

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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F5b

Staff: A. Spencer – LB
Date: July 18, 2019

ADMINISTRATIVE PERMIT

Application No. 5-19-0140

Applicant: Ron Collins

Agent: Pinnacle Docks (c/o Rafael Holcombe)

Project Location: State tidelands adjacent to 5614 Naples Canal, City of Long Beach, Los Angeles County (APN: 7244-026-003).

Project Description: Remove existing 24 ft. by 8 ft. dock. Construct a new 28 ft. by 6 ft. dock, 16 ft. by 2.5 ft. gangway, and staircase.

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, 2019, 9:00 a.m.
Eureka Public Marina- Wharfinger Building
1 Marina Way
Eureka, CA 95501

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: Amrita Spencer
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 nine.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The applicant proposes to remove an existing 8 ft. by 24 ft. (192 sq. ft.) dock float, and install a 6 ft. x 28 ft. (168 sq. ft.) rectangular dock float, one 16 ft. x 2.5 ft. gangway, and an access staircase in the Rivo Alto Canal located in southeast Long Beach ([Exhibit 1 and Exhibit 3](#)). The proposed 6 ft. x 28 ft. dock float complies with the maximum six-ft. width of new or reconstructed dock systems within Naples Canal as set forth in Special Condition 8 of Coastal Development Permit 5-11-085 [Naples Seawall Repair Project (Phase 1), City of Long Beach]. There will be no fill of coastal waters as a result of the subject development. No bottom disturbance or dredging is proposed or permitted by the subject application. The proposed project has received the approval of the City of Long Beach Marine Bureau (12/12/18) and the City of Long Beach Department of Development Services (06/19/2019).

Naples Island (which consists of three islands) and the Naples Canals (Rivo Alto Canal and Naples Canal) were constructed (dredged and filled) in the early 1900s in the delta of the San Gabriel River, the area that is now Alamitos Bay. Naples Canal is currently 65 to 70 ft. wide and 7 to 14 ft. deep, depending on the tide. A 20-ft. wide portion of public land exists on the upland portions along each side of the Naples Canal right-of-way, between the seawalls and the property lines of the residents whose homes line the canal and is open to the public.

In 2013, the Commission approved Coastal Development Permit 5-11-085, which authorized repair activities for the existing seawall that surrounds Naples Island. Subject to the conditions of Coastal Development Permit 5-11-085, the City of Long Beach is in the process of installing new steel sheet-pile seawalls on the water side of the existing vertical concrete seawalls along both sides of Naples Canal (1,915 linear ft.), and new guardrails, landscape beds, sidewalks, improved drainage, and relocated street lighting in the public right-of-way along the canal. Due to the scale of work required for the project, the seawall repair project was broken up into phases. CDP 5-11-085 permitted Phase One of the project, which includes the Rivo Alto Canal properties located between Ravenna Drive Bridge and the Toledo east bridge, where the project site is not located. During Phase One, the City removed the dock floats and associated structures in order to access and repair the seawall. Upon completion of the repair activities, the City replaced the private dock float systems. The project site is located in the Southwest quadrant of the Naples Canal system, which has been categorized as Phase Four of the Naples Seawall Repair Project ([Exhibit 2](#)). At this time, the City has not prepared an amendment to Coastal Development Permit 5-11-085 to authorize Phase Four repair activities.

The proposed dock system is associated with the adjacent single-family residence at 5614 Naples Canal and would be used for recreational boating purposes. The applicant submitted an eelgrass survey dated April 18, 2019, which indicated that no eelgrass was present within the project site. Invasive algae (*Caulerpa taxifolia*) were also not observed at the site. The City of Long Beach has developed eelgrass mitigation plans for the Phase One and Phase Two areas of the Naples Seawall Repair Project under Coastal Development Permits 5-11-085 and 5-11-085-A1, respectively. However, because the City has not started the procedures for the Phase Four area, it is unclear whether or if the City will undertake a similar eelgrass mitigation plan for the area. The Commission therefore imposes **Special Condition 2** and **Special Condition 3**, which require the applicant to undergo pre-construction eelgrass and caulerpa surveys for the project site and within a 10 meter buffer area. In addition, **Special Condition 4** and **Special Condition 5** require the applicant to implement best management practices during construction and post-construction in order to avoid any significant adverse effects to marine resources. Therefore, as proposed and conditioned herein, the development will not have any significant adverse effects on marine resources.

The proposed project (a new dock float) requires an access point (gangway and gangway platform), which may partially obstruct the approximately 20-ft. wide public right-of-way that runs between the applicant's property and the Naples Canal. The public right-of-way features a concrete walkway and may be partially landscaped in the area adjacent to the seawall by the applicant, but is subject to improvement by the City of Long Beach, consistent with the requirements of Coastal Development Permit 5-11-085. The applicant is not proposing any landscaping or improvements in the public right-of-way at this time. However, should the applicant decide to place improvements within the designated portion of the public right-of-way, the improvements would need to be consistent with the requirements found in Coastal Development Permit 5-11-085. Therefore, the Commission imposes **Special Condition 6**, which states that the only permitted improvements to the public right-of-way are the gangway platform adjacent to the seawall associated with the proposed dock system, seating available to the public, and drought tolerant non-invasive landscaping. Additionally, **Special Condition 6** requires that a minimum of six ft. of the reconstructed sidewalk shall remain open and accessible to the general public 24 hours a day, consistent with the other Naples Island public walkways and Special Condition 12 of Coastal Development Permit 5-11-085.

The City of Long Beach is in the process of implementing a dock float and pier lease program for the limited-term private use and occupation of State tidelands for development associated with recreational boating activities (i.e., private docks and piers) within Rivo Alto Canal. The program will establish fees in relation to the lease area and temporal length of each lease and all revenue will be deposited into the City's Tidelands Fund to be utilized for public access improvements in the City of Long Beach. Because the development associated with this permit is private use of State tidelands which impacts public access through the narrow canal popular with public kayakers and gondola passengers (60 to 80 feet wide), Special Condition 7 requires the applicant to provide mitigation in the form of a lease fee to the City which will be used to enhance public access in other areas. Only as conditioned is the project consistent with the Chapter 3 policies of the Coastal Act.

B. MARINE RESOURCES

The proposed recreational boat dock development and its associated structures constitute an allowable and encouraged marine related use. There will be no net increase in number of piles or fill of coastal waters. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine

resources, such as eelgrass. There are no feasible less environmentally damaging alternatives available. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. Further, as proposed and conditioned, the project, which is to be used solely for recreational boating purposes, conforms to Sections 30224 and 30233 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. WATER QUALITY

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

E. LOCAL COASTAL PROGRAM

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Permit Compliance.** Boating related uses are the only uses permitted by the approved development. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit or a new coastal development permit is required.
- 2. Pre-Construction Eelgrass Survey.** A valid pre-construction eelgrass survey (whether for *Zostera marina* or *Z. pacifica*) shall be completed for the project site and a 10m buffer area by the Permittees during the period of active eelgrass growth (this period varies in different regions; consult the CEMP for the relevant season in the project area). The pre-construction survey shall be completed no more than 60 days prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project is subsequently proposed to occur in a previously unsurveyed area, a new survey is required during the active growth period for eelgrass in that region and no more than 60 days prior to commencement of work in that area. The eelgrass survey and mapping shall be prepared in full compliance with the CEMP, and in consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW). If side-scan sonar methods will be used, evidence of a permit issued by the California State Lands Commission (CSLC) for such activities shall also be provided prior to the commencement of survey work. The applicant shall submit the pre-construction eelgrass surveys for 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. If eelgrass surveys identify any eelgrass within the project area, which may be potentially impacted by the proposed project, the Permittees are required to complete post-project eelgrass surveys consistent with subsection A (below).

 - A. Post-Construction Eelgrass Survey.** If any eelgrass is identified in the project site or the 10m buffer area by surveys required in subsection B of this condition (above), within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site and the 10m buffer area to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the CEMP adopted by the NMFS (except as modified by this special condition), and in consultation with the CDFW. If side-scan sonar methods are to be used, evidence of a valid permit from CSLC must also be provided prior to the commencement of each survey period. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been adversely impacted, the applicant shall replace the impacted eelgrass at a minimum final 1.2:1 (mitigation:impact) ratio on-site, or at another location, in accordance with the CEMP. Any exceptions to the required 1.2:1 minimum final mitigation ratio found within the CEMP shall not apply. Based on past performance of eelgrass mitigation efforts, in order to achieve this minimum, the appropriate regional initial planting ratio provided in the CEMP should be used. Implementation of mitigation to ensure success in achieving the minimum final mitigation ratio (1.2:1) shall require an amendment to this permit or

a new coastal development permit unless the Executive Director provides a written determination that no amendment or new permit is required.

3. Pre-Construction *Caulerpa taxifolia* Survey

- a. Not more than 90 days nor less than 30 days prior to commencement or recommencement of any development authorized under this coastal development permit (the “project”), the applicant 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 green alga, *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- 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 (see http://www.westcoast.fisheries.noaa.gov/habitat/aquatic_invasives/caulerpa_taxifolia.html).
- c. Within five (5) business days of completion of the survey, the applicant shall submit the survey
 - i. for the review and written approval of the Executive Director; and
 - ii. to the Surveillance Subcommittee to 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/William.Paznokas@wildlife.ca.gov) or Bryant Chesney, National Marine Fisheries Service (562-980-4037/Bryant.Chesney@noaa.gov).
- d. If *C. taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or 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 applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is legally required.

4. Construction Responsibilities and Debris Removal. By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following BMPs:

- a. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- b. Any and all construction material shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- c. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

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

5. Best Management Practices (BMP) Program. By acceptance of this permit, the permittee agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs:

- a. Boat Cleaning and Maintenance Measures:
 - In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
 - In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
 - The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- b. Solid and Liquid Waste Management Measures:
 - All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.
- c. Petroleum Control Management Measures:
 - Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters are encouraged to regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters are also encouraged to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services to clean oily bilge areas. Clean and maintain bilges. Do not use detergents while cleaning. The use of soaps that can be discharged by bilge pumps is discouraged.

6. Public Access along the Public Right-of-Way. The proposed project shall not interfere with public access and use of the public right-of-way that runs between the permittee's property and Rivo Alto Canal. The only permitted improvements to the public right-of-way are the gangway platform to the seawall associated with the proposed dock system, seating available to the public, and drought tolerant non-invasive landscaping.

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

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

7. **Dock Float and Pier Leases.** By acceptance of Coastal Development Permit 5-19-0140, the permittee agrees, on behalf of itself and all successors and assigns, that the development subject to this permit shall be subject to the terms of the dock float and pier lease program for Rivo Alto Canal, implemented by the City of Long Beach for the limited-term private use and occupation of State Tidelands for development associated with recreational boating activities (i.e., private docks and piers). Prior to construction of the proposed project, the permittee shall enter into and pay the required fees for a dock and pier lease with the City of Long Beach Marine Bureau, and shall continue to pay any lease fees required for the private use of State Tidelands as long as the development remains on State Tidelands. Such fees shall be used for public access improvements to the public right-of-way, consistent with the requirements of Coastal Development Permit 5-11-085.

8. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

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

Applicant’s Signature

Date of Signing