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F12b

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STAFF REPORT: REGULAR CALENDAR

Application No.:	**5-14-1705**
Applicant:	**Bob Montgomery**
Agent:	South Shore Marine
Location:	State tidelands adjacent to 261 Bay Shore Avenue, Alamitos Bay, Long Beach, Los Angeles County (APN 7249-008-001)
Project Description:	Removal of an existing residential boat dock float mainwalk and installation of a new mainwalk.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The subject site is in Alamitos Bay in the City of Long Beach and the proposed project is the replacement of a portion of a private dock float. The major issues raised by this proposed development concern consistency with the marine resources, water quality and public access and recreation policies of the Coastal Act. The applicant proposes to replace the existing 4ft x 69ft-4in mainwalk with a new 8ft x 69ft-4in mainwalk, expanding the mainwalk by 4 feet in width. The existing dock float covers approximately 848 square feet. The proposed expansion will result in an approximately 1,126 square foot dock float, increasing the amount of water coverage by approximately 277 square feet. However, the existing dock facility already adheres to the minimum required standards found in the City of Long Beach *Plans and Specifications No. R-4858 (Revised) for the Construction of Waterfront Structures in the Long Beach Marina Area* ("Marina Plans and Specifications"). The applicant is proposing to increase the amount of water coverage by widening the mainwalk. As a result of a larger dock structure, there would be cumulative impacts to biological productivity of coastal waters resulting from increased water coverage, increased shading of soft bottom habitat, habitat displacement, and decreases in foraging habitat for sight foraging marine birds.

Commission staff is recommending **approval** of the proposed development with a special condition that requires the development to maintain (not increase) the current amount of water coverage. Special conditions also require the applicant to comply with best management practices during and after construction, and to provide mitigation in the form of a lease fee to the City, should the City implement such a lease program for Alamitos Bay.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1705 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.

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. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of revised project plans. The intent behind the required re-design is to minimize water coverage of the proposed boat dock system. The existing mainwalk width of 4 feet shall be maintained, and the amount of water coverage shall not be increased. The revised project plans shall be in substantial conformance with the plans submitted on October 8, 2014. The revised plans submitted to the Executive Director shall bear evidence of Approval-in-Concept of the revised design from the City of Long Beach Marine Bureau.

   The permitted use of the approved development is for boating related uses only. The permittee shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

2. **Construction Responsibilities and Debris Removal.** By acceptance of this permit, the permittee agrees to implement the proposed construction best management practices (BMPs) listed below:

   A. 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), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. Treated timber shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water;

   B. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion;

   C. The discharge of any hazardous materials into any receiving waters shall be prohibited;

   D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones;

   E. Silt curtains shall be utilized to control turbidity during placement of all piles;

   F. Eelgrass shall not be disturbed. Anchors shall not be placed in eelgrass areas;

G. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day;

H. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.

I. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

J. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

K. 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 the bay and a pre-construction meeting to review procedural and BMP guidelines;

L. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

M. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity;

N. All BMPs shall be maintained in a functional condition throughout the duration of construction activity;

O. Any and all construction material and debris shall be removed from the site within 24 hours of completion of construction and disposed of 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; and

P. 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.

3. **Best Management Practices (BMPs) 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 shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and
   (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:
   (1) 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 will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

C. Petroleum Control Management Measures:
   (1) Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
   (2) If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
   (3) Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

4. **Dock Float and Pier Leases.** By acceptance of Coastal Development Permit 5-14-1705, the permittee agrees, on behalf of itself and all successors and assigns, that should the City of Long Beach implement a dock float and pier lease program for the Alamitos Bay area for the limited-term private use and occupation of State tidelands for development associated with recreational boating activities (i.e., private docks and piers), the development subject to this permit shall be subject to the terms of such dock float and pier lease program.

   The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the subject property including, but not necessarily limited to, the tideland and submerged land beneath the development approved by this Coastal Development Permit. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

5. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project involves the replacement of the mainwalk portion of a private residential boat dock in Alamitos Bay at Belmont Shore in southeast Long Beach (Exhibit #1). The existing dock provides 4 slips and covers approximately 848 square feet of water. The applicant proposes to remove the existing 69ft-4in long, 4-foot wide mainwalk portion of the dock float and install a new 8ft x 69ft-4in mainwalk, expanding the mainwalk by 4 feet in width. This expansion will result in an increase of approximately 277 square feet (Exhibit #2), for a total of approximately 1,126 square feet of water coverage. The existing pier, gangway, float fingers, and piles will remain in place. No bottom disturbance, dredging, or fill is proposed.

The City of Long Beach Office of the City Engineer requires standards for residential dock projects, available in *Plans and Specifications No. R-4858 (Revised) for the Construction of Waterfront Structures in the Long Beach Marina Area* ("Marina Plans and Specifications"). The Marina Plans and Specifications require a minimum of 2 feet clearance between the end of the gangway (brow) and edge of the dock float (Exhibit #3). The applicant proposes to leave the existing gangway in place and widen the mainwalk portion of the float toward shore. As a result, the distance between the end of the gangway and the bayward edge of the float will not change. The existing 4-foot wide mainwalk complies with the minimum standards of the Marina Plans and Specifications.

An underwater survey conducted on August 13, 2014 documents eelgrass (*Zostera marina*) growing in the immediate vicinity of the proposed project (Exhibit #4). Noxious algae (*Caulerpa taxifolia)* has not been observed in the area.

The proposed project is in Alamitos Bay, situated between the bay's vertical seawall and the City Pierhead Line (Exhibit #2). The proposed expansion of the boat dock will not encroach bayward into Alamitos Bay. The proposed dock is associated with the adjacent single-family home and is for boating recreation purposes. The proposed project will not interfere with the public accessway and parkway that exists immediately inland of the seawall in this location (Exhibit #1).

The proposed project has received the approval of the City of Long Beach Department of Development Services and the City of Long Beach Marine Bureau.

B. MARINE RESOURCES AND WATER QUALITY

Coastal Act section 30230 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.*

Coastal Act section 30231 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.*

Coastal Act section 30233 states in relevant 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, and shall be limited to the following:*
>
> *(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launch areas.*
>
> *(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.*
>
> *(6) Restoration purposes.*

Coastal Act section 30250 states in relevant part:

> *(a)New residential…development…shall be located…where it will not have significant adverse effects, either individually or cumulatively, on coastal resources….*

Section 30230 of the Coastal Act requires that marine resources be maintained and enhanced and that uses of the marine environment sustain biological productivity of coastal waters. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters be maintained, and where feasible, restored through measures aimed at reducing water resource impacts from proposed development. Section 30233 of the Coastal Act limits the allowable fill of open coastal waters, wetlands and estuaries to certain uses so long as there is no feasible less

environmentally damaging alternatives to a proposed use and feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30250 of the Coastal Act requires new development to not have significant adverse effects, individually or cumulatively, on coastal resources.

Marine Resources / Biological Productivity

Increased coverage of coastal waters is a significant concern because it reduces light and decreases the biological productivity of coastal waters and impedes wildlife foraging activities. The existing boat dock system covers approximately 848 square feet of water, while the proposed boat dock system would consist of approximately 1,126 square feet of water coverage. As proposed, the expanded mainwalk will result in 277 square feet of additional water coverage. However, the existing dock configuration with a 4-foot wide mainwalk adheres to the minimum required standards found in the City of Long Beach Office of the City Engineer *Plans and Specifications No. R-4858 (Revised) for the Construction of Waterfront Structures in the Long Beach Marina Area* ("Marina Plans and Specifications") that would result in less water coverage while still providing for a usable dock system. The Marina Plans and Specifications require a minimum of 2 feet between the end of the gangway and the edge of the dock float (Exhibit #3). The existing dock system meets this minimum standard and the mainwalk could be replaced in-kind without increasing water coverage.

Sections 30230 and 30231 of the Coastal Act require that marine resources, including biological productivity, be protected. The biological productivity of coastal waters is highly dependent on sunlight for photosynthesis by lower order green algae, phytoplankton, and diatoms that form the basis of the marine food chain. Eelgrass is also dependent on sunlight, creating important habitat for other marine organisms. In addition to reduced sunlight and decreases in biological productivity of coastal waters, increased coverage of coastal waters is a significant concern since it also impedes avian foraging activities. Larger dock structures decrease foraging habitat for sight foraging marine birds, such as the State and federally listed California brown pelican found throughout Alamitos Bay. Although the coverage of bay surface area habitat associated with this project may not seem to create significant adverse impacts, the cumulative effect of allowing significant increases in water coverage by dock projects will add up over time, especially as docks are considered a boating related use and is an allowable use of fill under Section 30233. It should be noted that there are hundreds of private residential boat docks in Alamitos Bay. If each were permitted to increase the amount of fill and water coverage beyond that which is consistent with Section 30233, the overall effect would be a significant loss of coastal waters and soft bottom habitat.

The proposed project would not result in any fill as the applicant does not propose to replace or add piles. However, the applicant is proposing to increase the amount of water coverage by approximately 277 square feet and the existing dock system already adheres to the City's minimum design standards. Compared to the proposed project, replacing the existing mainwalk in-kind is the least damaging environmental alternative because it will result in no change in the amount of water coverage and already complies with the City's minimum standards. The proposed project is not the least damaging environmental alternative because it would result in additional water coverage and results in adverse impacts on the biological productivity of marine resources that depend on light for their existence like the green algae, phytoplankton, and diatoms, inconsistent with Section 30230.

The applicant states that the proposed design is needed in order to accommodate kayaks, storage for boating related materials, and to pass along the mainwalk without walking into the boats berthed in the slips. The applicant has not provided Coastal Commission staff with an analysis of any alternatives to their storage needs. For example, neighboring docks include widened pier platforms with storage space. Because these pier platforms are elevated above the water, they may not result in the same water coverage and shading impacts that dock floats in the water create. The Coastal Act does not require approval of an expanded boating facility in order to create additional storage space for a private homeowner's recreational materials or to accommodate larger boats. The existing boat dock system already adheres to the minimum standards of the Marina Plans and Specifications. Any increase in size would result in increased water coverage and adverse impacts to the biological productivity of coastal waters and impedes wildlife foraging activities. The existing mainwalk can be replaced in the same size in order to maintain the existing amount of water coverage and the applicant can look at alternatives for storage of kayaks and other recreational boating related materials.

In order to avoid adverse impacts to biological resources and to ensure that there will not be negative cumulative impacts to the Alamitos Bay ecosystem, the Commission imposes **Special Condition No. 1,** which requires the applicant to submit revised project plans maintaining the existing mainwalk width of 4 feet.

Eelgrass

Eelgrass is a marine flowering plant that grows in soft sediments within coastal bays and estuaries. Eelgrass canopies consist of shoots and leaves approximately 1 to 3 feet long that typically attract marine invertebrates and fish species. Under normal circumstances, a diverse community of benthic organisms (e.g. clams, crabs, and worms) lives within the soft sediments that cover eelgrass root and rhizome mass systems. Eelgrass beds also function as a nursery for many juvenile fish – including species of commercial and/or sporting value such as California halibut and corbina. Eelgrass beds are also important foraging areas for piscivorous seabirds that pursue fish attracted to eelgrass cover. Eelgrass is also an important ecological contributor to the detrital (decaying organic material) food web of bays and estuaries as the decaying plant material is consumed by many benthic invertebrates and converted to primary nutrients by bacteria.

An underwater survey conducted on August 13, 2014 documented eelgrass growing up to the western edge of the existing dock float (Exhibit #4). The proposed project does not include any bottom disturbance, dredging or fill that could adversely impact eelgrass. In addition, the proposed widening of the dock would occur shoreward of the existing dock footprint and would not encroach on or result in shading of the eelgrass that was observed in August 2014. However, the extent of eelgrass changes annually. Eelgrass surveys completed during the active growth phase of eelgrass (typically March through October) are valid for 60-days with the exception of surveys completed in August-October. A survey completed in August - October is valid until the resumption of active growth (i.e., March 1). The project is agendized for the October 2015 Coastal Commission Hearing so the existing eelgrass survey is no longer valid (it expired March 1, 2015). Therefore, a subsequent eelgrass survey would be required prior to beginning any construction if the proposed project expanded the amount of water coverage and appropriate mitigation would be required in conformance with the protocol provided in the "California Eelgrass Mitigation Policy and Implementing Guidelines" dated October 2014 for any impacts to eelgrass caused by the additional water coverage.

In this case however, **Special Condition No. 1** would allow the applicant to replace the existing mainwalk with a float of the same width to ensure that water coverage does not expand. As the applicant's underwater survey shows, eelgrass grows in this area of Alamitos Bay and the area behind the existing mainwalk presents potential eelgrass habitat area. As conditioned, the project would have no adverse impacts to eelgrass because it would not change the existing footprint of the dock. As a result, a pre-construction eelgrass survey is not necessary in this case. Therefore, as conditioned, the Commission finds that the proposed development will not result in significant impacts to eelgrass.

Caulerpa taxifolia

Caulerpa taxifolia is a type of seaweed which has been identified as a threat to California's coastal marine environment because it has the ability to displace native aquatic plant species and habitats. Information available from the National Marine Fisheries Service indicates that *Caulerpa taxifolia* can grow in large monotypic stands within which no native aquatic plant species can co-exist. Therefore, native seaweeds, seagrasses, and kelp forests can be displaced by the invasive *Caulerpa taxifolia*. This displacement of native aquatic plant species can adversely impact marine biodiversity with associated impacts upon fishing, recreational diving, and tourism. *Caulerpa taxifolia* is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows within the immediate project vicinity, *Caulerpa taxifolia*, if present, could displace eelgrass in the Bay. An underwater survey conducted on August 13, 2014 found no *Caulerpa taxifolia*.

Construction and Post-Construction Impacts

The proposed work will be occurring on, within, or adjacent to 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 assure that all impacts to water quality are minimized, and to reduce the potential for construction related impacts on water quality, the Commission imposes **Special Condition No. 2**, which requires, but is not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality, the Commission imposes **Special Condition No. 3**, which requires the continued use and maintenance of post construction BMPs. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231, 30233 and 30250 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

Coastal Act section 30210 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.*

Coastal Act section 30211 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.*

Coastal Act section 30212 states, in relevant part:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
> *(2) adequate access exists nearby*

Section 30210 of the Coastal Act requires that maximum public access and recreational opportunities to and along the coast be provided for all the people. Section 30211 of the Coastal Act states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization. Section 30212 of the Coastal Act states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where adequate access exists nearby.

The subject site is located on Bay Shore Avenue in the City of Newport Beach. Private recreational boat docks along this portion of Alamitos Bay are separated from the adjacent single-family residences by a public accessway, parkway, and Bay Shore Avenue. The proposed development will not result in any new significant adverse impacts to existing public access in the area.

The proposed dock is being constructed on public tidelands and/or within an area subject to public trust doctrine. The Commission is not authorizing any new development in open coastal waters that would obstruct public use of or access to those waters. Furthermore, the proposed expanded dock does not encroach into the navigation channel and does not create a further impediment to navigation. **Special Condition No. 4** affirms that approval of a replacement dock does not constitute a waiver of any public rights that exist or may exist at the site.

The City does not currently charge a lease fee for the private use of public tidelands. The City is developing a dock float and pier lease program for the limited-term private use and occupation of State tidelands for development associated with recreational boating activities (i.e., private docks and piers). The program would establish appropriate fees in relation to the lease area and temporal length of each lease and all revenue would be deposited into the City's Tidelands Fund to be utilized for public access improvements in the City of Long Beach. Because the development associated with this permit is private use of State tidelands and submerged lands which impacts public access to those publicly owned tidelands, **Special Condition 4** also requires the applicant to provide mitigation in the form of a lease fee to the City, should the City implement such a lease program for Alamitos Bay. Only as conditioned is the project consistent with the Chapter 3 policies of the Coastal Act.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30211 and 30212 of the Coastal Act.

D. LOCAL COASTAL PROGRAM (LCP)

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of the Commission's administrative 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.

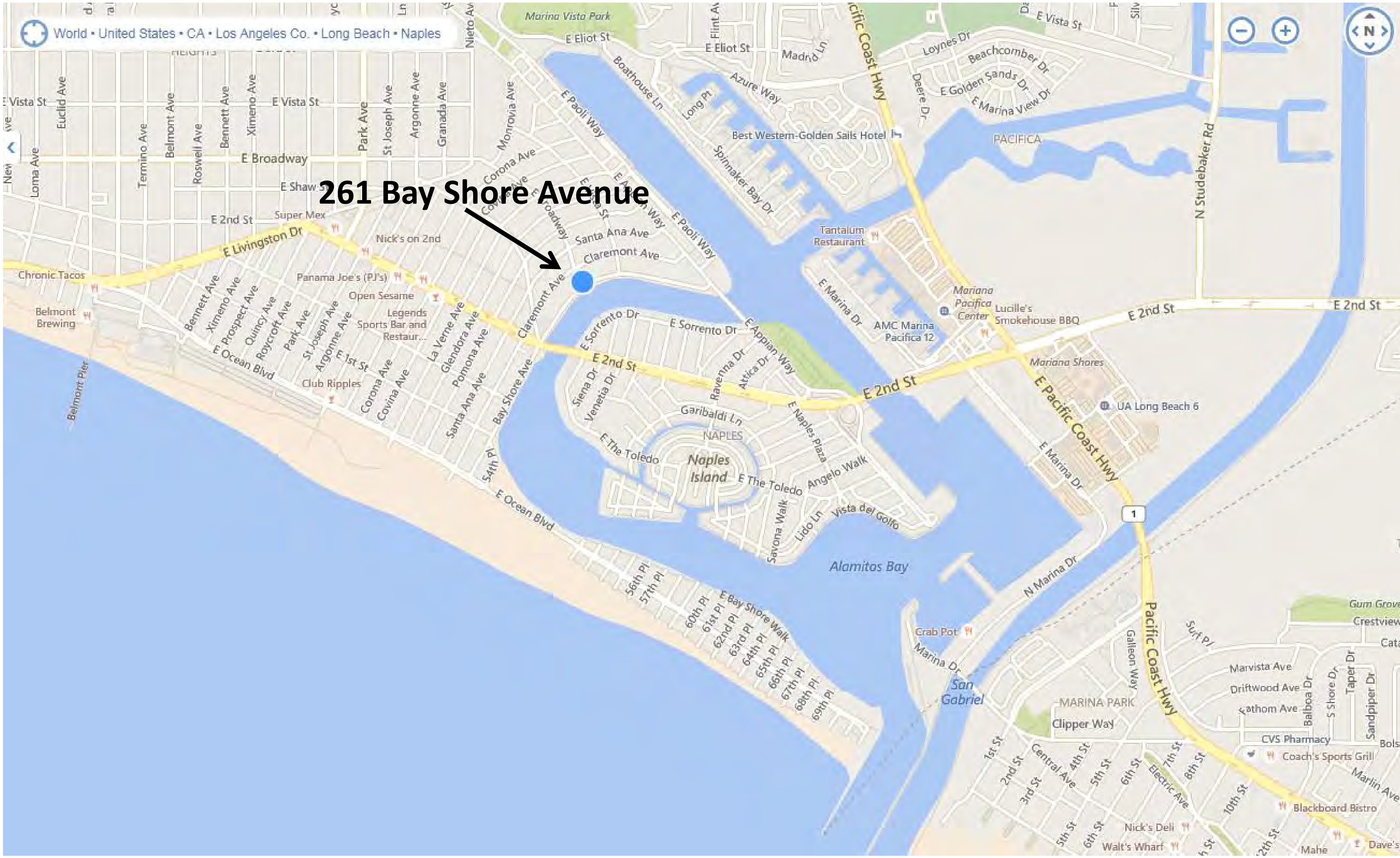
The City of Long Beach is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is Categorically Exempt from Provisions of CEQA for the construction.

The proposed project is located in an urban area. Infrastructure necessary to serve the project exists in the area. The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. As conditioned, the proposed project has been found consistent with the marine resources, water quality and public access and recreation policies of the Coastal Act.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and consistent with the requirements of the Coastal Act and CEQA.

Appendix A - Substantive File Documents

1. City of Long Beach certified Local Coastal Program, July 22, 1980.
2. City of Long Beach, Office of the City Engineer, *Plans and Specifications No. R-4858 (Revised) for the Construction of Waterfront Structures in the Long Beach Marina Area*, October 1994.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Naples Island
E The Toledo
Angelo Walk
Vista del Golfo
Alamitos Bay
E Marina Dr
N Marina Dr
Crab Pot
Marina Dr
San Gabriel
MARINA PARK
Clipper Way
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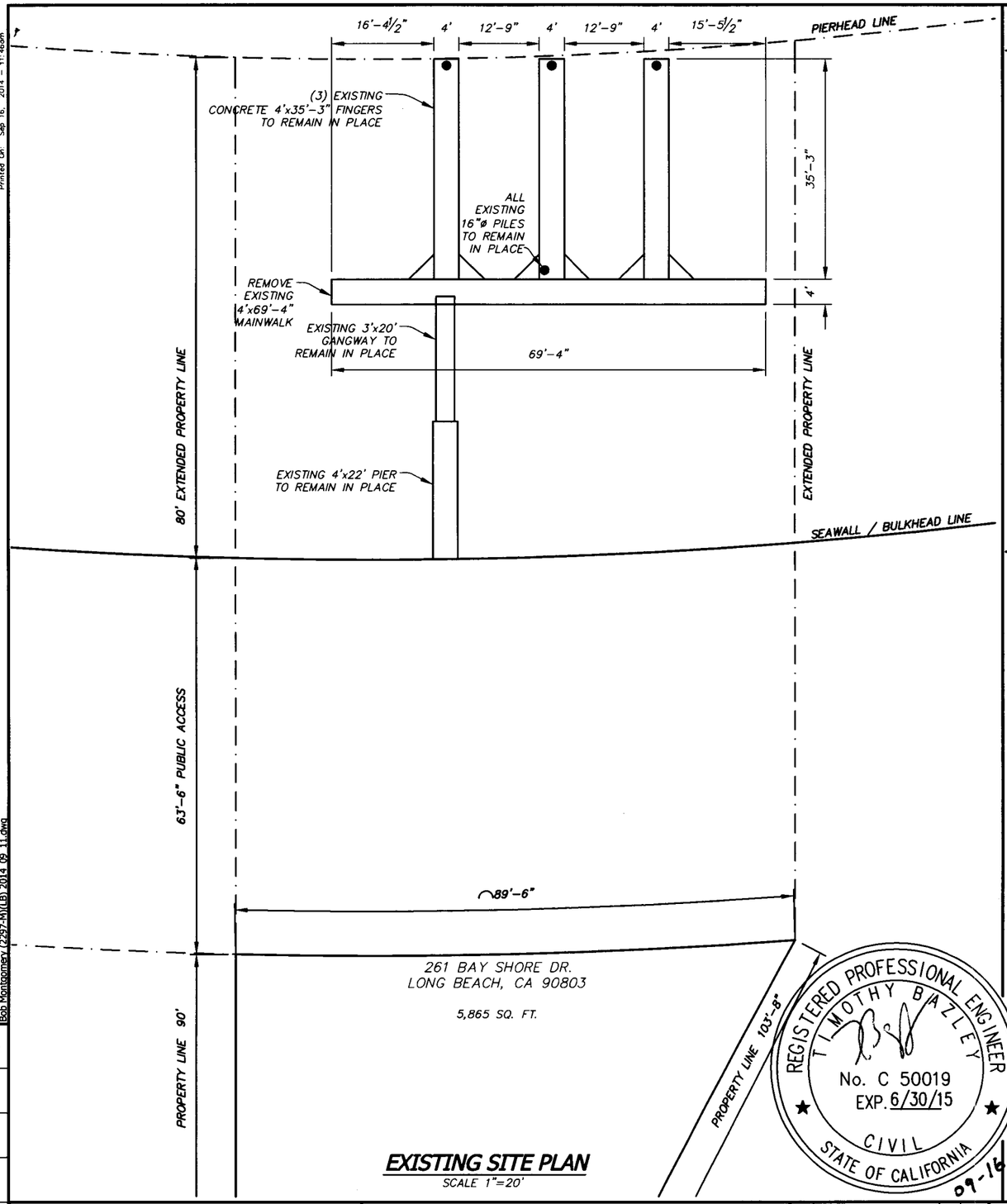
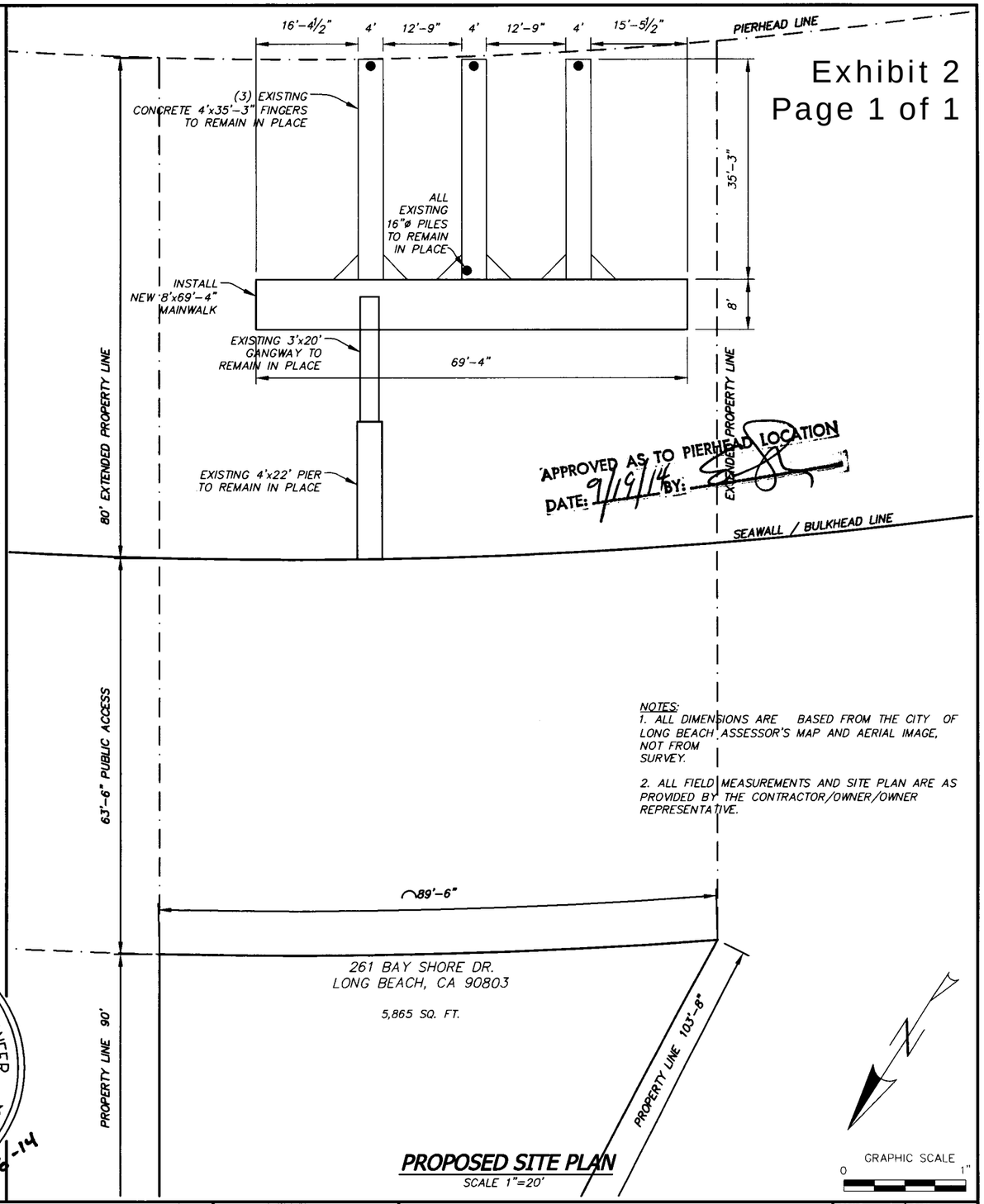
Printed On: Sep 16, 2014 - 11:46am

Bob Montgomery (2297-M)(LB) 2014 09 11.dwg



EXISTING SITE PLAN

SCALE 1"=20'



APPROVED AS TO PIERHEAD LOCATION
DATE: 9/9/14 BY:

NOTES:
1. ALL DIMENSIONS ARE BASED FROM THE CITY OF LONG BEACH ASSESSOR'S MAP AND AERIAL IMAGE, NOT FROM SURVEY.
2. ALL FIELD MEASUREMENTS AND SITE PLAN ARE AS PROVIDED BY THE CONTRACTOR/OWNER/OWNER REPRESENTATIVE.

PROPOSED SITE PLAN

SCALE 1"=20'

GRAPHIC SCALE
0 1"

REGISTERED PROFESSIONAL ENGINEER
TIMOTHY B. BAZLEY
No. C 50019
EXP. 6/30/15
CIVIL
STATE OF CALIFORNIA
09-16-14

STATUS: CONCEPT | % | % | 100% | FINAL X

PROJECT
BOB MONTGOMERY
261 BAY SHORE DR.
LONG BEACH, CA 90803

CONTRACTOR **SOUTH SHORE MARINE**
16033 BOLSA CHICA ST. #104
SUITE 109
HUNTINGTON BEACH, CA 92649

NO.	REVISION	BY	DATE
1	-	-	-

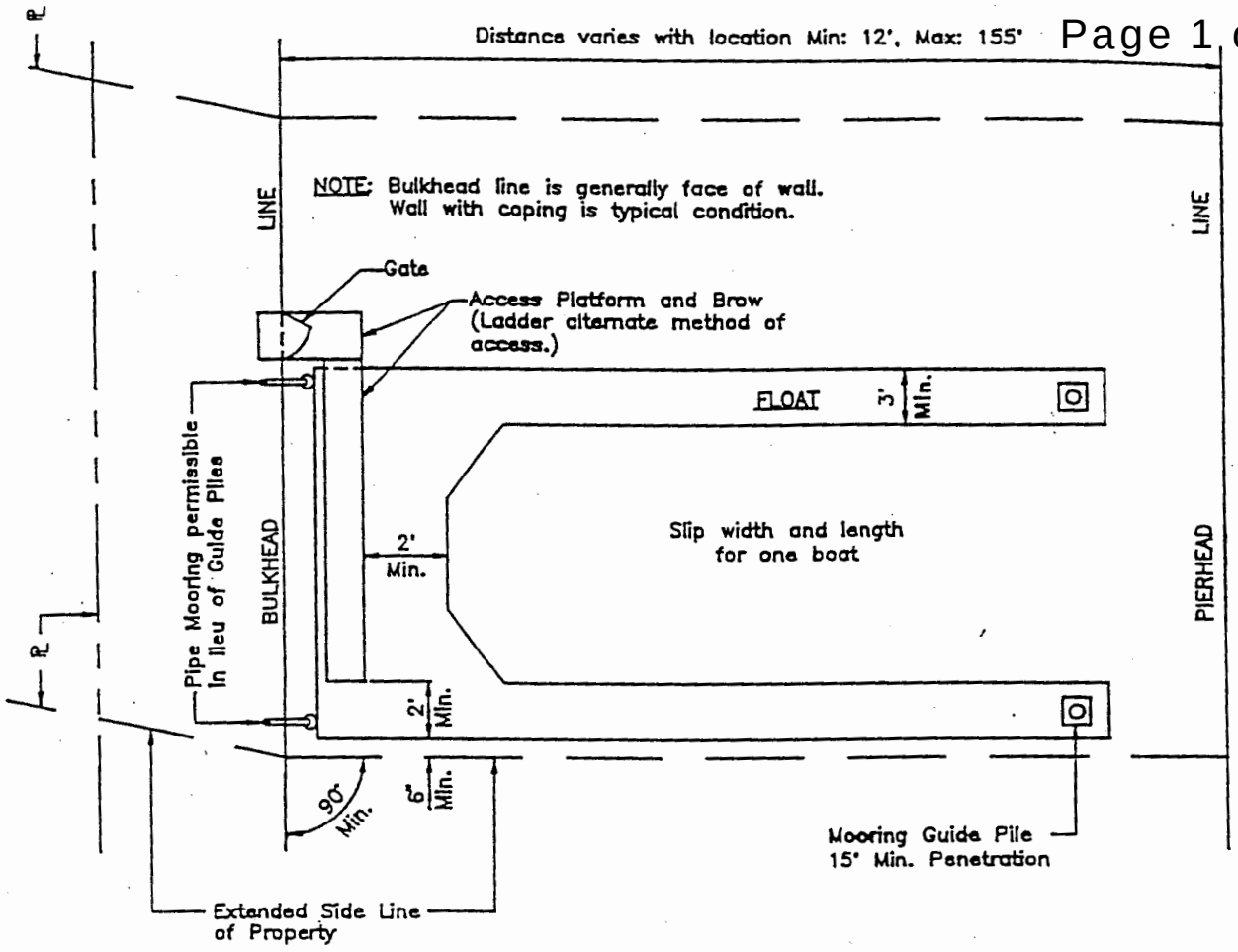
BLUEWATER Design Group

2500 Via Cabrillo Marina, Suite 200
San Pedro, CA 90731
Tel: 310 548 3132
Fax: 310 548 1924

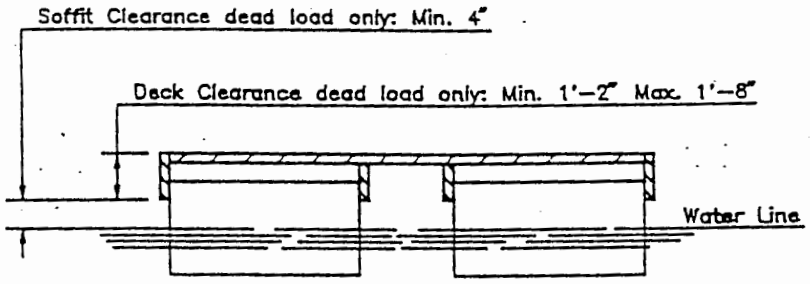
DESIGNED BY	HH
DRAWN BY	JH
CHECKED BY	TB

SITE PLAN

SCALE	DATE
AS NOTED	07-15-14
JOB NO.	2297-M
SHEET	L-1
SHEET #	2 OF 4

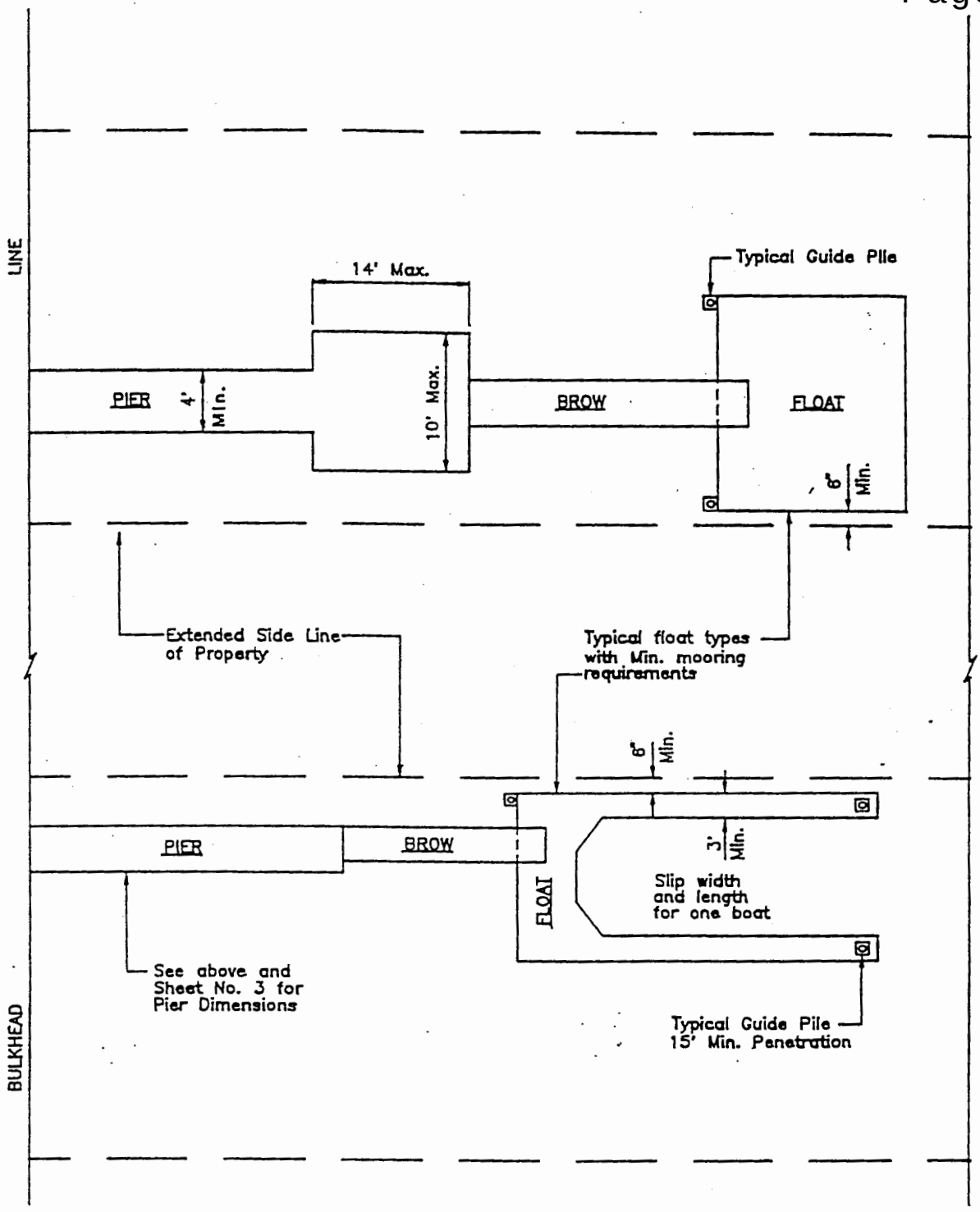


PLAN



SOFFIT AND DECK CLEARANCES
FOR ALL FLOATS

REVISIONS NO.	DATE	CITY OF LONG BEACH, CALIFORNIA DEPARTMENT OF PUBLIC WORKS	STANDARD PLAN NO.
1		TYPICAL FLOAT INSTALLATION	802
2			
3		APPROVED BY: Edward J. Hutz CITY ENGINEER R.E. No. 20353	DATE: 9-25-95 EX. DATE 12-31-97
4			SHEET 1 OF 9



REVISIONS NO.	DATE	CITY OF LONG BEACH, CALIFORNIA DEPARTMENT OF PUBLIC WORKS	STANDARD PLAN NO.
1		TYPICAL PIER AND FLOAT INSTALLATION	802
2			
3		APPROVED BY: Edward J. Pitz CITY ENGINEER R.E. No. 24233 DATE: 9-25-95 EX. DATE 12-31-97	SHEET 2 OF 9
4			

DIVE WORKS
P.O. Box 21238
Long Beach, CA 90801
(949) 759-0773

261 Bay Shore Ave
Long Beach, CA

Pre Construction Survey August 13, 2014

Exhibit 4
Page 1 of 1

Figure 1. Location of 261 Bay Shore Ave, Alamitos Bay, Long Beach CA

Figure 2. Existing and Proposed Dock Slip for 261 Bay Shore Ave. Long Beach CA