

CALIFORNIA COASTAL COMMISSION

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

**W7d**

Staff: M. Revell – LB
Date: October 15, 2015

ADMINISTRATIVE PERMIT

Application No. 5-15-1368

Applicant: Pete McCreary

Agent: Swift Slip Dock and Pier Builders

Project Location: State tidelands adjacent to 125 Rivo Alto Canal, City of Long Beach, Los Angeles County (APN 7243-014-028).

Project Description: Remove 154 square foot dock float and install 243 square foot dock float with gangway and gangway platform.

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

November 4, 2015, 9:00 a.m.
Oceano Resort Hotel
280 Capistrano Drive
Half Moon Bay, CA 94019

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

by: Mandy Revell
Coastal Program Analyst

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 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 term or 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.

SPECIAL CONDITIONS: See pages five through eight.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in

conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. PROJECT DESCRIPTION

The applicant proposes to replace a pre-existing 154 square foot L-shaped dock float with a 168 square foot rectangular dock float in Rivo Alto Canal in southeast Long Beach (**Exhibits 1 and 2**). The pre-existing dock float was removed by the City of Long Beach as part of the Naples Seawall Repair Project (Phase 1). The new 3 foot x 18 foot gangway will be installed by the City. (**Exhibit 3**). The proposed 6 foot x 28 foot dock float complies with the maximum six-foot width of new or reconstructed dock systems within Rivo Alto Canal as set forth in Special Condition 8 of Coastal Development Permit 5-11-085 [Naples Seawall Repair Project (Phase 1), City of Long Beach]. There will be no new fill of coastal waters as a result of the subject development. No dredging is proposed or permitted by the subject application.

Naples Island (actually three islands) and the Naples Canals (Rivo Alto and Naples Canal) were constructed (dredged and filled) in the early 1900s in the delta of the San Gabriel River, the area that is now Alamitos Bay. Rivo Alto Canal is currently 65 to 70 feet wide and 7 to 14 feet deep, depending on the tide. A twenty-foot wide portion of public land exists on the upland portions along each side of the Rivo Alto Canal right-of-way, between the seawalls and the property lines of the residents whose homes line the canal. Subject to the conditions of Coastal Development Permit 5-11-085, the City of Long Beach is in the process of installing new steel sheet-pile seawalls on the water side of the existing vertical concrete seawalls along both sides of Rivo Alto Canal (1,915 linear feet), and new guardrails, landscape beds, sidewalks, improved drainage, and relocated street lighting in the public right-of-way along the canal.

The proposed dock system is associated with the adjacent single-family residence at 125 Rivo Alto Canal and is for recreational boating purposes. The applicant submitted an eelgrass survey dated June 16, 2015 which indicated that eelgrass was present three feet canal-ward from the proposed dock structure, therefore the new dock and gangway should not impact eelgrass. Eelgrass impacts within the Phase 1 area of Rivo Alto Canal are subject to mitigation by the City of Long Beach, as detailed in Special Condition 3 of Coastal Development Permit 5-11-085. Required eelgrass mitigation for the entire Naples Seawall Repair Project will be established based on pre-construction and post-construction surveys conducted by the City of Long Beach (**Exhibit 2**), subject to the standards of the California Eelgrass Mitigation Policy, with a minimum replacement ratio of 1.2 to 1. Mitigation will be provided at established sites within either the Marine Stadium area of Alamitos Bay or within Colorado Lagoon. Invasive algae (*Caulerpa taxifolia*) was not observed at the site and is subject to continued monitoring by the City of Long Beach. **Special Condition 2** and **Special Condition 3** require the applicant to implement best management practices during construction and post-construction in order to avoid any significant adverse effects to marine resources. Therefore, as conditioned, the development will not have any significant adverse effects on marine resources.

The proposed project may partially obstruct the approximately 20-foot wide public right-of-way that runs between the applicant's property and the Rivo Alto Canal. The public right-of-way features a concrete walkway and may be partially landscaped by the applicant but is subject to improvement by the City of Long Beach, consistent with the requirements of Coastal Development Permit 5-11-085. The subject development (new dock system) requires an access point (stairs or ladder adjacent to the seawall) which may partially obstruct the walkway. **Special Condition 4** states that the only permitted improvements to the public right-of-way are stairs or a ladder adjacent to the seawall associated with the proposed gangway, seating available to the public, and drought tolerant non-invasive landscaping. Additionally, Special Condition 4 requires that a minimum of six feet

of the reconstructed sidewalk shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island public walkways and Special Condition 12 of Coastal Development Permit 5-11-085.

The proposed project has received the approval of the City of Long Beach Marine Bureau (7/10/15) and the City of Long Beach Department of Planning and Building (7/17/15). The City is in the process of implementing 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) within the Phase 1 area of Rivo Alto Canal. The program has established fees in relation to the lease area and temporal length of each lease and all revenue will 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 which impacts public access through the narrow canal popular with public kayakers and gondola passengers (60 to 80 feet wide), **Special Condition 5** requires the applicant to provide mitigation in the form of a lease fee to the City which will be used to enhance public access in other areas. Only as conditioned is the project consistent with the Chapter 3 policies of the Coastal Act.

B. PUBLIC RECREATION/MARINE RESOURCES

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. There will be no net increase in number of piles or fill of coastal waters. 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, such as eelgrass. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. 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 on or within 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.

SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

- 1. Permit Compliance.** Boating related uses are the only uses permitted by the approved development. 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 project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
- 2. Construction Responsibilities.** By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:
 - 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. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
 - F. Eelgrass shall not be disturbed. Anchors shall not be placed in eelgrass areas.
 - G. 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;
 - H. Non buoyant debris discharged into coastal waters will be recovered by divers 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. 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;
 - L. 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;
 - M. 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;
 - N. The discharge of any hazardous materials into any receiving waters shall be prohibited;
 - O. 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;
 - P. 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; and
 - Q. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 3. Best Management Practices (BMP) Program.** By acceptance of this permit, the permittee 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:
 - In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
 - In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
 - The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
 - B. Solid and Liquid Waste Management Measures:

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

C. Petroleum Control Management Measures:

- 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;
- 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
- 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. **Public Access along the Public Right-of-Way.** The proposed project shall not interfere with public access and use of the public right-of-way that runs between the applicant's property and Rivo Alto Canal. The only permitted improvements to the public right-of-way are a stairway or ladder adjacent to the seawall associated with the proposed gangway, seating available to the public, and drought tolerant non-invasive landscaping. A minimum of six feet of the reconstructed sidewalk shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island public walkways and Special Condition 12 of Coastal Development Permit 5-11-085.

Vegetated landscaped areas shall consist of drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Irrigation systems are not permitted within the public right-of-way.

5. **Dock Float and Pier Leases.** By acceptance of Coastal Development Permit 5-15-1368, the permittee agrees, on behalf of itself and all successors and assigns, that the development subject to this permit shall be subject to the terms of the dock float and pier lease program for Rivo Alto Canal, implemented by the City of Long Beach for the limited-term private use and occupation of State Tidelands for development associated with recreational boating activities (i.e., private docks and piers). Prior to construction of the proposed project, the permittee shall enter into and pay the required fees for a dock and pier lease with the City of Long Beach Marine Bureau. Such fees shall be used for public access improvements to the public right-of-way, consistent with the requirements of Coastal Development Permit 5-11-085.
6. **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

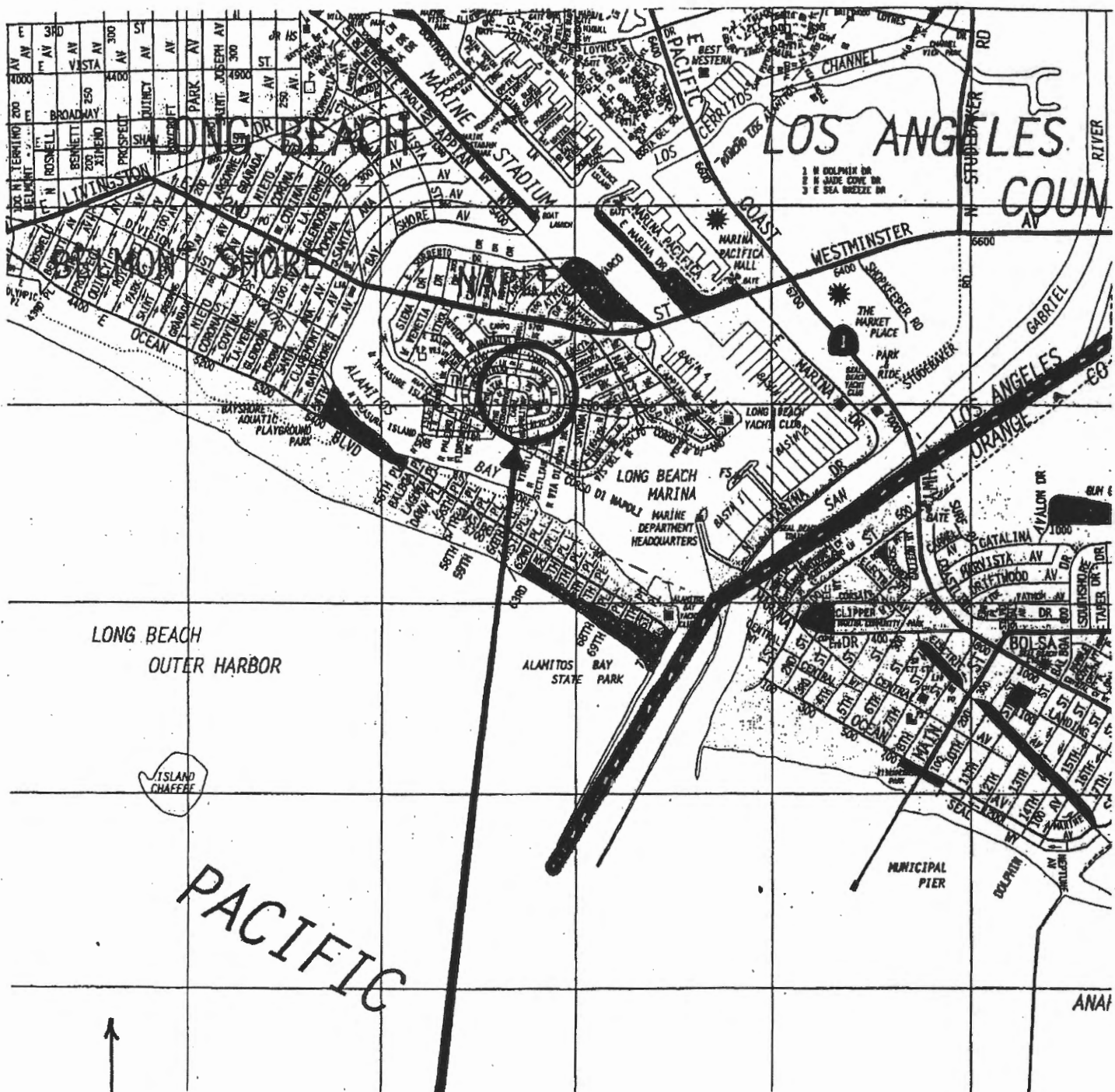
Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order 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.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing



LONG BEACH
OUTER HARBOR



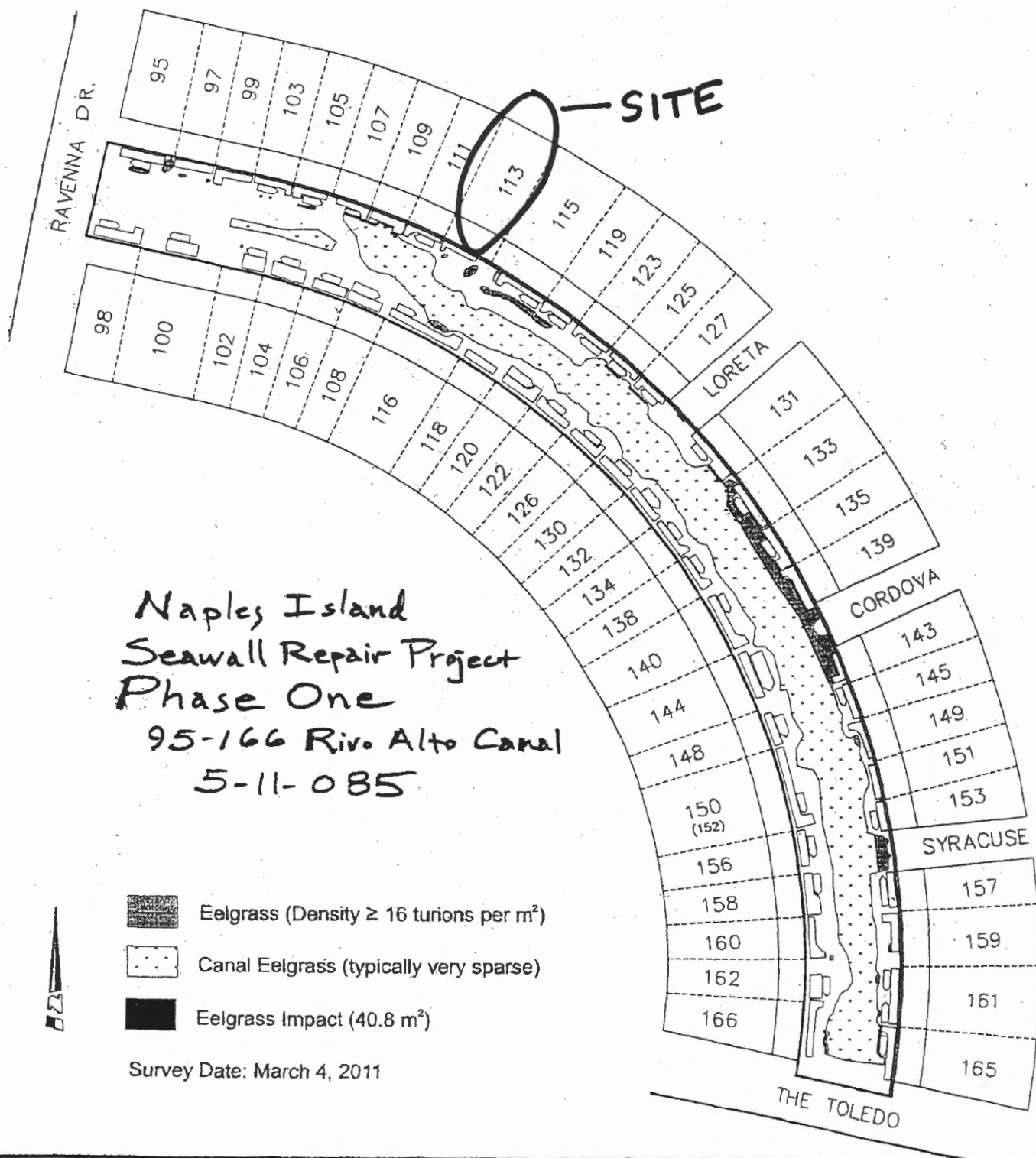
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Riva Alto Canal

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EXHIBIT # 1
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Tetra Tech, Inc.
 ENGINEERS ARCHITECTS SCIENTISTS

401 East Ocean Blvd., Suite 420
 Long Beach, California 90802
 Ph. (562) 495-0495 fax (562) 495-5029

Eelgrass Survey Results

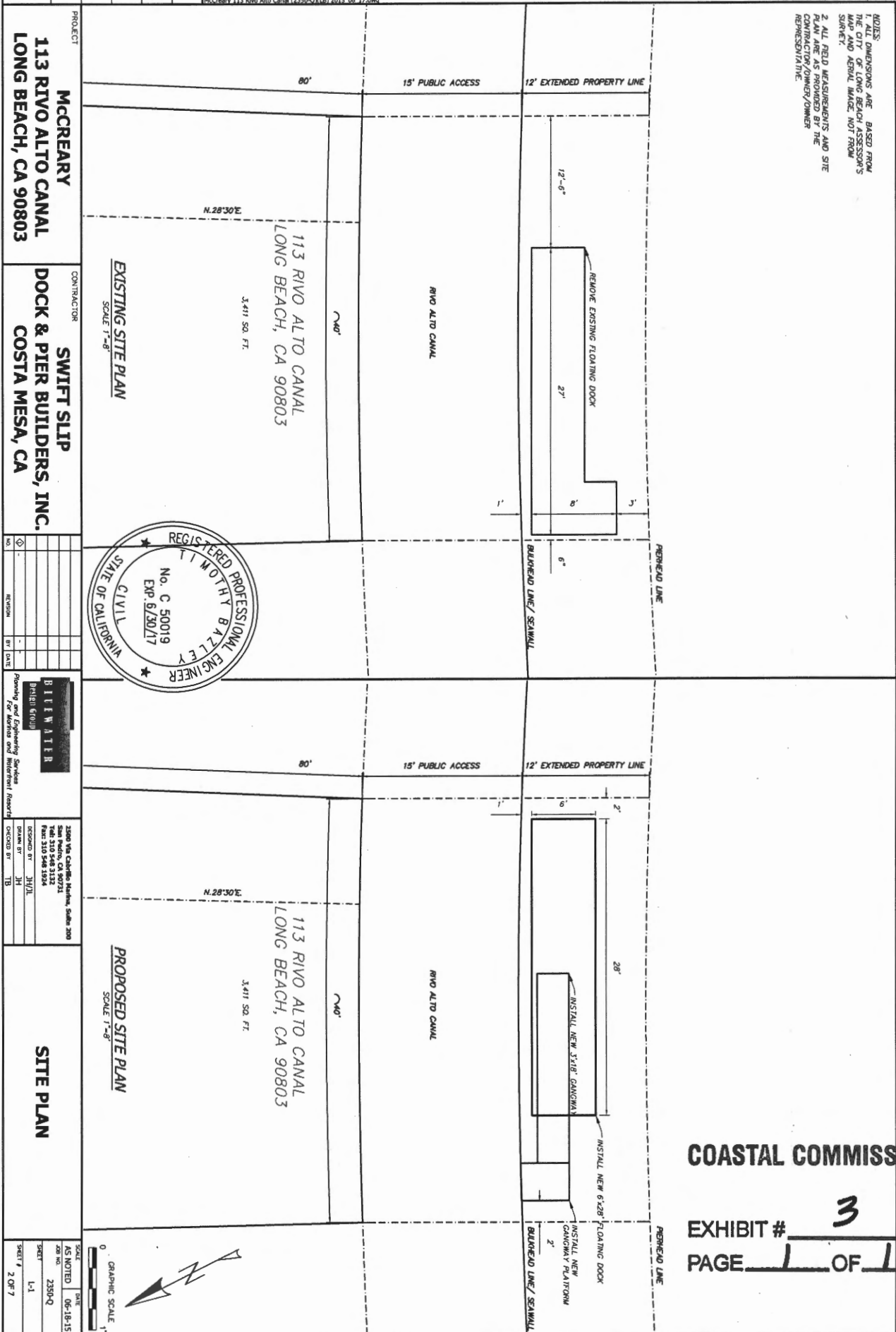
Naples North-East Quadrant
 Rivo Alto Canal
 Long Beach, California

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EXHIBIT # 2
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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.



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EXHIBIT # 2
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