

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**RECORD PACKET COPY****Tu 9h**

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Staff: MV-LB
Staff Report: 3/29/99
Hearing Date: 4/13-16/99
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER: 5-98-523****APPLICANT: Jim Bridges****AGENT: Pete Swift, Swift Slip****PROJECT LOCATION: 331 E. Bayfront, Balboa Island (Newport Beach), Orange County**

PROJECT DESCRIPTION: Remove and replace existing boat dock including: float, gangway, pier and platform. The float is proposed to be modified from a 10 foot by 20 foot rectangle to a 6 foot by 48-foot rectangle with an 18 square foot lobe at the landward end. The 4 foot wide pier is proposed to be shortened by 23 feet: from 44 feet to 21 feet. An existing 8 foot by 12 foot platform is proposed to be removed and replaced with an 11 foot by 12 foot platform at the base of the shortened pier. The gangway is proposed to be 3 feet by 22 feet. The existing dock extends to the U.S. Pierhead line. The proposed dock would extend 10 feet beyond the U.S. Pierhead line, and would be 10 feet short of the U.S. Project line. The subject site was inspected for eelgrass and none was found.

LOCAL APPROVALS RECEIVED: City of Newport Beach Fire and Marine Department, Marine Environmental Division, Approval in Concept, City Harbor Permit No. 152-331.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the project subject to three special conditions.

The proposed boat dock project includes an 11 by 12-foot deck area (platform). The Commission has recently expressed concern where these structures involve fill of open coastal waters (in the form of pilings) for a non-boating use. In this case, staff is recommending that only pilings necessary to support the boating facility be allowed by recommending a special condition which requires that either: 1) the existing platform be retained in place, or 2) that the proposed platform portion of the project be deleted, or that 3) the proposed project be redesigned so that the relocated platform would not require pilings and no additional piles are required beyond those required to support the 4 foot wide pier. Staff is also recommending two additional special conditions which require 1) removal of construction debris, and 2) identification of the location of the disposal site for construction debris.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan, City of Newport Beach Harbor Permit Policies, Coastal Development Permit 5-98-229 (Close).

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 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. **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

1. Submittal of Revised Plans

Prior to issuance of a coastal development permit, the applicant shall provide for the review and written approval of the Executive Director, revised plans. The revised plans shall reflect one of the three following alternatives:

a. Retain Existing Development

The revised plans shall show the pier and platform as it currently exists. The applicant can conduct repair and maintenance on the pier and platform but shall not relocate and rebuild the platform as proposed.

b. Revised Platform Configuration

The revised plans shall show that the 11 foot by 12 foot platform has been removed and the width revised to be consistent with the width of the 4-foot wide pier walkway.

c. Revised Piling Supports

The revised plans shall show a relocated platform only if the relocated platform would not require pilings and the total number of project pilings does not exceed the number of pilings necessary to support the approved 4 foot wide pier walkway, ramp, and float.

The proposed development shall be constructed in compliance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

Disturbance to the harbor bottom and intertidal areas shall be minimized. The applicant agrees not to store any construction materials, oils or liquid chemicals or other waste where it is subject to wave erosion and dispersion into the harbor waters. The applicant shall remove from the beach, bulkhead and dock area any and all debris resulting from the removal of the existing dock and the construction of the new dock. No mechanized equipment, with the exception of a barge or land-mounted crane, is allowed seaward of the bulkhead at any time.

3. Location of Debris Disposal Site

Prior to the issuance of a coastal development permit, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the proposed disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located within the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to remove and replace an existing boat dock including: float, gangway, pier, and platform. The float is proposed to be modified from a 10 foot by 20 foot rectangle to a 6 foot by 48 foot rectangle with an 18 square foot lobe at the landward end. The pier is proposed to be shortened by 23 feet: from 44 feet to 21 feet, in order to accommodate a larger boat. An existing 8 by 12 foot platform is proposed to be removed and replaced with an 11 by 12 foot platform at the channelward base of the shortened pier. The gangway is proposed to be 3 feet by 22 feet. The existing dock extends to the U.S. Pierhead line. The proposed dock would extend 10 feet beyond the Pierhead line, and would be 10 feet short of the U.S. Project line. The subject site was inspected for eelgrass and none was found. Exhibit C shows the proposed dock configuration and Exhibit E shows the existing dock configuration.

B. Marine Environment

Section 30233 of the Coastal Act states, in pertinent part:

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:

- (4) 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.

The Coastal Act limits the fill of open coastal waters. Section 30233 of the Coastal Act allows fill of open coastal waters, such as Newport Harbor, for recreational boating purposes. The proposed project requires piles, which constitute fill. The piles necessary to support the proposed boat dock (including the pier, gangway and float) are allowable because they are necessary to support a recreational boating use. However, for the reasons described below, the proposed 11 by 12 foot platform is not necessary for the boat dock to function.

The applicant is proposing to extend the float 10 feet channelward and rebuild an enlarged platform area. In order to rebuild the platform and move it landward, the applicant is proposing to remove the platform, extract the pilings, re-insert pilings and reconstruct the platform. Because the existing platform is being removed and reconstructed landward, the proposed platform is analyzed as new development.

Existing private, residential boating facilities in Newport Harbor often consist of a pile-supported pier with platform area, a gangway, and a rectangular or "U" shaped float. The

City's Harbor Permit Policies (HPP) limit the size of the platforms to 10 by 14 feet. Piers are fixed, pile-supported structures which extend from dry land areas to water areas connecting to a gangway which leads to a float. The length of a pier depends on the size of the boat, the amount of draft the boat needs, and the depth of the water. The overall length of a boat dock is limited by the City's Harbor Permit Policies (HPP). The HPP do not allow docks to extend channelward of the adjudicated U.S. Pierhead Line, except in certain specified areas where, due to the bottom configuration and/or the width of the channel, they are allowed to extend to the adjudicated U.S. Project Line.

The piers and gangways are typically 3 to 4 feet wide. The docks or floats vary in size and configuration depending largely upon the type and size of boat to be docked. The majority of boat docks in Newport Harbor have pier-related platforms. Based upon a site visit, review of aerial photos of the harbor, conversations with the Newport Beach Fire and Marine Safety Department staff, and review of prior waivers and coastal development permits, Commission staff confirmed the approval of several platforms. Commission staff observed that while some of the platforms contained lockers, small boats, kayaks, and boating equipment or were empty, others had plastic chairs and tables or benches, flowers, etc. Staff also observed that while some of the platforms were supported by pilings at each corner, other platforms and piers were supported by a single row of "T" shaped pilings.

The dimensions of the proposed platform are 11 by 12 feet. The proposed platform's shortest dimension exceeds that allowed by the City's HPP of 10 by 14 feet. However, a representative of the City's Fire and Marine Safety Department has explained to Commission staff the City's practice regarding this. If an existing platform was previously permitted by the City with an extended dimension, the property owner is permitted by the City to rebuild the platform with the extended dimension, provided the total square footage of the platform does not exceed 140 square feet. In this case, the existing platform's dimensions are 8 by 12 feet. The property owner has been allowed by the City to retain the 12 foot dimension because the total square footage of the proposed platform (11 by 12 feet and 132 square feet) is less than 140 square feet.

The applicant has indicated that the platform has been and will continue to be used for ingress and egress to the float and as a seating area with allowances for boating related storage. Ingress and egress to the float can be accomplished without the platform. As a seating area the platform would serve as an extension of private residential patio area. Fill for private residential patio area is not a use allowed under Section 30233 of the Coastal Act. In addition the City's certified Land Use Plan (LUP) states: "Residential and commercial structures (except piers and docks used exclusively for berthing of vessels) shall not be permitted to encroach beyond the bulkhead line." The proposed platform area would also be inconsistent with this LUP policy.

As proposed, the platform would be constructed with piles at each of the four corners. However, if the dock were constructed without the platform, only two piles would be required for the same length of pier. Therefore, the platform as proposed would result in two pilings being emplaced for a use other than recreational boating (private deck area), inconsistent with Section 30233's specifically enumerated allowable uses. If the project were redesigned, however, such that the relocated platform would not require pilings, then the project could be found consistent with 30233 because fill would not be proposed for a non-allowable use. Two T-piles could be used to support the pier walkway with or without the platform. The use

of T-piles would mean no additional fill (piles) would be necessary to support the proposed platform. Another method of avoiding the placement of unallowable fill would be to eliminate the platform and limit the pier to only the 4 foot width necessary for the walkway. Or, unallowable fill could be avoided if the applicant does not rebuild the existing platform and instead retains the existing 8 by 12 foot platform in its current location. It should be noted that the last option would not achieve the applicant's goal of docking a larger boat at the site.

Under the Coastal Act, fill is allowable under Section 30233(a)(4) for new or expanded boating facilities. As such, the pier walkway providing access from dry land to the float is an expanded boating facility and the pilings necessary to support the float, gangway, and the pier are allowable under the Coastal Act. However, the additional pilings proposed for the relocated platform are not an allowable use under Section 30233 of the Coastal Act. Therefore, staff is recommending a special condition which requires that either: 1) the existing platform be retained in place, or 2) that the proposed platform portion of the project be deleted, or 3) that the proposed project be redesigned so that the relocated platform would not require pilings and no additional piles would be required beyond those required to support the 4 foot wide pier.

The proposed pier and gangway are not aligned along a straight line (see Exhibit C). The gangway is proposed to be offset from the alignment of the pier in order for the proposed dock to accommodate the width of the applicant's boat. As proposed, the gangway location may require a piling at the nearest corner of the proposed platform for structural stability. Consequently, use of the T-piles as described in the third alternative of the special condition above may not be a structurally sound alternative if the proposed pier location is not altered. The gangway could be located in alignment with the pier if the pier were to be located approximately 4 feet to the south. The City's Harbor Permit Policies require boat docks to be set back five feet from the extended property line. The proposed boat dock would be set back 6 feet from the nearest extended property line. The City's Harbor Permit Policies also state, however:

The projection of the property line bayward of the same bearing from the bulkhead shall generally be used in determining the allowable setbacks for piers and floats. Because there are certain physical conditions which preclude the strict application of this policy without prejudice to adjoining properties, Council approval will be required in areas where precise projections of the property line have not been determined and the following conditions exist:

1. Where property lines are not approximately perpendicular to the bulkhead line.
2. Where curves or angles exist in the bulkhead line.
3. Where bridges, topography, street ends or publicly-owned facilities adjoin the property.

Exceptions 1 and 2 apply to the subject site (see Exhibit C). The adjacent property is a wedge shaped lot, and so the property line is not perpendicular to the bulkhead and the bulkhead is curved. Therefore, if necessary, it appears likely that the subject site would qualify for an exemption to the HPP policies 5 foot setback from property lines requirement. Staff notes

that the proposed project includes removal of the existing pier and platform. So relocating the pier a few feet further to the south is a feasible alternative to the project as proposed. This would enable the pier and gangway to be aligned in a straight line if necessary for structural stability.

If any one of these three options of the recommended special condition is pursued, the proposed project would not result in unallowable fill of coastal waters under Section 30233 of the Coastal Act. Therefore, as a condition of approval, the applicant shall submit, for the review and approval of the Executive Director, revised plans indicating that one of the above described options has been incorporated into the design of the project.

Section 30233 also requires that any project which results in fill of open coastal waters also be the least environmentally damaging alternative and provide adequate mitigation. The proposed project meets the first of these requirements because the pilings themselves are self-mitigating in that they provide habitat for marine organisms. The proposed project is the least environmentally damaging alternative in that it has been designed in conformance with the Department of Boating and Waterways Guidelines, and as conditioned, uses only the piles necessary to support recreational boating facilities. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30233(a)(4) of the Coastal Act.

C. Public Access and 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 includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (2) adequate access exists nearby.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Sections 30210, 30211 and 30212 of the Coastal Act require that new development provide maximum public access and recreation, not interfere with the public's right of acquired access, and provide public access from the nearest public roadway to the shoreline and along the coast except under certain circumstances. Public vertical and lateral access does exist in the immediate project vicinity. The subject site is located on Little Balboa Island, which is connected to Balboa Island by a bridge across the Grand Canal. Public access is provided in this area at the streetends and by the public walkway around Balboa Island and Little Balboa Island.

The proposed development consists of reconfiguration of an existing boat dock, including the pier and platform, gangway, and float. The proposed development will not adversely impact existing navigation. The development will not create adverse impacts on coastal access and recreation. The proposed development does not constitute an intensification of use. Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on public access and recreation and is consistent with Section 30212 of the Coastal Act.

In addition, the proposed development, as conditioned, is a recreational boating facility. Recreational boating facilities are an encouraged use under Section 30224 of the Coastal Act. Therefore, the proposed development, as conditioned, is consistent with Section 30224 of the Coastal Act.

D. 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 and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The project site is on the water in Newport Harbor. The applicant is proposing to revise an existing recreational boating facility. The approval from the City of Newport Beach indicates that no eelgrass is present at the site.

The development is located on the water and there is the possibility that materials from demolition or construction may end up in the harbor waters. In order to prevent adverse impacts to marine waters from construction and demolition, special conditions 2 and 3 provide for the safe storage of construction materials and the disposal of demolition end products. Special condition 3 requires the applicant to notify the Executive Director of the location of the disposal site for demolition and construction by-products.

Only as conditioned for appropriate storage of construction materials and equipment, and removal of demolition and construction debris and disposal of the aforementioned debris does the Commission find that the proposed development is consistent with Section 30230 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with 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. Consistency with the California Environmental Quality Act

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 amendment to the coastal development permit, 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 has been conditioned in order to be found consistent with the marine resource protection policies of Sections 30230 and 30233 of the Coastal Act. Mitigation measures, in the form of special conditions requiring: 1) removal of construction debris, 2) mitigation of construction impacts, and 3) the elimination of the proposed fill for non-allowable uses, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



EXHIBIT NO. A
APPLICATION NO.
5-98-523
California Coastal Commission

VICINITY MAP

50-20

1/4" = 60'

5-98-523

ASSESSOR'S MAP
BOOK 50 PAGE 20
COUNTY OF ORANGE

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

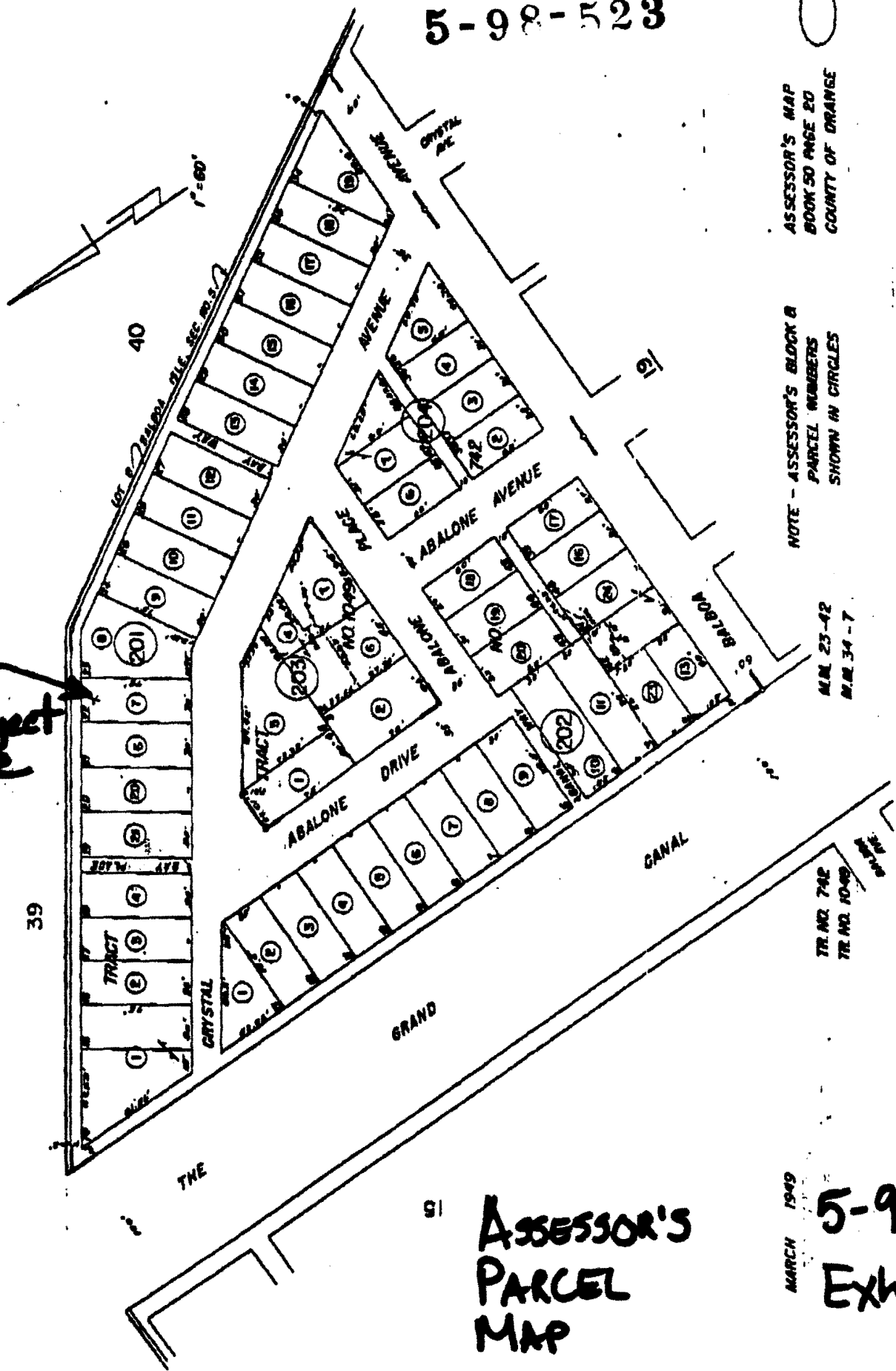
M.M. 23-42
M.M. 34-7

TR. NO. 742
TR. NO. 1049

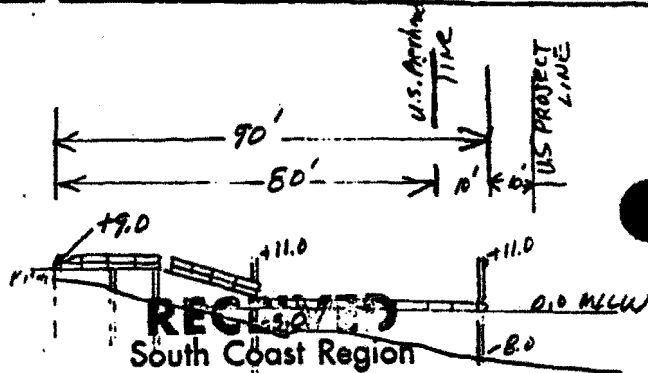
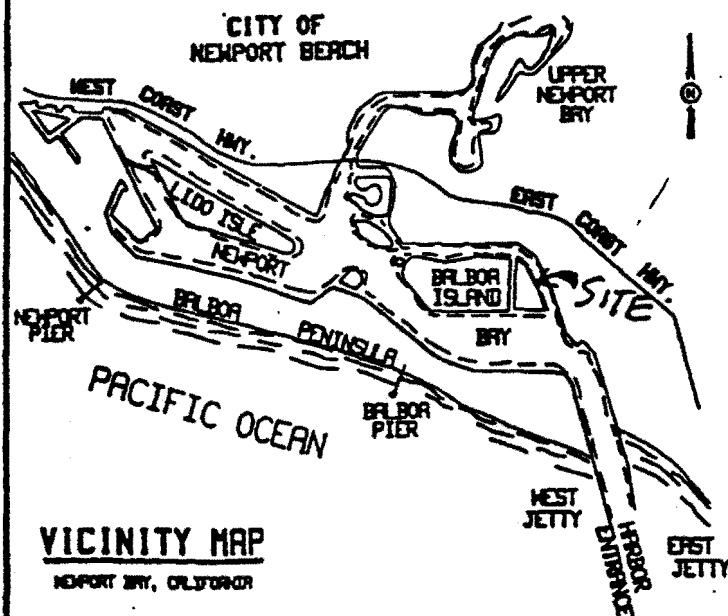
MARCH 1949

5-98-523
Exhibit B

Subject Site



CITY OF NEWPORT BEACH



RECEIVED
South Coast Region

DEC 28 1998

CALIFORNIA
COASTAL COMMISSION

PROFILE 1" = 40'

SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE
ELEVATIONS BASED ON MEAN LOWER LOW WATER.

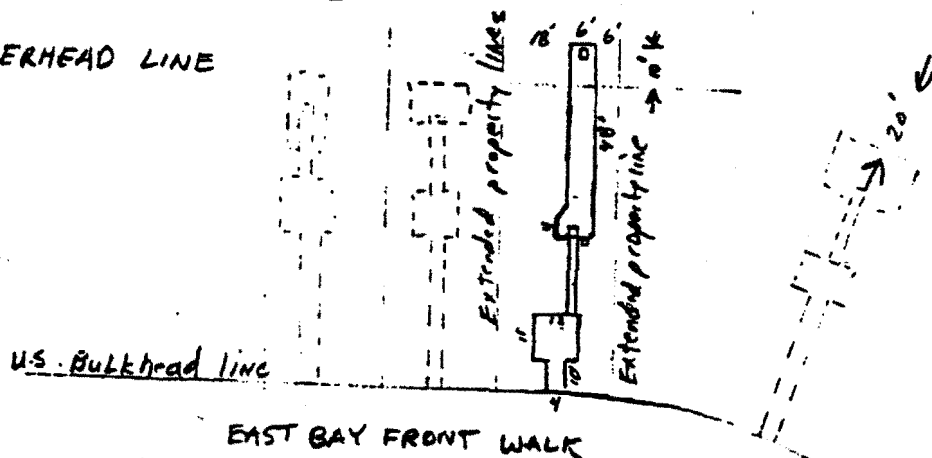
NEWPORT BAY

5-98-523

DOCK EXTENDS PAST
U.S. PIERHEAD LINE
10' PER HARBOR PERMIT
POLICY #23, "V", #5

U.S. PROJECT LINE

U.S. PIERHEAD LINE



FIRE & MARINE DEPT.
CITY OF NEWPORT BEACH

Wm. Bridges
12-4-98

Old structure = 484 sq ft
New structure = 482 sq ft

5-98-523

- EEL GRASS INSPECTION
- ☒ NO EEL GRASS
 - ☐ EEL GRASS IN THE PROJECT AREA

Wm. Bridges
SIGNATURE
PERMIT# 12-4-98

Note: Remove and
replace entire
dock, gangway and
pier.

- * Float will change
from 10x20' to
6x48' with small
lobe (18 sq ft), with
2 - 14" concrete pile
- * Pier will be shortened
23' reusing existing pile
- * Gangway will be

PLAN VIEW 1" = 50'

APPLICANT'S NAME JIM BRIDGES

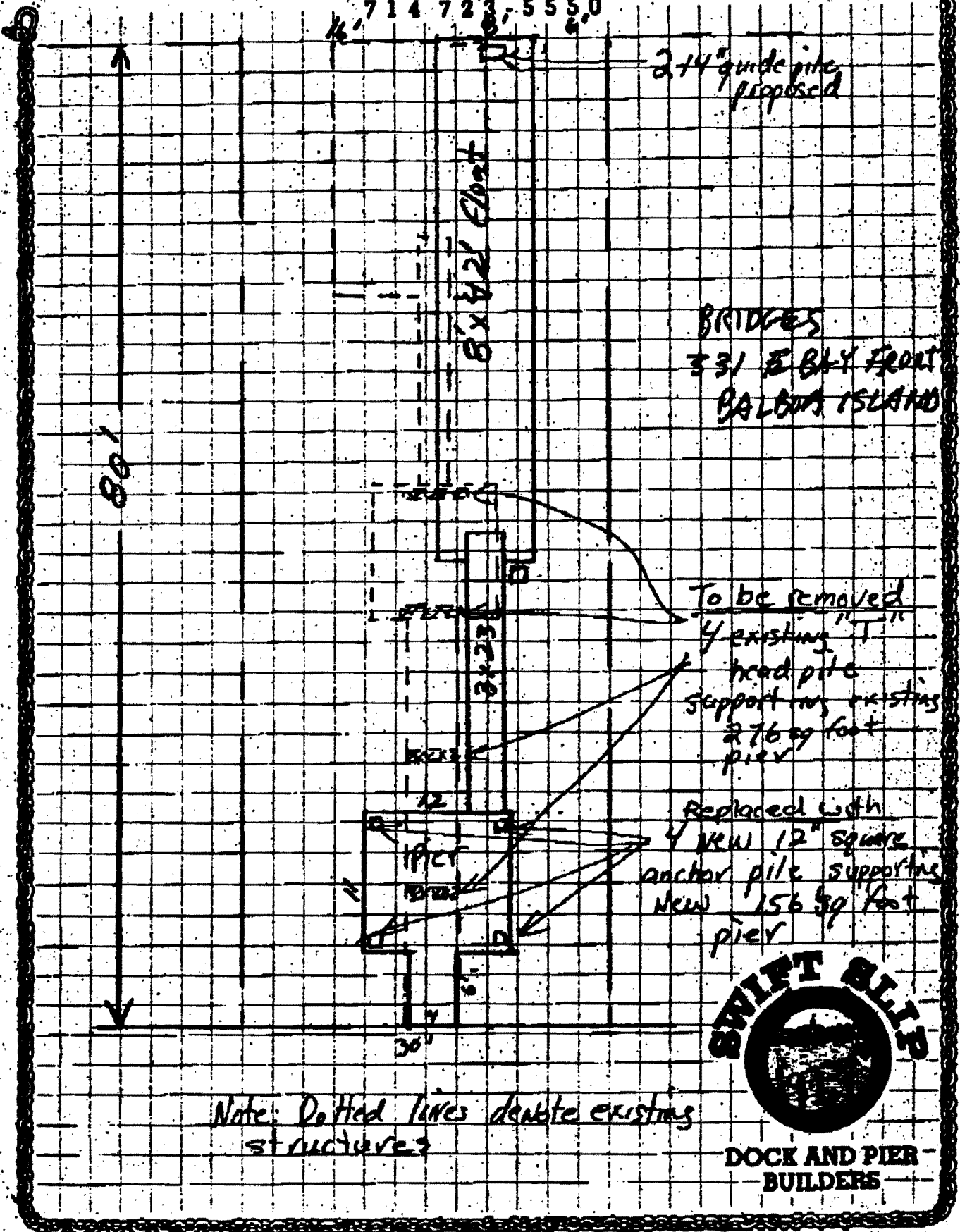
JOB ADDRESS 331 EAST BAY FRONT

DATE 11-17-98

PROPOSED Dock Configuration EX. C

500 30th Street Newport Beach CA 92663

714 723-5550



Proposed
Dock
Configuration

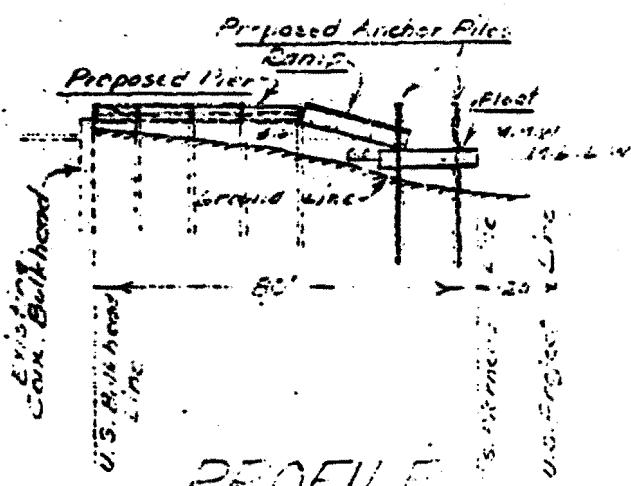
TOTAL P.02

5-98-523

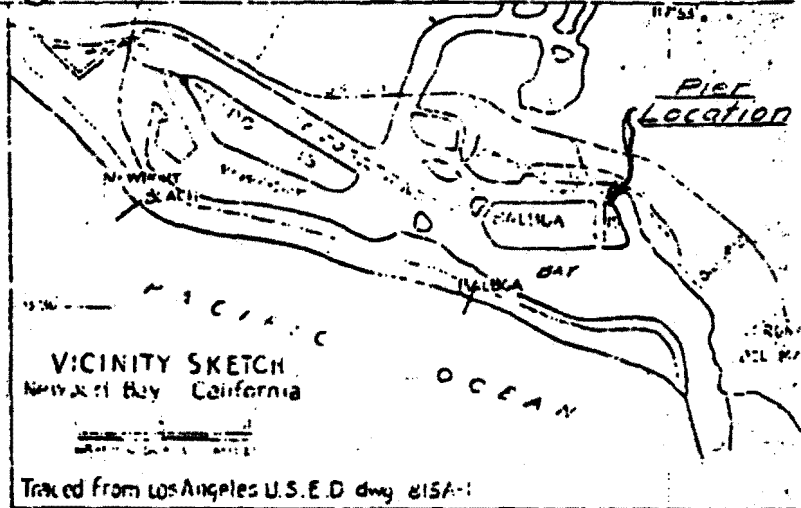
EX. D

5-98-523

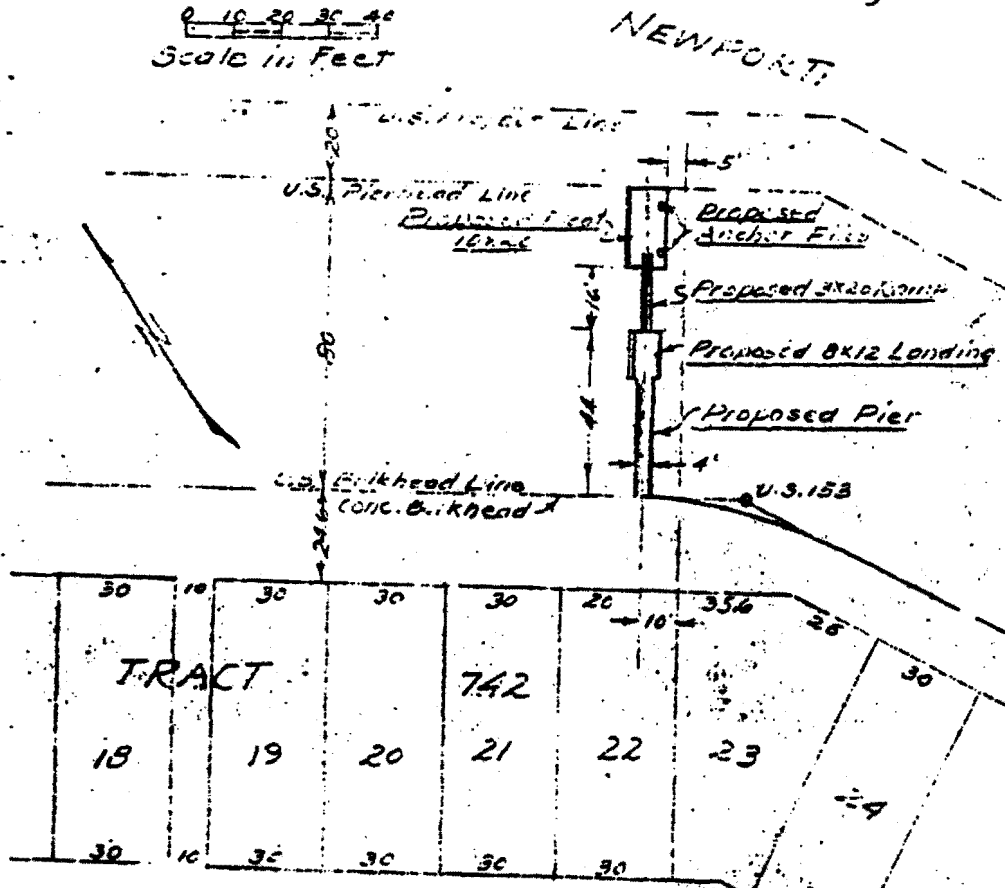
152-33



PROFILE
0 10 20 30 40
Scale in Feet



Soundings are expressed in feet and denote depths below Mean Lower Low Water
Max. range of tide approx. 10ft.



EXISTING PIER,
DOCK AND GANGWAY
224 + 200 + 60
484 ft

Existing Dock Configuration
PLAN
0 10 20 30 40 50
Scale in Feet

Exhibit E

5.98-523

Proposed
Pier and Landing Floor
Newport Bay
Newport Beach, California

Application by: SARA S. PETERSON
331 E. BAY AVE. BALBOA ISLAND
Date: NOVEMBER 28, 1947, CALIF. U.S.



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

February 1, 1999

California Coastal Commission
South Coast Area Office
200 Oceangate, Ste. 1000
Long Beach, CA 90802-4302

Re: Coast Application 5-98-229 (Close)

Dear Coastal Commissioners and Interested Parties:

It is our understanding that an issue has arisen relative to the above permit dealing with the construction of a 10 X 14 foot platform deck structures in conjunction with a residential boating facility. We thought it would be helpful to give the Commission some background on the City of Newport Beach's procedures as regards these types of structures.

Our approval in concept for these structures is based on the City Council Harbor Permit Policies and Standard Drawings. These policies and Standard Drawings were developed in the early 70s to give the City staff direction relative to construction on the waters of Newport Harbor. The majority of the water area within the City of Newport Beach is State property granted to the City of Newport Beach in trust. The original grant was in 1919 and has been revised over the years with the most recent revision in 1978.

City staff has provided the Coastal Commission staff with copies of these standard drawings which allow for the option of constructing a maximum of 10 x 14 foot platform in conjunction with a residential pier and float as indicated on the drawings. This optional 10 x 14 foot platform can have a number of uses relative to boating, such as space for dock boxes, the marshaling of equipment prior to taking it down to the float, termination point for utilities that would be of use on the floats such as water, and electrical outlets.

In the past, the State Lands Commission has indicated that residential use of State Tidelands is an inappropriate use. With that in mind the 10 x 14 foot platform was designed so that its dimensions minimize its

Letter from City
re: boat dock platforms

5-98-523
Exhibit F,

potential for residential use but give the recreational boater some useable area in accessing their vessels over and above a simple walkway.

In cases where a coastal permit is required, we have issued hundreds of approval in concepts approving the 10 x 14 foot structure as allowed by our Harbor Permit Policies and Standard Drawings. A review of the aerial photographs provided the Coastal Commission staff will demonstrate that possibly 95% or more of the structures within Newport Harbor include this 10 x 14 foot pier platform.

These 10 x 14 foot piers can be constructed with either 4 pilings or 2 T head pilings depending on the engineering of the individual pier. In the past the City has left the choice of the positioning of pilings and the number of pilings to the applicant based on either aesthetics or their engineering considerations. Our standard drawings allow for either one as long as they meet the established engineering criteria.

As a side note, we are currently in the application process with the Army Corps of Engineers to renew our 10 year maintenance dredging permit. As part of that renewal we have been requested by the Corps to add dock construction to the general permit. This application has been reviewed by the National Marine Fisheries, the State Department of Fish and Game and the Federal Fish and Wildlife Service. As indicated in the proposed general permit it would authorize the removal and replacement of existing pilings as well as the addition of up to 2 additional pilings without the necessity for an individual or nationwide permit.

I hope this information will be helpful.

Sincerely,



Tony Melum
Deputy Chief Marine Environmental Division