

CALIFORNIA COASTAL COMMISSION

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Hearing Date: August 7-10, 2001
Commission Action:

**RECORD PACKET COPY****Tu 7e****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-029**APPLICANT:** City of Newport Beach, Department of Public Works, Bill Patapoff**AGENT:** None**PROJECT LOCATION:** Balboa Village, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Proposed redevelopment will construct street, sidewalk, sewer, water, irrigation, hardscape, landscape and lighting throughout the Balboa Village area. In addition, redesign of Balboa Village parking, reconfiguration of the Balboa Pier Parking Lot, improvements to Peninsula Park and Pier Plaza, reconstruction of the Balboa Pier and Washington Street restrooms, installation of an Odor Control System, installation of catch basins and filters, installation of a larger water main, installation of a new storm drain system and replace a storm drain pipe that outlets into Newport Harbor.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project subject to six (6) Special Conditions. The Special Conditions address 1) storage of construction materials, mechanized equipment and removal of construction debris; 2) best management practices; 3) traffic control plan; 4) timing of construction; 5) assumption of risk, waiver of liability and indemnification agreement; and 6) proof of legal interest. The major issues of this staff report concern water quality, public access and hazard abatement.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept # 0244-2001 dated January 29, 2000; Mitigated Negative Declaration SCH #2001011130 for the Balboa Village Improvement Project dated January 29, 2001; Regional Water Quality Control Board (RWQCB) Santa Ana Region Discharge permit, Order No. 98-67, NPDES No. CAG998001 dated September 24, 1998; Regional Water Quality Control Board (RWQCB) Section 401 permit dated May 22, 2001; and U. S. Army Corps of Engineers Provisional Permit dated June 11, 2001.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; *Screening Risk Evaluation, Balboa Village Improvement Project, Newport Beach, California*, prepared by Enviro-Tox Services, Inc. dated April 4, 2001; *Odor Assessment Report and Recommendations*, prepared by Environmental Support Technologies Inc. dated August 11, 2001; *Marine Resources Environmental Assessment for a Proposed Storm Drainage, Newport Bay, Newport Beach, California, Coastal Development Permit Application 5-01-029, Balboa Village*, prepared by Coastal Resources Management dated April 3, 2001.

Storm Water Pollution Prevention Plan (SWPPP), prepared by PSOMAS & Associates dated March 2001; *Geotechnical Investigation (Project No. 102-04), Balboa Village Improvement Plans, Newport Beach, California*, prepared by PSOMAS & Associates dated May 31, 2001; *Hydrology and Hydraulic Report for Balboa Village*, prepared by PSOMAS & Associates dated May 2001; Letter from Haissam Y. Salloum, P.E., Department of Toxic Substances Control Unit Chief, dated May 25, 2001; Letter from Marilyn J. Fluharty, Department of Fish and Game Environmental Specialist, dated May 9, 2001; Letter from Bob Stein, City of Newport Beach Senior Civil Engineer, dated July 6, 2001; Letter from Jon Allen, Staff Ecologist, dated July 16, 2001; Letter from Mary Howe, California State Lands Commission Public Land Management Specialist, dated July 12, 2001; Regional Water Quality Control Board (RWQCB) Santa Ana Region Discharge permit, Order No. 98-67, NPDES No. CAG998001 dated September 24, 1998; Regional Water Quality Control Board (RWQCB) Section 401 permit dated May 22, 2001; and U. S. Army Corps of Engineers (ACOE) Provisional Permit dated June 11, 2001.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-01-029 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit with conditions for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

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

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

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters.

2. **Best Management Practices**

- A. The applicant shall implement structural and/or non-structural Best Management Practices (BMP's) designed to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system and to maintain post-development peak runoff rate and average volume from the site at levels similar to pre-development conditions, to the extent feasible. The BMPs may include, but are not limited to:
- (i) Design elements that serve to minimize directly connected impervious area and maintain permeable space within the development shall be incorporated where feasible. Options include the use of alternative design features such as concrete grid driveways and/or pavers for walkways, and/or porous material for or near walkways and driveways;
 - (ii) Sweep parking lot(s) and streets with a vacuum regenerative sweeper on a daily basis during the summer season (the period starting the day before Memorial Day weekend and ending the day after Labor Day weekend of any year) and three times a week during the off-season (the period starting the day after Labor Day weekend and ending the day before the Memorial Day weekend of any year);
 - (iii) Installation of catch basin inserts or vegetative or other media filtration devices effective at trapping and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals and particulates, in addition to trash and large debris. Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event for volume based BMPs and/or the 85th percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs;
 - (iv) Routine maintenance, including inspection and regular cleaning of approved BMPs, to ensure their effectiveness prior to, and during, each rainy season from October 15th through April 31st of each year. Debris and other water pollutants contained in BMP device(s) will be contained and disposed of in a proper manner on a regular basis. All BMP traps/separators and/or filters must be cleaned prior to the start of the winter storm season, no later than October 15th each year. The BMP's shall be maintained to uphold their functionality.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan indicating the type(s) of BMPs to be installed, sizing specifications where applicable, and the locations where the BMPs will be installed.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

3. **Traffic Control Plan**

- (A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, a final traffic control plan that is in conformance with the submitted conceptual traffic control plan.
- (B) The permittee shall undertake development in accordance with the approved final traffic plan. Any proposed changes to the approved final traffic control plan shall be reported to the Executive Director. No changes to the approved final traffic control plan shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

4. **Timing of Construction**

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of Balboa Beach and Pier resulting from construction activities as required below:

- (A) For the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year, no construction shall occur and restrooms and parking lots shall be fully open for the public.
- (B) For the period starting the day after the Labor Day weekend and ending the day before the Memorial Day weekend of any year, construction will occur.
 - (1) In the event that the restrooms are not open for public use, portable toilets shall be provided.
 - (a) For the Balboa Pier restroom, a minimum of twenty portable toilets shall be provided.
 - (b) For the Washington Street restroom, a minimum of seven portable toilets shall be provided.
 - (2) The Balboa Pier Parking Lot shall be open for public use and a minimum of 240 parking spaces shall be available for public parking during Phase 1.

5. **Assumption of Risk, Waiver of Liability and Indemnification Agreement**

- (A) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm events, flooding, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such

hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defiance of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- (B) Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed 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. This deed 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 applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. Proof of Legal Interest

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to carry out the proposed project where the project encroaches onto land not owned by the City of Newport Beach.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project area and its immediate vicinity are characterized by mixed commercial recreational and residential uses in the area known as "Balboa Village" on the Balboa Peninsula in the City of Newport Beach (Exhibit #1). The boundaries of the project area are Adams Street, Edgewater Street, A Street, Peninsula Park and the Balboa Pier Parking Lot. The area consist of a commercially developed area and is a unique mixture of visitor-oriented and neighborhood retail and service use area. The proposed project is an improvement and rehabilitation project for the Balboa Village. The proposed project is not growth inducing nor will it intensify the use of the area. The City has stated that the project will not cause increased development, due to the area being built out (Exhibit #2). The key elements of this project are to widen the sidewalks to encourage pedestrian passage along Balboa Boulevard and the side streets connecting Oceanfront and Edgewater and to solve existing flooding problems of the Balboa Village area. In order to encourage pedestrian passage, existing parallel parking spaces need to be reduced. The loss of parallel parking spaces is offset by the net gain of metered parking in the proposed Balboa Pier Parking Lot improvement.

Proposed redevelopment will construct street, sidewalk, sewer, water, irrigation, hardscape, landscape and lighting throughout the Balboa Village area. In addition, redesign of Balboa Village parking, reconfiguration of the Balboa Pier Parking Lot, improvements to Peninsula Park and Pier Plaza, reconstruction of the Balboa Pier and Washington Street restrooms, installation of an Odor Control System, installation of catch basins and filters, installation of a larger water main, installation of a new storm drain system and replace a storm drain pipe that outlets into Newport Harbor.

Since submission, the following elements have been removed from the project: a Landmark Tower and trellises at the intersection Balboa Boulevard and Palm Street, development of the Bay Avenue parcel into public parking and the development of the Orange County Sanitation District Parcel on A Street. Thus, these items have been deleted from the project plans.

1. **Department of Toxic Substances Control (DTSC)**

The Department of Toxic Substances Control (DTSC) reviewed the draft Mitigated Negative Declaration (MND). The DTSC requested additional information concerning if current or historic land uses in the project area have resulted in any release of hazardous wastes or hazardous substances. After correspondence with the City of Newport Beach, the DTSC determined that the City had adequately addressed their comments in order to protect the health and safety of humans and the environment (Exhibit #3).

Underground pockets of methane and hydrogen sulfide gases are present in the vicinity of the project. The source of these gases is thought to originate from the degradation of naturally occurring organic matter. The presence of these gases has been noticed in the Balboa Village area for many years, and construction activities could result in an increase in noticeable odors due to the removal of impervious surfaces such as asphalt and concrete

and the disturbance of the subsoil. Because the hydrogen sulfide does produce an unpleasant odor, the project has been designed to include a passive odor venting system (Exhibit #4). Four-inch stainless steel perforated pipe will be installed at the intersection of Bay Avenue and Washington Street near the restroom facility. Crushed aggregate material will be placed around the pipes facilitating a preferred migration path for the hydrogen sulfide. The pipes will lead to a vent located in the landscaped area at the north end of Washington Street. The vent will be configured as a mast and will be 40 feet tall.

2. Phasing

The project will occur in three phases: Phase 1 from September 2001 to September 2002, Phase 2 from September 2002 to June 2003 and Phase 3 from September 2003 to June 2004 (Exhibit #5 & #6). Construction will not occur during the peak summer seasons, which is from Memorial Day to Labor Day. The bidding for the project will be done in phases. Each phase will be put out to bid separately.

3. Specific Description of Some of the Project Components:

Pier Plaza

The proposed project includes the improvement of Pier Plaza (Exhibit #7). Improvements will consist of: seat walls being constructed on both sides of the plaza with a free form design (these seat walls will define the limits for new landscaping areas adjacent to the plaza); landscape areas will be planted with trees and shrubs and 12 to 16 new king palms will be planted within the plaza and the pavement will be replaced with special concrete called Lithocrete; a wave pattern will be created within the pavement and a new ramp area will also be created adjacent to the pier parking lot for ADA access; and bike racks will also be provided near this area. In addition, a connector road from the A Street parking lot to Main Street will also be constructed during this time. The road will run between the Pier Plaza landscape area and Peninsula Park. The roadway will provide egress from the A Street parking lot where currently, cars back out when the parking lot is full.

Peninsula Park

Improvements to Peninsula Park (Exhibit #8) will also occur. The improvements will include: removal and replacement of the interior sidewalks, turf and irrigation system; relocation of three bronze plaques to the park; public access will be enhanced with the addition of ADA ramps; and the relocation of Palm Trees in the Balboa Pier Parking Lot to the perimeter of the Park adjacent to Pier Plaza. In addition, there will be construction of new seating and landscape areas on the periphery of the park along the Pier Plaza and Oceanfront Walk. Plant materials will be selected such that views from Oceanfront are not substantially degraded. All existing trees in the park will remain as well as the bandstand. Lastly, adding a connecting drive aisle from the A Street parking lot to Main Street to improve circulation and safety by alleviating the need to backout of the A Street parking lot.

Balboa Pier and Washington Street Restrooms

The Balboa Pier and Washington Street restrooms will be demolished and replaced with ADA compliant restroom facilities (Exhibit #9). The Balboa Pier restroom is located adjacent to Pier Plaza, Balboa Pier and the beach. The proposed restroom will not extend into the beach area and will not extend beyond the existing developed limits; thus no new paving of the beach is required to construct the new restroom. The footprint of the proposed restrooms will be somewhat larger than the existing restrooms and the number of stalls will be increased in each restroom. The existing Balboa Pier and Washington Street restrooms have 20 and 7 facilities respectively. A like number of portable toilets will be provided at each site during construction.

Balboa Pier Parking Lot

A key element of the Balboa Village Rehabilitation Project is to widen the sidewalks to encourage pedestrian passage along Balboa Boulevard and the side streets connecting Oceanfront and Edgewater. The Balboa Village area (excluding the Balboa Pier Parking Lot) has 117 existing parking spaces. This proposed project will result in a loss of 29 spaces leaving 88 spaces due to the widening of the sidewalks as discussed above. To compensate for the loss of parking in the Village area, a significant number of parking spaces will be created in the metered parking area of the Balboa Pier Parking lot (Exhibit #10 & #11). The Balboa Pier Parking Lot has 665 existing parking spaces (54 metered parking spaces and 611 parking fee spaces) and post project will have 718 spaces (97 metered parking spaces and 621 parking fee parking spaces), an increase of 53 spaces. Forty-three (43) additional spaces are being created in the metered parking area along Oceanfront just one block south of Balboa Boulevard and 10 additional spaces are being created in the parking fee area. Also, 6 additional bus-parking spaces will be provided with the lot reconfiguration. Handicap parking will also be expanded from 4 spaces to 16 spaces total (an addition of 12 spaces). This leads to a net gain of 24 parking spaces in the entire Village area including the Balboa Pier Parking Lot.

The additional parking in the Balboa Pier Parking lot entry is accomplished by reconfiguring the entry areas and rearranging the landscaping in the interior of the parking lot, thus no new paving of the beach is required to provide more parking. These changes will provide a total of 53 additional full-size parking spaces in the Pier Parking lot with 43 additional spaces in the metered parking area and 10 additional spaces in the "entrance fee" area. The entrance fee parking lot includes three sub-areas: 1) the western area, 2) the central area and 3) the eastern area. The net increase of parking stalls for these three areas is 10 spaces. The number of parking spaces in the western area would increase by 13 parking spaces, the central area would decrease by 11 spaces, and the eastern area would increase by 8 spaces.

In addition to the Balboa Pier Parking Lot reconfiguration, new additional landscaping will be planted and also palm trees will be planted within the parking lot and perimeter of the parking lot. The area of existing and proposed landscaping in the Pier Parking area lot are 19,600 and 22,200 square feet respectively. In addition, the median between Oceanfront and the Balboa Pier Parking Lot will be re-landscaped and a low barrier wall will be constructed to discourage people from walking through the landscaped areas. The wall will run down the center of the median and on both sides landscaping will be done. Fifty

percent of the Balboa Pier Parking Lot drains to two existing inlets that are a combination French drain and leach lines extending into the sand adjacent to the parking lot. Four additional leach lines per French drain will be added at these existing French drains to enhance percolation (Exhibit #12).

Village Parking

There will be a decrease in parking located in the Village area (excluding the Balboa Pier Parking Lot), but there will be an overall net gain in parking for the entire Village area due to the addition of 53 spaces in the Balboa Pier Parking Lot. Also, Bay Avenue will be reconfigured to provide diagonal parking and reconfiguration of the Palm Street parking lot will occur. Lastly, handicap parking will be increased from 2 to 4 spaces in the Village area.

Storm Drain System

There is currently a flooding problem in the Balboa Village area due to the very flat grades on Balboa Boulevard. This has dictated the need for a storm drain system in Balboa Boulevard to collect runoff at low points and convey the flow to the harbor. There is no existing storm drain runoff collection system in Balboa Boulevard or any of the side streets. Because of the flat grades and inconsistencies in the very old pavement, the existing drainage is substandard with ponding occurring in the traffic and parking lanes as a result of rainstorms.

The storm drain system will be constructed to collect the majority of runoff from the site and it will outlet into Newport Harbor (Exhibit #13). The system uses reinforced concrete pipe and 18-inch lines for the lateral and 24-inch lines for the main storm drain. The system is primarily in place to handle nuisance flows and small storm events, but can convey peak flows for a storm event between a 5- and 10- year frequency. For larger storms, the water will be stored within the street as is the existing condition, and then drain after the rain stops into Newport Harbor. The construction of the new storm drain system will require trenching, excavation and disposal of 1,000 cubic yards of soil. The project area is characterized by sandy soils within the water table at less than 10 feet below the surface. Groundwater was encountered between 5 and 8 feet bgs during the field investigation. Due to this, a dewatering is required and is allowed with a discharge permit (Order No. 98-67, NPDES No. CAG998001) the City has obtained from the Regional Water Quality Control Board (RWQCB). The location of the discharge will be Newport Harbor.

The proposed drainage system will reduce flooding on Balboa Boulevard, Adams Street and Palm Street by capturing runoff in the storm system in Balboa Boulevard. The storm system conveys the runoff down Washington Street and outlets into Newport Harbor. In the event of a large storm (10 year storm event) occurring at a high tide (4.08 feet, MSL datum), the depth of water at the intersection of Bay Avenue and Washington Street would be about 6 inches. This level of water would be contained within the curbs. Larger storms occurring at high tide could pose a flood hazard to two establishments located at this intersection. There are no other businesses that would be potentially impacted. In the event of a larger storm occurring during high tide, temporary doorway flood protection should be installed at these two establishments.

The new drain system would run along Balboa Boulevard from Adams Street and then down Washington Street to an existing catch basin at the end of Washington Street. A new 24-inch pipe would be installed replacing an existing 15-inch outlet pipe at the end of Washington Street, across Edgewater Place, through the bulkhead and approximately extended 38 feet from the bulkhead into Newport Harbor (Exhibit #14).

The existing 15-inch storm drain line in Washington Street extends 38 feet past the bulkhead and discharges into Newport Harbor. The line sits on top of the sand and is anchored at three points. A public pier parallels the storm drain line and extends past the end of the storm drain line. At about 50 feet, the pier makes a right hand turn to "encompass" the area of the storm drain.

The new 24-inch storm line will be installed adjacent to the 15-inch line. The new storm line will sit on top of the sand and also terminate 38 feet from the bulkhead. It will be anchored at three points and after installation of the 24-inch line, the 15-inch line will be removed. The new line will carry a 10-year peak flow of approximately 22-cfs, about 15 percent higher than the existing flow through the 15-inch line. In terms of elevation, the pipe exits the bulkhead at about +2.0 and outlets at -2.2 feet MLLW; the MHHW elevation is +2.7 feet. It is anticipated that the contractor will truck the pipes to the site and install the pipes using a crane located at the end of Washington Street. The installation will be made at low tide so that no underwater work will be required. In addition, the project will consist of 20 cubic yards of dredging and the material will be taken to a disposal site locate outside of the Coastal Zone.

There are five (5) existing catch basins in the Village area where surface drainage is also directed. There are 2 existing catch basins on Palm Street near Edgewater, 2 on the north end of Washington Street near Edgewater and 1 on Bay Avenue east of Main Street. Outlet pipes at each location convey runoff to Newport Harbor. All 5 of these catch basins will have new filters installed. Sixteen (16) new catch basins will also be constructed and installed with filters (Exhibit #15). Their locations will be: 1) two on Adams Street south of Balboa Boulevard, 2) two on Palm Street south of Balboa Boulevard, 3) two on Washington Street south of Balboa Boulevard, 4) three on Washington Street north of Balboa Boulevard, 5) five on Balboa Boulevard and 6) two on Bay Avenue. Each of the catch basins is connected to the main storm drain line with an 18- inch reinforced concrete pipe lateral.

4. Disposal Site

Concrete and asphalt debris from this project will be taken for recycling to Ewles Recycling in the City of Irvine, which is out of the coastal zone. The native materials located below the pavement is foreseen to be clean and suitable for fill material and will be taken to the Irvine or San Juan Capistrano landfill which is outside of the Coastal Zone. The dredged materials associated with the placement of the new 24-inch outfall pipe will be loaded into a truck and taken to county's Bee Canyon landfill located in Irvine.

B. 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.

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.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Newport Harbor (Lower Newport Bay) is a critical coastal water body on the Federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means the quality of the water body cannot support beneficial recreation and aquatic uses. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Harbor watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative.

The proposed project could significantly affect Newport Harbor's water quality. Impacts to water quality could occur as a result of construction work and pollutants such as trash, motor oil, and grease that are normally carried into coastal waters via the new storm drain system. In addition, there could be impacts to Newport Harbor post construction. The proposed project will result in urban runoff entering Newport Harbor through the new proposed storm drain system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering storm water systems and then into the harbor.

1. Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion or which may be discharged into coastal water via rain would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. Also, the project will occur during the rainy season thus materials, debris and wastes would flow into coastal waters due to the rain water flows and impact the marine environment. 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. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. Discharges of sediment-laden water from dewatering activities can also cause turbidity.

The applicant has stated that a National Pollution Discharge Elimination System (NPDES) permit is required for the proposed project. The City has obtained this permit (Order No. 98-67, NPDES No. CAG998001) (Exhibit #16) for the proposed project. In accordance, a Storm Water Pollution Prevention Plan (SWPPP) has been developed to use Best Management Practices to minimize adverse impacts to water quality and requires identification of pollutants and sediments as well as a monitoring program with reporting requirements to the City. Some examples of the SWPPP requirements are: 1) place drip trays beneath vehicles when parked overnight or during maintenance works, 2) placement of sandbag dams around public right-of-ways and all catch basins and storm drain inlets to prevent silt from entering the storm drain system, and 3) Best Management Practices will be identified which can reduce the quantity of pollutants in the storm water runoff generated from the project area. In order to prevent impacts during construction, the City has proposed the following Best Management Practices during construction: sweeping the Balboa Village area (streets and parking lots) daily during the summer (the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year) and three times a week during the off-season (as a minimum) after the project is completed, placing sandbags around storm drain inlets to prevent silt from entering the storm drain system and that the contractor will designate a vehicle storage and maintenance area to control pollution sources from vehicle and machinery.

Conclusion

Impacts to water quality could occur as a result of construction activities. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes Special Condition #1, which outlines construction-related requirements to provide for the safe storage of construction materials. Only as conditioned does the Commission find that the proposed development is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

2. Post Construction Impacts to Water Quality

The proposed project will result in urban runoff entering Newport Harbor through the new proposed storm drain system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban

runoff entering storm water systems. In this case, the existing Balboa Village area consisting of streets, parking lots, sidewalks and landscaped areas that will discharge into Newport Harbor through the new storm drain system. Therefore, the project has the potential to affect the water quality of the coastal waters in Newport Beach.

The proposed project requires compliance with National Pollution Discharge Elimination Systems (NPDES) Best Management Practices, which require that measures be taken to minimize runoff of contaminants and siltation, that would reduce this impact to a level that is less than significant. Such BMP practices would include, but may not be limited to, street sweeping, placement of sandbags around storm drain inlets, and if dewatering is required, pumping any dewatering discharges through a sedimentation tank to filter the discharges prior to release.

The City has acknowledged that measures are necessary to prevent marine impacts. Sweeping of the Balboa Village area (street and parking lots) daily during the summer season and three times a week during the off season will take place. As an added safety measure, all catch basins (new and old) will include filter inserts to capture sediment, oil and heavy metals. Filter inserts will be monitored and replaced as required.

The new storm drain system has been designed to handle a 10-year storm event. The City has stated that although the low elevations and the flat topography does not make it possible to eliminate this surface flow in all 10-year storm scenarios, nothing proposed in this project increase the surface flow above the existing conditions. The storm waters that will be discharged through the new storm drain and outlet to Newport Harbor are of the same type and quantity as that is presently discharged into Newport Harbor. As noted in the *Mitigated Negative Declaration and Hydrology and Hydraulic Report For Balboa Village* by PSOMAS dated May 2001, the quantity of runoff flowing into Newport Harbor from the project area will not change with the proposed improvements. Therefore, while the capacity of the storm drain system is increasing, the area drained is not increasing. Rather, the proposed storm drain improvements and additions would redistribute existing storm water within the existing system in order to allow City streets to clear of storm water more rapidly after storm events. The redistribution of the existing storm water that would occur consists of less flow being discharged from the outfalls at the end of Adams Street and Palm Street and a corresponding larger flow being discharged from the outfall at the end of Washington Street. The peak storm flow from the Washington Street outfall will increase from approximately 16cfs to 22cfs. The Commission finds that the proposed development would not result in additional pollutants entering the harbor, since the amount of runoff would not be increased by the proposed storm drain improvements and additions and because filters will be installed in the new and old catch basins to capture pollutants before they enter the Harbor.

Although the harbor is considered an "impaired" water body, and much of the pollutants entering the harbor, such as sediment or toxic substances such as grease, motor oil, heavy metals, and pesticides contained within the runoff discharged into the harbor, come from inland developed area outside the coastal zone, or from other sources within the coastal zone besides the proposed or existing pipes, such as from boats in the harbor, the Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction. Therefore the Commission is requiring Special Condition #2, the installation of Best Management Practices. The implementation of BMP's is necessary to reduce the

cumulative adverse impact existing polluted runoff has upon Newport Harbor. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality.

Regional Water Quality Control Board (RWQCB)

In order to prevent oil, grease, fuel, trash, sediments, pesticides or etc. from entering Newport Harbor and adversely impacting the Harbor, the City has stated that new filters will be installed in new and existing catch basins to prevent possible harmful impacts. The City requested a Section 401 permit from the Regional Water Quality Control Board (RWQCB) and the City stated filters would be installed. The City received the Section 401 permit (Exhibit #17), but not after addressing RWQCB concerns regarding the type of filters to be used.

As previously stated, the RWQCB requested additional maintenance and monitoring information concerning the catch basins that would be implemented and also a revised plan that would be used to prevent litter from entering the storm drains. The City as requested by the RWQCB submitted this information and also stated that a different type of filter than originally proposed would be installed in the new and existing catch basins. This filter would be more effective in capturing urban stormwater pollutants including litter. Literature from the vendor claims that the system will capture trash, litter, silt, oil, grease, other hydrocarbons, and chlorinated solvents. A special attachment would be provided that would allow the City to use its vacuum trucks to directly remove trash and sediment from the filter receptacles. The vendor claims that the sorbent material should last between 3 and 4 years before needing to be replaced. City Staff from the City's General Services Department will perform the maintenance cleaning and inspection of the catch basin filter systems. The City will maintain a maintenance log and forward annual reports to the RWQCB for a five-year period. The City also states that once the proposed storm drain system and other improvements are constructed, the City will implement an enhanced maintained program in the Village area. During the first three years, there will be an average one full-time person in the Village area, seven days a week, maintaining the landscaping and irrigation, trimming trees and shrubs, cleaning up spills and gum, and picking up leaves and litter. The City will also continue its current street-sweeping schedule of daily sweeps during the summer (the period starting the day before Memorial Day weekend ending the day after Labor Day weekend of any year) and three times a week during the off-season (as a minimum) and after the project is completed.

The Regional Water Quality Control Board has issued a Section 401 Permit for the proposed project and has conditioned it to include filters to prevent oil, grease, fuel, trash, sediments, pesticides or etc. from entering Newport Harbor and adversely impacting the Harbor. The City has stated that new filters will be installed in new and existing catch basins to prevent possible harmful impacts. The installation of filters would result in the reductions in the amount of pollutants in the existing runoff and would be a beginning step to reduce cumulative adverse impacts to coastal water quality. Thus, the project is in conformance with Section 30230, 30231 and 30232 of the Coastal Act.

Diverting Low Flows to the Sewer System

Low flow discharges tend to have a high concentration of pollutants because such flows tend to originate from non-storm-related discharges, such as landscape watering. Diverting low flows to the sewer system for sewer treatment would reduce the impact such low flows have upon water quality in Newport Harbor. Staff has discussed the potential placement of a storm water diversion to the sewer system. In response, the City stated that due to the low elevation of the proposed storm drain system, the proposed storm drain system would see daily incursions of large volumes of seawater due to the semidiurnal tide fluctuations. Except at very low tides, there will always be salt water in the proposed storm water system. A diversion system would divert more seawater than nuisance water into the sewer system. Thus, the diversion of low flows to the sewer system would not be feasible because there is a possibility of more seawater than nuisance water entering into the sewer system.

Conclusion

Installation of Best Management Practices (BMP's), such as filters within the new and old catch basins, would reduce pollutants, such as trash, motor oil, and grease that are normally carried into coastal waters via storm drains. By catching the pollutants before they enter the storm drains, BMP's would reduce pollutant levels in runoff entering Newport Harbor through the proposed pipe, thus minimizing to the extent feasible cumulative adverse impacts upon water quality of Newport Harbor. Therefore, the Commission finds that it is necessary to impose Special Condition #2, which requires the installation and use of Best Management Practices. One of that Best Management Practices that would be imposed that would prevent impacts to the water quality of Newport Harbor is that the Balboa Village area (street and parking lots) will be swept on a daily basis during the summer (the period starting the day before Memorial Day weekend ending the day after Labor Day weekend of any year) season and three times a week during the off season (as a minimum).

For the project area as a whole, volume of runoff will not change because the area drained is not increasing. The proposed project is an improvement and rehabilitation project for the Balboa Village area. The proposed system will significantly improve the drainage conditions within the Balboa Village. The site is not currently served by a pipes system and is dependent upon surface flows in streets, alleys and sidewalks.

The implementation of BMP's is necessary to reduce project related and cumulative adverse impacts existing polluted runoff has upon Newport Harbor. Therefore, the Commission finds that it is necessary to require as a condition of approval, Special Condition #2, the installation and use of Best Management Practices. Only as conditioned does the Commission find the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

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:

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.

Section 30233 of the Coastal Act states:

(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:

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

The Coastal Act limits the fill of open coastal waters. Section 30233 (a) (5) of the Coastal Act allows fill of open coastal waters, such as Newport Harbor for maintenance of intake and outfall pipes. The proposed project requires the placement of a new 24-inch pipe, which is replacing an existing 15-inch outfall pipe, on top of the sand anchored at three points. Dredging of 20 cubic yards is necessary for the installation of the new outfall pipe and the dredged materials will be taken to a landfill located outside of the Coastal Zone. The new line will carry a ten-year peak flow of approximately 22-cfs, about 15 percent higher than the existing flow through the 15-inch line.

Section 30233 also requires that any project which results in fill of open coastal waters provide adequate mitigation. The proposed project creates hardbottom habitat for marine organisms, but covers benthic habitat. The biological conditions in this area are a soft, sandy bottom with no eelgrass located in the project area. The site is subject to high boat traffic that is associated with the commercial ventures located at Balboa Village.

1. Biological Impacts

The new pipe will be placed in Newport Harbor and may present biological impacts to the area. To determine the project's impact on the site, Coastal Resources Management completed a biological study dated April 3, 2001. They determined that there will be no significant short-term or long term environmental impact effects on the marine resources of Newport Harbor. The Commission's Staff Ecologist has also reviewed the proposed project and determined that the impact of the project on the riparian habitat is not significant (Exhibit #18). He states that:

"The proposed project will have minor impacts to bottom marine habitat in the short and long term. So there are impacts as covered under Section 30230 of the Coastal Act, but in my professional opinion, these are minor. Therefore, while there are some minor impacts, these should be allowable under Section 30233(a)(5). So, the project is allowable under Section 30233 as an incidental public use, and no feasible less environmentally damaging alternative exists. Additionally, the project is self-mitigating in the long term since the exterior of the new storm drain will provide an increased habitat opportunity (surface area) for settlement of hard-substrate organisms such as algae, mussels, barnacles gastropods, starfish, etc.."

2. Army Corps of Engineers (ACOE)

The Army Corps of Engineers (ACOE) has reviewed the project component regarding the placement of a 24" storm drain in Newport Harbor. The ACOE has approved a Provisional Permit (Exhibit #19) verifying that the proposed project meets the terms and conditions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403). Originally, the ACOE was not informed that dredging would occur with project. Therefore, the ACOE will add a NWP 3 (Section 404), for maintenance activities, to go with the LOP (Section 10). The NWP 3/LOP will be issued after the Coastal Commission has issued a CDP.

3. Department of Fish and Game

The Department of Fish and Game (DF&G) (Exhibit #20) has reviewed the portion of the project regarding the replacement of an existing 15-inch storm drain line with a new 24-inch storm line and have determined that the proposed activity would not have a significant adverse impact on existing marine resources and habitat located within the area.

4. Conclusion

The proposed project will not significantly impact open coastal waters, involves the replacement of an existing outfall pipe and is self-mitigating. Impacts to water quality could occur though during construction. In order to avoid adverse construction-related impacts upon marine resources, the Commission has imposed Special Condition #1, which outlines construction-related requirements to provide for the safe storage of construction materials. In addition, impacts to marine resources could also occur post construction. In response to this issue, the implementation of Best Management Practices (BMP's) is necessary to reduce the cumulative adverse impact existing polluted runoff has upon Newport Harbor.

Therefore, the Commission finds it necessary to impose the installation of BMP's as Special Condition #2. Therefore, the Commission finds the proposed development is compatible with Section 30230, 30231 and 30233 of the Coastal Act.

D. PUBLIC ACCESS AND LOWER COST VISITOR RECREATIONAL FACILITIES

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking.

The City of Newport Beach attracts visitors year round due to its unique recreational opportunities, large harbor and marina facilities and its coastal amenities. Like many beach communities, Newport Beach receives an influx of visitors during the summer. The project site is Balboa Village and due to its location next to the ocean, the area supports visitors to the coast. The proposed project is an improvement and rehabilitation project for the Balboa Village area. The proposed project is not growth inducing or will it intensify the use of the area. This project would improve and enhance the visitor serving commercial use. The key elements of this project are to widen the sidewalks the sidewalks to encourage pedestrian passage along Balboa Boulevard and the side streets connecting Oceanfront and Edgewater and to solve existing flooding problems of the Balboa Village area. To encourage pedestrian passage means reducing the number of parallel parking spaces. The loss of parallel parking spaces is offset by the net gain of metered parking in the proposed Balboa Pier Parking Lot improvement. While the proposed project will improve and enhance the Balboa Village area post project, there will be temporary impacts upon public access during and after the construction period. Streets and parking lots will be closed during construction impeding public access to the coast. Post project, there will be a decrease of parking spaces in the Village area, but an increase in the Balboa Pier Parking Lot.

1. Transportation/Traffic

The Mitigated Negative Declaration (MND) SCH# 2001011130 dated January 29, 2001 reviewed the transportation/traffic impacts of the proposed project during the construction period. The MND determined that there would not be an effect on long-term traffic levels, but a short-term increase in traffic from construction equipment and workers would be expected to occur however. It is anticipated that 15-25 workers will be employed on site during construction, generating approximately 30-50 trips per day. This traffic increase would not be considered significant since construction would be restricted to off-peak seasons. The City has imposed a Mitigation Measure that would further reduce this impact by requiring the preparation of a Traffic Control Plan prior to commencement of the project.

Conclusion

The City has submitted a Conceptual Traffic Control Plan for the proposed project. A Final Traffic Control Plan will be developed by the contractor when the project is contracted out. Commission review of the Final Traffic Control Plan is necessary to verify that the proposed Traffic Control Plan is consistent with the public access policies of the Coastal Act and to minimize interference with the public's right of access to the sea. As stated previously, Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. The Final Traffic Control Plan should meet the followin

requirements: 1) emergency vehicle access shall be maintained at all times, 2) at least one open lane in each direction shall be maintained at all times for vehicular traffic, 3) the locations and wording of all barricades, signs, delineators, lights, warning devices, parking restrictions, and any other required details shall ensure that all pedestrian and vehicular traffic will be handled in a safe manner with a minimum of inconvenience to the public, 4) all advanced warning signs shall be reflectorized and/or lighted, and 5) the contractor shall accommodate the City's trash collection. Thus, in order to ensure access to the beach is not hindered during the winter season, the Commission finds that it is necessary to impose Special Condition #3, which requires that the Executive Director review the Final Traffic Control Plan. Only as conditioned does the Commission find the proposed development is consistent with Sections 30211 and 30252 of the Coastal Act.

2. Parking

A key element of the Balboa Village Rehabilitation Project is to widen the sidewalks to encourage pedestrian passage along Balboa Boulevard and the side streets connecting Oceanfront and Edgewater. The Balboa Village area (excluding the Balboa Pier Parking Lot) has 117 existing parking spaces. This proposed project will result in a loss of 29 spaces leaving 88 spaces due to the widening of the sidewalks as discussed above. To compensate for the loss of parking in the Village area, a significant number of parking spaces will be created in the metered parking area of the Balboa Pier Parking lot (Exhibit #10 & #11). The Balboa Pier Parking Lot has 665 existing parking spaces (54 metered spaces and 611 parking fee spaces) and post project will have 718 spaces (97 metered parking spaces and 621 parking fee parking spaces), an increase of 53 spaces. Forty-three (43) additional spaces are being created in the metered parking area along Oceanfront just one block south of Balboa Boulevard and 10 additional spaces are being created in the parking fee area. Also, 6 additional bus-parking spaces will be provided with the lot reconfiguration. Handicap parking will also be expanded from 4 spaces to 16 spaces total (an addition of 12 spaces). This leads to a net gain of 24 parking spaces in the entire Village area including the Balboa Pier Parking Lot.

The existing on-street parking in the Village, is one-hour parking and costs \$1.00 per hour and the metered parking on Bay Avenue and the Palm Street parking lot is two-hour parking and costs \$1.00 per hour and both operate Monday through Sunday from 8am to 6pm. These parameters will not change for the proposed project, but there will be a net loss of 29 Village on-street parking spaces with this project. The existing metered parking area in the Balboa Pier Parking Lot is one- and four-hour parking and costs \$1.00 per hour and operates Monday through Sunday from 8am to 6pm. These parameters will not change as well. This metered parking area will be expanded by 43 spaces. Half of the additional spaces will be one-hour parking and the remaining will be four-hour parking. The existing attendant all day parking fee area costs \$0.50 per 20 minutes with a maximum of \$7.00 for 24 hours. The lot is open 24 hours a day, Monday through Sunday. These parameters as well will not change. This parking area will be expanded by 10 spaces.

The proposed project will result in a net gain of 24 parking spaces in the Balboa Village area. A loss of parallel parking in the Village area will be compensated by an increase of parking spaces in the Balboa Pier Parking Lot. Therefore, public access to the coast will continue to be provided and ultimately increased.

3. Timing of Construction

The project will occur in three phases: Phase 1 from September 2001 to September 2002, Phase 2 from September 2002 to June 2003 and Phase 3 from September 2003 to June 2004. Construction will not occur during the peak Summer Seasons, which is from Memorial Day to Labor Day. During construction, the contractor will be allowed to use the Balboa Pier Parking Lot for storing equipment and materials. During the first construction phase starting in September 2001, different positions of the parking lot will be closed to provide a staging area and storage area for the project (Exhibits #21). Each area of the Balboa Pier Parking Lot (north, west, south and east lots) will have to be sequentially closed for this work. The number of available parking spaces reaches a minimum in January and February of about 310 to 330 spaces. The City's parking lot supervisor states that approximately 241 spaces are required to remain available for public parking during the construction period. The remaining 70 to 90 spaces would then be available for property and business owners whose normal parking areas are closed during the construction of the Village project, and for parking for construction workers. Construction on the Balboa Pier Parking Lot will only occur during Phase 1. The parking lot will be entirely open for the remaining 2 phases.

The project will occur in 3 different phases and will not occur during the summer season. Construction during the summer season would result in a significant impact to public access to the coast. The project will also result in the closing of some of the Balboa Pier Parking Lots during construction, which could impede public access to the coast. The City has stated that enough parking spaces will be provided for the public use during construction based upon their calculations, which is 240 parking spaces. After Phase 1, the City has additionally stated that all the Balboa Pier Parking Lots will be opened. Construction on these lots will only occur during the first phase.

Conclusion

Section 30211 of the Coastal Act state states that development shall not interfere with the public's access to the coast. Construction during the peak summer season would drastically impact public access to the coast. During the off-season, the public would still visit the coast, but the number of people would be reduced. Construction during this off-season would impact public access to the coast much less.

Even though fewer numbers of people visit the coast during the off-season as opposed to the peak summer season, construction would still affect public access to the coast. In order to ensure access to the beach is not hindered during the peak summer season and during the off-season, the Commission finds that it is necessary to impose Special Condition #4, which does not allow construction to occur during the summer season and for construction during the non-summer season, portable toilets shall be provided if no restrooms are open and that the Balboa Pier Parking Lot during the non-summer season will be open and have a minimum of 240 parking spaces for public use during Phase 1, which construction on the Balboa Pier Parking Lot will occur. Only as conditioned does the Commission find the proposed development is consistent with Sections 30211 and 30252 of the Coastal Act.

E. HAZARDS

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

A flooding problem currently exists on the Balboa Village area due to very flat grades on Balboa Boulevard. This has dictated the need for a storm drain system in Balboa Boulevard to collect runoff at low points and convey the flow to the harbor. There is no existing storm drain runoff collection system in Balboa Boulevard or any of the side streets. Because of the flat grades and inconsistencies in the very old pavement, the existing drainage is substandard with ponding in the traffic and parking lanes.

The storm drain system will be constructed to collect the majority of runoff from the site and it will outlet into Newport Harbor. The system uses reinforced concrete pipe and 18-inch lines for the lateral and 24-inch lines for the main storm drain. The system is primarily in place to handle nuisance flows and small storm events, but can convey peak flows for a storm event between a 5- and 10- year frequency. For larger storms, the water will be stored within the street as is the existing condition. Based upon the tide, the rainwater would then drain into Newport Harbor. The proposed project will temporarily reduce flooding in the project area, but flooding will continue to persist at the intersection of Washington Street and Bay Avenue post project.

The proposed drainage system will reduce flooding on Balboa Boulevard, Adams Street and Palm Street by capturing runoff in the storm system in Balboa Boulevard. The storm system would then convey the runoff down Washington Street and outlet into Newport Harbor. In the event of a large storm (10 year storm event) occurring at a high tide (4.08 feet, MSL datum), the depth of water at the intersection of Bay Avenue and Washington Street would be about 6 inches. This level of water would be contained within the curbs. Larger storms occurring at high tide could pose a flood hazard to two establishments located at this intersection. There are no other businesses that would be potentially impacted. In the event of a larger storm occurring during high tide, temporary doorway flood protection should be installed at these two establishments.

The proposed project will improve the ability to handle small storm events in the project area, but flooding will continue to persist at the intersection of Washington Street and Bay Avenue post project with large storm events. Alternatives to the proposed project would minimize the risk of flooding, but not solve the flooding at the intersection of Washington Street and Bay Avenue. Project alternatives consist of: 1) a no project alternative, 2) use of pumps, 3) construction of a permanent pump station and 4) installing a larger pipe.

The no project alternative would not assist in alleviating the flooding that occurs in the Balboa Village area and at the Washington Street and Bay Avenue intersection. The new storm drain system will reduce the amount of flooding in the overall Village area due to the flat grades and inconsistencies in the very old pavement. If a no project alternative was followed, flooding at this intersection would continue to occur and an overall reduction in the amount of flooding in the Village area would not take place. Therefore, this alternative would not be acceptable.

The second alternative consists of use of portable pumps to prevent flooding at the intersection of Washington Street and Bay Avenue during a storm event. Though this alternative would accomplish the goal in preventing flooding of the intersection it is not feasible because there may be a time delay to set up get the portable pump during a flood event. The time it takes to reach the flooded destination and set up the portable pump varies and is unpredictable. Additionally, small portable pumps may not be able to handle large storm events. Therefore, this alternative would not be feasible.

The third alternative consists of the possibility of providing a pump station at the north end of Washington Street to pump water ponding in the street in the event the tide valve is closed during high tides. A permanent pump station at this location would require an above ground structure for the pumps, controls and equipment. The structure would require substantial sound attenuation because of the noise associated with the pumps during use. The pump would be located in an area that is very busy with pedestrian traffic and is adjacent to visitor serving businesses. Venting for the structure would need to also be considered. Three other associated problems with this alternative is that the structure may block views of the harbor, the cost of the structure may exceed \$500,000 assuming no cost for the property and the fact that the pump station would only be needed for large storm events, which are infrequent. The proposed storm drain system would be better suited to handle the small storm events that occur more often than large storm events that the pump station would be needed for, which do not occur frequently. Due to these associated difficulties and problems associated with this alternative, this alternative as well is not feasible.

Lastly, the fourth alternative would be the use of a larger pipe. The City has stated that the new storm drain system could be sized to convey larger storm events, but this would create an unacceptable flooding problem at the intersection of Washington Street and Bay Avenue in the event that the system tide gate is closed during high tides in Newport Harbor. An analysis was done that determined that water surface elevation is at 5.13 feet, which is 0.71 feet higher than the centerline of Washington Street. The tide valve which is located at the north end of Washington Street, is shut down when the water elevation in the Harbor is higher than the street elevations in the Village area in order to prevent harbor water from flowing back into the storm drain system and then flowing out of the catch basin and into the City streets. The storm drain main as proposed, has been sized such with a medium storm event (a storm event somewhat less than a 10-year storm frequency) and the tide gate closed for a high tide in Newport Harbor, ponding of about 6-inches would be expected at the intersection of Washington Street and Bay Avenue. This ponding would be contained within the streets by the curbs. A larger storm drain system main would allow more runoff to be conveyed to the intersection at Washington Street and Bay Avenue (due to lower friction forces in the larger pipe) resulting in deeper flooding at the intersection and potentially flooding adjacent buildings. For this scenario of a medium sized storm and high tide event, it is preferable to allow stormwater runoff to remain stored in Balboa Boulevard to reduce flooding at Bay Avenue. The City believes that the proposed storm drain system minimizes flood hazards in the Village area by virtually eliminating drainage problems on Balboa Boulevard, while at the same time not creating a flood hazard at Bay Avenue in the event that an infrequent, medium sized storm event coincides with high tides in Newport Harbor.

The proposed project is the most viable alternative because the storm drain system will be a permanent system that would overall reduce flooding in the Village area. Currently, there is ponding of water at the intersection of Washington Street and Bay Avenue. During storms, the water will be stored within the street as is the existing condition, and then drain into Newport Harbor depending on the tide. Even though ponding may occur at the intersection of Washington

Street and Bay Avenue post project, the proposed overall project would benefit the Balboa Village area.

The applicant has chosen to implement the project to alleviate risks from flooding. Once constructed, the new storm drain system is expected to considerably reduce the flooding risk, but cannot totally eliminate the flood hazard. Therefore, the Commission imposes Special Condition #5, for an assumption-of risk-agreement. In this way, the applicant must assume the risks of development and is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

F. VISUAL IMPACTS

Section 30251 of the Coastal Act states:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Proposed redevelopment will construct street, sidewalk, sewer, water, irrigation, hardscape, landscape and lighting throughout the Balboa Village area. In addition redesign of Balboa Village parking, reconfiguration of the Balboa Pier Parking Lot, improvements to Peninsula Park and Pier Plaza, reconstruction of the Balboa Pier and Washington Street restrooms, installation of an Odor Control System, installation of catch basins and filters, installation of a larger water main, installation of a new storm drain system and replace a storm drain pipe that outlets into Newport Harbor. Also, the landscape areas in the Pier Plaza will be planted with trees and shrubs and 12 to 16 new king palms will be planted within the plaza. In addition, the project will involve the relocation of Palm Trees in the Balboa Pier Parking Lot to the perimeter of the Park adjacent to Pier Plaza. In addition, there will be construction of new seating and landscape areas on the periphery of the park along the Pier Plaza and Oceanfront Walk. Plant materials will be selected such that views from Oceanfront are not substantially degraded. Lastly, the median between Oceanfront and the Balboa Pier Parking Lot will be re-landscaped and a low barrier wall will be constructed to discourage people from walking through the landscaped areas. The wall will run down the center of the median and on both sides plants will be planted.

The proposed project will not hamper or adversely impact coastal views. The proposed project will enhance the Balboa Village area visually with the proposed improvements. Therefore, no coastal views are impacted and the proposed development is compatible with the character of the surrounding area and is compatible with Section 30251 of the Coastal Act.

G. VERIFICATION TO UNDERTAKE PROJECT

Section 30601.5 of the Coastal Act states:

Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval

As part of the proposed project, the City is redesigning sidewalks and driveways to be in compliance with ADA regulations. At a few locations in the project area, the most desirable design standard for an ADA compliant ramp would extend past the right-of-way line into sidewalk areas outside the public right-of-way. There are a total of eight easements, which are proposed to be acquired for this project (Exhibit #22). The City has sent out easement letters to these locations and one of these letters has been included as an exhibit (Exhibit #23). Within this letter, the City has also invited these owners to become co-applicants for the project if they wish. The City expects to receive these approvals by October 2001.

Therefore, the Commission imposes Special Condition #6, which requires approval from the property owners before construction can be undertaken on the properties not owned by the City of Newport Beach. As conditioned, the Commission finds the proposed project is consistent with Section 30601.5 of the Coastal Act.

H. 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 City of Newport Beach Land Use Plan (LUP) component of its LCP was originally certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the Commission issues CDPs within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3. The City's LUP states that the City shall protect and encourage the maintenance of lower-cost commercial visitor-serving facilities. The proposed project is an improvement and enhancement project for the Balboa Village area. Once completed, the proposed project would enhance and increase visitor serving commercial use of the area.

Also, the City's LUP states that the City shall locate and develop new public parking. This is accomplished with the proposed project by increasing the amount of Balboa Village parking by 24 parking spaces. In addition, the City LUP also states that public restrooms shall be maintained and that bike racks shall be provided throughout the Coastal Zone. The proposed project accomplishes this by demolishing the Balboa Pier and Washington Street restrooms and replacing them with ADA compliant facilities and also providing bike racks as part of the Pier Plaza

improvements. Lastly, the City's LUP states that dredging, diking and filling of open coastal waters could occur if it was for incidental public service purposes which temporarily impact the resources of the area, such as maintenance of existing intake and outfall lines. The proposed project includes replacement of an existing 15-inch storm outfall line with a new 24-inch outfall line, which is an incidental public use.

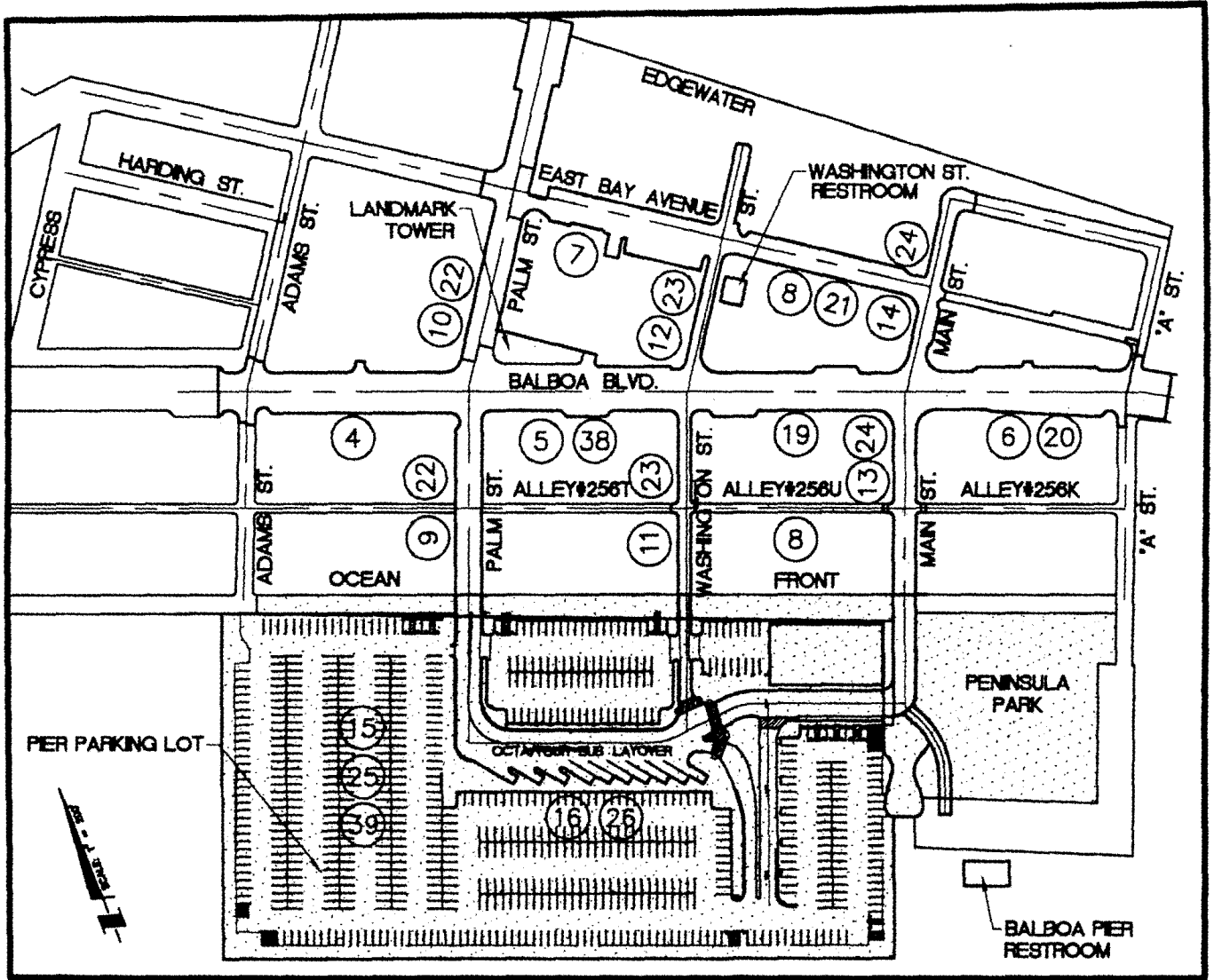
As explained above, the proposed development is consistent with the Chapter 3 policies of the Coastal Act and with the LUP. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act, as required by Section 30604 (a).

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's 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 urbanized area and is an improvement and enhancement project for the area. The major issues of this staff report concern water quality, public access and hazard abatement. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. There are six (6) Special Conditions to be imposed address 1) storage of construction materials, mechanized equipment and removal of construction debris; 2) best management practices; 3) traffic control plan; 4) timing of construction; 5) assumption of risk, waiver of liability and indemnify agreement; and 6) legal interest. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

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 and the policies of the Coastal Act.



LOCATION MAP

SCALE 1"=200'

COASTAL COMMISSIC

EXHIBIT # 1

PAGE 1 OF 2

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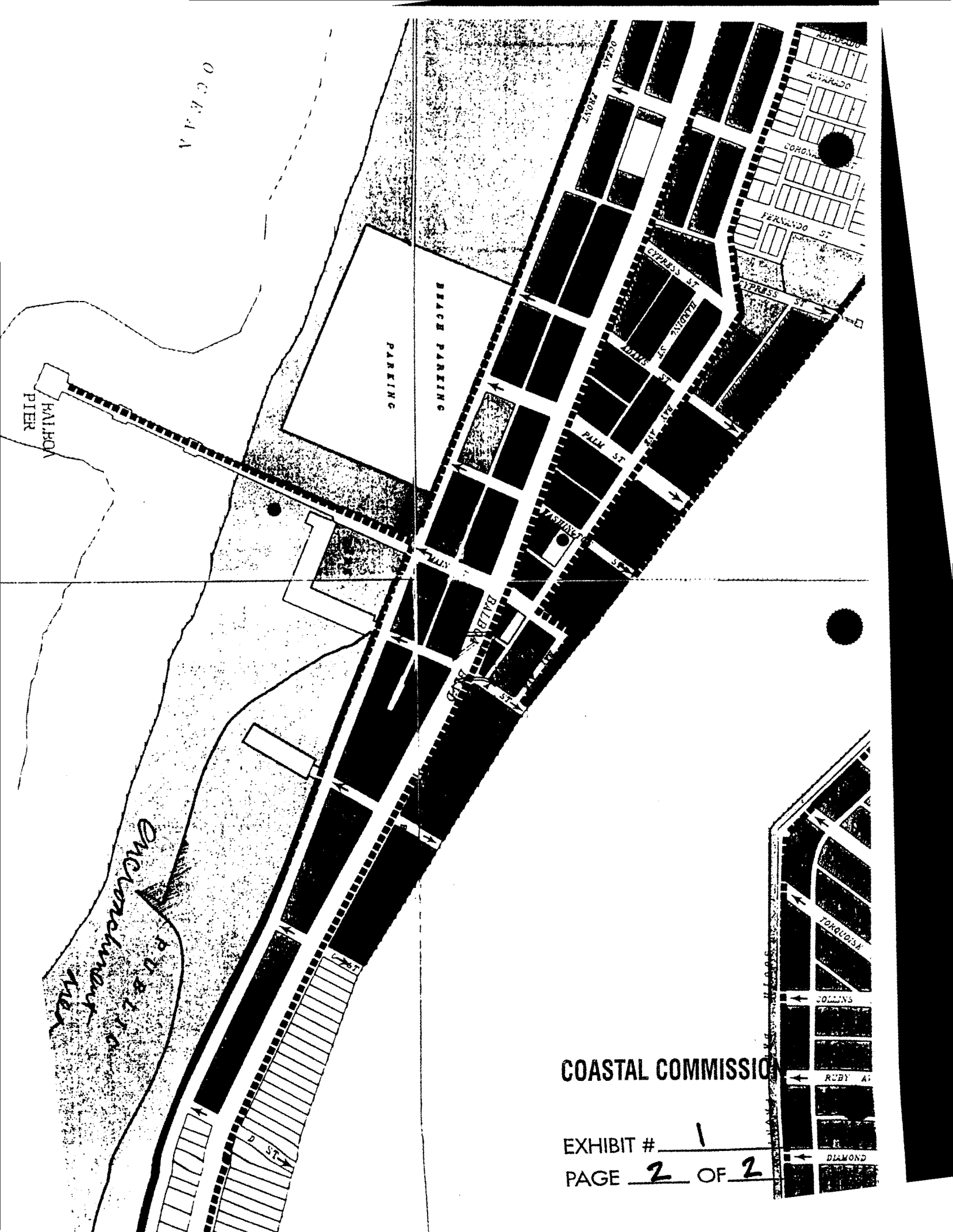
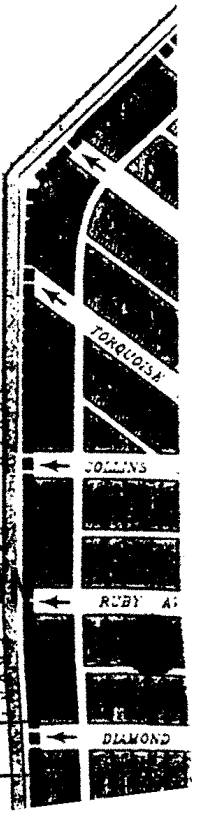
PARKING

BEACH PARKING

ENCLOSURE
REBUILT
ME

COASTAL COMMISSION

EXHIBIT # 1
PAGE 2 OF 2





CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3311

July 6, 2001

Mr. Fernie Sy
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
CALIFORNIA COASTAL COMMISSION

JUL 9 2001

CALIFORNIA
COASTAL COMMISSION

Re: **Coastal Development Permit Application 5-01-029**
Balboa Village, Newport Beach (Orange County)
No Growth Inducement

Dear Mr. Sy:

The project area for the Balboa Village Improvement Plan is bounded by Edgewater, Adams Street, Ocean Front and A Street. The project area also includes the Balboa Pier parking lot, Pier plaza and Peninsula Park. The project will not induce new construction.

This rehabilitation project includes:

- Replacing aging street and sidewalk pavement,
- Reconfiguring the parking lot to add more parking spaces, ADA parking spaces, bus parking spaces, and landscaping area,
- Upgrading the street lighting system,
- Installing a new 16-inch water main to replace a cast-iron line constructed in 1949,
- Constructing a storm drain system to correct drainage deficiencies on Balboa Boulevard,
- Replacing an old VCP sewer main in Alley 221 (between Balboa Boulevard and Bay Avenue),
- Installing new irrigation, and
- Planting additional landscaping into the Village area.

These various infrastructure improvements will enhance the existing development in the Village area. However, because the Village area is completely built out, there is no area where new development is possible.

If you have any questions or need additional information, please call me at (949) 644-3322.

Sincerely,

Robert Stein, P.E.
Project Manager

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1



Department of Toxic Substances Control



Ernest H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630

Gray Davis
Governor

RECEIVED
JUN 4 - 2001

CALIFORNIA
COASTAL COMMISSION

May 25, 2001

Mr. Bob Stein
Project Manager
Public Works Department
City of Newport Beach
P.O. Box 1768
Newport, California 92658-8915

NEGATIVE DECLARATION FOR THE BALBOA VILLAGE IMPROVEMENT PROJECT
(SCH #2001011130)

Dear Mr. Stein:

This is a follow-up of your yesterday's telephone request to Mr. Johnson P. Abraham regarding the subject project. You requested that your agency need a determination letter from the Department of Toxic Substances Control (DTSC) regarding DTSC's evaluation of the subject Negative Declaration (ND).

Your letter dated May 10, 2001, in response to DTSC's previous comments on the ND indicates that you adequately addressed DTSC's comments. It shows that there are no records that indicate that current or historic land uses in the project area have resulted any release of hazardous wastes or hazardous substances. Additionally, during the telephone conversation you have indicated that your agency conducted a Phase I Environmental Assessment which includes the regulatory agencies' database searches that concluded no hazardous waste activity at the project area in the past. Moreover, your letter states that hydrogen sulfide and methane gases identified at the site are believed to be of natural origin and not the result of anthropogenic contamination. It also states that based on the absence of any methane explosions in this area due to historical construction activities, the risk of an explosion is considered remote and that subsurface soil-gas conditions will be monitored in advance of earth-moving activities at the project area and if concentrations greater than 10,000 ppm of methane are detected, proper precautions will be taken for a safe excavation. DTSC believes that you adequately addressed our comments in order to protect the health and safety of human and the environment.

COASTAL COMMISSION

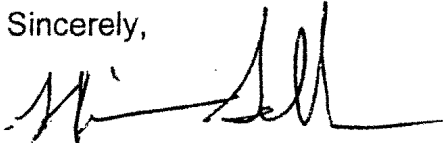
The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

EXHIBIT # 3

Mr. Bob Stein
May 25, 2001
Page 2

If you have any questions or need further assistance, please contact
Mr. Johnson Abraham, Project Manager at (714) 484-5476.

Sincerely,

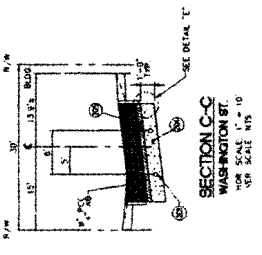
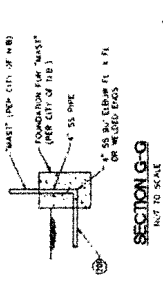
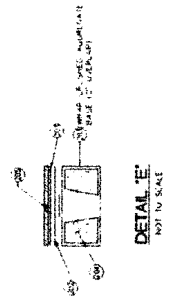
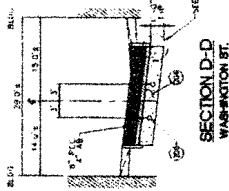
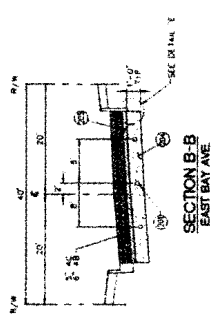
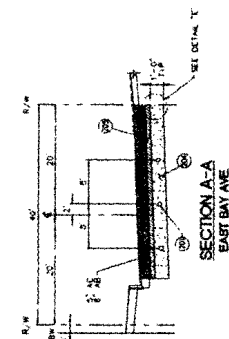
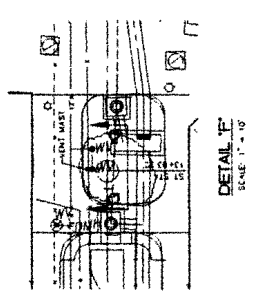
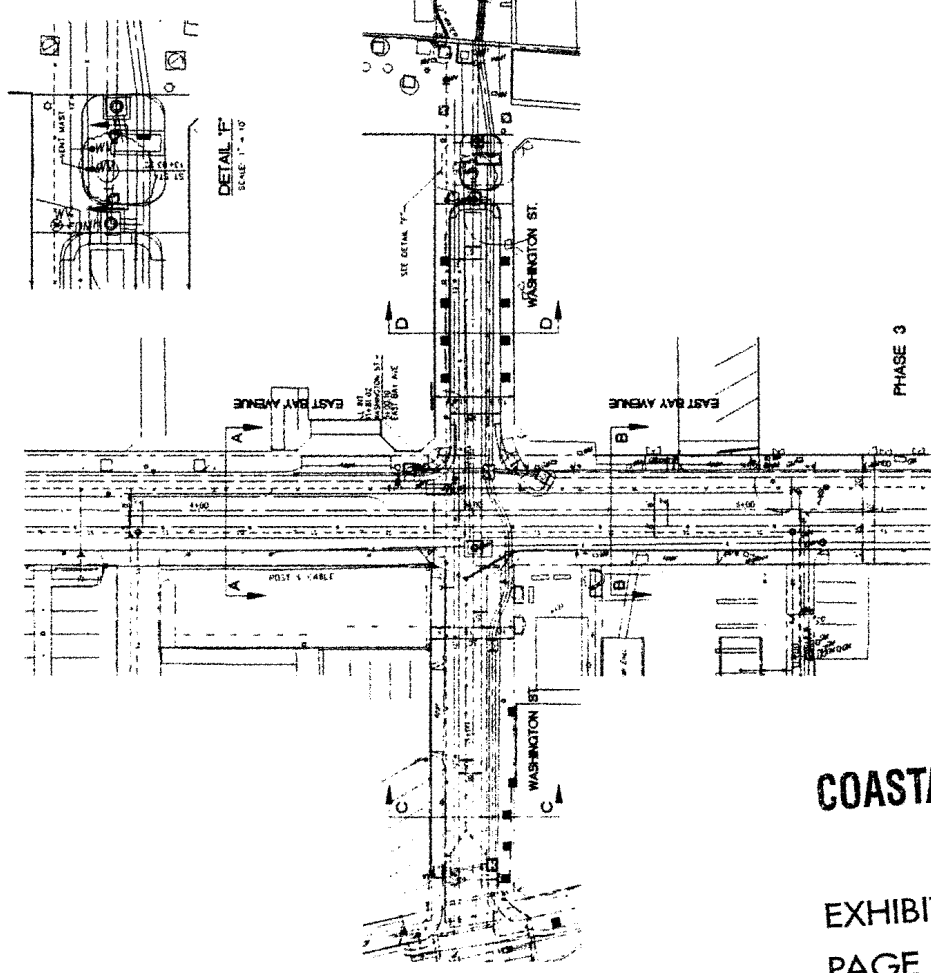


Haissam Y. Salloum, P.E.
Unit Chief
Southern California Cleanup Operations Branch
Cypress Office

cc: Mr. Fernie Sy
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90082-4302

COASTAL COMMISSIC

EXHIBIT # 3
PAGE 2 OF 2



ODOR CONTROL NOTES:

1. ALL 1\"/>
- 2. ALL 1\"/>
- 3. ALL 1\"/>
- 4. ALL 1\"/>
- 5. ALL 1\"/>

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1

CITY OF NEWPORT BEACH

PREPARED BY: **P S O M A S**
 PROJECT NO. 2002-0001
 DATE: 11/20/02
 DRAWN BY: J.H.S.
 CHECKED BY: J.H.S.
 IN CHARGE: J.H.S.

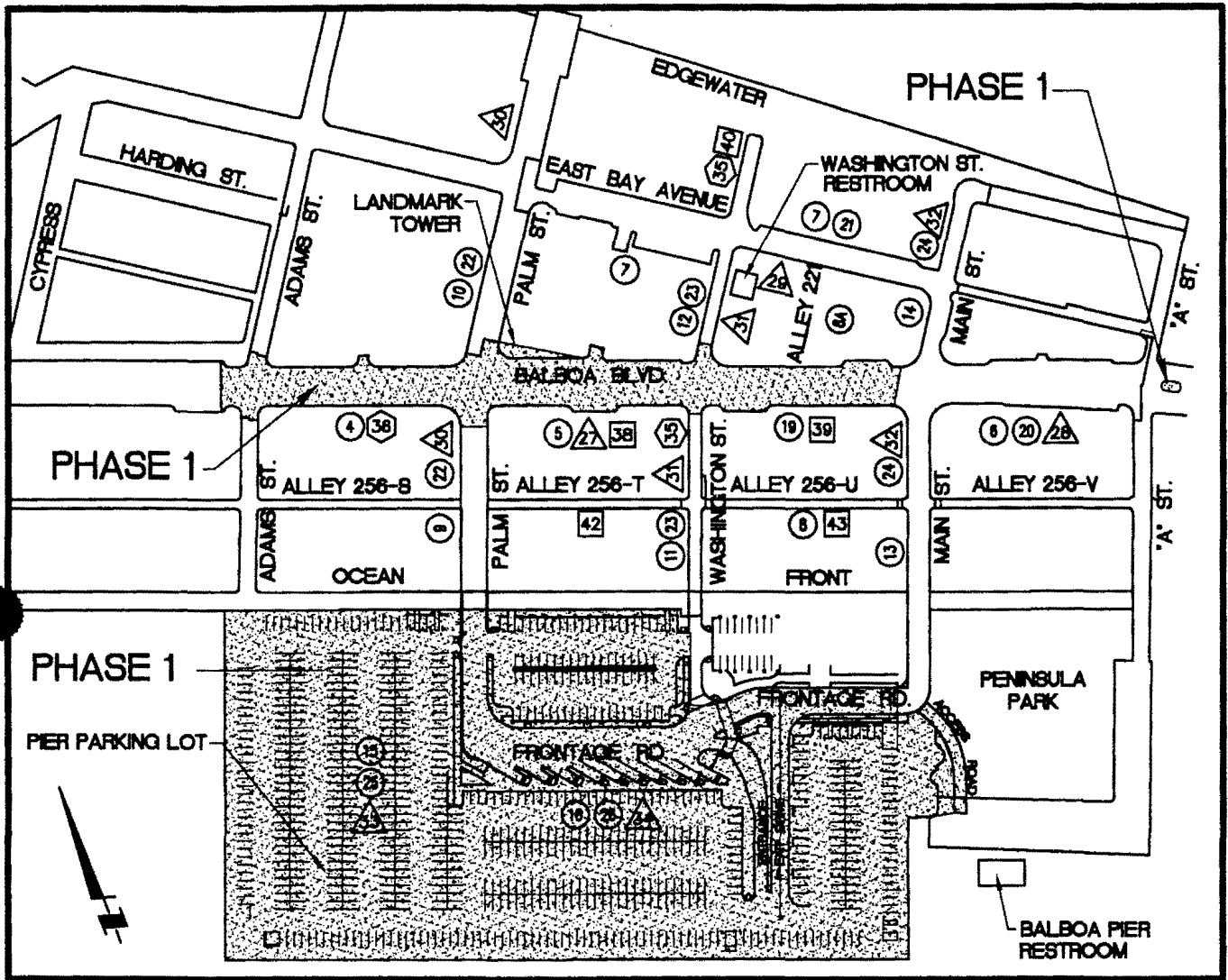
THIS PLAN IS SUBMITTED BY THE CITY OF NEWPORT BEACH FOR CONSIDERATION AND APPROVAL BY THE COASTAL COMMISSION AND APPLICABLE LOCAL AGENCIES. THE CITY OF NEWPORT BEACH IS RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION AND DATA SUBMITTED HERETO.

APPROVED: DATE: _____
 PUBLIC WORKS DEPT.

REVISIONS			
NO.	DATE	BY	DESCRIPTION

DRAWN BY: J.H.S. SCALE: 1" = 30'
 CHECKED BY: J.H.S. DATE: 11/20/02
 PUBLIC WORKS DEPT.

ODOR CONTROL PLAN
 P-0783-S
 SHEET 45 OF 85



PHASE 1 LOCATION MAP

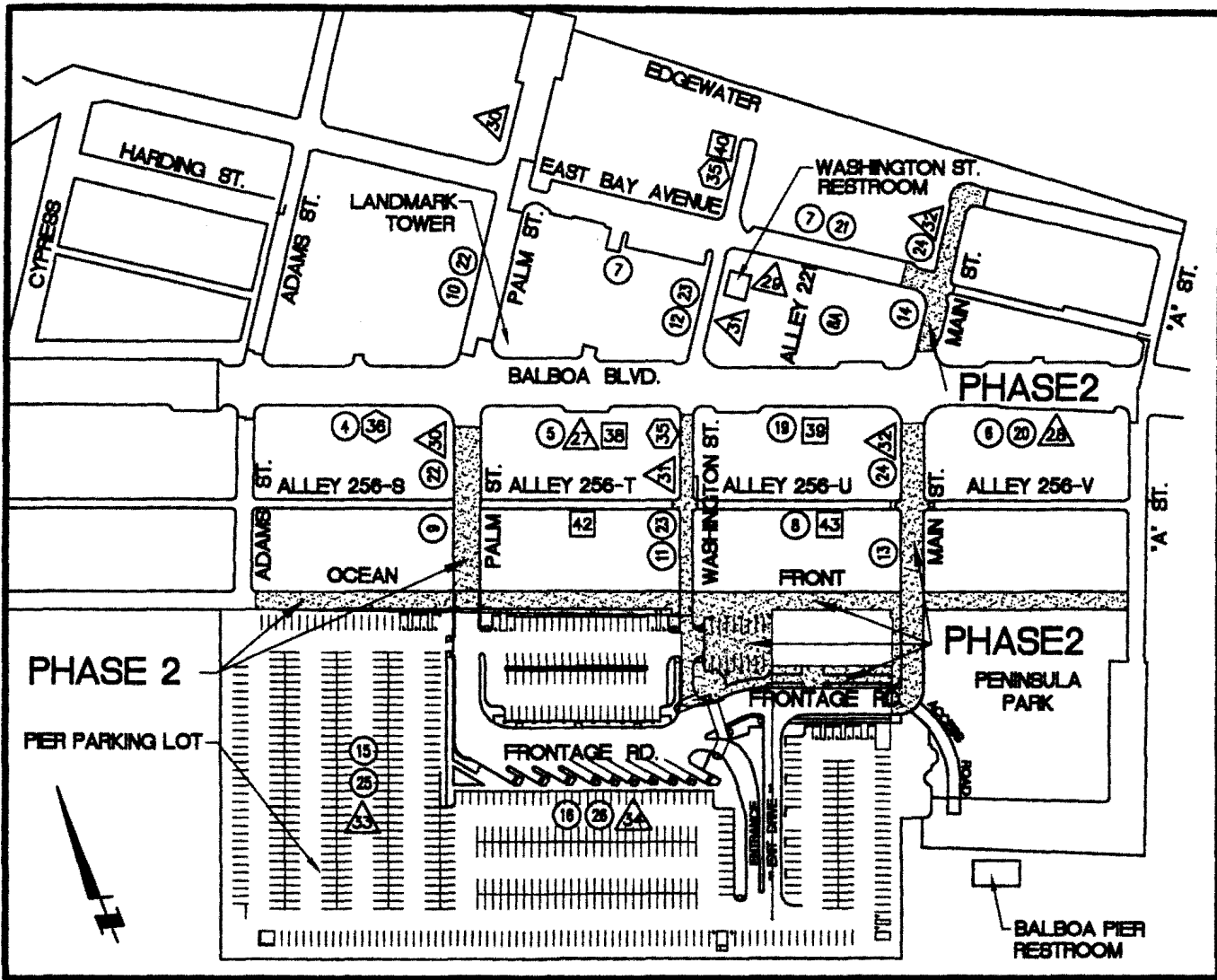
SCALE 1"=200'

COASTAL COMMISSION

EXHIBIT # 5

PAGE 1 OF 3





PHASE 2 LOCATION MAP

SCALE 1"=200'

COASTAL COMMISSION

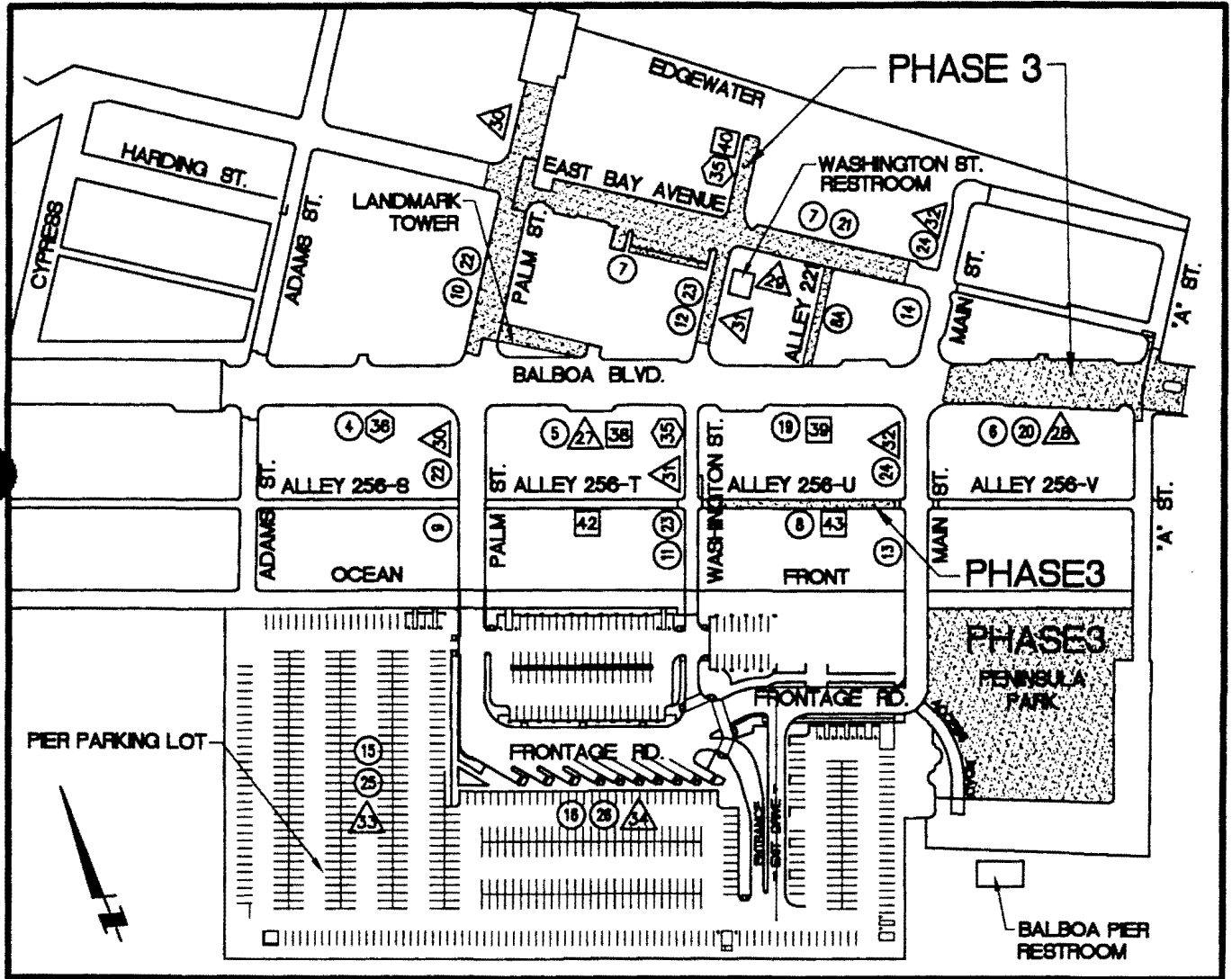
EXHIBIT # 5

PAGE 2 OF 3

BENCH MARK:

O.C.S. B.M. 1E-116-99 ON THE TOP NORTHWEST CORNER OF A 5.0 FT BY 5.0 FT CONCRETE CATCH BASIN. MONUMENT IS LOCATED ALONG THE WESTERLY SIDE OF PALM STREET, 110 FT. NORTHERLY OF BAY AVENUE AND 2 FT WEST OF THE CENTERLINE OF PALM STREET.

LINE
CORDED
COUNTY



PHASE 3 LOCATION MAP

SCALE 1"=200'

COASTAL COMMISSION

EXHIBIT # 5

RECEIVED 3
South Coast Region

JUL 9 2001

CALIFORNIA

5-01-029
City of Newport Beach
Balboa Village Improvement Project

Phase 1 (Beginning Fall 2001)

1. Improvements to Balboa Boulevard from Adams Street to Main Street regarding street, sidewalk and landscaping. Budget permitting, colored concrete intersections on Balboa Boulevard at Adams Street, Palm Street and Washington Street will occur.
2. Improvement to the Pier Plaza lot, bus layover area and install lighting along frontage road.
3. Improvements to Pier Plaza including lighting and relocating 3 bronze plaques to Peninsula Park.
4. Construction of an articulated wall in Pier Plaza with built in seating.
5. Construction of a connector road from the A Street parking lot to Main Street.
6. Improve street lighting on Balboa Boulevard.
7. Construction of a storm drain system in Balboa Boulevard and Washington Street with catch basins at the curb returns on Adams Street, Washington Street and Palm Street. Install conduit for future utility undergrounding and use hot mix to backfill trench in Washington Street.
8. Construct catch basins and storm drain laterals on Washington Street and Bay Avenue.
9. Replace a 15" storm drain line across Edgewater into Newport Harbor with a new 24" line.
10. Replace water main lines in Balboa Boulevard and Washington Street.
11. Replace water main line in Main Street from alley south of Balboa Boulevard to the Pier Plaza.
12. Sewer and water line work in Alley 221 east of Washington Street.
13. Reconstruction of the Balboa Pier restroom.
14. New irrigation along Balboa Boulevard.

Phase 2 (Beginning Fall 2002)

1. Improvements to Main Street between the Pier Plaza and Balboa Boulevard (following completion of the Balboa Inn expansion). Also, construction lighting for this portion of Main Street and conduit construction for future utility undergrounding.
2. Improvements to Main Street north of and south of Balboa Boulevard including streetlights. Connect sidewalk from Main Street to Bay Avenue.
3. Paving, lighting and landscaping work on Oceanfront.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 2

5-01-029
City of Newport Beach
Balboa Village Improvement Project

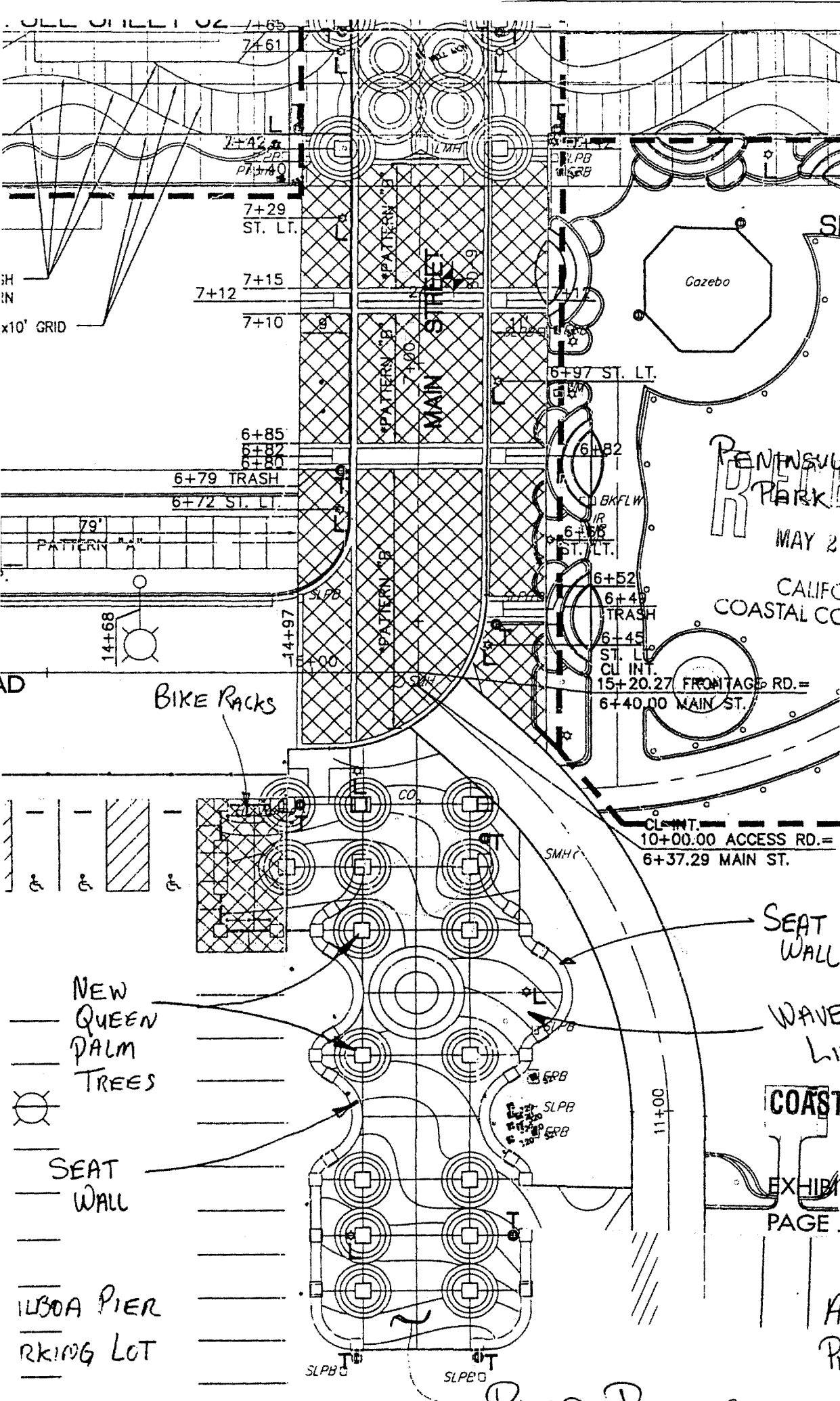
4. Improvements to Washington Street south of Balboa Boulevard.
5. Improvement to Palm Street south of Balboa Boulevard.
6. Construction of street lighting between the Balboa Pier Parking Lot and Balboa Boulevard.
7. New irrigation on Palm Street and Washington Street south of Balboa Boulevard. Also, new irrigation along Main Street.

Phase 3 (Beginning Fall 2003)

1. Improvement to Washington Street north of Balboa Boulevard.
2. Improvement to Palm Street north of Balboa Boulevard.
3. Improvement to Balboa Boulevard from Main Street to A Street.
4. Modification to the Palm Street parking lot.
5. Improvements to Bay Avenue.
6. Reconfigure Bay Avenue to provide Diagonal parking.
7. Lay new concrete in Alley 256U south of Balboa Boulevard from Main Street to Palm Street.
8. Pave Alley 221 east of Washington Street, north of Balboa Boulevard.
9. Replace water line in Alley 256U and 256T south of Balboa Boulevard with concrete patchback.
10. Turf and irrigation replacement for Peninsula Park.
11. Enhanced landscaping with raised planters for Peninsula Park adjacent to the Pier Plaza and Oceanfront.
12. Washington Street restroom reconstruction.
13. Work on the parking area adjacent to the Washington Street restroom.
14. Construction of street lighting between Balboa Boulevard to (and including) Edgewater.
15. Install an odor control collection system at the intersection of Washington Street and Bay Avenue.
16. New irrigation on Palm Street and Washington Street north of Balboa Boulevard.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 2



PHASE 2
 PHASE 3
 PARK
 SEE SHEET X

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 MAY 24 2001
 CALIFORNIA
 COASTAL COMMISSION

North

PHASE 1

SEAT WALL

WAVE PATTERNED LITHOCRETE

COASTAL COMMISSION

EXHIBIT # 7
 PAGE 1 OF 1

A STREET PARKING LOT

Attachment H

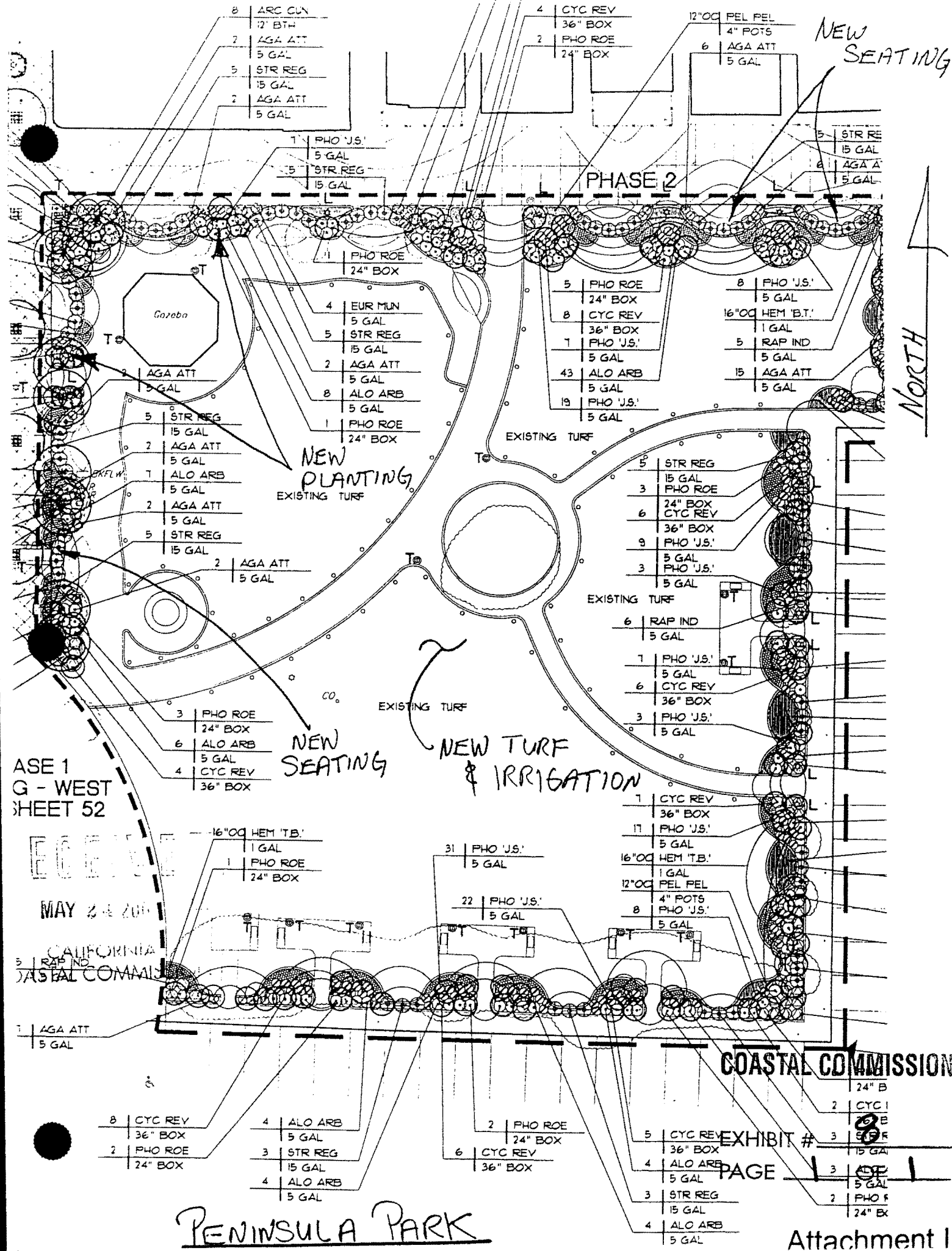
BIKE RACKS

NEW QUEEN PALM TREES

SEAT WALL

1500A PIER PARKING LOT

DIED D. 00 0



NEW SEATING

NORTH

PHASE 2

NEW PLANTING
EXISTING TURF

NEW SEATING

NEW TURF & IRRIGATION

ASE 1
G - WEST
SHEET 52

EGE

MAY 24 2001

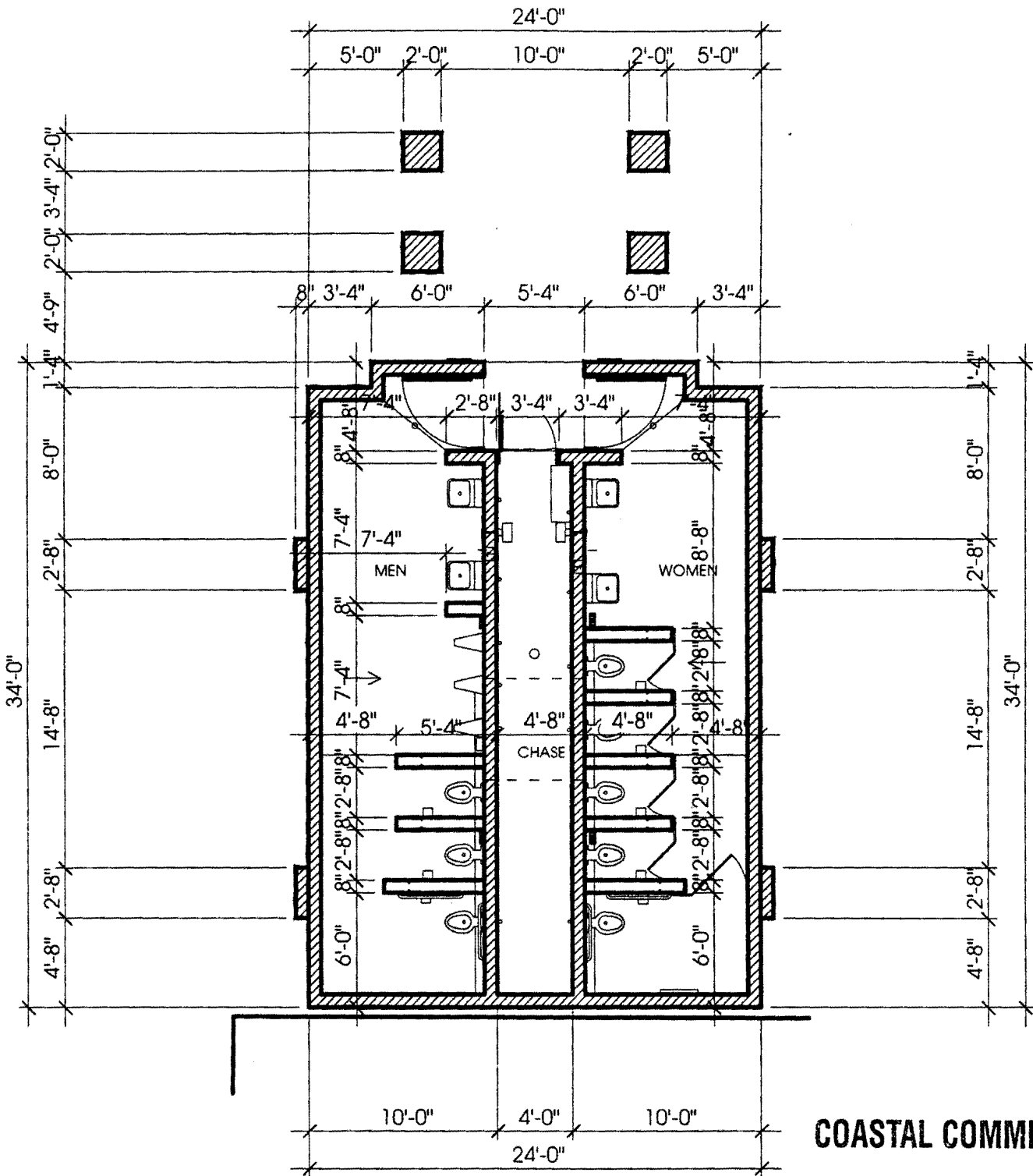
CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 1

PENINSULA PARK

Attachment I



WASHINGTON STREET
RESTROOM REPLACEMENT

Scale: 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 9
PAGE 1 OF 4



RON YEO, FAIA ARCHITECT, INC.
500 JASMINE AVE, CORONA DEL MAR, CA 92625
Phone: 949-644-8111 Fax: 949-644-0449

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

Attachment S

BAY AVENUE

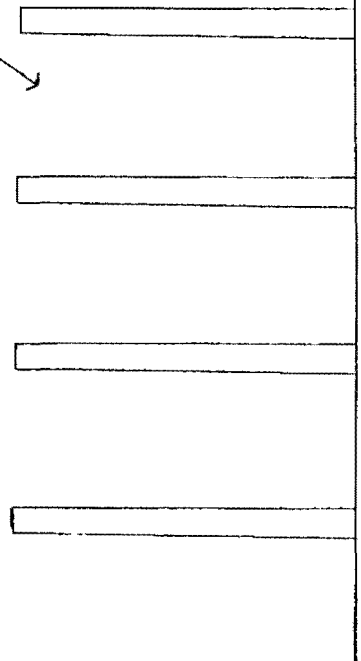
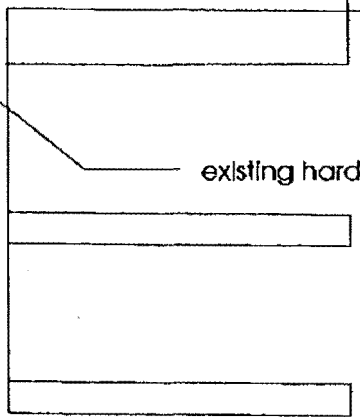
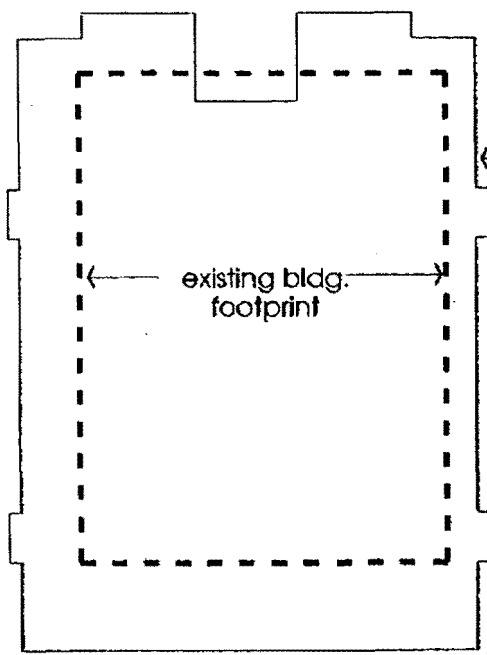
APR 5 2001
South Coast Region

CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 9

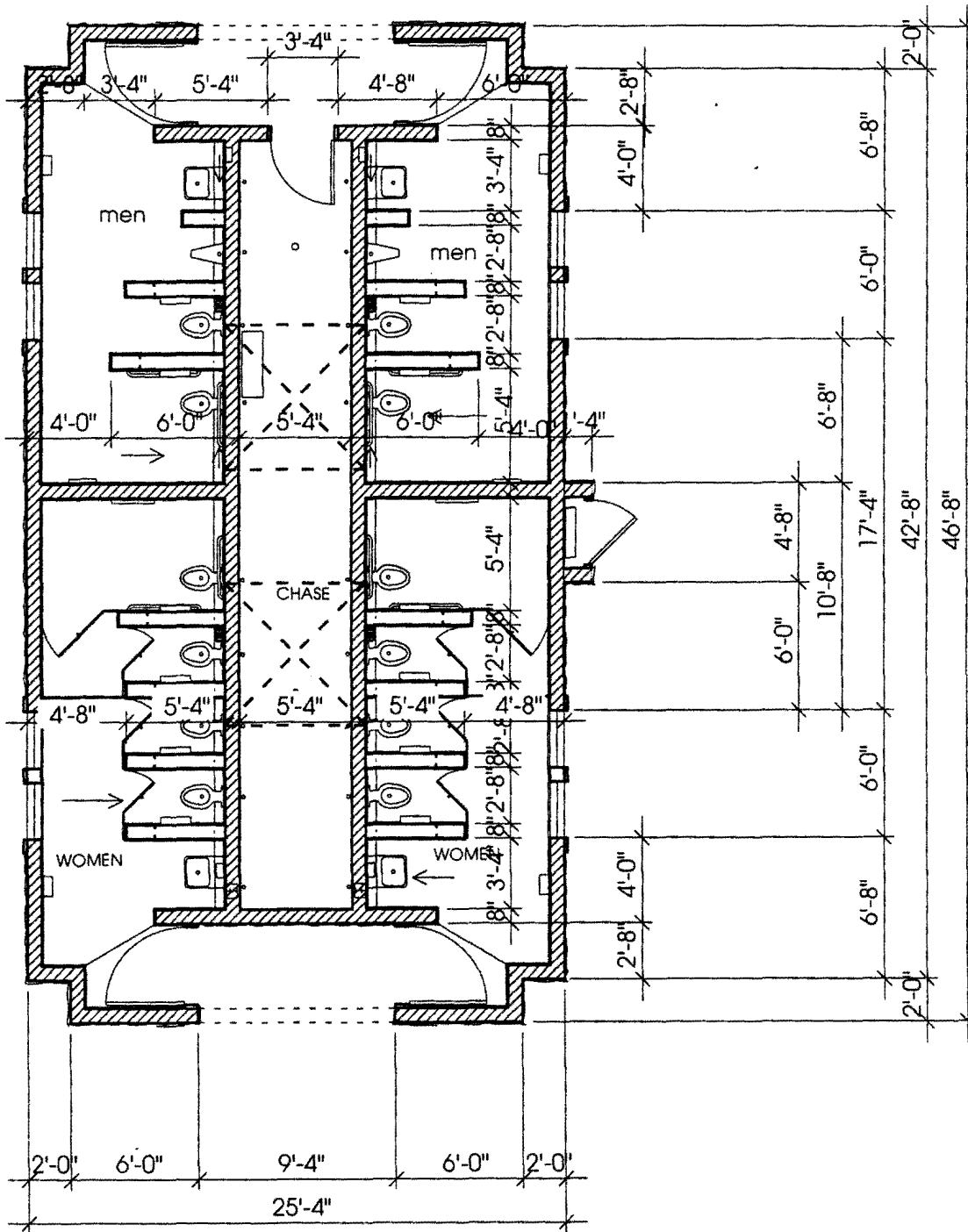
PAGE 2 OF 4



Washington Street Restroom Footprint

RON YEO, FAIA ARCHITECT, INC.
500 JASMINE AVENUE, CORONA DEL MAR
CALIFORNIA 92625 P:949-644-8111 F:949-644-0449

CITY OF
NEWPORT BEACH, CA



BALBOA PIER
RESTROOM REPLACEMENT

Scale: 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 9

PAGE 3 OF 4

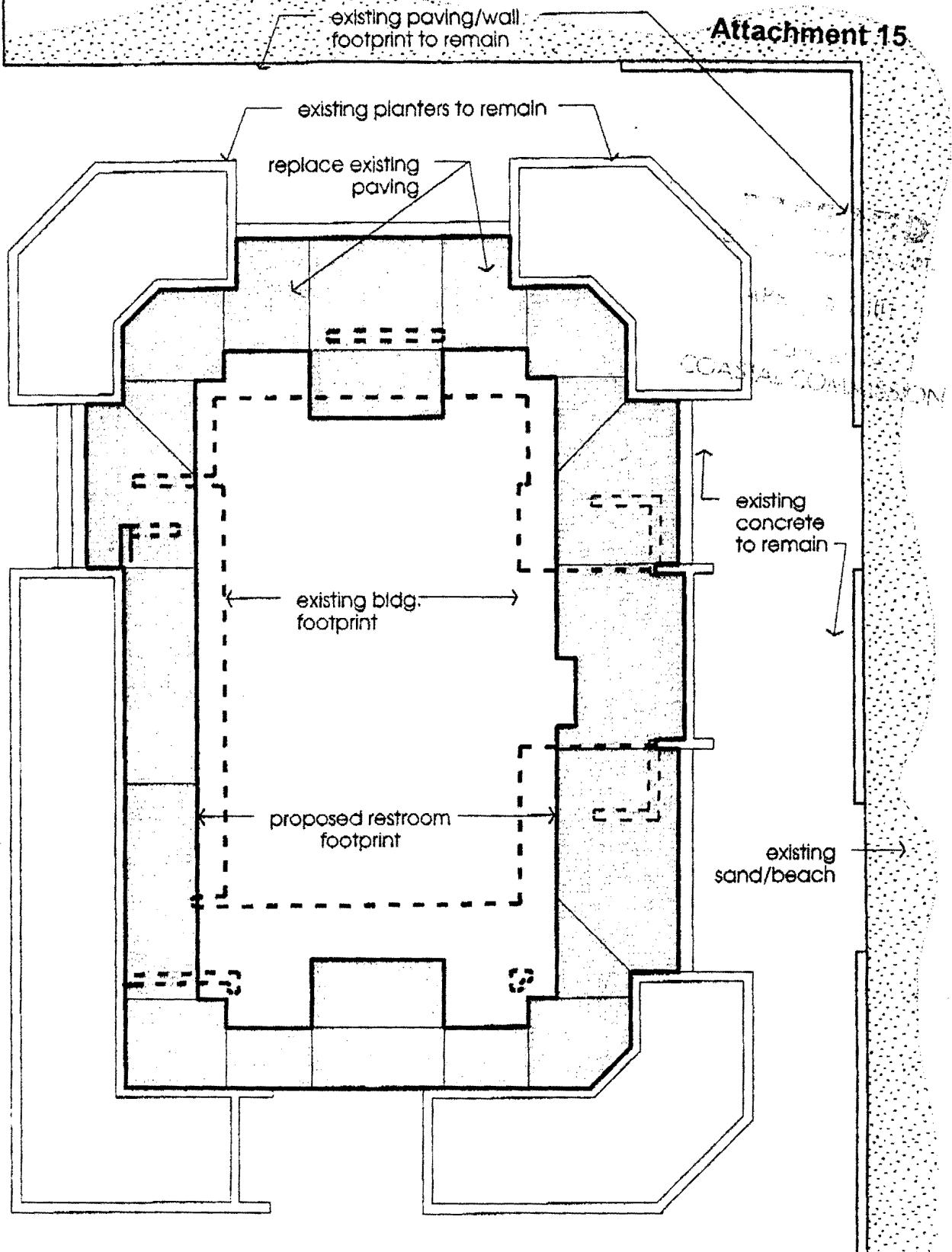


RON YEO, FAIA ARCHITECT, INC.
500 JASMINE AVE, CORONA DEL MAR, CA 92625
Phone: 949-644-8111 Fax: 949-644-0449

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

Attachment R

Attachment 15



COASTAL COMMISSION

Balboa Pier Restroom Footprint

EXHIBIT # 9
 PAGE 4 OF 4
 CITY OF
 NEWPORT BEACH, CA

COASTAL COMMISSION

COASTAL COMMISSION

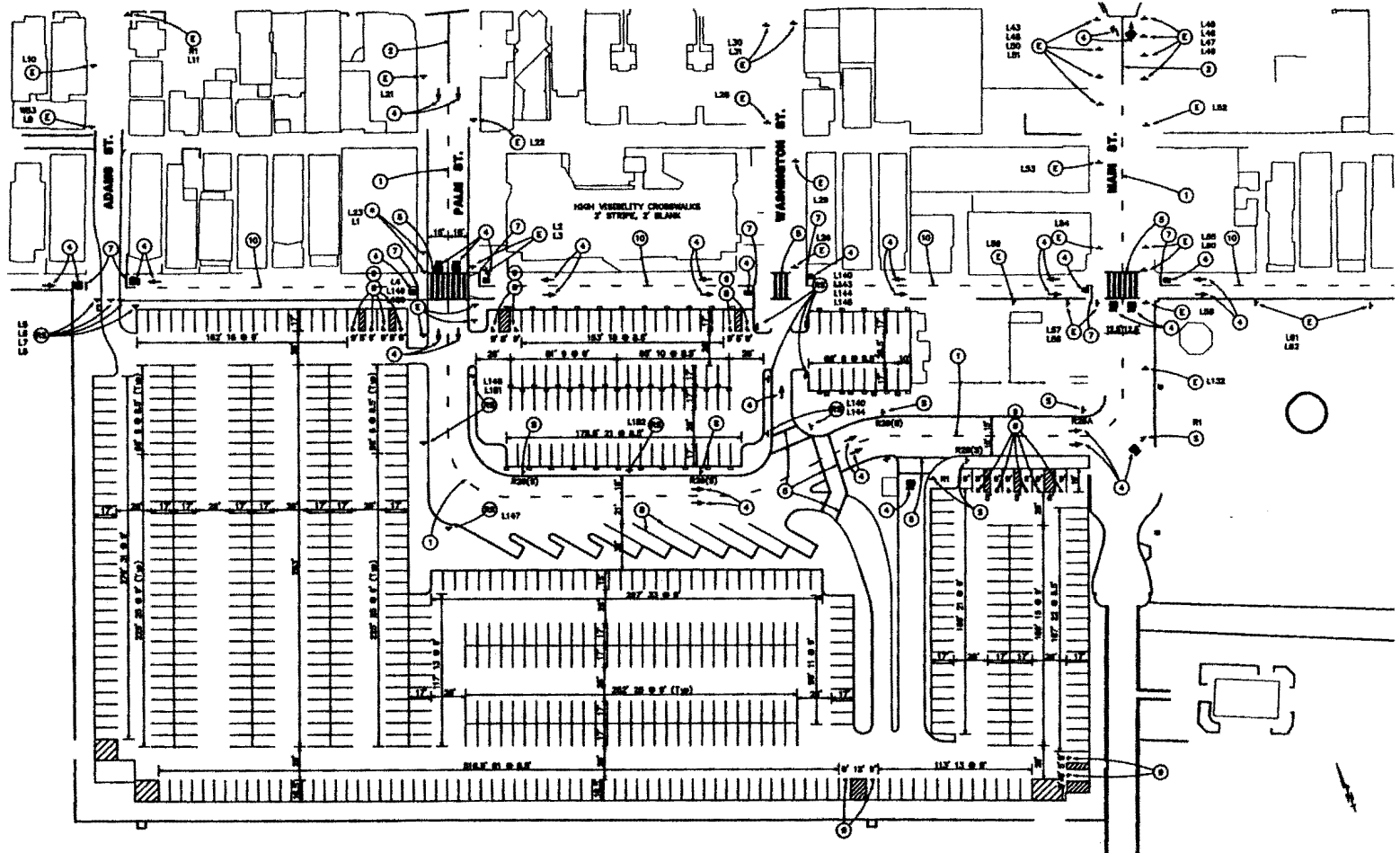


EXHIBIT # 10
PAGE 1 OF 1

CONSTRUCTION NOTES

- ① INSTALL 4" BOP WHITE LANE LINE, 7' STRIPS AND 17' GAP. (DETAIL 8)
- ② INSTALL 4" SOLID WHITE LINE, 80' LONG
- ③ INSTALL 12" DOUBLE YELLOW (DETAIL 22)
- ④ INSTALL WHITE PAVEMENT LEADER AS SHOWN
- ⑤ INSTALL CROSSWALK
- ⑥ INSTALL PAINTED MEDIAN (DETAIL 26)
- ⑦ INSTALL 12" WHITE LIGHT LINE
- ⑧ INSTALL PARKING STALL MARKERS
- ⑨ INSTALL HANDICAPPED PARKING EMBLEM, STALL MARKERS, LOADING AREA MARKINGS, AND H.C. PARKING SIGN PER A.S.A. REQUIREMENTS
- ⑩ REMOVE SAMBLAST PAINT TO BE REMOVED
- ⑪ RELOCATE EXISTING SIGN TO NEW LOCATION AT NEW CURB LINE
- ⑫ INSTALL SIGN PER DESIGNATION, SEE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, (CALTRANS) "UNIFORM SIGN CHART."
- ⑬ EXISTING SIGN TO REMAIN

GENERAL NOTES

- 1. ALL STRIPING DETAILS, MARKINGS, ETC., SHALL BE PER STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD PLANS, 1992 EDITION.
- 2. ALL EXISTING THERMOPLASTIC STRIPINGS MUST BE REMOVED PRIOR TO SLURRY/NEW PAVEMENT.
- 3. ALL EXISTING PAVEMENT MARKERS MUST BE REMOVED PRIOR TO SLURRY/NEW PAVEMENT AND REPLACED WITH NEW MARKERS, UNLESS OTHERWISE SHOWN.
- 4. ALL LIMIT LINES TO BE 12" WHITE @ 1/4" UNLESS OTHERWISE NOTED.
- 5. ALL FINAL STRIPING SHALL BE "SPRAYABLE REFLECTORIZED THERMO-PLASTIC" APPLIED AT A MINIMUM THICKNESS OF 0.48 MM EXCEPT CROSSWALKS AND LIMIT LINES, WHICH SHALL BE 0.60 MM MINIMUM THICKNESS. THE FINAL STRIPING SHALL NOT BE APPLIED UNTIL THE PAVING HAS BEEN IN PLACE FOR AT LEAST 16 DAYS.
- 6. TEMPORARY PAINTED TRAFFIC STRIPINGS AND MARKINGS SHALL BE APPLIED IN ONE COAT AND AS SOON AS POSSIBLE WITHIN 24 HOURS AFTER THE FINISHED COURSE OF PAVEMENT HAS BEEN APPLIED.
- 7. REFER TO "SIGN LEGEND" ON SHEET 40 FOR SIGN LABELS AND LSL.



AUSTIN-FOUST ASSOCIATES, INC.
TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
3608 NORTH TUSTIN AVENUE SANTA ANA, CALIFORNIA 92705-7021
TELEPHONE (714) 667-0488 FAX (714) 667-7982

CITY OF NEWPORT BEACH

THIS PLAN IS SIGNED BY THE CITY OF NEWPORT BEACH FOR CONCEPT AND ADHERENCE TO THE CITY STANDARDS AND REQUIREMENTS ONLY. THE CITY IS NOT RESPONSIBLE FOR DESIGN ACCURACY AND ACCURACY.

APPROVED: _____ DATE: _____
TRAFFIC ENGINEER E.E. NO. _____

DATE	BY	REVISION	APPR.	DATE

SCALE	1" = 40'

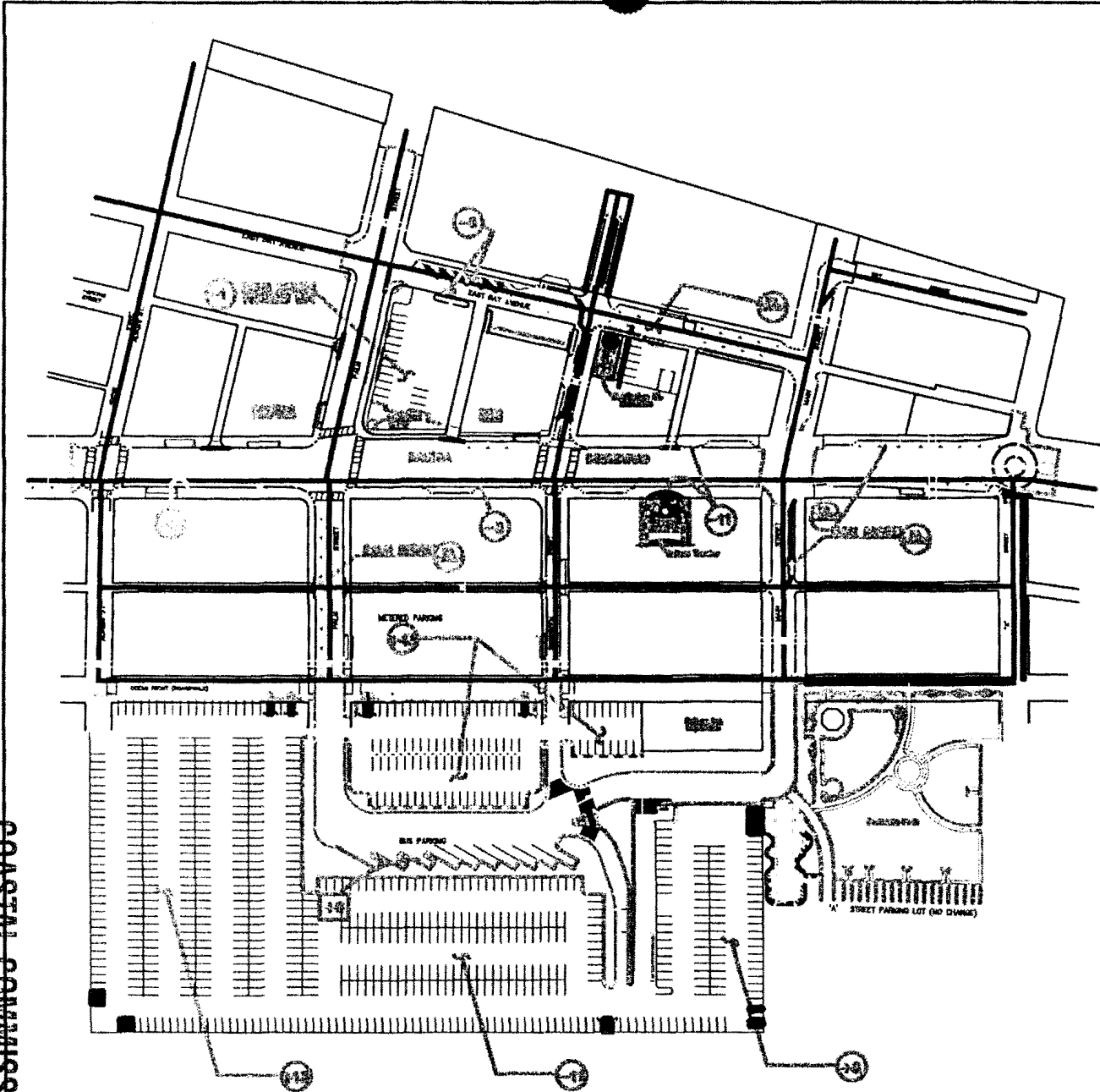
SIGNING AND STRIPING PLAN

BALBOA PIER PARKING LOT

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

SHEET 28 OF 24

Attachment B



SUMMARY OF PARKING

	EXIST	PROPOSED	DIFFERENCE
VILLAGE	117	88	-29
PARKING LOT	665	718	+53
TOTAL	782	813	+24
BUS PARKING	4	10	+6

COASTAL COMMISSION

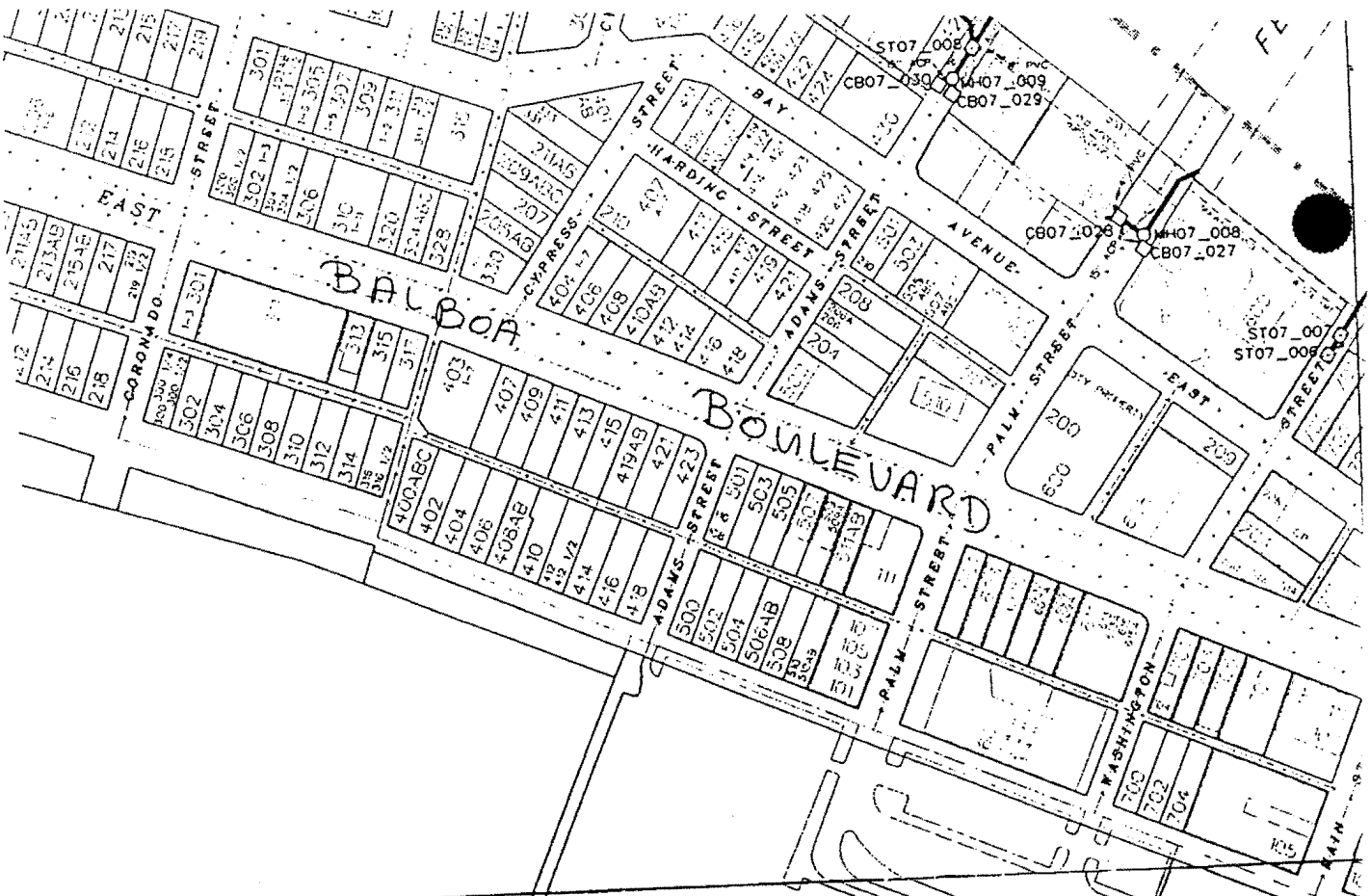
City of Newport Beach

EXHIBIT # 11
PAGE 1 OF 1

Parking EXH10T



7-9-01 -REVISED
PSOMAS
DATE: 07-09-01 REVISED ON: 04-04-01
 JOB NO: C-3333 SHEET 1 OF 1



RECEIVED
 MAY 24 2007
 CALIFORNIA
 COASTAL COMMISSION

**BALBOA
 PIER**

COASTAL COMMISSION

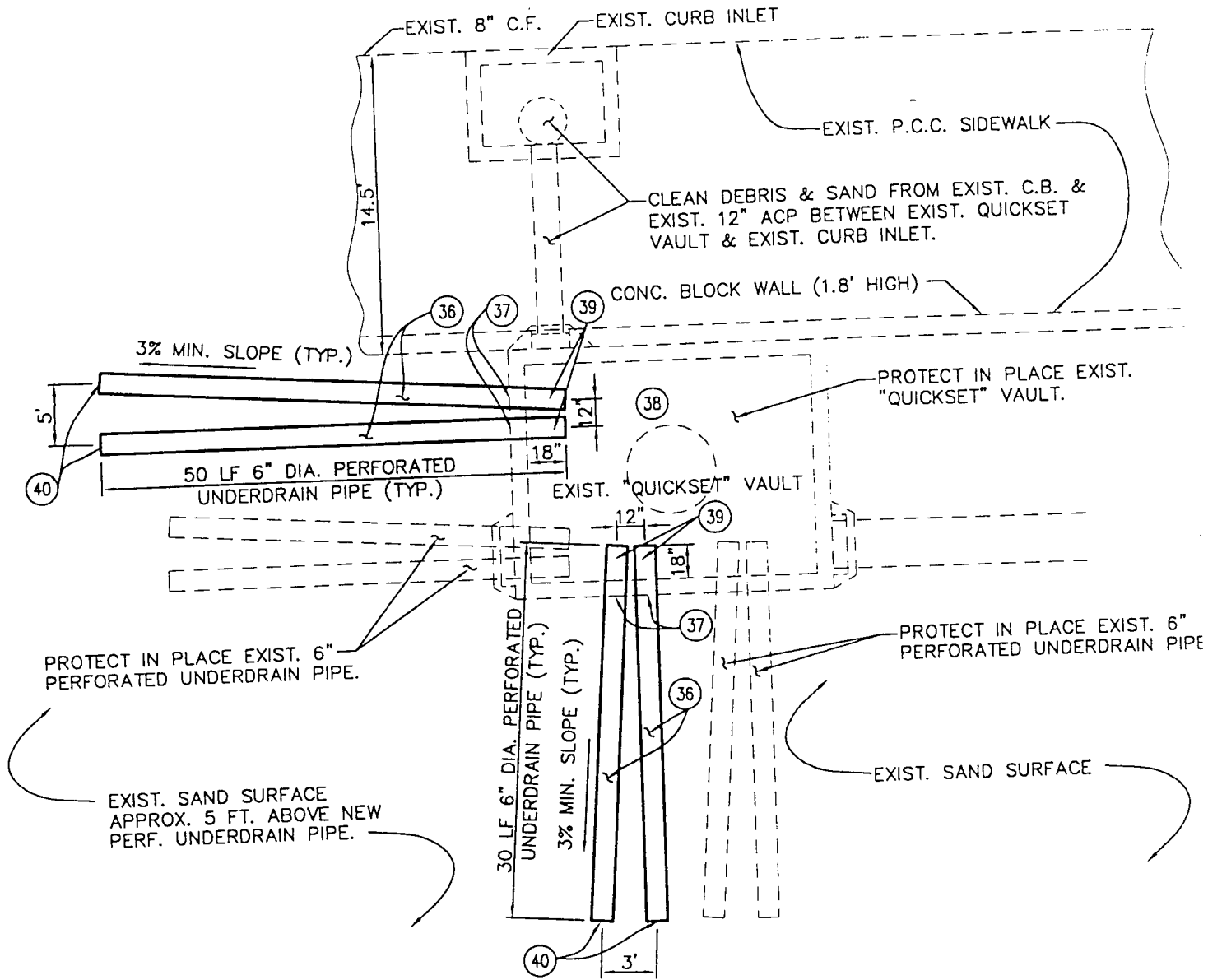
EXHIBIT # 12
 PAGE 1 OF 1

BALBOA VILLAGE IMPROVEMENT PROJECT
CITY OF NEWPORT BEACH

Attachment K

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MAY 24 2001

CALIFORNIA
COASTAL COMMISSION

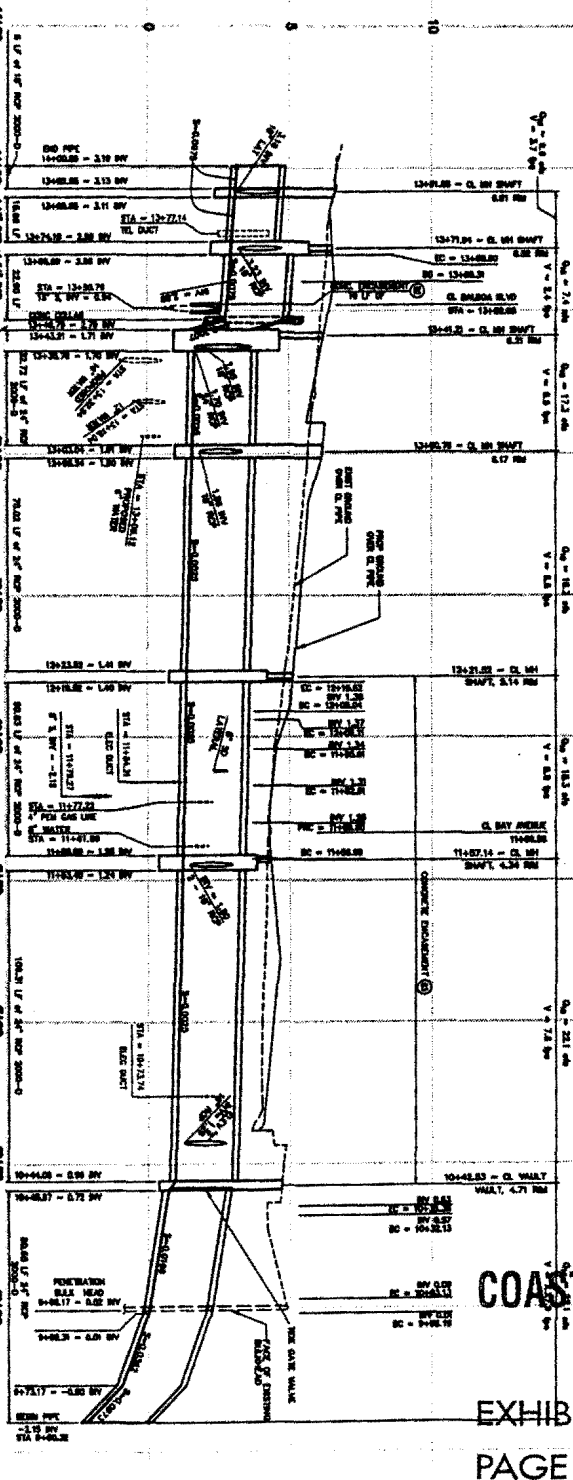


FRENCH DRAIN DETAIL
N.T.S.

COASTAL COMMISSION

EXHIBIT # 12
PAGE 2 OF 2

Attachment L



COASTAL COMMISSION

EXHIBIT # 13
PAGE 1 OF 2

PROFILE
1" = 10'
1" = 20'

- CONSTRUCTION NOTES:**
- 1. INSTALL 12" DIA. STAINLESS STEEL SHAFT PER STD. SPECIFICATIONS PER STD. SPEC. NO. 100-1.
 - 2. CONTRACT TO NO. 1 PER STD. SPEC. NO. 100-1.
 - 3. CONTRACTOR TO PROVIDE PERMANENT EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 4. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 5. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 6. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 7. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 8. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 9. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.
 - 10. CONTRACTOR TO PROVIDE EROSION CONTROL MEASURES TO MAINTAIN ADJACENT PROPERTIES DURING CONSTRUCTION.

ITEM NO.	DESCRIPTION	QTY		UNIT	AMOUNT	PRICE	TOTAL
		REQD.	ISSUED				
1	12" DIA. STAINLESS STEEL SHAFT	1					
2	CONCRETE SHAFT	1					
3	CONCRETE FOUNDATION	1					
4	CONCRETE CURB	1					
5	CONCRETE CURB	1					
6	CONCRETE CURB	1					
7	CONCRETE CURB	1					
8	CONCRETE CURB	1					
9	CONCRETE CURB	1					
10	CONCRETE CURB	1					

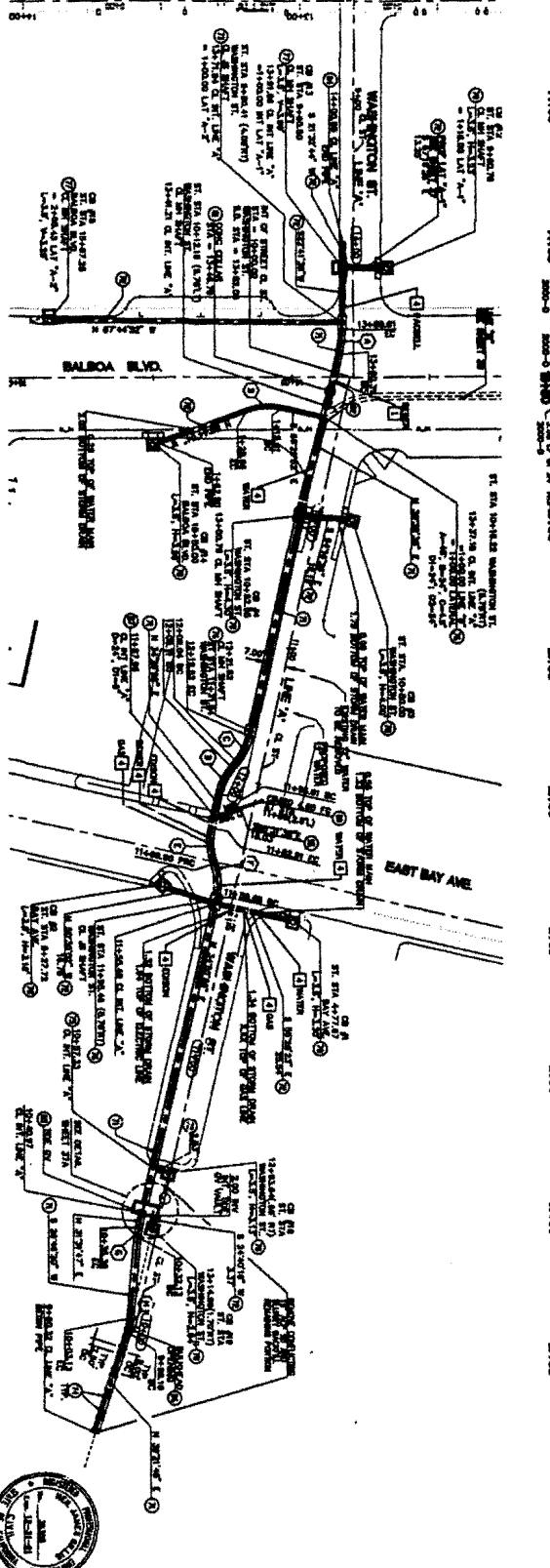
P S O M A S
PUBLIC WORKS DEPARTMENT
CITY OF NEWPORT BEACH, CALIF.

CITY OF NEWPORT BEACH, CALIF.	
DATE	
DESIGNED BY	
CHECKED BY	
APPROVED BY	
CITY ENGINEER	
DATE	

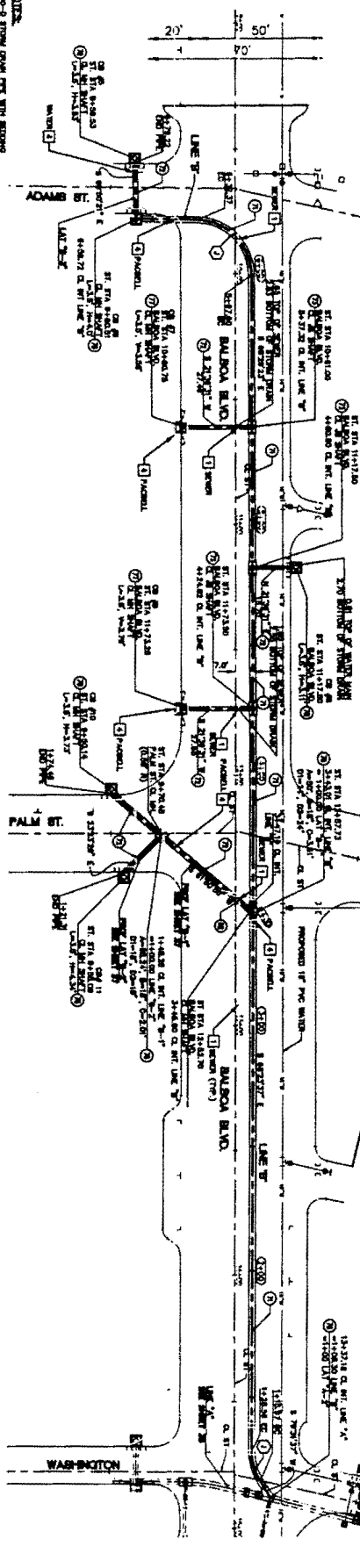
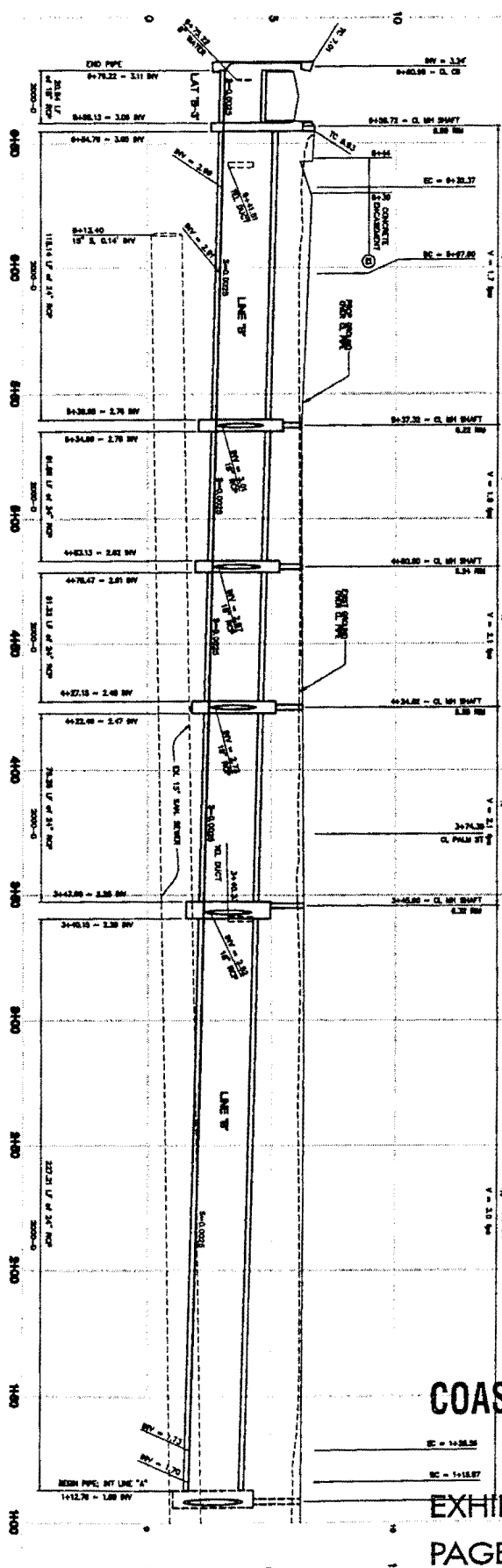
BALBOA VILLAGE
STORM DRAIN LINE 'A'

GENERAL NOTES:

- 1. SHOW THE CITY ENGINEER THE PROPOSED STORM DRAIN LINE FOR APPROVAL.
- 2. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF FITNESS FOR THE PROJECT.
- 3. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 4. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 5. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 6. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 7. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 8. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 9. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.
- 10. THE CITY ENGINEER'S APPROVAL IS NOT A WARRANTY OF THE ACCURACY OF THE INFORMATION PROVIDED.



PROFILE
 1" = 10'
 1" = 10'



CONSTRUCTION NOTES

- INSTALL 36" R.C.P. 3000-D STORM DRAIN PIPE WITH BEDDING PER CITY STD. SPEC. NO. 100-4.
- INSTALL 18" R.C.P. 3000-D STORM DRAIN PIPE WITH BEDDING PER CITY STD. SPEC. NO. 100-4.
- CONSTRUCT AS SHOWN ON CITY STD. SPEC. NO. 300-1.
- CONSTRUCT MAN HOLES PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT MANHOLES AND CONNECTIONS PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.
- CONSTRUCT CONCRETED CATCH BASIN V/ PER CITY STD. SPEC. NO. 300-1.

GENERAL NOTES

- THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVES THE LOCATION AND DEPTH OF THE DRAINAGE LINE AS SHOWN ON THIS PLAN.
- PROTECT IN PLACE.
- RELOCATE BY OTHERS.

PSOMAS

DATE	BY	REVISION
1/14/17	215	REVISED
1/14/17	215	REVISED
1/14/17	215	REVISED

PSOMAS PROJECT INFORMATION

CITY OF PALM BEACH

BALBOA VILLAGE STORM DRAIN LINE 'B'

PROJECT NO. 17-00008

DATE: 1/14/17

BY: 215

REVISION: REVISED

CITY ENGINEER: T. BELOH

PROJECT NO.: 17-00008

DATE: 1/14/17

BY: 215

REVISION: REVISED



COASTAL COMMISSION

EXHIBIT # 13
 PAGE 2 OF 2

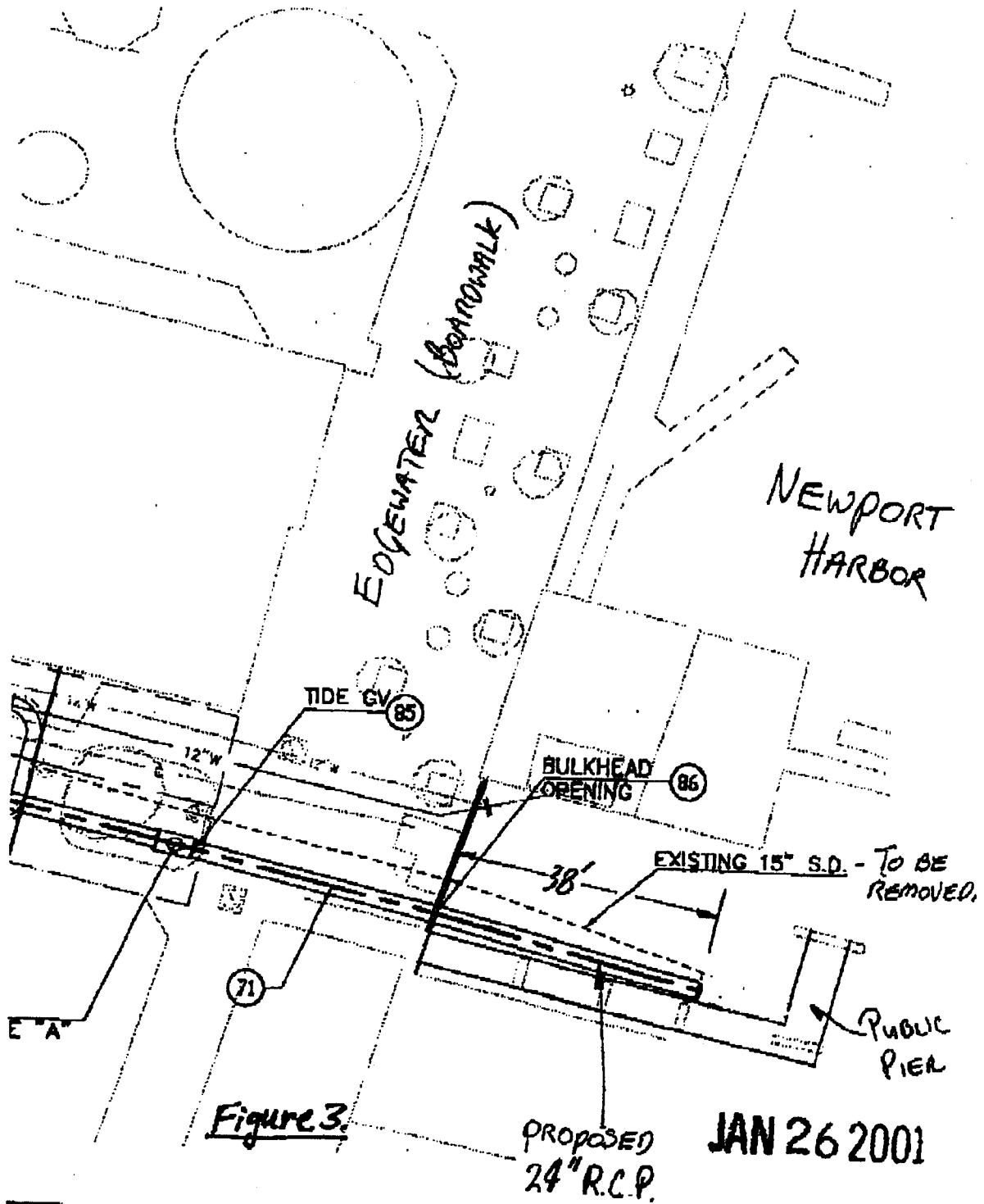


Figure 3.

PROPOSED
24" R.C.P.

JAN 26 2001

APPROVED	
DATE	

**BALBOA VILLAGE
STORM DRAIN LINE 'A'**
STA 10+59.16 TO STA 14+07.35

COASTAL COMMISSION

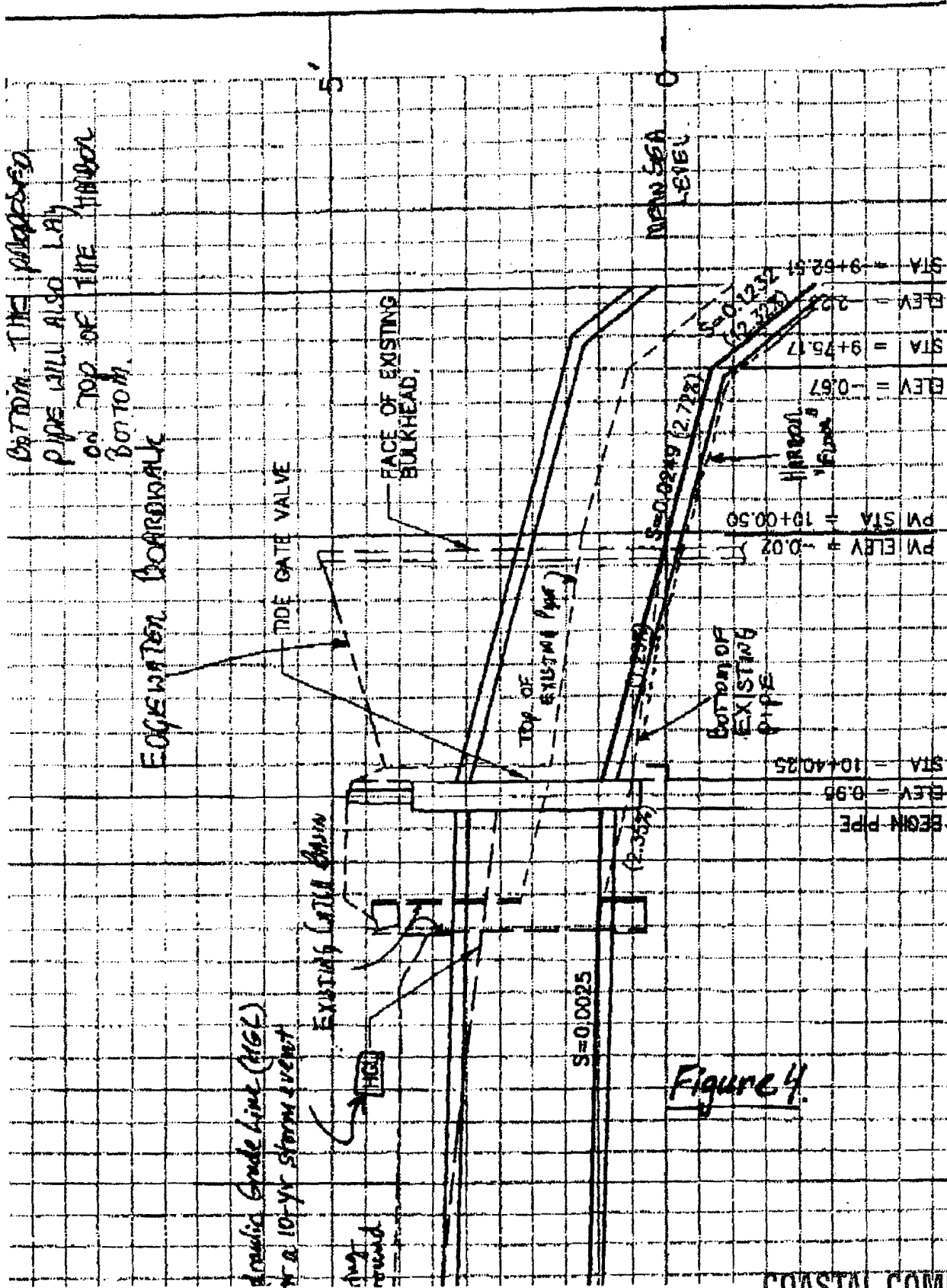


Figure 4.

COASTAL COMMISSION

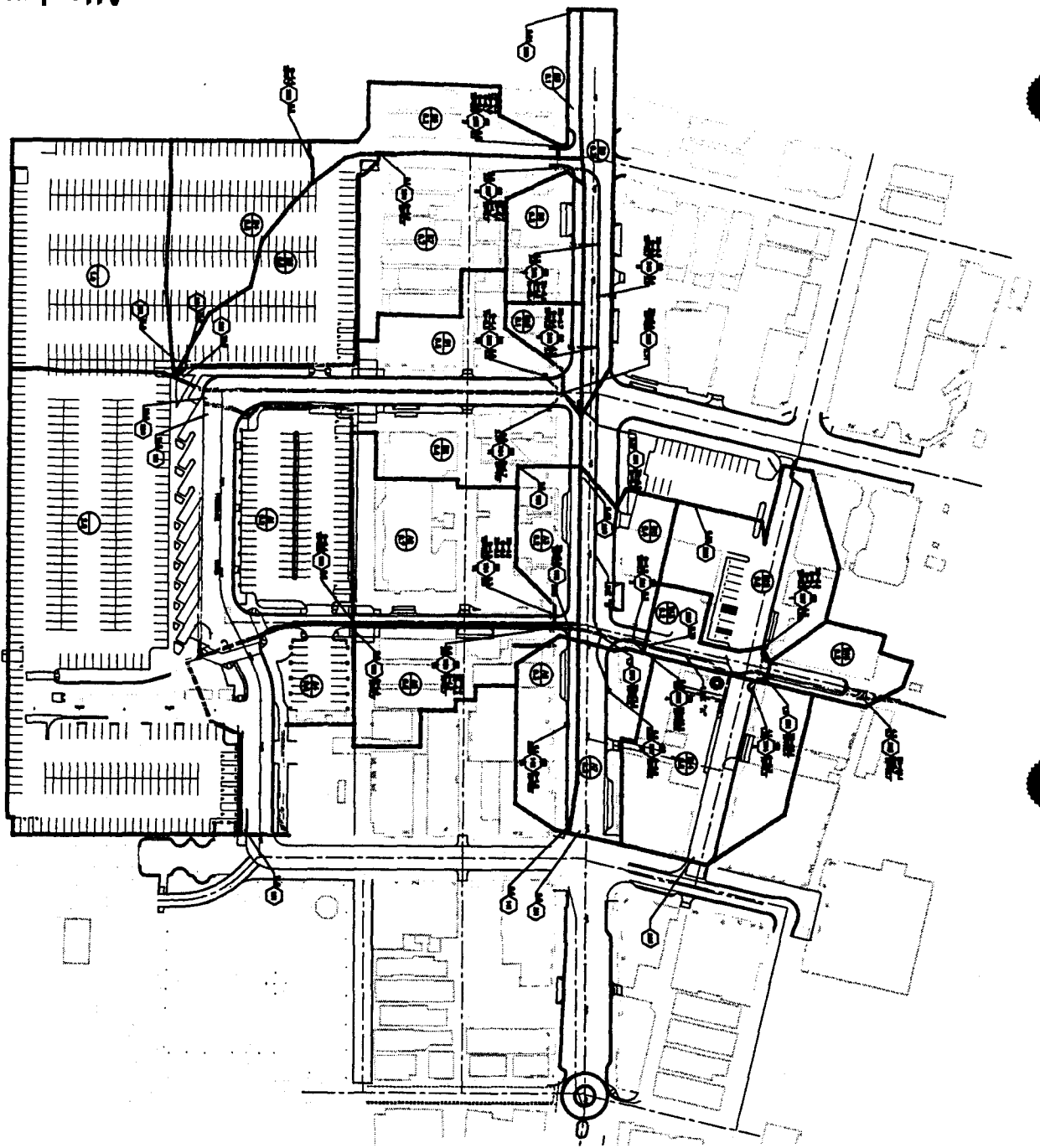


EXHIBIT A - HYDROLOGY MAP

P S O M A S



- LEGEND**
- BUILDING FOOTPRINT
 - PARKING LOT
 - HYDROLOGY NODE
 - HYDROLOGY LINE
 - STREET
 - BOUNDARY
 - EASEMENT
 - UTILITY LINE
 - TREE
 - LANDSCAPE FEATURE

COASTAL COMMISSION



Santa Ana Region

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



Tim
ED
Pete

September 24, 1998

Attachment 7

Michael J. Sinacori
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92625

COASTAL COMMISSION

WASTE DISCHARGE REQUIREMENTS, ORDER NO. 98-67, NPDES NO. CAG998001 (DE MINIMUS DISCHARGES), CITY OF NEWPORT BEACH, ORANGE COUNTY

Dear Mr. Sinacori:

On August 24, 1998, you submitted a Notice of Intent to continue discharging wastewater from various projects and sites within the City of Newport Beach under the terms and conditions of Regional Board's newly adopted general permit, Order No. 98-67. This newly adopted order replaces Order No. 93-49, under which you previously had authorization to discharge.

Effective immediately, you are authorized to discharge wastewater under the terms and conditions of Order No. 98-67. Enclosed is Monitoring and Reporting Program No. 98-67-049 which specifies the frequency of sampling and constituents that must be monitored. Please note that modifications to the sampling frequency and constituents to be monitored can be considered on a case-by-case basis.

Order No. 98-67 will expire on July 1, 2003. However, if you wish to terminate coverage under this general permit prior to that time, please notify us immediately upon project completion so that we can rescind this authorization and avoid billing you an annual fee of \$400.00

If you have any questions regarding the permit or the monitoring and reporting program, please contact Wanda Smith at (909) 782-4468 or Susan Beeson at (909) 782-4902.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosure: Monitoring and Reporting Program No. 98-67-049

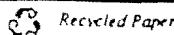
cc w/o enc: U.S. EPA, Region IX - Terry Oda (WTR-5)
SWRCB, DWQ - John Youngerman

SKB(c)data/nb.doc

COASTAL COMMISSION

EXHIBIT # 16
PAGE 1 OF 1

California Environmental Protection Agency





California Regional Water Quality Control Board

Santa Ana Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

May 22, 2001

Mr. Robert Stein
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE INSTALLATION OF A 24-INCH RCP STORM LINE AS PART OF THE BALBOA VILLAGE IMPROVEMENT PROJECT

Dear Mr. Stein:

On April 16, 2001, we received an application for 401 water quality certification for the above referenced project. Included with your application was the \$500 filing fee for this project.

You have stated that you have applied for an individual permit from the Army Corps Engineers in compliance with Section 404 of the Clean Water Act. In addition, you have filed a Draft Mitigated Negative Declaration signed January 29, 2001.

After review of your application, we requested further information. On May 11, 2001, we requested that maintenance and monitoring information concerning the catch basin filters be submitted. In addition, we requested a revised plan to be used to prevent litter from entering the storm drains.

On May 17, 2001 we received your response. You stated that a different type of filter than originally purposed would be installed in the catch basins. These reportedly would be more effective in capturing urban stormwater pollutants including litter. In addition, you described the maintenance and monitoring to be completed on the filters and the general maintenance to be conducted in the area.

This letter responds to your request for certification, pursuant to Clean Water Act Section 401, that the purposed project, described below, will comply with State water quality standards outlined in the Water Quality Control Plan Santa Ana Basin 1995 (Basin Plan):

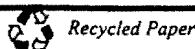
- | | |
|-------------------------|--|
| 1. Project description: | A 24-inch RCP storm line will be installed 38 feet past the bulkhead and discharge into Newport Bay. The line will rest on the sand and will be anchored at three points. An existing 15-inch storm line will be removed. Over 600 feet of storm drain with six catch basins/inlets will be installed. |
| 2. Receiving water: | Newport Bay |
| 3. Fill Area: | N/A |
| 4. Dredge volume: | 20 cubic yards |

COASTAL COMMISSION

EXHIBIT # 17
PAGE 1 OF 3

RECEIVED
MAY 25 2001
PUBLIC WORKS
NEWPORT BEACH

California Environmental Protection Agency



5. Federal permit: Pending ACOE Section 10 Letter of Permission
6. Mitigation: Each catch basin/inlet to the storm drain will be fitted with a filter that is designed to capture oil and grease, trash and sediment from stormwater runoff. Streets in the area tributary to the storm drain will be swept daily during the summer and five times a week during the rest of the year. A maintenance person will be assigned to the area for the first three years to maintain the vegetation and clean up spills and trash on a daily basis. City staff will perform maintenance, cleaning, and inspection of the catch basin filter system.

You have stated that drainage patterns will be altered and that the flow in the proposed outfall will increase from 16cfs to 22cfs for a ten year storm event. In addition, several more catch basins/inlets than presently used will be installed and connected to the proposed storm drain. This will increase the potential for litter and other pollutants to reach the bay waters. Therefore, the following condition shall be met:

An appropriate storm water pollution control system shall be installed in each catch basin/inlet. If the proposed catch basin filter system is found to not be effective, it must be appropriately modified or replaced.

In addition, the following best management practices will be implemented to reduce impacts to waters of the state:

1. No debris, soil, silt, rubbish, cement or concrete, or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the state;
2. Minimize the disturbance of the intertidal and subtidal soil. If possible, place the new storm drainpipe in the same location as the one to be replaced;
3. Soil dredged from the intertidal and subtidal zone shall not be discharged into the bay waters. Dredged material shall be disposed in a proper facility or other suitable location.
4. The practice of regular street sweeping (as specified in the application) shall be conducted to prevent trash and litter from entering the catch basins and the bay.
5. Maintain the catch basin filters as recommended by the manufacturer to insure optimum results.

This 401 Certification is contingent upon the execution of the following conditions:

A detailed maintenance plan and schedule for the catch basin filters shall be submitted to this Regional Board before construction begins. Annual documentation for a period of five years needs to be submitted to the Regional Board which documents the City's maintenance and monitoring practices.

COASTAL COMMISSION

Under California Water code, section 1058, and Pursuant to 23 CCR 3860, the following shall be included as conditions of all quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855 (b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a water quality certification. Although we anticipate no further regulatory involvement, if the above conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements for the project. Please notify our office five (5) days before construction begins on this project.

If you have any questions, please call Dave Woelfel at (909) 782-7960, or Mark Adelson at (909) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc: U.S. Army Corps of Engineers – Russel Kaiser
California Coastal Commission – Steven Rynas

COASTAL COMMISSION



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142



To: Fernie Sy

FROM: Jon Allen, Staff Ecologist

SUBJECT: Storm Drain Pipeline into Newport Bay (Balboa Village - Permit 5-01-029)

DATE: July 16, 2001

APPLICANT: Mr. Bob Stein, City of Newport Beach, Public Works Department.

Project Description:

This project is to replace an existing 15-inch storm drainpipe with a 24-inch pipe that extends from the Washington St. end catch basin, into Newport Harbor. This is part of a larger improvement project for the Balboa Pier Parking Lot, street and sidewalk reconstruction, landscape improvements, and reconstruction of public restrooms in the area. This report is an ecological assessment of the impacts of installing the larger storm drain and its increased discharge into Newport Harbor.

Documents Reviewed:

1. US Army Corps of Engineers Report (LOP # 200100767) and Maps (Eric Larsen).
2. Marine Resources Assessment Report by Coastal Resources Management, Rick Ware, Principal Biologist.
3. Approval Letter - Department of Fish and Game, Marine Region, 4949 Viewridge Ave., San Diego, CA (Marilyn Fluharty, 858 467-4231).
4. Provisional ACOE Permit to Mr. Bob Stein, the City of Newport Beach for storm drain placement, (Provisional Permit pending California Coastal Commission approval), June 11, 2001. From Mark F. Sudol, Chief Regulatory Branch, Los Angeles Dist. ACOE, (213) 452-3417.

Habitat at the Site:**COASTAL COMMISSION**

EXHIBIT # 18
PAGE 1 OF 4

The site is a sandy bottom extending 38 ft. (the length of the pipe from the bulkhead), and no eelgrass has been observed in the area. The area is subject to high boat traffic associated with the commercial operations of Balboa Village, and is encompassed on two sides by a public pier with a right-angle turn at about 50 ft from the bulkhead area. The sediments along the shoreline consist of dredged material that is periodically removed from beneath the boat docks and deposited against the bulkhead. Sediment types in this environment vary from light brown sands at the base of the bulkhead to anoxic black muds at the waterline. Organisms typical of these intertidal and subtidal sediments include polychaete worms (e.g. *Capitella capitata* and *Streblospio benedicti*), clams and amphipod crustaceans. While most tidal flat organisms burrow into the sediment, some species such as the bubble snail (*Bulla gouldiana*) and sand star (*Astropecten armatus*), forage on the sediment surface and are occasionally found in the intertidal zone below +1.0 ft. The high intertidal sandy sediments along the bulkhead are resting habitat for wading ducks (e.g. mallards) as well as seagulls and brown pelicans particularly during periods of lower human use (fall and winter).

The middle region of Newport Harbor in the vicinity of the Balboa Village storm drain improvement project is affected by current and prior human uses of the bay that have degraded the quality of the bay sediments ((2) above). This degradation has resulted in a stressed environment to marine organisms and consequently the richness and diversity of the benthic community is low.

On bulkheads, pilings and boat docks one finds the usual community of barnacles (*Chthamalus fissus/dalli* and *Balanus glandula*) in the upper zone while in the mid and low intertidal file limpets (*Collistella limulata*), bay mussels (*Mytilus edulus*) and sea squirts (*Styela montereyensis*) are commonly found.

Fishes found in the area include bottom-dwelling gobies (*Clevelnadia ios*), California halibut (*Paralichthys californicus*) topsmelt (*Atheriops affinis*), black surfperch (*Emblotoca jacksoni*), shiner perch (*Cymatogaster aggregata*), walleye surfperch (*Hyperprosopon argenteum*) and white surfperch (*Phanerodon furcatus*).

California sea lions (*Zalophus californicus*) are occasionally seen in the vicinity of the Balboa Pavilion where they are attracted by sportfishing vessels and discarded baitfish. Stray juvenile gray whales (*Eschrichtius robustus*) infrequently enter the harbor entrance channel during their northerly migration between February and May.

Impacts to Biological Resources:

A sensitive species that could potentially be present is eelgrass (*Zostera marina*) that forms 'meadows' in mud-and sand substrates of bays and wetland channels. It is an important biological habitat for both invertebrates and fishes. However no eelgrass was found in the low intertidal to shallow subtidal habitat in front of the existing storm

drain or immediately to the east or west. In other areas of Newport Bay, eelgrass grows in the lower intertidal and shallow subtidal substrates at depths between 0.0 and -15 ft MLLW, although more commonly at depths shallower than -8 ft. MLLW. Eelgrass is found along the low intertidal and shallow subtidal fringes of the Harbor entrance channel, Balboa Island, Harbor Island and the seawall on the west side of the channel between the Turning Basin and the Coast Highway Bridge ((2) above).

The State and Federally listed California least tern (*Sterna albifrons browni*) does not breed or nest near the project site but will forage in Newport Bay and nearshore coastal waters. The nearest active least tern nesting colony is located several miles up the coast at the mouth of the Santa Ana River although an inactive-least tern breeding area is located 3 miles to the north near Jamboree Bridge in Upper Newport Bay ((2) above). The California brown pelican (*Pelecanus occidentalis*) frequents Newport Harbor year-round. Both the least tern and the brown pelican may incidentally use the main channel of the Bay to forage for baitfish.

The proposed storm drain will discharge at an elevation -2.1 ft. MSL, and all construction will be conducted from shore. The new pipe will be constructed alongside of the existing pipe, and then the existing pipe will be removed. The pipe will have minimal long-term impact to the soft bottom habitat because the storm drain structure will be laid on a supporting collar, similar to the existing storm drainpipe. Compliance with Regional Water Quality Control Board Best Management Practices will reduce the potential for adverse water quality impacts during construction. A short-term loss of algae and invertebrate biomass will occur due to removal of the existing pipe, but this will be offset once the new pipe is installed and organisms have colonized the structure.

In the long term, the primary difference between the existing and new pipes will be an increased capacity from 16 ft³ to 22 ft³/sec for a ten-year storm event. The total average discharge volume is estimated to increase by less than ten percent over that of the existing flow. The primary effect of a large storm event is the scouring of bottom habitat with some impacts to benthic fauna. This would seem to be a less than significant impact to the local benthic community that would be rapidly recolonized from surrounding habitat. There are no sensitive species in the vicinity of the proposed pipe that would be impacted by the increased flow rate of the new pipe.

A potentially serious problem is increasing nutrients and freshwater within the bay. This is particularly serious when these inputs arrive in the form of year around nuisance flows. This can result in deleterious algal blooms and may encourage the establishment of fresh or brackish water plants in the intertidal zone. In this case there appears to be little change in the average discharge and there is no natural intertidal habitat near the point of discharge. Since the same runoff area is included in the project regardless of pipe size, there is little change in the average flow. Since seasonal storms are natural, short-lived influxes of freshwater, any increase in

discharge volume at that time is unlikely to have a measurable impact on water quality.

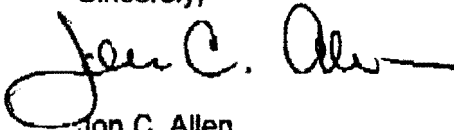
Summary:

The proposed project will have minor impacts to bottom marine habitat in the short and long term. So there are impacts as covered under Section 30230 of the Coastal Act, but in my professional opinion, these are minor. Therefore, while there are some minor impacts, these should be allowable under Section 30233(a)(5).

So, the project is allowable under Section 30233 as an incidental public use, and no feasible less environmentally damaging alternative exists. Additionally, the project is self-mitigating in the long term since the exterior of the new storm drain will provide an increased habitat opportunity (surface area) for settlement of hard-substrate organisms such as algae, mussels, barnacles, gastropods, starfish, etc.

If you have questions or would like to discuss any aspect of this report, please feel free to call or email me.

Sincerely,



Jon C. Allen
Staff Ecologist

COASTAL COMMISSION

EXHIBIT # 18
PAGE 4 OF 4



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO

June 11, 2001

Office of the Chief
Regulatory Branch

City of Newport Beach Public Works Department
Attention: Mr. Bob Stein
P.O. Box 1768
Newport Beach, California 92658-8915

OPTIONAL FORM 88 (7-80)

FAX TRANSMITTAL

of pages = 9

To <i>Mr. Bob Stein</i>	From <i>Erik Larsen</i>
Dept./Agency	Phone <i>714 452-3417</i>
<i>044 LAA-3318</i>	Fax # <i>4196</i>
NSN 7540-01 317-7368	5089-101 GENERAL SERVICES ADMINISTRATION

Dear Mr. Stein:

Reference is made to your application dated March 13, 2001, for a Department of the Army (DA) permit to replace a storm drain adjacent to Washington Street on Balboa Island, Newport Bay, in Newport Beach, Orange County, California. The 24-inch storm drain footprint is expected to cover up to 0.001-acre (76 sq. ft.) within Newport Bay, approximately 28.5 sq. ft. more than the existing 15-inch storm drain (47.5 sq. ft.). The proposed project meets the terms and conditions of Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403).

Enclosed is a "Provisional Permit." This provisional permit is NOT VALID and does not constitute authorization for you to do work. The provisional permit describes the work that will be authorized, including general and special conditions which will be placed on your final DA permit, should you receive Coastal Zone Management (CZM) consistency concurrence (or Coastal Development Permit) from the California Coastal Commission (CCC). No work is to be performed until you have received a validated copy of the DA permit.

By Federal law, no DA permit can be issued until the state has concurred with a permit applicant's CZM consistency certification. This requirement can be satisfied by obtaining CZM consistency concurrence, or providing evidence that 6 months have passed since you applied to the CCC for concurrence. Be aware that any conditions on your CZM consistency concurrence will become conditions on your DA permit, unless the Corps of Engineers deems these conditions to be either unreasonable or unenforceable.

WHEN YOU RECEIVE CZM CONSISTENCY CONCURRENCE, THE FOLLOWING STEPS NEED TO BE COMPLETED:

1. The owner or authorized responsible official must sign and date both copies of the provisional permit indicating that he/she agrees to comply with all conditions stated in the permit.
2. The signer's name and title (if any) must be typed or printed below the signature.

COASTAL COMMISSION

EXHIBIT # 19
PAGE 1 OF 2

- 3. Both signed provisional permits must be returned to the Corps of Engineers at the above address (Attention: CESPL-CO-R).
- 4. The CZM concurrence must be sent to the Corps of Engineers with the signed provisional permits.

Should the CZM consistency concurrence contain conditions which might result in a modification to the provisional permit, by signing and dating both copies of the provisional permit and returning it to the Corps of Engineers (along with the permit fee and CZM concurrence), the Corps of Engineers will assume the applicant agrees to comply with all CZM conditions which are added to the final permit.

Should the CCC deny the required concurrence, then the DA permit is considered denied without prejudice. If you subsequently obtain CZM concurrence, you should contact this office to determine how to proceed with your permit application.

If you have any questions, please contact Erik S. Larsen of my staff at 213-452-3417.

Sincerely,



Mark F. Sudol, D.Env.
Chief, Regulatory Branch

Enclosure(s)

COASTAL COMMISSION

EXHIBIT # 19

PAGE 2 OF 2

DEPARTMENT OF FISH AND GAME

Marine Region
4949 Viewridge Avenue
San Diego, CA 92123
(658) 467-4231



RECEIVED
MAY 11 2001
CALIFORNIA
COASTAL COMMISSION

Fernie Sy
California Coastal Commission
South Coast Area
200 Oceangate Ave., 10th Floor
Long Beach, California 90802-4325

May 9, 2001

Dear Mr. Sy:

The Department of Fish and Game (Department), has reviewed the project description for the City of Newport Beach's storm drain repair project located at Washington Street, Newport Beach, Orange County, California (CDP- 5-01-029). The proposed project would replace an existing 15-inch storm drain with a new 24-inch storm line. The new line would be located adjacent to the existing line and would terminate the same distance, 38 feet, from the bulkhead. There is no eelgrass (*Zostera marina*) habitat present in the area.

The Department has determined that the proposed activity would not have a significant adverse effect on existing marine resources and habitats within the area. Thus, the Department would concur with the issuance of a Coastal Development Permit for the proposed project.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion, please contact Ms. Marilyn Fluharty, Environmental Specialist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

Sincerely,

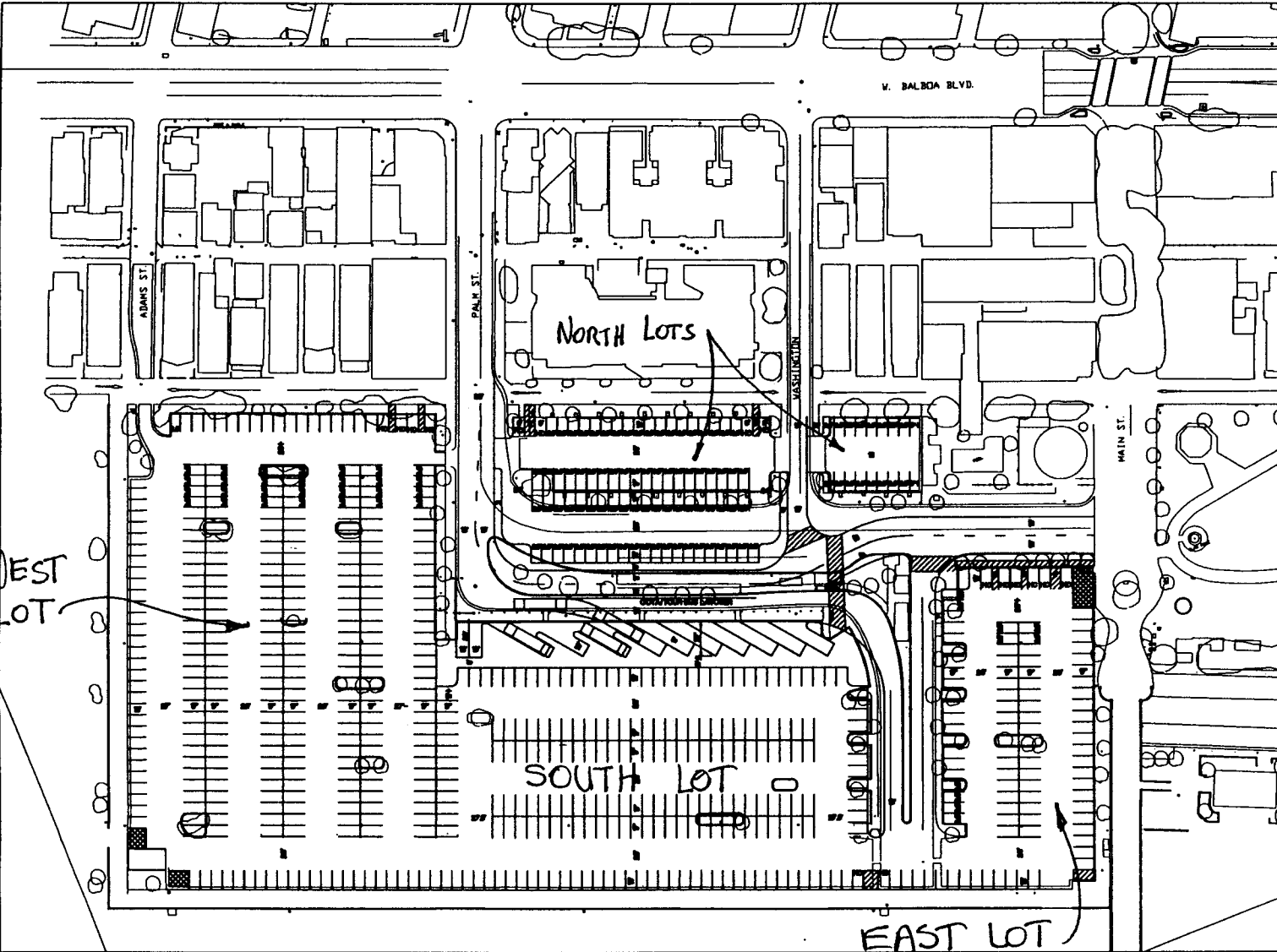
Marilyn J. Fluharty
Environmental Specialist
Marine Region

cc: Mr. Bob Stein
City of Newport Beach
Newport Beach, CA




COASTAL COMMISSION

EXHIBIT # 20
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SCALE 1"=40'



LEGEND

-  EXISTING TRAFFIC SIGNAL
-  SIDEWALK AND CROSSWALK
-  RE-ARRANGED PARKING SPACES

PARKING SUMMARY

NO. SPACES (EXIST. CONDITION)	665
NO. SPACES (PROPOSED CONDITION)	722
NET CHANGE	+57
HANDICAPPED SPACES INCLUDED	16
SPACES 9' WIDE OR AS SHOWN	

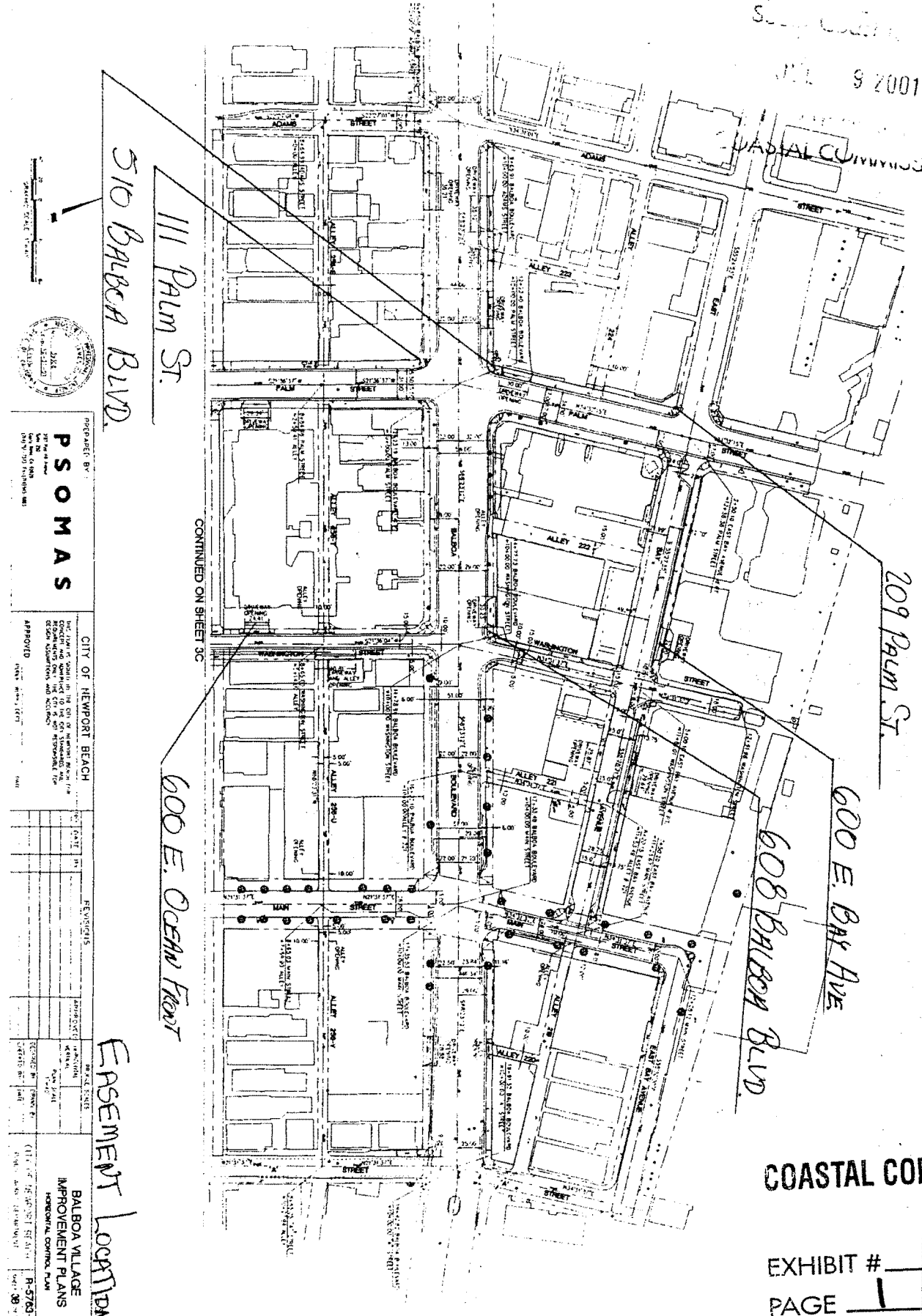
Attachment I

AFA File: 48788 08/20/2009 8:18 AM 07/1/09



CENTRAL BALBOA PARKING PLAN
 INCREASED VILLAGE PARKING CONCEPT
 CITY OF NEWPORT BEACH

NO. 9 2001
 COASTAL COMMISSION



Prepared by
PSOMAS
 11111 Newport Blvd
 Suite 100
 Newport Beach, CA 92659
 (949) 845-1111

CITY OF NEWPORT BEACH
 RECEIVED
 11/11/01
 APPROVED
 11/11/01

REVISIONS	DATE	BY	DESCRIPTION

RECEIVED
 11/11/01
 BALBOA VILLAGE
 IMPROVEMENT PLANS
 HORIZONTAL CONTROL PLAN
 R-5700-S
 08-96

510 Balboa Blvd.
 111 Palm St.

CONTINUED ON SHEET 3C

600 E. Ocean Front

209 Palm St

600 E. Bay Ave

608 Balboa Blvd

EASEMENT LOCATIONS

COASTAL COMMISSION

EXHIBIT # 22
 PAGE 1 OF 1



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3311

RECEIVED
JUL 05 2001
CALIFORNIA
COASTAL COMMISSION

July 3, 2001

Mr. James Rosen
Mrs. Tiffany Rosen
600 E. Ocean Front #3E
Newport Beach, CA 92661

Dear Mr. and Mrs. Rosen:

Construction of the Balboa Village Rehabilitation project is close to starting. This project will reconstruct streets and widen sidewalks within the Village area as part of the City's plan to revitalize the area. The City of Newport Beach is finalizing information for Coastal Commission staff in order to agendize the Coastal Development Permit application.

In order to bring the sidewalk in front of the driveway entrance from Washington Street leading to the underground garage into compliance with ADA (Americans with Disabilities Act) regulations, the City wishes to reconstruct a portion of the driveway entrance. The crest of the driveway entrance will not be lowered. The City will need an easement for the proposed driveway modification and the City is in the process of drafting an easement for your signature. This easement document should be in the mail to you within the next month.

Because your property is affected by the Village project, the Coastal Act (Section 30601.5) requires that you be notified in writing of the permit application by the City of Newport Beach to the California Coastal Commission and invited to join as co-applicant. You may contact the Commission at:

Mr. Fernie Sy
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Please call me if you have any questions or need additional information. My direct line is (949) 644-3322.

Sincerely,

Bob Stein, P.E.
Project Manager

F:\Users\PBW\Shared\Balboa Village\Coastal Commission\Letter 600 East Ocean Front Rosen.doc

COASTAL COMMISSION

EXHIBIT # 23
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