

**CALIFORNIA COASTAL COMMISSION**

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



May 5, 2011

# Th15a

## ADDENDUM

**To:** Commissioners and Interested Parties

**From:** John Ainsworth, Deputy Director  
Gary Timm, Coastal Program Manager  
Charles Posner, Staff Analyst

**Re:** Coastal Development Permit Application No. 5-08-199 (Cohen), 5455 Sorrento Drive, Naples Island/Alamitos Bay, City of Long Beach.

### Supplemental Findings – Recreational Boating and Marine Resources

The following findings are added to Section B of the staff report, which begins on Page Nine:

Section 30250 of the Coastal Act states:

#### **Section 30250 - Location; existing developed area**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The size of the currently proposed dock float is substantially smaller than the triple-slip dock that was originally proposed. After conferring with Commission staff, the applicant modified the design of the proposed project in order to reduce the size of the dock float and minimize the number of piles. The proposed pier and dock float have been sited to avoid shading of eelgrass beds. The proposed project will not increase the number of piles (five). Although the proposed project will result in a small increase in the size of the pier footprint (164 sq. ft. to 180 sq. ft.), the proposed 10'x 14' pier platform conforms to the size limit that the Commission has imposed on all piers in Alamitos Bay, and is not unnecessarily large. The proposed 408 square foot dock float is 152 square feet larger than the old float, but is similar in size to other dock floats permitted in the area. Finally, the proposed dock does not extend further into the channel than the existing dock, and it is within the pierhead line that protects the channel from encroachments. Thus, the proposed dock configuration conforms to the standards the Commission has found acceptable to limit the amount of open water coverage and minimize impacts to biological productivity associated with replacement of existing private boating facilities in Alamitos Bay. Therefore, as conditioned, the proposed project will not result in any significant adverse individual or cumulative effects to the bay bottom habitat and is consistent with Sections 30230 and 30250.

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Staff: Charles Posner - LB  
Staff Report: 4/21/2011  
Hearing Date: May 12, 2011  
Commission Action:



# Th15a

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-08-199

**APPLICANT:** Joseph Cohen

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

**PROJECT LOCATION:** 5455 Sorrento Drive, Naples Island/Alamitos Bay, City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Remove a private L-shaped floating dock and pier, and construct a new pier with double U-shaped float, and remove access impediments from the public right-of-way that traverses the site.

**LOCAL APPROVAL:** Long Beach City Planning Dept. Approval in Concept.

### 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 applicant is proposing to remove a low wall (about thirty inches high) and plants that encroach into this City right-of-way where it abuts the applicant's 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 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 applicant to provide a clear unobstructed public access corridor through the fifteen-foot wide City right-of-way where it abuts the applicant's private property. 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 July 2010 eelgrass survey found eelgrass near the existing dock). The applicant agrees 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 (Preliminary) for 5455 Sorrento Drive, Long Beach (Cohen Residence), by WSSI Environmental Consulting, July 22, 2010.
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 Pier - 5615 Sorrento Dr.).
5. Coastal Development Permit 5-03-320 (Boiteux Pier – 5469 Sorrento Dr.).
6. Coastal Development Permit 5-03-584 (Diamond Pier – 5635 Sorrento Dr.).
7. Coastal Development Permit 5-04-033 (Jones Pier – 5507 Sorrento Dr.).
8. Coastal Development Permit 5-05-052 (Baker Pier – 5641 Sorrento Dr.).
9. Coastal Development Permit 5-06-411 (Reback Pier – 5649 Sorrento Dr.).
10. Coastal Development Permit 5-07-131 (Dugan Pier – 5639 Sorrento Dr.).
11. Coastal Development Permit 5-07-250 (Burdge Pier – 5601 Sorrento Dr.).
12. Coastal Development Permit 5-07-120 (Murdoch Pier – 5609 Sorrento Dr.).
13. Coastal Development Permit 5-08-002 (Richmond Pier – 5553 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 Coastal Development Permit 5-08-199 pursuant to the staff recommendation."*

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

**I. Resolution: 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 on which the Commission voted on the application. 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 applicant 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 applicant 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 wall and other development (e.g., hardscape, plants, planters, patio furniture, etc.) that currently exist on the public right-of-way (where it abuts the applicant's private property) are unpermitted.
- B. Notate the project plans to state that the wall and other unpermitted development (e.g., hardscape, decking, plants, planters, patio furniture, etc.) 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 applicant's private property. No new decking is permitted in the right-of-way.
- C. The dimensions of the new pier shall conform with the project plans submitted with the coastal development permit application: a 24-foot long (measured from the fifteen-foot wide City right-of-way), four-foot wide pier with a 10'x 14' deck, as shown on **Exhibit #5 of the 4/21/2011 staff report**.

- D. A total of five new piles are permitted: two T-piles to support the new pier, and three piles to secure the dock float. The five existing piles shall be removed before the new piles are installed.

The permittee 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 applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require 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 applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

### 3. Caulerpa (Toxic Algae) Survey

- A. Not earlier than ninety (90) days nor later than thirty (30) days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the applicant shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

### 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. Protection of Marine Resources

In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Alamitos Bay, the permittee shall implement the following demolition, staging, and construction best management practices:

- A. Eelgrass shall not be disturbed. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- B. Silt curtains will be utilized to control turbidity during removal and placement of piles.

- C. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases. Any debris discharged will be removed as soon as possible but no later than the end of each day.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. Prior to demolition, all large motile native marine invertebrates including molluscs (snails), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs), and any other large motile native marine invertebrates found on the piles and floats, shall be removed from the project site and relocated to another part of the bay.
- F. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- G. 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. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Alamitos Bay.
- H. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- I. 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.
- J. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- K. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

- L. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- M. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- N. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- O. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location within ten days of completion of construction. 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.
- P. Any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), or ACA (Ammoniacal Copper Arsenate) is prohibited. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water. All treated timber shall be free of chromium and arsenic.
- Q. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

6. 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 and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

A. Boat Cleaning and Maintenance Measures:

1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.



B. Solid and Liquid Waste Management Measures: All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

C. Petroleum Control Management Measures: Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. 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 applicant shall: a) remove all the obstacles to public access (wall, plants and patio furniture) from the City right-of-way where it abuts the applicant's 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 the applicant's property which states: "Public Accessway Open". The applicant 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 applicant shall not interfere with public access along the right-of-way and shoreline area located seaward of the applicant's private property.

8. Conformance with the Requirements of the Resource Agencies

The permittee 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.

9. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **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 41-foot long pier and associated gangway and L-shaped dock float are proposed to be completely removed and replaced. The new proposed pier, supported by two T-piles, is 24 feet long (measured from the seaward edge of the City right-of-way) including a 10'x 14' platform (Exhibit #5). A new 24-foot long gangway and a double U-shaped float are also proposed. The proposed project will not increase the number of piles that currently exist at the site: five. The surface area of the existing L-shaped float is 408 square feet, and the surface area of the proposed new float is 560 square feet. The proposed project also includes the removal of access impediments (a low wall, decking and plants) from the City right-of-way that traverses the project site (Exhibit #4).

##### **B. Recreational Boating and Marine Resources**

The Coastal Act sets forth policies that encourage recreational boating while also requiring that marine resources and water quality be protected from adverse environmental effects.

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 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.

Section 30233(a) of the Coastal Act states, in part:

(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.

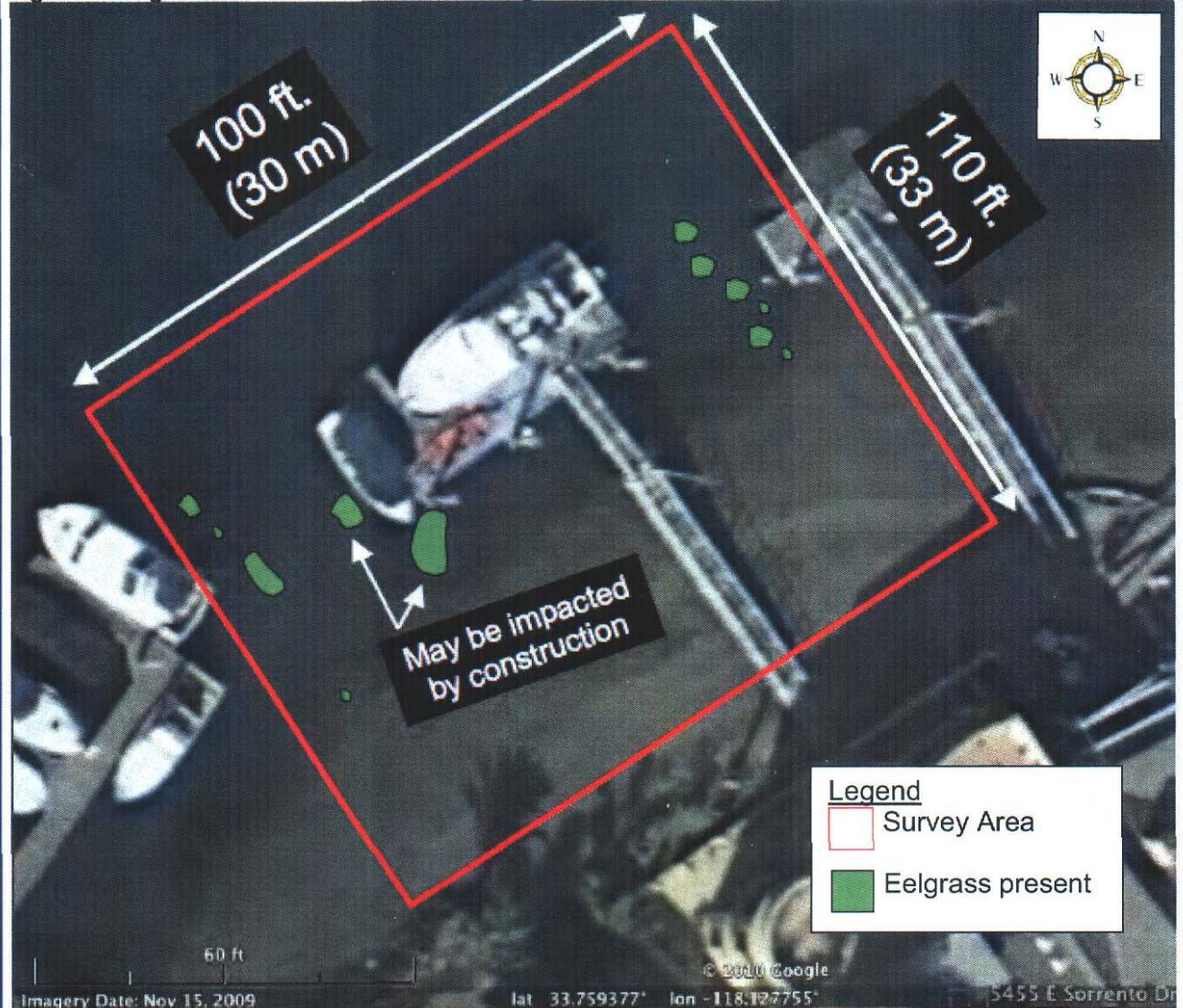
Section 30240 of the Coastal Act requires that the proposed project, which is located in Alamitos Bay, shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas of Alamitos Bay contain environmentally sensitive 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 project (pier and dock float) is associated with the applicant's adjacent single family home, and is only for recreational boating 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 number of piles is not being increased, and the disturbance of eelgrass is not permitted. The permittee is required to implement specific Best Management Practices (BMPs) during demolition, construction and while conducting ongoing maintenance and boating activities.

The applicant has provided a 2010 eelgrass survey which indicates that patches of eelgrass exist on both sides of the existing dock float (See Page Eleven). Although the proposed project has been re-designed and sited to avoid the mapped patches of eelgrass beds, the special conditions require the applicant to provide a new eelgrass survey (during the current growing season) in order to ensure that the project will not adversely affect the eelgrass beds.



Figure 3: Eelgrass at 5455 E. Sorrento Dr., Long Beach, CA



### Discussion

The site at 5455 E. Sorrento Dr. has the appropriate depth and sunlight availability to promote eelgrass growth, but the eelgrass was very patchy throughout the site rather than in a contiguous bed. Possible sources of impact to eelgrass from the proposed work include direct contact and increased shading. Proper best management practices (BMPs) should be taken to minimize impact during construction and to help ensure the preservation of this aquatic ecosystem. BMPs may include the use of silt curtains during pile removal and installation, which will help to minimize potential impact caused by increased turbidity. Further, direct contact by equipment, including boat props, should be avoided, and unused equipment (dock materials/floats/boats, etc.) should be left where the eelgrass bed will not be shaded.

Section 30233(a) of the Coastal Act restricts the placement of piles in open coastal waters, and requires that mitigation measures are provided to minimize adverse environmental effects. 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 applicant and others. 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. A new eelgrass survey must be provided prior to issuance of the permit in order to ensure that the project will not adversely affect any eelgrass. The disturbance of eelgrass is not permitted. A *Caulerpa taxifolia* survey is also required. 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 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.

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, 30230, 30231, 30233 and 30240 of the Coastal Act.

### **C. 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.

The proposed project includes an important public access component as it includes the removal of obstructions from the City right-of-way that traverses the project site (Exhibit #4). 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 applicant's house and the applicant's pier (Exhibit #4). The certified City of Long Beach LCP designates this fifteen-foot wide City right-of-way as a shoreline public accessway. A vertical public accessway also abuts the western side of the applicant's property (Exhibit #3).

The applicant's house is 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. In 2008, a thirty-inch high wall and patio were constructed partially in the City right-of-way without a valid coastal development permit (Exhibit #4). Plants also have been placed within the right-of-way, obstructing passage. The existing pier approach (ground-level decking) also exists within the City right-of-way. The pier is situated immediately seaward of the City right-of-way. The area (beach) situated on the seaward side of the City right-of-way is actually an intertidal mudflat as the bay waters reach the edge of the City right-of-way during high tides.

As part of the proposed project, the applicant is proposing to remove the wall and other obstructions that have discouraged the public from using this City right-of-way where it abuts the applicant's 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 on the intertidal mudflat that exists on the seaward side of the obstructed trail.

The Commission finds that the applicant's proposal to remove the wall and other obstructions 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 applicant 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 any development (e.g., hardscape, planters, wall, patio furniture, etc.) within the City right-of-way where it abuts the applicant's private property.

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 applicant shall: a) remove the obstacles to public access from the City right-of-way where it abuts the applicant's 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.



**D. 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 wall, patio, and plants placed on the right-of-way that abuts the applicant's property. Some of this unpermitted development has been discouraging the public from using this segment of the Alamitos Bay Shoreline Trail.

This permit authorizes the removal of the unpermitted development from the City right-of-way. To ensure that the matter of unpermitted development is resolved in a timely manner, a special condition requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within sixty days of Commission action, or within such additional time as the Executive Director may grant for good cause.

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.

**E. Local Coastal Program**

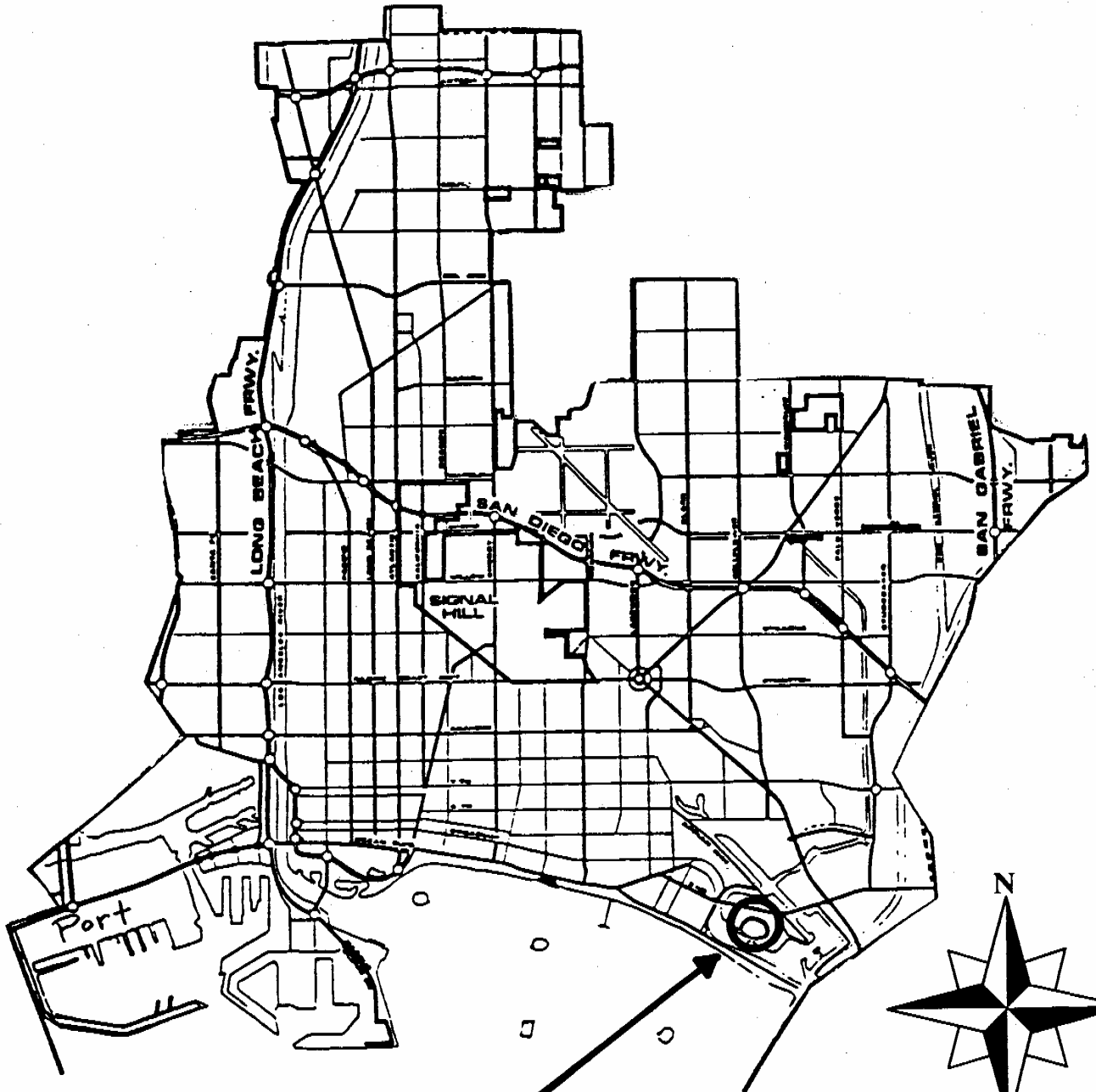
A coastal development permit is required from the Commission for the proposed development because it is located on tidelands within the Commission's area of original jurisdiction pursuant to Section 30519 of the Coastal Act. The Commission's standard of review for the proposed development is the Chapter 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.

**F. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or additional 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.

# City of Long Beach



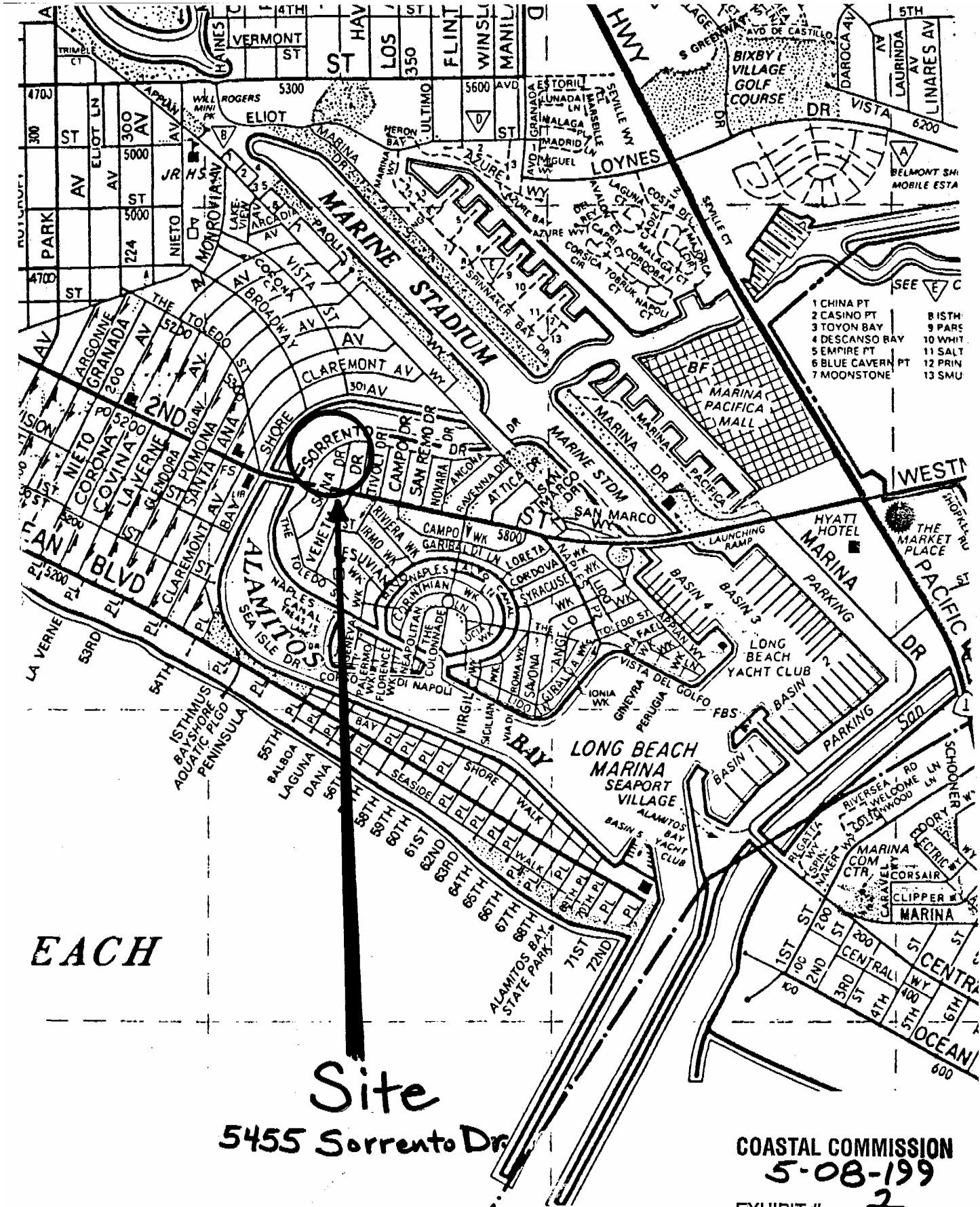
*Naples Island*

**COASTAL COMMISSION**  
**5-08-199**

EXHIBIT # 1

PAGE 1 OF 1





- |                  |         |
|------------------|---------|
| 1 CHINA PT       | 8 15TH  |
| 2 CASINO PT      | 9 PARS  |
| 3 TOYON BAY      | 10 WHIT |
| 4 DESCANSO BAY   | 11 SALT |
| 5 EMPIRE PT      | 12 PRIN |
| 6 BLUE CAVERN PT | 13 SMU  |
| 7 MOONSTONE      |         |

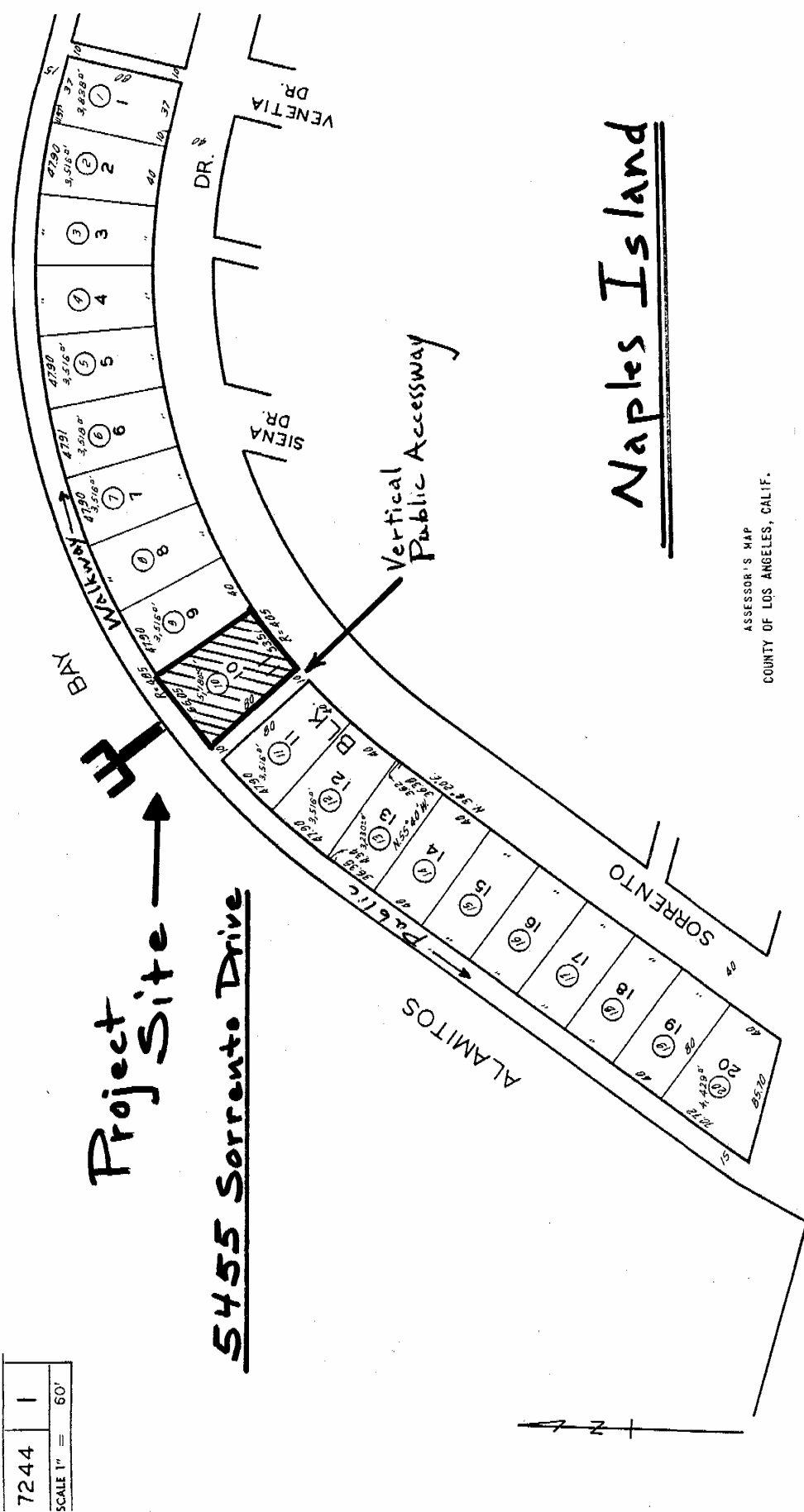
*EACH*

Site  
5455 Sorrento Dr

COASTAL COMMISSION  
5-08-199  
EXHIBIT # 2  
PAGE 1 OF 1

7244	1
SCALE 1" = 60'	

**Project Site** →  
5455 Sorrento Drive



Naples Island

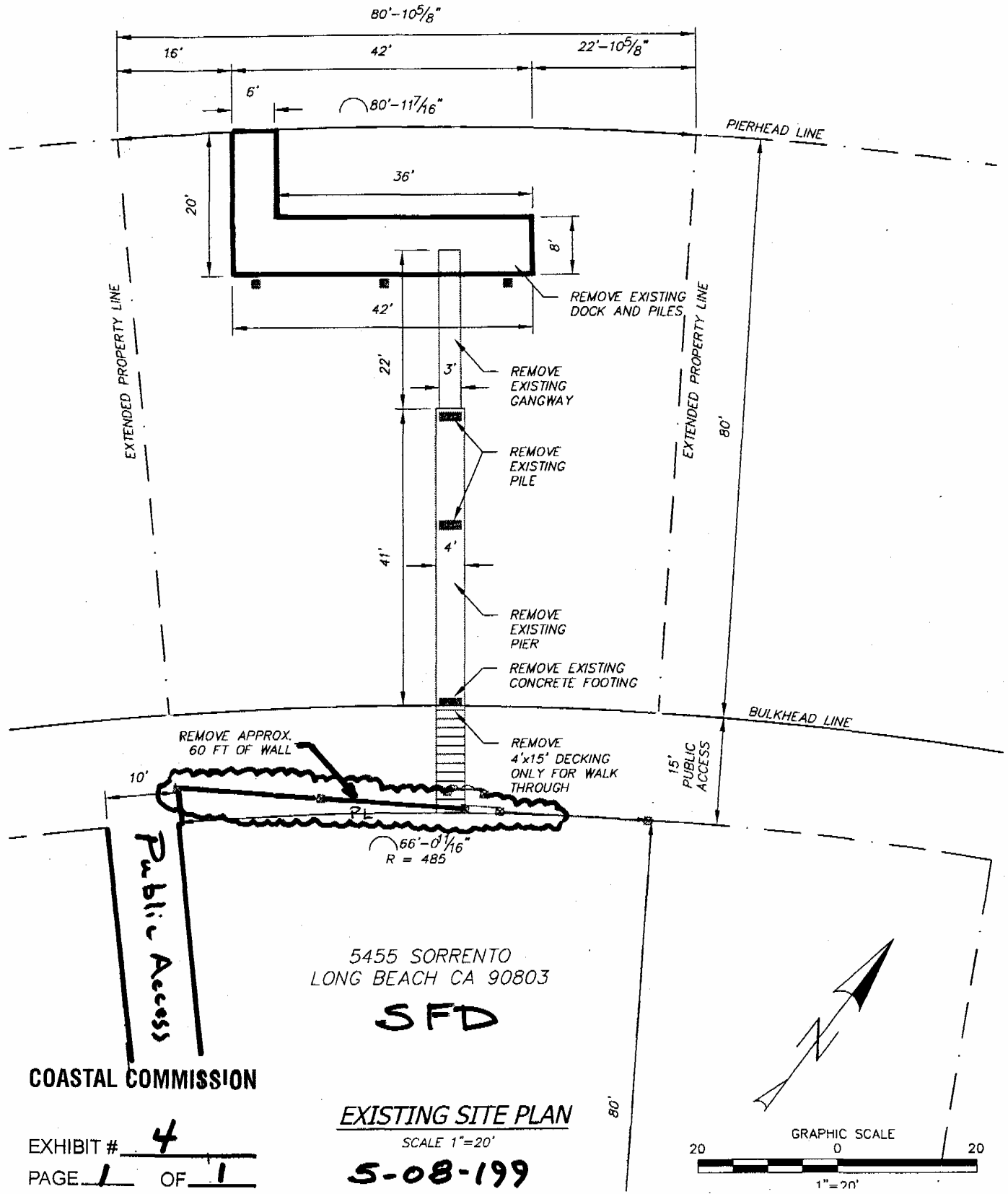
ASSESSOR'S MAP  
 COUNTY OF LOS ANGELES, CALIF.

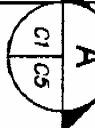
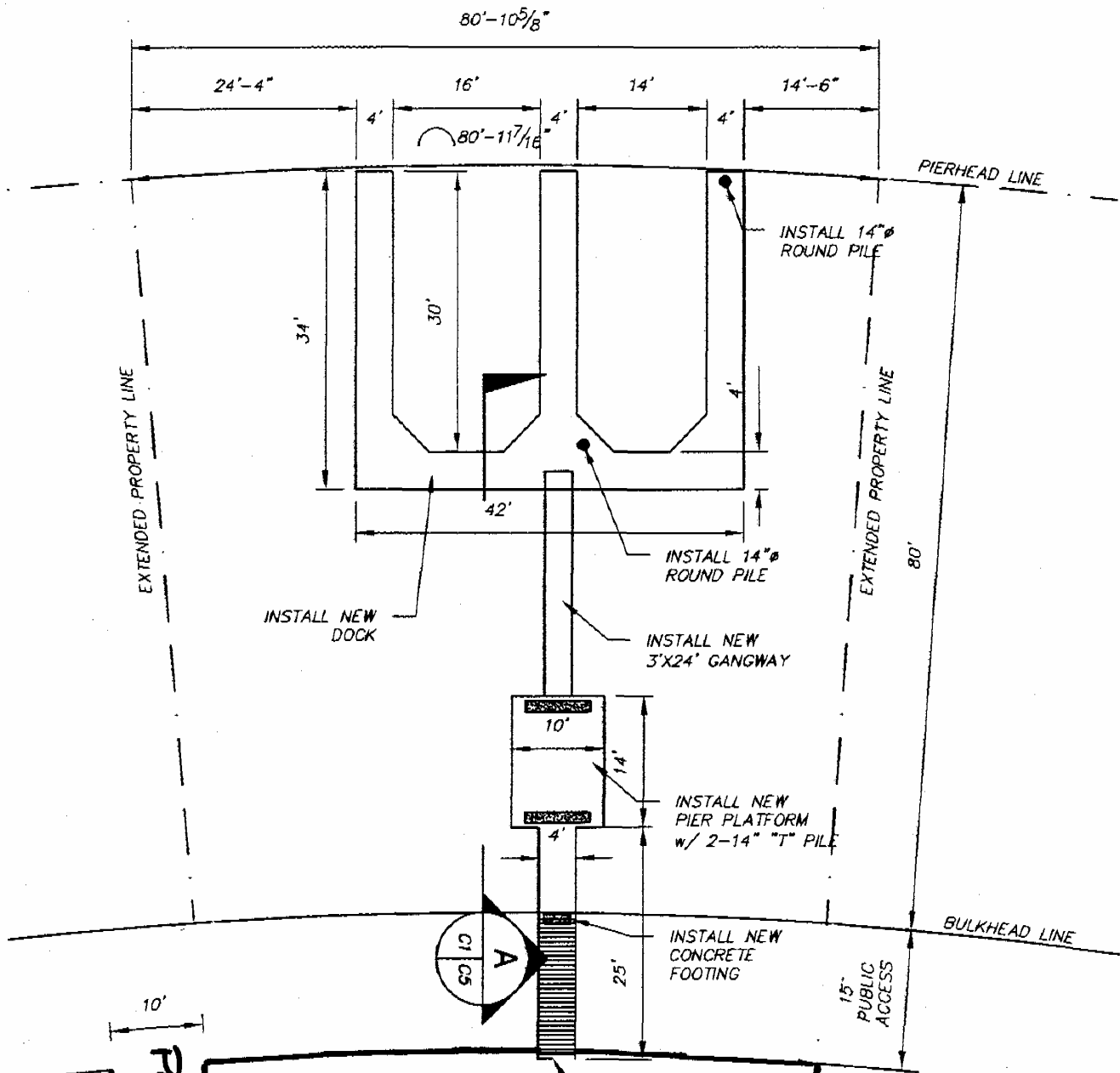
TRACT NO. 7293  
 M.B. 88 - 69

CODE  
 5500

FOR PREV. ASSMT. SEE: 149-45

# Alamitos Bay



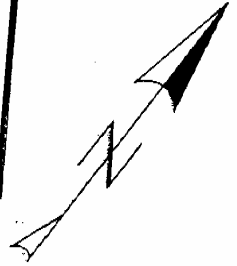


10'  
Public Access

66'-0<sup>1</sup>/<sub>16</sub>"  
R = 485

~~INSTALL NEW 4"X5" DECKING ONLY FOR WALK THROUGH~~

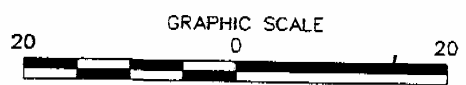
5455 SORRENTO  
LONG BEACH CA 90803  
SFD



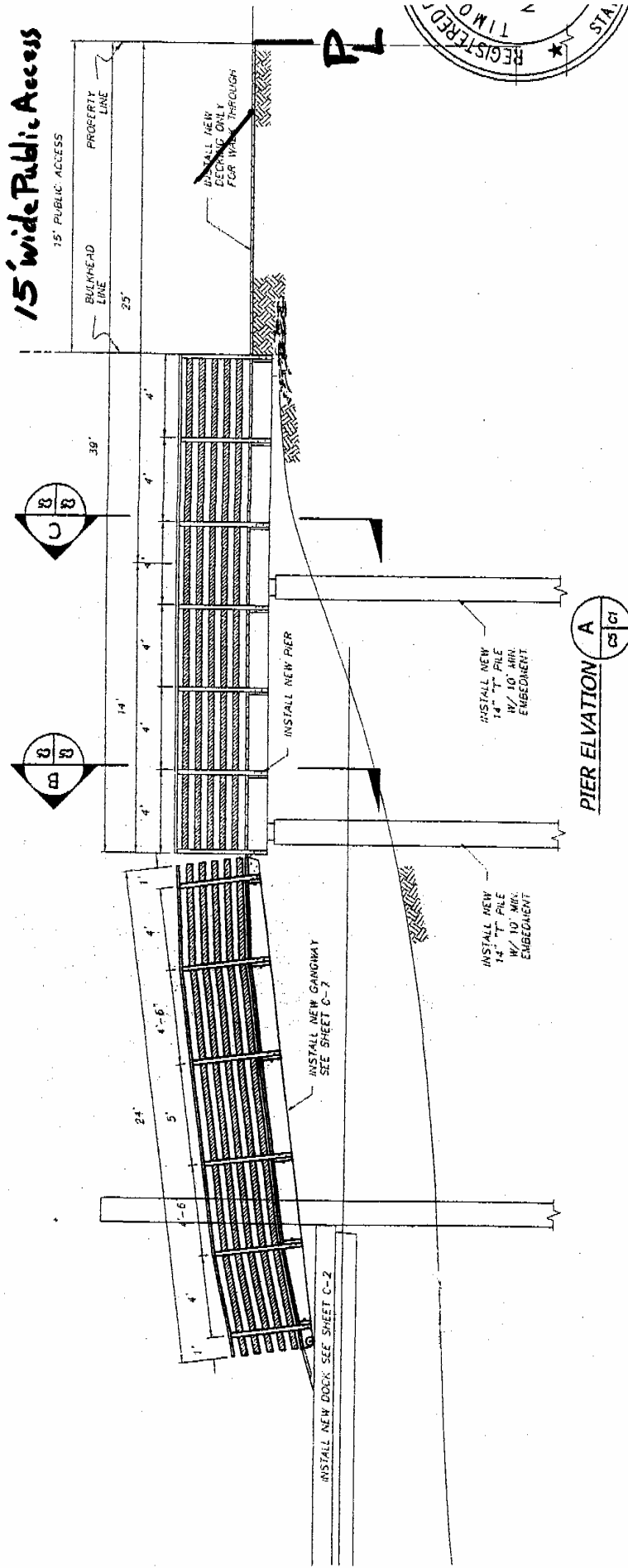
COASTAL COMMISSION

EXHIBIT # 5  
PAGE 1 OF 1

PROPOSED SITE PLAN  
5-08-199



15' wide Public Access



Proposed Pier

COASTAL COMMISSION  
5-08-1999

EXHIBIT # 6  
PAGE 1 OF 1