

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/9/2004
49th Day: 4/27/2004
180th Day: 9/5/2004
Staff: CP-LB
Staff Report: 4/21/2004
Hearing Date: May 14, 2004
Commission Action:



A handwritten signature in black ink, appearing to be "CP", located below the seal.

F5c**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-04-033**APPLICANT:** Roderick Jones**AGENT:** Peter Swift, Swift Slip Dock & Pier Builders**PROJECT LOCATION:** 5507 Sorrento Drive, Naples Island/Alamitos Bay, City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Remove and replace a private residential boat dock, pier and gangway in same location, using seven new 14-inch concrete piles in place of five existing piles.**LOCAL APPROVALS:** Long Beach City Planning Dept. Approval in Concept, 1/29/2004.
Long Beach City Marine Bureau Approval in Concept, 1/29/2004.**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. Coastal Development Permit 5-03-584 (Diamond - 5635 Sorrento Dr.)
4. Coastal Development Permit 5-03-320 (Boiteux - 5469 Sorrento Dr.)
5. U.S. Army Corps of Engineers Permit Application, Project No. 200400734-KW.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions to protect marine resources, water quality, and public access along the shoreline trail (City right-of-way) that exists immediately seaward of the applicant's bay-fronting lot. The applicant agrees with the recommendation. **See Page Two for the 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. 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

- A. 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. 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.
- B. This Commission action does not permit any modifications or improvements to be made to the development that exists seaward of the applicant's property line (e.g. concrete retaining wall and other fill material that currently exists within the City right-of-way) except for removal and replacement of the existing pier, gangway and dock. Any repair or replacement of the retaining wall shall be subject to a new coastal development permit or an amendment to this coastal development permit.

2. Public Access To and Along the Waterway

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 area located seaward of the applicant's private property.

3. 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. 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.

4. 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 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the renovation of an existing private 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, to be used only for boating recreation purposes, are associated with the applicant's adjacent single family home.

The applicant proposes to remove and replace the existing wooden pier, gangway and U-shaped floating dock in the same location using seven new 14-inch concrete piles in place of five existing piles (Exhibit #4). The renovated pier would provide the applicant private access to the new gangway and floating dock in the bay in the same manner as it currently does.

On behalf of the applicant, Rick Anderson surveyed the project site on February 2, 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 is in the process of applying for permits from the U.S. Army Corps of Engineers (File No. 200400734-KW) and the California Regional Water Quality Control Board.

The proposed pier and dock renovation is seaward of an improved section of a fifteen-foot wide City right-of-way that the certified City of Long Beach LCP designates as a shoreline public accessway (Exhibit #3). The proposed project has been designed to avoid any interference with the public's use of the City right-of-way as a shoreline accessway. The applicant's house and front yard area are situated immediately inland of the fifteen-foot wide City right-of-way that the certified City of Long Beach LCP designates as a shoreline public accessway (Exhibit #4). This Commission action does not permit any modifications or improvements to be made to the development that exists seaward of the applicant's property line (e.g. concrete retaining wall and other fill material that currently exists within the City right-of-way) except for removal and replacement of the existing pier, gangway and dock. Any repair or replacement of the retaining wall shall be subject to a new coastal development permit or an amendment to this coastal development permit. Therefore, the proposed project as conditioned conforms with the public access and recreation policies of the Coastal Act.

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 30231 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

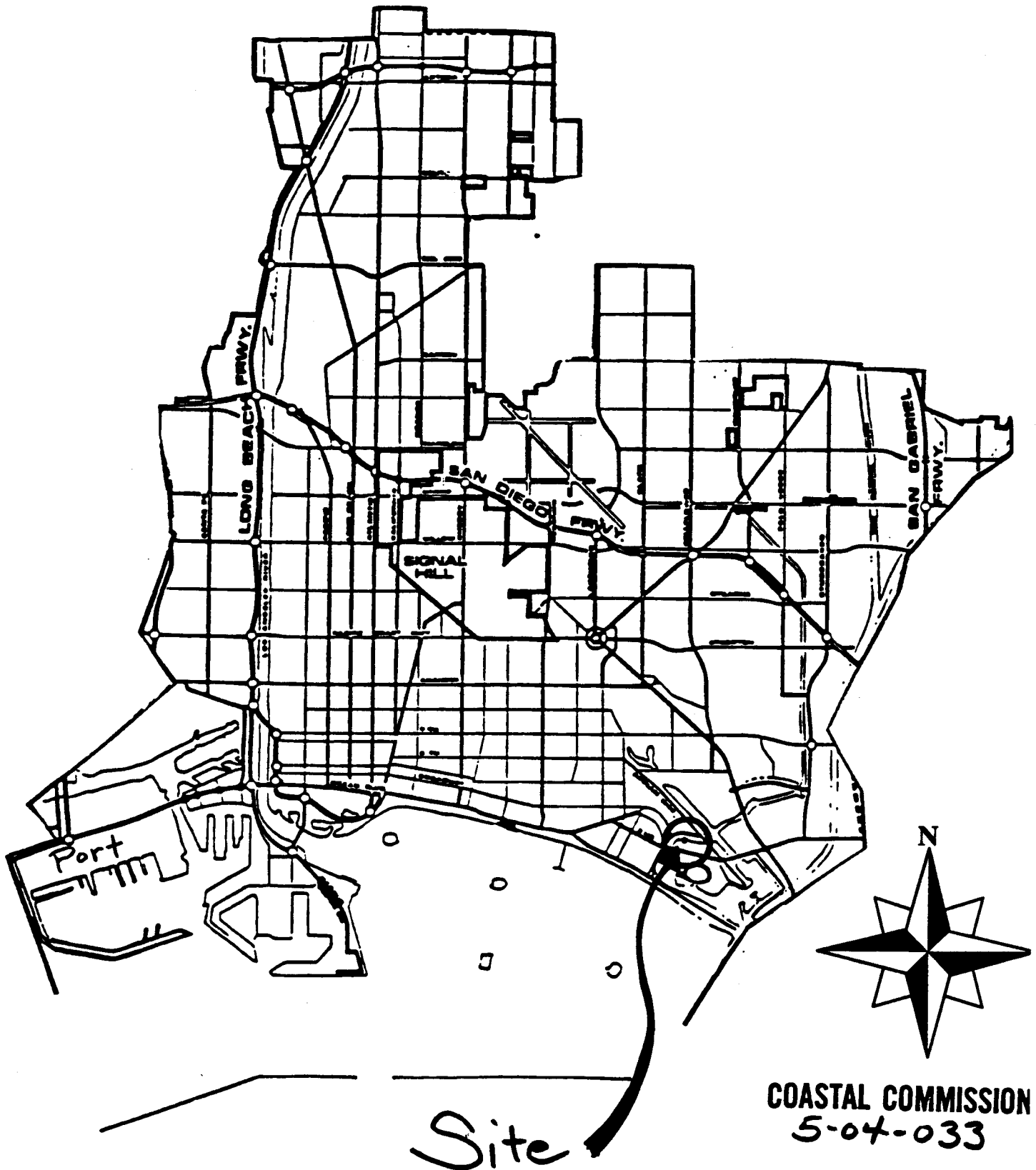
A coastal development permit is required from the Commission for the proposed development because it is located on tidelands within the Commission's area of original jurisdiction pursuant to Section 30519 of the Coastal Act. The Commission's standard of review for the proposed development is the Chapter 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 does not conflict 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

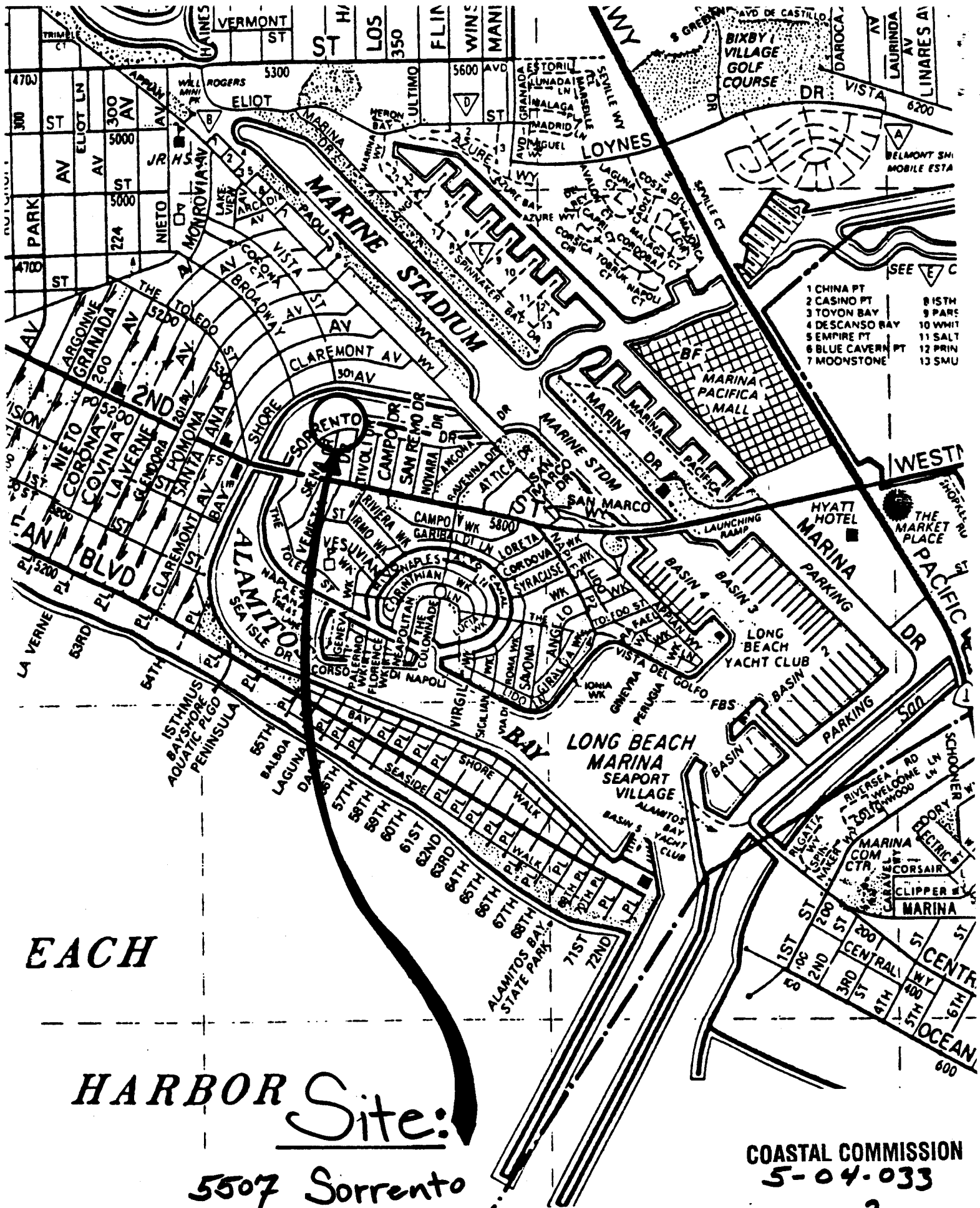
City of Long Beach



COASTAL COMMISSION
5-04-033

EXHIBIT # 1

PAGE 1 OF 1



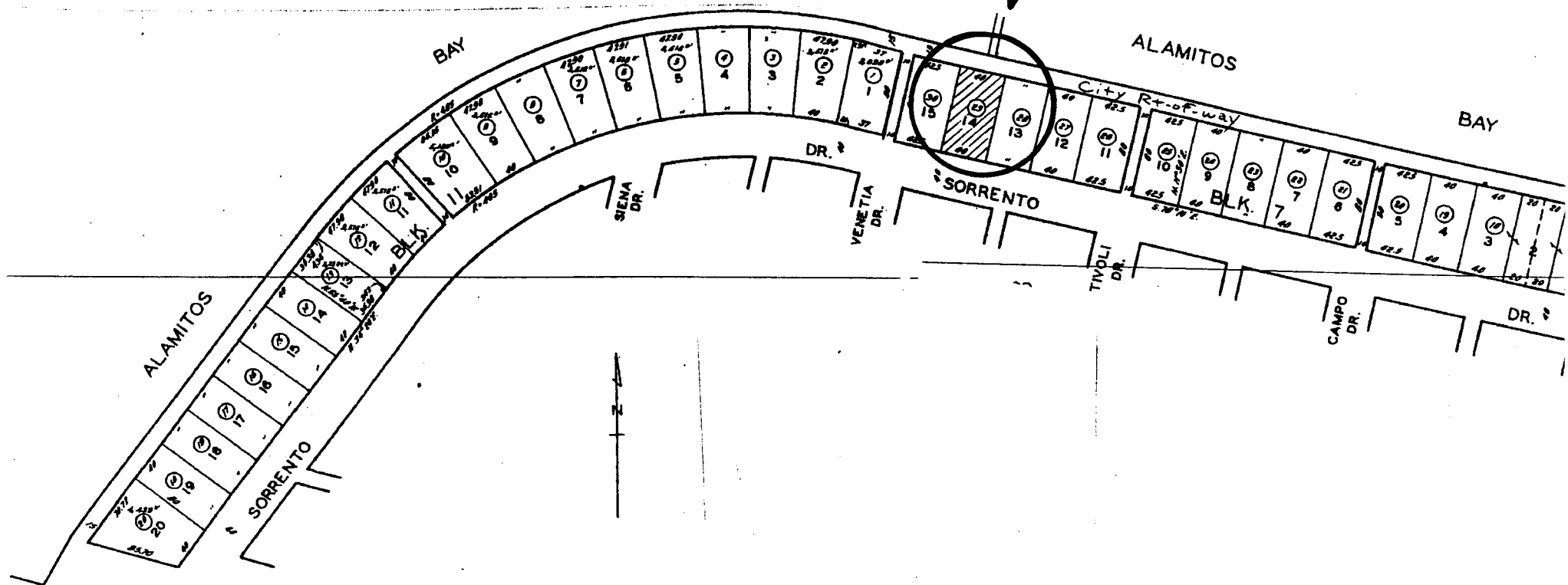
COASTAL COMMISSION

5-04-033

EXHIBIT # 2

PAGE 1 OF 1

Project Site:
5507 Sorrento Drive



TRACT NO. 7293
M.B. 88 - 69

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF

COASTAL COMMISSION
5-04-033

EXHIBIT # 3

PAGE 1 OF 1

