

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

# W3d

Permit Application No. **5-06-176**

Date: June 22, 2006

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## ADMINISTRATIVE PERMIT

**APPLICANT:** Robert Emett

### PROJECT

**DESCRIPTION:** Remove and replace existing boat dock. Proposed "U" shaped dock will include two 5' by 55' fingers, and a 5' by 19' backwalk. No work is proposed to the existing gangway, pier and approach. Four existing piles will remain in place and be re-used (two 14" diameter and two 12" diameter concrete piles).

### PROJECT

**LOCATION:** 25 Bay 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, July 12, 2006 at 10 a.m.  
Catamaran Resort Hotel  
3999 Mission Boulevard  
San Diego, CA 92109  
(858) 539-8700

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**

The applicant proposes to remove and replace an existing boat dock. Proposed "U" shaped dock will include two 5' by 55' fingers, and a 5' by 19' backwalk. No work is proposed to the existing gangway, pier and approach. Four existing piles will remain in place and be re-used (two 14" diameter and two 12" diameter concrete piles).

The subject site is located at 25 Bay Island 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. The existing piles are proposed to remain in place and be reused. No bottom disturbing activities are proposed, so no adverse impacts to eelgrass would be anticipated should eelgrass develop at the site. Also because no bottom disturbing activities are proposed, no *Caulerpa taxifolia* impacts are anticipated either.

The proposed dock slightly exceeds the U.S. Pierhead line, but is well within the U.S. Project line. This is consistent with past commission actions in the area. The nearest public access is located approximately ½ mile south of the subject site at the sandy public beach that runs along the Balboa Peninsula. The proposed project has received approval in concept from the City of Newport Beach (Harbor Permit No. 165-25). Because no pile placement is proposed and thus no bottom disturbing activities will occur, no approval from the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board (RWQCB) is required.

**B. 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 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 comprehensively updated in October 2005. 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 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

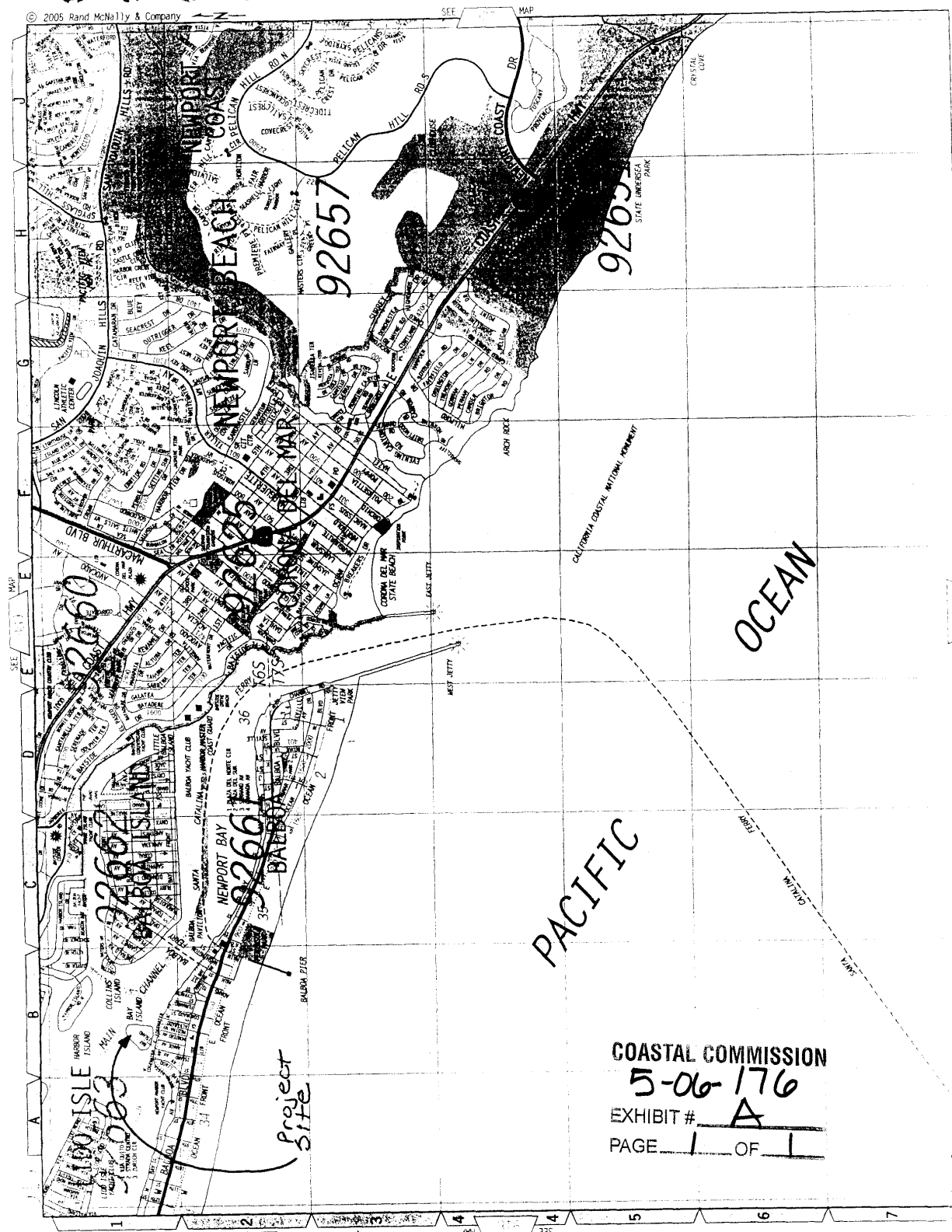
regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas and shall not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is prohibited.

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

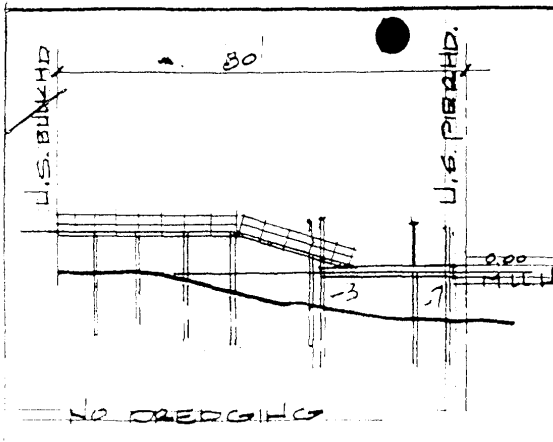
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicants' Signature

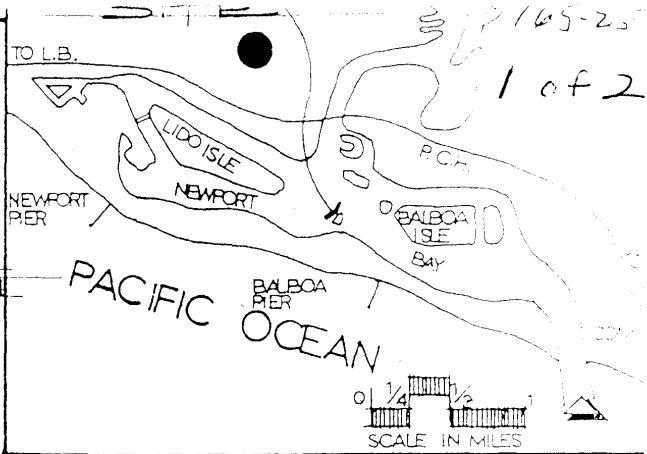
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Date of Signing



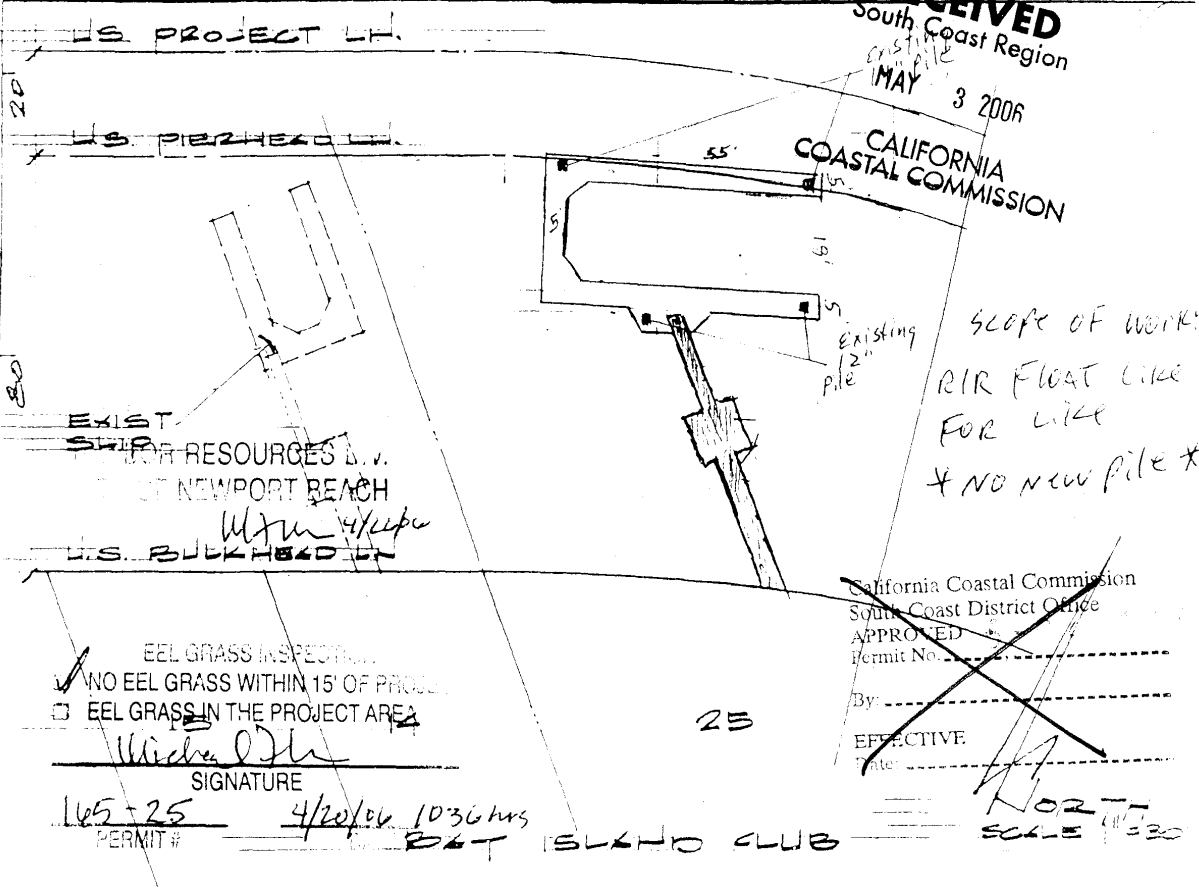
ORANGE CO



PROFILE SCALE 1"=30'



VICINITY SKETCH  
 NEWPORT BAY, CALIF.



APPLICANTS NAME	BAY IS ASSOC. / Robert Emmett	TRACT	BAY ISLAND
JOB ADDRESS	25 BAY ISLAND	DATE	4-11-06

5-06-176

Exhibit B