

**CALIFORNIA COASTAL COMMISSION**

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



# W8a

Filed:	3/15/2013
180th Day:	9/11/2013
Staff:	JDA-LB
Staff Report:	8/22/2013
Hearing Date:	9/11/2013

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.:</b>	<b>5-12-158</b>
<b>Applicant:</b>	<b>City of Redondo Beach</b>
<b>Location:</b>	Main Basin, King Harbor Marina, Redondo Beach, Los Angeles County
<b>Project Description:</b>	Installation of up to 25 new transient vessel moorings
<b>Staff Recommendation:</b>	Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing the installation of up to 25 new transient vessel moorings, which allow transient vessels to tie their boat to a mooring line rather than using an anchor. The major issue of this staff report concerns public recreation and protection of marine resources.

Staff is recommending **approval** of the proposed coastal development permit with six (6) special conditions, regarding: 1) public use of moorings; 2) construction BMPs; 3) protection of marine mammals; 4) pre-construction *Caulerpa* surveys; 5) conformance with requirements of the resource agencies; and 6) assumption of risk for the development

A coastal development permit is required from the Commission for the proposed project because it is located on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the proposed event is the Chapter 3 policies of the Coastal Act.

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### EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plan

**I. MOTION AND RESOLUTION:**

**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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution:**

*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:**

This permit is granted subject to the following 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 of 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:

This permit is granted subject to the following special conditions:

1. **Permit Compliance – Public Use of Moorings.** The boat moorings approved by Coastal Development Permit 5-12-158 are for public recreational boating related uses (transient public boat docking) only. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans, or any proposed intensification of use of the moorings (e.g., use of the moorings by commercial tour vessels or private charters) must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change in use or other changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.
2. **Construction Responsibilities.** By acceptance of this permit, the applicants agree that the permitted development shall be constructed in a manner that protects water quality and marine habitat pursuant to the implementation of the following BMPs:
  - A. In order to avoid rocky substrate and other sensitive marine resources, each new mooring shall be placed carefully by divers and in the presence of a biologist.
  - B. The approved development shall be installed only during daylight hours.
  - C. 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.
  - D. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
  - E. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
  - F. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
  - G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
  - H. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
  - I. 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 beach or in the water, and that the project has not created any hazard to navigation.

- 3. Marine Mammal Protection.** Prior to commencement of construction, the applicant shall submit, for the review and written approval of the Executive Director, evidence that the National Marine Fisheries Service has reviewed and approved a plan to ensure that the relocation of the abandoned bait barge does not result in impacts to marine mammals. If NMFS identifies that minor changes to the project, such as a reduction in the number of moorings, a change to the location of the relocated barge, or moorings within the project boundary, as identified in Exhibit 2 to the staff report, are required, prior to the commencement of construction the applicant shall submit for the review and approval of the Executive Director two sets of revised plans with the required modifications. No other changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.
- 4. Caulerpa Taxifolia Pre-Construction Survey.**

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

6. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

#### IV. FINDINGS AND DECLARATIONS:

##### A. Project Location & Description

The proposed development consists of the installation of up to 25 new transient vessel moorings. The 25 moorings consist of: 19 moorings which can accommodate boats 40 feet and smaller, 4 moorings which can accommodate 50 foot boats, and 2 moorings which can accommodate 60 foot boats. The moorings consist of a helical anchor, a narrow shaft that is screwed approximately 15 feet into the seafloor with hydraulic equipment, and an elastic band attached to the anchor which is attached to a floating mooring. Construction is estimated to take approximately 3 months. The City is proposing for construction to occur in the winter, to avoid impacts to transient vessel usage in the summer when such usage is highest.

Transient vessels are currently allowed to stay within the Harbor by requesting a permit from the Harbor Patrol office, and then dropping their boat's anchor in the location directed by the office. Existing facilities for transient boaters located in the Harbor include a fuel station with an attendant at Mole C, and a sewage pumpout station at Mole B. Transient vessels would be limited to a total stay of 72 hours, and the average anticipated stay would be a weekend period of 48 hours.

The proposed new moorings would create an easier way for boaters to moor in the harbor, thus facilitating public access. Additionally, the moorings have the added benefit of eliminating disturbance of the harbor bottom caused by the dragging of individual boat anchors. The City has submitted a Marine Habitat Assessment by Merkel & Associates, Inc., dated January 30, 2013. The Assessment finds that the majority of the area is unvegetated, and too deep to support eelgrass. The Assessment did identify that individual strands of giant kelp were present in areas where hard substrate existed on the harbor bottom; however, these were scattered and did not form a robust canopy. To avoid impacts to the harbor bottom, and to protect the biological productivity of coastal waters, the Commission imposes **Special Condition 2**, which requires the usage of construction best management practices, including a requirement that moorings be located where they will avoid impacts to rocky substrate or other sensitive resources, and **Special Condition 5**, requiring the applicant to conform with the requirements of the Resource Agencies.

For each mooring, the project would result in a temporary disturbance to the harbor bottom of 20 square inches, and a permanent footprint of eight square inches for the two anchors. For all 25

moorings, the project would therefore result in 3.5 square feet of temporary impact, and a permanent footprint of 1.4 square feet. Therefore, the proposed project would result in the fill of open coastal waters for expanded public access and recreational opportunities, a use which is allowed and encouraged by Coastal Act Section 30233. The proposed development has been designed to minimize the fill of coastal waters and adequate mitigation has been provided. The proposed project would eliminate disturbance of the harbor bottom associated with use of individual anchors.

The submitted Habitat Assessment did not indicate the presence of *Caulerpa taxifolia* on the site. However, more than 90 days have passed since the date of the survey. To avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*, the Commission imposes **Special Condition 4**, which requires a survey for *Caulerpa taxifolia* not more than 90 days prior to commencement of construction. If any *Caulerpa taxifolia* is found on the project site, **Special Condition 4** also identifies the procedures necessary to be completed prior to beginning any construction.

There are currently two existing barges in the vicinity of the proposed mooring field – an operational bait barge and an abandoned bait barge. No changes are proposed to the operational bait barge, and it would continue to serve boaters at its current location. However, the project does include the relocation of the abandoned barge, which is currently used by seal lions as a haul-out spot. The relocation of the abandoned barge is proposed to allow for the clustered installation of the new moorings, and to ensure that usage of the transient vessel moorings do not result in impacts to the sea lions which haul out on the abandoned barge. As proposed, there will be a distance of at least 200 feet between the moorings and the relocated position of the abandoned barge. To ensure that relocation of the abandoned barge does not result in impacts to marine mammals, the Commission imposes **Special Condition 3**, requiring the applicant to submit a relocation plan which has been approved by the National Marine Fisheries Service to ensure that impacts to marine mammals are minimized. Special Condition 3 allows for minor modifications to the project plans consisting of a reduction in the number of moorings to less than 25, a modification to the location of the abandoned bait barge or moorings, within the boundaries of the project area, as identified in Exhibit 2, to be submitted for the review and approval of the Executive Director, if such changes are required by NMFS. If, after NMFS review, other changes are required, the applicant will be required to apply for an amendment to this permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required. As conditioned, the proposed project will ensure that impacts to marine mammals have been minimized.

## **B. Public Access**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

### **C. Recreation / Marine Resources**

The proposed development is the installation of moorings for transient vessels, which promotes recreational boating and is an encouraged marine related use. The proposed development has been designed to minimize the fill of coastal waters and adequate mitigation has been provided. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. As conditioned, there are no feasible less environmentally damaging alternatives available. Therefore, the Commission finds that the proposed development conforms with Sections 30224, 30230, 30231, and 30233 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 32031 of the Coastal Act.

### **E. Hazards**

The proposed project, as conditioned, will minimize risks to life and property by providing moorings anchored to the sea floor. The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

No development in the water can be guaranteed to be safe from hazard. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 6** ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. The proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

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



A coastal development permit is required from the Commission for the proposed development because it is located on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Redondo Beach certified LCP is advisory in nature and may provide guidance. On April 8, 2003, the Commission approved the segmentation of the City's LCP into two segments. Area One was certified on September 11, 2003. Area Two was effectively certified on December 15, 2010 and the segmentation of the City's LCP was eliminated. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

### **G. California Environmental Quality Act**

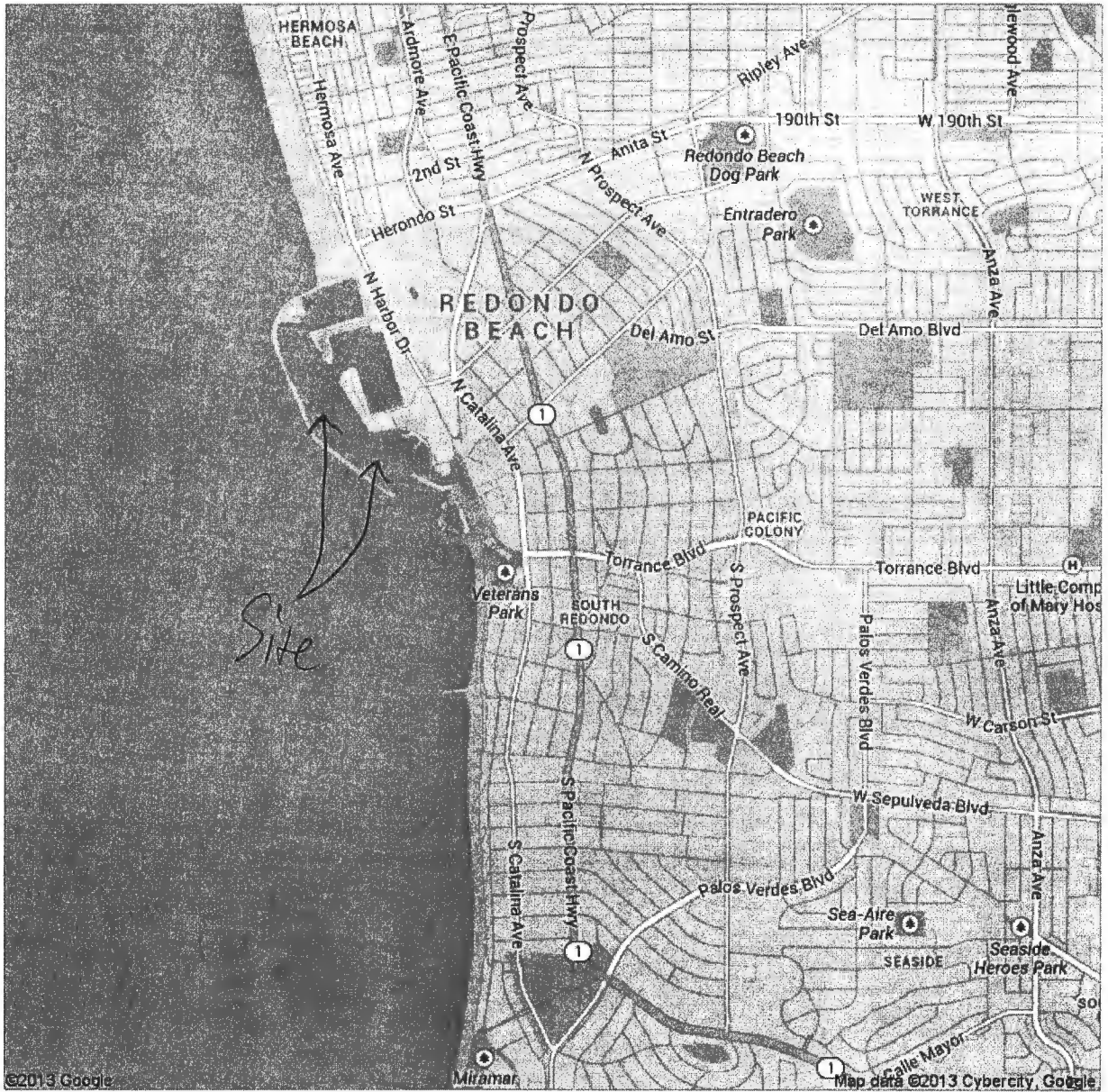
Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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 other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

### **Appendix A - Substantive File Documents**

Marine Habitat Assessment by Merkel & Associates, Inc., dated January 30, 2013  
City of Redondo Beach Approval In Concept dated 6/6/2012

Google



**COASTAL COMMISSION**

EXHIBIT # 1

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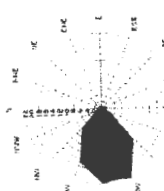
**Windfinder - Wind & weather statistic Redondo Beach**

Wind direction: Valid report: Forecast: State: Year(s):

**Redondo Beach (REDONDO)**

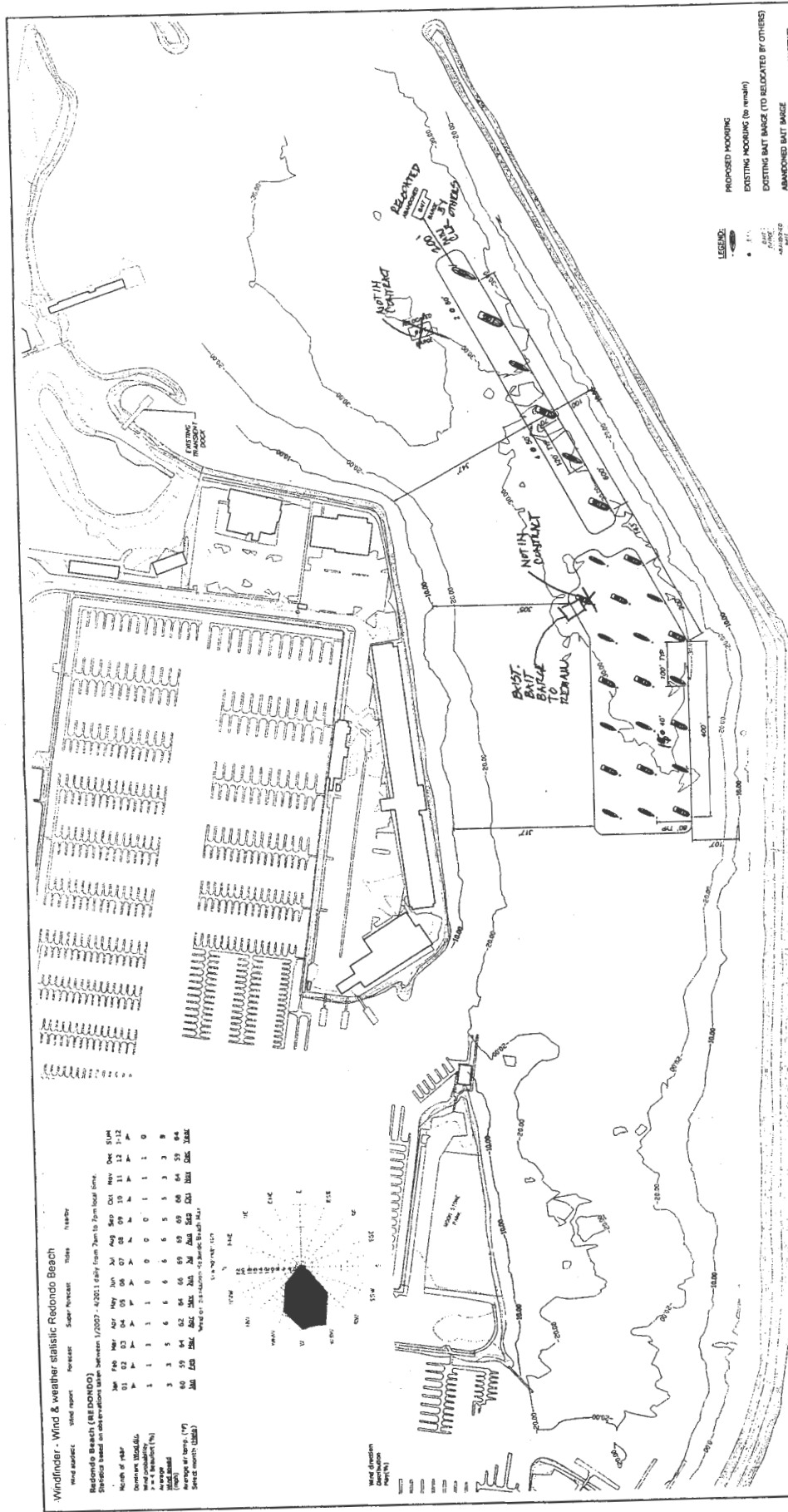
Statistics based on observations taken between 1/2007 - 4/2013 (daily from 7am to 10pm local time).

Month of year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Number of days	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 1 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 2 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 3 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 4 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 5 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 6 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 7 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 8 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 9 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 10 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 11 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 12 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 13 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 14 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 15 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 16 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 17 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 18 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 19 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 20 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 21 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 22 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 23 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 24 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 25 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 26 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 27 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 28 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 29 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 30 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 31 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 32 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 33 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 34 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 35 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 36 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 37 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 38 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 39 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 40 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 41 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 42 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 43 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 44 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 45 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 46 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 47 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 48 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 49 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365
Days with wind (at least 50 mph)	31	29	31	30	31	31	31	31	30	31	30	31	365



**Wind direction distribution**

Direction	Frequency (%)
N	0.0
NE	0.0
E	0.0
SE	0.0
S	0.0
SW	0.0
W	31.5
WNW	28.5
NW	0.0
Other	40.0



**REVISIONS**

DATE	DESCRIPTION
8-12-14	REV. 1

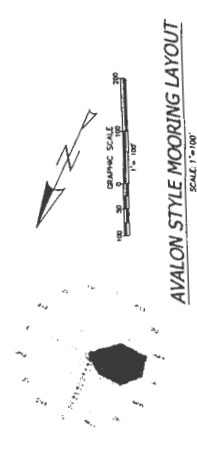
**CITY OF REDONDO BEACH**  
DEPARTMENT OF ENGINEERING SERVICES

TRANSIENT VESSEL MOORING  
JOB NO. 70460

Drawn	C.C.	Checked	J.L.	Scale	1" = 100'
Approved by		Date	8/25/12		
Project No.	70460	Sheet No.	1	Drawing No.	L-2
		Of	7	Sheets	

**BLUWATER**  
3000 W. Central  
San Pedro, CA 90731  
Phone 310 544 1313  
Fax 310 544 1314

Planning and Engineering Services  
For Marine and Waterfront Issues



**PROPOSED**

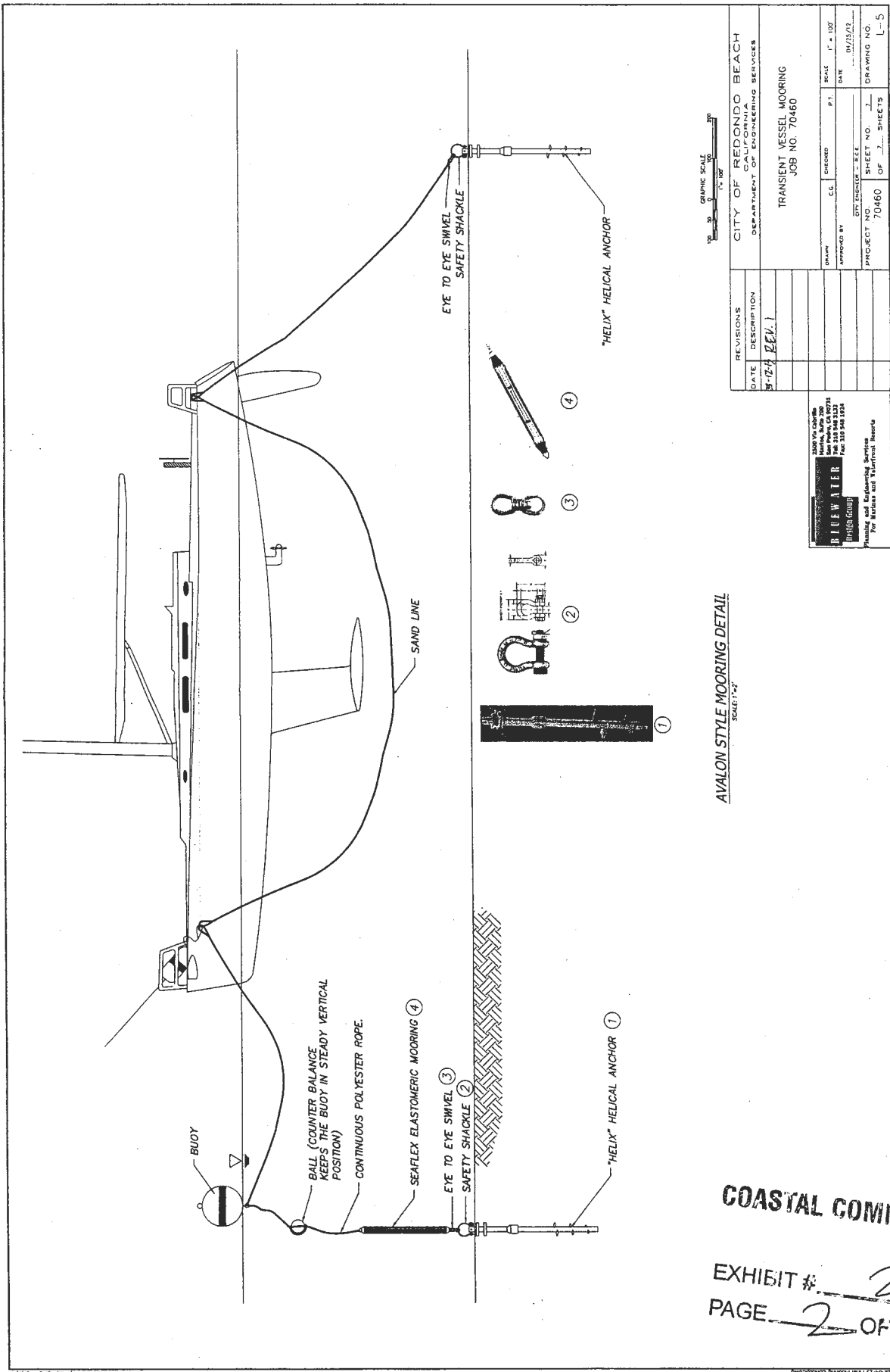
AVALON STYLE MOORING
19 @ 40'
4 @ 50'
2 @ 60'
<b>25 TOTAL MOORINGS</b>

**EXISTING**

10 MOORINGS
1 BAIT BARGE
1 ABANDONED BAIT BARGE

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 1 OF 2



AVALON STYLE MOORING DETAIL  
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE  
1" = 10'  
1" = 5'

DATE	REVISIONS	PROJECT NO.	SHEET NO.	DRAWING NO.
8-12-14	REV. 1	70460	OF 3 SHEETS	L-5

CITY OF REDONDO BEACH  
DEPARTMENT OF ENGINEERING SERVICES  
TRANSIENT VESSEL MOORING  
JOB NO. 70460

2000 Via California  
San Diego, CA 92108  
Tel: 619 444-2300  
Fax: 619 444-2323  
www.buewater.com

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EXHIBIT # 2  
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