

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 Ocean Boulevard, Suite 300
Long Beach, CA 90802
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W7a

Staff: DZ – LB
Date: November 20, 2019

ADMINISTRATIVE PERMIT

Application No. **5-19-0648**

Applicant: **City of Long Beach**

Agent: Tetra Tech, Inc.; Attn: Rafael Holcombe

Project Description: Installation of 32 44-in. high LED bollards and associated foundations and electrical utilities along pathway, including installation of temporary fencing, temporary trenching and backfill along 800 linear feet of pathway, and temporary use of four public parking spaces.

Project Location: 200 Aquarium Way (Shoreline Aquatic Park), Long Beach, Los Angeles County

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, December 11, 2019 9:00 am
King Gillette Ranch
26800 Mulholland Highway
Calabasas, CA 91302

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have

received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Executive Director

By: Dani Ziff
Title: Coastal Program Analyst

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 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 term or 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.

SPECIAL CONDITIONS: SEE PAGES FIVE THROUGH SEVEN.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION

The proposed project is installation of 32 44-inch high LED bollards and associated foundations and electrical utilities (1 inch conduit with conductors) along public pathways within the interior of Shoreline Aquatic Park (**Exhibit 2**). The proposed project also involves temporary construction activities, which include the use of four public vehicle parking spaces in the Golden Shore public parking lot adjacent to Shoreline Aquatic Park (which has a capacity of approximately 150 vehicle parking spaces); approximately 800 linear feet of trenching (approximately one foot wide) to a depth of approximately two feet, associated removal of grass, and subsequent backfill and replanting; and installation of 6-foot high fencing around the trench area, as needed. No trees are proposed to be removed or replaced.

The subject site is developed with a public park located on a peninsula adjacent to Queensway Bay and Rainbow Harbor at the mouth of the Los Angeles River in the Downtown Shoreline area of Long Beach (**Exhibit 1**). Shoreline Aquatic Park is located in close proximity to Pierpoint Landing, the Aquarium of the Pacific, Pine Avenue Pier, Shoreline Village, and other visitor-serving commercial and recreational uses. The park contains bike and pedestrian paths that are part of the regional bike and pedestrian paths that extend the full length of the Long Beach Coast fronting the Pacific Ocean. The proposed lighting will enhance public safety during public recreational use of the park after dusk.

The proposed development does not affect existing coastal development permits for the project site, including but not limited to P-79-5253 and CDP No. 5-08-187, or the conditions imposed therein.

The proposed development is located on filled tidelands within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The City's certified LCP is advisory in nature and may provide guidance for development.

B. PUBLIC ACCESS & RECREATION

The proposed project is being constructed within a public park managed by the City. Public access is available from the adjacent visitor-serving area, public parking lot, and regional bike path and along a perimeter path around the exterior of the park and additional interior pathways. **Special Condition 1** ensures public access to and along the sandy beach portion of the park and perimeter public path will be maintained during all construction activities. As conditioned, the proposed

development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as conditioned, the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. WATER QUALITY & MARINE RESOURCES

The proposed development includes construction within approximately 50 feet of coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged 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 Condition 4**, which requires, but is not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters.

In addition, noise and lighting related to the proposed development could adversely impact bird species and marine species. To minimize such impacts, the Commission imposes **Special Condition 2**, which requires the City to install downward directed, shielded, energy efficient, dark sky-compatible lighting that is 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. Therefore, the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act.

D. LAND RESOURCES

The proposed development also includes construction within a vegetated park, which includes mature trees. As stated above, construction noise could adversely impact bird species. Therefore, if construction is scheduled to occur during bird nesting season, then the City must adhere to **Special Condition 3**, which requires the City to conduct nesting bird surveys to be submitted to the Executive Director, and, if nests are found, establish buffers, monitor construction, and implement appropriate construction noise mitigation measures. As conditioned, the proposed development conforms with Section 30240 of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

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, certified by the Commission on July 22, 1980, 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. The City determined that the project was exempt from CEQA on June 5, 2019. Therefore, the Executive Director 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.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Public Access.** Public access to and along the beach and perimeter public path within Shoreline Aquatic Park will be maintained during all construction activities. If temporary closure of the perimeter public path is necessary during construction, a temporary interruption of traffic on the pedestrian and bicycle route is authorized with a flagperson to stop bicycle and pedestrian traffic.
2. **Lighting.** 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 shall be maintained consistent with this special condition in perpetuity.
3. **Nesting Bird Surveys.** For any construction activities, including vegetation removal, between February 15th and September 1st, 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 permittee shall submit the name and qualifications of the biologist, for the review and approval of the Executive Director. All project construction and operations shall be carried out consistent with the following:
 1. The surveys shall be conducted 30 calendar days prior to construction activities, including any vegetation removal, to detect any active bird nests in all trees within 500 feet of the project. A follow-up survey must be conducted 3 calendar days prior to the initiation of vegetation clearance/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 two days of completion.
 2. If an active nest of a song, shore, or wading bird is found within 300 feet of a project work area, or an active nest for any raptor species is found within 500 feet of a project work area, no construction activities shall occur within these boundaries. No nests shall be removed or disturbed. If the permittee wants to proceed with work, the permittee's biologist shall monitor bird behavior and construction noise levels during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. Construction-related activities may occur only if noise levels are at or below a peak of 65 dB at the nest site(s). If 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 beyond the boundaries described above until either new sound mitigation can be employed or the chicks have fledged.

4. Water Quality.

A. Construction Responsibilities and Debris Removal

- (1) 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;
- (2) 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;
- (3) 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;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) 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;
- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (11) 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;
- (12) 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;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;

- (14) 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;
- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) 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
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing