

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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W 5b

Filed:	December 2, 2005
49th Day:	January 20, 2006
180th Day:	May 31, 2006
Staff:	Fernie Sy-LB
Staff Report:	April 20, 2006
Hearing Date:	May 10-12, 2006
Commission Action:	

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-05-172

APPLICANTS Cyrus & Titza Tabaz

AGENT: Brion Jeannette Architecture

PROJECT LOCATION: 2209 Bayside Drive, City of Newport Beach (Corona Del Mar),
County of Orange

PROJECT DESCRIPTION: Division of a vacant lot fronting Newport Bay into two (2) separate parcels. In addition, one (1) single-family residence will be constructed on each lot (a 9,149 square foot, two-story with a basement single-family residence with a 2,297 square foot subterranean six-car garage and an 8,750 square foot, two-story with a basement single-family residence with a 2,468 square foot subterranean six-car garage). Grading will consist of 521 cubic yards of export to a location outside of the coastal zone.

LOCAL APPROVALS RECEIVED: City of Newport Beach Parcel Map Approval (1161-2005) dated May 3, 2005; City of Newport Beach Approval-In-Concept (No. 1533-2005) dated July 27, 2005; and City of Newport Beach Approval-In-Concept (No. 1255-2005) dated June 29, 2005.

SUMMARY OF STAFF RECOMMENDATION:

The subject site is a bayfront (Newport Bay) lot located between the first public road and the sea in Corona Del Mar (Newport Beach). The primary issues addressed in this staff report are the conformance of the proposed development with the visual and hazard policies of the Coastal Act.

Staff is recommending **APPROVAL** of the proposed project with **Seven (7) Special Conditions** regarding: **1)** submittal of Revised Final Project Plans; **2)** construction responsibilities and debris removal; **3)** assumption of risk; **4)** no future shoreline protective devices; **5)** additional approvals for any future development; **6)** evidence of conformance with geotechnical recommendations; and **7)** a Deed Restriction against the property, referencing all of the Special Conditions contained in this Staff Report.

The applicants have agreed to submit Revised Final Project Plans that demonstrate that the proposed project has been modified to conform to the "structural stringline" and to the "deck stringline" and that no development encroaches bayward of the +8.4 foot MLLW contour line, which

are generally depicted on Exhibit # 6 of this staff report. However, no plans incorporating these revisions have yet been received.

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 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 is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; Letter to Brion Jeannette Architecture from Commission staff dated June 2, 2005; *Coastal Hazard Discussion and Wave Runup Study, 2209 Bayside Drive, Newport Beach, CA* prepared by Geosoils Inc. dated July, 2005; Letter to Commission staff from Brion Jeannette Architecture dated August 2, 2005; Letter to Brion Jeannette Architecture from Commission staff dated August 25, 2005; Letter to Brion Jeannette Architecture from Commission staff dated September 1, 2005; Letter to Commission staff from Brion Jeannette Architecture dated September 8, 2005; Letter to Commission staff from Brion Jeannette Architecture dated September 12, 2005; Letter to Commission staff from Brion Jeannette Architecture dated September 20, 2005; Letter to Brion Jeannette Architecture from Commission staff dated October 13, 2005; Letter from Brion Jeannette Architecture to Commission staff dated December 1, 2005; Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements, Order No. R8-2004-0021, NPDES No. CAG998002 dated May 31, 2005; *Preliminary Geotechnical Investigation For Foundation Design (Project No. 71566-00/Report No. 05-5590)* prepared by Geofirm dated July 18, 2005; and *Preliminary Geotechnical Investigation For Foundation Design (Project No. 71567-00/Report No. 05-5591)* prepared by Geofirm dated July 20, 2005.

LIST OF EXHIBITS

1. Location Map
2. Assessor's Parcel Map
3. Proposed Parcel Map
4. Site Plan for residence located on Parcel No. 1
5. Site Plan for residence located on Parcel No. 2
6. Stringline Plan

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

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

III. SPECIAL CONDITIONS

1. REVISED FINAL PROJECT PLANS

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit, for the Executive Director's review and approval, two (2) full size sets of Revised Final Project Plans (i.e. site plan, floor plans, elevations, cross-sections, drainage, grading, foundation, etc. The final plans shall demonstrate that the proposed project has been modified to conform to the "structural stringline" and to the "deck stringline" and that no development encroaches bayward of the +8.4 feet MLLW contour line, which are generally depicted on Exhibit # 6 of this staff

report. Enclosed living space, including but not limited to the basement, 1st floor, 2nd floor or any enclosed storage area are subject to the structural stringline. Patios, pools, decks etc. are subject to the deck stringline. Roof drainage and runoff from all impervious areas shall be directed to dry wells or vegetated/landscaped areas. Vegetated landscaped areas 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 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.

2. **CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL**

The permittee shall comply with the following construction-related requirements:

- A. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity shall be implemented prior to the on-set of such activity;
- B. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- C. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- D. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- E. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- F. A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- G. All BMPs shall be maintained in a functional condition throughout the duration of the project;
- H. Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required.

3. 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 erosion, flooding 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.

4. NO FUTURE SHORELINE PROTECTIVE DEVICES

A(1). By acceptance of this Permit, the applicant agrees, on behalf of themselves and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-05-172 including, but not limited to, the residence in the event that the development is threatened with damage or destruction from waves, erosion, flooding, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

A(2). By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this Permit, including the residence, if any government agency has ordered that the structures 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 landowners 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.

5. FUTURE DEVELOPMENT

This permit is only for the development described in coastal development permit No. 5-05-172. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (a) shall not apply to the development governed by the coastal development permit No. 5-05-172. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to 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. 5-05-172 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering investigations: *Preliminary Geotechnical Investigation For Foundation Design (Project No. 71566-00/Report No. 05-5590)* prepared by Geofirm dated July 18, 2005; and *Preliminary Geotechnical Investigation For Foundation Design (Project No. 71567-00/Report No. 05-5591)* prepared by Geofirm dated July 20, 2005. The submitted geotechnical investigations state that the proposed residence foundation will consist of retaining walls and a mat foundation.
- 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.

7. **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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION, DESCRIPTION AND PREVIOUS PERMITS ONSITE

1. Project Location and Description

The subject site is located at 2209 Bayside Drive within the City of Newport Beach, Orange County (Exhibits #1-2). The lot size is 25,202 square feet and the City of Newport Beach Land Use Plan (LUP) designates use of the site for Low Density Residential and the proposed project adheres to this designation. The project is located within an existing developed urban residential area. To the North of the project site is Bayside Drive. To the East and West of the project site exist bulkheaded single-family residential developments. To the South of the project site is a private beach and Newport Bay. The project site is located at the southernmost portion of Newport Bay near the bay entrance. The bay entrance is protected by the east and west jetties.

The applicants are proposing to divide a 25,202 square foot vacant lot fronting Newport Bay into two (2) separate parcels (Exhibit # 3) and construct a single-family residence on each lot. The northern parcel (Parcel No.1) will consist of 12, 411 square feet and a 24-foot high, two-story with a basement, 9,149 square foot single-family residence with a 2,297 square foot subterranean six-car garage (Exhibit #4). The southern parcel (Parcel No. 2) will consist of 12,784 square feet and a 24-foot high, two-story with a basement, 8,750 square foot single-family residence with a 2,468 square foot subterranean six-car garage (Exhibit #5). Landscape and hardscape work will also take place on both lots and a pool will also be located on each lot. Total grading will consist of 521 cubic yards of export to a location outside of the coastal zone.

The two new lots meet the City of Newport Beach's minimum lot size requirement of 5,000 square feet with a minimum lot width of 50-feet as cited in the City of Newport Beach Municipal Code.

There is an existing dock and pier located on site that will be connected to the residence to be located on Parcel No. 2 with the proposed project. No change to the existing dock or pier is proposed with the submitted application.

To analyze the suitability of the site for the proposed development relative to potential wave hazards, the applicants have submitted *Coastal Hazard Discussion and Wave Runup Study, 2209 Bayside Drive, Newport Beach, CA* prepared by Geosoils Inc. dated July, 2005. The study states the shoreline in the area is primarily armored by concrete, steel sheet pile and or bulkhead seawalls and that the local beach is not subject to the typical winter/summer beach width changes as occurs on the open coast. Also, analysis of the aerial photographs from 1970-2004 show little if any retreat in the position of the shoreline over the last several decades. Furthermore, the study states that the beach fronting the site is relatively stable over the long term. There is "slow" erosion on site; however, the slow erosion trend is offset by the periodic dredging and nourishment activities to provide adequate depths for vessels moored to private docks located in this area. Additionally, the study states the following in regards to flooding hazards: "*Allowing for a 0.75 feet rise in sea level over the next 75 to 100 years, the mean higher high water will be at +6.16 feet MLLW. The highest observed water elevation was on January 28, 1983 during the severe El Nino winter. This elevation was +7.67 feet MLLW. If a sea level rise of 0.75 feet is added to this*

elevation, it is less than +8.4 feet MLLW. This would be considered in excess of a 100 year recurrence interval water level.” Thus, the highest potential water elevation is +8.4 feet MLLW. The finished floor of the proposed residences is above +10-feet MLLW. In addition, the most seaward portions of the proposed development on both lots would not extend bayward of the +8.4 feet MLLW line (however, the residence located on Parcel No. 2 would exceed the structural and accessory stringline, which will be discussed later). Thus, development located on both of the lots would not be located within the intertidal area, which is bayward of the +8.4 feet MLLW line and would not result in fill of open coastal waters. Ultimately, this study concludes: “...provided that the recommendations provided herein are implemented, flooding, erosion and wave runup will not significantly impact the proposed improvements over their lifetime (75 years). The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no additional recommendations necessary for erosion, ocean flooding or wave runup protection. It is unlikely that shore protection in the form of a seawall will be necessary in the future to protect the proposed structures.”

Seaward encroachment of new development can often have adverse impacts on a variety of coastal resources. The seaward encroachment of structures can have adverse visual impacts. In addition, the seaward encroachment of structures can increase the hazards to which the new development will be subjected (the hazard and access issues are discussed elsewhere in these findings). Therefore, the Commission has often used either 1) City-required setbacks from the seaward property line; or 2) a string line evaluation. If a stringline is used, two types of string lines are applied to evaluate a proposed project—a structural string line and a deck string line. A structural string line refers to the line drawn between the *nearest* adjacent corners of the adjacent structures on either side of the subject site. Similarly, a deck string line refers to the line drawn between the nearest adjacent corners of adjacent decks on either side of the subject site. Setbacks and string lines are applied to limit new development from being built any farther seaward than existing adjacent development. If not properly regulated the continued seaward encroachment of development can have a significant cumulative adverse impact on coastal resources.

The plans submitted by the applicant show that the project conforms to the 5-foot rear property line setback required by City zoning, but conformance to the City required setback does not address the potential impacts that the seaward encroaching development will have on the project site, as development in this area is generally set back much farther than the generally-applicable City setback would require.

The applicants have submitted a Stringline Plan (Exhibit #6). The residence and decks located on Parcel No. 1 are located behind the stringlines. However, the residence and decks located on Parcel No. 2 exceed the structural and deck stringlines. Therefore, **Special Condition No. 1** has been imposed, which requires submittal of Revised Final Project Plans. These plans shall demonstrate that the proposed project has been modified to conform to the “structural stringline” and to the “deck stringline” and that no development encroaches bayward of the +8.4 feet MLLW contour line. Enclosed living space, including but not limited to the basement, 1st floor, 2nd floor or any enclosed storage area are subject to the structural stringline and are not allowed extend past the structural stringline. Patios, pools, decks etc. are subject to the deck stringline and are not allowed to extend past the deck stringline.

Dewatering is anticipated with construction of the proposed project. Thus, the applicants have obtained approval from the Regional Water Quality Control Board (RWQCB).

The submitted geotechnical investigations state that the proposed residences will consist of retaining walls and a mat foundation. However, no Foundation Plans for the new residence or pool have been submitted. Therefore, **Special Condition No. 1** has been imposed, which requires submittal of Revised Final Project Plans, including Foundation Plans that reflect use of a conventional foundation system.

The applicants have submitted a Drainage and Run-Off Control Plan that shows how the on site roof and surface runoff will be directed to permeable areas. However, since the project plans must be revised to adequately conform with stringline, changes to the Drainage and Runoff Control Plan may occur. Therefore, **Special Condition No. 1** has been imposed, which requires submittal of revised Final Project Plans, including Drainage and Runoff Control Plans that reflect on site roof and surface runoff directed to permeable areas use of permeable areas.

The proposed development is located at the southernmost portion of Newport Bay. There is no public access across the site. There are several opportunities for public access to the coast located near the proposed development. Bayside Drive County Beach is accessible via the Harbor Master Coast Guard facility located about a half mile to the northwest of the proposed development. This area also allows the launching of small boats by the public. In addition, upon completion of the project, the development consists of two single-family residences on two separate lots. Each residence would provide adequate parking based on the Commission's regularly used parking standard of two (2) parking spaces per individual dwelling unit.

2. Previous Permits Onsite

a. De-Minimis Waiver No. 5-88-632-(Burnett)

On March 1989, the Commission concurred with De-Minimis Waiver No. 5-88-632-(Burnett) for the demolition of an existing single-family residence and construction of a new 9,565 square foot, two-story, 29-foot high, single-family residence on a bayfront lot with eight (8) parking spaces.

Since the subject site is presently vacant, it appears the recipient of this waiver carried out the demolition of the house, but never constructed the approved house.

b. De-Minimis Waiver No. 5-89-417-(Burnett)

On July 1989, the Commission concurred with De-Minimis Waiver No. 5-89-417-(Burnett) for the relocation of an existing pier 76-feet to the west, demolition of an existing dock and construction of a new dock in a new location.

c. De-Minimis Waiver No. 5-93-039-(Burnett)

On March 1993, the Commission concurred with De-Minimis Waiver No. 5-93-039-(Burnett) for the construction of a new single finger boat slip consisting of a 4-foot x 135-foot pier, a 10-foot x 14-foot pier platform, a 3-foot x 22-foot gangway and a 10-foot x 50-foot float.

d. Coastal Development Permit No. 5-93-090-(Burnett & Hillyard)

On May 1993, the Commission approved Coastal Development Permit No. 5-93-090-(Burnett & Hillyard) for the subdivision of an existing single-family lot into two single-family lots residential lots. The permit was issued on May 19, 1993, but the permit lapsed.

e. Temporary Event Exclusion No. 5-05-027-X-(First Team Real Estate)

On March 2005, the Executive Director of the Commission issued Temporary Event Exclusion No. 5-05-027-X-(First Team Real Estate) for installation of a temporary dock structure connected to the existing dock on site to accommodate up to 8 racing sailboats in association with a non-profit event.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development, which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

D. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

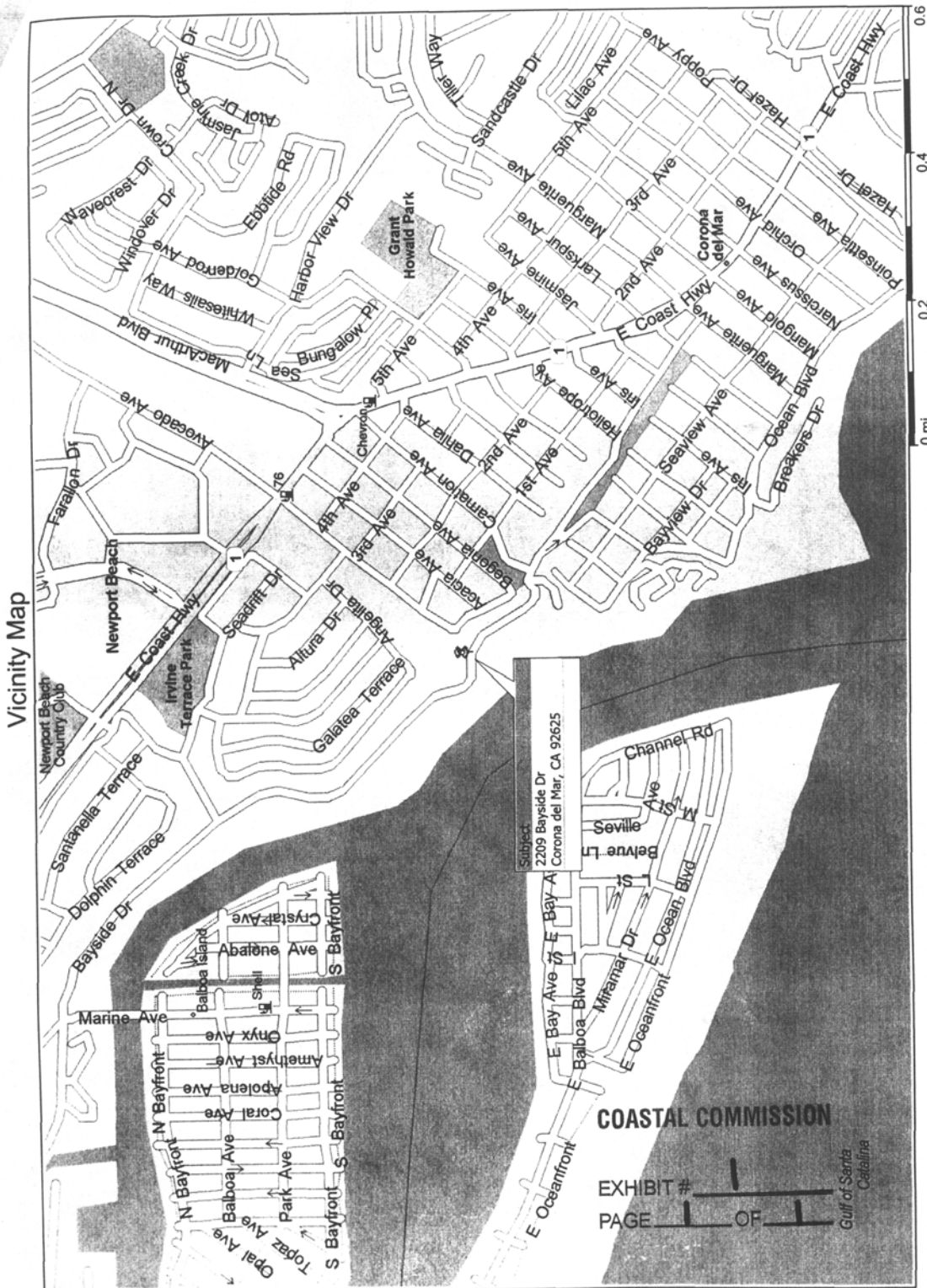
The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act

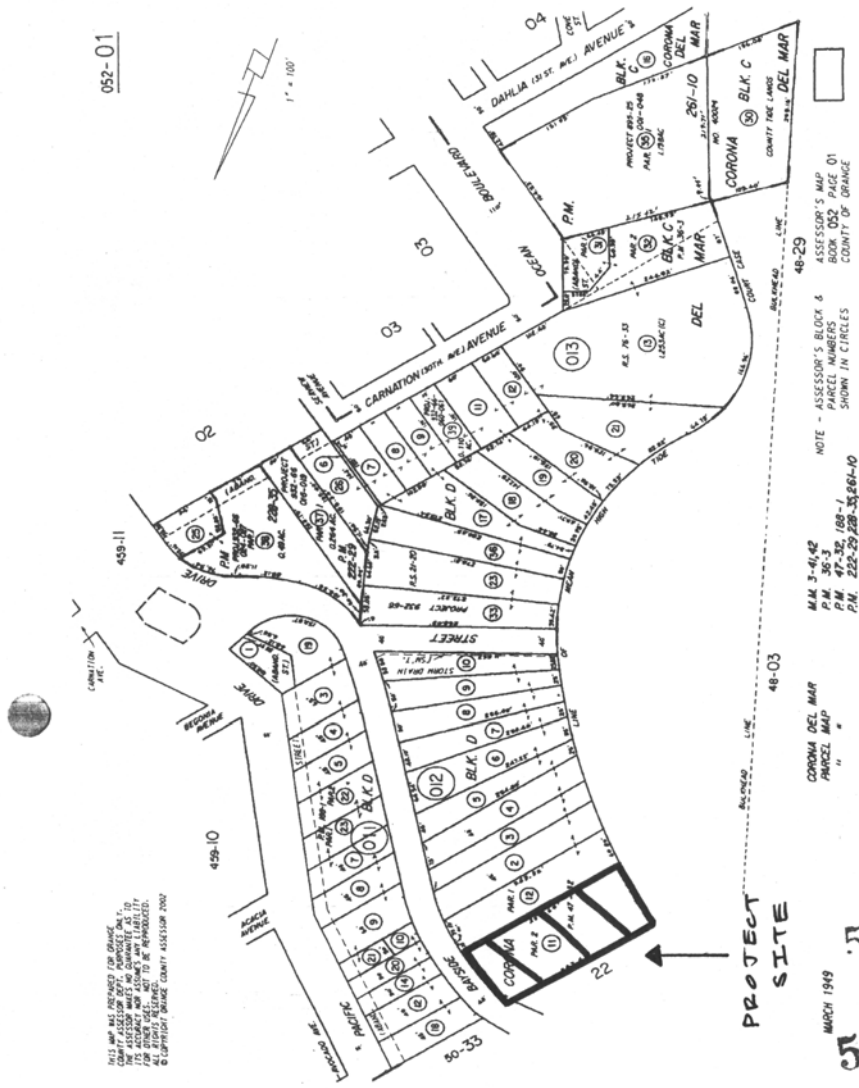
F. LOCAL COASTAL PROGRAM

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. As conditioned, the proposed development 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.

G. 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.





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

M.M. 3-41,42
 P.M. 36-3, 108-1
 P.M. 222-29, 228-35, 264-10

ASSESSOR'S MAP
 BOOK 002 PAGE 01
 COUNTY OF ORANGE

5-05-172
 5-05-172

RECEIVED
 South Coast Region

MAY 5 - 2005

CALIFORNIA
 COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 1 OF 1

THIS MAP WAS PREPARED FOR ORANGE COUNTY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. ALL RIGHTS RESERVED. ORANGE COUNTY 4551508 2002

SHEET 2 OF 2 SHEETS
0.579 ACRES
ALL OF T.P.M. 92-200
2 PARCELS

PARCEL MAP NO. 2005-

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA,
BEING A SUBDIVISION OF PARCEL 2 OF PARCEL MAP BOOK 47, PAGE 32,
IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CA
DATE OF SURVEY: JANUARY, 2005 RON MIEDEMA L.S. 4653



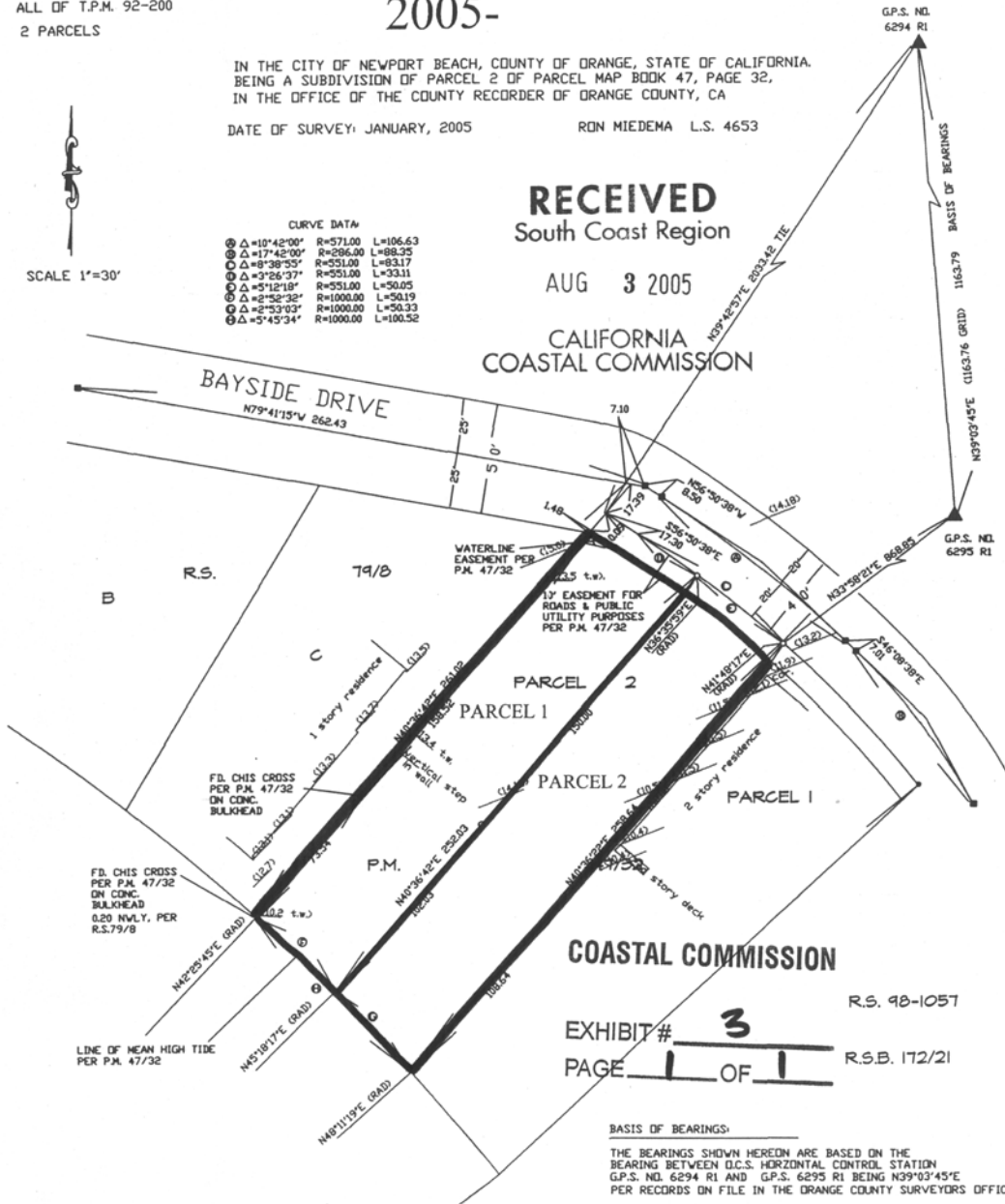
CURVE DATA

① Δ=10°42'00"	R=571.00	L=106.63
② Δ=17°42'00"	R=296.00	L=88.25
③ Δ=8°38'55"	R=551.00	L=83.17
④ Δ=3°26'37"	R=551.00	L=33.11
⑤ Δ=5°12'18"	R=551.00	L=50.05
⑥ Δ=2°52'32"	R=1000.00	L=50.19
⑦ Δ=2°53'03"	R=1000.00	L=50.33
⑧ Δ=5°45'34"	R=1000.00	L=100.52

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AUG 3 2005

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EXHIBIT # **3**
PAGE **1** OF **1**

R.S. 98-1057

R.S.B. 172/21

MONUMENT NOTES

- ▲ INDICATES FOUND ORANGE COUNTY SURVEYOR'S HORIZONTAL CONTROL MONUMENT.
 - FOUND S&W TAGGED L.S. 5644, PER R.S. 98-1057 R.S.B. 172/21.
 - INDICATES SET 1" I.P., S&W OR L&T TAGGED L.S. 4653
- NOTE: DISTANCES AS SHOWN FOR PARCEL 2, PARCEL MAP 47/32 ARE MEASURED AND RECORDED.

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION G.P.S. NO. 6294 R1 AND G.P.S. 6295 R1 BEING N39°03'45"E PER RECORDS ON FILE IN THE ORANGE COUNTY SURVEYOR'S OFFICE.

DATUM STATEMENT:

COORDINATES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS 83), ZONE VI, 1983 NAD (1991.35 EPOCH CCS GPS ADJUSTMENT)
ALL DISTANCES SHOWN ARE GROUND, UNLESS OTHERWISE NOTED.
TO OBTAIN GRID DISTANCE MULTIPLY GROUND DISTANCE BY 0.9999966203

G P S NUMBER	NORTHING	EASTING
6294 R1	2,167,860.290	6,066,645.531
6295 R1	2,166,956.683	6,065,912.169

G.P.S. NO.6294 R1
FD SPIKE & DCS WASHER STAMPED GPS 6294 R1
PER RECORDS ON FILE IN THE ORANGE COUNTY SURVEYOR'S OFFICE.

G.P.S. NO.6295 R1
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