CALIFORNIA COASTAL COMMISSION

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



Th8a

 Filed:
 1/13/16

 180th Day:
 7/11/16

 Staff:
 Z. Rehm-LB

 Staff Report:
 1/28/16

 Hearing Date:
 2/12/16

STAFF REPORT: CONSENT CALENDAR

Application No. 5-15-0292

Applicant: Jay Moss

Agent: Shellmaker Inc.

Location: 109 Bayside Place, Alamitos Bay, Newport Beach, Orange County (APN

052-013-17).

Project Remove 733 square foot pier and platform and 18 steel piles and

Description: construct 637 square foot pier and platform with 12 steel piles; remove

60 square foot gangway and construct 61 square foot gangway; and

replace approximately 210 square foot dock float.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

Jay Moss requests a permit to install a new dock system adjacent to his residence at 109 Bayside Place in Corona del Mar, Newport Beach. The existing dock system and the proposed dock system are located partially on the applicant's property and partially over State submerged lands administered by the City of Newport Beach. The major issues raised by the proposed development are consistency with the marine resources and water quality policies of the Coastal Act. The applicant's proposed dock system would cover less water and fill less of the soft bottom of Newport Bay than the existing dock system. The majority of the water coverage and fill would result from the reconstructed dock approach, which would be four feet wide and 134 feet long – the same width as the existing approach and the minimum width allowed by the Newport Beach Harbor Resources Department. The width of the gangway would be reduced from three feet to 2.5 feet and the pier platform would be reduced from 12.5 feet by 10-feet to 12.5 feet by 8-feet. The dock float is proposed to be replaced like-for-like

because the finger width is already the minimum allowed by the Harbor Resources Department. The applicant indicates that the size of the approach, the pier platform, the gangway, and the dock float have been reduced to the minimum necessary for the private marine related use.

Despite the applicant's proposed reduction in size of the dock, the removal of the existing dock and construction of a new dock may adversely impact multiple eelgrass patches which surround the existing dock float and gangway. The applicant has acknowledged that the development might impact eelgrass and has proposed to provide eelgrass mitigation on-site if an impact is identified.

Commission staff recommends **approval** of the proposed development with five special conditions requiring the applicant to 1) carry out pre-construction and post-construction eelgrass surveys and provide eelgrass mitigation consistent with the California Eelgrass Mitigation Policy if the post-construction survey identifies an adverse impact to eelgrass; 2) carry out a pre-construction caulerpa taxifolia survey; 3) implement construction best management practices; 4) implement post-construction best management practices; and 5) comply with the requirements of the resource agencies.

TABLE OF CONTENTS

I.	MO	TION AND RESOLUTION	4
		NDARD CONDITIONS	
III.	SPE	CIAL CONDITIONS	5
IV.	FINI	DINGS AND DECLARATIONS	8
	A.	PROJECT LOCATION & DESCRIPTION	8
		Marine Resources	
	C.	WATER QUALITY	11
		DEVELOPMENT	
	E.	LOCAL COASTAL PROGRAM (LCP)	11
	F.	CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	11

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Existing/Proposed Site Plan Exhibit 3 – Eelgrass Survey (3/6/15)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit application included on the consent calendar in accordance with the staff recommendations.

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

Resolution:

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

This permit is granted subject to the following 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

This permit is granted subject to the following special conditions:

1. Pre-and Post-Construction 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 within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast. fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) adopted by the National Marine Fisheries Service (except as modified by this special condition) and shall be prepared in consultation with the California Department of Fish and Wildlife. 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.
- 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 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, 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 "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/ seagrass info/california eelgrass.html) (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 Wildlife. The applicant shall submit the postconstruction 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 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation: impact). Any exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy 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 taxifolia Survey.

- A. Not earlier than 90 days nor later than 30 days prior to commencement or recommencement 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 Wildlife, and the National Marine

Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/caulerpa_taxif olia.html).

- 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 to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467-4218, William.Paznokas@wildlife.ca.gov) or Bryant Chesney, National Marine Fisheries Service (562-980-4037, Bryant.Chesney@noaa.gov), 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 and/or buffer area has 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.
- 3. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - 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. Eelgrass shall not be disturbed. Anchors shall not be placed in eelgrass areas.
 - G. 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;
 - H. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
 - I. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

- J. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- K. 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;
- L. 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:
- M. 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;
- N. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- O. 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;
- P. 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; and
- Q. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 4. **Best Management Practices (BMP) Program.** By acceptance of this permit, the permittee 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:
 - In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
 - In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
 - The applicants 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:
 - 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:

- 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;
- 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; and
- 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. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The applicant, Jay Moss, requests a permit to install a new dock system adjacent to his residence at 109 Bayside Place in Corona del Mar, Newport Beach. The existing dock system, including 733 square foot approach and pier platform, 18 steel piles, 60 square foot gangway, and approximately 210 square foot dock float, is proposed to be removed and demolished off-site. The proposed 134-foot by 4-foot pier approach, 12.5 foot by 8-foot pier platform, 12 steel piles, 24.5 foot by 2.5 foot gangway, and approximately 201 square foot dock float are proposed in the same location partially over the applicant's property and partially over State submerged lands administered by the City of Newport Beach (Exhibit 1 and Exhibit 2).

The major issues raised by the proposed development are consistency with the marine resources and water quality policies of the Coastal Act. The applicant's proposed dock system would cover less water and fill less of the soft bottom of Newport Bay than the existing dock system. The majority of the water coverage and fill would result from the reconstructed dock approach, which would be four feet wide and 134 feet long – the same width as the existing approach and the minimum width allowed by the Newport Beach Harbor Resources Department. The width of the gangway would be reduced from three feet to 2.5 feet and the pier platform would be reduced from 12.5 feet by 10-feet to 12.5 feet by 8-feet. The dock float is proposed to be replaced like-for-like because the finger width is already the minimum allowed by the Harbor Resources Department. The applicant indicates that the size of the approach, the pier platform, the gangway, and the dock float have been reduced to the minimum necessary for the private marine related use. The applicant indicates that the existing dock is unsafe, the existing piles are rusted, and the purpose of the new dock is to maintain access to his vessel.

5-15-0292 (Moss)

The proposed system is smaller than and doesn't extend as far into the bay as the dock systems extending from the private properties immediately to the south and the north [see Coastal Development Permit 5-06-193 (Ruffatto and McDonald)]. The subject site is located in a residential area where the majority of the homes fronting Newport Bay are located on bulkheaded lots. Neither vertical nor lateral public access exists on the subject property. In addition, there is no established lateral public access in the vicinity. However, there are several opportunities for public access to the coast near the proposed development. Bayside Drive County Beach is accessible via the Orange County Sheriff/Harbor Patrol Bureau north of the project site. That area allows the launching of small boats by the public. Also, public access is available at China Cove Beach located south of the project site. The proposed development will not result in any new adverse impacts to existing public access or recreation in the area.

The applicant proposes Globalgrid mimimesh grated decking for the pier approach, pier platform, and gangway, which will have the effect of allowing slightly more light penetration into Newport Bay than a wood dock system would. The applicant proposes Timberteck composite decking for the dock float, which will replace the existing dock like for like and will extend no further into Newport Bay than the existing dock system. Despite the applicant's proposed reduction in size of the dock and proposed use of grated pier approach, pier platform, and gangway, the removal of the existing dock and construction of a new dock may adversely impact multiple eelgrass patches which surround the existing dock float and gangway. The applicant conducted an eelgrass survey on March 6, 2015 (Exhibit 3) which documented multiple eelgrass patches surrounding the dock float and gangway. An eelgrass survey conducted on April 30, 2013 also identified eelgrass surrounding the dock float, gangway, and pier platform. The applicant has acknowledged that the development might impact eelgrass and has proposed to provide eelgrass mitigation on-site if an impact is identified. The applicant has proposed construction best management practices to minimize turbidity and prevent spillage of chemicals or wood shavings that would adversely affect water quality.

In order to avoid permanent impacts to eelgrass, which would adversely affect biological productivity in Newport Bay, the Commission imposes **Special Condition 1**, which requires a pre-construction eelgrass survey and identifies reporting requirements prior to construction. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur, the impacts will be identified and appropriate mitigation required under strict protocol provided in the California Eelgrass Mitigation Policy dated October 2014, which will ensure full mitigation of any impacts to eelgrass should the post-construction survey show that eelgrass impacts occurred during construction. Therefore, as conditioned, the Commission finds that the proposed development will not result in significant impacts to eelgrass.

Caulerpa taxifolia 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 taxifolia 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 taxifolia. This displacement of native aquatic plant species can adversely impact marine biodiversity with associated impacts upon fishing, recreational diving, and tourism. Caulerpa taxifolia is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows within the immediate project vicinity, Caulerpa taxifolia, if present, could displace eelgrass in the Bay.

Underwater surveys conducted on April 30, 2013 and March 6, 2015 did not encounter *Caulerpa taxifolia*. *Caulerpa taxifolia* surveys are valid for 90 days; thus, an up-to-date *Caulerpa taxifolia* survey must be conducted prior to construction. In order to assure that the proposed project does not cause the dispersal of *Caulerpa taxilfolia*, the Commission imposes **Special Condition 2**, requiring 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 legally required.

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 assure that all impacts to water quality are minimized, and to reduce the potential for construction related impacts on water quality, the Commission imposes **Special Condition 3**, which requires, but is not limited to, 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 imposes **Special Condition 4**, which requires the continued use and maintenance of post construction BMPs.

The proposed dock system has been modified three times in order to ensure consistency with the marine resources and water quality provisions of the Coastal Act, as well as the requirements of the Newport Beach Harbor Resources Department, the Army Corps of Engineers, and the Regional Water Quality Control Board. The City of Newport Beach approved a larger dock system in concept on August 11, 2014 and issued a letter in conceptual agreement with the current proposed dock system on January 14, 2016. The Army Corps issued a provisional letter of permission for a modified version of the project on August 24, 2015 and indicated that it would review final plans after the Coastal Commission approved the subject coastal development permit application. In order to ensure that the final design of the dock system is consistent with the terms of the Commission's approval and those of the other resource agencies, Special Condition 5 requires the applicant to comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Thus, the Commission finds that only as conditioned is the proposed project consistent with Sections 30230, 30231, 30233, and 30250 of the Coastal Act.

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. The pilings are self-mitigating. 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 with Sections 30224 and 30233 of the Coastal Act.

C. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

D. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

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 last updated in October 2009. 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.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's administrative 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 City of Newport Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). On August 11, 2014, the City determined that the project is Categorically Exempt from provisions of CEQA.

The proposed project is located in an urban area. Infrastructure necessary to serve the project exists in the area. The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned to minimize impacts to eelgrass and water

quality, the proposed project has been found consistent with the Chapter 3 policies of the Coastal Act. 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, is the least environmentally damaging feasible alternative and consistent with the requirements of the Coastal Act and CEQA.

SUBSTANTIVE FILE DOCUMENTS

- 1. City of Newport Beach certified Land Use Plan; 1982.
- 2. California Eelgrass Mitigation Policy. National Marine Fisheries Service; 2014.
- 3. Coastal Development Permit 5-06-193 (Ruffatto and McDonald). New dock systems at 105 and 107 Bayside Place, Newport Beach.

109 Bayside Place, Newport Beach





Photo credit: Bing Maps

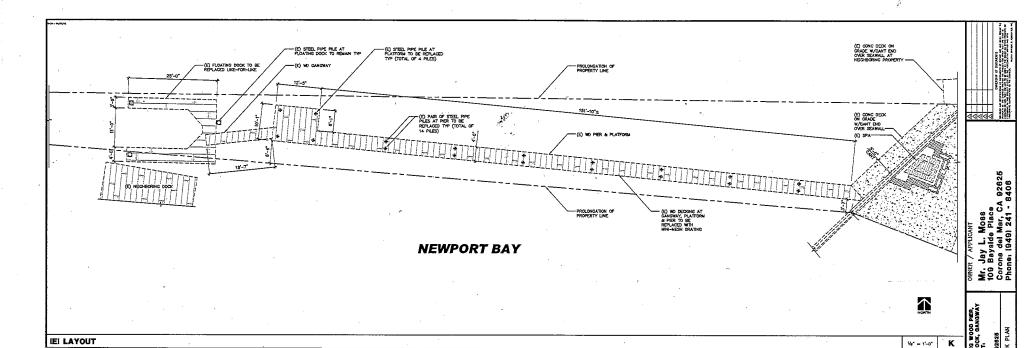


Exhibit 2

Page 1 of 2



California Coastal Commission WILLIAM SIMPSON PLATFORM ASSOCIATES, INC. 100 BAY 100



P. PETRI PANNE CKD. WILAWAIG MUJAFARI

Balboa acht Club PROJECT SITE Degoma Fark Jetty View Park

Exhibit 2

Page 2 of 2



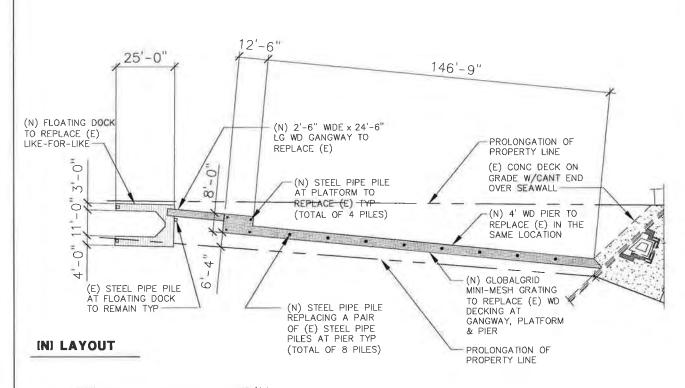
California Coastal Commission

VICINITY MAP

N.T.S.

NORTH

NEWPORT BAY, CALIFORNIA



HARBOR RESOURCES DIV. CITY OF NEWPORT BEACH Swalf 1/19/16

NEWPORT BAY



OWNER : Mr. JAY MOSS	LOT	BLOCK
JOB ADDRESS :109 BAYSIDE PLACE NEWPORT BEACH, CA 92625	CONTRACTOR: SHELLMAKER, INC. 837 WEST 17th STREET COSTA MESA, CA 92627	DATE : 01/17/16

