

**CALIFORNIA COASTAL COMMISSION**

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# Th10c

## STAFF REPORT: REGULAR CALENDAR

**Application Number:** 5-12-320

**Applicant:** City of Long Beach

**Agent:** Eric Lopez, Department of Public Works

**Project Location:** On the beach between the Downtown Shoreline Marina and 54<sup>th</sup> Place, City of Long Beach, Los Angeles County.

**Project Description:** Construction of a eleven-foot wide pedestrian path (using a resin-based paving material) along 3.1 miles of the shoreline, construction of a new pedestrian/bicycle ramp on the east side of the Belmont Veterans Memorial Pier, and relocation of the beach bicycle path inland to a new alignment closer to the Belmont Pool and the La Verne Avenue public beach parking lot.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The primary issue of the development proposal concerns the location of the proposed pedestrian path in relation to the high tide line and the existing concrete beach path. The City's proposed design places the alignment of the new pedestrian path closer to the water than the existing concrete beach path. Most of the beach along the 3.1-mile long path is sufficiently wide to accommodate the proposed second path along with a significant setback (over two hundred feet) from the surf zone (Exhibit #2). In the areas where the beach is relatively narrow, the City proposes to relocate the existing concrete beach path further inland in order to maintain the existing setback distance (at least fifty feet), or to provide an increased setback, between the proposed pedestrian path and the current surf zone.

Staff is recommending that the Commission **approve** a coastal development permit for the proposed development with special conditions relating to: setback from the high tide line, project timing, protection of water quality, prohibition on the future construction of shoreline protection devices to protect the structure, and the applicant's assumption of risk. The City agrees with the recommendation.

**See Page Two for the Motion to approve the permit application.**

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**EXHIBITS**

- Exhibit 1 – Long Beach, CA Map
- Exhibit 2 – Proposed Project Plans (15 sheets)
- Exhibit 3 – Bike Path Relocation Plan – Belmont Pier/Belmont Pool Segment
- Exhibit 4 – Bike Path Relocation Plan – La Verne Avenue Parking Lot Segment
- Exhibit 5 – Letter of opposition from Surfrider Foundation (1/7/2013)
- Exhibit 6 – Letter of opposition from Gordana Kajer (4/30/2013)
- Exhibit 7 – Letter of opposition from Sierra Club (5/12/2013)
- Exhibit 8 – Letter of opposition from Belmont Shore Residents Assoc. (1/11/2013)
- Exhibit 9 – Letter of support from Steve Martinez (10/10/2012)
- Exhibit 10 Letter of concern from Jeff Jones (5/29/2013)

**I. MOTION AND RESOLUTION**

**Motion:** *"I move that the Commission **approve** Coastal Development Permit Application No. 5-12-320 pursuant to the staff recommendations."*

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 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. **Setback from High Tide Line – Revised Plans.** The approved development (pedestrian path) shall be setback from the shoreline as follows. Prior to the issuance of the coastal development permit, the applicant shall submit revised project plans to the Executive Director for review and approval. The revised plans shall conform to, and clearly demonstrate compliance with, the following requirements:
  - A. For the segment of the new pedestrian path between Alamitos Avenue public beach parking lot and 9<sup>th</sup> Place, the new pedestrian path shall be parallel to the existing concrete path with a maximum ten-foot wide sand separation area between the two paths;
  - B. The new pedestrian path (and the existing concrete path) shall be located on the landward side of the 8<sup>th</sup> Place public restroom building;
  - C. For the segment of the new pedestrian path between 10<sup>th</sup> Place and Cherry Avenue, the new pedestrian path shall not be located any closer to the shoreline than the existing concrete path. The revised plans may include the relocation of the existing concrete beach path further inland so that the beach bicycle path and the new pedestrian path do not cross.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 2. Beach and Recreational Facility Closures - Timing of Project.** The permitted development 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. 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, except for the project staging areas identified in the permit application (the Junipero Avenue and La Verne Avenue public beach parking lots).
- 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:

  - 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. **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 pedestrian path and bicycle path 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 pedestrian path and bicycle path, if any government agency has ordered that the structure is not to be used due to any of the hazards identified above. In the event that portions of the development become unsafe and unusable, 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.
- 5. **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).

6. **Liability for Costs and Attorneys Fees.** By acceptance of this coastal development permit, the applicant agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including 1) those charged by the Office of the Attorney General, and 2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.



Alamitos Beach (west end of existing concrete beach bike/ped path), Long Beach, CA.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The applicant (City of Long Beach) is proposing to construct a 3.1-mile long pedestrian path on the beach between downtown (Alamitos Beach) and 54<sup>th</sup> Place in Belmont Shore (See Exhibits). The proposed eleven-foot wide pedestrian path would run on the seaward side of the existing concrete beach bicycle path which has been shared by all users since its construction in 1987 (Coastal Development Permit 5-87-001). The existing seventeen-foot wide concrete path has two bike lanes (eastbound and westbound) and one five-foot wide pedestrian lane. A narrow strip of sand (up to ten feet wide) would separate the new path from the existing path, except in some segments where there would be no separation between the two paths. The shoreline in the project area is a sandy public beach that exists in a stable and relatively low wave energy environment (because of the breakwater).

The City asserts that the proposed project will relieve overcrowding and reduce conflicts between the users (cyclists, walkers, runners and skaters) of the existing concrete beach path. The City proposes to construct the new path using a resin-based paving material in order to make the pedestrian path more flexible and conducive for running. No new lighting is proposed at this time.

The construction of the proposed project will require the reconfiguration of some existing development on the beach, including segments of the existing concrete beach path, several storm drain crossings, and the public parking lot on the east side of the Belmont Veterans Memorial Pier. The existing storm drain crossings will be widened by about twelve feet in order to accommodate the width of both the existing and proposed paths.

On the east side of the Belmont Veterans Memorial Pier, a new pedestrian/bicycle ramp is proposed to be constructed in order to eliminate the existing path's dangerous right-angle turn coming off the pier. The proposed reconfiguration of the pier ramp will result in the loss of 32 parking spaces in the pier's public parking lot (Exhibit #3). The segment of the existing beach bicycle path east of the pier would be relocated about forty feet landward (away from the ocean, closer to the Belmont Pool) in order to reduce the potential for damage resulting from waves and beach erosion.

In the vicinity of the La Verne Avenue public beach parking lot (south of Granada Launch Ramp), a 1000-foot long segment of the existing beach bicycle path would be moved landward in order to increase the amount of open sand area between the paths and ocean by over 170,000 square feet (Exhibit #4). The inland relocation of the bicycle path at this wide segment of the beach would create a larger sand area for kite surfers to set up their lines and sails.

At the Junipero Avenue public beach parking lot, the proposed project includes the removal of 7,700 square feet of turf from the area immediately inland of the parking lot in order to accommodate the proposed alignment of the new path inland of the lot. This turf area is popular for picnicking, so the City is proposing to mitigate the loss by planting 23,000 square feet of turf between the parking lot and the Bixby Park bluff, just east of the parking lot entrance/exit. Additional bike racks will be installed next to the public restrooms. Twenty palms will be relocated (a survey found no evidence of nesting bird activity in the trees). The City anticipates using part (about one-third) of Junipero Avenue public beach parking lot, and all of the La Verne Avenue public beach parking lot, for construction staging.

Construction staging activities include an aggregate and batch plant mixer for the resin based pavement material. Construction would be scheduled to avoid the summer season.

## **B. 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 public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access.

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...*

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.*

The public currently has unrestricted access along the entire shoreline where the pedestrian path is proposed. Numerous stairway and sidewalks provide vertical access between the City's street-ends and the sandy beach. Several public parking lots are located on the beach itself. The existing seventeen-foot wide concrete beach path provides pedestrian and bicycle access between Downtown Long Beach and Alamitos Bay, connecting the City's numerous recreational facilities together since 1987. The existing beach path is very popular and heavily used by cyclists, walkers, runners and skaters.

The City proposes to construct the new pedestrian path to relieve overcrowding and reduce conflicts between the users of the existing concrete beach path. A resin-based paving material, rather than concrete or asphalt, would be used to make the proposed pedestrian path more flexible and conducive for running. The proposed pedestrian path is a lower-cost recreational facility that will provide improved public access and recreational opportunities for cyclists, walkers, runners and skaters of all ages by

providing a separate path for pedestrians. This separation of the two paths will make the beach safer for bicyclists and pedestrians.

The proposed re-alignment of segments of the existing concrete beach path will also increase the area of open sandy beach in two areas east of Belmont Veterans Memorial Pier: at Belmont Pool and La Verne Avenue (Exhibit #3&4).

Opponents of the proposed project object to the additional paving of the sandy beach and the proposed alignment of the pedestrian path on the seaward side of the existing concrete path, which would put people closer to the water and wild animals (Exhibit #5). Opponents also assert that the construction of the proposed project will hamper efforts to reconfigure the breakwater. Others are concerned about the loss of public parking near the pier.

The proposed project will pave more of the beach, but the additional paving will improve coastal access and provide lower-cost recreational opportunities to for cyclists, walkers, runners and skaters. The City considered putting the proposed pedestrian path on the inland side of the existing concrete path, but rejected the alternative because it would increase the cost of the project by about thirty percent. The City also state that the proposal to build the new pedestrian path on the ocean side of the bicycle path, similar to existing conditions, avoids crossings of the paths and lets pedestrians be closer to the water.

Some public parking (32 spaces) will be lost in the 263-stall public parking lot on the east side of the Belmont Veterans Memorial Pier where a new pedestrian/bicycle ramp is proposed to be constructed (Exhibit #3). The proposed ramp will eliminate the existing path's dangerous right-angle turn coming off the pier. The City is not proposing to replace the parking spaces displaced by the proposed ramp. There is however, a much larger 753-stall public beach parking lot located one block east of the pier that will not be affected by the proposed project. The improved and safer bicycle and pedestrian access at the pier crossing is a benefit that will cost 32 public parking spaces. The use of the pier parking lot for the proposed ramp also allows the City to construct the new pedestrian and bicycle paths further inland (about twenty feet) from the high tide line than the existing concrete path, which will be demolished at this location. Thus, overall, the proposed project will increase non-motorized public access for the public, and thereby mitigate for the loss of these spaces, since there will be more space for the public to engage in recreational activities that cannot be performed on a sandy beach, like biking, roller skating, skateboarding and access for those with limited mobility due to disabilities or other physical challenges.

The impacts to public access caused by the construction of the proposed project will be limited and short-term. Some segments of the existing concrete beach path will be demolished as part of the project, and two public beach parking lots will be used as construction staging areas. In order to protect public access and recreational opportunities from short-term impacts caused by construction activities, the City has proposed to undertake construction during the non-summer season. Special Condition Two requires that the permitted development 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), 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 lots 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 low-season demands of the public when the proposed demolition and

construction activities would occur. The public beach, public beach parking lots (except the La Verne Avenue public beach parking lot), and public restrooms will remain open throughout the construction period.

Concerns about future sea level rise and beach erosion are addressed in the next section (Hazards), which makes it clear that the proposed development should not be considered a permanent structure and future episodes of beach erosion and sea level rise will probably damage the development. Special Condition Four protects the public beach from further development by prohibiting the construction of future shoreline protective devices to protect the proposed pedestrian path and re-aligned bicycle path. Construction of a shoreline protective device between the proposed development and the sea would adversely affect public access and recreation by displacing public recreation area. Should the approved structure become damaged and deemed unsafe, the permittee would have to relocate or remove the development.

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, as conditioned, the proposed development will not have any significant adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the public access and recreation policies of the Coastal Act.

### **C. 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 primary issue of the development proposal concerns the location of the proposed pedestrian path in relation to the high tide line and the existing concrete beach path. All beachfront property is subject to potential damage from wave run up and future beach erosion. The closer development is to the surf zone, the greater the likelihood of damage caused by waves and/or adverse storm conditions. Therefore, even on wide beaches, structures should be located as far from the surf zone as possible to assure stability and structural integrity.

In this case, the shoreline in the project area is a sandy public beach that exists in a stable and relatively low wave energy environment (because of the breakwater). The width of the beach varies widely: from less than two hundred feet between 10<sup>th</sup> and 14<sup>th</sup> Places, to more than five hundred feet east of Granada Avenue (Exhibit #2). During extreme high tides, the surf has come within a few feet of the existing concrete path near 11<sup>th</sup> Place. On past occasions, the surf has reached the existing concrete path in the Belmont Pier/Pool area, although the path was not damaged by the waves.

Therefore, it is important to acknowledge the fact that the proposed project is located in a dynamic setting (on the beach), where there is a potential for damage caused by waves and erosion. The City's proposal places the new pedestrian path on the seaward side of the existing concrete path so pedestrians can be closer to the water than bicyclists. Putting a new path between the existing concrete path and the water is problematic in the areas where the beach is narrow because there would be little room to provide an adequate setback from the surf zone.

The City has addressed this issue by agreeing to relocate the existing concrete beach path further inland in some areas in order to maintain the existing setback distance, or to provide an increased setback, between the proposed pedestrian path and the surf zone. On the east side of the Belmont Veterans Memorial Pier, the City proposes to demolish the existing concrete beach path and construct a combined bicycle and pedestrian path several feet inland of the existing alignment to create a larger buffer between the paths and the sea (Exhibit #3). This proposed alignment would eliminate 32 public parking spaces on the east side of the pier.

For the segment of the proposed pedestrian path between 10<sup>th</sup> Place and Cherry Avenue, where the beach is only about two hundred feet wide, the City has agreed to demolish the existing concrete beach path and construct a new combined bicycle and pedestrian path that would not encroach any closer to the sea than the existing concrete path. These changes in the alignment of the proposed pedestrian and bicycle paths would provide a setback of at least fifty feet between the proposed project and the highest observed high water line shown on Exhibit #2 (High Tide Observed 6/25/2012). Special Condition One requires the City to provide revised plans which show the new paths aligned no further seaward than the existing concrete path between 10<sup>th</sup> Place and Cherry Avenue.

In order to avoid any reduction in the narrow beach that exists on the seaward side of the Junipero Avenue public beach parking lot, the City has designed both the pedestrian and bicycle paths to run on the inland side of the parking lot (Exhibit #2, p.5). East of Junipero Avenue, the width of the beach increases substantially (except at Belmont Pool), giving the City sufficient space to construct the proposed pedestrian path on the seaward side of the existing concrete path while maintaining a setback of at least fifty feet between the proposed project and the highest observed high water line shown on Exhibit #2 (High Tide Observed 6/25/2012). For the stretch of beach between Junipero Avenue and Belmont Veterans Memorial Pier, the proposed pedestrian path is set back at least 250 feet from the shoreline (Exhibit #2).

No development on the beach, however, can be guaranteed to be safe from hazard. Even with a minimal setback of fifty feet, the proposed development is vulnerable to damage caused by wave energy and erosion (also floods, seismic events and storms). Therefore, the proposed development cannot be considered permanent and safe from such hazards, and the applicant is advised to anticipate that future episodes of beach erosion and sea level rise will very likely damage the development. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. Special

Condition Five ensures that the permittee understands and assumes the potential hazards associated with the development.

Additionally, Special Condition Four prohibits the construction of future shoreline protective devices to protect the proposed pedestrian path. Should the development authorized by this permit (pedestrian path and bicycle path) be damaged and deemed unsafe, the permittee would have to relocate or remove the development, under a plan approved pursuant to a coastal development permit. As conditioned, the proposed project will not create or 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 project does not involve any landform alteration.

#### **D. MARINE RESOURCES AND WATER QUALITY**

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located on the beach near coastal waters of the Pacific Ocean. No work is proposed in the water. 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 resin-based material and concrete, and the use of heavy equipment (fuel and oil leaks).

In regards to construction materials, the City proposes to use a resin-based pavement called Natural Pace. The City chose Natural Pace after considering eight different types of paving materials, including

asphalt, concrete and decomposed granite. The City states that Natural Pace is the preferred material because its flexibility is conducive to running. It is also not an oil-based product and is durable and solar reflective. A two-inch thick layer of the resin-based pavement will be applied cold between two concrete containment curbs, on top of an aggregate base.

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. 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.

## **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 Local Coastal Program (LCP) is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. The certified LCP calls for a bicycle and pedestrian pathway on the beach, connecting the Los Angeles River bicycle route to 54<sup>th</sup> Place. A combined bicycle and pedestrian pathway was constructed on the beach in 1987 (Coastal Development Permit 5-87-001).

Regarding the currently proposed pedestrian path, the certified LCP sets forth the following policy in the section titled "General Strand Policies – Use and Access":

*6. A pedestrian walkway should be constructed adjacent to the above-mentioned bike path from Alamitos Avenue to 54<sup>th</sup> Place. A sidewalk along Ocean Boulevard should connect with the boardwalk presently existing between 55<sup>th</sup> Place and 69<sup>th</sup> Place.*

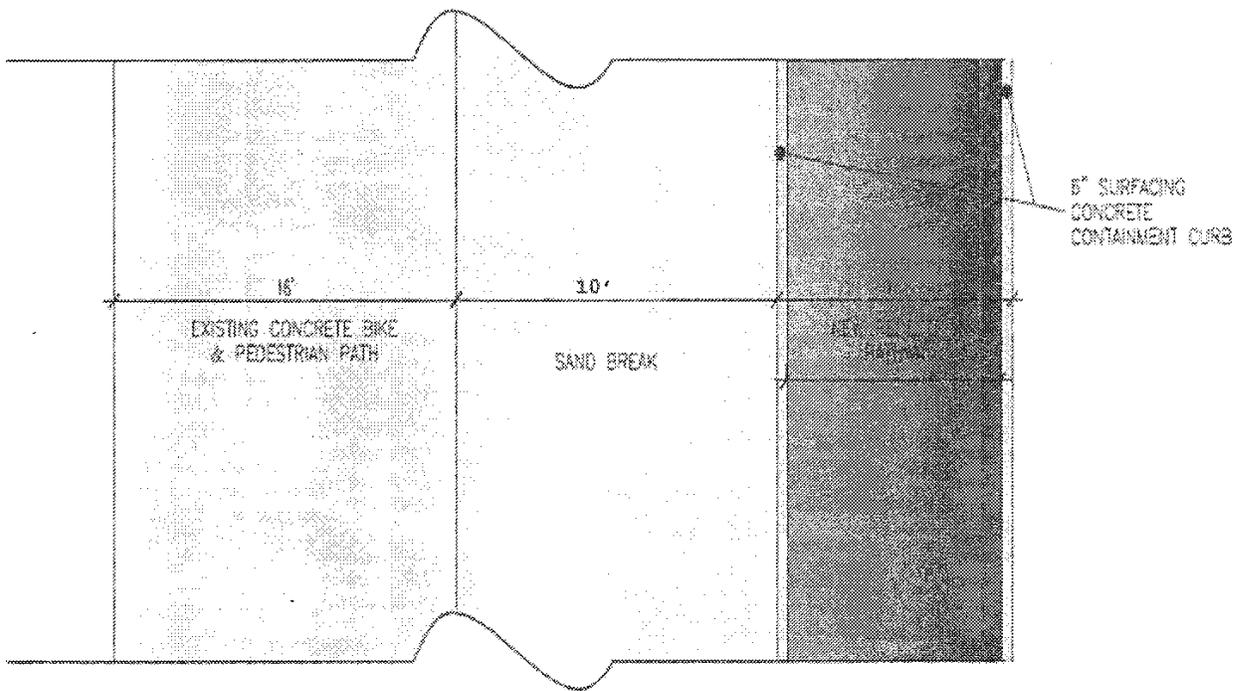
The proposed project is an improvement to the existing bicycle and pedestrian route because it will improve safety by providing more separation between pedestrians and the faster bicyclists. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

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 (CE-12-044) for the proposed project on July 20, 2012. Specific mitigation measures are imposed in the form of special conditions of the coastal development permit. These special conditions require an increased setback from the high tide line, project timing to avoid adversely affecting recreation during the peak summer period, protection of water quality, prohibition on the future construction of shoreline protection devices to protect the structure, and the applicant's assumption of risk. 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.

**Plan View**

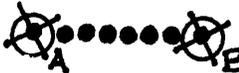


TYPICAL PLAN

A

# City of Long Beach



 - Proposed  
Pedestrian Path  
on beach  
(between A and B)

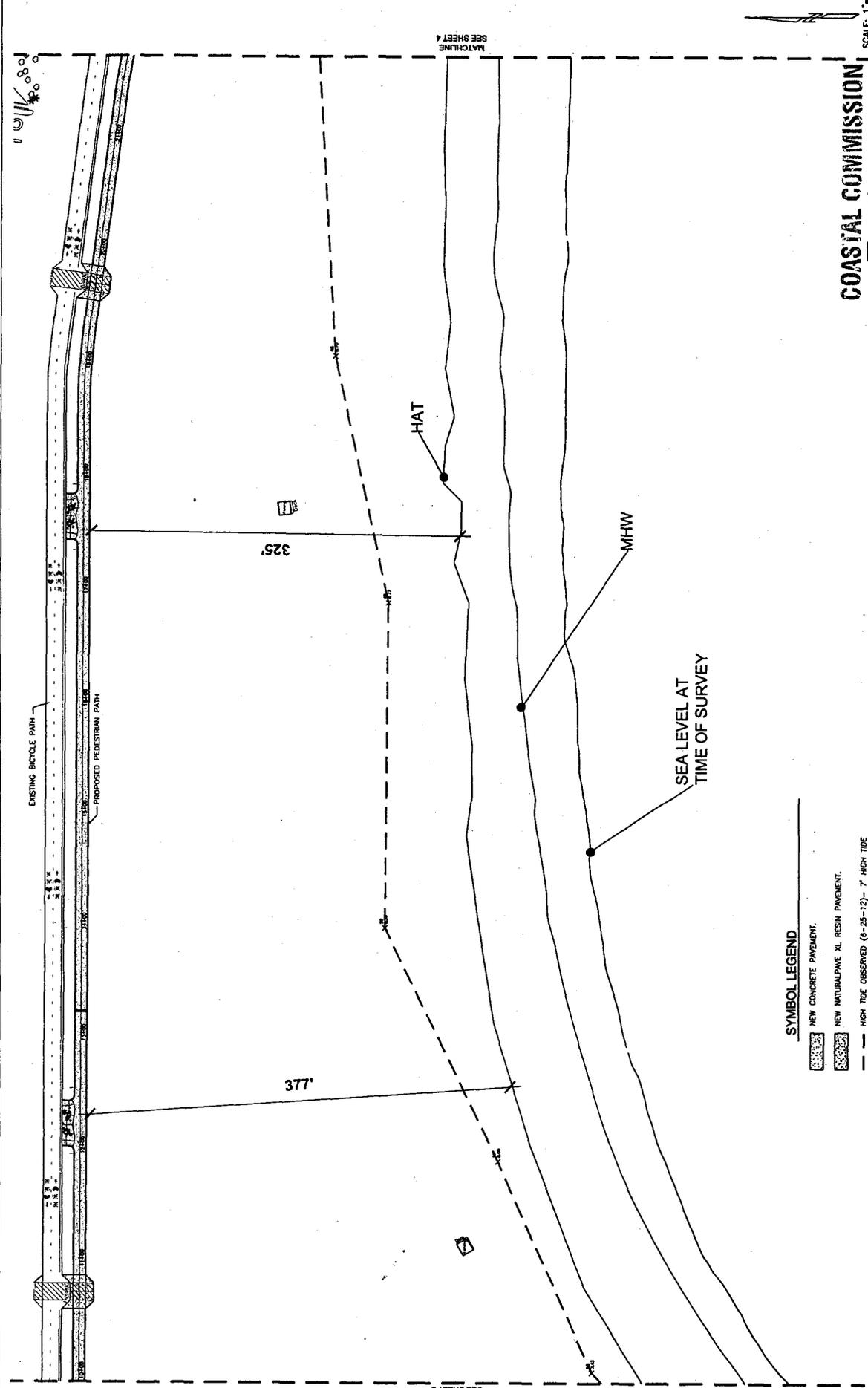
COASTAL COMMISSION

5-12-320

EXHIBIT # 1

PAGE 1 OF 1

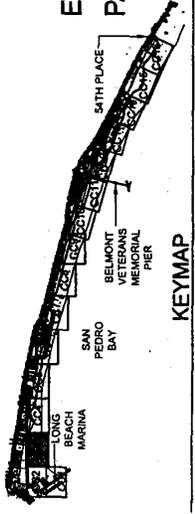


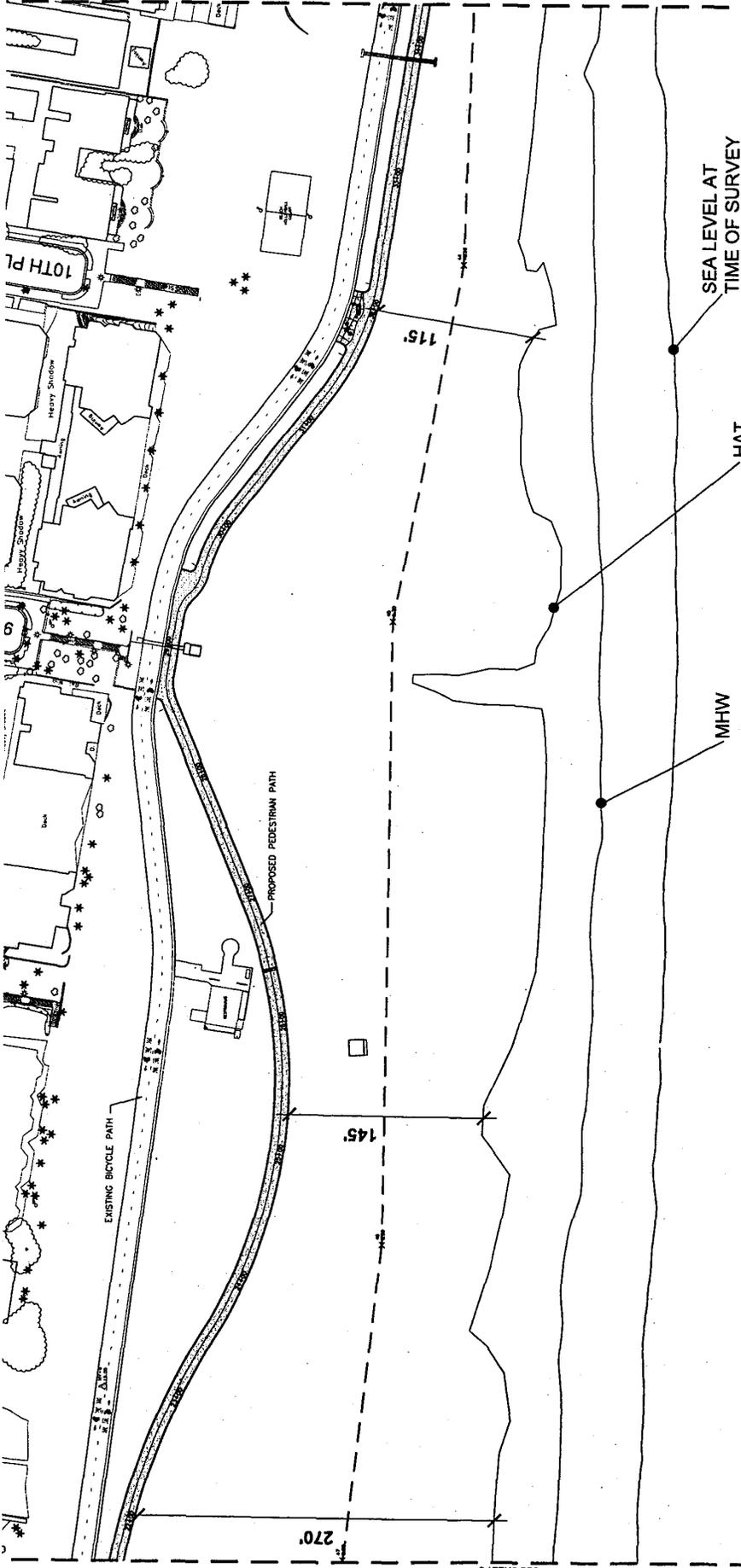


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  - MEAN HIGH WATER 4.35'
  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM MWD 88 NOAA

COASTAL COMMISSION  
 5-12-320  
 EXHIBIT # 2  
 PAGE 2 OF 15

SCALE: 1" = 100'



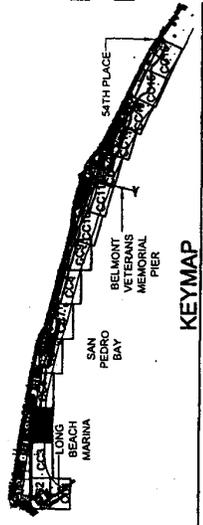


SEE SHEET 5  
MATCHLINE

SEE SHEET 3

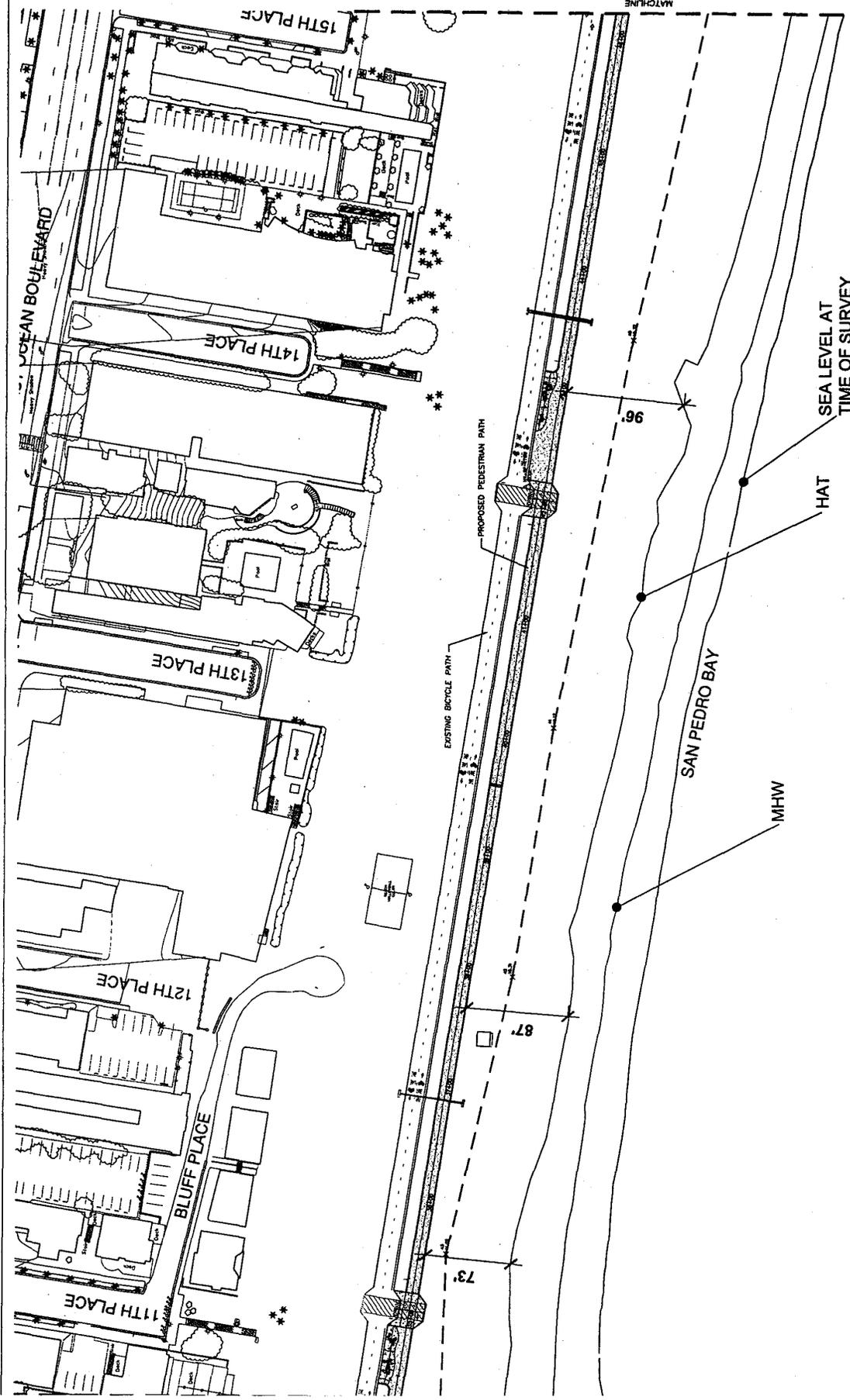
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  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM NAVD 88 NOAA

COASTAL COMMISSION  
 SCALE  
 5-12-320  
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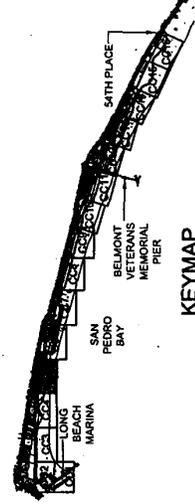


KEYMAP

COASTAL COMMISSION REVIEW CC-4 04

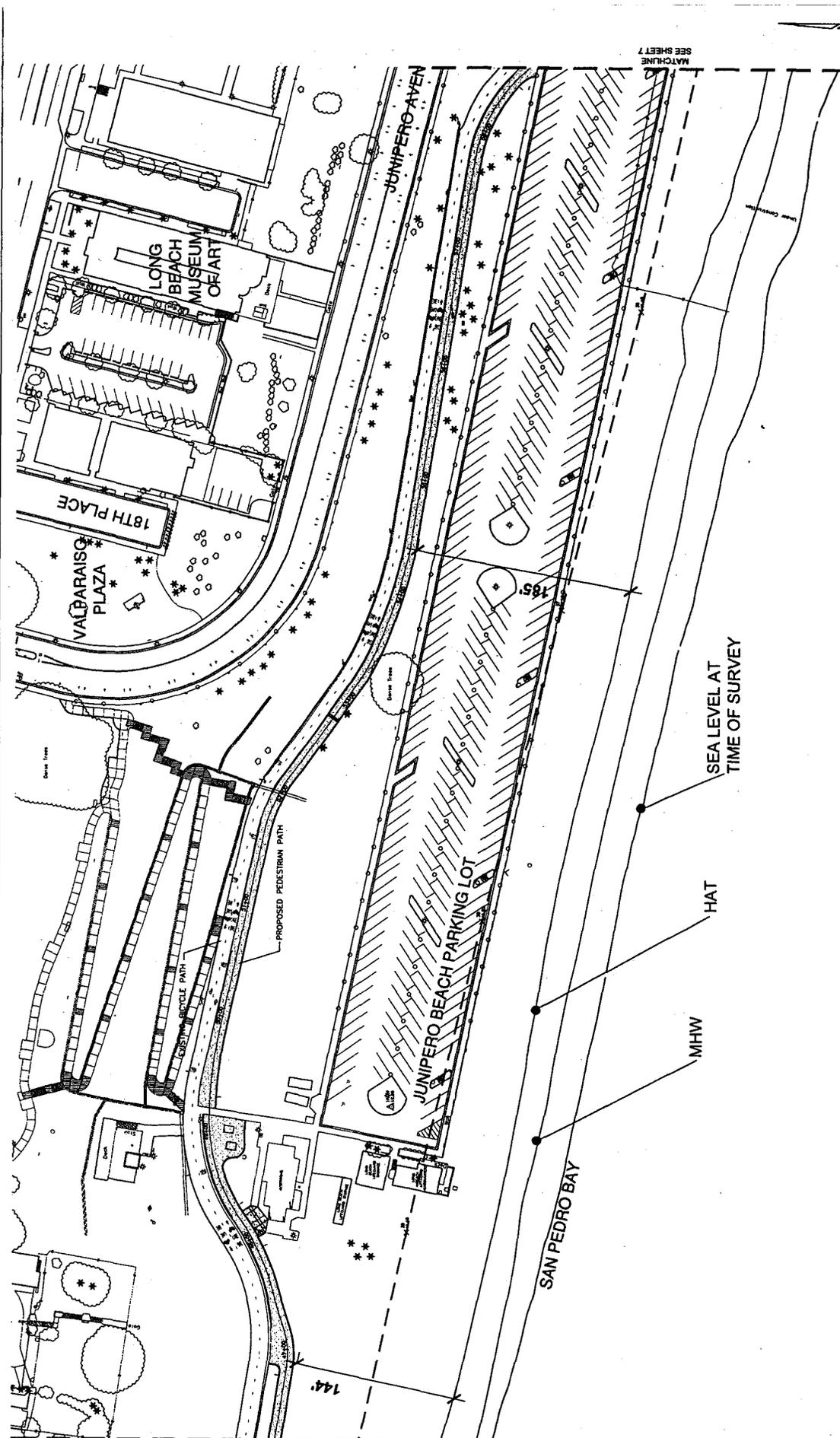


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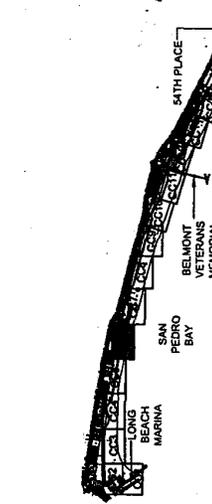


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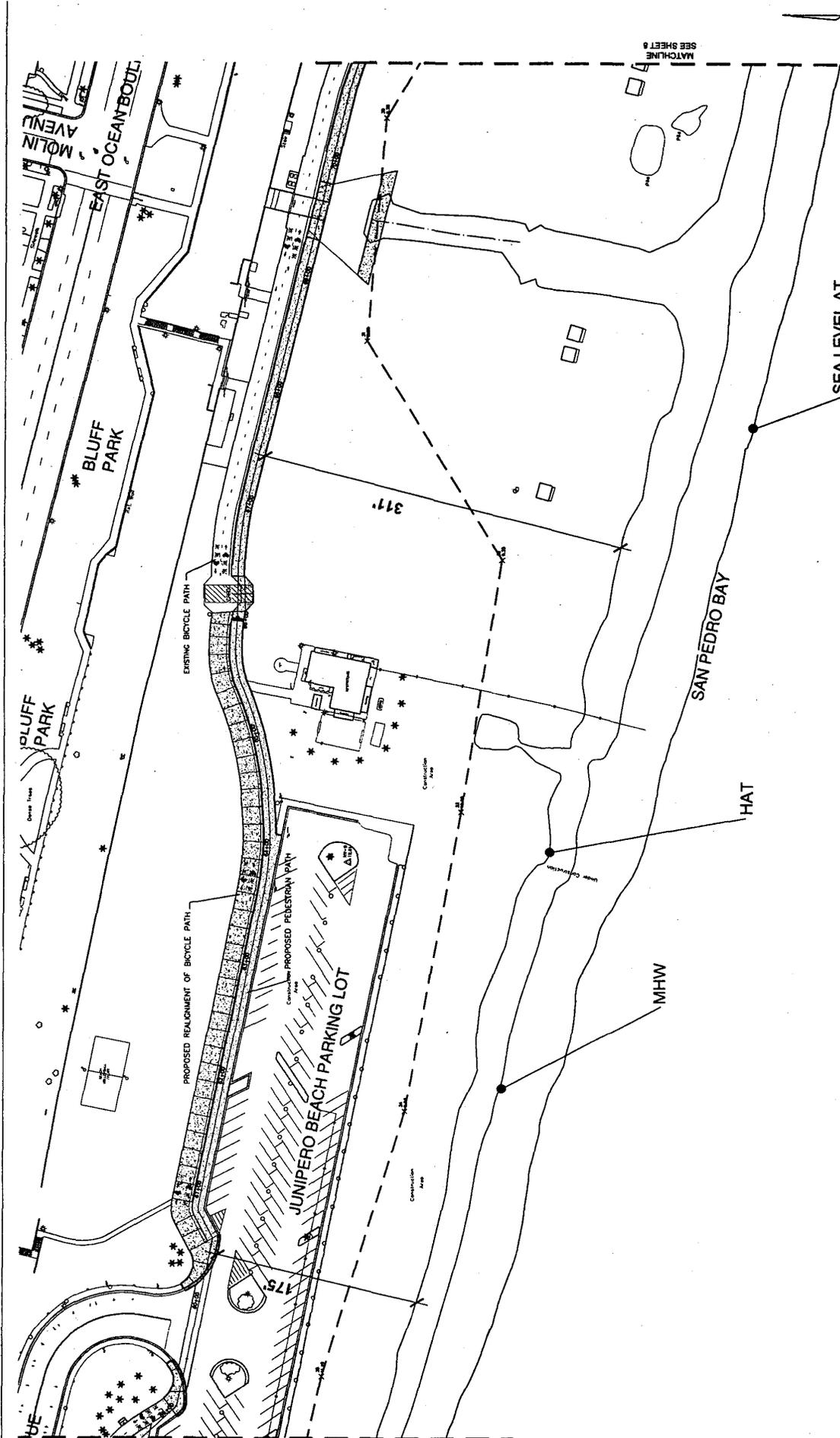
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- HIGHEST ASTRONOMICAL TIDE 7.14'
- MHW
- HAT
- DATUM NAVD 88 MDA



COASTAL COMMISSION  
 5-12-320  
 EXHIBIT # 2  
 PAGE 5 OF 15



- SYMBOL LEGEND**
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  - [Symbol] NEW NATURALPAVE XL RESIN PAVEMENT.
  - [Symbol] HIGH TIDE OBSERVED (6-23-12) - 7' HIGH TIDE
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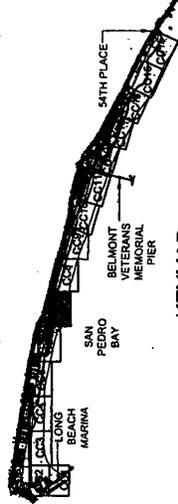
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TIME OF SURVEY

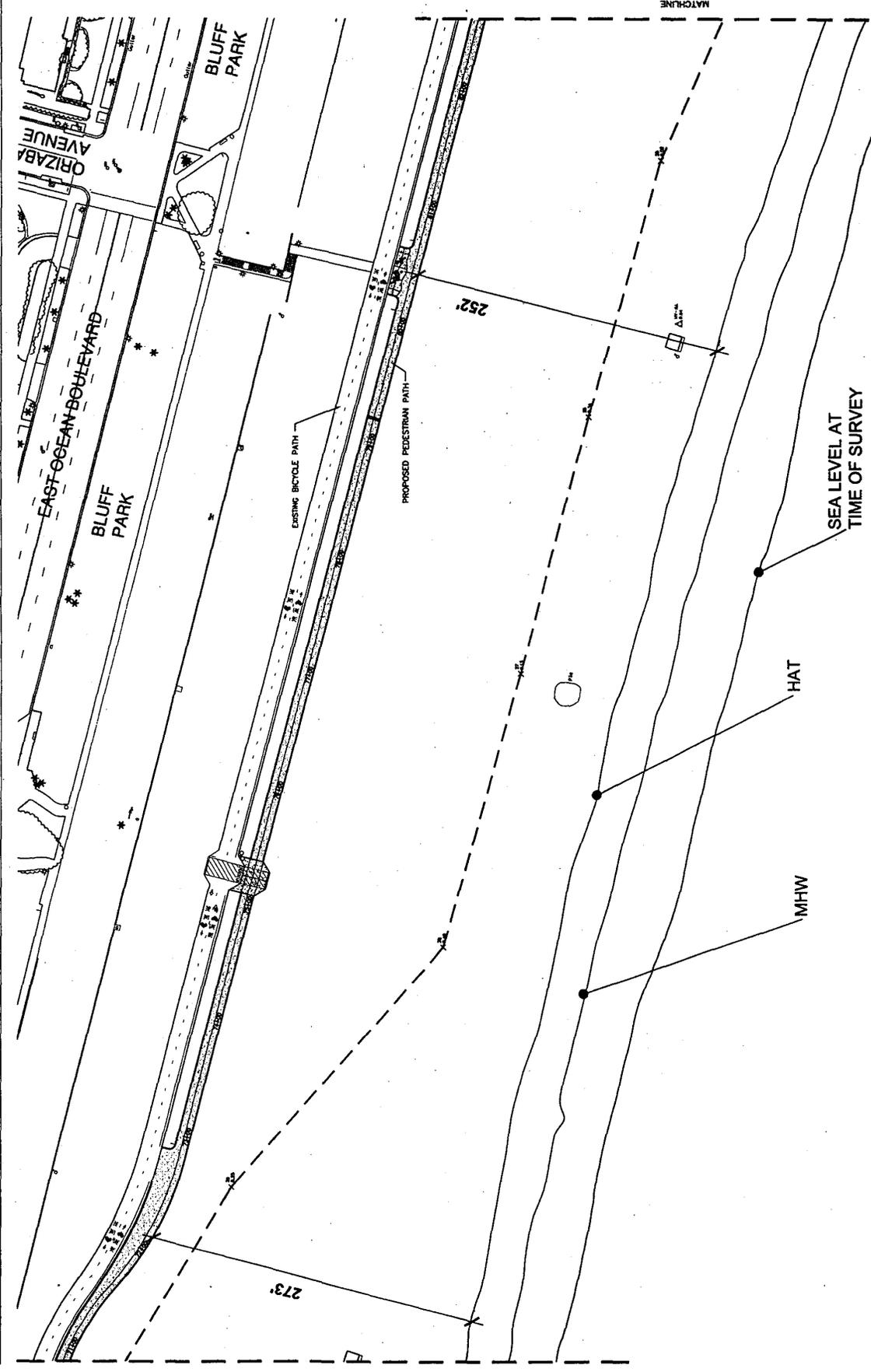
**COASTAL COMMISSION**  
**5-12-320**

EXHIBIT # 2  
PAGE 6 OF 15

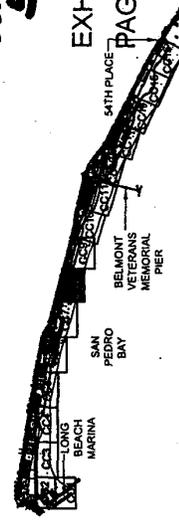
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- DATUM MVD 88 NOAA

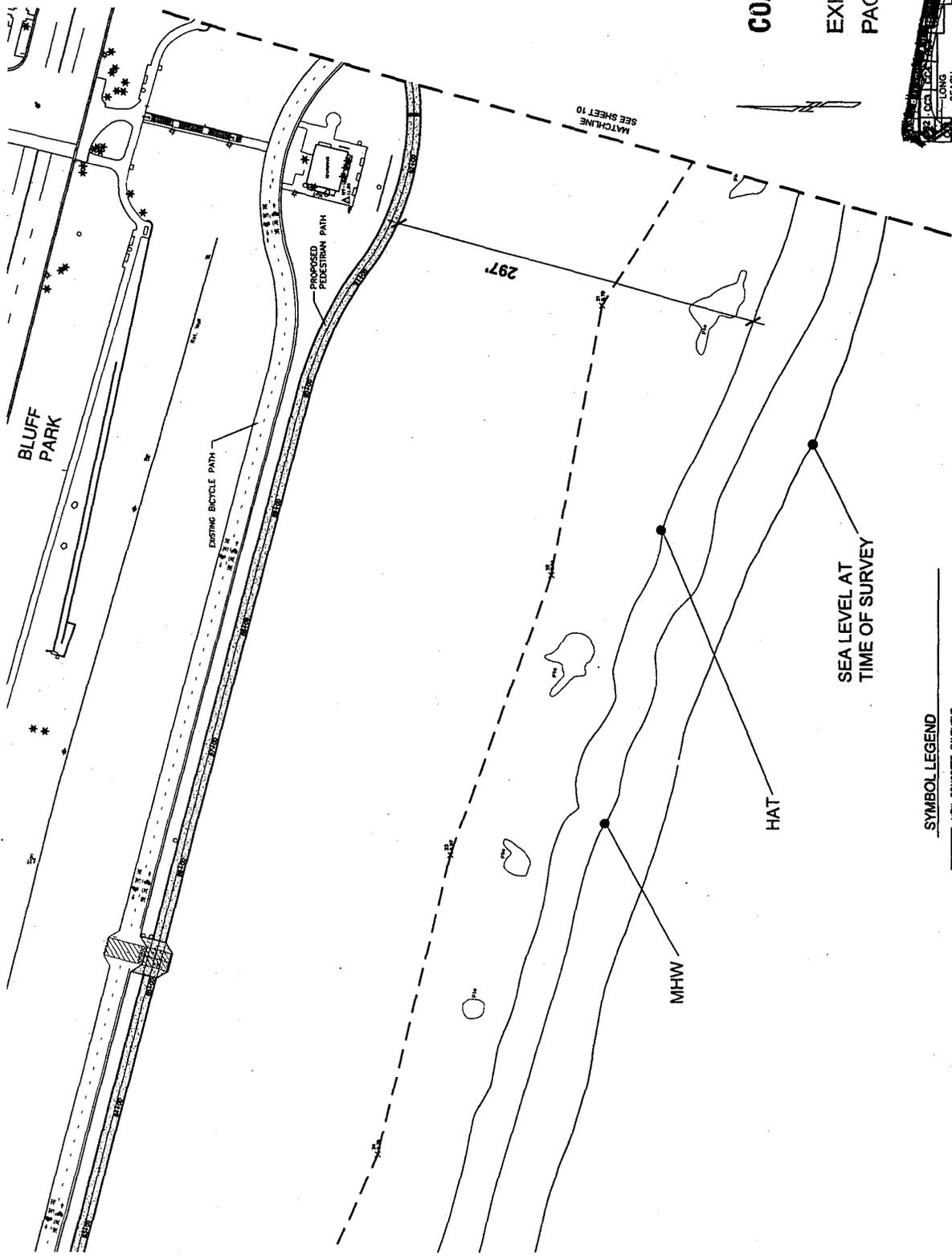




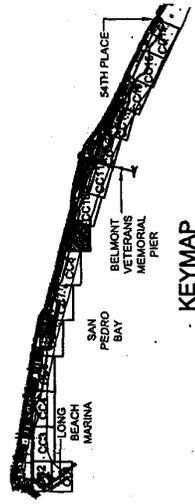
COASTAL COMMISSION  
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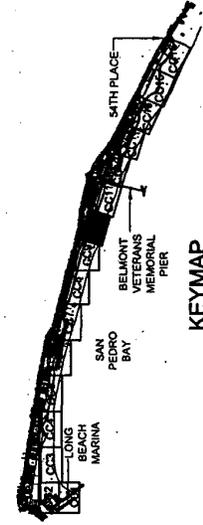
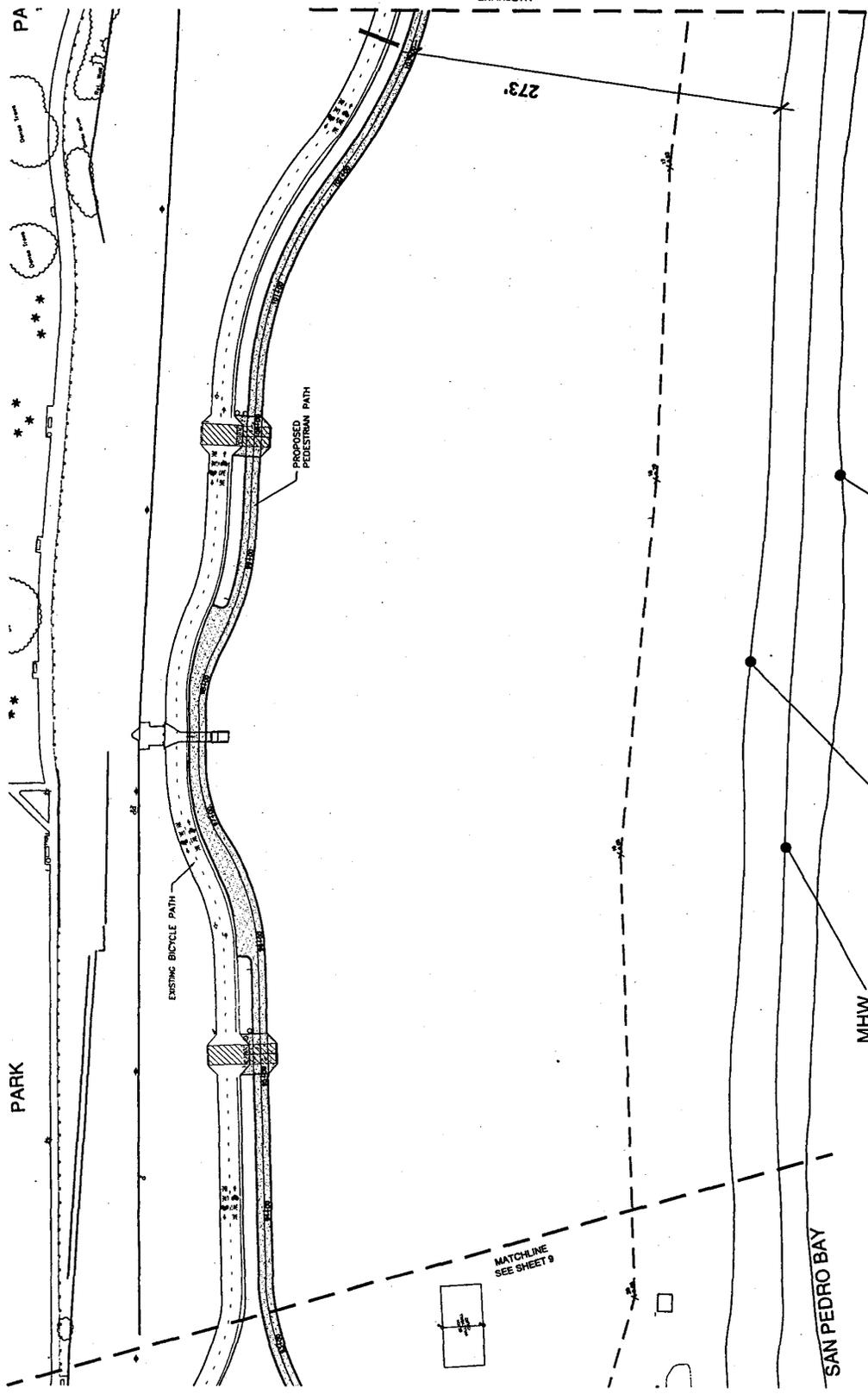
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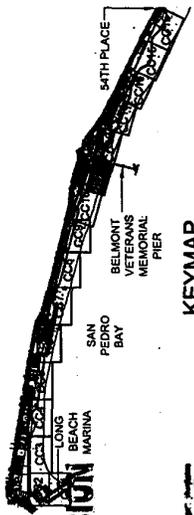
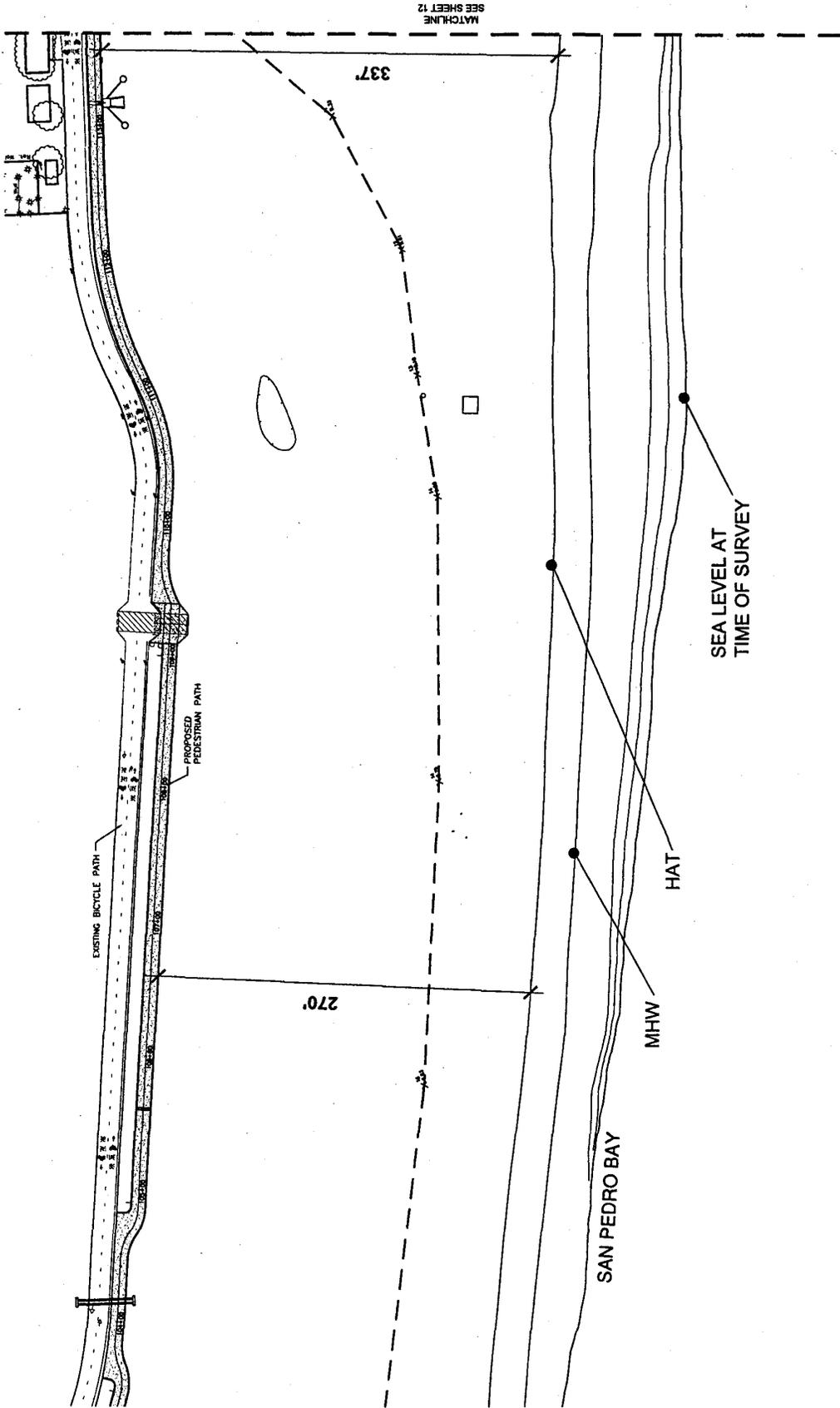
COASTAL COMMISSION  
 5-12-320  
 EXHIBIT # 2  
 PAGE 8 OF 15



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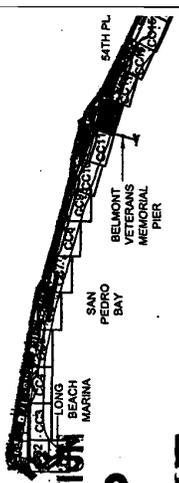
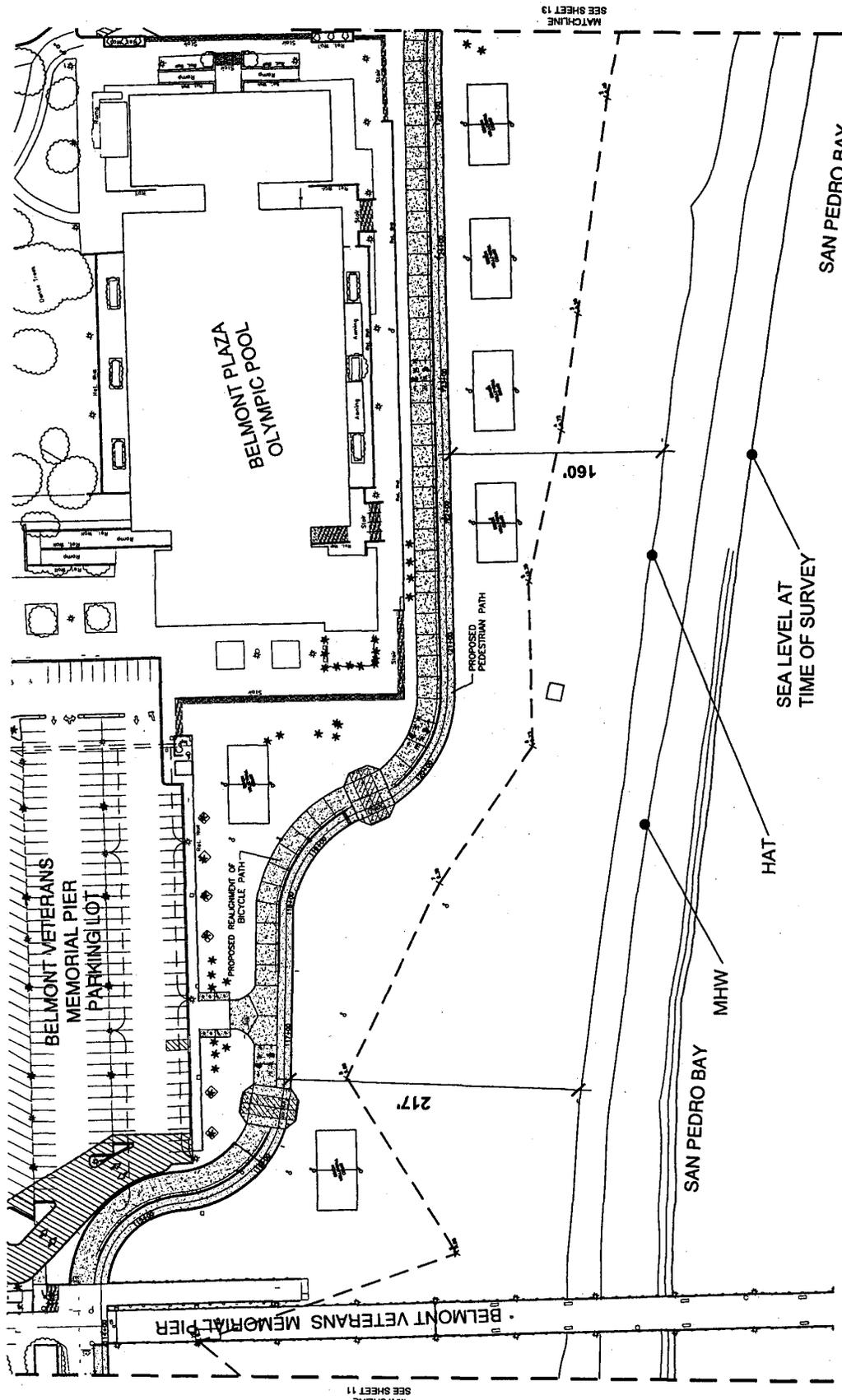
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  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
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**COASTAL COMMISSION**  
**5-12-320**  
**EXHIBIT # 2**  
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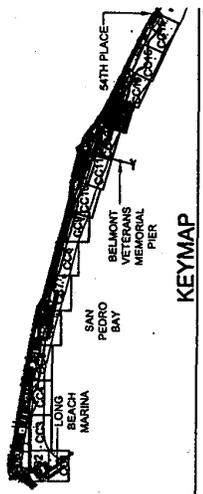
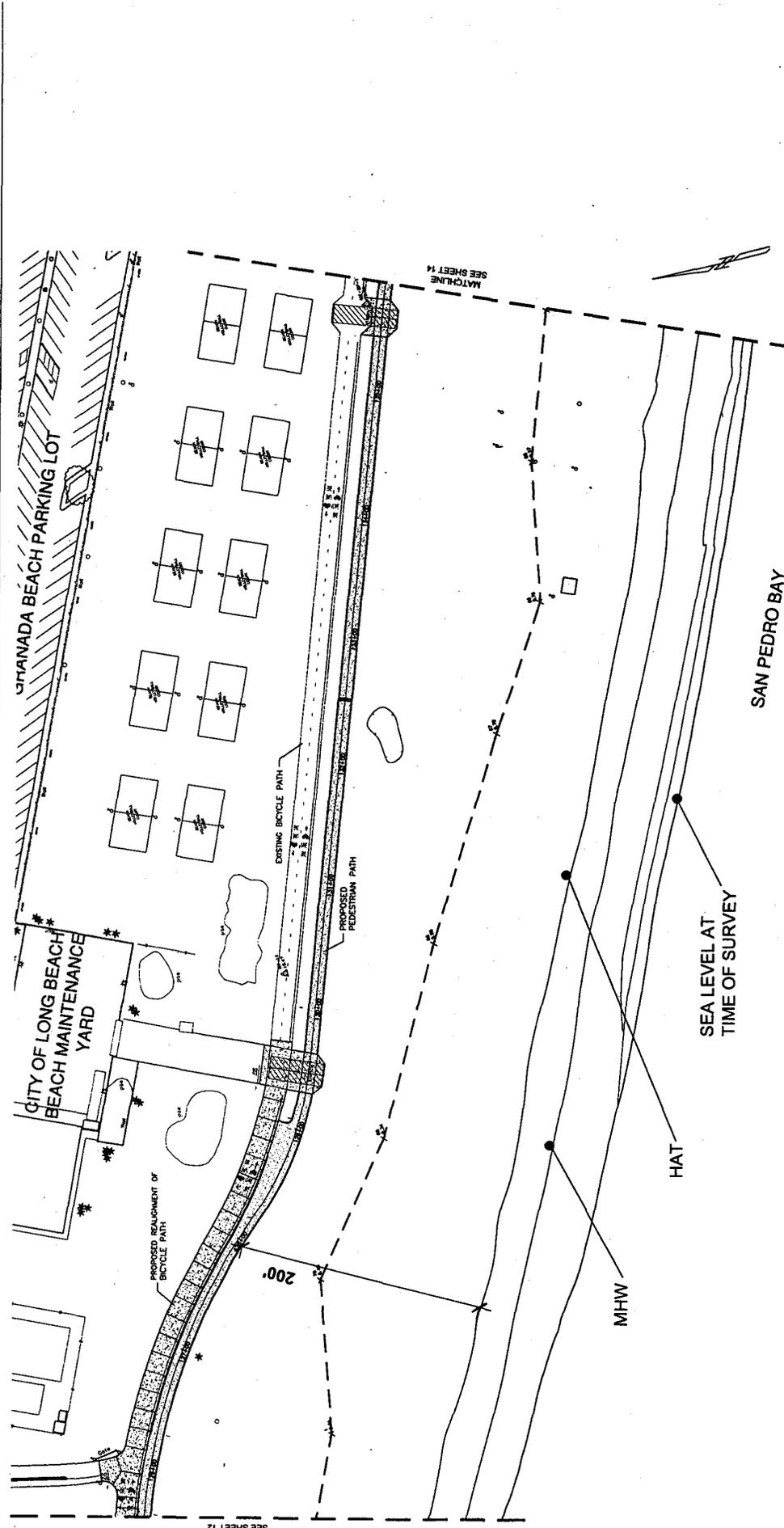
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-  HAT HIGHEST ASTRONOMICAL TIDE 7.14'
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 5-12-320  
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 PAGE 14 OF 15

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  - MHW MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM NAVD 88 NOAA

KEYMAP



COASTAL COMMISSION  
**5-12-320**  
 EXHIBIT # **2**  
 PAGE **12** OF **15**

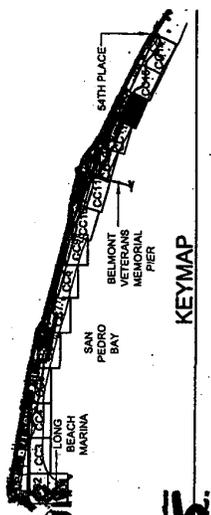
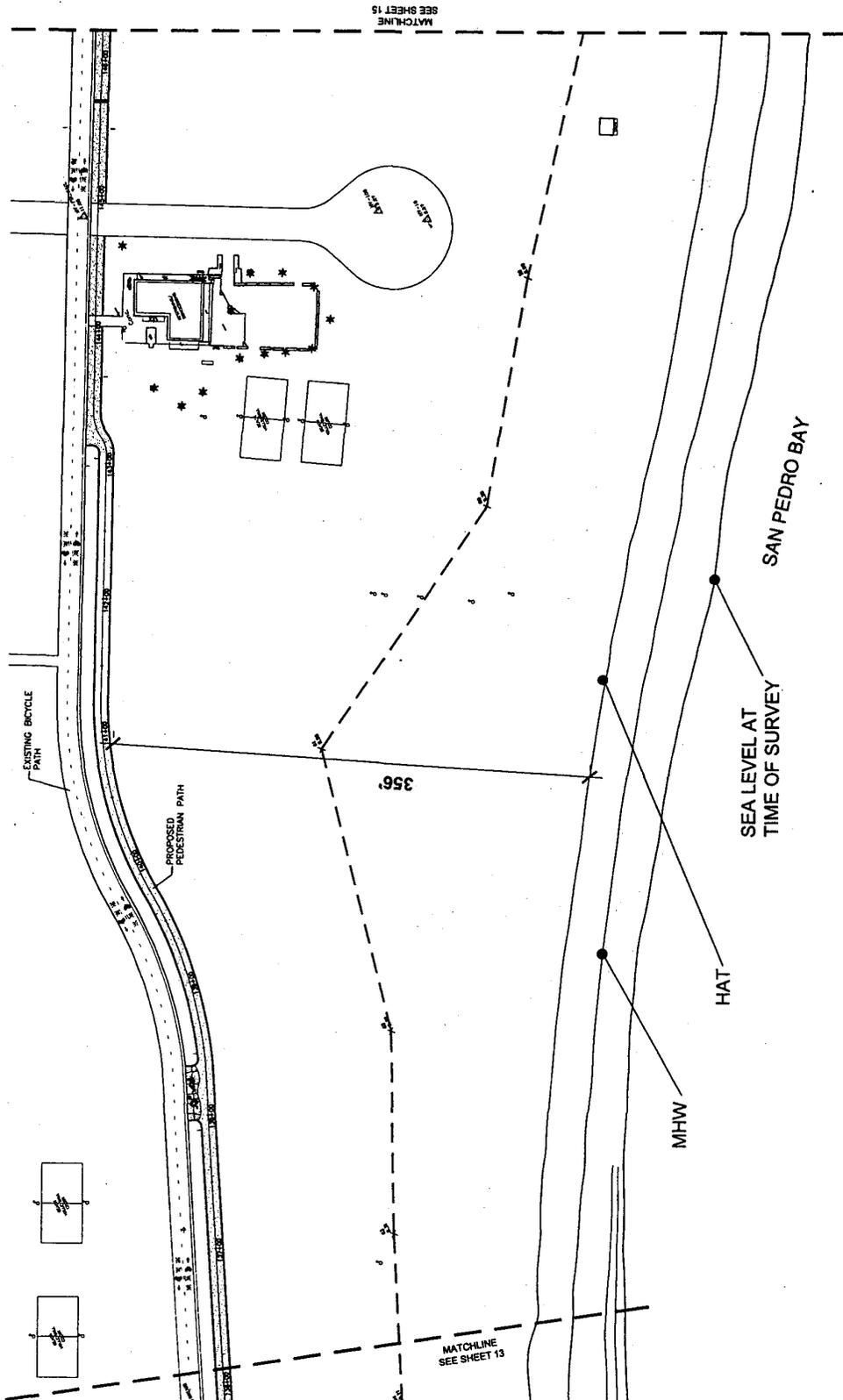
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- DATUM: MVD 86 NOAA

SEA LEVEL AT  
 TIME OF SURVEY

HAT

MHW

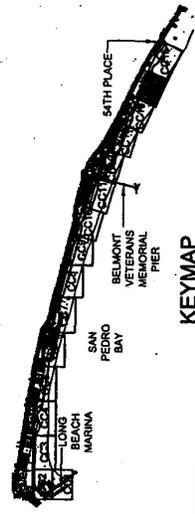
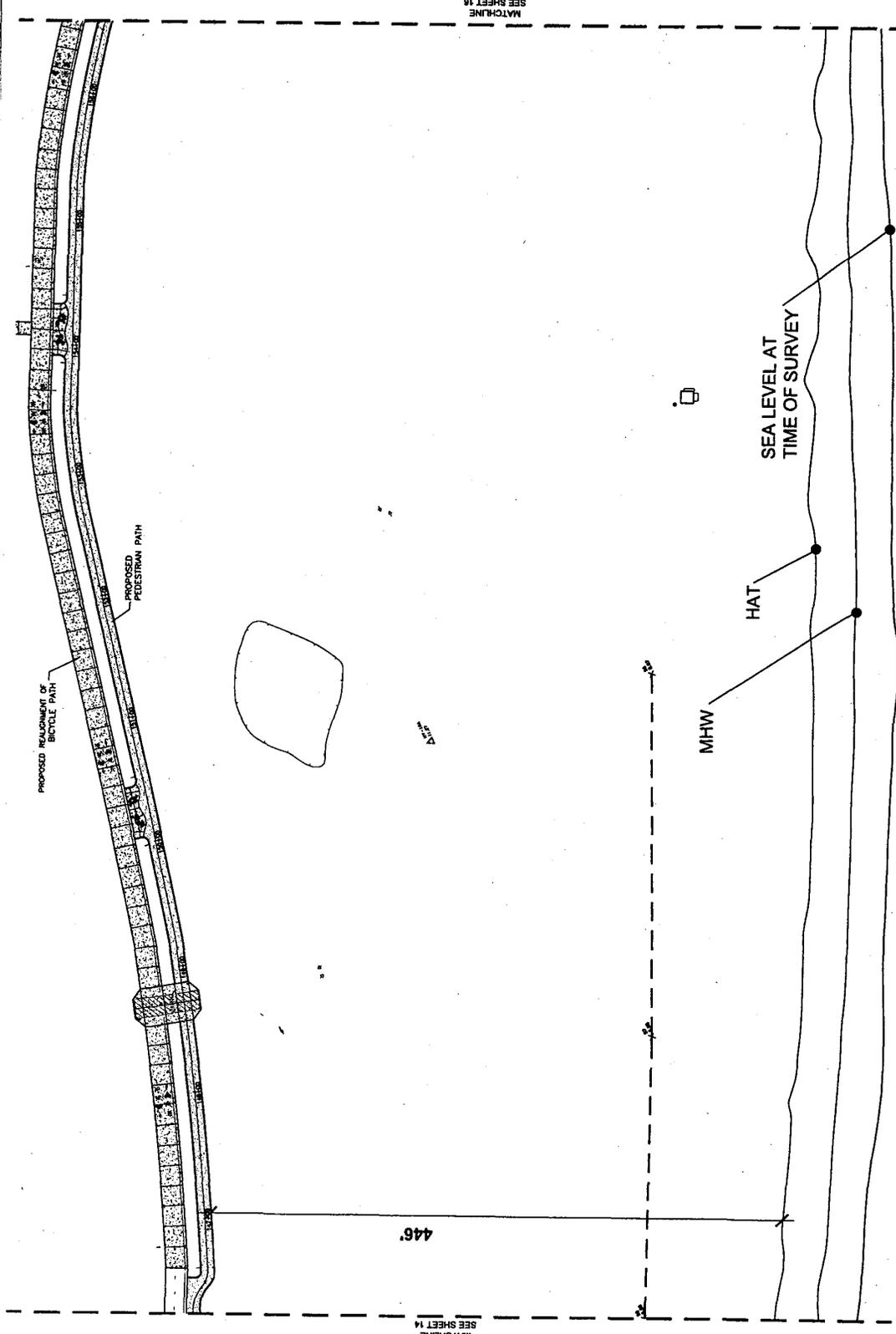


**COASTAL COMMISSION**  
**5-12-320**  
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 PAGE **13** OF **15**

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KEYMAP



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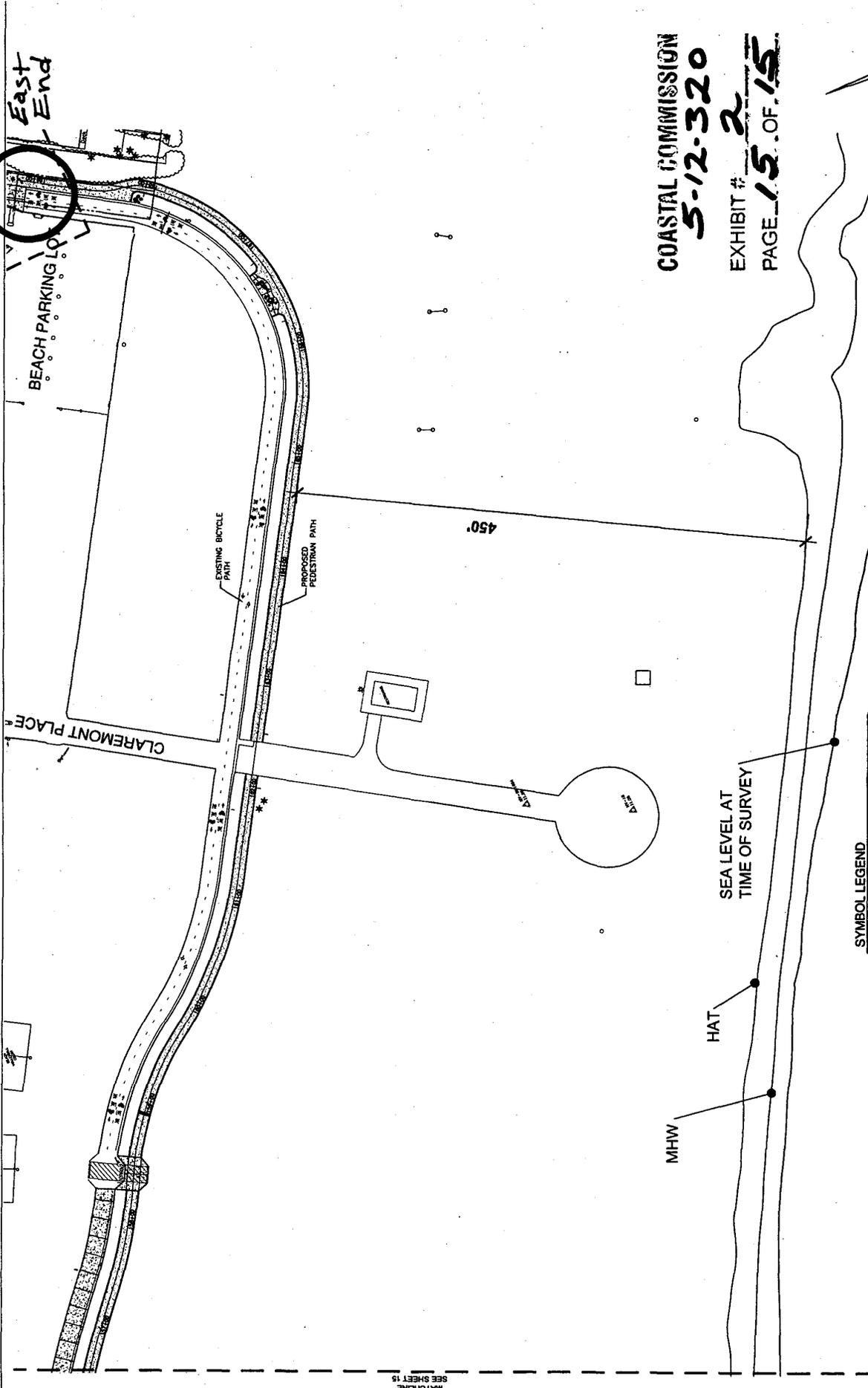
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	DATUM MWVD 88 NOAA

446'

MATCHLINE  
 SEE SHEET 14

MATCHLINE  
 SEE SHEET 16

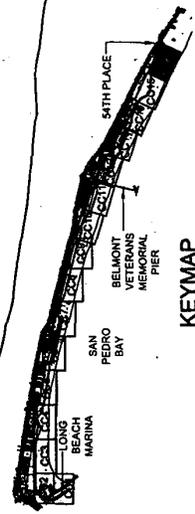
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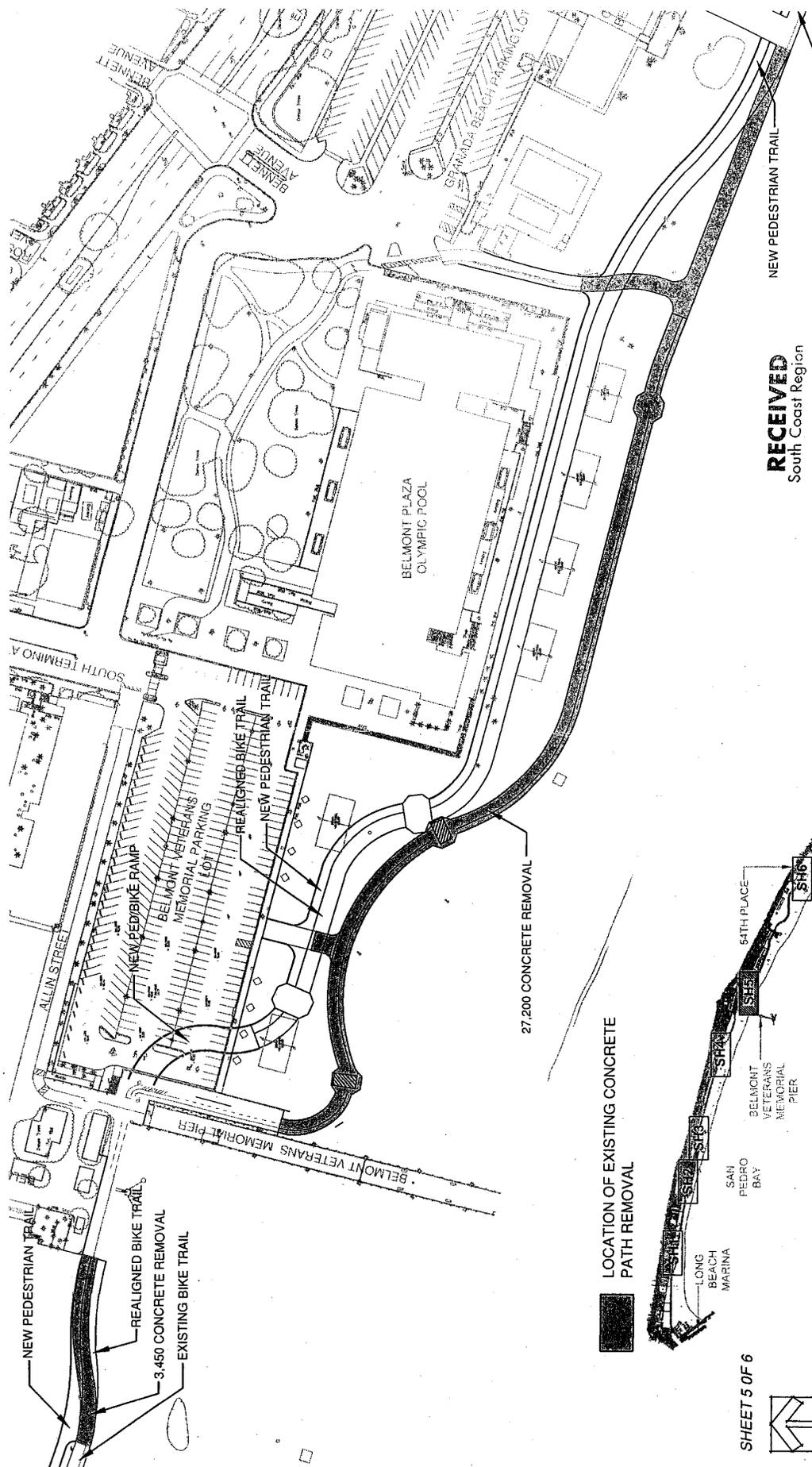
COASTAL COMMISSION  
 5-12-320  
 EXHIBIT # 2  
 PAGE 15 OF 15

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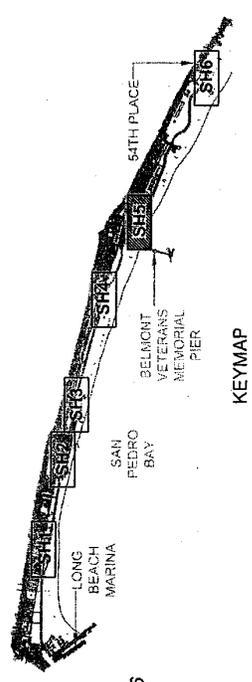
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- HIGHEST ASTRONOMICAL TIDE 7.14'
- DATUM NAD 88 MDA



MATCHLINE  
 SEE SHEET 15



LOCATION OF EXISTING CONCRETE PATH REMOVAL

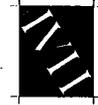


KEYMAP

SHEET 5 OF 6



7-20-12



HIRSCH & ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTURE & PLANNING  
 225 S. CLAYTON STREET, SUITE 200  
 ANAHEIM, CALIFORNIA 92801  
 PHONE: (714) 933-1100  
 FAX: (714) 933-1105

**RECEIVED**  
 South Coast Region

APR - 3 2013

CALIFORNIA  
 COASTAL COMMISSION

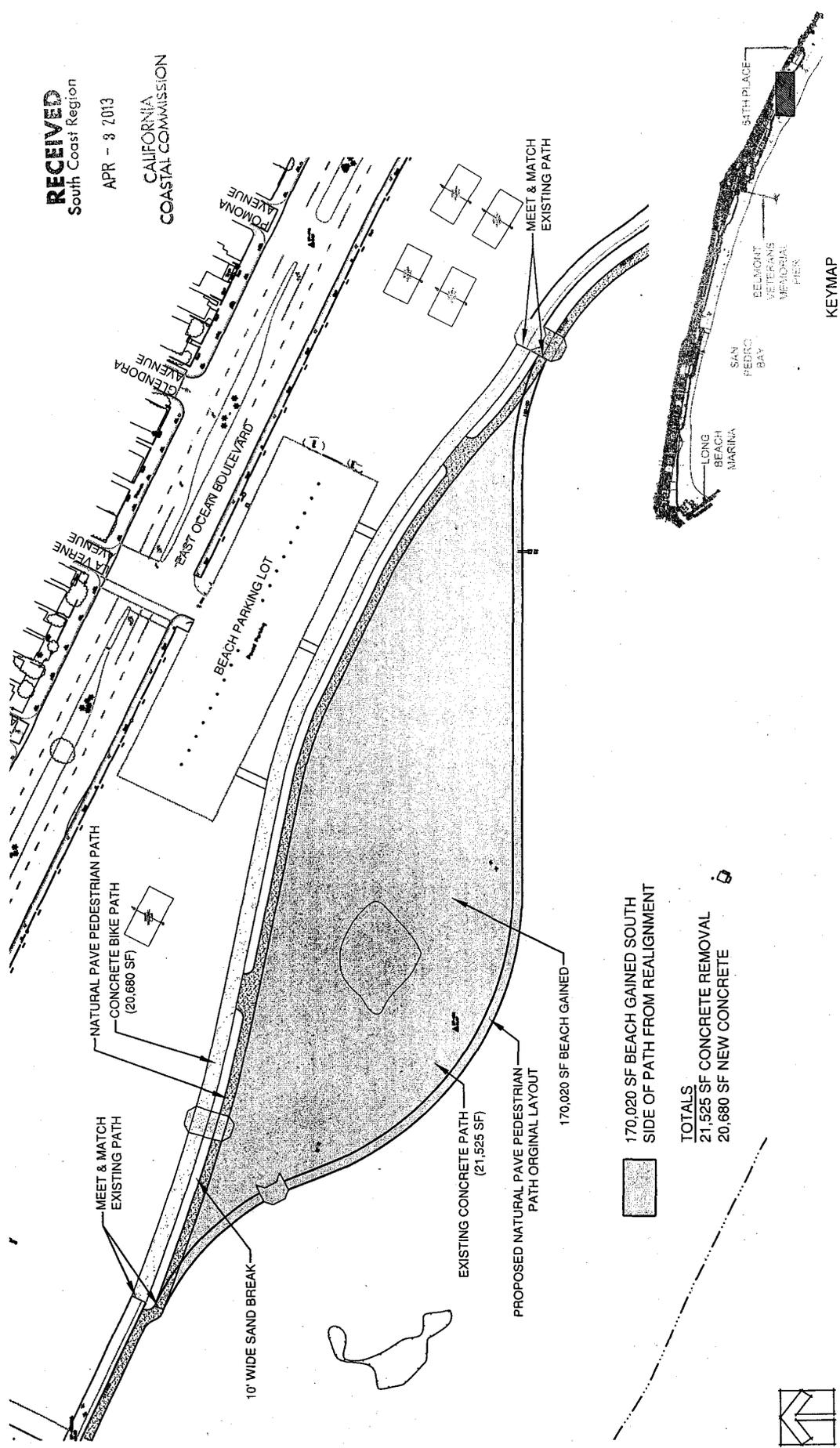
SCALE 1" = 10'

NORTHERLY PEDESTRIAN PATH ALIGNMENT EXHIBIT

COASTAL COMMISSION  
 5-12-320  
 EXHIBIT # 3  
 PAGE 1 OF 1

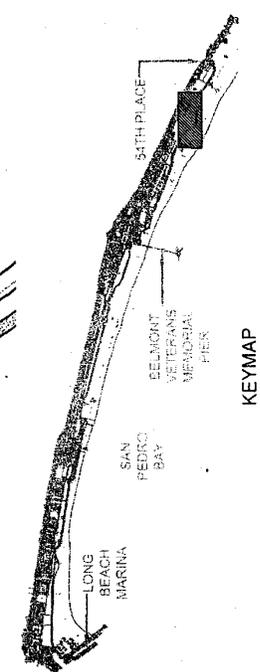
**RECEIVED**  
 South Coast Region  
 APR - 3 2013

CALIFORNIA  
 COASTAL COMMISSION



170,020 SF BEACH GAINED SOUTH SIDE OF PATH FROM REALIGNMENT

<b>TOTALS</b>
21,525 SF CONCRETE REMOVAL
20,680 SF NEW CONCRETE



SCALE 1" = 100'

BIKE/PEDESTRIAN PATH - KITE SURFING ALIGNMENT EXHIBIT 1

HIRSCH & ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTURE & PLANNING  
 2321 EAST WASHINGTON BOULEVARD  
 ANAHEIM, CALIFORNIA 92806  
 PHONE 714 774-3400 FAX 714 774-8489  
 WWW.HIRSCHANDASSOCIATES.COM CA 17110

10-15-12

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 5-12-320  
 EXHIBIT # 4  
 PAGE 1 OF 1



**RECEIVED**  
South Coast Region

JAN 8 2013

CALIFORNIA  
COASTAL COMMISSION

January 7, 2013

To:

Mr. Chuck Posner

South Coast District Office

California Coastal Commission

[Chuck.Posner@coastal.ca.gov](mailto:Chuck.Posner@coastal.ca.gov)

Subject: Project 5-12-320, Application for Coastal Development Permit for New Pedestrian Path in Long Beach, California

The Long Beach Chapter of the Surfrider Foundation is opposed to the current plans for the proposed new pedestrian path along the beach in the City of Long Beach (City). While we are completely supportive of more and improved coastal and beach access<sup>1</sup>, we have serious concerns about the proposed pedestrian path, which does not improve access while at the same time paving four acres of our beautiful beach. We are sure there are many other possible alternatives that improve access, improve safety to both pedestrians and bicyclists, and maintain the natural character of the existing beach.

The Long Beach Chapter of the Surfrider Foundation is a non-profit environmental organization representing over 1000 paid members in the City of Long Beach and we are teamed with over 80,000 members worldwide. The proposed pedestrian path runs contrary to our Surfrider Foundation Beach Preservation Policy<sup>2</sup>. We have repeatedly informed City staff of our position and requested that they analyze other, less damaging plans. A letter to staff from March of 2012 is included as Attachment 1.

We would like the California Coastal Commission to deny the Application for a Coastal Development Permit # 5-12-320 (Application) in hopes that the City return to the drawing board to develop and analyze other alternatives. Our reasons for opposing the current plan are detailed below.

<sup>1</sup> <http://www.surfrider.org/pages/policy-on-beach-access>

<sup>2</sup> <http://www.surfrider.org/pages/beach-preservation-policy>

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## **Interaction Between Wild Animals and Pedestrians**

The proposed pedestrian path would carry pedestrians to within 40 feet of the shoreline, encouraging pedestrians to interact with wild animals who beach themselves. Sick, defensive, and dangerous animals often beach themselves along the shoreline. Best practice for both people and the animals is to leave these animals alone. If the City encourages more interaction between the animals and the public, would the City then be required to post an armed official to separate the two when wild animals choose to beach themselves.

## **Breakwater Study**

The City of Long Beach and the US Army Corps of Engineers have recently joined efforts in the East San Pedro Bay Ecosystem Restoration Feasibility Study. The purpose of this study is to determine alternatives to restore the ecosystems off the shores of Long Beach. The study was initiated by the Long Beach Chapter of the Surfrider Foundation with the hopes of reconfiguring the Long Beach Breakwater (Breakwater) and bringing waves and cleaner water back to the shores of Long Beach. If the proposed pedestrian path is aligned closer to the shoreline than the existing, then it would be reasonable to assume that it would have a greater chance of interacting with the ocean if the Breakwater were reconfigured. The proposed pedestrian path would hamper efforts to reconfigure the Breakwater and increase chances of coastal flooding if waves were restored to our beaches.

## **LA River**

The Los Angeles River was channelized and paved in the 1930's to quickly and cheaply carry flood waters to the ocean. At the time, this was the cheapest and easiest means to prevent inland flooding. At the time, there was very little consideration of the benefits of a wider, more natural floodplain. Since then the communities around the LA River have been working hard to restore portions of the LA River to a more natural flow. This restoration is extremely costly now since most of the land surrounding the river has been allowed to be developed. Many would say that it would have been more efficient in the long run to have originally planned the LA River as a wide, natural, flood plain/park as part of the original design. If we as a community pave the beaches in Long Beach, we'll be remaking the same mistakes we made on the LA River. We will have learned nothing from our long history of quickly paving wild areas for short term benefit.

## **Hurricane Sandy and Barrier Beaches**

Another example of paving wild places became painfully obvious during Hurricane Sandy. In October of 2012, the New Jersey coast was devastated as a result of two factors: 1) narrow beaches backed by hard structures and infrastructure development in shallow lands and 2) a large hurricane impacting the coastline. While hurricanes are not likely in Long Beach, winter storms are guaranteed. New Jersey is such a shining example of what not to do with your beach that the coastal community has developed the term "Jersified" indicating a paved, revetted, and structure supported coastline with little open beach. The American Shore and Beach Preservation Association recently published an article on the benefits of a wide barrier

**COASTAL COMMISSION**

**5-12-320**

EXHIBIT # 5

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beach and how the approach in New Jersey failed to protect from Hurricane Sandy<sup>3</sup>. Once again, there are clear and obvious lessons that we can learn from other similar mistakes. We should not be paving our beaches since they can act as useful barriers against storm damage.

## Coastal Act

The proposed pedestrian path is in violation of Section 30253 of the California Coastal Act. This section is provided to minimize of adverse impacts of new development and is copied below:

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."

At 12<sup>th</sup> Place along the existing pedestrian/bicycle path the distance between the path and the high tide shoreline is approximately 60 feet. With the seaward edge of the proposed pedestrian path being placed 20 feet closer to the shoreline, this leaves 40 feet of beach under current sea level conditions. Currently the City builds sand berms between the Junipero Parking lot and the shoreline and the beach at this location is only 40 feet wide. If they use the same beach width, it is safe to assume that the City will have to build berms every winter at 12<sup>th</sup> place as well. If a storm should come during a high tide, or if sea level rise occurs, it is likely that some more substantial form of shore protection would also be required to protect the proposed pedestrian path, thus violating Section 30235 of the Coastal Act.

The Application lacks the following studies required by the Coastal Act:

- Runup and Overtopping Study - it is likely that the proposed pedestrian path would be overtopped in the near future.
- Alternatives Analysis - We are aware of less expensive, less damaging, and safer alternatives that would better benefit the beaches and the public and these should be analyzed.

The Coastal Commission should know that it will be very difficult for the City to comply with any order requiring the proposed pedestrian path to be open 24 hours per day, 7 days per week, and 365 days per year. The current bicycle/pedestrian path is closed nightly and for private events such as the Long Beach Marathon<sup>4</sup> as shown in Figure 1 (courtesy City of Long Beach).

<sup>3</sup> [http://www.asbpa.org/news/newsroom\\_12BN1113\\_lessons\\_from\\_sandy.htm](http://www.asbpa.org/news/newsroom_12BN1113_lessons_from_sandy.htm)

<sup>4</sup> <http://runlongbeach.com/event-information/course-information/>

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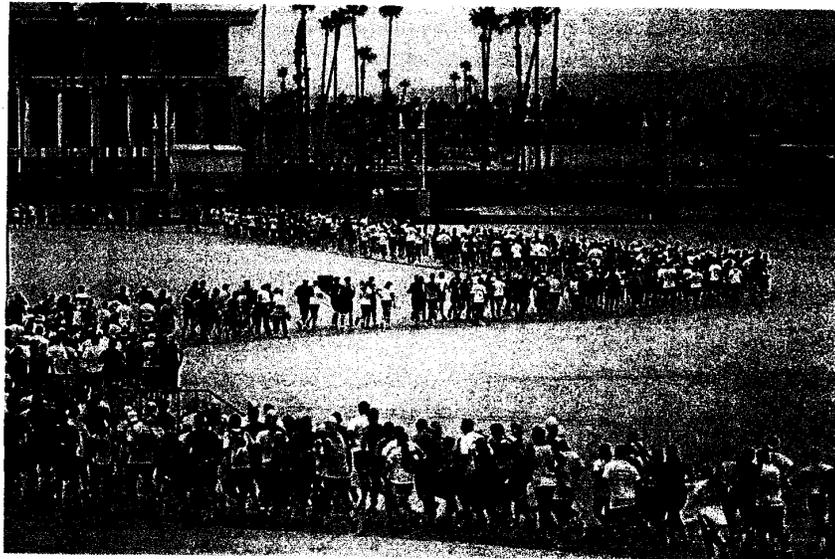


Figure 1. Long Beach Marathon

## California Environmental Quality Act

The Application states that the project is exempt from the California Environmental Quality Act (CEQA) based on Section 15404 Class 3. This is not possible since this combination of Section and Class does not exist. Section 15404 has a Class 4, not Class 3. Sections 15303 and 15304 of CEQA Article 19 are included in Attachment 2. We guess the City intended to exempt the project based on Section 15304, part of which is copied below.

### 15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(h) The creation of bicycle lanes on existing rights-of-way.

If the City wishes to be exempt from CEQA, they should state reasons, which section, and which sub-section with accompanying maps and information. For example, if the City intends to be exempt based on Section 15304 (h), they should include 1) how a pedestrian path is the same as a bicycle path, 2) a map of the proposed pedestrian path overlaid with any existing right-of-way they intend to use, and 3) permits they have for this project from the California State Lands Commission.

## Current Beach Widths and Water Levels

The City should perform a shoreline study and a runup and overtopping study for the proposed pedestrian path to determine if and how often will interact with the ocean and what kind of shore protection would be required.

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During the last king tide of December 13, 2012, the high tide line was observed to be quite close to the existing bicycle/pedestrian path. As shown in Figure 2, during the high tide, the distance between the high tide line and the path was approximately 60 feet at 12<sup>th</sup> Place. If the proposed pedestrian path extends 20 feet seaward of the existing path, only 40 feet of beach would remain.

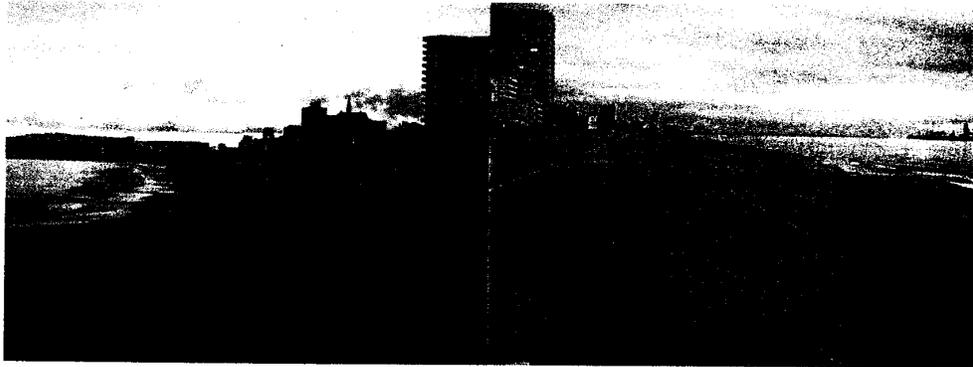


Figure 2. 8:18AM, 7.70' High Tide @ 12<sup>th</sup> Place. Beach width = 60'.

Observed tidal record for December 13<sup>th</sup> is shown in Figure 3. While the tide shown in Figure 3 was quite high, it was not the highest on record and with sea level rise, even higher tides are expected.

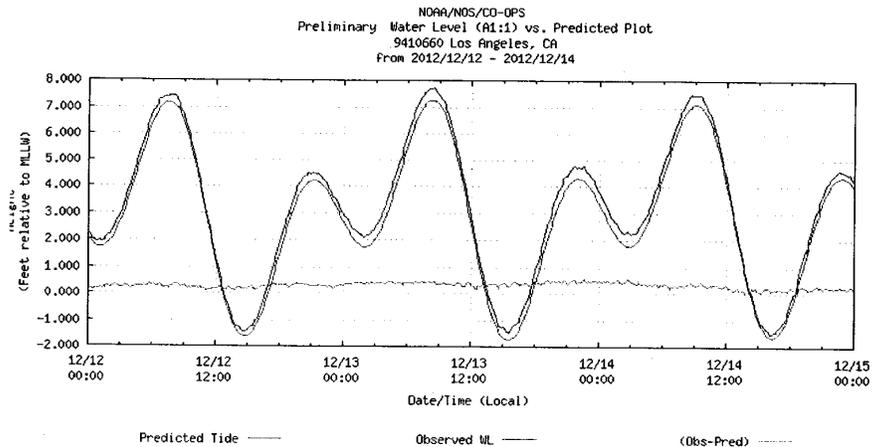


Figure 3. Observed Water Levels for December 13, 2012

Figure 4 shows the beach at the Junipero Avenue Parking lot during the King tide. In the photo, the beach width was 40 feet. This is an example of City procedure for beaches this narrow. The proposed pedestrian path would create a similar situation, requiring at least this same level of protection and disruption to the beach.



Figure 4. 8:18AM, 7.70' High Tide, Beach width =40' (wall to water)

Figure 5 show the existing bicycle/pedestrian path and the shoreline during the King tide near the Belmont Pool. The beach width shown in the photo is approximately 32 feet wide.

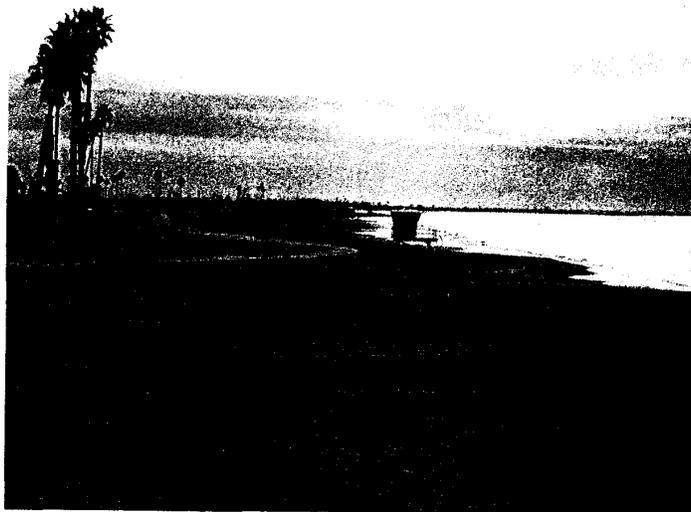


Figure 5. 8:24AM, 7.73' High Tide @ Belmont Pool. Beach width = 32'.

## Future Beach Widths and Water Levels

In 2008, the Governor of California<sup>5</sup> mandated that all state agencies planning construction projects in areas vulnerable to future SLR shall, for the purposes of planning, consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise.

The most recent science on sea level rise, as published by the National Academy of Sciences and the National Research Council<sup>6</sup> estimates future sea level rise ranging from 0.4 to 2.0 feet by 2050 and 1.4 to 5.5 feet by 2100 for southern California.

These changes in water level can easily translate into tens to hundreds of feet of landward shoreline migration<sup>7</sup>. If the proposed pedestrian path is placed closer to the shoreline than the existing, interaction between the ocean and the path is more likely to occur than if it was placed landward of the existing bicycle/pedestrian path.

## Project Purpose and Need

The purpose and need for the proposed pedestrian path are unclear. The Application states that

A new pedestrian beach path is proposed to be constructed approximately 10 feet seaward of the existing bicycle and pedestrian path. The new path will relieve overcrowding and reduce conflicts between user groups (i.e., walkers, runners, and bicyclists), making it safer for the public.

When meeting with City staff, we stated our understanding that the primary purpose of the proposed pedestrian path was to relieve conflicts between bicyclists and pedestrians. At that time, we were corrected by staff who told us that the primary purpose was to add more pathway for pedestrians. This was reinforced by staff who stated that the primary lobby for the increased path was runners associated with the Long Beach Marathon. We were not informed of any input by bicyclists.

If the project purpose is as stated in the Application, the Application should analyze how the proposed solution addresses the project purpose and addresses concerns of the Coastal Act. For example, if the project is to make it safer for the public, some discussion of how and why would be in order.

## Safety

The existing configuration of the bicycle/pedestrian path has pedestrians crossing the bicycle path every time they access the pedestrian path. If a new paved lane is required, we recommend that the pedestrian traffic be aligned landward of the bicycle traffic. This change

<sup>5</sup> Executive Order S-13-08. Office of the Governor of the State of California, Governor Arnold Schwarzenegger. November 14, 2008.

<sup>6</sup> National Research Council, National Academy of Sciences. 2012. *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past Present, and Future*.

<sup>7</sup> Flick, Reinhard E. and Lesley C. Ewing. 2009. Sand Volume Needs of Southern California Beaches as a Function of Future Sea-level Rise Rates. *Shore & Beach*. Volume 77, Number 4, Fall 2009.

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from the existing condition would greatly improve safety and reduce the opportunity for conflict between bicyclists and pedestrians. Currently, there are many more public and private pedestrian access points than there are bicycle access points along the bicycle/pedestrian path. If the pedestrian lane is placed between the pedestrian access points and the bicycle lane, this would reduce the number of intersections between bicycles and pedestrians, thus increasing safety many-fold. For pedestrians walking from the land to the waters edge, the placement of the pedestrian and bike paths doesn't matter, since the water seeker would have to cross both lanes, regardless of which one was landward and which one was seaward.

## **Aesthetics**

When asked why the proposed pedestrian path needs to be placed seaward of the bicycle path, City staff responded that pedestrians would appreciate the aesthetics of the beach more than bicyclists and would go the ocean more often. This position is not stated nor supported in the Application.

There is no evidence that pedestrians would appreciate the view more than bicyclists. It is possible that bicycle groups would disagree with City staff opinions on the topic. As far as accessing the ocean, if the pedestrian path were landward of the bicycle path, pedestrians would only have to walk an additional 10 feet across the bike path to access the ocean. This is a negligible distance for beachgoers in Long Beach who often have to cross 500 feet of sand to reach the ocean.

## **Lifetime Project Costs**

City officials have stated that placing the proposed pedestrian path landward of the existing bicycle/pedestrian path would be too costly. No evidence of this has been given. To the contrary, when considering sea level rise, costs of annual increased beach berm construction, costs of emergency coastal development permits, and costs of revetment or seawall construction to maintain the proposed pedestrian path, it should be obvious that the proposed pedestrian path is the most costly over the project lifetime.

Instead of adding 11 feet of new pavement for the proposed pedestrian path, adding 3 to 4 feet of new pavement landward to the existing bicycle/pedestrian path should cost much less in both initial construction and in long-term maintenance.

## **Preferred Alternative**

The Long Beach Chapter of the Surfrider Foundation proposes the following alternative to solve the problem of overcrowding on the bicycle/pedestrian path and possible collision between pedestrians and bicyclists.

This alternative would be to add a few feet of pavement landward of the existing bicycle/pedestrian path and move the pedestrian path to the landward side of the two. The bicycle path could be narrowed some minor amount as there is no indication that it is currently at capacity. Some visual or physical barrier between the two paths could be installed to improve separation between the two user groups. This could consist of painting, signage, short

**COASTAL COMMISSION**

**5-12-320**

EXHIBIT # 5

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flexible vertical marker poles, a concrete curb, or some other barrier. A photograph of one such physical barrier is shown in Figure 6 (courtesy City of Long Beach). Improved enforcement of existing rules and regulations would help to reduce the numbers of users who venture across into the other path. At some areas, such as the Junipero Parking lot, the path could be widened seaward since this encroaches on the parking lot, not on open beach.

In comparison to the proposed pedestrian path, this alternative would have the following benefits. It would:

- Widen the pedestrian path to 11 feet as desired by the City;
- not increase coastal flooding or damage from coastal flooding;
- not increase the need for shore protection;
- not increase the need for emergency coastal development permits;
- not make future sea level rise and beach loss worse than existing conditions;
- not increase interaction between the public and ocean wildlife;
- improve public safety by reducing probability of collisions between bicyclists and pedestrians;
- likely have less initial construction costs; and
- have less in long-term maintenance costs.

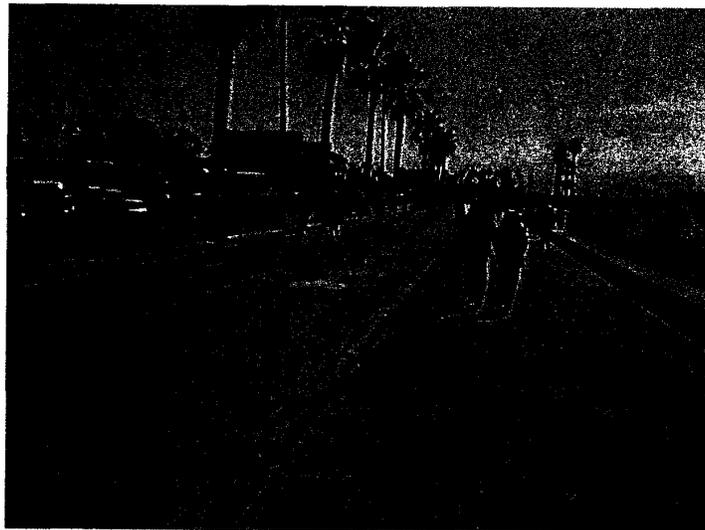
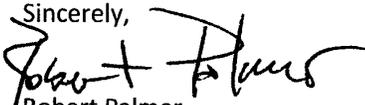


Figure 6. Physically Separated Paths in Santa Monica

In closing, the Long Beach Chapter of the Surfrider Foundation recognize that there are conflicts between pedestrians and bicyclists on the current bicycle/pedestrian pat and we are agree with the City of Long Beach that some solution is possible. We endeavored with City staff to find a solution that is environmentally sound, cost efficient, and improves public safety. While we appreciate the City efforts to communicate with us, we are far from satisfied with the proposed pedestrian path alternative that was submitted in the Application. We urge the Coastal Commission to deny this Application and recommend that City staff go back to the drawing board. We are available to discuss this issue with any and all interested parties.

Sincerely,  
  
Robert Palmer

Chairman  
Surfrider Foundation, Long Beach Chapter  
P.O. Box 14627  
Long Beach, CA 90853  
Email: [chair@lbsurfrider.org](mailto:chair@lbsurfrider.org)

COASTAL COMMISSION  
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# Attachment 1

March 27, 2012

Eric Lopez

City of Long Beach

Dear Mr. Lopez

Thank you for meeting me the other day to hear our concerns and suggestions about the proposed beach pedestrian path. I thought I'd take this opportunity to express our points more formally for your record. We are the Long Beach Chapter of the Surfrider Foundation with over 1000 ocean and beach loving members.

As we understand it, the principal issue is overcrowding and safety concerns with the interaction between bicyclists and pedestrians on the existing paved, dual-purpose bicycle/pedestrian path on the beach of Long Beach. The City's main solution for correcting this is the proposed construction of a new pedestrian path running parallel to the existing dual-purpose path.

First of all, and most importantly, the Surfrider Foundation and the Long Beach Chapter of the Surfrider Foundation are dedicated to minimizing and reducing human encroachment on wild coastlines and preserving beaches for all people. This makes sense since the less we develop these dynamic and variable places, the less we have to fix, maintain and repair our development. In this light, we encourage the City to consider all means of separating the two types of traffic without new development on the beach. Some means for this would include: more signage; installation of thin, vertical, flexible pilons on the line between the two paths; and some type of minimal enforcement (either police or volunteers). We feel these efforts should be fully exhausted before expensive construction occurs.

If those easy and low cost solutions do not separate the traffic and if new traffic lanes are determined to be required, then we recommend putting any new paved lanes on the landward side of the existing path. There are three practical reasons for this:

- 1) this would avoid expansion into the beach between the path and ocean, thereby not increasing the probability of storm damage often inflicted on coastal infrastructure, and reduce the lifetime maintenance cost of the structure;
- 2) this would likely ease the permitting process through either the local coastal plan or through the California Coastal Commission. The Coastal Commission typically encourages alternatives that do not increase the need for new or future shore protection or for emergency shore protection structures; and

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COASTAL COMMISSION  
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- 3) our group has been working for 15 years to remove the Long Beach Breakwater and bring waves back to Long Beach. Further hardening of the shoreline would make this process more difficult as many would then argue that the coastline is too developed and fixed to allow returning of more natural and dynamic processes. In addition, if waves were brought back to Long Beach, the coastline would become even more dynamic (the shoreline position would vary more greatly) and the threat of storm damage could increase.

If a new paved lane is required, we recommend that the pedestrian traffic be aligned landward of the bicycle traffic. This change from the existing condition would greatly improve safety and reduce the opportunity for conflict between bicyclists and pedestrians. Currently, there are many more public and private pedestrian access points than there are bicycle access points along the dual-purpose path. If the pedestrian lane is placed between the pedestrian access points and the bicycle lane, this would reduce the number of intersections between bicycles and pedestrians, thus increasing safety many-fold. For pedestrians walking from the land to the waters edge, the placement of the pedestrian and bike paths doesn't matter, since the water seeker would have to cross both lanes, regardless of which one was landward and which one was seaward.

If a new pedestrian lane were to be built, we recommend making it out of similar types of material as is already in use. There has been discussion of using some sort of soft, flexible, or rough surface. These are not recommended by Surfrider for the following reasons:

- 1) Current pedestrian usage clearly prefer the hard, clean, and safe environment found on the current pedestrian path and by a great majority do not utilize the varying degrees of soft to hard sand found between the path and the waters edge. This is a clear indicator of what the target audience prefer and no better indicator is possible.
- 2) There are many strollers using the pedestrian path who would have a difficult time on a rough surfaced new pedestrian path. Instead of just slogging through on the new difficult terrain, it is easy to imagine them just returning to the bicycle path, where the traveling is easy, and returning us to the same situation where we are today.
- 3) Non-smooth and non-rigid materials will be more costly to maintain in the sandy, windy dynamic environment that exists on the beach.

Lastly, we understand that part of the proposed construction would involve the addition of connecting pavement sections between the existing stairways and the new pedestrian path. We generally discourage construction of these new sections since they would not address the stated problem (traffic conflicts between bicyclists and pedestrians) and would result in more hardening of the natural beach. We can only assume that these new sections would address some other unstated problem, which we guess might be lack of access. The existing stairways are mainly used by highly mobile people, who can walk down hundreds of steps to get to the

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beach. By walking up and down these stairs, these people have shown that they do not need assistance in crossing the sandy beach - they are highly mobile. In addition, by paving even more of the beach, the City would be modifying the unique and natural character of the beach into a more parking lot like area of which there is no shortage in Long Beach. It is doubtful that people go to the beach to experience flat smooth paved surfaces, since they're well represented everywhere else in Long Beach. Let's not adopt these paved path sections as a solution for a problem that does not exist.

The Long Beach Chapter of the Surfrider Foundation deeply appreciates this opportunity to provide feedback to City staff on this important issue. If there are any items that are unclear or if you have any questions on this letter, please don't hesitate to e-mail or call me to discuss.

Regards,

Seamus Ian Innes, P.E.

Secretary

Surfrider Foundation, Long Beach Chapter

**5-12-320**

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## Attachment 2

Title 14. California Code of Regulations

Chapter 3. Guidelines for Implementation of the California Environmental Quality Act

Article 19. Categorical Exemptions

### **15303. New Construction or Conversion of Small Structures**

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to

three single-family residences may be constructed or converted under this exemption.

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

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**15304. Minor Alterations to Land**

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
- (h) The creation of bicycle lanes on existing rights-of-way.
- (i) Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

5-12-320  
Attachment-5

EXHIBIT # 5  
PAGE 15 OF 15

Gordana Kajer  
235 Loma Avenue  
Long Beach CA 90803  
Ph: 562-438-9161 Fx: 562-438-9491  
Email: [gordana.kajer@verizon.net](mailto:gordana.kajer@verizon.net)

**RECEIVED**  
South Coast Region

APR 30 2013

April 30, 2013

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
Attn: Mr. Charles Posner  
South Coast District Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach CA 90802

Re: City of Long Beach Pedestrian Path File 5-12-320

Dear Mr. Posner,

I am writing in response to information recently provided to the Coastal Commission by Long Beach city staff regarding this project. I believe that the April 2, 2013 letter submitted by the city was not a complete response to the issues raised in your request of December 14, 2012. I have enclosed information which I hope will give you a better understanding of what may have been lacking in this response and a greater understanding of the facts as presented by the city.

1. Wave Run-Up Study

The city's representatives have stated in public that at least 4 sections of the existing beach path have been inundated during seasonal high tides. When asked about the specific locations the response has been to note that the affected sections of the path have now been relocated 'landward' to avoid future impacts of high tides. The city has not described the specific points along the path which have been inundated, the distances the path has now been moved inland in response to this issue and has ignored the question of erosion of the beach areas where the new pedestrian path is proposed.

I have enclosed a State Lands Commission survey (Exhibit A) conducted in 2009 regarding sea level rise preparedness solicited from state grantees, lessees and sublessees. The City of Long Beach's response is highlighted. The city's response to the Coastal Commission's question of wave run-up and erosion demonstrates that the city has failed to consider this critical issue facing coastal communities in California. In fact, neither the city's original application nor its

**5-12-320**  
EXHIBIT # 6  
PAGE 1 OF 4

recent response to your request for additional information addresses the potential impact of sea level rise on the proposed project.

## 2. Project Alternatives

I was personally present at many of the presentations to 'stakeholders' from March 2012 to March 2013. At no time at the meetings I attended was the audience invited to comment about the 'preferred' alternative (i.e. the plan as submitted to the Coastal Commission in the city's CDP application) nor were public comments or feedback recorded. These public meetings were merely informative; this pedestrian path was discussed as part of a city initiative to spend Tidelands Funds for upcoming new projects (including beach restrooms or coastal bluff restoration). There was no discussion, for example, of alternative routes except, when questioned, to comment that placing the new path on the north side (inland) of the existing path would be "too expensive". This project was presented to the public meetings I attended with drawings that were 8.5"x 11" or by PowerPoint presentation which by necessity segmented the route and the graphics. There was no opportunity to view the entire route or fully understand the details of this project based on these public presentations.

## 3. Local Approvals

Although the Long Beach City Council set aside funding for a beach path project as part of the Fiscal Year 2012 Tidelands Funding appropriation for the year, no specific project was ever approved by the Planning Commission or City Council. The attachment provided to the city's letter is a summary only, of course. City council representatives and their staff actually use a draft of the enclosed document (Exhibit B, Fiscal Year 2012 Capital Improvement Program Budget) in their budget review and deliberations. This 128 page document is what council representatives, and their staff, reviewed and discussed in mid-2011 prior to their formal approval in September 2011.

This beach path item is found on Page 27 of the FY2012 CIP and the budget line item described is:

### **Beach Bike Paths - Program Number PR8010/PW8410:**

"A new pedestrian beach walking path and new lighting enhancements are needed. New lighting will include security lighting along the beach bike path."

**COASTAL COMMISSION**

**5-12-320**

EXHIBIT # 6

PAGE 2 OF 4

In short, the city's response to your request failed to mention that the Long Beach City Council vote was for funding only and did not include any project specific details. There is no mention in the budget item of a separated path for pedestrians, or that the existing path would be converted to the exclusive use of bicyclists, or that 10' feet of sand would be used to separate the two paths, or that the Belmont Shore pier area affected by the path would require major construction to install new ramps and access to facilitate use by bicyclists. This budget item does not describe the new path being built on the south, or ocean side, of the existing path and at least 20' closer to the shore.

It's interesting to note that the city's budget item for the pedestrian path specifically included security lighting. According to the city's letter of April 2, the CDP application will not include lighting. Safety and security provided by lighting is clearly an element of this project as described in the budget item and demonstrates, again, that the budget item fails to describe the project in this CDP to the Coastal Commission.

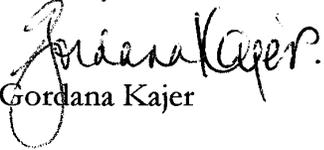
I have enclosed the relevant pages of the city's Local Coastal Program which the city refers to in Item 3, Local Approvals. This certified Local Coastal Program (1980) does indeed recommend that a pedestrian walkway be built adjacent to the bike path from Alamitos Avenue to 54<sup>th</sup> Place (Exhibit C). This path was built in 1988 following Coastal Commission approval of the CDP (5-87-001 dated 1/9/1987, Exhibit C) and has been in use for over 25 years with two adjacent lanes for pedestrians and bicyclists.

Last, the city's response neglected to include information relevant to this beach path project concerning the Belmont Shore municipal pool. Since the city submitted the CDP for the pedestrian beach path (November 2012) they announced a new initiative for a rebuild of the Belmont Shore pool. The pool structure was recently judged to be seismically unsafe and the building can no longer be used by the public. The Belmont Shore pool will soon be demolished and rebuilt with a new design and footprint, requiring an EIR and presumably Coastal Commission approval of a Coastal Development Permit. The pedestrian path route currently runs along part of the existing pool property and a significant section of the path was re-designed for the new pedestrian path (along the beach, in front of the existing pool building) before the pool rebuild was announced. These projects overlap on the same property.. The pedestrian beach path route must be considered within the context of the pool rebuild project. The city, however, has not offered any information about this project in their application for the beach path in this CDP.

Page 4  
4/30/2013

I hope you find the enclosed information relevant in your review of this CDP, Mr. Posner, and please contact me should you have any questions or require any more information.

Sincerely,

  
Gordana Kajer

Enclosures

COASTAL COMMISSION

5-12-320

EXHIBIT # 6

PAGE 4 OF 4

May 12, 2013

California Coastal Commission – Charles Posner  
South Coast District Office  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach CA 90802

RECEIVED  
South Coast Region

MAY 21 2013

CALIFORNIA  
COASTAL COMMISSION

Re: Beach Pedestrian Path – CIP FY12 Program Number PR8010/PW8410  
COPY OF LETTER SENT TO LONG BEACH ELECTED OFFICIALS  
Dear Mayor and Council members,

I am writing on behalf of the Executive Committee of the Sierra Club Angeles Chapter, Long Beach Area Group. Quite a few of our members have asked us to oppose the proposed additional path along the beach. We wish to formally express our opposition to the pedestrian path proposed in the FY 2012 Capital Improvement Project budget item noted above.

The city has filed paperwork with the Coastal Commission for a Coastal Development Permit (CDP) and it is our understanding that this project could be scheduled for a public hearing in front of the Coastal Commission meeting as early as June 2013.

As Councilman O'Donnell said in the Transportation Committee meeting, the City Council approved the concept of using tidelands funds to improve the beach. This large specific project was buried in the CIP report and never brought to or highlighted to the City Council. Considering its impact to wildlife and residents' enjoyment of the beach, this proposed additional pedestrian path should have more public and Council input and not be lumped in with the rest of the CIP.

The Sierra Club believes that preservation of open space and protection for a natural, sandy beach takes precedence over the mistaken notion that adding a second path - another hard structure - on the beach will somehow provide improved coastal access for residents and visitors in Long beach.

The sandy beach in Long Beach should be preserved for its intrinsic recreational value. The beach is held in the public trust by the City of Long Beach to preserve and protect for future generations of California residents. Beach communities in Southern California offer their public beaches for enjoyment to visitors by attracting people to remove their shoes, to enjoy the sand and to walk to the ocean. The idea that our public beach must be paved over in Long Beach to encourage visitors and to provide 'improved' beach access is unsustainable.

We believe that this project requires further review by City Council and formally request that you take action to stop this CIP project.

Sincerely,

Gabrielle Weeks  
Chair, Sierra Club Angeles Chapter's Long Beach Area Group

COASTAL COMMISSION

5-12-320

EXHIBIT # 7

PAGE 1 OF 1

**BELMONT SHORE RESIDENTS ASSOCIATION**  
PO Box 30327, Long Beach, CA 90853

**RECEIVED**  
South Coast Region

January 11, 2013

JAN 29 2013

CALIFORNIA  
COASTAL COMMISSION

Charles Posner  
Coastal Program Analyst  
California Coastal Commission  
200 Ocean Gate  
Long Beach, CA 90802

Dear Mr. Posner:

The Belmont Shore Residents Association (BSRA) has heard presentations by Eric Lopez, from the City of Long Beach Department of Community Development, of the city's plan to construct an additional path on the beach for pedestrian use, to complement the existing path, which will then be relabeled for bicycles only.

We request that the pedestrian path be constructed on the inland side of the bicycle path, for safety, so that pedestrians will not need to cross the path of bicyclists to enter or exit the path. Also, this inland location will preserve as much of the undisturbed beach as possible, another desirable goal expressed by many residents.

We appreciate and support the city's plan to relocate the existing path (and the new path) further inland in the area between Pomona Avenue and Corona Avenue, which will provide more contiguous, undisturbed beach there and enhance safety in that area, which is heavily used by kite surfers.

With the modification of the plan as described, BSRA supports the plan for the separation of the paths for bicycles and pedestrians, to enhance safety and to accommodate increasing use of the paths.

Thank you for your attention to this matter.

Sincerely,

  
Jeff Miller  
Secretary

copy:

Mayor and Council Members, City of Long Beach

George Chapjian, Director, Long Beach Parks, Recreation & Marine Department

Eric Lopez, Department of Community Development, City of Long Beach

COASTAL COMMISSION

5-12-320

EXHIBIT # 8

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October 8, 2012

**RECEIVED**  
South Coast Region

OCT 10 2012

CALIFORNIA  
COASTAL COMMISSION

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

To whom it may concern:

I support the City of Long Beach's efforts to build a 3.1 mile dedicated beach pedestrian path adjacent to the existing bike path. I am a resident of Long Beach City and use the existing path often. With the increasing number of cyclists using the shared bike path, there is limited room for pedestrians including walkers, runners, and joggers.

I also support the City's beach pedestrian path project for these other reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

Signature:

*Steve Martinez*

Name:

Steve Martinez

Organization (if applicable):

Email address or mailing address:

3983 Rose Ave LB, CA 90807

Check box if you would like to add your email address to the Beach Pedestrian Path Project email list, and receive periodic updates.

**COASTAL COMMISSION**

**5-12-320**

EXHIBIT #: 9

PAGE 1 OF 1

**Posner, Chuck@Coastal**

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**From:** Jeff Jones <windsurfcenter@juno.com>  
**Sent:** Wednesday, May 29, 2013 10:36 AM  
**To:** Posner, Chuck@Coastal  
**Cc:** garry.delong@longbeach.gov; district2@longbeach.gov; district1@longbeach.gov  
**Subject:** 512320 LB bike patch

As a regular user of the current beach bike path since it was built. I use it for cycling and for skating ( Rollerblade) I have some serious safety concerns with the plan to locate the new walking patch on the seaward side of the existing path.

With the bike path on the seaward side every pedestrian must cross the bike path two times. This is part of the problem with the current bikepath with the painted walking lane on the seaward side. There are many conflicts as pedestrians step in front of bikes and skaters without looking.

I have heard that the city is considering allowing dogs on the new walking path. The hazard of dog leash entanglement while crossing adds additional dangers to cyclists, skaters and pedestrians and should be prohibited.

The path is going to have to built cross the drainage culverts on one side or the other. I don't see why it would cost any different.

The walking path is going to be made of some composite surface that may prohibit swapping it with the bike/skate path at a later date. Reducing the conflict between pedestrians and cyclists/skaters is the goal then they shouldn't be forced to cross the bike path twice to use it.

Also I haven't seen any notices posted of this coastal permit along the bike path to inform the public I only heard of it from a friend.

Why are they eliminating 32 parking places from the already parking impacted Belmont Pier parking lot. The restaurants and businesses in the area do not have any parking of their own and rely on that lot for their parking. They need to do a better job at preserving parking for public access to the Belmont Pier and the beach.

Sincerely,

Jeff Jones

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also open by appointment

**COASTAL COMMISSION**

**5-12-320**

EXHIBIT #: 10

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