

CALIFORNIA COASTAL COMMISSION

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

Th 4b

Filed: January 17, 2008
49th Day: March 6, 2008
180th Day: July 15, 2008
Staff: Fernie Sy-LB
Staff Report: May 22, 2008
Hearing Date: June 11-13, 2008
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-07-438

APPLICANT: City of Seal Beach

PROJECT LOCATION: Seal Beach Municipal Pier, Seal Beach (Orange County)

PROJECT DESCRIPTION: Replace decking on the pier.

LOCAL APPROVALS RECEIVED: City of Seal Beach Approval-in-Concept dated December 11, 2007.

SUMMARY OF STAFF RECOMMENDATION:

The subject site is the Seal Beach Municipal Pier in the City of Seal Beach. The major issues before the Commission relate to public access, water quality and marine resources. Staff is recommending the Commission **APPROVE** the proposed development with **FIVE (5) SPECIAL CONDITIONS** which requires **1)** future improvements return to the Commission for review; **2)** timing of construction; **3)** use of construction best management practices (BMPs); **4)** the debris disposal site to be located outside the coastal zone; and **5)** conformance with Water Quality Management Plan.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Seal Beach does not have a certified Local Coastal Program. Furthermore, the subject pier extends seaward of the mean high tide line, thus, it is subject to the Commission's original jurisdiction. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Letter to the City of Seal Beach from Commission staff dated January 9, 2008; Letter to Commission staff from the City of Seal Beach dated January 11, 2008; Letter to Commission staff from the City of Seal Beach dated May 12, 2008.

EXHIBITS

1. Vicinity Map
2. Site Plan
3. Phase Plan

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the 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. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. 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. 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. FUTURE IMPROVEMENTS

This permit is only for the development described in Coastal Development Permit No. 5-07-438. Pursuant to Title 14, California Code of Regulations, Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code, Section 30610(b) shall not apply. Accordingly, any future improvements to the development authorized by this permit that would result in any change to the Seal Beach Pier including, but not limited to, repair and maintenance identified as requiring a permit in Public Resources Code, Section 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. 5-07-438 from the Commission or shall require an additional coastal development permit from the Commission.

2. TIMING OF CONSTRUCTION AND PUBLIC ACCESS

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the pier, adjacent beaches, or public parking lots resulting from construction activities as required below:

No construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

All construction work will take place between the hours of 10pm and 6am. The pier will be opened to the public between the hours of 6am and 10pm.

3. STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS

The permittee shall comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- C. 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.

- D. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- E. Netting, tarps and/or other forms of barriers shall be installed between the water and the work areas to prevent any unpermitted material from entering the Pacific Ocean.
- F. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlet protection with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting shall be held to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- G. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to **Special Condition No. 4.**

4. LOCATION OF DEBRIS DISPOSAL SITE

The applicant shall dispose of all demolition and construction debris resulting from the proposed projects 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.

5. CONFORMANCE WITH WATER QUALITY MANGEMENT PLAN (WQMP)

The applicant shall carry out development in conformance with the Water Quality Management Plan (WQMP) submitted on January 17, 2008, which incorporates Best Management Practices (BMPs) including, but are not limited to: 1) all equipment shall be inspected for leaks immediately prior to the start of construction operations, and regularly inspected thereafter until project completion. Vehicles and equipment with leaks shall not enter the project/beach area; 2) trash and other debris encountered during demolition and clean-up shall not be disposed of in the ocean, but will be disposed of off-site at an approved landfill; and 3) secure all materials to prevent discharges to receiving waters via wind

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION AND PREVIOUS COMMISSION ACTION ON SITE

1. Project Location and Description

The project site is the Seal Beach Municipal Pier in the City of Seal Beach (Exhibits #1-2). The pier was constructed in 1906, is approximately 1,800-feet long and serves as a popular destination point for the public to come and enjoy the low cost visitor and recreational facilities since it is surrounded by the beach and ocean and it is easily accessible to those people going to the beach. The pier is also located at the end of Main Street in the City's Old Town Area, which is the City's primary visitor serving commercial area. Thus, the pier is a draw for visitors to the commercial district as well.

Surrounding the Seal Beach Municipal Pier are the following: to the North and South is the public beach and ocean; to the West is the Pacific Ocean; and to the East are the 8th and 10th Street Beach Parking Lots that flank the pier and the intersection of Ocean Boulevard and Main Street. The site is zoned by the City's uncertified planning documents as Public Land Use/ Recreation (PLU/R). This zone applies to publicly owned and publicly used buildings, public parklands and public open space areas.

Overall, the pier and its deck are in fair condition and because of its timber construction, surfaces and appearance are rough and rustic. A study was conducted in May of 2006 to analyze the rehabilitation of the decking on the pier. The study determined that the existing decking should be replaced by an imported hardwood (Greenhart). As a result of this study, the applicant has currently proposed the replacement of the existing decking on the pier with Greenhart hardwood. The project aims to restore the natural function of the pier decking because the current surface is in need of repair due to its rough and uneven surfaces.

The proposed project will take place in four (4) phases (Exhibit #3). Phase 1 deals with the middle eastern portion of the pier (this phase has actually already occurred prior to issuance of a coastal development permit). Phase 1 (which is seeking after-the-fact approval), as well as the other remaining phases of this project are part of this application. Phase 2 deals with the middle western portion of the pier. Phase 3 deals with the eastern end of the pier. Phase 4 deals with the western portion of the pier. Complete construction will take approximately 13 weeks, anticipating taking place from January 2009 to April 2009 in the evening, Monday through Friday 10pm to 6am. Construction operations will consist of the following: 1) Work begins at 10pm; 2) One bent is worked on per night at a span of 20-feet; 3) Contractor pulls off old Douglas Fir timber deck planks; 4) Contractor brings in new Greenheart Timber deck planks and installs on pier; 5) New stringers are installed as needed for decking support; and 6) Contractor finishes with bolt lagging and quality checking surface for smoothness. This process each day will take approximately eight (8) hours so the pier can be reopened at 6am.

The staging area will be located in the 10th Street Public Beach Parking lot and will occupy approximately a 6,000 to 8,000 square feet portion of the lot, which will temporarily impact 33 parking spaces.

Since the project will take place during the evening hours and outside of the peak season (Memorial Day to Labor Day), public access will not be significantly, adversely impacted.

The applicant has submitted a Water Quality Management Plan (WQMP) consisting of the following Construction Phase Best Management Practices, which include: 1) all equipment shall be inspected for leaks immediately prior to the start of construction operations, and regularly inspected thereafter until project completion. Vehicles and equipment with leaks shall not enter the project/beach area; 2) trash and other debris encountered during demolition and clean-up shall not be disposed of in the ocean, but will be disposed of off-site at an approved landfill; and 3) secure all materials to prevent discharges to receiving waters via wind.

The proposed project would only involve replacement of the pier decking. No other changes to the pier are proposed (e.g. no changes to handrails, pier piles or other support structure, or other facilities located on the pier). Such changes would require separate authorization from the Commission. Special Condition No. 1 clarifies the City's responsibilities with regard to future permit requirements from the Commission.

2. Previous Commission Action On Site

On January 8, 1985, the Commission approved Coastal Development Permit Application #5-84-654-[City of Seal Beach]. The proposed project was for the replacement and reconstruction of an existing 2, 680+ square foot restaurant, which was storm damaged in February 1983 located at the end of the Seal Beach Municipal Pier. The new structure was to be located at the same site as the original structure and was to have substantially the same purpose and capacity as the replaced restaurant structure with no change in the footprint of the structure. **One (1) Special Condition** was imposed which required that determination be made as to whether there were conflicts or inconsistencies between the project as approved by the Commission and the provisions of the lease.

On October 13, 2004, the Commission approved Coastal Development Permit Application No. 5-03-521-[Ruby's] for the following for a project located at the end of the Seal Beach Municipal Pier: 1) conversion of 691 square feet of public pier area adjacent to the existing 2,995 square foot Ruby's restaurant into outdoor dining area (15 counter seats and 34 table seats) associated with Ruby's restaurant; 2) removal of an existing trash enclosure; 3) remodel of the existing 474 square foot bait and tackle shop to house a new trash enclosure, public restrooms and a fish cleaning sink; 4) remodel and addition of the existing Ruby's restaurant including patron restrooms, walk-in cooler, and exterior ramps and 5) upgrade of the existing pier bench at the end of the pier. **Seven (7) Special Conditions** were imposed: **1)** submittal of revised project plans to limit restaurant encroachments upon public pier area; **2)** future improvements return to the Commission for review; **3)** timing of construction; **4)** submittal of and conformance with a construction staging plan; **5)** use of construction best management practices (BMPs); **6)** the debris disposal site to be located outside the coastal zone; and **7)** submittal of post-construction best management practices.

On December 14, 2005, the Commission approved Coastal Development Permit Application No. 5-05-227-[City of Seal Beach] for the repair and reinforcement of an existing damaged beach erosion control structure (groin) adjacent to the pier by installing 252 linear feet of new concrete sheet piles on the east side of the groin and 45 linear feet of new concrete sheet piles on the west side of the groin. Concrete will be poured-in-place to fill the voids between new sheet pile segments and the existing groin. 350 linear feet of new concrete cap will be cast-in-place and the remaining concrete cap will be repaired. The proposed project also involves removing the un-permitted temporary steel sheet piles and any remnant pieces of the collapsed groin and demolishing 350 linear feet of existing concrete cap. **Eleven (11) Special Conditions** were imposed: **1)** groin maintenance; **2)** groin monitoring plan; **3)** submittal of final plans; **4)** use of construction best management practices (BMPs); **5)** the debris disposal site to be located outside the coastal zone ; **6)** timing of construction and public access; **7)** timing of construction; **8)** submittal of and conformance with a construction staging plan; **9)** Regional Water Quality Control Board approval; **10)** State Lands Commission approval; and **11)** assumption of risk.

B. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

C. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-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.

E. UNPERMITTED DEVELOPMENT

Development has occurred on site without benefit of the required coastal development permit, including pier redecking at the Seal Beach Municipal Pier. Specifically, Phase 1 of the project has already taken place (replacement of the middle eastern section of the pier deck).

Although construction has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. LOCAL COASTAL PROGRAM

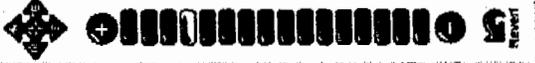
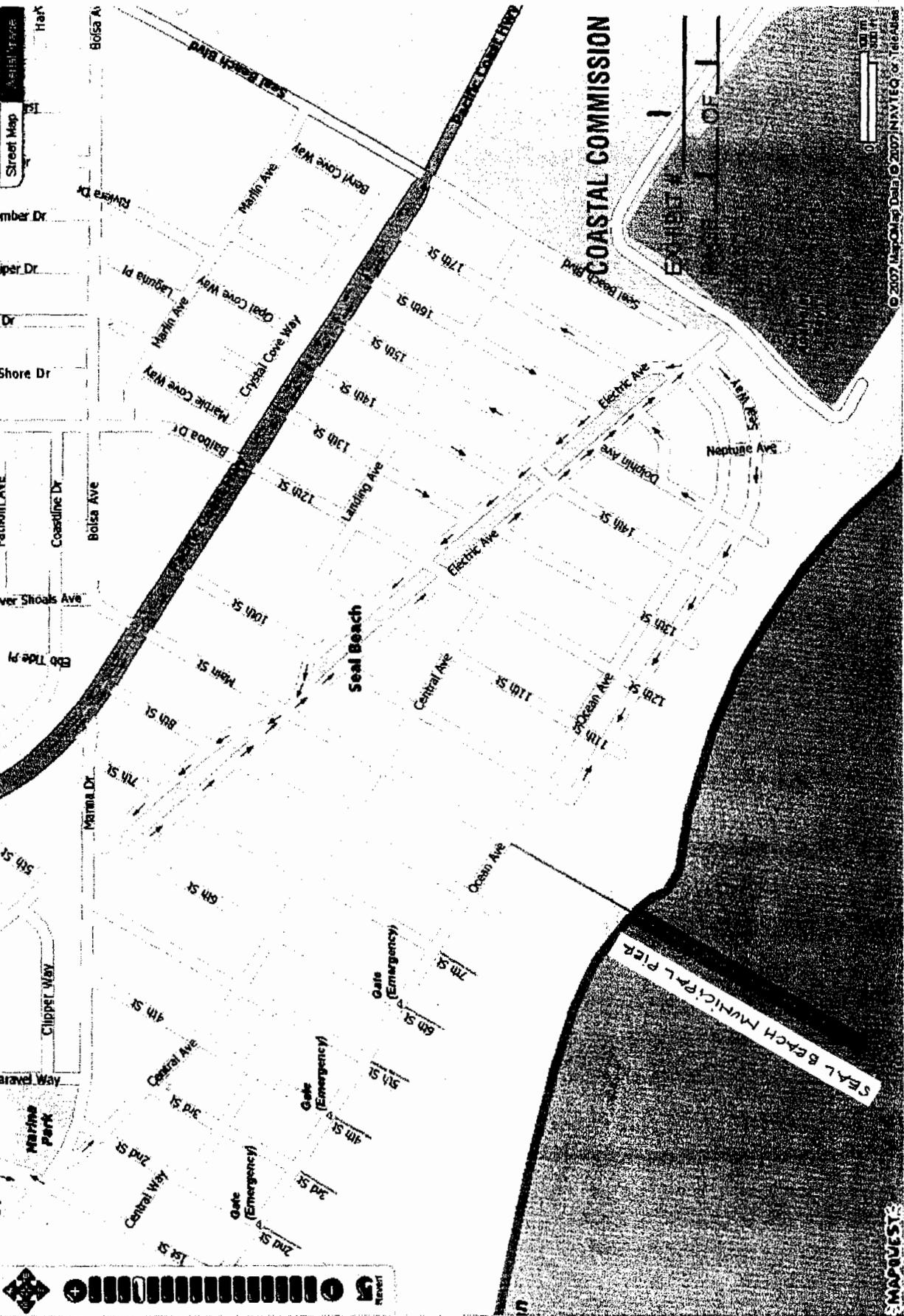
Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.



Street Map

Shore Dr

Boisja Ave

Shoals Ave

5th St

Central Ave

2nd St

1st St

Boisja Av

Rivers Dr

Marble Cove Way

Boisja Ave

7th St

Central Ave

4th St

2nd St

1st St

Seal Beach Blvd

Opal Cove Way

Crystal Cove Way

Boisja Ave

10th St

Central Ave

3rd St

2nd St

1st St

Seal Beach Blvd

Bayl Cove Way

Crystal Cove Way

Boisja Ave

11th St

Central Ave

4th St

3rd St

2nd St

Seal Beach Blvd

Maple Ave

Crystal Cove Way

Boisja Ave

12th St

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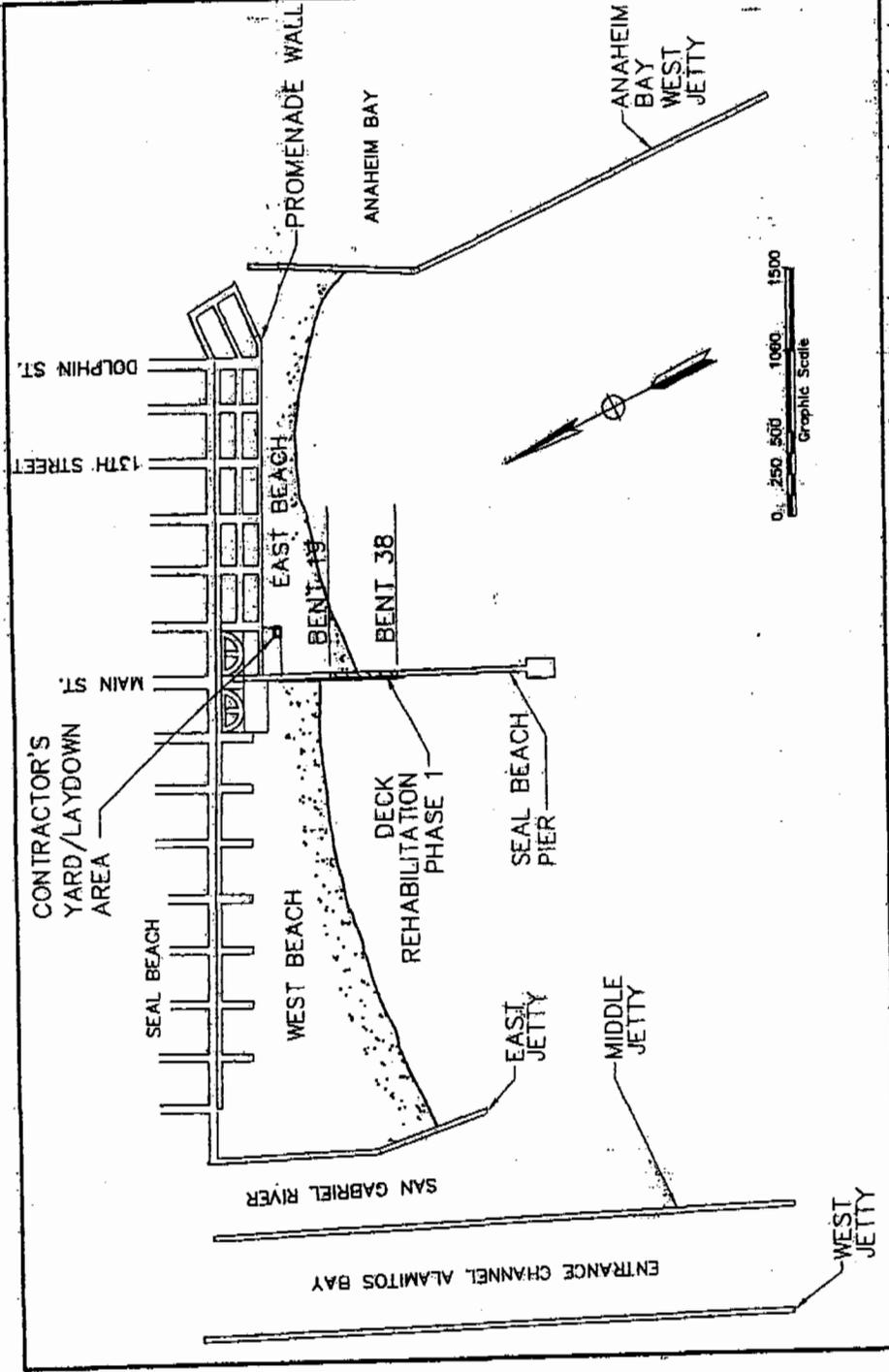
Seal Beach Blvd

Maple Ave

Crystal Cove Way

Boisja Ave

CITY MAP AND SHEET INDEX
IN, GENERAL NOTES



CONCEPT
PLANNING DEPT

[Signature]
11 DEC 2007

SITE PLAN

Manufactured
Sea Coast Manufacturing Co Inc
PO Box 551
Fairhope, AL 36533
1-800-343-8882
www.seacoast.com

Slopes Maintained
See Slopes
PO Box 4191
Seal Beach, CA 90740

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

City of Seal Beach



PROJECT: SEAL BEACH PIER
DECK REHABILITATION
PHASE 1

PUBLIC WORKS DEPARTMENT

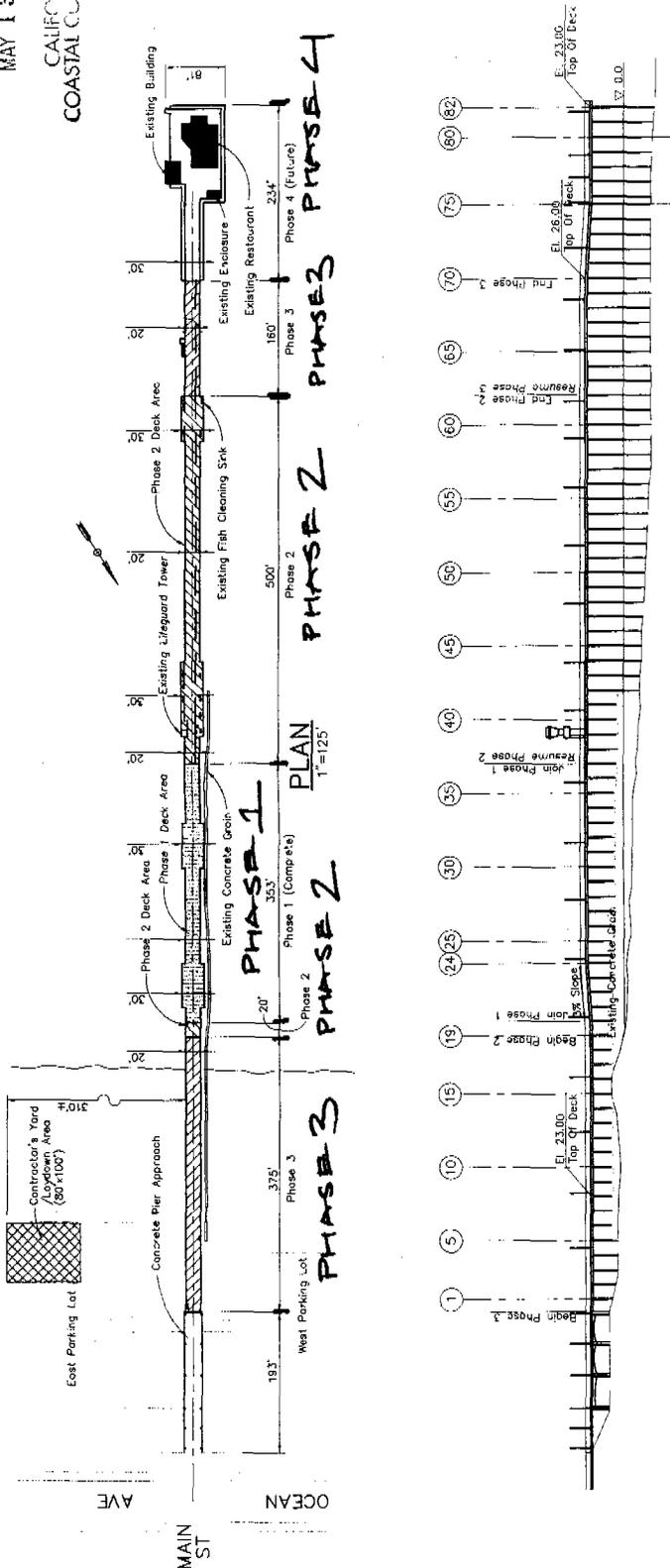
TITLE: SITE PLAN

REVISIONS

RECEIVED
South Coast Region

MAY 13 2008

CALIFORNIA
COASTAL COMMISSION



California Coastal Commission
South Coast District Office
APPROVED 6-10-07
Permit No. 07-014-03

By: _____
EFFECTIVE _____
Date: _____

COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1

- GENERAL NOTES**
- The Contractor Shall Visit The Site Prior To Bidding To Verify Conditions And Extent Of Work.
 - Contractor Shall Have A Valid California Contractor License, Class A.
 - All Construction Shall Conform To The Standard Specifications For Public Works Construction, 2006 Edition; Applicable Codes, Ordinances, Regulations, And The Project Specifications.
 - Notify The City Of San Diego Department Of Public Works A Minimum Of 48 Hours In Advance Of Construction.
 - Unless Otherwise Directed, Construction Shall Be Done At Night, And The Pier Shall Be Open To Public Use During Normal Operating Hours Of 6AM To 10PM.
 - Protect In Place All Pier Supported Utilities And Handrails Throughout Construction.
 - Loads Superimposed On The Existing Pier Shall Be Limited To An Equivalent H-10 Track, Or No More Than 200 Pounds Per Square Foot. Higher Construction Loads Shall Be Supported On Structural Walls Spanning From Pier Cap To Pier Cap.

City of Seal Beach

PROJECT: SEAL BEACH PIER DECK REHABILITATION PHASES 2 & 3

TITLE: GENERAL PLAN AND ELEVATION GENERAL NOTES

PUBLIC WORKS DEPARTMENT

DATE: 5/21/2007

BY: [Signature]

PROJECT NO.: 50217

DRAWING NO.

SHEET 2 OF 8

MOFFATT & NICHOL

3780 KERRY AVENUE, SUITE 600
LONG BEACH, CALIFORNIA, 90806
TEL: (562) 426-9551

DATE: 5/21/2007

REGISTERED PROFESSIONAL ENGINEER
CIVIL
No. 10000