

**CALIFORNIA COASTAL COMMISSION**

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# F6a

Filed:	6/26/15
180th Day:	12/23/15
Staff:	M. Revell-LB
Staff Report:	9/17/15
Hearing Date:	10/09/15

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.</b>	<b>5-15-0919</b>
<b>Applicant:</b>	<b>City of Long Beach, Tidelands Capital Improvement Division</b>
<b>Agent:</b>	Charlene Angsucu, Capital Projects Coordinator
<b>Project Location:</b>	Rainbow Harbor, Downtown Shoreline, City of Long Beach, Los Angeles County.
<b>Project Description:</b>	Repair and upgrade the existing commercial sewage pump-out system at Rainbow Harbor that services Docks 1 through 6, and Pine Avenue Pier Dock.
<b>Staff Recommendations:</b>	Approval with conditions

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## SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach requests a permit to repair and upgrade the existing commercial sewage pump-out system at Rainbow Harbor that services Dock 1 through 6, and Pine Avenue Pier Dock in Rainbow Harbor, in the City of Long Beach. The primary issues raised by the subject development relate to public access and protection of water quality. Staff has reviewed the proposed project and determined that the proposed project would not result in significant adverse impacts to public access and would enhance water quality. Staff recommends **approval** of Coastal Development Permit Application 5-15-0919, with conditions. Special conditions are imposed to minimize water quality impacts as repair work is proposed to occur above and adjacent to the water.

## 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 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 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

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 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**

This permit is granted subject to the following special conditions:

1. **Best Management Practices Program:** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Best Management Practices (BMPs) program that incorporates the following containment requirements:
  - (a) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
  - (b) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project.
  - (c) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
  - (d) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.
  - (e) For any work on or beneath decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water.
  - (f) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
  - (g) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
  - (h) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
  - (i) The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
  - (j) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

- (k) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (l) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (m) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (n) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of 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 as possible from the receiving waters and storm drain inlets.
- (o) 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.
- (p) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- (q) Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean-up of foreign materials not properly contained.

The permittee shall undertake development and ongoing maintenance and operation in accordance with the approved final plan and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Staging Areas/ Access Corridors.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for reviews and written approval, detailed plans incorporated into the construction bid documents for the location of the staging areas. The plans shall include, at a minimum, the following:

- (a) No overnight storage of equipment or material shall occur on the dock. During the construction states of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. There is adequate space at the staging location for this purpose.
- (b) Construction shall occur in a manner that has the least impact on public access to the harbor.

(c) Work shall begin after Labor Day, and end by Memorial Day, or shortly thereafter, and shall not occur on weekends.

(d) The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site(s) shall be removed and/or restored immediately following completion of the development.

The permittee shall undertake development and ongoing maintenance and operation in accordance with the approved final plan and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Long Term Operation, Maintenance, and Repair of Over-Water Sewer Lines.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, an operation and maintenance plan for over-water sewer lines. The over-water sewer lines include all pipes from sewage pump-out facilities, the on-dock boating facilities, and any other pipe which leads to a sanitary sewer. The over-water sewer lines shall be visually inspected at least once per week and dye- or pressure-tested at least once every six months. All leaks shall be repaired immediately upon discovery. If the applicant determines that a more stringent procedure is necessary to ensure protection of coastal water quality, then the applicant shall update the operation and maintenance plan. The permittee shall undertake development and ongoing maintenance and operation in accordance with the approved final plan and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
4. **Public Access to and Along the Waterway.** The permittee and the approved development shall not interfere with public access along the docks, esplanade, and the shoreline in the project area, except for the temporary disruptions that may occur during the completion of the permitted development.
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.
6. **Permit Compliance.** This Coastal Development Permit 5-15-0919 is only for the development expressly described and conditioned herein. The permittee shall undertake development in accordance with the approved coastal development permit. Any proposed changes to the development, including any change to the sequence of construction, shall be reported to the Executive Director. No 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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The applicant proposes to repair and upgrade the existing Rainbow Harbor Commercial Sewage EVAC system, which provides sanitary sewage pump-out service to vessels berthed at Docks 1 through 6, and the Pine Avenue Pier Dock in the Rainbow Harbor Marina at 100 Aquarium Way in the City of Long Beach (**Exhibit 1 and 2**). The EVAC system is a vital component of the harbors infrastructure that protects and maintains water quality. The waste is pumped directly from vessels moored at the docks into the City sanitary sewage system via the EVAC system. The current EVAC system was permitted by Coastal Development Permit No. 5-96-124, which established on-the-water commercial concessions for vessels operating out of Rainbow Harbor. After nearly 20 years of use and exposure to the elements, the existing EVAC system has become corroded, and the tanks, pumps, and pedestals are now beyond serviceable repair and many of the necessary components required to repair the equipment are obsolete.

The City proposes to convert and upgrade the EVAC system into a tankless pump-out system, similar to what can be found on most modern marinas and docks. The proposed activities would install seven peristaltic pumps with enclosures on each dock and replace the 19 on-dock pump-out pedestals (actuators) which activate the pumps (**Exhibit 3 and 4**). The existing pipe and hoses running immediately underneath the gangways that connect to the sewer system along the esplanade will be upgraded to stainless steel, and the existing flexible hoses will be replaced in kind. The existing PVC pipe plumbing located underneath the dock deck boards and underneath the concrete esplanade will be assessed, and then replaced or repaired as necessary. The new pumps and pedestals will be compatible and will communicate wirelessly for pump activation. Additionally, as part of the overall system repair and upgrade, existing valves, check valves and flanges that connect the dock plumbing system to the sanitary lines along the esplanade will be upgraded to stainless steel. Minor electrical modifications to existing on-dock electrical panels will be made to provide power to the new pumps. The current underground vault that houses the existing twin-tank system, located between the harbor and the adjacent parking structure, will be abandoned in place and will be backfilled with sand (**Exhibit 2**). All proposed work would be performed above and adjacent to the water. No in-water work is proposed, and no new structures will be created as a result of the proposed activities. To ensure reduced interference with public access to the docks and esplanade, **Special Condition 4** is imposed.

Repairs and upgrades at the seven dock locations within the harbor will be conducted individually, one dock at a time, to minimize interference with the public right-of way, or the public's access to the docks. There will be no impact to vessel ingress or egress, and vessels will be diverted to Dock 10 as an alternative sewage pump-out location, which is located on the east side of the Rainbow Harbor entrance adjacent to Parker's Lighthouse. The proposed construction staging area is to be located on the Shoreline Park Public Parking Lot, which may occupy up to 8 parking spaces (**Exhibit 3**). In addition, construction will begin after Labor Day, and will end by Memorial Day, or shortly thereafter, thereby avoiding the peak season of public use of the docks and parking lot.

The entire Rainbow Harbor EVAC system will be shut down during the repair and upgrade work, and the plumbing components should be empty of any and all contents. Dock 10, which is located outside

the harbor, will remain open. To reduce the risk of any unpermitted discharge, however, **Special Condition 1** requires Best Management Practices during construction. The proposed project has received approval in concept from the City of Long Beach Department of Development Services (6/22/15).

## **B. PUBLIC RECREATION/MARINE RESOURCES**

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources. There are no feasible less environmentally damaging alternatives available. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms with Sections 30224 and 30233 of the Coastal Act.

## **C. 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.

## **D. WATER QUALITY**

The proposed dock work will be occurring over coastal waters. The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **E. LOCAL COASTAL PROGRAM**

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.

## **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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 proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**SUBSTANTIVE FILE DOCUMENTS**

1. City of Long Beach certified Local Coastal Program, July 22, 1980.
2. Coastal Development Permit 5-96-124 (City of Long Beach) Rainbow Harbor

**EXHIBITS**

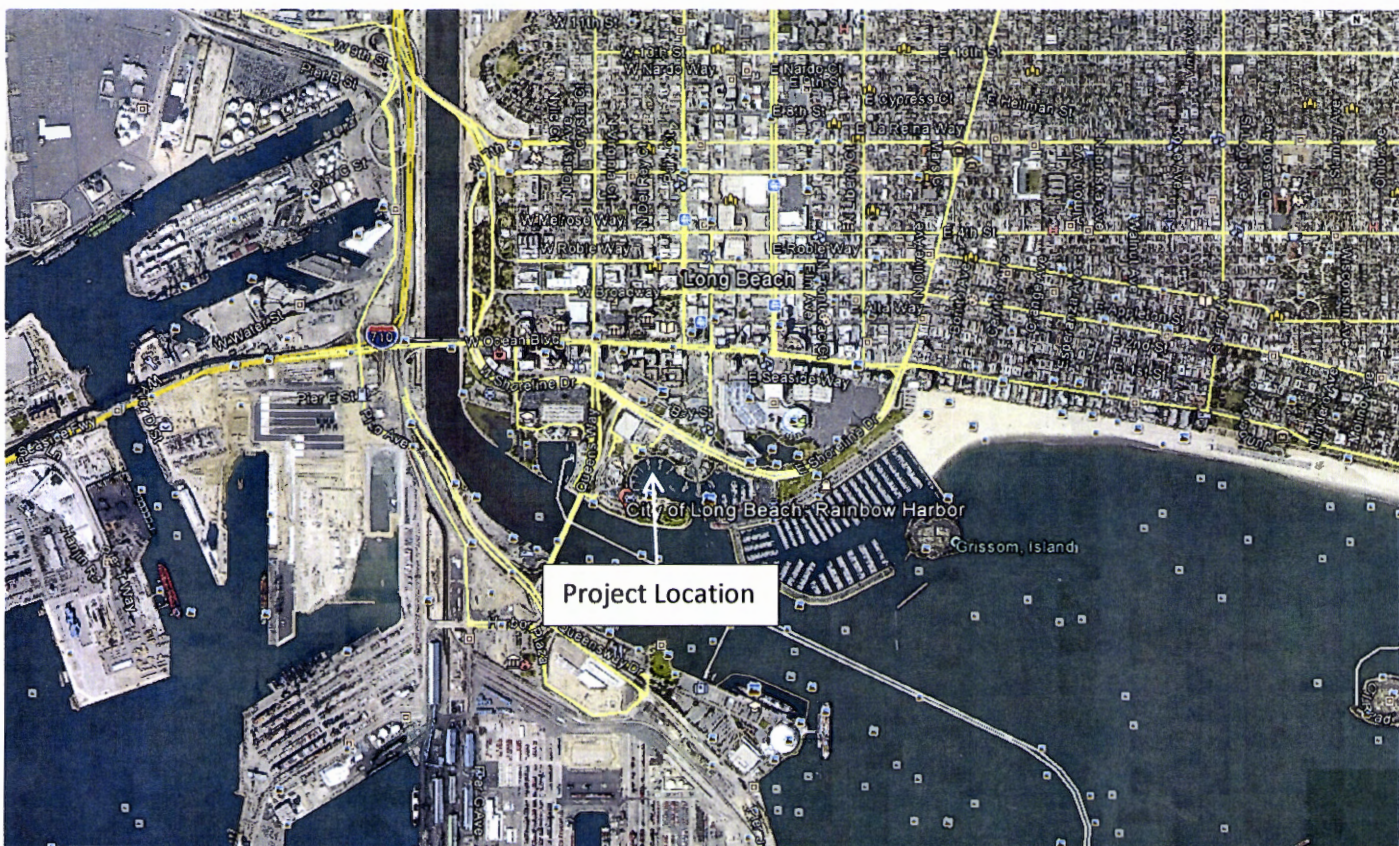
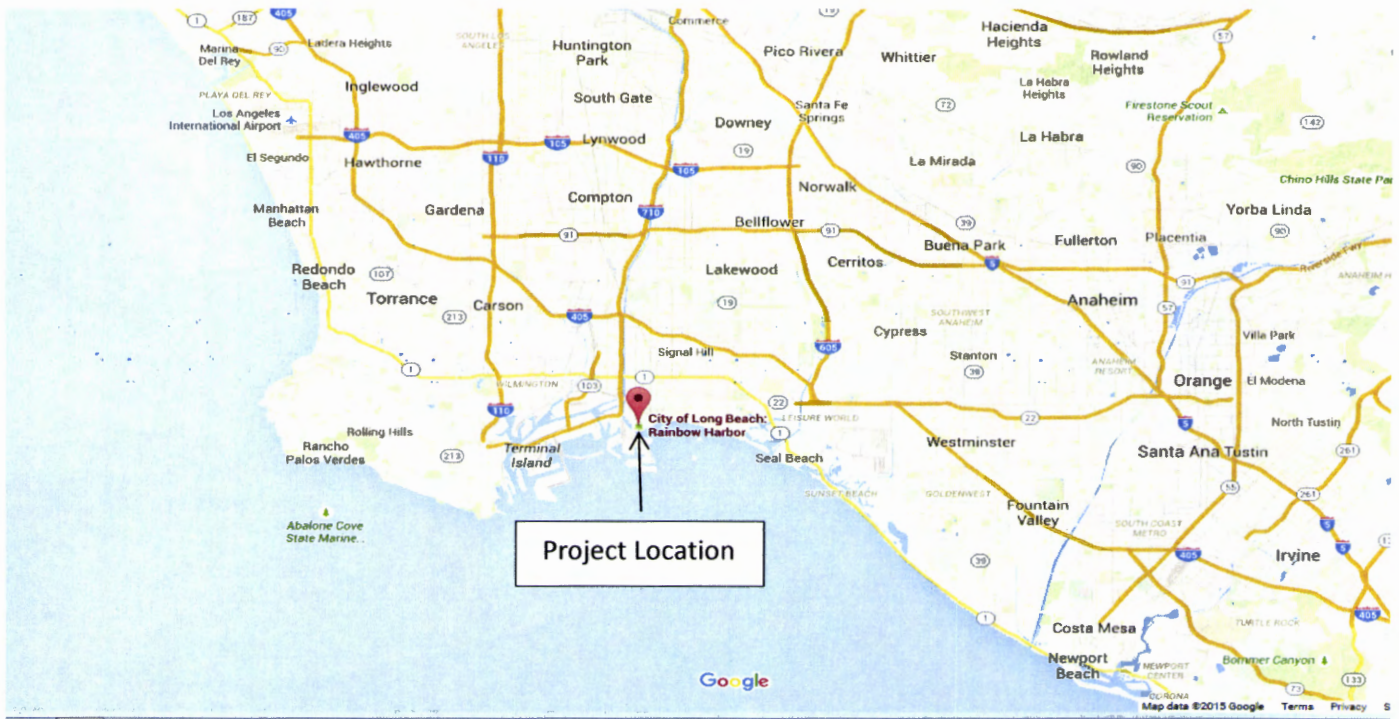
Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View of Harbor

Exhibit 3 – Pump Locations

Exhibit 4 – Project Plans and Pump Schematics





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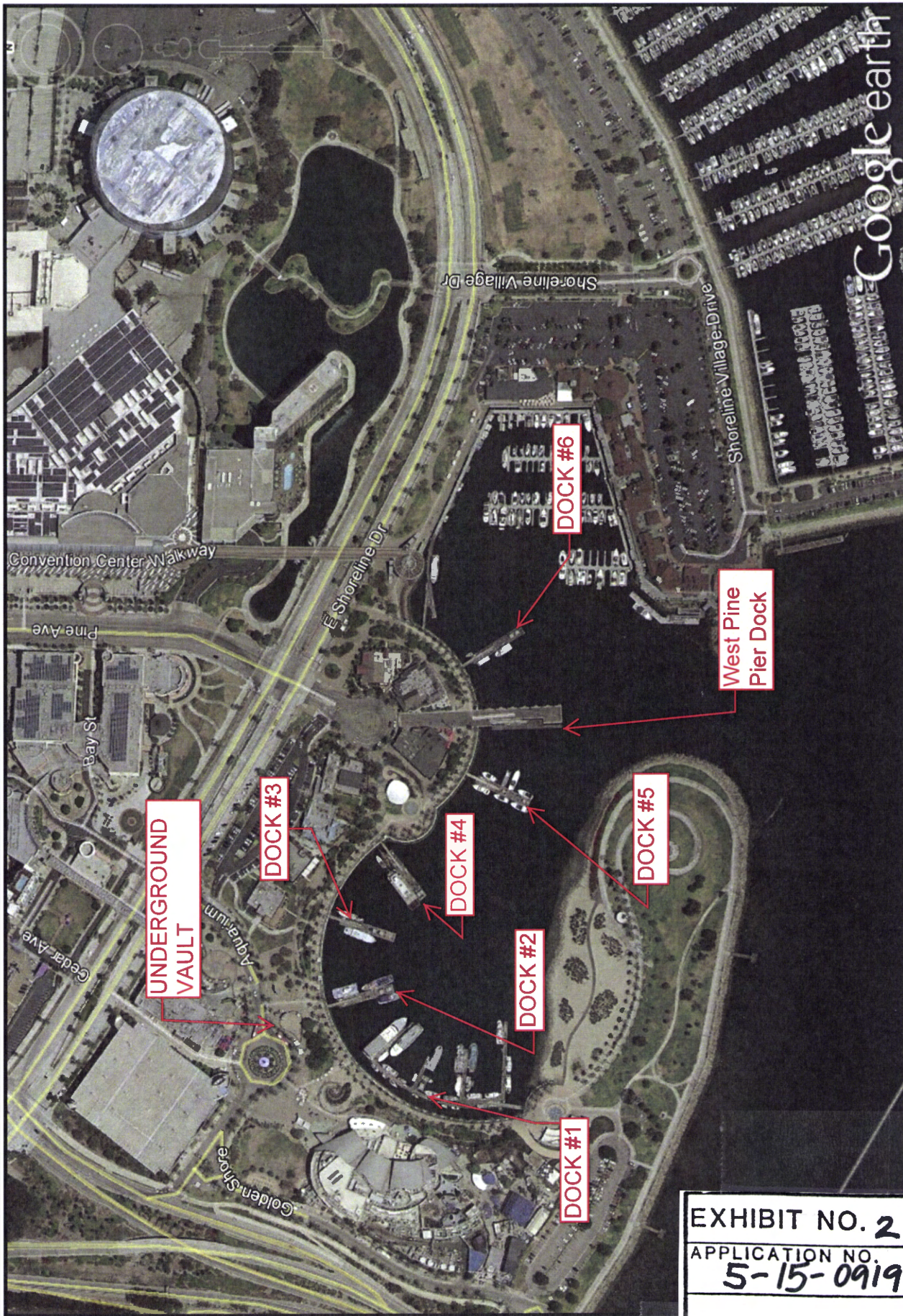




**EXHIBIT A**

**Rainbow Harbor Commercial Sewage EVAC System Repair & Upgrade**

**Location Map**



**EXHIBIT NO. 2**

**APPLICATION NO.**  
**5-15-0919**





**PLANS PREPARED BY:**

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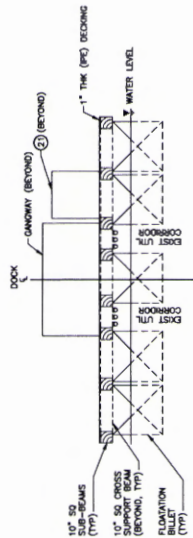


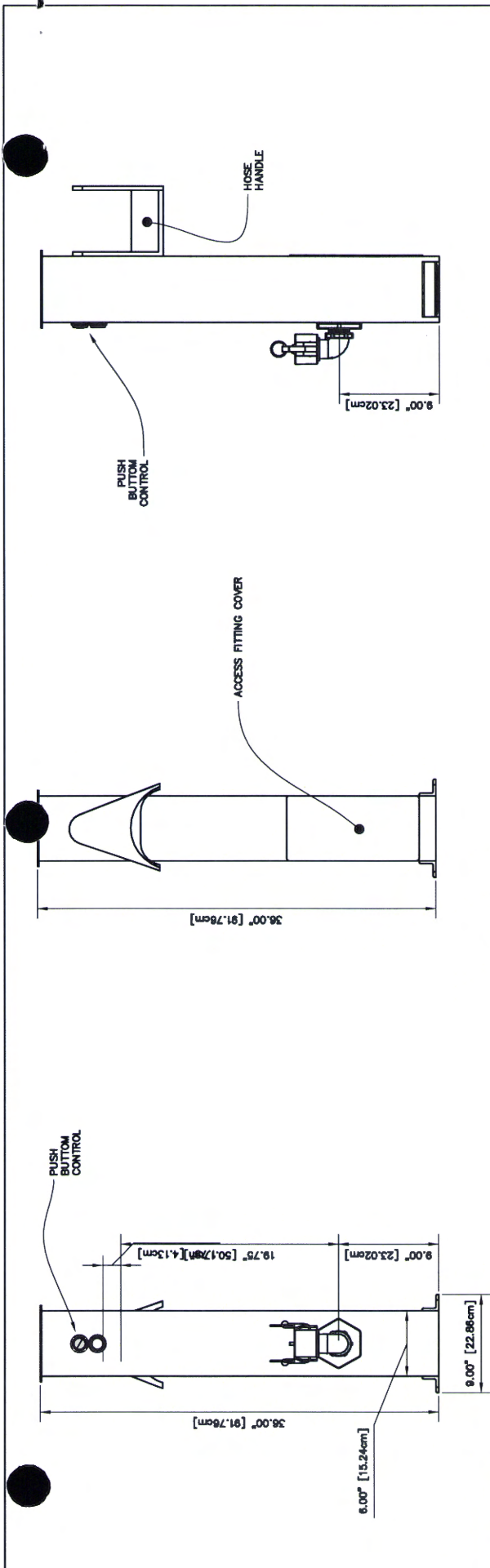
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EXHIBIT # 3  
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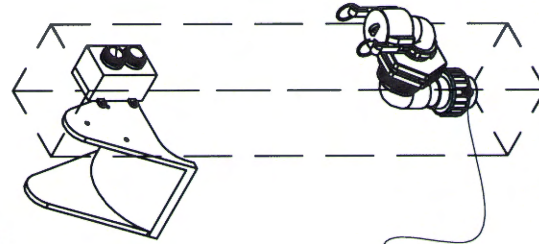




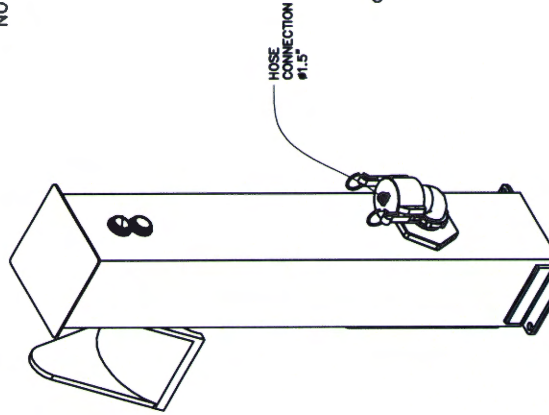




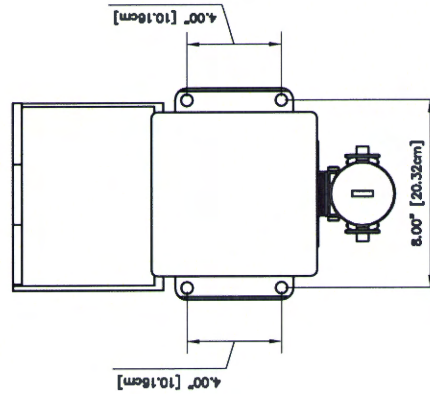
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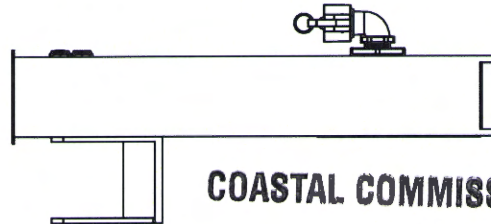
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EXHIBIT # 4  
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<b>STB201</b>		DRWC NO.	DATE: 05-17-11	
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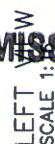
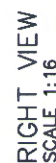


EXHIBIT # 7  
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