

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

TU Ae

Filed: 3/9/98
49th Day: 4/27/98
180th Day: 9/5/98
Staff: CP-LB
Staff Report: 3/13/98
Hearing Date: April 7-10, 1998
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-98-033

APPLICANT: City of Long Beach

AGENTS: Mark Sandoval, Marine Bureau Manager
Jack Humphrey, Advance Planning Officer

PROJECT LOCATION: Gangway #4, Basin One, 207 Marina Drive, Alamitos Bay Marina, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Remove existing 4.5'x 129' end tie dock and install new 8'10"x 134.5' dock in same location. The end tie will be strengthened by replacing the two existing 14" diameter piles with six new 18" piles.

Lot Area	N/A
Building Coverage	1,190 sq. ft. (dock)
Pavement Coverage	0 sq. ft.
Landscape Coverage	0 sq. ft.
Parking Spaces	0
Zoning	PD-4
Plan Designation	Planned Development/Submerged Lands
Ht abv fin grade	0 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions regarding use of the dock, protection of marine resources, and conformance with the requirements of the resource agencies. The City agrees with the recommendation.

LOCAL APPROVALS RECEIVED:

1. City of Long Beach Planning Department Approval in Concept, 12/29/97.
2. City of Long Beach Marine Bureau Approval in Concept, 12/29/97.

STAFF NOTE:

A Coastal Development Permit is required from the Commission for the proposed development because the project site is located on state tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a Coastal Development Permit from the Commission. The Commission's standard of review for the Coastal Development Permit 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.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Permitted Dock Uses

This approval is limited to the recreational boating uses and development specifically described in the project description and related findings contained in Coastal Development Permit 5-98-033. Any additional development, including intensification of use such as the lease of any dock area for commercial use, including but not limited to party boats or cruise ships, will require an amendment to the permit or a new Coastal Development Permit.

2. Marine Resources

The applicant or its agents shall not spill, discard or dump any solids, fluids, construction materials, toxics, debris or refuse into the water.

3. Conformance with the Requirements of the Resource Agencies

The City shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach Marine Bureau proposes to upgrade an existing recreational boat dock in the Alamitos Bay Marina in order to accommodate vessels up to one hundred feet long. The proposed project involves the removal of an existing 4.5'x 129' end tie dock and the installation of a new 8'10"x 134.5' dock in the same location (See Exhibits). The end tie dock will be strengthened and widened in order to accommodate the larger vessels. The dock will be strengthened by replacing the two existing 14" diameter piles with six new 18" piles (Exhibit #5).

The existing dock is currently used for recreational boat docking only. No commercial uses (i.e.; party boats, harbor cruises, whale watching boats) are permitted at this dock located at the end of Gangway #4 in Basin One of Alamitos Bay Marina. The City's proposal does not include any change in the permitted use of the dock. The upgraded dock's use will remain recreational use only.

As stated above, the proposed project is located in Alamitos Bay Marina. Alamitos Bay Marina is a public marina operated by the City of Long Beach. The marina, as well as the surrounding public parking lots and commercial developments (Seaport Village shopping center, Crab Pot Restaurant, and Marine Bazaar building), is located on State tidelands within the Commission's area of retained permit jurisdiction (Exhibit #3). The City administers the State tidelands under the Tidelands Trust Agreements with the State of California. A Coastal Development Permit is required from the Commission for the proposed development because the project site is located within the Commission's area of original jurisdiction.

B. Public Access/Parking

One of the basic goals of the Coastal Act is to maximize public access to the coast. One of the methods commonly used to maximize public access to the coast is to ensure that there is enough parking available for visitors of the coast. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

The Coastal Act also requires that development itself does not interfere with the public's right to access the coast.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The proposed project is located entirely in the water over public tidelands located seaward of the first public road. The proposed project involves the improvement of an existing recreational boat dock in a public marina. The proposed project will not interfere with the public's right to access the coast, nor will it negatively impact the public's ability to use the marina.

However, a change in the use of the dock from recreational use to another use, such as commercial use, could negatively impact public access opportunities. As previously stated, no commercial uses are proposed as part of this application. Commercial use of the dock could generate additional parking demands in the marina, leading to competition for public parking spaces that could limit public access opportunities.

The Basin One parking lot is comprised of 128 reserved boat owner parking spaces, 290 free unreserved public parking spaces, and 13 handicap parking spaces. The Basin Two and Three parking lots, located north of Basin One parking lot, contain over 1,500 additional parking spaces (some are reserved for boat owners) for a total of 1,810 parking spaces (Exhibit #3).

The Basin One parking lot currently provides parking for boat owners with slips in the marina, recreational visitors to the waterfront, patrons of the Crab Pot Restaurant, patrons of party boat cruises, and overflow parking for the Seaport Village shopping center (Exhibit #3). Any additional parking demands in the area could potentially overburden the parking supply at the expense of the existing permitted uses. The public access policies of the Coastal Act require that the public parking supply be protected in order to ensure that the public is able to visit waterfront.

Therefore, any new commercial uses within the marina must be permitted under separate Coastal Development Permit approvals. Such commercial uses include dinner cruises, whale watching, dive boats, and fishing charters. Adequate parking supplies must also be provided to meet the demands of any future commercial uses. Any conversion of existing public and recreational docks to commercial boat docks also requires a Coastal Development Permit.

In order to clarify that the proposed project does not include any commercial uses which could increase the demand for parking and reduce the public's ability to access the Alamitos Bay Marina, approval of the permit is conditioned to state that this approval is limited to the recreational boating uses and development specifically described in the project description and related findings contained in Coastal Development Permit 5-98-033. Any

additional development, including intensification of use such as the lease of any dock area for commercial use, including but not limited to party boats or cruise ships, will require an amendment to the permit or a new Coastal Development Permit. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

Therefore, the Commission finds that the proposed project, as conditioned, will not negatively impact coastal access and is consistent with Sections 30210 and 30252 of the Coastal Act.

C. Marine Resources

The proposed project is located in the coastal waters of Alamitos Bay. The Coastal Act contains policies which address development in or near coastal waters by requiring the protection of biological productivity, public recreation and marine resources. The proposed project must conform to the following Chapter 3 policies of the Coastal Act.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234 of the Coastal Act encourages recreational boating opportunities. The proposed recreational dock upgrade will provide an improved recreational boating facility consistent with this section.

Sections 30230 and 30231 of the Coastal Act require protection of, and encourage the restoration of, areas of special biological significance like Alamitos Bay. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that water quality be protected in order to maintain the biological productivity of coastal waters.

The Department of Fish and Game routinely provides the Commission with technical expertise for reviewing the environmental impacts of shoreline projects. Mitigation measures can be developed based on direction taken from the Department of Fish and Game. The Department of Fish and Game has reviewed and commented on the proposed project in a letter dated March 9, 1998 (Exhibit #7). In the attached letter the Department of Fish and Game states that the proposed project will not have a significant effect on existing marine resources and habitats.

Additionally, at the request of Commission staff, the City Lifeguards (Fire Department) surveyed the area under the existing dock in order to determine if any sensitive marine habitats would be impacted by the proposed project. By SCUBA diving in the Basin One area, the City divers have determined that there is no eel grass or other sensitive species under the existing dock (Exhibit #6). Therefore, the proposed project is a continuing use that will be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of marine organisms consistent with Section 30230 of the Coastal Act.

However, pursuant to the requirements of the Coastal Act the permit is conditioned to require that special protection be provided to protect water quality and sensitive coastal resources during the installation of the proposed dock. Therefore, the City and its agents are prohibited from spilling, discarding or dumping any solids, fluids, construction materials, toxics, debris or refuse into the water. The old dock shall be recycled or disposed of properly. Only as conditioned is the proposed project is consistent with the marine resource policies of the Coastal Act.

Finally, the City shall, through the acceptance of this permit, agree to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Therefore, the Commission finds that the proposed project, as conditioned, will not negatively impact marine resources and is consistent with Sections 30230, 30231 and 30234 of the Coastal Act.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980. Because the project is located seaward of the former mean high tide line, the LCP is advisory in nature and may provide guidance. The standard of review for this project is the Chapter 3 policies of the Coastal Act.

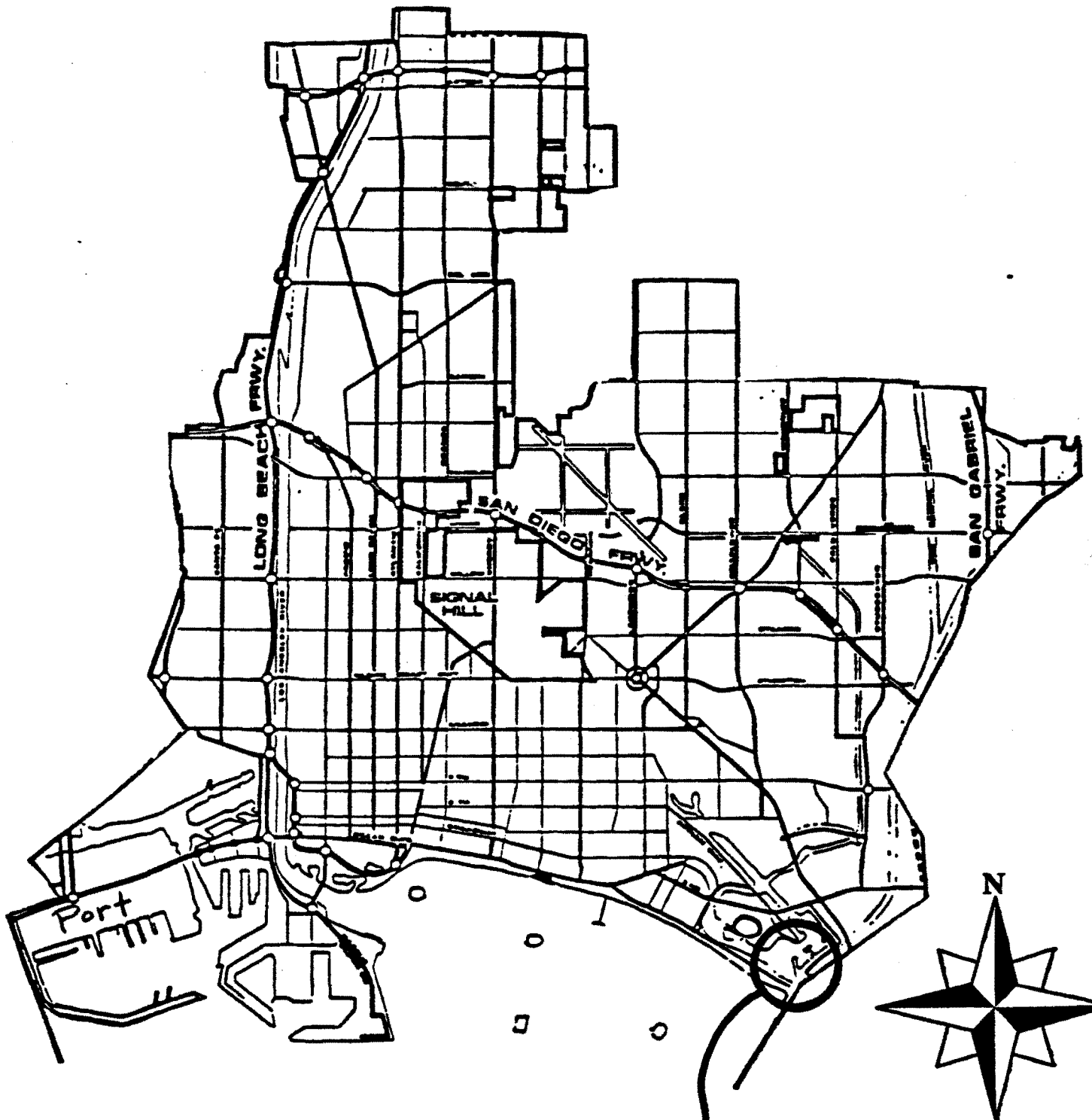
The proposed project does not conflict with any of the certified LCP policies or standards. As conditioned, the proposed project is consistent with the policies of the LCP. Approval of the project cannot prejudice the local government's ability to prepare a certifiable LCP because the City of Long Beach LCP was certified in 1980.

E. 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)(i) 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 impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. As conditioned, the proposed project will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

City of Long Beach



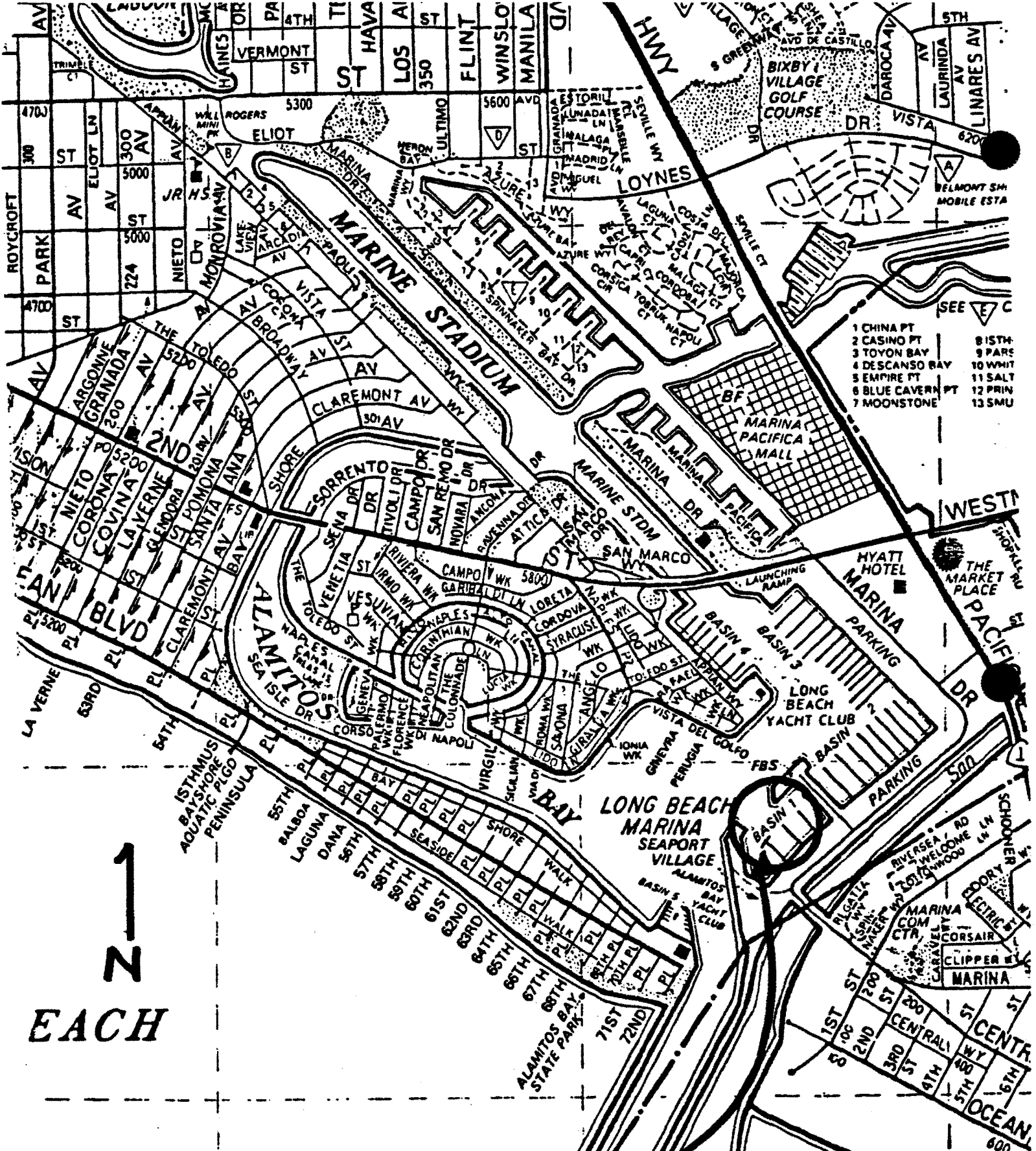
Site

COASTAL COMMISSION

5-98-033

EXHIBIT # 1

PAGE 1 OF 1



1
N
EACH

HARBOR
Dock

COASTAL COMMISSION
5-98-033
EXHIBIT # 2
PAGE 1 OF 1

COASTAL COMMISSION
5-98-033
EXHIBIT # 4

MARINE BUREAU

Replace End Tie Dock

Pump Out

Slip 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

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5-98-033

EXHIBIT #

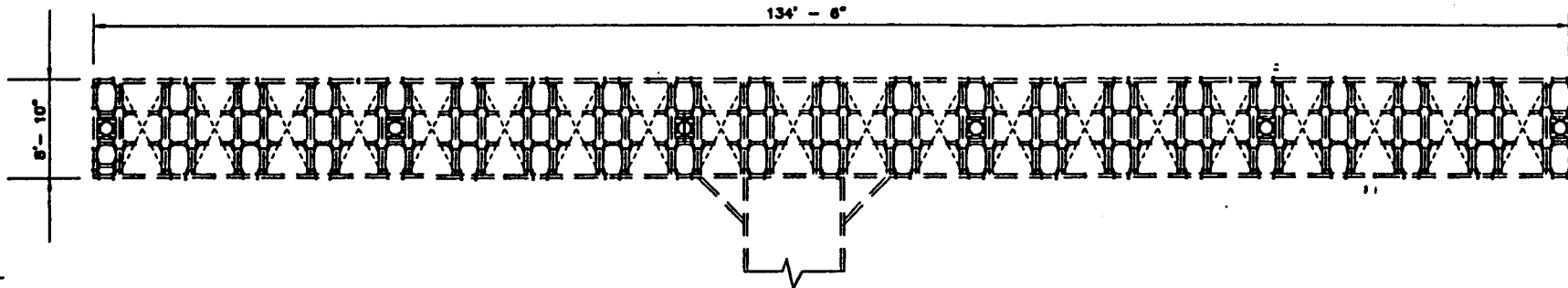
PAGE 1 OF 1

Marine Bureau

Replace }
End Tie }
Dock }

Pump

Fuel Dock



PLAN VIEW
SCALE: 1/8" = 1' - 0"

**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 Resources Code.

Date: 12/19/93 By: *[Signature]*

**CITY OF LONG BEACH
MARINE BUREAU
Approval in Concept**

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: 12/19/93 By: *[Signature]*

CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE CITY ENGINEER

DESIGNED BY:
J. REMON

DRAWN BY:
JC, JR & KS

CHECKED BY:
A.F.

**ALAMITOS BAY MARINA - BASIN # 1
GANGWAY # 4 UPGRADE**

COASTAL COMMISSION

5-98-033

EXHIBIT # 5

PAGE 1 OF 1

MAR 8 00 SUN 7:46 PM FIRE ST. 21

FAX NO. 570 1200

P. 2



City of Long Beach Fire Department

Memorandum From
Fire Station 21

DATE: March 8, 1998
TO: LINDA YOUNG
FROM: WALT HALVERSON
SUBJECT: EEL GRASS GWY 4

THE AREA IN AND AROUND BASIN #1 INCLUDING GWY 4, HAVE BEEN
DIVED MANY TIMES. THERE HAS NOT BEEN ANY EEL GRASS FOUND AT ANY
TIME IN THE PAST OR NOW.

THE WATER DEPTH IS TOO DEEP TO SUPPORT EEL GRASS AND THE BOATS IN
THE SLIPS CAUSE TOO MUCH SHADE FOR IT TO GROW.

SHOULD YOU FEEL THAT A DIVE IS STILL NEEDED, PLEASE LET ME KNOW
AND I'LL SEE TO IT ONE IS DONE. IF YOU HAVE ANY QUESTIONS GIVE
ME A CALL AT 8-1121 OR EMAIL ANYTIME.

COASTAL COMMISSION

5-98-033

EXHIBIT # 6

PAGE 1 OF 1

MAR-09-1998 15:23 FROM

~~STATE OF CALIFORNIA-THE RESOURCES AGENCY~~

PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
Office of Spill Prevention and Response
4949 Viewridge Avenue
San Diego, CA 92123



March 9, 1998

Ms. Linda Young
City of Long Beach
Parks, Recreation & Marine Department
Marine Bureau
205 Marina Drive
Long Beach, CA 90803

Dear Ms. Young:

Department of Fish and Game (DFG) personnel have reviewed the material submitted for a dock construction project in Alamitos Bay Marina, Long Beach, California. The project consists of upgrading the end-tie of Gangway 4 in Basin 1 at Alamitos Bay Marina. Three additional pilings will be added and the end-tie will be widened by 5 ft. 10 in. The existing dock will be removed and will be replaced by a new dock with dimensions of 134 ft. 8 in. by 8 ft. 10 in..

The DFG's preliminary review of the proposed project, based on the information provided, has determined that the project would not have a significant effect on existing marine resources and habitats within the area. Thus, the DFG would not object to implementation of the project as proposed. If, however, there are substantive modifications to the proposed project, the DFG wishes to review these changes.

Should you have any questions or wish to discuss our comments in greater detail, please feel free to contact me at California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (619) 467-4231.

Sincerely,

Marilyn J. Fluharty
Environmental Specialist

COASTAL COMMISSION

5-98-033

EXHIBIT # 7PAGE 1 OF 1