

CALIFORNIA COASTAL COMMISSION

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

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Permit Application No. **5-05-465**
Date: March 23, 2006
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**ADMINISTRATIVE PERMIT**

APPLICANT: Robert Barth

PROJECT

DESCRIPTION: Remove an existing boat dock and replace it with a new dock in the same location with the same dimensions. New boat dock is proposed to be a "U" shaped dock, one finger will be 8' by 92', one finger will be 6' by 60', backwalk is 16' by 23'. Also proposed is re-decking of the existing gangway and pier. No new piles are proposed.

PROJECT

LOCATION: 42 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:

Hotel Mar Monte
1111 East Cabrillo Blvd.
Santa Barbara, CA
(805) 879 -1340

Tuesday, April 11, 2006 at 10 a.m.

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 remove an existing boat dock and replace it with a new dock in the same location with the same dimensions. The new boat dock is proposed to be a "U" shaped dock, one finger will be 8' by 92', one finger will be 6' by 60', backwalk is 16' by 23'. Also proposed is re-decking of the existing gangway and pier. No new piles are proposed.

The subject site is located at 42 Linda Isle in Newport Beach, Orange County. The site fronts on Newport Harbor. The majority of harbor front, residential development in Newport Harbor is surrounded by private recreational boat docks. The proposed dock project 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. No bottom disturbing activities are proposed, therefore, pre-construction eelgrass and *Caulerpa taxifolia* surveys are not necessary in this case.

Linda Isle is a private community within Newport Harbor. No public access exists at Linda Isle. The nearest public access is located along the public walkway that surrounds Balboa Island, approximately ½ mile southeast of the subject site. Public access also exists approximately 1 mile south at the public beach along the Balboa Peninsula. The proposed project has received approval in concept from the City of Newport Beach (Harbor Permit No. 133-42). 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. Recreational Marine Resources

The proposed recreational boat dock development and its associated structures do not result in the fill of coastal waters and are an allowable and encouraged marine related use. The proposed dock work will not have any significant adverse effect on sensitive marine resources, such as eelgrass. Therefore, the Commission finds that the proposed development, which is to be used solely for recreational boating purposes, conforms with Section 30224 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. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. 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.

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:

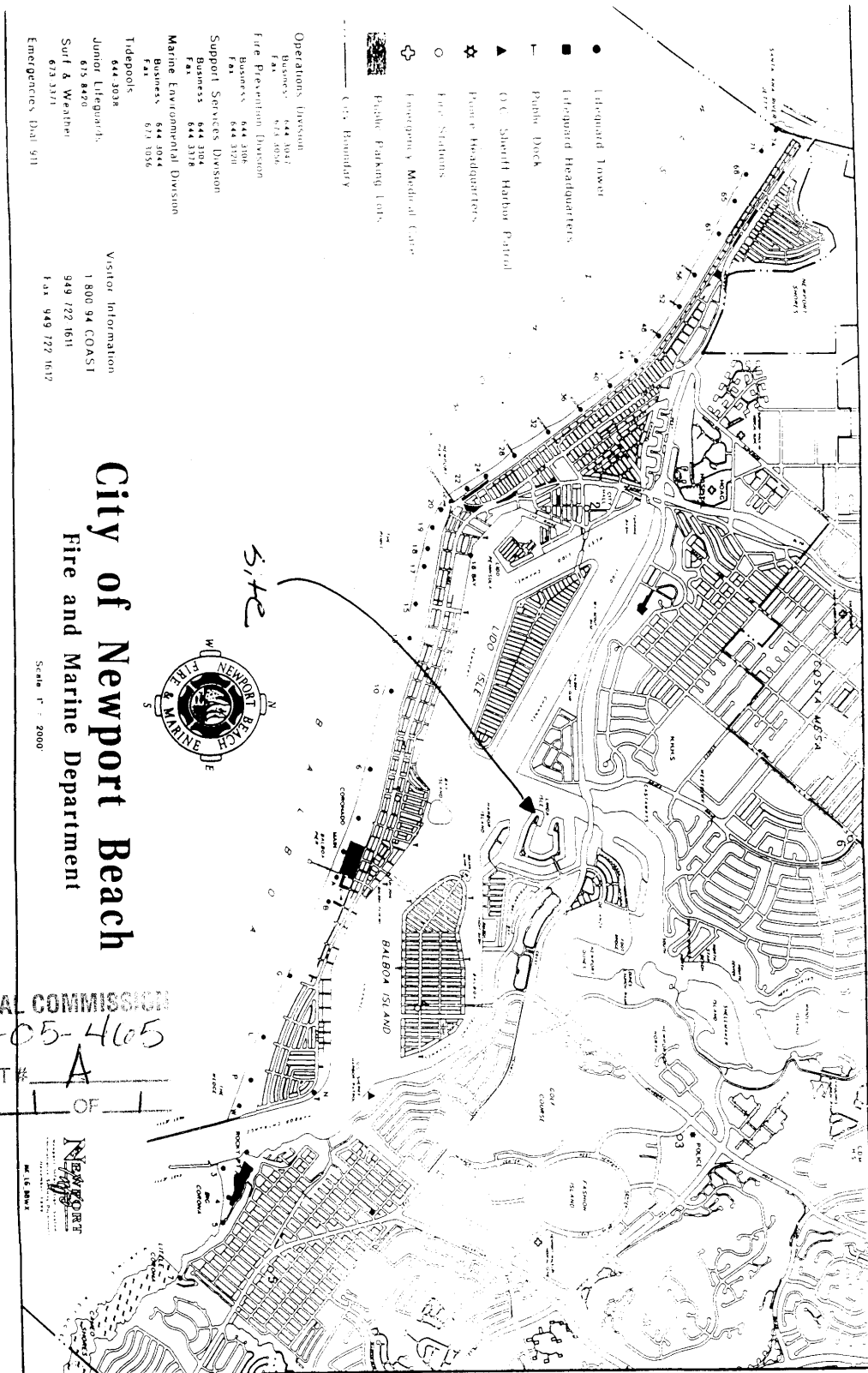
1. Oil absorbent materials shall be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines 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:

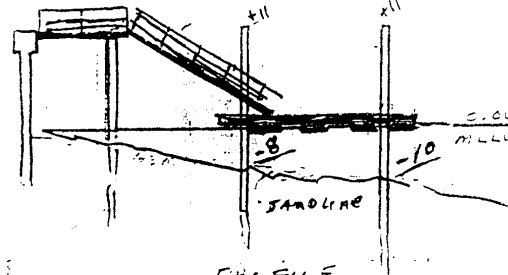
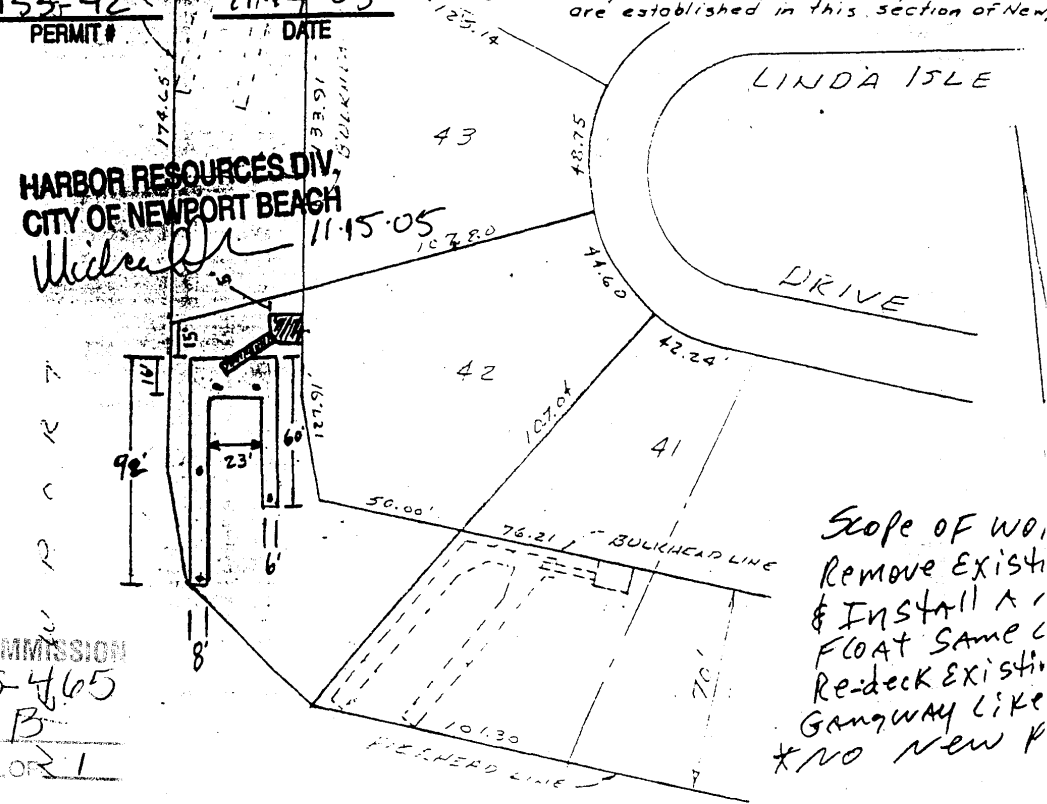
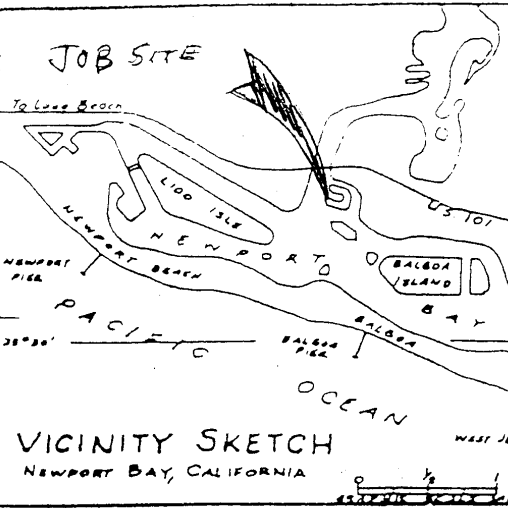
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



DRAWING 100-11

<p>CITY OF NEWPORT BEACH</p>  <p>EEL GRASS INSPECTION <input checked="" type="checkbox"/> NO EEL GRASS WITHIN 15' OF PROJECT <input type="checkbox"/> EEL GRASS IN THE PROJECT AREA</p> <p><i>Wick</i> SIGNATURE PERMIT # 133-42 DATE 11-14-05 14:30</p> <p>HARBOR RESOURCES DIV., CITY OF NEWPORT BEACH <i>Wick</i> DATE 11-15-05 10:30</p>  <p>COASTAL COMMISSION 5-05-465 EXHIBIT # B PAGE 1 OF 1</p> <p>JLB No. 79651</p>	<p>JOB SITE</p>  <p>VICINITY SKETCH NEWPORT BAY, CALIFORNIA</p> <p><small>Soundings are expressed in feet and depths below Mean Lower Low Water. Range of tide approximately 10 feet. Heights are established in this section of New.</small></p>
<p>APPLICANTS NAME Bob BARTH</p> <p>JOB ADDRESS 42 LINDA ISLE</p>	<p>LOT 42 BLK. — TRA</p> <p>CONTRACTOR Swift Slip DA: DRAWN BY <i>R. H. H.</i></p>

SCOPE OF WORK
Remove Existing
& Install A
FLOAT SAME
Re-deck Existing
Gangway Like
*NO NEW P