

**CALIFORNIA COASTAL COMMISSION**

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

Filed: 11/20/2009  
49th Day: 1/8/2010  
180th Day: 5/19/2010  
Staff: Charles Posner - LB  
Staff Report: 12/22/2009  
Hearing Date: January 14, 2010  
Commission Action:



# Th4b

## **STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-09-236

**APPLICANT:** AC – Catalina Landing, LLC (Attn: Kevin Dillard)

**AGENT:** Fred Massabki, URS Corp.

**PROJECT LOCATION:** 310 Golden Shore (Catalina Landing), City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Remove 38 concrete piles, thirty timber piles, five barge-style docks and four gangways from Catalina Landing in order to allow maintenance dredging and removal of contaminated sediments from the harbor.

**LOCAL APPROVAL:** City of Long Beach Approval in Concept

### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Consistency Determination No. CC-004-09 (City of Long Beach, Dredging).
3. U.S. Army Corps of Engineers Amended Regional General Permit 30 (RGP 30).
4. U.S. Army Corps of Engineers Amended Permit No. 1999-15256-KW.
5. Coastal Development Permit 5-81-379 (Catalina Landing Assoc.).
6. Coastal Development Permit Application 5-08-252 (AC - Catalina Landing).

### **SUMMARY OF STAFF RECOMMENDATION**

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions that minimize adverse impacts to water quality and marine resources. **See Page Two for the motion to carry out the staff recommendation.** The applicant agrees with the recommendation.

**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. 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. Protection of Marine Resources

The permittee shall implement the following project staging and demolition best management practices in order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into coastal waters:

- A. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- B. Prior to demolition, and during site preparation molluscs (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found at the project site shall be relocated to another part of the bay when possible.
- C. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
- D. If turbid conditions are generated during demolition and construction, silt curtains shall be utilized to control turbidity.
- E. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- F. Demolition and construction staging activities and equipment and materials storage areas shall not be located on any beach, wetland or environmentally sensitive habitat area.
- G. Sandbag barriers shall be placed around the staging and storage areas and around drainage inlets to control sediment and prevent run-off/sediment transport into the water.
- H. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- I. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- J. Construction equipment and vehicles shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction equipment shall be serviced immediately. Equipment and machinery shall be serviced, fueled, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into coastal waters. Thinners, oils or solvents shall not be discharged onto the ground or into sanitary or storm sewer systems.

- K. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- L. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- M. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- N. At the end of the demolition 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.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all demolition, construction, staging and cleaning activities.

2. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of 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 which 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**

The Commission hereby finds and declares:

**A. Project Description**

The applicant proposes to remove 38 concrete piles, thirty timber piles, five barge-style docks (two of which are lashed together) and four gangways from Catalina Landing (Exhibit #3). Only the five unused docks, which are dilapidated, will be removed. No vessels are being displaced. The four docks that are being used by the City of Long Beach Marine Bureau, Catalina Express and Long Beach Transit (water taxi and the AquaBus) will remain in place. Pedestrian and bicycle access along the esplanade will not be obstructed.

The proposed removal of the unused piles, docks and gangways is necessary to allow the Catalina Landing harbor's maintenance dredging project to proceed. The harbor dredging has been approved pursuant to Consistency Determination No. CC-004-09 (City of Long Beach, Dredging). The applicant states that the dredge matter, which is contaminated and not suitable for use as beach sand, will be used by the Port of Long Beach. The Port will use the

contaminated sediment from the Catalina Landing dredging project (scheduled to commence March 5) as the bottom layer of fill in the Pier G North Slip Project, then cap it with clean fill. The order of work is: 1) remove piles and docks from Catalina Landing (Coastal Development Permit 5-09-236), 2) dredge Catalina Landing harbor (Consistency Determination No. CC-004-09), and 3) use the dredge matter as the bottom layer of fill at Pier G (Harbor Permit).

Catalina Landing is a small protected harbor surrounded by a public esplanade and four five-story office buildings. The Catalina Landing office building occupants include the terminal for Catalina Express (ferry service), administrative offices for the Catalina Island Conservancy and the Aquarium of the Pacific. Catalina Landing was constructed in 1982 under Coastal Development Permit 5-81-379 (Catalina Landing Assoc.).

The project overall will improve the environment by removing contaminated sediment. The applicant has included Best Management Practices (BMPs) in the plan for the proposed demolition (e.g., use of slit curtains, trash booms, and erosion controls). The piles will be removed by barge-mounted cranes using vibratory grabbers. The applicant's plan for construction of new docks at a later date is the subject of Coastal Development Permit Application 5-08-252 (AC-Catalina Landing, LLC).

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

## **B. Marine Resources and Water Quality**

The proposed dock work will be occurring on or within coastal waters. The proposed project does not result in the fill of coastal waters. The proposed dock work will not have any significant adverse effect on sensitive marine resources, such as eelgrass. 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 30231 of the Coastal Act.

## **C. Public Access and Recreation**

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.

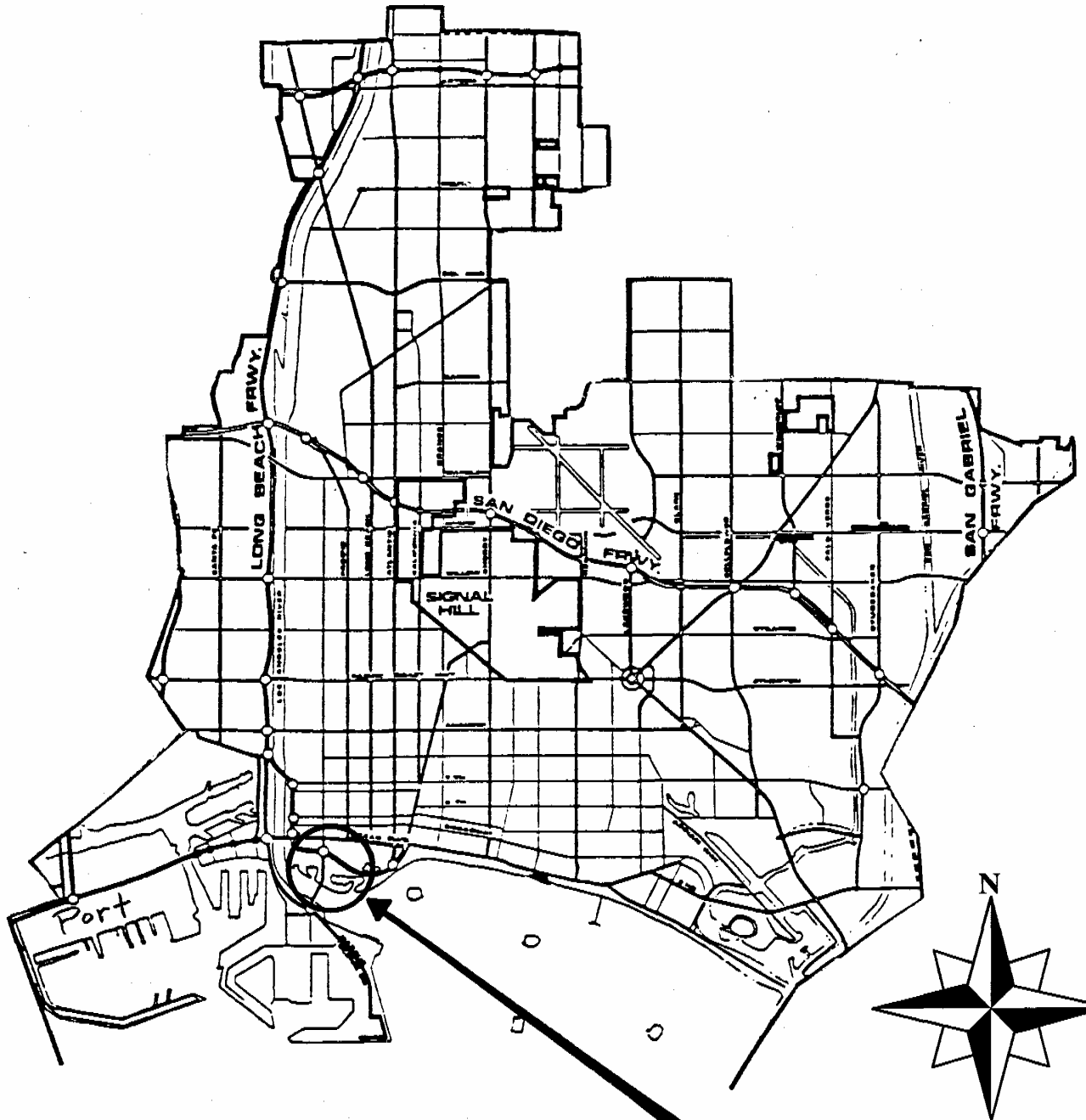
**D. Local Coastal Program**

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.

**E. 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




Site

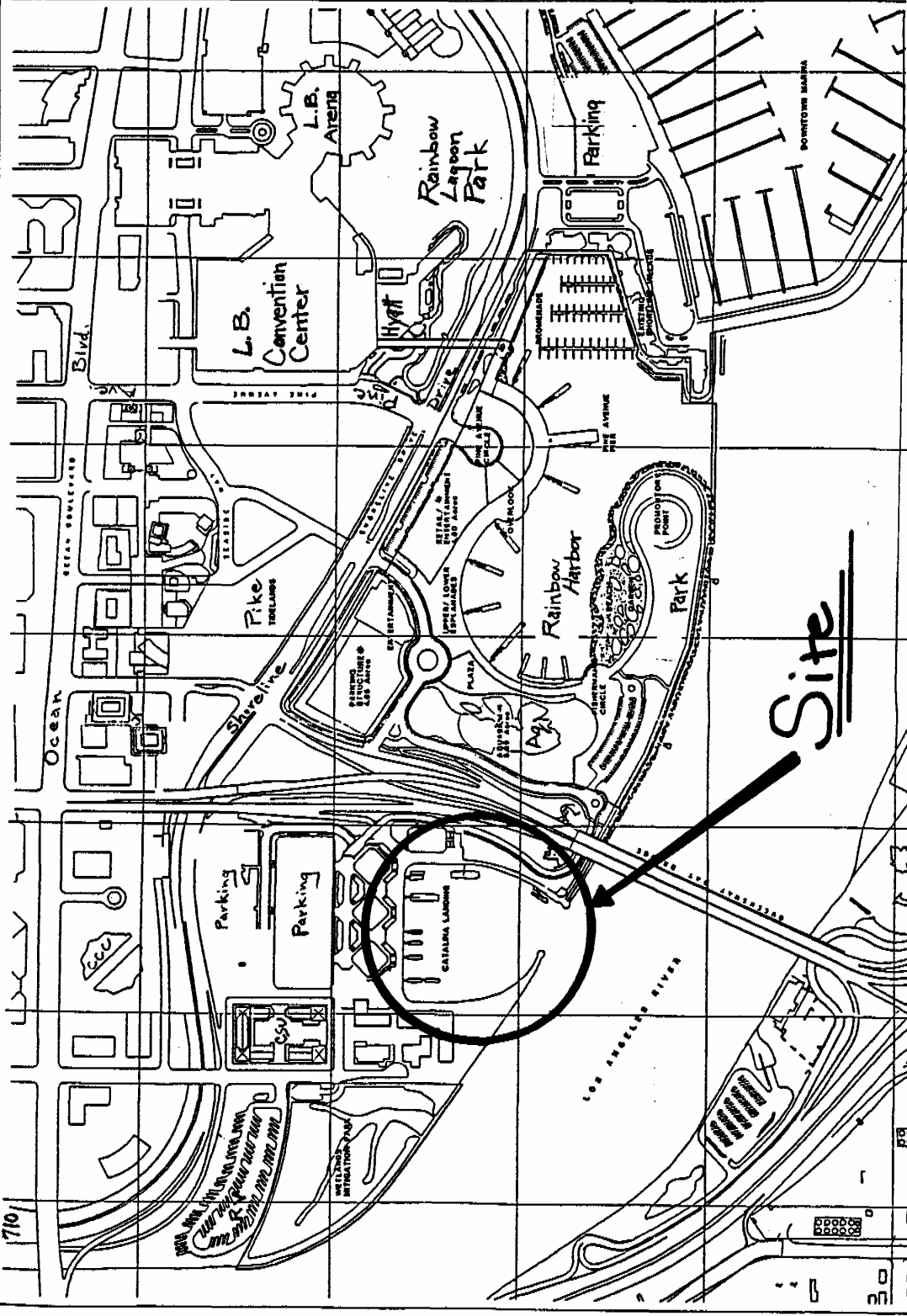
COASTAL COMMISSION

5-09-236

EXHIBIT # 1

PAGE 1 OF 1

 <b>QUEENWAY BAY</b> Long Beach, California	
<b>GENERAL:</b> City of Long Beach 2500 Broadway, Suite 1000 Long Beach, California 90801 Tel: 562.595.1000	<b>DESIGN DEVELOPMENT:</b> Queenway Bay 2500 Broadway, Suite 1000 Long Beach, California 90801 Tel: 562.595.1000
<b>ARCHITECT:</b> [Faded text]	<b>ENGINEER:</b> [Faded text]
<b>LANDSCAPE ARCHITECT:</b> [Faded text]	<b>PLANNING:</b> [Faded text]
<b>ENVIRONMENTAL:</b> [Faded text]	<b>CONTRACTOR:</b> [Faded text]
<b>DATE:</b> [Faded text]	<b>SCALE:</b> [Faded text]

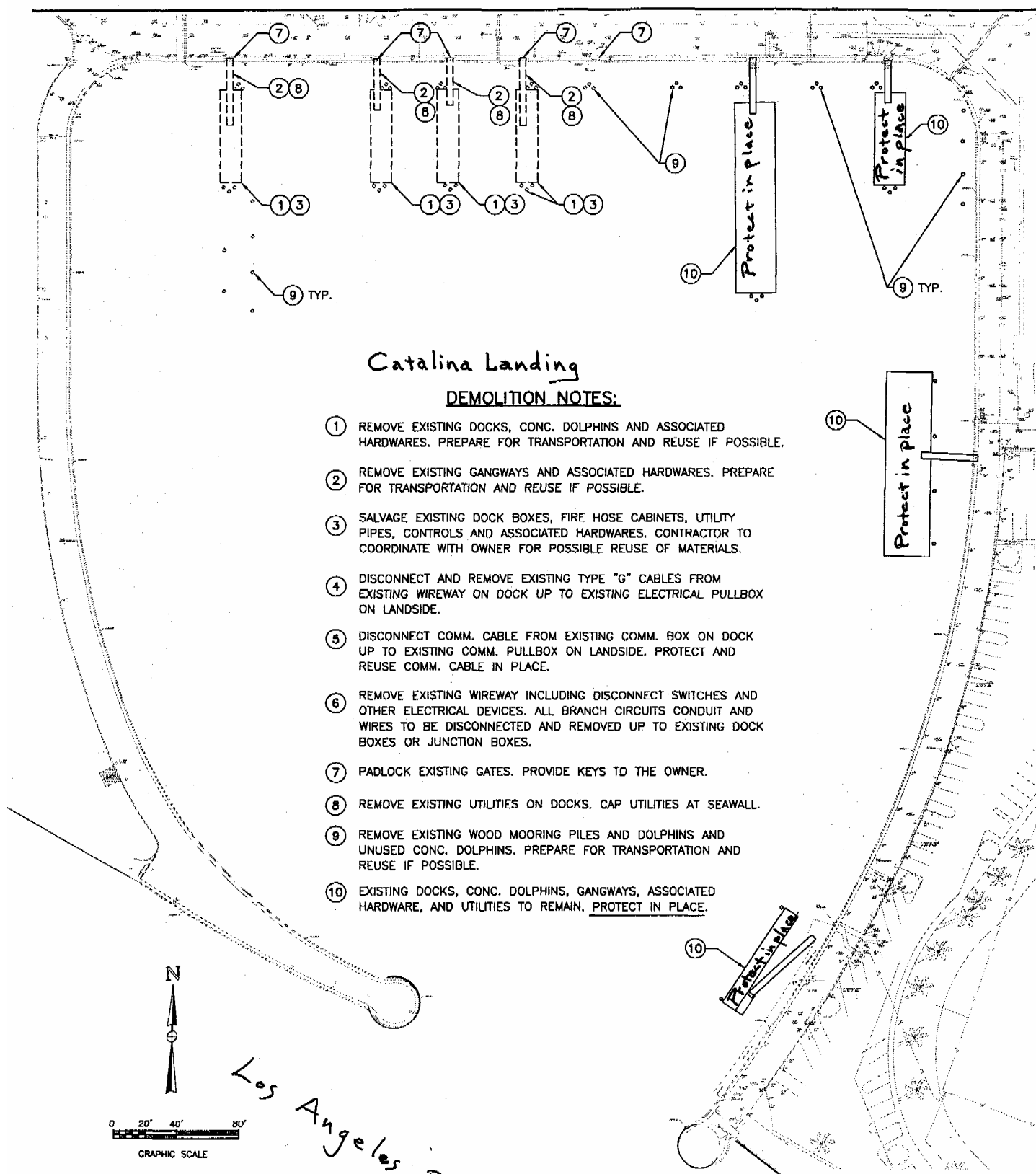


COASTAL COMMISSION  
 5-09-236

EXHIBIT # 2  
 PAGE 1 OF 1

Downtown Shoreline

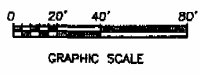




## Catalina Landing

### DEMOLITION NOTES:

- ① REMOVE EXISTING DOCKS, CONC. DOLPHINS AND ASSOCIATED HARDWARES. PREPARE FOR TRANSPORTATION AND REUSE IF POSSIBLE.
- ② REMOVE EXISTING GANGWAYS AND ASSOCIATED HARDWARES. PREPARE FOR TRANSPORTATION AND REUSE IF POSSIBLE.
- ③ SALVAGE EXISTING DOCK BOXES, FIRE HOSE CABINETS, UTILITY PIPES, CONTROLS AND ASSOCIATED HARDWARES. CONTRACTOR TO COORDINATE WITH OWNER FOR POSSIBLE REUSE OF MATERIALS.
- ④ DISCONNECT AND REMOVE EXISTING TYPE "G" CABLES FROM EXISTING WIREWAY ON DOCK UP TO EXISTING ELECTRICAL PULLBOX ON LANDSIDE.
- ⑤ DISCONNECT COMM. CABLE FROM EXISTING COMM. BOX ON DOCK UP TO EXISTING COMM. PULLBOX ON LANDSIDE. PROTECT AND REUSE COMM. CABLE IN PLACE.
- ⑥ REMOVE EXISTING WIREWAY INCLUDING DISCONNECT SWITCHES AND OTHER ELECTRICAL DEVICES. ALL BRANCH CIRCUITS CONDUIT AND WIRES TO BE DISCONNECTED AND REMOVED UP TO EXISTING DOCK BOXES OR JUNCTION BOXES.
- ⑦ PADLOCK EXISTING GATES. PROVIDE KEYS TO THE OWNER.
- ⑧ REMOVE EXISTING UTILITIES ON DOCKS. CAP UTILITIES AT SEAWALL.
- ⑨ REMOVE EXISTING WOOD MOORING PILES AND DOLPHINS AND UNUSED CONC. DOLPHINS. PREPARE FOR TRANSPORTATION AND REUSE IF POSSIBLE.
- ⑩ EXISTING DOCKS, CONC. DOLPHINS, GANGWAYS, ASSOCIATED HARDWARE, AND UTILITIES TO REMAIN. PROTECT IN PLACE.



Los Angeles River

COASTAL COMMISSION  
5-09-236

EXHIBIT # 3  
PAGE 1 OF 1