

CALIFORNIA COASTAL COMMISSION

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**Tues 23h**

Filed: August 17, 2001
49th Day: October 5, 2001
180th Day: February 13, 2002
Staff: FSY-LB FSY
Staff Report: August 23, 2001
Hearing Date: September 11-14, 2001
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-00-495**APPLICANT:** Steve & Nancy Schulze**RECORD PACKET COPY****AGENTS:** Cynthia Childs**PROJECT LOCATION:** 2646 Bayshore Drive, City of Newport Beach, Orange County

PROJECT DESCRIPTION: Demolish an existing single family residence and construction of a 27'-6" high, 6,948 square foot two-story with a basement, single family residence with an attached 740 square foot, three-car garage. Construction of an elevator, covered porches, a loggia, a terrace, a balcony and a roof deck will also take place. Also, repair to the existing seawall/bulkhead consisting of new: deadmen, tiebacks and a reinforced concrete water. In addition, an existing 3-ft high retaining wall in the rear yard will be demolished and a 4-ft high retaining wall will be constructed on top of the repaired bulkhead. Grading will consist of 5,280 cubic yards. There will be 950 cubic yards of fill and 4,330 cubic yards of export. (FSY-LB)

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves demolition and construction of a single family dwelling and repair to an existing seawall/bulkhead. The subject site is subject to tidal action but not to direct wave attack because the site is within the protected harbor. The proposed repair to the existing protective device is necessary to protect existing structures from tidal induced erosion and will have no impacts upon shoreline sand supply because the device will remain in the existing location. Staff is recommending **Approval** of the proposed development with five special conditions. Special Condition 1 incorporates the recommendations of the geotechnical reports for the project, which would improve the safety of the site. Special Condition 2 requires preparation of a survey to confirm the absence of *Caulerpa taxifolia* in the project area. In order to address potential construction related water quality impacts, staff recommends the Commission impose Special Conditions 3, 4 and 5. Special Condition 3 requires conformance with Waste Discharge Requirements from the Regional Water Quality Control Board Discharge Permit (Order No. 98-67, NPDES No. CAG998001) dated August 15, 2001. Special Conditions 4 and 5 outline construction responsibilities and require the applicant to identify, prior to issuance of the permit, a debris and export disposal site.

LOCAL APPROVALS RECEIVED: City of Newport Beach, Harbor Resources Division, approval in concept harbor permit #129-2646; City of Newport Beach Planning Department approval-in-concept 2998-2000; California Regional Water Quality Control Board, Santa

Ana Region, Waste Discharge Requirements, Order No. 98-67, NPDES No. CAG998001 dated August 15, 2001; California Regional Water Quality Control Board, Santa Ana, Section 401 Water Quality Standards Certification dated August 16, 2001.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach, Local Coastal Program-Land Use Plan, effectively certified May 18, 1982; Coastal Development Permit 5-99-303 (Muir); Letter from Cash & Associates dated July 16, 2001, Letter from Cash & Associates dated August 1, 2001, Letter from Cash & Associates dated August 10, 2001; Letter from Cash & Associates dated August 13, 2001; Letter from Cynthia Childs dated August 3, 2001; Letter from Neblett & Associates dated August 2, 2001; *Preliminary Geotechnical Report, Proposed Two-Story Residence, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-000-03) dated January 11, 2001 and *Preliminary Geotechnical Criteria, Proposed Seawall Improvements, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-001-03) dated May 22, 2001.

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 #5-00-495 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 **APPROVES** a coastal development permit with conditions for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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 Reports titled *Preliminary Geotechnical Report, Proposed Two-Story Residence, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-000-03) dated January 11, 2001 and *Preliminary Geotechnical Criteria, Proposed Seawall Improvements, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-001-03) dated May 22, 2001. **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. **CAULERPA TAXIFOLIA PRE-CONSTRUCTION SURVEY**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - 1. for the review and approval of the Executive Director; and
 - 2. to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish and Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall 1) refrain from commencement of the project until the Commission acts on the amendment application, and 2) upon approval by the Commission of the amendment application, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the Commission's approval.

3. **CONFORMANCE WITH REGIONAL WATER QUALITY CONTROL BOARD
DISCHARGE PERMIT**

- A. The applicant shall conform with the California Regional Water Quality Control Board (RWQCB), Santa Ana Region, Waste Discharge Requirements, Order No. 98-67, NPDES No. CAG998001 dated August 15, 2001.
- E. The permittee shall undertake development in accordance with the approved discharge permit. 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.

4. 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 or 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 any 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.

5. LOCATION OF DEBRIS AND EXPORT 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 and export earth material 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 subject site is located between the sea and the first parallel public roadway and is a bay front lot (Exhibit 1 & 2). Also, the subject site is located in the locked gate community of Bay Shores and is downcoast of the Balboa Bay Club in the City of Newport Beach. The applicant proposes to demolish an existing single family residence and construct a new 27'-6" high, two story with a basement, 6,948 square foot (528 square foot basement, 2,913 square foot 1st floor and 3,507 square foot 2nd floor) single family residence with an attached 740 square foot 3 car garage (Exhibit 3). Construction will also consist of an elevator, covered porches, a loggia, a terrace, a balcony and a roof deck. Drainage will be directed toward Bayshore Drive. The proposed residence conforms to setback from the property lines, consistent with City of Newport Beach.

Repair of the existing seawall/bulkhead will also take place with the proposed project (Exhibit 4). Presently, there is a 63 foot long concrete seawall/bulkhead, on the bayfront side of the subject property. The top of the existing wall is +8.34 above Mean Low Lower Water (+5.61 above Mean Sea Level). This wall will be repaired with new deadmen, tiebacks and a reinforced concrete waler. The repaired seawall/bulkhead will remain in the same location. In addition, an existing 3

foot high retaining wall in the rear yard, approximately 3 feet from the existing bulkhead, will be demolished and a 4 ft high retaining wall will be reconstructed on top of the repaired bulkhead. The top of wall elevation, which will consist of the repaired bulkhead and 4 foot high retaining wall on top of the bulkhead, is increasing from the existing elevation of +8.34 above Mean Low Water (+5.61 above Mean Sea Level) to +12 above Mean Low Lower Water (+9.6 above Mean Sea Level) to meet present City of Newport Beach engineering standards and to match the adjacent properties. No seaward encroachment of the seawall/bulkhead will occur as a result of these proposed developments.

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 concrete seawall/bulkhead. An evaluation conducted by Cash & Associates (Exhibit 5) discovered that the existing seawall/bulkhead is showing major signs of structural distress and requires additional reinforcement. In their analysis, Cash & Associates calculated the loads on the existing seawall/bulkhead, analyzed the stresses in the concrete panels and concluded that some modification to the tie back system would be necessary to bring the seawall/bulkhead into compliance with recognized standards for design, as well as code compliance. Due to age, poor quality concrete, inadequate steel reinforcement, and deficient tieback systems, aging concrete seawalls/bulkheads in Newport Beach, such as the one at the subject site, are commonly replaced when redevelopment occurs on bayfront lots. The proposed development will only repair the existing seawall/bulkhead and not demolish and replace the existing seawall/bulkhead. The proposed repaired seawall/bulkhead will remain in the same location.

City of Newport Beach engineering standards require that repaired, new or replacement seawalls/bulkheads be raised to a minimum of +9 feet above Mean Low Lower Water (+6.27 above Mean Sea Level) and the maximum height of seawalls/bulkheads is the existing height established for the area. The City states that the +9 above Mean Low Lower Water (+6.27 above

Mean Sea Level) height minimum of a bulkhead can include a retaining wall that would allow the seawall/bulkhead to reach the minimum height requirement. The proposed project states that a 3 foot high garden retaining wall located in the rear yard approximately 3 feet from the edge of the existing bulkhead will be demolished and a new 4 foot high retaining wall will be constructed on top of the repaired bulkhead. The bulkhead height, pre and post project, will be +8.34 above Mean Low Lower Water (+5.61 above Mean Sea Level), which is lower than the required minimum height for seawalls/bulkheads. The new retaining wall built on top of the bulkhead would raise the overall height of the bulkhead above +9 above Mean Low Lower Water (+6.27 above Mean Sea Level). The top of the retaining wall and bulkhead post project will be +12 above Mean Low Lower Water (+9.6 above Mean Sea Level). The combined retaining wall and seawall/bulkhead height will be 3 feet above the minimum height of +9 above Mean Low Lower Water (+6.27 above Mean Sea Level).

The effectiveness of the seawall/bulkhead repair, the ability of the repaired seawall/bulkhead to support the new 4 foot retaining wall on top of the repaired seawall/bulkhead and the ability of the new retaining wall to act as a bulkhead were of concern by commission staff. Consequently, a letter from the project engineer, Randy Mason, dated August 13, 2001 states that the repair of the bulkhead will be effective, the repaired seawall/bulkhead will support the new retaining wall and that the new retaining wall will act as a fully effective extension of the seawall/bulkhead (Exhibit 6).

According to the applicants' geologic reports titled *Preliminary Geotechnical Report, Proposed Two-Story Residence, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-000-03) dated January 11, 2001 and *Preliminary Geotechnical Criteria, Proposed Seawall Improvements, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-001-03) dated May 22, 2001, 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 these reports, 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 reports titled *Preliminary Geotechnical Report, Proposed Two-Story Residence, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-000-03) dated January 11, 2001 and *Preliminary Geotechnical Criteria, Proposed Seawall Improvements, Lot 3, Tract 2095, 2646 Bayshore Drive, Newport Beach, California* by Neblett & Associates (Project No. 344-001-03) dated May 22, 2001.

The seawall/bulkhead is required at the subject site to protect the structural integrity of the lot from tidal activity. In addition, the seawall/bulkhead is necessary to protect the adjacent residences from tidal activity. If the seawall/bulkhead were removed and not replaced, tidal activity would erode the adjacent lots and destabilize these existing single family residences. Therefore, the

proposed repair of the seawall/bulkhead is necessary to protect existing structures. In addition, the existing seawall/bulkhead will not be moved seaward, which would result in fill of coastal waters, or landward, which could result in erosion to adjacent lots. The proposed seawall/bulkhead repair would not result in new fill of coastal waters or changes to shoreline sand supply/erosion at the site.

The existing seawall/bulkhead 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/bulkhead. The proposed development will protect lot stability and reduce risks to life and property with a structurally superior seawall/bulkhead 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 first public road and the sea, includes the demolition and construction of a single family residence and repair of an existing seawall/bulkhead. The repair of the seawall/bulkhead will not occur seaward of the existing wall. Therefore, as stated in Section 30212(b)(4) of the Coastal Act, the proposed seawall/bulkhead repair is not new development that is subject to the access requirements of section 30212 of the Coastal Act. In addition to the repaired seawall/bulkhead, 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.

The subject site is located in the locked gate community of Bay Shores in the City of Newport Beach. No public access currently exists through the site. However, the project will have no impacts on existing coastal access. Public access to the harbor exists in the area across from the Bay Shores community along the public walkways on Lido Island and Balboa Island. 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 repair of an existing seawall/bulkhead on a lot adjacent to Newport Harbor. 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.

Eelgrass is a sensitive aquatic plant species, which provides important habitat for marine life. Eelgrass grows in shallow sandy aquatic environments, which provide plenty of sunlight. 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/bulkhead repair will not result in the fill of coastal waters, since the existing seawall/bulkhead will not be destroyed or newly constructed more landward or seaward of the existing seawall/bulkhead. Therefore, no substantial marine life will be affected by the bulkhead repair.

Recently, a non native and invasive aquatic plant species, *Caulerpa taxifolia*, has been discovered in parts of Huntington Harbour, which is located approximately 23 miles northeast of the project site. *Caulerpa taxifolia* is a type of seaweed, which has been identified as a threat to California's coastal marine environment because it has the ability to displace native aquatic plant species and habitats. Information available from the National Marine Fisheries Service indicates that *Caulerpa taxifolia* can grow in large monotypic stands within which no native aquatic plant species can co-exist. Therefore, native seaweeds, seagrasses, and kelp forests can be displaced by the invasive *Caulerpa taxifolia*. This displacement of native aquatic plant species can adversely impact marine biodiversity with associated impacts upon fishing, recreational diving, and tourism. *Caulerpa*

taxifolia is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows in shallow sandy areas, *Caulerpa taxifolia* could displace eelgrass.

The proposed project includes construction of a basement and thus received Regional Water Quality Control Board (RWQCB) approval to dewater and discharge into the bay. Due to the discharge, if *Caulerpa taxifolia* is located at the project site, there is potential for *Caulerpa taxifolia* to spread. By causing dispersal of *Caulerpa taxifolia*, the proposed project could have adverse impacts upon marine life, especially sensitive eelgrass habitat. In order to assure that the proposed project does not cause the dispersal of *Caulerpa taxifolia*, the Commission imposes Special Condition 2. Special Condition 2 requires the applicant, prior to commencement of development, to survey the project area for the presence of *Caulerpa taxifolia*. If *Caulerpa taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *Caulerpa taxifolia*, unless the Executive Director determines that no amendment or new permit is required. The proposed project was submitted to the California Regional Water Quality Control Board (RWQCB) for their review and approval. The RWQCB has similarly conditioned their approval of the proposed project (Exhibit 7).

Construction of the basement, which has a cut slope maximum height of 10 feet and will comprise of 528 square feet, would encounter groundwater. Therefore, a dewatering permit approval was submitted to the RWQCB. Subsequently, the RWQCB issued Waste Discharge Requirements, Order No. 98-67, NPDES NO. CAG998001 (Exhibit 8). This permit authorizes wastewater discharge under the terms and condition of Order No. 98-67. In addition, this permit requires that a Monitoring and Reporting Program No. 98-67-134 be implemented, which specifies the frequency of sampling and the constituents to be monitored. The permit states that the level of suspended solids (TSS) in the discharge from the proposed settling tank must meet the TSS limit of 75 ppm specified in the Order before discharge may proceed. In addition, any sulfides detected must meet a limit of 0.4 ppm and if sulfides exceed this limit and the applicant decides to treat them with chlorine, then residual chlorine testing must be conducted. In order to assure that the proposed project conforms to Waste Discharge Requirements from the Regional Water Quality Control Board Discharge Permit (Order No. 98-67, NPDES No. CAG998001) dated August 15, 2001, the Commission imposes Special Condition 3. Special Condition 3 requires the applicant to conform with the California Regional Water Quality Control Board (RWQCB), Santa Ana Region, Waste Discharge Requirements, Order No. 98-67, NPDES No. CAG998001 dated August 15, 2001.

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. 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 4 requires that no construction materials, equipment, debris, oil, chemicals or waste shall be placed or stored where it may be subject to tidal action 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; 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. Since the applicant has not identified a disposal site and in order to prevent impacts to coastal waters, Special Condition 5 requires that all demolition and cut material 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 show conformance with the Regional Water Quality Control Board Discharge Permit (Order No. 98-67, NPDES No. CAG998001), identify a debris and grading export 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 City currently has no certified implementation plan. Therefore, the Commission issues CDP's within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3. The City's LUP states that in order to preserve and enhance public access, easements would be required seaward of new proposed seawalls or other shoreline protective device. The proposed project consists of repair of the seawall/bulkhead in place and will not occur seaward of the existing wall. Therefore, the proposed seawall/bulkhead repair is not subject to this access requirement.

In addition, the City's LUP states that the City seeks to insure the highest quality of water in the bay and along their beaches. The proposed project is conditioned to adhere to a discharge permit from the RWQCB. This permit allows the applicant to discharge into the bay, but also requires that a monitoring and reporting program be implemented, which specifies the frequency of sampling and the constituents to be monitored. Thus, the proposed project is not expected to create additional adverse impacts to water quality and the marine environment and therefore attempts to insure the highest quality of water in the bay and along the beaches.

As explained above, the proposed development is consistent with Chapter 3 policies of the Coastal Act and with the LUP. Therefore, 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.

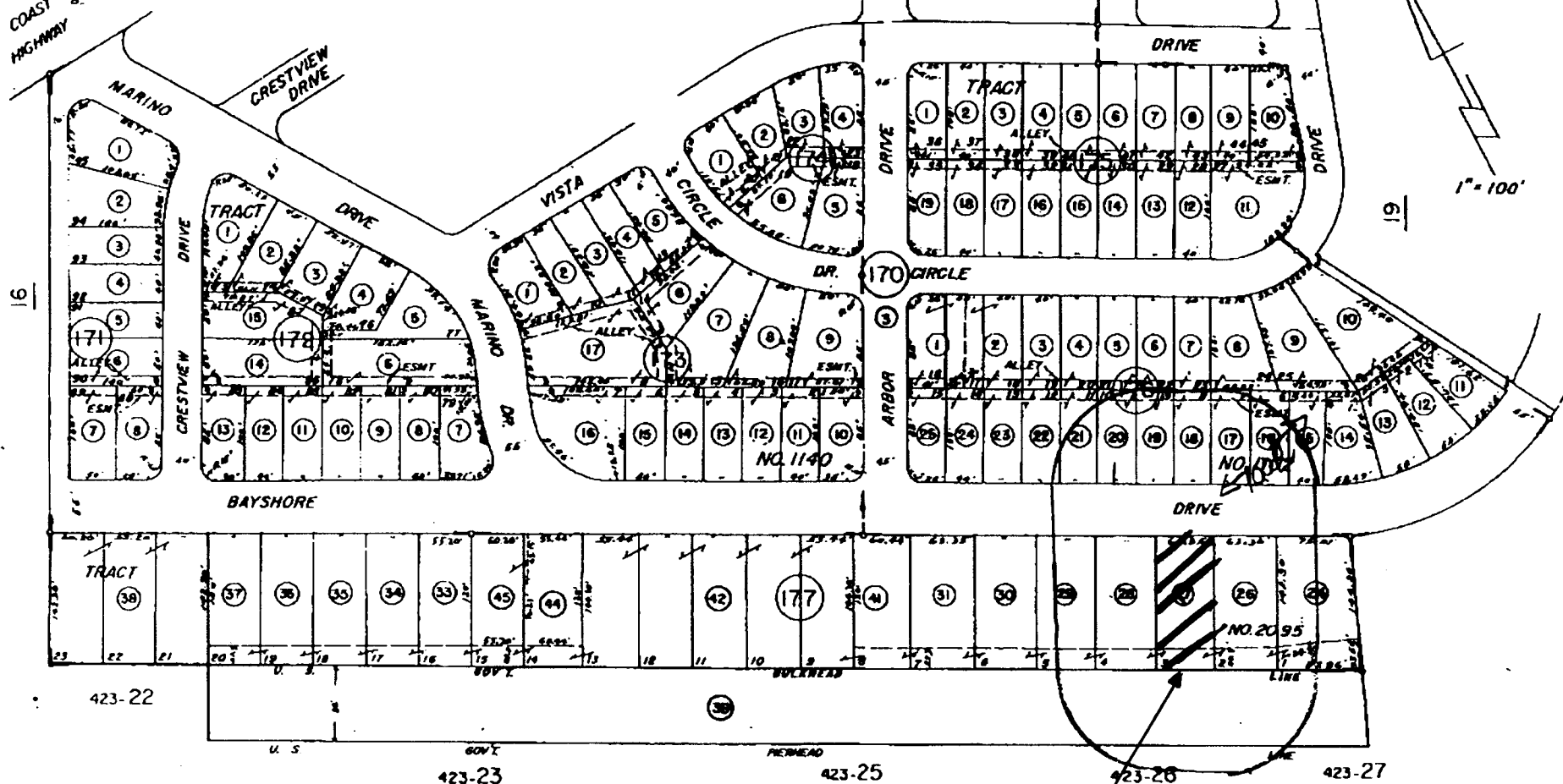
The proposed project is located in an urban area. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal resources. Special Conditions are 1) a requirement that the proposed development conform with geotechnical recommendations; 2) requires preparation of a survey to confirm the absence of *Caulerpa taxifolia* in the project area, 3) requires conformance with Waste Discharge Requirements from the Regional Water Quality Control Board Discharge Permit (Order No. 98-67, NPDES No. CAG998001), 4) the applicant shall adhere to construction related responsibilities, and 5) the applicant shall identify a debris and export 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.

POR. S. 1/2 SEC. 27 T6S-R10W
 POR. N. 1/2 SEC. 34 T6S-R10W

18

49-17

COAST
 HIGHWAY



MARCH 1949

TRACT NO. 1102 M.M. 35-36
 TRACT NO. 1140 M.M. 36-28
 TRACT NO. 2095 M.M. 58-19

NOTE: ASSESSOR'S BLOCK &
 PARCEL NUMBERS
 SHOWN IN CIRCLES

ASSESSOR'S MAP
 BOOK 49 PAGE 17
 COUNTY OF ORANGE

DEC 21 2000

RECEIVED
 South Coast Region

COASTAL COMMISSION

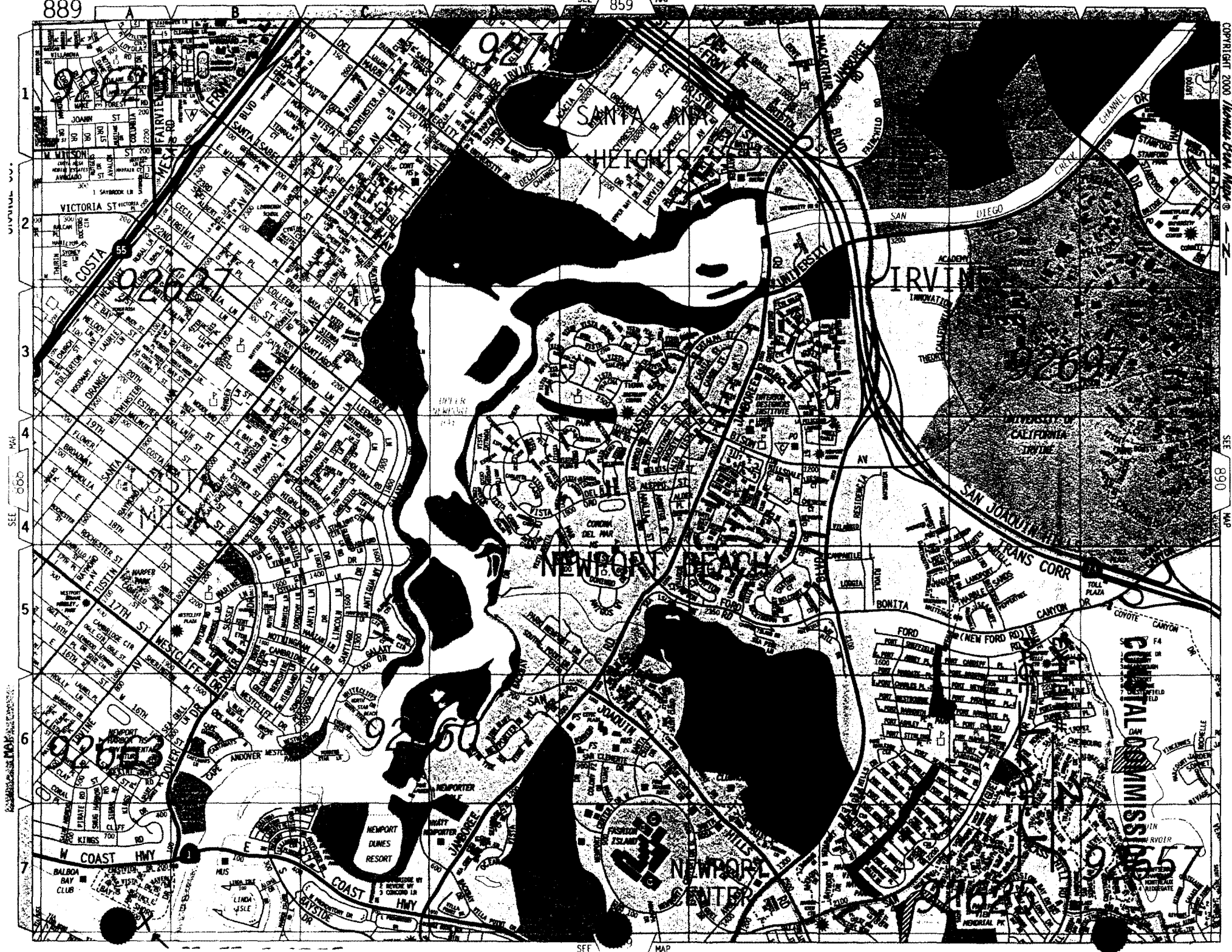
PROJECT
 SITE

5-00-100

COASTAL COMMISSION

EXHIBIT #

PAGE 1 OF 1





CITY OF NEWPORT BEACH
 100 WEST BAYSHORE DRIVE
 NEWPORT BEACH, CALIFORNIA 92663
 (714) 453-1000

PROJECT DATA

FIRST FLOOR	2,419 SF
SECOND FLOOR	1,440 SF
COVERED PORCH	1,440 SF
LOBBY	441 SF
SECOND FLOOR	5,307 SF
COVERED PORCH #1	202 SF
COVERED PORCH #2	244 SF
BALCONY	30 SF
BASMENT	5,205 SF
ROOF DECK	571 SF
TOTAL	24,430 SF
MOBILE GARAGE	140 SF

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 South Coast Region
 AUG 10 2001

CALIFORNIA
 COASTAL COMMISSION

SITE/GRADING PLAN NOTES

1. Legal Description: Lot 3, Tract 2006
2. Pools, spas, wells, fences, patio covers and other freestanding structures require separate reviews and permits.
3. Existing sewer lines to be changed and a new clean-out installed per city standard 408-L-385-01.
4. Utility lines shown on site plan are for information only. The contractor shall verify the location and depth of all utilities prior to construction.
5. Any existing changes to plans and specifications required for the project shall be the responsibility of the contractor and/or owner. The architect is not responsible for construction details or construction methods.
6. Undergrade services shall be provided by the contractor. The contractor shall provide a detailed schedule of construction for the undergrade services.
7. All site grading and all points of connection of roof downspouts and drainage system per approved drainage plan. See civil drawings for details.
8. Erosion control measures shall be installed prior to construction.
9. Field investigation to review and approve undergrade electrical service to be installed.
10. Field investigation to review and approve undergrade electrical service to be installed.
11. Erosion control measures shall be installed prior to construction.
12. Erosion control measures shall be installed prior to construction.
13. Erosion control measures shall be installed prior to construction.
14. Refer to Landscape Drawings for additional information on site details.



GRADING NOTES

The finished grades are acceptable between final grades and bottom of finished fill.

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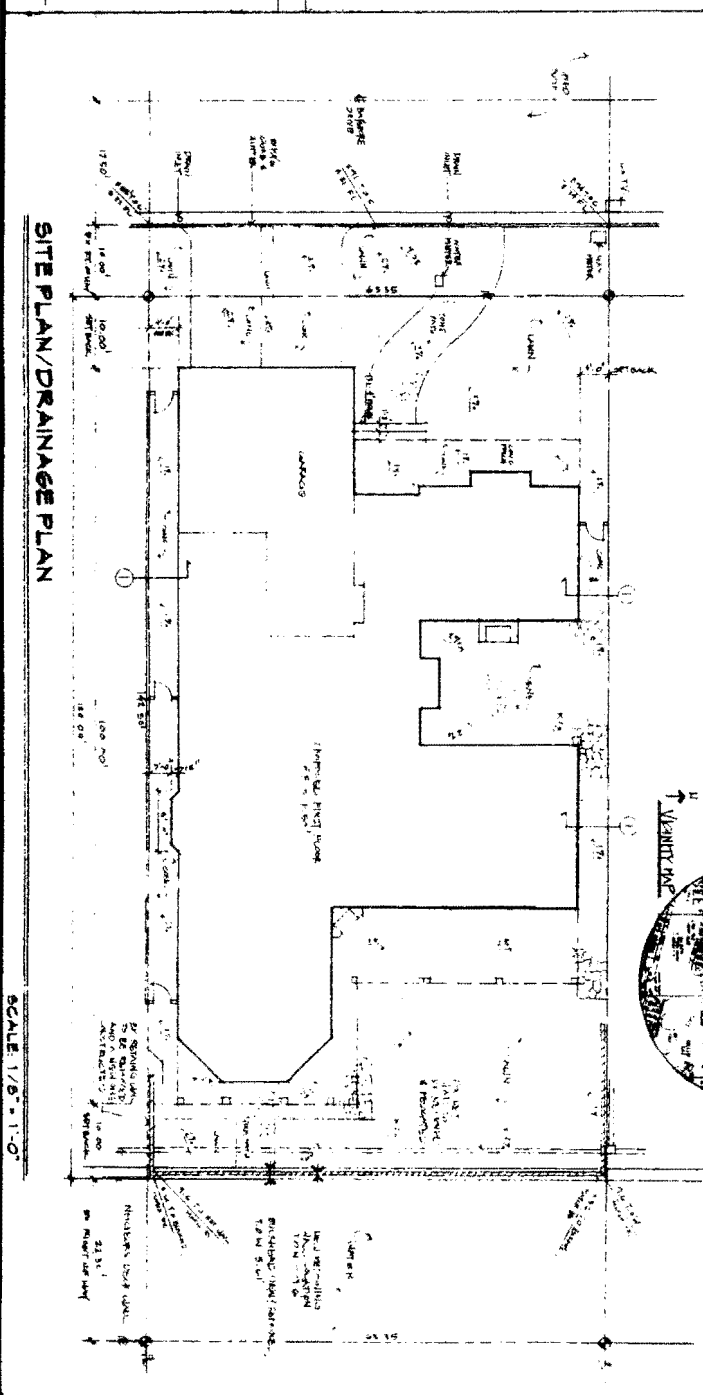
96. GRADE NO. 100

97. GRADE NO. 100

98. GRADE NO. 100

99. GRADE NO. 100

100. GRADE NO. 100



COASTAL COMMISSION

PROJECT DIRECTOR

2006 Bayshore Drive
 Newport Beach, CA 92663
 (714) 453-1000

Steve and Nancy Schulze
 2646 Bayshore Drive
 Newport Beach, CA 92663
 (714) 453-1000

Architects
 Cynthia Childs, Architect
 2006 Bayshore Drive
 Newport Beach, CA 92663
 (714) 453-1000

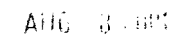
Structural Engineer
 R. J. Lee
 1800 E. 1st Street
 Newport Beach, CA 92663
 (714) 453-1000

Contractor
 Longman Construction
 1800 E. 1st Street
 Newport Beach, CA 92663
 (714) 453-1000

Civil Engineer
 R. J. Lee
 1800 E. 1st Street
 Newport Beach, CA 92663
 (714) 453-1000

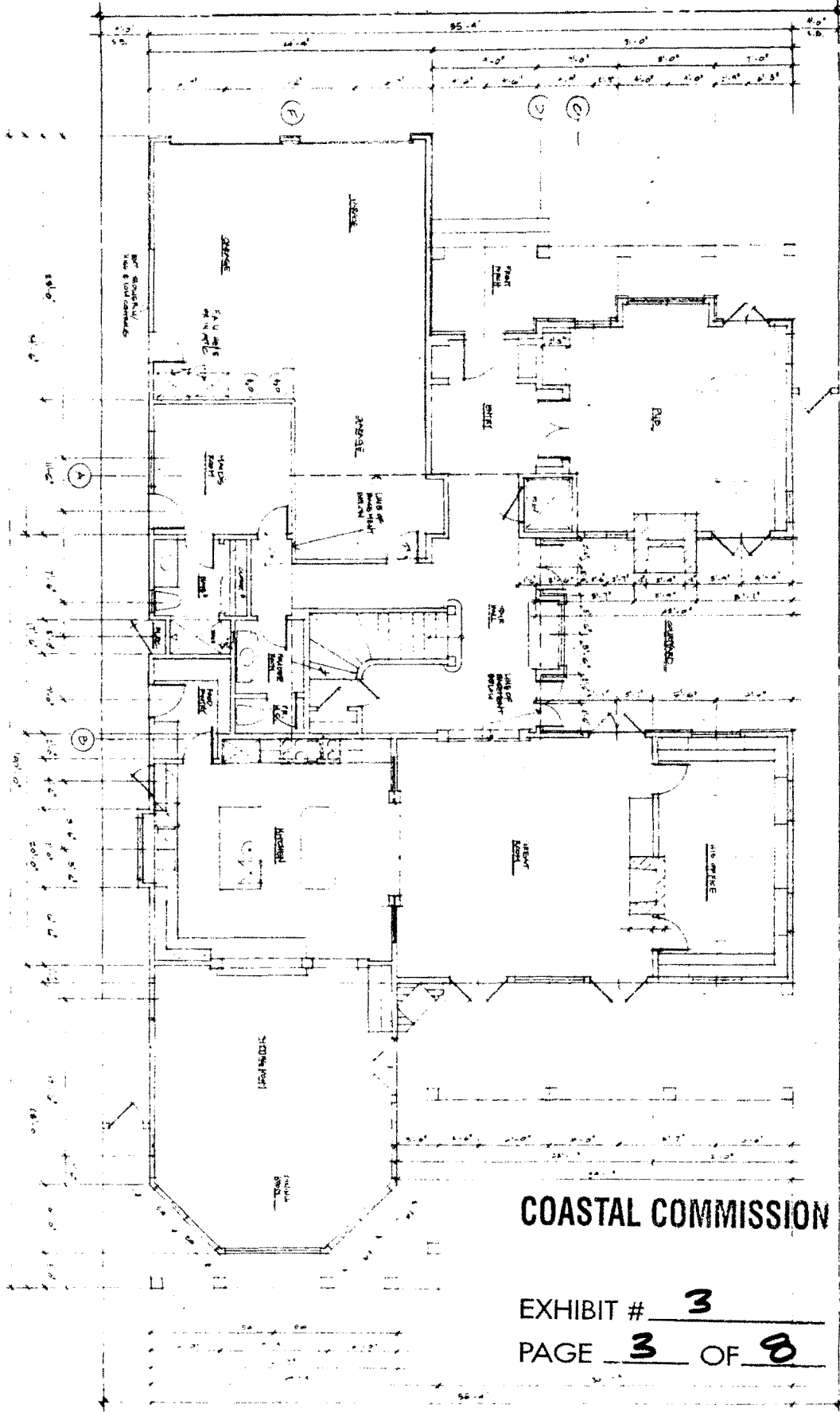
Landscaper
 R. J. Lee
 1800 E. 1st Street
 Newport Beach, CA 92663
 (714) 453-1000

PAGE 2 OF 8



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 8

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FIRST FLOOR PLAN

New Residence for
Steve and Nancy Schulze
2646 Bayshore Drive
Newport Beach CA 92663

Cynthia Childs, Architect
Unique Custom Homes

1000 N. Main Street
Newport Beach, CA 92660
Phone: (714) 441-1111

SCALE: 1/4" = 1'-0"

And:

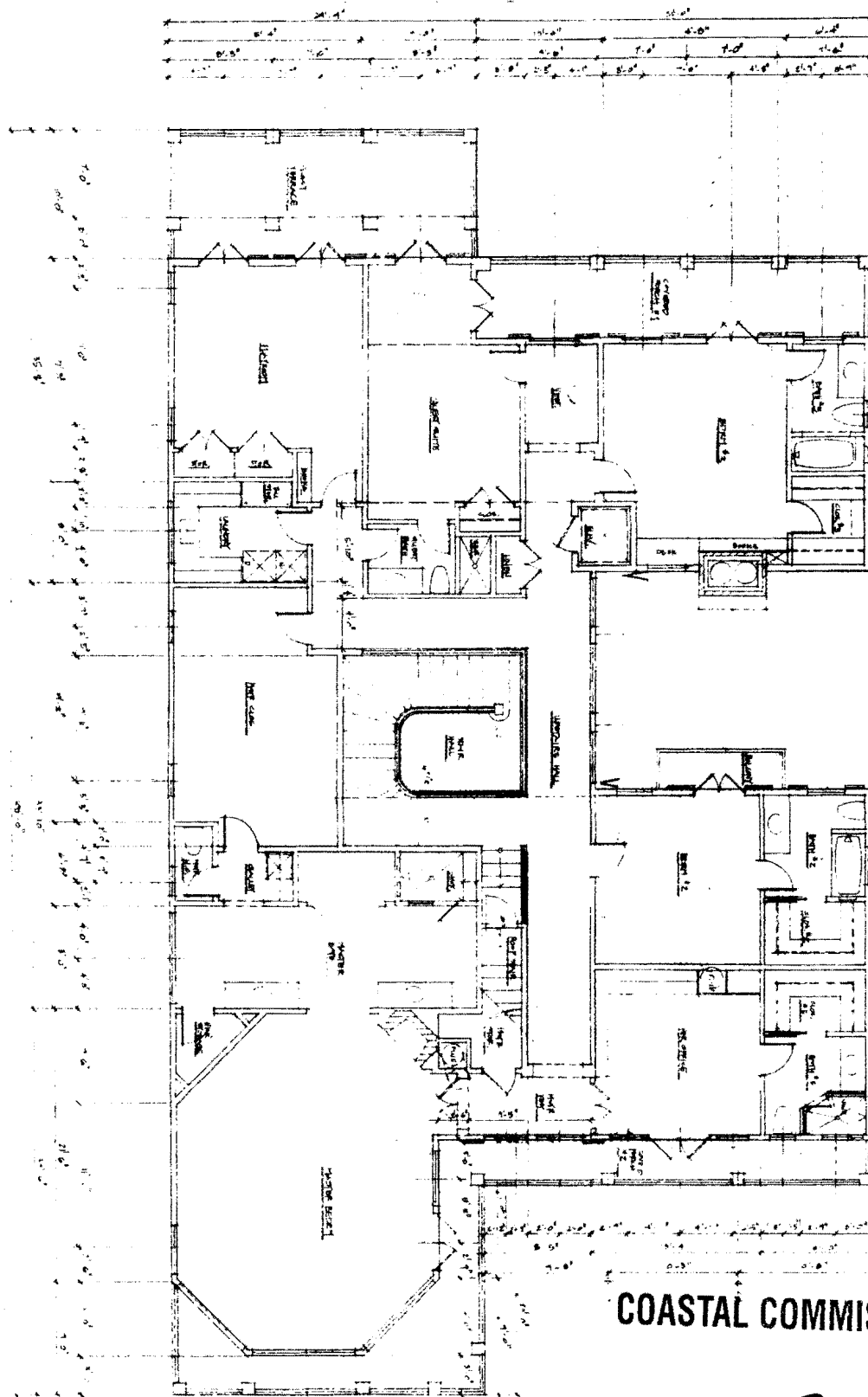


EXHIBIT # 3
PAGE 4 OF 8

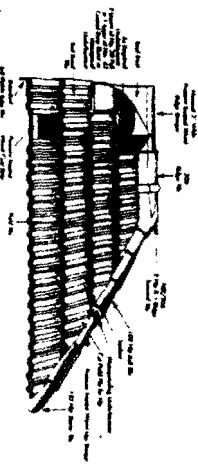
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New Residence For
Steve and Nancy Schulze
2646 Bayside Drive
Newport Beach, CA. 92663

Cynthia Childs, Architect
Unique Custom Homes

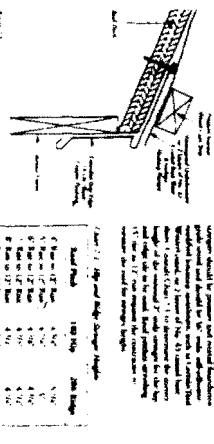
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CITY	
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ZIP	
TELEPHONE	
FAX	
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OTHER	

4-4

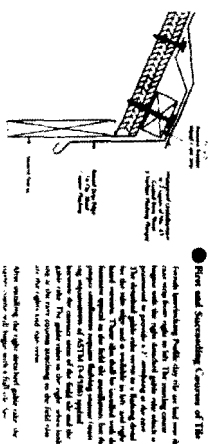


Roof Structure
The following and perspective views of the roof structure are provided for the owner's information. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components.

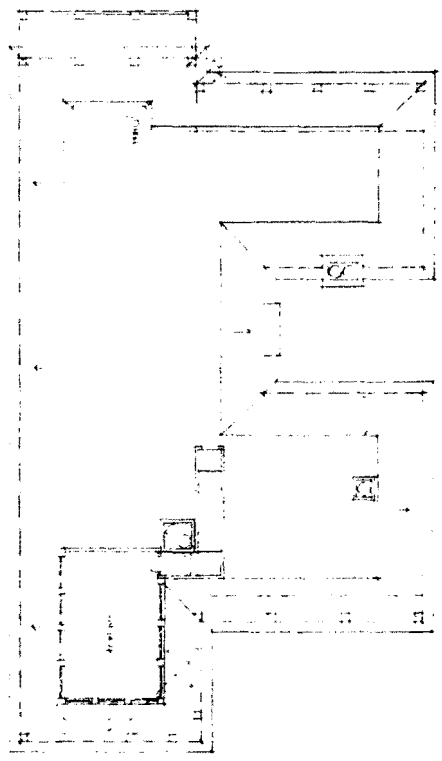
Roof Structure
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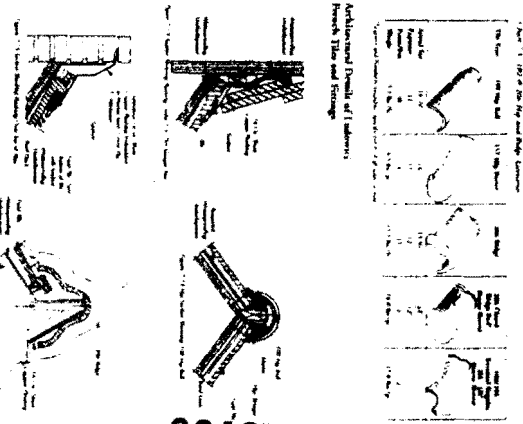
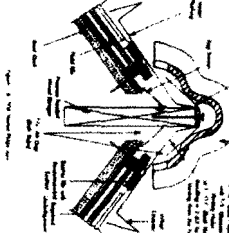
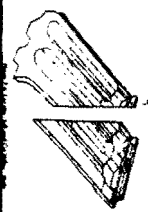
ROOF PLAN

SCALE: 1/8" = 1'-0"

Roof Structure

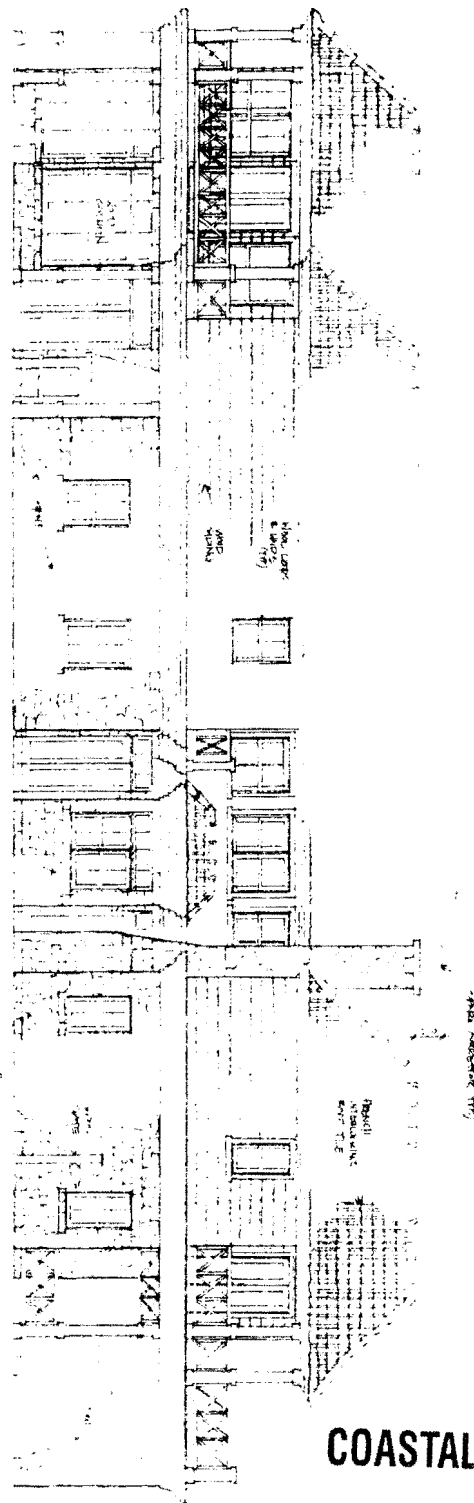
The following and perspective views of the roof structure are provided for the owner's information. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components. The structure is shown in a perspective view to illustrate the overall form and the relationship of the various components.

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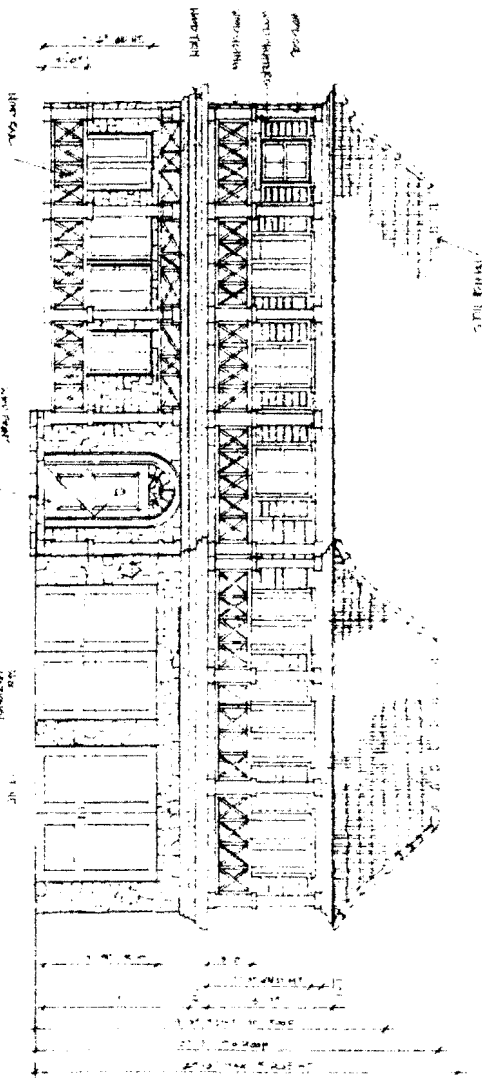
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AUG 03 2001



EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

AUG 03 2001

COASTAL COMMISSIO

EXHIBIT # 3
PAGE 7 OF 8

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EXTERIOR
ELEVATIONS

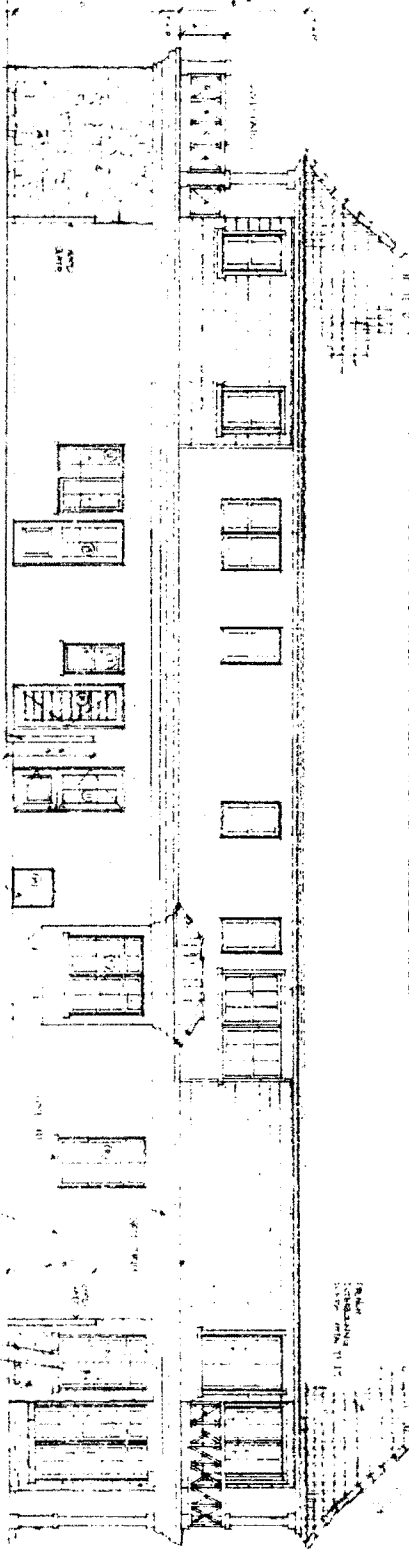
New Residence for
Steve and Nancy Schulze
2646 Bayshore Drive
Newport Beach CA 92663

Cynthia Childs, Architect
Unique Custom Homes

214 N. 1st Street
Newport Beach, CA 92660
Phone: (949) 718-1528

WEST ELEVATION

WEST SIDE
VIEWED SOUTH



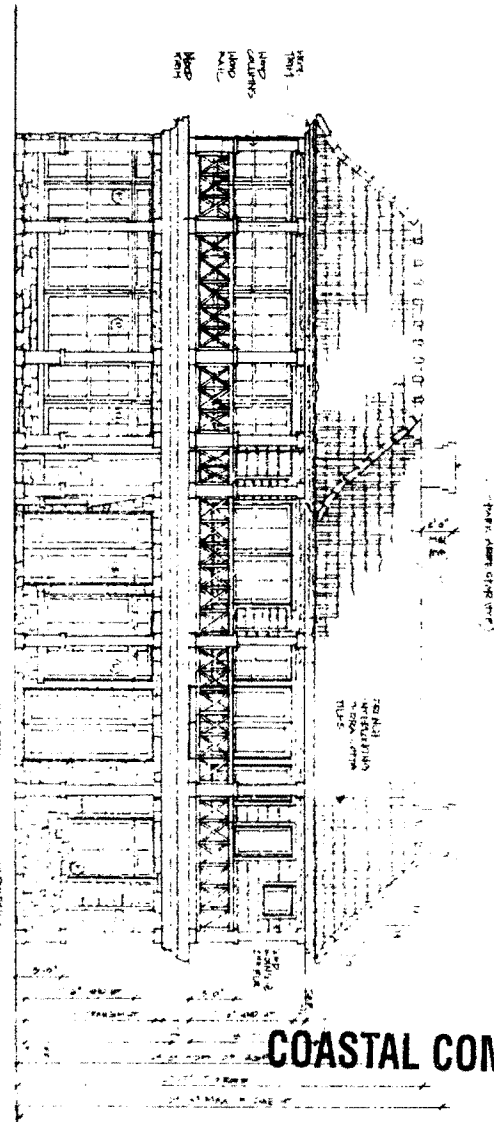
WEST SIDE
VIEWED SOUTH

WEST SIDE
VIEWED SOUTH

SCALE 1/4" = 1'-0" AUG 13 2001

SOUTH ELEVATION

SCALE 1/4" = 1'-0"



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EXHIBIT # 2
PAGE 2 OF 8

EXTERIOR
ELEVATIONS

New Residence for
Steve and Nancy Schulze
2646 Bayshore Drive
Newport Beach, CA 92663

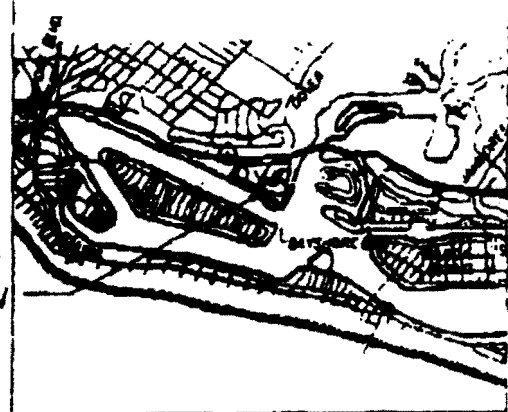
Cynthia Childs, Architect
Unique Custom Homes
15441 Wilshire
Newport Beach, CA 92646
(949) 435-1111

A-7

EEL GRASS INSPECTION
 NO EEL GRASS WITHIN 15' OF PROJECT
 EEL GRASS IN THE PROJECT AREA

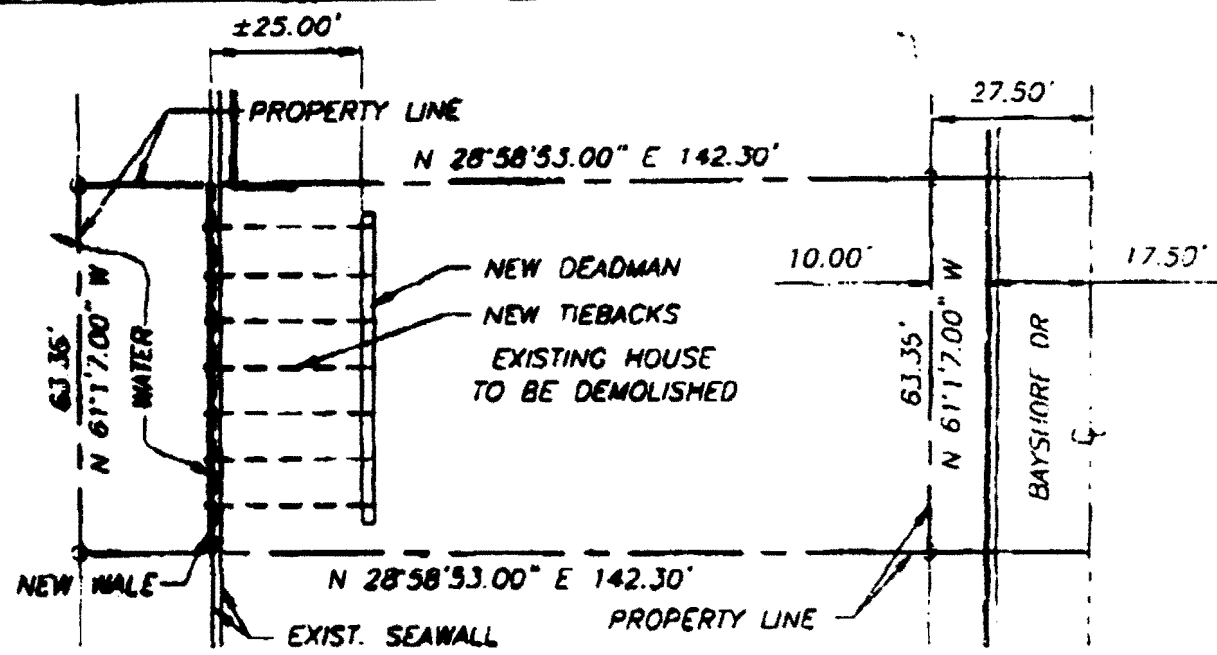
Tomy Miller
 SIGNATURE
 129-2646 PERMIT #
 7/12/01 DATE

PROJECT LOCATION



VICINITY MAP

HARBOR RESOURCES DIV.
 CITY OF NEWPORT BEACH
Tomy Miller
 7/12/01



SITE PLAN

PURPOSE: Modification of Existing Sea Wall
 Datum: MLLW = 0
 Adj. Property Owners:
 1. See Attached List
 2.
 3.

SECTION
 0 10' 20' 30' 60'
 GRAPHIC SCALE: 1"=30'
 Owner: Mr. & Mrs. Schulze
 Address: 2646 Bayshore Drive
 Newport Beach, CA 92663

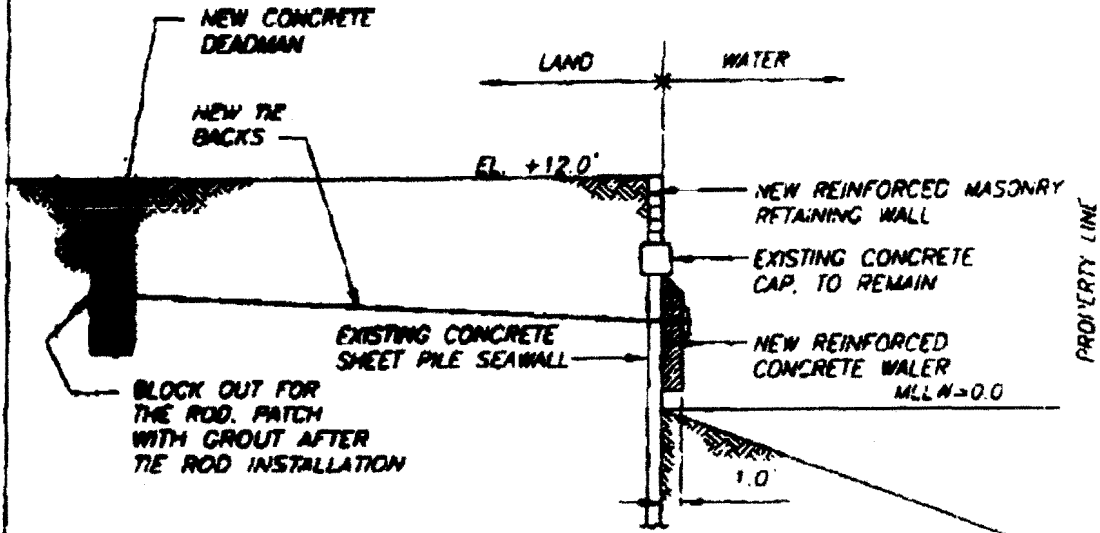
Proposed Modification of existing Sea Wall
 AT: NEWPORT BEACH
 County of Orange State: CA
 Application By: Cash & Associates
 Sheet 1 of 2 Date: 7/5/01

COASTAL COMMISSION

EXHIBIT # 4
 PAGE 1 OF 2

HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH

Tony Miller
8/13/01



SECTION 9 MODIFICATIONS TO EXISTING SEAWALL

EEL GRASS INSPECTION

- ☒ NO EEL GRASS WITHIN 10' OF PROJECT
- ☒ EEL GRASS IN THE PROJECT AREA

Tony Miller
128-7646
8/13/01

<p>PURPOSE: Modification of Existing Sea Wall</p> <p>Owner: MLLN = 0</p> <p>Adj. Property Owners:</p> <p>1. See Attached List</p> <p>2</p> <p>3</p>	<p>SECTION</p> <p>0 12' 6" 8' 10'</p> <p>GRAPHIC SCALE: 1/8" = 1'-0"</p> <p>Owner: Mr. & Mrs. Schuler</p> <p>Address: 2646 Bayshore Drive</p> <p>Newport Beach, CA 92660</p>	<p>Proposed Modification of existing Sea Wall</p> <p>AT: NEWPORT BEACH</p> <p>County of Orange 91012 CA</p> <p>Application By: D.J. & Associates</p> <p>Sheet 1 of 2 DATE: 8/13/01</p>
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COASTAL COMMISSION

EXHIBIT # 4

PAGE 2 OF 2



July 16, 2001

Elliott H. Boone
Randy H. Mason
Wilfrido B. Simbol
Kerry M. Simpson

California Coastal Commission
South Coast Area
200 Oceangate 10th Floor
Long Beach, CA 90802

JUL 23 2001

Attention: Fernie Sy

COASTAL COMMISSION

Subject: STEVE & NANCY SCHULZE RESIDENCE
MODIFICATION OF EXISTING SEAWALL
(C&A Job No. 5766.01)

EXHIBIT # 5
PAGE 1 OF 2

Gentlemen:

Per our conversation on July 12, 2001 regarding the Coastal Application No. 5-00-495 for the above referenced project. We are requesting that it be modified to include the work being proposed for the existing seawall.

Applicant Steve & Nancy Schulze
2646 Bayshore Drive
Newport Beach, CA 92663
(949) 631-4842

Agent: Cash & Associates (Randy Mason)
5772 Bolsa Ave., Suite 100
Huntington Beach, CA 92649
(714) 895-2072

The subject seawall is existing and the proposed development at the residence is to demolish the existing residence and build a new residence. The existing seawall is showing major signs of structural distress and requires additional reinforcement. We have calculated the loads on the existing seawall, analyzed the stresses in the concrete panels and concluded that some modification to the tie back system will be necessary to bring the seawall into compliance with recognized standards for design, as well as code compliance.

The following should be noted:

1. No dredging or structural piling is proposed. There will be no beneficial loss of habitat, due to this project.
2. No discharging into the bay will occur. There are no known impacts to water quality, due to the project.

We are also submitting to the Army Corp of Engineers for a Section 10 - Letter of Permission (Rivers and Harbors Act) and to the California Regional Water Quality Control Board.

If you have any questions regarding this letter, please contact either me or Mr. Greg Asher of our office. Thank you for your help.

Very truly yours,

CASH & ASSOCIATES



Randy H. Mason, P.E.
President

RHM:gla
Enclosures

cc: Steve Schultze
Neil Longman

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 2



CASH & ASSOCIATES
Engineering and Architecture

Elliott H. Boone
Randy H. Mason
William B. Simbol
Kerry M. Simpson

August 13, 2001

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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South Coast Region

AUG 14 2001

CALIFORNIA
COASTAL COMMISSION

Attention: Fernie Sy
Coastal Program Analyst

Subject: Coastal Development Permit Application 5-00-495
Steve & Nancy Schulze Residence
2646 Bayshore Drive
Newport Beach, CA 92663
Seawall Repair and Wall Extension
(C&A Job No. 5766.01)

In response to your inquiry regarding the integrity of the proposed wall restoration, this letter is intended to certify that the proposed repair of the wall as noted on the Drawings is designed to provide both the needed support to the existing wall (that has exhibited an over-stressing condition of the concrete wall sheets evidenced by a horizontal crack), as well as support the added extension of the wall desired by the homeowner. Structural calculations to justify this design have been previously submitted to the California Coastal Commission for the file.

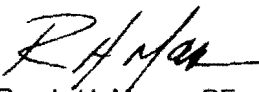
In addition, the reinforced masonry retaining wall will extend the seawall height to approximately +12.0 MLLW, which represents 3 feet above the City of Newport Beach minimum of 9.0 MLLW for new construction. The masonry retaining wall will act as a fully effective extension of the existing concrete sheetpile wall.

Please call if you should have any other questions.

Thank you.

Sincerely,

CASH & ASSOCIATES


Randy H. Mason, PE
President

cc/Cynthia Childs-Architect

5772 Bolsa Avenue, Suite 100 • Huntington Beach, CA 92649-1134 USA • TEL: (714) 895-2072 • (562) 426-6145 • FAX (714) 895-1291
Mail: P.O. Box 2715, Huntington Beach, CA 92647-0715 • Web Site: www.cashassociates.com • A California Corporation

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov

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South Coast

August 16, 2001

AUG 20 2001

Steve & Nancy Schulze
2646 Bayshore Drive
Newport Beach, CA 92663

CALIFORNIA
COASTAL COMMISSION

ORDER FOR A TECHNICALLY CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED SEAWALL REPAIR PROJECT, CITY OF NEWPORT BEACH, ORANGE COUNTY (NO ACOE REFERENCE NUMBER)

Dear Mr. & Mrs. Schulze:

On July 11, 2001, we received a request for 401 Water Quality Standards Certification dated July 10, 2001, from your agent Cash and Associates, for the above-referenced project. We received all requested materials for a complete application as of August 2, 2001.

This letter responds to your request for certification, pursuant to Clean Water Act Section 401 that the proposed project described below will comply with State water quality standards outlined in the Basin Plan (1995):

Project Description

The proposed project, located at 2646 Bayshore Drive in the City of Newport Beach, involves reinforcing a seawall that shows signs of structural distress. Reinforcement of the new seawall is necessary to (1) support the new residence that will be constructed; and (2) be in compliance with the building code. No dredging or structural piling is proposed. The reinforcement will be attached to the existing seawall. Work will be done at low tide.

- Receiving water: Newport Bay, Orange County
- Fill/excavation area: N/A
- Dredge volume: N/A
- Federal permit: U. S. Army Corps of Engineers (USACOE) Section 10, Letter of Permission (Rivers and Harbors Act)
- Fill/excavation and dredge mitigation: None
- Water quality impacts mitigation: The proposed project is not expected to impact or disturb sediment. There will be no loss of habitat at this project site. The work will be accomplished consistent with the requirements of the California Coastal Commission.

No discharges to the bay will occur.

COASTAL COMMISSION

California Environmental Protection Agency

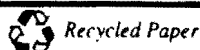


EXHIBIT # 7
PAGE 1 OF 3

There is no wetland vegetation in the project area site. The proposed project is not expected to impact state- or federally-listed endangered species or their habitat.

The project's description indicates that dewatering will be necessary during construction. Discharges associated with dewatering activities may require Waste Discharge Requirements. If the discharges are to surface waters it is likely that they would be authorized under the Regional Board's National Pollution Discharge Elimination System (NPDES) Permit No. CAG998001, General Waste Discharge Requirements For Discharges To Surface Water Which Pose An Insignificant (De Minimus) Threat To Water Quality. Contact Jun Martinez with any questions regarding diversions, dewatering or discharges of waters of the U.S. at (909) 782-3258.

You have submitted an application to the U.S. Army Corps of Engineers requesting a Letter of Permission in compliance with Section 10 of the Rivers and Harbors Act. You have filed for a Coastal Development Permit with the California Coastal Commission. This project has been determined to be ministerial or categorically exempt in accordance with CEQA Guidelines.

This order for 401 Certification is contingent upon the execution of the following conditions:

1. There shall be no fueling, lubrication, or maintenance of construction equipment within 500 feet of waters of the State.
2. Adhere to the *Caulerpa taxifolia* stipulation.

***Caulerpa taxifolia* Stipulation:**

In June 2000, *Caulerpa taxifolia*, an invasive marine seaweed, which has severe adverse effects on the ecosystem, was reported to be found in a lagoon off Huntington Harbour. Since then, it has been located within Huntington Harbour itself. The Regional Board, California Department of Fish and Game (CDFG), and other agencies are involved in extensive efforts to eradicate this seaweed and prevent its transport to other areas. Projects that entail dredging in marine waters are required to survey for *Caulerpa* to help locate and prevent its spread. If *Caulerpa* is found prior to or during implementation of the project, no work should begin or continue at that location until authorized by Regional Board staff. If the invasive seaweed is discovered, it is not to be disturbed, and the Regional Board must be notified immediately with report of the location and date of discovery. Should no *Caulerpa* be observed during the seawall repair, please notify the Regional Board of this fact when all property repairs have been completed. This will help us to establish a database on the occurrence or absence of *Caulerpa*.

Regional Board Staff has determined that your proposed project, if constructed in accordance with the conditions of the 401 Water Quality Standards Certification, will be in compliance with the State of California's Anti-degradation Policy.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

COASTAL COMMISSION

California Environmental Protection Agency



Recycled Paper

EXHIBIT # 7
PAGE 2 OF 3

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Any discharge from the above-referenced project must comply with applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), (306 National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This letter constitutes a technically conditioned water quality standards certification. Although we anticipate no further regulatory involvement, 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. Please notify our office five (5) days before construction begins on this project.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law and detailed as follows:

- 1) For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- 2) In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- 3) In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Should there be any questions, please contact Wanda Smith at (909) 782-44687 or Stephanie M. Gasca at (909) 782-3221.

Sincerely,


GERARDO J. THIBEAULT
Executive Officer

CC: U.S. Environmental Protection Agency, Director of Water Division (WTR-1) – Alexis Strauss
U.S. Army Corps of Engineers, Los Angeles District – Jae Chung
California Coastal Commission, Long Beach Branch – Fernie Sy ✓
State Water Resources Control Board, Division of Water Quality, Water Quality Certification Unit –
Oscar Balaguer, Chief
Cash & Associates – Greg Asher
Architect – Cynthia Childs

COASTAL COMMISSION

California Environmental Protection Agency

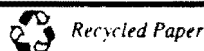


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Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Santa Ana Region

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288



Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

August 15, 2001

Mr. Neil Longman
Longman Construction
412 Signal Road
Newport Beach, CA 92663

Post-It™ brand fax transmittal memo 7871		# of pages > 4
To Cynthia Childs	From Glenn Robertson	
Co.	Co.	
Dept.	Phone # 909-782-3259	
Fax # 949-710-3528	Fax #	

WASTE DISCHARGE REQUIREMENTS, ORDER NO. 98-67, NPDES NO. CAG998001 (DE MINIMUS DISCHARGES), CONSTRUCTION DEWATERING AT STEVE SCHULZE RESIDENCE, 2646 BAYSHORE DRIVE, NEWPORT BEACH

Dear Mr. Longman:

On August 14, 2001, project architect Cynthia Childs submitted on your behalf a Notice of Intent to discharge wastewater from the above-referenced location to Lower Newport Bay under the terms and conditions of the Regional Board's general permit, Order No. 98-67. The discharge will occur from the dewatering of a complete home reconstruction project and basement at the Steve Schulze residence.

Effective immediately, you are authorized to discharge wastewater under the terms and conditions of Order No. 98-67. Enclosed is Monitoring and Reporting Program No. 98-67-134, which specifies the frequency of sampling and the constituents to be monitored. Please note that modifications to the sampling frequency and required constituents can be considered on a case-by-case basis. The level of total suspended solids (TSS) in the discharge from the proposed settling tank must meet the TSS limit of 75 ppm specified in the Order before discharge may proceed. Any sulfides detected must meet a limit of 0.4 ppm. If sulfides exceed this limit and you elect to treat them with chlorine, then residual chlorine testing must be conducted.

Order No. 98-67 will expire on July 1, 2003. If you wish to terminate coverage under this general permit prior to that time, please notify us as soon as possible so that we can rescind this authorization and avoid billing you the \$400 annual fee. If you have any questions regarding the permit or the monitoring and reporting program, please contact Jessie Powell at (909) 320-6358.

Sincerely,

Gerard J. Thiabeault
Executive Officer

Enclosure: Order No. 98-67 and Monitoring and Reporting Program No. 98-67-134
cc w/encl: Cynthia M. Childs, Architect, 2761 Vista Umbrosa, Newport Beach, 92660
cc w/o encl: U.S. EPA, Region IX - Terry Oda (WTR-5)
State Water Resources Control Board, Division of Water Quality - Jim Kassel
City of Newport Beach Public Works Department - Bill Patapoff

GSR/LongmanConstructionSchulzeResidenceCynChildsNewBch.tr

California Environmental Protection Agency

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EXHIBIT # 8
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California Regional Water Quality Control Board
Santa Ana Region

Monitoring and Reporting Program No. 98-67-134
for

Longman Construction
Dewatering at Steve Schulze Residence
2646 Bayshore Drive, Newport Beach

I. MONITORING AND REPORTING REQUIREMENTS:

Monitoring and reporting shall be in accordance with the following:

1. All monitoring reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.
2. All sampling, sample preservation, and analysis shall be performed in accordance with the latest edition of 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency, unless otherwise noted. In addition, the Board and/or EPA, at their discretion, may specify test methods which are more sensitive than those specified in 40 CFR 136. All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services or EPA, or at laboratories approved by the Executive Officer or the Regional Board.
3. All analytical data shall be reported with either practical quantitation levels (PQLs) or limits of quantitation (LOQs).
4. Whenever the discharger monitors any pollutant more frequently than is required by this general permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.
5. The discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Board at any time. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling, and/or measurements;
 - c. The date(s) analyses were performed;

COASTAL COMMISSION

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M&RP No. 98-67-134, NPDES No. CAG998001
General Waste Discharge Requirements
Dewatering at Steve Schulze Residence, Newport Beach

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- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used;
- f. All sampling and analytical results;
- g. All monitoring equipment calibration and maintenance records;
- h. All original strip charts from continuous monitoring devices;
- i. All data used to complete the application for this general permit; and
- j. Copies of all reports required by this general permit.

6. Weekly samples shall be collected on a representative day of each week.

II. EFFLUENT MONITORING:

1. A sampling station shall be established for the point of discharge where representative samples of the discharge can be obtained before the discharge mixes with the receiving waters.
2. The following shall constitute the effluent monitoring program:

Flow	-----	gpd	Daily
Total Residual Chlorine ¹	Grab	mg/l	During the first 30 minutes of each discharge and weekly thereafter for continuous discharges.
Total Suspended Solids	"	"	"
Sulfides	"	"	"

III. Reporting:

1. Five days prior to the discharge, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the date the discharge is anticipated to begin.
2. Monitoring reports shall be submitted by the 30th day of each month. The monitoring reports shall cover the previous month's monitoring activities and shall include:
 - a. The results of all laboratory analyses for constituents required to be monitored (see Section II., above).

¹ Unless it is known that chlorine is not in the discharge.

COASTAL COMMISSION

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M&RP No. 98-67-134, NPDES No. CAQ998001
General Waste Discharge Requirements
Dewatering at Steve Schulze Residence, Newport Beach

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- b. The average daily flow data,
 - c. A summary of the discharge activities (when and where discharge occurred, description of type of discharge, etc.) including a report detailing the discharger's compliance or noncompliance with the requirements of the general permit and discharge authorization letter, and
 - d. For every item where the requirements of the general permit and discharge authorization letter are not met:
 - 1) a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and
 - 2) a timetable for implementing the proposed actions.
 - e. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.
3. All reports shall be signed by a responsible officer or duly authorized representative of the discharger and shall be submitted under penalty of perjury.

Ordered by: _____

Gerard J. Thibeault
Gerard J. Thibeault
Executive Officer

August 15, 2001

COASTAL COMMISSION

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