

CALIFORNIA COASTAL COMMISSION

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

Permit Application No. **5-01-380**

Date: October 25, 2001

Page 1 of 7

**Tu 2.5b****ADMINISTRATIVE PERMIT****APPLICANT:** Thomas Shadden, Shadden Trust**RECORD PACKET COPY****PROJECT****DESCRIPTION:** Replace existing landing and gangway with a 3' x 4' landing and a 2.5' x 20' gangway and construct a 4' x 10' extension to an existing 8' x 16' dock. No new pier or piles are proposed.**PROJECT****LOCATION:** 104 Rivo Alto Canal, Long Beach, Los Angeles County**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Tuesday, November 13, 2001**10:00 AM****Hyatt Regency Los Angeles****711 South Hope Street****Los Angeles, CA 90017****IMPORTANT - Before you may proceed with development, the following must occur:**

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS

Executive Director

By: Aaron N. McLendonTitle: Coastal Program Analyst

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 term or 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.

SPECIAL CONDITIONS: See page six.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description and Background

The proposed project involves the replacement of an existing landing and gangway with a 3' x 4' landing and a 2.5' x 20' gangway and construction of a 4' x 10' extension to an existing 8' x 16' dock (Exhibit #2 & #3). No new pier or piles are proposed.

The subject site is located in the Naples area within Alamitos Bay in the City of Long Beach (Exhibit #1). The proposed development is the replacement of an existing residential gangway and gangway landing and an addition of a 4' x 10' section to an existing dock within the U.S. Pierhead Line (Exhibit #2). The dock project is associated with an existing single family home for boating recreation purposes. The site has not been surveyed for eelgrass. However, the National Marine Fisheries Service has found that eel grass is not usually found within dock areas situated directly adjacent to the Naples Island seawalls, with no inter-tidal beach zones (like this site). Coastal access exists along Rivo Alto Canal and is accessible by Ravenna Drive, approximately 100 feet west of the site (Exhibit #1). The proposed project has received approval in concept from the City of Long Beach Planning Department and the City of Long Beach Marine Bureau. The applicant has applied for permits from the U.S. Army, Corps of Engineers and the California Regional Water Quality Control Board.

B. Marine Resources

The proposed project is located in and over the coastal waters of Alamitos Bay (Exhibit #2). 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 and 30231 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.

The proposed dock repair and addition is located in and over Rivo Alto Canal, within Alamitos Bay. No new pier platform or piles are proposed. The dock project will involve removal of portions of the existing landing and gangway and construction of a new 3' x 4' landing and 2.5' x 20' gangway (Exhibit #2 & #3). Most of the construction will occur over

the water. Construction of any kind adjacent to or in coastal waters has the potential to impact marine resources. Alamitos Bay supports a wide array of species. The Bay provides habitat for waterfowl, shorebirds, some marine mammals, and endangered species, such as the California least tern. The Bay also provides several water-related recreational activities such as fishing, boating, swimming, and wind surfing. Through tidal flushing and the flow of the San Gabriel River, water from Alamitos Bay, including the area around the proposed project, eventually enters the Pacific Ocean. Because of the extensive coastal recreation activities and the sensitivity of the Bay habitat, water quality issues are essential in the review of this project.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition #1 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition #1 requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

Best Management Practices

The proposed dock project will allow for the long term berthing of boat(s) by the homeowner, which 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. As mentioned above, Alamitos Bay supports a wide array of species, as well as recreational activities. The Bay eventually drains into the Pacific Ocean through tidal flushing and flows from the San Gabriel River. It is for this reason that the Commission imposes Special Condition #1 that requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices that the applicant shall follow include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which associated with the long term berthing of the boat(s) (more thoroughly explained in Special condition #1 of this permit).

Therefore, only as conditioned to minimize construction related impacts during the dock repairs and to follow the Best Management Practices listed in Special Condition #1 does the Commission find the proposed project consistent with Section 30230 and 30231 of the California Coastal Act.

C. Local Coastal Program

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 area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. In the City of Long Beach, the Chapter 138 Line and the actual mean high tide line (MHTL) generally differentiate the Commission's area of retained (original) jurisdiction from the landward area for which the City of Long Beach has accepted coastal development permit jurisdiction pursuant to the City of Long Beach certified Local Coastal Program (LCP).

The currently proposed project is an improvement to an existing residential dock on submerged lands. Therefore, a coastal development permit is required from the Commission for the portion of the proposed development that is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. The proposed project does not conflict with the policies of the certified LCP.

D. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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 as conditioned has been found consistent with the marine resources policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which 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.

SPECIAL CONDITIONS:

1.

A. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material will be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (e) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- (f) Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

B. Best Management Practices Program

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

(a) Boat Cleaning and Maintenance Measures:

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

(b) Solid and Liquid Waste Management Measures:

- 1. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

(c) Petroleum Control Management Measures:

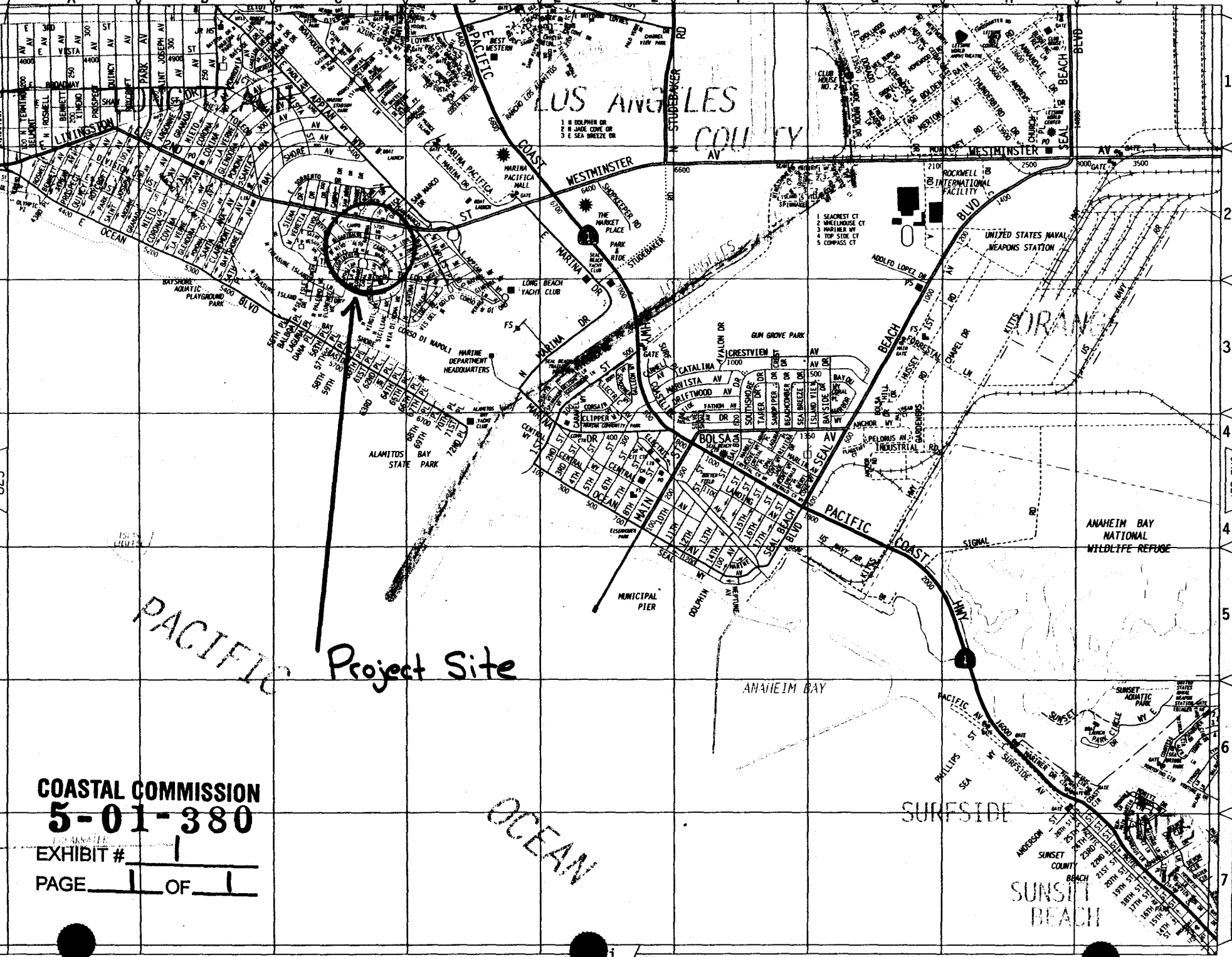
1. Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant will recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

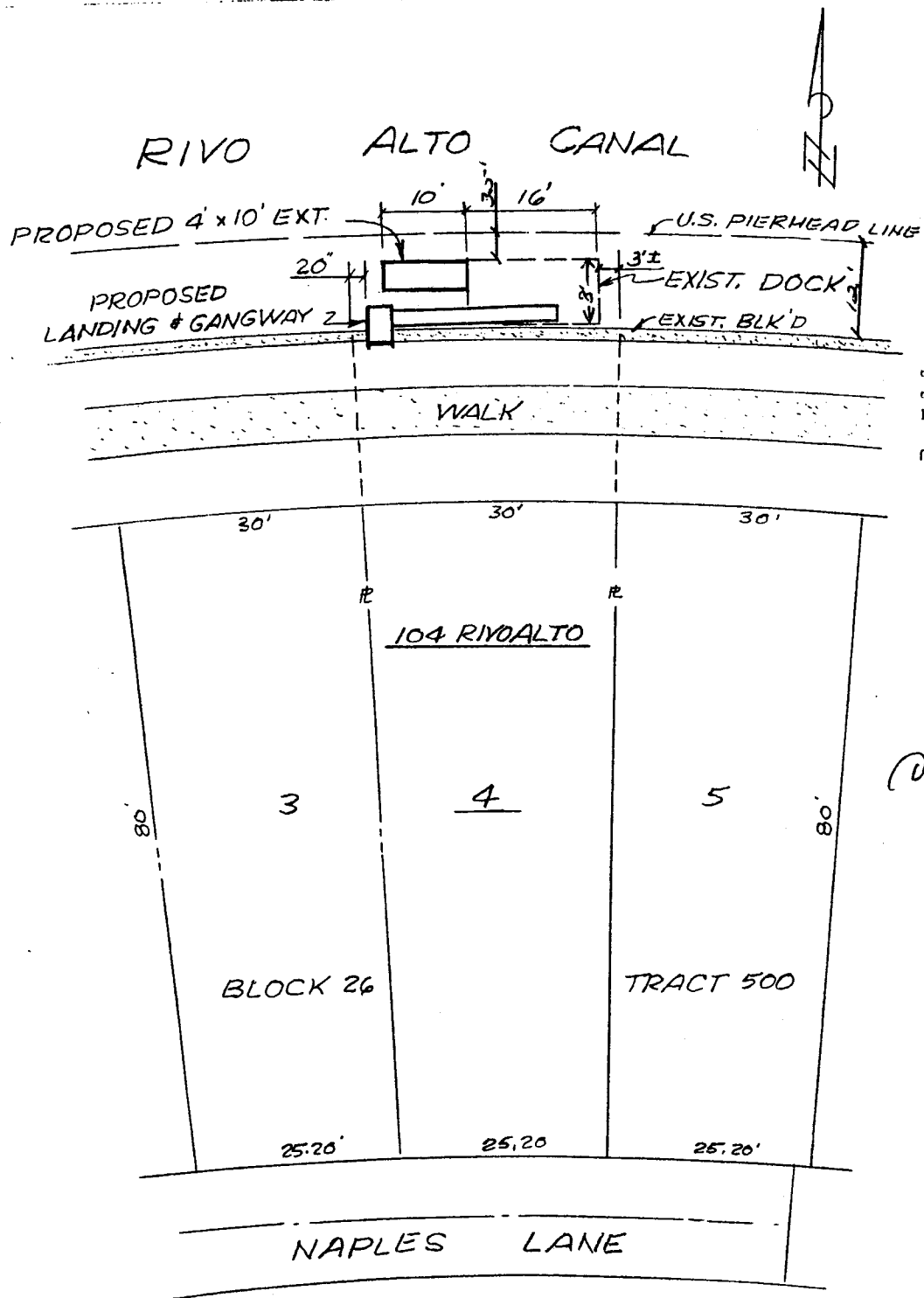


PACIFIC
Project Site

OCEAN

COASTAL COMMISSION
5-01-380

EXHIBIT # 1
PAGE 1 OF 1



California Coastal Commission
 South Coast District Office
 APPROVED **5-01-380**
 Permit No.

By:

EFFECTIVE
 Date: ~~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: 9/20/01 By: P. Garrow

CITY OF LONG BEACH
MARINE BUREAU
 Approval in Concept

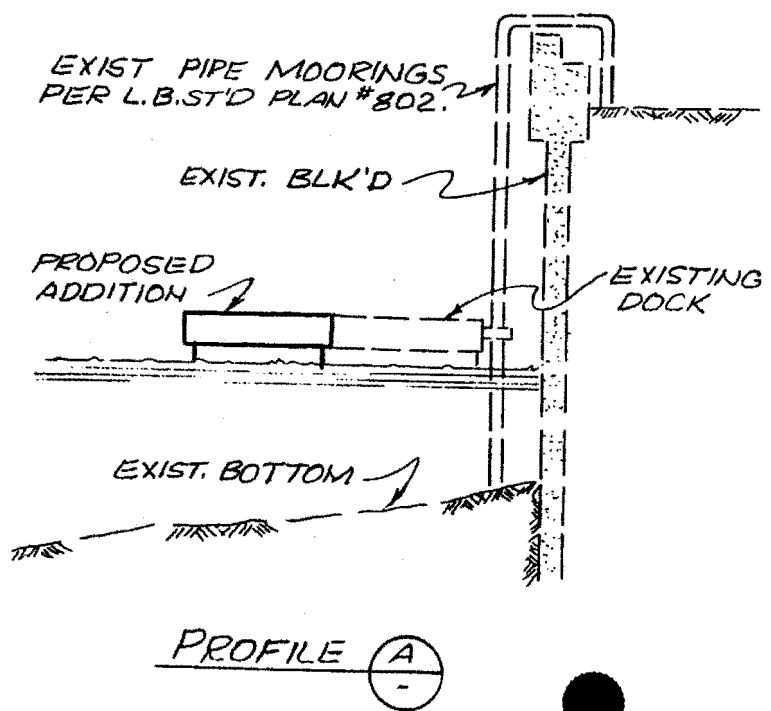
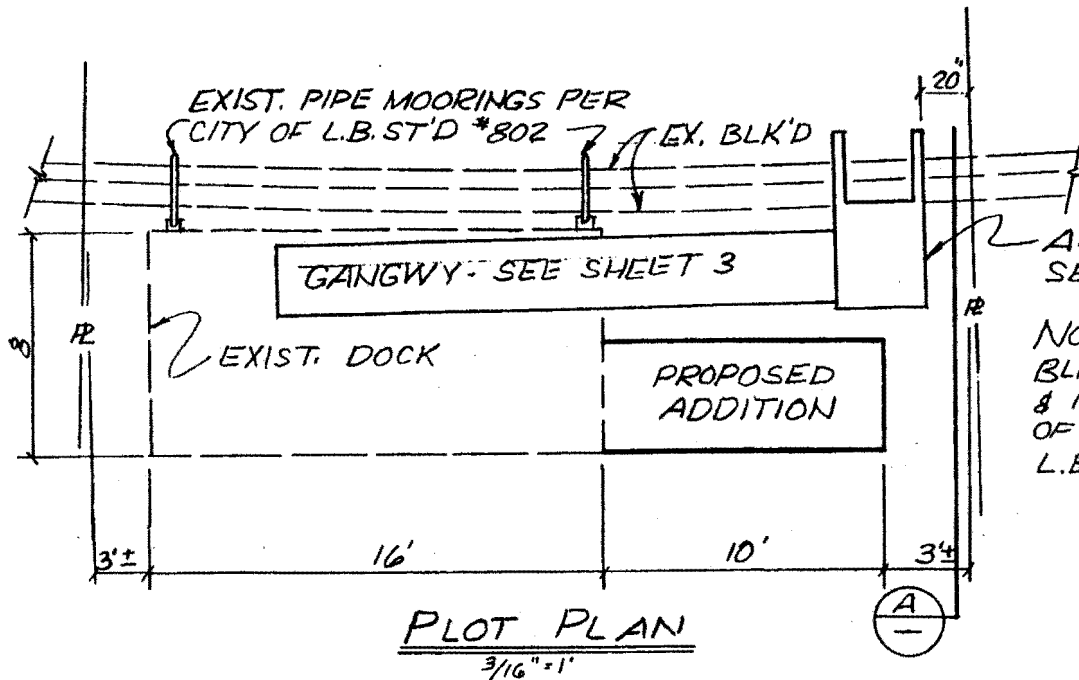
These plans have received approval in concept only by the city of Long Beach Marine Bureau as required for application to the South Coast Regional Commission, pursuant to Section 13210, Public Resources Code.

Date: 9/19/01 By: [Signature]

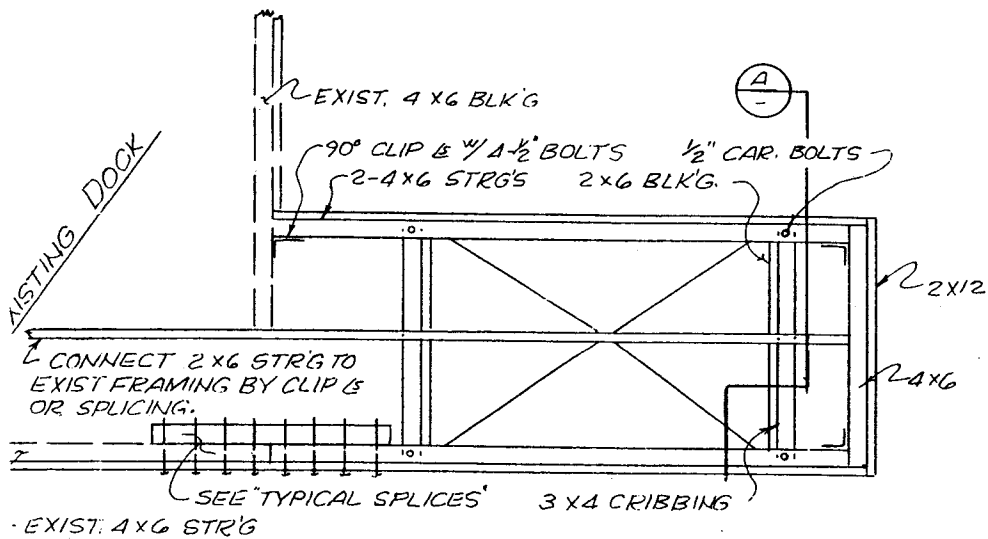
LEGAL DISCRPTION:
 LOT 4 BLOCK 26
 TRACT 500

COASTAL COMMISSION
5-01-380

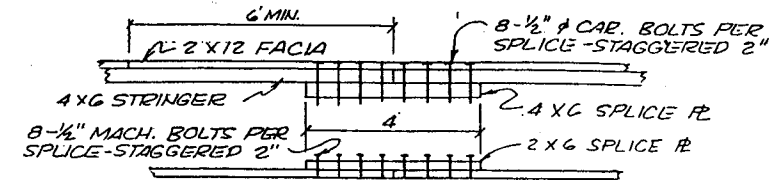
EXHIBIT # 2
 PAGE 1 OF 1



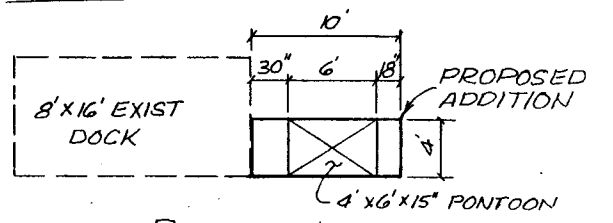
COASTAL COMMISSION
 5-01-380
 EXHIBIT # 3
 PAGE 1 OF 1



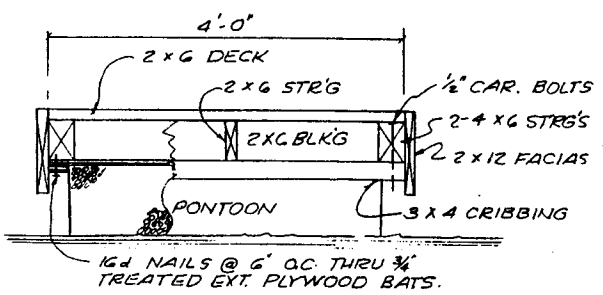
FRAMING PLAN
1/2" = 1'



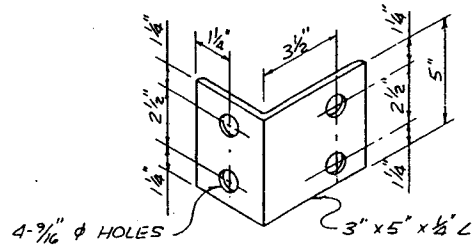
TYPICAL SPLICES
3/8" = 1"



PONTOON LAYOUT
1/8" = 1'



SECTION (A)
3/4" = 1'



90° CLIP ANGLE



MARINE CONSULTING 324 EL MODENA AVE NEWPORT BEACH 949 642-2206	JOB ADDRESS: 104 RIVO ALTO CANAL LONG BEACH, CALIF.
DRAWN BY RSH	SCALE AS SHOWN
DATE: 9-10-01	PROJECT: SHADDEN ADDITION FRAMING DETAILS
	DWG NO. 2 OF 5

COASTAL COMMISSION
5-01-380

EXHIBIT # 4
PAGE 1 OF 1

7
1

