

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 9/23/2004
49th Day: 11/11/2004
180th Day: 3/22/2005
Staff: CP-LB
Staff Report: 10/28/2004
Hearing Date: November 18, 2004
Commission Action:

**Th4c****RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-04-233**APPLICANT:** City of Long Beach Department of Public Works**AGENT:** Barbara Munoz, Division Engineer**PROJECT LOCATION:** 200-B Aquarium Way (Rainbow Harbor – Dock 9), City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Install 25 new concrete piles, replace an existing 200-foot long timber float with two 108'x 15.3' concrete docks in same location, and replace the existing gangway with a new ADA-compliant ramp system.**LOCAL APPROVAL:** Long Beach Planning Dept. Site Plan Review, Case No. 0405-27, 6/22/2004.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Coastal Development Permit 5-93-145 (City of Long Beach, Seaport Village Dock).
3. Coastal Development Permit 5-87-961 (City of Long Beach, Shoreline Village Public Dock).
4. California Regional Water Quality Control Board Section 401 Certification, File No. 04-091, 9/15/2004.
5. California Dept. of Fish & Game Letter for Rainbow Harbor Dock 9 Project, 8/31/2004.
6. U.S. Army Corps of Engineers Permit Application, Project No. 2004-01241-KW.
7. Eelgrass & Caulerpa Survey at Dock 9 in Rainbow Harbor, by Tetra Tech, Inc. 8/10/2004.

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, public access 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 development is for public transportation and commercial recreational 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 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. Silt curtains will be utilized to control turbidity during placement of all piles.
- 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 development shall not interfere with public access along the shoreline in the project area (except for the temporary disruptions that may occur during the completion of the permitted development).

5. Timber Treatment

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for the review and approval of the Executive Director, that the preservative proposed to be used in the project to treat the timber is conforms with the specifications of the American Wood Preservation Association for saltwater use. The specific type of timber treatment(s) shall be identified in writing. Creosote treated wood is prohibited. Treated timber may not be used where it could come into contact with the water.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the replacement of an existing 200-foot long floating dock and gangway located in Rainbow Harbor in the Downtown Shoreline area of Long Beach (Exhibit #3). The existing timber dock and gangway would be disassembled and removed from their current location next to the boardwalk at the Shoreline Village shopping center (Exhibit #4). The old timber dock would be replaced in the same location by two new 108'x 15.3' concrete docks linked end-to-end (Exhibit #5). The new concrete docks would be secured in place using six existing concrete piles and eleven new concrete piles. A new ADA-compliant ramp system, which includes four fixed timber platforms, aluminum ramps and a vaulted shade canopy, would replace the existing gangway ramp that provides access to the floating dock (Exhibit #6). Fourteen new concrete piles would support the new ramp system (Exhibit #5). No dredging is proposed.

The wood used to construct the fixed platforms would be pressure treated with a preservative for saltwater use in accordance with the specifications of the American Wood Preservation Association. Creosote treated wood, however, will not be used, and the timber platforms will not come into contact with the water as the lowest platform is proposed at an elevation one foot higher than the highest recorded tide in Long Beach (Exhibit #7, p.2).

The existing City-owned dock is used by the Aquabus, a public water taxi service provided by Long Beach Transit (\$1 fare), and a commercial recreational boating concession headquartered in the Shoreline Village shopping center (Spirit Cruises). The City has not proposed any change in dock use as part of this permit application. The nearby Shoreline Village and Marina Green public parking lots provide the parking supply for the concession and the water taxi users (Exhibit #2). The City maintains a public transient mooring dock at the Shoreline Village shopping center, about one hundred feet south of the proposed project (Exhibit #3).

The shoreline in the project area is comprised of imported rocks and an elevated wooden boardwalk that exists above the rocks and the high water line. On August 10, 2004, an underwater survey found no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) at the project site (Exhibit #8). The proposed project has received the approval of the City of Long Beach Planning Department and the City of Long Beach Marine Bureau. The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 04-091), and a preliminary approval from the U.S. Army Corps of Engineers (Project No. 2004-01241-KW). The California Department of Fish and Game has reviewed the proposed project, which includes the implementation of best management practices (e.g., the use of silt curtains and a debris boom), and determined that it would not have a significant adverse effect on marine resources (Exhibit #7).

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 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

The public currently has unrestricted access along the shoreline at the project site. The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the completion of the permitted development. 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.

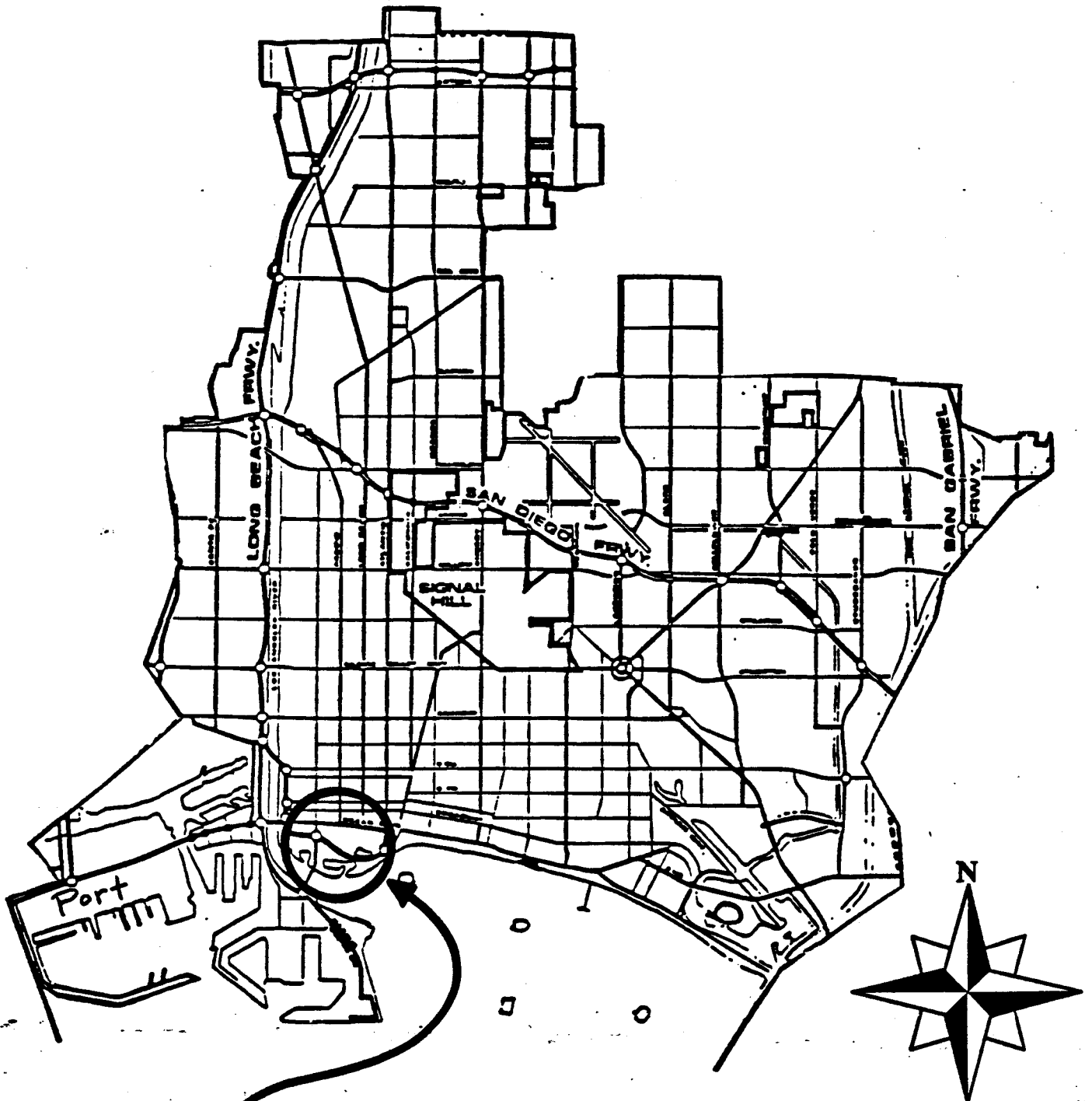
E. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it 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. 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



Site

COASTAL COMMISSION
5-04-233

EXHIBIT # 1
PAGE 1 OF 1

Q^W BAY
QUEENSWAY BAY
 Long Beach, California

CLIENT:
 City of Long Beach
 250 West Ocean Boulevard
 Long Beach, California 90801
 Tel: (562) 595-1000

ARCHITECT:
 Skidmore & Partners
 Architects, Inc.
 250 West Ocean Blvd. 100
 Long Beach, California 90801
 Tel: (562) 595-1000

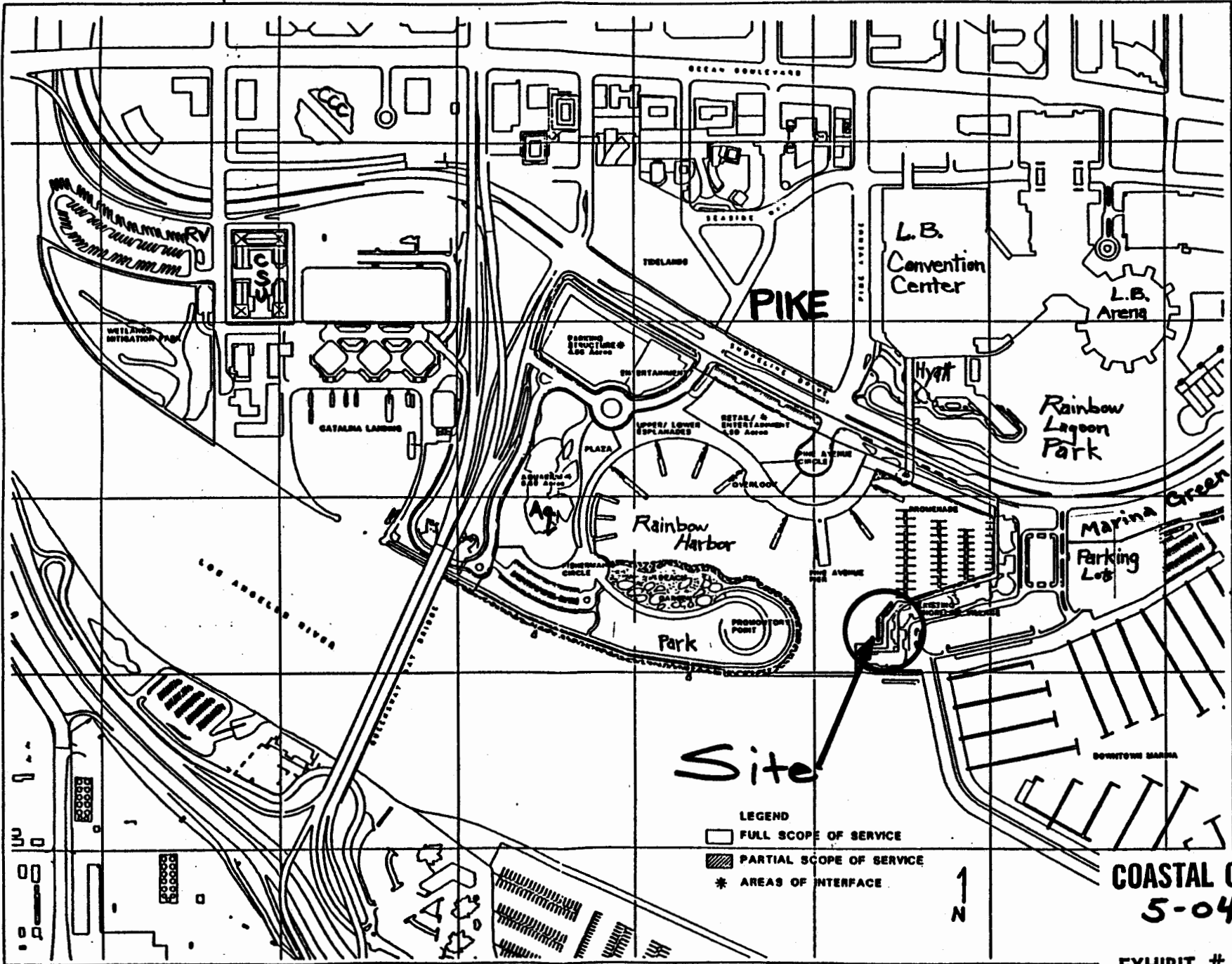
ENGINEER:
 Urban & Wood Engineers
 250 West Ocean Blvd.
 Long Beach, California 90801
 Tel: (562) 595-1000

DATE:
 08/15/2008

PROJECT:
 250 West Ocean Blvd. 100
 Long Beach, California 90801
 Tel: (562) 595-1000

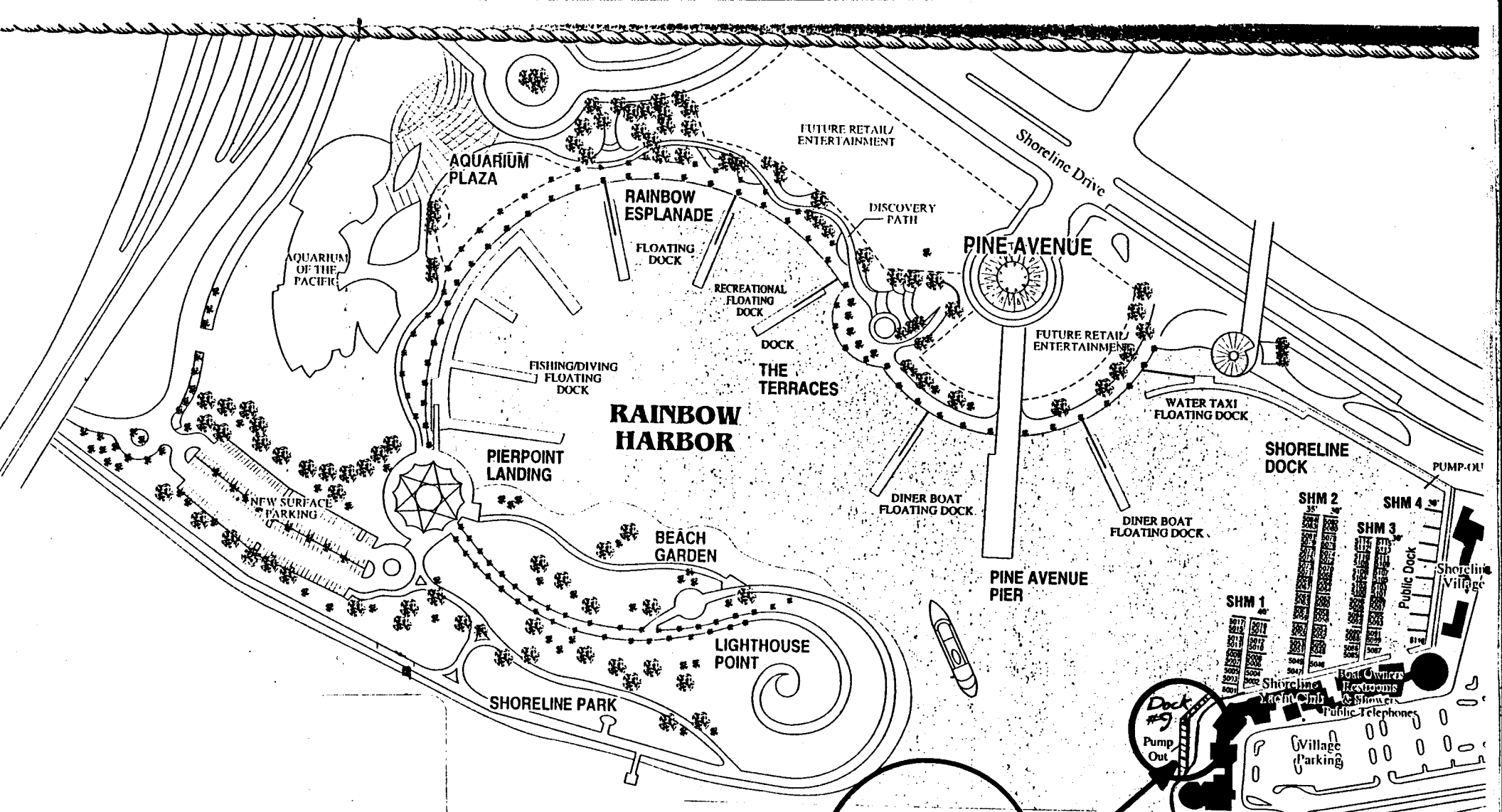
DESIGN DEVELOPMENT

MASTER SITE PLAN



Downtown Shoreline Area, LB

COASTAL COMMISSION
5-04-233
 EXHIBIT # 2
 PAGE 1 OF 1

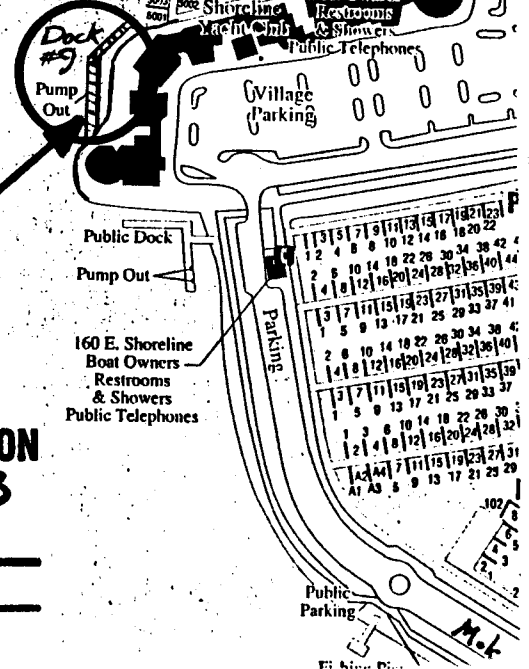


Rainbow Harbor, LB

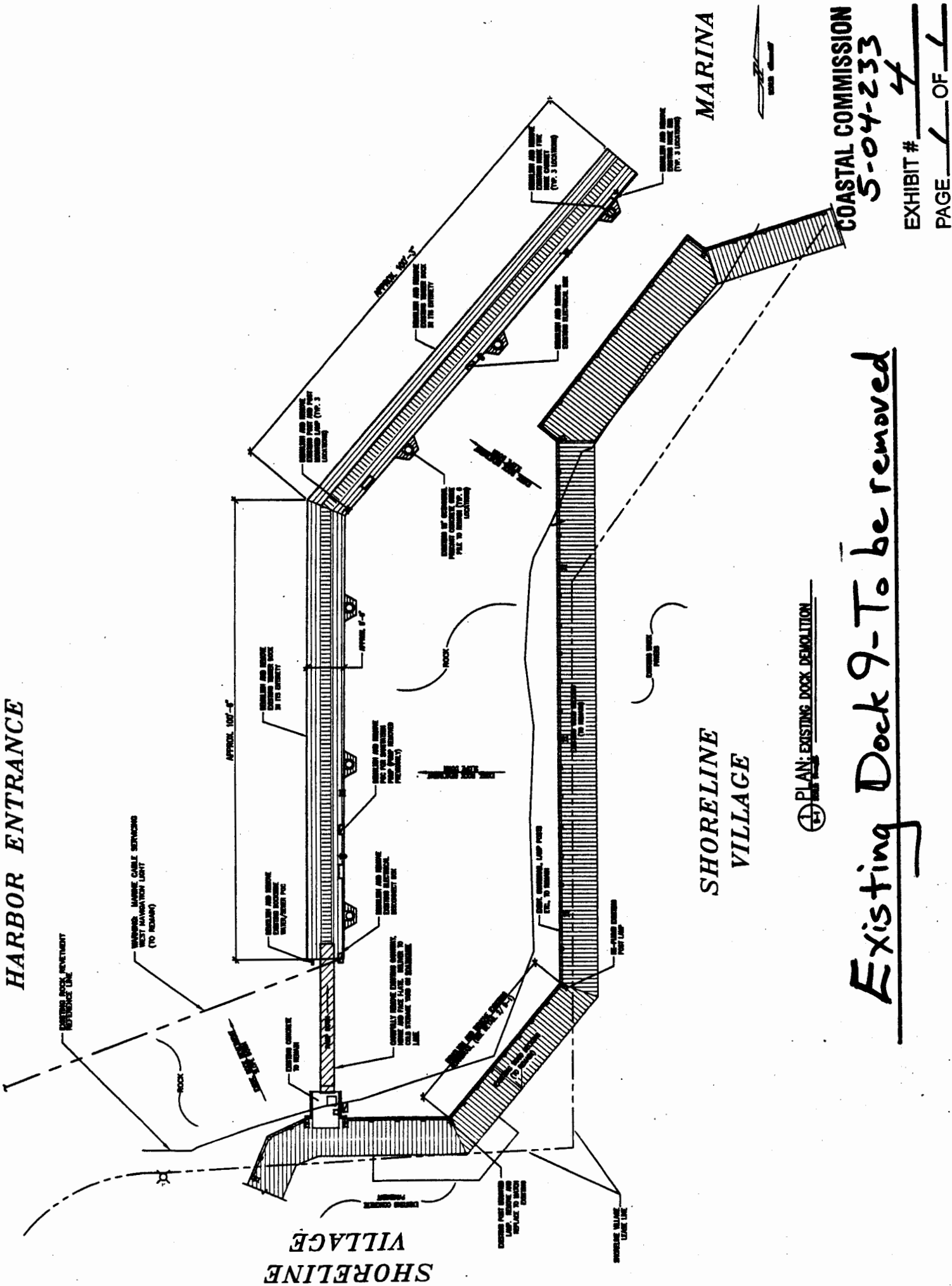
Proposed Project



COASTAL COMMISSION
 5-04-233
 EXHIBIT # 3
 PAGE 1 OF 1



HARBOR ENTRANCE



MARINA

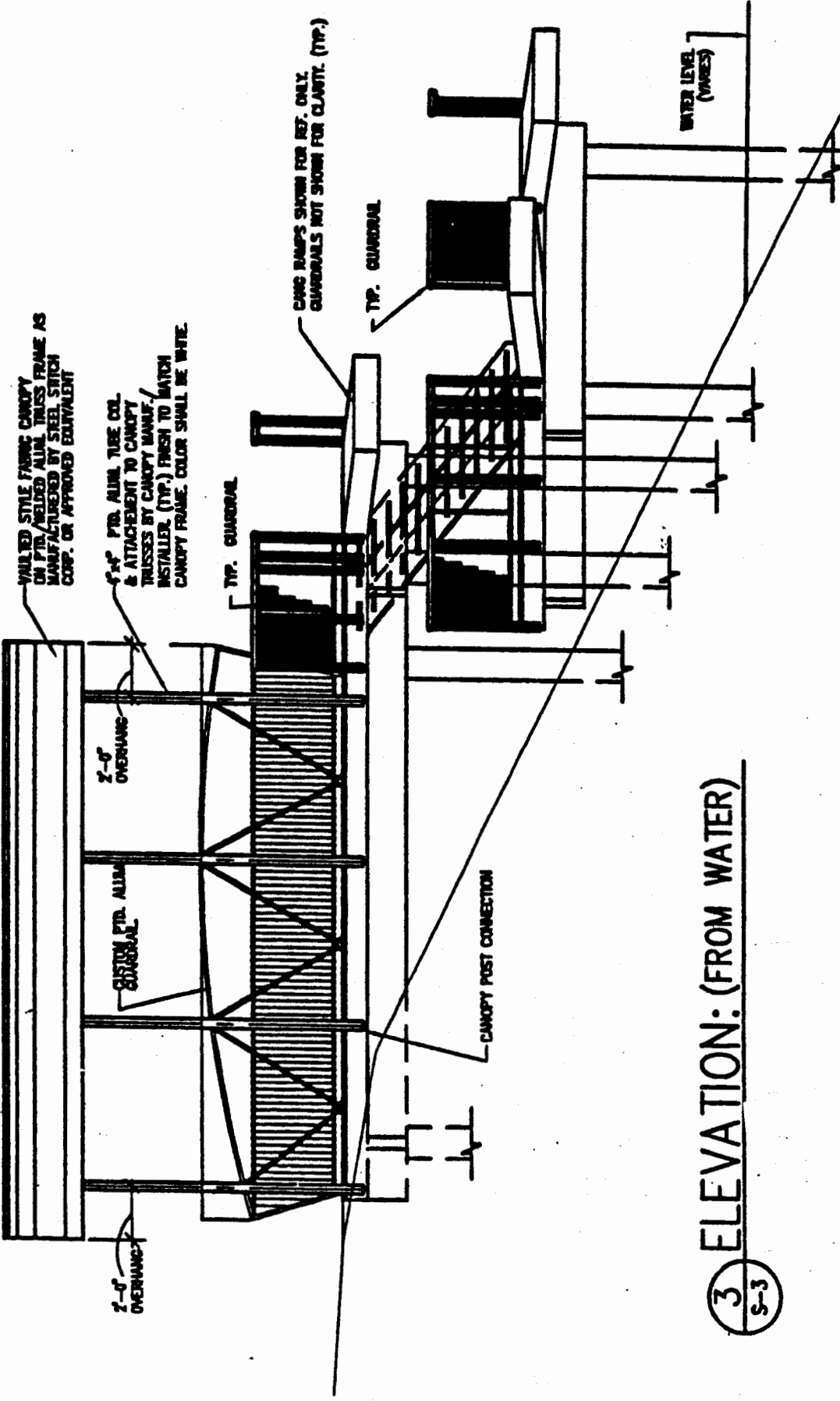
SHORELINE VILLAGE

COASTAL COMMISSION
5-04-233

EXHIBIT # 4
PAGE 1 OF 1

PLAN: EXISTING DOCK DEMOLITION

Existing Dock 9-To be removed



3
5-3
ELEVATION: (FROM WATER)

Proposed Ramp & Canopy - Docks 9


COASTAL COMMISSION
5-04-233

EXHIBIT # 6
PAGE 1 OF 1

Memorandum

To : Mr. Charles R. Posner Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Date: August 31, 2004

From : **ERIC J. LARSON** 
Ecosystem Coordinator
Marine Region- Belmont

SEP 03 2004

Subject: City of Long Beach Dock 9 Project, Coastal Application (CDP) No. 5-04-233

Department of Fish and Game (Department) staff have reviewed the project description for the City of Long Beach's Dock 9 Replacement Project, located in Rainbow Harbor, City of Long Beach. The proposed project would demolish an old timber dock and replace it with a new concrete dock system which would include ADA access. The new dock would consist of a 216-foot long by 15-foot wide concrete dock in two sections supported by 11 new piles, four fixed timber platforms (varying sizes), four new aluminum gangways (varying lengths), two sets of timber stairs, three aluminum ladders, an aluminum framed canopy, and new utilities. A total of 25 concrete piles, 11 new piles to position the concrete dock (six already exist) and 14 new piles to support the new access platforms, will be driven by jetting. The new design of the dock will result in approximately 1,500 square feet of additional floating structures in the water. An eelgrass (*Zostera marina*) habitat and invasive green algae, *Caulerpa taxifolia* survey was conducted on August 10, 2004. The study did not find either species within the project vicinity.

The Department is charged with protecting and managing the public's fish and wildlife resources of the State. As a "trustee agency" for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species. In this capacity, the Department administers the California Endangered Species Act, the Native Plant Protection Act, and other provisions of the California fish and Game Code that afford protection to the State's fish and wildlife public trust resources. The Department has the following comments concerning the proposed project:

Structures, docks and piers, have the potential to impact and modify the marine environment. There is a permanent loss of bottom habitat from the fill used to install the structure, such as pilings. The structures themselves cover a portion of the water column resulting in the loss of foraging habitat for sight foraging marine birds. Additionally, structures may shade marine plants such as eelgrass, as well as and algae and benthic invertebrates. Materials used to construct structures may have impacts to water quality, such as creosote-treated wood products. The function of the structure may also result in additional water quality impact, for

COASTAL COMMISSION
5-04-233

EXHIBIT # 7
PAGE 1 OF 3

example runoff from piers, docks, and platforms. In addition to the structures themselves, construction activities associated with structures also impact the marine environment.

The proposed project is a dock renovation, thus the majority of impacts associated with a dock project currently exist. The additional pilings will result in a loss of benthic habitat, however, the habitat un-vegetated, and the loss would likely be short-term, as different organisms would re-colonize the concrete pilings. The new dock design will increase coverage of open waters, but this increase is minimal and will not impact any eelgrass habitat. Four timber platforms will be installed to support the gangways and for ADA access. The platforms will not be creosote treated wood, rather they will be preservative pressure treated for salt water usage in accordance with specifications of the American Wood Preservation Association. The Department does not recommend the use of pressure treated woods such as chromated copper arsenate, ammoniacal copper zinc arsenate, and ammoniacal copper arsenate in waters of the state as there is a potential for these materials to leach into the water and cause harm to fish, plants, and/or birds in violation of Fish and Game Code section 5650. However, it is our understanding that the timber platforms will not come in any contact with marine waters as the lowest platform is at an elevation of +8.50 feet, and the highest recorded tide in Long Beach is +7.54 feet. (T. Stofferahn, personal communication).

The Department does have some concerns with the demolition and construction aspects of the project. Construction activities associated with the proposed project have the potential to impact water quality and marine species. Surface turbidity, from demolition and driving activities, decreases light penetration resulting in decreased photosynthesis by phytoplankton, and marine plants. Prolonged turbidity can clog the apparatuses of filter feeding invertebrates and the gills of fish. Turbidity also reduces the ability of sight foraging birds, such as the federally and state endangered and state fully-protected California least tern and brown pelican, to successfully capture prey items (both species may forage in the project vicinity). There is also the potential for portions of the old timber pier to end up on the seafloor.

To minimize these impacts, we recommend the project proponent take precautions (best management practices) to prevent impacts to water quality and marine species, including placement of silt curtains around the work area, placement of a debris boom to catch construction debris, and retrieval of any construction debris from the seafloor. We also suggest a post construction survey be conducted to ensure that all debris has been removed from the seafloor.

The Department believes that the proposed project, as currently described, would not have a significant adverse effect on existing marine resources and habitats within the area provided the applicant implements best management practices to avoid demolition and construction-related impacts to marine resources. The Department reserves the right to modify or change the above determination.

Mr. Charles R. Posner
August 31, 2004
Page Three

based on additional findings or other pertinent information concerning the above mentioned project.

We thank you for the opportunity to express our concerns. Should you have any questions, comments, or concerns, please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty, Marine Region, San Diego

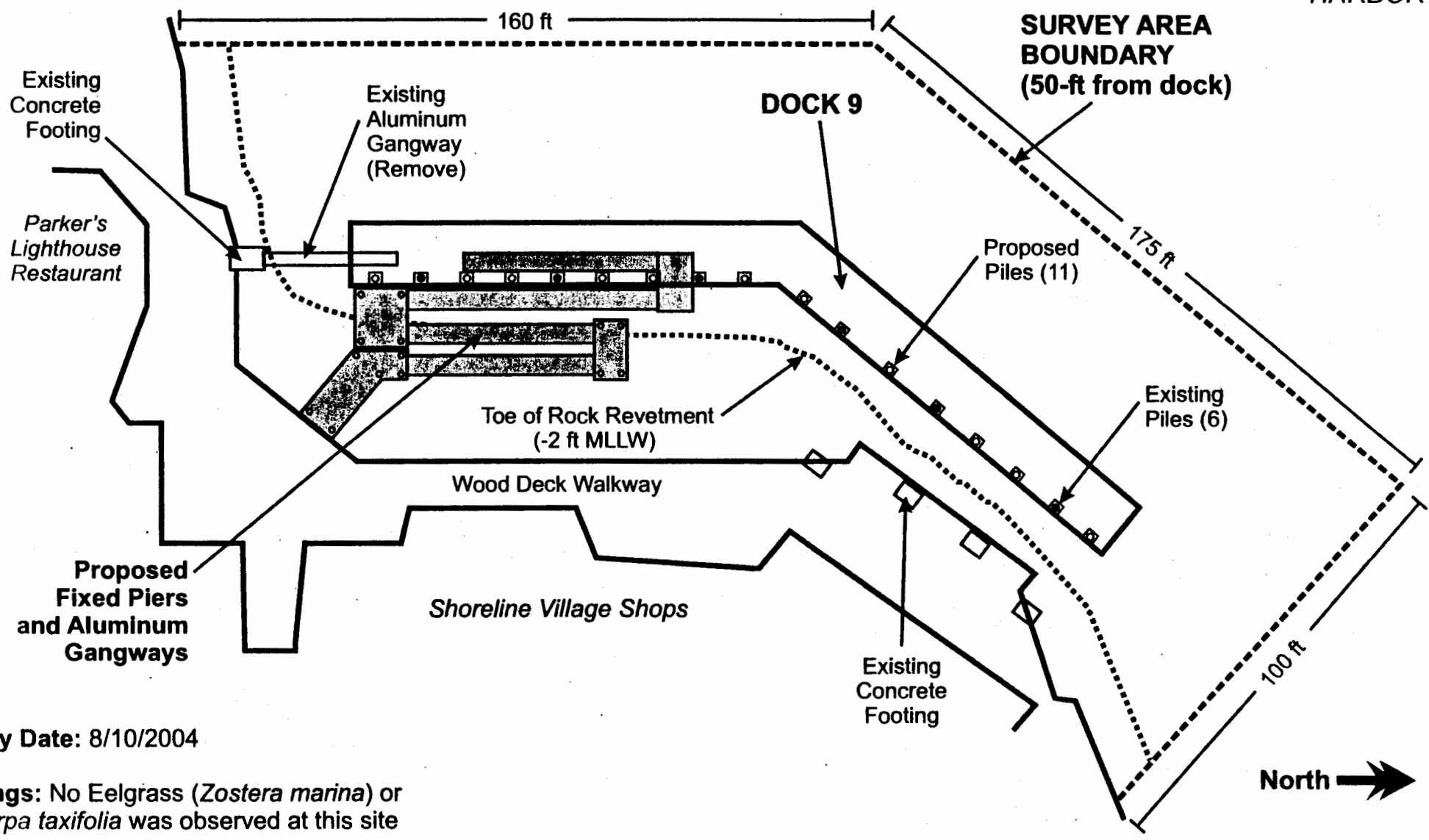
Mr. Bob Hoffman, NOAA Fisheries
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Ms. Tracy Stofferahn, Tetra Tech, Inc.,
401 East Ocean Blvd Suite 810
Long Beach, CA 90802

COASTAL COMMISSION
5-04-233
EXHIBIT # 7
PAGE 3 OF 3

Harbor Entrance

RAINBOW HARBOR



Survey Date: 8/10/2004

Findings: No Eelgrass (*Zostera marina*) or *Caulerpa taxifolia* was observed at this site



Tetra Tech, Inc.
 ENGINEERS ARCHITECTS SCIENTISTS
 401 East Ocean Blvd., Suite 810
 Long Beach, California 90802
 Ph. (562) 495-0495 fax (562) 495-5029

Site Plan
Eelgrass & *Caulerpa taxifolia* Survey

Dock 9, Rainbow Harbor
Long Beach, California

COASTAL COMMISSION
5-04-233

EXHIBIT # 8
 PAGE 1 OF 1