CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th14a

Filed:	10/24/2008
49th Day:	12/12/2008
180th Day:	4/22/2009
Staff:	Charles Posner - LB
Staff Report:	11/20/2008
Hearing Date:	December 11, 2008
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-144

APPLICANT: County of Los Angeles Department of Public Works

AGENTS: Ed Dingman and Dale Sakamoto, Department of Public Works

PROJECT LOCATION: Marine Stadium (5255 Paoli Way), City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Construction of an underground stormwater drain system with a new outlet structure located at the northwestern end of Marine Stadium, to replace the existing drainage system that drains into Colorado Lagoon. The "Termino Avenue Drain Project" includes upstream catch basin screens and a diversion of non-storm flows into the sanitary sewer to improve water quality in Colorado Lagoon and Alamitos Bay.

LOCAL APPROVAL: City of Long Beach Local Coastal Development Permit No. 0806-19, 9/8/2008.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Environmental Impact Report for the Termino Avenue Drain Project, Long Beach, CA. (SCH No. 2000111022).
3. Coastal Development Permit Application 5-01-425 (Co. of Los Angeles, Termino Drain).
4. City of Long Beach Local Coastal Development Permit No. 0807-11 (Colorado Lagoon).
5. California Regional Water Quality Control Board Section 401 Certification, File No. 08-069, 10/9/2008.
6. U.S. Army Corps of Engineers Permit Application, Project No. 2007-230-PHT.
7. Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008.

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission because the proposed project is located seaward of the high tide line on tidelands and submerged lands within the Commission's area of original jurisdiction. Staff recommends that the Commission grant a permit for the proposed public works project with conditions relating to: the prevention of adverse impacts to the marine resources of Alamitos Bay, the proposed mitigation of impacts to eelgrass beds, the completion of a pre-construction survey for toxic algae (Caulerpa), and compliance with the requirements of the resource agencies. The applicant agrees with the recommendation. **See Page Two for the motion to approve the permit.**

STAFF NOTE:

Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed public works project is situated on submerged lands and on filled tidelands within the Commission's area of original jurisdiction, as well as on lands subject to the City's local permit jurisdiction and on lands outside of the coastal zone. A coastal development permit must be obtained from the Commission for the portion of the proposed development that is situated within the Commission's area of original jurisdiction. The City of Long Beach has already approved Local Coastal Development Permit No. 0806-19 for the portion of the development situated within its permitting jurisdiction of the coastal zone. The Commission's standard of review for the proposed development in its area of original jurisdiction 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 proposed project does not conflict with the City of Long Beach certified LCP.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-08-144 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

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. 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

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 this permit is reported to the Commission. 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

1. Protection of Marine Resources

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a project staging and construction plan, subject to the review and approval of the Executive Director, that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into the waters of Alamitos Bay. At a minimum, the plan shall include the following provisions:

a) Prior to commencement of the project, the applicant shall use small buoys to mark the boundaries of eelgrass identified in the pre-construction eelgrass surveys in order to prevent project activities, including anchoring, from encroaching on eelgrass beds.

b) No anchoring shall be permitted within eelgrass beds.

c) Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and other work areas and equipment storage areas to prevent any unpermitted material from entering Alamitos Bay.

d) Floating booms shall be maintained around the coffer dam in order to capture floating debris during all construction phases.

e) The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.

f) Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

g) Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

h) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

i) All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.

j) All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

k) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall implement and carry out the project staging and construction plan during all construction and cleaning activities consistent with the plan approved by the Executive Director.

2. Eelgrass Mitigation Plan

The applicant shall implement and complete the Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008 as proposed and consistent with the following provisions:

A. Pre Construction Eelgrass Survey. Prior to commencement of any development authorized under this coastal development permit, a valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the

next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion and in any event no later than fifteen (15) business days prior to commencement of any development.

B. Post Construction Eelgrass Survey. Within one month after the conclusion of construction, the applicant shall survey the project site to determine the quantity of eelgrass that was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey.

C. Mitigation. The applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location in Alamitos Bay, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of the eelgrass transplanting proposed by the Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008 shall commence at the same time, or prior to, the commencement of the coffer dam construction.

D. Monitoring. The eelgrass beds at the project site (i.e., the eelgrass at the end of the drainage outlet and the eelgrass at the eelgrass mitigation sites elsewhere in Alamitos Bay) shall be monitored and surveyed annually for a minimum of five years (commencing at the date of planting) in order to ensure compliance with the success criteria for eelgrass mitigation set forth by the Southern California Eelgrass Mitigation Policy. The applicant shall submit the annual post-construction eelgrass surveys to the Executive Director within thirty (30) days after completion of each annual survey.

Any deviation from the Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008 or the terms of this condition shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

3. Caulerpa (Toxic Algae) Survey

A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least ten 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.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the applicant shall submit the survey for the review and approval of the Executive Director; and 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).

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board (File No. 08-069), U.S. Army Corps of Engineers (Project No. 2007-230-PHT), and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The County of Los Angeles Department of Public Works proposes a major flood control project involving the construction of an 8,090-foot long underground stormwater drainage system with six lateral lines and a new outlet structure located at the northwestern end of Marine Stadium. The project serves a 799-acre watershed in Long Beach, including a FEMA-designated special flood hazard area. The proposed project, which will upgrade the drainage system to a capacity sufficient to accommodate a fifty-year storm event (703 cubic feet per second), replaces the existing drainage system that drains into Colorado Lagoon.[1] The proposed public works project includes construction of a non-storm flow diversion system that will pump low-flows from the drain into the sanitary sewer in order to improve water quality in Alamitos Bay. Additionally, the County will install new catch basin screens on all of the upstream drain inlets.

Only the end of the proposed underground stormwater drain system (i.e., the outlet structure in Marine Stadium) is subject to this coastal development permit application, as the rest of the project is located inland of the Commission's permit jurisdiction. The proposed underground drainage pipe segment immediately inland of the proposed outlet structure will be constructed beneath the paved Marine Stadium parking lot, in the City's permitting jurisdiction. The City of Long Beach has already approved Local Coastal Development Permit No. 0806-19 for the portion of the development situated within its permitting jurisdiction of the coastal zone. The proposed pipeline segments that are further inland of Marine Stadium (and the coastal zone) are within City public street rights-of-way and the former Pacific Electric Railroad right-of-way.

First, a temporary semi-circular coffer dam must be constructed in the northwestern end of Marine Stadium, which will extend up to fifty feet into the bay from the water's edge (Exhibit #4). The area enclosed by the proposed coffer dam will be dewatered in order to enable the construction of the new outlet structure in the intertidal and subtidal environment of this part of Alamitos Bay. The walls of the semi-circular coffer dam, comprised of interlocking metal sheets driven into the mud bottom, will extend approximately 25 feet below the bottom of the bay and about seven feet above the water (depending on the level of the tide). The one-inch thick steel walls of the coffer dam will hold the water back while the box, walls and apron of the concrete outlet structure are constructed in place (Exhibit #4). A barge will be used as a foundation for the crane and hammer used to pile drive (or vibrate) the steel sheets into the bottom of the bay. The footprint of the proposed coffer dam covers approximately 3,740 square feet of intertidal and subtidal habitat area in Marine Stadium.

The construction of the outlet structure also involves the removal of a fifty-foot long section of the existing riprap embankment of Marine Stadium (approximately 130 cubic yards of rock), and excavation of approximately 450 cubic yards of sand, silt and clay from the construction site (Exhibit #4). After the excavation of the construction site, the contractor will place and compact 360 cubic yards of crushed rock wrapped in geotextile in the hole as a foundation for the new concrete double-box outlet structure (i.e., the drain). The open end of the rectangular-

[1] The removal of the existing drain outlets from Colorado Lagoon is part of the City of Long Beach Colorado Lagoon Restoration Project, which will come before the Commission as a separate project and coastal development permit application.

shaped double-box drain outlet measures 18'8" in width and nine feet in height. A safety railing will be installed on top of the outlet structure, next to the Marine Stadium walkway, to prevent anyone from falling into the outlet opening. A concrete apron (energy dissipater) extends 38 feet into Marine Stadium beyond the opening (end) of the underground drain (Exhibit #4). The proposed concrete apron will be built below low tide level within the subtidal area of Marine Stadium, but it does not extend beyond the existing toe of the riprap that lines the bank of Marine Stadium. The proposed outlet structure, including its concrete apron (energy dissipater), covers approximately 969 square feet of intertidal and subtidal habitat area. No soft bottom habitat will be covered by the proposed structure, as it does not extend further into the bay than the toe of the existing riprap, and there will not be any loss of open water area in Marine Stadium.

Once the outlet structure is completed, and the adjacent riprap embankment restored, the steel walls of the coffer dam will be removed from the bay. The entire outlet construction process at Marine Stadium, including the installation and removal of the coffer dam, is expected to take less than six months. Construction is scheduled to commence in September 2009. As part of the proposed construction schedule, the County will not allow any construction activities at Marine Stadium between July 15 and August 31, and during the weekend of October 12, so as to not create conflicts with planned recreational activities/events near the project site. The equipment storage and project staging area for the proposed construction activities at Marine Stadium is proposed to be located in a fenced 195'x 75' portion of the paved Marine Stadium parking lot (Exhibit #3). The proposed project does not include any tree removal or tree trimming in the vicinity of Marine Stadium.

Mitigation Measures

The proposed project also includes mitigation of impacts to eelgrass beds at the project site. Existing beds of eelgrass growing in the northwestern end of Marine Stadium will be disturbed by the construction of the proposed coffer dam and outlet structure (Exhibit #5). The County estimates that the proposed project will affect about 610 square feet (0.014 acres) of eelgrass coverage (Exhibit #5). The County proposes to minimize the impacts to eelgrass by implementing specific best management practices during the project (minimizing the construction footprint and transplanting existing eelgrass plants), and to mitigate the actual impacts at a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy that has been developed by the Federal and State resource agencies (National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game). Prior to construction, a qualified marine biologist will resurvey the extent of the eelgrass beds, then the County will implement its proposed mitigation plan which includes transplanting eelgrass to nearby areas at the northern end of Marine Stadium (and other locations in Alamitos Bay), restoration of the impacted eelgrass areas subsequent to construction activities, and monitoring the project area and the mitigation sites for five years (See Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008).

Project Alternatives

The currently proposed project was adopted by the County as the preferred alternative after substantial consideration of several alternatives and input from the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Army

Corps of Engineers, and the Coastal Commission. The biggest change in the project from prior proposals is the County's elimination of drainage into Colorado Lagoon which adversely affects water quality and habitat.[2] A previous version of the proposed drainage system upgrade project included a new drain outlet in Colorado Lagoon (See Coastal Development Permit Application 5-01-425). The County, however, has revised the project in order to eliminate all of its flows, including the flows from the County's existing drain outlets, from entering Colorado Lagoon. No new drains or flows into Colorado Lagoon are included in the currently proposed project. The currently proposed project directs all of the drainage into the sanitary sewer (non-storm flows) and into Marine Stadium.

The County also considered four alternative designs for the proposed outlet structure in Marine Stadium, and has chosen to propose the alternative that has the least temporary and permanent impact to the subtidal habitat area in Marine Stadium; the one with the smallest footprint. Each of the rejected alternative designs had a larger footprint and would have resulted in greater temporary and permanent impacts to the subtidal habitat area (e.g., eelgrass beds) in Marine Stadium, as they included the conversion of soft bottom habitat to hard bottom with the end of the drain and the concrete apron (energy dissipater) being extended further into the bay than the preferred and proposed project.

Marine Stadium

Marine Stadium is a City park with both land and water recreational facilities (Exhibit #2). The mile-long portion of Alamitos Bay, constructed as the rock-lined Marine Stadium in the 1920s, was a rowing venue during the 1932 and 1984 Olympic Games. Marine Stadium remains a popular venue for boating activities and special events, including rowing competitions, festive regattas, water skiing, and power boat races. The recreational facilities at Marine Stadium include a boathouse and docks for rowing teams, a public boat launch ramp, dry boat storage, a sandy public beach, and public parking lots that can hold up to two thousand vehicles. The City prohibits swimming in most of Marine Stadium because of the boating activities.

B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in the coastal waters of Alamitos Bay (Exhibit #2). The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act 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.

[2] Colorado Lagoon is a public recreational swimming/water play area that is connected to the northern end of Marine Stadium by an underground tidal culvert. The City of Long Beach has recently adopted a comprehensive plan to restore habitat and improve water quality in Colorado Lagoon.

Section 30231 of the Coastal Act 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project involves the construction of a new outlet structure located at the northwestern end of Marine Stadium, and the implementation of the proposed project's eelgrass mitigation plan (Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008). The construction of the proposed outlet structure in Marine Stadium is part of the Termino Avenue Drain Project, a major flood control project which will upgrade the existing County drainage system.

The proposed project will result in significant improvements to marine resources and water quality in Alamitos Bay. First, the water quality and habitat of Colorado Lagoon will be improved by significantly reducing the amount of urban runoff that enters the lagoon with the project's diversion of the drainage into the sanitary sewer (non-storm flows) and into Marine Stadium. No longer will Colorado Lagoon receive the urban runoff from the 799-acre watershed served by the Termino Avenue Drain Project. Since the waters of Colorado Lagoon already enter Marine Stadium through the underground tidal culvert, the proposed relocation of the drain outlet to Marine Stadium will not result in any additional adverse effect on water quality. The amount of pollutants that enter Marine Stadium will be significantly reduced because the Termino Avenue Drain Project includes the construction of a non-storm flow diversion system that will pump no-storm flows from the drain into the sanitary sewer. Additionally, the County will install new catch basin screens on all of the upstream drain inlets. Therefore, the Termino Avenue Drain Project, as conditioned to protect marine resources from the potential adverse impact of the construction project, will improve the overall water quality and biological productivity of Marine Stadium and the rest of Alamitos Bay, and marine resources will be enhanced, consistent with Sections 30230 and 30231 of the Coastal Act.

Existing beds of eelgrass growing in the northwestern end of Marine Stadium will be disturbed by the construction of the proposed coffer dam and outlet structure (Exhibit #5). Eelgrass beds are a significant marine resource that shall be maintained, enhanced, and where feasible, restored. The County estimates that the project will affect about 610 square feet (0.014 acres) of eelgrass coverage. The County proposes to minimize the impacts to eelgrass by implementing specific best management practices during the project (minimizing the construction footprint and transplanting existing eelgrass plants), and to mitigate the actual impacts at a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy. The mitigation plan includes pre- and post-construction surveys of the eelgrass beds by a qualified marine biologist, and transplanting and planting new eelgrass in Marine Stadium and other locations within Alamitos Bay. Special Condition Two requires the County to implement and complete the Eelgrass Mitigation Plan for the Termino Avenue Drain Project, Alamitos

Bay, Long Beach, by Coastal Resources Management, Inc., May 8, 2008 as proposed, and to monitor the results for five years in order to ensure that the mitigation plan is a success. Only as conditioned, will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act.

The other special conditions of the permit also ensure that marine resources and water quality will be protected as required by Sections 30230 and 30231 of the Coastal Act. Special Condition One requires the County, prior to the issuance of the permit, to submit a project staging and construction plan that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into the waters of Alamitos Bay. Special Condition Three requires a pre-construction survey of the project area to ensure that there is no caulerpa (toxic algae) in the area that could be spread by the construction project. Special Condition Four requires the County to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, 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. The special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act.

Section 30233 of the Coastal Act regulates the filling and dredging of open coastal waters, wetlands and estuaries. This section of the Coastal Act is not relevant as the proposed project does not include any filling or dredging. The proposed coffer dam to be built within the waters of Alamitos Bay is a temporary part of the construction plan that will be removed upon completion of the proposed outlet structure. The concrete apron that extends 38 feet into Marine Stadium beyond the opening (end) of the drain will be built in the same location (i.e., under the footprint of the rocks) as the existing riprap embankment at the northwestern end of Marine Stadium (Exhibit #4). The proposed drain outlet itself is located inland of the concrete apron and a few feet inland of the current high tide line, near the top of the existing riprap embankment. Although the proposed concrete apron at the end of the outlet will be built below low tide level within the subtidal area of Marine Stadium, it does not extend beyond the existing toe of the existing riprap embankment. The proposed outlet structure, including its concrete apron (energy dissipater), covers approximately 969 square feet of intertidal and subtidal habitat area, but no soft bottom habitat will be covered by the proposed project. The concrete apron will occupy only the part of the bank that is currently covered by riprap, and it does not extend further into the bay than the toe of the existing riprap. There will be no new filling of Alamitos Bay, and there will not be any loss of open water area.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act 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 30213 of the Coastal Act states:

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

The proposed project will temporarily (less than six months) occupy part of Marine Stadium and its paved parking area. The impacts of the project on public access and recreation will be negligible because of the location of the project. It is located at the northern end of the stadium near the riprap embankment where boats seldom go. Also, the County will not allow any construction activities at Marine Stadium between July 15 and August 31, and during the weekend of October 12, so as to not create conflicts with planned recreational activities/events near the project site. The amount of parking utilized by the project staging area will be less than ten percent of the venue's total capacity. Therefore, the proposed project will not have a substantial negative effect on the public's ability to access the coast, and is consistent with the public access and recreation policies of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed project will not have any significant adverse impacts on public views or visual resources.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

> New development shall:
>
> (l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) 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.

The proposed project is part of flood control project that will minimize risks to life and property in a FEMA-designated special flood hazard area. The proposed project will not 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. Therefore, the proposed project is consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. In the City of Long Beach, the Chapter 138 Line and the actual mean high tide line (MHTL) generally differentiate the Commission's area of retained (original) jurisdiction from the landward area for which the City of Long Beach has accepted coastal development permit jurisdiction pursuant to the City of Long Beach certified Local Coastal Program (LCP). The City of Long Beach LCP was certified by the Commission on July 22, 1980.

A coastal development permit must be obtained from the Commission for the portion of the proposed development that is situated within the Commission's area of original jurisdiction, in this case the proposed drain outlet structure. The City of Long Beach has already approved Local Coastal Development Permit No. 0806-19 for the portion of the development situated within its permitting jurisdiction of the coastal zone inland of the end of the drain.

The Commission's standard of review for the proposed development in its area of original jurisdiction 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 certified LCP policies for Marine Stadium, as set forth in the LCP's Marine Stadium Resource Management Plan (RMP), state:

A. General Policy

Commercial aquatic events will be permitted, provided adequate controls are enforced to preclude adverse impact on recreational uses and adjacent residential neighborhoods. Conservational considerations are minimal. Educational uses would primarily be aquatic skills development.

B. Guidelines

1. Management Responsibility
   Overall management of Marine Stadium will be vested in the Marine Department (see Alamitos Bay).

2. Water Quality

a. Servicing of power boats will be controlled to minimize toxic metals and petroleum products reaching the water.
b. New development will be precluded from discharging surface water into the stadium.

3. Public Access
   a. A sand beach, if feasible, will be developed at the northwest end of the stadium.
   b. The publicly owned land north of Marine Stadium to Colorado Street will be developed as a public park providing for field sports, and active and passive recreational uses. Additional parking to serve the park and beach will be a combination of hardtop and grass overflow. The grass parking area shall be used only for major Marine Stadium activities. The boat storage area at the northeast end of the Marine Stadium will be eliminated when this area is converted into public park usage.
   c. No additional paved parking areas will be created at Marine Park.
   d. Usage of Marine Stadium for rowing activities will be encouraged.

4. Maintenance
   Existing restroom facilities at the northwest end of the stadium must be accessible to the beach and park users.

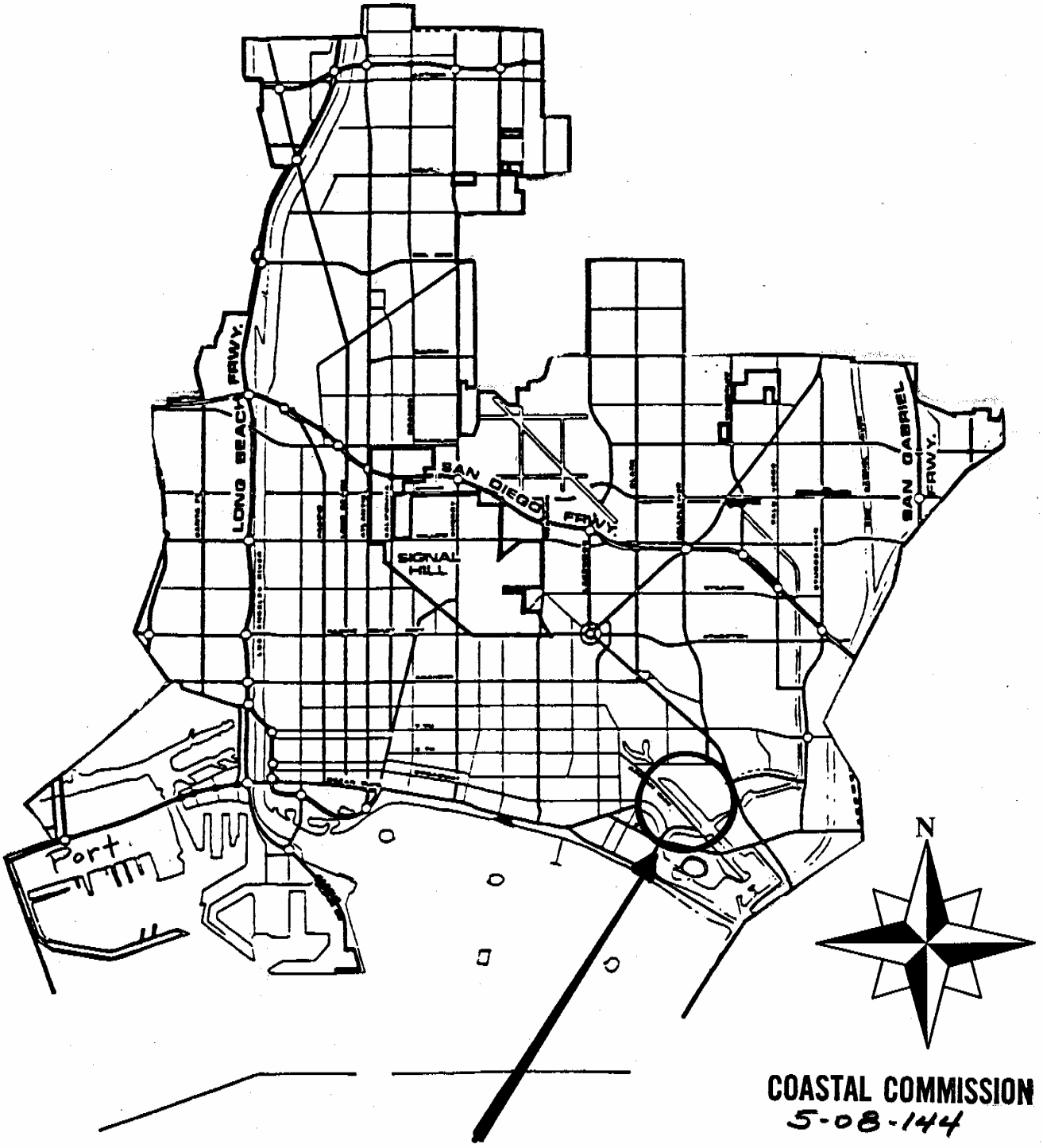
In this case, the proposed project does not conflict with any of the above-stated LCP provisions. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

G. California Environmental Quality Act (CEQA)

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 proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. 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.

City of Long Beach

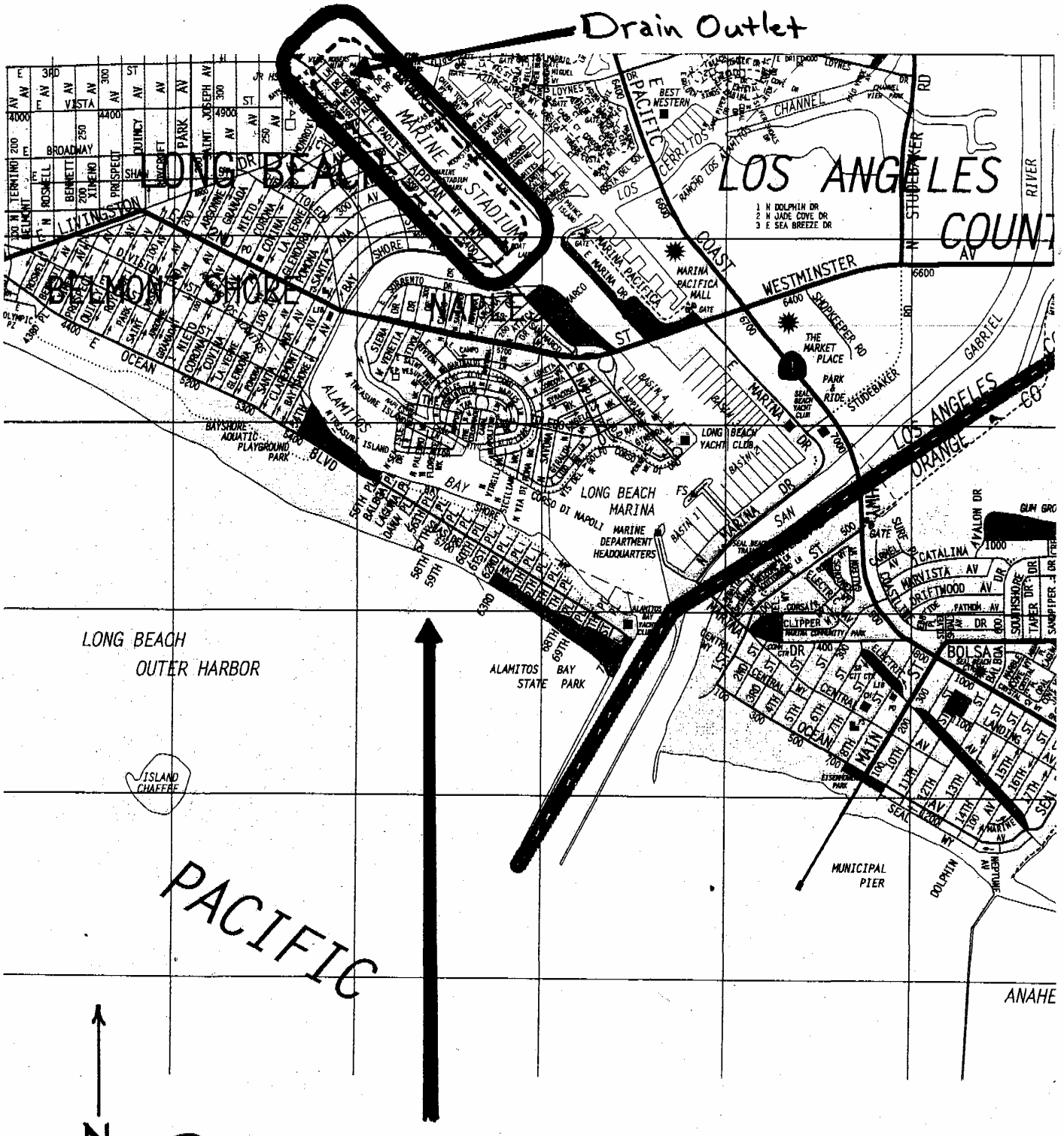


Marine Stadium

COASTAL COMMISSION
5-08-144

EXHIBIT # 1

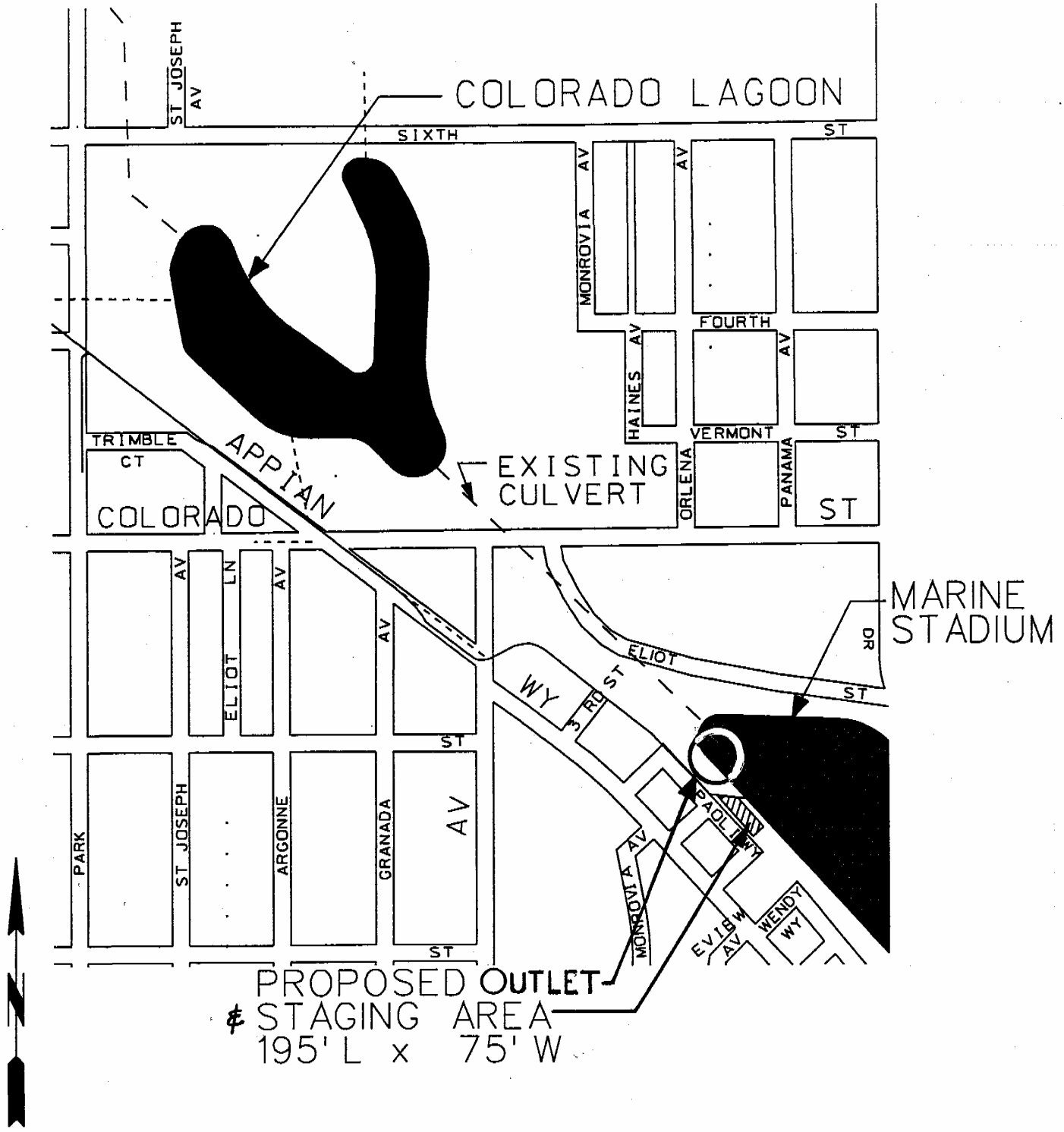
PAGE 1 OF 1



Project Site:

Marine Stadium

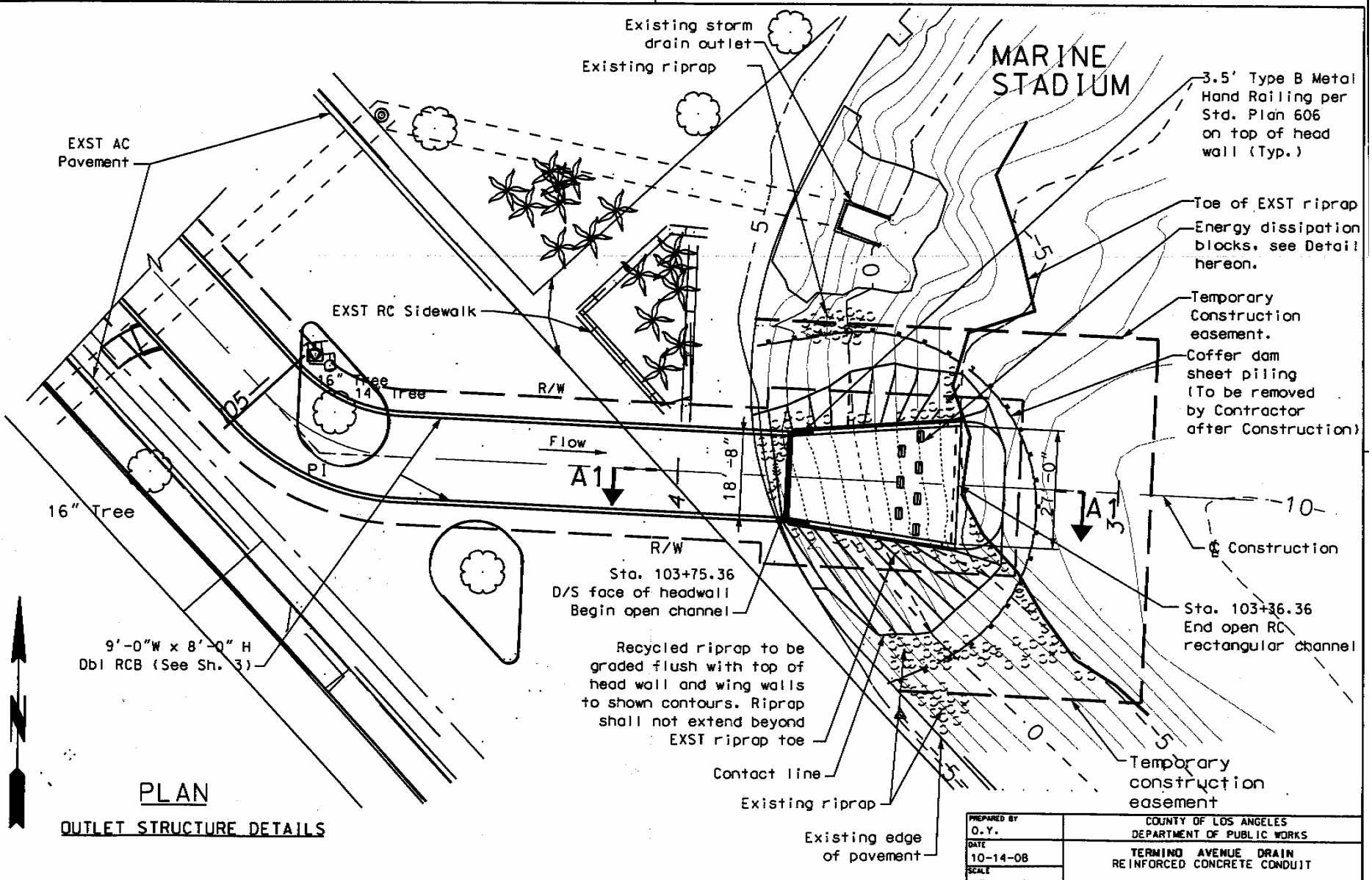
COASTAL COMMISSION
5-08-144
EXHIBIT # 2
PAGE 1 OF 1



COASTAL COMMISSION
5-08-144

EXHIBIT # 3

PAGE 1 OF 1



PLAN

OUTLET STRUCTURE DETAILS

PREPARED BY O.Y.	COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
DATE 10-14-08	TERMINO AVENUE DRAIN REINFORCED CONCRETE CONDUIT
SCALE 1" = 20'	OUTLET STRUCTURE

5-08-144

EXHIBIT # 4

PAGE 1 OF 1

Project Impacts and Potential On-Site Eelgrass Transplant Sites 5-08-144

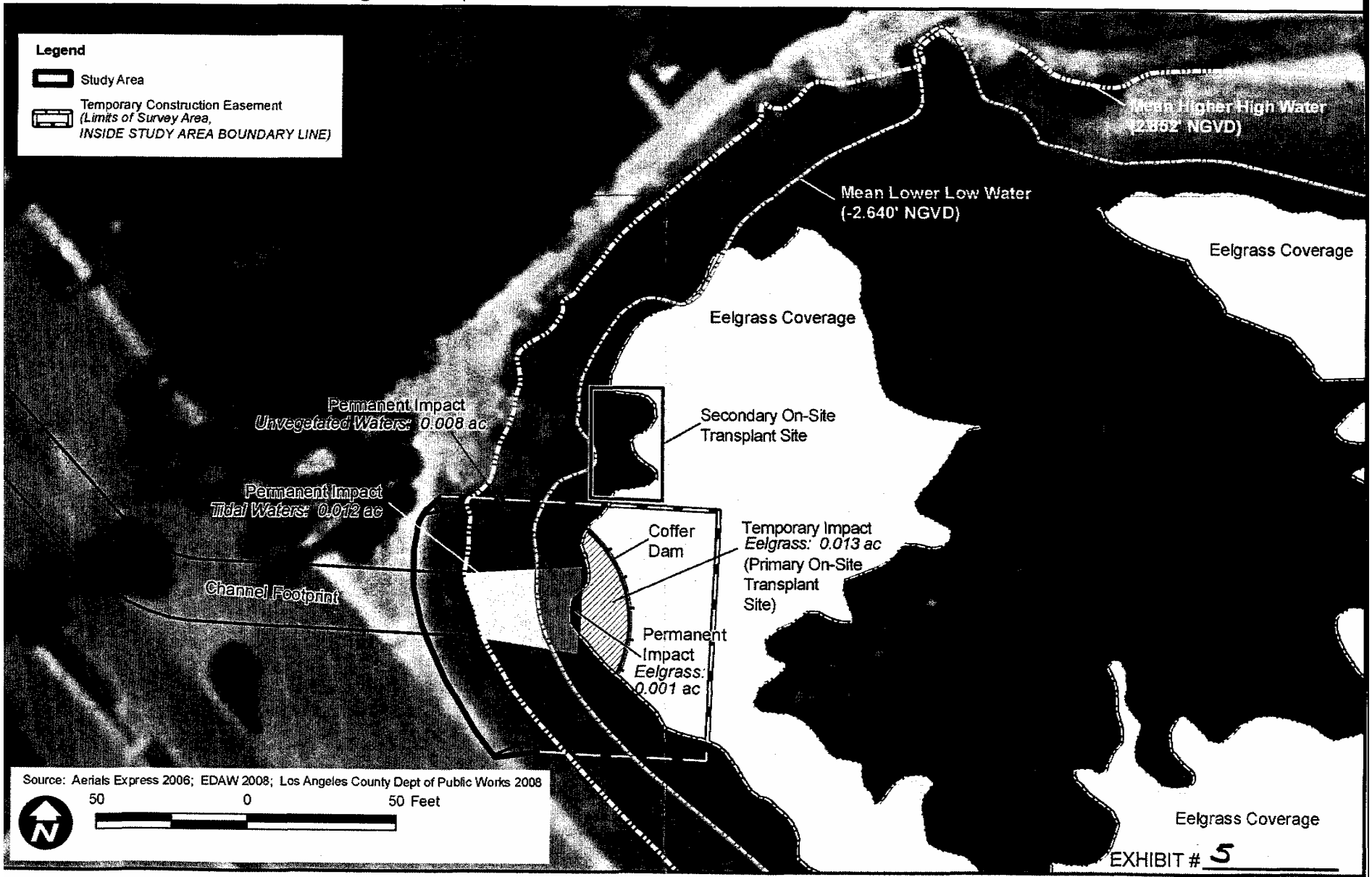


EXHIBIT # 5

PAGE 1 OF 1