CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 2) 590-5071

Filed:

September 21, 1998

49th Day:

November 9, 1998

180th Day:

March 20, 1999

Staff:

KS-LB

Staff Report: Hearing Date:

September 21, 1998 October 13-16, 1998

Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER:

5-98-345

APPLICANT:

Gerson Bakar & Associates, Inc.

AGENT:

Culbertson Adams & Associates, Inc.

Law/Crandall - A Division of Law Engineering and

Environmental Services, Inc.

Gerald Lehmer Associates

PROJECT LOCATION:

1 Park Newport, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Bluff stabilization to protect existing development consisting of construction of two caisson retaining walls at two bluff top locations. The first retaining wall will have twenty three caissons, placed about 3 feet landward of the top of slope, and will be approximately 150 feet long. Drilling for the caissons will excavate 300 cubic yards of soil. In addition, minor surficial grading, approximately 45 cubic yards of cut, is proposed to improve drainage. The second retaining wall will have six caissons placed about 3 feet landward of the top of slope, resulting in a 40 feet long structure. Drilling for this structure will excavate 165 cubic yards of soil. No surficial grading is proposed at this site. All soils excavated by drilling or drainage improvements will be exported and legally disposed or reused outside the coastal zone. No major earthwork is proposed and neither caisson retaining wall will extend above grade.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept #1842-98

Development Permit #5-97-250 (Park Newport Apartments); Report of Soil and Foundation Investigation — Phase I, Proposed Headland Apartments, Promontory Point Area, Jamboree Road and San Joaquin Hills Road...dated December 26, 1968 by LeRoy Crandall and Associates (Job No. A-68249), Report of Soil and Foundation Investigation — Phase II, Proposed Park Newport Apartments, Promontory Point Area, Jamboree Road and San Joaquin Hills Road...dated April 17, 1969 by LeRoy Crandall and Associates (Job No. A-68249-B), Report of Slope Stability Study, West Facing Slope Adjacent to Building 4, Park Newport Apartments, San Joaquin Hills Road, Newport Beach...dated June 28, 1979 by LeRoy Crandall and Associates (Job No. AE-79072), Report of Slope Stability Evaluation: West-Facing Slope Adjacent to the Club House, Park Newport Apartments, Newport Beach, California...dated May 1, 1998 and Report of Slope Stability Evaluation: West-Facing Slope Adjacent to the Unit 4570, Park Newport Apartments, Newport Beach, California...dated August 14, 1998 by Law Crandall of Los Angeles (Project No. 70131-4-0896.0009).

5-98-345 (Gerson Bakar & Associates) Page 2 of 9

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with five special conditions, as follows:

1) Permission from the California Department of Fish and Game; 2) Incorporation of geotechnical recommendations; 3) Demonstration of an assumption of risk deed restriction; 4) Avoidance of sensitive habitat and implementation of erosion control/sedimentation best management practices during construction; and 5) Notification that any addition or change to the proposed project may require an amendment to this permit or a new coastal development permit.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. 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. <u>Expiration</u>. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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.
- Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections.</u> The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment.</u> 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.
- 7. 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.

5-98-345 (Gerson Bakar & Associates) Page 3 of 9

III. SPECIAL CONDITIONS

1. Permission from the California Department of Fish and Game

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and approval of the Executive Director, written evidence from the California Department of Fish and Game (CDFG) demonstrating that CDFG has reviewed and either approved or has no substantial concerns regarding the proposed project. If CDFG requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.

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2. Geotechnical Recommendations

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director final revised plans. These plans shall include the signed statement of the geotechnical consultant certifying that the plans incorporate the geotechnical recommendations contained in the geotechnical investigations of May 1, 1998 and August 14, 1998 by Law Crandall, Inc. of Los Angeles (Project No. 70131-4-0896.0009) into the final design of the proposed development.

The approved development shall be constructed in compliance with the final plans as approved by the Executive Director. Any deviations from the plans shall require a Coastal Commission approved amendment to this permit, or written concurrence from the Executive Director that the deviation is not substantial and therefore a permit amendment is not needed.

3. Assumption of Risk

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant and all landowners shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant and all landowners understand that the entire site may be subject to extraordinary hazards from landslide/slope failure, and the applicant assumes the liability from such hazards; (b) that the applicant and all landowners unconditionally waive any claim of liability on the part of the Commission and agree to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to the natural hazards; (c) the applicant accepts sole responsibility for the removal of any structural debris resulting from landslides, slope failures or erosion on this site. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Construction Impacts

Disturbance to sensitive habitat, including on-site coastal sage scrub shall be avoided. In order to accomplish this objective the following shall occur: 1) all construction materials and equipment used during construction of the proposed project shall be placed landward of the bluff, in existing improved or ornamentally landscaped areas only, and shall be removed at the conclusion of construction; 2) access to the construction sites shall occur from the top of the slope, through existing improved or ornamentally landscaped areas only. No work shall occur

5-98-345 (Gerson Bakar & Associates) Page 4 of 9

on the bluff face and no equipment access shall be allowed from the bottom of the slope; 3) the proposed bluff edge drainage improvements, which may require work from the bluff face, may commence with the use of hand equipment only; 4) temporary protective fencing shall be installed during construction to exclude any activity in sensitive habitat; 5) erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags (2 bags high) at the edge of slope to prevent runoff/sediment transport over the top of the slope; plastic barrier fencing around the limits of construction areas; pre-construction meeting to review procedural and BMP guidelines; 6) the applicant shall submit final revised plans for the review and approval of the Executive Director which describe in written narrative the erosion control/sedimentation BMP's, with a statement on the plans designating whom is responsible for their implementation; 7) Excavation spoils shall be disposed of at a legal disposal site outside the coastal zone. Any change, including choice of a disposal/reuse site within the coastal zone, may require an amendment to this permit. Any such change shall be identified by the applicant in a written statement submitted to the Executive Director for review and approval and/or a determination as to whether changes are substantive and require a new coastal development permit or an amendment to this permit.

5. Future Development

This coastal development permit 5-98-345 approves only the development, as expressly described and conditioned herein, for the two proposed caisson retaining walls located at 1 Park Newport Drive in the City of Newport Beach. Any future development, per Public Resources Code Section 30106, including the installation of lagging on the proposed caisson structures, shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing a bluff stabilization project consisting of construction of two caisson retaining walls (Exhibits 1 through 5). The first retaining wall will consist of twenty three 36-inch diameter caissons, placed 7 feet apart on center, a minimum of 3 feet landward of the top of slope, and drilled to a minimum depth of 50 feet. The total length of the subsurface structure will be approximately 150 lineal feet (Exhibit 2 and 3). Approximately 300 cubic yards of soil will be excavated with the required drilling. In addition, minor surficial grading, approximately 45 cubic yards of cut, is proposed to improve drainage. This cut will occur along the bluff edge/top of landslide scarp. This retaining wall will be installed adjacent to an existing clubhouse building. The second retaining wall will have six 48-inch diameter caissons, placed 8 feet apart on center and a minimum of 3 feet landward of the top of slope, and drilled to a minimum depth of 60 feet. Approximately 165 cubic yards of soil will be excavated as a result of the required drilling. This structure will be approximately 40 lineal feet in length (Exhibit 4 and 5). No surficial grading is proposed at this site. This smaller retaining wall will be placed adjacent to an existing apartment building (Unit No. 4570). All soils excavated by the drilling and drainage improvement grading process will be exported from the site and disposed at a legal site outside the coastal zone. No major earthwork is proposed and neither caisson retaining wall will extend above grade.

5-98-345 (Gerson Bakar & Associates) Page 5 of 9

The stabilization project is proposed as a result of bluff failures consisting of a landslide, adjacent to the clubhouse, and a rockfall, adjacent to apartment unit 4570, that occurred during the winter of 1997-1998. The subject site is located at 1 Park Newport in the City of Newport Beach, west of Back Bay Drive at the northwest corner of San Joaquin Hills Road and Jamboree Road. The proposed developments are to occur at the bluffs along the western property boundary. The applicants' property is developed with a large apartment complex on the bluff top west of Upper Newport Bay and the Upper Newport Bay Ecological Reserve (UNBER). Back Bay Drive demarcates the western boundary of the applicants' property and separates it from Upper Newport Bay and UNBER. UNBER is owned by the California Department of Fish and Game (CDFG). All proposed work will occur solely on the applicants' property.

The present application was originally submitted with four stabilization and drainage improvement elements. However, application materials for two of the sites could not be completed in a timely manner. Due to safety concerns related to the timing of project implementation and the forthcoming winter rain, the application was amended, omitting those two sites. Statements were submitted from the geotechnical consultants for each of the sites demonstrating that the projects were separable as they were neither functionally nor structurally related and could be implemented safely as separate phases (Exhibit 6 and 7).

B. Previous Commission Action on Project Site

Coastal Development Permit 5-97-250

On September 9, 1997 the California Coastal Commission granted a permit (5-97-250) for development at the subject property which included the construction of a caisson retaining wall, excavation and recompaction of 52 cubic yards of soil, and repair/replacement of a damaged drainage pipe. The approved development occurred along bluffs adjacent to Big Canyon, on the northern side of the property. This work occurred to protect apartment unit 3160, an existing structure (See Exhibit 1). Special conditions included obtaining permission from CDFG for the proposed work and incorporation of the geotechnical recommendations made by the geotechnical consultant.

C. Environmentally Sensitive Habitat Area

Section 30240(b) of the Coastal Act states:

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject site has sensitive coastal sage habitat on-site and is located adjacent to the Upper Newport Bay Ecological Reserve, an environmentally sensitive habitat area. A biological impact assessment titled Biological Assessment of Proposed Bank Stabilization Project — Park Newport Apartments...dated June 1998 was performed by J.E. Heppert & Associates of Mission Viejo (Exhibit 8). This assessment determined that coastal sage habitat exists on-site and occurs adjacent to the proposed project element locations. This information was

5-98-345 (Gerson Bakar & Associates) Page 6 of 9

corroborated by a mapped coastal sage habitat delineation prepared by R. Mitchel Beauchamp of Pacific Southwest Biological Services (Exhibit 9 and 10).

In addition to on-site habitat, significant sensitive habitat and species are supported in UNBER, adjacent to the subject property. The City's certified Land Use Plan addresses UNBER in the following manner:

The Reserve has been identified by the State Coastal Commission, State Department of Fish and Game, U.S. Fish and Wildlife Service, and the Southern California Association of Governments as a unique and valuable State resource. The upper bay is an integral part of the Pacific Flyway, and the saltwater marsh, bay waters, and upland of upper Newport Bay provide habitat for 158 species of birds, of which 81 species are wading or water-associated birds. Rare or endangered birds utilizing the Reserve include the California Black Rail, which nests in pickleweed, sedges, saltgrass, and bulrush; Belding's Savannah Sparrow, which nests in pickleweed; Light-footed Clapper Rail, which nests in pickleweed and cordgrass; California Least Tern, which lays its eggs in the sand; and California Brown Pelican, which occasionally visits the upper bay for purposes of resting and feeding. Also present in the Reserve are 18 species on the Audubon Blue List, a list of birds not considered rare or endangered, but which are showing evidence of non-cyclic population declines or range contractions. Over 60 species of fish and over 1,000 species of marine invertebrates have been reported in the bay.

The Land Use Plan goes on to state, in part:

Substantial sediment deposition has occurred in upper Newport Bay. Sources of sediment include...landslides, and construction projects. The occurrence of three extremely wet winters (1969, 1978, and 1980) resulted in the major transport of sediment to the bay. The extensive sedimentation that has occurred has adversely affected the Upper Newport Bay Ecological Reserve due to loss of tidal prism. In addition, suspended sediments can lead to reduction of photosynthetic activity and can interfere with filter feeding mechanisms of marine life-forms...the City of Newport Beach has participated in 208 planning studies to develop a solution to this problem. This solution involves utilization of Best Management Practices (BMP's) to retain...construction sediment on-site...

The proposed project is necessary to stabilize the existing unstable slope. In the absence of remedial measures, sloughing and local failures are expected to continue, threatening the bluff top clubhouse and apartment building. Currently, the top of the slide area is within 9 feet of the clubhouse and the rockfall is approximately 14 feet from apartment unit 4570. If left untreated the complex may be jeopardized.

Alternatives to the proposed project included a cribwall, conventional retaining wall, and a tie-back system. These measures were rejected because they would have required demolition of the clubhouse and apartment unit 4570. In addition, these alternatives would have required substantial earthwork, whereas only surficial grading is required under the proposed alternative.

According to documentation submitted by the applicant and their representatives, all proposed work will be staged and implemented from the improved/developed areas landward of the bluff edge. In addition, the biological assessment and coastal sage delineation demonstrate that no work will occur within the on-site coastal sage habitat and no coastal sage habitat will be impacted by the proposed development. As a preventative measure the applicant has proposed installation of temporary plastic barrier fencing to protect existing coastal sage

5-98-345 (Gerson Bakar & Associates) Page 7 of 9

habitat. Finally, sedimentation/erosion control Best Management Practices, such as sand bag barriers, will be used to prevent sedimentation impacts to on-site coastal sage habitat and UNBER. These measures are made a part of this permit as special condition number four.

The proposed project is necessary to control the landslide as well as to minimize risk to the existing clubhouse and apartment unit. If left untreated, landslides and rockfalls would continue. Impacts to UNBER would not be prevented by allowing the landslide and rockfall to continue unabated. Therefore the Commission finds that the proposed project is necessary to protect the adjacent sensitive habitat area.

The project applicant has submitted written evidence that CDFG has been contacted for comment and approval of the proposed project, as appropriate. However, at this time the proposed project has not yet received review from CDFG. While the overall project will enhance the site by stabilizing the slope, minor refinements to the proposed project may be appropriate, as defined by CDFG, to assure that the project will not significantly degrade the adjacent environmentally sensitive habitat area. Therefore, as a condition of approval (condition number one) the applicant shall submit written evidence from CDFG demonstrating they have reviewed and approve or have no substantial concerns with the proposed development. If project design changes are required, the applicant shall submit those changes to the Executive Director for a determination as to whether an amendment to this permit is required. No changes that require a permit are to occur without an amendment. The Commission finds that the proposed project, only as conditioned, is consistent with Section 30240 of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.

The proposed development site is visible from Galaxy Park, a coastal view area identified in the City of Newport Beach certified Land Use Plan. In addition, pedestrians and cyclists using Bay Back Drive, presently a recreational thoroughfare, may observe the project site. The proposed project is the installation of subsurface caissons which will not extend above grade immediately following construction. However, over time, erosion or mass wasting of the bluffs is expected to expose the caisson structures. The geotechnical consultant has suggested that the installation of lagging may be required upon the onset of such exposure. Lagging are plates, typically composed of wood or steel, which connect the caissons, forming a solid barrier which retain loose soils occurring between the caissons. Exposure of the proposed structures and the addition of lagging, should it be necessary, may cause impacts to the scenic and visual qualities of this coastal area. However, it is possible to design lagging so that vegetation may be planted which will mute the exposed structures. In order to assure the proposed project remains consistent with the visual resource protection policies of the Coastal Act, the applicant is hereby notified, per special condition number five, that any addition to the proposed structures, including lagging, may require an amendment to this permit or a new coastal development permit. As conditioned, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

5-98-345 (Gerson Bakar & Associates) Page 8 of 9

E. Hazard

Section 30253 of the Coastal Act states, in part:

New development shall:

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

During the winter of 1997-1998, a landslide and rockfall occurred adjacent to the existing clubhouse and apartment unit 4570, respectively. The landslide is relatively shallow, approximately 10 to 15 feet thick, with a scarp 120 feet long and 17 feet high. The geotechnical consultant states that the slide is likely the reactivation of an ancient, eroded landslide. The rockfall is approximately 20 feet high by 40 feet wide and likely occurred due to hydrostatic pressure caused by heavy rainfall upon the highly fractured and weathered bedrock material exposed at the bluff.

The intent of the proposed project is to isolate the clubhouse and apartment unit 4570 from the slide and erosion prone slope area by installing caisson retaining walls landward of the top of the slope at the two locations. The geotechnical consultant states that slope retreat affecting the existing structures will be retarded with the installation of a pile retaining wall (caisson retaining wall). The geotechnical consultant also states these structures will "allow the movement of the slope below" the clubhouse and unit 4570 "where future sliding potential exists without adversely affecting the materials beneath" the clubhouse and unit 4570.

The geotechnical consultant has recommended drainage improvements for the clubhouse and apartment unit 4570 sites, as follows: "To reduce water infiltration, we recommend that the drainage adjacent to the building and over the slope is checked and necessary corrections made to prevent any ponding of water." The proposed project includes minor surficial grading, approximately 45 cubic yards of cut, along the bluff edge at the clubhouse location. These improvements include the use of hand tools to round the 90 degree bluff edge/top of scarp now present as a result of landsliding. This grading intends to restore the bluff edge to natural contours and will be designed to prevent the ponding of water and to check the movement of water over the slope. However, according to the civil engineer, Mr. Don Young of Gerald Lehmer Associates of Pasadena, local geologic conditions (surficial bedrock) at apartment unit 4570 location preclude any surficial grading contemplated at this location by In order to assure the geotechnical consultants' drainage the geotechnical consultant. recommendations are appropriately incorporated into the proposed project, condition number two requires the applicant to submit, for the review and approval of the executive director, final revised plans, with a signed statement from the geotechnical consultant certifying their recommendations were incorporated into the final design of the proposed development.

The geotechnical consultant has found that the proposed project is a feasible solution to the landslide and rockfall hazards posed to the subject existing structures. Recommendations have been made by the geotechnical consultant addressing the design of the caissons, lateral loading, construction sequencing, drainage improvements and monitoring. In order to assure stability and to minimize risks to life and property, the geotechnical consultants' recommendations should be incorporated into the design of the proposed project. As a condition of approval (condition number two), the applicant shall submit final revised plans indicating that the recommendations contained in the Report of Slope Stability Evaluation: West-Facing Slope Adjacent to the Club House, Park Newport Apartments, Newport Beach,

5-98-345 (Gerson Bakar & Associates) Page 9 of 9

California...dated May 1, 1998 and Report of Slope Stability Evaluation: West-Facing Slope Adjacent to the Unit 4570, Park Newport Apartments, Newport Beach, California...dated August 14, 1998 by Law Crandall of Los Angeles (Project No. 70131-4-0896.0009), have been incorporated into the design of the proposed project.

While the geotechnical consultant has found that the proposed project will assure stability and structural integrity and will not create erosion, geologic instability, or lead to destruction of the site or surrounding environment along the subject bluff, the proposed project is designed only to retain soils which affect existing structures and not to provide gross stabilization of the entire slope and slide mass. Therefore, the Commission requires, as a condition of approval (condition number three), that the applicant record an assumption of risk deed restriction acknowledging that landslide/slope failure hazards remain, even with implementation of this project, that the applicant and all landowners waive any claim of liability again the Commission, and the applicant and all landowners are responsible for removal of structural debris caused by landslides, slope failure or erosion on this site. The Commission finds that, as conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

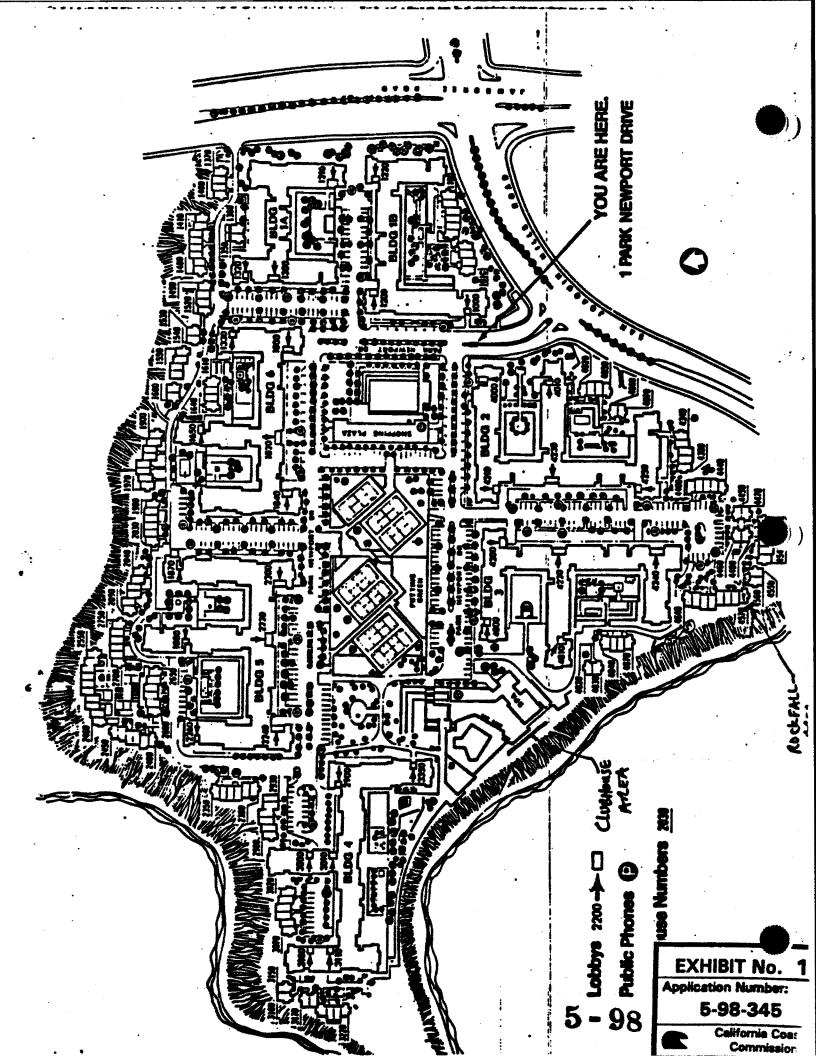
Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The proposed development is consistent with the policies of the certified Land Use Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located in an existing development. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with the resource protection policies of the Coastal Act: review and permission from CDFG; conformance with geotechnical recommendations; and avoidance of sensitive habitat and implementation of erosion control/sedimentation BMP's. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.



SLOPE STABILIZATION - CLUBHOUSE AREA COASTAL COMMISSION CALIFORNIA 8661 0 S DUA ACKBAY

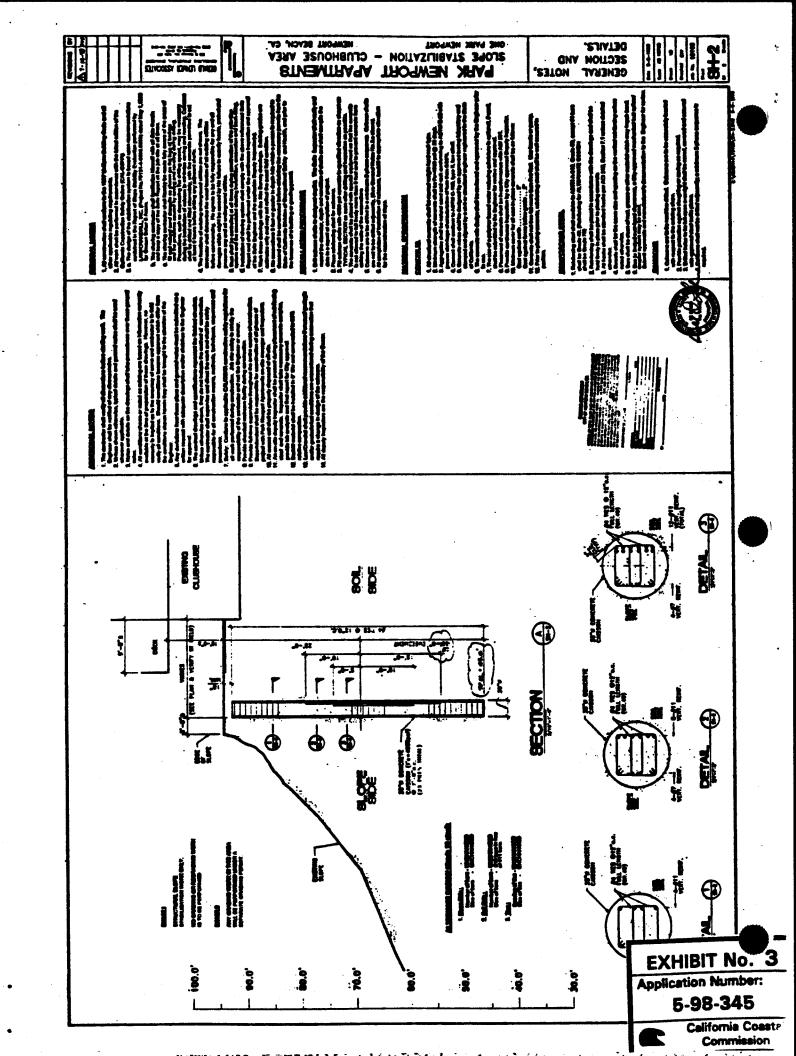
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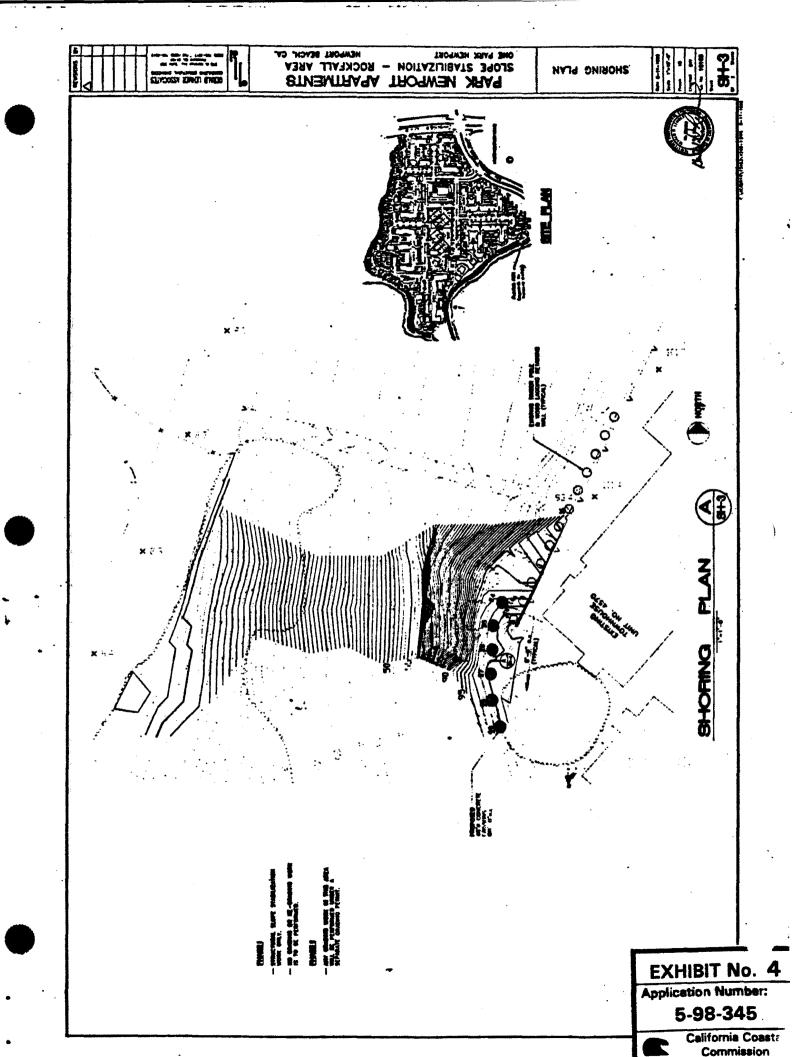
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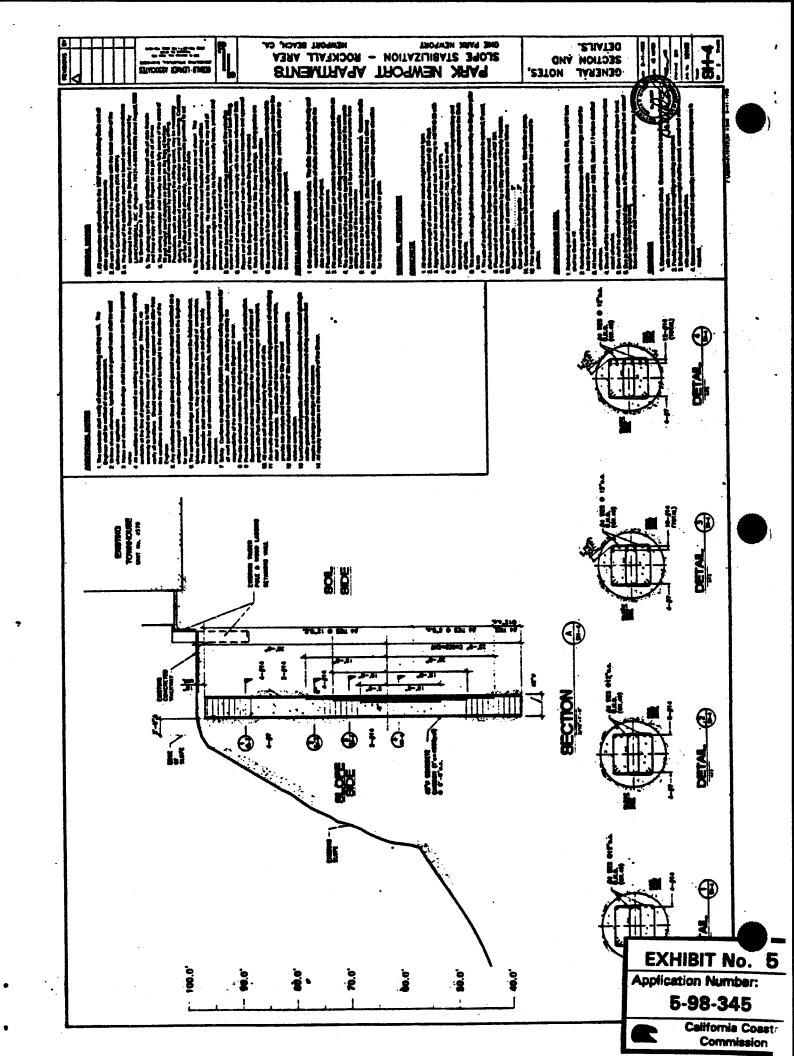
Commission

EXHIBIT N. 2 Application Number: 5-98-345

California Coastal









September 21, 1998

Mr. Ken Dressel
Director of Facilities Services
Gerson Bakar & Associates
201 Filbert Street
San Francisco, California 94133-3298

Subject:

Stabilization of West-Facing Slope Park Newport Apartments Project

1 Park Newport

Newport Beach, California

Law/Crandall Project No. 70131-4-0896.0009

Dear Mr. Dressel:

As requested by Mr. Kevin Culbertson of Culbertson, Adams & Associates, this letter addresses the stabilization of the west-facing slope at the Park Newport Apartments in Newport Beach, California. The California Coastal Commission has requested supporting documentation regarding the slope stabilization for the west-facing slope in a letter dated September 18, 1998. An application has been submitted as Coastal Development Permit # 5-98-345.

Law/Crandall is the geotechnical engineer of record for the proposed pile retaining wall (or caisson wall) to stabilize the slope adjacent to the Club House and Unit 4570 (Sites 1 and 4, respectively). Law/Crandall's responsibility, as the geotechnical engineering of record for Sites 1 and 4, was to submit the reports of slope stability evaluation addressing the slope adjacent to the Club House and Unit 4570 and to obtain the City of Newport Beach's approval. The results of those evaluations for the Clubhouse and Unit 4570 were presented in our reports dated May 1, 1998 and August 14, 1998, respectively, and have been approved by the City of Newport Beach.

Robert Bein, William Frost and Associates (RBF) has proposed an erosion repair/interceptor ditch with retaining elements to improve the stability of the slope located west of Building 3 and the slope located south of the spa building and north of the apartment designated 4830 (Sites 2 and 3, respectively). The Sites 2 & 3 are between Sites 1 and 4. The geotechnical engineer of record for Sites 2 and 3 is Hetherington Engineering, Inc. who have reviewed the proposed RBF plan for erosion repair. A report by Hetherington, dated August 25, 1998 regarding Sites 2 and 3 states that the proposed erosion repairs are intended to enhance the surface drainage conditions by intercepting and directing surface water to an existing storm drain. The report further states that the proposed improvements for Sites 2 and 3 "do not render the natural slopes surficially or grossly stable, and as such, the proposed improvements are subject to future damages resulting from gross or surficial stability." We have also reviewed the RBF plan for erosion repair and control and concur with Hetherington's conclusion in that the RBF plan does not address permanent stabilization of the slopes at Sites 2 and 3; however, slope movement in these areas has not occurred recently and the erosion repair and control plan would act to improve the overall stability of Sites 2 and 3.

A Division of Law Engineering and Environmental Services, Inc. 200 Citadel Drive Los Angeles, CA 90040-1554 323-889-5300 • Fax 323-724-6700

EXHIBIT No.

Application Number: 5-98-345 Page 1 of 3



California Coasta Commission Gerson Bakar & Associates Law/Crandall Project No. 70131-4-0896.0009

September 21, 1998

The California Coastal Commission's letter dated September 18 requests supporting documentation to remove the RBF's erosion repair plan for Sites 2 and 3 from the Coastal Development Permit and to proceed with the implementation of Law/Crandall's recommendation of pile retaining wall for Sites 1 and 4. We support the above separation for the following reasons:

- The RBF plan for Sites 2 and 3 and Law/Crandall's recommendation for Sites 1 and 4 are
 not functionally related. This is because the RBF plans for Sites 2 and 3 improve the
 stability of slopes by controlling erosion and protection of the top of the slope. On the other
 hand, Law/Crandall's recommendations for Sites 1 and 4 stabilizes the slopes by means of a
 caisson wall.
- The RBF plan for Sites 2 and 3 and Law/Crandall's recommendation for Sites 1 and 4 are not structurally dependent or related, because the sites are geographically separated.
- The RBF plan for Sites 2 and 3 and Law/Crandall's recommendation for Sites 1 and 4 can be implemented in separate phases with safety because they are structurally and functionally independent of each other.
- We strongly believe that Law/Crandall's recommendations for Sites 1 and 4 should be implemented as soon as possible because of the importance to stabilize the slopes before the next winter season.
- Implementation of Law/Crandall's recommendations as soon as possible is necessary due to
 the extent of the erosion and landslides at Sites 1 and 4 and their proximity to the existing
 buildings.
- Sites 2 and 3 differ from Sites 1 and 4 in that these areas have not exhibited recent movement or pose an immediate threat to structures.

The professional opinions presented in this letter have been developed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable geotechnical consultants practicing in this or similar localities. No other warranty, expressed or implied, is made as to the professional advice included in this letter.

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Pw. 3-31-33

It is a pleasure to be of professional service to you on this project. Please call if you have any questions or require additional information.

Sincerely,

LAW/CRANDALL

a Division of Law Engineering and Environmental Services, Inc.

N. Sathi Sathialingam, Ph.D.

Senior Engineer

Project Manager

Marshall Lew, Ph.D. Corporate Consultant Vice President

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cc:

(1) Mr. Kevin Culbertson

Culbertson, Adams & Associates

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EXHIBIT # 6

HETHERINGTON ENGINEERING, INC.

SOIL & FOUNDATION ENGINEERING . ENGINEERING GEOLOGY . HYDROGEOLOGY

September 21, 1998 Project No. 3137.2 Log No. 02710

Gerson, Bakar & Associates 201 Filbert Street San Francisco, CA 94133-3298

Attention:

Mr. Richard Ellie

SUBJECT:

ADDITIONAL GEOTECHNICAL COMMENTS

Proposed Repairs to Portions of the West Facing Slope

Areas 2 and 3

Park Newport Apartments Newport Beach, California

Reference:

"Application Amendment-Request for Supporting Documentation, Coastal Development Permit # 5-98-345, 1 Park Newport, City of Newport Beach, California", by California Coastal Commission, dated September 18, 1998.

Dear Mr. Ellia:

In accordance with the request of Mr. Kevin Culbertson, we have prepared this letter providing additional geotechnical comments with respect to the proposed erosion repairs for sites 2 & 3 at the subject property. We understand our comments are required by the Coastal Commission in order to consider separating the repairs contemplated for areas 1 and 4 from those contemplated for areas 2 and 3. As it is understood by Hetherington Engineering, Inc., repairs contemplated for sites 1 and 4 are to be drilled pile retaining walls. In areas 1 and 4, recent landslides and rock topples have resulted in the removal of portions of the slope adjacent to existing improvements on the Park Newport property. We understand, the repairs recommended by Law/Crandall are to retain lateral support for improvements that are in jeopardy of potential undermining and direct damage.

The repairs proposed for areas 2 and 3 are intended to enhance existing surface drainage improvements which will reduce the amount of surface waters infiltrating into the hillside and provide for an increased volume of runoff which can be handled by these improvements. These improvements will serve to reduce the potential for future landslides and rock topples such as took place in areas 1 and 4.

These above described repairs are not geotechnically related to each other in any manner and are not geotechnically dependent upon each other in order to perform their respectively intended functions. In my opinion, the repairs intended for areas 2 and 3 could

5245 Aveniria Encinas, Suite G = Carisbad, CA 92008-4369 = (760) 931-1917 = Fax (760) 931-0545 32242 Pasen Adelanto, Suite C = Sun Juan Capistrano, CA 92675-3610 = (714) 487-9080 = Fax (714) 487 9116



SUPPORTING COMMENTS Project No. 3137,2 September 21, 1998 Page 2

be deleted in their entirety and not cause any adverse effect to the above repairs to areas 1 and 4. The proposed repairs to areas 2 and 3 could be performed if area 1 and 4 repairs were not performed.

Please call if there are any questions.

Sincerely,

HETHERINGTON ENGINEERING, INC.

Paul A Bogseth

Certified Engineering Geologist 1153

Registered Geologist 3772

(expires 3/31/00)

Distribution:

I-Addressee

1-Kevin Culbertson - Culbertson Adams and Associates

HETHERINGTON ENGINEERING, INC.

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FAGE 2 OF 2

BIOLOGICAL ASSESSMENT of PROPOSED BANK STABILIZATION PROJECT

PARK NEWPORT APARTMENTS

-City of Newport Beach

County of Orange, California 5.98.345

Prepared for:

Culbertson, Adams, & Associates

85 Argonaut, Suite 220 Aliso Viejo, CA 92656

(949) 581-2888

Prepared by:

J. E. Heppert & Associates

Environmental Consulting

P.O. Box 3594

Mission Viejo, CA 92690-1594

(949) 367-0754

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CALIFORNIA COASTAL COMMISSION June, 1998



On June 29, 1998 Jan E. Heppert conducted a site inspection of the proposed bank stabilization project at Park Newport Apartments, in the City of Newport Beach, County of Orange, California. The weather was sunny with a light breeze blowing onshore. Temperatures were in the low to mid 70's.

Park Newport Apartments proposes to stabilize three different sites along the southwest edge of their property. These three sites are in close proximity to each other, and are located at the top edge of the cliffs above Back Bay Drive and Upper Newport Bay Ecological Reserve, just north of San Joaquin Hills Road. The Park Newport Apartment site is approximately 100 feet above Back Bay Drive and Upper Newport Bay Ecological Reserve, with a nearly vertical cliff separating them.

The first site is on the southern most portion of the property, near housing units 4550 and 4540. It is the leading edge of a cliff that is a sheer 90 degree or more drop. The top of the cliff is vegetated with ornamental vegetation typical of the manufactured landscaping throughout the apartment complex. This extends down the cliff until a sheer rock face begins. Coastal sage scrub vegetation begins below this rock face, and extends down to San Joaquin Hills Road and Back Bay Drive. The bank stabilization proposed for this site includes extending a preexisting timber pole retaining wall from its present location approximately 40 feet around the corner of the cliff. If this work is done from the top of the cliff, it will not impact any native California vegetation, including coastal sage scrub found downslope.

The second site is located to the north of the first site along the cliff that rises above the ecological reserve, below units 4830, 4840, and 4870. There are two areas of exposed soil below these units that appeared to have been cleared recently. Between these two cleared areas is a small section of vegetation that has been left. This cleared area extends approximately 20 to 25 feet downslope from the apartment Below this cleared area is dense coastal sage scrub that extends downslope to Back Bay Drive. The cleared area appears to have been vegetated by ornamental vegetation based upon the vegetation found on either side of this cleared area and the small patch of vegetation left between the two cleared areas. This small area left untouched consists of pampas grass, palm trees, sugar bush and small ornamental bushes and ground cover typical of the manufactured landscaping found throughout the apartment complex. The bank stabilization proposed for this location includes the installation of approximately 5000 square feet of gunite or shotcrete. If this gunite or shotcrete is installed in the presently cleared area or the area of vegetation left between the two cleared areas, there will be no impact to any native California vegetation. If the proposed work extends downslope any further than the

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cleared area, it will impact coastal sage scrub, and a permit from U.S. Fish & Wildlife Service will be necessary. In order to avoid impacting this coastal sage scrub, it is recommended that all work be done from the top of the cliffs.

The third area of proposed impact is located just north along the cliff, below the clubhouse, pool and spa. Currently there is a flat area a few feet below the complex that is vegetated with sugar bush. This flat area is 3 to 7 feet wide. A portion of this flat area has slid down the slope, along with the sugar bush. This exposed slide area is covered with plastic and secured with sand bags to prevent further erosion. Immediately below this flat area is a steep slope that is heavily vegetated with coastal sage scrub. The proposed bank stabilization includes the installation of a 157 foot long caisson wall. The construction of this wall is described as follows: 23 concrete caissons, 36 inches in diameter will be installed along the cliff. They will extend 23 feet into the soil, and be on typical 7 foot centers. If this work is done from the top of the cliff, it should not impact the coastal sage scrub. If any coastal sage scrub is disturbed or removed during the construction process, then a permit will be necessary from the U.S. Fish & Wildlife Service.

There is no riparian associated vegetation or any wetland habitat on this site or any other proposed construction site previously discussed in this report.

In order to avoid the time consuming and possibly costly permitting process through the U.S. Fish & Wildlife Service for the removal of coastal sage scrub, it is recommended that no coastal sage scrub be disturbed during this bank stabilization project. If care is taken by the contractor performing the work, and the work is done in an environmentally aware manner, it should be possible to avoid impacting the coastal sage scrub located adjacent to the work sites.

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