

CALIFORNIA COASTAL COMMISSION

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Staff: Fernie Sy-LB
Staff Report: September 27, 2007
Hearing Date: October 10-12, 2007
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-07-169

APPLICANT: City of Newport Beach Harbor Resources Division, Attn: Chris Miller

AGENT: Swift Slip

PROJECT LOCATION: 215 15th Street; City of Newport Beach (Orange County)

PROJECT DESCRIPTION: Removal and replacement of an existing single-finger dock with a pump-out facility in essentially the same configuration with a 4' x 46' pier supported by four (4) -14" "T" piles, a 3' x 24' gangway, a 10' x 36' finger with two (2)-14" concrete guide piles. In addition, removal and replacement of an existing chain link fence located on the beach along the eastern property line. The dock system will be composed of Douglas fir and trex composite. Furthermore, the existing pump-out motor will be relocated onto the new dock float and a second pump-out motor, nozzle and discharge line will be located on the new float. The temporary pump station will be removed from 15th Street pier upon project completion.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves the removal and replacement of an existing single-finger dock with a pump-out facility in essentially the same configuration and relocation of associated pumps, and the removal and replacement of an existing fence on the beach. The major point of contention before the Commission relates to public access and the replacement of the fence on the beach. The existing and proposed fence obstructs public access to sandy public beach and public tidelands. While certain areas of the tidelands are subject to a lease between the City of Newport Beach (the tidelands administrator) and the American Legion (a community service organization), there are no provisions in the tidelands grant from the State to the City, nor any provisions in the lease itself, which establish any right for the American Legion to limit public access to or use of any portion of the public tidelands/beach that is within their lease. Furthermore, even if such provision existed in the tidelands grant or lease, Coastal Act and the City's LUP policies prohibit any development that would obstruct public access to sandy beaches and public tidelands. In order to address this issue, staff recommends the Commission adopt Special Condition No. 1 which requires demolition of the fence, as proposed, but prohibits reconstruction of that fence. Special Condition No. 1 includes a provision which would allow the Executive Director to approve limited fencing to secure existing facilities within the American Legion leasehold, provided such fencing does not interfere with public access and use of the sandy beach.

There is a second access issue that relates to fencing the pier that leads from the beach out to the proposed pump-out dock. That fencing would prevent general public use of the pier and dock from the land. However, with removal of the fencing that obstructs access to the beach, and given that there is public access at the pier and dock adjacent to the site at the 15th Street street end, and that public access to the pump-out dock from the beach could conflict with the intended use of the pump-out dock, Commission staff believe such fencing of the proposed pier is acceptable. The pump-out facility will be open to vessels from the water at all times, thus, the pump out facility will be open and available to the public for its intended purpose.

Staff is recommending **APPROVAL** of the proposed project subject to **SIX (6) SPECIAL CONDITIONS** requiring: **1)** submittal of revised project plans showing the complete project and that the existing fence along the eastern property line and adjacent to the existing and proposed pier and dock will be removed and not replaced; **2)** pre and post-construction eelgrass surveys and if additional eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*; **3)** that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and buffer areas have been eliminated or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*; **4)** the disposal of all demolition and construction debris at an appropriate location; **5)** adherence to Best Management Practices to ensure the continued protection of water quality and marine resources; and **6)** the applicant to submit an operation and maintenance plan for over-water sewer lines.

The City has urged the Commission to take action on the matter at this October 2007 hearing because a public grant from the California Department of Boating and Waterways to the City for the proposed project is at risk of expiring. While expressing some concern on behalf of the American Legion relative to the loss of the fence, as of the date of this staff report, the City has indicated that it would not object to an action on this matter consistent with the staff recommendation.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

LOCAL APPROVALS RECEIVED: Approval-in-Concept/Harbor Permit No. 118-215 dated March 21, 2007 from the City of Newport Beach Harbor Resources Division.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; Letter from Commission staff to Swift Slip Dock and Pier Builders dated June 13, 2007; and Letter from Swift Slip Dock and Pier Builders to Commission staff dated June 19, 2007.

LIST OF EXHIBITS

1. Vicinity Map
 2. Demolition Plan
 3. Site Plan
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I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-07-169 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. 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 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.

III. SPECIAL CONDTIONS

1. **REVISED PROJECT PLANS**

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of revised final project plans (i.e. site plan, elevations, cross-sections, etc.). These revised final project plans shall depict all elements of the project, as described in the project description in the staff report dated September 27, 2007, except that the existing fence that is proposed to be removed that is located along the eastern property line and adjacent to the existing and proposed pier and dock, shall not be replaced. Subject to the review and approval of the Executive Director, some limited fencing/gating may be installed to secure the facilities leased by the American Legion provided such fencing/gating does not interfere in any way with public access to and use of the sandy beach.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **EELGRASS SURVEY(S)**

- 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 the survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. 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 post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio (mitigation:impact) on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is legally required.

3. PRE-CONSTRUCTION CAULERPA TAXIFOLIA SURVEY

- A.** Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B.** The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C.** Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - i. for the review and approval of the Executive Director; and
 - ii. to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.
- D.** If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project area and all *C. taxifolia* discovered within the buffer area have been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

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

- A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to tidal and wave erosion and dispersion.
- B. Any and all debris resulting from construction activities 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. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- E. If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- F. Measures shall be taken to ensure that barges do not ground and impact eelgrass sites.
- G. 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.
- H. Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.
- I. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery, pile drivers, or construction equipment or power tools into coastal waters. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.
- J. 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.
- K. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
- L. The applicant shall use the least damaging method for the construction of pilings and any other activity that will disturb benthic sediments. The applicant shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

5. **BEST MANAGEMENT PRACTICES PROGRAM**

By acceptance of this permit the applicant agrees that the water-borne docking 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 will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

C. Petroleum Control Management Measures:

1. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed 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. The use of soaps that can be discharged by bilge pumps is prohibited.
2. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
3. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

6. OPERATION, MAINTENANCE, AND REPAIR OF OVER-WATER SEWER LINES

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, an operation and maintenance plan for over-water sewer lines. The over-water sewer

lines include all pipes from sewage pump-out facilities, the on-dock boating facilities, and any other pipe which leads to a sanitary sewer. The over-water sewer lines shall be visually inspected at least once per week and dye- or pressure-tested at least once every six months. All leaks shall be repaired immediately upon discovery. If the applicant determines that a more stringent procedure is necessary to ensure protection of coastal water quality, then the applicant shall update the operation and maintenance plan.

- B.** The permittee shall undertake development and ongoing maintenance and operation in accordance with the approved final plan and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

1. Project Location

The proposed development (a pier and dock with pump-out facilities and fencing and described in greater detail below) is located along the easterly boundary of a site at 215 15th Street in the City of Newport Beach, Orange County (Exhibits #1 & #3). The subject property is bay front State tidelands granted to the City of Newport Beach and includes filled uplands, sandy beach and water. A portion of these tidelands are leased to the American Legion¹ (a community service organization). As described more fully below, the site is developed with a building/gathering hall, parking and dry boat storage, a marina, and apart from the marina, the subject pier, dock and fencing. East of and contiguous with the subject site is a bay front, street-end beach where another pier, dock and temporary pump-out station exists. The City of Newport Beach certified Land Use Plan (LUP) designates the site for Open Space.

The subject existing/proposed pier crosses over the sandy beach to the existing/proposed dock with pump out facility. Upland portions of the drier sandy beach area are within the area leased by the American Legion. The most seaward portion of the sandy beach and water is outside the leased area. However, the American Legion facility is fenced along its westerly (upcoast), easterly (downcoast) and southerly (inland) boundaries, including sandy beach area located both within the leased area and outside of the leased area. Casual access from the adjacent street-end beach to the beach within the leasehold and seaward of the leasehold is not possible because of the fence that runs along the easterly limit of the leased area, from the legion hall, beyond the leasehold limit to the water line (Exhibit #3). The applicant is proposing to demolish and replace that fence as part of the project. However, one issue that will be addressed further in the 'Access' discussion in these

¹ The American Legion has leased the site from the City of Newport Beach since March 10, 1975. The lease was recently renewed on December 6, 2002 for a period of 25 years with an option to extend the lease for an additional 25 years.

findings is that there are no provisions in the lease from the City to the American Legion that establishes any right for the American Legion to exclude the general public from using the sandy beach (which are public tidelands). Nevertheless, the existing and proposed fence creates such an exclusion.

The existing and new pump-out dock pumps out sewage from vessel holding tanks only into the City's sewer system. The City of Newport Beach Harbor Resources division currently inspects this and the four (4) other pump-out facilities in the bay 5-days a week. The pump-out station is available for the public to use free of charge, any day and anytime of the week and this will continue post-project.

The subject City property leased to the American Legion, includes the following uses: an approximately 10,000 square foot Legion Hall and ancillary food/drink service area, a marina consisting of 49 slips and 34 lockers, dry boat storage and lockers consisting of 47 spaces and 43 dingy racks; and a parking lot consisting of 26 spaces. The marina and dry boat storage facilities are currently available only to members of the American Legion. However, the legion hall is available to members of the public for events.

To the north of the project site is Newport Bay. Adjacent to and east of the project site is a public beach and the 15th Street public pier located at the 15th Street, street end. Other landmarks/uses in the vicinity include, to the south, a public park (Veterans Park), a commercial building and then Balboa Boulevard; to the west (i.e. west of the fenced American Legion leasehold) is a public beach (Las Arenas Beach) (Exhibit #3). Las Arenas Beach fronts the Marina Park Mobile Home Park. Redevelopment of the mobile home park site and the American Legion leased area is pending. Similar to the subject site, the mobile home park and Las Arenas Beach are designated Open Space.

2. Project Description

The subject pier and dock with pump-out facilities has been in operation since 1988. Approximately three (3) years ago, the facility had to be closed due to deterioration and disrepair, hence the application to replace it. In the meantime, the stanchion and the nozzle assembly located on the subject dock was relocated approximately 30-feet to the east to the 15th Street public pier and dock. In addition, the plumbing to support the pump out facility was routed to the 15th Street public pier. The pump out motor located at the base of the subject pier remained at its original location. The relocated pump-out operation currently still resides today at the 15th Street public dock. The proposed project would return the pump-out operation to its previous location, and the 15th Street public pier and dock would return to a public pier for transient vessel berthing and fishing.

The proposed project consists of removal and replacement of an existing single-finger dock with a pump-out facility in essentially the same configuration with a 4' x 46' pier supported by four (4) -14" "T" piles, a 3' x 24' gangway, a 10' x 36' finger with two (2)-14" concrete guide piles. In addition, an existing chain link fence located on the beach along the eastern property line and the pier will be demolished and replaced. Also, the project proposes gates on the proposed pier to control landside access to the pump-out dock. The dock system will be composed of Douglas fir and trex composite. Additionally, the nozzle and stanchion will be relocated back to this new dock from the 15th Street public pier (Exhibit #2). The pump-out motor located at the base of the pier, as previously described, would be relocated onto the float of the new dock to maximize the pump's suction capabilities.

Furthermore, since this a heavily used pump-out facility, a second pump-out motor, nozzle and discharge line will be located on the new float so that two (2) boats can use the facility at the same time and to ensure that there will always be a working unit in case one fails. In addition, a fire hose cabinet on the float and water supply are being proposed.

The applicants' submitted project plans do not show the complete proposed project, such as the relocation of the pump to the float and the fire hose cabinet and water supply. Therefore, the Commission imposes **SPECIAL CONDITION NO. 1**, which requires the applicant to submit complete project plans.

B. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby...

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30240 (b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and

recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The City's recently updated certified Land Use Plan (LUP) also contains the following policies that would apply to the proposed development:

Land Use and Development/Visitor-Serving and Recreational Development, Policy 2.3.2-1. states,

Continue to use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources.

Land Use and Development/Visitor-Serving and Recreational Development, Policy 2.3.3-5 states,

Continue to provide and protect public beaches and parks as a means of providing free and lower-cost recreational opportunities.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.1-1 states,

Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.1-2 states,

Protect and enhance all existing public street ends providing public access to the shoreline, beaches, coastal parks, and trails.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.1-4 states,

Identify and remove all unauthorized structures, including signs and fences, which inhibit public access.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.1-11 states,

Require new development to minimize impacts to public access to and along the shoreline.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.1-21 states,

Provide a continuous waterfront walkway along the Rhine Channel connecting Cannery Village and McFadden Square waterfront commercial areas with Las Arenas Beach at 19th Street.

Public Access and Recreation/Shoreline and Bluff Top Access, Policy 3.1.4-3 states,

Design and site piers, including remodels of and additions to existing piers so as not to obstruct public lateral access and to minimize impacts to coastal views and coastal resources.

Public Access and Recreation/Berthing and Storage, Policy 3.3.2-7 states,

Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dingy docks, guest docks, club guest docks, pump-out stations and other features, through City, County, and private means.

1. Fencing and Public Access to Sandy Beach/Public Tidelands

One of the main tenets of the Coastal Act is the preservation and enhancement of coastal access. The City's certified Land Use Plan (used as guidance) also strongly supports protection and enhancement of coastal access. The subject property is bay front State tidelands granted to the City of Newport Beach. This bay front area is a prime access point to the City's bay for fishing, kayaking/small vessel launching from the beach, viewing, and passive uses of the sandy beach. The general public currently has access to the sandy beach, public pier and dock located at the 15th Street street end which is adjacent to the subject site, however, they don't have access to the beach at the subject site. Along 15th Street there is a sizeable quantity of metered parking spaces, as well as public parking spaces along Balboa Boulevard and surrounding public streets. This small bay front beach area at the end of 15th Street is popular and heavily used due to available parking, grassy park area (Veterans Park), fishing and temporary vessel berthing opportunities at the small public pier at 15th Street, proximity to nearby commercial support areas, and proximity to the ocean front beach on the opposite side of the peninsula.

There is additional sandy beach area along the bay at the subject site adjacent to the 15th Street street end beach. This beach area is public tidelands. However, the subject fence which the applicant proposes to demolish and reconstruct in the same alignment obstructs public access to these public tidelands. If the fence were removed and not reconstructed the public would regain access to these public tidelands. Without the fence, the proposed pier and dock would not substantially interfere with access to the beach because there is space on the beach between the end of the pier and the adjacent gathering hall to allow the public to obtain beach access.

As noted above, upland portions of the drier sandy beach area are within an area leased by the American Legion. The most seaward portion of the sandy beach and water is outside the leased area. However, the American Legion facility is fenced along its westerly (upcoast), easterly (downcoast) and southerly (inland) boundaries, including sandy beach area located both within the leased area and outside of the leased area. Casual public access from the adjacent street-end beach to the beach within the leasehold and seaward of the leasehold is not possible because of the fence that runs along the easterly limit of the leased area, from the legion hall, beyond the leasehold limit to the water line. The applicant is proposing to demolish and replace that fence as part of the project. The Commission notes that there are no provisions in the lease from the City to the American Legion that establish any right for the American Legion to exclude the general public from using the sandy beach (which are public tidelands). In addition, the City did not have the authority to grant the American Legion the ability to exclude the public from the State tidelands, even if the lease purported to do so. Nevertheless, the existing and proposed fence creates such an exclusion.

This existing fence is proposed to be removed and replaced in the same location. However, the fence currently prohibits access to the sandy beach in its entirety (area leased by the American Legion and public beach), thus resulting in impacts to public access to the beach. Replacement of this fence this would allow continued adverse impacts to public access by continuing to prevent access to the sandy public beach. The proposed project presents an opportunity to enhance

public access and thus an action must be taken to improve and provide public access. The existing fence should be removed and not replaced. Therefore, the Commission imposes **SPECIAL CONDITION NO. 1**, which requires the applicant to submit revised project plans showing that the existing fence along the eastern property line and adjacent to the existing and proposed pier and dock will be removed and not replaced. Subject to the review and approval of the Executive Director, some limited fencing/gating may be installed to secure the facilities leased by the American Legion, such as along the paved patio adjacent to the legion hall fronting the sandy beach. However, this proposed fencing/gating may not interfere in any way with public access to and use of the sandy beach.

2. Fencing the Pier and Limiting Land-side Access to the Pump-Out Dock

As proposed, public access to the subject dock with pump-out facilities would only be available from the water. The pump out facility is typically available to vessels 24/hrs per day, 7 days per week (except during maintenance). A series of gates, on the existing and proposed pier would prevent public access to the dock from the beach. The applicant has argued that access to the dock from the beach is unnecessary since the sole purpose of the proposed dock is as a pump-out facility for boats/vessels which access the pump-out from the water, not from land. The applicant also argues that use of the pump-out dock for any type of access, such as for fishing or for other vessel berthing, would interfere with operation of the pump-out facility, reducing its effectiveness as a tool to protect and enhance water quality. Finally, as described more fully below, the applicant argues that the existing public pier and dock at 15th Street provides fishing and vessel berthing opportunities and that keeping the pump out facility separate from these other uses is necessary and won't adversely impact public access.

As described above, the pump-out facility once present at the subject pier and dock were temporarily moved over to the 15th Street public pier about 3 years ago when the subject pier and dock were closed due to severe deterioration. The pre-existing, now defunct, dock with pump out facility served solely as a pump-out facility, while the 15th Street public pier provides several functions including temporary berthing for boats, fishing, and until the new dock with pump-out facilities is constructed, a boat pump-out station. The applicant has argued that these various uses are not compatible, in particular due to clashes between vessels approaching and departing the dock to use the pump-out and fisherman angling from the dock. Once the proposed project is complete, the two docks will resume their prior, distinct uses. The 15th Street public pier and dock will resume its use as temporary vessel berthing and fishing pier, while the subject dock with pump-out facilities east of the 15th Street public pier will resume its sole use as a pump-out facility. The City expects this arrangement to reduce or eliminate clashes between the various users that developed over the last several years.

The City also notes that an additional benefit to the proposed project is improved access to the - pump out facility. Those using the pump-out facility at the 15th Street public pier report that prevailing winds interfere with rapid ingress/egress to the pump-out which requires the vessel to be oriented parallel to the shore, whereas the proposed pump-out dock will allow an approach that is perpendicular to the shore which is less challenging given the prevailing winds.

Although the applicant is proposing gates to limit access to the new pump-out dock from land, it would not limit overall access. Overall access will be improved by removal of the fence that obstructs access to the sandy beach and water and other modes of access to the bay would continue to be provided from the 15th Street public pier, east of the project site. The 15th Street

public pier is only temporarily serving as a pump-out dock; it is mainly used for berthing and fishing.

In addition, the applicant states that if access from the beach is required for the new pump-out dock, the City's Building Department would require that the dock be compliant with American's with Disabilities Act (ADA) requirements as well. However, the applicant argues that significant changes to the design of the proposed pier, gangway and dock would be required to meet ADA requirements, which would render the project infeasible. For example, while the proposed gangway would be 24 feet, ADA requirements would require the gangway to be lengthened to approximately 80 feet in order to minimize the slope from the pier to the dock. Such a design would cause the structure to project beyond the harbor pierhead line in an area where such projections are prohibited by both local and Federal navigation requirements. Limiting land-side access to the pier would eliminate the need for ADA compliance. Meanwhile ADA compliant access is available at the 15th Street public pier, east of the project site.

CONCLUSION

To minimize the adverse impacts upon public access, **ONE (1) SPECIAL CONDITION** has been imposed. **SPECIAL CONDITION NO. 1** requires the applicant to submit revised project plans showing the complete project and that the existing fence along the eastern property line will be removed and not replaced. Only as conditioned does the Commission find that the proposed project is consistent with Sections 30210, 30212, 30212.5, 30213, 30224, and 30240 (b) of the Coastal Act.

C. WATER QUALITY AND THE MARINE ENVIRONMENT

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

1. Eelgrass and other Sensitive Species Impacts

Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the *Southern California Eelgrass Mitigation Policy* (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG).

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. An eelgrass survey took place on March 2, 2007 by the City of Newport Beach Harbor Resources Division and eelgrass surveys completed during the active growth phase of eelgrass (typically March through October) are valid for 60-days with the exception of surveys completed in August-October. A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). The project is agendaized for the October 2007 Coastal Commission Hearing and by this time the eelgrass survey would not continue to be valid since it will be past 60 days. Thus, an up-to-date eelgrass survey must be conducted. Therefore, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the applicant, prior to commencement of development, to survey the project area for the presence of eelgrass.

2. Caulerpa taxifolia

Recently, a non-native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), has been discovered in parts of Huntington Harbor (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G). Huntington Harbor provides similar habitat to that found in Newport Harbor.

C. taxifolia is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean. From an initial infestation of about 1 square yard it grew to cover about 2 acres by 1989, and by 1997 blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. In the Mediterranean, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 ft depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing².

² References

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchioretta, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species including *C. taxifolia*.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California *Caulerpa* Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

On March 2 2007, the site was also surveyed for *Caulerpa taxifolia* and none was found. This survey was completed on March 2, 2007, and is only valid for 90 days. The project is agendaized for the October 2007 Coastal Commission Hearing and by this time the *Caulerpa taxifolia* surveys would not continue to be valid since it had passed 90 days from when the surveys were completed. Thus, an up-to-date pre-construction *Caulerpa taxifolia* survey must be conducted.

If *C. taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *C. taxifolia*, the Commission imposes **SPECIAL CONDITION NO. 3**, which requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is legally required.

3. Water Quality

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

The proposed project will remove and replace an existing single-finger dock with a pump-out facility in essentially the same configuration with a 4' x 46' pier supported by four (4) -14" "T" piles, a 3' x 24' gangway, a 10' x 36' finger with two (2)-14" concrete guide piles. In addition, an existing chain link fence located on the beach along the eastern property line and the pier will be demolished and replaced.

The proposed project is located in and over the coastal waters of Newport Harbor (Lower Newport Bay). Newport Bay is on the federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means that water quality within the harbor does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal established for this waterbody. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Initiative. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including Sections 30230 and 30231 of the Coastal Act, which require the protection of biological productivity, public recreation, and marine resources.

a. Construction Impacts

The proposed development will occur over and in the water. Construction of any kind adjacent to or in coastal waters has the potential to impact marine resources. The Bay provides an opportunity for water oriented recreational activities and also serves as habitat for marine life. Because of the coastal recreational activities and the sensitivity of the Bay habitat, potential water quality issues must be examined as part of the review of this project.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **SPECIAL CONDITION NO. 4**, which outlines construction-related requirements to provide for appropriate construction methods as well as the safe storage of construction materials and the safe disposal of construction debris.

SPECIAL CONDITION NO. 4 requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

b. Maintenance

The proposed dock project will allow for the docking of boat(s) by the public. Some maintenance activities if not properly regulated could cause adverse impacts to the marine environment. Certain maintenance activities like cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and improper management of petroleum or other liquid or solid waste, are major contributors to the degradation of water quality within boating facilities. As mentioned above, Lower Newport Bay (Newport Harbor) provides a home for marine habitat and also provides opportunities for recreational activities.

To minimize the potential that maintenance activities would adversely affect water quality, the Commission imposes **SPECIAL CONDITION NO. 5**, which requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices that the applicant shall follow include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which are associated with the docking of the boat(s) (more thoroughly explained in **SPECIAL CONDITION NO. 5** of this permit).

The proposed project includes the replacement and expansion of a pump-out station. The replacement station will include 2 pump outs (there is presently just one) located at the seaward end of the dock and will have a sewer line that will run under the dock and connect to the main sewer line. The replacement and expanded pump-out station will provide boats a more convenient pump-out station and encourage boaters to use the facility which will help reduce illegal discharges into coastal waters. Sewer lines exposed to the marine environment, however, have the potential to break or corrode more quickly than those more sheltered from the salty air and sunlight. Because the sewer line will be directly above the water, it could leak raw sewage directly into the water, if there are any ruptures in the pipes. Visually inspecting the entire length of the exposed lines on a weekly basis will provide the basic inspection necessary to ensure there is no leakage into coastal waters. The more strict dye or pressure tests will allow inspectors to see less visible leaks in the sewer lines; and because these tests are more expensive and labor-intensive, conducting these tests biannually is sufficient. In order to implement these requirements, the Commission imposes **SPECIAL CONDITION NO. 6**.

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.

CONCLUSION

To minimize the adverse impacts upon water quality, **FIVE (5) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 2** requires the applicant, prior to commencement of development, to survey the project area for the presence of eelgrass. **SPECIAL CONDITION NO. 3** requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicants shall seek an amendment or a new permit to address impacts related to the

presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is legally required. **SPECIAL CONDITION NO. 4** requires that the applicant dispose of all demolition and construction debris at an appropriate location. **SPECIAL CONDITION NO. 5** requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. **SPECIAL CONDITION NO. 6** requires the applicant to submit an operation and maintenance plan for over-water sewer lines. Only as conditioned does the Commission find that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

D. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with the Chapter 3 policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. Since the City only has an LUP, the policies of the LUP are used only as guidance. In addition to the policies listed elsewhere in these findings, the Newport Beach LUP includes the following policies, among others, that relate to development at the subject site:

Biological Resource Protection/Marine Habitats, Policy 4.1.2-1 states,

Maintain, enhance, and where feasible, restore marine resources.

Biological Resource Protection/Marine Habitats, Policy 4.1.2-2 states,

Provide special protection to marine resource areas and species of special biological or economic significance.

Biological Resource Protection/Marine Habitats, Policy 4.1.2-5 states,

*Continue to require *Caulerpa* protocol surveys as a condition of City approval of projects in the Newport Bay and immediately notify the SCCAT when found.*

Biological Resource Protection/Eelgrass Protection and Restoration, Policy 4.1.5-1 states,

*Avoid impacts to eelgrass (*Zoostera marina*) to the greatest extent possible. Mitigate losses of eelgrass at a 1.2. to 1 mitigation ratio and in accordance with the Southern California Eelgrass Mitigation Policy. Encourage the restoration of eelgrass throughout Newport Harbor where feasible.*

Coastal Resource Protection/Water Quality, Policy 4.3.2-22 states,

Require beachfront and waterfront development to incorporate BMPs designed to prevent or minimize polluted runoff to beach and coastal waters.

By conditioning the project to require the applicant to submit revised project plans showing that the existing fence along the eastern property line will be removed and not replaced, the project is consistent with Policies 2.3.2-1, 2.3.3-5, 3.1.1-1, 3.1.1-2, 3.1.1-4, 3.1.1-11, 3.1.1-21, and 3.1.4-3. By replacing the existing dock with pump-out facilities with a new one, the project is consistent with Policy 3.3.2-7. By conditioning the project to require the applicant to submit pre- and post-construction eelgrass surveys and a pre-construction survey for *Caulerpa taxifolia*, the project is consistent with Policies 4.1.2-1, 4.1.2-2, 4.1.2-5, and 4.1.5-1. By conditioning the project for disposal of all demolition and construction debris at an appropriate location and adherence to Best Management Practices to ensure the continued protection of water quality and marine resources, the project is consistent with Policy 4.3.2-22.

The proposed development, as conditioned, is consistent with Chapter 3 of the Coastal Act. 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)

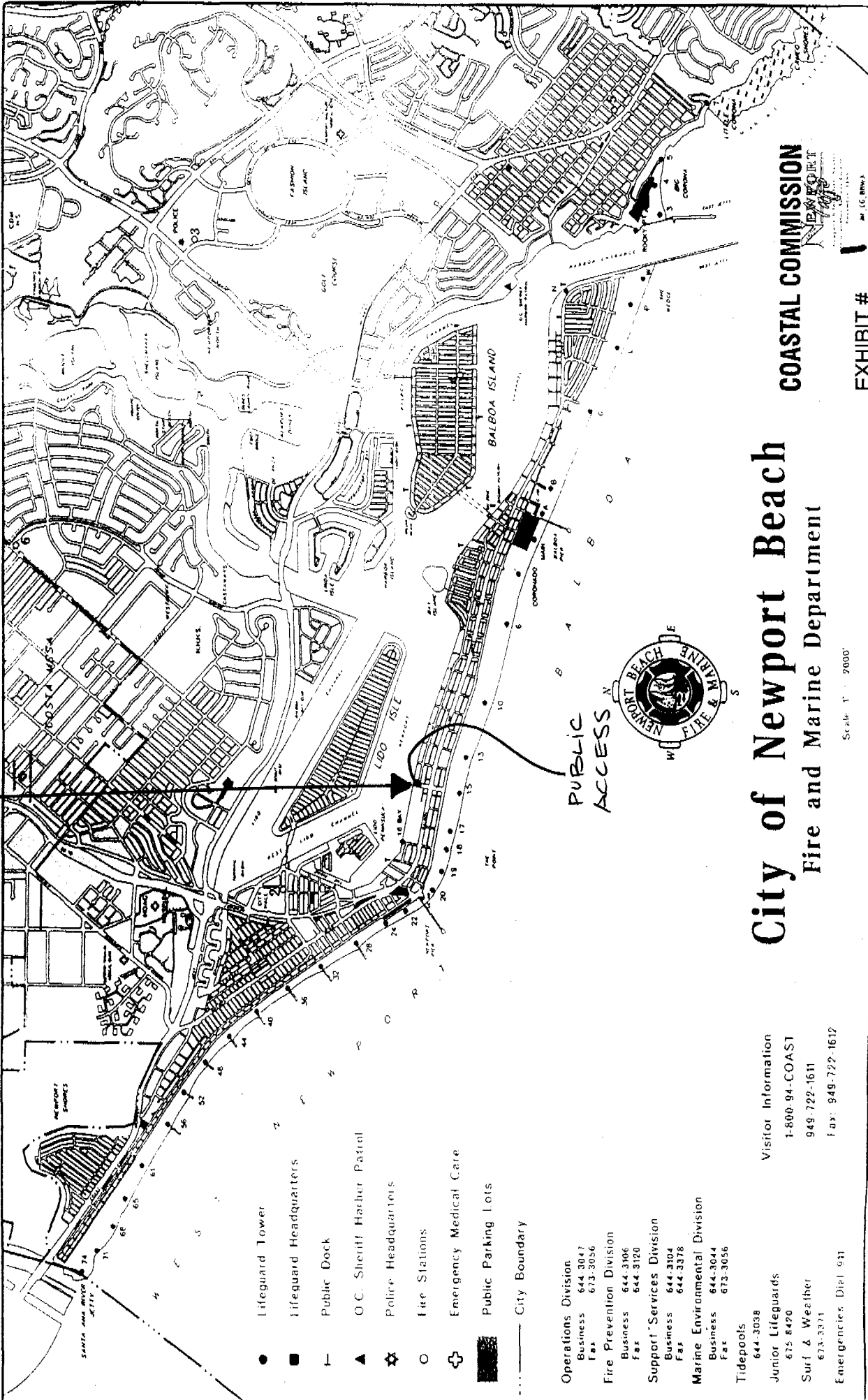
Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Newport Beach is the lead agency for California Environmental Quality Act (CEQA) purposes. The project was determined by the City to be Categorical Exempt (Class 3, Item a).

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the public access, water quality, and visual resources policies of Chapter 3 of the Coastal Act. Mitigation measures include: **1)** submittal of revised project plans showing the complete project and that the existing fence along the eastern property line and adjacent to the existing and proposed pier and dock will be removed and not replaced; **2)** pre and post-construction eelgrass surveys and if additional eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*; **3)** that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and buffer areas have been eliminated or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*; **4)** the disposal of all demolition and construction debris at an appropriate location; ; **5)** adherence to Best Management Practices to ensure the continued protection of water quality and marine resources; and **6)** the applicant to submit an operation and maintenance plan for over-water sewer lines.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which 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.

PROJECT
SITE



- 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

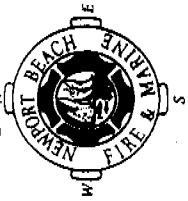
Tidepools
644.3038

Junior Lifeguards
675.8490

Surf & Weather
673.3371

Emergencies: Dial 911

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



City of Newport Beach

Fire and Marine Department

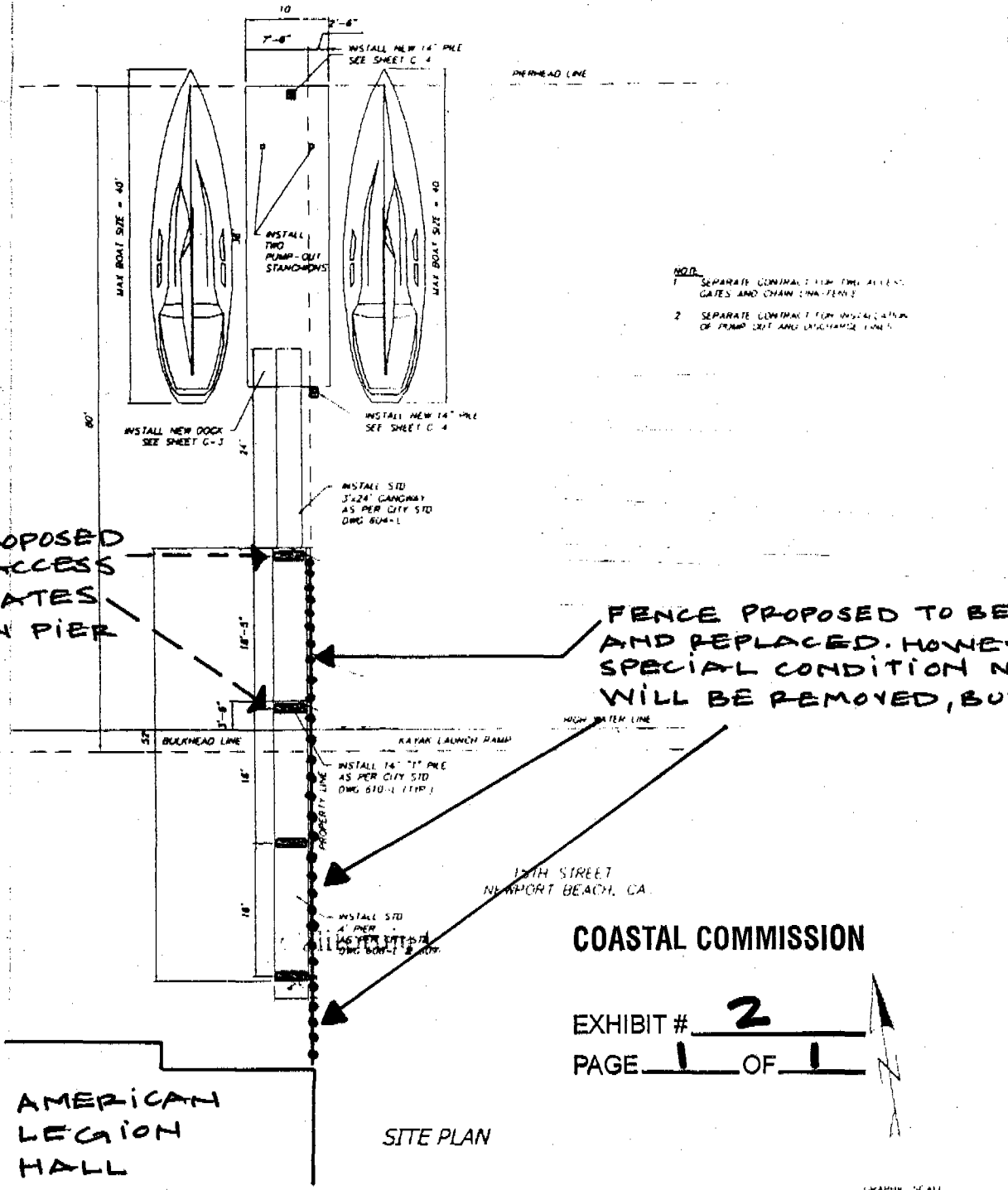
COASTAL COMMISSION
NEWPORT BEACH, CALIFORNIA

Scale: 1" = 2000'

HARBOR RESOURCES DIV. CITY OF NEWPORT BEACH

Chris M. May 3/22/07

NEWPORT
BAY



- NOTE
1. SEPARATE CONTRACT FOR THE ACCESS GATES AND CHAIN LINK FENCE
 2. SEPARATE CONTRACT FOR INSTALLATION OF PUMP OUT AND LAUNCHING RAMP

FENCE PROPOSED TO BE REMOVED AND REPLACED. HOWEVER, PER SPECIAL CONDITION NO. 1, FENCE WILL BE REMOVED, BUT NOT REPLACED.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

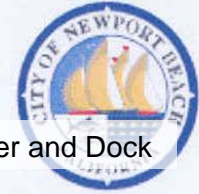
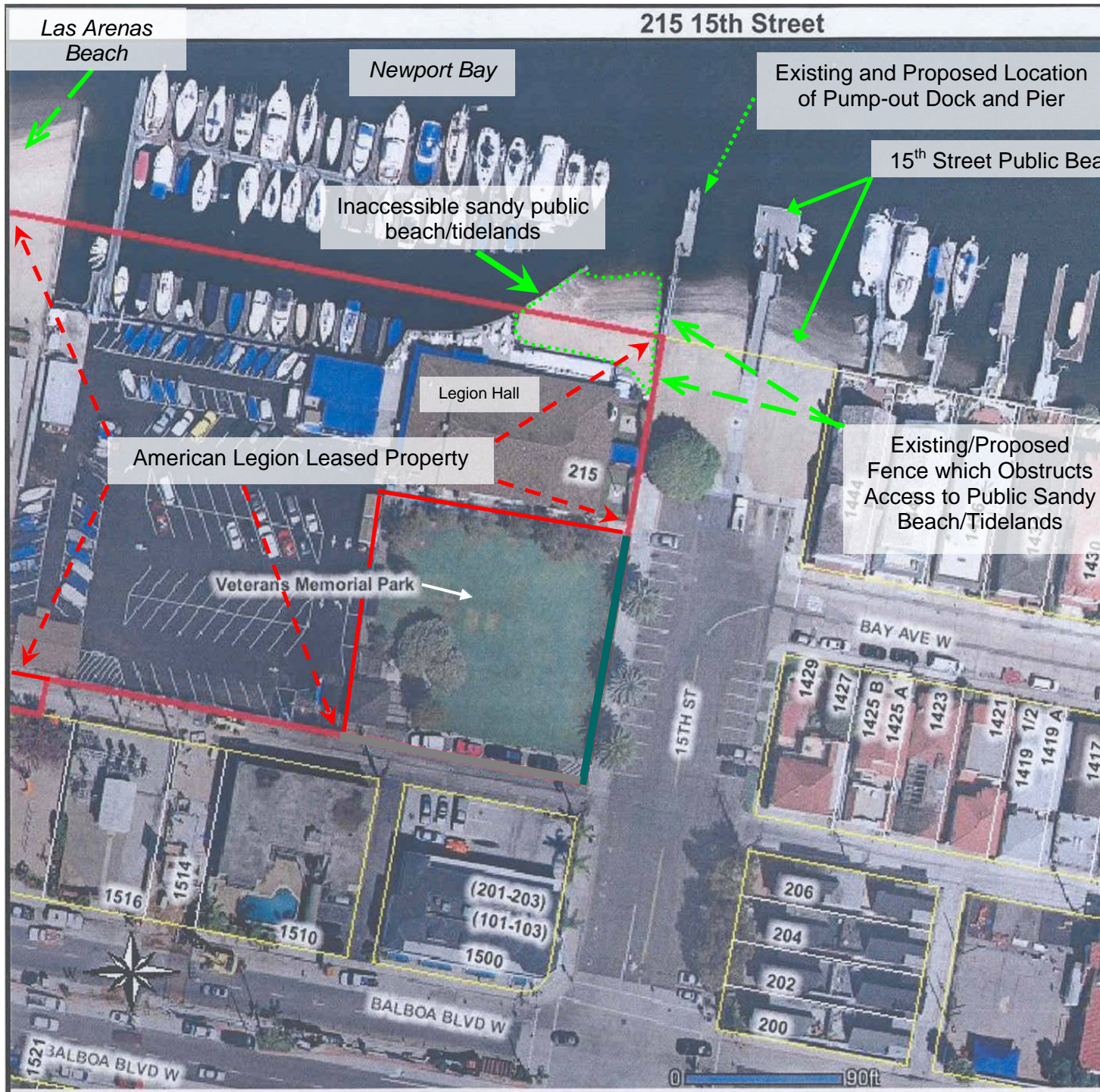


AMERICAN
LEGION
HALL

SITE PLAN

GRAPHIC SCALE

	2880 Via Coronilla Marina, Suite 200 San Pedro, CA 90731 Tel: 310 548 3132 Fax: 310 548 1824	<h2>SITE PLAN</h2>	AS NOTED 02-05-07
	DRAWN BY PT		2202
	CHECKED BY JH		C-2
	APPROVED BY TB		5 of 10



Existing and Proposed Location of Pump-out Dock and Pier

15th Street Public Beach and Pier and Dock

Inaccessible sandy public beach/tidelands

Existing/Proposed Fence which Obstructs Access to Public Sandy Beach/Tidelands

American Legion Leased Property

Legion Hall

Veterans Memorial Park

Disclaimer

Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use. The GIS database and data in the product is subject to constant change and the accuracy and completeness cannot be and is not guaranteed.

EXHIBIT# 3
 Page 1 of 1
 Application Number:
5 - 0 7 - 1 6 9
 California Coastal Commission