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

W8c

Filed:	10/27/2018
180th Day:	03/26/2019
Staff:	D. Ziff-LB
Staff Report:	11/16/2018
Hearing Date:	12/12/2018

STAFF REPORT: CONSENT CALENDAR

Application No.:	**5-18-1000**
Applicant:	**City of Long Beach**
Agent:	Rafael Holcombe, Tetra Tech, Inc.
Location:	35 39th Place, Belmont Veteran's Memorial Pier, City of Long Beach, Los Angeles County (APN: 7256-041-901)
Project Description:	Rehabilitation of Belmont Pier Aqualink landing including removal of 16 piles and pile caps, gangway, and mooring dolphins; installation of a new 2,080 sq. ft. dock float, aluminum gangway, central gangway hoist assembly, and 4 seaflex mooring anchors; and replacement of damaged lighting and guardrails.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant, the City of Long Beach Department of Public Works, is requesting approval for rehabilitation of the boat landing facility on the eastern end of Belmont Veteran's Memorial Pier which was damaged by a storm in 2017. All of the proposed development is offshore, within the Commission's original permit jurisdiction. The landing, previously permitted by Coastal Development Permit 5-06-214, consisted of two dock floats totaling 2,080 square feet of water coverage which were damaged and beached during the storm and subsequently disposed of. The City is proposing to replace these dock floats with a single 2,080 square foot concrete floating dock. As proposed, the development would also include the removal of sixteen existing piles and pile caps, the existing gangway, and two mooring dolphins; installation of a new aluminum gangway, central gangway hoist assembly, and four seaflex mooring anchors; and replacement of damaged lighting and guardrails.

The boat landing facility is located at the east end of Belmont Pier and supports recreational boating, sightseeing, and pier visitation uses. The Aqualink, one of the public services that would be offered at the proposed new dock float, is a visitor-serving water taxi service provided by Long Beach Transit with drop-off and pick-up locations at Downtown Long Beach (near the Aquarium of the Pacific), the Queen Mary, and Alamitos Bay.

There will be a minimal amount of fill of coastal waters (approximately 6 square inches in total) as a result of the proposed installation of seaflex anchors. Additionally, the project would make available approximately 23 square feet of soft-bottom marine habitat following the removal of the sixteen existing piles. Temporary disturbance of the bottom during the removal of the piles and installation of the helix anchors and boat facilities requires work within coastal waters. Thus, **Special Conditions 1 and 2** require construction to adhere to best management practices (BMPs) including appropriate storage, removal, and disposal of demolition or construction debris, daily inspection of construction equipment, installation of barriers between work areas and the water, and use of silt curtains if turbid waters are expected or produced to protect water quality and the marine environment. **Special Condition 2** also requires that native marine animals found in the proposed disturbance area be relocated during site preparation and prior to demolition. **Special Condition 3** requires the applicant to comply with requirements imposed by other agencies including the Los Angeles Regional Water Quality Control Board (RWQCB) and California Department of Fish & Wildlife. **Special Condition 4** states that any future improvements would require a permit amendment or a new coastal development permit to allow for careful review of development at this site. In addition, **Special Condition 5** is imposed, which requires the applicant to assume the risks of injury and damage from coastal hazards such as the storm that damaged the existing boat landing facilities.

Staff is recommending **approval** of the proposed coastal development permit with the **five (5)** aforementioned special conditions.

TABLE OF CONTENTS

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Water Quality - Construction Responsibilities and Debris Removal

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. 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 applicant 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 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;

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; and

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

2. Protection of Marine Resources. In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into San Pedro Bay, the permittee shall implement the following demolition, staging, and construction best management practices:

a. No pile driving equipment (e.g., impact hammers, vibratory hammers or any other pile driving hammers) shall be utilized.

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

c. Prior to demolition, and during site preparation mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found at the project site shall be relocated to another part of the bay when possible.

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

e. 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 San Pedro Bay or the sea.

f. Staging and storage of construction machinery and storage of debris shall not take place on any beach.

g. 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 San Pedro Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.

h. 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.

i. 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 San Pedro Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

j. 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.

k. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

l. 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.

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.

3. **Conformance with the Requirements of Resource Agencies.** The City shall, through the acceptance of this permit, agree to comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment.

4. **Future Uses and Improvements.** This approval is limited to the uses and development specifically described in the project description, exhibits, and related findings contained in Coastal Development Permit 5-18-1000. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP 5-18-1000. Accordingly, any future improvements to the structure authorized by this permit, change of use, or intensification of use (such as new leases of dock areas or new commercial use of docks by party boats or cruise ships), shall require an amendment to CDP 5-18-1000 from the Commission or shall require an additional CDP from the Commission.

5. **Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant acknowledges and agrees: (i) that the site may be subject to hazards, including but not limited to storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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 DESCRIPTION & LOCATION

The applicant, the City of Long Beach Department of Public Works, is requesting approval for rehabilitation of the boat landing facility on the eastern end of Belmont Veteran's Memorial Pier (**Exhibit 1**) which was damaged by a storm in 2017. All of the proposed development is offshore, within the Commission's original permit jurisdiction. The landing, previously permitted by Coastal Development Permit 5-06-214, consisted of two dock floats totaling 2,080 square feet of water coverage which were damaged and beached during the storm and subsequently disposed of. The City is proposing to replace these dock floats with a single 2,080 square foot concrete floating dock (**Exhibit 2**) that would be constructed off site and floated to the project site. Staging is proposed to be located within the public beach parking lot at the base of the pier, thus, temporarily impacting the availability of several parking spaces. The development, as proposed, also includes the removal of sixteen existing piles and pile caps, the existing gangway, and two mooring dolphins. Removal of the sixteen piles would result in the reclamation of 22.8 square feet of soft-bottom marine habitat. The City also proposes to install a new aluminum ADA-compliant gangway, guardrails, a central gangway hoist assembly, and four seaflex mooring anchors. As proposed, the guardrails are designed to match the existing (non-damaged) guardrails at the site. The mooring anchors consist generally of a steel helix anchor, approximately 1.5 inches in diameter, and polyester rope (**Exhibit 3**). Damaged lighting would be replaced with LED fixtures that would be directed downward to avoid light spillage onto the adjacent waters and LED strip lights. All new lighting would be set on automatic shutoff cycles.

The boat landing facility is located at the east end of Belmont Pier and supports multiple users including the public, Long Beach Parks, Recreation and Marine, Long Beach Fire Department, and Long Beach Transit (Aqualink). The proposed dock float would have public transient tie offs and a larger vessel tie off area dedicated, in part, for Aqualink service. Aqualink is a visitor-serving water taxi service provided by Long Beach Transit with drop-off and pick-up locations at Downtown Long Beach (near the Aquarium of the Pacific), the Queen Mary, and Alamitos Bay. The City seeks, through the proposed development, to restore service to the Belmont Pier landing site before peak summer use.

There will be a minimal amount of fill of coastal waters (approximately 6 square inches in total) as a result of the proposed installation of seaflex anchors. Section 30233(a)(3) permits fill of coastal waters if new or expanded boating facilities or public recreational piers provide public access and recreational opportunities and where there is no feasible, less environmentally damaging alternative. As proposed, the project would make available approximately 23 square feet of soft-bottom marine habitat following the removal of the existing piles. Temporary disturbance of the bottom during the removal of the piles and installation of the helix anchors and boat facilities requires work within coastal waters. Thus, **Special Conditions 1 and 2** require construction to adhere to best management practices (BMPs) including appropriate storage, removal, and disposal of demolition or construction debris, daily inspection of construction equipment, installation of barriers between work areas and the water, and use of silt curtains if turbid waters are expected or produced to protect water quality and the marine environment. The City is also coordinating with the Los Angeles Regional Water Quality Control Board (RWQCB) to prepare and implement a Water Quality Monitoring Plan. The City proposes to implement BMPs including construction of the float offsite and minimization pollution with immediate removal of any debris that enters the water.

Special Condition 3 requires the applicant to comply with requirements imposed by other agencies including RWQCB and California Fish & Wildlife.

B. MARINE RESOURCES & WATER QUALITY

The project site is located at the end of the Belmont Pier, where the water depth is approximately 20 feet, which is unsuitable for eelgrass establishment. Eelgrass and *Caulerpa taxifolia* surveys were conducted on September 9, 2018 by Tetra Tech personnel and no eelgrass or *Caulerpa taxifolia* were found (**Exhibit 4**). Temporary impacts to native marine communities that have formed around the existing piles, including crabs, mussels, sea stars, and snails, may occur as a result of the proposed project; however, **Special Condition 2** requires that native marine animals found in the proposed disturbance area be relocated during site preparation and prior to removal of the piles to minimize these impacts. Additionally, as proposed, approximately 23 square feet of soft-bottom habitat would be made available following the removal of the existing piles. The City also proposes to replace damaged lighting with lights that would be cast downward, focused on the dock float, and set on automatic shutoff cycles to minimize light spillage onto the adjacent waters, which minimizes potential adverse impacts to marine species from lighting associated with the boat landing facilities.

There is potential for discharge of demolition or construction debris into coastal waters at the project site. The applicant is coordinating with the Los Angeles Regional Water Quality Control Board to prepare and implement a Water Quality Monitoring Plan to ensure that significant adverse impacts to water quality are not incurred as a result of the proposed project. **Special Condition 3** requires the City to comply with all permit requirements and mitigation measures imposed by other resource agencies including the RWQCB. As part of the draft plan, the City proposes to implement BMPs including construction of the float offsite and immediate removal of any debris that enters the water. In addition, **Special Condition 1** is imposed, which requires construction to adhere to best management practices (BMPs) including appropriate storage, removal, and disposal of demolition or construction debris to protect water quality and the marine environment. **Special Condition 2** also ensures protection of water quality by requiring daily inspection of construction-related vehicles, installation of barriers between the work area and the water, and immediate containment of any spills.

As discussed above, while the project involves some fill of open coastal waters, under Section 30233(a)(3) of the Coastal Act, fill is permitted for boating facilities and public recreational piers if the least environmentally damaging feasible alternative is selected. Public recreation, including recreational boating, use of the pier, and visitation of coastal areas in Long Beach, is provided through the proposed boat landing facilities that include transient tie offs and Aqualink service. The proposed use of seaflex anchors is the least environmentally damaging alternative for the attachment of the dock float to the seafloor, and will allow for removal of the piles and recovery of approximately 23 square feet of soft-bottom habitat. Furthermore, **Special Condition 4** states that any future improvements or change in use would require a permit amendment or a new coastal development permit to allow for careful review of proposed development at this site.

Therefore, the proposed development, as conditioned, conforms with Sections 30230, 30231, and 30233 of the Coastal Act regarding the protection of marine resources and water quality to promote the biological productivity of coastal waters and to protect human health.

C. PUBLIC ACCESS & RECREATION

The proposed development will temporarily impact public access to the coast or nearby recreational facilities through the use of several parking spaces in the Belmont Pier public beach parking lot for staging purposes. However, the completion of the proposed project would allow for public access to the project site, which is currently inaccessible, and for the reestablishment of Aqualink service (a relatively low-cost, water-oriented, visitor-serving use) at the proposed project site. Thus, the public access benefits of the project mitigate the temporary adverse impacts to public access. In addition, the proposed boating facilities are designed to be accessible to all people including those with physical disabilities. As conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. COASTAL HAZARDS

As made evident by the storm that damaged the previous boat launch facilities at the project site, the site may be subject to coastal hazards including storm surge. The proposed facilities are designed to be more resilient than the pre-existing boat landing facilities by using seaflex anchors that flex upon wind or wave impact, orienting the dock float to minimize the area perpendicular to wave loading, and reducing the freeboard surface area, which allows waves to pass through and minimizes loading. In addition, **Special Condition 5** is imposed, which requires the applicant to assume the risks of injury and damage from such hazards. As conditioned, the proposed development is 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, certified by the Commission on July 22, 1980, is advisory in nature and may provide guidance. 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.