

CALIFORNIA COASTAL COMMISSION

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



Th6b

Filed: 4/25/16
180th Day: 10/22/16
Staff: Z. Rehm-LB
Staff Report: 6/23/16
Hearing Date: 7/14/16

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-16-0215

Applicant: City of Long Beach

Location: Public beach adjacent to 4320 Olympic Plaza, City of Long Beach, Los Angeles County; APN 7256-040-902

Project Description: Install wastewater recycling system at existing beach maintenance yard and install sewer and water pipes under beach between beach maintenance yard and Ocean Avenue.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach proposes to install a wastewater recycling system within the City's existing beach maintenance yard on the public beach, for the purpose of reducing water usage and improving water quality. The City's Beach Maintenance Division operates an assortment of equipment which must be rinsed after each use to remove particles of sand and salt. The proposed system will enable the City to capture the water used to rinse the equipment, filter it, retain it in two 500 gallon tanks, and reuse the same water for subsequent beach maintenance equipment rinsing. Proposed new pipes under the beach between the beach maintenance yard and the sewer and water laterals along Ocean Avenue will enable the system to discharge excess water to the sewer system rather than discharging it onto the public beach as is current practice.

The City indicates that the system will be able to withstand temporary flooding caused by a combination of high tides, severe storms, and sea level rise. The new infrastructure will be installed at an elevation of approximately +12 feet NAVD88, which is higher than other public infrastructure in the City of Long Beach and almost five feet higher than the highest observed

5-16-0215 (City of Long Beach)

tides on the subject beach. However, no development near the shoreline can be guaranteed to be safe from hazards. All development located on the beach has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion.

Commission staff recommends **approval** of Coastal Development Permit Application 5-16-0215 with special conditions requiring the applicant to 1) submit final project plans which shall identify the location and elevation of all new infrastructure; 2) implement construction and operational best management practices to preserve and enhance water quality; 3) assume the risks of the development; and 4) waive the right to a future shoreline or bluff protective device to protect the development.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION 4

II. STANDARD CONDITIONS..... 4

III. SPECIAL CONDITIONS 5

IV. FINDINGS AND DECLARATIONS 7

 A. PROJECT LOCATION AND DESCRIPTION..... 7

 B. PUBLIC ACCESS AND RECREATION 9

 C. WATER QUALITY..... 9

 D. NATURAL HAZARDS..... 9

 E. LOCAL COASTAL PROGRAM 10

 F. CALIFORNIA ENVIRONMENTAL QUALITY ACT 10

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Preliminary Plans

I. MOTION AND RESOLUTION

Motion:

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

Staff recommends a YES vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final project plans, subject to the review and approval of the Executive Director. The final project plans shall identify the location and elevation of all new infrastructure. Additionally, the final project plans shall call out the location of all existing and proposed storage containers, none of which shall extend seaward of the existing line of development, which is the line between the six foot high block wall associated with the existing beach maintenance yard and the southern extent of the Belmont Outdoor Pool approximately 100 feet to the west.

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. **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 applicant shall implement the following construction-related and operational best management practices:
 - 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 pre-construction 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 wastewater recycling system shall be maintained in a functional condition throughout the life of the development. If the system should fail to fulfill its function or become damaged or destroyed by human activity or natural disaster, it 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.

- 3. **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.

4. 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 5-16-0215 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 concrete driveway, wastewater recycling system, sewer and water pipes, associated beach maintenance 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 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 City of Long Beach proposes to install a wastewater recycling system within the City’s existing beach maintenance yard, for the purpose of reducing water usage and improving water quality. The beach maintenance yard is located on a wide sandy beach within the Commission’s area of original jurisdiction (**Exhibit 1**). The City of Long Beach is the applicant and the operator of the beach maintenance yard, which supports an assortment of equipment that the City uses to maintain the approximately four-mile long public beach between Shoreline Marina and the Alamitos Peninsula.

The proposed wastewater recycling system will capture wastewater generated by rinsing of the beach maintenance equipment in an area drain installed within the same footprint as an existing concrete driveway, which will be partially reconstructed. After wastewater enters the drain, it will be pumped to a filtration system installed above ground within the beach maintenance yard. After being filtered, water will be retained in two 500 gallon tanks, then reused for subsequent beach maintenance equipment rinsing. Rather than using new potable water to rinse the beach equipment and allowing it to partially drain onto the beach as is current practice, the new system will enable the City to retain the wastewater and reuse it for up to a year. When the water can no longer be reused, it will be pumped to the sewer system through new pipes installed between the beach maintenance yard and the sewer laterals along Ocean Avenue. The applicant has submitted preliminary plans (**Exhibit 2**) identifying the features of the proposed system in the footprint of the existing beach maintenance yard and driveway, inland of the pedestrian and bike paths.

The applicant indicates that the system will be able to withstand temporary flooding caused by a combination of high tides, severe storms, and sea level rise. The new infrastructure will be installed at an elevation of approximately +12 feet NAVD88, which is higher than other public infrastructure in the City of Long Beach and almost five feet higher than the highest observed tides on the subject beach. However, no development near the shoreline can be guaranteed to be safe from hazards. The National Research Council 2012 report “Sea-Level Rise for the Coasts of California, Oregon, and Washington” provides a range of sea level rise projections for the area south of Cape Mendocino, based on low and high emission scenarios developed by the Intergovernmental Panel on Climate Change¹. For the area south of Cape Mendocino (Southern California), the mid-range projection of sea level rise in the year 2100 is 41 inches and the high-range projection is 66 inches. If sea levels rise by 66 inches, the subject development will be flooded twice daily during high tide.

Wave action along the beach where the subject development is proposed is currently buffered by the Long Beach Breakwater, which may or may not exist in the near and distant future. The subject beach is currently maintained and reconstructed on a constant basis (using the equipment which necessitates the rinsing that demands the proposed wastewater recycling system). Given sea level rise and the uncertain future of the Long Beach Breakwater, the beach may be subject to severe erosion in the future. Higher tides, combined with storms and sea level rise, could make the City’s current practice of moving sand around with heavy equipment impractical or infeasible. If the beach maintenance yard is regularly flooded, it might not be feasible to store equipment there.

Recognizing that the beach maintenance yard currently serves an historic function, and which supports ongoing public access and recreation along the subject beach (including passive sandy area, volleyball courts, bike and pedestrian paths, and a dog area), and recognizing that the proposed development will reduce water usage and improve water quality, the Commission finds that the proposed development is consistent with the public access and recreation policies and the biological productivity policies of the Coastal Act. To ensure that the proposed development does not adversely affect public access and recreation along the sandy beach, the Commission imposes **Special Condition 1** requiring the applicant to submit final project plans, subject to the review and approval of the Executive Director. The final project plans shall identify the location and elevation of all new infrastructure. Additionally, the final project plans shall call out the location of all existing and proposed storage containers, none of which shall extend seaward of the existing line of development, which is the line between the six foot high block wall associated with the existing beach maintenance yard and the southern extent of the Belmont Outdoor Pool approximately 100 feet to the west. The Commission imposes **Special Condition 2** in order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea, requiring the applicant to implement construction-related and operational best management practices.

¹ The “low” emission scenario refers to the AR4 scenario, B1, which assumes future shift to energy efficient technologies. The “mid-range” emission scenario refers to the AR4 scenario, A1B, which assumes similar economic and population growth patterns but with a more balanced use of both fossil-intensive and non-fossil sources. The “high” emission scenario refers to the AR4 scenario, A1FI, which assumes a fossil fuel intensive future.

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. The beach maintenance yard, as currently sited, and as proposed to be improved with the wastewater recycling system, is located in an area of high flood hazard. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion. The expected life of the proposed development is uncertain and the development cannot be found to be free of risk from natural hazards. Therefore, the Commission requires the City to assume the risks of the development and imposes conditions to ensure that the development does not require a shoreline protective device and is removed if it is damaged in the future. **Special Condition 3** ensures that the applicant understands and assumes the risks of potential hazards associated with the development, waives liability against the Commission, and indemnifies the Commission against potential claims. Additionally, **Special Condition 4** requires the applicant 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.

The development has been approved in concept by the Long Beach Department Development Services (3/3/16). Construction is projected to require ten weeks and no impacts to public parking or to access along the pedestrian and bike beach paths are anticipated.

B. PUBLIC ACCESS AND RECREATION

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

C. WATER QUALITY AND BIOLOGICAL PRODUCTIVITY

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

D. NATURAL HAZARDS

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon,

among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: require an appropriate set-back from the water; require a drainage and runoff control plan to direct, treat, and minimize the flow of water offsite; prohibit construction of protective devices (such as a seawall) in the future; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

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 Development Services is the lead agency for the purposes of CEQA review. On March 3, 2016, 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 submit final project plans which shall identify the location and elevation of all new infrastructure, 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

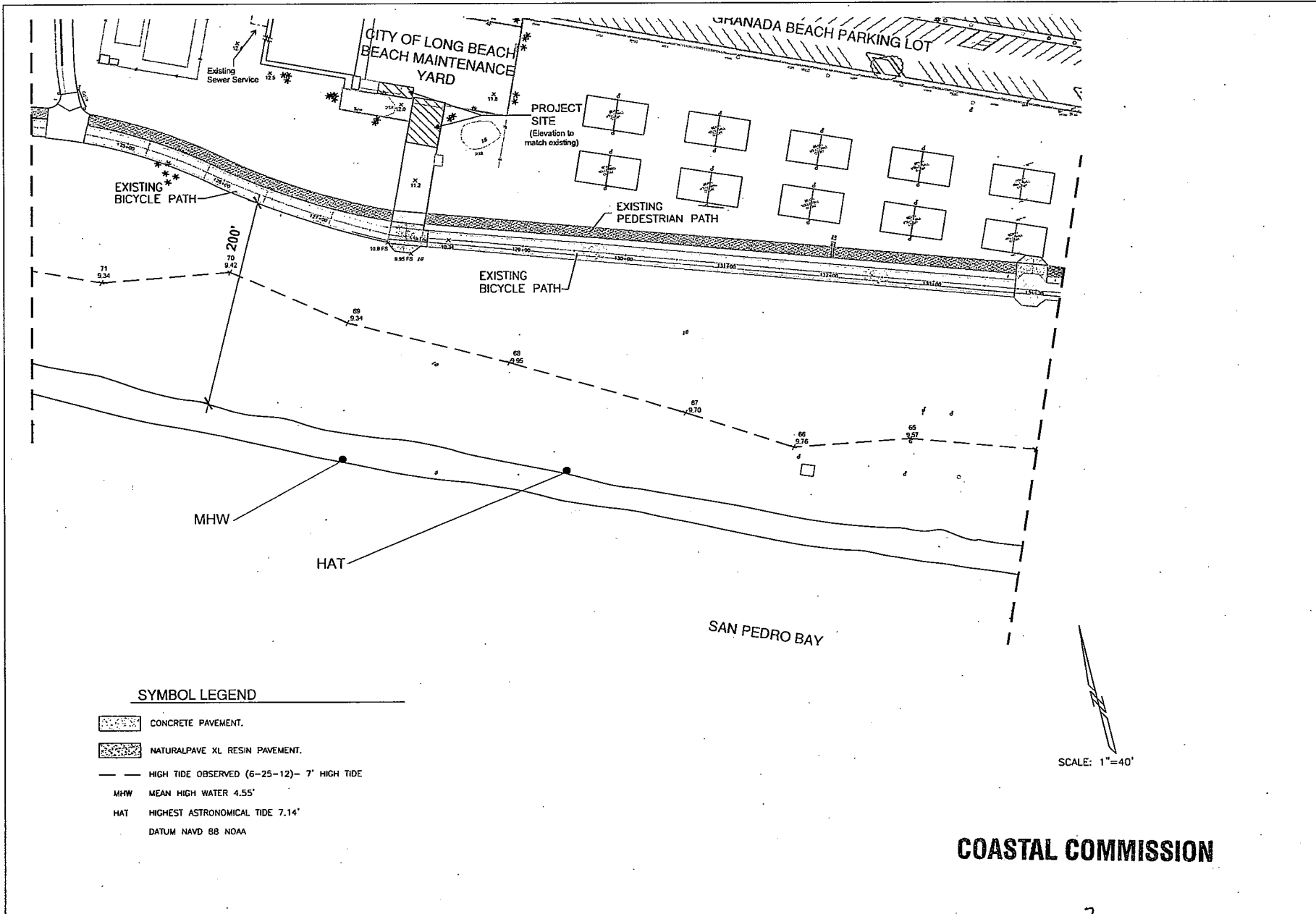
1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-12-320 (City of Long Beach Pedestrian and Bicycle Beach Paths), 6/13/14.
3. Waiver of Coastal Development Permit Requirements 5-14-1057-W (Belmont Pool Demolition and Beach Restoration), 10/13/14
4. Coastal Development Permit 5-14-1819 (City of Long Beach Junipero Parking Lot), 4/17/15

Vicinity Map: Beach Maintenance Yard, City of Long Beach







Exhibit 1	
Page 1 of 1	
	California Coastal Commission



Photo credit: Bing Maps



SYMBOL LEGEND

-  CONCRETE PAVEMENT.
-  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 88 NOAA

REVISIONS		DESCRIPTION	
NO.	DATE	BY	DATE

NO. R. 6914
DR. NO. PWD300-04
SHEET
1 of 1
DRAWING NO.

Site Elevation Relative to Sea Level
 SCALE: 1"=40'
 FIELD BOOK PAGE

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 3 OF 3