

CALIFORNIA COASTAL COMMISSION

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**Th17a**

December 22, 2009

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Coastal Program Analyst

SUBJECT: Major Amendment Request No. LOB-MAJ-1-09 (1-09) to the City of Long Beach Certified Local Coastal Program. For public hearing and Commission action at the Commission's January 14, 2010 meeting in Huntington Beach.

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-09

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. The certified LCP has been amended numerous times since 1980. City of Long Beach LCP Amendment No. LOB-MAJ-1-09 amends the Resources Management Plan portion of the LCP as it relates to Colorado Lagoon, and revises the zoning code's definition of "Passive Park" (See Exhibits). The proposed changes to the certified LCP affect both the Implementing Ordinances (LIP) and Land Use Plan (LUP) portions of the certified LCP.

The City of Long Beach Planning Commission held a public hearing for the LCP amendment on September 4, 2008. The City Council held a public hearing for the LCP amendment on October 14, 2008. The proposed changes to the certified LCP are contained in City Council Resolution No. RES-08-0129 and City Council Ordinance No. ORD-08-0029. Amendment Request No. LOB-MAJ-1-09 was deemed officially submitted for Commission certification on February 18, 2009. On April 8, 2009, the Commission extended for one year the time limit for its review of the LCP amendment request. The City's submittal is consistent with the requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

SUMMARY OF STAFF RECOMMENDATION

The amendment to the Resources Management Plan (RMP) affects the LUP portion of the certified LCP. Modifications to the LUP amendment are necessary to ensure that coastal resources in Colorado Lagoon are protected in conformity with the requirements of the Chapter 3 policies of the Coastal Act. The change to the definition of "Passive Park" affects the Implementing Ordinances (LIP) portion of the certified LCP and can be certified only if it is modified to not include Marine Stadium. **See Page Five for the suggested modifications.** Staff is recommending that the Commission, after public hearing:

- 1. Deny the LUP amendment request as submitted; and,**
- 2. Certify, only if modified, the LUP amendment request; and,**
- 3. Reject the LIP amendment request as submitted; and,**
- 4. Certify, only if modified, the LIP amendment request.**

The motions to accomplish this recommendation begin on Page Three.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUBSTANTIVE FILE DOCUMENTS

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Environmental Impact Report for the Colorado Lagoon Restoration Project No. 30-07 (City of Long Beach, CA)(SCH No. 2007111034).
3. City of Long Beach Local Coastal Development Permit No. 0807-11 (Marina Vista Park Landscaping).
4. Coastal Development Permit 5-08-187 (City of Long Beach, Annual Tree Trimming).
5. Coastal Development Permit 5-09-071 (City of Long Beach, Colorado Lagoon Restoration Project).

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov For additional information, contact *Charles Posner* or *Gary Timm* in the South Coast District office at (562) 590-5071.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Deny the LUP Amendment Request as Submitted

MOTION I: *"I move that the Commission certify Land Use Plan Amendment No. 1-09 as submitted by the City of Long Beach."*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny Certification of the LUP Amendment as Submitted

The Commission hereby denies certification of the Land Use Plan Amendment as submitted by the City of Long Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Certify the LUP Amendment Request if Modified as Suggested

MOTION II: *"I move that the Commission certify Land Use Plan Amendment No. 1-09 for the City of Long Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution to Certify the LUP Amendment with Suggested Modifications

The Commission hereby certifies Land Use Plan Amendment No. 1-09 for the City of Long Beach if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Reject the LIP Amendment Request as Submitted

MOTION III: *"I move that the Commission reject Amendment No. 1-09 to the City of Long Beach Implementing Ordinances as submitted by the City."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Reject the LIP Amendment as Submitted

The Commission hereby rejects Amendment Request No. 1-09 to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances do not conform with, and are not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. Certify the LIP Amendment Request if Modified as Suggested

MOTION IV: *"I move that the Commission certify Amendment No. 1-09 to the City of Long Beach Implementing Ordinances if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment to the LCP Implementing Ordinances with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment with a Suggested Modification

The Commission hereby certifies Amendment Request No. 1-09 to the LCP Implementing Ordinances for the City of Long Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementing Ordinances with the suggested modification conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances if modified as suggested 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 Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

A. Suggested Modifications to the LUP Amendment

Certification of the LUP amendment is subject to the following modifications.

1. The following policies shall be added to the RMP for Colorado Lagoon:

Marine Resources and Environmentally Sensitive Habitat Areas

- a. Colorado Lagoon is an environmentally sensitive habitat area that shall be restored and protected against any significant disruption of habitat values.
- b. Native clam populations, and populations of other special interest wildlife species, shall be protected and enhanced by habitat restoration efforts.
- c. All vegetation planted on the banks and uplands surrounding the lagoon shall consist of native plants typically found in or on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands. Planting shall maintain views of the water from the public areas.
- d. Water quality, not water level, shall dictate the duration and frequency and regimens of tidal gate operation. Flushing by tidal action shall be optimized by the removal of the tidal gates and by increasing tidal flows and water circulation.
- e. The lagoon shall be dredged to remove contaminated sediments and to improve water circulation.
- f. Vegetated bioswales (or similar drainage systems or features utilizing selected Best Management Practices) shall be installed between the water and the golf course to capture pollutants with native vegetation before they are carried into the lagoon.
- g. Low-flows in the storm drain system shall be diverted into the sanitary sewer rather than draining into the lagoon.
- h. The Colorado Lagoon Restoration Project shall be implemented in conformance with the provisions of Coastal Development Permit 5-09-071 (City of Long Beach, Colorado Lagoon Restoration Project).

Public Access and Recreation

- i. Public access on the recreational trails around the lagoon shall not be obstructed, except temporarily during hazardous conditions and during maintenance and construction activities.
- j. Public recreational uses shall be provided and encouraged at Colorado Lagoon. Swimming and water play shall be permitted only at the beach at the southern

central part of lagoon. Public notices shall be prominently posted whenever water testing indicates that the water is unsafe for water activity.

- k. Public parking, picnic tables, a children's play area, and a public restroom shall be maintained in the park. The public streets in the vicinity of the park shall provide additional public parking opportunities. The paved parking lot on the northern side of the lagoon shall be removed and the area restored to natural habitat.
- l. Educational uses shall be encouraged. A pile-supported pier may be built in the lagoon for public recreation and educational purposes.
- m. Commercial uses other than food services and beach equipment shall not be allowed.

Scenic and Visual Qualities

- n. Scenic vistas and views of the water shall be preserved and protected.

2. The following Coastal Act Policies shall be added to Section 5.4 of the RMP for Colorado Lagoon:

Section 30211 of the Coastal Act. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30221 of the Coastal Act. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30240 of the Coastal Act. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30251 of the Coastal Act. 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

3. The following Bird Nesting and Foraging Habitat Protection Policy shall be added to the RMP:

Bird Nesting and Foraging Habitat Policy

The purpose of this policy is to ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem. The trimming or removal of any tree shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the City of Long Beach Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. The City shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be prepared. The Department of Parks, Recreation and Marine shall maintain the annual reports on file as public information and to be used for future tree trimming and removal decisions.

All tree trimming and tree removal in the coastal zone shall be conducted as follows:

A. Tree Trimming During Non-Breeding and Non-Nesting Season (October through December)

1. Prior to tree trimming or removal, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the City of Long Beach Department of Parks, Recreation and Marine, a representative of the Audubon Society, and the Executive Director of the Coastal Commission (for areas within the Coastal Commission's permit jurisdiction). The survey report shall include identification of all trees with nests. The Department of Parks, Recreation and Marine shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

2. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists. Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

3. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.

B. Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist and a representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Executive Director of the Coastal Commission (for areas within the Coastal Commission's permit jurisdiction), the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Director of the Parks, Recreation and Marine. The Department of Parks, Recreation and Marine shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following:

a. A description of how work will occur.

b. Work must be performed using non-mechanized hand tools to the maximum extent feasible.

c. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

d. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

2. Prior to commencement of tree trimming and/or removal the City of Long Beach Department of Parks, Recreation and Marine shall notify in writing the Executive Director of the Coastal Commission (for areas within the Coastal Commission's permit jurisdiction), the Department of Fish and Game, and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

B. Suggested Modification to the LIP Amendment (See Exhibit #6)

Certification of the LIP amendment is subject to the following modification. Text added by the City is identified by **bold text** and text deleted by the City is crossed-out (~~deleted text~~). Text deleted by the suggested modification is identified by crossed-out **underlined bold text**. Text added by the suggested modification is identified by **underlined bold italic text**.

The definition of "Passive Park" (Municipal Code Section 21.15.2007) shall read as follows:

"Passive Park" means a plot of land that is landscaped, maintained as open space, serves a neighborhood, and is used as an informal gathering place for relaxation and play. Passive Park includes, but is not limited to, parquets, urban oases, and small space sites. ~~Accessory buildings and or structures such as but not limited to play equipment, tables, fire pits, barbecues, concession stands and public restrooms are not permitted.~~ Permitted improvements **and features** include, **but are not limited to**, walking paths, and sitting areas ~~with bench and chairs only~~, **play equipment, tables, fire pits, barbecues, public restrooms, landscaped and natural open spaces, habitat reserves, beaches, lakes, streams, ponds and lagoons, bays, and Marine Stadium.**

Suggested definition, shown without edits:

"Passive Park" means a plot of land that is landscaped, maintained as open space, serves a neighborhood, and is used as an informal gathering place for relaxation and play. Passive Park includes, but is not limited to, parquets, urban oases, and small space sites. Permitted improvements and features include, but are not limited to, walking paths, sitting areas, play equipment, tables, fire pits, barbecues, public restrooms, landscaped and natural open spaces, habitat reserves, lakes, streams, ponds and lagoons.

III. FINDINGS

The Commission hereby finds and declares as follows:

A. Description of the LUP Amendment Request (Resources Management Plan)

The amendment to the Resources Management Plan (RMP) portion of the LCP (as it relates to Colorado Lagoon) affects the LUP portion of the certified LCP. The RMP provides policies and guidance for the management of five water bodies in the coastal zone: Alamitos Bay, Marine Stadium, Colorado Lagoon, Los Cerritos Wetlands and Sims Pond. The LUP amendment affects only the Colorado Lagoon segment of the RMP (Exhibits #4&5).

The Long Beach City Council processed this LCP amendment request in 2008 as part of the City's planning and preparation for the implementation of the Colorado Lagoon Restoration project. This LCP amendment request would delete the existing policies and descriptions in the RMP that relate to Colorado Lagoon (pages III-R3 and III-R49 through R62) and replace them with new text (Exhibit #4). The RMP descriptions and policies for Colorado Lagoon being deleted were certified in 1980 as part of the original Long Beach LCP (Exhibit #4 p.1 & Exhibit #5). The updated replacement text was drafted by the City to reflect the changes that are occurring with the implementation of the Colorado Lagoon Restoration project (Exhibit #4).

The Commission approved the Colorado Lagoon Restoration project August 14, 2009 [Coastal Development Permit 5-09-071 (City of Long Beach)]. Phase One of the Colorado Lagoon Restoration Project includes: 1) dredging and removal of 32,500 cubic yards of sediment, 2) re-contouring the lagoon banks, 3) diversion of low-flows from storm drains into the sanitary sewer, 4) installation of trash collection devices in three major storm drains, 5) creation of two vegetated bioswales between the water and the adjacent golf course, 6) clearing of the tidal culvert connecting the lagoon to Alamitos Bay, 7) demolition of the northern paved parking lot, access road and restroom, 8) re-vegetating the former parking area and lagoon banks with native plants, 9) construction of public access trails, and 10) construction of a 135-foot long observation pier with thirty piles (to replace the existing pier). The first phase of the restoration project, which is partially funded by the American Recovery and Reinvestment Act, commenced in September 2009. Phase Two, which is not yet permitted, involves the potential construction of an open channel through Marina Vista Park to replace the underground culvert that now connects the lagoon to Alamitos Bay (Exhibit #2).

Colorado Lagoon, which was historically part of the Los Cerritos Wetlands, is a 17.7-acre tidal lagoon that is connected to Alamitos Bay (Marine Stadium) through a 933-foot long underground tidal culvert (Exhibit #2). The lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage (it is the natural low-point in the local watershed area of approximately 1,172 acres). The lagoon is surrounded by 18.5 acres of public parkland managed by the City of Long Beach (Exhibit #3). Existing improvements in Colorado Lagoon Park consist of restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, an observation pier, a 73-stall parking lot north of the lagoon, and a 56-stall metered parking lot parallel to Appian Way.



Colorado Lagoon Restoration Project – Proposed Habitat Improvements (EIR)

- | | | |
|---|------------------------------|----------------------------|
| Project Boundary | Native Upland CSS Vegetation | Shrubs |
| Low Marsh
(Coastal Salt Marsh, Cordgrass, Unvegetated Mud Flats) | Park | Trail (Decomposed Granite) |
| Mid Marsh | Parking/Road | Vegetated Buffer/Berm |
| High Marsh/Upland | Sand | Proposed Bioswale |
| | | Existing Sidewalk |

The certified LCP designates Colorado Lagoon and its banks as a Special Use Park with a Park (P) zoning designation. The lagoon and park are on State tidelands that fall entirely within the Commission’s original permit jurisdiction.

The Colorado Lagoon Restoration project will remove contaminated sediments from the lagoon, improve water quality, restore and enhance native habitat, prevent recontamination and sedimentation, and enhance public recreational opportunities. The Colorado Lagoon Restoration Project was developed with input from multiple stakeholders, including the California Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, U.S. Army Corps of Engineers, Regional and State Water Resources Control Boards, and the Friends of Colorado Lagoon (FOCL).

B. Deny the LUP Amendment Request as Submitted

The amendment to the Resources Management Plan (RMP) portion of the LCP (as it relates to Colorado Lagoon) affects the LUP portion of the certified LCP. The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The descriptive text on Page III-R3 of the RMP (LCP) is being replaced with an updated description of Colorado Lagoon that emphasizes the City's commitment to restore the ecosystem and habitat, enhance public recreational opportunities, and to improve water and sediment quality while managing storm water flows (Exhibit #4, p.1). Pages III-R49 through R62 of the RMP (LCP) will also be replaced with updated text drafted by the City to reflect the changes that are planned to occur with the implementation of the Colorado Lagoon Restoration project (Exhibit #4).

The currently certified RMP for Colorado Lagoon being deleted by this LCP amendment is attached as Exhibit #5. The City proposes to replace fourteen pages of descriptive text and policies with three pages of new text: one page of text that describes the lagoon and its existing condition (Sections 5.1 and 5.2), one page of text that describes the Colorado Lagoon Restoration Project (Section 5.3), and one page of Coastal Act policies (Exhibit #4, ps. 2-4). Part of the RMP being deleted/replaced is the currently certified LCP policies and guidelines for Colorado Lagoon, which were certified in 1980 as part of the original City of Long Beach LCP (Exhibit #5. ps. 7-8).

The currently certified LCP policies for Colorado Lagoon, as set forth in the RMP, state:

[Staff Note: The following policies are being deleted. See the Suggested Modifications in Section II of this report for the recommended replacement policies.]

A. General Policy

Use of Colorado Lagoon should be primarily recreational. However, presence of its unique clam population requires strong conservational considerations. Commercial use other than food services and beach equipment should not be allowed. Educational uses should be encouraged.

B. Guidelines

1. Management Responsibility

Overall management of Colorado Lagoon will be vested in the Marine Department (see Alamitos Bay).

2. Water Quality

- a. The major storm drains presently emptying into the west and north arms of the lagoon should be diverted to the ocean or the San Gabriel River.

- b. Sediments deposited by the storm drains should be removed and replaced by sand. Clams should be re-bedded. Entire process should be supervised by Department of Fish and Game.

3. Public Access

- a. When recreational use conflicts with maintenance of the clam population, controls must exist in favor of the latter.
- b. Public health and safety must be assured during major maintenance activities and periods of poor water quality or exposed sediments.
- c. Provide directive signs and other amenities to encourage maximum use of the north beach and parking lot.
- d. Health Department should monitor clams to preclude human ingestion of toxic metals.
- e. A children's play module should be provided on the south shore.

4. Maintenance

Prepare a plan for upgrading and maintaining the appearance of lagoon area. This plan should include improved landscaping, grass picnic areas (especially at the northwest end), erosion control, and increased beach area. The plan should be in two phases, recognizing the impact of Guidelines 2a and b.

The purpose of the certified LUP, and in this case the RMP, is to set forth clear and concise policies for the ongoing use, maintenance and enhancement of the coastal resources at Colorado Lagoon. The certified LUP policies must carry out the requirements of the Chapter 3 policies of the Coastal Act. [See the next section of this report for the relevant Chapter 3 policies.] The new RMP text set forth in the proposed LUP amendment lacks the clarity of the RMP text that it would replace, and it also lacks the policy direction that is necessary to protect and enhance the coastal resources of Colorado Lagoon as required by the Chapter 3 policies of the Coastal Act. For example, the City proposal would delete the policies that protect the unique clam population and prohibit commercial uses other than food service and rentals. The proposed LUP amendment also does not list the specific recreational amenities that should be provided in the park and lagoon, such as a children's play area, a parking area, and picnic tables. Therefore, the LUP amendment request as submitted does not meet the requirements of, and is not in conformance with, the policies of Chapter 3 of the Coastal Act. The next section of this report describes the modifications necessary to bring the LUP amendment into conformance with the Coastal Act requirements.

C. Certify the LUP Amendment Request with Suggested Modifications

In order to be certified by the Commission, the LUP amendment must meet the requirements of, and be in conformance with the Chapter 3 policies of the Coastal Act. The Coastal Act contains policies that address public access, recreation, visual resources, water quality, habitat and development in or near coastal waters and sensitive habitat areas. Colorado Lagoon is a coastal water body that is part of Alamitos Bay. Pursuant to Section 30512 and 30514 of the Coastal Act, the proposed LUP amendment must have clear and concise policy language that carries out the requirements of the relevant Chapter 3 policies of the Coastal Act.

Public Access and Recreation

Colorado Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. It is a public park and a popular coastal recreation area with restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, an observation pier, a dedicated public parking area (the 56-stall metered parking lot parallel to Appian Way).

The following Chapter 3 policies protect public access and recreation:

Section 30210 of the Coastal Act. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30220 of the Coastal Act. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

In order to adequately carry out the public access and recreation policies of the Coastal Act, the RMP for Colorado Lagoon shall be modified to include the following LUP policies:

- Public access on the recreational trails around the lagoon shall not be obstructed, except temporarily during hazardous conditions and during maintenance and construction activities.
- Public recreational uses shall be provided and encouraged at Colorado Lagoon. Swimming and water play shall be permitted only at the beach at the southern central part of lagoon. Public notices shall be prominently posted whenever water testing indicates that the water is unsafe for water activity.
- Public parking, picnic tables, a children's play area, and a public restroom shall be maintained in the park. The public streets in the vicinity of the park shall provide additional public parking opportunities. The paved parking lot on the northern side of the lagoon shall be removed and the area restored to natural habitat.
- Educational uses shall be encouraged. A pile-supported pier may be built in the lagoon for public recreation and educational purposes.
- Commercial uses other than food services and beach equipment shall not be allowed.

These suggested LUP policies will protect public access, recreational opportunities, and the public parking supply that supports the public recreational opportunities at Colorado Lagoon, as required by the Coastal Act. Only if modified to include these suggested LUP policies will the LUP amendment meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act.

Marine Resources and Environmentally Sensitive Habitat Areas

When the Commission approved Coastal Development Permit 5-09-071 for the Colorado Lagoon Restoration Project, it found that Colorado Lagoon is an Environmentally Sensitive Habitat Area (ESHA). A major component of the proposed Colorado Lagoon Restoration Project is the restoration of native plants communities that sustain and support marine life habitat. The Colorado Lagoon Restoration Project will restore several acres of coastal salt marsh and mudflat habitat on the banks of the west and north arms of the lagoon. Coastal salt marsh will also be restored on the lagoon bank south of the opening of the tidal culvert. The restored marsh and mudflats will be created as part of the dredging and bank re-contouring process, and then planted with native wetland plants after all the non-native plants have been eradicated. The upland areas around the lagoon will also be restored with native plant communities.

Another component of the Colorado Lagoon Restoration Project is to improve water quality by diverting polluted runoff into bioswales and the sanitary sewer. The proposed project includes several improvements that will restore and enhance water quality, biological productivity, public recreation and marine resources in Colorado Lagoon, including: 1) the removal of contaminated sediments and deepening of the lagoon by dredging, 2) clearing of the tidal culvert that connects the lagoon to the bay, 3) removal of paved vehicular areas from the

north shore, and 4) installation of low-flow diversions and trash separation devices in the storm drains.

The following Chapter 3 policies protect marine resources and ESHAs:

Section 30230 of the Coastal Act. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act. 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.

Section 30233 of the Coastal Act. (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- 4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- 5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- 6) Restoration purposes.
- 7) Nature study, aquaculture, or similar resource dependent activities.

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division. For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30240 of the Coastal Act. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

In order to adequately carry out the marine resource and ESHA protection policies of the Coastal Act, the RMP for Colorado Lagoon shall be modified to include the following LUP policies:

- Colorado Lagoon is an environmentally sensitive habitat area that shall be restored and protected against any significant disruption of habitat values.
- Native clam populations, and populations of other special interest wildlife species, shall be protected and enhanced by habitat restoration efforts.
- All vegetation planted on the banks and uplands surrounding the lagoon shall consist of native plants typically found in or on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands. Planting shall maintain views of the water from the public areas.

- Water quality, not water level, shall dictate the duration and frequency and regimens of tidal gate operation. Flushing by tidal action shall be optimized by the removal of the tidal gates and by increasing tidal flows and water circulation.
- The lagoon shall be dredged to remove contaminated sediments and to improve water circulation.
- Vegetated bioswales (or similar drainage systems or features utilizing selected Best Management Practices) shall be installed between the water and the golf course to capture pollutants with native vegetation before they are carried into the lagoon.
- Low-flows in the storm drain system shall be diverted into the sanitary sewer rather than draining into the lagoon.
- The Colorado Lagoon Restoration Project shall be implemented in conformance with the provisions of Coastal Development Permit 5-09-071 (City of Long Beach, Colorado Lagoon Restoration Project).

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) like Colorado Lagoon shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed. Also, development adjacent to ESHA shall prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Specific policies are necessary to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230, 30231, 30233 and 30240 of the Coastal Act. The suggested LUP policies will protect marine resources and ESHA as required by the Coastal Act.

Also, in order to ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat, the City's policy for the annual and emergency tree trimming activities that the Commission approved in February 2009 (Coastal Development Permit 5-08-187) should be included in the RMP. Trees used by birds (e.g., herons, egrets, raptors, Savannah Sparrows and Loggerhead Shrikes, etc.) for nesting have special biological and economic significance. The City recognizes this fact and has agreed to conduct its tree trimming activities in compliance with a policy that has been developed in consultation with the Audubon Society, Commission staff and the California Department of Fish and Game. The Bird Nesting and Foraging Habitat policy protects nesting birds and their habitat in compliance with the Coastal Act policies that protect marine resources and sensitive habitats.

Section 30233 of the Coastal Act is relevant as the Colorado Lagoon Restoration Project proposes dredging to remove approximately 32,500 cubic yards of sediment from the bottom of the water body. Restoration is one of the allowable reasons for which Section 30233(a)(6) of the Coastal Act permits dredging. The restoration project also includes fill as an observation pier is proposed to be constructed in the lagoon. The fill involves the placement of twenty piles in the intertidal and subtidal zones. The piles are allowable under Section 30233(a)(3) of the Coastal Act because they are necessary to support a public recreational pier.

Only if modified to include these suggested LUP policies will the LUP amendment meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act.

Scenic and Visual Qualities

The following Chapter 3 policy protects scenic and visual qualities of coastal areas:

Section 30251 of the Coastal Act. 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In order to carry out the requirements of Section 30251 of the Coastal Act, the RMP for Colorado Lagoon shall be modified to include the following LUP policy:

- Scenic vistas and views of the water shall be preserved and protected.

Only if modified to include the suggested LUP policy will the LUP amendment meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act.

Finally, the relevant Chapter 3 policies should be included in the RMP as policies that protect coastal resources. The proposed LUP amendment already lists Sections 30210, 30213, 30220, 30230, 30231, 30233 of the Coastal Act (Exhibit #4, p.4). A suggested modification would also add Sections 30211, 30221, 30223, 30240 and 30251 to the RMP.

The certified LUP, if modified as suggested, will set forth clear and concise policies for the ongoing use, maintenance and enhancement of the coastal resources at Colorado Lagoon. The Commission finds that the LUP Amendment, if modified as suggested, meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act.

D. The LIP Amendment Request (Definition of Passive Park)

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The LIP amendment request is comprised only of a change to the definition of "Passive Park" (Municipal Code Section 21.15.2007), as set forth in City Council Ordinance No. 08-0029. The City's proposed change to the definition of "Passive Park" (Municipal Code Section 21.15.2007) reads as follows. The City's deleted text is crossed-out (~~deleted text~~) and added text is identified by **underlined bold text**.

"Passive Park" means a plot of land that is landscaped, maintained as open space, serves a neighborhood, and is used as an informal gathering place for relaxation and play. Passive Park includes, but is not limited to, parquets, urban oases, and small space sites. ~~Accessory buildings and or structures such as but not limited to play equipment, tables, fire pits, barbecues, concession stands and public restrooms are not permitted.~~ Permitted improvements **and features** include, **but are not limited to, walking paths, and sitting areas with bench and chairs only, play equipment, tables, fire pits, barbecues, public restrooms, landscaped and natural open spaces, habitat reserves, beaches, lakes, streams, lagoons, bays, and Marine Stadium.**

The proposed revision to the definition changes items such as play equipment, tables, fire pits, barbecues, concession stands and public restrooms from unpermitted types of improvements to permitted improvements in passive parks. The City's intent is to allow the less restrictive passive park parking standards to be used in more circumstances in order to reduce the amount of public park land area that must be paved and reserved for vehicle storage. A passive park requires only two parking spaces per acre, while active parks have a standard of one parking space per 1,000 square feet (43.5 spaces per acre).

The proposed definition, however, seems to imply that Marine Stadium is a passive park by including it in the definition. That would contradict the basic definition of passive park which uses the term "informal gathering place" to define passive park. Marine Stadium is not an informal gathering place because it is regularly used for active recreational boating activities and formal special events including rowing competitions, festive regattas, water skiing, and power boat races. The certified LUP designates Marine Stadium as a Special Use Park; and it is a recreational park or active park, but not a passive park. Inclusion of Marine Stadium in the definition of passive park is not in conformance with, or adequate to carry out, the provisions of the certified LUP. Therefore, the LIP amendment request is rejected as submitted. The City agrees that Marine Stadium should not have been included in the proposed definition of passive park (Exhibit #6).

Similarly, beaches and bays are places where active recreational opportunities are provided, and therefore should not be included in the definition of passive park. Simms Pond and other ponds (and lagoons) are features often associated with informal gathering places and passive parks. Therefore, the definition of passive park shall be modified to not include beaches, bays and Marine Stadium, and to include ponds. The LIP amendment can be certified only if it is

modified as suggested. If modified as suggested, the LIP amendment will conform with, and be adequate to carry out, the provisions of the certified LUP.

E. California Environmental Quality Act (CEQA)

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the Colorado Lagoon Restoration Project and the associated LCP amendment. On October 14, 2008, the City of Long Beach City Council re-certified Environmental Impact Report (EIR) No. 30-07 for the Colorado Lagoon Restoration Project with a Statement of Overriding Considerations. The Statement of Overriding Considerations states that the project benefits (improved water quality, restored habitats, and enhanced public recreational opportunities) outweigh the unavoidable environmental impacts (construction air quality impacts related to vehicle emissions and dredged material odors, and construction noise).

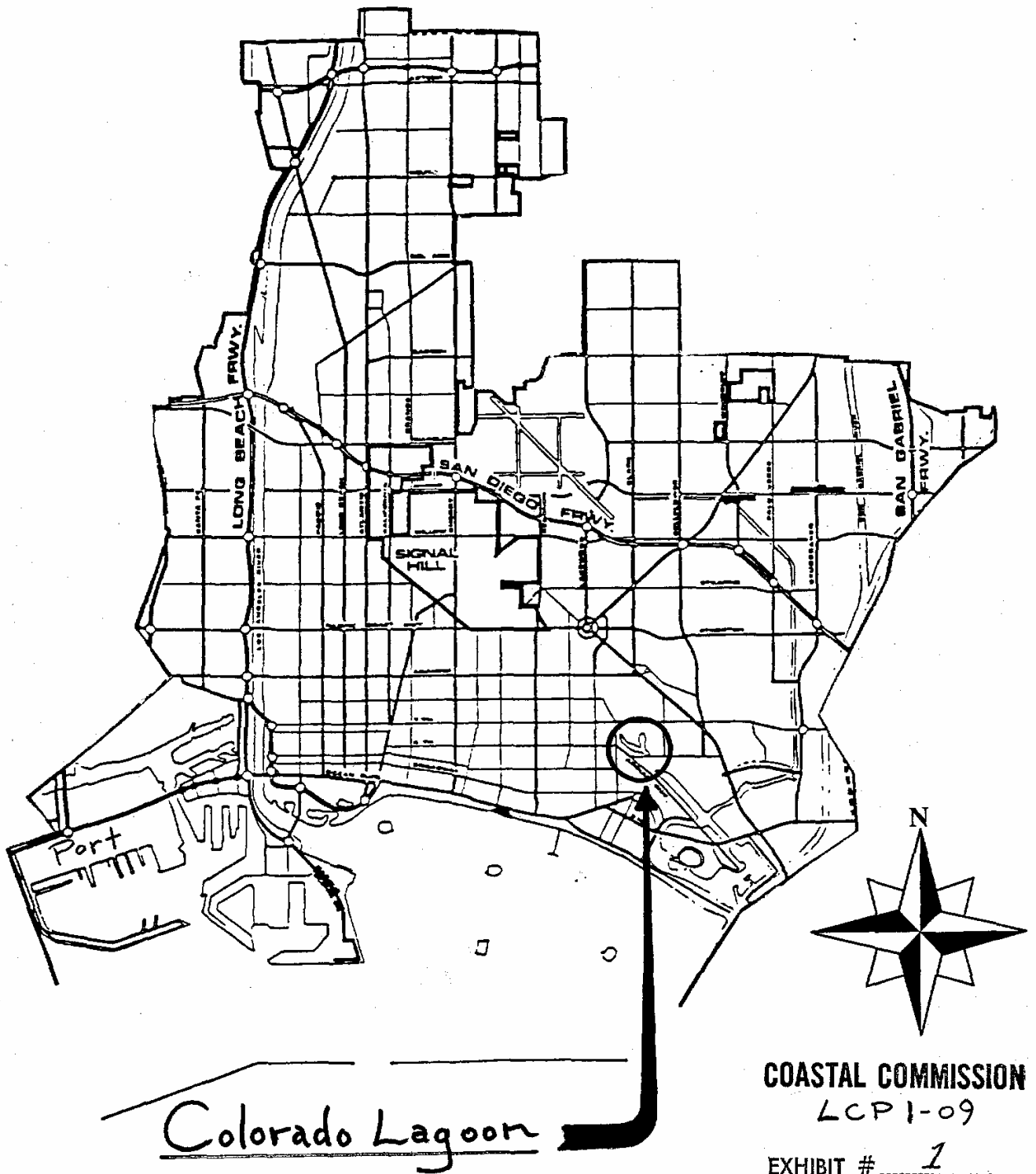
On August 14, 2009, the Commission approved Coastal Development Permit 5-09-071 for Phase One of the Colorado Lagoon Restoration Project. The Commission found that as conditioned the project would avoid all significant impacts related to resources protected by the Coastal Act and that there were no environmentally preferable alternatives to the project as conditioned. The suggested modifications adopted by the Commission are consistent with the conditions that the Commission imposed on the project.

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted:

...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 finds that, for the reasons discussed in this report, the proposed LCP amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the LCP if modified as suggested complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment if modified as suggested will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

City of Long Beach

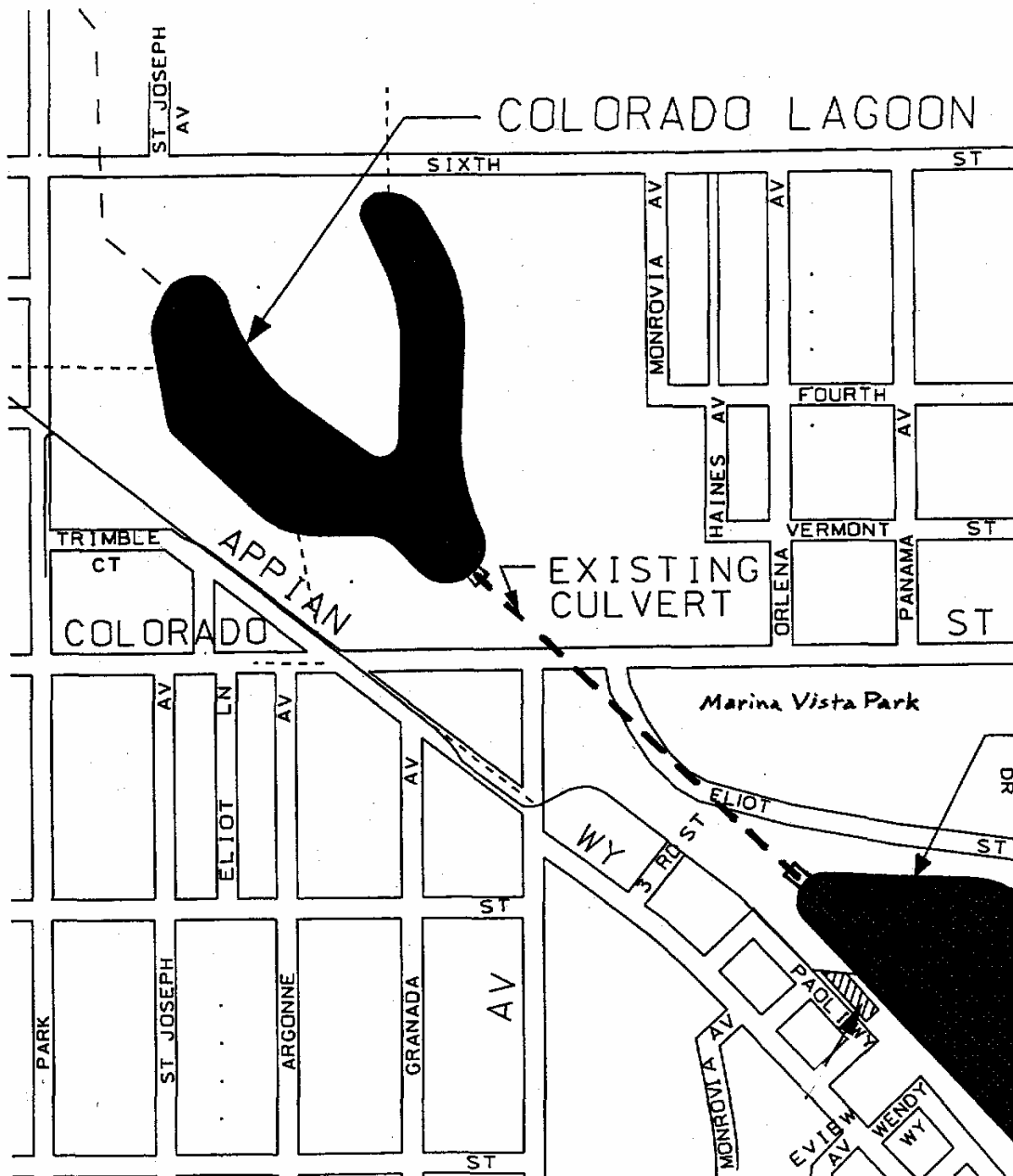


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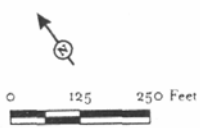
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LSA



- Project Boundary
- Swimming Area
- Sand Nourishment Area
- Trail (Decomposed Granite)
- Existing Sidewalk
- Proposed Bioswale
- Proposed Viewing Platform
- Access Road and Parking Lot to be removed with proposed project

SOURCE: Air Photo USA (2008), Moffat & Nichol (2007), Thomas Bros. (2007).
 I:\CLB0803\GIS\PropRecreation_Fig6.mxd (1/29/2009)

Colorado Lagoon

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EXHIBIT # 3

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Local Coastal Plan Colorado Lagoon Introduction: The following text is intended to replace the existing text on page III-R3 of the City's LCP.

Colorado Lagoon is an 11.7-acre tidal water body, which is connected to Alamitos Bay and the Pacific Ocean through an underground tidal culvert to Marine Stadium. The Lagoon is surrounded by 18.5 acres of City parkland. A small building housing a preschool program for three- to five-year-old children and a model boat shop are located near the beach on the south side of the Lagoon. Other on-site facilities include the Colorado Lagoon Marine Science Center, a restroom, picnic tables, parking, a pedestrian bridge, a lifeguard station, sandy beach areas, and grassy open space areas.

The Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. The water and sediment quality within the Lagoon are currently degraded. The Lagoon is currently listed on California's 303(d) list of impaired water bodies due to elevated levels of lead, zinc, chlordane, and polycyclic aromatic hydrocarbons (PAHs) in the sediment and chlordane, dichloro-diphenyl-trichloroethane (DDT), dieldrin, and polychlorinated biphenyls (PCBs) in fish and mussel tissue. In addition, testing confirmed the presence of PCBs, cadmium, copper, mercury, and silver as secondary contaminants of concern. Bacterial contamination of the Lagoon water is also a major issue. As a result, beach advisory postings due to elevated bacteria levels are frequent and the recreational value of the Lagoon is reduced.

The City is committed to implementing improvements to the Lagoon and adjacent areas. The City's goal is to restore the Lagoon's ecosystem, restore the existing native habitat, provide enhanced recreation facilities, and improve water and sediment quality while managing storm water flows.

~~Existing text.~~

Page III-R3

~~Colorado Lagoon is a popular free swimming and clamming site on City tidelands connected to Marine Stadium by a tidal gate, which is often used to hold water levels up for swimming in the Lagoon. Water quality for human use and for clams is sometimes a problem owing to slow tidal flushing and to urban runoff. The whole facility of about twenty acres of water and twenty acres of perimeter land is a regional facility, attracting out-of-City users on hot summer weekends, and yet it lies closely within well-established local neighborhoods. Any degradation of quality of the manmade and natural features of this facility tends to catalyze a dissociation of regional and local patronage which in turn tends toward further degradation. This RMP aims to upgrade the whole facility while keeping it open and unfenced for aesthetic, swimming and clamming enjoyment both by visitors and by local residents so that its quality will remain upgraded. Water quality will be improved by urban runoff control and scientifically determined tidal gate regimens. Structures, equipment and landscaping will be improved and increased. The north bank area will be made more scenic and useful to local users by erosion control and landscaping, and possibly by the addition of two acres of a grassed and shaded picnic area. Public health will be guarded by frequent testing and posting of bilingual warnings during hazardous conditions.~~

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EXHIBIT # 4
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Local Coastal Plan Colorado Lagoon Text: The following text is intended to replace the existing text on page III-R49 through III-R62 of the City's LCP. (See Exhibit #5)

5.1 Description of the Colorado Lagoon

The Colorado Lagoon (Lagoon) is an 11.7-acre tidal water body that is connected to Alamitos Bay and the Pacific Ocean through an underground tidal culvert to Marine Stadium. The Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. The Lagoon water body is surrounded by 18.5 acres of parkland that are within the developed urban area of southeastern Long Beach. The Lagoon is primarily accessible from East Appian Way and East Colorado Street via Park Avenue from East 7th Street and Pacific Coast Highway (SR-1). Many local streets also provide access to the Lagoon.

The Lagoon is located within a recreational area of the City. Specifically, Marina Vista Park and the Marine Stadium are to the southeast of the Lagoon, and the nine-hole Recreation Park golf course owned by the City is adjacent to the north of the Lagoon. The Colorado Lagoon and the nine-hole golf course are City property, undistinguished by interior legal boundaries. A fence exists between portions of the Colorado Lagoon area and the golf course. This fence line is one of arbitrary convenience and does not necessarily demarcate tidelands from uplands in the historical or jurisdictional sense.

The Lagoon is a popular recreation resource and is designated as a "Special Use Park" in the Open Space and Recreation Element of the General Plan (October 2002) and zoned Park ("P"). The Lagoon provides free year-round recreation activities, including swimming, sunbathing, picnicking, walking, bird watching, and model-boat making. Main access to and the majority of use of the Lagoon is along the south shore, where beaches and a few structures (preschool program, a model boat shop, the Colorado Lagoon Marine Science Center, and a lifeguard station) are located.

5.2 Existing Condition

The ecological health of the Lagoon has been deteriorating for many decades for several reasons. The Lagoon receives inflow from 11 storm water drains. Since the Lagoon is a natural low point in the watershed, it accumulates pollutants deposited over the entire watershed that enter the storm drains by storm flows and dry weather runoff. The Colorado Lagoon's watershed is 1,172 acres and is comprised of 773 acres of residential, 125 acres of commercial, 55 acres of institutional (schools), and 219 acres of open space land uses. Urban runoff contains many pollutants such as heavy metals, pesticides, petroleum, hydrocarbons, nutrients, and bacteria. As a result, the Lagoon is listed in the 2002 and 2006 Clean Water Act Section 303(d) lists as an impaired water body due to elevated levels of lead, zinc, chlordane, and polycyclic aromatic hydrocarbons (PAHs) in the sediment and chlordane, dichloro-diphenyl-trichloroethane (DDT), dieldrin, and polychlorinated biphenyls (PCBs) in fish and mussel tissue. In addition, testing confirmed the presence of PCBs, cadmium, copper, mercury, and silver as secondary contaminants of concern. Bacterial contamination of the Lagoon water is also a major issue. As a result, beach advisory postings due to elevated bacteria levels are frequent and the recreational value of the Lagoon is reduced.

Other than flows from storm drains, water flows to the Lagoon through a tidal culvert that connects the Lagoon to Marine Stadium. This tidal culvert was developed in the 1960s along with fill of the area that is now Marina Vista Park. Because the culvert has not been cleaned or maintained since

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development, sediment deposition and marine growth within the culvert have reduced its capacity. This capacity reduction decreases the allowable tidal flushing of the Lagoon waters and results in increased degradation of water quality. Without specific resource management attention, deterioration of the habitat and recreational environments at the Lagoon would continue.

5.3 Restoration Project

Because of these existing environmental and recreational concerns, the City has developed a comprehensive plan for restoring and improving the open space, recreational resource, and biodiversity that the Lagoon provides. The objectives of improving the Lagoon are to (1) create a native sustainable habitat, (2) implement water quality improvement and control measures, (3) remove contaminated sediment from the Lagoon floor, and (4) enhance the Lagoon's value as a recreational resource. Specifically, the plan would:

- Reduce and treat storm and dry weather runoff to minimize contamination of water and sediment in the Lagoon.
- Improve water quality by increasing the Lagoon's circulation and enhancing the tidal connection with Marine Stadium.
- Restore and maintain the estuarine habitat.
- Balance flood control, water quality, and the recreation demands of the Lagoon.
- Enhance public enjoyment of the Lagoon.

The objectives listed above are intended to implement goals and policies of the City's Open Space and Recreation Element of the General Plan and the Long Beach Department of Parks, Recreation, and Marine Strategic Plan, which are summarized below.

Open Space and Recreation Element

- Restore Colorado Lagoon to serve as both a productive wetland habitat and recreational resource by reducing pollutant discharges into the water, increasing water circulation with Alamitos Bay and/or restocking or planting appropriate biological species.
- Develop well-managed, environmentally sustainable, natural ecosystems that support the preservation and enhancement of natural and wildlife habitats.
- Promote the creation of new and reestablished natural habitats and improve open areas, including wetlands, water bodies, and native plant communities to sustain and support marine life habitats.
- Make all recreation resources environmentally friendly and socially and economically sustainable.

Department of Parks, Recreation, and Marine Strategic Plan

- Recreation programs and facilities will be designed to develop and serve a lifetime user through active, passive, and educational experiences.
- Support efforts to improve the water quality and cleanliness of City beach areas.

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5.4 Conformity with the Coastal Act

The existing uses and planned improvements to the habitat and recreational opportunities at the Lagoon are in conformance with the California Coastal Act. Specifically, the following Coastal Act sections support and are supported by the Colorado Lagoon Restoration Project.

Section 30210. Access; recreational opportunities; posting: 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. Lower-cost visitor and recreational facilities: Lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

Section 30220. Protection of certain water-oriented activities: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30230. Marine resources; maintenance: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. Biological productivity; water quality: 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 wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233. Diking, filling, or dredging; continued movement of sediment and nutrients: (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (6) Restoration purposes; (7) Nature study, aquaculture, or similar resource dependent activities.

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

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5. COLORADO LAGOON (c.1979)

5.I Description of the Waterland

Colorado Lagoon is composed of a V-shaped body of water, of about twenty acres in area of surface, plus a land perimeter about a hundred or so feet wide, adding about another twenty acres. The base of the V contains a tidal gate (about eight sq. ft. in cross section) which regulates tidal flows of sea water from the northwest end of Marine Stadium through a conduit under filled land at the end of Marine Stadium across which Colorado Street traverses. Between Colorado Lagoon and Sixth Street, the next through street parallel to Colorado Street, are four fairways and greens of a nine-hole golf course owned by the City (by purchase in the 1940's). A chain-link fence separates the Colorado Lagoon area from the golf course area. The fence is about twenty feet north from the road entering on Sixth Street which provides access to the inner grounds and north beach of the lagoon when the chain-link gate of the fence at the road is open. The fence also cuts off part of the west arm of the lagoon to public access, except to golfers paying a fee. The other five holes of the nine-hole golf course lie in the rest of the lower part of Recreation Park, between Sixth and Seventh Streets, some of which is graced by rustic instead of chain link fencing.

The forty acres (approximately) of Colorado Lagoon plus the sixty acres (approximately) of the nine-hole golf course are City property undistinguished by interior legal boundaries. The fence between the Colorado Lagoon area and the golf course cuts into the north end of the west arm of the lagoon and elsewhere is contoured close to the road and parking lot of the north beach mostly without regard to historical acquisition or boundaries and with strong regard for golf-course layout convenience as the criterion. The fence line between the golf course and Colorado Lagoon, therefore, is one of arbitrary convenience and does not necessarily demarcate tidelands from uplands in the historical or jurisdictional sense.

When the tidal gate at the base of the V-shaped lagoon is left open, the water level fluctuates several feet with the tides. At low tide, muddy and somewhat odoriferous banks and bottoms are exposed at the upper ends of the V. Much of the mud and debris found in these locations are not original soil and submerged land surfaces (which were sandy) but sediment from runoff of storm drains which enter the sides and tips of

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the V (some being effluents of storm sewers built and owned as easements by the Los Angeles Flood Control District and others are drainage from the golf courses of Recreation Park). During the swimming season the tidal gates are often left closed to keep the water level up.

The popular recreational activities using Colorado Lagoon are wading, swimming, sunbathing, picnicking, family get-togethers, model-boat making, cooperative nursery and clamming. Furthermore, the waterland is significant real and potential open space in its own neighborhood, providing up to thousand-foot vistas across water (and having the added sparkle at night in the summer when the swimming areas are illuminated, the water being warmer than the ocean and the area being protected from ocean breezes). The area is designated "Open Space--Parks" in the Land Use Element of the General Plan, adopted October 24, 1978. Historically, the lagoon was used for national try-outs for swimming and diving competitions of the 1932 Olympics. Like the Marine Stadium area and upper Recreation Park, the Colorado Lagoon area (not in exact present boundaries) was part of the City's purchase of land from private interests by general revenue bonds. Lower Recreational Park was bought and assembled piecemeal, lot-by-lot, mostly in the 1940's. After assemblage, the present boundary between Colorado Lagoon and Recreation Park was created by positioning the chain link fence, referred to above, which does not follow boundaries of acquired parcels but meanders in and out of the old Colorado Lagoon and the newly acquired parcels).

In its present state of development, Colorado Lagoon has a beach area about a thousand feet long and a hundred feet wide on the south bank; and another about half as long on the opposite north bank of the west arm of the lagoon. This area is mostly naturally sandy from ancient times. The sand extends across the bottom of the west arm. Both sides of this central part of the west arm are popular sunbathing, swimming and wading (families with small children) facilities, remaining free year-round, although the north beach is accessible only by foot across a floating causeway during much of the time, because a fenced gate to the road off Sixth Street to the north beach is often kept closed to the public. This road terminates above the north beach with a hundred parking spaces and a turn-about. Nearby is a restroom building, built within the past decade, for use by golfers on the uphill side and users of the north beach area on the downhill side.

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(without interior passage from golf course to Colorado Lagoon). The building is connected at midpoint with the chain-link fence which separates the golf course from the north beach area.

Thus, the waterland consists mostly of the V-shaped lagoon itself with a land perimeter of fifty to two-hundred feet wide, all totalling about forty acres. Main access and heavy use is along the southwest bank with beaches and a few structures (nursery, model boat shop, life-guard station, restrooms, picnicking, fire-places and tables, children's play area). Meanwhile, the north-end of the larger west arm and most of the smaller north arm of the V have muddy bottoms not very suitable for human use except for clamming. And, clamming here is a favorite activity of persons from quite a wide radius around Long Beach. Several native species of clams grow here, but the main attraction to clam aficionados and gourmets is the East Coast species called cherrystone clams or quahogs. This clam population has been declared by the State Department of Fish and Game to be a productive resource worth maintaining.

5.2 Problems of Resources Management

Just like Alamitos Bay and Marine Stadium, Colorado Lagoon is already developed and has been used for decades as a public good, but must be positively and actively protected and preserved to remain such. In the process of protection and preservation it should be the object of some improvement (beyond maintenance) which will make it better than it is today--the only way to assure that it does not become worse than it is today.

Without specific resources management attention, deterioration could be confidently predicted for the water quality of the lagoon, for the edibility of the clams, for the quality of public structures and services, for compatibility of on-site activities with surrounding neighborhoods, and for public availability and access. Currently, water quality (of the west arm particularly) is usually satisfactory for swimming except after rains when turbidity and coliform counts rise owing to the entry of storm-drain effluents into lagoon waters. Two such three-foot-diameter storm drains enter the north end of the west arm of the lagoon, and three enter the north arm of the lagoon. This same urban runoff during the rainy season brings sediments and heavy-metal toxins (such as lead from gasoline additives deposited on streets) which are concentrated by the clams, rendering their safe edi-

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bility, a question always to be considered. The City Health Department periodically tests the water for swimming safety and the clams for edibility, and posts numerous sturdy bilingual warnings during known unsafe conditions (such as occurred during February - May of 1979, for instance). Yet, determined clammers are not deterred. Some seem to be incredulous of such warning. (for example, the State Fish and Game Department early in 1979 issued a number of citations to clammers collecting more than their allowable limit while the water level was down, exposing abundant clam colonies, during clean-up operations in March with the tidal gate open).

The urban area draining into the lagoon is about a square mile of various land uses plus Recreational Park (which is mostly golf courses). In this watershed are some older, mixed commercial and small-industry establishments, hospitals, laboratories and residences. Presumably the RWQCB has properly issued permits in this area and the LAFCD inspects for illegal or inadvertent discharges into their channels. But considering the wide range of possibilities for pollution of storm drains (violations, ancient uses before permits, improper connections, overflow of pesticides and fertilizers, etc.), this presumption will not go uncontested by this RMP.

Furthermore, the golf courses of Recreation Park, especially the lower nine-hole course, pollute the water of the lagoon by seepage of contaminants to ground-water table which pass into tributaries (some of which originally were probably tidal) in the park which flow eventually into the lagoon directly or via conduits and land forms created in the construction of the golf courses. And, immediately next to the north beach area of Colorado Lagoon, the excess water from irrigating the nine-hole golf course in lower Recreation Park frequently overflows through the chain link fence between Park and Colorado Lagoon. Sheet water flow effects are often evident as water, mud in the road, erosion rivulets and gullies, destruction of grass and landscaping in the north Colorado Lagoon, and consequent muddy sediment in the lagoon bottom. For many years the golfing public (unbeknownst to them as individuals, but as a consequence of golf-course layout on City property) has enjoyed benefits unnecessary to the playing of golf at the expense of the actual and potential Colorado Lagoon public--a social inequity to be redressed in implementation of the RMP, without any significant loss of golf-course utility as a golf course.

Regarding free public use of Colorado Lagoon, the funds for programs and maintenance--and even worse for capital improvements--are under the joint fiscal squeeze

of Proposition 13 and shrinking tidelands oil revenues to the City from the State. The constriction of City general operational funds for parks and recreation and the pinch of dwindling oil-royalty rebates from the State, used to pay for lifeguards, custodians and maintenance, place a burden on the future remaining financial resources to provide free public use of Colorado Lagoon of a quality at least equal to that of the past. The official reason for closing the gate to the north beach is lack of funds to guarantee public safety in swimming. The absence of picnicking tables and other park furniture is attributable to the same fiscal problem. Similarly, the development of the northwest corner for general use has not materialized and as a consequence about an acre of usable area is neglected and unused.

These types of small neglects or lacks of improvements are exactly some of the factors which gradually contribute to deterioration of the whole facility and a dissociation of interest in the facility by local residents. Without this interest, the facility could continue to become more and more only for out-of-city users, with an acceleration of local disregard and isolation. A mixture of local interest and regional use is needed to keep the facility an integral part of its neighborhood environs as well as a regional public good.

It could be argued that the whole facility should be fenced for operational control, for public safety and for 24-hour conservation of the facility. However, preservation of the clam population does not require such protection, even though there is some night-time and illegal clamming at times when the Department of Fish and Game cannot watch over and issue citations to offenders. But this practice has gone on for years without any significant threat to the clam population. Regarding public safety and the edibility of the clams, even fencing would not preclude the ingestion of toxic clams. The warnings posted by the Health Department are clear and obvious in English and Spanish. The lifeguards can also advise people to read and heed the signs; but that is all that can be done until toxic runoff is controlled and tidal flushing is increased. Regarding protection of the physical structures and equipments, vandalism is not a serious or expensive problem; a fence is sometimes an attraction to vandals; and any otherwise acceptable fence at Colorado Lagoon could be gotten around or through.

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Regarding safety measures and the prevention of drownings, protective fencing can be installed at especially dangerous places (as now). Fencing the facility would help little. Moreover, the banks are or can be sloped so that the edge-gradient into the water is gradual. The argument has been advanced also that ocean beaches and other tidal areas are not fenced to prevent public access.

Regarding public space and scenic vistas, fencing the whole property would seriously impair the aesthetic worth of Colorado Lagoon. (An informal poll was made by the CAC of local residents with the results that fencing is not desired for safety reasons and is positively rejected for scenic reasons.) Thus, the RMP advocates openness of Colorado Lagoon, including the gates to the north beach and park area so that this area can be used (with improvements recommended by the CAC and the RMP) for relaxing with grassy and landscaped places with park furniture. In this way, many local residents can share in the opportunity for scenic vistas within walking distance, now limited as an opportunity to a tiny plot of park-like land at the north end of the north arm and to a few adjacent residences of Alamitos Heights.

Such increased local appreciation and use of Colorado Lagoon, in a mix of regional uses as a general facility, is the kind of local participation needed to prevent the eventual view of Colorado Lagoon as a regional facility only, isolated from the neighborhood which surrounds it. Such a view will only precipitate further neglect and decline and worsen the consequences of such an attitude in a downward spiral, possibly resulting in confrontation, degradation of property values, and loss of community identity and spirit. Closing Colorado Lagoon and limiting the potentially diverse use of the north beach and park area is considered contrary to its "Open Space-Parks" designation in the General Plan, and to the public access policies of the Coastal Act.

The biological and ecological reasons why the East Coast clam species (cherrystone or quahog) thrives in Colorado Lagoon and no place else on the West Coast are unknown. A tidal gate regimen allowing frequent tidal flushing would help get rid of the urban runoff sediments and toxins in the rainy season and would improve water quality generally. But how would the clams fare? (A U.S. Sea Grant research study is now underway at the University of Southern California to assist in answering this question.) And, what reduction of availability for swimming would such a regimen bring? The CAC policy statement, based on the con-

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cerns of the citizens paraphrased in the above discussion, plus the implementation of the RMP together is an approach to solving the problem of maintaining and saving for continued free future use (at no less quality than today, and hopefully better quality) a coastal recreation resource, under conditions of unknown ecological factors and conflicting priorities during a time of fiscal conservatism.

5.3 Citizens' Policy Statement

In italics below is quoted verbatim the CAC policy statement on Colorado Lagoon. This policy statement is an integral part of the RMP for direct implementation unless modified for implementation or extended in time by the RMP in Section 5.5.

A. GENERAL POLICY

Use of Colorado Lagoon should be primarily recreational. However, presence of its unique clam population requires strong conservational considerations. Commercial use other than food services and beach equipment should not be allowed. Educational use should be encouraged.

B. GUIDELINES

1. MANAGEMENT RESPONSIBILITY*

Overall management of the Colorado Lagoon should be vested in the Marine Department (see Alamitos Bay).

2. WATER QUALITY

- a. *The major storm drains presently emptying into the west and north arms of the Lagoon should be diverted to the ocean or the San Gabriel River.*
- b. *Sediments deposited by the storm drains should be removed and replaced by sand. Clams should be re-bedded. Entire process should be supervised by Department of Fish and Game.*

3. PUBLIC ACCESS

- a. *When recreational use conflicts with maintenance of the clam population, controls must exist in favor of the latter.*

*See qualification in paragraphs (1) and (2) of 5.4

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- b. *Public health and safety must be assured during major maintenance activities and periods of poor water quality or exposed sediments.*
- c. *Provide directive signs and other amenities to encourage maximum use of the north beach and parking lot.*
- d. *Health Department should monitor clams to preclude human ingestion of toxic metals.*
- e. *A children's play module should be provided on the south shore.*

4. MAINTENANCE

Prepare a plan for upgrading and maintaining the appearance of lagoon area. This plan should include improved landscaping, grass picnic areas (especially at the northwest end), erosion control, and increased beach area. The plan should be in two phases, recognizing the the impact of Guidelines 2a and b. (Staff to prepare preliminary layouts of alternative recommendations for review by Committee.)

5.4 Augmenting Implementations

The resources management problems of Colorado Lagoon are complex and intertwined, as the last paragraphs of Section 5.2 portray. Adjusting any one factor to solve one problem affects many other factors in unknown or unpredictable ways which may help or worsen the solution of another problem. The CAC has recommended a thrust in the direction of unified management, water quality protection, capital projects and better maintenance because the basic concern of citizens groups is simply this: Without improvement there most likely will be deterioration in a downward spiral, and since Colorado Lagoon will never "go away" it could get worse and worse. Already in the past few years, a slackening of some of the local utilization of Colorado Lagoon has taken place, such as in evening swimming and enrollment in free swimming lessons offered by the Recreation Department. This reduction of usage has been attributed to the gradual deterioration of the whole facility (despite modest capital improvements in the form of general renovation in 1976 and the replacement of a few small buildings left over from the 1932 Olympics with new structures); to the heavy daytime use of the facility in summer by out-of-city groups leaving behind clean-up problems; and to the contraction of inhibition of use by local residents. This reduction in usage has not been attributed to

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any loss of need or of demand for local and regional recreational facilities of the types afforded by Colorado Lagoon. Quite the opposite, the infilling of vacant tracts with residential developments in the SEADIP area and the general increase of regional population without parallel increase in recreational facilities imply increased need and demand in the future.

The RMP implements the CAC policy both through specific actions suggested by the policy itself and through additional actions based on study and analyses not available to the CAC at the time of its deliberation in 1978. (These are consistent with CAC policy.)

(1) It is recommended that the City Manager consider assigning responsibility for interdepartmental coordinative management and overall operational management to the Tidelands Agency of the City of Long Beach. Various departments and bureaus (Recreation, Health, Tidelands, Parks, Police, State Fish and Game, etc.) will continue their existing programs and maintenance functions unified by the Tidelands Agency's role in effecting coordination and showing social accountability for preservation and progress.

(2) Funding of operational functions and capital projects, therefore, will be proportional to the coordinated contribution of each department, agency or bureau which contribution might variously be in one or more of several forms: satisfaction of social need (e.g., recreation, open-space availability); delivery of operational services (e.g., police protection and regulation, safety, lifeguarding surveillance); provision of general regional benefits (e.g., protection and production of edible clams); and spoilage of the facility to the benefit of or neglect by others (e.g., flood control drainage and pollution from the golf courses).

(3) It is recommended that the City Manager assign to the Director of Planning and Building, in cooperation with the Tidelands Agency, responsibility for creating a phased development plan for Colorado Lagoon, correlated and interrelated with the land use patterns of the private land in the vicinity (say a radius of about one mile), and with long-term trends and social changes in use-needs for various City properties in the vicinity toward optimizing the joint patterns of land use along with facilities and neighborhood preservation. Such plan will be subject to approval by the City Planning Commission and the City Council as prescribed in State law for Specific

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The planning and approving procedures should include user and community participation processes followed by pre-noticed public hearings.

(4) Public access and open-space vistas will not be impeded by closed fencing, or by closure of gates to access paths or roads, except during maintenance and construction activities and during conditions hazardous to the public.

(5) Water quality, not water level, will dictate the duration and frequency and regimens of tidal gate openings. Flushing by tidal action will be optimized. When tidal gates are held closed for swimming levels, they will be opened for remedying an unsafe reduction of water quality for human health, either for swimmers or for edibility of clams.

(6) Water quality in the off-season for swimming will be tested weekly, and daily after each rain-storm until swimmable quality returns. During the summer swimming season, water quality will be tested daily. In all cases, unsafe condition will be posted conspicuously in English and Spanish.

(7) The State Department of Fish and Game will be responsible for the health of the clams, the Department having already declared the clam population a unique productive resource on the West Coast to be maintained. Action by the California Department of Fish and Game to manage these clam beds shall be encouraged and permitted by the City except that disruption of the swimmability of the west arm of the lagoon during swimming season shall be minimized.

(8) The beach and swimming areas of Colorado Lagoon will be maintained with sandy banks and bottoms. All sandy surfaces, both dry and submerged, will be kept clean of sediments, debris and organic growths so that the water is clear and clean for safe swimming and is safe under foot for wading in these areas regardless of tide level. Sand replacement will be done to meet the above objectives when necessary or desirable.

(9) Chemicals will not be introduced into the water to effect sanitary water quality for swimming purposes. Any water treatments (chemical or physical, except for tidal gate openings) for maintaining a healthy clam population will not be done such as to reduce water quality for swimming during the swimming season (and only for a short time in off-season).

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(10) The City Bureau of Environmental Engineering, in cooperation with the Los Angeles County Flood Control District and the Regional Water Quality Control Board, will monitor the inputs and tributaries of the storm drains emptying into Colorado Lagoon, inspecting for unnecessary, preventable of illegal discharges into this system and looking for simple physical or operational ways to cut down the toxicity and pathogenicity of legal urban runoff into this system.

(11) A stop will be put to the many-year degradation of Colorado Lagoon by the adjacent golf courses of Recreation Park owing to the runoff of irrigation water from these golf courses. This runoff pollutes the lagoon water and erodes the perimeter grounds. Furthermore, this many-year gain or neglect by the golfing public at the expense of loss by actual and potential users of Colorado Lagoon will be redressed by land redistribution along with correction of the runoff problem and by creating a golfing-based funding source for the operation of Colorado Lagoon. (Methods for doing this are nominated in the next section.)

(12) Landscaping will be installed between Park Avenue and the northwest corner of Colorado Lagoon. The area between this and the water will be grassed and equipped for picnicking, but not for swimming in the adjacent water.

(13) The tree-shaded areas along the south bank will be equipped and maintained with grassy areas and picnicking facilities and tables. The structures now there will be maintained in good usable condition.

(14) The City Health Department will be responsible for testing the clams in Colorado Lagoon and for posting hazardous conditions regarding clam edibility

5.5 Alternatives for Sequential Implementation

Further study with research and analysis will provide information for creating and choosing alternatives for phased improvement of Colorado Lagoon. Examples are outlined below.

(1) An interdepartmental design and funding study at the initiative and coordination of the Planning and Building Department will be conducted for remedying the pollution and erosion caused by runoff from the golf courses of Recreation Park.

(2) In the above study, or separately, the following alternative for improving Colorado Lagoon's north

beach-and-park area will be studied in detail. In this alternative, a strip of grassy park-land would be added to the north area of Colorado Lagoon by slicing off a strip of the adjacent golf course, from the restroom all along the north beach road to Sixth Street, simply by moving the fence into the golf-land area about fifty to a hundred feet. The strip could be detached from the golf course without significantly affecting golfing. This strip would furnish some trees, shady areas and landscaping for a diversified and year-round use of Colorado Lagoon. During the same action, control of runoff would be affected and the remainder of the north area (other than beach) could be grassed, landscaped and furnished with picnicking fireplaces and park furniture. The area exchanged would be only about two acres (out of about sixty of the nine-hole golf course and added to about forty of Colorado Lagoon); but with other erosion control, grassing and landscaping would significantly improve the vista to this area from other places (as nearby residences) and offer scenic vistas to persons using this park-land.

(3) An ecological study, under the initiative and coordinative direction of the Planning and Building Department and Tidelands Agency will be made of the systems relationships among alternative operational regimens of tidal gate openings, tidal flushing hydrology, storm debris removal, ecological health of the lagoon arms (especially of the clams), and water quality for swimming.

(4) The phased development plan for Colorado Lagoon, specified in Section 5.4(3), will be accompanied by a staff study on the equitable distribution of funding sources described in Section 5.4(2) for capital improvements and long-term maintenance.

(5) A simple feasibility study will be conducted of various ways the flood control drains into Colorado Lagoon could be diverted to other conduits or otherwise be extended to the ocean or to the San Gabriel River.

(6) A cost-benefit study will be made of the major capital improvement projects suggested by the CAC, such as the diversion of the storm drains to the San Gabriel River, after the information of the above items has accrued. The resulting cost-benefit justifications will accompany the entry of these candidates into the City's budget cycle. Meanwhile, other possible funding sources will be explored, such as Federal

208 Water Quality funds, donations by large developments in the SEADIP area, special assessment districts, and State assistance to the Flood Control District.

5.6 Conformity with the Coastal Act

In adopting the Coastal Act the State Legislature, among other things, desired that tidelands as a State public trust are optimally used or preserved indefinitely for the citizens of the State (#30001.5-a,-b), but without disrupting established neighborhoods (#30010) and without allowing new local developments to depend heavily on local coastal facilities for the recreational amenities which should be the normal complement of land use to any residential development (#30252-6).

The intent of the Legislature is carried out in the RMP for Colorado Lagoon by improving the facilities of and access to Colorado Lagoon for open use by the public at large. The details will be established by a planning process which will involve local citizens as well as representatives of users of Colorado Lagoon. Furthermore, the overall thrust of the RMP for Colorado Lagoon is to revive and perpetuate the variety of uses and the general usefulness of Colorado Lagoon so that any propensity toward deterioration is reversed; and, after improvements are added, the maintenance will keep up a high and steady level of quality and service year-round to local neighborhoods as well as to more distant visitors.

While the RMP does not negate or neglect any of the goals or policies of the Coastal Act, it emphasizes in detail (some more than others) those most relevant and most needing attention. As a framework for discussing this detail, several Coastal Act policies are quoted below.

"#30251 Scenic and visual qualities

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..."

"#30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall

be distributed throughout an area so as to mitigate against impacts, social and otherwise, of overcrowding or overuse by the public of any single area."

"#30210 Access, recreational opportunities, posting

In carrying out the requirement of Section 2 of Article XV 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 area from overuse."

These policies support the position of the RMP that Colorado Lagoon not be enclosed by a fence; that the northwest corner be grassed and landscaped and protected by a barrier from traffic on Park Avenue; that the north bank area be kept open to the public after enlargements and improvements. The enlargement would occur by moving the fence into the golf course forming a curved strip of park-land inside the north part of Colorado Lagoon. Other improvements would be erosion and pollution control from the golf course, more park furniture, and grassing and gravelling the banks of the north arm of the lagoon while preserving the clam population. These improvements will diversify the uses of Colorado Lagoon, provide opportunity for more and different kinds of persons to enjoy the scenic vistas, enhance the cross-water vistas from adjoining the neighborhoods, and make year-round use attractive to local citizenry.

The improvements of the north beach and park area of Colorado Lagoon are also implementive of policies under Article 3 (Recreation) and Article 6 (Development), as indicated in these policies:

"#30223 Upland Areas

Upland areas unnecessary to support coastal recreational uses shall be reserved for such uses, where feasible."

"#30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland."

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CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 Phone: 570.5972 Fax: 570.6205

February 13, 2009

Charles R. Posner
Coastal Program Analyst
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802

RECEIVED
South Coast Region

FEB 18 2009

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Posner:

On January 12, 2009, the City of Long Beach submitted to your office a request to amend the City's Local Coastal Program relating to the Colorado Lagoon Restoration Project. In response to your letter dated January 23, 2009, the City of Long Beach would like to correct a misleading typo in the ordinance relating to the definition of "Passive Park."

The "Passive Park" definition inadvertently includes Marine Stadium in a listing of features or characteristics of a passive park. The definition should have read:

"Passive Park" means a plot of land that is landscaped, maintained as open space, serves a neighborhood, and is used as a informal gathering place for relaxation and play. Passive Park includes, but is not limited to, parquets, urban oases, and small space sites. Permitted improvements and features include, but are not limited to, walking paths, sitting areas, play equipment, tables, fire pits, barbecues, public restrooms, landscaped and natural open spaces, habitat reserves, beaches, lakes, streams, lagoons and bays.

I hope this clarifies any confusion regarding our original submittal. Please do not hesitate to contact me at 562-570-5972 should you have any questions regarding this request for certification.

Sincerely,

Ira Brown
Planner

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