



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

October 15, 2009

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Certify Mitigated Negative Declaration (ND 08-09) and approve a Local Coastal Development Permit request to perform maintenance dredging in the Cerritos Bahia Marina at 6289 East Pacific Coast Highway to maintain sufficient water depth for marina operations. (District 3)

APPLICANT:

City of Long Beach
c/o Rafael Holcombe of Tetra-Tech
401 East Ocean Blvd., Suite 420
Long Beach, CA 90802
(Application No. 0909-13 and ND 08-09)

DISCUSSION

The Cerritos Bahia Marina is located in the northeast portion of Alamitos Bay, north of the Los Cerritos Channel and east of Pacific Coast Highway (Exhibit A - Location Map). Vehicle access to the Marina is taken from Loynes Drive to the north and the boat entrance is at the west end of the Pacific Coast Highway Bridge. Surrounding uses include a mobile home park to the northeast known as Belmont Shore Mobile Estates, a hotel to the west and wetlands to the south across the Los Cerritos Channel. The subject site has a zoning designation of PD-1 (Southeast Area Development and Improvement Plan) subarea 15. The Marina is 7.8 acres in area and improved with an eight-basin Marina and a 201-space parking lot. The Marina is privately operated.

The request is for approval of a Local Coastal Development Permit to allow maintenance dredging for the Cerritos Bahia Marina to maintain sufficient water depth for marina operations. The proposed dredge depth for the project will be six feet measured from the lowest average tide with an average dredge depth of four feet. The volume of material to be removed is 26,867 cubic yards.

Dredging is required throughout the Marina, in particular under the docks (Exhibit B - Plans & Photographs). The dredging will be conducted in phases. The intent is to remove boats and dredge around two or three docks at a time to reduce impacts to marina operations and occupancy. The following shows the intended project phasing:

- Phase I - Docks A, B and C
- Phase II - Docks E and F
- Phase III - Docks G and H
- Phase IV - Dock I

Dredged material will be pumped via a 10-inch pipeline to the Material Processing Area for dewatering and loaded into trucks for disposal. Dredging activities will be limited to eight hours per day Monday through Friday, 7:00 a.m. to 4:00 p.m., and Saturday, 9:00 a.m. to 4:00 p.m.

The dredged materials will be stored in piles within the designated Material Processing Area in the Cerritos Bahia Marina parking lot for a time period of less than one week for each phase. The project will occupy approximately 34 parking spaces for the processing area and approximately 86 spaces for the entire dewatering process. Dredging will be continuous for eight-hour shifts and the dewatering equipment will continue to run when the dredge is in operation. An estimated 250 total truck trips will occur throughout the entire project for delivery of dredged materials to the disposal locations (Chiquita Canyon Sanitary Landfill, Sunshine Landfill, Alpha Olinda Landfill, or Puente Hills) for re-use as daily cover.

The total duration of this project would be approximately 66 days. No project dredging and disposal activities would occur between the period of March 15 through September 1, since this is considered the foraging season for the California least tern and California brown pelican. Project implementation is expected to commence in the mid to late fall months of 2009 and end by spring of 2010, which are the months of lowest boater activity.

The proposed activities taking place on land such as the dewatering, storage and removal of the dredged materials requires approval of a Local Coastal Development Permit. Any activities taking place above, on or below the water is under the jurisdiction of the California Coastal Commission. The City of Long Beach has a general maintenance dredging permit for marinas with the California Coastal Commission.

The project would result in a temporary loss of eelgrass within the Marina. The project has been designed to minimize impacts to eelgrass and the applicant has developed an eelgrass mitigation plan.

Staff has prepared findings that support the proposed project. Conditions of approval also will require prevention of nuisances and other potential negative effects. For these reasons, staff recommends the Planning Commission approve the proposed project (Exhibit C – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 29, 2009, as required by the Long Beach Municipal Code and no responses have been received.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (ND 08-09) was prepared in accordance with the Guidelines for Implementation of the California Environmental Quality Act and is attached for your review (Exhibit D - Mitigated Negative Declaration ND 08-09).

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:lf

Attachments Exhibit A - Location Map
Exhibit B - Plans and Photographs
Exhibit C - Findings & Conditions of Approval
Exhibit D - Mitigated Negative Declaration ND 08-09

Resolution Certifying Negative Declaration

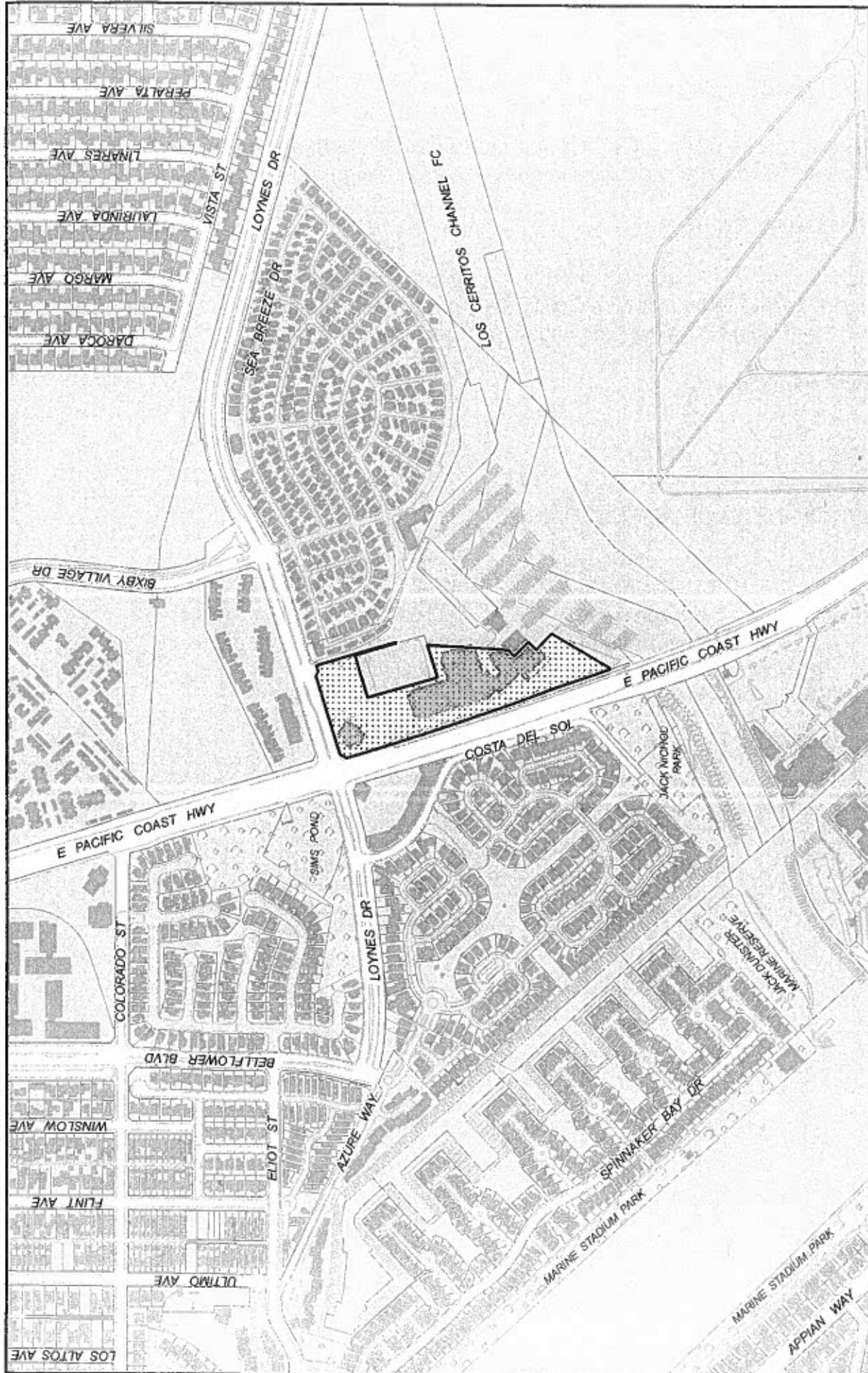
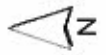


Exhibit A



Subject Property:
 6289 E Pacific Coast Hwy
 Application No. 0909-13
 Council District 3
 Zoning Code : PD-1 (SubArea15)



LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

- 1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

The Local Coastal Program and land use regulations for the project site are the Southeast Area Development and Improvement Plan, subarea 15. Commercial uses are permitted in this subarea and it is fully developed in accordance with Special Use Permits S-174-60, S-5-60, S-180-72 and S-178-69. The proposed project Permit is to allow maintenance dredging in the Cerritos Bahia Marina to maintain sufficient water depth for marina operations. The proposed dredge depth for the project is -6 feet mean lower low water (mlw) to maintain sufficient water depths for continued marina operation. Maintenance of and access to the marina and boating facilities is consistent with the certified Local Coastal Program. The project does not affect any housing units in the Coastal Zone.

- 2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING ONLY APPLIES TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

Chapter 3 of the Coastal Act deals with the public's right to use of the beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development that restricts public access to the beach and/or water resources. The project as currently proposed will not reduce access or public views to the beach.

The proposed site is located northward of the nearest public highway, Pacific Coast Highway.

**CONDITIONS OF APPROVAL
LOCAL COASTAL DEVELOPMENT PERMIT
CERRITOS BAHIA MARINA
MAINTENANCE DREDGING PROJECT
Application No. 0909-13
Date: October 15, 2009**

1. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days form the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
2. The use permitted on the site shall be the temporary dredging, dewatering, storage and removal of dredged material for the Cerritos Bahia Marina ending Spring 2010.
3. Violation of any of the conditions of this permit shall be cause for the issuance of an infraction, citation, prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach.
4. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on all plans submitted for plan review.
5. The developer must comply with all mitigation measures of the applicable Negative Declaration (ND 08-09) prior to the issuance of a Certificate of Occupancy. These mitigation measures, if applicable, must be printed on all plans submitted for plan review.

Mitigation Measure BIO-1

Restore Eelgrass Bed Habitat. Impacts to eelgrass shall be mitigated in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP Rev. 11). Tetra Tech, Inc. prepared the *Eelgrass Survey and Draft Mitigation Plan for the Maintenance Dredging Project* (November 2008) to discuss the methods and schedule for planting eelgrass at Cerritos Bahia Marina and post-planting monitoring as required by the SCEMP. The Mitigation Plan includes the following information, as relevant to the eelgrass mitigation sites: baseline conditions, location, transplant methods, transplant timing, success criteria, and a five year monitoring program. Monitoring the success of eelgrass mitigation shall be required for a period of five years. The SCEMP Rev. 11 is also included in Appendix A of Tetra Tech, Inc's (2008) Eelgrass Mitigation Plan.

The project proponent shall mitigate the loss of eelgrass in accordance with the SCEMP mitigation ratio of at least 1.2:1. A 1.4:1 mitigation ratio (totaling 6,789 m² of transplanted eelgrass) is recommended to provide extra eelgrass mitigation area

to increase likelihood of success in meeting the 1.2 to 1 requirement at the end of the five-year monitoring period. The actual amount of eelgrass mitigation necessary will be determined by the difference in eelgrass area determined by comparing the pre-construction and post-construction surveys.

The following measures shall be conducted as part of the eelgrass mitigation:

- 1) A pre-construction eelgrass survey will be conducted of the entire marina including the channel and opposite bank to the south. This survey will be conducted in accordance with the SCEMP (Revision 11) during the period of March through October and no more than 60 days prior to the commencement of any construction/dredging activities. Pre-construction survey results will be submitted to National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG).
- 2) A qualified project marine biologist shall mark the positions of eelgrass beds with buoys prior to the initiation of any construction to minimize damage to eelgrass beds outside the construction zone.
- 3) The project marine biologist shall meet with the construction crews prior to dredging to review areas of eelgrass to avoid and to review proper construction techniques.
- 4) If barges and work vessels are used during construction, measures shall be taken to ensure that eelgrass beds are not impacted through grounding, propeller damage, or other activities that may disturb the sea floor. Such measures shall include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.
- 5) A post-construction survey will be conducted within 30 days of the completion of construction activities to determine the actual area of eelgrass affected for mitigation purposes. The amount of mitigation necessary will be determined by the difference between the pre-construction and post-construction surveys.
- 6) Eelgrass mitigation (transplant) will be initiated within 135 days of project inception.
- 7) An eelgrass transplant report will be completed following the transplant and monitoring surveys conducted at 6, 12, 24, 36, 48, and 60 months post-transplant. All monitoring work will be conducted during the active vegetative growth period and shall avoid the winter months of November through February. The Project Proponent shall ensure that project achievement of specific milestones and criteria for success, as directed in the SCEMP along with guidelines for remedial actions, are documented. If the success criteria are not met, construction of a Supplementary Transplant Area and monitoring for an additional 5 years may be required by NMFS.

Significance after Mitigation. Implementation of Mitigation Measure BIO-1 would reduce impacts associated with eelgrass removal to a less than significant level.

6. The property shall be maintained in a neat, quiet and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.

7. Site preparation and construction shall be conducted in a manner that minimizes dust.
8. Upon completion of construction, the applicant shall restore any damage to the parking lot or riprap to the satisfaction of the Director of Public Works.
9. As required by South Coast Air Quality Management District Rule 403- Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of the project development to reduce the amount of particulate matter entrained in the ambient air. The measures shall be printed on the final grading and construction plans. They include the following:
 - Quick replacement of ground cover in disturbed areas (as applicable).
 - Watering of exposed surfaces twice daily.
 - Watering of all unpaved haul roads daily, as needed.
 - Covering all stock piles with tarp.
 - Reduction of vehicle speed on unpaved roads.
 - Post sign on-site limiting traffic to 15 miles per hour or less.
 - Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.
 - Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.
10. Hours of operation shall be limited from 7:00 a.m. to 4:00 p.m. Monday-Friday and Saturday 9:00 a.m. to 4:00 p.m. No work is permitted Sunday or holidays.
11. The dredged material shall be covered at all times to minimize dust.
12. The trucking hours shall be limited to construction hours per condition no. 11. All trucks leaving the site shall be covered to prevent materials from blowing into adjacent properties.
13. If feasible, all trucks shall use a City designated truck route to access the freeway.
14. The applicant shall obtain approval from the California Coastal Commission for any work within the state permit jurisdiction.
15. The applicant shall comply with City of Long Beach Noise regulations, Chapter 8.80 of the Long Beach Municipal Code.
16. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the

City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.