

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(2) 590-5071

Filed: July 5, 2000
49th Day: August 23, 2000
180th Day: January 1, 2001
Staff: KFS-LB *[Signature]*
Staff Report: September 21, 2000
Hearing Date: October 10-13, 2000
Commission Action:



W13e

RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-157

APPLICANTS: Lido Isle Community Association
City of Newport Beach

AGENTS: Shellmaker Inc.
Mel Richley

PROJECT LOCATION: Via Antibes at Via Lido, City of Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing 3,266 square foot residential marina with 16 slips and 10 guide piles and construction of a 4,545 square foot residential marina with 16 slips plus 134 feet of side tie area and 16 guide piles.

SUMMARY OF STAFF RECOMMENDATION:

The proposed project is a boating related facility which will result in the fill of coastal waters (for guide piles) and have impacts upon water quality. Staff recommends **APPROVAL** of the proposed development with three special conditions including: 1) conformance with construction responsibilities and best management practices; 2) identification of a construction debris disposal site; and 3) implementation of a water quality management plan to minimize impacts upon water quality from the operation of a boating facility.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Newport Beach Fire & Marine Dept. #173-201, November 10, 1999

OTHER AGENCY APPROVALS RECEIVED: 1) U.S. Army Corps of Engineers LOP 200001270-SMS; 2) Regional Water Quality Control Board review, November 18, 1999.

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

The staff recommends that the Commission **APPROVE** the permit application subject to special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-00-157 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:

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, is located between the nearest public road and the sea and is in conformity with the public access and public recreation policies of the Coastal Act, 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 construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 of 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

1. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

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

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion.
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- (e) If turbid conditions are generated during construction; a silt curtain shall be utilized to control turbidity;
- (f) Measures shall be taken to ensure that barges do not ground and impact eelgrass sites.
- (g) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (h) Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.

2. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO 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 disposal site of the construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. 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.

3. WATER QUALITY MANAGEMENT/BOAT OWNER MAINTENANCE PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Water Quality Management/Boat Owner Maintenance Plan to ensure the control of adverse impacts to water quality related to long term water-borne berthing of boats at the dock. The applicant or successors in interest shall be responsible for complying with the provisions of the Water Quality Management/Boat Owner Maintenance Plan described herein and approved by the Executive Director.

1. The Plan shall demonstrate that long-term water-borne berthing of boats at this dock shall be managed in a manner which protects water quality and that persons using the dock are made aware of the rules related to boat maintenance and use.

2. The Plan shall include, at a minimum, the following components or measures:

(a) Boat Cleaning Management Measures:

1. Boats shall be removed from the water and cleaned such that debris is captured and properly disposed. In-water boat hull washing shall be prohibited, unless done by hand.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited.
3. Boat owners shall utilize only detergents and cleaning components for washing boats that are phosphate-free and biodegradable, and that amounts used shall be minimized.
4. The use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye is prohibited for the purpose of cleaning the exterior of boats.

(b) Boat owners/operators using the dock shall:

1. Properly dispose of all waste discharge from sewage holding tanks at a public facility accessible to boaters that can handle waste disposal;
2. Properly dispose of all contaminated bilge water at a designated facility with appropriate equipment to dispose of such materials.

(c) The applicant shall provide information about all of the measures in the Plan through a combination of signage, tenant bill inserts and distribution of the Plan to new tenants and each year to repeat tenants. In addition, the Plan shall be attached to all slip rental and/or lease agreements. Also, the applicant shall place a sign, in a conspicuous manner near the dock platform that lists the above water quality management and boat maintenance requirements. The sign shall identify accessible pump-out facilities for the disposal of contaminated bilge water and sewage waste. The sign shall be written and placed in an area where users of the boat dock can clearly read and understand the management and maintenance requirements.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a lease restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection A of this condition. The lease restriction shall include a legal description of the leased site. The lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the

enforceability of the restriction. The lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the City of Newport Beach, as applicant and landowner, shall submit a written agreement, subject to the review and approval of the Executive Director, stating that in the event of termination of the lease of the property that is the subject of Coastal Development Permit 5-00-157, and for so long as the development permitted pursuant to Coastal Development Permit 5-00-157 is in operation, the City will agree (i) to be bound to terms of clause (A) of this condition if it becomes the owner of the possessory interest in such property, and (ii) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of clause (A) of this condition, and to execute and record a lease restriction as set forth in clause (B) of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The existing and proposed marina is located adjacent to and south of the bridge connecting Lido Isle in Newport Bay to the peninsula, located at Via Antibes at Via Lido, City of Newport Beach, Orange County (Exhibits 1 and 2). The existing facility is privately operated and used by the homeowners on Lido Isle and is not open to the general public. This facility is between the first public road and the sea and is in Newport Bay.

The existing and proposed facility is located on tidelands which have been held in title by the City of Newport Beach since September 1928. The subject property has been leased from the City of Newport Beach to the Lido Isle Community Association since 1954. The site was recently re-leased by the City of Newport Beach to the Lido Isle Community Association for another 25 years, the lease is to expire on April 14, 2025. The City of Newport Beach has joined as co-applicant (Exhibit 5).

The applicant is proposing to demolish an existing 16 slip residential boating marina which covers 3,266 square feet of coastal waters (Exhibit 2, page 2). Demolition will include the complete removal of all dock floats, gangways, and 10 existing guide piles. In addition, the applicant is proposing to construct a new 16 slip marina with 134 linear feet of side tie mooring area which covers 4,545 square feet of coastal waters in approximately the same configuration as the existing marina (Exhibit 2, page 1). The new marina will have eleven 26-foot slips and five 36 foot slips (the same as the existing marina). The new marina will require the placement of 16 guide piles in coastal waters. The additional coverage of coastal waters results from widening the five existing 36-foot slips from 14 feet wide to 15 feet wide. In addition, the fingers forming the slips are being widened from the existing 3 foot wide fingers to 3 foot 3 inch wide fingers. Finally, the headwalk is being widened from 4 feet to 6 feet. No dredging is proposed.

Finally, an inspection performed by the City determined that no eelgrass exists in the vicinity of the proposed project.

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 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

1. Water Quality and Construction Impacts

The proposed project is the construction of a 16 slip residential boating marina. In addition, 16 guide piles will be placed in coastal waters. All of this development will occur in lower Newport Bay (Exhibit 1).

In order to assess impacts upon water quality, the proposed project was submitted to the California Regional Water Quality Control Board (RWQCB). The RWQCB determined that if standard dock construction methods and materials are utilized, the project should not adversely impact water quality (Exhibit 3).

Due to the proposed project's location on the water, the proposed work may have adverse impacts upon water quality and the marine environment. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. The applicant's project description submitted with this coastal development permit application did not list the standard dock construction methods and materials and association best management practices, referenced by the RWQCB, which would have no adverse impact upon water quality. The Commission finds that, since construction of the proposed project requires the use of best management practices to minimize impacts upon water quality, the

Commission imposes Special Condition 1 that requires the applicant to utilize best management practices. Such practices include: no local sand, cobbles, or shoreline rocks may be used for construction material; all construction materials and equipment shall be stored landward of the bulkhead, on impervious surfaces only; all construction materials or waste shall be stored in a manner which prevents their movement via runoff, or any other means, into coastal waters; floating booms shall be used to contain debris discharged into coastal waters; non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss; no machinery not essential to project construction may be placed in the intertidal zone at any time, and that any and all construction equipment, materials and debris are removed from upland areas at the conclusion of construction. Since the applicant has not identified a disposal site and in order to prevent impacts to coastal waters, the Commission imposes Special Condition 2, which requires that all construction debris be disposed of at a legal site approved by the Executive Director. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

The Commission finds it necessary to identify the permittee's responsibilities regarding construction and the utilization of best management practices and has conditioned the project accordingly. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230 and 30231 of the Coastal Act.

2. Water Quality Management/Boat Owner Maintenance Plan

The proposed project will allow for 16 boat slips. In addition, the proposed project will provide 134 linear feet of side tie area where boat may be moored. The berthing of boats by the boat dock users could cause adverse impacts to the marine environment. Cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are a major contributor to the degradation of water quality within boating facilities. It is for this reason that the Commission imposes Special Condition 3 that requires the applicant to establish a Water Quality Management/Boat Owner Maintenance Plan. The plan shall include provisions for removal of boats from the water for proper cleaning and disposal of debris, no in-water boat cleaning that is not done by hand, no in-water boat scraping that results in removal of paint from boat hulls, utilizing phosphate-free and bio-degradable detergents and cleaning measures, no detergents or solvents that contain ammonia, sodium hypochloride, chlorinated solvents, petroleum distillates, or lye, and proper disposal of contaminated bilge water and sewage waste. The applicant is also required to install a sign, posted in a conspicuous location near the dock platform, that includes a list of the above water quality and boat maintenance measures. In addition, the applicant is required to provide information about all of the measures in the plan to new tenants and repeat tenants by distribution of inserts in tenant bills and distribution of the plan to new tenants and repeat tenants. In addition, the plan shall be attached to all slip lease agreements when Lido Isle Community Association sub-leases the individual slips.

The subject site has been leased by the City of Newport Beach to the Lido Isle Community Association. The Lido Isle Community Association will, in-turn, individually sub-lease each boat slip to persons wishing to rent the slip. In order to ensure that the terms of Special Condition 3.A. are complied with and to assure that all lessors and lessees are aware of the requirements of Special Condition 3.A., section B of Special Condition 3 requires the recordation of a lease restriction, incorporating all the terms of condition 3.A. Furthermore, in

the event of termination of the lease of the subject site, section C of Special Condition 3 requires the City of Newport Beach to agree to carry out the terms of section 3.A. so long as the development approved by Coastal Development Permit 5-00-157 is in operation. Section C also requires the City of Newport Beach to include a provision in any subsequent lease of such property requiring the lessee to record a lease restriction, subject to the review and approval of the Executive Director of the Coastal Commission, incorporating all of the terms of clause (A) of this condition; and to comply with the requirements of clause (A) of this condition.

Thus, as conditioned, the Commission finds that the proposed project would eliminate significant adverse impacts to water quality. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

3. Fill of Coastal Waters and Loss of Marine Habitat

The proposed project will involve the placement of 16 concrete guide piles in open coastal waters. These dock float guide piles constitute fill of open coastal waters. Under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when several criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging alternative; and (c) feasible mitigation measures to minimize adverse environmental effects must be provided. 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:...

(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 proposed project meets the first criteria because it is the placement of piles for a new expanded boating facility. Fill of open coastal waters for the construction of a new expanded boating facility is an allowable use under Section 30233(a)(4) of the Coastal Act.

Under Section 30233, the proposed project must be the least environmentally damaging alternative. Alternatives to the proposed project include no project, replacement of the dock in precisely the same configuration, or a change to the existing configuration.

Under the no project alternative, the applicant could only pursue simple maintenance activity. However, simple maintenance could not feasibly repair the docks, nor bring them up to present engineering and safety standards. Simple maintenance would only prolong the condition of the existing dock. While the rate of deterioration would be reduced, further deterioration of the docks would not be fully abated. In addition, marine habitat would not significantly benefit from the no project alternative because, despite all maintenance efforts,

the docks would continue to deteriorate resulting in the discharge of the deteriorated structure into coastal waters and the marine environment. Furthermore, safe use of the facility for marine recreational purposes would be precluded without replacement of the dock system. Therefore, the dock system must be replaced.

The second alternative, replacement of the project in the same configuration would not reduce the number of pilings required. The proposed project is approximately the same configuration as the existing marina. However, modern engineering standards require a larger number of pilings. Therefore, even if the marina were demolished and reconstructed in the exactly the same configuration, the number of proposed pilings required would not change.

The proposed project will result in replacement of the existing dock with a new dock system that is enlarged (due to new engineering and safety standards) but which is basically in the same configuration as the existing dock. Under the proposed alternative, the dock and guide piling layout is changing from the existing layout. However, the number of proposed pilings is the minimum necessary to adhere to present engineering standards. Furthermore, it should be noted that the installation of the new pilings will result in temporary disturbance to the existing vertical substrate. The guide pilings provide a vertical substrate for mollusks and other marine organisms. However, the proposed project will replace and increase the quantity of vertical substrate upon which mollusks and other marine organisms may settle. Therefore, no long-term impact will occur to this habitat. Also, the new dock would not significantly change the shadow or shading pattern cast by the docks. In addition, since there is no eelgrass in the project area, there is no sensitive subsurface vegetation which could be adversely affected by changes to the shading pattern of the docks. Therefore, the proposed project is the least environmentally damaging, feasible alternative.

The proposed project will result in the fill of open coastal waters for a boating facility, which is an allowable use under Section 30233 of the Coastal Act. In addition, the proposed project is the least environmentally damaging alternative, and does provide feasible mitigation measures. Therefore, the Commission finds the proposed project is consistent with Section 30233 of the Coastal Act.

C. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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, ...*

The proposed project is located seaward of the first public road within coastal waters. The subject site contains an existing residential marina that has been leased from the City of Newport Beach to the Lido Isle Community Association since 1954. The City recently renewed the lease, extending the lease to April 14, 2025. The existing and proposed marina is a private facility which is and will continue to be leased to the homeowners on Lido Isle.

Public access exists nearby along the Lido bridge which connects Lido Isle to Balboa Peninsula and the Lido Village area of Newport Beach. In addition, vertical access is available on Lido Isle at the end of Via Antibes approximately 500 feet north of the project site. Therefore, public access to the waterfront is available and the proposed project would not impede such access. Therefore, the Commission finds the proposed project is consistent with the public access policies of Chapter 3 of the Coastal Act.

D. Views

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Public views of Newport Bay exist along the bridge leading out to Lido Isle as well as from various street ends in the vicinity such as the end of 32nd Street which is across the project site on the other side of the West Lido Channel. The proposed project will be visible from these vantage points available to the public. The proposed project will be expanding the amount of covered water from 3,266 square feet to 4,545 square feet, an additional approximately 1,300 square feet.

A member of the public has submitted a letter which states that the proposed project will have adverse impacts upon public views (see Exhibits 6 and 7 for the letter and the applicants response to the letter). Specifically, the letter states that the expanded area of covered water will be visible to the public and will have adverse impacts upon views of open coastal waters. However, the subject public views are those of a developed harbor. Boat docks, gangways, boats, and other marine recreational facilities surround the project site. The additional 1,300 square feet of coastal waters to be covered by the proposed project is not occurring in a single area (i.e. it is not forming a continuous cover of a large area of coastal waters not previously covered). Rather, the additional areas covered are a result of modifications to widths of the dock floats which is occurring over the entire length of the facilities being constructed. The effect of the change upon public views is minimal because such changes are occurring over a large area. In addition, the changes are occurring in a developed harbor area where a person viewing the harbor would expect to see structures related to boating purposes. The proposed structures would be consistent with other boating related structures in the vicinity. Accordingly, the proposed project is consistent with the character of the surrounding area.

Therefore, the Commission finds that the proposed project is consistent with character of surrounding area and would not have any adverse impacts upon public views to and along the

shoreline. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

E. Land Use Plan

Section 30604 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 permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program which conforms with the Chapter 3 policies of the Coastal Act.

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

F. California Environmental Quality Act

Section 13096(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)(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 project is located in an existing harbor in an urbanized area. Development already exists on the subject site. The project site does not contain any known sensitive marine resources; therefore, the impacts arising from the proposed project will be minimal. In addition, the proposed development has been conditioned, as follows: to restrict the placement of construction materials and use of on-site resources as construction material in order to prevent impacts to soft bottom habitat; to require the identification of the proposed debris disposal site to prevent the disposal of materials in a location which would have adverse impacts on the marine environment such as the displacement of soft bottom habitat and turbidity in the water column from siltation and debris; and to implement best management practices to avoid adverse impacts upon water quality. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA .

31 A B C D E F 31
SEE 27 MAP



ORANGE CO

CALIFORNIA
COASTAL COMMISSION

5-00-157

RECEIVED
South Coast Region

APR 27 2000

PACIFIC OCEAN
COASTAL COMMISSION
5-00-157

SITE

SEE 30 MAP

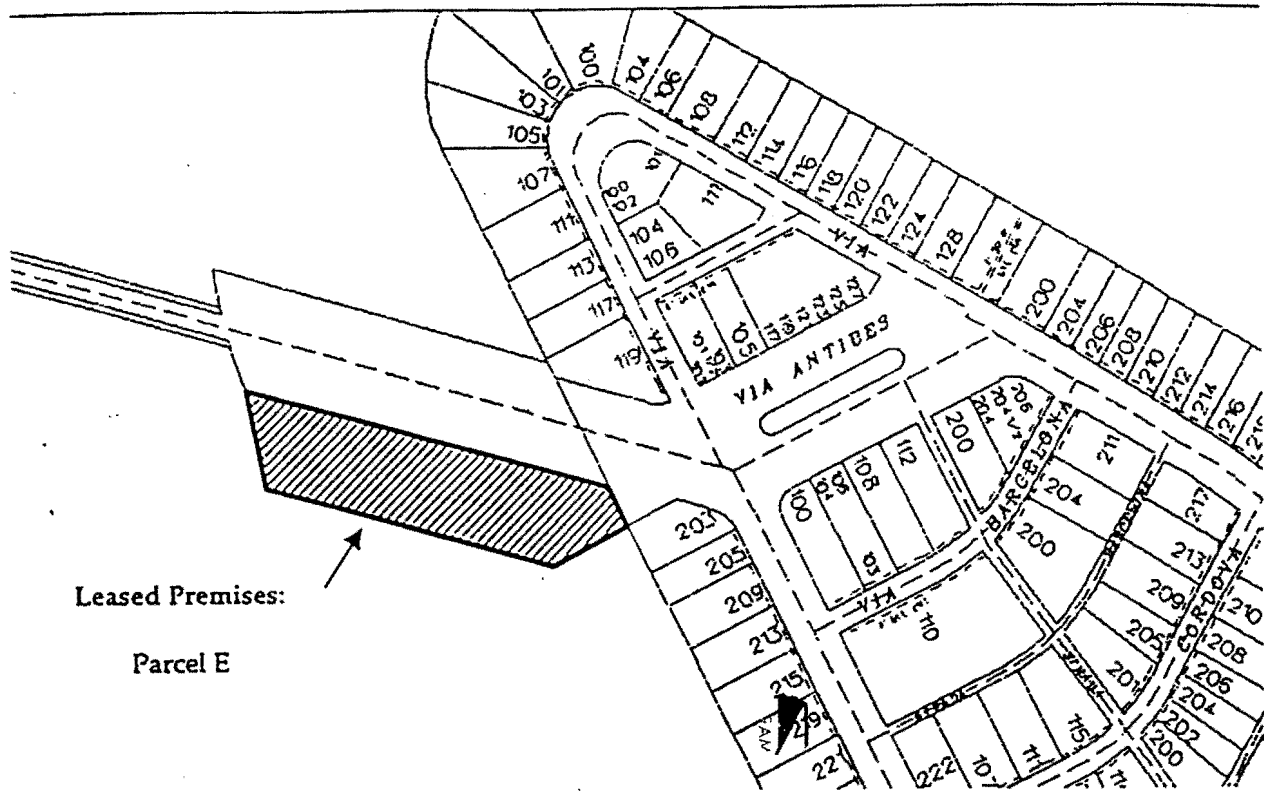
SEE 32 MAP

PAGE 1

OF 2

SEE 33

Exhibit B
Depiction (MAP) of Leased Premises
ANTIBES MARINA



Leased Premises:

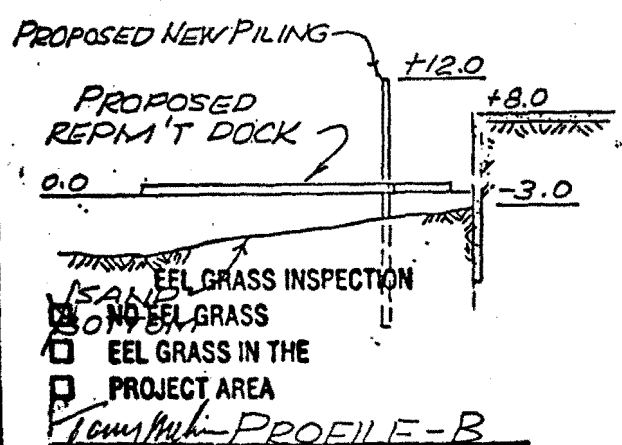
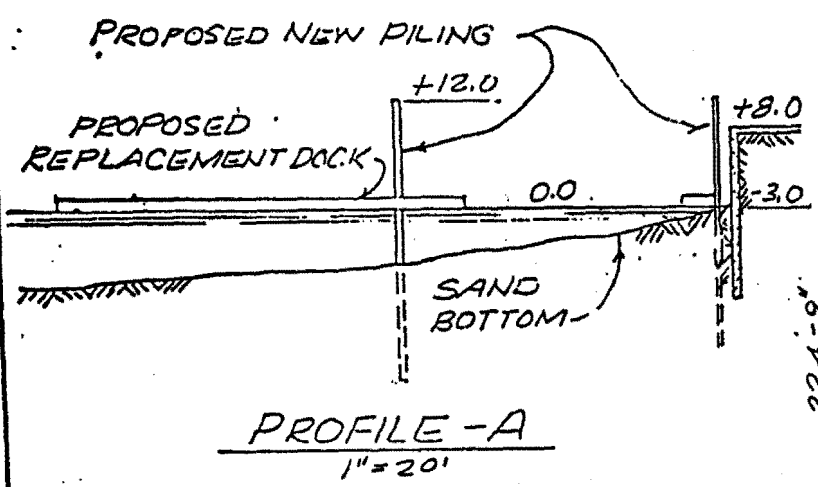
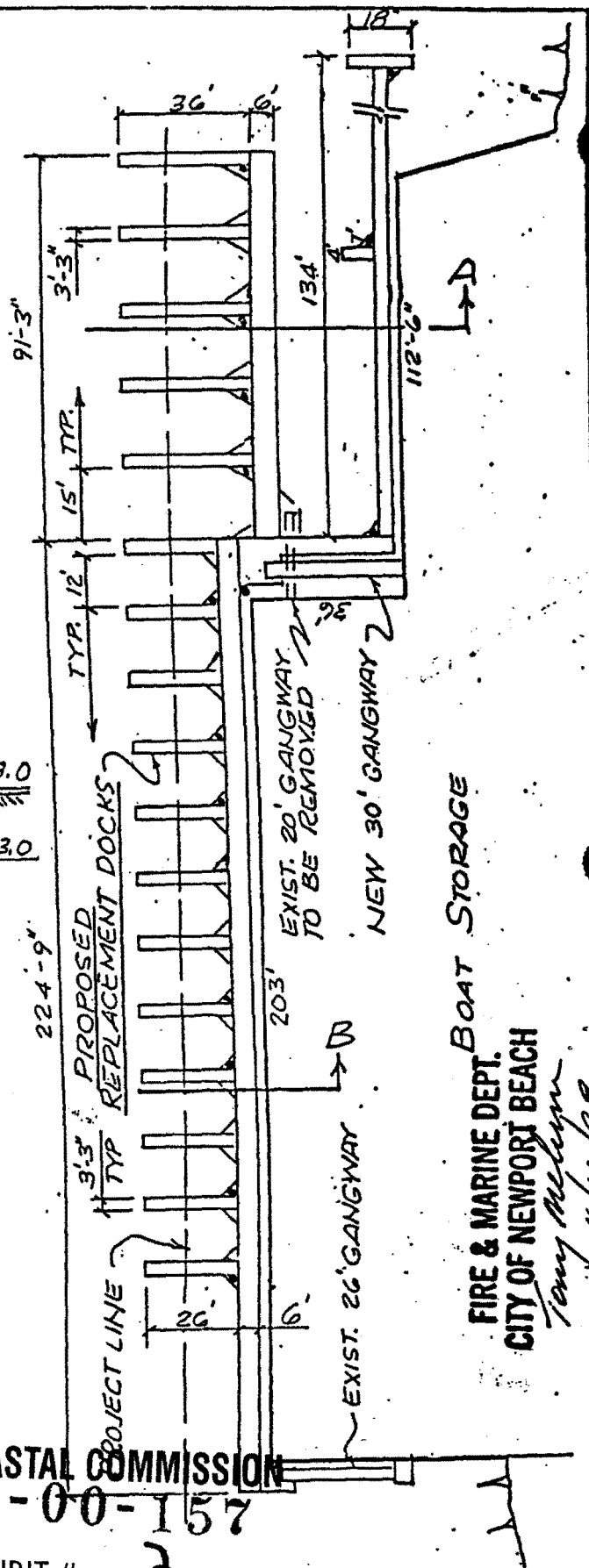
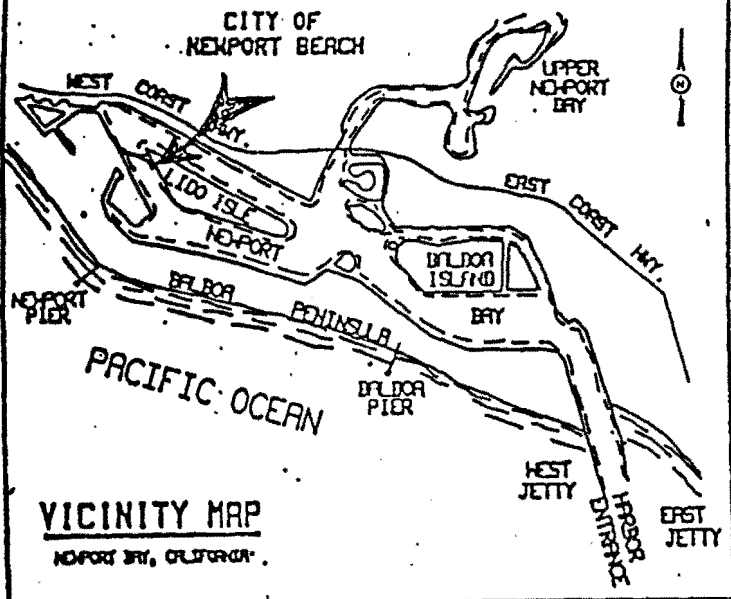
Parcel E

COASTAL COMMISSION
5-00-157

EXHIBIT # 1

PAGE 2 OF 2

CITY OF NEWPORT BEACH



- SAND
- EEL GRASS INSPECTION
- NO EEL GRASS
- EEL GRASS IN THE PROJECT AREA

Tony Melum
SIGNATURE
113-201 PERMIT #
11/10/99 DATE

COASTAL COMMISSION
5-00-157

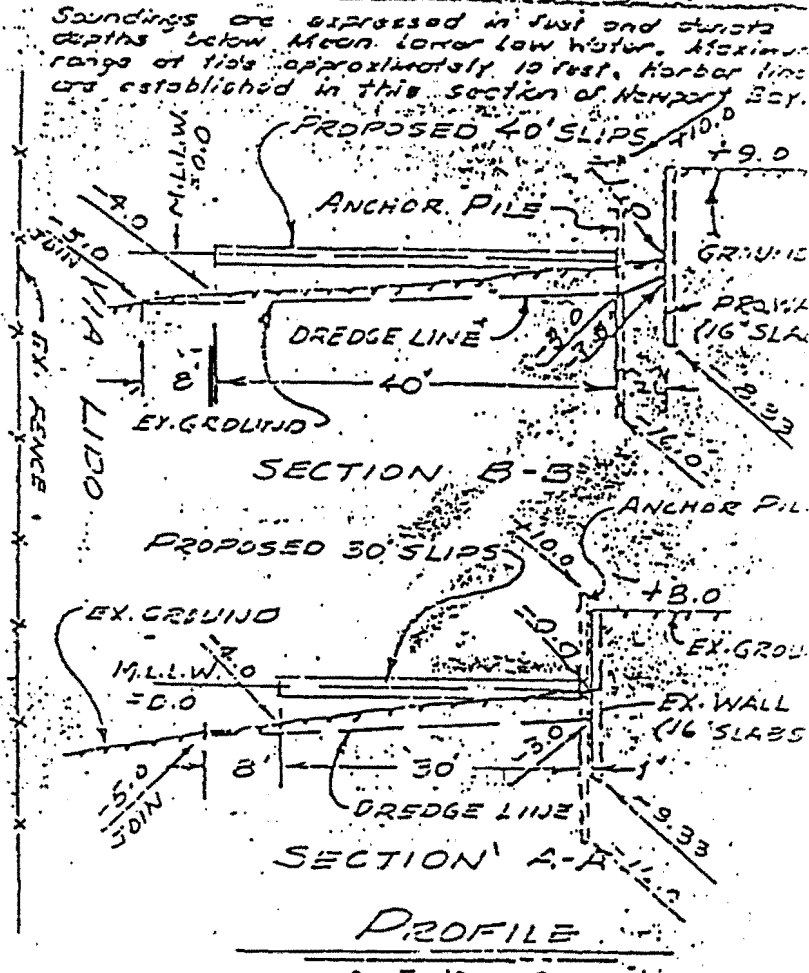
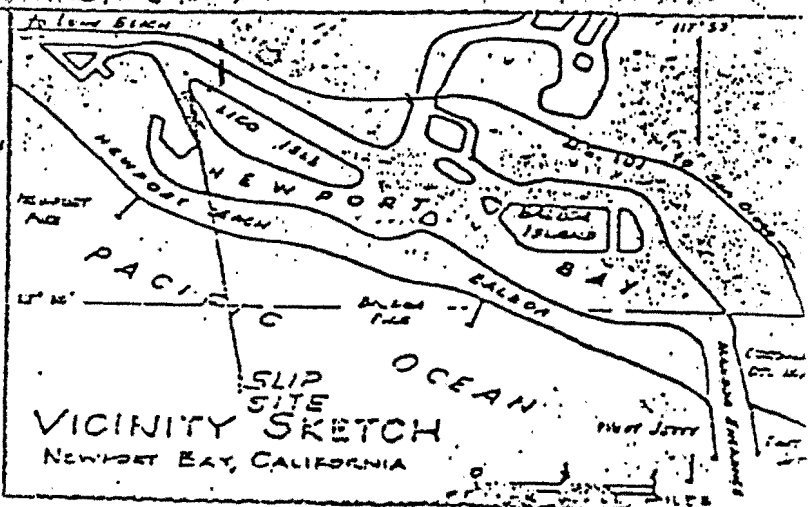
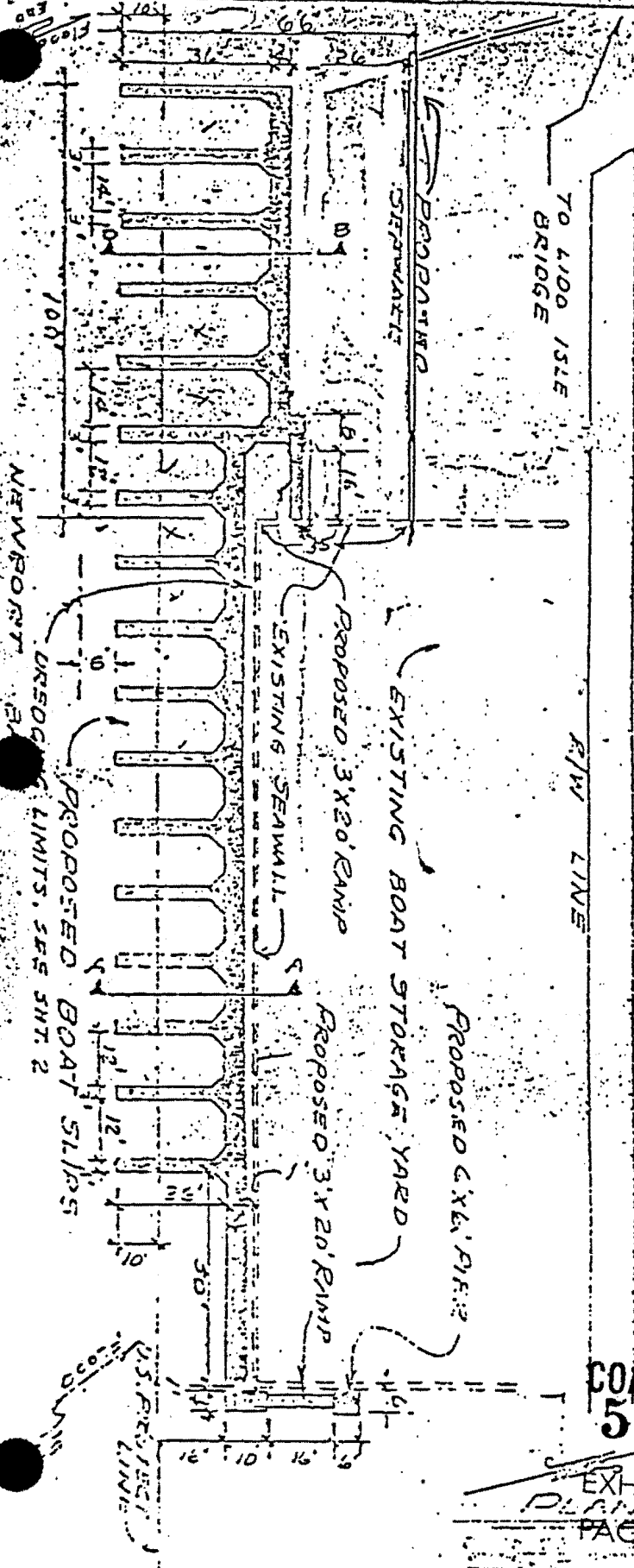
EXHIBIT # 2
PAGE 1 OF 2 PLAN VIEW 1" = 40'

FIRE & MARINE DEPT.
 CITY OF NEWPORT BEACH
Tony Melum
 11/10/99

Proposed Marina

173-201

EXISTING CONFIGURATION



GRAPHIC SCALE IN FEET

COASTAL COMMISSION 5-00-157

EXHIBIT # 2 PLAN PAGE 2 OF 2

PROPOSED BOAT SLIPS NEWPORT BAY APPLIC: JUDGE COMM. ASSC 701 WA LIDE CYLE NEWPORT BAY

EXISTING MARINA



**California Regional Water Quality Control Board
Santa Ana Region**



Gray Davis
Governor

Winston Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
3737 Main Street, Suite 500, Riverside, California 92501-3339
Phone (909) 782-4130 • FAX (909) 781-6288

RECEIVED
South Coast Region

November 18, 1999

5-00-157

APR 27 2000

CALIFORNIA
COASTAL COMMISSION

Lisa E. Miller
Shellmaker, Inc.
875 B West Street
Newport Beach, CA 92663

**PROPOSED REBUILDING OF COMMUNITY ASSOCIATION MARINA AT VIA
ANTIBES AT THE ENTRANCE OF LIDO ISLE, NEWPORT BEACH, ORANGE
COUNTY**

Dear Ms. Miller:

If standard dock construction methods and materials are utilized, this project should not adversely impact water quality. A statement has been submitted that there will be no waste discharged from the proposed project. Based on these assurances, clearance is provided.

However, should the Army Corps of Engineers determine that this project requires a Section 404 permit, it will be necessary for the project proponent to obtain from this Board a Water Quality Certification under Section 401 of the Clean Water Act.

Should you have any questions, please contact Jawed Shami at (909) 782-3288.

Sincerely,

Gary D. Stewart, Chief
Regulations

- cc: California Coastal Commission, Long Beach
- Army Corps of Engineers - Bruce Henderson
- City of Newport Beach, Marine Department - Tony Mellum
- City of Newport Beach, Building Department - Faysid Jurdi

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COASTAL COMMISSION

5-00-157

EXHIBIT # 3

PAGE 1 OF 1



**US Army Corps
of Engineers.**
LOS ANGELES DISTRICT

LOP FACSIMILE TRANSMITTAL

U.S. Army Corps of Engineers
Los Angeles District, CESPL-CO-R
P.O. Box 2711
Los Angeles, CA 90053-2325

Contact:
Name: Susan M. Sturges
Phone: (213) 452-3418
FAX: (213) 452-4196
Email: ssturges@spl.usace.army.mil

DATE INITIATED: July 5, 2000 Please review the LOP materials and provide substantive site-specific comments to the District on or before July 20, 2000. If no comments are received by this date, the District assumes compliance with 33 CFR Part 325.2(e)(1).

AGENCY	FAX Number	Attn:
CCC	(415) 904-5400	James Raives / Mark Delaplaine
CDFG, San Diego	(858) 467-4299	Marilyn Fluharty
RWQCB	(909) 781-6288	Linda Garcia
NMFS	(562) 980-4092	Bob Hoffman
U.S. Coast Guard	(562) 980-4427	Lt. Rob Coller
U.S. EPA, W-3-3	(415) 744-1078	Aaron Setran / Rebecca Tuden
U.S. FWS, Carlsbad	(760) 431-9624	Jim Bartel

LOP NUMBER: 200001270-SMS
APPLICANT NAME: Lido Isle Community Association
WATERWAY NAME: Newport Bay

LOCATION: The proposed work would be done just seaward of 701 Via Lido Soud, City of Newport Beach, Orange County, California (see attached).

BRIEF DESCRIPTION OF WORK: The applicant proposes to rebuild an existing marina with a slightly modified configuration. Present marina measures 3,266 square feet of coverage of Waters of the United States, while the proposed modified marina will measure 4,545 square feet. The headwalk will be widened from four feet to six feet. Applicant also proposes to add 134 feet of side tie inshore of the five 36-foot slips. The present floats rub against the bond beam at high tide and the new floats are planned two feet bayward of the existing to make space. Fingers forming the slips will be widened from 3 feet to 3 feet 3 inches, the standard width of the concrete finger molds. Ten piles currently exist, while the proposed configuration will require six additional piles. No dredging or placement of fill is required for the project. Eelgrass is not located within the vicinity of the marina

COASTAL COMMISSION
5-00-157

EXHIBIT # 4
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project, according to Tony Melum, Marine Deputy Chief for the City of Newport Beach. The Regional Water Quality Control Board granted a Section 401 Waiver for the project on 11/18/99. Applicant applied for CDP #5-00-157 with the California Coastal Commission on 4/25/00.

PROPOSED CONSTRUCTION SCHEDULE:

Days 1-3	Demolition and disposal
Days 4-7	Launch and set headwalk
Days 8-12	Set headwalk piles
Days 13-17	Launch and set fingers
Days 15-19	Set finger piles
Days 18-23	Frame in pile hangers
Days 24-27	Attach rubber fending
Days 28-34	Set dock boxes, connect power and water, punch list

AREAS OF WATERS SUBJECT TO LOSS AS A RESULT OF PROPOSED WORK: The proposed work would result in 0.03 acre additional cover of waters of the U.S.

COASTAL COMMISSION

5-00-157

EXHIBIT # 4

PAGE 2 OF 2



CITY OF NEWPORT BEACH

May 30, 2000

Ms. Sara Wan
Chair, California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 100
Long Beach, California 90802-4302

RECEIVED
JUN 5 2000
CALIFORNIA
COASTAL COMMISSION

RE: CDP #5-00-157

Dear Ms. Wan:

The City of Newport Beach, as the lessor for the property known to us as the Antibes Marina on Lido Isle, is hereby a co-applicant to the Coastal Development Permit (CDP #5-00-157) sought by the Lido Isle Community Association (LICA) for the reconstruction of the Marina. As your staff may be aware, the City has recently entered into a 25-year lease with LICA regarding this property. As the primary applicant, LICA will cover all costs relating to the Commission's processing of the CDP.

The City's Approval in Concept (AIC) for the Marina's reconstruction is attached to this letter.

Please have your staff direct any questions about the City's status as a co-applicant to me at 949-644-3002. Any questions regarding the AIC should be directed towards Tony Melum, the Deputy Fire and Marine Chief, at 949-644-3044.

Sincerely,

Dave Kiff
Deputy City Manager

cc: Mr. Mel Richley, 809 Via Lido Soud, Newport Beach 92663
Homer Bludau, City Manager
Tony Melum, Deputy Fire and Marine Chief

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5-00-157
EXHIBIT # 5
PAGE 1 OF 1

RECEIVED
JUN 8 9 2000

CALIFORNIA
COASTAL COMMISSION

June 28, 2000

Steven Rynas
Orange County Area Supervisor
California Coastal Commission
200 Oceangate, Suite # 1000
Long Beach, CA 90802

Re: Application # 5-00-157, Via Antibes at Via Lido

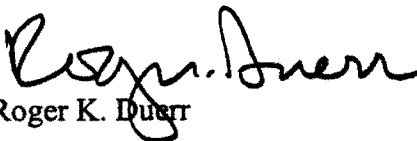
Dear Mr. Rynas,

Two days ago, prior to my having your name as the Supervisor in charge of this application, I wrote the attached letter. I was not sure to whom it should be sent. Now I have your name so please forgive the formal nature of the "To Whom It May Concern".

In addition to the letter I have enclosed 13 photographs. 6 pairs of 2 for a total of 12, plus # 7 for a total of 13. The first 6 were taken from public areas. The "As" show the effect of the proposed dock, the "Bs" show the present configuration, in #1 through #6. #7 is meant to show the tidal alcove discussed in the letter.

Thank you for your consideration

Sincerely,


Roger K. Duerr

P.S. Please excuse the messy corrected markings on two of the photos. Also, please note on photo # 7 the tide line. I have attempted to show the approximate high tide, which would magnify the effects of view considerations.

COASTAL COMMISSION
5-00-157
EXHIBIT # 6
PAGE 1 OF 3

June 26, 2000

California Coastal Commission
200 Ocean Gate, Ste. # 1000
Long Beach, CA 90802

RECEIVED
JUN 29 2000

Re: Application # 5-00-157
Via Antibes at Via Lido

CALIFORNIA
COASTAL COMMISSION

To whom it may concern:

We live adjacent to the work proposed in the application noted above. I have concerns, both personal and public, and respectfully submit those public concerns to you for consideration.

Basically, as I understand the proposed project, the purpose is to renovate the dock. The dock in question is very old and is in disrepair. It needs to be redone. My concern is not over the need for the renovation. My concern is based upon the results caused by the changes in the "enlarged" proposed plan of renovation. This enlarged version of the docks is brought about by the cumulative effect of adding one foot (1') to the existing gangway and slip fingers. In other words, if the dock were replaced with a new identical one, no change would result other than to have a new dock. However, the proposed new dock is larger than the existing dock, and creates a net effect that is objectionable.

The proposed changes, as I understand them, move the southeastern most edge of the new dock at least nine (9') feet. This 9' extension coupled with the fact the tip of the dock will also be extended by one-foot (1') results in several factors. First is the change in the view from several locations. To demonstrate this point I have enclosed photos, taken from the public view area, marked to show the proposed view restriction.

The second potential area of concern is the water alcove located at the southeastern area of the dock. It is possible the additional structure could hamper the tidal flow into this area creating a non-circulating area of debris, non-circulating water, and the attendant concerns of that situation.

Finally, I would like to point out the additional extrusions into the bay could be extended by a vessel/boat in the southeastern most slip by another six feet (6'). This is true due to the fact a vessel may extend 1/2 of the width of the slip, in which it is moored, into the bay. In this case the slip would be twelve feet (12') so 6" would be the potential additional extension.

There is a logical answer to this concern, which might satisfy the public and allow the dock to be remodeled without infringing on environmental or public view issues. If one slip were

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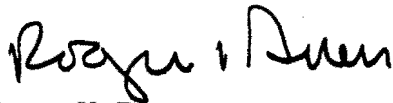
EXHIBIT # 6

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removed from the proposal, there would be no new impact. The removal of one slip appears to result in an actual 3' of increased open space.

In summary: The replacement of the dock in its present form creates no adverse environmental or adverse public concerns. The replacement of the dock according to the proposed revised plan produces negative results in terms of public and private views and tidal flows. The elimination of one slip in a revised plan allows for the renovation of the dock and results in no adverse public or adverse environmental situations and concerns.

Sincerely,



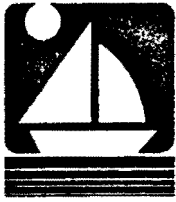
Roger K. Duerr
203 Via Lido Soud
Newport Beach, CA 92633

Telephone 949-474-4900 (day)
949-675-0123 (evening)

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5-00-157

EXHIBIT # 6

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**lido isle
community
association**

701 VIA LIDO SOUND, LIDO ISLE • NEWPORT BEACH, CA 92663
TELEPHONE: (949) 673-6170 • FAX: (949) 673-6827

RECEIVED
AUG 23 2000

August 22, 2000

CALIFORNIA
COASTAL COMMISSION

Karl Schwing
California Coastal Commission
200 Oceangate 10th Floor
P.O. Box 1450
Long Beach, CA 90801-1450

RE: Application 5-00-157

Dear Mr. Schwing:

This letter is in reply to the objection of Mr. Duerr. Mr. Duerr states that the existing facility is "very old and is in disrepair. It needs to be redone." We agree. He states that his objection is to the enlargement of the facility. In fact any enlargement is nil and is caused by the following:

1. There will be no slips added.
2. The five 36 foot slips at the far end of the facility from Mr. Duerr are presently 14 feet wide. We plan to increase the width of these five slips to 15 feet in accordance with the width recommended by the California Department of Boating and Water Ways manual on the subject for 36 foot slips.
3. The present 17 fingers forming the eleven 26 foot slips and five 36 foot slips are three feet wide. We plan to replace the present wooden facility with one made of concrete. The molds for the concrete fingers of both Bellingham and Utility Vault companies result in fingers three feet three inches wide. Multiplying 17 times the three inches increase in width results in 51 inches or 4 feet 3 inches. Adding that to the five foot increase in the width of the 36 foot slips totals nine feet three inches.

Mr. Duerr, nor the public, would most probably not notice the nine foot three inch change if someone did not point it out to them. In his series of 12 pictures he makes it appear that the one boat is growing nine feet in width. The fact is the same boat would simply move approximately nine feet sidewise.

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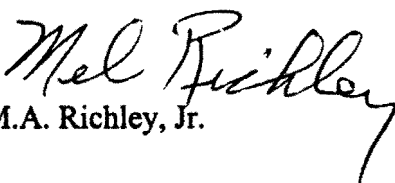
EXHIBIT # 7
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I have enclosed a copy of an aerial photo I purchased from the City of Newport Beach of the area in question. I have made a small hole through the picture at the point where the proposed new finger will extend. This can easily be seen by holding the picture up to the light. As can be seen, the effect of the approximately nine foot change is nil.

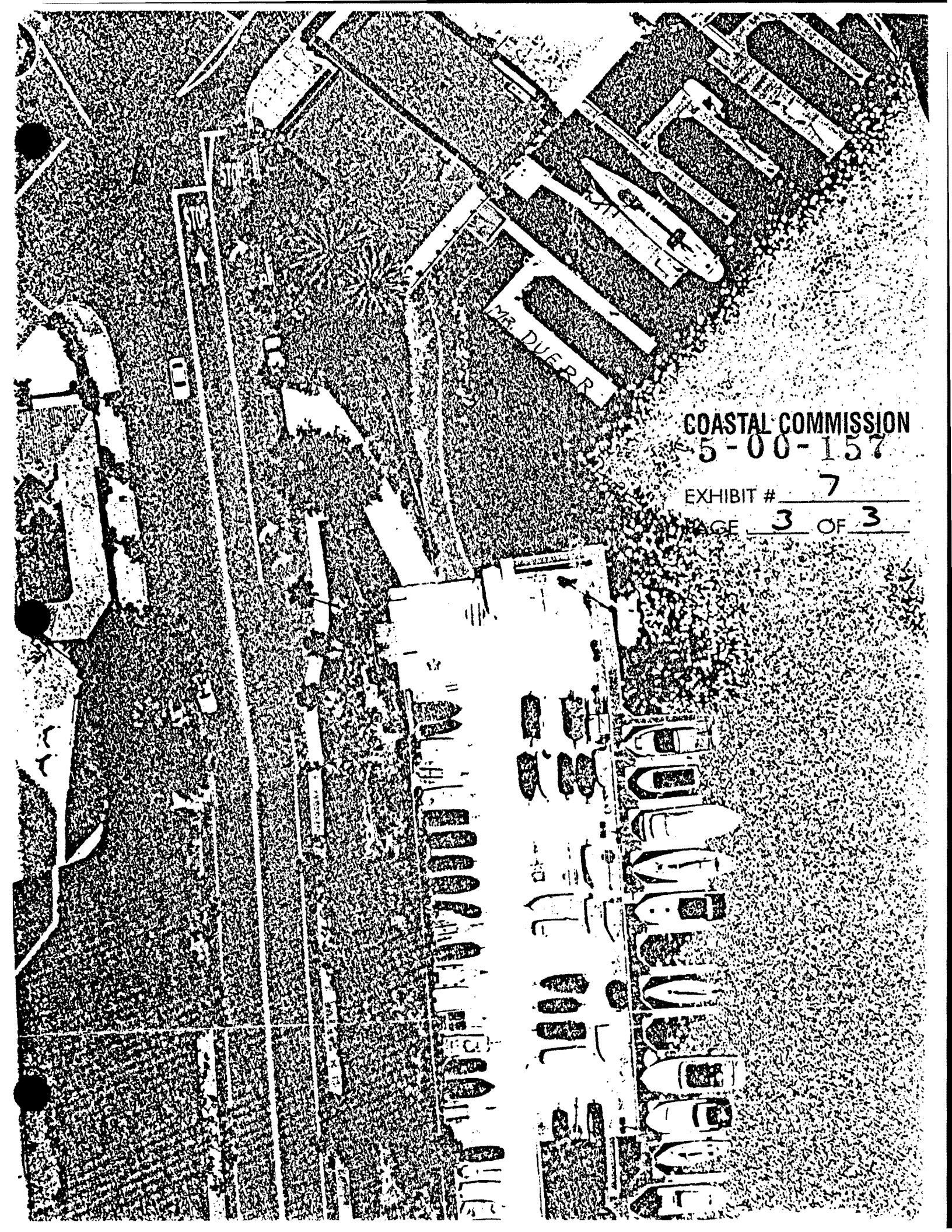
As to Mr. Duerr's concern that the nine foot increase would hamper tide flow, is it possible that he might be grasping for straws. Look at the aerial photo and the small hole. The obstruction to flow in the area of Mr. Duerr's concern is his own slip and the existing bulkhead. Neither of these items are changed in any way by the proposed replacement. There is presently only one piling in our facility toward Mr. Duerr from the first slip. The new facility will also have but one piling toward Mr. Duerr from the first slip.

I am pleased Mr. Duerr recognizes the need for replacement. The slight changes are nil. He suggests eliminating one slip. There are presently 77 persons on the waiting list for a 36 foot slip and 56 waiting for a 26 foot slip. It is unfortunate it is not possible to increase the number of slips.

Very truly yours,


M.A. Richley, Jr.

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