CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
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Fr 15a

Filed: 6/7/10
49th Day: 7/26/10
180th Day: 12/4/10
Staff: Meg Vaughn-LB
Staff Report: 7/21/10
Hearing Date: 8/11-13/2010
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-09-193

APPLICANT: Victoria Pedersen-Lenich

AGENT: Brady Helms, Swift Slip Dock & Pier Builders

PROJECT LOCATION: 2547 West Coast Highway
Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing multiple-boat dock structure and construction of a new dock structure able to accommodate 8 to 10 boats consisting of an 8 foot wide by 80 foot long gangway, an 8 foot wide by 66 foot long main walk with a 14 foot wide lobe where the gangway lands, with four dock fingers ranging in length from 23 feet to 42 feet. In addition, the two existing piles are proposed to be removed and four new, 12-inch diameter steel piles are proposed to be installed.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending the Commission **approve** the proposed project subject to five special conditions which are necessary to assure that the project conforms with Coastal Act Section 30233 regarding fill of coastal waters, Sections 30230 and 30231 regarding protection of marine resources and water quality, and Sections 30210 and 30224 regarding public access and recreation. Special Condition No. 1 requires pre- and post-construction eelgrass surveys; Special Condition No. 2 requires a pre-commencement of construction caulerpa taxilfolia survey; Special Condition No. 3 notifies the applicant of construction practices and debris removal responsibilities; Special Condition No. 4 requires the applicant to incorporate long term water quality Best Management Practices for the operation of the dock system; and, Special Condition No. 5 states that approval of this permit does not waive any public rights that may exist at the site.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; City of Newport Beach Harbor Permit Policies; City of Newport Beach Approval in Concept dated 12/17/09.

I. APPROVAL WITH CONDITIONS

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-09-193 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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 on which the Commission voted on the application. 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 CONDITIONS:

1. Eelgrass Survey

A. Pre Construction Eelgrass Survey. A valid pre-construction eelgrass (Zoestera 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 each eelgrass 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 on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). 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 required.

2. Pre-construction *Caulerpa Taxilfolia* 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 applicants 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 taxilfolia*. 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 applicants 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 taxilfolia* is found within the project or buffer areas, the applicants shall not proceed with the project until 1) the applicants provide evidence to the Executive Director that all *C. taxilfolia* discovered within the project area and all C. taxilfolia 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 applicants have revised the project to avoid any contact with *C. taxilfolia*. 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.

3. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction related requirements:

A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.

B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.

C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.

E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.

F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.

G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

I. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.

J. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

K. 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.

L. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

M. The discharge of any hazardous materials into any receiving waters shall be prohibited.

N. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

O. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

P. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

4. <u>Best Management Practices Program</u>

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. 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.

5. Public Rights

The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description

The subject site is located at 2547 West Coast Highway in Newport Beach. The applicant proposes to demolish an existing multiple-boat dock structure (see exhibit 4) and construct a new dock structure (see exhibits 2 and 3) able to accommodate 8 to 10 boats. The proposed dock configuration will include an 8 foot wide by 80 foot long gangway, an 8 foot wide by 66 foot long main walk with a 14 foot wide lobe at the gangway landing, four dock fingers ranging in length from 23 feet (nearest bulkhead) to 42 feet (furthest toward the channel). In addition, the two existing 12-inch diameter, steel piles are proposed to be removed and four new, 12-inch diameter, steel piles are proposed to be installed. The surface area of the existing dock system is 841 square feet. The surface area of the proposed dock system is 1,301 square feet. The existing and proposed multiple slip dock operates as a small public commercial marina for the long term berthing of vessels, operating on a year to year agreement with boat owners. When slip space becomes open, the slip is available to members of the general public.

The existing dock configuration includes slip fingers that are twenty feet long and can accommodate boats ranging from 36 feet to 8 feet. The proposed dock configuration can accommodate boats ranging in size from 20 feet (or less) up to 50 feet. The applicant expects that the proposed dock configuration will likely berth one 42 foot boat, one 32 foot boat, three 23 foot boats, and three 13 foot boats. However, the applicant has indicated that the number of boats that can be accommodated ranges up to 13 boats depending on the size of the boats docked.

The applicant indicates that the existing dock is over 40 years old and is believed to have been designed to accommodate eight to ten boats. Although recent aerial photos indicate additional boats have been docked at the site, this larger number of boats appears to exceed the optimum design number. In addition, the number of piles supporting the existing dock (2) would not meet current engineering standards. Four piles are proposed in order to meet current engineering standards.

The width and slope of the existing gangway do not meet ADA (Americans with Disabilities Act) standards. The proposed wider, longer gangway will be compliant. To accommodate the revised gangway design, a larger landing area on the proposed float is proposed. In addition, the proposed main walk will be wider than the existing, also to conform to ADA standards. The changes to the existing dock configuration are driven by the need to address deferred maintenance, assure that the replacement dock configuration meets current codes and engineering design standards, and to bring the dock into conformance with ADA standards, as required by the City of Newport Beach Harbor Design Guidelines.

The project site is located in an area of Newport Beach sometimes referred to as "mariner's mile" and consists of marine related commercial, such as the subject multiple boat dock/small marina, restaurants, and other retail, commercial and office uses. The subject site includes a 15 space parking lot under common ownership with the small marina. There is also a small retail use on the site.

There is no sewer pump out station at the subject site and none is proposed. The nearest public pump out stations are located at Harbor Marina, Lido Village Marina (each approximately ½ mile away) and at Balboa Bay Club (approximately ¾ mile away). Overall there are 10 public pump out stations within Newport Harbor. The existing utilities, water and electrical, will be reused in their existing locations. There is no refueling or storage of gas at the subject site.

All parts of the proposed dock are to be constructed in the Swift Slip yard and transported via trailer and then by water to the subject job site where they will be floated into place and assembled. The four new steel piles are proposed to be driven using a gravity hammer. The hammer would be cushioned by plywood "shoes" between the hammer and the top of the steel pile, which is expected to reduce potential noise impacts.

B. Fill of Coastal Waters

Section 30233 of the Coastal Act states, in pertinent part:

(a) The diking, filling or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

…

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities …

…

The proposed project is small marina replacement project, that includes placement of four 12-inch diameter steel piles into the harbor bottom, which constitutes 3.2 square feet of fill of coastal waters. Thus, the project must be reviewed for conformance with Section 30233 of the Coastal Act. In order to be consistent with Section 30233, a project that involves filling in open coastal waters must meet the three-prong test. The use must be one of the uses specifically allowed, it must be the least environmentally damaging alternative, and it must provide adequate mitigation to offset any impacts created by the project.

1) Allowable Use

The proposed small marina replacement constitutes a boating facility, which constitutes an allowable use for which fill may be permitted consistent with Section 30233(a)(3) of the Coastal Act. Therefore, the proposed development is consistent with Section 30233 of the Coastal Act with regard to uses allowed within coastal waters.

2) Alternatives

The proposed placement of four 12-inch diameter guide piles will result in the fill of coastal waters. The placement of the piles is necessary to meet required engineering design standards to safely anchor the proposed boat dock system, consistent with the requirements of the City of Newport Beach. The number of piles supporting the existing dock (2) would not meet current engineering standards. Four piles are proposed in order to meet current engineering standards. The applicant's engineer has indicated in a telephone conversation with Commission staff that the number of piles needed for the proposed development is driven by the City's Harbor Design Guidelines which have been updated since the original dock was constructed years ago. Previously, design standards were based on the requirement that the overall float/dock system be secure. Current standards, however, require demonstration that each boat within a proposed float/dock system be secure. This often leads to an increase in the number of piles required. These standards are intended to assure that a dock system can adequately withstand expected pressure from wind, current and wave loads.

It should be noted that a previous dock design included a proposal for five 12-inch diameter piles. However, redesign of the dock allowed the number of piles to be reduced

from five to four, thus reducing the amount of fill required to adequately secure the dock system.

Fewer piles would not adequately secure the dock system and the boats berthed therein. By using the least number of piles necessary to accomplish the necessary goal of securing the dock system, the proposed project represents the least environmentally damaging feasible alternative. The changes to the existing dock configuration are driven by the need to address deferred maintenance, assure that the replacement dock configuration meets current codes and design standards, and to bring the dock up to ADA standards as required by the City of Newport Beach. The proposed alternative, the placement of four 12-inch diameter piles within the harbor bottom, will result in 3.2 square feet of soft bottom impacts. However, as described above, this alternative represents the least environmentally damaging feasible alternative capable of achieving the project goal of allowing the berthing of boats. Therefore, the Commission finds the proposed alternative meets the requirements of Section 30233 that any project involving fill of coastal waters be the least environmentally damaging feasible alternative.

3) Mitigation

Section 30233 of the Coastal Act requires that projects resulting in fill of open coastal waters include feasible mitigation measures to minimize adverse environmental effects. The proposed project will result in 3.2 square feet of fill of the harbor bottom. Two existing 12-inch diameter piles will be removed, so, the proposed project, with four piles, has a net increase of just two piles, or about 1.6 square feet of fill over the existing condition.

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. The piles will provide hard substrate that can be used by some marine life, although, this isn't equivalent to the habitat being impacted. There are no feasible less environmentally damaging alternatives available. The project site was surveyed for eelgrass and none was found to exist at the site. Section 30224 of the Coastal Act requires that recreational boating use of coastal waters be encouraged by, among other things, providing berthing space in existing harbors. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

Conclusion

For the reasons described above, the Commission finds that the proposed project is consistent with the requirements of Section 30233 of the Coastal Act which limits fill of coastal waters.

C. Marine Resources & Water Quality

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.*

Section 30230 of the Coastal Act requires that marine resources be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained, and where feasible, restored. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts.

The proposed project includes measures to help assure protection of coastal waters and marine resources. Measures proposed include: all parts of the proposed dock are to be constructed off-site on land and transported via trailer and then by water to the subject job site where they will be floated into place and assembled by hand using hand tools, keeping in-water work to a minimum. The four new steel piles are proposed to be driven using a gravity hammer. The hammer would be cushioned by plywood “shoes” between the hammer and the top of the steel pile, which is expected to reduce potential noise impacts. The project vicinity is a built-out urban area. No bird habitat is known to exist within 500 feet or more of the project vicinity. In addition, in order to assure that all impacts to water quality are minimized, special conditions are imposed that specify and impose construction phase and post construction measures to avoid adverse impacts on marine resources.

Eelgrass

Eelgrass is a marine flowering plant that grows in soft sediments within coastal bays and estuaries. Eelgrass canopies consist of shoots and leaves approximately 1 to 3 feet long that typically attract marine invertebrates and fishes. Under normal circumstances, a diverse community of benthic organisms (e.g. clams, crabs, and worms) live within the soft sediments that cover eelgrass root and rhizome mass systems. Eelgrass beds also

function as a nursery for many juvenile fishes – including species of commercial and/or sporting value such as California halibut and corbina. Eelgrass beds are also important foraging areas for piscivouous seabirds that seek baitfish attracted to eelgrass cover. Eelgrass is also an important ecological contributor to the detrital (decaying organic material) food web of bays and estuaries as the decaying plant material is consumed by many benthic invertebrates to primary nutrients by bacteria.

The site was surveyed for eelgrass and no eelgrass was found at the subject site. Thus, no eelgrass impacts are anticipated. However, eelgrass surveys are valid for a limited period of time (until the next growing season). If construction does not occur within the time period during which the survey is valid, subsequent surveys will be required. Therefore, a special condition is imposed which identifies the procedures necessary to be completed prior to beginning construction in case the survey expires prior to commencement of construction. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur (though none are expected), the impacts will be identified and appropriate mitigation required. Therefore, as conditioned, the Commission finds that the proposed development will not result in significant impacts to eelgrass.

Caulerpa Taxilfolia

In 1999, a non-native and invasive aquatic plant species, Caulerpa taxilfolia, was discovered in parts of Huntington Harbour (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G). Caulerpa taxilfolia is a type of seaweed which has been identified as a threat to California's coastal marine environment because it has the ability to displace native aquatic plant species and habitats. Information available from the National Marine Fisheries Service indicates that Caulerpa taxilfolia can grow in large monotypic stands within which no native aquatic plant species can co-exist. Therefore, native seaweeds, seagrasses, and kelp forests can be displaced by the invasive Caulerpa taxilfolia. This displacement of native aquatic plant species can adversely impact marine biodiversity with associated impacts upon fishing, recreational diving, and tourism. Caulerpa taxilfolia is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows within the general project vicinity, Caulerpa taxilfolia, if present, could displace eelgrass in the channels.

The site was surveyed for Caulerpa taxilfolia and none was found. The survey is valid for a limited period of time (90 days for *Caulerpa taxilfolia*). If discovered in the project area, Caulerpa taxilfolia could possibly be dispersed through construction of the proposed project. Because of the time elapsed since the survey, construction will not occur within the period that the survey is valid. Thus, a subsequent survey is required. In order to assure that the proposed project does not cause the dispersal of Caulerpa taxilfolia, the Commission imposes a special condition which requires the applicant, prior to commencement of development, to survey the project area for the presence of Caulerpa taxilfolia. If Caulerpa taxilfolia 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 Caulerpa taxilfolia, unless the Executive Director determines that no amendment or new permit is required.

Conclusion

Therefore, as conditioned, the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act with regard to maintaining and enhancing the biological productivity and the water quality.

D. Public Access and Recreation

The proposed project is a small marina replacement. The marina is proposed to remain available to the general public. A 15 space parking lot at the subject site serves the marina use. In addition, there is a small, unrelated retail use at the site. The retail use requires 3 parking spaces. The Commission has typically accepted a parking ratio for marinas of .75 parking spaces per each boat slip. Thus, a 10 slip marina would generate a parking demand of 8 spaces. If the maximum number of 13 boats (per the applicant's assessment) were to be docked at the site, that would generate a demand of 10 parking spaces. Therefore, the 15 on-site parking spaces provided for the proposed development will be adequate to serve the maximum number 13 boats anticipated at the site (10 spaces), as well as the small retail use's demand of three parking spaces.

Although there is no public walkway along the bulkhead at the subject site, the marina use is available to the public. Berthing of boats, especially smaller boats such as those that can be accommodated by the proposed project, is an encouraged recreational use under Section 30224 of the Coastal Act. A special condition is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property. Furthermore, the proposed project, replacement of an existing small marina, will have no impact on existing public access. The proposed development will not adversely affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

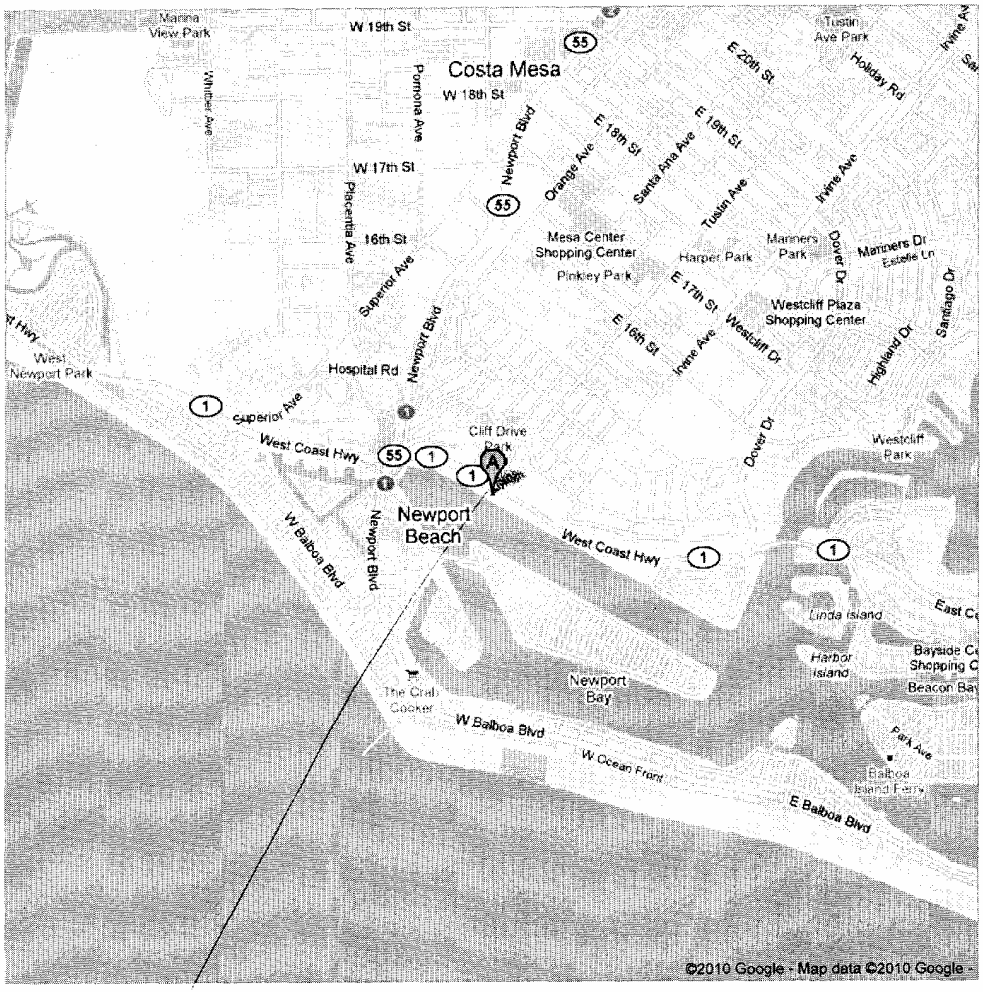
E. California Environmental Quality Act

Section 13096 of the Commission's 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 feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the marine resources and habitat protection, water quality, and public access policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Google maps Address **2547 West Coast Hwy**
Newport Beach, CA 92663

Get Google Maps on your phone
Text the word "GMAPS" to 466453



Budget date 2547 W Coast Hwy

VICINITY MAP

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EXHIBIT # 1
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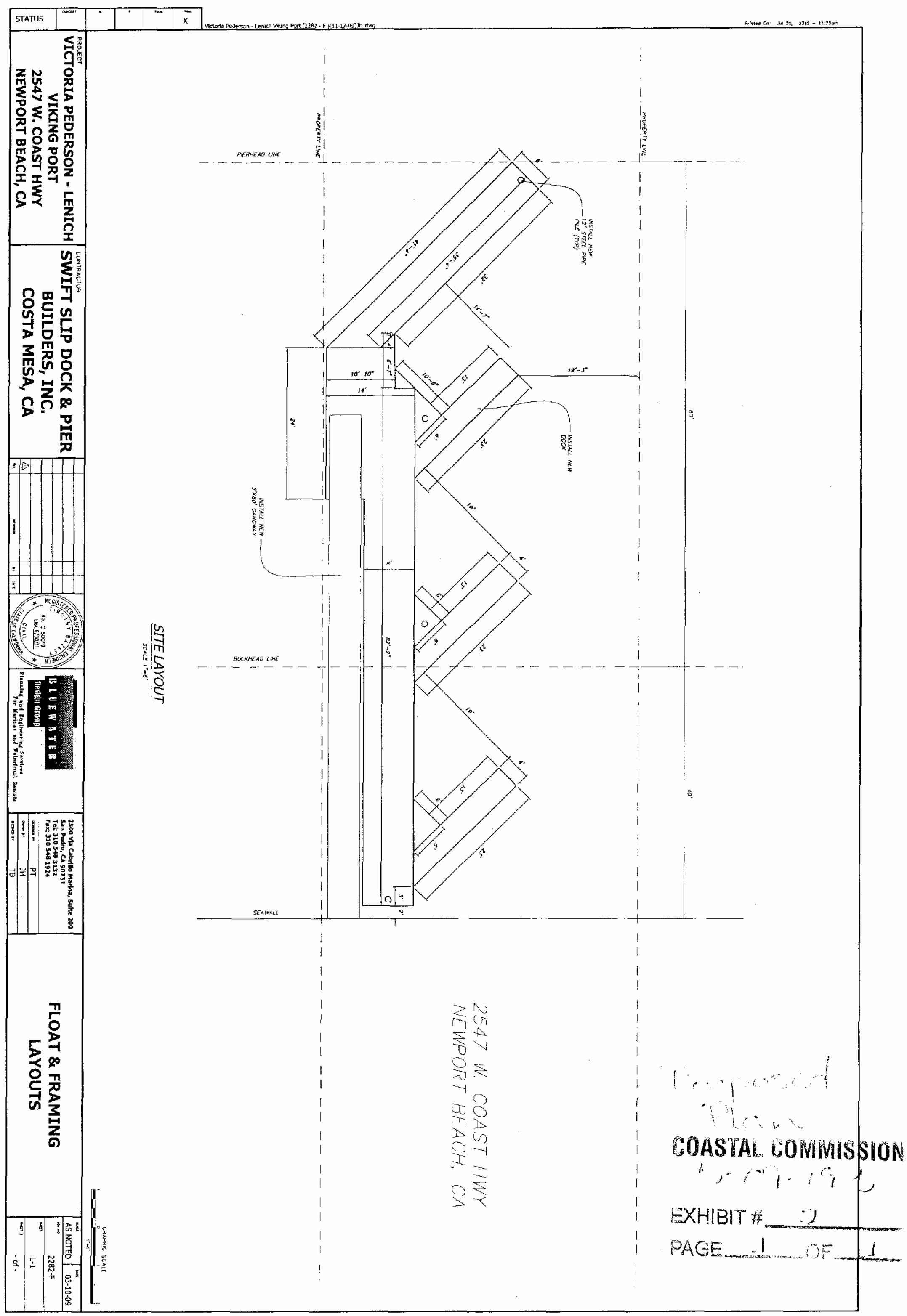
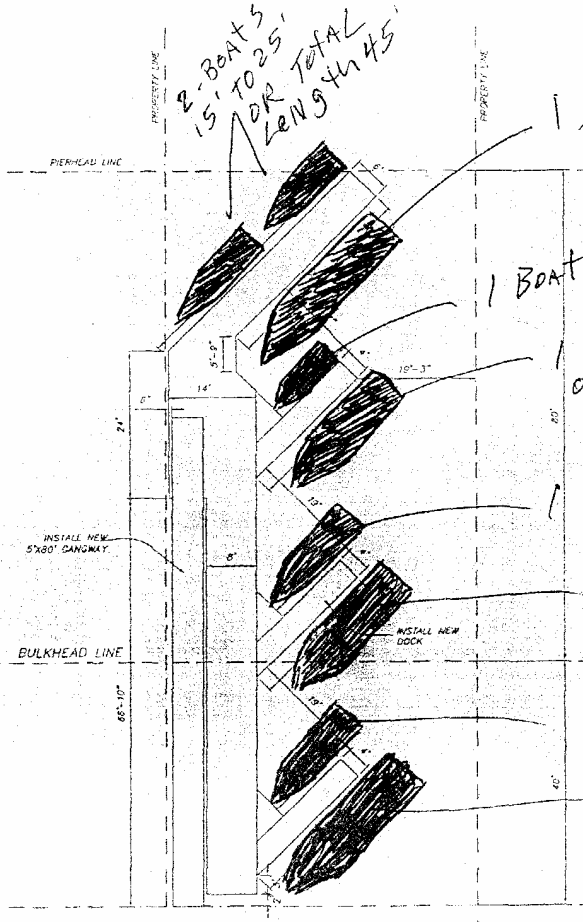

STATUS
VICTORIA PEDERSON - LENICH
VIKING PORT
2547 W. COAST HWY
NEWPORT BEACH, CA
SWIFT SLIP DOCK & PIER
BUILDERS, INC.
COSTA MESA, CA
BLUEWATER
Design Group
FLOAT & FRAMING
LAYOUTS
AS NOTED
03-10-09
2282-F
L-1
SITE LAYOUT
PIERHEAD LINE
BULKHEAD LINE
SEAWALL
PROPERTY LINE
2547 W. COAST HWY
NEWPORT BEACH, CA
COASTAL COMMISSION
EXHIBIT #
PAGE
OF

NEW PROPOSED

AFTER reviewing more options we have determined that the new configuration will be able to support 9-13 boats.



SQ' OF NEW = 1,301

2547 W. COAST HWY
NEWPORT BEACH, CA

SITE PLAN
SCALE 1"=10'

DRAWING #2

LENICH | CONTRACTOR SWIFT SLIP DOCK | 2430 Via Cabrillo Marina, Suite 2uc San Pedro, CA 90731 | SITE PLAN

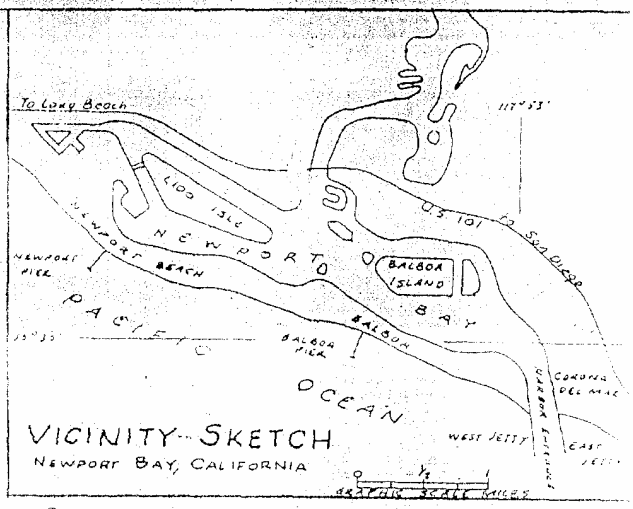
CITY OF NEWPORT BEACH HARBOR APPLICATION NO. _____

Existing

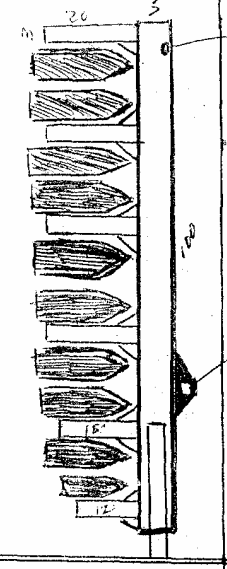
RECEIVED
South Coast Region

JUL 14 2010

CALIFORNIA
COASTAL COMMISSION



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



ORIGINAL design WAS FOR 8-10 boat SLIPS FOR boats up to 25!

SQ' OF Existing = 841

1" = 30'

Drawing #1

COASTAL COMMISSION
5-09-193
EXHIBIT # 1
PAGE 1 OF 1

Victoria Pedersen Lenich
APPLICANT'S NAME
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JOB ADDRESS Newport Bch CA