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**CALIFORNIA COASTAL COMMISSION**

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

Filed: 8/15/2002  
49th Day: 10/3/2002  
180th Day: 2/11/2003  
Staff: CP-LB  
Staff Report: 9/19/2002  
Hearing Date: October 8, 2002  
Commission Action:



**Item Tu5a**

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-02-048

**RECORD PACKET COPY**

**APPLICANT:** Charles Kober

**AGENT:** Peter Swift, Swift Slip Dock & Pier Builders

**PROJECT LOCATION:** 5615 Sorrento Drive, Naples Island, City of Long Beach,  
Los Angeles County.

**PROJECT DESCRIPTION:** Replace existing wooden seawall with concrete seawall, and  
replace existing pier, gangway and floating dock with new pier,  
gangway and floating dock in same location.

**LOCAL APPROVALS:** City of Long Beach Planning Department Approvals in Concept  
dated 2/11/2002, 3/20/2002 & 8/14/2002.  
City of Long Beach Marine Bureau Approvals in Concept dated  
2/7/2002 & 3/14/2002.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. California Regional Water Quality Control Board Section 401 Certification, 7/23/2002.
3. U.S. Army Corps of Engineers Permit Application, Project No. 2002-00623-JLB.
4. Marine Biological Resources Impact Assessment (5615 Sorrento Dr.), by Coastal Resources Management, 4/22/2002.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the protection of marine resources and water quality. The applicant agrees with the recommendation. **See Page Two for Motion.**

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION**

*"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

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. Permit Compliance

The permitted use of the approved dock and pier is for boating related uses only. No boat baths or other type of permanent development is permitted to occupy the boat docking area between the dock fingers. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans, no matter how minor, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

#### 2. 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 shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- c) Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- d) 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) Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- g) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into Alamitos Bay and a pre-construction meeting to review procedural and BMP guidelines.
- h) The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

#### 3. Best Management Practices (BMP) 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 is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
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:

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

## c) Petroleum Control Management Measures:

Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Bilges shall be cleaned and maintained. The use of detergents or soaps that can be discharged by bilge pumps is prohibited.

4. Public Access To and Along the Waterway

The applicant and the proposed project shall not interfere with public access and use of the public walkway that runs along the east side of the site. Except for the temporary disruptions that will occur during the completion of the permitted development, the applicant shall not interfere with public access and use of the public property located seaward of the northern property line and the proposed seawall.

5. Pre-Construction *Caulerpa Taxifolia* Survey

- a) Not earlier than ninety (90) days nor later than thirty (30) days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to

determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

- b) The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- c) Within five (5) business days of completion of the survey, the applicant shall submit the survey for the review and approval of the Executive Director, and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- d) If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant have revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The proposed project involves the rehabilitation of an existing residential boat dock, pier and seawall on Naples Island in southeast Long Beach (Exhibit #2). The proposed project is in Alamitos Bay, situated between an existing single family residence and the City Pierhead Line (Exhibit #5). The proposed dock and pier are associated with the adjacent single family home and are for boating recreation purposes only. The seawall supports the land on which the house exists.

The applicant proposes to remove the dilapidated wooden seawall that runs along the seaward edge of the applicant's northern property line, and replace it with a vertical wall constructed with reinforced concrete (Exhibit #4). The area situated on the seaward side of the existing seawall is an intertidal mudflat as the bay waters reach the bottom of the existing seawall during high tides (Exhibit #6). The existing seawall supports the elevated private property and the house situated immediately inland of the shoreline. The proposed ten-inch thick concrete seawall would be installed along the inland edge of the applicant's northern property line, about one foot inland of the existing seawall, in order to avoid the displacement of an intertidal area (Exhibit #4, p.2). The proposed seawall replacement will result in a net

increase of approximately sixty square feet of intertidal area (the area currently occupied by the existing 62.5-foot long wooden seawall).

The existing five-foot wide, 44-foot long pier and its two supporting T-piles, which provides access from the private property to a floating dock in the bay, would be demolished and replaced with a new pier and gangway (Exhibit #5). The proposed new pier structure consists of a 4'x 20' walkway and 10'x 14' platform supported by the new seawall and one T-pile proposed to be installed in the intertidal zone seaward of the seawall (Exhibit #5).

The applicant also proposes to tow the existing square (20'x 18') floating dock of the bay and dispose of it at a dump. The existing dock's two guide piles would also be removed. The applicant proposes to install a new U-shaped floating dock in the same location as the existing dock using three new guide piles (Exhibit #5). A new 3'x 20' gangway ramp would connect the proposed pier to the proposed floating dock.

On behalf of the applicant, Coastal Resources Management conducted a Marine Biological Resources Impact Assessment for the project site (Exhibit #6). The Marine Biological Resources Impact Assessment includes a survey that found that no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) were present within the boundaries of the project area. The survey did find an eelgrass bed located only a few feet east of the site of the existing and proposed floating dock (Exhibit #6, p.2). The proposed project will not affect the eelgrass bed identified in the Marine Biological Resources Impact Assessment.

The proposed project will not interfere with the public's use of the ten-foot wide public accessway that provides access to the shoreline along the east side of the house where the proposed development would occur (Exhibit #4, p.1). Except for the temporary disruptions that will occur during the completion of the permitted development, the applicant shall not interfere with public access and use of the public property located seaward of the northern property line and the proposed seawall.

The proposed project has received an "Approval in Concept" stamp from the City of Long Beach Planning Department and the City of Long Beach Marine Bureau. The applicant has received a Section 401 Certification form the California Regional Water Quality Control Board, and is in the process of applying for a permit from the U.S. Army Corps of Engineers.

## **B. Marine Resources**

The proposed development is the replacement of an existing seawall landward of the existing seawall that is necessary to protect an existing structure. The proposed development will not result in the additional fill of coastal waters as the new bulkhead will be located landward of the existing bulkhead. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass, and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Additionally, the proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability.

The pilings are self-mitigating. There are no feasible less environmentally damaging alternatives available. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms with Sections 30224, 30233 and 30235 of the Coastal Act.

**C. Water Quality**

The proposed work will be occurring on, within, or adjacent to coastal waters. The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**D. Public Access**

As conditioned, the proposed development will not affect the public's ability to access and use the coast and nearby recreational facilities. As conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and Section 30604(c) of the Coastal Act.

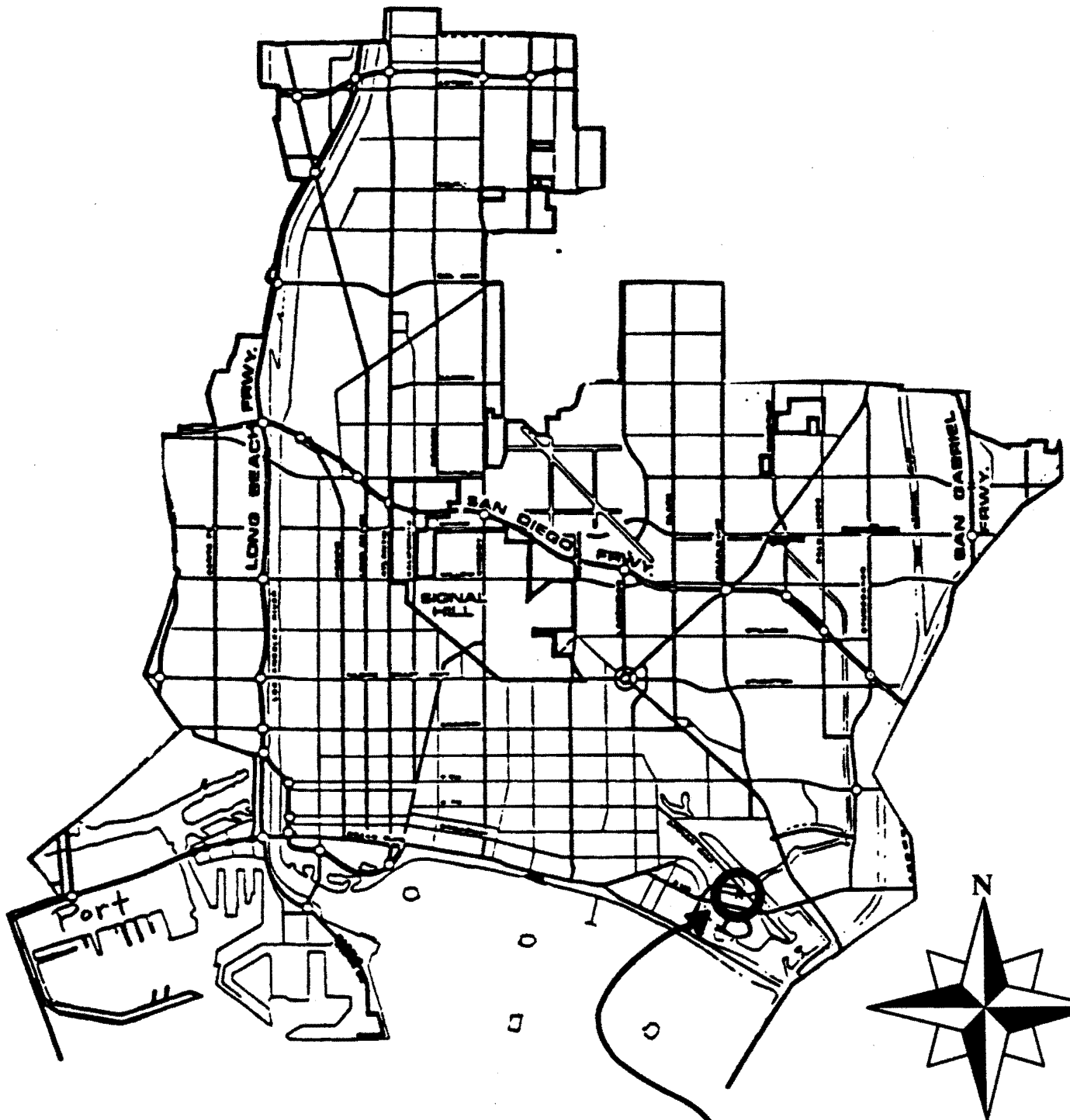
**E. Local Coastal Program**

The Commission certified the City of Long Beach LCP on July 22, 1980. The proposed project includes development on submerged lands. Therefore, a coastal development permit is required from the Commission. 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**F. California Environmental Quality Act (CEQA)**

As conditioned, there are no feasible alternatives or 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.

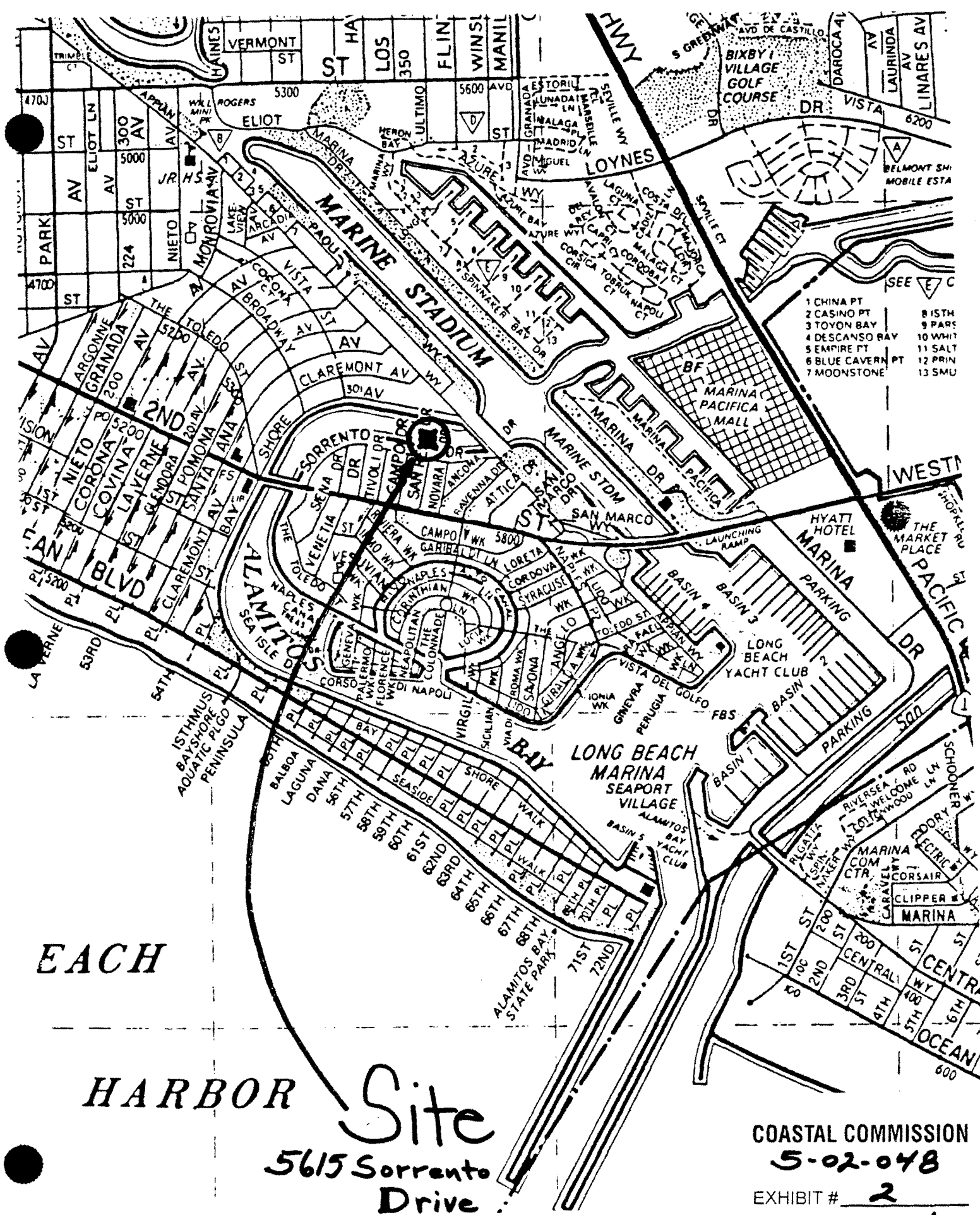
# City of Long Beach



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EXHIBIT # 1  
PAGE 1 OF 1





- |                  |          |
|------------------|----------|
| 1 CHINA PT       | 8 15TH   |
| 2 CASINO PT      | 9 PARK   |
| 3 TOYON BAY      | 10 WHITE |
| 4 DESCANSO BAY   | 11 SALT  |
| 5 EMPIRE PT      | 12 PRIN  |
| 6 BLUE CAVERN PT | 13 SMU   |
| 7 MOONSTONE      |          |

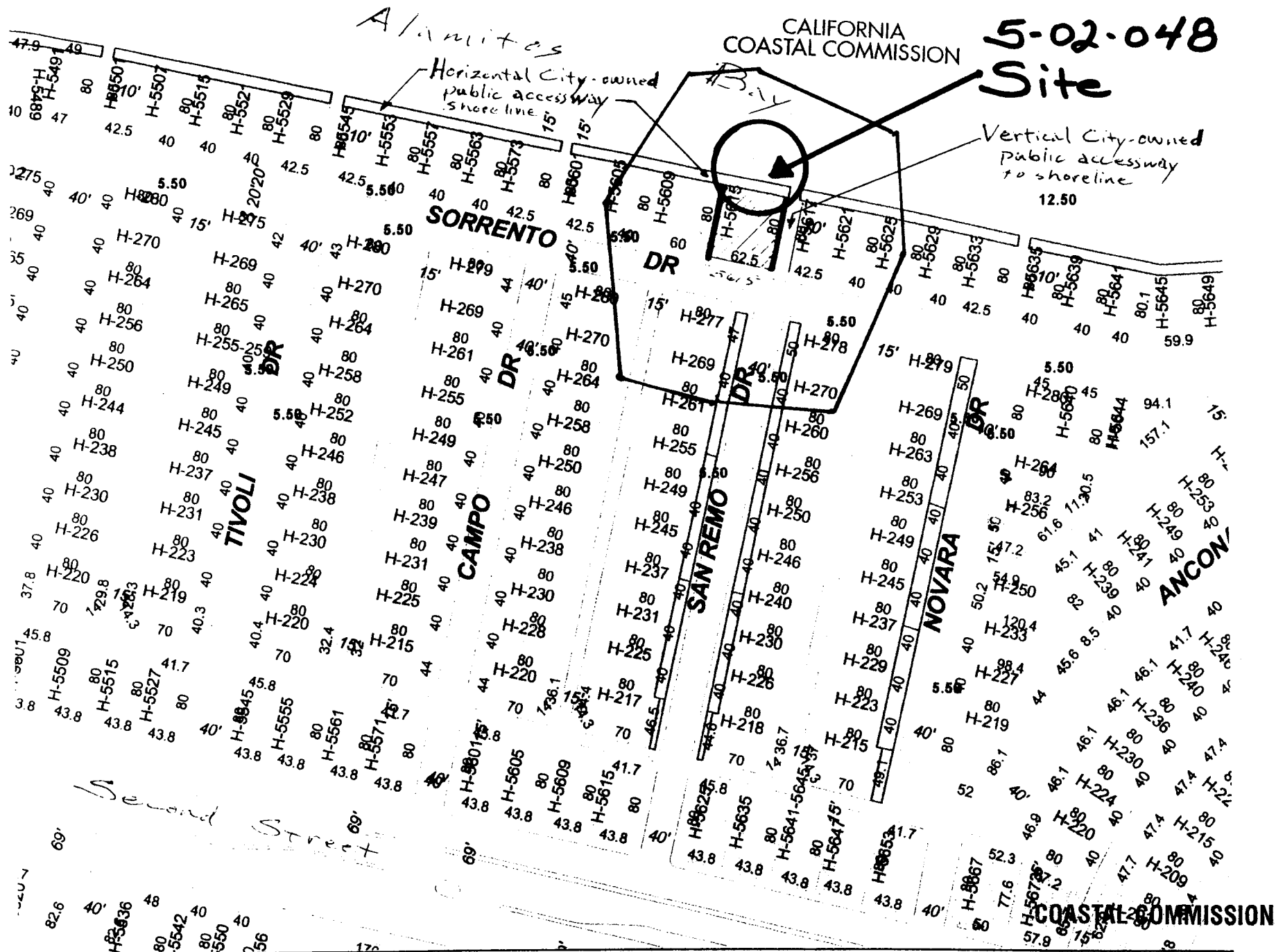
EACH

HARBOR Site  
5615 Sorrento Drive

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EXHIBIT # 2  
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CALIFORNIA  
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Site



100 0 100 200 300 400 Feet

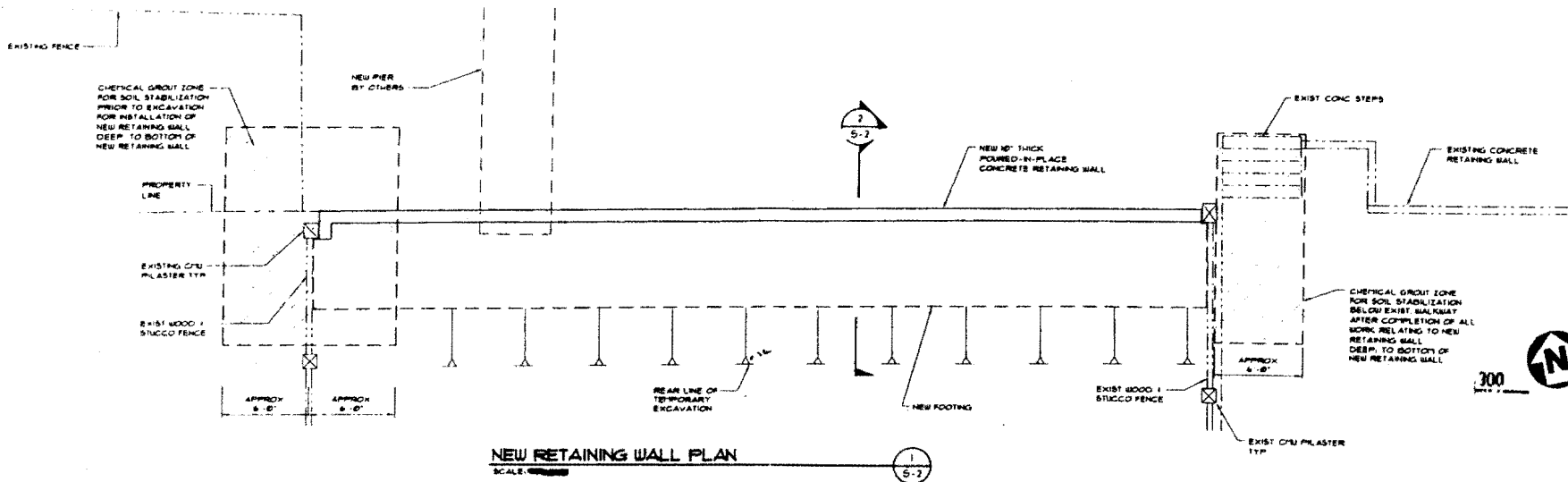


EXHIBIT # 3  
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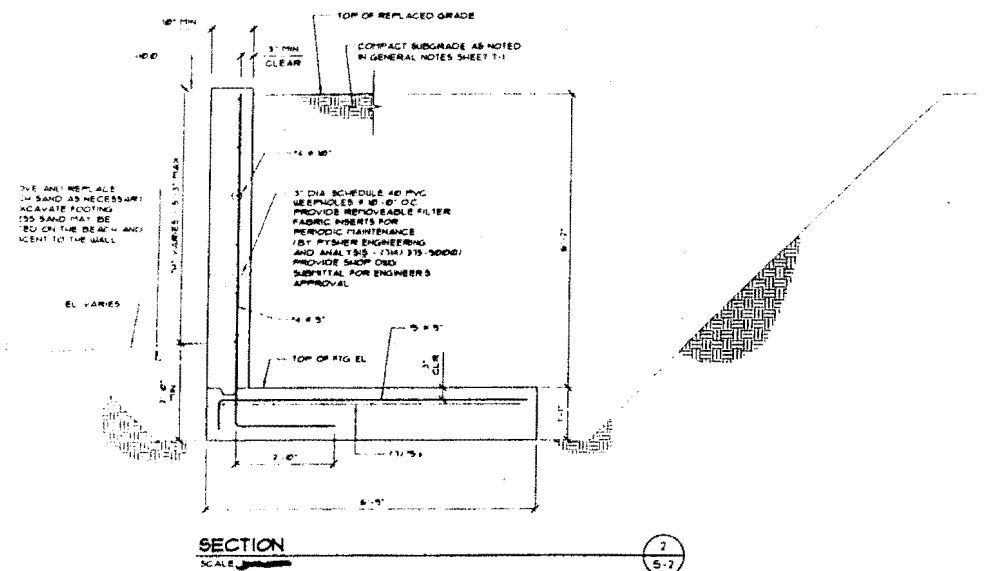
BAY



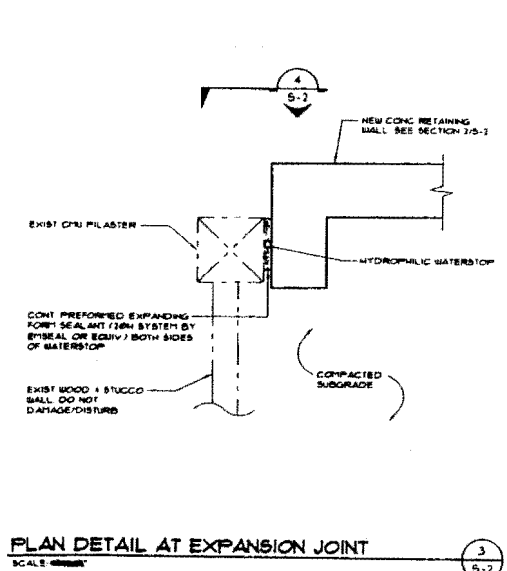
EXHIBIT # 4  
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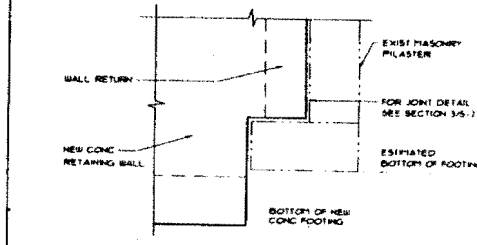
**NEW RETAINING WALL PLAN**  
SCALE: 1/8" = 1'-0"



**SECTION**  
SCALE: 1/4" = 1'-0"



**PLAN DETAIL AT EXPANSION JOINT**  
SCALE: 1/4" = 1'-0"



**ELEVATION AT EXPANSION JOINT**  
SCALE: 1/4" = 1'-0"

CONCRETE STRENGTH	1C = 3,000 PSI
BAR SIZE	CLASS
#3	21
#4	27
#5	34
#6	41
#7	48
#8	56
#9	64
#10	72
#11	80

- NOTES:**
1.  $f_c = 3,000$  PSI
  2. MINIMUM 8" HORIZONTAL REINFORCING
  3. 6" MINIMUM CONCRETE COVER AND 6" MINIMUM BAR SPACING
  4. EPOXY-COATED REINFORCING
  5. L<sub>d</sub> = MAX OF L<sub>d1</sub> + 25 INCHES OR L<sub>d</sub> / ACI
  6. CLASS "B" SPLICE: 13 L<sub>d</sub>

**TYPICAL BAR LAP SCHEDULE**  
SCALE: 1/4" = 1'-0"




**CASH & ASSOCIATES**  
ENGINEERING AND ARCHITECTURE

ENGINEER	SG
DESIGNER	WIE
CAD OPERATOR	WIE
CHECKER	---
DATE PREPARED	---

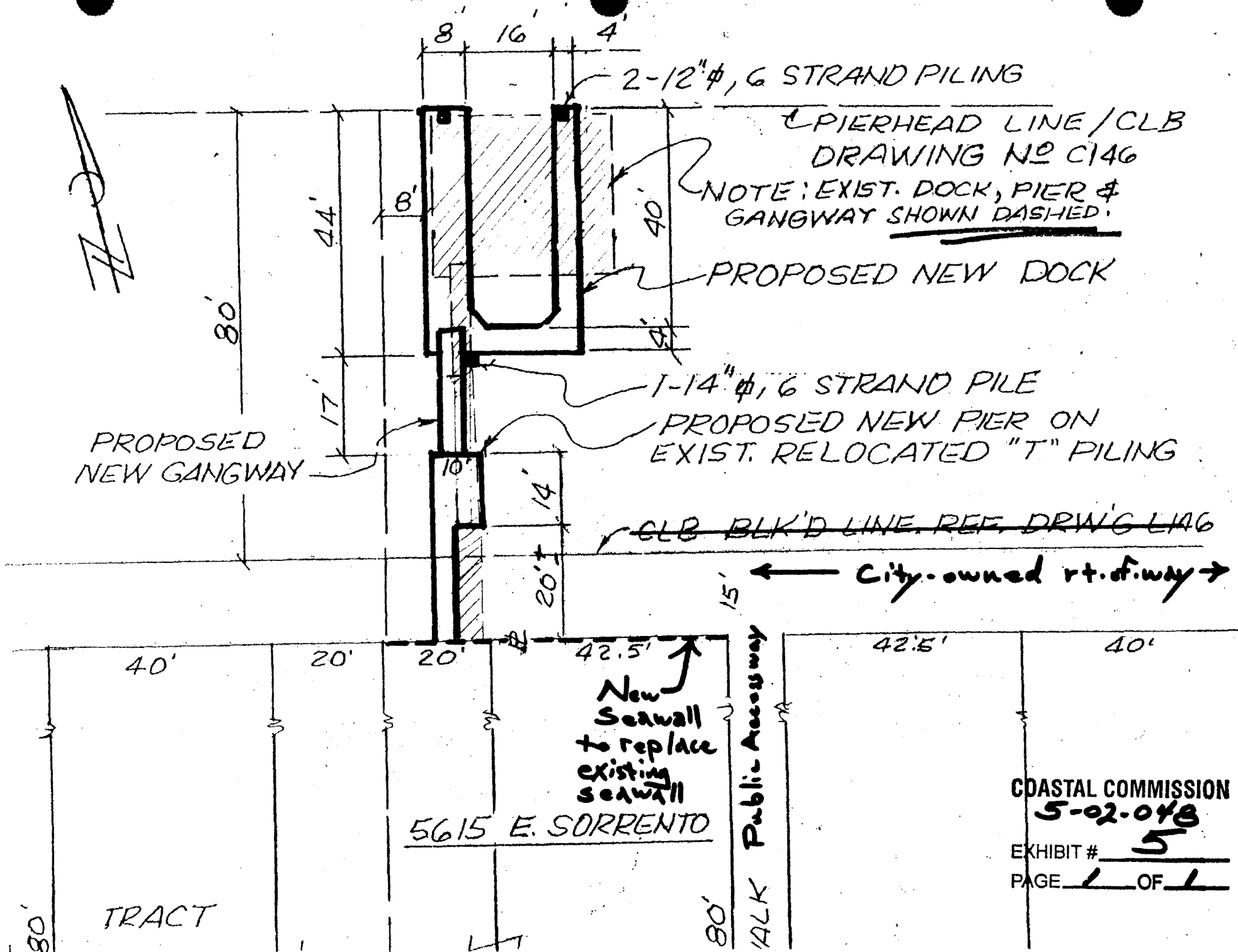
**CHARLES & NORMA KOBER**  
5615 SORRENTO DRIVE  
LONG BEACH, CA 90803 (562) 434-1108

**RETAINING WALL PLAN, SECTIONS, AND DETAILS**

**COASTAL COMMISSION**  
**5-02-048**

EXHIBIT # 4  
PAGE 2 OF 2

SCALE	AS NOTED
PROJECT NO.	5809.000
DRAWING NO.	---



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EXHIBIT #

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## COASTAL RESOURCES MANAGEMENT

Marine Biological & Wetland Environmental Consulting Services

April 22<sup>nd</sup>, 2002

Ms. Beth Swift  
Swift Slip Dock and Pier Builders, Inc.  
2027 Placentia Avenue  
Costa Mesa, CA 92627

**Subject: Kober Residence Marine Biological Assessment for Seawall and Dock Renovations**

The following report presents the results of Coastal Resources Management's marine biological survey and a marine biological impact assessment for the Kober seawall and dock renovation project located at 5615 East Sorrento, Naples (Long Beach) California. In addition, CRM conducted focused surveys to determine if eelgrass (*Zostera marina*) and the noxious algae (*Caulerpa taxifolia*) were present within the boundaries of the project area. These surveys were conducted to identify the existing biological resources within the general project vicinity and to assess the potential effects of the proposed development on marine resources located on the shoreline and in the shallow subtidal waters at the project site.

The results of the study indicate that shoreline unconsolidated sands in the high intertidal at the base of the existing seawall are not colonized by salt marsh plants, and consist of fine sands. The mid-to-low intertidal consists of finer sands and muds that support patches of red and green algae, and burrowing species of clams, crustaceans, and worms. No loss of any shoreline sand flat or mud flat is anticipated to occur as a result of the bulkhead renovation project and there will be no long-term loss of intertidal marine resources. Eelgrass (*Zostera marina*) is present within the project area, but not within the footprint or the shadow of the proposed dock or pier structure. Therefore, we do not anticipate a loss of eelgrass as a result of this project.

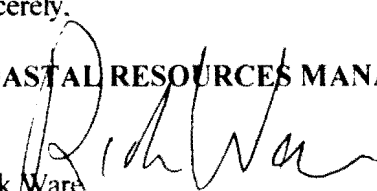
However, a post-construction survey will be necessary to ensure that eelgrass was not affected during the construction process. In the event that there are construction-period related losses of eelgrass, a mitigation program will be necessary to replace eelgrass losses.

No noxious algae (*Caulerpa*) was found at the project site.

Please give me a call if you have any questions.

Sincerely,

COASTAL RESOURCES MANAGEMENT

  
Rick Ware  
Principal/Marine Biologist

cc: Mr. Randy Mason, Cash & Associates Engineers

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APR 26 2002

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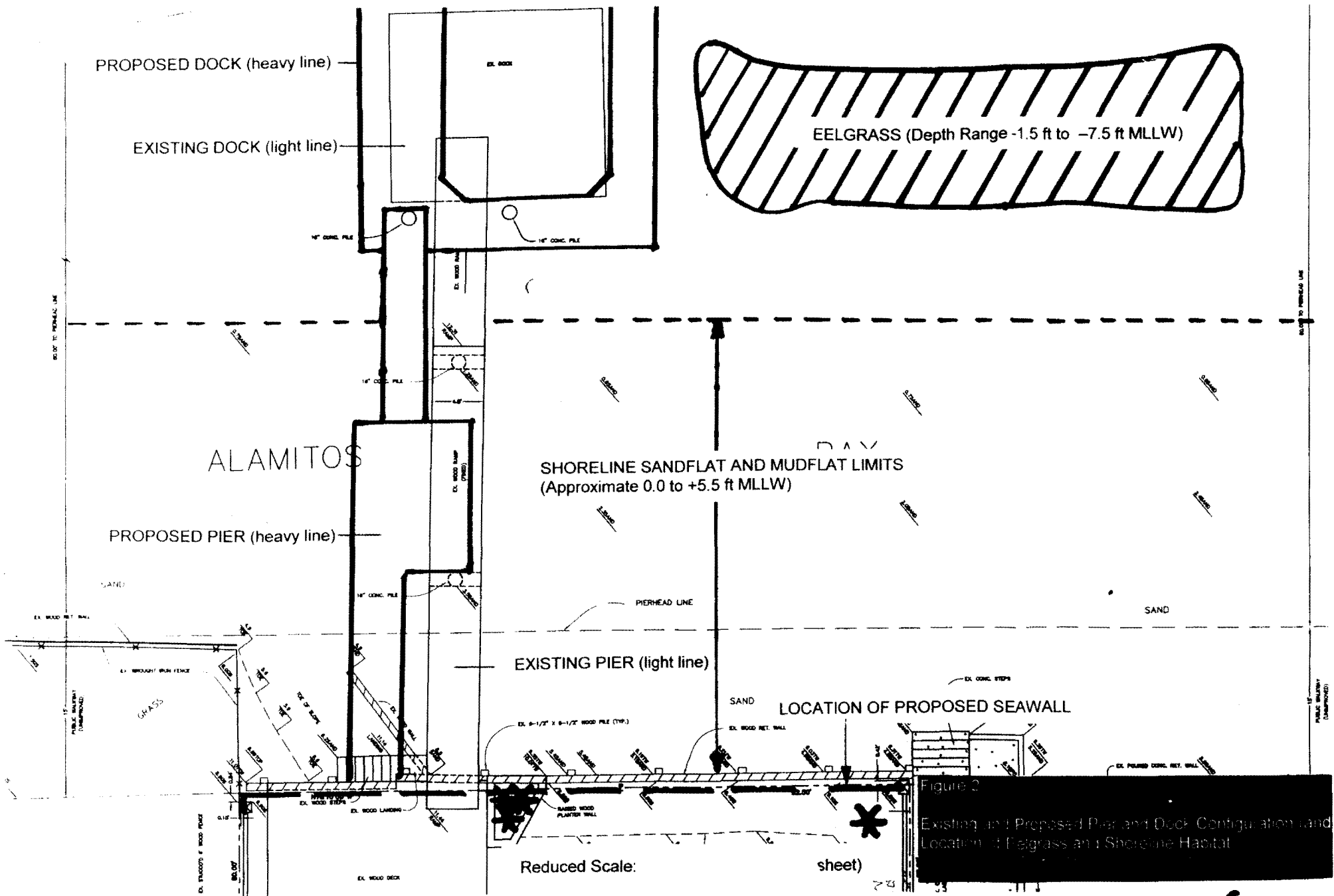


Figure 2  
Existing and Proposed Pier and Dock Configuration and Location of Eelgrass and Shoreline Habitat

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