

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 8/17/2006  
49th Day: 10/5/2006  
180th Day: 2/13/2007  
Staff: CP-LB  
Staff Report: 9/21/2006  
Hearing Date: October 12, 2006  
Commission Action:



# Th5b

## STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER:** 5-06-078

**APPLICANT:** City of Long Beach Marine Bureau

**AGENT:** Mark Sandoval, Marine Bureau Manager

**PROJECT LOCATION:** 205 Marina Drive, Alamitos Bay Marina, City of Long Beach.

**PROJECT DESCRIPTION:** Replace 148-foot long timber Harbormaster Dock with new similar-sized floating concrete dock in the same location, using eight relocated piles. No new piles.

**LOCAL APPROVAL:** Long Beach Marine Bureau, Approval in Concept, 1/30/2006.

### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Coastal Development Permit 5-04-233 (City of Long Beach, Shoreline Village Dock 9).
3. Coastal Development Permit 5-06-091 (Long Beach, Seaport Village AquaLink Dock).
4. California Regional Water Quality Control Board Section 401 Certification, File No. 06-093, 7/24/2006.
5. U.S. Army Corps of Engineers Permit Application, Project No. 200601379-PHT.
6. Eelgrass & Caulerpa Surveys for Alamitos Bay Harbormaster Dock Replacement Project, by Long Beach Fire Dept., 6/24/2004 & 7/25/2006.

## 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 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 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 development is for marina administration and public 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. Caulerpa Taxifolia Pre-Construction Survey

A. No earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five business days of completion of the survey, the applicant shall submit the survey:

For the review and approval of the Executive Director; and,

To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### 3. Eelgrass Survey

A. Pre Construction Eelgrass Survey. Prior to commencement of any development authorized under this coastal development permit, 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 Section 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.
4. 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. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
  - E. Prior to commencement of the project, the applicant shall use small buoys to mark the boundaries of eelgrass identified in the pre-construction eelgrass surveys in order to prevent project activities (i.e. anchoring) from encroaching on eelgrass beds.
  - F. No anchoring shall be permitted within fifty feet of eelgrass beds.
  - G. Silt curtains will be utilized to control turbidity during placement of all piles.

- H. 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.
- I. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- J. Erosion control/sedimentation Best Management Practices (BMPs) 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.
- K. 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.
- L. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation

5. 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 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. 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. Materials shall be recycled, if possible, or disposed of 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.

6. 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).

7. Timber Treatment

Wood treated with Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. Treated timber shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water.

8. Resource Agencies

The permittees shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

9. Assumption of Risk

By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in i through v.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The proposed project involves the replacement of the 148-foot long City of Long Beach Harbormaster's Dock in Alamitos Bay Marina in southeast Long Beach (See Exhibits). A 3,284 square foot timber dock will be disassembled and removed from the water, and a new 3,362 square foot floating concrete dock system will be installed in its place using all eight existing concrete piles (Exhibits #4&5). The eight concrete piles will be relocated as needed to secure the new, reconfigured dock system (using a barge-mounted crane to extract and drive the existing piles). The proposed project includes no new piles, and no dredging is proposed. The existing gangway will be re-used to provide access between the dock and the land. All utility lines (i.e., sewer, electricity, potable water and fire protection) will be replaced along with the dock. No landside improvements are proposed.

The Harbormaster's Dock is located in the bay next to the City Marine Bureau offices at 205 Marina Drive (Exhibit #3). It is the main dock used by the Marine Bureau to administer the Alamitos Bay Marina. The Harbormaster's Dock provides transient berthing space and a sewage pump-out station for public use. The Harbormaster's Dock does not have a fueling station. A 30'x 40' project staging area is proposed to set-up in the surface parking area next to the Marine Bureau offices.

The shoreline in the project area is comprised of a vertical seawall and imported rocks (Exhibit #4). A recent 2006 underwater survey<sup>1</sup> of the project area found no eelgrass beds (*Zostera marina*) near the project site, although a 2004 survey did identify a small patch of eelgrass growing beneath the dock's gangway (Exhibit #4). Silt curtains and an anchor management plan will be used to minimize adverse impacts to marine resources. Also, pre-construction and post-construction surveys will be conducted to ensure that eelgrass beds are not disturbed and to confirm that the invasive alga *Caulerpa taxifolia* is not present in the area. Therefore, with the proposed best management practices and conditions of approval, eelgrass and other sensitive marine resources will not be adversely affected by the proposed development.

The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 06-093), and a preliminary approval from the U.S. Army Corps of Engineers (Project No. 200601379-PHT). Therefore, as conditioned, the proposed project will have no negative effects on marine resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 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

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<sup>1</sup> Eelgrass Survey for Harbormaster Dock, Alamitos Bay, by Don Johnson, Dive Master, City of Long Beach Fire Department, 7/20/2006.

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**

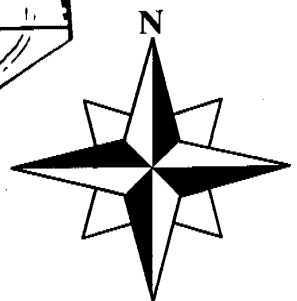
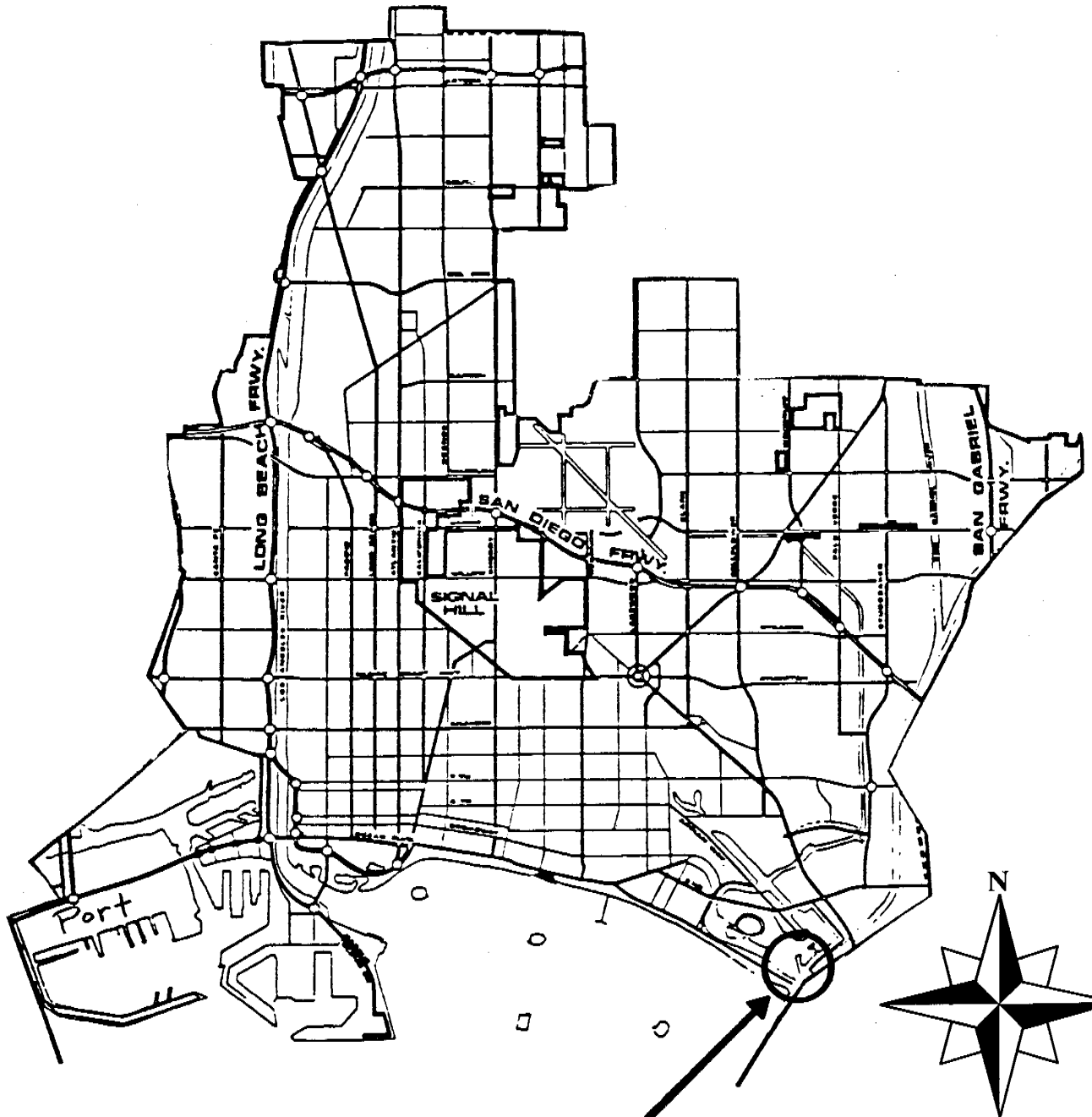
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach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

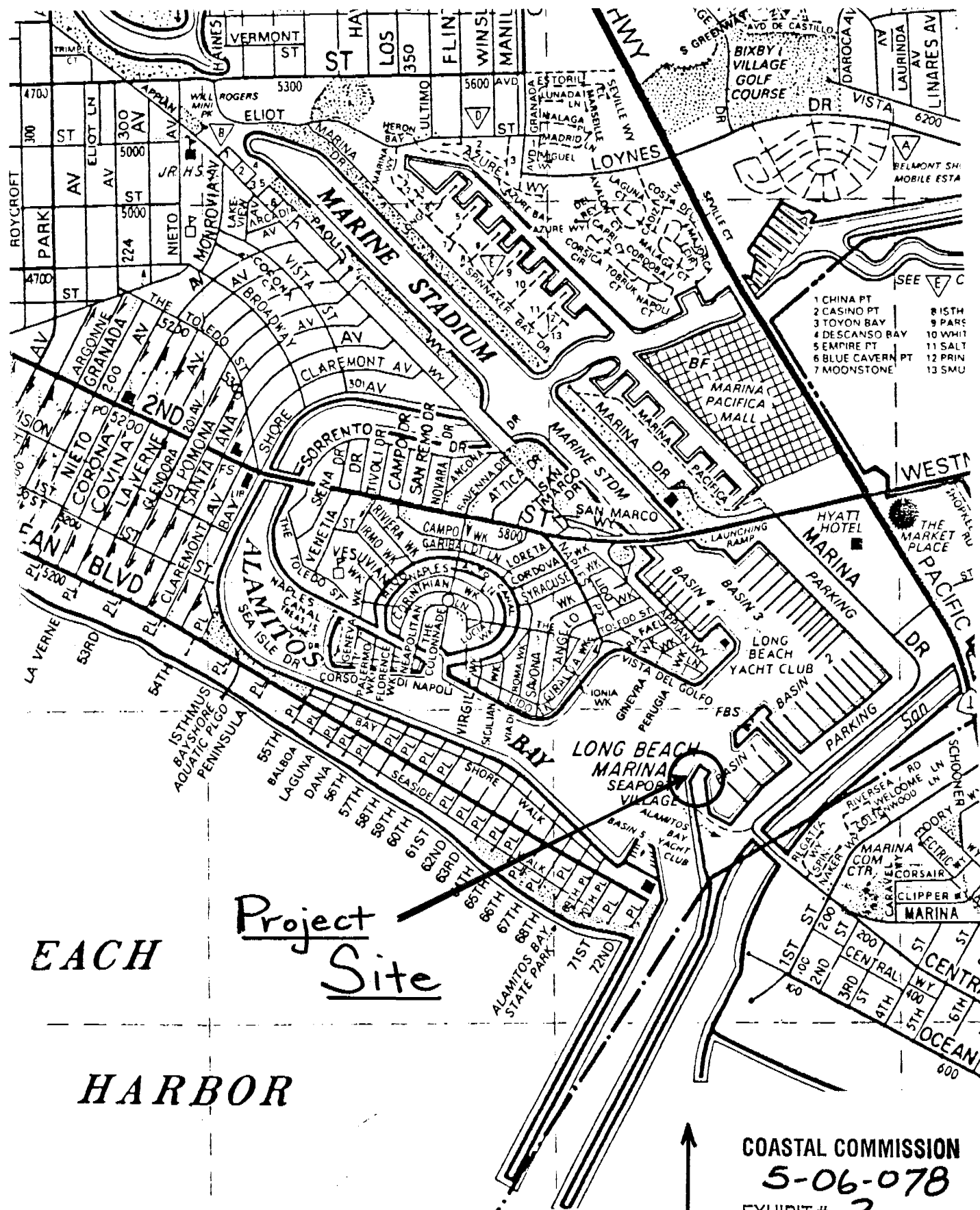


Site →

COASTAL COMMISSION  
5-06-078

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

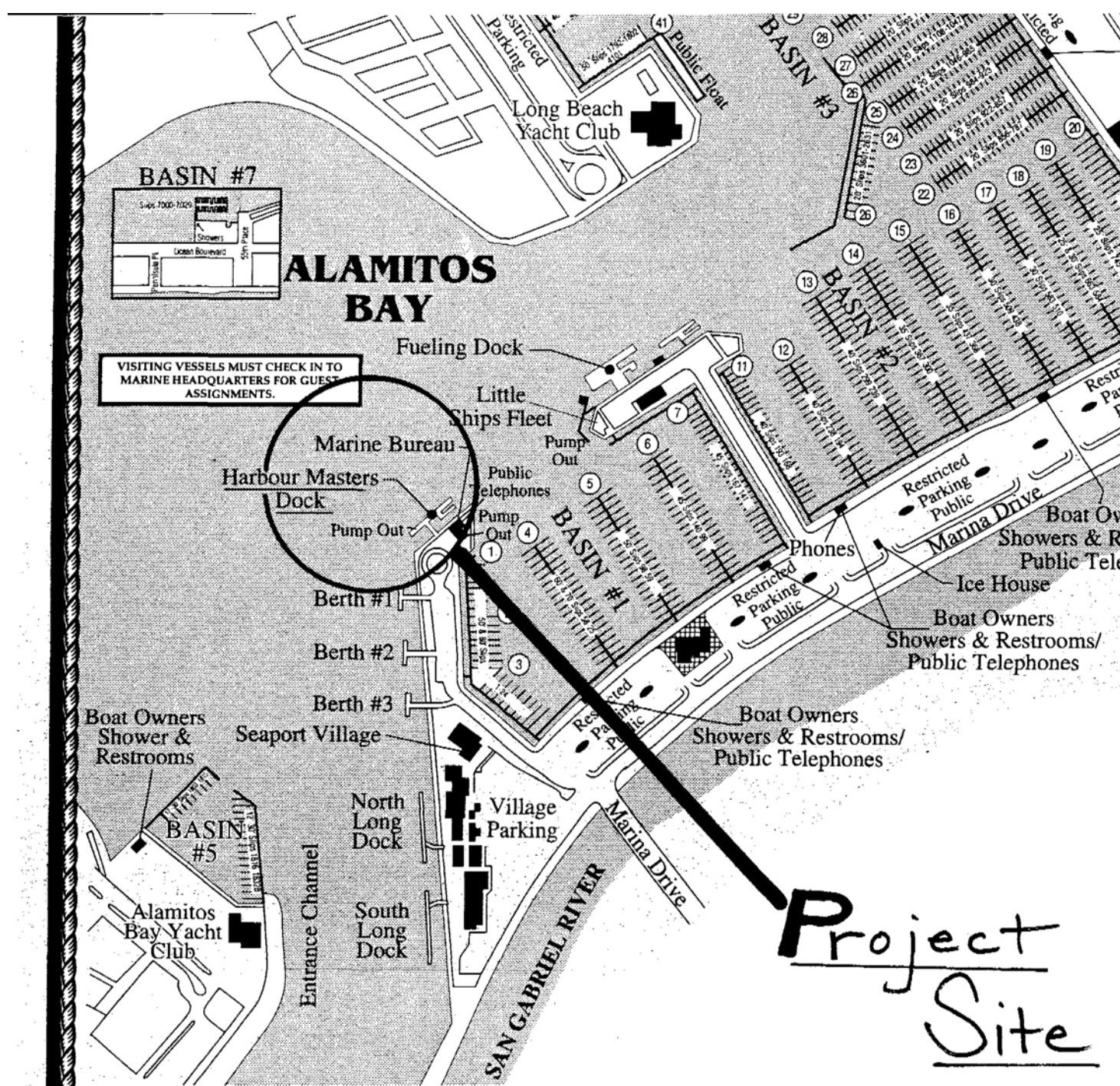
EACH

Project Site

HARBOR

North ↑

COASTAL COMMISSION  
 5-06-078  
 EXHIBIT # 2  
 PAGE 1 OF 1



- FACILITIES**
- 1,975 Slips
  - Dock Boxes
  - Dinghy Storage
  - 24 Hour Security
  - Parking
  - Boat Owners Showers & Restrooms
  - Fuel Dock
  - Pump Out Stations
  - Ice
  - Slips 16' - 124'
  - Mail Boxes For Live Aboards



COASTAL COMMISSION  
 5-06-078  
 EXHIBIT # 3  
 PAGE 1 OF 1

ACTUAL DIAGRAM  
NARRATIVE  
CON: INCLASH

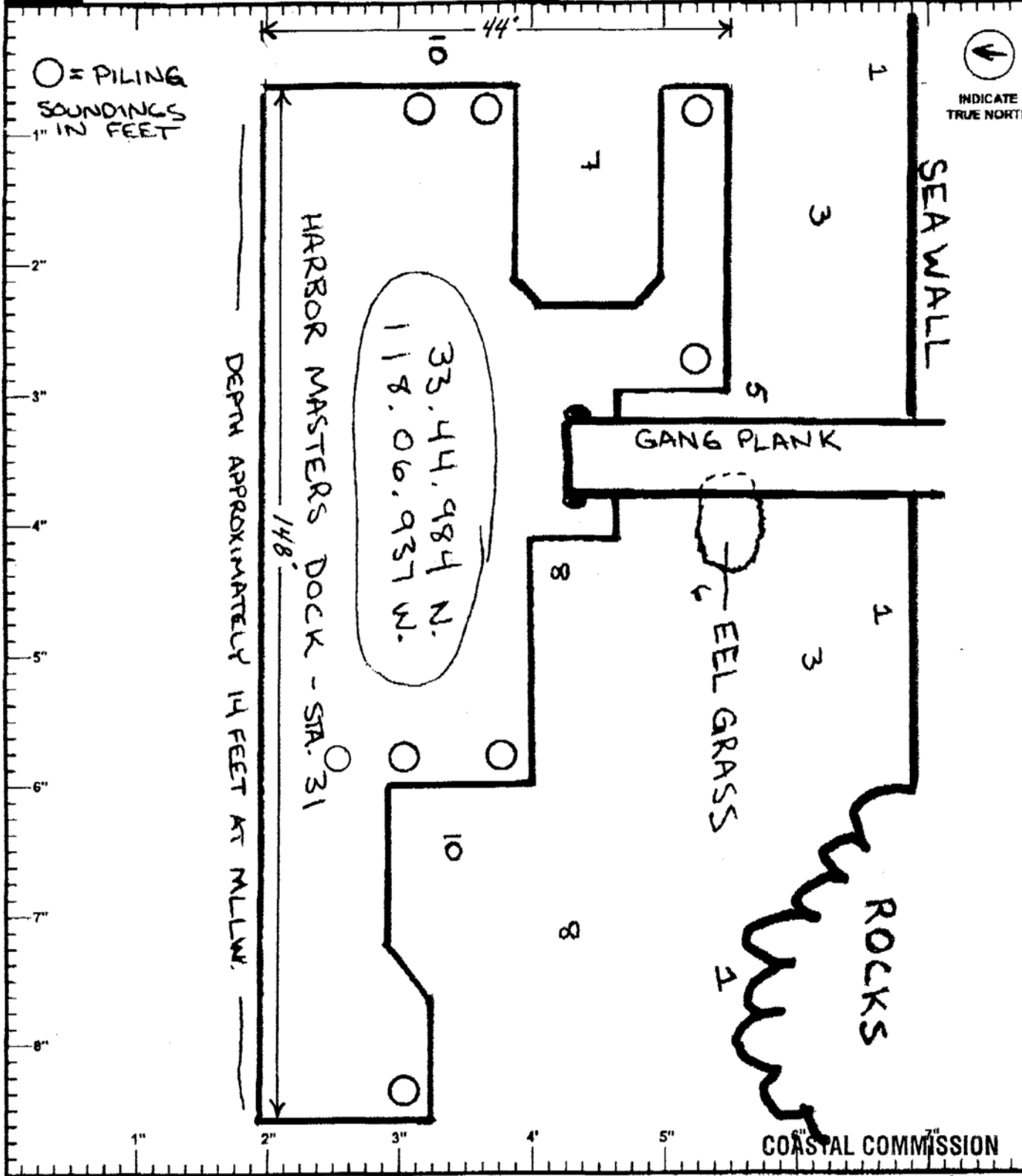
DATE OF ORIGINAL SURVEY: 6/24/2004 TIME (2400): 10:30

REPORT NUMBER: UNDERWATER SURVEY

OFFICER NAME: D.F. WETTELAND LBFD

OFFICER ID: 70639

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = )

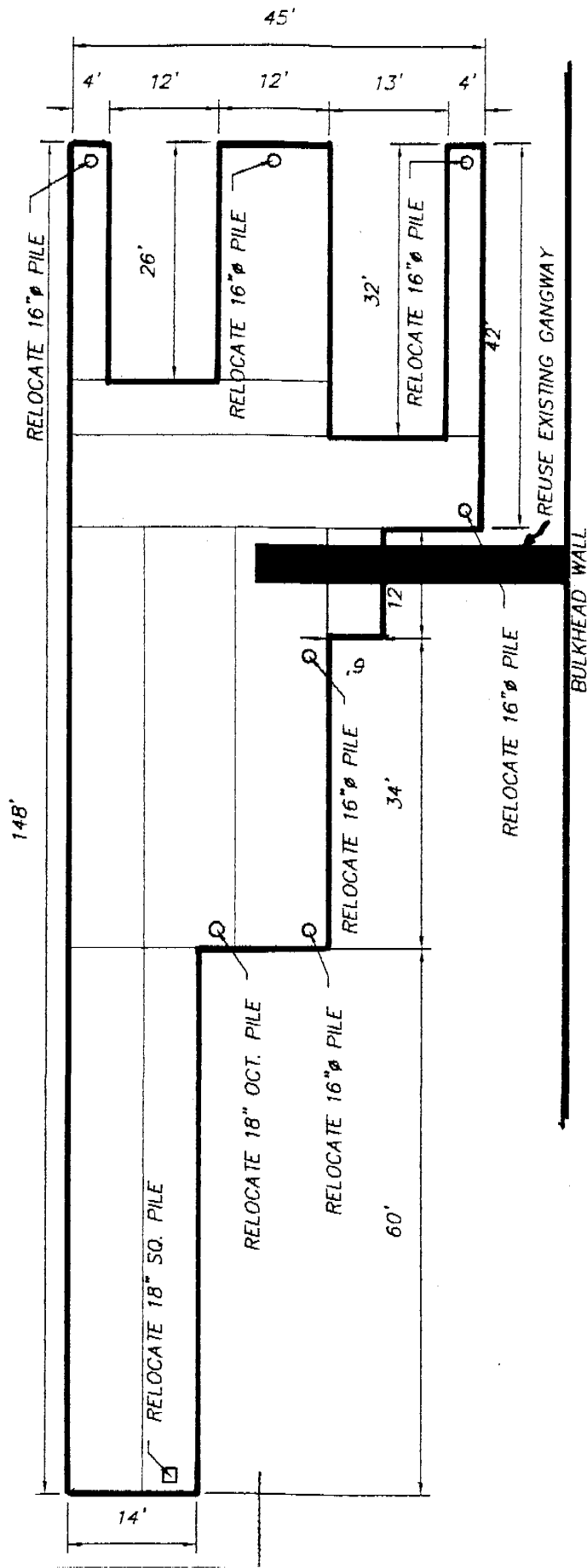


DDW FORM MAR. (199)

# Existing Dock Plan

COASTAL COMMISSION

5-06-078  
EXHIBIT # 4  
PAGE 1 OF 1



# NEW DOCK LAYOUT

COASTAL COMMISSION  
 5-06-078  
 EXHIBIT # 5  
 PAGE 1 OF 1

