

CALIFORNIA COASTAL COMMISSION

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



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Hearing Date: 2/12/15

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-14-1667

Applicant: ALB Partners, LLC

Agent: Laidlaw Schultz Architects

Project Location: 4549 Brighton Road, Newport Beach, Orange County;
APN 475-041-02

Project Description: Demolition of existing 3,475 sq. ft. one-level single family residence and two-car garage; construction of 7,979 sq. ft. two-level single family residence and three-car garage; new native drought tolerant non-invasive landscaping and hardscape; and removal of wood stairs on coastal bluff.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The subject application requests approval for demolition of an existing 3,475 square foot one-level single family residence with attached garage and construction of a new 15-foot high (maximum above existing and finished grade), 7,979 square foot two-level single family residence (5,119 sq. ft. main floor and 2,860 sq. ft. basement level), plus attached three-car garage (751 sq. ft.), conventional slab foundation including continuous shallow footings, retaining walls with integrated shoring system at basement level, landscaping, and hardscape. Proposed amenities include an interior courtyard, two fountains, and a fire pit. Grading consists of approximately 2,630 cubic yards of cut, mostly to create the proposed basement level.

The proposed development is located within the community of Cameo Shores in the Corona del Mar area of Newport Beach. The applicant is proposing complete redevelopment of the coastal bluff top site including a new residence, new landscaping, and new hardscape improvements. The geotechnical study of the site deems the site is grossly stable under current and proposed conditions. As proposed, the residence meets the minimum 25-foot bluff setback and minimum 10-foot bluff setback for hardscape improvements, as identified in the City's Coastal Land Use Plan. As part of the coastal development permit application, the applicant also proposes to remove non-conforming unpermitted development on the coastal bluff face in the form of a private pedestrian stairway descending the bluff face to the toe of the bluff and to plant native drought tolerant non-invasive species on the site.

Commission staff recommends **approval** of coastal development permit application 5-14-1667, with nine special conditions to protect coastal resources: 1) Conformance with Geotechnical Recommendations; 2) Revised Final Landscape Plans; 3) Assumption of Risk, Waiver of Liability, and Indemnity; 4) No Future Blufftop or Shoreline Protection Device(s); 5) Future Improvements; 6) Construction Best Management Practices; 7) Removal of Unpermitted Development; 8) Condition Compliance; and 9) Deed Restriction. The applicant is in agreement with the conditions.

The City of Newport Beach does not have a certified Local Coastal Program, only a certified Land Use Plan. Therefore, the Coastal Commission is the coastal development permit issuing entity for the proposed development and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the Coastal Development Permit Applications included in 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Conformance with Geotechnical Recommendations.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, along with two (2) full size sets of each plan, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans including foundation and grading/drainage plans and certified that each of those final plans is consistent with all the recommendations contained in the geologic engineering investigations.

The applicant 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.

2. **Revised Final Landscape Plans.**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of Revised Final Landscape Plans prepared by an appropriately licensed professional:

- (1) The plans shall demonstrate that:
 - (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas not occupied by hardscape shall be planted and maintained for slope stability and erosion control. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping shall consist of native drought tolerant plant species and appropriate to the habitat type. 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 United States 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://ucanr.edu/sites/WUCOLS/>).

- (d) Removal of the existing stairs located on the coastal bluff face shall be accompanied by re-vegetation and restoration of the area on the bluff face once impacted by the existing stairs and any associated pathways and footings on the bluff face according to the specifics identified in this condition;
- (e) No permanent irrigation system shall be allowed on the coastal bluff face. Any existing in-ground irrigation systems on the coastal bluff face shall be disconnected and capped. Temporary above ground irrigation to allow the establishment of the plantings is allowed. The landscaping plan shall show all the existing vegetation and any existing irrigation system; and
- (f) The existing lawn in the 10-foot bluff setback area shall be removed and the area shall be re-vegetated with native drought tolerant non-invasive species according to the specifics identified in this condition.

(2) The plan shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

3. **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 bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (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.

4. **No Future Bluff or Shoreline Protective Device(s).** By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-1667 including, but not limited to, the residence, foundations, decks, balconies, hardscape and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. By acceptance of this Permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this Permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit, including the residence, foundations, patios, balconies, hardscape and any other future improvements 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 landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the edge of the bluff recedes to within five (5) feet of the principal residence but no government agency has ordered that the structures are not to be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the landowner(s), that addresses whether any portions of the residence are threatened by bluff and slope instability, erosion, landslides, sea level rise or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without bluff or shore protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

5. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-14-1667. 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 this development governed by the Coastal Development Permit No. 5-14-1667. Accordingly, any future improvements to the structures 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. 5-14-1667 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. **Construction Best Management Practices.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state, and federal laws applicable to each requirement:
- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
 - (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (c) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - (d) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
 - (e) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (f) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - (g) The applicant shall develop and implement spill prevention and control measures;
 - (h) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch, or surface water; and
 - (i) (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
7. **Removal of Unpermitted Development.** The applicant shall, pursuant to the approved revised final landscaping plans described in Condition 2, remove the existing unpermitted

stairs and any associated pathways and footings from the bluff face, and restore the areas of the bluff impacted by the unpermitted development, within 90 days of the issuance of this permit. The Executive Director may grant additional time, in writing, for good cause.

8. **Condition Compliance.** Within 180 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant in writing for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the expiration of this coastal permit approval and the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
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 proposed project site is located at 4549 Brighton Road within the community of Cameo Shores in the Corona del Mar area of Newport Beach. The subject site is between the first public roadway and the sea on a coastal bluff lot subject to wave erosion (**Exhibit 1 and Exhibit 2**). The site is a 16,274 square foot lot designated Low Density Residential by the City of Newport Beach Land Use Plan (LUP); the proposed project adheres to this designation. The project is located within an existing developed residential area. The site is surrounded by single family residential development to the north, south and east. To the west of the proposed home on the project site is an approximately 36-foot high coastal bluff, rocky beach, and the Pacific Ocean. There is a gated vertical access walkway (owned by the Cameo Shores Homeowners Association) upcoast of the property.

Public access to the shoreline through this community does not currently exist. The proposed project will not create new adverse effects on public access. The locked privately owned accessways, not the individual single family residences in the area, impede public access. The nearest public access and public recreational opportunities are located at Little Corona Beach to

the northwest and Crystal Cove State Park to the southeast. The public may access the rocky beach in front of the subject site via these two beaches or by sea or by air.

The proposed development includes demolition of an existing one-level single-family residence and two-car garage constructed in 1961. Removal of existing landscaping and hardscape are also proposed (including removal of an unpermitted stairway on the bluff face as described in subsection E of this report and pictured in the Image 16 of **Exhibit 2**), in order to prepare the site for additional grading and complete re-development. The existing structure has not been designated as historic by any local, state, or national entity. There is no record of any coastal development permit for the site.

Following demolition, the applicant proposes to construct a new 7,979 square foot two-level single family residence (5,119 sq. ft. main floor and 2,860 sq. ft. basement level), and an attached 751 square foot three-car garage (**Exhibit 3**). The proposed residence is supported by a conventional slab foundation with continuous shallow footings at the main level, which extends from a six-foot front (street-facing) setback to the required 25-foot rear (bluff-facing setback). At the basement level, retaining walls with an integrated shoring system are proposed. This level is smaller than the main level and is set back approximately 45-feet from the bluff edge (**Exhibit 5 and Exhibit 6**).

Approximately 2,630 cubic yards of cut are proposed as part of the grading plan, mostly to create the basement level, but no notching into the bluff face is proposed. Additional grading is proposed to level front and rear areas for patios and for a new driveway. Proposed amenities with minimal grading and foundational elements include an interior courtyard, two fountains, and a fire pit. No grading is proposed within the 10-foot bluff edge setback for accessory structures. The foundation and the residence adhere to the required 25-foot bluff edge setback for primary structures.

The street level three-car garage accommodates three standard vehicles, exceeding the Commission's typical parking standard of two parking spaces per dwelling unit. An existing curb cut and driveway will be removed and a new curb cut and driveway will be created, subject to City approved plans within the right-of-way. There does not appear to be a net loss of on-street parking from the new curb cut, and the new curb cut and driveway will not negatively affect public access.

The drainage plan shows all roof and surface runoff directed to area drains discharging at Brighton Road to existing on-street storm drains. Planter boxes are proposed at the side yards and the front yard to capture excess roof water flow. A pump system is proposed at the rear (bluff facing) edge of the structure to capture excess stormwater and discharge it away from the coastal bluff. As proposed, all drainage is directed away from the coastal bluff to avoid potential soil saturation and erosion. The proposed grading and drainage plans are consistent with past Commission approvals in the area. In order to minimize adverse construction-related impacts upon marine resources, **Special Condition 6** provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. These best management practices (BMP) are designed to minimize erosion and prevent debris from being dispersed down the coastal bluff or the storm drain system leading to the ocean.

Coastal Resources

No portion of the applicant's development area contains resources that rise to the level of ESHA. Nevertheless, preservation and enhancement of the City's coastal bluffs is a goal supported by both the environmental protection policies of the Coastal Act, and the certified Land Use Plan (LUP). Encroachment onto the bluff by development increases the potential for the introduction of non-native plant species, predation of native species by domestic animals, and destabilization of the coastal bluff from excess irrigation.

Furthermore, due to the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to be planted. The use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org). No plant species listed as problematic and/or invasive by the California Native Plant Society or the California Invasive Plant Council 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 shall be utilized within the property.

The applicant has provided a preliminary landscape plan (**Exhibit 4**) that proposes groundcover, shrubs, and small trees, most of which are native drought-tolerant non-invasive species. Proposed semi-permeable hardscape includes decompressed granite surrounding the rear yard fire pit, concrete pavers at the driveway, and pedestal paving system at the patios. The applicant has revised the original proposal to retain a lawn in the 10-foot rear (bluff-facing) setback and now proposes to landscape that area with native drought tolerant vegetation. To ensure that the coastal bluff resources are protected and to prevent future bluff erosion, the Commission imposes **Special Condition 2** which requires the applicant to revise the proposed landscape plan to ensure that the coastal bluff and the 10-foot bluff setback are landscaped with only native plants suitable to coastal bluff natural habitat, that no permanent irrigation system is installed within the 10-foot rear setback, and that all non-hardscape areas are landscaped for erosion control. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://ucanr.edu/sites/WUCOLS/>).

Geology and Coastal Hazards

The geologic stability of the site has been evaluated by Langan Environmental Services in a report titled "Geotechnical Engineering Report" dated February 21, 2014. A Coastal Hazard Study for the site was conducted by GeoSoils, Inc. dated September 22, 2014. The bedrock slope supporting the development is backed by resistant, cemented strata and is considered grossly stable. Aerial photographs indicate that the shoreline has not retreated over the last 40 years. The existing development has not been subject to wave run-up because the approximately 36 foot high coastal bluff has absorbed all wave action. Wave erosion along the base of the slope and lateral retreat of the bedrock seacliff is predicted to cause a maximum of 2.4 feet of bluff erosion over the anticipated 75 to 100 year life of the structure. According to an analysis by Langan, if 2.4 feet of the bluff were to erode, the foundation of the primary structure would still have a static factor of safety greater than 1.5.

The geotechnical investigation concludes that the proposed development is considered geotechnically feasible provided the recommendations of the report are incorporated. Recommendations relate to site preparation and grading, general foundation design, and drainage; no special design or construction methods were deemed necessary for construction of the development. The Commission imposes **Special Condition 1** requiring the applicant to submit a full set of final construction plans reviewed by an appropriate geotechnical expert, consistent with the recommendations specified in the geotechnical report.

Bluff Setbacks

On bluff lots in Newport Beach subject to Commission review, the Commission has typically required new development to conform to a minimum 25-foot setback from the bluff edge for primary structures (e.g. the enclosed living area of residential structures) and minimum 10 foot setback for secondary structures (e.g., patios, decks, garden walls) and/or required conformance with the stringline setbacks. These setback policies are included in the City's certified Land Use Plan (last updated in 2005). The bluff edge setback is imposed in order to ensure that the development conforms to Section 30253 of the Coastal Act which requires that hazards be minimized and that new development will not have to rely on future shoreline or bluff protection devices. Although the site has currently been found to be grossly stable from a geotechnical perspective, bluffs are subject to forces that cause instability and geologic predictions of site stability over the life of the proposed development cannot be made with certainty. Thus, the Commission requires a bluff edge setback that would provide the most protection from coastal hazards for new development without having to rely on future bluff protection devices given the inherent uncertainty in predicting geologic processes in the future, and to allow for potential changes in bluff erosion rates as a result of rising sea level. The proposed development conforms to both the 25' foot bluff edge setback and the structural stringline (with adjacent structures) setback (**Exhibit 3**). The proposed new residence is set back further than the existing footprint of the residence proposed for demolition.

Proposed bluff-facing improvements include a patio, decorative fountain, and fire pit, and conform to the certified LUP 10-foot bluff edge setback requirement for non-structural, at-grade accessory structures on bluff lots. The proposed project is consistent with the pattern of development in the surrounding area.

To minimize the project's potential future impact on shoreline processes, **Special Condition 4** prohibits construction of any future bluff or shoreline protective device(s) to protect the development approved pursuant to Coastal Development Permit No. 5-14-1667 including, but not limited to, the residence, foundations, patio, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. Thus, pursuant to Special Condition 4, the applicant agrees to waive any right to construct any future bluff or shoreline protective device(s) such as revetments, seawalls, caissons, cliff retaining walls, shotcrete walls, and other such construction that armors or otherwise substantially alters the bluff face. Special Condition 4 does not preclude the applicant from applying for future coastal development permits for maintenance of existing development or future improvements to the site (other than bluff or shoreline protective devices) including landscaping and drainage improvements aimed to prevent slope and bluff instability. The

Commission would determine the consistency of such proposals with the Coastal Act in its review of such applications.

Development on coastal bluff sites is inherently hazardous, therefore, the Commission imposes **Special Condition 3** requiring the applicant to assume the risk of development. By this means, the applicant is notified that the proposed development is located in an area that is potentially subject to bluff and slope instability, sea level rise, erosion, landslides, and wave uprush or other tidal induced erosion that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition requires the applicant to waive claims against the Commission and indemnify the Commission for third-party claims.

Future Development

The proposed development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed new residence does not encroach any further seaward than the existing residence. However, the proposed project raises concerns that future development at the project site could potentially result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. In order to ensure that development on the site does not occur which could potentially adversely impact the geologic stability as detailed in this staff report, the Commission imposes **Special Condition 5**. This condition informs the applicant that future development at the site requires an amendment to this permit (5-14-1667) or a new coastal development permit. Future development includes, but is not limited to, structural additions, landscaping, hardscape, and fencing.

B. DEVELOPMENT

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. 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 to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. 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 and 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.

E. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the benefit of the required coastal development permit including a pedestrian stairway down the coastal bluff to the toe of the bluff (see Image 16 of **Exhibit 2**). Preservation and enhancement of the City's coastal bluffs is a goal supported by both the environmental protection policies of the Coastal Act and policies of the certified LUP. The proposed single family residence will be constructed on a section of the lot which is already developed and will therefore not impact the coastal bluff habitat; and as conditioned, landscaping of the coastal bluff face and the 10-foot setback area will restore the coastal bluff habitat.

The applicant proposes to resolve the unpermitted development on the subject site through this coastal development permit application by removing the stairs and any associated pedestrian pathways and footings on the bluff face, thereby removing the nonconforming unpermitted development. **Special Condition 2** requires the applicant to revise the proposed landscaping plan to only include native plants suitable to coastal bluff habitat. **Special Condition 7** ensures that the unpermitted stairs will be removed as part of the proposed project. **Special Condition 8** requires the applicant to comply with the permit conditions in a timely manner. Although unpermitted development has occurred on site, consideration of the application by the Commission is based solely on Chapter 3 policies of the Coastal Act, and policies of the City LUP for guidance.

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, 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 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

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.

EXHIBITS

- Exhibit 1 – Vicinity Maps
- Exhibit 2 – Beach and Bluff Photos
- Exhibit 3 – Architectural Plans
- Exhibit 4 – Landscape Plan
- Exhibit 5 – Foundation Plan
- Exhibit 6 – Grading Cross-Section

Exhibit 1:

Vicinity Map

Application No:
5-14-1667



California Coastal
Commission



Photo: Bing Maps

Aerial Site Photo - 4549 Brighton Rd.



15

Exhibit 2: Beach and Bluff Photos
Application No. 5-14-1667
California Coastal Commission



16

Subject Bluff Face and Stairs



Outline of Proposed Residence

Line of Existing Residence

CCC Structure Stringline

Top of Bluff

25'-0" CCC Bluff top setback

Limit of Development per CONB

104'-0"

241'-0"

111'-0"

215'-0"

Development Zone 'A'

Development Zone 'B'

Development Zone 'C'

Scale: 1/32" = 1'-0"

Proposed Building Footprint

Footprint of Lower Level

(E) Residence to be Removed

(3) Car Garage

Neighboring Residences

Coastal Commission Structure Stringline

Blufftop Offsets



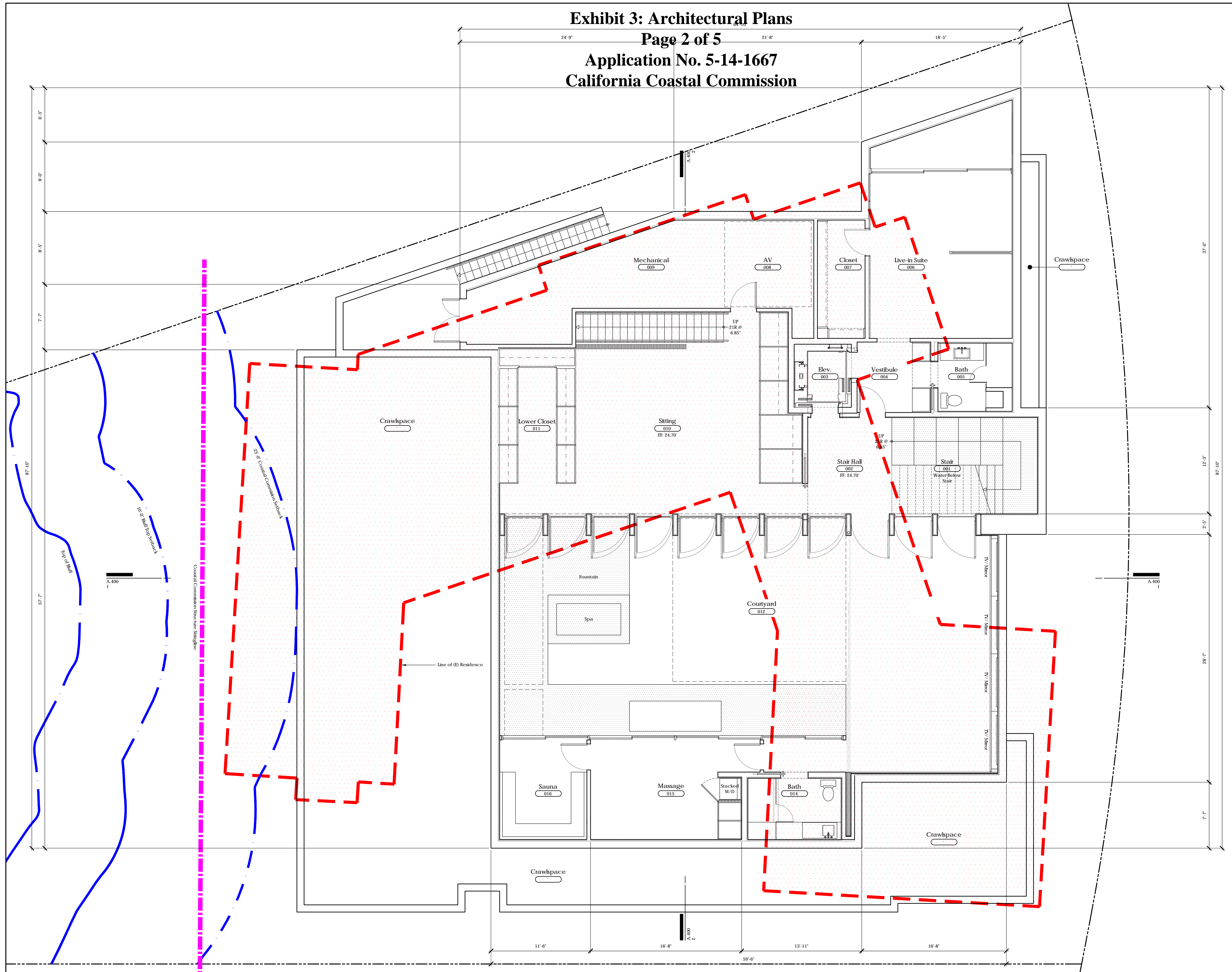
Scale: 1/8" = 1'-0"

11 Second Avenue
Corona del Mar, CA 92625-2322
(949) 645-9582 Fax: (949) 645-9554
www.LSarchitects.com

Exhibit 3: Architectural Plans

Page 2 of 5

Application No. 5-14-1667
California Coastal Commission



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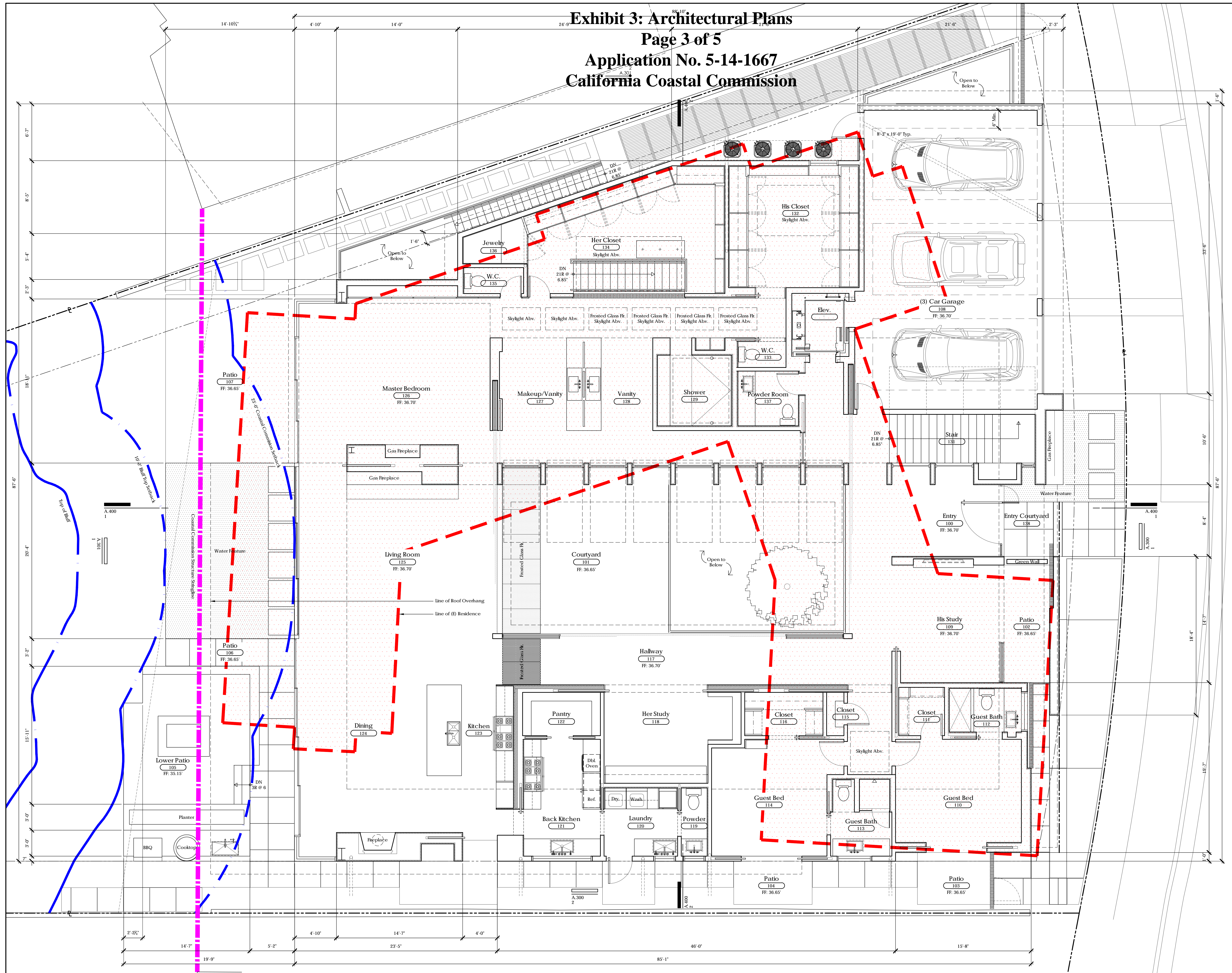
DRAWING DESCRIPTION			
Floor Plans			
DATE	ISSUE/REVISION	DRAWN	REVIEW
02.19.14	Client Review	-	-
03.10.14	Client Review	-	-
03.25.14	Client Review	-	-
04.15.14	Client Review	-	-
05.08.14	HOA Prelim Submittal	AKH	SDL
05.29.14	Approval-in-Concept	AKH	SDL
09.16.14	AIC Revisions	AKH	SDL
09.25.14	Coastal Submittal	AKH	SDL

A.200
SHEET NO.

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California Coastal Commission



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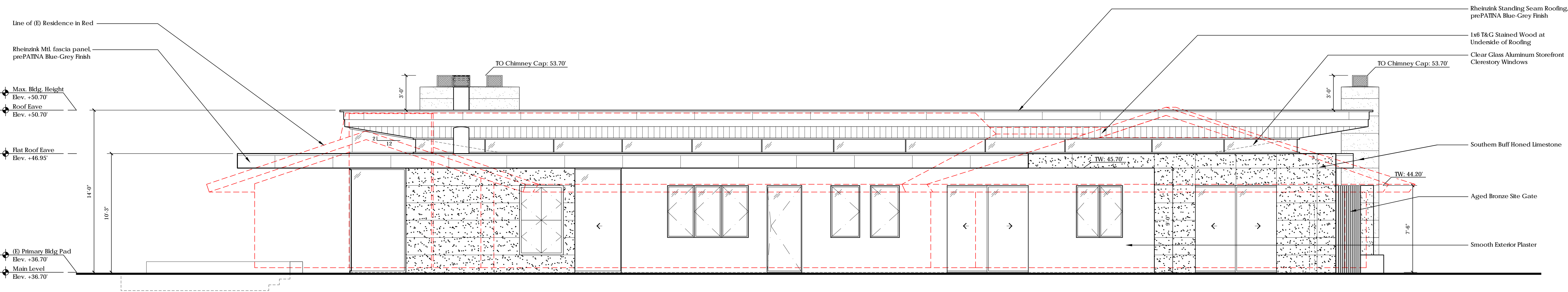
DRAWING DESCRIPTION			
Floor Plans			
DATE	ISSUE/REVISION	DRAWN	REVIEW
02.19.14	Client Review	-	-
03.10.14	Client Review	-	-
03.25.14	Client Review	-	-
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09.16.14	AIC Revisions	AKH	SDL
09.25.14	Coastal Submittal	AKH	SDL

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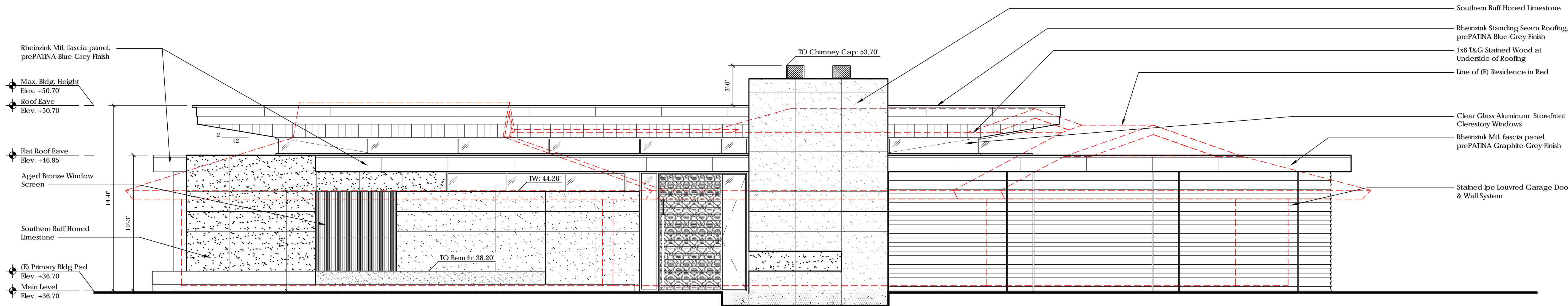
Exhibit 3: Architectural Plans
Page 4 of 5
Application No. 5-14-1667
California Coastal Commission



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2 South Elevation

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



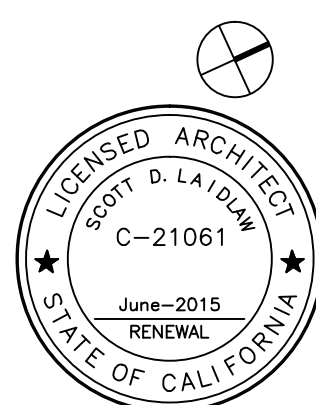
PROJECT
Bell Residence
4549 Brighton Rd.
Corona Del Mar, CA 92625

DRAWING DESCRIPTION
Exterior Elevations

DATE	ISSUE/REVISION	DRAWN	REVIEW
02.19.14	Client Review	-	-
03.10.14	Client Review	-	-
03.25.14	Client Review	-	-
04.15.14	Client Review	-	-
05.08.14	HOA Prelim Submittal	AKH	SDL
05.29.14	Approval-in-Concept	AKH	SDL
09.16.14	AIC Revisions	AKH	SDL
09.25.14	Coastal Submittal	AKH	SDL

1 East Elevation

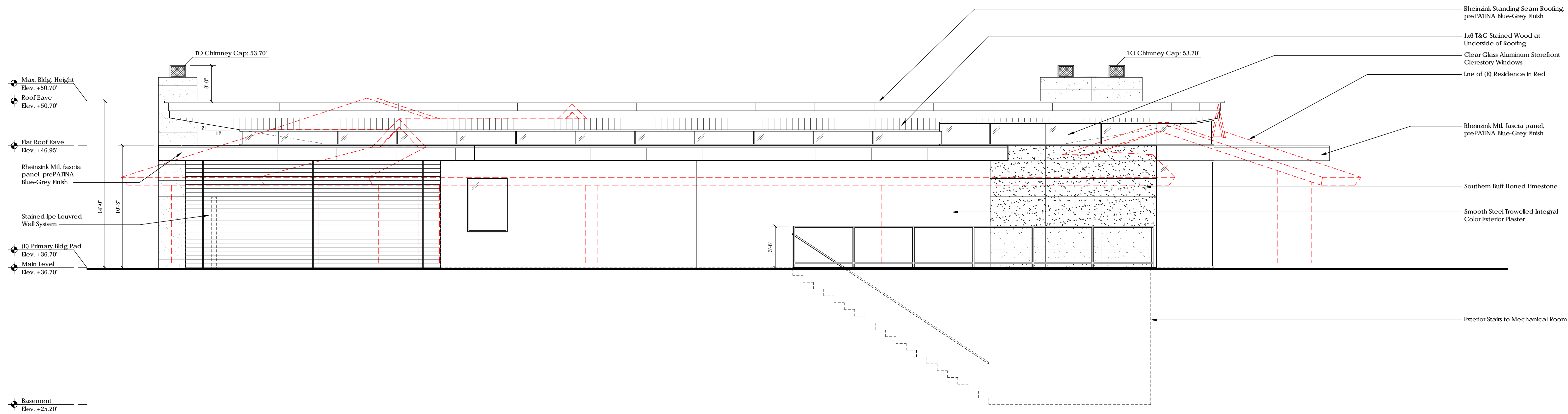
Scale: 1/4" = 1'-0"



A.300
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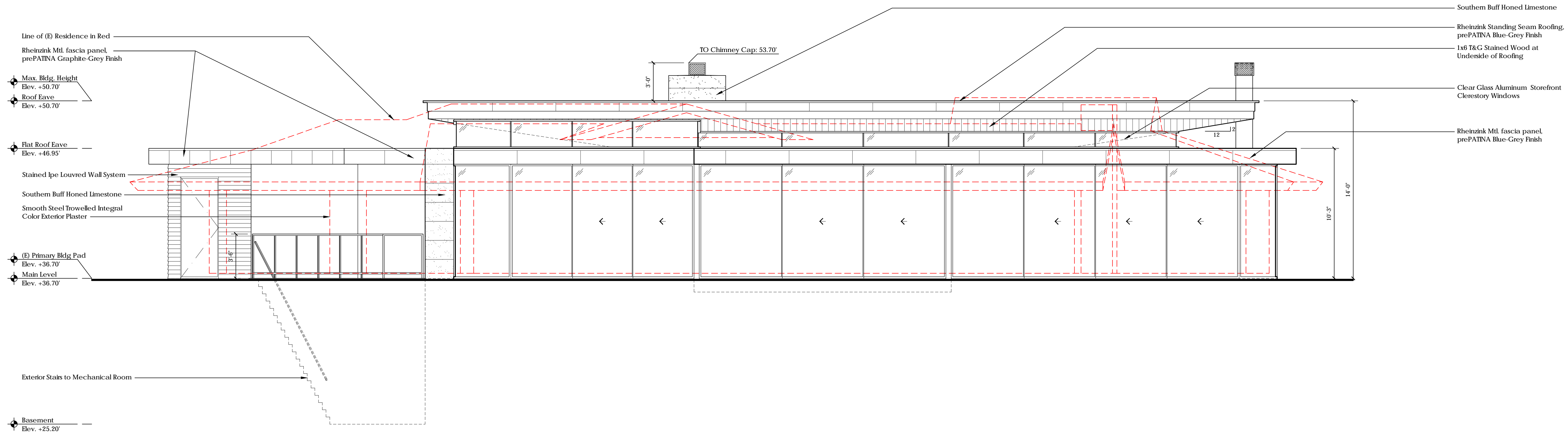
Exhibit 3: Architectural Plans
Page 5 of 5
Application No. 5-14-1667
California Coastal Commission



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2 North Elevation

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



PROJECT
Bell Residence
4549 Brighton Rd.
Corona Del Mar, CA 92625

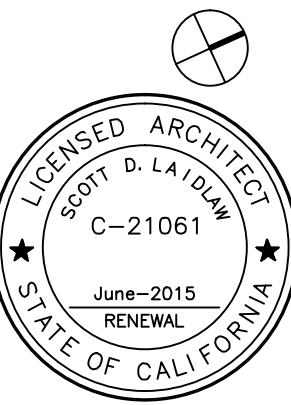
DRAWING DESCRIPTION

Exterior Elevations

DATE	ISSUE/REVISION	DRAWN	REVIEW
02.19.14	Client Review	-	-
03.10.14	Client Review	-	-
03.25.14	Client Review	-	-
04.15.14	Client Review	-	-
05.08.14	HOA Prelim Submittal	AKH	SDL
05.29.14	Approval-in-Concept	AKH	SDL
09.16.14	AIC Revisions	AKH	SDL
09.25.14	Coastal Submittal	AKH	SDL

1 West Elevation

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






A.301
SHEET NO.

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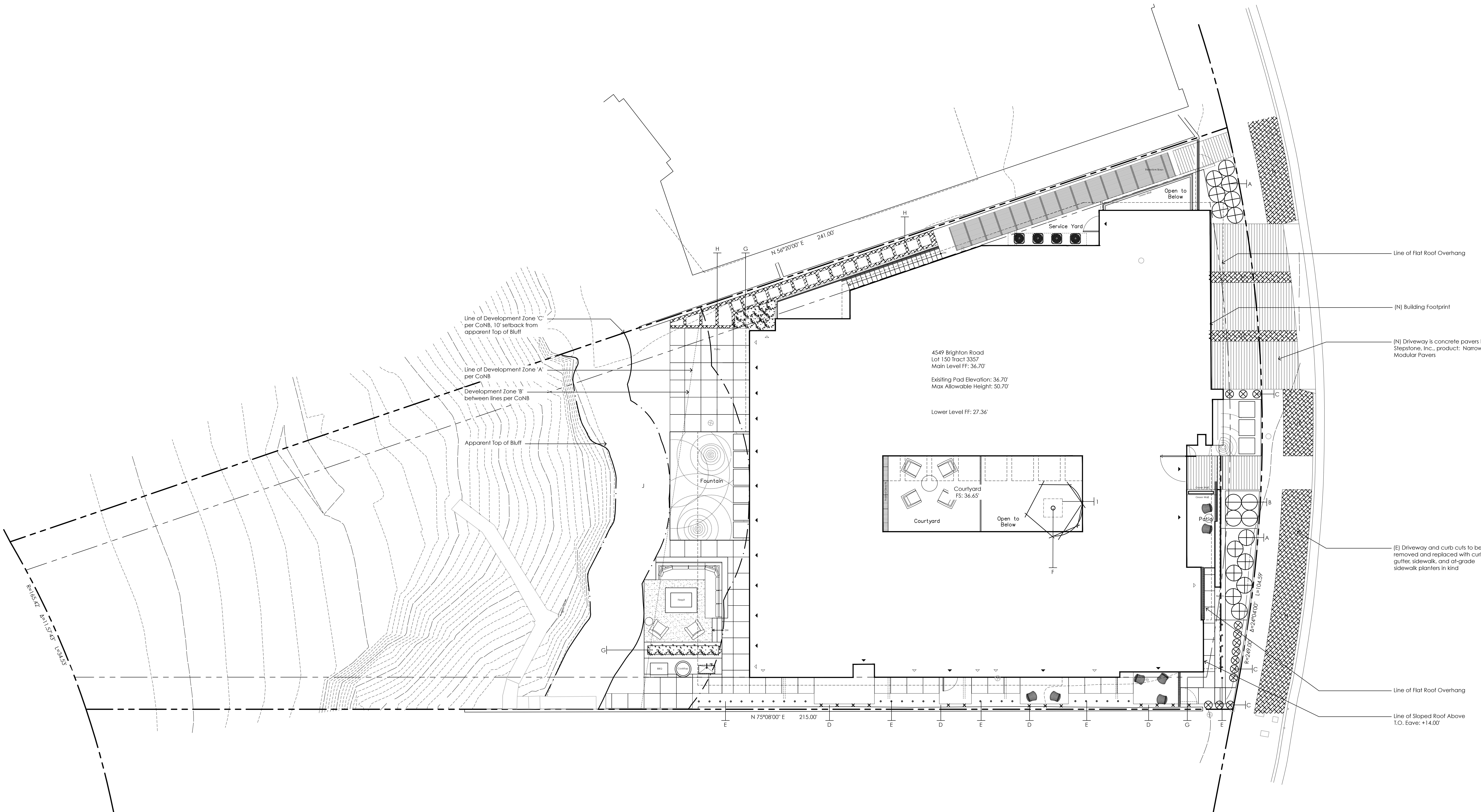
- All Plantings will be irrigated with an irrigation system connected to an automatic timer.

PLANTS							
TYPE	SYMBOL	PLAN KEY	BOT NAME	COMMON	INSTALLED SIZE	#	Size @ 15cm. (tall x wide)
(N) SHRUB		A	Hebe pinguifolia "Sutherland" hebe	Sutherland hebe	5 G	14	18" tall x 36" wide
(N) SHRUB		B	Eriogonum fasciculatum follolosum	California buckwheat	5 G	4	36" tall x 36" wide
(N) SHRUB		C	Juncus patens "Carmen's Gray"	Carmen's gray rush	5 G	20	18-24" tall x wide
(N) WALL COVER		D	Ficus pumila	Creeping fig	1 G	13	NA
(N) HEDGE		E	Ligustrum texanum	Wax leaf privet	13 G	per plan	6' tall
(N) TREE		F	Semiauricularia fastuosa	Temple Bamboo or Naniha Bamboo	24" Box	3	25'
(N) SHRUB		G	Eriogonum grande var. rubicens	San Miguel Island Red Buckwheat	1 G		24" tall x wide
(N) GROUND COVER		H	Dymondia margaritae	Silver carpet	Rats	per plan	0'-2'
(N) GROUND COVER		J	Seashore paspalum	Bermuda hybrid Seashore paspalum	turf	per plan	lawn

PLANTINGS	BUILT ELEMENTS
A Hebe pinguifolia 'Sutherlandii' Sutherland hebe	1 Subgrade Concrete Planter with drainage contains root ball for courtyard bamboo
B Eriogonum fasciculatum foliosum California buckwheat	
C Junco patens 'Carmen's Gray' Carmen's gray rush	
D Ficus pumila Creeping fig	
E Ligustrum texanum Wax leaf privet	
F Semiarundinaria fastuosa Temple Bamboo (Nailiha Bambboo)	
G Eriogonum grande var. rubescens San Miguel Island Red Buckwheat	
H Dymondia margaritae Silver Carpet	
J Seashore paspalum Bermuda hybrid 'Seashore paspalum'	

	Decomposed Granite permeable surface
	Narrow Modular concrete pavers by Stepstone Inc., sand set over gravel base course to provide permeable surface, typ.
	(N) Pedestal Paving system, similar to Hanover® (or equal) stone pavers on Hanover® pedestal system over (N) concrete patio, typ. ¹ Gap between pavers to allow water to flow through to (N) subsurface drainage system.
(E)	Existing to Remain, UNO
o.g.	On Grade
◀	Door
◁	Window
	Subgrade Drainline, Daylights through curb, typ.

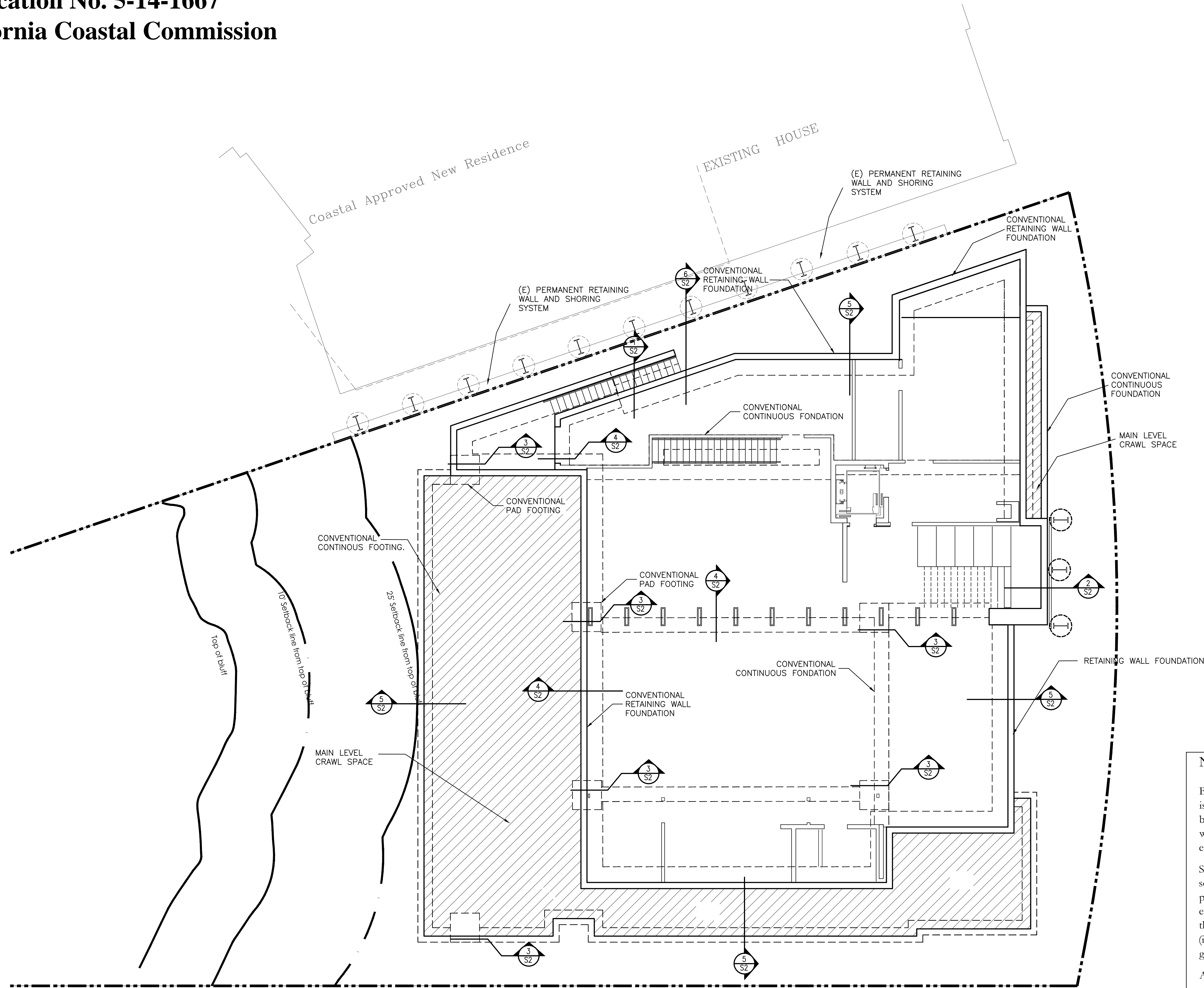
2	Notes	3	Plants	4	Plant Key	5	Legend
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RRLA
Richard Ramsey
Landscape Architect
1035 Bern Drive
Longana Beach, CA 92651
49-290-9009

DATE	ISSUE/REVISION	DRAWN	REVIEW
05.08.14	Preliminary Design Submittal	RFR	RFR
05.29.14	City of Newport Submittal	RFR	RFR
09.23.14	Approval in Concept Rev.	RFR	RFR
—	—	—	—
—	—	—	—

Exhibit 5: Foundation Plan
Application No. 5-14-1667
California Coastal Commission



NARRATIVE TO SHORING PLANS:

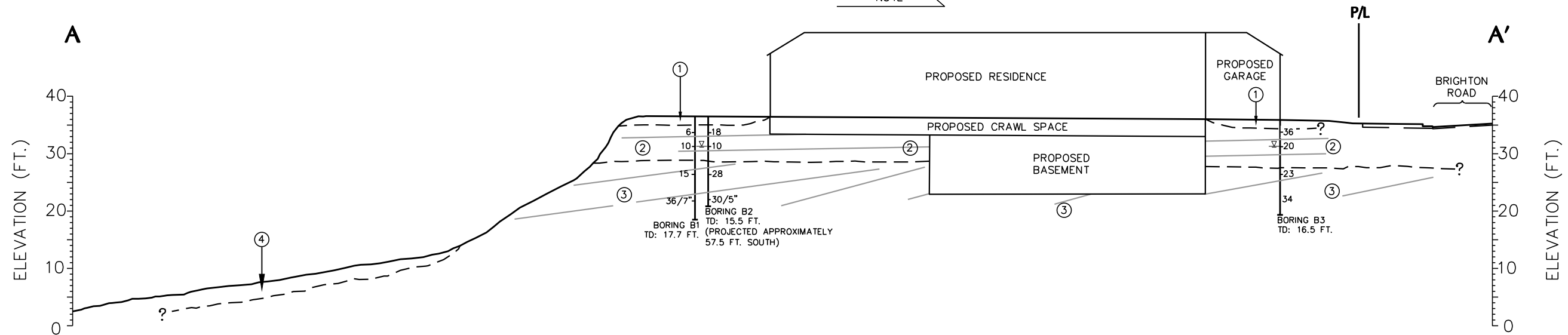
Based on the review of architectural drawing and soils report prepared by Langan Engineering, the following is proposed for the foundation. Shoring and retaining wall exists on the northern side of the property and a lay back slope of 1:1 will be provided at the location. Existing bottom of shoring occurs at 24'-0". The southern, western and a portion of the eastern side of the property a lay back slope of 1:1 is provided. Portion of the eastern side of the property will require shoring.

Soldier pile and lagging walls are a type of shoring system used along the perimeter of excavation to retain the soil around the excavation. The system consists of vertical steel beams (soldier piles) installed within pre-drilled holes from original grade at regular intervals at 6'. The piles are extended 9' to 18' below final excavation grade to provide passive resistance to overturning imposed by the retained soil. The spacings and the depths to which the soldier piles are installed below the final grade depend on the depths of excavation (i.e. the depths of soil to be retained). Refer to detail 2/S2 for spacings and depths of extension below final grade based on excavation depths.

As site excavation proceeds in lifts, typically in 3-ft to 5-ft increments, wood lagging are placed between the soldier piles. The excavation and lagging cycles are repeated until the required depth of excavation is achieved. The lagging effectively transfers the loads imposed by the retained soil to the soldier piles which in turn transfer the loads to the supporting soil. 2 sack slurry will be used to fill the voids within the predrilled holes.

Soil is to be laid back at a slope of 1:1. Foundations will be conventional shallow continuous and/or pad footings at basement level, and conventional retaining wall foundations at the basement level. For details, please refer to our proposed foundation plan.

Exhibit 6: Grading Cross-Section
Application No. 5-14-1667
California Coastal Commission



LEGEND:

④ GEOLOGIC UNIT

--- APPROXIMATE GEOLOGIC CONTACT

BORINGS;
TD = TOTAL DEPTH
N = KELLY BAR BLOWCOUNT; NUMBER OF BLOWS OF A KELLY BAR FREE FALLING 18 INCHES TO DRIVE A 2-INCH-O.D. SPLIT SPOON SAMPLER AND 2.5-INCH-O.D. MODIFIED CALIFORNIA SAMPLER, 18 INCHES. REFER TO APPENDIX B - BORING LOGS FOR KELLY BAR WEIGHTS AND ADDITIONAL INFORMATION.

GEOLOGIC ATTITUDE

P/L PROPERTY LINE

UNITS:

- ① Dark brown, silty fine SAND (SM), some roots and rootlets, wet [TOPSOIL]
- ② Light yellow brown to brown, silty fine to coarse SAND (SM), some fine to coarse gravel and clayey silt, moist to wet, slightly to severely oxidized [NONMARINE TERRACE DEPOSITS, Qtn]
- ③ Light brown, grey brown, and yellow brown SILTSTONE, clayey SHALE, and SANDSTONE, fine to coarse sand, some fine gravel, thinly bedded, contorted, slightly moist to wet [MONTEREY FORMATION, Tm]
- ④ Light grey to brown, gravelly SAND (SP), medium to coarse sand, slightly moist to wet [BEACH SEDIMENTS, Qb]



NOTES:

1. THIS PROFILE SHOWS GENERALIZED SUBSURFACE CONDITIONS OBSERVED AT SELECT BORING AND MAPPED LOCATIONS. VARIATIONS IN CONDITIONS SHOULD BE EXPECTED BETWEEN BORINGS. FOR A DETAILED DESCRIPTION OF CONDITIONS ENCOUNTERED, SEE BORING LOGS IN APPENDIX B.
2. BORINGS WERE DRILLED BY HILLSIDE CONSTRUCTORS BETWEEN 9 AND 13 DECEMBER 2013 UNDER THE FULL TIME OBSERVATION OF LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
3. GEOLOGIC CONTACTS ARE APPROXIMATE AND BASED ON FIELD MAPPING PERFORMED BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES ON 13 DECEMBER 2013 AND 14 JANUARY 2014.
4. TOPOGRAPHIC DATA BASED ON "TOPOGRAPHIC SURVEY, LOT 150, TRACT 3357, 4549 BRIGHTON ROAD, NEWPORT BEACH, CALIFORNIA," DATED 31 MAY 2013, PREPARED BY TOAL ENGINEERING, INC., SHEET 1 OF 1.
5. PROPOSED RESIDENCE LIMITS BASED ON "BASEMENT EXHIBIT," DATED 29 JANUARY 2014, PREPARED BY LS ARCHITECTS.
6. SEE FIGURE 11 FOR SUBSURFACE PROFILE LOCATION.
7. APPROXIMATE GEOLOGIC CONTACTS ARE BASED ON INTERPRETATION OF AVAILABLE SUBSURFACE DATA

LANGAN

32 Executive Park, Suite 130
Irvine, CA 92614

T: 949.255.8640 F: 949.255.8641 www.langan.com

Langan Engineering & Environmental Services, Inc.

Project

**4549 BRIGHTON
ROAD**

**NEWPORT BEACH
ORANGE COUNTY CALIFORNIA**

Figure Title

**SUBSURFACE
PROFILE A-A'**

Project No.
700025101

Date
21 FEBRUARY 2014

Scale
1" = 20'

Drawn By
SAC

Figure No.

12