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STAFF REPORT: REGULAR CALENDAR

Application Number:	**5-19-0977**
Applicant:	**City of Long Beach Department of Public Works**
Agent:	Brian Polivka, Capital Projects Coordinator
Location:	6204 Marina Drive, Long Beach, Los Angeles County (APN: 7242-005-900)
Project Description:	Replace a 16,960 sf. boat launch ramp with a new ramp of the same size; demolish a 680 sf. restroom and construct a 506 sf. restroom; remove a 4,320 sf. timber dock system including 13 14-in. diameter piles and install same size concrete dock system with 12 24-in. piles 10 ft. seaward of the existing location; implement eelgrass mitigation adjacent to project area; relocate the entrance gate; increase the entry fee; upgrade the boat wash station; install drainage and sewage pumpout stations; install fire suppression system; re-stripe and repave the parking lot (add 5 parking spaces and include 8 parking spaces with EV charging capabilities); install a fish cleaning station; upgrade signage and trash facilities; and repair rip rap.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach Department of Public Works is proposing to redevelop the Davies Boat Launch Ramp site, including the associated parking lot, dock, and other public amenities. Specifically, the project would replace a 16,960 square foot (sf.) boat launch ramp with a new ramp of the same size; demolish a 680 sf. restroom and

construct a 506 sf. restroom; remove a 4,320 sf. timber dock system including 13 14-inch diameter piles and install a same size concrete dock system with 12 24-inch piles 10 ft. seaward of the existing location; implement eelgrass mitigation adjacent to project area; relocate the entrance gate; increase the entry fee; upgrade the boat wash station; install drainage and sewage pumpout stations; install a fire suppression system; re-stripe and repave the parking lot; add 5 parking spaces and include 8 parking spaces with electric vehicle charging capabilities; install a fish cleaning station; upgrade signage and trash facilities; and repair rip rap. The proposed development is consistent with past Commission actions in the area and will improve public access to the coast and to the recreational facilities onsite and minimize impacts to water quality.

The development, as proposed, involves 25.9 sf. of fill of soft-bottom marine habitat and will shade approximately 121.5 sf. of existing eelgrass habitat as a result of the proposed relocation and improvements to the public dock system. Coastal Act Section 30233 allows for the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes only in certain circumstances, including when necessary to maintain existing boat launching ramps, develop new or expanded boating facilities, and place structural pilings for public recreational piers. The proposed project is consistent with the allowable uses for fill. Sections 30230 and 30231 require that marine resources and biological productivity be maintained or restored. Eelgrass species (*Zostera marina and Zostera pacifica*) are highly productive, provide habitat, and serve numerous ecosystem functions. As conditioned, direct and indirect impacts to eelgrass and soft-bottom habitat are required to be mitigated by planting 1.38 square feet of eelgrass for every for every 1 square foot of existing eelgrass or soft-bottom habitat impacted.

Thus, staff is recommending **approval** of a coastal development permit with eight special conditions to: 1) implement construction best management practices; 2) implement long-term boat maintenance best management practices; 3) conduct pre- and post-construction eelgrass surveys; 4) prepare an Eelgrass Mitigation Plan that includes mitigation for any impacts to existing eelgrass and soft-bottom marine habitat; 5) conduct a *Caulerpa taxifolia* pre-construction survey; 6) comply with the conditions of the permit or apply for a permit amendment if changes to the approved development are proposed; 7) comply with permit requirements of other resource agencies; and 8) assume the risks of development. The motion to approve the application is on page four of the staff report.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0977 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned 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 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 local government's implementation of its Local Coastal Program. 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 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 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. 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. Best Management Practices (BMP) Program. By acceptance of this permit, the permittee agrees that the docking and launching of boat(s) at the public launch ramp shall be managed in a manner that protects water quality pursuant to the implementation of the following Best Management Practices (BMPs):

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-the-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; and.

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 shall not at any time be disposed of in the water or gutter but, rather be disposed of in a manner consistent with state and/or federal regulations.

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 shall 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; and

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.

3. Eelgrass Surveys and Mitigation.

A. 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 10-meter buffer 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 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 California Eelgrass Mitigation Policy (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 permittee 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 Permittee is required to complete post-project eelgrass surveys consistent with the section below. Also, if eelgrass surveys identify any eelgrass within the project area, which may be potentially impacted by the proposed project, the Permittee is required to develop and implement an eelgrass mitigation plan consistent with Special Condition 4.

B. Post-Construction Eelgrass Survey. If any eelgrass is identified in the project site or the 10 meter buffer area by the pre-construction survey, 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 permittee shall survey the project site and the 10 meter 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 permittee shall submit the postconstruction 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 permittee shall replace the impacted eelgrass at a minimum final 1.38:1 ratio on-site (mitigation: impact), or at another location, in accordance with the CEMP. Any exceptions to the required 1.38:1 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 (1.38:1) 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.

4. **Eelgrass Mitigation Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, an Eelgrass Mitigation Plan for transplanting and replacement of eelgrass and soft-bottom habitat adversely impacted by the project. The plan shall be based on the eelgrass survey required by Special Condition 3 and shall be prepared in consultation with the CDFW and NMFS. The plan shall be prepared consistent with the requirements identified below and the requirements of the California Eelgrass Mitigation Policy (CEMP), including but not limited to the requirements outlined relative to mapping, and mitigation site, size, techniques, monitoring and success criteria, but excepting the allowed exclusions and timing requirements that conflict with the requirements identified below.

   A. The plan shall, at a minimum, provide that:

      1. All direct soft-bottom habitat impacts, direct eelgrass impacts, and shading impacts to eelgrass shall be mitigated at a minimum 1.38:1 (mitigation to impact) ratio. A greater ratio may be applied based on the performance of the mitigation site based on the success criteria and guidance from the other resource agencies;
      2. Adverse impacts to eelgrass shall be mitigated on-site to the maximum extent feasible and, for the portion that cannot feasibly be mitigated on site, off-site mitigation will take place. The final location of all on-site and off-site mitigation shall be specifically identified;
      3. The mitigation site(s) shall be covered with eelgrass at pre-project densities of the impacted site within five years of the initial planting;
      4. Prior to commencement of construction of the portions of the approved project that would have direct impacts upon eelgrass beds and soft-bottom habitat, the eelgrass that would be directly impacted shall be transplanted, along with any supplementary planting in accordance with subsection (a) above, to the mitigation site(s);
      5. A report that describes densities, and recommended maintenance and replanting measures shall be submitted annually to the Executive Director for a period of five years;
      6. A comprehensive report describing the results of the plan shall be submitted at the end of the five-year period;
      7. A follow-up program shall be implemented if the original program is wholly or partially unsuccessful;
      8. A final inventory and map showing the location of existing eel grass beds within the project vicinity, mean lowest astronomical tide lines, and areas of potential eelgrass disturbance;
      9. An inventory and map showing the location of existing eelgrass beds, if any, within the mitigation site(s); and

10. Performance standards that will assure achievement of the mitigation goal (i.e., attainment of pre-project densities at the mitigation site(s) within five years).

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

5. Caulerpa Taxifolia Pre-Construction Survey. By acceptance of this permit, the permittee agrees to, not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this CDP, 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.

The survey protocol shall be prepared in consultation with the RWQCB, CDFW, and NMFS. Within five (5) business days of completion of the survey, the permittee shall submit the survey:

A. For the review and approval by the Executive Director; and

B. 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 & Game (858/467 4218) or Robert Hoffman, National Marine Fisheries Service (562/980 4043), or their successors.

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.

6. Permit Compliance. Coastal Development Permit 5-19-0977 permits only the development expressly described and conditioned herein. This permit does not permit the seaward extension of the shoreline or the seaward extension of any shoreline protective device. 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 plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal

development permit unless the Executive Director determines that no amendment or new permit is required.

7. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB); the U.S. Army Corps of Engineers (USACE), and the U.S. Fish and Wildlife Service (USFWS) 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 permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, erosion, and land 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 and Background

The City of Long Beach Department of Public Works proposes to replace and upgrade the facilities associated with Davies Boat Launch Ramp located in the Marine Stadium area of Alamitos Bay on Marina Drive, north of 2nd Street (**Exhibit 1**). Davies Launch Ramp, built in 1965, is a 24-hour, seven days-a-week public boat launching facility that provides boaters with direct access to the waters of Alamitos Bay via the launch ramp and allows for simultaneous loading and unloading of people and gear from multiple boats, kayaks, and other watercraft via the dock system. Entrance to the facility is through an automated gate with an entrance/parking fee of 12 dollars.[1] Exit from the site is through a driveway with reverse flow tire damaging devices (tiger teeth). The parking area for the launch ramp currently contains 170 parking spaces.[2] The facility has a boat

[1] As part of the proposed project, the applicant is requesting authorization for a four dollar increase from the $8 fee previously established under CDP No. 5-06-089, to $12. The $12 cost is consistent with the California Division of Boating and Waterways standards (maximum $13) and market rate guidelines.

[2] This parking lot has been previously described as containing 260 public parking spaces. The parking lot configuration has not changed; the discrepancy is likely due to differences in considering all parking stalls

wash station complete with grease trap and filter for protection of water quality and a restroom built pursuant to Coastal Development Permit (CDP) No. 5-97-216 (City of Long Beach).

A portion of the project site, including some of the parking area, entrance area, and inland landscaped areas are located within the City's permit jurisdiction. The City issued a local coastal development permit for the development within its jurisdiction that was appealable to the Coastal Commission. The City's approval of the permit was not appealed. The remainder of the site—areas developed with launch ramp, rip rap revetement, dock system, restroom, parking, and other related facilities—is located within the Commission's retained permit jurisdiction on public Tidelands. Thus, Chapter 3 of the Coastal Act is the standard of review; the City's certified LCP may be used as guidance.

Many of the facilities, including but not limited to the restroom, public dock, boat wash station, and trash enclosures are beyond their expected service lives and need maintenance or replacement. Specifically, the proposed development includes replacement of the 16,960 square foot launch ramp with a new ramp of the same size, demolition of the existing 680 square foot restroom and construction of a new 506 square foot restroom, and repair of the rip rap revetment within its approved footprint (CDP No. 5-06-089) (**Exhibit 2**). Additionally, the project, as proposed, includes the following improvements to the parking lot: repaving, restriping, addition of 5 parking spaces, installation of 4 electric vehicle (EV) charging stations, and routing for another 4 future EV parking spaces. Furthermore, the development includes relocation of the entrance gate, an increase in the entry fee from $8 to $12 consistent with Division of Boating and Waterway standards, changes to (reconfiguration, updates to, and elimination of) some of the signs onsite, extension of the public sidewalk, Low Impact Development (LID) improvements with new native coastal plant species, addition of a fish cleaning station, and replacement of the boat wash station, utilities, trash enclosures, parking pay station, and fire suppression system. All existing trees will be protected in place.

The existing 4,320 square foot timber public dock system, which currently grounds at low tides, is proposed to be replaced with a new ADA-compliant concrete public dock system that is the same size and shape as the current dock, but would be located 10 feet seaward of the existing location and include a pumpout system for boaters to safely dispose of their sewage. As part of the dock replacement, the City proposes to remove the 13 existing 14-inch diameter dock support piles with a barge mounted crane using a vibratory hammer. The piles would be recycled at an appropriate upland site. 12 new octagonal piles that are 24-inches in diameter, which are necessary to meet the design requirements for the California Department of Boating and Waterways, are proposed to be installed using a vibratory pile driver on a barge mounted crane. The new piles will result in approximately 25.9 square feet of additional fill of soft-bottom marine habitat. In

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as standard vehicle spaces, as opposed to a combination of standard vehicle spaces and spaces for vehicles with trailers.

addition, the proposed location of the new dock system will shade approximately 121.5 square feet of existing eelgrass habitat (**Exhibit 3**).

B. Public Access and Recreation

Section 30210, *Access; recreational opportunities; posting*, 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 30211, *Development not to interfere with access*, states:

> Development shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213, *Lower cost visitor and recreational facilities; encouragement and provision*, states, in part:

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

Section 30220, *Protection of certain water-oriented activities*, states:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224, *Recreational boating use; encouragement; facilities*, states, in part:

> Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234, *Commercial fishing and recreational boating facilities*, states:

> Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5, *Economic, commercial, and recreational importance of fishing*, states:

> The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30252, *Maintenance and enhancement of public areas*, states, in part:

> The location and amount of new development should maintain and enhance public access to the coast by… (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

The public access and recreation policies of the Coastal Act protect water-oriented recreation and lower cost recreational facilities and encourage recreational boating. Davies Launch Ramp is public boat launching facility that has existed in this location for over 55 years and provides boaters and coastal recreators with direct access to the waters of Alamitos Bay. The subject CDP application provides for improvements to the facilities on site, many of which are beyond their useful design lives. The public access improvements include a new ADA-accessible public dock, extension of the public sidewalk, additional parking spaces, updated facilities for boat users, and a new fish cleaning station. The proposed development also involves an increase in the entry fee from $8 to $12 consistent with the California Division of Boating and Waterways standards, which limits fees to a $13 maximum.

The project site will be closed to the public during construction for public safety; however, construction is scheduled for approximately 8 months between Labor Day and Memorial Day (outside of summer) when there are fewer recreational boating and water activities. In addition, there is some parking available at the Marina Pacifica shopping center, approximately 500 feet away, and other boat launch ramps in the City, including the Granada Launch Ramp that is less than 1.5 miles away. Thus, temporary impacts to public access are minimized. Long-term access to the site and recreational opportunities are enhanced through the extension of the public sidewalk, addition of parking spaces, and improvements to the dock system. Therefore, the Commission finds that the proposed development is in conformity with Coastal Act Sections 30210 through 30214, Coastal Act Sections 30220 through 30224, and Section 30252 of the Coastal Act regarding public access and the promotion of public recreational opportunities.

C. Biological Resources and Water Quality

Section 30230 of the Coastal Act, *Marine resources; maintenance*, 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, *Biological productivity; water quality*, 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act, *Diking, filling or dredging; continued movement of sediment and nutrients*, states, in part:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures

have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems…

Section 30240 of the Coastal Act, *Environmentally sensitive habitat areas; adjacent developments*, states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Fill

Coastal Act Section 30233 allows for the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes only in certain circumstances, including when necessary to maintain existing boat launching ramps, develop new or expanded boating facilities, and place structural pilings for public recreational piers. The proposed project involves fill—installation of piles that support the new dock and placement of new rock within the footprint of the rip rap revetment—and is consistent with the allowable uses for fill. In addition, Section 30233 requires that any diking, filling, or dredging activities are consistent with all other applicable Coastal Act provisions, are the least environmentally damaging alternative, and involve mitigation measures to minimize adverse impacts. The proposed fill is consistent with these requirements, as described in the following two paragraphs.

The rip rap that protects the recreational amenities onsite has slumped and eroded down to +5 feet MLLW from approximately +10 feet in several locations. As proposed, eroded areas would be filled with approximately 12-inch (75-pound) rocks and two-sack slurry

grout over geotextile fabric. The proposed repair work constitutes a repair and maintenance project pursuant to section 30610(d) of the Coastal Act and section 13252 of the Commission's regulations. The repair is limited to the specific sites that have eroded and will not expand the size or footprint of the current revetment. As compared to complete replacement of the rip rap, expansion of the size of the revetment, or construction of a seawall to protect the public recreational facilities, spot-repair of the existing rip rap using materials that exist onsite and minimal new rock is the least environmentally damaging alternative.

The design and number of proposed piles, while larger than the existing piles that support the wooden public dock, are the minimum necessary to meet the design standards of the California Department of Boating and Waterways and to support the new concrete dock, which is intended to require less maintenance than the existing wooden deck and enhance public access. The applicant is not proposing to use water jetting during pile driving in order to minimize the soft bottom habitat area disturbed, and is proposing to implement best management practices, including but not limited to use of turbidity curtains and installation of eelgrass delineation markers. Pile driving in the marine environment can sometimes create acoustic impacts that can cause behavioral changes, injury, or mortality in fish and marine mammals. These impacts are of particular concern when the pile driving is performed with an impact hammer. In this case, the pile driving will be performed by a vibratory hammer, which will result in lower noise levels. Furthermore, moving the public dock 10 feet seaward will not only avoid grounding of the dock, but will open up approximately 3,600 square feet of ideal eelgrass habitat because eelgrass tends to flourish in shallower conditions closer to the shoreline, without interfering with navigation or boating safety.

Mitigation

Sections 30230 and 30231 require that marine resources and biological productivity be maintained or restored. The installation of larger dock support piles results in the fill or removal of a total of 25.9 square feet of soft-bottom habitat from the marine ecosystem adjacent to the launch ramp. In addition, while the relocation of the public dock will make approximately 3,600 square feet of shallower (potentially more ideal) marine and intertidal habitat available for eelgrass growth, it will also impact approximately 121.5 square feet of existing eelgrass habitat by shading it. Eelgrass species, *Zostera marina and Zostera pacifica*, are highly productive, provide habitat, and serve numerous ecosystem functions. The City proposes to mitigate the impacts to eelgrass by planting 145.8 square feet of eelgrass adjacent to the project area (a 1.2:1 mitigation to impact ratio). However, the California Eelgrass Mitigation Policy (CEMP) was updated in 2014 and now requires a 1.38:1 mitigation ratio. The CEMP also outlines steps for providing in-kind mitigation, including preparing a mitigation plan that identifies alternatives for mitigation sites, describes the project area and eelgrass impacts, provides results of eelgrass surveys (required pursuant to **Special Condition 3**), outlines monitoring schedules and methods, and prepares for adaptive management to ensure the success of transplanted eelgrass.

Therefore, **Special Condition 4** is imposed to require the applicant to prepare an Eelgrass Mitigation Plan that involves planting 1.38 square feet of eelgrass for every 1 square foot of existing eelgrass habitat that will be impacted (shaded, or otherwise) as a

result of the construction of the new dock system. In addition, while some soft-bottom habitat may be restored by repairing slumped portions of the revetment, the new dock support piles are proposed to be located in the silty sediment that is currently shaded by the existing wooden dock. Thus, given that there are limited locations where new soft-bottom habitat can be created, **Special Condition 4** also requires planting of 1.38 square feet of eelgrass for every 1 square foot of soft-bottom habitat that will be filled. The required Eelgrass Mitigation Plan will also provide for monitoring and adaptive management of the eelgrass that is planted to mitigate for project-related impacts to marine habitat.

The City is coordinating with the California Department of Fish & Wildlife (CDFW) to develop a comprehensive Eelgrass Mitigation Plan that identifies a donor site for the eelgrass mitigation and apply for a Scientific Collecting Permit to allow for the collection and planting of eelgrass. **Special Condition 7** requires that the applicant comply with all requirements of other public resource agencies, including CDFW's requirements.

The mitigation measures incorporated into the project and required by the special conditions discussed above will ensure that the installation of the piles and the method of repair and maintenance of the revetment will not have significant adverse impacts on coastal waters in and around the project vicinity. Therefore, the Commission finds that the proposed project, as conditioned, will maintain and enhance the functional capacity of wetlands consistent with the requirements of section 30233 of the Coastal Act.

Water Quality

The proposed Low Impact Development (LID) improvements, sewage pumpout system, replacement of trash receptacles, addition of recycling receptacles, and installation of a fish cleaning station all serve to minimize impacts to water quality and enhance water quality from current conditions. New trash enclosures encourage public use to minimize the potential for debris to enter coastal water. As proposed, the existing sewer lines will be replaced, and the new sewage pumpout station will use vacuum pressure to remove the contents of boats' sewage tanks and pump them to the sewer system. The City is also proposing to install vegetated swales to catch and filter runoff.

In addition, the City will implement water quality specifications developed in accordance with the Regional Water Quality Control Board (RWQCB) 401 Certification. In order to preserve and enhance water quality, **Special Conditions 1 and 2** are imposed to include additional water quality protections both during construction and throughout the life of the development, such as implementation of best management practices designed to prevent spillage and/or runoff of demolition or construction-related materials and long-term requirements for users of the facilities to conduct appropriate boat cleaning and maintenance practices. **Special Condition 7** also requires the City to comply with the permit requirements of other agencies, including the RWQCB.

As conditioned, the Commission finds that the development conforms with Sections 30230, 30231, and 30240 of the Coastal Act.

D. Development

Section 30253, *Minimization of adverse impacts*, states, in part:

New development shall do all of the following:

(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 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 minimizes the adverse impacts of development by, in part, ensuring that such development minimize risks to life and property in areas of flood hazard, energy consumption, and vehicle miles traveled. Regarding Section 30253(d), the City's proposal includes installation of 4 electric vehicle (EV) charging stations and routing for another 4 future EV parking spaces. With respect to Section 30253(a & b) and potential coastal flooding at this location, the development is not expected to be at risk from damage due to sea level rise during the 30-year anticipated life of the development given its elevation (approximately +9 feet MLLW where the restroom is located) and design, which incorporates utilities that are corrosion-resistant (built to withstand periodic inundation) and foundations that would adequately support the structures without functioning as a shoreline protective device even under a two-foot sea level rise scenario by 2050. Further, **Special Condition 8** requires the City to assume the risks of development and **Special Condition 6** requires the applicant to conduct development consistent with the approved plans and permit conditions in order to assure stability and structural integrity and minimize adverse impacts.

The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, is consistent with Sections 30250, 30251, 30252, and 30253 of the Coastal Act.

E. Local Coastal Program

A coastal development permit is required from the Commission for a portion 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 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 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 Coastal Commission's review and approval of land use proposals has been certified by the Secretary of the Natural Resources Agency as the functional equivalent of environmental review under CEQA (14 Cal. Code of Regs. § 15251(c)).

On July 26, 2018, the City determined that the project qualifies for a CEQA exemption (Exemption No. CE-18-172) pursuant to section 15303 of the CEQA Guidelines when they consist of construction of limited numbers of new, small facilities or structures. The preceding findings of this staff report, incorporated herein by reference, disclose the relevant coastal resource impacts of the proposed project. In addition, the proposed project has been conditioned in order to minimize and mitigate impacts to coastal resources consistent with Chapter 3 of the Coastal Act. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report. The special conditions require the applicant to: 1) implement construction best management practices; 2) implement long-term boat maintenance best management practices; 3) conduct pre- and post-construction eelgrass surveys; 4) prepare an Eelgrass Mitigation Plan that includes mitigation for any impacts to existing eelgrass and soft-bottom marine habitat; 5) conduct a *Caulerpa taxifolia* pre-construction survey; 6) comply with the conditions of the permit or apply for a permit amendment if changes to the approved development are proposed; 7) comply with permit requirements of other resource agencies; and 8) assume the risks of 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. 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 applicable requirements of the Coastal Act to conform to CEQA.

Appendix A: Substantive File Documents

- Coastal Development Permit No. 5-97-216
- Coastal Development Permit No. 5-06-089
- Local Coastal Development Permit No. LCDP19-021
- NOAA Fisheries, West Coast Region October 2014 California Eelgrass Mitigation Policy and Implementing Guidelines