

**CALIFORNIA COASTAL COMMISSION**

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**W8c**

Filed:	03/01/2016
180th Day:	08/28/2016
Staff:	C. Oshida-LB
Staff Report:	05/19/2016
Hearing Date:	06/08/2016

**STAFF REPORT: CONSENT CALENDAR**

<b>Application No.:</b>	<b>5-16-0189</b>
<b>Applicant:</b>	<b>Rene Barge</b>
<b>Agent:</b>	John T. Morgan, Jr.
<b>Location:</b>	2408 W Oceanfront, Newport Beach (Orange County) (APN 047-141-14)
<b>Project Description:</b>	Demolition of a one-story single-family residence and construction of an approximately 2,067 sq. ft., 29 ft. high three-story single-family residence with an attached 372 sq. ft. two-car garage, approximately 37 sq. ft. cantilevered 2 <sup>nd</sup> -story deck, and hardscape improvements on a beachfront lot. In addition, the project includes the demolition of an existing 3-foot high perimeter wall, and the construction of a new 3-foot high perimeter wall within City's oceanfront encroachment area.

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**SUMMARY OF STAFF RECOMMENDATION:**

The proposed residential project raises issues regarding hazards concerning beachfront development, compatibility with the existing character of the area, impact to public access, and water quality.

The proposed project is consistent with the character of the West Oceanfront neighborhood, which consists primarily of two and three-story homes. The project includes development in the City's oceanfront public right-of-way. Private improvements are allowed in the right-of-way under an Oceanfront Encroachment Policy and mitigation program approved by the Commission in June 1991 and incorporated into the City's Certified Coastal Land Use Plan. The proposed encroachment includes a three-foot high perimeter wall at the beachfront side of the property. As conditioned, the proposed development conforms to the requirements of the program outlined in the City's Coastal Land Use Plan.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **Nine Special Conditions**. The special conditions would: **1)** assumption of risk; **2)** no future shoreline protective device; **3)** future development; **4)** recommendations of the geotechnical report; **5)** storage of construction materials, mechanized equipment and removal of construction debris; **6)** conformance with the submitted drainage and run-off control plan; **7)** deviation from approved encroachments; **8)** City's right to revoke encroachment permit; **9)** a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 – Aerial/Bird View of Site
- Exhibit 3 – Site Plans and Elevations

## 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. 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 of 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(s) 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(s) 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(s) 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. 5-16-0189 including, but not limited to, the residence, garage, foundations, and 3-foot high perimeter wall, 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 other natural hazards in the future. By acceptance of this permit, the applicant(s) and landowner(s) 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(s) further agrees, on behalf of himself and all successors and assigns that the landowners shall remove the development authorized by this permit, including the residence, garage, foundations, and 3-foot high perimeter wall, 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. 5-16-0189. 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. 5-16-0189. Accordingly, any future improvements to the single-family house authorized by

this Coastal Development Permit No. 5-16-0189, 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. 5-16-0189 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 Investigation Report for Proposed Single-Family Residence 2408 West Oceanfront, Newport Beach, California 92663* prepared by Geo-Etka, Inc., dated February 8, 2016. 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. 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(s) 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.

**6. Conformance with the submitted Drainage and Run-Off Control Plan.** The applicant(s) shall conform to the drainage and run-off control plan submitted on March 1, 2016 to the South Coast Region office showing roof drainage and paved walkways designed to slope into trench drains at the front and back sides of the property. 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 required.

**7. Deviation from Approved Encroachments**

- A. The only encroachment into the 12-inch deep encroachment area within the City of Newport Beach Oceanfront public right-of-way (between the property line and the Oceanfront Boardwalk) allowed by this Coastal Development Permit No. 5-16-0189 is a wall (no more than 3 ft. high) along the beachfront side of the property. Any development in the public right of way, including improvements, repairs, and maintenance, cannot occur without an amendment to this coastal development permit or a new coastal development permit from the Coastal Commission, unless the Executive Director determines through written confirmation that no amendment or new permit is legally required.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant(s) shall submit evidence, for the review and approval of the Executive Director that the applicant has enrolled in the City's public access impact mitigation program (i.e. annual payment to City for encroachment). Evidence that the initial payment has occurred shall also be submitted. The applicant(s) and all other successors and assigns must remain enrolled in the City's public access impact mitigation program (i.e. annual payment to City for encroachment) and make the recurring annual payment so long as the encroachment remains in place.

8. **City's Right to Revoke Encroachment Permit** Approval of this coastal development permit shall not restrict the City's right and ability to revoke, without cause, the approved City encroachment permit in order to construct public access and recreation improvements within the public right of way.
9. **Deed Restriction PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant(s) 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 DESCRIPTION & LOCATION**

The applicant proposes to demolish a one-story, single-family residence, and construct an approximately 2,067 sq. ft., 29 ft. high, three-story, single-family residence with an attached 372 sq. ft. two-car garage and second-floor cantilever decks projecting along the rear (alley) and front (beach) sides of the residence (**Exhibit 3**). Hardscape improvements include new concrete front and side yards. Two planters, filled with drought tolerant "Arctostaphylos Sonoma" Manzanita species, are proposed along the side elevation of the residence. Additionally, the applicant proposes to install a new approximately 3-foot high perimeter wall along the east, west and beachfront property lines, where the new wall will be built 12 inches in the public right-of-way encroachment area on the beachfront side (between the property line and the Oceanfront Boardwalk) (**Exhibit 3**). Oceanfront Boardwalk is an approximately 12-ft. wide pedestrian and bike path that runs parallel to the ocean from south of E Street to 36<sup>th</sup> Street. To address water quality concerns, the applicant proposes to direct site drainage and runoff from roof drains, gutters, and downspouts to paved walkways sloping to the alley and trench drains at both beachfront and alley front sides of the property for onsite infiltration. Regarding water conservation, the applicant intends to comply with the applicable water efficiency and conservation measures of the Governor's Executive Order B-29-15 concerning efficient fixtures and appliances and with the statewide and local regulations pertaining to plumbing fixtures and low flow rates. Grading will consist of 208 cubic yards of cut and 208 cubic yards of fill.

The subject site is located at 2408 W Oceanfront within the City of Newport Beach, Orange County (**Exhibits 1 & 2**). The lot area is 1,742 sq. ft. Oceanfront Boardwalk is located seaward of the property and is an approximately 12-ft. wide pedestrian and bike path that runs parallel to the ocean



from south of E Street to 36<sup>th</sup> Street. The proposed project is located on a lot with an R-1 (Single-Unit Residential Detached) zoning designation, and the project is consistent with the zoning. The proposed project is allowable under this designation. The project is on a beachfront lot located within an existing urban residential area, between the Santa Ana River and the Newport Pier, and located between the first public road and the sea (**Exhibits 1 & 2**). There is an approximately 250-foot wide sandy beach between the subject property and the Pacific Ocean.

According to the *Coastal Hazard and Wave Runup Study, 2408 West Oceanfront, Newport Beach, California* conducted by GeoSoils, Inc. (dated 12/10/2015) there are “no recommendations necessary for wave runup protection” for this project site and the proposed project “minimizes risks from flooding.” However, given that the applicant has chosen to implement the project on a beachfront lot despite risks from liquefaction, wave attack, erosion, sea level rise, and storm flooding, the applicant must assume the risks and agree to no future shoreline protective devices. Therefore, the Commission imposes **Special Conditions 1, and 2**. Any future improvements to the single-family house authorized by this Coastal Development Permit No. 5-16-0189, including but not limited to repair and maintenance identified as requiring a permit, will require an amendment to Permit No. 5-16-0189 from the Commission as imposed by **Special Condition 3**. The Commission imposes **Special Condition 4** to ensure consistency with the geotechnical recommendations. In addition, because the project site is on a beachfront lot and in proximity to coastal waters, the Commission recommends construction-related requirements and best management practices under **Special Condition 5**, and to address water quality, recommends **Special Condition 6** to prevent pollution of the coast.

The proposed project will not have an adverse effect on public access. The Commission has found through previous permit actions that the City’s structural setback in this area is acceptable for maintaining public access. The proposed project is consistent with the City’s required 5 ft. setback for primary structures from the seaward property line. Vertical public access to the beach is available north of the subject site at the 25<sup>th</sup> Street seaward terminus. Lateral public beach access is available along the 250 ft. wide sandy beach of this area and along Oceanfront Boardwalk, seaward of the subject site. However, the proposed perimeter wall encroachment on 12 inches of public-right-of-way (between the property line and Oceanfront Boardwalk) could contribute to the cumulative adverse impact on beach use resulting from the various existing encroachments on the public right-of-way in the area. In addition, the encroachments could make it difficult in the future for the City to improve the public right-of-way for lateral access purposes.

The proposed perimeter wall along the beachfront side of the project site is located in an encroachment zone where limits on the maximum seaward extent of encroachments are identified. In 1991, the Commission certified an amendment to the City of Newport Beach Land Use Plan (LUP). The LUP encroachment policies allow limited encroachments seaward between 36<sup>nd</sup> Street and E Street. The LUP policies allow encroachments only if they do not interfere with access to the beach or ocean, when a building permit is not required, object do not exceed 36 inches in height, and subject to payment of a mitigation fee. The City of Newport Beach reserves the right to use the encroachment area right-of-way for public projects in the future. **Special Conditions 7 and 8** address these requirements. The policies set forth in the Newport Beach City Council Policy Manual are not recognized during the Coastal Development Permit review process; the Commission recognizes the City’s certified LUP.

The Commission imposes **Special Condition 9** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-16-0189), 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.

## **B. HAZARDS**

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and 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 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.

## **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, one or more of the following: the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, installation of roof drains, gutters, downspouts, and a drainage system to direct storm water runoff to trench drains. Post-construction best management practices should minimize the project's potential adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**F. 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 (LCP)**

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.

## **Appendix A - Substantive File Documents**

- City of Newport Beach certified Land Use Plan
- *Coastal Hazard and Wave Runup Study, 2408 West Oceanfront, Newport Beach, California* by GeoSoils, Inc. dated 12/10/2015
- City of Newport Beach Approval-in-Concept No. AIC2015086, dated 2/24/16
- Coastal Development Permit Application No. 5-16-0189
- *Geotechnical Investigation Report for Proposed Single-Family Residence 2408 West Oceanfront, Newport Beach, California 92663* by Geo-Etka, Inc., dated 2/8/16



# Location Map: 2408 W Oceanfront, Newport Beach

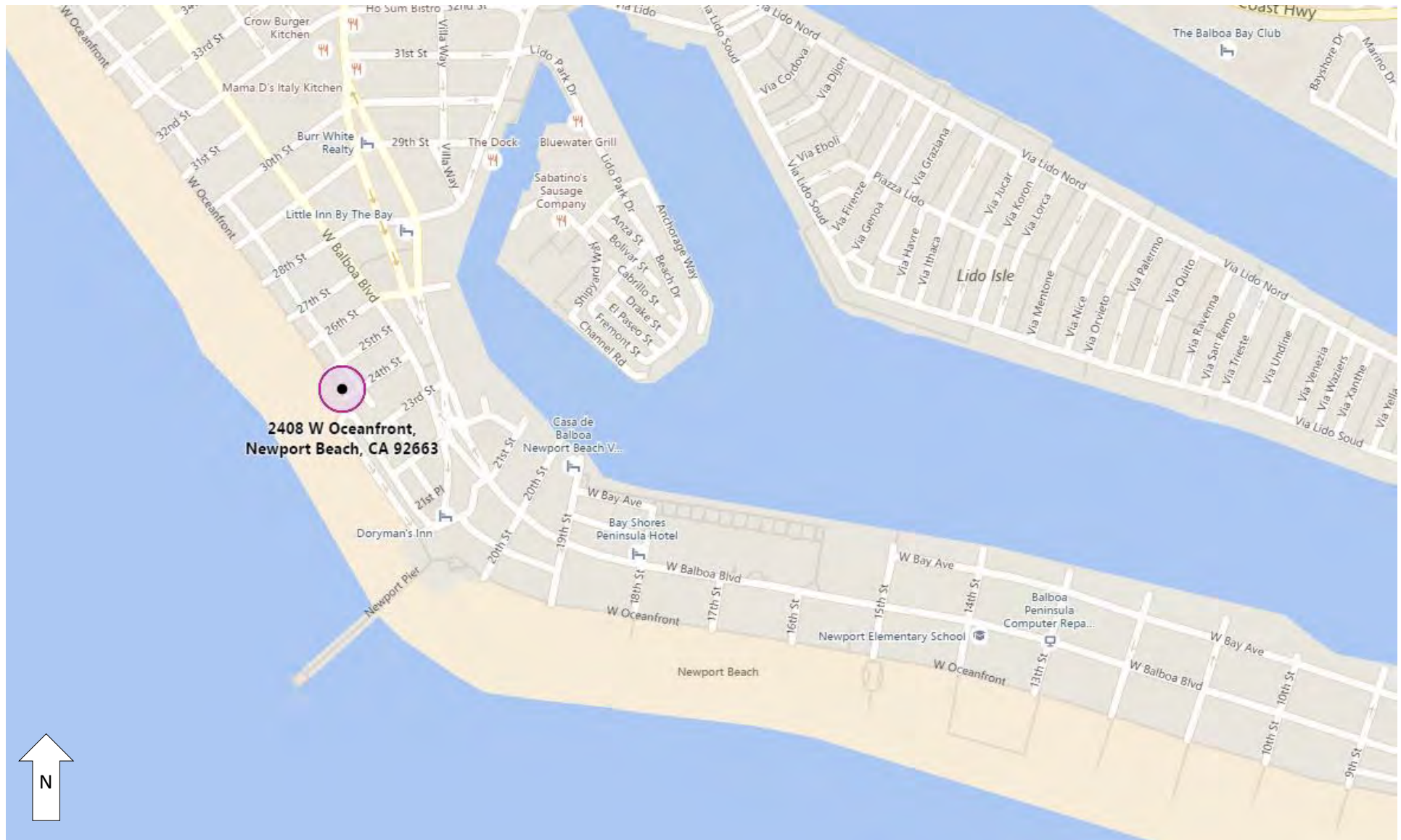


Photo credit: Bing Maps





# Vicinity Map: 2408 W Oceanfront, Newport Beach

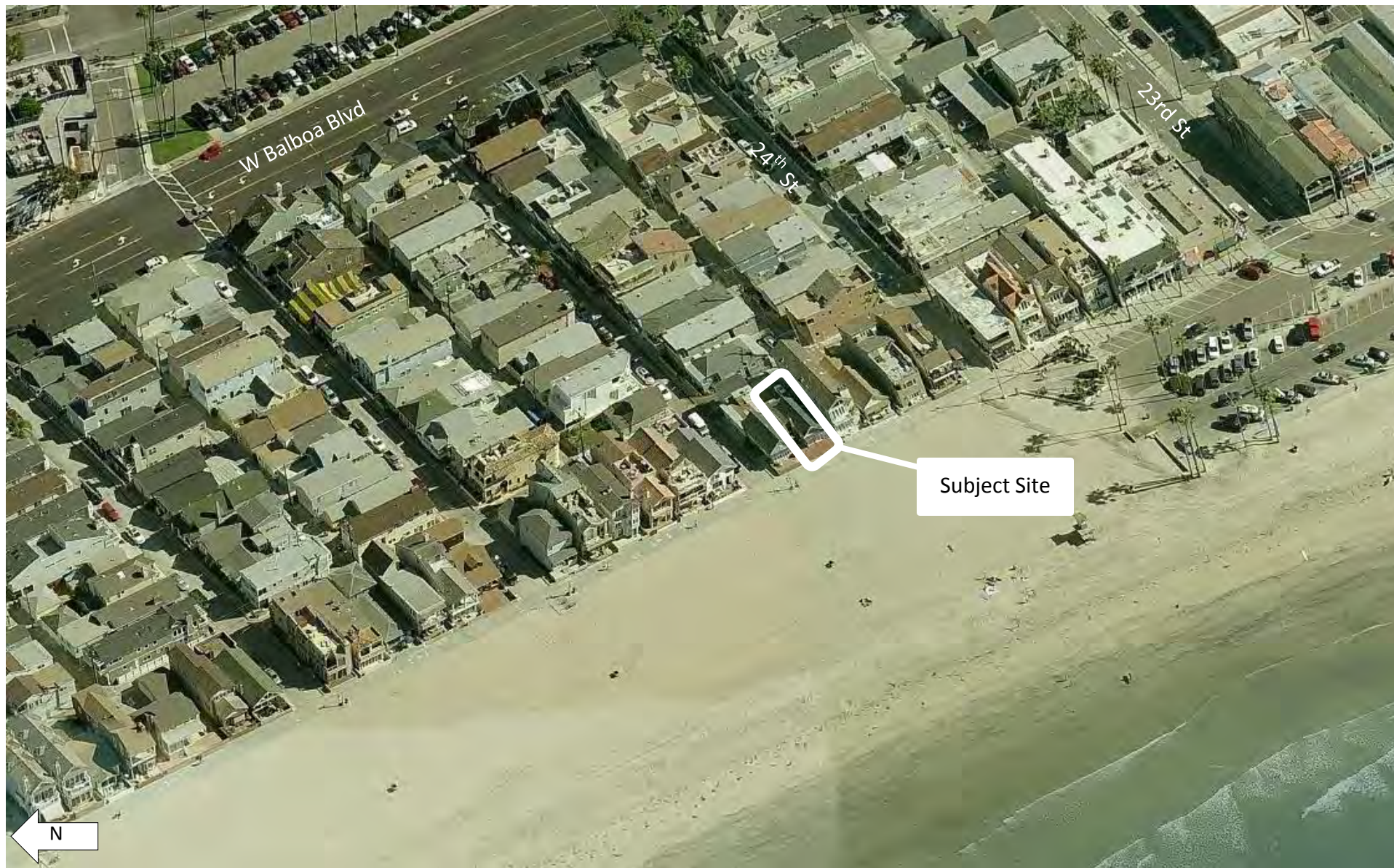


Photo credit: Bing Maps



CITY SEWER LATERAL DETAILS  
REFER TO DETAIL 2 ON A-2 FOR CITY STANDARD SEWER LATERAL DETAIL 406-L

DESIGN PROFESSIONAL IN CHARGE  
THE REGISTERED DESIGN PROFESSIONAL IN CHARGE SHALL BE RESPONSIBLE FOR REVIEWING AND COORDINATING SUBMITTAL DOCUMENTS PREPARED BY OTHERS, INCLUDING PHASED AND DEFERRED SUBMITTAL ITEMS FOR COMPATIBILITY WITH THE DESIGN OF THE BUILDING, NBMC 15.02.010, CBC APPENDIX CHAPTER 1, 106.3.4

NOTES  
1. ISSUANCE OF A BUILDING PERMIT BY THE CITY OF NEWPORT BEACH DOES NOT RELIEVE THE APPLICANTS OF THE LEGAL REQUIREMENT TO OBSERVE COVENANTS, CONDITIONS AND RESTRICTIONS WHICH MAY BE RECORDED AGAINST THE PROPERTY OR TO OBTAIN PLANS.  
2. PRIOR TO PERFORMING ANY WORK WITHIN THE CITY RIGHT-OF-WAY AND ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.

PUBLIC WORKS NOTES

- A PUBLIC WORKS DEPARTMENT ENCROACHMENT PERMIT INSPECTION IS REQUIRED BEFORE THE BUILDING DEPARTMENT PERMIT FINAL CAN BE ISSUED. AT THE TIME OF PUBLIC WORKS DEPARTMENT INSPECTION, IF ANY OF THE EXISTING PUBLIC IMPROVEMENTS SURROUNDING THE SITE IS DAMAGED, NEW CONCRETE SIDEWALK, CURBS and GUTTER, and ALLEY/STREET PAVEMENT WILL BE REQUIRED AND 100% PAID BY THE OWNER. SAID DETERMINATION AND THE EXTENT OF THE REPAIR WORK SHALL BE MADE AT THE DISCRETION OF THE PUBLIC WORKS INSPECTOR.
- AN APPROVED CITY ENCROACHMENT AGREEMENT IS REQUIRED FOR ALL NON STANDARD PRIVATE IMPROVEMENTS LOCATED WITHIN THE PUBLIC RIGHT OF WAY.
- CLEAN OUTS ARE REQUIRED AT INTERVALS OF 100 FEET IN STRAIGHT RUNS, IN BRANCHES EXCEEDING 10 FEET and WHERE THE SUM OF THE ANGLES EXCEEDS 135 DEGREES IN A GIVEN RUN PER CPC 707 and 719.
- THE SEWER CLEAN OUT LOCATED WITHIN THE PUBLIC RIGHT OF WAY SUBJECT TO TRAFFIC SHALL BE INSTALLED WITH A TRAFFIC GRADE BOX and COVER.
- THE EXISTING WATER METER LOCATED WITHIN THE PUBLIC RIGHT OF WAY AT THE DRIVEWAY SHALL BE VERIFIED TO HAVE A TRAFFIC GRADE BOX AND COVER.
- THE DECORATIVE PAVERS WITHIN THE EXISTING UTILITY EASEMENT WILL REQUIRE AN ENCROACHMENT AGREEMENT WITH THE CITY.

THE PROJECT DATUM USED IS NAVD88

RECORD OF SURVEY NOTES

- DUE TO FIELD SURVEY IN-ACCURACY ISSUES, EFFECTIVE DECEMBER 8, 2003 THE BUILDING DEPARTMENT WILL NO LONGER ACCEPT TEMPORARY CORNER MONUMENTS FOR NEW CONSTRUCTION. PERMANENT MONUMENTS WHICH COMPLY WITH SECTION 8772 OF THE CALIFORNIA LAND SURVEYORS ACT WILL BE REQUIRED PRIOR TO GRADING OF PROJECT SITE.
- A LICENSED SURVEYOR OR CIVIL ENGINEER SHALL MONUMENT THE PROPERTY CORNERS BEFORE THE START OF GRADING WITH PERMANENT MONUMENTS.
- BEFORE CERTIFICATE OF OCCUPANCY CAN BE ISSUED BY THE CITY, THE BUILDING DEPARTMENT WILL VERIFY THAT A CORNER OF RECORD OR RECORD OF SURVEY HAS BEEN FILED WITH AND APPROVED BY THE COUNTY SURVEYOR AS REQUIRED BY SECTIONS 8762 and 8773 OF THE CALIFORNIA LAND SURVEYORS ACT. A COPY OF THE APPROVED RECORD OF SURVEY OR CORNER RECORD IS REQUIRED TO BE SUBMITTED TO THE BUILDING INSPECTOR PRIOR TO CALLING FOR FOUNDATION INSPECTION.
- THE TOPOGRAPHIC SURVEY SHALL BE STAMPED AND SIGNED BY A STATE LICENSED LAND SURVEYOR OR CIVIL ENGINEER, (LICENSE NUMBER BELOW 33,966).

DESIGN PROFESSIONAL IN CHARGE  
THE REGISTERED DESIGN PROFESSIONAL IN CHARGE SHALL BE RESPONSIBLE FOR REVIEWING AND COORDINATING SUBMITTAL DOCUMENTS PREPARED BY OTHERS, INCLUDING PHASED AND DEFERRED SUBMITTAL ITEMS FOR COMPATIBILITY WITH THE DESIGN OF THE BUILDING, NBMC 15.02.010, CBC APPENDIX CHAPTER 1, 106.3.4

CONSULTANTS

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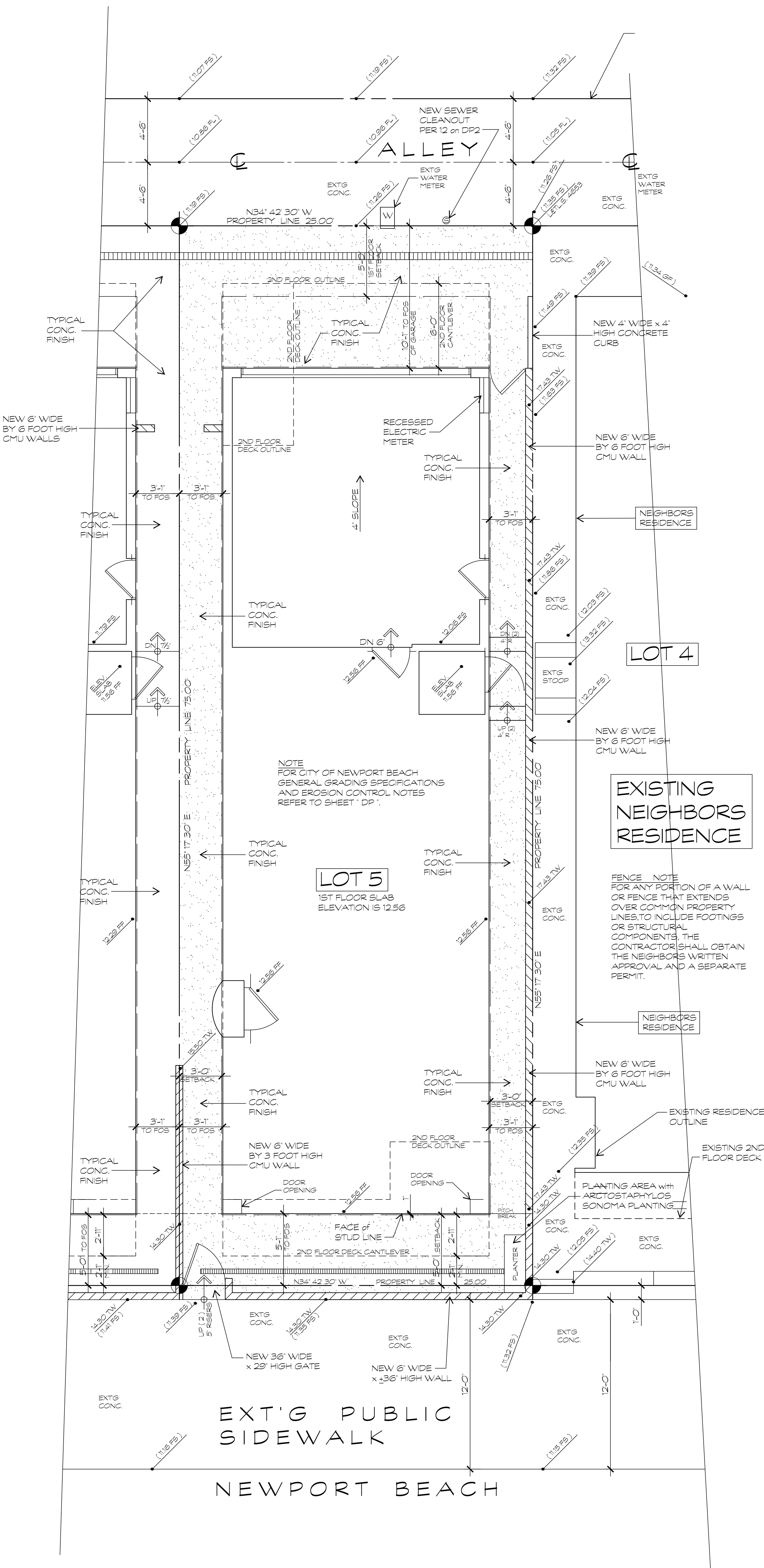
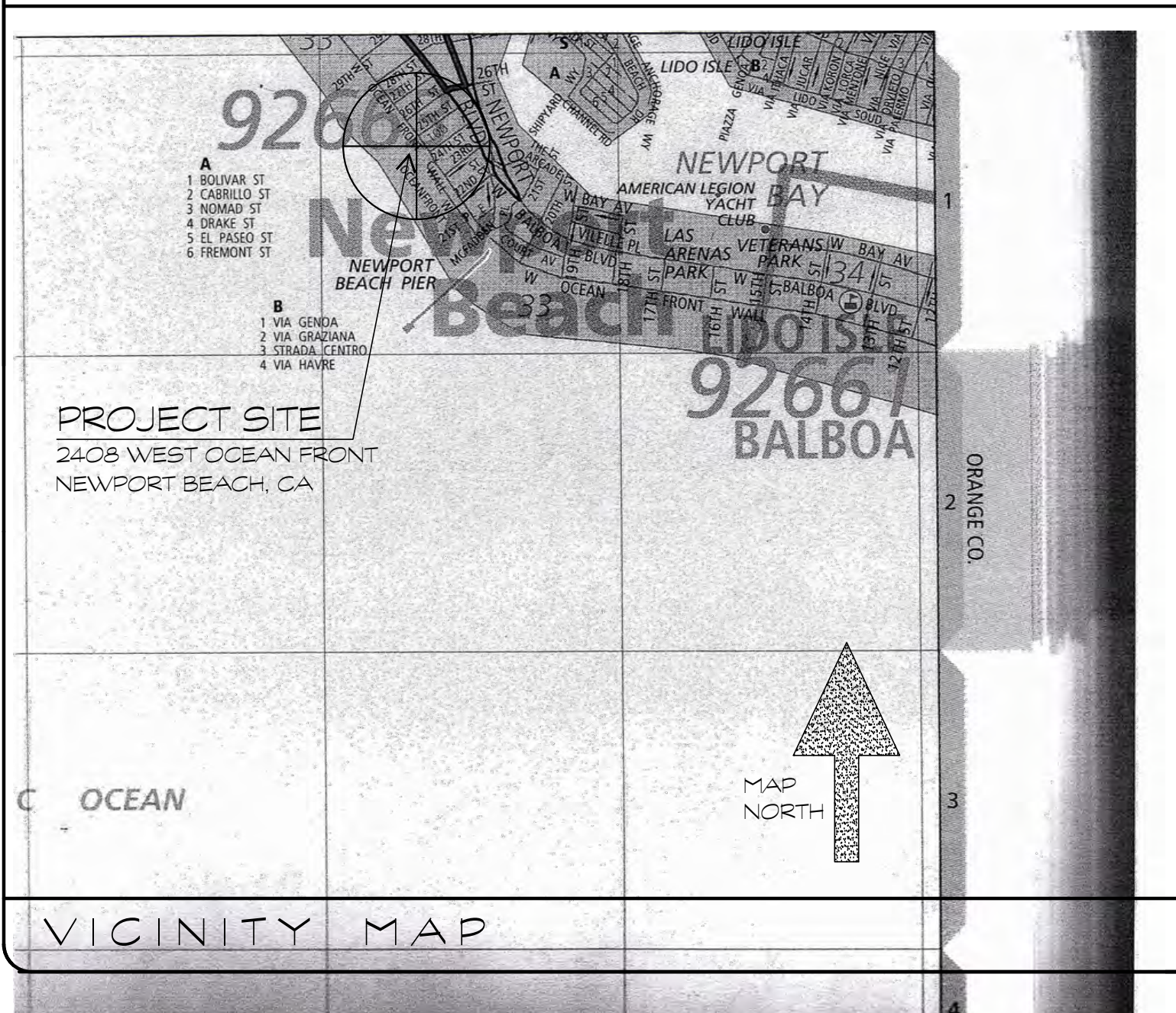
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LAND SURVEYOR: RON MEDIMA  
RDM LAND SURVEYING, LAGUNA HILLS, CA 92653  
(949) 858-2924 PH  
(949) 858-3438 FAX



THIS PROJECT IS  
FIRE SPRINKLERED

LEGAL OWNER  
RENE BARGE  
408 39ST STREET  
NEWPORT BEACH, CA 92663  
PH (714) 633-3300

LEGAL DESCRIPTION  
LOT 5, BLOCK 24 NEWPORT BEACH TRACT

DESIGN DATA - ZONE R1  
SETBACKS  
FRONT ..... 5'-0"  
SIDES ..... 3'-0"  
REAR ..... 5'-0" TO LIVABLE  
REAR ..... 10'-0" TO GARAGE

NUMBER OF EXISTING BEDROOMS WAS...1  
NEW NUMBER OF TOTAL BEDROOMS IS... 4

LOT SIZE IS ..... 1879.00 S.F.  
BUILDABLE AREA IS ..... 1235.00 S.F.

MAXIMUM BUILDABLE AREA IS 1235 X 2 = 2470 SF

CITY OPEN VOLUME REQUIRED IS 15% OF  
BUILDABLE OR 1235 S.F. X 15% = 185.25 S.F.

ACTUAL PROVIDED OPEN  
VOLUME IS ..... 186.75 S.F.

MAXIMUM 3RD FLOOR LIVABLE IS 20% OF BUILDABLE  
OR 1235 S.F. X 20% = 247 S.F.

SCOPE OF WORK

TO DEMOLISH THE EXISTING RESIDENCE AND  
RECONSTRUCT A NEW THREE STORY SINGLE FAMILY  
RESIDENCE WITH AN ATTACHED 2-CAR GARAGE.

THE GOVERNING CODES AND STANDARDS FOR THIS PROJECT ARE THE  
2013 CALIFORNIA BUILDING CODE ; 2013 CBC, 2013 CRC ; 2013 CPC ; 2013  
CEC ; 2013 CMC ; 2013 CALIFORNIA ENERGY EFFICIENCY STANDARDS  
CODE ( EEE ) CODES WITH LOCAL AMENDMENTS ; 2013 CALIFORNIA  
BUILDING STANDARDS CODE ( CAL-GREEN )

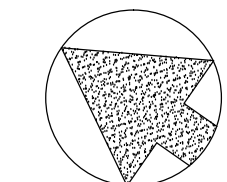
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SQUARE FOOTAGE CALCULATIONS

LEVEL	TOTAL
1ST FLOOR	762.80 S.F.
2ND FLOOR	1058.24 S.F.
3RD FLOOR	245.72 S.F.
TOTAL LIVABLE	2,066.86 S.F.
GARAGE	371.95 S.F.
TOTAL STRUCTURAL	2,438.81 S.F.
2ND FLOOR DECKS	179.44 S.F.
3RD FLOOR ROOF DECK	486.18 S.F.
TOTAL DECKS FOOTAGE	665.62 S.F.

SITE PLAN NOTES

- POOLS, SPAS, FENCES, WALLS, PATIO COVERS AND OTHER SIMILAR FREE STANDING STRUCTURES REQUIRE SEPARATE REVIEWS AND PERMITS. ANY WALL and/or FENCE PERMITS SHALL BE REQUIRED TO BE PULLED AT THE SAME TIME THE BUILDING PERMIT IS ISSUED.
- VERIFY UTILITY METER LOCATIONS WITH SOUTHERN CALIFORNIA EDISON and SOUTHERN CALIFORNIA GAS COMPANY PRIOR TO INSTALLING THOSE METERS.
- ALL SITE GATES ARE TO BE CONSTRUCTED OF WOOD MATERIAL WITH DESIGN SELECTED BY THE OWNER. PROVIDE KEY LOCKS AND DEADBOLT AT EACH GATE LOCATION. PROVIDE A \$800 ALLOWANCE FOR EACH GATE.
- THE DEMOLITION OF THE EXISTING RESIDENCE REQUIRES A SEPARATE PERMIT FROM THE CITY.
- CONTRACTOR SHALL OBTAIN A HAUL ROUTE PERMIT FROM THE TRAFFIC ENGINEER FOR IMPORT OR EXPORT MATERIALS PRIOR TO THE START OF GRADING WORK.
- ALL NEW UTILITY SERVICE CONNECTORS SHALL BE MADE UNDERGROUND.
- FENCES, HEDGES AND WALLS WITHIN FRONT YARD SETBACKS CANNOT EXCEED 42" FROM EXISTING GRADE AND WITHIN SIDEYARD SETBACKS CANNOT EXCEED 6'-0" FROM EXISTING GRADE.



NORTH ARROW

Exhibit 3

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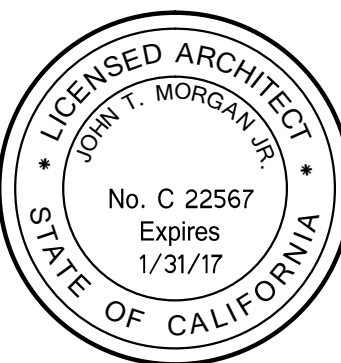
California Coastal  
Commission

ARCHITECT

John T. Morgan Jr.  
18682 Beachmont Avenue  
North Tustin, CA 92705  
PH (714) 750-2723 fax (714) 750-2724

BARGE RESIDENCE

2408 West Ocean Front  
Newport Beach, CA 92663



SITE PLAN and INFORMATION

SCALE

1/4" = 1'-0"

DRAWN

CHECKED

DATE

JOB NO.

SHEET

A-1





**CITY OF NEWPORT BEACH**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**BUILDING DIVISION**  
3300 Newport Boulevard | P.O. Box 1768 | Newport Beach, CA 92663  
[www.newportbeach.ca.gov](http://www.newportbeach.ca.gov) | (949) 544-3275

**GRADING**  
**GENERAL NOTES**

**GENERAL**

- All work shall conform to Chapter 15 of the Newport Beach Municipal code (NBMC), the project soils report and special requirements of the permit.
- Dust shall be controlled by watering and/or dust palliative.
- Sanitary facilities shall be maintained on the site during the construction period.
- Work hours are limited from 7:00 AM to 6:30 PM Monday through Friday; 8:00 AM to 6:00 PM Saturdays; and NO WORK ON SUNDAYS AND HOLIDAYS per section 10-28 of the NBMC.
- Noise, excavation, delivery and removal shall be controlled per Section 10-28 of the NBMC.
- The stamped set of approved plans shall be on the job site at all times.
- Permittee and Contractor are responsible for locating and protecting utilities.
- Approved shoring, drainage provisions and protective measures must be used to protect adjoining properties during the grading operation.
- Cesspools and septic tanks shall be abandoned in compliance with the Uniform Plumbing Code and approved by the Building Official.
- Haul routes for import or export of materials shall be approved by the City Traffic Engineer and procedures shall conform with Chapter 15 of the NBMC.
- Positive drainage shall be maintained away from all building and slope areas.
- Failure to request inspections and/or have removable erosion control devices on-site at the appropriate times shall result in a "Stop Work" order.
- All plastic drainage pipes shall consist of PVC or ABS plastic schedule 40 or SDR 35 or ADS 3000 with glued joints.
- No paint, plaster, cement, soil, mortar or other residue shall be allowed to enter streets, curbs, gutters or storm drains. All material and waste shall be removed from the site.

**EROSION CONTROL**

- Temporary erosion control plans are required from October 15 to May 15.
- Erosion control devices shall be available on-site between October 15 and May 15.

Shared\Corrections\Grading General Notes 9-2011

1

- Between October 15 and May 15, erosion control measures shall be in place at the end of each working day whenever the five-day probability of rain exceeds 30 percent. During the remainder of the year, they shall be in place at the end of the working day, whenever the daily rainfall probability exceeds 50 percent.
- Temporary desilting basins, when required, shall be installed and maintained for the duration of the project.

**REQUIRED INSPECTIONS**

- A pre-grading meeting shall be scheduled 48 hours prior to start of grading with the following people present: owner, grading contractor, design civil engineer, soils engineer, geologist, City Building Inspector or their representatives. Required field inspections will be outlined at the meeting.
- A pre-paving meeting shall be scheduled 48 hours prior to start of the sub-grade preparation for the paving with the following people present: owner, paving contractors, design civil engineer, soils engineer, City Building Inspector or their representatives. Required field inspections will be outlined at the meeting.

**GRADING FILLS/CUTS**

- Graded slopes shall be no steeper than 2 horizontal to 1 vertical.
- Fill slopes shall be compacted to no less than 90 percent relative compaction out to the finished surface.
- All fills shall be compacted throughout to a minimum of 90 percent relative compaction as determined by ASTM test method 1557, and approved by the soils engineer. Compaction tests shall be performed approximately every two feet in vertical height and of sufficient quantity to attest to the overall compaction effort applied to the fill areas.
- Areas to receive fill shall be cleared of all vegetation and debris, scarified and approved by the soils engineer prior to placing of the fill.
- Fills shall be keyed or benched into competent material.
- All existing fills shall be approved by the soils engineer or removed before any additional fills are added.
- Any existing irrigation lines and cisterns shall be removed or crushed in place and backfilled and approved by the soils engineer.
- The engineering geologist and soils engineer shall, after clearing and prior to the placement of fill in canyons, inspect each canyon for areas of adverse stability and determine the presence of, or possibility of future accumulation of, subsurface water or spring flow. If needed, drains will be designed and constructed prior to the placement of fill in each respective canyon.
- The exact location of the subdrains shall be surveyed in the field for line and grade.
- ALL trench backfills shall be compacted throughout to a minimum of 90 percent relative compaction, and approved by the soils engineer. The Building Department may require coring of concrete flat work placed over untiled backfills to facilitate testing.
- The stockpiling of excess material shall be approved by the Building Department.
- Landscaping of all slopes and pads shall be in accordance with Chapter 15 of the NBMC.
- All cut slopes shall be investigated both during and after grading by an engineering geologist to determine if any stability problem exists. Should excavation disclose any geological hazards or potential geological hazards, the engineering geologist shall recommend and submit necessary treatment to the Building Department for approval.

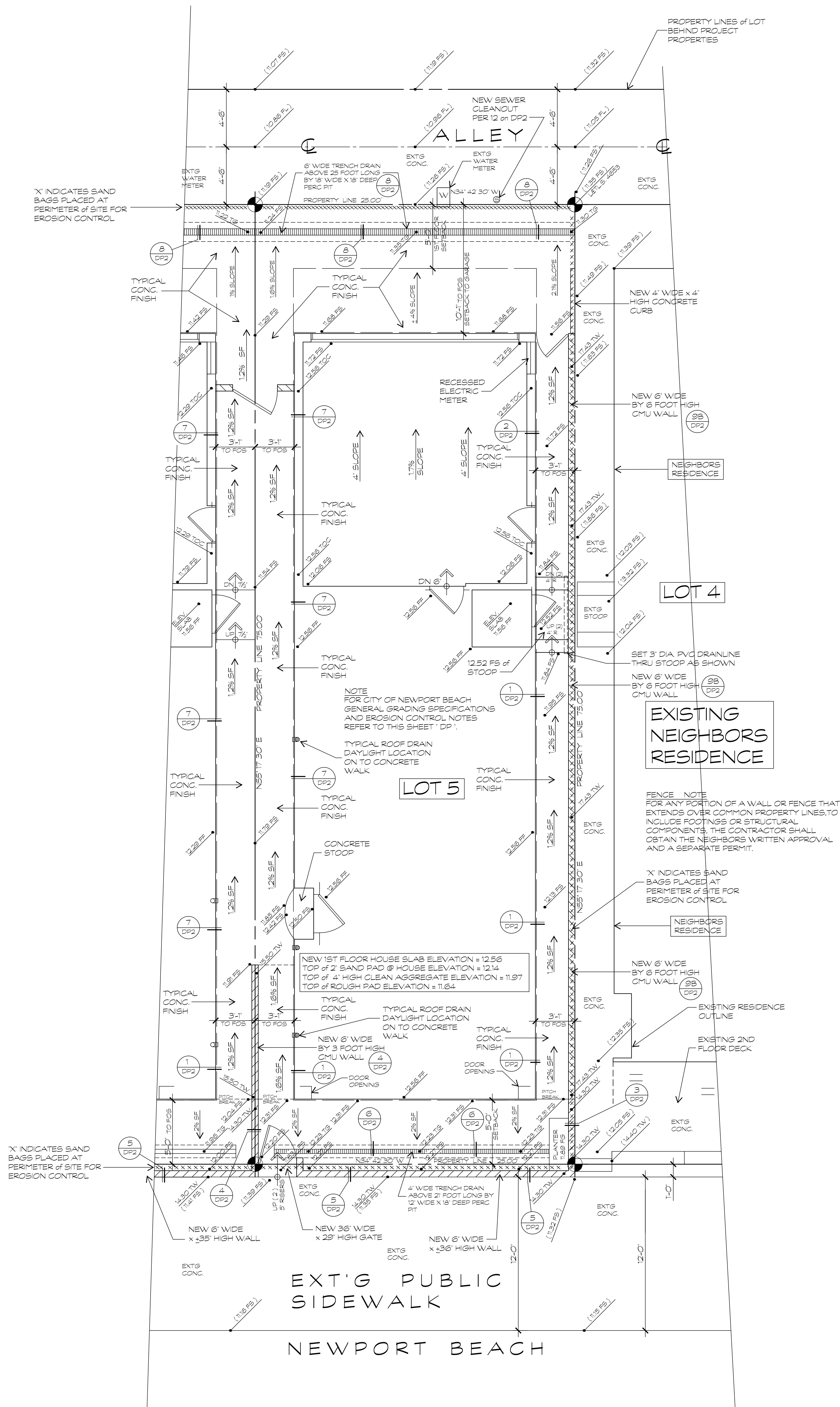
Shared\Corrections\Grading General Notes 9-2011

2

- Where support or buttressing of cut and natural slopes is determined to be necessary by the engineering geologist and soils engineer, the soils engineer will obtain approval of design, location and calculations from the Building Department prior to construction.
- The engineering geologist and soils engineer shall inspect and test the construction of all buttress fills and attest to the stability of the slope and adjacent structures upon completion.
- When cut pads are brought to near grade the engineering geologist shall determine if the bedrock is extensively fractured or faulted and will readily transmit water. If considered necessary by the engineering geologist and soils engineer, a compacted fill blanket will be placed.
- The engineering geologist shall perform periodic inspections during grading.
- Notification of Noncompliance: If, in the course of fulfilling their responsibility, the civil engineer, the soils engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Inspector. Recommendations for corrective measures, if necessary, shall be submitted to the Building Department for approval.

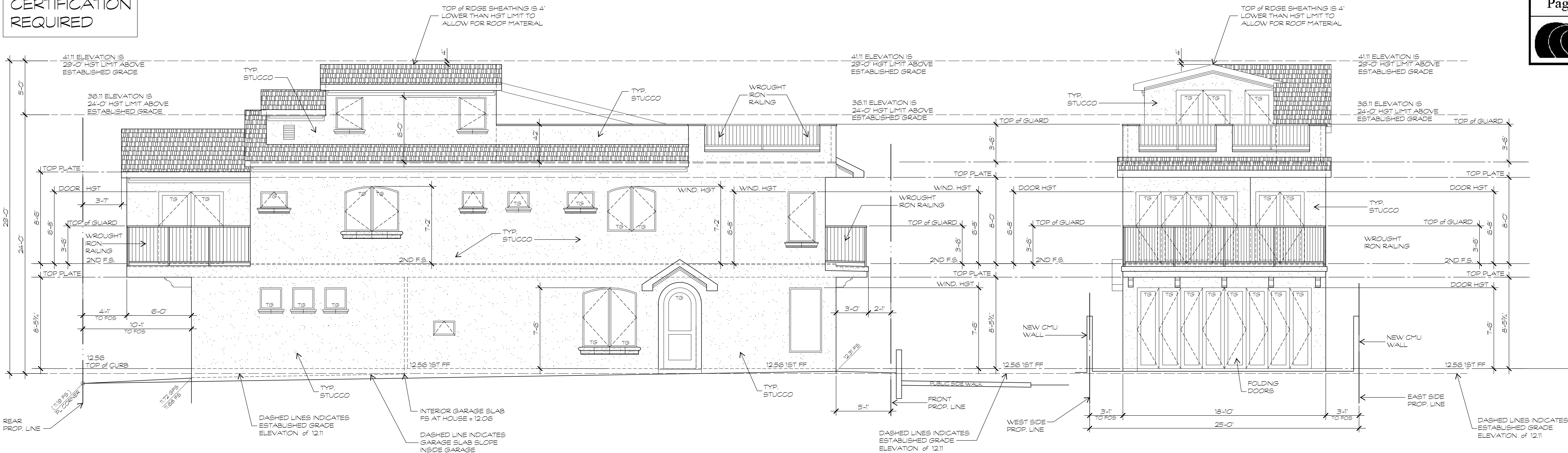
**DOCUMENTATION**

- An as-built grading plan shall be prepared by the civil engineer including original ground surface elevations, as graded ground surface elevations, lot drainage patterns and locations, and elevations of all surface and subsurface drainage facilities. He/she shall provide written approval that the work was done in accordance with the final approved grading plan and state the number of yards of cut and/or fill moved during the operation.
- A soils grading report prepared by the soils engineer, including locations and elevation of field density tests. Summaries of field and laboratory results and other substantiated data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. He shall provide written approval as to the adequacy of the site for the intended use and completion of work in accordance with the job specifications.
- A geologic grading report prepared by the engineering geologist, including a final description of the geology of the site, including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He/she shall provide written approval as to the adequacy of the site for the intended use as affected by geologic factors.





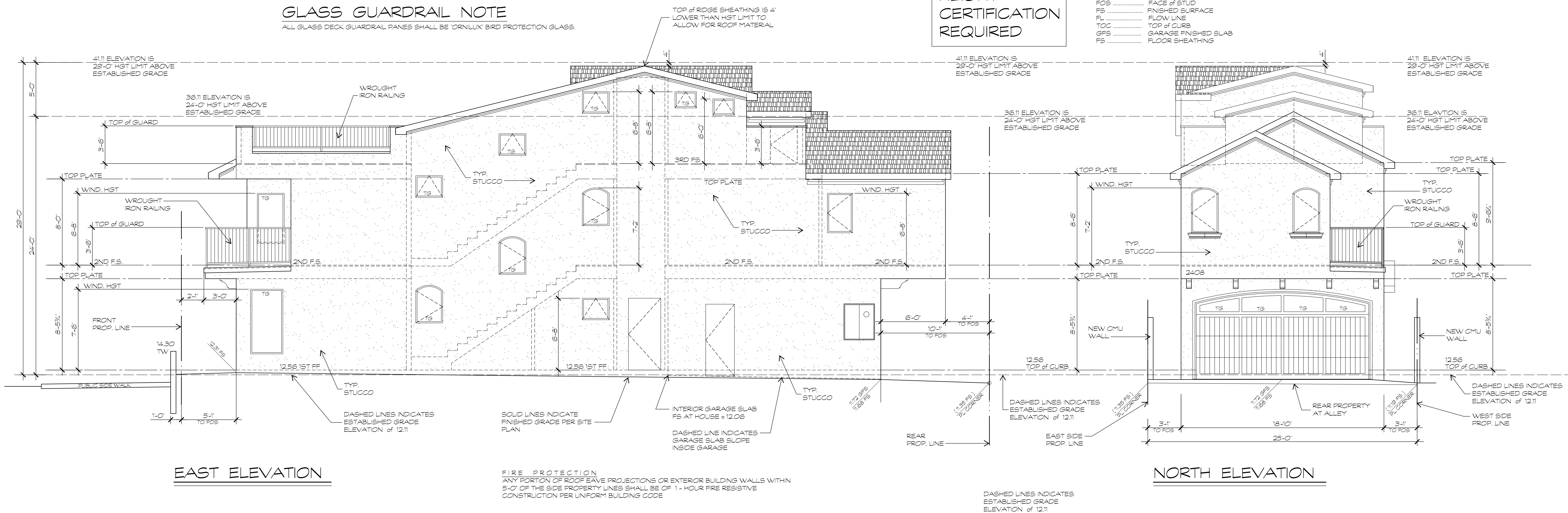
HEIGHT  
CERTIFICATION  
REQUIRED



GLASS GUARDRAIL NOTE  
ALL GLASS DECK GUARDRAIL PANES SHALL BE 'ORNILUX' BIRD PROTECTION GLASS.

HEIGHT  
CERTIFICATION  
REQUIRED

ABBREVIATIONS  
FOS ..... FACE OF STUD  
FS ..... FINISHED SURFACE  
FL ..... FLOW LINE  
TOC ..... TOP OF CURB  
GFS ..... GARAGE FINISHED SLAB  
FS ..... FLOOR SHEATHING



ROOFING NOTES  
ALL ROOF MATERIAL SHALL BE A CLASS 'A' FLAT CONCRETE TILE 10 PSF.  
ALL SLOPING ROOF MATERIAL SHALL BE A PER MANUFACTURERS RECOMMENDATIONS. COLOR AND STYLE TO BE SELECTED BY THE OWNER. SEE ROOF PLAN FOR SPECIFICATION.  
ALL 2ND FLOOR DECK AREAS SHALL RECEIVE AN 'ELASTOMERIC MEMBRANE' MATERIAL WITH A SLOPE OF 1/4" PER FOOT MINIMUM. SEE ROOF PLAN FOR ADDITIONAL INFORMATION. E.S.R. # 2785 BY POLYCOAT SYSTEMS.

DOOR AND WINDOW NOTES  
ALL DOOR AND WINDOW FRAMES SHALL RECEIVE A 6" WIDE STRIP OF 'BT' MEMBRANE WHICH IS PLACED OVER THE WINDOW AND DOOR FRAME FLANGES ON ALL SIDES.

ADDRESS NOTE  
THE STREET ADDRESS NUMBERS SHALL BE SIZED AND LOCATED ON THE RESIDENCE PER N.B.M.C. SECTION

FLASHING NOTES  
ALL ROOF AND OR WINDOW, DOOR, DECK, ETC. FLASHINGS SHALL BE SHALL BE 20 OUNCE COPPER, AND SOLDERED CONTINUOUS AT ALL SEAMS. NO GALVANIZED IRON IS ALLOWED.

TRIM NOTES  
ANY ROOF OVERHANGS PARALLEL TO WEST OR EAST PROPERTY LINES AND LOCATED WITHIN 5 FEET OF THE SIDE PROPERTY LINES ARE REQUIRED TO BE CONSTRUCTED WITH 1-HOUR FIRE RESISTIVE CONSTRUCTION. SEE ARCHITECTURAL DETAILS.

STUCCO NOTE  
CONTRACTOR SHALL UTILIZE AN ACRYLIC STUCCO APPLICATION FOR THIS PROJECT.

ALL NEW STUCCO SHALL BE APPLIED OVER 2 LAYERS OF GRADE 'D' PAPER OR 'TYVEK' MEMBRANE OVER ALL WOOD BASED SHEATHING PER C.B.C. 2510.6 PER C.R.C. R703.6.3, C.B.C. 2510.6

ALL STUCCO SHALL RECEIVE A SMOOTH COAT TEXTURE WITH RADIUSSED CORNERS.

WEEP SCREED FOR STUCCO AT THE FOUNDATION LINE SHALL BE A MINIMUM OF 4 INCHES ABOVE THE EARTH OR 2 INCHES ABOVE PAVED AREAS. C.R.C. R703.6.2.1

Exhibit 3

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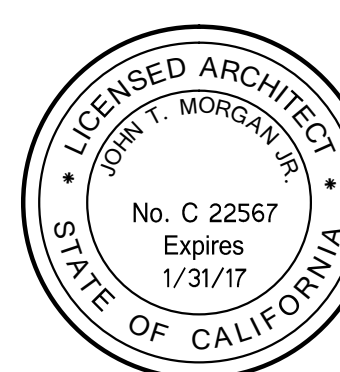
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ELEVATIONS

SCALE  
SCALE: 1/4" = 1'-0"  
DRAWN  
CHECKED  
DATE  
JOB NO.  
SHEET

A-3