

CALIFORNIA COASTAL COMMISSION

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W18a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-12-155

Applicant: Reza Jehangiri and Kate Levering

Agent: Alycia Colacion

Location: 1638 Galaxy Drive, Newport Beach, Orange County (APN 117-652-15)

Project Description: Substantial demolition of the existing 3,158 sq. ft. single family residence and construction of a new, 3,978 sq. ft., 15 ft. 10 in. high single family residence

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The project is located on a bluff in Upper Newport Bay, above the Upper Newport Bay Ecological Reserve. The project would result in the substantial demolition of the existing residence and construction of a new residence and therefore the project is considered to be new development

The project is located in a sensitive geologic area, as multiple other bluff failures have occurred in the vicinity of the project, primarily caused by oversaturation of bluff soils. The applicant has submitted a geologic report indicating that the project is feasible provided the recommendations in the report are followed. Therefore, **Special Condition 3** requires conformance with the submitted geotechnical report. The proposed residence is located past the stringline created by adjacent residences and therefore the project could cumulatively result in further bluffward encroachment, inconsistent with LUP policies. Therefore, **Special Condition 1** requires final plans that are consistent with the established line of development.

Shell fragments were encountered near the bluff edge, which could indicate the presence of a cultural midden at the site. The west bluffs of Upper Newport Bay are known to have been occupied by Native American groups, and consultation with archeological experts confirms that the site is in a culturally sensitive area, and that monitoring of the site during construction would be the most protective of potential cultural resources on the site. Therefore, the Commission imposes **Special Condition 9**, requiring archaeological and Native American monitoring during grading activities.

Landscaping which is installed on the site has the potential to impact the sensitive habitat on the adjacent Upper Newport Bay Ecological Reserve. Therefore the Commission imposes **Special Condition 7**, requiring a final landscape plan which is consistent with the continuance of the adjacent sensitive habitat.

Staff is recommending APPROVAL of the proposed project with TEN (10) SPECIAL CONDITIONS regarding: **1)** final project plans which site the residence consistent with the existing line of development and depict proposed improvements to the existing pool; **2)** future development; **3)** evidence of conformance with geotechnical recommendations; **4)** assumption of risk; **5)** no future bluff or shoreline protective devices; **6)** submittal of a final drainage and run-off control plan; **7)** submittal of a final landscaping plan; **8)** best management practices to protect water quality during construction; **9)** archaeological and Native American monitoring of the site during grading; and **10)** 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.

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- Appendix A - Substantive File Documents
- Appendix B - Cultural Resources Significance Testing Plan Procedures

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Site Plan
- Exhibit 3 – Alternative Site Plan
- Exhibit 4 – Photograph of Shell Fragments

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-12-155 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Revised Final Project Plans.** 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 alternative site plan, received in the Commission's South Coast office on 11/5/2012, as depicted in Exhibit 3 to the staff report dated 3/21/2013, depicting the seaward face of the proposed residence within the line of development in the area, except they shall be modified to incorporate improvements to the existing pool consisting of a subdrain, leak detection system, and double-walled liner detailed in the letter dated 3/2/2013 from Jim Sapp of Contemporary Pools.

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 amendment is only for the development described in Coastal Development Permit No. 5-12-155. 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. 5-12-155. Accordingly, any future improvements to the single-family residence 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. 5-12-155 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 investigation: *Geotechnical Investigation, Proposed Remodel And Addition To Existing Single-Family Residence, 1638 Galaxy Drive* prepared by Petra Geotechnical dated August 29, 2012.

- 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. 5-12-155 including, but not limited to, the residence, foundations, and any future improvements to the proposed development, in the event that the proposed new 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 bluff and/or bay before they are removed, the landowners shall remove all recoverable debris associated with the development from the bluff and bay 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** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage Plan showing all roof drainage and runoff directed to area collection drains and then directed to the street. All drain lines unable to gravity flow shall be directed to a sump pump prior to discharge to street.

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 Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans prepared by an appropriately licensed professional which demonstrates the following:
- (1) The plan shall demonstrate that:
 - (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (c) Landscaped areas not occupied by hardscape shall be planted and maintained for slope stability and habitat protection. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping within the rear yard of the residence shall consist of only drought tolerant plants native to Coastal Orange County and appropriate to the habitat type. Landscaping within the side and front yards shall consist of non-invasive, drought tolerant plants. 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.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Any existing landscaping that doesn't meet the above requirements shall be removed.
 - (d) No permanent irrigation system shall be allowed within the property. Any existing in-ground irrigation systems shall be disconnected and capped. Temporary above ground irrigation to allow the establishment of the plantings is allowed. The landscaping plan shall show all the existing vegetation and any existing irrigation system along with notations

regarding all changes necessary thereto to comply with the requirements of this special condition.

- (2) The plan shall include, at a minimum, the following components:
 - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) A schedule for installation of plants.
- B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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 required.

8. **Construction Best Management Practices**

- A. The permittee shall comply with the following construction-related requirements:
 - (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wind, or rain erosion and dispersion;
 - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
 - (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
 - (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
 - (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.
- B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:
 - (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
 - (2) The applicant shall develop and implement spill prevention and control measures;
 - (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete

- trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

9. **Archaeological Resources**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

1. The monitoring plan shall ensure that any prehistoric or historic archaeological/cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological resources.

Because archaeological resources are known to exist in the project vicinity, the applicant may choose to prepare a subsurface cultural resources testing plan, subject to the review and written approval of the Executive Director, prior to proceeding with the approved development. If the subsurface cultural resources testing plan results in the discovery of cultural resources, the applicant shall prepare a mitigation plan, which shall be peer reviewed and reviewed by designated representatives of the appropriate Native American tribe, and shall apply for an amendment to this permit in order to carry out the mitigation plan.

2. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading.

3. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

4. If any archaeological or cultural resources are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the permittee shall carry out significance testing of said deposits in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix B). The permittee shall report all significance testing results and analysis to the Executive Director for a determination of whether the finds are significant.

5. If the Executive Director determines that the finds are significant, the permittee shall seek an amendment from the Commission to determine how to respond to the finds and to protect both those and any further cultural deposits that are encountered. Development within at least 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.
10. **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:

A. Project Location & Description

The subject site is located at 1638 Galaxy Drive on a 10,480 square foot inland bluff lot overlooking Newport Bay within the City of Newport Beach, Orange County (Exhibit 1). The project site is currently occupied by a one story, 3,158 square foot single family residence with an attached two car garage that was built in 1968. The City of Newport Beach Land Use Plan designates use of this 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 site is an approximately 80-foot high coastal bluff that descends at a 0.75:1 slope downward to the bay, which is part of the Upper Newport Bay Ecological Reserve (UNBER). The applicant's bayward property line is on the bluff top; the property bayward of that, including the bluff face, is part of the UNBER. 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 substantial demolition of the existing single family residence and attached garage, and construction of a new, 3,978 square foot, 15 foot 10 inch high single family residence with attached two car garage, and installation of a leak detection system, subdrain, and double walled liner to improve the geologic stability of an existing pool.

New foundations are proposed where the footprint of the house is being expanded, including five new 8 foot-deep caissons and a grade beam on the bayward side of the house, and new concrete slabs on other areas. Additionally, hardscape, such as patio and a barbecue area is proposed at least 10 feet from the bluff edge. Landscaping, consisting of the installation of native vines, native evergreen trees, and evergreen shrubs is also proposed.

One way the Commission determines whether substantial redevelopment of a site is occurring is to look at the extent of demolition occurring to the existing structure and the location where such demolition is taking place. Typically, the Commission has quantified demolition by tabulating the quantity of the structure that is proposed to be demolished, often beginning with the extent of exterior walls to be removed compared to the total overall amount of exterior walls existing prior to the proposed development. Other factors are also considered, including whether the foundation is being augmented and/or reconstructed, whether the structural components of the roof and/or floor are being reconstructed and/or modified and whether or not there are any substantial additions to the structure. The Commission has generally found that if more than 50% of the existing structure is being demolished, the project can be reviewed as the substantial re-development of the site.

A review of the proposed demolition plans indicates that the project includes demolition of approximately 65% of the existing structure. The demolition includes the majority of the exterior walls, demolition and reconstruction of the roof structure (not simply reroofing), demolition and reconstruction of a substantial portion of interior walls, and a significant augmentation to the foundation. Therefore, the proposed project would result in the demolition of at least 50% of the existing residence, the site is being redeveloped and consists of a proposal for new development, and thus existing nonconformities of that structure must be brought into compliance.

B. Hazards

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Coastal Act Section 30250 states (in part):

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act Section 30253 states (in part):

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*

The City's certified Land Use Plan Policy 4.4.3-3 states:

Require all new bluff top development located on a bluff subject to marine erosion to be sited in accordance with the predominant line of existing development in the subject area, but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.

The City's certified Land Use Plan Policy 4.4.3-4 states:

On bluffs subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with the predominant line of existing development in the subject area, but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.

The City's certified Land Use Plan Policy 4.4.3-7 states:

Require all new development located on a bluff top to be setback from the bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected longterm bluff retreat over the next 75 years, as well as slope stability. To assure stability, the development must maintain a minimum factor of safety of 1.5 against landsliding for the economic life of the structure.

The City's certified Land Use Plan (LUP), which is used as guidance, requires that any new bluff top development be sited a sufficient distance from the bluff edge to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure. LUP policy 4.4.3-3 requires new principal structures and major accessory structures such as pools to be sited within the predominant line of existing development, but set back at least 25-feet from the bluff edge. LUP policy 4.4.3-4 requires accessory structures that do not require structural foundations, such as hardscape (i.e. decks, patios, walkways, etc.) and appurtenances be sited within the predominant line of accessory development, but at least 10-feet from the bluff edge

The proposed residence would be set back at least 25 feet from the bluff edge; however the proposed residence would not be consistent with the line of development in the area. The proposed residence would extend the seaward face of the structure approximately 5 feet further toward the bluff edge, past the stringline created by adjacent residences. Cumulatively, encroachment of the proposed residence further toward the bluff edge could result in the extension of the line of development and further bluffward encroachment of residences in the area. The proposed residence

is therefore inconsistent with LUP Policy 4.4.3-3. Therefore, the Commission imposes **Special Condition 1**, requiring the applicant to submit a final set of plans which are consistent with the alternative site plan received in the Commission's South Coast Office on November 5, 2012, which depicts a footprint in conformity with the line of existing development.

The existing pool located near the bluff edge was constructed in 1969, prior to the effective date of the Coastal Act. Significant geologic hazards, including bluff failure, can result from pools located on bluff-top lots if the water from pools is not properly controlled and there is a potential for infiltration of water into the bluff due to leakage. Although the applicant's geotechnical consultant has found that the subject site meets the industry standard factor of safety for slope stability (minimum static factor of safety greater than 1.5 and a minimum pseudostatic factor of safety greater than 1.1), portions of Galaxy Drive have been subject to failure in the past, and which was attributed to oversaturation of the bluff soils (see CDP's: #5-98-497-G-(Penfill), 5-98-524-G-(Penfill), 5-98-524-(Penfill), 5-98-469-G-(Ferber), 5-98-469-(Ferber), 5-98-240-G-(Patton) and 5-98-240-(Patton), 5-94-288-(Lewis), 5-93-308-(Pope Trust), 5-85-062-(Braman) and 5-93-367-(Rushton)). Thus, there is a clear need to minimize the potential for the infiltration of water from the pool into the bluff. The applicant has submitted a letter proposing to retrofit the existing pool to include a leak detection system, subdrain, and double walled liner for leak prevention. However, the submitted plans do not reflect the proposed improvements. Therefore, the Commission imposes **Special Condition 1**, requiring final plans which include the proposed improvements to the pool. As conditioned, the proposed improvements to the pool structure will minimize the risks posed by the existing pool to the geologic stability of the proposed new development, consistent with Coastal Act Section 30253.

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 geological conditions, slope stability and bluff erosion issues with the proposed project, the applicant has submitted a geotechnical report from Petra Geotechnical dated August 29, 2012. The site is subject to tidal action associated with Upper Newport Bay. The geotechnical report states that erosion of the bluff on the subject site due to Upper Newport Bay is expected to be negligible. Based upon a bluff retreat rate evaluated for a site located 500 feet to the north of the subject site, the report concludes:

the bluff top has remained essentially the same without any measurable retreat since 1953 (58 years).... Since the potential for future bluff retreat due to adverse hazards such as sea level rise, flooding, wave attack, or slope erosion is also considered negligible... there is expected to be a negligible amount of bluff retreat over the lifetime of the proposed project.

Regarding setbacks for the proposed residential structure, the geotechnical report states:

Based on our evaluation of the gross stability of the descending bluff, the factor of safety under static loading conditions was found to be greater than 1.5 and the factor of safety under pseudo-static (earthquake) loading conditions was found to be greater than 1.1. Therefore, since the proposed additions are located at distances of 41 feet and greater from the bluff edge, no special foundation setback will be required in accordance with the California Coastal Commission Guidelines. However, since the bluff descends at a ratio of approximately 0.75:1, horizontal to vertical, Section 1808.7.2 of the 2010 CBC specifies that the foundation setback from

the descending slope shall be measured from an imaginary 1:1, horizontal to vertical, line projected upward from the toe of the slope.... Therefore the footing for the easterly addition should be supported by concrete piers extending 8 feet below the bottom of the footing to meet the 27 foot setback [from 1:1 line] requirement as shown on Figure 3. Conventional footings may be used for the remaining areas for proposed construction

The report concludes that from a soils engineering and engineering geologic point of view, the subject property is considered suitable for the proposed construction provided the report's conclusions and recommendation are incorporated into the project. The geotechnical report states that the proposed residence would be set back 41 feet from the bluff edge and conforms to the setback criteria typically applied by the Commission. However, to conform with requirements in the California Building Code regarding development adjacent to bluffs, the report also recommends a set of 8 foot deep caissons on the most bayward edge of the residence, which are proposed to be placed 41 feet from the bluff edge outside of the 25-foot bluff edge setback. The geotechnical recommendations address foundation systems and grading requirements. In order to ensure that risks of geologic hazards are minimized and to assure stability and structural integrity of the proposed new development, as required by Coastal Act Section 30253, the Commission imposes **Special Condition 3**, which states that the geotechnical consultants' recommendations should be incorporated into the design of the project.

The Commission's staff geologist, Dr. Mark Johnsson, has reviewed the plans and geotechnical report, has visited the site, and concurs with the conclusions and recommendations in the geotechnical report.

The proposed development is located on a bluff-top above Upper Newport Bay, which is subject to erosion, but potentially subject to only very modest wave attack due to the subject sites' location within the inner part of Upper Newport Bay. 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. Residential parcels located on Galaxy Drive have been prone to bluff failures in the past (see CDP's: #5-98-497-G-(Penfill), 5-98-524-G-(Penfill), 5-98-524-(Penfill), 5-98-469-G-(Ferber), 5-98-469-(Ferber), 5-98-240-G-(Patton) and 5-98-240-(Patton), 5-94-288-(Lewis), 5-93-308-(Pope Trust), 5-85-062-(Braman) and 5-93-367-(Rushton)). In addition, the City's Safety Element of its General Plan cites bluffs along upper Newport Bay as being susceptible to slope failure from forces ranging from seismic activity to flooding of San Diego Creek, which flows into Upper Newport Bay.¹ Therefore, the standard waiver of liability condition has been attached via **Special Condition 4**.

As conditioned, 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

¹ http://www.newportbeachca.gov/PLN/General_Plan/12_Ch11_Safety_web.pdf.

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 2**, which requires the applicant to apply for an amendment to this Coastal Development Permit, or a new Coastal Development Permit for future development on the site.

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 site is 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 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.

Factors that can minimize the hazards inherent to bluff-top development include proper collection of site drainage and limiting the amount of water introduced to the bluff top area. In order to maximize bluff stability, the amount of water introduced to the site should be minimized. The applicant's geotechnical report recommends that the project include a surface yard drain system to reduce water infiltration into subgrade soils and to direct water away from building foundations and slope areas. The applicant has submitted a draft drainage plan showing drainage directed to the street. However, no final drainage plans consistent with the geotechnical recommendations have been submitted. Therefore, the Commission imposes **Special Condition 6**, requiring the applicant to submit a drainage plan which directs all roof drainage and runoff away from the bluff edge and to the residential storm drain system.

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; decreasing the forces resisting potential slope failure, and increasing the possibility of failure, landslides, and sloughing.

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.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>. 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 specifies that native vines, native evergreen trees, and evergreen shrubs will be planted on the site. However, the specific species of plants have not been identified, and it is unclear whether the proposed landscaping will be drought tolerant and non-invasive, and that landscaping in the rear yard will be native to coastal Orange County and appropriate to the habitat type. Therefore, the Commission imposes **Special Condition 7**, which requires a final landscaping plan that specifies that only this type of vegetation is proposed on the site. This will minimize the potential for the introduction of non-native invasive species and will also minimize the potential for future bluff failure.

Finally, to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit which will help ensure that successors-in-interest will comply with the conditions which mitigate adverse impacts on coastal resources, the Commission imposes **Special Condition 10**, which requires 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 obligations imposed on the use and enjoyment of the land and ensure mitigation of the project's adverse impacts on coastal resources is achieved for the life of the proposed 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, and with applicable policies of the certified Land Use Plan.

C. Archaeological Resources

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The City's certified Land Use Plan Policy 4.5.1-1 states:

Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.

The City's certified Land Use Plan Policy 4.5.1-2 states:

Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.

The City's certified Land Use Plan Policy 4.5.1-3 states:

Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.

The City's certified Land Use Plan Policy 4.5.1-4 states:

Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.

The City's certified Land Use Plan Policy 4.5.1-5 states:

Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.

Commission staff conducted a site visit on November 15, 2012. While conducting a review of the site, staff identified shell fragments located between the existing patio and the bluff edge (Exhibit 4). Shell fragments could be evidence of existence of a cultural midden at the site. A cultural midden is evidence of human habitation found in soil, such as discarded shells and animal bones, scorched rocks, and artifacts that indicates the location of historic villages.

The Commission issued Coastal Development Permit 5-95-048, for the Newporter North residential development at Santa Barbara Drive and Jamboree Road, approximately 0.8 miles to the south of the project site. A report on the archaeological/cultural resources located at the site (identified as ORA-64) was required as a special condition for the permit. The report, titled Executive Summary of Mitigation measures implemented pursuant to the operation plan and research design for the proposed Newporter North residential development by Macko Inc., dated July 1998, states in its summary of the area (emphasis added):

*ORA-64 was occupied during the Paleo Coastal and Milling Stone Periods, or from roughly 9500 years ago to about 4300 years ago, at which time the site was abandoned. Subsequent use of the Newport Bay area is evidenced at nearby ORA-100, a much smaller site that hugs the bluffs overlooking Newport Bay only a few hundred feet to the north of ORA-64. Intermediate Period occupation occurs at scattered small sites around the perimeter of the bay as well, **particularly along the west bluffs of upper Newport Bay and along the back bay area.***

Therefore, the west bluffs of upper Newport Bay, where the project site is located, is an area known to have been occupied by Native American groups.

Further conversations by staff with archaeologists has confirmed that 1) the subject site is in a culturally sensitive area, 2) that the site was constructed before the effective date of CEQA and other environmental legislation and as a result no monitoring likely occurred during construction of the original residence, and 3) that monitoring of the site during grading operations would be the most protective of cultural resources on the site.

Therefore, to ensure that the project is consistent with Section 30244 of the Coastal Act and policies 4.5.1-1 through 4.5.1-5 of the City's certified Land Use Plan, the Commission imposes **Special Condition 9**, which requires submittal of a monitoring plan for the review and approval of the Executive Director. The monitoring plan shall require that archaeological and Native American monitors be present during all grading operations. If a site is determined to contain significant cultural resources, a supplemental Archaeological Plan (SAP) shall be prepared and reviewed by peer reviewers, affected Native American groups and the appropriate State reviewing agencies (see Appendix B, Cultural Resources Significance Testing Plan Procedures). The SAP will outline actions to be implemented to avoid or mitigate impacts to the cultural resources found at the site. To determine whether the SAP is consistent with the permit or if an amendment to this permit is required, the applicant shall submit the SAP to the Executive Director for review and approval. An amendment from the Commission will be required if a significant change from the approved project is required.

In the event that human remains are found the Orange County Coroner's Office must be notified in compliance with state law, and they in turn will notify the Native American Heritage Commission to determine the Most Likely Descendant(MLD).

Therefore the Commission finds that, as conditioned, the proposed project is consistent with policies 4.5.1-1 through 4.5.1-5 of the City's certified Land Use Plan and Section 30244 of the Coastal Act.

D. Biological Resources

Coastal Act Section 30240 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.*

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/) 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 applicant has submitted a landscape plan that specifies that native vines, native evergreen trees, and evergreen shrubs will be planted on the site. However, the specific species of plants have not been identified, and it is unclear whether the proposed landscaping will be drought tolerant and non-invasive, and that landscaping in the rear yard will be native to coastal Orange County and appropriate to the habitat type. Therefore, the Commission imposes **Special Condition 7**, which requires a revised landscaping plan that specifies that only this type of vegetation is proposed on the site. This will minimize the potential for the introduction of non-native or invasive species into the adjacent habitat. As conditioned, the project would ensure that only landscaping consistent with the continuance of the Upper Newport Bay Ecological Reserve is installed on the site. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Coastal Act Section 30240.

E. Visual Resources

Section 30251 of the Coastal Act states, in relevant 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...

The project site is located above scenic bluffs located along Upper Newport Bay. The proposed project is consistent with the City's height limit and would not obstruct views of Upper Newport Bay from prominent public viewpoints. However, the project, as proposed would result in the encroachment of the existing residence further towards the bluff edge. The proposed encroachment could result in the movement of the line of development in the area further towards the bluff edge,

which could cumulatively result in significant adverse impacts to views of the bluffs along Upper Newport Bay. Therefore, the Commission imposes **Special Condition 1**, requiring the submittal of final project plans which have been modified to be consistent with the line of development in the area. Therefore, as conditioned, the Commission finds the project is consistent with Section 30251 of the Coastal Act.

F. Water Quality

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment and the adjacent beach. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes **Special Conditions 7 and 8**, requiring, but not limited to, usage of drought-tolerant landscaping, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters, and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Section 30231 of the Coastal Act.

G. 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, and again in 2009, 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 of the Coastal Act.

H. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application 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 that the activity may have on the environment.

In this case, the City of Newport Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City determined that the project was categorically exempt from CEQA on May 31, 2012. The proposed project is located in an existing developed area. Infrastructure necessary to serve the project exists in the area (i.e. utility lines, roads). The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned, the proposed project has been found consistent with the public access, recreation, visual resource, and water quality policies of the Coastal Act. Mitigation measures to minimize adverse effects include: 1) final project plans depicting the residence consistent with the line of development in the area and including proposed improvements to the existing pool; 2) requiring future development on the site to require a Coastal Development Permit; 3) conformance with geotechnical recommendations; 4) no shoreline protective devices shall be constructed to protect the proposed development; 5) final drainage plans; 6) final landscape plans; 8) usage of best management practices during construction to protect water quality and 7) monitoring to ensure avoidance of archaeological resources.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A - SUBSTANTIVE FILE DOCUMENTS

- Geotechnical Investigation, Proposed Remodel And Addition To Existing Single-Family Residence, 1638 Galaxy Drive prepared by Petra Geotechnical dated August 29, 2012.
- City of Newport Beach certified Land Use Plan
- City of Newport Beach Approval in Concept dated 5/31/2012.

APPENDIX B - CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.

1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.

2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.

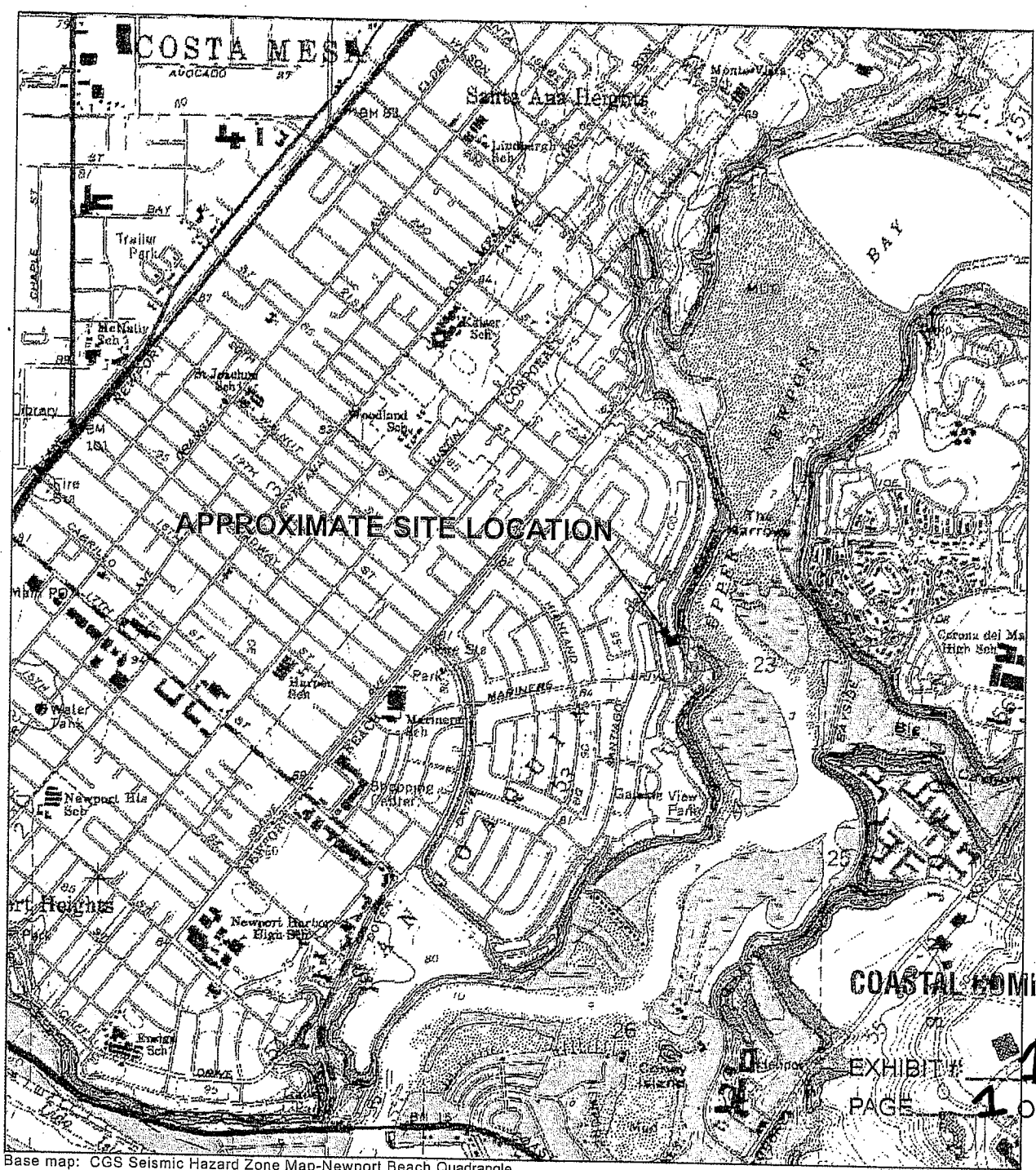
3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.

B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary

Archaeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the supplementary Archaeological Plan.

1. If the Executive Director approves the supplementary Archaeological Plan and determines that the supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence in conjunction with the implementation of the supplementary Archaeological Plan or after the Executive Director informs the permittee of that determination.
2. If the Executive Director approves the supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review in accordance with current professional practice. Representatives of Native American groups with documented ancestral ties to the area shall also be contacted for review and comment on the Plan. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review and Native American comments. Furthermore, upon completion of the review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.



Base map: CGS Seismic Hazard Zone Map-Newport Beach Quadrangle

MAP EXPLANATION

Zones of Required Investigation:

Liquefaction

Areas where historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake-Induced Landslides

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.



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PHONE: (714) 549-8921

COSTA MESA MURRIETA PALM DESERT SANTA CLARITA

SITE LOCATION MAP

1638 GALAXY DRIVE
NEWPORT BEACH, CALIFORNIA

DATE: August 2012

J.N.: 265-12

DWG BY: DCS

SCALE: 1" = 2,000'

Figure 1

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1

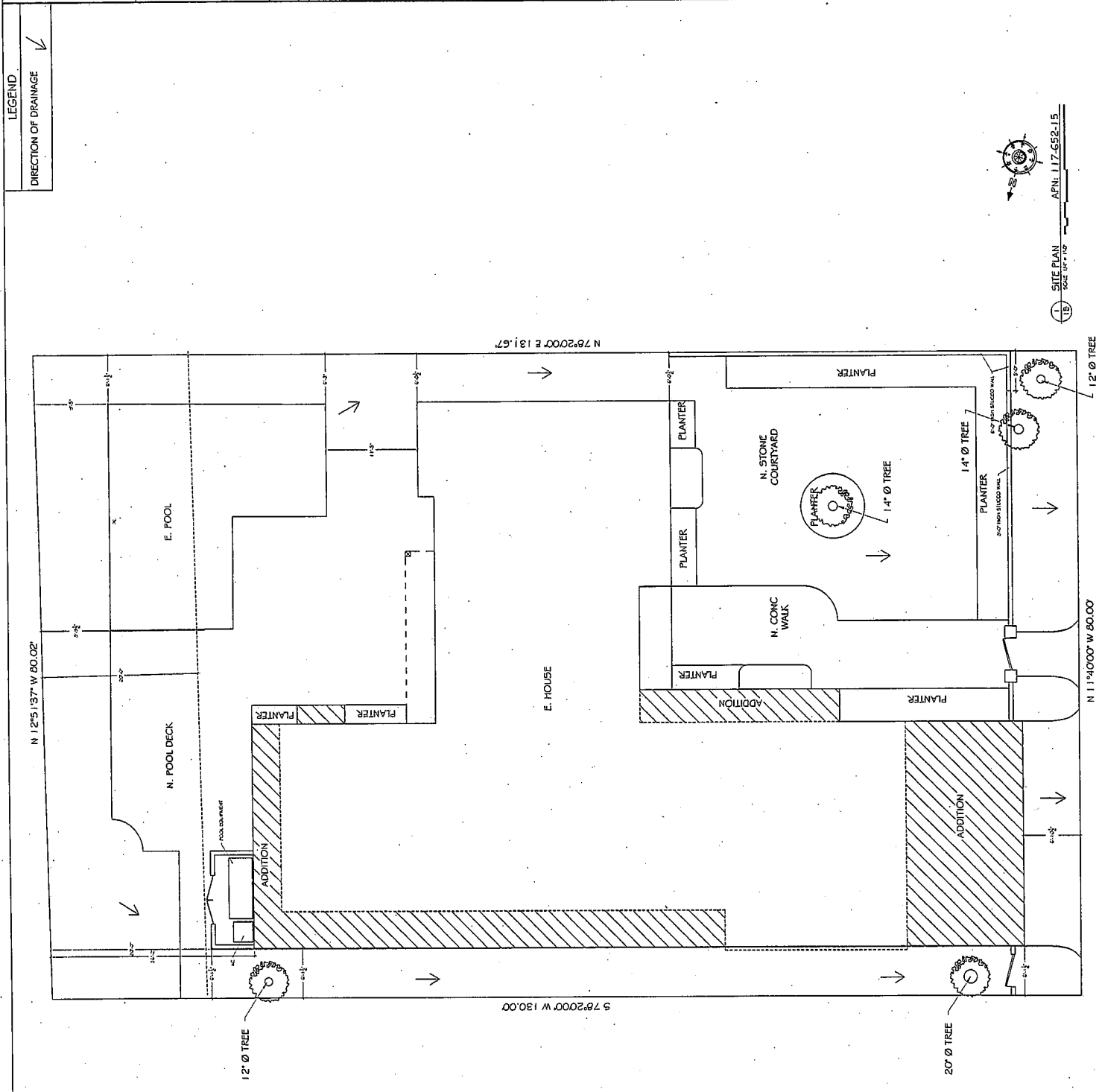
SITE PLAN

REZA JAHANGIRI & KATE LEVERING
 1639 GALAXY DR
 NEWPORT BEACH, CA 92660
 949-923-9019

BRUNN ARBAREY
 1400 TROUBLE DR.
 MARCO CANYON, CA 92740
 916-008-8982

DESIGNER
 TED BATH
 4540 CANTON VALLEY RD
 DUNCAN SPRING, CA 92519
 352-822-3824

1 SITE PLAN
 SCALE: 1/8" = 1'-0"
 APN: 117-552-15



LEGEND
 DIRECTION OF DRAINAGE ↘

COASTAL COMMISSION

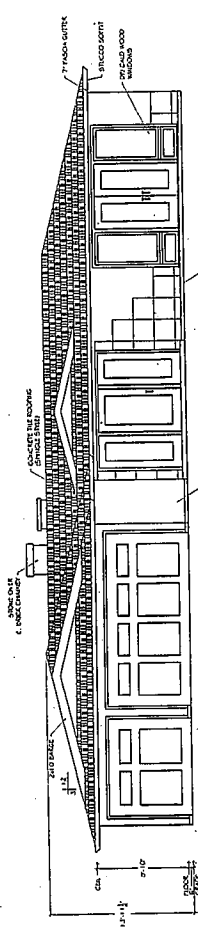
EXHIBIT # 2
 PAGE 1 OF 3

ELEVATIONS

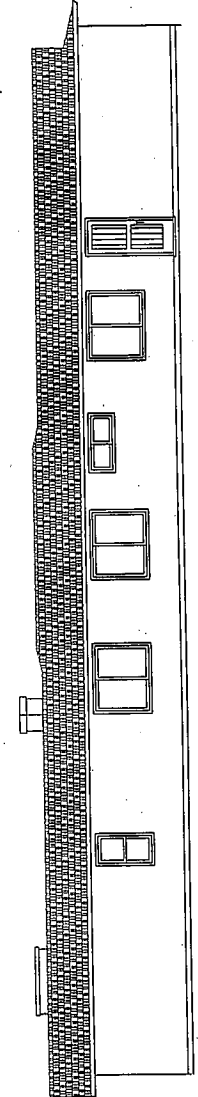
DESIGNER
TED SMITH
1500 S. MAIN ST.
PACIFIC PALMS, CA 92652
949-222-3024

ENGINEER
RASHA HANAY
1500 S. MAIN ST.
PACIFIC PALMS, CA 92652
949-222-3024

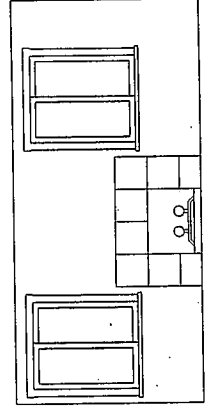
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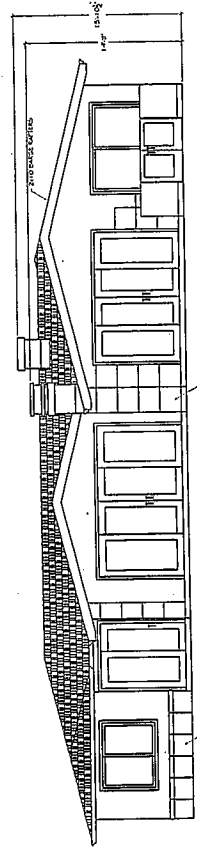
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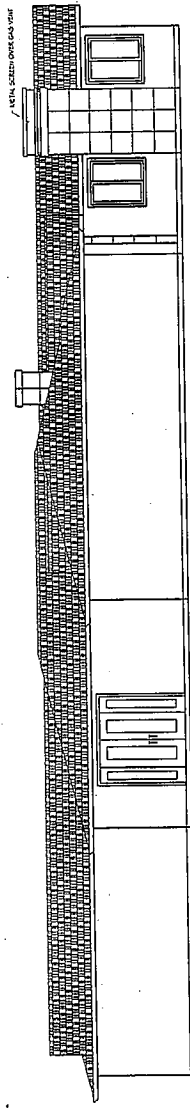
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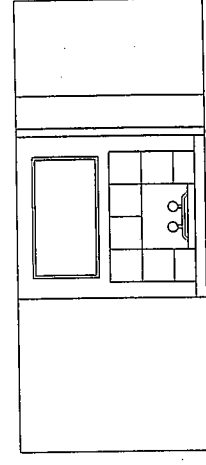
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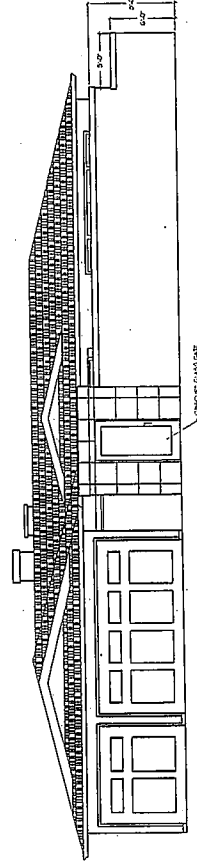
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4 RIGHT ELEVATION
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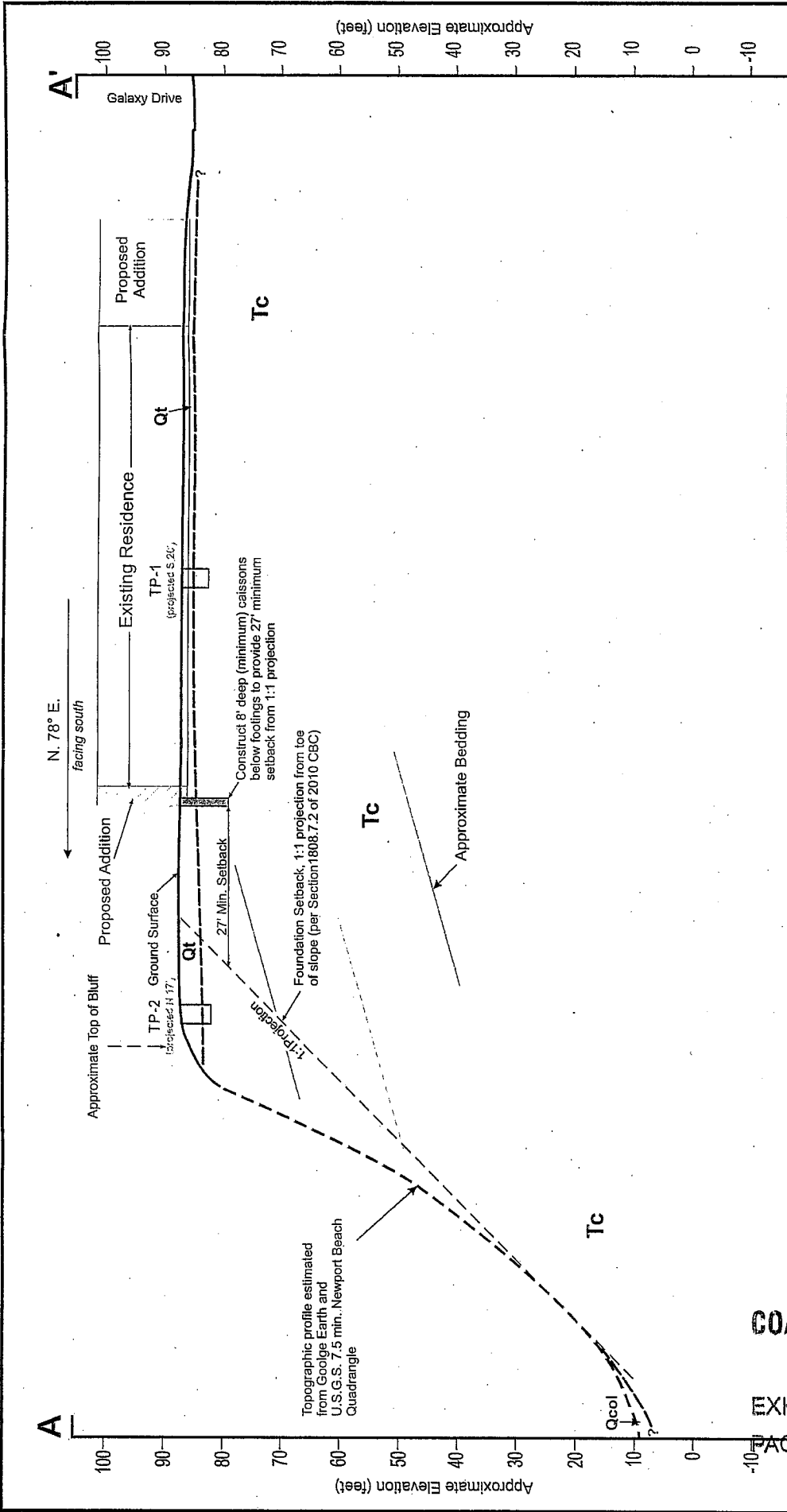
7 GREAT ROOM
SCALE 1/8" = 1'-0"



8 FRONT ELEVATION w/ STUCCO WALL
SCALE 1/4" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 3



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 SANTA CLARITA
 PALM DESERT

GEOLOGIC CROSS SECTION A-A'
 1638 GALAXY DRIVE
 NEWPORT BEACH, CALIFORNIA

DATE: August 2012 JAN.: 285-12
 DWG BY: DCS SCALE: 1" = 16'

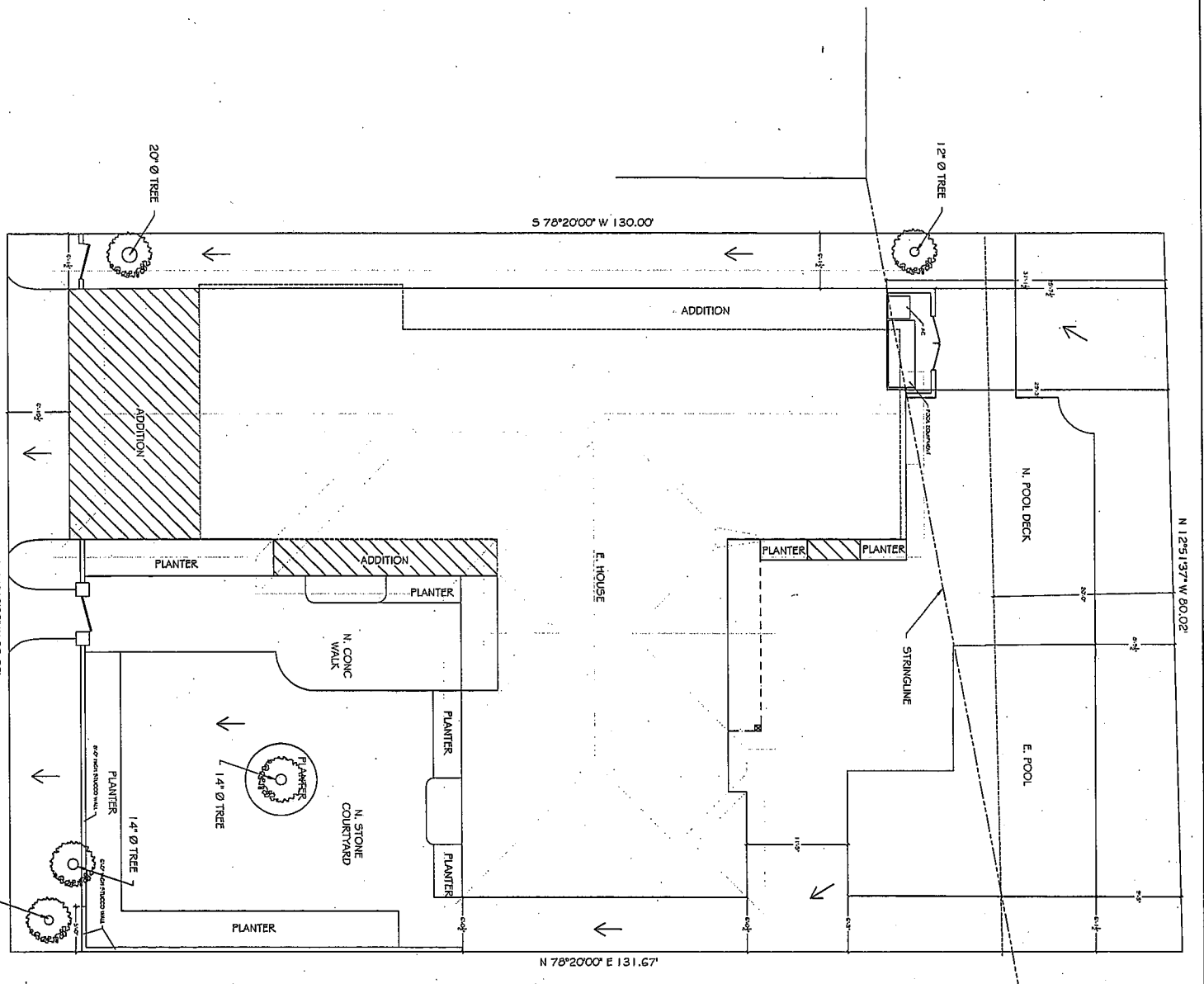
Figure 3

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 3 OF 3

Note: For legend, see Geotechnical Map, Figure 2

RECI
South Co
NOV
CALIF
COASTAL C



S 78°20'00" W 130.00'

N 125°13'7" W 80.02'

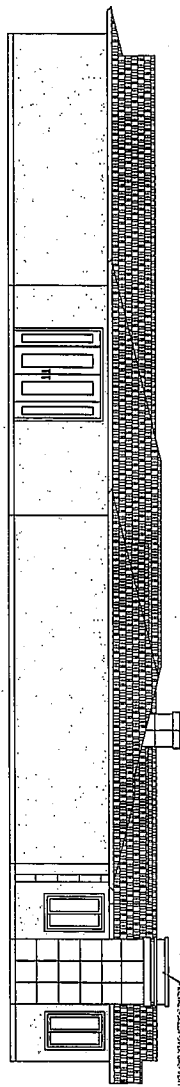
N 78°20'00" E 131.67'

Ⓢ ALTERNATE SITE PLAN APR. 11.7.62.15

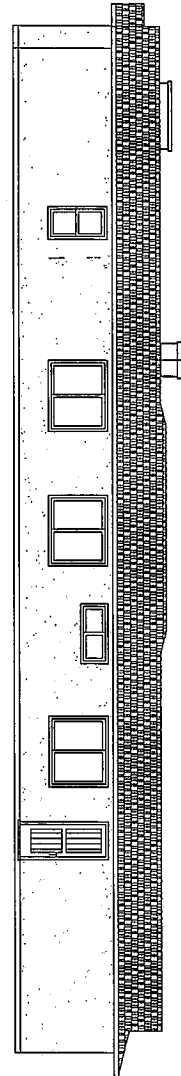
COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 2

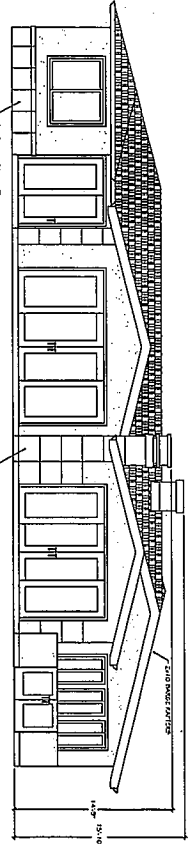
LEGEND
DIRECTION OF DRAINAGE ↘



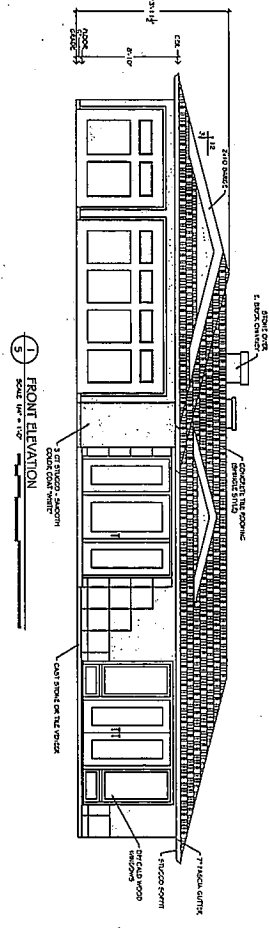
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



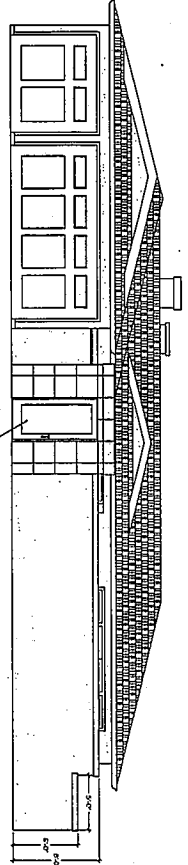
LEFT ELEVATION
SCALE: 1/8" = 1'-0"



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



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



FRONT ELEVATION w/ STUCCO WALL
SCALE: 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 2

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