

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

**W 3c**

Permit Application No. **5-04-037**  
Date: March 25, 2004  
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## ADMINISTRATIVE PERMIT

**APPLICANT:** James Edwards

RECORD PACKET COPY

**PROJECT**

**DESCRIPTION:**

Remove and replace the existing floating dock with a new dock consisting of one (1) 4' x 38' finger and one (1) 38' long finger with a width that narrows from 14' to 10' and a 4' x 40' backwalk. In addition, the project consists of relocating an existing 3' x 24' gangway and relocating three (3) existing 14" concrete pilings. No work on the existing pier is proposed.

**PROJECT**

**LOCATION:**

8 Harbor Island, 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

with a width that narrows from 14' to 10' and a 4' x 40' backwalk. In addition, the project consists of relocating an existing 3' x 24' gangway and relocating three (3) existing 14" concrete pilings. No work on the existing pier is proposed. The new dock will be constructed of Douglas Fir and TREX Composite. As stated previously, no work is proposed on the County property between the applicant's bayward property line and the existing bulkhead.

The dock project will be used for boating related purposes to serve a single-family residential development. 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 site has not been 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 not available on site since it is a private gated community. However, public access is available southeast of the project site at the Balboa Yacht Basin (Exhibit #1). 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 applicant has applied for a permit from the U.S. Army Corps of Engineers.

## 2. Prior Commission Actions at Subject Site

On April 12, 1996, the Commission approved Administrative Permit 5-96-0191-[Shute] for the demolition of an existing single-family dwelling and construction of a new two (2) story, 29 foot high, 6, 111 square foot single-family dwelling with an attached 700 square foot three (3) car garage and 87 square foot deck area. Four (4) Special Conditions were imposed: 1) the permit only approves the development described herein and on the approved plans; 2) no development is approved on the adjacent public land owned by the County of Orange; 3) an application for a coastal development permit for any future development on the adjacent parcel must include the consent of the property owner; and 4) any future development on the adjacent parcel shall require an amendment to this permit or a new coastal development permit.

## 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

**B. Best Management Practices Program**

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

(1) Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
- b. 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.
- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(2) Solid and Liquid Waste Management Measures:

- a. 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.

(3) Petroleum Control Management Measures:

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

**2. Pre-Construction 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 applicant 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

coastal development permit unless the Executive Director determines that no amendment is legally required.

**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

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