

**CALIFORNIA COASTAL COMMISSION**

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**W3b**

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49th Day: 12/27/2007  
180th Day: 5/6/2008  
Staff: Charles Posner - LB  
Staff Report: 12/20/2007  
Hearing Date: January 9, 2008  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-07-158

**APPLICANT:** City of Long Beach Department of Parks, Recreation and Marine

**AGENT:** Mark Sandoval, Manager

**PROJECT LOCATION:** 435 Shoreline Village Drive (Rainbow Harbor – Dock 10), City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Remove the existing 313-foot long L-shaped public boat dock at Shoreline Village and replace it in the same location with a new 713-foot long L-shaped public boat dock (with new gangway and three sewage pump-out stations) using twelve existing concrete piles and twelve new concrete piles.

**LOCAL APPROVAL:** Long Beach Planning Department Approval in Concept, 5/4/2007.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Coastal Development Permit 5-87-961 (City of Long Beach, Shoreline Village Public Dock).
3. Coastal Development Permit 5-93-145 (City of Long Beach, Seaport Village Dock).
4. Coastal Development Permit 5-04-233 (City of Long Beach, Rainbow Harbor Dock 9).
5. California Regional Water Quality Control Board Section 401 Certification, File No. 07-064, 10/19/2007.
6. U.S. Army Corps of Engineers Permit Application, Corps File No. SPL-2007-546-KW.
7. Eelgrass & Caulerpa Survey at Dock 10 in Rainbow Harbor, by Tetra Tech, Inc. 3/15/2007.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the permitted use of the public dock, permit compliance, protection of water quality and marine resources, public access along the shoreline, and assumption of risk. The applicant agrees with the recommendation. **See Page Two for the Motion.**

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve the coastal development permit applications 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 the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution: 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 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Permit Compliance – Use of Dock**

The docking facility approved by Coastal Development Permit 5-07-158 is for transient public docking and public recreational boating related uses only, and shall be reserved for use by the general public. Limited short-term berthing for the loading and unloading of passengers from non-commercial working vessels is also permitted, with the approval of the City of Long Beach Marine Bureau. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans, or any proposed intensification of use of the dock (e.g., use of the dock by commercial tour vessels or private charters) must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change in use or other changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

#### **2. Construction Responsibilities and Debris Removal**

By acceptance of this permit, the permittee agrees to implement the proposed construction best management practices (BMPs) listed below and on Exhibit #6 of the staff report dated 12/20/07.

- A. Any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. Treated timber shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water.
- B. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- D. Silt curtains will be utilized to control turbidity during placement of all piles.
- E. 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.
- F. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- G. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the bay and a pre-construction meeting to review procedural and BMP guidelines.
- H. Any and all construction material and debris shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal

development permit or an amendment to this permit shall be required before disposal can take place.

- I. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

### 3. 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:

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 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.
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:

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:

Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Bilges shall be cleaned and maintained. The use of detergents or soaps that can be discharged by bilge pumps is prohibited.

### 4. Public Access To and Along the Waterway

The permittee and the development shall not interfere with public access along Mole Road and the shoreline in the project area (except for the temporary disruptions that may occur during the completion of the permitted development).

5. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, 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.

6. Assumption of Risk

By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in i through v.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The proposed project involves the replacement of the existing public boat dock (Dock 10) and sewage pump-out facility located next to the Shoreline Village shopping center and the Downtown Shoreline Marina, near the entrance to Mole Road (Exhibit #3). The City existing dock is deteriorated and insufficiently equipped to meet the demands of the boating public. Construction is expected to begin in early 2008 and last for about four months.

The existing L-shaped timber dock will be dissembled and removed, and a new L-shaped concrete dock will be constructed off-site and installed in its place. The new concrete dock will meet current dock standards and will incorporate adequate utilities to serve the public's demand, including two additional sewage pump-out stations and an additional four hundred feet of dock to create additional berthing space for vessels. All twelve existing concrete piles

will be protected in place and re-used to secure the new dock. No dredging is proposed, and no new nighttime lights (except for navigational lights) are proposed as part of the dock replacement project.

The existing dock has 313 linear feet of dock (Exhibit #4). The new L-shaped floating dock will be four hundred feet longer with 713 linear feet of dock (Exhibit #5). The new dock is fifteen feet wide and will be located eleven feet seaward from the location of the existing dock in order to eliminate vessels grounding at low tides. Twelve new 24-inch diameter concrete piles, in addition to the twelve existing concrete piles, will secure the new dock in place (Exhibit #6). The existing dock's aluminum gangway will be replaced with a similar 5'x 45' gangway in the same location. The dock's utilities will be replaced in kind (e.g., potable water, fire water, electricity) with three sewage pump-out stations installed at the southern end of the new dock (Exhibit #5).

The shoreline in the project area is comprised of imported rocks. Immediately above the rocks there exists a public sidewalk, bicycle path, public parking and the Mole Road (Exhibit #3). The proposed 30'x 80' construction staging area, proposed to be located on a portion of the Mole Road parking area near the project site, will not block access to Mole Road and the public recreational facilities that are accessed from Mole Road (i.e., boat docks, fishing piers, public park, and marina and general public parking) (Exhibit #5).

On March 15, 2007, Tetra Tech, Inc. conducted an underwater survey and found no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) in the vicinity of the proposed project. Therefore, the proposed project will not adversely affect any eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*.

The proposed project has received the approval of the City of Long Beach Planning Department and the City of Long Beach Marine Bureau. The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 07-064, 10/19/07), and a preliminary approval (pending Coastal Commission approval) from the U.S. Army Corps of Engineers (Corps File No. SPL-2007-546-KW). The California Department of Fish and Game has reviewed the proposed project and has determined that it would not have a significant adverse effect on marine resources if the proposed best management practices (e.g., the use of silt curtains and a debris boom) are implemented during construction.

## **B. Public Use of Dock 10**

On February 25, 1988, the Commission approved Coastal Development Permit 5-87-961 (City of Long Beach) for the construction of the existing City-owned dock. Special Condition Three of Coastal Development Permit 5-87-961 prohibited the use of the public dock for "either the origin or final destination of tour boats" in order to protect the limited parking facilities in the area from being overburdened by the parking demands generated by commercial tour boats.

The City has not proposed any change in dock use as part of this permit application. Commercial recreational boating concessions, charters and tours do not use the public dock, as there are other docks specifically designated for commercial uses within Rainbow Harbor. The existing dock is currently used for short-term (less than eight hours) transient public docking and for the daily loading and unloading of workers from two private companies' vessels. The private companies' workers board the vessels at the dock once in the morning

and unload once in the afternoon. Given the large size of the proposed dock, the limited use of the dock for the continuing short-term berthing for the loading and unloading of passengers from non-commercial working vessels will not adversely affect public access or recreation.

Special Condition One of Coastal Development Permit 5-07-158 limits the use of the proposed replacement dock to transient public docking and public recreational boating related uses only, and, with the approval of the City of Long Beach Marine Bureau, the continuing short-term berthing for the loading and unloading of passengers from non-commercial working vessels. As conditioned, the proposed development will support public recreational boating opportunities in the Downtown Shoreline area and is therefore consistent with the public access and recreation policies of the Coastal Act.

### **C. Recreational 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 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 for recreational boating purposes, conforms with Sections 30224 and 30233 of the Coastal Act.

### **D. Water Quality**

The proposed dock work will be occurring on or within 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 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.

### **E. Public Access**

The public currently has unrestricted access along the shoreline at the project site. The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the completion of the permitted development. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**F. Local Coastal Program**

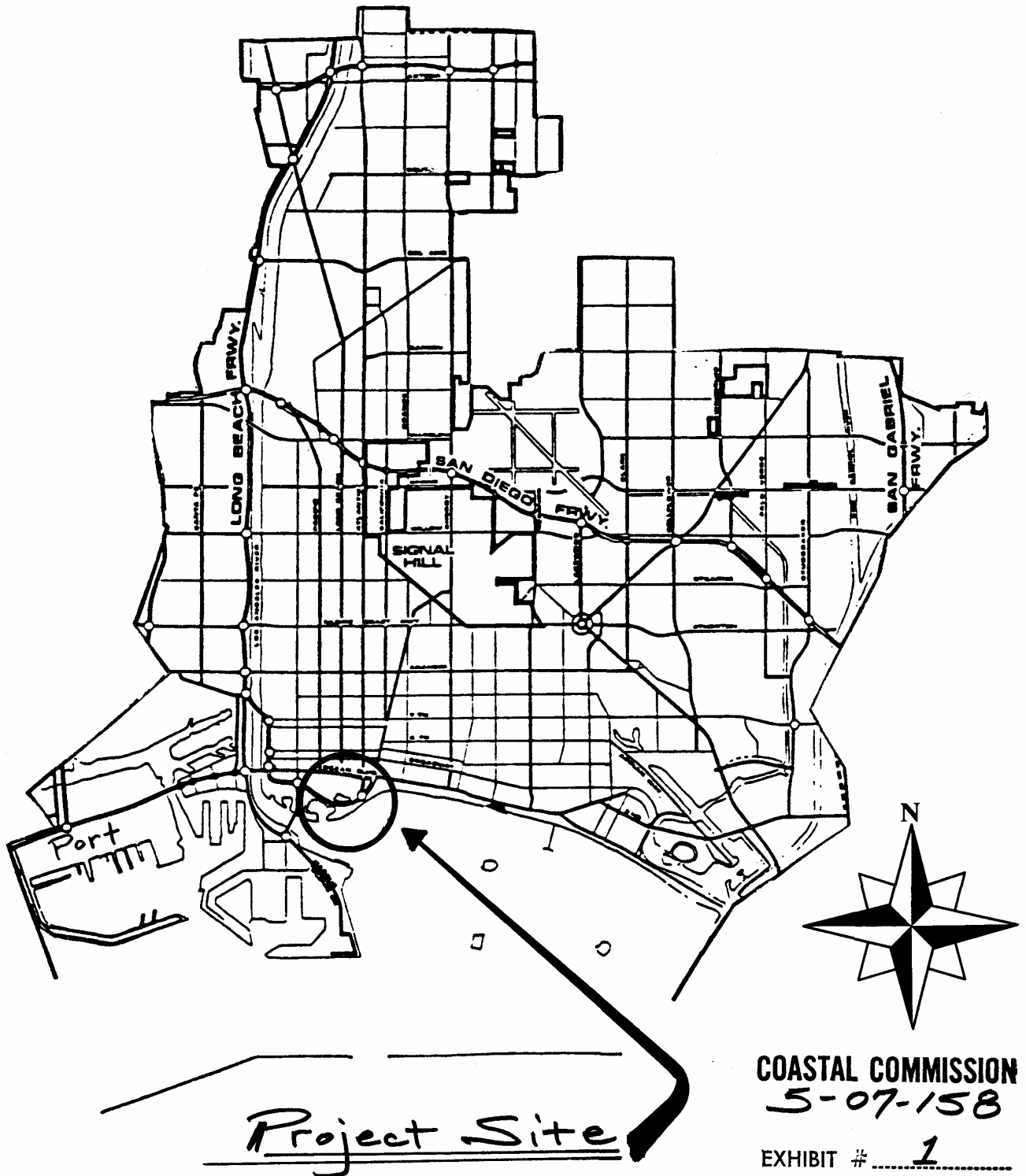
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**G. California Environmental Quality Act (CEQA)**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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.

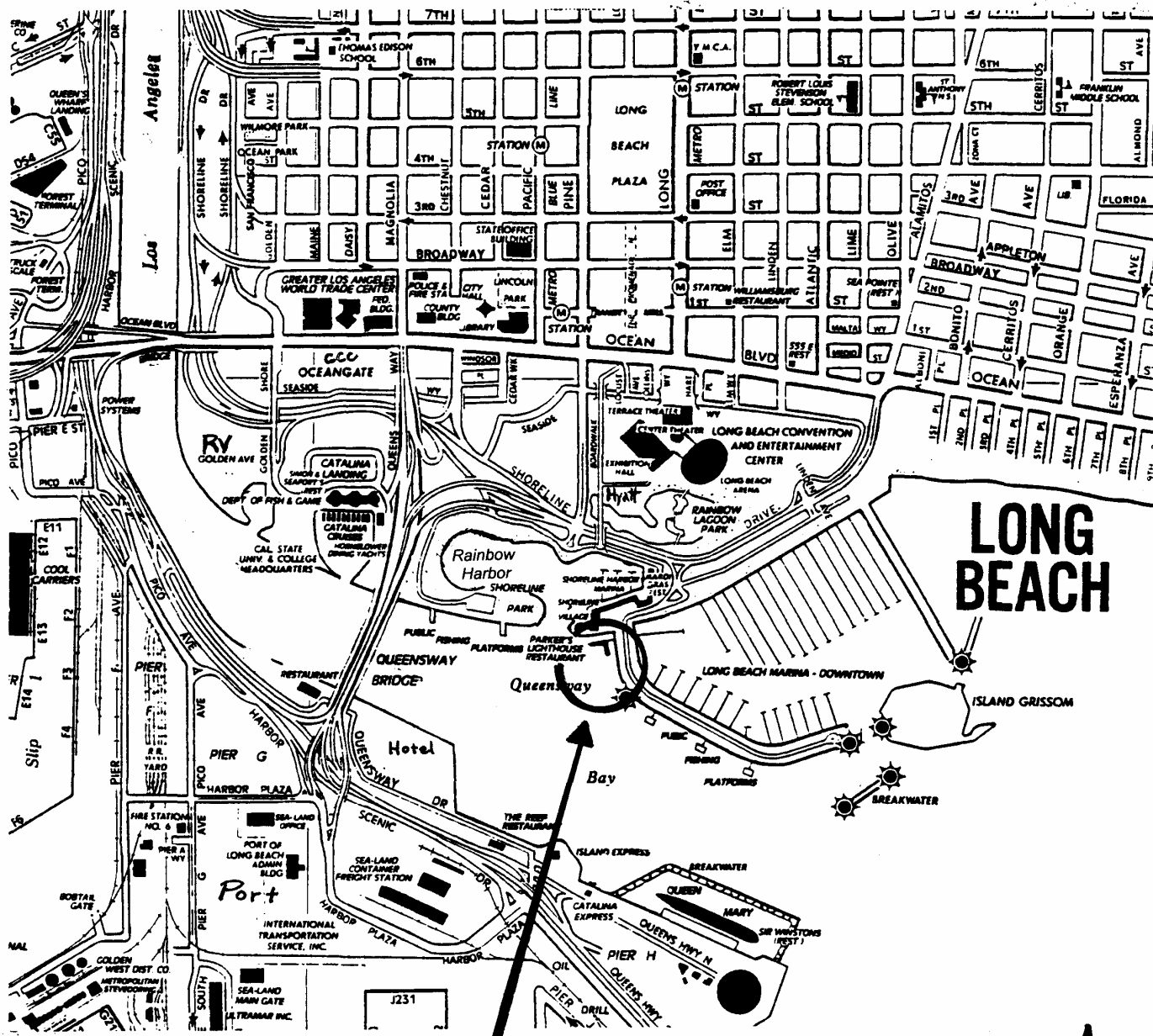


# City of Long Beach



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EXHIBIT # 1  
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Project Site



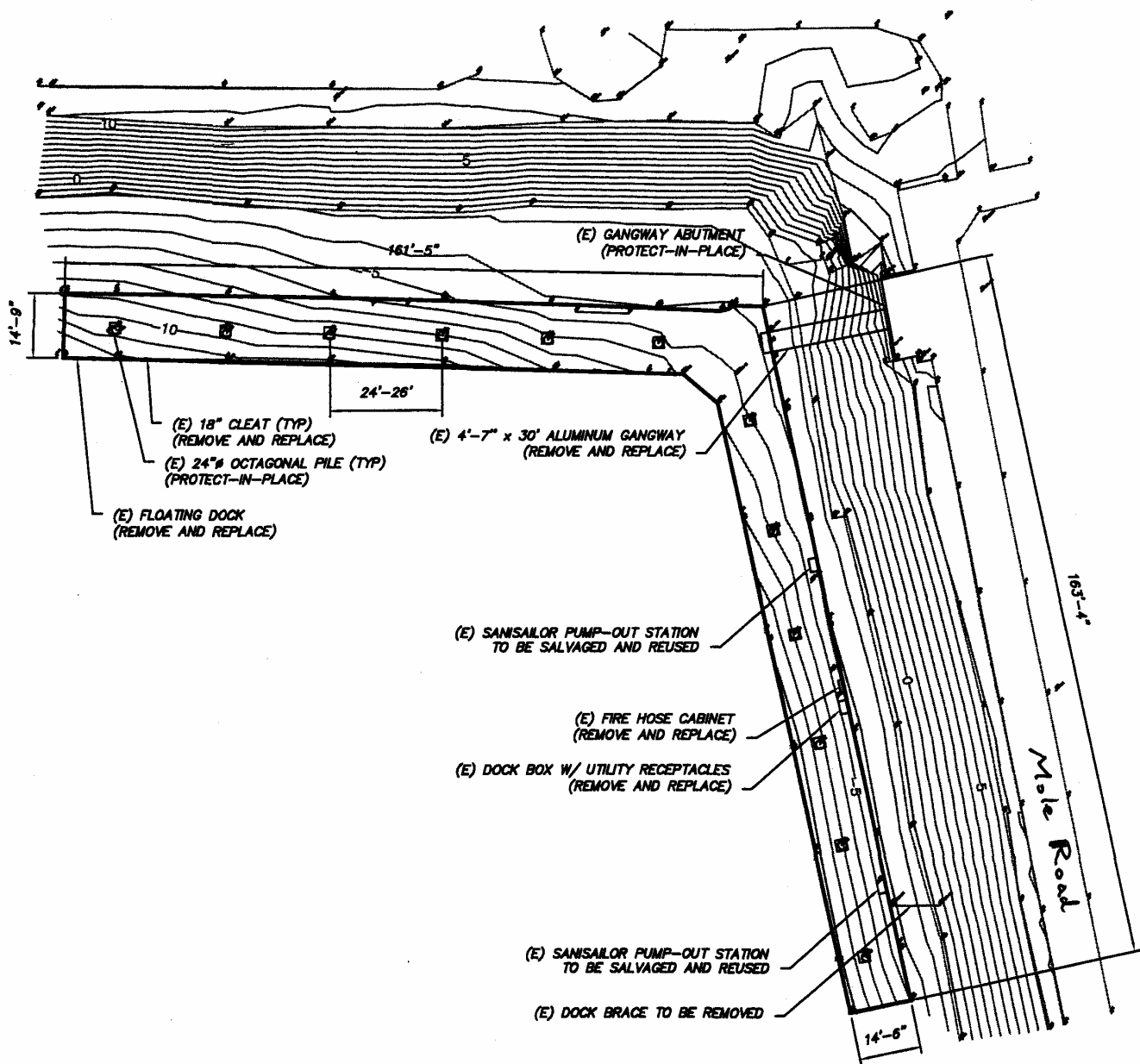
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EXHIBIT # 2

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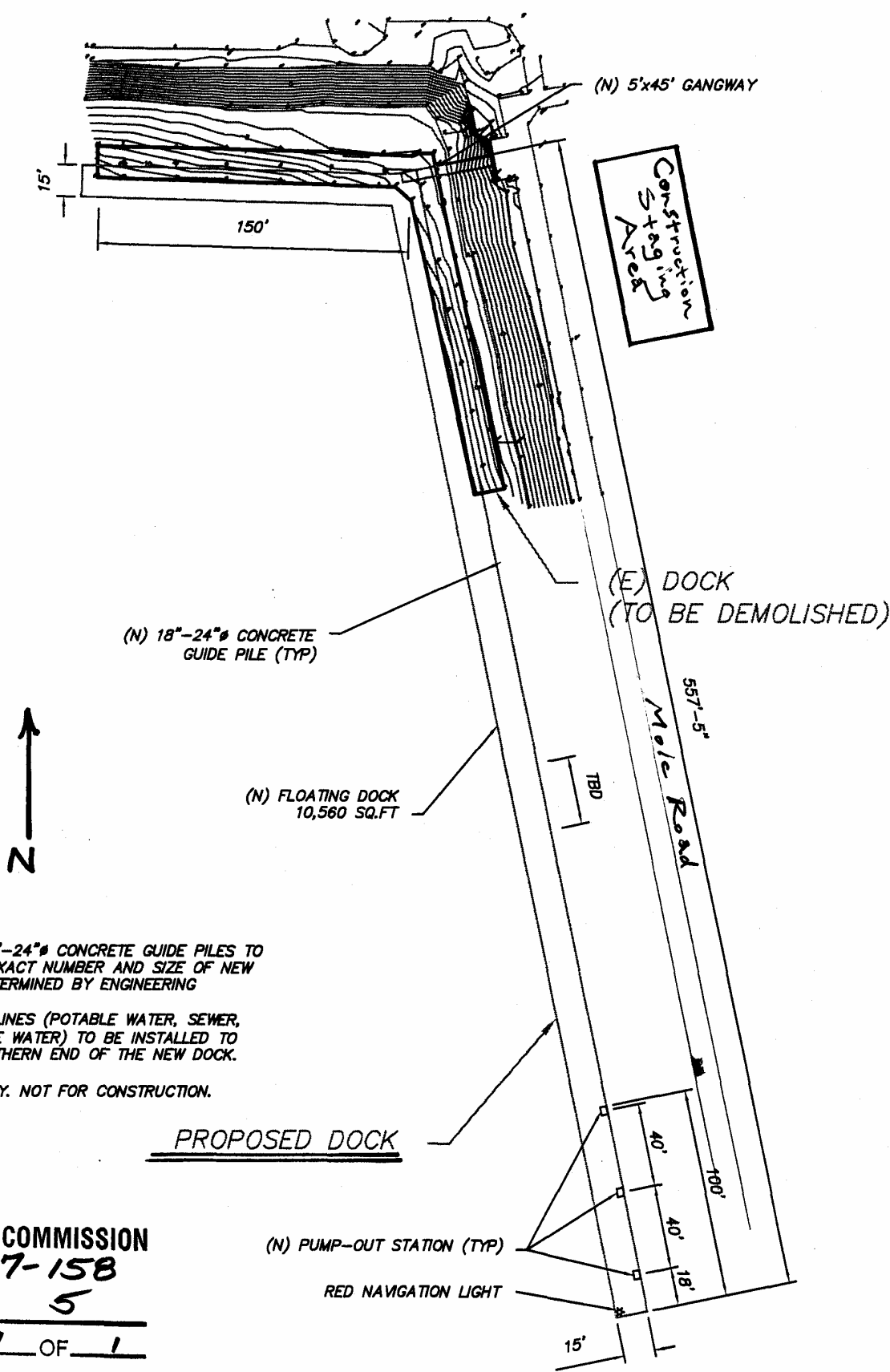




EXISTING DOCK LAYOUT

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EXHIBIT # 4  
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**NOTES:**

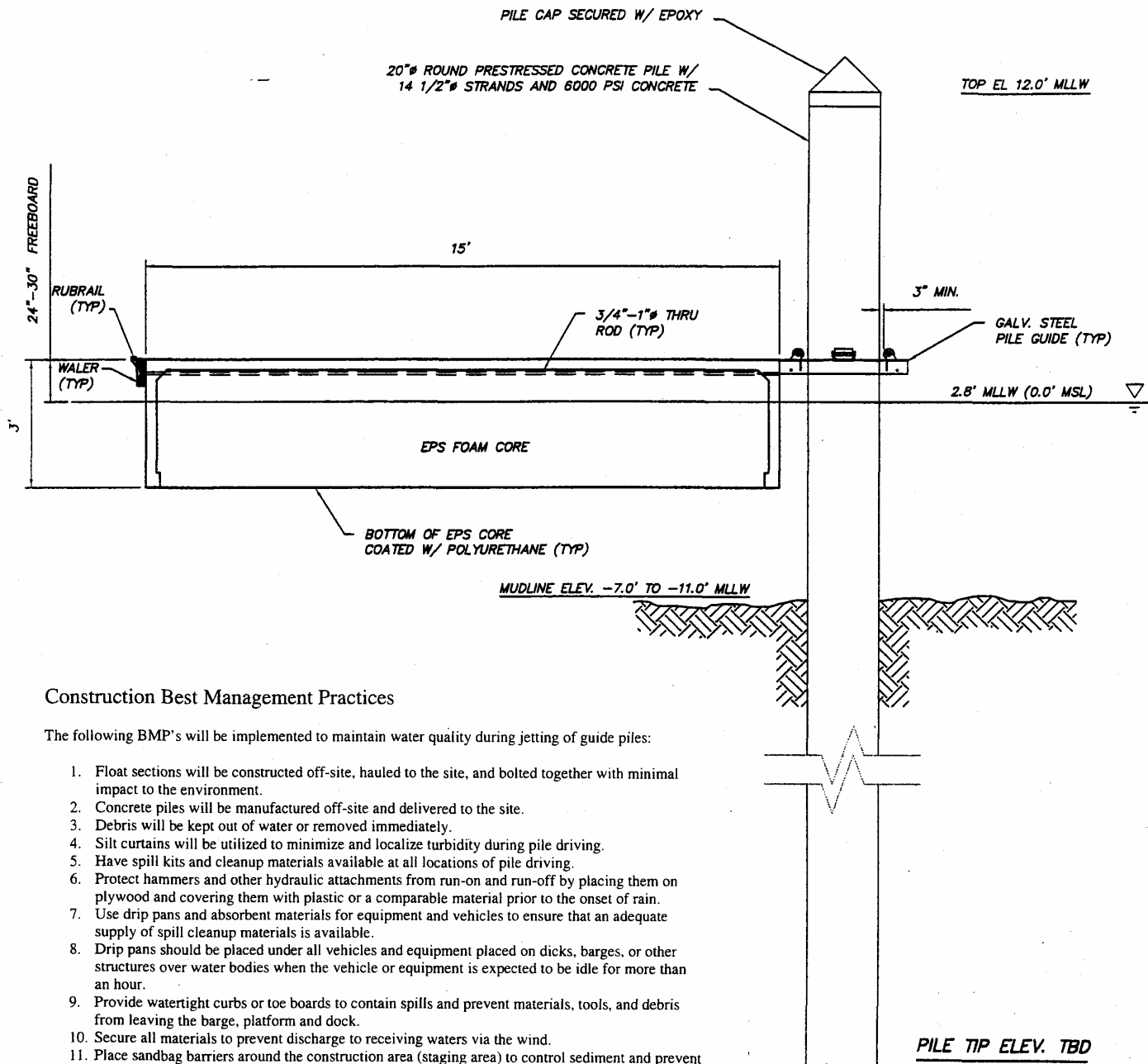
- 1) 8-12 NEW 18"-24"Ø CONCRETE GUIDE PILES TO BE INSTALLED. EXACT NUMBER AND SIZE OF NEW PILES TO BE DETERMINED BY ENGINEERING ANALYSIS.
- 2) NEW UTILITY LINES (POTABLE WATER, SEWER, ELECTRICITY, FIRE WATER) TO BE INSTALLED TO REACH THE SOUTHERN END OF THE NEW DOCK.
- 3) (N) = NEW
- 4) CONCEPT ONLY. NOT FOR CONSTRUCTION.

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EXHIBIT # 5

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### Construction Best Management Practices

The following BMP's will be implemented to maintain water quality during jetting of guide piles:

1. Float sections will be constructed off-site, hauled to the site, and bolted together with minimal impact to the environment.
2. Concrete piles will be manufactured off-site and delivered to the site.
3. Debris will be kept out of water or removed immediately.
4. Silt curtains will be utilized to minimize and localize turbidity during pile driving.
5. Have spill kits and cleanup materials available at all locations of pile driving.
6. Protect hammers and other hydraulic attachments from run-on and run-off by placing them on plywood and covering them with plastic or a comparable material prior to the onset of rain.
7. Use drip pans and absorbent materials for equipment and vehicles to ensure that an adequate supply of spill cleanup materials is available.
8. Drip pans should be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is expected to be idle for more than an hour.
9. Provide watertight curbs or toe boards to contain spills and prevent materials, tools, and debris from leaving the barge, platform and dock.
10. Secure all materials to prevent discharge to receiving waters via the wind.
11. Place sandbag barriers around the construction area (staging area) to control sediment and prevent run-off.
12. Ensure that employees and subcontractors implement the appropriate measures for storage and use of materials and equipment.

DOCK ELEVATION

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EXHIBIT # 6

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