; rear unit = 1348 sq. ft.) with two attached single car garages and two single car carports.

Lot Area:	5700 square feet
Building Coverage:	3840 square feet
Pavement Coverage:	1360 square feet
Landscape Coverage:	500 square feet
Parking Spaces:	4 spaces
Zoning:	R-2
Ht above final grade:	29 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept Nos. 2139-2001 and 2140-2001; City of Newport Beach Approval in Concept No. 0165-2002 for Tentative Parcel Map No. 2001-234.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project as submitted. The project includes water quality best management practices that will assure that the proposed project will not have significant adverse impacts on water quality.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application as submitted.

MOTION:

I move that the Commission approve CDP #5-02-018 pursuant to the staff recommendation.

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

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

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

II. STANDARD CONDITIONS:

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. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

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: NONE

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes the construction of two, two-unit condominium structures on two adjacent lots. Each of the two-unit structures is proposed to be three stories and 29 feet high. The structure at 600 36th St. is proposed to have 3229 square feet of living area (front unit = 1926 sq. ft., rear unit = 1303 sq. ft.) with an attached two-car garage and one single car garage and single car carport. The structure at 602 36th St. is proposed to have 3234 square feet of living area (front unit = 1886 sq. ft.; rear unit = 1348 sq. ft.) with two attached single car garages and two single car carports. The carports will be at grade, beneath second and third story living space. Tentative Parcel Map No. 2001-234, which would allow the two two-unit structures to be condominiums, is also proposed.

The subject site is not a waterfront lot. It is located one block inland of the Rialto Channel in Newport Harbor, at the beginning of the Balboa Peninsula. The nearest public access in the project vicinity is located at the street ends in the area as well as at the public beach that extends the entire length of the peninsula. The wide sandy public beach is approximately one half mile southwest of the subject site.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The proposed project provides a total of eight parking spaces, with two parking spaces readily accessible to each of the proposed dwelling units (see exhibits E2 and F2).

Tentative Parcel Map No. 2001-234 was approved by the City of Newport Beach Modifications Committee (NP2001-019) to establish two parcels of land for condominium purposes. As approved by the City, each parcel will accommodate a two-unit condominium structure. The project did not include any modifications approvals; however, it is the Modification Committee that votes on Parcel Maps, Lot Line Adjustments, and other minor discretionary actions.

Demolition of the existing on-site structure (a multiple unit residential structure crossing two existing lots) was approved under the City's Categorical Exclusion Order No. 4-02 (see exhibit G) pursuant to Categorical Exclusion Order E-77-5 (Newport Beach). Categorical Exclusion Order E-77-5 (Newport Beach) was approved by the Coastal Commission on August 2, 1977. That Categorical Exclusion Order allowed certain types

of developments (including demolition) within certain geographical areas (such as the subject site) to be excluded from coastal development permit requirements.

The proposed project needs a coastal development permit from the Coastal Commission because it is located in an un-certified area within the coastal zone in the City of Newport Beach. The City of Newport Beach has a certified Land Use Plan, but no Implementation Plan has been certified to date. The proposed construction is not categorically excluded because it exceeds the maximum building area described in Categorical Exclusion Order No. E-77-2.

B. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project is located one block inland of the coastal waters of Newport Harbor (Lower Newport Bay). Newport Bay is on the federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means that water quality within the harbor does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal established for this waterbody. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the water quality policies cited above. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Runoff from the subject site is ultimately directed to the City's storm drain system, which drains into Newport Harbor. As such it has the potential to impact water quality and marine resources within lower Newport Bay. The bay provides an opportunity for water oriented recreation and also serves as a home for marine habitat. The coastal recreational activities and the sensitivity of the bay habitat necessitate that water quality issues are addressed during the review of this project.

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can then become polluted from those discharges. Water pollution results in decreases in the biological productivity and recreational use of coastal waters.

Typically, water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to collection areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality. Increasing the amount of pervious area on-site increases the amount of infiltration. Infiltration serves two purposes. It reduces the amount of runoff entering the storm drain system and bay by retaining drainage on site and it provides a filtering system when runoff is directed through it. In order to maximize water quality, the amount of pervious area must be maximized. The proposed project includes best management practices (BMPs) intended to address water quality issues.

The proposed project's water quality BMPs include a dry well/underground storage area at each of the subject lots that are designed to capture 0.60 inches of rainfall from the impervious areas, and to capture debris as well (see exhibit C1). The proposed dry well/storage areas will include removable grate covers, and 24" perforated pipes surrounded by a combination of gravel and sand (see exhibit C2). The removable cover will allow maintenance of the debris storage area, including removal of accumulated debris. The perforated pipe and sand and gravel mixture provide an infiltration/leach field, allowing percolation and infiltration of the collected runoff. Runoff from the roofs and hardscape will be collected and directed to the dry well/underground storage areas and infiltration/leach field.

As an additional BMP, two of the three proposed driveways will have trench drains at their base. Runoff from the trench drains will be collected and conveyed via underground 6" PVC pipe to the above-described storage areas.

Further, the project BMPs include an increase of landscaped area over what was originally proposed. The project now proposes to include nine planting pockets along the side yard walkways, three larger planting pockets in the patio areas, and the third driveway is proposed as turf block (see exhibit D). Turf block allows vegetated cover of the driveway. In addition, the side yard adjacent to Short Street will be landscaped. The proposed

vegetated areas will substantially increase the amount of pervious area at the subject site, further increasing percolation and filtration of the runoff.

The proposed project will provide a substantial amount of pervious area on the subject site. The proposed drainage of the site assures that the drainage is filtered through permeable areas and that infiltration is maximized. Maximum infiltration is necessary to reduce the amount of water that flows off-site, unfiltered into the storm drain and bay. As proposed, on site retention and filtration of runoff will be maximized. Therefore, the Commission finds that the proposed project will protect coastal water quality and the related marine resources, biological productivity, and recreational opportunities. The Commission finds that the proposed development is consistent with Sections 30230 and 30231 which require that coastal water quality be maintained and enhanced.

C. Land Use Plan

Section 30604 of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the 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 proposed 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).

D. 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 proposed project is located in an urban area. All infrastructures necessary to serve the site exist in the area. The proposed project has been found consistent with the water quality policies of Chapter 3 of the Coastal Act. As proposed the project will not have any significant adverse impacts under CEQA. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



EXHIBIT NO. A
APPLICATION NO.
5-02-018
California Coastal Commission

VICINITY MAP

X

423-08

POR. SEC. 28. T6 S. R 10 W

06



ASSESSOR'S MAP
BOOK 423 PAGE 08
COUNTY OF ORANGE

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

M. M. 4-98
P. M. 167-04

CANAL SECTION
PARCEL MAP

MARCH 1981

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South Coast Region

JAN 28 2002

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5-02-018

EXHIBIT # B

PAGE 1 OF 1

ASSESSOR'S PARCEL MAP

RECEIVED

STORMWATER POLLUTION PREVENTION PLAN - Coast Region
600 & 602 36th Street, Newport Beach, CA 92660
March 8 2002

PROPOSED BMP's

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- 1) underground storage to capture 0.60 inch of rainfall from impervious areas
- 2) Dry well / wet pit to capture debris and maintenance
- 3) infiltration / leach field

LOT 1 - 600 36th St. - Total runoff 114 ft³

24" infiltration trench loss (length = 20')

Soil A - .4 in/hr per OCMA

$$(3' \text{ wide}) (20' \text{ long}) (.4 / 12) (24 \text{ hrs}) = -48 \text{ ft}^3$$

$$\text{Required Storage Volume} = 66 \text{ ft}^3$$

$$\text{Vol. 24" pipe } 3.14 (20') = 62.8 \text{ ft}^3$$

$$\text{Vol 6" pipe } (.20) (86') = 17.2 \text{ ft}^3$$

$$\text{Actual Storage } 70.0 \text{ ft}^3$$

OK



F.J. Kauppi
Mar 6, 2002

Lot 2 - 602 36th St. - Total runoff 135 FT³

24" infiltration trench loss (see above) - 48 FT³

$$\text{Required Storage Volume } 87 \text{ FT}^3$$

$$\text{Vol. 24" pipe } (3.14) (20') = 62.8 \text{ ft}^3$$

$$\text{Vol. 6" pipe } (.20) (87') = 17.4 \text{ FT}^3$$

$$\text{Vol 6" pipe } (.20) (86') = 17.2 \text{ ft}^3$$

$$\text{Actual storage: } 97.4 \text{ ft}^3$$

OK

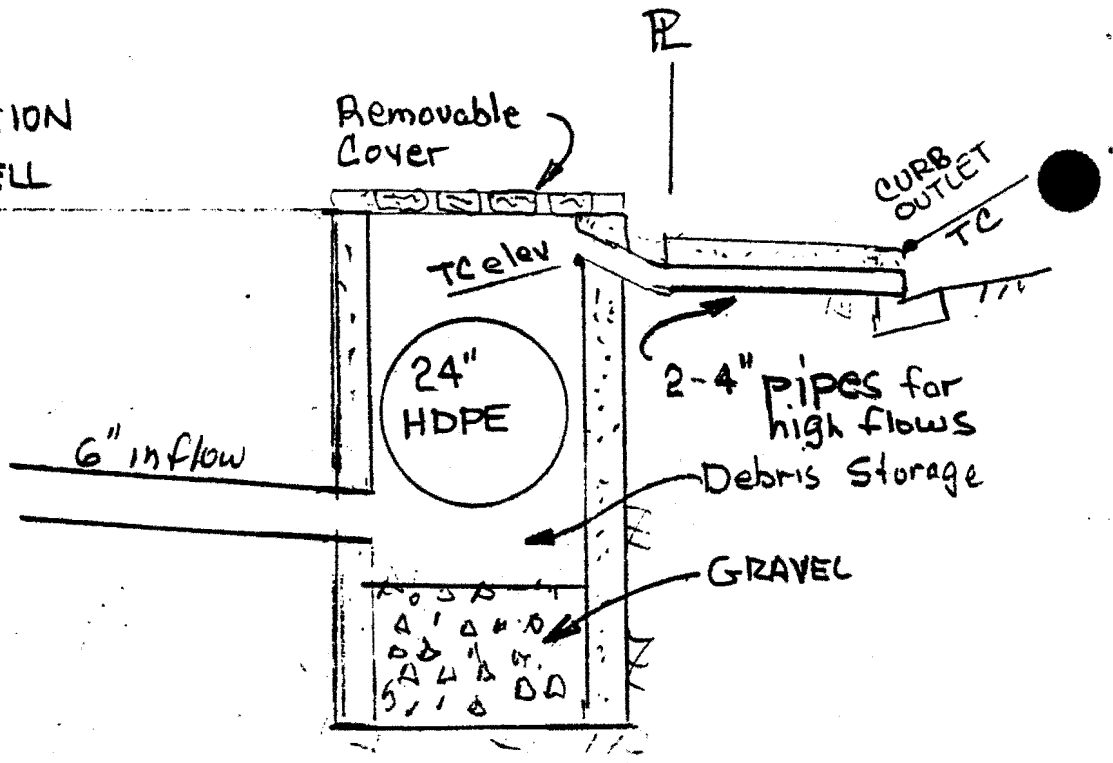
COASTAL COMMISSION

5-02-018

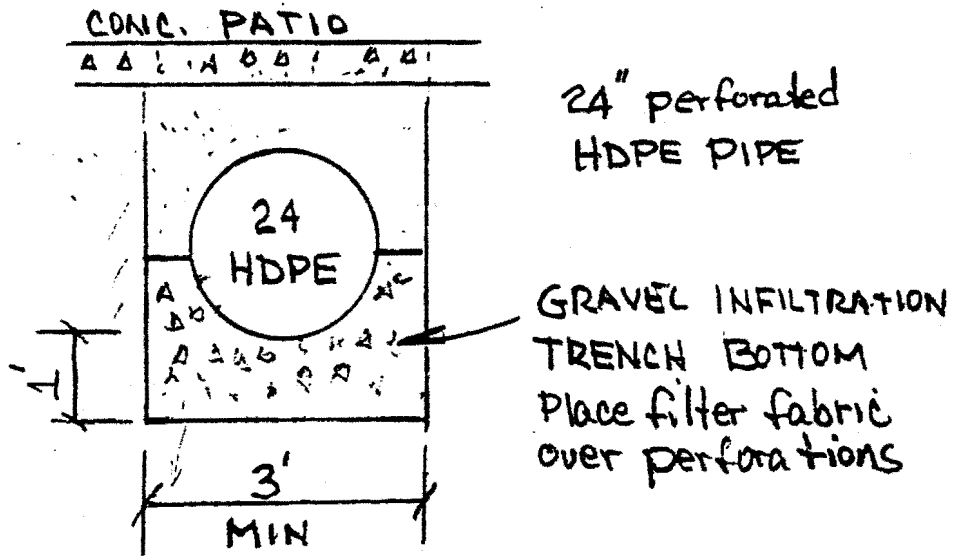
EXHIBIT # C

PAGE 1 OF 4

TYPICAL SECTION
THRU DRY WELL



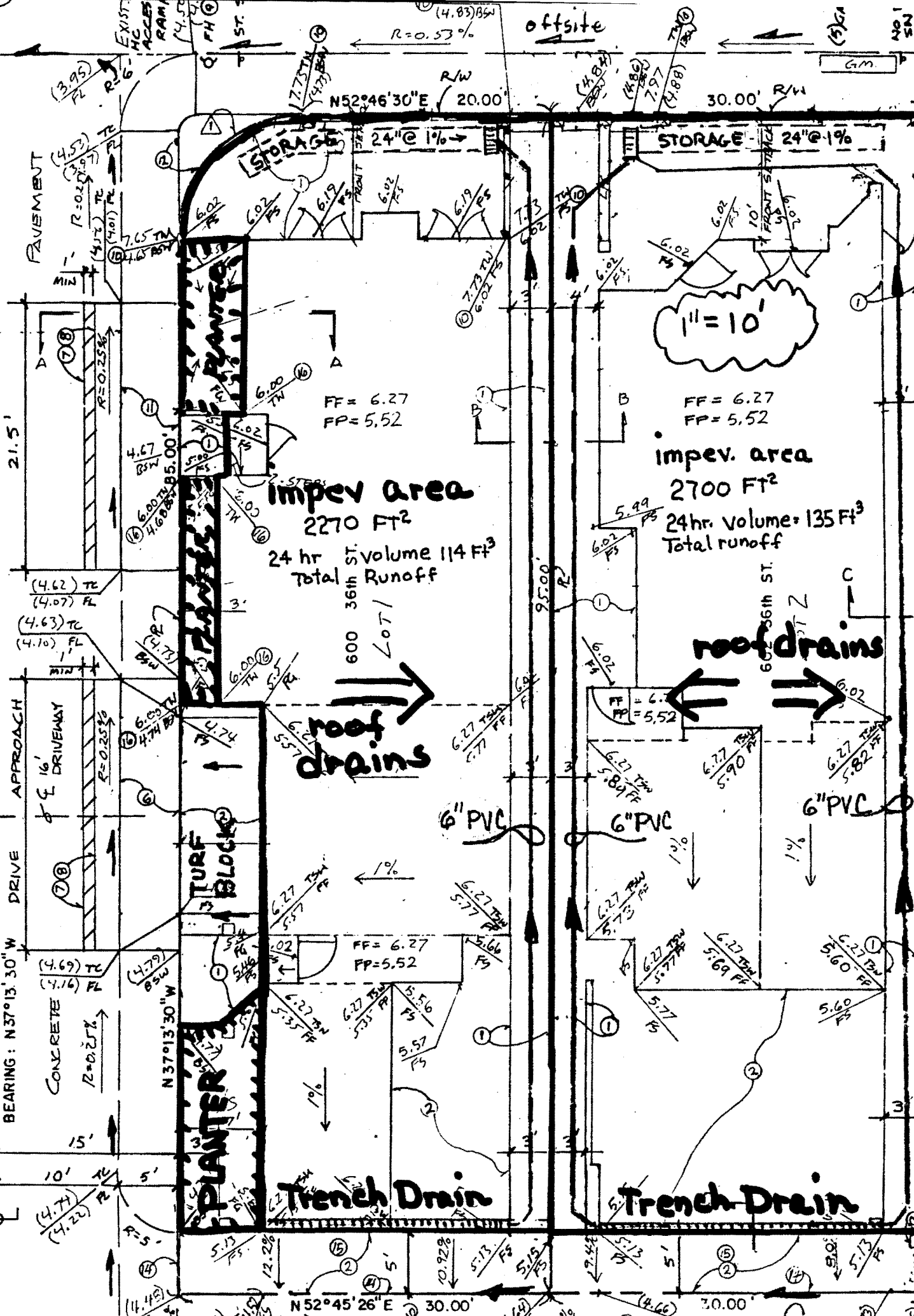
TYPICAL SECTION



PERFORATED PIPE ALSO USED FOR STORMWATER STORAGE - SLOPE @ 1% BACK INTO DRYWELL

STREET

SHORT



offsite
 R=0.53%
 N52°46'30"E (20.00')

ST. 36th ST.
 FF = 6.27
 FP = 5.52

ST. 36th ST.
 FF = 6.27
 FP = 5.52

Impev. area
 2700 Ft²
 24hr. volume = 135 Ft³
 Total runoff

Impev Area
 2270 Ft²
 24 hr ST. volume 114 Ft³
 Total Runoff

roof drains

roof drains

6" PVC

6" PVC

6" PVC

TURF BLOCKS

PLANTER

Trench Drain

Trench Drain

BEARING: N37°13'30"W
 CONCRETE DRIVEWAY
 R=0.25%

PAVEMENT
 R=0.25%

MIN
 R=0.25%

MIN
 R=0.25%

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 R=0.25%

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 R=0.25%

N52°45'26"E (30.00')

30.00'

30.00'

30.00'

C3

Figure 5
AASHTO M294-97 and MP7-97 Class I Perforations

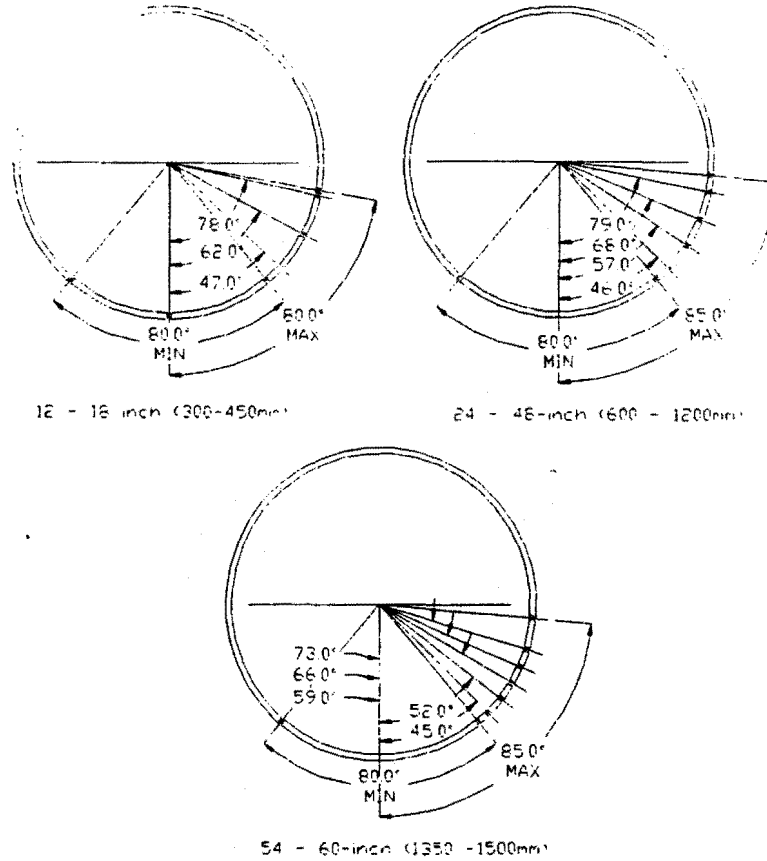
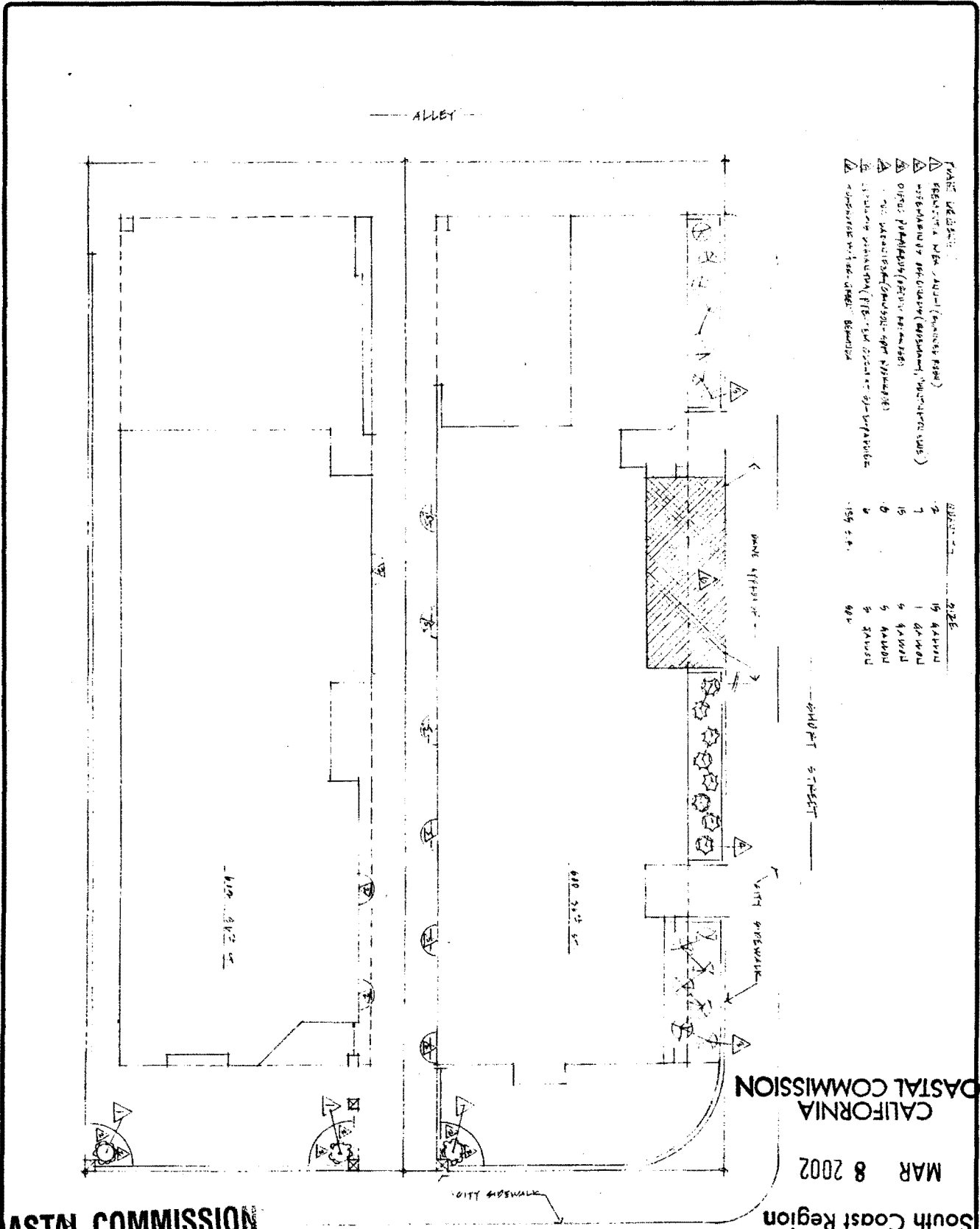


Table 5
AASHTO M294 and MP7-97 Class I Perforations

Inside Diameter		Approximate Perforation Size		Minimum Inlet Area	
in.	mm	in.	mm	in ² /ft.	cm ² /m
12	300	5/16 dia.	7.9	2.7	57.2
15	375	5/16 dia.	7.9	2.3	48.7
18	450	5/16 dia.	7.9	1.9	40.2
24	600	5/16 dia.	7.9	1.8	38.1
30	750	5/16 dia.	7.9	1.8	38.1
36	900	3/8 dia.	9.5	2.3	48.7
42	1050	3/8 dia.	9.5	1.8	38.1
48	1200	3/8 dia.	9.5	1.8	38.1
54	1350	3/8 dia.	9.5	2.0	42
60	1500	3/8 dia.	9.5	2.0	42

CA



PLANT SCHEDULE

NO.	DESCRIPTION	QUANTITY	SIZE
1	SEQUOIA (MATURE)	1	16" x 16"
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COASTAL COMMISSION

5-02-018

EXHIBIT # D

PAGE 1 OF 1

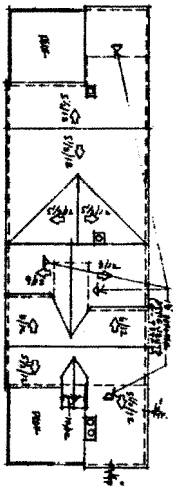
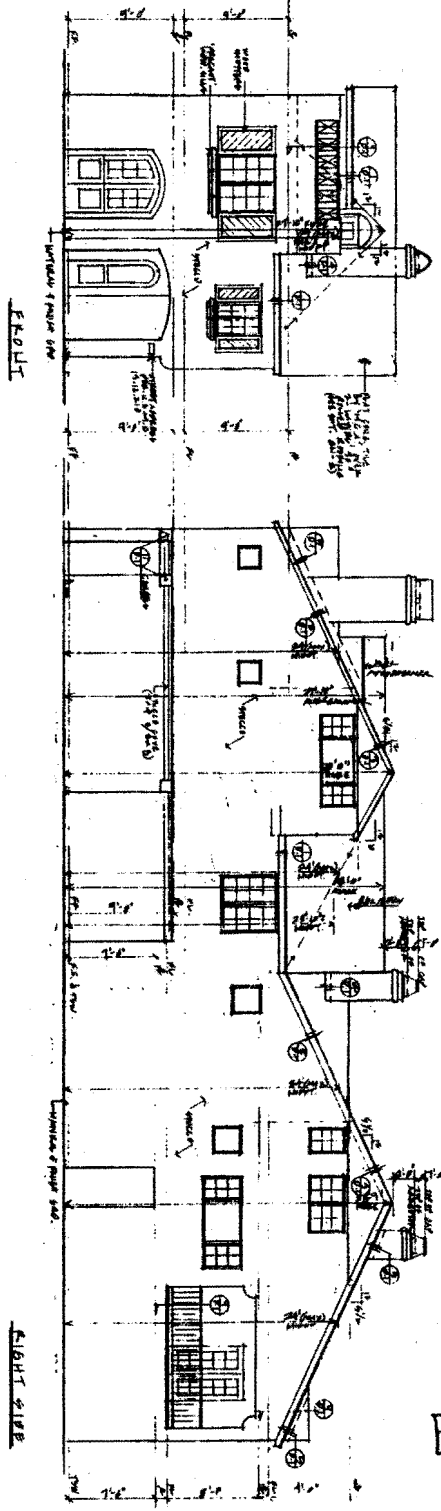
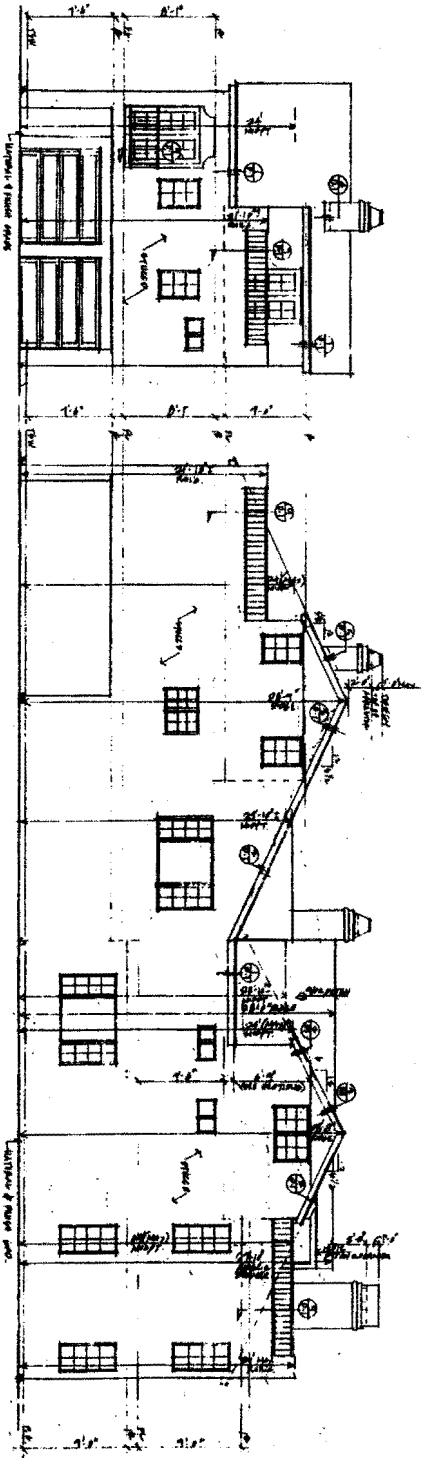
36" STREET

LANDSCAPE PLAN

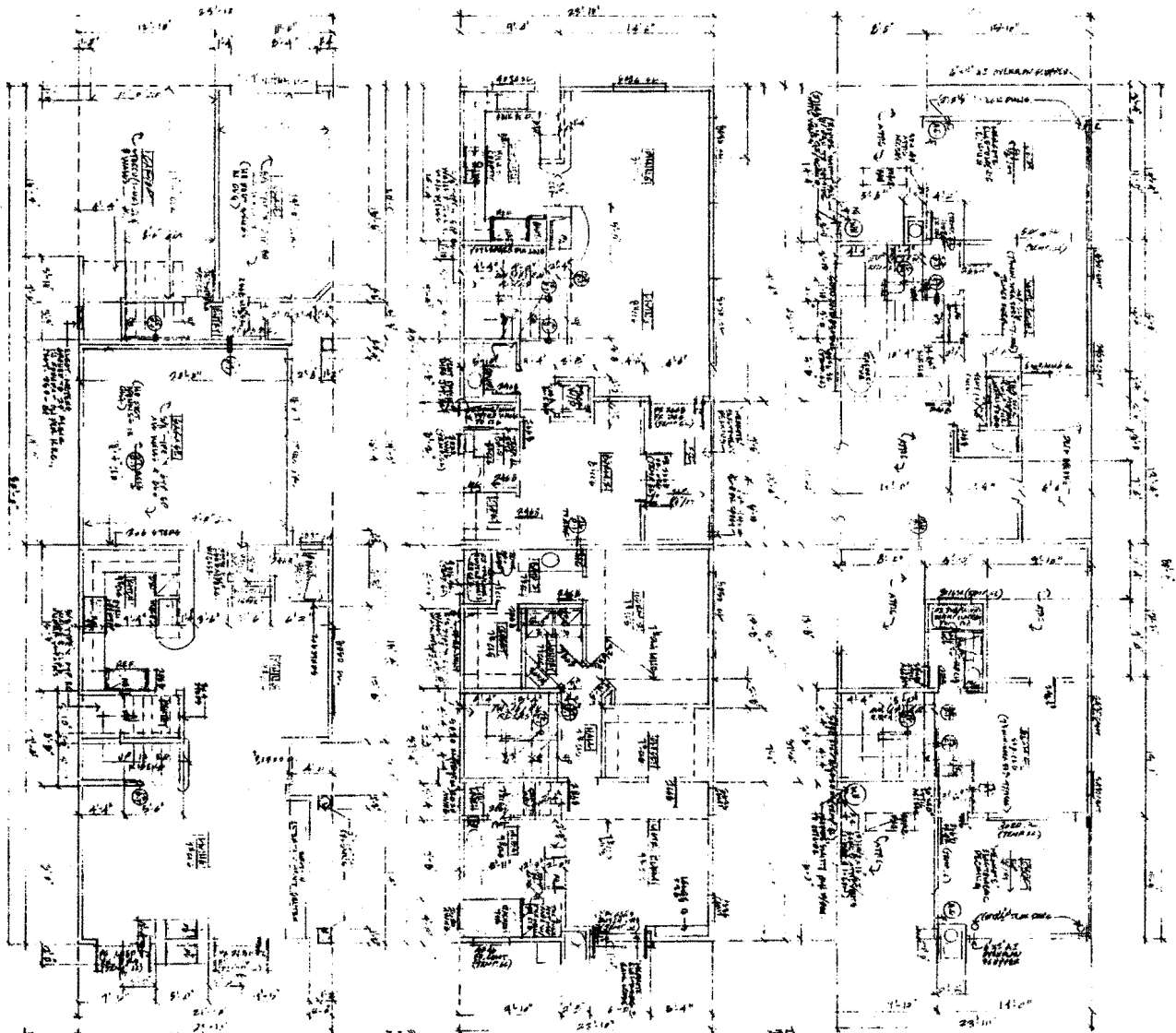
600 & 602 36th STREET
NEWPORT BEACH, CALIF

DON MONTELEONE ASSOCIATES
ARCHITECTS & PLANNERS
215 NORTH MOORE AVENUE - PLAZERTON CALIFORNIA 92651
714 / 879-5278

RECEIVED
South Coast Region
MAR 8 2002
CALIFORNIA
COASTAL COMMISSION



E 3



F₂

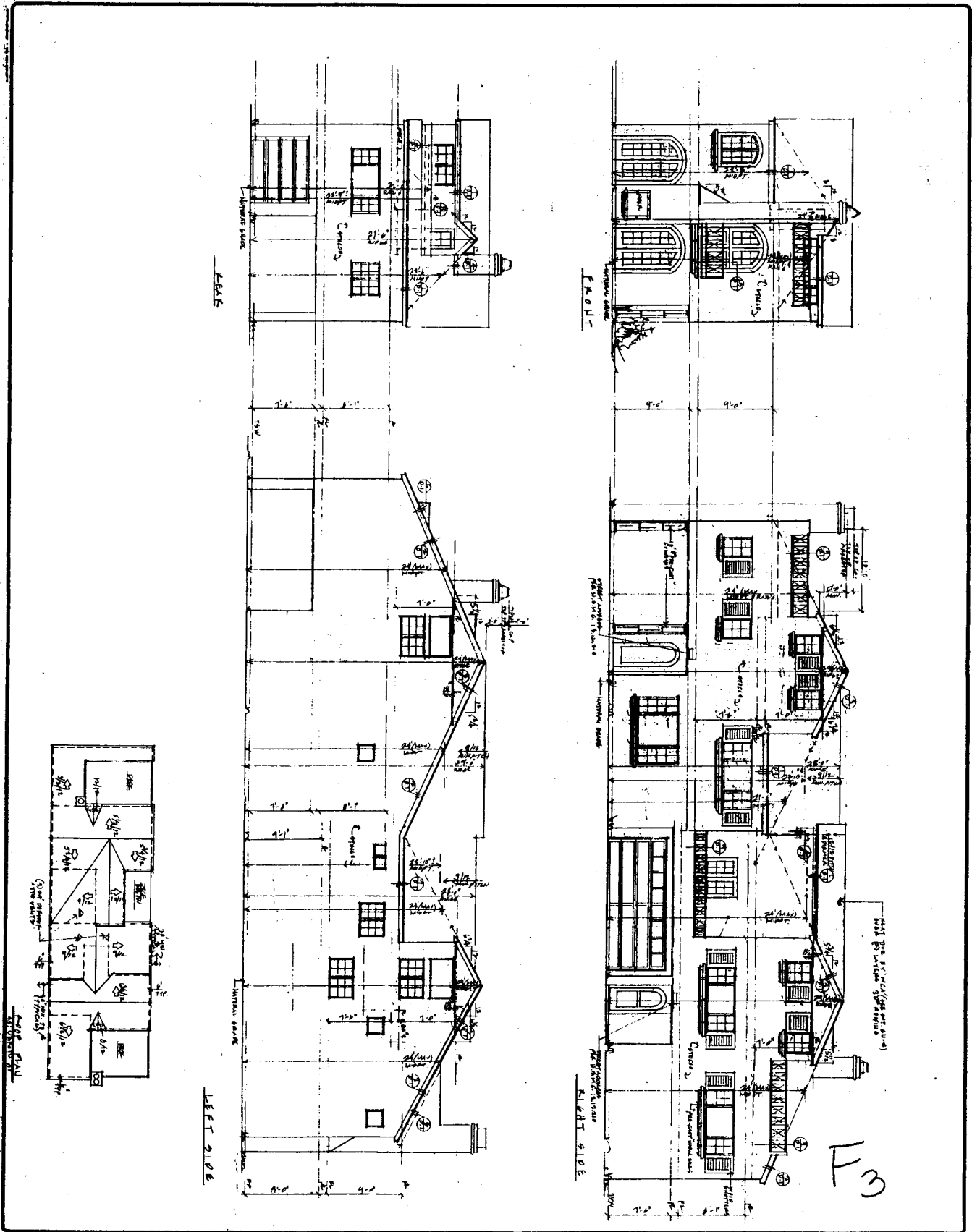
These drawings were prepared by the architect for the purpose of illustrating the proposed construction and are not to be used for any other purpose without the written consent of the architect.

NOT TO SCALE

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
 7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPING AND PLANTINGS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE PUBLIC.
 9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES AND STRUCTURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.
 11. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND THE PUBLIC.

NO.	DESCRIPTION	AMOUNT
1	CONCRETE	100.00
2	STEEL	200.00
3	BRICK	150.00
4	CEMENT	50.00
5	SAND	30.00
6	GRAVEL	20.00
7	PAINT	10.00
8	GLASS	5.00
9	DOORS	15.00
10	WINDOWS	25.00
11	ROOFING	10.00
12	PLUMBING	5.00
13	ELECTRICAL	5.00
14	MECHANICAL	5.00
15	LANDSCAPING	5.00
16	UTILITIES	5.00
17	PERMITS	5.00
18	INSURANCE	5.00
19	PROFESSIONAL FEES	5.00
20	TOTAL	1000.00

DATE	2/1/2010
BY	J. MONTELEONE
CHECKED	
APPROVED	



CATEGORICAL EXCLUSION ORDER

CITY OF NEWPORT BEACH **RECEIVED**
PLANNING DEPARTMENT South Coast Region

(714) 644-3200
(949)

JAN 23 2002



Plan Check No. -
C.E.O. No. 4-02

CALIFORNIA
COASTAL COMMISSION
NOTICE OF INTENT TO ISSUE BUILDING PERMIT
PURSUANT TO CATEGORICAL EXCLUSION ORDER E-77-5
FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS

Building Address 602 36th STREET

Lot Nos 1+2 Block 635 Tract Cann Section

Owner's Name JIM MARINO

Address 3636 Birch St City Newport Beach
#200 92660

Building Type: Single Family Duplex

Type of Work: New Addition Alter Demo

Work Description DEMO EXISTING DUPLEX OVER TWO LOTS.

Zoning District: R-2 Lot Area: 2850 ^{@ Lot} Parking per Dwelling Unit: 2

Lot Coverage (calculated in accordance with the South Coast Regional Commission's "1.5 Lot Coverage Criteria"): _____ times Buildable Area.

This project has been reviewed and found to be in conformance with the terms and conditions of Categorical Exclusion Order E-77-5 and all other applicable provisions of the City's Zoning Ordinance (Title 20) of the Municipal Code

This exclusion order will become effective ten (10) days after the date of issuance, therefore no construction shall commence during this 10 day review period.

COASTAL COMMISSION

5-02-018 Contact Person Maria E. Marrelli

Title Assistant Planner

EXHIBIT # G Signature Maria E. Marrelli

Date Issued 01-17-02
Effective Date 01-27-02

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