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September 25, 2020

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director, South Coast District
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SUBJECT: Amendment Request No. LCP-5-LOB-19-0008-1 (SEASP) of the City of Long Beach Certified Local Coastal Program, for Public Hearing and Commission Action at the virtual meeting October 7-9, 2020.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LOB-19-0008-1 (1-19)

Local Coastal Program (LCP) Amendment Request No. 1-19 would amend multiple components of the City of Long Beach certified LCP, including the certified Zoning Code, Local Coastal Plan document, and land use map, and replace the certified Southeast Area Development and Improvement Plan (SEADIP) with the Southeast Area Specific Plan (SEASP). 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. Specifically, the proposed SEASP includes changes to support more compact mixed-use development and a range of mobility options, to make 38 residential properties and one City-owned parcel subject to conventional certified zoning requirements and not covered by SEASP, create a new land use designation to preserve and provide public access to coastal habitat and recreation uses, provide additional environmental protections, and transfer deferred certification areas, which include the Los Cerritos Wetlands, into the City's jurisdiction, subject to appeal to the Coastal Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission certify LCP Amendment Request No. 1-19 with **sixteen (16)** suggested modifications necessary to protect coastal resources including sensitive habitat, biological resources, cultural resources, lower-cost overnight accommodations, recreational opportunities, and public coastal views. The motions and resolutions to carry out the staff recommendation are on **pages 8 through 10**. The suggested modifications to the LCP amendment request are included as **Exhibit 5** of this staff report.

The City proposes to certify SEASP for current areas of deferred certification where the Commission currently is the permit-issuing agency and Chapter 3 of the Coastal Act is the

standard of review. The Commission has processed permits for this area since 1977 and holds all permit records since that date. For the purposes of reviewing for consistency with Section 30235 of the Coastal Act in a Commission-issued coastal development permit, the standard of legality of existing structures is already established as January 1, 1977. For areas previously certified under SEADIP found consistent with Chapter 3 policies in 1980, there is support for an interpretation that existing structures mean structures that existed on a site prior to the effective date of the Coastal Act on January 1, 1977.

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. Although the definition of “existing” structures under Section 30235 of the Coastal Act has been a matter of some controversy before the Commission, read together, the most reasonable and straightforward interpretation of Coastal Act Sections 30235 and 30253 of the Coastal Act is that they demonstrate and substantiate a broad legislative intent to allow shoreline protection for development that was in existence when the Coastal Act was passed, but to require any new development approved after that date to be designed and sited in a way that avoids the need for shoreline protection.

The suggested modifications also include the addition of a new chapter with necessary wetlands and ESHA protection policies that were not included as part of the proposed amendment. Given that a large portion of the SEASP area contains 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. This chapter also includes policies for protection of water quality and a new tree-trimming policy. Suggested modifications also clarify what types of uses and development would be consistent with the wetland and ESHA protection policies in response to the City’s proposal to create a new land use category for Coastal Habitat/Wetlands/Recreation which encompasses areas that are more broad than just land containing ESHA and Wetlands.

In addition, the protection of lower cost overnight accommodations in the SEASP area is particularly important. There is only one existing hotel that provides lower cost overnight accommodations within the SEASP planning area. Another hotel in the SEASP area was demolished within the past few years which contained 150 lower cost overnight accommodations. Because the currently certified SEADIP document did not contain language for protection of these previously existing lower cost rooms, they were demolished and not replaced.

As far back as 2011, Commission staff brought this deficiency in SEADIP to the attention of the City and requested that an amendment be processed to address the issue. 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 8 additional policies which require prioritization of new lower cost overnight accommodations, 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 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. The policies also encourage a range of accommodation types at various price points.

Other minor suggested mods include the addition of several important coastal resource protection policies 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 existing certified language related to oil production, requests for updated maps, as well as clarification to areas of the Commission's retained jurisdiction.

Therefore, staff recommends that the Commission, after public hearing:

- 1. Deny the LCP amendment request as submitted; and,**
- 2. Certify, only if modified, the LCP amendment request.**

TABLE OF CONTENTS

I. PROCEDURAL OVERVIEW	5
A. STANDARD OF REVIEW	5
B. LOCAL REVIEW AND DEADLINE FOR COMMISSION ACTION	5
C. TRIBAL CONSULTATION.....	7
II. MOTIONS AND RESOLUTIONS	8
A. DENIAL OF LUP AMENDMENT AS SUBMITTED.....	8
B. APPROVAL OF LUP AMENDMENT WITH SUGGESTED MODIFICATIONS.....	8
C. DENIAL OF IP AMENDMENT AS SUBMITTED	9
D. APPROVAL OF IP AMENDMENT WITH SUGGESTED MODIFICATIONS	9
III. SUGGESTED MODIFICATIONS	10
IV. FINDINGS FOR DENIAL AS SUBMITTED & APPROVAL IF MODIFIED AS SUGGESTED	10
A. PLAN AREA HISTORY, DESCRIPTION, AND ENVIRONMENTAL SETTING	10
B. AMENDMENT DESCRIPTION	11
C. BIOLOGICAL RESOURCES & WATER QUALITY	14
D. COASTAL HAZARDS	24
E. LAND USE AND NEW DEVELOPMENT	33
F. PUBLIC ACCESS AND RECREATION.....	41
G. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES	46
H. SCENIC AND VISUAL RESOURCES.....	48
I. GENERAL LCP ADMINISTRATION.....	49
J. CALIFORNIA ENVIRONMENTAL QUALITY ACT	53

EXHIBITS

Exhibit 1 – City Ordinances and Resolutions*

Exhibit 2 – Area of Deferred Certification

Exhibit 3 – Proposed Changes to the Southeast Planning Area

Exhibit 4 – Proposed Land Uses

Exhibit 5 – Suggested Modifications

Exhibit 6 – SEASP Jurisdiction Map

Exhibit 7 – Sensitive Coastal Habitat Areas Map

**Due to the length of Exhibit 1, only the resolutions, ordinances, and attachments referenced in this staff report are included. Other associated documents are on file in the Commission’s South Coast District Office.*

APPENDICES

Appendix A – Substantive File Documents

I. PROCEDURAL OVERVIEW

A. Standard of Review

SEASP is a specific plan that requires changes to portions of the certified Land Use Plan (LUP) and the certified Implementation Plan (IP) of the City of Long Beach LCP. The adequacy of the proposed amendment to the City's certified LUP, pursuant to Section 30512(c), is whether the proposed amendment meets the requirements of, and is in conformity with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the City's certified IP, pursuant to Section 30513 of the Coastal Act and Section 13542(c) of the Commission's regulations, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP, as conditionally certified by the Commission.

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.

B. Local Review and Deadline for Commission Action

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Long Beach Planning Commission and the City Council held public hearings on the proposed amendment summarized below:

The proposed changes to the City's LCP are contained in City Council Ordinance Nos. ORD-17-0022 (changes to the zoning code) and ORD-17-0023 (changes to the Land Use District Map), as well as City Council Resolution Nos. RES-17-0102 (changes to the LCP document) and RES-17-0103 (adoption of SEASP). The LCP amendment request was submitted for Commission certification by City Council Resolution No. RES-17-0104. All relevant resolutions and ordinances are attached as **Exhibit 1** of this staff report. The proposed changes to the City's LCP are contained in City Council Ordinance Nos. ORD-17-0022 (changes to the zoning code) and ORD-17-0023 (changes to the Land Use District Map), as well as City Council Resolution Nos. RES-17-0102 (changes to the LCP document) and RES-17-0103 (adoption of SEASP). The LCP amendment request was submitted for Commission certification by City Council Resolution No. RES-17-0104. Public notices for the hearings were published in the Long Beach Press Telegram and sent to interested parties.

The City of Long Beach Planning Commission held a public hearing for the LCP amendment on June 1, 2017. Approximately 30 individuals provided public comment. On this date, the Planning Commission approved recommendations to adopt Findings and Statement of Overriding Considerations, certify the Final Environmental Impact Report (EIR), repeal Planned Development District 1 (PD-1 or SEADIP), enact a General Plan Amendment relating to changing boundaries and content of the LCP, enact the LCP amendment, enact the Zoning Code Amendment, and enact a zone change with an amendment to limit the building height to five stories at the MarketPlace site.

The City Council held a public hearing for the resolutions associated with the subject LCP amendment (**Exhibit 1**) on September 19, 2017, during which the City Council adopted four related resolutions. The first was to receive documentation into the record, conclude the public hearing, deny an appeal, and certify the final EIR. Approximately 30 members of the public provided testimony. The second resolution was to amend the City's LCP related to the boundaries and regulations for the Southeast Area Specific Plan; no public comment was provided. A third resolution established SEASP. The City Council also declared the two related ordinances read for the first time and laid over to the next regular meeting. Finally, the City Council adopted the resolution directing the Director of Development Services to submit a request to the Coastal Commission to certify an amendment to the certified LCP.

On October 23, 2017 and February 2, 2018, following City Council approval of SEASP, two lawsuits were filed: *Long Beach Citizens for Fair Development v. City of Long Beach* and *Los Cerritos Wetlands Land Trust v. City of Long Beach*, respectively. In August 2018, the City of Long Beach entered into a settlement agreement with the parties in which the City agreed to retain a qualified biologist to prepare a generalized map of environmentally sensitive habitat areas (ESHA) using the Commission's definition of ESHA and submit the maps to the Commission as part of the LCP amendment application. The Commission received the ESHA maps as part of LCP amendment request file on January 29, 2019. The settlement agreements also resulted in redline edits to SEASP that identified additional wetlands protections, prohibited development in buffer areas around wetlands, and limited the maximum number of stories in existing shopping centers to 5. Some of these edits are reflected in the Commission's suggested modifications to the proposed LCP amendment, however, the Commission is not bound by the settlement agreements between the City and other parties.

On January 29, 2019, the City of Long Beach submitted a request to the Commission to amend its certified LCP. On July 26, 2019, after coordination with the City on multiple requests for additional information, the Executive Director determined that LCPA No. 1-19 was in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations and was deemed complete pursuant to the requirements of Section 30510 of the Coastal Act. On September 12, 2019, the Commission extended for one year the deadline for Commission action on this LCP amendment. Under Sections 30511, 30512, and 30517 of the Coastal Act, the time limit for Commission action on the proposed amendment request is October 24, 2020.

C. Tribal Consultation

City Process

The City of Long Beach conducted Native American consultations pursuant to Government Code Section 65352.3 (SB 18) and Public Resources Code Section 21080.3.1 (AB 52). The City submitted a request for a Sacred Lands File (SLF) check from the Native American Heritage Commission (NAHC). The NAHC conducted the SLF check on December 8, 2015 and provided the City with a tribal consultation list. The City sent letters to the individuals on the NAHC consultation list as well as representatives of tribal councils that had written requests to the City. A total of five individuals representing the Juaneño/United Coalition to Protect Panhe, Juaneño Band of Mission Indians Acjachemen Nation, Gabrieleño Band of Mission Indians Kizh Nation, Gabrieleño/Tongva Band of Mission Indians, and Soboba Band of Luiseño Indians responded with requests including continued contact as individual projects within the SEASP area are proposed and Native American Monitoring of all ground disturbing/earth-moving activities.

Commission Process

On August 8, 2018, the Commission adopted a Tribal Consultation Policy that acknowledges the colonization of indigenous territory and exclusion of native peoples from coastal areas, recognizes the importance of remaining Tribal Cultural Resources, and establishes a methodology for respectful, effective communication with California Native American Tribes (Tribes). The consultation policy encourages engagement with Tribes at the earliest possible stage in the review and decision-making processes. In March 2019, Commission staff requested a Sacred Lands File check and Native American Contact list from the NAHC. Within two days of receiving a response letter from the NAHC in April 2019, Commission staff sent a formal consultation request by mail to each individual on the NAHC contact list with a description of the planning area and proposed LCP amendment. This letter was followed up with an email sent to the NAHC list and other Tribes known to be interested in the general planning area in September 2019. Additionally, in August 2020, Commission staff called each contact and spoke with three Tribal representatives: two members of the Gabrieleño Band of Mission Indians – Kizh Nation and one member of the Gabrieleño-Tongva Indians of California Tribal Council. Commission staff consulted with these individuals on the significance of Tribal Cultural Resources in the subject planning areas and appropriate protection measures for Tribal Cultural Resources.

For Additional Information

Public counter hours for all Commission offices are currently suspended in light of the coronavirus. However, the file can be reviewed upon request. Please send requests to SouthCoast@coastal.ca.gov. In addition, the staff report can be viewed on the Commission's website: <http://www.coastal.ca.gov/mtgcurr.html>. For additional information, contact Dani Ziff at dani.ziff@coastal.ca.gov.

II. MOTIONS AND RESOLUTIONS

Staff is recommending that the Commission approve the LUP amendment if modified and the IP amendment if modified. The Commission must take two separate actions for the LUP amendment and the IP amendment to implement the staff recommendation, resulting in four actions in total.

A. Denial of LUP Amendment as Submitted

Motion I:

I move that the Commission **certify** Land Use Plan Amendment LCP-5-LOB-19-0008-1 as submitted by the City of Long Beach.

Staff recommends a **NO** vote. Passage of this motion will result in rejection of Land Use Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Deny as Submitted:

The Commission hereby denies certification of Land Use Plan Amendment LCP-5-LOB-19-0008-1 as submitted by the City of Long Beach and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of LUP Amendment with Suggested Modifications

Motion II:

I move that the Commission **certify** Land Use Plan Amendment No. LCP-5-LOB-19-0008-1 to the City of Long Beach certified LCP if modified in conformance with the suggested changes recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Amendment to the Land Use Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify if Modified:

The Commission hereby certifies Land Use Plan Amendment LCP-5-LOB-19-0008-1 for the City of Long Beach if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan

amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Denial of IP Amendment as Submitted

Motion III:

I move that the Commission **reject** Implementation Plan Amendment No. LCP-5-LOB-19-0008-1 to the City of Long Beach certified LCP as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

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. 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.

D. Approval of IP Amendment with Suggested Modifications

Motion IV:

I move that the Commission **certify** Implementation Plan Amendment No. LCP-5-LOB-19-0008-1 to the City of Long Beach certified LCP if modified in conformance with the suggested changes recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Amendment to the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify if Modified:

The Commission hereby certifies the Amendment to the Implementation Plan 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 conforms with and is adequate to carry out the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program if modified as suggested 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 Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

The following changes to the submitted City of Long Beach Land Use Plan and Implementation Plan are necessary to make the requisite findings. If the City accepts the suggested modifications within six months of Commission action (i.e., by April 7, 2021), by formal resolution of the City Council, the City's Local Coastal Program will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

Please see **Exhibit 5** for the suggested modifications to the City of Long Beach LCP amendment.

IV. FINDINGS FOR DENIAL AS SUBMITTED & APPROVAL IF MODIFIED AS SUGGESTED

A. Plan Area History, Description, and Environmental Setting

The southeast area of Long Beach is located at the corner of the Los Angeles County/Orange County Border, adjacent to the City of Seal Beach. For thousands of years prior to the development of this area, the land was inhabited by native peoples including the Tongva, which would also become known as the Gabrieliño. Other Tribes have ties to the land including the Gabrieleño Band of Mission Indians - Kizh Nation and Juanefío Band of Mission Indians Acjachemen Nation. Before the area was built out and the Los Angeles and San Gabriel Rivers were channelized, what is now southeast Long Beach was part of a larger, dynamic river delta.

In 1977, the Long Beach City Council adopted the Southeast Area Development and Improvement Plan (SEADIP) and associated planned development ordinance (PD-1) for additional housing, commercial development, and light industrial use of the area approximately bound by the Long Beach/Seal Beach border to the east and south; East Marina Drive, Marine Stadium, and Appian way to the west (respectively, moving from south to north); and Colorado Street, Bellflower Boulevard, and 7th Street at the northern

boundary (west to east, respectively). SEADIP, as applicable in the coastal zone, was then adopted by reference as part of the Long Beach LCP as a specific plan in 1980, with the exception of a portion of the planning area (**Exhibit 2**) for which certification was deferred until a wetland delineation and appropriate buffer areas were identified.

The new proposed planning area differs from the SEADIP area in that it includes the currently deferred certification area (ADC), or “white hole,” accounts for a 2012 County boundary adjustment at the southeast boundary, and removes some residential and institutional use sites at the northwest corner (**Exhibit 3**). Thus, the SEASP planning area approximately follows the southeast City boundary, up along the eastern side of the San Gabriel River to align with East Marina Drive and across the Los Cerritos Channel to Boathouse Lane, around the western edge of Marina Vista Park to Colorado street until it intersects with Bellflower Boulevard, then north to 7th Street and generally east to the City boundary at the San Gabriel River (**Exhibit 6**). The coastal zone boundary, which divides the SEASP area into a northern section outside of the coastal zone and a southern coastal zone area, generally follows Colorado Street to Pacific Coast Highway (PCH), and Loynes Drive from PCH to the Los Cerritos Channel where it extends a couple blocks north and then arcs over the Los Cerritos Channel and San Gabriel River to the eastern City boundary (**Exhibit 6**).

The majority of the SEASP area is located within the coastal zone area and is developed with recreational boating docks, public parklands, a lower-cost hotel, a mobile home park, shopping areas, residential developments, oil operations, and industrial development. In addition, there are remnants of the natural landscape including wetlands and other coastal habitat areas and open water. Outside of the coastal zone (not subject to review under the proposed LCP amendment), there are public parks, a freshwater marsh ecological reserve, residential developments, a commercial center, an elementary school, and a golf course. The City-adopted SEASP document applies outside of the coastal zone.

B. Amendment Description

Local Coastal Program (LCP) Amendment Request No. 1-19 would amend multiple components of the City of Long Beach certified LCP, including the certified Zoning Code, Local Coastal Plan document, and land use map, and add the Southeast Area Specific Plan (SEASP) to the LCP to replace the certified SEADIP. The proposed amendments to each relevant element of the certified LCP are described in more detail below.

The LCPA request includes changes to Section 21.37.020, *Districts Established*, and Section 21.37.210, *Specific Plans established*, of the City’s Zoning Code to replace the SEADIP planning district with SEASP and establish SEASP as a new specific plan, respectively. However, the City’s record of the certified Zoning Code is not entirely consistent with the Commission’s record of the certified IP. Thus, the City is also proposing to add Douglas Park Planning District to Section 21.37.020, which is a Planning District outside the coastal zone. In addition, Section 21.37.210 has not been certified by the Commission; so, the entire section is proposed to be added to the IP.

In order to fully replace SEADIP with SEASP, the subject LCP amendment also involves modifications to the City of Long Beach Local Coastal Plan document (LCP document), which contains area descriptions, LUP policies, and IP policies. The document currently

describes the SEADIP specific plan area and the plan's development. 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.

The purpose of the LCP amendment is to adopt the Southeast Area Specific Plan, SP-2, as part of the LCP. SEASP contains both LUP and IP policies that guide new development in the specific plan area. The City created new land use designations to encourage mixed use development (Mixed-Use Marina and Mixed-Use Commercial) and protect and provide limited access to coastal habitats and wetlands (Coastal Habitats/Wetlands/Recreation) in the SEASP planning area. The locations and extent of the land use designations within the SEASP area are shown in **Exhibit 4**.

When the City of Long Beach Local Coastal Program, including SEADIP, was certified on July 22, 1980, the Commission deferred certification of part of the planning area because the area contained valuable habitat (wetlands and a least tern nesting site) that was zoned for residential development, and because portions of the wetlands were unincorporated Los Angeles County and were not within the jurisdiction of Long Beach. Specifically, the Los Cerritos Wetlands and subareas 33, 11a and 11b, 25, 26a and 26b, 27, 28, and 30 of SEADIP were excluded from certification (**Exhibit 4**). This area amounted to roughly 265 acres of wetlands and open space. The Commission found that this area, which included several parcels designated for residential and business park uses, could not be found consistent with Chapter 3 of the Coastal Act until the extent of the Los Cerritos Wetlands and adjacent buffer areas were determined or until a separate plan was prepared for the area.

A joint LCP between the City of Long Beach and Los Angeles County for the Los Cerritos Wetlands was approved by the Commission with suggested modifications on February 22, 1984 and revised findings were adopted on April 11, 1984. The LCP included policies to protect, restore, and enhance at least 129.5 acres of wetland, allow for potential development of 814 homes on approximately 115 acres, and allow for continued oil drilling. The Los Cerritos Wetlands LCP also incorporated the Commission-approved and conditioned Los Cerritos Wetlands Enhancement Plan (California Coastal Conservancy Project # 3-81). The City adopted its portion of the suggested modifications, however, it did not submit its ordinance to the Commission before the expiration date and there were unresolved issues with the County relating to oil operations. Thus, the Commission's certification did not take effect. The City had planned to resubmit the plan with suggested modifications incorporated in 1986, however that did not occur. After October 1989, no further action or correspondence occurred and on November 5, 1997, the Los Cerritos Wetlands area was annexed from Los Angeles County into the City of Long Beach.

On February 28, 2018 the City of Long Beach submitted a request to amend LUP and IP policies in SEADIP and the City's Oil Code, both components of the City of Long Beach's LCP, which added Oil Production Uses as an allowable use on two sites located within the SEADIP area, the Pumpkin Patch site and the Los Cerritos Wetlands Authority (LCWA) site and revised the City's Oil Code to reflect the addition of these two areas as "Oil Operating Areas." On August 8, 2018, the Commission approved LCP Amendment No. 1-

18 (LCP-5-LOB-17-0026) with suggested modifications to ensure that any new oil and gas development within SEADIP is authorized in a manner that would protect potentially affected coastal resources. This entailed adding new LUP and IP policies to ensure that any new oil and gas-related development is designed, constructed and operated in a manner that consolidates existing oil and gas facilities, protects coastal resources including marine resources, wetlands, ESHA, and cultural resources, and avoids or minimizes risks associated with oil spills and hazards. This amendment was formally certified by the Commission at its December 2018 meeting.

As part of the subject LCP amendment (LCPA 1-19), which aims to preserve the habitat function of the wetlands, the areas of deferred certification would be incorporated into SEASP. Thus, permit authority would be transferred to the City subject to appeal, pursuant to Section 30603(a) of the Coastal Act, with the exception of development proposed on tidelands, submerged lands, or public trust lands, pursuant to Coastal Act Section 30519(b). In addition, SEASP also includes approximately 6 acres of land, formerly located in the County of Orange (Seal Beach), that was added to the City of Long Beach (Los Angeles County) as a result of a boundary adjustment between the two counties in 2012.

To account for these changes, the City proposes to update relevant maps, including the map that identifies coastal development permit jurisdiction boundaries and appealable areas (Figure 1-3 of Exhibit A, RES-17-0102). As stated above, with the exception of public trust lands, which would remain within the Coastal Commission's jurisdiction, the City proposes that the current white hole areas would become part of the City's appealable jurisdiction. The 6 acres gained through the boundary adjustment are also proposed to become part of the City's appealable area.

Finally, LCPA 1-19 includes modifications to parts 6, 7, 12, and 13 of the Land Use District Map to revert 3 acres of Planned District 1 (PD-1) to Institutional use and 6 acres of PD-1 to Single-family residence, small lot (R-S-1). The approximately 3 acres proposed to be converted to Institution are currently designated for park use under SEADIP, but are developed with the Long Beach Fire Station 14 and Conservation Corps offices. The area that would be converted to R-S-1—Single-Family Residential, Small Lot—is currently developed with 38 single-family residences. As proposed, these areas would be located within the Belmont Heights/Belmont Park Community Plan Area (Area C) of the coastal zone and would, therefore, be subject to the LCP policies relating to that subarea, as well as the general policies of the LCP. Institutional and R-S-1 uses are also subject to the zoning requirements of the certified IP.

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

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

C. Biological Resources & Water Quality

Historically, the SEASP area was part of a large estuary at the intersection of the Pacific Ocean and the Los Angeles and San Gabriel rivers. This dynamic coastal landscape supported a wide range of natural resources, including springs, intertidal flats, wetland habitats, plants, and animals. Indigenous people, whose descendants still inhabit the broader area and access the culturally significant SEASP area, used the oil, salt, plants, and animals for subsistence, medicine, construction, and trading. Development over the last couple of centuries has resulted in extensive loss and degradation of wetland and coastal habitats. There are few remaining natural landscapes within the coastal area of Long Beach, the majority of which are located in the SEASP area. These include, but are not limited to, the Los Cerritos Wetlands complex, including Steamshovel Slough within the City of Long Beach, which continue to provide significant cultural and natural resources.

Coastal Act Policies

Section 30230 of the Coastal Act, *Marine resources; maintenance*, 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, *Biological productivity; waste water*, 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act, *Oil and hazardous substance spills*, states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233 of the Coastal Act, *Diking, filling or dredging continued movement of sediment and nutrients*, states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

Section 30240 of the Coastal Act, *Environmentally sensitive habitat areas; adjacent developments*, states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) 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.

Long Beach LUP Policies

Land Use Policies 1 through 6 of SEADIP are substantially the same as the above Coastal Act policies.

Introduction, *Coastal Resources*, section of the LCP document states:

The water resources of Alamitos Bay, Marine Stadium, Sims Pond, Colorado Lagoon, and Los Cerritos Wetlands are monitored, preserved, and enhanced by a formal set of policies promulgated by the Resources Management Plan. A balance between human use and ecological concerns is the principal theme of this Plan. The beaches are preserved in perpetuity by the dedication policy, and enhanced by limited development programs which will encourage sensible public use.

Preservation of Natural Resources, *Goal (g)*, of the open space policies states:

To preserve areas which serve as natural habitats for fish and wildlife species and which can be used for ecologic, scientific, and educational purposes.

Preservation of Natural Resources, *Goal (h)*, of the open space policies states:

LCP-5-LOB-19-0008-1 (City of Long Beach)

To locate, define and protect other beneficial natural habitats in and about the City.

Policy 1.1 of the Open Space and Recreation Element states:

Promote the creation of new and reestablished natural habitats and ecological preserves including wetlands, woodlands, native plant communities and artificial reefs.

Policy 2.4 of the Open Space and Recreation Element states:

Preserve, enhance and manage open areas to sustain and support marine life habitats.

Program 1.1 of the Open Space and Recreation Element states:

Ensure compliance with all Federal and State laws which protect rare, threatened and endangered species.

Program 2.3 of the Open Space and Recreation Element states, in part:

Preserve and protect water resources available to the City of Long Beach...

When the Long Beach LCP was certified in 1980, the Commission deferred certification of a substantial portion of the subject area (“white hole”; **Exhibit 2**), which at the time was known to contain a Least Tern preserve and wetlands. The Commission’s findings included statements that SEADIP did not recognize the wetland habitat value of the area and could not be certified as consistent with Chapter 3 of the Coastal Act until the extent of the Los Cerritos Wetlands and associated buffer areas are determined or upon Commission approval of a separate plan. The subject LCP amendment includes a request by the City to certify the “white hole” area without area-wide wetland determinations. The City’s reasoning is that it would be premature to conduct a wetland delineation study prior to the preparation of SEASP when more up-to-date analyses would be required at the time a specific project is considered. So, instead of conducting an area-wide wetlands determination, the City established the Coastal Habitat/Wetlands/Recreation (CHWR) land use designation and included policies in SEASP to require wetland delineations for any project that may be located in proximity to wetlands, 100 foot buffers from wetlands that could be reduced to a minimum 25-foot “habitat separation”, more intensive permitting requirements for projects within 100 feet of the Los Cerritos Wetlands, and establishment of a wetland conservation and monitoring fund.

Sections 30230 and 30231 of the Coastal Act protect water quality and marine resources; Section 30233 only allows specific activities to be conducted in wetlands when impacts are minimized and mitigated; and Section 30240 protects environmentally sensitive habitat areas (ESHA). As proposed, the LCP amendment does not include biological resource or water quality policies protecting marine resources or environmentally sensitive habitat areas and the wetland policies in SEASP do not conform to the Coastal Commission’s definition of wetlands and do not adequately protect potential wetlands, nor does the proposed language duplicate these requirements by retaining any SEADIP policies. 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.

Therefore, LCPA 1-19, as submitted, does not conform with the biological resource protection policies of the Coastal Act or the LCP.

In order to revise SEASP to include adequate biological resource protections in a manner that is easily accessible and useful as a standard of review for the City, **Suggested Modification 8** adds a natural resources chapter to SEASP. The City's proposed natural resource policies (SEASP sections 4.4.12 and 5.9-5.11) are deleted from their respective chapters and relocated to the new suggested natural resources chapter. **Suggested Modification 4** reminds the City to update the Table of Contents, lists of tables, figures, and appendices, and all relevant references to accommodate the suggested modifications to this LCP amendment.

The new chapter includes relevant Commission definitions, Coastal Act policies, a brief description of the SEASP area and more detailed descriptions of SEASP's natural areas, lists of allowable uses in certain habitat areas, and policies to ensure protection of such resources, including preserving existing SEADIP policies that are protective of the resources. The descriptions of natural areas include information from past biological surveys (that should not be used in lieu of a project-specific biological survey) regarding the habitat types and sensitive species that have been observed or have the potential to occur in that area. In addition, modifications to other chapters of SEASP are suggested to address specific policies that, as adopted by the City, could adversely impact marine and coastal ecological resources. These specific changes are discussed in more detail below.

Wetlands and ESHA

As stated above, SEASP, as adopted by the City, does not conform with the natural resource protection policies of the Coastal Act nor the certified LUP. There are no policies protecting ESHA or water quality, which would be necessary for SEASP to be consistent with Sections 30230, 30231, and 30240 of the Coastal Act. In addition, SEASP's wetland policies are not sufficient to meet the requirements of Section 30233 of the Coastal Act because they will not preserve and restore the remaining natural resources in the Long Beach coastal zone, which is a goal of the City.

With respect to wetlands, SEASP includes a requirement for new development projects within the CHWR designation to conduct a biological study to determine the location and extent of wetlands on a site. Either a preliminary jurisdictional wetland delineation approved by the U.S. Army Corps of Engineers or a letter signed by a qualified biologist declaring that no wetlands or sensitive resources will be impacted would be submitted with a project application. This policy does not meet the City's intent to identify and preserve wetlands that may potentially exist within the CHWR designation area for the following reasons.

First, because there is no area-wide wetland delineation, there is potential for wetlands to be located throughout the CHWR district, including on the boundary of said district. Thus, a project located adjacent to this land use designation area could potentially impact wetlands that may exist on an adjacent property. Similarly, a delineation conducted on a project site might not capture wetlands located on neighboring sites that could be impacted by the development. Furthermore, SEASP includes a policy to maintain 100-foot buffers from wetlands, which would necessitate surveys of all areas within 100 feet of the property's

boundaries and biological studies for properties within 100 feet of the CHWR designation area, however, these requirements for biological surveys or wetland delineations are not part of the proposed LCP amendment.

Second, the Commission's definition of a wetland is different and more specific than the Corps' definition. Habitat that would qualify as wetlands under the Commission's definition, and would be afforded the Coastal Act's wetland protections, may not qualify under the Corps' definition. Thus, a wetland delineation approved by the Corps' may not delineate all wetlands, as defined by the Coastal Commission. Third, there are no requirements that the qualified biologist would be conducting appropriate biological surveys during appropriate times of the year before signing a letter declaring that no sensitive resources would be impacted.

Fourth, with regard to the City's proposed buffer policies, the policy (as adopted by City Council) "typically" requires 100-foot buffers from wetlands, but smaller buffers can be approved due to site-specific conditions if contributions are made to the Wetland Conservation and Monitoring Fund. Pursuant to a settlement agreement, City staff has proposed language (not adopted by City Council) to only allow reduced buffers if the City finds that the 100-foot buffer is infeasible and the approved buffer is the widest feasible. Even as modified per the settlement agreement, the policy is not specific enough to prevent impacts to wetlands. There are also no requirements for buffers from ESHA in the City-adopted version of SEASP because there are no ESHA protection policies.

Therefore, the LCP Amendment, as submitted, does not meet the requirements of, and is inadequate to carry out, Chapter 3 policies of the Coastal Act. The modifications outlined in the following section are necessary for the LCP Amendment's policies regarding ESHA, wetlands, and water quality to be consistent with Chapter 3 of the Coastal Act.

Definitions

Suggested Modification 8 includes the addition of a definition section with the Coastal Commission definitions of wetlands and ESHA sourced from the Coastal Act and Commission's regulations. This section clarifies which resources are protected pursuant to which policies, what qualifies as ESHA, and which characteristics are associated with wetlands. 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. An additional definition for "sensitive coastal habitat areas" is added, as requested by City staff, to clarify SEASP policies relating to habitat areas that may contain wetlands, ESHA, or other sensitive resources.

ESHSA, Wetlands, and Marine Resources Protection Policies

As discussed above, to ensure protection of marine resources, wetlands, and ESHA consistent with the relevant Coastal Act and LUP policies, it is necessary to include

Coastal Act policies relating to biological resources and water quality in the subject LCP amendment (**Suggested Modification 8**). In addition, the new chapter includes 33 policies that specify how SEASP ensures that development will conform with the applicable Coastal Act and LUP policies. Some of these policies are relocated and/or modified from City-adopted sections of SEASP. Together, the policies described below ensure the protection of wetlands and ESHA by outlining the processes for identifying these areas, requiring development to avoid impacts to these habitat areas, and, where allowable development cannot avoid impacts, mitigation requirements.

Policy 5.17 requires biological surveys for any CDP application for a project located within 100 feet of wetlands, ESHA, or sensitive coastal habitat areas (as defined and discussed below) where the presence of wetlands and ESHA is uncertain. 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 to determine whether sites are ESHA. Such determinations are required to understand how the policies within SEASP should apply to a project. Similarly, Policy 5.2 which was modified from City-adopted language, lays out when wetland delineations are required and what the applicant must submit when applying for approvals for new development. This policy requires wetland delineations to be conducted during the middle or end of the rainy season (Policy 5.3), using the Commission's definition of wetlands. As modified, applicants should be able to determine what uses and what buffers might be allowed or required on the property.

Uses allowed within ESHA, wetlands, and buffers are laid out in Policies 5.6 - 5.10 and include low-impact resource-dependent uses. New buildings, public facilities, roadways, and fuel modification zones are not permitted within buffer areas (Policy 5.20). Policy 5.16 requires the City to conserve and dedicate all preserved ESHA, wetlands, buffer areas, and mitigation areas in perpetuity.

Buffers are defined in Policy 5.20, which provides that minimum buffers of 100 feet from wetlands and ESHA area required and describes the purpose and function buffer areas. There is one exception to the 100-foot buffer rule and that is for existing paved areas at the MarketPlace site that are adjacent to a sensitive coastal habitat area where the buffer can be reduced only if the 100-foot buffer is determined to be infeasible, the approved buffer is the widest buffer possible, the buffer will sufficiently protect the wetland or ESHA, and it is no less than 50 feet. Additionally, Policy 18 requires all development projects within 100 feet of wetlands or ESHA and all land within the CHWR designation district to provide signage plans prior to approval of trails/access plans, submit a photometric plan that minimizes light spillage into natural areas, and prepare a brochure to educate residents on the responsibilities associated with living near sensitive biological habitat.

For allowable impacts to ESHA and wetlands when such impacts cannot be avoided through the implementation of siting and design alternatives, Policy 5.14 requires mitigation in the form of habitat creation or substantial restoration and Policy 5.15 requires monitoring of any mitigation for a minimum of five years or until performance standards are met. In addition, as adopted by the City (relocated from the Coastal Act Consistency section of SEASP) and suggested to be modified in collaboration with City staff, Policy 5.11 requires no net loss of wetland acreage or habitat value. For allowable uses within wetlands, when impacts are unavoidable, this policy also requires replacement of the impacted wetland through the creation of new wetlands, preferably within the same

wetland system and in-kind, at a ratio of no less than four acres created per one acre impacted. Policy 5.19 establishes a Wetland Conservation and Monitoring Fund, which was also a requirement under SEADIP, where each development or redevelopment within the SEASP area that results in a net increase in development in the SEASP area contributes on a fair share for the restoration and long-term management of the wetlands. Modifications to the City adopted-language are suggested to add additional specificity (taken from the SEADIP policy) about when the fees will be assessed and when the funds can be transferred.

Other policies are suggested to ensure marine resources, wetland and ESHA are protected. Policy 5.27, requires a minimum 400-foot wide corridor between the MarketPlace site, including Shopkeeper Road. This policy is carried over from SEADIP and was also part of the Commission-approved uncertified Los Cerritos Wetlands LCP. The Commission-approved LCPA 1-18 and associated oil consolidation project (CDP No. 9-18-0395), if developed, will maintain this habitat corridor; however, inclusion of this policy is necessary to ensure that future development will not adversely impact biological resources key in maintaining the health of the marine ecosystem. For unpermitted bulkheads, patios, or other structures that displace or impact wetlands, ESHA, or open coastal waters and existing encroachments into public space or natural habitats, Policy 5.12 requires removal of such structures and prohibits new encroachments. **Suggested Modification 8** acknowledges that natural areas may shift and migrate, especially as the tidelands/public trust boundary may migrate, which could affect the location of different habitat areas, including wetlands. This new chapter also acknowledges that as sea levels rise, the first areas that are anticipated to be prone to more regular flooding and inundation are, for the most part, the natural areas. Healthy ecosystems should be able to adapt to these changes, however, given that the natural areas are surrounded by urban development, unless space is made for wetlands and upland habitat to migrate, eventual loss of these natural habitats is possible. Thus, Policy 5.4 is suggested to require the City to consider strategies to avoid loss of habitat area and value, including moving the line of development, in the review of new development applications and preparation of future City land use and climate adaptation plans.

Allowable Uses

Table 4-4, *Permitted Uses*, is unclear about the coastal development permit (CDP) requirements for changes in use or for projects involving the allowable uses in the table. It is also unclear about how some of the allowable uses in the Channel/Marina/Waterway (CMW) and CHWR designations, including private event facilities (CHWR), museums (CHWR), boat storage facilities (CMW & CHWR), and recreational retail sales (CMW & CHWR), would be permitted if, in fact, wetlands or ESHA were found on site or within 100 feet of the property. To clarify which uses are allowed within designations with potential sensitive coastal habitat areas, **Suggested Modification 8** lists the designations that contain the natural resource areas described in the new chapter and the allowable uses within each of those designations, as suggested to be modified pursuant to **Suggested Modification 7**, which includes changes to Table 4-4. For the CHWR designation, the allowable uses are separated into categories of uses allowed in the general CHWR district, but not in areas with wetlands, ESHA, or their buffer areas, uses allowed within wetlands

(Policies 5.6 and 5.9), uses allowed within ESHA (Policies 5.7 and 5.8), and uses allowed within ESHA buffers (Policy 5.10). The uses listed in the new suggested natural resources chapter are consistent with Coastal Act Sections 30233 and 30240 of the Coastal Act and habitat and wetland protection policies of the LCP.

However, to ensure internal consistency within SEASP and protect natural resources, Table 4-4 is also suggested to be modified. Table 4-4 is structured to identify which uses are allowed within the new land use designation districts pursuant to what permitting requirements. As adopted by the City, uses are permitted by right, pursuant to an Administrative Use Permit, pursuant to a Conditional Use Permit, as an accessory use, or as a temporary use. Thus, as submitted, the table does not clarify what the CDP requirements. **Suggested Modification 7** adds a note to the table that clarifies that development within the coastal zone is subject to CDP requirements and may require biological assessments.

The certified zoning code includes the procedures for processing local CDPs and lays out what types of development require a permit and what categories of development are exempt from CDP requirements. The City's exemption criteria are somewhat different than those of the Commission. The same exemptions for minor additions to single-family residences are included; however, the City additionally exempts all development that is consistent with the certified LCP, including the zoning code, applicable water quality standards, best management practices and pollution controls, and which do not require discretionary approvals. Thus, uses allowed by right that have the potential to impact sensitive coastal resources, including wetlands and ESHA, could be exempt from local CDP requirements, while Administrative Use Permits and Conditional Use Permits would automatically trigger the need for the City to process a local CDP. Therefore, private events facilities, coastal recreational retail, camping facilities, and boat storage facilities in the CHWR designation and boat storage facilities in the CMW designation are suggested to be modified to require conditional use permits. **Suggested Modification 7** also suggests that museums, which are not coastal-dependent, should not be an allowable use in the CHWR designation.

In addition, a note for all conditionally allowable uses in the CHWR and CMW designation districts, as suggested, is recommended to be added that specifies that the use is only allowed on certain parcels (privately-owned), where appropriate for specific uses, located outside of wetlands, ESHA, and their respective buffers, and when sited, designed, and conditioned to avoid impacts to wetlands, ESHA, and coastal wildlife and to minimize impacts to coastal views (**Suggested Modifications 7 and 8**; Policy 5.5). If modified as suggested, the uses allowed pursuant to Table 4-4 would not impact wetlands, ESHA, or marine resources, consistent with Chapter 3 policies.

Shopkeeper Road

Part of the proposed plan for the SEASP area involves the possibility of extending Shopkeeper Road. This road currently provides access to the Market Place Shopping Center parking lot from 2nd Street along a portion of the northeast side of the site. The City would like to connect Shopkeeper Road and Studebaker Road to facilitate vehicular circulation. SEASP, as adopted, includes language that the road will be designed not to impact a delineated wetland. However, as adopted, wetland delineations have not been

conducted for all of the areas adjacent to Shopkeeper Road and wetland delineations would not be conducted in conformance with the Coastal Act definition of a wetland. Additionally, ESHA is not protected because, as adopted, SEASP is silent on whether the road could be developed within ESHA or an ESHA buffer area. Thus, this commitment does not conform with the biological resource protection policies of the Coastal Act.

Therefore, **Suggested Modifications 7, 8, and 10** include changes to the SEASP document that require any future proposed extension of Shopkeeper Road must be consistent with the policies of the LCP including the new wetland, ESHA, and buffer policies, as suggested to be modified under this LCP amendment.

Landscaping Requirements

For similar reasons as described in the above section relating to allowable uses, use of native, noninvasive plant species in projects involving new landscaping conforms with the biological resource sections of the Coastal Act and Long Beach LUP by preventing the spread of invasive species that could adversely impact marine ecosystems. This is especially important in areas close to sensitive coastal habitat areas, ESHA, wetlands, and waterways due to potential for wind, water, and/or animal transport of seeds. Some of the City's proposed SEASP policies call for new landscaping to be mostly native; one policy limits landscaping to non-invasive species. One policy requires landscaped plant species within 500 feet of natural areas to be native or varieties that will not invade habitat or hybridize with existing native vegetation, which is more protective of existing native vegetation, but only applies to the edge of Shopkeeper Road. Thus, to ensure protection of wetlands, ESHA, and marine ecosystems from invasion by exotic, native (invasive), or non-native plant and tree species, **Suggested Modification 11** includes a clarification that new street trees shall be native and non-invasive.

Sensitive Coastal Habitat Areas

Definitions

As stated above, a new definition is proposed to be added to SEASP through **Suggested Modification 8**. Sensitive coastal habitat areas are geographically defined areas, often undeveloped, that may contain wetlands, ESHA, or marine resources, but they are not necessarily the only areas with potential to support such habitat. For the purposes of this plan, sensitive coastal habitat areas include the Coastal Habitat/Wetlands/Recreation land use designation district and the 12 sites identified in **Exhibit 7**.

The policies described below are suggested to avoid and minimize impacts to all marine resources and, therefore, apply throughout the SEASP coastal zone, including all sensitive coastal habitat areas.

Water Quality

Specific water quality policies (Policies 5.21 - 5.26) are suggested that require development to include water quality protection measures, analysis of potential

mobilization of pollutants with rising groundwater and sea levels, utilization of ecologically responsible pest control methods, drainage plans and erosion, sediment, and pollution control measures as conditions of approval, and construction phase storm water pollutant controls, when appropriate (**Suggested Modification 8**) In addition, **Suggested Modification 11** requires new utilities to be sited, designed, and managed to minimize transport of pollutants by runoff and implementation of best management practices.

Lighting and Noise

Policies 5.18, 5.20, and 5.30 of **Suggested Modification 8** and **Suggested Modification 11** include changes to the City-adopted language and additional requirements for the minimization of light spillage and noise adjacent to sensitive coastal habitat areas, including open water, as well as requirements for dark-sky compatible lighting to minimize impacts to marine resources.

Bird Protections

For an urbanized area, SEASP has a relatively large amount of open marine, intertidal, and upland areas that provide foraging opportunities and habitat for birds and other species of wildlife. The SEASP planning area includes significant wetland habitat, such as the Los Cerritos Wetlands, a biologically significant resource meriting protection under several Chapter 3 policies (Sections 30230, 30231, and 30233). The certified LCP describes the relationship between birds and the wetlands: “Los Cerritos Wetlands is a feeding ground for local and migratory shore birds as well as being the nesting site of endangered species. The Wetlands is an important spawning area for near-shore and off-shore species of fish and as a food-producing source for Bay and ocean species.” These areas are described as a feeding-resting place for migratory birds on the Pacific Flyway, a unique marine resource. Raptors and owls are keystone species and serve a valuable function in the marine ecosystems.

In southern California, there has been a significant decline in wetland habitat and many wetlands have been replaced by marinas or otherwise reduced due to urban development and encroachment. As a result, many bird species have adapted to use urban landscaping, including stands of palm trees, in areas near wetlands, coastal waters, and other open spaces. Bird species that frequent this area and may use urban trees and other vegetation for foraging, roosting, or nesting activities include wading birds (great blue herons and snowy egrets), owls, and raptors. In particular, herons and egrets have adapted by relocating their roosting and nesting sites to stands of tall non-native pines, palms, ficus, and coral trees within highly developed areas. In many southern California locations, herons and egrets roost at colony sites all year. Herons and egrets are critical members of wetland ecosystems and their roosting and nesting colonies provide important ecosystem functions.

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 marine and coastal species, as required pursuant to Coastal Action Section 30230. Program 1.1 of the certified Open Space and Recreation Element (part of the certified LUP) requires the City to ensure compliance with federal and state laws, like the

Migratory Bird Treaty Act, which prohibits the take or killing of listed migratory birds or their nests.

As adopted by the City, SEASP includes detailed standards and guidelines for incorporation of bird-safe treatment of transparent surfaces, bird-friendly exterior and interior lighting, and bird-friendly landscaping (siting plants so that they do not reflect onto transparent surfaces) in the design of new development to minimize impacts to migratory birds and collisions of birds with the urban environment. These standards, which are part of the proposed amendment to the IP, conform with the City's certified LUP policies that require a balance of human use and ecological concerns and protection of sensitive species consistent with state and federal laws, as well as, the LUP policies in SEASP that relate to biological resources, as modified herein.

In order to adequately carry out the Coastal Act and LUP policies, as suggested to be modified, **Suggested Modification 8** includes additional protections relating to bird breeding and nesting. A policy is added that requires projects near nesting habitat to avoid construction activities during nesting/breeding season (January through September), conduct nesting bird surveys, and limit noise during construction (Policy 5.30). Additionally, a tree trimming and removal policy is incorporated into the LCP amendment to minimize impacts to trees used by birds for nesting, roosting, and breeding, as well as sensitive birds and their nests from City tree maintenance activities (Policy 5.31). City staff is in agreement with the inclusion of these policies in SEASP and is, in fact, currently working on a tree maintenance program for the City's jurisdiction areas within the coastal zone. This policy is consistent with the City's Tree Trimming and Removal Policy that was approved by the Commission in 2009 (CDP 5-08-187) for areas located within the Commission's retained jurisdiction. Furthermore, the City is currently processing a new CDP that will apply throughout the City's coastal jurisdiction area that will include similar policies and an implementation framework, which is referred to in the suggested modifications as "Tree Maintenance Procedures." With these modifications, the policies relating to the protection of birds in the coastal zone conform with the biological resource protection policies of the Coastal Act and the City's certified LUP, as suggested to be modified.

D. Coastal Hazards

The active Newport-Inglewood Fault Zone extends northwest to southeast through the center of the SEASP area, intersecting with Sim's Pond, the site of the Golden Sails Hotel, and Los Cerritos Wetlands complex. The soils underlying the coastal portion of the SEASP area generally consist of shallow artificial fill and poorly consolidated clay and silt, which are expansive and collapsible and could be subject to liquefaction and ground failure as a result of high intensity ground motion and the area's shallow ground water table (between approximately 3 and 20 feet below ground surface). The SEASP area is relatively flat and does not contain any significant elevation changes, which minimizes risks of landslides, but also contributes to extensive flooding that can be associated with storms or rises in sea level. There are records of subsidence onsite on the order of 1.2 to 1.6 feet due to oil extraction operations; however, water injection has since arrested subsidence. Areas

including the Los Cerritos Wetlands complex are also vulnerable to brush fires during the dry season.

Coastal Act Policies

Section 30253, *Minimization of adverse impacts*, states:

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.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30235, *Construction altering natural shoreline*, states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

LCP Policies

Land Use Policies 9 through 11 of SEADIP are substantially similar to Section 30253, above.

Page III-S-4 of the LCP document states, in part:

...Finally, the area lies along the Newport-Inglewood fault, a factor which must be taken into account in the design and placement of structures.

Goal 3 of the Open Space and Recreation Element states:

Provide for and maintain sufficient open space for adequate protection of lives and property against natural and man-made safety hazards.

Public Health and Safety, *Goal (b)*, of the open space policies states:

To utilize open space as one strategy by which the public can be protected from natural disasters.

Program 3.2 of the Open Space and Recreation Element states:

Continually monitor areas that are physically hazardous.

Mobility of People Policy 5-2 of the Mobility Element states:

Reduce vehicle miles traveled (VMT) and vehicle trips through the use of alternative modes of transportation and TDM.

Mobility of People Policy 5-3 of the Mobility Element states:

Encourage the use of low- or no-emission vehicles to reduce pollution.

Coastal Act Section 30253 requires the minimization of risks to life and property in areas of high geologic, flood, and fire hazard. As described above, the SEASP area is vulnerable to each of these coastal hazards. SEASP, as adopted by the City, includes some discussion and policies relating to geologic and flood hazards. It includes a map of the approximate Newport-Inglewood fault zone and property owners are notified that a fault study may be required and real estate disclosure of risk is required. The Plan also acknowledges that a 100-year flood event, according to FEMA maps, could affect Spinnaker Bay, Marina Pacifica, Del Lago, and Bay Harbour (all residential developments with waterfront public access components) and the Golden Sails Hotel site (affordable overnight accommodations). Planning for flooding due to sea level rise is cursory in SEASP and, while general adaptation strategies have been contemplated by City staff, a robust adaptation plan for sea level rise based on the best available science is yet to be developed.

The sea level rise scenarios analyzed in the plan do not conform with best available science; therefore, the risk to life and property from coastal hazards, including sea level rise, are not adequately addressed. In addition, the strategies described in SEASP to reduce risk to flooding impacts—raising the elevation of bulkheads protecting residential developments, raising the pad elevation and/or extending the bulkhead at the Golden Sails site, and soft defense or retreat in park and undeveloped areas—may not conform with Section 30235 of the Coastal Act, and may result in the permanent loss of park and open space areas. There are no policies relating to fire hazards. Additionally, because the plan does not utilize the best available science, the density for commercial and residential use reflected in SEASP may not be sustainable in the future given the coastal hazards.

For these reasons LCPA 1-19 does not conform with the hazards policies of the Coastal Act, as submitted.

Flooding and Sea Level Rise

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.

In SEASP, the City acknowledges potential flooding impacts under normal conditions plus a 100-year storm according to FEMA flood maps and analyzes the vulnerability of the

SEASP area to sea level rise on the order of 2.6 feet with a 50-year storm. Neither of these models for flooding are considered the best available science for impacts associated with sea level rise.

On November 7, 2018, the Commission adopted a science update to its Sea Level Rise Policy Guidance. These guidelines state, “to comply with Coastal Act Section 30253 or the equivalent LCP section, projects will need to be planned, located, designed, and engineered for the changing water levels and associated impacts that might occur over the life of the development.” The City analyzed a scenario of 2.6 feet sea level rise with a 50-year storm to assess risks to development out to the year 2060, when SEASP is proposed to sunset. As described in SEASP, this amount of sea level rise could potentially impact Spinnaker Bay, residential developments between Azure Way and Marine Stadium, Jack Nichol Park, the Golden Sails Hotel site, the Los Cerritos Wetlands, and undeveloped land located between the San Gabriel River and Haynes Inlet. Additionally, the Our Coast, Our Future Model, which uses Coastal Storm Modelling System (CoSMoS) data, shows flooding at the Marina Pacifica Shopping Center and adjacent residential neighborhood, Davies Launch Ramp, Jack Dunster Marine Reserve, in the industrial area at the AES site, and at the intersection of Loynes Drive and Bellflower Boulevard with 2.5 feet of sea level rise and a 20-year storm.

Best available science would suggest that there would be a 0.5% chance that sea levels would meet or exceed 2.5 feet of sea level rise by 2060. This corresponds with a medium-high risk aversion scenario, which is recommended for residential projects. As explained in the State of California Sea Level Rise Guidance written by the Ocean Protection Council (OPC), the “risk aversion scenario” is a principle of SLR risk analysis that is used to account for variable risk tolerance for different types of development by establishing sea level rise probability thresholds for varying degrees of risk aversion.

There are several problems with using the scenario described in SEASP. First, pursuant to Commission-adopted guidance, the City should be analyzing potential impacts over the life of planned development. Development projects constructed today that have an anticipated life of 75 to 100 years, such as residential developments, might experience impacts from coastal hazards toward the end of the development’s life, which could extend beyond 2100. Projects proposed toward the end of the SEASP planning horizon would likely last well beyond 2100. Thus, the City should analyze and plan for sea level rise scenarios that could affect development throughout its anticipated life, regardless of the 2060 planning horizon.

Second, medium high risk aversion scenarios are not recommended for all types of development. Development with high adaptive capacity such as trails can be analyzed under a low risk aversion scenario, whereas, new industrial developments with low adaptive capacity and high risk of adverse impacts if damaged should contemplate extreme risk aversion scenarios. In addition, given the biological, cultural, recreational, visual, and educational value of the Los Cerritos Wetlands and other open space areas and their vulnerability to sea level rise, planning in the SEASP area should consider extreme risk aversion scenarios and policies to allow for the continuation of SEASP’s natural habitat areas.

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. 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 higher elevations.

Coastal areas are inherently unpredictable, especially when making predictions about conditions in 75-100 years. The current trend of sea level rise appears to be in the direction of more accelerated sea level rise, not less, however, the Commission cannot determine with absolute certainty the timing of impacts of sea level rise-related hazards to development within the SEASP area; although the current best available science indicates that some of the first areas expected to be impacted are those containing sensitive habitat, public open space and waterfront accessways, and lower cost overnight visitor-serving accommodations.

With respect to shoreline protective devices, SEASP does not contain adequate policies to ensure compliance with Section 30253 of the Coastal Act. New residential development in a hazardous area is only permitted if it meets the standards of Coastal Act Section 30253 to minimize risks to life and property in areas of high geologic, flood, and fire hazard, assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area. However, structures constructed prior to the effective date of the Coastal Act (January 1, 1977) generally may be repaired and maintained and improved, with certain limitations, without the need to remove aspects of the structure that do not comply with Chapter 3 policies. However, when alterations to an existing structure are so extensive that they go beyond repair and maintenance, such that the structure is considered “redevelopment” or “new” development, the structure must conform to all applicable Coastal Act and LUP policies. Because SEASP lacks a clear definition of “redevelopment,” SEASP, as approved by the City, could allow structures that are effectively new structures to be protected with shoreline protective devices, inconsistent with Coastal Act section 30253.

In addition, Section 30235 of the Coastal Act requires approval of shoreline protective devices in certain, limited situations, including when necessary to protect coastal-dependent uses and “existing structures” and public beaches in danger from erosion, when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. SEASP includes policies relating to bulkheads and other forms of shoreline protective devices, but does not specify when structures are entitled to construct a shoreline protective device. In addition, where the City does state that raised bulkheads may be allowed for residential communities, parks, and undeveloped areas, there is no requirement that such projects would need to be consistent with Sections 30253 and 30235 of the Coastal Act.

Therefore, SEASP, as proposed, is not consistent with Chapter 3 policies of the Coastal Act, including Sections 30235 and 30253. In order to address these issues, modifications to several sections of SEASP are suggested.

Suggested Modification 12 suggests changes to Chapter 8 to update the Flood Zone and Sea Level Rise sections to account for new findings in sea level rise analyses conducted since the City's approval of SEASP, incorporates Coastal Act Section 30253 and 30235 as a standard of review for development within SEASP to address coastal hazards and minimize risk from hazards, and includes 18 new policies to ensure that future coastal development decisions are consistent with Chapter 3 policies and the hazards policies of the certified LUP.

New policies require that when new development that is not coastal dependent or otherwise entitled to shoreline protection under Section 30235 of the Coastal Act is vulnerable to coastal hazards during its expected life, the City shall require conditions of approval, such as a waiver of rights to shoreline protective devices, real estate disclosures, and an assumption of risk, and outline triggers for removal of development if it is exposed to hazards and cannot be protected. As sea levels rise, the flooding of low lying areas can lead to the migration of public tidelands. Property owners would be made aware of the possibility of the migration of public tidelands onto formerly private lands through required real estate disclosures and the City shall require new leases for encroachments onto public tidelands if and when this occurs, as required by the policies in **Suggested Modification 12**.

To further ensure that development is consistent with Section 30253, **Suggested Modifications 9 and 12** would require new development to be sited and designed to be safe from hazards, such as flooding, for the life of the development without reliance on a shoreline protective device. **Suggested Modification 11** includes policies that would require new lower-cost visitor-serving uses to be sited and designed to be safe from hazards, projects with underground parking to consider a rising ground water table when assessing the feasibility of such a project, and, where there is potential for mobilization of substances that may adversely impact water quality during flood events, new development to be designed to avoid such impacts. With regard to safety of lower cost visitor serving accommodations, Coastal Hazards Policy 6 (**Suggested Modification 12**), would require any proposal for redevelopment of the Golden Sails Hotel site, including the historic PCH club, to create a shoreline management plan with multiple alternative adaptation strategies and demonstrate that the development would be safe from hazards without shoreline protection. Policy 9 would also require new critical infrastructure and public works facilities to be sited outside of hazardous areas and for existing facilities that need to be redeveloped, the City shall plan for their relocation. Furthermore, **Suggested Modification 7** clarifies that development within the Open Space and Recreation land use designation must be consistent with the Open Space and Recreation Element and certified open space policies of the LCP, which encourage sufficient open space be provided and maintained to protect life and property from coastal hazards.

The policies would define "existing development" for the purposes of 30235 as 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 redevelopment. Although the definition of "existing" structures under Section 30235 has been a matter of some controversy before the Commission, read together, the most reasonable and straightforward interpretation of Coastal Act Sections 30235 and 30253 is that they demonstrate and substantiate a broad legislative intent to allow shoreline protection for

development that was in existence when the Coastal Act was passed, but to require any new development approved after that date to be designed and sited in a way that avoids the need for shoreline protection. Grandfathering existing structures and allowing owners to protect those structures would have been allowed in order to protect investment-backed expectations related to existing development that predated the regulatory requirements imposed by the Coastal Act (subject to other requirements of Section 30235 of the Coastal Act). However, for structures permitted after the Coastal Act went into effect, such protective structures would be disallowed due to the well-known adverse impacts to coastal resources typically caused by shoreline protective devices. For post-Coastal Act development approvals, new development was required to “minimize risk to life and property” and to “assure stability and structural integrity” through siting and design measures rather than by relying on protective devices that would substantially alter natural landforms along bluffs and cliffs or have other negative coastal resource impacts. In this way, the Coastal Act’s broad purpose to protect natural shoreline resources and public access and recreation would be implemented to the maximum extent.

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.

Suggested Modification 11 includes a change to a policy regarding the City’s commitment to sustainability to use the term “adapt” rather than “accommodate” when referring to designing new development for changing environmental conditions. In the climate change context, “accommodate” is one type of adaptation strategy. Adaptation, on the other hand, provides for a more broad range of strategies to be considered when planning with a changing environment, thus, the modification is suggested to allow for more flexibility in the range of strategies available to the City.

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 the appropriate risk scenario based on the development proposed. A new appendix 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.

Additionally, a modification is suggested to acknowledge that the “areas that have been identified as potentially impacted by SLR,” which are shown in SEASP Figure 8-5, are only the areas that are anticipated to be impacted with 2.6 feet of sea level rise. The modification also adds a Figure showing the extent of flooding associated with 6.6 feet of sea level rise and acknowledges that, while that currently corresponds with a medium-high risk aversion scenario, developers should use the best available science at the time of application for relevant projections for their projects. Modifications are also suggested to

clarify that the flood zones described in SEASP section 8.2.1 and depicted in Figure 8-1 are Federal Emergency Management Agency (FEMA) flood zones, which do not account for sea level rise.

Suggested Modification 12 also includes deletion of a couple sentences that would essentially pre-approve raised bulkheads for specific residential communities, parks, and undeveloped areas without a proper coastal development permit application or process, or the discretionary review of the approving body. If the proposal for raised or retrofitted bulkheads can be found consistent with the policies of SEASP and specifically, Section 30235 of the Coastal Act, then that project may be permitted at a later date. When flood protection measures are proposed, Policy 8 would require the evaluation of potential impacts to adjacent and nearby properties from such protection. In addition, Policy 11 would require any coastal resource or public resource (including public access, recreation, and view opportunities) impacts due to a shoreline protective device to be avoided and, where avoidance is infeasible, minimized and mitigated. The new policies make clear that nature-based adaptation strategies are the preferred for protection if shoreline protection is found consistent with the LCP policies.

Other policies in **Suggested Modification 12** address more long-term planning options and solutions for the future. Policy 15(b) would require the City to conduct periodic reviews of shoreline protective devices to assess the effectiveness of the protection, reassess the impacts and need for protection, and reduce or remove and restore areas where assessments identify that there is greater benefit to reduction or removal of a shoreline protective device or if it is not needed to protect development consistent with Section 30235. Similarly, Policy 18, which calls for the City or communities to prepare community-scale adaptation plans that include a broad range of long-term strategies, to also assess the continued efficacy of any shoreline protective devices in the community or affecting the community and remove or reduce such protection, if there is greater benefit to reduction or removal of a shoreline protective device or if it is not needed to protect development consistent with Section 30235.

A new policy requires the City to establish programs to address severe sea level rise through future LCP amendments and evaluate programs such as: creation of hazard abatement districts, rolling easements, transfer of development rights, and long term adaptation plans for managed retreat and incorporate appropriate triggers for implementation of these programs; and exploration of community scale adaptation plans with long term adaptation strategies; as well as inclusion of the Long Beach Climate Action and Adaptation Plan into the LCP in the future. Additionally, **Suggested Modifications 7 and 10** would require future regional roadway improvements to be sited and designed to minimize risk from hazards and incorporate sea level rise adaptation measures. Further, as discussed in the previous section, to prevent further loss of biological resources, including wetlands and ESHA, as sea levels rise, the City would be required to consider strategies in land use and climate adaptation planning efforts to avoid the loss of habitat area and value (**Suggested Modification 8**). Finally, **Suggested Modification 13** includes a change to the list of ongoing developments planned for in SEASP to require sea level rise vulnerability and adaptation to be reviewed regularly, at most every 10 years and assure that best available science is informing planning efforts.

Without the aforementioned suggested modifications, SEASP could not be found consistent with Sections 30253 and 30235 of the Coastal Act.

Greenhouse Gas Emissions

Another planning strategy that would minimize risks to life and property from sea level rise-related hazards, consistent with Section 30253 (a) and (d), is addressing the source of global warming—greenhouse gas (GHG) emissions. The LCP amendment, as submitted, includes goals and policies that aim to encourage alternative modes of transportation and reduce vehicle use in the SEASP area. However, additional modifications to LCPA 1-19 would address other sources of GHG emissions to ensure that SEASP conforms with the Chapter 3 policies of the Coastal Act and certified LUP policies.

Oil and gas extraction and related operations, which contribute to global warming through both mining operations and production of oil/gas to be used by other consumers, have existed in Long Beach since the 1920s. Many existing oil operations are located within the SEASP area, although in 2018, the Commission certified a project-driven LCP amendment that added oil and gas policies to SEADIP and approved a project that removes oil operations from two sites within the Los Cerritos Wetlands complex (the Synergy and City sites) and consolidates oil operations onto two smaller sites (the Pumpkin Patch & LCWA/Synergy sites). As adopted, SEASP allows for the continuation of oil and gas extraction, including allowing “new or relocation of existing facilities” pursuant to a conditional use permit in the Coastal Habitat/Wetlands/Recreation land use designation district, as well as, the new mixed use land use designation areas. Allowing new or relocated facilities (which would qualify as new development because the facility would be completely demolished and redeveloped) allows for expansion of oil development, which would contribute to additional GHG emissions and, therefore, exacerbate coastal hazards including sea level rise. **Suggested Modifications 7 and 8** clarify that only ongoing extraction and existing operations that are consistent with the certified LCP, including the certified oil code and the policies of this plan (discussed in more detail in the following section), are allowed in these areas. Thus, future oil and gas mining and associated GHG emissions would be limited by currently existing/approved extraction operations and facilities and could be phased out as these facilities reach the end of their operable lives. As modified, oil and gas extraction allowed under SEASP would minimize risks to life and property from coastal hazards, including sea level rise, energy consumption, and vehicle miles traveled.

Furthermore, to reduce energy consumption and vehicle miles traveled, and consequently minimize risks to life and property from coastal hazards, modifications are suggested to ensure the bike routes proposed through SEASP are consistent with the certified LCP, require accommodations for electric vehicles, and encourage drought-tolerant landscaping. **Suggested Modification 10** clarifies that for any discrepancies between the certified Mobility Element—an LUP document that includes maps of planned “major bikeways”—and the planned bike infrastructure and mobility improvements in SEASP, the bikeways mapped in the SEASP document, which are more specific and further the goals and policies of the Mobility Element, would supersede those in the Mobility Element. **Suggested Modification 11** requires that any electric vehicle (EV) charging stations that

are required to be included in new vehicle parking areas be provided at convenient and visible locations to encourage electric vehicle use and incorporation of usage technology to minimize driving time while searching for parking. Finally, a change included in **Suggested Modification 7** encourages landscaping design to focus on native, drought-tolerant plant species, which minimizes energy consumption from water delivery systems such as sprinkler systems. Therefore, as modified, SEASP will be consistent with Section 30253(a) and (d) and the certified LUP policies of the Mobility Element.

E. Land Use and New Development

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 apply because the ADC is within the Commission's jurisdiction meaning new development within the white hole would be reviewed for consistency with Chapter 3 of the Coastal Act. 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.

The major land use changes proposed through the subject LCP amendment are: (1) the certification of 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. Some of the City's goals for these changes are to encourage redevelopment and economic growth, expand housing supply, expand multimodal safety and active transportation choices, and create sustainable development regulations and impact fees to facilitate wetland habitat conservation and restoration.

Coastal Act Policies

Section 30255, *Priority of coastal-dependent developments*, states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30220, *Protection of certain water-oriented activities*, states:

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

Section 30221, *Oceanfront land; protection for recreational use and development*, states:

LCP-5-LOB-19-0008-1 (City of Long Beach)

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.

Section 30222, *Private lands; priority of development purposes*, states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223, *Upland areas*, states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250, *Location; existing developed area*, states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30253, *Minimization of adverse impacts*, states:

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.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30254, *Public works facilities*, states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30260, *Location or expansion*, states:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Section 30262, *Oil and gas development*, states, in part:

(a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

- (1) The development is performed safely and consistent with the geologic conditions of the well site.
- (2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.
- (3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.
- (4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.
- (5) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.
- (6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas, Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

(7)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems. ...

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

Section 30213, *Lower cost visitor and recreational facilities; encouragement and provision*, states, in part:

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

Sections 30604 (g) and (h) state:

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

(h) When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

LCP Policies

SEADIP, *Subarea 6(b)*, states, in part:

Every effort shall be made to construct apartment units that can be priced so as to serve families of moderate income.

Page II-9, *Requirements for Replacement of Affordable Housing*, of the LCP Document states, in part:

When, within the coastal zone, an applicant proposes to remove existing affordable housing for any purpose, he shall be responsible for replacing on a one-for-one basis all existing very low, low, and moderate income housing units which will be removed...

The development policies of the Coastal Act, specifically Sections 30250 and 30253, together, encourage concentrating development in existing developed areas able to accommodate it to minimize vehicle miles traveled and prevent sprawl into undeveloped

areas, like the Los Cerritos Wetlands complex. Section 30253 also requires development minimize risks to life and property, which supports that development should be concentrated in areas safe from coastal hazards. These policies reflect an over-arching acknowledgment that concentrated and well-planned residential development supports the long-term preservation of coastal resources.

One of the main goals of SEASP is to increase the availability of housing opportunities in the City of Long Beach and in the coastal zone to address statewide housing shortages. Thus, SEASP requires and encourages mixed-use development in already developed areas and limits, to some extent, development in existing undeveloped areas. The Coastal Act and the certified LCP also contain policies to encourage the provision of affordable housing opportunities. In some sections of SEASP, as adopted by the City, descriptions of allowable uses, density limits, and height restrictions could limit the ability of the City to accommodate expected growth in existing developed areas in an equitable manner.

The Chapter 3 policies of the Coastal Act also call for prioritization of coastal-dependent, visitor-serving commercial, and recreational uses, including lower cost accommodations (discussed in more detail in the following Public Access section), in the coastal zone. As adopted by the City, SEASP identifies priority uses in the coastal zone (demarcated with a “CC” symbol in the Chapter 4 Land Use Table); however, not all uses identified are prioritized under the Coastal Act and some uses that were not identified are priority uses in the coastal zone. In addition, SEASP, as adopted by the City does not include policies that require prioritization of these uses.

Thus, LCPA 1-19, as submitted, does not conform with and is not adequate to carry out the Chapter 3 policies of the Coastal Act or the City of Long Beach LUP. The specific SEASP language that does not conform with the policies highlighted above is discussed in more detail below; as are the Commission’s suggested modifications.

Prioritization of Coastal Dependent Uses

As stated above, the Chapter 3 policies of the Coastal Act also call for prioritization of coastal-dependent, visitor-serving commercial, and recreational uses, including lower cost accommodations (discussed in more detail in the following Public Access section), in the coastal zone. Chapter 4 of the SEASP document includes a table (Table 4-4) that lists uses that may or may not be allowed in the new land use designation districts: Channel/Marina/Waterway (CHW), Coastal Habitat/Wetlands/Recreation (CHWR), Mixed-Use Community Core (MMUC), and Mixed-Use Marina (MUM). The other land use designations in the SEASP area have not changed from the certified SEADIP document and, therefore, were not included in the table.

As adopted by the City, coastal priority uses, demarcated with “CC,” included private special event facilities, which are not coastal-dependent. Thus, **Suggested Modification 7**, includes a change to remove “CC” from that use. Additionally, hotels, motels, and youth hostels, which provide overnight visitor-serving accommodations, were not demarcated with a “CC.” **Suggested Modification 7**, therefore, also includes a modification to add the “CC” designation to overnight visitor-serving accommodations, which is a new suggested land use category for reasons explained in more detail in the following public access section.

Furthermore, **Suggested Modification 7**, adds language to a note in Table 4-4, note (b), that requires preference to be given to these priority uses in the coastal zone. This modification, along with the addition of the Chapter 3 land use policies to the development standards chapter of SEASP (**Suggested Modification 9**) and a requirement that the proposed waterfront promenade frontage prioritize visitor-serving and coastal-dependent uses (**Suggested Modification 11**), serve to implement the City's acknowledgement that certain uses are priorities in the coastal zone. Therefore, as modified, LCPA 1-19 conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

Concentrating Development

Sections 30250 and 30253 encourage concentrating development in existing developed areas able to accommodate it. These sections, which are not reflected in the City-adopted version of SEASP are suggested to be added through **Suggested Modifications 8 and 12**, which is necessary for SEASP to conform with Chapter 3 of the Coastal Act. Consistent with these policies, SEADIP included specific density limits for each residential subarea. For the single-family subareas, the maximum density allowed was 8.4 residential units per acre. SEASP, as adopted by the City has a density limit of 8 residential units. **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.

While the Commission is reviewing the consistency of the City Council-adopted version of SEASP with the Chapter 3 policies of the Coastal Act and the City's certified LUP, the City also submitted a version of SEASP that was modified in accordance with two settlement agreements that followed City Council approval of the SP-2. One of the changes that resulted from the settlement agreements was to limit the height of structures in commercial areas. SEASP, as adopted by the City, allows for a maximum of 7 stories in the Mixed-Use Commercial Core district, as opposed to the general 5-story maximum, in special cases when an overnight visitor-serving accommodation project or a mixed-use project with hospitality, residential, and other uses is proposed and additional significant community amenities are required. The settlement agreement restricted the maximum height to 5 stories without exceptions. The Commission is not bound by the settlement agreement between the City and another party.

In order to encourage affordable housing alternatives, encourage concentrating development in already developed areas pursuant to Sections 30250 and 30253, encourage provision of lower cost overnight accommodations (as explained below), and in alignment with the Commission's Environmental Justice Policy, the Commission is not suggesting a modification to incorporate this change from the settlement agreement into SEASP. Thus, the additional height (up to 7 stories) will be allowed in the coastal zone for projects with visitor-serving overnight accommodation elements when incentives are provided, as required in the City-adopted version of SEASP.

The list of incentives for such height increases, located in the development standards chapter of SEASP, includes addition of common open space, additional public parking, purchase of wetland mitigation bank credits or acres of wetlands to long-term restoration,

preservation and maintenance, and provision of moderate income housing. As written, this policy requires clarification about the biological resource-related incentives and is inequitable in its provision to only incentivize moderate cost housing. Section 30604 declares the importance of encouraging low and moderate cost housing in the coastal zone and authorizes the Commission to consider equitable distribution of environmental benefits, including the environmental benefits of living in the coastal zone, in its actions relating to LCPs. Thus, **Suggested Modification 9** includes the addition of an incentive for development of improvements that encourage the use of non-vehicular transportation, including public transit, clarifies that purchase of wetland acreage or mitigation credits is voluntary and does not allow for impacts to wetlands, and expands the affordable housing incentive beyond moderate income housing to low and very low income housing, as well.

As modified, the proposed LCP amendment would be consistent with Sections 30250 and 30253 of the Coastal Act and the policies of the certified Long Beach LCP.

Oil and Gas and Coastal-Dependent Industrial Development

While LCPA 1-19 acknowledges existing oil production uses (most of which are located within the ADC), includes (as a SEASP priority) a goal to consolidate or relocate oil operations, and allows new or relocation of existing oil and gas facilities as conditional uses in the CHWR, MUCC, and MUM land use districts, there are no policies included ensuring consistency with the industrial and oil and gas development policies of the Coastal Act. In addition, the LCP was recently modified to allow for an oil relocation and consolidation project within the SEASP area. In 2019, the Commission denied the LCP amendment to SEADIP (LCPA 1-18) as submitted, and approved it with suggested modifications that, in part, added a detailed list of policies to protect coastal resources from allowable oil and gas development and ensure consistency with the Chapter 3 policies of the Coastal Act. Pursuant to the subject LCP amendment, as submitted, these policies would be removed from the LCP through the replacement of SEADIP with SEASP. Thus, LCPA 1-19 does not conform with the Chapter 3 policies of the Coastal Act or the LUP policies of the certified LCP.

The Coastal Act both acknowledges existing oil and gas facilities within the Coastal Zone and allows for new and expanded facilities under a number of conditions. For example, Section 30262 of the Coastal Act requires, among other things, that: (1) Development be performed safely and consistent with geologic conditions, (2) New or expanded oil and gas facilities must be consolidated to the maximum extent feasible and legally permissible, (3) Oil and gas development will not cause or contribute to subsidence hazards unless measures are implemented to prevent damage, and (4) Oil field brines are re-injected into oil-producing zones consistent with Division of Gas and Geothermal Resources (DOGGR), no Division of Geologic Energy Management Division (CalGEM), requirements.

As certified by the Commission with modifications, LCPA 1-18 added the necessary requirements and protections to ensure that any applicant that seeks to propose new oil and gas production within the City's jurisdiction would be required to conduct a rigorous analysis of all potential impacts to coastal resources, site and design a project such that the environmental and cultural impacts of that development are minimized and that any impacts are fully mitigated, implement oil spill prevention and response protections, including state-of-the art prevention and leak detection measures and systems, and

demonstrate a capability to effectively contain and clean up a spill as well as mitigate any adverse environmental impacts, including potential impacts associated with an oil spill, to the maximum extent feasible. **Suggested Modification 9** requests that the City incorporate these certified “Standards Applicable to Oil Production Areas” and the related oil and gas development land use policies from SEADIP into SEASP.

With regard to industrial development, there are a couple of changes to the Industrial land use district between SEADIP and the proposed SEASP. The first difference is the designation of the Pumpkin Patch site, which is currently part of the ADC, for industrial uses. This is consistent with the Commission’s 2018 actions on LCPA No. 1-18 and CDP No. 5-18-0935 for consolidation of oil operations on this site. The second change is the proposed allowance of retail sales, restaurants/eating places, service, recreation and entertainment, and (fronting PCH only) hotels/temporary lodging uses. These uses are not afforded the protections of Coastal Act Section 30260. **Suggested Modification 9** incorporates Section 30260, which was also one of the certified land use policies in SEADIP, into SEASP.

Growth Accommodation

Section 30254 of the Coastal Act restricts the approval of new or expanded public works facilities for uses that are inconsistent with Chapter 3 policies, and if capacity is limited, prioritizes public work facilities and services for coastal dependent uses over other uses. SEASP includes plans for improvements to major infrastructure systems—including storm drains, sewer, and water, which are public works facilities—to account for the anticipated growth that would come with full-buildout consistent with SEASP. These plans include resizing of portions of the storm drain and sewer line systems to accommodate non-coastal dependent uses such as residential and general retail, which would be inconsistent with Section 30254. Existing water systems are expected to be capable of accommodating anticipated higher demands for water. Without suggested modifications, the SEASP plan for future public works facilities would not be consistent with Section 30254, and further, may impact wetlands and ESHA. **Suggested Modification 12** required new or expanded facilities to be consistent with Section 30254.

SEASP designates one site Mixed-Use Community Core with sewer infrastructure immediately adjacent to potential wetlands and ESHA. The site, which is currently developed with an In’n’Out restaurant, is immediately northeast of the Pacific Coast Highway (PCH)/2nd Street intersection. Given the MUCC designation, the site, if redeveloped, would accommodate mixed-use development that could necessitate expansion of the sewer line and construction within wetlands, ESHA, or their buffer areas. Section 30254 states, in part, that where existing or planned public works facilities can accommodate only a limited amount of new development, the uses prioritized under the coastal act shall not be precluded by other development. Therefore, **Suggested Modification 3**, would redesignate the site from MUCC, which would allow for non-prioritized uses, to Coastal Habitat/Wetlands/Recreation making the existing restaurant non-conforming and allowing for potential improvements to habitat connectivity, wetland migration, and/or public access to natural coastal areas. This change in land use designation would also modify the land use statistical summary, Table 4-1 of SEASP, to

change the total mixed-use acreage in the SEASP area from 86 to 85 acres and increase the Coastal Habitat/Wetlands/Recreation area from 293 to 294 acres. With these modifications, SEASP's land use policies conform with Chapter 3 of the Coastal Act.

F. Public Access and Recreation

The SEASP area has numerous coastal waterways and open space areas that can and should be accessible to the general public, pursuant to the public access and recreation policies of the Coastal Act. Within the coastal zone, there are currently a number of public parks, waterfront walkways and bike paths, lower-cost overnight accommodations, and visitor-serving commercial centers in the area. Public access to the wetland areas is currently limited, but is proposed to be expanded under SEASP by allowing recreational uses such as boat, kayak, and paddle board rentals, camping, and education centers within the Coastal Habitat/Wetlands/Recreation designation. In addition, the City's priorities for the southeast area of Long Beach, as listed in Chapter 3 of SEASP, include improved pedestrian and bicycle connectivity, improved public access to the marina, waterways, wetlands, and parks, encouragement of hospitality options, and encouragement of a mix of land uses that appeal to a diverse population.

Coastal Act Policies

Section 30210, *Access; recreational opportunities; posting*, 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, *Development not to interfere with access*, 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, *New development projects*, states, in part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5, *Public facilities; distribution*, states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213, *Lower cost visitor and recreational facilities; encouragement and provision*, states, in part:

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

Section 30224, *Recreational boating use; encouragement; facilities*, states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252, *Maintenance and enhancement of public access*, 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 non-automobile 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.

LCP Policies

Outdoor Recreation, *Goal (a)*, of the open space policies states:

To establish an open space recreation system that will serve all social and economic groups for both active and passive recreation.

Preservation of Natural Resources, *Goal (b)*, of the open space policies states:

To preserve and enhance the open space opportunities offered by the inland waterways of the City through improved access and beautification.

Outdoor Recreation, *Goal (c)*, of the open space policies states:

To utilize public easements for a system of connecting corridors between major recreational facilities and open space.

Open Space Node: Alamitos Bay & Recreation Park, *Goal (d)*, of the open space policies states:

Preserving the water surfaces of Alamitos Bay from intrusion by man-made facilities, except for those which are clearly for a public purpose or are necessary to protect the public health, safety or welfare.

Goal 1.3 of the Open Space and Recreation Element states:

Improve appropriate access to natural environments.

Goal 4.10 of the Open Space and Recreation Element states:

Provide access to recreation resources for all individuals in the community.

Alternative transportation, *Policy 3*, Scenic Routes Element states:

Encourage the use of bicycles as an inexpensive, energy conserving, and pleasant means of recreation and utilitarian transport.

Downtown Marina Mitigation Measures, *Policy M98*, of the LCP document states:

Adequate provisions must be made in the design and operation of the marina for no-cost and low-cost recreation.

As seen in the list of Coastal Act and LCP policies, above, public access to coastal resources and recreational opportunities for all people is a priority. While some of the SEASP goals and policies proposed to be added to the LCP through the subject LCP amendment encourage additional access and recreation opportunities, there are no policies proposed in SEASP or the other LCP elements involved in this LCP amendment that protect lower-cost overnight accommodations or opportunities for people of lower incomes to live in (and, therefore, more easily access) the coastal zone. In addition, some of the current policies of the LCP (SEADIP) have requirements for certain public accessways to be constructed that were not carried over into SEASP, and are necessary for SEASP to be consistent with Chapter 3. Thus, LCPA 1-19 does not conform with the public access policies of the Coastal Act, including Sections 30210 and 30213, nor the open space policies of the LUP requiring access and recreational opportunities be provided to all social and economic groups and individuals.

Lower-Cost Overnight Accommodations & Environmental Justice

As drafted through a community engagement process and subsequently adopted by the City Council, one of the priorities under SEASP is to “encourage upscale shopping and dining as well as hospitality options such as a boutique hotel.” Similarly, multi-family residential land use designation is described as providing “for a range of multifamily residential housing product types including condominiums, townhomes, and flats,” which are commonly associated with higher-cost multifamily residences. This language suggests the SEASP community would be characterized by higher-cost housing and recreational opportunities and, thus, would present a barrier to access for people of lower incomes and perpetuate the pattern of exclusive use and ownership of coastal areas by wealthy individuals along the California coastline.

Another barrier to access to the SEASP area is the lack of protection, encouragement, or provision of lower-cost overnight accommodations, which is required under the Coastal Act (Section 30213). Neither the City’s LCP nor the SEADIP planning documents contain adequate policies that ensure protection of lower cost visitor serving uses or accommodations, although some policies applicable to specific areas of the coastal zone have incorporated the protection of lower cost overnight accommodations, for example, subarea 1a: Golden Shore, does contain a lower cost overnight mitigation policy which requires payment of an in-lieu fee for loss of lower cost accommodations.

At the time of SEASP adoption (September 2017), there were two lower-cost overnight visitor-serving accommodations in the SEASP area: the SeaPort Marina Hotel with 150

lower-cost rooms and the Golden Sails Best Western with 173 lower-cost rooms. In October 2017, the SeaPort Marina Hotel, which was designed by prominent African American architect Roy Sealy, was demolished and replaced with a shopping center pursuant to a City-issued CDP outside of the appealable area. On December 19, 2011, Commission staff sent a comment letter to the Long Beach City Council regarding a proposed mixed-use development at the SeaPort Marina Hotel site that would require an amendment to the certified LCP that, among other things, the amendment should include mitigation for the proposed loss of lower-cost accommodations. A project-driven LCP amendment request was never processed and development the development that was permitted was not appealable to the Coastal Commission.

The Golden Sails still stands today, but is anticipated to be one of the first developed sites within the SEASP area to be significantly affected by flooding due to sea level rise. However, LCPA 1-19, as proposed does not include any policies to protect the remaining 173 lower-cost rooms or to encourage or provide additional new and replacement lower-cost accommodations. In fact, as submitted in the SEASP land use table (Table 4-4), motels are not identified as a coastal priority use, like hotels and hostels are, and they are not an allowable use in any of the new land use districts.

For these reasons, the subject LCP amendment must be denied, as submitted, because it includes changes to the certified LUP that do not conform with Sections 30210 or 30213 of the Coastal Act, as well as changes to the certified IP that are not consistent with the City's certified LUP, as suggested to be modified.

Several modifications to SEASP are proposed to ensure that lower-cost recreational opportunities are preserved and encouraged and access to the coast is provided for all people. First, the SEASP priority quoted at the beginning of this section would be modified by eliminating the terms "upscale" and "boutique" and instead, encouraging a mix of visitor-serving uses at various price-points for visitors of all income levels (**Suggested Modification 6**). Second, all uses of the word "hotel," which has a specific definition in the certified Zoning Code, would be replaced with "overnight visitor-serving accommodations," which suggests a wider range of hospitality uses consistent with the Coastal Act. This includes Table 4-4, *Permitted Uses*, which would replace the hotel, motel, and hostel uses with one overnight visitor-serving accommodations use.

In addition, as described in the previous Land Use and Development section of this staff report, changes are suggested to ensure SEASP is consistent with the public access policies of the Coastal Act by encouraging and incentivizing lower-cost residential development (**Suggested Modifications 7 and 9**). 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 apartments and condominiums) in the coastal zone is important to 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. In other words, focusing exclusively on the provision and encouragement of high-end residential development that does not consider lower-cost housing opportunities at all is antithetical to the Coastal Act's robust public access policies and broad concern for equitable access to the coast. Therefore, **Suggested**

Modifications 9 and 11 modify the certified LUP to require public access be maximized for all people. The first change (**Suggested Modification 9**) involves the incorporation of the public access policies of the Coastal Act into SEASP; the second (**Suggested Modification 11**) corrects the Coastal Act synopsis included in the implementation chapter of SEASP that summarizes the Coastal Act public access policies by clarifying that the Coastal Act requires maximum access be provided *for all people*.

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 8 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, 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 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 must be provided if lower cost accommodations cannot feasibly be provided onsite. All replaced lower cost accommodations must be protected in perpetuity. The policies also encourage a range of accommodation types at various price points. The policies define lower cost rates as equal to or less than the annual statewide average room rate minus 25%, and high cost rates are equal to or greater than the annual statewide average room rate plus 25%. 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. In addition, as adopted, SEASP suggests that 375 rooms are allowed in the SEASP area, which may not be sufficient to carry out the Coastal Act policies prioritizing lower-cost visitor-serving uses. Thus, **Suggested Modifications 7 and 13** clarify the number of overnight accommodations that can be developed in the SEASP area is not limited to 375 rooms.

These modifications are needed to ensure that new development is consistent with Section 30213 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.

Bike and Pedestrian Trails

A number of bike and pedestrian trails have been constructed within the SEASP area including waterfront walkways adjacent to residential developments and marinas, trails through parks, and the San Gabriel River Bike Trail. Both the existing certified LCP and the proposed LCP amendment (SEASP priorities and mobility chapter) acknowledge that it is a goal of the City's to take advantage of opportunities to connect, extend, and improve pedestrian and bike trails within the SEASP area and connect the trails to the rest of Long Beach. SEADIP includes a number of site-specific requirements to construct such access segments that were not carried over to SEASP and, thus, would be removed from the LCP through LCPA 1-19, as submitted. Failure to incorporate these policies does not maximize public access to the coast consistent with Sections 30210 and 30212 of the Coastal Act.

Therefore, **Suggested Modification 9** incorporates the policies requiring construction of trail segments consistent with SEADIP into the public access section of SEASP. In addition, other pedestrian and bicycle access-related clarifications are suggested to be made. These clarifications include: where trails are allowed within the CHWR district (**Suggested Modification 8**), that SEASP includes more bicycle infrastructure than the City's certified Mobility Element and, thus, supersedes the Mobility Element if there is a conflict between the two, and when upgrades to the San Gabriel River bike and pedestrian trail are complete, new development that was required to contribute to the upgrade will instead contribute to other physical, programmatic, or educational public access opportunities in the area. **Suggested Modification 9** also clarifies that the figure in SEASP showing existing and proposed bikeways does not include public easements on private property that are required to be maintained by the private property owners, like the public easements required to be provided through the Costa del Sol/Bay Harbour residential community. As modified, LCPA 1-19 conforms with the public access and recreation policies of the Coastal Act and certified LUP, as suggested to be modified.

Appropriate Access to Coastal Habitat

As described in the biological resources section of this staff report, uses allowed within habitat areas, especially wetlands, ESHA, and their buffer areas, are limited. However, public access to these biologically and visually rich areas are also important for their recreational, educational, and cultural, including Tribal cultural, value. **Suggested Modification 8** clarifies that access and recreation-related uses such as appropriately sited trails, low intensity camping, nature study, and education kiosk and signage are allowed in some of these areas when sited and designed to minimize the impacts of development on these sensitive resources.

G. Archaeological and Paleontological Resources

The SEASP area was historically part of a large estuarine system that supported, not only biological and mineral resources, but coastal landscapes and gathering places of cultural significance. The entire area is sensitive for paleontological and archaeological resources, including Tribal cultural resources. Fossil specimens (including marine vertebrates, bison, ground sloth, and mammoths) have been found onsite and in the general vicinity. In addition, there is evidence that Tribal cultural resources, including but not limited to cultural landscapes, sacred places, objects, and human burials, exist and/or have the potential to exist onsite and within one mile of the project area.

Coastal Act Policies

Section 30244, *Archeological or paleontological resources*, states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

LCP Policies

Outdoor Recreation, *Goal (b)*, of the open space policies, states:

To identify and preserve sites of outstanding scenic, historic and cultural significance or recreational potential.

Outdoor Recreation, *Goal (j)*, of the open space policies, states:

To encourage citizen participation in the identification and preservation of historic and cultural sites.

While the related Environmental Impact Report for SEASP includes mitigation measures for impacts to archeological and paleontological resources that are required to be implemented as conditions of approval for new development, neither the City-adopted SEASP nor the associated amendments to the LCP document or Zoning Code include policies to preserve or protect such resources. In addition, the mitigation measures in the EIR are not adequate to protect archeological resources because, while they require archeological, paleontological, and Native American monitors be present during all grading activities in previously undisturbed areas (such grading of undeveloped land would also require preparation of a cultural resources investigation) and other significant ground disturbing activities, there is potential for archeological and paleontological resources in previously disturbed native soils and there is no requirement for consultation with Native American Tribes with expertise in Tribal cultural resources during the preparation of a cultural resources investigation. In any case, the EIR is not a component of the proposed LCP amendment.

Coastal Act Section 30244 requires that mitigation measures be required for development projects that would impact these resources. Further, the open space LUP policies of the City's LCP require that the City identify and preserve sites of cultural significance and encourage citizen participation in such efforts. Thus, the lack of archeological and paleontological resource protection policies in the proposed LCP amendment does not conform with the Chapter 3 policies of the Coastal Act or the LUP policies of the City's certified 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 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 a 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.

Furthermore, **Suggested Modification 11** includes a change to the City's proposed parking structure policies in the IP portion of SEASP. As adopted, Policy A requires structured parking to be located underground whenever feasible. The modification inserts a clarification that assessments of feasibility must consider archeological, including Tribal and cultural, and paleontological resources. Thus, potential impacts to such resources from projects involving parking structures should be avoided, where possible, and minimized and mitigated, where avoidance is not possible, consistent with the LUP, as suggested to be modified.

As modified, LCPA 1-19 conforms with Section 30244 of the Coastal Act and the open space policies of the LCP by requiring the preservation of archeological and paleontological resources, mitigation for any impacts to such resources, and encouragement of Native American participation in the identification and preservation of Tribal cultural resources.

H. Scenic and Visual Resources

The SEASP area contains some of the only natural and undeveloped open spaces in the Long Beach coastal zone that provide the public with views of the waterways and wetlands. These coastal views help define the character of the SEASP area and may hold significance as Tribal cultural resources. However, some of view opportunity areas currently are visually degraded.

Coastal Act Policies

Section 30251, *Scenic and visual qualities*, 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

LCP Policies

Preservation of Natural Resources, *Goal (d)*, of the open space policies states:

To maintain open vistas of the ocean across public lands.

Preservation of Natural Resources, *Goal (c)*, of the open space policies states:

To acquire and remove privately owned properties that intrude upon the open character of the shore.

Goal 3 of the Scenic Routes Element:

Link and enhance recreational, cultural, and educational opportunities through a network of scenic corridors.

Goal 4 of the Scenic Routes Element:

Provide alternative transportation modes within the scenic corridor network.

One of the priorities identified in SEASP is “view preservation”—the preservation of views of hill and mountains through regulation of building placement and height and is referenced elsewhere in the SEASP plan. The scenic resources policies of the Coastal Act and the certified LUP protect public views to and along the ocean, as well as, other coastal views of the hills, mountains, wetlands, and open habitat areas. SEASP contains some policies that protect views of marina, water, and wetland areas and encourage the creation of new view opportunity areas; however, there are also policies, including the priority goal mentioned above, that do not make it clear that views of the water and natural areas are of public importance and should be protected to the greatest extent feasible. Thus, as submitted, the visual resource policies in the proposed LCP amendment are not adequate to carry out the policies of the LUP and do not conform with the Chapter 3 policies of the Coastal Act.

Therefore, **Suggested Modification 6** includes changes to the certified LUP view preservation priority to expand protections to water views. **Suggested Modification 7** adds a view recovery opportunity to Figure 4-2 between Loynes Drive and the Los Cerritos Channel where there are currently views of the water and wetlands, modifies a note below an image of a view from the MarketPlace Shopping Center to require that buildings be designed to frame water views to the wetlands and marina, and requires development within the CHWR land use designation district to be sited, designed, and conditioned minimize impacts to coastal views. Furthermore, **Suggested Modification 9** adds view protection policies that acknowledge the importance of coastal scenic and visual qualities and require buildings and structures be sited and designed to provide clear blue water and habitat view corridors. In addition, 3 policies from SEADIP are added to SEASP. These policies require the vehicular entrance to the Los Cerritos Wetlands to provide open wetland views, screening of outdoor storage materials from public view, and construction of a 30-foot landscaped setback along a segment of the San Gabriel River Bike Trail to enhance views from the trail.

As modified, LCPA 1-19 would meet the requirements of Chapter 3 of the Coastal Act and be adequate to carry out the policies of the certified LCP.

I. General LCP Administration

On July 22, 1980 the Commission certified the City of Long Beach LCP, which was composed of a number of elements including the Local Coastal Plan (referred to as the LCP document to avoid confusion with the broader Local Coastal Program), the Long Beach Zoning Ordinance (Zoning Code), portions of the Open Space and Scenic Routes Elements, portions of the Long Beach Oil Code, and SEADIP, with the exception of the areas of deferred certification. At the time of certification, permit authority over certain portions of the coastal zone was transferred to the City. Within some of that area, pursuant to Section 30603 of the Coastal Act, City actions on coastal development permits are

appealable to the Commission. The Coastal Commission retains permit jurisdiction over tidelands, public trust lands, and areas of deferred certification, and must process any proposed changes to Commission-issued CDPs anywhere in the coastal zone.

The City of Long Beach LCP has been amended nearly 100 times since its original certification in 1980. The subject LCP amendment (LCPA 1-19) replaces SEADIP, which had been amended several times, with SEASP as a stand-alone component of the Long Beach LCP. In addition, the LCP amendment modifies three other documents that are part of the LCP. The Commission is suggesting modifications to two of these, which are described in the following subsection.

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.

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. 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. Thus, **Suggested Modifications 5 and 15** are imposed to correct the coastal zone boundary and clarify the appealability of newly certified areas.

The suggested modifications are discussed in more detail below.

Modifications to the Land Use District Map

As part of the proposed LCP amendment, the City submitted (ORD-17-0023) a map showing the entire existing SEADIP planning area (areas outside the coastal zone as well) with the two areas proposed to be removed from the specific plan area and reverted to Institutional and Single-Family Residential land uses. The map and notes are prescriptive and show the areas “to be modified.” The City of Long Beach has a certified Land Use Map for the coastal zone that has been amended numerous times since its certification. **Suggested Modification 1** requests that the City produce a final updated land use map for the Long Beach coastal zone that reflects the subject LCP amendment, includes the coastal zone boundary, and incorporates all updates to the map since certification.

Modifications to the LCP Document

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. However, “Exhibit A” is a summary of SEASP and the proposed land uses therein. “Exhibit A” contains part of the Land Use Plan Chapter in SEASP and maps of the land uses and appealable areas, but no policies. Following discussions with City staff, it became clear that the proposed amendment contained in this

resolution was an amendment to the City’s certified Local Coastal Plan—one element of the City’s Local Coastal Program. The certified Local Coastal Plan document (LCP document) includes a section summarizing the stand-alone SEADIP element of the LCP that is proposed to be replaced by “Exhibit A”. There are also numerous references to SEADIP throughout the LCP document that are also proposed to be replaced.

To clarify and carry out the intent of the LCP amendment request, the following modifications are suggested. **Suggested Modification 16** is recommended to implement RES-17-0102, which broadly states that SEADIP is replaced with SEASP, by requesting replacement of appropriate references to SEADIP with references to SEASP (some references to SEADIP, for example those that describe the history of the LCP, do not need to be replaced) and replacement of the SEADIP section of the LCP document with the exhibit attached to the resolution (“Exhibit A”). **Suggested Modification 14** ensures that “Exhibit A,” the SEASP summary, is modified to be consistent with the SEASP document, as modified. For example, the suggested modification to the Single-Family Residential land use description that increases the allowable residential density to comply with Coastal Act and LUP policies (Suggested Modification 7) also applies to the same description included in the SEASP summary. The staff report findings for all applicable modifications, therefore, also apply to the amendments to the LCP document.

Coastal Act Requirement Clarifications

Over the last 40 years, changes have been made to components of the certified LCP that have not been certified by the Commission through the LCP amendment process. For example, in 1980, the Commission certified the City’s entire Zoning Code (Title 21 of the Long Beach Municipal Code) as part of the LCP Implementation Plan. Since it was originally certified, countless changes have been made to the ordinance, some of which have come before the Commission as an LCP amendment and some of which did not for various reasons. Thus, the City’s current Zoning Code/Municipal Code and the certified Zoning Code are not interchangeable. Therefore, **Suggested Modifications 7 and 13** include revisions to clarify that the certified Zoning Code, rather than the Long Beach Municipal Code should be the standard of review for development in the coastal zone and correct references for CDP processing procedures. 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**).

Clarifications of the CDP process are also suggested to be added in other sections of the plan, including to the notes following the land use table, Table 4-4 of Chapter 4 (**Suggested Modification 7**) and in the section of the infrastructure chapter of SEASP that calls out permit requirements for new public improvements (**Suggested Modification 12**). **Suggested Modification 13** also corrects references to the portion of the certified Zoning Code that deals with Site Plan Review processes. In addition, changes to SEASP Chapter 9 are recommended to clarify LCP amendment processes and CDP requirements within the City’s permit jurisdiction area, including in the relatively large appealable area(s) within the SEASP area, and within the Commission’s retained jurisdiction areas (**Suggested Modification 13**).

Coastal Zone Boundary

The coastal zone boundary depicted in the figures submitted with the subject LCP amendment request does not align with the Commission's coastal zone boundary. The inconsistency is in the northeast part of the coastal zone where it departs from Loynes Drive, crosses the Los Cerritos Channel and San Gabriel River, and meets the eastern City boundary. Considering LCPA 1-19 applies to all development in the coastal zone portion of the SEASP planning area, it is important that the City's figures portray the accurate boundary line. **Exhibit 6** shows the proper coastal zone boundary. **Suggested Modifications 5 and 15** require the City to update the relevant figures and maps in the City's proposed LCP amendment, as illustrated in **Exhibit 6**.

Permit Jurisdiction Areas

The maps submitted by the City with the proposed LCP amendment are not internally consistent with regards to where the deferred certification area boundary is. In addition, Figure 1-3 of the proposed amendment to the LCP document, which is included to "illustrate the Coastal Zone boundary and denote appealable and non-appealable areas" within the specific plan area, shows the entire deferred certification area as Commission retained jurisdiction. Thus, it not clear whether Figure 1-3 depicts existing conditions or proposed conditions upon certification of the white hole area.

Coastal Act Section 30603 states, in part:

After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area. ...

Coastal Act Section 30611 states, in part:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries...
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer. ...

The Long Beach coastal zone is split into three general categories: 1) Coastal Commission jurisdiction, which includes original jurisdiction areas (e.g. public trust tidelands) and the

area of deferred certification (ADC), 2) appealable City jurisdiction, and 3) non-appealable City jurisdiction. Section 30603 defines what development is appealable, which informs the creation of the jurisdiction boundaries. The City's proposed LCP amendment involves certification of the white hole area, which was deferred certification, in part, because the extent of the wetlands and sensitive biological resource areas were not known. As proposed, permit authority for the ADC would be transferred to the City and would become part of the City's LCP. This change necessitates an update to the City's post-certification maps.

An area-wide wetland delineation has not been performed, thus, defining the appealable area per Section 30603(2), is limited by national wetland data (Waters of the U.S.) and may not accurately portray local conditions. City staff, however, stated that the intent of the LCP amendment request is to make the entire area appealable due to the uncertainty about the exact location of wetlands. In fact, the City described the new Coastal Habitat/Wetlands/Recreation land use designation, which covers the current white hole area, to be a "sensitive coastal habitat area" (defined in the biological resources section of this staff report).

Section 30603 (3) states that developments located in sensitive coastal resource areas are appealable to the Commission. Given the area's status per the proposed LCP amendment as a sensitive coastal habitat area, the Commission's 1980 findings for deferring certification, and the high scenic, recreational, and cultural value of the ADC, the area qualifies as a "sensitive coastal resource area." Thus, upon certification, the entire ADC area is appealable.

Suggested Modification 15 requires the City to revise Figure 1-3, *Coastal Zone Subareas*, of the proposed amendment to the LCP document to reflect post-certification jurisdiction areas, as illustrated in **Exhibit 6** of this staff report. The City will still need to pursue a formal update to the Long Beach post-certification map to reflect the Commission's action on the subject LCP amendment.

J. California Environmental Quality Act

The California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing CEQA documentation in connection with development of its local coastal program. (Pub. Res. Code § 21080.9; 14 CCR § 15265(a)(1).) The Commission notes that the City made CEQA findings and certified an Environmental Impact Report and Mitigation Monitoring and Reporting Program on September 19, 2017 for the Southeast Area Specific Plan (City Council Resolution No. RES-17-0101).

However, CEQA does apply to the certification of an LCP by the Coastal Commission. (14 CCR § 15265(b).) The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the CEQA process. (14 CCR § 15251(f).) Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare CEQA documentation for certification of an LCP. Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with relevant CEQA provisions, including the requirement in Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible

mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. See also, CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b).

As submitted, the proposed City of Long Beach LCP Amendment is not consistent with the coastal resource protection, public access and recreation, hazard avoidance, oil and gas, or land use prioritization policies of the Coastal Act. Suggested modifications have been added as described in this staff report. If modified as suggested, no significant adverse impacts to coastal resources will result from the LCP Amendment. The Commission has reviewed and evaluated the proposed amendment, and finds that potential coastal resource impacts have been mitigated, and that the amendment does not have the potential to result in significant individual or cumulative impacts to coastal resources protected by the Coastal Act. Thus, with the inclusion of the suggested modifications, there are no further feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment. The Commission therefore finds the proposed LCP amendment is consistent with the California Environmental Quality Act.

In addition, any specific impacts associated with individual development projects would be assessed through the environmental review process required by the Coastal Act at that time. Therefore, an individual project's compliance with CEQA is assured at the project-level through City and/or Commission review of applications for coastal development permits consistent with the City's LCP policies and/or Chapter 3 policies of the Coastal Act, respectively.

Appendix A – Substantive File Documents

- SEASP, as adopted by the City Council
- SEASP, as proposed to be modified by City staff
- Final Environmental Impact Report for the Southeast Area Specific Plan (SP-2); State Clearinghouse No. 2015101075