

CALIFORNIA COASTAL COMMISSION

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



W21c

Filed: 6/11/15
180th Day: 12/8/15
Staff: Z. Rehm-LB
Staff Report: 7/23/15
Hearing Date: 8/12/15

STAFF REPORT: REGULAR CALENDAR

Application Number: 5-15-0447

Applicant: Bay Shore Walk Marina LLC

Project Location: State Tidelands adjacent to 6161 E. Bay Shore Walk, Long Beach, Los Angeles County (APN No. 7245-021-026).

Project Description: After-the-fact request to re-deck an approximately 3,553 square foot dock float with 13 fingers.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Bay Shore Walk Marina LLC requests after-the-fact approval to re-deck an approximately 3,553 square foot dock float with 13 fingers. The applicant operates a private marina (advertised as Bay Shore Walk Marina) out of an approximately 200 square foot office/lounge supported by piles on an approximately .04 acre legal parcel at 6161 E. Bay Shore Walk in Long Beach. The legal parcel is entirely over water and the marina extends beyond the parcel, approximately 200 feet over State Tidelands to the Pierhead Line established by the Long Beach Marine Bureau. The marina was constructed in 1964 under a permit from the City of Long Beach and reconstructed in 1991 under Coastal Development Permit 5-90-955. The subject development is re-decking of the existing marina, which the applicant substantially completed between February and April 2015 without obtaining permits from the City or the Commission. The applicant has since recognized that a permit is required to complete the work and has submitted a complete permit application and five times the normal permit application fee. Staff recommends **approval** of Coastal Development Permit Application No. 5-15-0447 with conditions requiring the applicant to implement construction and post-construction best management practices to preserve water quality and participate in a dock float and pier lease program should the City of Long Beach implement such a program, and comply with the requirements of the resource agencies.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	3
II. STANDARD CONDITIONS	3
III. SPECIAL CONDITIONS.....	4
IV. FINDINGS AND DECLARATIONS.....	6
A. PROJECT DESCRIPTION	6
B. PUBLIC ACCESS	7
C. PUBLIC RECREATION/MARINE RESOURCES	8
D. WATER QUALITY.....	8
E. LOCAL COASTAL PROGRAM.....	8
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT	8

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Photos

Exhibit 3 – Proposed Plans

STAFF NOTE:

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 and/or filled tidelands within the Commission's area of original jurisdiction. 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.

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-15-0447 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. 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. **Water Quality.** By acceptance of Coastal Development Permit 5-15-0447, the applicant agrees that the approved development shall be carried out in compliance with the following BMPs:

- A. Construction Responsibilities and Debris Removal

- i. 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.
- ii. 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.
- iii. 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.
- iv. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- v. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- vi. 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.
- vii. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- viii. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- ix. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- x. 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.
- xi. 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.

- xii. 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.
- xiii. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- xiv. 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 as possible from the receiving waters and storm drain inlets.
- xv. 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.
- xvi. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

B. Best Management Practices Program

i. Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
- b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized.
- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

ii. Solid and Liquid Waste Management Measures:

- a. 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 will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

iii. Petroleum Control Management Measures:

- a. 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.
 - b. 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.
 - c. 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.
2. **Dock Float and Pier Lease Program.** By acceptance of Coastal Development Permit 5-15-0047, 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 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.
3. **Requirements of the Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Bay Shore Walk Marina LLC requests after-the-fact approval to re-deck an approximately 3,553 square foot dock float with 13 fingers. The dock float is part of a private marina facility adjacent to a walk street and public beach on the Alamitos Bay side of the peninsula in Long Beach. The applicant operates Bay Shore Walk Marina out of an approximately 200 square foot office/lounge supported by piles on a .04 acre (1,922 square foot) legal parcel at 6161 E. Bay Shore Walk (**Exhibit 1**). The parcel is entirely over water and the marina extends beyond the parcel, approximately 200 feet over State Tidelands to the Pierhead Line established by the Long Beach Marine Bureau (**Exhibit 2**).

The applicant seeks a permit to install a new dock surface using 2' x 6' douglas fir treated wood in place of existing 2' x 6' wood decking that has deteriorated (**Exhibit 3**). The applicant also proposes

to install new cleats to enable boats to tie up to the dock float. The proposed re-decking does not include any underwater construction, bottom disturbance, or fill of coastal waters. No dredging is proposed or permitted as part of the subject application.

The marina was constructed in 1964 under a permit from the City of Long Beach. Alamitos Bay Boundary Agreement No. 5, certified by the State Lands Commission, established the configuration of the legal over-water parcel in 1971. The Marina was reconstructed in the same 13-finger configuration in 1991 under Coastal Development Permit 5-90-955, with local approvals issued by the City.

The applicant hired a contractor in February 2015 who substantially completed the re-decking of the marina in the same 13-finger configuration without obtaining permits from the City or the Commission. The City of Long Beach Marine Bureau discovered the unpermitted construction and issued a stop work order on March 30, 2015. The City informed the applicant that permits were required from the City and the Commission in order to re-deck the marina. The applicant obtained an approval in concept for the proposed re-decking from the Long Beach Marine Bureau on April 22, 2015 and an approval in concept from the Long Beach Department of Planning and Building on April 23, 2015.

On April 23, 2015 the applicant submitted an application for a coastal development permit, which staff determined was incomplete on May 7, 2015. Staff made a site visit on May 4, 2015 and observed workers completing additional re-decking of the dock float, during the time when the City's stop work order was in effect, after the applicant had been informed that a coastal development permit was required in order to complete the work. The applicant states that the second portion of the unpermitted work was conducted in order to make the dock safe, after the initial work had left it in an unsafe condition. On June 11, 2015 the applicant submitted a complete application and fees in the amount of \$16,440 (five times the relevant regular calendar permit fee based on the 2014 fee schedule). The subject application requests after-the-fact approval of the substantially completed re-decking and approval to fully complete the work.

The applicant currently pays dock inspection fees to the City of Long Beach but does not pay any fees to occupy the State Tidelands over Alamitos Bay, which are administered by the City of Long Beach. The City is in the process of implementing a dock float and pier lease program for the limited-term private use and occupation of State Tidelands within Rivo Alto Canal for development associated with recreational boating activities. The Commission has encouraged the City to implement such a program city-wide and utilize the lease fee revenue for public access improvements. The applicant has stated that if the City implements such a program within Alamitos Bay, the applicant will participate. **Special Condition 2** requires the applicant to agree that that should the City of Long Beach implement 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 development subject to this permit shall be subject to the terms of such program.

B. 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.

C. PUBLIC RECREATION/MARINE RESOURCES

The proposed development is the improvement of a small boat marina, which promotes recreational boating and is an encouraged marine related use. 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 conforms with Section 30224 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. To reduce the potential for post construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs in the marina. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

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

The City of Long Beach is the lead agency for the California Environmental Quality Act (CEQA). On April 23, 2015 the City determined that the project was categorically exempt from CEQA (Class 15301, Item 1) 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.

Appendix A – Substantive File Documents

1. City of Long Beach certified LCP (1980)
2. Coastal Commission Permit File for Coastal Development Permit 5-90-955 (Gantz)

Vicinity Map: 6161 E. Bay Shore Walk, Long Beach



Photo credit: Bing Maps

Exhibit 1

Page 1 of 1



California Coastal
Commission

Site Photos: 6161 E. Bay Shore Walk, Long Beach



Photo: Commission staff (5/4/15)

Site Photos: 6161 E. Bay Shore Walk, Long Beach



Photo: Commission staff (5/4/15)

Site Photos: 6161 E. Bay Shore Walk, Long Beach



Photo: Commission staff (5/4/15)

Exhibit 2

Page 3 of 3



California Coastal
Commission

Exhibit 3

Page 1 of 3



California Coastal
Commission

BAY SHORE WALK MARINA, LLC DOCK RE-DECKING PLANS

5-150447

RECEIVED
South Coast Region

APR 23 2015

CALIFORNIA
COASTAL COMMISSION

PROJECT OWNER:

BAY SHORE WALK MARINA, LLC
ATTN: TONY GENTILE
6161 E BAY SHORE WALK LONG
BEACH CA 90803
PHONE # (562) 277-4016

PROJECT ADDRESS:

6161 E BAY SHORE WALK LONG
BEACH CA 90803

ASSESSOR'S ID. NO.

7245-021-026

LEGAL DESCRIPTION:

ALAMITOS BAY TRACT LOT COM AT
MOST E COR OF BLK 70 TH S
32x03' W 20 FT TH N 65x12' W
100.80 FT TH N 32x03' E TO NE
LINE OF SD BLK TH SE THEREON
TO BEG PART OF LOT BLK 70

PROJECT LOCATION:

DOCK IS LOCATED ADJACENT TO
6161 E BAY SHORE WALK LONG
BEACH CA 90803

ENGINEER:

BLUEWATER DESIGN GROUP
2500 VIA CABRILLO MARINA, SUITE
200
SAN PEDRO, CA 90731
(310) 548-3132

ATTN: JOSE G. HERNANDEZ

CITY OF LONG BEACH
MARINE BUREAU

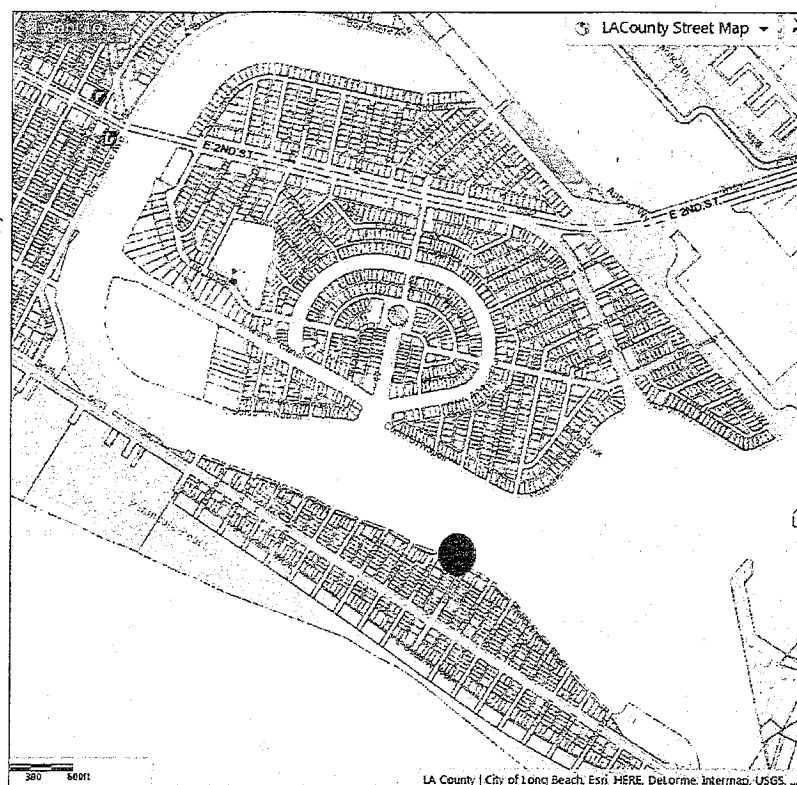
Approval in Concept

INDEX OF SHEETS

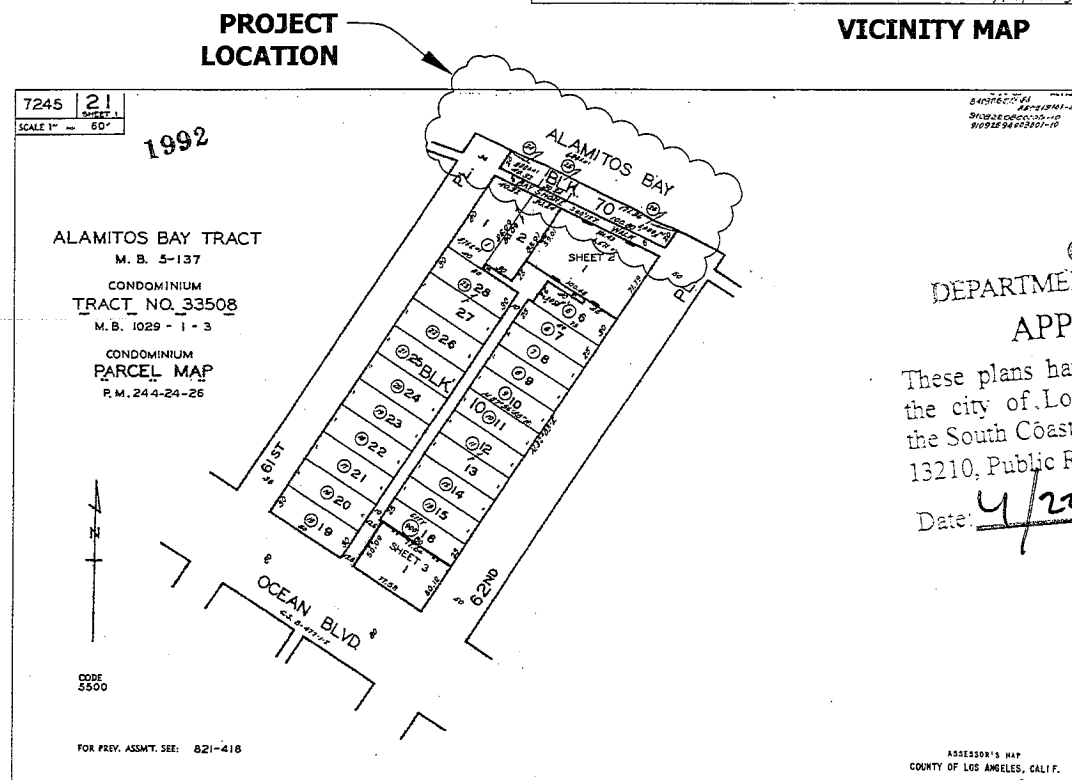
T1 - TITLE SHEET AND GENERAL NOTES
L1 - SITE PLAN
L2 - SITE PLAN & SECTION DETAILS

PROJECT DESCRIPTION

EXISTING FLOATING DOCKS, TO
REMAIN IN PLACE. RE-DECK
ALL OF EXISTING FINGERS AND
MAINWALKS TO BE RE-DECK
WITH PRESSURE TREATED DOUGLAS
FIR DECKING.



VICINITY MAP



PARCEL MAP

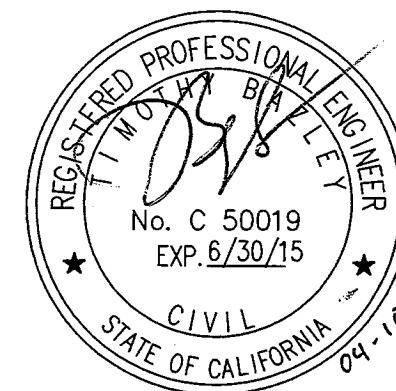
CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING
APPROVAL IN CONCEPT

These plans have received approval in concept only by
the city of Long Beach as required for application to
the South Coast Regional Commission, pursuant to Section
13210, Public Resource Code.

Date: 4/22/15 By: [Signature]

5. THIS FLOAT DESIGN WAS PREPARED BY ME OR UNDER
MY DIRECTION AND IS STRUCTURALLY SAFE

IF TIE ROD IS EXPOSED CONTACT
PUBLIC WORKS PRIOR TO
CONSTRUCTION (ROBERT
MALDONADO @ 562.570.6698)



GRAPHIC SCALE
0 1"

These plans have received approval in concept
only by the city of Long Beach Marine Bureau
as required for application to the South Coast
Regional Commission, pursuant to Section 13210,
Public Resources Code.

Date: 4/21/15 By: [Signature]

STATUS	PROJECT	CONTRACTOR	NO.	REVISION	BY	DATE	<div><div>BLUEWATER</div><div>Design Group</div></div> <div>Planning and Engineering Services For Marinas and Waterfront Resorts</div>	2500 Via Cabrillo Marina, Suite 200 San Pedro, CA 90731 Tel: 310 548 3132 Fax: 310 548 1924	DESIGNED BY JL	DRAWN BY JH	CHECKED BY TB	TITLE SHEET & GENERAL NOTES	SCALE	DATE		
													AS NOTED	04-08-15		
													JOB NO.	2346-B		
													SHEET	T-1		
													SHEET #	1 OF 3		
													BAY SHORE WALK MARINA LLC		ANAYA CONSTRUCTION & DEVELOPMENT INC.	
													6161 BAY SHORE WALK		7803 TELEGRAPH ROAD SUITE L	
													LONG BEACH, CA 90803		MONTEBELLO, CALIFORNIA 90640	

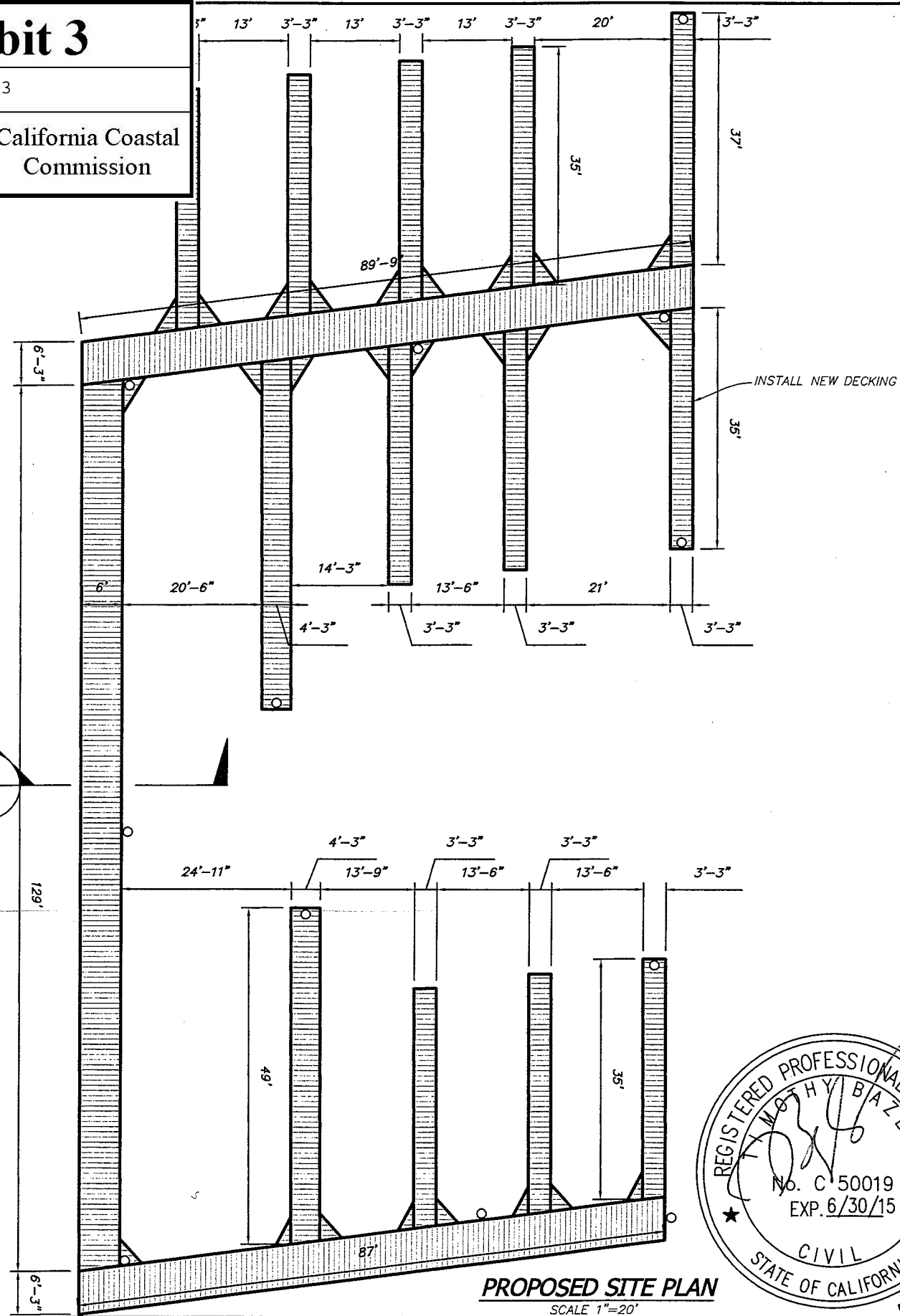
SCALE AS NOTED	DATE 04-08-15
JOB NO. 2346-B	
SHEET L-1	
SHEET # 2 OF 3	

Exhibit 3

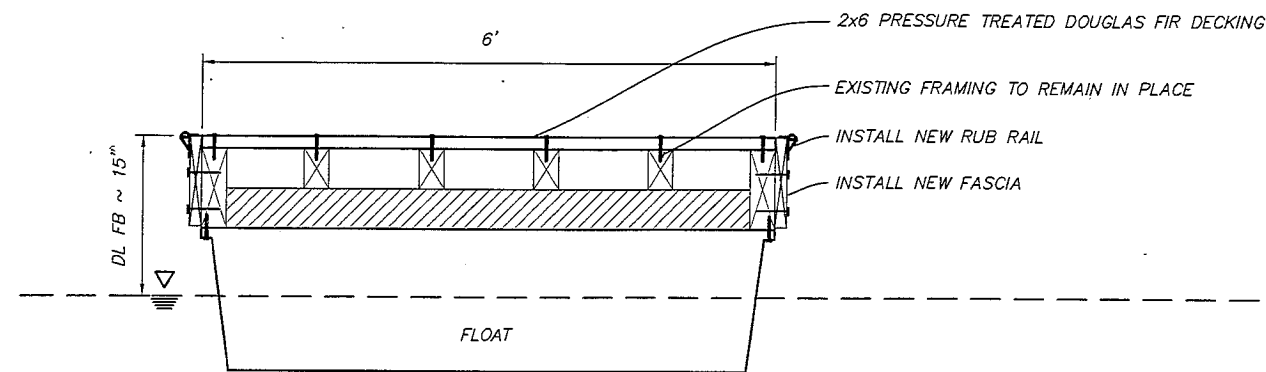
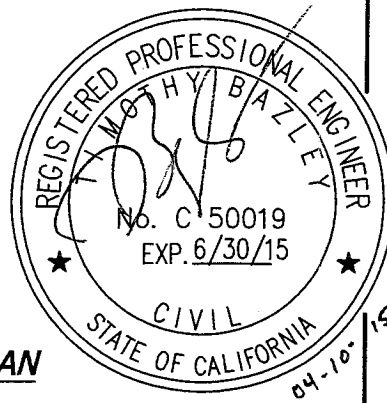
Page 3 of 3



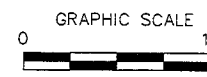
California Coastal
Commission



PROPOSED SITE PLAN
SCALE 1"=20'



SECTION A
SCALE 1"=2'



Bay Shore Walk Marina LLC (2346-B) 2015 04 01.dwg

CONCEPT	100%	FINAL
STATUS		X

PROJECT
BAY SHORE WALK MARINA LLC
6161 BAY SHORE WALK
LONG BEACH, CA 90803

CONTRACTOR
ANAYA CONSTRUCTION & DEVELOPMENT INC.
7803 TELEGRAPH ROAD SUITE L
MONTEBELLO, CALIFORNIA 90640

NO.	REVISION	BY	DATE



Planning and Engineering Services
For Marinas and Waterfront Resorts

2500 Via Cabrillo Marina, Suite 200
San Pedro, CA 90731
Tel: 310 548 3132
Fax: 310 548 1924
DESIGNED BY JL
DRAWN BY JH
CHECKED BY TB

DECKING DETAIL

SCALE	DATE
AS NOTED	04-08-15
JOB NO.	2346-B
SHEET	L-2
SHEET #	3 OF 3