

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

Permit Application No. **5-04-333**  
Date: December 16, 2004  
Page: 1 of 6



## TH 4a

### ADMINISTRATIVE PERMIT

**APPLICANT:** John Schwartz

RECORD PACKET COPY

**PROJECT**

**DESCRIPTION:** Replace existing U-shaped boat dock. Proposed and existing dimensions are: one finger is 8' by 62', one finger is 4' by 68' with a 4' by 21' backwalk. The existing 3' by 24' gangway will be re-decked. No new piles are proposed.

**PROJECT**

**LOCATION:** 89 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:

**THE HILTON LONG BEACH  
701 WEST OCEAN BOULEVARD  
LONG BEACH, CA 90831**

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 to replace in an existing U-shaped boat dock with the same configuration. Proposed and existing dimensions are: one finger is 8' by 62', one finger is 4' by 68', with a 4' by 21' backwalk. The existing 3' by 24' gangway will be re-decked. No new piles or other bottom disturbing activity are proposed.

The subject site is located on Linda Isle in Newport Harbor. Waterfront development in this area, like the majority of harbor front homes in Newport Harbor, includes 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 eelgrass was discovered within 15 feet of the project area. However, because no bottom disturbing activities are proposed, no adverse impacts

are expected from the proposed project. Construction of the new float will take place inland. Then the existing float will be manually detached and floated away. The new float will be floated in and manually attached. Installation involves no barge, no anchors, and no temporary pilings. There will be no contact with harbor bottom. A small outboard motor is mounted to the floating dock components and they are floated into place. The proposed boat dock will have the same dimensions as the existing boat dock. Thus no adverse impacts due to shading are expected from the proposed project.

The nearest public access is located at the sandy public beach along the Balboa Peninsula approximately  $\frac{3}{4}$  mile south of the subject site. The proposed project has received approval in concept from the City of Newport Beach Harbor Resources Division (Harbor Permit No. 133-89). The applicant has applied for approval of the proposed project from the U.S. Army Corps of Engineers. The project has received approval from the California Regional Water Quality Control Board (RWQCB). The RWQCB has determined that the proposed project will not adversely impact water quality if standard construction methods and materials are used.

#### **B. Recreational Marine Resources**

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The proposed project will not result in the removal, relocation or installation of any pilings. Furthermore, there will be no disturbance to the harbor bottom, either temporary or permanent, as a result of the project. Since there are no harbor bottom disturbing activities and the area of shading will not change, 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, 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**

The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, 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.

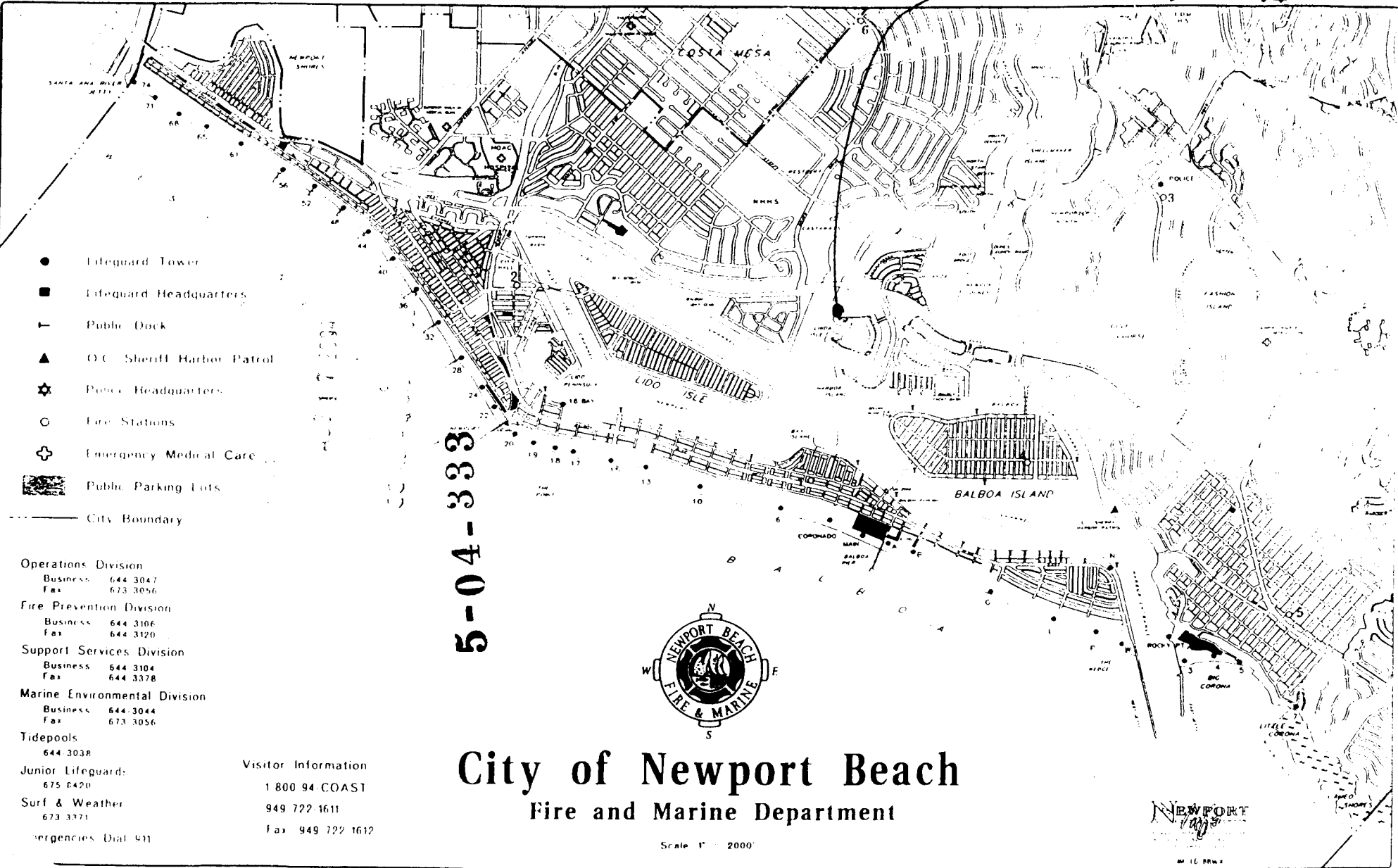
**ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:**

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

Job Site 5-04-33  
 Vicinity Map  
 Exhibit A



- 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 6420

Surf & Weather  
 673 3371

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

5-04-333



# City of Newport Beach

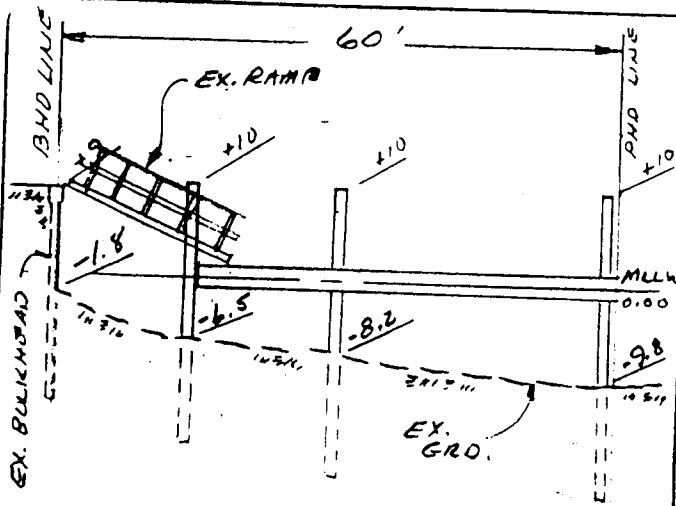
## Fire and Marine Department

Scale 1" = 2000'

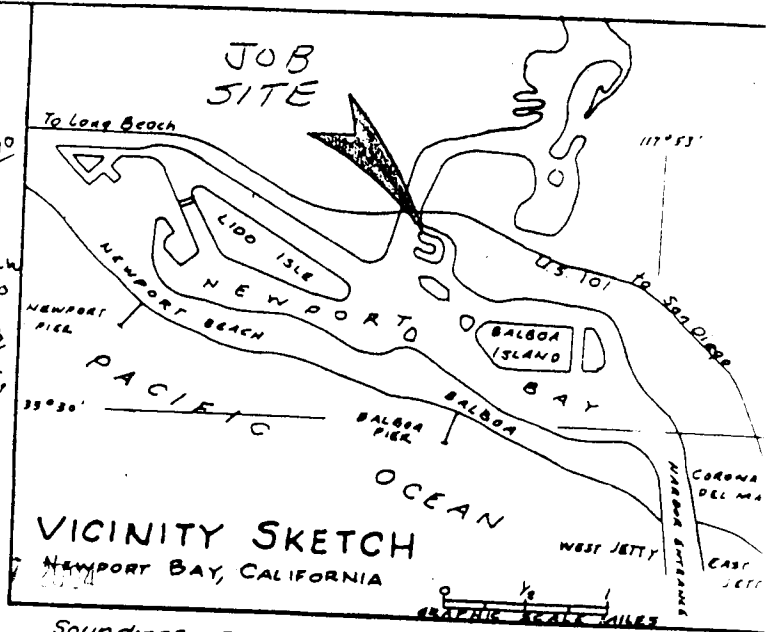
NEWPORT  
 BEACH  
 CALIFORNIA

1 of 2

**CITY OF NEWPORT BEACH HARBOR APPLICATION NO. 133-89**



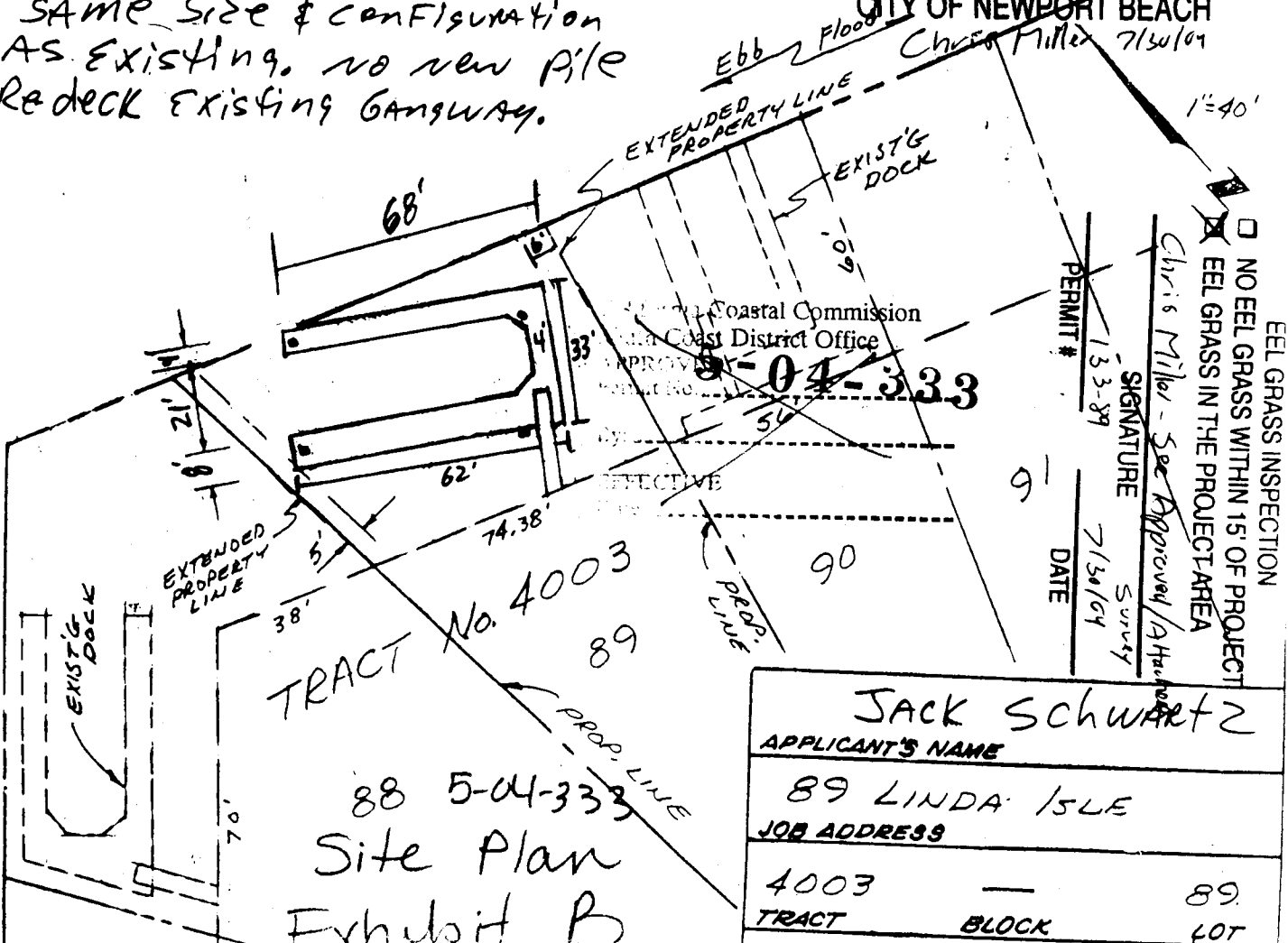
**PROFILE**  
1"=20'



Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines are established in this section of Newport Bay.

**SCOPE OF WORK:**  
Remove Existing FLOAT & Install new FLOAT SAME Size & configuration AS EXISTING. no new Pile Redeck Existing Gangway.

**HARBOR RESOURCES DIV.**  
**CITY OF NEWPORT BEACH**



TRACT No. 4003 89  
88 5-04-333  
Site Plan  
Exhibit B

JACK Schwartz		
APPLICANT'S NAME		
89 LINDA ISLE		
JOB ADDRESS		
4003	—	89
TRACT	BLOCK	LOT



# California Regional Water Quality Control Board

## Santa Ana Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
(951) 782-4130 • Fax (951) 781-6288  
<http://www.swrcb.ca.gov/rwqcb8>

**Arnold Schwarzenegger**  
Governor

August 12, 2004

5-04-333

2004 17 2004

Beth Swift  
Swift Slip Dock and Pier Builders, Inc.  
2027 Placentia Avenue  
Costa Mesa, CA 92627

### PROPOSED REBUILDING OF BOAT DOCK, JOHN SCHWARTZ, 89 LINDA ISLE, NEWPORT BEACH, ORANGE COUNTY

Dear Ms. Swift:

If standard dock construction methods and materials are utilized, this project should not adversely impact water quality. A statement has been submitted that there will be no waste discharged from the proposed project. Based on these assurances, clearance is provided.

However, should the Army Corps of Engineers determine that this project requires a Section 404 permit, it will be necessary for the project proponent to obtain from this Board a Water Quality Certification under Section 401 of the Clean Water Act.

Should you have any questions, please contact J. Shami at (951) 782-3288.

Sincerely,

for

Filomeno (Jun) T. Martirez, Jr., P.E.  
Chief, Regulations Section

cc: California Coastal Commission, Long Beach  
Army Corps of Engineers – Erik Larsen  
City of Newport Beach, Marine Department - Tony Meller

JIS/blutag222let

5-04-333  
Exhibit C