

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Filed: July 20, 2006
49th Day: September 7, 2006
180th Day: January 16, 2007
Staff: Fernie Sy-LB
Staff Report: November 22, 2006
Hearing Date: December 12-15, 2006
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

APPLICATION NO.: 5-04-466-A1
APPLICANT: 4627 Camden, LLC
PROJECT LOCATION: 177 Shorecliff, Corona Del Mar (Orange County)

DESCRIPTION OF PROJECT ORIGINALLY APPROVED:

At the January 2006 Commission Hearing, the Commission approved demolition of an existing single-family residence with an attached garage and construction of a new 8,990 square foot, two-story single-family residence plus basement, a 860 square foot 2nd floor deck, a 441 square foot roof deck, a 293 square foot 1st floor one-car garage, and a 2,444 square foot subterranean six-car garage, which is part of the basement level on a coastal bluff top lot. In addition, the applicant had proposed hardscape beyond the bluff edge and a new pool located on the bluff top no further seaward than the bluff edge. Grading would consist of 7,430 cubic yards (3,715 cubic yards of cut, 270 cubic yards of fill and 3,445 cubic yards of export to a location outside of the coastal zone). The foundation of the residence would consist of a combination of deepened footings and retaining walls. As submitted, the proposed development would have encroached to and in some instances beyond the bluff edge. Due to the site-specific information it received regarding the stability of the site, the Commission found that a minimal setback from the bluff face was acceptable, but development seaward of the bluff edge was not acceptable. Thus, the Commission imposed a special condition (Special Condition No. 2) requiring that all development on the site must be set back to the bluff edge and not project seaward of the bluff edge.

DESCRIPTION OF AMENDMENT:

The proposed residence is being redesigned in part to conform to the requirements of Special Condition 2 and in part to add new elements. The newly proposed elements include: 1) a new 792 square foot sub-basement underneath the previously approved basement (i.e. there will be a two-level basement); 2) expansion of a mechanical storage room (basement level) from 344 to 631 square feet; 3) additional cut to accommodate the new sub-basement (from 3,715 cubic yards to 4,380 cubic yards), reduced fill (from 270 cubic yards to 220 cubic yards) and increased export (from 3,445 cubic yards to 4,160 cubic yards); and 4) a change to the foundation system which would also now consist of caissons as well as deepened footings and retaining walls including twelve (12) 24" diameter caissons along the western side yard property line and nine (9) 24" diameter caissons along the eastern side yard property line. Other changes to the design of the residence are proposed, however, these are largely attributable to changes required by Special Condition 2 and include the following: the basement has been reduced from 3,522 square feet to 2,903 square feet; the basement level garage has been reduced from 2,444 square feet to 2,283 square feet; the 1st floor deck has been reduced from 1,401 square feet to 701 square feet.

Post project, the residence will be two-stories with a basement and sub-basement areas (i.e. two-level basement) consisting of 9,528 square feet with a 298 square foot garage area and a 2,283 square foot subterranean garage area. All of the changes to the development being requested in this amendment will comply with the previously imposed condition (Special Condition No. 2) requiring that all development be sited landward of the bluff edge.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan (LUP) and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review applied was Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff recommends that the Commission **APPROVE** the proposed amendment with **TWO (2) SPECIAL CONDITIONS** addressing: **1)** prior conditions; and **2)** conformance with geotechnical recommendations.

SUBSTANTIVE FILE DOCUMENTS:

1. Review of Revised Architectural Plan (Project No. 71486-01/Report No. 06-5771) by Geofirm dated April 5, 2006
2. Elieff Structural Narrative by KNA Engineering, Inc. dated April 25, 2006

LOCAL APPROVALS RECEIVED:

Approval-in-Concept (#2659-2004) from the City of Newport Beach Planning Department dated December 3, 2004; and Revised Approval-in-Concept (#2659-2004) from the City of Newport Beach Planning Department dated May 18, 2006.

EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Sub-Basement Floor Plan
4. Section Plan
5. Foundation Plan
6. Coastal Development Permit No. 5-04-466 Notice of Intent to Issue Permit Dated February 2, 2006

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The amendment request involves changes to a previously approved single-family residence. The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen the intent of the previously approved permit.

The proposed amendment would not lessen the intended effect of 5-04-466 envisioned in the Commission's January 2006 action approving the project with conditions. Therefore, the Executive Director accepted the amendment request.

STANDARD OF REVIEW:

Since the City of Newport Beach does not have a certified Local Coastal Program (LCP), the standard of review for this amendment is the Coastal Act. Since the City only has a Land Use Plan (LUP), the policies of the LUP are used only as guidance.

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve permit amendment CDP #5-04-466-A1 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, will be in conformity with the certified LCP and the public access and recreation policies of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

A. PRIOR CONDITIONS

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-04-466 remain in effect. All standard and special conditions previously imposed under Coastal Development Permit No. 5-04-466 apply equally to the amendment.

B. MODIFY SPECIAL CONDITION NO. 5 of 5-04-466, AS INDICATED BELOW

Additions shown in ***bold italic underline***, deletions shown in ~~strikeout~~

5. **CONFROMANCE WITH GEOTECHNICAL RECOMMENDATIONS**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with the setback requirements identified in Special Condition 2 of this permit and all recommendations contained in the geologic engineering investigations: *Preliminary Geotechnical Investigation for New Single Family Residence, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5376*), prepared by Geo Firm dated August 17, 2004, *Response to California Coastal Commission Notice of Incomplete Application dated January 7, 2005, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5499r*), Permit Application 5-04-466, prepared by Geo Firm dated March 14, 2005, *Letter from KNA Engineering, Inc. to Brion Jeanette Architecture dated March 29, 2005; and Letter from Geo Firm to Brion Jeannette Architecture dated March 31, 2005.* ;***Review of Revised Architectural Plan (Project No. 71486-01/Report No. 06-5771) by Geofirm dated April 5, 2006; and Elieff Structural Narrative by KNA Engineering, Inc. dated April 25, 2006.***
- 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 engineering report.
- 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.

IV. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

A. **PROJECT LOCATION, HISTORY AND DESCRIPTION**

The proposed single-family residence at 177 Shorecliff Road is located on a coastal bluff top lot situated on the seaward side of Shorecliff Road in the community of Shorecliffs in Corona Del Mar (Newport Beach) (Exhibit #1). The lot size is approximately 21,459 square feet and the City of Newport Beach Land Use Plan (LUP) assigns two different land use designations for different portions of the subject site. The base of the bluff and the adjacent beach area is designated Recreational and Environmental Open Space and the area from the base up to the street is designated Single-Family Detached Residential. The project is located within an existing developed urban residential area and the existing house is located at the bluff edge, which is approximately at the 67-foot contour, and the existing pool is located on the bluff top. To the North of the project site is Shorecliff Road. To the East and West of the project site exist single-family residential developments. To the South of the project site is

an undeveloped vegetated bluff, Little Corona Beach and the Pacific Ocean. The project site consists of a quarter-acre level building pad supported above a generally natural coastal bluff face. The overall height of the slope is approximately 50-feet. The slope ratio is variable, with the lower slope near 3.5:1 (horizontal: vertical) and the upper slope near 1.5:1, but overall; the slope is near a 2:1 ratio. In the project area, the lower slope is mantled with an apron of slopewash. At the base of the bluff is a narrow beach area that transitions from sandy beach to rocky beach.

At the January 2006 Commission Hearing, the Commission approved demolition of an existing single-family residence with an attached garage and construction of a new 8,990 square foot, two-story single-family residence plus basement, a 860 square foot 2nd floor deck, a 441 square foot roof deck, a 293 square foot 1st floor one-car garage, and a 2,444 square foot subterranean six-car garage, which is part of the basement level on a coastal bluff top lot. In addition, the applicant had proposed hardscape beyond the bluff edge and a new pool located on the bluff top no further seaward than the bluff edge. Grading would consist of 7,430 cubic yards (3,715 cubic yards of cut, 270 cubic yards of fill and 3,445 cubic yards of export to a location outside of the coastal zone). The foundation of the residence would consist of a combination of deepened footings and retaining walls. As submitted, the proposed development would have encroached to and in some instances beyond the bluff edge. Due to the site-specific information it received regarding the stability of the site, the Commission found that a minimal setback from the bluff face was acceptable, but development seaward of the bluff edge was not acceptable. Thus, the Commission imposed Special Condition No. 2 (see Exhibit #6) requiring that all development on the site must be set back to the bluff edge and not project seaward of the bluff edge.

The proposed project has been redesigned according to Special Condition No. 2, which was imposed by the Commission at the January 2006 Hearing. The applicant has revised the plans accordingly to adhere to the Special Condition No. 2 but has also made changes such as increasing the floor area by 173 square feet resulting in a residence with 9,528 square feet of living space and has also made changes that increase the parking, mechanical and storage areas by 126 square feet resulting in a total 3,212 square feet. More specifically, these new elements consist of the following: 1) a new 792 square foot sub-basement underneath the previously approved basement (i.e. there will be a two-level basement); 2) expansion of a mechanical storage room (basement level) from 344 to 631 square feet; 3) additional cut to accommodate the new sub-basement (from 3,715 cubic yards to 4,380 cubic yards), reduced fill (from 270 cubic yards to 220 cubic yards) and increased export (from 3,445 cubic yards to 4,160 cubic yards); and 4) a change to the foundation system which would also now consist of caissons as well as deepened footings and retaining walls including twelve (12) 24" diameter caissons along the western side yard property line and nine (9) 24" diameter caissons along the eastern side yard property line. As stated previously other changes to the design of the residence are proposed that are largely attributable to changes required by Special Condition No. 2 and include the following: the basement has been reduced to 3,522 square feet to 2,903 square feet; the basement level garage has been reduced from 2,444 square feet to 2,283 square feet; the 1st floor deck has been reduced from 1,401 square feet to 701 square feet.

B. HAZARDS

Section 30253 states in 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.

The proposed amendment consists of significant changes to the single-family residence from the original proposal that was heard at the January 2006 Commission Hearing, including expanded grading and an additional component to the previously proposed foundation system, as described above. To address site-specific geotechnical issues with the proposed residence, the applicant has submitted an update to a previous geotechnical investigation as well as a letter from an engineer discussing the new foundation element: Review of Revised Architectural Plan (Project No. 71486-01/Report No. 06-5771) by Geofirm dated April 5, 2006; and Elieff Structural Narrative by KNA Engineering, Inc. dated April 25, 2006. In order to insure that risks of development are minimized, as per Section 30253, the Commission imposes **SPECIAL CONDITION NO. B**, which modifies previously imposed Special Condition No. 5 to state that the geotechnical consultant's recommendations provided to address the amended project should be incorporated into the design of the project. As a condition of approval the applicants shall submit for the review and approval of the Executive Director foundation plans reviewed and signed by a consulting geologist indicating that the recommendations have been incorporated.

Only as conditioned to incorporate and comply with the recommendations of the applicant's geotechnical consultant is the proposed project consistent with Section 30253 of the Coastal Act.

C. PUBLIC ACCESS

Section 30240 (b) of the Coastal Act states:

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

The project site is a coastal bluff top lot situated on the seaward side of Shorecliff Road, which is the first public road immediately inland of Little Corona Beach. The level beach area of this lot that is located at the base of the bluff (Little Corona Beach) is private to the mean high tide line and is designated Recreational and Environmental Open Space in the City's Land Use Plan (LUP). The part of the beach seaward of the mean high tide line, which would change depending on the tide, is public. The public accessway to Little Corona Beach nearest to the subject site is located at the east end of Ocean Boulevard, approximately one quarter mile to the northwest. Development at this site, if approved, must be sited and designed to be compatible with Section 30240 (b) of the Coastal Act. Section 30240 (b) of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas. As previously conditioned, no portion of the development will be seaward of the bluff edge and this will not change with the proposed amendment. In

addition, the proposed amendment will still result in the site remaining as a single-family residence that would provide more than adequate parking based on the Commission's regularly used parking standard of two (2) parking spaces per individual dwelling unit. Therefore, the project, as conditioned, has been designed to prevent impacts that would significantly degrade the surrounding areas.

Therefore, the Commission finds that the proposed development would be consistent with Section 30240(b) of the Coastal Act regarding the continuance of public recreation areas.

D. 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 that 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. The certified LUP was updated on January 9, 1990 and it was also significantly updated in October 2005. Because Newport Beach has only a certified Land Use Plan the standard of review for development remains Chapter 3 of the Coastal Act. The certified LUP is used as guidance. Since the City only has an LUP, the policies of the LUP are used only as guidance. The recently updated (October 2005) Newport Beach LUP includes the following policies that relate to development at the subject site:

Require all new blufftop development located on a bluff subject to marine erosion to be sited in accordance with the predominant line of existing development in the subject area, but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.

On bluffs subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with the predominant line of existing development in the subject area, but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.

The originally proposed project was submitted in December 2004, which was prior to the adoption of the recently updated LUP. The certified LUP that was updated on January 9, 1990 did not require a specific 25-foot setback from the bluff edge.

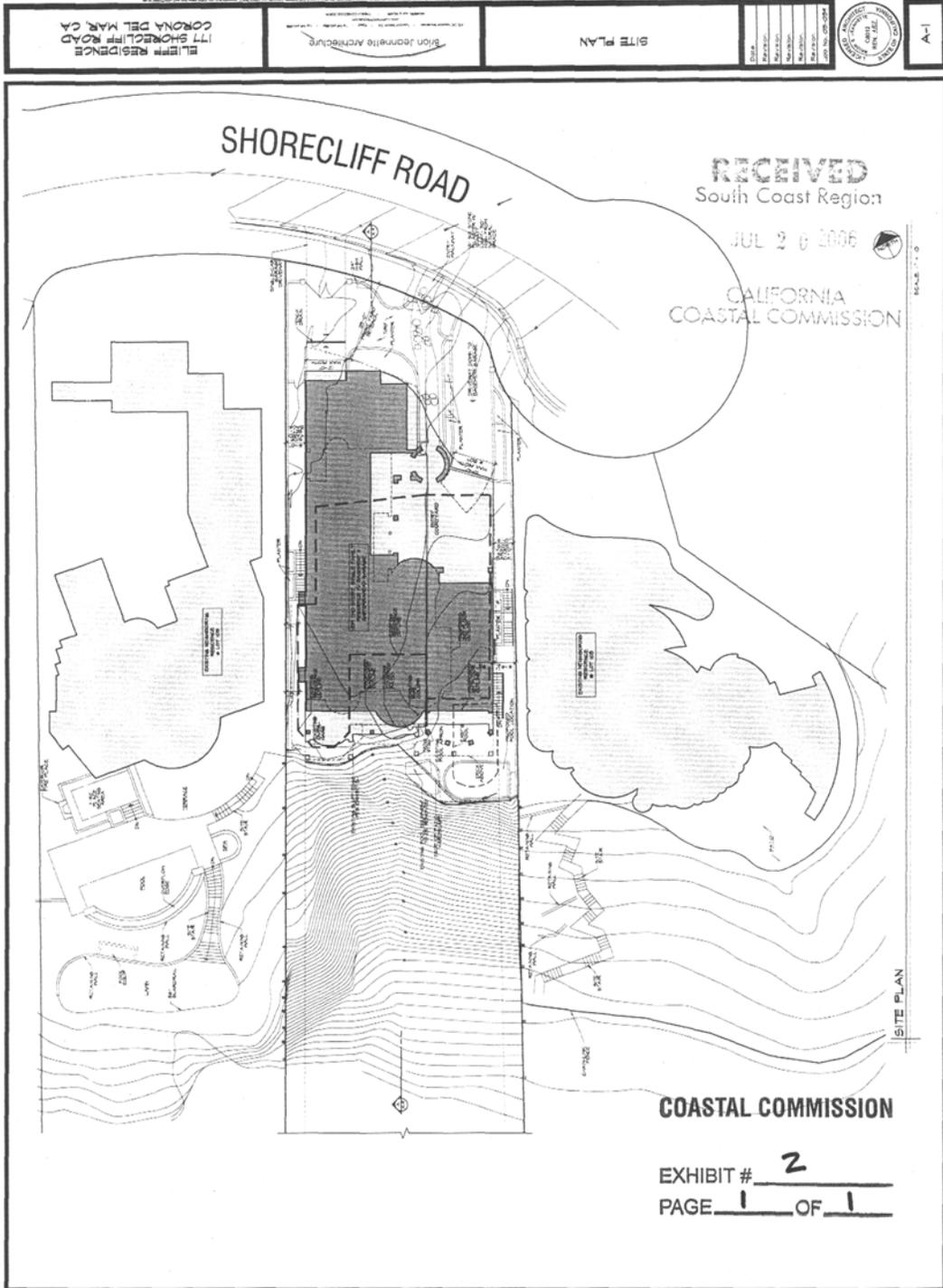
However, the grading proposed remains limited with the amended project and therefore no extensive landform alteration will take place. As per the LUP requirements, an assumption of risk special condition was and still is required pursuant to Special Condition A of the amendment, among other conditions that apply equally to the proposed amended project which address no future shoreline protective devices, drainage, hazards related to pools and spas, future development, and landscaping. In addition, an update to the comprehensive geological investigation was supplied with the proposed amendment application. Therefore, the proposed development is consistent with the guidance as provided by certified LUP policies.

The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

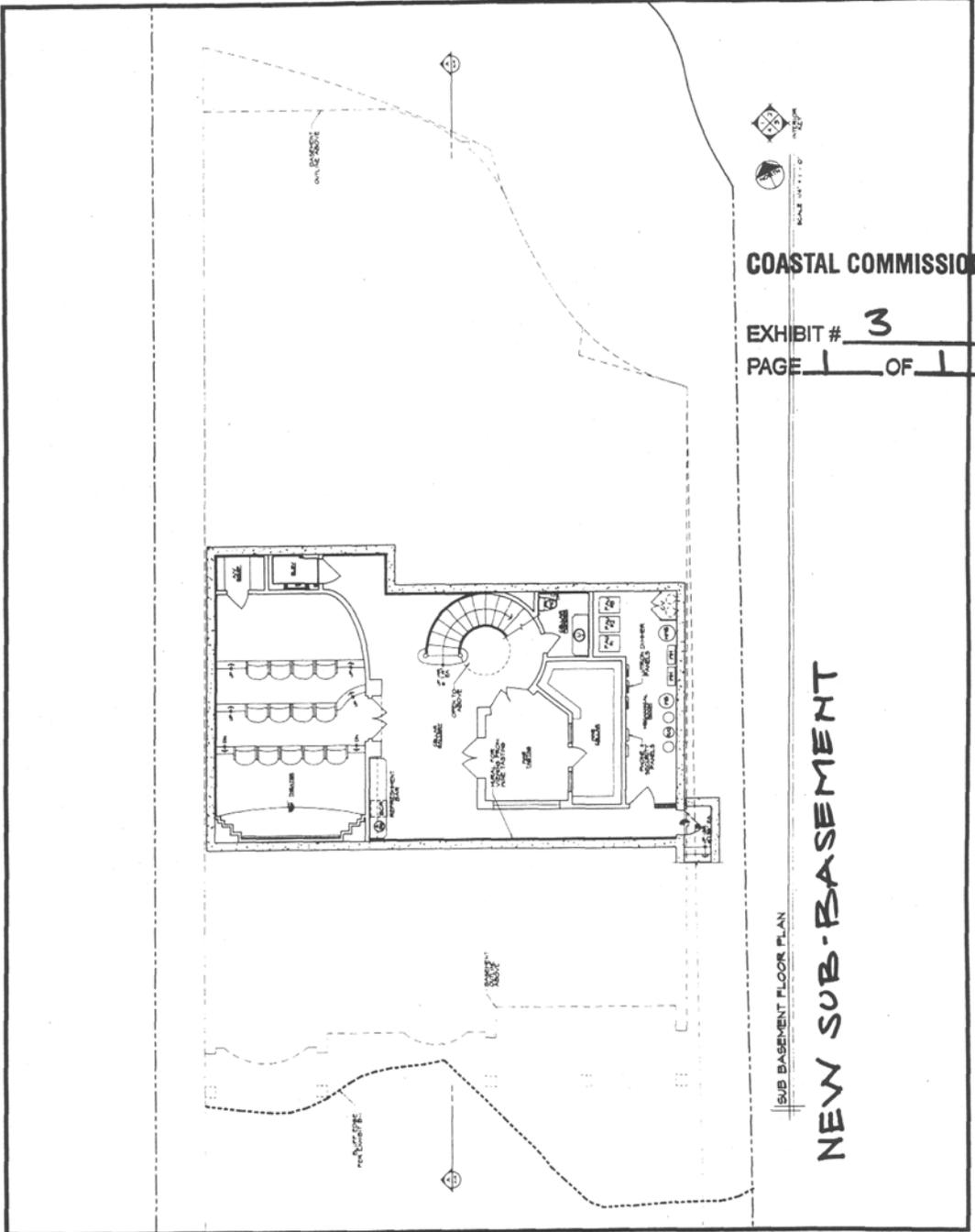
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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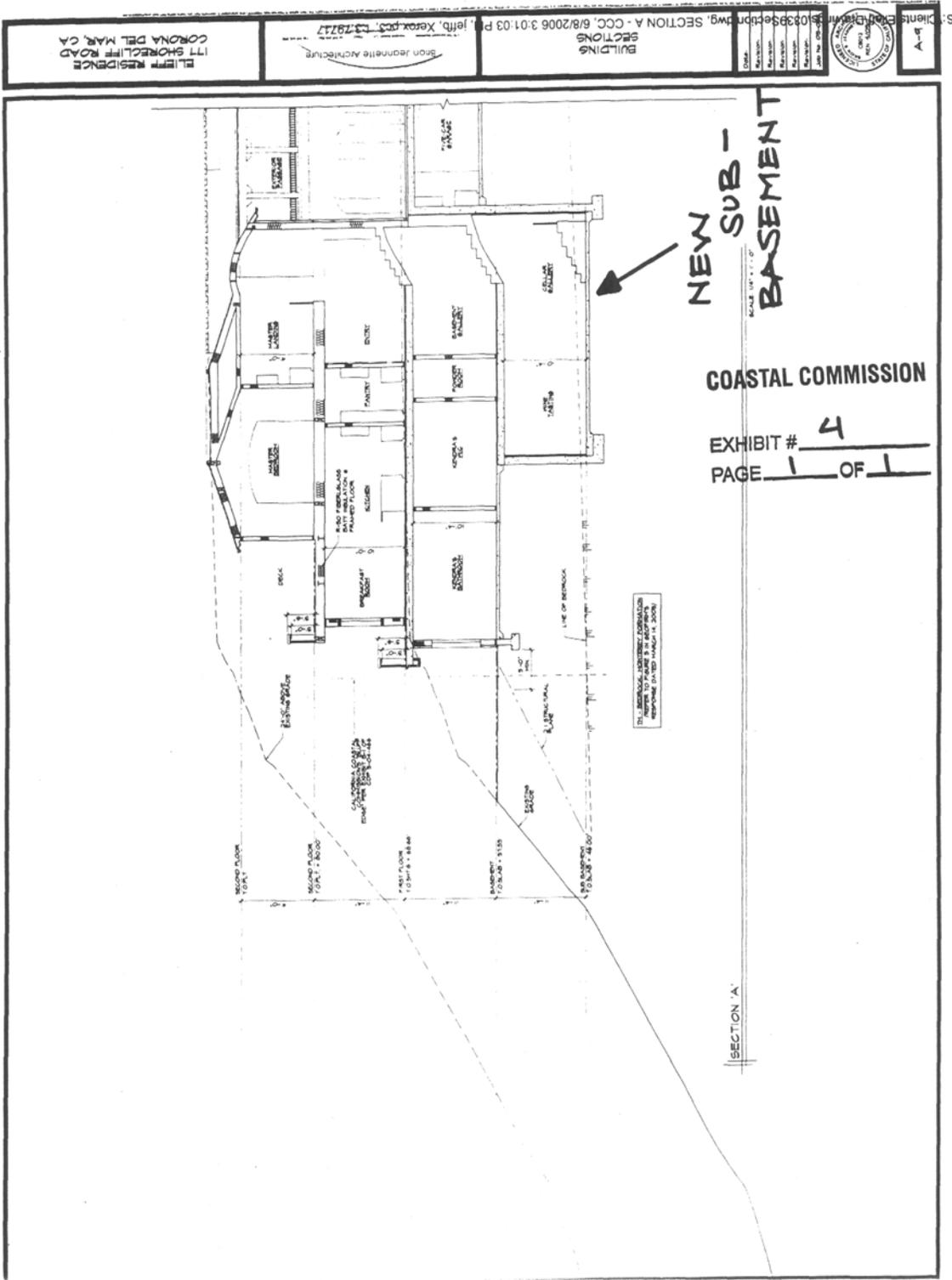


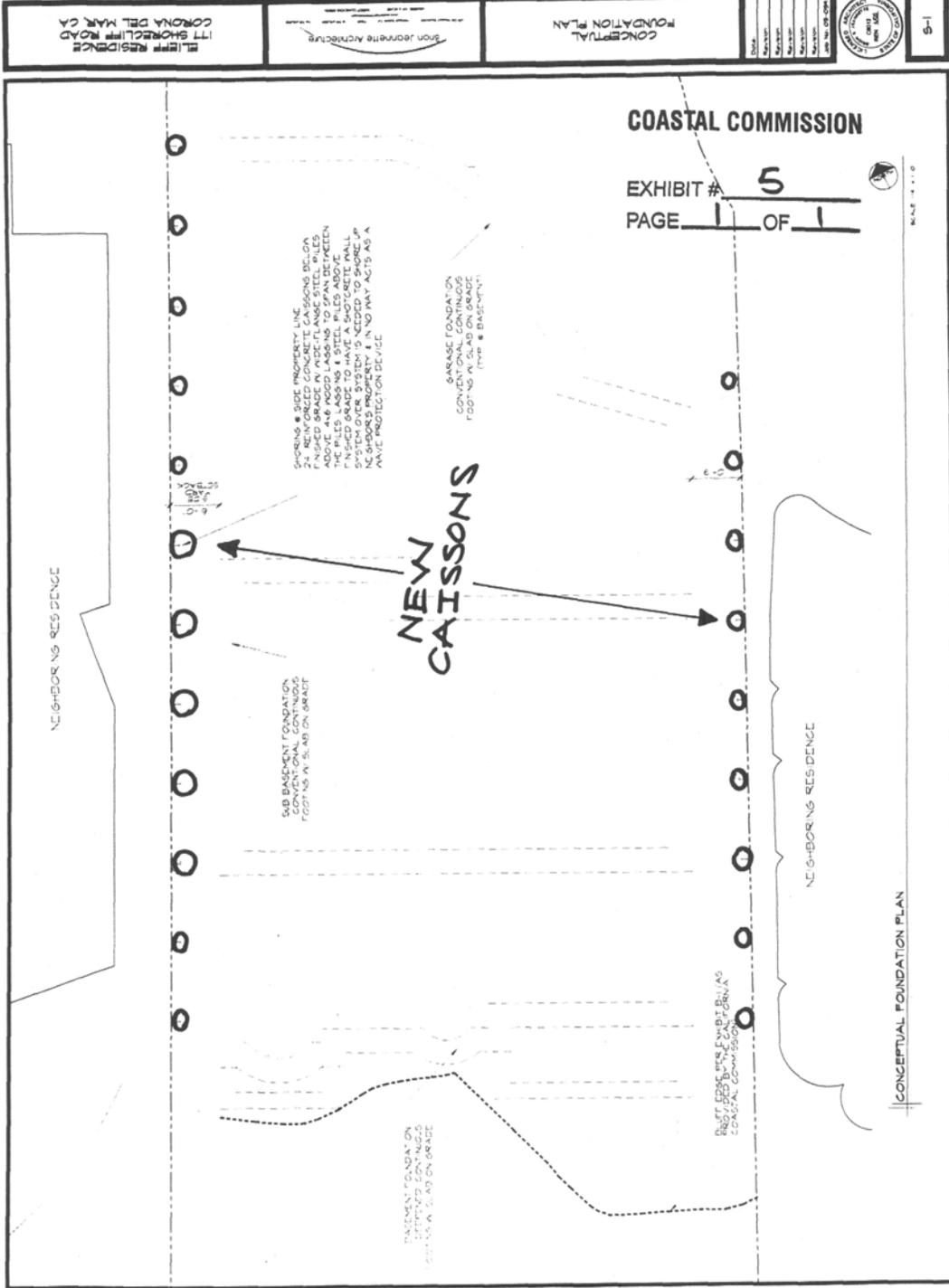
COASTAL COMMISSION

EXHIBIT # 3

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SUB BASEMENT FLOOR PLAN
NEW SUB-BASEMENT





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CALIFORNIA COASTAL COMMISSION

South Coast District Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416
(562) 590-5071

Date: February 2, 2006
Permit Application No.: 5-04-466
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NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On **January 11, 2006**, the California Coastal Commission approved Coastal Development Permit No. **5-04-466**, requested by **4627 Camden, L.L.C., Attn: Bruce & Kathy Elieff** subject to the attached conditions, for development consisting of: **Demolition and construction of a new 8,990 square foot, two-story plus basement single-family residence with a 293 square foot 1st floor one-car garage and a 2,444 square foot subterranean six-car garage on a coastal bluff top lot. In addition, hardscape and a new pool are proposed. The foundation of the residence will consist of a combination of deepened footings and retaining walls. Grading will consist of 7,430 cubic yards.** More specifically described in the application file in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone in **177 Shorecliff Road, Corona Del Mar (Orange County) 052-210-21.**

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EXHIBIT # 6
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NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)
Date: February 2, 2006
Permit Application No.: 5-04-466

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If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 5-04-466, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER M. DOUGLAS
Executive Director



By: Fernie J. Sy
Coastal Program Analyst
Date: February 2, 2006

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date

Permittee

Please sign and return one copy of this form to the Commission office at the above address.

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 on which the Commission voted on the application. 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.

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(Upon satisfaction of special conditions)

Date: February 2, 2006

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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.

SPECIAL CONDITIONS:

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

1. **Assumption of Risk, Waiver of Liability and Indemnify**

By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides and wave uprush; (ii) to assume the risks to the applicants 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.

2. **Revised Project Plans**

A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of revised project plans. The revised plans shall demonstrate the following:

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(Upon satisfaction of special conditions)

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That no portion of the proposed residence, basement, deck, roofline, stairs or any other principal or accessory development extend seaward of the bluff edge as determined by the Commission's staff geologist and shown on Exhibit B-1, which is attached with this Notice of Intent To Issue Permit.

- B. 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 to this coastal development permit unless the Executive Director determines that no amendment is required.

3. No Future Bluff or Shoreline Protective Device

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-04-466 including, but not limited to, the residence and hardscape and any future improvements, in the event that the development is threatened with damage or destruction from bluff and slope instability, erosion, landslides, wave uprush or other natural hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the residence and hardscape, if any government agency has ordered that the structure(s) is/are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

4. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-04-466. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30235 shall apply.

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EXHIBIT # 6
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NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

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30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-04-466. Accordingly, any future improvements to the single-family house authorized by this permit, including but not limited to improvements to the residence, hardscape, change in use from a permanent residential unit and 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. 5-04-466 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Conformance with Geotechnical Recommendations

- A.** All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with the setback requirements identified in Special Condition 2 of this permit and all recommendations contained in the geologic engineering investigations: *Preliminary Geotechnical Investigation for New Single Family Residence, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5376*), prepared by Geo Firm dated August 17, 2004, *Response to California Coastal Commission Notice of Incomplete Application dated January 7, 2005, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5499r*), Permit Application 5-04-466, prepared by Geo Firm dated March 14, 2005, *Letter from KNA Engineering, Inc. to Brion Jeanette Architecture dated March 29, 2005*; and *Letter from Geo Firm to Brion Jeannette Architecture dated March 31, 2005*.
- 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 engineering report.
- 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.

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6. **Drainage and Runoff Control Plan**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of final drainage and run-off control plans. The drainage and runoff control plan shall show that all roof drainage, including roof gutters and collection drains, and sub-drain systems for all landscape and hardscape improvements for the residence and all yard areas, shall be collected on site for discharge to the street through piping without allowing water to percolate into the ground.
- B. The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. The applicants shall maintain the functionality of the approved drainage and runoff control plan to assure that water is collected and discharged to the street without percolating into the ground.

7. **Pool and Spa Protection Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for review and approval of the Executive Director, two (2) full size sets of final pool and spa protection plans prepared by an appropriately licensed professional that incorporates mitigation of the potential for geologic instability caused by leakage from the proposed pool and spa. The final pool and spa protection plan shall incorporate and identify on the plans the follow measures, at a minimum: 1) installation of a pool leak detection system such as, but not limited to, leak detection system/moisture sensor with alarm and/or a separate water meter for the pool and spa which are separate from the water meter for the house to allow for the monitoring of water usage for the pool and spa, and 2) use of materials and pool design features, such as but not limited to double linings, plastic linings or specially treated cement, to be used to waterproof the undersides of the pool and spa to prevent leakage, along with information regarding the past and/or anticipated success of these materials in preventing leakage; and where feasible 3) installation of a sub drain or other equivalent drainage system under the pool and spa that conveys any water leakage to an appropriate drainage of the street. applicants shall comply with the final pool plan approved by the Executive Director.

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8. Landscaping Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans prepared by an appropriately licensed professional which demonstrates the following:

(1) The plan shall demonstrate that:

- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
- (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (c) Landscaped areas not occupied by hardscape shall be planted and maintained for slope stability and erosion control. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping shall consist of native and/or drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet the above requirements shall be removed.
- (d) No permanent irrigation system shall be allowed within the property. Any existing in-ground irrigation systems shall be disconnected and capped. Temporary above ground irrigation to allow the establishment of the plantings is allowed. The landscaping plan shall show all the existing vegetation and any existing irrigation system.

(2) The plan shall include, at a minimum, the following components:

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- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- 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.
9. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

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