

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Permit Application No. **5-03-193**
Date: June 19, 2003
Page: 1 of 5



W 3 f

ADMINISTRATIVE PERMIT

APPLICANT: Shawn Hawthorne

RECORD PACKET COPY

PROJECT

DESCRIPTION: Replace concrete floating dock with wooden floating dock of same dimensions (U' shaped, 40' long by 23' wide with 15' opening). No new piles are proposed.

PROJECT

LOCATION: 107 Linda Isle, Newport Beach (Orange County)

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

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

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

Wednesday, July 9, 2003
10:00 am
Petaluma Sheraton
745 Baywood Drive
Petaluma, CA 94954

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

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

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

PETER DOUGLAS
Executive Director

By: Meg Vaughn
Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages 4-5

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

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

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description and Background

The applicant proposes modifications to an existing boat dock including: replacement of a concrete floating dock with wooden floating dock of the same dimensions (U- shaped, 40' long by 23' wide with 15' opening). No new piles are proposed.

The subject site is located on Linda Isle in Newport Harbor. Linda Isle, like the majority of islands in Newport Harbor, is surrounded by private recreational boat docks associated with residential development. The proposed dock revision is similar in function to other

docks associated with residential development in the immediate vicinity. The boat dock will be used solely for boating recreation purposes. The site has been surveyed by the City of Newport Beach Harbor Resources Division for eelgrass and no eelgrass was discovered within 15 feet of the project area.

The nearest public access exists at the public walkway that rings Balboa Island, approximately one mile southeast of the site (Exhibit A). The proposed project has received approval in concept from the City of Newport Beach Harbor Resources Division (Harbor Permit No. 133-107). The applicant has applied for approval of the proposed project from the U.S. Army Corps of Engineers and from the California Regional Water Quality Control Board (RWQCB).

B. Recreational Marine Resources

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

C. Water Quality

The proposed dock work will be occurring on or within coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Local Coastal Program

The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land

Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. California Environmental Quality Act (CEQA)

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

SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

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

2. 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:

1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as

phosphate-free and biodegradable shall be used, and the amounts used minimized.

3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(b) Solid and Liquid Waste Management Measures:

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

(c) Petroleum Control Management Measures:

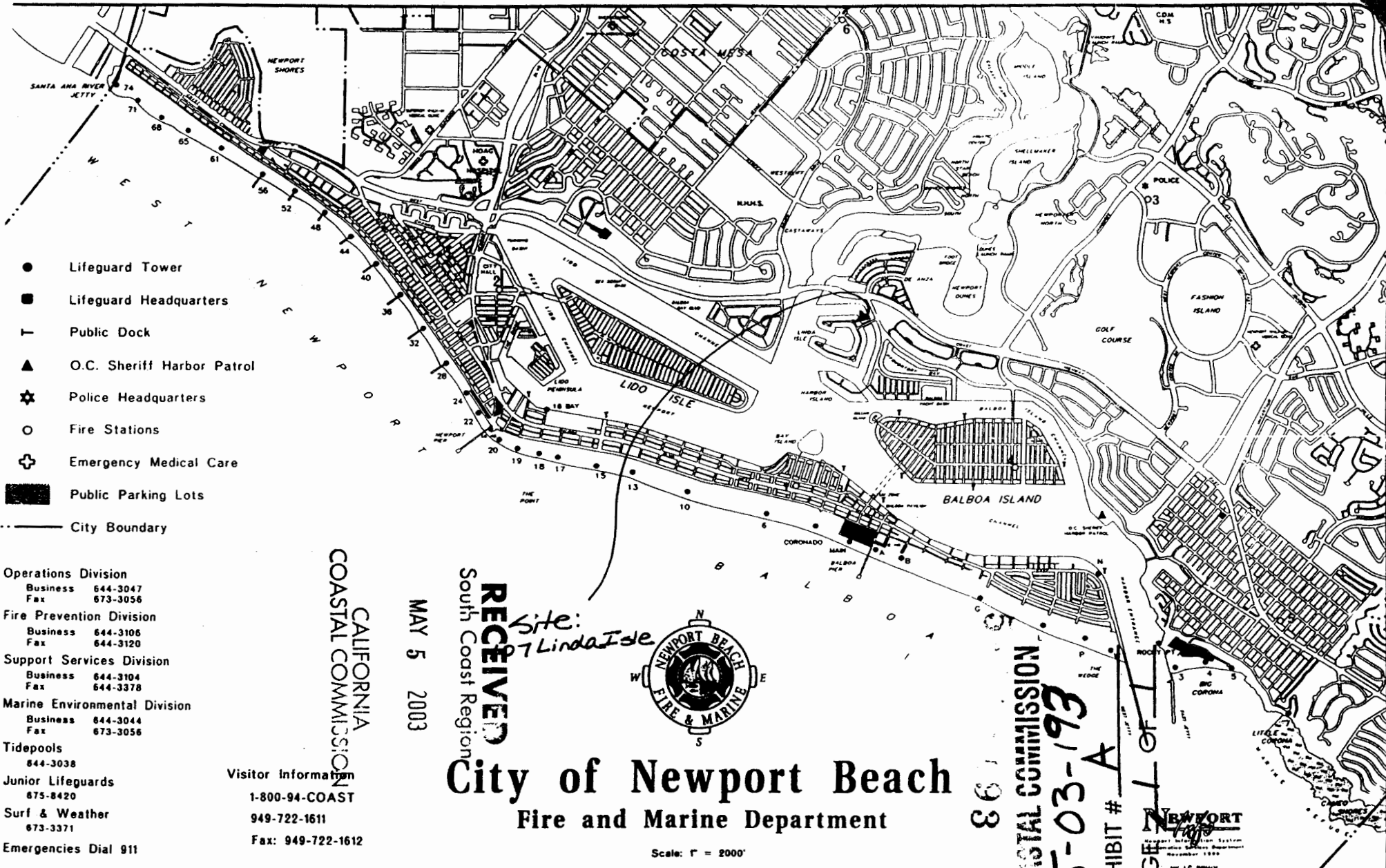
1. Oil absorbent materials shall be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines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

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

Applicant's Signature

Date of Signing



- Lifeguard Tower
- Lifeguard Headquarters
- ┌ Public Dock
- ▲ O.C. Sheriff Harbor Patrol
- ★ Police Headquarters
- Fire Stations
- ⊕ Emergency Medical Care
- Public Parking Lots
- City Boundary

Operations Division
 Business 644-3047
 Fax 673-3056

Fire Prevention Division
 Business 644-3106
 Fax 644-3120

Support Services Division
 Business 644-3104
 Fax 644-3378

Marine Environmental Division
 Business 644-3044
 Fax 673-3056

Tidepools
 644-3038

Junior Lifeguards
 875-8420

Surf & Weather
 873-3371

Emergencies Dial 911

Visitor Information
 1-800-94-COAST
 949-722-1611
 Fax: 949-722-1612

CALIFORNIA
 COASTAL COMMISSION

MAY 5 2003

RECEIVED
 South Coast Region

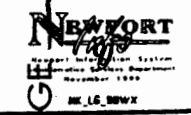
City of Newport Beach
Fire and Marine Department



Scale: 1" = 2000'

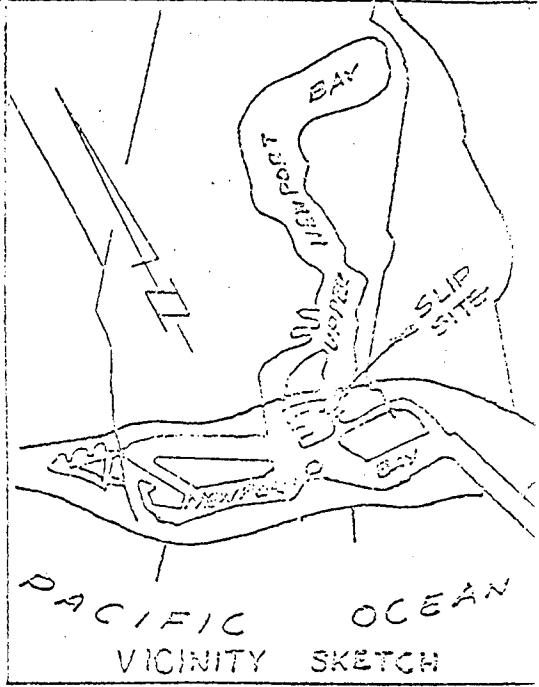
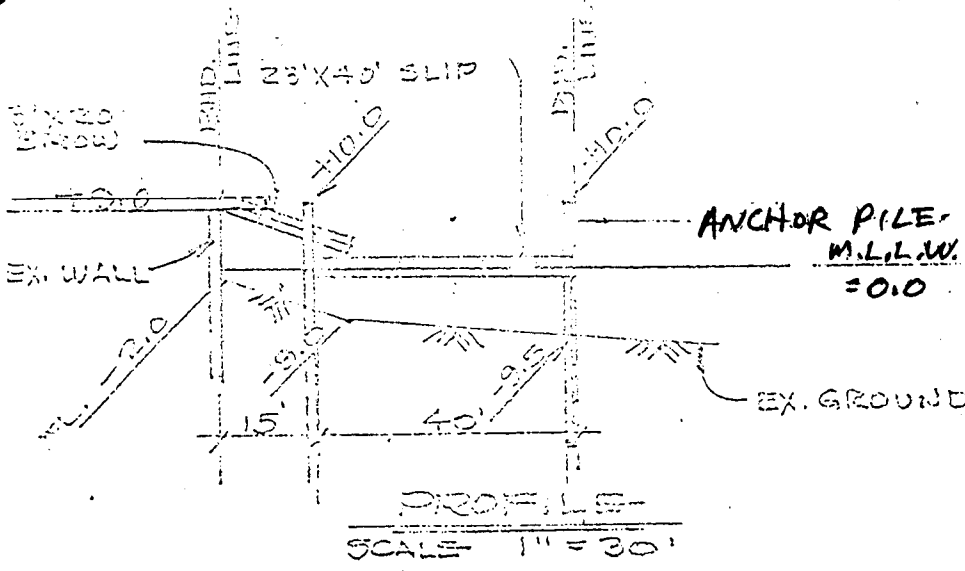
*Site:
 of Linda Isle*

COASTAL COMMISSION
 65-03-193
 EXHIBIT # A
 PAGE 1 OF 1



1038-2003

133-107
49



Scope of work: Replace concrete floating dock like for like with new wood float. No new pile, use existing gangway.

- EEL GRASS INSPECTION
- NO EEL GRASS WITHIN 15' OF PROJECT.
- EEL GRASS IN THE PROJECT AREA

Chris Miller
SIGNATURE

133-107
PERMIT #

04/23/03
DATE

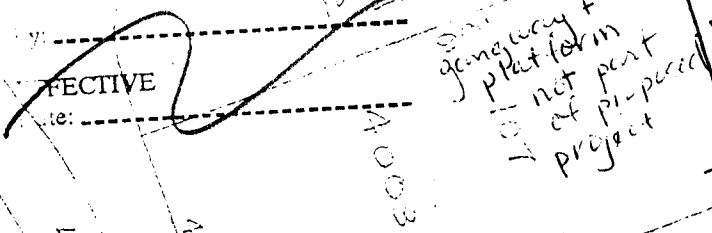
PLAN
SCALE 1" = 40'

RECEIVED
South Coast Region

MAY 5 2003

CALIFORNIA COASTAL COMMISSION

California Coastal Commission
South Coast District Office
APPROVED
Permit No. 193



COASTAL COMMISSION

5703-193

EXHIBIT # B
PAGE 1 OF 1

GARY & SHAWN KETTIG
107 LINDA ISLE
NEWPORT BCH CA 92666

Contractor: [Signature]

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 1000 Ocean Gate, Suite 1000
 Seal Beach, CA 90802-4302
 (562) 590-5071

W3g

Permit Application No. **5-03-195**

Date: June 19, 2003

Page 1 of 4

**ADMINISTRATIVE PERMIT**

APPLICANT: Anthony & Constance Mistretta

RECORD PACKET COPY

PROJECT DESCRIPTION: Improvements to an existing second floor deck attached to a single family residence on a beachfront lot. The existing 5 foot by 19 foot second floor deck will be extended 5 feet seaward to create a 10 foot by 19 foot deck. In addition, two posts to support the extended deck will be installed that will connect with existing ground floor foundation pilings. The deck will extend a maximum of 10 feet seaward, beyond the property boundary, over land that is leased by the Surfside Colony to the applicant. No grading is proposed.

PROJECT LOCATION: A-87 Surfside Avenue, Seal Beach, Orange County

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

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

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Wednesday, July 9, 2003 10:00 am

Petaluma Sheraton
 745 Baywood Drive
 Petaluma, CA 94954
 (707) 283-2909

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PETER DOUGLAS

Executive Director

By: Karl Schwing

Title: Coastal Program Analyst

STANDARD CONDITIONS

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2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: None.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

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

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description and Background

The lot is located at A-87 Surfside Avenue in the private community of Surfside Colony, in the City of Seal Beach, Orange County (Exhibits 1 and 2). The subject site is a beachfront lot located between the first public road and the sea. The proposed development is in an existing private, gated residential community, located south of the Anaheim Bay east jetty. The proposed project is consistent with development in the vicinity and prior Commission actions in the area. There is a wide, sandy beach between the subject property and the mean high tide line. A pre-Coastal (1966) boundary agreement between Surfside Colony and the California State Lands Commission fixes the boundary between state tide and submerged lands and private uplands in Surfside. As a result of this boundary agreement, Surfside Colony, Ltd. owns a strip of the beach, up to 80 feet in width, adjacent to the homes fronting the ocean. The beach seaward of this area is available for lateral public access. Vertical access is available at the end of Anderson Street to the south of the Surfside community. In addition, the Commission conditioned permit P-75-6364 to allow public access through the gates at the southeastern end of Surfside during daylight hours.

The applicant is proposing improvements to an existing second floor deck attached to a single family residence. The existing 5 foot by 19 foot second floor deck will be extended 5 feet seaward to create a 10 foot by 19 foot deck. In addition, two posts to support the extended deck will be installed that will connect with existing ground floor foundation pilings (Exhibit 3). There are no proposed changes to the remainder of the existing single family residence. Demolition debris will be disposed of at an appropriate location outside the Coastal Zone. No grading is proposed.

The existing residential structure is located within the applicant's property boundary. However, the existing and proposed decks extend a maximum of 10 feet beyond the property boundary, over land that is leased by Surfside Colony, Ltd. to the applicant. Surfside Colony is the community association that owns the common areas of the private community. The applicant has invited Surfside Colony to join as co-applicant; however, Surfside Colony has not chosen to join as of the date of this staff report.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future can not be allowed due to the adverse impacts such devices have upon public access, visual resources and shoreline processes.

The central portion of Surfside, where the proposed project is located, is afforded a degree of protection due to the presence of a wide sandy beach. Even though a wide sandy beach currently protects the project site, this does not preclude wave uprush damage and flooding from occurring at Surfside during extraordinary circumstances. Strong storm events like those that occurred in 1994 and 1997 can cause large waves to flood any portion of Surfside. Though the subject site may be subject to wave hazards as described above, the Commission finds in this specific case that the proposed development does not warrant the imposition of the following three special conditions; 1) No Future Shoreline Protective Device, 2) Assumption of Risk, and 3) Future Improvements for the reasons articulated below.

For purposes of analysis the project can be divided into two elements, the deck extension and the new deck support posts that will extend to the existing ground floor patio foundation. These improvements may potentially be affected by wave uprush as they are on the seaward side of the structure. In this case, the Commission finds that the deck extension would not be directly affected by wave uprush, as the bottommost portion of the deck would be approximately eight feet above grade (Exhibit 3). Consequently, the deck would only be damaged as a result of the main structure itself being significantly damaged by wave uprush. In addition, the proposed new posts to support the extended deck are located within the footprint of the existing 10 foot wide ground floor patio and will be attached to the existing patio foundation. Thus, these posts would only be damaged if the existing ground floor patio were also damaged. Furthermore there is an existing deck where the proposed deck would be located and the improvements are minor in nature (i.e. extension of the deck and the installation of new glass railings). Accordingly, the proposed deck improvements do not result in an increased hazard to life and property nor would the proposed improvements create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms such as the beach. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30253 as submitted.

C. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The proposed development does not change the use or intensity of use of the site. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

D. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

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

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

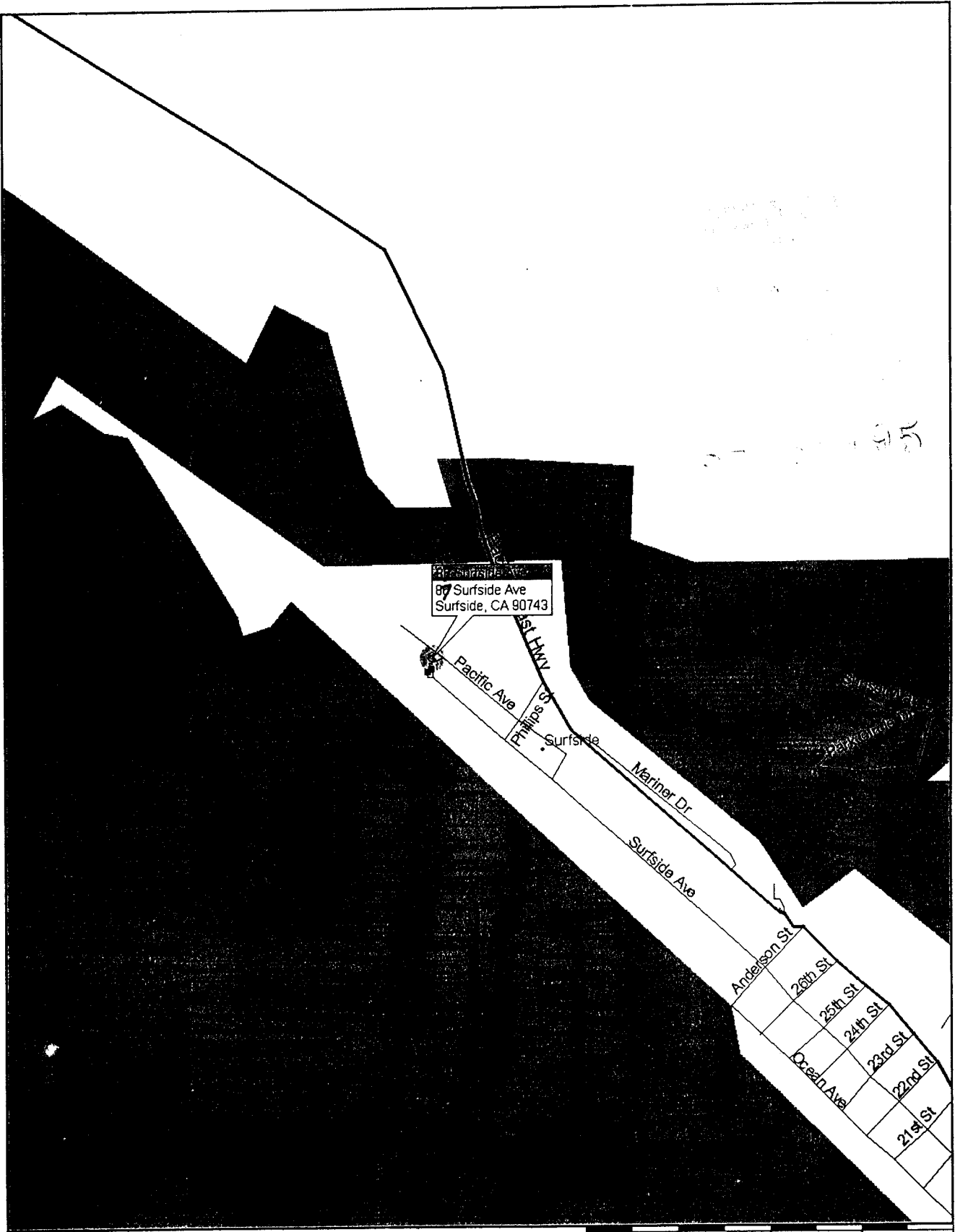
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified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

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

Applicant's Signature

Date of Signing



Microsoft Expedia
Streets98

0 yds 200 400

COASTAL COMMISSIO

MAP WAS PREPARED FOR ORANGE
 COUNTY ASSESSOR DEPT. PURPOSES ONLY
 ASSESSOR MAKES NO GUARANTEE AS TO
 ACCURACY NOR ASSUMES ANY LIABILITY
 FOR ANY OTHER USES. NOT TO BE REPRODUCED
 WITHOUT THE WRITTEN CONSENT OF
 ORANGE COUNTY ASSESSOR 1995

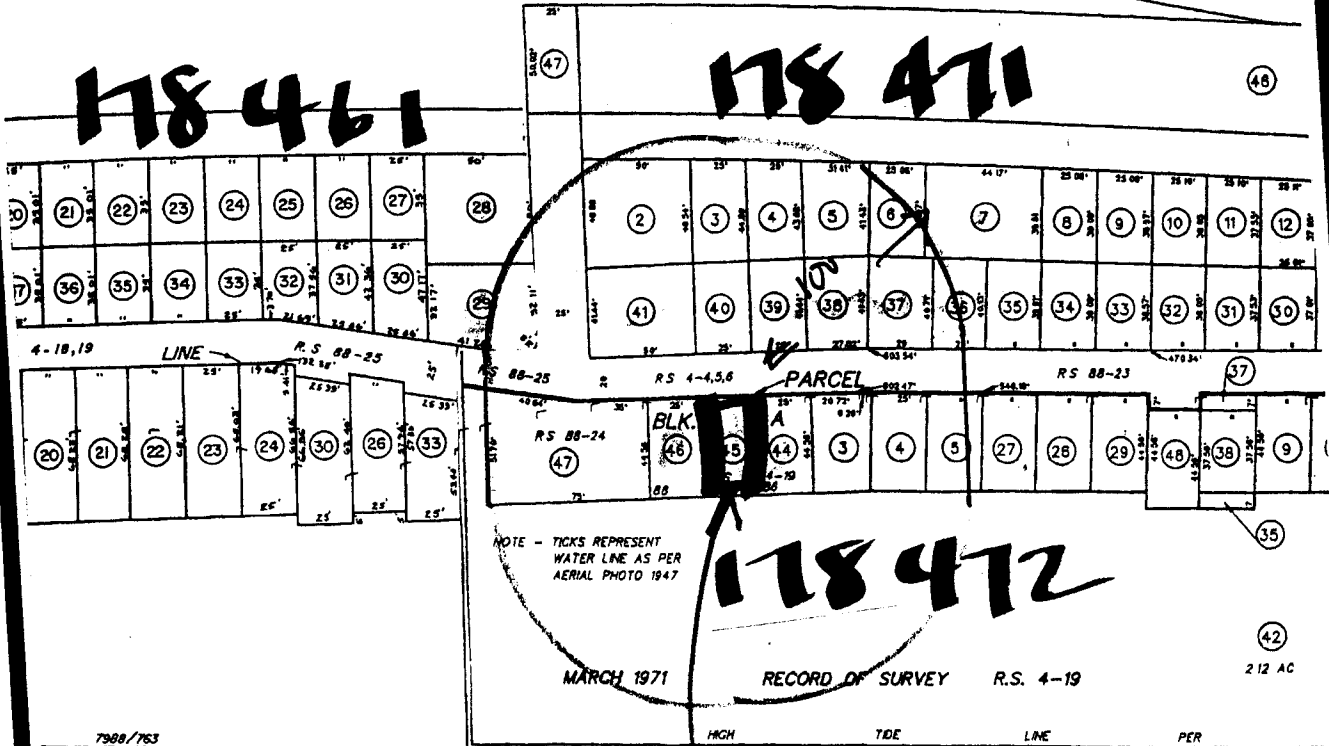
1" = 50'

COAST

67

178 461

178 471



NOTE - TICKS REPRESENT
 WATER LINE AS PER
 AERIAL PHOTO 1947

MARCH 1971

RECORD OF SURVEY R.S. 4-19

2.12 AC

7988/763

HIGH TIDE LINE PER 8

5 BLOCK &
 NUMBERS
 CIRCLES

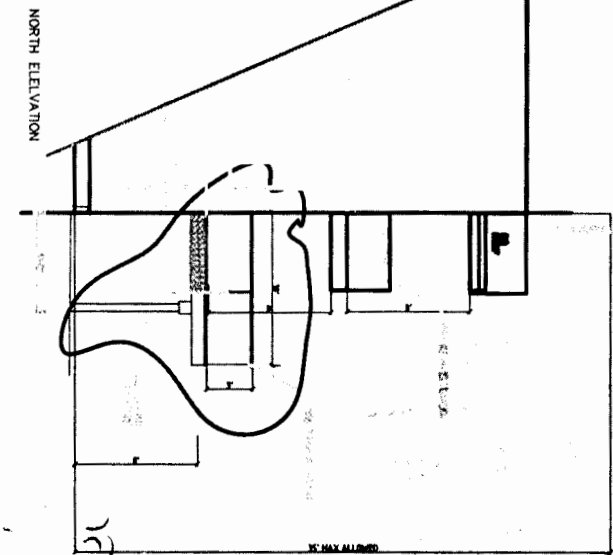
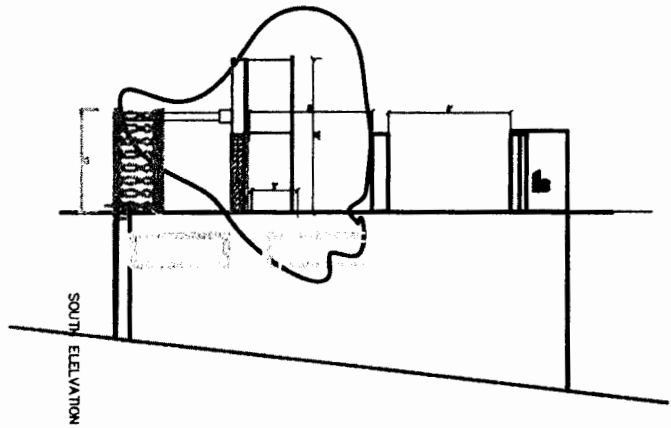
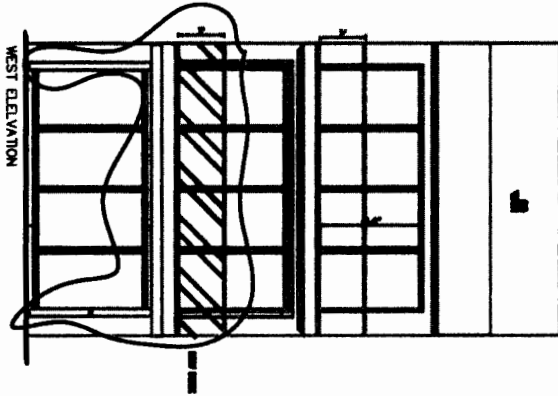
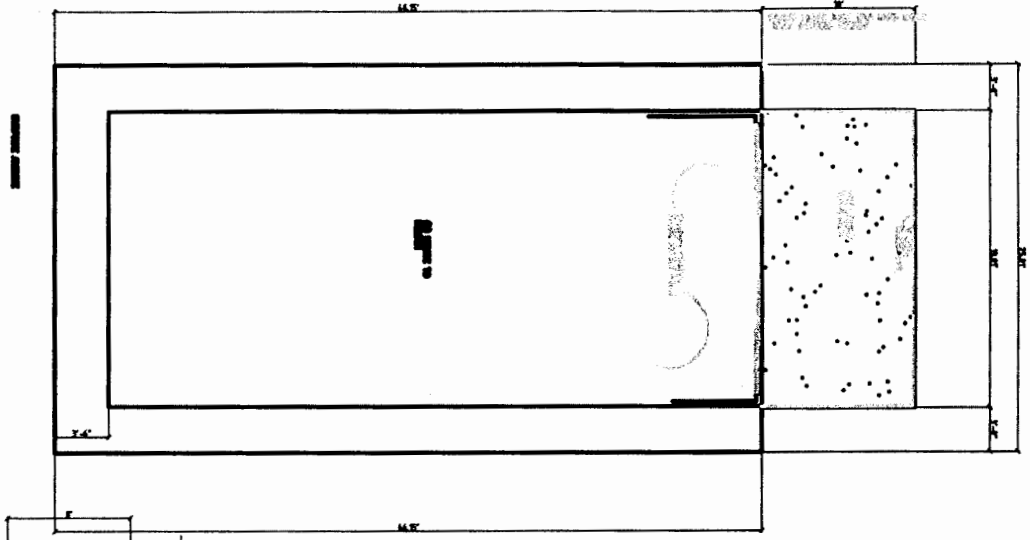
ASSESSOR'S MAP
 BOOK 178 PAGE 46
 COUNTY OF ORANGE

Site

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 1 OF 1

NEW DECK AT SECOND FLOOR



COASTAL COMMISSION

EXHIBIT # 3

PAGE 1 OF 1

Sheet No
OF

Sheet Contents

Job No.
Drawn By
Checked By
Date
4.12.02

Consultant

Project Name
MISTRETТА DECK ADDITION
A87 SURFSIDE AVENUE
SURFSIDE CALIFORNIA 90743

Owners



MARSHALL INNES DESIGN

PHONE (949) 376-1794 FAX (949) 376-9285
479 OCEAN AVENUE SUITE C LAGUNA BEACH CA 92651

