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Filed:	6/27/16
180th Day:	12/24/16
Staff:	Z. Rehm-LB
Staff Report:	11/17/16
Hearing Date:	12/8/16

STAFF REPORT: REGULAR CALENDAR

Application Number:	**5-16-0584**
Applicant:	**City of Long Beach (Attn: Eric Lopez)**
Location:	Public Tidelands adjacent to Leeway Sailing Center at 5437 E. Ocean Blvd., Long Beach, Los Angeles County
Project Description:	Demolish public pier, dock float, and gondola tour office and construct approx. 4,000 sq.ft. public pier and dock float, and approx. 220 sq.ft. gondola tour office in same location.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach proposes to replace a public pier, dock float, and gondola tour office over public tidelands in Alamitos Bay. The facilities are associated with the adjacent City-owned Leeway Sailing Center and will provide low-cost coastal recreational activities including sailing, canoeing, kayaking, stand-up paddle boarding, and gondola rides. Public access to and along the public beach will be enhanced by the proposed project. The project has been designed to avoid adverse impacts to marine resources and has been designed to withstand the effects of natural hazards including severe storms, high tides, and sea level rise.

Commission staff recommends **approval** of Coastal Development Permit Application No. 5-16-0584 with special conditions requiring the applicant to 1) maintain public access to and along the public beach; 2) conduct eelgrass surveys and provide mitigation if eelgrass impacts occur; 3) conduct a caulerpa taxifolia survey; 4) conduct a bird nesting survey and limit noise associated with pile driving; 5) implement construction BMPs; 6) implement operational BMPs; 7) comply with the requirements of the resource agencies; and 8) assume the risks of the development.

TABLE OF CONTENTS

APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-16-0584 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote of the foregoing motion. Passage of this motion will result in conditional approval of the permit 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 Coastal Development Permit No. 5-16-0584 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 will 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 applicant 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 applicant 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. **Public Access To and Along the Beach.** The public pier shall remain open for public access 24 hours per day. The beach access stairways at the east and west sides of the pier shall remain open 24 hours per day. No gates are permitted, except at the entrance to the gangway/dock float, which may be locked at night. A sign shall be posted on the pier clearly designating the pier for public use. The development shall not interfere with public access to and along the public beach (except for the temporary disruptions that may occur during the construction of the permitted development). To the maximum extent feasible, the contractors shall provide lateral public access along the beach during construction and shall minimize construction activities during the summer.

2. **Eelgrass Survey and Mitigation Requirements.**

   A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. The survey shall be prepared in full compliance with the "*California Eelgrass Mitigation Policy*" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/ seagrass_info/california_eelgrass.html) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittee shall submit the eelgrass survey for the review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.

   B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the permittee shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "*California Eelgrass Mitigation Policy*" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittee shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittee shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. The exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply. Implementation of mitigation shall require an amendment to this permit

or a new Coastal Development Permit unless the Executive Director determines that no amendment or new permit is legally required.

3. **Caulerpa Taxifolia Survey.**

A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this Coastal Development Permit (the "*project*"), the permittee shall undertake a survey of the project area and a buffer area at least 10 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. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.

C. Within five business days of completion of the survey, the permittee shall submit the survey:

i. for the review and approval by the Executive Director; and

ii. 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 & Wildlife (858-467-4218) or Bryant Chesney, National Marine Fisheries Service (562-980-4043), or their successors.

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

4. **Bird Nesting Survey and Pile Driving Noise Restrictions.** BY ACCEPTANCE OF THIS PERMIT, the permittee agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within 300 feet of project site prior to (within three days of) the commencement of demolition and construction activities. The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of sensitive or endangered bird species nesting or roosting within 300 feet of the work site and shall immediately report the findings of the survey to the Executive Director. In the event that the environmental specialist reports any sensitive

or endangered bird species nesting or roosting within 300 feet of the work site, the following restrictions shall apply:

A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

B. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active roosting or nesting site within 300 feet of project site. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting or nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

5. **Construction Best Management Practices.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea, the permittee shall implement the following construction best management practices, in addition to those construction best management proposed by the application submitted to the Coastal Commission's South Coast District office on June 27, 2016:

A. Silt curtains will be utilized to control turbidity during removal and placement of piles.

B. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.

C. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.

D. The permittee shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

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

F. Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the bay.

G. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

H. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Alamitos Bay.

I. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.

J. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.

K. Construction activities within tidal and upland work areas shall not commence until all sediment, turbidity, and runoff control measures as appropriate have been properly installed in and around active work areas

L. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

M. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

N. All fueling and maintenance of construction equipment except for the barge-mounted crane shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mobile fueling of construction equipment and vehicles on and around the marina construction site shall be prohibited. Mechanized heavy equipment and other vehicles used during the construction process except for the barge-mounted crane shall not be stored or re-fueled within 50 feet of drainage courses and other coastal waters.

O. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.

P. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

Q. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands, and all equipment used during construction shall be free of leaks at all times.

R. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.

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

T. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. 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.

U. 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.

V. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, Ammoniacal Copper Arsenate (ACA), or similar petroleum-derived products. Pilings treated with Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

   ii. The material used shall be durable and a minimum of one-tenth of an inch thick.
   iii. All joints shall be sealed to prevent leakage.
   iv. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
   v. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
   vi. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.
   vii. The permittee shall be made responsible for removal of failed docks or materials.
   viii. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least

environmentally damaging materials and/or methods should be required for such projects, where feasible.

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

6. **Operational Best Management Practices.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea throughout the life of the approved development, the permittee shall implement the following operational best management practices:

A. Boat Cleaning and Maintenance Measures:

i. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.

ii. In-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.

iii. The permittee 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:

i. 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:

i. 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.

ii. 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.

iii. 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.

7. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project 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.

8. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from slope instability, erosion, landslides and wave uprush, storm conditions, and sea level rise; (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 AND DESCRIPTION

The development proposed by the City of Long Beach is the replacement of a public pier, dock float, and gondola tour office over public tidelands in Alamitos Bay, near the entrance to the Alamitos Peninsula in southeastern Long Beach in the Commission's original permit jurisdiction **(Exhibit 1)**. The facilities are associated with the adjacent City-owned Leeway Sailing Center building and will provide low-cost coastal recreational activities including sailing, canoeing, kayaking, stand-up paddle boarding, and gondola rides. The Sailing Center is currently closed in a state of disrepair, but will be remodeled by the City in the near future subject to a local coastal development permit which may be appealed to the Coastal Commission.

The existing pier, dock float, and gondola tour office are proposed to be demolished. The amenities proposed by the subject application include a 118 foot long concrete pier supported by 15 concrete piles and four timber piles, which will be connected to an 80 foot long gangway, leading to a new multi-fingered laterally-oriented approximately 2,000 sq. ft. wood dock float supported by four existing concrete piles and one new concrete pile. A new 220 square foot wood gondola tour office,

which will facilitate guided tours of the bay for members of the public, is proposed to be constructed atop the new pier **(Exhibit 2)**. New water, electric, and telephone lines are proposed to be encased in plastic pipe and secured to the underside of the pier. Dimly lighted 42-inch high bollards are proposed to improve pedestrian safety along the pier, which is open 24 hours daily.

The proposed pier and dock float will slightly increase water coverage over Alamitos Bay. The aggregate surface area of the combined facility, including the portions over the sand and the portions over the bay, will increase from 4,027 square feet to 4,114 square feet. However, the surface area of the piles necessary to support the new facilities will be less than that of the current facilities. A total of 22 piles of varying sizes will be removed, including seven piles that are encased in concrete wrap for structural support subject to Emergency Coastal Development Permit No. 5-10-159-G (issued July 20, 2010). Four existing piles judged to be in good condition and capable of supporting the new dock float in approximately the same location will remain. The City has proposed to install 19 new piles to support the pier and one new pile to provide additional support for the dock float. In aggregate, fill of the sandy intertidal area and the muddy bottom of the bay will be reduced from approximately 54 square feet to approximately 45 square feet. The City will also remove debris that has spilled into the bay as the existing pier, dock, and piles have deteriorated. No dredging is proposed or permitted under this permit.

The City previously submitted Coastal Development Permit Application No. 5-13-852 for a similar project which also included replacement of the Sailing Center building, but withdrew that application on February 4, 2015 after it remained incomplete for an extended period of time and it was determined that the Sailing Center building was within the City's LCP jurisdiction. The development proposed by the subject application was approved in concept by the Long Beach Department of Planning and Building on June 23, 2016.

B. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30213 of the Coastal Act states:

> *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

One of the basic goals stated in the Coastal Act is to maximize public access and recreation to and along the coast. The proposed project is intended to enhance existing public access and recreation activities by extending the life of a popular public facility that serves a variety of coastal visitors. The public pier, dock float, and gondola tour office subject to this permit application are associated with the adjacent City-owned Leeway Sailing Center and provide low-cost coastal recreational activities including sailing, canoeing, kayaking, stand-up paddle boarding, and gondola rides. The sailing,

canoeing, kayaking, and stand-up paddle boarding activities are supported by the City Parks and Recreation Department, which rents equipment and offers classes which are especially popular among youth. The California State University Long Beach Sailing Program also utilizes the dock float for boat storage and classes. The gondola activities are provided by a private vendor who leases space from the City and offers rides to the public on a reservation or walk-up basis. Additionally, the existing pier is open to members of the public for general access and scenic views 24 hours per day. Abundant public parking is provided along both sides of Ocean Boulevard.

The City indicates that the proposed new facilities will better serve boaters and coastal visitors because it will replace deteriorated infrastructure, meet current building and seismic codes, improve access for people with disabilities, and provide space for additional educational support. While the size of the new pier, dock float, and gondola tour office will be similar to that of the existing facilities, the City indicates that the new facilities have been designed to maximize recreational opportunities based on current equipment and programs.

The existing pier partially restricts lateral access along the narrow beach because it extends from the Leeway Sailing Center Building across the entire beach to the gangway and dock float in Alamitos Bay. Stairways are provided near the mean high tide line to the east and the west of the existing pier to allow coastal visitors to pass over the pier from one side of the beach to the other. The proposed pier would provide stairs in similar locations, but approximately 10 feet further landward at a higher elevation, to allow for passage over the pier during present-day astronomical tides and in future daily high tides as the mean sea level rises and more of the beach is submerged more of the time. Additionally, the pier will be elevated approximately 15 inches above its current height to ensure that its surface stays above the water and is accessible even if the sea level rises several feet (see further discussion of the applicant's sea level rise assessment in Section D. "Natural Hazards"). The increased elevation of the bottom of the pier will also make it easier for beach visitors to pass under it at low tide.

Construction of the proposed project will temporarily affect public access to and along the shoreline. During construction, the dock float will not be available to store sailboats and other recreational equipment and the gondola tour office will be displaced. Additionally, construction activities will require partial restrictions to sandy beach area. The City indicates that construction will last up to 10 months but that it will sequence activities to minimize disruptions and provide maximum access during the summer months (typically June through September).

In order to ensure that maximum public access and recreational opportunities area provided to all the people, consistent with Coastal Act Section 30210 and 30213, the Commission imposes **Special Condition 1**, which requires that the public pier shall remain open for public access 24 hours per day. The beach access stairways at the east and west sides of the pier shall remain open 24 hours per day. No gates are permitted, except at the entrance to the gangway/dock float, which may be locked at night. A sign shall be posted on the pier clearly designating the pier for public use. The development shall not interfere with public access to and along the public beach (except for the temporary disruptions that may occur during the construction of the permitted development). To the maximum extent feasible, the contractors shall provide lateral public access along the beach during construction and shall minimize construction activities during the summer. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities and is consistent with Coastal Act Sections 30210 through 30214.

C. WATER QUALITY AND BIOLOGICAL PRODUCTIVITY

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states:

> *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containments and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

In addition to removal of the existing pier and dock float, the proposed project includes removal of 22 piles of varying sizes and installation of 20 new piles (with four existing piles to remain). The applicants propose to minimize turbidity by utilizing silt curtains surrounding the construction area and using water to jet the piles down to within five feet of their design depth (with pile driving via heavy machinery only for the final five feet). Despite the applicant's best efforts to avoid adverse impacts to marine resources, impacts may occur. The applicant provided a marine resources environmental assessment for the project[1], which identified eelgrass beds at the eastern and western edges of the existing pier and dock float. Eelgrass provides important nursery habitat for many fish species, many of which are fished commercially and recreationally. Eelgrass beds are the type of habitat area that, pursuant to Section 30230 of the Coastal Act, deserves special protection as an area of special biological significance.

The removal of existing piles and new pile driving at the project site within Alamitos Bay will likely result in a temporal loss of eelgrass habitat. While the area of the bay covered by piles will decrease as a result of the project, there will be slightly more water coverage, which may have the effect of preventing eelgrass growth from occurring on a more long term basis. The applicant

[1] "Marine Resources Environmental Assessment for the Leeway Sailing Center Categorical Exemption." Coastal Resources Management, Inc. September 14, 2012.

has proposed to conduct a pre-construction survey and a post-construction eelgrass survey, and to mitigate any identified impacts on-site. In order to ensure that those surveys are carried out and appropriate mitigation for any identified impacts is provided, **Special Condition 2** requires the City to conduct a pre-construction eelgrass survey and identifies reporting requirements prior to construction. In addition, the special condition identifies post-construction eelgrass procedures. These conditions will ensure that should impacts to eelgrass occur, the impacts will be identified mitigation will be required under strict protocol provided in the California Eelgrass Mitigation Policy dated October 2014, which will ensure full mitigation of any impacts to eelgrass should the post-construction survey show that eelgrass impacts occurred during construction. Therefore, as conditioned, the Commission finds that the proposed development will not result in significant impacts to eelgrass.

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 Alamitos Bay, Caulerpa taxifolia, if present, could displace eelgrass in the bay.

Underwater surveys recently conducted in Alamitos Bay have not encountered Caulerpa taxifolia, but the applicant has not submitted a recent survey confirming or disconfirming the presence of Caulerpa taxifolia in the vicinity of the project site. In order to assure that the proposed development does not cause the dispersal of Caulerpa taxilfolia, the Commission imposes **Special Condition 3**, requiring the applicant, prior to commencement of development, to survey the project area for the presence of Caulerpa taxilfolia. If Caulerpa taxilfolia is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the Caulerpa taxilfolia, unless the Executive Director determines that no amendment or new permit is legally required.

The applicant commissioned a biologist to conduct a bird nesting survey in the vicinity of the project site[2]. That survey was conducted on November 26, 2013, which is outside of bird nesting season. One inactive nest was identified within 300 feet of the project site, which may have been home to the native house finch, a protected species under the Migratory Bird Treaty Act. Because other threatened and endangered birds, including black crowned night herons, have been observed in coastal Long Beach, and because such birds may be disturbed by the noise associated with pile driving activities, the Commission imposes **Special Condition 4**. The condition requires the applicants to retain an environmental specialist to survey the area around the project site before construction. If any sensitive or endangered bird species are observed nesting or roosting within 300 feet of the work site, then construction noise reduction measures

[2] "Nesting Bird Survey for the Leeway Sailing Center Rebuild Project." LSA Associates, Inc. Technical Memorandum, December 2, 2013.

such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum extent feasible during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site. Additionally, Special Condition 4 requires that noise generated by construction shall not exceed 85 dB at any active roosting or nesting site within 300 feet of project site. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting or nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

The Commission has reviewed numerous reports concerning the impacts of chemical pollution and siltation on marine organisms and on coastal recreation in coastal waters including public boat storage facilities. Given the location of the proposed development of a public facility within a narrow bay which supports both sensitive species and recreational activities, construction related activities must avoid adverse impacts to water quality and biological productivity. In response to this concern, in previous permit actions in Long Beach and elsewhere in California's marine environment, the Commission has imposed conditions on development to prevent siltation, spills and pollution as a result of development.

Due to the project's location over coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and debris during construction. The applicant has proposed a substantial set of construction best management practices (BMPs). **Special Condition 5** requires the City to implement the proposed BMPs in addition to a set of BMPs specific to construction in the marine environment that the Commission has imposed through previous approved permits in Long Beach. Additionally, in order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea throughout the life of the approved development, **Special Condition 6** requires the City to implement operational best management practices including boat cleaning and maintenance measures, solid and liquid waste management, petroleum control management.

The applicant has not received final approval for the proposed development from all of the resource agencies. **Special Condition 7** requires the applicant to 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 the 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 whether the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. The Commission finds that only as conditioned will the proposed project ensure that marine resources, including water quality and biological productivity, are protected as required by Sections 30230, 30231, and 30232 of the Coastal Act.

D. NATURAL HAZARDS

Section 30253 of the Coastal Act states:

> *New development shall:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(b) Assure stability and structural integrity, and neither 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.*
>
> *(c) Be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
>
> *(d) Minimize energy consumption and vehicle miles traveled*
>
> *(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. The pier and gondola tour office are proposed in an area of high flood hazard which is likely to experience flooding caused by severe storms, high tides, and sea level rise within the 50-year design life of the project. The dock float is unlikely to be adversely affected by flooding because it has been designed to allow for upward movement during high water events.

The pier deck and gondola tour office will be elevated from a current height of 5.9 feet above mean sea level (which is approximately equivalent to +5.9 NGVD29 in the subject location) to a height of 7.2 feet above mean sea level. Additionally, the gondola tour office will be reconstructed approximately 10 feet landward of its current location atop the pier and the beach access stairs will be relocated further landward to allow for passage over the pier during high tide events. The applicant's coastal hazards analysis[3] indicates that the proposed pier and gondola tour office are not expected to experience flooding during the 50-year design life of the project, accounting for a mid-range sea level rise projection of 27 inches by the year 2067, plus the highest observed astronomical tide, plus wave runup associated with a 50 year storm. Under that scenario, local water elevation is projected to reach +7.0 feet NGVD29, which is 0.2 feet below the elevation of the proposed dock and gondola tour office. However, under a high sea level rise scenario of 44 inches by 2067, which is consistent with the 2012 National Research Council

[3] "Evaluation of Coastal Hazards for the Leeway Sailing and Aquatics Center Renovation Coastal Development Permit Application No. 5-16-0584." Anchor QEA. Technical Memorandum, September 29, 2016.

report referenced by the Coastal Commission's Sea Level Rise Policy Guidance document, the proposed pier deck and gondola tour office would experience flooding during the highest astronomical tides, which occur several times annually. Under a high sea level rise scenario during the highest astronomical tides, the local water elevation would reach 7.9 feet. A 50 year storm event would increase the local water elevation by an additional 0.5 feet, potentially flooding the pier and lower 1.2 feet of the gondola tour office. Such high astronomical tides will also inundate the adjacent beach, flood Ocean Boulevard, and most of the Alamitos Peninsula.

The applicant indicates that the structures have been designed to withstand temporary flooding, and include strong connections between the piles and concrete pier that will handle uplift and lateral loads caused by an upward water surge. The applicant's geotechnical investigation[4] was conducted primarily to inform the design of a related future project, the Leeway Sailing Center Building reconstruction (subject to a CDP from the City of Long Beach, which would be appealable to the Coastal Commission). That investigation encountered groundwater two feet below the surface of the beach in the vicinity of the proposed landward-most piles which would support the subject pier. The geotechnical investigation identified the potential for liquefaction, earthquakes, and flooding in the area and recommended a pile system for the building and pier, with piles driven up to 30 feet below the surface. That is what the applicant has proposed for the pier piles. The applicant does not anticipate adaptation measures for the pier during the 50 year life of the project; however, if sea level rise exceeds the applicant's projection then removal of the pier after fewer than 50 years would be a feasible adaptation measure consistent with best practices for public infrastructure in the marine environment.

Despite the applicant's planning for sea level rise and high tide events, 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 within an area subject to tidal action and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 8** therefore requires the City to assume the risks of the development. The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

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

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California

[4] "Report of Geotechnical Investigation: Proposed Leeway Sailing Center Reconstruction Project." Associated Soils Engineering, updated May 23, 2016

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 Long Beach Department of Planning and Building is the lead agency for the purposes of CEQA review. On April 13, 2016, the City determined that the project is categorically exempt from CEQA review under Section 15302 (Class 2, Reconstruction of Existing Facility).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicant to maintain public access to and along the public beach, conduct eelgrass surveys and provide mitigation if eelgrass impacts occur, conduct a caulerpa taxifolia survey, conduct a bird nesting survey and limit noise associated with pile driving, implement construction and operational best management practices to preserve water quality, comply with the requirements of the resource agencies, and assume the risks of the development.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As mitigated, the project will not have any significant effects on the environment within the meaning of CEQA. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the relevant requirements of the Coastal Act to conform to CEQA.

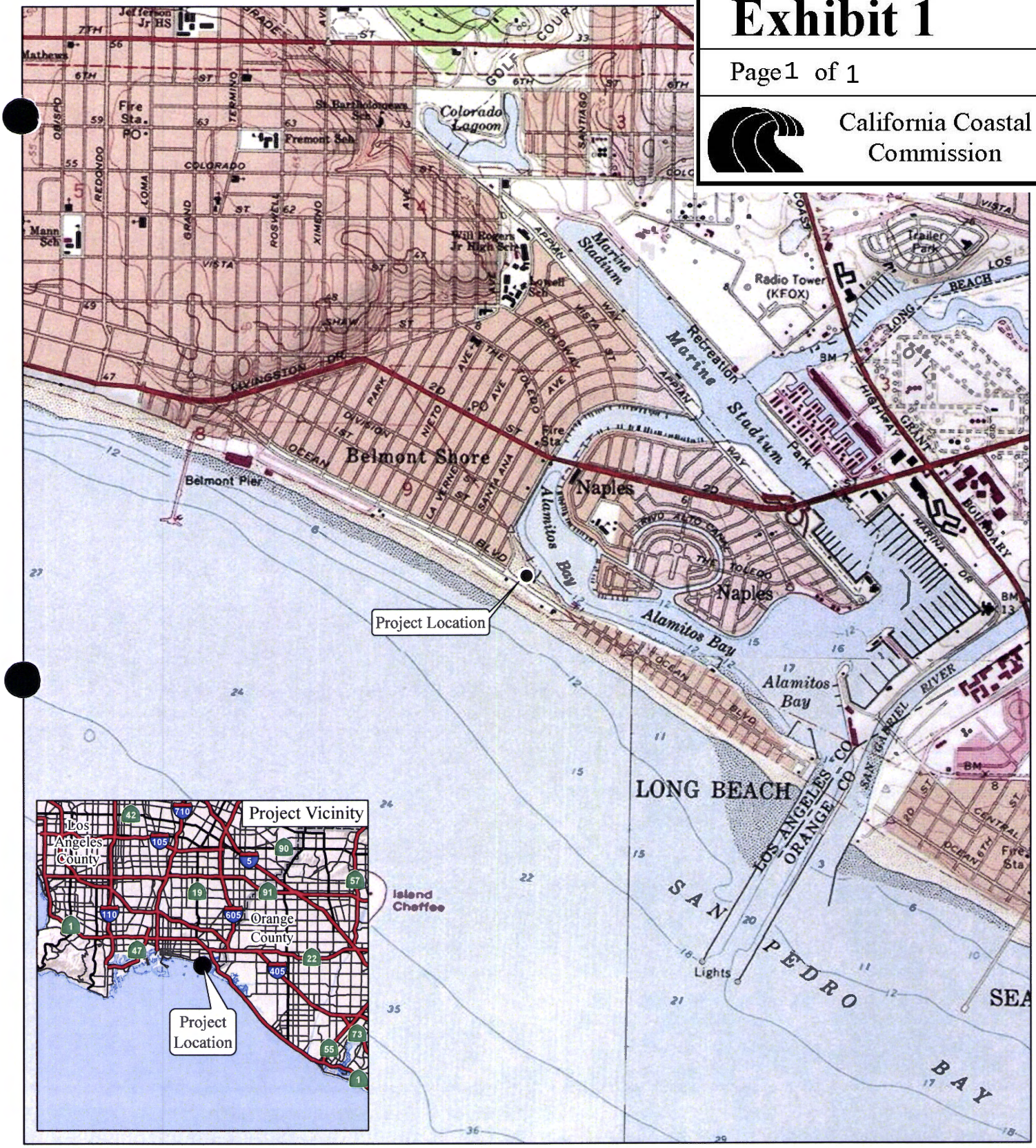
Appendix A – Substantive File Documents

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit No. 5-10-159-G (City of Long Beach) Emergency Leeway Pier Pile Repairs; issued July 20, 2010.
3. Coastal Development Permit Application No. 5-13-852 (City of Long Beach); withdrawn February 4, 2015.

Exhibit 1

Page 1 of 1

California Coastal Commission



LSA

LEGEND

- Project Location

0 1000 2000

FEET

SOURCE: USGS 7.5' QUAD - Long Beach (1978), CA

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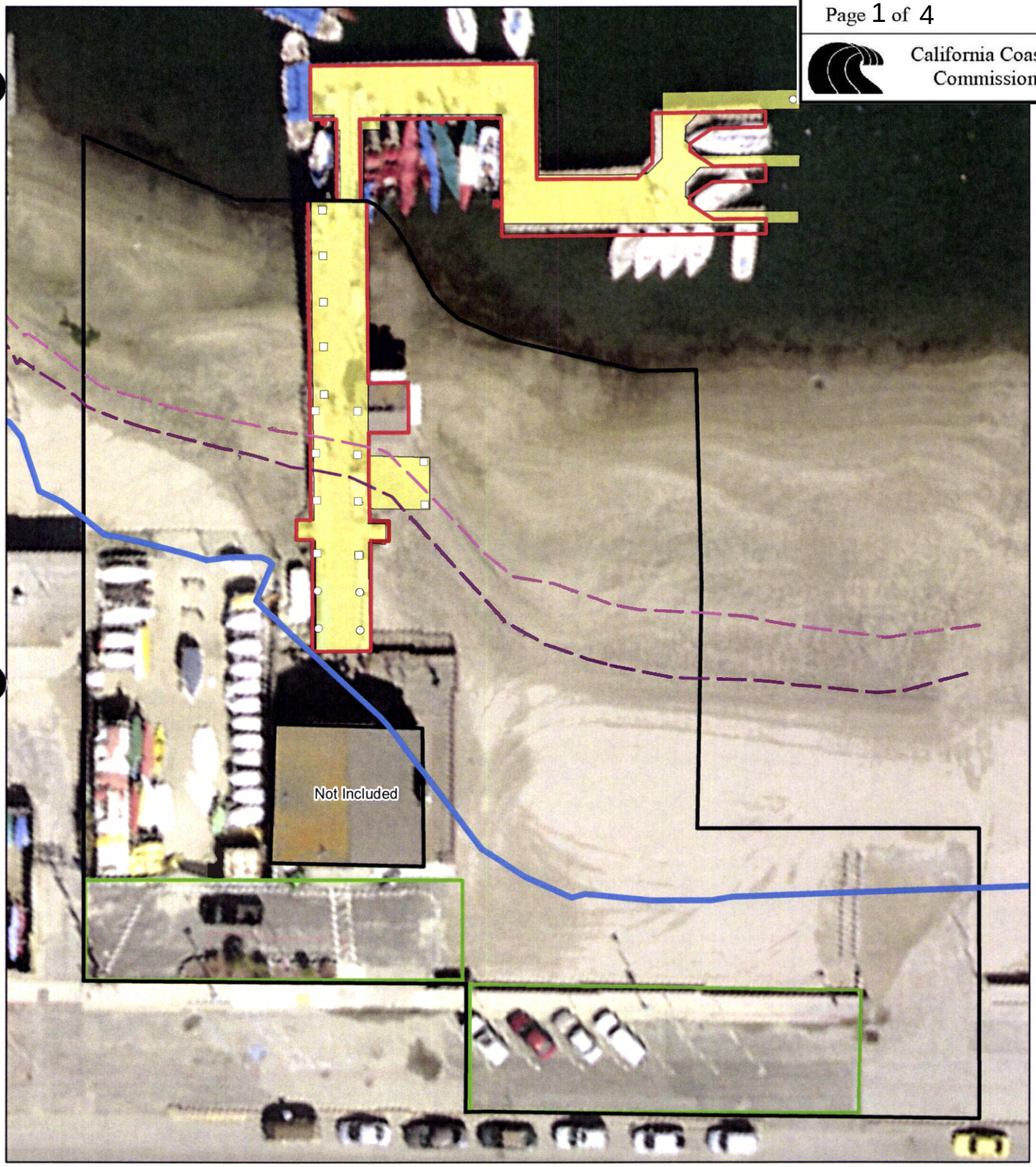
Long Beach Tidelands Capital Projects
Leeway Pier, Dock, and Shed
Structure Replacement Project

Project Location and Vicinity Map



LSA

LEGEND

- Existing Project Footprint
- Proposed Project Footprint
- 20 Replacement Piles
- Construction Area
- Proposed Staging Area
- HTO (+4.74 MSL)*
- MHW (+1.91 MSL)*
- MHHW (+2.63 MSL)*

0 17.5 35
FEET

SOURCE: LARIAC (2010); City of Long Beach (2/2014)

I:\CLB1508\GIS\LeewaySailingCenter_ConstructionSitePlan.mxd (6/9/2016)

HTO = Highest Tide Observed
MHW = Mean High Water
MHHW = Mean Higher High Water
MSL = Mean Sea Level

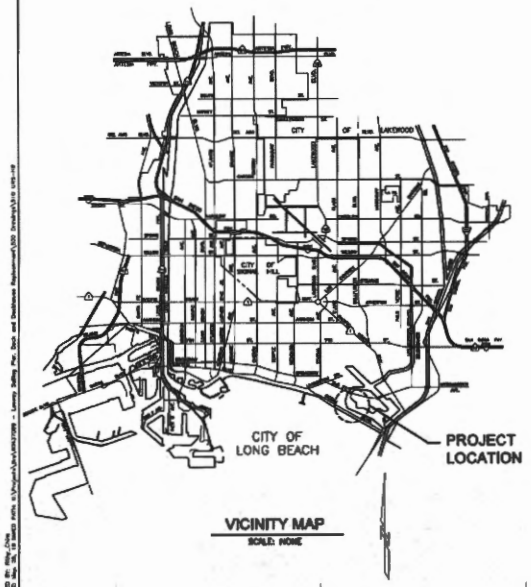
* City of Long Beach Vertical Datum Planes

Long Beach Tidelands Capital Projects
Leeway Pier, Dock, and Shed
Structure Replacement Project

Construction Site Plan

LEEWAY SAILING PIER, DOCK AND SHED STRUCTURAL REBUIL

PROJECT LOCATION
SCALE: NONE



VICINITY MAP
SCALE: NONE

PROJECT ADDRESS :
LEEWAY SAILING PIER
5437 E. OCEAN BLVD.
LONG BEACH, CA

LEGAL DESCRIPTION: ADJACENT TO 7245012804

PREPARED FOR :
CITY OF LONG BEACH
333 WEST OCEAN BLVD.
LONG BEACH, CA 90802

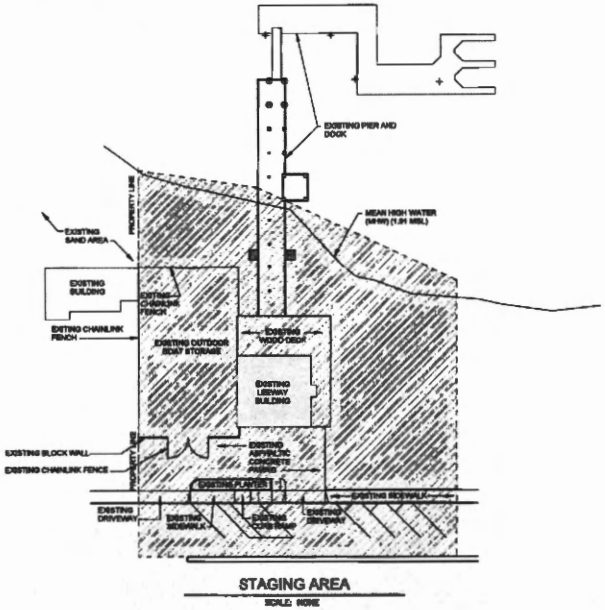
PREPARED BY :
AECOM
310 GOLDEN SHORE, SUITE 100
LONG BEACH, CA 90802

PROJECT DESCRIPTION :
REMOVE AND DISPOSE OF EXISTING TIMBER PIER INCLUDING TIMBER PILES WRAPPED IN CONCRETE, GONDOLA SHED, GUARDRAIL, ALUMINUM GANGWAY, TIMBER FLOATING DOCK AND ALL UTILITIES AND MISCELLANEOUS ITEMS ATTACHED TO THE PIER, GANGWAY AND FLOATING DOCK AND REPLACE WITH NEW CONCRETE PIER ON CONCRETE PILES AND TIMBER PIER ON TIMBER PILES, GONDOLA SHED, STRUCTURE, 80' ADA ALUMINUM GANGWAY, TIMBER FLOATING DOCK WITH FOUR EXISTING CONCRETE GUIDE PILE AND ONE NEW CONCRETE GUIDE PILES.

CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING
APPROVAL IN CONCEPT

These plans have received approval in concept only by the city of Long Beach as required for application to the South Coast Regional Commission, pursuant to Section 13210, Public Resource Code.

Date: 6/23/16 By:



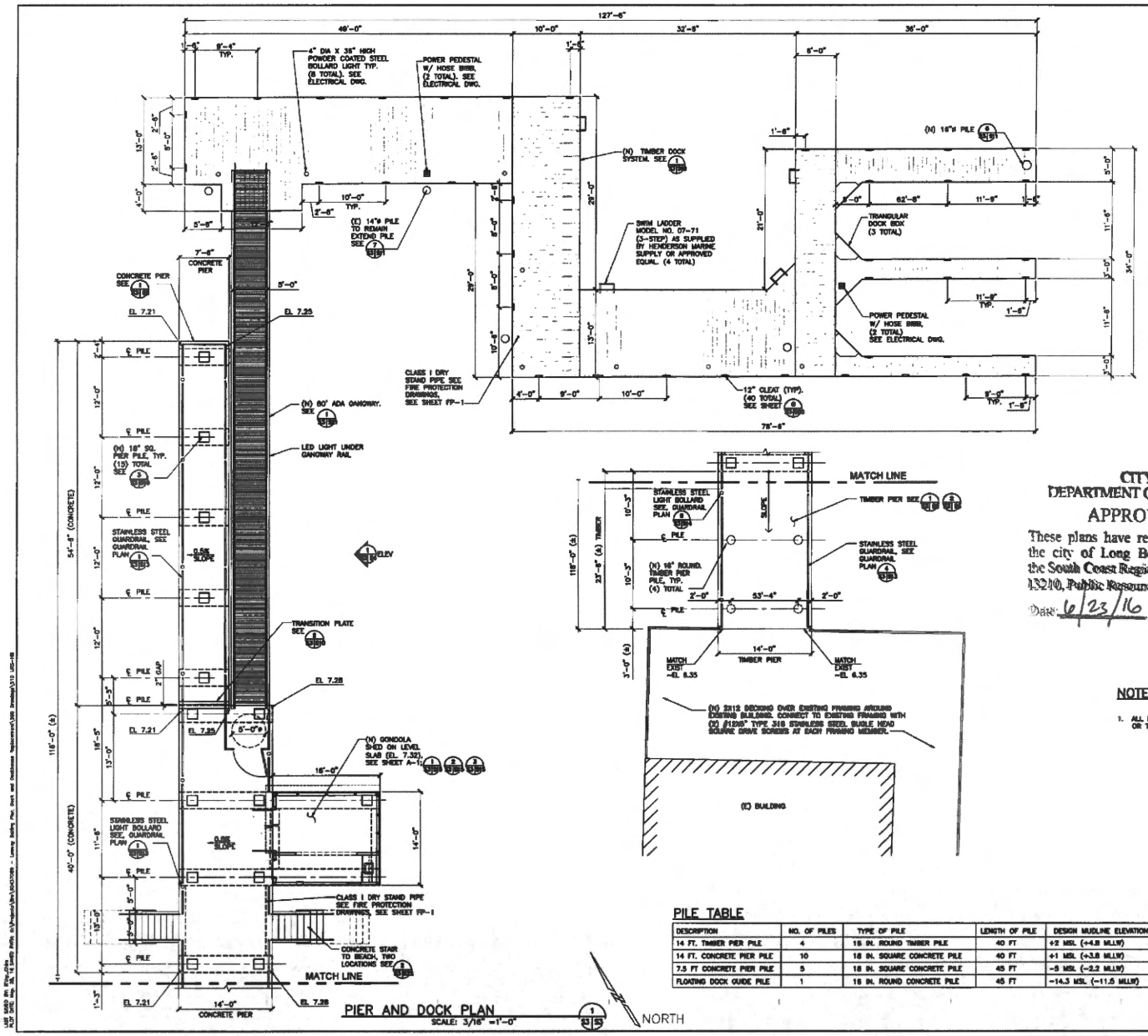
STAGING AREA
SCALE: NONE

SHEET INDEX

SHT #	DWG #	
1	T-1	TITLE SHEET
2	GN-1	GENERAL NOTES
3	A-1	GONDOLA SHED – PLANS, ELEVATIONS & SCHEDULES
4	A-2	GONDOLA SHED – BUILDING SECTIONS, DETAILS
5	A-3	GONDOLA SHED – DETAILS
6	A-4	GONDOLA SHED – GENERAL NOTES, DETAILS
7	S-1	DEMOLITION PLAN
8	S-2	SITE PLAN
9	S-3	PIER AND DOCK PLAN
10	S-4	PIER ELEVATION
11	S-5	CONCRETE PIER PLAN
12	S-6	TIMBER PIER PLAN AND DETAILS
13	S-7	GENERAL CONCRETE DETAILS
14	S-8	CONCRETE PIER SECTIONS
15	S-9	CONCRETE PIER SECTIONS
16	S-10	CONCRETE PIER SECTIONS
17	S-11	PIER – CONCRETE PILE DETAILS
18	S-12	TIMBER PIER DETAILS
19	S-13	GUARDRAIL PLAN AND ELEVATIONS
20	S-14	GUARDRAIL ELEVATIONS AND DETAILS
21	S-15	GONDOLA SHED FRAMING PLANS AND ELEVATIONS
22	S-16	GONDOLA SHED SECTIONS
23	S-17	GONDOLA SHED DETAILS
24	S-18	DOCK FRAMING PLAN
25	S-19	DOCK SECTIONS AND DETAILS
26	S-20	DOCK DETAILS
27	S-21	GANGWAY PLAN AND DETAILS
28	S-22	MISCELLANEOUS DETAILS
29	P-1	PLUMBING PLAN AND DETAILS
30	FP-1	FIRE PROTECTION PLAN
31	FP-2	FIRE PROTECTION DETAILS
32	E-1	ELECTRICAL NOTES, SYMBOLS & ABBREVIATIONS
33	E-2	SINGLE LINE DIAGRAM & LOAD SCHEDULES
34	E-3	ELECTRICAL SITE PLAN
35	E-4	PIER AND DOCK ELECTRICAL PLAN
36	E-5	PIER ELECTRICAL ELEVATION & DETAILS
37	E-6	GONDOLA SHED ELECTRICAL PLAN
38	E-7	ELECTRICAL DETAILS
39	E-8	ELECTRICAL TITLE 24 FORMS 1
40	E-9	ELECTRICAL TITLE 24 FORMS 2

AECOM
310 GOLDEN SHORE, SUITE 100
LONG BEACH, CA 90802

333 W. OCEAN BLVD., LONG BEACH, CA 90802
APPROVALS
CITY OF LONG BEACH - TIDELANDS CAPITAL IMPROVEMENT DIVISION
LEEWAY SAILING PIER, DOCK AND SHED
STRUCTURE REBUILD
TITLE SHEET
SHEET T-1
1 OF 40
DRAWING NO. B-4654



CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING
APPROVAL IN CONCEPT

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Date: 6/23/16 By:

NOTE:

1. ALL ELEVATIONS SHOWN ARE TOP OF CONCRETE OR TIMBER DECK.

PILE TABLE

DESCRIPTION	NO. OF PILES	TYPE OF PILE	LENGTH OF PILE	DESIGN MUDLINE ELEVATION	PILE TIP ELEVATION
14 FT. TIMBER PIER PILE	4	18 IN. ROUND TIMBER PILE	40 FT	+2 MSL (+4.8 MLLW)	-31 MSL (-29.2 MLLW)
14 FT. CONCRETE PIER PILE	10	18 IN. SQUARE CONCRETE PILE	40 FT	+1 MSL (+3.8 MLLW)	-34.5 MSL (-31.7 MLLW)
7.5 FT CONCRETE PIER PILE	5	18 IN. SQUARE CONCRETE PILE	45 FT	-5 MSL (-2.2 MLLW)	-38.5 MSL (-35.7 MLLW)
FLOATING DOCK GUIDE PILE	1	18 IN. ROUND CONCRETE PILE	45 FT	-14.3 MSL (-11.5 MLLW)	-35.8 MSL (-33 MLLW)

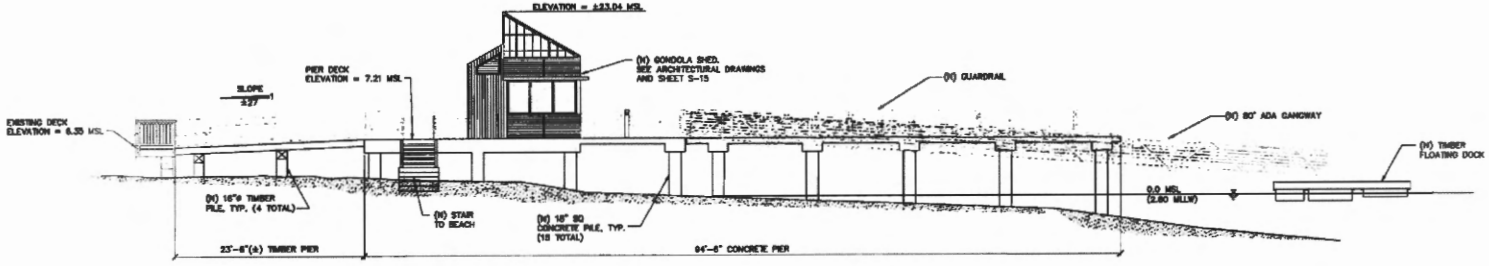
LEEWAY SAILING PIER, DOCK AND SHED
STRUCTURE REBUILD
PIER AND DOCK PLAN

AECOM

S-3

9 of 40

B-4654



PIER ELEVATION
SCALE: 3/16"=1'-0"

CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING
APPROVAL IN CONCEPT

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Date: 6/23/16 By:

LEEWAY SAILING PIER, DOCK AND SHED
STRUCTURE REBUILD
PIER ELEVATION

AECOM

S-4

10 40

B-4654