CALIFORNIA COASTAL COMMISSION

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F17a

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STAFF REPORT: REGULAR CALENDAR

Application Number: 5-14-1819

Applicant: City of Long Beach

Location: Junipero Parking Lot on sandy beach adjacent to terminus of

Junipero Avenue, City of Long Beach, Los Angeles County;

APNs 7264-019-906 and 7264-018-902

Project Description: Repair and maintain surface of existing public beach parking

lot; provide additional accessible parking spaces; provide infrastructure for electric vehicle charging stations; provide bicycle parking infrastructure; install new biobasins and V-gutter drainage devices; extend width of sidewalk and overlay existing sidewalk and block wall adjacent to sandy beach; no increase in beach coverage; net decrease in parking spaces from 402 existing to 399 proposed; remove individual parking meters and install pay stations; no change to \$1/hour

parking fee.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach proposes to repair and maintain an existing public beach parking lot (Junipero Parking Lot) and improve it with additional accessible parking spaces, bicycle parking areas, infrastructure for electric vehicle charging stations, improved drainage, native landscaping, and a wider sidewalk. There is no proposed increase in beach coverage. Because of the space required for the new accessible parking and other amenities, the number of parking spaces would decrease from 402 to 399. Pay stations would replace individual parking meters but there would be no increase to the \$1/hour parking fee.

5-14-1819 (City of Long Beach)

Junipero Parking Lot is an important public access feature, serving visitors of the wide, two-mile long public beach between the Downtown Shoreline District and Belmont Shore. Nearby public recreation activities include a volleyball courts, bike and jogging trails, Bluff Park, Bixby Park and the Long Beach Museum of Art.

The parking lot is located on a sandy beach (State Tidelands) which has been flooded during severe storms and will be subject to more frequent storm related flooding and tidal inundation as the sea level continues to rise. The proposed repair and maintenance of an existing facility will increase the facility's useful life by approximately 10 years. The City has indicated that it is in the process of securing grant funds for a comprehensive assessment on the effects of sea level rise throughout Long Beach and that a future LCP amendment will address adaptation strategies including relocating the subject parking lot to a higher elevation.

Commission staff recommends **approval** of Coastal Development Permit Application No. 5-14-1819 with special conditions requiring the applicant to 1) submit final revised site plans which include multiple bicycle parking areas with at least 10 spaces each, include the infrastructure and dedicated parking area necessary for a minimum of three electric vehicle charging stations, and comply with the Americans with Disabilities Act requirements for accessible parking spaces; 2) submit final revised landscaping plans which include exclusively native, low water use, non-invasive plant species which are resilient enough to survive temporary seawater inundation; 3) submit final construction staging plans; 4) implement construction and operational best management practices to preserve and enhance water quality; 5) assume the risks of the development; and 6) waive the right to a future shoreline or bluff protective device to protect the development.

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EXHIBITS

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1819 subject to the conditions set forth in the staff recommendation.

Staff recommends a **YES** vote of the foregoing motion. Passage of this motion will result in conditional approval of the permit 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 Coastal Development Permit No. 5-14-1819 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will 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 applicants 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 applicants 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 standard conditions:

- 1. **Final Revised Site Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final revised project plans, subject to the review and approval of the Executive Director. The plans shall substantially conform to the preliminary plans, with revisions to include:
 - A. A minimum of 10 bicycle parking spaces each in a minimum of two separate locations in the parking lot;
 - B. Infrastructure, including but not limited to transformers and conduit capable of delivering 220 volts to a minimum of three Level 2 electric vehicle charging stations. The electric vehicle charging stations shall be installed at a later date;
 - C. Designated electric vehicle only parking spaces for a minimum of three electric vehicles; and
 - D. Designated accessible parking spaces no fewer than the minimum required by the Americans with Disabilities Act.

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

2. **Final Revised Landscaping Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final revised project plans, subject to the review and approval of the Executive Director. The plans shall substantially conform to the preliminary plans, with revisions to include exclusively native, low water use, non-invasive plant species which are resilient enough to survive temporary seawater inundation.

No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the United States Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://ucanr.edu/sites/WUCOLS/).

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

- 3. **Final Construction Staging Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final construction staging plan, subject to the review and approval of the Executive Director. The plan shall indicate where machinery and construction materials are proposed to be stored and shall minimize impacts to public access, to beach areas, and to sensitive habitat areas.
- 4. **Construction and Operational Best Management Practices.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea, the applicants shall implement the following construction-related and operational best management practices, in addition to those construction best management proposed by the applicant's 12/1/14 submittal:
 - A. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal and intertidal zones.
 - B. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
 - C. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering the ocean.
 - D. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the ocean. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
 - E. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a preconstruction meeting to review procedural and BMP guidelines.
 - F. 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. Disposal within the coastal zone shall require a coastal development permit.
 - 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. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- I. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- J. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. 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.
- K. At the end of the construction period, the applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water.
- L. All operational BMPs including but not limited to the V-gutters, biobasins, landscaped areas, and drainage system shall be maintained in a functional condition throughout the life of the development. If they should fail to fulfill their function or become damaged or destroyed by human activity or natural disaster, they shall be repaired or replaced with other operational BMPs which perform the same functions.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all staging and construction activities.

5. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from slope instability, erosion, landslides and wave uprush, storm conditions, and sea level rise; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. No Future Bluff or Shoreline Protective Device(s).

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-

1819 and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. By acceptance of this permit, the applicant 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 permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the applicant shall remove the development authorized by this permit, including, but not limited to, the asphalt and concrete parking lot and sidewalks, bicycle racks, signs, electric infrastructure, and any other future improvements, if any government agency has ordered that the development is not to be operated due to any of the hazards identified above. In the event that portions of the development are destroyed by destroyed by any of the hazards identified above, the applicant 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The development proposed by this application is repair and maintenance of an existing public beach parking lot at the terminus of Junipero Avenue in Long Beach (Exhibit 1). New amenities to enhance public access and water quality are also proposed (Exhibit 2). The parking lot is located on a wide sandy beach on State Tidelands in the Commission's original jurisdiction. The City of Long Beach is the applicant and the operator of the public parking lot and the underlying public beach.

The existing asphalt pavement is proposed to be milled down 1½ inches and recapped with a new asphalt overlay to revitalize the pavement surface. More major asphalt and subsurface repairs may be required in small sections which are in worse condition, as indicated by the applicant's geotechnical investigation (HDR Engineering, 2014). A new curb and 7-foot wide sidewalk are proposed in place of the existing curb and gutter along the south project limits to improve accessibility between the parking lot and the sandy beach. Other curbs and sidewalks will be overlaid with concrete as part of routine maintenance (Exhibit 2).

A new concrete ribbon V-gutter will be installed to improve the site drainage and eliminate water ponding on the pavement surface. The installation of the ribbon gutter will require minor pavement removal and grading to create the required slope to direct drainage into the gutter. Three biobasins will be created along the southern edge of the parking lot, capturing 100% of water flow from the impervious surface during rain events. Existing planter pockets and biobasins will receive water efficient irrigation lines for low water use native coastal plants, which will be able to survive temporary seawater inundation events (Exhibit 2).

The parking lot will be restriped to provide additional space for the biobasins and new sidewalk. Additional accessible parking spaces will be provided, consistent with the Americans with

Disabilities Act. The applicant has also agreed to provide additional bicycle and electric vehicle parking. **Special Condition 1** requires the applicant to submit final revised site plans which include a minimum of 10 bicycle parking spaces each in a minimum of two separate locations in the parking lot, and infrastructure including but not limited to transformers and conduit capable of delivering 220 volts to a minimum of three Level 2 electric vehicle charging stations. The electric vehicle charging stations will be installed by a private vendor at a later date but are included in the development subject to this coastal development permit, as conditioned. Special Condition 1 also requires dedicated accessible parking spaces and designated electric vehicle parking spaces.

Junipero Parking Lot is an important public access feature in Long Beach. In addition to public street parking on Ocean Boulevard and approximately 50 metered public parking spaces on the beach access road between Ocean Boulevard and the parking lot, Junipero Parking Lot serves visitors of the public beach between the Downtown Shoreline District and Belmont Shore (Exhibit 1). Nearby public recreation activities include volleyball courts, bike and jogging trails, Bluff Park, Bixby Park, and the Long Beach Museum of Art. The parking lot was constructed prior to the passage of the Coastal Act.

The applicant proposes to remove the existing parking meters adjacent to each parking space and install up to eight pay stations at locations throughout the parking lot. The total number of parking spaces would be reduced from 402 existing to 399 proposed. The price of parking will remain \$1/hour.

The development has been approved in concept by the Long Beach Department of Planning and Building (11/19/14) and construction is projected to begin in May 2015, in conjunction with construction on the beach access road between Ocean Boulevard and the Parking Lot. Work will be completed prior to the summer beach season. The staging area will be in the existing parking lot. To minimize impacts to coastal access, **Special Condition 3** requires the applicant to submit a final construction staging plan. The applicant has proposed a substantial set of construction and operational best management practices (BMPs). **Special Condition 4** requires the applicant to implement the proposed BMPs in addition to a set of BMPs specific to beach adjacent developments that the Commission has imposed through previous approved permits in Long Beach.

B. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

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

Section 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 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service...(3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation to and along the coast. The proposed project conforms with the Coastal Act policies which protect and encourage public access and recreational use of coastal areas. Junipero Parking Lot is the primary beach parking area for a wide, popular two-mile long stretch of public beach which includes many public amenities. It has been utilized by residents and visitors of the City to access the beach for over 50 years. It lies adjacent to segments of the California Coastal Trail along the beach and Ocean Boulevard.

Resurfacing of the parking lot will extend its useful life by approximately 10 years, allowing the City of Long Beach to continue to enhance public access to and along the coast through its investment in coastal public amenities. Improving the condition of the sidewalks and the accessway to the parking lot will allow for safer pedestrian access to the beach. Enhancing and increasing the number of accessible parking spaces will improve access for disabled people.

According to a report by the California Department of Energy (*Tracking Progress*, September 2, 2014), sales of plug-in battery electric vehicles (PEVs) have been increasing each for the last five years and nearly 100,000 electric vehicles have been sold in California. With the use of electric vehicles increasing, the demand for electric vehicle charging stations also increases. In order to encourage electric vehicle use, public and private lots should provide infrastructure for electric vehicle charging, which will improve public access through the provision of adequate parking facilities. Because many coastal visitors drive to the beach, providing electric vehicle charging stations may allow them to visit from further away or enjoy other nearby amenities without having to worry about running out of battery power before returning home. Finally, providing electric vehicle charging infrastructure is consistent with Section 30253 of the Coastal Act because it serves to reduce air pollution and energy consumption.

There is no established standard for the ratio of electric charging spaces per standard vehicle spaces in public parking lots, but the California Green Building Code presents standards for electric vehicle charging stations in commercial, retail and other nonresidential locations: one

EV charging space for a parking lots with 1-50 spaces, two EV charging spaces for parking lots with 51-200 spaces, and four EV charging spaces for parking lots with greater than 201 parking spaces. Based on this standard, four EV charging spaces might be appropriate in the Junipero Parking lot, but the City has proposed three and there are three additional EV charging stations at the nearby Long Beachof Art. The City has also proposed three EV stations at the Alamitos Beach Parking Lot, approximately ½ mile to the west. **Special Condition 1** requires the City to install the infrastructure and designate three parking spaces for electric vehicle charging.

Furthermore, the proposed site is located near a regional bicycle route along Ocean Boulevard, and adjacent to a beach bicycle path. The applicant is proposing to provide bike racks for an unstated number of bicycles. Because of the location along the popular bike routes, the proximity to the public beach, and other visitor serving uses, the area is heavily used by bicyclists. The lot, as designed is large enough to accommodate many bicycle parking spaces within the proposed hardscape areas without affecting the number of vehicle parking spaces or proposed green space. By providing additional bicycle racks, public beach access will be improved for cyclists as well as people who arrive via a combination of public transportation and bicycle. Therefore, **Special Condition 1** requires the final revised plans to include a minimum of 10 bicycle parking spaces each in a minimum of two separate locations in the parking lot.

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and Sections 30252 and 30253 of the Coastal Act.

C. WATER QUALITY

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.

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located on a sandy beach adjacent to the Pacific Ocean. 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.

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 water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and debris during construction. The applicants have proposed a list of best management practices for the construction and for long-term protection of water quality. The applicants have also proposed landside structural BMPs to protect water quality, including biobasins in the surface parking lot. As proposed, the new V-gutters, biobasins, and drainage devices will enhance water quality from the current condition at the parking lot.

To minimize impacts to coastal access, **Special Condition 3** requires the applicant to submit a final construction staging plan. The applicant has proposed a substantial set of construction and operational best management practices (BMPs). **Special Condition 4** requires the applicant to implement the proposed BMPs in addition to a set of BMPs specific to beach adjacent developments that the Commission has imposed through previous approved permits in Long Beach and maintain them is a state of functional condition. The Commission finds that only as conditioned will the proposed project ensure that marine resources and water quality are protected as required by Sections 30230 and 30231 of the Coastal Act.

D. NATURAL HAZARDS

Section 30253 of the Coastal Act states:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Junipero Parking Lot, as currently sited, is in an area of high flood hazard.

The parking lot is located on State Tidelands, on a beach which has been flooded during severe storms and which will be subject to more frequent storm related flooding and tidal inundation as the sea level continues to rise. The applicant's geotechnical investigation encountered groundwater four feet above mean sea level and indicated that it fluctuates lower and higher depending on the season and the tide. The proposed repair and maintenance of an existing facility, including overlay of the asphalt to prevent water seepage and improved drainage to mitigate against temporary flooding, will increase the facility's useful life by approximately 10 years, but the effects of sea level rise will likely necessitate relocation of the facility in the near future. The City has indicated that it is in the process of securing grant funds for a comprehensive assessment on the effects of sea level rise throughout Long Beach and that a future LCP amendment will address adaptation strategies including relocating the subject parking lot to a higher elevation. Potential relocation sites are further back on the existing beach or atop the bluff fronting the beach (see Exhibit 1).

Despite the repair and maintenance proposed by the subject application, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion. The proposed project is located within an area subject to tidal action and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 2** requires that the final landscapeing plans feature exclusively native, low water use, non-invasive plant species which are resilient enough to survive temporary seawater inundation. **Special Condition 4** requires that all operational BMPs including but not limited to the V-gutters, biobasins, landscaped areas, and drainage system shall be maintained in a functional condition throughout the life of the development. If they should fail to fulfill their function or become damaged or destroyed by human activity or natural disaster, they shall be repaired or replaced with other operational BMPs which perform the same functions.

Special Condition 5 requires the City to assume the risks of the development. Finally, **Special Condition 6** requires the City to waive the right to a future shoreline or bluff protective device(s) in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, sea level rise, or other natural coastal hazards in the future. The City further agrees to remove the entire development authorized by this permit if any government agency has ordered that the development is not to be operated due to any of the hazards identified above or if the development is destroyed by any of the hazards identified above. The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's

standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Long Beach Department of Planning and Building is the lead agency for the purposes of CEQA review. On November 19, 2014, the City determined that the project is categorically exempt from CEQA review under Section 15301 (Class 1, Existing Facilities).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicant to include multiple bicycle parking areas with at least 10 spaces each, include the infrastructure and dedicated parking area necessary for a minimum of three electric vehicle charging stations, comply with the Americans with Disabilities Act requirements for accessible parking spaces, landscape with exclusively native, low water use, non-invasive plant species which are resilient enough to survive temporary seawater inundation, submit final construction staging plans, implement construction and operational best management practices to preserve and enhance water quality, assume the risks of the development, and waive the right to a future shoreline or bluff protective device to protect the development.

As conditioned, there are no feasible alternatives or additional 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

- 1. City of Long Beach Certified Local Coastal Program, 7/22/80.
- 2. Coastal Development Permit No. 5-12-320 (City of Long Beach Pedestrian and Bicycle Beach Paths), 6/13/14.

Exhibit 1.1: Vicinity Map

Application No. 5-14-1819

California Coastal Commission



Photo: Bing Maps

Exhibit 1.2: Vicinity Map

Application No. 5-14-1819

California Coastal Commission



Photo: California Coastal Records Project, 2006









