CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 ang Beach, CA 90802-4302 2) 590-5071

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Filed: 49th Day: 180th Day: Staff:

Staff Report:

Hearing Date:

December 27, 2001 February 14, 2002 June 25, 2002

FSY-LB FSY April 18, 2002

May 7-10, 2002

Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER:

5-01-347

RECORD PACKET COPY

APPLICANT:

David & Tracy Beauchamp

AGENT:

EBTA Architects, Attn: Carlos Elenes

PROJECT LOCATION:

2605 Way Lane, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Demolition of an existing single-family residence and construction of a new 5,615 square foot terraced three-story single-family residence and an attached 516 square foot two car garage. The resultant structure would be 2 stories on the beach side and 3 stories on the street side (Way Lane). Also, the project will consist of construction of a 30" rear patio wall, a circular fire pit with seating and a drainage pit in the rear yard and reconstruction of portions of the existing southeast and northwest property line walls. In addition, there will be 137 square feet of second floor balconies, 116 square feet of third floor balconies and a 317 square foot roof deck. Grading will consist of 375 cubic yards of cut and 360 cubic yards of export. The export

will be taken to a location outside of the coastal zone.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept (No. 1085-

2001) dated May 17, 2001.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending APPROVAL of the proposed project subject to three (3) special conditions requiring 1) conformance with geotechnical recommendations; 2) conformance to the Water Quality Management Plan and 3) submittal of a revised landscaping plan which only consists of native plants or non-native drought tolerant plants which are non-invasive. The major issues of this staff report concern water quality impacts and invasive vegetation impacts of beachfront development on the environment.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits: 5-00-452 (Cowan), 5-01-298 (Ryan), 5-01-304 (Caesar), 5-01-374 (City of Newport Beach), City of Newport Beach certified Land Use Plan; Letter to Agent from Staff dated September 26, 2001, Letter from Carlos Elenes (Agent) dated October 29, 2001, Memorandum from Soumitra Uha, Ph.D. (Senior Project Engineer) dated October 18, 2001, Memorandum from Soumitra Uha, Ph.D. (Senior Project Engineer) dated October 24, 2001; Geotechnical Investigation, Proposed Single Family Residence, 2605 Way Lane, Corona Del Mar, California (J.N. 307-01) prepared by Petra Geotechnical Inc. dated August 30, 2001; Letter to Agent from Staff dated November 29, 2001; Letter from Carlos Elenes (Agent) dated December 26, 2001; and Water Quality Management

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Plan (WQMP (JN 9570)) prepared by Toal Engineering, Inc. for David & Tracy Beauchamp c/o E.B.T.A..

LIST OF EXHIBITS

- Location Map
- 2. Assessor's Parcel Map
- 3. Aerial Photo
- 4. Floor Plans
- 5. Exterior Elevations
- 6. Grading Plan
- 7. Landscape Plan

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-01-374 pursuant to the staff recommendation.

Staff recommends a <u>YES</u> 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 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

 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.

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- 2. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. <u>Geotechnical Recommendations</u>

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the engineering geologic report *Geotechnical Investigation, Proposed Single Family Residence, 2605 Way Lane, Corona Del Mar, California (J.N. 307-01)* prepared by Petra Geotechnical Inc. dated August 30, 2001.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 evaluations approved by the California Coastal Commission for the project site.
- C. The permittees 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. Conformance With Submitted Water Quality Management Plan (WQMP)

A. The permittees shall undertake development in accordance with the approved Water Quality Management Plan (WQMP (JN 9570)) prepared by Toal Engineering, Inc. for David & Tracy Beauchamp c/o E.B.T.A.. 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. Landscaping Plan

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a revised landscaping plan to the Executive Director for review and approval. The revised landscaping plans shall show the following change to the project:
 - 1. Landscaping shall only consist of native plants or non-native drought tolerant plants which are non-invasive.
- B. The permittees 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 2605 Way Lane in Corona Del Mar within the City of Newport Beach, Orange County (Exhibits #1-2). The site is a beachfront lot within the protected bay (Newport Bay) located between the first public road and the sea. Though the project site is in an urban residential area, it is located just inland of the beach and will be on a site which currently slopes upward as it goes inland from an approximate height between 12 and 14 Mean Sea Level to a height of approximately between 21 to 23 feet above Mean Sea Level. The proposed finished lot will consist of a level building pad at an approximate elevation of 13 feet above Mean Sea Level. The grade difference between Way Lane and the beach will be bridged and supported by means of subterranean retaining walls located below grade (underground) near the northern property line adjacent to Way Lane. There is a sandy pocket beach, approximately 150 feet wide, between the subject property and the average high tide line. No retaining walls are proposed at the rear of the project site adjacent to the pocket beach. Further seaward to the south and east of the project site are existing developments that are located more seaward than the proposed project (Exhibit #3). The project site is adjacent to the most inland portion of the pocket beach. Vertical public access to this beach is available approximately 50 feet north of the subject site at the end of Dahlia Street. Lateral public access to this beach is available to the adjacent south at the end of Cove Street.

The applicant is proposing demolition of an existing single-family residence and construction of a new 5,615 square foot terraced three-story single-family residence and an attached 516 square foot two car garage. The resultant structure would be 2 stories on the beach side and 3 stories on the street side (Way Lane). Also, the project will consist of construction of a 30" rear patio wall, a circular fire pit with seating and a drainage pit in the rear yard and reconstruction of portions of the existing southeast and northwest existing property line walls. These property line walls will also act as retaining walls that would be no higher than six feet above grade. Portions of the north and northeasterly exterior building walls will be constructed as subterranean or basement retaining walls (up to a maximum height of approximately 12 feet located below grade) in order to accommodate the lower level building floor slab. In addition, there will be 137 square feet of

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second floor balconies, 116 square feet of third floor balconies and a 317 square foot roof deck. Grading will consist of 375 cubic yards of cut and 360 cubic yards of export. The export will be taken to a location outside of the coastal zone (Exhibits #4-6).

B. <u>HAZARDS</u>

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. Geotechnical Recommendations

The project site is adjacent to the beach and the bay (Newport Bay). To evaluate the feasibility of undertaking the proposed development on a beachfront lot, a *Geotechnical Investigation*, *Proposed Single Family Residence*, 2605 Way Lane, Corona Del Mar, California (J.N. 307-01) prepared by Petra Geotechnical Inc. dated August 30, 2001 was conducted. The report explored soils condition at the site in order to make recommendations for the foundation design and site development for the proposed residence. This was accomplished through the drilling and logging of two exploratory borings in order to perform several laboratory tests to further evaluate the engineering properties of site soils. According to the geotechnical investigation, the property is underlain by artificial fill soils, beach sand deposits and bedrock of the Miocene-age Monterey Formation.

Recommendations were provided by Petra for load values to be used for the foundation design. In addition, construction guidelines regarding sequence, materials, and soil compaction were identified by Petra. This report concluded that development of the property for the proposed construction is geotechnically feasible and safe if the recommendations of the report are followed in design, construction, and long-term maintenance of the property. The following geotechincal recommendations were made: 1) for footings founded in compacted fiii, an allowable soil bearing capacity of 1,500 pounds per square foot may be used for 36-inch square pads footings or 18-inch-wide continuous footings founded at a minimum depth of 24 inches below the lowest final grade, 2) in order to provide adequate and uniform bearing for building foundations, the existing

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ground surface should be overexcavated to a minimum depth of 4 feet and replaced as engineered fill compacted to a minimum relative compaction of 90 percent, 3) where deep excavations are to be performed adjacent to the site perimeter, it may be necessary to protect offsite structures from damage due to undermining and loss of support, and 4) trees and large shrubs, when removed, should be grubbed out to include their stumps and major root systems.

To affirm that the proposed development will assure stability and structural integrity, neither create nor contribute significantly to geologic instability or destruction of the site or surrounding area and to assure that risks to life and property are minimized, Special Condition No. 1 must be imposed which requires the submission of final plans that incorporate the geologist's recommendations into the final design and construction plans of the proposed project.

2. Conclusion

The proposed project requires engineering to construct the proposed project. Therefore, to affirm that the proposed development will assure stability and structural integrity, neither create nor contribute significantly to geologic instability or destruction of the site or surrounding area and to assure that risks to life and property are minimized and 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 geologic stability, Special Conditions No. 1 is imposed, which requires conformance with the Geotechnical Report. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30251 and 30253.

C. PUBLIC ACCESS AND PARKING

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by: (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The site is a beachfront lot within the protected Bay (Newport Bay) located between the first public road and the sea. There is a sandy pocket public beach, approximately 150 feet wide, between the subject property and the average high tide line. Vertical public access to this public beach is available approximately 50 feet north of the subject site at the end of Dahlia Street. Lateral public access to this public beach is available to the adjacent south at the end of Cove Street. Therefore, the Commission finds adequate access is available nearby and the proposed development is consistent with Section 30252 of the Coastal Act.

When a private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Thus, all private development must provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed single-family residence provides two parking spaces located in an attached garage. Therefore, as currently designed, the development exceeds the parking required. Thus, the Commission finds that the proposed development is consistent with Section 30252 of the Coastal Act regarding parking.

D. WATER QUALITY

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 protection of water quality is an important aspect of the Coastal Act. Recent beach closures occurring throughout Orange County, including those in Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

In order to minimize adverse impacts to water quality, the applicant has submitted a Water Quality Management Plan (WQMP (JN 9570)) prepared by Toal Engineering, Inc. for David & Tracy Beauchamp c/o E.B.T.A.. The WQMP discusses that the proposed drainage: "Drainage after the proposed improvements will maintain the existing drainage conditions by draining toward the rear of the lot. Runoff will be collected by a system of drain inlets and pipes. Runoff will be discharged into a proposed drainage pit and percolated into the existing ground. The only surface flow to the off-site areas will be the front 11 feet of the property which will sheet flow into Way Lane." The WQMP further discusses Structural BMP's, such as filtration and common area efficient irrigation, and Non-Structural BMP's, such as common area landscape management and BMP maintenance, that will be implemented with the project to minimize pollutant runoff. In addition, the Geotechnical Investigation, Proposed Single Family Residence, 2605 Way Lane, Corona Del Mar, California (J.N. 307-01) prepared by Petra Geotechnical Inc. dated August 30, 2001 discusses the proposed drainage on site: "The drainage system planned for the site consists of area drains, earth swales and sheet flow gradients in landscape areas. The purpose of the above drainage facilities is to reduce water filtration into the subgrade soils and to direct surface water to the proposed drainage pit located at the southwestern corner of the lot."

Therefore, to lessen the potential for pollutants to enter the storm drain system at the subject site, the Commission imposes Special Condition No. 3 related to water quality. Special Condition No. 3 requires the applicant to conform to the *Water Quality Management Plan (WQMP (JN 9570))* prepared by Toal Engineering, Inc. for David & Tracy Beauchamp c/o E.B.T.A.. By implementing this condition, the project will be in compliance with Sections 30231 of the Coastal Act.

E. DEVELOPMENT ADJACENT TO THE BEACH

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly

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degrade those area, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251 of the Coastal Act states:

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...

The project site is located immediately adjacent to a public beach. Development, if not properly regulated, could have adverse effects on the sustainability of any existing native vegetation. The proposed project's landscaping plan contains elements, which could affect the sustainability of any existing native vegetation. The submitted landscaping plan proposes use of the following vegetation: Cocos Plumosa 1 and 2 Trunk Coastal Growth, Howea Foresteriana 1 Trunk, Phoenix Roebelenii, Azalea 'Alaska,' Azalea 'George L. Taber,' Dicksonia Antarctica, Camellia Japonica 'Nuccio's Gem,' Pittosporum Tenufollium, Annual Flowers, Agapantha 'Peter Pan' & 'Ranch,' Bouganivillea 'Camarillo Festival' Vine, Distictus Buccinatoria Vine, Ficus Pumila Vine, Impatiens (Pink White and Lavendar), Marathon II and Trachelospermum Jasminoides (Exhibit #7). Fourteen of the fifteen plants (Marathon II is listed as a sod) are non-natives. Much of the existing vegetation is of ornamental non-native variety due to surrounding residential development. However, use of native or non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation.

The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. Consequently, staff reviewed the proposed landscaping to determine if it contained any non-native invasive vegetation or plants that were not drought tolerant by researching the Ocean Trails-Restricted Plant List dated October 6, 1997, Recommended List of Native Plants for Landscaping in the Santa Monica Mountains dated January 22, 1992, the Sunset Western Garden Book dated 1988 and also the CalFlora database. CalFlora is an independent non-profit organization which maintains a comprehensive database of plant distribution information for California.

Eight of the fifteen plants required moisture or regularly watering, while four were determined to be drought tolerant. The watering needed for two of the plants could not be found and also since one of the listed plants was only listed as "Annual Flowers," the watering requirement for these plants could not be found. The eight plants that needed watering are: Howea Foresteriana 1 Trunk, Phoenix Roebelenii, Azalea 'Alaska,' Azalea 'George L. Taber,' Dicksonia Antarctica, Bouganivillea 'Camarillo Festival' Vine, Impatiens (Pink White and Lavendar) and Trachelospermum Jasminoides. Since these plants are not drought tolerant, they should be removed from the landscaping plan.

Furthermore, Staff determined that two of the fifteen listed vegetation in the landscape plan were either to have relatives that were considered invasive or where themselves an invasive plant. The submitted landscaping plan was found to contain a mix of vegetation (plants and a sod) that included two plants that could or are possibly invasives, which would potentially displace native vegetation. These two plants are *Phoenix Roebelenii* and *Ficus carica* and the use of these two plants in the landscaping plan should be prohibited. *Phoenix canariensis and Phoenix dactylifera*,

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were two related species of *Phoenix Roebelenii*, which is found in the proposed landscaping plan, that were located in the *Ocean Trails-Restricted Plant List* dated October 6, 1997 listed as invasive ornamental plants. *Ficus carica* is a related species of *Ficus Pumila Vine*, which is also found in the proposed landscaping plan, located in the *CalFlora* database listed as an invasive weed. In addition, the *Sunset Western Garden Book* states that the roots of the *Ficus Pumila Vine* are invasive. Consequently, the use of *Phoenix Roebelenii* and *Ficus carica* could supplant native vegetation and therefore should be prohibited from the landscaping plan.

The use of California native plants or drought tolerant plants will minimize any adverse impacts that the landscaping plan would have on native plants. To minimize any effect on any native vegetation in the area, either native or non-native drought tolerant vegetation, which would not supplant native species, should be used. Therefore, the Commission imposes Special Condition 4, which requires the applicant to submit a revised landscaping plan, which consists of native plants, or non-native drought tolerant plants, which are non-invasive. Therefore, the Commission finds that, as conditioned, the proposed development would be consistent with Section 30240 and 30251 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 City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. Since the City only has an LUP, the policies of the LUP are used only as guidance. The Newport Beach LUP includes the following policies that relate to development at the subject site: Public Access, Policy 4 states,

Public access in coastal areas shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

Circulation, Policy 7 states.

All development shall provide adequate offstreet parking to meet the requirements of the Newport Beach Zoning Code

Coastal Views, Policy 2 states,

The City shall preserve beaches, surf action, and coastal shoreline in a manner that will maintain their aesthetic and natural value

The proposed development is consistent with the Chapter 3 policies of the Coastal Act and with the LUP. 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 required by Section 30604 (a).

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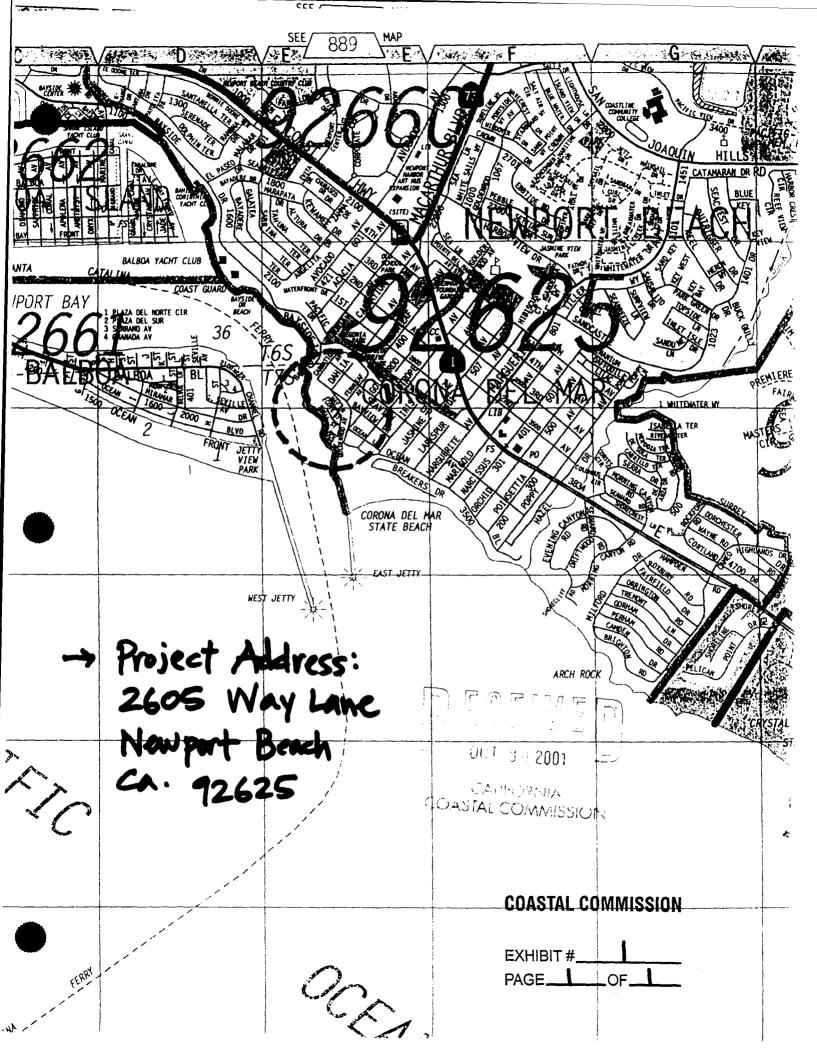
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

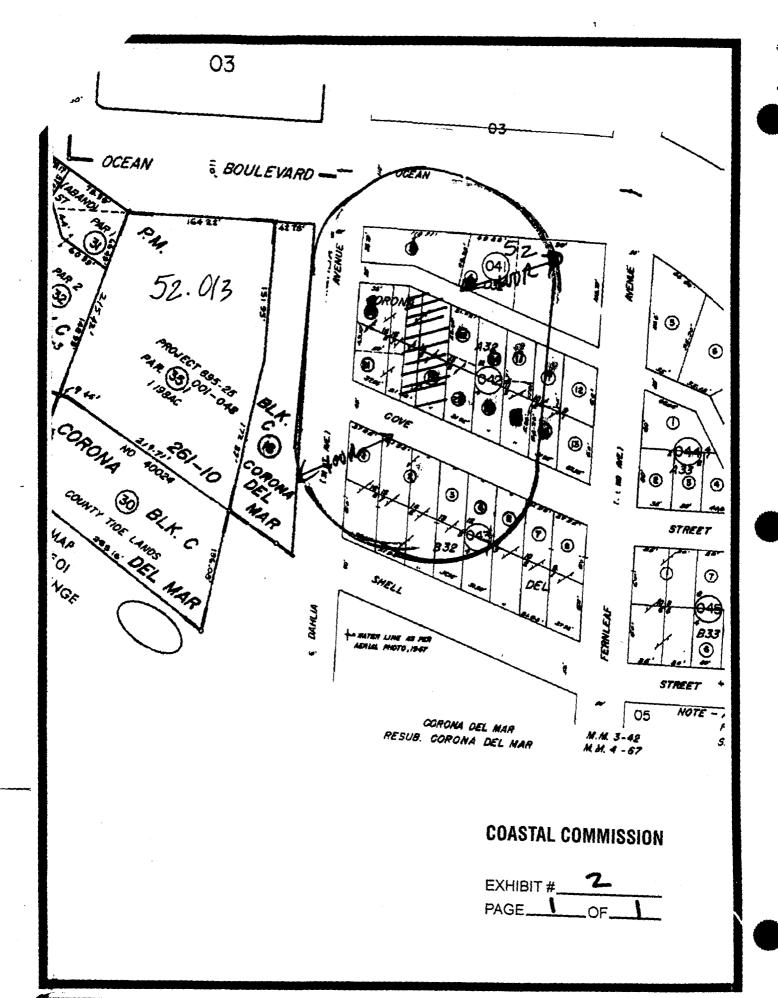
Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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.

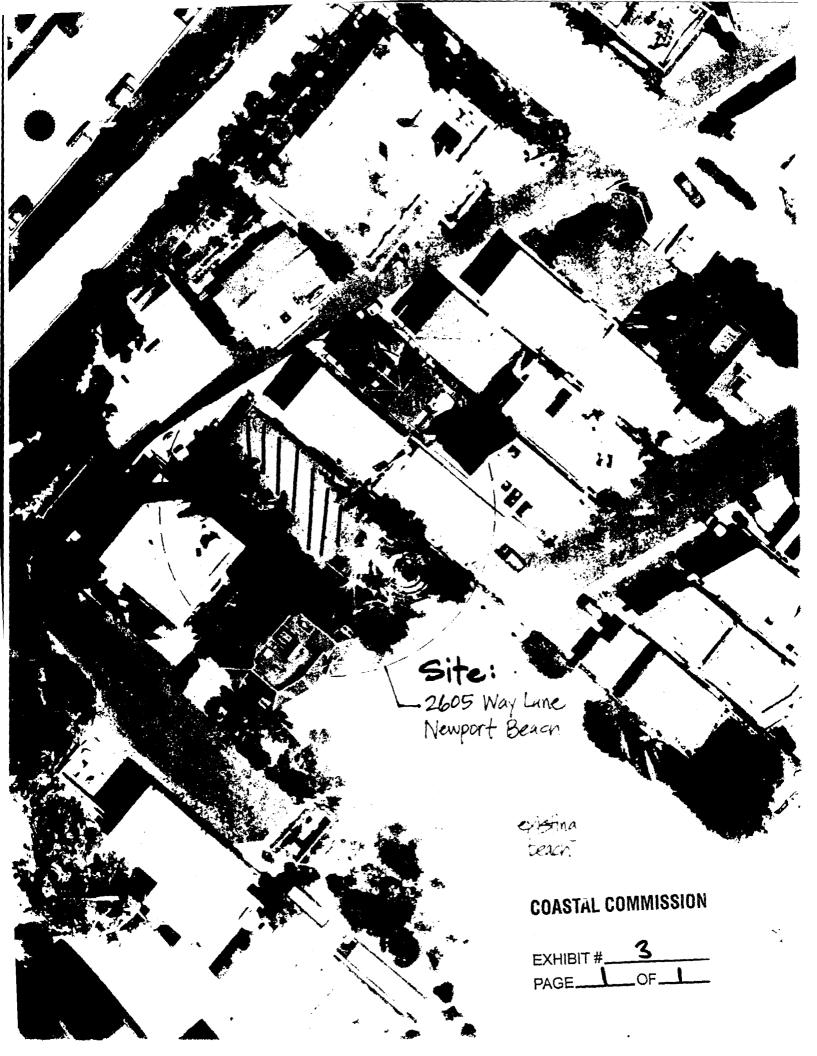
The project is located in an urbanized area. Development already exists on the subject site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. Conditions imposed are conformance with geotechnical recommendations, conformance to the Water Quality Management Plan and submittal of a revised landscaping plan which only consists of native plants or non-native drought tolerant plants which are non-invasive. There are no feasible alternatives or further 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, as conditioned, is consistent with CEQA and the policies of the Coastal Act.

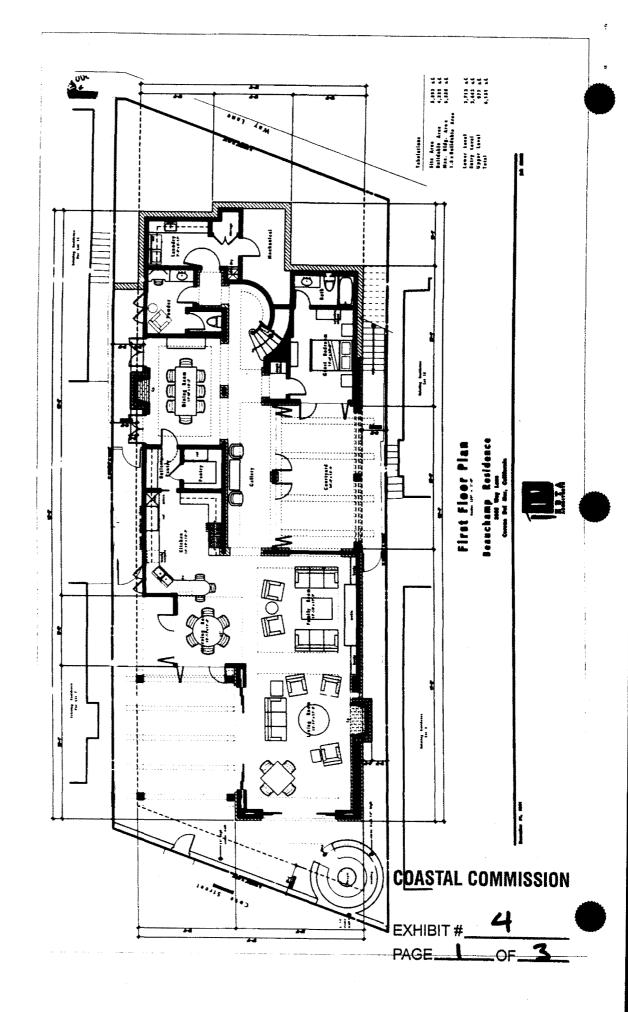
As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned,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

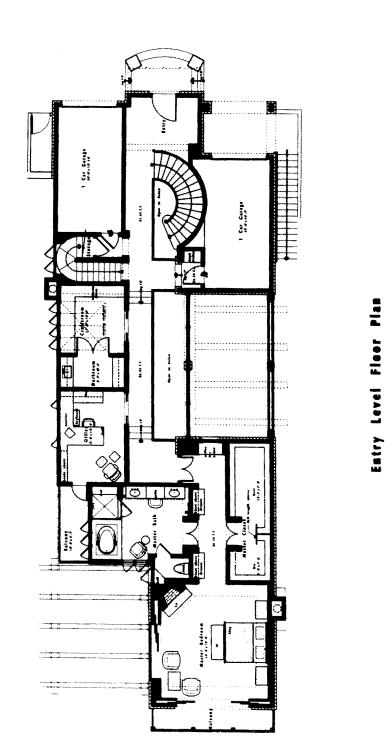
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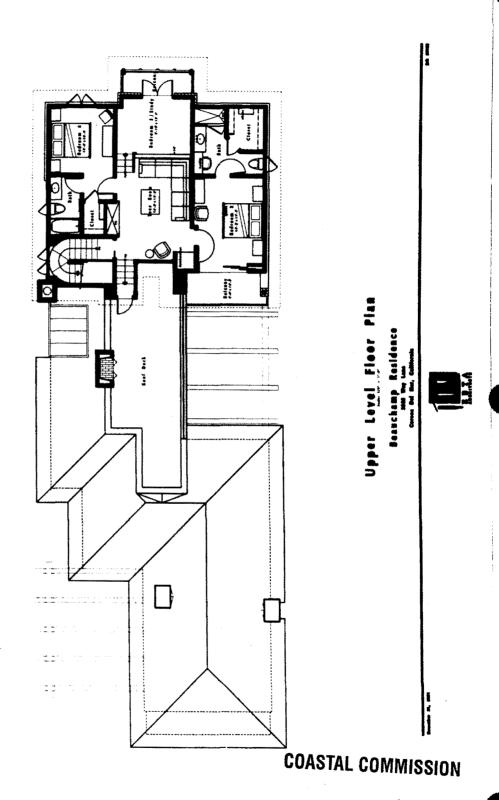




COASTAL COMMISSION

Bearchamp Residence

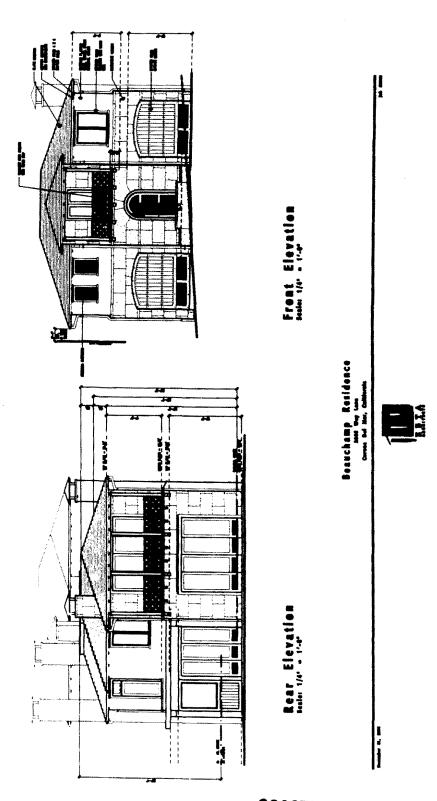
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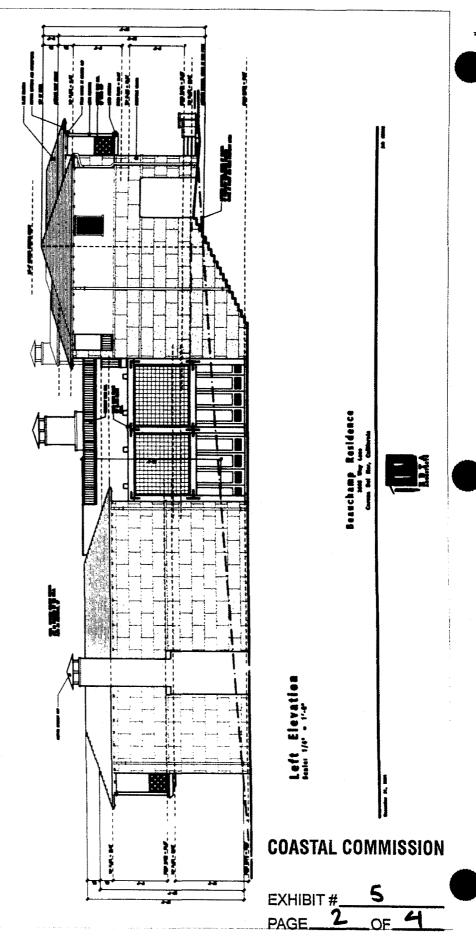
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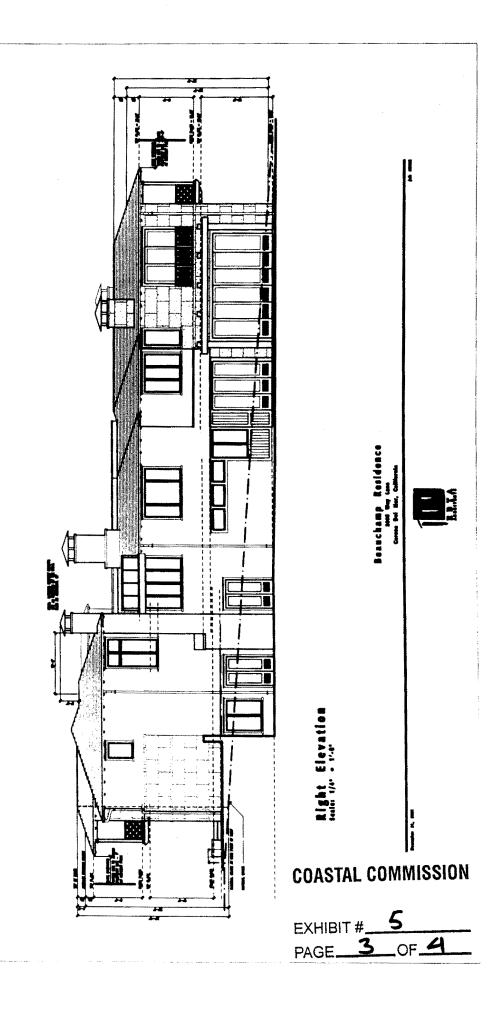


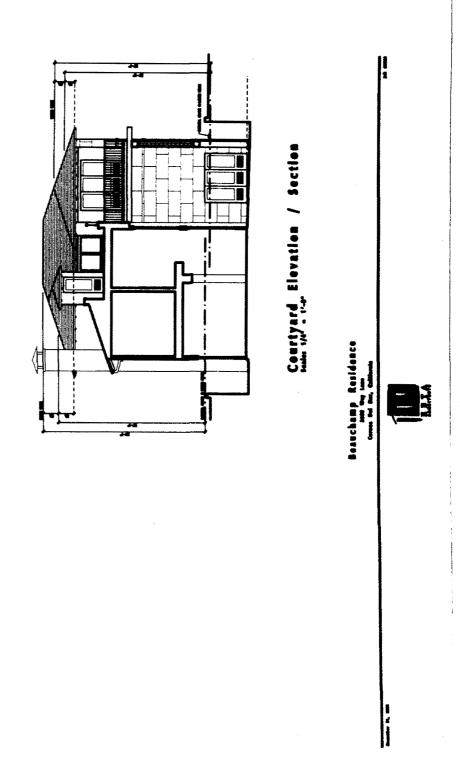
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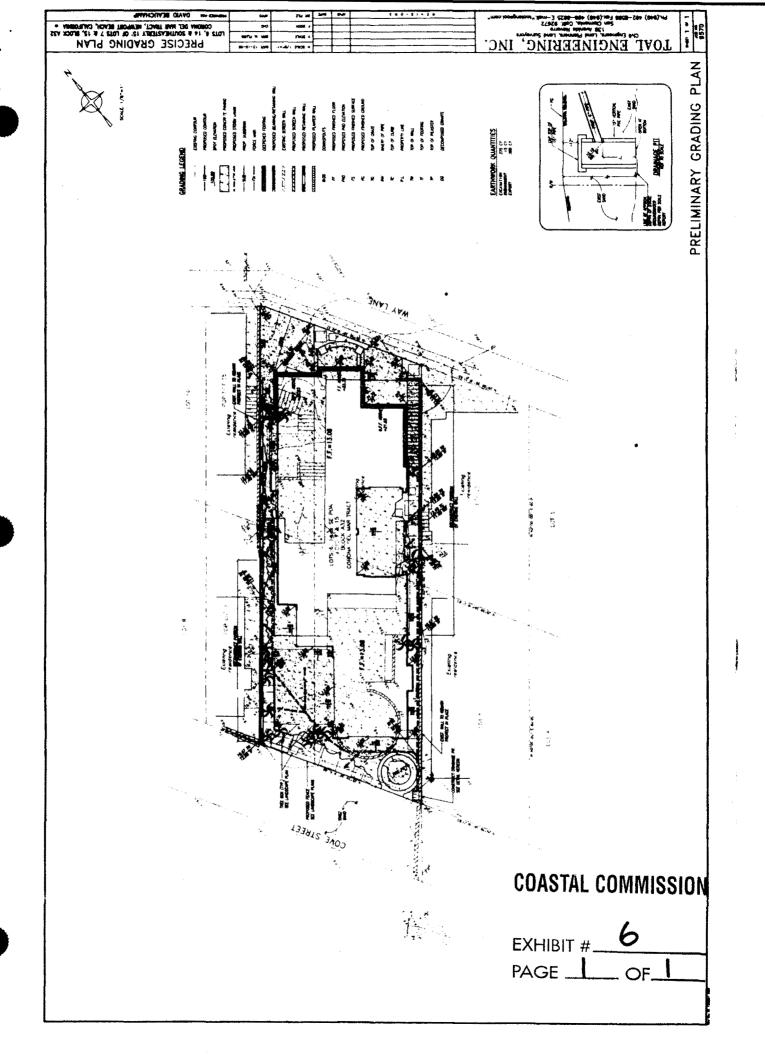
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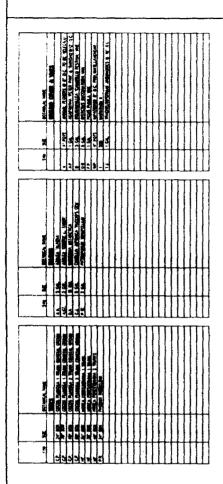




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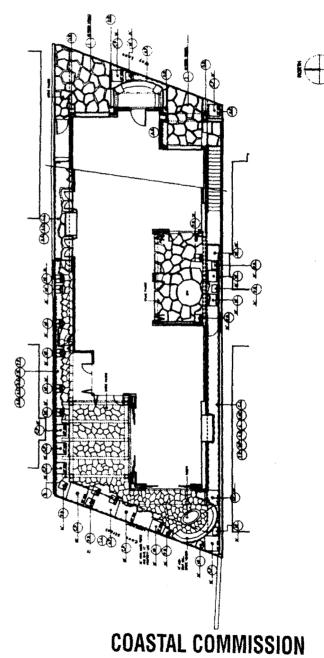


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