

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: February 3, 2000
 49th Day: March 23, 2000
 180th Day: August 1, 2000
 Staff: KFS-LB
 Staff Report: April 20, 2000
 Hearing Date: May 9-12, 2000
 Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-99-303

APPLICANT: Joanna Muir

AGENTS: John Morgan, Architect
 Lisa Miller, Shellmaker, Inc.

PROJECT LOCATION: 716 Via Lido Nord, City of Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and 35-foot long, cast-in-place seawall/bulkhead. The seawall will be replaced by a system composed of pre-cast concrete panels tied to a concrete anchor beam. In addition, a new two story, 3,743 square foot single family residence including an attached two-vehicle garage will be constructed. No seaward encroachment will occur as a result of these developments.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves demolition and construction of a single family dwelling and demolition of an existing seawall/bulkhead and construction of a new replacement seawall/bulkhead in the same location adjacent to Newport Bay. The subject site is subject to tidal action but not to direct wave attack because the site is within the protected harbor. The proposed protective device is necessary to protect existing structures from tidal induced erosion and will have no impacts upon shoreline sand supply because the device is being constructed in the same location as the existing one. Staff is recommending approval of the proposed development with three special conditions. Special Condition 1 incorporates the recommendations of a geotechnical report which would improve the safety of the site. In order to address potential construction related water quality impacts, Staff recommends the Commission impose Special Conditions 2 and 3 which outline construction responsibilities and require the applicant to identify, prior to issuance of the permit, a debris disposal site.

LOCAL APPROVALS RECEIVED: City of Newport Beach, Fire and Marine Department, approval in concept harbor permit #175-716; City of Newport Beach Planning Department approval-in-concept 5302-99; California Regional Water Quality Control Board, Santa Ana Region, Waiver of Waste Discharge Requirements and Water Quality Certification...dated February 1, 2000.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach, Local Coastal Program-Land Use Plan, effectively certified May 18, 1982; Coastal Development Permits: 5-96-102 (Rafferty), 5-97-117 (Donahue), 5-97-236 (Wagner); 5-98-305 (Newport Harbor Yacht Club); Letter from William Simpson & Associates, Inc. Consulting Structural Engineers to Lisa Miller dated December 10, 1999; Letter from William Simpson & Associates, Inc. Consulting Structural Engineers to California Coastal Commission dated January 28, 2000; Letter from Newport Beach Fire and Marine Department to Shellmaker, Inc. dated November 8, 1999; Letter from John T. Morgan Jr., Architect to California Coastal Commission dated December 7, 1999; Letter from John T. Morgan Jr., Architect to California Coastal Commission dated January 31, 2000; *Geotechnical Investigation, Proposed Residence, 716 Via Lido Nord, Newport Beach, California* by Petra Geotechnical, Inc. of Costa Mesa, California dated July 28, 1999 (JN 240-99).

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL.

Staff recommends that the Commission make the following motion and adopt the following resolution to APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-99-303 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION OF APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the 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, 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

1. CONFORMANCE OF DESIGN AND CONSTRUCTION PLANS TO GEOTECHNICAL REPORT

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Report titled *Geotechnical Investigation, Proposed Residence, 716 Via Lido Nord, Newport Beach, California* by Petra Geotechnical, Inc. of Costa Mesa, California dated July 28, 1999 (JN 240-99). **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, equipment, debris, oil, liquid chemicals, or waste shall be placed or stored where it may be subject to wave erosion and dispersion into harbor waters;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day; and
- (f) Non-buoyant debris discharged into coastal waters shall be recovered as soon as possible after loss.

3. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicant proposes to demolish and reconstruct an existing seawall/bulkhead and single family residence located on a residential lot on Lido Isle at 716 Via Lido Nord, Newport Beach, Orange County (Exhibit 1). Presently, there is a 35 foot long, cast-in-place concrete seawall, on the bayfront side of the subject property (Exhibit 2, page 1). The top of the existing wall varies from +8.51 to +8.72 feet above sea level. This wall will be replaced with a seawall system consisting of pre-cast concrete panels. These panels will be tied to a new concrete anchor beam to be located approximately 25 feet landward and parallel to the proposed seawall. The new seawall will be constructed in the same location and will be the same

length as the existing seawall. However, the top of wall elevation is increasing from the existing elevation to +10.5 feet to meet present City of Newport Beach engineering standards and to match the adjacent properties. No seaward encroachment of the seawall will occur as a result of these proposed developments (Exhibit 2, page 2 and 3).

The applicant is also proposing to demolish the existing two-story single family residence and construct a new 24 foot high, two-story, 3,282 square foot single family residence with an attached 462 square foot 2 vehicle garage (Exhibit 2, page 4 to 8). The proposed residence conforms with a 10 foot setback from the property line, consistent with City of Newport Beach and the Commission's commonly used setback for this area.

The subject site located between the sea and the first parallel public roadway and is a bay front lot. The land use designation under the certified land use plan for the site is *Single Family Detached Residential*. The land use designation for the harbor area seaward of the U.S. Bulkhead line is *Water*.

B. PROTECTIVE STRUCTURES AND HAZARDS

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.

Section 30253 of the Coastal Act states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

Site conditions include an existing, aging cast-in-place concrete seawall. An evaluation conducted by William Simpson and Associates, Inc. discovered that the existing seawall is tilting outward, indicating that the existing tie rods have broken. In addition, the existing seawall has several large cracks, the re-bar is rusting, and the wall has a shallow embedment. Due to age, poor quality concrete, inadequate steel reinforcement, and deficient tieback systems, aging concrete seawalls in Newport Beach, such as the one at the subject site, are commonly replaced when redevelopment occurs on bayfront lots. The proposed development will replace the deteriorated seawall with a new system composed of pre-cast concrete panels

ried with anchor rods to a landward concrete anchor beam. The Commission has approved several seawalls using this technology in the City of Newport Beach including 5-96-102 (Rafferty), 5-97-117 (Donahue), 5-97-236 (Wagner), 5-98-305 (Newport Harbor Yacht Club), and 5-98-372 (WMC Development). These seawall systems have been deemed superior to the existing aging seawalls in both material quality and engineering design. Since a replacement seawall is being installed, City engineering standards require that new or replacement seawalls be at the existing height established for the area. The existing seawall is lower than the established height of adjacent seawalls (+ 10.5 feet). Therefore the proposed seawall will be constructed with an elevation of + 10.5 feet to match adjacent existing conditions. The proposed seawall will have the same location as the existing seawall and will therefore not have any additional impact upon shoreline processes.

According to the applicants geologic report titled *Geotechnical Investigation, Proposed Residence, 716 Via Lido Nord, Newport Beach, California* by Petra Geotechnical, Inc. of Costa Mesa, California dated July 28, 1999 (JN 240-99), the proposed development will occur in an area of seismic risk, similar to most properties in southern California. Design and construction recommendations were made by the geotechnical consultant in this report which will improve the durability of the proposed structures. These recommendations include load values to be used for structure design and construction guidelines regarding sequence, materials, and soil compaction. The geotechnical consultant states that the site is suitable for the proposed development so long as their recommendations are incorporated into the design of the proposed project and they are implemented in the field. In order to ensure that construction of the proposed development does not adversely affect adjacent properties, minimizes risks to life and property in high geologic hazard areas, and to assure stability and structural integrity, the Commission imposes Special Condition 1, which requires the applicant to submit, prior to issuance of the permit, final design and construction plans for review and approval of the Executive Director, including foundations, grading and drainage plans with evidence that such plans have been reviewed by an appropriately licensed professional and found to be in conformity with the recommendations of the geology report titled *Geotechnical Investigation, Proposed Residence, 716 Via Lido Nord, Newport Beach, California* by Petra Geotechnical, Inc. of Costa Mesa, California dated July 28, 1999 (JN 240-99).

According to the applicant a seawall is required at the subject site to protect the structural integrity of the lot from tidal activity. In addition, the seawall is necessary to protect the adjacent residences from tidal activity. Since the seawall/bulkhead system on Lido Isle does not enclose each individual lot, if the seawall were removed and not replaced, tidal activity would erode the adjacent lots and destabilize these existing single family residences. Therefore, the proposed replacement seawall/bulkhead is necessary to protect existing structures.

Also, the applicant has indicated that the proposed seawall location is the least environmentally damaging feasible alternative which will result in no adverse impact upon shoreline sand supply. The applicant considered several options including a more landward alignment of the wall and seaward alignment of the wall.

If the wall were placed at a more landward alignment, tidal currents at the site would be changed, creating small eddies where the adjacent walls intersect the wall at the subject site. In addition, a discontinuous wall would potentially expose adjacent lots to erosion since the

walls at each site don't surround the individual lots. These conditions would increase erosion at the site, change shoreline sand supply conditions, and expose the development to hazards.

A seaward alignment of the wall would involve shoring the existing seawall by placing another seawall seaward of and immediately adjacent to the existing wall. However, this method would result in the fill of coastal waters. In addition, construction of a shoring seawall would require the removal of the existing pier, dock, and pilings. Removal of the pier, dock, and pilings will not be necessary for the proposed in-alignment seawall replacement.

The applicant is proposing to avoid adverse effects related to the landward and seaward option by replacing the existing seawall in the same location. Using this method, no new fill of coastal waters or changes to shoreline sand supply/erosion at the site is anticipated.

The existing seawall does not meet present engineering standards and poses a risk to life and property because lot stability may be threatened by failure of the aging, poorly designed and constructed existing seawall. The proposed development will protect lot stability and reduce risks to life and property with a structurally superior seawall system. This development will not have any adverse impacts upon shoreline processes because there will be no change from the existing structural footprint. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Section 30235 and 30253 of the Coastal Act.

C. COASTAL ACCESS AND RECREATION

Section 30212 of the Coastal Act states in 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...

(b) For purposes of this section, "new development" does not include:

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

Section 30604(c) of the Coastal Act states:

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3.

The proposed development, which occurs between the nearest public road and the sea, includes the demolition and construction of a single family residence and seawall/bulkhead.

The reconstruction of the seawall will not occur seaward of the existing wall. Therefore, as stated in Section 30212(b)(4) of the Coastal Act the proposed seawall is not new development that is subject to the access requirements of section 30212 of the Coastal Act.

In addition to the reconstructed seawall, the proposed project involves the demolition and construction of a single family residence. Since the existing and proposed residence are single family dwellings, there is no change in intensity of use of the site.

Existing vertical public access is available 140 feet west of the site at the end of Via San Remo. In addition, there is an established lateral public access which runs west of the subject site from Via San Remo to Via Dijon. This existing lateral accessway does not extend across the subject site.

The proposed project involves the reconstruction of existing facilities which will not change the existing access situation or the intensity of use of the site. The proposed seawall is being constructed in the same alignment as the existing seawall. Also, there is existing access nearby the project site. The proposed development will not have an impact on existing coastal access or recreation in the area. Therefore, the Commission finds that the project is consistent with the public access and recreation policies of the Coastal Act.

D. WATER QUALITY AND THE MARINE ENVIRONMENT

The proposed project is the reconstruction of an existing seawall adjacent to and occasionally partially inundated by coastal waters. In addition, the proposed project involves the demolition and construction of a single family residence adjacent to coastal waters. Due to the proposed project's location near or in the water, the proposed work may have adverse impacts upon water quality and the marine environment.

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.

An eelgrass inspection has been performed by the City of Newport Beach which declared that no eelgrass is in the vicinity of the project site. The proposed seawall will replace an existing seawall preceded by a small sandy beach which is only occasionally inundated by coastal waters. Photographs and an inspection by Commission staff have shown that no substantial marine life utilize the existing seawall as a holdfast. Therefore, no substantial marine life will be affected by the proposed project.

The proposed project was submitted to the California Regional Water Quality Control Board (RWQCB) for their review and approval. Subsequently, the RWQCB issued a Waiver of Waste Discharge Requirements and Water Quality Certification as no adverse impacts upon state or federally listed endangered or threatened species or their critical habitat (Exhibit 3).

Due to the proximity of the project site to coastal waters and the fact that construction of the proposed project will require the use of heavy machinery and require the stockpiling of construction materials the Commission finds it necessary to identify, at minimum, the permittee's responsibilities regarding project construction. Mining of shoreline resources for seawall backfill could result in damage to marine resources. In addition, if stored improperly, hazardous substances (i.e. fuel and lubricants, etc.) present in heavy machinery or stockpiled materials, could be released into the marine environment. In order to protect the marine environment from degradation, Special Condition 2 requires that no construction materials, equipment, debris, oil, chemicals or waste shall be placed or stored where it may be subject to wave erosion and dispersion into coastal waters; any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction; no machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone; sand from the beach, cobbles, or shoreline rocks shall not be used for construction material; floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day; non-buoyant debris discharged into coastal waters shall be recovered as soon as possible after loss. In addition, demolition of existing structures will generate debris that will not be recycled into the proposed development. Since the applicant has not identified a disposal site and in order to prevent impacts to coastal waters, Special Condition 3 requires that all demolition debris be disposed of at a legal site approved by the Executive Director. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

The proposed project will maintain the present use and is not expected to create additional adverse impacts on marine resources. Additionally, the Commission finds it necessary to require the applicant to identify a debris disposal site and has outlined the permittee's responsibilities regarding construction. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230 and 30231 of the Coastal Act.

E. LAND USE PLAN

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not

have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the 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.

The proposed project is located in an urban area. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources. Special Conditions are 1) a requirement that the proposed development conform with geotechnical recommendations; 2) the applicant shall adhere to construction related responsibilities, and 3) the applicant shall identify a debris disposal site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse effect the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

SITE 716 VIA LIDO NORD

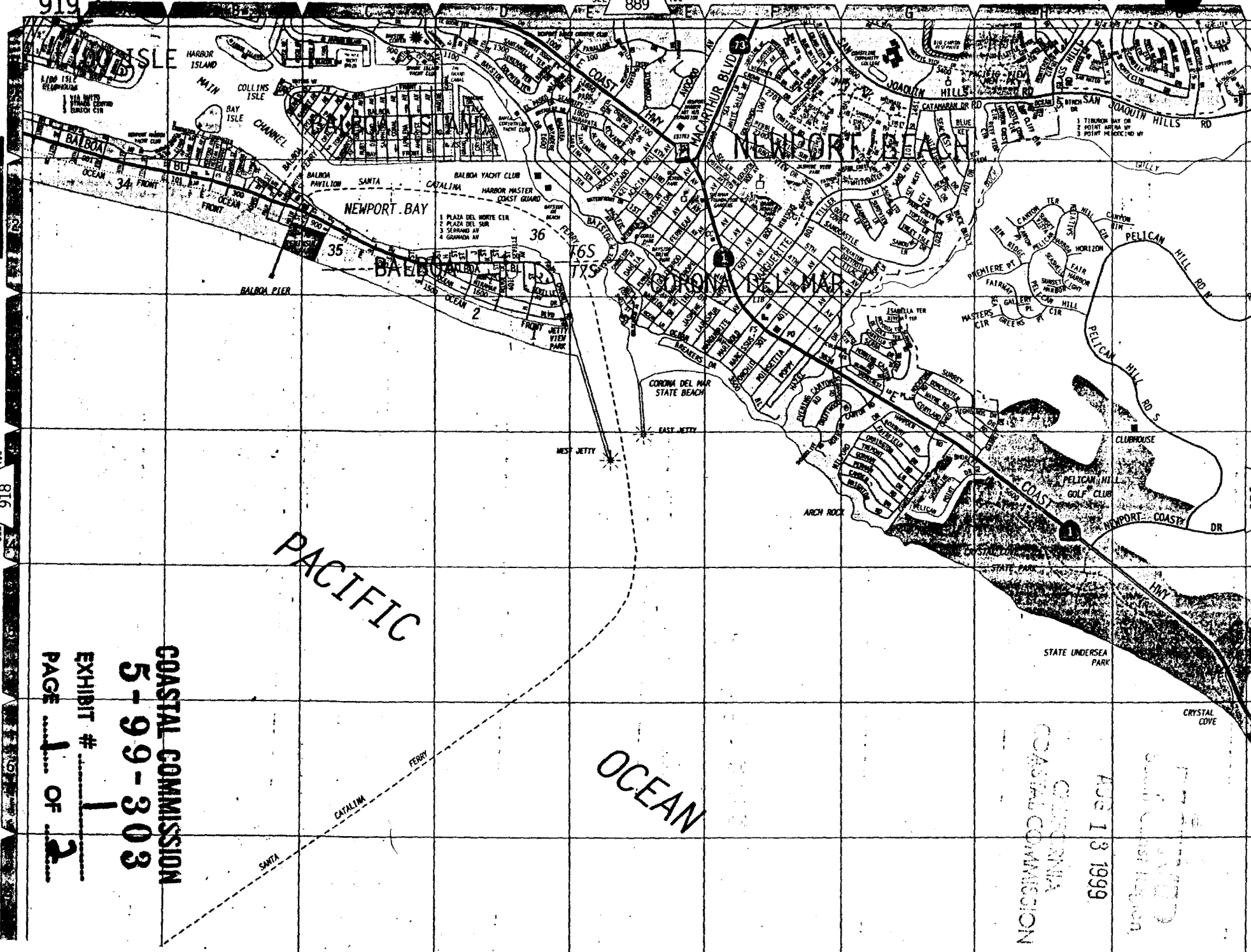
919

SEE 889 MAP

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SEE 920 MAP

SEE 918 MAP



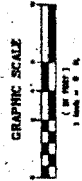
PACIFIC

OCEAN

COASTAL COMMISSION
 5-99-303
 EXHIBIT # 1
 PAGE 1 OF 2

CLERK OF THE SUPERIOR COURT
 COUNTY OF ORANGE
 COASTAL COMMISSION
 AUG 13 1999

NEWPORT BEACH
 COASTAL COMMISSION

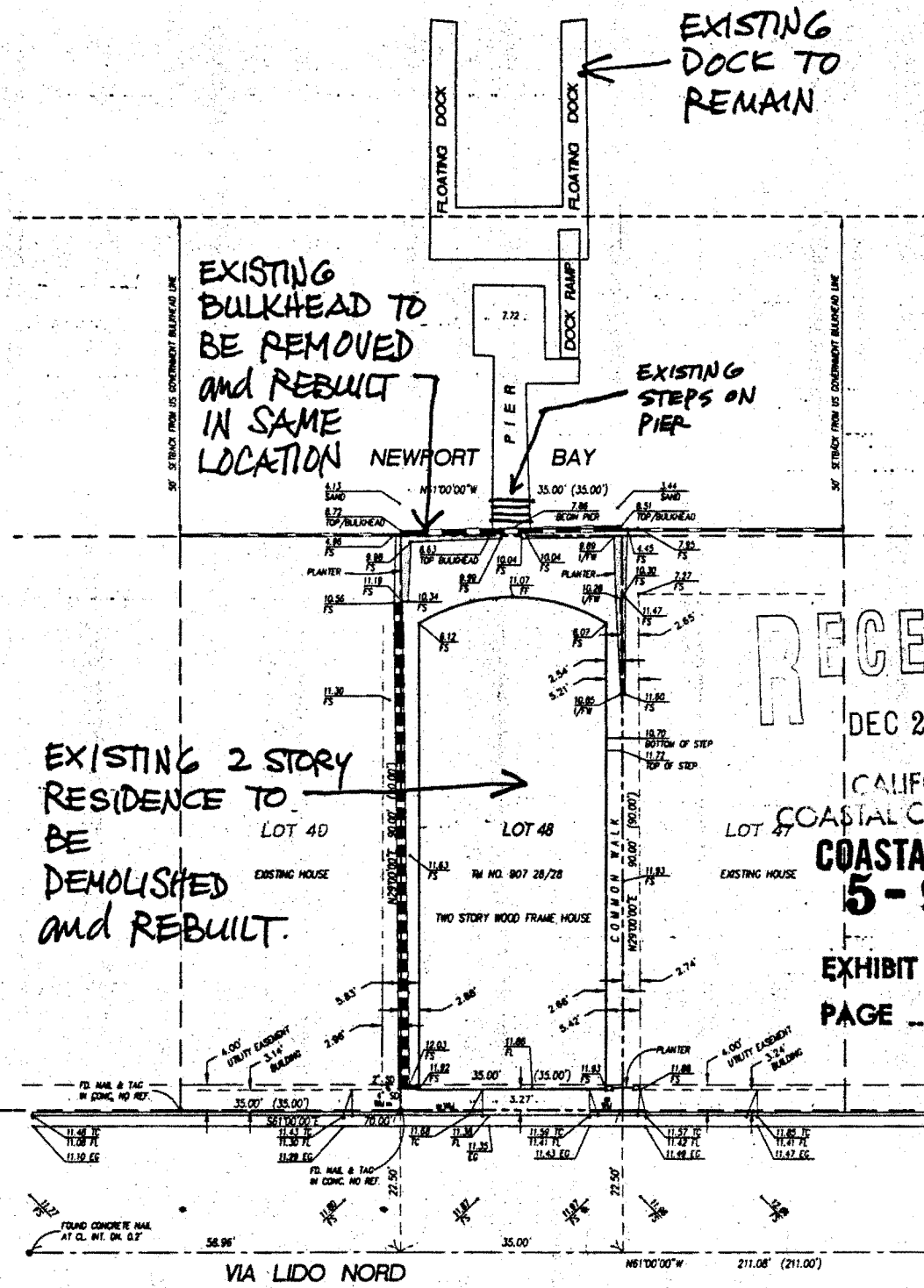


BASIS OF BEARINGS:
BEING NORTH 61°00'00" WEST ALONG THE CENTERLINE OF
VIA LIDO NORD AS SHOWN ON TRACT NO. 907 ON FILE IN
BOOK 28, PAGE 28 INCLUSIVE OF MISCELLANEOUS MAPS

BENCHMARK:
O.C.S. BENCHMARK MB3-10-70 ELEV. = 11.273' FT. (HAWNB)

STD. O.C.S. ALUMINUM IRON IN THE SOUTHEAST CORNER OF A
CATCH BASIN LOCATED IN THE NORTHEAST RETURN OF
LIDO NORD AND WA ZURROK.

SHEET		7	
OF		7	
TOPOGRAPHIC LOT SURVEY			
1716 VIA LIDO NORD			
NEWPORT BEACH			
ADVANCED SURVEY CONCEPTS, INC.			
SURVEYING - CONSTRUCTION STAKING			
ASC			
REGISTERED UNDER THE DIRECTOR OF			
STATE OF CALIFORNIA			
NO. 1-100000-001			
DATE 3-1-90			
BY [Signature]			



RECEIVED

DEC 22 1999

CALIFORNIA
COASTAL COMMISSION
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5-99-303

EXHIBIT # 2
PAGE L of 8

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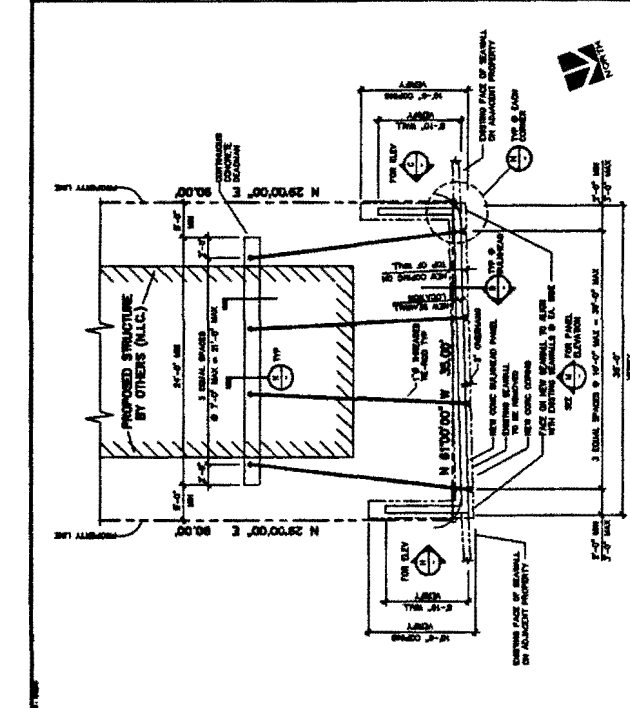
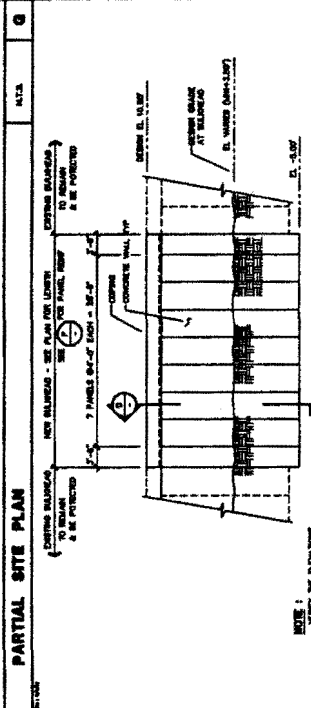
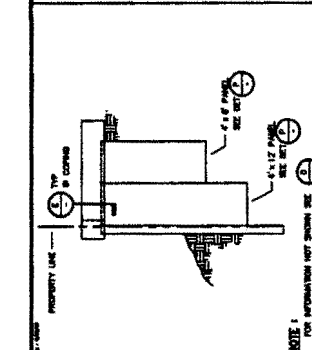
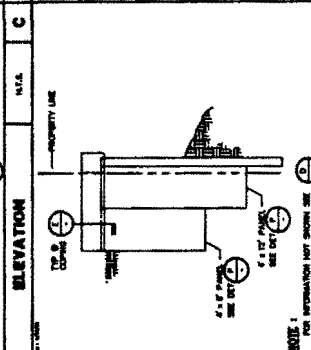
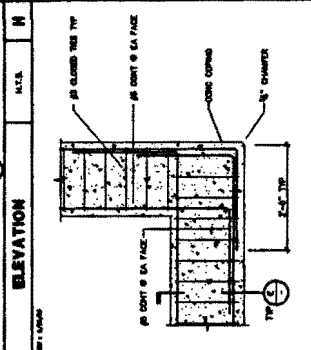
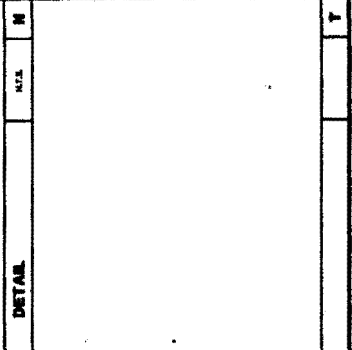
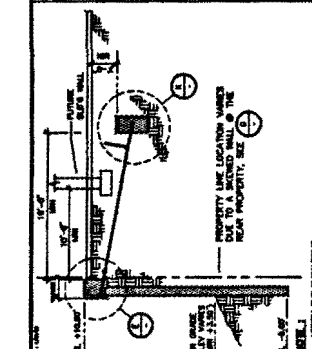
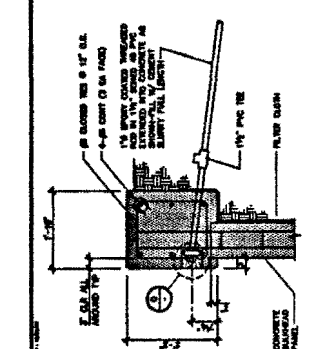
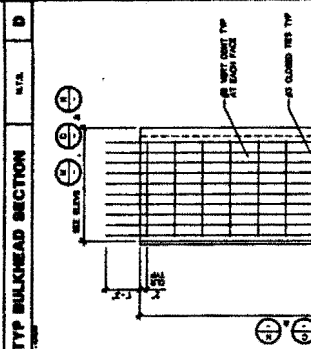
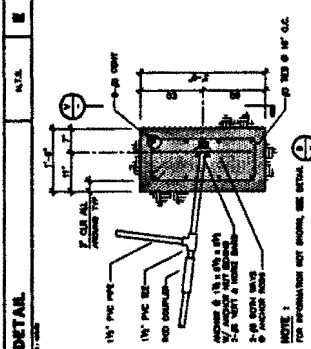
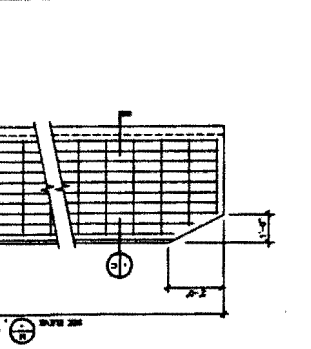
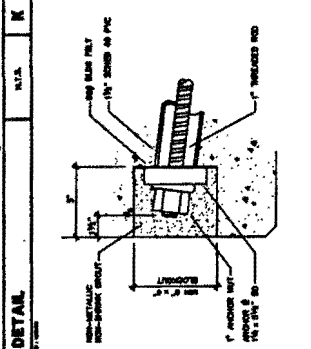
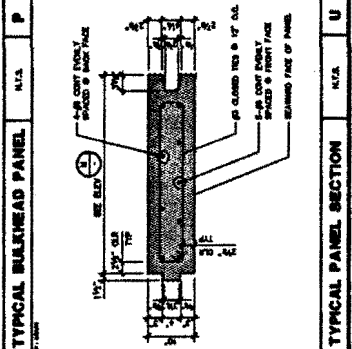
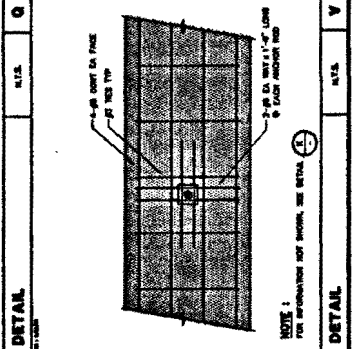
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WILLIAM SIMPSON & ASSOCIATES, INC.
 CONSULTING STRUCTURAL ENGINEERS
 2225 REPORT SQUARE, SUITE 200
 FORT MYERS, FLORIDA 33901-3200
 PHONE: 889-3200
 FAX: 889-3202

PROPOSED SEAWALL
 716 VIA LIDO NORD
 NEWPORT BEACH, CA 92663
 Mrs. Joanna W. Murly

716 VIA LIDO NORD
 NEWPORT BEACH, CA 92663
 PH. 949-873-7612

NO.	DESCRIPTION
1	SEAWALL
2	SEAWALL
3	SEAWALL
4	SEAWALL
5	SEAWALL
6	SEAWALL
7	SEAWALL
8	SEAWALL
9	SEAWALL
10	SEAWALL

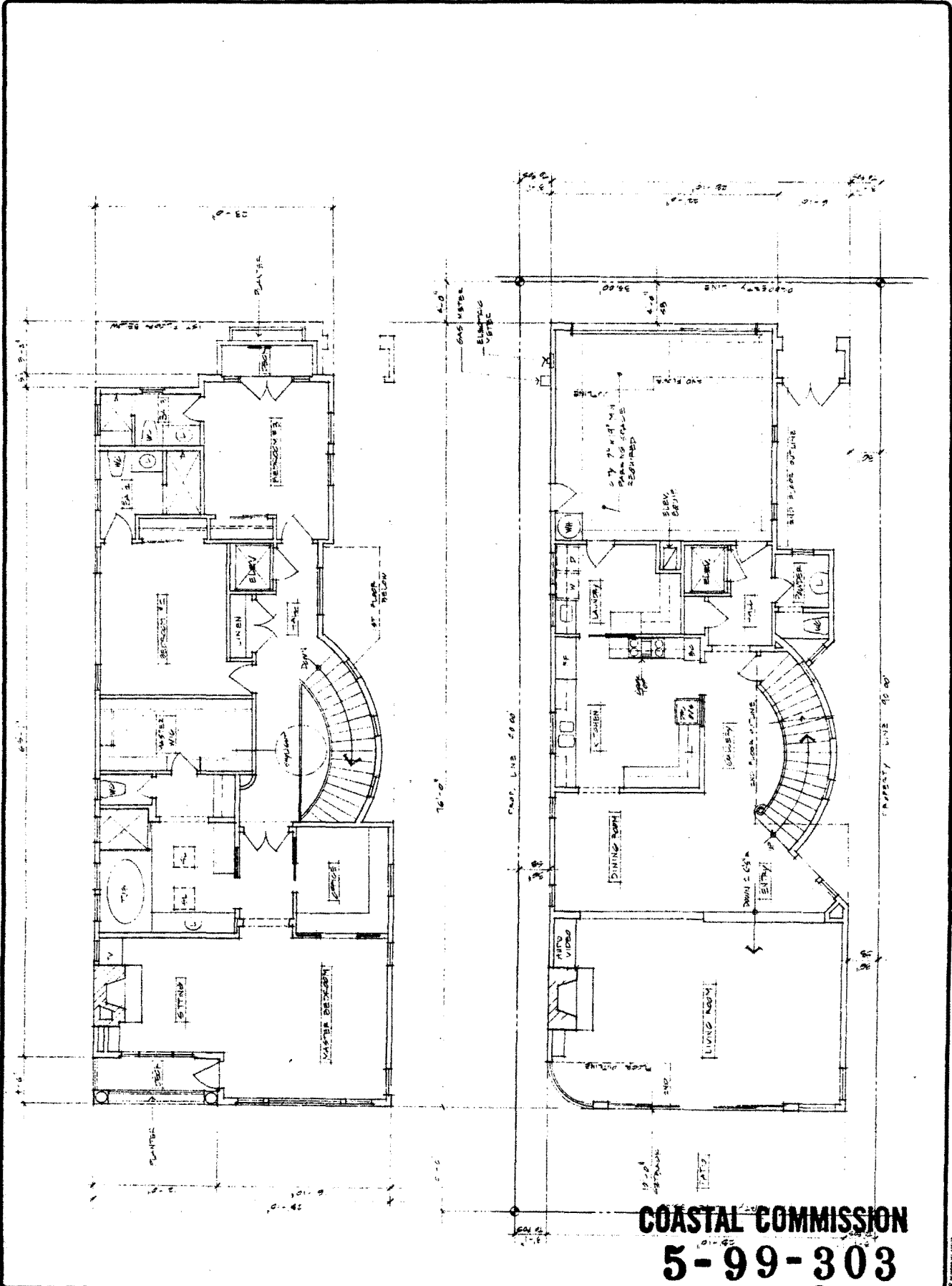


COASTAL COMMISSION
 5-99-303
 EXHIBIT # 2
 PAGE 3 OF 8

NO.	REVISIONS

ARCHITECT
 JON V. WILSON
 2882 SERRANO AVE.
 NEWPORT BEACH, CA
 92646
 714 640-2000

OWNER	
DATE	
JOB NO.	



COASTAL COMMISSION

5-99-303

EXHIBIT # **2**

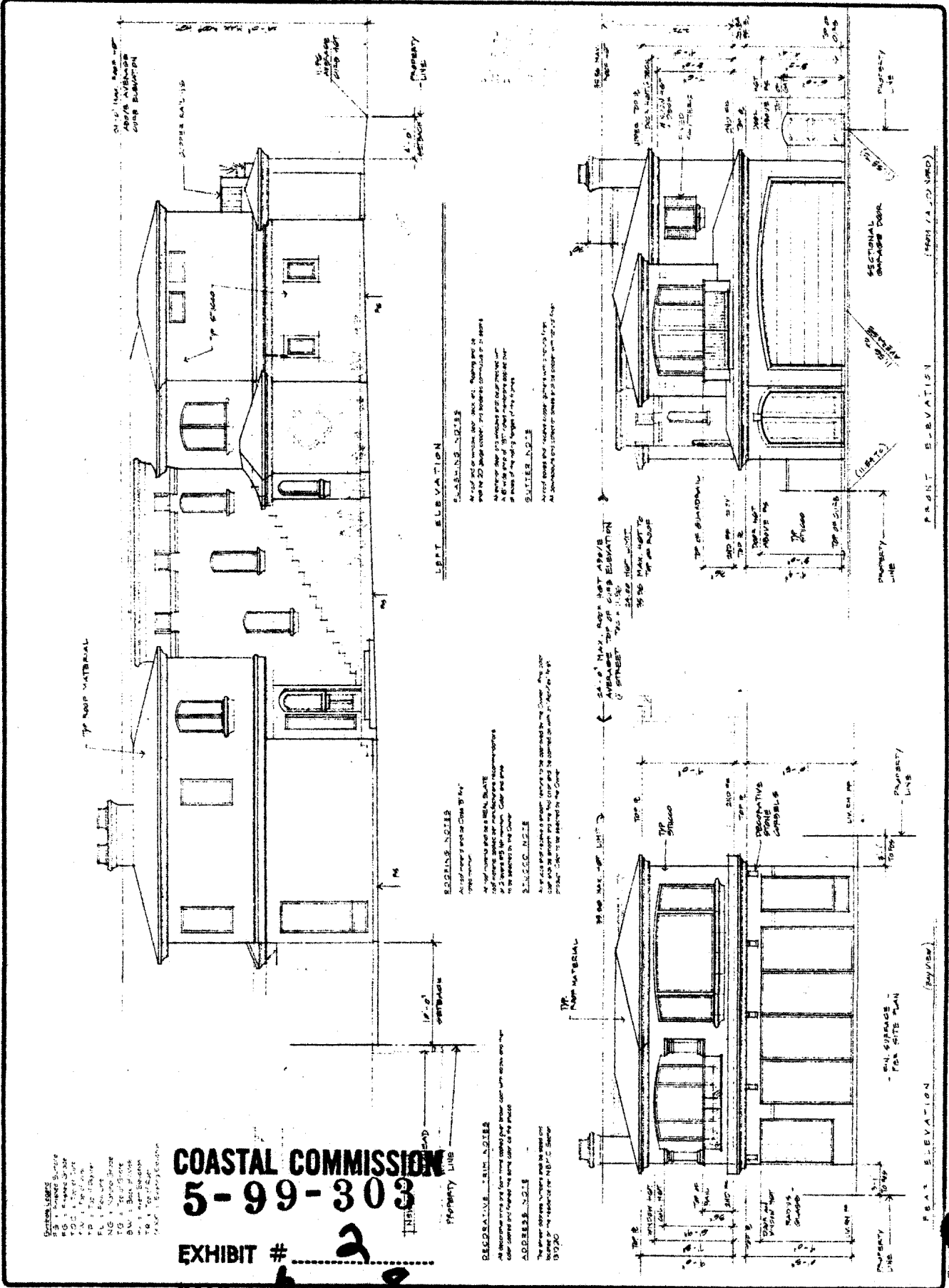
PAGE **5** OF **8**

ARCHITECT
 JOHN T. MORGAN
 6682 Seacrest Avenue
 Newport Beach, CA
 92656 AND CA 92705

YOUR RESIDENCE
 10000 S. BAYVIEW ST.
 NEWPORT BEACH, CA 92656

A3

DATE: _____
 SCALE: _____
 SHEET: _____



COASTAL COMMISSION
5-99-303

EXHIBIT # **2**
 PAGE **6** OF **8**

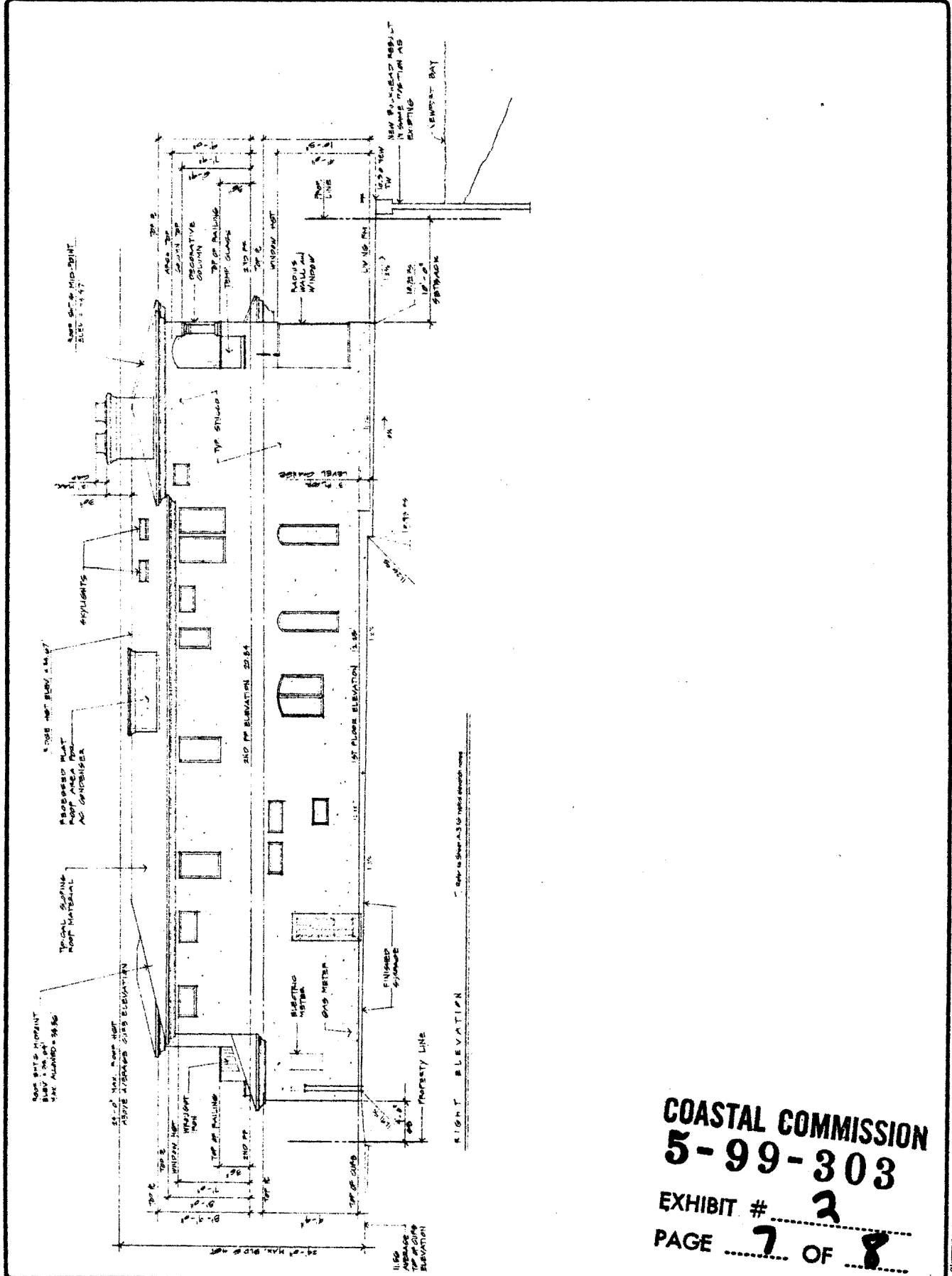
NO. 1

ARCHITECT
 JOHN T. MORSON
 6622 DEARBORN AVENUE
 BOSTON, MA 02203
 NEWPORT BEACH, CA 92705

CLIENT'S ADDRESS
 70 VIA LEO NORD
 NEWPORT BEACH, CA

TITLE: NIGHT ELEVATION

DATE	
BY	
JOB NO.	



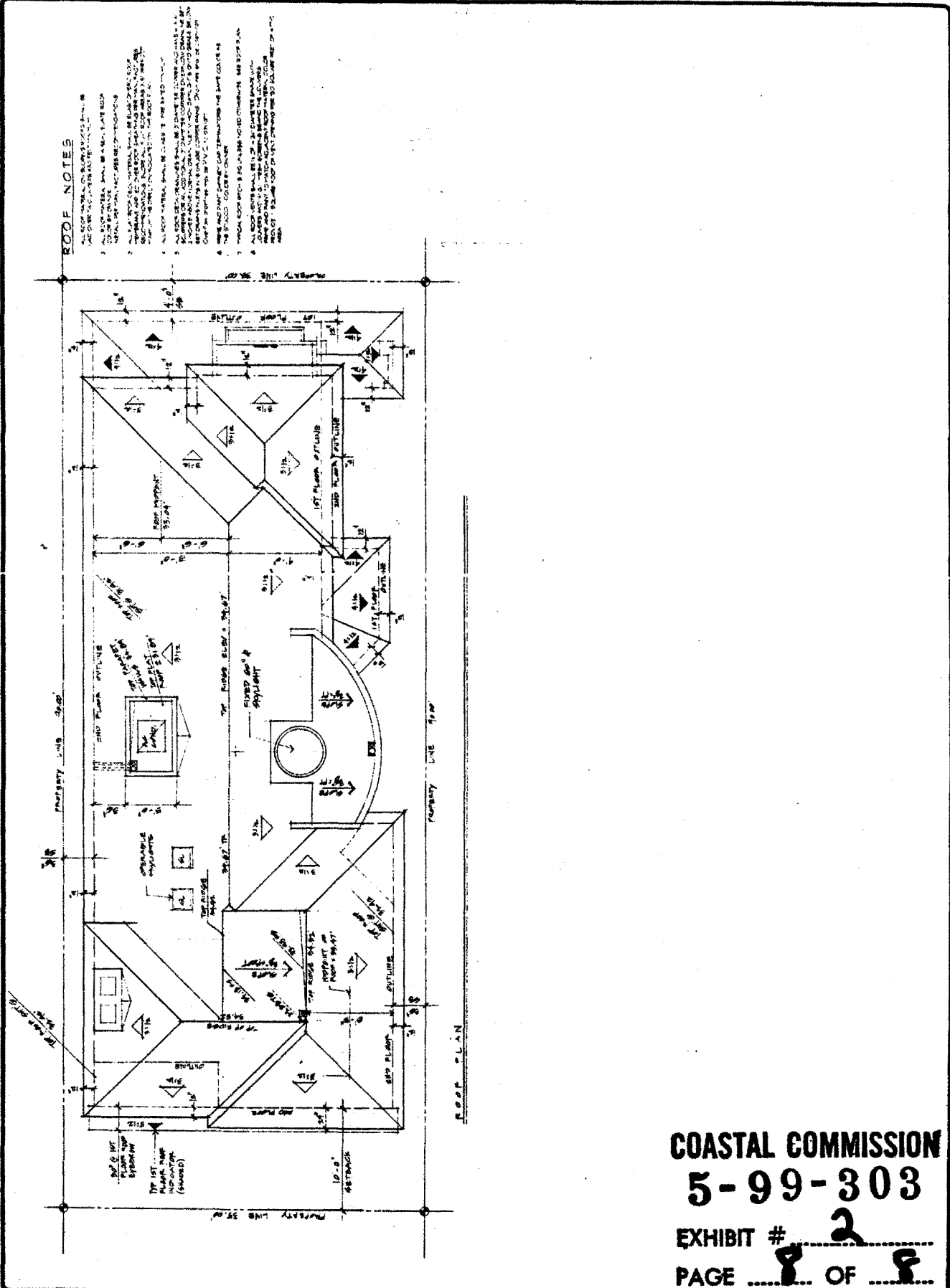
COASTAL COMMISSION
 5-99-303
 EXHIBIT # 2
 PAGE 7 OF 8

NO.	
DATE	
DESCRIPTION	

MUR RESIDENCE
 70 V. LIND ROAD
 NEWPORT BEACH, CA
 JOHN T. MORGAN
 ARCHITECT
 8082 BROADWAY AVE
 BOSTON, MA 02118
 TEL: 617-552-1234

DATE: 10/15/88

NO.	
DATE	
DESCRIPTION	



COASTAL COMMISSION
5-99-303
 EXHIBIT # **2**
 PAGE **8** OF **8**



California Regional Water Quality Control Board
Santa Ana Region



Winston H. Hickox
 Secretary for
 Environmental
 Protection

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

Gray Davis
 Governor

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 CALIFORNIA
 COASTAL COMMISSION

February 1, 2000

Lisa E. Miller
 Shellmaker Inc.
 875 B West 15th Street
 Newport Beach, CA 92663

**WAIVER OF WASTE DISCHARGE REQUIREMENTS AND WATER QUALITY
 CERTIFICATION FOR THE PROPOSED REPLACEMENT SEAWALL AT 716 VIA
 LIDO NORD (MUIR RESIDENCE), NEWPORT BEACH, ORANGE COUNTY**

Dear Ms. Miller:

On December 30, 1999 we received your complete application for water quality certification for the above-referenced project.

This letter responds to your request for certification, pursuant to Clean Water Act Section 401, that the proposed project described below will not violate State water quality standards:

1. Project description:

Replace an existing seawall along the existing alignment.

2. Receiving water: Lower Newport Bay

3. Fill area: Less than 50 square feet

4. Dredge volume: Less than 20 cubic yards

5. Federal permit: NWP-3

6. Compensatory mitigation: None required.

COASTAL COMMISSION

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EXHIBIT # 3

PAGE 1 OF 2

The proposed project is not expected to impact state or federally-listed endangered or threatened species or their critical habitat.

You have submitted an application for a nationwide permit to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act and have filed for a streambed alteration agreement with the California Department of Fish and Game. The City of Newport Beach has determined that the maintenance of this existing structure is categorically exempt from the requirements of the California Environmental Quality Act.

Resolution No. 96-9 (copy attached) provides that waste discharge requirements for certain types of discharges are waived provided that criteria and conditions specified in the Resolution are met. Provided that the criteria and conditions for; 1) minor dredging projects specified on Page 1; and 2) the general conditions specified on page 4 are met, waste discharge requirements are waived for this project.

Ms. Lisa Miller
Shellmaker inc.

- 2 -

February 1, 2000

Pursuant to California Code of Regulations Section 3857, this action is equivalent to waiver of water quality certification. We anticipate no further action on your application, however, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

Should there be any questions, please contact Joanne Schneider at (909) 782-3287 or Ken Theisen at (909) 320-2028.

Sincerely,

K. J. Thibeault

for GERARD J. THIBEAULT
Executive Officer

Attachment Resolution No. 96-9

cc (w/out attachment):

U.S. Environmental Protection Agency, Wetlands and Sediment Management Section - Daniel Meer (W-3-3)

U.S. Army Corps of Engineers - Mark Durham

U.S. Fish and Wildlife Service - Martin Kenney

State Water Resources Control Board, DWQ-Nonpoint Source Certification and Loans Unit - William R. Campbell, Chief

California Department of Fish and Game, Long Beach - Michael Landers

California Department of Fish and Game, San Diego - Tim Dillingham [Newport Beach]

California Coastal Commission - Meg Vaughn

COASTAL COMMISSION

5-99-303

EXHIBIT # 3

PAGE 2 OF 2

California Environmental Protection Agency