

CALIFORNIA COASTAL COMMISSION

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**W7e**

Filed:	11/13/16
180th Day:	05/12/17
Staff:	M. Revell-LB
Staff Report:	02/24/17
Hearing Date:	03/08/17

STAFF REPORT: CONSENT CALENDAR

Application No.:	5-16-0888
Applicant:	Cooper Residential, LLC
Agent:	C.J. Light Associates
Location:	519 36 th Street, Newport Beach, Orange County (APN 423-081-09)
Project Description:	Demolition of a 1,007 square foot, single-story single-family residence with an attached garage, and demolition and replacement of the existing bulkhead/seawall along existing alignment, and construction of a new 2,563 square foot, three-story, 29 foot high, single-family residence with an attached 476 square foot garage. The proposed project also includes the installation of 3 new tie back supports affixed to a new concrete deadman proposed under the newly constructed residence to support the new bulkhead/seawall. A swimming pool is also proposed behind the bulkhead/seawall in the northeast corner of the backyard.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant is proposing the demolition of a single-family residence, and demolition and construction of a bulkhead/seawall in the same location, and construction of a new single-family residence on a bay-fronting lot. Due to its bayfront location, the project site may be potentially exposed to the hazard of waves, erosion, storm conditions, sea level rise or other natural hazards. However, the project is consistent with previous Commission approvals in the area and conditions

have been imposed in order to minimize potential adverse impacts from the development consistent with Coastal Act.

Staff is recommending **approval** of the proposed project with Ten Special Conditions regarding: 1) assumption of risk, waiver of liability and indemnity; 2) no future seaward extension of shoreline protective devices; 3) future development; 4) conformance with the drainage and run-off control plans; 5) storage of construction materials, mechanized equipment, and removal of construction debris; 6) compliance with water quality best management practices; 7) landscaping; 8) eelgrass survey; 9) Caulerpa survey; and 10) a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

An LCP for the City of Newport Beach was effectively certified on January 13, 2017. The landward side of the development is within the City's LCP jurisdiction; however, since the subject coastal development permit application was submitted to the Commission prior to effective certification of the City's LCP, the Commission continues to act as the permitting authority for the coastal development permit application. The standard of review for development in the City's jurisdiction is the Certified LCP.

In addition, a portion of the proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development.

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 Local Coastal Program and the policies 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 acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
2. **No Future Seaward Extension of Shoreline Protective Device**
 - A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to Coastal Development Permit No. 5-16-0888 as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.
 - B. Prior to the issuance by the Executive Director of the **NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shoreline protective device approved by Coastal Development Permit No. 5-16-0888 as generally described above and shown on **Exhibit 2** attached to this staff report, showing the footprint and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).
3. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-16-0888. 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. 5-16-0888. Accordingly, any future improvements to the residence and garage, foundations, and patio 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. 5-16-0888 from the Commission or shall require an additional Coastal Development Permit from the Commission or from the applicable certified local government.
4. **Conformance with Drainage and Run-Off Control Plan.** The applicant shall conform with the drainage and run-off control plan received on October 15, 2016 showing roof

drainage and runoff from all impervious areas directed to trench drains and pervious surfaces. 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 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. Construction Best Management Practices (BMPs) During Waterside Work. The permittee shall comply with the following construction related requirements:

- A. No demolition or construction materials, equipment, 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. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- C. 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;
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- I. The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- J. 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;
- K. 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;
- L. 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;
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- N. 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;
- O. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) 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; and

P. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

7. **Landscaping-Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
8. **Pre-and Post-Construction Eelgrass Survey(s).**
 - a. **Pre-Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre- construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) adopted by the National Marine Fisheries Service (except as modified by this special condition) and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.
 - b. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation: impact). Any exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply.

9. Pre-Construction Caulerpa taxifolia Survey.

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/caulerpa_taxifolia.html).
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - i. for the review and approval of the Executive Director; and
 - ii. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467-4218, William.Paznokas@wildlife.ca.gov) or Bryant Chesney, National Marine Fisheries Service (562-980-4037, Bryant.Chesney@noaa.gov), or their successors.
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 10. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part,

modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant proposes to demolish a 1,007 square foot, single-story, single-family residence with an attached two-car garage and construct a new three-story, 29 foot high, approximately 2,563 square foot single-family home with an attached 476 square foot garage (**Exhibit 2**). The project also proposes to demolish and replace the existing bulkhead/seawall along the existing alignment, along with 3 new tie-rod supports affixed to a new concrete deadman that is proposed to be located approximately 22 feet landward of the bulkhead/seawall under the newly constructed residence to support the new bulkhead/seawall. A swimming pool is also proposed behind the bulkhead/seawall in the northeast corner of the backyard. No work is proposed for the existing dock or pier.

The proposed project is located on an approximately 3,000 square foot bayfront lot at 519 36th Street in the City of Newport Beach, County of Orange (**Exhibit 1**). The site is designated as R-2, Two-Unit Residential in the City of Newport Beach Land Use Plan (LUP) and the proposed use conforms to this designation. The height limit, as set forth in the certified LCP, is 24 feet for flat-roofed structures, and 29 feet for structures with sloped roofs. The proposed structure is designed with a sloped roof that is 29 feet in height and is consistent with the height requirement of the City's certified LCP. Additionally, the parking requirement for detached single-unit dwellings less than 4,000 square feet is two spaces per unit in a garage. The proposed 2,563 sq. ft. residence is designed to include a two-car garage, and is therefore also consistent with the parking requirement of the City's certified LCP.

The project site is located in a residential area where the homes fronting Newport Bay are located on lots with seawall/bulkheads. Site conditions on the bayward side of the site include an existing bulkhead, pier and dock. Public access to the bay is available approximately 10 feet east at the 36th Street street-end, and 400 feet west of the project site at the Finley Street street-end.

Presently, there is an approximately 30 foot-long seawall/bulkhead on the bayfront side of the subject property, which was inspected and determined to be in poor condition based on the *Coastal Hazard Analysis for New Residence, 519 36th Street, Newport Beach, Orange County California* dated August 30, 2016, conducted by William Simpson & Associates. The coastal hazards report establishes that a replacement bulkhead is required to protect existing principal structures and adjacent development or public facilities on the site or in the surrounding areas. Therefore, the applicant is proposing to completely remove the existing bulkhead/seawall by removing earthen material from the landside of the wall to relieve pressure so that the existing wall can be removed, and to install the new seawall which is of traditional tongue and groove design consisting of precast concrete interlocking panels and held in place at the top by a reinforced structural coping. The new proposed bulkhead/seawall will not extend seaward of the original location and will align to the bulkheads of adjacent lots. In addition, the existing seawall has outdated "tie back" supports that need to be replaced to meet the City of Newport Beach development standards. Therefore, the applicant proposes to install three new tierods to the new seawall/bulkhead and fasten them to a new concrete deadman, which is proposed to be installed beneath the proposed residence approximately 22 feet landward of the seawall/bulkhead (**Exhibit 3**).

The plans for the proposed project show that the finished floor elevation of the residence will be at 9.0 feet. The project has been designed to be above the maximum highest high tide elevation of 7.2 feet NAVD88 and at the City of Newport Beach design flood height of +9.0 feet NAVD88. While the finished floor will be at 9.00 feet, 1.8 feet above the maximum highest high tide elevation, the proposed development has not been designed for a 3-foot rise in sea level which is the National Research Council's projection for Los Angeles for the year 2100. A 3-foot rise in sea level would result in still water level of 10.2 feet NAVD88 (7.2 feet NAVD88 + 3 feet = 10.2 feet NAVD88). Additionally, the proposed finished floor would also be below the upper range (maximum) of sea level rise projections by 2100, which based on the 2012 National Research Council Report, is 5.5 feet. If there were to be 5.5 feet of sea level rise, an extreme high tide water level of 12.70 feet (7.2 feet + 5.5 feet = 12.70 feet MLLW) would flood the entire site and even an average high tide could exceed the elevation of the proposed finished floor elevation.

In an attempt to minimize risks to life and property from sea level rise-related flood hazards, the applicant has proposed to utilize corrosion resistant metal flashing approximately 6 inches above the finished floor elevation around the outside perimeter of the foundation, thereby raising the water resistant perimeter of the foundation to 9.5 feet (**Exhibit 4**). This design measure should be sufficient to minimize flood risks from a low to moderate amount of sea level rise. Waterproofing the development up to 9.5 feet will provide additional protection against flooding should actual flood elevation exceed the anticipated 9 feet. To ensure the applicant accepts the responsibility for all hazards associated with coastal development, the applicant must agree to assume the risks and agree to no future seaward extension of shoreline protective devices. Therefore, the Commission imposes **Special Conditions 1 and 2**. Additionally, any future improvements to the residence and garage will require a permit amendment, or a new coastal development permit, as required by **Special Condition 3**.

The applicant is proposing water quality improvements as part of the proposed project, including the direction of roof and surface runoff to trench drains and pervious surfaces on the property. Because the project site is on a bayfront lot and in close proximity to coastal waters, the Commission recommends construction related requirements and best management practices under **Special Condition 4**, and to address water quality, recommends **Special Condition 5 and 6** to prevent pollution of the coast.

All plants used in landscaping will be non-invasive and drought tolerant. The placement of vegetation that is considered to be invasive which could supplant native vegetation is not permitted. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.caleppc.org/>) and the California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm> To ensure that all landscaping will be drought tolerant and non-invasive, the Commission imposes **Special Condition 7**.

The site has been surveyed for eelgrass and no eelgrass was discovered within the project area. The eelgrass survey took place on August 31, 2016 as required by the City of Newport Beach Harbor Resources Division, and eelgrass surveys completed during the active growth phase of eelgrass

(typically March through October) are valid for 60 days with the exception of surveys completed in August-October. A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). The project is agendaized for the March 2017 Coastal Commission Hearing so the eelgrass survey no longer continues to be valid. Therefore, a new eelgrass survey is required prior to beginning any work on the sea wall. A pre-construction *Caulerpa taxifolia* survey was also completed on August 31, 2016 as required by the City of Newport Beach Harbor Resources Division. *Caulerpa taxifolia* surveys are valid for 90 days. The *Caulerpa taxifolia* survey is not valid since 90-days have passed since the survey was completed. Thus, an up-to-date *Caulerpa taxifolia* survey must be conducted prior to commencement of the project. Therefore, the Commission imposes **Special Conditions No. 8 and No. 9**, which identifies the procedures necessary to be completed prior to beginning any construction. Also, if any *Caulerpa taxifolia* is found on the project site, **Special Condition No. 9** also identifies the procedures necessary to be completed prior to beginning any construction.

Finally, the Commission imposes **Special Condition 10** requiring the applicant to record a Deed Restriction acknowledging that, pursuant to this permit (CDP No. 5-16-0888), 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. WATER QUALITY

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms with the City's Certified LCP and Sections 30230 and 30231 of the Coastal Act.

C. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the City's Certified LCP and Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. LAND/HABITAT

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with the City's Certified LCP and Section 30240(b) of the Coastal Act.

E. DEVELOPMENT

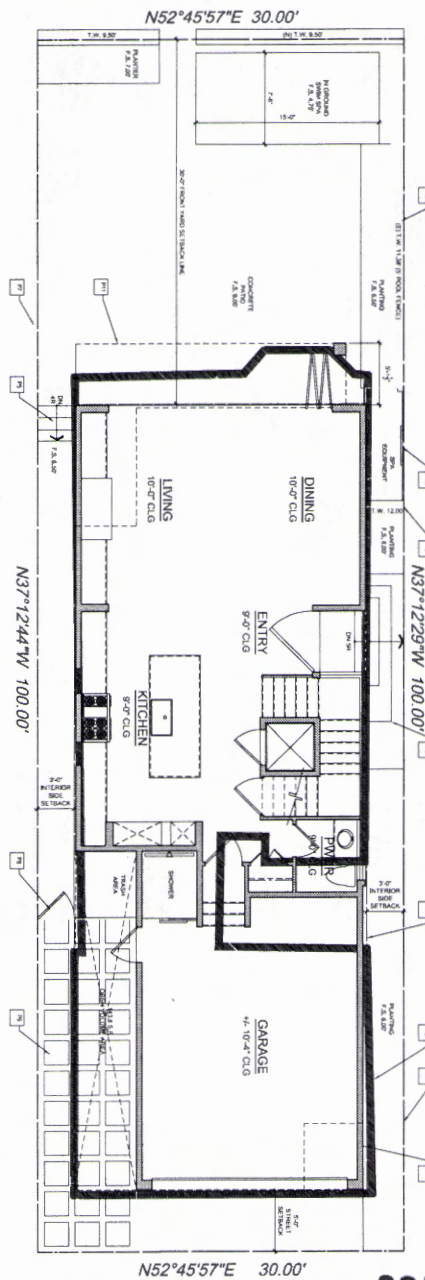
Development adjacent to the ocean is inherently hazardous. Development which may require the seaward extension of a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize 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 the seaward extension 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 the city's Certified LCP and Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

F. LOCAL COASTAL PROGRAM (LCP)

An LCP for the City of Newport Beach was effectively certified on January 13, 2017. As conditioned, the proposed development is consistent with the Certified Local Coastal Program, and Chapter 3 of the Coastal Act.

G. 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.



SITE PLAN

SCALE 1/4" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 2
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PAGE 1 OF 3

SITE PLAN NOTES

SYNOPSIS

REFER TO ATTACHED GRADING PLAN FOR SITE
CHANGES

2006 PLAN

P1. PROPERTY LINE
P2. SETBACK LINE

13. EXISTING STRUCTURE TO BE REMOVED

NEW CMU WALL - SEE PLAN FOR HEIGHT
EXISTING FENCE / WALL TO REMAIN

PG. NEW 6'4" HIGH FENCE W/ GATE
PG. 24" STONE PAVERS OVER GRAVEL / SAND

PIED, NEW WOOD BLISS DOORS, HENGLT TO ADJACENT CNU WALLS, NOT TO EXCEED 6'-0" EXISTING GRADE

2. Add string capsule
P11. Label of shade structure above

NOTES

ALL STORM WATER RUNS OFF TO THE COAST.

FROM NONFUNCTIONAL SUPPLIES AND DEFECTIVE LABOR, THE COMPANY HAS BEEN ABLE TO PRODUCE A PRODUCT THAT IS AS GOOD AS NEW.

THE QUESTION OF A FLEET ON WALL ABOVE IS
FOR QUESTIONS RELATING TO THE FLEET.

HELLO! FROM THE UNITED STATES, FROM THE
CONSTRUCTION BRANCH, THE CONSTRUCTION OF

CELLS, AND FROM LATTICE POINTS
IN THE SPACELIKE SURFACE SUCH THAT
THEY ARE NOT NEAR THE SURFACE

MA TEL: 617-552-3300

ALL WORK FOR APPLA TO COMELECT TO DOWN

TO CONDUCT WATER TO AN ON-GATE BOTTOM
TRUNCAL DRAIN SYSTEM.

PROPOSED PLANTING AREAS TO BE MONITORED AND REPORTED TO EPCRA.

ALL TOP OF RESULTS ARE MEASURED FROM EDGE

ALL SETBACKS HAVE SERVED AS FUEL FOR MY DREAM.

PROPRIETARY USE TO FACE OF PATENTED MATTER

100

SP

Custom Residence
519 36th Street
Newport Beach • California • 92663

519 36th Street
Newport Beach • California • 92663

Newport Beach • California • 92663



C.J. LIGHT
ASSOCIATES

1401 Grand Street, Suite 120
Newport Beach, CA 92660
(949) 851-8345
Fax (949) 851-1116

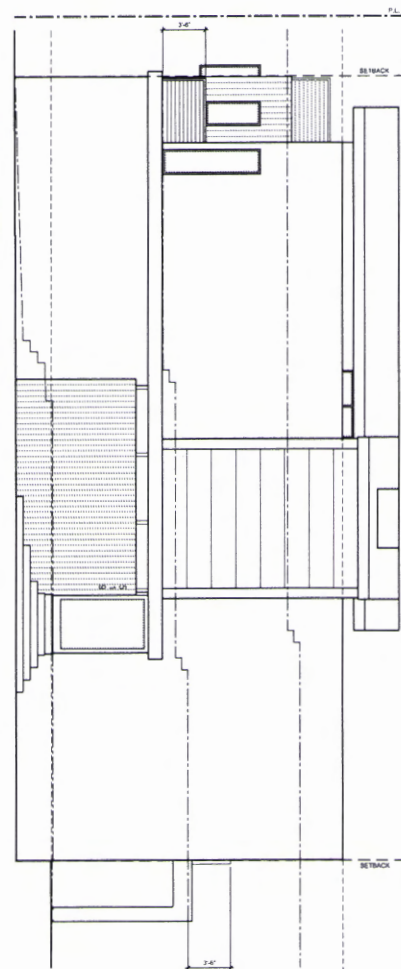
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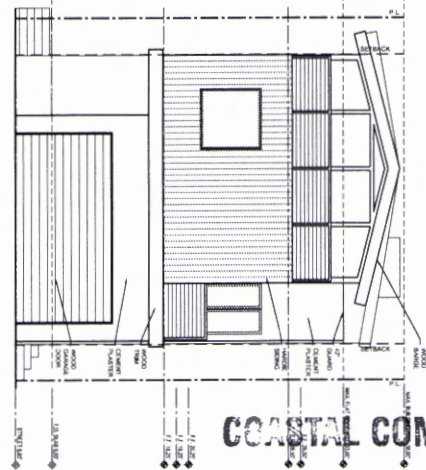
SHORT STREET (ENTRY) ELEVATION

SCALE 1/4" = 1'-0"



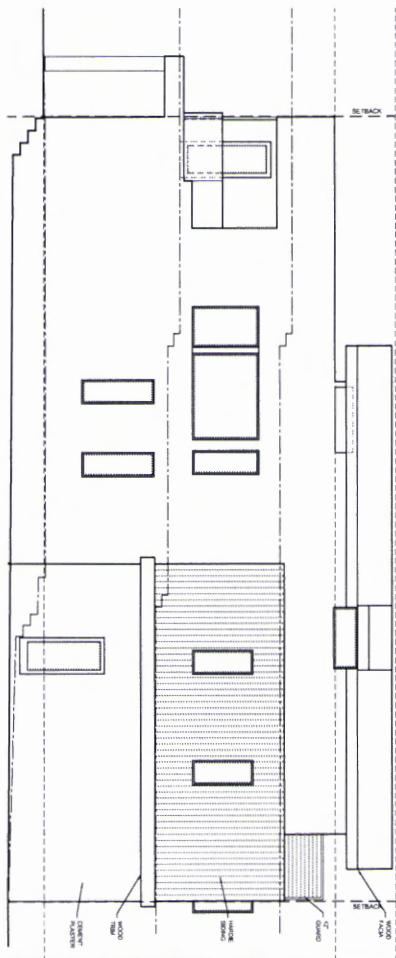
36TH STREET ELEVATION

SCALE 1/4" = 1'-0"



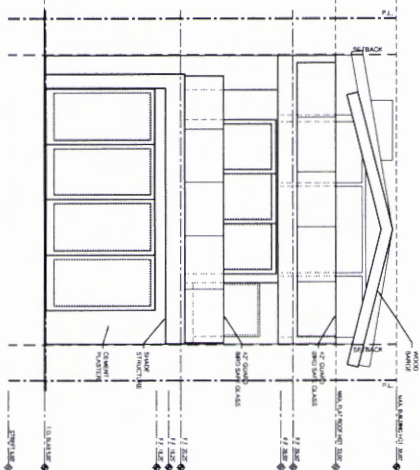
INTERIOR SIDE ELEVATION

SCALE 1/4" = 1'-0"



NEWPORT BAY ELEVATION

SCALE 1/4" = 1'-0"



COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 3

Custom Residence
519 36th Street
Newport Beach • California • 92663

CJA No. 14-010
14-010
Date 09/18/14

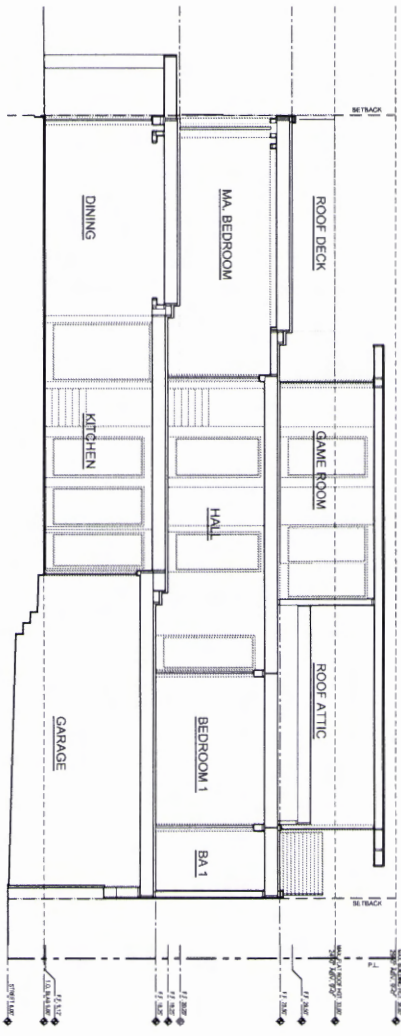
A3.0

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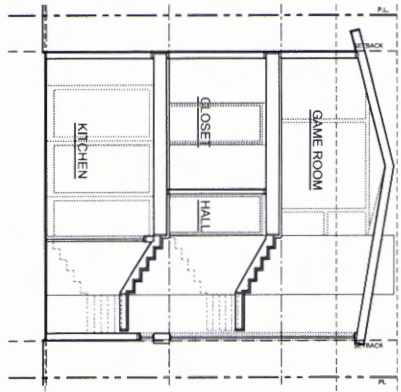
1401 Grand Point, Suite 100
Newport Beach, CA 92660
Tel: 949.261.1114



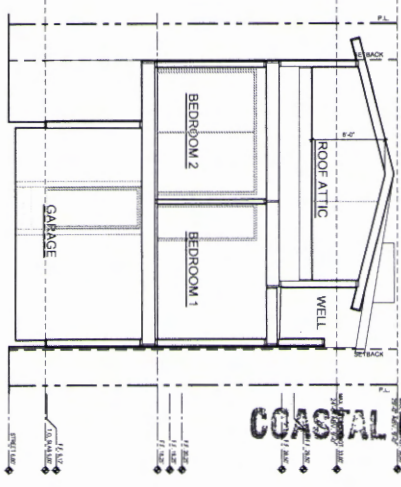
SECTION C
SCALE 1/4" = 1'-0"



SECTION B
SCALE 1/4" = 1'-0"



SECTION A
SCALE 1/4" = 1'-0"



COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 3

A4.0

CLA No. 1410
1/4" = 1'-0"
0.14

Building
Section

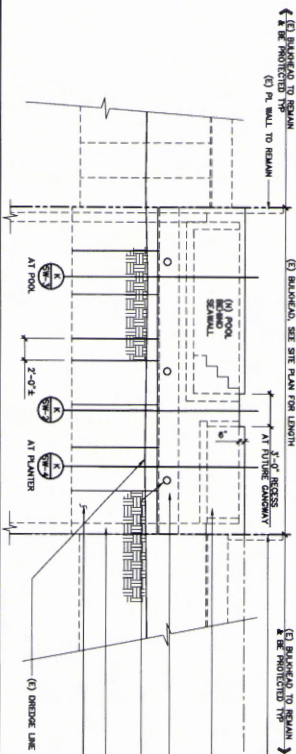
Custom Residence
519 36th Street
Newport Beach • California • 92663

CLIGHT ASSOCIATES
1410 36th Street, Suite 100
Newport Beach, CA 92663
(949) 831-1118
Fax: (949) 831-1118



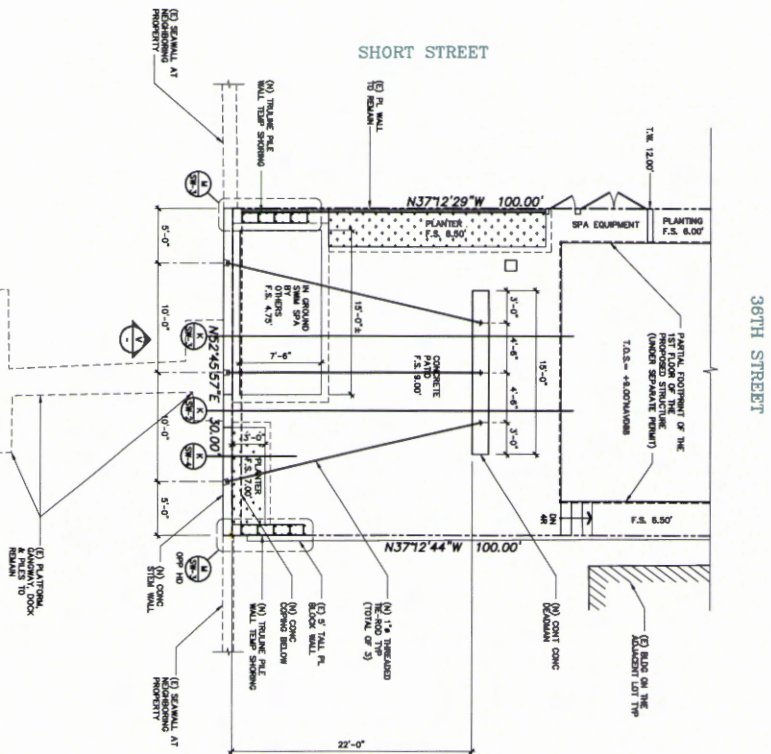
BULKHEAD ELEVATION

11/11/16



SITE PLAN

NEWPORT BAY



COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 4

CITY OF NEWPORT BEACH	
COMMUNITY DEVELOPMENT DEPARTMENT / BUILDING DIVISION	
PERMIT REVIEW CHECKLIST	
NO.	DESCRIPTION
1	1. PROJECT INFORMATION
2	2. SITE PLAN
3	3. ELEVATIONS
4	4. SPECIFICATIONS
5	5. CALCULATIONS
6	6. OTHER INFORMATION
7	7. REVIEWER'S COMMENTS
8	8. REVIEWER'S SIGNATURE
9	9. REVIEWER'S DATE
10	10. REVIEWER'S TITLE
11	11. REVIEWER'S ORGANIZATION
12	12. REVIEWER'S CONTACT INFORMATION
13	13. REVIEWER'S NOTES
14	14. REVIEWER'S SIGNATURE
15	15. REVIEWER'S DATE
16	16. REVIEWER'S TITLE
17	17. REVIEWER'S ORGANIZATION
18	18. REVIEWER'S CONTACT INFORMATION
19	19. REVIEWER'S NOTES
20	20. REVIEWER'S SIGNATURE
21	21. REVIEWER'S DATE
22	22. REVIEWER'S TITLE
23	23. REVIEWER'S ORGANIZATION
24	24. REVIEWER'S CONTACT INFORMATION
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28	28. REVIEWER'S TITLE
29	29. REVIEWER'S ORGANIZATION
30	30. REVIEWER'S CONTACT INFORMATION
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98	98. REVIEWER'S SIGNATURE
99	99. REVIEWER'S DATE
100	100. REVIEWER'S TITLE

APPLY DETAIL AT THE ENTIRE PERIMETER OF ANY EXCAVATED MATERIAL FIELD UP AT THE PROJECT SITE IN NOTED ON SHEET S-10.

SW-1

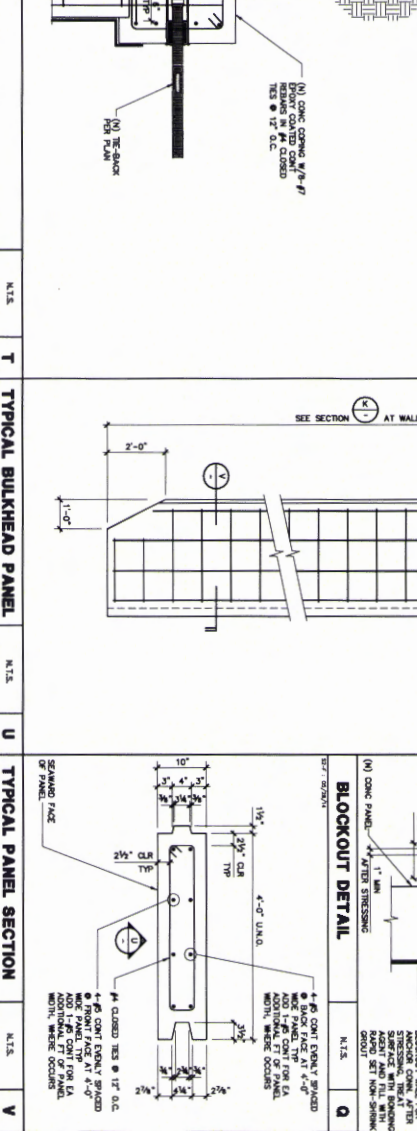
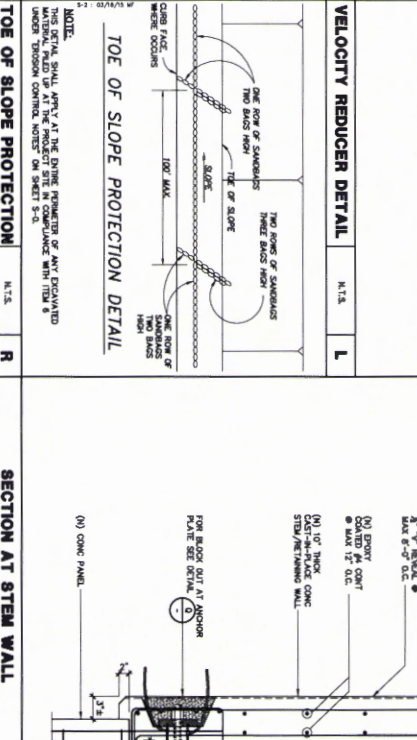
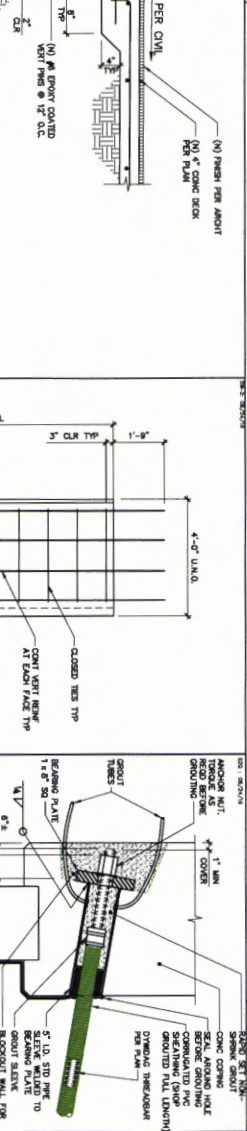
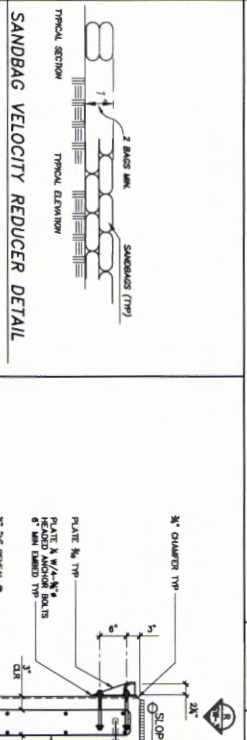
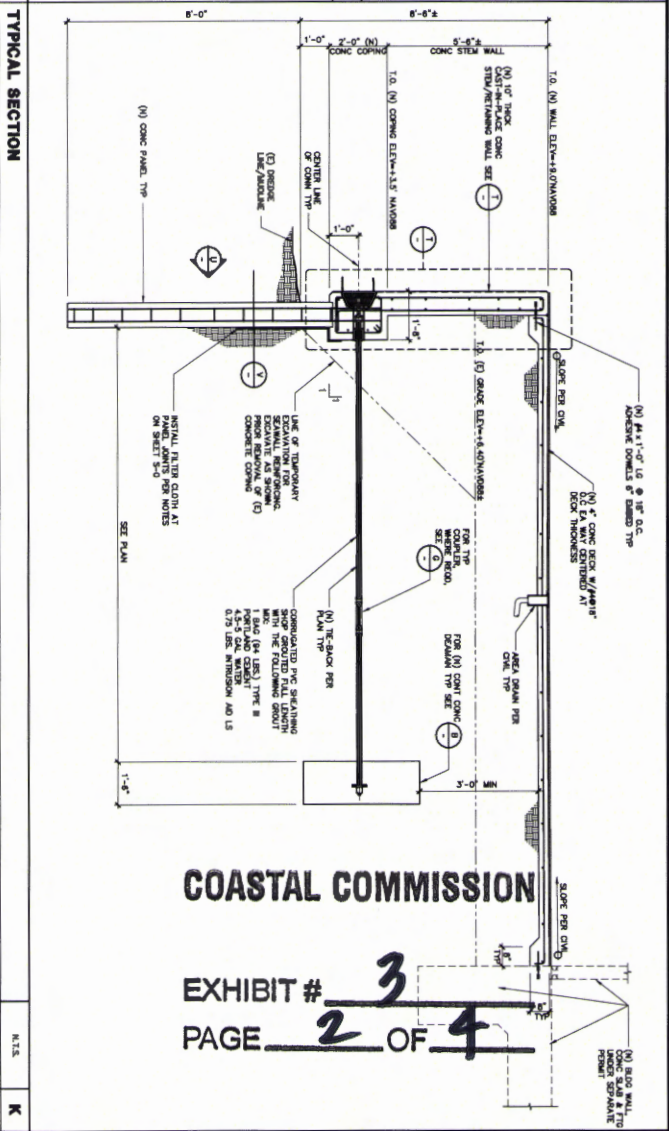
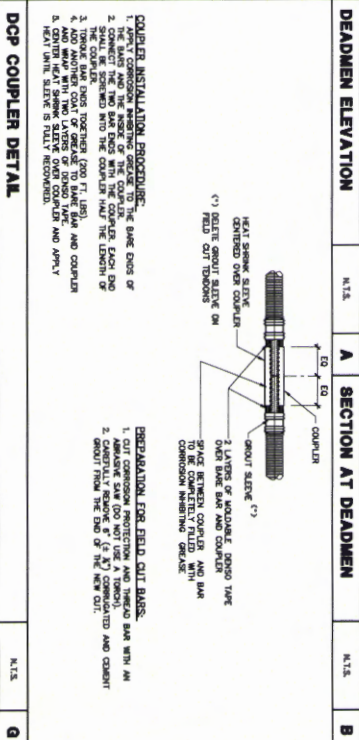
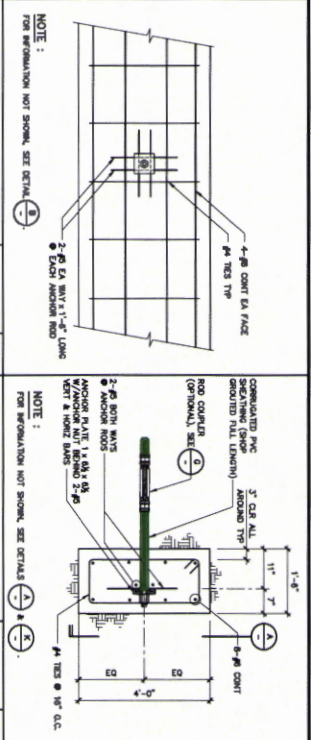
DES. P. PETROV
CHK. M. JAYARI
DATE 06/31/16



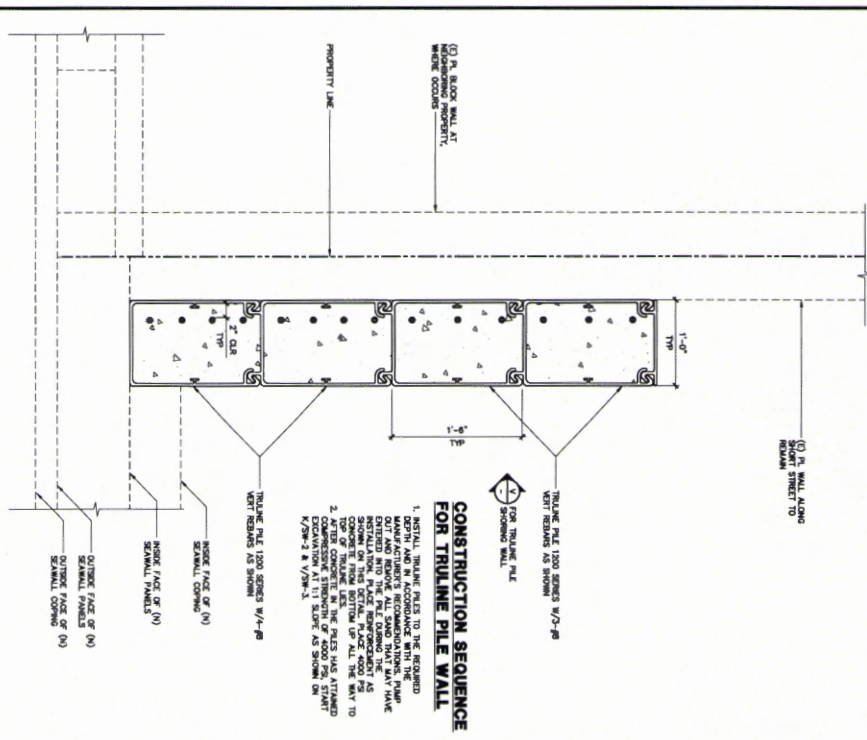
WILLIAM SIMPSON & ASSOCIATES, INC.
CONSULTING STRUCTURAL ENGINEERS
23 ORCHARD, SUITE 250
LAKE FOREST, CA 92630
P (949) 206-9929
F (949) 206-9955
www.williamsimpson.com

REPLACING THE EXISTING
SEAWALL/BULKHEAD LOCATED AT:
519 36TH STREET
NEWPORT BEACH, CA 92663
SITE PLAN & ELEVATION

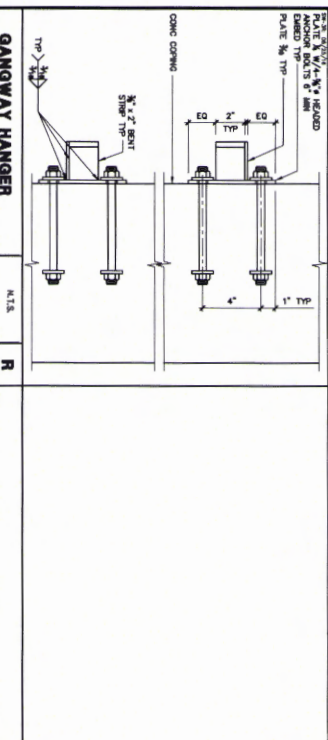
OWNER / APPLICANT
ADAM COOPER
519 36TH STREET
NEWPORT BEACH, CA 92663
Phone #: (949) 219-8682



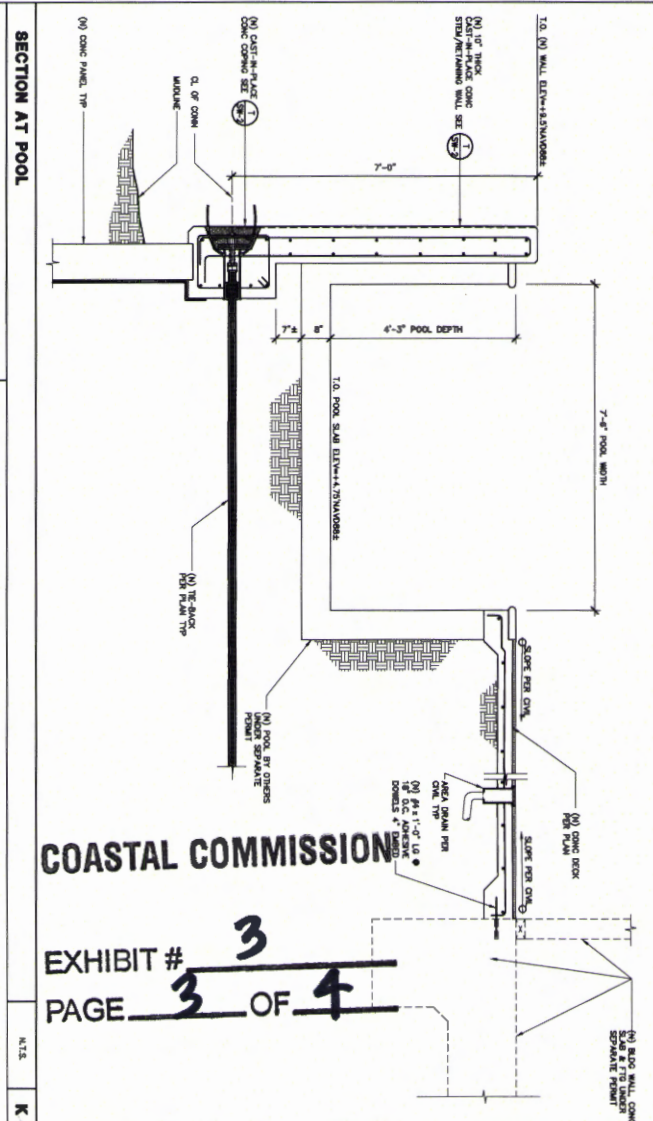
02-1-07/2/04



TEMPORARY SHORING PLAN VIEW



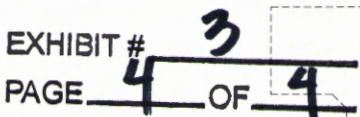
TEMPORARY SHORING ELEVATION



SECTION AT POOL

COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 4



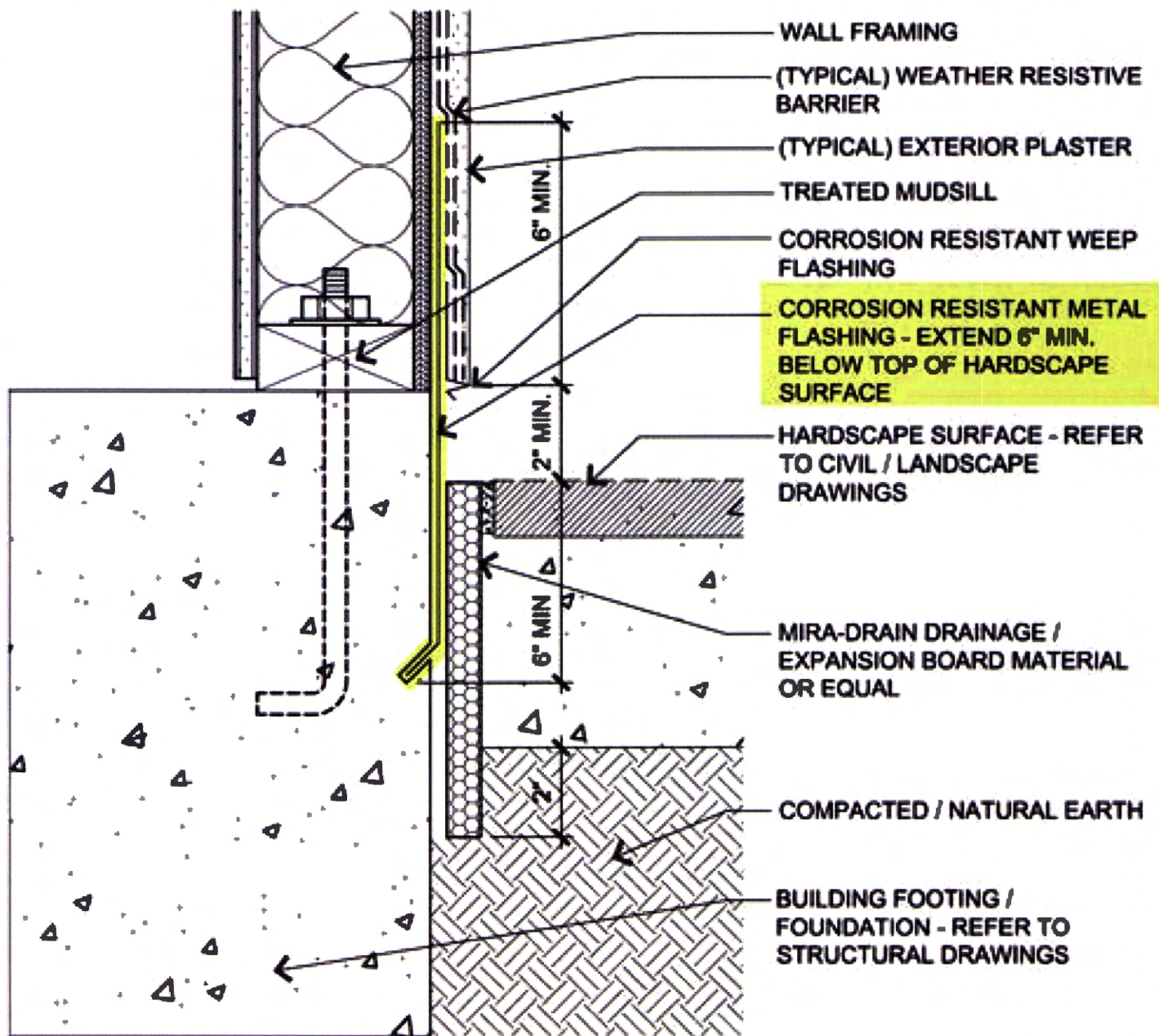
M.T.S.

M.T.S.

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EX-WALL-0003 (W/ SPECIAL FLASHING ADJACENT HARDSCAPE SURFACE)

WEEP SCREED

RECEIVED

3" = 1'-0"

South Coast Region

OCT 14 2016

COASTAL COMMISSION

Newport Beach, CA 92663

CALIFORNIA
COASTAL COMMISSION

EXHIBIT #

PAGE 1 OF 1

5-16-0888