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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 06-09-98
49th Day: 07-28-98
180th Day: 12-06-98
Staff: RMR-LB **RNR**
Staff Report: July 16, 1998
Hearing Date: August 11-14, 1998
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-334

PROJECT LOCATION: Adams Street Streetend, Newport Beach, Orange County

PROJECT DESCRIPTION: Installation of a 48 foot long, 2.5 inch thick plastic groin wall. The groin, consisting of eight foot long plastic panels, will be hand jetted into the harbor in order to reduce turbidity.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development, as conditioned, is consistent with the resource protection policies of Chapter 3 of the Coastal Act. There are no unresolved issues associated with this project and the applicant does not object to the special condition regarding protection of the marine environment during construction.

STAFF RECOMMENDATION:

The Staff recommends that the Commission adopt the following resolution:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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.

LOCAL APPROVALS RECEIVED:

Approval in concept from the City of Newport Beach Fire and Marine Department

SUBSTANTIVE FILE DOCUMENTS:

City of Newport Beach Certified Land Use Plan

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 Condition1. Construction Responsibilities and Debris Removal

The project shall be constructed as proposed, hand-jettied from land during low tide, in order to reduce significant adverse impacts on the marine environment. The applicant agrees not to store any construction materials or waste where it is subject to wave erosion and dispersion. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the beach and streetend area any and all debris which results from the construction period.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. Project Description

The proposed development consists of the installation of a 48 foot long, 2.5 inch wide plastic sheet groin wall. The groin wall will be hand jetted into Newport Harbor at the Adams Street streetend. The purpose of the groin is to block the flow of sand into a deep water marina, maintain a sandy beach and protect a storm drain outlet (see Exhibit 4).

The proposed development is located in Newport Harbor on the north side of the Balboa Peninsula at the Adams Street streetend (see Exhibit 1). To the east is a deep water marina containing harbor cruise boats, sports fishing boats, the ferry crossing and the Fun Zone. To the west is residential development with docks and boats.

There is an existing remnant of a 40 foot long concrete groin located at the eastern portion of the Adams Street streetend (see Exhibit 4). This concrete groin structure was constructed in the 1960s, but has broken up so that only 20 feet of it remains. This old concrete groin served the function of keeping sand out of the deep water marina adjacent to it. There are no plans to remove the remnant of the concrete groin.

Exhibit 3 is an aerial of the location showing where the groin wall will be placed. This exhibit also shows the concrete groin remnant and the eroding beach. The ferry crossing is shown on the bottom left hand corner of Exhibit 3. Exhibit 4 is a close-up photograph of the Adams St. streetend and Newport Landing. In the center of this photograph a man is standing on a dock adjacent to the concrete groin wall remnant, which is to the right of him. Further right is the storm drain outlet. Exhibit 5 is a photograph looking east from the eroding beach towards the Adams St. streetend. Exhibit 6 is a section of the proposed groin wall.

B. Coastal Protection Structures

Section 30235 of the Coastal Act contains the policies for allowing coastal protection structures. It 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 applicant submitted a letter from Lloyd Dalton, PE, a design engineer for the City of Newport Beach Public Works Department (see Exhibit 8). In this letter he discusses the need for the proposed groin wall.

Currently local tidal action has increased in intensity from the west to the east and has caused a long shore transport of sand from the sandy sloping beach, to the storm drain and into the deep water marina. The

situation suggests that a groin in this area would slow the observed erosion thereby maintaining the sandy sloping beach to the west, reducing erosion across the City street end and retarding deposition of material from those two locations into the deep water marina.

As recommended by this engineer, the proposed groin wall would be 48 feet long. The City also states that the individual groin wall panels would be hand-jettted into place from the landward side of the bay. The construction is estimated at two days and the construction methodology ensures that a minimum amount of turbidity will occur. The proposed groin would be located within the U.S. Pierhead Line, within the jurisdiction of the City of Newport Beach, and will not extend further seaward than the existing adjacent docks.

The Adams St streetend is located between a deep water marina to the east and recreational boating to the west. Immediately to the east of the concrete groin remnant is a Shell fuel dock and a point of departure for 60-70 foot long sport fishing and party boats (see Exhibit 3). These services are available to the public. Further to the east is the ferry crossing. The City has an ongoing permit to conduct maintenance dredging in this area. However, the City expects that placement of the groin wall will interrupt the flow of sand into the deep water marina and cut down on the frequency of dredging required in this area.

Section 30235 of the Coastal Act requires that 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. In this case the deep water marina provides sports fishing services which are a coastal dependent use. In addition, the groin wall is designed to prevent the public beach to the west of the streetend from eroding and silting up the deep-water marina. The proposed groin wall would have the effect of stopping beach erosion and allowing the beach to build up west of the groin wall. Therefore, the proposed development is consistent with Section 30235 of the Coastal Act.

C. Marine Environment

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 consists of the installation of a groin wall in Newport Bay. The groin wall panels are 8 feet long and two and a half inches wide. The panels will be hand-jettted into place by a construction crew working on the landward side of the bay. No barges will be used in the installation of the groin wall and any siltation or turbidity would be minimal, resulting from the hand-jetting of the panels. Construction is estimated to take two days. Placement of the groin wall would reduce the flow of sand into the deep-water marina and reduce the frequency of dredging which

is currently required. The temporary impacts from placement of the groin wall are far less than the impacts on dredging on water quality.

Hand-jetting is a process whereby the harbor bottom sand is loosened by the application of concentrated water. Water directed from a hose liquefies the sand and allows the panels to be shoved into the harbor bottom manually. The process is conducted at periods of low tide to facilitate placement of the panels and minimize harbor disturbance. Sand is then placed back against the panels to help stabilize it. The groin wall would be removed by the same process. Finally, the top of the wall is connected by 3 x 6 boards and capped with 2 x 12 boards. The side boards are bolted into the panel and the top board is then bolted onto the side boards (see Exhibit 6).

Exhibit 9 is a distribution notice from the Army Corps of Engineers. In this notice the Army Corps notes that there would be no impact to eelgrass or other sensitive coastal resources. No mitigation will be required from the California Department of Fish and Game or the Army Corps of Engineers.

Placement of the groin wall will not involve mechanized equipment or other types of normal construction methods because the groin wall is not a hardened, engineered structure. Impacts from the placement of the wall are temporary and localized. However, the project does involve temporary storage of materials and some construction. In order to ensure that construction debris does not end up in the harbor, the applicant is conditioned to agree that any and all construction materials be stored away from the harbor and that any and all construction debris be removed at the conclusion of the project.

Only as conditioned does the Commission find that the project conforms with Section 30231 of the Coastal Act.

D. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

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

The proposed development is located at a public streetend which currently provides public access to the bay. The applicant has indicated that the installation of the groin wall will take place over a period of two days. The project location is not a destination point for tourists and is not a local beach destination point, although the beach can be utilized by the public. Therefore, although construction of the groin wall will involve some impacts on public access to the streetend, these impacts are temporary and not significant.

In addition, the beach along the harbor at this location will benefit from the build-up of sand behind the groin wall. Although not a significant beach destination point, the beach can be utilized by the public and thus the public will benefit from the placement of the groin wall.

Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on public access and recreation and is consistent with Section 30212 of the Coastal Act.

E. Land Use Plan

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal 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 Chapter 3 policies of the Coastal Act.

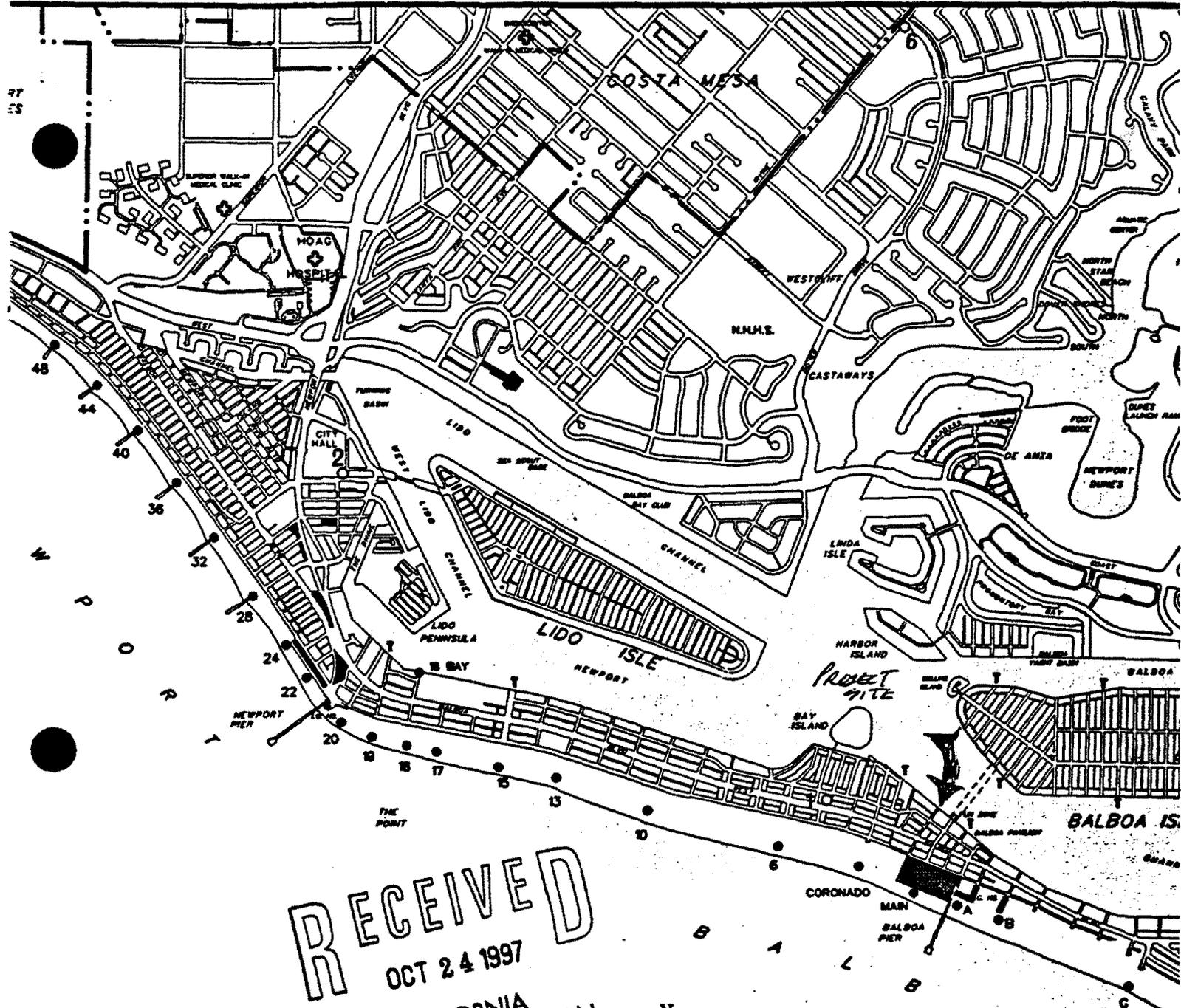
The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. Consistency with the 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 amendment to the coastal development permit, 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.

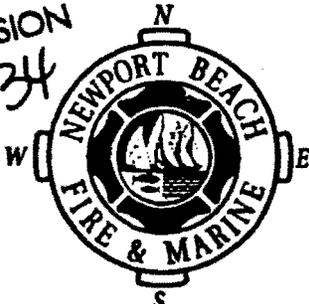
The proposed project has been conditioned in order to be found consistent with the water quality policies of Section 30231 of the Coastal Act. A mitigation measure; a special condition requiring placement of construction materials and removal of construction debris, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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RECEIVED
 OCT 24 1997

CALIFORNIA
 COASTAL COMMISSION
 5-97-334



City of Newport Beach
 Fire and Marine Department

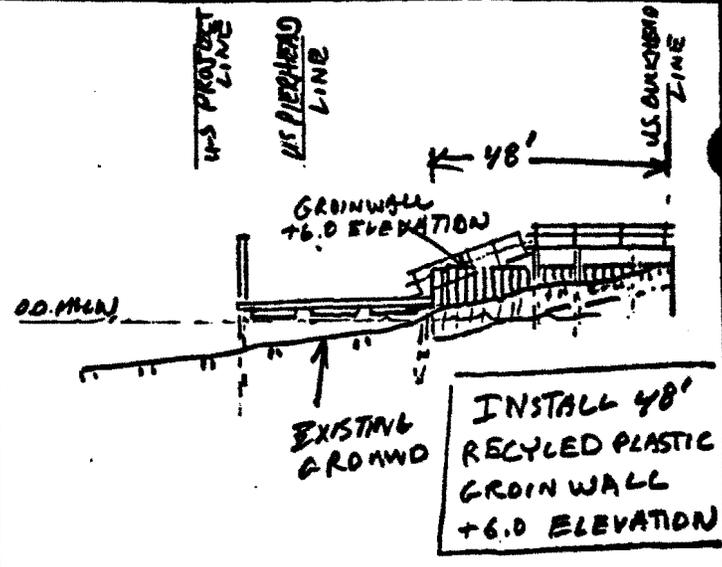
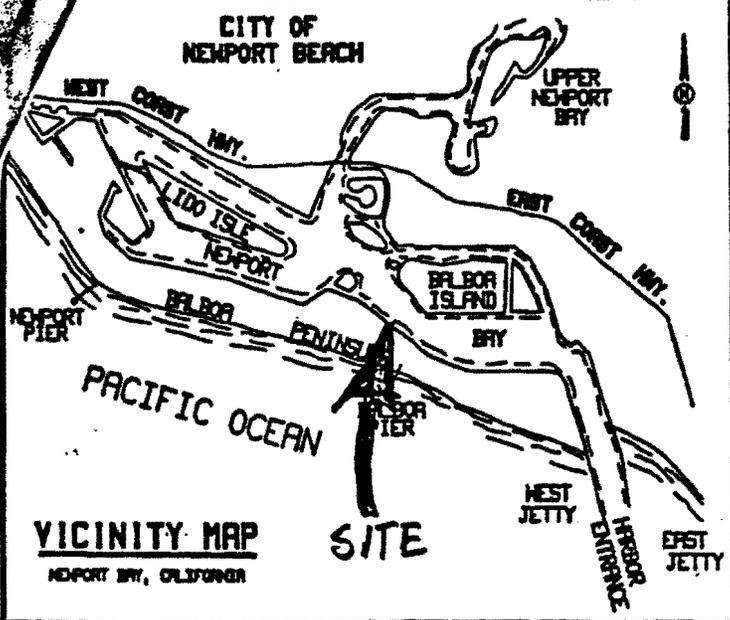
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 4-722-1612

Scale: 1" = 2000'

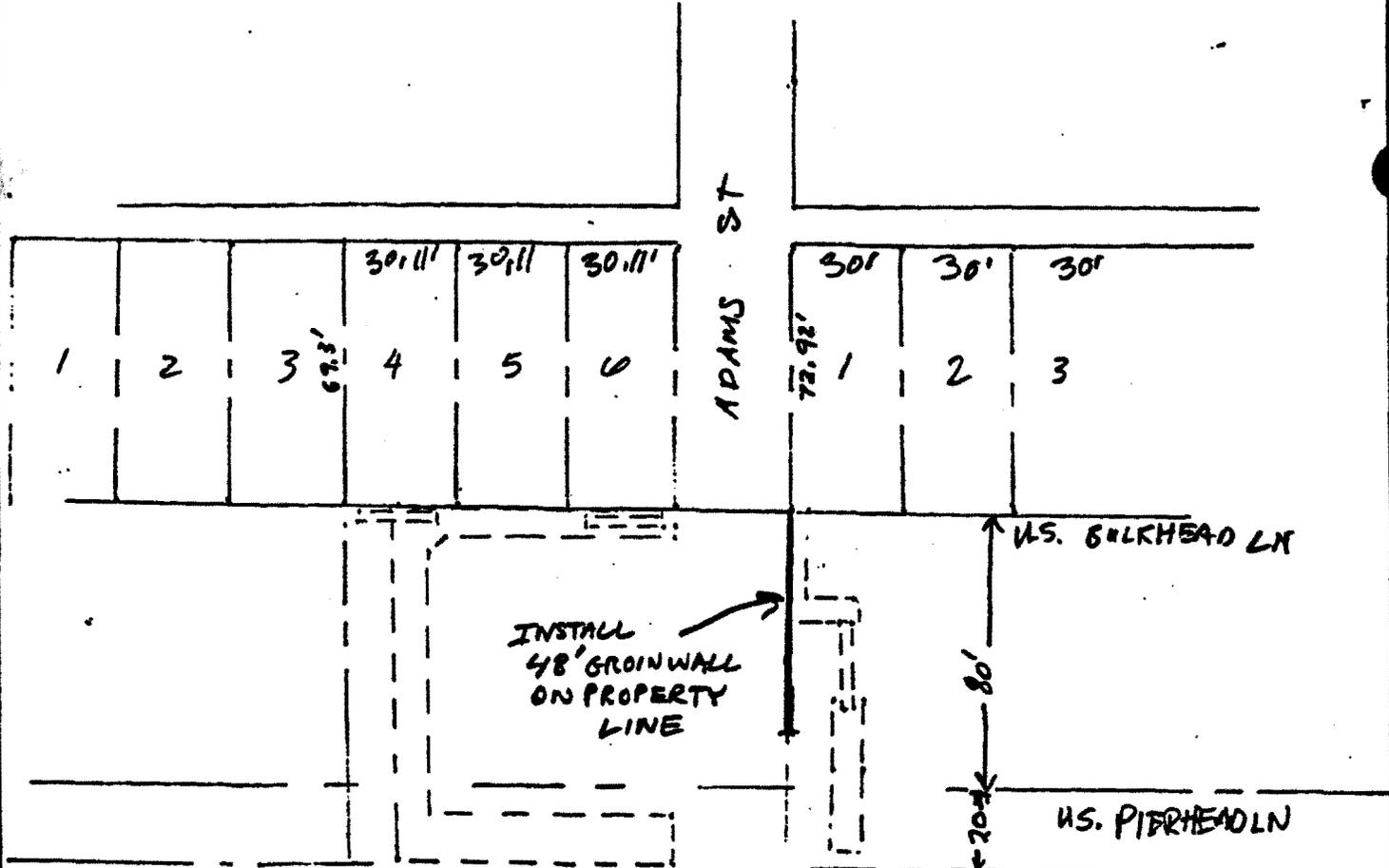
EXHIBIT NO. 1
APPLICATION NO. 5-97-334
LOCATION

#112-927

CITY OF NEWPORT BEACH



INSTALL 48' RECYCLED PLASTIC GROIN WALL +6.0 ELEVATION



FIRE & MARINE DEPT.
CITY OF NEWPORT BEACH

EXHIBIT NO. 2
APPLICATION NO. 5-97-334
SITE PLAN

Tommy Miller 10/15/97
APPLICANT'S NAME

PLAN VIEW 1" = 40'

NEWPORT BEACH



Edgewater

DATE 8-7-97

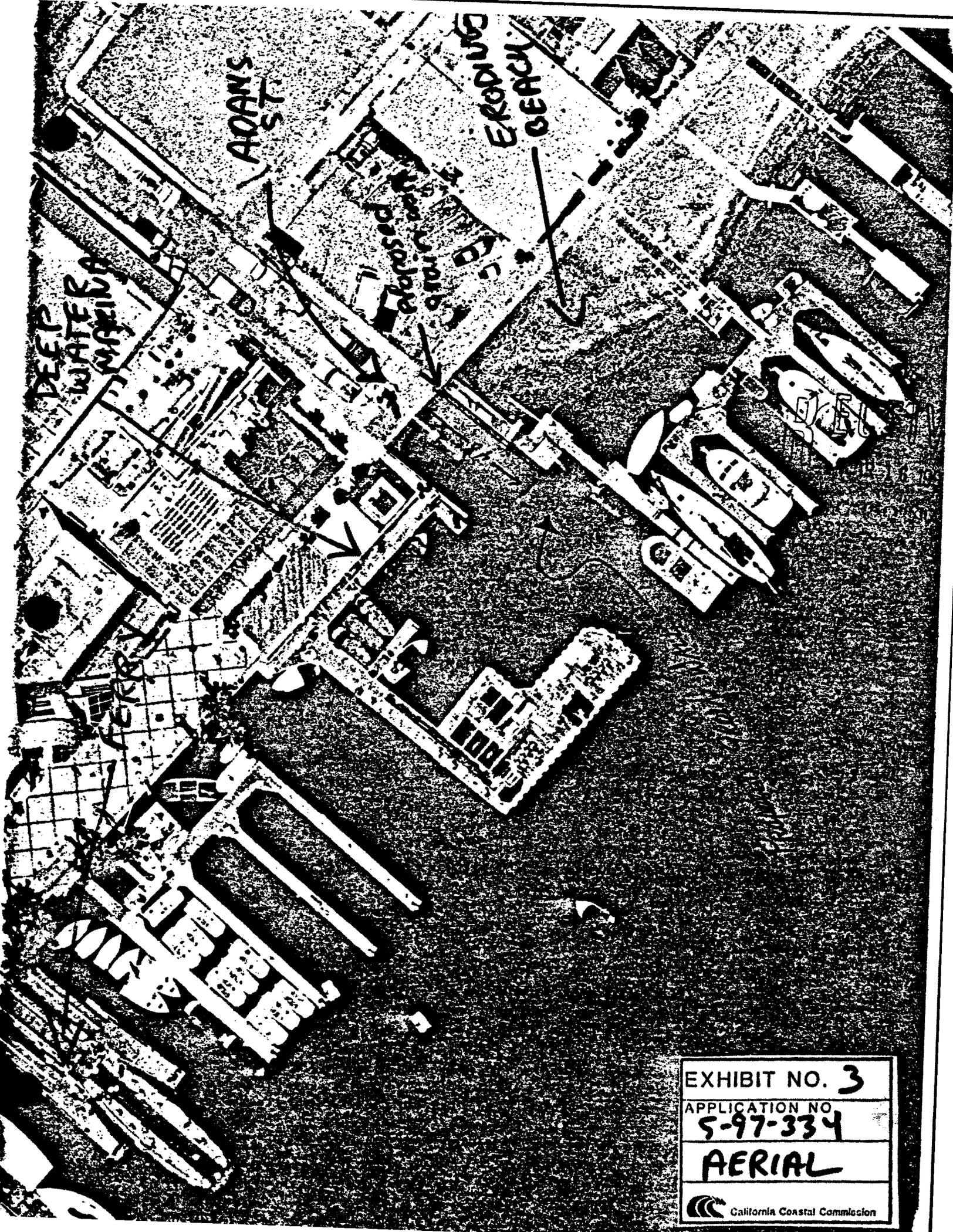


EXHIBIT NO. 3
APPLICATION NO.
5-97-334
AERIAL
California Coastal Commission

RECEIVED
MAR 16 1998
CALIFORNIA
COASTAL COMMISSION

#1

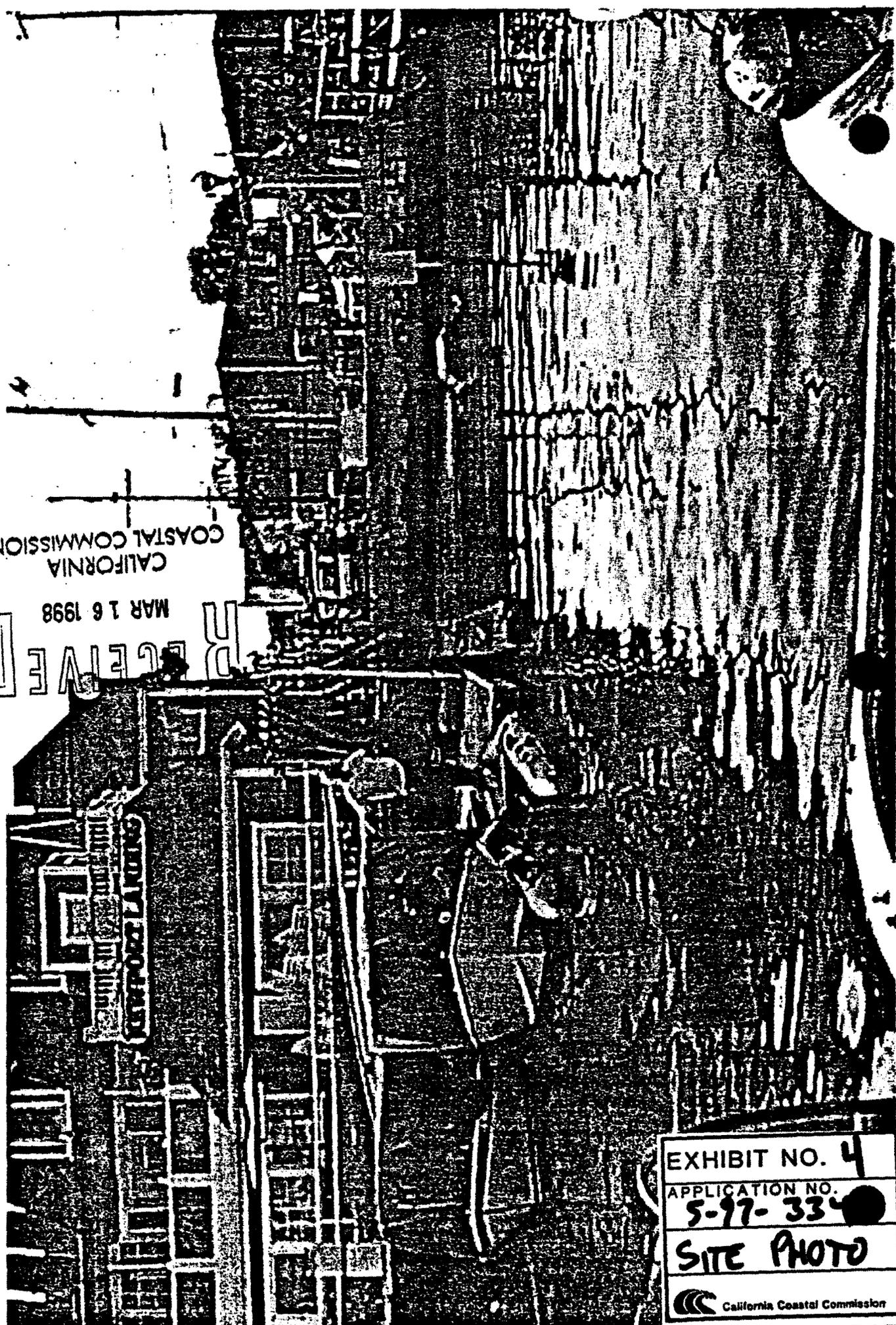


EXHIBIT NO. 4
APPLICATION NO.
5-97-334
SITE PHOTO
California Coastal Commission

63

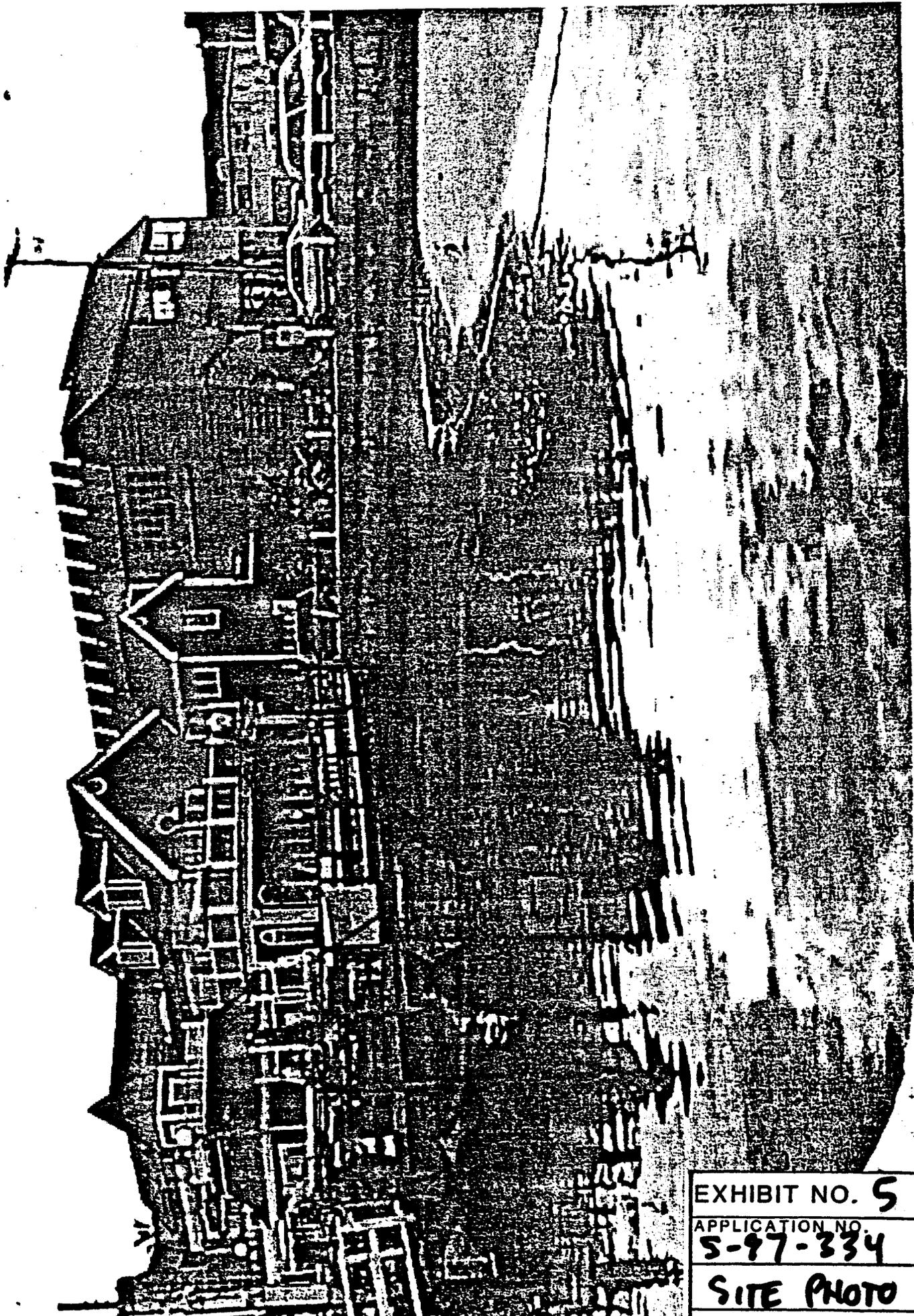
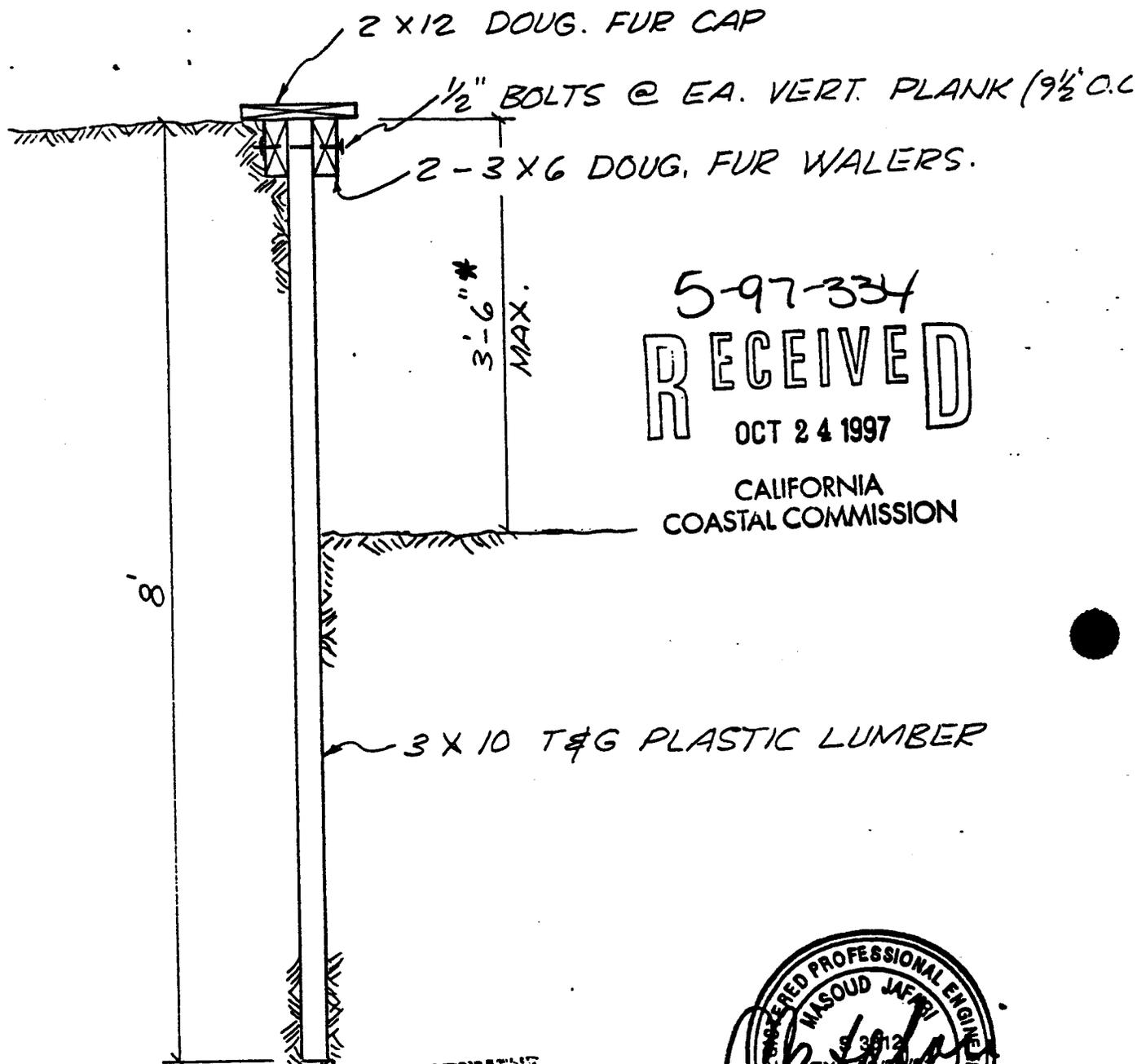


EXHIBIT NO. 5
APPLICATION NO.
5-97-334
SITE PHOTO



5-97-334
RECEIVED
 OCT 24 1997
 CALIFORNIA
 COASTAL COMMISSION

REVIEWED BY PUBLIC WORKS DEPARTMENT
 NO EXCEPTIONS TAKEN

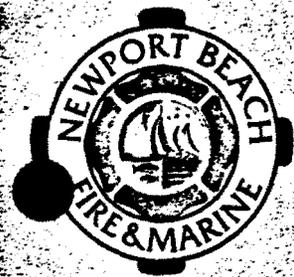
BY L. Gutter DATE 10-20-97

WORK SHALL BE DONE IN ACCORDANCE WITH THE
 STANDARD SPECIFICATIONS FOR PUBLIC WORKS
 CONSTRUCTION AND IS SUBJECT TO CITY INSPECTION.

* Adjacent boat slip area shall be dredged &
 material placed against this groin whenever
 this dimension exceeds 3'-6"



EXHIBIT NO. 6
APPLICATION NO. 5-97-334
SECTION
California Coastal Commission



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

March 11, 1998

RECEIVED
MAR 18 1998
CALIFORNIA
COASTAL COMMISSION

Timothy Riley
Fire and Marine Chief

3300 Newport Blvd.

P.O. Box 1768

Newport Beach, CA 92658-8915

Ms. Robin Maloney-Rames
C/o California Coastal Commission
South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

Re: Coastal Development Permit #5-97-334

Dear Robin:

Regarding your request for additional information:

1. It is my understanding you have received approval both from the Department of Fish and Game and the U.S. Fish and Wildlife Service regarding the above project.
2. In discussions with the Regional Water Quality Control Board and the Army Corp of Engineers, it is proposed that this Corp permit will be issued under the Corp's general permit and as a result no Regional Water Quality Control Board Certification is required. Regarding an alternative analysis per section 30233, the purpose of the groin is to maintain an existing beach to the west of the location and existing depth in a vessel berthing area to the east. At this time there is no feasible alternative other than groining to do this work unless we just go to continued and periodic dredging, which seems more obtrusive than doing a groin and limiting the amount of dredging.
3. We have included photographs of the project site and an aerial. Photograph #1 and 2 depict the City street end and the very top of the storm drain and the deep-water marina to the left of the City street end. The groin will be installed on the right hand side of the street end, parallel and adjacent to the recreational pier that runs from the bulkhead bayward. In photograph #1 there is a gentlemen standing at the dock and adjacent to the floating structure is a concrete structure installed sometime in the 1960s. The groin was originally 40 feet long, but over the years 20 feet of it have been broken off and not reinstalled. As a result, sand migration from the standy, sloping beach to the west has excelerated it migration into the deep water marina on the eastward side. Photograph #3 shows the sandy, sloping beach, which

EXHIBIT NO. 7

APPLICATION NO.

5-97-334

LETTER

 California Coastal Commission

is slowing eroding away towards the deep water marina and is anticipated, once the groin is installed on the easterly side of the recreational pier, that it will reduce that erosion.

4. Attached is a report from our design engineer with the City of Newport Beach.
5. The groin wall will be 48 feet long from the bulkhead, 48 feet bayward. The individual panels are 8 feet long and will be hand-jetted into place with a small jet pump by the construction crew. The panels themselves are 2 1/2 inches thick with a 2 inch wailer on either side for a total thickness on the cap of approximately 7 inches. The work will all be done on the landward side of the bay. No barges will be used during the construction. It is proposed that the wall will installed within a 2 day period and there should be a minimum amount of silt because of the jetting method generated at the site.
6. The City has made application to the Army Corp of Engineers and that permit is pending.
7. There will be no impacts to the inner-tidal zone and the harbor bottom except those minimal impacts mentioned in #6 above during construction.
8. N/A
9. N/A
10. There are no potential adverse impacts on coastal access during the construction.

I hope this answers your questions and if I can be of further assistance please contact me at 714-644-3041.

Sincerely,



Tony Melum
Deputy Chief Marine Environmental Division



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3311

Mr. Robin Maloney Ramus
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

June 2, 1998
RECEIVED
JUN 9 1998
CALIFORNIA
COASTAL COMMISSION

Re: Coastal Development Permit # 5-97-334

Dear Mr. Ramus:

Tony Melum, Deputy Chief of the Marine Environmental Division, Fire and Marine Department, asked that I respond to your request for an engineering perspective on the need for a groin at this area. The site consists of a sandy sloping beach to the west, a City street end with storm drain pipes extending into the bay, and a deep water marina to the east of the street end.

Currently local tidal action has increased in intensity from the west to the east and has caused a long shore transport of sand from the sandy sloping beach, to the storm drain and into the deep-water marina. The situation suggests that a groin in this area would slow the observed erosion thereby maintaining the sandy sloping beach to the west, reducing erosion across the City street end and retarding deposition of material from those two locations into the deep water marina. To be effective the groin should be at least 48 feet long. Attached is a signed drawing by a registered structural engineer for a proposed groin that was previously submitted to the Coastal Commission. The proposed groin would be sufficient when constructed according to the attached plan to maintain the sand elevations and reduce the erosion experience in this location. However, it is critical that the sand elevations be maintained as depicted in the plan.

The benefits of the groin installation are threefold. If located as proposed, the groin will assist in stopping the erosion from the publicly used sandy sloping beach to the west. It will also reduce the long shore current, which is eroding the City street end and exposing supports for a City storm drain. And finally, it will reduce sand transport from those two locations into the deep-water marina to the east. The groin will be jetted in under low pressure. If the need should arise, the groin could be easily removed using the same process.

I hope this answers your questions. If I can be of further assistance, please contact me at 949-644-3328.

Sincerely,

Lloyd Dalton, PE
Design Engineer

3300 Newport Boulevard, Newport Beach

EXHIBIT NO. 8
APPLICATION NO. 5-97-334
LETTER
California Coastal Commission



MAR 27 1998

CALIFORNIA
COASTAL COMMISSION
LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

RECEIVED

MAR 24 1998

CALIFORNIA
COASTAL COMMISSION

LOP-FACSIMILE TRANSMITTAL

US ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT--SPL-CO-R
P.O. BOX 532711
LOS ANGELES, CA 90053-2325

DISTRICT CONTACT:
Name: Spencer MacNeil
Phone: (213) 452-3418
FAX: (213) 452-4196

DATE INITIATED: March 24, 1998 Please review the LOP materials and provide substantive, site-specific comments to the District on or before April 8, 1998. If no comments are received by this date, the District assumes compliance with 33 CFR Part 325.2(e)(1).

AGENCY:

	FAX number	Attn:
[X] California Department of Fish and Game	619-467-4299	M. Fluharty
[X] U.S. Environmental Protection Agency	415-744-1078	R. Tuden
[X] U.S. Fish and Wildlife Service	760-431-9624	J. Fancher
[X] National Marine Fisheries Service	562-514-6194	B. Hoffman
[X] U.S. Coast Guard	510-437-2961	M. VanHouten
[X] California Coastal Commission	415-904-5400	J. Raives

LOP NUMBER 980-00135-SDM

APPLICANT NAME: City of Newport Beach
Attn: Tony Melum, Deputy Chief
P.O. Box 1768
Newport Beach, CA 92658-8915
(714) 644-3041

EXHIBIT NO. 9

APPLICATION NO.

S-97-334

LETTER - A.C.

WATERWAY NAME: Newport Bay

LOCATION: The proposed work would be done just seaward of 427 Edgewater, within Newport Bay, in the City of Newport Beach, Orange County, California (see attached).

BRIEF DESCRIPTION OF PROPOSED WORK: The applicant proposes to replace a failing 40 foot concrete groin constructed during the 1960's with a 48 foot long 2.5 inch wide plastic groin wall. The new groin would be installed slightly westward of the failing groin to maximize protection of an existing sandy beach, City street end, and storm drain to the west and a deep water marina to the east. The applicant would hand-jet each 8-foot long plastic panel to minimize silt entrainment. The proposed work and the resulting structure would be within the U.S. Pierhead Line and would not require dredging or use of a barge. The applicant estimates the work could be done in 2 days.

AREA OF WATERS SUBJECT TO LOSS AS A RESULT OF PROPOSED WORK: The project would increase the coverage area of waters of the U.S. by 0.0006 acres. There would be no impact to eelgrass or other sensitive coastal resources.