

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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49th Day: 4/6/2006
180th Day: 8/15/2006
Staff: CP-LB
Staff Report: 3/23/2006
Hearing Date: April 11, 2006
Commission Action:



T4c

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-06-011

APPLICANT: City of Long Beach Water Department

AGENTS: K. Eric Leung, P.E., Director of Water Resources
Theresa Wu, Senior Civil Engineer

PROJECT LOCATION: Bixby Park Public Beach Parking Lot (2000-2300 E. Ocean Blvd.), including adjacent public beach and offshore area, City of Long Beach, County of Los Angeles.

PROJECT DESCRIPTION: Conduct a seafloor bathymetry survey and bottom sediment sample collection, perform eight geotechnical borings from a barge anchored approximately 300-to-500 feet seaward of the high tide line, and perform five hollow stem auger borings in and adjacent to the existing paved parking lot (to obtain data for experimental seawater intake wells proposed as part of Coastal Development Permit Application 5-06-023).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Initial Study/Environmental Assessment for Under Ocean Floor Seawater Intake and Discharge Project, by RBF Consulting, August 29, 2005.
3. Coastal Development Permit 5-04-437 (City of Long Beach, Bixby Park Imps.).
4. Coastal Development Permit 5-05-417 (Metropolitan Water District of Orange Co.).
5. Coastal Development Permit Application 5-06-023 (City of Long Beach Water Dept.).

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission for the proposed project because the borings would occur on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the proposed event is the Chapter 3 policies of the Coastal Act.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed activities with special conditions that address the timing of the project, protection of marine resources, conformance with the requirements of resource agencies, and assumption of risk. The City agrees with the recommendation. **See Page Two for the Motion.**

STAFF RECOMMENDATION:

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

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

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act 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 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

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

III. Special Conditions

1. Limitation of this Authorization

Coastal Development Permit 5-06-011 permits only the proposed surveying work, bottom sediment sample collection, and geotechnical borings as described in the project description of this staff report. This coastal development permit does not authorize the installation of any well, any discharge, or any other activity that may be associated with a desalination facility, as such a proposal will require additional review for conformity to the Coastal Act which shall be conducted independently of the current decision, with the current decision exerting no influence over, or causing any prejudice to, the outcome of that separate decision.

2. Beach and Recreational Facility Closures - Timing of Project

Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted activities (not to exceed one hundred feet). All beach areas and recreation facilities outside of the one hundred foot radius shall remain open and available for public use during the normal operating hours. The beach bicycle path shall remain open and available for public use during normal operating hours.

The permitted surveying work, bottom sediment sample collection, and geotechnical borings shall not occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

3. Eelgrass Beds, Kelp Beds and Clam Beds

As part of the proposed seafloor bottom survey to be conducted by divers, the permittee shall survey and map any eelgrass (*Zostera marina*) beds and kelp beds that are found within the project survey area. The survey shall also determine if the invasive alga *Caulerpa taxifolia* is present in the area. The survey results shall be submitted to the Executive Director within thirty days of the survey.

4. Water Quality

No stockpiling of any material is permitted. No discharges of any kind are permitted. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.

5. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit

amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

6. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach is requesting Commission authorization to conduct a hydrogeological investigation and seafloor bathymetry survey on a public beach and in the water at Bixby Park near downtown Long Beach (See Exhibits). The proposed activities consists of a seafloor bathymetry survey, collecting bottom sediment samples, performing eight geotechnical borings from a barge anchored approximately 300-to-500 feet seaward of the high tide line, and performing five hollow stem auger borings along the shoreline (See Exhibit #3). The proposed activities would provide the data necessary for the design of an experimental seawater intake well proposed on the project site by the City as part of Coastal Development Permit Application 5-06-023 (City of Long Beach Water Dept.). No stockpiling of any material or discharges of any kind are anticipated to occur, and no pipes, wells, equipment or other material development is proposed to be installed as part of this permit application.

The proposed activities would occur along the West Beach shoreline at Bixby Park, near the southern terminus of Junipero Avenue (Exhibit #2). The shoreline in the project area is a sandy public beach. The five proposed five hollow stem auger borings, which would take about two days to complete, would occur onshore in the area seaward of, and within, the existing paved public beach parking lot situated on the seaside portion of Bixby Park (Exhibit #3, p.3). The offshore borings, to be conducted from a barge, would take about ten days to complete. All work would occur during daylight hours. The City proposes to complete the activities before the start of the 2006 Memorial Day weekend.

B. Marine Resources

The proposed activities will be occurring on or within coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

C. Public Access & Recreation

The public currently has unrestricted access along the shoreline at the project site. The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the completion of the permitted development. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

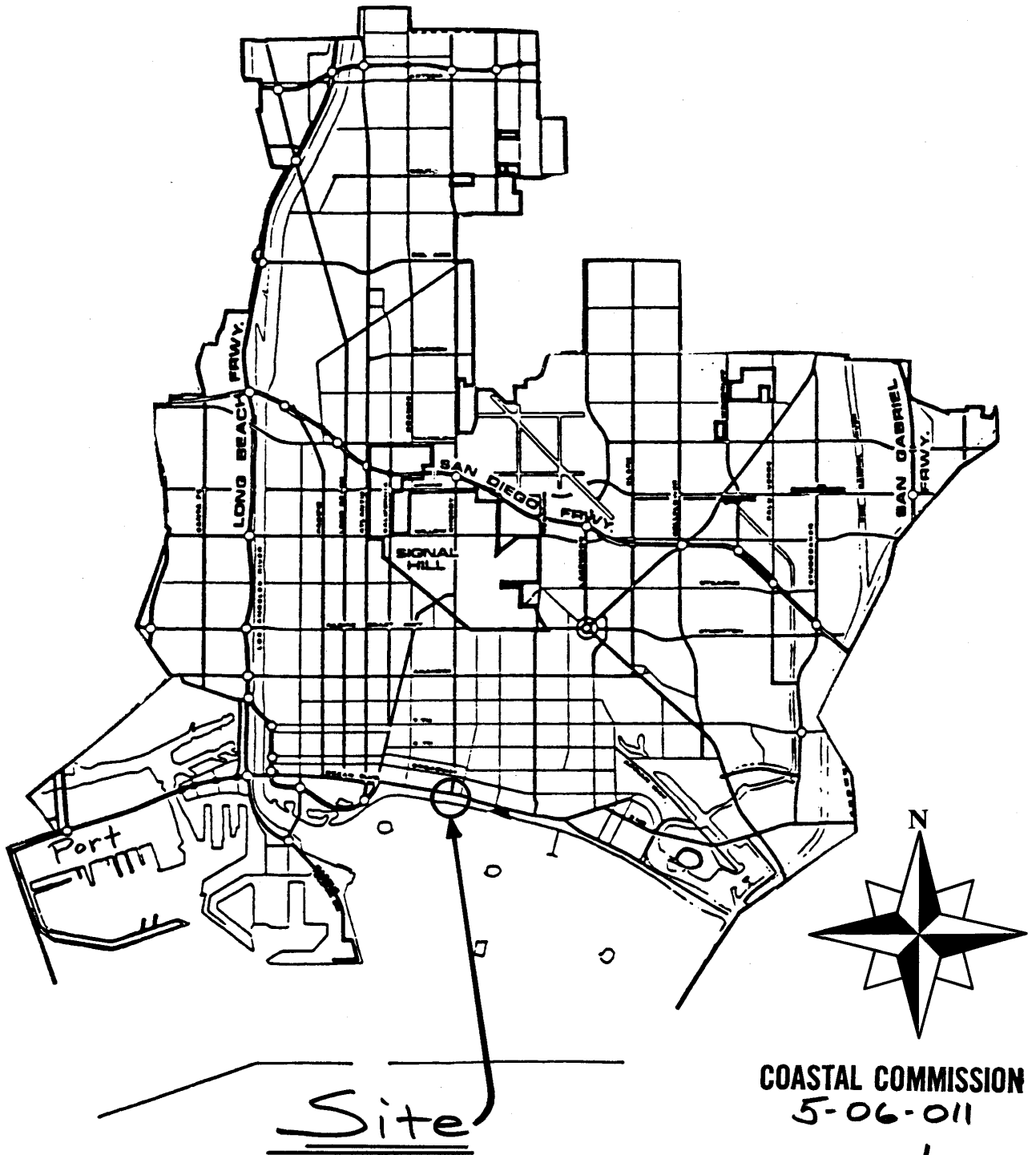
D. Local Coastal Program

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

E. California Environmental Quality Act (CEQA)

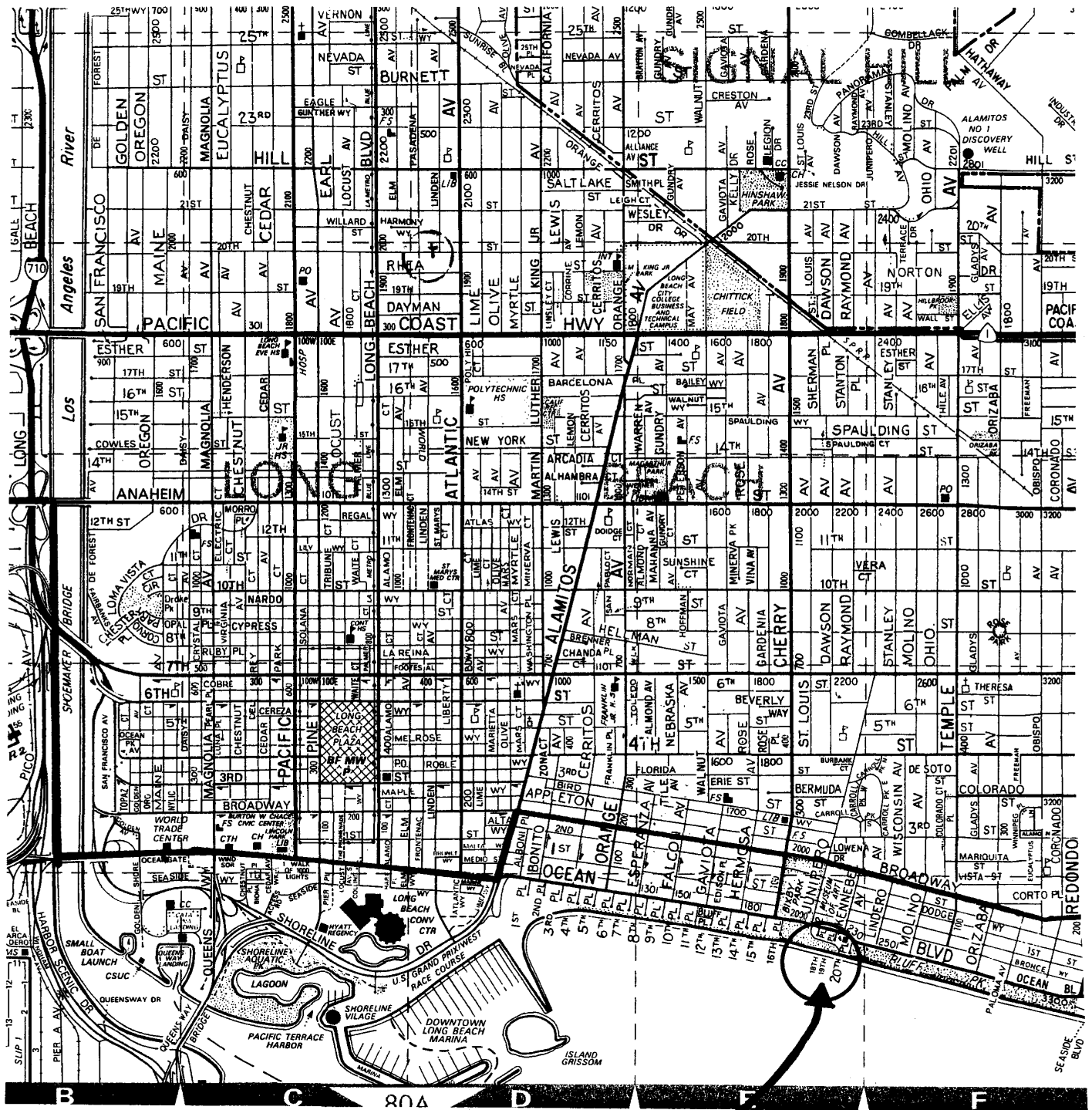
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

City of Long Beach



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5-06-011

EXHIBIT # 1
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Project Site
Bixby Park

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EXHIBIT # 2
PAGE 1 OF 1



LONG BEACH WATER DEPARTMENT
A Class 1 Water Utility

KEVIN L. WATTIER, General Manager

January 10, 2006

RECEIVED
South Coast Region

Mr. Chuck Posner
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416

RECEIVED
CALIFORNIA
COASTAL COMMISSION
5-01-06

Subject: Hydrogeologic Investigations and Surveying, Bluff Park Vehicle Parking Lot, City of Long Beach

Dear Mr. Posner:

As we have discussed, Black & Veatch, in association with Fugro, has been retained by the City of Long Beach Water Department (LBWD) to conduct preliminary hydrogeologic studies to assess the feasibility of an innovative under ocean beach saline water intake and brine disposal conveyance system for a seawater desalination plant. The site tentatively selected for the under ocean conveyance system would be at or near Bluff Park (see attached Plate 1). The project received funding from Proposition 50 and seeks to develop an innovative and cost-effective submerged intake technology for seawater desalination projects in a manner that minimizes environmental impacts such as the impingement and entrainment of marine organisms.

In order to continue the project, the LBWD needs additional hydrogeological data and information from the site. The purpose of this letter is to formally request a waiver from the Coastal Development Permit process to conduct preliminary soils, bathymetry and surveying work of the beach at Bluff Park. While this permit process seems appropriate for the implementation of the under ocean beach saline water intake and brine disposal conveyance system, it does not seem necessary for this preliminary exploration work. Accordingly, LBWD will be submitting a Coastal Development Permit application in the coming months for the construction of these facilities. However, LBWD is requesting a waiver for this exploration work similar to the exemption that was previously granted for initial geotechnical studies that were performed in November, 2004. The means and methods of this exploration work are further described below and involve techniques and equipment that are very common to subsurface exploration activities.

Exhibit #3
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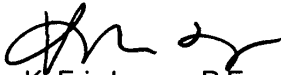
Mr. Chuck Posner
January 10, 2006
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The Soils and bathymetry tests will provide the ocean floor profile from the shore out to the ocean (500 ft +/- outward into the ocean). The results of the soils and bathymetry tests will establish the actual length and construction feasibility of the intake/discharge system. The onshore exploration work will include five hollow stem flight auger borings drilled along the alignment of the proposed pipelines (as indicated in Plate 1, green circles). The near shore exploration work will include a total of eight geotechnical borings used to investigate the nature of the seafloor and sub-bottom soil strata along the proposed alignments for each collector lateral. The anticipated locations of these borings are given Plate 1 as the orange circles. Each boring will be drilled and sampled through the subsurface sediments to a depth of about 50 feet below the mudline, similar to the exploration work which was granted an exemption in November of 2004. These borings will be conducted from a barge and take approximately one week to complete. This exploration work does not involve the installation of permanent or temporary equipment/devices. As indicated above, the work primarily consists of gathering beach sand/geological samples.

Beach and near shore topographic profile surveys will also be performed in order to obtain topographic data along four profiles normal to the beach parking lot (refer to Plate 1, blue circles). The profiles will be spaced about 400 feet apart and the work associated with the development of the profiles is non-invasive consisting of typical surveying techniques. The onshore, surf zone, and near shore profiling topographic survey will be performed on each profile line utilizing a combination of Real-Time Kinematic (RTK) and conventional land surveying techniques to achieve centimeter level positioning accuracy both horizontally and vertically. The data generated from the beach profiles will be synthesized to form a site map of onshore topography and offshore bathymetry.

Work would commence in March 2006, pending your review and receipt of a waiver. Following the completion of this exploratory phase, the under ocean beach saline water intake and brine disposal conveyance system will be designed. The design will be brought before the Coastal Commission prior to construction for approval. Your timely response is appreciated.

Sincerely,



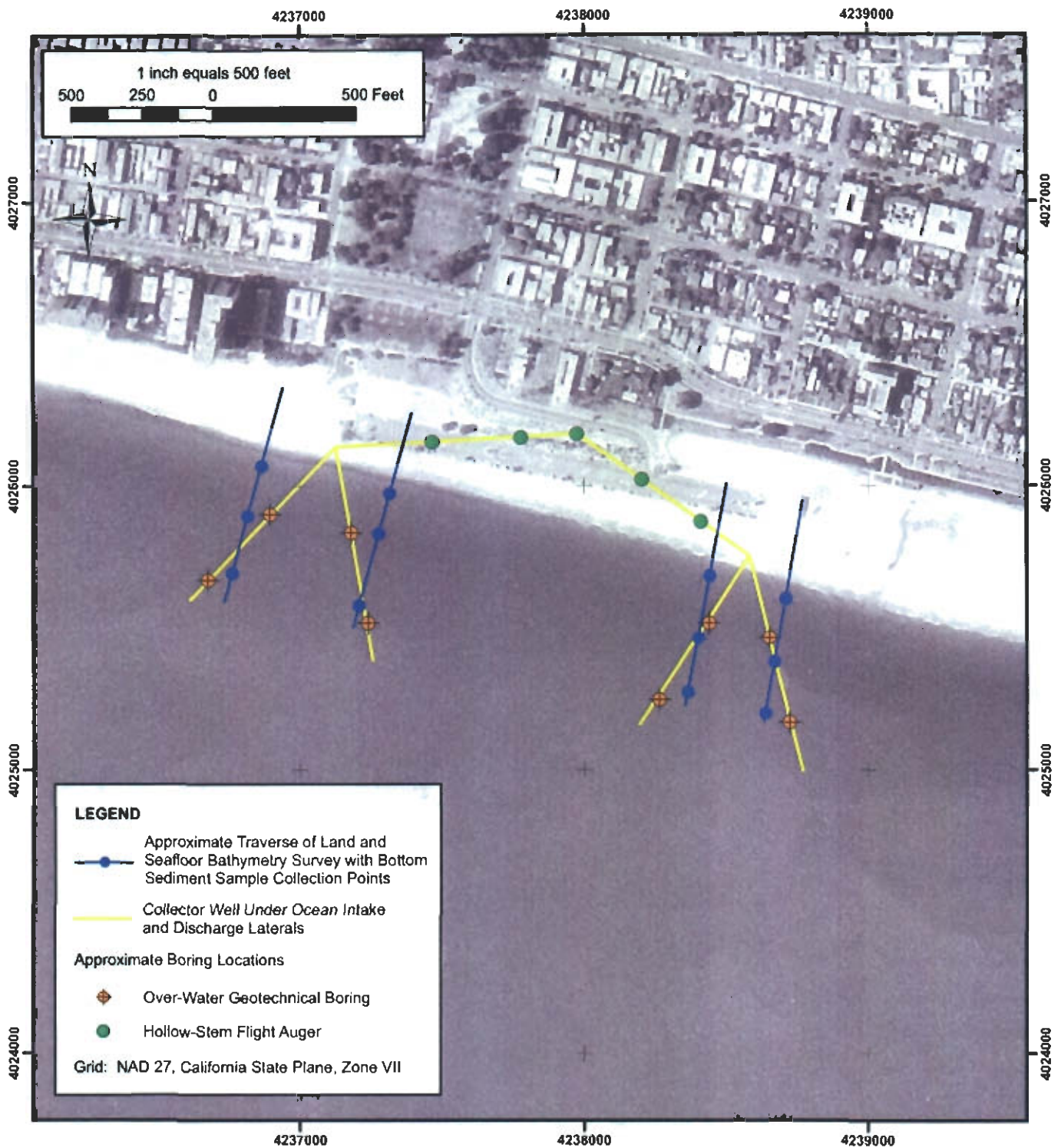
K. Eric Leung, P.E.
Director of Water Resources

Enclosure: Application for Coastal Development Permit

cc: Mr. Dave Carlson, Black & Veatch
Mr. David A. Gardener, Fugro
Mr. Russ Caveness, City of Long Beach Planning Department
Theresa Wu, Sr. Civil Engineer

KEL:TW:rc
CDP Cover Ittr (Surveying Work) 010606

Exhibit #3 Page 2 of 3



UNDER OCEAN FLOOR SEAWATER INTAKE/DISCHARGE - DEMONSTRATION FACILITY Geotechnical Exploration Program