

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

W 3b

Permit Application No. **5-04-030**
Date: March 25, 2004
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ADMINISTRATIVE PERMIT

APPLICANTS: David & Patricia Lamb

RECORD PACKET COPY

PROJECT

DESCRIPTION:

Remove and replace the existing floating dock, pier, gangway, and pilings. The new dock will consist of two (2) 4' x 40' fingers with a 25' x 12' backwalk with three (3) new 14" concrete plies and a new 3' x 24' gangway. In addition, a new 4' x 30' lower pier platform with three (3) new 14" concrete "T" plies leading to a new 10' x 14' upper pier platform with two (2) 14" concrete "T" piles will be constructed.

PROJECT

LOCATION:

801 Via Lido Soud, 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, April 14, 2004

9:00 am

**Radisson Santa Barbara
1111 E. Cabrillo Blvd.
Santa Barbara, CA 93103**

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

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

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

PETER DOUGLAS
Executive Director

By: Fernie J. Sy
Title: Coastal Program Analyst

surveyed for *Caulerpa taxifolia*, therefore a pre-construction *Caulerpa taxifolia* survey must be conducted. These eelgrass and *Caulerpa taxifolia* surveys are valid for a limited period of time (until the next growing season for eelgrass and 90 days for *Caulerpa taxifolia*). If construction does not occur within the respective time periods, a subsequent survey will be required. If any eelgrass or *Caulerpa taxifolia* are found on the project site, Special Conditions No. 2 and No. 3 identify the procedures necessary to be completed prior to beginning any construction. Coastal public access is available adjacent to the site at the Via Waziers street end (Exhibit #2). The proposed project has received an approval in concept from the City of Newport Beach Harbor Resources Division. The Regional Water Quality Control Board (RWQCB) has determined that the proposed project will not adversely impact water quality if standard construction methods and materials are used. The applicants have applied for a permit from the U.S. Army Corps of Engineers.

B. Marine Resources

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

C. Water Quality

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

D. 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.

E. California Environmental Quality Act (CEQA)

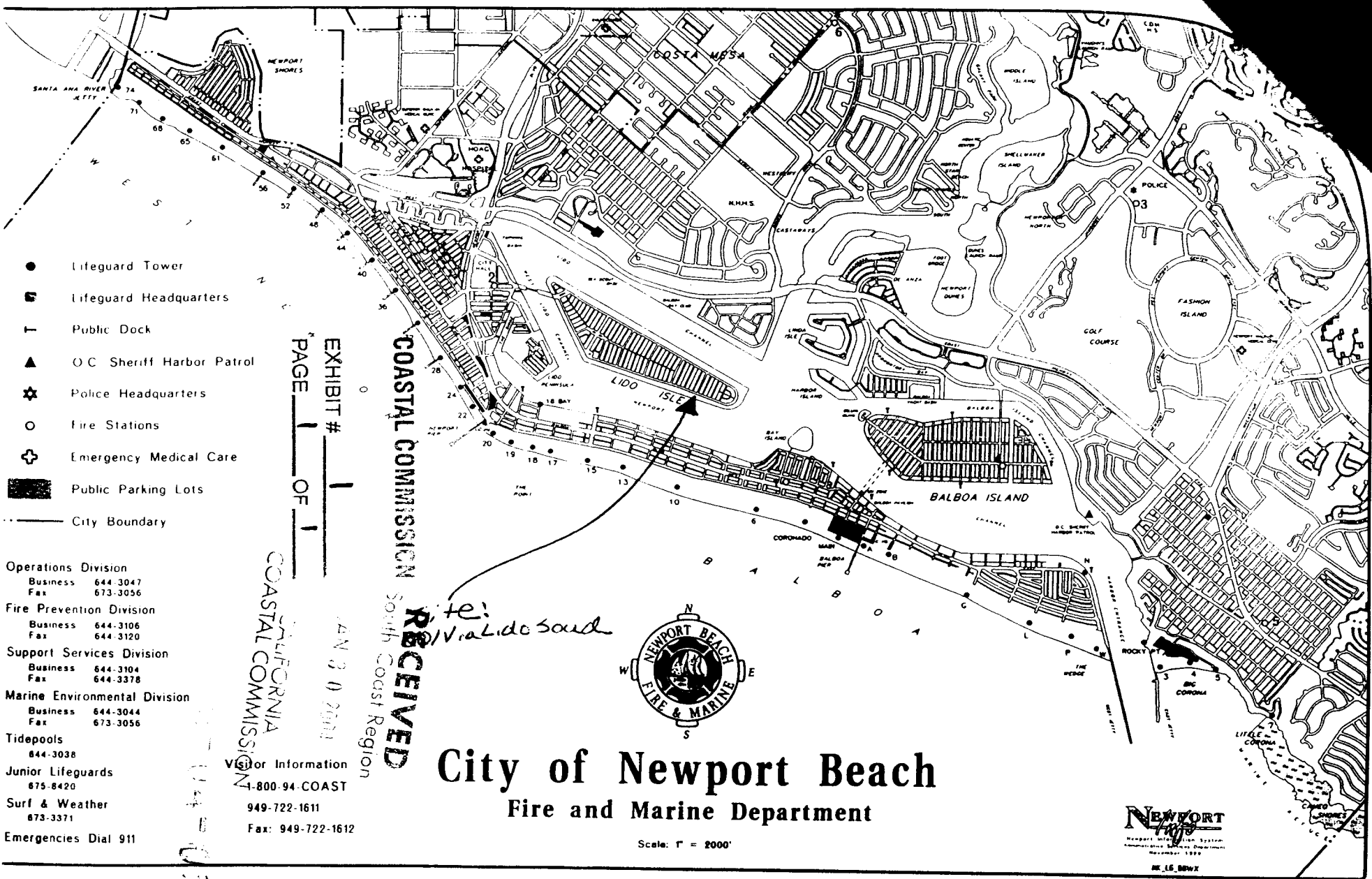
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the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

(3) Petroleum Control Management Measures:

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

2. **Pre-Construction Eelgrass Survey**

- A. **Pre Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicants shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicants shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicants shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicants shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.



- 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
 675-8420

Surf & Weather
 673-3371

Emergencies Dial 911

EXHIBIT # 1
 PAGE 1 OF 1

RECEIVED
 South Coast Region

FOR INFORMATION
 1-800-94-COAST
 949-722-1611
 Fax: 949-722-1612

COASTAL COMMISSION
 CALIFORNIA
 COASTAL COMMISSION

Site: Via Lido sand



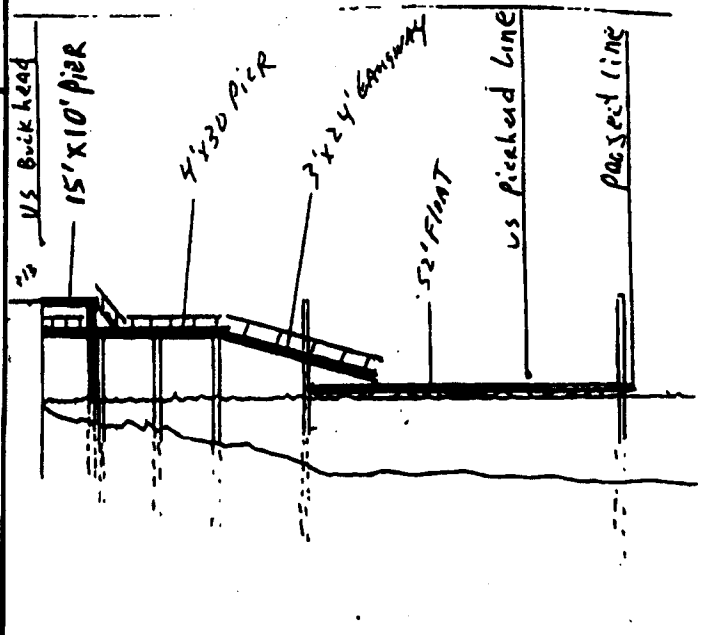
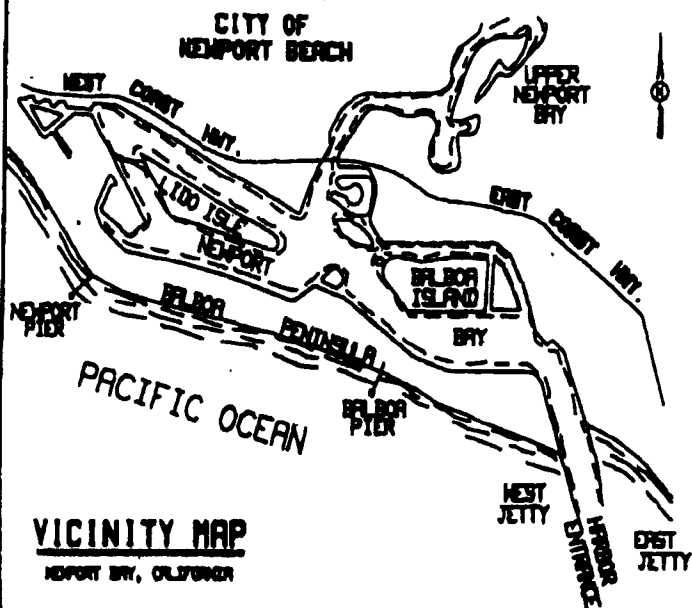
City of Newport Beach

Fire and Marine Department

Scale: 1" = 2000'

NEWPORT
 Newport Information System
 Administrative Services Department
 November, 1999
 BY 16. BDKX

CITY OF NEWPORT BEACH



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

HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH

Chris Miller 1/15/04

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

Chris Miller

SIGNATURE

172-801

PERMIT #

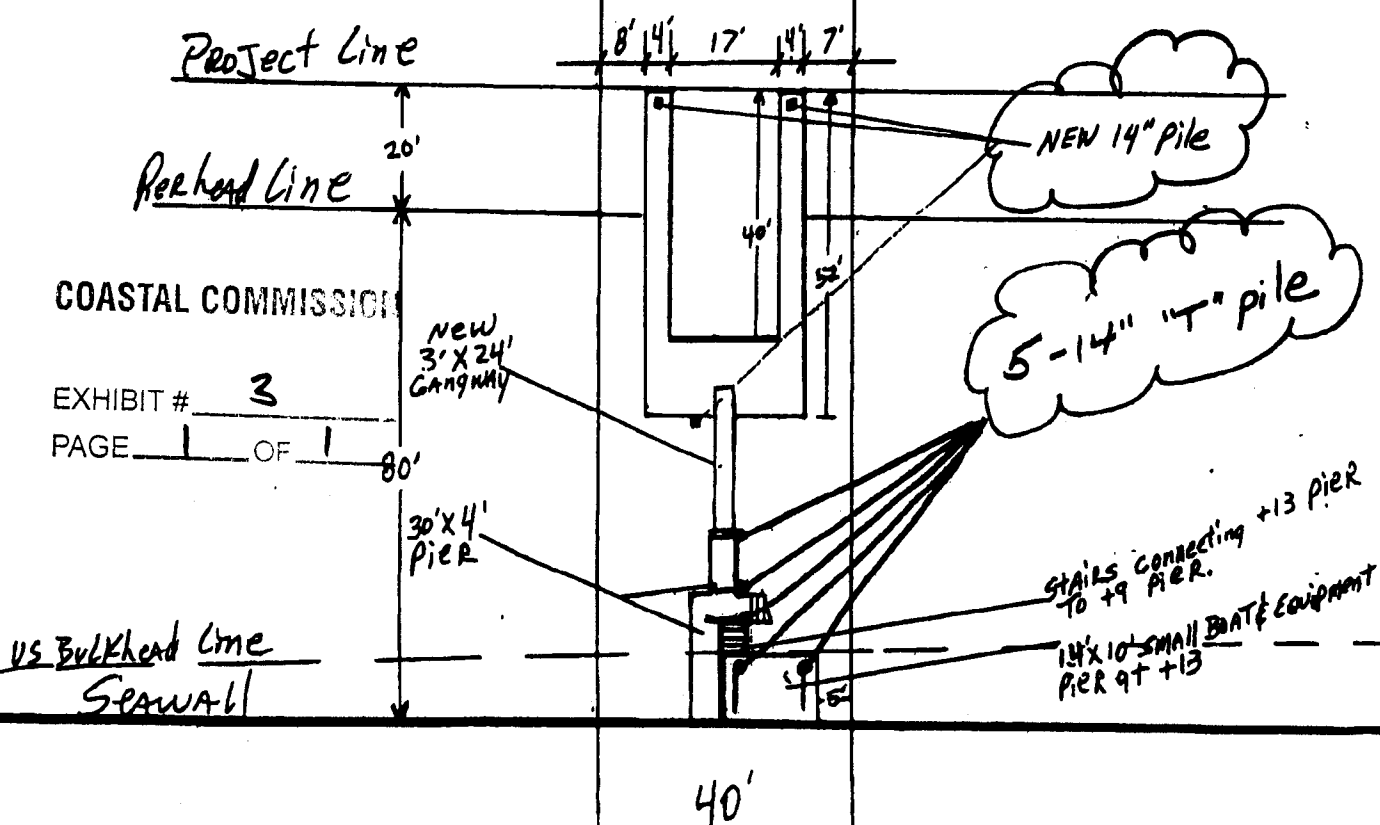
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DATE

COASTAL COMMISSION

EXHIBIT # 3

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STAIRS Connecting +13 Pier TO +9 PIER.
 14'x10' SMALL BOAT EQUIPMENT PIER 9+13

PLAN VIEW. 1" = 40'

APPLICANT'S NAME Dave Lamb

JOB ADDRESS 801 Via Lido Sound

DATE 1-2-04