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CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Filed: 7/11/00
49th Day: 8/29/00
180th Day: 1/7/01
Staff: AM-LB *AM*
Staff Report: 8/24/00
Hearing Date: Sept. 12-15, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-148

APPLICANT: Cape Durado, A California Corporation

AGENT: Paragon Long Beach Associates/Richard Cisakowski

PROJECT LOCATION: 6051 Azure Way, City of Long Beach, Los Angeles County

PROJECT DESCRIPTION: Construction of a 288' x 40' floating dock with fifteen 35' x 16' boat slips divided by three-foot wide walkways, a 30' x 3' gangway with a 7' x 5 1/2' concrete platform, connected by 14, 14-inch concrete guide piles and to an existing bulkhead, in Alamitos Bay. The proposed project includes the planting of 194 square feet of eelgrass through an eelgrass mitigation plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with five special conditions including: 1) eelgrass identification and mitigation; 2) construction responsibilities and best management practices; 3) identification of a construction debris disposal site; 4) restrictions on the timing of construction; and 5) establishment of a water quality management plan.

LOCAL APPROVALS RECEIVED:

- 1) Approval in Concept, City of Long Beach Planning and Building Department, April 21, 2000.
- 2) Approval in Concept, City of Long Beach Marine Bureau, April 20, 2000.
- 3) Mitigated Negative Declaration, City of Long Beach Planning and Building Department, March 16, 2000.

OTHER AGENCY APPROVALS RECEIVED: U.S. Army Corps of Engineers Letter of Permission (LOP), July 28, 2000.
Regional Water Quality Control Board review, July 24, 2000.

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 will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea and is in conformity with the public access and public recreation policies of the Coastal Act, 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, and will not have any significant adverse effects 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. 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

1. EEL GRASS MITIGATION

- A. Compliance with Eelgrass Mitigation Plan. The applicant shall implement and comply with the "*Eelgrass (Zostera marina) Survey Results: Spinnaker Cove, Alamitos Bay, California*" prepared for Paragon companies/Richard Cisakowski prepared by Coastal Resources Management of Corona Del Mar, California dated June 24, 2000. The mitigation plan shall be undertaken in full compliance with the most recent version of the "Southern California Eelgrass Mitigation Policy" adopted by the National Marine Fisheries Service. Any changes to the approved mitigation plan, including but not limited to changes to the monitoring program to ensure success of the eelgrass mitigation site, shall require an amendment to this permit from the Coastal Commission or written concurrence from the Executive Director that the changes do not require a permit amendment.
- B. Pre-construction Eelgrass Survey. Not more than one hundred twenty (120) days prior to commencement of construction, the applicant shall undertake a survey of the project site to determine the existence of eelgrass. The survey shall be prepared in full compliance with the most recent version of the "Southern California Eelgrass Mitigation Policy" adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the new eelgrass survey for the review and written approval of the Executive Director within five (5) working days of completion of the new eelgrass survey and in any event no later than ten (10) working days prior to commencement of construction. If the new survey identifies, within the proposed project area, any eelgrass which is not documented in the eelgrass survey described in Special Condition No. 1.A. above, the newly identified eelgrass shall be transplanted prior to commencement of construction at a 1.2:1 ratio at the same transplantation locations identified in the eelgrass mitigation plan described in Special Condition No. 1.A. above. The transplantation shall occur consistent with all provisions of the mitigation plan described in Special Condition 1.A.

2. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave/wind erosion and dispersion.

- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- (e) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity;
- (f) Measures shall be taken to ensure that barges do not ground and impact eelgrass sites.
- (g) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (h) Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.

3. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. 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.

4. TIMING OF PROJECT

In order to reduce impacts upon eelgrass growth during the primary growth season no construction activity which may generate turbidity in the water column shall occur during the period commencing March 1 and ending September 1 of any year. In order to reduce impacts on the California least tern during nesting and foraging season, no construction activity which may generate noise or turbidity in the water column shall occur during the period commencing April 1 and ending September 15 of any year. Construction activity which may generate turbidity in the water column may occur between March 1 and September 1 only if a written determination is submitted by the California Department of Fish and Game for the review and approval of the Executive Director, which states that work during this period will not result in adverse impacts to eelgrass. Construction activity which may generate noise or turbidity in the water column may occur between April 1 and September 15 only if a written determination is submitted by the California Department of Fish and Game for the review and approval of the Executive Director, which states that work during this period will not result in adverse impacts to least terns.

5. Water Quality Management/Boat Owner Maintenance Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Water Quality Management/Boat Owner Maintenance Plan to ensure the control of adverse impacts to water quality related to long term water-borne berthing of boats at the dock. The applicant or successors in interest shall be responsible for complying with the provisions of the Water Quality Management/Boat Owner Maintenance Plan described herein. The applicant shall record and incorporate the below Water Quality Management/Boat Owner Maintenance Plan into the community homeowner associations' Covenants, Conditions, and Restrictions (CC&Rs). This shall ensure that successors in interest in the subject property will be aware of and abide by the requirements established by the Water Quality Management/Boat Owner Maintenance Plan. The final CC&R's shall be submitted for the review and approval of the Executive Director.

1. The Plan shall demonstrate that long-term water-borne berthing of boats at this dock shall be managed in a manner which protects water quality and that persons using the dock are made aware of the rules related to boat maintenance and use.

2. The Plan shall include, at a minimum, the following components or measures:

(a) Boat Cleaning Management Measures:

1. Boats shall be removed from the water and cleaned such that debris is captured and properly disposed. In-water boat hull washing shall be prohibited, unless done by hand.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited.
3. Boat owners shall utilize only detergents and cleaning components for washing boats that are phosphate-free and biodegradable, and that amounts used shall be minimized.
4. The use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye is prohibited.

(b) Boat owners/operators using the dock shall:

1. Properly dispose of all waste discharge from sewage holding tanks at a public facility accessible to boaters that can handle waste disposal;

2. Properly dispose of all contaminated bilge water at a designated facility with appropriate equipment to dispose of such materials.
- (c) The applicant shall place a sign, in a conspicuous manner near the dock platform that lists the above water quality management and boat maintenance requirements. The sign shall identify accessible pump-out facilities for the disposal of contaminated bilge water and sewage waste. The sign shall be written and placed in an area where users of the boat dock can clearly read and understand the management and maintenance requirements. The appropriate sections of the CC&R's shall be sighted on the sign.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is the Construction of a 288' x 40' floating dock with fifteen 35' x 16' boat slips divided by three-foot wide walkways, and a 30' x 3' gangway with a 7' x 5½' concrete platform. The dock configuration will be held by 14, 14-inch concrete guide piles and connected to an existing bulkhead, in Alamitos Bay (Exhibit #3). The developed communities on either side of and across from the proposed project contain similar boat slips and dock configurations (Exhibit #2).

On August 8, 2000, the Commission approved Appeal No. A-5-LOB-00-227 for the subdivision of 15 lots on 1.83 acres of vacant land and the construction of 15 single family homes in the City of Long Beach along Spinnaker Cove, Alamitos Bay (Exhibit #4). Each of the single-family homes will have access to and use of a private boat slip, as proposed in this application.

The project area is a vacant parcel located in Spinnaker Cove, within Alamitos Bay bordered on either side by developed communities with docks and boat slips (Exhibit #1-2). The history of this area dates back to the 19th century when tidelands within Alamitos Bay were sold into private ownership. In 1925 and in years following, sovereign lands of the State were legislatively transferred to the City of Long Beach. To settle uncertainties about property interests between State, local, and private parties an agreement known as the McGrath-Macco Boundary Settlement and Exchange (BLA 101), December 14, 1970 and further amended, confirmed certain parcels into private property. The subject property was included in this agreement and was free of the Public Trust Easement. However, Article 8, Section 8.1, of the agreement stated that should any lands within the designated parcels be dredged and become submerged and connected to or joined with navigable waters, the Public Trust Easement will reattach to the land. The subject site involves land that has been dredged. Therefore, the dredged portion of the

land (the project location) is subject to the Public Trust Easement. This means that the City of Long Beach is the trustee of the State's sovereign lands, and must determine if the project is consistent with the Public Trust Easement for commerce, navigation, and fisheries.

On May 30, 2000, the Long Beach City Council overruled an appeal and upheld the decision of the Planning Commission to approve a Local Coastal Development Permit and Vesting Tentative Tract Map for 15 single family homes and a dock configuration for 15 boat slips. A Mitigated Negative Declaration from the City of Long Beach Planning and Building Department and approval from the City of Long Beach Marine Bureau for the proposed dock configuration were also issued. Therefore, the City of Long Beach, as custodians of the State's sovereign lands has found the project consistent with the Public Trust Easement.

C. 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.

1. Water Quality and Construction Impacts

The proposed project is the construction of a 288' x 40' floating dock configuration with fifteen 35' x 16' boat slips divided by three-foot wide walkways, and a 30' x 3' gangway with a 7' x 5½' concrete platform, connected by 14, 14 inch concrete guide piles and to an existing bulkhead, in Alamitos Bay (Exhibit #3).

In order to assess impacts upon water quality, the proposed project was submitted to the California Regional Water Quality Control Board (RWQCB) and U.S. Army Corps of

Engineers (the Corps) for their review and approval. The Corps determined that 0.3 acres of open water would be impacted during the construction phase of the project and a permanent impact of 0.08 acres of open water due to the dock configuration and guide piles. They determined that water quality would not be affected by the proposed project if the applicant implements the use of silt curtains and other best management practices to minimize turbidity levels. The Regional Water Quality Control Board reviewed the project and determined that a Section 401 Water Quality Certificate was not necessary for this project.

The applicant's project description submitted with this coastal development permit application did not list the best management practices described by the Corps. The Commission finds that since construction of the proposed project requires the use of best management practices to minimize impacts upon water quality the Commission imposes special condition #2 that requires the applicant to utilize best management practices. Such practices include: no local sand, cobbles, or shoreline rocks may be used for construction material; all construction materials and equipment shall be stored landward of the bulkhead, on impervious surfaces only; all construction materials or waste shall be stored in a manner which prevents their movement via runoff, or any other means, into coastal waters; floating booms shall be used to contain debris discharged into coastal waters; non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss; no machinery not essential to project construction may be placed in the intertidal zone at any time, and that any and all construction equipment, materials and debris are removed from upland areas at the conclusion of construction. Since the applicant has not identified a disposal site and in order to prevent impacts to coastal waters, the Commission imposes special condition #3, which requires that all construction debris be disposed of at a legal site approved by the Executive Director. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

The Commission finds it necessary to identify the permittee's responsibilities regarding construction and the utilization of best management practices and has conditioned the project accordingly. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230 and 30231 of the Coastal Act.

2. Eelgrass and other Sensitive Species Impacts

Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG).

The proposed project could impact eelgrass through the placement of 14 14-inch guide piles and shading from the 288' x 40' floating dock configuration upon eelgrass beds. Also, construction activity, including barge anchoring, vessel propeller wash, and propeller contact with the harbor bottom could cause scarring to the eelgrass beds.

The applicant has submitted an eelgrass survey dated June 24, 2000, titled *Eelgrass (Zostera marina) Survey Results: Spinnaker Cove, Alamitos Bay, California*, which identifies the presence of 15.1 meters (162.5 square feet) of eelgrass in the area of the proposed dock construction that is the subject of the application (Exhibit #5-6). The applicant has proposed an eelgrass mitigation plan that follows the guidelines contained in the Southern California Eelgrass Mitigation Policy Guidelines by the National Marine Fisheries Service. Under the guidelines, for every one square meter of disturbance, 1.2 square meters of new suitable habitat vegetated with eelgrass must be created. In this case, the applicant has proposed to transplant 18.1 square meters (194 square feet) of eelgrass at the End Beach mitigation site, located at the north end of the Marine Stadium, within Alamitos Bay (Exhibit #7). The survey provides for a series of seven monitoring surveys. The surveys will be conducted during the active growth periods of eelgrass (March-October) at intervals of 3, 6, 12, 24, 36, 48, and 60 months (Eelgrass Survey page 4).

The eelgrass survey in the proposed mitigation plan was conducted in June 2000. Due to the ephemeral nature of eelgrass locations, the SCEMP recommends that eelgrass surveys be conducted not more than one hundred twenty (120) days prior to the start of a project that would impact eelgrass. There is a possibility that construction for this project will not occur before the 120-day period. Therefore, Special Condition #1.B. requires a pre-construction eelgrass survey to be completed by a professionally licensed biologist. The survey shall be prepared in full compliance with the SCEMP adopted by the Marine Fisheries Service. This pre-construction survey will document the presence of any eelgrass in the areas of the dock configuration. This condition is imposed upon the applicant to ensure that the site of the eelgrass bed located within the project site has not changed during the active growth phase of eelgrass. The applicant shall submit the updated eelgrass survey for the review and written approval of the Executive Director within five (5) working days of completion of the updated survey and no later than ten (10) working days prior to commencement of construction. The pre-construction survey will also identify any eelgrass beds not previously identified, which will be impacted and which must be transplanted prior to the commencement of development. Such transplantation shall occur at a 1.2:1 ratio at the location identified in the eelgrass mitigation plan.

Eelgrass growth occurs primarily between March 1 and September 1 of each year. In addition, endangered wildlife and species of concern, such as the California Least Tern (*Sterna antillarum browni*), which use eelgrass for foraging, forage primarily between April 1 and September 15 of each year. Construction activity, such as pile driving, may cause turbidity in the water column which would shade eelgrass and limit eelgrass growth and affect foraging species ability to see food normally visible in the water. In addition, pile driving would generate noise in the water column that would disturb fish and other species normally present upon which foraging least terns would normally feed. In order to ensure that impacts upon eelgrass growth and sensitive species are avoided, the Commission finds that it is necessary to impose Special Condition #4 which prohibits

construction between March 1 and September 15 of any year during which construction occurs, that would impact eelgrass and foraging species, unless it is determined by the Department of Fish and Game that work during this period will not result in adverse impacts to eelgrass or least terns.

3. Water Quality Management/Boat Owner Maintenance Plan

The proposed project will allow for 15 boat slips, each owned by the individual homeowner. The long term berthing of boats by the homeowner could cause adverse impacts to the marine environment. Cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are a major contributor to the degradation of water quality within boating facilities. It is for this reason that the Commission imposes Special Condition #5 that requires the applicant to establish a Water Quality Management/Boat Owner Maintenance Plan. The plan shall include provisions for removal of boats from the water for proper cleaning and disposal of debris, no in-water boat cleaning that is not done by hand, no in-water boat scraping that results in removal of paint from boat hulls, utilizing phosphate-free and bio-degradable detergents and cleaning measures, no detergents or solvents that contain ammonia, sodium hypochloride, chlorinated solvents, petroleum distillates, or lye, and proper disposal of contaminated bilge water and sewage waste. The applicant is also required to install a sign, posted in a conspicuous location near the dock platform, that includes a list of the above water quality and boat maintenance measures.

To ensure that the applicant, successors in interest, and/or future homeowners of the 15 single family homes are aware of and abide by the Water Quality Management/Boat Owner Maintenance Plan, Special Condition #5 requires the applicant to include the Plan and its components and measures within the Homeowner's Association Covenants, Conditions, and Restrictions (CC&R's). In doing so, all future successors and owners of the single family homes and boat slips shall be aware of and follow the rules and guidelines of the Water Quality Management/Boat Owner Maintenance Plan. Prior to the issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, the communities CC&R's, which demonstrates the inclusion of the Water Quality Management/Boat Owners Maintenance Plan.

Thus, as conditioned, the Commission finds that the proposed project would eliminate significant adverse impacts to eelgrass, water quality, and sensitive species such as the least tern. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with section 30230 and 30231 of the Coastal Act.

4. Fill of Coastal Waters and Loss of Marine Habitat

The proposed project will involve the placement of 14 14-inch concrete guide piles in open coastal waters. These dock float guide piles constitute fill of open coastal waters. Under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when

several criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging alternative; and (c) feasible mitigation measures to minimize adverse environmental effects must be provided. 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.

The proposed project meets the first criteria because it is the placement of piles for a new boating facility. Fill of open coastal waters for the construction of a new boating facility is an allowable use under Section 30233(a)(4) of the Coastal Act.

Under Section 30233, the proposed project must be the least environmentally damaging alternative. The alternatives include changing the proposed dock configuration by re-aligning the position of the dock and/or piles. Changing the configuration would move the dock away from the eelgrass bed, mitigating for the shading and pile impacts.

The proposed dock project would allow each of the single-family homes at 6051 Azure Way the use of a boat slip. The communities on either side of the proposed project site have large dock configurations for several more boat slips. The proposed dock configuration is similar in size and shape to the surrounding docks. Changing the configuration of the dock to allow more space between the facility and the eelgrass bed would increase the width of the dock. The increase would place the dock outside the U.S. Pierhead Line and into the navigable channel, thus creating a hazard to users of Spinnaker Cove. Alternatively, the proposed boat slips above which the eelgrass is located could be re-aligned to accommodate smaller vessels. However, the surrounding dock configuration would still shade the surrounding area and impede additional growth of the small amount of eelgrass. Additionally, the number of piles is the minimum necessary to adhere to present engineering standards, and a reduction could create hazards to the development (Exhibit #3). Therefore, the Commission finds that there are no feasible, less damaging alternatives.

The project also must provide feasible mitigation measures to minimize adverse environmental effects. As proposed, the eelgrass that could be disturbed by the proposed project will be mitigated for through the eelgrass mitigation plan. The applicant is required to document and transplant any eelgrass, which may be in the vicinity of the proposed development prior to the commencement of development. Also, the application for this project included a mitigation plan to plant 194 square feet of eelgrass vegetation at the

End Beach mitigation site (Exhibit #7). This planting follows the Southern California Eelgrass Mitigation Policy Guidelines (National Marine Fisheries Service), which requires transplanting losses of eelgrass at a 1.2 to 1 ratio. Therefore, the proposed project is the least environmentally damaging, feasible alternative, and includes feasible mitigation measures to minimize adverse environmental effects.

The proposed project will result in the fill of open coastal waters for a boating facility, which is an allowable use under Section 30233 of the Coastal Act. In addition, the proposed project is the least environmentally damaging alternative, and does provide feasible mitigation measures. Therefore, the Commission finds the proposed project is consistent with Section 30233 of the Coastal Act.

D. Public Access and Recreation

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 30212 of the Coastal Act states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
(2) adequate access exists nearby, or,*

The proposed project is located between the nearest public road and the sea as well as within coastal waters. The Commission approved Appeal No. A-5-LOB-00-227 for the subdivision of 15 lots for the construction of 15 single-family homes at the proposed project site with the Special Condition that pedestrian and vehicular access would remain open to the public. A pedestrian access easement will pass through the project (between lots 3 and 4) to an existing public walkway along Spinnaker Cove/Alamitos Bay (Exhibit #4). Therefore, public access to the waterfront is available and the proposed project would not impede such access.

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)(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 that the activity may have on the environment. Potential impacts on marine habitat, eelgrass, and water quality have been identified and mitigated for.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

F. Local Coastal Program

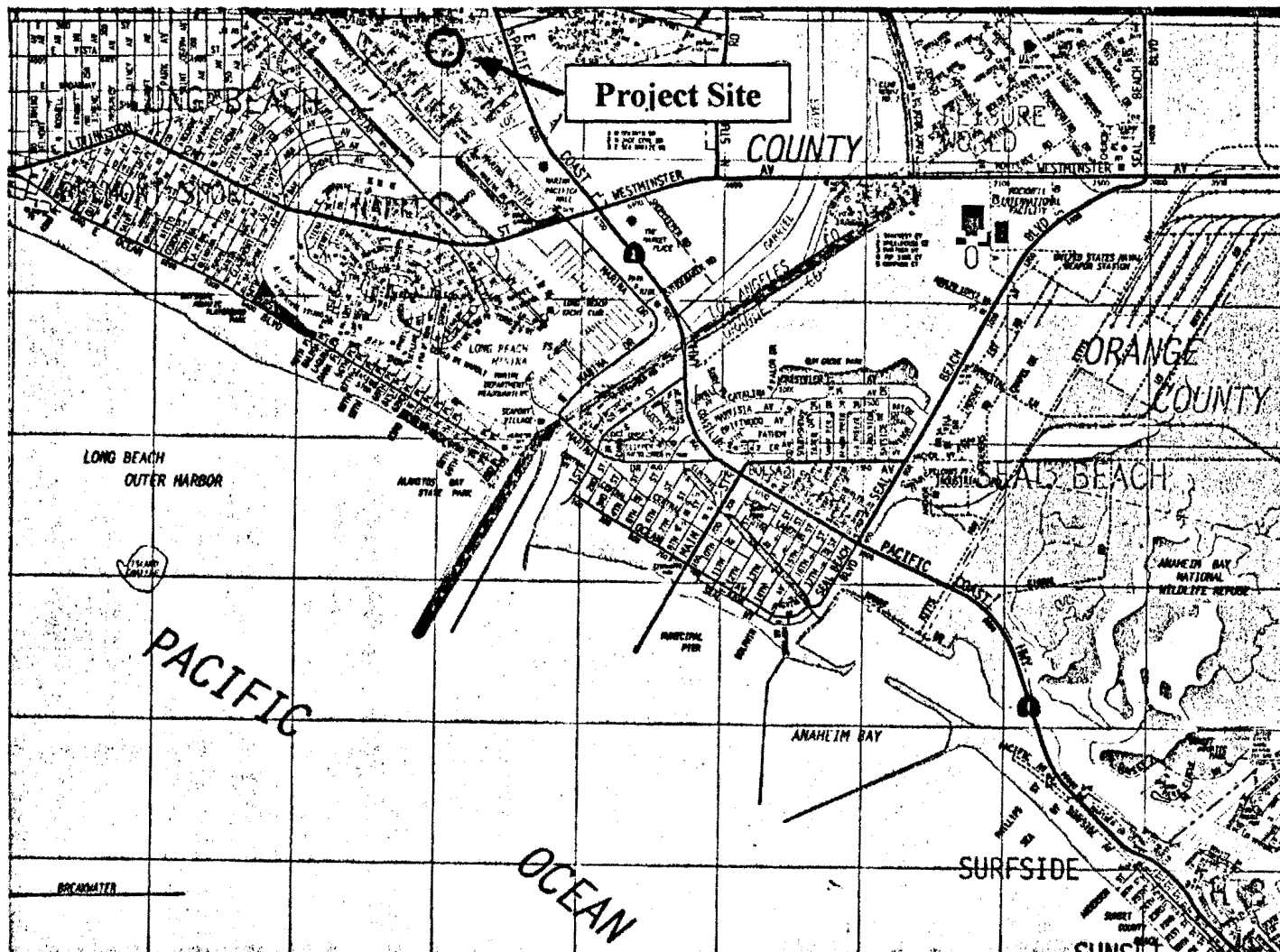
The City of Long Beach Local Coastal Program (LCP) was certified by the Commission on July 22, 1980. The proposed project complies with the policies of the certified LCP. However, the proposed project is located seaward of the mean high tide line and in the Commission's area of original jurisdiction. Because the proposed project is located in the Commission's area of original jurisdiction, the LCP is advisory in nature and only provides guidance. The standard of review for this project is the Coastal Act. As conditioned, the proposed project is consistent with the policies of Chapter 3 of the Coastal Act.

End/am

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5-00-148

EXHIBIT # 1
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Site Map

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South Coast Region

JUL 11 2000

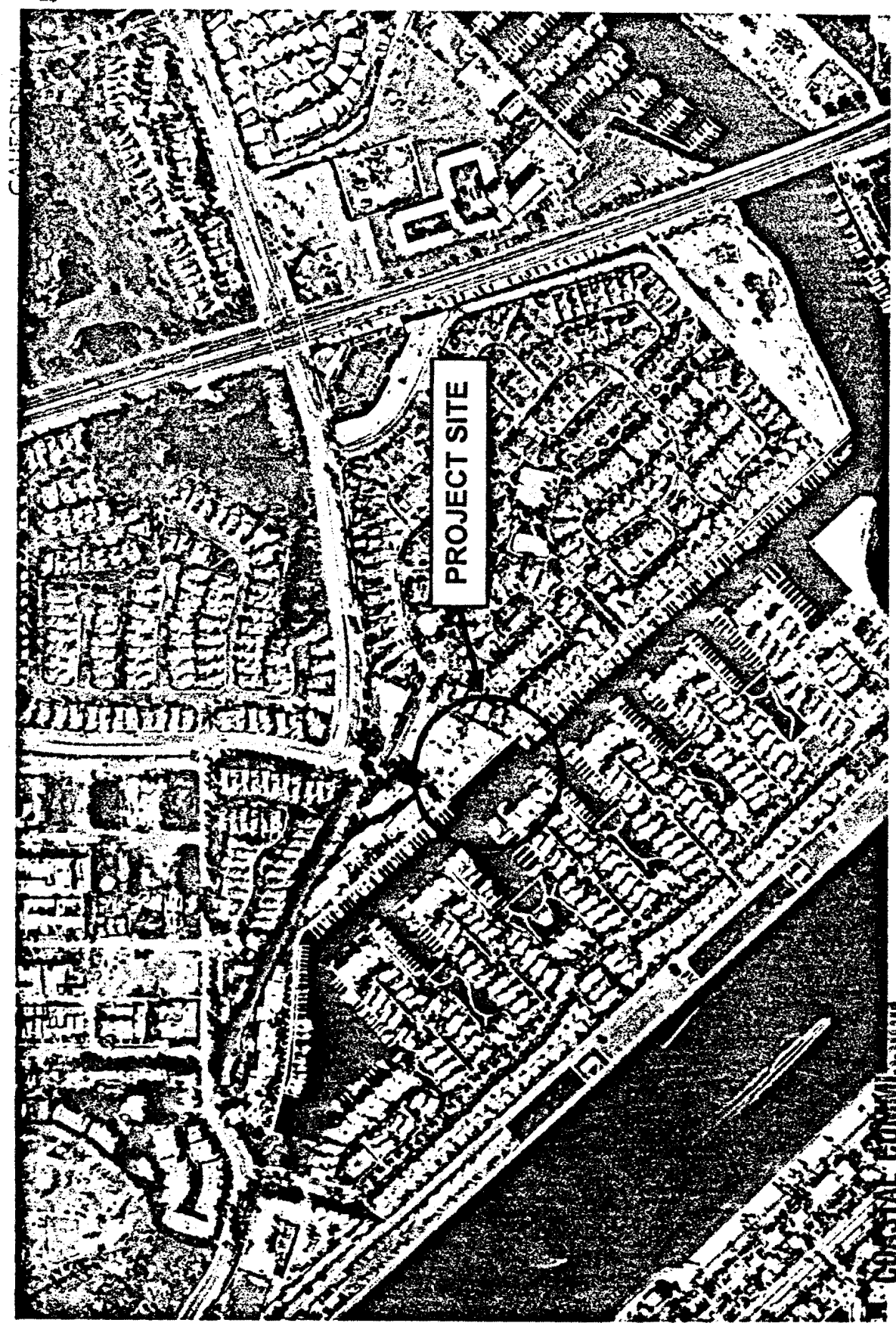
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5-00-148

EXHIBIT # 2
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BOAT SLIP LAYOUT FOR APN 7242-027-007

PROPERTY OWNER

CAPE DURADO, A CALIFORNIA CORPORATION
c/o Richard T.W. Roe
1938 Euclid Ave.
San Marino, CA 91108

c/o William M. Lansdale, Trustee of The Lansdale Family Trust
P.O. Box 27
Seal Beach, CA 90740

DEVELOPER

PARAGON LONG BEACH ASSOCIATES, LP.
1448 15th Street, Suite 100
Santa Monica, CA 90404
(310) 393-1431

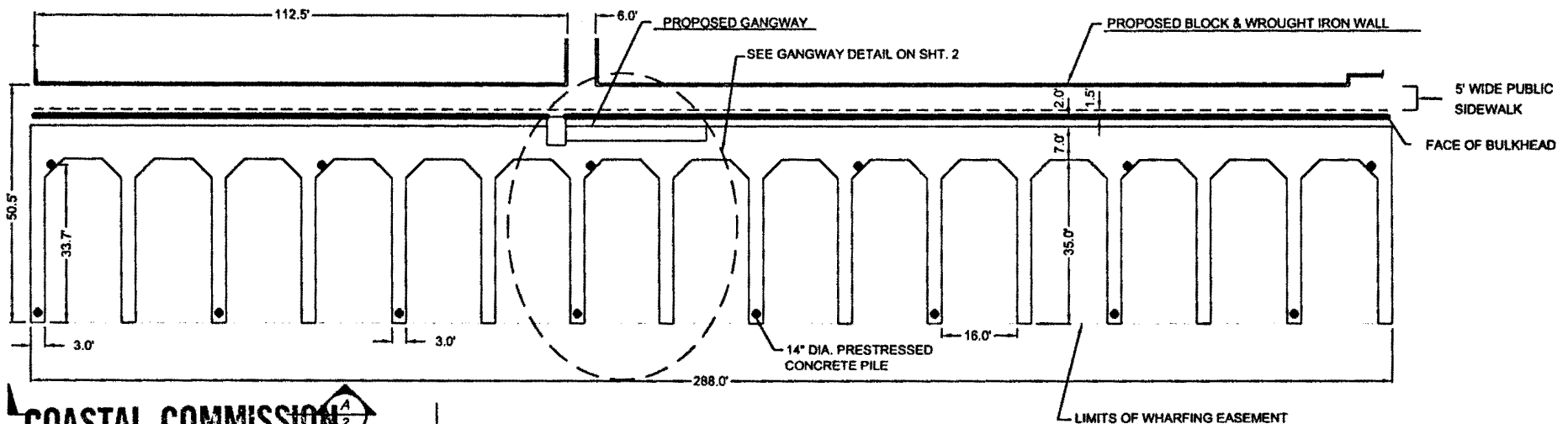
BOAT SLIP LAYOUT (1/2)
FOR APN 7242-027-007

DATE: JUNE 21, 2000
JOB NUMBER: 2003P

GENERAL NOTES

1. PUBLIC ACCESS TO BE MAINTAINED ALONG TOP OF BULKHEAD WALL.
2. DOCK ACCESS GANGWAY GATE SHALL NOT INTERFERE WITH PUBLIC WALKWAY.
3. DOCK SYSTEM WILL BE OF CONCRETE CONSTRUCTION SIMILAR IN NATURE TO ADJACENT DEVELOPMENT.
4. DOCKS WILL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL PERMIT REQUIREMENTS.
5. FINAL CONSTRUCTION PLANS SHALL BE APPROVED BY THE CITY OF LONG BEACH PRIOR TO CONSTRUCTION.
6. CONSTRUCTION OF DOCKS WILL NOT REQUIRE GRADING.
7. PILE PLACEMENT AND SIZES TO BE CONFIRMED DURING FINAL DESIGN.
8. STRUCTURAL DETAILS FOR GANGWAY AND ACCESS PLATFORM TO BE DEVELOPED DURING FINAL DESIGN.
9. DOCK CONSTRUCTION WILL INVOLVE ELECTRICAL, WATER, AND TELEPHONE UTILITY SERVICES.

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5-00-148

EXHIBIT # 3
PAGE 1 OF 2

BOAT DOCK SLIP LAYOUT 1"=10'

PRELIMINARY - NOT FOR CONSTRUCTION



BLUEWater Design Group				SPINNAKER BAY BOAT SLIP LAYOUT & ELEVATIONS	
1300 E. Ocean Blvd., Suite 214, San Pedro, CA 90731 (310) 371-1100				DATE	6-21-00
DESIGNED BY: T. BAXLEY, P.E.				DATE	2003P
CHECKED BY: T. METS				DATE	1
				DATE	2

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c/o Richard T.W. Roe
1938 Euclid Ave.
San Marino, CA 91108

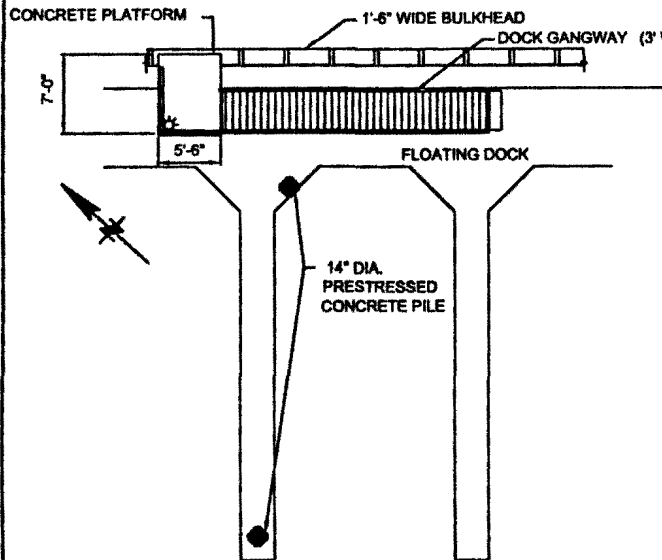
c/o William M. Lansdale, Trustee of The Lansdale Family Trust
P.O. Box 27
Seal Beach, CA 90740

DEVELOPER

PARAGON LONG BEACH ASSOCIATES, LP.
1448 15th Street, Suite 100
Santa Monica, CA 90404
(310) 393-1431

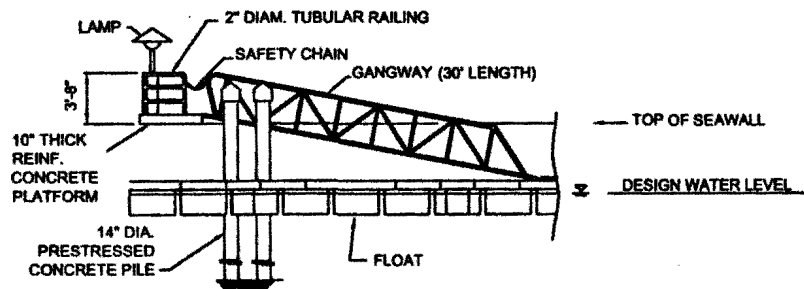
BOAT SLIP LAYOUT (2/2)
FOR APN 7242-027-007

DATE: JUNE 21, 2000
JOB NUMBER: 2003P



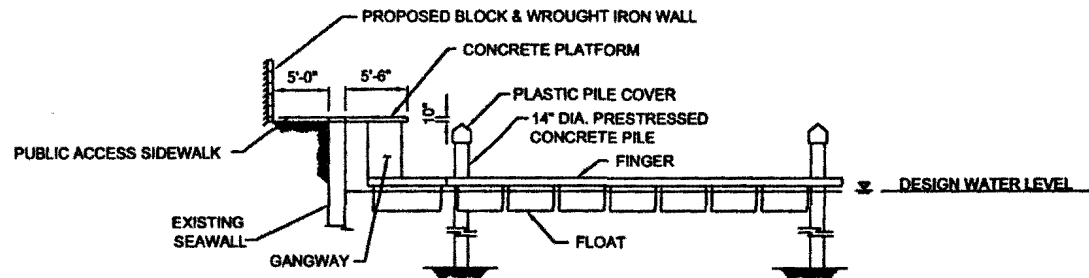
GANGWAY DETAIL PLAN

1"=5'



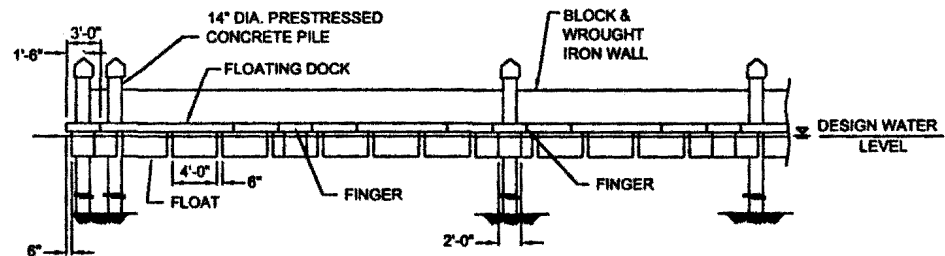
GANGWAY ELEVATION

1"=5'



SECTION B

1"=5'



TYPICAL DOCK ELEVATION A

1"=5'

PRELIMINARY - NOT FOR CONSTRUCTION

COASTAL COMMISSION

5-00-148

EXHIBIT # 3
PAGE 2 OF 2

BLUEWater Design Group		DATE	6-21-00
1300 B. BAKER BLVD., SUITE 514, SAN PABLO, CA 94601		PROJECT	2003P
DESIGNED BY T. BARLEY, P.E.	CHECKED BY J. BARLEY	NO.	2
DATE 6-21-00	BY J. BARLEY	REV.	2

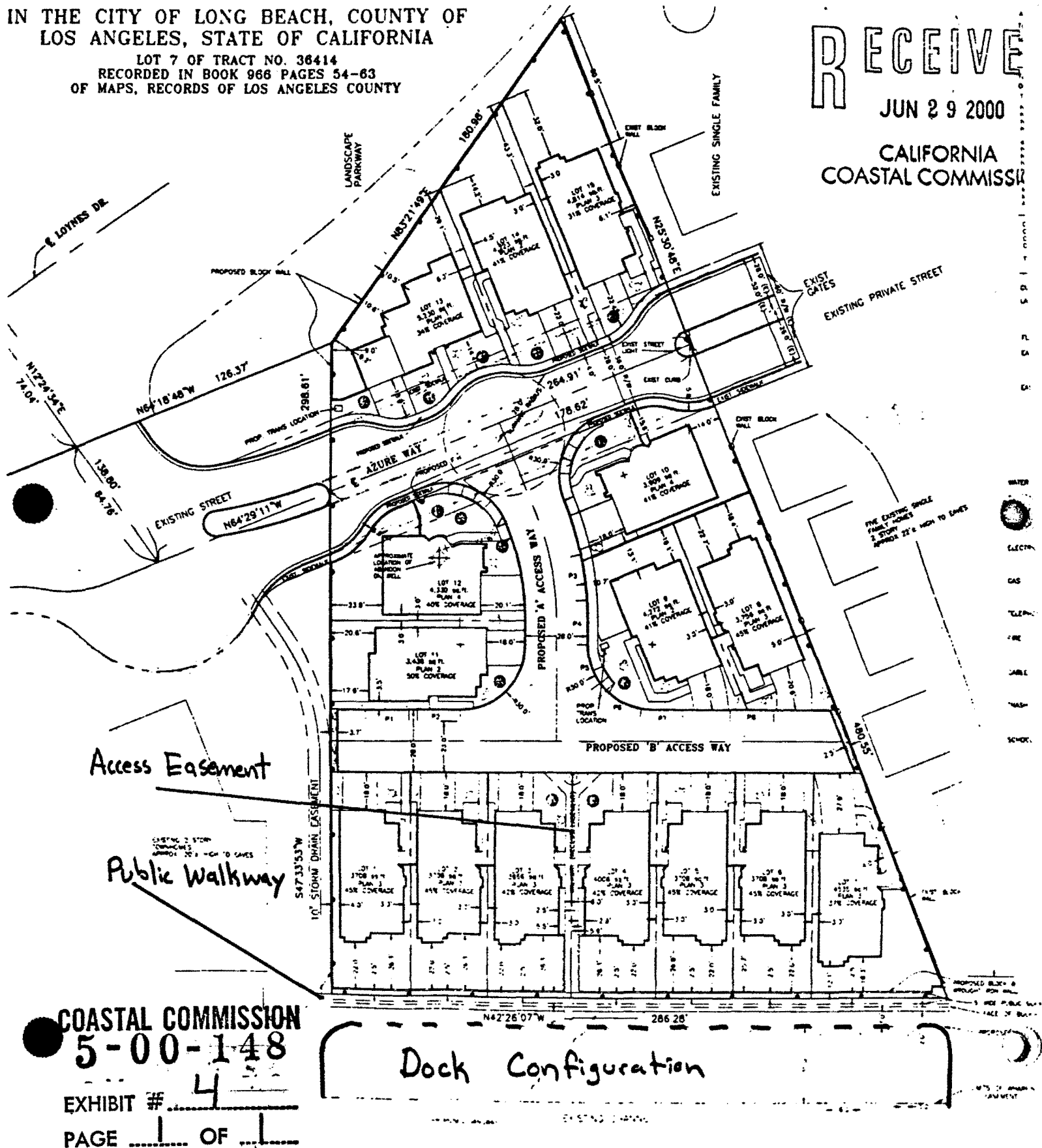
SPINNAKER BAY
BOAT SLIP LAYOUT &
ELEVATIONS

AT-15

LOT 7 OF TRACT NO. 36414
RECORDED IN BOOK 966 PAGES 54-63
OF MAPS, RECORDS OF LOS ANGELES COUNTY

RECEIVED
JUN 29 2000

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5-00-148

EXHIBIT # 4
PAGE 1 OF 1



COASTAL RESOURCES MANAGEMENT
Marine Biological & Wetland Environmental Consulting Service

June 24, 2000

5-00-148

Mr. Richard Cisakowski
Paragon Companies
151 Kalmus Drive #E130
Costa Mesa, CA 92626

Subject: Eelgrass (*Zostera marina*) Survey Results: Spinnaker Cove, Alamitos Bay, California

The following report presents the results of Coastal Resources Management's marine biological survey of the channel habitat seaward of the Paragon Companies property in Spinnaker Cove, Alamitos Bay, (Long Beach) California. I am also forwarding a copy of the results to Mr. Dave Cannon of Everest Consultants, Inc.

The results of the study indicate that eelgrass (*Zostera marina*) is present within the boundaries of the proposed dock configuration and totals 15.1 square meters (162.5 square feet). Mitigation will be necessary to replace any of the eelgrass lost as a result of the proposed dock emplacement project.

The amount of eelgrass to be transplanted to mitigate the loss of eelgrass habitat will be at a 1.2 to 1 mitigation as required in the *Southern California Eelgrass Mitigation Policy Guidelines* (National Marine Fisheries Service 1991 as amended). Therefore the total eelgrass area to be replaced as a result of the loss of 15.1 square meters is 18.1 square meters (194 square feet). I recommend conducting this eelgrass transplant onsite within Alamitos Bay at the End Beach Mitigation Site, located at the north end of the Marine Stadium.

Please give me a call if you have any questions.

Sincerely,

COASTAL RESOURCES MANAGEMENT

Rich Ware
Rick Ware
Principal/Marine Biologist

cc: Mr. Dave Cannon, Everest Consultants, Inc.

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South Coast Region

JUL 11 2000

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EXHIBIT # 5
PAGE 1 OF 1

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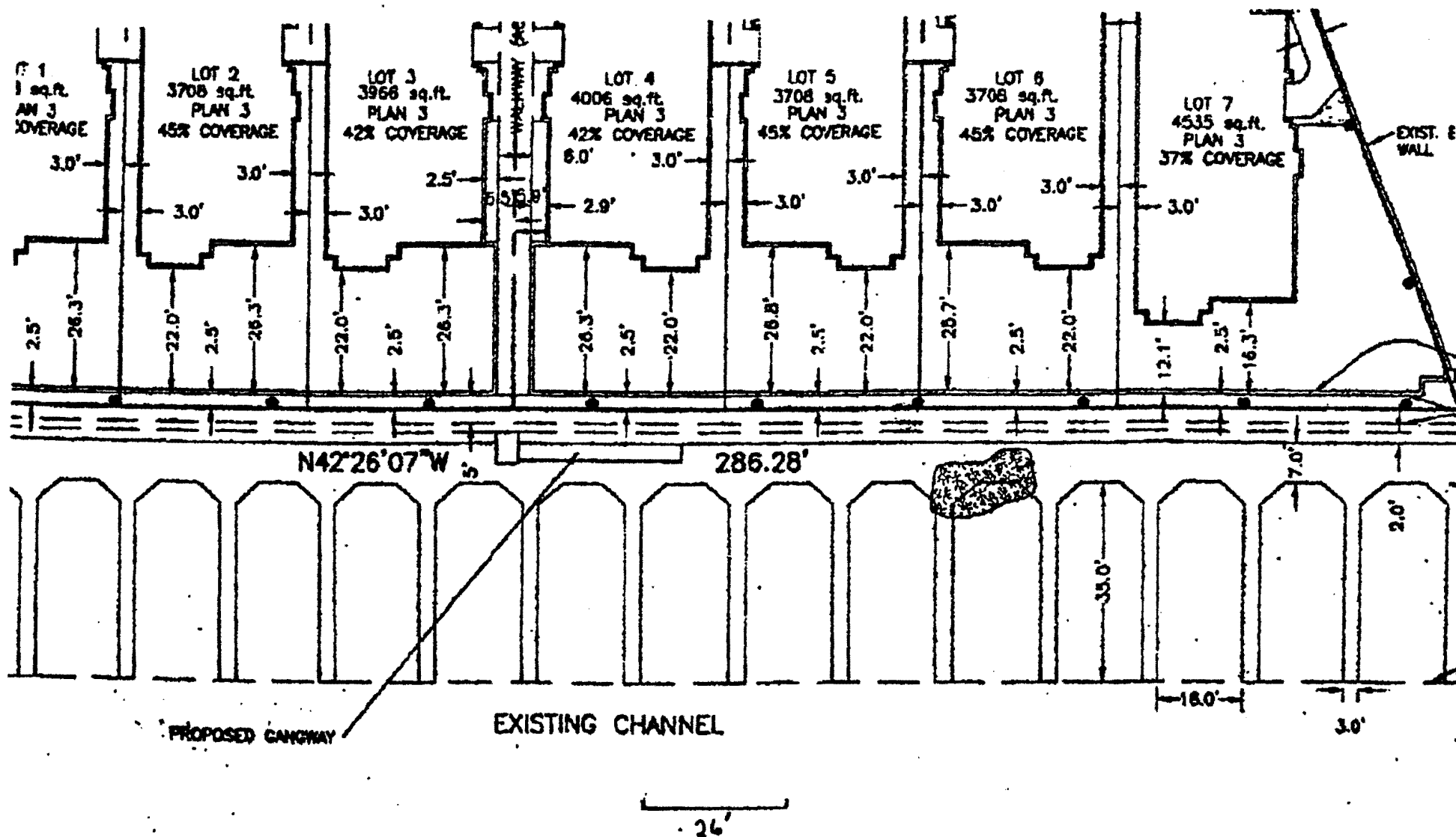


Exhibit 2.
Eelgrass Habitat Map and Location Relative to Proposed Docks and Gangway

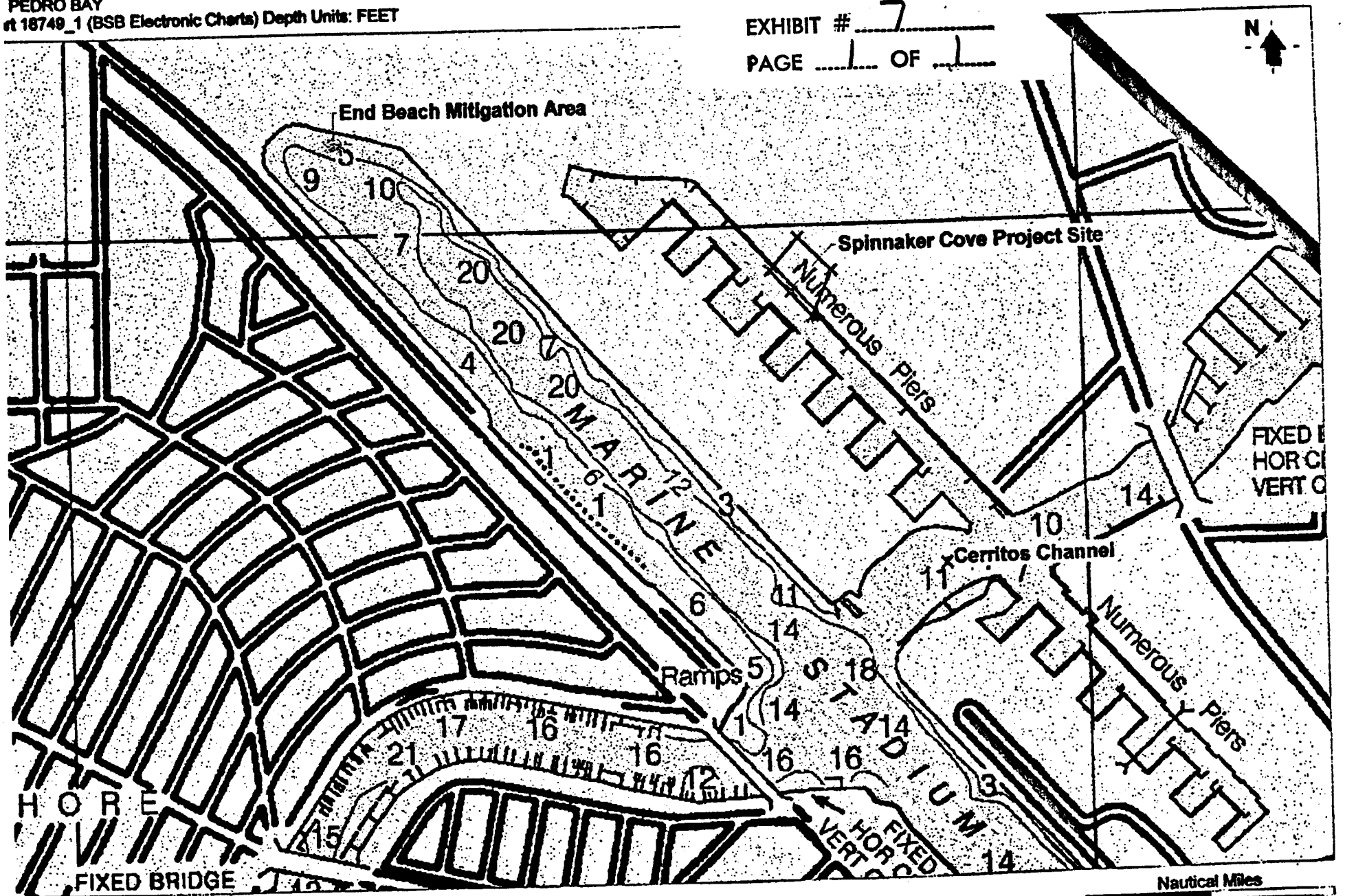
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EXHIBIT # 6
PAGE 1 OF 1

COASTAL COMMISSION
5-00-148

PEDRO BAY
Chart 18749_1 (BSB Electronic Charts) Depth Units: FEET

EXHIBIT # 7
PAGE 1 OF 1



NOT USE FOR NAVIGATION PURPOSES
Produced by ChartView™ from Nautical Software (503) 579-1414