

## CALIFORNIA COASTAL COMMISSION

South Coast District Office  
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Long Beach, CA 90802  
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# F5a

Staff: D. Ziff – LB  
Date: July 25, 2019

## ADMINISTRATIVE PERMIT

**Application No.**        **5-18-0746**

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

**Project Description:**        Installation of approximately 100 linear ft. of 48 in. reinforced concrete storm drain, construction of two manholes, and removal of interfering portion of existing storm drain pipe.

**Project Location:**        Intersection of Shoreline Drive and Golden Shore, 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:

**Friday, August 9, 2019, 9:00 am**  
**Eureka Public Marina, Wharfinger Building**  
**1 Marina Way**  
**Eureka, CA 95501**

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  
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 SEVEN THROUGH TEN.**

**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 City of Long Beach is proposing to install approximately 100 linear feet of 48-inch reinforced concrete storm drain, construct two manholes, and decommission 4 to 5 feet of existing storm drain pipe within the Coastal Commission's retained permit jurisdiction area (**Exhibit 1b**). This project is a segment of a larger City-approved project that involves construction of approximately 1,500 linear feet of reinforced 48-inch concrete storm drain pipe (mostly aligned under Seaside Way between Chestnut Avenue and Golden Shore) and three 18-inch reinforced concrete pipe laterals with catch basins, trash screens, and local depressions within the City's coastal development permit jurisdiction area (**Exhibit 2**). The new storm drain pipe would run parallel to an existing storm drain pipe and connect to existing laterals, all of which are located below ground and below sea level. The storm drain system terminates at the Los Angeles County pump station, which pumps the contents of the pipes uphill and discharges the stormwater into the receiving waters of the Los Angeles River. The proposed development, the portion of the storm drain within the Coastal Commission's jurisdiction area, is located within the public right-of-way beneath Shoreline Drive at the approximate location where Golden Shore (the first public road from the sea) crosses Shoreline Drive in the west end of Long Beach (**Exhibit 1a**).

Construction of the new storm drain pipe involves trenching, temporary shoring installation, protection of existing utilities, potential dewatering, and replacement of pavement. The applicant is also proposing groundwater monitoring, construction monitoring, traffic control, and noise control activities. Groundwater levels were recorded, in March 2018, to be 12-19 feet below ground surface in the project vicinity; however, groundwater is anticipated at the downstream portion of the storm drain, which includes the subject portion within the Coastal Commission permit jurisdiction area. The pipe will be fitted with rubber gasket seals every approximately 20 feet to prevent groundwater intrusion. The proposed storm drain system is designed to capture and convey water associated with a 50-year storm event, which the applicant described is the standard in the Los Angeles region. If capacity is exceeded, excess water will be contained within the street right-of-way, which will either slowly drain back into the system or be pumped out of the street using a portable pump. As proposed, the new manholes will be maintained on an annual basis by the applicant or a City-selected contractor.

The existing approximately 58-inch concrete storm drain pipe was damaged during rain storms in 2017, which flooded the area. The entire storm drain project, including the portions in the Coastal Commission's jurisdiction and the City's jurisdiction, is funded (at least in part) with a Federal Emergency Management Agency (FEMA) Hazards Mitigation Grant with the goal of increasing the capacity of the system. The existing and proposed pipes are located below sea level and could be impacted by sea level rise (rising ground water levels and saltwater intrusion) and more frequent and severe storm events (flooding) within the 100-year anticipated useful life of the development.

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, provided in the 2018 Ocean Protection Council Sea Level Rise Guidance, range from approximately 3.8 feet (low risk aversion) to 8.3 feet (medium-high risk aversion) to 13.8 feet (extreme risk aversion) of sea level rise by 2120, which would be the approximate end of the useful life of the proposed storm drain system. In this case, given the anticipated life and type of development, the best available science indicates that the medium-high risk aversion scenario, 8.3 feet of sea level rise, should be used to analyze the project's risks and coastal hazards.

The adjacent County-owned pump station elevates the flow in the storm drain pipes and discharges at an outlet located approximately 15 feet above current sea levels, which is higher than projected 2120 sea levels. Thus, waters are not expected to backflow through the pump system. However, the developed land surrounding the project site is already located in a flood-prone area and the Our Coast Our Future model (Coastal Storm Modelling System data), which is a publicly available tool for modeling impacts of sea level rise, shows that the project area will be subject to flooding with approximately 5.7 feet of sea level rise, which is expected to occur between 2090 and 2100. Thus, sea level rise models indicate that the proposed development will be impacted by flooding as a result of sea level rise before the end of its economic life. At that point, the storm drain will not be effective in controlling flooding of the area. Therefore, **Special Condition 3** is imposed requiring the applicant to assume the risks of the development. Impacts to coastal resources with the proposed additional storm drain capacity would be similar to existing conditions, in fact, the proposed improvements and expansion of the existing stormwater system are intended to reduce the likelihood of flooding in the near future; however, the City may need to relocate the storm drain system inland and/or at a higher elevation in the future. The City knowingly accepts such risk through acceptance of this permit.

Additionally, to address temporary construction-related water quality impacts, the applicant has proposed water quality control measures and best management practices and will implement a stormwater pollution prevention plan (SWPPP) for the larger City project. **Special Condition 1** is imposed to ensure that the development is carried out consistent with the subject proposal. **Special Condition 2** requires development and implementation of a Construction Pollution Prevention Plan, which can be incorporated into the City's SWPPP, that contains specific maps, plans for phased construction, and additional water quality BMPs to minimize runoff and pollutant discharge, minimize soil erosion and sedimentation, and avoid oil and other hydraulic fluid spills. **Special Condition 2** also requires dewatering BMPs be applied consistent with the requirements of the Los Angeles Regional Water Quality Board.

Therefore, as proposed and conditioned herein, the development will not have any significant adverse effects on coastal resources.

## **B. WATER QUALITY**

There is potential for discharge of demolition or construction debris into coastal waters near the project site. The applicant has proposed water quality control measures and BMPs. Thus, **Special Condition 1** is imposed to ensure the development is constructed in strict compliance with the applicant's proposal, as described herein. Furthermore, considering there is potential to encounter groundwater on-site during construction, **Special Condition 2** requires the City to develop and implement a Construction Pollution Prevention Plan to minimize runoff and pollutant discharge,

minimize soil erosion and sedimentation, and avoid oil and other hydraulic fluid spills; dewatering BMPs shall be applied consistent with the requirements of the Los Angeles Regional Water Quality Board.

In addition, as sea levels rise and storm events become more frequent and intense, the proposed project area could become subject to saltwater inundation and more frequent and longer-term flooding. Exceedance of stormwater capacity due to sea levels rising to approximately 5.7 feet will render the storm drain system inoperable. However, prior to approximately 5.7 feet of sea level rise, water stagnation or spillage into adjacent coastal waters due to flooding is not anticipated because of the topography of the project vicinity (areas immediately adjacent to the street are at higher elevations or there are concrete walls between the project site and coastal waters), and because potential floodwaters that would flow over the land surface and pool within the public street right-of-way would be pumped out by the applicant or the applicant's contractor using a portable pump. No water stagnation or spillage into adjacent coastal waters is anticipated. **Special Condition 1** is imposed to ensure the development is constructed in strict compliance with the applicant's proposal, as described herein. Therefore, the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

### **C. COASTAL HAZARDS**

As described above, there is potential for future flooding and saltwater intrusion at the project site that could disrupt the operations of the storm drain and eventually, as sea levels rise and flooding from storm events becomes more frequent and may pool for longer periods of time, the storm drain system may become inoperable. The storm drain system is designed to capture and convey a 50-year storm event, not to accommodate 100-year floods or extreme risk scenarios for the full anticipated life of the structure. However, if storm drain capacity is exceeded, excess water will be contained within the street right-of-way and will eventually drain back into the system or be pumped out by the applicant. The new storm drain pipes are designed with rubber gasket seals every approximately 20 feet of pipe to prevent groundwater intrusion into the storm drain. **Special Condition 1** is imposed to ensure the development is constructed in strict compliance with the applicant's proposal, as described herein. **Special Condition 3** is imposed requiring the applicant to assume the risks of the development. Therefore, the proposed development, as conditioned, conforms with Sections 30235, 30240, and 30253 regarding the minimization of risks to life and property from coastal hazards and protection of coastal resources as sea levels rise.

### **D. PUBLIC ACCESS AND RECREATION**

The subject project involves temporary use of the public right-of-way along Shoreline Drive. As proposed, the applicant will implement traffic controls including avoiding lane closure during peak hours and maintain pedestrian accessibility during construction. The project also serves to maintain and prolong the use of the public access and recreation amenities (pedestrian/bike paths, parks, the Aquarium of the Pacific) in the filled Tidelands above the storm drain. The storm drain will capture water from storm events, ensuring that the public access and recreation amenities continue to be available. Additionally, the existing 58-inch concrete storm drain pipe was damaged during rain storms in 2017 and does not have sufficient capacity to accommodate similar or larger storm events. A no-action alternative poses continued threats of damage to infrastructure or capacity exceedance and flooding. The proposed new storm drain pipe would add capacity to the storm drain system to alleviate near-term flooding impacts and would not induce further population growth. **Special**

**Condition 1** is imposed to ensure the development is constructed in strict compliance with the applicant's proposal, as described herein. Therefore, 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. As proposed, the development conforms Sections 30240 and 30254 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. 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. Permit Compliance.

All development must occur in strict compliance with the proposal as set forth in the permit application, subject to any special conditions. Any deviation from the approved project must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

### 2. Construction and Pollution Prevention Plan.

PRIOR TO CONSTRUCTION the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan (CPPP) prepared and certified by a qualified licensed professional that substantially conforms with the plan submitted to the Commission titled West Seaside Way Storm Drain Project Plans and Specifications dated July 18, 2018. If a Storm Water Pollution Prevention Plan (SWPPP) is required by the Regional Water Quality Control Board, the SWPPP shall address, at minimum, all of the following requirements, where applicable.

A. **Requirements of Construction Pollution Prevention Plan.** The CPPP shall demonstrate that the development complies with the following requirements:

- a. Minimize runoff and pollutant discharge. During construction, development shall minimize site runoff and erosion through the use of temporary BMPs, and shall minimize the discharge of sediment and other potential pollutants resulting from construction activities (e.g., chemicals, vehicle fluids, petroleum products, cement, debris, and trash).

Development shall implement the following types of construction-phase BMPs, as applicable to the project:

(1) BMPs to minimize soil erosion and sedimentation. Erosion and sediment control BMPs, including:

- i. Erosion control BMPs to prevent soil from being transported by water or wind (such as mulch, soil binders, blankets or mats, or temporary seeding).
- ii. Sediment control BMPs to trap and remove eroded sediment (such as fiber rolls, silt fences, straw bales, and sediment basins).
- iii. Tracking control BMPs to prevent tracking sediment by vehicles leaving the construction area (such as a stabilized construction entrance/exit, and street sweeping.)

(2) BMPs to minimize discharge of other pollutants from construction activities. BMPs to minimize the discharge of other pollutants resulting from construction activities (such as paints, solvents, vehicle fluids, asphalt and cement compounds, trash, and debris) into runoff or coastal waters, including:

- i. BMPs to minimize polluted runoff from staging, storage, and disposal of construction chemicals and materials.

- ii. Site management “good housekeeping” BMPs implemented during construction, such as maintaining an inventory of products and chemicals used on site, and having a written plan for the clean-up of spills and leaks.

(3) BMPs to infiltrate or treat runoff. BMPs that will be implemented during construction, where necessary, to infiltrate or treat runoff prior to conveyance of runoff off-site.

- b. Stabilize soil as soon as feasible. Temporary soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary seeding) shall be implemented 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.
- c. Minimize land disturbance and soil compaction. Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill) and shall phase grading activities, to avoid increased erosion and sedimentation. Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.
- d. Minimize damage or removal of vegetation. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
- e. Avoid plastic netting in temporary erosion and sediment control products. Development shall avoid 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), in order to minimize wildlife entanglement and plastic debris pollution.
- f. Use additional BMPs for construction near coastal waters. Development shall implement additional BMPs for construction taking place over, in, or adjacent to coastal waters, if there is a potential for construction chemicals or materials to enter coastal waters. BMPs shall include, where applicable:
  - (1) Designated fueling and maintenance area. Conduct fueling and maintenance of construction equipment and vehicles off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these 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.
- g. Manage construction-phase BMPs. Appropriate protocols shall be implemented to manage construction-phase BMPs (including installation, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
- h. Use an appropriate BMP guidance manual. The selection of BMPs for the Construction Pollution Prevention Plan shall be guided by the current edition of the California

Stormwater Quality Association (CASQA) Construction BMP Handbook, or by the current edition of a BMP manual that has been designed to address local or regional runoff conditions and has been approved by the applicable Regional Water Quality Control Board. In addition to the BMPs noted in the contract bid documentation, CASQA BMPs shall include NS-2, NS-3, NS-12, NS-13, NS-16SE-5, SE-6, SE7, and WM-3, where appropriate.

- i. Dewatering BMPs shall be applied per the requirements of the Los Angeles Regional Water Quality Control Board.

- B. Content of Construction Pollution Prevention Plan.** To comply with the CPPP requirements listed above, the CPPP shall include a construction site map and a narrative description addressing, at a minimum, the following required components, if they are applicable to the development:
- a. Construction site plan map. 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).
  - b. Description of BMPs to be implemented to meet all CPPP requirements. A description of the BMPs that will be implemented to meet all the CPPP requirements listed in section C.3, above, and how these BMPs will minimize stormwater pollution resulting from the development during construction. Include calculations that demonstrate proper sizing of the BMPs.
  - c. Schedule of BMP installation and construction phasing. A schedule for installation and removal of temporary erosion and sedimentation control BMPs and identification of temporary BMPs that will be converted to permanent post-development BMPs. A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - d. Description of BMP Management. A description and schedule for the inspection, training, operation, and maintenance of construction-phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure that the Coastal Development Permit's water quality requirements are met.
- C. The permittee shall undertake development in accordance with the approved Construction Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

### **3. Assumption of Risk, Waiver of Liability and Indemnity.**

- A. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, saltwater intrusion, erosion, and earth movement, all of which will may 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

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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.

**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