

CALIFORNIA COASTAL COMMISSION

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**W17e**

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0097

Applicants: City of Long Beach

Agents: Monica Der Gevorgian and Joshua Hickman, City of Long Beach

Location: Sandy beach areas in the vicinity of 5374 Ocean Boulevard, Long Beach, Los Angeles County

Project Description: Demolition of an existing 2-story, approximately 665 square foot junior lifeguard building and associated utilities on the sandy beach adjacent to 55th Place and construction of a new 1-story approximately 960 square foot junior lifeguard building with a 2nd level viewing deck and associated utility extensions, seasonal shade structure, and permanent bike racks on the sandy beach adjacent to Claremont Place.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project involves demolition of an existing 2-story junior lifeguard building and all associated structures and utilities on the sandy beach adjacent to 55th Place and construction of a 1-story modular lifeguard building with a 2nd level viewing deck, stingray response room, lockers, meeting space, and restroom on the sandy beach adjacent to Claremont Place adjacent to the existing launch ramp and public restroom building. A seasonal shade structure for use on the beach during the City's Junior Guards program, new bike parking area, and additional hardscape adjacent to the proposed junior lifeguard building at the Claremont location are also proposed.

The project is located on the sandy beach within the Commission's retained permit jurisdiction area. Therefore, the standard of review for the project is Chapter 3 of the Coastal Act with the City's certified LCP used as guidance.

Staff is recommending **approval** of the coastal development permit with **ten** special conditions including: **1) Permit Compliance; 2) Future Development; 3) Conditions Imposed by Local Government; 4) Other Agency Approvals; 5) Submittal of Final Revised Plans; 6) Public Access Management Plan; 7) Construction and Pollution Prevention Plan; 8) Nesting Bird Surveys; 9) Assumption of Risk, Waiver of Liability and Indemnity; and 10) No Future Shoreline Protective Device.** As conditioned, the development will not have any new long-term adverse impacts on public access and recreation and is consistent with the public access and recreation policies of the Coastal Act.

The motion to carry out the staff recommendation is on page four of this report.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	5
IV. FINDINGS AND DECLARATIONS	11
A. PROJECT LOCATION & DESCRIPTION	11
B. PUBLIC ACCESS & RECREATION	12
C. MARINE RESOURCES	16
D. LAND RESOURCES	16
E. DEVELOPMENT AND COASTAL HAZARDS	17
G. LOCAL COASTAL PROGRAM	20
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT	20

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Site Plans

Exhibit 3 – SPR 18-055

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0097 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit Application No. 5-19-0097 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 of 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.** The permittees shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.
2. **Future Development.** This permit is only for the development described in coastal development permit (CDP) 5-19-0097. 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 the CDP 5-19-0097. Accordingly, any future improvements to the development authorized by this permit shall require an amendment to CDP 5-19-0097 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 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. **Other Agency Approvals.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall provide to the Executive Director a copy of a City of Long Beach local coastal development permit or evidence that no permit is required for the project and a permit, letter of permission, or evidence that no permit or letter of permission is required subject to this coastal development permit, issued by the State Lands Commission. The applicant shall inform the Executive Director of any changes to the project required by the cited entities. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
5. **Submittal of Final Revised Plans.**
 - A. 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 the following revised final plans, modified as required below.
 1. Revised site plans that conform with the plans submitted to the Commission on October 16, 2019 and attached as Exhibit 2, except that they shall be modified to:

- (a) Prohibit construction activities 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) Minimize the amount of sandy beach area impacted by the development by, at a minimum:
 - i. eliminating the proposed in-ground sleeves for the temporary shade structures;
 - ii. eliminating the proposed walking path between the junior lifeguard building and existing public restroom building;
 - iii. replace the proposed driveway connecting the junior lifeguard building to the Claremont Launch Ramp with a paved walking path that is no wider than necessary to comply with ADA accessibility standards (five feet wide unless additional evidence is provided); and
 - iv. eliminate the paved area around the footprint of the junior lifeguard building, with the exception of a path of travel from the walking path to the door on the western side of the building and a landing area (approx. 4 ft. x 4 ft.) around each of the two doors.
- (c) Relocate the bike rack pad and contractor laydown staging area from their proposed locations to inland of the Regional Bike Path.
- (d) Include a Final Lighting Plan. The lighting shall be designed to achieve the minimum degree of illumination necessary for public safety, minimize light trespass into adjacent non-target areas, and limit the illumination of open space and sensitive habitat areas to the maximum extent feasible. Lighting shall be downward directed, shielded, energy efficient, dark sky-compatible, and shall incorporate state-of-the-art improvements in lighting technology when replaced thereafter. Replacement bulbs or fixtures shall be upgraded to incorporate best available technology over the life of the installation. Programmable timing devices shall be utilized to turn off unnecessary lights where feasible. The lighting plan shall not include illuminated signs.
- (e) Include a Final Signage Plan that clearly describes, at a minimum, the dimensions, material(s), text, and font of each construction and wayfinding sign. The signs shall facilitate, manage, and provide public access to the kitesurfing areas and shoreline throughout construction and to the approved project.
- (f) Include a Final Grading and Foundation Plan that includes a mat foundation with a maximum depth of eighteen (18) inches, which may include shallow footings, and conforms with the recommendations of the project's approved geotechnical report.
- (g) Include a Final Demolition Plan for the existing Junior Lifeguard facility and associated infrastructure which is proposed to be demolished. The plan shall call out all development to be removed and any construction staging locations, which should be sited to minimize impacts to public access.
- (h) Remove from the final plans any proposed new developments located within the adjacent public beach parking lot, which are outside the Coastal Commission's

retained permit jurisdiction area and are subject to review by the City of Long Beach pursuant to its certified Local Coastal Program.

- B. 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.

6. **Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a public access management plan that includes the following requirements:

- A. Public access to and along the beach will be maintained during all construction activities. Lateral access along the shoreline shall not be impeded.
- B. Construction activities shall be sited so as not to interfere with the public's use of the east-west regional bicycle and pedestrian route. If temporary closure of the bicycle and pedestrian path is necessary during construction, a temporary interruption of traffic on the pedestrian and bicycle route is authorized with a flagman or woman to stop bicycle and pedestrian traffic.
- C. Construction activities and junior guard program activities shall be sited so as not to interfere with the designated kiteboarding areas authorized through coastal development permits 5-14-0017 and 5-14-0017-A1. If temporary or partial closure of the Claremont Launch Ramp is necessary during construction activities, the permittee shall develop a plan to minimize impacts to public recreation activities including kiteboarding and boating and submit the plan for the review and approval of the Executive Director.
- D. The permittee shall develop and implement a Traffic Management Plan for ongoing management of traffic associated with the Junior Lifeguard Program to minimize public access impacts during participant drop-off and pick-up times.
- E. 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.

7. **Construction and Pollution Prevention Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee 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 temporary interruption of traffic on the pedestrian and bicycle route is authorized with a flagman or woman 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.
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 Special Condition 7(A) above.

8. **Nesting Bird Surveys.** The permittee shall retain the services of a qualified biologist to conduct nesting bird species surveys in order to determine the presence of bird species including, but not limited to, black-crowned night herons, great blue herons, and snowy egrets. At least 30 calendar days prior to commencement of any project operations, the applicant shall submit the name and qualifications of the biologist, for the review and approval of the Executive Director. All project construction activities shall be carried out consistent with the following:

A. The applicant shall ensure that the biologist shall conduct the surveys 30 calendar days prior to the event construction activities to detect any active bird nests in all trees within a 150-foot radius of the Claremont Place Launch Ramp. A follow-up survey must be conducted 3 calendar days prior to the initiation of construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. These surveys shall be submitted to the Executive Director within five days of completion.

B. If an active nest of any shore, wading, or song bird is found within 300 feet of the project, or an active nest for any raptor species is found within 500 feet of the project, the applicant's biologist shall monitor bird behavior and construction noise levels. The nest shall not be removed or disturbed. The biological monitor shall be present during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. Project-related activities may occur only if noise levels are at or below a peak of 65 dB at the nest site(s). If project-related noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction

shall cease and shall not recommence until either new sound mitigation can be employed.

9. 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, including but not limited to waves, storms, flooding, 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.

10. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the permittee(s) agrees, on behalf of itself and all other successors and assigns, that the project is new development for which there is no right to shoreline protection and hereby waives on behalf of itself, and all other successors and assigns, any rights that may exist under applicable law to construct a shoreline protective device to protect the development approved pursuant to Coastal Development Permit No. 5-19-0097, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards in the future.
- B. By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner(s) is required to remove the development authorized by this permit, including the structure, utility extensions, foundations, and hardscape if the any other government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices.
- C. In the event that portions of the development fall to the beach before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the beach and/or ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit. Prior to removal, the permittee shall submit two copies of a Removal Plan to the Executive Director for review and written approval. The Removal Plan shall clearly describe the manner in which such development is to be removed and the affected area restored so as to best protect coastal resources, including the beach and Pacific Ocean.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION & DESCRIPTION

The proposed project involves the demolition of an existing 2-story, approximately 665 square foot junior lifeguard building and all associated structures and utilities on the beach adjacent to

55th Place on the Long Beach Peninsula, which includes an approximately 400-800 foot wide sandy beach between the Pacific Ocean and residential development/public recreational facilities along Ocean Boulevard. The project also involves construction of a new approximately 960 square foot junior lifeguard building adjacent to the existing public restrooms, kiteboarding area, and Claremont Launch Ramp adjacent to Claremont Place, which is between the 54th and Claremont public beach parking lot and the ocean (**Exhibit 1**). The City's proposal also includes temporary use of a portion of the 54th and Claremont public parking lot for construction staging and designation of one parking space for staff electric vehicle parking. Both of these project components are outside of the Commission's retained jurisdiction area and, thus, require approval through the City's coastal development permit process.

The new junior lifeguard building, as proposed, is improved with a slab-on-grade foundation with footings between 12 and 18 inches in depth, modular building design (for easy future removal), and 2nd level viewing deck. In addition, the project includes utility extensions to serve the new building's facilities, including stingray treatment room, restroom, kitchen, meeting and storage rooms, and hydration station; pathway extensions to connect the new building to the adjacent restroom and launch ramp; installation of permanent sleeves for a seasonal shade structure in the sandy beach adjacent to the new building for use during operation of the Junior Lifeguard Program; and installation of new permanent bike racks immediately seaward of the regional bike path and adjacent to the existing launch ramp (**Exhibit 2**). As proposed, there is also space in the junior lifeguard building designated for locker rooms.

The existing junior lifeguard structure was built before 1972 and does not conform to current City building and safety standards. Locating the new junior lifeguard building approximately 1,700 feet upcoast (northwest) of the existing building (proposed to be demolished) allows the City to continue using a structure on the beach to support its junior lifeguard program. The Long Beach Junior Lifeguard Program (LBJG) is a 6-week long annual summer program that offers students ages 9 to 17 instruction in lifeguard rescue techniques, first aid, ocean sports, physical conditioning, and marine ecology. The City also offers scholarships to cover registration for participants from lower income households and underserved communities. Junior Guard activities involve both in-water and beach activities including long distance runs, bikes, and swims and activities that would be centered within and in proximity to the proposed junior lifeguard building. LBJG was founded in 1969 and currently trains approximately 250 junior guards each year. The proposed lifeguard building would be used by LBJG during the 6-week program and by lifeguards and LBJG staff throughout the remainder of the year.

On December 12, 2018, the City of Long Beach conditionally approved Site Plan Review Case No. SPR 18-055 (**Exhibit 3**) for the subject project. The project conditions imposed by the City include, but are not limited to, required maintenance of access to the beach, sidewalks, bike path, and restroom facilities at all times during construction, prohibition of tree trimming, modifications, or removal, and submittal of final revised plans.

B. PUBLIC ACCESS & RECREATION

The following Coastal Act policies protect the public's right to public access and recreation opportunities:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The project site is located at a relatively wide sandy beach, ranging in width from approximately 400 feet at the existing junior lifeguard building to approximately 800 feet adjacent to the proposed new location of the junior lifeguard building. The subject area has been used by the junior guards, kiteboarding community, and general public for well over 50 years. This beach is accessible by car, bike, and public transit and is the location of the terminus of the regional public beach bike and pedestrian path that extends nearly the full length of Long Beach's coast. In the vicinity of the proposed new LBJG building, there is an existing public beach parking lot (54th and Claremont lot), bicycle parking area, boat launch ramp, designated kiteboarding areas, and public restroom facility. There are also three residences on the beach that were constructed prior to the adoption of the Coastal Act and do not conform to the current zoning, which is Open Space.

The City analyzed multiple alternatives for the location of the proposed new junior lifeguard building including co-location with the lifeguard headquarters at Junipero Beach (a very narrow beach), placement adjacent to the existing beach facilities near Rosie's dog beach, and reconstruction at the existing site. The proposed location at Claremont Place was selected for its connection to the bicycle path (60-75% of junior guards arrive by bicycle), access to restrooms, access to open water (Pacific Ocean), access to protected water (across Ocean Boulevard in Alamitos Bay), access to existing utilities, accessibility for stingray response treatment, access

for lifeguard vehicles and equipment, and proximity to a participant pick up/drop off zone (in the adjacent public parking lot).

Chapter 3 of the Coastal Act is the standard of review for the proposed development. Section 30210 of the Coastal Act requires maximum access and recreational opportunities at the coast be provided. In addition, Section 30211 prohibits development from interfering with the public's right to access the sandy beach. The proposed demolition of the existing approximately 665 square foot junior lifeguard facilities at 55th Place and construction of a new approximately 960 square foot building and associated proposed hardscaping would result in a net loss of approximately 2,400 square feet of sandy beach area. To minimize impacts to public access, **Special Condition 5(A)(1)(b)** is imposed to require final revised plans that eliminate the permanent in ground sleeves for the proposed seasonal shade structure and substantially reduce the hardscaped area around the proposed building to minimum requirements for ADA accessibility, which will reduce beach coverage and visual impacts associated with the development. The applicant has agreed with this condition and will work with Commission staff to develop final plans which accomplish project goals and minimize beach coverage.

The project area is also used by the kiteboarding community pursuant to CDP Nos. 5-14-0017 and 5-14-0017-A1 because of its unique wind conditions. To avoid conflict between the use of the beach and water area by kiteboarders and junior guards during the 6-week program, **Special Condition 6(C)** requires the City to develop a Public Access Management Plan that includes plans for construction and LBJG activities to be sited so as not to interfere with the designated kiteboarding areas. This plan must be submitted for review and approval by the Executive Director prior to issuance of CDP No. 5-19-0097. Thus, as conditioned, public access to the area and water-oriented recreational activities are protected consistent with Section 30220 of the Coastal Act.

Public access to the beach may be temporarily impacted during construction activities by construction access routes and staging areas and during operation of LBJG by increased traffic in the area due to pick up and drop off schedules. **Special Condition 5** requires the City to submit final revised plans that: (a) limit construction to the period outside peak beach use season (Memorial Day weekend to Labor Day weekend); (b) relocate the proposed bike parking area and construction area to the less used sandy beach area inland of the existing bike path; (c) include temporary signs to facilitate beach access throughout construction; and (d) require demolition staging plans that minimize impacts to public access. In addition, **Special Condition 6** requires, as part of the aforementioned Public Access Management Plan, that access to the beach and shoreline be maintained throughout construction and construction activities minimize interference with the regional bike and pedestrian path. In addition, as conditioned by the City through SPR 18-055, access to the beach, sidewalks, bike path, and restroom facilities must be maintained at all times during construction. **Special Condition 3** requires the City to adhere to the conditions of local approvals.

To address impacts to public access during LBJG operations, **Special Condition 5** requires the City submit final plans for the proposed wayfinding signage that facilitate continuous access to the project site and project vicinity. Furthermore, **Special Condition 6(D)** requires the City to develop and implement a Traffic Management Plan to minimize adverse impacts to coastal access, especially along the scenic Ocean Boulevard route, during LBJG participant pick-up and drop-off times. Plans required through **Special Conditions 5 and 6** must be submitted for the review and approval of the Executive Director and must be implemented as part of the proposed development.

The City's proposal also includes temporary use of a portion of the public parking lot for construction staging and designation of one parking space for staff electric vehicle parking. This area is outside of the Commission's retained jurisdiction area. Therefore, **Special Condition 5(A)(1)(h)** requires the final revised plans to not include the portion of the development within the City's appealable CDP jurisdiction area. If the City requires staging areas within the public beach parking lot and changes to the parking stock, then those developments must go through the local CDP process as defined in the City's certified LCP. **Special Condition 4** requires local approval of these portions of the project that are outside the Commission's retained jurisdiction area or evidence that no local CDP is necessary. In addition, **Special Condition 4** requires approval of the project or evidence that no approval is needed from the State Lands Commission, which granted the City sovereign tide and submerged lands in trust and reviews and approves the use of tideland oil revenue funds by the City of Long Beach.

The Long Beach Local Coastal Program (LCP) provides guidance for the Commission's analysis of projects' consistency with Chapter 3 of the Coastal Act within the Commission's retained jurisdiction area. The certified LCP contains land use policies for the Strand area, which includes the project site. One such policy, Policy #12, states:

“Replacement of existing lifeguard stations with new fixed or moveable stands should be given lower priority because expenditures for these structures will not as directly enhance beach utilization as expenditures on other facilities.”

Strand Policy #9 states, in part:

“The City should acquire all remaining privately owned sand lots between Alamitos and 55th Place.”

Strand Policy #4 states:

“A definite priority listing of capital improvements should be made for long-term capital development of beach facilities.”

Thus, the proposed junior lifeguard building replacement project is not a top public access priority per the certified LCP. On the other hand, the acquisition of existing privately-owned sand lots including the two residences located adjacent to the proposed project site, which have been on the market since late April and May of this year (2019), are a priority per the certified LCP. Subsequent to conversations with Commission staff, the City analyzed an alternative to acquire one (or both) of the privately owned lots to use for the new proposed location of the junior lifeguard building, which would be consistent with these certified LCP policies. The City determined, however, that due to the high cost of the properties (\$3.6 million and \$4.3 million as of 10/29/2019) the City could not afford to acquire the properties at this time. The City has a priority capital improvements list, most recently approved by the City Council in 2015, which does not include the acquisition of these two properties because they were not for sale and, thus, were not allocated funding at the time of City Council approval. The City, however, is committed to acquiring the properties when funding becomes available. In any case, the LCP does not prohibit the replacement of existing lifeguard stations, rather, such projects are a “lower priority” because they do not directly benefit public utilization of the beach. Additionally, the proposed development supports continued access to the coast by junior guards and LBJG staff during the 6-week program and provides stingray treatment services for the public year-round. Furthermore, training a future generation of lifeguards promotes public involvement in, and safe use of, California's beaches for years to come.

As described above, although the proposed junior lifeguard building replacement project is not a top public access priority per the certified LCP, the proposed development is not inconsistent with the LCP and provides for continued access by LBJG and year-round public services. As conditioned, the Commission finds that the development will not have any long-term adverse impacts on public access and recreation and is consistent with the public access and recreation policies of the Coastal Act.

C. MARINE RESOURCES

The following Coastal Act policies protect marine resources from the effects of polluted runoff:

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams

The project is proposed to be located on the beach where there is a potential for a discharge of polluted runoff from the site into coastal waters. The spilling of fuel, debris, or waste onto the beach or in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. In order to reduce the potential for adverse impacts to water quality, the Commission imposes **Special Condition 7** requiring the development and implementation of a Construction and Pollution Prevention Plan that includes 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 prompt removal and proper disposal of construction (including demolition) debris. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

D. LAND RESOURCES

Coastal Act section 30240(b) states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

There are several palm trees in close proximity to the project site. In an urbanized area, such as Long Beach, stands of palm trees have been documented to provide nesting habitat for birds including great blue herons. As conditioned through the City's Site Plan Review, there is no tree trimming, modification, or removal allowed as part of this project. **Special Condition 3** requires the City to adhere to the Site Plan Review Conditions of Approval SPR 18-055. Construction noise, however, has the potential to impact nesting birds. Therefore, **Special Condition 8** is imposed to require nesting bird surveys within a 150-foot radius of the Claremont Launch Ramp prior to construction and implementation of avoidance measures if nesting birds are found.

In addition, the subject project, as proposed, includes lighting that is directed upward from the base of the proposed building and illuminated signage on the exterior of the building. While the effects of night lighting on sensitive habitat and species are not well understood, new research supports a basis for concern about the impacts of light pollution and the need to limit light pollution to the maximum extent feasible. Therefore, to minimize potential impacts to coastal habitat and species, **Special Condition 5(A)(1)(d)**, requires final lighting plans that are dark sky compatible, focus light downward, and avoid the use of illuminated signs.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

E. DEVELOPMENT AND COASTAL HAZARDS

Coastal Act section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Act section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act section 30253 states, in part:

New development shall do all of the following:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (d) *Minimize energy consumption and vehicle miles traveled.*

Land Use

The proposed site of the new junior lifeguard facility is located on Belmont Shore Beach adjacent to Claremont Place, approximately 1,700 feet upcoast of the existing junior lifeguard facility that is proposed to be demolished. The public beach is zoned Park in the certified LCP, which allows for park related improvements and regional community service uses. Further, Strand Policy #1 of the Long Beach LCP states:

“Only beach dependent recreational facilities, such as sand volleyball courts, should be located on the beach, i.e., no handball, basketball, or tennis courts except as provided for herein.”

The junior lifeguard facility, which provides community, recreational, and public safety uses, is beach dependent use and is, thus, not in conflict with the uses allowed on public beaches in Long Beach. In addition, the proposed facility is located adjacent to an existing public restroom facility, which offers existing public services consistent with Section 30250 of the Coastal Act.

Visual Resources

The site of the proposed new junior lifeguard building is visible from public viewpoints including along an approximately half mile stretch of Ocean Boulevard, which is identified as a scenic route in the Long Beach LCP, and along the regional bike and pedestrian pathways. Section 30251 of the Coastal Act requires new development to be sited and designed to protect views to and along the ocean and to be compatible with the character of the surrounding area. In this case, the existing junior lifeguard building, which is the only building on Peninsula Beach with the exception of the adjacent portable lifeguard station and the pre-Coastal Act residential structures, is proposed to be demolished and the beach area restored. The City selected the proposed new junior lifeguard building site adjacent to Claremont Place, in part, as an effort to minimize impacts to visual resources. As proposed, and as conditioned to minimize visual impacts associated with permanent structures and hardscape, the new lifeguard building will be consistent with Coastal Act Section 30251.

Coastal Hazards

Concentrations of atmospheric greenhouse gases have been increasing substantially in recent centuries, largely due to human-induced greenhouse gas emissions, which has resulted in considerable warming of the Earth and ocean. This global warming is causing and will continue to cause, among other things, sea levels to rise due to a combination of thermal expansion of ocean water and melting land ice. Depending on current and future concentrations of greenhouse gas emissions, scientists have developed projections of future sea level rise scenarios based on different emission scenarios and existing development. Sea level rise projections for Los Angeles under a high emissions scenario, provided in the 2018 Ocean Protection Council Sea Level Rise Guidance, range from approximately 3.2 feet (low risk aversion) to 6.7 feet (medium-high risk aversion) to 9.9 feet (extreme risk aversion) of sea level rise by 2100, which according to the

applicant would be the approximate end of the useful life of the proposed development (approximately 75 years).

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well. While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea-level change is clear and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

While the subject junior lifeguard building is proposed to be located seaward of the existing public restroom facility (approximately 250 feet from the shoreline), the proposed new building site is approximately 100 feet inland of the existing junior lifeguard building that is proposed to be demolished. On January 24, 2019, the City provided a Sea Level Rise Vulnerability Assessment produced by Moffatt & Nichol, dated August 1, 2018, that concluded the subject development has low vulnerability to future sea level rise given the low probability that the project site will be flooded within the expected 75-year lifetime of the structure, low projected frequency of flood exposure, and low anticipated consequences of damages to the proposed development.

Using the Our Coast Our Future model (Coastal Storm Modelling System data), which is a publicly available tool for modeling impacts of sea level rise, under a medium high risk aversion scenario (6.6 feet of sea level rise) with a 100-year storm, the project site is not expected to be subject to flooding or wave run-up. While the project site is not anticipated to flood during the proposed 75-year life of the development, the project site is located on the beach, which is inherently subject to coastal hazards from wave runup and erosion. In addition, sea level rise models suggest, with the exception of the proposed project site and a strip of sandy beach upon which it is located, the remainder of southeast Long Beach—including the surrounding communities of Belmont Shore, the Peninsula, and Naples—would be vulnerable to wave runup and flood hazards under the same scenario (6.6 feet of sea level rise and a 100-year storm). Therefore, **Special Conditions 9 and 10** are imposed requiring the applicant to assume the risks of the development and waive rights to future installation of a shoreline protective device as a precautionary approach given the uncertainty about the future conditions at this location.

In any case, new development is not entitled to shoreline protection under the Coastal Act. In the subject CDP application materials, the City states that protective devices will not be installed to armor the facility from coastal hazards. The City also proposes that it will submit an application to remove the facilities if deemed unsafe to inhabit ahead of its useful life. Furthermore, the proposed new junior lifeguard building incorporates a modular design on a relatively shallow mat foundation (maximum depth of 18 inches) to facilitate removal of the structure if threatened. **Special Condition 5(A)(1)(f)** requires the City to submit Grading and Foundation Plans for the review and approval of the Executive Director that conform with the proposed foundation design and with the recommendations of a certified geotechnical report for the project prior to issuance of CDP No. 5-19-0097. **Special Conditions 1 and 5** require the development be carried out in a manner consistent with the approved final project plans.

If the subject development remains operational past its anticipated life or another coastal development permit is not obtained prior to impacts from coastal hazards occurring prior to such relocation of the development, then, consistent with the City's proposal, **Special Condition 9**

ensures that impacts to coastal resources are minimized by requiring the permittee to remove the subject development if a government agency with legal jurisdiction issues a final order determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices. Any removal plans would be subject to review and approval by the Executive Director. In addition, per **Special Condition 2**, the City must submit a CDP amendment request or new CDP application for any future development on-site.

As proposed and conditioned, the subject project has been designed to minimize risks to life and property. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250 and 30253 of the Coastal Act.

G. 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 and on state tidelands. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach local coastal program, certified by the Commission on July 22, 1980, is advisory in nature and may provide guidance. As conditioned, the proposed temporary development is consistent with Chapter 3 of the Coastal Act.

H. 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.

On December 12, 2018, the City of Long Beach, the lead agency for CEQA, determined that the proposed development qualifies under Classes 15301 and 15303 as categorically exempt from CEQA requirements. This City also conducted multiple alternatives analyses and found that the project, as proposed, minimizes and adverse effects the project may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development 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, has no remaining significant environmental effects, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Long Beach Local Coastal Program & CDP Nos. 5-14-0017 and 5-14-0017-A1