

**CALIFORNIA COASTAL COMMISSION**

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

**W 5d**

Filed:	December 22, 2005
49th Day:	February 9, 2006
180th Day:	June 20, 2006
Staff:	Fernie Sy-LB
Staff Report:	April 26, 2006
Hearing Date:	May 10-12, 2006
Commission Action:	

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-05-442

**APPLICANTS** Robert & Lori Warmington

**AGENT:** DB Neish, Inc.

**PROJECT LOCATION:** 157 Shorecliff Road, City of Newport Beach (Corona Del Mar),  
County of Orange

**PROJECT DESCRIPTION:** Demolition of an existing single-family residence and construction of a three-level, 10,244 square foot single-family residence with an attached 721 square foot three-car garage on a coastal bluff top lot. Grading will consist of 600 cubic yards of cut, 350 cubic yards of fill and 250 cubic yards of export to a location outside of the coastal zone.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval-In-Concept (No. 2166-2005) dated September 13, 2005.

---

**SUMMARY OF STAFF RECOMMENDATION:**

The subject site is a coastal bluff top 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 geologic hazard policies of the Coastal Act.

Staff is recommending **APPROVAL** of the proposed project with **Nine (9) Special Conditions** regarding: **1)** assumption of risk; **2)** no future shoreline or blufftop protective devices; **3)** additional approvals for any future development; **4)** submittal of Final Project Plans; **5)** evidence of conformance with geotechnical recommendations; **6)** conformance with the Pool Protection Plan; **7)** conformance with the Drainage and Run-off Control Plan; **8)** submittal of a Revised Landscaping Plan; and **9)** a Deed Restriction against the property, referencing all of the Special Conditions contained in this Staff Report.

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 from Commission staff to DB Neish, Inc. dated November 30, 2005; Letter from Warmington Land Company to Commission staff dated December 21, 2005; *Geotechnical Investigation (Job No. 2452)* prepared by Coleman Geotechnical dated May 1, 2005; *Slope Stability and Bluff Erosion Rates* prepared by Coleman Geotechnical dated July 7, 2005; and Letter from Coleman Geotechnical to Warmington Land Company, Inc. dated December 20, 2005.

**LIST OF EXHIBITS**

1. Location Map
  2. Assessor's Parcel Map
  3. Floor Plans
  4. Elevations
  5. Grading 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. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNIFY

- A. 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. NO FUTURE SHORELINE/BLUFF PROTECTIVE DEVICES

- A(1). By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no shoreline/bluff protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-05-442 including, but not limited to, the residence, and any future improvements, in the event that the development is threatened with damage or destruction from bluff and slope instability, landslides, waves, erosion, storm conditions 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.

- A(2).** 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 house, garage, foundations, pool and patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that 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.

**3. FUTURE DEVELOPMENT**

- A.** This permit is only for the development described in Coastal Development Permit No. 5-05-442. 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 Coastal Development Permit No. 5-05-442. Accordingly, any future improvements to the single-family residence and appurtenances authorized by this permit, including a 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. 5-05-442 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**4. 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 Final Project Plans (i.e. site plan, floor plans, elevations, cross-sections, grading, foundation, etc.). These final project plans shall substantially conform to the preliminary plans received December 22, 2005 and show that the enclosed living space and any major accessory structures that require structural foundations, such as but not limited to, pools shall be set back a minimum of 25-feet from the bluff edge and that proposed accessory development that doesn't require a structural foundation (e.g. decks, patios, walkways) shall be set back a minimum of 10-feet from the bluff edge. Furthermore, no form of development (including but not limited to grading, hardscape and planters) other than planting of native, drought tolerant vegetation, removal of existing hardscape and minor grading to restore the natural grade, shall occur seaward of the minimum 10-foot bluff edge setback or beyond the bluff edge. The bluff edge is located approximately between the 76 and 86-foot contour line as shown on Exhibit No. 3, Page 1 of the staff report dated April 26, 2006.
- 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.

**5. CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS**

- A.** All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with the minimum setback requirements identified in Special Condition No. 4 above and all recommendations contained in the geologic engineering investigations: *Geotechnical Investigation (Job No. 2452)* prepared by Coleman Geotechnical dated May 1, 2005; *Slope Stability and Bluff Erosion Rates* prepared by Coleman Geotechnical dated July 7, 1995; and Letter from Coleman Geotechnical to Warmington Land Company, Inc. dated December 20, 2005. The submitted geotechnical investigations state that the proposed residence will consist of conventional shallow continuous and pad footings. In addition, the proposed pool will use deepened conventional footings and that the pool shell will be incorporated as part of the retaining wall. If at anytime, it is determined that a foundation system consisting of deepened foundation elements (e.g. caissons) is needed to support any of the proposed development (e.g. the residence or pool), an amendment to this permit or a new permit shall be required in order to implement such recommendations. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the submitted investigations approved by the Executive Director.
- 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.

**6. POOL PROTECTION PLAN**

The applicants shall conform with the pool protection features described on the Grading Plan received on December 22, 2005 showing that the pool will be equipped with a leak detection system and a pool overflow drain pipe connected to the on-site drain. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**7. CONFORMANCE WITH THE DRAINAGE AND RUNOFF CONTROL PLAN**

The applicants shall conform with the Drainage and Run-Off Control Plan received on December 22, 2005 showing that roof drainage and runoff from all impervious areas shall be collected on site for discharge to the street through piping without allowing water to percolate into the ground. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**8. LANDSCAPE PLAN**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a Revised Landscaping Plan that 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.
- (2) The plan shall include, at a minimum, the following components:
  - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the temporary 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.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

### **A. PROJECT LOCATION AND DESCRIPTION**

The subject site is located at 157 Shorecliff Road within the City of Newport Beach, Orange County (Exhibits #1-2). The lot size is 17,171 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, East and West of the project site exist single-family residential development. To the South of the project site is a coastal bluff, a sandy/rocky beach and the Pacific Ocean. The property's natural grade is approximately a 15-foot gradual grade drop towards the coastline from the street/curb level, to the existing terrace at the top of the coastal bluff located at the rear of the property. The existing terrace section is approximately 85-feet above the sandy/rocky beach at the toe of the coastal bluff. This coastal bluff is subject to marine erosion. Most of the coastal bluff is covered by ivy, and bedrock exposures of the Monterey Formation are present within the exposed lower half of the slope.

The applicants are proposing to demolish an existing single-family residence and construct a three-level, 10,244 square foot single-family residence with an attached 721 square foot three-car garage on the bluff top portion of this oceanfront lot (Exhibits #3-4). The project also consists of a new pool and spa, retaining walls and landscape and hardscape work. Grading will consist of 600

cubic yards of cut, 350 cubic yards of fill and 250 cubic yards of export to a location outside of the coastal zone (Exhibit #5).

At the northern corner of the project site is an existing easement consisting of a concrete drainage swale/community walkway leading to an “overlook” at the top of the coastal bluff. This easement, and its improvements will remain in place and the applicants are not proposing any work in this area.

The proposed development is located on the bluff top portion of a coastal bluff that is subject to wave attack and erosion. To address bluff erosion, the applicants have submitted geotechnical investigations prepared by Coleman Engineering. The investigations state that beach processes will continue to erode the bluff toe, which will lead to periodic soil losses within the outer portions of the slope over time. However, their analysis also indicates that a Factor of Safety of 1.78 for the gross static condition and 1.37 for pseudostatic condition exist which are generally above the locally accepted Factors of Safety of S.F. + 1.5 for static and 1.2 for pseudostatic conditions. In addition, based upon the approximate age of the existing house and the lack of encroachment or undermining of the existing rear yard improvements, and discussions with the homeowners, the bluff has not retreated in the last 20 years. Based upon an examination of available photographs, the investigations determined that an erosion rate of 4 to 5 cm/yr or 0.16 feet per year can be assumed<sup>1</sup>. Given an assumed design life for the principal structure of 75 years, it can be anticipated that the bluff will retreat approximately 12-feet during the design life of the structure.

The Commission’s staff geologist has reviewed the project and agrees with the investigations’ conclusions. The slope will be subject to subaerial erosion and surficial instabilities, but the geotechnical report makes recommendations that should assure safety of the development.

In this area, the Commission typically requires that principal structures and major accessory structures such as guesthouses and pools be setback at least 25-feet from the bluff edge and that accessory structures that do not require structural foundations such as decks, patios and walkways to be sited at least 10-feet from the bluff edge to minimize the potential that the development will contribute to slope instability. If ancillary structures are threatened by erosion it is understood that they will be relocated rather than protected by structural means. Prior, including recent actions in the area (e.g. CDP No. 5-04-013-[Primm] and No. 5-04-035-[Hoff]), require such setbacks, as does the recently updated coastal Land Use Plan for the City of Newport Beach. The proposed residence and pool will be setback a minimum 25-feet from the bluff edge. The hardscape features will be set back a minimum of 11-feet from the bluff edge. Minor work within a portion of the 10-foot bluff edge setback area consisting of removal of existing hardscape and minor grading to restore the area to the natural grade will occur; however, no new development such as hardscape will occur in this area as stated above. Therefore, as proposed, the development does conform to the 25-foot and 10-foot bluff edge setbacks (Exhibit #3, page 1).

The submitted geotechnical investigations state that the proposed residence will consist of conventional shallow continuous and pad footings. In addition, the proposed pool will use deepened conventional footings and that the pool shell will be incorporated as part of the retaining wall. However, no Foundation Plans for the new residence or pool have been submitted.

---

<sup>1</sup> On an adjacent site (111 Shorecliff Road), a different geologist used different assumptions and derived a different rate of erosion. The Commission’s staff geologist has reviewed these differences and concluded that the assumed rates of erosion at these sites are reasonable given the uncertainty involved with making estimates of bluff retreat at these locations.



Therefore, **Special Condition No. 4** has been imposed, which requires submittal of Final Project Plans, including Foundation Plans that reflect use of a conventional foundation system.

To ensure that potential for infiltration into the bluff is minimized due to the proposed pool, the applicants have stated on the Grading Plan that the pool be equipped with a leak detection system and a pool overflow drain pipe connected to the on-site drain system. To ensure that drainage does not increase the potential for site erosion, the Commission is imposing **Special Condition No. 6**, which requires the applicants to conform to the pool protection features as described on the Grading Plan received on December 22, 2005.

The applicants have submitted a Drainage and Run-Off Control Plan that shows how the on site roof and surface runoff will be directed away from the bluff face via use of inlets, PVC and a sump pump, which will assist in preventing any damage to the structural stability of the bluff. To ensure that drainage does not increase the potential for site erosion, the Commission is imposing **Special Condition No. 7**, which requires the applicants to conform to the submitted Drainage and Runoff Control Plan received on December 22, 2005.

The submitted Landscaping Plan contains a mixture of plants that are invasive and not drought tolerant or the watering needs could not be determined. Because of the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to be planted. The use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society ([www.CNPS.org](http://www.CNPS.org)). The following plants found on the applicants landscape plan are invasive: *Cistus Purpureus* (Orchid Rockrose) and *Limonium perezii* (sea Lavender). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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.

Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. Reducing the amount of irrigation water used can address both geologic stability issues as well as water quality/dry-weather urban runoff issues. The term "drought tolerant" is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. The following plants found on the applicants landscape plan are not drought tolerant: *Eucalyptus ficifolia* (Red-flowering Gum), *Melaleuca quinquenervia* (Cajeput Tree), *Metrosideros excelsus* (New Zealand Christmas Tree), *Hebe varieties* (Hebe), *Pittospermum crassifolium* (Pittosporum), *Pittospermum tobira* (Tobira), *Platanus racemosa* (California Sycamore), *Acanthus mollis* (Bear's Breech), *Prunus caroliniana* (Carolina Laurel Cherry), *Carex fumilicola* (Berkeley Sedge), *Heuchera maxima* (Island Alum Root), *Heuchera sanguinea* (Coral Bells), *Polystichum munitum* (Western Sword Fern), *Stachys byzantina* (lamb's Ear), *Thymus serpyllum* (Creeping Thyme), *Solandra maxima* (Cup-of-Gold), *America maritime* (Sea Pink), *Cerastium tomentosum* (Snow-in-Summer), *Erigeron* (Fleabane), and *Felicia Amelloides* (Blue Marguerite). The drought tolerancy of the following plants could not be determined: *Leptospermum varieties* (Tea Tree), *Salvia varieties* (Sage), *Teucrium varieties* (Germander), and *Heleborus argutifolius* (Corsican Hellebore). In addition, in regards to irrigation on site, the applicants have stated and the plans state that no permanent in-ground irrigation system shall be installed onsite. However, temporary above ground irrigation will

be used to establish plantings. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicants to submit a Revised Landscaping Plan, which consists of native plants, or non-native drought tolerant plants that are non-invasive.

The subject site is located between the nearest public roadway and the shoreline. Adequate access and public recreation opportunities exist nearby at Little Corona Beach to the northwest and Crystal Cove State Beach to the southeast. In addition, at the base of the bluff on site is an easily accessible beach area that consists of tidepools that have been frequently visited by the public, such as school children. The bluff top portion of the site is currently developed with a single-family residence. Upon completion of the project, the development will remain as a single-family residence. The proposed development would provide adequate parking based on the Commission's regularly used parking standard of two (2) parking spaces per individual dwelling unit.

#### **B. HAZARDS**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or 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 development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health

**F. DEED RESTRICTION**

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**G. 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.

**H. 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.



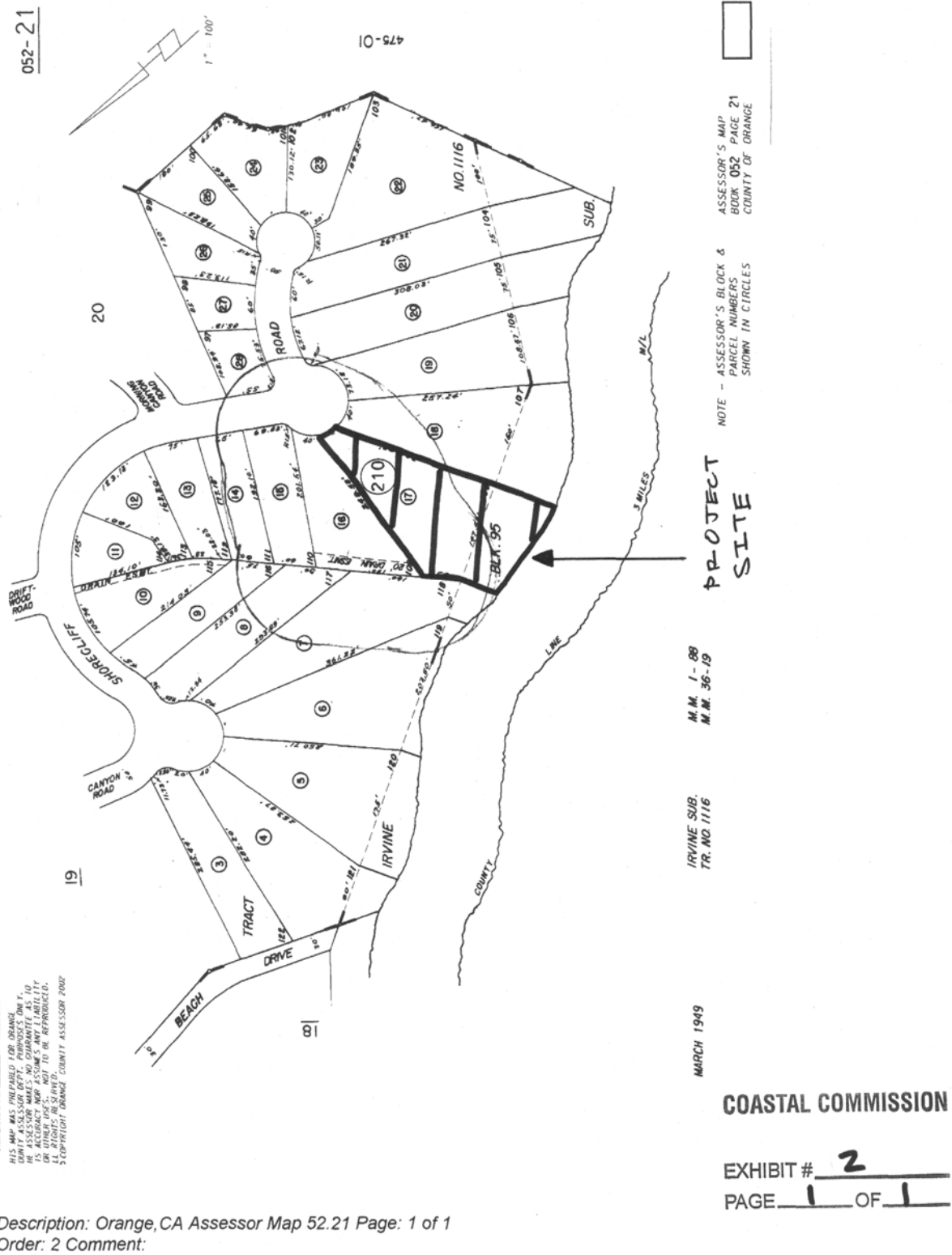
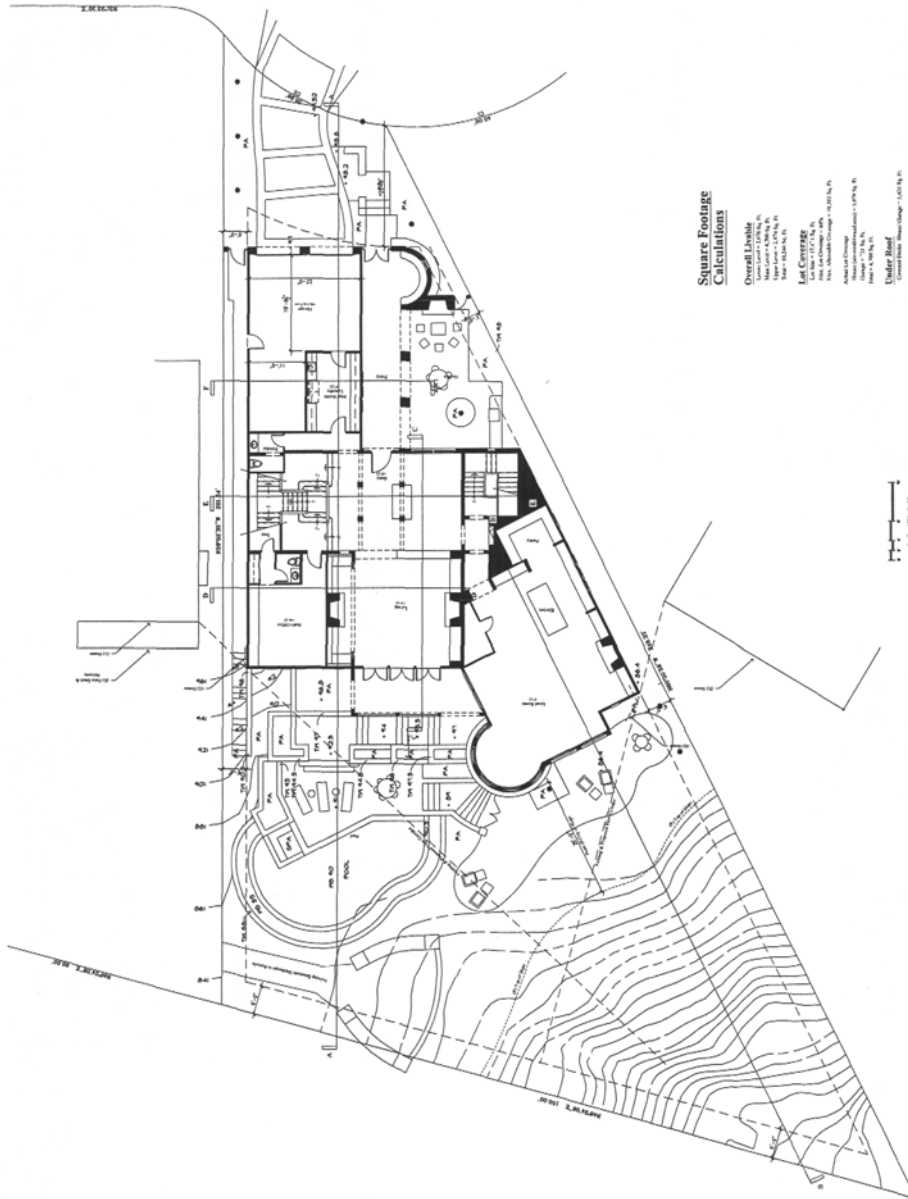




EXHIBIT # 3  
PAGE 1 OF 3



**Square Footage Calculations**

**Overall Livable**  
 Overall Livable Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.

**Lot Coverage**  
 Lot Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.

**Under Road**  
 Under Road Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.  
 Total Area - 10,000 Sq. Ft.

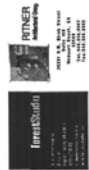
Main Level Floor Plan  
 December 14, 2005

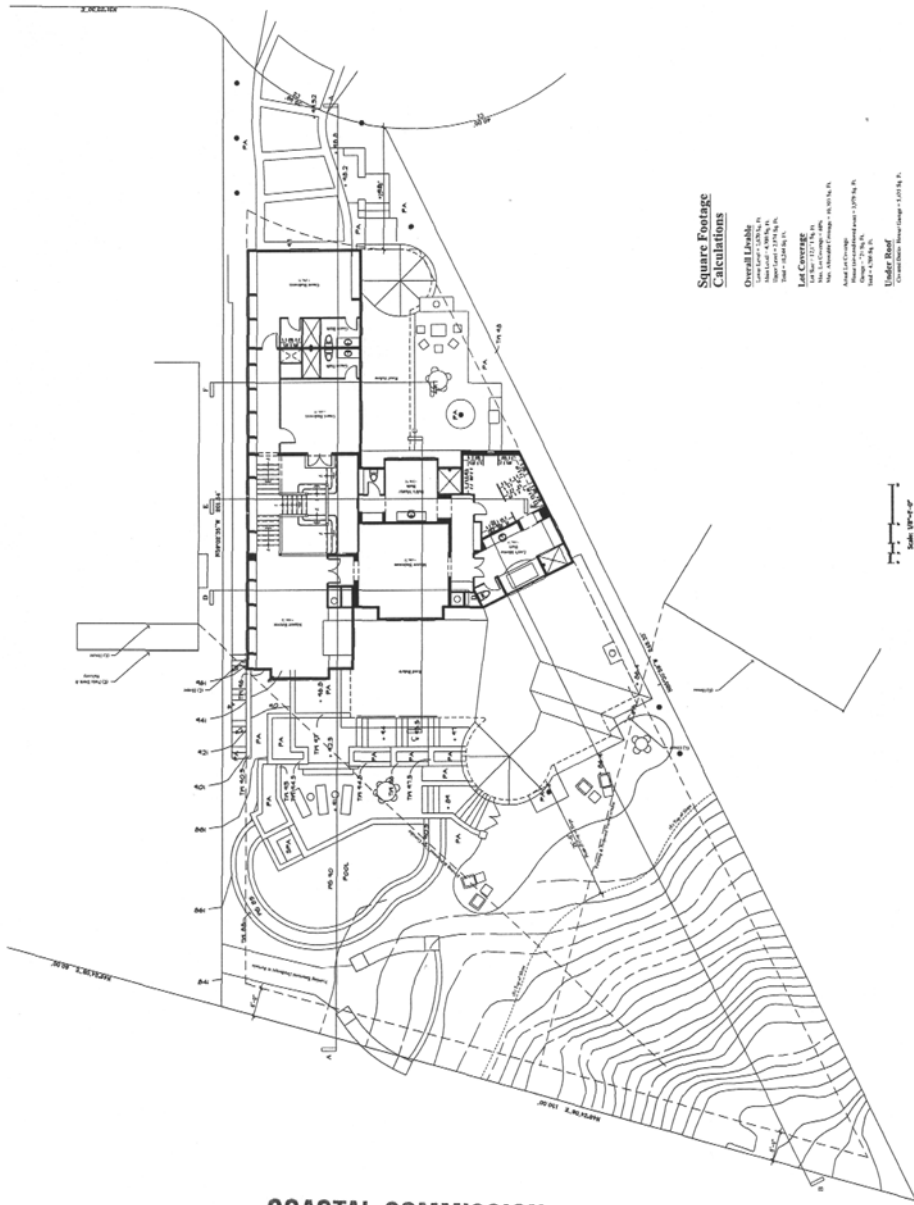
Warmington Residence  
 Corona del Mar, California

COASTAL COMMISSION

EXHIBIT # 3  
 PAGE 2 OF 3

L:\Warmington\IT\wrmf\plan.dwg, 1ST FLOOR, 1/18/2006 1:11:36 PM





**Square Footage Calculations**

<b>Overall Livable</b>
Overall Livable Area: 1,111 Sq. Ft.
Overall Livable Area: 1,111 Sq. Ft.
Overall Livable Area: 1,111 Sq. Ft.
<b>Lot Coverage</b>
Lot Area: 1,111 Sq. Ft.
Lot Coverage: 1,111 Sq. Ft.
Lot Coverage: 1,111 Sq. Ft.
<b>Under Roof</b>
Overall Under Roof Area: 1,111 Sq. Ft.

Scale: 1/8" = 1'-0"

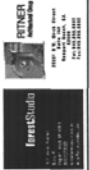
Upper Level Floor Plan

Warmington Residence  
 Corona del Mar, California

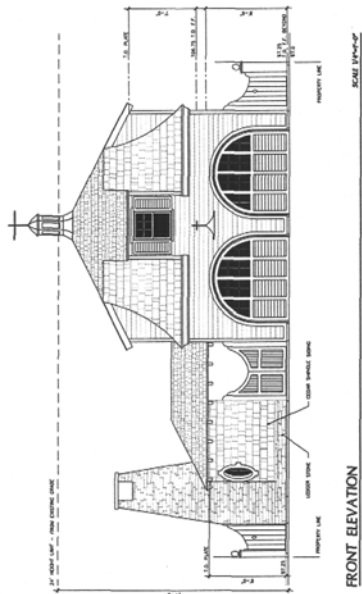
December 14, 2005

COASTAL COMMISSION

EXHIBIT # 3  
 PAGE 3 OF 3

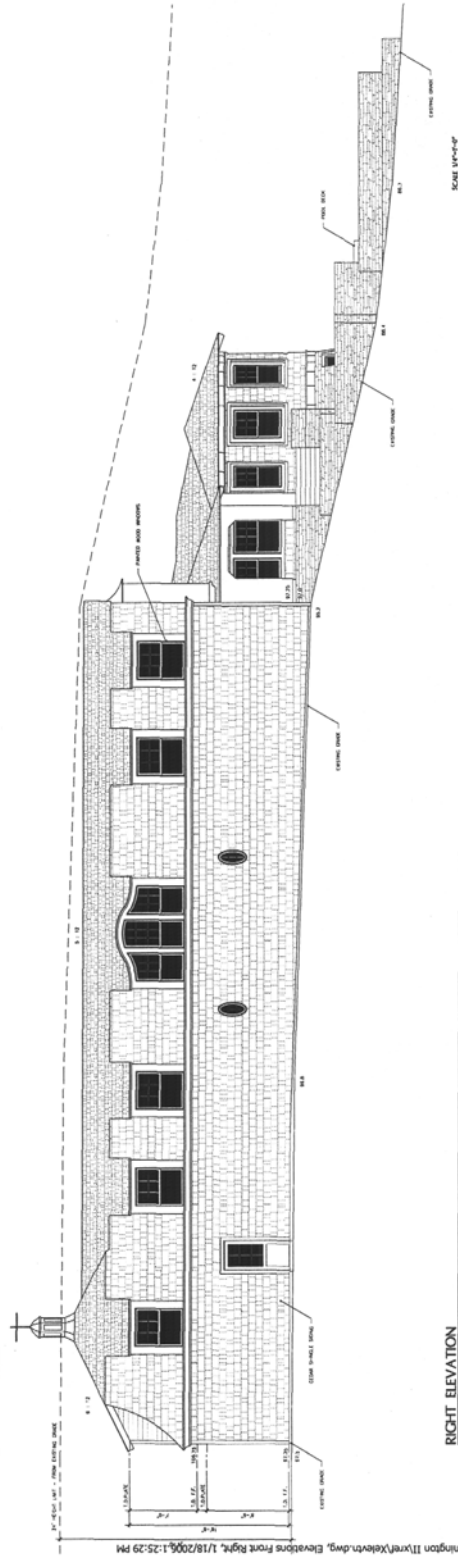






COASTAL COMMISSION

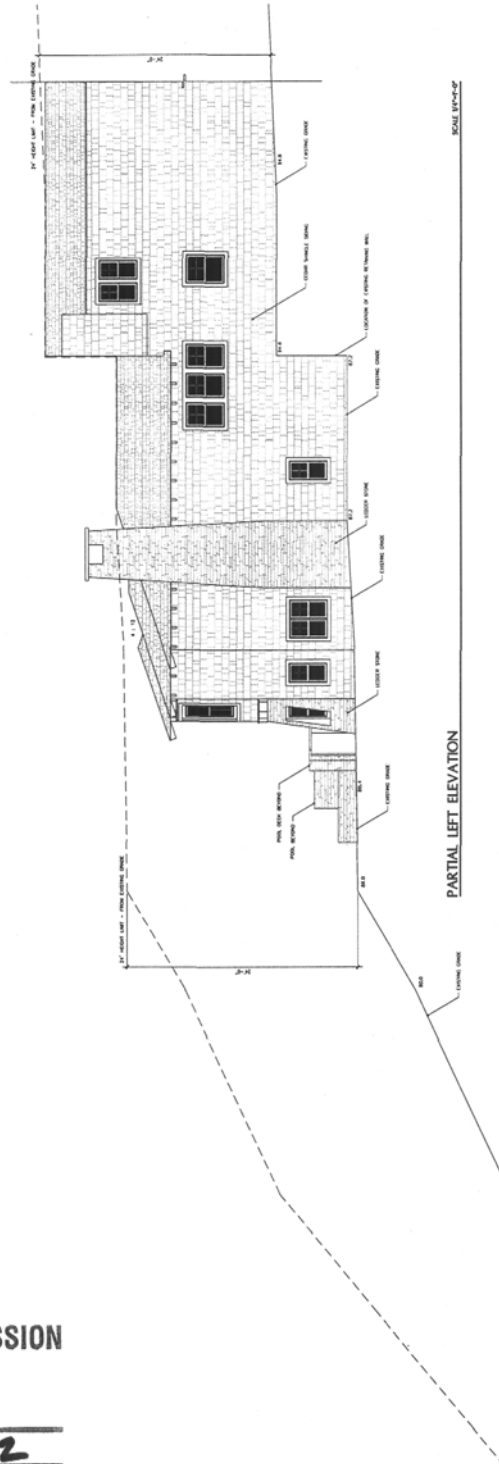
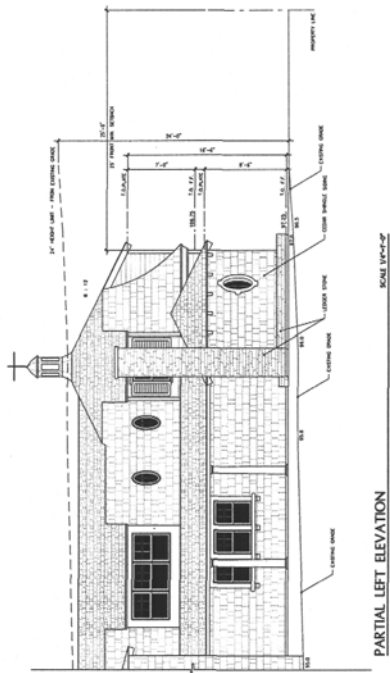
EXHIBIT # 4  
 PAGE 1 OF 2



Elevations  
 December 14, 2005

Warmington Residence  
 Corona del Mar, California





\_\_\_\_ Warmington Residence \_\_\_\_\_  
Corona del Mar, California

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 2 OF 2

\\Warrington\IT\src\Xelevtn.dwg, Elevators Left, 1/18/2006 1:29:20 PM



