

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: 9/23/2008
49th Day: 11/11/2008
180th Day: 3/22/2009
Staff: Charles Posner - LB
Staff Report: 10/23/2008
Hearing Date: November 14, 2008
Commission Action:

**F4b****STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-08-253

APPLICANT: City of Long Beach Department of Public Works

AGENT: Jorge M. Magaña, Project Development Division

PROJECT LOCATION: Seaport Village North Dock, Alamitos Bay Marina, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Remove 66-foot long section of existing floating dock and install new 26'x56' floating dock (with four new concrete piles) and ADA-compliant gangway for Aqualink public water transit service.

LOCAL APPROVAL: Long Beach Planning Dept. Approval in Concept, 1/19/2005.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Coastal Development Permit 5-85-316 (City of Long Beach, Seaport Village Dock).
3. Coastal Development Permit 5-93-145 (City of Long Beach, Seaport Village Dock).
4. Coastal Development Permit 5-04-233 (City of Long Beach, Shoreline Village Dock 9).
5. Coastal Development Permit 5-06-091 (City of Long Beach, Seaport Vlg. North Dock).
6. California Regional Water Quality Control Board Section 401 Certification, File No. 06-071, 6/29/2006.
7. California Dept. of Fish & Game Letter for Alamitos Bay AquaLink Dock, 6/8/2006.
8. U.S. Army Corps of Engineers Permit Application, Project No. 200600764-KW.
9. Eelgrass & Caulerpa Survey for Alamitos Bay AquaLink Dock, by Tetra Tech, Inc. 5/19/2006.

SUMMARY OF STAFF RECOMMENDATION

The proposed development was previously approved on August 8, 2006, pursuant to Coastal Development Permit 5-06-091. Coastal Development Permit 5-06-091 expired on August 8, 2008, prior to being vested. This application has been submitted in order to obtain a new permit for the same project that was previously approved. 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 public transportation 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. 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 applicants 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 applicants 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 applicants 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.

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. 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 permittees 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

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 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.

5. 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).

6. 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.

7. 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the modification of an existing floating dock and installation of a new floating dock and ADA-compliant gangway at the Seaport Village shopping center in southeast Long Beach (Exhibit #2). The purpose of the proposed project is to provide an improved landing for AquaLink vessels. The AquaLink is a public water taxi service (\$3 fare) operated by Long Beach Transit between Alamitos Bay and the Downtown area (Rainbow Harbor and the Queen Mary Seaport). The AquaLink currently docks at the southern end of the dock that is the subject of this application. The nearby public parking lots provide the parking supply for the water taxi users (Exhibit #2).

The project site is the northern end of the North Long Dock at Seaport Village in Alamitos Bay Marina (Exhibit #2). The shoreline in the project area is comprised of imported rocks and an elevated concrete walkway that provides public access above the rocks and the high water line (Exhibit #5). In order to make room for the proposed AquaLink dock, a 66-foot long segment of the existing ten-foot wide floating dock will be disassembled and removed from its current location along the shoreline walkway at the Seaport Village shopping center (Exhibit #3). The 660 square foot section of removed dock will be disposed of at an approved landfill. Once the new AquaLink landing is completed, the commercial recreation vessels that dock at the northern end of the dock will be relocated to the southern end of the dock where the AquaLink currently docks. During construction, the temporarily displaced commercial recreation vessels will be allowed to dock in the adjacent transient docking area. The City maintains a public transient mooring dock at the South Long Dock at Seaport Village, about one hundred feet south of the proposed project (Exhibit #2).

The new AquaLink landing is a 26'x56' floating dock proposed to be installed where the 66-foot long segment of the existing dock is proposed to be removed (Exhibit #4). The new dock includes a shade canopy and safety railings (Exhibit #6). Existing utilities will be modified to provide service (electricity, potable water and fire protection) to the new dock. The new dock will be constructed off-site and then towed to the project site to be attached to seven concrete piles (three existing piles and four new piles). The piles will be driven using a barge-mounted pile driver. Silt curtains and an anchor management plan will be used to minimize adverse impacts to marine resources. An underwater survey¹ of the project area found the nearest eelgrass beds (*Zostera marina*) to be more than fifty feet from the project site, and no invasive toxic algae (*Caulerpa taxifolia*) was found (Exhibit #4). Therefore, with the proposed best management practices and conditions of approval, eelgrass will not be adversely affected.

The California Department of Fish and Game (DFG) has reviewed the proposed project and issued a comment letter (dated June 8, 2006) that is attached to this report as Exhibit #7. The DFG recommends that construction activities be monitored and that best management practices be implemented in order to prevent adverse impacts to eelgrass, and that pre- and post-construction eelgrass surveys shall be conducted. The DFG also recommends that the timber used in the proposed dock be completely sealed in epoxy resin so that no exposed

¹ Eelgrass & Caulerpa Survey for Alamitos Bay AquaLink Dock, by Tetra Tech, Inc. 5/19/2006.

wood would come in contact with the water. These recommendations have been incorporated into the staff's recommended conditions of approval. The applicant agrees with the recommendations of the DFG and Commission staff, and has designed the project accordingly.

In order to provide pedestrian access between the land and the new AquaLink dock, a new 88-foot long aluminum gangway is proposed to be installed (Exhibit #4). The new gangway will be secured to land by a new eighteen-inch diameter concrete pile proposed to be installed at the top of the rock slope above the high-water line (Exhibit #5). In order to provide a station for the AquaLink ticket vendor, the project includes a new 8'x9' concrete pad with railings to be constructed at the top of the rock slope next to the gangway (above the high-water line). Each day, a portable chair, umbrella and AquaLink information sign will be placed on the proposed pad for ticket vending, then removed each evening.

The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 06-071), and a preliminary approval from the U.S. Army Corps of Engineers (Project No. 200600764-KW). The California Department of Fish and Game has reviewed the proposed project, which includes the implementation of best management practices (e.g., the use of silt curtains and anchor management plan), and determined that it would not have a significant adverse effect on marine resources (Exhibit #7). 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. Special Condition Two requires a pre-construction eelgrass (*Zostera marina*) survey to be completed during the period of active growth of eelgrass (typically March through October) in order to ensure that eelgrass beds are not adversely protected by the proposed development. Wood treated with Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. 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*. There are no feasible less environmentally damaging alternatives available. Therefore, as conditioned, the proposed 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 30231 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.

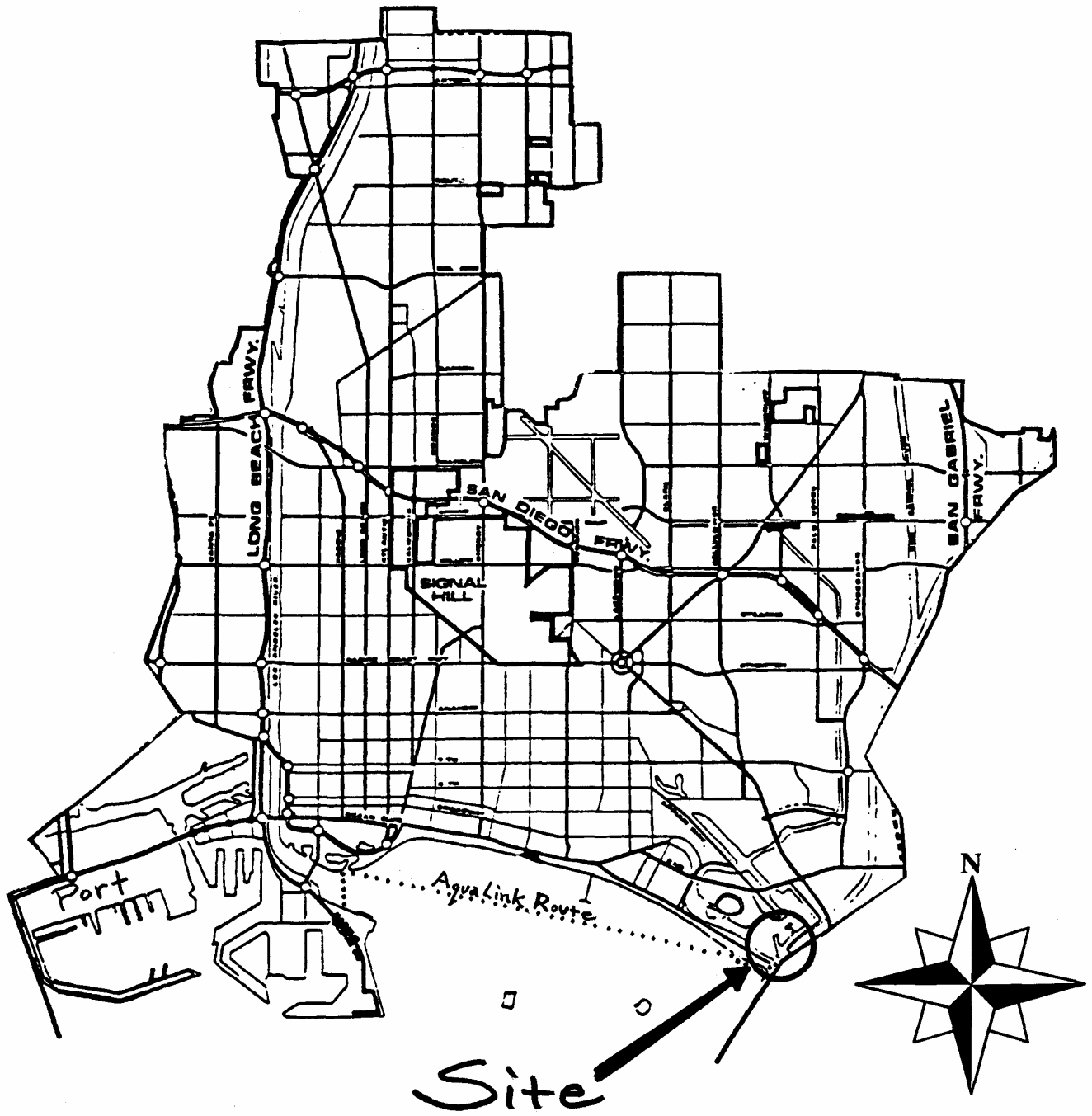
E. Local Coastal Program

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

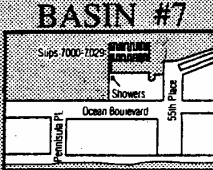
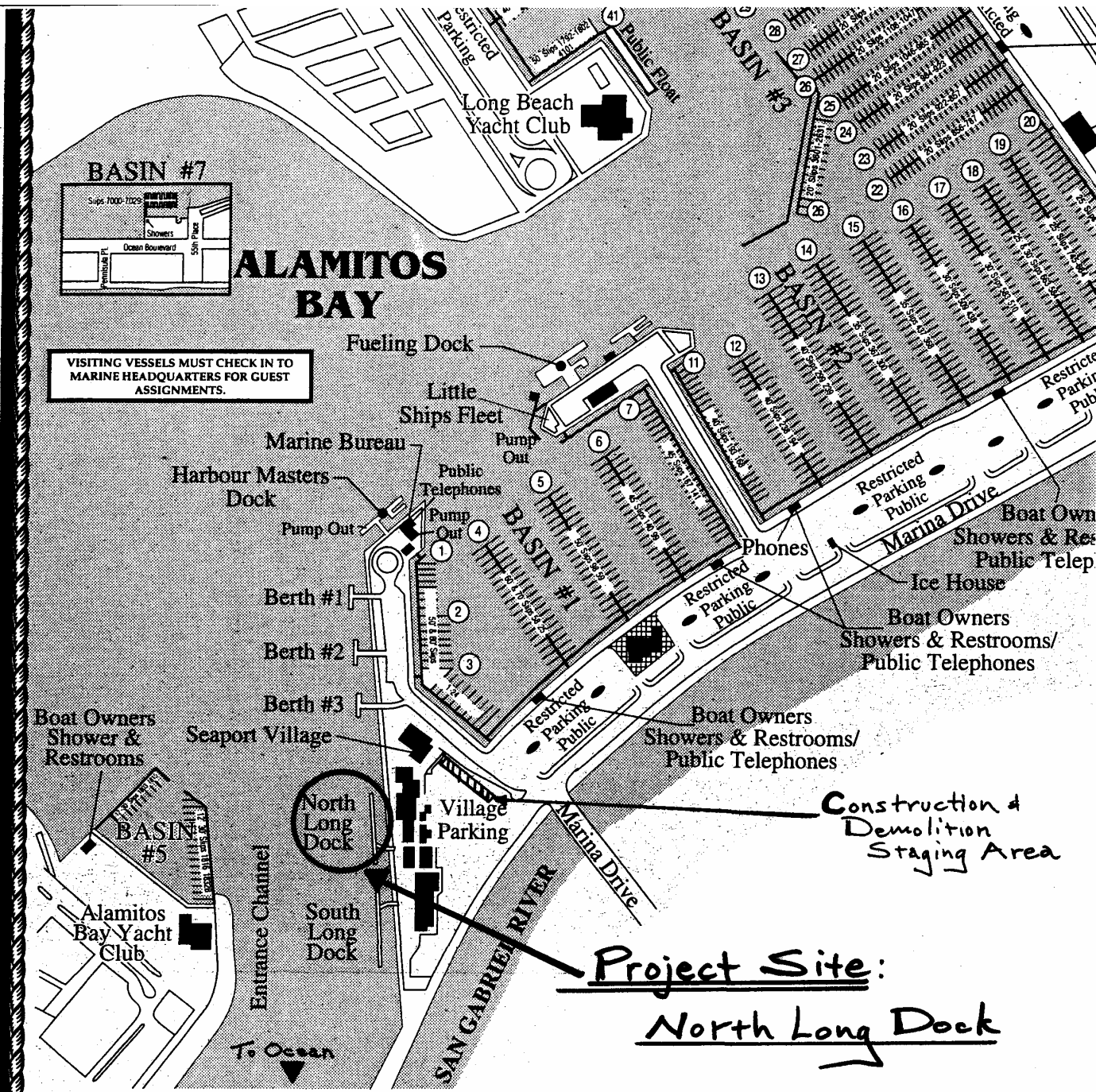


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EXHIBIT # 1

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

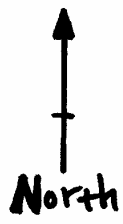
Boat Owners Shower & Restrooms

Alamitos Bay Yacht Club

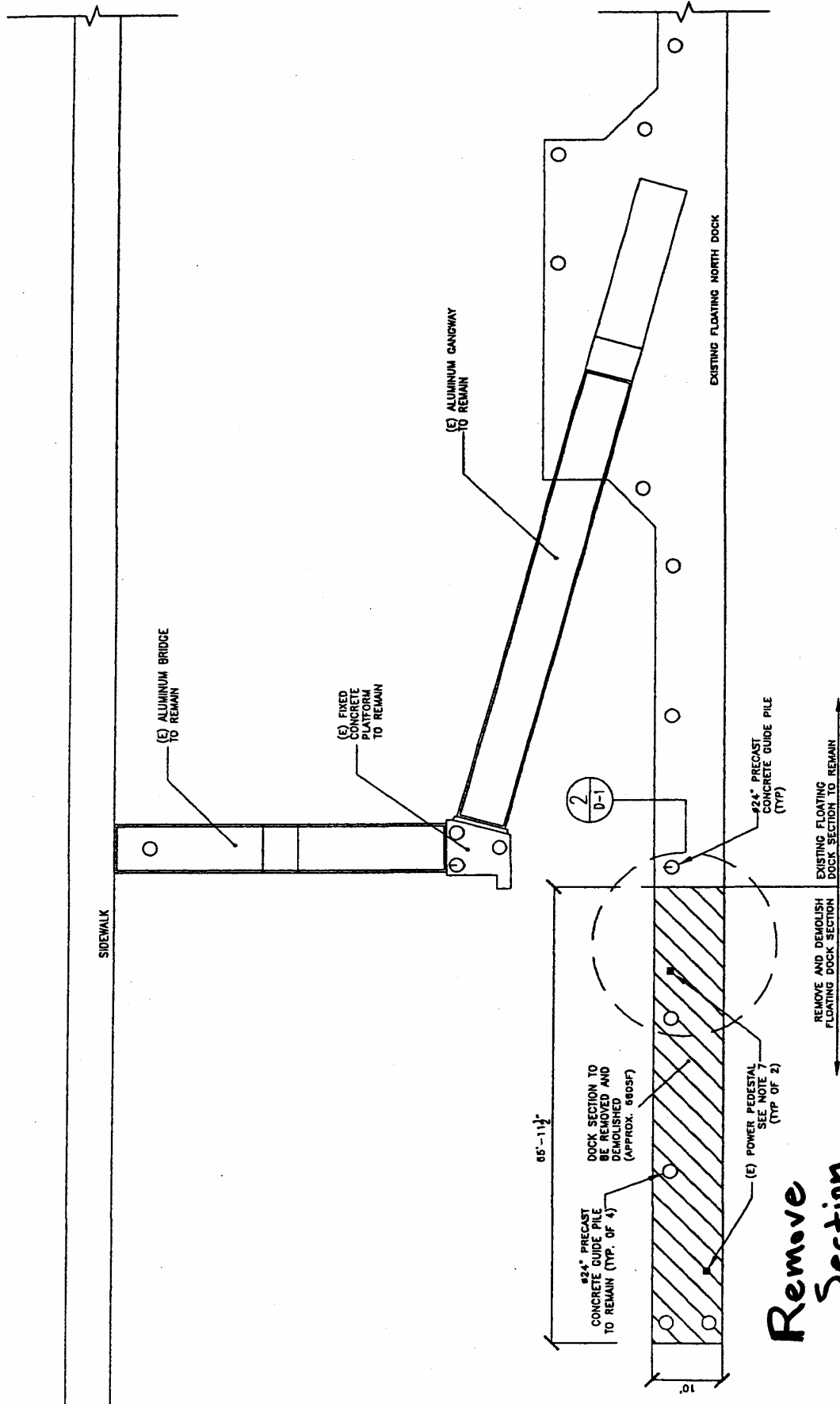
FACILITIES

- 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

Project Site:
North Long Dock

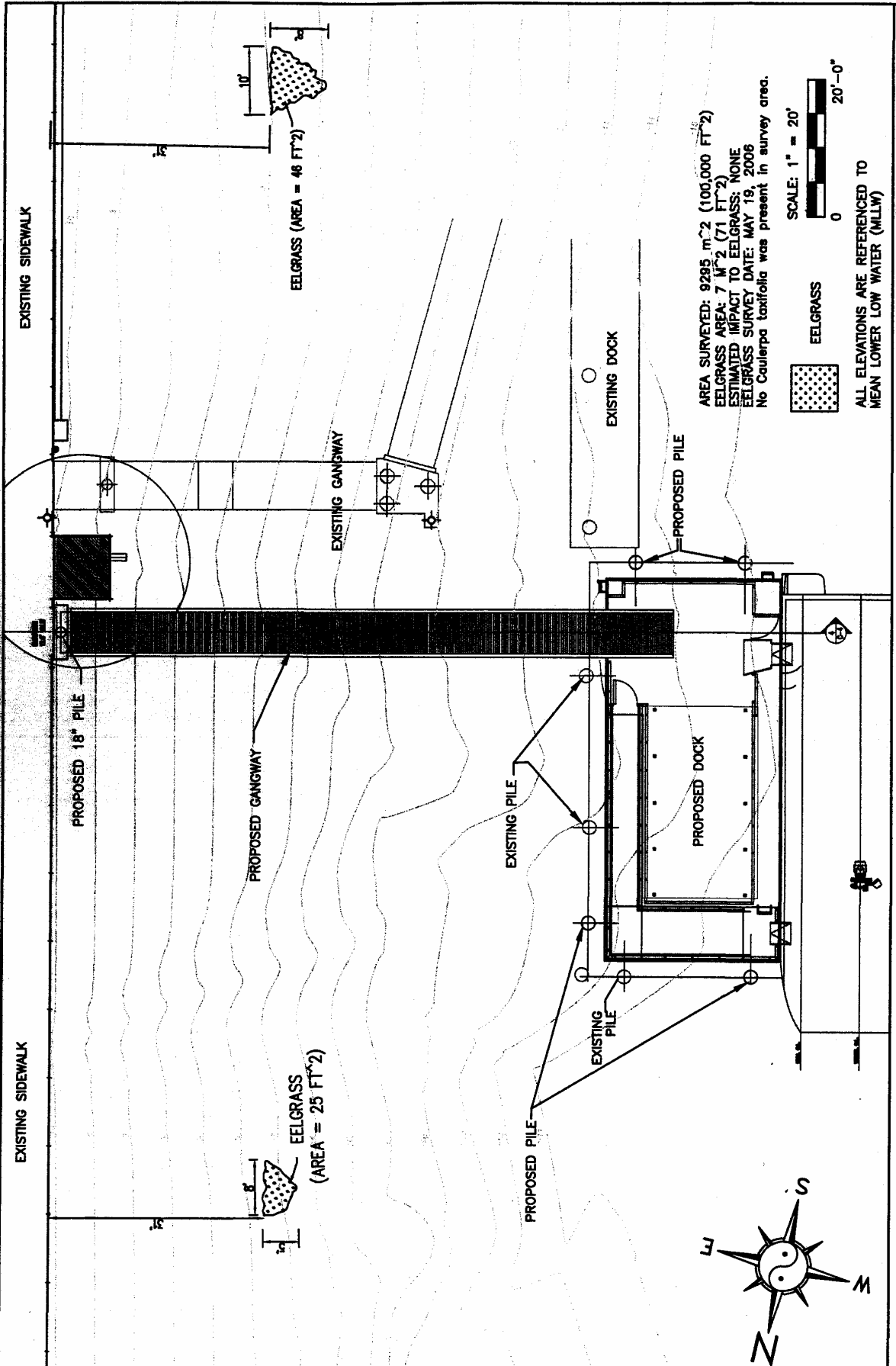


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EXHIBIT # 2
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1 PLAN: FLOATING DOCK DEMOLITION





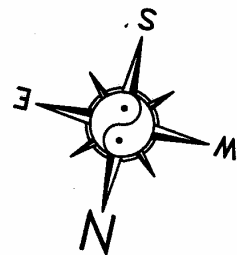
AREA SURVEYED: 9285 m² (100,000 FT²)
 EELGRASS AREA: 7 m² (71 FT²)
 ESTIMATED IMPACT TO EELGRASS: NONE
 EELGRASS SURVEY DATE: MAY 19, 2006
 No *Caulerpa taxifolia* was present in survey area.

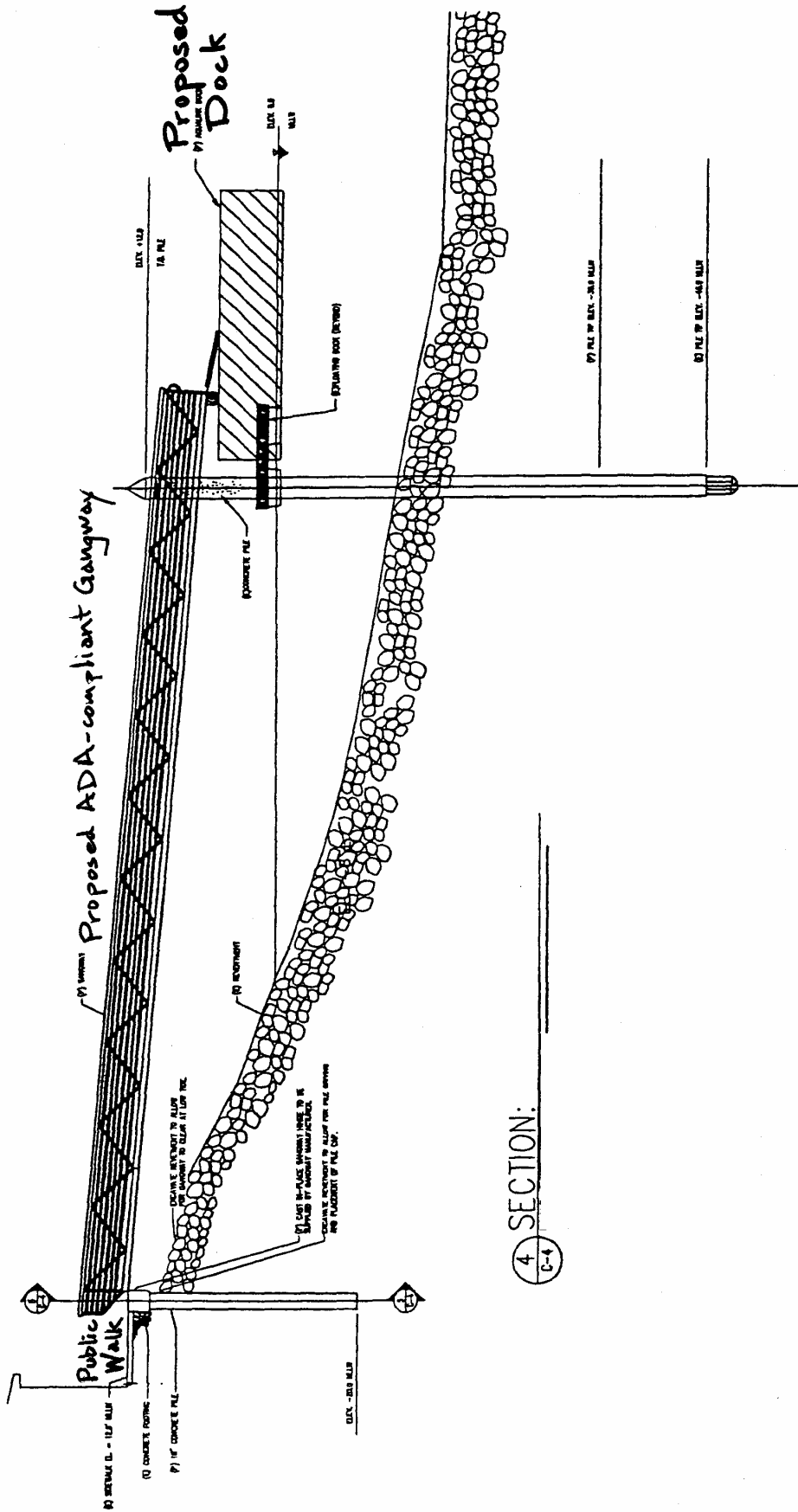
SCALE: 1" = 20'
 0 20'-0"

ALL ELEVATIONS ARE REFERENCED TO MEAN LOWER LOW WATER (MLLW)

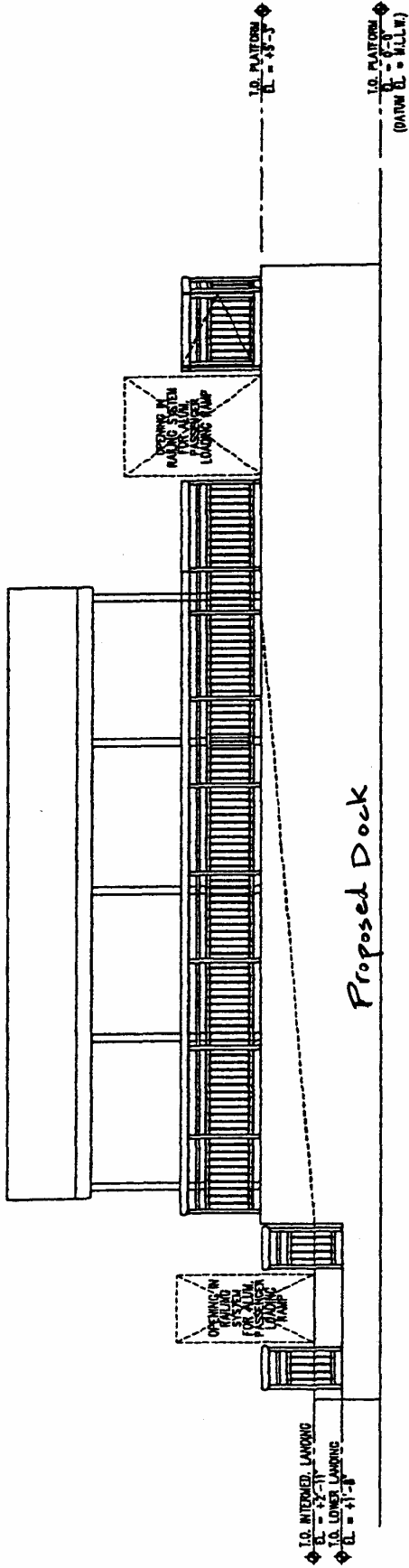
SITE PLAN
 AQUALINK LANDING AT ALAMITOS BAY EELGRASS SURVEY
 215 NORTH MARINA DRIVE
 LONG BEACH, CA. 90803

TETRA TECH INC.
 ENGINEERS ARCHITECTS SCIENTISTS
 401 East Ocean Blvd., Suite 420
 LONG BEACH, CALIFORNIA
 Ph. (562)495-0495 fax (562)495-5029

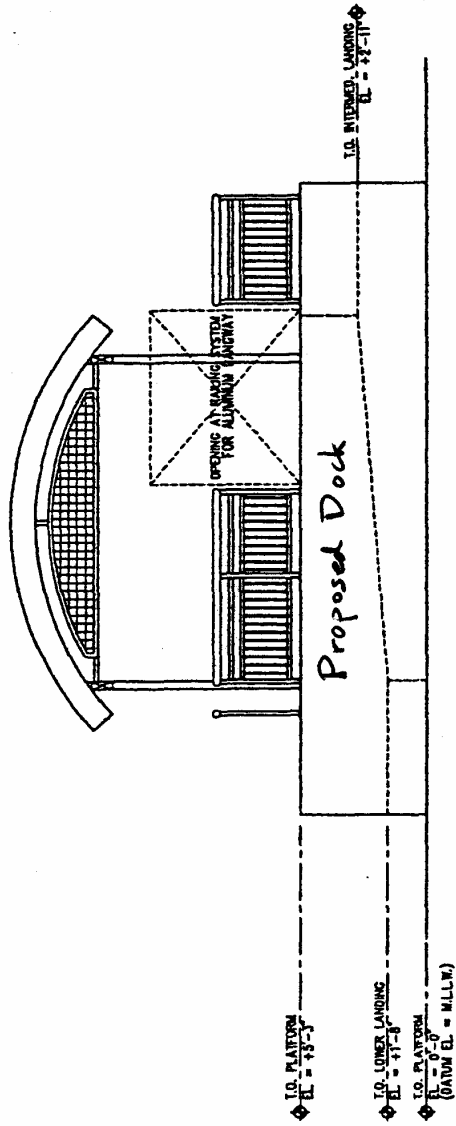




SECTION: _____



WEST ELEVATION: CANOPY (on dock)



Memorandum

Date: June 8, 2006

To: Mr. Charles Posner
Coastal Program Analyst
California Coastal Commission
200 Ocean Gate, Suite 1000
Long Beach, CA 90802

From: Mr. Thomas Napoli
Staff Environmental Scientist
Department of Fish and Game - Marine Region

Subject: City of Long Beach AquaLink Alamitos Bay Project

Department of Fish and Game (Department) staff were recently contacted by Mr. Rafe Holcombe of Tetra Tech, Inc., concerning the City of Long Beach's AquaLink Alamitos Bay Project, Coastal Development Permit (CDP) No. 5-06-091. The proposed project is located at the Alamitos Bay Landing in Alamitos Bay, City of Long Beach, California, adjacent to the Alamitos Bay Entrance Channel. The project will modify an existing dock and landing by removing a 66 foot-long by 10 foot-wide portion of an existing concrete dock and replacing it with a 56 foot-long by 26 foot-wide floating timber dock. The timber dock will be coated and sealed in epoxy resin. A new 88 foot-long by 7 foot-wide aluminum gangway will also be added. The project will use three existing 24-inch diameter round concrete piles and will require four new 24-inch diameter concrete piles and one new 18-inch diameter pile. The purpose of the project is to increase the flow of people between Alamitos Bay, Belmont Shore, and the downtown area by providing an appropriate landing for the AquaLink vessel and AquaBus.

Eelgrass habitat (*Zostera marina*) is considered a sensitive marine habitat. Accordingly, staff from Tetra Tech, Inc. conducted an eelgrass survey within the project area on May 19, 2006 (AquaLink Alamitos Bay Eelgrass and *Caulerpa taxifolia* Survey, prepared by Tetra-tech, Inc., May 2006 for the City of Long Beach Department of Public Works) to determine if the proposed project would impact any eelgrass habitat. The survey detected eelgrass present in two locations within the project vicinity. However, this eelgrass is located 55 feet away from the proposed float and 75 feet away from the new gangway and would not be directly impacted by the new structures. A pre-construction eelgrass survey is also planned prior to construction in order to develop an anchor management plan for eelgrass located in the navigation channel. Tetra Tech, Inc., also conducted a survey for *Caulerpa taxifolia* but none was detected.

A floating wooden dock is part of the proposed project. It is the Department's position not to approve the use of creosote treated timber in waters of the State as it could violate Section 5650 of the Fish and Game Code. We also do not recommend pressure treated woods such as ACZA, CCA, ACA, as there is a potential for the materials to leach into the water and cause harm to fish, plants, and/or birds.

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EXHIBIT # 7

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However it is our understanding that the floating wooden dock will be coated and sealed in epoxy resin. Creosote would not be used and any pressure treated wood would be chromium and arsenic free and completely sealed in epoxy resin. No exposed wood would come in contact with bay waters.

Based on the eelgrass survey it appears that the new structures will not have a direct impact on the eelgrass habitat identified in the project vicinity. However, there is the potential for construction activities to impact the identified eelgrass habitat as well as the eelgrass that exists in the Alamitos Bay Entrance Channel. According to the eelgrass survey report, a pre-construction eelgrass survey is planned to update eelgrass locations. We assume this means previously identified eelgrass as well as that within the Entrance Channel subject to construction activities. To avoid impacts to eelgrass habitat in the vicinity of the project, the Department recommends the following measures:

- The applicant marks the boundaries of eelgrass habitat subject to construction impacts prior to construction to prevent project activities from encroaching on any eelgrass habitat.
- Vessels associated with the project should avoid anchoring over the eelgrass habitat.
- Construction activities need to be monitored to prevent any impacts to eelgrass.
- Finally, an eelgrass survey needs to be conducted after construction and adverse impacts to eelgrass mitigated in accordance with the Southern California Eelgrass Mitigation Policy, adopted July 31, 1991, as amended.

With the implementation of these measures, it is our view that the proposed project, as currently described, would not have a significant adverse effect on existing marine resources and habitats within the area. Therefore, the Department concurs with the issuance of a CDP for the proposed project. The Department reserves the right to modify or change the above determination based on additional findings or other pertinent information concerning the above mentioned project.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty, Marine Region, San Diego
4949 Viewridge Avenue
San Diego, CA 92123

Mr. Bryant Chesney
NOAA Fisheries
501 Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

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