

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
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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:

**W4b****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-03-485**RECORD PACKET COPY****APPLICANT:** Arlen Diamond Trust**AGENT:** Peter Swift, Swift Slip Dock & Pier Builders**PROJECT LOCATION:** 5635 Sorrento Drive, Naples Island/Alamitos Bay, City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Add to existing private L-shaped dock to create a U-shaped dock using one new pile, replace gangway, and renovate existing pier.**LOCAL APPROVALS:** Long Beach Planning Dept. Approval in Concept, 11/7/2003.
Long Beach Marine Bureau Approval in Concept, 11/3/2003.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Coastal Development Permit 5-02-048 (Kober - 5615 Sorrento Dr.)
3. California Regional Water Quality Control Board Section 401 Certification, File No. 03-177, 12/23/2003.
4. U.S. Army Corps of Engineers Permit Application, Project No. 200400304-KW.
5. Eel Grass & Caulerpa Survey by Rick Anderson, 1/27/2004.

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 is for boating related uses only. No boat baths or other type of permanent development is permitted to occupy the boat docking area between the dock fingers. 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 and use of the public walkway and stairway that exist along the west side of the site. Except for the temporary disruptions that will occur during the completion of the permitted development, the applicant shall not interfere with public access along the shoreline located seaward of the existing seawall and the private property.

5. Eelgrass Survey

If the approved development has commenced prior to February 28, 2005, the Eel Grass & Caulerpa Survey by Rick Anderson dated January 27, 2004 shall satisfy the requirements of this condition. If the approved development has not commenced prior to February 28, 2005, 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 a renovation and addition to an existing residential boat dock and pier on Naples Island in southeast Long Beach (Exhibit #2). The proposed project is in Alamitos Bay, situated between an existing single-family residence and the City Pierhead Line (Exhibit #4). The proposed dock and pier are associated with the adjacent single family home and are for boating recreation purposes only. An existing seawall on the applicant's seaward property line supports the land on which the applicant's house exists. The area situated on the seaward side of the existing seawall is an intertidal mudflat as the bay waters reach the bottom of the existing seawall during high tides.

The existing pier, which provides access from the private property to the gangway and floating dock in the bay, would be re-decked and renovated (Exhibit #4). The existing gangway would be replaced with a new gangway. A new dock finger would be added to the existing L-shaped floating dock to create a U-shaped dock. One new 14-inch pile would be installed, and one existing 14-inch pile would be removed and relocated in order to secure the reconfigured floating dock (Exhibit #4).

On behalf of the applicant, Rick Anderson surveyed the project site on January 27, 2004 to determine if any eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) exists. The 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, and is in the process of applying for a permit from the U.S. Army Corps of Engineers.

The proposed project will not interfere with the public's use of the ten-foot wide public accessway that provides access to the shoreline along the west side of the house where the proposed development would occur (Exhibit #3). Except for the temporary disruptions that will occur during the completion of the permitted development, the applicant shall not interfere with public access along the shoreline located seaward of the existing seawall and the private property.

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

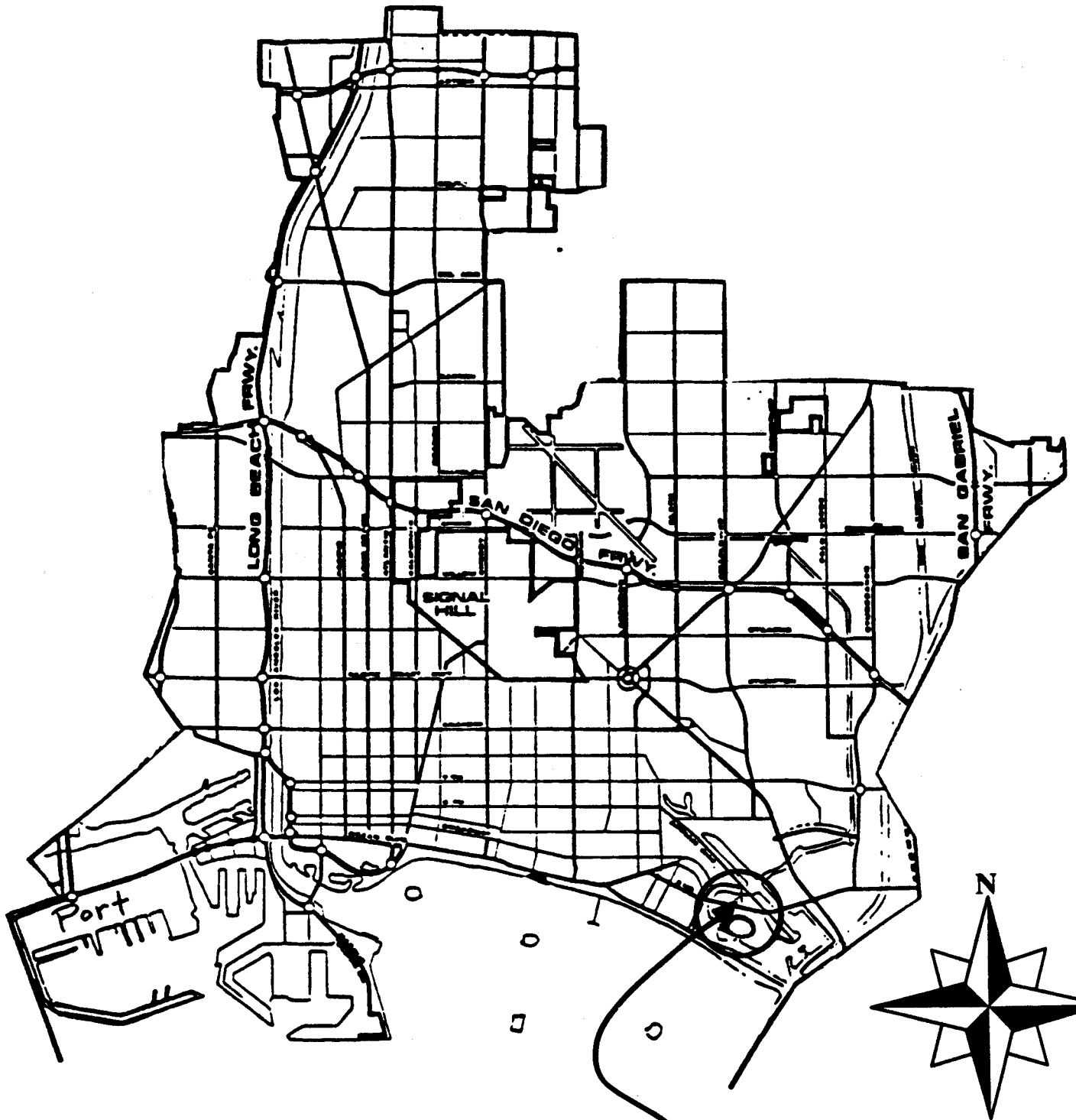
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach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

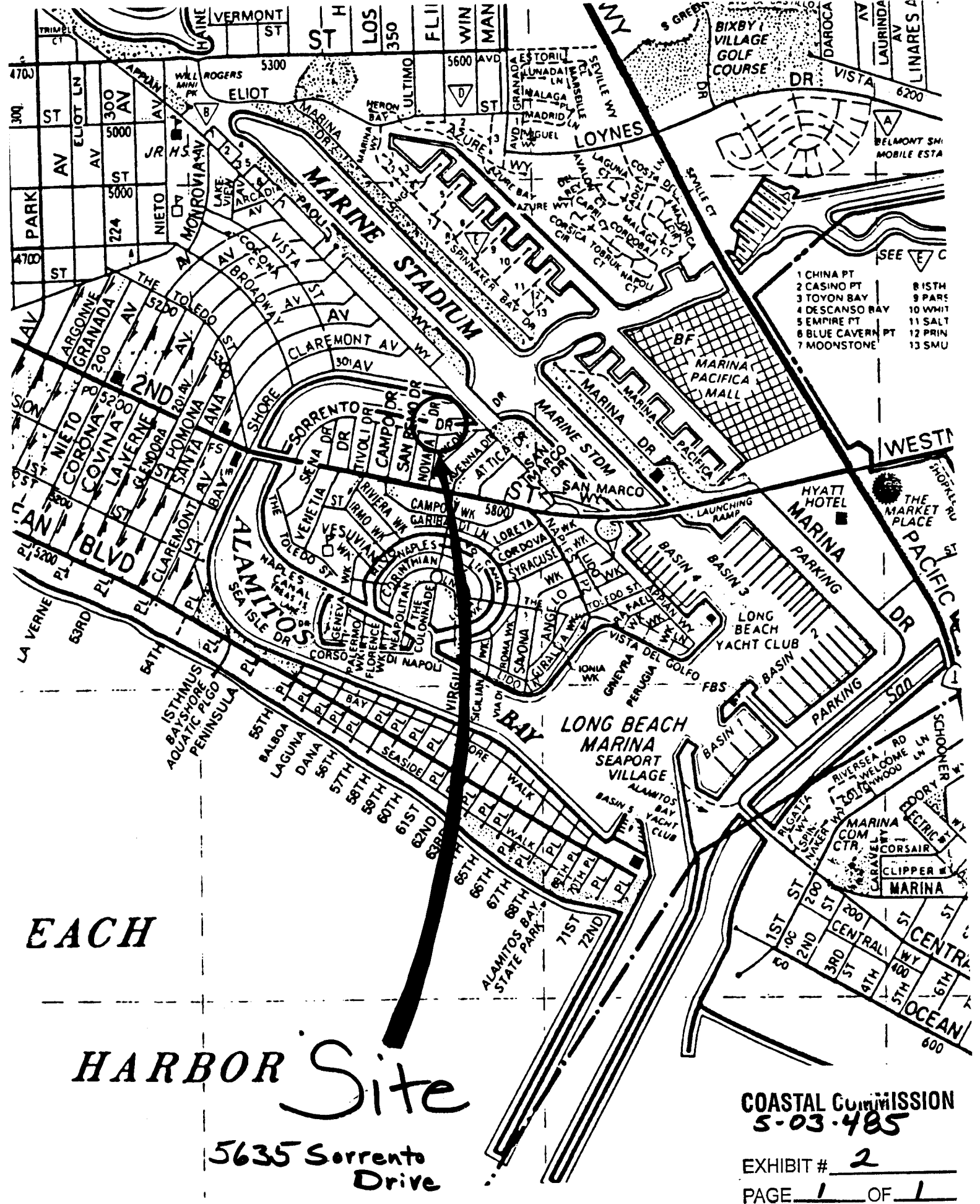
City of Long Beach



Site

COASTAL COMMISSION
5-03-485

EXHIBIT # 1
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- | | |
|------------------|---------|
| 1 CHINA PT | 8 5TH |
| 2 CASINO PT | 9 PARS |
| 3 TOYON BAY | 10 WHIT |
| 4 DESCANSO BAY | 11 SALT |
| 5 EMPIRE PT | 12 PRIN |
| 6 BLUE CAVERN PT | 13 SMU |
| 7 MOONSTONE | |

EACH

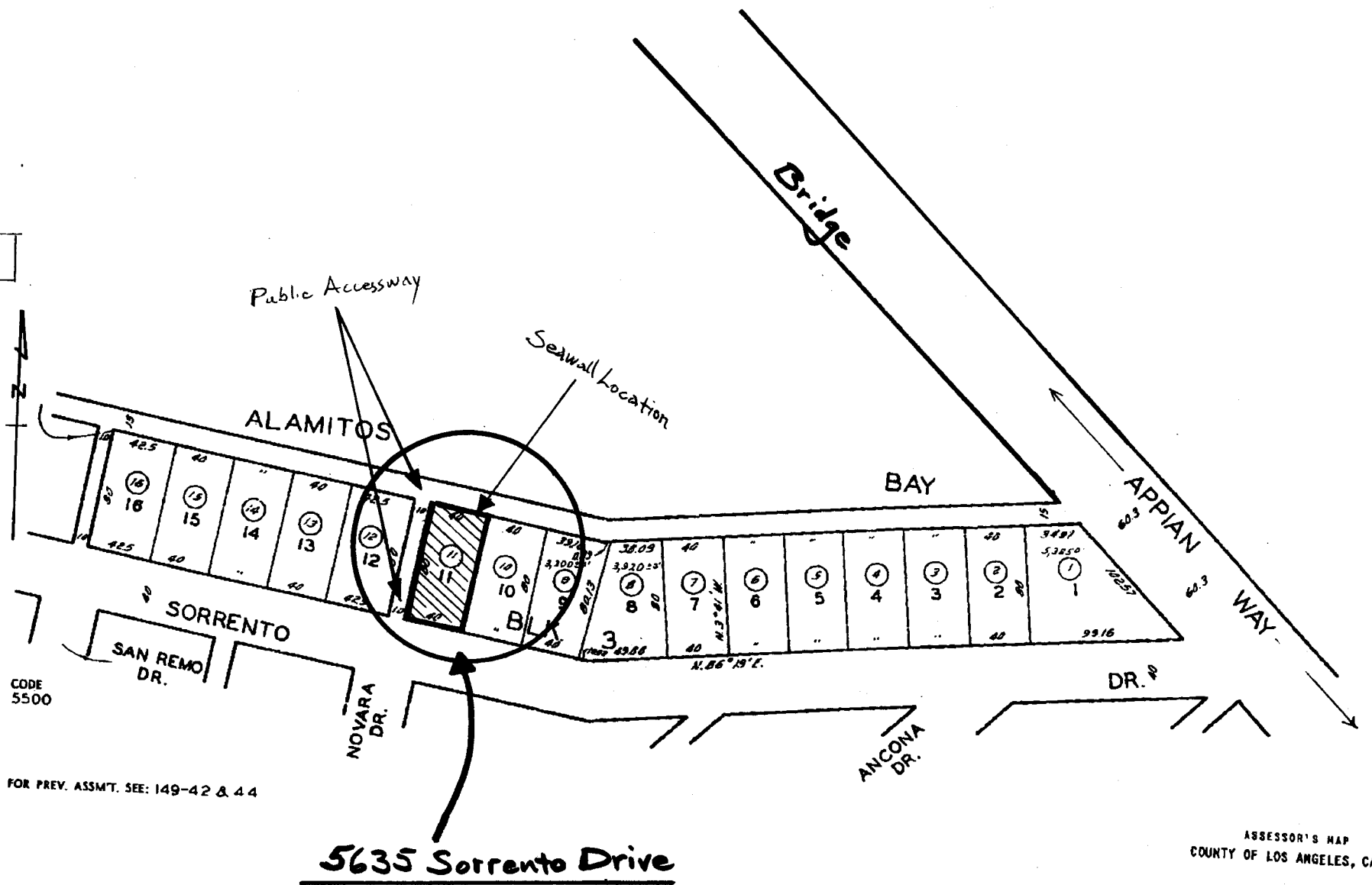
HARBOR Site

5635 Sorrento Drive

COASTAL Commission
5-03-485

EXHIBIT # 2
PAGE 1 OF 1

7244 | 7



CODE 5500

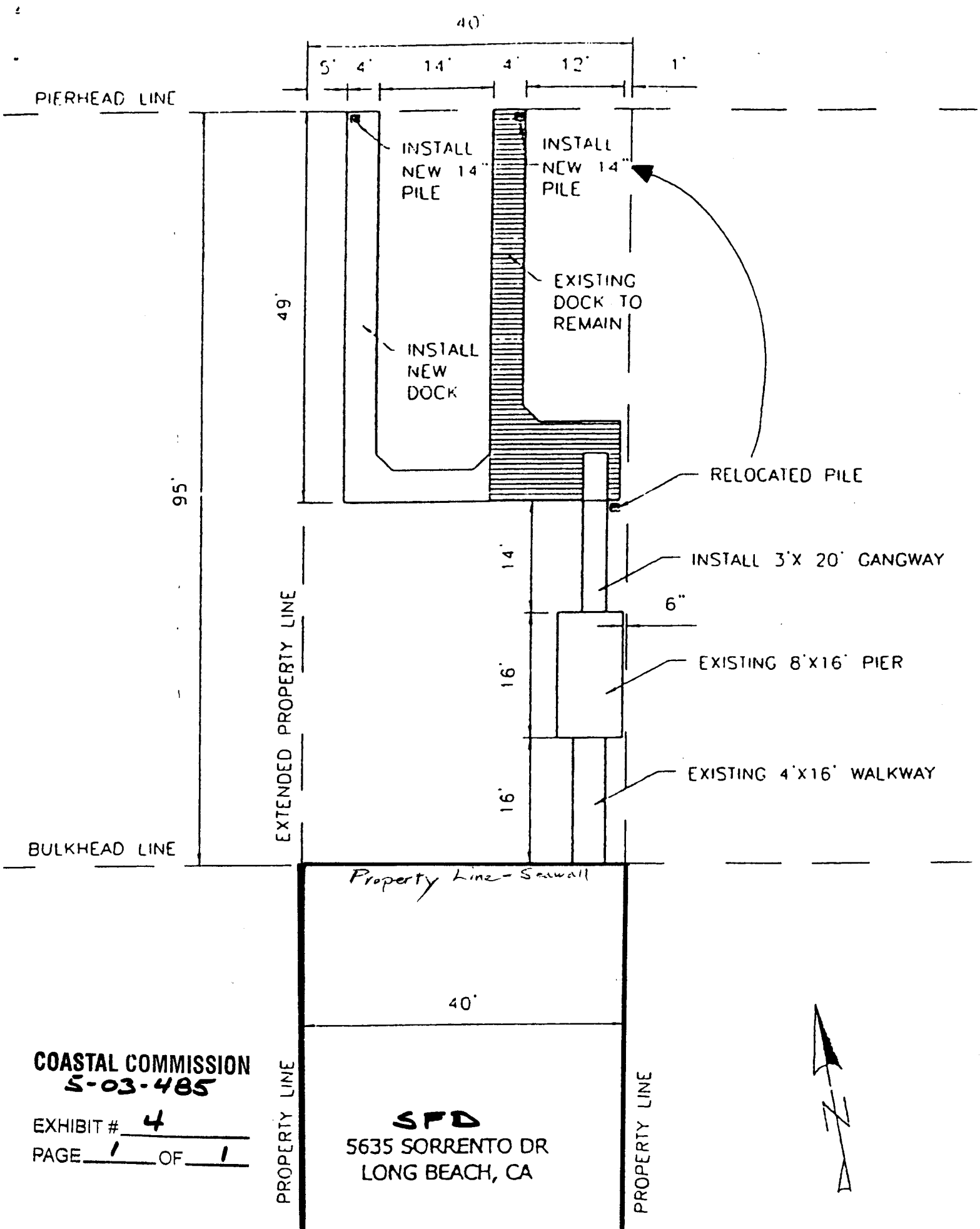
FOR PREV. ASSMT. SEE: 149-42 & 44

5635 Sorrento Drive

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CAL

COASTAL COMMISSION
5-03-485

EXHIBIT # 3
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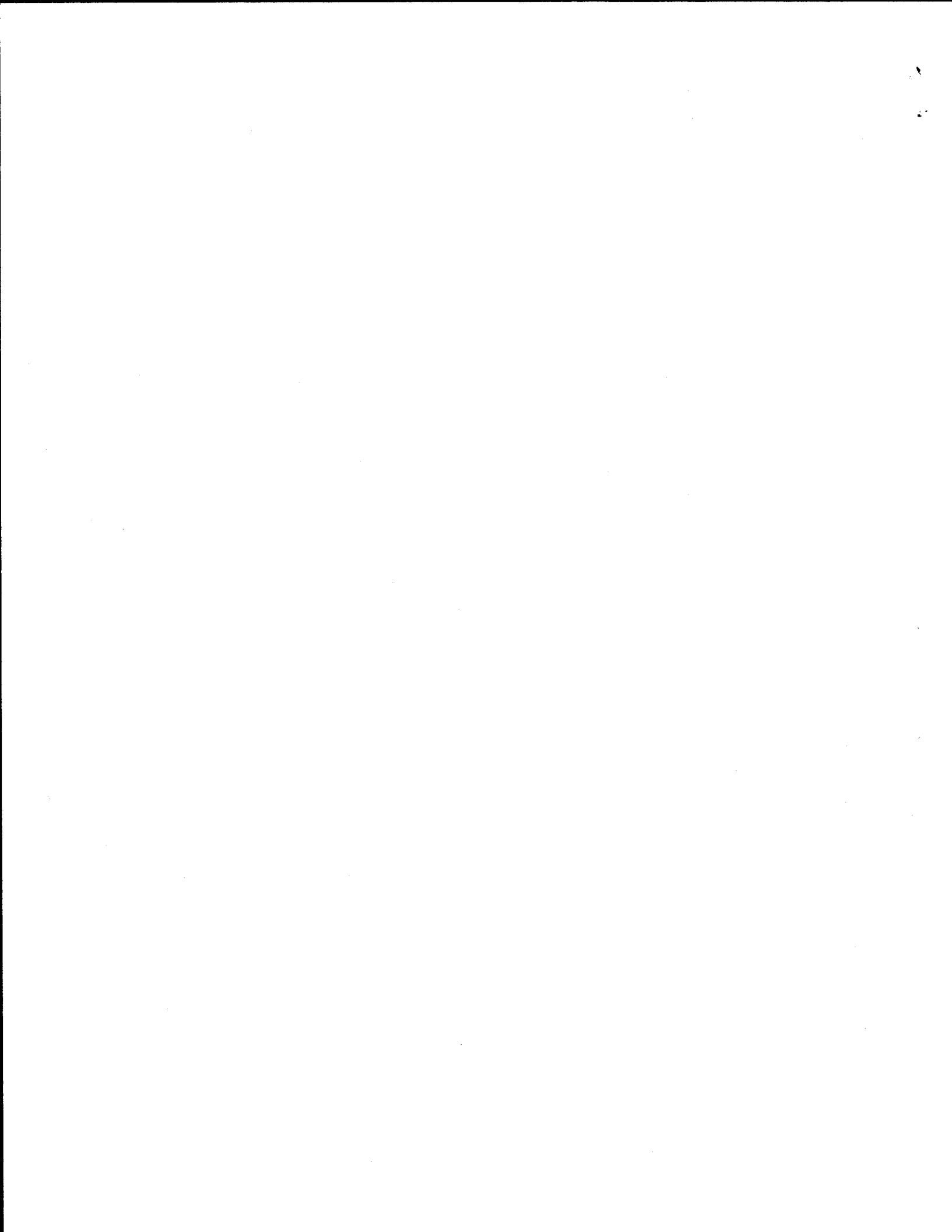


COASTAL COMMISSION
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EXHIBIT # 4
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SFD
5635 SORRENTO DR
LONG BEACH, CA





CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA

SOUTH CALIFORNIA ST., SUITE 200

MANTUA, CA 93001

(805) 585-1800



RECORD PACKET COPY

DATE: February 26, 2004

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director

SUBJECT: **Santa Barbara Co. LCP Amendment No. MAJ-2-03 (Second Unit Ordinance)** Time Extension to be heard at the March 17, 2004, Commission Hearing in Monterey.

On December 31, 2003, the County of Santa Barbara submitted an amendment to the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP). The amendment proposes to amend its LCP to revise the existing regulations regarding the permitting and appeal procedures for residential second units, Santa Barbara County. On January 15, 2004, the Executive Director determined that the County's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b).

Pursuant to Section 30513 of the Coastal Act, an amendment to the certified LRDP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal is April 14, 2004. In order to be heard within this time frame, the amendment would have to be scheduled for the Commission's March 17-19, 2004 meeting.

Coastal Act Section 30517 and California Code of Regulations Section 13535 (c) state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. Commission staff is requesting an extension to the 90-day time limit in order to adequately review and analyze the amendment. Therefore, staff recommends that the Commission extend the 90-day time limit to act on the County of Santa Barbara LCP Amendment No. MAJ-2-03 for a period not to exceed one year. Staff anticipates bringing this matter to the Commission's June 2004 hearing.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for up to one year.

MOTION: *I move that the Commission extend the 90-day time limit to act on the County of Santa Barbara LCP Amendment No. MAJ-2-03 for a period not to exceed one year.*

RECOMMENDATION: Staff recommends a **YES** vote. An affirmative vote of a majority of the Commission present is needed to pass the motion.



CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

**RECORD PACKET COPY**

DATE: February 26, 2004

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director

SUBJECT: **UCSB Long Range Development Plan Amendment 2-03** (Campus Parking Structure) Time Extension for March 17, 2004, Commission Hearing in Monterey.

On November 3, 2003, the University of California at Santa Barbara submitted an amendment to the its certified Long Range Development Plan (LRDP). The amendment proposes to modify specific language in the LRDP to change maximum building height limit for the proposed campus parking structure, on Main Campus at University of California Santa Barbara, Santa Barbara County. On December 21, 2003, the Executive Director determined that the University's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b).

Pursuant to Section 30513 of the Coastal Act, an amendment to the certified LRDP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal is March 20, 2004. In order to be heard within this time frame, the amendment would have to be scheduled for the Commission's March 17-19, 2004 meeting.

Coastal Act Section 30517 and California Code of Regulations Section 13535 (c) state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. Commission staff is requesting an extension to the 90-day time limit in order to adequately research impacts and mitigation. Therefore, staff recommends that the Commission extend the 90-day time limit to act on the University of California, Santa Barbara LRDP Amendment No. 2-03 for a period not to exceed one year. Staff anticipates bringing this matter to the Commission's May 2004 hearing.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for up to one year.

MOTION: *I move that the Commission extend the 90-day time limit to act on the University of California, Santa Barbara Amendment No. 2-03 for a period not to exceed one year.*

RECOMMENDATION: Staff recommends a **YES** vote. An affirmative vote of a majority of the Commission present is needed to pass the motion.

