

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Th11a

ADDENDUM

October 5, 2020

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th11a, City of Long Beach LCP Amendment No. LCP-5-LOB-19-0008-1 (SEASP) FOR THE COMMISSION MEETING OF THURSDAY, OCTOBER 8, 2020.**

I. PUBLIC CORRESPONDENCE

On October 1, 2020, the City of Long Beach submitted a letter to the Commission that describes two issues with Commission staff's suggested modifications (**Exhibit 5**) to LCP Amendment No. LCP-5-LOB-19-0008-1 (LCPA 1-19) and includes an attachment (fact sheet) summarizing the Southeast Area Specific Plan (SEASP). These two issues addressed in the letter are the definition of "redevelopment" as it applies within the SEASP area and the inclusion of a policy to encourage the replacement of lower cost overnight visitor-serving accommodations demolished after City-adoption of SEASP. Attached to the letter is a fact sheet that summarizes SEASP.

Specifically, the City seeks clarification about the use of "redevelopment," given that it is not a term defined in the City's zoning code, and voices concern about the use of January 1, 1977 to differentiate between new and existing development, given the potential difficulty in acquiring older City records of structural modifications. The City is also concerned that these terms, as suggested, would apply to the portion of SEASP that is located outside of the coastal zone and would set a precedent for future Long Beach LCP amendments that apply to areas that would be substantially affected by the application of "redevelopment" to new development proposals.

Further, with regard to lower cost overnight accommodations, the City contends that encouraging the replacement of the 150 lower cost rooms demolished pursuant to a non-appealable local CDP would be difficult to implement and lead to dispute. As a suggested solution, the City recommends adding a sentence that would clarify that it is not the intent of the policy to preclude the development of new overnight accommodations. Additionally,

the City states that an in-lieu fee of \$100,000 per lower cost room plus land cost for hotel development projects that choose not to provide 25% of new rooms as lower cost would render new hotel development infeasible.

As stated in the City's letter, with the exception of the issue areas described above, the City is in support of the staff recommendation. Commission staff has continued working with City staff on these issues to reach a reasonable compromise, which has resulted in changes to the suggested modifications and staff report for this item. The changes are described in the following section of this addendum. City staff have indicated that they are in agreement with the changes to the suggested modifications included in this addendum.

Between September 29, 2020 and October 2, 2020, the Commission received twenty-six public comment letters in support of certification of SEASP. The reasons for support include the Plan's goals of enhancing view corridors, creating new pedestrian and bike paths, providing for restoration of the wetlands, adding new waterfront experiences, and improving the quality of life in the southeast area of Long Beach. There are no changes to the staff report proposed in response to these comments.

Additionally, on October 2, 2020, the Commission received two letters in opposition of the staff recommendation. One of the letters, submitted by Ann Cantrell (Sierra Club Los Cerritos Wetlands Taskforce), urges the Commission to deny the LCP amendment and provide an additional hearing to give the Commission and public more time to review and address the changes to the LCP. Ann Cantrell states that she has not had time to study Commission staff's suggested modifications and, thus, provides comments that she had previously made relating to the draft Environmental Impact Report (EIR) for SEASP. Issues with the EIR are not addressed in this addendum.

The other letter opposing certification of the LCPA 1-19, provided by Anna Christensen (Sierra Club Los Cerritos Wetlands Taskforce), similarly requests the Commission postpone a vote on the LCP amendment due to the complexity and sensitivity of the issues raised in the proposed amendment and deny its certification. The reasons given for denial of LCPA 1-19 are that the additional residential density proposed is not consistent with the existing Southeast Area Development and Improvement Plan, which provides for relatively low density housing, that the policies are insufficient to preserve existing low-cost overnight accommodations (at the Golden Sails motel), that this area is vulnerable to sea level rise and should be planned for managed retreat, and that there was no real effort made to include or address the tribal perspective.

Housing density (concentration of development) is addressed in Section IV.E of the staff report. The LCP amendment includes plans to increase density in already developed areas of SEASP to address regional housing shortages and, as suggested to be modified, ensures that new development is concentrated in non-hazardous, developed areas and encourages affordable housing opportunities. With regard to the protection of the existing lower cost rooms at the Golden Sails, Suggested Modification 9 includes several policies protecting lower cost accommodations including a policy that requires the 173 lower cost rooms at the Golden Sails site be maintained and replaced onsite in perpetuity, which is further described in the staff report (Section IV.F). Additionally, coastal hazards, including

sea level rise, are addressed in Section IV.D. While SEASP, as adopted by the City, plans for 2.6 feet of sea level rise, as suggested to be modified, new development would be required to be sited and designed to avoid risks to life and property due to coastal hazards, which would be implemented through the assessment of risk using best available science, inclusion of adaptation strategies in project design, and preparation and certification of community-scale and City-wide adaptation plans that consider a wide range of adaptation strategies including, but not limited to, managed retreat. Finally, Commission staff's Tribal consultation process is outlined in Section I.C of the staff report. Information received during such consultations is reflected throughout the staff report and in the suggested addition of policies to protect Tribal Cultural Resources (Suggested Modifications 9 and 11, **Exhibit 5**).

II. CHANGES TO STAFF REPORT AND EXHIBITS

Commission staff recommends changes to the staff report dated September 25, 2020 and suggested modifications (**Exhibit 5** of the staff report) to address concerns raised by the City, as described above, clarify the standard or review, and fix typographical errors.

Changes to the Staff Report

Language to be added to the staff report is shown in **bold underlined text** and language to be deleted from the staff report is identified by **~~bold strike out~~**.

- a) **Change to the Summary of LCP Amendment Request No. LCP-5-LOB-19-0008-1 (page 1):** Fix a typographical error.

...The City's request would change Land Use Plan (LUP) and Implementation Plan (IP) policies to incorporate SEASP into the LCP, certify ~~and~~ LCP for portions of the southeast area of Long Beach that are currently areas of deferred certification, and revert nine (9) acres of the specific plan area to conventional zoning...

- b) **Change to the Summary of Staff Recommendation (page 2, 1st full paragraph):** Fix a typographical error.

For this reason, Suggested Modification 12 is necessary to clarify that "existing development" for the purposes of Section 30235 of the Coastal Act, as incorporated in SEASIP, refers to a principal structure that was legally permitted and in existence prior to the effective date of the Coastal Act (January 1, 1977) and that has not subsequently undergone substantial redevelopment...

- c) **Change to the Summary of Staff Recommendation (page 2, 2nd full paragraph):** Fix typographical errors.

...Given that a large portion of the SEASP area contains **portions of** the Los Cerritos Wetlands complex and several areas of large open space parcels and existing oil operations, which are known to contain sensitive habitat areas, listed species, and rare California wetlands, the chapter focuses on the protection of these resources as ESHA and Wetlands, as well as the protection of marine resources and other

Sensitive Coastal Habitat Areas. Policies include requirements for wetland and habitat assessments, appropriate buffers, ~~required~~ mitigation for allowable impacts, allowable land uses, and ~~requires~~ removal and restoration of unpermitted development encroaching into habitat areas.

- d) **Change to the Summary of Staff Recommendation (page 2, last paragraph):** Fix a typographical error.

... Another hotel in the SEASP area was demolished in October 2017, within the past few years which contained 150 lower cost overnight accommodations...

- e) **Change to the Summary of Staff Recommendation (page 3, 1st paragraph):** Account for changes to the suggested modifications following discussions with City staff.

Unfortunately, that did not occur and the lower cost hotel was demolished pursuant to a City issued coastal development permit that was not appealable to the Commission. As such, the suggested modifications include the incorporation of Section 30213 as a new policy and ~~7~~⁸ additional policies which require prioritization of new lower cost overnight accommodations, and protection of all remaining existing lower cost overnight accommodations, ~~as well as to encourage the replacement of the 150 lower cost overnight accommodations that were demolished.~~ The policies express that ~~the preference for~~ proposed high cost hotels shall include a lower cost component onsite, but an in-lieu mitigation fee of \$100,000 per room plus land costs must be provided if lower cost accommodations cannot feasibly be provided onsite. ~~All replaced lower cost accommodations must be protected in perpetuity...~~

- f) **Change to the Summary of Staff Recommendation (page 3, last paragraph):** Fix typographical errors.

Other minor suggested modifications include the addition of several important coastal resource protection policies, including some that were part of the previously certified SEADIP, but which were not included as part of the proposed SEASP, which would replace SEADIP. Some of these policies that have been added include references to low income housing requirements that were certified as part of SEADIP, retention of public access and recreation policies that were certified as part of SEADIP, protection of tribal cultural resources and policies for archeological monitoring, incorporate ion of existing certified language related to oil production, requests for updated maps, as well as clarification of jurisdiction areas within the subject planning area and coastal development permit requirements therein ~~areas of the Commission's retained jurisdiction.~~

- g) **Change to the Standard of Review (page 5, last paragraph):** Clarify which portions of SEASP are LUP and which portions are IP.

The certified Zoning Code, which is proposed to be amended, is part of the City's Implementation Plan (IP). The proposed changes to the Land Use District Map and a portion of the Local Coastal Plan document (LCP document) are changes to the

City's Land Use Plan (LUP). SEASP, which includes areas within and outside the coastal zone, contains both LUP and IP elements. **The distinction between the LUP and IP policies in SEASP, as suggested to be modified, are as follows:**

Chapters 1, 2, and 9 are general introduction and summary chapters. However, Chapter 9, Administration and Implementation, contains some IP policies.

Chapter 3, Vision, Priorities, and Guiding Principles, goals and policies – LUP

Chapter 4, Community Structure and Land Use Plan – LUP

Chapter 5 (Suggested Modification 8), Natural Resources, policies – LUP with the exception of policies 5.19, 5.27, and 5.29 through 5.32, which are IP

Chapter 5, Development Standards, policies – IP with the exception of public access policies 1 through 6, recreation policies 1 through 6, Policy 1 of Section 5.7.p, land use policies 1 through 4, and lower cost overnight accommodation policies 1 through 5 (Suggested Modification 9), which are LUP

Chapter 6, Mobility, policies – IP

Chapter 7, Design Standards and Guidelines, policies – IP

Chapter 8, Infrastructure, policies – LUP

- h) **Change to Motions and Resolutions, resolution for denial of IP amendment as submitted (page 9, following Motion III):** Fix a typographical error.

Resolution to Deny as Submitted:

The Commission hereby denies certification of the Amendment to the Implementation Plan submitted for the City of Long Beach certified LCP and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan as submitted does not conform with and is not adequate to carry out the provisions of the certified Land Use Plan, **as amended**. Certification of the Amendment to the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment to the Implementation Program as submitted.

- i) **Change to Motions and Resolutions, resolution for approval of IP amendment with suggested modifications (pages 9-10, following Motion IV):** Fix a typographical error.

Resolution to Certify if Modified:

The Commission hereby ~~certifies~~~~denies certification of~~ the Amendment to the Implementation Plan ~~submitted~~ for the City of Long Beach certified LCP **if modified as suggested** and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan **with the suggested modifications as submitted does not conform** with and is ~~not~~ adequate to carry out the provisions of the certified Land Use Plan, **as amended**. Certification of the Amendment to the Implementation Program **if modified as suggested complies with**~~would not meet the requirements of~~ the California Environmental Quality Act, **because either 1) as there are** feasible ~~alternatives and~~ mitigation measures **and/or alternatives have been incorporated** that would substantially lessen ~~any~~~~the~~ significant adverse impacts **of the Implementation Plan** on the environment, **or 2) there are no feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Amendment to the Implementation Program as submitted.**

- j) **Change to the Plan Area History, Description, and Environmental Setting (page 11, last sentence):** Revise to clarify that SEASP, as suggested to be modified, would apply throughout the SEASP planning area including areas outside of the coastal zone, as requested by City staff.

... ~~The City adopted SEASP document applies outside of the coastal zone.~~

- k) **Change to the Amendment Description (top of page 12):** Add references to Exhibit 1, which includes SEASP in full, as adopted by the City, and Exhibit A of City Council Resolution No. RES-17-0102.

...As part of LCPA 1-19, all appropriate references to SEADIP and the section of the document summarizing the area and applicable policies would be replaced with references to SEASP and the summary of SEASP included as Exhibit A of City Council Resolution No. RES-17-0102 **(Exhibit 1)**.

The purpose of the LCP amendment is to adopt the Southeast Area Specific Plan, SP-2, as part of the LCP **(Exhibit 1)**...

- l) **Change to the Amendment Description (bottom of page 13):** Clarify the SEASP planning horizon and Commission's recommendation for amendments to the certified zoning code.

SEASP's planning horizon extends through 2060; however, it will be in effect **as part of the certified LCP** until it is replaced. In any case, the ~~P~~plan should be updated on a regular basis to account for changing conditions on the ground, including evolving sea level rise science **and adaptation planning**.

Many of the suggested modifications discussed below reflect a combined effort by City staff and Commission staff to update, clarify, and improve the LCP amendment to conform with the policies of the Coastal Act. **There are no modifications suggested for the proposed changes to the certified Zoning Code.** Modifications

imposed to correct typographical errors or make minor changes to improve clarity have been made throughout SEASP, as reflected in **Exhibit 5**.

- m) **Change to the Biological Resources section (page 16, last sentence):** Correct the current standard of review for the deferred certification area.

... In addition, the CHWR designation, while more protective of natural resource areas than allowable land uses under SEADIP ~~(which serves as guidance for Commission review of development in areas of deferred certification)~~, allows certain uses that could adversely impact wetlands and ESHA is sufficient policies and buffer requirements are not in place.

- n) **Change to the Biological Resources section (page 18, Definitions section):** Account for changes to the suggested modifications following discussions with City staff.

... In addition, this section includes the definitions of development **and redevelopment** for the purposes of having the definition referenced in the SEASP document, as well as to highlight that development requiring a coastal development permit includes removal or harvesting of major vegetation, which, as discussed in more detail below, has the potential to impact sensitive biological resources especially in urbanized areas like coastal Long Beach; and the definitions of redevelopment, demolish, and rebuild for the purpose of implementing the coastal hazards policies that are suggested to be added to SEASP as discussed in more detail in the Coastal Hazards section of this staff report...

- o) **Change to the Biological Resources section (page 19, 1st full paragraph):** Fix a typographical error.

... Policy 5.1 prescribes how ESHA is identified, requires biological evaluations when biological resources are suspected on or near a site, and lists some of the resources that can be used sd to determine whether sites are ESHA....

- p) **Change to the Biological Resources section (top of page 21):** Clarify the standard of review.

... The uses listed in the new suggested natural resources chapter are consistent with Coastal Act Sections 30233 and 30240 of the Coastal Act, which are part of the standard of review for these LUP policies and habitat and wetland protection policies of the LCP.

- q) **Change to the Biological Resources section (page 21, 1st full paragraph):** Fix a typographical error.

... Thus, as submitted, the table does not clarify what the CDP requirements are...

- r) **Change to the Biological Resources section (page 23, last paragraph):** Fix a typographical error.

Some of these species also play a key role in maintaining an ecological balance that serves to sustain the biological productivity of coastal environments and maintain healthy populations of marine and coastal species, as required pursuant to Coastal Action Section 30230...

- s) **Change to the Coastal Hazards section (page 28, 1st paragraph):** Fix a typographical error.

... Under an extreme risk aversion scenario, most of the SEASP area is anticipated to be impacted by flood hazards with the potential exception of portions of the mobile home park, Loynes site, and industrial area located at slightly higher elevations than the rest of the coastal zone portion of the SEASP area.

- t) **Change to the Coastal Hazards section (page 30, 2nd paragraph):** Update suggested modifications regarding the definition of “redevelopment” to clarify where the definition applies and to incorporate and clarify relevant standards in the City’s certified LCP.

Similarly, and for the reasons discussed above, the suggested policies establish that “redevelopment,” as defined in Suggested Modification 8, occurs through cumulative changes to the structure over time, starting from the date January 1, 1977. The policies further clarify that when a structure has been redeveloped, it must comply with the certified LCP and remove any shoreline protective device protecting a structure that is not consistent with the certified LCP policies. Considering that “redevelopment” is not currently defined in the LCP, Suggested Modification 8 clarifies that the term is defined in SEASP for the purpose of implementing the Coastal Hazards policies. In addition, Suggested Modification 8 adds the definitions of “demolish” and “rebuild,” as approved by the Commission in October 2018 pursuant to LCPA 2-17, which are used by City staff when reviewing new development proposals. City staff were in support of the Commission’s suggested definitions of demolish and rebuild at the time of Commission approval of LCPA 2-17; however, these definitions were not formally certified because the City failed to adopt the suggested modifications or request a time extension before the deadline passed.

- u) **Change to the Coastal Hazards section (page 30, 4th paragraph):** Fix typographical errors.

Policy 5 (**Suggested Modification 12**) would require that applications for new developments include a sea level rise vulnerability assessment that relies on the best available science, considers the appropriate planning horizon based on the development proposed, and uses the appropriate risk scenario ~~forbased on~~ the development proposed. A new appendix is suggested to be added to SEASP that includes more detailed information about the sea level rise vulnerability assessment process, including which sea level rise scenarios may be most appropriate for which types of development, and a table with the best available science on risk aversion scenarios to ensure appropriate implementation of this policy.

- v) **Change to the Coastal Hazards section (page 31, 1st full paragraph):** Fix typographical error.

... The new policies make clear that nature-based adaptation strategies are the preferred form of protection if shoreline protection is found consistent with the LCP policies.

- w) **Change to the Land Use and New Development section (page 33):** Clarify the history of allowable land uses within the white hole area.

Currently, development in the southeast planning area is guided by SEADIP, which is a planned development area that closely mirrors the proposed boundary of SEASP. Like SEASP would be, it is a stand-alone element of the City's LCP and contains both LUP and IP policies. SEADIP includes land use policies for the white hole area that do not currently apply because the ADC is currently within the Commission's jurisdiction, meaning new development within the white hole would be reviewed for consistency with Chapter 3 of the Coastal Act and the certified LCP may provide guidance. However, the Long Beach LCP, including SEADIP, is guidance. The existing SEADIP guidance for the ADC allows for residential and commercial land uses within areas potentially containing wetlands, ESHA, or other sensitive coastal habitat areas. However, any proposed development within the ADC is required to be consistent with the Chapter 3 policies of the Coastal Act that protect coastal resources.

Planned residential and commercial land uses on specific sites within the ADC were approved by the Commission in association with the Los Cerritos Wetlands LCP, which did not become effective. SEASP, as submitted, does not allow for any residential development within these areas.

The major land use changes proposed through the subject LCP amendment are: (1) the certification of an LCP (SEASP) for the ADC and conversion of most of the area to a new land use designation (Coastal Habitat/Wetlands/Recreation) that is more protective than the residential and commercial uses approved under the uncertified Los Cerritos Wetlands LCP; and (2) conversion of specific residential and commercial land use areas to mixed-use areas...

- x) **Change to the Land Use and New Development section (page 38, 2nd paragraph):** Clarify that not all areas with residential land use designations are able to accommodate new development.

Suggested Modification 7 includes a change that would retain the maximum density of 8.4 units, as certified under SEADIP, because the area is developed and able to accommodate the previously allowable density in locations that are safe from coastal hazards.

- y) **Change to the Land Use and New Development section (page 39, 2nd to last paragraph):** Fix a typographical error.

...(4) Oil field brines are re-injected into oil-producing zones consistent with Division of Gas and Geothermal Resources (DOGGR), now Division of Geologic Energy Management Division (CalGEM), requirements.

- z) **Change to the Public Access and Recreation section (page 44, 1st paragraph):**
Fix a typographical error.

A project-driven LCP amendment request was never processed and **development** the development that was permitted was not appealable to the Coastal Commission.

- aa) **Change to the Public Access and Recreation section (page 44, last paragraph):**
Fix a typographical error.

...Although Chapter 3 of the Coastal Act does not require the provision of affordable housing, encouraging at least a mix of housing opportunities (not just high-end **townhomesapartments** and condominiums) in the coastal zone is important to **meet** the public access goals of the Coastal Act, which requires maximizing public access "for all the people," as articulated in the Commission's Environmental Justice Policy...

- bb) **Change to the Public Access and Recreation section (page 45, 1st full paragraph):** Account for changes to the suggested modifications following discussions with City staff and clarify the standard of review for changes to the IP.

In terms of lower-cost accommodations, **Suggested Modifications 5, 7, 9, and 13** include changes to acknowledge the demolition of the SeaPort Marina Hotel. **Suggested modification 9** includes Section 30213 as a new policy, and **78** new policies, some of which amend the certified IP to be consistent with Section 30213, as incorporated in the certified Land Use Plan, which require prioritization of new lower cost overnight accommodations, **and** protection of 173 existing lower cost overnight accommodations to be maintained and replaced onsite, ~~as well as encourage the replacement of the 150 lower cost overnight accommodations that were demolished as soon as possible~~. The policies express ~~that~~ the preference for proposed moderate and high cost hotels **to** include a lower cost component onsite (a minimum of 25% of the new hotel rooms must be lower cost), but an in-lieu mitigation fee of \$100,000 per room plus land costs **(measured per square foot of the respective property)** must be provided if lower cost accommodations cannot feasibly be provided onsite. ~~All replaced lower cost accommodations must be protected in perpetuity.~~ ...

These modifications are needed to ensure that new development is consistent with Section 30213 **and the policies of the LUP, as suggested to be modified**, and protects and provides new lower cost overnight accommodations. This modification also ensures that overnight accommodations are a resource to the recreational value of the SEASP area and enhances the overall accessibility of the area, consistent with Chapter 3 of the Coastal Act.

- cc) **Change to the Public Access and Recreation section (page 45, last sentence):**
Clarify the standard of review for changes to the IP.

... Failure to incorporate these policies does not maximize public access to the coast consistent with Sections 30210 and 30212 of the Coastal Act or the policies of the LUP, as suggested to be modified.

- dd) **Change to the Archeological and Paleontological Resources section (page 47, last paragraph):** Clarify the standard of review for the suggested modifications to the LCP.

Therefore, Commission staff are suggesting that the City incorporate a new section into SEASP for Tribal, cultural, archeological, and paleontological resources (**Suggested Modification 9**). This section acknowledges the sensitivity of the area for these resources and amends the certified Land Use Plan portion of SEASP to incorporate Section 30244 into the LUP policies of SEASP. Additionally, to further protect Tribal cultural resources that may exist in the ground or could be affected by ground disturbance, **Suggested Modification 9** also includes an IP policy that requires, as conditions of project approval, implementation of specific mitigation measures. These mitigation measures include requirements for preparation of an Archeological Monitoring and Mitigation Plan for projects with any disturbance of soils, including native soils that may have previously been disturbed, and an Archaeological Research Plan for any project within the Coastal Habitats/Wetlands/Recreation land use designation or other vacant lots within the SEASP area. These plans detail procedures for involvement of Native American groups with ancestral ties to the area in plan preparation, monitoring requirements for all ground disturbing activities (as requested during tribal consultation) where any Native American representatives of Tribes on the NAHC list are invited to be onsite and monitor, and protocols for resource discoveries. Where conflicts between the City-adopted EIR mitigation measures (which are proposed to be conditions of approval for development in the SEASP area) and the certified LCP policies exist, the certified LCP policies override the EIR mitigation measures.

- ee) **Change to the Scenic and Visual Resources section (page 49, 1st paragraph):** Fix a typographical error.

One of the priorities identified in SEASP is “view preservation”, which is described as —the preservation of views of hills and mountains through regulation of building placement and height and is referenced elsewhere in the SEASP plan...

- ff) **Change to the General LCP Administration section (page 50, 2nd full paragraph):** Clarify why, as submitted, LCPA does not conform with the standards or review.

As part of the amendment, the City is requesting certification of the “white hole” areas, which would transfer permit authority to the City for ADCs. Thus, the post-certification maps would need to be updated to reflect this change and related changes to appealable areas and location of the first public road from the sea. These changes are not proposed in LCPA 1-19, as submitted.

In Chapter 9 of SEASP, as adopted by the City, there are a couple of sections that aim to explain the role of SEASP within the LCP, the role of the LCP in CDP approvals, and CDP requirements. Some of the descriptions are incorrect or incomplete **and are, therefore, inadequate to carry out the Chapter 3 policies and LUP policies of the LCP, as suggested to be modified.** Thus, **Suggested Modification 13** is imposed, in part, to correct and clarify the SEASP language. Additionally, the maps within SEASP that include the coastal zone boundary, as well as the maps included in the proposed changes to the LCP do not match the maps the Commission has on record. **Similarly, use of the figures in the SEASP document to identify which properties are located within the coastal zone would be inadequate to carry out the Chapter 3 policies and LUP policies of the LCP, as suggested to be modified.** Thus, **Suggested Modifications 5 and 15** are imposed to correct the coastal zone boundary and clarify the appealability of newly certified areas.

As described above, as submitted, administration of the LCP in the SEASP area would be unclear and, thus, would not be consistent with Chapter 3 of the Coastal Act and inadequate to carry out the policies and certified LUP, as suggested to be modified. The suggested modifications are discussed in more detail below.

gg) **Change to the General LCP Administration section (page 50, last paragraph):** Add references to Exhibit 1, which includes Exhibit A of City Council Resolution No. RES-17-0102.

RES-17-0102 adopts amendments to the Local Coastal Program (LCP) and attaches a “true and correct copy of the Southeast Area Specific Plan,” to the resolution as “Exhibit A” to replace SEADIP with SEASP **(Exhibit 1)**...

hh) **Change to the General LCP Administration section (page 51, 2nd full paragraph):** Account for changes to the suggested modifications to clarify the standard of review for developments in the SEASP area and the ranking of various City requirements.

...Throughout the LCP amendment, references to the Long Beach Municipal Code or other uncertified documents shall not override certified LCP policies in the coastal zone if conflicts arise (**Suggested Modification 7**).

SEASP is a specific plan that applies to areas within the coastal zone and outside the coastal zone. In general, policies of the document apply throughout the SEASP planning area, unless specifically stated otherwise. For development proposals within the coastal zone, uncertified municipal code provisions or other uncertified documents referenced in SEASP policies are not the standard of review, as described above. Additionally, in the case of conflicts between SEASP and other provisions of the certified LCP, SEASP as the more specific planning document would apply (Suggested Modification 7).

Changes to the Suggested Modifications

Language to be added to suggested modifications is shown in underline and language to be deleted is shown in ~~strikethrough~~.

- ii) **Change to Suggested Modification 7 (page 253):** Incorporate additional oil and gas policies certified through LCPA 1-18 into SEASP and clarify the standard of review for developments in the SEASP area.

» Oil and gas operations consistent with the policies in this document, Title 12, Oil and Gas Production, ~~of the certified LCP, LBMC~~ and also Section 30262, Oil and Gas Development, of the Coastal Act are permitted uses.

» New oil and gas production facilities may only be approved in the industrial areas in accordance with an approved Development Plan (See Standards Applicable to Oil Production Areas).

» All industrial and oil production uses shall provide mitigation to address project-related noise, odor, or air emissions through compliance with the California Environmental Quality Act and the LCP.

All references to the Long Beach Municipal Code that apply within the coastal zone shall be replaced with appropriate references to the certified zoning code. If the LBMC section referenced is not part of the certified LCP, it must be removed or clarified that it is not the standard of review for coastal development permits.

- jj) **Change to Suggested Modification 8 (page 257):** Revise to modify the definition of “redevelopment” to address concerns raised by the City and add the definitions of “demolish” and “rebuild,” as approved by the Commission on October 10, 2018 (LCPA 2-17, which was not formally certified due to a failure to meet the deadline required for City adoption of the suggested modifications).

Redevelopment

For the purpose of determining existing/new development in the coastal zone, as referenced by the Coastal Hazards policies, including the policies in both the Development Standards and Infrastructure chapters and Section 30235 of the Coastal Act (as incorporated into SEASP), “**Redevelopment**” means development including, but not limited to, (1) additions of 50% or more to an existing structure, (2) exterior renovations, and/or (3) demolition or rebuild of an existing home or other principal structure, or portions thereof, which results in either:

a) Replacement (including demolition, rebuild, renovation, reinforcement, or other type of alteration) of 50% or more of major structural components including exterior walls, floor, roof structure, or foundation, as calculated by linear feet, surface area, volume, or weight, or a 50% increase in gross floor

area. Alterations are not additive between individual major structural components; or

b) Replacement (including demolition, rebuild, renovation, reinforcement, or other type of alteration) of less than 50% of a major structural component where the proposed replacement would result in cumulative alterations exceeding 50% or more of that major structural component, taking into consideration previous replacement work undertaken on or after January 1, 1977; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of 50% or greater of the floor area, taking into consideration previous additions undertaken on or after January 1, 1977.

Demolish

In the coastal zone, "demolish" means to remove fifty percent (50%) or more of one or more major structural components including exterior walls, structural floor systems, roof framing systems, and foundation systems; to remove less than 50% of one or more major structural components where the proposed demolition of the component(s) would result in cumulative demolition meeting or exceeding 50% of the entire structure since January 1, 1977(based on available City of Long Beach records); or to remove a structure or a portion of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction based on the documented construction bid costs and either an appraisal by a professional property appraiser or County assessor data, if it is based on current market values.

1. A wall is considered to be demolished when any of the following occur above or below grade:

a. Cladding or framing systems are altered in a manner that requires removal and replacement of fifty percent (50%) or more of those cladding or framing systems.

b. Existing support for fifty percent (50%) or more of the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceiling, or other building elements supported by the wall cannot remain freestanding without supplemental support.

c. Additional reinforcement is needed for fifty percent (50%) or more of the wall including any remaining portions of the wall and cladding to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

2. Roof framing and structural floor systems shall be considered to be demolished when any of the following occur:

a. The roof and/or floor structural framing is altered in a manner that requires removal and replacement of fifty percent (50%) or more of roof or floor structural framing system elements (e.g., trusses, joists, and rafters).

b. The roof and/or floor structural framing system requires additional reinforcement for fifty percent (50%) or more of the roof and/or floor structural framing including any remaining portions of the roof or floor system to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

3. Foundations shall be considered demolished and the entire structure shall be considered demolished, when fifty percent (50%) or more of the foundation has been removed or modified as measured by horizontal surface area (slab foundation) or by number of piers, posts, caissons, and/or grade beams (pier and posts/caissons).

4. For structures without walls or roofs, including fences, patios, decks, or similar, "demolish" means to remove fifty percent (50%) or more of the foundation or structural elements.

Rebuild

In the coastal zone, "rebuild" means to modify fifty percent (50%) or more of one or more major structural components including exterior walls, structural floor systems, roof framing systems, and foundation systems; to modify less than 50% of one or more major structural components where the proposed demolition of the component(s) would result in cumulative demolition meeting or exceeding 50% of the entire structure since January 1, 1977 (based on available City of Long Beach records); or to modify a structure or a portion of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction based on the documented construction bid costs and either an appraisal by a professional property appraiser or County assessor data, if it is based on current market values.

1. A wall is considered to be rebuilt when any of the following occur above or below grade:

a. Cladding or framing systems are altered in a manner that requires removal and replacement of fifty percent (50%) or more of those cladding or framing systems.

b. Existing support for fifty percent (50%) or more of the wall is temporarily or permanently removed such that any portion of the remaining floors, roof, ceiling, or other building elements supported by the wall cannot remain freestanding without supplemental support.

c. Additional reinforcement is needed for fifty percent (50%) or more of the wall including any remaining portions of the wall and cladding to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

2. Roof framing and structural floor systems shall be considered to be rebuilt when any of the following occur:

a. The roof and/or floor structural framing is altered in a manner that requires removal and replacement of fifty percent (50%) or more of roof or floor structural framing system elements (e.g., trusses, joists, and rafters).

b. The roof and/or floor structural framing system requires additional reinforcement for fifty percent (50%) or more of the roof and/or floor structural framing including any remaining portions of the roof or floor system to provide structural support (e.g., addition of beams, joists and/or rafters, etc., whether alone or alongside existing/retained system elements).

3. Foundations shall be considered rebuilt and the entire structure shall be considered rebuilt, when 50% or more has been removed or modified as measured by horizontal surface area (slab foundation) or by number of piers, posts, caissons, and/or grade beams (pier and posts/caissons).

4. For structures without walls or roofs, including fences, patios, decks, or similar, "rebuild" means to modify 50% or more of the foundation or structural elements.

"Modify" includes removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with Section 21.27.090 of the certified zoning code - Restoration, or projects consisting solely of exterior façade remodels with no interior reconfiguration.

- kk) **Change to Suggested Modification 9 (pages 284 to 285):** Revise lower cost overnight accommodation policies to address City concerns related to the replacement of the lower cost SeaPort Marina hotel rooms. City staff proposed to add a sentence to the end of Policy 6 that states: "This policy is not intended to preclude the development of new overnight accommodations by obligating future project applicants to provide the replacement rooms within their development." Considering the referenced hotel was previously demolished pursuant to an approved CDP before this LCP amendment was submitted and because the recommended addition to the policy may create ambiguity regarding the need for mitigation of other projects in the future based on economic feasibility, as a compromise, Policy 6 has been struck out given that there are other policies in this section that require prioritization of lower cost accommodations and provision of 25% of rooms in a new overnight accommodations development as lower cost (unless infeasible, in which case, an in lieu fee would be paid).

6. The 150 lower cost rooms that were demolished at the SeaPort Marina Hotel are encouraged to be replaced with lower cost overnight accommodations at a one to one ratio as soon as possible. The City may consider other inherently low cost accommodations for this replacement, in lieu of hotel rooms, such as camp grounds, hostels, etc. Replacement lower cost overnight accommodations must be protected in perpetuity.

67. New high cost hotel developments are required to provide a minimum of 25% of the new rooms at a lower cost rate. Lower cost rooms and shall be protected for the life of the development. If construction of new lower cost rooms is infeasible onsite, an in-lieu mitigation fee of \$100,000 per room (as of 2015) indexed using the Turner Building Cost Index plus the land cost of the property per square footage shall be required. Land cost calculations shall be based on the average square footage of commercial land sales over the past 5 years. The fee shall be used for construction of new lower cost hotel rooms or other inherently low cost accommodations within the coastal zone in the surrounding region.

78. Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall apply to 100% of the number of demolished lower cost accommodations and the fee shall apply to the 25% of the number of new high cost rooms in excess of the number demolished.

- II) **Change to Suggested Modification 13 (page 294):** Clarify that SEASP takes precedence over other policies of the certified LCP in case of conflict.

...In the Commission's retained jurisdiction area the standard of review for CDPs is Chapter 3 of the Coastal Act and SEASP provides guidance.

In the case of conflicts between SEASP policies and the policies of the certified LCP, SEASP (as the more specific planning document) policies would be applied.