

**CALIFORNIA COASTAL COMMISSION**

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

**W 7c**

[Click here to see additional  
correspondence received.](#)

Filed: April 12, 2012  
180th Day: October 9, 2012  
Staff: F. Sy-LB  
Staff Report: August 23, 2012  
Hearing Date: Sept. 12-14, 2012

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 5-11-284

**Applicant:** Ruthie Whitacre Revocable Trust

**Agent:** William Azzalino

**Location:** 101 15<sup>th</sup> Street, City of Newport Beach (County of Orange)

**Project Description:** Add new 2,305 sq.ft. 2nd floor residential unit located over 2 existing commercial units; remodel and add to existing 2-story residential unit located at rear of lot; convert 2-car garage to 2-car carport and construct new 485 sq.ft., 2-car garage, resulting in 2 parking spaces for each residential unit for a total of four residential parking spaces. No grading is proposed. Additionally, merge two existing lots into one lot.

**Staff Recommendation:** Approval with conditions.

---

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing the addition of a residential unit over two existing commercial units and also the remodel and addition to an existing residential unit located at the rear of the lot. The major issue of this staff report concerns beachfront development that could be affected by waves, erosion, storm conditions, sea level rise or other natural hazards in the future.

Staff is recommending **approval** of the proposed project with **Six (6) Special Conditions** regarding: **1)** assumption of risk; **2)** no future shoreline protective device; **3)** future development; **4)** conformance with the submitted drainage and run-off control plan; **5)** landscape controls; and **6)** 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.

## TABLE OF CONTENTS

<b>I.</b>	<b>MOTION AND RESOLUTION</b>	<b>4</b>
<b>II.</b>	<b>STANDARD CONDITIONS</b>	<b>4</b>
<b>III.</b>	<b>SPECIAL CONDITIONS</b>	<b>5</b>
<b>IV.</b>	<b>FINDINGS AND DECLARATIONS</b>	<b>7</b>
A.	PROJECT LOCATION AND DESCRIPTION	7
B.	HAZARDS	8
C.	DEVELOPMENT	8
D.	PUBLIC ACCESS	8
E.	WATER QUALITY	9
F.	DEED RESTRICTION	9
G.	LOCAL COASTL PROGRAM (LCP)	9
D.	CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	9

### APPENDICES

Appendix 1 – Substantive File Documents

### EXHIBITS

- Exhibit #1 – Location Map
- Exhibit #2 – Assessor Parcels Map
- Exhibit #3 – Site Plan/Existing & Proposed Exterior Overlay
- Exhibit #4 – Floor Plans/Roof Plan
- Exhibit #5 – Elevation Plans
- Exhibit #6 – Drainage Plan
- Exhibit #7 – Parcel Map

## I. MOTION AND RESOLUTION

### 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:

*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

This permit is granted subject to the following 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 on which 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. **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.

## II. SPECIAL CONDITIONS

1. **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 erosion, flooding, sea level rise and wave uprush; (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 Protective Device.**
  - A. By acceptance of this permit, the applicant agrees, on behalf of himself or herself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-284 including, but not limited to, the residences and garages, and any future improvements, in the event that the development is threatened with damage or destruction from 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 or herself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
  - B. By acceptance of this permit, the applicant further agrees, on behalf of himself or herself and all successors and assigns, that the landowners shall remove the development authorized by this permit, including the residences and garages, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowners shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
3. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-11-284. 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.

5-11-284. Accordingly, any future improvements to the residences uses 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. 5-11-284 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- 4. Conformance with Drainage and Run-Off Control Plan.** The applicant shall conform with the drainage and run-off control plan received on April 12, 2012 showing roof drainage and runoff from all impervious areas directed to permeable areas, dry wells percolation pits or trench drains. 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 legally required.
- 5. Landscaping-Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive 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>).
- 6. 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**

The subject site is located at 101 15<sup>th</sup> Street within the City of Newport Beach, Orange County (Exhibits #1-2). The lot size is 5,000 square feet and the City of Newport Beach Land Use Plan (LUP) designates use of the site for Mixed-Use Horizontal (MU-H) and the proposed project adheres to this designation. The project is located within an existing urban residential area, located generally east of the Newport Pier.

The site is a beachfront lot located between the first public road and the sea. There is a wide sandy beach approximately 450-feet wide between the subject property and the Pacific Ocean. Due to its location, by the ocean, the project site may be potentially exposed to the hazard of wave uprush during a severe storm event.

The proposed project will not have an adverse effect on public access. The project site is located on the inland portion of Oceanfront fronted by the City's paved public lateral access way (boardwalk). The Commission has found through previous permit actions in this area that the City's setback in this area is acceptable for maintaining public access. The proposed project is consistent with the City's 0-foot required setback from the seaward property line. There are only a minimal number of properties that have this 0-foot setback allowance in the Zoning Code. The only other property in the area with such an allowance is also located on 15<sup>th</sup> Street, but north of the project site on the northern side of Balboa Boulevard. Thus, this 0-foot setback is not common among oceanfront sites in the City. While the City's required setback is 0-feet, the existing ground floor commercial unit that fronts the boardwalk currently has a setback of approximately 1-foot from the seaward property line for a majority of the building's boardwalk frontage. No change to the footprint of this existing ground floor commercial use fronting the boardwalk is proposed and thus the existing setback will be maintained. The new 2<sup>nd</sup> floor residential unit will be located above this ground floor commercial use and will have frontage along and above the boardwalk and will have a minimum 1-foot setback from the seaward property line. The existing residential unit at the rear of the lot also has frontage along the boardwalk and again while the City requires 0-foot setback from the seaward property line, the existing residential unit fronting the boardwalk is currently setback approximately 3-feet from the seaward property line on the ground floor and 2-feet from the 2<sup>nd</sup> floor. No change to the footprint is proposed for existing ground floor or 2<sup>nd</sup> floor of this residential unit fronting the boardwalk and thus the existing setbacks will be maintained. Thus, the project's setbacks will not impact public access. Vertical public access to this beach is available at the adjacent 15<sup>th</sup> Street, street end. Lateral public access is available along the boardwalk and wide sandy beach seaward of the subject site (Exhibits #1-2).

The applicant is proposing the addition of a new 2,305 square foot 2<sup>nd</sup> floor residential unit located over two (2) existing street-fronting commercial units. Additionally, the remodel and addition of an existing two-story residential unit located at the rear of the lot will also take place consisting of the reduction of the existing 1<sup>st</sup> floor by 166 square feet and the addition of 633 square feet to the

existing 2<sup>nd</sup> floor. No work is proposed to either of the existing commercial ground floor units. The existing two (2) car garage is being converted to a two (2) car carport and a new 485 square foot two (2) car garage is also being constructed, resulting in two (2) parking spaces for each residential unit for a total of four (4) residential parking spaces. Post project, there will be a two (2) story, 2,111 square foot residential unit located at the rear of the lot and a 2<sup>nd</sup> floor 2,305 square foot residential unit located over two (2) existing street-fronting commercial units with a 485 square foot two (2) car garage and a two (2) car carport (Exhibits #3-5). No grading is proposed. The maximum height of the structure will be 31-feet above existing grade.

Additionally, a lot merger is proposed (Exhibit #7). Currently, each lot is developed with one existing commercial use and an existing residential use built across the interior property line toward the rear of the lots. The lot merger will consolidate these lots into one single lot.

The applicant is proposing water quality improvements as part of the proposed project, consisting of rooftop and surface drainage directed to permeable areas, dry wells percolation pits or trench drains (Exhibit #6).

## **B. HAZARDS**

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

## **C. DEVELOPMENT**

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

## **D. PUBLIC ACCESS**

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



**E. WATER QUALITY**

The proposed development has a potential for a discharge of polluted run-off from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize 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, reducing run-off through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the run-off discharged from the site, 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)**

The City of Newport Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is ministerial or categorically exempt. Section 13096(a) of the Commission's administrative 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).

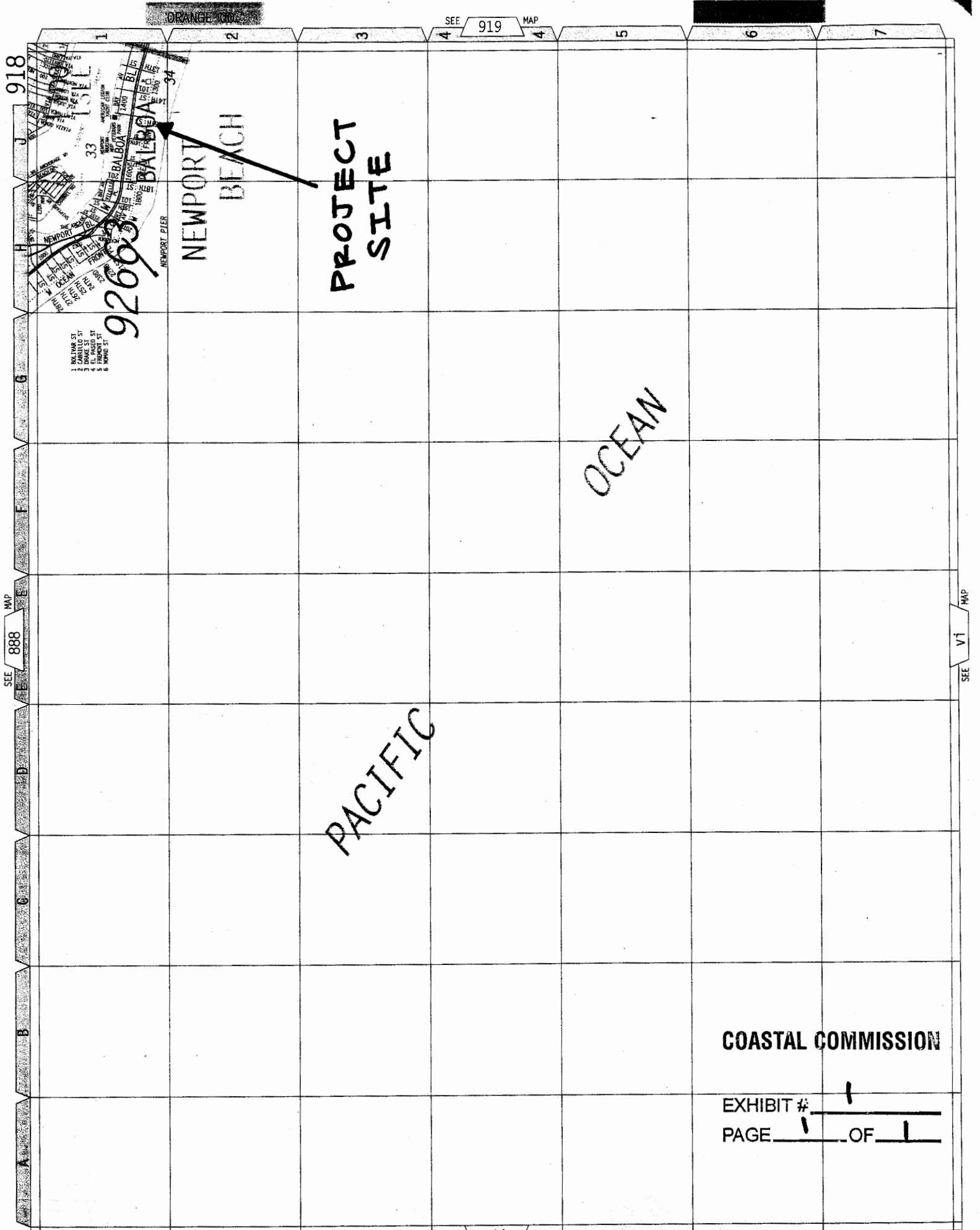
Although the proposed development is categorically exempt from CEQA, the Commission has imposed conditions to ensure conformity with Coastal Act requirements. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the

5-11-284 (Whitacre Revocable Trust)

Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and consistent with the requirements of the Coastal Act and CEQA.

## **APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS:** City Council Resolution 2011-90; Use Permit (UP2010-021); Modification Permit (MD2010-027); Lot Merger (LM2010-007); Approval-In-Concept No. 2011-051 (Use Permit & Modification Permit) dated October 18, 2011; and Approval-In-Concept No. 2011-062 (Lot Merger) dated October 28, 2011; Letter from Commission staff to applicant dated December 3, 2011; Letter from applicant to Commission staff received April 12, 2012; and *Coastal Hazard and Wave Runup Study, 105 15<sup>th</sup> Street, Newport Beach* prepared by *Geosoils, Inc.* dated March 13, 2012.



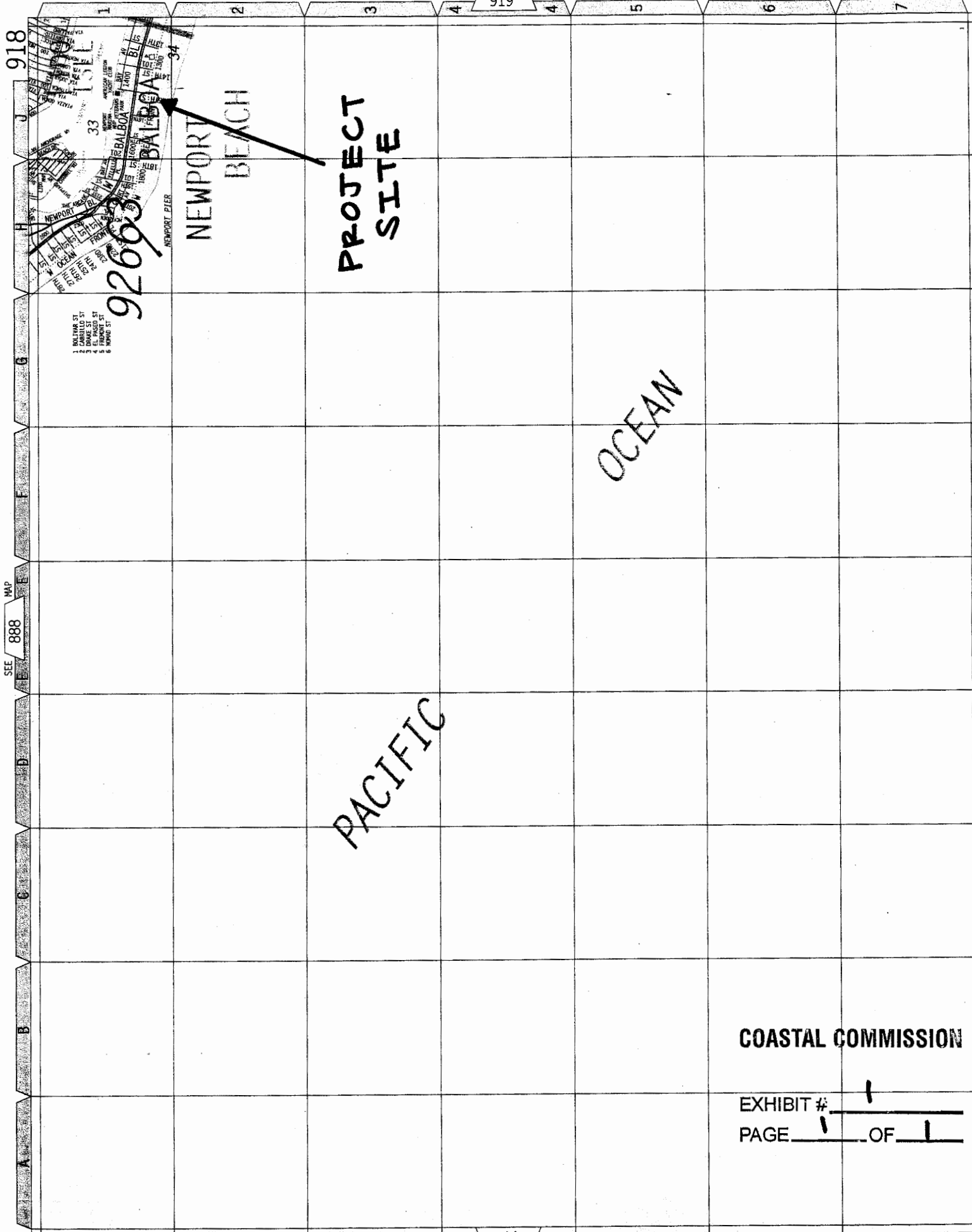
918

SEE 888 MAP

SEE V1 MAP

ORANGE CO

4 SEE 919 MAP 4



- 1 BOLIVAR ST
- 2 CABELLO ST
- 3 DIVALE ST
- 4 FRANK ST
- 5 FRANK ST
- 6 MOND ST

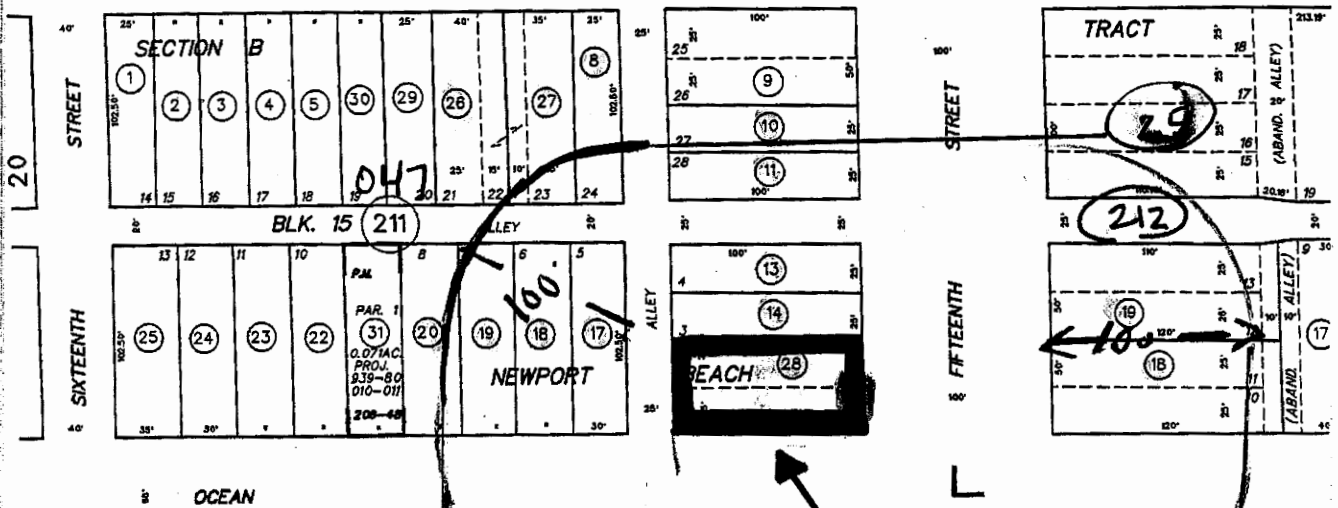
COASTAL COMMISSION

EXHIBIT # 1  
 PAGE 1 OF 1

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1991

22

BALBOA




COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1

Map Preparer:  
SUSAN W. CASE, INC.  
917 GLENNEYRE ST #7  
LAGUNA BEACH CA 92651  
949 494 6105  
[susancaseinc@yahoo.com](mailto:susancaseinc@yahoo.com)

FILE #117453  
WHITACRE  
101 E 15<sup>TH</sup> ST  
NEWPORT BEACH CA  
100' OWNERS AND OCCUPANTS  
047 211 28  
NOVEMBER 2 2011

  
NORTH



**A-0 ARCHITECTS**  
 10000 VAN NESS AVENUE  
 SUITE 100  
 SAN FRANCISCO, CA 94142  
 TEL: 415.774.1000  
 FAX: 415.774.1001  
 WWW.A0ARCHITECTS.COM

**CLIENT**  
 NAME: VENTURE RESIDENCE  
 88 - 321 10th STREET, SAN FRANCISCO, CA  
 94103

**PROJECT**  
 NAME: VENTURE RESIDENCE  
 88 - 321 10th STREET, SAN FRANCISCO, CA  
 94103

**ARCHITECT**  
 NAME: A-0 ARCHITECTS  
 10000 VAN NESS AVENUE, SUITE 100  
 SAN FRANCISCO, CA 94142  
 TEL: 415.774.1000  
 FAX: 415.774.1001  
 WWW.A0ARCHITECTS.COM

**DATE**  
 05-28-14

**SCALE**  
 1/8" = 1'-0"

**PROJECT NUMBER**  
 14-000000000

**DATE**  
 6-11-14

**SCALE**  
 1/8" = 1'-0"

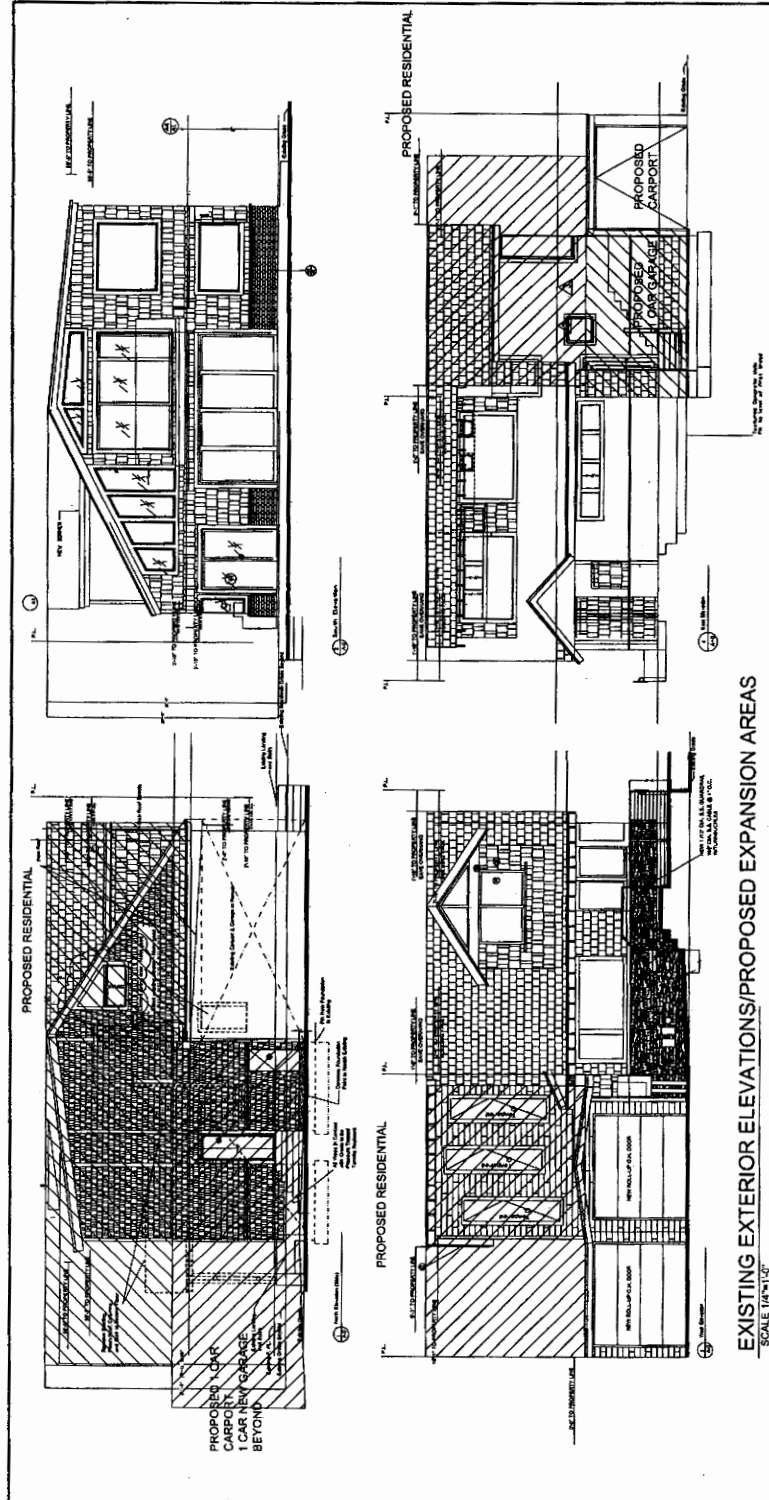
**REVISIONS**

NO.	DATE	DESCRIPTION
1	05-28-14	ISSUED FOR PERMITS
2	06-11-14	REVISIONS TO PERMITS

**NOTES**

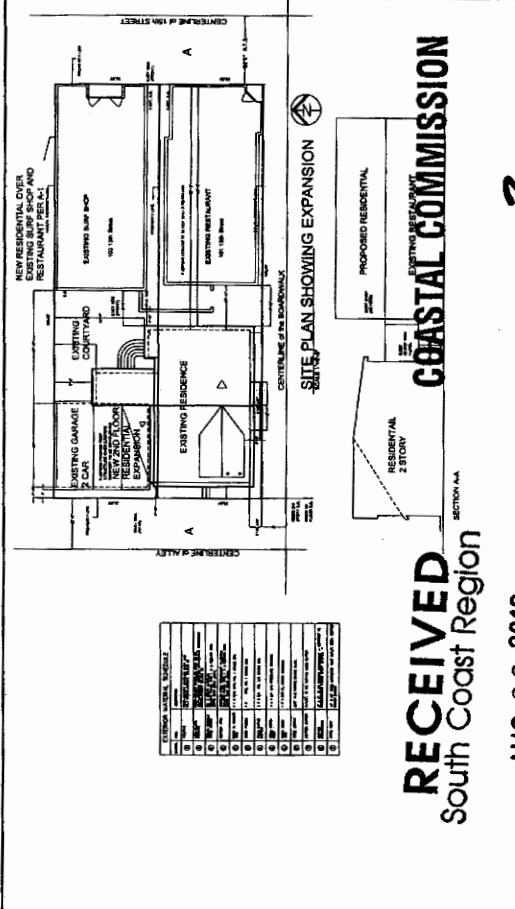
1. ALL CITY COMMENTS ARE TO BE COMPLETED AND SUBMITTED TO THE CITY OF SAN FRANCISCO FOR REVIEW AND APPROVAL.
2. ALL CITY COMMENTS ARE TO BE COMPLETED AND SUBMITTED TO THE CITY OF SAN FRANCISCO FOR REVIEW AND APPROVAL.
3. ALL CITY COMMENTS ARE TO BE COMPLETED AND SUBMITTED TO THE CITY OF SAN FRANCISCO FOR REVIEW AND APPROVAL.
4. ALL CITY COMMENTS ARE TO BE COMPLETED AND SUBMITTED TO THE CITY OF SAN FRANCISCO FOR REVIEW AND APPROVAL.
5. ALL CITY COMMENTS ARE TO BE COMPLETED AND SUBMITTED TO THE CITY OF SAN FRANCISCO FOR REVIEW AND APPROVAL.

**SCALE**  
 1/8" = 1'-0"



**EXISTING EXTERIOR ELEVATIONS/PROPOSED EXPANSION AREAS**  
 SCALE 1/8"=1'-0"

Existing Development	Proposed Development	Zoning Code Requirement
Lot Area (SF) 5,000 SF (2 lots)	5,000 SF	2,000 SF
Lot Width (ft) 50'-0" (225')	50'-0"	25'
Lot Depth (ft) 100'-0"	100'-0"	-
Setback Yards	-	-
Front (ft) 0'-0"	0'-0"	0'-0"
Side (ft) - North 0'-0"	5'-0"	5'-0"
Side (ft) - South 0'-0"	0'-0"	0'-0"
Rear (ft) 3'-10"	3'-10"	0'-0" 1st Flr / 6'-0" End Flr
Gross Floor Area (SF) 2,500 SF commercial 1,000 SF residential 1,200 SF residential - 2nd floor 1,200 SF residential - 3rd floor 1,200 SF residential - 4th floor 1,200 SF residential - 5th floor 1,200 SF residential - 6th floor 1,200 SF residential - 7th floor 1,200 SF residential - 8th floor 1,200 SF residential - 9th floor 1,200 SF residential - 10th floor 1,200 SF residential - 11th floor 1,200 SF residential - 12th floor 1,200 SF residential - 13th floor 1,200 SF residential - 14th floor 1,200 SF residential - 15th floor 1,200 SF residential - 16th floor 1,200 SF residential - 17th floor 1,200 SF residential - 18th floor 1,200 SF residential - 19th floor 1,200 SF residential - 20th floor 1,200 SF residential - 21st floor 1,200 SF residential - 22nd floor 1,200 SF residential - 23rd floor 1,200 SF residential - 24th floor 1,200 SF residential - 25th floor 1,200 SF residential - 26th floor 1,200 SF residential - 27th floor 1,200 SF residential - 28th floor 1,200 SF residential - 29th floor 1,200 SF residential - 30th floor 1,200 SF residential - 31st floor 1,200 SF residential - 32nd floor 1,200 SF residential - 33rd floor 1,200 SF residential - 34th floor 1,200 SF residential - 35th floor 1,200 SF residential - 36th floor 1,200 SF residential - 37th floor 1,200 SF residential - 38th floor 1,200 SF residential - 39th floor 1,200 SF residential - 40th floor 1,200 SF residential - 41st floor 1,200 SF residential - 42nd floor 1,200 SF residential - 43rd floor 1,200 SF residential - 44th floor 1,200 SF residential - 45th floor 1,200 SF residential - 46th floor 1,200 SF residential - 47th floor 1,200 SF residential - 48th floor 1,200 SF residential - 49th floor 1,200 SF residential - 50th floor	2,500 SF commercial 5,000 SF residential 1,200 SF residential - 2nd floor 1,200 SF residential - 3rd floor 1,200 SF residential - 4th floor 1,200 SF residential - 5th floor 1,200 SF residential - 6th floor 1,200 SF residential - 7th floor 1,200 SF residential - 8th floor 1,200 SF residential - 9th floor 1,200 SF residential - 10th floor 1,200 SF residential - 11th floor 1,200 SF residential - 12th floor 1,200 SF residential - 13th floor 1,200 SF residential - 14th floor 1,200 SF residential - 15th floor 1,200 SF residential - 16th floor 1,200 SF residential - 17th floor 1,200 SF residential - 18th floor 1,200 SF residential - 19th floor 1,200 SF residential - 20th floor 1,200 SF residential - 21st floor 1,200 SF residential - 22nd floor 1,200 SF residential - 23rd floor 1,200 SF residential - 24th floor 1,200 SF residential - 25th floor 1,200 SF residential - 26th floor 1,200 SF residential - 27th floor 1,200 SF residential - 28th floor 1,200 SF residential - 29th floor 1,200 SF residential - 30th floor 1,200 SF residential - 31st floor 1,200 SF residential - 32nd floor 1,200 SF residential - 33rd floor 1,200 SF residential - 34th floor 1,200 SF residential - 35th floor 1,200 SF residential - 36th floor 1,200 SF residential - 37th floor 1,200 SF residential - 38th floor 1,200 SF residential - 39th floor 1,200 SF residential - 40th floor 1,200 SF residential - 41st floor 1,200 SF residential - 42nd floor 1,200 SF residential - 43rd floor 1,200 SF residential - 44th floor 1,200 SF residential - 45th floor 1,200 SF residential - 46th floor 1,200 SF residential - 47th floor 1,200 SF residential - 48th floor 1,200 SF residential - 49th floor 1,200 SF residential - 50th floor	2,500 SF commercial 5,000 SF residential 4 units 1 carport 1 garage
Floor Area Ratio	1.15% commercial 6.15% garage 6.85% residential	3 Comm, 1.0 max, 4.5% residential
Building Coverage (%)	66.82%	77.50%
Building Height (ft)	21'-1"	38' Maximum at 31' roof
Landscaping (%)	39.18%	35.46%
Paving (%)	1.28%	1.28%
Parking	2 Cars Residential	4 Cars Residential
Number of Employees	3	2 per unit residential
Number of Seats	0	0
Breeding Units	1 - Grade & Second Floor	2 Units



**SITE PLAN SHOWING EXPANSION**

**RECEIVED**  
 South Coast Region  
 CALIFORNIA  
 COASTAL COMMISSION

EXHIBIT # **3**  
 PAGE **1** OF **1**  
 AUG 2-2 2012



**WILLIAM AZIANO ARCHITECT**  
 1101 MARINA DRIVE, SUITE 100  
 SAN DIEGO, CALIFORNIA 92101  
 TEL: 619-552-3333 FAX: 619-552-3334

DATE: 08/22/12  
 CLIENT: KUTHE PARTNERS RESPONSIBLE TRUST  
 PROJECT: 1101 MARINA DRIVE  
 LOCATION: SAN DIEGO, CA

RENOVATION AND  
 EXPANSION OF  
 SECOND FLOOR  
 EXPANSION OF GARAGE

ALL NEW WORK AND REVISIONS SHALL BE SHOWN IN RED. ALL EXISTING WORK SHALL BE SHOWN IN BLACK. ALL DIMENSIONS SHALL BE SHOWN IN RED. ALL FINISHES SHALL BE SHOWN IN BLACK. ALL MATERIALS SHALL BE SHOWN IN BLACK. ALL NOTES SHALL BE SHOWN IN BLACK.

GROUND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

11-2012  
 03-14-12

11-2012  
 03-14-12

11-2012  
 03-14-12

11-2012  
 03-14-12

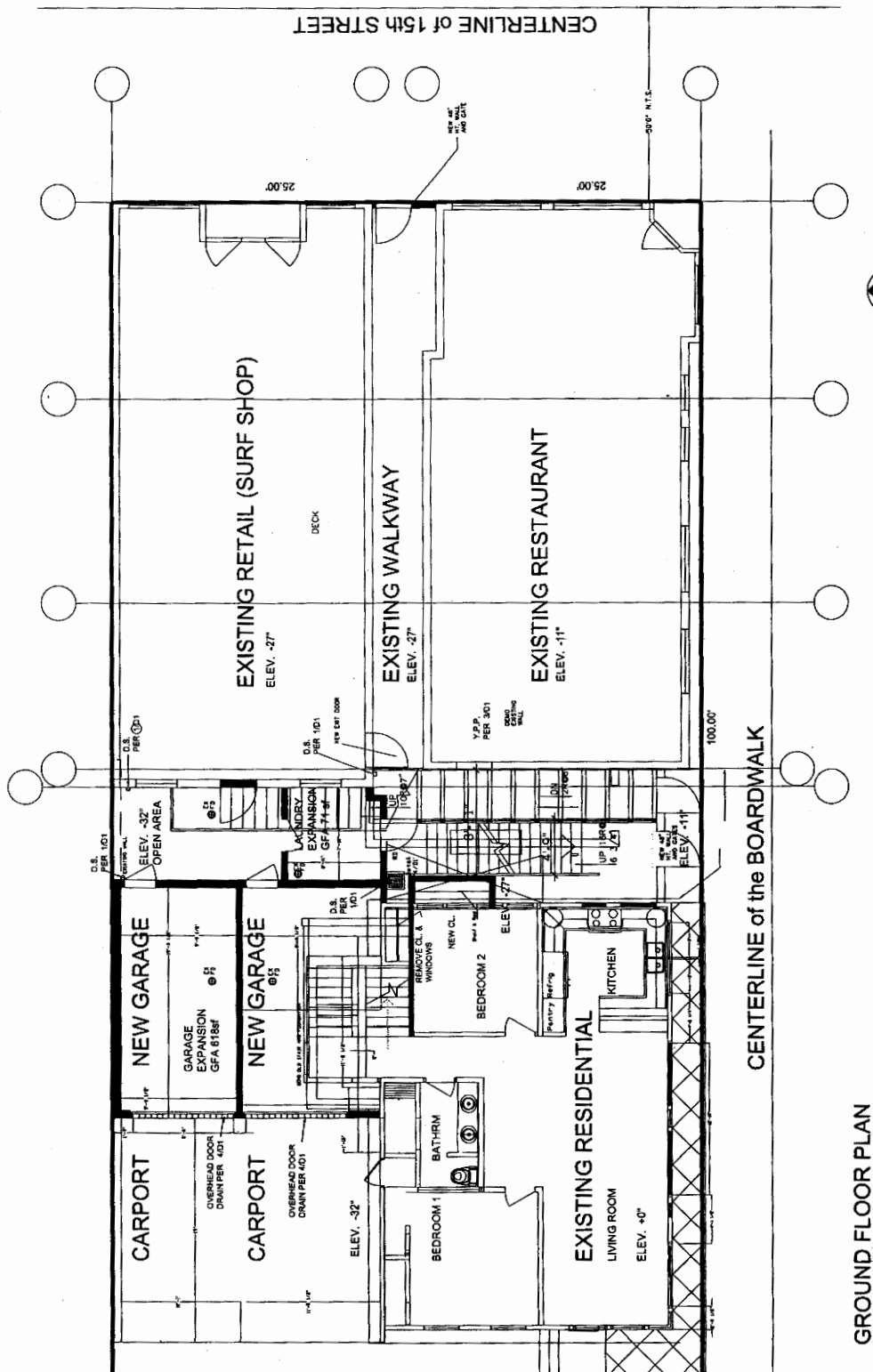
11-2012  
 03-14-12

11-2012  
 03-14-12

11-2012  
 03-14-12

11-2012  
 03-14-12

11-2012  
 03-14-12



**RECEIVED**  
 South Coast Region  
 AUG 22 2012  
 CALIFORNIA  
 COASTAL COMMISSION

EXHIBIT # **4**  
 PAGE **1** OF **3**



COASTAL COMMISSION

GROUND FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



WILLIAM ADAMS ARCHITECT  
 1000 AVENUE 23  
 SUITE 100  
 SAN FRANCISCO, CA 94115  
 TEL: 415.774.8888  
 FAX: 415.774.8889  
 WWW.WADAMSARCHITECT.COM

FOR INFO, SEE  
 2011.08.15.15.01.01  
 REPORT NO. CA

REVISIONS AND  
 DATE  
 1. 08/15/11  
 2. 08/15/11



THE ARCHITECT HAS REPRESENTED  
 THE CLIENT AND SHALL BE RESPONSIBLE  
 FOR THE ACCURACY OF THE INFORMATION  
 PROVIDED TO THE ARCHITECT AND FOR THE  
 ACCURACY OF THE INFORMATION PROVIDED  
 TO THE CLIENT. THE ARCHITECT SHALL  
 NOT BE RESPONSIBLE FOR THE ACCURACY  
 OF THE INFORMATION PROVIDED TO THE  
 CLIENT BY ANY OTHER PARTY.

SECOND FLOOR PLAN  
 MIXED USE BUILDING - RESIDENTIAL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

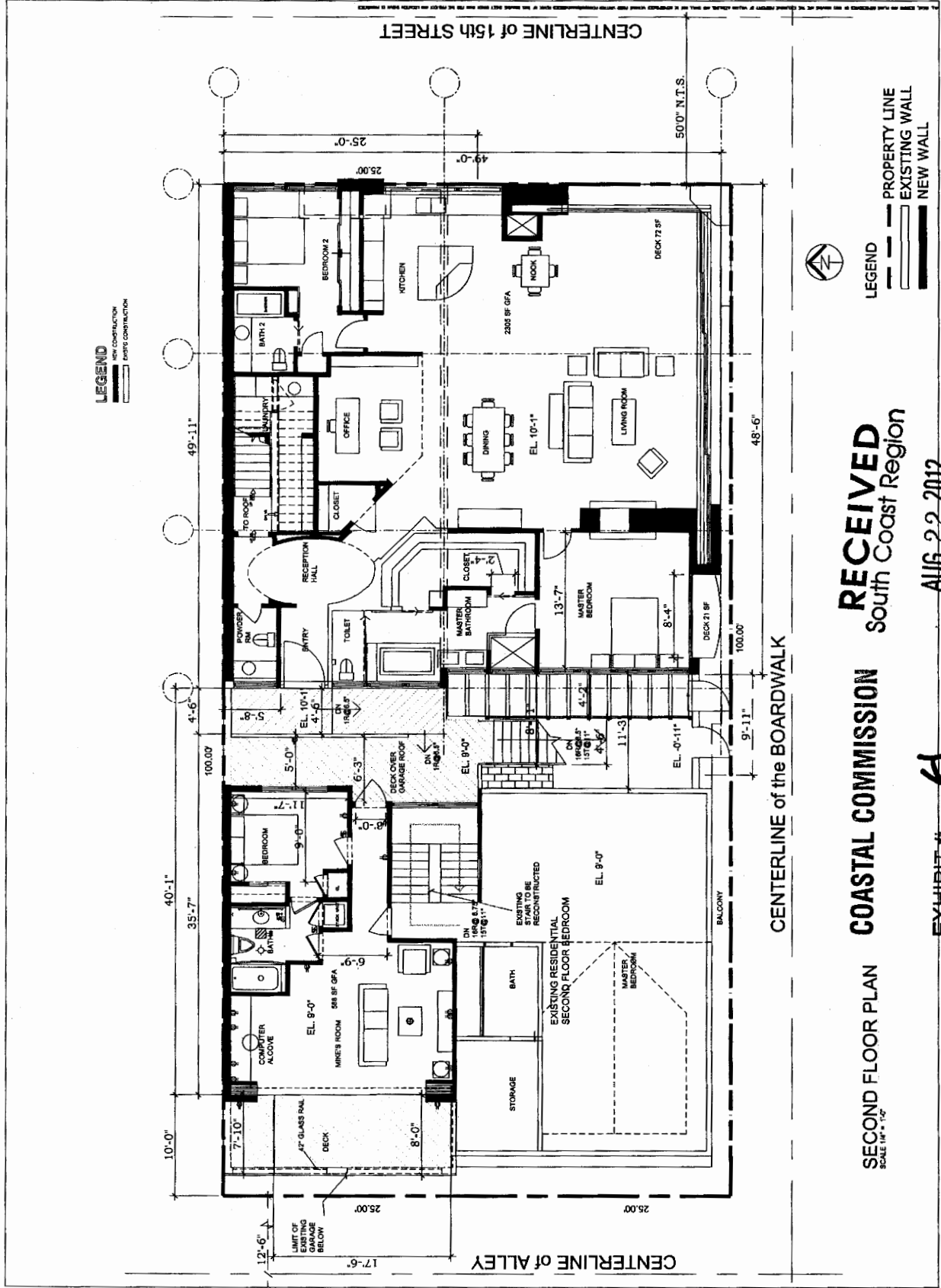
PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

PROPERTY LINE  
 EXISTING WALL  
 NEW WALL



LEGEND  
 NEW CONSTRUCTION  
 EXISTING CONSTRUCTION



LEGEND  
 PROPERTY LINE  
 EXISTING WALL  
 NEW WALL

**RECEIVED**  
 South Coast Region

AUG 22 2012

**COASTAL COMMISSION**

EXHIBIT # 4  
 PAGE 2 OF 3

SECOND FLOOR PLAN  
 SCALE 1/4" = 1'-0"

CALIFORNIA  
 COASTAL COMMISSION





JOE ANGELO, CEO  
 40715 WILLOW CREEK AVENUE  
 SUITE 100  
 SAN ANTONIO, TEXAS 78248  
 TEL: 214-343-1111  
 FAX: 214-343-1112

REVISED AND REDESIGNED  
 ADDITION OF SECOND FLOOR  
 DIVISION OF GARAGE



THE DRAWING AND SPECIFICATIONS  
 HEREBY SUBMITTED ARE THE SOLE  
 AUTHORITY FOR THE CONSTRUCTION  
 OF THE PROJECT DESCRIBED HEREIN.  
 THE ARCHITECT ASSUMES NO  
 LIABILITY FOR THE ACCURACY OF THE  
 INFORMATION PROVIDED BY OTHERS  
 WHOSE WORK IS REFERENCED IN  
 THIS DOCUMENT. THE ARCHITECT  
 ASSUMES NO LIABILITY FOR THE  
 ACCURACY OF THE INFORMATION  
 PROVIDED BY OTHERS WHOSE WORK  
 IS REFERENCED IN THIS DOCUMENT.  
 THE ARCHITECT ASSUMES NO  
 LIABILITY FOR THE ACCURACY OF THE  
 INFORMATION PROVIDED BY OTHERS  
 WHOSE WORK IS REFERENCED IN  
 THIS DOCUMENT.

DATE: 08-14-12

PROJECT NUMBER: 6-12111

ROOF FLOOR PLAN  
 USED FOR BUILDING PERMIT

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

DATE: 08-14-12

PROJECT NUMBER: 6-12111

DATE: 08-14-12

PROJECT NUMBER: 6-12111

DATE: 08-14-12

PROJECT NUMBER: 6-12111

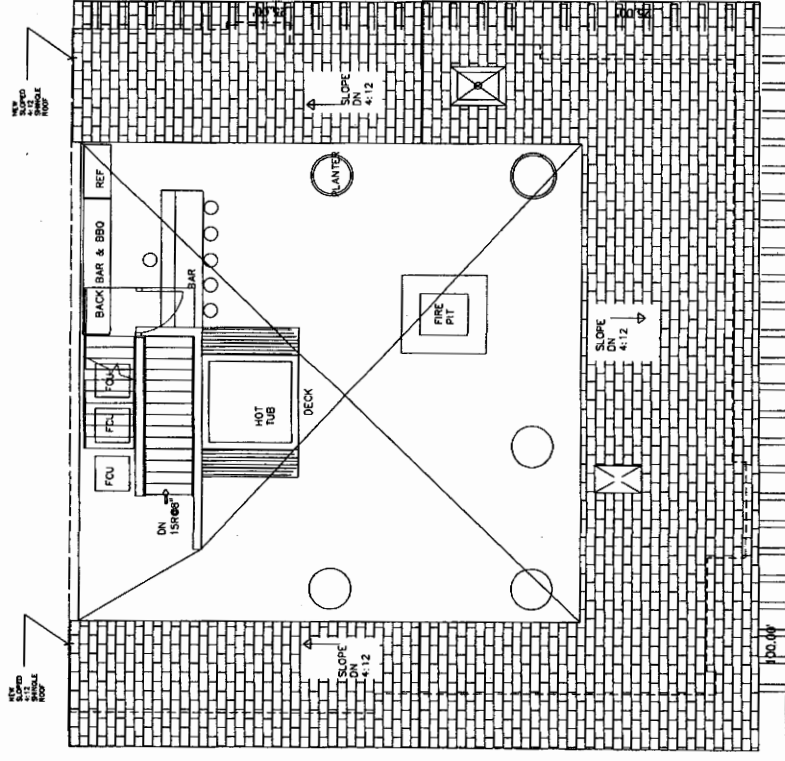
DATE: 08-14-12

PROJECT NUMBER: 6-12111

DATE: 08-14-12

PROJECT NUMBER: 6-12111

**LEGEND**  
 NEW CONSTRUCTION  
 EXISTING CONSTRUCTION



**COASTAL COMMISSION**

EXHIBIT # 4  
 PAGE 3 OF 3

**RECEIVED**  
 South Coast Region

AUG 22 2012

CALIFORNIA  
 COASTAL COMMISSION

ROOF FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

DATE: 08-14-12  
 PROJECT NUMBER: 6-12111



ARCHITECTURAL DESIGN GROUP, INC.  
 10108 13TH STREET  
 SAN DIEGO, CA 92161

DATE: \_\_\_\_\_

REVISION AND  
 DIVISION OF REVISIONS  
 DIVISION OF REVISIONS



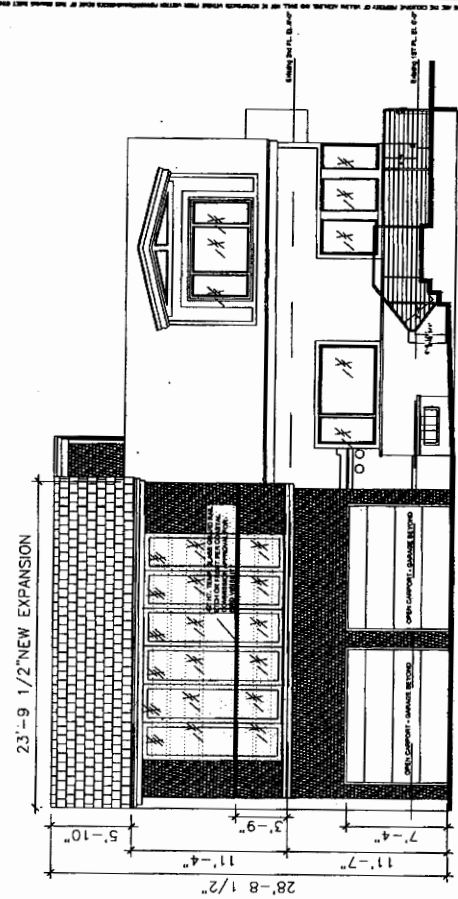
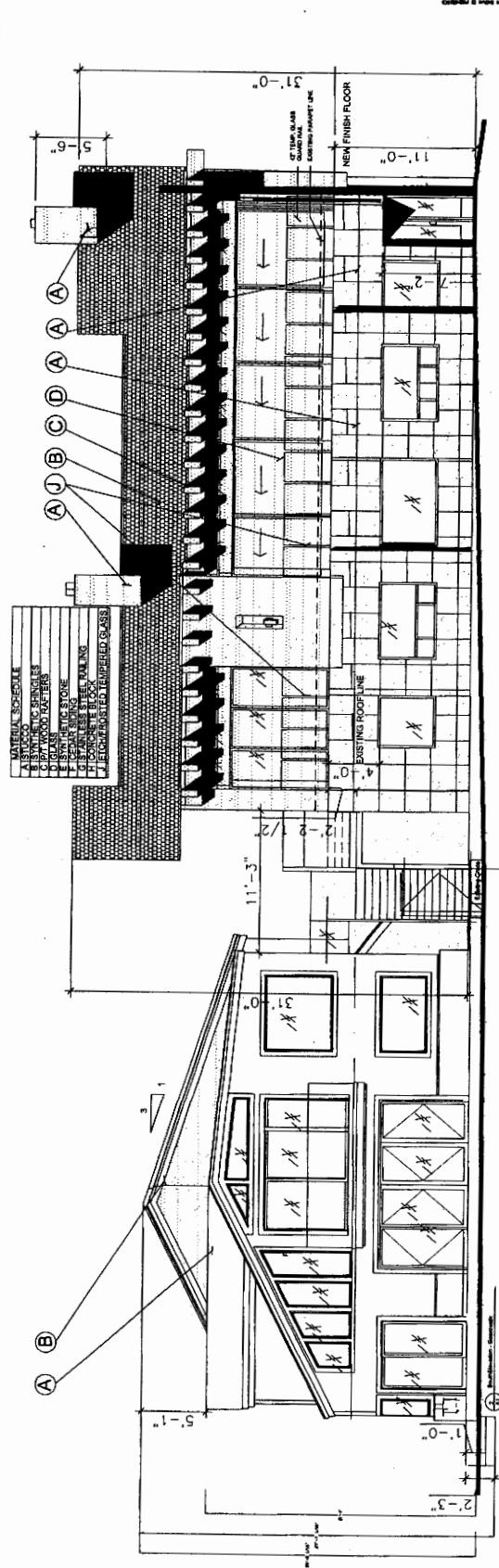
THE REVISIONS AND REVISIONS TO THE ARCHITECTURAL DRAWINGS ARE THE PROPERTY OF ARCHITECTURAL DESIGN GROUP, INC. AND SHALL REMAIN THE PROPERTY OF ARCHITECTURAL DESIGN GROUP, INC. ANY REVISIONS TO THE ARCHITECTURAL DRAWINGS SHALL BE MADE BY ARCHITECTURAL DESIGN GROUP, INC. AND SHALL BE MADE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT. ANY REVISIONS TO THE ARCHITECTURAL DRAWINGS SHALL BE MADE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ARCHITECTURAL AGREEMENT.

BOARDWALK ELEVATION  
 RESIDENTIAL EAST ELEVATION

PROJECT NAME: BOARDWALK ELEVATION  
 PROJECT NUMBER: 03-11-2  
 DATE: 01-2011

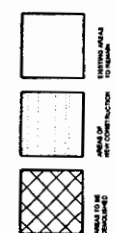
SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

PROJECT NUMBER: 03-11-2  
 DATE: 01-2011



COASTAL COMMISSION

EXHIBIT # **S** OF **2**



RECEIVED  
 South Coast Region

AUG 2-2-2012

CALIFORNIA  
 COASTAL COMMISSION

A-3.1



WILLIAM LAZARUS ARCHITECTS  
 1000 WEST 10TH AVENUE  
 SUITE 1000  
 LOS ANGELES, CA 90024  
 TEL: 213.480.1234  
 FAX: 213.480.1235  
 WWW.WILLIAMLAZARUSARCHITECTS.COM

DATE

REVISIONS AND  
 ADDITIONS TO THE  
 ORIGINAL DRAWING  
 DATE



THESE DRAWINGS ARE THE PROPERTY OF WILLIAM LAZARUS ARCHITECTS. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WILLIAM LAZARUS ARCHITECTS. WILLIAM LAZARUS ARCHITECTS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THESE DRAWINGS.

DATE

MIXED USE  
 WEST ELEVATION  
 SOUTH ELEVATION  
 NORTH ELEVATION

DATE

PROJECT NAME

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

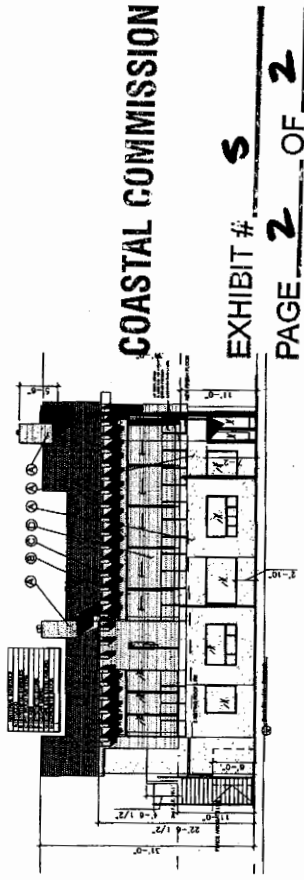
DATE

DATE

DATE

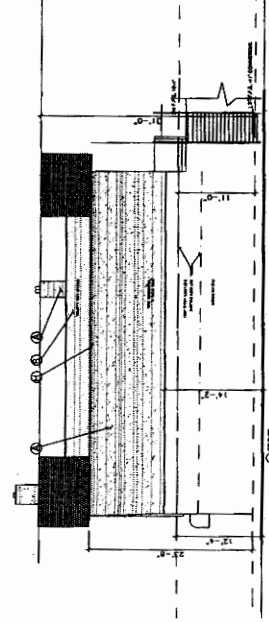
△ △ △ △ △ △ △ △

A-3.3



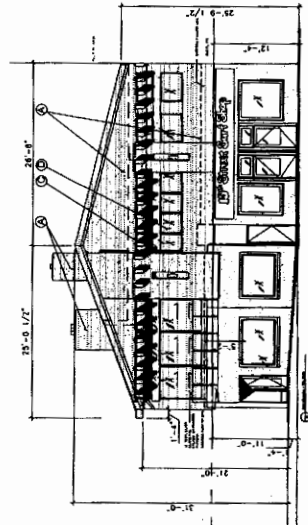
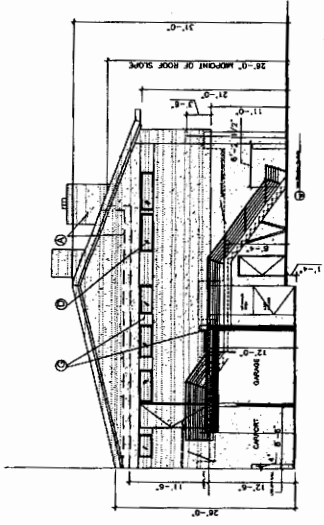
COASTAL COMMISSION

EXHIBIT # S  
 PAGE 2 OF 2



RECEIVED  
 South Coast Region  
 AUG 22 2012

CALIFORNIA  
 COASTAL COMMISSION



AREA TO BE  
 DEMOLISHED  
 AREA TO BE  
 NEW CONSTRUCTION  
 EXISTING AREA  
 TO REMAIN



OF A&P HAS  
DESIGNED THE  
PROPOSED PROJECT  
IN ACCORDANCE WITH  
THE CALIFORNIA  
SPECIAL DISTRICT  
MAPACT, 2001, CHAPTER 423

DISTRICT  
EXHIBITION AND  
DEVELOPMENT OF RESIDENCE  
BY THE STATE OF CALIFORNIA  
EXHIBITION OF DISTRICT

The drawings are prepared for the construction of the proposed project as shown on the drawings. The drawings are prepared by the architect based on the information provided by the client and the contractor. The drawings are prepared in accordance with the requirements of the State of California. The drawings are prepared by the architect based on the information provided by the client and the contractor. The drawings are prepared in accordance with the requirements of the State of California.

DRAINAGE PLAN

PROJECT NUMBER: 08-2011

DATE: 08-2011

SCALE: 1/2" = 1'-0"

PROJECT NAME: EXHIBITION AND DEVELOPMENT OF RESIDENCE BY THE STATE OF CALIFORNIA

PROJECT NUMBER: 08-2011

DATE: 08-2011

SCALE: 1/2" = 1'-0"

PROJECT NAME: EXHIBITION AND DEVELOPMENT OF RESIDENCE BY THE STATE OF CALIFORNIA

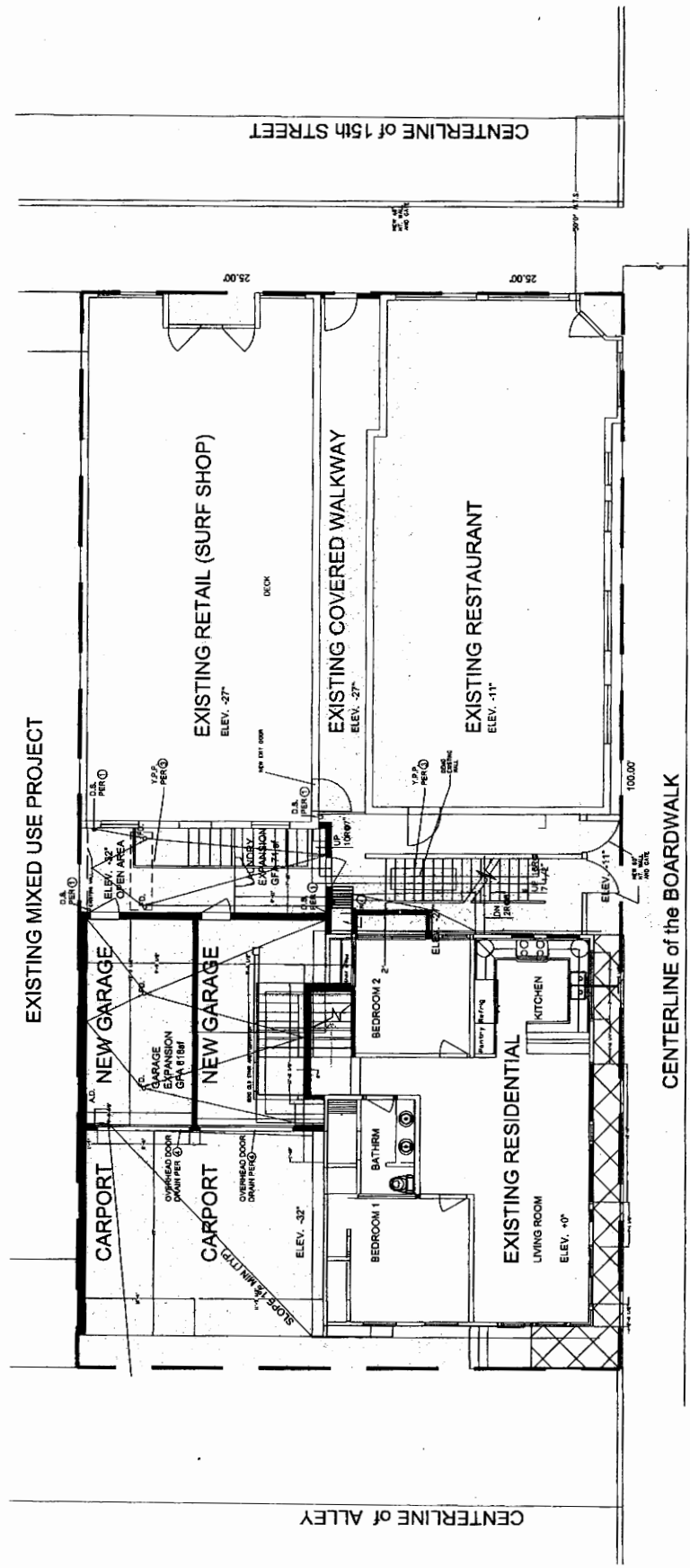
PROJECT NUMBER: 08-2011

DATE: 08-2011

SCALE: 1/2" = 1'-0"

PROJECT NAME: EXHIBITION AND DEVELOPMENT OF RESIDENCE BY THE STATE OF CALIFORNIA

**D-1**



**SITE DRAINAGE PLAN**  
SCALE 1/2" = 1'-0"

**LEGEND**

- PROPERTY LINE
- EXISTING WALL
- NEW WALL

**SECTION 1: DRAINAGE @ DOWNSPOUT**  
SECTION 2: LINEAR CHANNEL DRAIN  
SECTION 3: YARD PERCOLATION PIT

**RECEIVED**  
South Coast Region

**RECEIVED**  
South Coast Region

**RECEIVED**  
South Coast Region

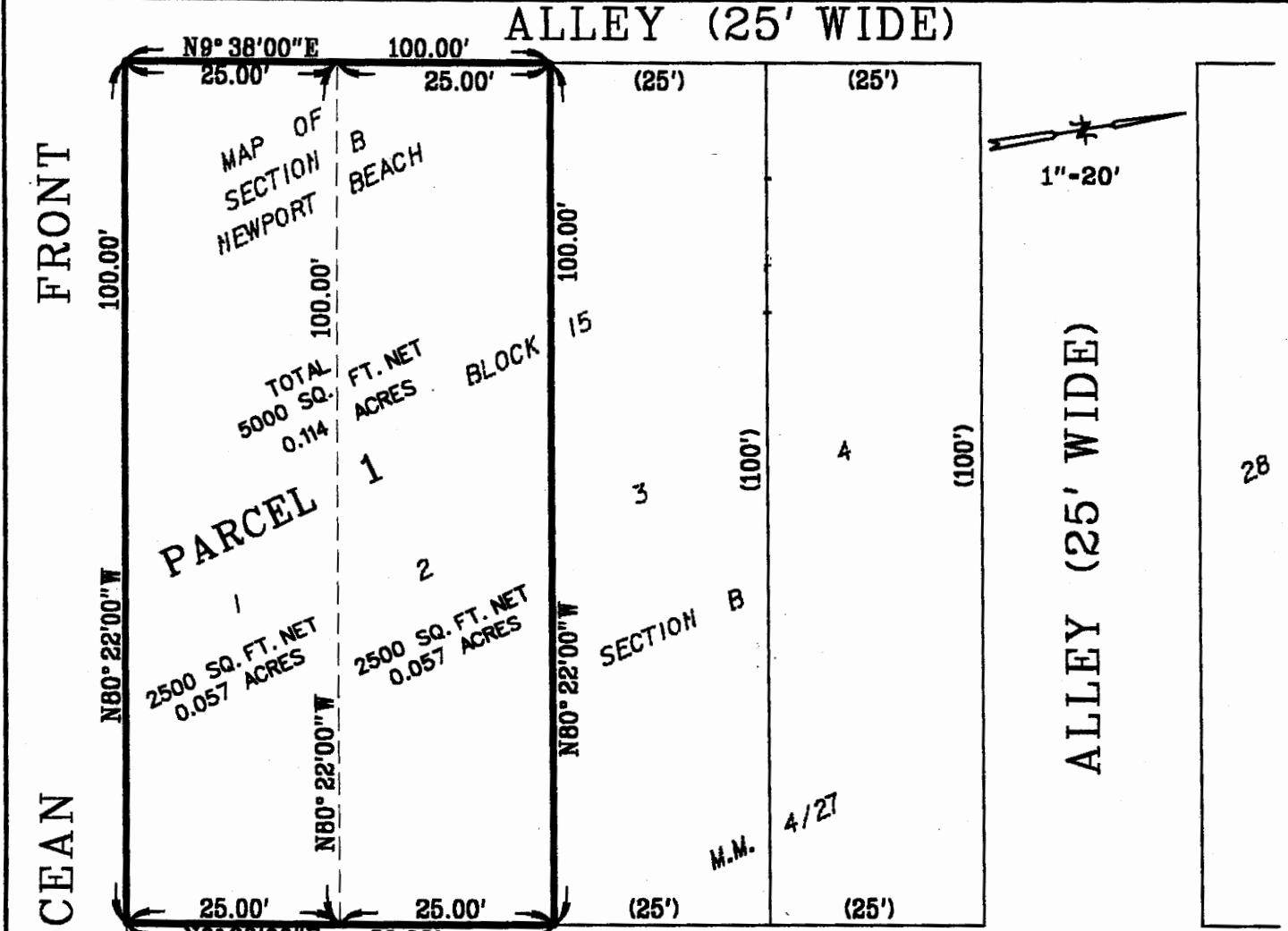
**RECEIVED**  
South Coast Region

AUG 22 2012

CALIFORNIA  
COASTAL COMMISSION

**EXHIBIT "B"**  
**CITY OF NEWPORT BEACH**  
**LOT MERGER NO. LM \_\_\_\_\_**  
 (MAP)

OWNERS	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
JOSEPH ANGELO AS TRUSTEE OF THE WHITACRE IRREVOCABLE TRUST	047-211-28	1



CITY OF NEWPORT BEACH  
 APPROVAL IN CONCEPT NO. AIC2011062  
 This project conforms to all applicable planning regulations and policies in effect on this date.  
 These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.  
 PLANNING DEPARTMENT  
 By [Signature] <sup>10/29</sup> ~~FIFTEENTH~~ STREET

**COASTAL COMMISSION**

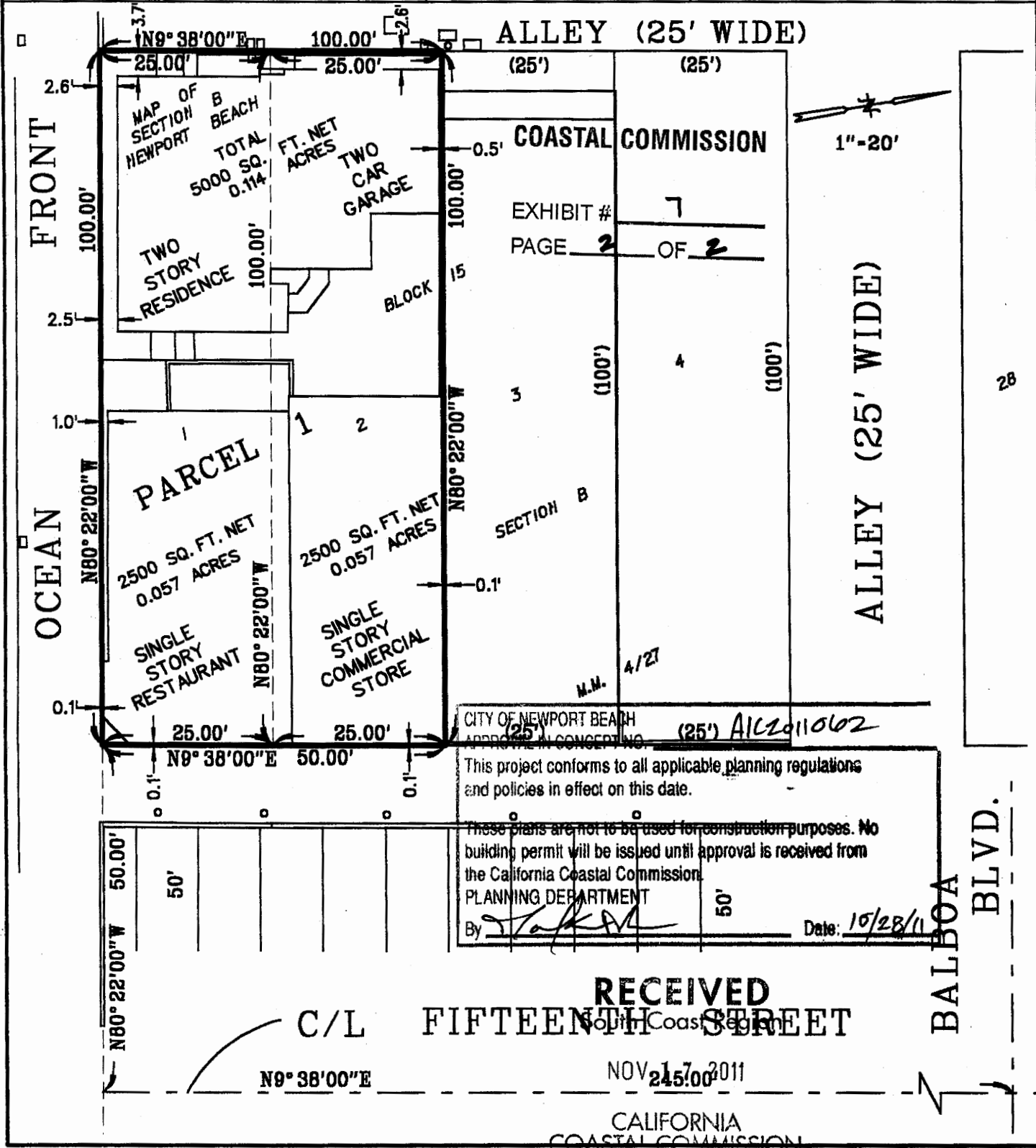
EXHIBIT # 7  
 PAGE 1 OF 2  
 50'

**RECEIVED**  
 NOV 17 2011  
 CALIFORNIA COASTAL COMMISSION

**BALBOA BLVD.**

**EXHIBIT "C"**  
**CITY OF NEWPORT BEACH**  
**LOT MERGER NO. LM \_\_\_\_\_**  
 (SITE PLAN)

OWNERS	EXISTING PARCEL AP NUMBER	PROPOSED PARCELS REFERENCE NUMBERS
JOSEPH ANGELO AS TRUSTEE OF THE WHITACRE IRREVOCABLE TRUST	047-211-28	1



**RECEIVED**  
 NOV 17 2011  
 2:45:00  
 CALIFORNIA COASTAL COMMISSION

N9° 38' 00" E

NOV 17 2011

CALIFORNIA COASTAL COMMISSION

RECEIVED  
South Coast Region

C & N INVESTMENTS

SEP 06 2012

Real Estate Development

CALIFORNIA  
COASTAL COMMISSION

SEPT 4, 2012

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT

TERESA HEHRY

700 OCEAN LANE 10TH FLOOR

LONG BEACH, CA. 90802-4416

RE: PERMIT # 5-11-284

RUTHIE WHITACRE TRUST

I AM MORRIS HERO A RETIRED BUILDER. I LIVE AT 105 1/2 15TH ST. NEWPORT BEACH, CA. IMMEDIATELY ADJACENT TO THE PROPOSED DEVELOPMENT.

AS IN ALL BEACH COMMUNITIES OUR PARKING IS A DAILY MAJOR CONSIDERATION FOR OUR FAMILY AND FOR CUSTOMERS OF OUR COMMERCIAL TENANT ON THE GROUND FLOOR. THE ONLY GENERAL PARKING IN THE AREA IS STREET PARKING.

THERE ARE AT PRESENT TWO COMMERCIAL PARKING GARAGES PROVIDED FOR THE SURF SHOP ON THE 103-15TH ST. PARCEL. (THE NORTH PORTION OF THE WHITACRE PROJECT) AS PROPOSED THESE TWO PARKING STRUCTURES WOULD BE REMOVED FROM COMMERCIAL USE THERE FOR REDUCING PUBLIC PARKING FOR BEACH ACCESS.

THERE IS NO PROVISION IN THIS PROJECT FOR ANY CUSTOMER RESTROOM FACILITIES FOR EITHER OF THE COMMERCIAL ESTABLISHMENTS. FORCING PATRONS TO USE THE PUBLIC BEACH FACILITIES AND SHIFTING THE

BURDEN TO THE TAX PAYERS WHERE THERE IS NO BURDEN NOW. TWO RESTROOMS EXIST, ONE FOR THE RESTAURANT EMPLOYEES AND ONE FOR THE SURF SHOP EMPLOYEES THE RESTAURANT ENCROACHES ON THE PUBLIC BEACH WITH SEATING PROVIDED FOR 40 PEOPLE AND INSIDE SEATING FOR 8-10 PEOPLE.

THERE IS NO PROVISION FOR TRASH FACILITIES AS REQUIRED BY STATE LAW (CALIFORNIA SOLID WASTE REUSE AND RECYCLING ACCESS ACT, PUBLIC RESOURCES CODE SECTION 42900) AND CHAPTER 6.04 (GARBAGE REFUSE AND CONTAINERS)

NEITHER THE APPLICANT OR STAFF HAS ADDRESSED THIS IMPORTANT ISSUE AS INDICATED IN THE ACCOMPANYING PHOTO.

THIS IS A VERY POORLY CONSIDERED PROPOSAL.  
THANK YOU FOR YOUR CONSIDERATION.



*[Handwritten signature]*  
HERO