CALIFORNIA COASTAL COMMISSION
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Staff:	M. Revell-LB
Staff Report:	05/20/2021
Hearing Date:	06/11/2021

STAFF REPORT: CONSENT CALENDAR

Application No.:	**5-19-1195**
Applicant:	**M.P. Boat Slips, LLC**
Agent:	J. Jay Feinberg
Location:	6326 E. Pacific Coast Hwy, City of Long Beach, Los Angeles County (APN: 7242-021-005)
Project Description:	Relocation of an existing guest dock and gangway and installation of three new floating docks with 31 public boat slips (30 public for-rent slips, and one free public slip) with dock boxes and utilities and an additional gangway, in the waterway behind the Marina Pacifica Shopping Center.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Marina Pacifica Boat Slips, LLC is requesting a permit for installation of 3 new 18-foot long floating docks with 31 new boat slips and an additional gangway on the north side of the Marina Pacifica Channel for use by members of the public, including nearby residents and visitors to the adjacent shopping center. The existing guest dock is also proposed to be reduced from 110 feet long to 60 feet long and relocated approximately 100 feet to the southeast. To mitigate for the 40 foot reduction of guest dock space, the applicant is proposing to dedicate one slip located adjacent to the restaurant to free public use, and proposing to update signage directing the public to guest docks and sewage and graywater pumpout stations near the development. All of the proposed development is located within a private marina which was constructed in circa 1972 before coastal development permits were required. As designed, the project will create 31 new public boat slips in a portion of the channel that does not currently provide public access, with the

exception of the guest dock, to the water from the Marina Pacifica Shopping Center. The project will provide new publicly available boat slips for smaller vessels, such as electric Duffy boats under 21 feet in length. There is currently high demand and low supply for boat slips under 21 feet in the Long Beach area, so the development will increase public access and recreation opportunities for such use. Public slips will be leased on a monthly basis for approximately $285 a month (approximately $10 per day), which is inclusive of all water, electricity, dock box, and taxes.

As proposed, the development would also include the removal of one 14-inch diameter pile (approximately one square foot of fill), and the installation of 21 2-inch diameter pipe piles installed into the sea floor, which is a minimal amount of fill of coastal waters (approximately one half square foot of fill in total). There will be an overall decrease in fill, in an area which is not known to support eelgrass; thus, no mitigation is required.

In order to ensure that biological productivity is maintained and enhanced, **Special Conditions 1 and 2** require construction to adhere to best management practices (BMPs) including appropriate storage, removal, and disposal of demolition or construction debris, daily inspection of construction equipment, installation of barriers between work areas and the water, and use of silt curtains if turbid waters are expected or produced to protect water quality and the marine environment. **Special Condition 3** requires the applicant to conduct pre- and post- Eelgrass surveys, **Special Condition 4** requires the applicant to conduct a Caulerpa species pre-construction survey; **Special Condition 5** requires the project comply with requirements imposed by other agencies including the Los Angeles Regional Water Quality Control Board (RWQCB) and California Department of Fish & Wildlife. **Special Condition 6** requires the applicant to install signage indicating where pumpout facilities are located. **Special Condition 7** states that any future improvements would require a permit amendment or a new coastal development permit to allow for careful review of development at this site. In addition, **Special Condition 8** requires the applicant to assume the risks of injury and damage from coastal hazards such as the storm that damaged the existing boat landing facilities.

Staff is recommending **approval** of the proposed coastal development permit with the **seven (8)** aforementioned special conditions.

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EXHIBITS

I. MOTION AND RESOLUTION

Motion:

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

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

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

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

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

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

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Water Quality - Construction Responsibilities and Debris Removal

a. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;

b. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;

c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

d. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;

e. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;

f. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;

g. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;

h. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

i. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

j. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

k. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;

l. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;

m. The discharge of any hazardous materials into any receiving waters is 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 of boat(s) at the public marina 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. **Caulerpa 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 *Caulerpa* species. 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* survey expires, a new survey is required prior to commencement of work in that area.

   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 includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries.

   If Caulerpa species are 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 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. 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.

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

6. **Future Uses and Improvements.** This approval is limited to the uses and development specifically described in the project description, exhibits, and related findings contained in Coastal Development Permit 5-19-1195. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP 5-19-1195. Accordingly, any future improvements to the structure authorized by this permit, change of use, or intensification of use (such as new leases of dock areas or new commercial use of docks by party boats or cruise

ships), shall require an amendment to CDP 5-19-1195 from the Commission or shall require an additional CDP from the Commission.

7. **Public Access and Pump Out Facilities Signage.** PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written evidence from the City of Long Beach that the City approves a signage plan that shows:

   A. The designs, dimensions, and location of signs indicating the public guest side-tie dock and the public guest slip are designated for public use. A minimum of one sign shall be posted in a visible location at the site of the guest dock and a minimum of one sign shall be posted in a visible location of the guest slip; and
   B. The designs, dimensions, and location of a minimum of one sign indicating where the public marine vessel pump out station is located.

   PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT SUBJECT TO THIS PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written evidence from the City of Long Beach that the signage plan has been installed.

8. **Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant acknowledges and agrees: (i) that the site may be subject to hazards, including but not limited to storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION & LOCATION

The applicant, M.P. Boat Slips, Inc., lessee of project site, is requesting a permit for the installation of 3 new 18-foot long public floating docks providing a total of 31 public-use slips; 30 allocated as public for-rent slips, and one available for free public use **(Exhibit 3)**. The slips are proposed to be distributed among the three new docks as follows: Dock A will provide 10 slips, Dock B will provide 10 slips and Dock C will provide 11 slips **(Exhibit 3)**. The new marina will be located on the southeast side of the Marina Pacifica Channel for use by the public, including nearby residents and visitors to the adjacent shopping area. Public slips will be leased on a monthly basis for approximately $285 a month (approximately $10 per day) which is all inclusive of water, electricity, dock box, and taxes. On August 27, 2018, the City of Long Beach issued a local CDP for the portions of the project in the City's jurisdiction, including the landside infrastructure improvements related to the relocation of the guest dock and installation of a new "guest dock" sign, installation of the new dock floats, and associated utilities. The local CDP was not appealed.

All of the proposed development is located within a private marina that was constructed circa 1972 before coastal development permits were required. In the early 1970s, the Marina Pacifica Channel was dug out of a privately owned site of dry land, which was flooded by connecting it to Alamitos Bay for the purpose of constructing a marina and to provide water access to the Marina Pacifica condominiums and the Marina Pacifica Shopping Center that were built on either side of the created channel **(Exhibit 1)** . The southwestern side of the marina consists of approximately 178 private slips that surrounds the Marina Pacifica condominiums, which were also constructed before coastal development permits were required. Under existing conditions, water access at the project site is limited to the access point for the public guest dock. As designed, the project will create 31 new public boat slips in a portion of the channel that does not currently provide public access, with the exception of the guest dock, to the water from the Marina Pacifica Shopping Center. The project will provide new boat slips for smaller vessels, such as electric boats under 21 feet in length. Since the City of Long Beach recently rebuilt its nearby Alamitos Bay Marina, it eliminated 424 small slips in favor of much larger vessels. This project will help mitigate for the loss of the smaller slips associated with that development.

The existing approximately 110-foot long public guest side-tie dock that is currently located parallel to the seawall where Dock B is proposed to be installed, will be replaced with an approximately 60-foot long public guest side-tie dock, which will be relocated approximately 100 feet southeasterly to be installed parallel with the existing seawall between Dock B and C **(Exhibit 2)**. The existing 14-inch marina guide pile that currently supports the guest dock is also proposed to be removed. The reduction in length of the public guest dock will result in the potential loss of approximately one or two public side-tie spaces[1], however the applicant is proposing to allocate the southern-most slip at the end

[1] According to the applicant, the average size boat that utilizes the public side-tie float is approximately 25 feet or less, so a reduction in 50 feet could result in the potential loss of two public boat spaces. However, there is little demand for guest boat access at this end of the marina as the shopping center consists of big-box retail stores and lacks visitor serving uses in this location.

of Dock C adjacent to the existing Kamal Palace restaurant for free public use to mitigate for the potential loss of public side-tie space. Furthermore, there is currently approximately 1,000 linear feet of side-tie float space available for public boat access on the north end of the shopping center immediately adjacent to the subject site where there are more popular restaurants and bars, of which the entire length is rarely used at any one time. Therefore, the modification of the relocated float will not affect public access by boaters. The local CDP required a guest dock sign to be placed at the guest dock to provide clarity that the guest dock is for public use. The applicant has proposed additional signage to notify members of the public and customers of the boat slips of the availability of a free sewage and graywater pumpout station nearby the subject development (within the same marina). Therefore, the signage will ensure that the visual and physical access to the coast will be consistent with the existing conditions and will help to preserve and enhance water quality. To ensure there is a sufficient amount of signage to effectively notify the public of these amenities, **Special Condition 7** requires at least one sign indicating the public guest side-tie dock and the public guest slip are designated for public use, and a minimum of one sign posted in a visible location at the site of the guest dock and guest slip indicating where the public marine vessel pump out stations are located.

The City of Long Beach Planning Department requested a vehicle parking study from the applicant as part of the local coastal development permit application to construct and operate an additional 33 slips at the Marina Pacifica Shopping Center.[2] The results of the parking study revealed that of the available parking spaces within the adjacent garage closest to the slips (209 spaces), average occupancy over the three months of the study was 77 automobiles, or 37%. The applicant estimates that of the 31 slips, only two boaters will ever be out at any one time. Given the fact that an average of only 77 spaces of 209 available spaces are occupied, an average of 132 spaces will be available for the 2 or 3 boaters, or even all 31 boaters at any time. This is more than adequate vehicle parking for the additional slips.

The docks will be connected to the existing seawall with a pipe davit system that consists of a 2-inch metal pipe frame that is anchored with a 12-inch square footing on the land side of the seawall and anchored into the silt of the sea floor on the water side. A metal pipe sleeve connects the float to the 2-inch galvanized pipes that hold the floats in position and allows the float to rise and lower with the tide. The pipe moorings are installed with a water jet, which is a pressurized water pump with the hose placed inside of the pipe that jets a 2-inch diameter hole into the silt to insert the pipe moorings. The project includes approximately 21 pipe piles to be installed into the sea floor, which is a minimal amount of fill of coastal waters (approximately one-half square foot in total) as a result of the proposed installation of pipe moorings. Section 30233(a)(3) permits fill of coastal waters if new or expanded boating facilities or public recreational piers provide public access and recreational opportunities and where there is no feasible, less environmentally damaging alternative. As proposed, the project would make available approximately one square foot of soft-bottom marine habitat following the removal of the existing 14-inch diameter pile. Thus, there will be an overall reduction in fill (~one sq ft removed and ~one-half sq ft new

[2] Although the local CDP approved 33 guest slips, the applicant revised the application for 31 guest slips to accommodate the newer model Duffy boats which are wider.

fill), so no mitigation in the form of habitat enhancement is required. However, the project still must avoid adverse impacts to biological productivity, so mitigation measures in the form of special conditions are required. Temporary disturbance of the bottom during the pipe pile installation requires work within coastal waters. Thus, **Special Conditions 1 and 2** require construction to adhere to best management practices (BMPs) including appropriate storage, removal, and disposal of demolition or construction debris, daily inspection of construction equipment, installation of barriers between work areas and the water, and use of silt curtains if turbid waters are expected or produced to protect water quality and the marine environment. The applicant proposes to implement BMPs including construction of the float offsite and minimization of pollution with immediate removal of any debris that enters the water. **Special Condition 5** requires the applicant to comply with requirements imposed by other agencies including RWQCB and California Fish & Wildlife.

The applicant submitted an Eelgrass survey conducted by Scuba Duba Corporation on June 21, 2018, which determined no eelgrass was present in the location of the proposed new docks. Eelgrass surveys completed during the active growth phase of eelgrass (typically March through October) are valid for 60 days with the exception of surveys completed in August-October. A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). The project is agendized for the June 2021 Coastal Commission hearing, so the eelgrass survey is no longer valid. Therefore, a new eelgrass survey will be required prior to beginning any construction, as addressed in **Special Condition 3.**

No pre-construction Caulerpa survey was conducted. In April 2021, a specimen of a potentially invasive seaweed (*Caulerpa prolifera*) was collected from within Newport Bay. The genus Caulerpa consists of approximately 75 different species of single-celled aquatic organisms that can grow rapidly and have the potential to adversely impact native marine habitat along the west coast.[3] Given the proximity of Alamitos Bay and the project site to the Newport Bay and the potential for the Caulerpa prolifera species to take over eelgrass and other marine habitat in the project vicinity, Commission staff recommends an up-to-date Caulerpa survey to be conducted prior to commencement of the project, as addressed by **Special Condition 4.** Also, if any Caulerpa is found on the project site, Special Condition 4 also identifies the procedures necessary to be completed prior to beginning any construction.

As discussed above, while the project involves some fill of open coastal waters, under Section 30233(a)(3) of the Coastal Act, fill is permitted for boating facilities if the least environmentally damaging feasible alternative is selected. Public recreation, including recreational boating, use of the pier, and visitation of coastal areas in Long Beach, is provided through the proposed marina that include transient tie offs and a free guest slip. The proposed use of pipe pile moorings is the least environmentally damaging alternative for the attachment of the dock float to the sea floor and will allow for removal of a 14-inch diameter pile and recovery of soft-bottom habitat. Furthermore, **Special Condition 6** states that any future improvements or change in use would require a permit amendment

[3] Sources: Aquatic Invasive Species on the West Coast: Caulerpa Taxifolia | NOAA Fisheries; Caulerpa, Aquatic Invasive Species, Lodi Fish & Wildlife Office (fws.gov)

or a new coastal development permit to allow for careful review of proposed development at this site.

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. 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 flexibility in infrastructure as the pipe moorings will allow the docks to potentially rise to the top of the seawall, which is approximately 20 feet high.

B. Marine Resources and Water Quality

The proposed recreational boat dock development and its associated structures are an allowable and encouraged marine related use. The project design includes the minimum sized pilings and the minimum number of pilings necessary for structural stability. 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. 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.

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. To reduce the potential for post-construction impacts to water quality the Commission requires the continued use and maintenance of post construction BMPs. Therefore, the proposed development, as conditioned, conforms with Sections 30230, 30231, and 30233 of the Coastal Act regarding the protection of marine resources and water quality to promote the biological productivity of coastal waters and to protect human health.

C. Public Access & Recreation

The proposed development will improve the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Coastal Hazards

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to

minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of 30253 of the Coastal Act regarding the siting of development in hazardous locations.

E. LOCAL COASTAL PROGRAM

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

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of Long Beach is the lead agency responsible for CEQA review. The City determined that the project qualifies for a CEQA exemption, Class 3 on September 18, 2018. Typically, projects are exempt from CEQA pursuant to section 15303 of the CEQA Guidelines when they consist of construction of limited numbers of new, small facilities or structures.

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, 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 Commission’s regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect, individual or cumulative, 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.