CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed:	6/11/99
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Staff:	CP-LB
Staff Report:	8/26/99
Hearing Date:	Sept. 14-17, 1999
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-97-342

APPLICANT: City of Long Beach

AGENT: Dennis Eschen, Superintendent of Planning & Development
City of Long Beach Department of Parks, Recreation & Marine

PROJECT LOCATION: 6200 Costa del Sol, Alamitos Bay, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Construction of the Costa del Sol public marina, including access pier, gangway, pilings and floating docks for 30 boat slips.

Lot Area	150,000 sq. ft.
Building Coverage	625 sq. ft.
Pavement Coverage	51,556 sq. ft.
Landscape Coverage	97,819 sq. ft.
Parking Spaces	45
Zoning	PD-1
Plan Designation	Planned Development District One
Ht abv fin grade	12 feet

LOCAL APPROVAL: City of Long Beach Local Coastal Development Permit and Site Plan Review, Case No. 9707-06 (modifying 9308-28), 8/31/97.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to mitigation of impacts to marine resources. A coastal development permit is required from the Commission for the portion of the proposed project located seaward of the mean high tide line because it involves development 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 proposed event is the Chapter 3 policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. City of Long Beach Marine Stadium Master Plan, 11/17/92.
3. EIR for Marine Stadium Master Plan (EIR 54-90), 8/15/91.
4. U.S. Army Corps of Engineers Permit Application No. 94-172-TW.
5. Coastal Development Permit 5-93-182 (City of Long Beach).
6. Coastal Development Permit 5-94-153 (City of Long Beach).
7. Eelgrass Survey of Basin 8 in Alamitos Bay, By Tetra Tech, Inc., 5/8/98.

STAFF NOTE:

The project site is bisected by the mean high tide line (MHTL). The MHTL differentiates the Commission's area of retained (original) jurisdiction for tidelands, submerged lands, and public trust lands from the landward area for which the City has accepted coastal development permit jurisdiction pursuant to the certified Local Coastal Program. The existence of both coastal development permit jurisdictions within one project site requires two coastal development permits, one for each jurisdiction.

On August 21, 1997, the City approved Local Coastal Development Permit No. 9707-06 (modifying Case No. 9308-28) for the portion of the proposed project situated landward of the MHTL. This public hearing and staff report addresses the Coastal Commission coastal development permit required for the portion of the proposed development located seaward of the MHTL. The standard of review for development proposed in the Commission's area of retained jurisdiction (seaward of the MHTL) is the Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. **Approval with Conditions**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, 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. Timing of Project

In order to minimize adverse impacts during the least tern nesting season, no construction activity shall occur in the water during the period commencing March 15 and ending September 1.

2. Bottom Habitat Mitigation

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director, a written agreement which provides that an area equivalent to the

bottom area displaced by the proposed piles (88 sq. ft.) is dedicated and developed within the approved End Beach Habitat Mitigation Project [Coastal Development Permit 5-93-182 (City of Long Beach)] as mitigation for the bottom habitat displaced by the 50 proposed 18-inch piles.

3. Conformance with the Requirements of the Resource Agencies

The permittee 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 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

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach proposes to construct the Costa del Sol Marina (Basin No. 8), a new 30-slip public marina in Alamitos Bay (Exhibits #2&3). The proposed marina is the in-water portion of the proposed Costa del Sol Park for which the City approved Local Coastal Development Permit No. 9707-06. The proposed 30-slip Costa del Sol Marina requires a coastal development permit from the Commission because it is located on submerged lands subject to the Commission's original permit jurisdiction.

The on-land portion of Costa del Sol Park is located within the City's LCP permit jurisdiction. The park development approved by Local Coastal Development Permit No. 9707-06 includes a park access road, a 45-space parking lot (30 spaces reserved for slip-renters and 15 parking spaces for the general public), restrooms, boatowner showers, pedestrian and bicycle paths, a children's play area, picnic tables, a barbecue, three acres of park landscaping, and underground waste disposal tanks. According to the City, the proposed park will be constructed in two phases. The first phase of the proposed project includes only the public marina and the necessary support facilities. This phase will likely be financed by a loan from the California Department of Boating and Waterways. The second phase of the proposed project, which will be constructed when additional funding becomes available, involves the construction of the public park facilities not essential to the operation of the proposed marina.

Vehicular access to the proposed Costa del Sol Park and Marina will be provided from Pacific Coast Highway (Exhibit #2). The proposed park and marina may also be accessed via the water or the proposed pedestrian and bicycle paths. The City-owned site is currently vacant except for an existing oil well, which will remain. At the waterline, an existing armor rock embankment protects the bank from erosion. The rock embankment is proposed to be reinforced with approximately 200 cubic yards of additional armor rock.

The construction of the proposed marina includes the placement of 47 18-inch diameter piles to secure the floating dock and fingers for the 30 proposed slips (Exhibit #3). Five additional 18-inch piles are necessary to support the proposed 40-foot long concrete access pier that would provide access from the land to the proposed 8-foot wide by 770-foot long floating dock and boat slips via a gangway (Exhibit #4). A security gate is proposed to control access from the proposed pier to the 101-foot long aluminum gangway connecting the proposed access pier to the floating dock (Exhibit #4). A minor amount of dredging necessary for the proposed project will be carried out under the City's existing dredging permit [See Coastal Development Permit 5-99-228 (City of Long Beach)].

The construction of the proposed Costa del Sol Marina was previously approved by the Commission on October 14, 1994. The prior approval, Coastal Development Permit 5-94-153 (City of Long Beach), expired on October 14, 1996 because the City did not commence construction or apply for an extension of the permit before the two-year term had expired. Therefore, this application has been submitted in order to receive Commission approval of a slightly modified version of a previously approved project.

B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed marina is located in what are considered coastal waters because the waters are directly attached to the ocean, are located on tidelands, and contain a marine environment. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies.

Sections 30230, 30231 and 30233 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

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 30233 of the Coastal Act states, in part:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities...

Section 30233 of the Coastal Act allows filling of coastal waters and wetlands only under very limited circumstances. The proposed filling of wetlands and coastal waters must be for an allowable use, mitigation measures must be provided to minimize adverse environmental effects, and it must be the least environmentally damaging alternative.

In this case, the City of Long Beach proposes to construct a public marina with 30 slips formed by a pier, gangway and floating dock and fingers. The floating dock is proposed to be secured with 47 18-inch diameter piles (Exhibit #3). The pier is proposed to be supported by five 18-inch piles, two of which are located above the high water line to secure the pier to the land (Exhibit #4). Therefore, a total of 50 piles are proposed to be placed in the water (below mean sea level).

The placement of the proposed 50 piles below mean sea level constitutes filling of open coastal waters. According to Section 30233 of the Coastal Act, the filling of open coastal waters for new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities is an allowable use. The proposed 30-slip public marina is a new boating facility that will provide new public access and recreational opportunities to the public. Therefore, the proposed project is an allowable use pursuant to Section 30233 of the Coastal Act.

Secondly, Section 30233 of the Coastal Act requires that mitigation measures be provided to minimize any adverse environmental effects associated with the proposed development. The applicant has incorporated specific construction methods within the proposed project to minimize the adverse environmental effects of the proposed marina construction. For instance, the floating dock and fingers that comprise the proposed 30-slip marina will be constructed off-site, barged to the site of the proposed marina, and bolted together with minimal impact to the environment.

Before the docks are barged to the site for assembly, however, the piles necessary to support the proposed marina must be driven into the soft bottom. The applicant proposes to use the best management practice of "dry" pile driving to minimize the adverse environmental effects of pile driving. Dry pile driving reduces the adverse impacts of turbidity commonly associated with pile driving by minimizing the disruption of bottom habitat. The alternative pile-driving method of "jetting" uses high-pressure jets of water and air to clear a hole for a pile resulting in greater displacement of the bottom materials, fouled water, and high levels of turbidity.

The proposed project will not impact any **eelgrass beds** because it has been determined that no eelgrass beds exist in the vicinity of the proposed project. Eelgrass (Zostera marina) is a flowering marine plant that grows on mud and sand bottoms. Bottom areas vegetated with eelgrass are important because they are refuges, foraging centers, and nursery habitats for many types of coastal and bay invertebrates and fishes. Eelgrass is also recognized as a key food source for certain shorebirds. Consequently eelgrass habitat is identified as a valuable and sensitive marine resource by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. On May 8, 1998, Tetra Tech, Inc. conducted an eelgrass survey at Basin 8, the location of the proposed marina (See Exhibit #5: Eelgrass Survey of Basin 8 in Alamitos Bay, By Tetra Tech, Inc., 5/8/98). No eelgrass was found at the site.

Negative environmental impacts of the proposed marina will also be minimized through the proposed installation of a state-of-the-art vessel pump-out system that enables the safe transfer of waste from boats into the City sewer system with minimal potential for spills to occur. The City uses a vessel pump-out system that is recommended by the California Department of Boating and Waterways.

To further minimize adverse environmental impacts, conditions of approval are applied to the permit. The approval of the permit is conditioned to limit the timing of construction because the project site may be used as a feeding area for the endangered **California least tern**. The California least tern has historically foraged in the immediate area of the proposed project. The Los Cerritos wetlands are located within one-quarter mile of the proposed project. For other in-water developments in the immediate area, the California Department of Fish and Game has recommended that no development occur during the least terns' nesting season [Coastal Development Permits 5-93-182 & 5-99-228 (City of Long Beach)]. Therefore, in order to reduce the proposed development's impacts on the least tern's feeding area during the birds' nesting season, the permit has been conditioned

so that development is not permitted in the water during the period commencing March 15 and ending September 1. The period between March 15 and September 1 is the least tern's nesting season. The EIR also requires that development be limited to avoid the least terns' nesting season.

The placement of fill and resulting loss of bottom habitat must also be mitigated. The placement of 50 18-inch piles below the mean high tide line will result in the displacement of approximately 88 square feet of subtidal habitat area (1.76 sq.ft. per pile). Although the placement of 50 piles will result in the creation of a greater amount of subtidal habitat area by providing additional subsurface area on the sides of the piles, about 88 square feet of bottom habitat will be displaced by the proposed piles. The sides of the piles do not provide any soft bottom habitat. Therefore, in order to mitigate the loss of the bottom habitat, the applicant is required to provide an equivalent area of new bottom habitat. The Commission's prior approval of the proposed Costa del Sol Marina concluded that an equivalent area of bottom habitat can be provided within the previously approved End Beach Habitat Mitigation Project in Alamitos Bay (Exhibit #2). [See Coastal Development Permit 5-93-182 (City of Long Beach)].

The End Beach Habitat Mitigation Project has created approximately 24,200 square feet of new habitat area at in the north end of Marine Stadium in Alamitos Bay (Exhibit #2). Construction of the End Beach Habitat Mitigation Project commenced in late 1994 and is ongoing. About half of the new habitat area being created at End Beach is not currently dedicated or required as mitigation for any project. Although the End Beach project creates primarily intertidal habitat area, a small portion of the habitat being created is subtidal bottom habitat similar to the habitat which will be displaced by the proposed piles.

In its 1994 approval of Coastal Development Permit 5-94-153 (Costa del Sol Marina), the Commission required the City to dedicate and develop an equivalent area of bottom habitat within the End Beach Habitat Mitigation Project as mitigation for the bottom habitat displaced by the proposed piles. The proposed marina approved by Coastal Development Permit 5-94-153 (Costa del Sol Marina) never occurred, but the habitat mitigation project has commenced. The Commission finds that the replacement habitat necessary to mitigate the displacement of habitat caused by the 50 piles proposed in this application can be provided within the End Beach Habitat Mitigation Project as previously approved in Coastal Development Permit 5-94-153 (Costa del Sol Marina). Therefore, prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director, a written agreement which provides that an area equivalent to the bottom area displaced by the proposed piles (88 sq. ft.) is dedicated and developed within the approved End Beach Habitat Mitigation Project [Coastal Development Permit 5-93-182 (City of Long Beach)] as mitigation for the bottom habitat displaced by the 50 proposed 18-inch piles. This requirement is necessary to ensure that marine resources and biological productivity of the area be maintained as required by Sections 30230 and 30231 of the Coastal Act.

Finally, the proposed project must be the least environmentally damaging alternative. The proposed project will create a new public boating facility which will enhance coastal

access or recreation. Alternative projects were considered in the EIR for the Marine Stadium Master Plan. The EIR for the Marine Stadium Master Plan found the proposed project to be the least environmentally damaging alternative. The above stated construction methods and conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. There is no feasible less environmentally damaging alternative. Therefore, as conditioned, the proposed project is the least environmentally damaging alternative and, as conditioned, is consistent with the marine resource policies of the Coastal Act.

C. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. Pursuant to Section 30604(c) of the Coastal Act, because the proposed development is located between the first public road and the sea, the proposed project must be found consistent with the public access and recreation policies contained in Chapter 3 of the Coastal Act. The proposed project is consistent with the following Coastal Act policies which encourage public access and recreational use of coastal areas.

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.

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project will provide the public with new coastal recreational facilities. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30213 and 30221 of the Coastal Act.

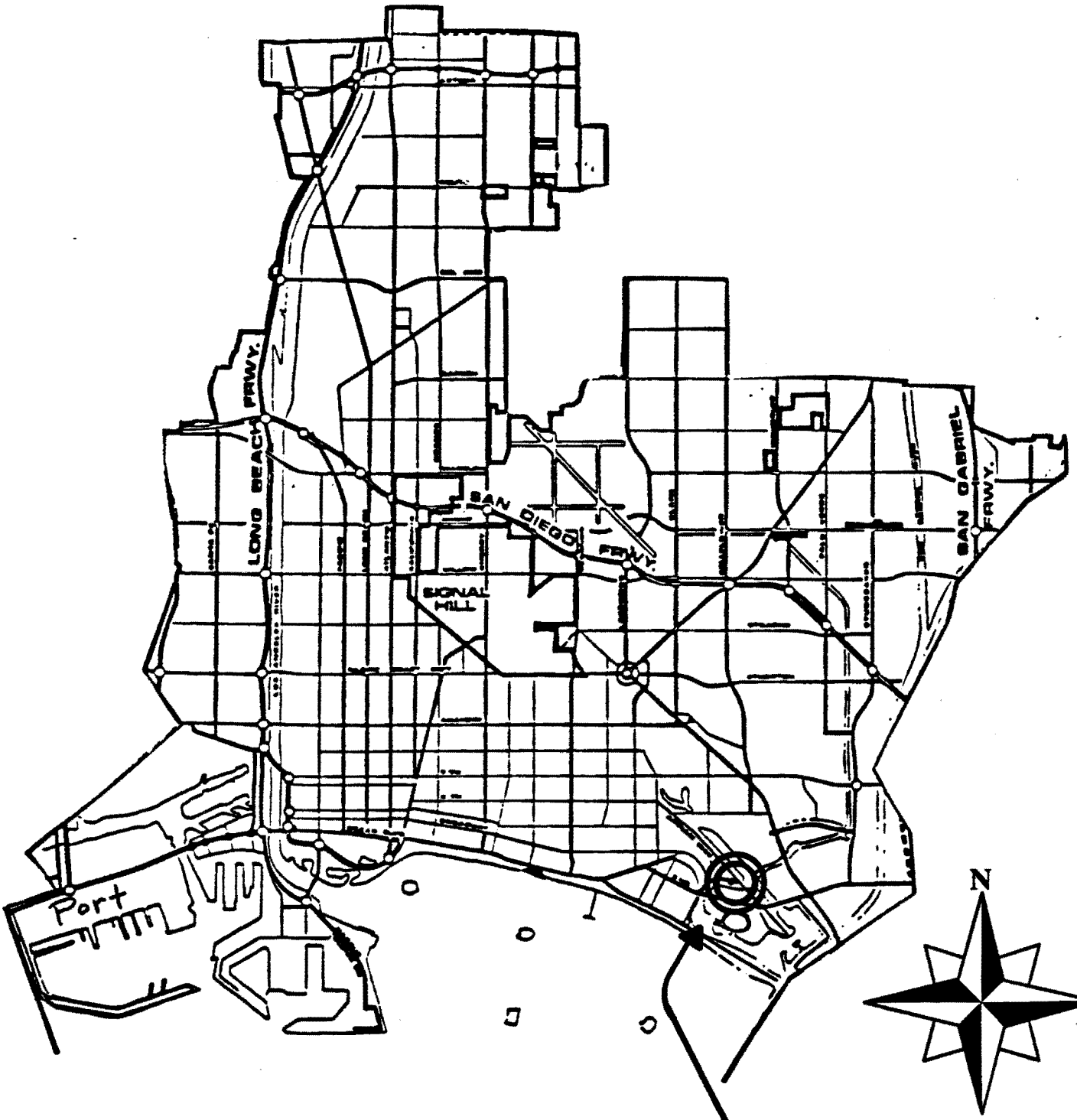
D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

City of Long Beach



COASTAL COMMISSION
5-97-342

EXHIBIT # 1

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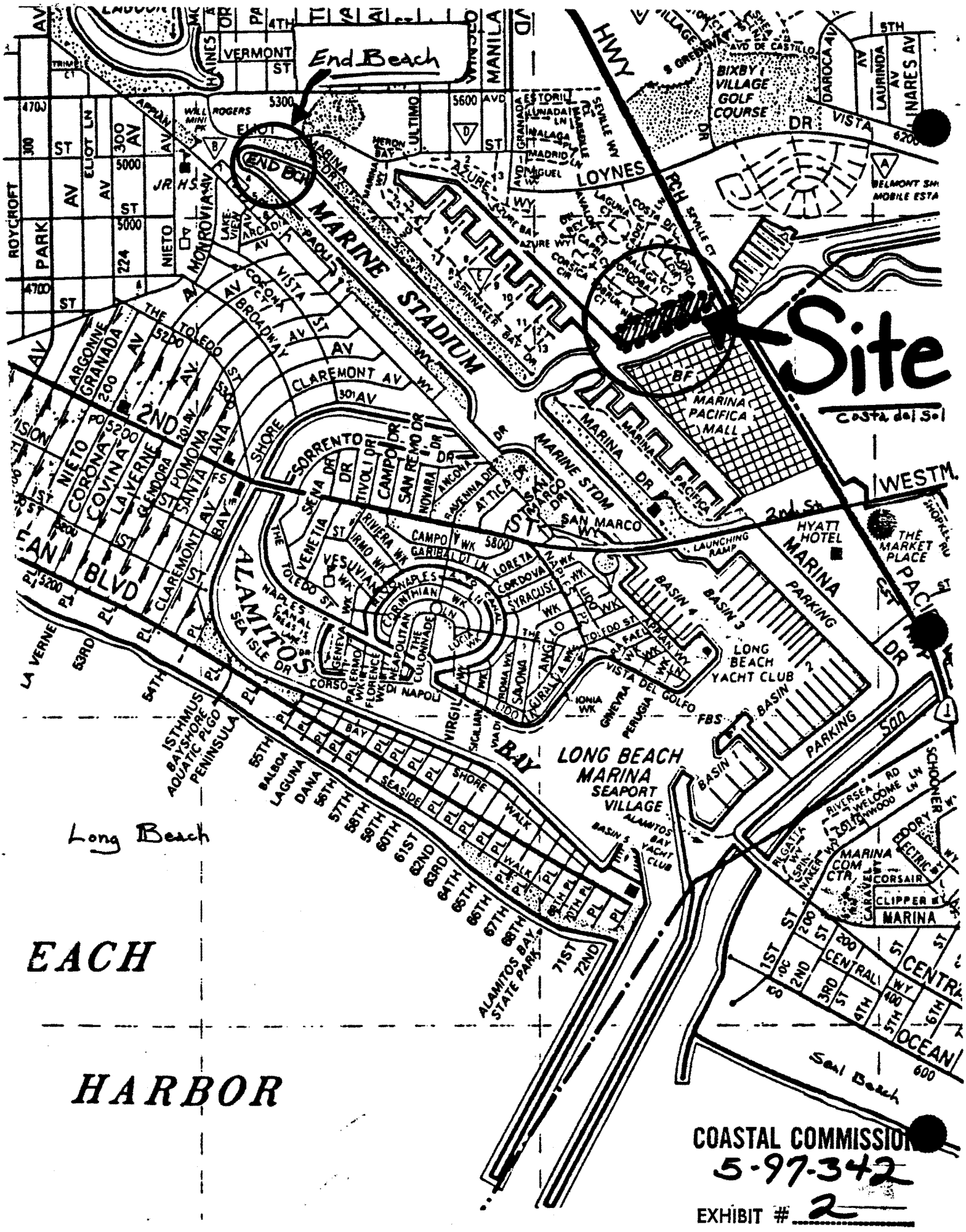

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5-97-342
EXHIBIT # 2
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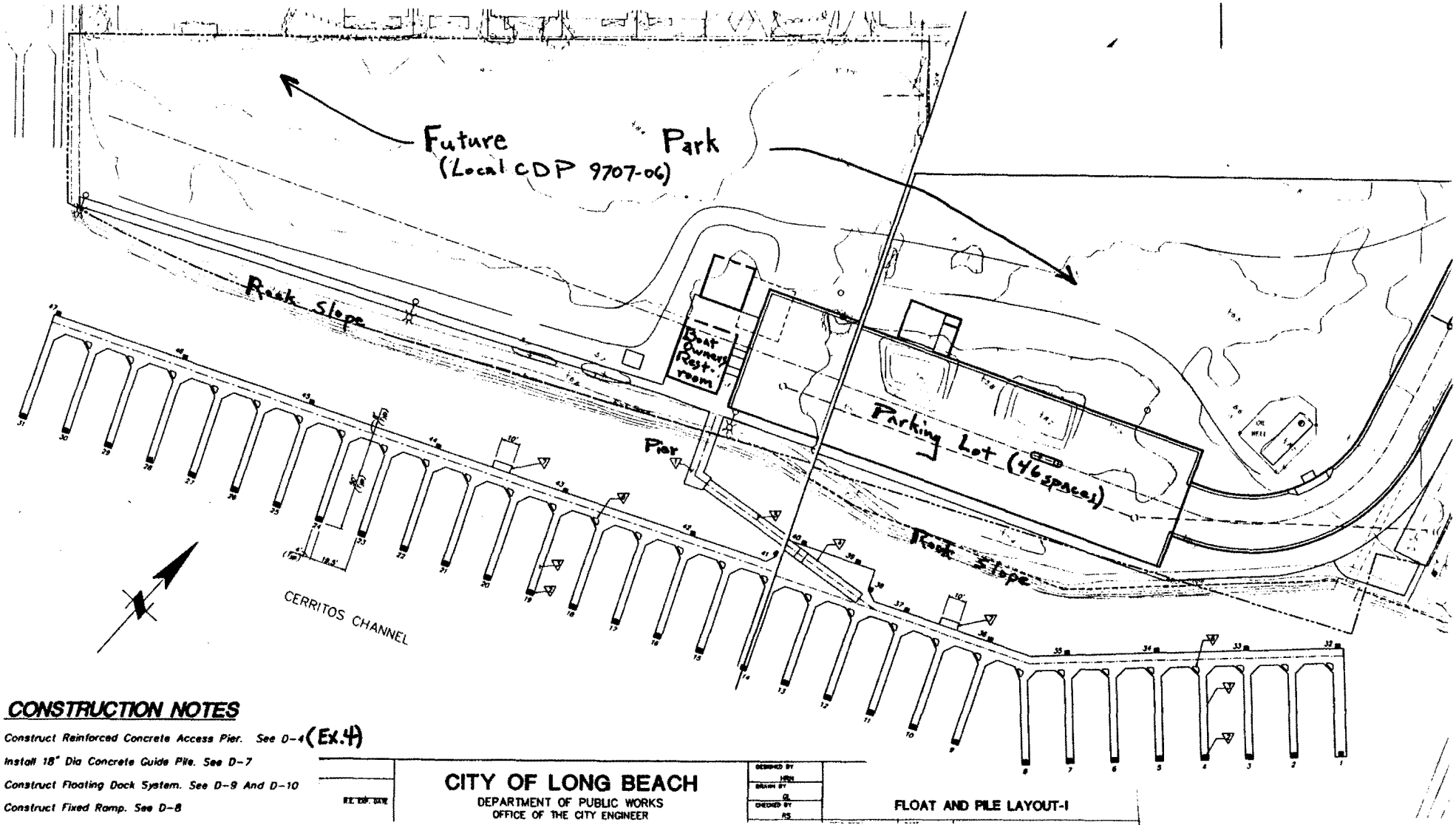

CONSTRUCTION NOTES

1. Construct Reinforced Concrete Access Pier. See D-4 (Ex.4)
2. Install 18" Dia Concrete Guide Pile. See D-7
3. Construct Floating Dock System. See D-9 And D-10
4. Construct Fixed Ramp. See D-8
5. Construct Gangway. See D-8
6. Install Dock Box. See D-10
7. Install Dinghy Rock. See D-10

CITY OF LONG BEACH
DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE CITY ENGINEER

DESIGNED BY HRN
DRAWN BY GL
CHECKED BY RS

FLOAT AND PILE LAYOUT-I

Costa del Sol Marina - 30 slips

COASTAL COMMISSION
5-97-342

EXHIBIT # 3

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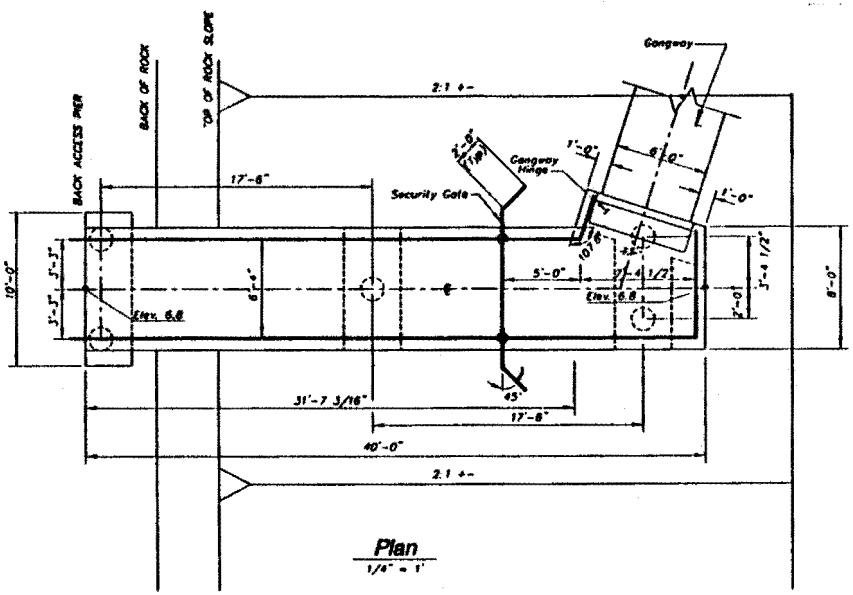
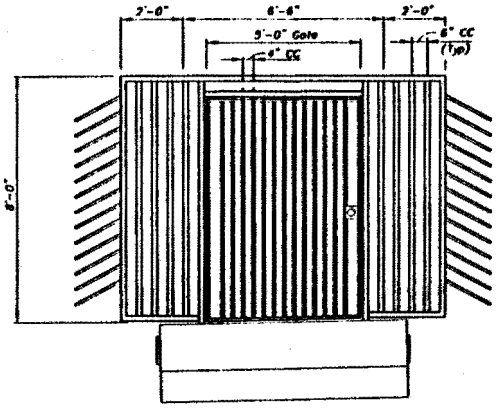
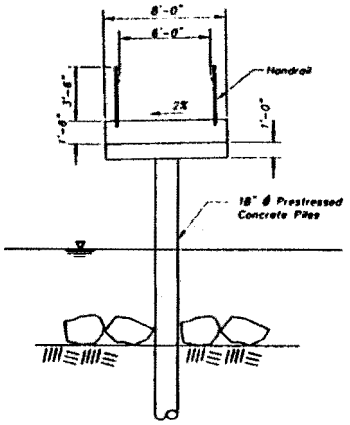


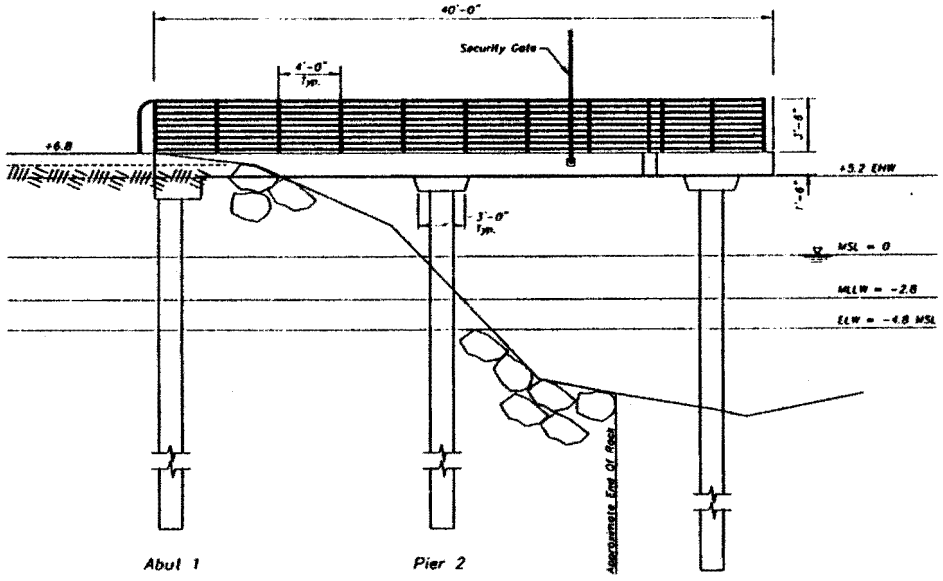
Plan
1/4" = 1'



Security Gate Front Elevation
1/2" = 1'



Typical Section
1/4" = 1'



Elevation
1/4" = 1'

General Notes

Design - Uniform Building Code 1994 as supplemented by the City of Long Beach

Live Load - Platform - 100 p.s.f
Gangway - 40 p.s.f

Seismic Loading - Uniform Building Code 1994
Wind Loading - 70 M.P.H.
Reinforced Concrete - F'c = 3,250 p.s.i.
Reinforced Concrete - Fy = 60,000 p.s.i.
Prestressed Concrete - See Pile Detail Sheet
Pile Data - See Pile Detail Sheet
Guide Pile Maximum Design Load - 3500 Pounds

BASIN 8 MARINA ACCESS PIER GENERAL PLAN

TETRA TECH, INC.
670 North Rosemead Blvd.
Pasadena, CA 91107
Telephone (626) 351-4664
Facsimile (626) 351-5291

July 9, 1998

Mr. Angel Fuertes
City Engineer
Department of Public Works
Bureau of Engineering
333 W. Ocean Blvd.
Long Beach, California 90802

Subject: *Eelgrass survey of Basin 8 in Alamitos Bay, Long Beach, California*

Dear Mr. Fuertes:

On Friday May 8, 1998 Tetra Tech, Inc. conducted an eelgrass survey of Basin 8 in Alamitos Bay, Long Beach, California. The survey took place mid-day between 11:00am and 1:00pm. The area surveyed was the Los Cerritos Channel (Basin 8 and Basin 6) between the Pacific Coast Highway bridge, on the east end, and the entry channel to Spinnaker Cove to the west.

Prior to the survey, the riprap along the north side of the channel was marked at 20-foot intervals east to west. A recorder worked from shore while two scientific divers swam along the bottom in parallel transects which ran lengthwise along the channel at a distance of eight feet apart. Divers surfaced to communicate anything of note so the recorder could chart the location and make notations. During the survey, underwater visibility was approximately 4 feet, water temperature was 65 °F, maximum bottom depth was 19 feet. No eelgrass was found in the area as shown in Figure 1. The bottom consisted of soft mud and clams. Mussel beds extended from the intertidal zone of the riprap to approximately 10 feet from the riprap on the bottom. Beyond the mussels, clams occurred throughout the channel. The only vegetation observed was a few globules of brown algae, known as sea potato (*Colpomenia sinuosa*), which was free floating, not attached to any substrate.

In addition, several large pieces of debris including a shopping cart, a small refrigerator, and what appeared to be sections of dock were encountered throughout the channel. The larger items are marked on Figure 1.

If you have any questions, please contact me or Fernando Pagés at (626) 351-4664.

Sincerely,
TETRA TECH, INC.

Sarah E. McFadden
Environmental Scientist

COASTAL COMMISSION
5-97-342

EXHIBIT # 5

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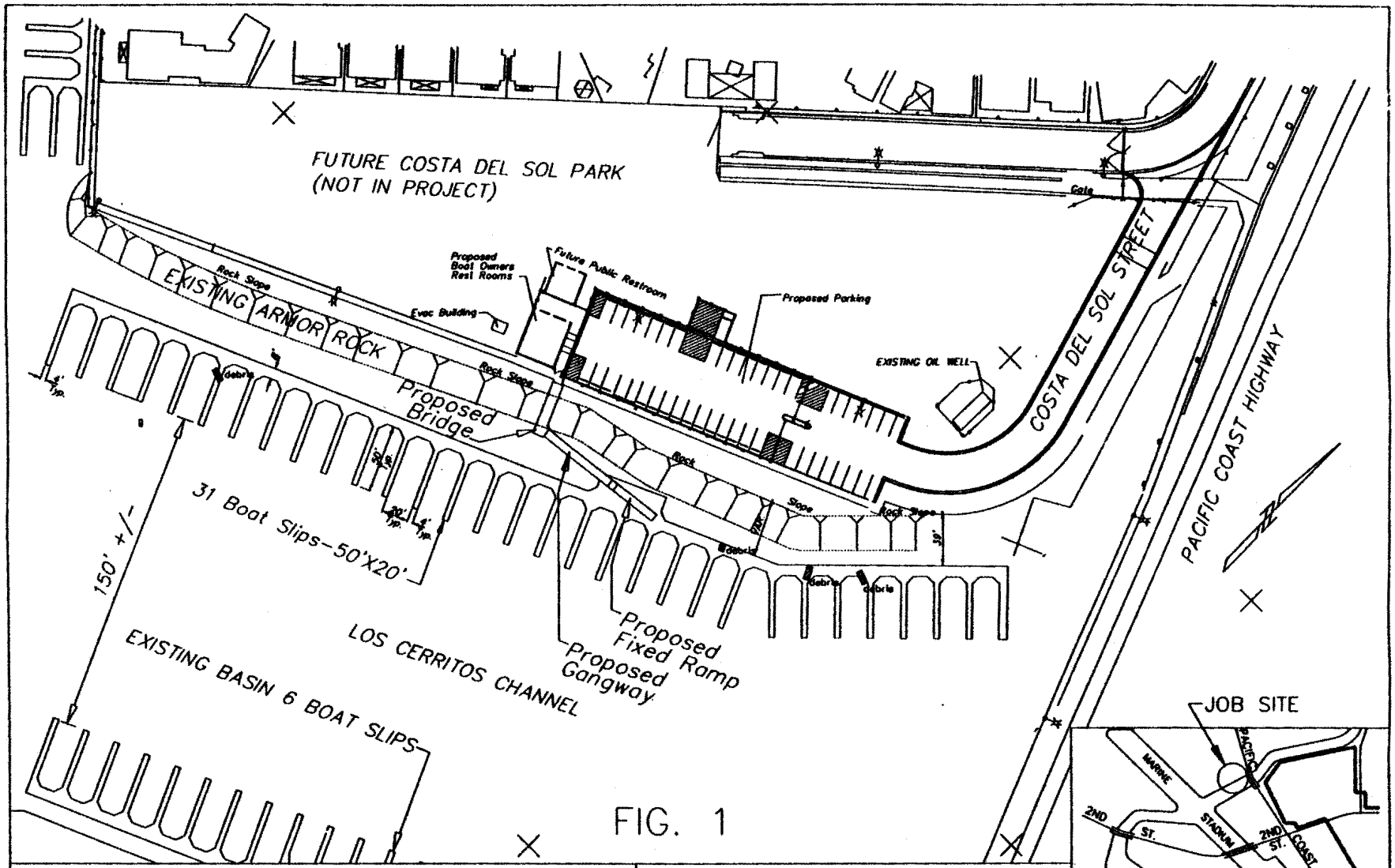

FIG. 1

VICINITY MAP

1000 3000 5000

SCALE IN FEET

EEL GRASS SURVEY

NOTES:

1. Visual eelgrass survey conducted May 8, 1998 by Tetra Tech scientific divers.
2. Area surveyed includes Los Cerritos Channel "Basin 8" between the entry channel to Spinnaker Cove and the Pacific Coast Highway Bridge.
3. Divers swam transects located parallel to riprap and 8 feet apart. Baseline markings on riprap beginning at storm drain at 20 ft. intervals.
4. No eelgrass present in survey area.
5. Debris was observed and marked on drawing.

BASIN 8 MARINA

CORPS FILE NO. 94-00172-TW
31 BOAT SLIPS
LOS CERRITOS CHANNEL, CITY OF LONG BEACH
LOS ANGELES COUNTY
APPLICANT: CITY OF L.B.
SHEET 1 OF 1

EXHIBIT # 5
PAGE 2 OF 2