

**CALIFORNIA COASTAL COMMISSION**

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

**W7b**

Filed:	04/28/2018
180 <sup>th</sup> Day:	Waived
270th Day:	01/13/2019
Staff:	M. Revell-LB
Staff Report:	09/27/2018
Hearing Date:	10/10/2018

**STAFF REPORT: CONSENT CALENDAR**

**Application No.**            **5-17-0796**

**Applicant:**                **City of Long Beach**

**Agent:**                     Tony Resendez, City of Long Beach

**Project Location:**        2630 E. Ocean Blvd., Junipero Beach, City of Long Beach, Los Angeles County.

**Project Description:**     Remodel of concession/restroom building on Junipero Beach adjacent to bike/pedestrian path, consisting of a new screen wall separating restrooms from concession area, lockable storage space for vendors, shade structure, new concrete boardwalk connecting concession with bike path, children's playground, and other ADA improvements.

**Staff Recommendations:**   Approval with conditions

**SUMMARY OF STAFF RECOMMENDATION**

The City of Long Beach requests a permit to remodel the existing concession building located on Junipero Beach in the City of Long Beach. The primary issues raised by the subject development relate to public access and protection of water quality. Staff has reviewed the proposed project and determined that the proposed project would not result in significant adverse impacts to public access and/or water quality. Staff is recommending **approval** of the proposed development with **Eleven Special Conditions** regarding: 1) Permit Compliance; 2) Future Development; 3) Conditions imposed by Local Government; 4) Submittal of Final Revised Plans; 5) Construction Timing; 6) Public Areas Management Program; 7) Landscape Requirements; 8) Construction and Pollution Prevention Plan; 9) Post-Development Runoff

5-17-0796 (City of Long Beach, Junipero Concession)

Plan; 10) Assumption of Risk, Waiver of Liability and Indemnity; and 11) No Future Shoreline Protection Device.

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on filled tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for proposed development in its area of original jurisdiction 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 proposed project, as conditioned, complies with Chapter 3 Coastal Act policies and the City of Long Beach certified LCP.

**TABLE OF CONTENTS**

**I. MOTION AND RESOLUTION..... 4**  
**II. STANDARD CONDITIONS..... 4**  
**III. SPECIAL CONDITIONS..... 5**  
**IV. FINDINGS AND DECLARATIONS..... 13**  
    A. PROJECT DESCRIPTION..... 13  
    B. PUBLIC RECREATION/MARINE RESOURCES..... 14  
    C. PUBLIC ACCESS.....15  
    D. WATER QUALITY..... 15  
    E. LOCAL COASTAL PROGRAM..... 16  
    F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)..... 16

**EXHIBITS**

- Exhibit 1 – Project Location
- Exhibit 2 – Project Plans
- Exhibit 3 – City-Imposed Project Conditions for Application No. 1703-39 (LCDP 17-023)

## I. MOTION AND RESOLUTION

### Motion:

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

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

### Resolution:

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

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the permit application, subject to any special conditions. Any deviation from the approved project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
2. **Future Development.** This permit is only for the development described in coastal development permit (CDP) 5-17-0796. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by CDP 5-17-0796. Accordingly, any future improvements to this development authorized by this permit, including any changes to the approved plans that result from alcohol service requirements, shall require an amendment to CDP 5-17-0796 from the Commission or shall require an additional CDP from the Commission unless the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
3. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Long Beach (**Exhibit 3**) pursuant to an authority other than the Coastal Act. The permittee shall be responsible for satisfying all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions. In the event of a conflict between terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this coastal development permit shall prevail.
4. **Submittal of Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised final plans that conform with the plans submitted to the Commission and received in the South Coast District offices on September 13, 2018. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
5. **Timing of Construction and Public Access.** By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the public beach or public parking lot resulting from construction activities as required below:
  - A. No construction shall 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.
  - B. The majority of construction work will take place between the hours of 7am and 5pm. The beach will be open to the public between sunrise and 10pm except in construction zones for public safety purposes.

**6. Public Areas Management Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicant shall submit a public areas management program, subject to the review and approval of the Executive Director, that protects the rights of the public to enter and use the concession area and associated amenities. That program shall incorporate the following:

A. **Public Access Signage Plan.** The signage plan shall clearly describe, at a minimum, the dimensions, material(s), text, and font of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil consistent with **Special Condition 4**. The signs shall facilitate, manage, and provide public access to the approved project, including identification of all public features that will be provided on the site (public tables, play area, etc.) and allowable uses of the public areas. The signs shall be conspicuously sited to maximize visibility from the regional bicycle and pedestrian route, and the Junipero public beach parking lot and be designed to provide clear information to beach goers, park visitors, and bike path and pedestrian path users without adversely impacting public views and visual resources.

The final plans shall provide a mechanism for the Executive Director to review and approve minor sign changes. Changes may only be granted if such changes will not adversely impact, and/or will enhance coastal resources, including coastal access (e.g., modifying the signage to be clearer to the public and/or more aesthetically pleasing).

- B. **Concession hours.** The concession stand shall be:
- i. Open weekends year-round from morning until evening (exact timing guided by peak use hours)
  - ii. Open weekdays through the summer months
  - iii. Open to the greatest extent feasible during weekdays through the winter and spring months
- C. **Parking Requirements.**
- i. All parking spaces within the public beach parking lots shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within a public beach parking lot by any person or group other than the general public (handicapped and electric vehicle spaces excluded). This condition does not prohibit the City from requiring a City-issued parking permit, available to the general public.
  - ii. No parking validations, or any other preferences not available to the general public, shall be granted to customers or employees of the commercial uses.
- D. **Menu.** The concession stand shall provide and maintain a take-out window, shall offer food items that can be easily carried out, and shall stock relatively inexpensive snack items as proposed by the applicants.
- E. **Seating.** The general public shall be allowed to visit and picnic at all seating areas on site. There shall be no full-table service in these areas.

1. PRIOR TO COMMENCEMENT OF CONSTRUCTION the applicant and its contractor(s) shall provide for the review and approval of the Executive Director

final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.

2. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

**7. Landscape Requirements.** Landscaping of the site shall be consistent with the following:

- A. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. 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 U.S. Federal 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://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).
- B. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

**8. Construction and Pollution Prevention Plan**

- A. PRIOR TO CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan prepared and certified by a qualified licensed professional, that demonstrates that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:
  1. Construction Site Map and Narrative Description. The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:
    - i. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
    - ii. A description of the measures that will be implemented to ensure that bike and pedestrian access along the east-west regional bicycle and pedestrian route is maintained during construction activities. If temporary closure of the bicycle and pedestrian path is necessary during construction, a 5-minute interruption of traffic on the pedestrian and bicycle route is authorized with a flag-person to stop bicycle and pedestrian traffic.
    - iii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing

schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.

- iv. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
  - v. A description of the BMPs that will be implemented to minimize energy use and minimize light spillage onto adjacent areas resulting from construction activities.
  - vi. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
2. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
- i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
  - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
  - iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
  - iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
  - v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
3. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:



- i. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
  - ii. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
  - iii. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
  - iv. Prompt removal of all construction debris from the beach.
  - v. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
4. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
5. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
  - i. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
  - ii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
6. A delineation of the areas to be disturbed by grading or construction activities including any temporary trenches, staging, and stockpile areas. No construction equipment or materials (including debris) shall be allowed at any time on the sandy beach.
7. The plan shall include source control Best Management Practices as part of a written plan designed to control dust, concrete, demolition pavement, or pipe removed during construction, and/or construction materials, and standards for interim control and for clean-up. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters. All sediment waste

and debris should be retained on-site unless removed to an appropriate approved dumping 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. Contractors shall monitor and contain oil or fuel leaks from vehicles and equipment.

8. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes in roadways such that traffic can continue to pass over disturbed areas, disturbed soils and trenches with shoring, sand bag barriers, silt fencing, temporary drains and swales, and sediment basins and stabilization of all stockpiled fill. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.

- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.
- C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

**9. Post-Development Runoff Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, a final Post-Development Runoff Plan that demonstrates that the project complies with the following requirements:

- A. Low Impact Development Strategies. The project shall comply with the following Low Impact Development standards:
  1. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as amending soil if needed to enhance infiltration and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
  2. Where feasible, increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
- B. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.

- C. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated “green roof,” flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.
- D. Implement Source Control BMPs. Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.
- E. Avoid Adverse Impacts from Stormwater and Dry Weather Runoff. The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the greatest extent feasible. The project shall comply with the following requirements:
  - 1. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner.
  - 2. The discharge of dry weather runoff to coastal waters shall be minimized, to the greatest extent feasible. Use strategies such as efficient irrigation techniques that minimize off-site runoff.
- F. Manage BMPs for the Life of the Development. Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development.
- G. Use the following kitchen BMPs.
  - 1. Control Outdoor Washing Activities. All equipment, including floor mats, shall be washed indoors to ensure the wastewater is collected via floor drains or sinks and disposed of in the sanitary sewer. On a weekly basis, the applicant shall, sweep impervious surfaces to remove litter, sediment, and other debris.
  - 2. Sweep Sidewalks and Parking Lots. Restaurant parking lots and sidewalks should be swept regularly. Hose or pressure wash water shall be collected and discharged into the sanitary sewer.
  - 3. Kitchen Grease. Kitchen Grease shall be handled using a grease trap or interceptor. Grease traps and interceptors shall be cleaned and inspected regularly for leaks and replaced, if necessary. Tallow bins, grease traps and interceptors shall be pumped by a grease hauler on a regular schedule.
  - 4. Seal and Maintain Trash/Recycling Containers. Lids shall be provided for trash, recycling cans, and other outdoor containers. Outdoor trash and recycling containers

shall be inspected before it rains to make sure the lids are closed, and dumpsters shall be inspected regularly for leaks and for trash piling up around the dumpsters. The amount of liquids disposed of in dumpsters shall be minimized.

5. **Oversee All Cleaning Service Contractors.** Contractors shall be prohibited from disposing of cleaning solvents or waste into a storm drain. Contractors shall be tasked with cleaning floor mats, exhaust filters, garbage cans, carts, and/or tray racks.
6. **Prevent Spills.** Spill containment kits shall be kept in convenient locations, such as near dumpsters and unloading areas in case of a spill. Rags or absorbents shall be disposed of in the trash, and spills shall not be hosed into the storm drain. Employees shall be trained in the proper use of spill clean-up materials. Any spills that could enter a storm drain shall be reported to the City's Stormwater Pollution Prevention Service at (562) 570-3867.

H. **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:

1. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.
2. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
3. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.
4. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Include a schedule for installation or implementation of all post-development BMPs.
5. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

- 10. Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant acknowledges and agrees: (i) that the site

may be subject to hazards, including but not limited to storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

**11. No Future Shoreline Protection Device**

- 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 be constructed to protect the development approved pursuant to Coastal Development Permit No. CDP 5-17-0796 including, but not limited to remodel of concession/restroom adjacent to bike/pedestrian path, consisting of a new screen wall separating restrooms from concession area, lockable storage space for vendors, shade structures, new concrete boardwalk connecting concession with bike path, children's playground, and other ADA improvements, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant acknowledges that the project is new development for which there is no right to construct shoreline protective devices and hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove the development authorized by this Permit if: (a) any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed; (b) essential services to the site can no longer feasibly be maintained (e.g., utilities, roads); (c) removal is required pursuant to Local Coastal Program policies regarding sea level rise adaptation planning; (d) the development would require a shoreline protective device to prevent (a)-(c) above. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.
- C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The City of Long Beach proposes exterior façade improvements and interior renovation to the existing Junipero concession/restroom building, and the addition of a new children’s playground on the sandy beach adjacent to the bicycle and pedestrian path on Junipero Beach, east of the public parking lot ([Exhibit 1](#)). The proposed project is located in the Coastal Commission’s original jurisdiction ([Exhibit 3](#)). A companion project, already approved by the City, is within the City’s jurisdiction that exists inland of the Junipero concession/restroom building. The companion City-approved project involves the construction of new basketball courts and a fitness station to be located north of the existing pedestrian and bike path, which received a Local Coastal Development Permit (LCDP 17-023) in February, 2018. The portion of the proposed work analyzed as a part of this coastal development permit application, CDP No. 5-17-0796, involves only the portion of the project within the area of the Commission’s original jurisdiction, which involves the concession building and proposed children’s playground area ([Exhibit 3](#)).

The 1,574 square foot Junipero concession/restroom building will provide the baseline infrastructure for the improvements, which include: a new cast-in-place concrete wall connected to a new corrugated and perforated metal screen wall on the northwest corner of the existing building to enclose the unused corner of the building to provide lockable storage space for the vendors for rental equipment; a new concession window and counter; and two new fabric “sail” shade structures over the seating areas. A new “boardwalk”, consisting of approximately 1,944 square feet of poured concrete and concrete pavers, is proposed to connect the concession window to the existing pedestrian and bike path, and to improve pedestrian circulation and ADA accessibility around the site. The concrete area proposed to connect the City-approved basketball court to the pedestrian and bike path, in addition to construct the southern portions of the basketball court, consists of approximately 7,530 square feet of concrete. The proposed 6,067 square foot children’s play area will include several netted climbing frames ([Exhibit 2](#)). Finally, a new 16-foot high, approximately 2-foot wide pylon sign with integrated lighting identifying the site will be installed in front of the new concrete wall adjacent to the existing pedestrian path to make the concession stand more visible from a distance and easier to locate as a meeting point for visitors to the beach ([Exhibit 2](#)). No trees are proposed to be removed as a part of the proposed work. The existing palms at the site will be protected in place. Commission staff understands that the City intends to work with the existing and/or future concession operator to pursue a beer and wine license, although that is not a part of the project proposal at this time.

The Junipero concession/restroom building is situated on a 1.3-acre site on the beach at the western end of Junipero Beach public parking lot, also known as Cherry Beach. The proposed development is part of the City’s comprehensive plan to improve the concessions along the entire stretch of coastline in this location, from Alamitos Beach to the Alamitos Bay Peninsula, in an effort to create a continuous linear park connected with the new pedestrian and bicycle path that has become very popular within the community. The City’s Local Coastal Program indicates that “basketball courts shall be permitted between the eastern arm of the parking lot and the bluff. Volleyball courts should be established at Molino Avenue, and also a children’s play module.” (City of Long Beach LCP Community Plans, Page III-B-8). Thus, the proposed project is consistent with the City’s certified LCP.

Coastal Act Section 30253 states, in relevant part, that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard, and shall neither create nor contribute

significantly to erosion, geological instability, or destruction of the site or surrounding area or in any way require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development is located on Junipero Beach, which ranges in width from approximately 375-475 feet, and the existing concession/restroom building is approximately 220 feet inland of the mean high tide line. Development on the beach in close proximity to the shoreline requires a sea level rise vulnerability assessment so that Commission staff may determine how the project may be impacted with rising sea levels due to global warming.<sup>1</sup>

Pursuant to staff's request, the applicant submitted the *Junipero Beach Concession Sea Level Rise Vulnerability Assessment* conducted by Moffatt and Nichol, which was prepared in July of 2018. While the report concluded that the Junipero Beach Concession Project has a low vulnerability to sea level rise related hazards given its location within the relatively wide beach, beaches are dynamic areas and the extent and imminence of sea level rise is subject to numerous uncertainties and is difficult to predict. In addition, as the Commission has repeatedly found, projects that require shoreline protective devices are unlikely to be approved because these structures harm natural shoreline processes in numerous ways, including significantly contributing to erosion and loss of public beach areas, and therefore shoreline protective devices are inconsistent with Coastal Act policies, including section 30253's prohibition on projects that contribute significantly to erosion or destruction of the site as well as the Act's public access policies (due to loss of public beaches as the shoreline migrates landward). Therefore, the Commission requires **Special Conditions 10 and 11**, which require the City to assume the risks of developing in an area that may be threatened by coastal hazards, including erosion and flooding, and prohibits the development of shoreline protective devices to protect this development in the future. Additionally, the proposed project is not expected to be threatened by long-term flooding for the proposed lifetime of the development. However, if the proposed development is threatened by coastal hazards notwithstanding the conclusions of the applicant's study, the burdens associated with unanticipated consequences of sea level rise should be borne by the applicant proposing this development, rather than the general public. Accordingly, **Special Condition 11** also requires the City to remove the development if the structural integrity is compromised or if there are risks to life and property. Finally, the applicant revised the project plans to eliminate any structural elements that were proposed to be constructed seaward of the existing concession in light of rising sea level, and the Commission requires **Special Condition 4** to require submittal of final plans to reflect this change. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30253 of the Coastal Act.

The project site is within the sandy beach, immediately adjacent to bike and pedestrian paths, and a public beach parking lot. **Special Condition 6** requires the City to develop a Public Areas Management Plan that will ensure that public access to these facilities is maximized by requiring that

---

<sup>1</sup> The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released *Rising Seas in California: An Update on Sea-Level Rise Science*. This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC's *State of California Sea-Level Rise Guidance 2018 Update*. This Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California. The updated projections in the 2017 Rising Seas report and the 2018 OPC Guidance suggest sea levels could rise between 2.1 and 6.7 feet by 2100 at the Los Angeles tide gauge<sup>1</sup>, depending on future greenhouse gas emissions.

the concession be open year-round on weekends, on weekdays during the summer months and as much as possible during fall, winter, and spring weekdays. Commission staff understands that the City intends to work with the existing and/or future concession operator to pursue a beer and wine license, and **Special Condition 2** requires the applicant to apply for a permit amendment for any future improvements to this development authorized by this permit, including any changes to the approved plans that result from alcohol service requirements. However, a permit amendment will not be required simply to add drinks containing alcohol to the menu. Although no landscaping is proposed, in the event landscaping is planted, **Special Condition 7** requires such plantings to consist of native plants or non-native drought tolerant plants, which are non-invasive.

The project is expected to take approximately four months to complete. Construction staging would occur in the Junipero public parking lot, and would result in the temporary closure of approximately 20 surface parking spaces, however construction will occur outside of the peak tourist season (from Memorial Day to Labor Day) and pedestrian and vehicle access will be maintained, as required by **Special Condition 5**. The proposed project would be developed in a location where there is a potential for discharge of polluted runoff from the site into coastal waters. To protect water quality during construction, **Special Condition 8** requires the applicant to adhere to construction best management practices (BMPs) that will minimize erosion, sediment, and pollutant discharge on-site and in adjacent areas, including requiring equipment fueling and maintenance to be conducted offsite and prohibiting construction materials to be stored on the sandy beach. In addition, **Special Condition 9** requires the applicant to submit a post-development runoff plan that includes low impact development measures and source control BMPs to be managed throughout the lifetime of the development. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

## **B. PUBLIC RECREATION/MARINE RESOURCES**

The proposed improvements to the Junipero concession/restroom building, as well as the associated proposed development are an allowable and encouraged use as public amenities on the public beach. The proposed development has been conditioned to minimize any significant adverse effect the project may have on the environment by avoiding or mitigating impacts upon sensitive marine resources. As conditioned, there are no feasible less environmentally damaging alternatives available. Further, as proposed and conditioned, the project conforms with 30210 through 30214, Sections 30220, 30221, Section 30252 of the Coastal Act.

## **C. PUBLIC ACCESS**

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.

## **D. WATER QUALITY**

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 development, as proposed and as conditioned, incorporates best management practices (BMPs) to minimize the effect of construction and post-construction activities on the marine environment. These BMPs include, but are not limited to, the appropriate management of equipment and construction materials and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act



regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**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 Commission certified the City of Long Beach LCP on July 22, 1980. The City of Long Beach certified LCP is advisory in nature and may provide guidance. 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 (CEQA)**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, 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.