

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 5-14-1717

Applicant: Lido Group Retail, LLC

Agent: CAA Planning, Attn: Shawna Schaffner

Project Location: 3400 Via Oporto, Newport Beach (Orange County)

Project Description: Relocate and enlarge 3 dock fingers and 3 dinghy berths to open view corridors, increase public access, and protect improvements to the existing sea wall by relocating 3 large charter vessels. Project includes demolishing two 50 foot long fingers and constructing three new 94 foot long fingers with 6 new piles and a new 80 foot long ADA gangway.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Commission staff is recommending **APPROVAL** of the dock reconfiguration project and charter vessel relocation to improve public views and provide safe public dock access. The project site is in Newport Bay, fronting the Lido Village area of Newport Beach that is primarily developed with commercial uses such as restaurants, salons, apparel, and other specialty shops. Lido Group Retail LLC, the applicant, manages the pedestrian-oriented waterfront development in Lido Village immediately adjacent to the project area that includes visitor-serving commercial and retail.

The existing dock layout places the largest vessels at the mid-point of the marina which creates sight line difficulties and creates other operational issues for smaller vessels to navigate into their slips and dingy basins. The dock improvements would consolidate the three slips for larger vessels at the south

end of the marina and move the smaller vessels and dingy berths to the marina mid-point, thereby improving sight lines for smaller vessels. Public views to Newport Bay would be improved by relocating and consolidating the larger vessels into one area. The proposed project will enhance the visual qualities and coastal views in the area. There will be no change in the number of docks or slips, nor any change to the use of such docks.

The existing docks onsite are available for use by the general public by lease, and some are leased to private companies to provide visitor serving public uses (such as charter boats, duffy boats, kayaks, etc.). This is unique in this area because a majority of docks located in Newport Bay are private docks associated with private residences and not available for the general public to use. While no change in use or change in the number of docks or berths is proposed at this time, the applicants are exploring future transient dock uses, to allow the public to use dock space temporarily while visiting the adjacent commercial buildings. **Special Condition 1** ensures that any future changes to the use of the docks will require a permit amendment.

While the enlargement of the docks does contribute to over-water coverage, there will be no change in the total number of docks or slips available and the enlarged dock fingers do not preclude the use of boats of smaller sizes. Thus, a variety of boats of different sizes could continue to use the docks.

No eelgrass or *Caulerpa Taxifolia* has been found at the subject site and no impacts to either are anticipated. However, in order to verify that no impacts to either occur, the Commission has imposed **Special Condition 3**, which requires a new eelgrass survey and identifies the procedures necessary to be completed prior to beginning construction, in case the new survey also expires prior to commencement of construction and **Special Condition 4**, which requires the applicant, prior to commencement of development, to survey the project area for the presence of *Caulerpa Taxifolia*.

To protect water quality during and post construction, conditions have been imposed to minimize impacts to water quality such as Best Management Practices and plans to protect the marine environment (**Special Conditions 2, 5 and 6**).

To ensure that future owners are aware of the special conditions imposed on this project, a deed restriction against the subject site located has been required (**Special Condition 7**). As conditioned, the proposed project will conform with the Chapter 3 policies of the California Coastal Act.

TABLE OF CONTENTS

I.	MOTION AND RESOLUTION	Page 4
II.	STANDARD CONDITIONS	Page 4
III.	SPECIAL CONDITIONS	Page 5
IV.	FINDINGS AND DECLARATIONS	Page 9
	A. DESCRIPTION AND PROJECT LOCATION	Page 9
	B. LOCAL GOVERNMENT AND OTHER APPROVALS	Page 12
	C. RECREATION AND MARINE RESOURCES	Page 12
	D. PUBLIC ACCESS	Page 12
	E. WATER QUALITY	Page 12
	F. DEVELOPMENT AND VISUAL RESOURCES	Page 13
	G. LOCAL COASTAL PROGRAM (LCP)	Page 13
	H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	Page 13

EXHIBITS

- Exhibit No. 1 –Location and project site
- Exhibit No. 2 – Dock Plans
- Exhibit No. 3 – Site Photographs

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-14-1717 pursuant to the staff recommendation.*

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:

The Commission hereby approves a Coastal Development Permit 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 will substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. Future Development. This permit is only for the development described in Coastal Development Permit No. 5-14-1717. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-14-1717. Accordingly, any change in use or intensity of use and any future improvements to the existing uses authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(b) and Title 14 California Code of Regulations Sections 13253(a)-(b), shall require an amendment to Permit No. 5-14-1717 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Construction Best Management Practices.

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

1. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
2. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
3. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
4. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
5. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

1. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;

2. The applicant shall develop and implement spill prevention and control measures;
3. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
4. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

3. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. The survey shall be prepared in full compliance with the “*Southern California Eelgrass Mitigation Policy*” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area, which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

Post-Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required by this special condition, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “*Southern California Eelgrass Mitigation Policy*” Revision 8 (SCEMP) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the SCEMP. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is legally required.

4. **Pre-Construction *Caulerpa Taxifolia* Survey.** 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 “*project*”), 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. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa Taxifolia* survey expires, a new survey is required prior to commencement of work in that area.

The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

- (1) for the review and approval by the Executive Director; and
- (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.

If *Caulerpa Taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa Taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *Caulerpa Taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Construction Responsibilities and Debris Removal. The permittee shall comply with the following construction related requirements:

- A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
- C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.

- G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- J. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. 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 unless the Executive Director determines that no amendment or new permit is legally required.
- K. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- M. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- O. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

6. Best Management Practices (BMPs) Program. By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved boat dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

A. Boat Cleaning and Maintenance Measures:

- 1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
- 2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and
- 3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

B. Solid and Liquid Waste Management Measures:

1. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall not at any time be disposed of in the water or gutter but, rather be disposed of in a manner consistent with state and/or federal regulations.

C. Petroleum Control Management Measures:

1. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
2. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
3. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

IV. FINDINGS AND DECLARATIONS:

A. DESCRIPTION AND PROJECT LOCATION

The proposed project will reconfigure the docks at the site only, and does not include any changes to the adjacent commercial development on land. The project includes demolishing two 50 foot long fingers and constructing three new 94 foot long fingers with 6 new piles, with 36 square feet of fill, and a new 80 foot long ADA gangway. The overwater coverage will increase by 1,390 square feet. The project is designed to enlarge 3 dock fingers and 3 dinghy berths to relocate 3 charter vessels to open view corridors, increase public access, and protect improvements to the existing sea wall by relocating 3 large charter vessels. There will be no change to the number of slips available to the public and no change to the use of the docks (**Exhibit 3**). **Special Condition 1** specifies that any future improvements, including change in use or intensity of use, are required to be reviewed by the Commission.

The new docks will be wood framed construction with wood decking. Floating foam-filled plastic pontoons will be bolted to the underside of the timber framing. All docks will be made offsite and placed in the water at Lido Marina Village and set in place to prevent construction debris from entering the water. **Special Conditions 2 and 5** ensures proper construction BMPs

during the dock construction, and **Special Condition 6** ensures appropriate BMPs will be used for the boats berthed at the site.

The subject site, 3400 Via Oporto, is located north of the intersection of Via Lido and Via Oporto, facing Newport Bay within the City of Newport Beach, Orange County a County (**Exhibit 1**). The subject site is located seaward of Lido Village area of Newport Beach, which is primarily developed with commercial uses including grocery stores, restaurants, salons, home furnishings, apparel, and other specialty shops. The area also includes Lido Marina Village, which is a pedestrian-oriented waterfront development that includes visitor-serving commercial uses, specialty stores, and marine uses. Lido Marina Village includes a parking garage, which provides parking for both land uses and water-related uses in the village.

Because there will be no change in the number of slips and the adjacent site already provides parking, the proposed project will not impact existing on-street public parking spaces used by visitors to the coast. Therefore, the project does not contribute to cumulative impacts on public access. The existing docks provide a varying mix of slip sizes for use by the general public and the proposed project would continue to do that and would not result in a net loss of any public available slips. Therefore, as proposed, the project would continue the overall trend of the area to provide slips of varying sizes and slips available for the general public. If, in the future, if there is a trend towards removal of smaller public available slips, that would raise a concern and would need to be reassessed to determine its impact upon public access. However, as proposed, the project will continue to provide slips of various sizes, provide public recreational opportunities, and will minimize impacts to public boating access.

Public pedestrian access to Newport Bay at the subject site is provided along an existing wooden cantilevered public boardwalk located on the seaward side of the commercial development, immediately adjacent to the project area (**Exhibit 4**). The proposed project will not change the existing public boardwalk. The project does include construction of a new ADA compliant gangway for enhanced public access from the boardwalk to the charter vessels.

The existing commercial buildings lining Via Oporto have breezeways that allow for access from the public sidewalk to the public boardwalk, and also provide views of Newport Bay, in between the commercial buildings. Two of the breezeways onsite are blocked by the current location of the large charter vessels (**Exhibit 4**). Relocating these vessels to the southern side of the Lido Maria Village will enhance public view corridors and provide views of the bay and ocean by “unblocking” the views through the breezeways, with the exception of one.

Placement of the 6 new piles will result in fill of 36 square feet of coastal waters. In order to be consistent with Section 30233 of the Coastal Act, a project that involves filling in open coastal waters must meet a three-prong test. The use must be one of the uses specifically allowed, it must be the least environmentally damaging alternative, and it must provide adequate mitigation to offset any impacts created by the project. This project meets all three.

Increased coverage of coastal waters is a significant concern since it reduces light and decreases the biological productivity of coastal waters and impedes wildlife foraging activities. The existing boat dock system consists of 2,004 square feet and the proposed boat dock system

consists of 3,394 square feet. As proposed, the proposed boat dock system results in approximately 1,390 square feet of increased water coverage.

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and where feasible, restored. A coastal development permit may be issued if the project can ensure that the uses of the marine environment will be carried out in a manner that will sustain the biological productivity of coastal waters. Larger dock structures take up more of the bay's water area and create greater adverse effects on marine resources (e.g., shading and habitat displacement) than the smaller piers and docks that the Commission found to be consistent with the Coastal Act. The project does result in additional water coverage but has been reduced to the least amount possible and continues to provide a varied mix of boat slip sizes available to the public.

An eelgrass survey took place on October 24, 2013 and October 16, 2014 as required by the City of Newport Beach Harbor Resources Division. No eelgrass was found in the project area. As a result, the proposed dock enlargement would not encroach on or result in shading of the existing eelgrass. Eelgrass surveys completed during the active growth phase of eelgrass (typically March through October) are valid for 60-days with the exception of surveys completed in August-October. A survey completed in August - October is valid until the resumption of active growth (i.e., March 1). Existing eelgrass survey may no longer be valid by the time of construction. Therefore, the Commission imposes **Special Condition 3**, which requires a new eelgrass survey and identifies the procedures necessary to be completed prior to beginning construction, in case the new survey also expires prior to commencement of construction. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur (though none are expected), the impacts will be identified and appropriate mitigation required. Therefore, as conditioned, the Commission finds that the proposed development will not result in significant impacts to eelgrass.

A pre-construction *Caulerpa Taxifolia* survey was completed October 24, 2013 and October 16, 2014 as required by the City of Newport Beach Harbor Resources Division and none was found. *Caulerpa Taxifolia* surveys are valid for 90 days and the current survey may not be valid before construction begins. In order to ensure that the proposed project does not cause the dispersal of *Caulerpa Taxifolia*, the Commission imposes **Special Condition 4**, which 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 legally required.

Previous Commission approvals onsite include the Emergency permit G-5-13-0222 for repair of the existing seawall immediately adjacent to the charter vessels, and the follow-up permit for the work preformed, CDP 5-13-1342, which allowed for the reinforcement and stabilization of the base of the existing seawall along a 150-200 foot long section of the wall. The dock changes proposed in this application are designed to protect the repairs made to the seawall by relocating the charter vessels away from the repaired area.

As proposed, the proposed boat dock system minimizes impacts to marine resources and preserves open water area and therefore would not have cumulative adverse impacts upon coastal resources and would be consistent with Sections 30230 and 30231 of the Coastal Act.

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 Coastal Land Use Plan (CLUP) 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 Coastal Land Use Plan may be used for guidance.

B. LOCAL GOVERNMENT AND OTHER APPROVALS. The project has received City of Newport Beach Harbor Resources Division Permit/Approval-in-Concept Harbor Permit No. 124-3400 and Plan Check No. 2153-2014 dated September 30, 2014. The Santa Ana 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.

C. RECREATION AND MARINE RESOURCES. The proposed development is the improvement of a small boat marina which promotes recreational boating and is an encouraged marine related use. The proposed development has been designed to minimize the fill of coastal waters and adequate mitigation has been provided. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. As conditioned, there are no feasible less environmentally damaging alternatives available. Therefore, the Commission finds that the proposed development conforms with Sections 30224, 30230, 30231, and 30233 of the Coastal Act.

D. PUBLIC ACCESS. The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. WATER QUALITY. The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

F. DEVELOPMENT AND VISUAL RESOURCES. As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. The proposed project does not result in any additional adverse visual impacts. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

G. LOCAL COASTAL PROGRAM (LCP). Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Coastal Land Use Plan (CLUP) for the City of Newport Beach was effectively certified on May 19, 1982. The certified CLUP was updated on October 2005 and in October 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified CLUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

PROJECT SITE



PROJECT SITE

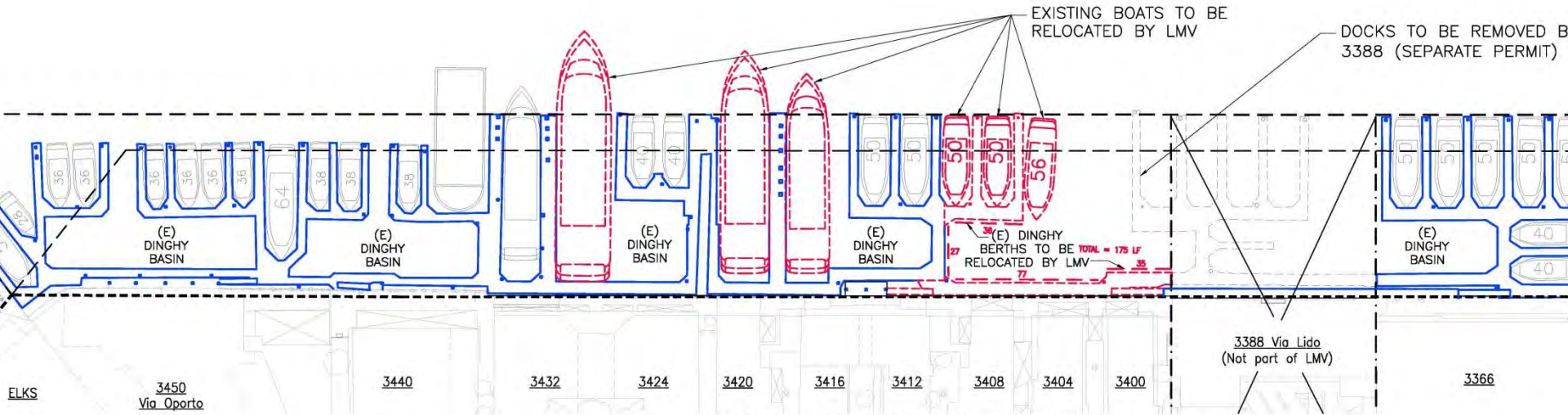


Exhibit 1

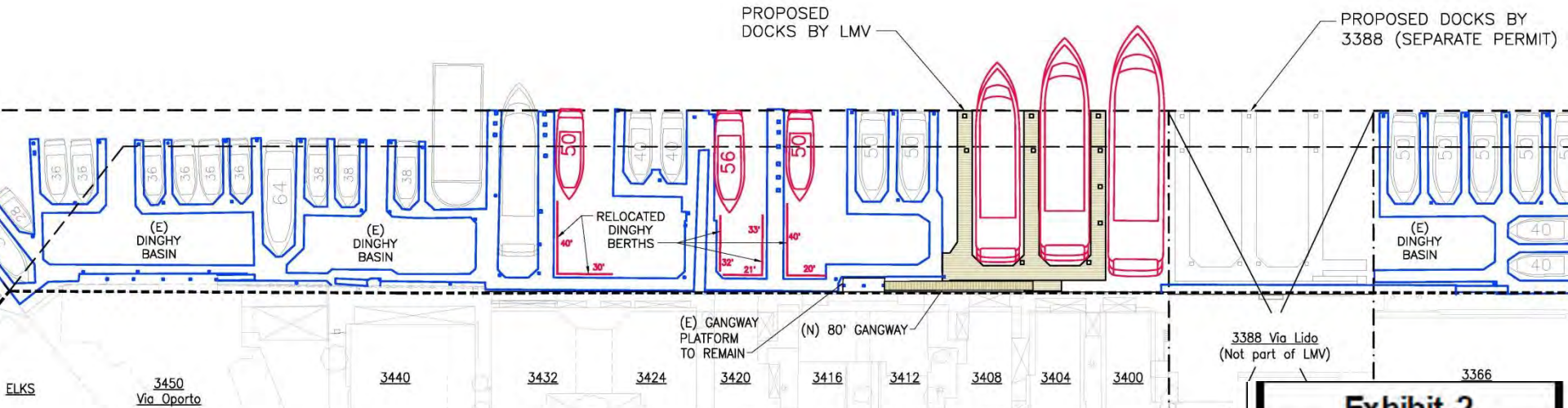


California Coastal
Commission


DOCK PLANS



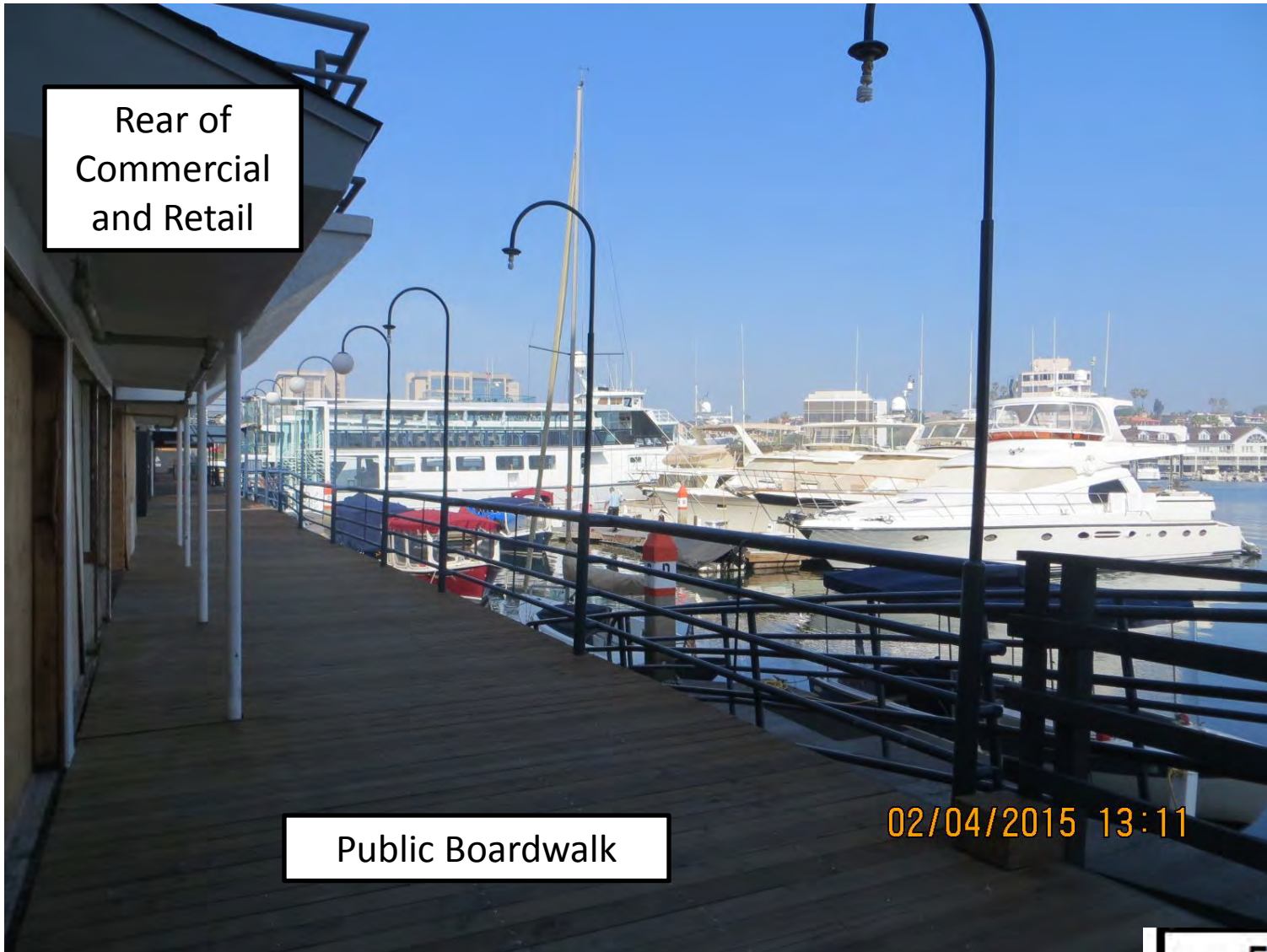
EXISTING DOCK LAYOUT



PROPOSED REPAIR PLAN

Exhibit 2
 California Coastal Commission


Photographs



Rear of
Commercial
and Retail

Public Boardwalk

02/04/2015 13:11


Exhibit 3	
	California Coastal Commission

Photographs



Larger vessels will be located here

02/04/2015 13:14


Exhibit 3	
	California Coastal Commission

Photographs



Public view will be open

Exhibit 3


 California Coastal Commission

Photographs



Public view will remain open

02/04/2015 13:21

Exhibit 3	
	California Coastal Commission