

CALIFORNIA COASTAL COMMISSION

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

Filed: 11/17/2010
49th Day: 1/5/2011
180th Day: 5/16/2011
Staff: Charles Posner - LB
Staff Report: 12/22/2010
Hearing Date: January 13, 2011
Commission Action:



Th5b

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-10-273

APPLICANT: City of Long Beach Department of Public Works

AGENTS: Mark Christoffels, City Engineer
Anneke Van Gelder, Civil Engineer

PROJECT LOCATION: Naples Canal (north seawall, between 5607 Naples Canal and The Colonnade), Naples Island, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Repair a 400-foot long segment of an existing vertical concrete seawall by coring four-inch diameter holes and installing soil anchors, with storage of temporarily-displaced boat dock floats at the terminus of The Colonnade.

LOCAL APPROVAL: Long Beach Planning Dept. Approval in Concept, 11/15/2010.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Coastal Development Permit 5-07-159 (Long Beach Seawall Repairs).
3. Eelgrass Survey Report for Long Beach Yacht Club Long Dock in Alamitos Bay Marina, by Long Beach Fire Dept. 6/26/2007.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development (seawall repairs and the removal and re-attachment of the dock floats) with special conditions relating to the project timing and the protection of marine resources, public access, water quality 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 on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

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 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.

2. Project Timing

The approved development shall occur only during the period commencing September 15 and ending May 15.

3. Public Access To and Along the Water

The applicant and the development shall not interfere with public access along the shoreline in the project area, except for the temporary disruptions that may occur during the completion of the permitted development.

4. Construction Responsibilities and Debris Removal

- A. 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.
- B. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- D. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- E. No anchoring shall be permitted within fifty feet of eelgrass beds.
- F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- H. 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 ocean and a pre-construction meeting to review procedural and BMP guidelines.
- I. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. 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.
- J. 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.

5. Resource Agencies

The permittees 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 is the repair of a 400-foot long segment of Naples Island's existing vertical concrete seawall (See Exhibits). The project site is on the north bank of Naples Canal, between 5607 Naples Canal and The Colonnade (Exhibit #3). The proposed repairs, which will be conducted from the waterside of the seawall, involve the installation of several 32.5-foot long steel soil anchors into four-inch diameter holes that will be drilled through the existing concrete seawall (Exhibit #4). Minor concrete spalling and crack repairs will also be conducted where needed. There will be no fill, dredging or excavation, and nothing is proposed to be discharged into the waters of Alamitos Bay. Workers' access to the seawalls during the repairs will require the temporary relocation of the private floating boat docks that exist along the seawall. The temporarily-displaced dock floats will be stored nearby next to the seawall at the terminus of The Colonnade and at the Alamitos Bay Harbormaster's dock (Exhibit #2).

The dock floats will be reattached to their former locations along the seawall as soon as the proposed repairs are completed. The street end of Corinthian Walk will be used as the project staging and equipment storage area (Exhibit #3).

The proposed project, which is expected to be completed in less than three months, is scheduled to occur during the winter and spring (between September 15 and May 15) in order to avoid conflicts with public recreation activities during the busy summer season. The public accessway that exists along the landside of the seawall will remain open during the project. Eelgrass beds will not be disturbed, as there is no bottom disturbance proposed or permitted.

B. Recreational Marine Resources

The proposed development is the repair of an existing vertical concrete seawall. No fill of coastal waters is proposed. The proposed development will not have any significant adverse effect on sensitive marine resources, such as eelgrass. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Section 30224 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Eelgrass beds will not be disturbed, as there is no bottom disturbance proposed or permitted. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. 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. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. Public Access

The public currently has unrestricted pedestrian access along the shoreline at the project sites. 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 the certified LCP and Chapter 3 of the Coastal Act.

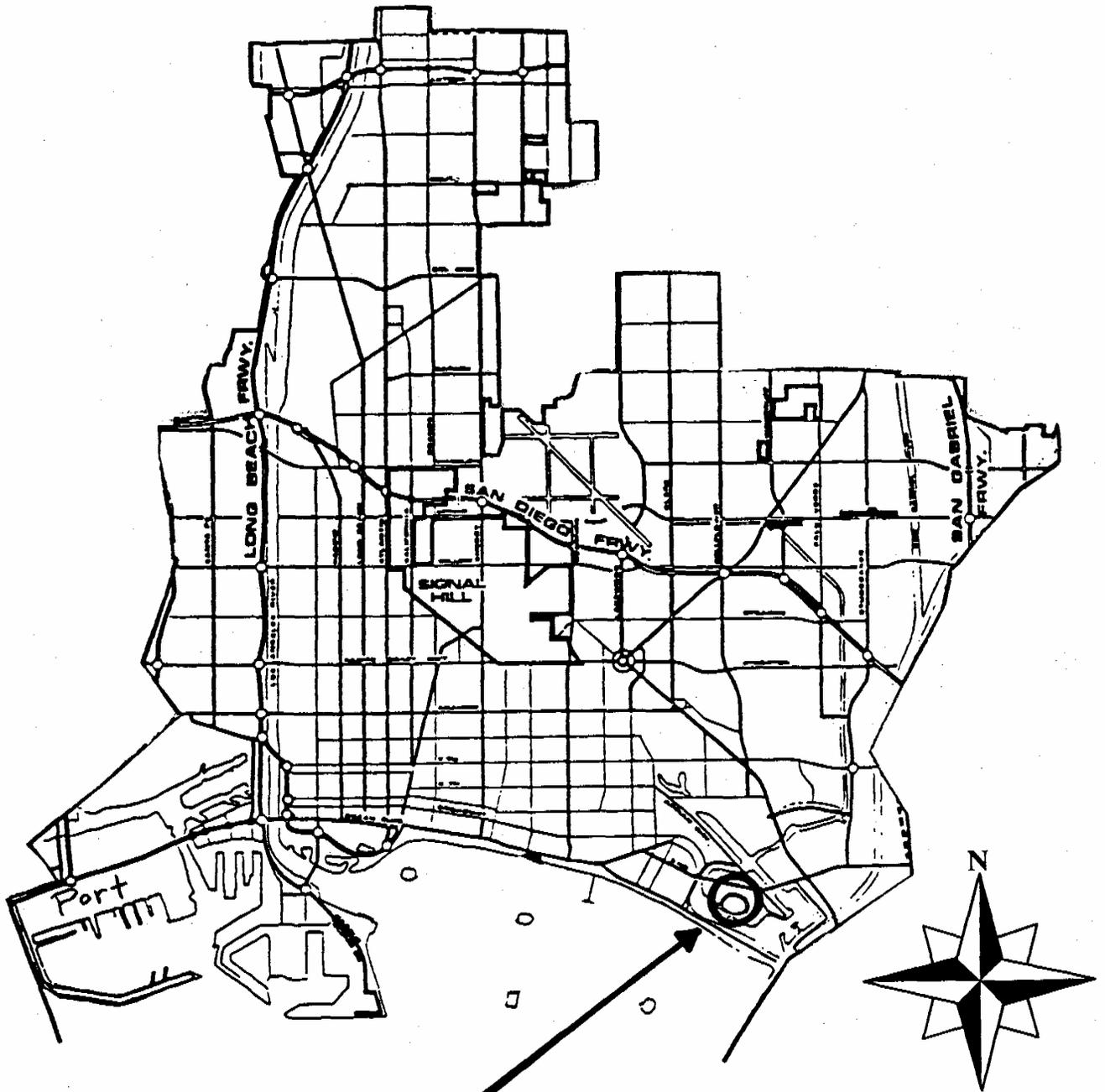
G. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application 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 Long Beach, the lead agency for CEQA, determined on October 12, 2010 that the proposed event is categorically exempt from CEQA pursuant to State Guidelines Section 15301, Class 1: Repair and Maintenance of Existing Public Facilities (Categorical Exemption CE-50-10, 10/12/2010).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.

City of Long Beach



Naples Island

COASTAL COMMISSION
5-10-273

EXHIBIT # 1
PAGE 1 OF 1

