

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/1/2013
180th Day: 8/28/2013
Staff: Charles Posner - LB
Staff Report: 4/18/2013
Hearing Date: May 8, 2013
Commission Action:



W6c

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-13-050

Applicant: City of Long Beach

Agent: Sarah Price, Department of Public Works

Project Location: 2630 E. Ocean Boulevard (on beach at the terminus of Junipero Avenue), City of Long Beach, Los Angeles County.

Project Description: Replace an existing public restroom on the beach with new one-story, six-stall public restroom in the same location, attached to an existing 891 square foot snack bar building.

Local Approval: City of Long Beach Department of Development Services, Site Plan Review Case No. 1208-24A, 2/11/2013.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **approve** a coastal development permit for the proposed development with special conditions relating to: project timing, provision of temporary public toilets during construction, protection of water quality, future improvements, prohibition on the future construction of shoreline protection devices to protect the structure, and the applicant's assumption of risk. **See Page Two for the Motion to approve the permit application.** The applicant agrees with the recommendation.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	2
II. STANDARD CONDITIONS	3
III. SPECIAL CONDITIONS	3
IV. FINDINGS AND DECLARATIONS	6
A. PROJECT DESCRIPTION	6
B. MARINE RESOURCES AND WATER QUALITY	7
C. PUBLIC ACCESS AND RECREATION	8
D. HAZARDS	9
E. DEVELOPMENT	10
F. LOCAL COASTAL PROGRAM.....	10
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	10

EXHIBITS

- Exhibit 1 – Long Beach, CA Map
- Exhibit 2 – Project Location Map
- Exhibit 3 – Proposed Restroom - Site Plan
- Exhibit 4 – Proposed Restroom - Artist Rendering

I. MOTION AND RESOLUTION

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.

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 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

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 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

This permit is granted subject to the following special conditions:

1. **Beach and Recreational Facility Closures - Timing of Project.** The permitted development shall not occur on weekends or holidays 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. Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted development (not to exceed a one hundred foot radius around the project site). 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 public beach parking lot and the beach bicycle path shall remain open and available for public use during all normal operating hours.
2. **Public Toilets.** Prior to the closure of the existing public restroom, the permittee shall provide and maintain temporary public toilets at the project site. The temporary facilities shall be provided and maintained at the project site until the new restroom facility is opened for public use.
3. **Construction Responsibilities.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

5-13-050 (City of Long Beach)

- A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
- B. Any and all demolition and construction material shall be removed from the site as soon as possible (within two days of completion of demolition/construction) and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- C. All trash generated by construction activities within the project area shall be disposed of at the end of each day, or sooner if possible.
- D. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- E. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- F. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: Silt fencing shall be installed between work areas and the water to prevent runoff/sediment transport into the ocean.
- G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- H. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- I. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any bay, harbor, street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- J. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition and shall include the requirements of this condition on all plans and contracts issued for the project.

- 4. Future Development Restriction.** This coastal development permit is only for the development described in Coastal Development Permit 5-13-050. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Coastal Development Permit 5-13-050 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.
- 5. No Future Shoreline Protective Device.** A) By acceptance of this coastal development permit, the applicant agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this coastal development permit including, but not limited to, the construction of the restroom and any other future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235. B) By acceptance of this coastal development permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the restroom, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- 6. Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicant, on behalf of (1) themselves; (2) their successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (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; (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; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant (City of Long Beach) is proposing to replace an existing public restroom with a new one-story, six-stall public restroom in the same location, attached to an existing 891 square foot snack bar building (See Exhibits). The project site is located one mile east of downtown Long Beach at a popular recreational beach. The City asserts that the proposed project is necessary because of the dilapidated conditions of the existing facility.



Project Site: Bluff Park Beach, at the terminus Junipero Avenue, Long Beach.

The proposed project is located on the beach at the eastern end of the public beach parking lot situated at the southern terminus of Junipero Avenue (Exhibit #2). The shoreline in the project area is a sandy public beach, about one hundred feet wide, that exists in a stable and relatively low wave energy environment (because of the breakwater).

The proposed work involves the demolition of the restroom portion (553 square feet) of the existing one-story, 1,493 square foot restroom/snack bar structure that is situated on the seaward side of the beach bicycle path. A new six-stall, 543 square foot restroom structure is proposed to be constructed on a new foundation in the same footprint and at the same elevation as the existing restroom (Exhibit #3). An existing 49 square foot sump pump room will be incorporated into the new restroom. No changes are proposed for the attached 891 square foot snack bar structure, and the proposed project will not change the current fifteen-foot height of the existing restroom/snack bar structure. In total, the snack bar structure with the proposed attached new six-stall restroom will cover 1,483 square feet.

The roof of the new restroom will be decorated with metal mission-style tiles, and new benches, bicycle racks and trash receptacles will be installed on the new decorative hardscape that is proposed to surround the new restroom. The paved area around the proposed structure will be increased by about five hundred feet in order to improve handicap access. New outdoor showers, sinks, and drinking fountains will also be installed. The proposed project has been reviewed and approved by the City of Long Beach Department of Development Services and has been determined to be compliant with ADA (Americans with Disabilities Act of 1990) standards.

B. MARINE RESOURCES AND WATER QUALITY

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located near coastal waters of the Pacific Ocean. No work is proposed in the water. All work will occur about one hundred feet inland of the shoreline. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources. The permit is conditioned to protect these marine resources.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect recreation, water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction and as a result of excavation and pouring of concrete for the foundation and the use of heavy equipment (fuel and oil leaks). In order to prevent adverse impacts to marine waters from construction activities, the Commission is imposing Special Condition Three. Special Condition Three requires that specific mitigation measures be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230 and 30231 of the Coastal Act. The required best management practices include provisions to prevent discharges into the water during construction (e.g., sand bagging, runoff diversions, and silt curtains). Only as conditioned will the proposed project ensure the protection of marine resources and water quality as required by Sections 30230 and 30231 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

One of the basic goals stated in the Coastal Act and is to maximize public access to and along the coast. The Coastal Act has several policies that protect public access along the shoreline and public recreational opportunities.

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 30213 of the Coastal Act states:

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

The public currently has unrestricted access along the shoreline at the project site. In order to protect public access and recreational opportunities from short-term impacts caused by construction activities, the Commission is imposing Special Condition One which requires that the permitted development shall not occur on weekends 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), and that beach area closures shall be minimized and limited to areas immediately adjacent to the permitted development.

The use of part of the public beach and adjacent public parking lot for project staging will not have any significant adverse effect on public access or recreation because the parking lot and the beach have sufficient capacity to meet the weekday demands of the public when the proposed demolition and construction activities would occur. The public beach parking lot has 451 parking spaces. The public beach parking lot and beach bicycle path will remain open at all times, and Special Condition Two requires the applicant to provide and maintain temporary public toilets at the site while the new restroom is being constructed.

Special Condition Four protects public recreation by ensuring that the City obtains a permit amendment or a new coastal development permit for any additional changes or improvements to the structure, including any changes that would affect the operation of the snack bar concession. Special Condition Five protects the public beach by prohibiting the construction of future shoreline protective devices to protect the proposed restroom. Construction of a shoreline protective device between the proposed structure and the sea would adversely affect public access and recreation by displacing public recreation area. The project site may be subject to hazards from waves, storm waves, flooding and erosion, and

Special Condition Six requires the applicant to assume these risks. Should the approved structure be deemed unsafe, and a government agency orders that the structure is not to be occupied; the permittee would have to relocate or remove the development. In this case, the proposed structure is located further inland than the public beach parking lot, which is closer to the ocean.

As conditioned, the proposed project will enhance public recreation and will not obstruct or interfere with existing public access or recreational opportunities at or near the project site. The proposed project does not: a) obstruct a significant view to or along the coast; b) adversely impact public access to and use of the water; c) adversely impact public recreational use of a public park or beach; or d) otherwise adversely affect recreation, access or the visual resources of the coast. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

D. HAZARDS

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

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The shoreline in the project area is a sandy public beach, about one hundred feet wide, that exists in a stable and relatively low wave energy environment (because of the breakwater). The proposed project, as conditioned, minimizes risks to life and property. The proposed project will not 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.

However, no development on the beach can be guaranteed to be safe from hazard. Any development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located on the shoreline of the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. Special Condition Six ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Such knowledge is the first step towards the minimization of risks to life and property. The proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

E. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

F. 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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

In this case, the City of Long Beach is the lead agency for purposes of CEQA review of this project. The City issued a CEQA Exemption for the proposed project on September 26, 2012. 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



Project Site

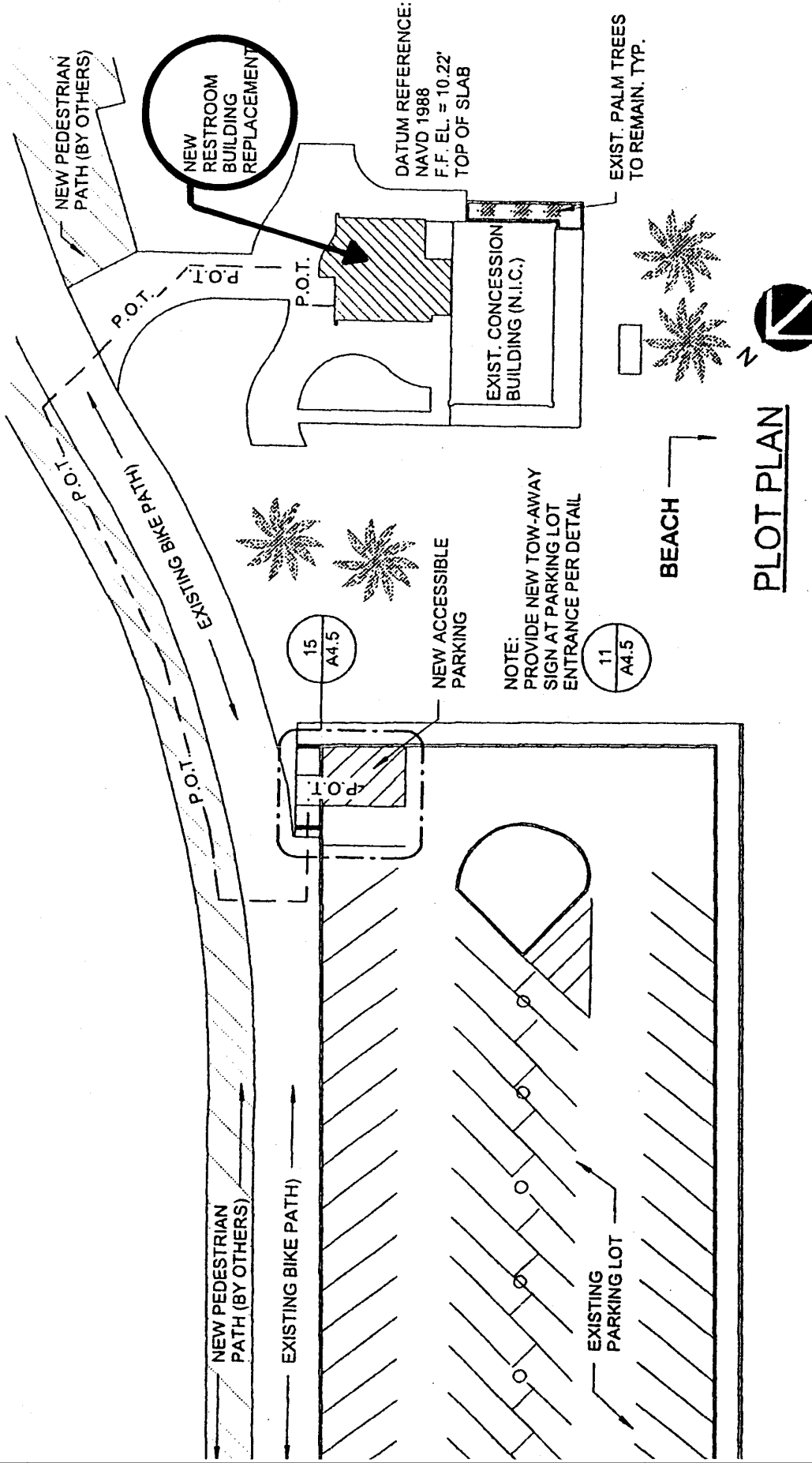
COASTAL COMMISSION
5-13-050

EXHIBIT # 1
PAGE 1 OF 1



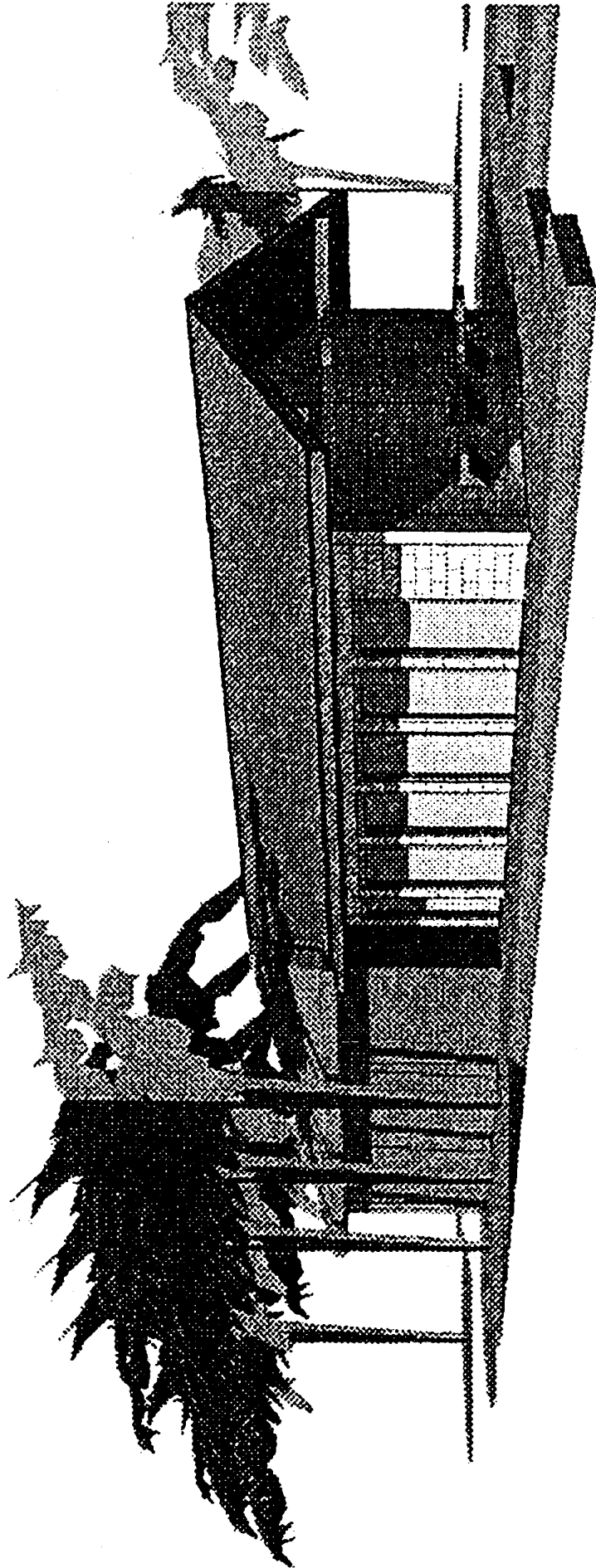
Juniperero Beach restroom
and snack bar

COASTAL COMMISSION
5-13-050
EXHIBIT # 2
PAGE 1 OF 1



PLOT PLAN

Public Beach →



COASTAL COMMISSION

5-13-050

EXHIBIT # 4

PAGE 1 OF 1