

CALIFORNIA COASTAL COMMISSION

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Staff: FSY-LB FSY
Staff Report: May 22, 2003
Hearing Date: June 11-13, 2003
Commission Action: Approve with Conditions

**W 13a** RECORD PACKET COPY**STAFF REPORT: REVISED FINDINGS**

APPLICATION NO.: 5-01-230-A1

APPLICANTS: Orange County Council, Boy Scouts Association, Attn: Craig Reide

AGENT: Culbertson, Adams & Associates
Attn: Andi Culbertson, Ellis Delameter, Ed Hsu and David B. Neish

PROJECT LOCATION: 1931 W. Pacific Coast Highway
City of Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing managers unit and storage building. Construction of an approximately 31 foot high two-story 8,215 square foot classroom and office building and an approximately 31 foot high two-story 6,400 square foot classroom building which includes a managers unit. Ancillary development includes remodeling of the existing classroom, landscaping, hardscape improvements, parking lot improvements, bulkhead repairs, and dock renovations. Grading will consist of 3,536 cubic yards of cut, 432 cubic yards of fill and 3,100 cubic yards of export. The debris will be disposed of outside of the coastal zone.

DATE OF COMMISSION ACTION: June 11, 2002

COMMISSIONERS ON PREVAILING SIDE: Commissioners Burke, Dettloff, Kruer, McClain-Hill, Ruddock, Reilly, Wan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action of June 11, 2002 approving the expansion of the Boy Scout Sea Base. Staff had recommended that the Commission take one vote adopting a two-part resolution, which would have approved a portion of the overall development and denied other portions of the development. Staff had recommended that the Commission approve the repairs to the existing bulkhead, relocation of an existing boat hoist from the southwest end of the site to the southeast end of the site and dock work.

Staff had recommend denial of the portion of the development involving the demolition and construction of two new buildings, the remodel of an existing building, associated landscape and hardscape improvements, a new parking lot and driveway and construction of a new storm drain line and outlet pipe that drains into Newport Bay. Staff had recommended denial of this portion

of the development because the expansion of the facility would incrementally decrease coastal public views of Newport Bay from West Pacific Coast Highway.

The Commission approved the project since the project site provides coastal dependent public recreational opportunities, which will be expanded through the proposed development and that there are no significant coastal public view impacts with the proposed project. These findings have been incorporated beginning on page 22.

In approving this project, additional changes were made to the Water Quality and Marine Environment Sections. These changes relate to the inclusion of additional Special Conditions to prevent any adverse water quality impacts resulting from the proposed development. Changes were also made to the Coastal Access and Recreation Section. These changes relate to the inclusion of Special Conditions that will assist the public in learning about the on-site amenities, make sure that the site remains open to the public and that parking is available for use of the site during construction. To assure that these issues are addressed, the Commission imposed **six (6) additional Special Conditions (No. 1, 9, 10, 11, 12 and 13)** in addition to the **(7) Special Conditions** already imposed upon the project. Therefore, there are a total of **thirteen (13) Special Conditions**. **Special Condition No. 1** require that all previously imposed Special Conditions under CDP P-3-24-78-3021 apply equally to the proposed amendment. **Special Condition No. 2** requires submittal of final plans that show conformance with the bulkhead repair and modification letter/report. **Special Condition No. 3** requires that the applicant dispose of all demolition and construction debris at an appropriate location. **Special Condition No. 4** requires that the applicant identify the location of the disposal site of the demolition and construction debris resulting from the proposed bulkhead and dock work. If the applicant proposes a disposal site located in the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place. **Special Condition No. 5** requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. **Special Condition No. 6** requires that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and/or buffer area has been eliminated or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. **Special Condition No. 7** requires the applicant to provide written evidence of RWQCB approval for the bulkhead repair and dewatering. **Special Condition No. 8** requires the applicant to provide written evidence of RWQCB approval for the dock work. **Special Condition No. 9** requires the applicant to submit proof of parking during construction. **Special Condition No. 10** requires submittal of a Water Pollution Control Plan and Erosion Control Plan. **Special Condition No. 11** requires Submittal of a Water Quality Management Plan. **Special Condition No. 12** requires submittal of a Signage Program. **Special Condition No. 13** requires the applicant to keep the parking and lawn area on site open and available to the public.

LOCAL APPROVALS RECEIVED: Approval-in-Concept (#129-1931) from the City of Newport Beach Harbor Resources Division dated November 28, 2001, Use Permit No. 3681 from the City of Newport Beach Planning Commission dated June 27, 2001, City of Newport Beach Approval-in-Concept #1544-2001 dated June 27, 2001, City of Newport Beach Harbor Resources Division Approval-in-Concept (No. 129-1931) dated November 21, 2001, Draft Initial Study and Mitigated Negative Declaration SCH #2001031101 for the Orange County Council Boy Scouts of America Sea Base Expansion Project dated March 20, 2001.

OTHER AGENCY APPROVALS RECEIVED: Letter from the California Regional Water Quality Control Board (RWQCB), Santa Ana Region dated November 2, 2001 and letter from the California Department of Fish and game dated August 17, 2001.

SUBSTANTIVE FILE DOCUMENTS: Coastal development permit P-11-5-75-6524 (Boy Scouts of America, Orange County Council); P-3-24-78-3021 (Boy Scouts of America, Orange County Council), Amendment P-79-4919 (Boy Scouts of America, Orange County Council); 5-87-702 (Orange County Harbors, Beaches & Parks); 5-98-342 (Boy Scouts of America, Orange County Council), *Report of Geotechnical Investigation for the Proposed Boy Scouts Sea Base Expansion Project Located at 1931 West Pacific Coast Highway, City of Newport Beach, California (Project No. 010008-01)* prepared by Leighton and Associates dated March 22, 2000, Memorandum from Matt Rumbaugh (Hill Partnership Inc.) dated June 18, 2001, Letter/Report (GLA File No. 16979) from Gerald D. Lehmer (Gerald Lehmer Associates) dated June 12, 2001, Traffic Impact Analysis prepared by Pirzadeh and Associates dated February 12, 2001, *Construction Traffic Control Plan for Orange County Council Boy Scouts of America Sea Base Expansion Project* prepared by Katz, Okitsu and Associates dated June 11, 2001, Letter from the Robert E. Hamilton, County of Orange Public Facilities and Resources Department, dated October 6, 2000, Letter from Matt Rumbaugh (Hill Partnership Inc.) dated August 9, 2001, Letter from James Campbell (City of Newport Beach) dated August 1, 2001, Memorandum from Matt Rumbaugh (Hill Partnership Inc.) dated August 1, 2001, *Hydrology and Hydraulic Analysis for the Boy Scouts of America Sea Base City of Newport Beach* prepared by Hunsaker and Associates dated June 19, 2001, Letter from Letrice Sherillo (Hill Partnership Inc.) dated October 1, 2001, Boy Scouts Sea Base Parking Management Plan, Memorandum from Craig Reide, Orange County Council, Boy Scouts of America, dated September 7, 2001, Memorandum from Bill Mountford, Orange County Council, Boy Scouts of America, dated September 7, 2001, Memorandum from Craig Reide, Orange County Council, Boy Scouts of America, dated September 7, 2001, Facsimile from Greg Sanders, Project Manager Snyder Langston, dated September 18, 2001, *Water Quality Management Plan* prepared by Hunsaker and Associates dated September 27, 2001, *Water Pollution Control Plan Driveway access on Pacific Coast Highway Between Tustin Avenue and Dover Drive* prepared by Hunsaker and Associates dated May 23, 2001, Encroachment Permit (1201-6RC-0373) from the California Department of Transportation dated October 31, 2001, Letter/Report (GLA File No. 16979) from Gerald D. Lehmer (Gerald Lehmer Associates) dated September 14, 2001, Letter/Report (GLA File No. 16979) from Gerald D. Lehmer (Gerald Lehmer Associates) dated September 14, 2001 (revised December 13, 2001, City of Newport Beach *Mariner's Mile Strategic Vision and Design Framework*, Letter from Ellis Delameter (Culbertson, Adams, & Associates) dated April 5, 2002, Letter from Ellis Delameter (Culbertson, Adams, & Associates) dated April 10, 2002, *Caulerpa Survey* by Rick Ware (Coastal Resources Management) dated April 23, 2002 and Letter from Ellis Delameter (Culbertson, Adams & Associates) dated April 30, 2002.

PROCEDURAL NOTE:

Coastal Development Permit Amendments

Section 13166 of Title 14 of the California Code of Regulations provides for the referral of permit amendment requests to the Commission if:

- 1) *The Executive Director determines that the proposed amendment is a material change,*

- 2) *Objection is made to the Executive Director's determination of immateriality, or*
- 3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

The Executive Director has determined that the proposed amendment is a material change that adversely impacts coastal public views due to the intensity of the proposed development. In addition, the project would result in a cumulative adverse visual impact that substantially reduces public views toward Newport Bay from West Pacific Coast Highway. Therefore, pursuant to Section 13166 of Title 14 of the California Code of Regulations, the Executive Director is referring this application to the Commission. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material.

LIST OF EXHIBITS:

1. Location Map
2. Location Map
3. Building Project Plans
4. Approval-in-Concept/Bulkhead Plans
5. Approval-in-Concept/Dock Plans
6. Approval from the California Department of Fish & Game dated August 17, 2001
7. Existing Site Plan/Existing View
8. Proposed Site Plan/Proposed View
9. Letter from California State Lands Commission dated February 13, 2002

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following motion and resolution:

MOTION:

"I move that the Commission adopt the revised findings in support of the Commission's action of June 8, 2002 in approving coastal development permit amendment application 5-01-230-A1 with conditions."

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the June 11, 2002 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for its approval of coastal development permit amendment application 5-01-230-A1 with conditions on the grounds that the findings support the Commission's decision made on June 11, 2002 and accurately reflect the reasons for it.

I. **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 of the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

II. **Special Conditions**

1. **PRIOR CONDITIONS**

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit P-3-24-78-3021 remain in effect. All regular conditions and Special Conditions previously imposed under CDP P-3-24-78-3021 apply equally to the amendment.

2. **CONFORMANCE OF BULKHEAD REPAIR AND MODIFICATION DESIGN AND CONSTRUCTION PLANS TO BULKHEAD LETTER/REPORT**

- A. All final bulkhead repair and modification design and construction plans shall be consistent with all recommendations contained in the Letter/Report (GLA File No. 16979) from Gerald D. Lehmer (Gerald Lehmer Associates) dated September 14, 2001 (as revised December 13, 2001). **PRIOR TO ISSUANCE OF THE AMENDMENT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final bulkhead repair and modification design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced bulkhead repair and modification evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a

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

3. CONSTRUCTION RESPONSIBILITIES

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

- (a) No construction materials, equipment, debris, oil, liquid chemicals, or waste 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) Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in any intertidal zone or in the harbor;
- (d) Sand from the beach or harbor, cobbles, or shoreline rocks shall not be used for construction material;
- (e) In order to control turbidity a geotextile fabric shall be installed in the area where the toe stone will be placed prior to placement of the toe stone;
- (f) Toe stone shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;
- (g) If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (i) A protective barrier shall be utilized to prevent concrete and other large debris from falling into the harbor;
- (j) All debris and trash shall be deposited of in the proper trash and recycling receptacles at the end of each construction day;
- (k) The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited.

4. LOCATION OF DEBRIS AND DISPOSAL SITE

PRIOR TO ISSUANCE OF THE AMENDMENT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed bulkhead and dock work. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place.

5. 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.

6. 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.

7. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) APPROVAL

- A. **PRIOR TO ISSUANCE OF THE AMENDMENT**, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Water Quality Control Board regarding the bulkhead repair and dewatering, or a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit amendment, unless the Executive Director determines that no amendment is required.

8. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) APPROVAL

- A. **PRIOR TO ISSUANCE OF THE AMENDMENT**, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Water Quality Control Board regarding the dock construction, or a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit amendment, unless the Executive Director determines that no amendment is required.

9. PROOF OF PARKING DURING CONSTRUCTION

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, the following:
- (1) Written documentation demonstrating that the applicant has obtained a minimum of 21 parking spaces from the surrounding property owners to be used by the Boy Scouts Sea Base during construction;

- (2) An Operational Plan, including items such as signage, brochures, etc, that provides information to visitors of the Boy Scout Sea Base regarding where to park during construction.

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

10. **SUBMITTAL OF A WATER POLLUTION CONTROL PLAN and EROSION CONTROL PLAN**

A. **PRIOR TO THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a Water Pollution Control Plan and Erosion Control Pan. The Water Pollution Control Plan and Erosion Control Plan shall be in substantial conformance with the following requirements:

- (1) No construction materials, equipment, debris, oil, liquid chemicals, or waste 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;
- (2) Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- (3) No machinery or construction materials not essential for project improvements shall be allowed at any time in any intertidal zone or in the harbor;
- (4) Sand from the beach or harbor, cobbles, or shoreline rocks shall not be used for construction material;
- (5) In order to control turbidity a geotextile fabric shall be installed in the area where the toe stone will be placed prior to placement of the toe stone;
- (6) Toe stone shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;
- (7) If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable.
- (8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (9) A protective barrier shall be utilized to prevent concrete and other large debris from falling into the harbor;
- (10) All debris and trash shall be deposited of in the proper trash and recycling receptacles at the end of each construction day;
- (11) The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited.

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

11. SUBMITTAL OF A WATER QUALITY MANAGEMENT PLAN

- A. **PRIOR TO THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a Water Quality Management Plan. The Water Quality Management Plan may include, but is not limited to:
- (1) 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;
 - (2) Sweep parking lot(s) with a vacuum regenerative sweeper a minimum of three times per week;
 - (3) 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;
 - (4) 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. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

12. SIGNAGE PROGRAM

- A. **PRIOR TO THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a Signage Program, which indicates the availability of the on-site public amenities. At a minimum the signage program shall include:
- (a) Signage clearly visible from both directions of Coast highway, indicating that the public is welcome and a listing of the on-site amenities available to the public;
 - (b) Informational and directional signage to be placed throughout the site informing the public of the on-site public amenities.

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

13. PUBLIC USE

The parking and lawn area shall remain open and available to the public. Signage to that effect shall be provided pursuant to Special Condition #12.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The existing and proposed project is a low-cost, visitor serving marine recreational facility located at 1931 West Pacific Coast Highway, City of Newport Beach, Orange County (Exhibits #1-2). The facility is operated and used by the Boy Scouts of America and is located between the first public road and the sea and is a bayfront lot. The Boy Scouts offer youth and adult education classes to the general public. The site is completely open and the parking lot is available for use by both the Boy Scouts and the public to enjoy the bay. Additionally, public and pedestrian access is provided from the street to the bulkhead and a continuous walkway is provided along the length of the bulkhead for use by the Boy Scouts or public. Also, there is a grassy area with picnic tables that is provided for use by both the Boy Scouts and the public to enjoy the bay. This project is being proposed as the Boy Scouts seek to expand their facility to provide greater opportunities for boating education and recreation.

The project site is located along Pacific Coast Highway (referenced as West Pacific Coast Highway in the project vicinity), which is a regional artery; a wide, high speed boulevard providing a convenient route for regional traffic in an area that is known as "Mariner's Mile" in the City of Newport Beach. Pacific Coast Highway is also the "main street" of Newport Beach providing access to many neighborhoods and business districts. This area along Pacific Coast Highway provides access to local businesses and the waterfront as well as ingress/egress to adjacent bluff-top neighborhoods. Historically, Mariner's Mile has always been a focus for marine activities. Yacht brokers, shipbuilding, boat services and haul-out facilities, warehouses, slips and sportfishing docks shared the flat, sandy strip facing the Lido Channel at the foot of the Newport Heights, accessing both the water and the Pacific Coast Highway. The recently City approved Mariner's Mile Strategic Vision and Design Framework plan goes on to say that in the past decade negative changes have occurred along Mariner's Mile, such as: 1) public access to and views of the waterfront have been limited, 2) automobile activity, and auto oriented businesses have predominated and 3) the district has become pedestrian unfriendly, walking is unpleasant and crossing West Pacific Coast Highway is difficult. Not all the recent changes have been negative however. For example, traditional marine oriented businesses have maintained a visible presence and the Orange Coast College Sailing Center has expanded and added a new Nautical Library. Much has changed since Pacific Coast Highway was completed through the City in 1928, but certain basic influences still hold true; then, as now, Mariner's Mile depends on its access to both the waterfront and the highway.

To the north of the site, is West Pacific Coast Highway, to the east is the Orange Coast College Rowing and Sailing Center, to the south is Lower Newport Bay, and to the west is a boat sales facility. The facility is located on upland property owned by the County of Orange and on tidelands initially granted to the County of Orange by a State of California Tideland Grant dated May 25, 1919. The subject property was leased in 1979 to the Orange County Council Boy Scouts of America, Inc. for thirty years. On September 26, 2000, the Orange County Board of Supervisors approved a 30-year extension of the Boy Scout's lease¹ (Exhibit #9).

Onsite, there is currently an existing two-story classroom, storage and office building (7,670 square feet) near the western property line with an attached single story storage building (490 square feet). There is also an existing single story manager's unit (1,785 square feet) located on the eastern side of the property. The existing total building area is 9,945 square feet.

The applicant is proposing demolition of an existing 1,785 square foot single story manager's unit and a 490 square foot single story storage building. Construction of two new buildings will take place (Exhibit #3). The first building will be a new two-story 8,215 square foot classroom and office building approximately 31 feet in height (called the "Sailing Building") located on the southern side of the property near the bulkhead. This building will be connected to the existing two-story building that will be remodeled as part of the proposed project, by an open deck. The second building will be a two-story 6,400 square foot manager's unit, storage and classroom building approximately 31 feet in height (called the "Rowing Building") located on the eastern side of the property. The first floor will be used for storage of rowing shells, sails and related equipment. The second floor will include an onsite manager's unit and a classroom. Total square footage of the buildings onsite will increase from 9,945 square feet to 22,435 square feet.

The project will also consist of: a remodel of the existing two-story classroom, storage and office building, landscape and hardscape improvements, a continuous planter area across the frontage of the property containing a continuous hedge and palm trees, new decks, construction of a new driveway and reconstruction of an existing driveway, increase parking on site from 34 spaces to 40 spaces and construction of a new storm drain line and outlet pipe that drains into Newport Bay (Exhibit #3).

Grading for the proposed project will consist of 3,536 cubic yards of cut, 432 cubic yards of fill and 3,100 cubic yards of export. The debris will be disposed of outside of the coastal zone. A pile foundation will support the proposed structure.

Repairs and modifications of the existing seawall/bulkhead will also take place with the proposed project (Exhibit #4). Presently, there is a 392 foot long concrete seawall/bulkhead, on the bayfront side of the subject property. The existing seawall consists of two generations. The older portion of the seawall consists 282 feet and is located on the east side. The work that will take place within this older section of the seawall will consist of: 1) a slot cut sequence to expose two (2) tie-backs at a time, 2) after step No.1 is completed for each slot, the cap beam will be removed and the tops of the existing pre-cast wall panels will be inspected for thickness and reinforcement, 3) a new cap beam will be installed to the height required by the City of Newport Beach. The new cap beam will provide for a completely imbedded anchor pocket at each of the existing tie back anchors, 4) the existing tie back anchor rods with DSI double corrosion protection will then be installed in the new cap beam and 5) two of the existing tie-

¹ State Lands has reviewed the proposed project and the new lease and found it consistent with the Tidelands Grant.

back anchor rods at the westerly end of the older sea wall will be modified by pouring new deadman and removing the existing deadman. The newer portion of the seawall consists of 110 feet and is located on the west side. The work that will take place within this newer section of the bulkhead will consist of: 1) the ends of all of the tie-back anchor rods will be excavated and a 6 inch slot cut will be made in the PVC sleeve surrounding each of the tie-back rods for inspection, 2) fill the annular space around the rod with a grout to meet current standards for corrosion protection. Patch and seal PVC pipe at inspection openings, 3) add a new poured concrete extension on top of the existing cap beam to the height required by the City of Newport Beach and 4) the existing boat hoist will be removed from its present southwest location and reinstalled at the southeast end of the site on a new pile cap and four piles. The City of Newport Beach engineering standards require that repaired, new or replacement seawalls/bulkheads be raised to a minimum of +9 feet above Mean Low Lower Water (+6.27 above Mean Sea Level) and the maximum height of seawalls/bulkheads is the existing height established for the area. The seawall post construction would be raised +9 feet above Mean Low Lower Water (+6.27 above Mean Sea Level) and would thus comply with the City of Newport Beach engineering standards. No seaward encroachment of the seawall/bulkhead will occur as a result of these proposed developments.

In addition, dock work (Exhibit #5) will take place with the proposed project: 1) the southerly finger of the most southwesterly dock will be reconfigured to be attached perpendicular to the end of the northerly finger, parallel to the bulkhead and will be extended by 12.5 feet and 2) the middle floating dock of the most southwesterly dock will be relocated approximately 17 feet southerly of the described above dock and a new 8 foot x 28 foot gangway and landing with two new pilings attached to the new relocated dock.

B. PREVIOUS COMMISSION ACTION ON SITE

Coastal Development Permit P-11-5-75-6524

On February 18, 1976 the Commission approved the demolition of existing structures including buildings, boat docks, piers and pilings. The new proposed development included a new concrete bulkhead, dredging seaward of the bulkhead, and fill behind the bulkhead with the dredged material, resulting in the cover of an existing intertidal area. In addition, new concrete pilings, piers, docks, a 2-story recreational, educational and storage facility, a swimming pool, and 34 parking spaces were proposed.

The staff report explored issues related to dredging and filling and the elimination of a small beach and intertidal area, public accessibility to boat slips, public views; pedestrian access, and approval of the project by other agencies. Concerns were raised regarding dredging, filling and public access and resulted in the following prior to permit issuance Special Conditions: 1) applicant was to agree to include a condition in the lease providing for non-discriminatory public access across the property; 2) applicant was to submit a signed and notarized statement agreeing to either use a solar heating system only, for the swimming pool or to have an unheated swimming pool; and 3) the permit was not to be issued until the County of Orange had signed a 30 year lease.

Coastal Development Permit P-3-24-78-3021

On May 26, 1977 permit P-11-5-75-6524 expired. The applicant reapplied for a permit, which was approved and became effective April 17, 1978. The proposed project was identical to P-11-5-75-6524 except for the elimination of the proposed swimming pool from the project description. In order to preserve public benefits gained through the proposed development the following special condition was implemented: "Prior to issuance of permit, applicant shall submit a 30-year lease for the project site, executed by the County of Orange which contains a condition which provides for nondiscriminatory public access across the property for the duration of the lease."

Coastal Development Permit Amendment P-79-4919

April 10, 1979 the Commission approved a coastal development permit amendment to P-3-24-78-3021. The applicant amended the proposed project to change the previously approved dock configuration to the configuration now present. The special condition implemented under permit P-3-24-78-3021 was restated as a condition of this permit amendment. No additional Special Conditions were added. The facility is presently operating under this permit.

Coastal Development Permit De Minimis Waiver 5-87-702

The applicant proposed the addition of a 1,372 sq. ft. one-story boathouse and a 300 foot long retaining wall with benches to the existing development. This waiver was approved October 16, 1987.

Coastal Development Permit 5-98-342

On November 6, 1998, the Commission approved the demolition and replacement in the same configuration of an existing approximately 218-foot long by 82-foot wide, 7 slip marina with auxiliary mooring space. This development included the removal and replacement of a gangway, pilings, and dock floats. The gangway would be relocated and replaced with a smaller plank. Thirteen concrete guide piles would be removed and replaced by 16 new guide piles. The existing dock floats would be demolished and replaced in the present configuration. Concerns regarding water quality were addressed through conformance with the following Special Conditions: 1) construction responsibilities and debris removal and 2) location of debris disposal site.

C. PROTECTIVE STRUCTURES AND HAZARDS

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states in relevant part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

Site conditions include an existing, aging concrete seawall/bulkhead (Exhibit #4). An evaluation conducted by Gerald Lehmer Associates discovered that the existing seawall/bulkhead is showing major signs of structural distress and requires additional reinforcement. The sea wall cap on the older portion of the wall is cracked and deteriorating and also the end of the rods, nuts and bearing plates that are exposed on the bay side of the cap beam of the older wall are corroded and need to be repaired. However, the seawall cap beam of the newer portion of the wall is in good condition with the-back anchor plate embedded in the beam and completely covered by concrete. Nonetheless, this newer section would be inspected and also raised in height like the older section to meet present City of Newport Beach engineering standards. In their analysis, Gerald Lehmer Associates stated that the repairs and modifications to the seawall at the Boy Scouts Sea Base will provide a uniform appearance and will eliminate the exposed nuts and washers on the bay side of the older seawall. Due to age, poor quality concrete, inadequate steel reinforcement, and deficient tieback systems, aging concrete seawalls/bulkheads in Newport Beach, such as the one at the subject site, are commonly replaced when redevelopment occurs on bayfront lots. The proposed development will only repair and modify the existing seawall/bulkhead and not demolish and replace the existing seawall/bulkhead. The proposed repaired seawall/bulkhead will remain in the same location. In order to ensure that repairs and modifications of the existing seawall do not adversely affect adjacent properties, that they minimize risks to life and property, and to assure stability and structural integrity, the Commission imposes **Special Condition No. 2**, which requires the applicant to submit, prior to issuance of the permit, bulkhead repair and modification final design and construction plans for review and approval of the Executive Director, with evidence that such plans have been reviewed by an appropriately licensed professional and found to be in conformity with the Letter/Report from Gerald D. Lehmer (Gerald Lehmer Associates) dated September 14, 2001 (Revised December 13, 2001).

The seawall/bulkhead is required at the subject site to protect the structural integrity of the lot from tidal activity. In addition, the seawall/bulkhead is necessary to protect the adjacent structures from tidal activity. If the seawall/bulkhead were removed and not replaced, tidal activity would erode and destabilize the adjacent lots (the Orange Coast College Rowing and Sailing Center to the east and the boat sales facility to the west). Therefore, the proposed repair of the seawall/bulkhead is necessary to protect existing structures. In addition, the existing seawall/bulkhead will not be moved seaward, which would result in fill of coastal waters. The proposed seawall/bulkhead repair would not result in new fill of coastal waters or changes to shoreline sand supply/erosion at the site.

The existing seawall/bulkhead does not meet present engineering standards and poses a risk to life and property because lot stability may be threatened by failure of the aging, poorly designed and constructed existing seawall/bulkhead. The proposed development will protect lot stability

and reduce risks to life and property with a structurally superior seawall/bulkhead system. **Special Condition No. 2** requires incorporation of the recommendations in the bulkhead evaluation. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Section 30235 and 30253 of the Coastal Act.

D. MARINE RESOURCES

Section 30233 of the Coastal Act states in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

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

The proposed project is located in and over the coastal waters of Lower Newport Bay (Exhibits #1-2). Newport Harbor (Lower Newport Bay) is included 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 the beneficial uses for which the water body has been designated – in this case secondary contact 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 Bay watershed, which would include the Upper Newport Bay, for increased scrutiny as a higher priority watershed under its Watershed Management Initiative. Consequently, projects which could have an adverse impact on water resources should be examined to assure that potential impacts are minimized. The standard of review for development proposed in coastal waters are the Chapter 3 policies of the Coastal Act, including the following marine resource policy. Section 30233 of the Coastal Act limits the fill of open coastal waters.

The Coastal Act limits the fill of open coastal water and also requires that any project which results in fill of open coastal waters provide adequate mitigation. Section 30233 of the Coastal Act allows fill of open coastal waters, such as Lower Newport Bay, for recreational boating purposes. Part of the proposed project requires the installation of two (2) new 12" piles (Exhibit #5). The installation of these two (2) new piles will displace habitat bottom. The fill required by the project is for a recreational boating facility, an allowable purpose under 30233 (4) of the Coastal Act. The project can be found consistent with Section 30233, only if it is the least environmentally damaging feasible alternative and feasible mitigation measures have been provided to minimize environmental effects. One way to minimize environmental damage is to limit fill. In order to anchor the relocated dock and new gangway and landing the installation of two (2) new piles is necessary. This is the minimum number of piles necessary to adequately support and anchor the new dock, gangway and landing. The proposed project will use the minimum number of piles thereby minimizing the amount of fill needed to support the allowable use. Thus, the project as proposed is the least environmentally damaging alternative. Section 30233 also requires that any project which results in fill of open coastal waters also provide

adequate mitigation. The proposed project meets this requirement because the pilings are self mitigating by providing vertical habitat for marine organisms.

Therefore, for the reasons listed above, the Commission finds that the proposed project is consistent with Section 30233 of the Coastal Act.

E. WATER QUALITY AND THE MARINE ENVIRONMENT

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.

The proposed project is located in and over the coastal waters of Lower Newport Bay (Exhibits #1-2). Newport Harbor (Lower Newport Bay) is included 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 the beneficial uses for which the water body has been designated – in this case secondary contact 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 Bay watershed, which would include the Upper Newport Bay, for increased scrutiny as a higher priority watershed under its Watershed Management Initiative. Consequently, projects which could have an adverse impact on water quality should be examined to assure that potential impacts are minimized. 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 and water quality.

The construction will occur over and in the water. Construction of any kind adjacent to or in coastal waters has the potential to impact marine environment. 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, water quality issues are essential in review of this project

1. Construction Impacts to Water Quality

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 No. 3 and Special Condition No. 10** have been imposed. **Special Condition No. 3** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible. **Special Condition No. 10** requires submittal of a Water Pollution Control Plan and Erosion Control Plan. These plans would incorporate the construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. In order to prevent impacts to coastal waters, **Special Condition No. 4** requires that all demolition and cut material debris be disposed of at a legal site approved by the Executive Director. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

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. Therefore, the project has the potential to affect the water quality of the coastal waters in Newport Beach.

The Boy Scouts have acknowledged that measures are necessary to prevent marine impacts. Currently, sweeping of the Boy Scouts Sea Base parking lot and other hardscapes with a vacuum cleaner approximately 3 or 4 times per week takes place. This will continue after the expansion. Cleaning frequency is based on leaf droppings and the amount of litter. Currently on site, boat maintenance activities on small boats take place and this will continue post project. Measures taken to prevent marine impacts from boat maintenance are: 1) painting and sanding of boats away from the waterfront done by brush and roller instead of spray guns, 2) painting done under cardboard or plastic to collect any drops of paint and 3) vacuuming of sanding particulates.

The Coastal Act requires that adverse effects on coastal waters and the marine environment be minimized. 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 No. 11**, which requires that the applicant submit a Water Quality Management Plan. The Water Quality Management Plan shall meet water quality goals such as use of appropriate structural and non-structural BMP's designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site and that runoff from all roofs and parking areas and shall be collected and directed through a system structural BMP's and/or gravel filter strips or other vegetated or media filter devices. In addition, this Water Quality Management Plan shall incorporate measures that reduce water quality impacts resulting from the new parking lot. 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.

3. Best Management Practices

The proposed dock project will allow for the long term berthing of boat(s) by the applicant. Some maintenance activities if not properly regulated could cause adverse impacts to the marine environment. Certain maintenance activities like 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. The Bay eventually drains into the Pacific Ocean through tidal flushing.

To minimize the potential that maintenance activities would adversely affect water quality, the Commission imposes **Special Condition No. 5** that requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices that the applicant shall follow include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which associated with the long term berthing of the boat(s) (more thoroughly explained in **Special Condition No. 5** of this permit).

4. Eelgrass

Eelgrass (*Zostera marina*) is an aquatic plant consisting of tough cellulose leaves which grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat and foraging area for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and water fowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

An eelgrass inspection has been performed by the City of Newport Beach, which found that no eelgrass is in the vicinity of the project site regarding the seawall/bulkhead repair

and dock aspects of the proposed project. The proposed development will only repair and modify the existing seawall/bulkhead and not demolish and replace the existing seawall/bulkhead. The proposed repaired seawall/bulkhead will remain in the same location. Therefore, the seawall/bulkhead repair will affect no substantial marine life.

5. *Caulerpa taxifolia*

Also, as noted above, eelgrass is a sensitive aquatic plant species which provides important habitat for marine life. Eelgrass grows in shallow sandy aquatic environments which provide plenty of sunlight. Recently, a non-native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), has been discovered in parts of Huntington Harbor (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G) which occupies similar habitat. *C. taxifolia* is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean. From an initial infestation of about 1 square yard it grew to cover about 2 acres by 1989, and by 1997 blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. In the Mediterranean, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 ft depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing².

Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in

² References

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Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

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Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

the state, or give away without consideration various *Caulerpa* species including *C. taxifolia*.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California *Caulerpa* Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. A *Caulerpa* Survey by Rick Ware (*Coastal Resources Management*) dated April 23, 2002 was conducted to evaluate if any *C. taxifolia* was located within the project vicinity. The survey determined that no *C. taxifolia* was located in the project area. However, this survey was conducted approximately one month ago. Therefore, in order to assure that the proposed project does not cause the dispersal of *C. taxifolia*, the Commission imposes **Special Condition No. 6**. **Special Condition No. 6** requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

6. Regional Water Quality Control Board

The RWQCB states that should work be needed on any of the bulkheads associated with this project, the project applicant should contact the RWQCB to initiate a 404/401 Water Quality Standards Certification process. The proposed project does include work to the existing bulkhead, however, no approval from the RWQCB regarding the bulkhead work has been received. Also, the proposed project may require dewatering, however, no evidence of review of RWQCB review and approval has been submitted. Therefore, evidence of RWQCB review and approval is required for the repair and modification work on the bulkhead and dewatering of the site. **Special Condition No. 7** requires that the applicant provide written evidence of RWQCB review and approval of the bulkhead repair and dewatering prior to issuance of a coastal development permit amendment. If the RWQCB approval results in changes to the currently proposed project, the applicant may be required to obtain an amendment to the current coastal development permit amendment.

In addition, the proposed project also involves dock work which requires approval from the RWQCB. However, no approval from the RWQCB regarding the dock work has

been received. Therefore, evidence of RWQCB review and approval is required for the dock work. **Special Condition No. 8** requires that the applicant provide written evidence of RWQCB review and approval of the dock work prior to issuance of a coastal development permit amendment. If the RWQCB approval results in changes to the currently proposed project, the applicant may be required to obtain an amendment to the current coastal development permit amendment.

7. California Department of Fish and Game

The California Department of Fish & Game (DF&G) oversees impacts upon marine resources and habitat in the region. Since the proposed project has the potential to affect marine resources and habitat, the development requires review by the DF&G. The DF&G has reviewed the project and have determined that since the proposed project does not involve placement of new material seaward of the existing seawall, the proposed activity would not have significant adverse effect on existing marine resources and habitats within the area (Exhibit #6).

Conclusion

To minimize the adverse impacts upon the marine environment, **eight (8) Special Conditions** have been imposed. **Special Condition No. 3** requires that the applicant dispose of all demolition and construction debris at an appropriate location. **Special Condition No. 4** requires that the applicant identify the location of the disposal site of the demolition and construction debris resulting from the proposed bulkhead and dock work. If the disposal site is located in the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place. **Special Condition No. 5** requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. **Special Condition No. 6** requires that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicants shall not proceed with the project until 1) the applicant provide evidence to the Executive Director that all *Caulerpa taxifolia* within the project and/or buffer area has been eliminated or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. **Special Condition No. 7**, requires the applicant to provide written evidence of RWQCB approval for the bulkhead repair and dewatering. **Special Condition No. 8** requires the applicant to provide written evidence of RWQCB approval for the dock work. **Special Condition No. 10** requires submittal of a Water Pollution Control Plan and Erosion Control Plan. These plans would incorporate the construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. **Special Condition No. 11** requires that the applicant submit a Water Quality Management Plan. Only as conditioned does the Commission finds that the proposed project is consistent with Section 30230 and 30231 of the Coastal Act.

F. COASTAL ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to

protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states in relevant part:

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

(2) adequate access exists nearby...

Section 30213 of the Coastal Act states in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30120 of the Coastal Act states that maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30212 of the Coastal Act mandates that new development shall provide coastal public access. Section 30213 of the Coastal Act requires that lower cost and recreational facilities be protected, encouraged and where feasible provided. Section 30220 of the Coastal Act states that coastal areas suited for

water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses. Section 30221 of the Coastal Act states that oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking.

1. Public Use

The applicant states that the goal of the project is to enhance the capabilities and the capacity of the Sea Base to provide water oriented and related land activities, which introduce youth to the aquatic environment as well as provide additional education and recreation opportunities to the public. They further state that the Boy Scouts programs and activities are directed towards increasing knowledge and usage of the bay by those individuals who may not otherwise have the opportunity. The Boy Scouts currently provide programs with other educational facilities and anticipate expanding these types of programs. For example, the Boy Scouts currently have a water quality science program with the Huntington Beach School District Workability Program and also have a sailing program with Polytechnic and University High Schools. Some programs offered by the Boy Scouts Sea Base also includes busing children from schools or other institutions to the Sea Base from all areas of Orange County to provide recreational and educational opportunities to children (at risk or otherwise) who may not get such an opportunity.

Besides providing such opportunities to youth, unprogrammed public use of the site currently occurs on a daily basis. The Boy Scouts intend to encourage such public usage in the future. The site is completely open and the parking lot is available for use by both the Boy Scouts and the public to enjoy the bay. Additionally, public and pedestrian access is provided from the street to the bulkhead and a continuous walkway is provided along the entire length of the bulkhead for use by the Boy Scouts or public. In addition, there is a grassy area that is provided for use by both the Boy Scouts and the public to enjoy the bay. The proposed project will continue to provide this described public access. In order to assist the public to learn about the on-site amenities, the Commission has imposed **Special Condition No. 12**, which requires submittal of a Signage Plan. The Signage Plan will indicate the availability of the on-site public amenities. In order to make sure that the site remains open to the public, the Commission is imposing **Special Condition No. 13**, which states that the parking and lawn area will remain open and available to the public.

Conclusion

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. The proposed project will continue to provide coastal public access by continuing to provide walkways on the site to enjoy access to the coast. In addition, a grassy area for Boy Scout and public use will continue to be provided. The Boy Scout Sea Base provides water oriented and related land activities, which introduce youth to the aquatic environment as well as provide additional education and recreation opportunities to the public and will continue to do so post project. In order to assist the public in learning about the on-site amenities, the Commission has imposed **Special**

Condition No. 12, which requires submittal of a Signage Plan. The Signage Plan will indicate the availability of the on-site public amenities. In order to make sure that the site remains open to the public, the Commission is imposing **Special Condition No. 13**, which states that the parking and lawn area will remain open and available to the public. Therefore, as conditioned, the Commission finds that the project is consistent with the Sections 30210, 30212, 30213, 30220 and 30221 of the Coastal Act.

2. **Traffic Control/Timing of Construction**

The project will have short-term impacts associated with construction activities. Building debris and site demolition materials will be transported off site. In order to minimize the transportation/traffic impacts of the proposed project during the construction period, a *Construction Traffic Control Plan for Orange County Council Boy Scouts of America Sea Base Expansion Project* prepared by Katz, Okitsu and Associates dated June 11, 2001 has been prepared and submitted to staff. Construction of the project will have five major facets: 1) major demolition, 2) construction of the sailing building, 3) construction of the rowing building, 4) construction of the two new driveways and 5) miscellaneous construction of parking lots and landscape improvements. The *Construction Traffic Control Plan* offers ways to mitigate construction impacts such as: 1) the contractor shall only conduct hauling operations between the weekday off peak hours of 9:00am and 3:00pm, 2) the contractor shall establish and maintain a separate staging area for empty trucks to wait until adequate room is available for them at the project site and 3) for major deliveries of materials and machinery the contractor shall provide and utilize a minimum of two flagman to assist the trucks with egress and regress from the property. The project construction will take approximately 39 weeks. Many of the construction materials are planned to be stored in one of the existing buildings located on site. The heavier equipment will be stored onsite in the parking lot area with materials such as steel, CMU block and framing lumber.

In order to keep the site open during construction, additional parking must be supplied. A Traffic Impact Analysis prepared by Pirzadeh and Associates dated February 12, 2001 states that the peak parking demand is 21 vehicles. The winter session is used as a basis because the winter session generates more activity. Parking will be available onsite for minimal construction parking, until the lot is rebuilt. The majority of the labor pool will be required to park in the City lot across the street to blocks north of Pacific Coast Highway. The *Construction Traffic Control Plan* states that the Boy Scouts have indicated that they can secure additional parking through arrangements with surrounding property owners. It further states that the Boy Scouts of America shall demonstrate that they have secured a minimum of 21 guaranteed parking spaces from surrounding property owners. Therefore, the Commission imposes **Special Condition No. 9**, which requires the applicant to submit proof that a minimum of 21 parking spaces from the surrounding property owners has been obtained for the project site.

Conclusion

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. In order to minimize the publics' right of access to the ocean, a *Construction Traffic Control Plan* has been prepared and will be implemented with the project. In addition to provide adequate parking on site during construction, the Commission imposes **Special Condition No. 9**, which requires the applicant to submit

proof that a minimum of 21 parking spaces from the surrounding property owners has been obtained for the project site. Therefore, as conditioned, the Commission finds that the project is consistent with the Sections 30212, 30213 and 30252 of the Coastal Act.

G. 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.

This facility is between the first public road and the sea and is a bayfront lot. The site is located along a stretch of West Pacific Coast Highway where there are a number restaurants and commercial uses, thus it is an urbanized area. The public views to the bay from West Pacific Coast Highway are limited in this area of Newport Beach. The elevation difference between West Pacific Coast Highway and the Sea Base bulkhead varies between seven and eight feet, with the street level approximately seven feet higher than the bulkhead. Currently, the project site provides a 207 foot view corridor of the bay along West Pacific Coast Highway (Exhibit #7). The proposed development will result in a bifurcated view corridor of 147 feet, which is a 29 percent reduction in the public view corridor from West Pacific Coast Highway.

Two types of coastal views occur at the project site. The first is the public view from West Pacific Coast Highway across the project site to the bay, and it is this view that will be principally affected by the proposed development. There is an elevation difference between West Pacific Coast Highway and the Sea Base bulkhead. West Pacific Coast Highway is between seven and eight feet higher than the bulkhead. This elevation difference allows the public utilizing either West Pacific Coast Highway or the sidewalk on the seaward side of the Highway to view the bay with minimal obstruction. The proposed development will result in the placement of an approximately 31 foot high by 120 foot long building which will partially obstruct views of the bay from West Pacific Coast Highway. The proposed development will result in the loss of 60 feet or a 29 percent reduction in scenic public view area from West Pacific Coast Highway, however it has been determined that this will not cause any significant visual impacts.

The second type of coastal view is from the seaward side of the project site. The Sea Base is open to public use, therefore the public has the opportunity to park and visit the site. Though the proposed "Sailing Building" will impact scenic coastal views from West Pacific Coast Highway, the public will still be able to continue to go on site to the bulkhead and experience scenic coastal views. The public would continue to be able to travel on foot behind (bayward) the proposed building that will impact views of the bay from West Pacific Coast Highway and continue to enjoy the coastal view. Additionally, the applicant will open up areas of the site used for boat storage for public use and provided viewing decks (Exhibit #3). Thus the proposed development will have a minimal adverse visual impact for users of the site who are actually physically present on-site.

The proposed project does result in an incremental reduction of the current view corridor existing on site from West Pacific Coast Highway; however there will not be any significant visual impacts to the view corridor existing on site from West Pacific Coast Highway. The applicant has minimized the visual impact of the proposed buildings by positioning the proposed buildings in a way that minimizes the impacts to the public view from West Pacific Coast Highway across the project site to the bay. In addition, the proposed project will have a minimal adverse visual impact on the coastal view from the seaward side of the project site.

Conclusion

While the proposed project incrementally reduces the current view corridor existing on site from West Pacific Coast Highway, there will not be any significant visual impacts to the view corridor existing on site from West Pacific Coast Highway. The locations of the proposed buildings decided by the applicant are positioned in a way that minimizes the impacts to the public view from West Pacific Coast Highway across the project site to the bay. The site as well is located in an area where views to the bay are limited. Also, one of the driving factors influencing the design of the expansion is the desire to improve access to the site and vehicular and pedestrian circulation on site. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

H. LAND USE PLAN

Section 30600(c) 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. Pursuant to Section 30604(a) the permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the Commission issues CDP's 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 and to protect coastal access and scenic views. As conditioned, the proposed project is not expected to create additional adverse impacts to marine resources, water quality and the marine environment, coastal access and recreation and scenic resources and therefore attempts to insure the highest quality of water in the Bay and along the beaches and protects coastal access and scenic views.

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

I. 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 further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

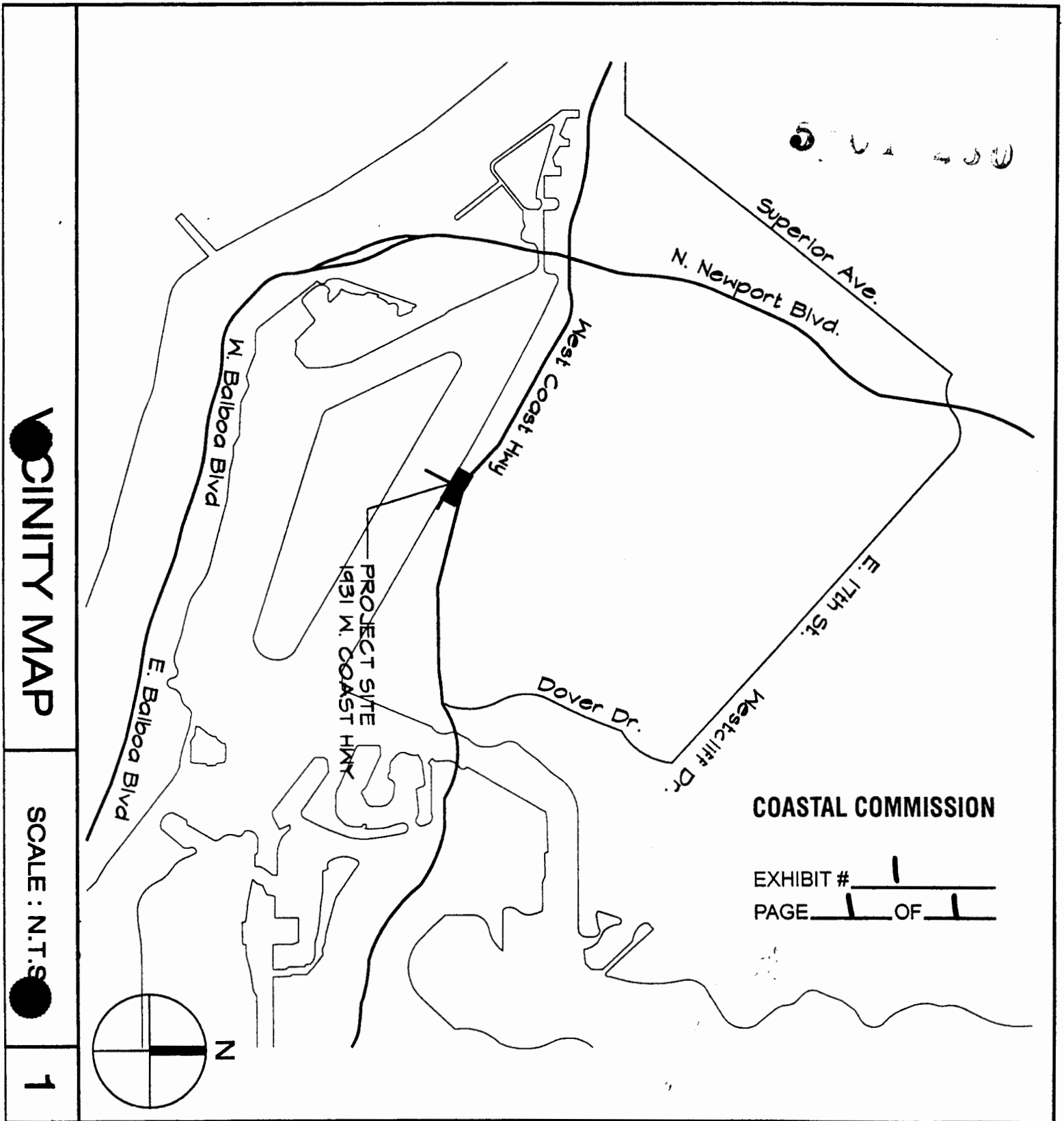
The project is located in an urbanized area. Development already exists on the subject site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. The following Special Conditions were imposed. **Special Condition No. 1** require that all previously imposed Special Conditions under CDP P-3-24-78-3021 apply equally to the proposed amendment. **Special Condition No. 2** requires submittal of final plans that show conformance with the bulkhead repair and modification letter/report. **Special Condition No. 3** requires that the applicant dispose of all demolition and construction debris at an appropriate location. **Special Condition No. 4** requires that the applicant identify the location of the disposal site of the demolition and construction debris resulting from the proposed bulkhead and dock work. If the applicant proposes a disposal site located in the coastal zone a coastal development permit or an amendment to this permit shall be required before disposal can take place. **Special Condition No. 5** requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. **Special Condition No. 6** requires that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and/or buffer area has been eliminated or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. **Special Condition No. 7** requires the applicant to provide written evidence of RWQCB approval for the bulkhead repair and dewatering. **Special Condition No. 8** requires the applicant to provide written evidence of RWQCB approval for the dock work. **Special Condition No. 9** requires the applicant to submit proof of parking during construction. **Special Condition No. 10** requires submittal of a Water Pollution Control Plan and Erosion Control Plan. **Special Condition No. 11** requires Submittal of a Water Quality Management Plan. **Special Condition No. 12** requires submittal of a Signage Program. **Special Condition No. 13** requires the applicant to keep the parking and lawn area on site open and available to the public.

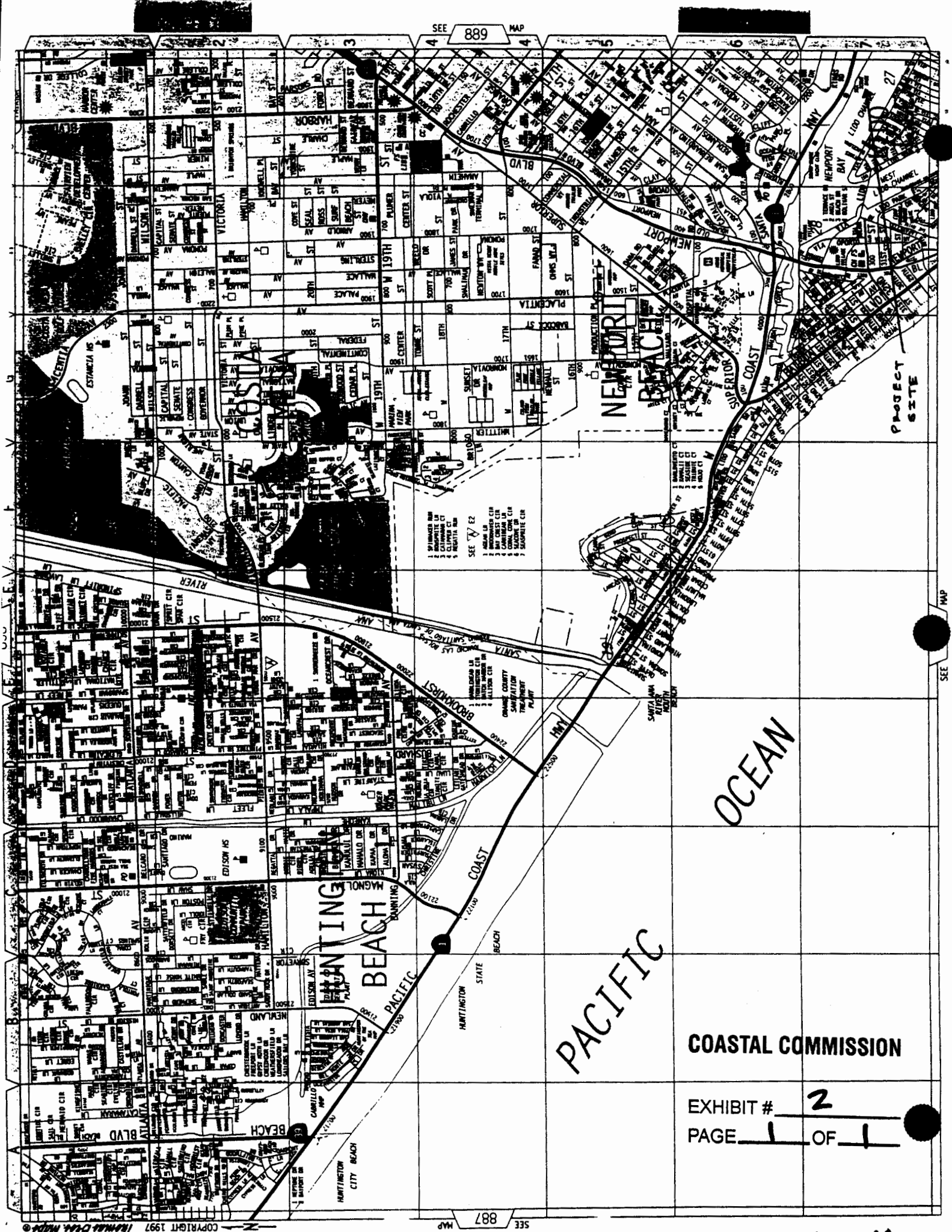
As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging alternative and is consistent with CEQA and the policies of the Coastal Act.

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PAGE 1

PROJECT TITLE

BOY SCOUT SEA
1001 WEST COAST HIGHWAY
NEWPORT BEACH, CALIFORNIA

MASTER PLAN, NEW DEVELOP.
AND REMODEL.

BOY SCOUTS OF AMERICA
ORANGE COUNTY COUNCIL
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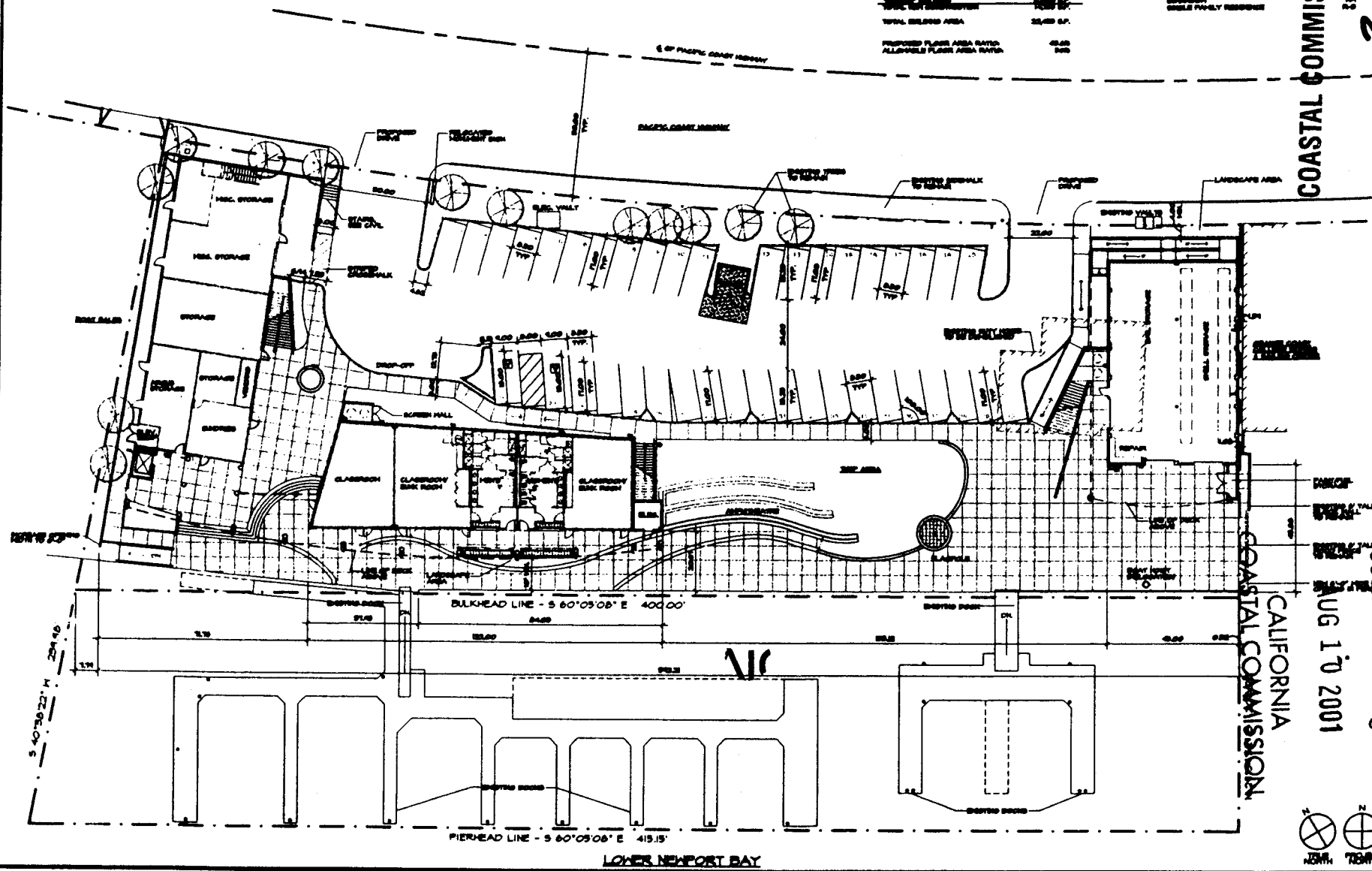
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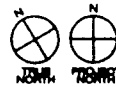
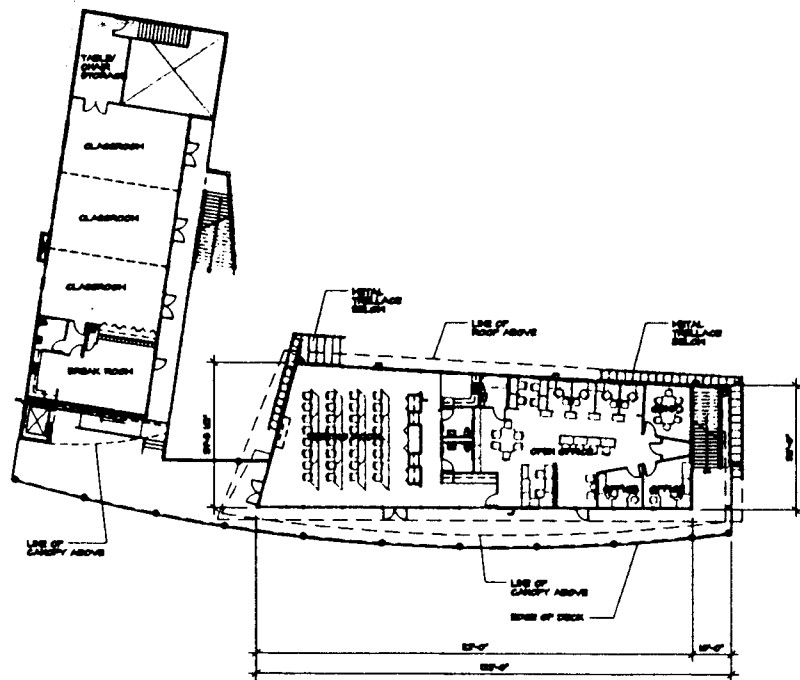
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LOWER NEWPORT BAY

SITE PLAN

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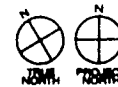
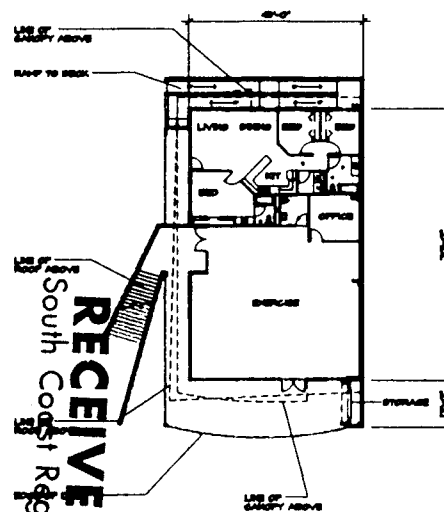
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PROJECT TITLE

BOY SCOUT SEA
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NEWPORT BEACH, CALIFORNIA

MASTER PLAN, NEW DEVELOPMENT
AND RENOVATION

BOY SCOUTS OF AMERICA
ORANGE COUNTY COUNCIL
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NEWPORT BEACH, CALIFORNIA
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AND RENOVATION

BOY SCOUTS OF AMERICA
BOY SCOUTS OF AMERICA
1811 WEST COAST HIGHWAY
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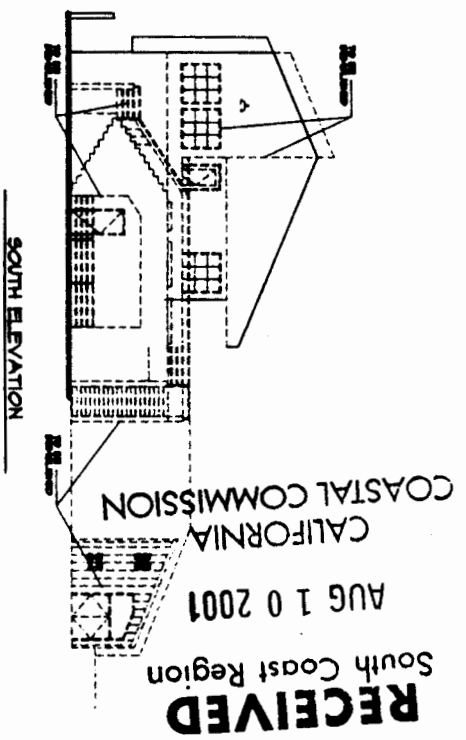
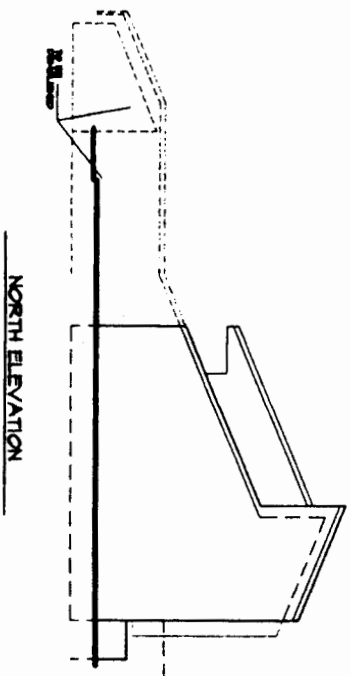
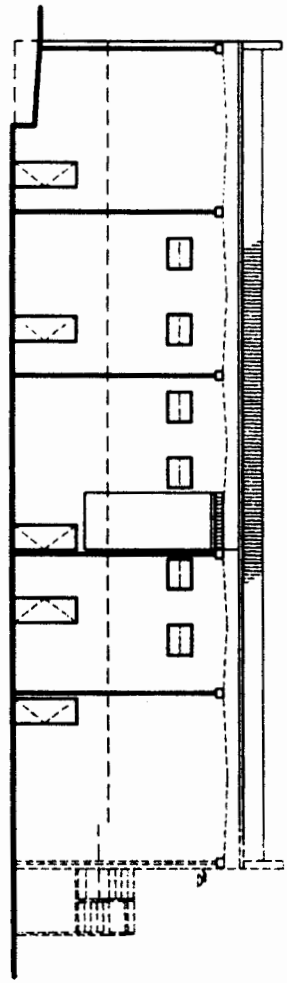
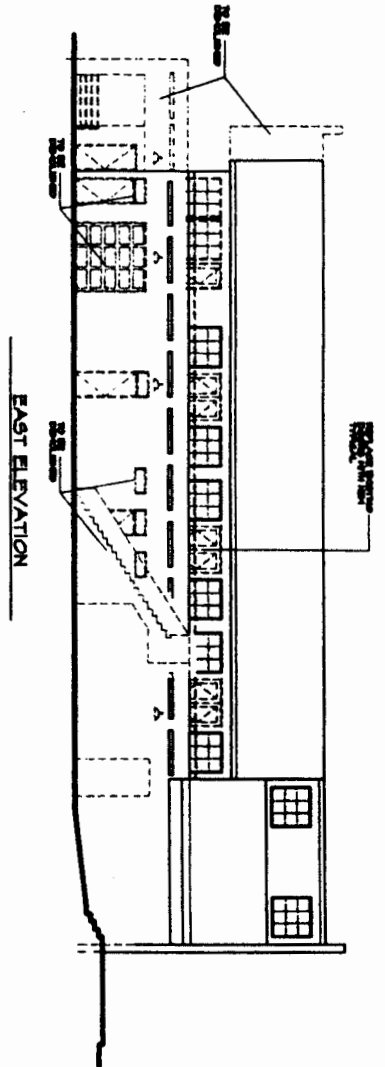
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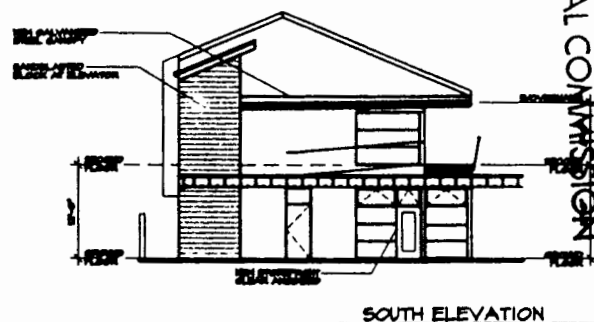
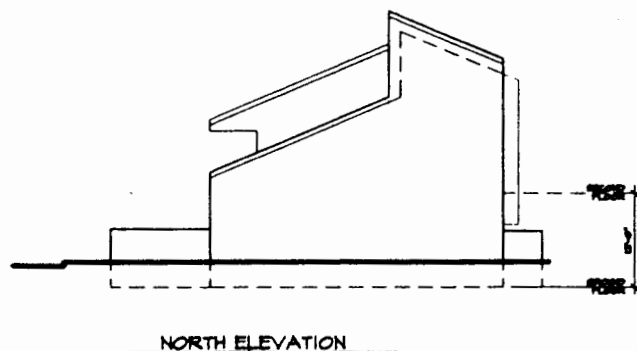
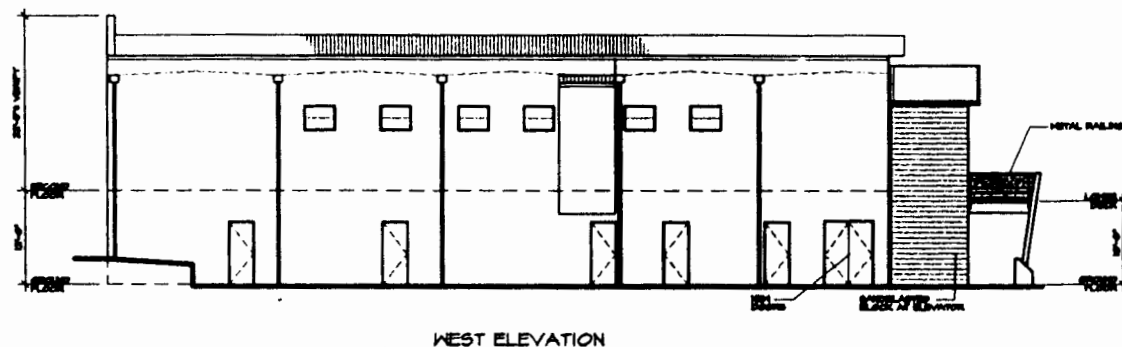
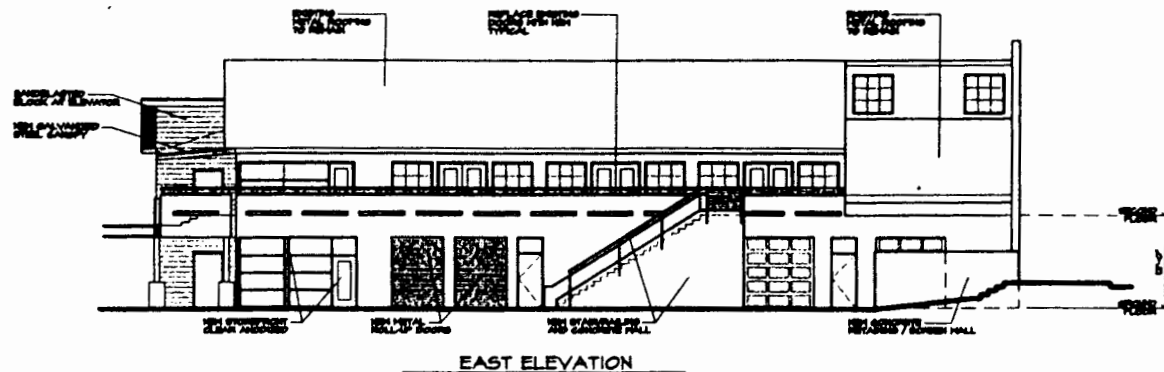


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10. *Journal of the American Statistical Association*, 1997, 92, 1003-1010.

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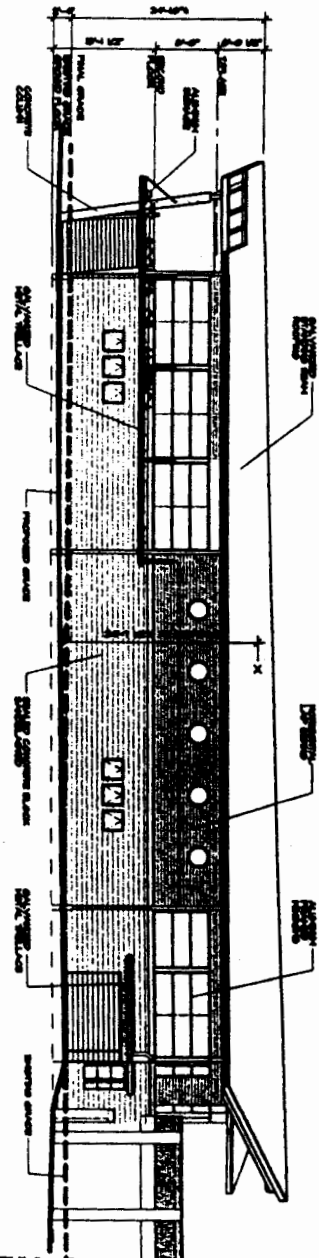
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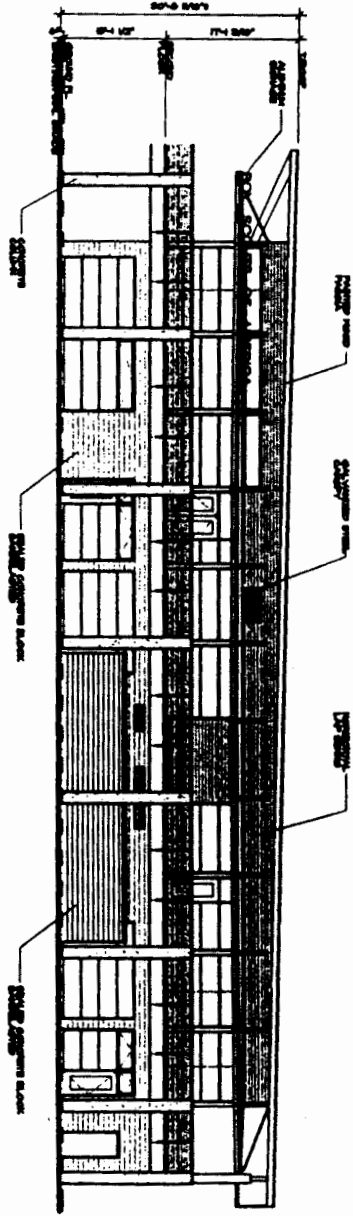
PLANNING COMMITTEE

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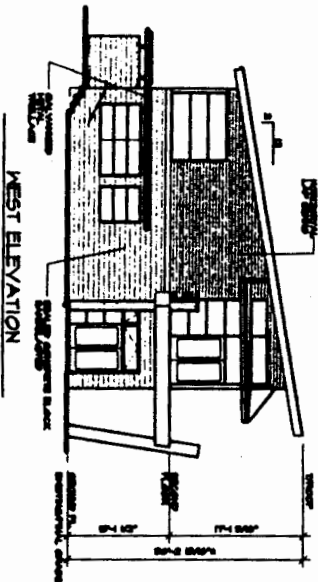


COASTAL COMMISSION

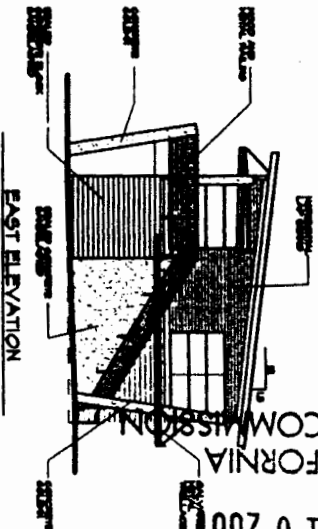
EXHIBIT # 3
PAGE 6 OF 7



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

RECEIVED
South Coast Region
AUG 10 2001
CALIFORNIA
COASTAL COMMISSION

ELEVATIONS

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

1

hpi
ARCHITECTURE
PLANNING
INTERIOR DESIGN
30 THIRTY-SECOND STREET
SAN FRANCISCO, CA 94114
TEL: 415.398.4444
FAX: 415.398.4444
WWW.HPI-ARCH.COM

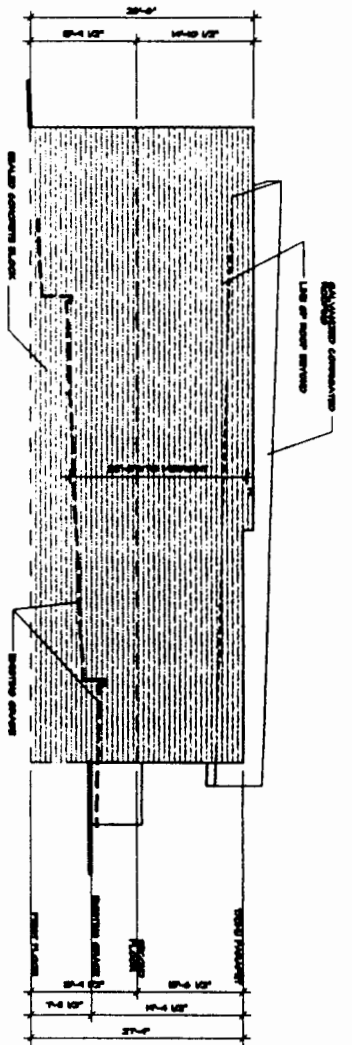
BOY SCOUTS OF AMERICA
2000 HANCOCK AVENUE NORTH
SAN FRANCISCO, CA 94103
TEL: 415.398.4444
FAX: 415.398.4444
WWW.BSA-USA.ORG

BOY SCOUTS OF AMERICA
2000 HANCOCK AVENUE NORTH
SAN FRANCISCO, CA 94103
TEL: 415.398.4444
FAX: 415.398.4444
WWW.BSA-USA.ORG

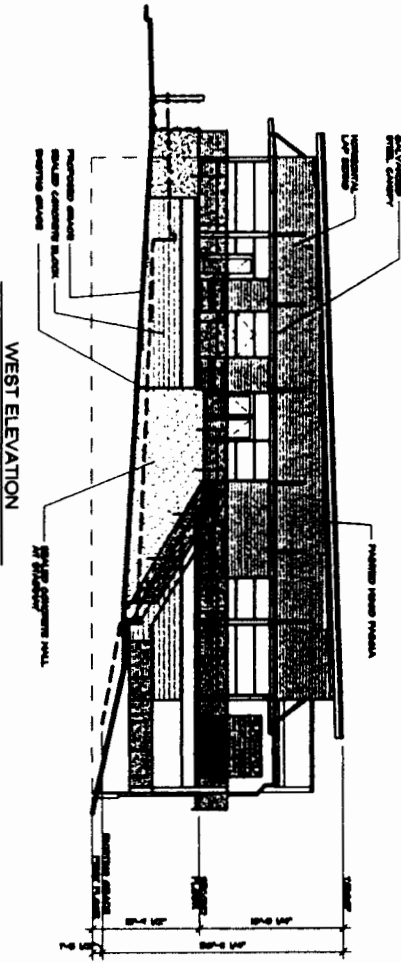
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FAX: 415.398.4444
WWW.BSA-USA.ORG

A4.1

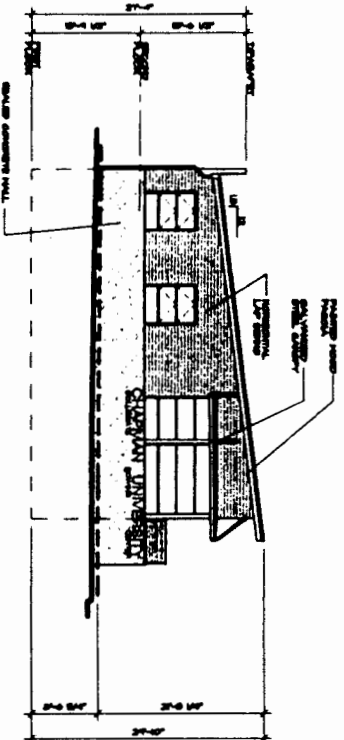
PLANNING COMMISSION
JUNE 13, 2001
NOT FOR CONSTRUCTION



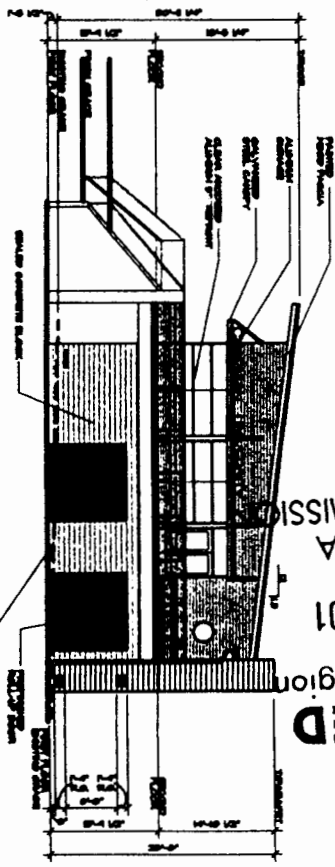
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

COASTAL COMMISSION

EXHIBIT # 3
PAGE 7 OF 7

RECEIVED
South Coast Region
AUG 10 2001
CALIFORNIA
COASTAL COMMISSION

ELEVATIONS SCALE: 1/8"=1'-0"

PLANNING COMMISSIONS
JUNE 13, 2001
NOT FOR CONSTRUCTION

A4.2

ROWING BUILDING
ELEVATIONS

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

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P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

BOY SCOUTS OF AMERICA
1000 MARSH CANYON DRIVE
OAKLAND, CA 94612-1228
P. 714.766.0013

CONSULTING STRUCTURAL ENGINEERS

1994 / HYPOXIA

- 1 All construction shall conform to the 1997 Uniform Building Code and all other applicable
regulating requirements.
- 2 All work shall be performed in accordance with the latest edition (2001) of the State of
California Construction Safety Orders (CAL-OSHA).
- 3 The locations of existing and new underground utilities are not shown. See civil drawing for
known utilities. The contractor shall determine the exact location of all existing utilities before
commencing. He agrees to be fully responsible for and preserve any and all changes which might be
caused by him to existing location, protect and preserve any and all underground utilities.
- 4 Heavy vehicular traffic, such as cranes, concrete trucks, material trucks or material storage
loadings, shall be prohibited within 10 feet of the soil side of the shoring bulkhead.
- 5 Dust shall be controlled at all times during construction of the retaining system and the
associated shoring installation, excavation, grading and back-filling.
- 6 Provide means to prevent surface water from entering excavation over top of shoring and on
slopes.
- 7 Temporary cuts shall not exceed slopes recommended in the geotechnical report(s) nor those
shown on these drawings.
- 8 Work these drawings with the Architectural, Structural, Civil and Site Survey drawings.
Existing grades and tie-back locations are estimates only and may not reflect the exact field
condition.
- 9 Excavation shall be performed under the continuous inspection and approval of the Soils
Engineer.
- 10 No trenches or excavations 5 feet or greater in depth into which a person is required to
descend shall be constructed before obtaining the necessary permits from the State of
California Division of Industrial Safety and only to the extent of a building or grading permit.

- 1 Excavate soils behind the sea wall designated "A" as shown on plan A/SW-1 and Section 2/SW-1. Shore soils of excavation as required.
- 2 Remove the existing cap beam as shown in detail 2/SW-2
- 3 The Structural Engineer shall observe and verify the condition of the existing concrete sheet piling and anchor rods. If any modifications are required the engineer shall prepare the appropriate details for city approval.
- 4 The "A" section of the new cap beam shall be formed.
- 5 Modify ends of tie rods and install tie rod and bearing plate in the new forms per detail 2/SW-2
- 6 Install cap beam reinforcing as shown in detail 2/SW-2 providing lap splices and keys as shown for adjacent pour on detail 3/SW-2
- 7 Fill annular space in PVC sheathing around tie rod solidly with 4000 psi grout.
- 8 Pour new concrete cap beam and allow to cure for a minimum of 14 days or 3000 psi
- 9 Backfill soils behind sheet piling per soils engineers recommendations.
- 10 Complete Section "A" steps one thru 9 before starting Section "B"
- 11 Complete Section "B" steps 1 thru 9 before starting Section "C"
- 12 Complete Section "C" steps 1 thru 9

1. Excavate behind concrete coping beam at each tie-rod. Inspect PVC sheathing/rod and interface between concrete coping for signs of brislag/corrosion
2. At each rod (30" from back of coping beam), excavate down to location of front side of concrete drainage. Inspect PVC sheathing/rod interface for brislag/corrosion
3. Install vertical grid ports at each end of rod and fill annular space within PVC sleeve (by gravity) per requirements of DYNWIDAG "Double Corrosion Protection System"
4. Remove grid ports and patch areas of removed PVC sheathing with a petroleum tape such as STAPCORP. Ensure that all breaks in tie-rod system are fully wrapped
5. Back-fill at trenches as specified corrosion rate
6. Repeat above steps for next 1/3 of rods
7. Repeat above steps for final 1/3 of rods

NO. 16979

DATE SEPTEMBER 24, 2001

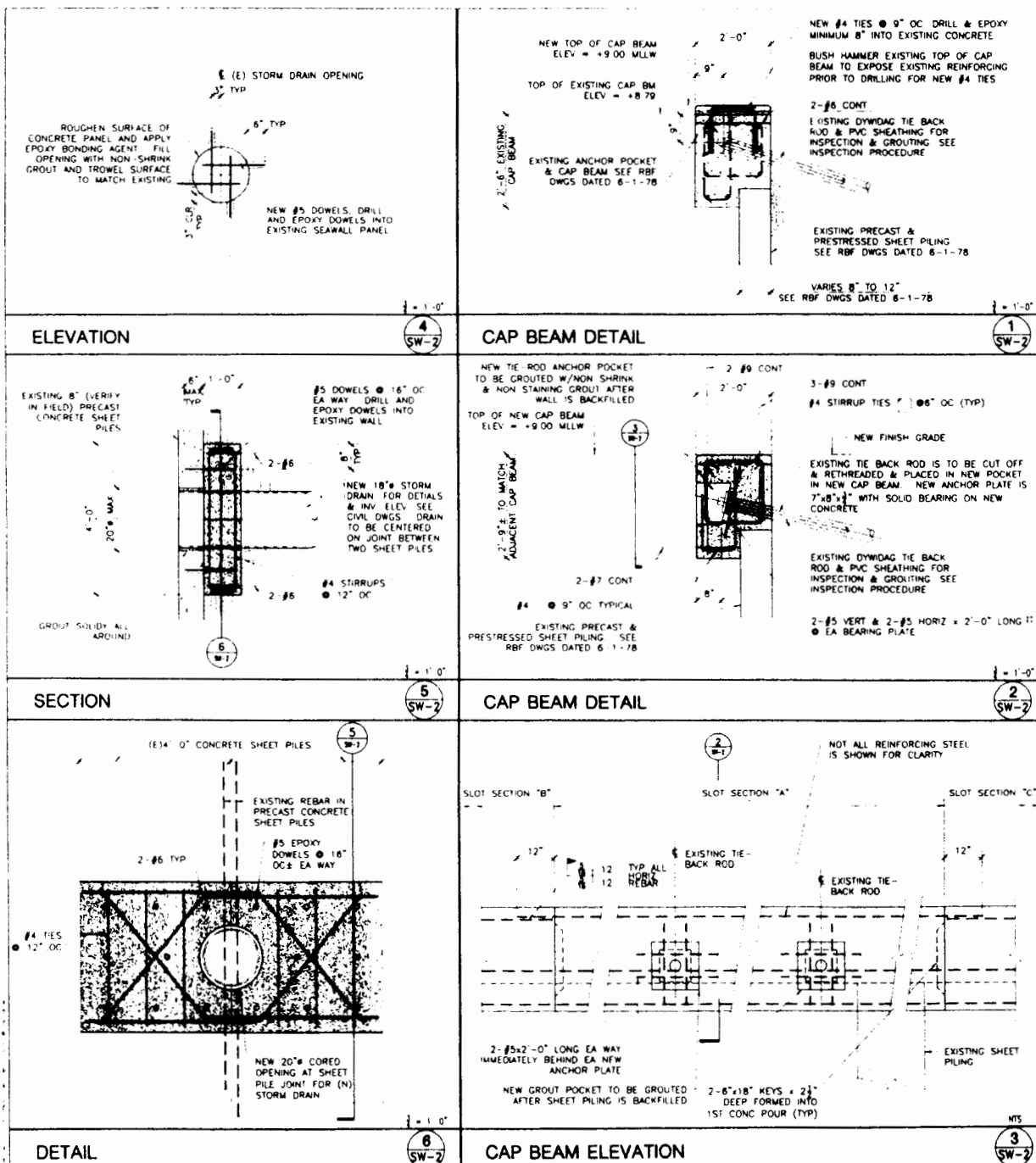
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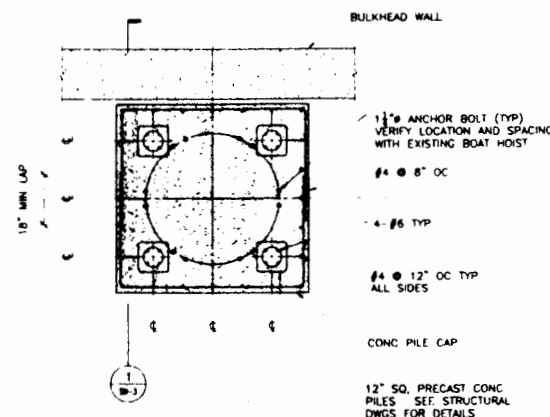
CHANGED BY COL

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SEAWALL MODIFICATIONS
GENERAL NOTES AND DETAILS

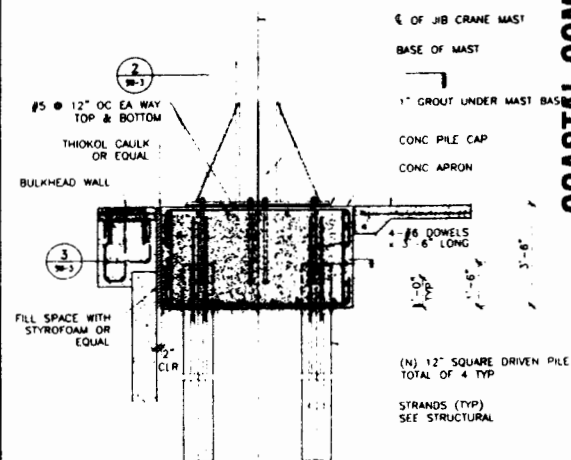
SW-2





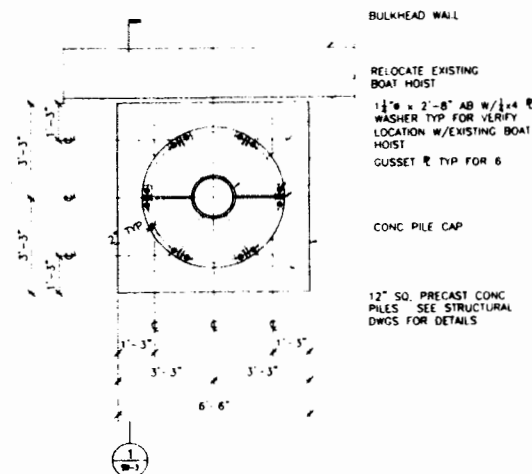
NOTE FOR DIMENSIONS SEE (2)

JIB CRANE BASE SECTION



NOTE REINFORCING IN CRANE BASE TO HAVE CORROSION PROTECTION

JIB CRANE BASE SECTION



NOTE 1 ANCHOR BOLTS, NUTS AND PLATE WASHERS TO BE HOT DIPPED GALVANIZED

JIB CRANE BASE PLAN

GERALD LEHNER ASSOCIATES
CONSULTING STRUCTURAL ENGINEERS
1000 E. WALNUT STREET
SUITE 210
PEPPERHARBOR, CA 94708
TEL: 415.708.1212
FAX: 415.708.0512

BOY SCOUT SEA BASE
1801 WEST COAST HIGHWAY
NEWPORT BEACH, CALIFORNIA

MASTER PLAN, NEW DEVELOPMENT AND REMODEL

BOY SCOUTS OF AMERICA
ORANGE COUNTY COUNCIL
3000 HARBOR GATEWAY NORTH
COSTA MESA, CA 92626-1429
TEL: 714.848.4900
FAX: 714.848.0416

PROJECT NO. 16979

DATE SEPTEMBER 24, 2002

DESIGNED BY GDL

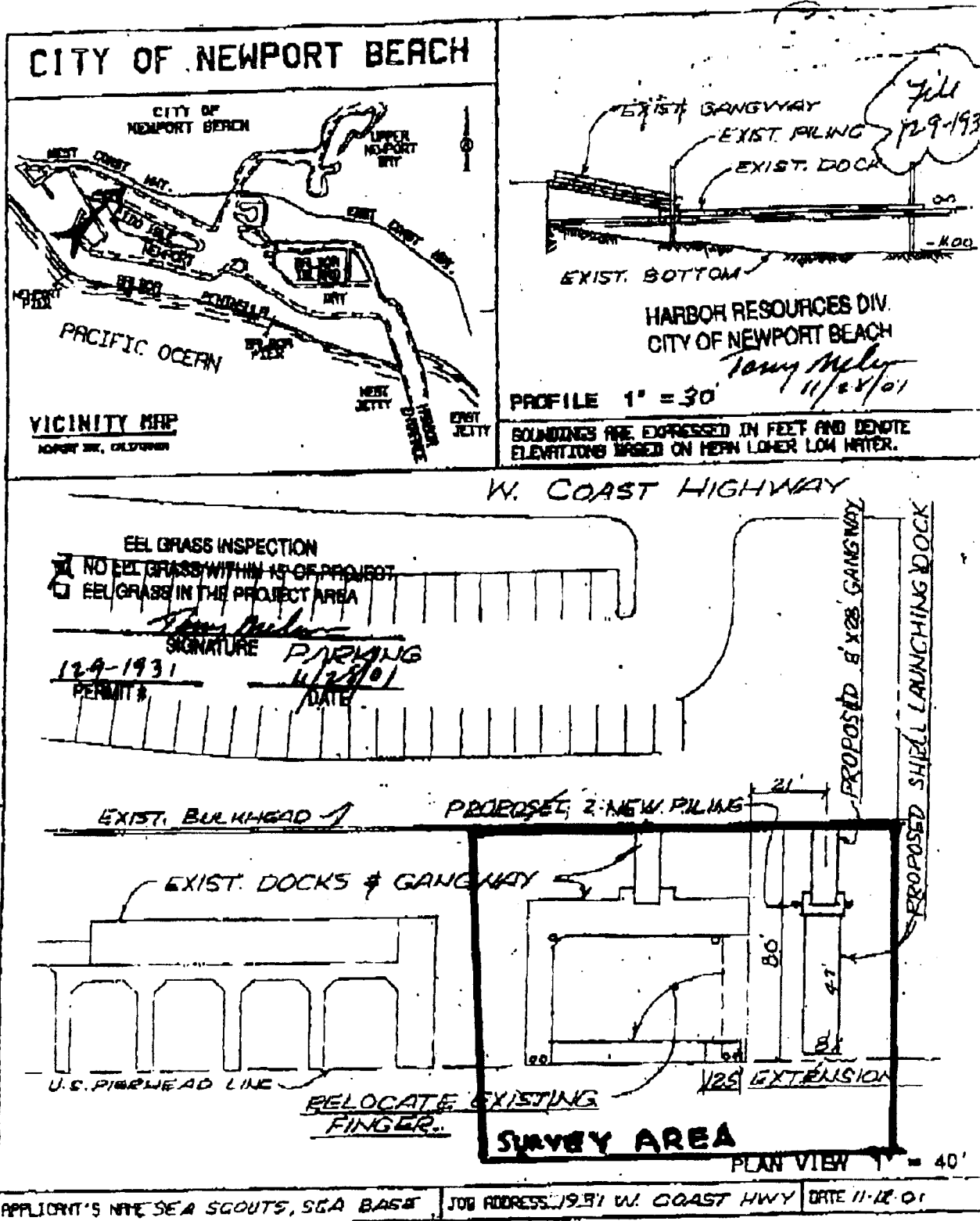
CHECKED BY

APPROVED BY

SEAWALL MODIFICATIONS SECTIONS AND DETAILS

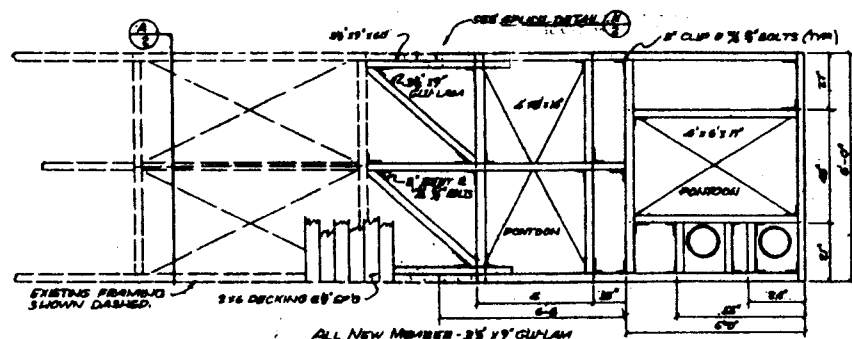
SW-3

Apr-23-02 03:04P Boy Scout Sea Base

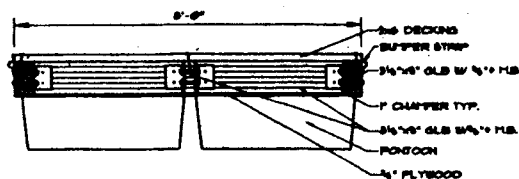


COASTAL COMMISSION

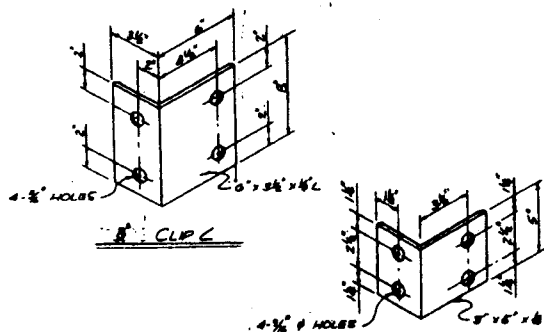
EXHIBIT # 5
PAGE 1 OF 4



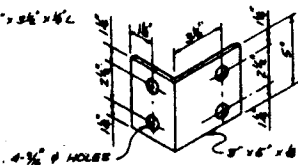
EXTENSION FRAMING PLAN (1)



SECTION (A)



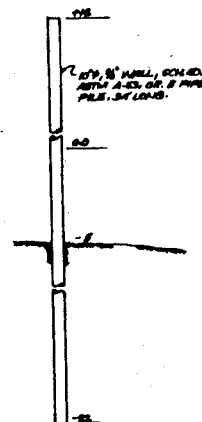
CLIP C



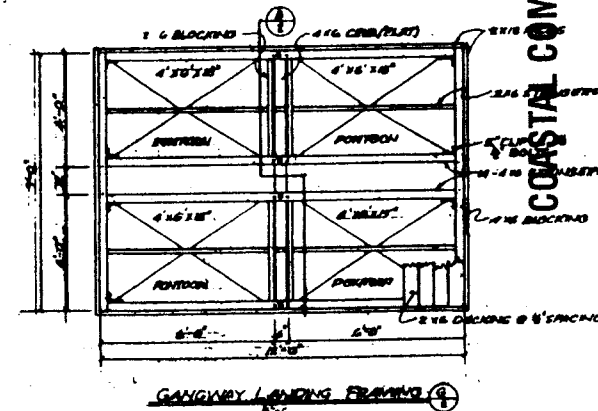
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SPECIFICATIONS

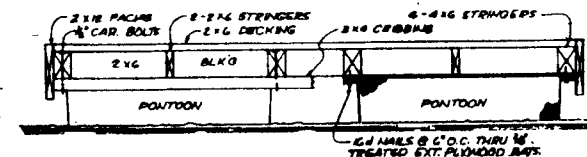
1. ALL LUMBER, EXCEPT GUL-LAM STRUNGERS, SHALL BE #1 GRADE DOUGLAS FIR OR BETTER PROVIDED THERE ARE NO LOOSE KNOTS OR OTHER DEFECTS. ALL LUMBER TO BE 4x8 & EXPOSED MEMBERS TO BE POURED FOR APPEARANCE. GUL-LAM STRONG SHALL BE F, NOD, EXTERIOR, VS.
2. ALL LUMBER SHALL BE PRESSURE TREATED PER ANNA STANDARD C-8 (ACEA), MINIMUM EXTENSION 60\"/>



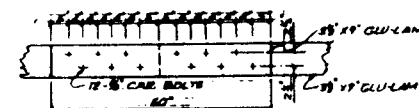
ANCHOR PLATE PROFILE (2)



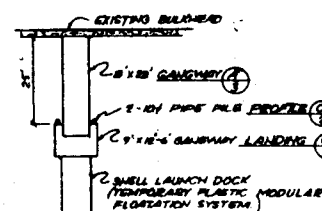
GANGWAY LANDING FRAMING (3)



SECTION (B)



SPLICE DETAIL (4)



SITE PLAN (5)



NO. 4 501-1

SEA SCOUT SEA BASE

1931 W. COAST HW'Y

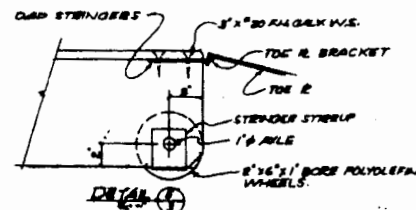
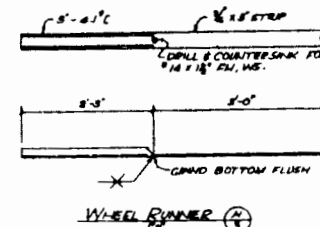
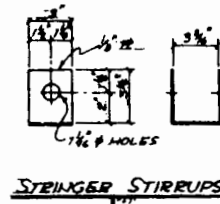
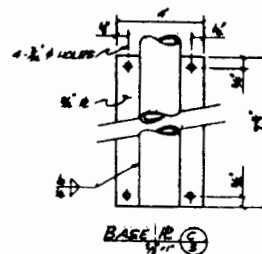
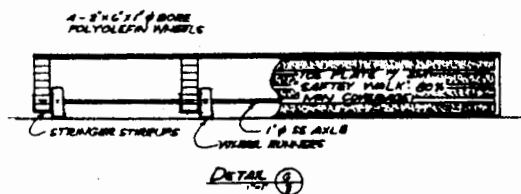
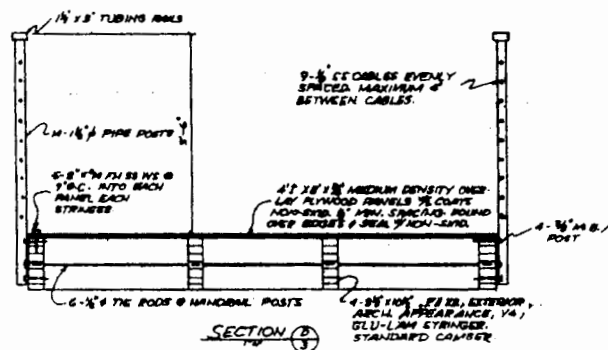
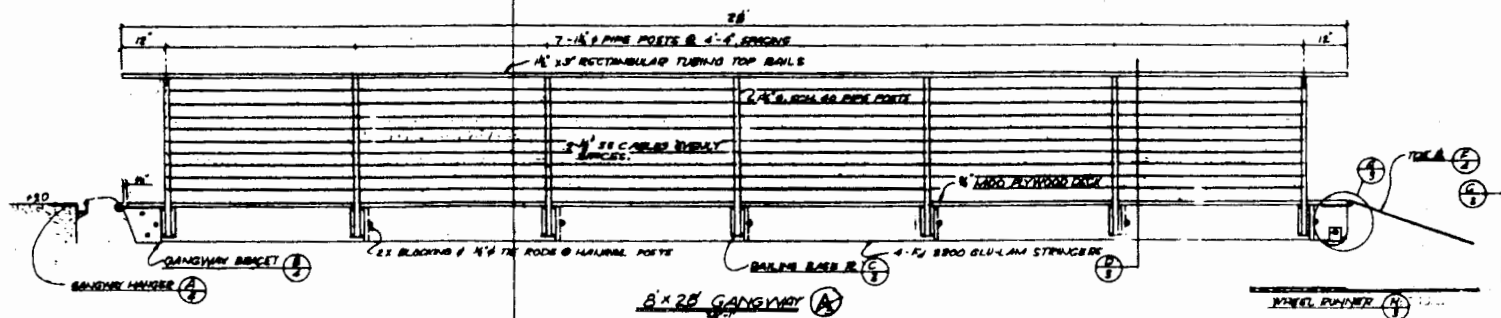
NEWPORT BEACH, CALIF.

MARINE CONSULTING & DESIGN

204 EL MODENA AVENUE NEWPORT BEACH, CA 92660

949 442-1000

2



SPECIFICATIONS

HARDWARE ALL HARDWARE INCLUDING BOLTS, NUTS, WASHERS, ETC. SHALL BE HOT DIP GALVANIZED AFTER FABRICATION. ALL STEEL SHALL BE PER ASTM SPEC. A-36.

LUMBER TREATMENT ALL LUMBER SHALL BE PRESSURE TREATED PER ANNA STD C-2 PER ALL CUTS & BORED HOLES TO RECEIVE A BRUSH COAT OF CONCENTRATED PRESERVATIVE.

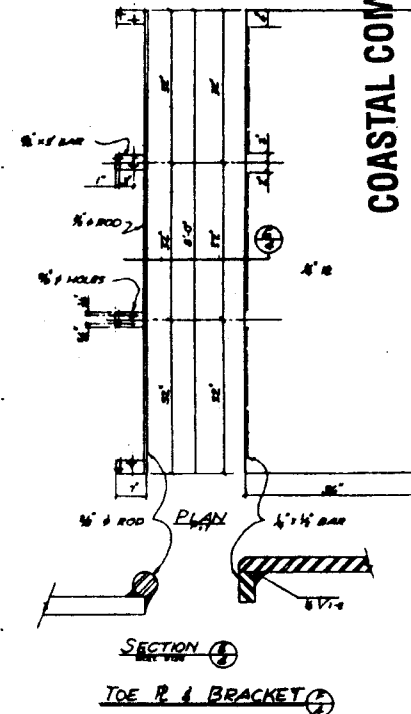
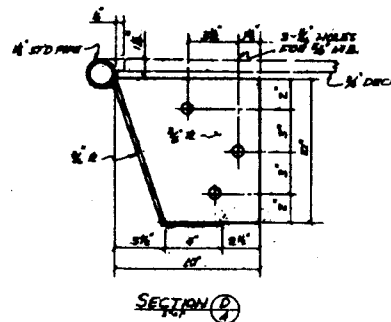
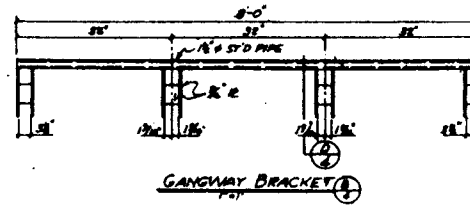
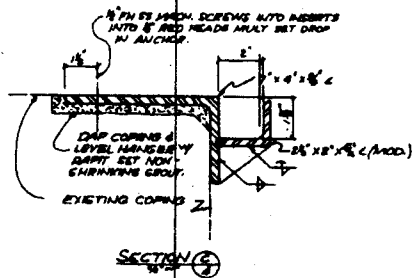


W14-571-1

NO.	DATE	REVISION	SEA SCOUT SEA BASE	DESIGNER	REVIEWER	CHECKED	DATE
1			1931 W. COAST HWY				
2			NEWPORT BEACH, CALIF.				
3							
4							

MARINE CONSULTING & DESIGN

204 E. MODENA AVENUE NEWPORT BEACH, CA 92660
714 642-2222



COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 4

[illegible]

SEA SCOUT SEA BASE

1931 W. COAST HW'Y

NEWPORT BEACH, CALIF.

NAME **ASH**
 DOB **11-10-61**
 SEX **MALE**
 RACE **WHITE**
 HT **5-10**
 WT **150**
 EYES **BROWN**
 HAIR **BROWN**
 BLOOD TYPE **B**
 FINGERPRINTS **10-10-10**
 SIGNATURE **ASH**
 DATE **11-10-61**
 TIME **10:10**
 BY **ASH**
 OFFICE **ASH**
 COUNTY **ASH**
 STATE **ASH**
 ZIP **ASH**
 CITY **ASH**
 STREET **ASH**
 APT **ASH**
 PHONE **ASH**
 FAX **ASH**
 E-MAIL **ASH**
 COMMENTS **ASH**
 SIGNATURE **ASH**
 DATE **11-10-61**
 TIME **10:10**
 BY **ASH**
 OFFICE **ASH**
 COUNTY **ASH**
 STATE **ASH**
 ZIP **ASH**
 CITY **ASH**
 STREET **ASH**
 APT **ASH**
 PHONE **ASH**
 FAX **ASH**
 E-MAIL **ASH**
 COMMENTS **ASH**

MARINE CONSULTING & DESIGN

204 EL MODENA AVENUE NEWPORT BEACH, CA 92660
649 642 - 2828

WFO 5781-1



44

State of California

M e m o r a n d u m

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

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South Coast Region

AUG 20 2001

CALIFORNIA
COASTAL COMMISSION

Date: August 17, 2001

From : Department of Fish and Game

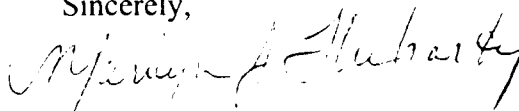
Subject: Boy Scouts of America Sea Base Sea Wall Repairs

The Department of Fish and Game (Department) has reviewed the project description for repairs to the sea wall at the Boy Scouts of America Sea Base. Newport Bay, County of Orange, California. The proposed project will raise the existing sea wall elevation to city code specifications and make various repairs to landside elements including a continuous concrete deadman and new tie-back anchor rods.

It is our understanding that the proposed project does not involve placement of new materials seaward of the existing sea wall. Thus, we believe the proposed activity would not have a significant adverse effect on existing marine resources and habitats within the area and we would concur with the issuance of a Coastal Development Permit for the sea wall repairs.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion, please contact me at telephone (858) 467-4231 or e-mail mfluharty@dfg.ca.gov.

Sincerely,



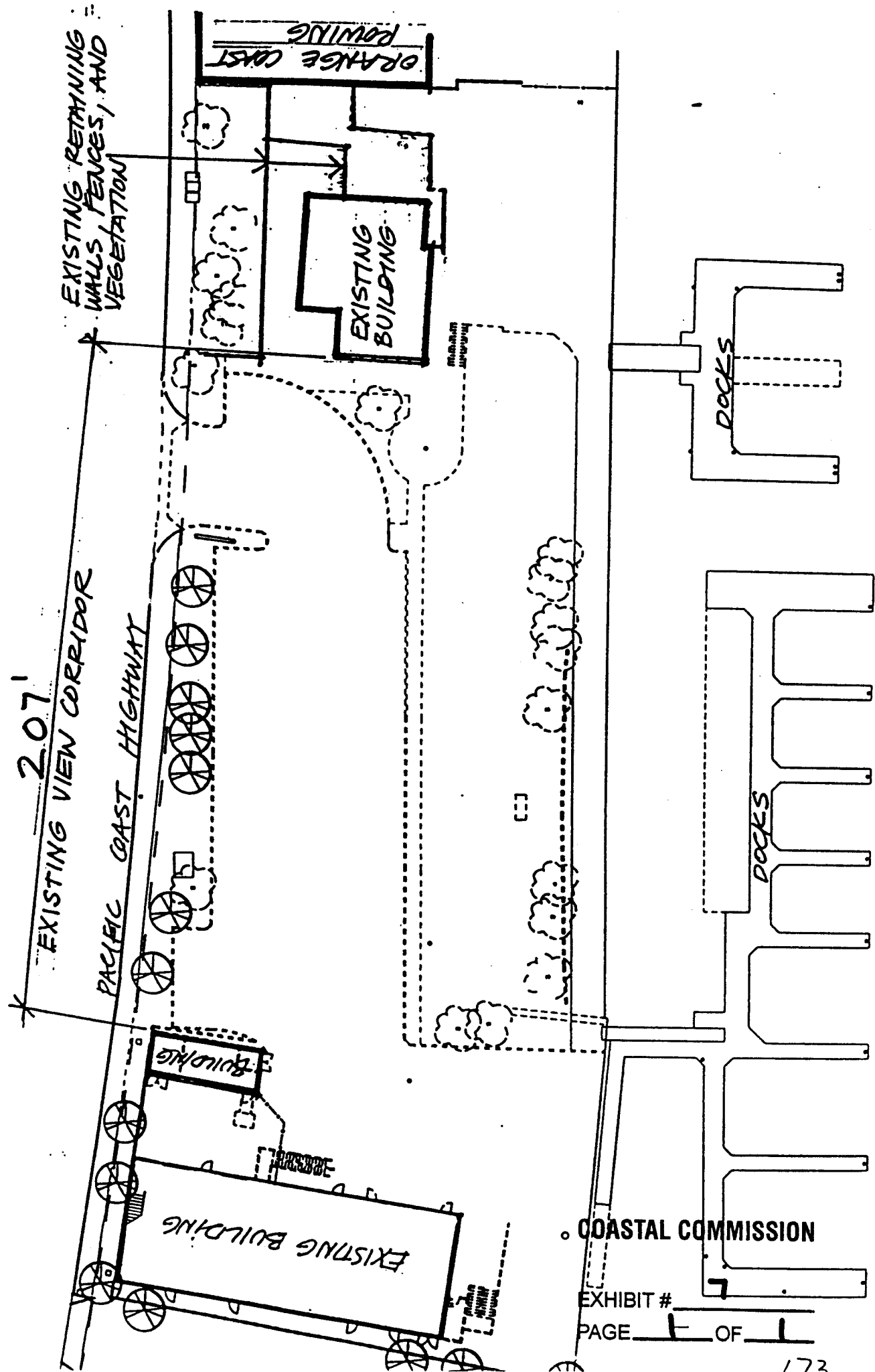
Marilyn Fluharty
Environmental Specialist
Marine Region

cc: Mr. Matt Rumbaugh
Hill Partnership, Inc.
Faxed to 949-675-4543

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1

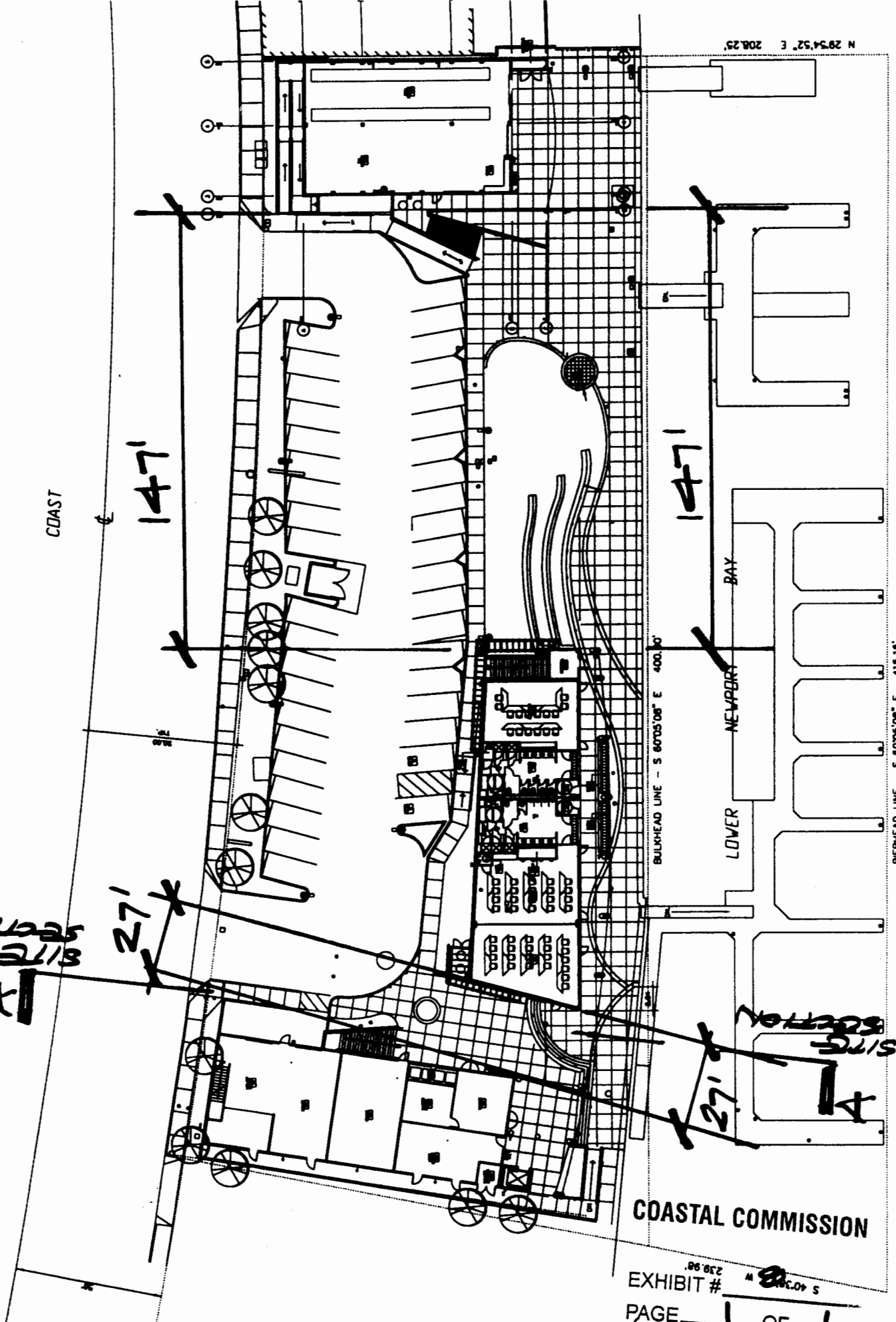
EXISTING SITE PLAN



COASTAL COMMISSION
EXHIBIT #
PAGE 1 OF 1

PROPOSED SITE PLAN

NO 1225
SECTION
A



CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



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South Coast Region

MAR 8 2002

PAUL D. THAYER, Executive Officer

(916) 574-1800 FAX (916) 574-1810

Call for TDD Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-0234

Contact FAX: (916) 574-1955

CALIFORNIA
COASTAL COMMISSION

February 13, 2002

File Ref: G09-02

Mr. Fernie Sy
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

**SUBJECT: Proposed Expansion of the Facilities at the Boy Scouts of
America Sea Base, Located at 1931 W. Coast Highway,
Newport Beach, Orange County**

Dear Mr. Sy:

Staff of the State Lands Commission (CSLC) have reviewed the subject project, including the project description and the subject lease, dated September 26th, 2000.

The facts pertaining to the proposed project, as we understand them are these:

The goal of the project is to enhance the capabilities and capacity of the Sea Base to provide water oriented and related land activities, which introduce youth to the aquatic environment as well as provide additional education and recreation opportunities to the public.

The proposed renovation/ expansion of the facilities include demolition of the 1,785 square foot manager's residence and the 490 square foot storage building attached to the existing two-story multi-use building. New construction includes a two-story classroom and office building of 8,215 square feet that will be connected by a second floor open deck to the remodeled two-story existing building. A second two-story building will be constructed near the east property line adjacent to Orange Coast College Rowing Building and will consist of 6,400 square feet. It will be used for storage of rowing shells, sails and related equipment on the first floor. The second floor includes an onsite manager's residence and exercise room. The total building area will increase from 9,945 square feet to 22,435 square feet.

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has certain residual and review authority for tide and submerged lands.

COASTAL COMMISSION

EXHIBIT # 9
PAGE 1 OF 2

February 13, 2002

Page 2

legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust.

The State's sovereign lands at the proposed project location have been legislatively granted to the County of Orange pursuant to Chapter 526, Statutes of 1919, as amended, with minerals reserved to the State. These lands were granted for such purposes as a harbor and related facilities for the promotion or accommodation of commerce and navigation.

Based upon the information submitted and considered by staff, the proposed project appears to be the type of use authorized by the Legislature given the marine-orientated public education and recreational market this establishment will cater to, thus promoting and accommodating commerce and navigation.

If you have any questions or concerns please contact me at (916) 574-0234.

Sincerely,

Jennifer Lucchesi
Public Land Management Specialist

cc: Curtis Fossum
Alex Helburn, California Coastal Commission

COASTAL COMMISSION

EXHIBIT # 9
PAGE 2 OF 2

8