

*W loc*

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 5  
Permit Application No. 5-96-050  
Date 4/18/96



ADMINISTRATIVE PERMIT

APPLICANT: Kenneth B. Roath

PROJECT DESCRIPTION: Replacement of a deteriorating masonry block wall/bulkhead with a new concrete sheet pile bulkhead. The proposed bulkhead will be 135 feet in length and will have a top of wall elevation of +9.5 feet MLLW. The proposed bulkhead will be located slightly landward of the existing bulkhead.

PROJECT LOCATION: #1 Harbor Island, Newport Beach, Orange County

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 Avenue, 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

*Meg Vaughn*  
By: Meg Vaughn

Title: Staff Analyst

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 applicant is proposing to replace an existing, deteriorating masonry block wall/bulkhead with a new tied back reinforced concrete sheet pile bulkhead. The proposed bulkhead will be approximately 135 feet in length and will have a top of wall elevation of +9.5 feet MLLW. Ten foot return sections are proposed along both the eastern and western property lines. The subject site is a triangularly shaped lot which extends to 135 feet along the bulkhead side of the lot.

The proposed bulkhead will be located landward of the existing bulkhead. The existing bulkhead is located slightly bayward of the adjudicated U.S. Bulkhead line. The proposed relocation will place the new bulkhead slightly landward of the U.S. Bulkhead line. The existing wall height is +8 feet MLLW. The City of Newport Beach requires all bulkheads to be constructed to a minimum wall height of +9.0 feet MLLW to prevent flooding. The proposed bulkhead will meet the City's height requirement.

The subject site is located on Harbor Island, a private island in Newport Harbor. Although the subject site is located between the sea and the first public road the proposed development, replacement of a bulkhead, will not create adverse impacts on public access.

The bulkhead is located in an area subject to a tidelands lease agreement between the County of Orange and the applicant. The County has given its permission for reconstruction of the bulkhead in the proposed location (see exhibit C).

B. Shoreline Protection Devices

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.

The subject site is single family residential lot located on Harbor Island in Newport Harbor. Harbor Island is surrounded almost entirely by bulkheads. A nearby street end, however, is not bulkheaded and is experiencing on-going erosion. Unless the existing bulkhead is replaced the subject site will also erode, threatening the existing site and eventually the adjacent lot.

The proposed project will replace an existing, deteriorating bulkhead with an upgraded bulkhead that will meet City height standards. The increased height will prevent water from overtopping the bulkhead during periods of high tides and wind or boat generated wave runoff. The City requires the increased height in order to prevent flooding of improvements. In addition, the existing bulkhead extends beyond the U.S. Bulkhead Line. The proposed landward relocation will result in bulkhead alignment consistent with the adjudicated U.S. Bulkhead Line. No

wetland or marine habitat fill is proposed. In fact, slightly more area will be subject to tidal action due to the proposed landward relocation of the bulkhead. The proposed bulkhead location will also be consistent with the neighboring bulkhead.

The engineer's assessment prepared for the proposed project (see exhibit D) states that the proposed bulkhead will have no differential impact on the site's shoreline processes when compared to the existing wall. The proposed bulkhead will not create adverse impacts on shoreline processes. The assessment also indicates that the proposed bulkhead alignment and height are more advantageous than the existing height and location for the reasons identified above.

Therefore, the Executive Director determines that the proposed project is consistent with Section 30235 of the Coastal Act regarding shoreline protection devices.

#### C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. The proposed development is consistent with the certified Land Use Plan land use designation for the site. The proposed development is consistent with the policies of the Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, the Executive Director determines that the proposed development will not prejudice the ability of the City of Newport Beach to prepare a local coastal program consistent with the Chapter 3 policies of the Coastal Act.

#### D. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit 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 determined to be consistent with the Chapter 3 policies of the Coastal Act. 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 Executive Director determines that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS: NONE

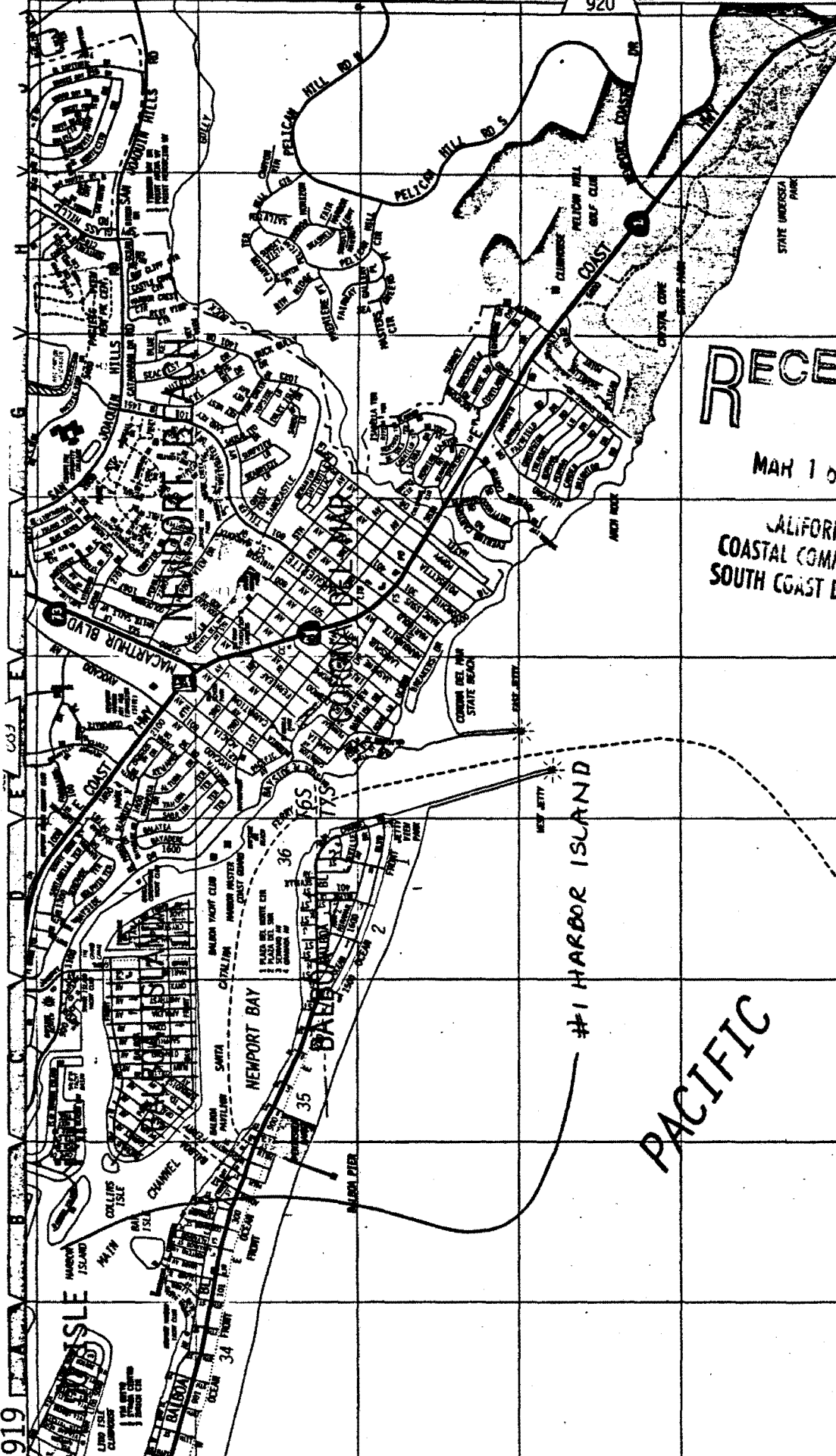
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

6733F



RECEIVED

MAY 10 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

OCEAN

5-96-050

PACIFIC

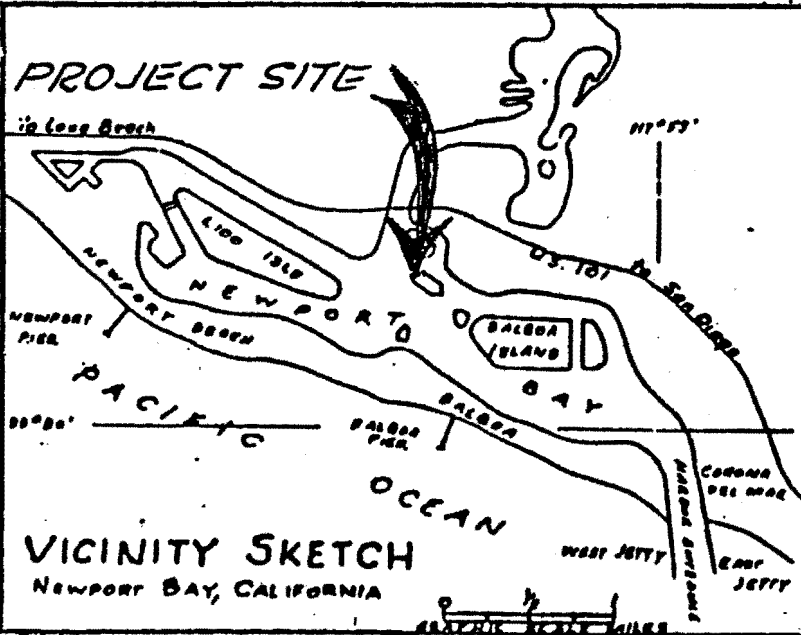
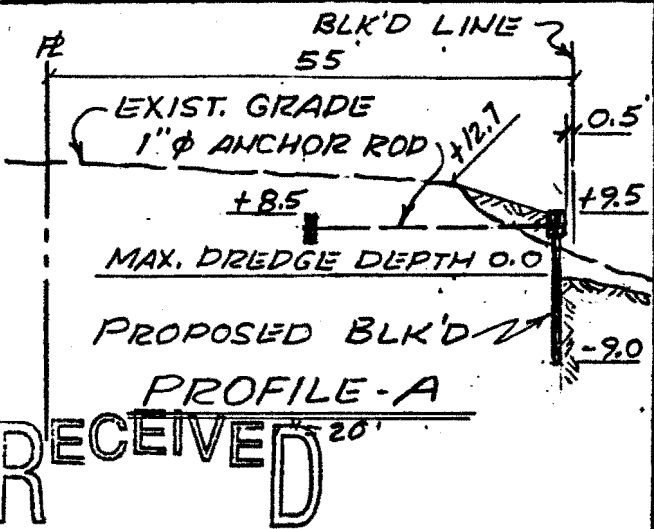
VICINITY MAP

5-96-050

Exhibit A

919

**CITY OF NEWPORT BEACH**



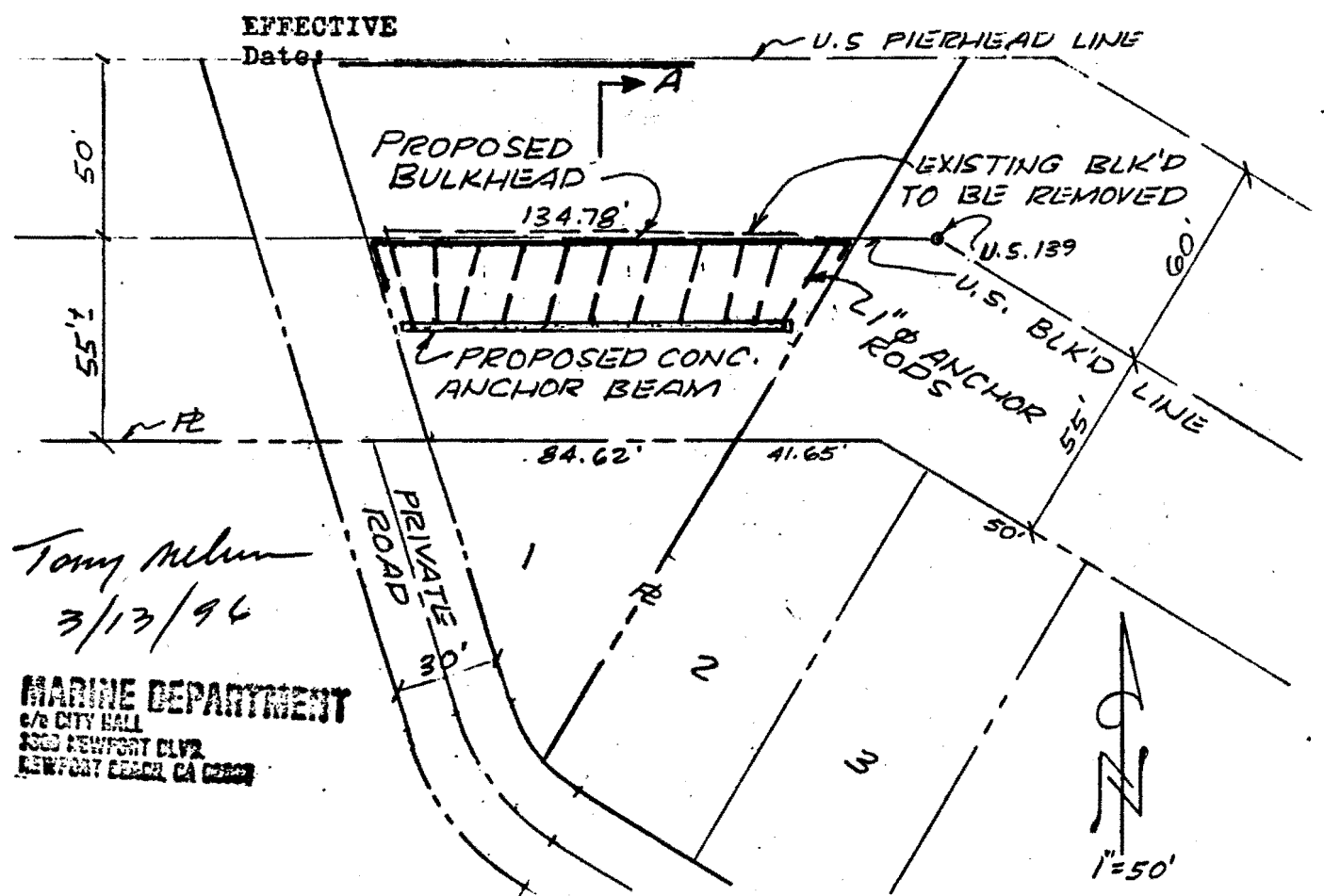
**RECEIVED**

MAR 18 1996 South Coast District Office

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

APPROVED  
Permit No. **5-96-050**  
By: \_\_\_\_\_

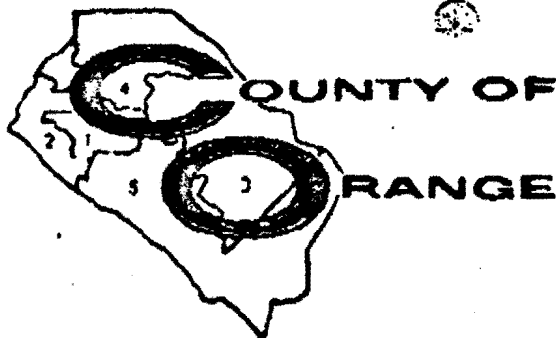
SOUNDINGS are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines established in this section of Newport Bay.



*Tommy Nelson*  
3/13/96  
**MARINE DEPARTMENT**  
c/o CITY HALL  
3300 NEWPORT BLVD.  
NEWPORT BEACH, CA 92660

APPLICANTS NAME <b>KENNETH ROATH</b>	LOT 1 BLK. TRACT 802
JOB ADDRESS #1 HARBOR ISLAND	CONTRACTOR <b>Shellmaker</b> DATE 2-26-96

5-96-050 Exhibit B



ROBERT A. GRIFFITH  
Director, General Services Agency  
ROBERT G. LOVE  
Deputy Director, General  
Services Agency  
CHARLES W. WEST  
Director, GSA Real Estate

GENERAL SERVICES AGENCY  
PROPERTY MANAGEMENT DIVISION  
HARBORS, BEACHES AND PARKS  
(714) 834-6780  
FAX (714) 834-6812

HA560-26-01

March 28, 1996

Mr. Ed Henning  
Health Care Property Investors, Inc.  
10990 Wilshire Blvd.  
Suite 1200  
Los Angeles, CA 90024

Dear Ed:

Thank you for submitting the plans for the reconstruction of the seawall at 1 Harbor Island, Newport Beach. The property is under a tidelands lease agreement between the Roath Family Trust and the County of Orange and required review of the plans prior to securing permits and construction. The plans have been approved.

Enclosed is certified copy of the recorded Memorandum of Lease.

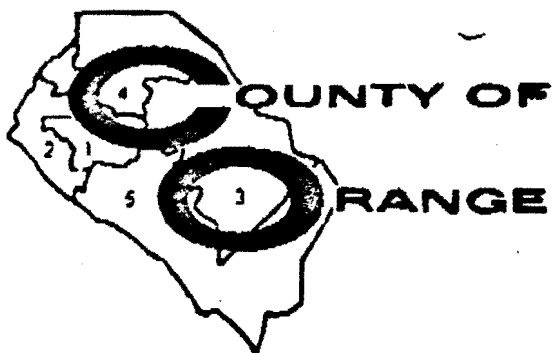
This concludes all recent transactions incurred involving the Tidelands Lease Agreement. If you have any further questions, please phone me at (714)834-4677.

Sincerely,

*Andrea Richard*  
Andrea Richard  
GSA/RE, Asset Management

5-96-050  
Exhibit C<sub>1</sub>





To: Plaza  
Miller  
Franklin  
Roath

ROBERT A. GRIFFITH  
Director, General Services Agency

ROBERT G. LOVE  
Deputy Director, General  
Services Agency

CHARLES W. WEST  
Director, GSA Real Estate

GENERAL SERVICES AGENCY  
PROPERTY MANAGEMENT DIVISION  
HARBORS, BEACHES AND PARKS  
(714) 834-6780  
FAX (714) 834-6812

March 12, 1996

Mr. Ed Henning  
Health Care Property Investors, Inc.  
10990 Wilshire Blvd.  
Suite 1200  
Los Angeles, CA 90024

Dear Mr. Henning:

Enclosed is the original copy of the Harbor Island Tidelands Lease Agreement indicating the Roath Family Trust as lessee. The lease became effective February 26, 1996, the date it was signed by the Chairman of the Board of Supervisors. Pro-rated rent from that date until the March 22, 1996 effective renewal date for all Harbor Island Tidelands Lease Agreements is \$404.80 for the 24 days since the lease commenced.

You have already received a renewal invoice for the yearly rent in the amount of \$6,156.45 due and payable by March 22, 1996. Payment of both amounts should be mailed to:

Auditor - Controller  
P. O. Box 567  
Santa Ana, CA 92702

When the Memorandum of Lease is recorded I will send you a certified copy of the document. Enclosed is a signed non-recorded copy you may temporarily use for your records.

Regarding reconstruction of the seawall at 1 Harbor Island Drive, any landside or waterside improvements or alterations to the property are under the regulatory authority of the City of Newport Beach. They should be contacted to obtain a permit for this work. The County authorizes approval for reconstruction of the existing seawall as indicated in the lease. Please submit a copy of the plans.

Sincerely,

*Andrea Richard*  
Andrea Richard  
GSA/RE, Asset Management

cc: Rich Adler, EMA/HBP, Chief, Asset Management  
Bob Hamilton, EMA/HBP, Manager, Asset Management  
Ramona Range, EMA/Accounting, 300 N. Main Street, 4th Floor, P.O. Box 4048, Santa Ana, CA 92702-4048

5-96-050  
Exhibit C<sub>2</sub>

**NOBLE**  
CONSULTANTS

April 4, 1996

RECEIVED

J774-01

Ms. Lisa Miller  
SHELLMAKER, INC.  
875 B West 15th Street  
Newport Beach, CA 92663

APR 9 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

RE: Kenneth Roath Bulkhead Project  
One Harbor Island, Newport Beach, CA  
California Coastal Commission Application No. 5-96-050

Dear Ms. Miller:

This letter presents our findings in regards to the proposed replacement bulkhead's potential impact on shoreline processes at One Harbor Island, Newport Beach. The property is located near the northwestern end of Harbor Island facing towards Linda Isle. The existing retaining wall/bulkhead to be replaced is approximately 135 feet in length located along the U.S. Bulkhead Line in a westerly alignment. The existing wall actually extends slightly beyond (northerly direction) the U.S. Bulkhead Line. This existing wall is of masonry block construction with a top of wall elevation at approximately +8.0 feet MLLW, and abuts against an existing timber wall on Lot 2 along the eastern property line, and terminates at a street end along the western property line.

A beach delta presently exists along the entire length of shoreline fronting this property with an elevation of approximately +5 feet MLLW directly in front of the existing wall. The proposed new bulkhead is a tied back reinforced concrete sheet pile wall that would be located one-half foot behind (southern direction) the U.S. Bulkhead Line with a top of wall elevation at +9.5 feet MLLW. This bulkhead would have ten foot return sections along both the eastern and western property lines. Currently the 30 feet wide street end on the property's west side is unprotected and has experienced on going erosion. Some rock has been previously placed at this street end, but it is insufficient to prevent further erosion. The property to the west of this street end has a concrete bulkhead along the U.S. Bulkhead Line with a top of wall elevation at +9.5 feet MLLW.

The proposed new concrete sheet pile bulkhead will have no differential impact on the site's shoreline processes when compared to the existing wall. As can be seen at this property a beach area currently extends along its entire shoreline with an elevation of approximately +5 feet MLLW adjacent to the wall. A new vertical bulkhead placed along the same alignment as the

5-96-050

Exhibit D,

NOBLE CONSULTANTS

Mr. Lisa Miller  
SHELLMAKER, INC.  
April 4, 1996  
Page-2-

existing vertical wall should result in no differential change to this beach than what it currently experiences with the existing wall. Other improved properties to either side of this property also have existing vertical walls along their shorelines.

Two advantages of the proposed new replacement bulkhead are that it would be located slightly behind the U.S. Bulkhead Line whereas the existing wall extends beyond the Bulkhead Line, and the top of wall would be at +9.5 feet MLLW to match wall heights on the two adjacent properties and to prevent water overtopping the bulkhead during periods of high tides and wind or boat generated wave runup. Additionally, the City of Newport Beach now requires all bulkheads to be constructed to a minimum wall height of +9.0 feet MLLW to prevent flooding of improvements.

We would recommend that consideration be given to extending the proposed replacement bulkhead across the street end on the property's western side to abut with the existing concrete bulkhead on the property adjacent to the west end of this street end. This existing wall is also constructed along the Bulkhead Line with a wall height of +9.5 feet MLLW. This recommended approximate 35 feet extension would result in a continuously connected bulkhead and prevent further erosion of the street end.

We appreciate the opportunity to provide our consulting engineering services on this project. Please call us if you have any questions or require further assistance.

Sincerely,  
NOBLE CONSULTANTS, INC.



Ronald M. Noble, P.E.  
President

RMN/dmn

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5-96-050  
Exhibit D<sub>2</sub>

