

**CALIFORNIA COASTAL COMMISSION**

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**F9a**

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Approved: 6/13/2013  
Staff: C. Posner - LB  
Staff Report: 5/22/2014  
Hearing Date: June 13, 2014

**STAFF REPORT: REVISED FINDINGS**

**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.

**Commissioners on Prevailing Side:** Bocho, Bowman, Brennan, Garcia, Groom, McClure, Mitchell, Sanchez, Vargas, Shallenberger, Wicket, and Chair Kinsey.

**Staff Recommendation:** Adopt the Revised Findings

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**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's June 13, 2013 approval (with conditions) of Coastal Development Permit Application 5-12-320. The Commission-approved design of the proposed project, described in Special Condition One, places the alignment of the proposed pedestrian path a greater distance from the shoreline than the existing concrete beach path (instead of on the seaward side of the existing path), minimizes the sand space between the two paths, and reduces the number of parking spaces displaced by the project in the Belmont Veterans Memorial Pier parking lot. The revised findings reflect these changes.

A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Two for the Motion to adopt the Revised Findings.**

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## EXHIBITS

Exhibit 1 – Long Beach, CA Map

Exhibit 2 – Approved Project Plans (16 sheets)

### I. MOTION AND RESOLUTION

**Motion:** *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission’s action on June 13, 2013 approving with conditions Coastal Development Permit Application 5-12-320."*

Staff recommends a **YES** vote. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the June 13, 2013 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission’s action are eligible to vote on the revised findings.

The Commissioners on the prevailing side are:

**Commissioners Bocho, Bowman, Brennan, Garcia, Groom, McClure, Mitchell, Sanchez, Vargas, Shallenberger, Wicket, and Chair Kinsey.**

**Resolution:** *The Commission hereby adopts the findings set forth below for the approval with conditions of Coastal Development Permit Application 5-12-320 on the ground that the findings support the Commission’s decision made on June 13, 2013 and accurately reflect the reasons for it.*

## 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

**Staff Note:** The Coastal Development Permit was issued on February 5, 2014. The approved project plans are attached as Exhibit #2 of this staff report. The Special Conditions below include the changes the Commission made to the recommended conditions on June 13, 2013. Only Special Condition One was changed. The portions of Special Condition One that were deleted are crossed-out: ~~deleted words~~. The changes added at the hearing are identified with **bold underlined text**.

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. **The new pedestrian path shall be constructed on the inland side of the existing concrete path with only minimal sand separation area (or no sand separation)** ~~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 9<sup>th</sup> Place and Cherry Avenue, the existing concrete path shall be demolished and a new combined bicycle/pedestrian path shall be constructed at least forty feet inland of the current alignment of the concrete path. The new combined bicycle/pedestrian path shall be constructed in a side-by-side configuration ~~and have a maximum width of 28 feet with no sand separation between the bicycle lanes and the pedestrian path~~ **two paths**.
- D. **The City shall minimize to the extent feasible the loss of parking spaces for the proposed ramp in the public parking lot on the east side of the Belmont Veterans Memorial Pier.**

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.

## IV. REVISED FINDINGS AND DECLARATIONS

**Staff Note:** The following revised findings include all of the staff's recommended findings that were set forth in the May 30, 2013 staff report for the Commission's June 13, 2013 hearing. The portions of those findings that are being deleted are crossed-out in the following *revised findings*: ~~deleted findings~~. The supplemental findings being added in support of the Commission's June 13, 2013 action are identified with underlined text. All of the revisions relate directly to three mandated changes to the proposed design: 1) locating the proposed pedestrian path further from the water than the existing concrete beach path (instead of on the seaward side of the existing path), 2) minimizing the sand space between the two paths, and 3) reducing the number of parking spaces displaced in the Belmont Veterans Memorial Pier parking lot by the construction of a new ramp.

### 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~~ inland 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 (Exhibit #2, p.12) ~~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.~~ 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. 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 (Exhibit #2, p.15).

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 #2, ps.12&15).

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 had considered putting the proposed pedestrian path on the inland side of the existing concrete path, but did not originally choose ~~rejected~~ the alternative because it would increase the cost of the project by about thirty percent. The City also stated 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.

The Commission, however, finds that the best design alternative (the one most protective of coastal resources) is to place the new pedestrian path on the inland side of the existing path, thus placing the development a greater distance away from the shoreline and wildlife. A more inland location reduces the risk of erosion and damage by waves, and also minimizes any need for any form of protection. This alternative also avoids crossings of the paths. The Commission also finds that the overall footprint of the proposed development can be reduced by minimizing the sand separation area between the new path and the existing path. Therefore, the Commission revises Special Condition One to require revised project plans which locate the new pedestrian path on the inland side of the existing concrete path with only minimal sand separation area (or no sand separation) between the two paths.

Another concern is that some public parking (32 spaces) could ~~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 #2, p.11). The pier parking lot supports public access to the coast. Therefore, the Commission imposes a mandate (Special Condition One) that requires the City to minimize, to the extent feasible, the loss of parking spaces for the proposed ramp in the public parking lot on the east side of the Belmont Veterans Memorial Pier.

~~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 original proposal would have placed the new pedestrian path on the seaward side of the existing concrete path so pedestrians can be closer to the water than bicyclists. However, as conditioned, the new pedestrian path will be constructed on the inland side of the existing concrete path, thus placing it more inland than the existing development on the sandy beach. 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 also 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 up to 32 public parking spaces on the east side of the pier, but Special Condition One requires the City to

minimize, to the extent feasible, the loss of parking spaces for the proposed ramp in the public parking lot on the east side of the Belmont Veterans Memorial Pier.

For the segment of the proposed pedestrian path between 40<sup>th</sup> 9<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 40<sup>th</sup> 9<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~~ inland 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.

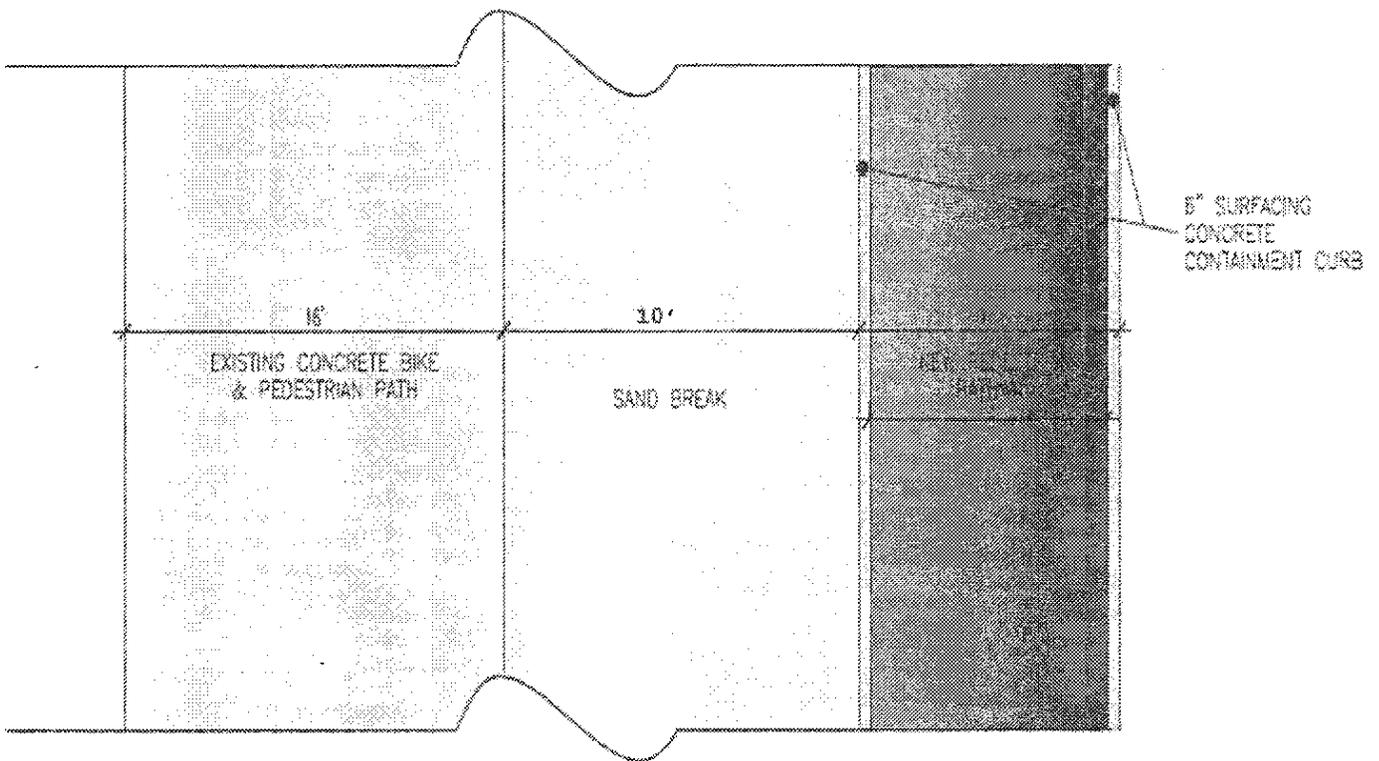
## **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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, siting the pedestrian path on the inland side of the existing concrete path, minimizing the loss of public parking, 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.

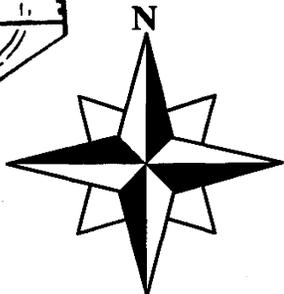
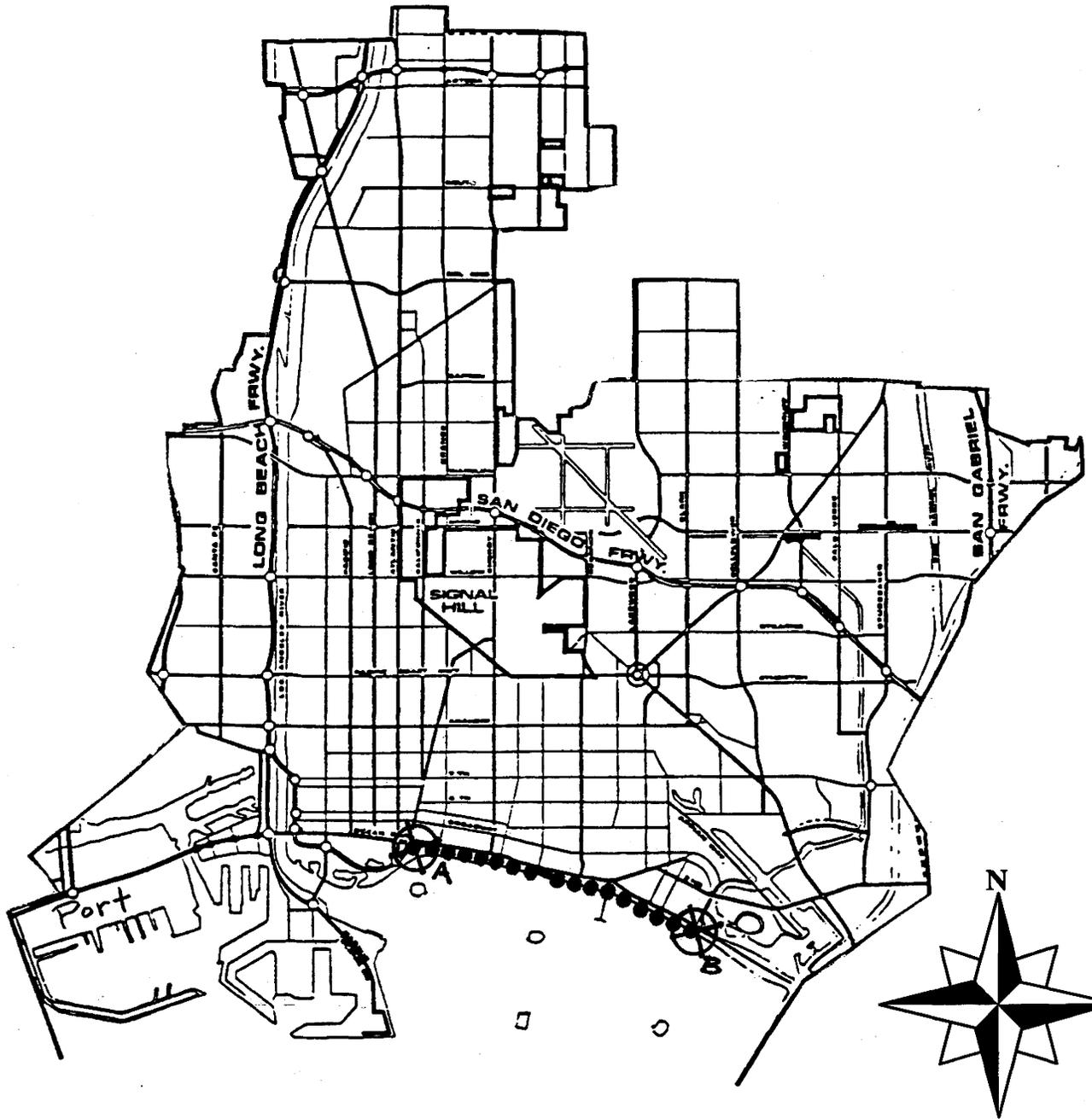
# Plan View

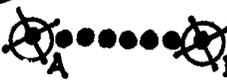


TYPICAL PLAN

A

# City of Long Beach



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

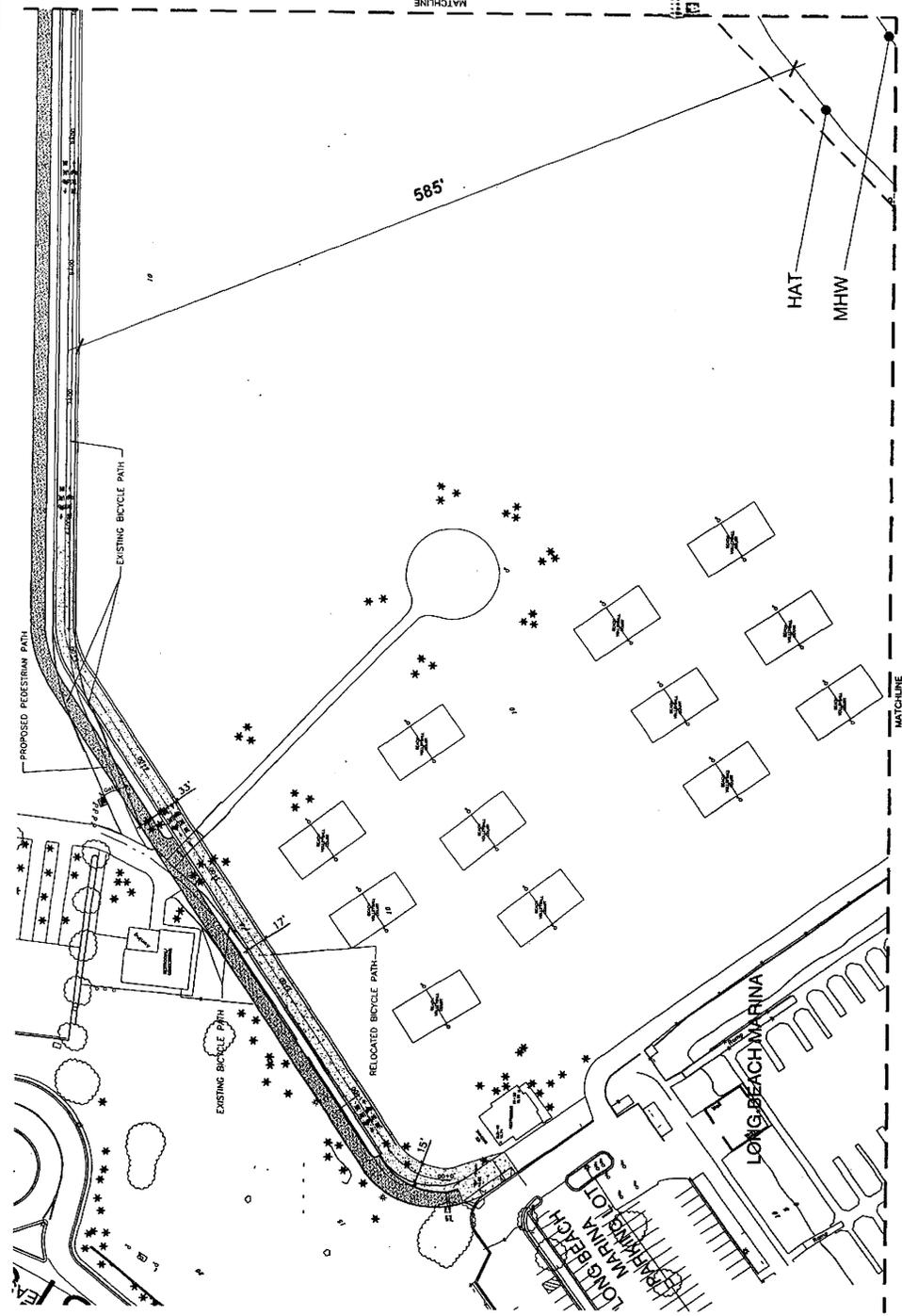
COASTAL COMMISSION  
5-12-320  
EXHIBIT # 1  
PAGE 1 OF 1

NO.	DATE	SHEET	DESCRIPTION	REVISIONS

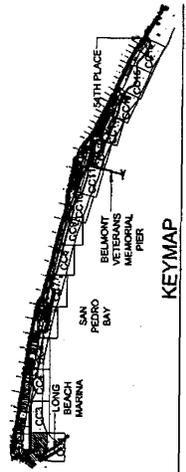
California Coastal Commission  
 South Coast District Office  
 APPROVED PERMIT NO. **2-12-320**  
 By:   
 EFFECTIVE FEB - 5 2014

**TIDAL RISE EXHIBIT**  
**BEACH PEDESTRIAN PATH**

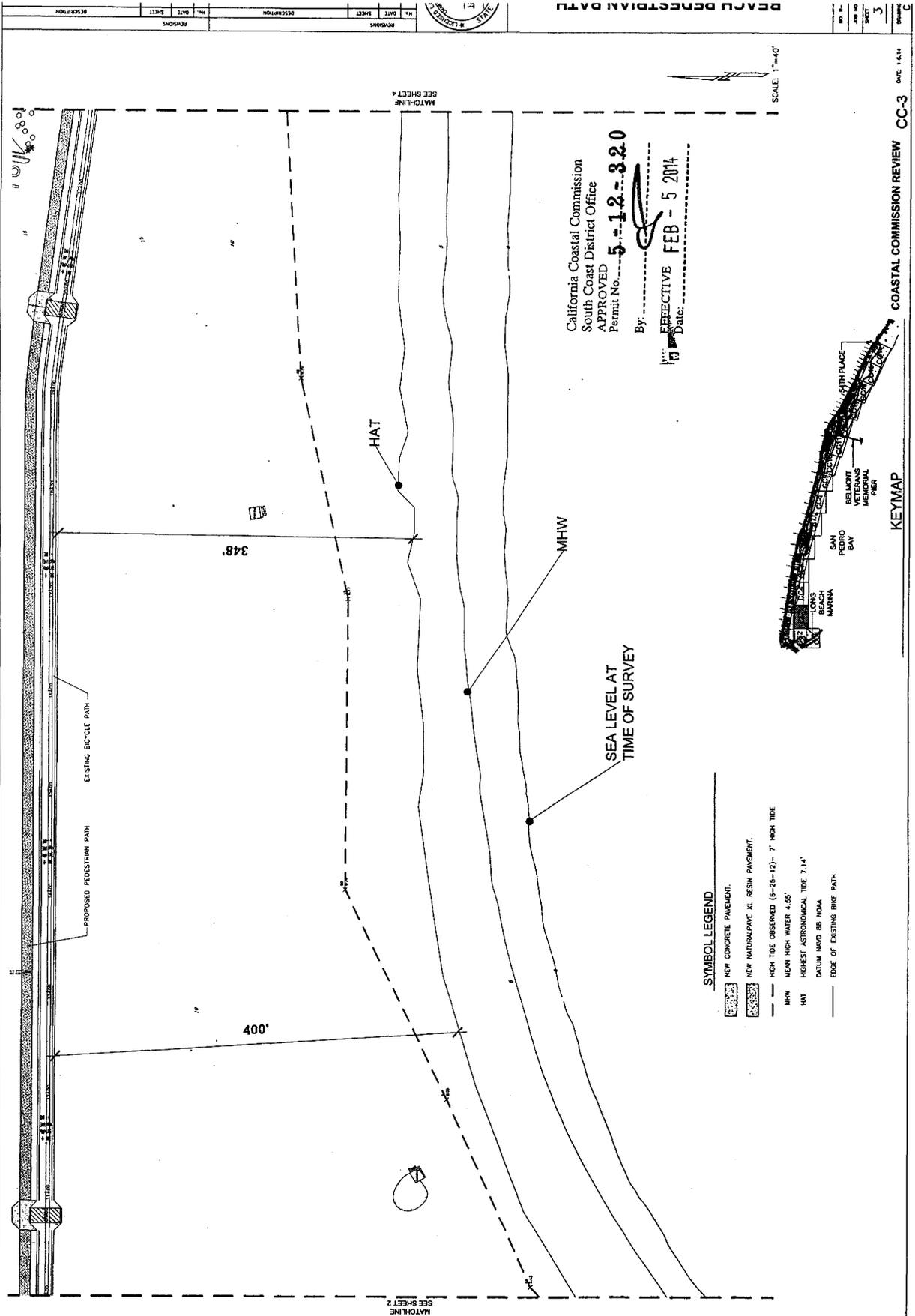
DATE: 02-05-14  
 JOB NO: PRL00-04  
 SHEET: 2 of 16  
 DRAWING: C-5930



- SYMBOL LEGEND**
-  NEW CONCRETE PAVEMENT.
  -  NEW ASPHALT OR RESIN PAVEMENT.
  -  HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  -  MEAN HIGH WATER 4.55'
  -  HIGHEST ASTRONOMICAL TIDE 7.14'
  -  DATUM NAVD 88 MDM
  -  EDGE OF EXISTING BIKE PATH



COASTAL COMMISSION REVIEW CC-2 DATE: 12.11.13



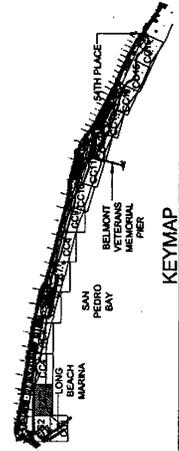
BEACH PEDESTRIAN PATH

California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. **5-12-320**  
 By: *[Signature]*  
 EFFECTIVE FEB - 5 2014  
 Date:

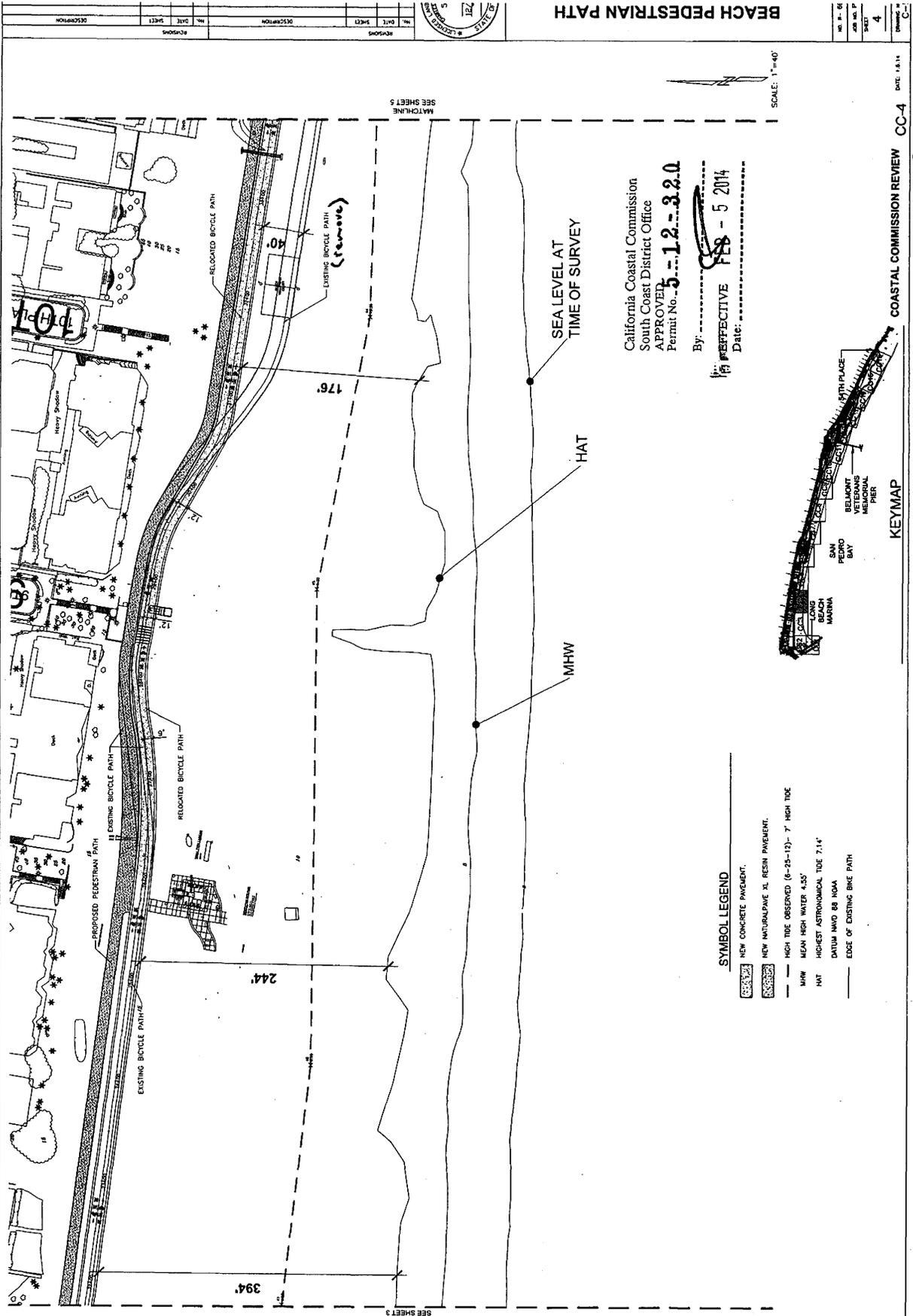
**SYMBOL LEGEND**

- [Symbol] NEW CONCRETE PAVEMENT.
- [Symbol] NEW NATURUPAVE XL RESIN PAVEMENT.
- [Symbol] HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
- [Symbol] MEAN HIGH WATER 4.55'
- [Symbol] HAT HIGHEST ASTRONOMICAL TIDE 7.14'
- [Symbol] DATUM NAVD 83 NOAA
- [Symbol] EDGE OF EXISTING BIKE PATH

SCALE: 1"=40'



COASTAL COMMISSION REVIEW CC-3 DATE: 1.8.14

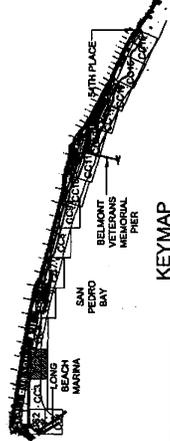


**BEACH PEDESTRIAN PATH**

California Coastal Commission  
 South Coast District Office  
 APPROVAL PERMIT NO. **5-12-32.0**

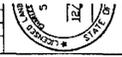
By: **PERPECTIVE**  
 Date: **5 - 5 2014**

- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW NATURALPAVE XL RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MHW MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM NAVD 83 NOAA
  - EDGE OF EXISTING BIKE PATH

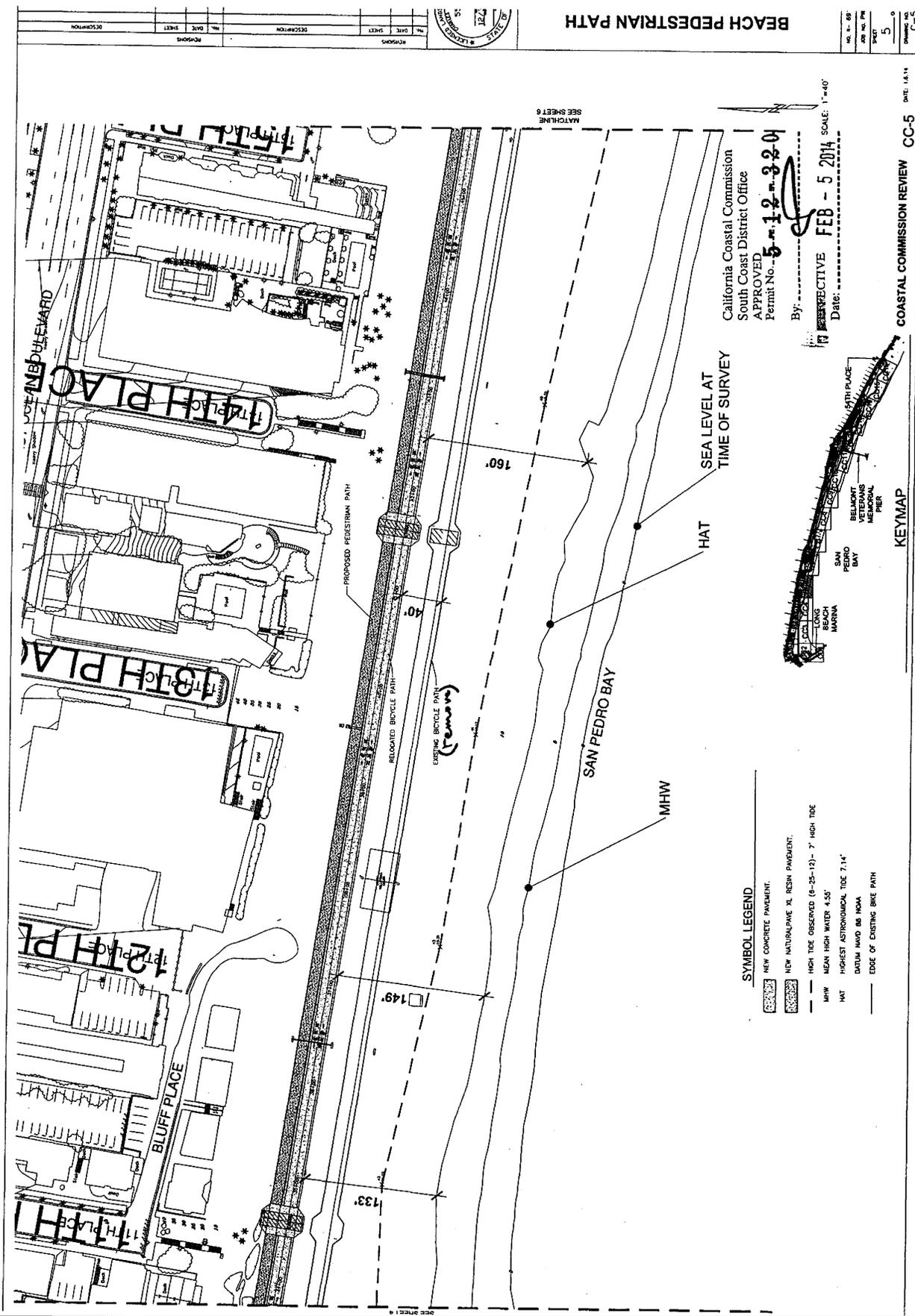


COASTAL COMMISSION REVIEW CC-4 DATE 12.11.14

REVISIONS	NO.	DATE	DESCRIPTION



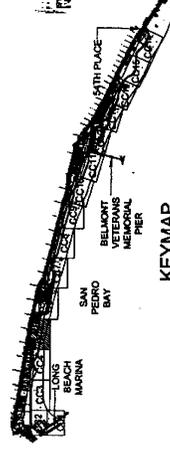
NO.	DATE	DESCRIPTION



**BEACH PEDESTRIAN PATH**

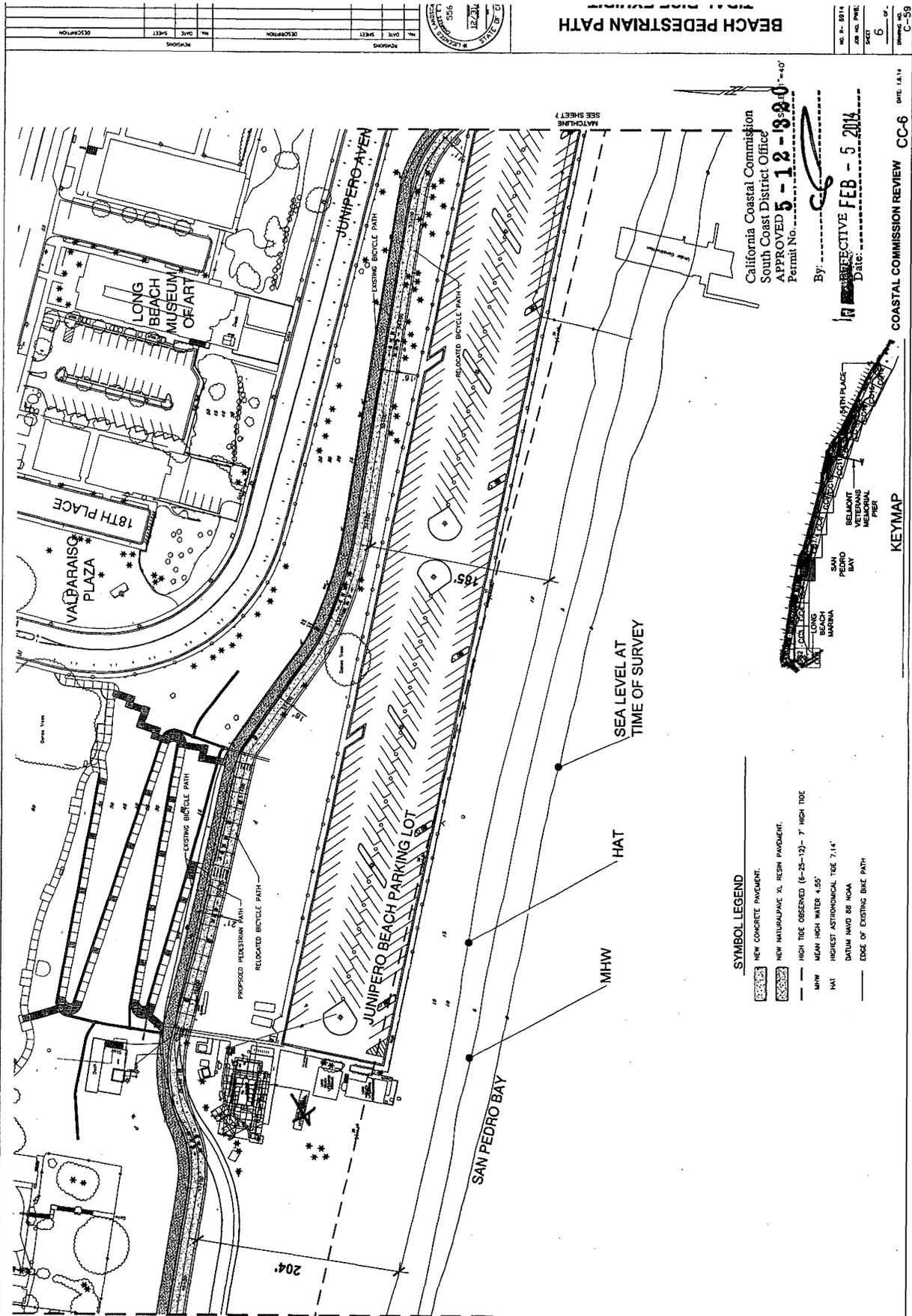
California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. **5-12-m-320**

By: *[Signature]*  
 Date: **FEB - 5 2014** SCALE: 1"=40'



- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW NATURALPAVE XL RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-13) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.5'
  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM MWD 86 NOAA
  - EDGE OF EXISTING BIKE PATH

COASTAL COMMISSION REVIEW CC-5 DATE: 1.8.14  
 DRAWING NO. 5  
 SHEET 5  
 OF 5



- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW MULTIPURPOSE XL RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM WAO BB MGA
  - EDGE OF EXISTING BIKE PATH

SEA LEVEL AT TIME OF SURVEY

HAT

MHW

SAN PEDRO BAY

JUNIPERO BEACH PARKING LOT

JUNIPERO AVENUE

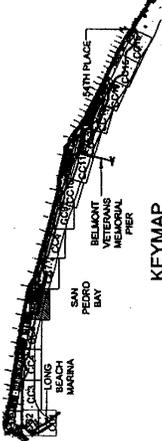
LONG BEACH MUSEUM OF ART

VALPARAISO PLAZA

18TH PLACE

California Coastal Commission  
South Coast District Office  
APPROVED **5-12-2014**  
Permit No. **14-0000000-00**

By: *CS*  
Date: **EFFECTIVE FEB - 5 2014**

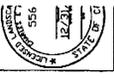


KEYMAP

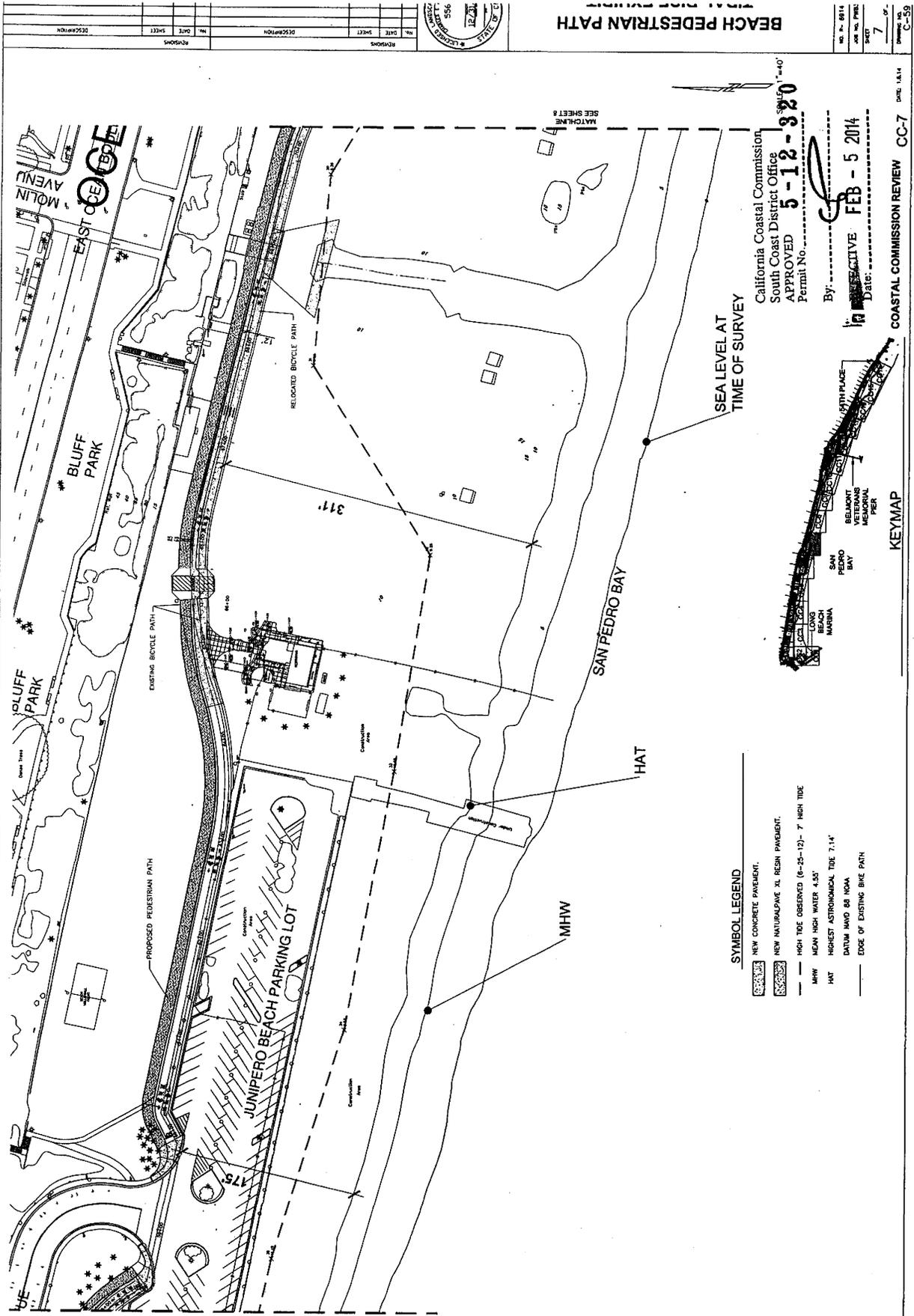
COASTAL COMMISSION REVIEW CC-6 DATE 10.1.14

BEACH PEDESTRIAN PATH

NO.	DATE	SHEET	DESCRIPTION	REVISIONS



NO. 14-0000000-00	DATE
6	10.1.14
6	10.1.14
6	10.1.14

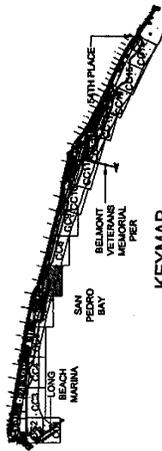


- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW NATURALPAVE XL RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MHW MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM IAMD 88 NOAA
  - EDGE OF EXISTING BIKE PATH

SEA LEVEL AT  
TIME OF SURVEY

California Coastal Commission  
South Coast District Office  
APPROVED **5-12-320**  
Permit No. \_\_\_\_\_

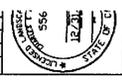
By: \_\_\_\_\_  
DATE: FEB - 5 2014



COASTAL COMMISSION REVIEW CC-7 DATE 1.6.14 SHEET NO. C-59 OF 7

EXHIBIT # **2**  
PAGE **6** OF **16**

NO.	DATE	SHEET	DESCRIPTION	REVISIONS



BEACH PEDESTRIAN PATH



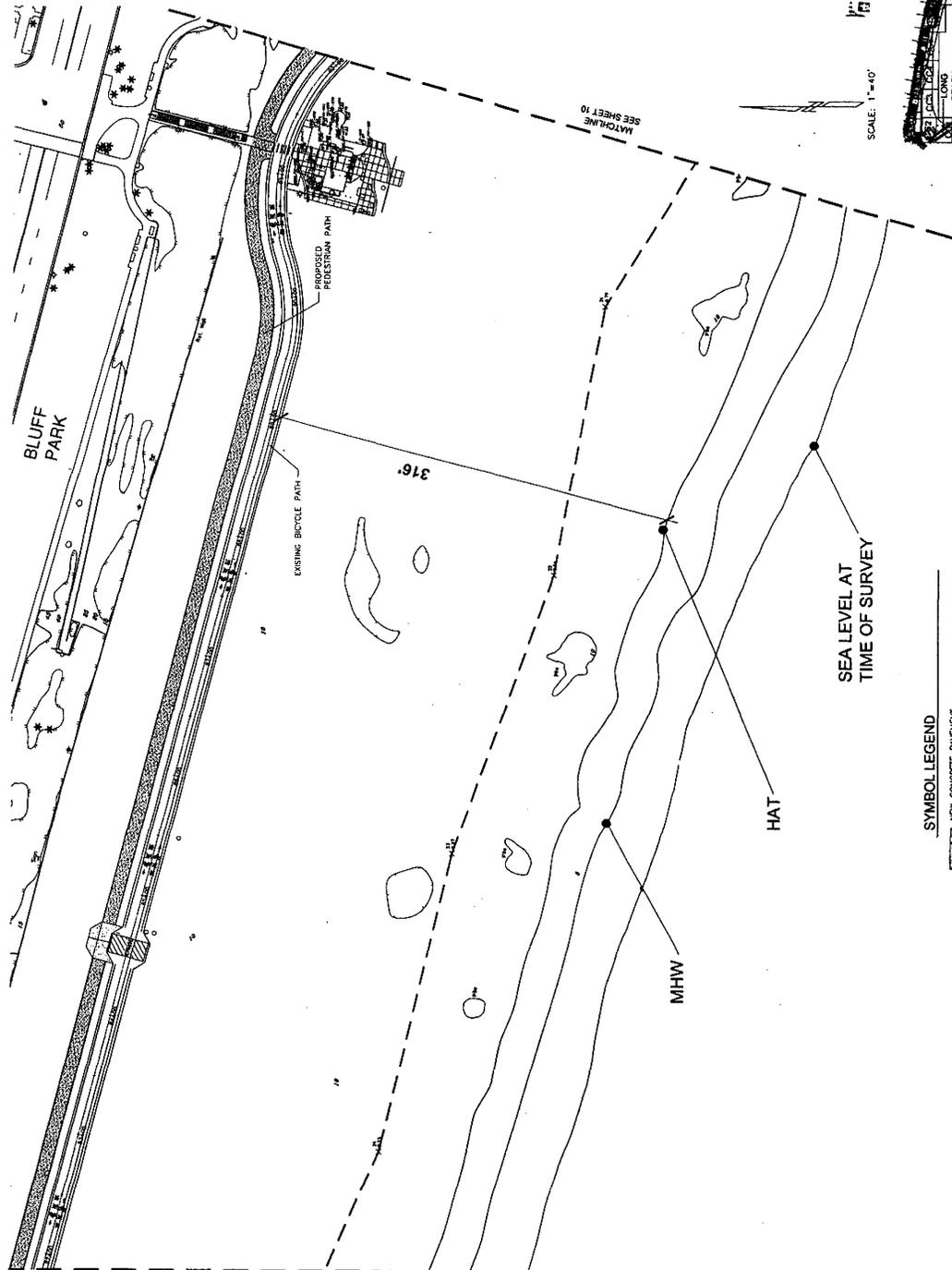
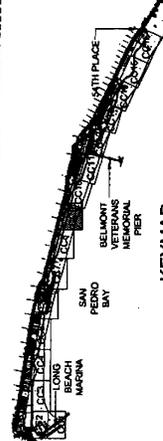
NO.	DATE	SHEET	DESCRIPTION	REVISIONS



**BEACH PEDESTRIAN PATH**

California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. **3-12-320**

By: **CC**  
 Date: **EFFECTIVE FEB - 5 2014**

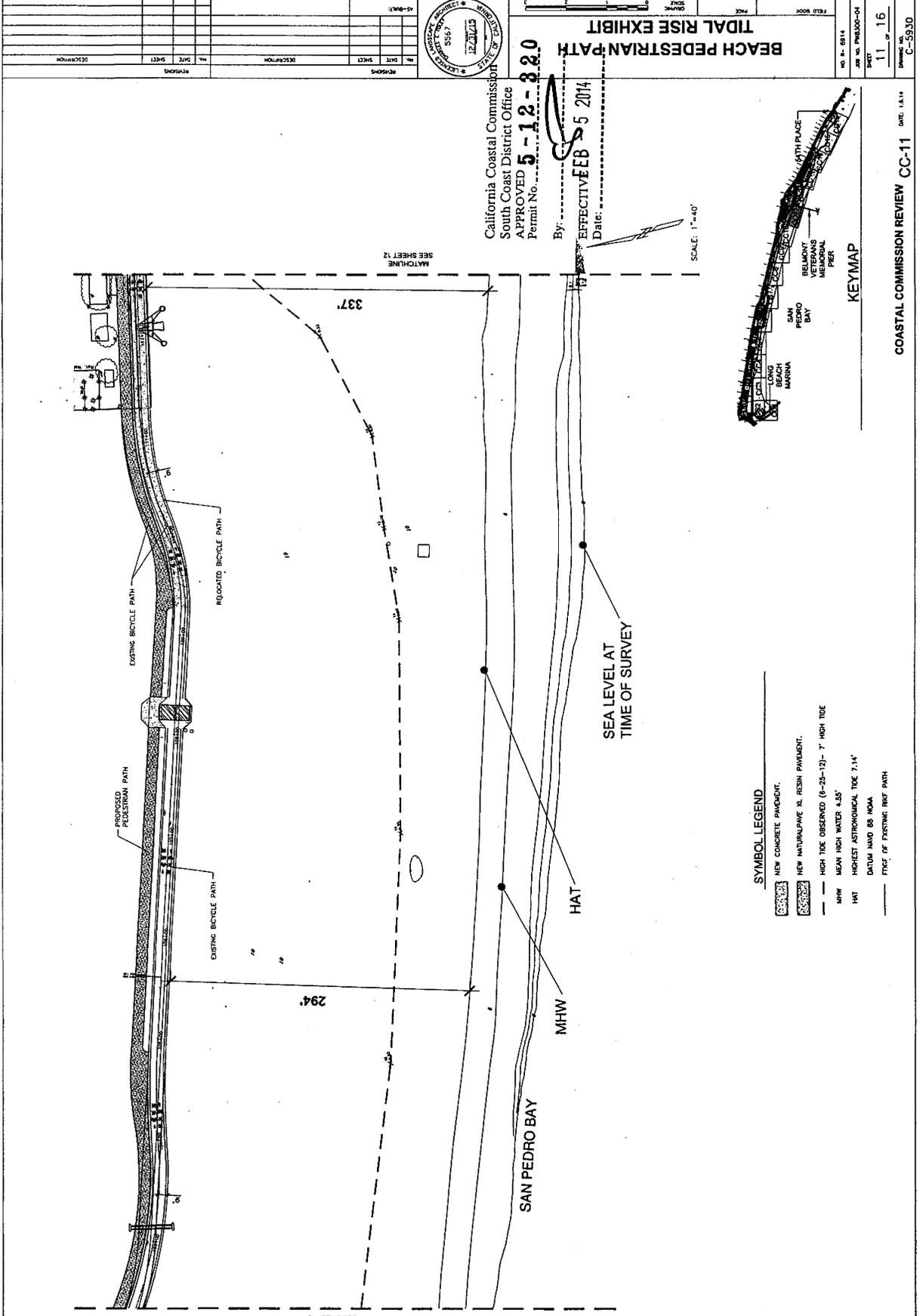


- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW ASPHALT/GRAVEL W/ RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.55'
  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM MVD 88 NOAA
  - FOOT OF PARKING RAMP PATH

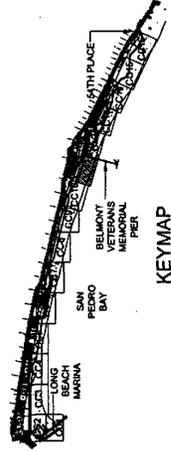
**KEYMAP**

COASTAL COMMISSION REVIEW CC-9 DATE: 3.6.14





- SYMBOL LEGEND**
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  - NEW NATURAL/PINE OR RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.35'
  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM MVD 85 NOAA
  - EXISTING RMP PATH



California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. **5-12-320**

By: *[Signature]*  
 Date: **EFFECTIVE FEB 5 2014**

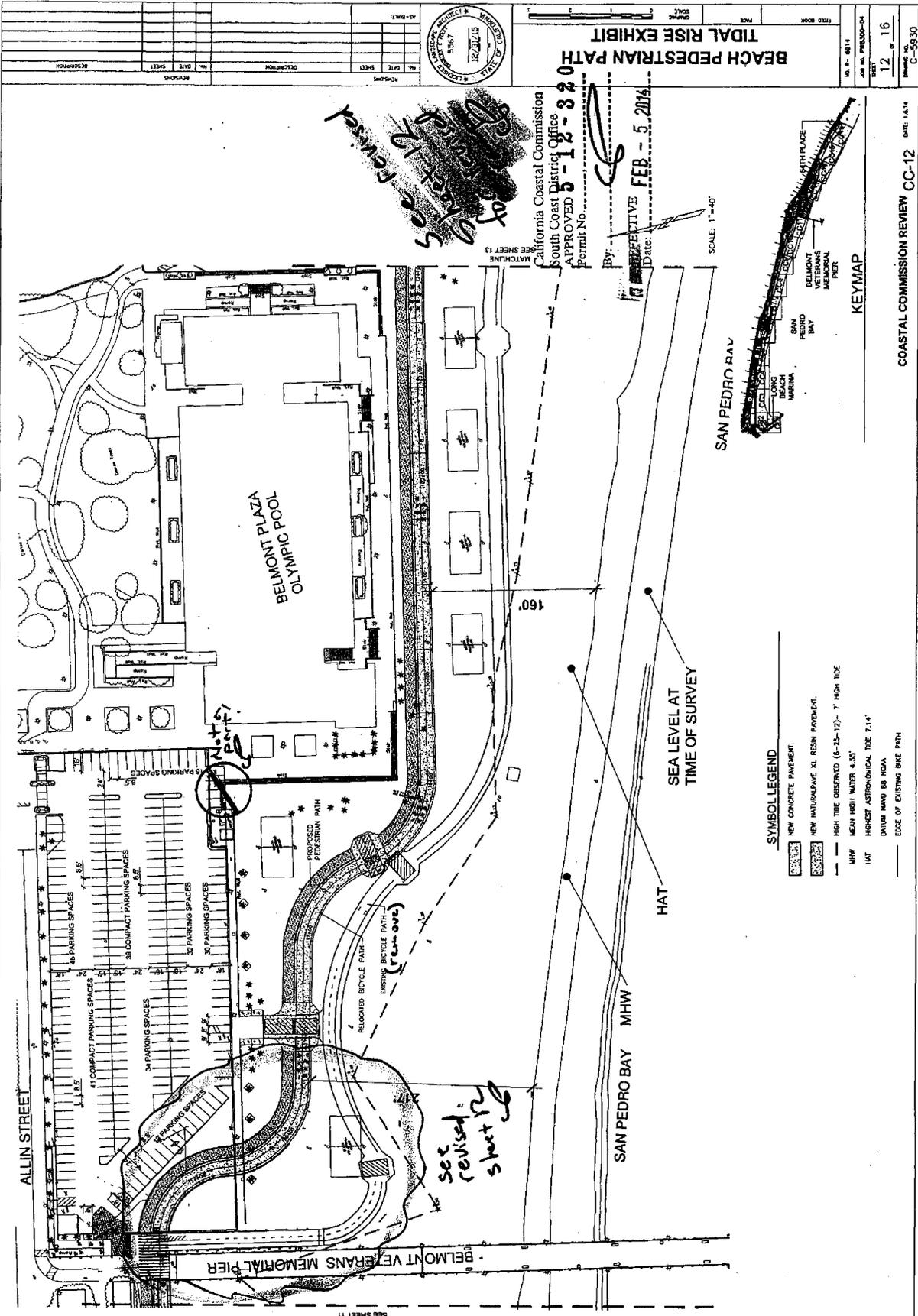
**BEACH PEDESTRIAN PATH**  
**TIDAL RISE EXHIBIT**



NO.	DATE	SHEET	DESCRIPTION

NO. P. 6814	DATE I.A.14
SHEET	11 OF 16
JOB NO. PHS330-01	DRAWING NO. C-5930

COASTAL COMMISSION REVIEW CC-11 DATE I.A.14



*See revised sheet 12*

*See sheet 12*

**RECEIVED**  
South Coast Region  
APR 29 2014

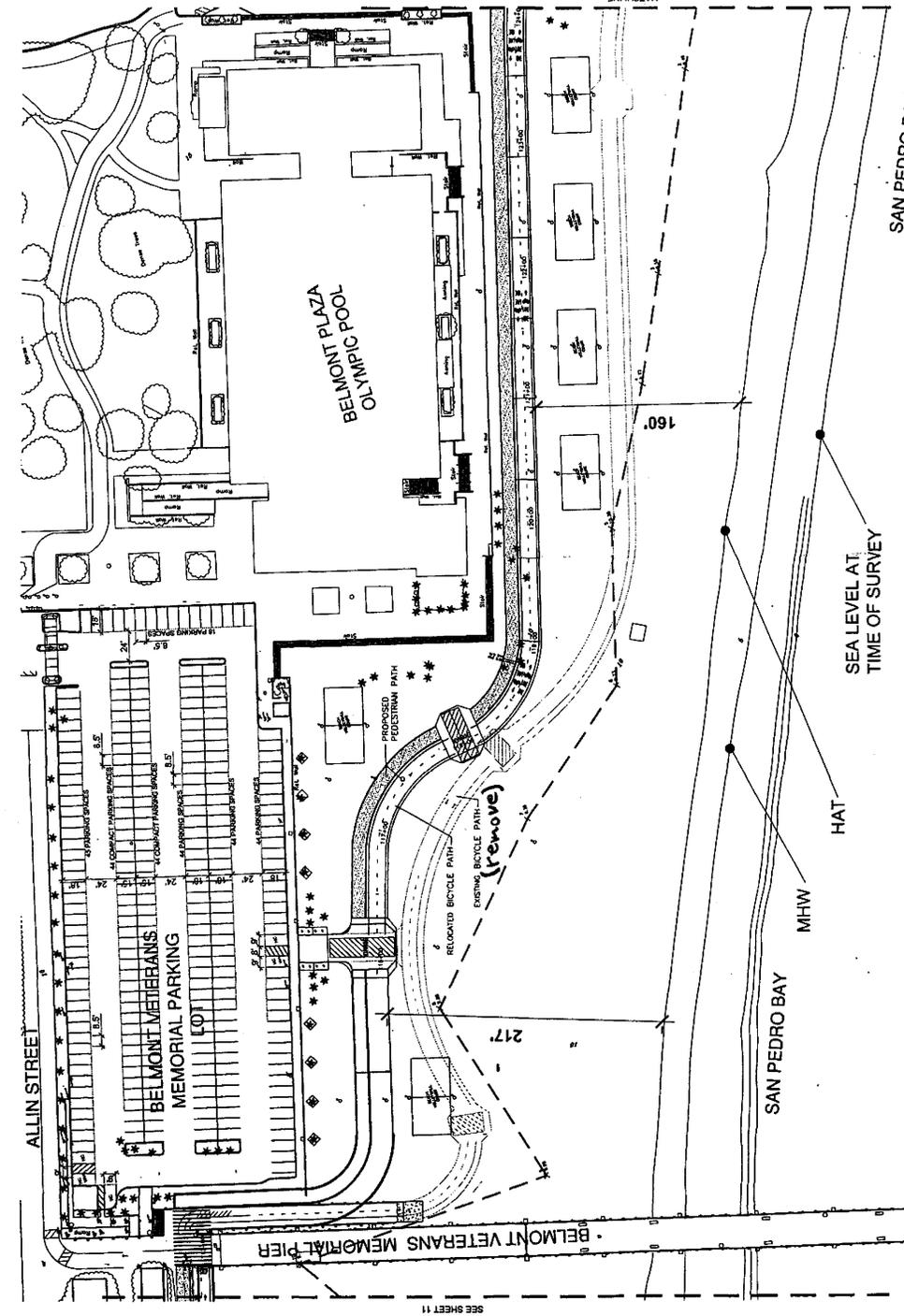
CALIFORNIA  
COASTAL COMMISSION

NO.	DATE	SHEET	DESCRIPTION



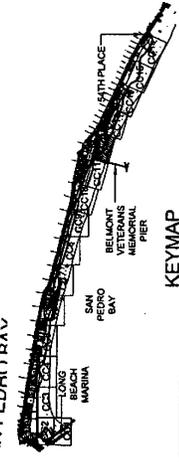
**BEACH PEDESTRIAN PATH  
TIDAL RISE EXHIBIT**

SCALE: 1"=40'  
DATE: 11/14  
PROJECT NO. C-5930

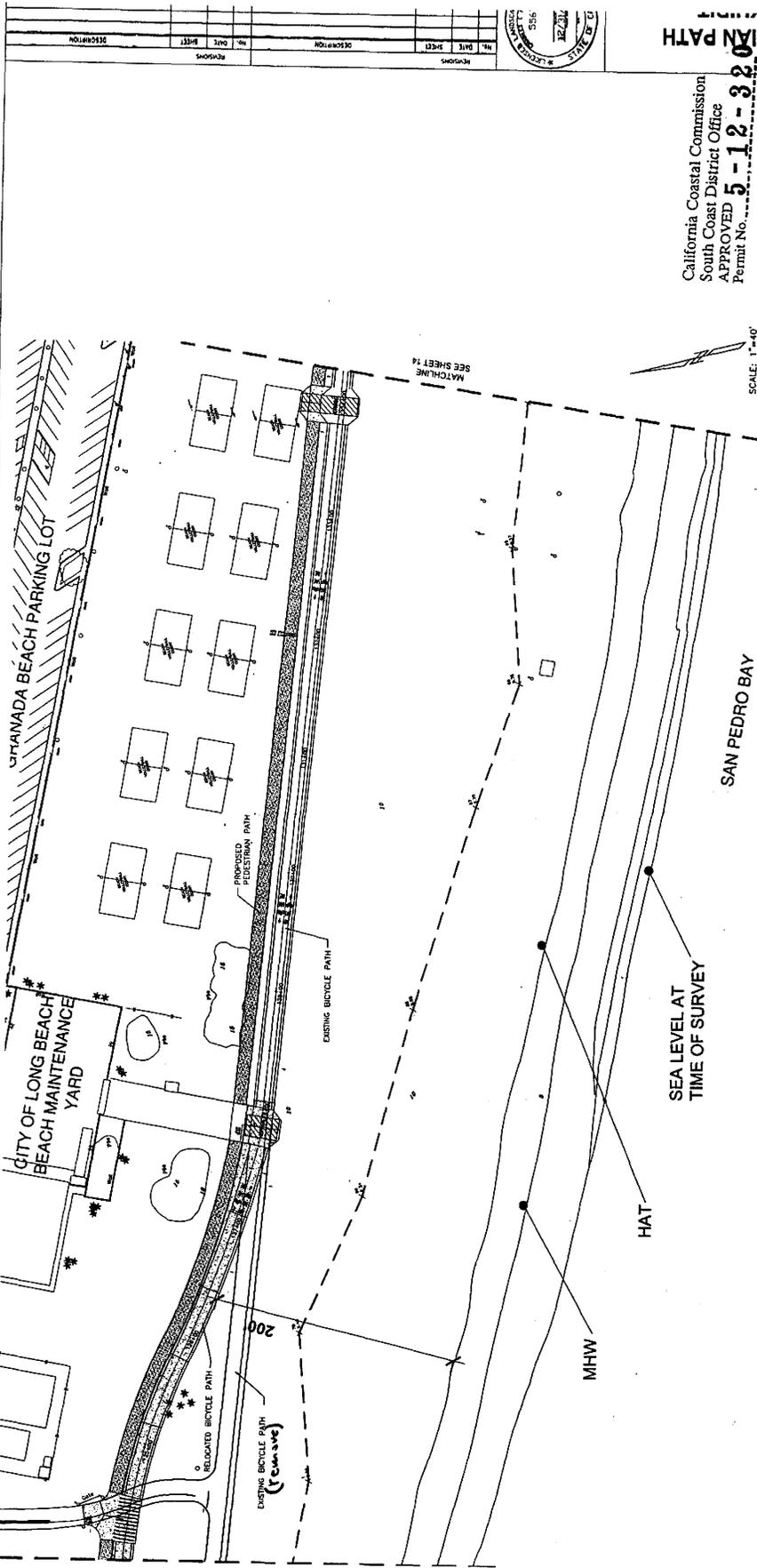


- SYMBOL LEGEND**
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  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.55'
  - HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM NAVD 88 NOAA
  - EDGE OF EXISTING BIKC PATH

Revised Sheet 12  
CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT  
SPECIAL CONDITION  
COMPLIANCE DOCUMENT  
CDP NO. 5 - 12 - 320  
CONDITION NO. 12 - 320  
ACCEPTED BY: [Signature]  
DATE: 5/8/14



Revised Sheet 12  
COASTAL COMMISSION REVIEW  
DATE: 11/14



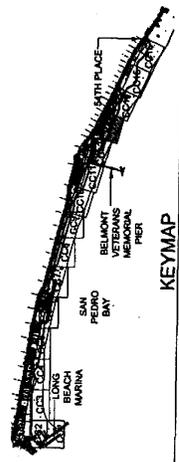
NO.	DATE	DESCRIPTION	BY



BEACH PEDESTRIAN PATH

California Coastal Commission  
 South Coast District Office  
 APPROVED 5-12-32  
 Permit No. \_\_\_\_\_

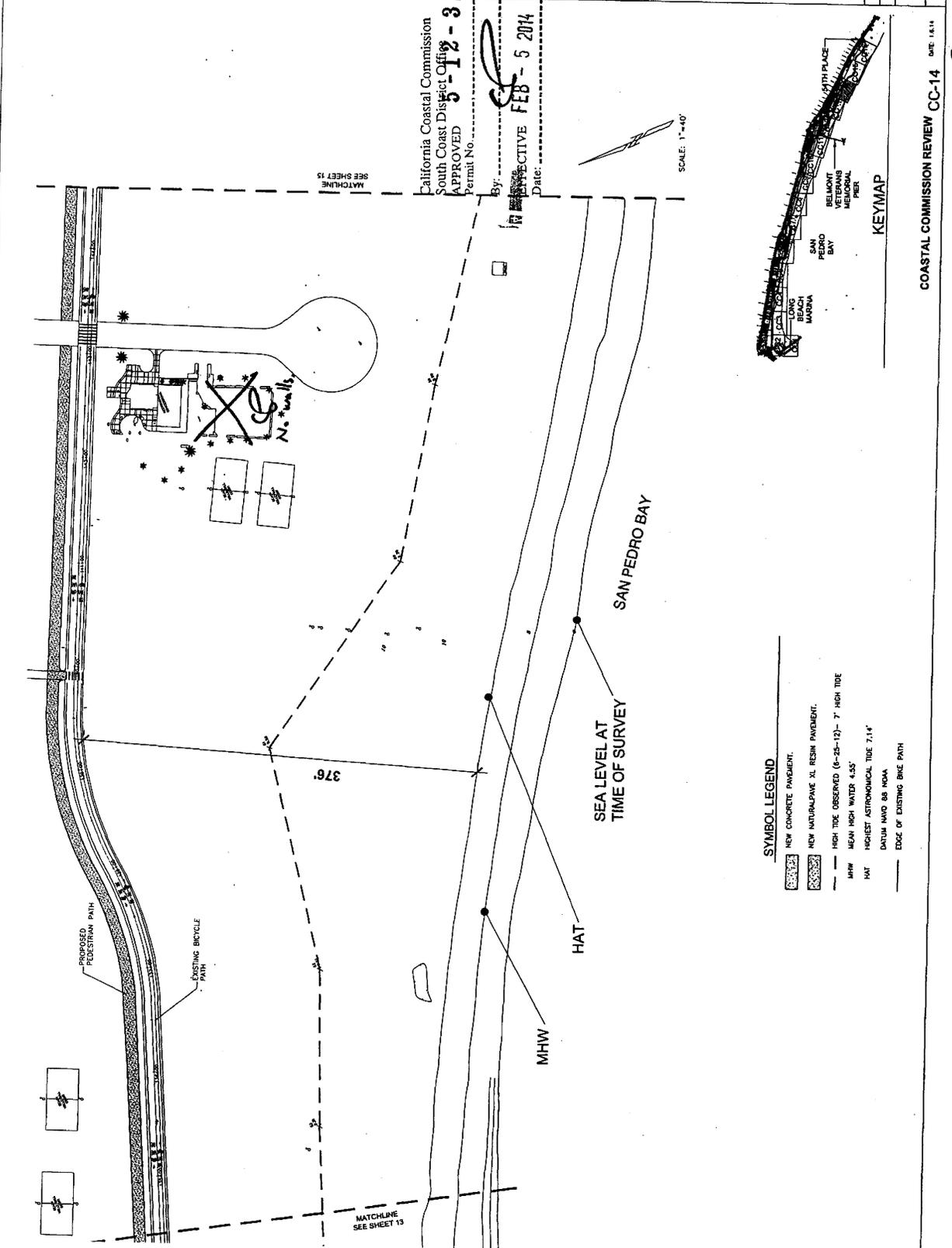
By: \_\_\_\_\_  
 Date: FEB - 5 2014



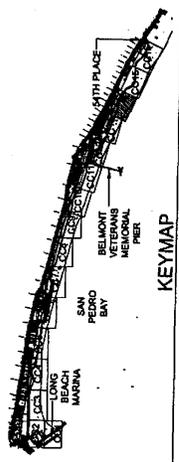
- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT
  - NEW NATURAL/PAVE XL RESIN PAVEMENT
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MHW MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM (MVD 88 NOAA)
  - EDGE OF EXISTING BIKE PATH

COASTAL COMMISSION REVIEW CC-13 DATE 1.6.14  
 SHEET NO. 13 OF 13  
 PROJECT NO. C-38

NO. 4- 0814	DATE	14	16
JOB NO. PWD000-04	PROJECT	TIDAL RISE EXHIBIT	
FIELD BOOK	SCALE	1" = 40'	



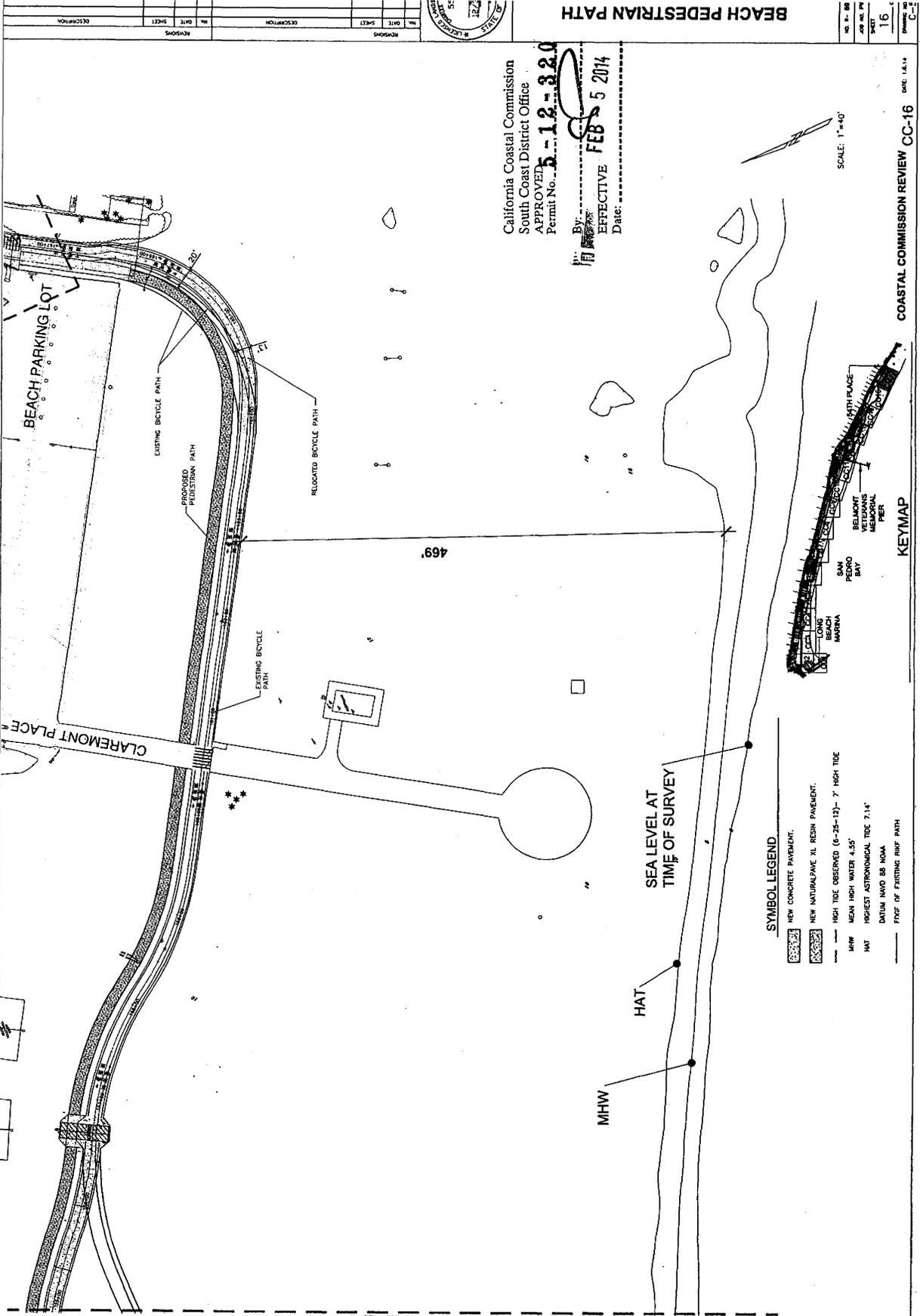
California Coastal Commission  
 South Coast District Office  
 APPROVED **3-12-32**  
 Permit No. **3-12-32**  
 By: *[Signature]*  
 Date: **FEB - 5 2014**



- SYMBOL LEGEND**
- NEW CONCRETE PAVEMENT.
  - NEW NATURALPAVE XL RESIN PAVEMENT.
  - HIGH TIDE OBSERVED (6-25-12) - 7' HIGH TIDE
  - MEAN HIGH WATER 4.55'
  - HAT HIGHEST ASTRONOMICAL TIDE 7.14'
  - DATUM MVD 88 MDA
  - EDGE OF EXISTING BKE PATH

COASTAL COMMISSION REVIEW CC-14 DATE 1.6.14





California Coastal Commission  
 South Coast District Office  
 APPROVED  
 Permit No. **5-12-320**  
 By: *[Signature]*  
 EFFECTIVE FEB 5 2014  
 Date:

BEACH PEDESTRIAN PATH

NO. IN SET	16
SHEET NO.	16
DATE	1/11/14

COASTAL COMMISSION REVIEW CC-16 DATE: 1/11/14

EXHIBIT # **2**  
 PAGE **16** OF **16**