

**CALIFORNIA COASTAL COMMISSION**

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



RECORD PACKET COPY

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Filed: 12/17/01  
 49th Day: 3/6/02  
 180th Day: 7/15/02  
 Staff: MV-LB  
 Staff Report: 1/17/02  
 Hearing Date: 2/5-8/02  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-01-376****APPLICANT: Bahia Corinthian Yacht Club****AGENT: Greg Asher & Randy Mason  
Cash & Associates****PROJECT LOCATION: 1601 Bayside Drive, Corona del Mar (Newport Beach)  
Orange County**

**PROJECT DESCRIPTION:** Demolition of existing boat hoist, gangway and floating dock and construction of a new boat hoist, concrete platform, gangway and floating dock. The proposed project includes construction of a 40' by 16'6" reinforced concrete platform with two 8,000 pound boat hoists. The platform will extend beyond the face of the existing bulkhead by 6'6" and will be supported by three 12" diameter steel piles seaward of the bulkhead. The proposed gangway and dock will include a 12' by 30' gangway/launch ramp (replacing the 4' by 20' pedestrian gangway ramp). The proposed floating dock will be 606 square feet.

**LOCAL APPROVALS RECEIVED: City of Newport Beach Harbor Resources Division Harbor Permit No. 102-1601.**

**SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.**

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the proposed project subject to five special conditions which are necessary to assure consistency with Sections 30230 and 30231 of the Coastal Act regarding water quality. The special condition No. 1 requires that the applicant conform to the approved plans. Special condition No. 2 requires the applicant to adhere to construction methods that will reduce the potential for adverse water quality impacts during construction. Special condition No. 3 requires the applicant to adhere to long term Best Management Practices that will reduce the potential for adverse water quality impacts during the life of the project. Special condition No. 4 requires the applicant to provide appropriate trash receptacles. Special condition No. 5 requires the applicant to include an oil-removing filter in the proposed filter/settling tank system.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:  
Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

*I move that the Commission approve CDP #5-01-376 pursuant to the staff recommendation.*

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

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**II. STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. Compliance With Plans Submitted**

The permittee shall undertake development in strict conformance with the proposal and plans as set forth in the application for permit, subject to any special conditions set forth in this coastal development permit approval. Any proposed changes to or deviations from the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**2. Construction Responsibilities and Debris Removal**

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

- (a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow.
- (b) On site washing or maintenance of construction equipment and trucks shall be prohibited.
- (c) A portable sump pump shall be used to drain residual water into the sanitary sewer.
- (d) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (e) If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable.
- (f) All stock piles and construction materials shall be covered, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway, and shall be contained so that no material comes into contact with the ground surface or rainwater;
- (g) A protective barrier shall be utilized to prevent concrete and other large debris from falling into the harbor;
- (h) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (i) The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited.
- (j) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (k) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.

**3. Best Management Practices Program**

By acceptance of this permit the applicant agrees that use of the approved boat hoist, gangway/launch ramp, and floating dock and immediate area will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

- (a) Boat Cleaning and Maintenance Measures:

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

(b) Solid and Liquid Waste Management Measures:

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

(c) Petroleum Control Management Measures:

1. Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant will recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

**4. Provision of Trash Receptacles**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, an On-Site Trash and Debris Management Plan. The Management Plan shall demonstrate the methods employed to collect trash and debris generated by users of the proposed boat hoists and boat dock. The plan shall include, but is not limited to, the placement of water tight trash cans in a covered, enclosed area(s) readily identifiable and accessible for use, as well as a schedule for regular collection. The plan shall include textual discussion as well as graphic depiction (plan(s) and/or maps, etc.) of all elements (including types and location of trash cans; types and location of trash area covers and enclosures; and a sample of the signage to be used to bring attention to the trash receptacle areas) of the plan.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development unless the Executive Director determines that no amendment is required.

5. **Filter Installation**

The proposed filter/settling tank system shall be fitted with a filter that will remove oil, grease, and fluids. The filters shall be replaced as necessary to maintain the system in good working order.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. **Project Description and Location**

The applicant proposes to demolish an existing boat hoist, gangway and floating dock and construct a new boat hoist, concrete platform, gangway and floating dock. The proposed project includes construction of a 40' by 16'6" reinforced concrete platform with two 8,000 pound boat hoists. The platform will extend beyond the face of the existing bulkhead by 6'6" and will be supported by three 12" diameter steel piles seaward of the bulkhead. The proposed gangway and dock will include a 12' by 30' gangway/launch ramp (replacing the 4' by 20' pedestrian gangway ramp). The proposed floating dock will be 606 square feet.

The subject site is situated along the waterfront in Newport Harbor (Lower Newport Bay) in the City of Newport Beach. The nearest public access is a walkway that rings the perimeter of Balboa Island across the channel from the subject site, approximately 500 feet to the west. Additional public access in the vicinity exists along the Balboa Peninsula's sandy ocean fronting beach approximately 1 1/2 miles to the south of the subject site.

The proposed project has received approval in concept from the City of Newport Beach Harbor Resources Division (Harbor Permit No. 102-1601). The site has been surveyed by the Harbor Resources Division for eelgrass and no eelgrass was discovered within 15 feet of the project area. The project has received approval from the California Regional Water Quality Control Board (see exhibit D). The applicant has applied for approval of the proposed project from the U.S. Army Corps of Engineers (see exhibit E).

B. **Marine Resources**

1. **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 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.*

The proposed project, replacement of a boat hoist, gangway, and floating dock, is located in, over and adjacent to the coastal waters of Newport Harbor (Lower Newport Bay). 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 that water quality within the water body does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal of "fishable, swimmable" waters. 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 Bay watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

Construction in and adjacent to coastal waters has the potential to impact marine resources including water quality. The Bay provides an opportunity for water oriented recreational activities and also serves as a home for marine habitat. Because of the coastal recreational activities and the sensitivity of the Bay habitat, potential water quality issues must be examined as part of the review of this project.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition #2 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition #2 also requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers are required to remove, as soon as possible, any non-floatable debris not contained in such structures that sink to the ocean bottom.

The proposed project will allow boaters to place and retrieve boats stored on land in the water. Oftentimes when the boats are retrieved from the water certain maintenance activities occur.

Some maintenance activities, if not properly regulated, could cause adverse impacts to the marine environment. For example, maintenance activities such as cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are major contributors to the degradation of water quality within boating facilities. As mentioned above, Lower Newport Bay provides a home for marine habitat and also provides opportunity for recreational activities and ultimately drains into the ocean.

To minimize the potential that maintenance activities would adversely affect water quality, the Commission imposes Special Condition #3 that requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which are associated with boating.

The applicant has proposed installation of a filtering/settling tank system (see exhibit C). Boat wash down is proposed to be conducted in a designated area adjacent to the boat hoists. The water from the wash down area is to be drained to the filtering/settling tank and then discharged into the harbor. As proposed, the filtering/settling tank will remove large particulates such as trash and coarse sediment. It would not remove hydrocarbons or liquid contaminants such as boat fuels and fluids. However, they can be fitted with "oil-removing filters" such as fossil filters. Inclusion of such a filter in the filtering/settling tank system would greatly increase its effectiveness in reducing the introduction of pollutants into the bay. Special condition #5 is imposed to increase the effectiveness of the proposed filtering/settling tank system, thereby reducing the amount of pollutants introduced into the bay and maximizing water quality.

Another source of pollutants associated with boating facilities is trash during loading and unloading of the boats. Its source can be boat maintenance, or it can arise from provisioning a boat for an outing, or disposing of debris (such as cans, wrappers, etc.) upon return from an outing. If appropriate receptacles are not immediately available and obvious, the potential that the debris is not disposed of properly increases. If trash is left carelessly on the ground in the vicinity of the harbor water, it would easily be knocked or blown into the water. In order to avoid or reduce this possibility, Special condition #4 is imposed which requires the applicant to provide readily accessible and identifiable trashcans. In addition, the trashcans are required to be water tight and placed in an enclosed, covered area to prevent them from coming into contact with stormwater. Contact with stormwater could wash the trash into the bay. Special condition #4 is necessary to ensure that trash resulting from use of the proposed boating facility is appropriately disposed of and does not end up in the bay.

Therefore, the Commission finds that only as conditioned is the proposed project consistent with Sections 30230 and 30231 of the Coastal Act regarding protection of water quality, biological productivity, and marine resources.

## 2. Fill of Coastal Waters

Section 30233 of the Coastal Act addresses fill of open coastal waters:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation*

*measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

The Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The proposed project includes installation of three new 12" diameter steel piles to support boat hoist platform. No new piles are proposed for the floating dock. The piles required by the proposed project constitute fill of coastal waters.

a. Allowable Use

Section 30233(a)(4) of the Coastal Act allows fill of open coastal waters, such as Newport Harbor, for recreational boating purposes. The proposed project, a boat hoist, gangway, launch ramp, and floating dock, constitutes a recreational boating facility. Thus, the project is an allowable use under Section 30233(a)(4).

b. Least Environmentally Damaging Alternative

The proposed project will result in the replacement of an existing boating facility. The proposed platform will support the proposed boat hoists. In conjunction with the proposed project, three 12" diameter steel piles are proposed to be placed seaward of the bulkhead. The applicant considered a number of alternatives to the proposed fill including the following. One alternative considered included relocating the existing bulkhead 6'6" seaward of its existing location and backfilling behind the new location. That alternative would require considerably more fill than is currently proposed. Another alternative considered was the use of 25 foot long hoist booms. That alternative would have required the addition of headwalk floats and at least three new piles, resulting in no less fill than the proposed alternative. Finally, the applicant considered construction of a 15 foot wide launch ramp to be utilized by trailers and towing vehicles. Such a ramp would have extended 50 feet beyond the existing bulkhead and would also have resulted in more fill than is currently proposed.

The use of three 12" diameter piles results in the minimum amount of fill necessary adequately support the boat hoists. The proposed project will use the minimum number of piles necessary to adequately support the boating facility. Thereby minimizing the amount of fill needed to support the proposed allowable use. Thus the project as proposed is the least environmentally damaging alternative.

c. Adequate Mitigation

Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles in conjunction with the proposed project will displace bottom habitat. However, the pilings will provide new hardscape habitat for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Thus, adequate mitigation is provided by the proposed



project in that the loss of bottom habitat is offset by the fact that the pilings themselves will provide new vertical intertidal habitat for marine organisms.

For the reasons discussed above, the Commission finds that the proposed project is consistent with Section 30233 of the Coastal Act.

**C. Local Coastal Program**

Section 30604(a) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be approved if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the Commission issues coastal development permits 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 seeks to insure the highest quality of water in the bay and along their beaches. The proposed project is conditioned to adhere to construction responsibilities, debris removal and Best Management Practices. Thus, the proposed project is not expected to create additional adverse impacts to water quality and the marine environment and therefore attempts to insure the highest quality of water in the Bay and along the beaches.

As explained above, the proposed development is consistent with 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 (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

**D. California Environmental Quality Act (CEQA)**

Section 13096(a) of title 14 of the California Code of 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 proposed project as conditioned has been found consistent with the marine resources policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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*project site*

<b>EXHIBIT NO. A</b>
<b>APPLICATION NO.</b>
5-01-376
California Coastal Commission

**VICINITY MAP**

5-01-371  
Exhibit B

EEL GRASS INSPECTION  
 NO EEL GRASS WITHIN 15' OF PROJECT  
 EEL GRASS IN THE PROJECT AREA  
 Signature: Tony Melum  
 102-1601 PERMIT #  
 9/14/01 DATE

California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. 3-11-01-70  
 EXIST. MAIN WALK  
 • MBW -1.75  
 EFFECTIVE  
 Date: \_\_\_\_\_

RECEIVED  
 SEP 20 2001  
 CALIFORNIA COASTAL COMMISSION

HARBOR RESOURCES DIV.  
 CITY OF NEWPORT BEACH

HARBOR RESOURCES DIV.  
 CITY OF NEWPORT BEACH  
 Tony Melum  
 9/14/01

SECTION  
 SCALE: 1" = 1'-0"

NO.	DATE	DESCRIPTION	BY

**CA** CASH & ASSOCIATES  
 ENGINEERING AND ARCHITECTURE  
 (714) 895-2072

ENGINEER	ARC
DESIGNER	ARC
CAD OPERATOR	nml
CHECKER	ARC
PROJECT MANAGER	RHM

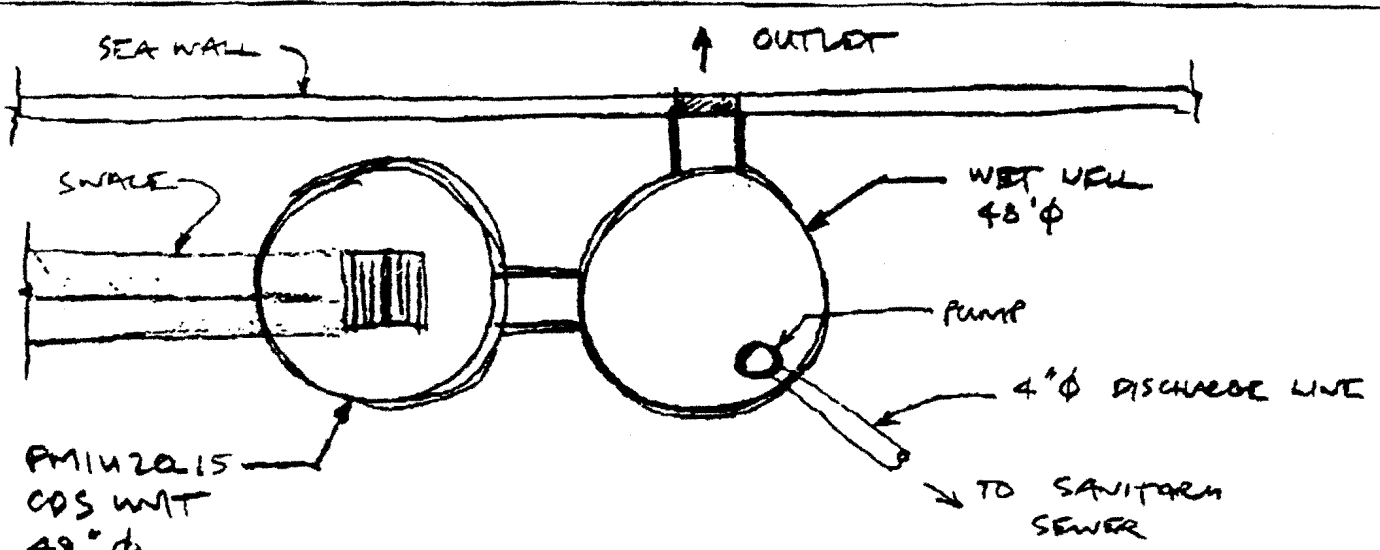
BAHIA CORINTHIAN YACHT CLUB  
 1601 BAYSIDE DRIVE, NEWPORT BEACH, CA. 92625  
 BOAT HOIST AND LAUNCH RAMP  
 SECTION  
 S-2

SCALE	1" = 1'-0"
PROJECT NUMBER	5751.00
DRAWING NUMBER	S-2

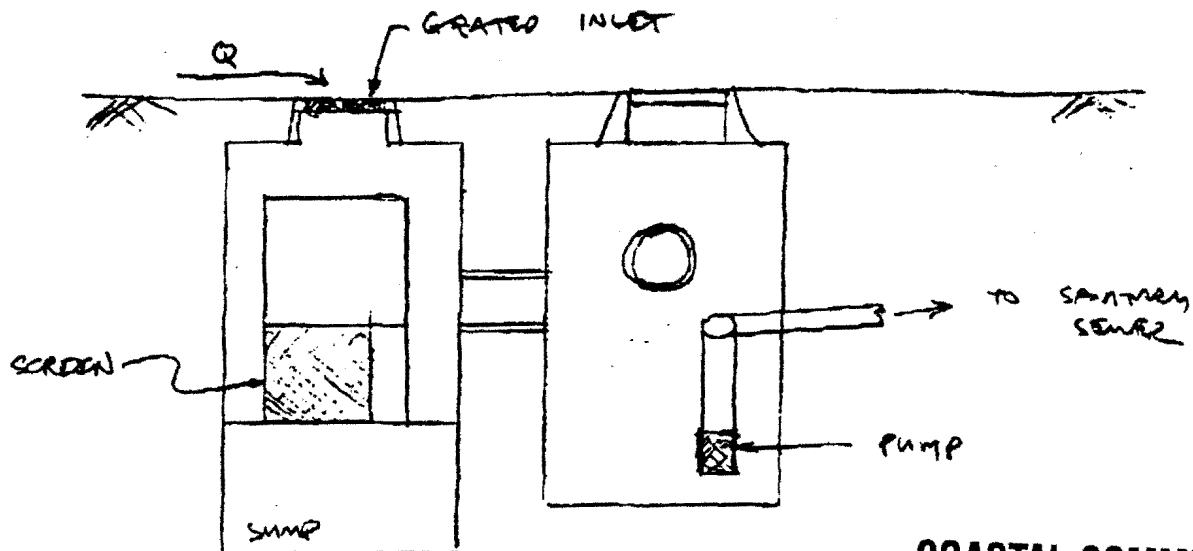
H:\PHM\575100\5751s-2.dwg - PLOT SCALE: 1:1 PS

REDUCED SET - NOT TO SCALE Plot Date: 08/30/01 - 5/37





PLAN VIEW



ELEVATION

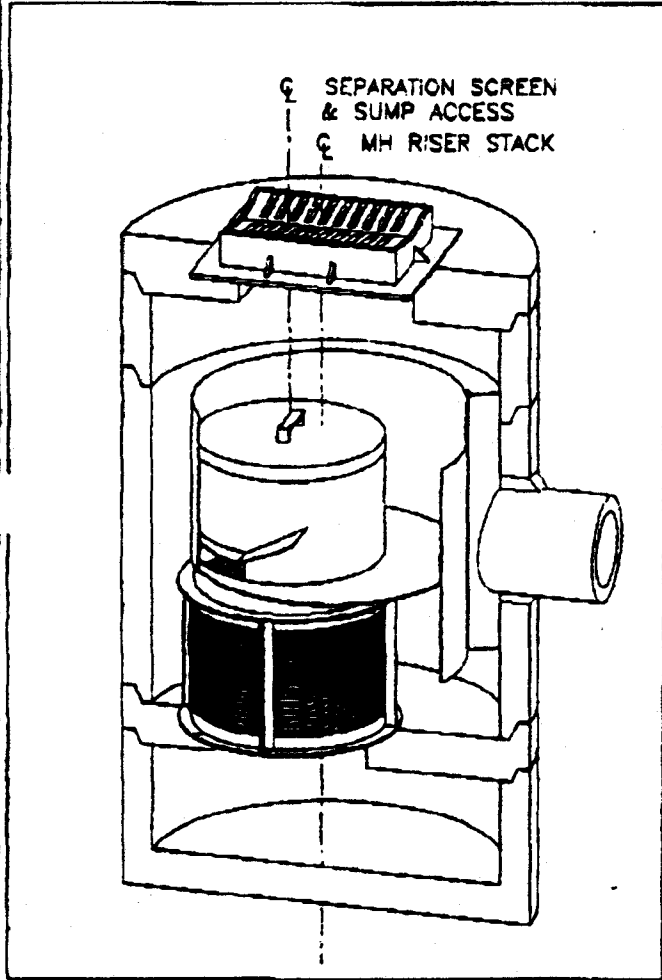
COASTAL COMMISSION

5-01-376

EXHIBIT # C

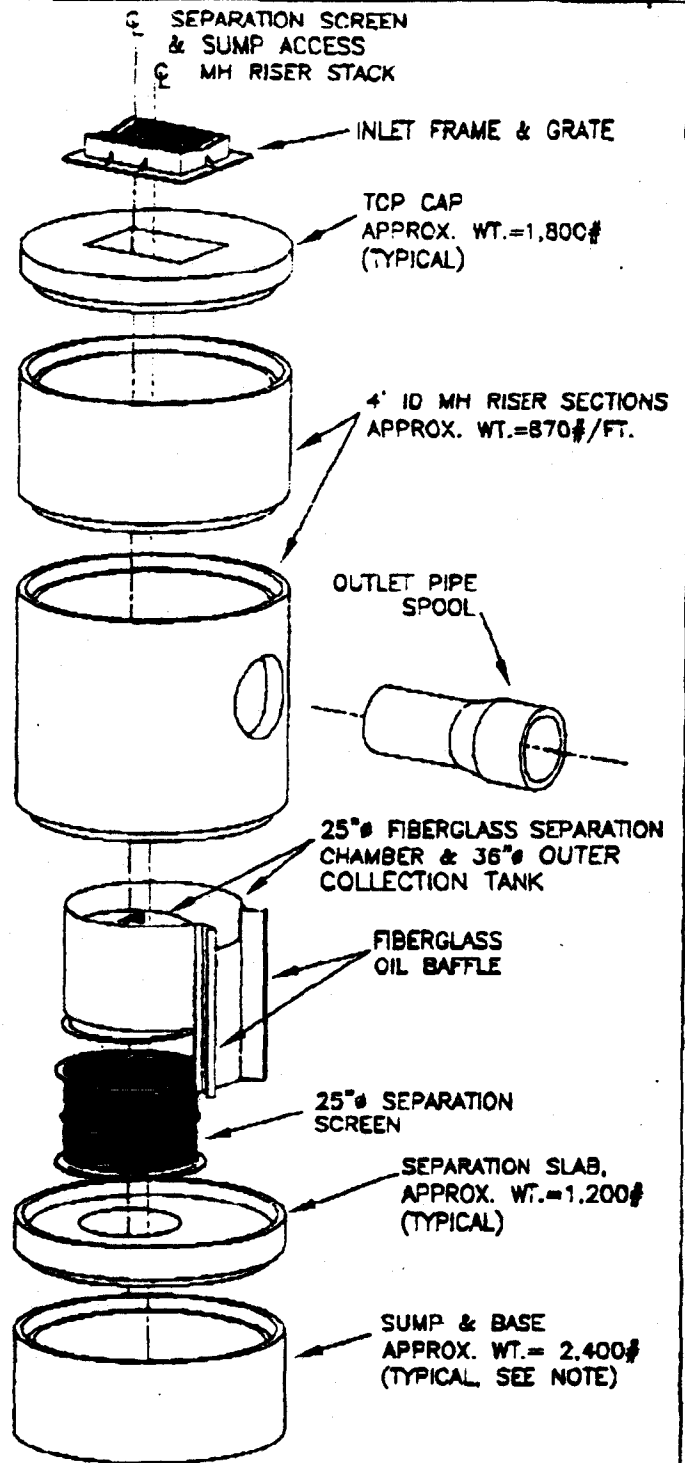
PAGE 1 OF 2

Filter/Selling Tank System



**SECTIONED VIEW**

(36" Ø OUTER TANK WALL CUT AWAY TO REVEAL 25" Ø SEPARATION CHAMBER)



**EXPLODED VIEW**

SECTION SIZES MAY VARY ACCORDING TO LOCAL PRECASTER SPECIFICATIONS.



**CDS MODEL PMIU20\_15  
TYPICAL ASSEMBLY**

DATE	1/31/01	SCALE N.T.S. SHEET <b>1</b>
DRAWN	J.S.F.	
APPROV.	R. HOWARD	

C2



# California Regional Water Quality Control Board Santa Ana Region



**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

**Gray Davis**  
Governor

*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](http://www.swrcb.ca.gov/rwqcb8).*

December 5, 2001

Mr. Randy H. Mason, P.E.  
President  
Cash & Associates  
5772 Bolsa Avenue, Suite 100  
Huntington Beach, CA 92649

**ORDER FOR A TECHNICALLY CONDITIONED 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED BAHIA CORINTHIAN YACHT CLUB CONCRETE HOIST PLATFORM, GANGWAY, AND FLOATING DOCK, CITY OF CORONA DEL MAR, ORANGE COUNTY (NO ACOE REFERENCE NUMBER)**

Dear Mr. Mason:

On September 24, 2001, we received a transmittal request for 401 water quality certification dated September 19, 2001 for the above referenced project. We received all requested materials for a complete application as of September 24, 2001.

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

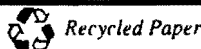
**Project Description**

The proposed project, located at the Bahia Corinthian Yacht Club, 1601 Bayside Drive, in the City of Corona Del Mar, consists of two components: (1) installation of a concrete hoist platform; and (2) replacement of a pedestrian gangway/launch ramp with installation of additional floating dock. The installation of the concrete hoist platform will involve demolishing an existing small boat launch platform and replacing it with a 40-feet by 16-feet and 6-inches reinforced concrete platform with two hoists. The platform will extend beyond the existing face of the bulkhead by 6-feet and 6-inches and will be supported by three 12-inch steel piles driven into the Bay mud. A new 12-feet by 30-feet pedestrian gangway/launch ramp will be installed to replace the existing 4-feet by 20-feet pedestrian gangway ramp. In addition, 606 square feet of floating dock will be added.

- Receiving water: Newport Bay, Orange County
- Fill/excavation area: Ocean: .00005 acre ( three 1'0" diameter piles)
- Dredge volume: N/A
- Federal permit: U. S. Army Corps of Engineers (USACOE) Section 10, Letter of Permission (Rivers and Harbors Act)
- Fill/excavation and dredge mitigation: None
- Water quality impacts mitigation: No discharge of waste will enter Newport Bay

**COASTAL COMMISSION**  
5-01-376  
EXHIBIT # D  
PAGE 1 OF 2

**California Environmental Protection Agency**



- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

This letter constitutes a conditional water quality standards certification. Although we anticipate no further regulatory involvement, if the above stated 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.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Santa Ana Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a technically conditioned water quality certification. Please notify our office five (5) days before construction begins on this project.

Should there be any questions, please contact Stephanie M. Gasca at (909) 782-3221, or Wanda Smith at (909) 782-4468.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc: U.S. Environmental Protection Agency, Director of Water Division (WTR-1) – Alexis Strauss  
U.S. Army Corps of Engineers, Los Angeles District – Josh Burnam  
State Water Resources Control Board, Division of Water Quality, Water Quality Certification Unit –  
Oscar Balaguer, Chief  
✓ California Coastal Commission, Long Beach Branch – Karl Schwing  
Cash & Associates – Greg Asher

D<sub>2</sub>



5-01-376

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT  
(33 CFR 325)

OMB APPROVAL NO. 0710-003

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-003), Washington DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of the information requested is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE OF APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Bahia Corinthian Yacht Club	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Randy H. Mason - President
6. APPLICANT'S ADDRESS 1601 Bayside Drive Corona Del Mar, CA 92625	9. AGENT'S ADDRESS Cash & Associates 5772 Bolsa Ave., Suite 100 Huntington Beach, CA 92649
7. APPLICANT'S PHONE NOS. WITH AREA CODE a. Residence b. Business (949) 644-9530	10. AGENT'S PHONE NOS. WITH AREA CODE a. Residence b. Business (714) 895-2072

RECEIVED  
SEP 20 2001  
CALIFORNIA COASTAL COMMISSION

STATEMENT OF AUTHORIZATION

I hereby authorize, CASH & ASSOCIATES to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

*[Signature]*  
APPLICANT'S SIGNATURE

9/18/01  
DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) REPLACEMENT OF BOAT HOIST AND LAUNCH RAMP
13. NAME OF WATERBODY, IF KNOWN (if applicable) Newport Bay
14. PROJECT STREET ADDRESS (if applicable) 1601 Bayside Drive Corona Del Mar, CA 92625
15. LOCATION OF PROJECT Orange COUNTY CA STATE

COASTAL COMMISSION  
5-01-376  
EXHIBIT # E

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN. (see instructions)	PAGE 1 OF 2
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DIRECTIONS TO THE SITE East of Newport Beach and one mile south of Pacific Coast Highway on Bayside Drive.

18. Nature of Activity (Description of project, include all features)

The project consists of two (2) components: 1) Concrete Hoist Platform and 2) New Pedestrian Gangway and additional Floating Dock area for small boat launches. Concrete Hoist Platform: Demolish existing small boat launch platform and replace with 40' x 16'-6" reinforced concrete platform with two 8000# hoists. The platform will extend beyond the existing face of bulkhead by 6'-6" and is supported by three 12" steel piles driven into bay mud. Gangway and Dock: A 12' x 30' gangway/launch ramp will replace the existing 4' x 20' pedestrian gangway ramp. In addition, 606 square feet of floating dock will be added.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To accommodate launching of small boats via a pair of hoists, as well as from a gangway and widened dock area. This facility will accommodate small boat regatta activities, as well as the sailing school program.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

No discharging into the bay is anticipated for this project.

21. Type(s) of Material being Discharged and the Amount of Each Type in Cubic Yards

N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

2.36 square feet (3 - 1'-0" diameter piles)

23. Is Any Portion of the Work Already Complete?  YES  NO IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list)

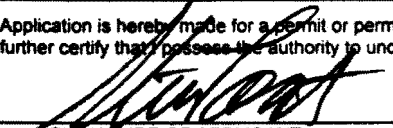
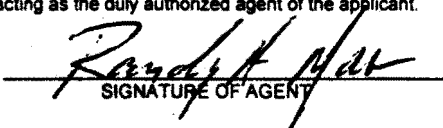
See attached list.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in this Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NO.	DATE OF APPLIED	DATE APPROVED	DATE DENIED
City of Newport Beach Ca. Coastal Comm. CRWQCB	Approval-In-Concept Coastal Permit Water Certification	2175-2001	9/4/01	9/14/01 Pending Pending	

\*Would include but is not restricted to zoning, building and floor plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT      9/18/01      DATE      SIGNATURE OF AGENT      9/19/01      DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statemtn or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.