

CALIFORNIA COASTAL COMMISSION

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



Th12a

Click here to go to
original staff report

ADDENDUM

Date: July 6, 2015

To: COMMISSIONERS & INTERESTED PERSONS

From: SOUTH COAST DISTRICT STAFF

Subject: Coastal Development Permit Application 5-14-0017 (City of Long Beach, Kite Boarding), Long Beach, Los Angeles County, for Commission Meeting of July 9, 2015

Staff recommends the following changes be made to the staff report dated June 25, 2015. The proposed changes modify and clarify the conditions under which the vendors are authorized to operate; the recommended changes are generally proposed for clarification. Additions are shown in underline text and deletions are shown in ~~strike-out~~ text.

1. Special Condition Three on page 4 of the staff report, section 3 C shall be revised as follows:

- C. PRIOR TO LESSEE(S) OPERATION of the designated kite boarding lesson area, kite boarding launch and exit areas, and three kite boarding vendor areas, the applicant shall submit documentation indicating that the lessor City has incorporated all the above terms ~~of in section 3.A.(i)-(iv) this condition~~ in the lease with the lessee(s) and that the lessee(s) has ~~accepted~~ acknowledged and agreed to those ~~the terms of this condition~~.

2. On page 5 of the staff report, the third paragraph shall be revised as follows:

The City of Long Beach held a public meeting on the matter on April 28, 2015. The City's Municipal Code Sections 16.12.120 (Vessels Restricted from Swimming Area), 16.12.130 (Launch from or Landing on Beach), and 16.16.030 (Sale of Solicitation Permit) were reviewed as they pertain to kite boarding and stand-up paddle boarding activities and operations on the beach and in the water. The City determined that kite boarders and authorized kite boarding vendors must abide by all laws and regulations related to marine vessels, that boating and navigational "rules of the road" apply to kite boarding and must be observed, that kites being flown must remain at least one line length away from the pedestrian and bike paths, and that kite boarding and stand-up paddleboard vendors providing lessons and/or rentals must obtain a concession permit from the City. The City is requesting Commission authorization to issue three concession permits for kite boarding lesson and rental operations only. The City is not requesting or authorizing sales of any equipment or sundry items by the vendors in conjunction with the vendor permits.

3. On page 5 of the staff report, the second, third, and fifth bullets shall be revised as follows:

- Permitted operators may supply kite boarding and/or stand-up paddleboard lessons and services rentals.
- Permitted operators may provide lessons, and rental services only, ~~and~~; ~~the~~ sales of related equipment and sundry items is prohibited.
- The operators will be able to park one (1) vehicle (per permitted operator) on the Claremont Launch Ramp (**EXHIBIT 2**) or in the Claremont or La Verne Parking Lot as part of the operation. The vehicles are authorized to remain on the launch ramp for vendor set-up and take-down only. The vehicles may not impede launch ramp activities and may not remain on the launch ramp or in the parking lots overnight.

4. On page 7 of the staff report, Public Access and Recreation Findings are supplemented as follows:

Nearby residents have raised concerns that the existing parking supply for beach goers does not meet the current demand and that parking spaces in adjacent residential neighborhoods will serve as overflow parking for beach goers when the beach parking lots are full. Public parking for beach goers currently exists along Ocean Boulevard and within several beach parking lots near the proposed project site. The area proposed to be designated for kite boarding lessons and rentals is a popular recreation area that is already heavily used for kite boarding activities. As such, the City is requesting to regulate an activity that is already occurring. Additional impacts to public parking are not expected to be significant. In any case, the proposed recreational activity is a pilot project limited to eighteen months as described in **Special Condition 1**. Additionally, the proposed project is priority use that will increase public recreation opportunities along the coast and is encouraged by the Coastal Act. The proposed project is located on the public beach and, as conditioned, will enhance public recreational activities and conforms with Sections 30210, 30211, 30212.5, 30213, 30220, and 30221 of the Coastal Act.

5. Two letters of opposition to the proposed project were received on July 3, 2015 (attached).

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JUL 03 2015

CALIFORNIA
COASTAL COMMISSION

Agenda Number: Item Th12a
Application Number: 5-14-0017
Name: Donald R. Bissing, PhD
Position: Conditional Yes

To: California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

From: Donald R. Bissing, PhD
5381 East Ocean Blvd.
Long Beach, CA 90803



Date: June 6, 2015

Sirs:

In general, I have no objections to this proposed project. However, I do have strong reservations in two areas that if not met by the applicant would cause me to object strenuously to its approval by the Commission. My objections and rationales for them are as follow:

- 1) The use of electronically amplified speech or music must be prohibited. The landward side of Ocean Boulevard that would be impacted if this application is approved unconditionally is a wholly residential area. Some of the residents are shift workers or work from home while others simply wish to exercise the quiet enjoyment of their home or apartment. There are no intervening buildings or landforms between the proposed site of activity that would serve to dampen or muffle amplified sounds, hence, no practical means of ameliorating the impact on the facing residential areas. I want to note also that the use of decibel meters to "prove" compliance with the city's noise abatement ordinance would be a mere palliative unless carried out by professionals with appropriate equipment, i.e., capable of measuring the decibel level of all frequencies emitted by the amplified sound in question. Low frequency (bass) sounds travel farther and impact with greater acoustic energy than higher frequency sounds, and, therefore, should be taken into account. In my experience with other activities permitted in this area by the City of Long Beach, this has not been considered. However, regardless of the care with which amplified sound coming from the proposed beach activities is measured, it is the extent of intrusion of these sounds into the living quarters of the residents that is of concern. Since it is clearly impractical to measure decibel levels inside the homes and apartments of the residents, the simple solution is to prohibit electronically amplified speech or music for the proposed activity.
- 2) The City of Long Beach in the past has not seen fit to require sufficient parking facilities to accommodate the residents of the apartment buildings along Ocean Boulevard. Finding a parking slot is problematic throughout the year, but it is especially severe during the summer.

The City of Long Beach maintains two large pay parking lots in the immediate vicinity of the proposed project. I propose that the City be required to set aside portions of one or both lots for the exclusive use of the participants in the kiting activity. This would be pay-to-park for "kitters". Alternatively, the City should set aside a portion of one or both lots for the exclusive use of residents on a no-fee basis. Either action would serve, in an already congested area, to ease the increased parking space demand that this project would entail.

If my objections can be addressed by the applicant to the satisfaction of the Commission, I would favor approval of this project.

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JUL 08 2015

CALIFORNIA
COASTAL COMMISSION

Re: Agenda Item #Th12a
Application/Permit # 5-14-0017
City of Long Beach
Tony & Louise Guest
Opposed

To: California Coastal Commission
Ms. Effie Turnbull-Sanders
Ms. Dayna Bochco
Ms. Jana Zimmer
Ms. Wendy Mitchell
Ms. Mary K. Shallenberger
Mr. Mark Vargas
Ms. Martha McClure
Mr. Steve Kinsey
Ms. Carole Groom
Mr. Erik Howell
Mr. Roberto Uranga
Mr. Gregory Cox
Mr. John Laird or Ms. Janelle Beland
Lt. Gov. Gavin Newsom or Ms. Jennifer Lucchesi/Mr. Kevin Schmidt
Mr. Brian P. Kelly or Mr. Dale Jones
Ms. Belinda Faustinos
Ms. Terri Bowman
Mr. Steve Kram
Mr. Randy Pestor
Dr. Paul Song
Ms. Maricela Morales, Alternate
Ms. Sarah Glade Gurney, Alternate
Ms. Olga Diaz, Alternate
Dr. Charles Lester
Ms. Shannon Vaughn

Dear Commissioners, Alternates and Non-Voting Members,

We are vehemently opposed to the City of Long Beach obtaining a permit to "Establish a designated kite boarding lesson area, kite boarding launch and exit area, and three kite boarding vendor areas on the beach between Claremont and La Verne Avenue." (source: California Coastal Commission, Important Public Hearing Notice Coastal Permit Application, dated June 25, 2015.)

Approval of this permit would be a gross, private, commercialization of public space, an inappropriate use of the public beach as well as the creation of additional traffic and parking issues in an already heavily parking impacted residential neighborhood.

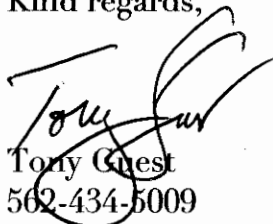
We are opposed to any additional (and existing) commercial beach activity. It appears that the City of Long Beach adds venues with little thought to the impact upon traffic, parking and the consequential negative impact upon quality of life for residents. If the City (or individuals responsible for these decisions) were to feel the impact of the additional beach activity personally, themselves, after a long day's work, circling the block or blocks over and over trying to find a space to squeeze their car into with other motorists tailgating, honking and shouting, I expect their views might be somewhat different.

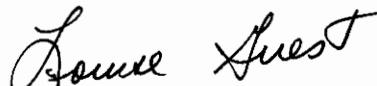
In the 37 years that we have lived in Long Beach's Belmont Shore neighborhood, there has been virtually no addition to parking in this part of town. There has however been a significant increase in beach related activities resulting in traffic congestion with parking becoming a nightmare.

Beachgoers and current kite boarders leave trash and debris on the beach, sidewalks, front yards and street including fast food bags, cups, plastic bottles, dirty diapers, etc.

Please do not conclude that we are simply old people ranting at progress. That is not our position. We feel that the City would serve its residents and beachgoers far better if there were some sort of balance applied to beach activity growth. At least understand that it is the residents that pay the price for the benefits that accrue the City in terms of revenue and the beachgoers in terms of activities and general beach fun.

Kind regards,


Tony Guest
562-434-5009


Louise Guest
562-756-2078

CALIFORNIA COASTAL COMMISSION

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



Th12a

Filed:	6/17/2015
180th Day:	12/14/2015
Staff:	S. Vaughn-LB
Staff Report:	6/25/2015
Hearing Date:	7/9/2015

STAFF REPORT: REGULAR CALENDAR

Application No.:	5-14-0017
Applicant:	City of Long Beach
Agent:	Elvira Hallinan, Manager Marine Bureau
Location:	5340 E. Ocean Boulevard, City of Long Beach (Los Angeles County APN 7247-028-906)
Project Description:	Establish a designated kite boarding lesson area, kite boarding launch and exit areas, and three kite boarding vendor areas on the beach between Claremont and La Verne Avenues.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the coastal development permit with **three (3)** special conditions regarding: **1) Approved Development Permit Compliance; 2) Best Management Practices; and 3) Assumption of Risk, Waiver of Liability, and Indemnity.** The applicant proposes to designate beach areas specifically for kite boarding lessons, kite boarding and stand-up paddleboard vendors, and kite boarding beach launch & exit areas for a temporary trial period of 18 months. **Special Condition 1** requires the applicant to comply with the terms of the approval. **Special Condition 2** requires all authorized vendors to observe best management practices. **Special Condition 3** requires an assumption of risk agreement from the applicant.

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. The proposed project is located on State Tidelands, within the Commission's original jurisdiction. Therefore the standard of review for the proposed project is the Chapter 3 policies of the Coastal Act. The certified LCP may be used as guidance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	3
II. STANDARD CONDITIONS.....	3
III. SPECIAL CONDITIONS.....	4
IV. FINDINGS AND DECLARATIONS	5
A. PROJECT LOCATION & DESCRIPTION	5
B. PUBLIC ACCESS AND RECREATION	6
D. HAZARDS.....	7
E. LOCAL COASTAL PROGRAM (LCP)	8
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	8

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plan

Exhibit 3 – Kite Surfing Commercial Operator Program Guidelines with Site Plan

Exhibit 4 – City of Long Beach Kiteboarding Guidelines

Exhibit 5 – International Kiteboarding Organization Kiteboarding School Requirements

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-0017 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Development – Permit Compliance.** Coastal Development Permit 5-14-0017 authorizes the establishment of a designated kite boarding lesson area, kite boarding beach launch and exit area, and three kite boarding vendor areas on the beach between Claremont and La Verne Avenues consistent with the following conditions. No physical development is proposed or authorized. The term of authorization is limited to eighteen months, commencing on the approval date of this permit and ending eighteen months thereafter. A permit amendment will be required in order to extend the authorization beyond the initial term. All development must occur in strict compliance with the proposal as set forth in the application, subject to the special conditions. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. **Best Management Practices.** All permitted kite boarding and paddleboard operators and vendors shall remove all equipment related to their commercial operations from the beach and parking lot by dusk each day. No storage of any equipment or vehicles related to the authorized commercial operations is authorized or permitted on the beach or in the parking lots before dawn or after dusk of each day. Overnight storage of vehicles or equipment related to the permitted commercial operations is prohibited unless specifically authorized by the City for specified special events. During authorized commercial operations, no kite boarding or stand-up paddle boarding equipment belonging to the vendors shall obstruct public access along the Claremont Launch Ramp. During authorized commercial operations, a 300' wide area between the designated kite boarding lesson area and the beach launch and exit area at the end of the Claremont Launch Ramp as seen in **EXHIBIT 3** shall remain clear of all commercial kite and stand-up paddle board activities.
3. **Assumption of Risk, Waiver of Liability and Indemnity.**
 - A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
 - B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.
 - C. PRIOR TO LESSEE(S) OPERATION of the designated kite boarding lesson area, kite boarding launch and exit areas, and three kite boarding vendor areas, the applicant shall submit documentation indicating that the lessor City has incorporated all the above terms of this condition in the lease with the lessee(s) and that the lessee(s) has accepted the terms of this condition.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The applicant proposes to designate an approximately 9,000 square foot (100' x 900') kite boarding lesson area, a 300 linear foot kite boarding lesson beach launch & exit area, a 3,000 square foot (100' x 300') experienced kite boarding beach launch and exit area, and three 15' x 30' kite boarding and stand-up paddleboard vendor areas on the beach seaward of the bike and pedestrian paths near the end of the Claremont Launch between Claremont and La Verne Avenues of the Belmont Shore area (LCP Area D) in the City of Long Beach (**EXHIBIT 1**). No physical development is proposed or authorized. The beach within the Belmont Shore area is located on public tidelands. As seen in **EXHIBIT 3**, the area at the end of the Claremont Launch Ramp, as well as the area between the proposed lesson and launch & exit areas, is proposed to remain clear of kite boarding activities and available to the public for general use. The delineated areas would be designated for kite boarding, stand-up paddle boarding, and related activities for an 18-month trial period, beginning with Commission approval of this coastal development permit. After the initial trial period, the designated areas will be reevaluated and potentially made permanent through a permit amendment.

Currently, the City of Long Beach has signage at Claremont Launch that explains the City's kite boarding rules and regulations. The City has not proposed to remove or change the language of the existing signs.

The City of Long Beach held a public meeting on the matter on April 28, 2015. The City's Municipal Code Sections 16.12.120 (Vessels Restricted from Swimming Area), 16.12.130 (Launch from or Landing on Beach), and 16.16.030 (Sale of Solicitation Permit) were reviewed as they pertain to kite boarding and stand-up paddle boarding activities and operations on the beach and in the water. The City determined that kite boarders and authorized kite boarding vendors must abide by all laws and regulations related to marine vessels, that boating and navigational "rules of the road" apply to kite boarding and must be observed, that kites being flown must remain at least one line length away from the pedestrian and bike paths, and that kite boarding and stand-up paddleboard vendors providing lessons and/or rentals must obtain a concession permit from the City. The City is requesting Commission authorization to issue three concession permits for kite boarding lesson and rental operations.

The City determined that the three commercial operators who receive concession permits for kite board and stand-up paddleboard operations must abide by the following rules (**EXHIBIT 3**):

- Hours of operation will be from dawn to dusk, seven days a week.
- Permitted operators may supply kite boarding and/or stand-up paddleboard services.
- Permitted operators may provide lessons, services, and sales of related equipment and sundry items.
- Each permitted operator will be allowed to set up a temporary 15' X 30' daily base of operations; the temporary base may include a shade canopy with a maximum size of 10' X 20', all items must remain within the designated 15' X 30' area (**EXHIBITS 2 & 3**).
- The operators will be able to park one (1) vehicle (per permitted operator) on the Claremont Launch Ramp (**EXHIBIT 2**) or in the Claremont or La Verne Parking Lot as part of the

operation. The vehicles may not impede launch ramp activities and may not remain on the launch ramp or in the parking lots overnight.

- The permitted operators must have a valid Long Beach City Business License, and report all sales made from the beach as Long Beach sales for sales tax purposes.
- Permitted operators must remove all items related to commercial operations from the beach and the parking lot at the end of each business day, except as specifically approved by the City as part of a Special Event Permit.
- Permitted operators shall maintain a Professional Air Sports Association certificated school status throughout the term of the City's permit.
- Permitted operators shall comply with all relevant sections of the City of Long Beach Municipal Code.
- Permitted operators shall comply with the City of Long Beach Kite Surfing Guidelines (**EXHIBIT 4**).
- Permitted operators shall adhere to the International Kiteboarding Association Kiteboarding School Requirements (**EXHIBIT 5**).
- Permitted operators shall instruct within the approved designated and delineated areas (**EXHIBIT 2**).

B. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout as area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project will enhance public recreation on the coast by providing convenient kite boarding and stand-up paddleboard lessons and rental opportunities to beach goers. Public access is protected by the 300' wide area at the end of the Claremont Launch Ramp that sits between the designated lesson and the launch and exit areas (**EXHIBITS 2 & 3**), which is to remain free of kite boarding activities and available for the public's general use as described in **Special Condition 2**. Additionally, **Special Condition 2** ensures that vendor operations will not obstruct the public's ability to use the Claremont Launch Ramp. **Special Condition 1** requires the applicant to conform to the proposed plan and obtain an amendment to the coastal development permit for any changes to the proposed project. **Special Condition 2** requires all permitted vendors to remove all operational equipment from the beach and the parking lots at the end of each day and prohibits overnight storage of vehicles and/or equipment associated with authorized kite boarding and stand-up paddleboard operations. The proposed project is located on the public beach and, as conditioned, will enhance public recreational activities and conforms with Sections 30210, 30211, 30212.5, 30213, 30220, and 30221 of the Coastal Act.

C. HAZARDS

Section 30210 of the Coastal Act states:

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

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is in a hazardous area due to its location on the beach and in the tidal zone. **Special Condition 3** requires the applicant and its concessionaires to assume all risks associate with the commercial operations, to unconditionally waive any claim of damage or liability against the Commission related to the authorized commercial operations, and indemnify the Commission

against all liability related to the authorized commercial operations. Furthermore, all structures associated with the permitted commercial operations will be temporary, and **Special Condition 2** requires the applicant to remove all temporary structures and equipment related to the kite surfing and stand-up paddleboard recreational operations by dusk each day, unless otherwise specifically permitted by the City for Special Events as defined by the City of Long Beach.

D. LOCAL COASTAL PROGRAM

The certified LCP states that only beach-dependent recreational facilities should be located on the beach in the Belmont Shore area (LCP Area D). The Belmont Shore area is located on public tidelands. The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980, and numerous LCP amendments have been processed since that date. Because the project is located seaward of the former mean high tide line, the LCP is advisory in nature and may provide guidance. The Commission's standard of review for this amendment is the Chapter 3 policies of the Coastal Act. The proposed amendment, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified LCP. The proposed project enhances recreational and visitor-serving commercial uses in the Belmont Shore area.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Long Beach is the lead agency for purposes of CEQA compliance. As determined by the City, the project is categorically exempt pursuant to CEQA as a class 8 exemption pursuant to CEQA guidelines Section 15308 because the project sets a limit on the number of operators and set parameters under which each must operate to ensure public safety and access. In order to ensure compliance with Coastal Act requirements, the Commission adopts additional measures including special conditions related to compliance with the proposed project and vendor operations best management practices. As conditioned, the proposed project is consistent with the public access and recreation policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

1. City of Long Beach Certified LCP
2. Materials from City of Long Beach Community Meeting on April 28, 2015



COASTAL COMMISSION

5-14-0017

EXHIBIT # 1

PAGE 1 OF 2

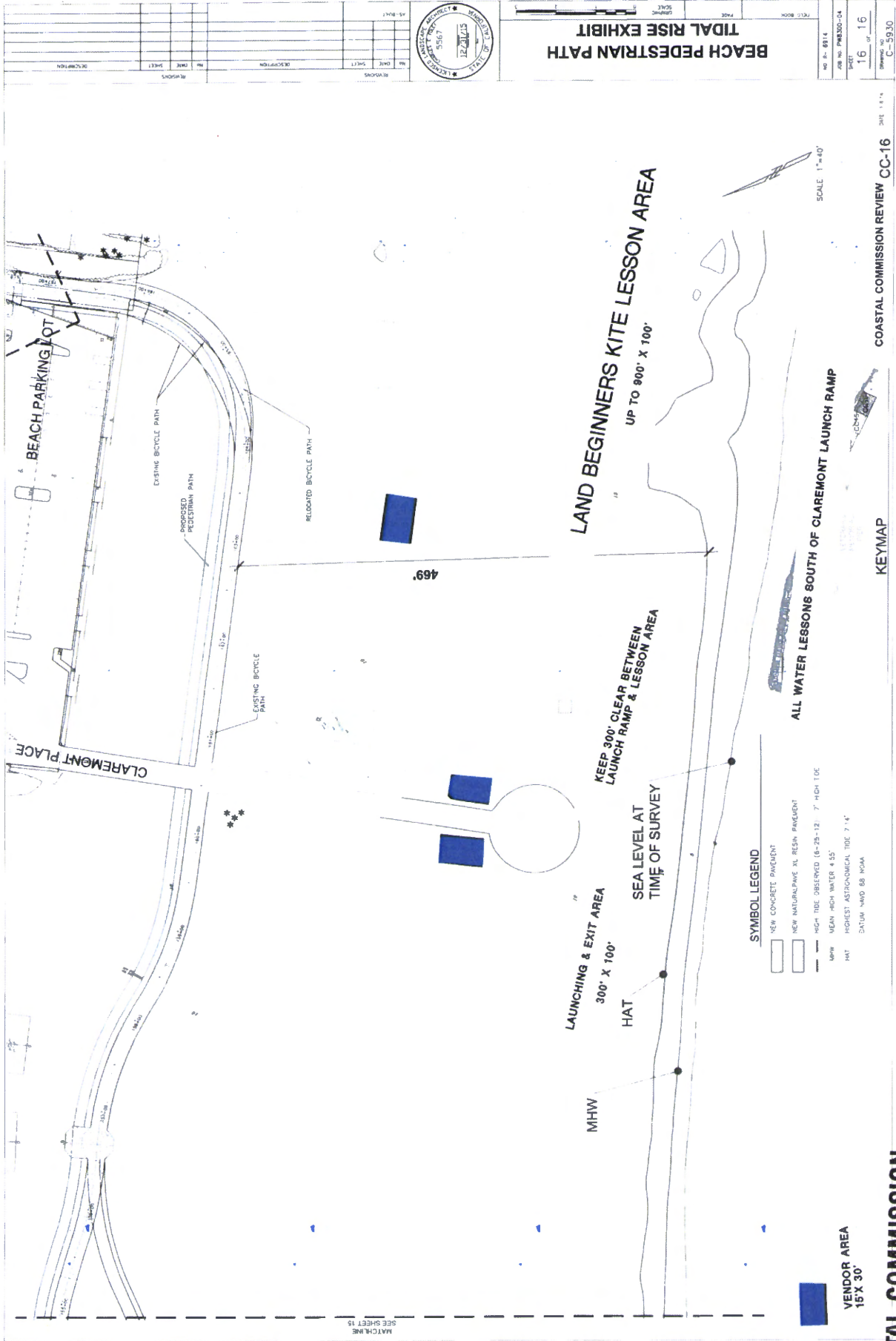


COASTAL COMMISSION

5-14-2017

EXHIBIT # 1

PAGE 2 OF 2



COASTAL COMMISSION
5-14-0017

EXHIBIT # 2

PAGE 1 OF 1

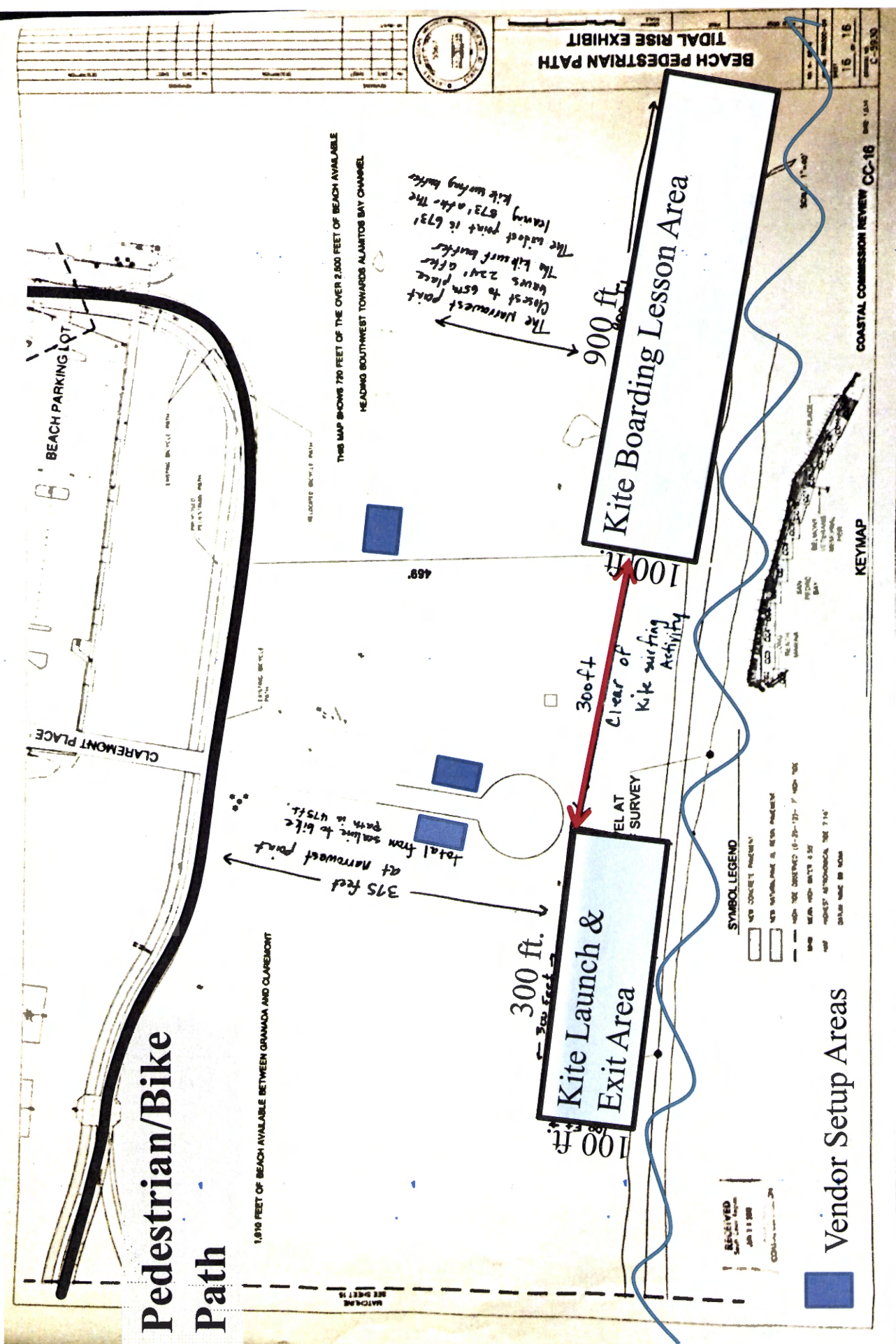
KITE SURFING COMMERCIAL OPERATOR PROGRAM GUIDELINES

The City of Long Beach will permit commercial operators who will be authorized to operate on the beach in the vicinity of Claremont and LaVerne Avenues.

The parameters of the program will be as follows:

- There will be no more than three (3) City permits at any one time.
- The hours of operation will be seven days a week, dawn to dusk.
- The operators can supply kite surfing and/or stand-up paddleboard services.
- The operations can include lessons, services and sales of related equipment and sundry items.
- The areas allowed for operators to establish a daily physical location are identified on the attached aerial. The area allowed for each individual operator will be delineated in each individual Permit.
- The operators will be able to park one (1) vehicle (per operator) on the Claremont Launch Ramp or in the Claremont or LaVerne Parking Lot as part of the operation. The vehicles cannot impede launch ramp activity.
- The operators will be able to erect tarpaulins pre-approved by the City's Marine Bureau.
- The operators will have a current Long Beach City Business License, and report all sales made from the beach as Long Beach sales, for sales tax purposes.
- The operators will keep nothing on the beach or in the beach parking lots overnight, except as approved as part of a Special Event Permit.
- Operators shall maintain a Professional Air Sports Association certified school status throughout the term of the permit.
- Operators shall comply with all sections of the Long Beach Municipal Code (list of relevant sections attached).
- Operators shall comply with the City of Long Beach Kite Surfing Guidelines (copy attached).
- Operators shall adhere to the International Kiteboarding Association Kiteboarding School Requirements (copy attached).
- Operators shall instruct within the approved areas delineated on the Permit Area Aerial (copy attached).

Pedestrian/Bike Path





CITY OF LONG BEACH KITEBOARDING GUIDELINES

The City of Long Beach Lifeguards in consultation with the City's Kiteboarding concessionaires and the Southern California Kiteboarding Association have prepared these guidelines to help ensure that Kitesurfing on City beaches is an enjoyable and safe experience.

I. Kite Surfers Are Considered Vessels

Kiteboarders must abide by all laws and regulations related to vessels including the City of Long Beach's Municipal Code Sections listed below:

- Section 16.12.120 Vessels restricted from swimming area

No person shall operate any vessel within the protected ocean swimming area except for the purpose of launching from and landing at a small boat launching facility designated and posted as such by the director. The provisions of this section do not apply to vessels operated by or for the city, the county, the state or the United States or an agency or instrumentality thereof when engaged in the performance of an official duty. (Ord.-C-5625 § 6 (part), 1980: prior code § 7231).

- Section 16.12.130 Launch from or landing on beach

No person shall launch or land any vessel from the beach, shore or surf of the protected ocean swimming area or use any vessel in the surf except as provided in this section. In launching from or landing at the beach, shore, or surf, the operator of any vessel shall select a course as near to right angles to the beach as navigation allows and shall not exceed five miles per hour. No person shall use any vessel in a reckless or negligent manner so as to endanger swimmers within the protected ocean-swimming area. The director shall designate and post specific areas of the beach, shore and surf where vessels may be launched, landed, moored, beached and tied up and may, by regulation, designate the types of vessel appropriate to the area, the times and dates of use and the rules applicable to the use of the area. This section does not apply to vessels and other devices operated by and for the city, the county, the state, or the United States or any agency or instrumentality thereof when engaged in the performance of an official duty. (Ord.-C-6252 § 1, 1986: Ord.-C-5625 § 6 (part), 1980: prior code § 7231.1).

II. Operate Safely When On Open Water

Boating and Navigational Rules of the Road apply to kitesurfing and must be observed. Jumping and jibing should be done at least 200 feet from the shore and as far from other watercrafts as possible to ensure everyone's safety. The use of kite leashes is strongly recommended.

COASTAL COMMISSION

5-14-0017

EXHIBIT # 4

PAGE 1 OF 3

CITY OF LONG BEACH KITEBOARDING GUIDELINES

Page 2 of 2

III. Launch Areas

Be aware of the areas designated for kitesurfing lessons, which are shown on the attached map.

IV. Bike Path Restrictions

Kites are to be flown at least one line length away from the bike path. This means you should never fly a kite across or over the path. Crossing the path with equipment can be dangerous to cyclist and others. Wrap your lines around the bar when crossing the path. Never stretch lines across the path.

V. High (Patron/User) Volume Beach Days

High volume beach days such as the fourth of July and other holidays may make kitesurfing extremely difficult. Exercise good judgment on these days, which may include deciding not to kitesurf.

VI. Cooperation, Compliance and Courtesy

At all times cooperate with City safety personnel. Set a good example by complying with these guidelines and making your best effort to enjoy the sport safely. Remember that courtesy and cooperation are in everyone's best interest. Kitesurfing is only one of the recreational activities permitted on City beaches, and it is important that everyone is able to enjoy the beach safely.

VII. Sales and Lessons

Providing or offering to provide kitesurfing lessons without a valid City of Long Beach concession permit is a violation of Municipal Code Section 16.16.060 and may result in the issuance of a citation.

• Section 16.16.060 Sale or solicitation permit

A. No person shall offer, provide, sell, rent or solicit for sale or rent any goods, equipment, merchandise, food, beverage, service or instruction on, at or from any public beach, marina, park, street or within any public place, facility, building or structure situated upon the tide and submerged lands granted to the city by the state pursuant to chapter 676, statutes of 1911, chapter 102, statutes of 1925, chapter 158, statutes of 1935, as interpreted by chapter 29, statutes of 1956, first extraordinary session, and chapter 138, statutes of 1964, first extraordinary session, or situated at or adjacent to Colorado Lagoon, Marine Stadium East and Marine Stadium West without first obtaining a permit to do so from the manager of the marine bureau.

B. No person shall offer, provide, sell, rent or solicit for sale or rent any goods, equipment, merchandise, food, beverage, service or instruction in, at or from any public park or place under the jurisdiction of the recreation commission or on either side of streets contiguous therewith without first obtaining a permit to do so from the director of the department of parks and recreation. (Ord. C-6118 § 1, 1984: Ord. C-5956 § 33, 1983: Ord. C-5624 § 1 (part), 1980: prior code § 7300.5).

COASTAL COMMISSION

5-14-0017

EXHIBIT # 4

PAGE 2 OF 3

LONG BEACH KITE BOARDING RULES AND REGULATIONS

1. NO JUMPING OR JIBING IN THE SWIM AREA OR WITHIN 200 FEET OF SHORE.
LBMC 16.12.190
2. DO NOT TRAVEL THROUGH SWIM AREA PARALLEL TO SHORE. LAUNCH AND LAND NEAR TO RIGHT ANGLES.
LBMC 16.12.120 & 16.12.130
3. SPEED LIMIT 5MPH WITHIN 200 FEET OF A BEACH FREQUENTED BY BATHERS.
LBMC 16.12.190
4. BATHERS ALWAYS HAVE THE RIGHT OF WAY.
LBMC 16.12.190
5. BODY DRAGS WILL BE DOWN WIND AND AWAY FROM BATHERS.
LBMC 16.12.190
6. MANUEVER IN ACCORDANCE WITH THE RULES OF THE ROAD. 1972 COLREGS U.S.C.G. D.O.T.
7. STAY CLEAR OF CHANNEL ENTRANCE AND LAUNCH CORRIDORS.
LBMC 16.12.190
8. YIELD TO EMERGENCY VEHICLES, VESSELS, AND PERSONNEL.
LBMC 16.08.590
9. DO NOT FLY KITE OVER PEOPLE OR WITHIN 100 FEET OF THE BIKE PATH.
LBMC 16.16.010 (M)
10. FUNCTIONAL KITE LEASH MUST BE USED AT ALL TIMES.
LBMC 16.12.190
11. WRAP UP CONTROL LINES WHEN KITE IS GROUNDED.
LBMC 16.16.010 (L)

COASTAL COMMISSION

5-14-0017
EXHIBIT # 4
PAGE 3 OF 3



International Kiteboarding Organization

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KITEBOARDING SCHOOL REQUIREMENTS

General requirements

- Have 1 qualified IKO Instructor Level 2 managing school operations
- Keep track of maintenance of equipment and safety systems in a logbook
- Respect all other area users
- **Make sure all students sign the Release of Liability form before starting each course**
- Use the Student Record form and collect student data before starting each course
- **Provide Kiteboarder cards to the instructors working in the Center and make sure all students are certified at the end of their lesson**
- Set the safety and rescue procedures (accessible phone, accessible first aid kit, define the procedure to follow in case of emergency)
- Comply with local regulations in the operating country
- Subscribe to the IKO liability insurance policy for kiteboarding/snowkiting activities or Hold IKO Instructor liability insurance if the Instructor works as an independent Instructor.
- Report any accident that occurs at the Center to the claims department of applicable insurance provider, as well as to IKO Support within 3 days of the accident (regardless of the severity of the accident)
- Accept school inspection from IKO Quality Rep or Examiner

Kiteboarding school commitments

Customer guarantees:

- Supply and make the students wear safety gear such as flotation devices (kiteboarding only) & helmets, and have a functional safety systems on every control bar used for teaching
- Teach students to become independent (safety, practice and analysis)
- Teach on an assessed and adapted site
- Have the necessary equipment for all local wind conditions
- Make sure students are aware of and understand the emergency procedures
- **Make sure that IKO Instructors evaluate and certify, without exception, all students' levels with the Kiteboarder Card. The Kiteboarder Card and the Kiteboarder's/Snowkiter's Workbook should be included in the cost of the lesson, not sold separately.**

COASTAL COMMISSION

5-14-0017

EXHIBIT # 5

PAGE 1 OF 1