

CALIFORNIA COASTAL COMMISSION

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W10b

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-17-0651

Applicants: JCC Seal Beach, LLC

Agent: Phillip Losasso

Location: 232-244 17th Street, Seal Beach, (Orange County)

Project Description: Subdivide a 0.52 acre parcel (made up of three lots) into five new lots, the demolition of an existing tri-plex and construction of four new two- story single-family residences on four of the five new lots. The four new residences will range in size from 2,801 to 2,815 square feet and each will have a 451 square foot attached two car garage. Grading in total will consist of 800 cubic yards of cut, 650 cubic yards of fill and 150 cubic yards of export to a location outside of the Coastal Zone.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Commission staff is recommending **APPROVAL** of the subdivision of three lots into five new lots, the demolition of an existing tri-plex and construction of four new two-story single-family residences on four of the five new lots. The proposed project will add one more additional residential unit than what currently exists in the City of Seal Beach housing stock. The proposed development raises water quality and marine resource and cultural resource concerns.

During construction and post construction, the proposed project has potential for adverse impacts to water quality and marine resources. Therefore, as a result, two special conditions address and minimize impacts to water quality and marine resources as follows: **Special Condition No. 1** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris; and **Special Condition No. 2** imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

Although no cultural resources were found on the site, the site is near areas where archaeological resources have been found and there is potential for archaeological resources to be found in the ground on the site since the only development on a portion of the lot was the placement of former railroad tracks on the surface. Therefore, the Commission imposes **Special Condition No. 3**, which requires the applicant to submit an archaeological monitoring plan.

While the proposed project raises major issues, conditions have been imposed in order to minimize potential adverse impacts from the development consistent with the Coastal Act.

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 Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	8
A. PROJECT DESCRIPTION, LOCATION AND STANDARD OF REVIEW	8
B. DEVELOPMENT	10
C. PUBLIC ACCESS	10
D. WATER QUALITY	10
E. LOCAL COASTAL PROGRAM (LCP)	11
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	11

APPENDICES

[Appendix A – Substantive File Documents](#)

[Appendix B – Cultural Resources Significance Testing Plan Procedures](#)

EXHIBITS

[Exhibit No. 1 – Location Map](#)

[Exhibit No. 2 – Site Plan](#)

[Exhibit No. 3 – Floor and Elevation Plans](#)

[Exhibit No. 4 – Grading and Drainage Plan](#)

[Exhibit No. 5 – Tentative Tract Map No. 17925](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the Coastal Development Permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit Application No. 5-17-0651 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 or 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - H. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Landscaping-Drought Tolerant, Non-Invasive Plants. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Use of reclaimed water for irrigation is encouraged. If potable water is used for irrigation only drip or micro spray irrigation systems may be used. Other water conservation measures shall also be considered, such as use of weather based irrigation controllers.

3. Cultural Resource Treatment and Monitoring Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological/cultural resources monitoring plan prepared by a qualified professional, which shall incorporate the following measures and procedures:
- i. The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American 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 and subsurface construction activity that has the potential to impact cultural resources.
 - ii. 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/cultural or paleontological resources.
 - iii. 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 and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources, as required in the approved cultural resources monitoring plan required above.
 - iv. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and subsurface construction activities that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times.
 - v. If any archaeological or paleontological, i.e. cultural deposits, 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 deposits are significant.

- B. If the Executive Director determines that the discovery is significant, the permittee shall follow the procedures in Appendix B to determine if an amendment to this permit is required. If an amendment to this CDP is required, 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION, LOCATION AND STANDARD OF REVIEW

The applicant proposes to subdivide a 0.52 acre parcel (made up of three legal lots: APN 199-062-23, APN 199-062-24 and APN 199-062-25) into five new rectangular lots (four, 28-foot x 100-foot lots and one, 113-foot x 100-foot lot) through Tentative Tract Map No. 17925; demolish an existing tri-plex and construct four new two-story single-family residences on each of the four new developable, 28-foot x 100-foot lots. The four new residences will range in size from 2,801 to 2,815 square feet and each will have a 451 square foot attached two car garage. The foundation system for the new residences will consist of slab on grade with conventional spread footings. Grading in total will consist of 800 cubic yards of cut, 650 cubic yards of fill and 150 cubic yards of export to a location outside of the Coastal Zone ([Exhibit No. 2-5](#)). The proposed 113-foot x 100-foot lot has an existing single-family residential development located on it. No work is proposed on this lot except for revising the location of the western property line through the proposed Tentative Tract Map No. 17925. All five of the new parcels will have vehicular access from the rear alley. An existing curb cut on 17th Street will be filled in and will be available for on-street public parking.

The project site consists of three inland lots not located between the first public road and the sea at 232-244 17th Street within the Old Town area of the City of Seal Beach, Orange County ([Exhibit No. 1](#)). The northern lot is currently developed with an existing single-family residence and the southerly lot is currently developed with a tri-plex. A third lot which is vacant and formerly railroad property, but is now currently owned by the applicant, separates these two lots. The lots in total comprise approximately 11,248 square feet and are currently zoned as Residential High Density in the City of Seal Beach Zoning Code (not certified by the Commission). The proposed project is development within an existing urban residential area, located approximately a quarter mile north from the public beach.

The proposed project constitutes new development and must be constructed in a manner that protects water quality. The applicant has submitted a Water Quality Management Plan (WQMP) prepared for JCC Seal Beach, LLC dated October 13, 2017 that minimizes impacts to water quality the proposed project may have after construction. Each new residential lot will have on-site drainage directed to a Modular Wetlands storm water treatment vault, prior to discharge to the City storm drain system. Also to minimize erosion and prevent debris from being dispersed down the storm drain system leading to the ocean during construction, the Commission imposes **Special Condition No. 1**, which provides construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

The applicant has stated that landscaping is proposed. The placement of any vegetation that is considered to be invasive that 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. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California

Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

The applicant has stated that landscaping will consist of California Native and water-wise landscaping. While the proposed landscaping consists of non-invasive and drought tolerant plants, future landscaping may not consist of such plants. Therefore in order to make sure that any onsite landscaping minimizes the use of water and the spread of invasive vegetation, the Commission imposes **Special Condition No. 2**, which imposes landscape controls that require that all vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive.

The proposed project will not have an adverse effect on public access. Vertical public access to the beach is available approximately a quarter mile south of the project site at the Dolphin Avenue, street end. The proposed development provides adequate parking based on the Commission's regularly used parking standard of two (2) parking spaces per individual dwelling unit. Also, an existing curb cut on 17th Street will be filled in, which will provide an additional on-street public parking space.

The Initial Study and Mitigated Negative Declaration dated January 28, 2017 state that there were no recorded archeological sites in the project area, the Old Town area of Seal Beach. Furthermore, the document states that the site has been previously graded and developed with residential uses and is surrounded by existing residential uses. While no archaeological resources were found at the project site, resources were found approximately 1 mile northeast of the site on the Hellman Ranch Property and the Naval Weapons Station Property, and potentially further northeast on the Boeing property. In addition, on site there were previous railroad tracks on the surface within the approximately 70-foot wide railroad right of way that crosses the property, but there may have been no ground disturbance during their installation that would have provided an opportunity to identify archaeological resources in the ground. To ensure that any prehistoric, archaeological or paleontological cultural resources that may be present on the site and could be impacted by the proposed development receive proper protections, preferably avoidance, the Commission imposes **Special Condition No. 3**, which requires the applicant to submit an archaeological monitoring plan. The plan shall include provisions for both Professional Archeologists and Native American monitors to be present during soil disturbance.

As stated in the City's 2013-2021 Housing Element, the City examines any Coastal Zone development that entails demolition or conversion of residential units that are not categorically exempt from the California Environmental Quality Act (CEQA) as required under the California Government Code (§65588(d) pursuant to Section 65590 (The Mello Act)). The Mello Act is a statewide law which seeks to preserve housing for persons and families with low and moderate incomes in the Coastal Zone. The City of Seal Beach determined that the proposed development required a Mitigated Negative Declaration to comply with CEQA and approved it on May 1, 2017. Therefore, since it was not considered categorically exempt, the City was required to analyze its compliance with the Mello Act. In its analysis, the City determined that the triplex located on one of the lots has been vacant for more than one year. Under the Mello Act, a unit shall not be considered affordable if it has been unoccupied for more than 365 consecutive days. Therefore, the City determined that the triplex does not contain any affordable units. However while the existing units are not considered affordable pursuant to the Mello Act, the project

includes the demolition of three units that likely would be more affordable than the single-family residences proposed for construction, so the project may contribute to an increase in housing costs in this area. However, the proposed project will result in one more additional residential unit than currently exists, thus increasing housing opportunities more generally and off-setting, to some extent, the project's impacts on housing costs in this area.

The subject site is located in a dense residentially zoned area where numerous residential opportunities are available and amenities such as restaurants, convenience stores, grocery store, etc. are located within a maximum ½ a mile. In addition, the public beach is located approximately a quarter mile south of the project site at the Dolphin Avenue, street end. Thus, the project is located in an area that can accommodate it and will not have cumulative adverse impacts to coastal resources. In addition, the location of the subject site within these nearby amenities minimizes vehicle miles traveled and energy consumption, as required by Coastal Act sections 30250 and 30253(d).

The Coastal Act contains policies emphasizing the importance of encouraging the protection of existing affordable housing (section 30604(g)) and planning for concentration of development (section 30250). These are important objectives, but difficult to address in a meaningful way on a project-by-project basis. Housing, affordability, density, and planning for future development in Seal Beach is more appropriately addressed through the City's Local Coastal Program. Here, Seal Beach does not currently have a certified LCP. The Commission previously approved a Land Use Plan for Seal Beach with suggested modifications; however, the City of Seal Beach did not accept those changes and the Commission's approval of the LUP expired. The City has received a Commission grant for the development of an LCP, so this presents an opportunity to address affordable housing in the context of an LCP.

B. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

C. PUBLIC ACCESS

The proposed project involves development on private property with no existing public access where the existing residential structure will be replaced with new residences. Thus, approval of this permit will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. As conditioned, the Commission finds that the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted run-off from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing run-off through the use of permeable surfaces,

the use of non-invasive drought tolerant vegetation to reduce and treat the run-off discharged from the site, and for the use of construction and post-construction best management practices to minimize the project's adverse impact on coastal waters. As conditioned, the Commission finds that the development 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. LOCAL COASTAL PROGRAM (LCP)

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

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Seal Beach is the lead agency and the Commission is a responsible agency for the purposes of CEQA. A Mitigated Negative Declaration was approved for this project on May 1, 2017 by the Planning Commission. Mitigation measures included a measure to minimize any impacts to air quality, biological resources and water quality. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the marine resources, water quality, hazards and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A: Substantive File Documents

Coastal Development Permit No. P-5-11-78-3359-(Grossgold); Mitigated Negative Declaration approved by the City of Seal Beach Planning Commission on May 1, 2017; City of Seal Beach Planning Commission Resolution No. 17-12; City of Seal Beach Planning Department Approval-in-Concept dated May 23, 2017; Letter from Commission staff to JCC Seal Beach, LLC dated August 25, 2017; Soils Investigation, Proposed Residential Development, 232 17th Street, Seal Beach, California (Project Number 19261-16) prepared by Norcal Engineering dated December 5, 2016; Letter from JCC Seal Beach, LLC to Commission Staff dated February 13, 2018; Letter from Timothy S. Racisz to JCC Seal Beach, LLC dated November 28, 2017; and Water Quality Management Plan (WQMP) prepared for JCC Seal Beach, LLC dated October 13, 2017.

**APPENDIX B:
Cultural Resources Significance Testing Plan Procedures**

A. An applicant seeking to recommence construction following discovery of 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 testing measures 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 deposits 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 Archeological 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 C below. 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 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 committee made up of qualified archeologists convened in accordance with current professional practice. Representatives of Native American groups with documented ancestral ties to the area shall also be given an opportunity to review and submit written comments on the required plans. 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 committee and Native American representatives or explain why the recommendations were rejected. 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.