

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 03-08-96
49th Day: 04-26-96
180th Day: 09-04-96
Staff: RMR-LB **RMR**
Staff Report: 04-16-96
Hearing Date: May 7-10, 1996
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-024

APPLICANT: Jeanette Segerstrom AGENT: Kniss & Associates

PROJECT LOCATION: 820 West Bay Avenue, Newport Beach, County of Orange

PROJECT DESCRIPTION: Reinforcement of an existing seawall by installation of five 12 inch square pre-stressed concrete piles directly onto the front of an existing bulkhead, installation of five new "chance" [tie-back] anchors, and a new concrete coping.

Lot area:	NA
Building coverage:	NA
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Zoning:	NA
Plan designation:	NA
Project density:	NA
Ht abv fin grade:	NA

LOCAL APPROVALS RECEIVED: Approval in concept from the City of Newport Beach Marine Department

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan, Coastal Development Permits 5-95-236 (Segerstrom), 5-93-299 (Stauffer).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with a special condition regarding disturbance of intertidal areas and removal of construction debris.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in

conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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.

III. Special Conditions.

1. Construction Materials

Disturbance to sand and intertidal areas shall be minimized. Harbor sand and sediment excavated shall be redeposited on the sandy area fronting the seawall. 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to reinforce an existing seawall by installing five 12 inch square pre-stressed concrete piles directly onto the front of an existing bulkhead, installing five new "chance" [tie-back] anchors, and a new concrete coping. The site is located in Newport Harbor in an existing developed area.

There have been several permit approvals at this site. Coastal Development Permit 5-95-236 (Segerstrom) was approved as a waiver for remodel and enlargement of the existing residence. Coastal Development Permit 5-93-299 (Stauffer) was approved as a waiver for revisions to the existing dock and gangway.

Representatives of the California Department of Fish and Game have informed staff that no mitigation would be required for the proposed development and they have no objections to the development because the project does not involve the fill of bay waters, dredging of the harbor bottom or adverse impacts to marine vegetation.

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 City of Newport Beach requires in projects on the harbor involving substantial remodelling that the concrete deadman be exposed and tie-rods from the bulkhead be inspected. In this instance, the City and contractor found that the tie-rods were corroded. The contractor also discovered that the base of the bulkhead would be susceptible to lateral movement in the event of an earthquake which might cause structural damage to the residence and adjoining residences.

Therefore, the contractor proposed the bulkhead improvements to make the wall more seismically stable. As stated in a March 7, 1996 letter from the contractor:

The bulkhead is not being replaced but is simply being reinforced by the addition of [sic] five (5) prestressed piles approximately 20 foot long, vertically in front of the existing bulkhead wall. New anchors and tie-rods will be installed in order to restrain the top of the wall. A new bond beam will be cast that will tie the piling, existing bulkhead and tie-rods together.

The contractor explained that many of the seawalls in Newport Harbor were not constructed with seismic considerations in mind. Therefore, many of the older seawalls would be susceptible to lateral movement at the toe of the seawall which could cause lateral movement of the soils behind the seawall and, potentially, structural damage to the residence or adjoining residences.

The residence has a dock and gangway. There are seawalls adjoining the project site. Placement of the pilings onto the existing seawall will not have an adverse impact on shoreline processes. The City of Newport Beach has a maintenance dredging permit to periodically dredge harbor sand which accumulates in the dock and boat berth areas and place it up against the seawalls. This process has been ongoing at this site and the harbor sands are piled up at the base of the seawall. As has been stated, the seawall will remain in place but will be buttressed by five vertical piles attached to the seawall and extending down into the harbor several feet below the toe of the existing seawall. Additionally, new tie-backs will be installed and a new concrete coping placed at the top of the seawall. The contractor stated that the piles will displace five square feet of sand and no coastal waters will be displaced.

The proposed development is necessary to reinforce an existing seawall which in turn is necessary to protect an existing residence. In addition, providing for seismic stability will also serve to protect adjacent residences in the event a seismic occurrence would destabilize the project site. The pilings are 12 inches square and will attach directly onto the seawall. The pilings will not have any adverse impacts on coastal waters or marine vegetation. Therefore, the Commission finds that the proposed development consists of improvements to an existing seawall designed to protect an existing structure and surrounding structures from ongoing erosion and damage in the event of an earthquake. Therefore, the Commission finds that the proposed development conforms 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. However, the proposed development consists of improvements to an existing seawall under 30212(b)(4) and does not constitute new development requiring access under 30212(a). Because the development involves improvements to an existing seawall, those improvements will not adversely impact coastal access and recreation.

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 Commission finds 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. Holes for the pilings will be drilled 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. Any materials removed from the harbor bottom shall be placed back on the harbor bottom or against the bulkhead at the conclusion of construction as per special condition 1. Only as conditioned does the Commission find 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.

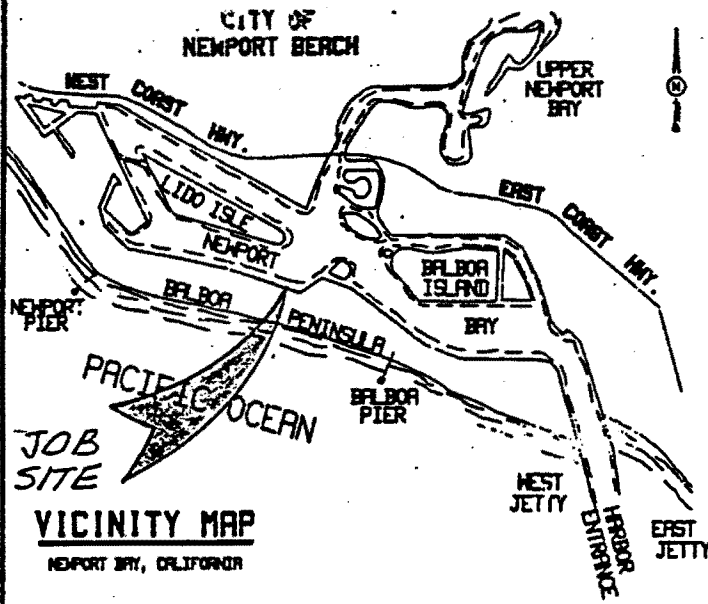
The Newport Beach Land Use Plan was certified on May 19, 1982. The proposed development consisting of reinforcement of an existing seawall is consistent with the policies contained in the certified Land Use Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice 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

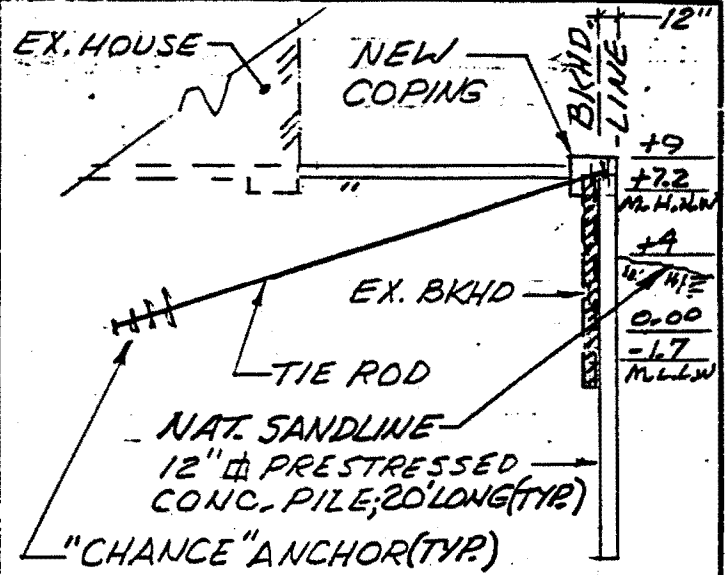
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 protective structures, marine water quality 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 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.

CITY OF NEWPORT BEACH



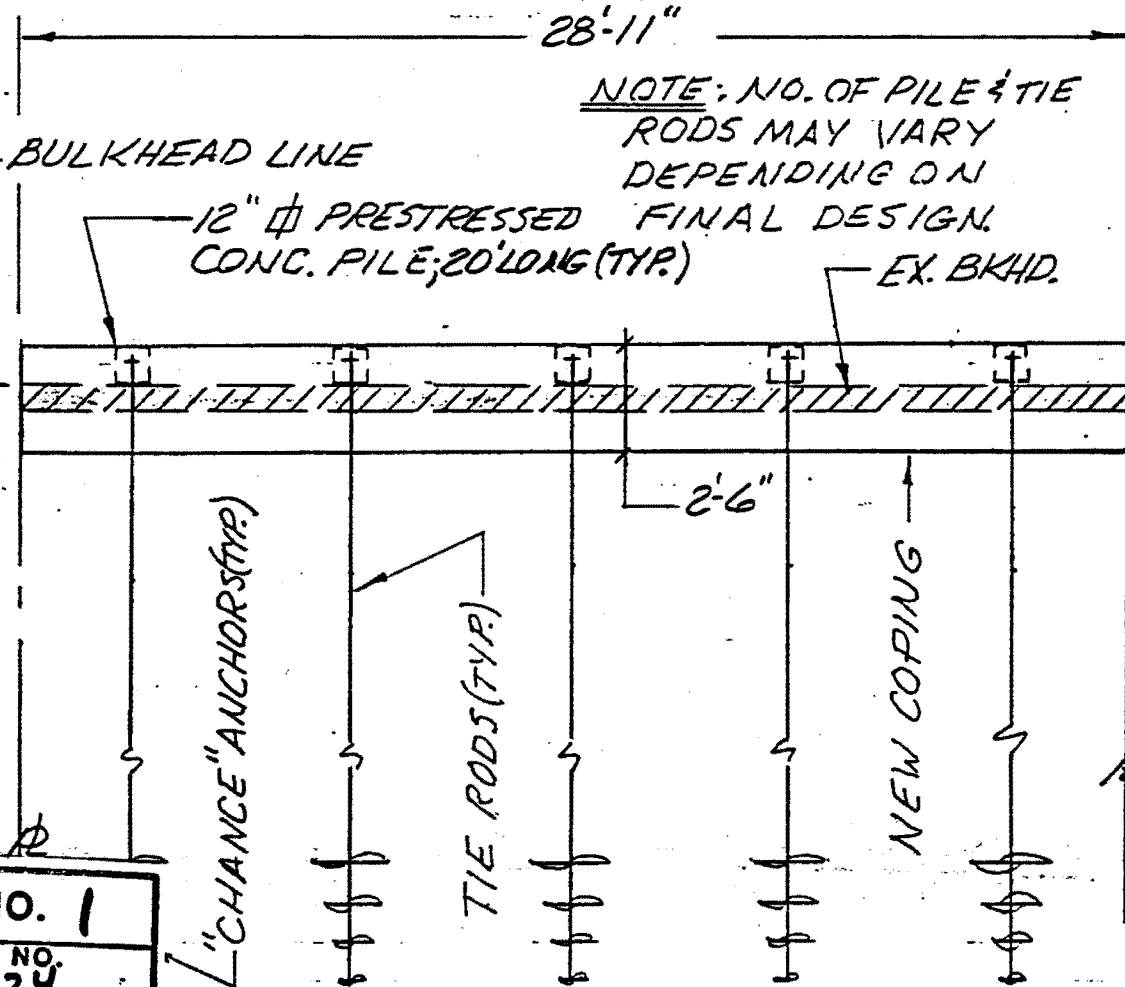
VICINITY MAP
NEWPORT BAY, CALIFORNIA



PROFILE 1" = 10'

SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.

NOTE: EX. DOCK, PIER & RAMP TO REMAIN, BULKHEAD REPAIR ONLY.



NOTE: NO. OF PILE & TIE RODS MAY VARY DEPENDING ON FINAL DESIGN.

PLAN VIEW 1" = 5'

EXHIBIT NO. 1

APPLICATION NO.
5-96-024

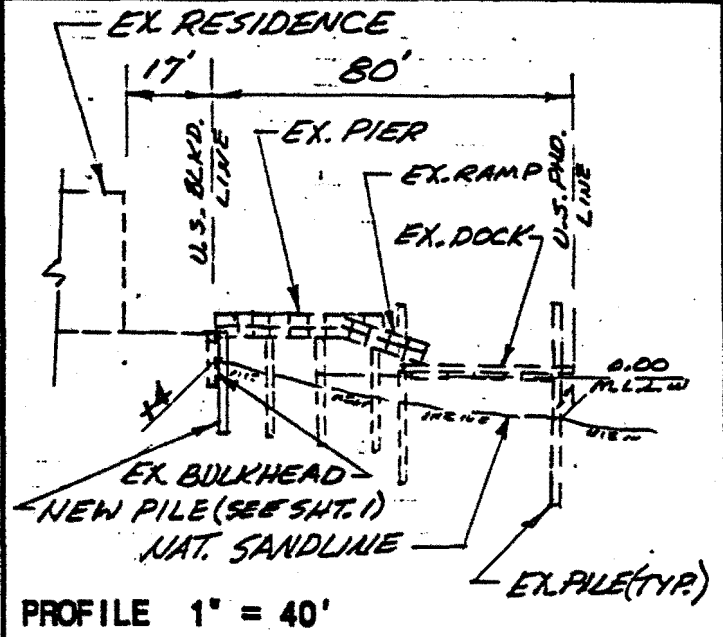
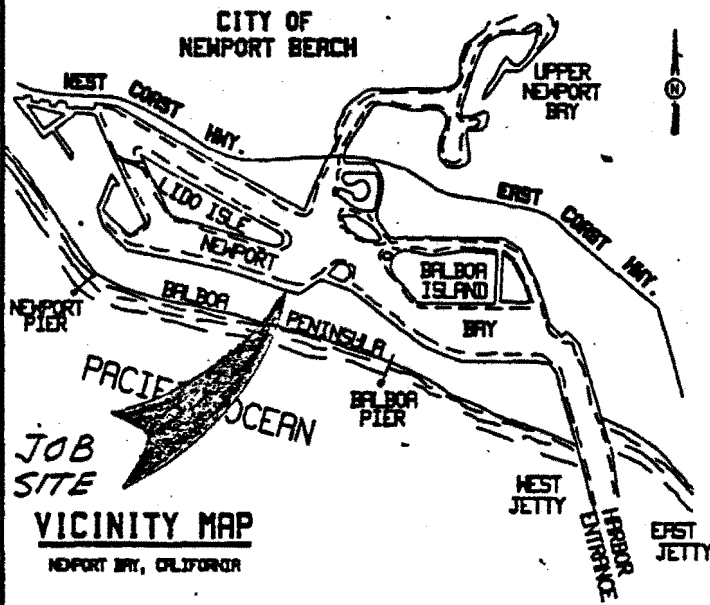
VICINITY

ANNETTE SEGERSTROM

JOB ADDRESS 820 W. BAY AVE.

DATE 1/24/96

CITY OF NEWPORT BEACH



SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.

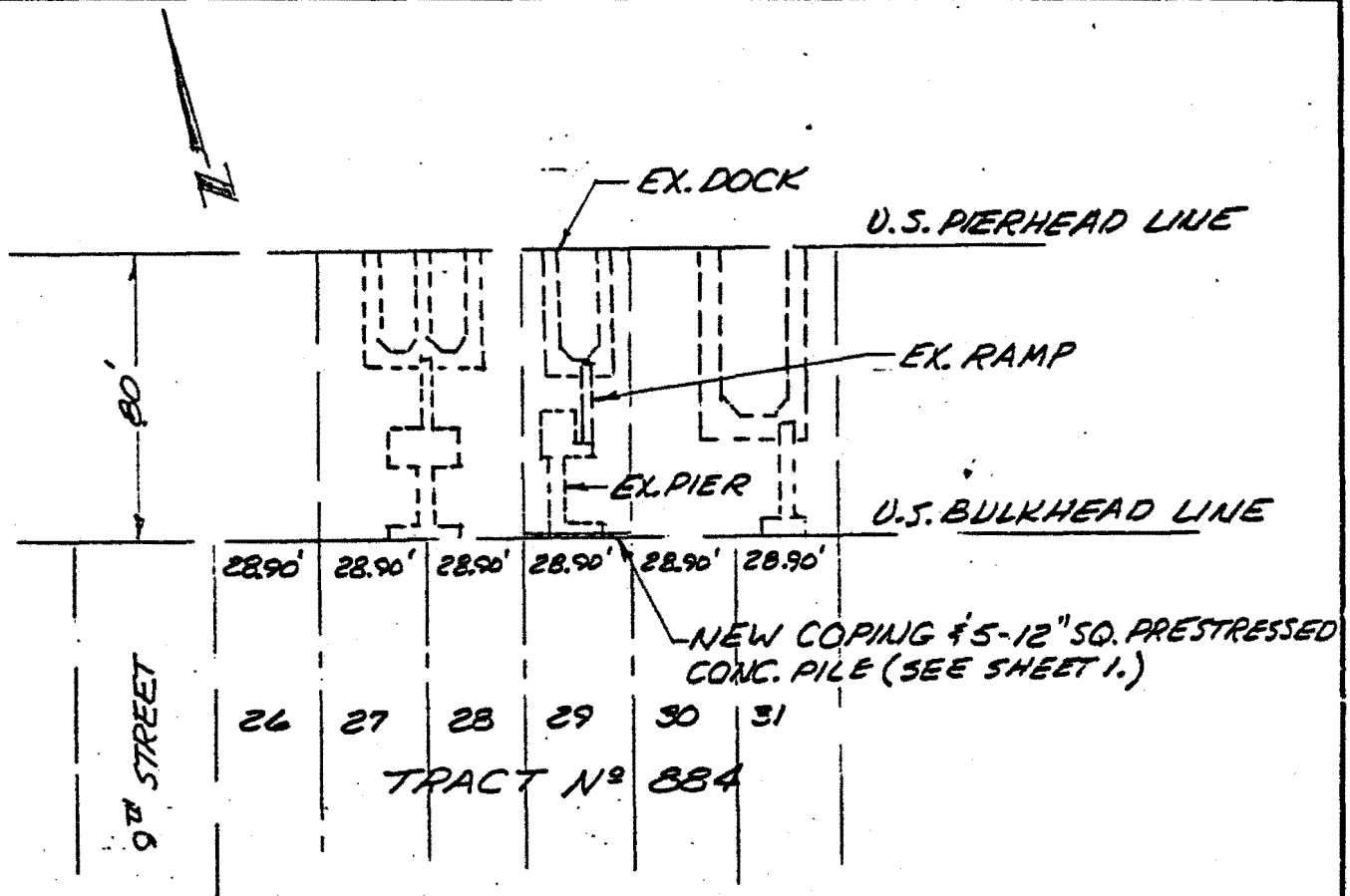


EXHIBIT NO. 2
APPLICATION NO.
5-96-024
SITE PLAN

PLAN VIEW 1" = 50'
 4Y AVE. DATE 3/4/96

APPLICANT'S NAME **JEANETTE SBERGSTRON**