

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application Number: 5-17-0519

Applicant: Wessex Investments, LLC

Agent: Armbruster, Goldsmith, and Delvac

Project Location: Within the north bank of the Los Cerritos Channel, immediately south of Belmont Shores Mobile Home Estates, 6230 East Marina View Drive, Long Beach, Los Angeles County.

Project Description: Abandon in-place obsolete stormwater pipe outlet utilizing cement, and install a 125-foot long, 48-in. diameter reinforced concrete stormwater pipe within existing rip-rap bank on north bank of Los Cerritos Channel.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The subject site is the north bank of the Los Cerritos Channel, south of the Belmont Shores Mobile Home Estates in the City of Long Beach. The major issues before the Commission relate to water quality and marine resources. Staff is **recommending approval** of the proposed development with **five Special Conditions** regarding: 1) use of construction best management practices (BMPs); 2) conformance with Water Quality Management Plan; 3) resource agency approval; 4) public rights; and 5) assumption of risk, waiver of liability and indemnity.

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 the 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, does not conflict with Chapter 3 Coastal Act policies or the City of Long Beach certified LCP.

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EXHIBITS

- Exhibit 1 – Project Location
- Exhibit 2 –Site Photos
- Exhibit 3 –Project Plans

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 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 applicant 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 applicant 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. **Construction Responsibilities and Debris Removal.** The permittee shall comply with the following construction related requirements:
 - A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 - B. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 - C. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
 - E. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
 - F. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
 - G. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
 - H. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - I. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - J. Sand from the beach shall not be used for construction material;
 - K. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - L. The discharge of any hazardous materials into any receiving waters shall be prohibited;

- M. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - N. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - O. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.
2. **Water Quality Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a Water Quality Management Plan (WQMP), which incorporates Best Management Practices (BMPs) including, but are not limited to: 1) all equipment shall be inspected for leaks immediately prior to the start of construction operations, and regularly inspected thereafter until project completion. Vehicles and equipment with leaks shall not enter the project/beach area; 2) trash and other debris encountered during demolition and clean-up shall not be disposed of in the ocean, but will be disposed of off-site at an approved landfill; and 3) secure all materials to prevent discharges to receiving waters via wind. The permittee shall undertake development in accordance with the approved final plan. 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. **Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
4. **Public Rights.** The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
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 flooding, sea level rise, erosion and wave uprush; (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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The Belmont Shores Mobile Homes Estates (BSMHE) is a 347-unit mobile home park with over 450 tenants, which was constructed approximately 60 years ago on top of an abandoned City landfill ([Exhibit 1](#)). As part of a larger project to upgrade the utilities and roads within the Belmont Shores Mobile Home Estates (BSMHE), the applicant is proposing to replace the existing deteriorated stormwater system with a new storm water conveyance system that will transport highly filtered storm water collected within the BSMHE site, which consists of approximately 24 acres of impervious surfaces, and discharge it into the Los Cerritos Channel.

The proposed storm water collection and filtration system will consist of approximately 89 catch basins located throughout the property, which will capture the run off and filter it, convey it underground through a network of associated pipes, which will connect to a new underground 48-inch reinforced concrete pipe to be buried within the north bank of the Los Cerritos Channel, and will ultimately discharge into the channel through a flared-end pipe that will not extend beyond the existing rip-rap ([Exhibit 2](#)). This new storm water outfall pipe will replace the deteriorated 48-inch corrugated metal storm water pipe that has been discharging untreated storm water from the Belmont Shores Mobile Home Estates into the Los Cerritos Channel for over 60 years. The original deteriorated pipe is proposed to be abandoned in place utilizing cement and sand slurry, and will be capped and sealed at both ends. The proposed project will not result in any change to the elevation of the rip-rap within the north bank of the Los Cerritos Channel, and no fill of soft bottom habitat or open coastal water will result from the proposed project ([Exhibit 3](#)). The proposed project has been designed to avoid any significant impacts to coastal resources.

The portion of the project within the City's jurisdiction, which is the portion of the project inland of the discharge pipe, was approved by City of Long Beach Local Coastal Development Permit 16-04. The portion of the new storm water conveyance system that is proposed to traverse the north bank of the channel and adjacent property controlled by the Los Angeles Flood Control District (LACFCD) is outside the City of Long Beach LCP permitting jurisdiction. Therefore, the end portion (discharge pipe) of the project requires a separate Coastal Commission-issued coastal development permit.

Landward excavation will be conducted above the waterline utilizing a hydraulic excavator to dig a trench up to 10 feet deep, by removing approximately 140 cubic yards of dirt. The spoils will be deposited into a dump truck, which will be hauled to the job site located within the BSMHE. The area affected by the installation of the discharge pipe is approximately 751 square feet, from its entry onto the LACFCD land, to its terminus within the rip rap edge closest to the water.

Excavation at the water's edge will also be conducted with a hydraulic excavator, which will temporarily remove approximately 11 cubic yards of rip rap and 25 cubic yards of dirt to accommodate the new discharge pipe, which will be buried in the soil, and re-covered with soil and 7.5 cubic yards of new rip rap to prevent the potential of any sediment from entering the water.¹ The new approximately 125-foot long, 48-inch wide reinforced concrete pipe will be installed within the existing riprap, and will not encroach further into the channel than the existing rip rap.

The project site is within the northern bank of the Los Cerritos Channel, which is a highly modified channel that has an earthen bottom and ungrouted rip rap levees constructed at an approximate 30 degree slope. The Los Cerritos Channel is the southern terminus of the Los Cerritos Channel Watershed. While the whole watershed comprises a predominantly urban land area of approximately 30 square miles, the Los Cerritos Channel drains a relatively small area of East Long Beach, which discharges into the Los Cerritos Channel Estuary, which, in turn, discharges through Marine Stadium and Alamitos Bay to San Pedro Bay. Data collected from water quality samples of this section of the Los Cerritos Channel has historically demonstrated high levels of toxic bacteria, and the proposed project will capture and treat 100% of all onsite runoff, improving the water quality for the nearby lagoons, bays, and beaches.

Coastal Act Section 30233 states that the filling of open coastal waters shall only be permitted for certain allowed uses, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. In this case, the proposed project involves burying a pipe under the existing rip rap and soil of the existing rock revetment that makes up the north bank of the channel, and does not result in any encroachment onto the soft bottom of the channel or into the channel itself. Therefore, since the proposed project does not result in any new net fill, Coastal Act Section 30233 does not apply.

The habitat assessment submitted by the applicant states that the channel banks above the water line are largely unvegetated, with sparse five-hook Bassia, iceplant, sea fig, and saltwort. The channel banks below the water line and within the intertidal zone include fouling-community species (i.e., algae, sponges, mussels, barnacles, ectopods, and tunicates) living among the riprap. The Eelgrass survey conducted on September 12, 2016, included diver observation of approximately 20,800 square feet of the soft bottom of the channel, and six small patches of eelgrass were observed in front of the existing stormwater outlet and approximately 37 feet east of the location of the proposed pipe. None of the eelgrass will be affected by the proposed project. Finally, *Caulerpa taxifolia* was not observed at the project site.

The results of the habitat assessment concluded that impacts to species observed above the water line, which live on and within the existing riprap in the intertidal zone, will be temporary. Marine plants and invertebrates will recolonize the disturbed rip rap immediately following the cessation of construction activity. No fish mortality is expected to occur as a result of the project since fish will move away temporarily during the construction period. The Eelgrass assessment concluded that the installation of the new storm water outlet will not impact the Eelgrass because the nearest Eelgrass patch is approximately 37 feet from where the proposed pipe will be installed. Additionally, the Eelgrass observed near the existing stormwater pipe that is proposed to be abandoned will not be impacted because it will be inactivated as a result of the project which

¹ The amount of rip rap to cover the new pipe is less than what was removed due to the area encumbered by the pipe itself.

reduces the potential effects of storm water impacts on the eelgrass from turbidity, scour, etc. Moreover, implementation of Best Management Practices (BMPs) to minimize and control turbidity and sedimentation will mitigate anticipated impacts to sensitive species.

The duration of the project is expected to take approximately 3 months. Construction staging will occur on the adjacent private property within the BSMHE. A portion of the existing chain link fence separating the private property and the channel will be removed to allow movement of equipment and materials to and from the private property. In addition, some equipment and materials shall be mobilized along the existing access road. The applicant has proposed Construction Phase Best Management Practices, some of which include: 1) silt curtains to be used to contain debris and control turbidity during debris removal activities to prevent impacts to adjacent habitat; 2) floating debris to be removed from the water and disposed of properly; 3) no concrete will be placed within coastal waters and all debris will be exported off site to an approved facility; and 4) turbidity plumes generated by demolition or construction activities will be monitored continuously by the contractor. Since the proposed development is located on the rocky shoreline, the Commission imposes **Special Condition 1**, which requires the applicant to observe BMPs during all construction activities to prevent spillage and runoff from the construction that could impact coastal resources. Also, to ensure water quality and adjacent habitat are sufficiently protected during construction and after construction, the Commission is imposing **Special Condition 2**. **Special Condition 3** requires the applicant comply with other resource agency approvals.

The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property, which is addressed by **Special Condition 4**. Given the location of this project, **Special Condition 5** requires the applicant to assume the risks associated with hazards from flooding, sea level rise, erosion, and wave uprush.

Therefore, as conditioned, the proposed development is the least environmentally damaging alternative and minimizes adverse environmental effects in conformity with section 30233 of the Coastal Act.

B. MARINE RESOURCES

The proposed pipe abandonment and installation 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. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30224, 30230, 30231, and 30233 of the Coastal Act.

C. PUBLIC ACCESS

Public access is available on site, and impacts to public access during construction will temporary. Therefore, as proposed and as conditioned, the project conforms to 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 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 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 on-going best management practices throughout construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 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

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, and the project will not have any significant impacts within the meaning of CEQA. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.