

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Newport Beach, CA 90802-4302
 (949) 590-5071



W 21 f

Filed: 11/05/01
 49th Day: 3/4/02
 180th Day: 7/13/02
 Staff: MV-LBN
 Staff Report: 1/17/02
 Hearing Date: 2/5-8/02
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-337

RECORD PACKET COPY

APPLICANT: Richard and Lynette Berg

AGENT: Tom Newman, Appleton & Associates, Inc.

PROJECT LOCATION: 2672 Bayshore, Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing single family residence and construction of a new 6,318 square foot, two stories above grade and 530 square foot basement level, 29 foot high single family residence with an attached 992 square foot, 4-car garage. 177 cubic yards of excavation is proposed to accommodate the basement. Also proposed is a detached 200 square foot garden room.

Lot Area: 14,736 square feet
 Building Coverage: 4,168 square feet
 Pavement Coverage: 920 square feet
 Landscape Coverage: 5,802 square feet
 Parking Spaces: 4
 Zoning: R-1
 Ht above final grade 29 feet

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 1525-2001; California Regional Water Quality Control Board approval under Order No. 98-67 and Monitoring and Reporting Program No. 98-67-138.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to three special conditions which are necessary to assure that the project conforms with Sections 30230 and 30231 of the Coastal Act regarding water quality and Section 30253 of the Coastal Act regarding hazard. Special condition No. 1 requires that the applicant submit a landscaping plan that maximizes pervious surfaces and includes native and drought tolerant plants. Special condition No. 2 requires that the applicant submit a drainage plan that directs drainage to pervious areas on site for infiltration. Special condition No. 3 requires conformance with the geotechnical consultant's recommendations.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP #5-01-337 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This 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.

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. Landscaping Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a landscaping plan that maximizes pervious surfaces (e.g. by increasing the amount of planted areas and/or uses porous pavement or other best management practices that promote infiltration/ground water recharge) and includes native drought tolerant vegetation.

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

2. Drainage Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Drainage Plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. Drainage that is not retained on-site shall be directed to the street and not allowed to enter the harbor.

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

3. Conformance of Design and Construction Plans to Geotechnical Investigation

A. All final design and construction plans, including grading, foundations, site plans, elevation plans, and drainage plans, shall be consistent with all recommendations contained in the Geotechnical Investigation prepared by Coastal Geotechnical, Inc., dated July 30, 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 appropriately 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.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant is proposing to demolish an existing single family residence and construct a new 6,318 square foot, two stories above grade with a 530 square foot basement, 29 foot high, single family residence with an attached 992 square foot, 4-car garage. 177 cubic yards of excavation is proposed to accommodate the basement. Also proposed is a detached 200 square foot garden room. The applicant has identified the location of the disposal site for the excess cut material as R. J. Nobel, 15505 Lincoln Avenue, City of Orange which is outside the coastal zone.

The subject site is situated along the waterfront immediately northwest of the convergence between Upper Newport Bay and Newport Harbor (Lower Newport Bay). The southwest side of the property includes an existing bulkhead and dock. No work is proposed to the bulkhead or dock.

The subject site is located within the locked gate community of Bayshores in the City of Newport Beach. The Bayshores community is located between the first public road (West Coast Highway) and Newport Harbor. The nearest public access is a walkway along the bluff top adjacent to Upper Newport Bay at an area known as Upper Castaways which is approximately one mile north of the subject site. Additional public access in the vicinity exists along the Balboa Peninsula's sandy ocean fronting beach approximately one mile south of the subject site.

B. Water Quality

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 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.

The proposed project is located adjacent to the coastal waters of Newport Harbor (Lower Newport Bay). Newport Bay is a critical coastal water body on the federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means that water quality within the water

body does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal of "fishable, swimmable" waters. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which includes Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Development adjacent to coastal waters has the potential to impact water quality and marine resources. The Bay provides an opportunity for water oriented recreation and also serves as a home for marine habitat. The coastal recreational activities and the sensitivity of the Bay habitat necessitate that water quality issues are addressed during the review of this project.

1. Basement

The proposed development includes 177 cubic yards of excavation to accommodate a 530 square foot basement. The Geotechnical Investigation prepared for the site revealed ground water at a depth of 7 to 7 ½ feet below existing site grade. The basement is proposed to extend to a depth of 9 feet below grade. Consequently de-watering will be necessary during construction of the lower level. Dewatering will involve pumping ground water into the harbor. The de-watering is expected to be necessary only on a temporary basis. It is not expected to be needed once construction of the basement is complete.

The Coastal Act requires that adverse effects of the proposed de-watering on coastal waters and the marine environment be minimized. In order to assure that these adverse effects are minimized, best management practices (BMPs) must be incorporated into the project. BMPs are used for many reasons including to reduce the magnitude of pollutants introduced into coastal waters.

The de-watering is proposed to be directed, ultimately, into the adjacent harbor waters. Prior to entering the harbor, however, the water is proposed to be pumped into an on-site desilting basin. This will allow some of the particulate matter to settle out before the water is pumped into the harbor. Also, before the water is pumped back into the harbor it will be monitored to insure that it contains no more than 75 parts per million of solids. The proposed de-watering project has received approval from the California Regional Water Quality Control Board (RWQCB), Santa Ana Region (see exhibit C). Under the terms of Order No. 98-67, the de-watering project is required to be consistent with Monitoring and Reporting Program No. 98-67-138, which specifies the frequency of sampling and the constituents to be monitored (see exhibit D). Further, although not anticipated once construction is complete, any necessary future dewatering is proposed to be directed to the City's sanitary sewer, not into the bay. This is required by the City.

The Geotechnical investigation prepared for the proposed project states:

"Retaining walls should be provided with adequate drainage to prevent buildup of hydrostatic pressure and should be adequately waterproofed."

Although it is not stated in the application, it is assumed that the applicant intends that the basement level will be waterproofed. A special condition of approval, however, requires that the geotechnical consultant's recommendations be incorporated into the design and construction of

the project. This assures that the basement level will be constructed to be waterproof. If the proposed basement level is designed to be waterproof, the likelihood of extended de-watering is substantially decreased. A decrease in the amount of dewatering decreases the potential of introducing pollutants into the bay. Thus, if dewatering into the bay is minimized, the potential for adverse impacts to coastal waters are minimized.

A number of effective best management practices have been incorporated into the proposed project's de-watering component or are required as a special condition. These include: 1) minimizing the amount of dewatering by constructing the basement to be waterproof; 2) filtering the water through an on-site desilting basin; 3) directing any post construction dewatering that may become necessary (though not anticipated) to the sanitary sewer rather than the bay, and 4) monitoring and sampling of the water consistent with the RWQCB's approval. The project has been conditioned to assure that the geotechnical consultant's recommendations are incorporated into the design and construction of the project including the recommendation that the basement be waterproof. This special condition is necessary, among other reasons, to minimize the likelihood of future de-watering. Therefore, as conditioned, the proposed dewatering portion of the project is consistent with the requirements of the Sections 30230 and 30231 Coastal Act regarding protection of biological productivity, public recreation, and marine resources.

2. Post Construction Site Drainage

The proposed residential development has impervious surfaces, such as roofs where pollutants such as particulate matter may settle, as well as driveways where pollutants such as oil and grease from vehicles may drip. In addition, landscaped areas may contain fertilizers and pesticides. During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution results in decreases in the biological productivity of coastal waters.

Typically, water quality impacts to coastal waters can be avoided or minimized by directing storm water discharges from roof areas and other impervious surfaces to landscaped areas where pollutants may settle out of the storm water. In addition, reducing the quantity of impervious surfaces and increasing pervious water infiltration areas can improve water quality.

The subject site is a 14,736 square foot lot. Of that total amount, 3,846 square feet is water. That leaves 10,890 square feet of land area. According to the application, the building footprint will cover 4,168 square feet, and 920 square feet will be paved for the driveway. The remaining 5,802 square feet is identified as landscaped area. This means 53 % of the land portion of the lot will be pervious. 53% is a significant amount of pervious area and would seem to be adequate to promote water quality. However, no landscaping or drainage plan has been submitted. The applicant has indicated that one is currently being prepared but has not yet been completed. Without reviewing the landscape plan, it is not possible to verify the amount of landscaped, pervious area. Likewise, without reviewing the drainage plan, it is not possible to determine that on-site drainage will be directed to the pervious areas. In addition, the possibility of using permeable pavement for the driveway should be considered. And there must be an assurance that any drainage that is directed off site is directed to the street and not into the harbor. Thus, as proposed, the Commission cannot find that the project will protect coastal water quality and the related marine resources and biological productivity. Therefore, as a condition of approval, that applicant shall submit for the review and approval of the Executive Director, landscape and drainage plans. These plans should document that the amount of pervious surface is maximized and that the runoff from the roof, driveway and other impervious surfaces are collected and

directed onto pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. And that any drainage that is directed off site is directed to the street and not to the harbor. As conditioned, the Commission finds that the proposed development is consistent with Sections 30230 and 30231 which require that coastal water quality be maintained and enhanced.

C. Hazard

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 or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The proposed project includes 177 cubic yards of cut to accommodate the proposed basement. Sub-grade excavation, especially when it extends below ground water level, creates the potential for instability at the site. Section 30253 requires that new development assure stability and structural integrity. A site specific Geotechnical Investigation was prepared for the proposed development by Coastal Geotechnical, Inc. and is dated July 30, 2001. Preparation of the Geotechnical Investigation included research and review of available geotechnical reports and geologic literature for the site and immediate vicinity; subsurface exploration; laboratory testing of samples obtained during the subsurface exploration, engineering and geologic analysis of the data, and preparation of the report.

The subject site fronts on Newport Harbor. The Geotechnical Investigation reports that ground water was encountered at depths of 7 to 7 ½ feet below the existing site grade at the time of the investigation but is expected to fluctuate with the tide due to the site's close proximity to the bay. Maximum cut slope for the proposed basement is anticipated to be 9 feet. The Geotechnical Investigation finds that the basement level will extend below the maximum ground water elevation anticipated during the design life of the residence and includes specific recommendations addressing the ground water and construction of the basement level. These recommendations address dewatering, shoring, hydrostatic uplift, maximum allowable bearing value, and retaining walls.

Regarding the feasibility of the proposed project the geotechnical consultant concludes:

"The proposed construction is feasible from a geotechnical standpoint. However, due to the potential for liquefaction, the effect of a significant seismic event on the site may be severe. The geotechnical recommendations that are provided herein are intended to minimize the potential adverse effects of liquefaction on the proposed improvements."

The geotechnical consultant has found that the proposed development is feasible provided the recommendations contained in the Geotechnical Investigation prepared by the consultant are implemented in design and construction of the project. The geotechnical recommendations address seismic considerations, site grading, foundation and slab recommendations, basement level, retaining walls, temporary slopes, trench and retaining wall backfill, flatwork, site drainage,

type cement for construction, observation and testing during construction, and grading and foundation plan review. In order to assure that risks are minimized, the geotechnical consultant's recommendations should be incorporated into the design of the project. As a condition of approval the applicant shall submit grading and foundation plans indicating that the recommendations contained in the Geotechnical Investigation prepared by Coastal Geotechnical, Inc., dated July 30, 2001, have been incorporated into the design of the proposed project.

The Commission finds that only as conditioned as described above, can the proposed development be found to be consistent with Section 30253 of the Coastal Act. As conditioned, the Commission finds the proposed development is consistent with Section 30253 of the Coastal Act which requires that risks be minimized and geologic stability be assured.

D. Public Access & Recreation

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

The subject site is located within the locked gate community of Bayshores in the City of Newport Beach. The Bayshores community is located between the first public road (West Coast Highway) and Newport Harbor. The nearest public access is a walkway along the bluff top adjacent to Upper Newport Bay at an area known as Upper Castaways which is approximately one mile north of the subject site. Additional public access in the vicinity exists along the Balboa Peninsula's sandy ocean fronting beach approximately one mile south of the subject site.

Public access through this community does not currently exist. The proposed development, construction of a single family residence on an existing residential lot, will not effect the existing public access conditions. It is the locked gate community, not this home, that impedes public access. The proposed development, as conditioned, will not result in any significant adverse impacts to existing public 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.

E. Land Use Plan

Section 30604 of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

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

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. All infrastructures necessary to serve the site exist in the area. As conditioned, the proposed project has been found consistent with the water quality and hazard policies of Chapter 3 of the Coastal Act. The special conditions also serve to mitigate any significant adverse impacts under CEQA. Mitigation measures requiring submittal of drainage and landscaping plans and conformance to the geotechnical consultant's recommendations will minimize any significant adverse effects that the activity may have on the environment.

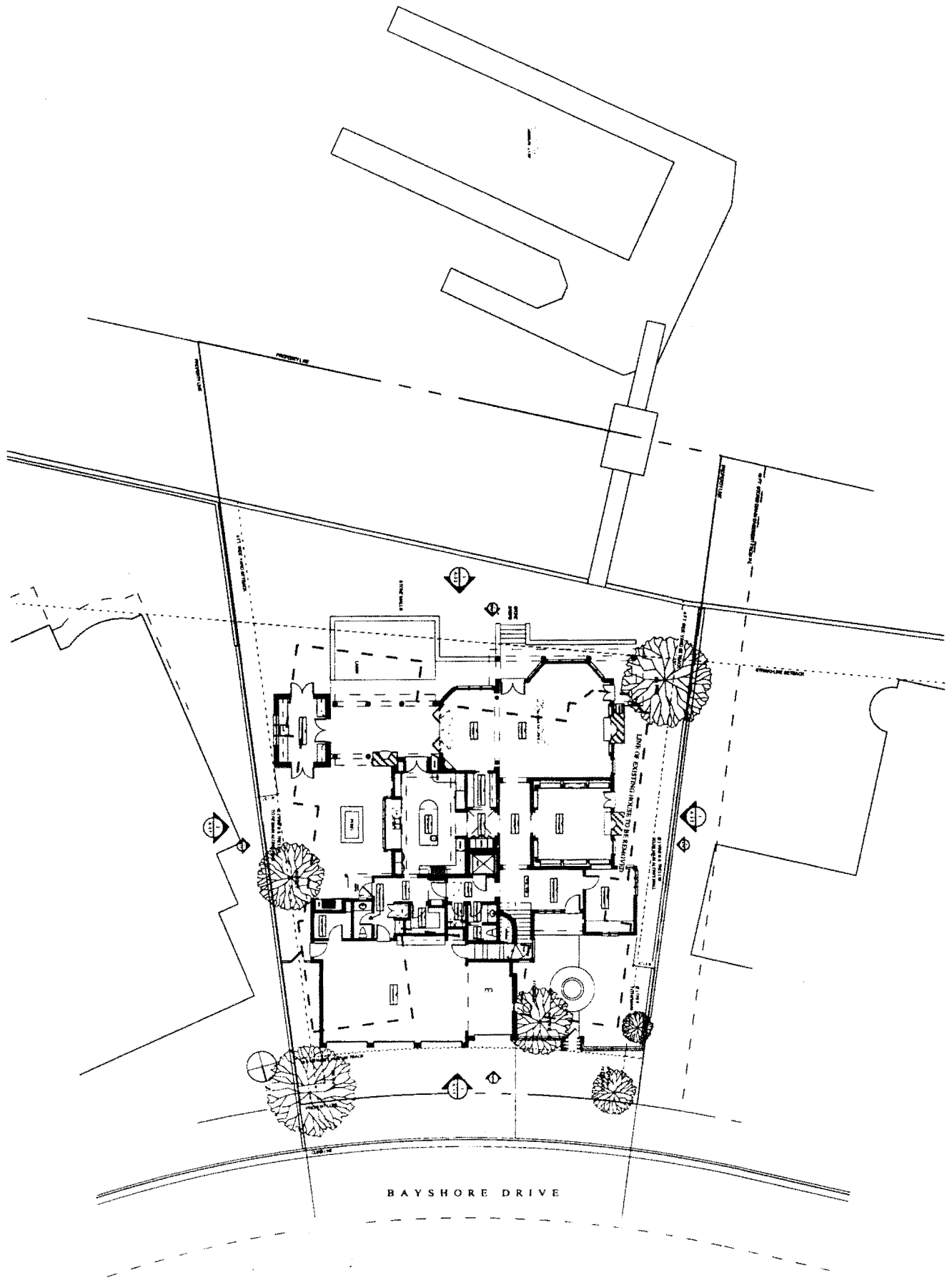
There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



Subject Site

EXHIBIT NO. A
APPLICATION NO.
5-01-337
California Coastal Commission

VICINITY MAP



1'-1" V

NO.	DATE	DESCRIPTION
1	11-11-81	PRELIMINARY
2	12-15-81	REVISED
3	01-15-82	REVISED
4	02-15-82	REVISED

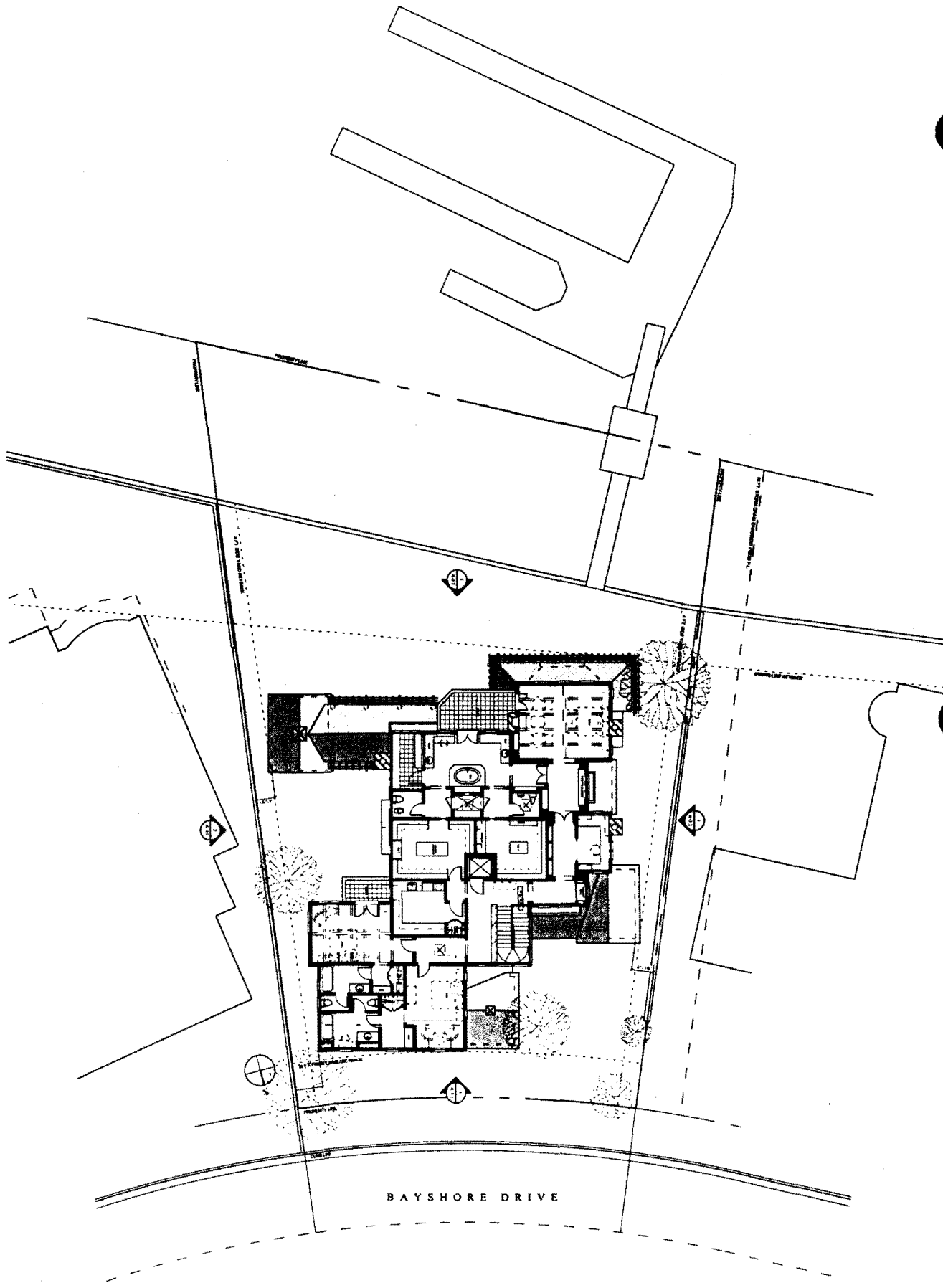
Berg Residence
 2672 Bayshore Drive
 Newport Beach, CA 92663

**SITE PLAN &
 FIRST FLOOR PLAN**

Appleton & Associates, INC
 ARCHITECTS
 1114 1st St. South
 Santa Monica, CA 90404
 TEL: 310 828 0430
 FAX: 310 828 0831

B3

DATE PLOTTED: 11/11/81
 SCALE: AS SHOWN



BAYSHORE DRIVE

A-1.2

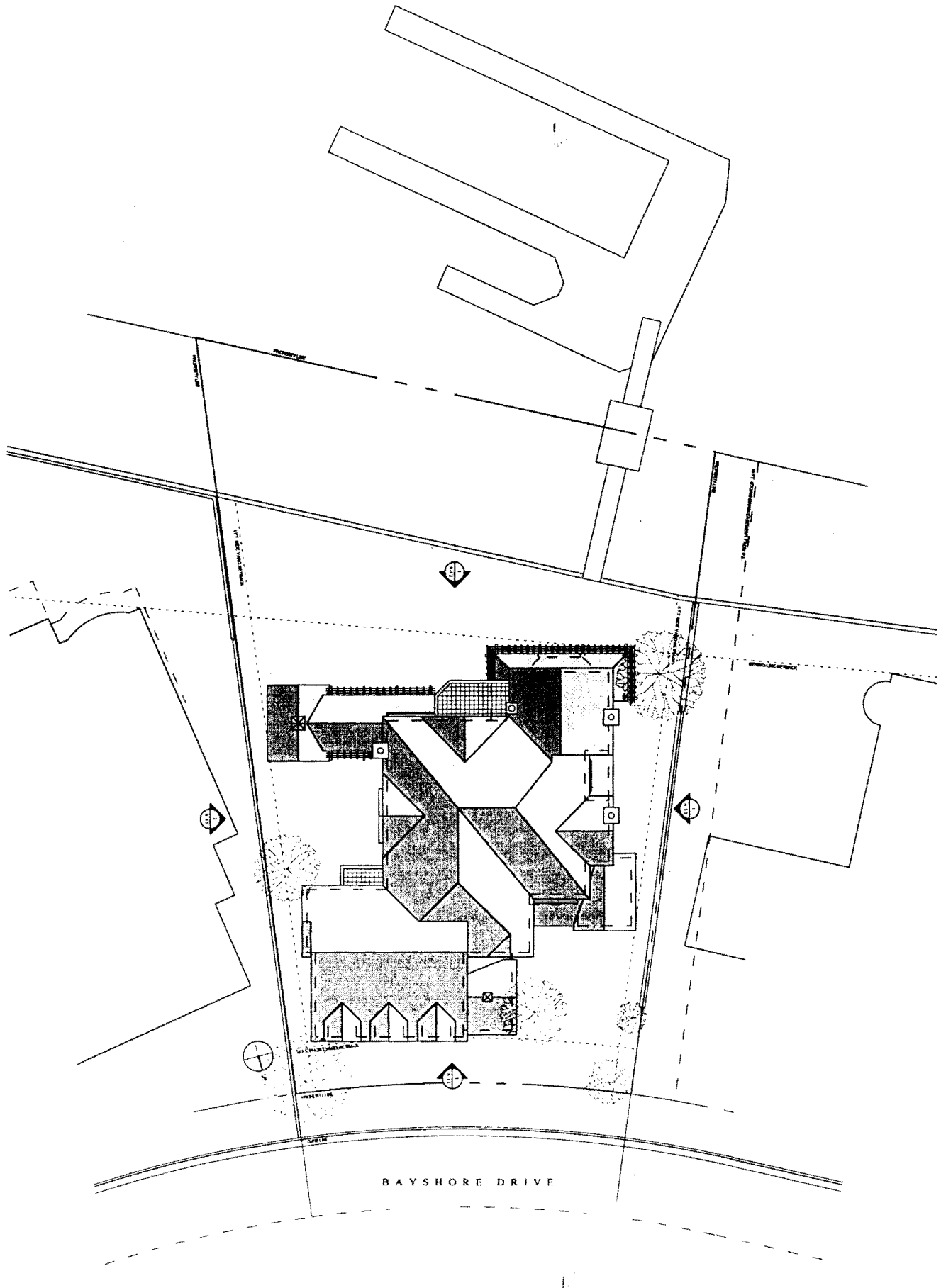
Berg Residence
 2672 Bayshore Drive
 Newport Beach, CA 92663

**SITE PLAN &
 SECOND FLOOR PLAN**

Appleton & Associates, INC
ARCHITECTS
 1550 17th Street
 Santa Monica, CA 90404
 310 828-0430
 FAX 310 828-0631

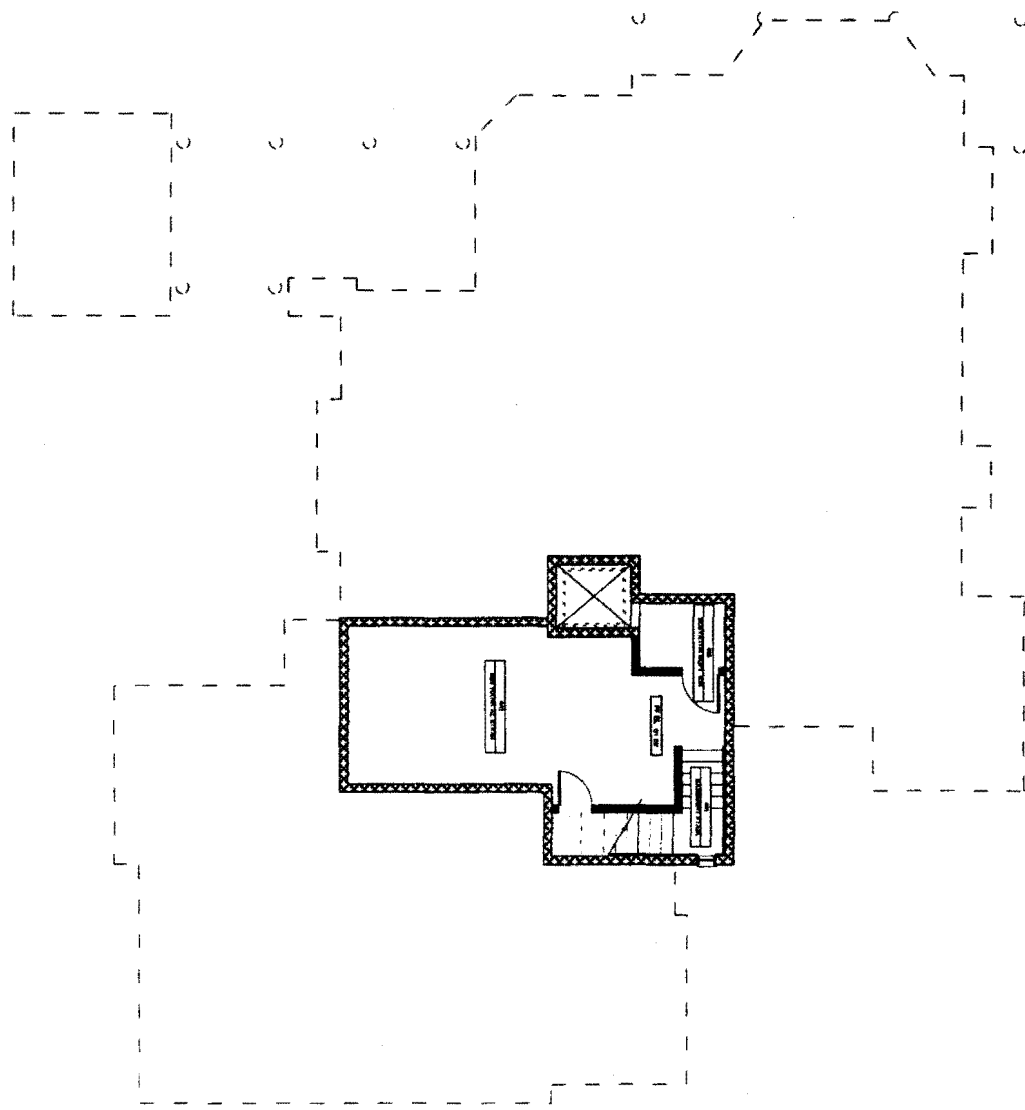
B4

SCALE: AS SHOWN
 DATE: 10/11/04
 DRAWN BY: JLD
 CHECKED BY: JLD
 APPROVED BY: JLD



BAYSHORE DRIVE

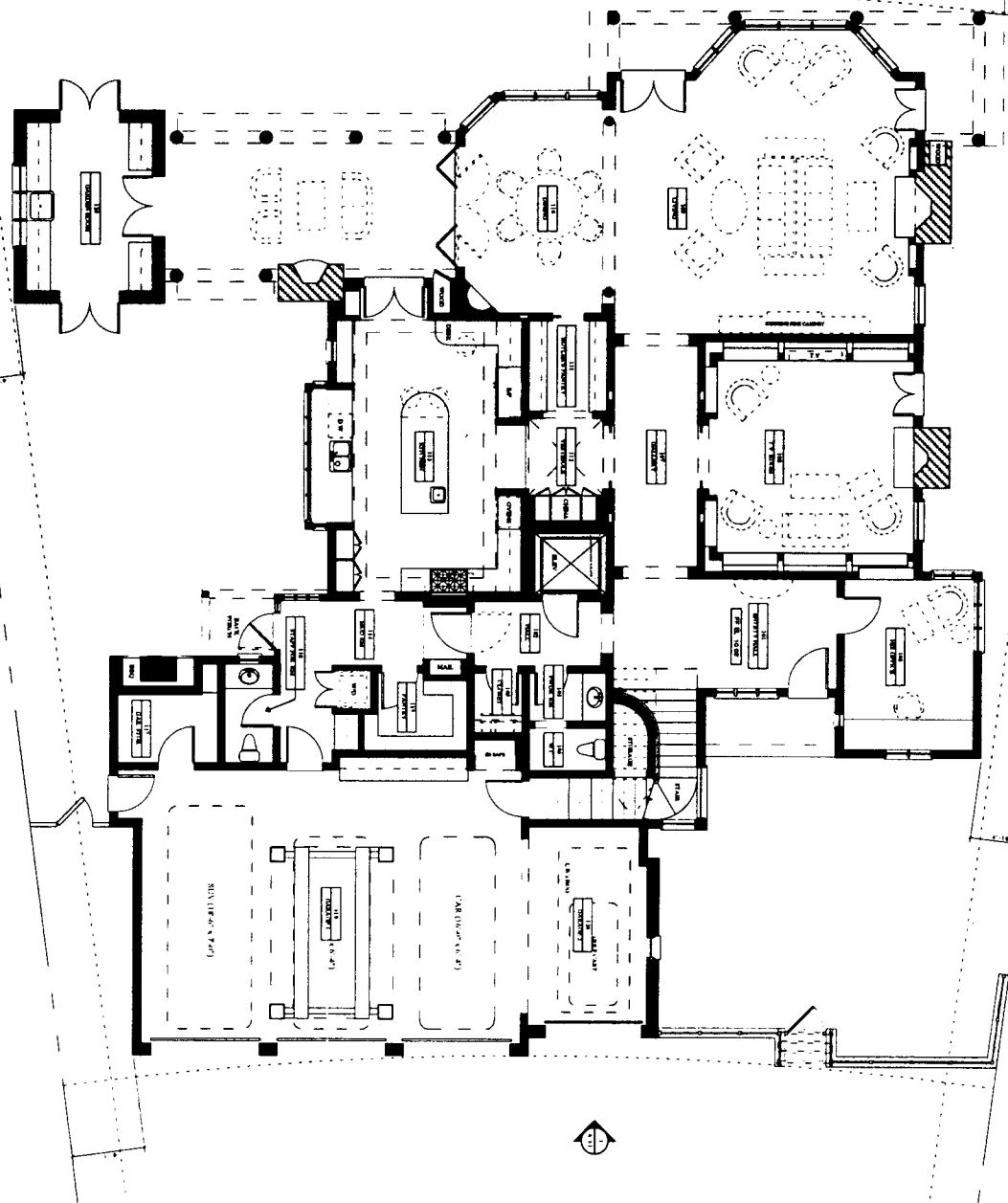
<p>A-1.3</p>	<p>Berg Residence 2672 Bayshore Drive Newport Beach, CA 92663</p>	<p>SITE PLAN & ROOF PLAN</p>	<p>Appleton & ASSOCIATES, INC ARCHITECTS 1556 1st Street Santa Monica, CA 90404 TEL: 310 424 0430 FAX: 310 424 0815</p>	<p>B5</p>
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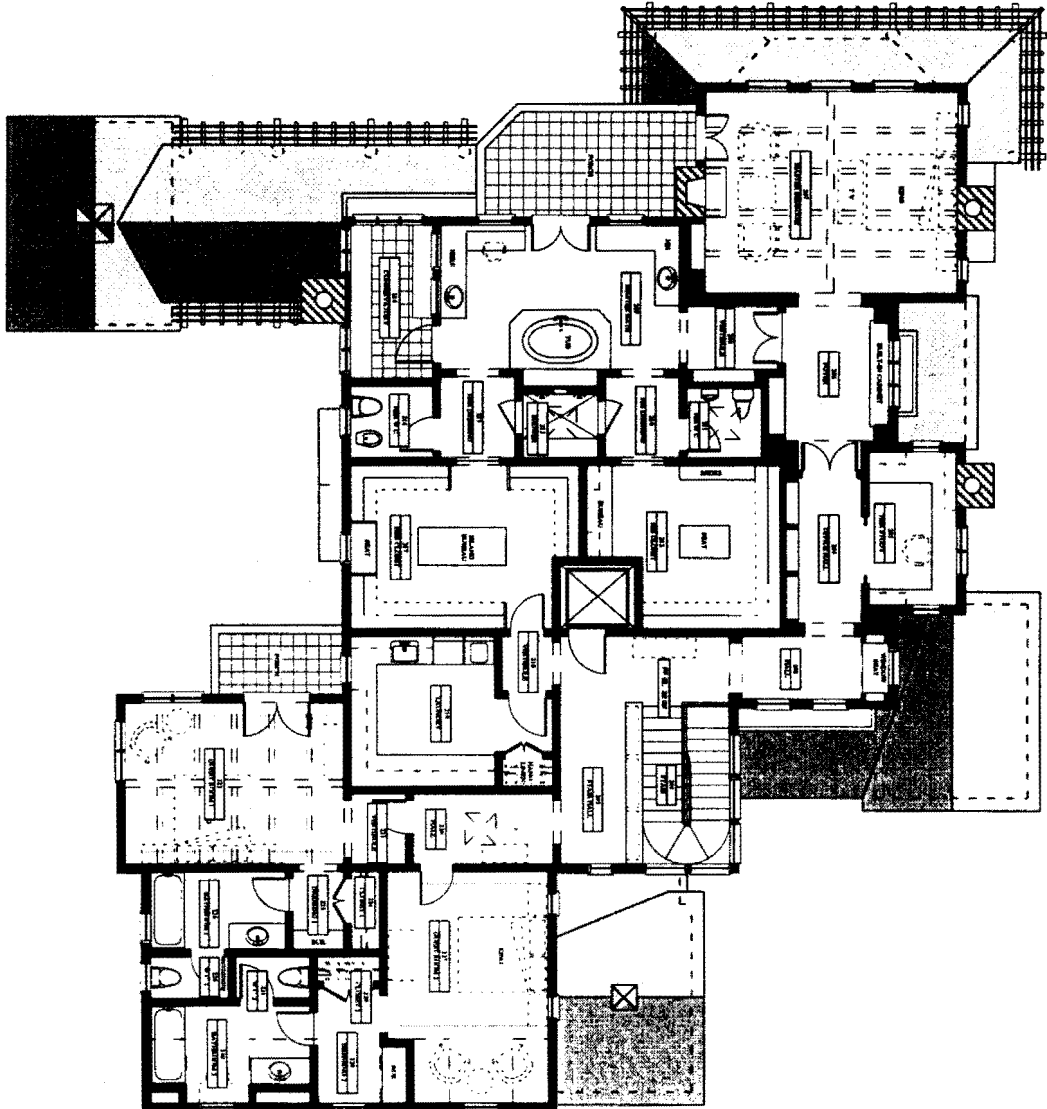
<p>A-2.0</p>	<p>DATE: 04/14/04 DRAWN BY: J. L. L. L. CHECKED BY: J. L. L. L. SCALE: 1/8" = 1'-0"</p>	<p>Berg Residence 2672 Bayshore Drive Newport Beach, CA 92663</p>	<p>BASEMENT PLAN</p>	<p>Appleton & Associates, INC ARCHITECTS 1156 17th Street San Mateo, CA 94401 110 828 0630 FAX 110 828 0631</p>	<p>B4</p>
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FIRST FLOOR PLAN

1



<p>A-2.1</p>	<p>Berg Residence 2672 Bayshore Drive Newport Beach, CA 92663</p>	<p>FIRST FLOOR PLAN</p>	<p>Appleton & Associates, INC ARCHITECTS 1534 17th Street Santa Monica, CA 90404 310 828-0430 FAX 310 828-0631</p>	<p>B7</p>
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SECOND FLOOR PLAN

X



DATE	11/11/01
BY	JK
NO.	20220
PROJECT	BERG RESIDENCE
CLIENT	2672 Bayshore Drive, Newport Beach, CA 92663

A-2.2

Berg Residence
 2672 Bayshore Drive
 Newport Beach, CA 92663

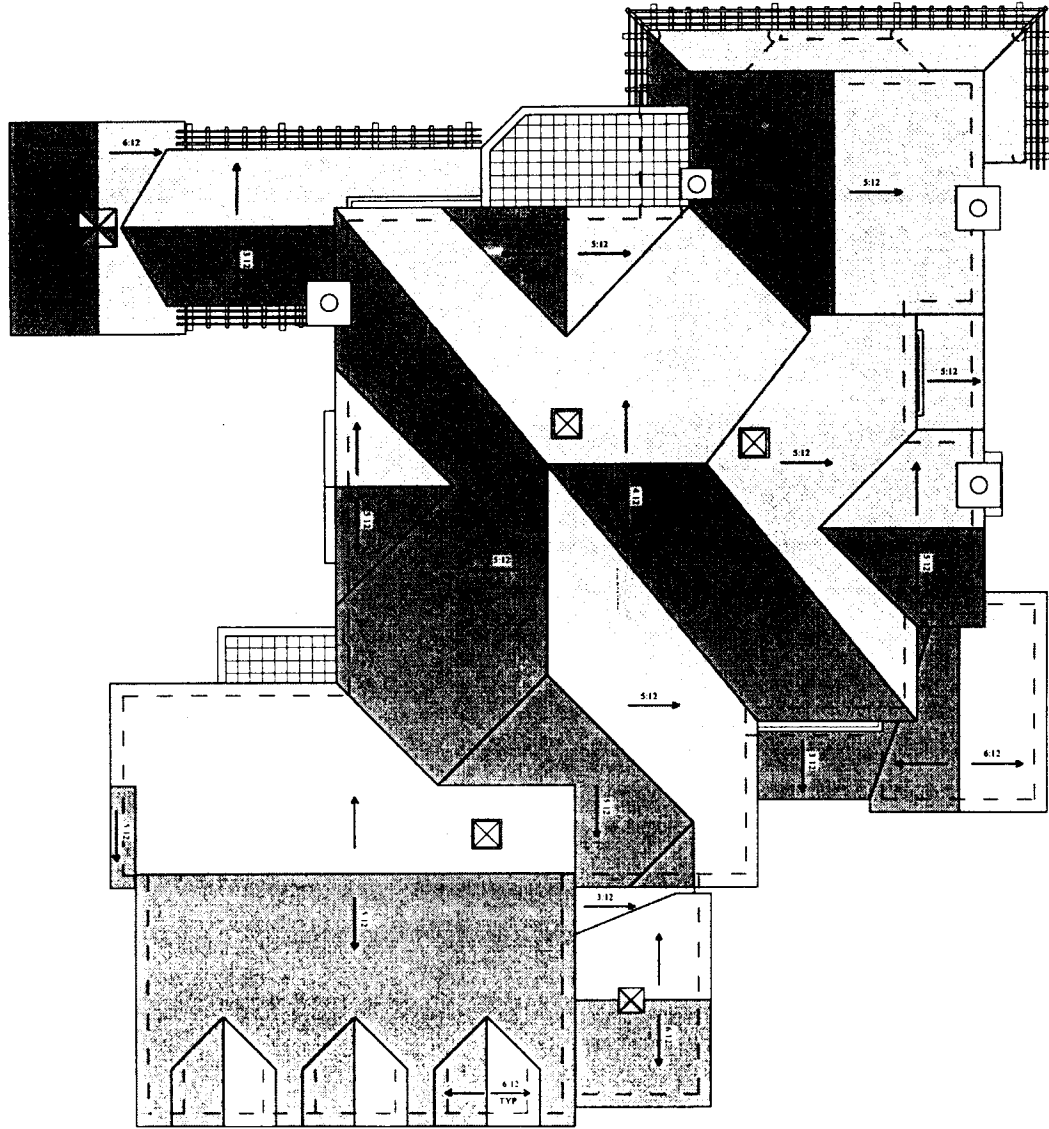
SECOND FLOOR PLAN

Appleton & Associates, INC
ARCHITECTS
 1156 7th Street
 Suite 1000, CA 92604
 710 428-0410
 FAX 710 428-0631

B8

DATE PLOTTED: 11/11/01 10:00 AM

ROOF PLAN



A-2.3

NO.	DATE	DESCRIPTION
1	10/18/2011	ISSUED FOR PERMITS
2	11/14/2011	ISSUED FOR PERMITS
3	01/11/2012	ISSUED FOR PERMITS
4	02/01/2012	ISSUED FOR PERMITS
5	02/01/2012	ISSUED FOR PERMITS
6	02/01/2012	ISSUED FOR PERMITS
7	02/01/2012	ISSUED FOR PERMITS
8	02/01/2012	ISSUED FOR PERMITS
9	02/01/2012	ISSUED FOR PERMITS
10	02/01/2012	ISSUED FOR PERMITS

Berg Residence
 2672 Bayshore Drive
 Newport Beach, CA 92663

ROOF PLAN

Appleton & Associates, INC
ARCHITECTS

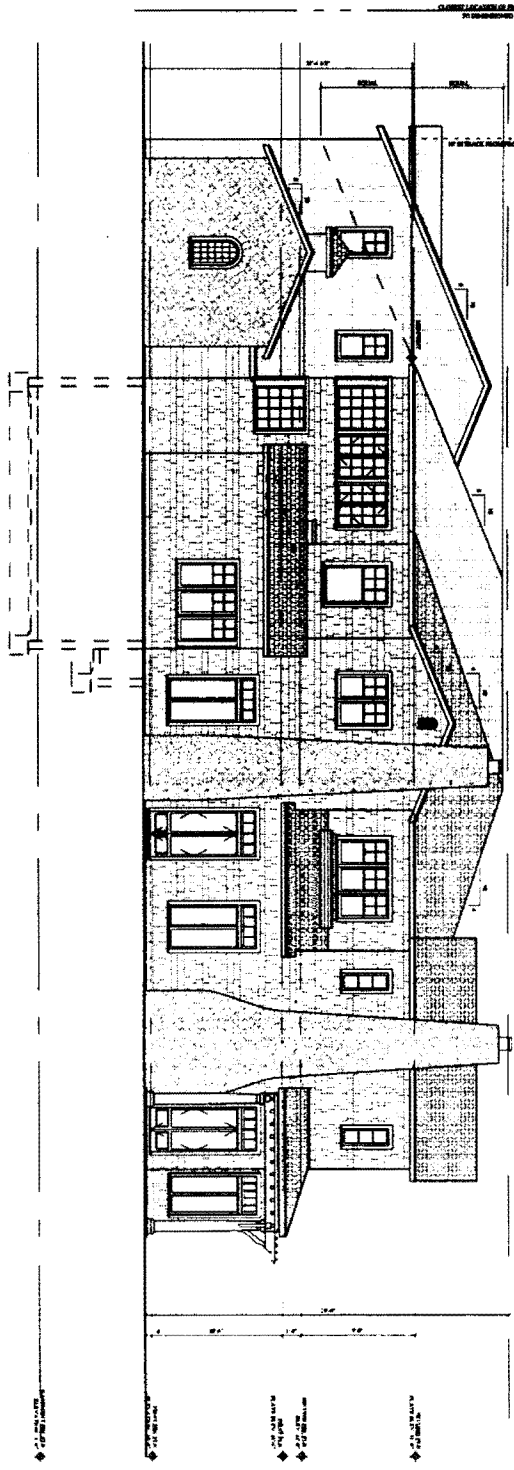
1776 17th Street
 Santa Monica, CA 90404

310 828-0830
 FAX 310 828-0831

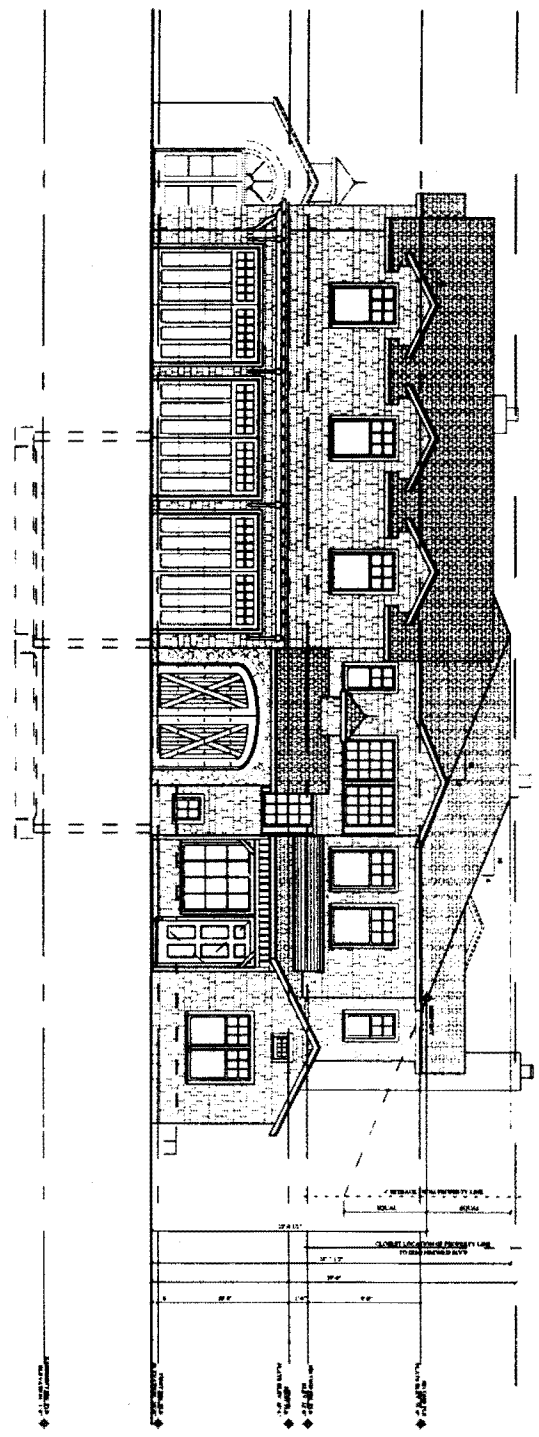
Bg

10/18/2011

WEST ELEVATION



NORTH STREET ELEVATION



A-3.1

Berg Residence
 2672 Bayshore Drive
 Newport Beach, CA 92663

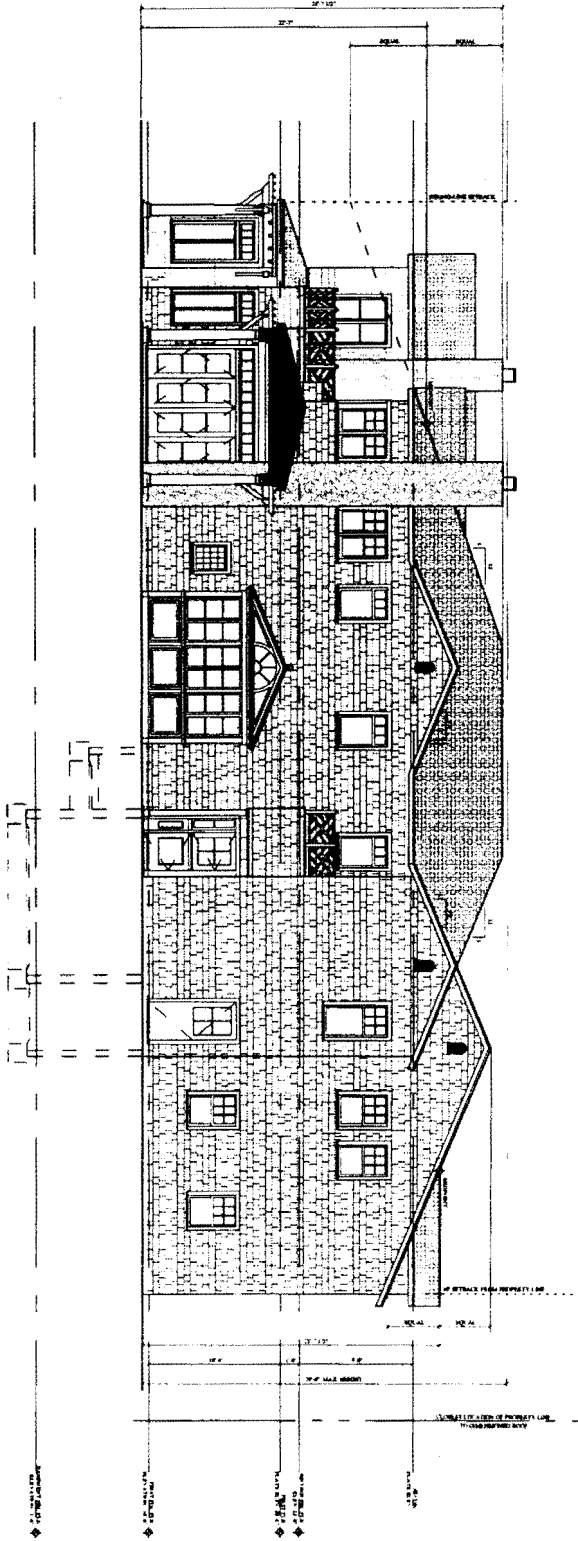
ELEVATIONS

Appleton & Associates, INC
 ARCHITECTS
 1354 17th Street
 Santa Monica, CA 90404
 310 828 0430
 FAX 310 828 0611

B10

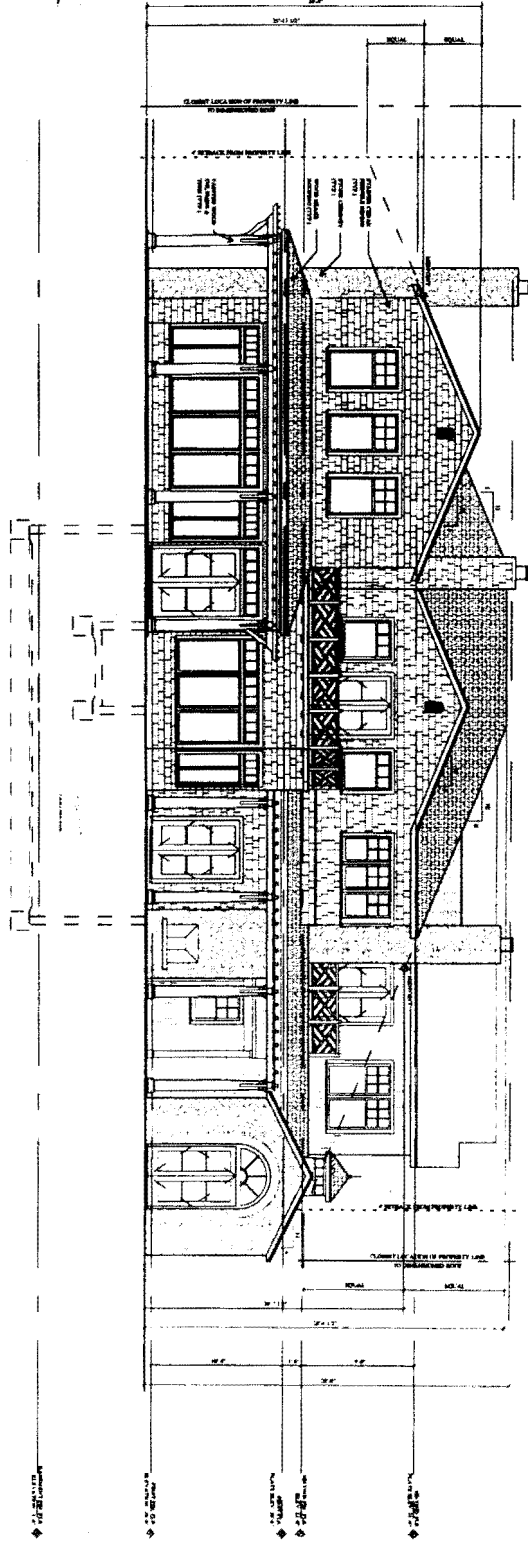
EAST ELEVATION

2



SOUTH (WATER SIDE) ELEVATION

1



<p>A-3.2</p>	<p>DATE: 11/11/04 SCALE: 1/8" = 1'-0" SHEET: 11N PROJECT: 2012-08</p>	<p>Berg Residence 2672 Bayshore Drive Newport Beach, CA 92663</p>	<p>ELEVATIONS</p>	<p>Appleton & Associates, INC ARCHITECTS 154 17th Street Santa Monica, CA 90404 310 828-0430 FAX 310 828-0631</p>	<p>B 11</p>
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Winston H. Hickox
 Secretary for
 Environmental
 Protection

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.

October 23, 2001

Tom Newman
 Appleton & Associates, Inc.
 1556 17th Street
 Santa Monica, CA 90404-3402

25

WASTE DISCHARGE REQUIREMENTS, ORDER NO. 98-67, NPDES NO. CAG998001 (DE MINIMUS DISCHARGES), CONSTRUCTION DEWATERING AT BERG RESIDENCE, 2672 BAYSHORE DRIVE, NEWPORT BEACH


Dear Mr. Newman:

On October 9, 2001, you submitted 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 result from the dewatering of a basement construction project at the Richard and Lynette Berg 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. 98-67-138, 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 desilting basin 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. Orange County Public Facilities and Resources Department, Flood Control, has requested that we have dischargers in Orange County call Doug Witherspoon at (714) 834-2366 regarding local agency requirements for this discharge. If you have any questions regarding the permit or the monitoring and reporting program, please contact Bill Norton at (909) 782-4381.

Sincerely,


 Gerard J. Thibeault
 Executive Officer

Enclosure: Order No. 98-67 and Monitoring and Reporting Program No. 98-67-138

cc w/ e: cl: U.S. EPA, Regio: 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
 Richard and Lynette Berg, 2672 Bayshore Drive, Newport Beach 92263

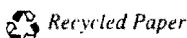
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EXHIBIT # C

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California Environmental Protection Agency



California Regional Water Quality Control Board
Santa Ana Region

Monitoring and Reporting Program No. 98-67-138
for

Appleton & Associates, Inc.
Dewatering at Richard Berg Residence
2672 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;

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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:

CONSTITUENT	TYPE OF SAMPLE	UNITS	MINIMUM FREQUENCY OF SAMPLING AND ANALYSIS
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:

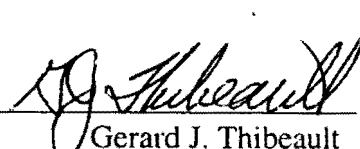
- 1. Five days prior to the discharge, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the date the discharge is anticipated to begin.
- 2. Monitoring reports shall be submitted by the 30th day of each month. The monitoring reports shall cover the previous 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.

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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
Executive Officer

October 23, 2001

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