

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

TH 3c

Permit Application No. **5-04-217**
Date: July 1, 2004
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**ADMINISTRATIVE PERMIT**

APPLICANTS: City of Newport Beach

RECORD PACKET COPY

**PROJECT
DESCRIPTION:**

Dredging of 50 cubic yards of sediment under an existing public fuel dock and nourishment of the adjacent beach fronting the existing bulkhead using suitable dredged material.

**PROJECT
LOCATION:**

408 South Bay Front, 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:

**Thursday, July 15, 2004
9:00 am
The Westin South Coast Plaza
686 Anton Boulevard
Costa Mesa, CA 92626**

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

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 CONDITION: See page four.

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

The subject site is located at 408 South Bay Front in the City of Newport Beach (Exhibits #1-2). The project site is a Fuel Dock (76 Fuel Dock) with single-family residences on bulkheaded lots flanking the subject site. Southeast of the project site is the Balboa Island Ferry landing, which provides public access (Exhibit #2). The proposed project (Exhibits #2-3) involves the dredging of 50 cubic yards of sediment under an existing public fuel dock and nourishment of the adjacent beach fronting the existing bulkhead using suitable dredged material.

The Coastal Development Permit would only be for the deposition of suitable dredged material for beach nourishment. The beach nourishment is a non-exempt form of development given the placement of beach material on a beach and the attendant use of mechanized equipment on a beach for its placement. The actual dredging activity, which is maintenance dredging of less than 100,000 cubic yards in a one-year period, is exempt from Coastal Development Permit requirements. The dredging would occur under and behind the floating dock. The dock goes aground on the shoreward side at approximately MLLW (0 Tide) and cants toward the bay as the tide goes lower. Canting at the

lowest tides has resulted in damage to the piles and the joints between the float sections. Suitable material is proposed to be pumped from a hydraulic suction dredge via pipeline to a deposition site on the beaches present in front of the adjacent bulkhead. As proposed, suitable dredged material would be deposited for beach nourishment in the near shore area, or above the Mean High Tide Line (MHTL). Where necessary, the sand would be spread mechanically to evenly distribute the sand over the deposition area. The maximum quantity of material that would be disposed under this permit is 50 cubic yards. The proposed beach nourishment is more than 15-feet from any eelgrass bed.

The applicants have provided a baseline evaluation of the suitability of the dredge materials for beach nourishment. This evaluation is contained in *Physical Sediment Testing Results* by MBC Applied Environmental Sciences dated November 20, 2003. This report generally indicates that dredge materials at the site are suitable for beach nourishment from a grain suitability standpoint.

B. Marine Resources

The proposed development is the maintenance of a fuel dock and nourishment of a beach, which promotes recreation and boating that are allowable and encouraged marine related uses. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30224, 30230, 30231 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.

SPECIAL CONDITION:

1. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

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

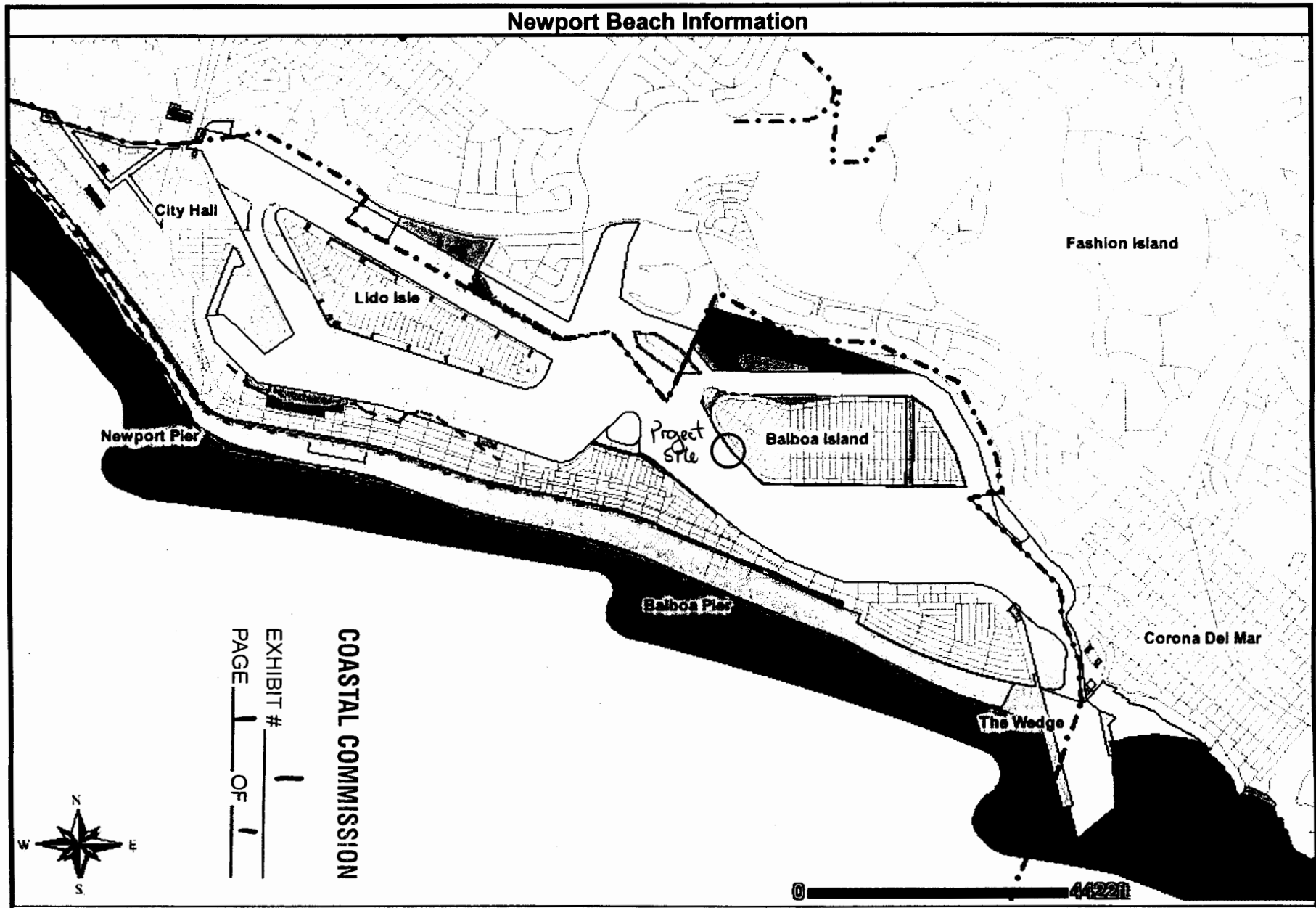
- (a) No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project implementation shall be allowed at any time in the intertidal zone or in the harbor;
- (d) Sediment for beach nourishment shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;
- (e) If turbid conditions are generated during construction a silt curtain shall be utilized to minimize and control turbidity to the maximum extent practicable;
- (f) 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;
- (g) All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (h) The discharge of any hazardous materials into the harbor or any receiving waters shall be prohibited;
- (i) Prior to commencement of beach nourishment the boundaries of any eelgrass meadow within the general project area shall be marked with buoys so that equipment and vessel operators shall avoid damage to eelgrass meadows;
- (j) Barges and other vessels shall be anchored to avoid encroachment into any eelgrass bed.
- (k) Barges and other vessels shall avoid transit over any eelgrass meadow to the maximum extent practicable. Where transit over eelgrass beds is unavoidable such transit shall only occur during high tides when grounding and potential damage to eelgrass can be avoided.

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.

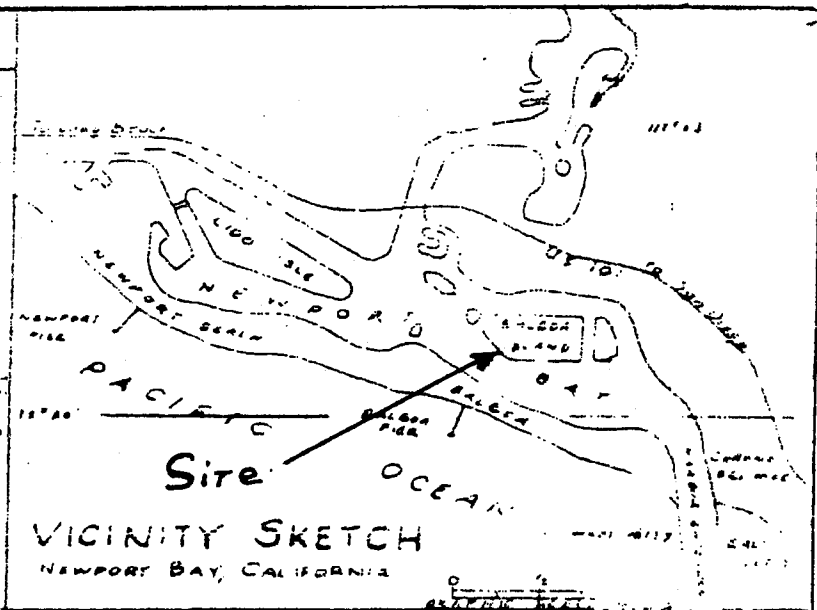
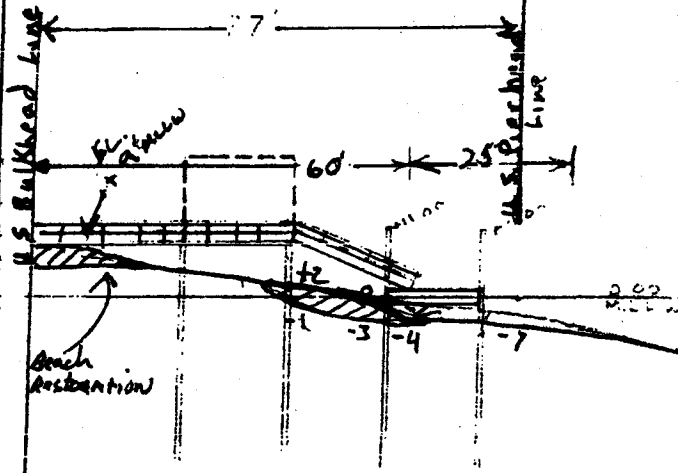
Applicants' Signature

Date of Signing



5-04-217

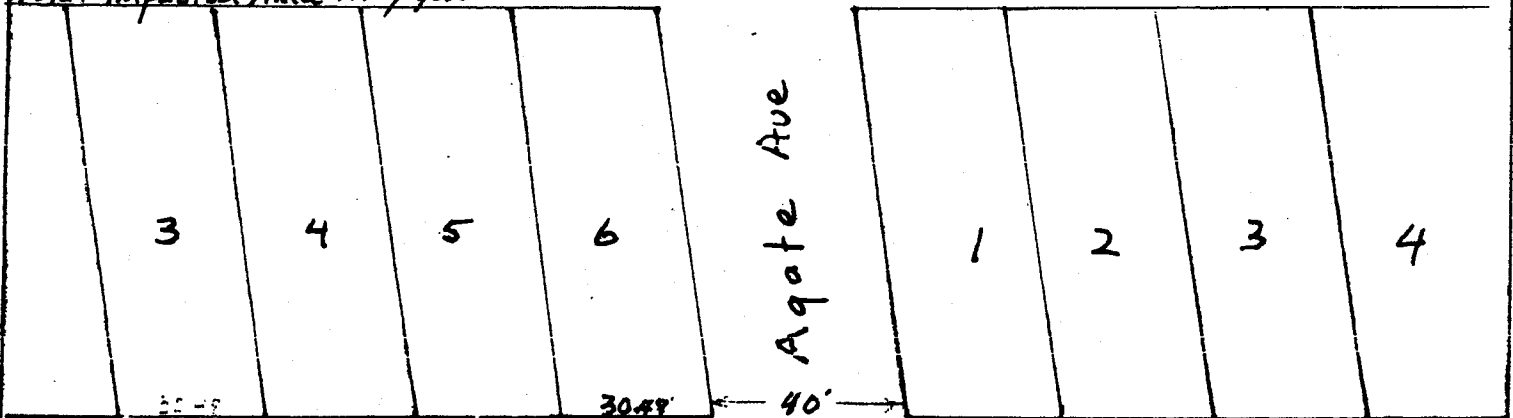
CITY OF NEWPORT BEACH



145 Cu Yards - Profile - Scale 1"=30'

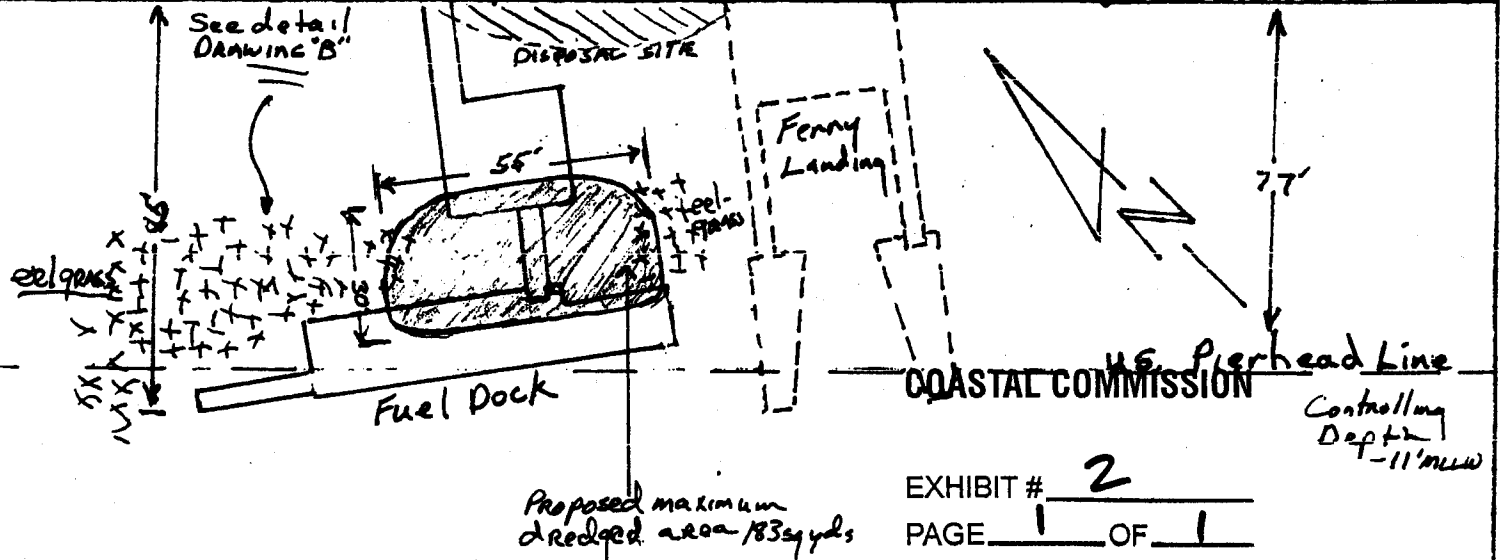
Soundings are expressed in feet and are depths from Mean Lower Low Water. Maximum range of tide approximately 2 feet. All are established in this section of the bay.

Total Impacted Area 711 sq yds



South Bay Front

US Bulkhead Line



Proposed maximum dredged area 183 sq yds

EXHIBIT # 2
PAGE 1 OF 1

DRAWING 'A'

Scale 1"=40'

APPLICANTS NAME: Island Marine Fuels

LOT 5-6 Section Balboa TRACT Island

1100 Santa Rosa Front

CONTRACTOR: Shollmaker DATE 11/30/03

Updated Baygrass

DOCK AT ISLAND MARINE FUEL

408 SOUTH BAY FRONT

BALBOA ISLAND

Survey 5-8-04

