

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W8b**

Filed:	4/16/15
180th Day:	10/13/15
Staff:	Z. Rehm-LB
Staff Report:	8/20/15
Hearing Date:	9/9/15

**STAFF REPORT: CONSENT CALENDAR**

**Application No.**      **5-15-0170**

**Applicant:**            **Andrea Ware**

**Agent:**                 Swift Slip Dock and Pier Builders

**Project Location:**     State tidelands adjacent to 5515 E. Sorrento Drive, City of Long Beach, Los Angeles County (APN 7744-007-028).

**Project Description:**    Remove existing approximately 325 square foot U-shaped dock float and a 30' x 5' section of pier, supported by four 14" piles, and install new rectangular approximately 312 square foot wood composite dock float and 10' x 14' pier, connected by existing gangway, supported by four 14" piles.

**SUMMARY OF STAFF RECOMMENDATION**

Andrea Ware requests a permit to install a new dock system over State tidelands adjacent to her residence at 5515 E. Sorrento Drive in Long Beach. The existing dock approach partially obstructs a 15-foot wide public right-of-way between the applicant's property and Alamitos Bay. The proposed development will not result in any additional obstructions and public access will continue to be available along an improved (grass) portion of the public right-of-way adjacent to the shoreline. The applicant submitted an eelgrass survey dated October 28, 2014 which indicated that eelgrass was not observed at the site, although eelgrass was observed at the site in 2010. A pre-construction eelgrass survey will be required within 60 days of construction. The proposed dock system includes the same number of piles and the same amount of fill as the existing dock system and water coverage will be reduced. Staff recommends **approval** of Coastal Development Permit Application 5-15-0170, as conditioned to require pre-construction and post-construction eelgrass surveys, construction and post-construction best management practices, provision of public access along the shoreline, and participation in a dock and pier lease program should the City of Long Beach implement such a program.

## I. MOTION AND RESOLUTION

### 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. 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 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

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. **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. **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 (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)) (except as modified by this special condition) 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.

- 3. Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
- 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. No eelgrass shall be impacted or disturbed by construction activities.
  - 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. 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.
- 4. 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:
    - In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
    - 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.
    - The applicants 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 applicants shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to

prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

5. **Public Access along the Shoreline.** By acceptance of Coastal Development Permit 5-15-0170, the permittee agrees, on behalf of itself and all successors and assigns, that should the City of Long Beach implement public access improvements along the public right-of-way that runs between the applicant's property and the shoreline, the applicant will work with the City to modify or remove any private improvements in the public right-of-way to facilitate the provision of a permanent public pathway or walkway within the public right-of-way.

The development approved by this permit shall not interfere with public access and use of the sandy beach, the shoreline, or the public right-of-way that runs between the applicant's property and Alamitos Bay.

6. **Dock Float and Pier Leases.** By acceptance of Coastal Development Permit 5-15-0170, 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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The applicant proposes to remove an existing approximately 325 square foot U-shaped dock float and install a new 8' x 39' rectangular (approximately 312 square foot) wood composite dock float over Sate tidelands in Alamitos Bay adjacent to 5515 E. Sorrento Drive adjacent on Naples Island in southeast Long Beach (**Exhibit 1**). The dock float will connect to a new 10' x 14' pier by the existing 3' x 26' gangway. A 5' x 30' section of the existing pier approach will be removed and a 5' x 10' section of pier approach will connect the new pier to the shoreline (public right-of-way). Three 14" piles will be removed, three new 14" piles will be installed, and one 14" pile will remain in place (**Exhibit 2**). The existing dock float will be demolished off-site. There will be no net increase in number of piles or fill of coastal waters and water coverage will be reduced. No dredging is proposed or permitted.

The proposed dock is associated with the adjacent single-family residence at 5515 E. Sorrento Drive and is for recreational boating purposes. The applicant submitted an eelgrass survey dated October 28, 2014 which indicated that eelgrass was not observed on the site, although eelgrass was observed at the site in 2010. Invasive algae (*Caulerpa taxifolia*) was not observed at the site. **Special Condition 2** requires the applicant to conduct an additional eelgrass survey within 60 days of construction, during the period of eelgrass growth (March through October). 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, and a post-construction eelgrass survey. **Special Condition 3** and **Special Condition 4** require the applicant to implement best management practices during construction and post-construction in order to avoid any significant adverse effects to marine resources. Therefore, as proposed and conditioned herein, the development will not have any significant adverse effects on marine resources.

The existing dock approach partially obstructs a 15-foot wide public right-of-way between the applicant's property and Alamitos Bay. The proposed development will not result in any additional obstructions and public access will continue to be available along an improved (grass) portion of the public right-of-way adjacent to the shoreline (**Exhibit 3**). **Special Condition 5** requires the applicant to agree that should the City of Long Beach implement public access improvements along the public right-of-way that runs between the applicant's property and the shoreline, the applicant will work with the City to modify or remove any private improvements in the public right-of-way to facilitate the provision of a permanent public pathway or walkway within the public right-of-way. **Special Condition 5** further requires that the development approved by this permit shall not interfere with public access and use of the sandy beach, the shoreline, or the public right-of-way that runs between the applicant's property and Alamitos Bay.

The proposed project has received the approval of the City of Long Beach Marine Bureau (2/5/15) and the City of Long Beach Department of Development Services (2/11/15). 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 240 feet wide) within Alamitos Bay, **Special Condition 6** requires the applicant to 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 net increase in number of piles or fill of coastal waters and water coverage will be reduced. 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. As conditioned, 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.

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### **SUBSTANTIVE FILE DOCUMENTS**

1. City of Long Beach certified Local Coastal Program, July 22, 1980.
2. Coastal Development Permit 5-11-201 (Ware) 5515 Sorrento Drive, September 15, 2001.

### **EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Plans

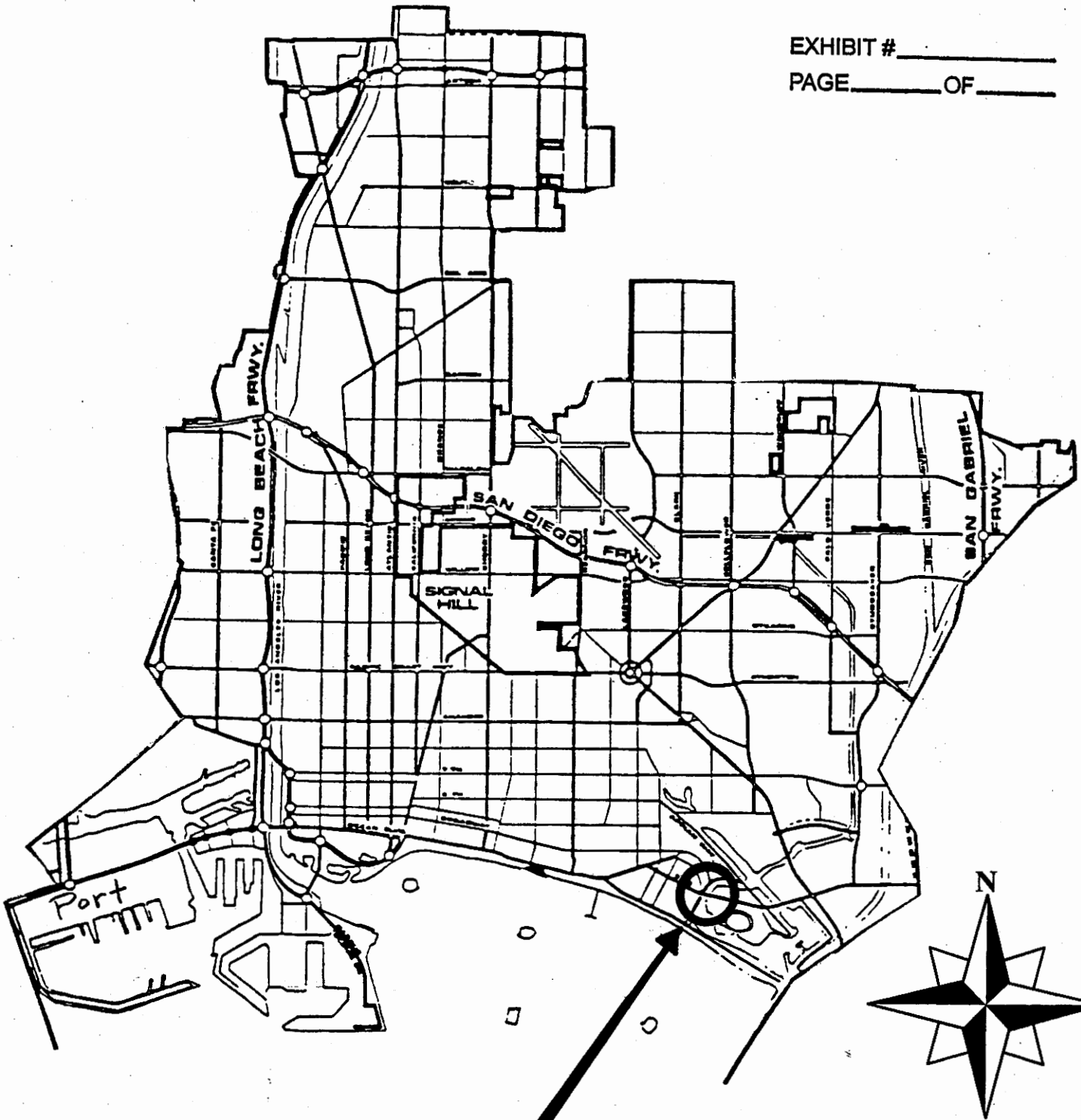
Exhibit 3 – Photo of Shoreline and Public Right-of-way

# City of Long Beach

COASTAL COMMISSION

EXHIBIT # \_\_\_\_\_

PAGE \_\_\_\_\_ OF \_\_\_\_\_



COASTAL COMMISSION

Project Site  
5515 E. SORRENTO DR.

EXHIBIT # 1

PAGE 1 OF 1



Printed On: Jan 21, 2015 2:52pm

5-150170

**RECEIVED**  
South Coast Region

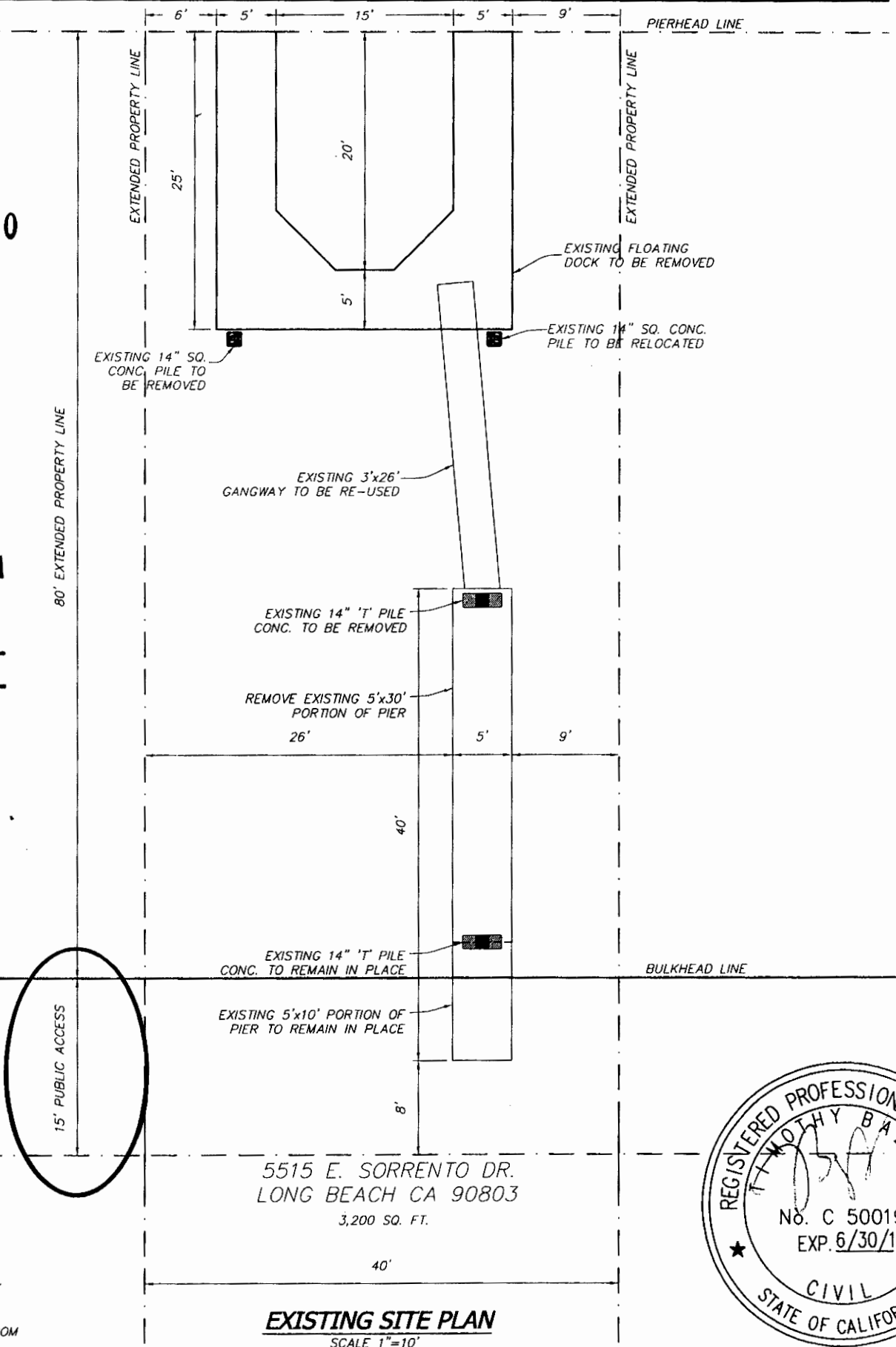
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CALIFORNIA  
COASTAL COMMISSION

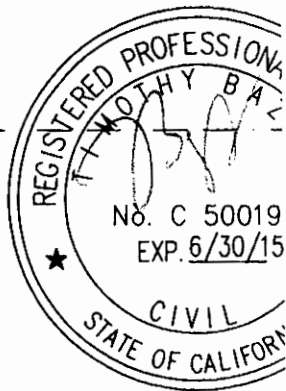
**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 1 OF 2

Andrea Ware (2343-0)(LB) 2014.12.19.dwg



**EXISTING SITE PLAN**  
SCALE 1"=10'



FINAL	X
100%	
%	
%	
CONCEPT	
STATUS	

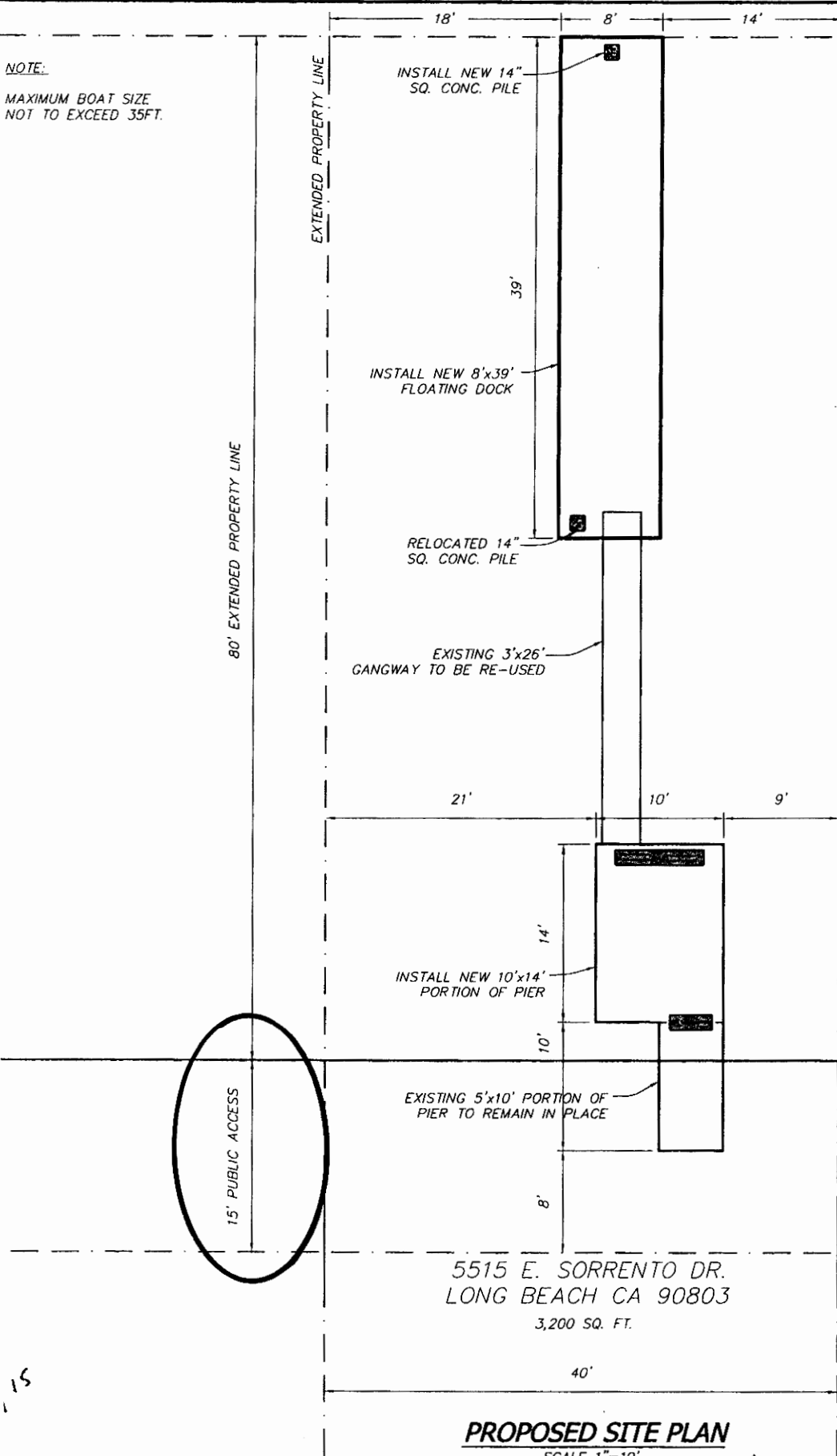
NOTE:  
ALL DIMENSIONS ARE BASED FROM THE CITY OF LONG BEACH ASSESSOR'S MAP AND AERIAL IMAGE, NOT FROM SURVEY.

PROJECT  
**ANDREA WARE**  
**5515 E. SORRENTO DR.**  
**LONG BEACH, CA 90803**

CONTRACTOR  
**SWIFT SLIP**  
**DOCK & PIER BUILDERS, INC.**  
**COSTA MESA, CA**

NO.	REVISION	BY

NOTE:  
 MAXIMUM BOAT SIZE  
 NOT TO EXCEED 35FT.

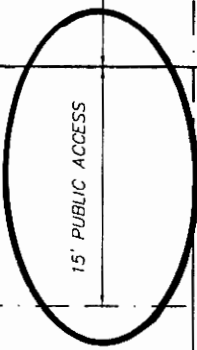


PIERHEAD LINE

EXTENDED PROPERTY LINE

EXTENDED PROPERTY LINE

80' EXTENDED PROPERTY LINE



5-150170

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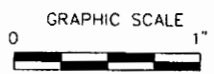
**COASTAL COMMISSION**

EXHIBIT # 2  
 PAGE 2 OF 2

5515 E. SORRENTO DR.  
 LONG BEACH CA 90803

3,200 SQ. FT.

BULKHEAD LINE



**PROPOSED SITE PLAN**  
 SCALE 1"=10'



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

**SITE PLAN**

SCALE	DATE
AS NOTED	01-23-15
JOB NO.	2343-Q
SHEET	L-1
SHEET #	



Sept. 1, 2011 08 5515 Sorrento LB

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 1 OF 1

