

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th10a

Staff: D. Ziff – LB
Date: August 9, 2018

ADMINISTRATIVE PERMIT

Application No. 5-17-0925

Applicant: Walter “Buster” Schwab

Agent: Phil D’Amico, Apex Diving and Marine Services

Project Location: State tidelands adjacent to 111 Rivo Alto Canal, City of Long Beach, Los Angeles County (APN: 7243-014-021).

Project Description: Request for after-the-fact authorization for like-for-like replacement of decking, bumpers, and floats on an approximately 144 sq. ft. L-shaped dock float extending 10 ft. into Rivo Alto Canal and installation of a new ladder, paddleboard rack, and dock cleats; and request for authorization to remove approximately 25 sq. ft. of the dock float to create an approximately 119.5 sq. ft., L-shaped dock float extending 6 ft. into Rivo Alto Canal.

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:

August 9, 2018, 9:00 a.m.
Redondo Beach Public Library
303 North Pacific Coast Highway
Redondo Beach, CA 90277

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.

John Ainsworth
Executive Director

by: Dani Ziff
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 seven.

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 is requesting after-the-fact (ATF) authorization for like-for-like replacement of decking, bumpers, and floats on an approximately 144 square foot, L-shaped dock float extending 10 feet into Rivo Alto Canal and installation of a new ladder, paddleboard rack, and dock cleats for private recreational use (**Exhibit 2**). The project site is associated with the single-family residence at 111 Rivo Alto Canal on Naples Island (**Exhibit 1**). The dock work was conducted in 2017 without the benefit of a Coastal Development Permit (CDP) and, therefore, constitutes a violation of the Coastal Act. To resolve this violation, the applicant is requesting ATF authorization for the development and, in addition, is proposing to remove approximately 25 square feet of the dock float to create an approximately 119.5 square foot, L-shaped dock float extending 6 feet into Rivo Alto Canal in compliance with Special Condition 8 of Coastal Development Permit 5-11-085 [Naples Seawall Repair Project (Phase 1), City of Long Beach] which requires “replaced or substantially repaired” dock floats in Rivo Alto and Naples Canal to conform to a maximum 6-foot width to reduce further encroachment of development into the navigable channel (**Exhibit 3**).

As proposed, the 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 CDP No. 5-11-085. Thus, **Special Condition 1** is imposed to require the development to be in strict compliance with the approved plans and permit conditions, require the applicant to submit, within 30 days of completion of construction activities, an “as built” report describing the work on the dock float, including photographic documentation, and to satisfy all permit conditions within 60 days of the Commission’s action on this CDP application. Considering narrowing the dock float would require the applicant to remove approximately 25 square feet (four feet in width) of the existing dock, **Special Condition 2** requires construction to adhere to best management practices including appropriate storage, removal, and disposal of demolition or construction debris to protect water quality and the marine environment. There will be no fill of coastal waters as a result of the subject development and the size of the float will be reduced. No bottom disturbance or dredging is proposed or permitted by the subject application.

Given the proposed dock float is four feet narrower than the pre-existing dock, the proposed development is not expected to adversely impact eelgrass. In addition, 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 is established based on pre-construction and post-construction

surveys conducted by the City of Long Beach, 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 portion of Alamitos Bay or within Colorado Lagoon. Furthermore, the invasive algae species, *Caulerpa taxifolia*, was not observed at the site and is subject to continued monitoring by the City of Long Beach. Therefore, as proposed and conditioned herein, the development will not have any significant adverse effects on marine resources.

B. PUBLIC RECREATION/MARINE RESOURCES

The proposed recreational dock float development and its associated structures are an allowable and encouraged marine-related use. During construction on the existing dock float, there was no fill of coastal waters. There will be no use of piles or fill of coastal waters during the proposed narrowing of the dock float. In addition, The City of Long Beach is required to mitigate eelgrass impacts in this area as detailed in the Naples Seawall Repair Project CDP No. 5-11-085. In addition, the removal of approximately 25 square feet of water coverage through the reduction in the width of the dock float will make additional eelgrass habitat available. 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 purposes, conforms with Sections 30224 and 30233 of the Coastal Act.

C. PUBLIC ACCESS

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

There is potential for discharge of demolition or construction debris into coastal waters at the project site. During construction on the existing dock float, all cuts were made at a designated on-shore site at least 30 feet from coastal waters and best management practices were used to minimize dust and debris pollution. The proposed narrowing of the dock float development, as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction on the marine environment. These BMPs include, but are not limited to, the appropriate storage, removal, and disposal of demolition or construction debris to avoid discharge of debris into 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. UNPERMITTED DEVELOPMENT

In August 2017, the applicant conducted like-for-like removal and replacement of the decking, bumpers, floats, and fascia board on an approximately 144 square foot, L-shaped dock float associated with the adjacent single-family residence at 111 Rivo Alto Canal (**Exhibit 2**). The dock float extends 10 feet into Rivo Alto Canal in southeast Long Beach (**Exhibit 1**) and is used for recreational purposes. The applicant also installed a new ladder, paddleboard rack, and dock cleats. The unpermitted work did not result in any change in size, shape, or attachment of the dock float.

The applicant states that the work on the dock float was conducted in response to a request by the City of Long Beach to immediately address the structure's poor floatation (**Exhibit 4**) and was conducted without the benefit of a coastal development permit. Any non-exempt development activity conducted in the Coastal Zone without a valid coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant submitted a CDP application to the Coastal Commission offices on November 9, 2017. The project, as originally proposed, received ATF approval from the City of Long Beach Marine Bureau on October 25, 2017 and from the City of Long Beach Department of Planning and Building on January 18, 2018. However, the ten-foot width of the dock float is inconsistent with Special Condition 8 of Coastal Development Permit 5-11-085 [Naples Seawall Repair Project (Phase 1), City of Long Beach] which requires "replaced or substantially repaired" dock floats in Rivo Alto and Naples Canal to conform to a maximum 6-foot width to reduce further encroachment of development into the navigable channel. The unpermitted work affected more than fifty percent of the dilapidated dock float. Therefore, the project is a substantial repair because all of the decking, bumpers, floats, and fascia board have been removed and replaced. To comply with the conditions of CDP No. 5-11-085, the applicant submitted revised plans (**Exhibit 3**) to reduce the maximum width of the dock to 6 feet. Commission review and action on this permit for the construction of a 6-foot wide, approximately 119.5 square foot dock float will resolve the violation identified in this section.

F. 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.

G. 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.

- A. All development must occur in strict compliance with the proposal as set forth in the permit application, subject to any special conditions, and the final plans received in the South Coast District offices on July 20, 2018 included as **Exhibit 3** in this staff report. 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.

- B. The applicant shall submit, for the review and written approval of the Executive Director, an “as built” assessment and report describing the field implementation of the approved dock float development in narrative and photographs, and reporting any problems in the implementation and their resolution within 30 days of completion of the construction activities.
- C. Within 60 days of Commission action on this coastal development permit application, or within such time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy. Failure to comply with this requirement may result in the institution of enforcement action under the provisions Chapter 9 of the Coastal Act.

2. 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.

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