CALIFORNIA COASTAL COMMISSION

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



W10d

Filed: June 30, 2011 49th Day: August 18, 2011, 2011

180th Day: December 27, 2011

Staff: JDA-LB

Staff Report: November 17, 2011 Hearing Date: December 7-9, 2011

Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO: 5-11-130

APPLICANT: VW Revocable Living Trust

AGENT: Hal Woods and Ruben Muñoz

PROJECT LOCATION: 1104 and 1106 East Balboa Boulevard, Newport Beach, Orange

County

PROJECT DESCRIPTION: Merger of a 4922 sq. ft. lot and a 3438 sq. ft. lot to create a 8360 sq. ft. lot. Replacement of the existing 6" thick, 40' long bulkhead with a new bulkhead at the same location. Construction of a new, 8400 sq. ft., 25 foot high, single family residence with pool.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept dated April 18, 2011; City of Newport Beach Modification Permit No. MD2010-025 and Lot Merger No. LM2010-006 dated February 10, 2011; City of Newport Beach Harbor Permit / Approval in Concept 110-1106 dated May 17, 2011.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends <u>APPROVAL</u> of the proposed project with six (6) special conditions regarding: 1) revised final project plans; 2) assumption of risk for the development; 3) future development on the site; 4) no seaward extension of shoreline protective device; 5) construction responsibilities and debris removal, and 6) a deed restriction, referencing all of the special conditions in the staff report.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; Coastal Hazard Study by GeoSoils Inc., dated June 14, 2011, and Addendums to Coastal Hazard Study dated June 24, 2011 and September 2, 2011.

LIST OF EXHIBITS

- 1. Vicinity Map
- 2. Site Plan
- 3. Bulkhead Plans

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STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-11-130 pursuant to the staff recommendation.

Staff recommends a <u>YES</u> vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of 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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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. <u>Terms and Conditions Run with the Land.</u> 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. <u>Final Project Plans</u>

- 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 May 23, 2011, and show that the proposed development incorporates Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:
 - 1. BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible. Examples of such features include but are not limited to porous pavement, pavers, rain gardens, vegetated swales, infiltration trenches, cisterns.
 - 2. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.
- **B.** The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from sea level rise, flooding, wave attack, and erosion; (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.

3. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-11-130. 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. 5-11-130. Accordingly,

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any future improvements to the seawall/bulkhead or single family residence and any other development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-11-130 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. No Future Seaward Extension of Shoreline Protective Device

- **A.** By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device (seawall/bulkhead) approved pursuant to Coastal Development Permit No. 5-11-130, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device (seawall/bulkhead). By acceptance of this permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.
- **B.** Prior to the issuance by the Executive Director of the NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shoreline protective device approved by this permit, as generally described above and shown on Exhibit #3 attached to this staff report dated November 17, 2011, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

5. Construction Responsibilities and Debris Removal

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

- **A.** No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- **B.** Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- **C.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- **D.** Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- **E.** If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- **F.** Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- **G.** Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- **H.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

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- **I.** The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- **J.** Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- **K.** All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- **L.** Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- **M.** The discharge of any hazardous materials into any receiving waters shall be prohibited.
- **N.** Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- **O.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- **P.** All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. <u>Deed Restriction</u>

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

The proposed project is located on two lots fronting Newport Bay at 1104 and 1106 East Balboa Boulevard in the City of Newport Beach, Orange County (Exhibits #1-2). The project is located within the existing urban residential area located between the Balboa Pier and the Wedge. The lot at 1104 East Balboa Blvd was previously developed with a single family residence, which was demolished under Waiver of Coastal Development Permit 5-11-035-W. The lot at 1106 East Balboa Blvd is currently developed with a 3219 sq. ft. single family residence. Public access to the bay is available approximately 60 feet to the north of the subject property at C Street, a public roadway.

The project would result in a merger of the 4,922 sq. ft. lot at 1104 E Balboa Blvd and the 3,438 sq. ft. lot at 1106 E. Balboa to create a 8,360 sq. ft. lot. The applicant proposes to substantially demolish the existing single family residence and create an addition of 5,181 sq. ft. to expand the residence to occupy the new, wider lot, resulting in a new, 8,400 sq. ft., 25 foot high, single family residence.

The project also includes the replacement of the existing 6" thick, 40 foot long, concrete masonry unit bulkhead at 1104 East Balboa Blvd with a new, 3 foot tall, 1 foot 4 inch thick, 40 foot long bulkhead (Elevation 9 MLLW), with return walls which run 10 feet north of the bulkhead. The applicant is also proposing to install a 5' deep by 35' long cantilevered deck. The proposed bulkhead would be located in the same location as the existing bulkhead, and would not extend further seaward than the existing bulkhead. The proposed bulkhead will consist of Truline piles and a 3' tall concrete coping. The new bulkhead height will be at +9 above Mean Low Lower Water to meet present City of Newport Beach engineering standards.

B. SHORELINE PROTECTIVE DEVICES

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253 of the Coastal Act states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (<u>b</u>) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development includes the replacement of an existing bulkhead in the same location as the existing bulkhead. The applicant has submitted a structural analysis of the bulkhead to be

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replaced by William Simpson and Associates, which states that the existing bulkhead does not meet height or stability requirements, and that the new bulkhead should adequately protect the proposed development on the site for the economic life of the proposed single family residence. The applicants have also submitted a wave uprush study by Geosoils Inc., which states that a bulkhead is required in this location to prevent flooding impacts to the public street and adjacent residences. The Commission's engineer with expertise in coastal processes, Ms. Lesley Ewing, has reviewed and agreed with the conclusions of the report. Therefore, the proposed bulkhead is necessary to protect existing structures. The proposed development will protect lot stability and reduce risks to life and property with a structurally superior bulkhead system.

The proposed bulkhead is sited to avoid impacts to the adjacent beach and to Newport Bay. The proposed bulkhead is located approximately 12.5 feet landward of the neighboring bulkhead located to the east, and 26.5 feet landward of the bulkhead located to the west. The proposed bulkhead would not be located further seaward than the existing bulkhead. The proposed bulkhead would be a replacement of the existing structure, and will not result in new fill of coastal waters or changes to shoreline sand supply/erosion at the site.

The proposed bulkhead will conform to the current minimum elevation requirements set by the City of Newport Beach, a bulkhead elevation of at least +9 foot MLLW. The submitted wave uprush study states that the proposed bulkhead would protect the proposed residence until sea level rise exceeds 1.75 feet, and could accommodate additional sea level rise beyond the 1.75 feet anticipated by the report by increasing the height of the bulkhead.

Although the applicant's report indicates that the site is safe for development at this time, waterfront areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes, including sand regimes. The mechanisms of sand replenishment are complex and may change over time, especially as beach process altering structures, such as jetties, are modified, either through damage or deliberate design. The effects of sea level rise also add some uncertainty. In order to address this situation with respect to Coastal Act policy, Three (3) Special Conditions are necessary

a. Assumption of Risk

Given that the applicant has chosen to implement the project despite potential risks from sea level rise, wave attack, erosion, or flooding, the applicant must assume the risks. Therefore, the Commission imposes **Special Condition 2** for an assumption of risk agreement. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. In addition, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity from liability. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

b. Future Development

As discussed previously, the project site is located on a beachfront lot that may be subject to future flooding and wave attack as coastal conditions change. Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. For this reason, the Commission is imposing **Special Condition 3**, which states that any future development or additions on the property, including but not

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limited to any future improvements to the seawall/bulkhead, requires a coastal development permit from the Commission or its successor agency. Section 13250 (b) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. This condition ensures that any future development on this site that may affect shoreline processes receives review by the Commission.

c. No seaward placement of bulkhead

The bulkhead design will conform to the current minimum elevation requirements set by the City of Newport Beach, that the bulkhead elevation be at least +9 foot MLLW. This elevation has been established as a minimum standard and, according to the City of Newport Beach's Harbor Committee Report on Global Warming and Sea Level Rise Effects on Newport Harbor, many of the existing bulkheads are lower than the +9 foot MLLW standard. Bulkhead standards for Dana Point and Huntington harbor require new bulkheads be built to +10 foot MLLW elevation. The City of Newport Beach recommended minimum elevation does not take into account a significant rise in sea level. The proposed bulkhead results in a wall height that meets the City's minimum requirement and will provide protection against flooding from some forecasted sea level rise. However, if the water level or waves exceed the design condition, the current wall will then have to be raised. **Special Condition 4** requires that any future maintenance or work to address changing sea level, increased flooding or other coastal hazards be undertaken on or inland of the proposed development and that there not be any seaward encroachment beyond the identified and recorded line of development.

The proposed bulkhead is necessary to protect existing development. The proposed development would be sited and designed to prevent impacts to coastal resources, and conditioned to ensure that future development on the site does not result in significant adverse impacts to the adjacent beach and Newport Bay. The proposed development will protect lot stability and reduce risks to life and property with a structurally superior bulkhead system. Only as conditioned does the Commission finds that the proposed project is consistent with Section 30235 and 30253 of the Coastal Act.

C. WATER QUALITY AND MARINE ENVIRONMENT

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation,

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maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Construction Impacts to Water Quality

The protection of water quality is an important aspect of the Coastal Act. The proposed development will include work occurring adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. Water may potentially flow directly into Newport Bay from the site during construction. Polluted runoff negatively affects both marine resources and the public's ability to access coastal resources. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to minimize adverse construction-related impacts upon marine resources, Special Condition 5 provides construction-related requirements to provide for the safe storage of construction materials, the safe disposal of construction debris and best management practices (BMP). These BMPs are designed to minimize erosion and prevent debris from entering coastal waters.

Revised Final Plans

Beach closures related to poor water quality have been occurring more frequently in recent years. In order to address this issue, the Commission has been requiring that new development minimize impacts upon water quality. Runoff results in significant impacts to water quality, including additional erosion from increased flow volumes and additional pollutants as the runoff picks up trash and chemical residues when travelling to the public storm drain system. The proposed plans do not include provisions to infiltrate, treat, or filter runoff from the proposed single family residence. To reduce the potential for construction and post construction related impacts on water quality, the Commission imposes **Special Condition 1**, requiring the submittal of final plans which demonstrate that the proposed development incorporates design features to minimize the effect of post construction activities on the marine environment. These design features include, but are not limited to the use of permeable surfaces, the use of non invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters.

The proposed project, as conditioned to protect water quality, will not result in impacts on marine resources within Newport Bay. Only as conditioned does the Commission finds that the proposed project is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

Section 30604 (c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

The proposed development, which occurs seaward of the first public road, includes a lot merger to consolidate two adjacent lots, the demolition of the existing residence and construction of a new residence, and the removal of an existing bulkhead and construction of a new bulkhead in the same location. The construction of the new seawall/bulkhead will not occur seaward of the existing wall, and will not result in impacts to the sand supply. The proposed residence would be located within an existing single family residential neighborhood, and would not have impacts on the ability of the public to access the coast. The development will not create adverse impacts on coastal access and recreation. Therefore, the Commission finds that the proposed development would be consistent with Sections 30210 and 30212 of the Coastal Act regarding public access.

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 6**, 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

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 13, 2005. 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

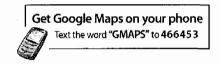
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation

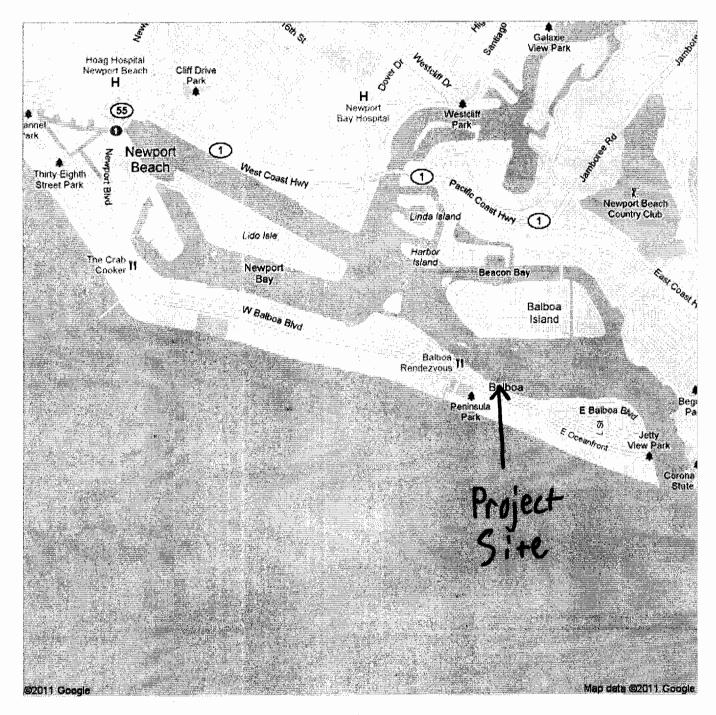
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measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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.







COASTAL COMMISSION

EXHIBIT #______OF_____



Scale: 1/8=['-0" FOR: MR. 6 MRS. WELDEN

EAST BALBOA BOULEVARD

Architectural Site Plan 1106 BALBDA BLVD. E. A CUSTOM SINGLE-FAMILY HOME IN THE CITY OF NEWPORT BEACH, CALIFORNIA.

COASTAL COMMISSION =

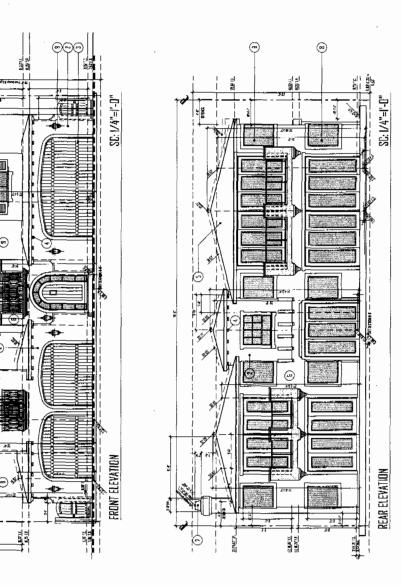
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FOR: MR. B MRS. WELDEN

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CUSQUA SINGLE-FAMILY HOME IN THE CITY OF NEWPORT BEACH, CALIFORNIA. PAGE

