

**CALIFORNIA COASTAL COMMISSION**

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

**W 7c**

Filed:  
49th Day:  
180th Day:  
Staff:  
Staff Report:  
Hearing Date:  
Commission Action:

October 11, 2011  
November 29, 2011  
April 8, 2012  
Fernie Sy-LB  
January 25, 2012  
February 8-10, 2012

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-11-213

**APPLICANT:** John & Engrid Matthews

**PROJECT LOCATION:** 1718 & 1724 Galaxy Drive, City of Newport Beach, County of Orange

**PROJECT DESCRIPTION:** Merge 2 bluff top parcels on Newport Bay into one 19,597 square foot parcel, demolish one (1) of two (2) existing homes, then substantially demolish, remodel and add to remaining structure resulting in 14-foot-tall single-family home, with 7,054 square foot first floor, 4,093 square foot six (6)-car garage and 2,311 square foot basement (total 13,458 square feet); with deepened footings and caisson foundation, 2,601 cubic yards of cut and export to location outside of Coastal Zone and new landscape/hardscape.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval-In-Concept (No. 2011-041) dated August 22, 2011 and Lot Merger No. LM2011-001 (PA2011-131) dated August 10, 2011.

**SUMMARY OF STAFF RECOMMENDATION:**

The subject sites are inland bluff lots located between the first public road and the sea (Upper Newport Bay) in Newport Beach. The proposed development is located on a bluff top area approximately 90-feet above Upper Newport Bay, which is subject to erosion, and potentially to very modest wave attack/tidal induced erosion due to the subject sites' location within the inner part of Upper Newport Bay. The primary issues addressed in this staff report are the conformance of the proposed development with the geologic hazard and public view protection policies of the Coastal Act.

Staff is recommending **APPROVAL** of the proposed project with **EIGHT (8) SPECIAL CONDITIONS** regarding: **1)** revised final project plans showing removal of hardscape and the firepit located within 10-feet of the bluff edge; **2)** additional approvals for any future development; **3)** evidence of conformance with geotechnical recommendations; **4)** assumption of risk; **5)** no future bluff or shoreline protective devices; **6)** compliance with the submitted drainage and run-off control plan; **7)** landscape controls; and **8)** a deed restriction against the property.

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.

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach certified Land Use Plan; *Geotechnical Investigation, Proposed Remodel and Addition to Existing Single-Family Residence, 1718 and 1724 Galaxy Drive, Newport Beach, California (J.N. 299-11)* prepared by Petra dated August 30, 2011; Letter from Commission staff to Brion Jeannette Associates dated September 27, 2011, ; Letter from Brion Jeannette Architecture to Commission staff dated October 11, 2011; and Letter from Petra to Brion Jeannette Architecture dated October 11, 2011.

### **LIST OF EXHIBITS**

1. Location Map
  2. Site Plan/Floor Plans
  3. Elevation Plans
  4. Foundation Plan
  5. Grading/Drainage Plan
  6. Lot Line Adjustment Plans
  7. Section Plan from Geotechnical Investigation
- 

### **STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

### **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 the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION:**

## **I. APPROVAL WITH CONDITIONS**

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

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or 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

### 1. REVISED FINAL PROJECT PLANS

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of final revised project plans. The revised final plans shall be in substantial conformance with the plans received on October 11, 2011, except they shall be modified to demonstrate that proposed accessory development, including but not limited to hardscape and the firepit, shall be located at least 10-feet landward of the bluff edge.
- B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### 2. FUTURE DEVELOPMENT

This permit is only for the development described in Coastal Development Permit No. 5-11-213. 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. 5-11-213. Accordingly, any future improvements to the single-family residence and appurtenances authorized by this permit, including a change in use and 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. 5-11-213 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**3. CONFORMANCE WITH GEOTECHNICAL RECOMMENDATIONS**

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering investigations: *Geotechnical Investigation, Proposed Remodel and Addition to Existing Single-Family Residence, 1718 and 1724 Galaxy Drive, Newport Beach, California (J.N. 299-11)* prepared by Petra dated August 30, 2011; and Letter from Petra to Brion Jeannette Architecture dated October 11, 2011.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, final design and construction plans, including foundations, grading and drainage plans along with evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic engineering reports.
- C. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is legally required.

**4. ASSUMPTION OF RISK, WAIVER OF LIABILITY AND INDEMNIFY**

By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides and wave uprush or other tidal induced erosion, and sea level rise; (ii) to assume the risks to the applicants 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.

**5. NO BLUFF OR SHORELINE PROTECTIVE DEVICES**

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-11-213 including, but not limited to, the residence, foundations, hardscape, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, sea level rise or other natural hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves 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 applicants further agree, on behalf of themselves and all successors and assigns that the landowners shall remove the development authorized by this permit, including the residence, foundations, hardscape, 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 landowners 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.

**6. DRAINAGE AND RUN-OFF CONTROL PLAN**

- A. The applicants shall conform to the drainage and run-off control plan received on October 11, 2011 showing all roof drainage and runoff directed to area collection drains and then directed to the street. Underslab drainage, French Drains at basement retaining walls and all other drain lines unable to gravity flow shall be directed to a duplex sump pump prior to discharge to street.
- B. The permittees shall undertake development in accordance with the approved final plans. 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.

**7. LANDSCAPING**

Vegetated landscaped areas shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. 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.owue.water.ca.gov/docs/wucols00.pdf>).

**8. DEED RESTRICTION**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has 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:**

The Commission hereby finds and declares:

### **A. PROJECT LOCATION AND DESCRIPTION**

#### **1. Project Location and Description**

The subject sites are located at 1718 and 1724 Galaxy Drive on inland bluff lots overlooking Upper Newport Bay within the City of Newport Beach, Orange County (Exhibit #1). Each site is currently occupied by a one-story single-family residence with an attached two (2)-car garage. The lot at 1718 Galaxy Drive is 9,935 square feet and the lot at 1724 Galaxy Drive is 9,962 square feet and the City of Newport Beach Land Use Plan (LUP) designates use of each site for Single Unit Residential Detached (RSD-A) and the proposed project adheres to this designation. The project is located within an existing developed urban residential area. Existing single-family residential development is located to the North, West, and South of the project site. To the East of the home site is an approximately 90-foot high coastal bluff that descends at a 1.25:1 slope downward to Upper Newport Bay Ecological Reserve (UNBER). The upper portion of the rear yard descending bluff is covered by a thick growth of ice plant with occasional shrubs while the lower portions are covered by native plants, grasses, shrubs, and trees. The UNBER has been designated a State Ecological Reserve, which is important for both its habitat values as well as scenic and visual resource values. Much of Upper Newport Bay is surrounded by steep coastal bluffs which serve as a scenic backdrop for the “Bay” and contribute to its scenic and visual qualities.

The applicant is proposing the following: demolition of the existing single-family residence, pool, site walls and hardscape at 1724 Galaxy Drive and construction of a new one-story, 7,454 square single-family residence addition with a six (6) car garage and 2,311 square foot basement to the existing adjacent single-family residence at 1718 Galaxy Drive. Additional remodel and demolition work will also take place at the 1718 Galaxy Drive residence in order to accommodate the addition. Foundation will consist of deepened footings and caissons. Drainage will be directed to the street. Post project, there will be one (1) 14-feet above finished grade, single-family residence consisting of a 7,054 square foot first floor with a 4,093 square foot, six (6) car garage and a 2,311 square foot basement (Exhibits #2-5, and 7). Additionally, site walls, hardscape and landscape work is proposed. A swimming pool and spa located in the rear yard of the 1724 Galaxy Drive property will be removed. A large concrete fire pit and sitting area with hardscape is located in the rear yard of the 1718 Galaxy Drive property will be remodeled and extended to the 1724 Galaxy Drive property. Grading will consist of 2,601 cubic yards of cut and export to a location outside of the Coastal Zone. Also, a Lot Line Adjustment is proposed to allow these two (2) parcels (1718 Galaxy Drive: 9,935 square feet & 1724 Galaxy Drive: 9,962 square feet) under common ownership to be merged into one (1) 19,597 square foot parcel by removing the shared interior lot line (Exhibit #6).

The proposed project area is located on an inland bluff adjacent to Upper Newport Bay, much of which is subject to modest tidal erosion. To address geology, slope stability and bluff erosion with the proposed project, the applicant has submitted the geotechnical investigations: *Geotechnical*

*Investigation, Proposed Remodel and Addition to Existing Single-Family Residence, 1718 and 1724 Galaxy Drive, Newport Beach, California (J.N. 299-11)* prepared by Petra dated August 30, 2011; and Letter from Petra to Brion Jeannette Architecture dated October 11, 2011. The geotechnical investigations recommend shoring and a caisson foundation system to deal with soil creep. The investigations conclude stating that from a soils engineering and engineering geologic point of view, that the subject property is considered suitable for the proposed construction provided the reports conclusions and recommendation are incorporated into the project.

The Coastal Act, and the City's certified Land Use Plan require development to be stable for their economic life (in this area taken to be 75 years). The Commission's definition of stable is having a 1.5 factor of safety. The geologic setback from the bluff edge must be wide enough to accommodate erosion over the life of the development and maintain the 1.5 factor of safety without reliance on shoreline protective devices. A geologic setback/buffer is also usually needed to account for uncertainties like an increase in bluff retreat rate due to sea level rise or other factors; addition of a margin for safety; to provide an area for access to the building to address erosion; and to assure that at the end of 75 years (typical economic life of new development) there is adequate mass to maintain the 1.5 factor of safety.

The geotechnical investigations analyzed the stability of the sites and determined that the sites do currently have a 1.5 factor of safety. The Commission staff geologist has reviewed these reports and agrees with their factor of safety determination, as well as, the other report conclusions. Based on the factor of safety and low rate of erosion at this site, the Commission's staff geologist has determined that the minimum typical bluff edge setback for the area would be appropriate, which, as described below, is 25-feet for principal structures and 10-feet for appurtenances with shallow or no foundation system.

The City's certified Land Use Plan (LUP) requires that any new bluff top development be sited a sufficient distance from the bluff edge. Principal structures and major accessory structures such as guesthouses and pools should be setback at least 25-feet from the bluff edge and accessory structures that do not require structural foundations, such as hardscape (i.e. decks, patios, walkways, etc.) and appurtenances be sited at least 10-feet from the bluff edge to minimize the potential that the development will contribute to slope instability. The proposed residence is setback a minimum 25-feet from the bluff edge. However, accessory structures such as hardscape and a fire pit are located within the 10-foot setback. Thus, the Commission imposes **SPECIAL CONDITION NO. 1**, which requires submittal of revised plans that eliminate any accessory development located within the 10-foot accessory structure setback from the bluff edge.

As stated above, the geotechnical investigations recommends caissons to deal with soil creep and have been proposed with the project. These caissons will be setback a minimum approximately 27-feet from the bluff edge and are part of the foundation system for the house. Thus, they will not be located within the 25-foot bluff edge setback.

The proposed development is located on a bluff above Upper Newport Bay, which is subject to erosion, but to potentially only very modest wave attack due to the subject sites' location within the inner part of Upper Newport Bay. The property is located about 90-feet above sea level adjacent to Upper Newport Bay and doesn't include the bluff face and bay below, so the project sites are not subject to flooding or erosion forces caused by wave action, tidal changes or a rise in sea level. However, the bluff is subject to tidal changes and a rise in sea level and associated erosive forces.

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, without controls on future development, the applicant could construct amenities to the proposed home that would have negative impacts on coastal resources, and could do so without first acquiring a coastal development permit, due to the exemption for improvements to existing single-family residences in Coastal Act Section 30610 (a). In order to prevent the current authorization from allowing such future negative effects, it is necessary to ensure that any future development -- including the development of amenities that would otherwise normally be exempt -- will require a permit. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **SPECIAL CONDITION NO. 2**, which is a future improvements special condition.

The geotechnical consultants have found that the proposed development is feasible provided the recommendations contained in the geotechnical reports prepared by the consultants are implemented in regards to the design and construction of the project. The geotechnical recommendations address foundation systems and grading requirements. In order to ensure that risks of development are minimized, as per Section 30253, the Commission imposes **SPECIAL CONDITION NO. 3**, which states that the geotechnical consultants' recommendations should be incorporated into the design of the project.

Although adherence to the geotechnical consultants' recommendations will minimize the risk of damage from bluff and slope instability, erosion, landslides and wave uprush the risk is not entirely eliminated. Galaxy Drive has been prone to bluff failures in the past. Therefore, the standard waiver of liability condition has been attached via **SPECIAL CONDITION NO. 4**.

No shoreline or bluff protection device is proposed. However, because the proposed project includes new development, it can only be found consistent with Section 30253 of the Coastal Act if a shoreline or bluff protective device is not expected to be needed in the future. The applicants' geotechnical consultant has indicated that the property boundary is not presently subject to flooding or erosion forces caused by wave action, tidal changes or a rise in sea level as currently existing and that the sites are stable and that no shoreline or bluff protection devices will be needed. If not for the information provided by the applicants that the sites are safe for development, the Commission could not conclude that the proposed development will not in any way "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." However, as stated previously, the record of coastal development permit applications and Commission actions has also shown that geologic conditions change over time and that predictions based upon the geologic sciences are inexact. Even though there is evidence that geologic conditions change, the Commission must rely upon, and hold the applicants to their information, which states that the sites are safe for development without the need for protective devices. Therefore, the Commission imposes **SPECIAL CONDITION NO. 5** which states that no shoreline or bluff protective devices shall be permitted to protect the proposed development and that the applicants waive, on behalf of themselves and all successors and assigns on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

One factor that can minimize the hazards inherent to bluff-top development is proper collection of site drainage. Another factor that can minimize the hazards inherent to bluff development is limiting the amount of water introduced to the bluff top area. In order to maximize bluff stability, the amount of water introduced to the sites should be minimized. The proposed project's drainage plan indicates that all roof drainage and runoff from the sites will be collected in series of area drains. These area drains will be discharged then to the street. Underslab drainage, French



Drains at basement retaining walls and all other drain lines unable to gravity flow shall be directed to a duplex sump pump prior to discharge to street. Thus, site drainage has been designed to minimize hazards to bluff-top development. Therefore, the Commission imposes **SPECIAL CONDITION NO. 6**, which requires the applicant to comply with the submitted drainage and run-off control plan.

Because of the fragile nature of coastal bluffs and their susceptibility to erosion, the Commission requires a special condition regarding the types of vegetation to be planted. The installation of in-ground irrigation systems, inadequate drainage, and landscaping that requires intensive watering are potential contributors to accelerated weakening of some geologic formations; increasing the lubrication along geologic contacts and increasing the possibility of failure, landslides, and sloughing. Use of non-native vegetation that is invasive can have an adverse impact on the existence of native vegetation within the adjacent Upper Newport Bay Ecological Reserve.

Since the proposed development is adjacent to the Upper Newport Bay Ecological Reserve where the protection and enhancement of habitat values is sought, the placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. 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.cal-ipc.org>) and California Native Plant Society ([www.CNPS.org/](http://www.CNPS.org/)) in their publications. In the areas on the rear of the lot, landscaping should consist of plant species native to coastal Orange County only.

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" (a.k.a. WUCOLS) 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>.

Low water use, drought tolerant, native plants require less water than other types of vegetation, thereby minimizing the amount of water introduced into the bluff top. Drought resistant plantings and minimal irrigation encourage root penetration which increases bluff stability. Water on the sites can be reduced by limiting permanent irrigation systems. Consequently, irrigation must be limited to temporary irrigation only as needed to establish plants.

The applicant has submitted a landscape plan that only contains drought tolerant plants native to coastal Orange County and appropriate to the habitat type. To make sure that vegetated landscaped areas shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires only this type of vegetation. This will minimize the potential for the introduction of non-native invasive species and will also minimize the potential for future bluff failure.

## **B. HAZARDS**

Development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require one or more of the following: adherence to the geotechnical recommendations, an appropriate set-back from the edge of a bluff or hillside, to

prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

**C. 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 Section 30240(b) of the Coastal Act.

**D. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project sites into coastal waters. Furthermore, uncontrolled runoff from the project sites and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of native and/or non invasive drought tolerant vegetation, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**E. 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 sites 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 be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**F. 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 with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**G. 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, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the sites is subject, and the Commission's immunity from liability.

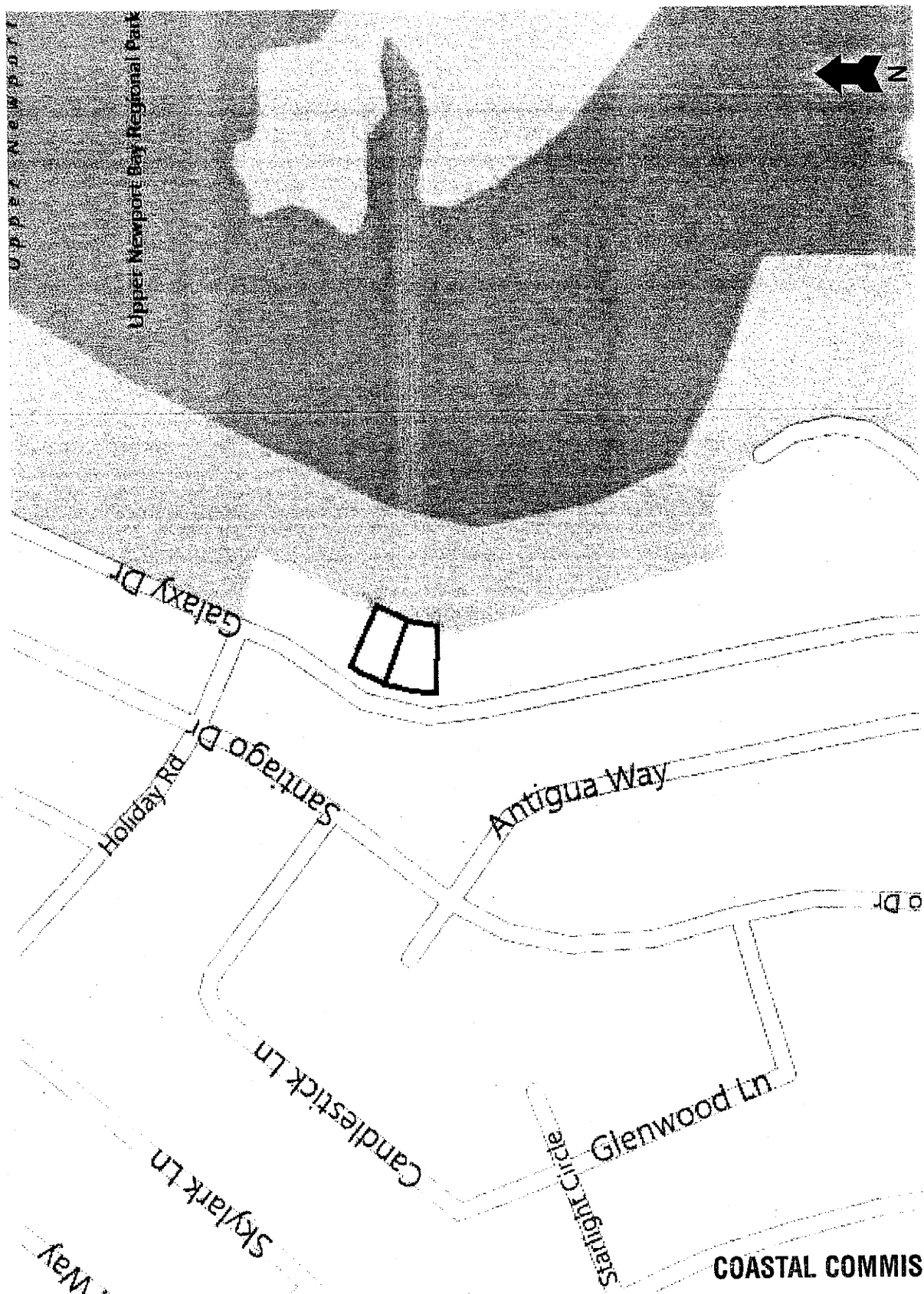
#### **H. LOCAL COASTAL PROGRAM (LCP)**

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. 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 a Local Coastal Program that is in conformity with the provisions of Chapter 3.

#### **I. 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.

Vicinity Map Prepared for:  
1718 & 1724 Galaxy Dr, Newport Beach CA 92660



COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

0011-8741/97/0005-0000\$05.00/0

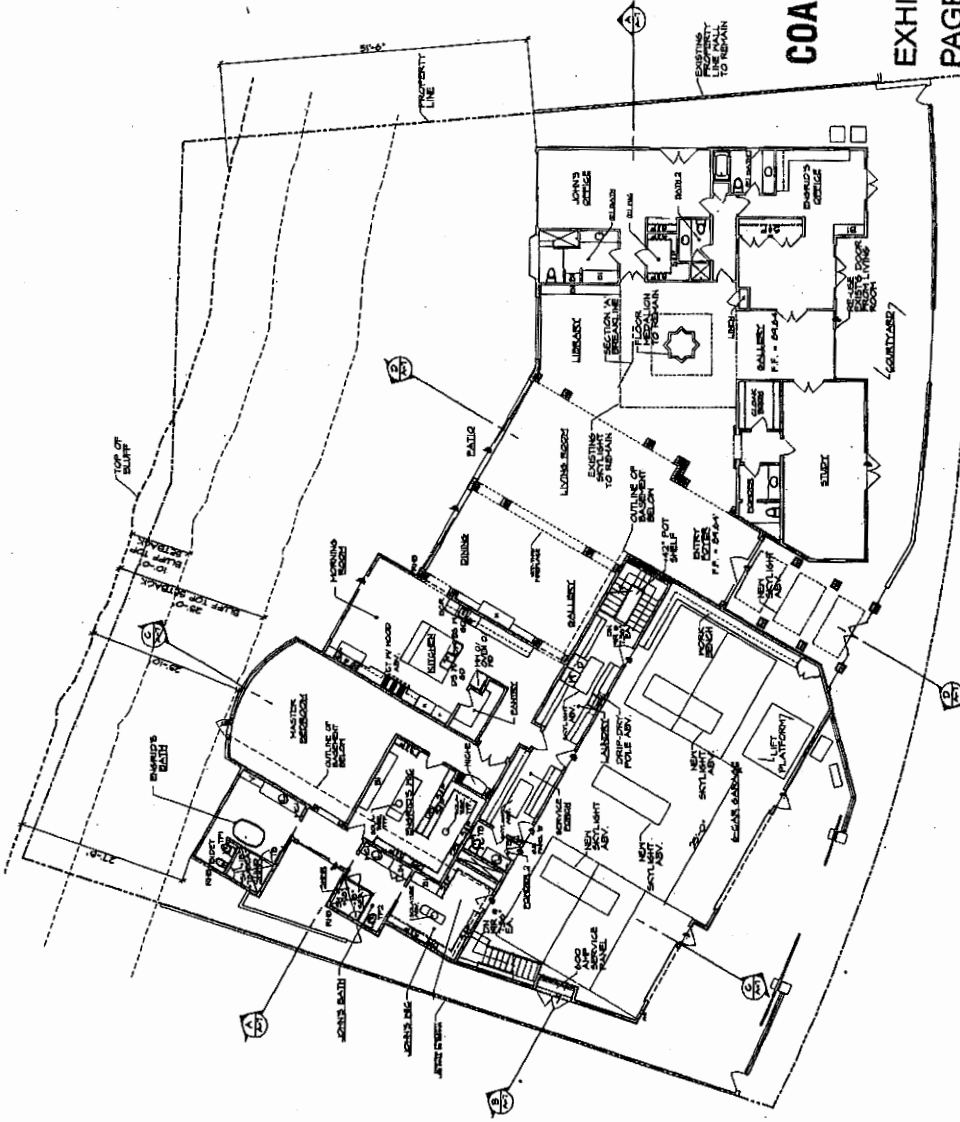
**BASEMENT FLOOR PLAN**

# COASTAL COMMISSION

EXHIBIT # 2  
PAGE 3 OF 3

**FIRST FLOOR PLAN**

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



MATTHEWS RESIDENCE  
1718 & 1724 GALAXY DR  
NEWPORT BEACH, CA

Brian Jeannelle Architecture

EXTERIOR  
ELEVATIONS

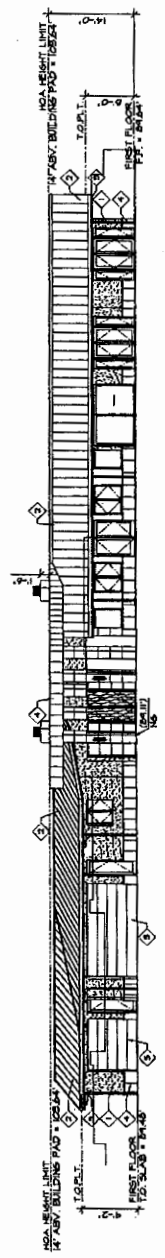
|          |         |
|----------|---------|
| Drawn    | Revised |
| Reviewed | Revised |
| Approved | Revised |
| Job No.  | 10-0000 |



A-6

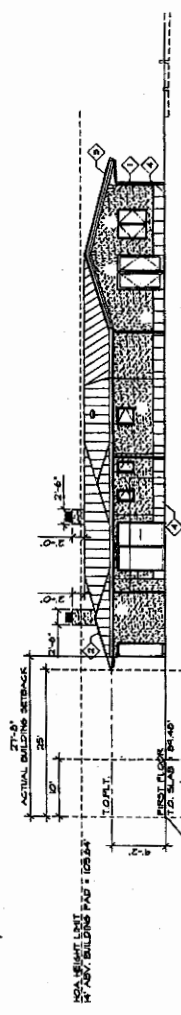
EXTERIOR FINISH SPECIFICATIONS:

- EXTERIOR PLASTER: INTERIOR FINISHES OF PLASTER OR PAINT AT BUILDING HELD TO REQUIRE A SMOOTH TEXTURE. FINAL COLOR GOAT TO BE OREGON AGGREGATE OR EQUIVALENT. COLOR TO BE APPROVED BY ARCHITECT PRIOR TO APPLICATION.
- ROOFING: MATERIAL TO BE EXPOSURE SEAM METAL ROOF. COLOR TO BE SLATE GRAY.
- DOORS: DOOR AT BAYES AND WINDOWS TO BE WHITE TO MATCH EXISTING.
- STONE: EXTERIOR STONE AT FLAT ROOF BAYES AND BUILDING HANDSCUT SHALL BE ABSOLUTE BLACK GRANITE TILE WITH A HONED FINISH.
- SARAGE DOORS: FINISH TO BE BRUSHED STAINLESS STEEL.
- GLASS: GLAZING AT FRONT WALL TO BE LAMINATED SOLAR SPECT GLASS.



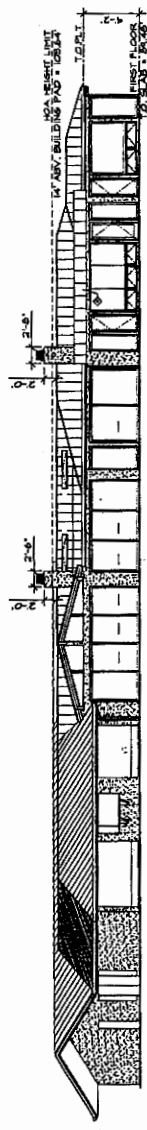
NORTH ELEVATION

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



EAST ELEVATION

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

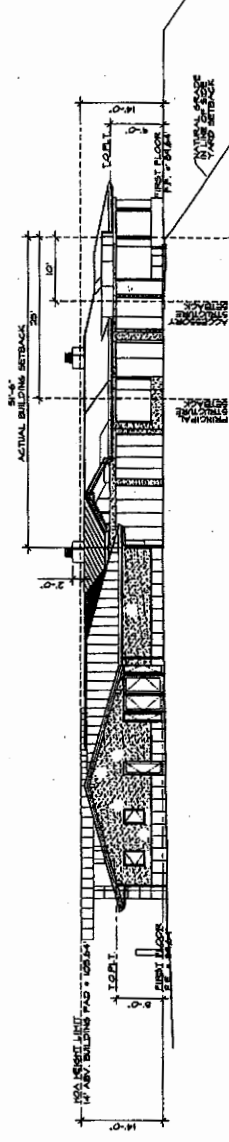


SOUTH ELEVATION

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

COASTAL COMMISSION

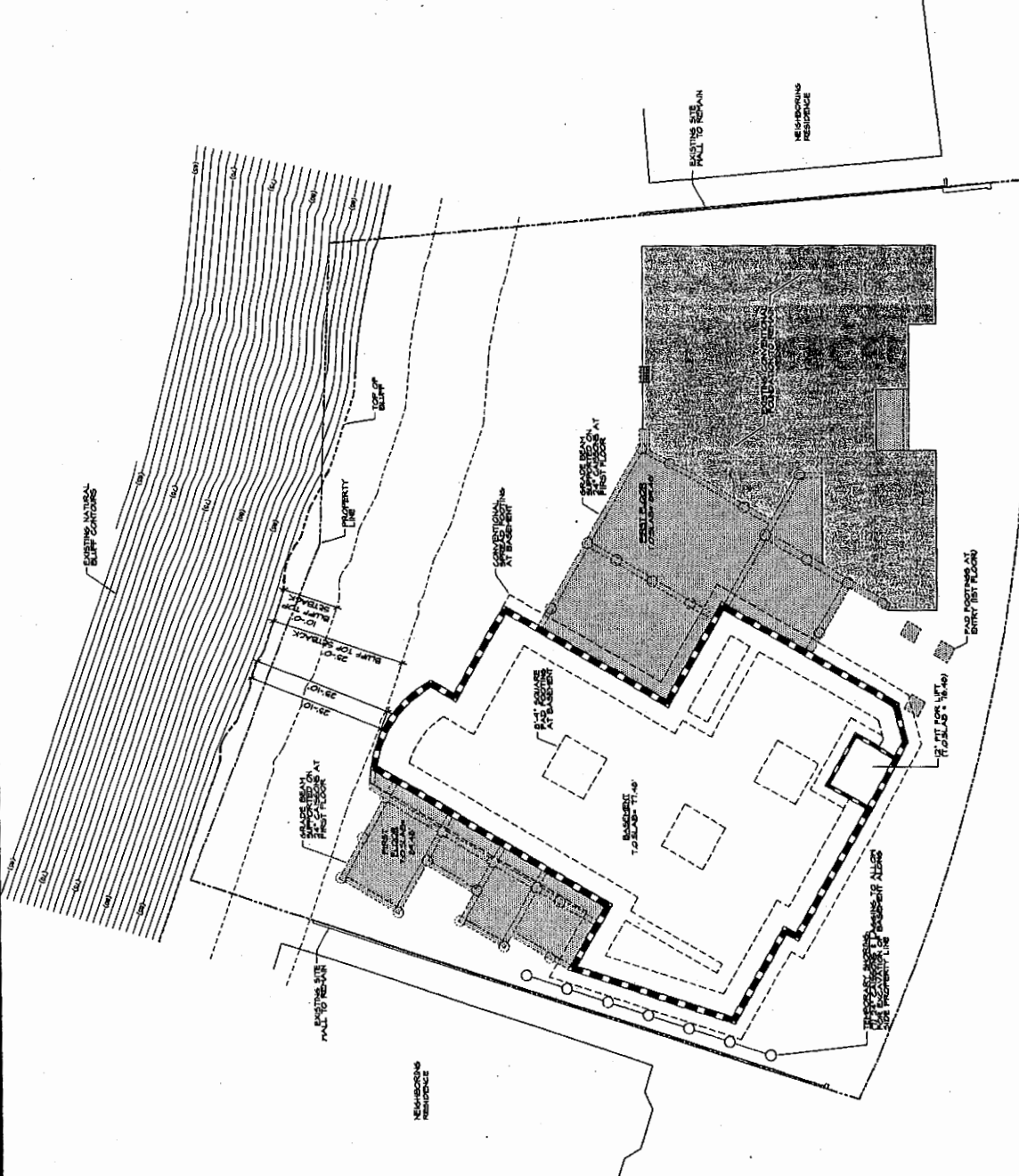
EXHIBIT # 3  
PAGE 1 OF 1



WEST ELEVATION

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





MATTHEWS RESIDENCE  
1718 & 1724 GALAXY DR.  
NEWPORT BEACH, CA

Brian Jeannelle Architecture

CONCEPTUAL GRADING  
& DRAINAGE PLAN

|             |            |
|-------------|------------|
| DATE:       | 10/11/2011 |
| BY:         | JEFF B.    |
| CHECKED BY: |            |
| DATE:       |            |
| PROJECT:    |            |
| LOCATION:   |            |
| SCALE:      |            |
| JOB NO.:    | 10-000     |



5-1

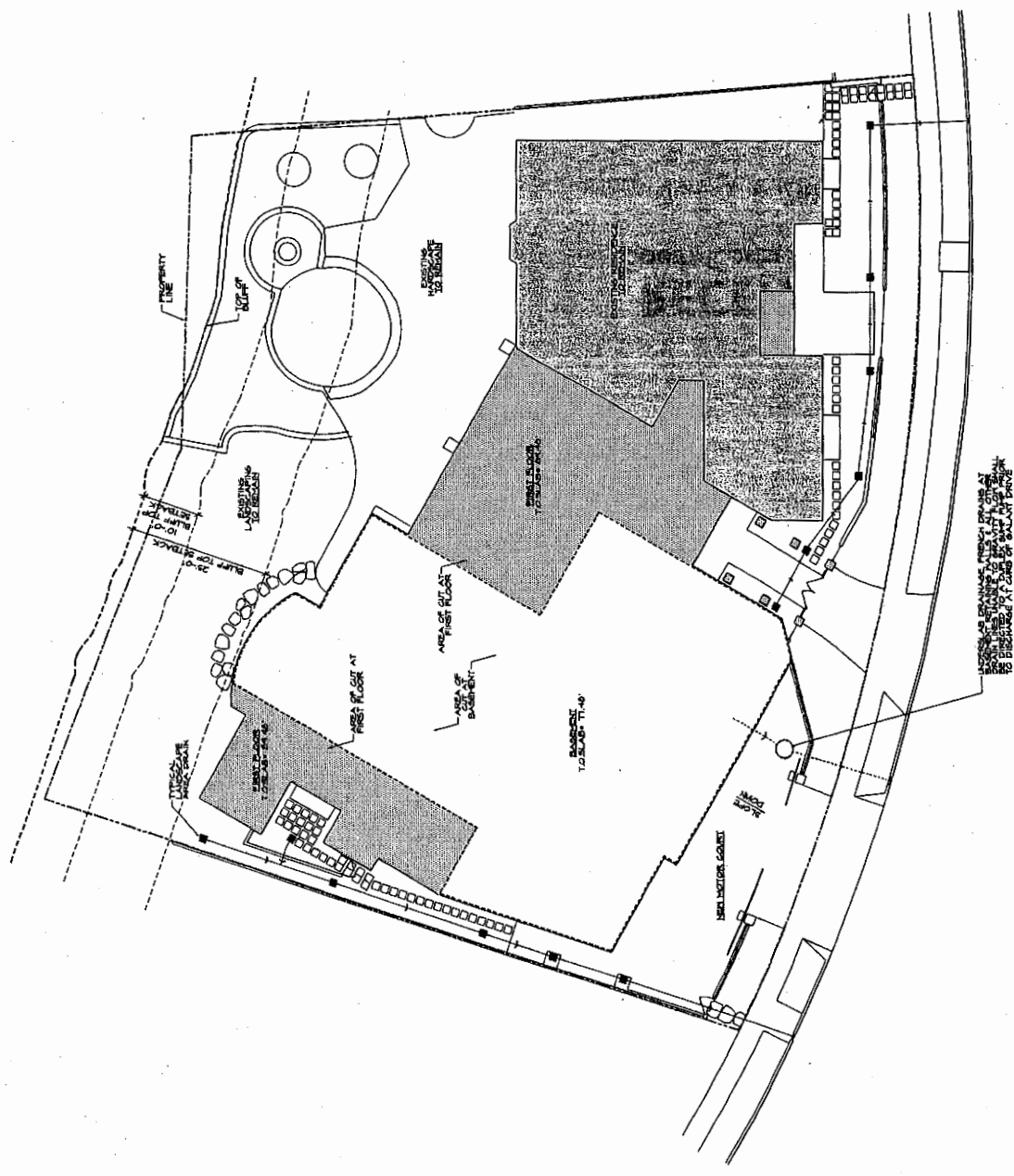
# COASTAL COMMISSION

EXHIBIT # 5  
PAGE 1 OF 1

**GRADING NOTES:**

|                     |              |
|---------------------|--------------|
| CUT FOR BASEMENT    | 2,440 CU YDS |
| CUT FOR FIRST FLOOR | 108 CU YDS   |
| TOTAL CUT           | 2,548 CU YDS |
| TOTAL FILL          | 0 CU YDS     |
| TOTAL EXPORT        | 2,548 CU YDS |

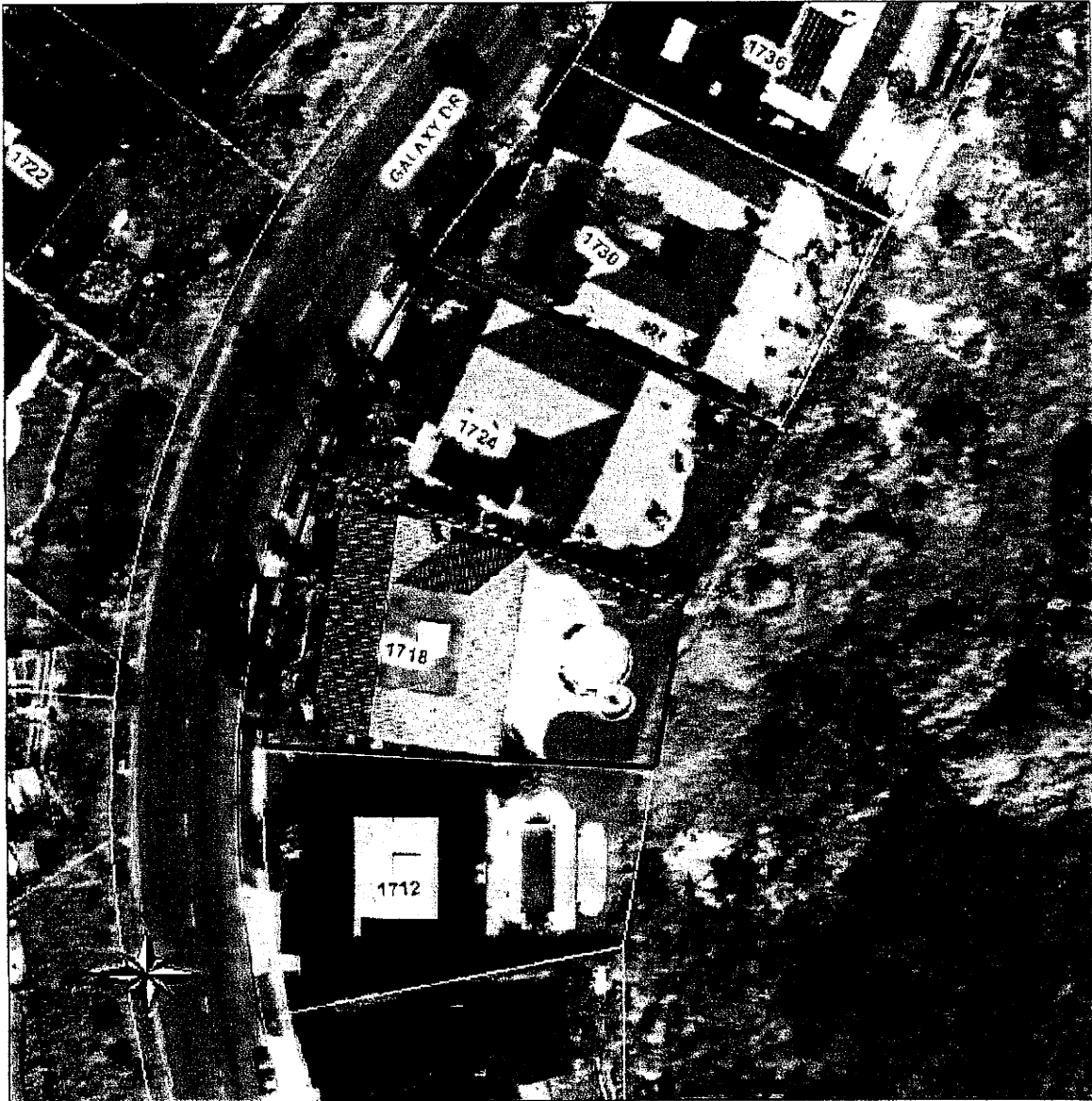
- DRAINAGE NOTES:**
1. ALL SITE DRAINAGE WILL DRAIN TO GALAXY DRIVE
  2. NO SITE DRAINAGE IS TO DRAINAGE ONTO ADJACENT SITES OR ONTO BLUFF.
  3. SITE PAVES ARE NOT TO BEAK ADJACENT SITE DRAINAGE SYSTEMS.
  4. PROPOSED TO BLUFF TO PLANTER AREA, IF POSSIBLE.



CONCEPTUAL GRADING & DRAINAGE PLAN

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

## VICINITY MAP



Lot Merger No. LM2011-001  
PA2011-131

**1718 & 1724 Galaxy Drive**

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 1 OF 3

EXHIBIT # 6PAGE 2 OF 3

**EXHIBIT "B"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA** - **OR**  
**LOT MERGER NO. LM** -  
**(MAP)**

| OWNERS                                   | EXISTING PARCEL NUMBER | PROPOSED PARCELS<br>REFERENCE NUMBERS |
|--|------------------------|---------------------------------------|
| JOHN W. MATTHEWS &<br>ENGRID G. MATTHEWS | 117-652-08             | PARCEL 1                              |
| JOHN W. MATTHEWS &<br>ENGRID G. MATTHEWS | 117-652-09             | PARCEL 1                              |

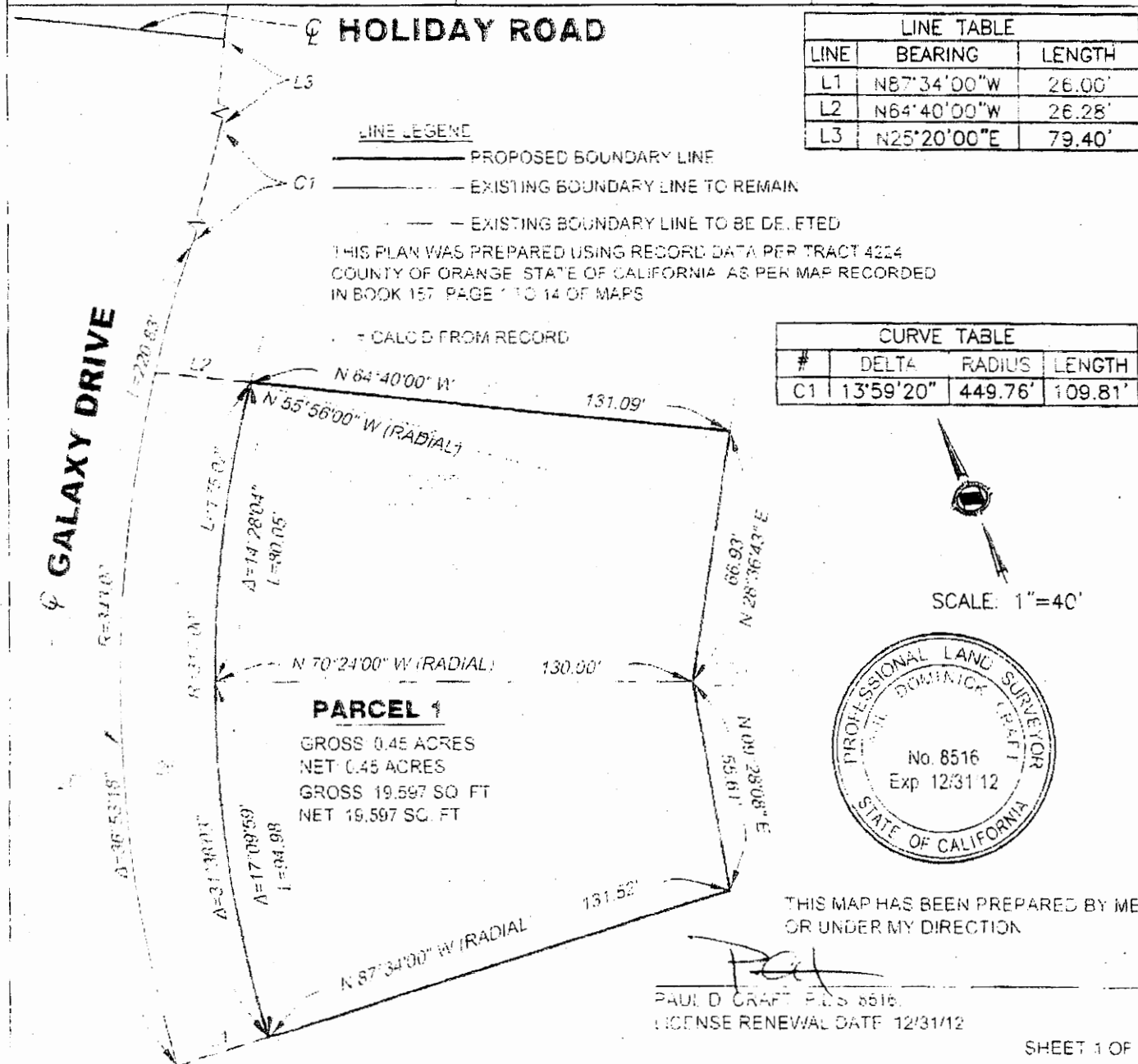


EXHIBIT # 6PAGE 3 OF 3

**EXHIBIT "C"**  
**CITY OF NEWPORT BEACH**  
**LOT LINE ADJUSTMENT NO. LA**  
**LOT MERGER NO. LM**  
**(SITE PLAN)**

;OR

| OWNERS                                   | EXISTING PARCEL NUMBER | PROPOSED PARCELS<br>REFERENCE NUMBERS |
|--|------------------------|---------------------------------------|
| JOHN W. MATTHEWS &<br>ENGRIE C. MATTHEWS | 117-652-08             | PARCEL 1                              |
| JOHN W. MATTHEWS &<br>ENGRIE C. MATTHEWS | 117-652-09             | PARCEL 1                              |

**HOLIDAY ROAD**

&gt; L3

LINE LEGEND

- PROPOSED BOUNDARY LINE  
 - - - EXISTING BOUNDARY LINE TO REMAIN  
 - - - EXISTING BOUNDARY LINE TO BE DELETED

THIS PLAN WAS PREPARED USING RECORD DATA PER TRACT 4224  
 COUNTY OF ORANGE STATE OF CALIFORNIA AS PER MAP RECORDED  
 IN BOOK 157 PAGE 1 TO 14 OF MAPS

ALL CALCD FROM RECORD

EXISTING HOUSE

N 64°40'00"W

N 55°56'00"W  
(RADIAL)EXISTING HOUSE  
1724 GALAXY DRIVE(RADIAL)  
N 70°24'00"W

**PARCEL 1**  
 GROSS 7.38 ACRES  
 NET 5.48 ACRES  
 GROSS 145,547 SQ. FT.  
 NET 123,597 SQ. FT.

EXISTING HOUSE  
1718 GALAXY DRIVE

EXISTING HOUSE

LINE TABLE

| LINE | BEARING     | LENGTH |
|------|-------------|--------|
| L1   | N87°34'00"W | 26.00' |
| L2   | N64°40'00"W | 26.28' |
| L3   | N25°20'00"E | 79.40' |

SCALE: 1"=40'

CURVE TABLE

| #  | DELTA     | RADIUS  | LENGTH  |
|----|-----------|---------|---------|
| C1 | 13°59'20" | 449.76' | 109.81' |

- GRASS

- BRICK

- CONCRETE

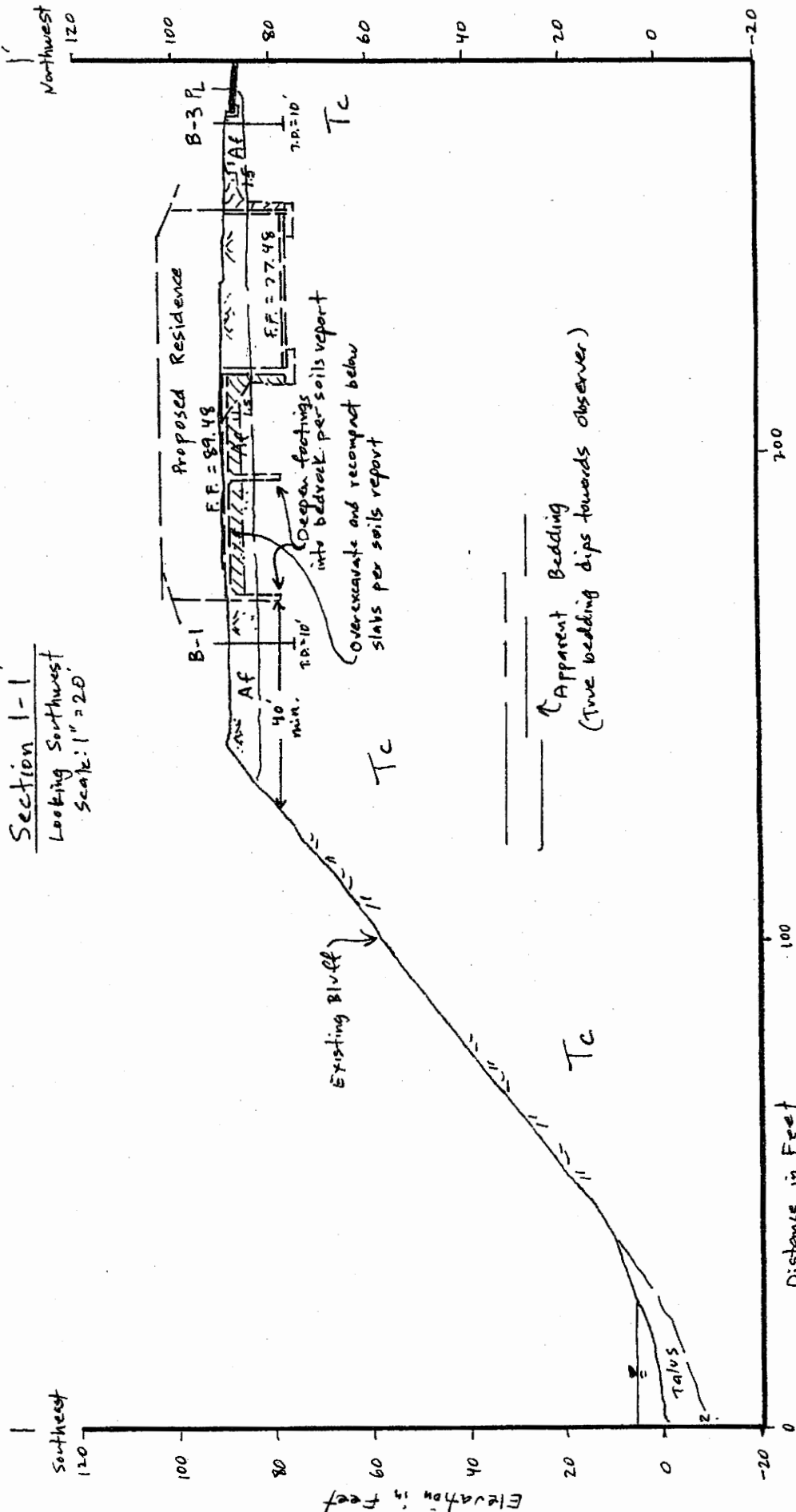


THIS MAP HAS BEEN PREPARED BY  
 ME OR UNDER MY DIRECTION

PAUL C. CRAFT P.L.S. 8516  
 LICENSE RENEWAL DATE 12/31/12

SHEET 1 OF 1

Section 1-1'  
Looking Southwest  
Scale: 1" = 20'



COASTAL COMMISSION