

W 6a

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071



Page 1 of 7
 Permit Application No. 5-96-023
 Date 04-17-96

ADMINISTRATIVE PERMIT

APPLICANT: Bahia Corinthian Yacht Club

PROJECT DESCRIPTION: Reinforce existing bulkheads by installing tie-backs and new concrete wale at the western bulkhead and new concrete caissons and wale at the toe of the southern bulkhead.

PROJECT LOCATION: 1601 Bayside Dr., City of Newport Beach, County of Orange

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:
 Wednesday, May 8, 1996 at 9:00 a.m.
 Hyatt Regency-Long Beach
 200 South Pine Ave., Long Beach (310) 491-1234

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: Robin Nalmy-Rame
 Title: CRA

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, 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, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:A. Project Description

The Bahia Corinthian Yacht Club is located east of Balboa Island in the community of Corona del Mar which is in the city of Newport Beach. The yacht club is contained by an "L" shaped bulkhead consisting of western and southern segments.

On the yacht club site there is the club house building and a swimming pool. On the western bulkhead the applicant is proposing to install 20 new chance (tie-back) anchors. The chance anchors will be drilled through the existing bulkhead and will be attached to the exterior of the bulkhead by a continuous concrete wale (see Exhibit 4). The new concrete wale will be located near the top of the bulkhead above the high tide line.

The southern bulkhead will be reinforced with 15 two feet wide and nine feet deep reinforced concrete caissons connected by a concrete wale at the base of the existing bulkhead.

The bulkhead was constructed in 1970. The applicant has included a letter from the California Department of Fish and Game dated March 19, 1996 stating that "...the project as proposed would not have a significant impact to existing marine resources we would not object to the issuance of a permit for the construction of the proposed project."

B. Protective Structures

Section 30235 of the Coastal Act 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 fish kills should be phased out or upgraded where feasible. (emphasis added)

The existing seawall protects the yacht club clubhouse and boat storage yard. The seawall is approximately 575 feet long and was constructed using precast concrete sheet piles founded on or into bedrock. The sheet piles are anchored with tie rods connecting the seawall coping to a deadman block buried under the clubhouse. The seawall was originally constructed in 1970. Two geotechnical reports were prepared by Richard K. Shogren & Associates in 1993. In one report the consulting engineer states that the western seawall was reinforced in the early 1980's by driving steel "H" piles in front of the wall and placing a concrete wale between the piles and the concrete sheets. The southern section of the seawall is not reinforced.

The applicant is proposing to reinforce the western portion of the bulkhead with 20 new chance anchors secured to a concrete wale near the top of the bulkhead directly beneath the existing concrete coping. No marine resources will be impacted by this portion of the development. As was mentioned, the southern portion of the seawall has not been reinforced. In order to reinforce this section of bulkhead, the applicant is proposing to drill 15 concrete reinforced caissons at the toe of the seawall capped by a concrete wale. The caissons will extend nine feet into the bedrock (see Exhibit 3). These concrete caissons are the same as the caissons supporting the western portion of the seawall.

The October 21, 1993 engineering report discusses the original construction of the seawall and potential problems with it. When originally constructed the contractors excavated a trench in the harbor bottom and placed the seawall panels in that trench. The trench then was backfilled with sand. The engineering report

states that in a seismic event the base of seawall in this trench may move laterally and thus may cause structural problems for the clubhouse. The report states in regard to the southern seawall improvements:

This design, in addition to adequately stabilizing the lower edge of the bulkhead for both static and seismic events, will effectively eliminate the loss of backfill materials through and beneath the bulkhead due to tidal pumping. Depressions currently existing beneath the sidewalk, along the top of the bulkhead can then be properly backfilled and compacted and may be expected then to provide long and useful service life, as well as adequate lateral support club house foundations.

The yacht club marina is a coastal dependent marine recreational facility. The yacht club clubhouse is an existing structure. The existing seawall is necessary to protect the existing clubhouse and other structures on the site. The development proposed by the applicant consists of measures to reinforce the existing seawall via caissons and tie-rods. Therefore, the Executive Director determines that the proposed development is consistent with Section 30235 of the Coastal Act.

C. Coastal Access and Recreation

Section 30212(a)(2) of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however,

that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding.

The proposed project is located in Newport Harbor. The project is located between the first public road and the sea. A public access dedication can be required pursuant to section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this situation, the development is located between the sea and the first public road. The seawall was constructed in 1970, prior to the passage of Proposition 20 and the Coastal Act of 1976. Therefore, the proposed development constitutes improvements to an existing seawall, is not considered "new development" under Section 30212(b)(4) of the Coastal Act. Therefore, public access is not a consideration in this development project.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Executive Director determines that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

D. 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 development involves construction in the marine environment. Pilings will be excavated and materials removed. In order to protect the

marine environment from degradation, all construction materials and machinery shall be stored away from the water. In addition, no construction materials not essential for the project improvements shall be placed in the bay and all construction materials shall be removed from the seawall at the conclusion of the construction, as per special condition 1. Only as conditioned does the Executive Director determine that the proposed development conforms with the resource protection policies of Section 30231 of the Coastal Act.

E. Land Use Plan

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The proposed development consisting of reinforcement of an existing seawall is consistent with the policies contained in the certified Land Use Plan. Therefore, the Executive Director determines that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program [Implementation Plan] for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment.

The proposed project has been found consistent with the water quality, shoreline protective structures, and coastal access and recreation policies of Chapter 3 of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Executive Director 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.

SPECIAL CONDITIONS:

1. Construction Materials

Disturbance to harbor bottom and intertidal areas shall be minimized. Local sand, cobbles, or shoreline rocks shall not be used for back fill or construction material. All construction materials shall be stored landward of the seawall and shall be removed at the conclusion of construction.

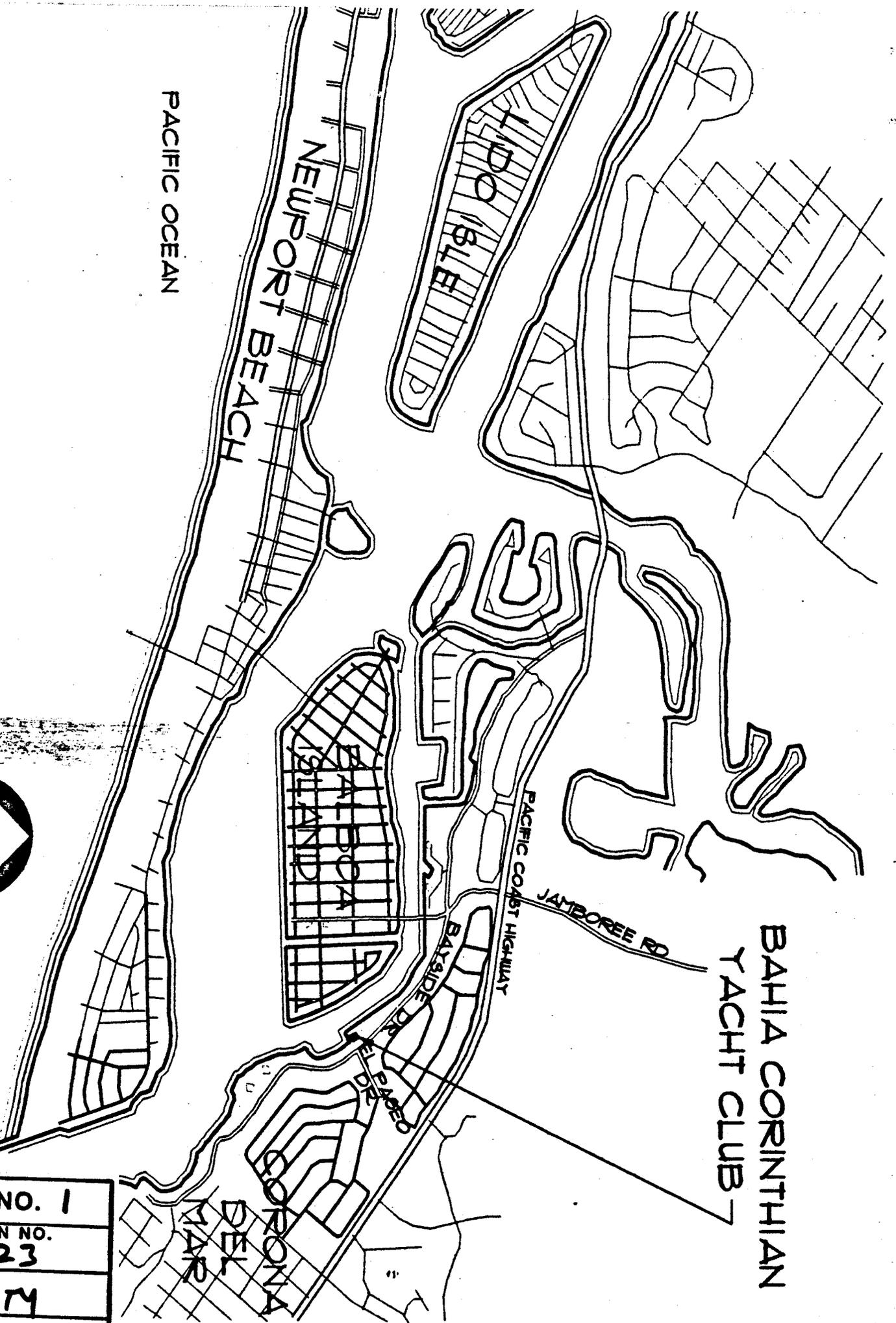
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature
Date of Signing

6766F

BAHIA CORINTHIAN
YACHT CLUB



PACIFIC OCEAN

NEWPORT BEACH

NEWPORT ISLAND

BALBOA ISLAND

PACIFIC COAST HIGHWAY

JAMBOREE RD

BAYSIDE DR

CORONA DEL MAR

VICINITY MAP

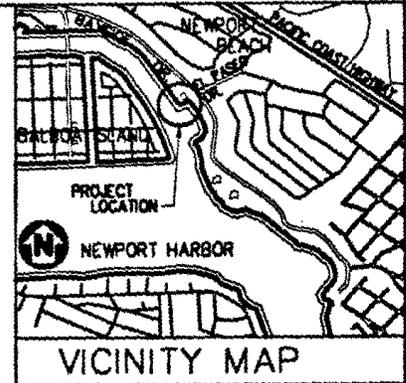
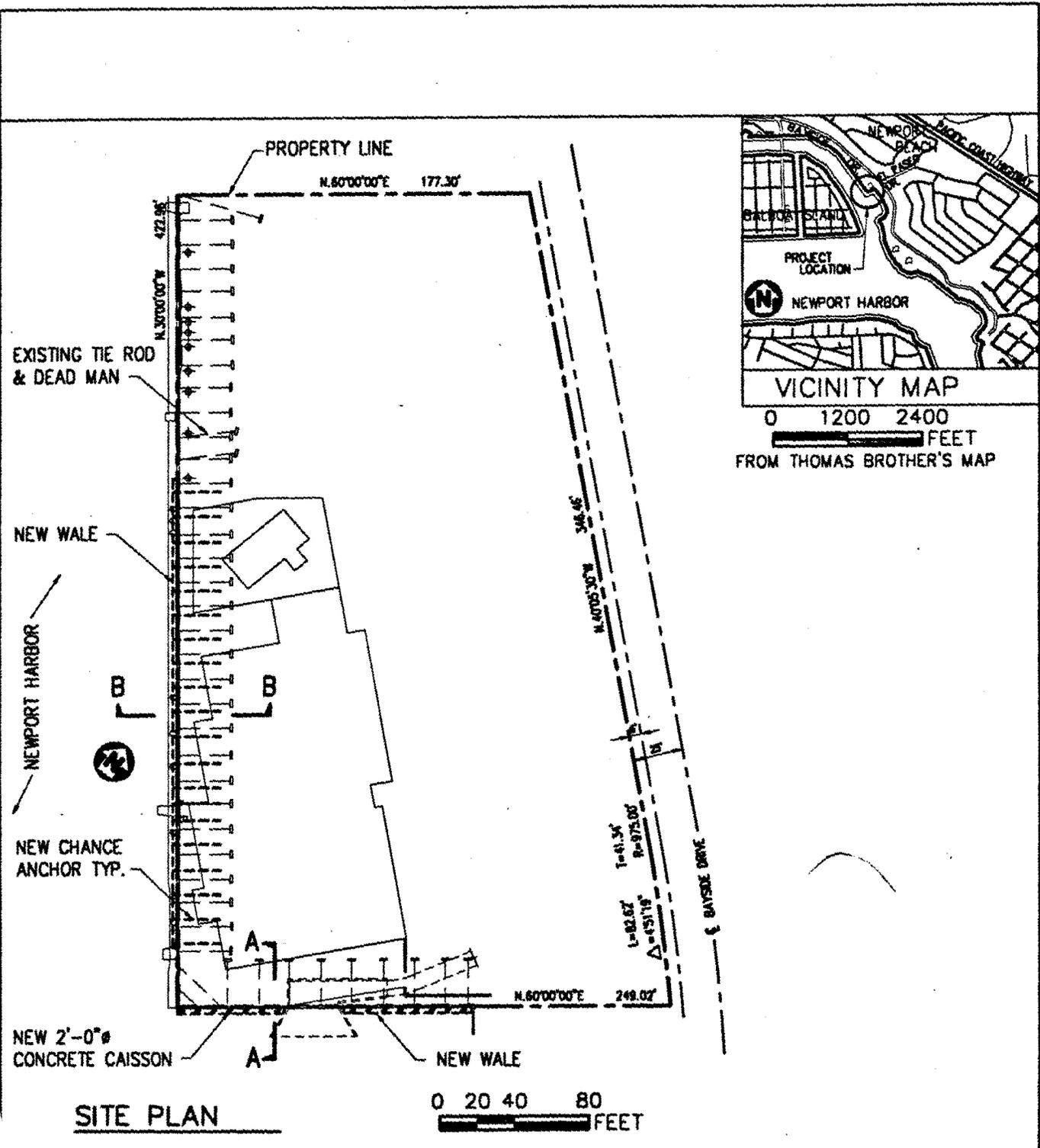
NOT TO SCALE



EXHIBIT NO. 1

APPLICATION NO.
5-96-023

VICINITY



VICINITY MAP
0 1200 2400 FEET
FROM THOMAS BROTHER'S MAP

SITE PLAN

0 20 40 80 FEET

<p>PURPOSE: Repair & Replacement</p> <p>datum: MLLW = 0 Property Owners: See Attached List</p>	<p>PLAN VIEW</p> <p>Bahia Corinthian Yacht Club 1601 Bayside Drive Newport Beach, CA. 92625</p>	<p>Proposed Repair Of Existing Concrete Sheet Pile Wall & Wale</p> <p>IN: Newport Harbor AT: Newport Beach County of O.C. Application By: Cit. Sheet 1 of 3</p> <div style="border: 2px solid black; padding: 5px; width: fit-content;"> <p>EXHIBIT NO. 2</p> <p>APPLICATION NO. 5-96-023</p> <p>SITE ^</p> </div>
---	--	--

MARINE DEPARTMENT

Tony Melin
2/13/96

EXTREME +15'
HIGH TIDE

5-96-023

EXISTING HANDRAIL
TO REMAIN

TOP OF BULKHEAD

ELEV. +9.6'

RECEIVED

FEB 14 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

EXISTING SHEET PILE,
CAP & TIE BACK

NEW CONCRETE WALE

MLLW = 0.0'

ELEV. = -1.6'

EXTREME -2.5'
LOW TIDE

APPROX. MUD LINE

EXISTING BEDROCK
ELEV. = -5.0' (*)

NEW HPI2x53

NEW 2'-0" DRILLED CAISSON
FILL WITH CONCRETE

ELEV. = -14.0' (*)

1
S-2

SECTION

SCALE 3/8" = 1'-0"

EXHIBIT NO. 3

APPLICATION NO.

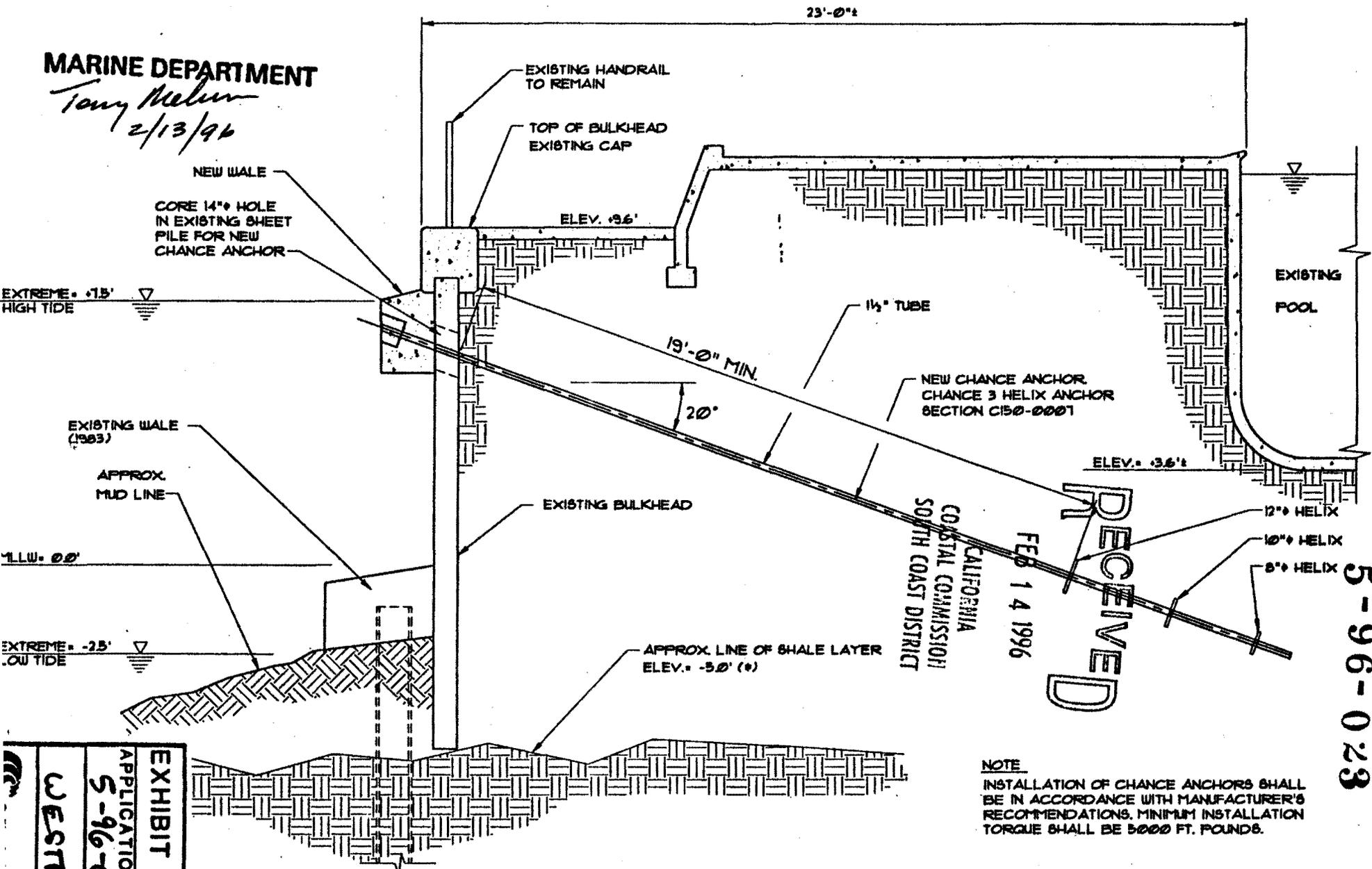
5-96-023

SOUTHERN

California Coastal Commission

MARINE DEPARTMENT

Tony Nelson
2/13/96



CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

FEB 14 1996

RECEIVED

5-96-023

NOTE
INSTALLATION OF CHANCE ANCHORS SHALL
BE IN ACCORDANCE WITH MANUFACTURER'S
RECOMMENDATIONS. MINIMUM INSTALLATION
TORQUE SHALL BE 5000 FT. POUNDS.

WESTERN
APPLICATION NO.
5-96-023
EXHIBIT NO. 4

2 SECTION
3-2 SCALE 3/8" = 1'-0"