

CALIFORNIA COASTAL COMMISSION

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Staff: FSY-LB
Staff Report: December 27, 2006
Hearing Date: January 10-12, 2007
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

APPLICATION NO.: 5-05-095-A1

APPLICANTS: Doug and Jan Circle

AGENT: Brion S. Jeannette and Associates, Attn: Brion S. Jeannette

PROJECT LOCATION: 3415 Ocean Boulevard, Corona Del Mar (City of Newport Beach)
(Orange County)

DESCRIPTION OF PROJECT ORIGINALLY APPROVED:

At the October 2005 Commission Hearing, the Commission approved Coastal Development Permit 5-05-095-[Circle] for the demolition of an existing approximately 2,100 square foot, two (2) story single family residence with an attached garage and construction of a new 4,488 square foot two (2) story single-family residence with a basement and an attached 388 square foot four (4) car garage (two cars parked on the ground level of the garage and two cars above by way of car-lift) on a coastal bluff face at a maximum height of 35-feet above finished grade (it will not exceed the height of Ocean Boulevard). Associated construction consisted of: a 141 square foot basement deck (cantilevered portion), a 392 square foot 1st floor deck and a 383 square foot 2nd floor deck. The foundation for the residence consisted of a caisson and deepened conventional footings system. Grading consisted of approximately 440 cubic yards of cut and export to an area outside of the coastal zone. No landscaping was proposed. In addition, work was proposed to the existing stairway consisting of realigning an approximate 20-foot linear northwestern portion of the stairway to connect to the proposed basement level deck. The proposed project's livable area aligned approximately with the 56-foot elevation contour line, while the basement level deck did not extend seaward from approximately 46-foot contour to the east and the approximately 50-foot contour to the west, thus is landward of the 48-foot and 33-foot contour lines. In effect, moving from the Tabak site on the downcoast side, to the Butterfield site on the upcoast side of the subject site, the residences and patios will step progressively landward. Thus, the proposed development would be consistent with the emerging pattern of development apparent from recent Commission approvals along this section of Ocean Boulevard.

DESCRIPTION OF AMENDMENT:

The proposed amendment proposes to enlarge the previously approved 141 square foot basement level deck (cantilevered portion) located along the bluff face associated with a single-family residence. The enlarged deck will extend seaward a maximum 60-foot linear distance measured from the Ocean Boulevard property line. In addition, a section of the existing bluff face stairway above the approximately 33-foot contour line will be replaced with a new stair in a different configuration. No work below the 33-foot contour will take

place. The foundation system for the proposed deck will consist of retaining walls and a caisson system. Minor grading is proposed.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff recommends that the Commission **APPROVE** the proposed amendment with **FIVE (5) SPECIAL CONDITIONS** addressing: **1)** prior conditions; **2)** final project plans; **3)** evidence of conformance with geotechnical recommendations; **4)** a revised drainage and run-off control plan, and **5)** a deed restriction.

SUBSTANTIVE FILE DOCUMENTS:

City of Newport Beach Certified Land Use Plan; Coastal Development Permits: 5-96-096-[Nguyen], 5-01-112-[Ensign], and 5-03-358-[Ensign]; 5-05-095-[Circle]; Letter from Commission staff to Brion S. Jeannette and Associates, Inc. dated May 3, 2006; Letter from Brion S. Jeannette and Associates, Inc. to Commission staff dated July 20, 2006; *Geotechnical Update Report and Plan Review, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated June 19, 2006; *Geotechnical Review of Foundation, Grading, and Drainage Plan, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated July 19, 2006; *Circle Residence-Deck Addition* Letter prepared by Ficcadenti & Waggoner dated July 14, 2006; and *Coastal Hazard and Wave Runup Study, 3415 Ocean Boulevard, Corona Del Mar, Orange County* prepared by Geosoils, Inc. dated June 15, 2006.

LOCAL APPROVALS RECEIVED:

Approval-in-Concept (No. 0505-2006) from the City of Newport Beach Planning Department dated March 22, 2006.

LIST OF EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Area Plan/Predominant Line Site Plan
4. Basement Deck Site Plan
5. Elevations

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 Coastal Development Permit No. 5-05-095 envisioned in the Commission's October 2005 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 #5-05-095-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 CONDTIONS

A. PRIOR CONDITIONS

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-05-095 remain in effect, with the following exception: To the extent development specifications in any plans approved by the Executive Director pursuant to this amendment are inconsistent with specifications listed in any plans approved prior to this amendment, compliance with which was required by the existing permit conditions, those requirements for compliance with those prior plans are hereby modified as necessary, but only as necessary, to require compliance with the new plans. In addition, all standard and special conditions imposed under Costal Development Permit No. 5-05-095 that could apply equally to this amendment, are so applied

B. ADD THE FOLLOWING CONDITIONS

8. 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.). As proposed in the preliminary plans, these final project plans shall show that the enlarged deck will extend seaward a maximum 60-foot linear distance measured from the Ocean Boulevard property line. In addition, a section of the existing bluff face stairway above the approximately 33-foot contour line will be replaced with a new stair in a different configuration. No work below the 33-foot contour will take place.

- 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.

9. **CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS**

- A. All final design and construction plans, including foundations, grading and following geotechnical investigations: *Geotechnical Update Report and Plan Review, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated June 19, 2006; *Geotechnical Review of Foundation, Grading, and Drainage Plan, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated July 19, 2006; *Circle Residence-Deck Addition Letter* prepared by Ficcadenti & Waggoner dated July 14, 2006. The geotechnical investigation states that the foundation system will consist of retaining walls and a caisson and grade beam system. 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.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant 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 permittee 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.

10. **REVISED DRAINAGE AND RUNOFF CONTROL PLANS**

- 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 revised drainage and run-off control plans. The drainage and runoff control plan shall show that all basement level deck drainage shall be collected on site for discharge to the Ocean Boulevard (or connection to an existing drainage system) 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.

11. DEED RESTRICTION

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT

(Coastal Development Permit No. 5-05-095-A1), the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit amendment, 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 amendment, 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 amendment. 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 amendment, 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, HISTORY AND DESCRIPTION

The proposed project is located at 3415 Ocean Boulevard in Corona Del Mar, City of Newport Beach, County of Orange (Exhibits #1-2). The lot size is 7,800 square feet and the City of Newport Beach Land Use Plan (LUP) designates use of the site for Single-Family Detached Residential and the proposed project adheres to this designation. The subject site is immediately inland of Corona Del Mar State Beach, a public beach. The project site is located along a stretch of Ocean Boulevard where single-family residences have been developed upon the upper bluff face, but where the mid and lower bluff face appears natural and undeveloped. The subject property is accessed by a common descending right-of-way off Ocean Boulevard at the front of the property. The rectangular-shaped bluff face property fronts approximately 65-feet on the Ocean Boulevard right-of-way and extends southwesterly approximately 120-feet to the rear property line located along Corona Del Mar State Beach. An existing single-family residence is terraced down the upper coastal bluff face. The middle and lower portions of the lot consists of a generally natural sea bluff. The overall height of the bluff slope is approximately 80 feet, while maximum relief across the property is approximately 60-feet. The slope ratio is typically uniform near 1.4:1 (horizontal: vertical). Lower portions of the bluff appear natural but are landscaped with shrubs, trees and ice plant.

The subject site was currently developed with a 2,100 square foot, two (2) story single-family residence with an attached garage upon the upper bluff face constructed in the late 1950's. Ocean Boulevard is located to the north (inland of the existing residence), at the top of the bluff. Up-coast, to the west, are existing single-family homes. Down-coast, to the east are existing single-family homes, and further beyond is a natural vegetated bluff, a bluff park known as Inspiration Point and a public access way from Inspiration Point to the public beach (Corona Del Mar State Beach) consisting of a concrete pathway. Seaward, to the south of the project site is a coastal bluff with an existing pre-coastal switchback wood beam (railroad tie) stairway (that follows the contours of the bluff) with 3' high railings along the bluff face from the rear yard patio at the top of the slope to the sandy public beach below that was the subject of CDP No. 5-02-112-[Ensign] heard by the Commission in February 2002.

At the October 2005 Commission Hearing, the Commission approved Coastal Development Permit 5-05-095-[Circle] for the demolition of an existing approximately 2,100 square foot, two (2) story single family residence with an attached garage and construction of a new 4,488 square foot two (2) story single-family residence with a basement and an attached 388 square foot four (4) car garage (two cars parked on the ground level of the garage and two cars above by way of car-lift) on a coastal bluff face at a maximum height of 35-feet above finished grade (it will not exceed the height of Ocean Boulevard). Associated construction consisted of: a 427 square foot basement level deck (141 square foot cantilevered portion and a 286 square foot on grade portion), a 392 square foot 1st floor deck and a 383 square foot 2nd floor deck. The foundation for the residence consisted of a caisson and deepened conventional footings system. Grading consisted of approximately 440 cubic yards of cut and export to an area outside of the coastal zone. No landscaping was proposed. In addition, work was proposed to the existing stairway consisting of realigning an approximate 20-foot linear northwestern portion of the stairway to connect to the proposed basement level deck. The proposed project's livable area aligned approximately with the 56-foot elevation contour line, while the basement level deck did not extend seaward from approximately 46-foot contour to the east and the approximately 50-foot contour to the west, thus is landward of the 48-foot and 33-foot contour lines. In effect, moving from the Tabak site on the downcoast side, to the Butterfield site on the upcoast side of the subject site, the residences and patios will step progressively landward. Thus, the proposed development would be consistent with the emerging pattern of development apparent from recent Commission approvals along this section of Ocean Boulevard.

The applicants' original proposal consisted of extending the approved deck at the basement level of the house. The approved deck was 60-feet long by 9-feet wide, a total of 427 square feet. The proposed deck would extend an additional 20-feet in width, adding 1,034 square feet of deck area, including a 7-foot x 10-foot spa, a gas firepit and barbeque. Approximately 2/3 of the deck would be at the same level as the approved deck, the remainder would be 2-feet lower. There would be a 36-inch high glass and wrought iron railing around the perimeter of the deck. All materials and details would match the house. The approved stair to the beach above the 40-foot contour elevation would be replaced with a new stair. Below the 40-foot contour elevation, the existing stair on grade would remain unchanged. The extent of grading would be for drilling four (4) holes for caissons, leveling an approximately 8-foot square area for the stair landing, and leveling a 7-foot x 12-foot area for the spa equipment. No new landscaping would be proposed. All deck drainage would be piped directly to the City storm drain system. The spa would utilize a double lined shell to prevent leakage as well a mat-drain system below. Grading would consist of 24 cubic yards of cut and export to a location outside of the Coastal Zone.

Following the original submittal, the applicants also submitted a revised plan affecting the layout of the area below the proposed deck. The basic structure in this option would remain the same as in the submitted plan, but would eliminate the retaining wall 5-feet from the house and also omit the foundation walls under the spa. The cosmetic changes would visually integrate the caissons and shorten the look of the structure. The screen wall would be stucco to match the material, color and style of the approved house.

Working with the applicants, some changes to the proposed project (Exhibits #4-5) have occurred in order to address seaward encroachment and to bring the proposed project into conformance with the visual resources protection policies of the Coastal Act.

B. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed project is located along a coastal bluff face immediately inland of Corona Del Mar State Beach. Because of its' location the project site is highly visible from the sandy public beach. The pattern of development along this segment of Ocean Boulevard is such that structures (e.g. homes) are sited at the upper bluff face, while the mid and lower bluff face remains largely undisturbed and vegetated. Although several lots have stairways traversing the bluff face, such as the project site, and some have unpermitted development at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped, thus giving it a "natural" look. Development at this site, if approved, must be sited and designed to be visually compatible with the undisturbed character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms and seaward encroachment of development.

The applicants originally proposed to extend the basement level deck seaward to the 33-foot contour line. This enlarged deck would have extended seaward a maximum 69-foot linear distance from the Ocean Boulevard property line. This would have been inconsistent with the predominant line of development in this area since the Butterfield residence, to the adjacent upcoast, has a deck that only extends approximately 50-feet from the Ocean Boulevard property line and the Halfacre residence, to the adjacent downcoast, has a deck that only extends approximately 60-feet from the Ocean Boulevard property line (Exhibit #3). The applicants responded to this inconsistency by revising the proposed project. The proposed enlarged basement level deck will now only extend seaward a maximum 60-foot linear distance measured from the Ocean Boulevard property line (Exhibits #4-5). In addition, a section of the existing bluff face stairway above the approximately 33-foot contour line will be replaced with a new stair in a different configuration. Work on the existing stairway will occur at approximately the 38-foot contour line and up to the basement level deck. No work below the 33-foot contour will take place. The foundation system for the proposed deck will consist of retaining walls and a caisson system. Minor grading is proposed.

As now currently proposed, the basement level deck is consistent with the predominant line of development where decks do not extend seaward a maximum 60-foot linear distance from the Ocean Boulevard property line. In addition, by not proposing work seaward of the 33-foot contour line, the proposed project is also consistent with recent approvals in the project area (Tabak and Halfacre). For instance, in recent proposals at the Tabak site (CDP No. 5-02-203-[Tabak]), which is downcoast of the project site, living space additions were landward of the 48-foot bluff elevation contour, and accessory improvements were limited to the 33-foot elevation contour. However, the remainder of the lower bluff, below the 33-foot elevation contour was required to remain undeveloped. In addition, the Halfacre site (CDP No. 5-03-100-[Halfacre]), which is downcoast and adjacent to this site, the new habitable space is aligned at the 46-foot contour line. However, due to undulations in topography, the Halfacre livable space is located landward of the Tabak livable area, therefore not appearing to be encroaching seaward. As conditioned, the Halfacre project also adhered to the 33-foot contour set by CDP No. 5-02-203-[Tabak] for accessory improvements.

With the revised project, the applicants only submitted preliminary plans (Exhibits #4-5). Final plans such as revised deck plans, elevation plans, cross-section plans, grading plans, drainage and runoff control plan or foundation plans were not submitted. Changes to these plans are necessary due to the revision to the basement level deck. Also, the revised grading amounts were not submitted. In addition, no addendums to the geotechnical investigation or wave-runup and coastal hazard study for the revised deck was submitted.

The Commission finds that the proposed project, as conditioned, is sited and designed to protect scenic and visual qualities of coastal areas. Approval of the proposed project, as conditioned, would preserve existing scenic resources and would be consistent with preserving the existing community character where structures are sited at the upper bluff face, while the mid and lower bluff face remains largely undisturbed and vegetated. The alteration of the already developed upper bluff face would not result in a significant adverse visual effect when viewed from public vantage points such as the beach and would be visually compatible with the character of the surrounding area. Furthermore, the development would be consistent with the predominant pattern of development and is consistent with the recently approved Commission projects in the area (Tabak and Halfacre). Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act.

C. GEOLOGIC HAZARD

The original approval required an assumption of risk, no shoreline protective devices and future development special conditions. The proposed amendment will not impact any of these special conditions. These special conditions will remain with the project. However, additional conditions will be imposed with this amendment.

With the revised project, the applicants only submitted preliminary plans (Exhibits #4-5). Final plans such as revised deck plans, elevation plans, cross-section plans, grading plans, drainage and runoff control plan or foundation plans were not submitted. Changes to these plans are necessary due to the revision to the basement level deck. Also, the revised grading amounts were not submitted. Therefore, the Commission is imposing **SPECIAL CONDITION No. 8**, which requires the applicants to submit revised final project plans such as site plans, floor plans, elevation plans, cross-section plans, grading plans, and foundation plans that substantially conform to the preliminary plans submitted by the applicant and all of the requirements of the special conditions.

The proposed amendment consists of changes to the single-family residence from the original proposal that was heard at the October 2005 Commission Hearing. To address site-specific geotechnical issues with the proposed residence, the applicant has submitted updates to the previous geotechnical investigation as well as a letter from an engineer discussing the new foundation element: *Geotechnical Update Report and Plan Review, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated June 19, 2006; *Geotechnical Review of Foundation, Grading, and Drainage Plan, Extended Deck for New Single-Family Residence, Corona Del Mar, California (Project No. 71458-02/Report No. 06-5825)* prepared by Geofirm dated July 19, 2006; *Circle Residence-Deck Addition* Letter prepared by Ficcadenti & Waggoner dated July 14, 2006. The investigations submitted ultimately concludes the coastal bluff on the site is grossly stable and that the project is feasible from an engineering perspective provided the applicants comply with the recommendations contained in the investigation. The Ficcadenti & Waggoner letter discussed the proposed foundation system for the deck: *“Based upon review and our knowledge of the site we have determined a simple support system for that deck. The deck can be supported along two (2) main lines. The east side of the deck will be supported on the back concrete retaining wall that is part of the main residence. That wall is supported on caissons and is capable of safely supporting the additional load from the proposed deck without modification. The west side will require four (4) new isolated caissons. These caissons will be completely separate from the foundation of the residence. They will be 24-inches in diameter and extend approximately 15-feet into the soil and up to the underside of the deck.”* While the proposed project has been reduced in size in order to be consistent with the predominant line of development, the revised basement level deck should not impose any greater geotechnical impact than what has already been investigated. In order to insure that risks of development are minimized, as per Section 30253, the Commission imposes **SPECIAL CONDITION No. 9**, which requires the applicant to submit evidence of conformance with the geotechnical investigation.

As stated previously, the proposed amendment consists of changes to the single-family residence from the original proposal that was heard at the October 2005 Commission Hearing. To analyze the suitability of the site for development relative to potential wave hazards, the applicant has submitted an update to the previous wave-runup and coastal hazard study. The study concludes: *“Based upon our review of the hazard report and the Brion Jeannette Architecture plans, the conclusions and recommendations in the referenced coastal hazard remain valid and pertinent. Coastal hazards will not impact the proposed improvements over the life of the improvements. The improvements will neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or adjacent area. Due to the elevation of the improvements, above +33 feet MSL, there are no recommendation necessary for wave or wave runup protection. No shore protection is proposed or should be necessary in the next 75 years.”* While the proposed project has been reduced in size in order to be consistent with the predominant line of development, the revised basement level deck should not impose any greater coastal hazard than what has already investigated.

Due to changes proposed by the amendment, the original proposal that was heard at the October 2005 Commission hearing will be altered. These proposed changes may have an affect upon the drainage and runoff control. Therefore, the Commission imposes **SPECIAL CONDITION No. 10**, which requires submittal of a revised drainage and run-off control plan due to changes to the basement level deck.

Therefore, as conditioned, the Commission finds that the proposed development is consistent with

Section 30253 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

Section 30212 of the Coastal Act states, in relevant part states:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
 - (2) *adequate access exists nearby.*

Section 30252 of the Coastal Act states, in relevant part states:

The location and amount of new development should maintain and enhance public access to the coast by...

- (4) *providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

The subject site is located between the nearest public roadway and the shoreline. Adequate access and public recreation opportunities exist adjacent to the site at Corona Del Mar State Beach. 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. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30212 and 30252 of the Coastal Act.

E. 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 **SPECIAL CONDITION No. 11**, which requires 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.

F. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program 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. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. Since the City only has an LUP, the policies of the LUP are used only as guidance. The Newport Beach LUP includes the following policies that relate to development at the subject site:

Scenic and Visual Resources, Policy 4.4.1-1 states,

Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.

Scenic and Visual Resources, Policy 4.4.1-3 states,

Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.

Natural Landform Protection, Policy 4.4.3-8 states,

Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

Natural Landform Protection, Policy 4.4.3-9 states,

Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Coast Drive in Corona Del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principal structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.

Natural Landform Protection, Policy 4.4.3-15 states,

Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

Public Access and Recreation, Policy 3.1.2-1 states,

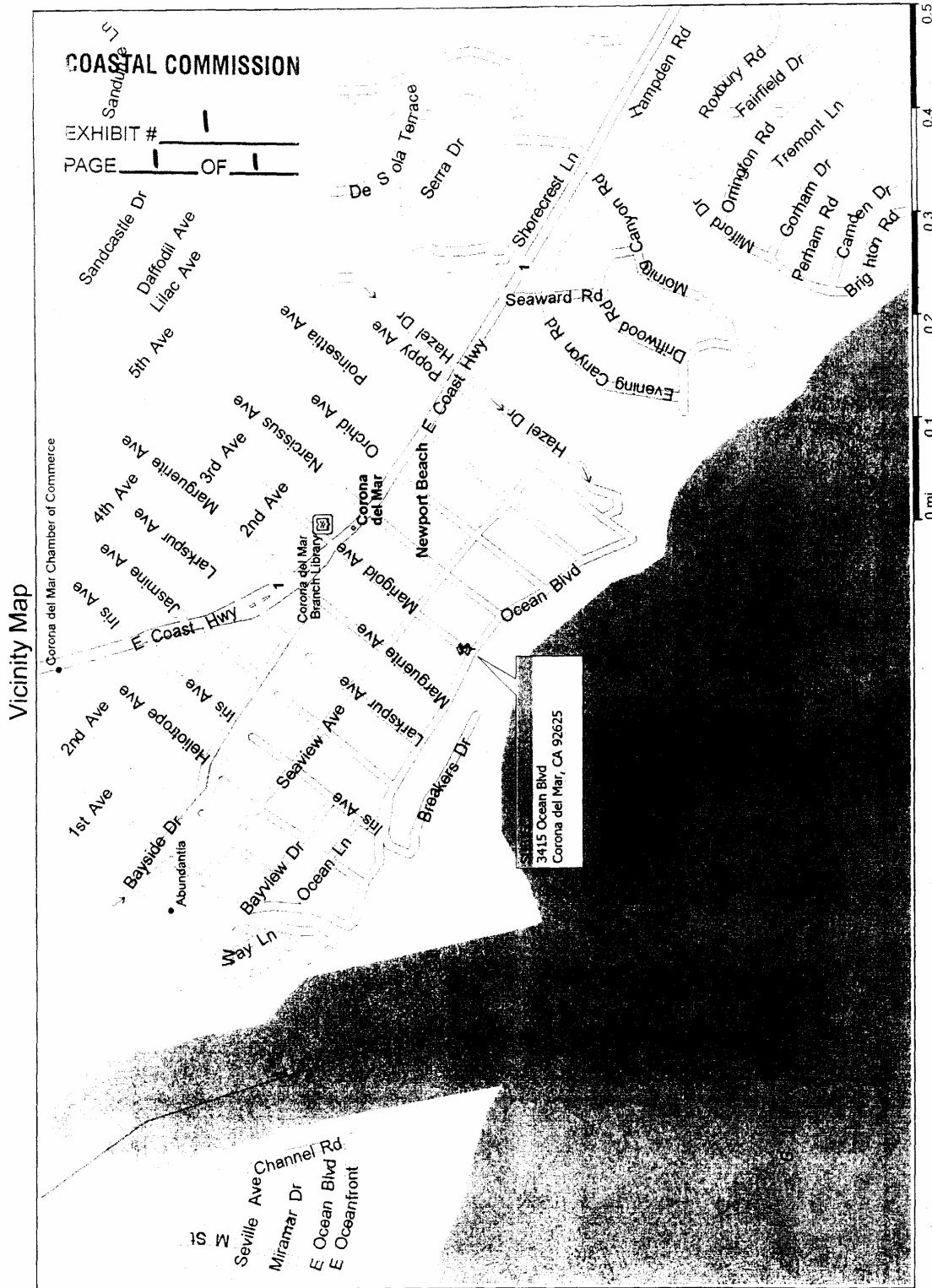
Protect, and where feasible, expand and enhance public access to and along coastal bluffs.

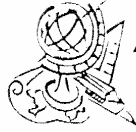
The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the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

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.

H:\FSY\Staff Reports\Jan07\5-05-095-A1-[Circle]RC(NB-CDM)





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 100' radius (excluding roads) Corona Del Mar, Ca 92625

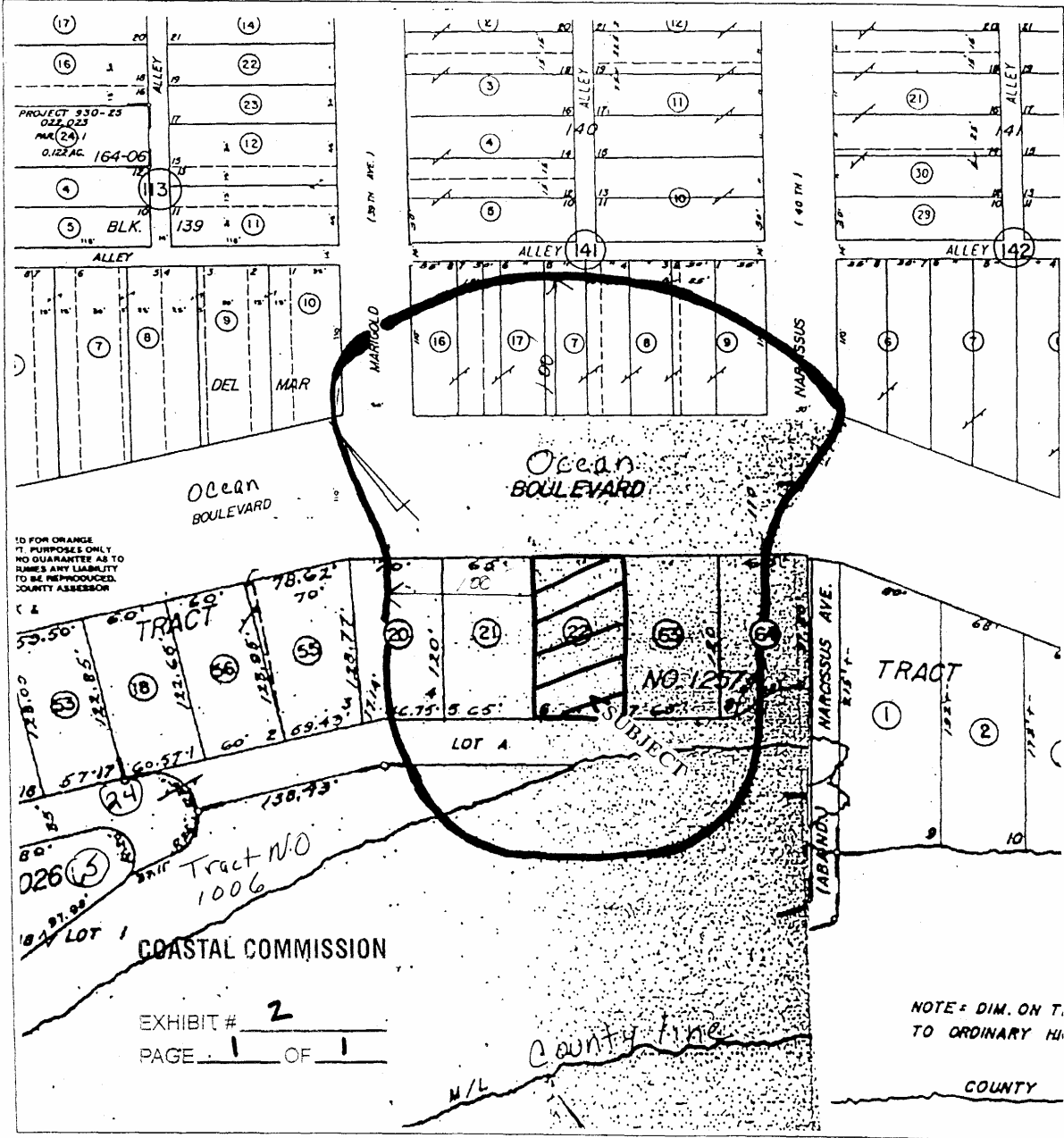
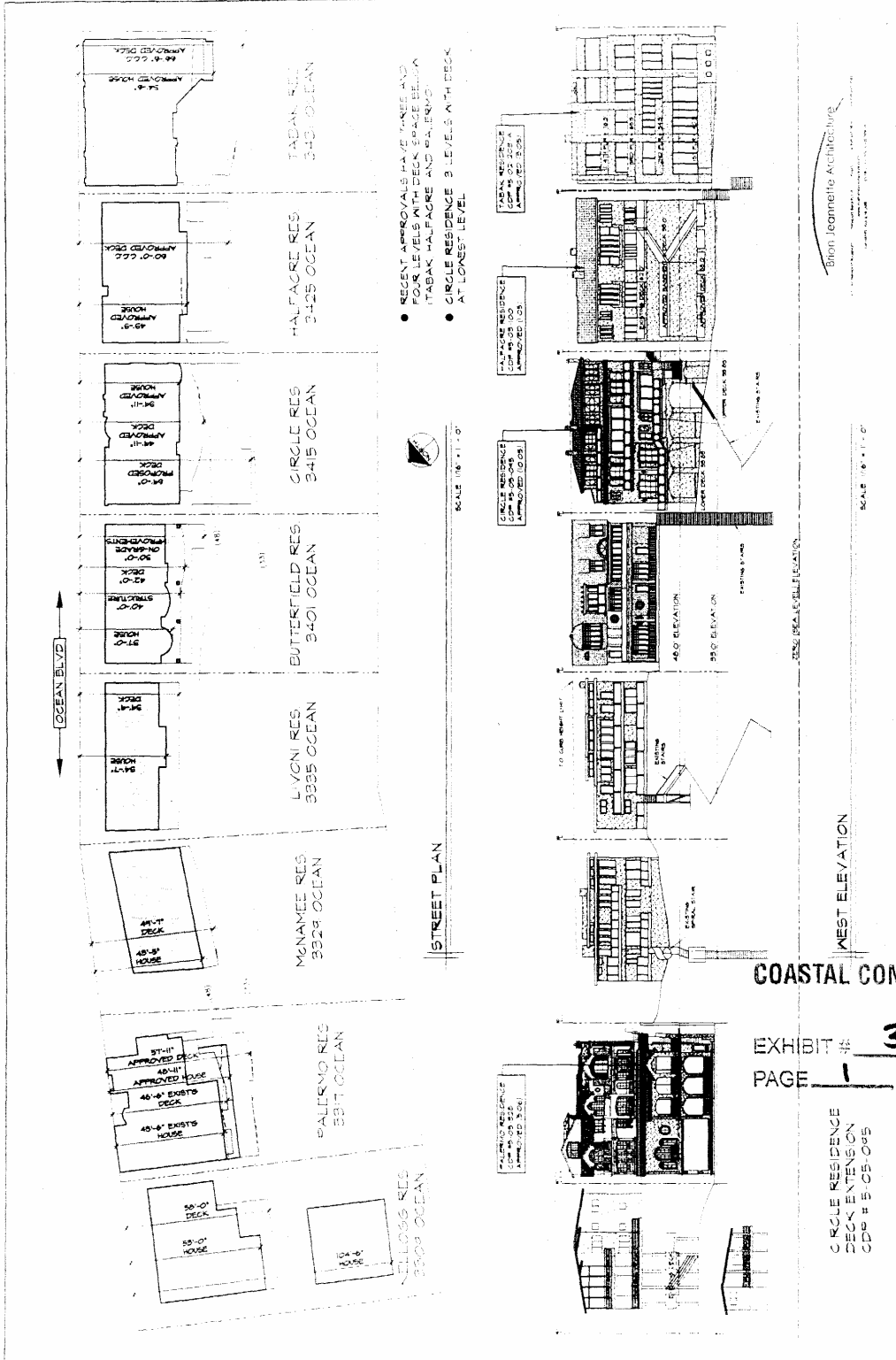


EXHIBIT # 2
 PAGE 1 OF 1

S:\Clients\Circle\Drawings\DECK\Ocean Blvd Elev.dwg ocean elev CAD: 11/15/2006 7:52:22 AM Dona Xerox p03 1039504



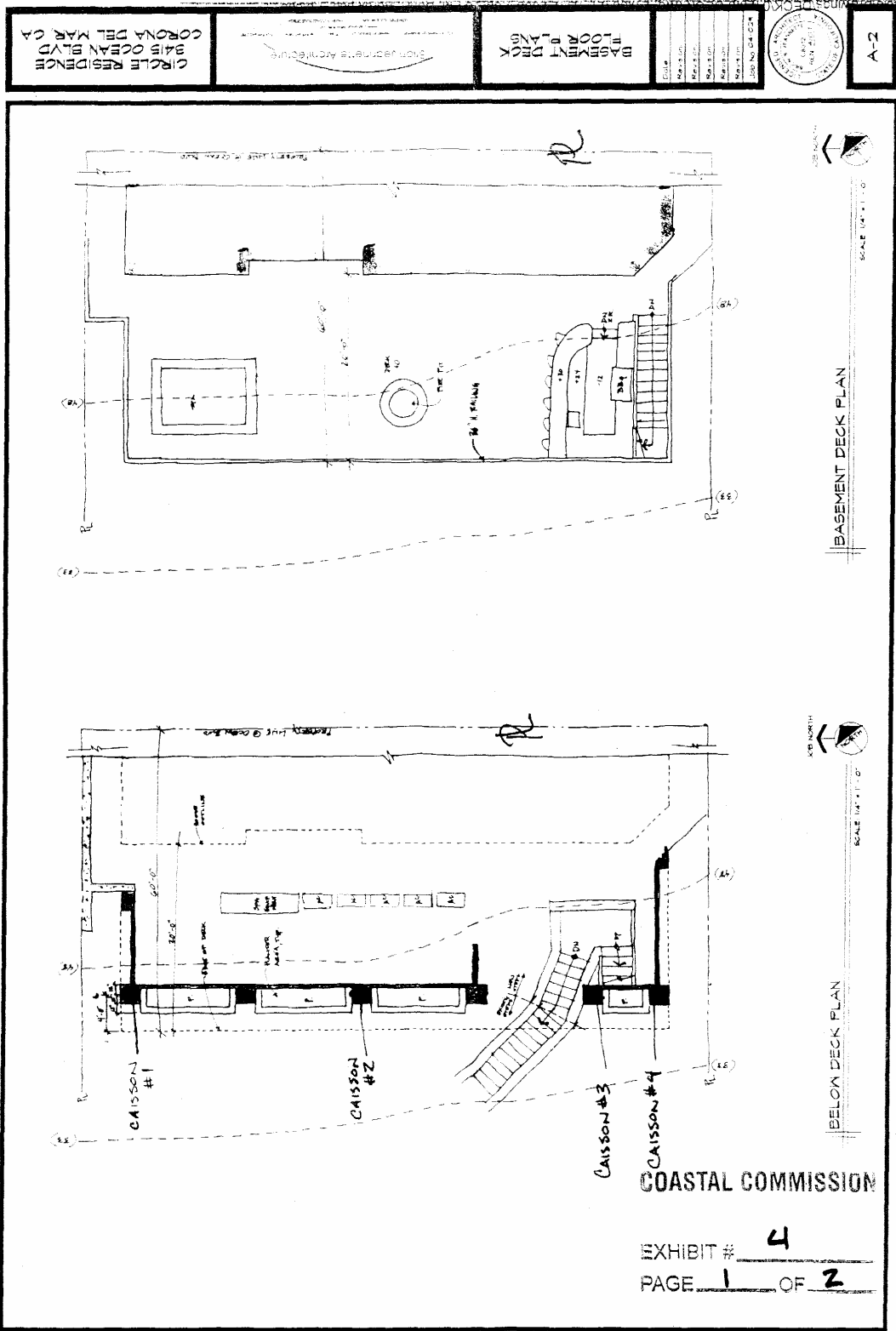
- RECENT APPROVALS HAVE TAKEN AND FOUR LEVELS WITH DECK SPACE BELOW TABAK HALFACRE AND PALERVO
- CIRCLE RESIDENCE 3 LEVELS WITH DECK AT LOWEST LEVEL

Brian Jeannelle Architecture
 10000 ...
 ...

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 1 OF 1

CIRCLE RESIDENCE
 DECK EXTENSION
 CDS # B-05-095



CIRCLE RESIDENCE
 3416 OCEAN BLVD
 CORONA DEL MAR, CA

Shon Jeyaraman Architecture

BASEMENT DECK
 FLOOR PLAN

DATE	5/11/10
APP'D BY	SHON JEYARAMAN
DATE	5/11/10
APP'D BY	SHON JEYARAMAN
DATE	5/11/10
APP'D BY	SHON JEYARAMAN
DATE	5/11/10
APP'D BY	SHON JEYARAMAN



A-2



SCALE 1/4" = 1'-0"

BASEMENT DECK PLAN



SCALE 1/4" = 1'-0"

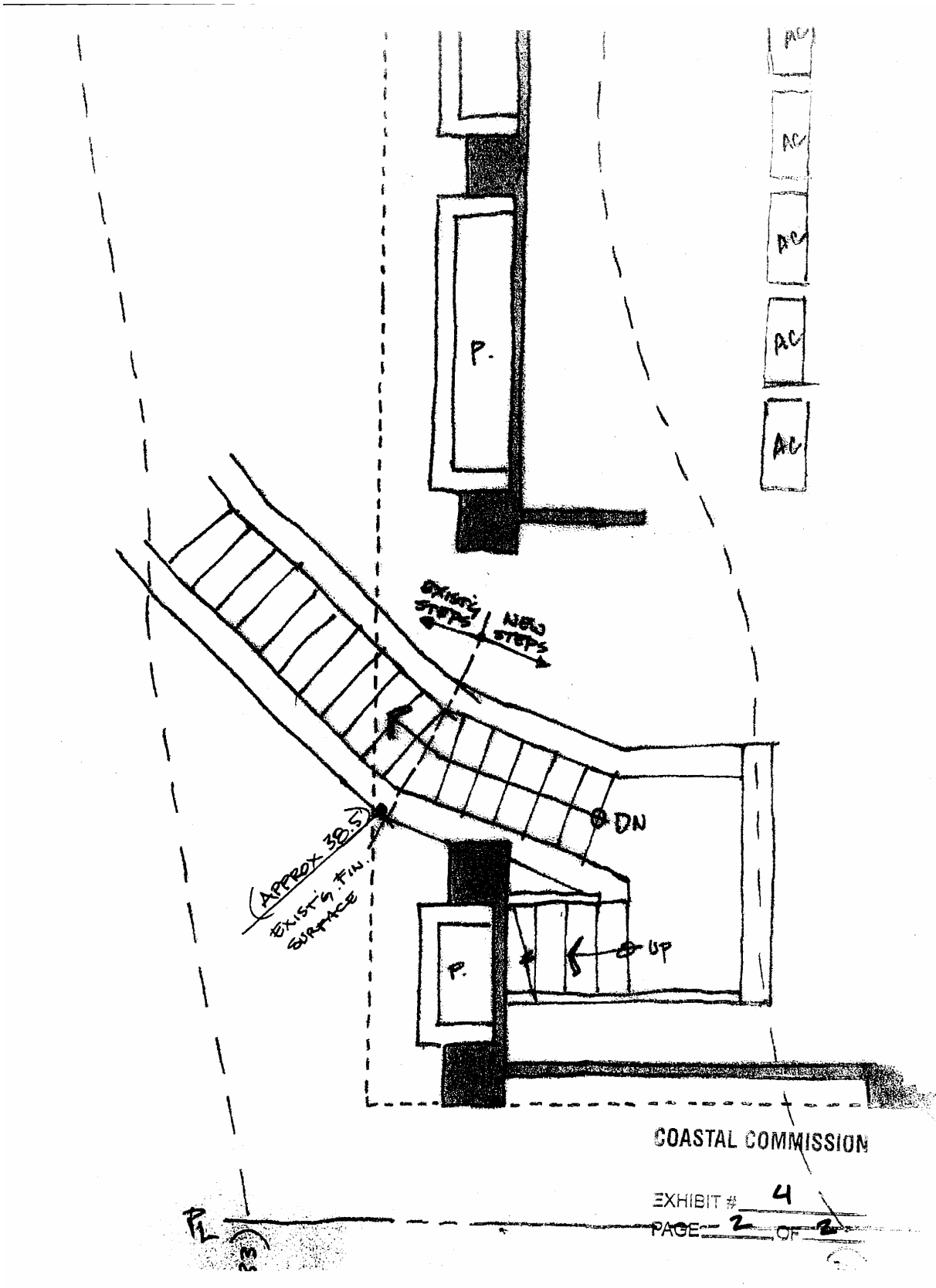
BELOW DECK PLAN


COASTAL COMMISSION

EXHIBIT # 4
 PAGE 1 OF 2

Scientists

11/11/10



CIRCLE RESIDENCE 3415 OCEAN BLVD CORONA DEL MAR, CA	3415 OCEAN BLVD CORONA DEL MAR, CA CIRCLE RESIDENCE PERMIT AMENDMENT ARCHITECTURE	ELEVATIONS	DATE: _____ PROJECT: _____ SHEET: _____ SCALE: _____ DATE: _____ DATE: _____ DATE: _____ DATE: _____ DATE: _____ DATE: _____		A-4
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WEST ELEVATION SCALE 1/4" = 1'-0"

NORTH ELEVATION SCALE 1/4" = 1'-0"

SOUTH ELEVATION SCALE 1/4" = 1'-0"

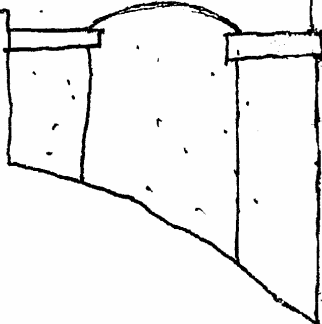
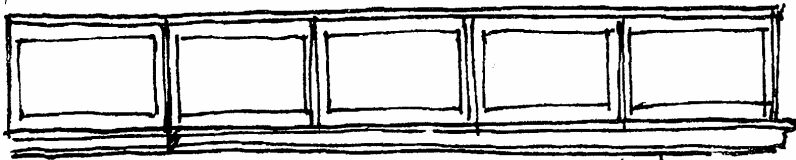
* REFER TO PREVIOUS SUBMITTAL FOR NOTES & CALLOUTS

COASTAL COMMISSION

EXHIBIT # 5

PAGE 1 OF 2

HOUSE
OUTLINE



ORTH ELEVATION

Approx. 33' ELEVATION

SCALE: 1/4" = 1'
COASTAL COMMISSION

CIRCLE
12.14.06

EXHIBIT # 5
PAGE 2 OF 2