

CALIFORNIA COASTAL COMMISSION

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**F8b**

Filed:	07/3/2014
180th Day:	12/30/2014
Staff:	M.Stone-LB
Staff Report:	10/23/2014
Hearing Date:	11/14/2014

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-14-0582
Applicant:	Glenn Leslie Moss and Jeri Colleen Moss
Agent:	Phil Edmondson
Location:	2600 W. Ocean Front and 2602 W. Ocean Front, Newport Beach, Orange County (APN: 047-093-17 & 047-093-16)
Project Description:	Demolition of the existing two-story, 1,080 square foot single-family beachfront home with detached two-car garage and demolition of the existing three-story, 1,919 square foot single-family residence on the adjacent property. Construction of a two-story, approximately 29-foot high, single-family residence across both lots with 4,451 square feet of living space; and subterranean 898 square foot three-car garage. Merger of the lots. Grading consists of 330 cubic yards of cut and 15 cubic yards of fill.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the demolition of two existing single-family residences and construction of a new single-family residence across both beachfront lots. The primary Coastal Act issues addressed in this staff report concern: 1) beachfront development that could be subject to natural

hazards in the future; 2) conformance with the character of the community; 3) water quality; and 4) public access.

The proposed project will result in a single-family residence which will be quite larger than the surrounding residences. The City of Newport Beach (City) in approving the lot merger acknowledged that the merged lots will result in a 3,750 square foot parcel that is larger than the standard lot size in the area, but the resulting lot will still be smaller than the minimum 6,000 square foot lot size and 60-foot lot width requirement of the City's zoning code. Therefore, there are no concerns about adverse impacts to the character of the community.

As with all oceanfront properties, the subject site may be exposed to coastal hazards including sea-level rise and wave run-up during a severe storm event. The submitted Coastal Hazard and Wave Runup Study concluded that wave runup and overtopping will not significantly impact this site over the life of the proposed improvements, and did not recommend any measures to address wave runup protection. In addition, due to sea-level rise, groundwater level on the subject site may rise by up to 5.5 feet in the next 100 years, however, the raised groundwater level is not expected to adversely impact the structure.

In order to construct the subterranean garage, extensive dewatering is required. The applicant has submitted a dewatering plan which proposes to bury a temporary 6" PVC pipe under the adjacent boardwalk approximately 400 feet along the beach to 28th Street. From there, the PVC pipe will be buried across the beach in order to discharge the water at the riprap/jetty. In this case, given that there are few viable options for the applicant to dewater their property, and given the temporary nature of the dewatering activities, the dewatering plan, as conditioned, is acceptable.

Staff is recommending **APPROVAL** of the proposed project with **Eleven (11) SPECIAL CONDITIONS** regarding: [1\) assumption of risk](#); [2\) no future shoreline protective device](#); [3\) future development](#); [4\) conformance with the submitted geotechnical report](#); [5\) conformance with the submitted drainage and run-off control plan](#); [6\) landscape controls](#); [7\) storage of construction materials, mechanized equipment, and removal of construction debris](#); [8\) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report](#); [9\) submittal of the final City-approved dewatering plan](#); [10\) submittal of Regional Water Quality Control Board approval of the dewatering plan](#); and [11\) no improvements within the public right-of-way](#).

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 applicant acknowledges and agrees (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 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 and landowner agrees, on behalf of himself 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. 5-14-0582 including, but not limited to, the residence, garage, foundations, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant and landowner hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
 - b) By acceptance of this permit, the applicant and landowner further agree, on behalf of himself and all successors and assigns, that the landowner(s) shall remove the development authorized by this permit, including the residence, garage, and foundations, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner(s) 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. 5-14-0582. 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. 5-14-0582. Accordingly, any future improvements to the single-family house 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. 5-14-0582 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
4. **Recommendations of the Geotechnical Report.** All final design and construction plans shall be consistent with all recommendations contained in the Geotechnical Engineering Investigation for Proposed New Residence at 2600 West Ocean Front, Newport Beach, California dated March 17, 2014 prepared by Coast Geotechnical, Inc. 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. **Conformance with the Submitted Grading, Drainage and Erosion Control Plan.** The applicant shall conform to the Grading, Drainage and Erosion Control Plan received by the South Coast District Office on July 3, 2014. 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.
6. **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 primarily 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>).
7. **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) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
8. **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 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.
9. **Dewatering.**
- (a) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the City of Newport Beach has reviewed and approved the proposed dewatering plans. Documentation can be in the form of either written approval from the City of Newport Beach or dewatering plans with a City-issued Approval-in-Concept. As currently proposed, the applicant will bury a temporary 6 inch PVC pipe under the boardwalk along the beach to around 28th Street, and then across the beach, where discharge will occur at the 28th Street riprap/jetty as generally depicted on Exhibit 12. 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.
 - (b) By acceptance of this permit, the applicant further agrees that: 1) dewatering activities shall only take place during the non-summer period, which is between the first week of September (Labor Day) and the last week of May (Memorial Day); 2) all infrastructure associated with dewatering activities shall be removed immediately after dewatering activities are complete; 3) all areas disturbed by dewatering activities including, but not limited to, the boardwalk, beach, and riprap/jetty shall be returned to pre-construction condition, and 4) the applicant

shall provide photo documentation of pre and post-dewatering conditions as evidence of compliance with this condition.

10. **Regional Water Quality Control Board Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall provide final approval of the City-approved dewatering plan from the Regional Water Quality Control Board.
11. **Public Right-of-Way.** No improvements are allowed within the public right-of-way between the boardwalk and the rear property line as generally depicted on Exhibit 4.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is a residential lot located at 2600 and 2602 W. Ocean Front (APN: 047-093-17 & 047-093-16) in the City of Newport Beach, Orange County (**Exhibit 1**). Each of the two existing lots are 1,875 square feet in area and 25 feet in width. The proposed merger of lots 1 (2600 W. Ocean Front) and lot 2 (2602 W. Ocean Front) will result in a rectangular parcel that is approximately 50 feet wide and 75 feet long. The new merged lot will be a 3,750 square foot oceanfront lot designated as Single-Unit Residential in the City's certified Coastal Land Use Plan, and the proposed single-family residence adheres to this designation. The City of Newport Beach issued an Approval-in-Concept (No. 2014007) for the proposed project on February 13, 2014. The project is located within an existing urban residential area between the first public road and the sea. Public access to the beach is available vertically via concrete sidewalks, which extend onto the sand at the end of 26th Street, abutting the subject site. There is also an approximately 580 foot wide sandy beach between the subject property and the Pacific Ocean (**Exhibit 2**).

The applicant is proposing to demolish an existing two-story, 1,080 square foot single-family beachfront home with detached two-car garage at 2600 W. Ocean Front and demolish the existing three-story, 1,919 square foot single-family residence at 2602 W. Ocean Front. In addition, the applicant proposes to construct a two-story, approximately 29-foot high, single-family residence with 4,451 square feet of living space; and subterranean 898 square foot three-car garage. Grading consists of 330 cubic yards of cut and 15 cubic yards of fill (**Exhibits 3-7**). The deck railing system will consist of etched glass, which will help reduce the potential for bird strikes. Landscaping is proposed utilizing native plants or non-native drought-tolerant plants with low or very low water needs (**Exhibit 8**).

The proposed development, at 4,451 square feet, will be quite larger than the surrounding residences, thereby raising an issue as to whether the development conforms with the character of the community in this area. The City of Newport Beach approved the lot merger on April 11, 2013, and as described in the City's Zoning Administrator Resolution, the City found, in part, that the merged lots will be consistent or more closely compatible with the applicable zoning regulations. Specifically, the City found that: 1) the merged lot will retain the Single-Unit Residential zoning designation, which is consistent with the surrounding area; 2) the merged lots would create one

3,750 square foot, 50-foot wide parcel that will be more consistent with the minimum lot standards of the Zoning Code; 3) the land use designations will remain the same, therefore, the merger is consistent with the land use designations in both the Land Use Element of the General Plan (RS-D) and the Coastal Land Use Plan (RSD-D); and 4) future redevelopment of the property will provide vehicular access from the alley consistent with the General Plan and Coastal Land Use Plan policies.

The City also found that the merged lots will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development. In support of this finding, the City stated that the standard lot width of existing lots in the area is 25 feet with the lots ranging in size between 1,875 square feet and 2,375 square feet. The City acknowledged that the merged lots will result in a 3,750 square foot parcel that is larger than the standard lot size in the area, but the resulting lot will still be smaller than the minimum 6,000 square foot lot size and 60-foot lot width requirement of the zoning code. In addition, the City found that the proposed parcel will not be developed beyond the maximum development limit, which allows for a maximum floor area of 2.0 times the buildable area of the lot. The Commission acknowledges and agrees with the City's findings regarding the approval of the lot merger.

Due to its oceanfront location, the project site may be exposed to coastal hazards including sea-level rise and wave run-up during a severe storm event. The applicant has submitted a Coastal Hazard and Wave Runup Study prepared by William Simpson & Associates, Inc., dated May 22, 2014. According to the study, there is a wide sandy beach (approximately 580 feet wide) between the subject property and the Pacific Ocean. In addition, the study concluded that wave runup and overtopping will not significantly impact this site over the life of the proposed improvements, and did not recommend any measures to address wave runup protection.

The impact of sea level rise on groundwater levels in Newport Beach has recently been the subject of some concern in the City of Newport Beach due to the high groundwater levels in the coastal areas of the City. Here, the applicant is proposing a subterranean garage that will reach the current groundwater levels. The applicant has submitted an additional study, which states that the groundwater level on the subject site may rise by up to 5.5 feet in the next 100 years. The study concludes, however, that the raised groundwater level will not adversely impact the structure, because the development will be waterproofed in compliance with the current construction standards. Although, the study does note that the structural engineer may have to take into account the additional hydrostatic pressure acting on the basement walls due to the rising groundwater. Importantly, the subterranean garage is not considered to be a shoreline protective device. As a result, the Commission imposes [Special Condition 1](#), whereby the applicant assumes the risk of developing in this potentially hazardous location. And, [Special Condition 2](#) requires the applicant to agree not to build a shoreline protective device to protect the property from such hazards.

In addition, due to the high groundwater level, construction of the subterranean garage will require excavation and preparation of the site, including extensive dewatering. The applicant has submitted a dewatering plan which proposes to bury a six inch PVC pipe under the adjacent boardwalk approximately 400 feet along the beach to 28th Street. From there, the PVC pipe will be buried across the beach so that the water can be discharged at the riprap/jetty and into the ocean (**Exhibit 9**). According to the applicant and the City, discharging at the beach is one of only two viable

alternatives for dewatering this particular property, as the City's sewer system does not have the capacity to handle the amount of material that will be discharged. The other alternative is to underground a dewatering pipe along 26th Street to Newport Blvd., where the applicant will tie into the City's storm drain system, which outlets into Newport Bay at the end of 26th Street.

According to City representatives, the City does not approve dewatering plans prior to plan check, but according to the applicant's consultant, dewatering across the beach into the ocean in the manner being proposed here is one of the standard methods approved by the City. To date, the Commission has been unaware of the types of methods the City has approved to dewater properties, and there is some cause for concern because such methods raise Coastal Act issues. Here, excavation of beach material and the burying of pipes across the beach raise potential public access issues, because the placement of such infrastructure can impede lateral access and/or create a hazard to public use of the beach. In addition, the discharge of liquid into the ocean raises potential water quality issues.

In this case, given that there are few viable options for the applicant to dewater their property in order to construct the proposed subterranean garage, and given the temporary nature of the dewatering activities, the Commission finds that the dewatering plan, as conditioned, is acceptable. Accordingly, in order to address public access concerns, the Commission imposes [Special Condition 9](#), which requires the applicant to: 1) provide approval of the proposed dewatering plan from the City of Newport Beach; 2) limit dewatering activities to the non-summer period, which is between the first week of September (Labor Day) and the last week of May (Memorial Day); 3) immediately remove of all infrastructure associated with dewatering activities once dewatering is complete; and 4) return all areas disturbed by dewatering activities to pre-construction condition. In addition, the Commission imposes [Special Condition 10](#), which requires the applicant to submit final approval of the dewatering plan from the Regional Water Quality Control Board, as evidence that dewatering will not adversely impact water quality in this area.

To address adverse impacts to water quality, the project includes a drainage system to manage runoff, including gutters and downspouts, which are connected to subsurface drain lines leading to filter boxes. All surface water runoff is directed away from the ocean and to the alley side of the property. The project will also include 146 square feet of new pervious landscape area, whereas the existing sites have no vegetated areas. Accordingly, [Special Condition 5](#) requires the applicant to conform to the submitted Grading, Drainage and Erosion Control Plan, and [Special Condition 7](#) outlines water quality Best Management Practices (BMPs) that the applicant is required to follow to minimize such impacts to water quality.

The initial project submittal proposed an encroachment into the public right-of-way at the rear (beachfront) of the property. The approximately one foot encroachment contained a 36" high wall and planters. The beach immediately adjacent to the property is owned by the City of Newport Beach, and is improved with an approximately 10-foot wide boardwalk. Encroachments consisting of landscaping or hardscape improvements including walls are not permitted on the sandy beach beyond the unimproved public right-of-way in this area. As stated above, the City has approved the plans in concept, including the encroachment, although the City does not consider it as such. Accordingly, the City has not issued an encroachment permit and, in general, no encroachments

have been approved by the Commission in the vicinity of the subject site. Further, Policy 3.1.3-3 C. of the City's certified Coastal Land Use Plan does not permit encroachments of any kind in this area, although it does permit encroachments between A Street and a point 250 feet southeast of E Street, which is approximately 2 – 2.5 miles downcoast of the subject site. Based on this information, the applicant has opted to eliminate the rear encroachment from the project plans, and has moved the 36" high wall onto the property. As proposed, there will be a one-foot gap between the property line and the boardwalk. [Special Condition 11](#) ensures that no improvements will take place within the public right-of-way between the subject property and the boardwalk.

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 Coastal 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 Coastal Land Use Plan may be used for guidance.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not 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 runoff 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 must 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 make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. 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 runoff through 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. 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 a Special 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, 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 in connection with the authorized development, 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

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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

APPENDIX A

Substantive File Documents: City of Newport Beach Certified Coastal Land Use Plan; City of Newport Beach Approval-in-Concept No. 2014007, dated February 13, 2014; City of Newport Beach Resolution No. ZA2013-021 (Lot Merger No. LM2013-001 dated April 11, 2013; Coastal Development Permit Application File No. 5-14-0582; Geotechnical Engineering Investigation for Proposed New Residence at 2600 West Ocean Front, Newport Beach, California dated March 17, 2014 prepared by Coast Geotechnical, Inc. of Fullerton, California; Coastal Hazards and Wave Run-up Study, 2600 West Ocean Front, Newport Beach dated May 22 , 2014 by William Simpson & Associates, Inc. of Lake Forest, California; Groundwater Level Rise Due to Increasing Sea Level, 2600 West Ocean Front, Newport Beach dated August 1, 2014 by William Simpson & Associates, Inc. of Lake Forest, California.

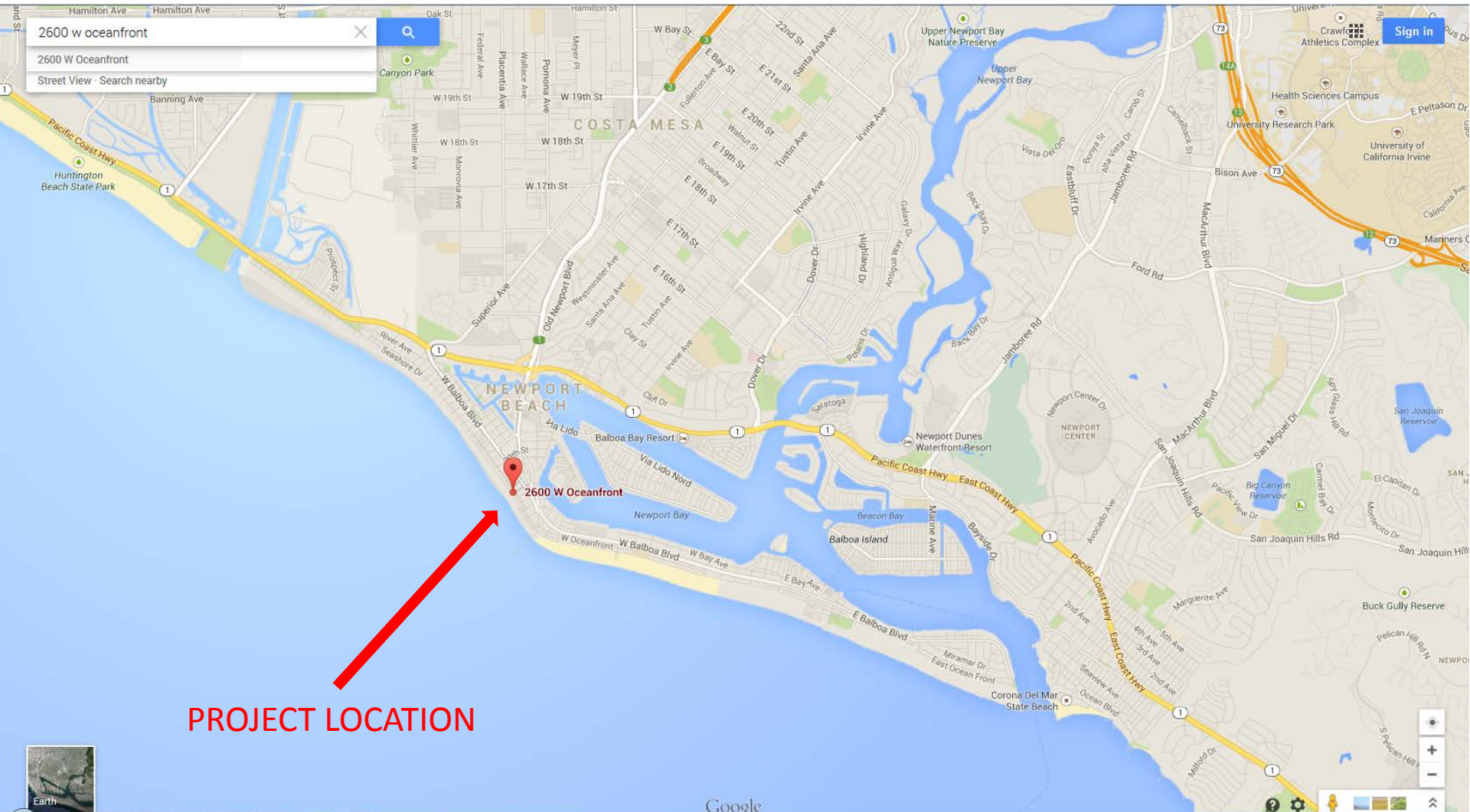
EXHIBIT# 1

Vicinity Map
1 of 1

Application Number:
5-14-0582



California Coastal
Commission



EXHIBIT# 2

Aerial Photograph
1 of 2

Application Number:
5 - 1 4 - 0 5 8 2



California Coastal
Commission

2600 w oceanfront



2600 W Oceanfront

Street View - Search nearby

Sign in

PROJECT LOCATION



EXHIBIT# 2

Aerial Photograph
2 of 2

Application Number:
5-14-0582



California Coastal
Commission



PROJECT LOCATION

FOR MORE INFO, REFER TO SITE
GRADING & DRAINAGE PLAN, SHT. 3

EXHIBIT# 4

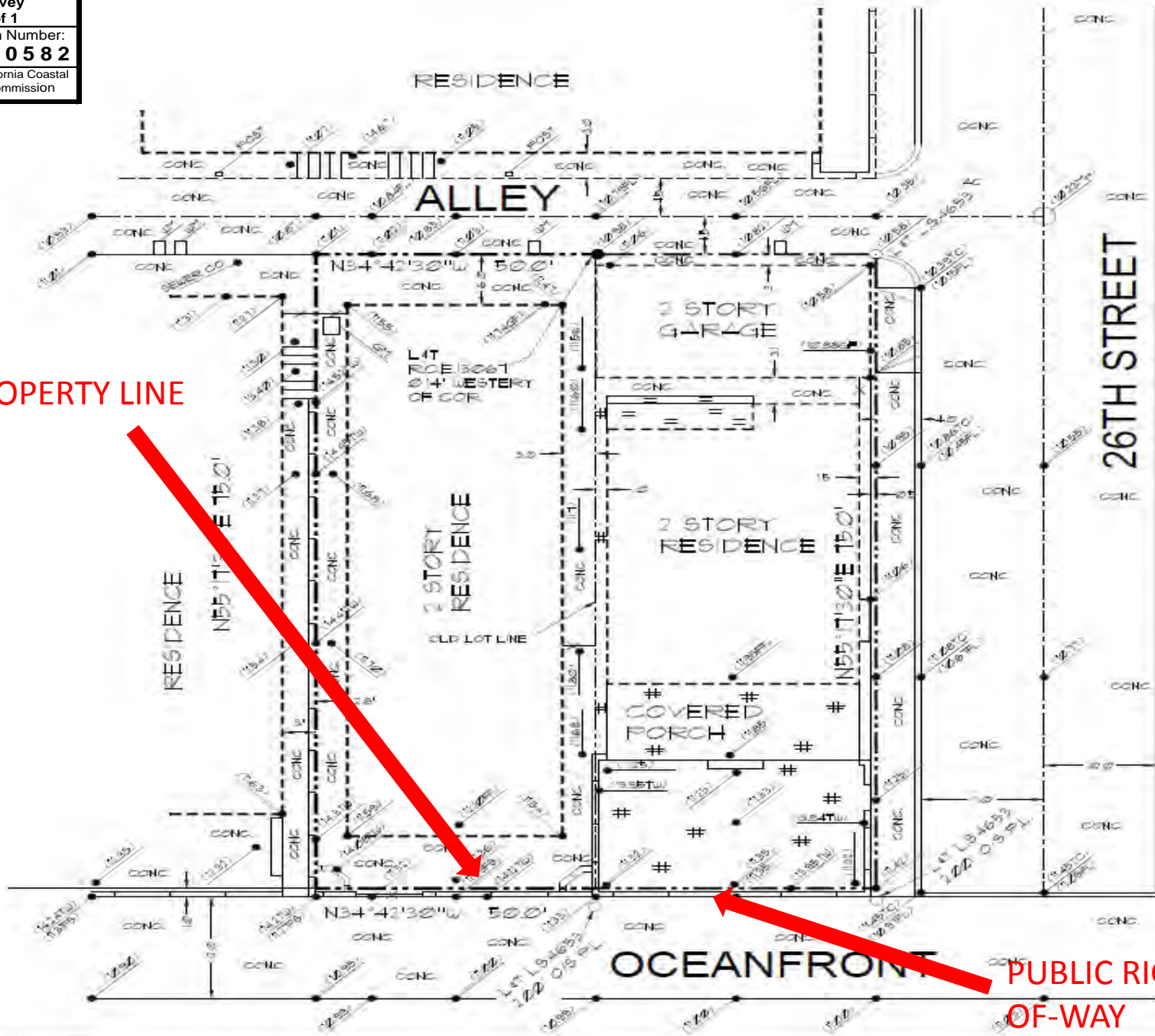
Topographic
Survey
1 of 1

Application Number:
5-14-0582




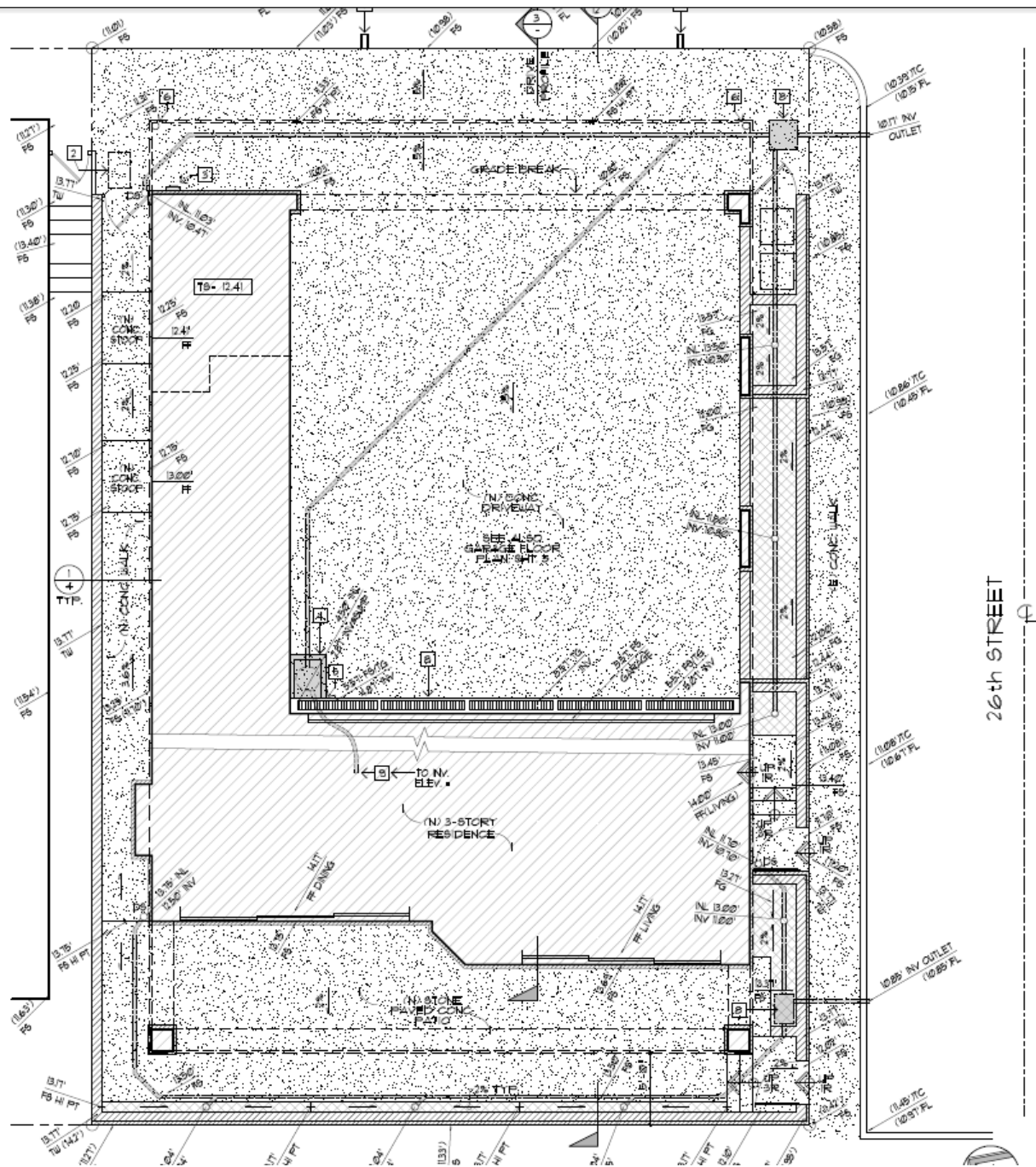
California Coastal
Commission

PROPERTY LINE



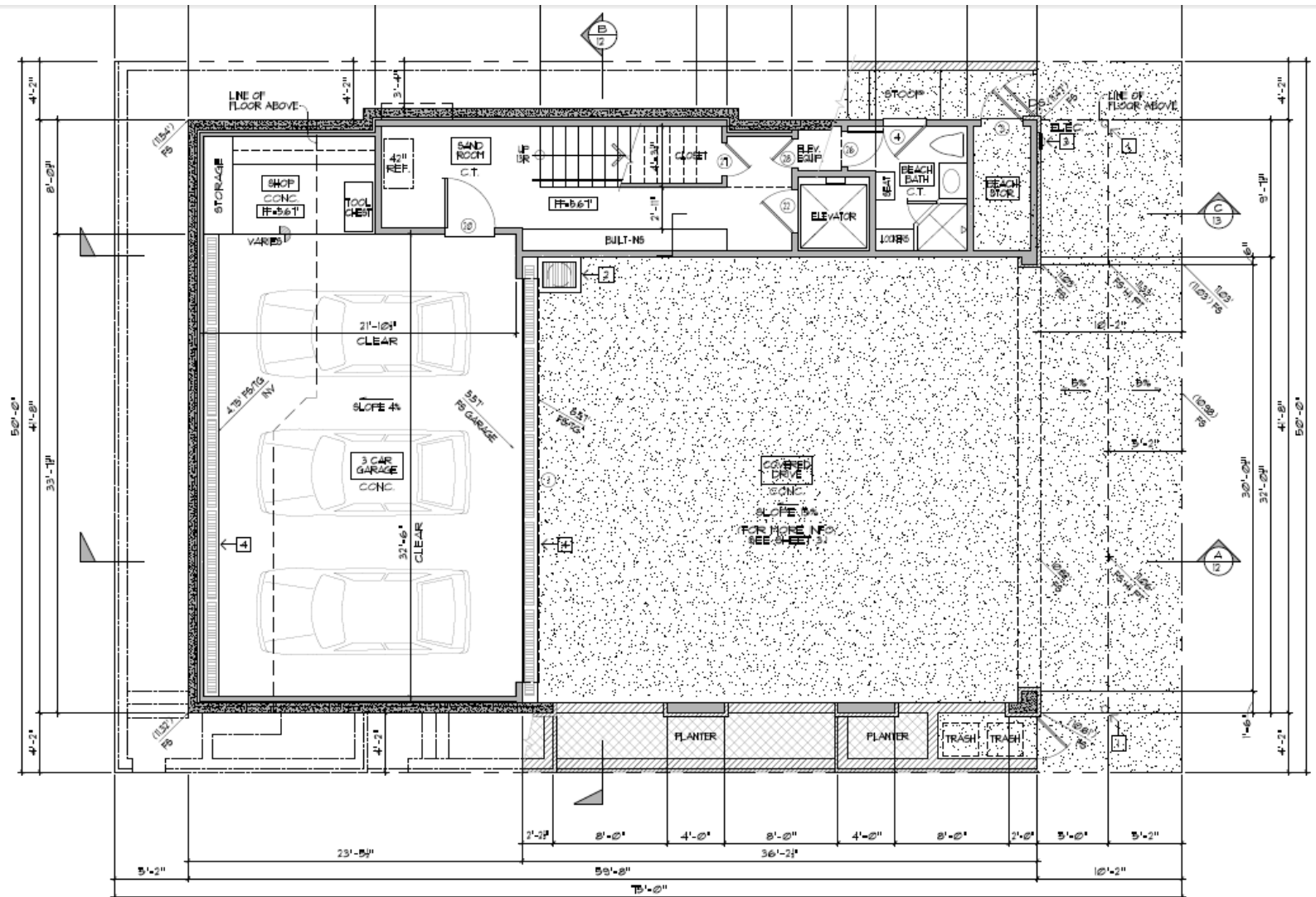
PUBLIC RIGHT-
OF-WAY

Application Number:
5 - 1 4 - 0 5 8 2

 California Coastal Commission

EXHIBIT# 6**Garage Floor Plan**

1 of 1

Application Number:
5-14-0582California Coastal
Commission**GARAGE FLOOR PLAN**

INTERIOR KEY

SCALE 1/4"=1'-0"

GARAGE PLAN NOTES:

- 6" DIA. STEEL BOLLARD x42" HI.
- SUMP PUMP W/ TRAFFIC RATED METAL GRATE.
- (N) ELECTRIC METER.
- TROUGH DRAIN.

**HEIGHT LIMIT:
AVERAGE GRADE**

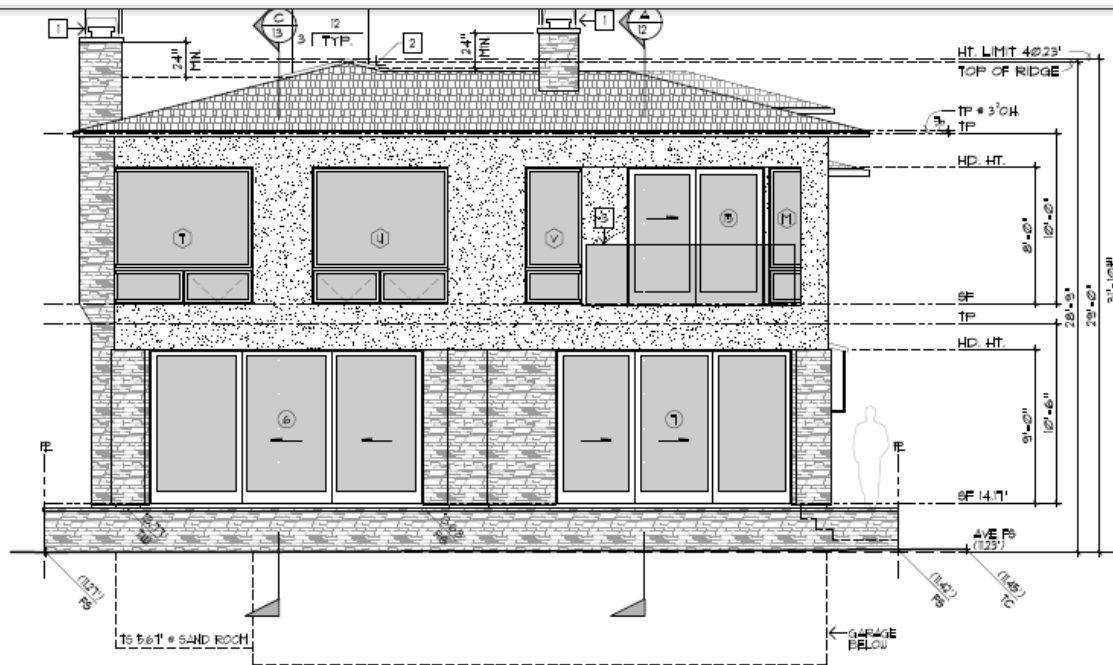
10'-6"
11'-3"
11'-4"
11'-5"
44'-9" / 4" = 11'-2"
OR

LEGEND:

- 2x6 STUDS @ 16" O.C., 2x4 WHERE SHOWN
- CMU WALL
- AREA OF HARDSCAPE

EXHIBIT# 7**Elevations**

1 of 1

Application Number:
5-14-0582California Coastal
Commission**FRONT ELEVATION: BOARDWALK**

SCALE 1/4"=1'-0"

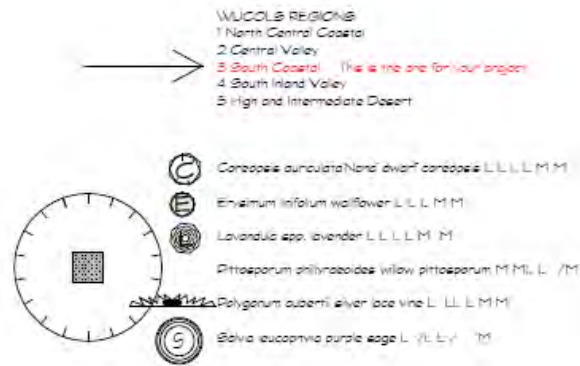
**ELEVATION NOTES:**

1. CHIMNEY MUST BE 2'-0" ABOVE AND 10'-0" FROM THE NEAREST ROOF PLANE AND ADDITIONAL MAX 2'-0" IN HEIGHT IS ALLOWED FOR THE CAP/SPARK ARRESTOR WHICH IS ALSO LIMITED TO 2'-0" WIDE X 4'-0" LONG. CHECK ELEVATION FOR PROPOSED DIMENSIONS.
2. HEIGHT LIMIT NOTES:
3. PROVIDE AN ETCHED PATTERN ON ALL GLASS GUARDRAILS TO PREVENT BIRD STRIKE.

EXHIBIT# 8**Landscaping Plan**

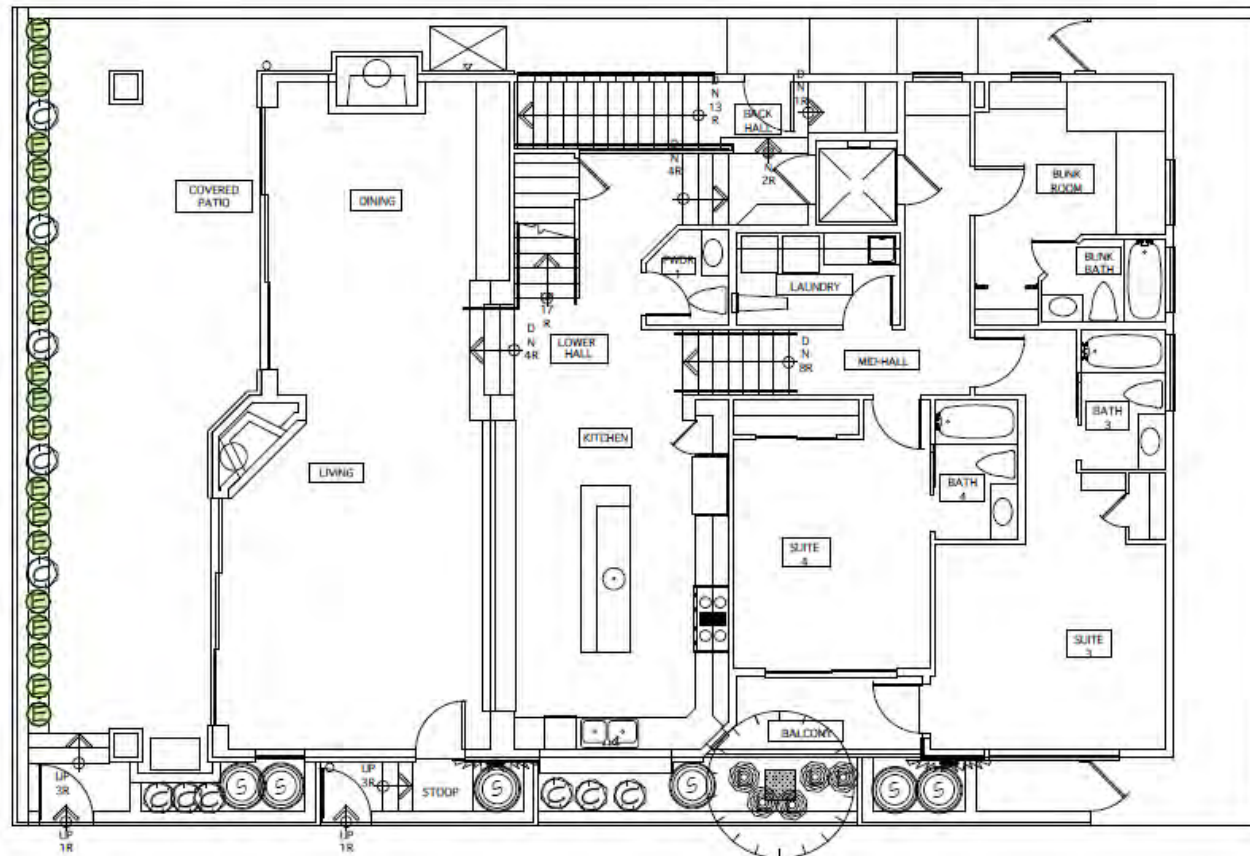
1 of 1

Application Number:

5-14-0582California Coastal
Commission

RESPONSE TO COMMISSION'S COMMENTS:
THIS PROJECT IS DESIGNED WITH THE USE OF
NATIVE OR NON-NATIVE DROUGHT
TOLERANT NON-INVASIVE VEGETATION.

THIS PROJECT WILL BE IRRIGATED BY AN
AUTOMATIC SYSTEM USING RAINBIRD
LD-09-100 BELOW GRADE DRIP LINE
CONTROLLED BY RAINBIRD XCZ-075 DRIP
LINE CONTROL ZONE VALVE KIT.



Jetty

6" PVC discharge pipe(buried)
Not shown to scale
approx 400 ft to 28th st
then Riprap jetty
with upward facing 90 ell at end of pipe

6" PVC discharge pipe (not to scale)
Buried under boardwalk

4" PVC Header pipe

230 V 1P Temporary Power

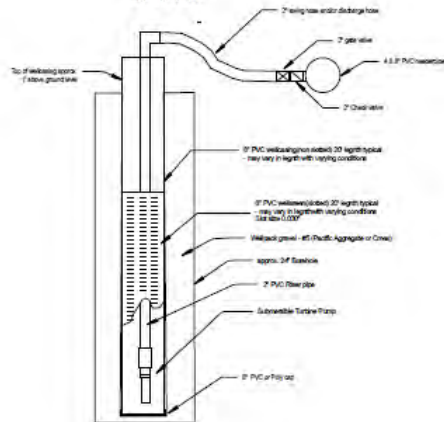
6" PVC header pipe

Diesel standby generator
with automatic transfer switch

Temporary electrical distribution
SO type cord

Dewatering wells(6 ea) see detail

Dewatering Well Detail
40 ft deep / 8' well casing
NOT TO SCALE



CONSTRUCTION NOTES

1. Well to be drilled with bucket auger type rig
2. Borehole will be logged during drilling to identify groundwater level and soil conditions
3. Catchpans will be installed at the top and bottom of wellscreen sections to insure adequate filter pack thickness throughout screened section
4. Well depth will be 30' ± unless clay is encountered
5. Well casing will extend approximately 1' above existing grade and be protected with a poly type cap installed with self-tap screws. The cap can be cut to accommodate steel pipe when pump is installed
6. Well filter pack will be #5 - Pacific Aggregate or approved equivalent
7. Wellscreen will shall be machine slotting 0.007"

foothill ENGINEERING & DEWATERING INC

7000 Jurupa Ave
Riverside, CA 92504
951-737-5391

Moss Residence
2600 W Oceanfront, Newport Beach, CA
Dewatering Plan

Revised Sheet No.