

CALIFORNIA COASTAL COMMISSION

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

Permit Application No. **5-01-480**

Date: January 16, 2002

Page 1 of 7

**Item W3g****ADMINISTRATIVE PERMIT****APPLICANTS:** Mr. & Mrs. Karl Lang**RECORD PACKET COPY**

PROJECT DESCRIPTION: Install 4'x 3' platform and 3'x 20 gangway, and replace existing 8'x 28.25' floating dock with new same-sized floating dock. No new piles are proposed.

LOCATION: 49 Rivo Alto Canal, Naples Island, City of 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:

Wednesday, February 6, 2002, 9:00 a.m.
Hyatt Regency Islandia
1441 Quivira Road
San Diego, CA 92109

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: Charles R. Posner
Title: 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

The proposed project involves the rehabilitation of an existing residential boat dock on Naples Island in southeast Long Beach (Exhibit #2). An existing damaged floating dock would be removed and replaced with a new floating dock in the same location. The proposed new dock is the same size as the existing dock: 8'x 28.25'. No piles are necessary as the dock would be

attached to existing davits that hang from the vertical seawall (Exhibit #3). A 3'x 4' landing and a 3' x 20' gangway are also proposed to be installed to provide access to the private dock.

The proposed project is in Rivo Alto Canal, situated between the canal's vertical seawall and the City Pierhead Line (Exhibit #3). The proposed dock is associated with the adjacent single family home and is for boating recreation purposes. The proposed project will not interfere with public access along the canal walkway that exists immediately inland of the seawall. The submerged site has not been surveyed for eelgrass. However, the National Marine Fisheries Service has found that eelgrass is not usually found within dock areas situated directly adjacent to the Naples Island seawalls with no inter-tidal beach zones (like this site). 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 is in the process of applying 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 #3). 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 project is located in and over Rivo Alto Canal, within Alamitos Bay. A new dock is proposed to replace an existing dock in the same location with no increase in the size

of the dock. No new piles are proposed. A new landing and gangway are also proposed to be installed (Exhibit #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 and the Naples canals support a wide array of species. These waterways provide habitat for invertebrates, fish, and marine birds and mammals. Endangered species, such as the California least tern, forage in the area. Alamitos Bay also provides several water-related recreational activities, including 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 Alamitos 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 or poison 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 that is discharged into coastal waters may cause turbidity. Turbidity shades and reduces the biological productivity of marine habitats. It also reduces foraging avian and marine species' ability to see food through the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition Two outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. Special Condition Two requires the applicant to contain and dispose of all demolition and construction debris at an appropriate location. This condition also 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 Three requiring 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 are associated with the long term berthing of boats.

Therefore, only as conditioned to minimize construction related impacts during the dock repairs and to follow the Best Management Practices listed in Special Condition Three 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 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 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. Permit Compliance

The permitted use of the approved development is for boating related uses only. 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.

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 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.

4. Public Access along the Waterway

The proposed project shall not interfere with public access and use of the canal walkway.

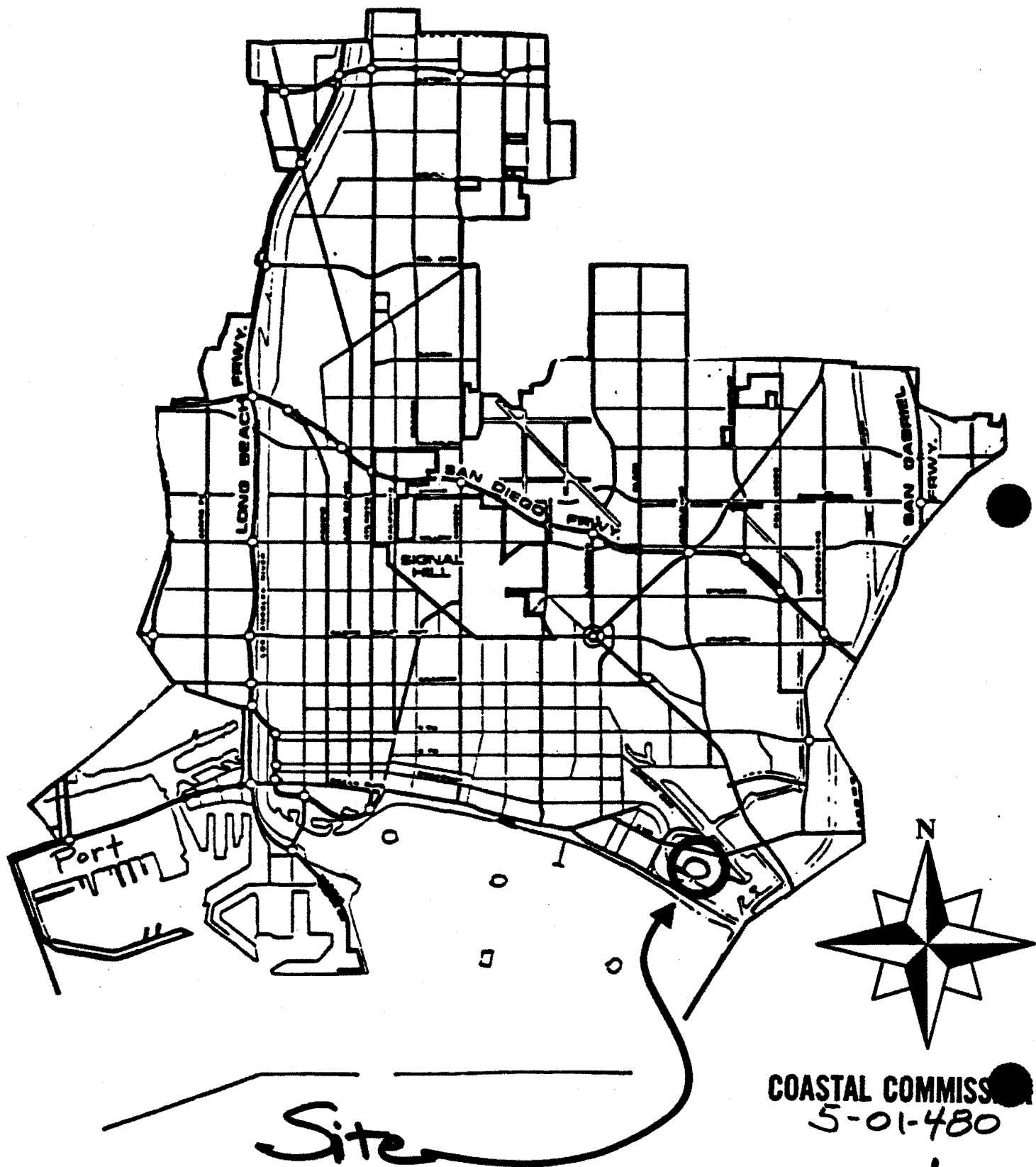
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

City of Long Beach

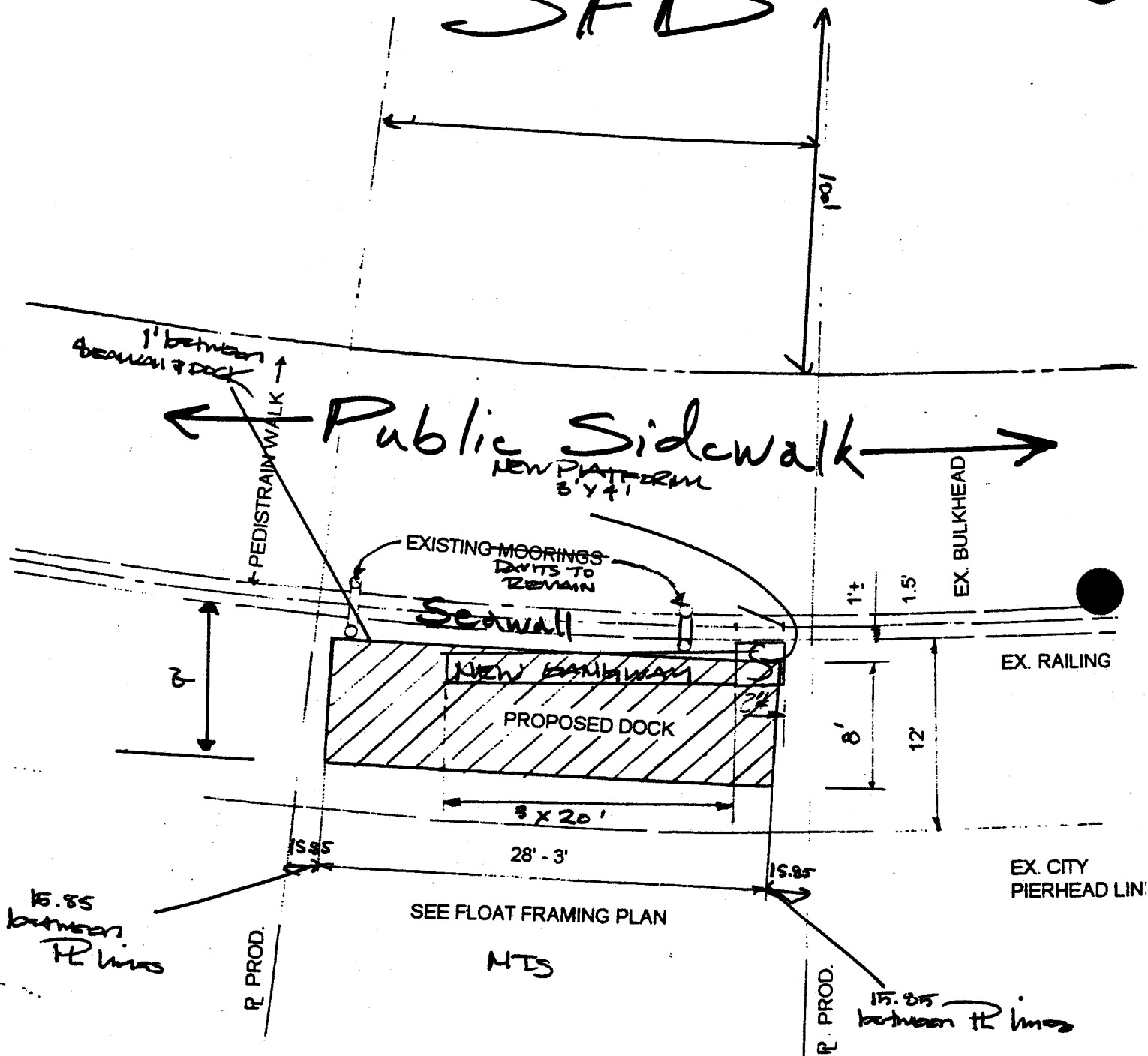


COASTAL COMMISS
5-01-480

EXHIBIT # 1
PAGE 1 OF 1

LOT: 21 & 22, BLOCK 6, TRACT 500

SFD



5-01-480

PAGE 1 OF 1