

CALIFORNIA COASTAL COMMISSION

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

Filed: 1/29/2004
 49th Day: 3/18/2004
 180th Day: 7/27/2004
 Staff: CP-LB
 Staff Report: 2/25/2004
 Hearing Date: March 17, 2004
 Commission Action:

**W4a****STAFF REPORT: CONSENT CALENDAR****RECORD PACKET COPY****APPLICATION NUMBER:** 5-03-062**APPLICANT:** City of Long Beach Department of Parks & Recreation**AGENT:** Mark A. Sandoval, Manager, Marinas and Beaches**PROJECT LOCATION:** 205 Marina Drive (Alamitos Bay Marina Berths 1-3), City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Renovate and convert three single floating commercial recreation docks to one long dock (447'x 8.5') using 13 new concrete piles and the three existing piers and gangways.**LOCAL APPROVAL:** Long Beach Planning Dept. Approval in Concept, 2/11/2003.**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 Vlg. Long Dock)
3. California Regional Water Quality Control Board Section 401 Certification, File No. 01-078, 9/24/2001 & 11/19/2003.
4. U.S. Army Corps of Engineers Permit Application, Project No. 2001-01333-JLB.
5. Eel Grass & Caulerpa Surveys by the City of Long Beach Fire Dept., 6/27/2001, 7/15/2001, 8/8/2002 & 6/5/2003.

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 recreational 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. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity.
- E. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- F. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- G. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into Alamitos Bay and a pre-construction meeting to review procedural and BMP guidelines.
- H. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. Best Management Practices (BMP) Program

By acceptance of this permit, the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

A. Boat Cleaning and Maintenance Measures:

- 1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
- 2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as

phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.

3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

B. Solid and Liquid Waste Management Measures:

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

C. Petroleum Control Management Measures:

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

4. Public Access To and Along the Waterway

The applicant and the 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. Eelgrass Survey

The applicant shall satisfy the following requirements:

- A. Pre Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an

amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. **Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the renovation and enlargement of three existing docks and piers in southeast Long Beach (Berth Nos. 1-3: Exhibit #3). One 447-foot long dock would be created by attaching three new 48.5-foot long floating dock sections to the three existing dock floats (Exhibit #4). The proposed 447'x 8.5' dock would be secured by the three existing concrete piers and thirteen new eighteen-inch diameter concrete piles, displacing approximately twenty square feet of sandy subtidal bottom habitat (Exhibit #5). The shoreline in the project area is comprised of imported rocks, and the City maintains a strip of ivy and turf above the rocks and the high water line.

The proposed project is in Alamitos Bay, near the marina entrance channel and the Seaport Village shopping center (Exhibit #2). The three existing City-owned docks are leased to commercial recreational boating concessions, including whale watching excursions, scenic tours and boat rentals (Exhibit #6). The City has not proposed any change in dock use as part of this permit application. The nearby Alamitos May Marina public parking lots provide the parking supply for the concessions that operate from Berth Nos. 1-3 (Exhibit #3). The City maintains a public transient mooring dock at the Seaport Village shopping center, about five hundred feet south of the proposed project (Exhibit #3).

The City of Long Beach Fire Department has surveyed the project site each of the past three years (6/27/2001, 7/15/2001, 8/8/2002 & 6/5/2003) to determine if any eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) exists. Each survey determined that no eelgrass

or noxious algae were present. The proposed project has received an "Approval in Concept" stamp from the City of Long Beach Planning Department and the City of Long Beach Marine Bureau. The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 01-078), and a preliminary approval from the U.S. Army Corps of Engineers (Project No. 2001-01333-JLB).

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

The public currently has unrestricted access to the rocky 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

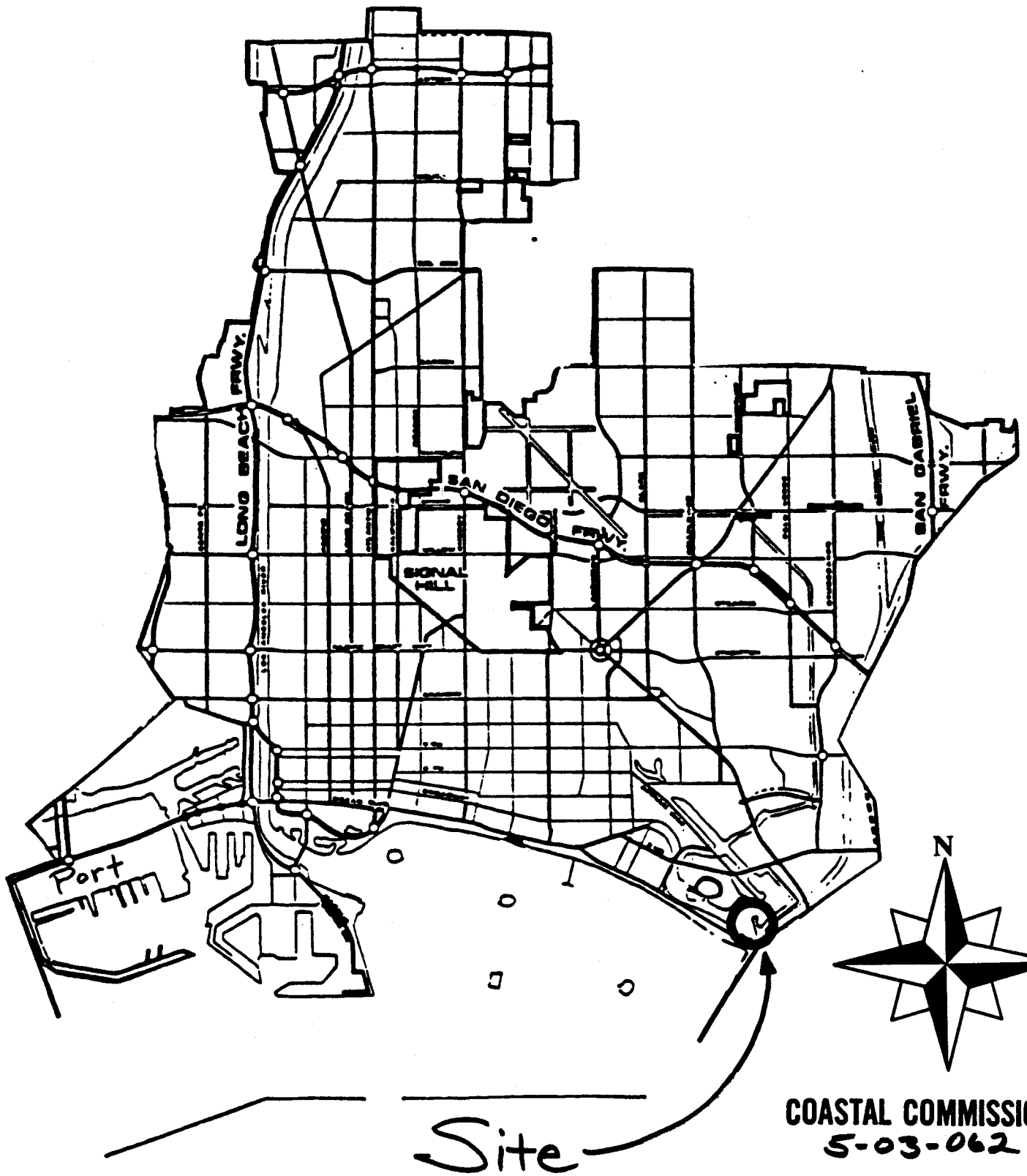
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach 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.

End/cp

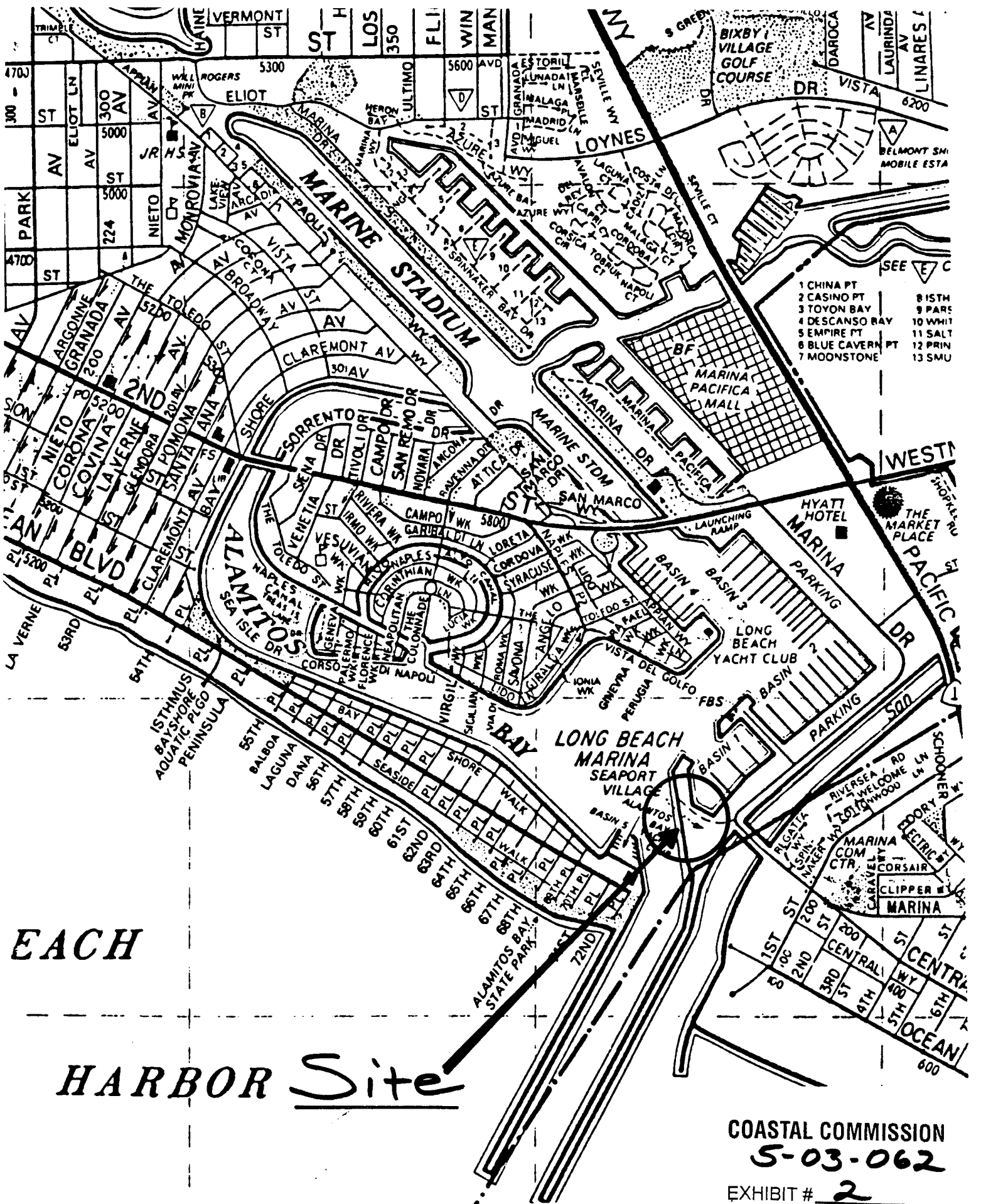
City of Long Beach



COASTAL COMMISSION
5-03-062

EXHIBIT # 1

PAGE 1 OF 1

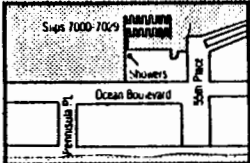


See Exhibit #3

NOR



BASIN #7



ALAMITOS BAY

VISITING VESSELS MUST CHECK IN TO MARINE HEADQUARTERS FOR GUEST ASSIGNMENTS.

Fueling Dock

Little Ships Fleet

Marine Bureau
Harbour Masters Dock

Berth #1
Berth #2
Berth #3

Boat Owners Shower & Restrooms

Seaport Village

North Long Dock

South Long

Seaport Village Parking

RIVER

Marina Drive

Site:
Berths 1-3

Public Mooring (5-93-145)

Public Restrooms/
Public Telephones
Boat Owners
Showers &
Restrooms/
Public Telephones
Restaurant

Studebaker Road

Seal Beach Yacht Club

Public Telephones

Marina Bazaar Building

Boat Owners
Showers & Restrooms/
Public Telephones

Ice House

Boat Owners
Showers & Restrooms/
Public Telephones

Boat Owners
Showers & Restrooms/
Public Telephones

General Marina Rules

CALIFORNIA
COASTAL COMMISSION

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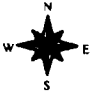
North

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5-03-062

EXHIBIT # 3

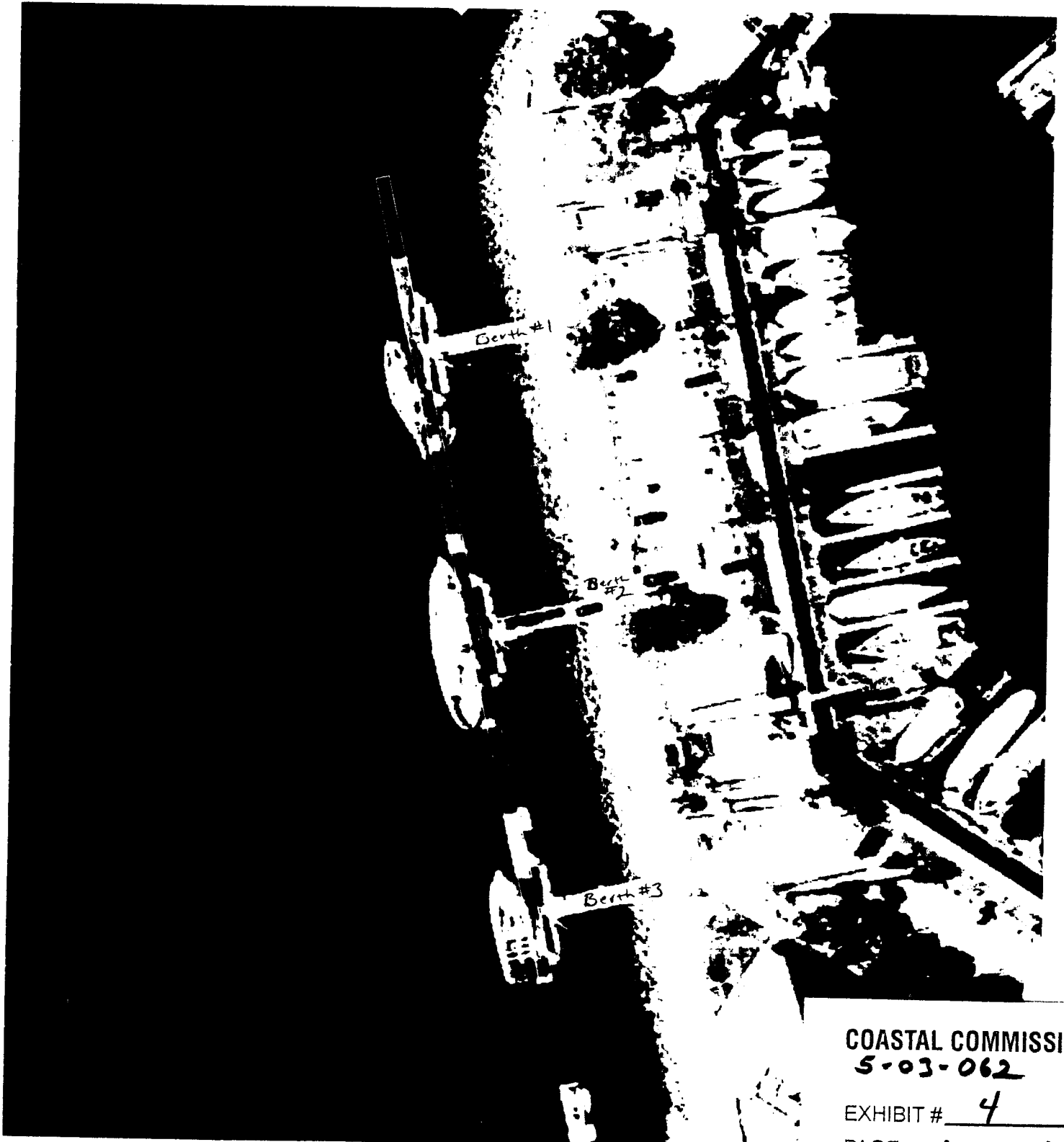
PAGE 1 OF 1

City of Long Beach
Department of Parks, Recreation, and Marine
Marine Bureau



Alamitos Bay Marina Berths 1, 2, and 3 Expansion
Proposed Project Area Outlined in Yellow: 0.094 acre.

0 20 40 60 80 Feet

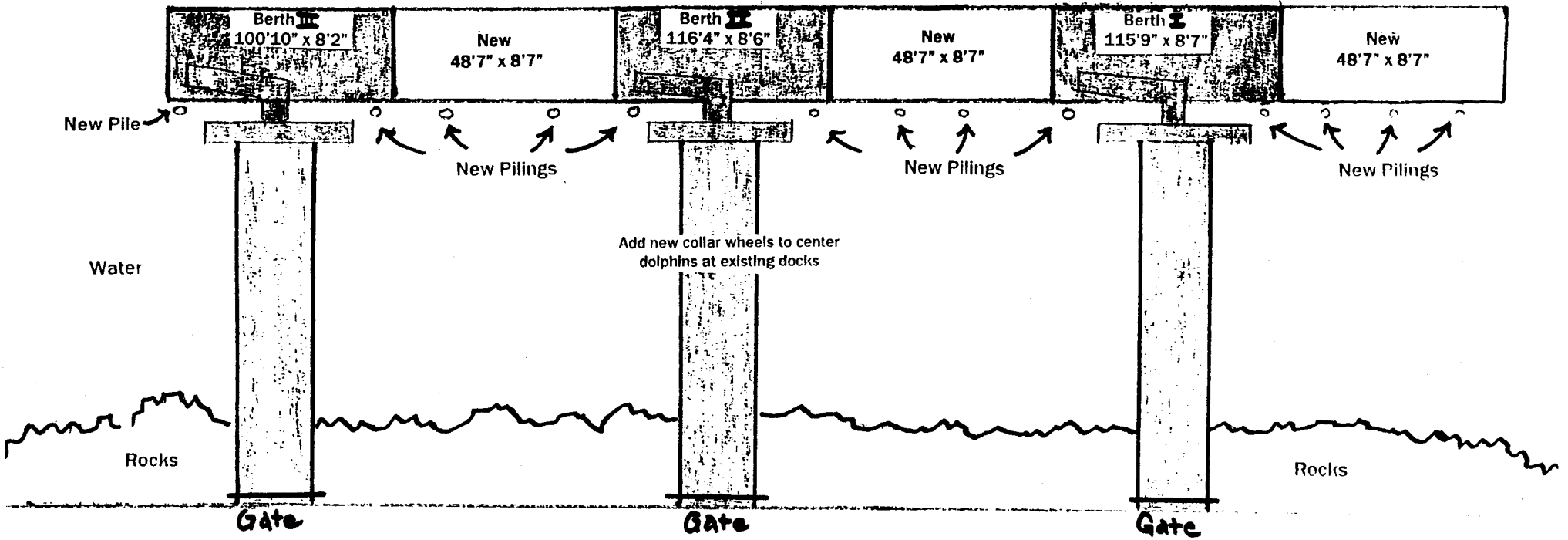


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5-03-062

EXHIBIT # 4

PAGE 1 OF 1

UPGRADE 3 EXISTING DOCKS (BERTHS 1,2 &3)
EXPAND AND CONVERT 3 SINGLE DOCKS INTO 1 LONG DOCK



Grass - Turf

Street

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5-03-062

EXHIBIT # 5
PAGE 1 OF 1 Street



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION, AND MARINE

205 Marina Dr. | Long Beach, CA 90803 | 562-570-3215 FAX 562-570-3247

MARINE BUREAU

April 17, 2003

Mr. Charles Posner
Coastal Program Analyst
California Coastal Commission
200 OceanGate, Suite #1000
Long Beach CA 90802-4302

Re: Application No. 5-03-062

Dear Mr. Posner:

The following additional information is provided as requested in your letter dated March 14, 2003, to complete Coastal Development Permit Amendment Application referenced above.

1. These docks have been used to berth commercial vessels to operate public recreational activities. Water opportunities to the public include whale watching, student educational trips, scenic tours and small vessel rental. These docks are used as permanent docking areas. All uses are by commercial operators.
2. The use of the dock will not change. Requested plans are attached.
3. Caulerpa and eel grass underwater surveys conducted and researched by City of Long Beach, Marine Safety Division have reported that no caulerpa or eel grass was found. The survey also stated that the water in that area is too deep to support such growth. No known displacement of bottom habitat would occur.

Water jetting would provide a natural tidal action that would bring the sand back around the pile. Any living organisms would go where the tide takes them naturally and then settle. The mitigation would be natural. The existing piles that will remain are now full of mussels and other small living marine organisms. The new piles will naturally draw new mussels and living marine organisms that will provide more mitigation than prior to the construction. The mitigation from living marine organisms would form on each of the 13 new piles from the bay bottom to the mean tide.

4. The removal and installation will be by barge-based equipment. No creosote-treated wood will be used. Timber and plywood shall be cut and treated with preservative prior to installation. Copper naphthanate will be used as a preservative. The docks and decking will be all wood and the pilings will be all concrete. No silt is involved and no discharge of any material will be in the water. The fall out from pile driving will not silt the area. Please see answer to question number 3 for additional information on environmental issues.

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South Coast Region

APR 18 2003

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5-03-062

EXHIBIT # 6

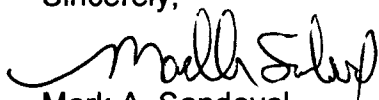
PAGE 1 OF 3

April 17, 2003

5. A copy of the application is attached. As soon as we receive the final permit we will forward a copy to you.
6. Cross-Linked Polyethylene Pontoons (see attachment) are preferred. This is the only part of this project that involves plastic. Cement floats are not being considered because the new sections will be incorporated into existing wood docks.

Please do not hesitate to give me a call if you have any questions or need additional information.

Sincerely,



Mark A. Sandoval
Manager, Marine Bureau

Attachments

MAS:bjg

dock response.doc

COASTAL COMMISSION

5-03-062

EXHIBIT # 6

PAGE 2 OF 3

City of Long Beach
Department of Parks, Recreation & Marine
Marine Bureau
ALAMITOS BAY MARINA
205 Marine Drive

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BERTH 1, 2 & 3 EXPANSION PROJECT

Legal Description: Aessors ID No. 7242014900, Tract No. 1077, M.B. 18 – 195. Tidelands Survey No. 106 IN T. r S., R. 12 w.

Owner: City of Long Beach. Per the City Attorney, letter attached, this ownership is pursuant to grants from the State of California including but not limited to the Statutes 1911, Chapter 675; Statutes 1925, Chapter 102; Statutes 1935, Chapter 158; and Statutes 1959, Chapter 1560.

Specifications:

Lumber: All lumber unless otherwise noted shall be No. 1 Grade Douglas Fir or better, provided there are no loose knots or other defects.

Lumber Treatment: All lumber to be pressure treated with a water-borne preservative (ACZA) and Spec. C2, 0.60#CF of water retention in accordance with the applicable standards contained in the American Wood Preserver's Association Manual (AWPA), as mentioned in Section 204 of the Standard Specification for Public Works Construction.

Hardware: All ferrous metal shall be hot dip galvanized after fabrication 2oz./sq. ft. All bolts shall be accompanied by galvanized washers at each end adjacent to any wood member. Bolt heads and nuts shall not bear on wood surfaces.

These dock structure shall be constructed in accordance with current City Plans and Specifications for Construction of Waterfront Structures in the Long Beach Marina Area (#R-4858, Revised)

Attached:

Assessor's Map
Vicinity Map
Alamitos Bay Marina Map
Long Beach Marine Safety Eel Grass, Caulerpa and longitude and latitude survey.
Categorical Exemption

COASTAL COMMISSION
5-03-062

EXHIBIT # 6
PAGE 3 OF 3