ALIFORNIA COASTAL COMMISSION
South Coast Area Office
00 Oceangate, Suite 1000
ng Beach, CA 90802-4302
562) 590-5071

Permit Application No. **5-03-043**
Date: March 20, 2003

Tu 3c

ADMINISTRATIVE PERMIT

RECORD PACKET COPY

APPLICANT: John Walsh

AGENT: Brady Helm, Swift Slip Dock and Pier Builders

PROJECT DESCRIPTION: Installation of a new 6' by 26' floating dock, 3' by 20' gangway and a 3' by 4' gangway landing. The project also involves the installation of three 2 ½" diameter mooring davits connecting the dock to the existing bulkhead. No further bulkhead work is proposed.

PROJECT LOCATION: 16752 Pacific Coast Highway, Sunset Beach (Orange County)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Tuesday, April 8, 2003
10:00 am
Radisson Santa Barbara
1111 E. Cabrillo Blvd.
Santa Barbara, CA 93103

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Anne L. Blemker
Title: Coastal Program Analyst

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 term or 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.

SPECIAL CONDITIONS: See pages four to five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Location, Description and Background

The subject site is located at 16752 Pacific Coast Highway in the unincorporated area of Sunset Beach, Orange County (Exhibits 1 & 2). The proposed project involves installation of a new 6' by 26' floating dock, 3' by 20' gangway and a 3' by 4' gangway landing. The project also involves the installation of three 2 ½" diameter mooring davits connecting the dock to the existing bulkhead. No further bulkhead work is proposed.

The dock project will be used for boating related purposes to serve a single-family residential development. The site has been surveyed for eelgrass and *Caulerpa taxilfolia* and neither was discovered within the project area. Coastal public access is available at the end of 16th Street, approximately 150 feet west of the project site (Exhibit 2). The proposed project has received an approval in concept in the form of a conditional Encroachment Permit from the County of Orange. The Regional Water Quality Control Board (RWQCB) has determined that the proposed project will not adversely impact water quality if standard construction methods and materials are used. The applicant has applied for a permit from the U.S. Army Corps of Engineers.

B. Marine Resources

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. The pilings are self-mitigating. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

C. Water Quality

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 32031 of the Coastal Act.

D. Local Coastal Program

The proposed project is located within the jurisdiction of the certified Sunset Beach segment of the County of Orange Local Coastal Program (LCP). The County has coastal development permit (CDP) jurisdiction except for development located on tidelands, submerged lands, or public trust lands. The proposed development is located on land lying below the mean high tide line. Therefore, the standard of review is the Coastal Act. However, the Sunset Beach LCP has been used as guidance. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

E. California Environmental Quality Act

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Water Quality

A. Construction Responsibilities and Debris Removal

(a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
(b) Any and all construction material will be removed from the site within 10 days of completion of construction.
(c) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
(d) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
(e) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
(f) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

B. Best Management Practices Program

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(a) Boat Cleaning and Maintenance Measures:

i. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.

ii. 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.

iii. 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:

i. 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 or gutter.

(c) Petroleum Control Management Measures:

i. Oil absorbent materials shall 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 will regularly

inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters will use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Bilges shall be cleaned and maintained. Detergents will not be used for cleaning. The use of soaps that can be discharged by bilge pumps is prohibited.

2. Pre-construction *Caulerpa Taxifolia* Survey

(a) Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

(b) The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

(c) Within five (5) business days of completion of the survey, the applicant shall submit the survey:

i. for the review and approval of the Executive Director; and

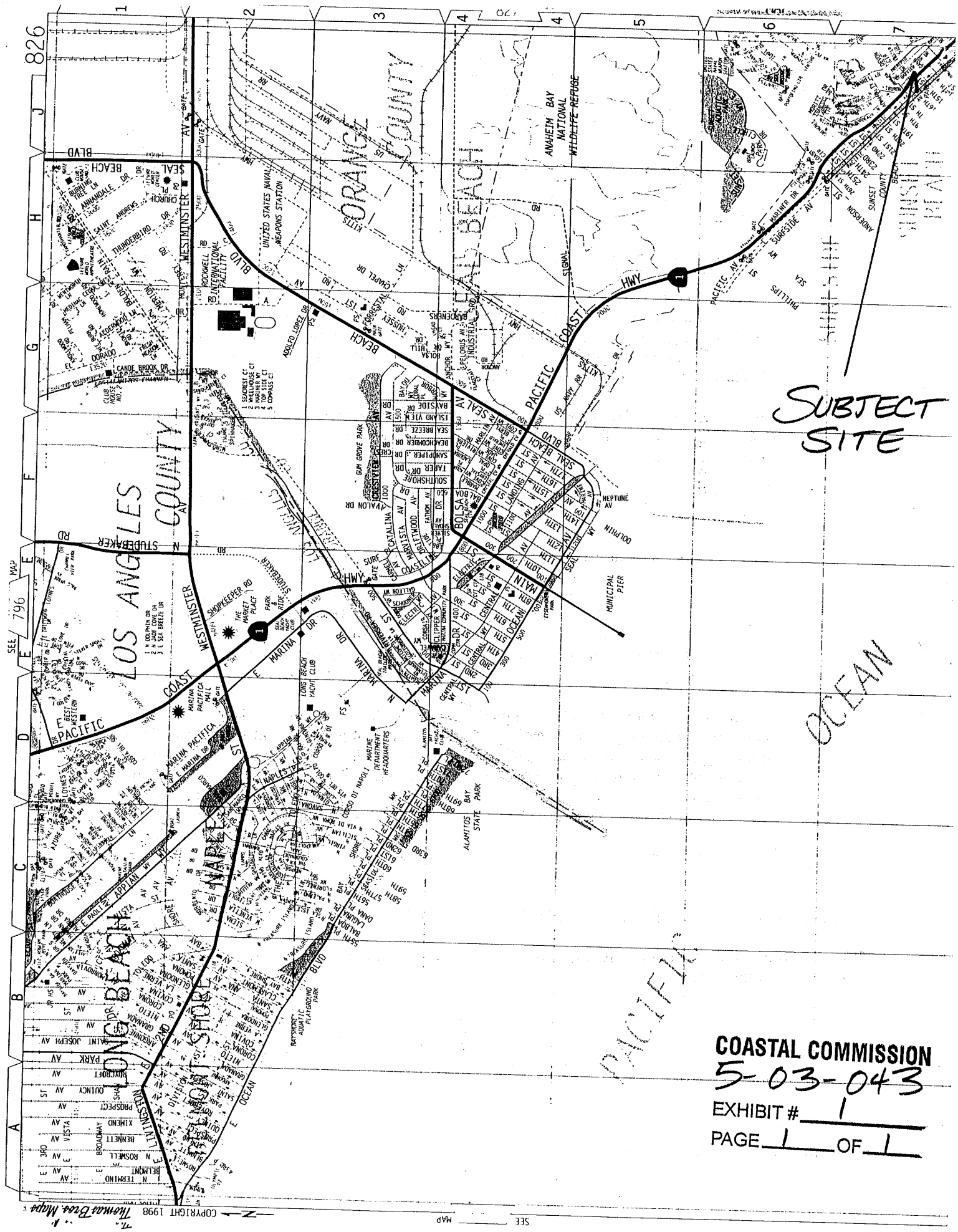
ii. to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

(d) If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

_____ _____
Applicant's Signature Date of Signing



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LOT A (TR. 6404) ... NATES ARE APPURTENANT ... AL- ... CORRESPONDING ... NUMBERS. ... AT PORTION OF LOT A LYING ... SLIPS & ACCESS WAYS.

NOTE 2: THE AREAS DASHED WITHIN LOT A (TR. 6874) DESIGNATES WHARFAGE AREAS WHICH ARE APPURTENANT AND AL- LOCATED TO LOTS BEARING CORRESPONDING LOT NUMBERS.

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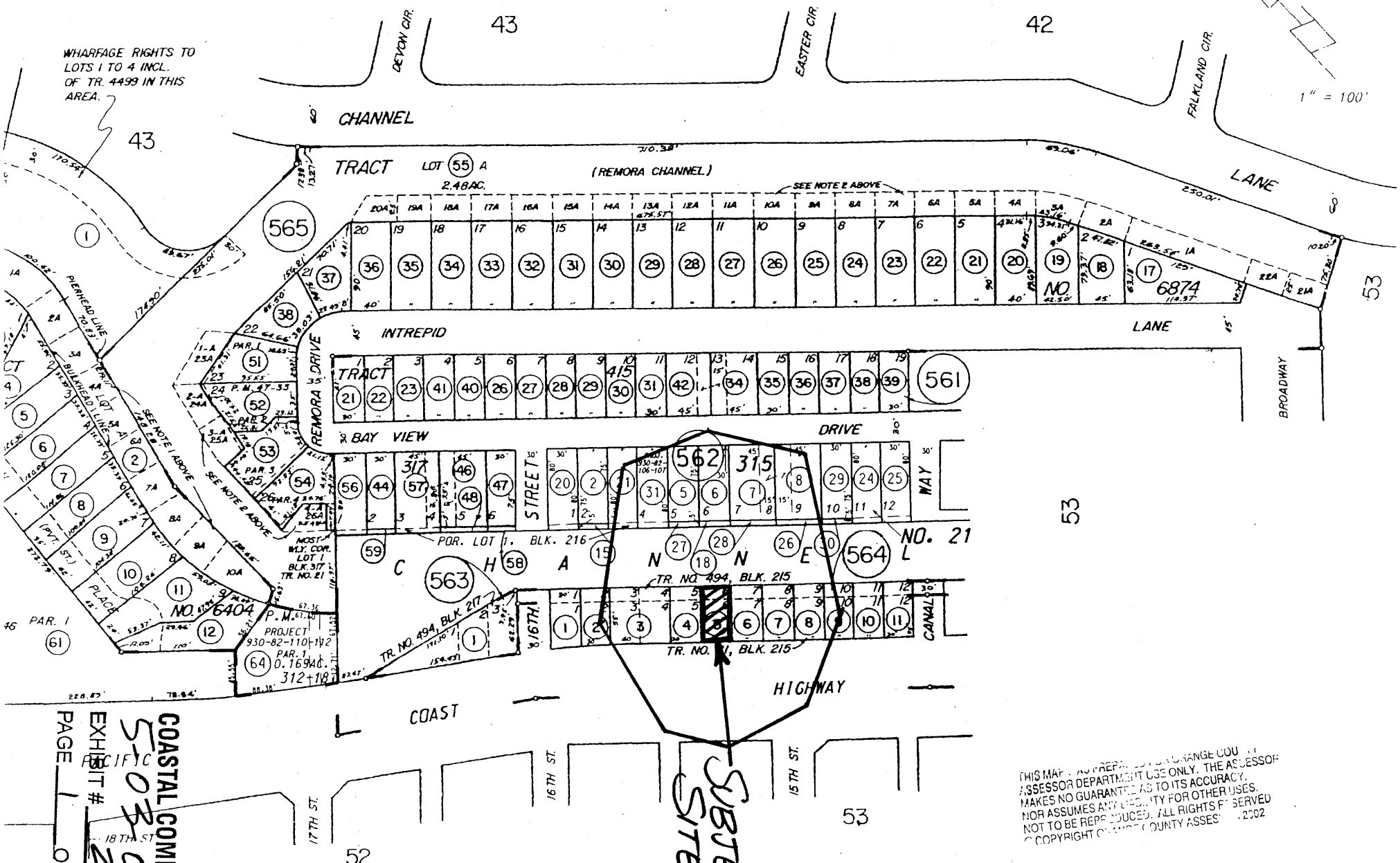

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TRACT NO. 21	M.M. 9-22
TRACT NO. 494	M.M. 31-29
TRACT NO. 6404	M.M. 237-33,34
TRACT NO. 6874	M.M. 281-39,40
PARCEL MAP	P.M. 47-33, 197-46, 312-18

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

ASSESSOR'S MAP
BOOK 178 PAGE 56
COUNTY OF ORANGE

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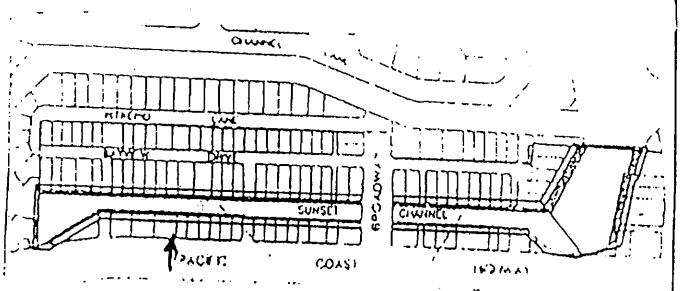
2003-00053

RECEIVED
JAN 17 [illegible]
COUNTY PROPERTY PERMITS

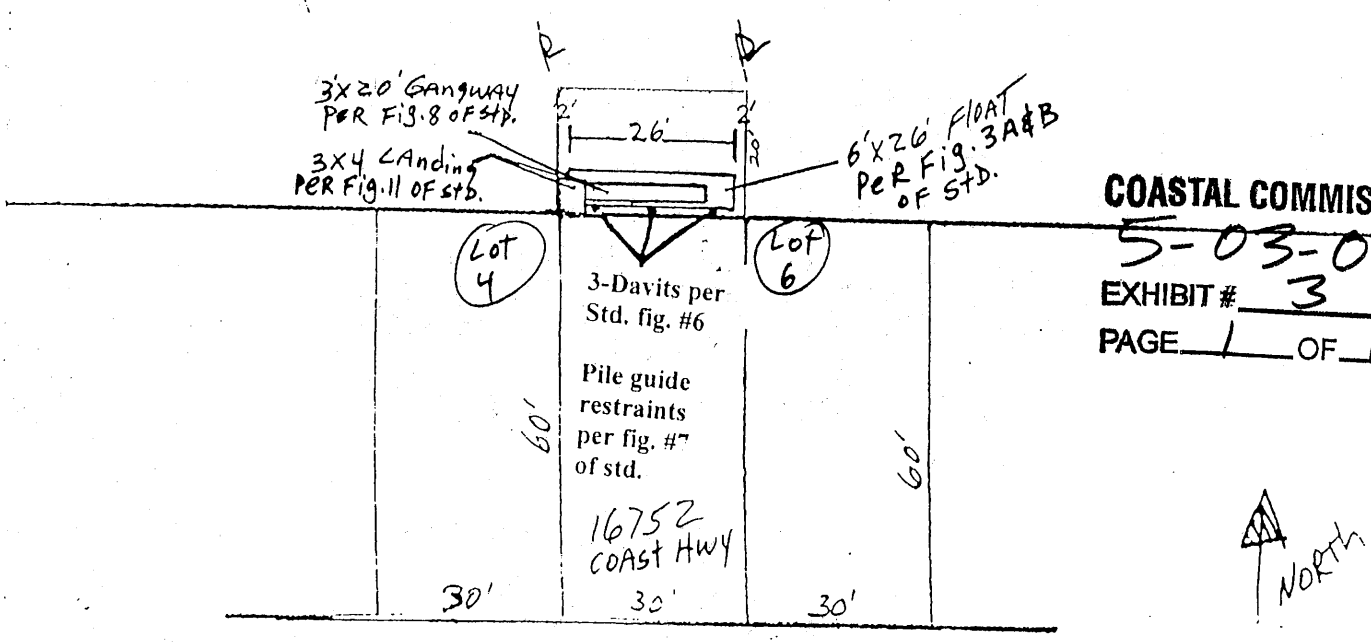
CITY OF SUNSET BEACH



VICINITY MAP
Sunset Bch OLD TOWN

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

Scope of work: Install 26'x 6' float with 3'x 20' Gangway
3'x 4'Landing and 3-DAVITS



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PLAN VIEW 1" =30'

APPLICANT'S NAME John Walsh ADDRESS 16752 [illegible]