

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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49th Day: 12/30/2004  
180th Day: 5/10/2005  
Staff: CP-LB  
Staff Report: 12/16/2004  
Hearing Date: January 13, 2005  
Commission Action:

**Th19a****RECORD PACKET COPY****STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-02-420-A1

**APPLICANT:** Michael McGee

**AGENT:** Peter Swift, Swift Slip Dock and Pier Builders

**PROJECT LOCATION:** 221 Rivo Alto Canal, Naples Island, City of Long Beach.

**DESCRIPTION OF CURRENT PERMIT AMENDMENT REQUEST:**

Remove existing U-shaped floating dock and install new L-shaped floating dock and 3'x 20' gangway. After-the-fact request to relocate two existing piles.

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED FEBRUARY 7, 2003:**

Add 33' x 6'4" floating dock finger to existing U-shaped dock (more specifically described in the coastal development permit file).

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Coastal Development Permit 5-02-420 (McGee).
3. California Regional Water Quality Control Board Section 401 Certification, File No. 04-161, 11/8/2004.
4. U.S. Army Corps of Engineers Permit Application, Project No. 2004-00061-KW.
5. Marine Biological Survey for 221 Rivo Alto Canal, by Coastal Resources Management, 6/25/2003.
6. Eelgrass & Caulerpa Surveys for 221 Rivo Alto Canal, by Barnacle Bill's (Jeff Turner), October 13, 2004.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission **APPROVE** the permit amendment request 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.**

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit Amendment 5-02-420-A1 pursuant to the staff recommendation."*

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

**I. Resolution to Approve a Permit Amendment**

The Commission hereby **APPROVES** the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions 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 amendment 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 amended 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 amended development on the environment.

## II. Special Conditions

### 1. Permit Compliance

The permitted use of the approved development is for 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.

### 3. Best Management Practices (BMP) Program

By acceptance of this permit, the applicants agree 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 are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

4. **Public Access along the Waterway**

The proposed project shall not interfere with public access and use of the public walkway situated immediately inland of the proposed dock.

**III. Findings and Declarations**

The Commission hereby finds and declares:

**A. Amendment Description and Background**

The proposed project involves the replacement of an existing residential boat dock on Naples Island in southeast Long Beach (Exhibit #2).

On February 7, 2003, the Commission approved Coastal Development Permit 5-02-420 (McGee) for the addition of a 33-foot long floating dock finger to the existing U-shaped dock (Exhibit #3). Now, instead of carrying-out the previously approved dock addition, the applicant is proposing to completely replace the existing U-shaped dock system with a new longer L-shaped dock (Exhibit #4). A new 3'x 20' aluminum gangway would connect the new dock to the existing 3'x 6' platform landing, which would be refurbished in place. No new piles are needed as the new dock would be attached to the two existing 14-inch diameter concrete piles. In August 2004, the two existing piles were relocated from their former positions to their currently proposed locations without a permit. Also, four new davits would be installed on the vertical seawall to secure part of the proposed dock (Exhibit #4).

The proposed project is in Alamitos Bay, situated between a vertical seawall and the City Pierhead Line (Exhibit #4). The proposed dock is associated with the applicant's adjacent single-family home and is for boating recreation purposes. The proposed project will not interfere with public access along the public walkway that exists immediately inland of the seawall.

The submerged site has been surveyed twice in the last two years for eelgrass and toxic algae (*Caulerpa taxifolia*) and none was found. The National Marine Fisheries Service has found that eelgrass is not usually found within dock areas situated directly adjacent to the Naples Island seawalls with no inter-tidal beach zones (like this site). The proposed project has received an "Approval in Concept" stamp from the City of Long Beach Marine Bureau. The applicant is in the process of obtaining the necessary permits from the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board.

#### **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 no new piles. 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. Unpermitted Development**

The relocation of the two existing concrete piles proposed by this permit amendment has already occurred without the review or approval of the Commission. Therefore, this is an after-the-fact permit amendment application. Although development has taken place prior to Commission action on this permit amendment request, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit amendment request does not constitute a waiver of any legal action with regard

to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

**F. Local Coastal Program**

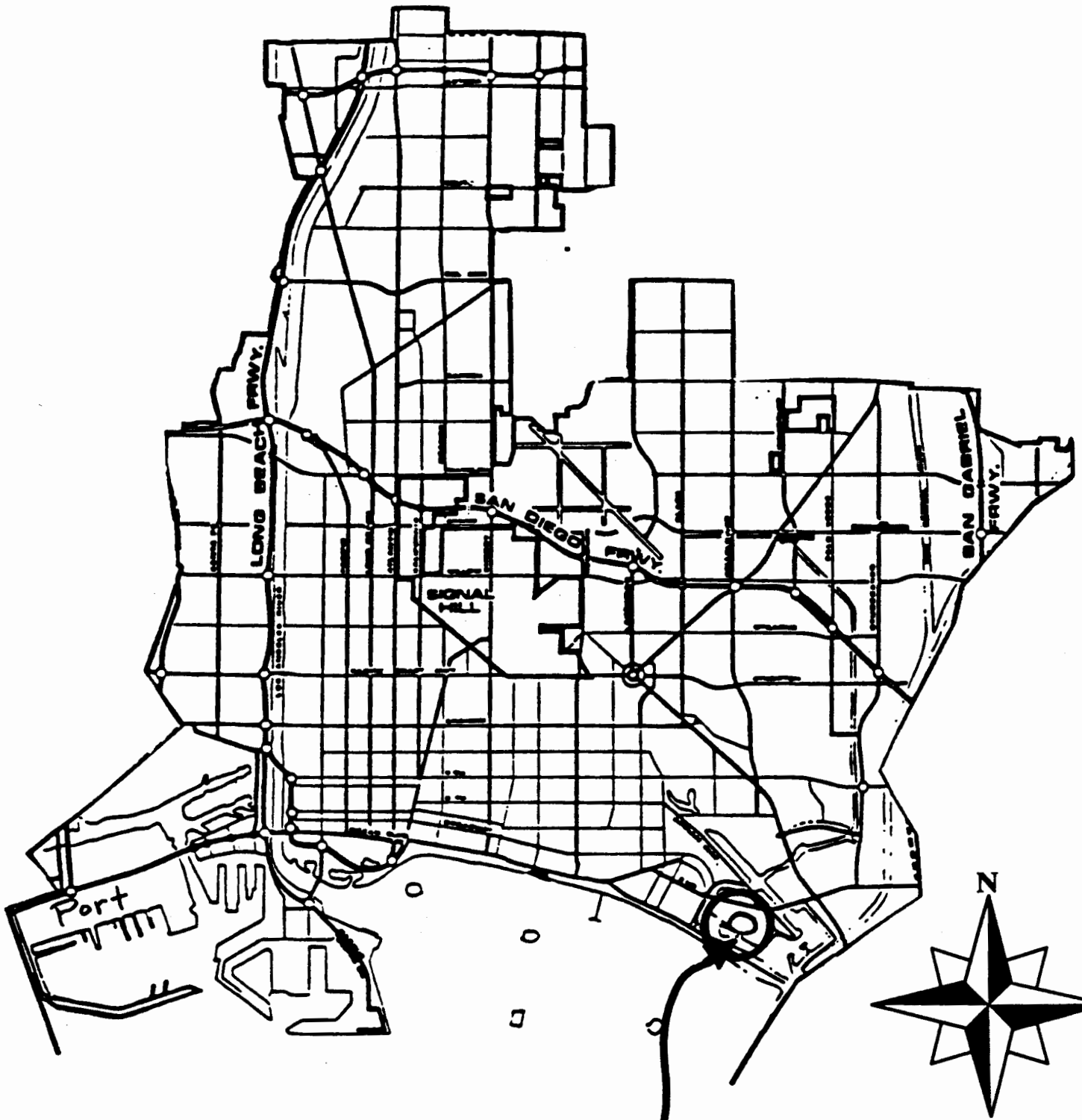
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach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

**G. 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

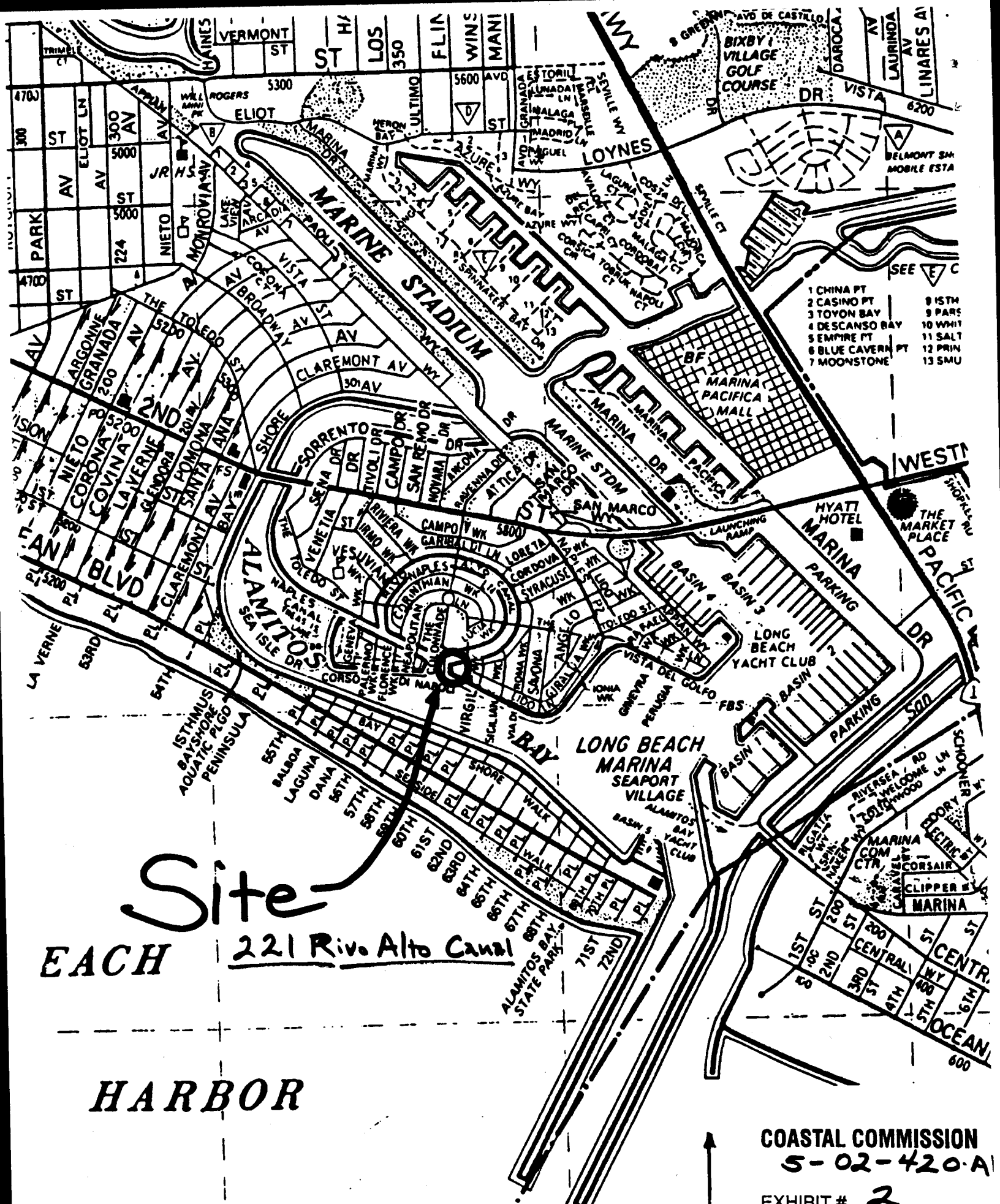
# City of Long Beach



Site  
Alamitos Bay

COASTAL COMMISSION  
5-02-420-A1

EXHIBIT # 1  
PAGE 1 OF 1



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

**Site**  
**EACH 221 Rivo Alto Canal**

**HARBOR**

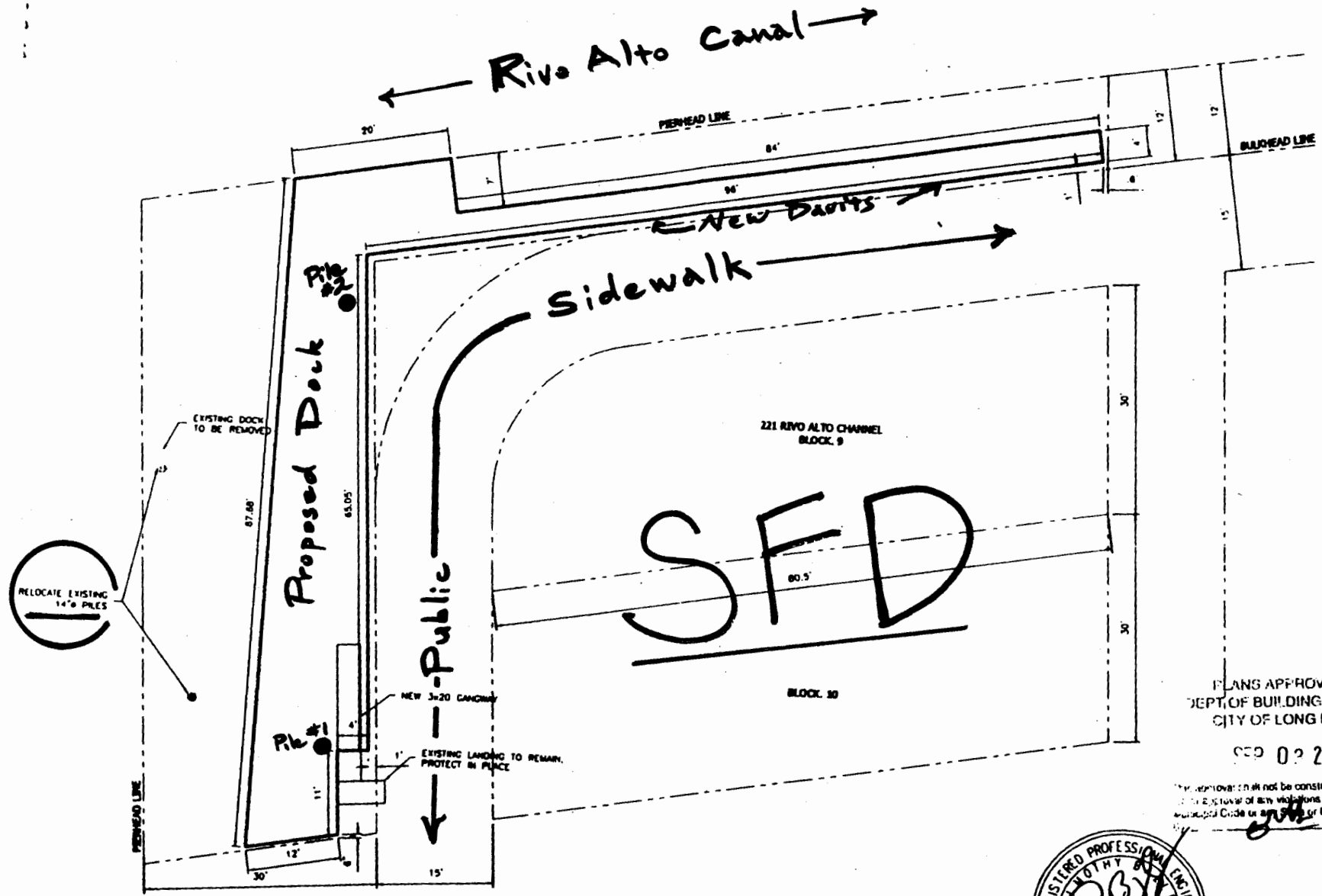
**COASTAL COMMISSION**  
**5-02-420-A**

EXHIBIT # 2  
 PAGE 1 OF 1









RELOCATE EXISTING 14" PILES

PIERHEAD LINE

EXISTING DOCK TO BE REMOVED

87.60'

Proposed Dock

Pile #2

65.05'

Public

NEW 3x20 CANTON

Pile #1

EXISTING LANDING TO REMAIN. PROTECT IN PLACE

15'

Sidewalk

New Docks

221 RIVO ALTO CHANNEL BLOCK 9

SFD

BLOCK 10

PIERHEAD LINE

BULKHEAD LINE

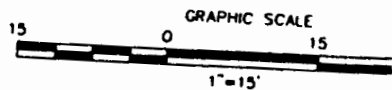
SITE PLAN

Proposed Dock Plan-2004

PLANS APPROVED BY DEPT. OF BUILDING & SAFETY CITY OF LONG BEACH

SEP 02 2004

The removal shall not be construed to be an approval of any violations of the L.C. Municipal Code or any State or Federal Code.



COASTAL COMMISSION  
5-02-420-A1

EXHIBIT # 4

PAGE 1 OF 1