

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: April 17, 2003
 49th Day: June 5, 2003
 180th Day: October 14, 2003
 Staff: SFR-LB *JPR*
 Staff Report: April 17, 2003
 Hearing Date: May 6-9, 2003
 Commission Action:



TU13h

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-03-089

RECORD PACKET COPY

APPLICANT: Goldrich & Kest Industries, LLC

AGENT: Goldrich & Kest Industries, LLC
 Attn: Frank Hickman

PROJECT LOCATION: Sunset Harbor Marina
 2901-A Edinger Avenue
 Seal Beach, Orange County

PROJECT DESCRIPTION: The applicant requests after the fact approval for removal of approximately 1.5 acres of ruderal goldenbush scrub vegetation and placing 4,500 cubic yards of gravel over approximately three (3) acres of filled tidelands. The applicant requests use of the three acre gravel area for 146 overflow parking spaces to serve the existing adjacent public boat launch ramp. The applicant requests this parking use as an interim use for up to eighteen months pending the submission and approval of a final plan for the area by the Commission.

The proposed project also includes installation of structural best management practices (BMPs) to minimize adverse water quality impacts to coastal waters due to use of the area for parking. These structural BMPs include partially encircling the 3 acre gravel area with sand bags as well as placing oil absorbent material around the perimeter to intercept and filter any water that may runoff the parking area. The applicant is also proposing to place trash receptacles throughout the project area, and to regularly patrol the area to ensure that debris is picked up and properly disposed.

SUMMARY OF STAFF RECOMMENDATION:

The major issue before the Commission relates to the preservation of coastal water quality resulting from use of this area as a parking lot. Staff recommends **APPROVAL** of the proposed project as conditioned to protect coastal water quality through the use of best management practices, which includes the requirement for a signage program informing the public to dispose of trash in the proper manner, to prohibit vehicle and boat maintenance at the parking lot, and to monitor the effectiveness of the installed BMPs and correct any deficiencies in the BMPs to minimize impacts on adjacent habitat.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval in Concept dated March 4, 2003.

OTHER AGENCY APPROVALS RECEIVED: None

SUBSTANTIVE FILE DOCUMENTS: *"Delineation of Wetlands and Jurisdictional Waters Subject to U.S. Army Corps of Engineers and California Coastal Commission Regulatory Authority, Sunset Aquatic Park, Seal Beach, Orange County, California"* by LSA Associates, Inc., Revised January 31, 2003; *"Biological Assessment Sunset Aquatic Park, Seal Beach, Orange County, California"* by LSA Associates, Inc., Revised February 26, 2003; and LSA Associates *"Supplemental Analysis of Biological Resources, Gravel Area, Sunset Aquatic Park Facility, Seal Beach, California"*, April 15, 2003.

EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Expanded Site Plan showing BMP's
4. Graphic of sandbag placement
5. LSA Associates supplementary analysis of biological resources, April 15, 2003

STAFF RECOMMENDATION:

I. STAFF RECOMMENDATION OF APPROVAL

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

MOTION

I move that the Commission approve Coastal Development permit 5-03-089 pursuant to the staff recommendation.

RESOLUTION OF APPROVAL WITH CONDITIONS

The Commission hereby approves the coastal development permit for the proposed development and adopts the findings set forth below on the 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. 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 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. INTERIM USE

The Commission action authorizes the applicant the use of the three acre area covered by gravel for parking for a limited amount of time. Permission to use the area for parking is only granted through November 2004.

2. SIGNAGE PLAN

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a signage plan for the parking lot which shows the location of signs placed which inform the public: 1) that it is important to properly dispose of trash in the provided containers for the purpose of protecting adjacent habitat, and 2) that maintenance of vehicles and boats is prohibited in the parking lot. The

signage plan shall also include the dimensions, wording, and layout of each sign.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. STRUCTURAL BMP MONITORING, AND REPORTING

The permittee shall monitor and report on the effectiveness of the sand bags and absorbent material placed along the lower (down-gradient) portion of the perimeter of the parking lot to intercept and filter any water that may runoff the parking area. In particular, the permittee shall monitor the occurrence of any runoff that may flow southeastward along the sand bag/absorbent barrier located along the southern portion of the parking lot and around the end of the sand bag/absorbent barrier, and any deposition of sediment at the base of the sand bag/absorbent barrier in the southeastern corner of the parking lot. The permittee shall submit a letter report to the Executive Director by May 31, 2004 that assesses the effectiveness of the sand bag/absorbent barrier in intercepting and filtering any runoff. The report shall include photographs of sand bag/adsorbent barrier taken prior to, during, and after the rainy season and a written summary of activities taken during the rainy season to maintain effectiveness of the barrier. If sediment builds up or flows around the end of the sand bag/absorbent barrier at the southeastern corner of the parking lot, the permittee shall also submit a plan, subject to the Executive Director's approval, that proposes installation of a structural BMP that will reduce the flow of sediment out of the parking area to the maximum extent practicable.

4. POST-CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

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

- A. No materials, equipment, debris, or waste shall be placed or stored where it may be subject to tidal and wave erosion and dispersion.
- B. Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from vehicles and trailers into coastal waters. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.
- C. The applicant shall provide trash and recycling receptacles within and around the parking lot. The trash and recycling receptacles shall be designed so that the contents remain within the receptacles and do not leak

any fluids. The trash and recycling receptacles shall be emptied on a periodic basis or as necessary to ensure that they do not overflow.

- D. The applicant shall collect all debris and trash in and around the parking lot, at a minimum, at the end of each day and this debris and trash shall be disposed of in the proper trash and recycling receptacles.
- E. The applicant shall maintain the functionality of the sandbags and oil absorbent material for minimizing polluted water from entering coastal waters.

5. CONDITION COMPLIANCE

Within 120 days of Commission action on this coastal development permit application, or within such time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The project site is located within the Sunset Aquatic Park Marina which is a public visitor serving marine recreational facility located at 2901-A Edinger Avenue in the City of Seal Beach, Orange County (Exhibits 1 and 2). The marina is owned by the County of Orange and operated by Goldrich & Kest Industries, LLC. This facility is adjacent to the Anaheim Bay National Wildlife Refuge. Due to its bay fronting location, this facility is also between the first public road and the sea (Huntington Harbour).

The applicant requests after the fact approval for removal of approximately 1.5 acres of goldenbush scrub vegetation, and placing 4,500 cubic yards of gravel over approximately three (3) acres of filled tidelands. The gravel base is approximately six to eight inches in depth and was then compacted with a ten ton vibratory roller. The applicant requests use of the three acre gravel area for 146 overflow parking spaces to serve the existing adjacent public boat launch ramp. The applicant requests this parking use as an interim use for eighteen months pending the submission of a final plan to the Commission.

The proposed project also includes installation of structural best management practices (BMPs) to prevent any adverse water quality impacts due to use of the area for parking. These structural BMPs include partially encircling the 3 acre gravel area with sand bags as well as placing oil absorbent material around the lower (down-gradient) portion of the perimeter to intercept and filter any water that may runoff the parking area. The applicant

is also proposing to place trash receptacles throughout the project area and to regularly patrol the area to ensure that debris is picked up and properly disposed.

Sunset Aquatic Marina was opened as a waterfront recreational facility in 1969 as a 255 boat slip marina, dry boat storage area, boat launch ramp, boat trailer parking area, boat repair yard, marine supply store, Harbor Patrol Command Post, and public greenbelt and picnic area. All existing facilities are maintained and operated through a County (Orange County) lease agreement with Goldrich and Kest Industries (Jona Goldrich, Sol Kest, and Mel Grau). The lessee provides an on-site Marina Manager to oversee the boat ramp, boat storage, and boat slip operations. The County maintains the Harbor Patrol Office.

B. RECREATION AND PUBLIC ACCESS

The proposed development is the construction of an overflow gravel parking lot, a obligatory amenity for the existing public marina. According to the applicant this interim parking area is necessary, principally on summer weekends and on holiday weekends, when the existing paved parking areas are at capacity. Facilities that provide the public with improved opportunities to enjoy coastal recreational opportunities, such as boating, are a preferred type of development under the Coastal Act. Sections 30210, 30213, 30224 and 30234 of the Coastal Act promote the availability of public marinas such as Sunset Aquatic Park. Additionally, public launching facilities are an example of coastal dependent use that qualifies as a priority use under Section 30255 of the Coastal Act.

A total of 146 overflow parking spaces will be provided to serve the adjacent boat launching facility. These parking spaces are needed to provide recreational boaters visiting the coast with parking for both their cars and trailers. Currently, Sunset Harbor only has twenty (20) parking spaces in the existing parking lot available for small boaters that utilize the launch ramp. These 20 spaces are inadequate to meet the summer demand for boat launching parking.

During the summer months, according to the applicant, public use of the Sunset Harbor launching facility results in the launching of approximately 500 to 700 boats a week. During the holiday weekends such as Labor Day, Memorial Day, and the Fourth of July, and special events like the Holiday Parade and Boat Show, the number of small boat launchings reach a peak of 3 & 4 times the normal summer weekend launchings.

Additionally, the applicant reports that small boat owners are trending to carrying their boats on trailers, which creates marina parking demand, since the boat owners do not want to or can not afford to rent a wet slip from a marina. The typical boat which is carried on a trailer is less than 30 linear feet in length and is most likely stored at the boaters home when not in use or at a dry boat storage facility in the vicinity of the boaters home.

The next closest launch ramp for small boaters is at Warner and Pacific Coast Highway in Huntington Beach which is approximately 5 miles from Sunset Harbor. Unfortunately, rather than drive to the another boat launching ramp when parking is unavailable at Sunset Harbor, the small boat owners have been parking in the parking reserved for the slip owners at Sunset Harbor and parking in the adjacent residential neighborhoods after launching their boats. This situation has, according to the applicant, caused tension between wet slip occupants and boat launch ramp users and also has created traffic problems in adjacent residential neighborhoods.

To alleviate the concerns identified above, the applicant requests this parking use as an interim use for eighteen months pending the submission and approval of a final plan by the Commission for an approximate 22.4 acre area. Based on the applicant's request to use this area for eighteen months following Commission approval (May 2003) of this permit application, the eighteen month period would conclude in November 2004. To assure compliance with this proposed interim use the Commission imposes a special condition which states that use of the gravel area is only valid through November 2004. Therefore, as conditioned, the Commission finds the project consistent with Sections 30210, 30213, 30224, 30234, and 30255 of the Coastal Act since it promotes coastal access and recreational use.

C. MARINE RESOURCES

Though the project promotes coastal access and recreation, the proposed project is located adjacent to the coastal waters of Anaheim Bay and Huntington Harbour (Exhibits #1-2). If the parking lot is not properly designed and operated to minimize the adverse effects of use of the area as a parking lot, pollutants could be transported into coastal waters thereby contributing to a decline in coastal water quality.

Both Anaheim Bay and Huntington Harbour have been designated as "impaired" water bodies pursuant to the requirements of the Federal Clean Water Act 303(d) list. The designation as "*impaired*" means that water quality within the water body does not meet State and Federal water quality standards designed to meet the 1972 Federal Clean Water Act goal of "*fishable, swimmable*" waters. The Anaheim Bay listing cites nonpoint sources for pesticides and nonpoint urban runoff resulting in elevated concentrations of metals. The Huntington Harbour listing sites nonpoint sources for pesticides and nonpoint urban runoff resulting in elevated concentrations of metals, pathogens, nutrients, pesticides, and toxic organic compounds from a variety of sources including urban runoff, boatyards, contaminated sediments, and other unknown non-point sources as the reason for listing the harbor as an "impaired" water body. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB) as required by the Ducey Bill (AB1740), and confirmed by the U.S. Environmental Protection Agency. The RWQCB has targeted both Anaheim Bay and Huntington Harbour watersheds for increased scrutiny as medium priority watersheds under its Watershed Initiative. The standard of review for

development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity and water quality.

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 parking lot will be located adjacent to the water. The operation of the parking lot has the potential to adversely impact the marine environment. Both Anaheim Bay and Huntington Harbour provide opportunities for water oriented recreational activities and also serve as a home for marine habitat. Anaheim Bay and the surrounding upland are relatively undeveloped as much of the area is under Federal jurisdiction due to the presence of the Naval Weapons Facility and the designation of Anaheim Bay as a National Wildlife Refuge. Consequently, the proposed development will be located next to an area considered to be environmentally sensitive habitat. Because of the coastal recreational activities and the sensitivity of the Bay habitat, water quality issues are essential in review of this project.

Post-Construction Impacts to Water Quality:

The project area will be used as a parking lot for cars and boat trailers. While parked in this area, vehicles and human use of the area potentially can generate a variety of pollutants. Potential pollutants include, but are not limited to: litter, trash, hydrocarbons (oil and gas), heavy metals, synthetic organic chemical (household cleaners), and nutrients (pet excrement) which can be absorbed into the ground or be carried into coastal waters through wind and rain activity. The discharge of pollutants into coastal waters would have adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters.

To minimize the potential for the operation of the area as a parking lot to have an adverse impact upon marine resources, the Commission finds it necessary to impose three special conditions. The first special condition requires the submission of a signage plan. Exhibit 3 shows the locations of the trash bins, but does not show the location or wording of signs informing the public not to litter. To improve the awareness of the public on the necessity to properly dispose of trash, the Commission imposes a special condition to require that the applicant install signs to encourage the public to use the provided trash bins so that litter will not be carried by wind, rain, or improper disposal into coastal waters or adjacent wetland. The adjacent wetlands are in the proximity of 40 to 60 feet from the parking lot. The signage plan will also indicate the location and wording of signs informing the public that maintenance of vehicles and boats is prohibited in the parking lot.

As shown in Exhibits 3 and 4, the applicant has proposed the use of structural BMPs, including the installation of sandbags and absorbent material along the lower (down-gradient) portion of the perimeter of the parking lot to intercept and filter any water that may runoff the parking area. It is necessary to confine water flowing off the parking lot to the parking lot area to minimize the flow of water and sediment into coastal waters and the adjacent wetlands. The second special condition requires the applicant to monitor and report on the effectiveness of these BMPs to intercept and filter water falling on the parking lot and to submit a plan for an additional structural BMP(s) if the proposed BMP is not adequate.

Though the applicant has proposed the use of BMPs, the Commission must impose a third special condition to require that the applicant maintain the functionality of the BMPs employed. For example, the applicant must assure that all debris be picked-up and disposed of in a proper manner, which includes emptying the trash bins so that they do not overflow. If the trash bins were to overflow or leak fluids, they would no longer be considered functional as they would allow pollutants to migrate into coastal waters and/or the adjacent wetlands, which would have an adverse impact on coastal water quality.

Therefore, the Commission finds, only as conditioned for a signage plan and the use of post-construction BMPs that the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act regarding the protection of the marine environment.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The project site is immediately adjacent to the Anaheim Bay National Wildlife Refuge. Additionally, the project site and the immediate vicinity are located on dredge spoils, which have, in certain locations, retained wetland values. The Coastal Act requires that development adjacent to environmentally sensitive habitat areas be sited and designed to minimize adverse impacts to the sensitive habitat. Section 30240(b) states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

To assure that the proposed parking lot would be sited and designed to prevent impacts that would significantly degrade adjacent areas, the applicant prepared three biological assessments. The first biological assessment, *"Biological Assessment of Sunset Aquatic Park, Seal Beach, Orange County, California"* by LSA Associates (Revised February 26, 2003) evaluated the biological resources within a 22.4 acre study area, which included the location of the three acre gravel parking lot. This study concluded that the 22.4 acre study area exhibited *"unnatural"* topography as a result of the placement of substantial fill material over many years, that the area is highly disturbed due to its continued use for storage/disposal of boat trailers, equipment, tires, dumpsters, and usage for soil stockpiles. As a result, the upland plant communities in the study area are composed primarily of ruderal vegetation. Though the 22.4 acre study area is predominantly composed of ruderal vegetation, the biological assessment notes the existence of baccharis scrub (0.12 acres), pickleweed salt marsh (2.32 acres), pickleweed/bassia scrub (.20 acres), and vegetated desilting basins (2.49 acres). Some areas were not vegetated. Though the 22.4 acre study area was identified as degraded in the biological assessment, the assessment notes that the study area probably allows for wildlife movement to a limited extent, due to its proximity to the Seal Beach National Wildlife Refuge and the Bolsa Chica Channel.

To specifically evaluate the effect of the gravel parking lot and its use on habitat, a follow-up assessment (to the revised February 26, 2003 biological assessment) was prepared by LSA Associates on April 15, 2003 to focus solely on the 3 acre area covered by the gravel. This assessment is attached as Exhibit 5. This assessment notes that the 3 acre area of the parking lot prior to its construction consisted of 1.5 acres of ruderal goldenbush scrub and 1.4 acres of bare ground¹. This assessment concluded that the parking lot and its use would not have a significant adverse impact on habitat. The assessment states, *"The conclusion that potentially sensitive habitat areas will not be adversely affected is based both on their distance from the proposed interim use and the fact that, by its nature, the proposed uses is low impact relative to other uses that are often considered in the coastal zone. For example, there will be few, if any, indirect impacts of the type that are associated with residential development, such as invasive vegetation, uncontrolled pets, extensive night lighting, and human activity (e.g. children playing, bicycling, hiking, etc.). With the exception of a few holiday and weekend periods, human activity associated with the proposed use is of low intensity and short duration. Even during busy periods, human activity is relatively quiet."*

To address the potential interaction of wetlands on the applicant's overall desire to develop on 22.4 acres², a wetland evaluation was conducted by LSA Associates,

¹ These acreage figures do not total three acres due to rounding.

² The three acre parking lot is located within the overall 22.4 acres study area.

"Delineation of Wetlands and Jurisdictional Waters Subject to U.S. Army Corps of Engineers and California Coastal Commission Regulatory Authority, Sunset Aquatic Park, Seal Beach, Orange County, California" (Revised January 31, 2003) As with the previously discussed LSA biological assessment (dated revised February 26, 2003) discussed above, this report notes the study area was formerly an intertidal salt marsh prior to 1959 which was subsequently filled. The wetland delineation notes that of the 22.4 acre study area, that 5.26 acres are potentially subject to Commission jurisdiction as wetlands. Figure 2, of the wetland delineation shows the wetlands subject to Commission jurisdiction and the three acre parking lot. This figure does not show any wetlands within the parking lot area. The existing wetlands are approximately 40 to 60 feet from the edge of the parking lot. Additionally, Commission staff performed site visits and reviewed this wetland delineation. Commission staff concluded, based on the site visits and review of the wetland delineation that the location of the parking lot, before it was covered with gravel, did not contain any wetlands.

Based on the parking lot being sited to avoid impacts to environmentally sensitive habitat areas³, the Commission finds that, as conditioned to use best management practices, that the project is consistent with Section 30240 of the Coastal Act regarding the protection of environmentally sensitive habitat areas.

E. LAND USE PLAN

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program that conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time. The City of Seal Beach, in 2001 was granted a grant by the Commission to prepare an LCP and Commission staff has met with the City to provide guidance on preparing the City's LCP.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice

³ The edge of the parking lot is in the proximity of 40 to 60 feet away from the adjacent wetlands.

the ability of the City to prepare a certified coastal program consistent with the Chapter Three policies of the Coastal Act.

F. UNPERMITTED DEVELOPMENT

Development has occurred on site without benefit of the required coastal development permit. Specifically, the placement of approximately 4,500 cubic yards of gravel base 6" to 8" in depth on approximately three acres of land. The subject permit application addresses the unpermitted development, as well as the new development proposed in the subject application. In order to ensure that the matter of unpermitted development is resolved in a timely manner, the Commission imposes a special condition to require that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 120 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although the placement of the gravel has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.

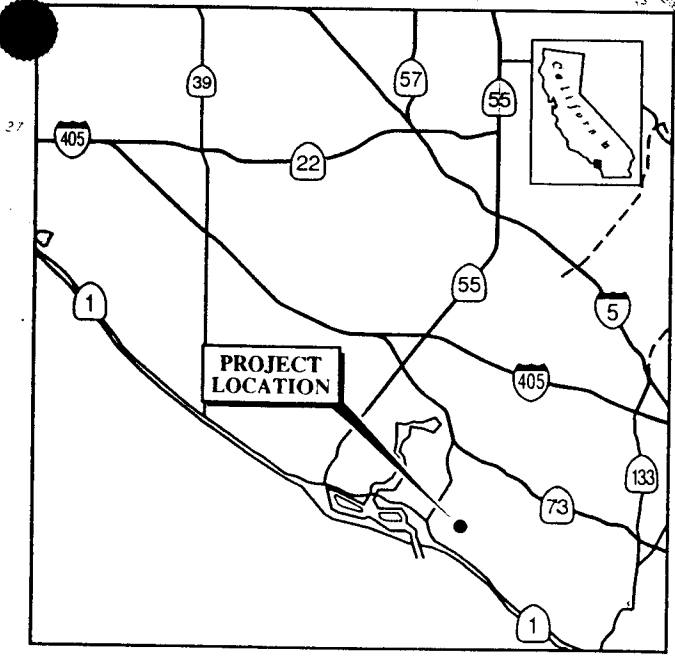
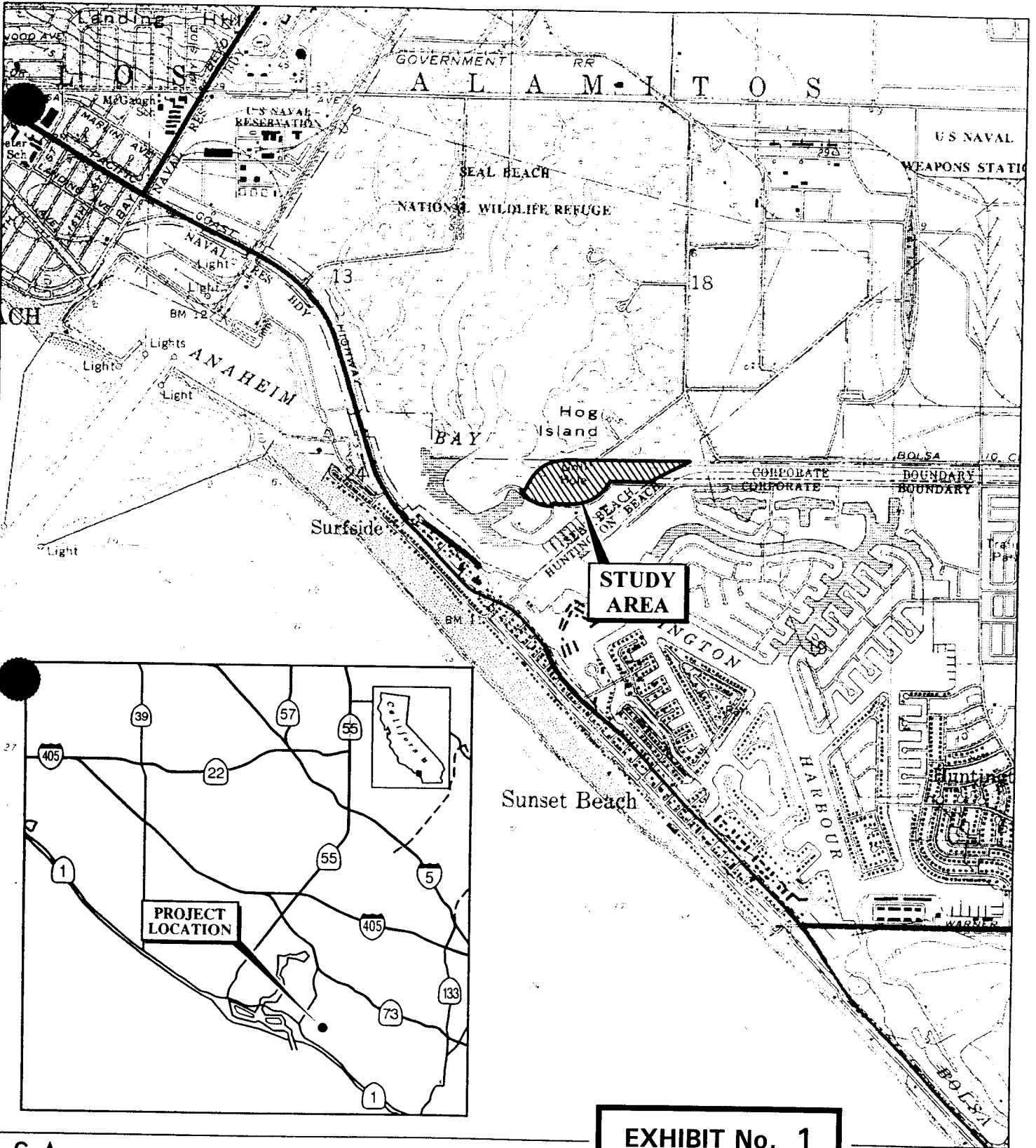



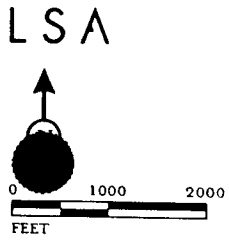
EXHIBIT No. 1	
Application Number: 5-03-089	
Vicinity Map	
	California Coastal Commission

FIGURE 1

*Sunset Aquatic Park
Study Area*




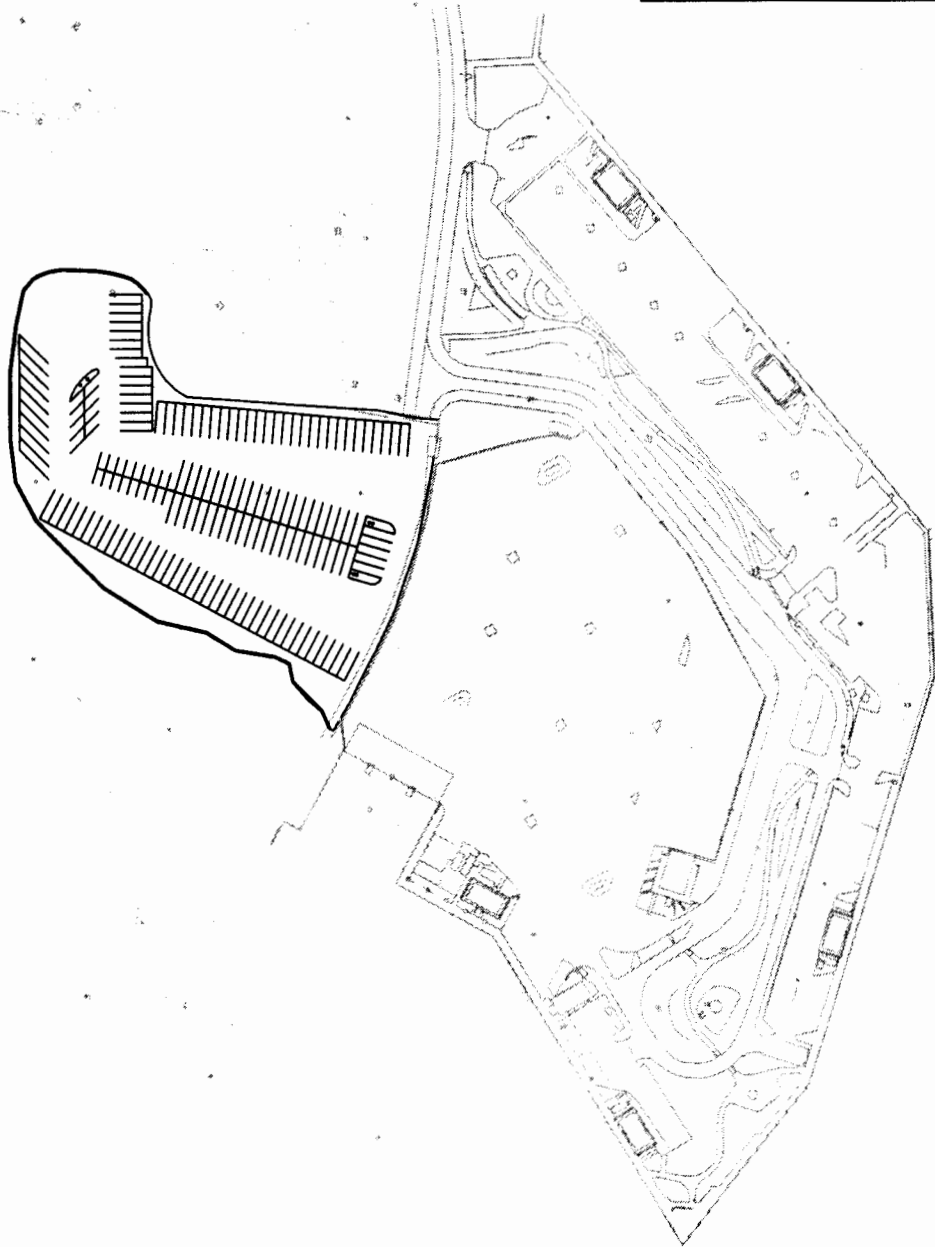
SOURCE: USGS 7.5' QUADS - SEAL BEACH, CALIFORNIA

EXHIBIT No. 2

Application Number:
5-03-089

Site Plan

 California Coastal
Commission



TITLE
TEMP. BOAT RAMP
PARKING AREA SITE PLAN

BLUEWATER DESIGN GROUP

SCALE

1"=200'

PROJECT

SUNSET AQUATIC

4-14-03

SANDBAG LOCATION.
SEE TYPICAL SANDBAG
SECTION SHEET FOR DETAIL.

1 BAG HIGH
SAND BAGS

96'
TURNING AREA

TRASH BINS

2 BAG HIGH
SAND BAGS

APPROX. BOUNDARY

3 BAG HIGH
SAND BAGS

380'

280'

26'

27'

10'

10'

35'

35'

35'

35'

TRASH BINS

46 VEHICLE/TRAILER PARKING SPACES PROVIDED

TEMP. BOAT RAMP OVERFLOW
AREA PARKING LAYOUT

BLUEWATER DESIGN

SCALE

PROJECT

1"=60'

SUNSET AQUATIC

EXHIBIT No. 3

Application Number:
5-03-089

**Expanded Site Plan
Showing BMPs**


 California Coastal
Commission

EXHIBIT No. 4

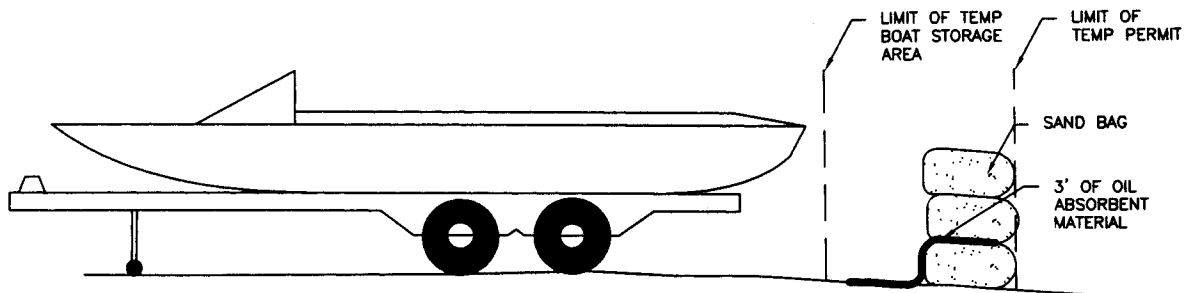
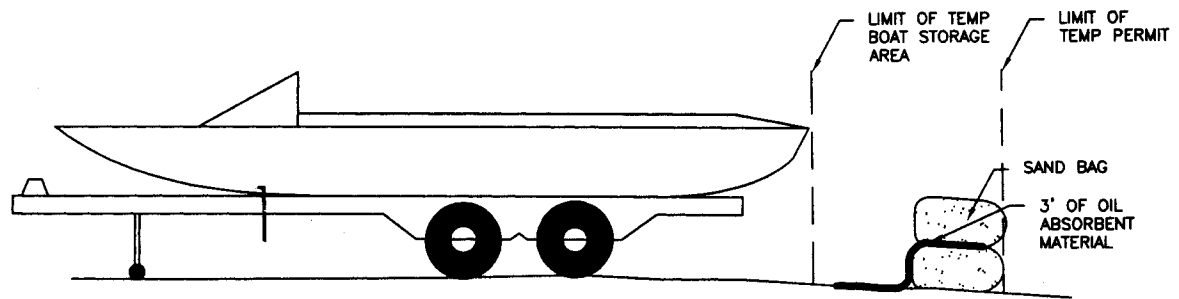
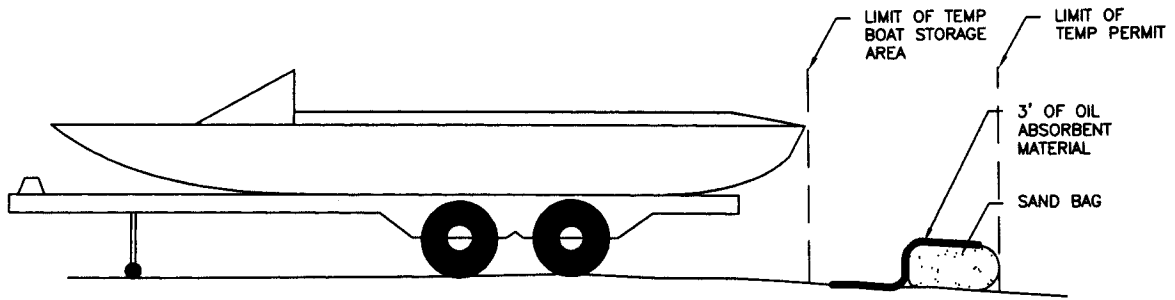
Application Number:

5-03-089

Graphic of Sandbag Placement



California Coastal Commission



FILE

BLUEWATER DESIGN GROUP

TYPICAL SANDBAG SECTIONS

SCALE

1"=4'

PROJECT

SUNSET AQUATIC


4-14-03

LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8076 FAX

OTHER OFFICES: FT. COLLINS
BERKELEY RIVERSIDE
PT. RICHMOND ROCKLIN

EXHIBIT No. 5	
Application Number: 5-03-089	
LSA Assessment Page 1 of 2	
	California Coastal Commission

April 15, 2003

Mr. Frank D. Hickman
Sunset Aquatic Park, Ltd.
5150 Overland Avenue
Culver City, CA 90230

Subject: Supplemental Analysis of Biological Resources, Gravel Area, Sunset Aquatic Park Facility,
Seal Beach, California

Dear Mr. Hickman:

Per your request, LSA Associates, Inc. (LSA) has prepared this supplemental analysis focusing on the impacts to biological resources associated specifically with the area of proposed interim use (i.e., dirt and gravel area) as identified in your recently submitted application for a Coastal Development Permit. A detailed biological assessment of the subject area and surrounding biological resources was prepared by LSA and submitted to the California Coastal Commission in February 2003 (hereinafter referred to as the Biological Assessment).

The subject area where the dirt and gravel base was laid down in 2000, and the adjoining areas, have been examined in great detail by LSA biologists. From our field observations and historic aerial photo analysis, LSA has concluded that no wetlands were affected by the placement of dirt and gravel in the proposed interim use area. See Appendix C of the Biological Assessment for further details. Approximately 1.5 acres of ruderal goldenbush scrub were cleared prior to the placement of the dirt and gravel base, and an estimated 1.4 acres of disturbed (bare) ground were covered by the dirt and gravel base. The overall area affected was approximately 2.9 acres. See page 11 of the Biological Assessment for descriptions of the ruderal goldenbush scrub plant community and the disturbed (bare) ground. Impacts to these 2.9 acres are not considered significant based on the small quantity of area affected, the highly degraded condition of the ruderal goldenbush scrub, and the low wildlife habitat value associated with this area. As stated on page 8 of the Biological Assessment, the area corresponding to the dirt and gravel base and the adjoining areas have been highly disturbed for decades. As such, no mitigation is deemed necessary.

A paved parking lot adjoins the south side of the dirt and gravel area. Obviously, there are no biological resources associated with this paved parking lot to be affected by the proposed interim use. Disturbed (bare) ground from decades of vehicle traffic and storage directly adjoins the north and west sides of the proposed interim use area; no wildlife species are expected to use this area due to its highly degraded condition.

Ruderal goldenbush scrub adjoins the east side of the proposed interim use area. No sensitive wildlife, particularly sensitive bird species, are expected to utilize this habitat; however, any common wildlife species that may use (e.g., for nesting) this adjacent habitat area would not be substantially affected by the proposed interim use.

Tidal salt marsh habitat is west and north of the proposed interim use area, but these sensitive biological resources are far enough away (approximately 150 feet or more) that they are not expected to be adversely affected by the interim use. Two potential wetland areas, which are both artifacts of previous grading on the site, are somewhat closer to the proposed interim use area than the naturally occurring tidal saltmarsh. One is a shallow, barren depression that exhibits seasonal ponding; this area is approximately 50 feet to the west of the interim use area, but provides little wildlife habitat. The other small wetland area is a similar depression that supports some pickleweed dominated vegetation; this area is approximately 100 feet north of the gravel area.

The conclusion that potentially sensitive habitat areas will not be adversely affected is based both on their distance from the proposed interim use and the fact that, by its nature, the proposed use is low impact relative to other uses that are often considered in the coastal zone. For example, there will be few, if any, indirect impacts of the type that are associated with residential development, such as invasive vegetation, uncontrolled pets, extensive night lighting, and human activity (e.g., children playing, bicycling, hiking, etc.). With the exception of a few holiday and weekend periods, human activity associated with the proposed use is of low intensity and short duration. Even during busy periods, human activity is relatively quiet.


If you have any questions concerning the contents of this letter or information pertaining to our supplemental biological analysis, please contact either Art Homrighausen or me at (949) 553-0666.

Sincerely,

LSA ASSOCIATES, INC.

Art Homrighausen for

Jim Harrison, Biologist
Associate

EXHIBIT No. 5
Application Number: 5-03-089
LSA Assessment Page 2 of 2
 California Coastal Commission