

**CALIFORNIA COASTAL COMMISSION**

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

**W7c**

Staff: M. Revell – LB  
Date: October 15, 2015

**ADMINISTRATIVE PERMIT**

**Application No.** 5-15-1325

**Applicant:** Kris Burnier

**Agent:** South Shore Marine

**Project Location:** State tidelands adjacent to 99 63<sup>rd</sup> Place, City of Long Beach, Los Angeles County (APN 7245-022-028).

**Project Description:** Remove and replace 5 fingers of an existing private dock with fingers of the same dimensions. Existing main walk, gangway, and pier to remain in place.

**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:

**November 4, 2015, 9:00 a.m.**  
**Oceano Resort Hotel**  
**280 Capistrano Drive**  
**Half Moon Bay, CA 94019**

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.**

CHARLES LESTER  
Executive Director

by: Mandy Revell  
Coastal Program Analyst

**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 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 five through nine.

## **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 and replace 5 fingers of an existing 6-finger dock float (**Exhibit 2**). The existing landing, gangway, and last finger at the bayward end of the dock float are proposed to remain in place. There will be no change to the existing dock float configuration, and the dimensions will remain the same. The 3 foot wide dock fingers will be comprised of pressure-treated wood and composite decking material, and will be replaced one at a time, allowing for boats to remain in their slips. As each dock finger is removed, it will be floated to the adjacent launch ramp and pulled out via trailer. Each new replacement dock finger will be towed to the dock, and attached with new brackets to the dock float in the same location. No dredging or bottom disturbance is proposed or permitted. All existing piles will remain in place.

The dock float is connected to an existing bulkhead in Alamitos Bay and is utilized as a private dock by the residents of the adjacent apartment building at 99 63<sup>rd</sup> Place (**Exhibit 1 and 2**). The dock float is used for recreational boating purposes. The proposed project has received the approval of the City of Long Beach Marine Bureau (6/10/15) and the Long Beach Department of Planning and Building (7/17/15).

The applicant submitted an eelgrass survey dated July 18, 2015, which indicated that eelgrass was present in three locations within 15 feet of the project area, the closest of which was approximately five feet from the first dock finger. Because the proposed construction is to replace in-kind the first five fingers of the dock slip of the same dimensions and locations, the proposed project should not create any new shading of the existing eelgrass patches (**Exhibit 3**). To avoid any significant adverse effects on marine resources, **Special Conditions 2, 3, and 5** require the applicant to implement best management practices during construction and post-construction in order to avoid any significant adverse effects to marine resources, and to conduct eelgrass surveys to ensure protection of eelgrass. The Commission also imposes **Special Condition 4** to minimize the risk of contamination of marine waters from the pressure-treated wood. Therefore, as conditioned, the development will not have any significant adverse effects on marine resources.

Public access is available to the State Tidelands adjacent to the proposed dock float improvement. The dock float may only be accessed by residents and guests of the residential structure at 99 63<sup>rd</sup> Place. The proposed project will neither reduce nor enhance public access and recreation. The nearest public access is adjacent to the site at Bay Shore Walk.

The City does not currently charge a lease fee for the private use of public tidelands in Alamitos Bay. The City is developing a dock float and pier lease program for the limited-term private use and occupation of State tidelands for development associated with recreational boating activities (i.e., private docks and piers). The program would establish appropriate fees in relation to the lease area and temporal length of each lease and all revenue would be deposited into the City's Tidelands Fund to be utilized for public access improvements in the City of Long Beach. Because the development associated with this permit is private use of State tidelands which impacts public access through the relatively narrow channel (approximately 300 feet wide) within Alamitos Bay, **Special Condition 6** requires that the applicant shall provide mitigation in the form of a lease fee to the City, should the City implement such a lease program. Only as conditioned is the project consistent with the Chapter 3 policies of the Coastal Act.

## **B. PUBLIC RECREATION/MARINE RESOURCES**

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. There will be no new fill of coastal waters or water coverage. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass. There are no feasible less environmentally damaging alternatives available. 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. PUBLIC ACCESS**

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.

## **D. WATER QUALITY**

The proposed dock work will be occurring on or within coastal waters. The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **E. 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.

## **F. 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 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:**

This permit is granted subject to the following special conditions:

- 1. Permit Compliance.** Boating related uses are the only uses permitted by the approved development. 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 project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
- 2. Construction Responsibilities.** Construction-related requirements shall include, but shall not be limited to, the following Best Management Practices:
  - 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 construction activities shall be removed from the site within 24 hours of the completion of construction;
  - C. No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
  - D. If turbid conditions will be generated during construction, a silt curtain shall be utilized to control turbidity;
  - E. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible after loss;
  - F. Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss;
  - G. 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;
  - H. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

I. The applicant shall provide adequate disposal facilities for solid waste, including excess treated wood or concrete, produced during demolition or construction;

J. 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;

K. All stock piles and construction materials shall be covered, enclosed on all sides, surrounded by a berm, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

L. 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;

M. The discharge of any hazardous materials into any receiving waters shall be prohibited;

N. 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. The applicant and the applicant's contractors shall have adequate equipment to contain and absorb or collect any such spill immediately;

O. 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

P. All construction related BMPs shall remain in place and be maintained in a functional condition throughout the duration of construction activity, and all construction equipment and surplus materials have been removed from the site.

- 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:**

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; and
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.

4. **Pressure-Treated Wood in the Marine Environment.** The permittee shall comply with the following requirements related to the use of pressure-treated wood in the marine environment:

A. Pressure-treated wood used in construction of the project shall meet the American Wood Protection Association's (AWPA) wood preservative standards, specifically AWPA Standard U1, the primary specification for pressure-treated wood.

B. Ammoniacal copper zinc arsenate (ACZA) pressure-treated wood shall be treated to the proper preservative retention standard (i.e., amount of preservative) specified by the AWPA for the appropriate AWPA Use Category. The ACZA pressure-treated wood used for the project shall not have a preservative retention exceeding the minimum specified for the appropriate Use Category, in order to minimize the amount of preservative present in treated wood on-site that may subsequently leach into the marine environment.

C. The ACZA pressure-treated wood shall be inspected on-site to assure it is free of visible surface residues or bleeding of preservatives. If ACZA pressure-treated wood has a noticeable ammonia odor, then it has not been properly processed or aged, and the preservative may thus not be properly fixed, therefore the lumber shall not be used.

D. The ACZA pressure-treated wood shall be stored in a contained area within a continuous, plastic-lined berm on the deck of the materials barge or the staging area. If there is a chance of precipitation, the wood shall be stored under a covered area or tarp to prevent exposure to precipitation or run-on wastes from surrounding areas. No runoff from the pressure treated wood storage area shall be allowed to drain to the marine environment.

E. Whenever possible, cutting or drilling of ACZA pressure-treated wood shall be performed at a site a minimum of 100 feet away from the water, to minimize transport of debris and sawdust by wind to the marine environment. Any resulting sawdust, drill shavings, and wood scraps shall be contained and collected immediately, in order to prevent the discharge of pressure-treated wood to the marine environment. If it is essential that treated wood be cut or drilled in place on the pier, a protective layer shall be installed between the activity and the receiving waters so that all sawdust, shavings, and wood scraps generated during construction will be collected and prevented from entering the water below.

F. The procedures outlined in AWWA Standard M4, Standard for the Care of Preservative-Treated Wood Products, shall be followed when applying a topical (non- pressure treated) preservative to the cut ends of treated wood. Whenever possible, application of a topical preservative to treated wood shall be performed at a site a minimum of 100 feet away from the water, equipped with containment for potential drips and spills, in order to prevent discharge of the preservative to the environment. The topical preservative shall not be applied during rain events. Any excess topical preservative shall be wiped off, and the preservative shall be allowed to fully dry before the wood is used in construction. If a small amount of touch-up preservative application must be performed over water, then tarps or containers shall be used to capture any potential spills or drips.

G. Existing creosote-treated or ACZA-treated piles at the pier to be removed shall be removed and disposed of at a landfill authorized to accept such chemically treated waste.

## **5. 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](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. 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 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 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 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 1.38:1 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.
- 6. Dock Float and Pier Leases.** By acceptance of Coastal Development Permit 5-15-1325, the permittee agrees, on behalf of itself and all successors and assigns, that should the City of Long Beach implement a dock float and pier lease program for the Alamitos Bay area for the limited-term private use and occupation of State Tidelands for development associated with recreational boating activities (i.e., private docks and piers), the development subject to this permit shall be subject to the terms of such dock float and pier lease program.
- 7. 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.

**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.

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Applicant’s Signature

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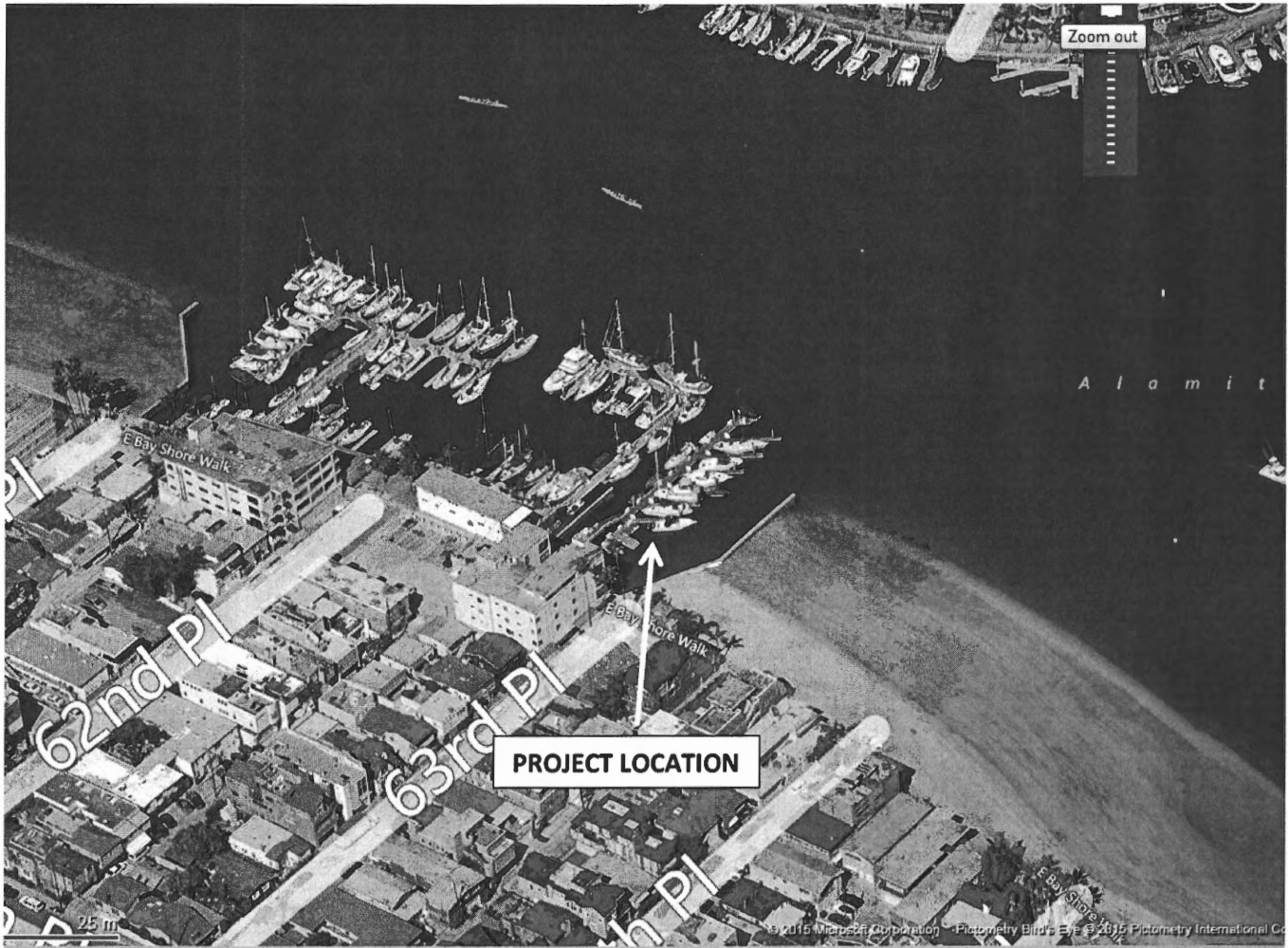
Date of Signing



PROJECT LOCATION

COASTAL COMMISSION

EXHIBIT # 1  
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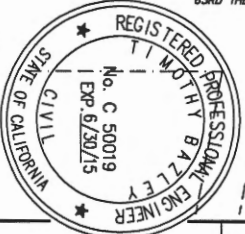
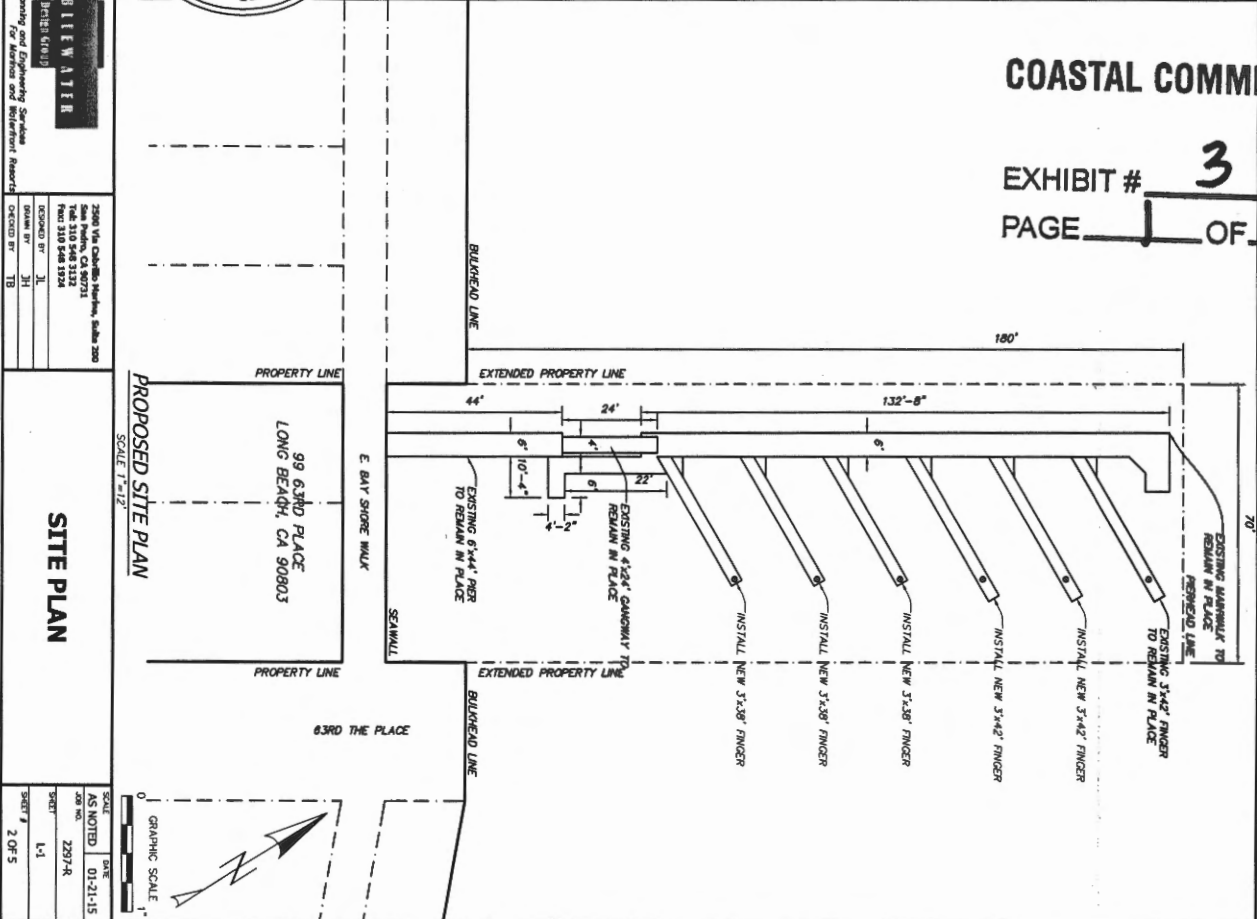
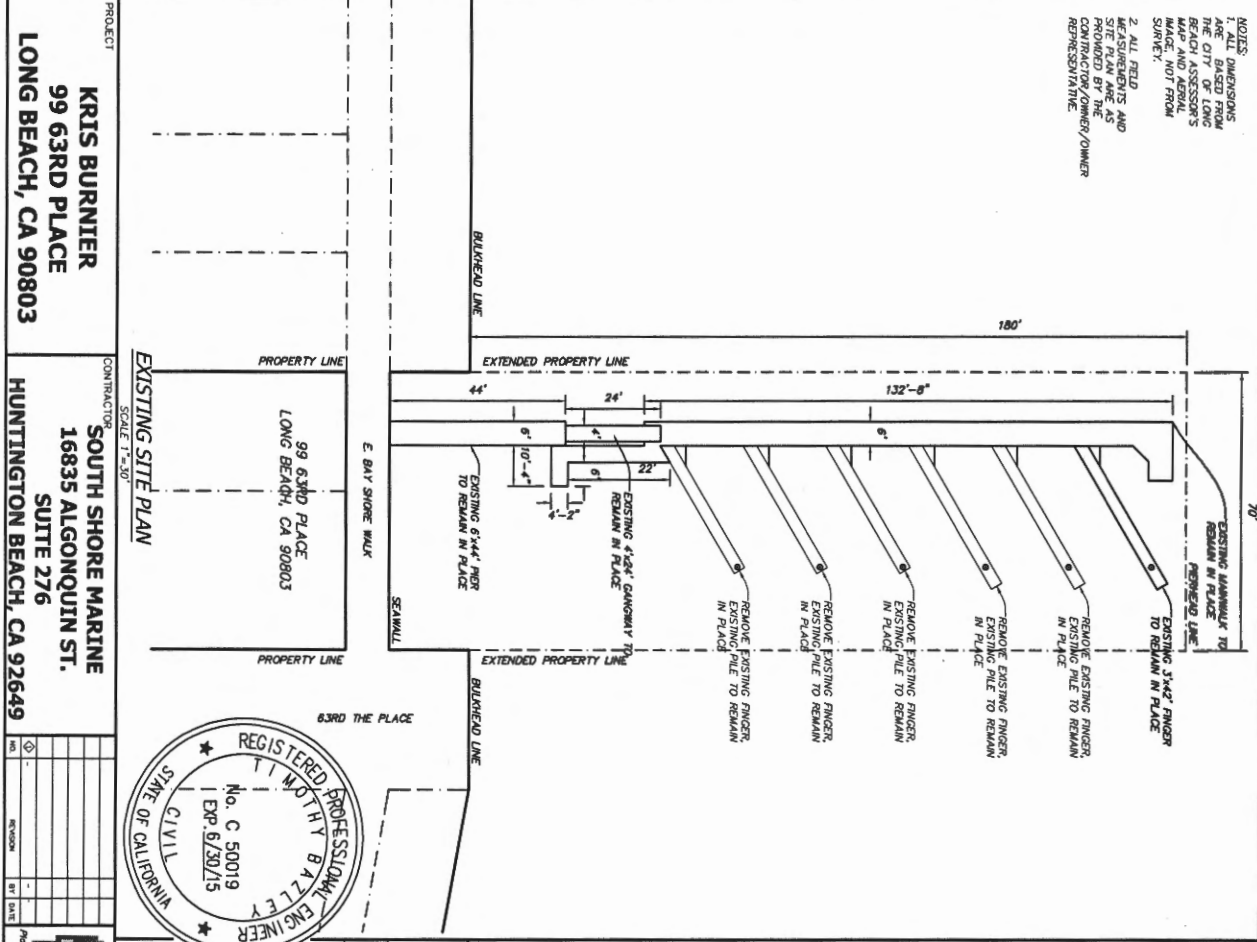
**COASTAL COMMISSION**

EXHIBIT # 2

PAGE 1 OF 1

STATUS	CONCEPT	S	R	LOOK	FINAL
					X

NOTES:  
 1. ALL DIMENSIONS ARE BASED FROM THE CITY OF LONG BEACH ASSESSORS MADE NOT FROM SURVEY.  
 2. ALL FIELD MEASUREMENTS AND SITE PLAN ARE AS PROVIDED BY THE CONTRACTOR/OWNER/OWNER REPRESENTATIVE.



COASTAL COMMISSION

EXHIBIT # **3**  
 PAGE **1** OF **1**

**BLEWATTE**  
 BLENWATER  
 Planning and Engineering Services  
 For Marine and Waterfront Projects

2500 Van Clifton Way, Suite 200  
 San Pedro, CA 90731  
 Tel: 310 546 5132  
 Fax: 310 546 5294

DESIGNED BY: JH  
 CHECKED BY: TB

**SITE PLAN**

SCALE 1" = 12'

GRAPHIC SCALE 1" = 12'

DATE: 01-21-15  
 SHEET NO.: 2297-R  
 SHEET: 1-1  
 SHEET 2 OF 5