

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: March 1, 2011  
49th Day: April 19, 2011  
180th Day: August 28, 2011  
Staff: Liliana Roman-LB  
Staff Report: May 27, 2011  
Hearing Date: June 15-17, 2011  
Commission Action:



# Item W10f

## STAFF REPORT: REGULAR CALENDAR

- APPLICATION NUMBER:** 5-11-050
- APPLICANT:** Stephen Poleshuk
- AGENT:** Swift Slip Dock and Pier Builders
- PROJECT LOCATION:** 319 Grand Canal, Balboa Island, City of Newport Beach (Orange County)
- PROJECT DESCRIPTION:** Installation of a new 6' x 4' 6" deck platform and steps per City standards composed of pressure treated Douglas fir and trex composite deck materials along a public bulkhead for access into the Grand Canal public waterway and moored boats in the Canal's mudflats.
- LOCAL APPROVALS:** City of Newport Beach Harbor Resources Division Permit/Approval in Concept Harbor Permit #801-319 and Plan Check #0031-2011 dated January 12, 2011
- OTHER AGENCY CONTACT RECEIVED:** US Army Corps of Engineers (USACOE) Interagency Notification, Request For Agency Comments On Applications For Letter of Permission (Application No. SPL-2011-00292-RJV)
- SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan; City Harbor Permit Policy; WSSI Environmental Consulting Pre-Construction Eelgrass Survey Report dated November 16, 2010; CDP 5-05-252(Hirson); CDP 5-05-283(Tetrault)

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### **SUMMARY OF STAFF RECOMMENDATION:**

The applicant is requesting approval for the installation of a 6' x 4' 6" deck platform along a public bulkhead and stairs down from the platform for access into the Grand Canal public waterway and moored boats in the Canal's mudflats. The site is subject to tidal action, but not to direct wave exposure because the site is located within a protected canal between Balboa Island and Little Balboa Island in Newport Bay. The primary issues associated with this development relate to allowable fill and allowable uses in a wetland.

The proposed deck platform and stairs would provide a connection between the residence and a boat moored in Grand Canal. In effect, the deck platform and stairs provide access to the Canal mudflats during low tide and to the Canal waters during high tide. Forty (40) out of forty-one (41) homes along the west side of the Canal and thirty-five (35) out of thirty-seven (37) homes along the east side of the Canal have these deck platform/stairs structures. The Commission has previously

only approved two replacement projects for existing deck platform stairs but has not approved installation of a new deck platform and stairs in the Grand Canal.

Thus, staff recommends that the Commission **DENY** the proposed deck and stairs as it is not a permitted use/fill in a coastal wetland. The applicant is not in agreement with the staff recommendation to deny the deck platform and stairs.

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**LIST OF EXHIBITS:**

1. Location Map
2. Public Access Walkway
3. Project Plans
4. City Standards for deck platform and stairs
5. Eelgrass Survey

**STAFF RECOMMENDATION:**

**I. STAFF RECOMMENDATION OF DENIAL**

Staff recommends that the Commission **DENY** the Coastal Development Permit application by voting **NO** on the following motion and adopting the following resolution.

**A. MOTION**

*I move that the Commission approve Coastal Development Permit No. 5-11-050 for the development proposed by the applicant.*

**B. STAFF RECOMMENDATION OF DENIAL**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**C. RESOLUTION TO DENY THE PERMIT**

The Commission hereby **DENIES** a Coastal Development Permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will 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 would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

## **II. FINDINGS AND DECLARATIONS:**

### **A. PROJECT LOCATION & DESCRIPTION**

#### **1. Project Location and Description**

The subject site is adjacent to a City-owned bulkhead in front of a single-family residence located at 319 Grand Canal on Balboa Island in the City of Newport Beach (Exhibits # 1-2). The Grand Canal is public tidelands granted to and managed by the City. The Canal is approximately 100 feet wide and divides Balboa Island in two. Behind the City bulkhead is a public walkway/bikeway/accessway connecting the entire Island. The walkway abuts single-family and two-family zoned private residential lots. Coastal public access is available along the walkway surrounding the Island; the walkway is immediately inland of the bulkhead to the Grand Canal (Exhibit #2).

The proposed project is construction of a new 6' x 4'6" deck platform constructed with Trex composite decking materials and wood stairs, both supported by 4"x4" pressure treated Douglas Fir lumber embedded a minimum of 5' into the Grand Canal mudflats. The "standard" deck platform/stairs are constructed per City standards in terms of dimensions and construction materials (Exhibits #3). The deck platform will be constructed immediately adjacent to the existing public bulkhead wall along the Grand Canal of Balboa Island in front of the applicant's single family residence located at 319 Grand Canal. The platform will not be anchored to the bulkhead coping. The proposed platform will have six steps leading into the canal and will provide the applicant access to a private small boat/dingy moored in the Grand Canal in front of his residence. The deck platform and stairs is similar in design and size to other deck platforms and steps along Grand Canal. These platforms with stairs to the bayside beach are unique in Newport Bay to Grand Canal - it is the only area where City Harbor Permit policies (Exhibit #4) allow such structures for access to Grand Canal where shoreline boat moorings are present.

The proposed project, though not technically a dock, is intended for boating related purposes to serve a single-family residential development. However, as the deck platform and stairs are located on a publicly owned bulkhead and lead to public tidelands, the proposed access structure should be available for public use.

The proposed project has received an approval in concept from the City of Newport Beach Harbor Resources Division. The Regional Water Quality Control Board (RWQCB) has determined that the proposed project will not adversely impact water quality if standard construction methods and materials are used. The applicant has received a Letter of Permission for the proposed project from the U.S. Army Corps of Engineers.

Section 30600(c) 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 City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

## B. MARINE RESOURCES

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 30233 of the Coastal Act states in part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launch areas.*

*(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

*(6) Restoration purposes.*

Section 30250 of the Coastal Act states in part:

*(a) New residential...development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....*

The City of Newport Beach Coastal Land Use Plan contains the following policies:

3.1.4-3 *Design and site piers, including remodels of and additions to existing piers so as not to obstruct public lateral access and to minimize impacts to coastal views and coastal resources.*

3.1.4-5 *Encourage the joint ownership of piers at the prolongation of common lot lines as a means of reducing the number of piers along the shoreline.*

### 1. Fill of Coastal Waters

The project is the installation of eight (8) 4"x4" lumber beams embedded in mudflats a minimum of 5-feet deep to support a 6' x 4'5" deck platform and stairs down to the mudflats. The support beams would result in a minimum of 4.44 cubic feet (0.164 cubic yards) of fill in a wetland. <sup>1</sup> Section 30233 of the Coastal Act limits the allowable fill of open coastal waters, wetlands, estuaries, and lakes. Section 30233 of the Coastal Act clearly allows new or expanded boating

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<sup>1</sup> Calculations for estimated fill:  $0.333' \times 0.333' \times 5' = .55 \text{ ft}^3 \times 8 \text{ beams} = 4.44 \text{ ft}^3$

facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities *in open coastal water other than wetlands*. Wetlands are defined in the Coastal Act as “lands within the coastal zone which may be covered periodically or permanently with shallow water and include... mudflats...” (Pub. Res. Code § 30121.) Section 30233 of the Coastal Act does not allow for fill of *wetlands* for new or expanded boating facilities.

The placement of piles in open coastal waters for the construction of a new boating facility is an allowable use under Section 30233(a)(3) of the Coastal Act, however, the site is not open coastal waters but public wetland/mudflats in a public canal transecting Balboa Island within Newport Bay.

There are 41 residences on the west side of Balboa Island’s Grand Canal and 37 residences on the east side of Grand Canal on Little Balboa Island. The applicant at 319 Grand Canal is the only remaining residence on the west side of the Grand Canal without a deck platform and stairs. Forty (40) out of forty-one (41) homes along the west side of the Canal and thirty-five (35) out of thirty-seven (37) homes along the east side of the Canal currently have these “standard” deck platform/stairs structures in front of the public bulkhead and in public tidelands. The Commission has approved approximately 30 projects (i.e., demolition/construction of single-family residences and duplexes, addition to existing single-family residences, conversion of duplex to single family residences) with Grand Canal addresses since the 1980s. However, the Commission has only approved two replacement deck platforms/stairs out of the 76 total along the Grand Canal, CDP 5-05-252 (Hirson) and CDP 5-05-283 (Tetrault). This is the first Coastal Development Permit (CDP) application request for a new deck platform/stairs in the Grand Canal. A survey of aerial photographs of the Grand Canal over the last 10 years indicate new installations of new deck platforms with stairs within the past 10 years without the benefit of a CDP. Staff is conducting further investigations regarding unpermitted development in the Grand Canal.

An alternative to the proposed project that would not result in unpermitted and unmitigated fill of coastal waters, new development over water, and the attendant shading effects, and cumulative adverse impacts in the canal, is a shared deck platform and stairs with neighbors upcoast (321 Grand Canal) or downcoast (317 Grand Canal). Another alternative is boat storage in another location (e.g. a marina) which already has docks or dry storage.

In addition to the proposal not being allowable under Section 30233(a) of the Coastal Act, the proposed project is not the least environmentally damaging alternative, as there are alternatives that would not result in adverse impacts to coastal resources. The proposed project does not minimize impacts to coastal resources nor does it encourage the joint ownership of deck platform and stairs as a means of reducing the number of such structures in public tidelands. Thus, the proposal must be denied.

## 2. Special Status Marine Species - Eelgrass

Eelgrass and *Caulerpa Taxifolia* surveys are typically required when a project proposes disturbance to the bottom of a waterway (e.g. for dock replacement projects involving removal or installation of new piles). Eelgrass (*Zostera marina*) is an aquatic plant which grows in dense beds in shallow, subtidal or intertidal sand or mud bottoms. Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). For instance, eelgrass habitat functions as an important structural

environment for estuarine and oceanic fish spawning and egg deposition, fish nursery grounds, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds. Eelgrass is a major food source in nearshore marine systems contributing to the system at multiple trophic levels.

In 1999, a non-native and invasive aquatic plant species, *Caulerpa taxifolia*, was discovered in parts of Huntington Harbor (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G). *C. 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. *C. taxifolia* is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows within the general project vicinity, *C. taxifolia*, if present, could displace eelgrass in the channels.

The applicant provided a survey prepared by WSSI Environmental Consulting dated March 24, 2010 to determine whether eelgrass or *C. taxifolia* existed at the project site (Exhibit #5). No *C. taxifolia* was observed onsite. Two small patches of eelgrass were found adjacent to a boat moored on the sand approximately 15 -30 feet from the project area, no eelgrass was found within the project construction area by the survey. As discussed more fully in the following section, submersion of the areas adjacent to the bulkhead, where the proposed project is located, fluctuates depending on the tides. However, toward the center of the canal, submersion is more constant and thus more conducive to eelgrass growth. Past eelgrass surveys of the harbor, sponsored by the City, show that extensive eelgrass beds exist within these more continually submerged areas of Grand Canal. Surveys done in 2004, 2007, and 2010, indicate consistent eelgrass growth in the canal.

Eelgrass is an important resource that provides habitat for a variety of invertebrates, fish, and other wildlife. Coastal Act Section 30230 requires that marine resources, such as eelgrass, be maintained, enhanced, and where feasible, restored. No direct or indirect impact to the eelgrass adjacent to the proposed project site is anticipated from the project or project construction. However, if a structure was to be constructed, pre-project and post-project monitoring would be required to ensure that eelgrass is not impacted and that if impacts occurred, those impacts would be mitigated.

### 3. Marine Resources – Biological Productivity

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.*

Mudflats are sedimentary intertidal habitats created by deposition in low energy coastal environments. Mudflats primarily consist of silts and clays with a high organic content. The proportion of sand increases towards the mouths of lagoons, bays, and estuaries where salinity and wave energy are higher. Mudflats can be unvegetated or vegetated with mats of micro-algae. They support a community of infaunal invertebrates uniquely adapted for life in the mud. And while mudflats are typically low in species richness they often support large numbers of a few species

and have high biological productivity. Mudflats provide foraging and resting areas for birds/waterfowl and are also important nursery areas for fish.

The biological consultants conducting the eelgrass survey in the project vicinity characterized the Grand Canal as tidally influenced with a silty bottom that supports the filamentous algae, *Ulva sp.*. They also observed schools of juvenile fish during their survey. Approximately 20-30 feet of mudflats are exposed during low tide in Grand Canal; only during very high tides does the water level come up to the bulkhead.

Support of the deck platform and stairs on the mudflat in Grand Canal introduces fill to this habitat. Adding fill material may adversely impact the mudflat habitat by causing changes in circulation, and/or changes in sediment erosion or deposition, and/or changes in the water chemistry.

#### 4. Marine Environment Shading Impacts

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and where feasible, restored. Coastal Act Section 30231 requires that the biological productivity of coastal waters appropriate to maintain optimum populations of marine organisms be maintained. Moreover, Coastal Act Section 30250 requires that new development be located where it will not have cumulative adverse effects on coastal resources. A Coastal Development Permit may be issued if the project can ensure that the uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters. The biological productivity of coastal waters is highly dependent on sunlight for photosynthesis by eelgrass and "lower order" green algae, phytoplankton, and diatoms that form the basis of the marine food chain. As proposed, the project in no way sustains or enhances productivity of coastal waters but in fact reduces overall coastal productivity by filling coastal waters and adds to cumulative adverse impacts on coastal waters.

The proposed deck platform and stairs will result in wetland fill and wetland coverage resulting in adverse effects on marine resources (e.g., shading and habitat displacement) in an area where no current dock exists. The estimated area of impact is approximately 27 square feet (Exhibit #3). As a consequence, there will also be a loss of bay bottom area exposed to adequate sunlight that marine organisms such as phytoplankton, algae, and lower order biological resources need.

Although the coverage of bay surface area habitat associated with this project may seem small compared with the amount of open water surrounding it, it is a concern because of the impacts of the project itself and for cumulative impacts. Alternatives exist, such as shared use deck platform/stairs or accessing their private boats at a marina dock facility.

The Commission limits the installation of shoreline structures for the same reasons that cities do (to preserve open water area and protect views), but also to protect marine resources from other adverse impacts of development in the intertidal and subtidal areas of bays. Decks associated with single-family structures are prohibited in wetland areas in bays in part to minimize shading that causes adverse impacts to marine organisms that depend on sunlight.

Thus, for all the aforementioned reasons, the proposed development is inconsistent with Coastal Act Section 30230, 30233 and 30250 and Newport Beach LUP policies 3.1.4-3 and 3.1.4-5. Therefore, the proposed project must be denied.

**C. LOCAL COASTAL PROGRAM (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with the Chapter 3 policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. In addition, the certified LUP was updated at the October 2009 Coastal Commission Hearing. Since the City only has an LUP, the policies of the LUP are used only as guidance. The following Newport Beach LUP policies relate to development at the subject site: 3.1.4-3, 3.1.4-5, 4.1.4-1, and 4.1.4-3.

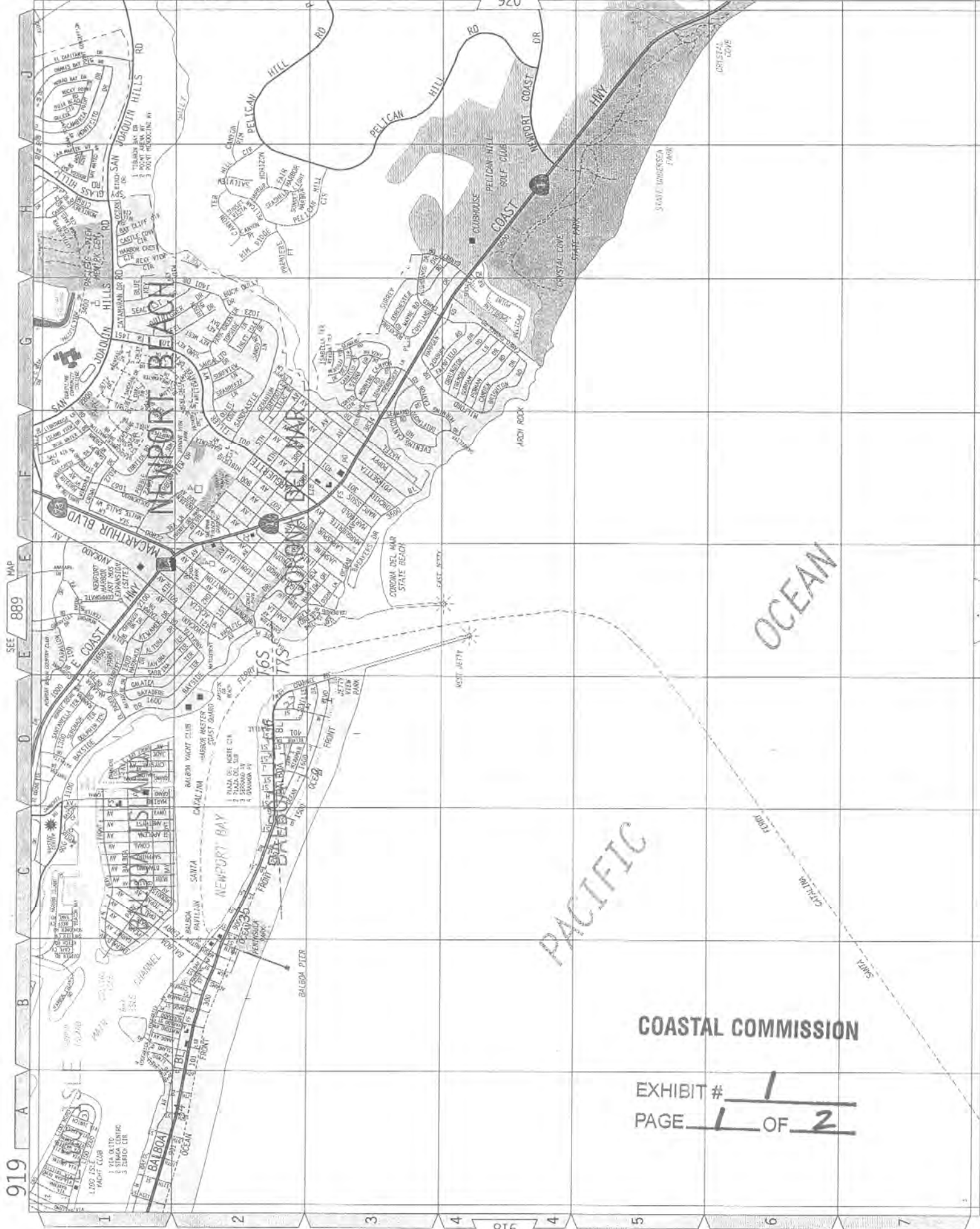
The construction of the proposed project is inconsistent with the policies in the City's certified LUP. The proposed project would result in fill of coastal waters and impacts to marine resources. The proposed development is inconsistent with the policies in the City's certified LUP, as well as the policies in Chapter 3 of the Coastal Act, as indicated above, and would therefore 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). Therefore, the project must be denied as proposed.

**D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The City of Newport Beach Harbor Resources Division is the lead agency and has determined that in accordance with CEQA, the project is Categorically Exempt from Provisions of CEQA for the construction. However, 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.

While the City of Newport Beach Harbor Resources Division found that the development was Categorically Exempt, the Commission, pursuant to its certified regulatory program under CEQA, the Coastal Act, the proposed development would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, such as a shared platform/stair system use of an existing marina or dry boat storage. Therefore, the proposed project is not found consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives to lessen significant adverse environmental impacts and must be denied.





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SEE 889 MAP

SEE 918 MAP

DETAIL

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EXHIBIT # 1  
PAGE 1 OF 2

ORANGE CO.



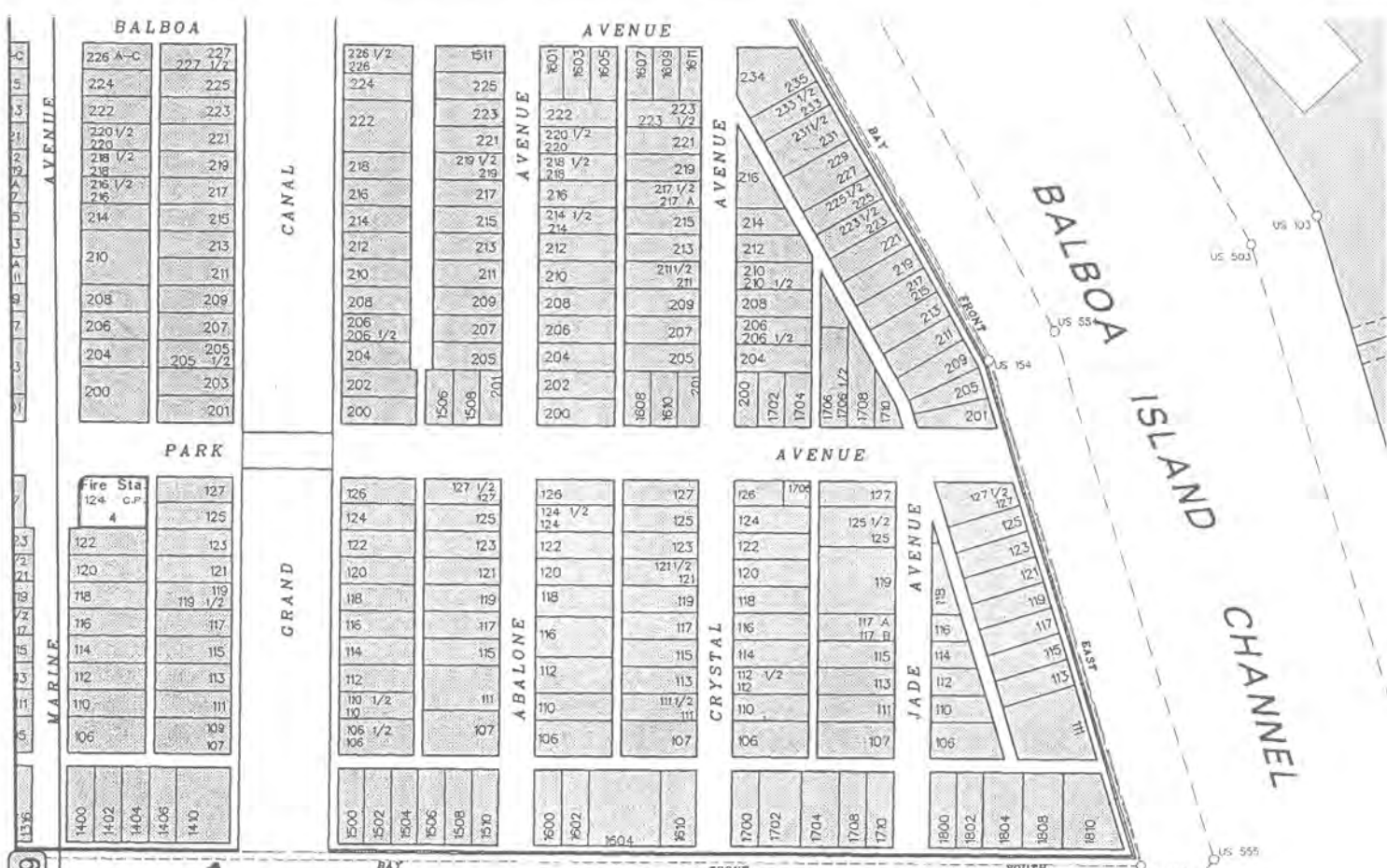
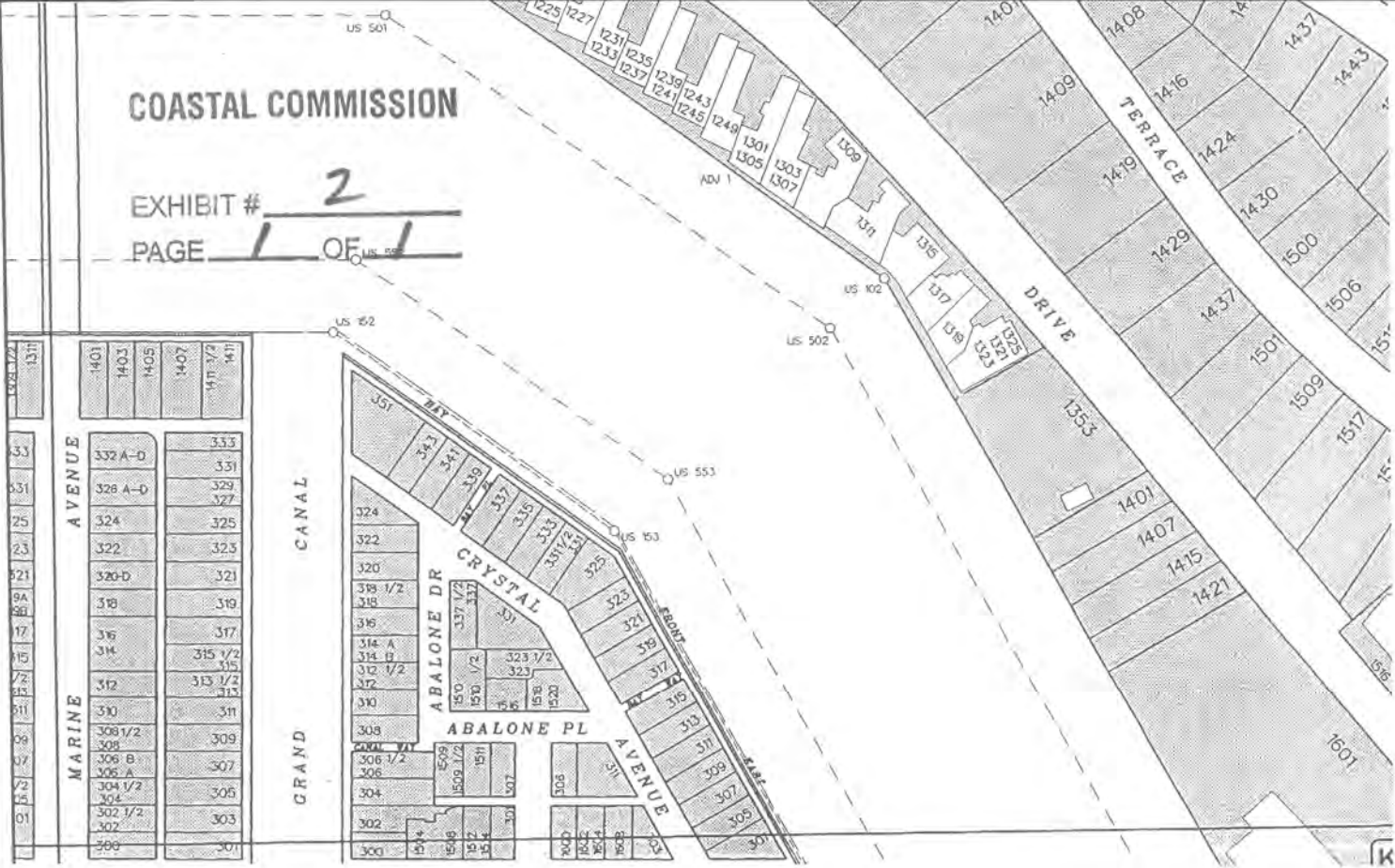
↑  
public sidewalk/walkway

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EXHIBIT # 1  
PAGE 2 OF 2

COASTAL COMMISSION

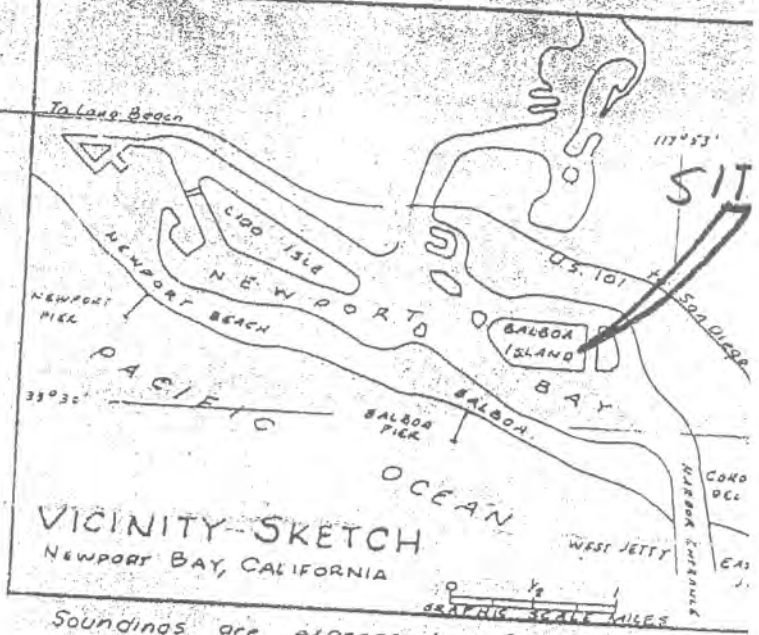
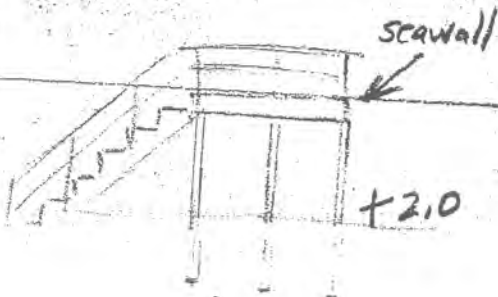
EXHIBIT # 2  
PAGE 1 OF 1



↑  
LITTLE BALBOA ISLAND  
public walkway surrounding the island.



CITY OF NEWPORT BEACH HARBOR APPLICATION NO. \_\_\_\_\_



SOUNDINGS are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor line established in this section of Newport Bay

HARBOR RESOURCES DIV  
CITY OF NEWPORT BEACH  
*Signature* 1/18/11

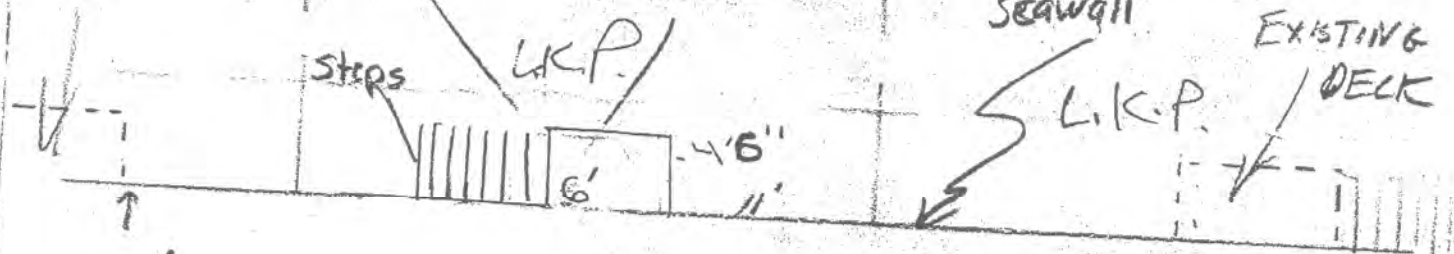
Proposed:           
SQ. FT.         

EXISTING DECK GRAND CANAL

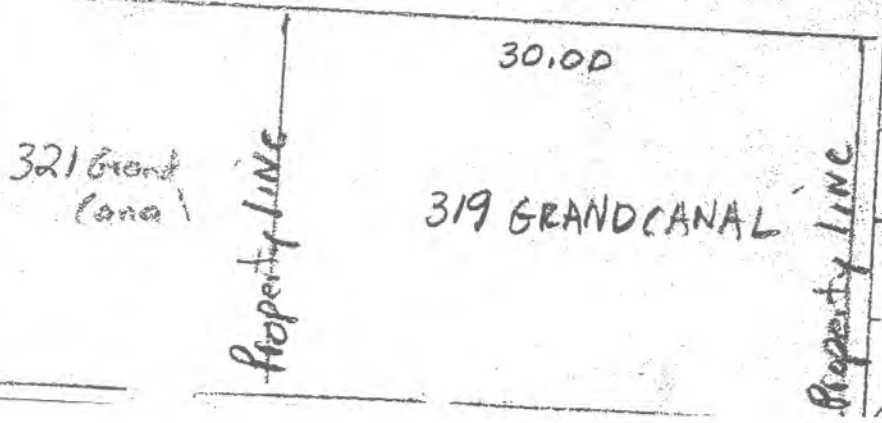
- EEL GRASS INSPECTION**
- Eelgrass within 15' of project
  - Eelgrass within 15 - 30' of project
  - No Eelgrass in project area

*Signature*  
Signature  
11/1/10 DOO  
Inspection Date & Time

Proposed New deck City of Newport  
std. 603L



GRAND CANAL WALK



COASTAL COMMISSION

EXHIBIT # 3  
PAGE 1 OF 1

# City Newport Beach Harbor Permit Policy

H-1

- B. Permits for floating dry docks are issued for one location only. A new permit must be obtained to move a floating dry dock from one location to another location within the harbor.

## PROMONTORY BAY

The following conditions are to be placed on each harbor permit when approved:

- A. That the permittee shall be responsible and maintain the area delineated on the harbor permit free and clear from floating rubbish, debris or litter at all times.
- B. That the permittee shall be responsible for all maintenance dredging, in accordance with the design profile for Promontory Bay, for the area between the bulkhead line and pierhead line as delineated by the harbor permit.

## \* GRAND CANAL \*

- A. The following conditions are to be in effect and placed on each harbor permit for the Grand Canal:
1. That the permittee shall be allowed either one pier platform, or in lieu thereof, two shore mooring type appurtenances per lot. Pier platforms and shore moorings shall be constructed according to "Design Criteria and Standard Drawings for Harbor Construction" adopted by the City of Newport Beach.
  2. That all vessels (maximum length 18 feet) moored in the Grand Canal shall be tied off to pier platform structures or shore moorings. Floating platforms or slips will not be allowed. Vessels tied to the bulkhead or by alternate methods not approved by the Fire and Marine Department shall be prohibited.
  3. That the permittee shall be allowed no more than one vessel per shore mooring.
  4. That any shore mooring approved for the Grand Canal shall display a permit number issued by the Fire and Marine Department.
  5. That each vessel tied to any pier platforms in the Grand Canal be anchored from the stern in such a method as to prevent the vessel from

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EXHIBIT # 4  
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swinging into adjoining vessels or across bayward prolongations of private property lines.

- B. There shall be no permits issued for shore moorings or pier platforms fronting on alleys, avenues or other public easements terminating on the Canal.
- C. There shall be no new permits issued for shore moorings or pier platforms bayward of those lots at the extreme south end and north end of Grand Canal.

#### OCEAN FRONT SAND DUNES

As a result of wind, storm and tidal conditions, sand has built up in specific locations forming sand dunes. These range from a height of a few inches to as much as five feet. This build up can present problems for adjacent property owners in the form of increased pressure on ornamental and retaining walls and interfering with views of the ocean. To resolve these problems, property owners may apply for a Harbor Permit to do excavation of beach sand directly oceanward of their property in the area bounded by the prolongation of their side property lines.

Reaffirmed - January 24, 1994

Amended - June 27, 1994

Amended - June 26, 1995

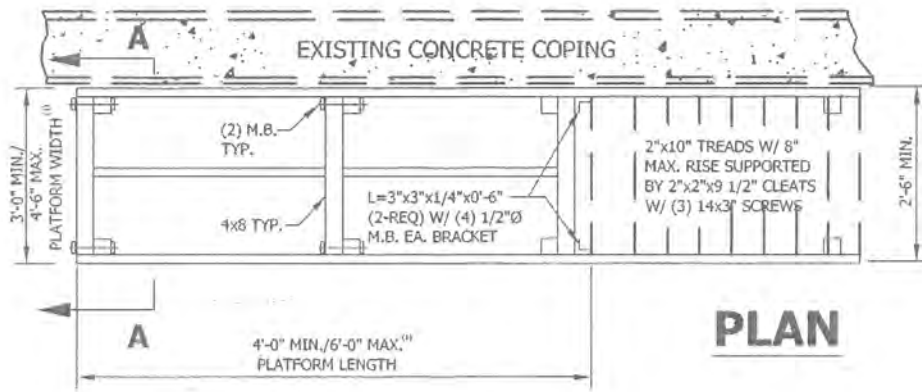
Amended - March 25, 1996

Amended - June 8, 1998 (effective July 22, 1998)

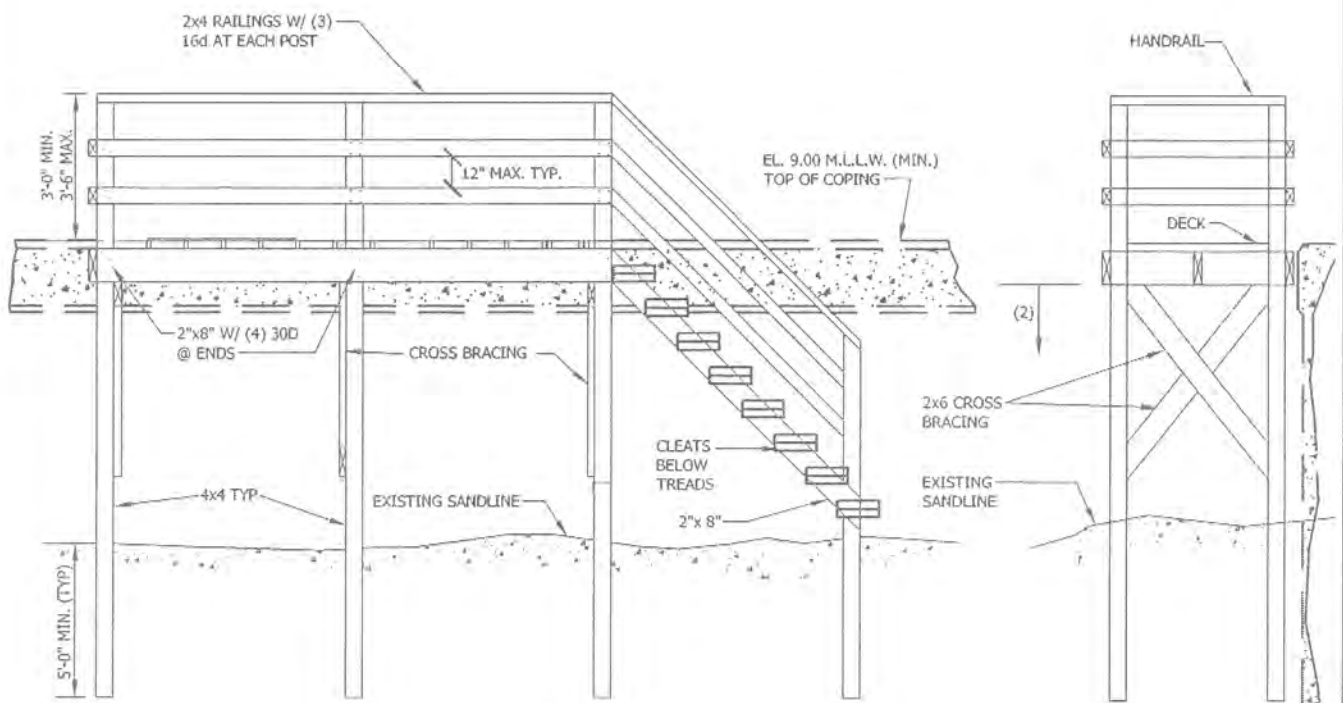
Amended - December 14, 1998

**COASTAL COMMISSION**

EXHIBIT # 4  
PAGE 2 OF 4



**PLAN**



**ELEVATION**

**SECTION A-A**

**NOTES**

1. OVERALL PLATFORM SIZE (NOT INCLUDING STEPS) SHALL NOT BE GREATER THAN 27 SQ. FT.
2. ALL STRUCTURAL PLATFORM SUPPORTING MEMBERS BELOW ELEV 7.5 MLLW SHALL BE SUITABLE FOR MARINE ENVIRONMENT SUBMERSION INTO HARBOR WATERS AS WELL AS SUBTERRANEAN EMBEDMENT INTO THE MUDFLATS. TREATED LUMBER IS NOT ALLOWED FOR THIS SERVICE, UNLESS ENCAPSULATED IN AN IMPERVIOUS MEMBRANE. ALTERNATIVE OR COMPOSITE MATERIALS OR CONSTRUCTION CAN BE SUBMITTED FOR CITY APPROVAL.
3. PLATFORM SHALL NOT BE ANCHORED TO COPING.
4. PRESERVATIVE TREATMENT FOR ALL LUMBER USED ABOVE ELEV 7.5 MLLW SHALL MEET STATE OF CALIFORNIA REQUIREMENTS.
5. ALL METAL CONNECTION PLATES SHALL BE GALVANIZED OR STAINLESS STEEL. ALL FASTENERS (LAG BOLTS, SCREWS AND/OR NAILS) SHALL BE GALVANIZED STEEL, STAINLESS STEEL OR A PRODUCT SPECIFICALLY DESIGNED TO RESIST CORROSION IN THE MARINE ENVIRONMENT, AND APPROVED BY THE CITY.
6. NON-STRUCTURAL MEMBERS MAY BE ALTERNATIVE MATERIALS SUCH AS PLASTIC DIMENSIONAL LUMBER. SUBMIT PRODUCT SPECIFICATIONS TO CITY OF NEWPORT BEACH FOR APPROVAL.

REV. 4/06

CITY OF NEWPORT BEACH  
BUILDING DEPARTMENT

APPROVED

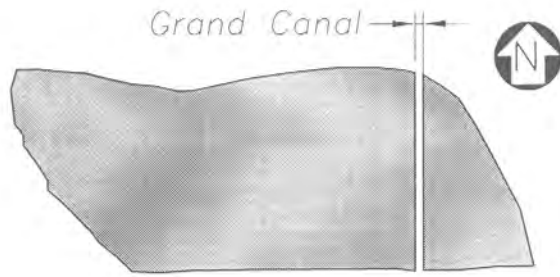
GRAND CANAL  
PLATFORM & STEPS

Drawn: R. OKADA  
Date: JULY 2004

Scale: N.T.S.

DRAWING NO.

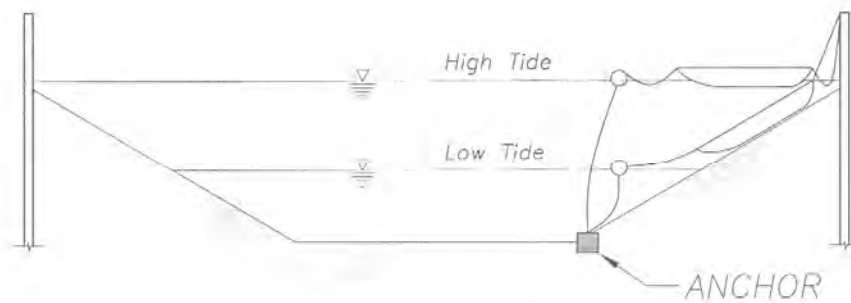
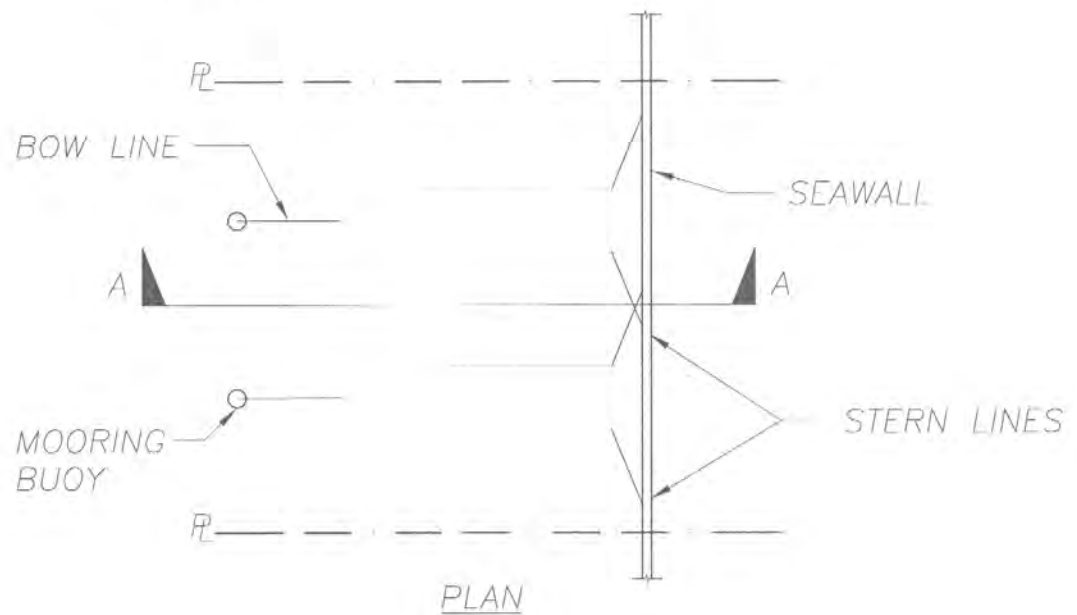
STD-603-L



**Balboa Island  
Vicinity Map**

COASTAL COMMISSION

EXHIBIT # 4  
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**DOCK ARRANGEMENT  
CASE 13  
(Grand Canal Only)**



## Results

No *Caulerpa* spp. were observed (see attached *Caulerpa* Survey Reporting Form). Eelgrass was observed more than 15 feet from the proposed deck site (Figure 3). This eelgrass was in two patches near the existing moored boat. One patch was 1x1 ft, and the other was 4x3 ft.

The bay floor was silty. Flora included filamentous *Ulva*. Fauna observed included schools of juvenile fish. The water depth ranged from +1 ft near the seawall to 6 ft MLLW near the center of the canal.

**Figure 3: Eelgrass observed at 319 Grand Canal, Newport Beach, CA**

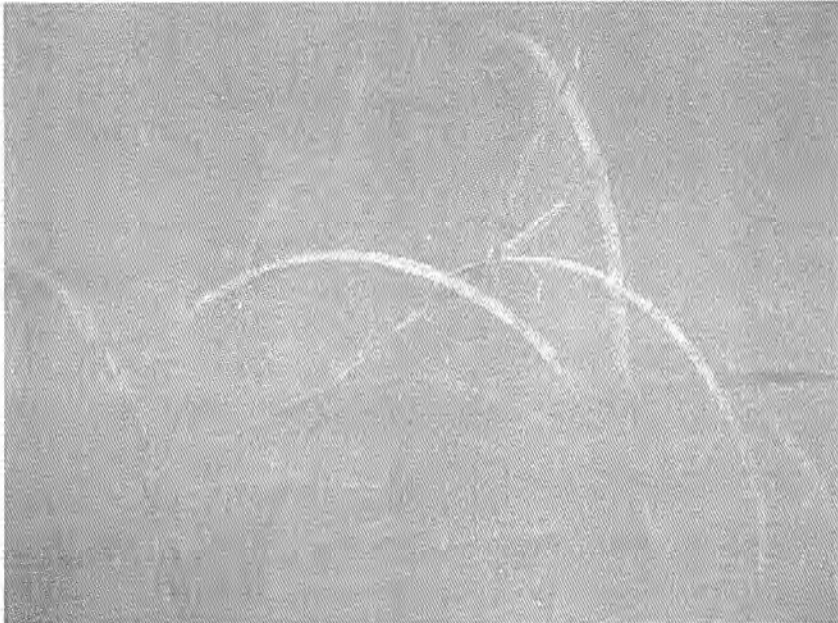


Imagery Date: Nov 15, 2009

lat 33.607819° lon -117.889028° elev

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2726 Shelter Island Dr.  
San Diego CA 92106  
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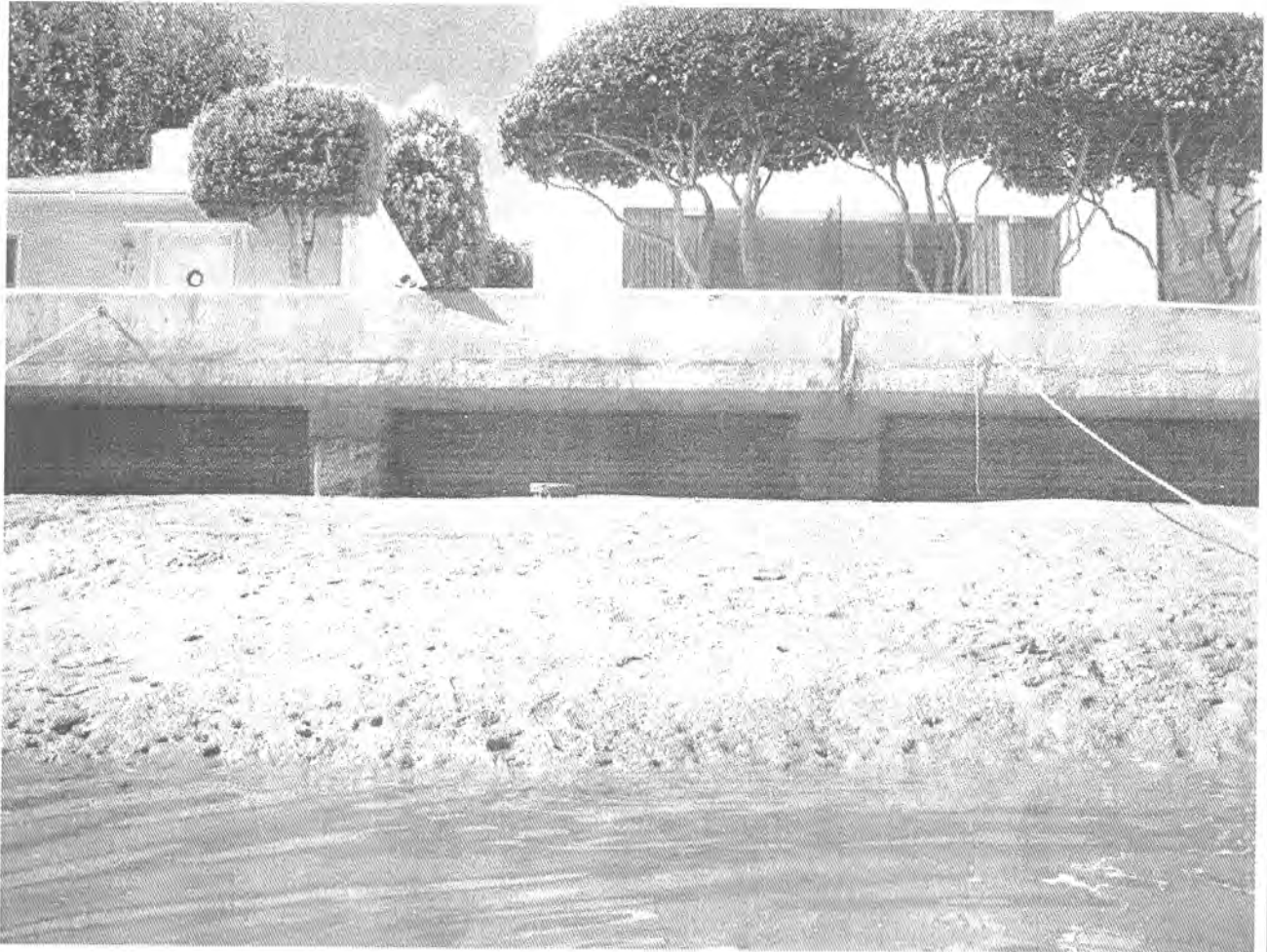
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Site Photos:



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