

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 6/4/96
49th Day: 7/23/96
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Staff: MV-LB
Staff Report: 6/6/96
Hearing Date: 7/9-12/96
Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-091

APPLICANT: Portofino Cove Yacht Association

AGENT: Susan Brodeur, Moffatt & Nichol Engineers

PROJECT LOCATION: 16291 Countess Drive, Huntington Beach, Orange County

PROJECT DESCRIPTION:

Reconstruction of storm damaged 40 slip marina. The proposed slips are 45 feet by 16 feet. Forty 18 inch diameter concrete piles will be driven to support the marina.

LOCAL APPROVALS RECEIVED: City of Huntington Beach Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-83-797 (Crocker National Bank); Coastal Development Permit 5-89-500 (Portofino Cove Yacht Association); City of Huntington Beach certified Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project with standard conditions.

STAFF RECOMMENDATION:

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 impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions: None

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to replace a forty slip marina. The subject site is located where the Bolsa Chica channel enters Huntington Harbour. The original marina was destroyed as a result of storm flows from the adjacent Bolsa Chica channel during the rain storms of January 4, 1995. The replacement will be largely in-kind with the exception of four slips which will be reconfigured to reduce hydrodynamic loading. The proposed slips will be 45 feet by 16 feet each. Forty 18 inch diameter reinforced concrete piles will be driven to support the marina. The replacement marina will be within the existing footprint of the original marina; no additional water surface area will be covered. The marina serves residents of the adjacent condominium complex. The original marina project was approved under coastal development permit 5-89-500 (Portofino Cove Yacht Association).

The project is located in the City of Huntington Beach. Huntington Beach has a certified Local Coastal Program. However, the subject site is seaward of the mean high tide line, where, pursuant to Section 30519(b) of the Coastal Act, the Commission retains permit jurisdiction. Consequently, this application is being processed through the Coastal Commission rather than the local government.

B. Recreation

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The proposed project will provide continuation of a water-oriented recreational activity (boating) for the members of the Portofino Cove Yacht Association. Therefore, the Commission finds that the proposed project is consistent with Section 30220 of the Coastal Act which protects and encourages water-oriented recreational activities including recreational boating uses.

C. 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 30231 of the Coastal Act states, in part:

The biological productivity and the quality of coastal waters ... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained.

Both Sections 30230 and 30231 of the Coastal Act have been incorporated into the City's certified LCP. A biological assessment was prepared prior to construction of the marina approved under coastal development permit 5-89-500. The biological assessment did not identify any significant marine habitat within the subject site. Because the proposed project is the replacement of an existing boat slip complex, the project is not expected to have any significant impact on existing marine resources and habitats within Huntington Harbor.

In order to withstand future storm events, the applicant's engineering consultant (Moffatt & Nichol Engineers) is proposing the following modifications to the previous marina design. The number and size of the guide piles have been increased to improve the lateral load capacity. Four slips at the north end of the marina have been re-oriented from perpendicular to

parallel with the flood control channel flow to minimize hydrodynamic loading. The overall footprint of the marina is unchanged. In addition, an evacuation plan for the marina has been developed which will be implemented during storm events. This will reduce the amount of drag force on the dock system. The engineer's assessment prepared for the project states: "The proposed project to replace the marina facilities will not have any adverse impacts on adjacent properties or shoreline processes."

The proposed project is a replacement of the existing marina use at the site. The project will not create significant adverse impacts on marine habitat and will not adversely effect adjacent properties or shoreline processes. Therefore, the Commission finds the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act regarding maintenance of marine resources.

D. Public Access

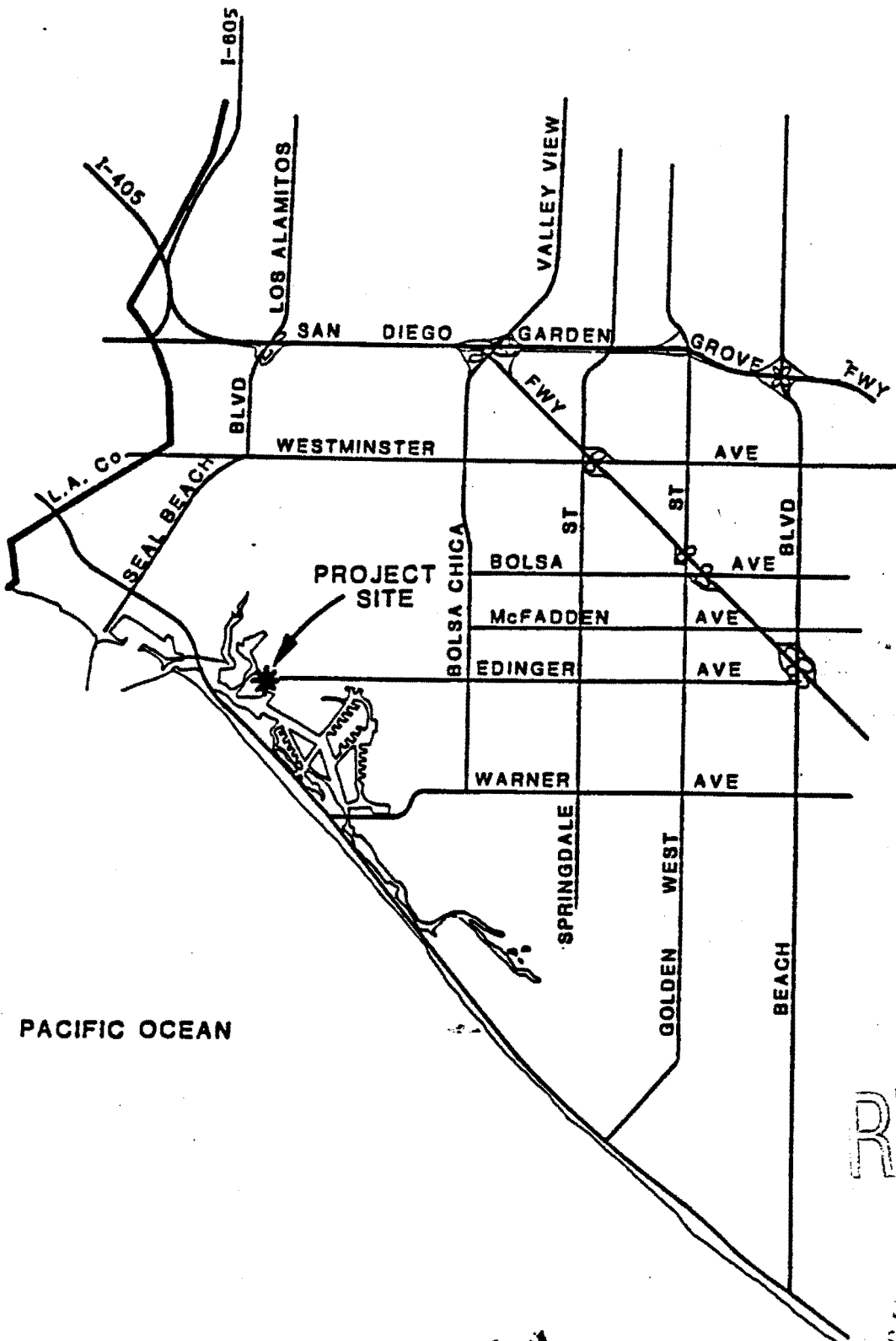
Section 30604(c) of the Coastal Act requires that every coastal development permit for development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Coastal development permit 5-83-797 (Crocker National Bank) approved development including the Portofino Cove condominium complex which is served by the subject marina. As a special condition of that permit the applicant was required to record an offer to dedicate a public walkway adjacent to the bulkhead at the site. The offer to dedicate the lateral accessway was recorded, but has not yet been accepted. Approval of the proposed marina replacement project will not effect existing access conditions at the site. Therefore, the Commission finds that the proposed project is consistent with the public access policies of the Coastal Act.

E. California Environmental Quality Act

Section 13096(a) of the Commission's administrative 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)(i) 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 impact which the activity may have on the environment.

The project consists of replacement of an existing marina. This development will not create adverse impacts to marine habitat, public access, or other coastal resources. The proposed project is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



PACIFIC OCEAN

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5-96-091

VICINITY MAP

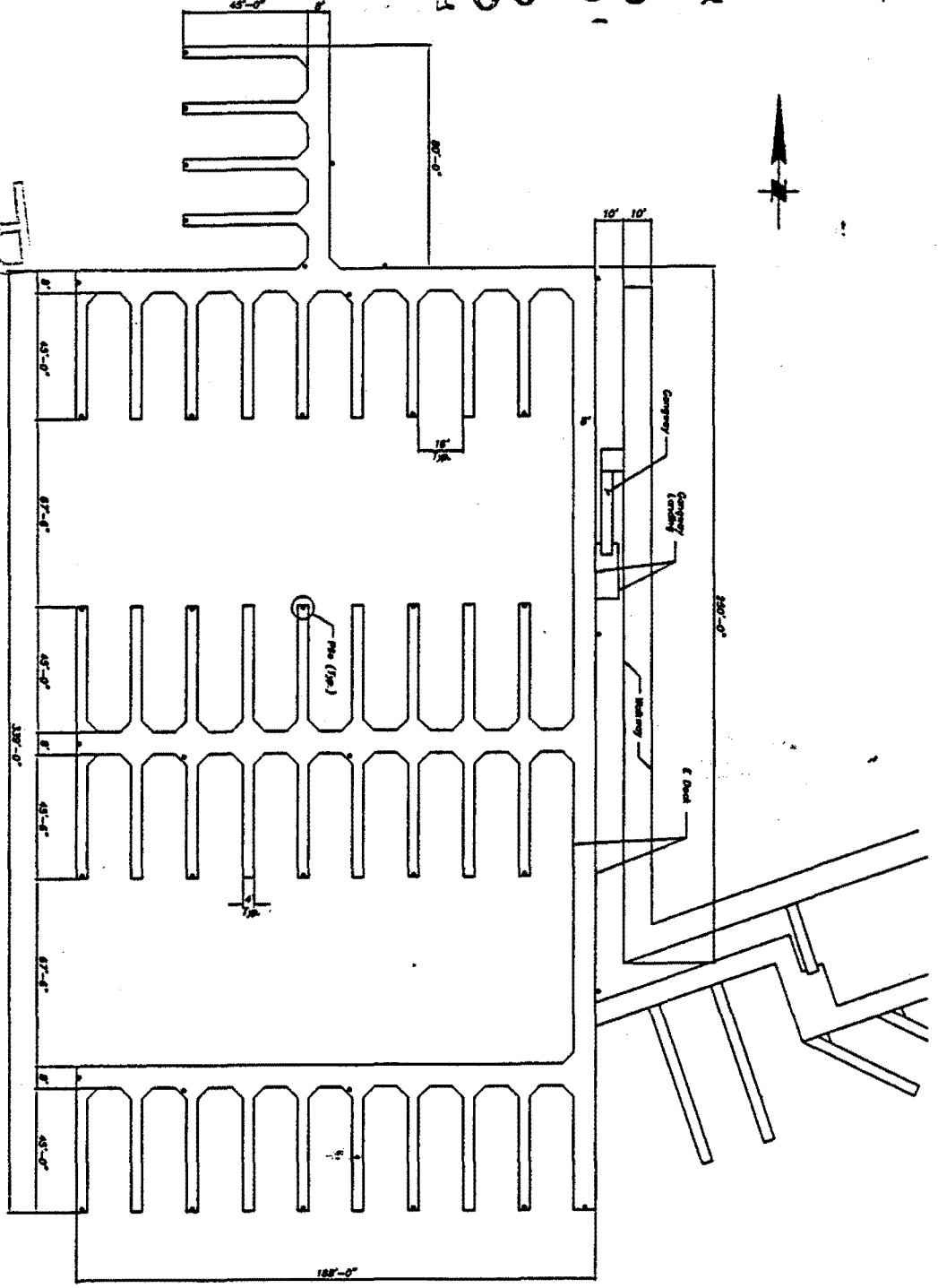
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5-96-091

EXHIBIT # A

PAGE 1 OF 1

5-96-091



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MOPATT & NICHOL
ENGINEERS

PORTOFINO COVE
REPLACEMENT
Previous Layout

Note: Plan shows the dock and pile layout before damage.

COASTAL COMMISSION
PREVIOUS MARINA
LAYOUT
EXHIBIT # C
PAGE 1 OF 1
5-96-091