

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: October 2, 1998
49th Day: November 20, 1998
180th Day: Waived
270th Day: June 29, 1999
Staff: SFR-LB
Staff Report: March 25, 1999
Hearing Date: April 13-16, 1999
Commission Action:

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-043

APPLICANT: Peter Bauer and Alan Tyler

AGENT: Swift Slip

PROJECT LOCATION: 1501 East Bay, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Installation of a sixty-five foot long groin wall placed perpendicular to the coast line and vertically into the beach. The groin wall consists of tongue and groove recycled plastic panels which are eight feet tall by ten feet in length and are three inches thick. The groin wall will be topped with a 2" by 12" wooden cap.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff recommends that the Commission **DENY** the installation of the groin wall since it is not required to maintain the depth of a berthing slip, a coastal dependent use, and it would be inconsistent with the Chapter 3 policies of the Coastal Act concerning the installation of shoreline protective devices, the fill of wetlands and open coastal waters, and the biological productivity of wetlands and open coastal waters.

LOCAL APPROVALS RECEIVED: Conceptual Approval from the Fire and Marine Department of the City of Newport Beach dated February 2, 1999.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan. Department of Fish and Game letter of June 25, 1998. California Regional Water Quality Control Board letter of October 1, 1998.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Denial.

The Commission hereby **DENIES** a permit for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, the development would 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 because there are alternatives available and/or mitigation measures available which would reduce significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

V. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

Installation of a sixty-five foot long groin wall vertically into a private beach (Exhibit 3, Exhibit 3 (Figures 1), and Exhibit 4). The proposed groin wall would consist of tongue and groove recycled plastic panels which are eight feet tall by ten feet in length and are three inches thick (Exhibit 4). The individual panels would be hand-jetted into place with a jet pump. The groin wall would be topped with a 2" by 12" wooden cap. The groin wall would be placed perpendicular to the shoreline beneath the existing pier leading to the applicant's berthing slip. The groin wall would extend from an existing concrete sidewalk which is at +8' MLLW sixty-five feet seaward terminating at the +2' MLLW water mark. The top of the groin wall would be at elevation +9' MLLW. MLLW denotes Mean Low Lower Water which is about 2.7 feet below Mean Sea Level. The tidal range at the subject site is from 0' to +5' MLLW. Approximately twenty-five feet of the proposed groin wall would be seaward of the MHTL.

The project site is located at 1501 East Bay in the City of Newport Beach (Exhibit 1 and Exhibit 1a). The project site is on the bayside of the Balboa Peninsula. In this area of Newport Beach, the homes along the bayfront have private boat slips. The stated purpose of the proposed groin wall is to minimize the movement of sand into the applicant's berthing slip to reduce the requirement to dredge the boat slip.

The homes on either side of the applicant's property have pre-Coastal Act groin walls (Exhibit 3 (Figure 1)). The residence to the immediate west has a sixty-foot groin wall which extends into the water. This adjacent property also has a wooden bulkhead. The applicant's property does not have a bulkhead. The neighbor to the east has a seventy-foot groin wall on the eastern property line which also extends into the water. The easterly neighbor's property does not have a bulkhead either.

The project was initially submitted as a 40 foot long groin wall in February 1998. Commission staff received in January 1999 a revised project plan for a sixty-five foot long groin wall and a revised analysis by the coastal engineering firm (Exhibit 2).

B. Chapter 3 Policy Analysis

The proposed project involves the construction of a sixty-five foot long groin wall on a private beach perpendicular to the coastline. Approximately 25' of the proposed groin wall would be seaward of the MHTL. Because of its location, the proposed project may have adverse impacts on coastal processes and may be inconsistent with the policies of the Coastal Act regarding the fill of wetlands and open coastal waters. Sections 30235, 30233, 30231, and 30230 of the Coastal Act are the policies relevant to the evaluation of this project. The proposed groin wall must be approved under Section 30235 of the Coastal Act if it is demonstrated that the proposed groin wall is required to serve a coastal dependent use and is designed to mitigate adverse impacts on shoreline sand supply. For the proposed project to be approved consistent with Section 30233 of the Coastal Act, the proposed fill must be for one of the eight enumerated uses allowed under Section 30233. For the project to be found consistent with Sections 30230 and 30231, the project must maintain or enhance the biological productivity of wetlands and open coastal waters.

a. Shoreline Structures

Groin walls are normally placed in the water and are designed to interrupt the natural movement of sand along the shoreline. Section 30235 of the Coastal Act mandates that groin walls must be permitted in certain specified circumstances. 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 proposed groin wall is not proposed to protect existing structures or to protect a beach in danger of erosion. The stated purpose of the proposed project is to minimize the annual dredging of the existing boat slip which is a coastal dependent use. Section 30235 of the Coastal Act requires that a groin wall must be permitted only if it is demonstrated that the groin wall is required to serve the berthing slip, a coastal dependent use by maintaining the slips existing depth.

To evaluate the impact of the proposed sixty-five foot groin wall on shoreline processes consistent with Section 30235 of the Coastal Act, two coastal engineering studies were prepared by Noble Consultants, Inc. (August 7, 1998, (Exhibit 6) and January 11, 1999, (Exhibit 2)). According to the coastal assessment prepared by Noble Consultants (August 7, 1998) the shoaling of the berthing slip is caused by the sloughing of beach sand into the berthing slip.

In terms of describing coastal processes in the project vicinity, the coastal assessment states that the subject site is in a sheltered urban harbor with minimal wave activity. Consequently sediment transport is mainly influenced by daily tidal flows. Tidal flows are greatest in deeper waters and decelerate as they get closer to the beach due to the frictional effect of shallow bottom. The report concludes that the alongshore sediment transport is insignificant. The movement of sediment into the berthing slip is attributed to the slope change of the beach face at the 90 foot line as measured seaward from the seaward edge of the sidewalk. As sand sloughs off the beach face it moves into the deeper water and the tidal currents are not strong enough to move the sand back-up onto the beach. As a result the boating slip shoals-up and annual maintenance dredging is required to maintain the depth of the berthing slip.

Noble Consultants believes the groin wall would have a beneficial impact on the berthing slip as: *"The proposed groin wall would trap some of the upper slope sediment moved as a result of water gyration motion within each tidal cycle."* Though Noble Consultants have concluded that the groin wall would have some beneficial impact in terms of minimizing dredging, they were not able to conclude that dredging would be significantly reduced nor were they able to state by how much. In their report of January 11, 1999 Noble Consultants states: *"Since less sediment would be moved from the upper beach area and into the deep water zone (dock area), the groin wall would definitely prolong the time span of the current dredging cycle although a precise prediction of the duration is impossible."*

Though Noble Consultants believes that the groin wall would have a beneficial impact by reducing the need to dredge the boating slip they have not demonstrated that the groin wall is required to serve the berthing slip. The coastal assessments document that the principal movement of sand into the berthing slip is the result of natural sloughing into the berthing slip and that existing tidal currents are not strong enough to push the sand back onto the beach. The proposed groin wall would not eliminate the need to dredge since only about 25' of the groin wall would be exposed, for a limited time, to water during high tide. Thus during periods of low tide the groin wall would not affect the water gyrations which the coastal assessments indicate is the cause of the sloughing. Moreover the remaining 40' of the groin wall would be above mean high tide line and would not contribute at all to reducing the water gyrations causing the sloughing. The coastal assessments indicate that the berthing slip shoals up due to sloughing of sand from the beach. The proposed groin wall would not prevent the continued sloughing of sand into the berthing slip. As the berthing slip shoals up it would need to be dredged to maintain its depth for boating. The applicant has been and must continue to dredge the berthing slip as necessary to maintain its depth even if the proposed groin wall were approved. Since dredging has been done and would be required in the future, the groin wall is not required to maintain the depth of the boating slip. Consequently, the Commission finds that the groin wall is not required to serve a coastal dependent use.

Finally, Section 30235 mandates that a groin wall shall only be approved if the proposed groin wall is designed to mitigate adverse impacts to sand supply. According to the coastal assessment prepared by Noble Consultants, the groin wall would interrupt the natural sloughing of sand. The interruption of the natural sloughing of sand is an adverse impact since it diminishes a natural process in the form of sand migration and would affect sand supply. The applicant's consultants have not demonstrated in their coastal assessment how this impact would be mitigated to assure that it would not have an adverse impact on sand supply. Therefore, even if the proposed project was necessary to serve a coastal dependent use, it is not designed to mitigate adverse impact on shoreline sand supply.

Therefore for the reasons cited above, the Commission finds that the proposed project need not be approved under Section 30235 of the Coastal Act since the groin wall is not required to serve the berthing slip, and has not been designed to mitigate adverse impacts to sand supply.

b. Fill of Wetlands and Open Coastal Waters

The proposed groin wall would be placed within the tidal zone of a private beach. Approximately 25' of the proposed groin wall would be seaward of the MHTL. Section 30108.2 of the Coastal Act defines "Fill" as the placement of earth or any

other substance or material, including pilings placed for the purpose of erecting structures thereon, placed in a submerged area. Since 25' of the proposed groin wall would be placed seaward of the MHTL that portion of the proposed groin wall would be placed in an area that is tidally influenced. Allowable uses which result in the fill of wetlands and open coastal waters are specified in Section 30233 of the Coastal Act which is cited below. Besides the requirement that the groin wall be an allowable use, projects involving the fill of wetlands and open coastal waters (if approved) must also demonstrate that there is no feasible less environmentally damaging alternative and that feasible mitigation has been provided. Section 30233 of the Coastal Act, in relevant part, states:

- (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:*
- (1) *New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - (2) *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
 - (3) *In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
 - (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.*
 - (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

(7) *Restoration purposes.*

(8) *Nature study, aquaculture, or similar resource dependent activities.*

For the Commission to find that the groin wall is an allowable use under Section 30233(a)(2) it must be demonstrated that the groin wall (which is the fill) is necessary to maintain the depth of the berthing slip. Furthermore, for the project to be approved it must demonstrate that it is the least environmentally damaging alternative and that adequate mitigation has been provided.

Based on the information submitted, the proposed groin wall would **NOT** maintain the depth of the berthing slip and would therefore not qualify as an allowable use under Section 30233(a)(2) for the reasons referred to below.

- 1) As discussed above, the principal transport of sand is perpendicular to the beach. The berthing slip fills up with sand due to sloughing. The proposed groin wall would be placed perpendicular to the beach which means that the majority of the sand movement occurring would parallel the groin wall. Therefore the groin wall would not have a significant impact on preventing sand from continuing to slough from the beach into the berthing slip.

The January 11, 1999 evaluation by Noble notes that the proposed groin wall would trap some of the upper slope sediment movement as a result of water gyration created by each tidal cycle. Though, the consultants concluded that the groin wall would prolong the time span between dredging, they also stated that a precise prediction of the duration would not be impossible. Further, Noble noted in their assessment of August 13, 1998 that the alongshore sediment transport is insignificant since little wave action occurs and consequently concluded that the introduction of sand into the berthing slip is principally from sloughing which parallels the proposed groin wall.

- 2) The effectiveness of the groin wall in preventing the movement of sand into the berthing slip would be minimal. The end of the groin wall would be at +2' MLLW which means that during low tide the wall would not be in the water. About 25' of it would be in the water during high tide. Therefore, 40' of the groin wall would not contribute to reducing the existing migration of sand into the berthing slip. The tidal range is from +0 MLLW to +5 MLLW.

- 3) The end of the groin wall terminates approximately 30' landward of the berthing slip. Water carrying sand along the coastline seaward of the end of the groin wall would not be affected by the groin wall. Consequently, the berthing slip would continue to accrue sand since it would remain exposed to moving water carrying sand resulting from tidal action.
- 4) An existing 60 foot long groin wall is 35' from the proposed groin wall. Though along shore sediment transport is insignificant some sand is still moved by tidal action. This adjacent groin wall may intercept the movement of sand paralleling the coast in the project vicinity. Consequently, this adjacent groin wall may further reduce the requirement to install the proposed groin wall since the limited amount of sand that is being transported by tidal currents would not reach the berthing slip.

For the reasons stated above, the Commission finds that the proposed groin wall is not necessary to maintain existing depths. The applicant would still have to dredge the boat slip in order to maintain the navigability of the berthing slip.

Furthermore, the submitted coastal assessment does not demonstrate that the groin wall would be the least environmentally damaging alternative. Alternatives to the installation of the groin wall which maintain the depth of the berthing slip and which are environmentally less damaging are available. One alternative would be continued dredging of the berthing slip. The coastal assessment documents that the installation of the groin wall would not eliminate the need to dredge the berthing slip. Accordingly, continued dredging of the berthing slip is an alternative to the groin wall which is environmentally less damaging since a new man-made structure would not be installed on the beach.

Consequently, the Commission finds that the proposed groin wall is not consistent with Section 30233(a)(2) of the Coastal Act and the project must be denied.

c. Biological Productivity of Marine Resources

The proposed project involves the construction of a sixty-five foot long groin wall on a private beach perpendicular to the coastline. Approximately 25' of the groin wall would be seaward of the MHHL. The remaining 40' would be landward of the MHHL. Because of its location and the adjacency of a nearby groin wall the proposed project would have significant adverse impacts on water quality and the marine environment if it causes water to stagnate. 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.

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.

Vertical public access to the water is provided immediately to the west of the project site by "G" street. There is a storm drain outlet where "G" street terminates. Currently "G" street on the eastern side has a groin wall which is 60' long. Approximately 20' of the seaward end of this existing groin wall would be in the tidal zone. This adjacent groin wall would be approximately 35' to the east of the proposed groin wall (see Figure 1 of Exhibit 3). The installation of the new groin wall in combination with the existing nearby groin wall would cause water stagnation. During normal tidal fluctuations, the two groin walls would trap floating trash and debris. During storm events, the storm drain would carry urban trash and polluted water which would be trapped in the public beach area by the two groin walls which, contrary to Sections 30230 and 30231 of the Coastal Act requirements that marine resources, biological productivity, and water quality be maintained and where feasible be enhanced. Therefore, the Commission finds that the proposed groin wall is inconsistent with Sections 30230 and 30231 of the Coastal Act and must be denied.

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 include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road. Approximately 25' of the groin wall would be seaward of the mean high tide line.

The proposed development is located within a beach area. Consequently the project site is located between the sea and the first public road paralleling the sea. In this case the "sea" is Newport Harbor rather than the Pacific Ocean. Vertical public access to the water is provided immediately to the west of the project site by "G" Street (Exhibit 1a, "G" Street is labeled "Public Street"). "G" Street is one of many street ends which provide vertical access to Newport Harbor in this area of Newport Beach.

Lateral access along the beach, however, is obstructed by private boat docks associated with bayfront residential development. The groin wall would be placed within the applicant's property lines immediately beneath an existing pier leading out to a boat dock (Exhibit 3). The groin wall in combination with the pier would create a sixty five foot long "solid wall". Though the proposed groin wall would not affect public access to the water where "G" street terminates, it would reduce the attractiveness of the "G" street public beach. Section 30251 of the Coastal Act mandates that scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The immediate neighbor on the other side of "G" Street has an existing groin wall. When taken together the two groin walls would create a vertical access point bounded by two "walls" that has an increasing developed urban appearance. The two groin walls together would cause water stagnation and trap trash. This impact adversely affects public access since it would lessen the recreational benefit of visiting this vertical access point. Therefore, the Commission finds that the project is not consistent with the public access and recreation policies of the Coastal Act and the project must be denied.

C. 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 which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. Under the City's certified land use plan, intertidal areas are defined as environmentally sensitive areas. Policy 2 of the City's certified land use plan relating to Environmentally Sensitive Areas states that no structures will be allowed in intertidal areas unless the adverse impacts can be mitigated. Allowing a structure such as a groin wall which is not required to serve the existing boating use and will not avoid dredging is inconsistent with this policy. Furthermore, Policy 1 in the City's LUP under New Development states that the City shall preserve, in its natural state, the ocean beaches, water, surf action, and coastal shoreline in a manner that will ensure their availability for continued use and enjoyment. Though, the

proposed development is in an urban harbor, the proposed groin wall would incrementally degrade the harbor shoreline and degrade the existing street end beach. Therefore, the proposed development will prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096 of the Commission's 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.

As described above, the proposed project is not consistent with the policies of the policies of the Coastal Act. There are feasible alternatives or mitigation measures available, such as continued dredging without the placement of any additional fill. This alternative would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives which would lessen significant adverse impacts which the activity would have on the environment. Therefore the project must be denied.

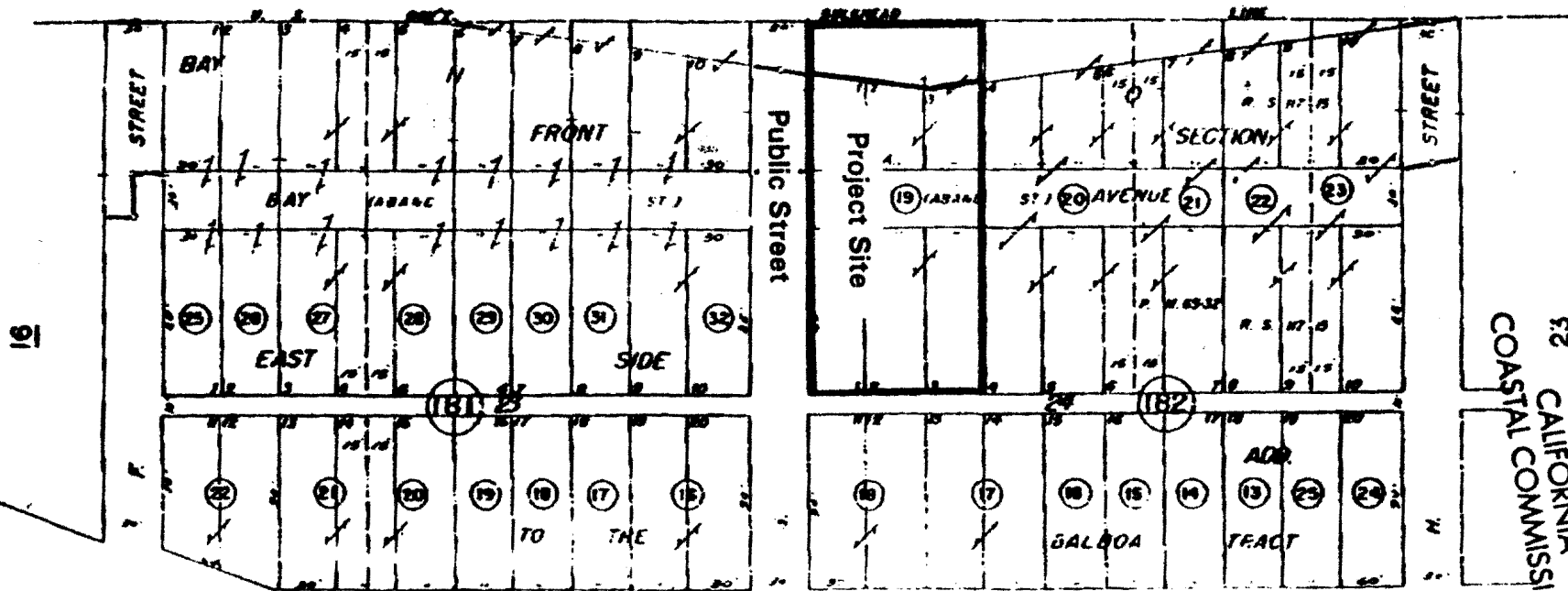
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1" WATER LINE AS PER AERIAL PHOTO, 1947

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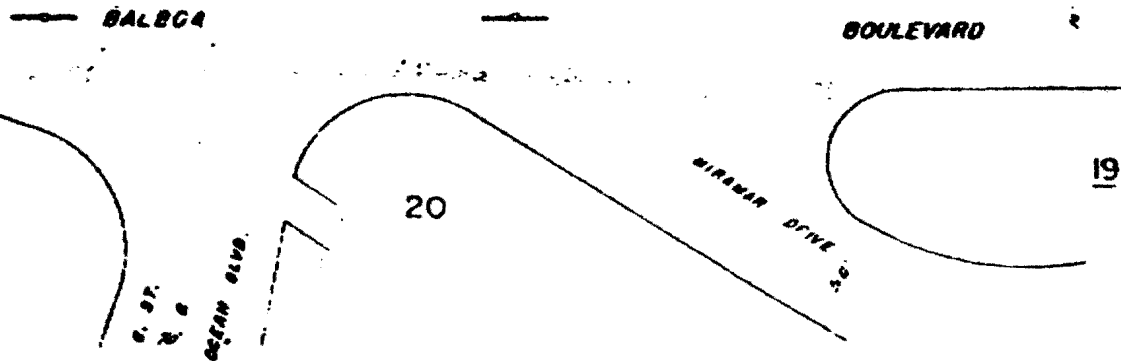
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STATE OF CALIFORNIA
COUNTY OF ORANGE
ASSASSIN

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FEB 13 1998

ID: 5-98-043



THE EAST SIDE ADD. TO BALBGA TR. N.M. 4-20
BAY FRONT SECTION N.M. 6-15

NOTE - ASSESSOR'S BLOCK B
PARCEL NUMBERS
SHOWN IN CIRCLES

THIS MAP WAS PREPARED FOR ORANGE
COUNTY ASSESSOR DEPT. PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO
ITS ACCURACY NOR ASSUMES ANY LIABILITY
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ASSESSOR'S MAP
BOOK 48 PAGE 18
COUNTY OF ORANGE

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EXHIBIT No. 1a
Application Number: 5-98-043
Project Site
California Coastal

NOBLE

CONSULTANTS, INC.

January 11, 1999

Mr. Pete Swift
Swift Slip
500 30th Street
Newport Beach, CA 92663

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South Coast Region

833-01

JAN 15 1999

CALIFORNIA
COASTAL COMMISSION

RE: Supplemental Submittal of
Coastal Engineering Assessment
For Groin Wall Construction
1501 East Bay Avenue
Newport Beach, California
(Permit Application 5-98-043)

EXHIBIT No. 2

Application Number:

5-98-043

Noble Letter 1/11/99

California Coastal
Commission

Dear Mr. Swift:

In response to your request, this letter has been prepared to address our additional coastal engineering assessment of a revised plan regarding the proposed recycled plastic groin wall located at 1501 East Bay Avenue, Newport Beach, California. The revised groin wall will extend additional 25 feet for a total of 65 feet long. The professional opinions expressed in this letter may be considered as supplemental information to our August 7, 1998 letter report.

Figure 1 shows the plan view of the revised groin wall. The wall structure, with a top elevation at +9 feet, MLLW¹, extends out 65 feet along the west side of the existing pier. The beach elevation at the wall end location is at about +2 feet, MLLW, as measured on January 4, 1999. The existing pier extends further out 60 feet approximately with a deck elevation at about +9 feet, MLLW. A boat berthing area is connected to the pier through an access gangway, as illustrated in Figure 1.

SEDIMENT ENTRAPMENT ASSESSMENT

Currently, frequent maintenance dredging is performed to scoop up the sediment deposited in the dock area and place it on the upper beach. The revised groin wall extends down to an elevation of about +2 feet, MLLW which is well within a normal tidal cycle ranging from +0 to +5 feet, MLLW. The proposed grain wall would trap some of the upper slope sediment moved as a result of water gyration motion within each tidal cycle. Since less sediment would be moved from the upper beach area and into the deep water zone (dock area), the groin wall would definitely prolong the time span of the current dredging cycle although a precise prediction of the duration is impossible.

¹MLLW denotes Mean Low Lower Water and is about 2.7 feet below Mean Sea Level.

NOBLE CONSULTANTS, INC.

Mr. Pete Swift
Supplement Submettal of
Coastal Engineering Assessment
January 11, 1999
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South Coast Region

JAN 15 1999

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COASTAL COMMISSION

COASTAL PROCESSES IMPACTS ASSESSMENT

The proposed 65-foot groin wall will divide the shoreline reach between the two existing groin walls into an approximate 160-foot shoreline segment covering two residential lots and a 30-foot street end lot (see Figure 1). Since the length of the proposed 65-foot groin wall is on the same order of magnitude as the two neighboring walls (60 and 70 feet respectively), it suggests that little, if any, additional impacts to coastal processes would occur due to the presence of the proposed groin wall.

CONCLUSION

Based upon our assessment of the site conditions and an estimate of the controlling processes, it is our opinion that the proposed groin wall at 1501 East Bay Avenue will improve the maintenance dredging activity by reducing the sediment being moved from the upper beach and deposited in the dock area. Also, the proposed structure will not induce any additional impacts on the coastal processes adjacent to the project site. It is noted that our assessment is based in large measure on a high degree of professional judgement and opinion which may be subject to different interpretation depending on the reviewer and the degree of any controversy that may surround your proposed project.

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.



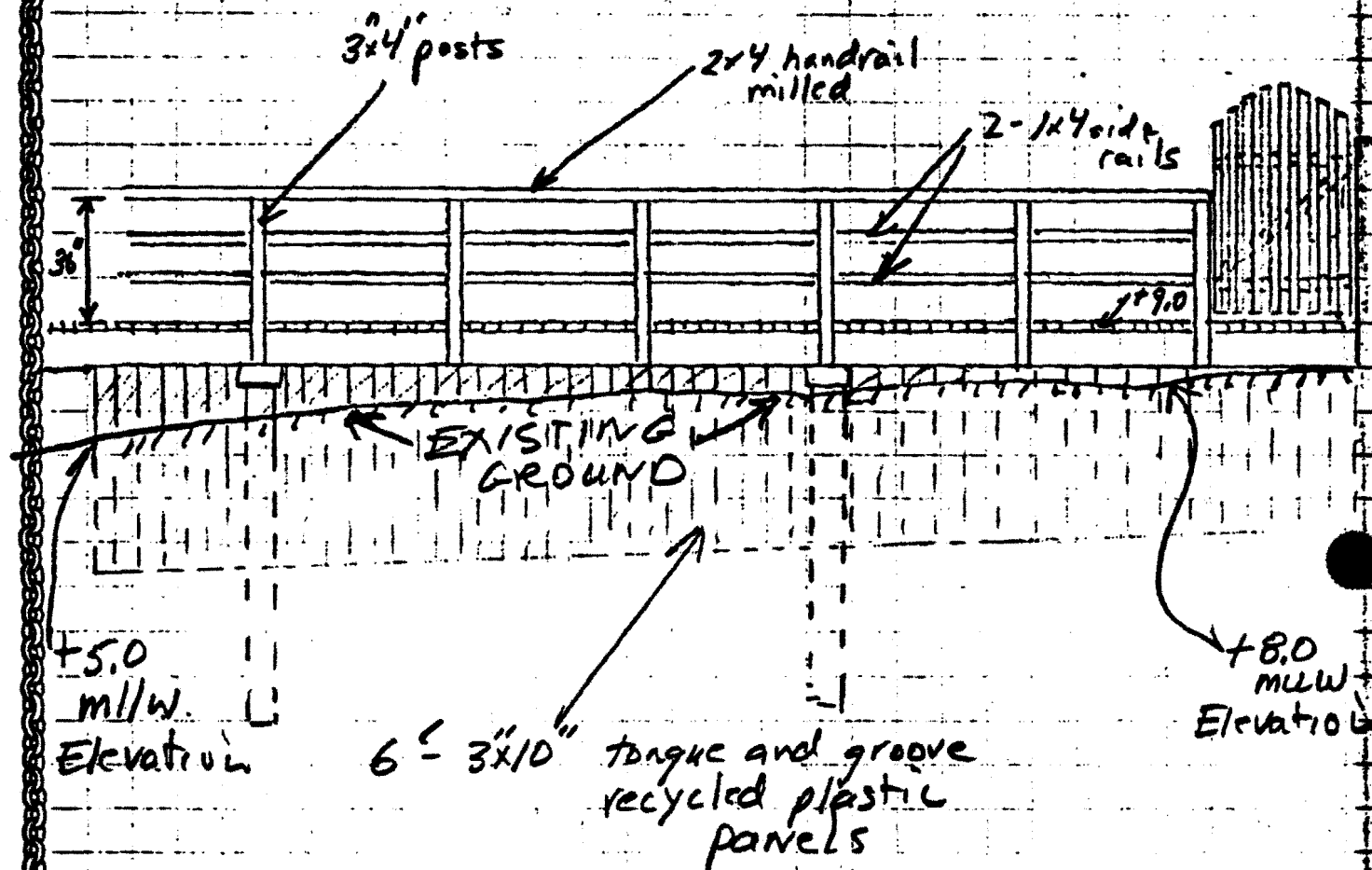
Chia-Chi Lu, Ph.D., P.E.
Project Engineer

CCL:dmn


Attachment: Figure 1

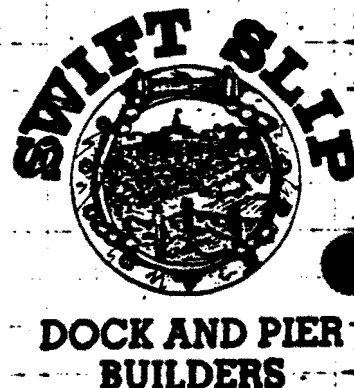
500-30th Street, Newport Beach, CA 92663
714 723-5550

1501 E Bay
Side view of Pier



Profile showing new proposed
groin wall and
existing pier

EXHIBIT No. 3
Application Number: 5-98-043
Side View
 California Coastal Commission



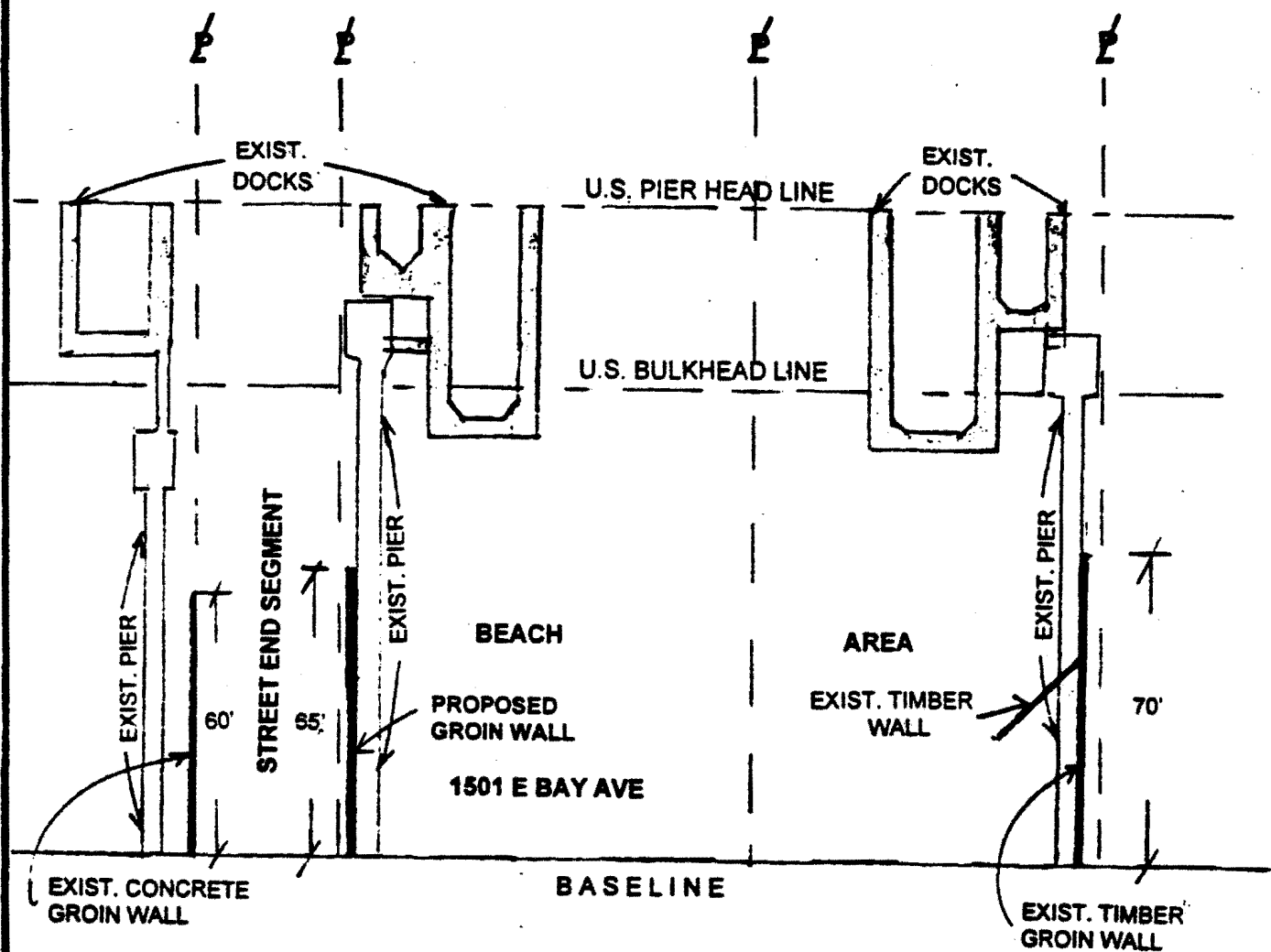
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South Coast Region

JAN 15 1999

CALIFORNIA
HARBOR COMMISSION

NEWPORT

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SCALE 1"=40'

SOURCE: SWIFT SLIP, 1998

NOBLE
CONSULTANTS, INC.

Figure 1

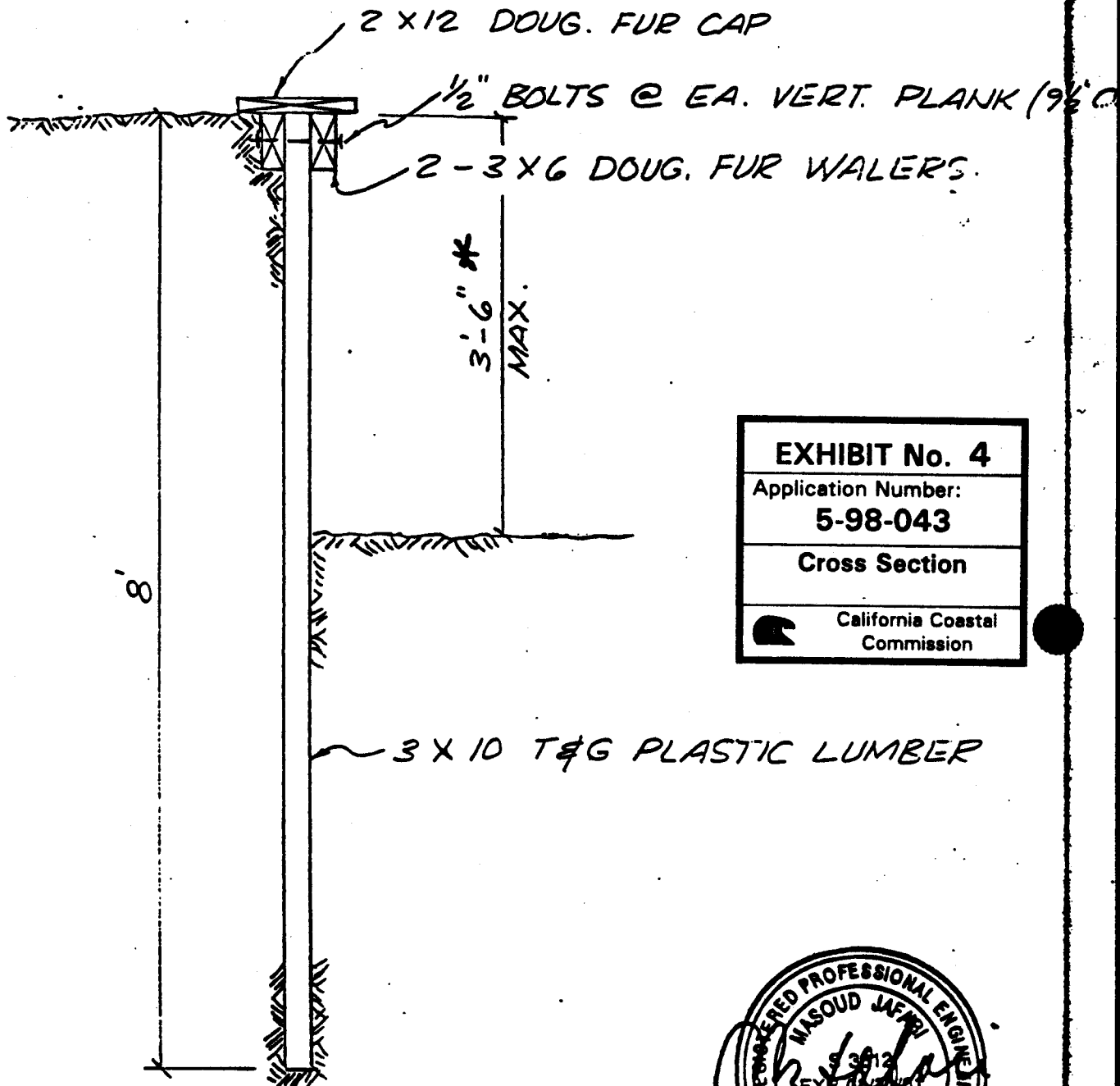


EXHIBIT No. 4
Application Number: 5-98-043
Cross Section
California Coastal Commission

REVIEWED BY PUBLIC WORKS DEPARTMENT

NO REVISIONS TAKEN

BY *S. Datta* DATE 10/20/07

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
needed 3' to 4'





Peter M. Rooney
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Santa Ana Region

Internet Address: <http://www.swrcb.ca.gov>
3737 Main Street, Suite 500, Riverside, California 92501-3339
Phone (909) 782-4130 • FAX (909) 781-6288



Pete Wilson
Governor

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OCT 2 1998

CALIFORNIA
COASTAL COMMISSION

October 1, 1998

REVISED

Karen Torkildson
Swift Slip Dock and Pier Builders
500 30th Street
Newport Beach, CA 92663

PROPOSED INSTALLATION OF GROINWALL UNDER THE EXISTING PIER, BAUER/TYLER, 1501 E. BAY, BALBOA, ORANGE COUNTY

Dear Ms. Torkildson:

If standard dock construction methods and materials are utilized, this project should not adversely impact water quality. A statement has been submitted that there will be no waste discharged from the proposed project. Based on these assurances, clearance is provided.

However, should the Army Corps of Engineers determine that this project requires a Section 404 permit, it will be necessary for the project proponent to obtain from this Board a Water Quality Certification under Section 401 of the Clean Water Act.


Should you have any questions, please contact me at (909) 782-3288.

Sincerely,

Jawed I. Shami
Regulations

cc: California Coastal Commission, Long Beach
Army Corps of Engineers - Bruce Henderson
City of Newport Beach, Marine Department - Tony Mellum
City of Newport Beach, Building Department - Faysid Jurdi

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EXHIBIT No. 5
Application Number: 5-98-043
RWQCB Letter
 California Coastal Commission

California Environmental Protection Agency

NOBLE

CONSULTANTS, INC.

August 7, 1998

833-01

Mr. Pete Swift
Swift Slip
500 30th Street
Newport Beach, CA 92663

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AUG 13 1998

CALIFORNIA
COASTAL COMMISSION

RE: Coastal Engineering Assessment
For Groin Wall Construction
1501 East Bay Avenue
Newport Beach, California
(Permit Application 5-98-043)

Dear Mr. Swift:

This letter report summarizes our coastal engineering assessment of a proposed recycled plastic groin wall located at 1501 East Bay Avenue, Newport Beach, California. The site location is shown in Figure 1. The purpose of our assessment was to render a professional opinion regarding the potential coastal processes impacts on adjacent properties. This has been prepared to respond to the information requested by the California Coastal Commission (CCC) in their staff comments dated March 13, 1998.

The proposed groin wall plan is shown in Figure 2. The wall structure, with a top elevation at +9 feet, MLLW¹, extends out 40 feet along the west side of the existing pier. The beach elevation at the wall end location is at about +5.6 feet, MLLW. The existing pier extends further out 85 feet approximately with a deck elevation at about +9 feet, MLLW. A boat berthing area is connected to the pier through an access gangway, as illustrated in Figure 2.

Similar groin and pier structures exist throughout this reach of Newport Bay, and the proposed groin wall's relationship to the adjoining lots groin walls is shown in Figure 2. The adjoining groin walls on the immediate west and east lots extend out about 60 feet and 70 feet respectively (see Figure 2).

¹MLLW denotes Mean Low Lower Water and is about 2.7 feet below Mean Sea Level.

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Consultant Letter

California Coastal
Comm

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COASTAL PROCESSES

The subject site is located near the entrance to Newport Harbor at the outer end of the Balboa reach embayment, as shown in Figure 1. This stretch of water is relatively sheltered by the surrounding harbor islands and mainland as well as by the moored boats, docks and groin structures in front of the lots. The beach slope is about 15: 1 (horizontal:vertical) within the street end segment and 10: 1 in the middle of the subject lot respectively. The slope becomes steeper about 90 feet from the lot boundary baseline to accommodate berthing of small craft. The beach face elevation is at about + 1.5 feet, MLLW at this location.

Because this residential site is fairly protected and unobstructed fetches are limited for wave generation, little wave activity occurs. Consequently, sediment transport is primarily influenced by currents associated with the daily tidal fluctuation in the bay. These currents propagate generally east and west past the property corresponding to the ebb and flood tides, respectively. In general, it is estimated that currents are mainly confined to the deeper portions of the bay and decelerate closer to the bank as the water is slowed by the frictional effects of the more shallow bottom.

The alongshore sediment transport is insignificant since little wave activity occurs. The cross-shore sediment transport can be primarily attributed to the slope change of the beach face at the 90-foot line. As sands slough off from the gentle beach slope face and move into the deeper water zone, the tidal-driven currents during the flood tides are unable to move the sands back to the upper beach slope. As a result, the dock water area shoals up and maintenance dredging is performed annually to maintain a proper water depth for boat berthing. This is a typical phenomenon observed throughout this shoreline reach of the harbor.

COASTAL PROCESSES IMPACTS ASSESSMENT

The two existing groin walls, extending out about 60 feet and 70 feet respectively, at the adjoining lots will somewhat influence the tidal flow pattern and sediment transport in the area. The shelter effects afforded by the two groins will induce some eddy formation within the water area of the project site. These eddies are generally low-velocity recirculation patterns and are estimated to not be of sufficient magnitude to cause sediment transport around the shoreline cell.

The proposed 40-foot groin wall will divide the shoreline reach between the two existing groin walls into a 160-foot shoreline segment covering two residential lots and a 30-foot street end lot (see Figure 2). The harbor end of the proposed groin wall is located at an elevation of +5.6 feet, MLLW

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Mr. Pete Swift
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August 7, 1998
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which is out of the frequent tidal fluctuation ranging from +0 to +5 feet, MLLW. Therefore, the location of the proposed shorter groin wall (40 feet long) situated between the two existing longer groins (60 and 70 feet long respectively) suggests that little, if any, impacts to the coastal processes would occur due to the presence of the proposed groin wall.

CONCLUSION

Based upon an assessment of the site conditions and an estimate of the controlling processes, it is our opinion that the proposed groin wall at 1501 East Bay Avenue will have no impact on the coastal processes adjacent to the project site.

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.

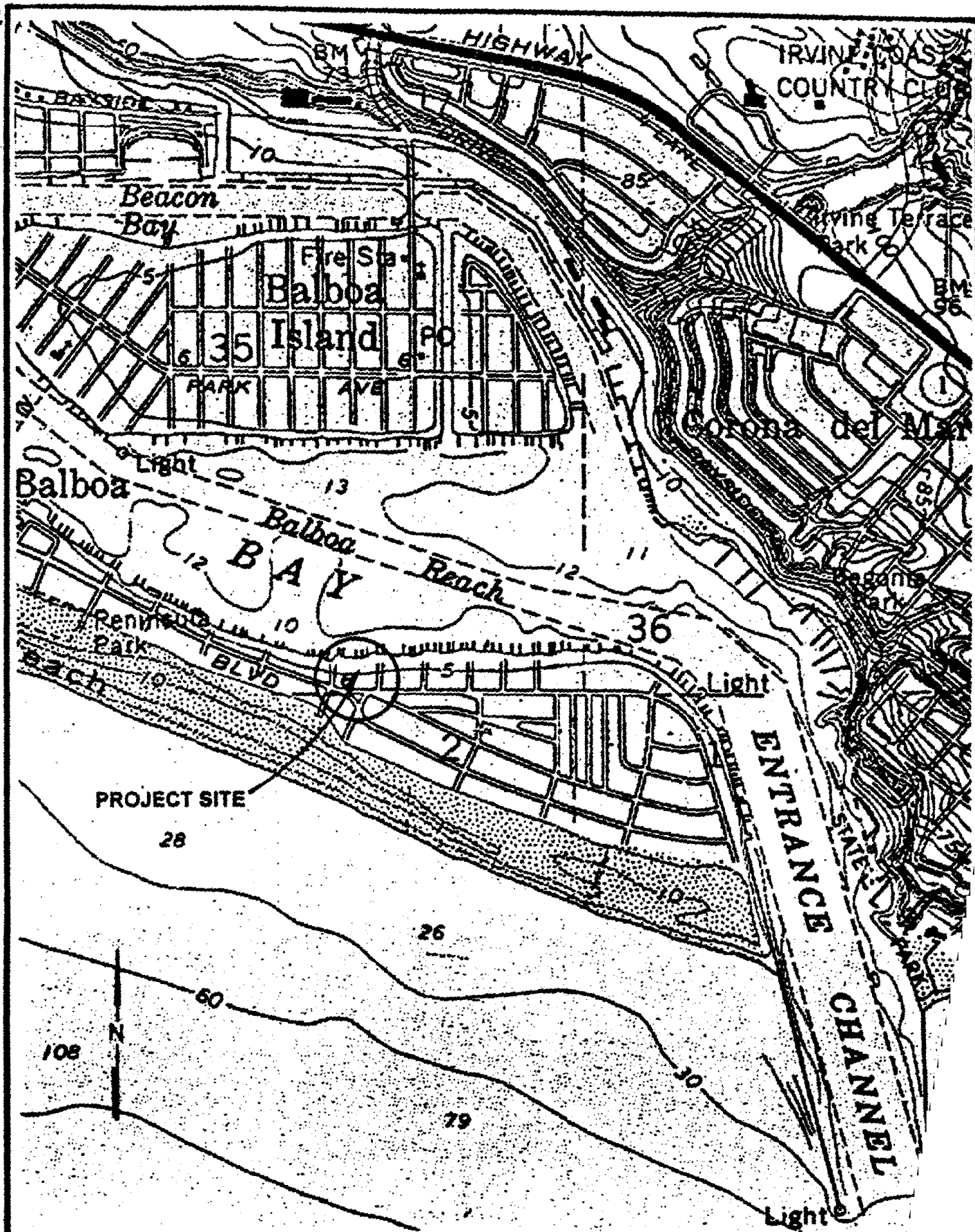
Sincerely,

NOBLE CONSULTANTS, INC.


Chia-Chi Lu, Ph.D., P.E.
Project Engineer

CCL:dmn

Attachments: Figures 1-2



SCALE 1"=1000'

SOURCE: NOS NAVIGATIONAL CHART 18754

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Figure

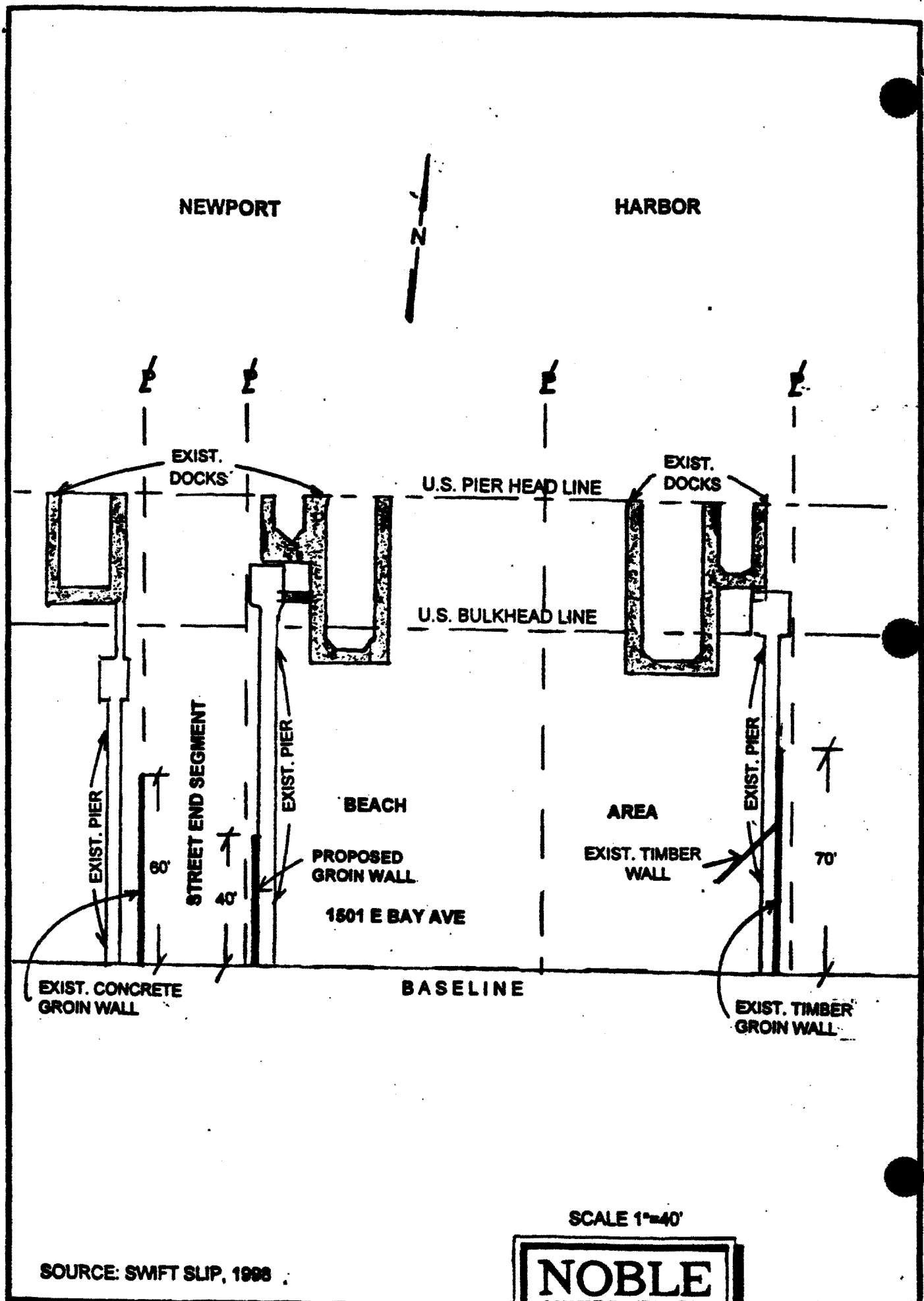


FIGURE 3

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
P. O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 445-9338

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JUL 2 1998



June 25, 1998

CALIFORNIA
COASTAL COMMISSION

Mr. Stephen Rynas
California Coastal Commission
200 Oceangate Ave., Suite 1000
Long Beach, CA 90802

Dear Mr. Rynas:

This letter is in response to a request from Ms. Gail Petersen, Swift Slip Dock and Pier Builders, concerning project plans to construct a recycled-plastic, 40-foot groin wall beneath an existing pier at 1501 E. Bay Avenue, Newport Beach, Orange County.

Department of Fish and Game (DFG) personnel have examined project plans for the proposed groin wall. The DFG believes that the project, as described, would not have a significant effect on existing marine resources and habitats within the area. Therefore, the DFG does not object to the issuance of a Coastal Development Permit from the Commission.

As always, DFG personnel are available to discuss our comments and concerns in greater detail. To arrange for a discussion, please contact Ms. Marilyn Fluharty, Environmental Specialist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (619) 467-4231.

Sincerely,


Donald L. Lollock, Chief
Scientific Division
Office of Spill Prevention and Response

cc: Ms. Marilyn Fluharty
Department of Fish and Game
San Diego, California 92123

Ms. Gail Petersen
Swift Slip Dock & Pier Builders
500 30th Street
Newport Beach, California 92663

EXHIBIT No. 7

Application Number:

5-98-043

DF&G Letter

 California Coastal
Commission

