

**CALIFORNIA COASTAL COMMISSION**

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



# Th7b

Filed: November 6, 2013  
180th Day May 5, 2014  
Staff: J. Rabin - LB  
Staff Report: November 22, 2013  
Hearing Date: December 12, 2013

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-13-0429

**Applicant:** Don J. Gaspard and Scott F. Gaspard

**Agent:** Anders Troedsson

**Location:** 4004 Channel Place, Newport Beach (Orange County)

**Project Description:** Demolish an existing two-story, single-family home, attached single-car garage, and the driveway, walkways, and brick patio on a waterfront lot. Construct a new two-story, 26-foot tall, single-family residence with 2,197 square feet of living area and an attached two-car, 466-square foot garage. The total structure will be of 2,663 square feet. The project includes removal and replacement of the existing concrete seawall cap and steel tie-backs. The repaired seawall cap will be raised to the +9 foot level required by the City of Newport Beach. An existing cantilevered deck will be removed, stored, and reinstalled once the seawall repairs are complete. An existing concrete T-pile that supports the deck will be repaired. Four cracked and corroding 14" square concrete piles, which support a pier, gangway, and floating dock, will be wrapped in fiber reinforced polyurethane (FRP) jackets filled with high-strength epoxy. The project also includes drainage improvements.

**Staff Recommendation:** Approval with conditions.

## **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 of 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 of the Coastal Act. 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following Special Conditions:

1. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
2. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-13-0429. 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. 5-13-0429. Accordingly, any future improvements to the single-family house, deck, patio, seawall, pier, gangway, and dock 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. 5-13-0429 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
3. **Final Plans Conforming to Geotechnical & Engineering Recommendations.**
  - A. All final design and construction plans shall be consistent with the recommendations contained in the following geotechnical and engineering letters/reports: Preliminary Foundation Soils Exploration at 4004 Channel Place, Newport Beach, California, prepared by Geo-Etka, Inc. of Orange, California, dated June 4, 2013; and the Alternate Foundation Design Recommendations contained in a September 5, 2013 memorandum from Geo-Etka, Inc. to Troedsson Design and Planning concerning 4004 Channel Place, Newport Beach; Noble Consultants-Field Report, Seawall and Pile Assessment, Proposed Single Family Residence, 4004 Channel Place, Newport Beach, CA, dated September 6, 2013; Noble Consultants-Project Memorandum on Seawall and Marine Pile Repairs, 4004 Channel Place, Newport Beach, CA, dated September 30, 2013, Email sent by Thomas Fischetti of Noble Consultants to C. Anders Troedsson; Subject: 4004 Channel Place – Coastal Commission

Conference Call Response. 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. Monitoring of the condition of the seawall/bulkhead shall be carried out as recommended in the preceding letters/reports. If an evaluation by a professional engineering consultant finds that maintenance of the seawall/bulkhead is required, the permittee shall submit the inspection report and recommended repairs to the Commission to determine if a coastal development permit is required.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two full sets of plans with 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 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 legally required.
4. **Conformance with the submitted drainage, grading and erosion control plans.** The applicants shall conform to the Drainage and Grading Plans received October 2, 2013 showing roof drainage and runoff from all impervious areas directed to downspouts, area drains, an underground drainage system, trench drains, and percolation pits. Any excess runoff will flow through a pipe beneath the sidewalk to the street. The Erosion Control Plan received November 14, 2013 calls for a double-layer of sandbags around the perimeter of the property during the construction phase. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
5. **Eelgrass Survey(s)**
- A. **Pre-Construction Eelgrass Survey.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, a valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any

development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. Post-Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation: impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

**6. Pre-construction *Caulerpa Taxifolia* Survey**

- A.** Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B.** The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C.** Within five (5) business days of completion of the survey, the applicant shall submit the survey:
- (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish and Wildlife (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

- D.** If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 7. Drought Tolerant Landscaping, 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 or very low water plants as identified by California Department of Water Resources for South Coastal Region 3. (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
- 8. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

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

- (a) No demolition or construction materials, 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) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) 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.
- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) 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.
- (h) 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.

- (i) 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.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) 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.
- (l) 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.
- (m) To minimize any impacts to marine resources, all work related to repair and replacement of the seawall cap and steel tie-backs shall be done from the landside of the property.
- (n) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

**9. 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 landowner(s) 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:**

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

The subject site is a residential lot located at 4004 Channel Place (APN 423-051-13) in the City of Newport Beach, Orange County. The rectangular parcel is 30 feet wide and between 66'-10½" and 68'-10 ½" deep. The lot size is 2,794 square feet. (Exhibits 1-2)

The city's certified Land Use Plan (LUP) designates the lot as Two-Unit Residential and the proposed project adheres to this designation. The project is located within an existing urban residential area on Newport Island in the western portion of the city south of Pacific Coast Highway. The site consists of a single lot located between the first public road and Newport

Bay. Public access to the bayfront is located approximately 70 feet east of the subject property at the end of 40<sup>th</sup> Street.

The applicants propose to demolish and remove the existing two-story, single-family home, an attached garage, driveway, walkways and brick patio paving. (Exhibit 3) After extensive work on the concrete cap and steel tie-backs of an aging seawall, the applicants plan to construct a new two-story, 26' foot high single-family residence, including 2,197 square feet of livable area and an attached two-car, 466 square foot garage. The total structure will be 2,663 square feet. Grading will consist of 65 cubic yards of cut.

The project consists of multiple phases that are described in detail in the permit application. After demolition of the existing home, garage, driveway, walkways and brick patio, a wooden cantilevered deck that extends 7.25 feet from the seawall will be removed and stored temporarily. The submerged area under the deck and the bulkhead are within the applicant's lot. In most of Newport Beach, property owners are responsible for maintenance, repairs, and replacement of the bulkhead or seawall on their property. A visual inspection by the engineering consultant for the project found that remedial repairs are needed to restore the structural integrity of the seawall and piles. Project plans call for removal of the cracked and corroded concrete cap on top of the concrete sheet pile seawall. Once that takes place, the existing steel tie-backs will be exposed and evaluated for repair or replacement. If the deterioration of the tie-backs and concrete cap is more extensive than expected, the applicant must return to the Commission with a revised plan for additional repairs beyond what is proposed. (Exhibit 4) The application states that "all demolition, excavation, exploration and reconstruction shall be completed from the landside of the property." After completion of the exploration and reconstruction of the tie-back system, construction of the new seawall cap will begin. When the repairs are complete, the concrete seawall cap will be raised to the +9 foot level (NAVD88) required by the City of Newport Beach.

After completion of the seawall repairs, repair work will start on a concrete T-pile, which supports the cantilevered deck, two cracked and corroding 14" square concrete piles, which support a pier and gangway, and another pair of decaying 14" square concrete piles, which anchor a floating dock. (Exhibits 5-7) A site visit conducted on August 23, 2013 by engineer Thomas Fischetti of Noble Consultants, Inc. found that "a pile supporting the deck at the rear of the property, two piles supporting the gangway, and two guide piles supporting the dock were in varying conditions of disrepair and in need of maintenance." The engineer recommended that the T-pile be wrapped in a flexible reinforcement cloth coated with epoxy gel. He proposed the four square piles be wrapped in round fiber reinforced polyurethane (FRP) jackets filled with high-strength epoxy. Because the round jackets are approximately 2" larger than the square piles, the engineer estimates that the jacketed piles will fill an additional 5 square feet of soft bottom habitat.

Once the pile repairs are complete, the wooden decking can be reinstalled and the soil prepared for construction of the home. Based on recommendations of the geotechnical report, the new residence will be built on a 12" thick structural "mat" slab foundation. Work will begin on a new drainage system with a trench drain across the back of the property, gutters, downspouts, area drains, and an underground pipe which will direct stormwater runoff to percolation pits at the front of each side



yard and a trench drain across the front of the property. Any excess runoff would flow to the street through a pipe buried beneath the sidewalk.

Planters featuring low-water, non-invasive plants will be placed on the back patio. Flagstone paving will be used for the walkways on the east side of the home and the rear patio. The walkway on the west side of the residence will be concrete. The project includes construction-phase erosion control measures. The site plan, floor plans, and elevations are Exhibits 8-10.

The proposed project will not have an adverse effect on public access. The project site is located on Channel Place, a residential street with bayfront lots. Public access to the bayfront is available at a small public park at the end of 40<sup>th</sup> Street. Lateral public access is not available. Property lines extend outward from the bulkhead.

## **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 by **Special Conditions 1 and 4** to require the landowner and any successor-in-interest assume the risk of undertaking the development and require a drainage control plan to direct, treat, and minimize the flow of stormwater offsite.

**Special Condition 3** requires the applicant to follow the recommendations of these geologic and engineering letters/reports: Preliminary Foundation Soils Exploration at 3200 Channel Place Newport Beach, California, prepared by Geo-Etka, Inc. of Orange, California, dated June 4, 2013 and the Alternate Foundation Design Recommendations contained in a September 5, 2013 memorandum from Geo-Etka, Inc. to Troedsson Design and Planning concerning 4004 Channel Place, Newport Beach; Noble Consultants-Field Report, Seawall and Pile Assessment, Proposed Single Family Residence, 4004 Channel Place, Newport Beach, CA, dated September 6, 2013; Noble Consultants-Project Memorandum on Seawall and Marine Pile Repairs, 4004 Channel Place, Newport Beach, CA, dated September 30, 2013, Email sent by Thomas Fischetti of Noble Consultants to C. Anders Troedsson on November 4, 2013; Subject: 4004 Channel Place – Coastal Commission Conference Call Response. 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 project 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 development **Special Condition 2** be imposed. As conditioned the development conforms to the Chapter 3 policies of the Coastal Act.

#### **D. PUBLIC ACCESS**

The proposed project will not have an adverse effect on public access. Vertical public access to the beach is available approximately 70 feet to the east at the end of 40<sup>th</sup> Street. Lateral public access is not available. The proposed development will not affect the public's ability to gain access to, and/or to use the bayfront and nearby recreational facilities. Therefore, the proposed development, as conditioned, conforms to 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 applicant is proposing water quality improvements, including directing runoff from the roof through downspouts and area drains to an underground drainage system. A trench drain across the rear of the property will capture and direct runoff through an underground pipe to percolation pits at the front of each side yard. The percolation pits and a trench drain across the front of the property will capture, filter, infiltrate, and retain as much runoff as possible on site. Any excess runoff will flow through a pipe beneath the sidewalk to the street. The Commission imposes **Special Condition 4** to ensure that the applicant complies with the Drainage Plan received October 2, 2013 to minimize the effects of the development on biological productivity and water quality. Any vegetated landscaped areas located on site shall consist only of native plants or non-native drought tolerant, low or very low water use plants, which are non-invasive. **Special Condition 7** specifies these requirements.

The term drought tolerant is equivalent to the terms 'low water use' and 'very 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:  
[www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf](http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf)

The development, as proposed and required by **Special Conditions 4, 7, and 8**, 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 trench drains and percolation pits, 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. Therefore, the Commission finds that the proposed development, as conditioned, conforms to 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. MARINE RESOURCES

The proposed repairs to the piles anchoring the recreational boat dock and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. There are no feasible less environmentally damaging alternatives available. **Special Conditions 5 and 6** require completion of pre-construction eelgrass and *Caulerpa taxifolia* surveys before issuance of a Coastal Development Permit. The surveys must show the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

## G. 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 9** requiring the property owner to 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, this permit ensures that 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.

## H. 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 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 an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

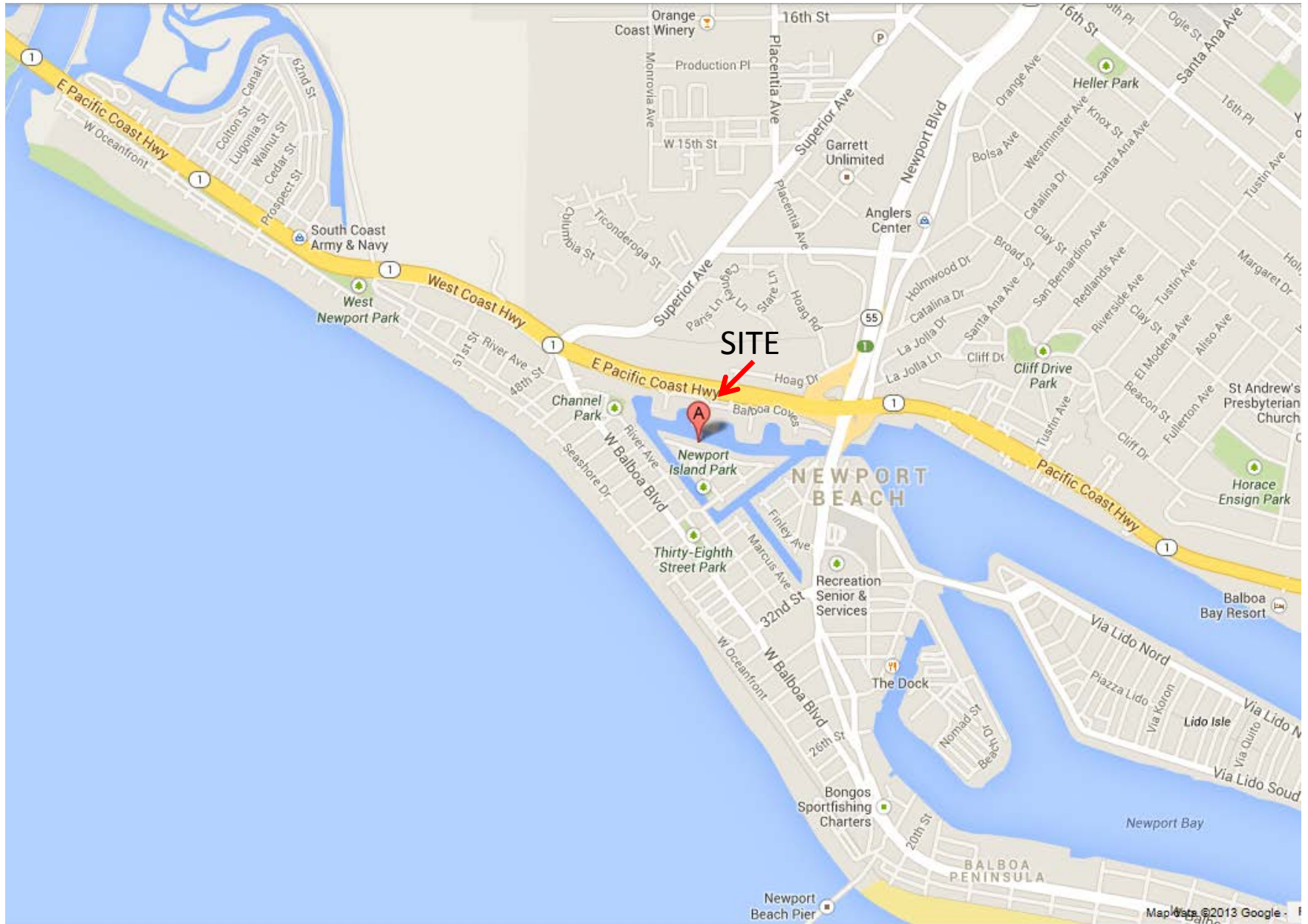
## I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

## **APPENDIX A**

**Substantive File Documents:** Coastal Development Permit Application File No. 5-13-0429; City of Newport Beach Certified Land Use Plan; City of Newport Beach Approval-in-Concept No. 2013026, dated June 20, 2013; City of Newport Beach, Harbor Resources Division, Harbor Permit No. 441-4004, dated October 2, 2013; Preliminary Foundation Soils Exploration at 3200 Channel Place, Newport Beach, California, prepared for Mr. and Mrs. Scott Gaspard by Geo-Etka, Inc. of Orange, California, dated June 4, 2013; Noble Consultants-Field Report, Seawall and Pile Assessment, Proposed Single Family Residence, 4004 Channel Place, Newport Beach, CA, dated September 6, 2013; Noble Consultants-Project Memorandum on Seawall and Marine Pile Repairs, 4004 Channel Place, Newport Beach, CA, dated September 30, 2013, Email sent by Thomas Fischetti of Noble Consultants to C. Anders Troedsson on November 4, 2013; Subject: 4004 Channel Place – Coastal Commission Conference Call Response.

# 4004 Channel Place, Newport Beach CDP 5-13-0429 Exhibit 1





# 4004 Channel Place, Newport Beach CDP 5-13-0429 Exhibit 2





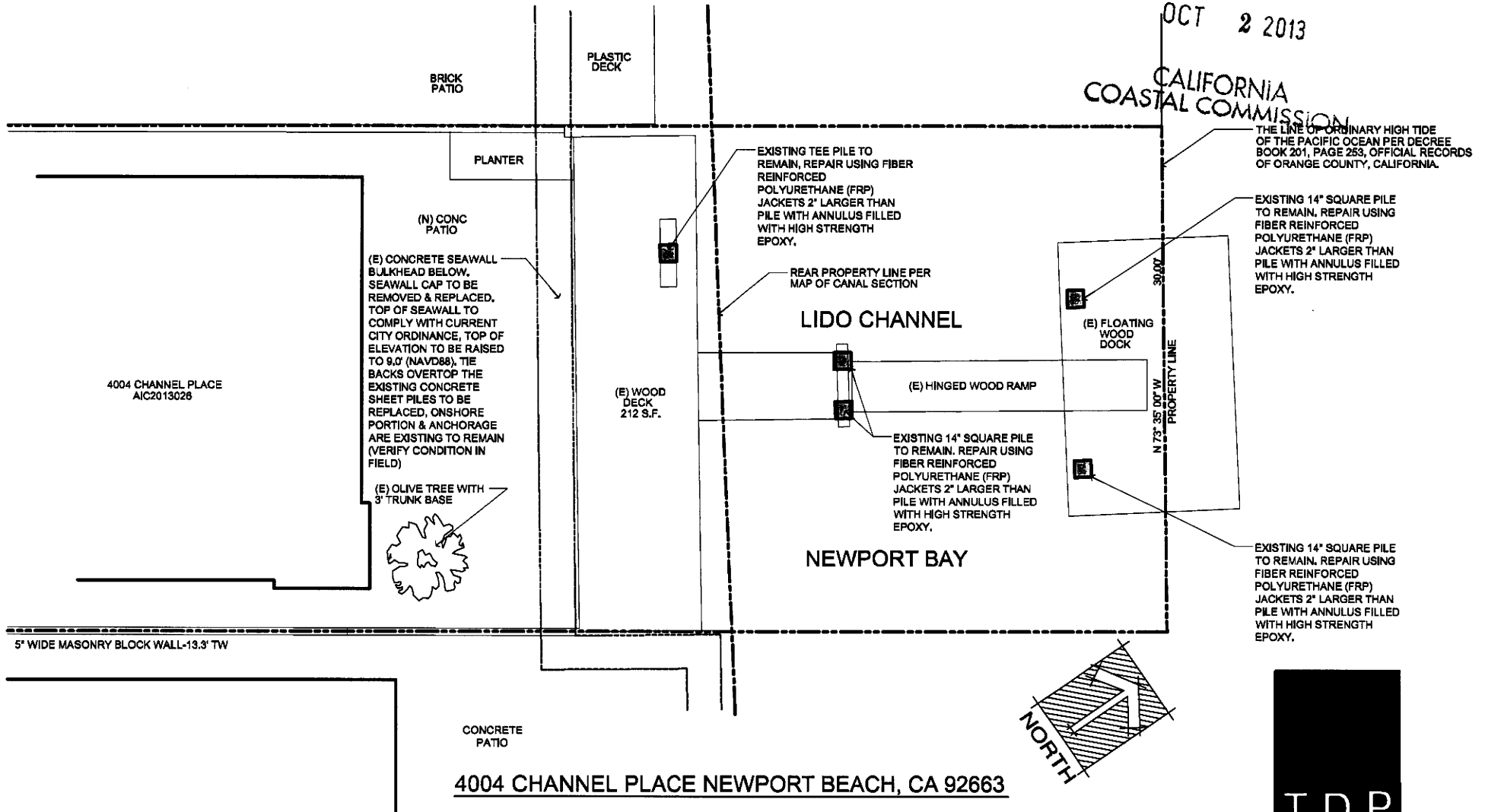
**CDP 5-13-0429**  
**Exhibit 3**

**RECEIVED**  
South Coast Region

OCT 2 2013

CALIFORNIA  
COASTAL COMMISSION

THE LINE OF ORDINARY HIGH TIDE  
OF THE PACIFIC OCEAN PER DECREE  
BOOK 201, PAGE 253, OFFICIAL RECORDS  
OF ORANGE COUNTY, CALIFORNIA.



HARBOR RESOURCES DIV.  
CITY OF NEWPORT BEACH

*Handwritten signature and date: 10/2/13*

CDP 5-13-0429 Exhibit 4

**TDP**

TROEDSSON  
DESIGN &  
PLANNING

Residential & Commercial Design  
Site Planning & Project Management

949 Colorado Boulevard Suite 201  
Los Angeles California 90041

Tel: 323 254 4525  
Fax: 323 254 4152  
catroedsson@tdpdesign.com  
www.troedsson.com





CDP 5-13-0429  
Exhibit





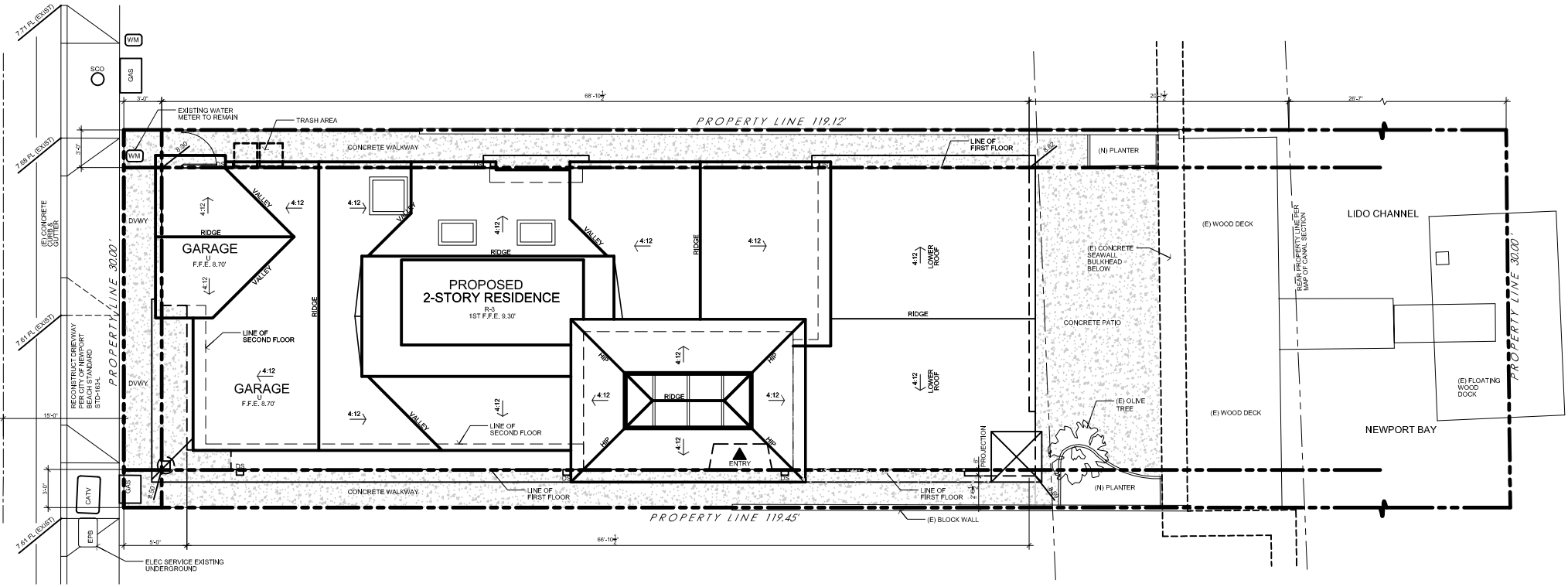
CDP 5-13-0429  
Exhibit



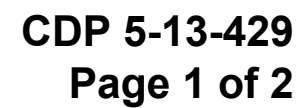


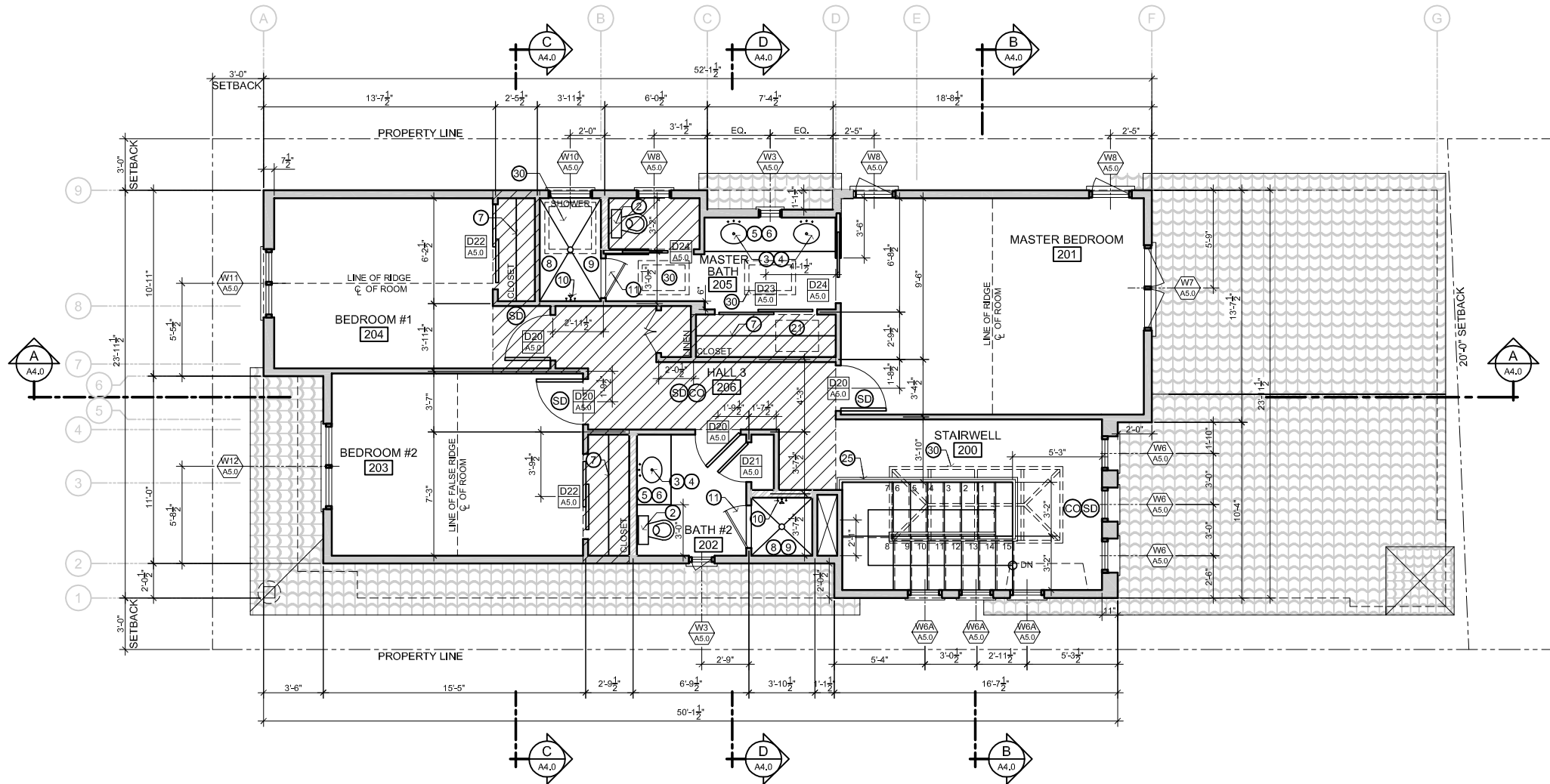
**CDP 5-13-0429**  
**Exhibit**

CHANNEL PLACE



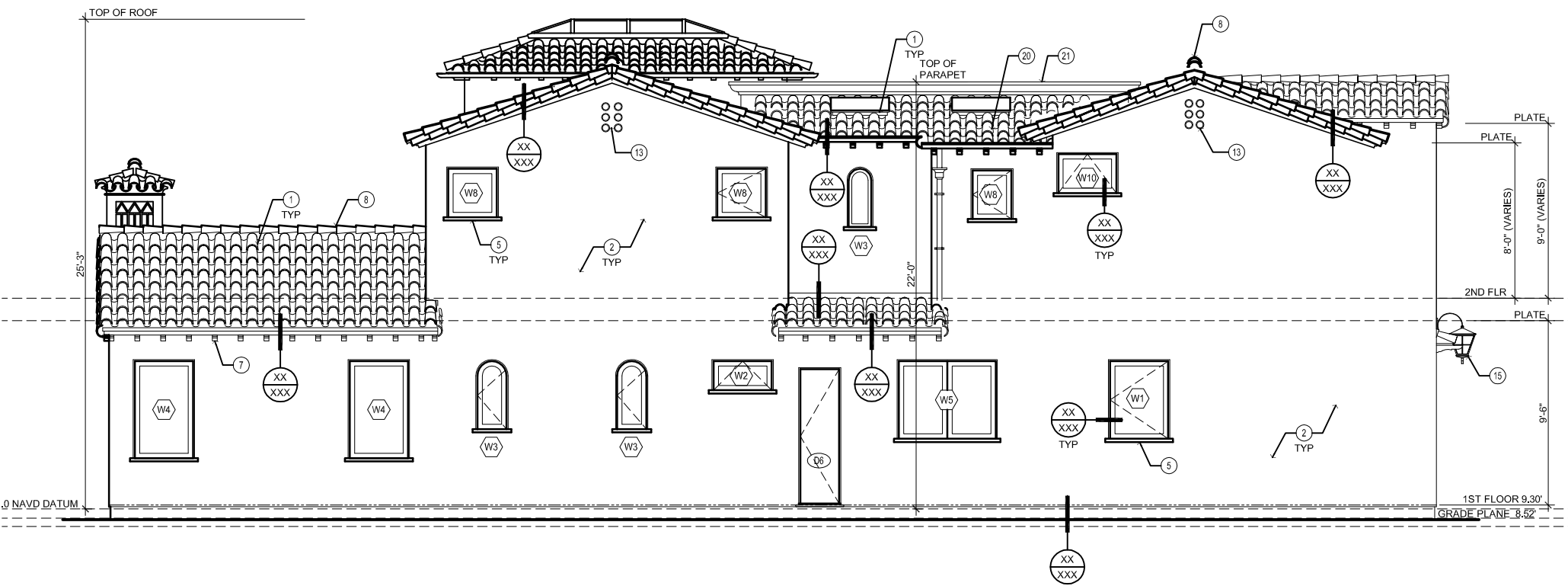
Site Plan CDP 5-13-0429 Exhibit 8





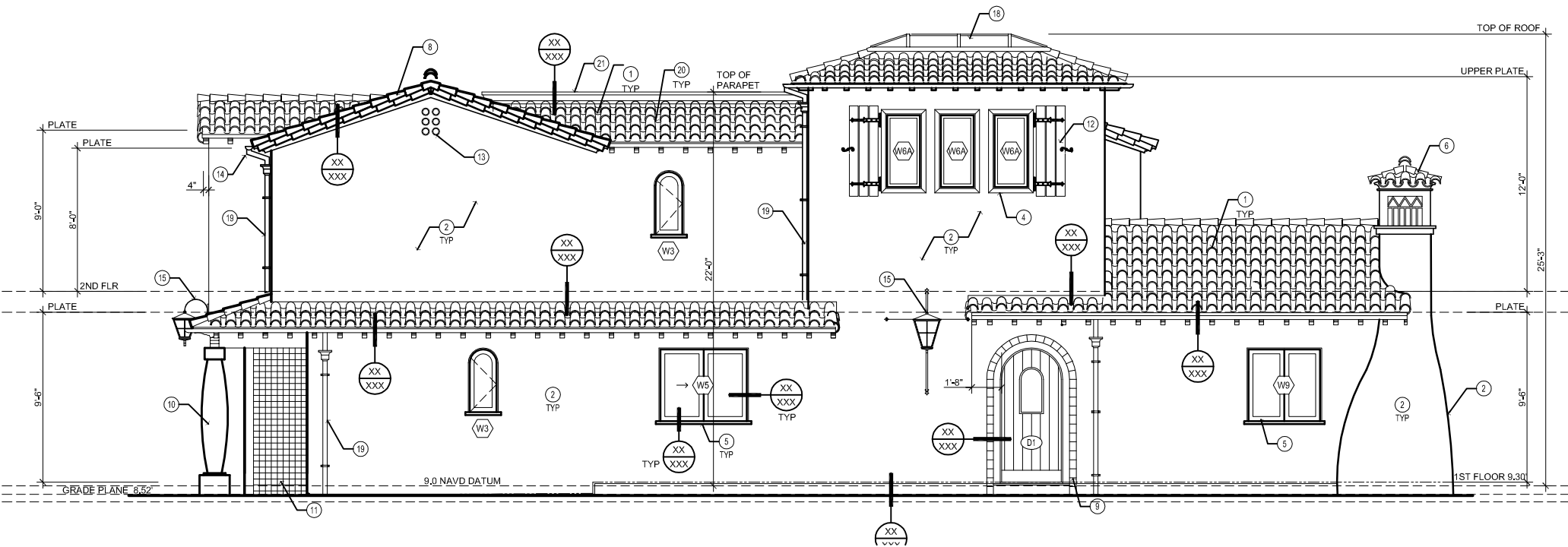
**Second Floor Plan  
Exhibit 9**





North Elevation  
Exhibit 10





**South Elevation  
Exhibit 10**

