

CALIFORNIA COASTAL COMMISSION

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W 7a

Filed: November 19, 2009
49th Day: January 7, 2010
180th Day: May 18, 2010
Staff: Fernie Sy-LB
Staff Report: February 17, 2010
Hearing Date: March 10-12, 2010
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-09-157

APPLICANT: John Whelan

AGENT: William Guidero

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, 8,354 square foot single-family residence with an attached 2,321 square foot seven-car garage on a coastal bluff top lot. Grading will consist of 1,180 cubic yards of cut, 760 cubic yards of fill, 700 cubic yards of overexcavation and 420 cubic yards of export to a location outside of the Coastal Zone

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-In-Concept (No. 0997-2009) dated August 18, 2009.

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 **SEVEN (7) SPECIAL CONDITIONS** regarding: **1)** assumption of risk; **2)** no future shoreline or blufftop protective devices; **3)** additional approvals for any future development; **4)** evidence of conformance with geotechnical recommendations; **5)** conformance with the Drainage and Run-Off Control Measures as shown on the Grading Plan; **6)** submittal of a Revised Landscaping Plan; and **7)** 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: CDP No. 5-05-442-[Warmington]; CDP No. 5-05-442-[Warmington]-E1; City of Newport Beach certified Land Use Plan; Letter from Commission staff to William Guidero dated September 16, 2009; Letter from William Guidero to Commission staff dated September 30, 2009; Letter from Commission staff to William Guidero dated November 4, 2009; Letter from William Guidero to Commission staff received November 19, 2010; *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 *Change of Geotechnical Consultant and Report Update for Proposed New Residence at 157 Shorecliff Road Corona Del Mar, California (W.O. 383809-01)* prepared by Coast Geotechnical, Inc. dated August 5, 2009.

LIST OF EXHIBITS

1. Location Map
 2. Vicinity Map
 3. Floor Plans
 4. Geologic Cross Section
-

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 applicant acknowledges and agrees (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides, wave uprush and sea level rise; (ii) to assume the risks to the applicant 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 applicant agrees, on behalf of himself 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. 5-09-157 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, sea level rise, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of himself 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 applicant further agrees, on behalf of himself 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. 5-09-157. 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. 5-09-157. 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. 5-09-157 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. 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 investigation: *Change of Geotechnical Consultant and Report Update for Proposed New Residence at 157 Shorecliff Road Corona Del Mar, California (W.O. 383809-01)* prepared by Coast Geotechnical, Inc. dated August 5, 2009. The submitted geotechnical investigation states that the proposed residence will consist of continuous or isolated footings. 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), 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 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.

5. CONFORMANCE WITH THE DRAINAGE AND RUNOFF CONTROL PLAN

The applicant shall conform with the Drainage and Run-Off Control Measures shown on the Grading Plan received on November 19, 2009 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.

6. LANDSCAPE PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant 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 (<http://www.CNPS.org/>), the California Exotic Pest Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>). 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 permittee 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.

7. **DEED RESTRICTION**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 AND PREVIOUSLY APPROVED COASTAL DEVELOPMENT PERMIT FOR ONSITE DEVELOPMENT

1. 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 (Exhibit #4). 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 applicant is proposing to demolish an existing single-family residence and construct a three-level (two-story over a basement/garage), 8,354 square foot single-family residence with an attached 2,321 square foot seven-car garage on a coastal bluff top lot (Exhibits #3-4). The project also consists of a new rear yard above ground portable fiberglass spa, retaining walls, landscape and hardscape work. Grading will consist of 1,180 cubic yards of cut, 760 cubic yards of fill, 700 cubic yards of overexcavation and 420 cubic yards of export to a location outside of the Coastal Zone. The submitted geotechnical investigations state that the proposed residence will consist of continuous or isolated footings (i.e. no deepened foundation system such as caissons).

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 applicant is 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 applicant has submitted a geotechnical investigation prepared by Coast Geotechnical, Inc.. This Coast Geotechnical, Inc. investigation references the following two investigations that were done in association with the previously approved onsite development (CDP. No. 5-05-442-[Warmington], to be discussed later in the staff report): *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. These Coleman Geotechnical Investigations concluded that the previously approved development was acceptable.

The Coast Geotechnical, Inc. investigation states that significant recorded slope failures have not occurred along this section of coastal slope. Furthermore, the Coast Geotechnical, Inc. investigations agrees with the previously determined 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. The investigation also states that surficial stability has been found to have less than the acceptable 1.5 factor of safety. Hence, there is a potential of small rocks zones, within the coastal bluff, to fail due to slope steepness and weathering. However, the investigation states these conditions are not anticipated

to be adverse to development of the site. In accordance with the Coleman Geotechnical Investigations, the Coast Geotechnical, Inc investigation agrees with the calculated long term bluff retreat. However, instead of using a lifespan of 50 years similar to the Coleman Geotechnical Investigations, the Coast Geotechnical, Inc. investigation used 75 years and states that the long term bluff retreat rate is the 5cm/yr over 75 years, which is an anticipated bluff retreat of approximately 12.3-feet during the design life (75 years) of the structure. The slope will be subject to subaerial erosion and surficial instabilities, but the geotechnical investigation 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. 5-05-442-[Warmington], 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 will be setback a minimum of approximately 35-feet from the bluff edge. The hardscape features will be set back a minimum of approximately 13-feet from the bluff edge. Minor work within a portion of the 10-foot bluff edge setback area consisting of removal of existing hardscape, minor grading and landscaping 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).

The applicant has shown the Drainage and Run-Off Control Measures on the submitted Grading Plan that presents 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. 5**, which requires the applicant to conform to the submitted Drainage and Runoff Control Measures shown on the Grading Plan received on November 19, 2009.

The submitted Landscaping Plan contains a mixture of plants that are invasive and not drought tolerant. 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). The following plant found on the applicant's landscape plan is invasive: *Achillea Millefolia (Yarrow)*. 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 applicant's landscape plan are not drought tolerant: *Platanus Racemose* (California Sycamore), *Camellia Japonica 'Nuccio's Gem'* (Nuccio's Gem Camellia), and *Pittosporum Crassifolium 'Nan'* (Dwarf Karo). In addition, in regards to irrigation on site, the applicant has 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. 6**, which requires the applicant 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.

2. **PREVIOUSLY APPROVED COASTAL DEVELOPMENT PERMIT FOR ONSITE DEVELOPMENT**

A) **CDP NO. 5-05-442-(Warmington)**

On May 10, 2006, the Coastal Commission approved **CDP NO. 5-05-442-(Warmington)** for the 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 consisted 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. The project was approved pursuant to **Nine (9) Special Conditions** including: **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. The Notice of Intent was issued on June 4, 2006.

B) **CDP NO. 5-05-442-(Warmington)-E1**

On July 8, 2008, the Coastal Commission approved **CDP NO. 5-05-442-(Warmington)-E1**, which granted an extension to the permit approval. The original permit expiration date was May 10, 2008 and the extended permit expiration date was now May 10, 2009

The applicant never fulfilled the requirements of the Special Conditions and thus the permit expired on May 10, 2009. The currently proposed project is similar to the previously approved project.

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 (LCP)

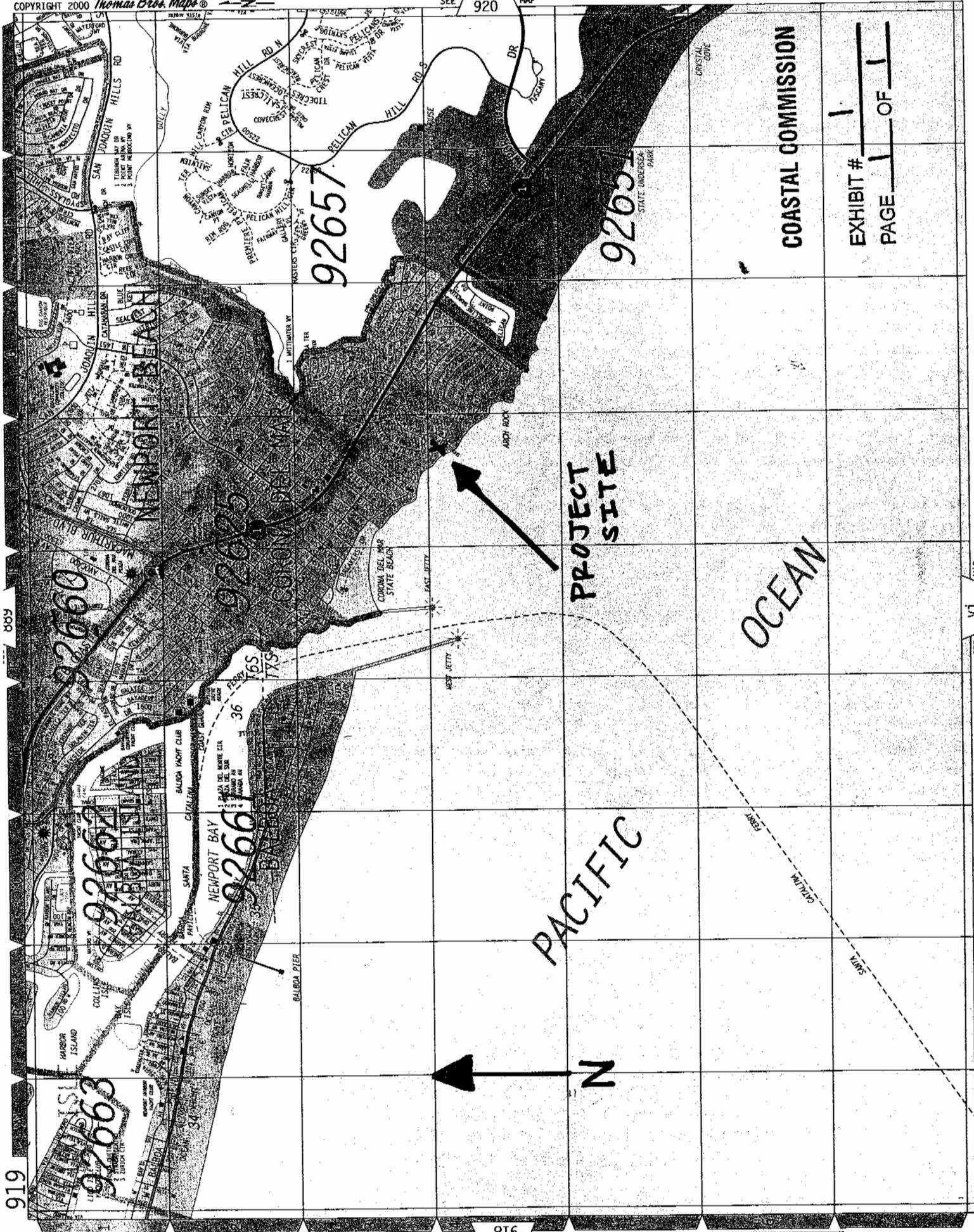
The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 8, 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, 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 (CEQA)

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

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COASTAL COMMISSION

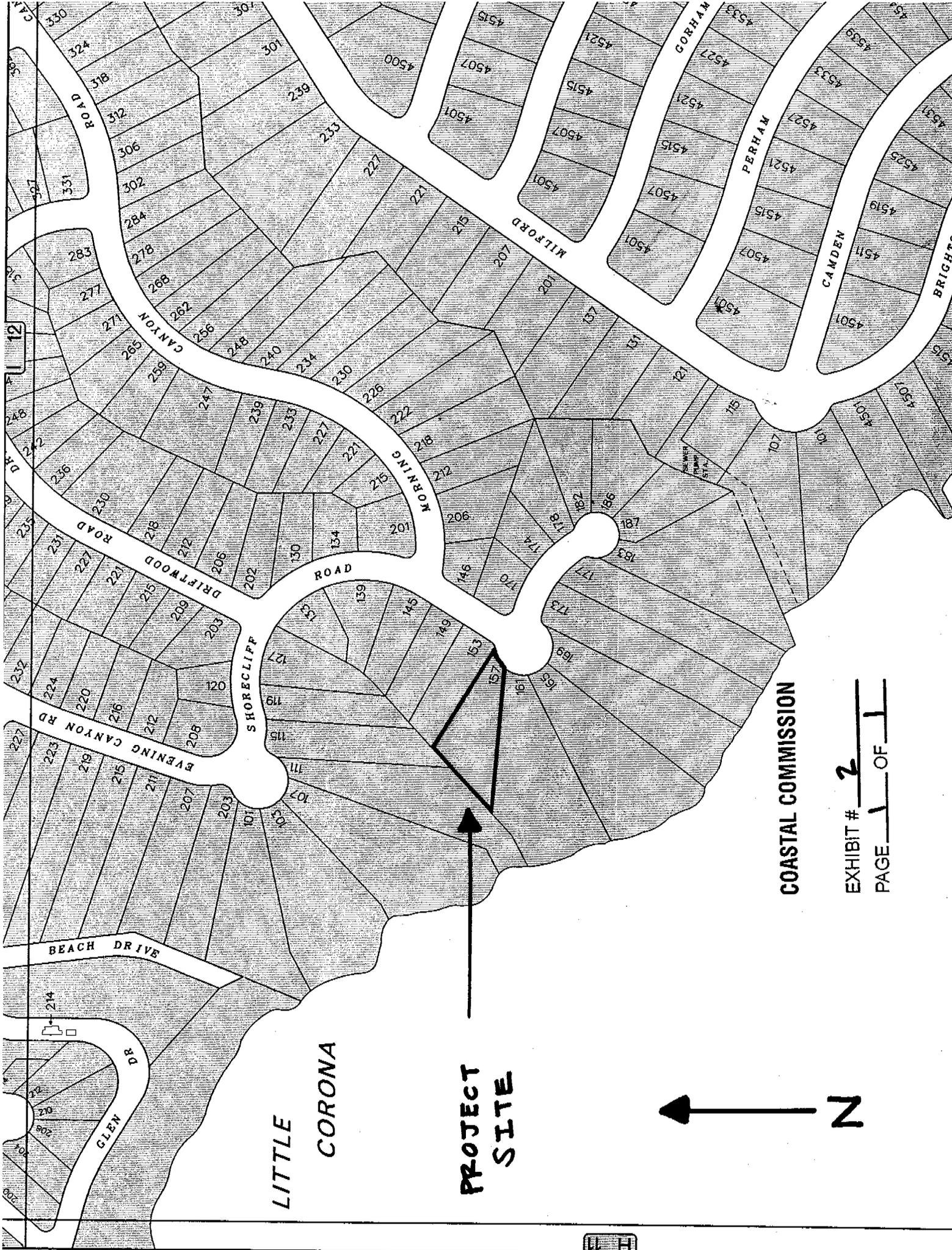
EXHIBIT # 1
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PROJECT SITE

OCEAN

PACIFIC

N



LITTLE
CORONA

PROJECT
SITE

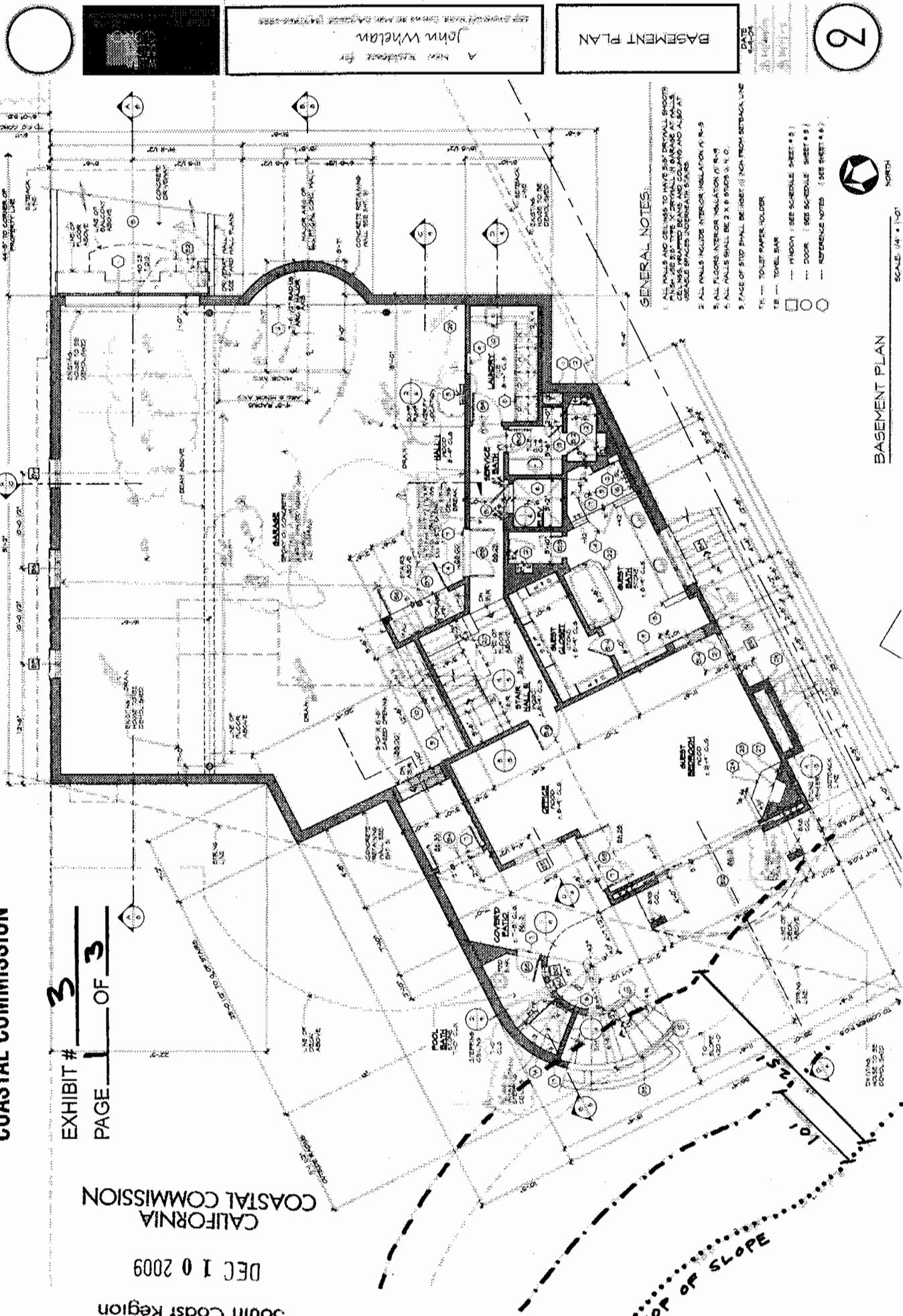


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EXHIBIT # 2
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- GENERAL NOTES:**
1. ALL WALLS AND CEILINGS TO HAVE 5/8" DRYWALL (SHOWN WITH DASHED LINE). ALL PARTS TO BE FINISHED AS SHOWN. CEILING SHALL BE 8'0" ABOVE FINISHED FLOOR AND SHALL BE VENTILATED TO THE EXTERIOR.
 2. ALL WALLS INCLUDE INTERIOR INSULATION (R-15).
 3. ALL FLOORS INCLUDE INTERIOR INSULATION (R-15).
 4. ALL WALLS SHALL BE 2 X 6 STUDS @ 16" O.C.
 5. FACE OF STUD SHALL BE INSET 1/2" FROM SETBACK LINE.
- TB --- TOLUENE PAPER HOLDER
 TB --- TONEL BAR
 --- FINISH (SEE SCHEDULE SHEET # 9)
 --- DOOR (SEE SCHEDULE SHEET # 9)
 --- REFERENCE NOTES (SEE SHEET # 4, 6)

BASEMENT PLAN

A new residence for
John Whelan

DATE
SCALE
7



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

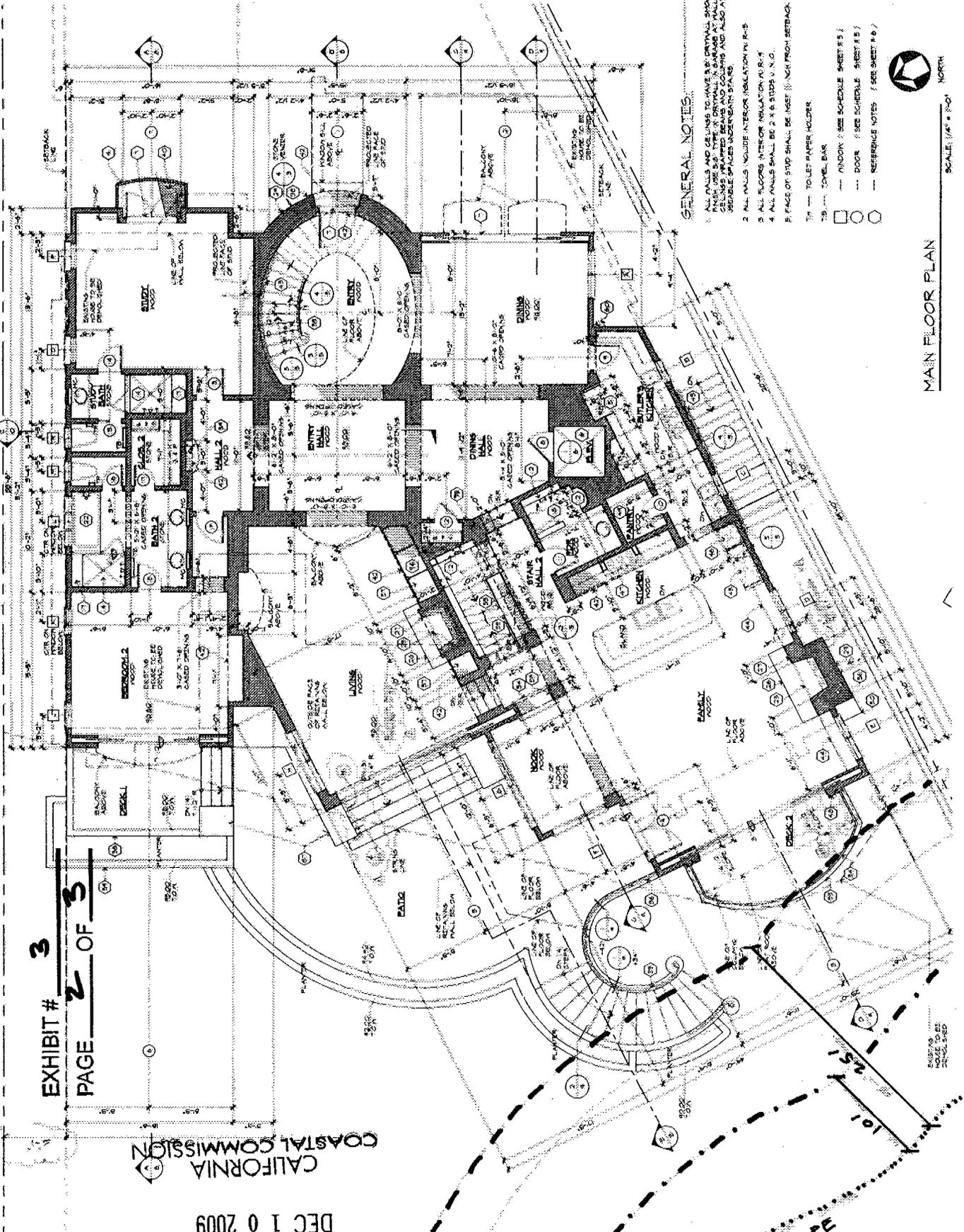
BASEMENT PLAN

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EXHIBIT # **3**
PAGE **2** OF **3**

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GENERAL NOTES:

1. ALL WALLS AND CEILINGS TO HAVE 5/8" DRYWALL. SMOOTH FINISH. USE 5/8" TYPE 'X' DRYWALL. 1/2" GYP. AT WALLS. CEILING TRIMMED BEANS AND CORNERS AND ALSO AT VISIBLE SPACES UNDERNEATH STAIRS.
2. ALL WALLS INCLUDE INTERIOR INSULATION R-5.
3. ALL FLOORS INTERIOR INSULATION R-9.
4. ALL FLOORS SHALL BE 2" X 8" STUDS U.N.O.
5. FACE OF STUD SHALL BE INSET 1/2" FROM SETBACK LINE.

- TOILET PAPER HOLDER
- TOWEL BAR
- WINDOW (SEE SCHEDULE SHEET #5)
- DOOR (SEE SCHEDULE SHEET #5)
- REFERENCE NOTES (SEE SHEET #6)

MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"



NORTH

3

MAIN FLOOR PLAN

A NEW BUILDING FOR
John Whelan

FOR INFORMATION ONLY. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION.

DATE: 11/10/09

TOP OF SLOTS

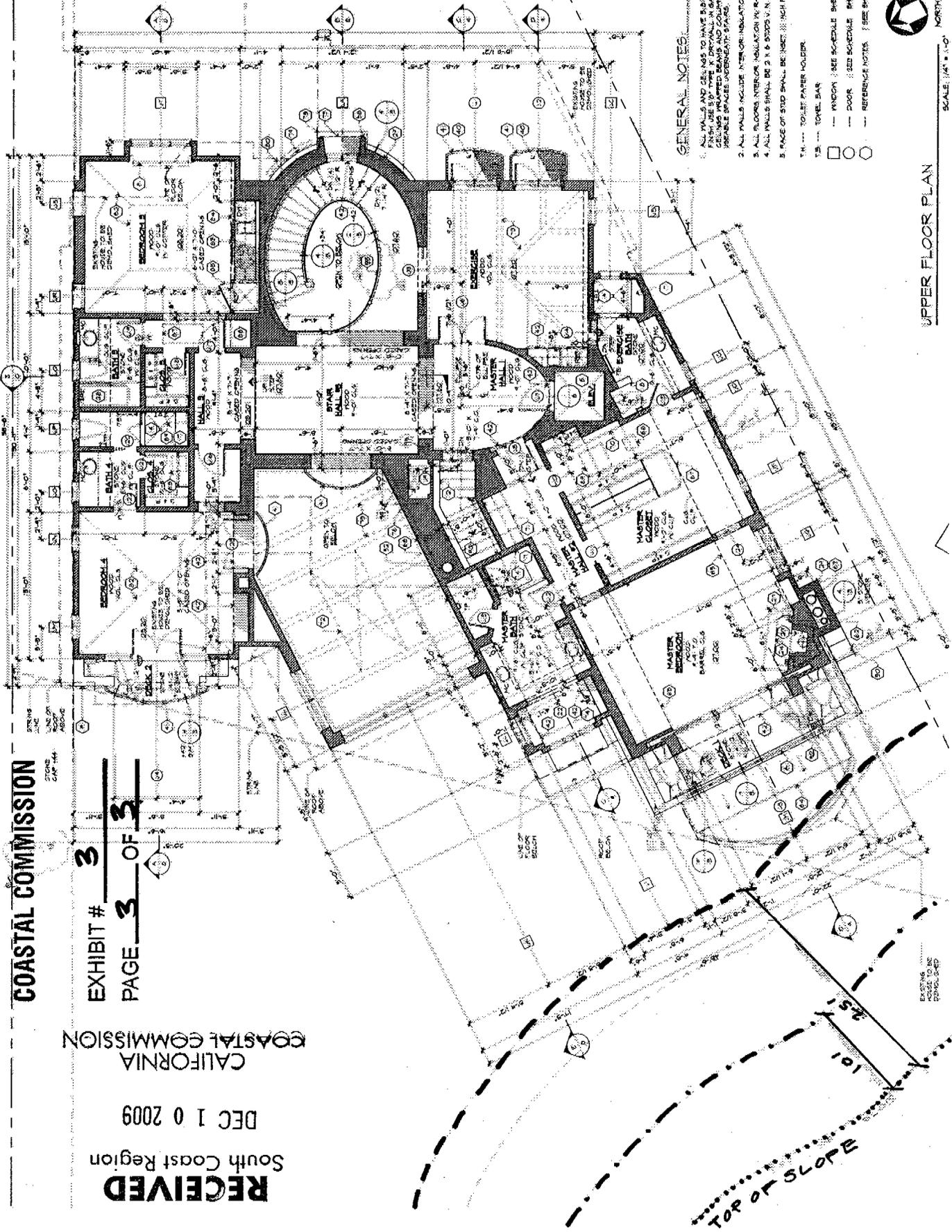
EXISTING HOUSE TO BE DEMOLISHED

RECEIVED
 South Coast Region
 DEC 1 0 2009

CALIFORNIA
 COASTAL COMMISSION

EXHIBIT # 3
 PAGE 3 OF 3

COASTAL COMMISSION



GENERAL NOTES:

1. ALL WALLS AND CEILINGS TO HAVE 5/8" DRYWALL SMOOTH FINISH UNLESS OTHERWISE NOTED.
2. ALL WALLS INCLUDE INTERIOR FINISHES UNLESS OTHERWISE NOTED.
3. ALL FLOORS INTERIOR FINISHES UNLESS OTHERWISE NOTED.
4. ALL WALLS SHALL BE 2" X 6 STUDS U.N.C.
5. FACE OF STD. SHALL BE INSET 3/8" FROM SETBACK LINE.

- T4 --- TOILET PAPER HOLDER
- T5 --- TOWEL BAR
- --- WINDOW (SEE SCHEDULE SHEET # 1.3)
- --- DOOR (SEE SCHEDULE SHEET # 1.3)
- REFERENCE NOTES (SEE SHEET # 4.0)

UPPER FLOOR PLAN

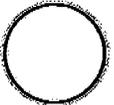
SCALE: 1/4" = 1'-0"



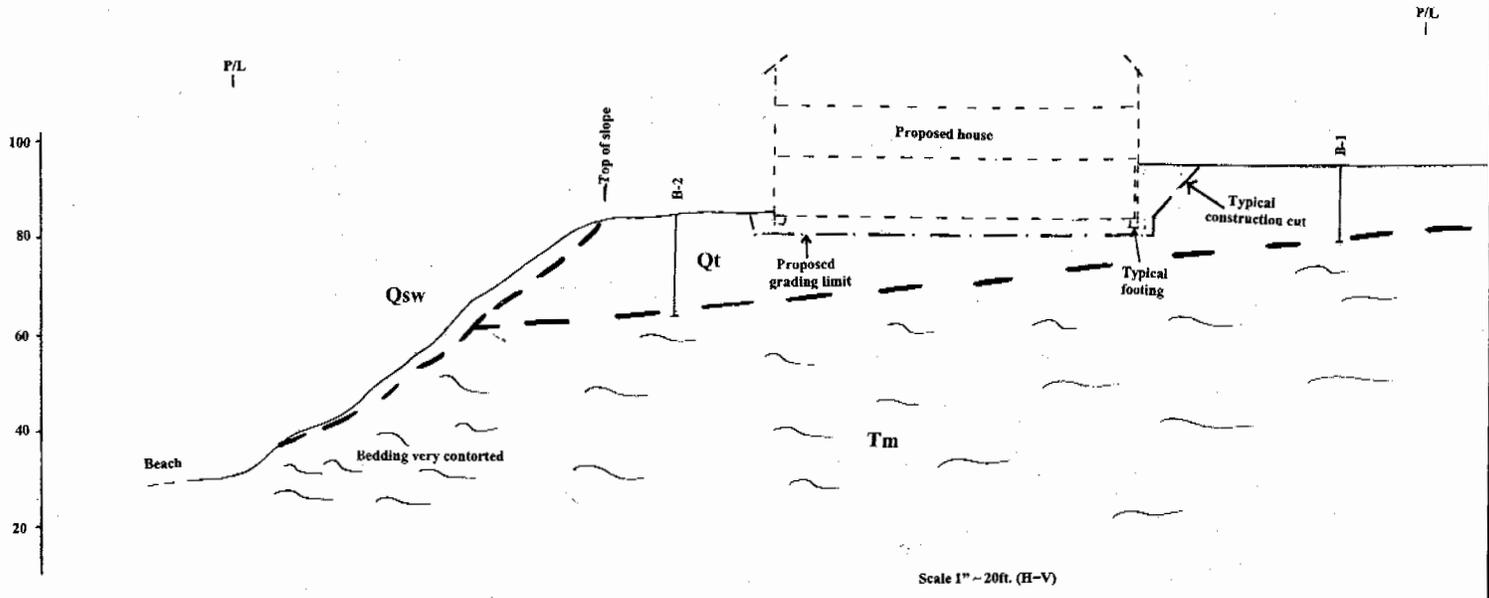
4

UPPER FLOOR PLAN

A New Residence for
 John Whelan



GEOLOGIC CROSS SECTION A-A'



COAST GEOTECHNICAL, INC.

W.O. 383809 Figure 4

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1