

**CALIFORNIA COASTAL COMMISSION**

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Staff: Charles Posner - LB  
Staff Report: 2/18/2009  
Hearing Date: March 11, 2009  
Commission Action:



# W14a

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-08-002

**APPLICANTS:** Timothy & Deborah Richmond

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

**PROJECT LOCATION:** 5553 Sorrento Drive, Naples Island/Alamitos Bay, City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Remove an existing 38.5-foot long pier, gangway and U-shaped dock float, and replace with a new 38.5-foot long pier, new gangway and new U-shaped dock in the same location using five existing piles and one new pile, and remove access impediments from the public right-of-way that traverses the site.

**LOCAL APPROVALS:** Long Beach City Planning Dept. Approval in Concept, 11/29/2007.  
Long Beach City Marine Bureau Approval in Concept, 11/28/2007.

## SUMMARY OF STAFF RECOMMENDATION

The proposed project involves the replacement of an existing private pier and dock on Naples Island in southeast Long Beach. The proposed project also resolves a public access issue as the project site includes a segment of an LCP-designated public shoreline accessway, the Alamitos Bay Shoreline Trail. As part of the proposed project, the applicants are proposing to remove a low wall (about twelve inches high) and to relocate patio furniture that has discouraged the public from using this City right-of-way where it abuts the applicants' seaward property line (Exhibit #4). With the proposed removal of the obstacles the public will no longer need to bypass the obstructed segment of public trail by walking (at low tide only) on the intertidal mudflat that exists on the seaward side of the obstructed trail.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with a special condition that requires the project plans to be revised to indicate that some of the existing development at the site is unpermitted and that the wall and patio furniture are to be removed from the public right-of-way where it abuts the applicants' seaward property line. As conditioned, the applicants will be required to maintain a clear unobstructed public access corridor through the City right-of-way in front of their house. The special conditions also require a pre-project toxic algae (caulerpa) survey and a new eelgrass survey in order to ensure that the project will not adversely affect eelgrass beds (a 2007 eelgrass survey found eelgrass near the dock float). The applicants agree with the staff recommendation. **See Page Two for the Motion to carry out the staff recommendation.**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Eelgrass Survey Reporting Form for 5553 Sorrento Drive, Long Beach (Richmond Residence), by Mark Sites, June 29, 2007.
3. Plans & Specifications No. R-4858 (Revised) for the Construction of Waterfront Structures in the Long Beach Marina Area in the City of Long Beach, California, Office of the City Engineer, Long Beach, California, October 1994.
4. Coastal Development Permit 5-02-048 (Kober - 5615 Sorrento Dr.).
5. Coastal Development Permit 5-03-320 (Boiteux – 5469 Sorrento Dr.).
6. Coastal Development Permit 5-03-584 (Diamond – 5635 Sorrento Dr.).
7. Coastal Development Permit 5-04-033 (Jones – 5507 Sorrento Dr.).
8. Coastal Development Permit 5-05-052 (Baker – 5641 Sorrento Dr.).
9. Coastal Development Permit 5-06-411 (Reback – 5649 Sorrento Dr.).
10. Coastal Development Permit 5-07-131 (Dugan – 5639 Sorrento Dr.).
11. Coastal Development Permit 5-07-250 (Burdge – 5601 Sorrento Dr.).
12. Coastal Development Permit 5-07-120 (Murdoch – 5609 Sorrento Dr.).

**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 with special conditions Coastal Development Permit 5-08-002 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. Special Conditions

### 1. Revised Project Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit revised project plans to the Executive Director for review and approval. Prior to submittal of the revised project plans to the Executive Director, the applicants shall obtain the approval of the revised plans from the City of Long Beach Department of Parks and Recreation. The revised plans shall conform to, and clearly demonstrate compliance with, the following requirements:

- A. Notate the project plans to state that the existing fill, wooden retaining wall and other development (e.g., hardscape, planters, wall, patio furniture, etc.) that currently exist on the public right-of-way (where it abuts the applicants' private property) are unpermitted.
- B. Notate the project plans to state that the low wall and patio furniture are to be removed from the public right-of-way in order to provide and maintain a clear unobstructed public access corridor through the City right-of-way where it abuts the applicants' private property.
- C. Notate the project plans to state that this Commission action does not permit any modifications or improvements to be made to the fill and wooden retaining wall that exists seaward of the applicants' property line. Any repair or replacement of the retaining wall shall be subject to a new coastal development permit or an amendment to this coastal development permit.

- D. The pier deck shall be designed and constructed with an elevation that minimizes interference with public access along the shoreline so that the public can pass under the pier at low tide (i.e., at least six feet of head clearance shall be provided between the lowest part of the pier approach deck and the intertidal mudflat located seaward of the public right-of-way).
- E. The dimensions of the new pier shall conform with the project plans submitted with the coastal development permit application: a 38.5-foot long, four-foot wide pier with a 10'x 14' deck, as shown on **Exhibit #5 of the 2/18/09 staff report**.
- F. The three existing pier support piles and two existing piles securing the dock shall remain in their current locations to support the new pier structure and new dock. One new pier pile is permitted to support the proposed 10'x 14' pier deck.

The permittees shall undertake and maintain the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported 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. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally 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 another 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 applicants 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. Caulerpa (Toxic Algae) Survey

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicants 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 (5) business days of completion of the survey, the applicants 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 applicants 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.

4. Approved Use of Pier and Dock

The permitted use of the approved development is for boating related uses only. No boat baths or other type of permanent development is permitted to occupy the boat docking area. All development must occur in strict compliance with the final project plans approved by the Executive Director. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. 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. Eelgrass shall not be disturbed.
- F. 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.
- G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- H. 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.
- I. The applicants shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- J. 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.

6. 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 applicants 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 applicants shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Bilges shall be cleaned and maintained. The use of detergents or soaps that can be discharged by bilge pumps is prohibited.

7. Public Access To and Along the Waterway

As proposed, and prior to the construction of the new pier, the applicants shall: a) remove the obstacles to public access (low wall and patio furniture) from the City right-of-way where it abuts the applicants' private property, and b) post a sign (no less than two square feet in size with letters at least two inches high) on each side of the public accessway that abuts their property which states: "Public Accessway Open". The applicants shall notify the Executive Director of compliance with this condition prior to commencement of construction of the new pier and dock. Except for the temporary disruptions that will occur during the completion of the permitted development, the applicants shall not interfere with public access along the right-of-way and shoreline area located seaward of the applicants' private property.

8. Conformance with the Requirements of the Resource Agencies

The permittees shall comply with all permit requirements and mitigation measures of 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 which 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 replacement of an existing private pier and dock on Naples Island in southeast Long Beach (See Exhibits). The proposed project is in Alamitos Bay, situated between an existing single-family residence and the City Pierhead Line (Exhibit #5). The existing 38.5-foot long pier and associated gangway and dock are proposed to be removed and replaced in the same location using five existing concrete piles and one new pile. The new pier will have a 10'x 14' platform. In total, the proposed project will increase the total number of piles from five to six (four for the pier and two for the dock). The proposed project also includes the removal of access impediments (a low wall and patio furniture) from the public right-of-way that traverses the project site.

The proposed pier and dock are in Alamitos Bay, situated between the shoreline and the City Pierhead Line (Exhibit #5). The proposed pier and floating dock are associated with the applicants' adjacent single family home, and are for boating recreation purposes. The proposed rectangular pier platform complies with the maximum 10'x 14' dimensions set forth by the City's specifications for waterfront structures. The applicants have provided a 2007 eelgrass survey which indicates that eelgrass was found growing near the existing piles that secure the floating dock in place [Eelgrass Survey Reporting Form for 5553 Sorrento Drive, Long Beach (Richmond Residence), by Mark Sites, June 29, 2007]. The special conditions require the applicant to maintain the dock piles in place and to provide a new eelgrass survey in order to ensure that the project (e.g., the new pier pile) will not adversely affect the eelgrass beds. The disturbance of eelgrass is not permitted. The applicant is also required to conduct a pre-project *Caulerpa taxifolia* (toxic algae) survey.

##### **B. Public Access and Recreation**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access. Therefore, the proposed development must be designed to protect maximum public access along the shoreline and to nearby recreational facilities.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Public access along the shoreline is the primary Coastal Act issue raised by the proposed development. The project site includes a portion of the Alamitos Bay Shoreline Trail (City right-of-way), a public pedestrian accessway that runs along the shoreline between the applicants' house and the applicants' pier (Exhibit #3). The certified City of Long Beach LCP designates this fifteen-foot wide City right-of-way as a shoreline public accessway.

The applicants' house and front yard area are situated immediately inland of the fifteen-foot wide City right-of-way that the certified City of Long Beach LCP designates as the Alamitos Bay Shoreline Trail (Exhibit #4). A wooden retaining wall situated on the seaward edge of the right-of-way retains fill upon which a patio, two planters and a low wall have been constructed within the portion of the City right-of-way that abuts the applicants' property.<sup>1</sup> The existing pier and its first supporting T-pile are located immediately seaward of the City right-of-way. The area (beach) situated on the seaward side of the right-of-way and wooden retaining wall is actually an intertidal mudflat as the bay waters reach the retaining wall during high tides.

As part of the proposed project, the applicants are proposing to remove a low wall (about twelve inches high) and to relocate patio furniture that has discouraged the public from using this City right-of-way where it abuts the applicants' seaward property line (Exhibit #5). With the proposed removal of the obstacles the public will no longer need to bypass the obstructed segment of public trail by walking (at low tide only) on the intertidal mudflat that exists on the seaward side of the obstructed trail. The applicants are not proposing to remove the wooden retaining wall or any of the fill material that currently exists within the right-of-way seaward of the private property. The wooden stairway, situated on State Tideland at the base of the pier, is proposed to remain in place to provide the public with access between the beach and the public accessway (Exhibit #5). At low tides, the public will be able to pass under the proposed pier and walk along the muddy shoreline.

The Commission finds that the applicants' proposal to remove the low wall and patio furniture in order to open access along the public right-of-way is consistent with the public access and recreation policies of the Coastal Act. However, **Special Condition One** is imposed in order to require the applicants to submit revised plans for the proposed development that make it clear that the Commission is approving only the new pier and dock and the removal of the obstacles to public access, and that the permit is not authorizing the existing fill, wooden retaining wall and other development (e.g., hardscape, planters, wall, patio furniture, etc.) that currently exists on the public right-of-way where it abuts the applicants' private property. The

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<sup>1</sup> Commission staff has attempted to determine when the retaining wall and fill were placed within the City right-of-way, but the study of aerial photos has been inconclusive. While there is no evidence at this time this development occurred after the effective date of the Coastal Act, there is also not any evidence that it was placed subject to a lease or other approval from local government. In 2005, the patio and low wall were constructed within the right-of-way without a valid coastal development permit. Therefore, it must be clear that by this action the Commission is not approving this retaining wall, fill or patio on public property.

condition also requires that the proposed pier shall be designed with at least six feet of head clearance between the lowest part of the pier approach deck and the intertidal mudflats located seaward of the public right-of-way in order to minimize interference with public access along the shoreline so that the public shall be able to pass under the pier at low tide.

In addition, **Special Condition Seven** protects public access along the City right-of-way by requiring that, as proposed, and prior to the construction of the new pier, the applicants shall: a) remove the obstacles to public access (low wall and patio furniture) from the City right-of-way where it abuts the applicants' private property, and b) post a sign (no less than two square feet in size with letters at least two inches high) on each side of the public accessway that abuts their property which states: "Public Accessway Open". Therefore, as proposed and conditioned, the proposed project will improve the public's ability to use the Alamitos Bay Shoreline Trail consistent with the public access policies of the Coastal Act.

### **C. Recreation and Marine Resources**

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30233(a) of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects...(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30240 of the Coastal Act requires that the proposed project, which is located in Alamitos Bay, shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas of Alamitos Bay contain environmentally sensitive habitat areas, which shall be protected from the adverse impacts of shoreline structures like piers. The permit is conditioned to protect these marine resources.

The proposed pier is an allowable and encouraged marine related use. The proposed project, as conditioned to be used for boating related uses only, will provide recreational boating opportunities for the applicants. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. 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*. The eelgrass identified at the site in the 2007 will be not be adversely affected by the proposed project as no new piles are being approved near the mapped eelgrass. A new eelgrass survey must be provided prior to issuance of the permit in order to ensure that the one new pile approved to support the new pier deck will not adversely affect any eelgrass. The disturbance of eelgrass is not permitted.

**Special Condition One** prevents potential adverse impacts by clearly stating that this Commission action does not permit any modifications or improvements to be made to the fill and wooden retaining wall that exists seaward of the applicants' property line. Any repair or replacement of the existing retaining wall shall be subject to a new coastal development permit or an amendment to this coastal development permit in order to analyze what effects, if any, such development would cause to marine resources and other coastal resources.

Therefore, as conditioned, the project is to be used solely for recreational boating purposes, will not significantly adversely impact eelgrass beds, and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Therefore, the proposed project, as conditioned, conforms with Sections 30224, 30233 and 30240 of the Coastal Act.

#### **D. Water Quality**

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground

water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams

The proposed project 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 (BMPs) following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

#### **E. Unpermitted Development**

Prior to applying for this coastal development permit, some of the development on the site occurred without the required coastal development permit. The unpermitted development includes a wooden retaining wall, fill, a low wall, patio and patio furniture placed on the right-of-way that abuts the applicants' property. Some of this unpermitted development has been discouraging the public from using this segment of the Alamitos Bay Shoreline Trail.

Although development has taken place prior to Commission action on this permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act. Commission action on this permit application 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 or permit amendment.

#### **F. Local Coastal Program**

A coastal development permit is required from the Commission for the proposed development because it is located on tidelands within the Commission's area of original jurisdiction pursuant to Section 30519 of the Coastal Act. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and does not conflict with the certified LCP for the area.

#### **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.

# City of Long Beach



Naples Island

COASTAL COMMISSION  
5-08-002

EXHIBIT # 1

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LONG BEACH  
OUTER HARBOR

ISLAND  
CHAFFEE

PACIFIC



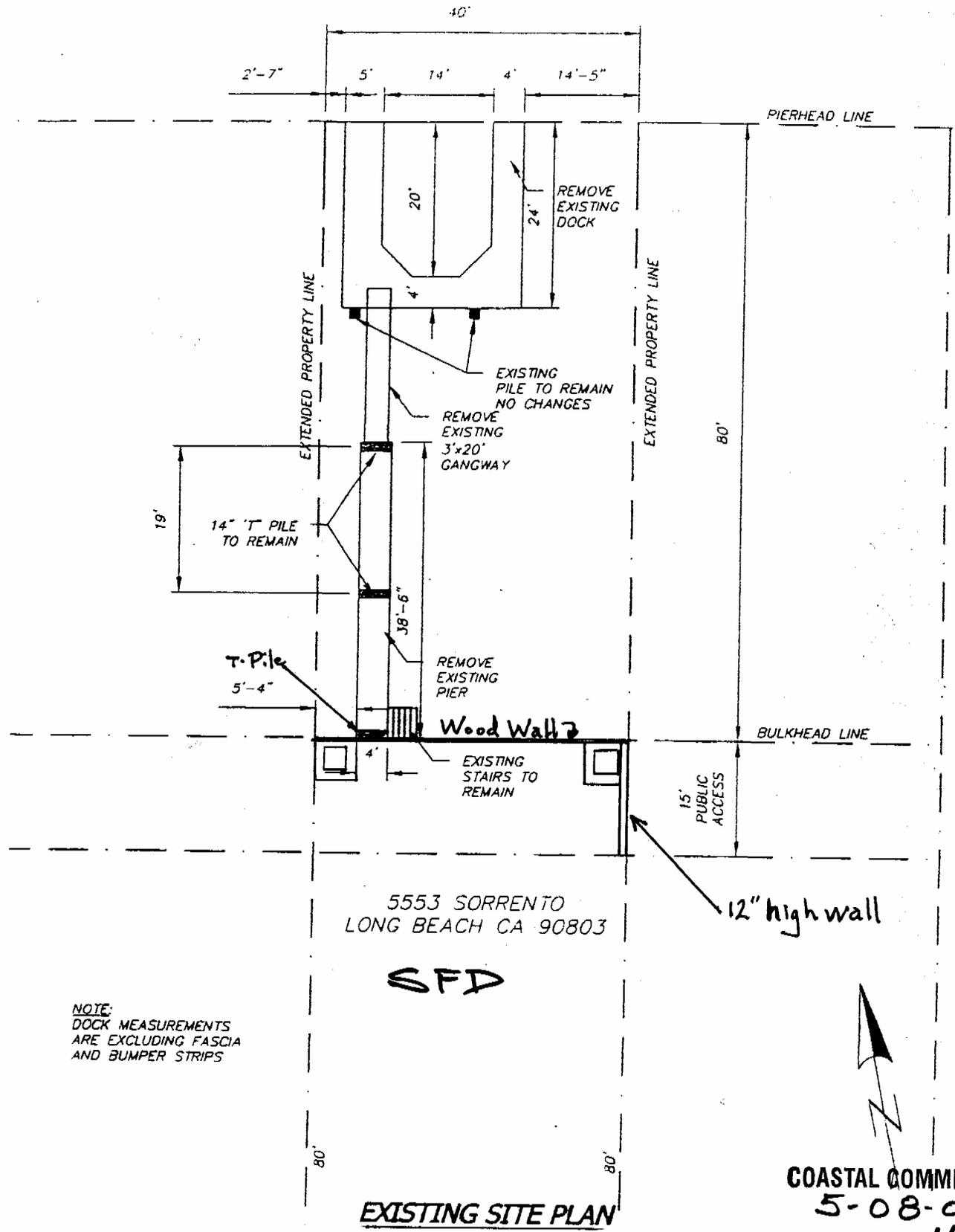
Site: 5553 Sorrento Dr.

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EXHIBIT # 2

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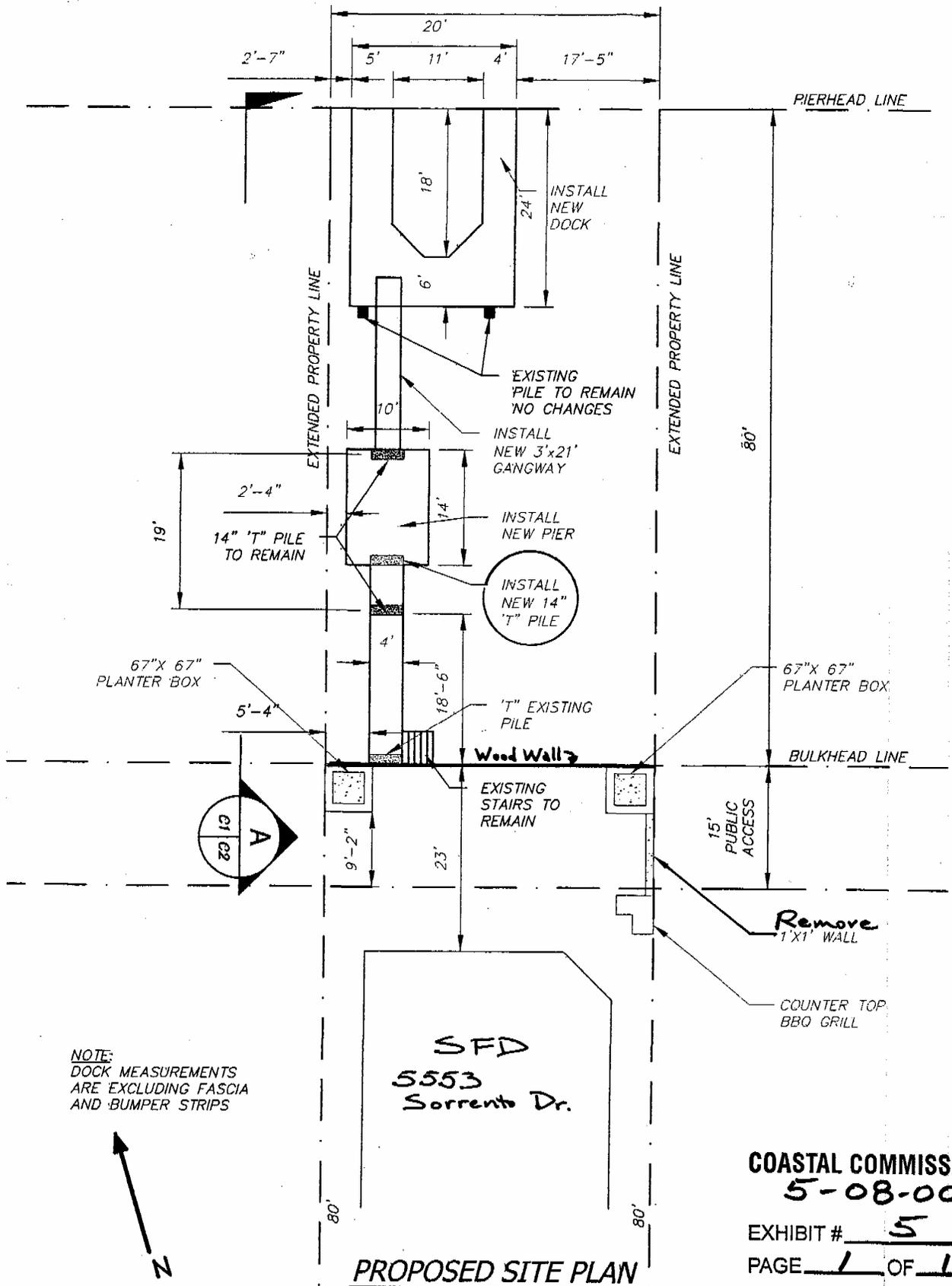




NOTE:  
DOCK MEASUREMENTS  
ARE EXCLUDING FASCIA  
AND BUMPER STRIPS

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EXHIBIT # 4  
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NOTE:  
DOCK MEASUREMENTS  
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