

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 2000 Ocean Gate, Suite 1000
 Huntington Beach, CA 90802-4302
 (562) 590-5071



RECORD PACKET COPY

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Filed: 11/15/02
 49th Day: 1/3/03
 180th Day: 5/14/03
 Staff: MV-LEW
 Staff Report: 2/13/03
 Hearing Date: 3/4-7/03
 Commission Action:

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER: 5-02-344****APPLICANT: Claude Yacoel TR****AGENT: Swift Slip Dock & Pier Builders****PROJECT LOCATION: 16511 Carousel Lane, Huntington Beach, Orange County**

PROJECT DESCRIPTION: Install new 8' x 10' gangway landing with two concrete "T" piles and relocate existing gangway. No change to the existing float is proposed.

LOCAL APPROVALS RECEIVED: Huntington Beach Harbor Permit Approval in Concept No. 963.

SUBSTANTIVE FILE DOCUMENTS: City of Huntington Beach certified Local Coastal Program (used as guidance as the subject site is located in an area of original jurisdiction, seaward of the mean high tide).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval of the proposed project subject to three special conditions which are necessary to protect water quality and promote the biological productivity of coastal waters and to protect human health as required by Coastal Act Sections 30230 and 30231.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-02-344 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION:**I. APPROVAL WITH CONDITIONS**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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. 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 alternative 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. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
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. **Construction Responsibilities and Debris Removal**

- (a) No construction materials, equipment, debris, or waste shall 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 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- (e) 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.
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.

2. **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 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:

1. Oil absorbent materials shall 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 also use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas and shall not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is prohibited.

3. **Pre-construction *Caulerpa Taxifolia* Survey**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicants 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 applicants shall submit the survey:
 - i. for the review and approval of the Executive Director; and
 - ii. 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 applicants shall not proceed with the project until 1) the applicants provide evidence to the Executive Director that all *C. taxifolia* discovered within the project area and all *C. taxifolia* discovered within the buffer area have 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 applicants 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 and Location

The applicant proposes to install a new 8' x 10' gangway landing with two concrete "T" piles and relocate the existing gangway to the new platform. The gangway is currently attached at the bulkhead. The current gangway location creates too steep a slope to be safe (see exhibit B). The proposed landing will allow the gangway to be angled, creating a gentler slope. No change to the existing float is proposed.

The subject site is located in Huntington Harbor. The majority of Huntington Harbor is developed with private recreational boat docks associated with residential development. The proposed dock revision is similar in function to other docks associated with residential development in the immediate vicinity. The boat dock will be used solely for boating recreation purposes. The site has been surveyed for eelgrass and no eelgrass was discovered within 15 feet of the project area.

Public access in the project vicinity exists at two harbor front parks, one next to Trinidad Lane and the other next to Countess Drive, approximately a half mile north and one mile northwest (respectively) of the subject site (Exhibit A). The proposed project has received Huntington Beach Harbor Permit Approval in Concept No. 963. The applicant has applied for approval of the proposed project from the U.S. Army Corps of Engineers. The project has received approval from the California Regional Water Quality Control Board (RWQCB). The RWQCB has determined that the proposed project will not adversely impact water quality if standard construction methods and materials are used (see exhibit C).

B. Recreational Marine Resources

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. 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*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms with Sections 30224 and 30233 of the Coastal Act.

C. Water Quality

The proposed dock work will be occurring on or within 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.

D. Public Access

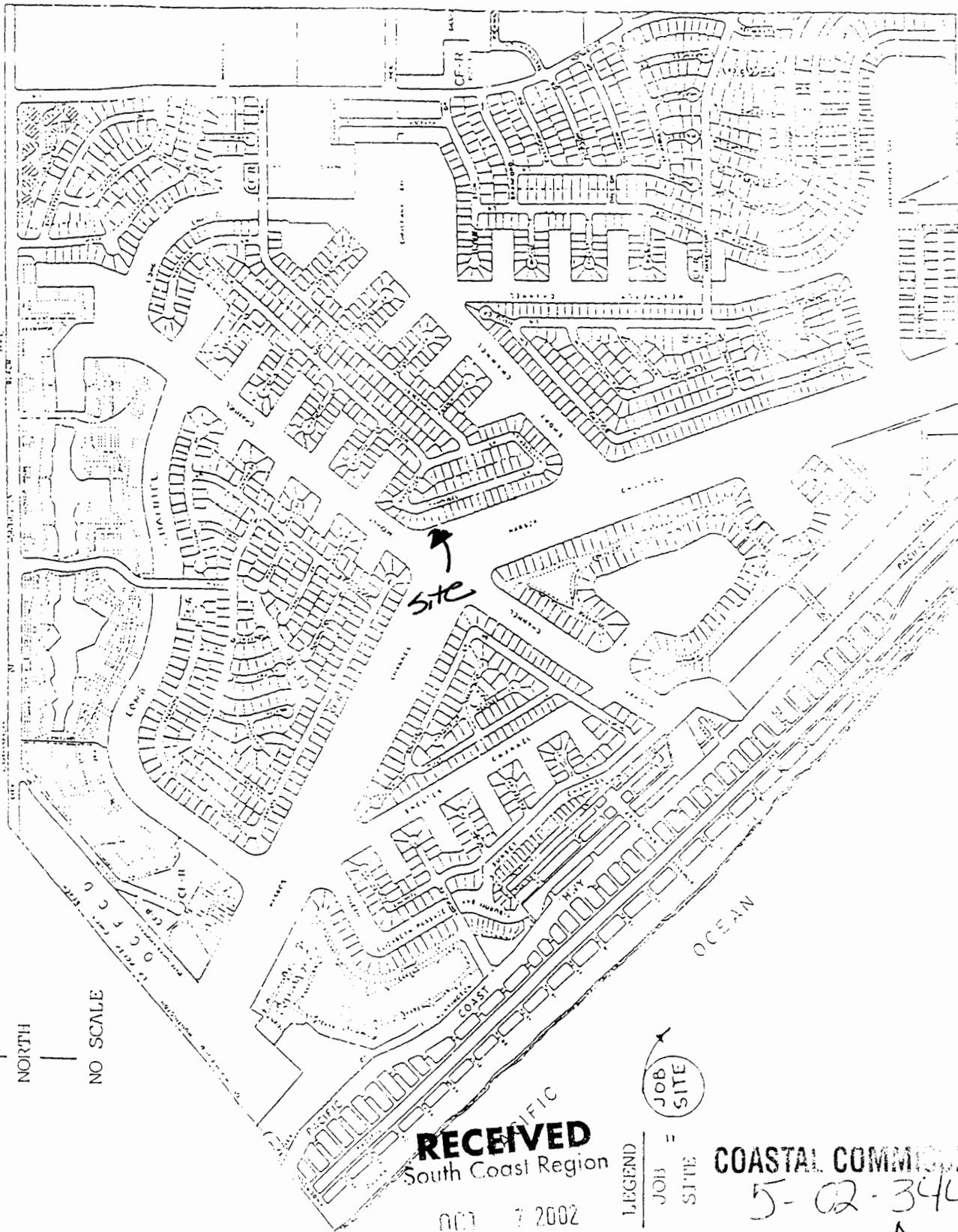
As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Local Coastal Program

The LCP for the City of Huntington Beach was effectively certified in 1982. However, the proposed development is occurring within an area of original permit jurisdiction in that the project is located seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City's LCP is used as 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

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.



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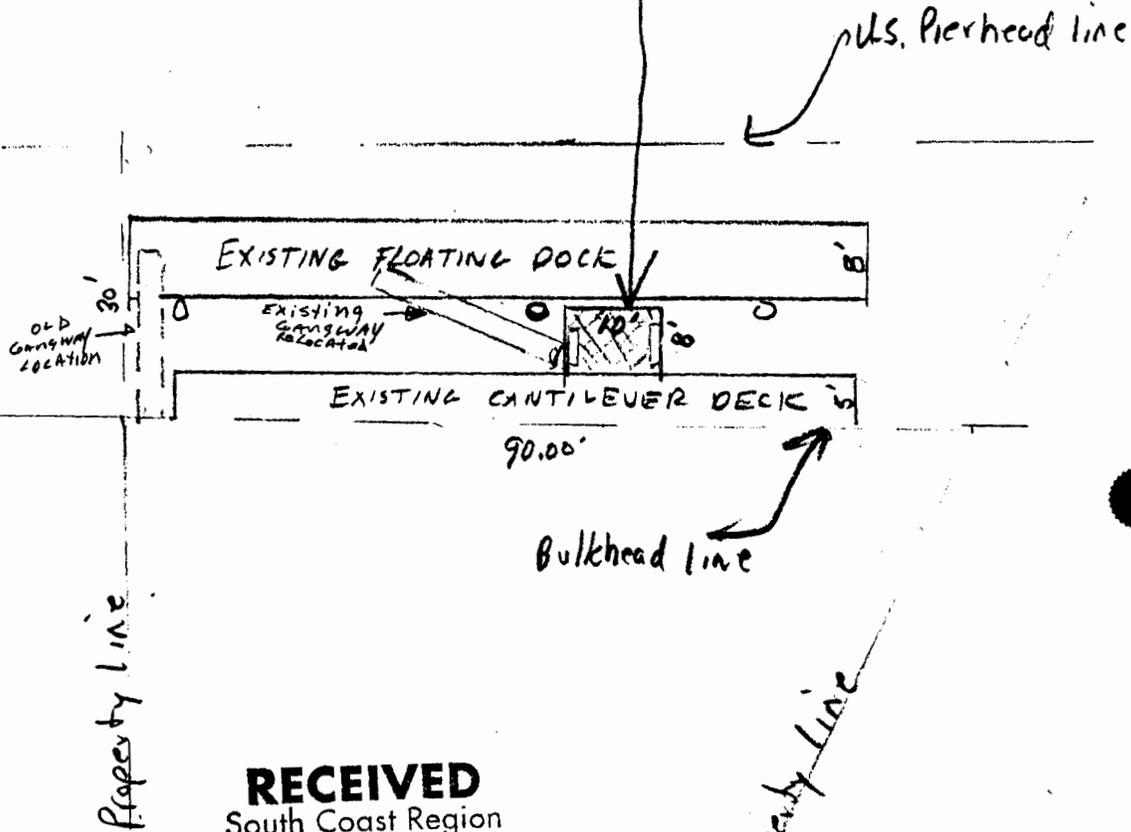
EXHIBIT # A

PAGE 1 OF 1

ADDRESS <u>16511 Carousel</u>	TRACT _____	LOT _____	HARBOR PERMIT NUMBER <u>963</u>
APPROVAL IN CONCEPT _____	DATE _____	OWNER _____	
APPROVAL FOR CONSTRUCTION _____	DATE _____	SHEET _____	OF _____

Proposed 10'x8' gangway landing platform

2- concrete "T" pile to support



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OCT 7 2002

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16511 Carouse Lane

California Coastal Commission
South Coast District Office
APPROVED
Permit No. _____

COASTAL COMMISSION

5-02-344

EXHIBIT # B

PAGE 1 OF 1

By: _____
EFFECTIVE

ADDRESS 16511 Carouse Lane TRACT _____ LOT _____

APPROVAL IN CONCEPT _____ DATE _____

APPROVAL FOR CONSTRUCTION _____ DATE _____

Date: _____
HARBOR PERMIT NUMBER 963

OWNER _____

SHEET _____ OF _____



California Regional Water Quality Control Board Santa Ana Region



Winston Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 □ FAX (909) 781-6288

5-02-344

Gray Davis
Governor

October 16, 2002

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OCT 18 2002

CALIFORNIA
COASTAL COMMISSION

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

PROPOSED REBUILDING OF CLAUDE YACOEL BOAT DOCK, 16511 CAROUSEL LANE, HUNTINGTON BEACH, ORANGE COUNTY

Dear Ms. Swift:

If standard dock construction methods and materials are utilized, this project should not adversely impact water quality. A statement has been submitted that there will be no waste discharged from the proposed project. Based on these assurances, clearance is provided.

However, should the Army Corps of Engineers determine that this project requires a Section 404 permit, it will be necessary for the project proponent to obtain from this Board a Water Quality Certification under Section 401 of the Clean Water Act.

Should you have any questions, please contact J. Shami at (909) 782-3288.

Sincerely,


Filomeno (Jun) T. Martinez, Jr., P.E.
Chief, Regulations Section

cc: California Coastal Commission, Long Beach
Army Corps of Engineers - Erik Larsen
City of Newport Beach, Marine Department - Tony Meller

JIS/bhutag155let

COASTAL COMMISSION

5-02-344

EXHIBIT # C

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