

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 1000 Ocean Gate, Suite 1000
 Newport Beach, CA 90802-4302
 (562) 590-5071



Filed: October 9, 1998
 49th Day: November 27, 1998
 180th Day: April 7, 1999
 Staff: JTA-LB *JMM*
 Staff Report: October 20, 1998
 Hearing Date: **November 3-6, 1998**
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-98-395

APPLICANT: Manouch Moshayedi

AGENT: Jack Benson - Construction Resources

PROJECT LOCATION: 2121 Bayside Drive, Corona del Mar, City of Newport Beach,
 County of Orange

PROJECT DESCRIPTION: Removal of an existing dock and construction of a "U" shaped
 77'x36' dock with an 73'x6' gangway and ten 10" diameter steel guide piles. No
 work is proposed on the existing pier and ramp.

LOCAL APPROVALS RECEIVED: City of Newport Beach Harbor Permit 105-2121

SUBSTANTIVE FILE DOCUMENTS: De Minimis Waivers 5-97-067 (Moshayedi) and 5-93-127
 (Friis); City of Newport Beach Certified Land Use Plan

ISSUES TO BE RESOLVED - SUMMARY OF STAFF RECOMMENDATION:

The proposed project would normally have been issued a De Minimis Waiver except that a neighbor has objected to the project. (see Exhibit 5) Staff notes that De Minimis Waiver 5-97-067 was issued for a previous boat dock proposal on the site. (see Exhibit 7) Further, the existing dock was approved by De Minimis Waiver 5-93-127. (see Exhibit 8) No eelgrass exists on the site. (see Exhibit 3) Staff is of the opinion that the proposed project does not raise any Coastal Act issues and would be consistent with the Chapter 3 policies of the Coastal Act.

Staff is recommending approval of the proposed project with standard conditions and no special conditions. Staff would, however, point out that Standard Condition No. 3 indicates that any deviations from the approved plans require staff review and possible action by the Commission. The proposed dock design has undergone at least two revisions since the issuance of De Minimis Waiver 5-97-067. Since waivers cannot be amended to reflect revised plans, a new permit application had to be submitted. Standard Condition No. 3 would put both the City and the applicant on notice that additional revisions require staff review.

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 effects 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: None.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description and Location

The subject site is located in the waters of Newport Harbor off 2121 Bayside Drive in the Corona del Mar area of the City of Newport Beach. The proposed project involves the removal of an existing dock and the construction of a new dock. The proposed dock would be "U" shaped, 77 feet long and 36 feet wide, with each finger of the "U" being 8 feet wide. (see Exhibit 2) Attached to the dock would be a 73'x6' gangway type finger that would connect the dock to the existing 3'x34' ramp which leads to the existing 18'10' pier platform. The proposed dock would float on a series of pontoons and be held in place by ten 10-inch diameter steel guide piles, consisting of five 41' long piles, three 39' long piles, one 35' long pile, and one 33' long pile. The existing dock has four 10" diameter steel piles. Thus, the proposed project would result in a net increase of 6 piles.

B. Chapter 3 Policy Analysis

1. Wetland Fill

Section 30233 of the Coastal Act states, in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The proposed project involves the placement of ten pilings in the coastal waters of Newport Harbor for a private residential boat dock, resulting in wetland fill. Under Section 30233(a) of the Coastal Act, fill of coastal waters is only allowed if: (1) the project is one of the eight use categories specified; (2) the proposed project is the least environmentally damaging alternative; and (3) feasible mitigation measures to minimize adverse environmental effects are provided.

Section 30233(a)(4) allows the placement of pilings for new or expanded boating facilities. The proposed pilings are for the replacement of an existing boat dock with a new dock. Therefore, the proposed project is one of the eight allowable uses under Section 30233. Alternatives to the proposed project include no project or a change to the existing configuration. Under the no project alternative, the applicant could only pursue simple maintenance repair activity on the existing dock. However, simple maintenance repair could

not feasibly repair the docks, nor bring them up to present engineering and safety standards. Simple maintenance would only prevent further deterioration of the docks. The second alternative, replacement of the dock system in a new configuration, is not feasible since individual, private boat docks need to be designed to accommodate the type of boat used by the dock owner. Thus, the proposed dock configuration is limited by the type of boat to be docked. The additional guide piles would help safely secure the dock in place during a storm. Thus, the proposed project is the least environmentally damaging feasible alternative.

The proposed installation of ten 10-inch diameter pilings would result in the elimination of about 5 square feet of soft bottom habitat, which is an adverse environmental effect. Of the 5 square feet, about 3 square feet is due to the net increase of 6 additional piles. However, the proposed project is self-mitigating since the guide pilings provide a vertical substrate for mollusks and other marine organisms. Therefore, the proposed project would provide vertical substrate habitat to replace lost soft bottom habitat. Thus, the Commission finds that the proposed project is consistent with Section 30233 of the Coastal Act.

2. Eelgrass

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Eelgrass is a species of marine vegetation, which is considered to be biologically significant, so much so that the National Marine Fisheries Service ("NMFS") has established a formal policy to mitigate adverse impacts on eelgrass. There is no eelgrass on the subject site, in part because the subject site is bulkheaded and has a harder shale bottom that is not conducive to the growth of eelgrass. The stretch of harbor off Bayside Drive in the vicinity of the subject site was surveyed by the NMFS for eelgrass in 1994. No eelgrass was found in the surveyed area, including the subject site. Further, the City's marine department inspected the subject site in September, 1998 and found no eelgrass. (see Exhibit 3) Therefore, the proposed project would not result in adverse impacts to eelgrass. Thus, the Commission finds that the proposed project would be consistent with Section 30230 of the Coastal Act.

3. Visual Impacts

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration

of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The closest public viewpoint designated in the City's certified land use plan ("LUP") is the N Street street-end located across the harbor from the subject site on the Balboa Peninsula. While not designated in the LUP, the public beach at the Orange County Harbor Patrol facility provides public views downcoast towards the subject site. Public views are not readily available from Bayside Drive because existing homes block the public's view to the shoreline. The proposed pilings for the proposed boat dock would not be any taller than the existing pilings. (see Exhibit 4) The proposed project would be no taller than the adjacent bulkhead nor adjacent boat docks. The proposed project would be visually compatible with the character of surrounding development and would not block public views to and along the shoreline. Further, an boat dock currently exists on-site. Thus, the Commission finds that the proposed project would be consistent with Section 30251 of the Coastal Act.

4. Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The neighbor objecting to the proposed project has indicated that the orientation of the proposed boat dock, with the boat opening facing away from the harbor entrance, may cause damage to adjacent property when waves from the harbor entrance hit the proposed dock. (see Exhibit 5) The City has reviewed the proposed plans with this in mind and has concluded that the proposed project would not result in damage from wave and flood hazards. (see Exhibit 6) Further, the additional 6 pilings being proposed (10 total) would help secure the boat dock in place in the event of a storm surge. Therefore, the Commission finds that the proposed project would be consistent with Section 30253 of the Coastal Act.

C. Unpermitted Development

The applicant has allegedly commenced (and subsequently halted, allegedly) construction on the proposed development without benefit of a coastal development permit. However, consideration of this permit application by the Commission has been based solely on the consistency of the proposed development with the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

D. Local Coastal Program

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 ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified on May 19, 1982. As proposed, the development is consistent with the wetland fill, marine resources, visual quality, and hazards policies of Chapter Three of the Coastal Act. Therefore, the Commission finds that approval of the proposed development would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

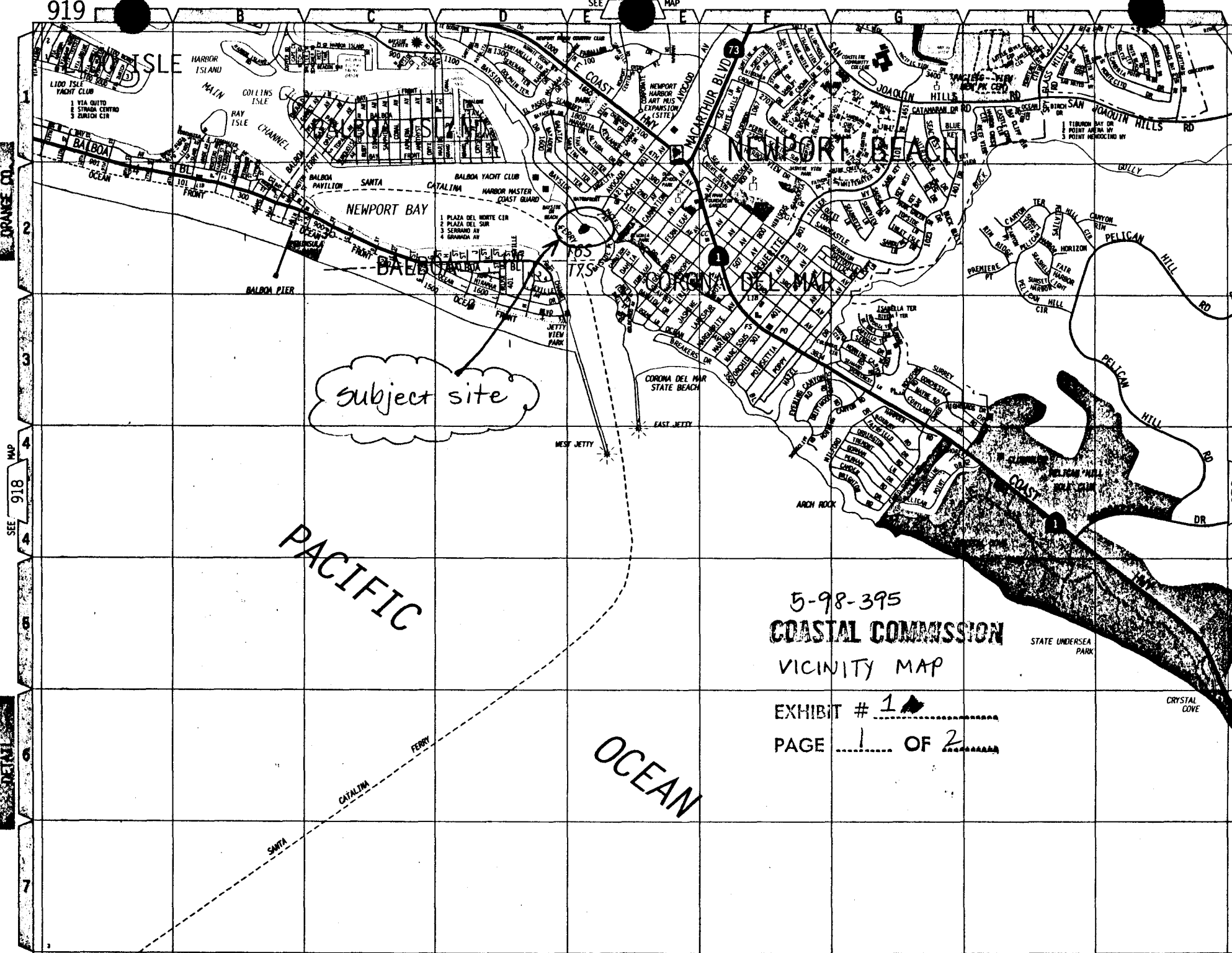
E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The proposed development is located in an urban area. The Commission approved the boat dock which already exists on the subject site. Most adjacent properties also have boat docks. All infrastructure necessary to serve the site exists in the area. As proposed, the development is consistent with the wetland fill, marine resources, visual quality, and hazards policies of Chapter Three of the Coastal Act. As proposed, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that 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.

919

SEE MAP



subject site

PACIFIC

OCEAN


5-98-395
COASTAL COMMISSION
 VICINITY MAP

EXHIBIT # 1
 PAGE 1 OF 2

SEE ix MAP

COPYRIGHT 1992 Thomas Donagan

SEE 920 MAP

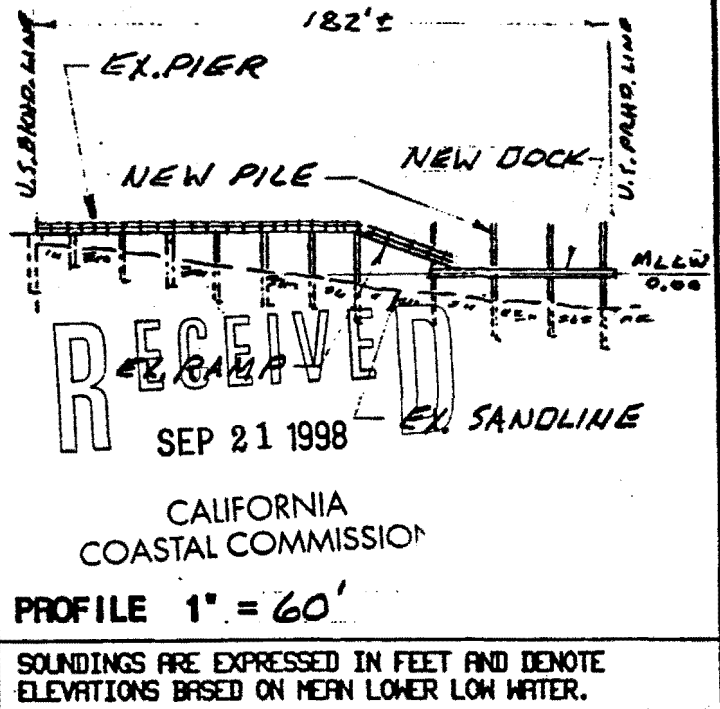
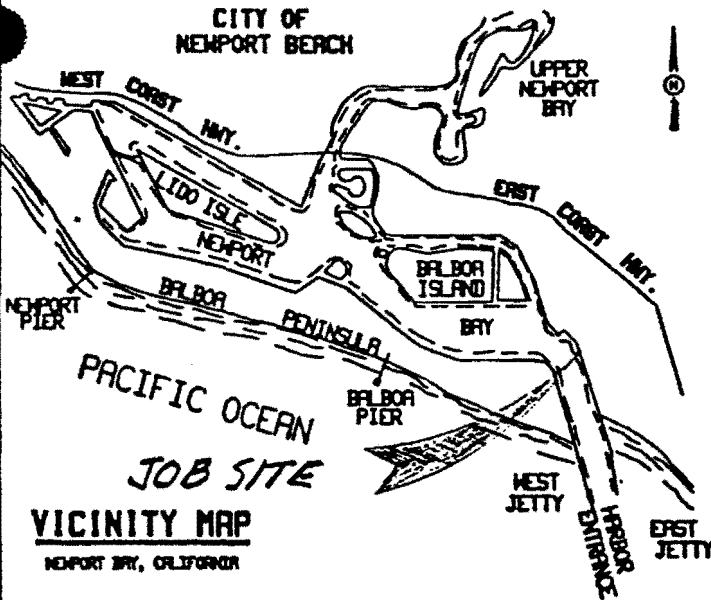


Bayside Drive

5-98-395
Exhibit 1
p. 2 of 2

← existing dock
on subject site at
2121 Bayside Dr.

CITY OF NEWPORT BEACH



SAM F. KNISS
CONSULTING CIVIL ENGR.
19 AGATE
IRVINE, CA, 92614
(714) 733-8430

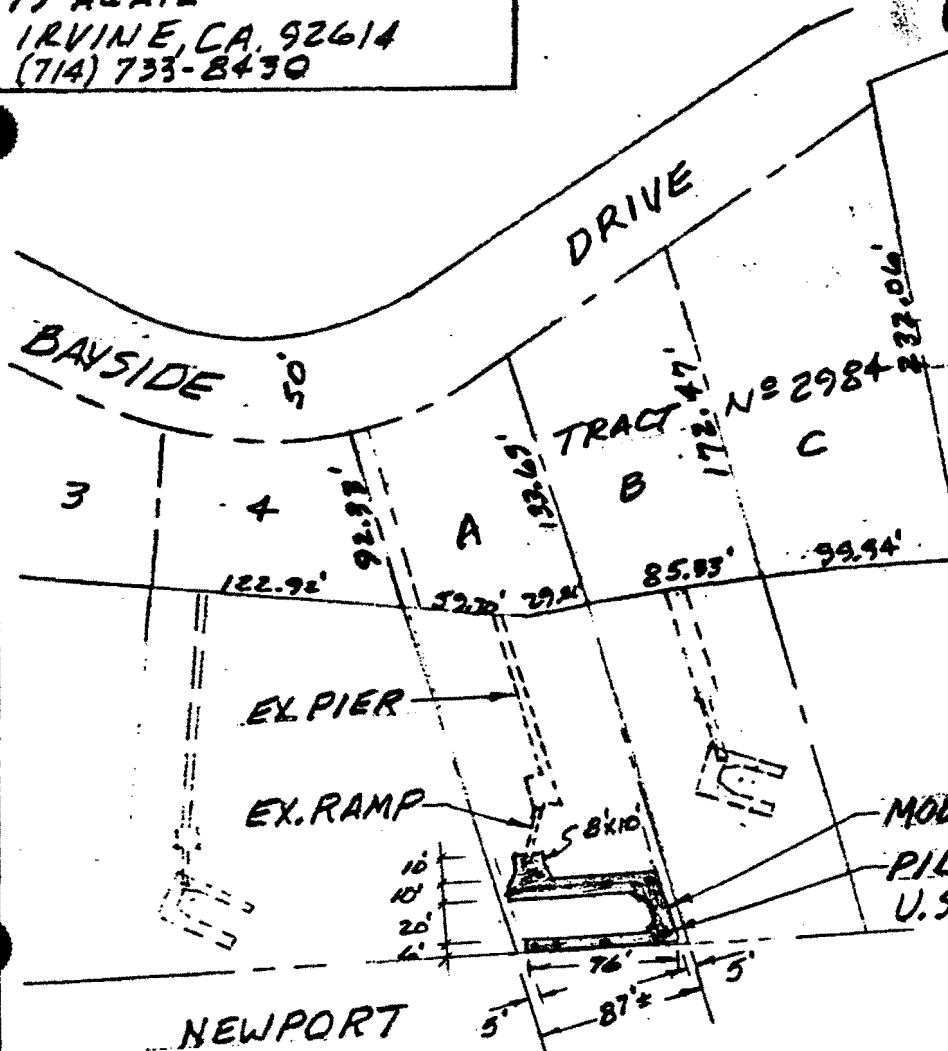
FIRE & MARINE DEPT.
CITY OF NEWPORT BEACH

W. Arnold
9-16-98

- EEL GRASS INSPECTION**
- NO EEL GRASS
 - EEL GRASS IN THE PROJECT AREA

W. Arnold
SIGNATURE
105-2121
PERMIT#
9-16-98
DATE

U.S. BULKHEAD LINE



South Coast District Office

MODIFIED DOCK 5-98-395

PILE (TYP.)
U.S. PIERHEAD LINE

EXHIBIT 2

Plans: p. 1 of 2

PLAN VIEW 1" = 100'

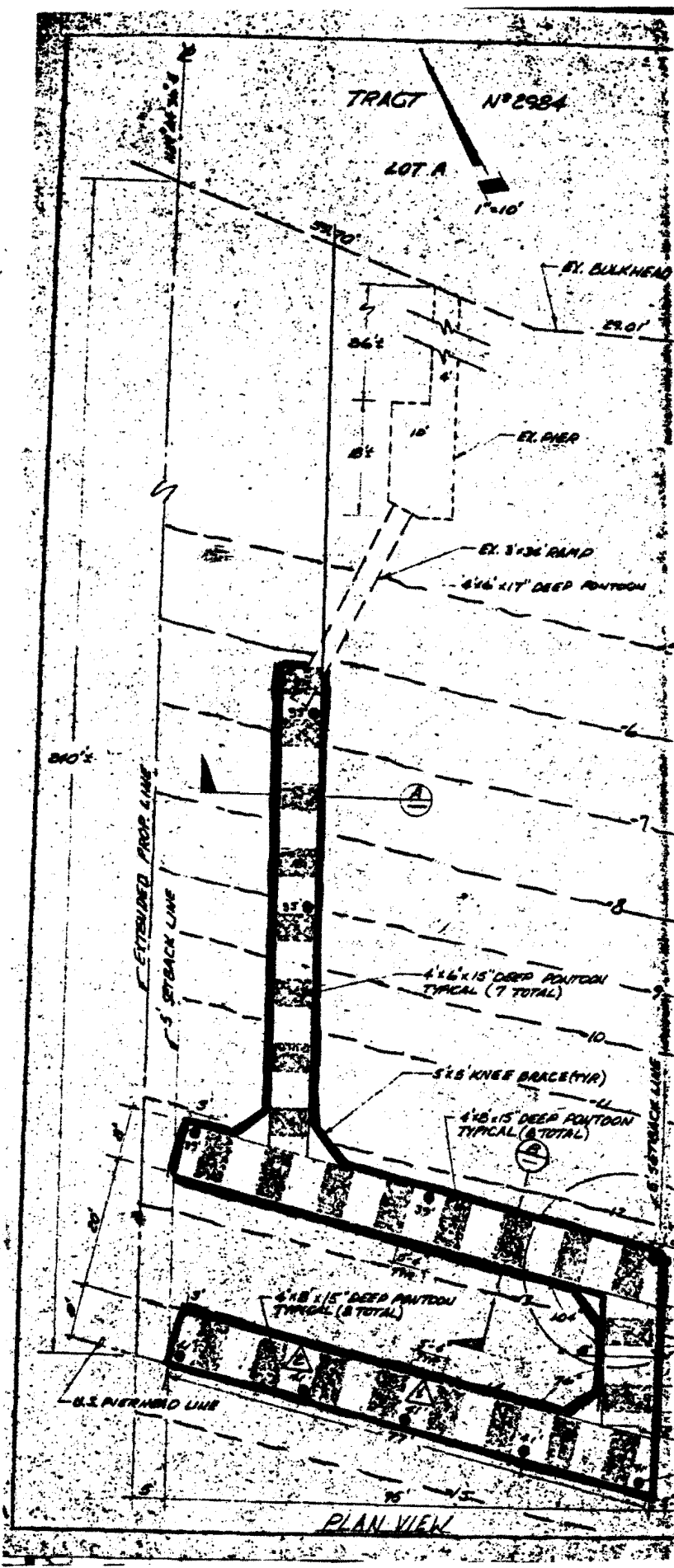
APPLICANT'S NAME: **M. MOSHAYEDI**

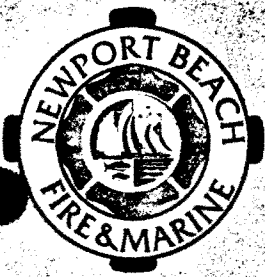
JOB ADDRESS: **2121 BAYSIDE DR.**

DATE: **2/11/98**

5-98-395
COASTAL COMMISSION
Plans

EXHIBIT # 2
PAGE 2 OF 2





NEWPORT BEACH FIRE AND MARINE DEPARTMENT

RECEIVED
OCT 9 1998

CALIFORNIA
COASTAL COMMISSION

Timothy Riley
Fire and Marine Chief

October 8, 1998

California Coastal Commission
Attn: John Auyong
200 Oceangate, Ste. 100
Long Beach, CA 90802-4302

Re: Coastal Permit 5-98-395

Dear Mr. Auyong:

On September 28, 1998, as requested by the Army Corps of Engineers, we inspected 2121 Bayside Drive for eel grass and found none.

If you need additional information or wish to discuss this with me please give me a call at 644-3041.

Sincerely,

A handwritten signature in cursive script that reads "Tony Melum".

Tony Melum
Deputy Chief Marine Environmental Division

5-98-395
COASTAL COMMISSION
Eelgrass

EXHIBIT # 3

PAGE 1 OF 1

3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915



CONSTRUCTION RESOURCES

Marine Division

October 9, 1998

Mr. John Auyong
California Coastal Commission,
Long Beach, Calif.

RECEIVED
OCT 9 1998

Re: Application number 5-98-395

CALIFORNIA
COASTAL COMMISSION

Subject: Request for information on piling height.

Dear Mr. Auyong:

As per your request The height of the pilings on this project as per the plans, do not exceed +10 from MLLW.

We cut the pilings off at the same level as the pilings on the existing dock and they do not exceed the height of the adjacent existing pier pilings.

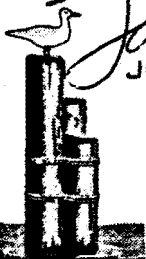
Observing the docks and piers of the adjacent homes, the piers all leave the bulkhead at the same level, therefore the pilings at our project could not exceed the height of any these other projects.

As a further example, viewing all of the piers in the neighborhood as a visual obstruction, the tops of our new dock pilings are + four and one half feet below the top railings of these piers and below the obstructed line of sight.

One further example. The new project that was approved by the commission, which is to serve the house two doors south, will be even larger and will be in line with our project, with the pier and dock pilings at the same level as our project.

Respectfully submitted,

5-98-395
COASTAL COMMISSION
Views



Jack L. Benson

EXHIBIT # 4
PAGE 1 OF 1



TKB INTERNATIONAL, INC.

From the office of the President

Kirk Inoue

RECEIVED
SEP 2 1998

Via fax: 8/31/98

Original letter via Certified Mail

August 31, 1998

Mr. John Auyong
Coastal Analyst
California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

5-98-395
COASTAL COMMISSION
Neighbor Letter

EXHIBIT # 5
PAGE 1 OF 4

Dear Mr. Auyong:

Subject: New Dock For Moshyedi Residence at 2121 Bayside Drive, Corona Del Mar

I am the homeowner of 2103 Bayside Drive, which is two homes west of subject property. Last week we have found that 11 piles have been installed in the Newport Bay, obviously for the extension of the dock at 2121 Bayside Drive, without any prior notice to us. Since this extremely massive project will obstruct our view of the jetty of Balboa Peninsula and the Pacific Ocean and reduce our property value, I have contacted the California Coastal Commission and the City of Newport Beach last Thursday (8/27) and Friday (8/28), receiving Permit documentation from Mr. Robin Maloney-Rames of the Coastal Commission, making a copy of the City of Newport Beach - Marine Department's file. Though it is unfortunate that we could not talk on the phone last Friday, August 28th, nor today, I wish to attach the following two documents for your evaluation and enforcement.

(Exhibit - A) HARBOR PERMIT APPLICATION with the attached drawing (Map) which I found in the file of Newport Beach Marine department on 8/28/98.

(Exhibit - B) Coastal Commission WAIVER No. 5-97-067, dated on 4/21/97 with a drawing which also indicate Permit Number 5-97-067 with effective date of 5/13/97 under your signature. This document was faxed to me by Mr. Robin Maloney-Rames on 8/27/98 as a public record filed with the California Coastal Commission.

As you can see in **Exhibit - A - Page 1/3**, the City Permit was issued on 8/14/98 based on the approval of the Coastal Commission, dated 4/21/97, which is Exhibit-B. However, the attached drawing in **Exhibit-A - Page 3/3** (dated 2/11/98) is totally different from what the Coastal Commission has approved on 4/21/97 with the drawing in **Exhibit-B - Page 3/3**.

Mr. John Auyong
August 31, 1998
Page -2-

- 1) In your permit #5-97-067 (Exhibit-B), the closest point of the dock to the U.S. Pierhead Line is one easterly corner of the dock which comes to 6 feet set back to the U.S. Pierhead Line. However, in the final drawing attached to the City Permit (Exhibit-A) is that one of the side (legs) of the U-shaped dock is running along the U.S. Pierhead Line without any set back (Note: their 2/11/98 drawing shows 6' as the width of the 76' long leg of the U-shaped dock placed along with the U.S. Pierhead Line, but no set back is indicated).

- 2) The opening of the U-shaped dock in your approval (Exhibit-B) is facing to the east (their boat will face the opening of the Bay), but the dock is 120 degrees turned around on the attached drawing in Exhibit-A, and the opening of the U-shaped dock is facing to the southwest towards the Balboa Pavilion. With their plan/Exhibit-A (on which they are building), waves from the easterly opening of the Newport Bay will directly hit the side of their dock and boat, causing risk of damaging not only their dock, but neighboring properties with the debris of their dock and boat in future severe storms.

- 3) The leg of the U-shaped dock was 66 feet in your Permit (Exhibit-B), but is extended to 76 feet in Exhibit-A (10 feet longer than your Permit allows). Also connecting floating dock from the ramp to U-shaped dock is longer to extend the dock out further. As a result, the surface area of the dock became much larger and the dock was extended out more towards the boat traffic on the canal. The total length of the pier + dock will be longer than 244 (total length of 244' is indicated in your Permit #5-97-067).

Reviewing the location of the 11 piles, a plan (Exhibit-A) without your approval does significantly affect our view from our house (our house is indicated in Lot-3 on the map in Exhibit-A) than the approved plan in Exhibit-B, and such an extended dock right along the U.S. Pierhead Line will not be safe for boating traffic.

It is apparent that somebody intentionally or mistakenly replaced the drawing to be attached to the HARBOR PERMIT APPLICATION sometime between February to June, 1998, without submitting any application to the Coastal Commission Department of the Army, etc.

COASTAL COMMISSION
5-98-395

EXHIBIT # 5
PAGE 2 OF 4

Mr. John Auyong
August 31, 1998
Page -3-

I am seriously concerned that construction of the dock will be completed while Mr. Melum is taking vacation until September 7th, and everyone concerned may handle this matter as a "DONE DEAL", or "TOO LATE TO COMPLY WITH THE COASTAL COMMISSION'S APPROVAL".

Therefore, I am reporting to you that the dock is currently in the process of being built as per the attached 2/11/98 drawing (**Exhibit-A**), which is entirely different from your approved plan dated 4/21/97 (**Exhibit-B**), and I am requesting the Coastal Commission to immediately take action to stop construction of the dock before it is completely built, regardless of the availability of Mr. Melum in his office.

Since Mr. Wes Armand is in the Newport Beach Marine Department Office, I am sure that he can handle the issue working closely with you. With a copy of this letter, I wish to request Mr. Armand to take timely action on this matter to satisfy the Marine Department's obligation to the public.

It is obvious that the drawing dated 2/11/98 (in **Exhibit-A**) was replaced from the original drawing (**Exhibit-B**) by mistake, and it should be replaced with the drawing in **Exhibit-B**, which the Newport Beach Marine Department (Mr. Wes Armand's signature is shown for Approval in Concept) accepted on 3/11/97, together with the HARBOR PERMIT APPLICATION (dated 9/30/97) and the approval from the Coastal Commission was made on 4/21/97. If everyone is allowed to replace the drawing or map on which your Permit was granted and attached as a part of their application and your Permit, the Coastal Commission's Permit, will become meaningless and justice to the public cannot be served.

The Certification of Compliance with the Department of the Army's Permit, dated May 17, 1997 addressed to Mr. Manouchehr Moshyedi with copy of the original drawing (same as you have approved on 4/21/97) and copy of your Permit #5-97-067, clearly indicates "Please note that your permitted activity is subject to a compliance inspection by an Army Corp, of Engineers Representative. If you fail to comply with this Permit, you may be subject to Permit suspension, modification, or revocation".

As the dock is being built by different plans from your approval, as clearly shown in the difference between the 2/11/98 Plan (**Exhibit-A**) and the drawing submitted for your approval (**Exhibit-B**) and the Department of the Army's Permit (which also includes a copy of **Exhibit-B**), the Permit by the Coastal Commission and the Department of the Army should be revoked on

COASTAL COMMISSION

5-98-395

EXHIBIT # 5
PAGE 3 OF 4

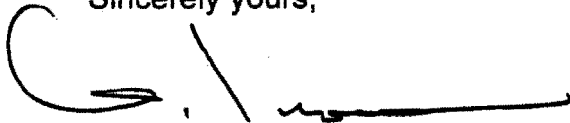
Mr. John Auyong
August 31, 1998
Page -4-

the inspection by either of them if enforced properly. Therefore, it will be only fair to Mr. Moshyedi that you or Mr. Armand promptly advise him the problem with the Permit in order to avoid his further financial damage by building the dock based on the wrong plan.

In any case, the dock at 2121 Bayside Drive seriously obstructs our view and affects our property value, regardless of the plan described in **Exhibit-A** or **Exhibit-B**. Therefore, I am deeply concerned that we were not informed about this dock construction at all, and we only found out when construction began on August 25th. I thought it was the rule that coastal construction projects needed to be advised to the neighbors within a 300 ft. radius. My house is only 120 feet away from the subject property. I would appreciate it if you could explain to me on this regard to determine if my legal rights as a homeowner have been violated.

Thank you in anticipation of your prompt action and cooperation in compliance with the **California Coastal Act**.

Sincerely yours,



Kirk Inoue
2103 Bayside Drive
Corona Del Mar, CA 92625

5-98-395
5
PAGE 4 of 4

KI:cms
Enclosures:

cc: Mr. Wes Armand - City of Newport Beach - Marine Dept.
Mr. Tony Melum - City of Newport Beach - Marine Dept.
Mr. Al Vasquez - County of Orange - County Property Permits Dept.
Commissioner Andrea Tuttle - California Coastal Commission
Mr. & Mrs. Lynn Burnett - 2115 Bayside Drive, Corona Del Mar, CA 92625
Mr. & Mrs. Reginald Howell - 2039 Bayside Drive, Corona Del Mar, CA 92625
Steve Blaine, Esq. - Callahan & Blaine Law Firm



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

September 1, 1998

Mr. John Auyong
Coastal Analyst
California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, Ca 90802

Re: 2121 Bayside Drive, Corona Del Mar

Dear Mr. Auyong:

Thank you for taking the time today to discuss this matter with me.

To summarize certain aspects of our conversation, the plans for proposed pier at 2121 Bayside Drive were reviewed and approved by the City of Newport Beach Design Engineer. He is aware of the strong surge in that vicinity of the harbor and approved the plans based on the design specifications and calculations provided by the marine engineer who prepared the plans.

Also, I pointed out the reasons for the modified drawing depicting the project's footprint. This was necessary to keep the project within the harbor lines and to comply with the City Harbor Permit Policies.

Today, once the pilings have been cut off and the barge is done, work will be stopped. Before work is resumed, Tony Melum will call you and answer any further questions.

Sincerely,

A handwritten signature in black ink that reads "Wes Armand".

Wes Armand
City of Newport Beach
Marine Environmental Management

5-98-395
COASTAL COMMISSION
storm surge review
PAGE # 6
PAGE 1 OF 1

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
200 Oceangate, 10th Floor
LONG BEACH, CA 90802-4325
(562) 590-5071



NOTICE OF PERMIT WAIVER EFFECTIVENESS

RECEIVED
MAY 22 1997

CALIFORNIA
COASTAL COMMISSION

DATE: May 16, 1997
TO: All Interested Parties
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver De Minimis Number 5-97-067-W

Please be advised that Waiver Number 5-97-067-W, which was reported to the Commission on May 13, 1997, became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

APPLICANT: Manouch Moshayedi
LOCATION: 2121 Bayside Dr., Newport Beach (Orange County) (APN(s) 052-222-29)
DESCRIPTION: Relocate further seaward and expand an existing single "fingers". Four existing 10 1/2" diameter guidepiles will be removed, and eleven new similar guidepiles (five per "finger" and one where the dock meets the gangway) will be added to anchor the proposed dock.

Should you have any questions, please contact our office.

Sincerely,

PETER M. DOUGLAS
Executive Director

John T. Auyong

By: JOHN T. AUYONG
Coastal Program Analyst

5-98-395
COASTAL COMMISSION
previous waiver

EXHIBIT # 7
PAGE 1 OF 3

FILE COPY

CALIFORNIA COASTAL COMMISSION

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



Date: April 21, 1997

TO: Bill Dewing
D & H Building Systems
1322 Bell Avenue, #1-E
Tustin, CA 92680

SUBJECT: **Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act**

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-97-067 APPLICANT: Manouchehr Moshayedi

LOCATION: 2121 Bayside Drive, City of Newport Beach, County of Orange

PROPOSED DEVELOPMENT: Relocate further seaward and expand an existing single "finger" boat dock to accommodate a larger boat. The proposed dock would have two "fingers". Four existing 10 1/2" diameter guidepiles will be removed, and eleven new similar guidepiles (five per "finger" and one where the dock meets the gangway) will be added to anchor the proposed dock.

RATIONALE: The Commission approved De Minimis Waiver 5-93-127 for the existing boat dock. The proposed dock would extend further seaward than the existing dock. However, the proposed dock would be set back six feet from the U.S. Pierhead Line. The Commission has in the past allowed boat docks to extend up to the U.S. Pierhead Line. The proposed boat dock would not have significant adverse impacts on public access, public recreation, nor coastal resources, and would be consistent with the City's certified land use plan, past Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

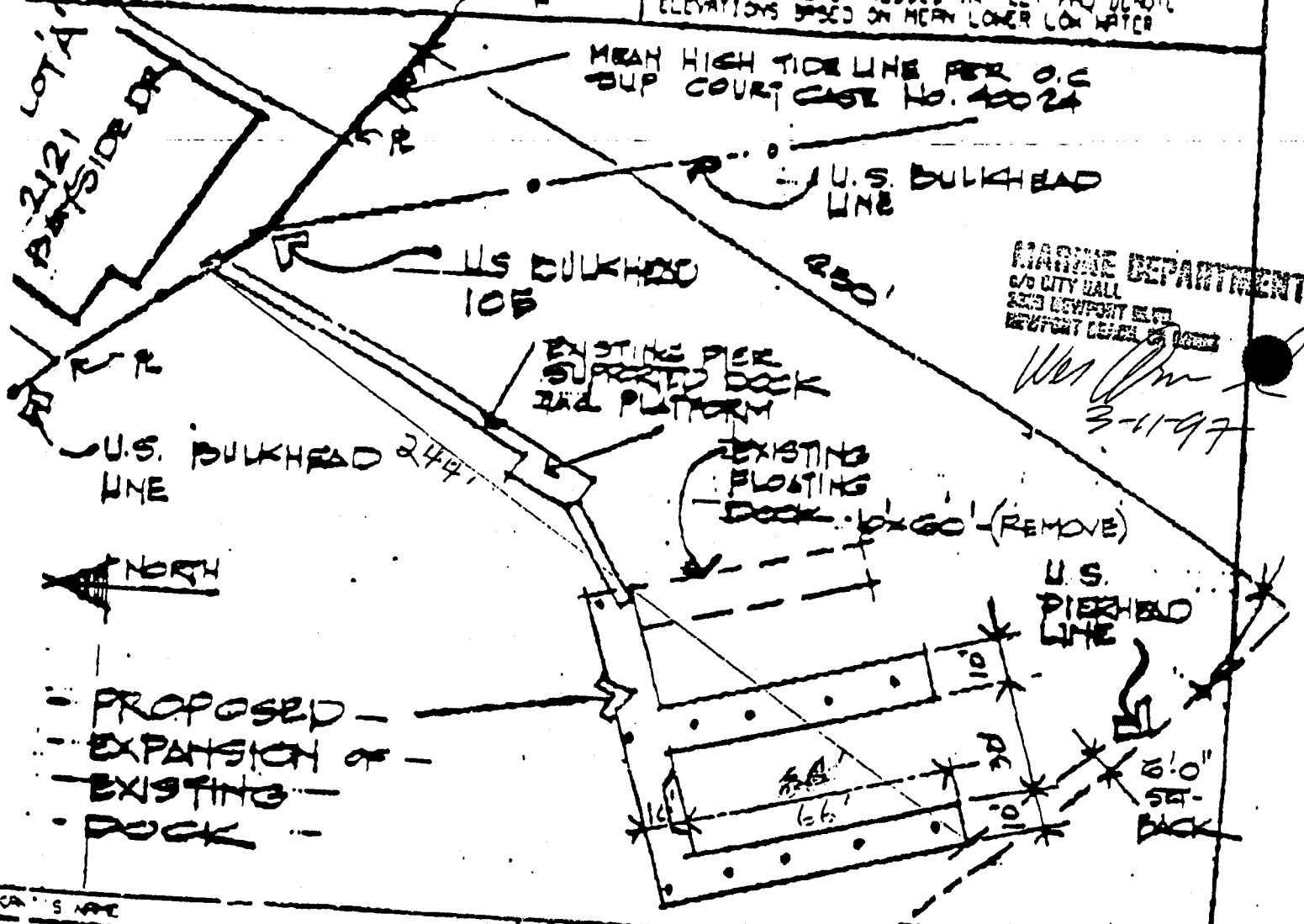
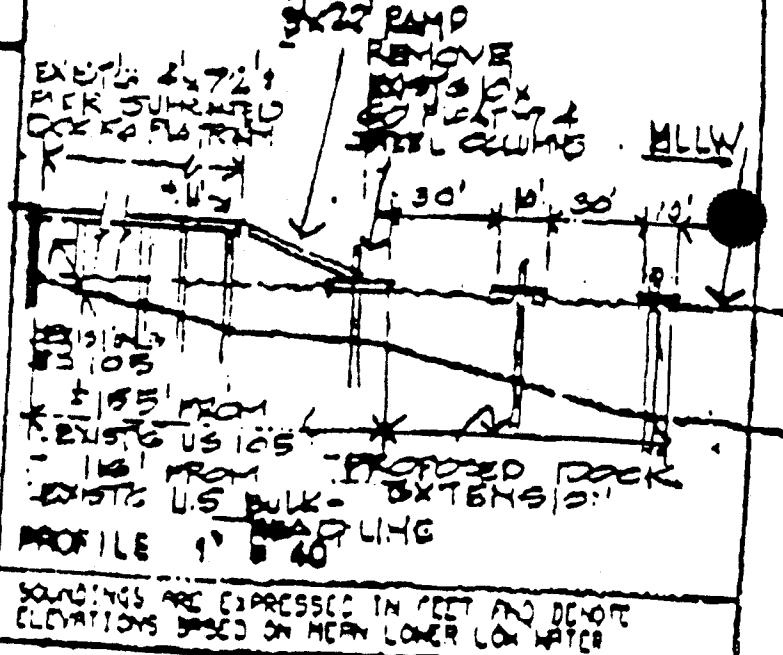
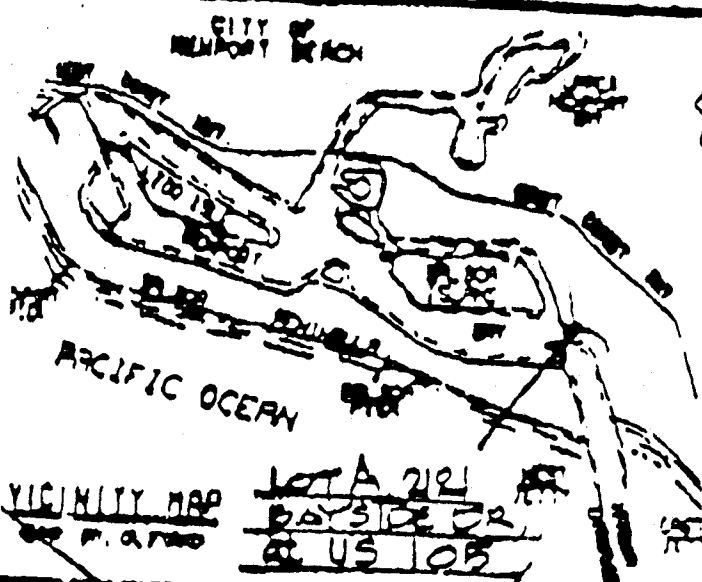
This waiver will not become effective until reported to the Commission at their May 13-16, 1997, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
South Coast District Director
cc: Commissioners/File
8764F:jta

by: [Signature]

COASTAL COMMISSION
5-98-395



MARINE DEPARTMENT
670 CITY HALL
3300 NEWPORT BLVD
NEWPORT BEACH, CA 92660

Wes [Signature]
3-11-97

RECEIVED

7 MAR 28 1997 8782

CALIFORNIA COASTAL COMMISSION

Billy
GENERAL MANAGER
5-98-395
EXHIBIT # 7
PAGE 3 OF 3

APPROVED
Permit No. 5-97-067
By: *[Signature]*
EFFECTIVE 5.13.97
Date:

CALIFORNIA COASTAL COMMISSION

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



*5-97-067
file copy*

Date: 6-16-93

Waiver # 5-93-127

NOTICE OF PERMIT
WAIVER EFFECTIVENESS

Applicant: Bill Friis

Please be advised that Waiver # 5-93-127, which was reported to the Commission on June 10, 1993 became effective as of that date. Any deviation from the application and plans on file in the Commission office may require a coastal development permit for the entire project.

Should you have any questions, please contact our office.

PETER M. DOUGLAS
Executive Director

By: *Meg Vaughan*
Title: Staff Analyst

5-98-395
COASTAL COMMISSION
Approval of existing dock

E6: 4/88
8837E
MV/lm

EXHIBIT # 8
PAGE 1 OF 3

CALIFORNIA COASTAL COMMISSION

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

5-97-067 file 0598



Date: May 17, 1993

TO: Peter C. Swift, SWIFT SLIP
500 30th Street
Newport Beach, CA 92663

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-93-127 APPLICANT: Bill Friis

LOCATION: 2121 Bayside Drive, Corona del Mar, City of Newport Beach, County of Orange

PROPOSED DEVELOPMENT: Construction of a new residential pier and float. The proposed pier will be 4 x 92 feet at the end of which will be a 10 x 14 foot platform, the proposed ramp will be 3 x 22 feet, and the single finger floating boat slip will be 10 x 60 feet on top of steel pipe pilings.

RATIONALE: The proposed development will have no adverse impacts on coastal access or resources and is consistent with the City's certified Land Use Plan, past Commission actions in the area and the Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their June 8-11, 1993, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm
CHARLES DAMM
South Coast District Director

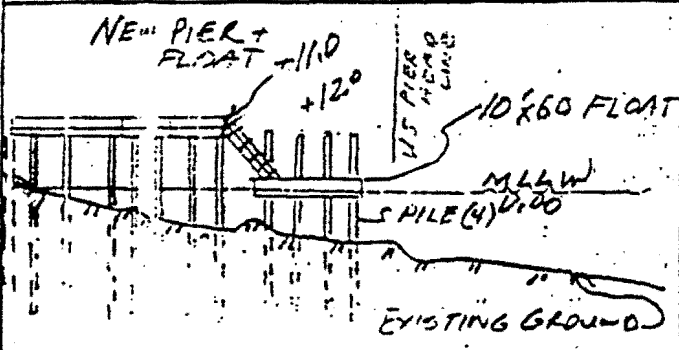
by: *Art C. Lyness*
COASTAL COMMISSION
5-98-395

cc: Commissioners/File
8613E

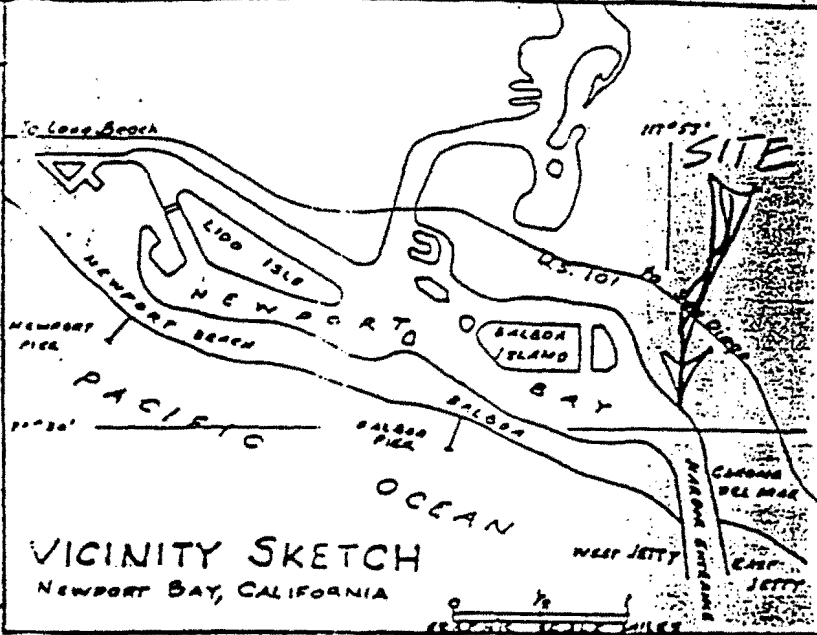
EXHIBIT # 8
PAGE 2 OF 3

105-2121

CITY OF NEWPORT BEACH



PROFILE
 Vertical: 1" = 40'
 Horizontal: 1" = 100'



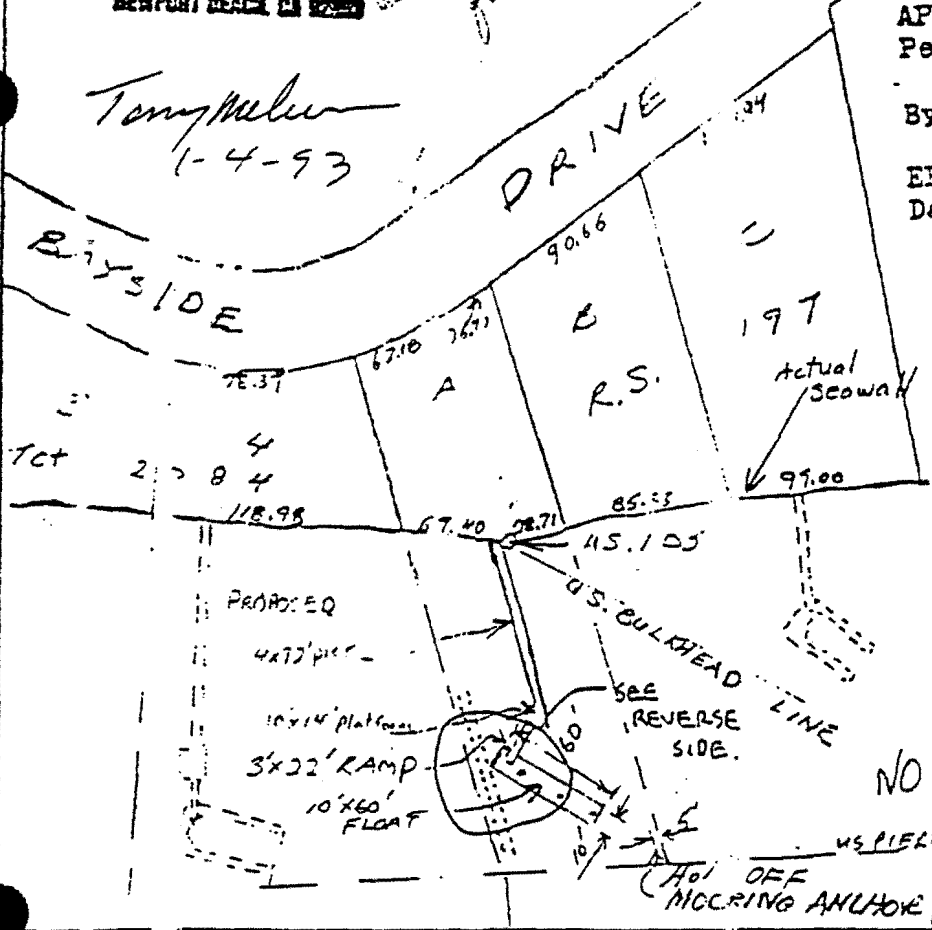
MARINE DEPARTMENT
 270 CITY HALL
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CA 92660

5-97-067
 file copy

Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines are established in this section of Newport Bay, South-Coast District of Orange County.

APPROVED 5-93-127
 Permit No. _____
 By: Meg Vaudin
 EFFECTIVE DATE: 06/17/93
 1" = 100'

Tom Miller
 1-4-93



Dotted lines = EXISTING STRUCTURES

NEWPORT BAY

NO DREDGING REQUIRED!

APPLICANTS NAME	WILLIAM FRIIS	LOT A	BLK.	TRACT 15197
JOB ADDRESS	2121 BAYSIDE DRIVE	CONTRACTOR	SWIFT	DATE 10-28-92

5-98-395 Exhibit 8 p. 3 of 3

