

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

Permit Application No. **5-10-093**

Date: 1/19/2011

Page 1 of 10



W 5a

ADDENDUM

TO: Commissioners and Interested Persons

FROM: South Coast District Staff

SUBJECT: Application No. 5-10-093 (Gaskill), Item No. W 5a, Scheduled for hearing on Wednesday February 9, 2011 in Chula Vista, San Diego County.

There are a number of errors in the staff report prepared for 5-10-093 (Gaskill). Therefore, the following changes should be made to the report:

1. Special Condition No. 5

Special Condition No. 5 should be deleted and replaced with the following Special Condition:

5. Public Access

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.

2. Project Description, Page 1

On page 1 of the staff report the following corrections should be made (deletions shown in ~~strike through~~, additions shown in **bold, underline**):

Removal of the existing "U" shaped boat dock float and gangway (attached to the bulkhead) and construction of a new boat dock including: a wedge shaped float, new 3' by 24' gangway attached to a new 4' by 4' cantilevered landing at the bulkhead. The proposed wedge shape float dimensions are: 44' long at the side perpendicular to the bulkhead, **2' at the end opposite the bulkhead** ~~4' at the bulkhead~~, 46' along the diagonal side, and ~~29~~ **26** feet long along the side nearest to and parallel with the bulkhead. The side nearest the bulkhead also includes an approximately 4' by ~~15~~ **13**' lobe to accommodate the gangway landing. Three new steel piles are proposed to replace the three existing piles.

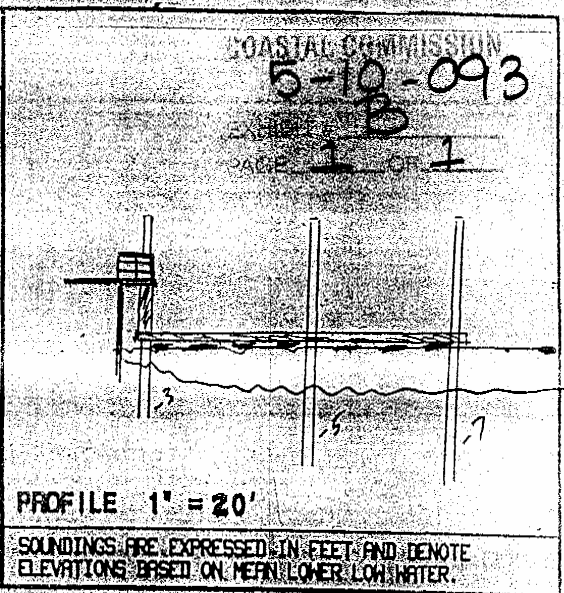
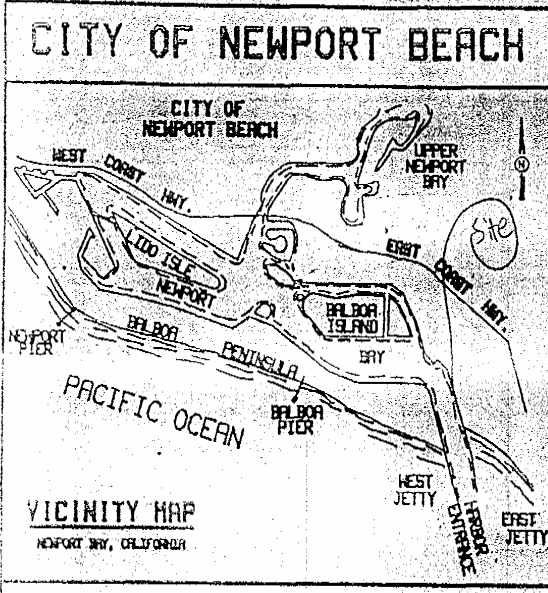
3. Project Description, Page 2

On page 2 of the staff report, under the heading "A. Project Description," the following changes should be made (deletions shown in ~~strike through~~, additions shown in **bold, underline**):

The applicant proposes to remove the existing “U” shaped boat dock float and gangway (attached to the bulkhead) and to construct a new boat dock including: a wedge shaped float, new 3’ by 24’ gangway attached to a new 4’ by 4’ cantilevered landing at the bulkhead. The proposed wedge shape float dimensions are: 44’ long at the side perpendicular to the bulkhead, **2’ at the end opposite the bulkhead** ~~4’ at the bulkhead~~, 46’ along the diagonal side, and ~~29~~ **26** feet long along the side nearest to and parallel with the bulkhead. The side nearest the bulkhead also includes an approximately 4’ by **13’** ~~15’~~ lobe to accommodate the gangway landing. Three new steel piles are proposed to replace the three existing piles. The piles are necessary to anchor the float. All development will be located between the bulkhead and the U.S. Pierhead line.

4. Exhibit B Project Plans

Exhibit B Project Plans, on page 9 of the staff report, should be replaced with the attached Exhibit B Project Plans which reflect the project as proposed (including correct dimensions).



SCOPE OF WORK:
 Remove Existing Dock Structure. Install new Floating Dock with 3-12" Steel Pipe Pile. New 4'x4' Landing & new 3'x24' Gangway.

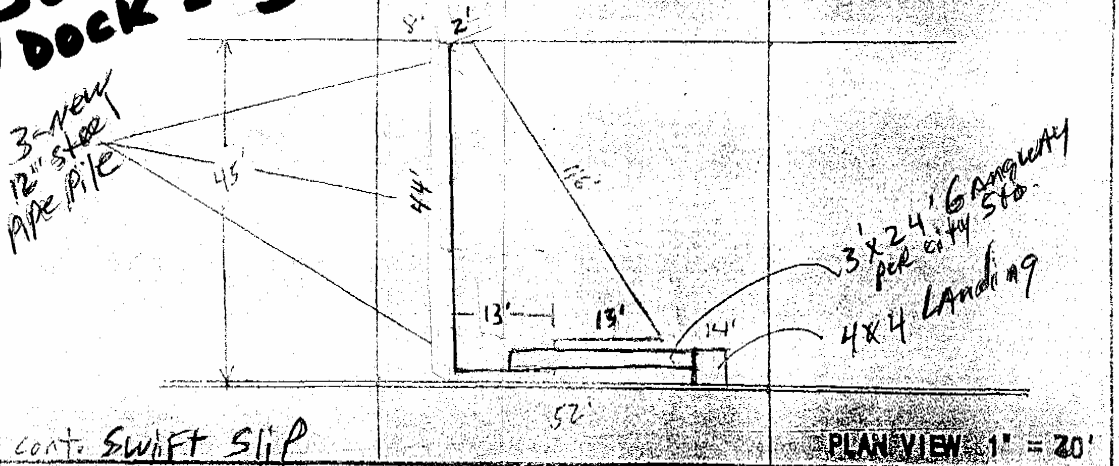
EEL GRASS INSPECTION
 Eelgrass within 15' of project
 Eelgrass within 15' - 30' of project
 No Eelgrass in project area

Signature: *[Signature]*
 3/19/10 12:00
 Inspection Date & Time

HARBOR RESOURCES DIV.
 CITY OF NEWPORT BEACH

[Signature] 3/29/10

50' OF REVISED NEW DOCK = 53'



cont. SWIFT SLIP

APPLICANT'S NAME: JAY GASKILL JOB ADDRESS: 161 BAYSIDE DR DATE: 2-12-10

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

W 5a

Permit Application No. **5-10-093**
Date: 1/19/2011
Page 1 of 10



ADMINISTRATIVE PERMIT

APPLICANT: James Gaskill

PROJECT

DESCRIPTION: Removal of the existing "U" shaped boat dock float and gangway (attached to the bulkhead) and construction of a new boat dock including: a wedge shaped float, new 3' by 24' gangway attached to a new 4' by 4' cantilevered landing at the bulkhead. The proposed wedge shape float dimensions are: 44' long at the side perpendicular to the bulkhead, 4' at the bulkhead, 46' along the diagonal side, and 29 feet long along the side nearest to and parallel with the bulkhead. The side nearest the bulkhead also includes an approximately 4' by 15' lobe to accommodate the gangway landing. Three new steel piles are proposed to replace the three existing piles.

PROJECT

LOCATION: 1611 Bayside Drive, Corona del Mar, Newport Beach, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, February 9, 2011 9 a.m.
Chula Vista City Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910
(562) 972-9853

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Meg Vaughn
Title: Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date 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 term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages four to seven.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The applicant proposes to remove the existing "U" shaped boat dock float and gangway (attached to the bulkhead) and to construct a new boat dock including: a wedge shaped float, new 3' by 24' gangway attached to a new 4' by 4' cantilevered landing at the bulkhead. The proposed wedge shape float dimensions are: 44' long at the side perpendicular to the bulkhead, 4' at the bulkhead, 46' along the diagonal side, and 29 feet long along the side nearest to and parallel with the bulkhead. The side nearest the bulkhead also includes an

approximately 4' by 15' lobe to accommodate the gangway landing. Three new steel piles are proposed to replace the three existing piles. The piles are necessary to anchor the float. All development will be located between the bulkhead and the U.S. Pierhead line.

Steel piles are necessary in order to penetrate the rocky shale sea floor at the subject location. Amerloc 400 Epoxy protective coating is proposed for the steel piles. Amerloc 400 is self-priming and does not require a top coat. The piles are proposed to be dry driven using a pile barge and gravity hammer. Other than the piles themselves, there will be no other bottom disturbing activities. No anchors, including for the pile barge, will be used.

The proposed wedge shaped float configuration occupies slightly less surface area than the existing "U" shaped float configuration (537 square feet proposed vs. 542 square feet existing). In addition, the proposed wedge configuration is similar in shape to the adjacent boat dock float, which was approved by the Commission via Coastal Development Permit No. 5-86-159.

The subject site is located at 1611 Bayside Drive, Newport Beach, Orange County. The site fronts on Newport Harbor. The majority of harbor front, residential development in Newport Harbor is surrounded by private recreational boat docks. The proposed dock project is similar in function to other docks associated with residential development in the immediate vicinity. The nearest public access in the project vicinity is located at Bayside Drive Beach, a sandy public beach adjacent to the Harbor Master/Coast Guard building approximately one half mile to the southeast. In addition, a special condition is imposed to assure that no impacts to public use will result from the proposed boat dock project. The boat dock will be used solely for boating recreation purposes.

The site has been surveyed for eelgrass and for *Caulerpa taxifolia*. Eelgrass was discovered within 15 feet of the project area. However, no direct impacts to eelgrass are anticipated. No *Caulerpa taxifolia* was found in the project vicinity. The surveys are valid for a limited period of time (until the next growing season for eelgrass and 90 days for *Caulerpa taxifolia*). Subsequent surveys are required. Special Condition 3 requires pre- and post-construction eelgrass surveys and procedures to be followed in the event any disturbance to eelgrass results from the project. In addition, Special Condition 4 requires a *Caulerpa taxifolia* survey not more than 90 days prior to commencement of construction. Special conditions 3 and 4 identify the procedures necessary to be completed prior to beginning construction. In addition, special conditions 3 and 4 identify post-construction eelgrass and *Caulerpa taxifolia* procedures.

B. Marine Resources

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. There are no feasible less environmentally damaging alternatives available. 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.

C. Water Quality

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the

appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

D. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 13, 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Construction Responsibilities and Debris Removal

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (6) 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.
- (7) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (14) 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.
- (15) 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
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Best Management Practices Program

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(a) Boat Cleaning and Maintenance Measures:

1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized.
3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(b) Solid and Liquid Waste Management Measures:

1. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-

freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

(c) Petroleum Control Management Measures:

1. 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.

3. **Eelgrass Survey**

- 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 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.

4. 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 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 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 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 taxifolia* 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. 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 applicants have 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.

5. Public Access Along the Waterway

The proposed project shall not interfere with public access and use of the public walkway that exists between the Portofino Cove residential condominium development and the harbor waters in which the proposed development will occur.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

5-10-093 Gaskill
Administrative Permit
Page 11

Applicants' Signature

Date of Signing

5-10-093 Gaskill btdk pls Admin 2.11 mv

5-10-093 Gaskill
Administrative Permit
Page 12

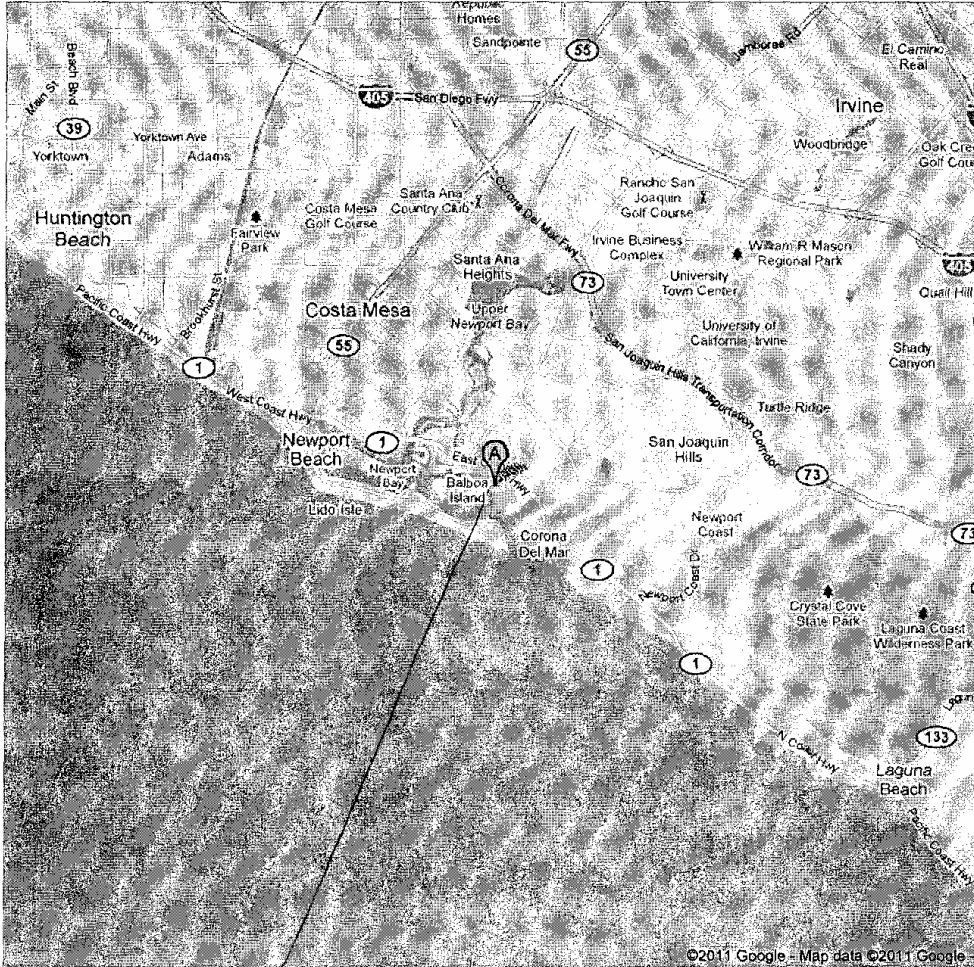
1611 Bayside Drive, Newport Beach, CA - Google Maps

Page 1 of 1

Google maps

Address 1611 Bayside Dr
Newport Beach, CA 92625

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



*Sub 4
site*

COASTAL COMMISSION

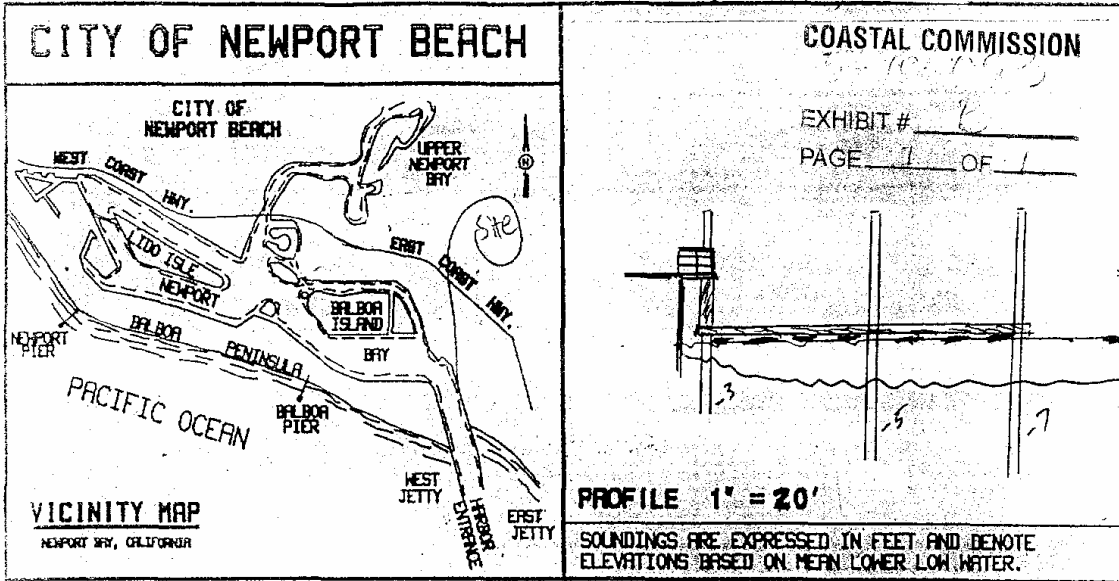
5-10-093

EXHIBIT #

PAGE 1 OF 1

VICINITY MAP

Swift Slip



scope of work:
 Remove existing dock structure. Install new floating dock with 3-12" steel pipe pile. New 4x4' Landing & new 3'x24' Gangway.

EEL GRASS INSPECTION

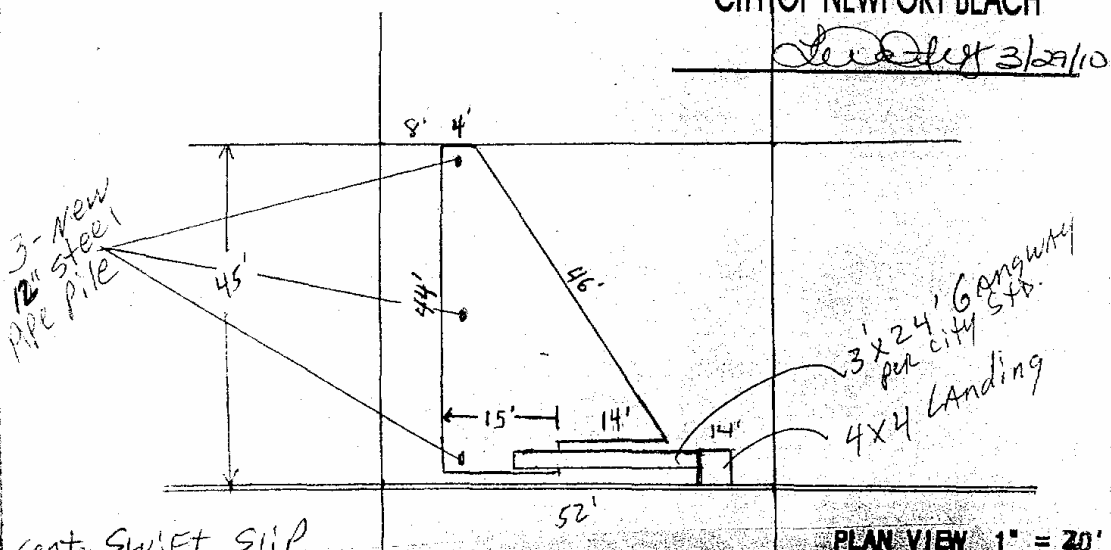
Eelgrass within 15' of project
 Eelgrass within 15 - 30' of project
 No Eelgrass in project area

[Signature]
 Signature

3/19/10 12:00
 Inspection Date & Time

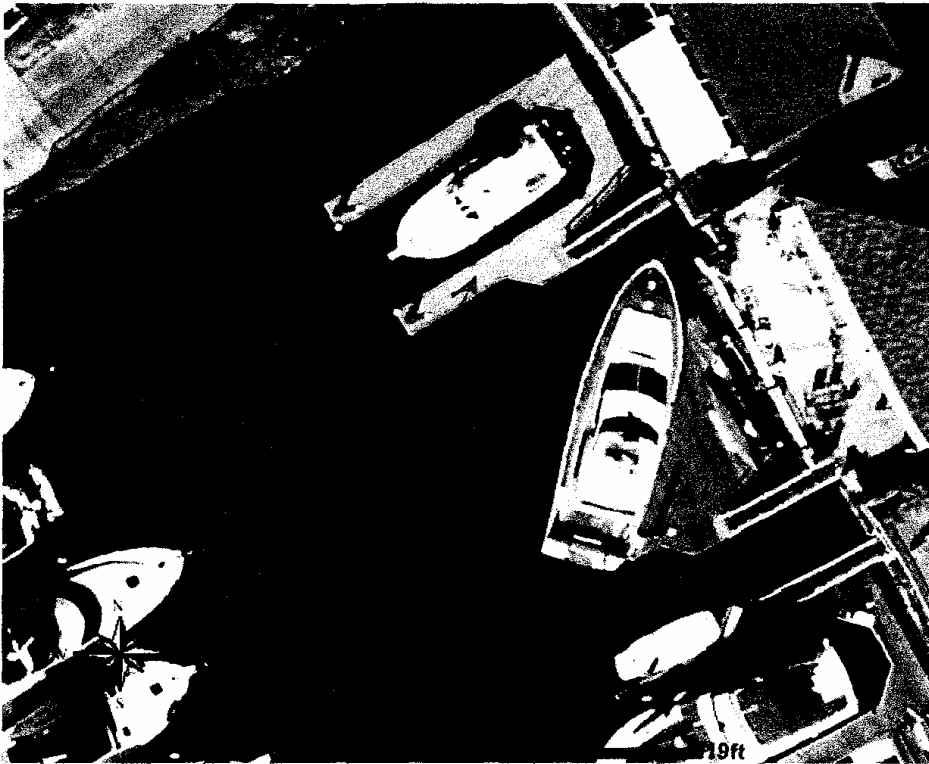
HARBOR RESOURCES DIV.
CITY OF NEWPORT BEACH

[Signature] 3/29/10



cont. Swift Slip

APPLICANT'S NAME JAY GASKILL | JOB ADDRESS 1611 BAY side Dr. | DATE 2-12-10



existing
dock to
be
removed

neighboring
dock
approved via
B-86-159

COASTAL COMMISSION
5-10-093
EXHIBIT # C
PAGE 1 OF 1