

**CALIFORNIA COASTAL COMMISSION**

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# Th11a

November 25, 2020

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director, South Coast District  
Zach Rehm, District Supervisor  
Dani Ziff, Coastal Program Analyst

**SUBJECT:** Amendment Request No. LCP-5-LOB-20-0014-1 (Belmont Beach and Aquatics Center) of the City of Long Beach Certified Local Coastal Program, for Public Hearing and Commission Action at the December 9-11, 2020 virtual meeting.

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## **SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LOB-20-0014-1**

The City of Long Beach submitted Local Coastal Program (LCP) Amendment No. LCP-5-LOB-20-0014-1 on February 19, 2020. The subject LCP amendment is a project driven amendment to the City's Land Use Plan (LUP) and Implementation Plan (IP) to revise regulations for the Belmont Pier Planned Development (PD) District to allow for a new outdoor competitive and recreational swimming pool complex, the Belmont Beach and Aquatics Center (BBAC). The submittal was filed as complete on August 25, 2020. On November 4, 2020 the Commission extended the deadline for action on the LCP Amendment request by one year. The date by which the Commission must take action is November 23, 2021.

The proposed development motivating this LCP amendment involves converting an area that is currently used as a passive park with beach sand, grass areas, and meandering public bike and pedestrian paths (Belmont Shore Beach Park) to a swimming pool complex with seven water bodies, a pool facilities building, and passive park area. One of the City's objectives for this project is to replace the pre-existing Belmont Plaza Olympic Pool, described in the LCP as one of the "principal facilities in Area C which serve visitors and provide recreation" and "is unusually important in the training of U.S. athletes for international events." That pool complex was located at the site from 1968 to 2014, when it was demolished due to seismic instability. The BBAC project is described in more detail in this staff report and in the related staff report for the appeals of two City-approved CDPs for the project (A-5-LOB-17-0032, A-5-LOB-20-0007), as well as in CDP application No. 5-18-0788) for the portion of the project within the Commission's retained jurisdiction area.

As proposed, the development is inconsistent with the certified LCP's height limitations. Thus, the City is proposing to add a new subarea to the Belmont Pier PD (with boundaries that align with the proposed project site) that increases the allowable height, expands the

LCP-5-LOB-20-0014-1 (City of Long Beach)

allowable uses, and revises the general standards for the PD to accommodate the proposed BBAC.

LCP-5-LOB-20-0014-1 would make the regulations for this particular area more specific (by establishing a new subarea and applying site specific standards to the subarea that do not apply elsewhere in the PD). However, the resolution and ordinances that contain the new proposed language for the Belmont Pier Planned Development District section of the LCP also include unintentional changes that reflect discrepancies between the City and Commission's records of the certified LCP language. These unintentional modifications to the certified language were not analyzed by the City or explicitly presented to the public. Commission staff is therefore recommending the unintentional discrepancies are resolved by reverting language back to that contained within the certified LCP.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission certify LCP Amendment Request No. LCP-5-LOB-20-0014-1 with suggested modifications necessary to narrow the scope of the LCP amendment to the City's intended changes to the LCP, clarify regulations for the new proposed subarea (the project site), and protect coastal resources including public access, lower cost recreational opportunities, scenic views, and biological resources. The four motions and resolutions to carry out the staff recommendation are on **pages five through seven**. The suggested modifications to the LCP amendment request are included under Section III of this staff report.

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 HISTORY ..... 4  
    A. STANDARD OF REVIEW .....4  
    B. LOCAL REVIEW AND DEADLINE FOR COMMISSION ACTION.....4  
II. MOTIONS AND RESOLUTIONS ..... 5  
III. SUGGESTED MODIFICATIONS ..... 7  
IV. FINDINGS ..... 11  
    A. AMENDMENT DESCRIPTION ..... 11  
    B. REJECTION OF LCP AMENDMENT AS SUBMITTED..... 13  
    C. APPROVAL OF LCP AMENDMENT IF MODIFIED AS SUGGESTED ..... 15  
    D. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....20

**EXHIBITS**

Exhibit 1 – Resolutions & Ordinances

Exhibit 2 – Subarea 5

Exhibit 3 – Administrative Draft Identifying City-Proposed Changes to the LCP

## I. Procedural History

### A. Standard of Review

The standard of review for the proposed amendment to the LCP Land Use Plan (LUP), pursuant to Sections 30512(c) of the Coastal Act, is whether the proposed LUP amendment meets the requirements of, and is in conformity with Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the LCP Implementation Plan (IP), is whether the proposed IP amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP.

### 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, as summarized below:

The proposed changes (**Exhibit 3**) to the City's zoning code are contained in City Council Resolution No. RES-20-0014 and City Council Ordinance Nos. ORD-20-0005 and ORD-20-0006 (**Exhibit 1**). The LCP amendment request was submitted for Coastal Commission certification by City Council Resolution No. RES-20-0015. The City of Long Beach Planning Commission held public hearings for the two ordinances and RES-20-0014 on December 19, 2019; nine individuals provided public testimony. On this date, the Planning Commission moved to recommend that the City Council accept the EIR Addendum (EIRA-03-19), approve a General Plan/ LCP amendment (GPA19-001/LCPA19-005), approve a Zoning Code amendment (ZCA19-010), approve a zone code change (ZCHG19-005), approve a Site Plan Review (SPR19-027), and approve a local CDP (LCDP19-023). The City Council held a public hearing on third-party appeals of the Planning Commission's recommendation, where the appellants and twelve members of the public spoke, and approved the proposed changes and adopted RES-20-0015 on January 21, 2020. ORD-20-0005 and ORD-20-0006 were read and adopted by the City Council on February 4, 2020. One member of the public spoke.

On February 19, 2020, the City of Long Beach submitted a request to the Coastal Commission to amend its certified Local Coastal Program (LCP). Both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the City's certified LCP are affected by the proposed amendment. On March 4, 2020, the Executive Director notified the City in writing that additional information was needed for review of the LCP submittal, pursuant to Section 13553 of the California Code of Regulations (Title 14). The information requested by the Executive Director was received on August 25, 2020 and the proposed LCP amendment was found to be in proper order and legally adequate to comply with the submittal

requirements of the Coastal Act and the California Code of Regulations. Therefore, LCP Amendment Request No. LCP-5-LOB-20-0014-1 has been deemed complete pursuant to the requirements of Section 30510 of the Coastal Act. On November 4, 2020, the Commission extended for one year the deadline for Commission action on this LCP amendment. The deadline for Commission action on the proposed amendment request is November 23, 2021.

### **For Additional Information**

The file is available for review at the South Coast District office located at 301 East Ocean Boulevard, Suite 300, Long Beach, CA 90802. 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](mailto:dani.ziff@coastal.ca.gov).

## **II. Motions and Resolutions**

### **A. Denial of LUP Amendment as Submitted**

#### **Motion I:**

I move that the Commission **certify** Land Use Plan Amendment No. LCP-5-LOB-20-0014-1 as submitted by 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-20-0014-1 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-20-0014-1 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-20-0014-1 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-20-0014-1 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-20-0014-1 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**

For the following suggested modifications:

- Language of the currently certified LCP is shown in plain text.
- The City’s proposed additions are shown in underline text.
- The City’s proposed deletions are shown in ~~strike out text~~.
- The Commission’s suggested additions are shown in **bold, underline text**.
- The Commission’s suggested deletions are shown in **~~bold, underline, strike out text~~**.
- The Commission’s suggested direction is shown in ***bold italics text***.

The following suggested modifications are necessary to carry out the provisions of the certified LUP:

**Suggested Modification 1:** Ensure that public access and recreational use of the BBAC, beach, and park areas are provided for all people.

*Purpose and Intent, end of the 1<sup>st</sup> paragraph*

This plan shall promote use of and visitation to the Coastal Zone by all people, including recreational and competitive swimming, as well as use of the public beach and park areas.

**Suggested Modification 2:** Clarify the standard of review and permitting requirements for local CDPs and development located within the Commission’s retained jurisdiction.

*Purpose and Intent, 2<sup>nd</sup> paragraph*

In reviewing and approving site plans and tract maps for the development of the area, the City Planning Commission and Site Plan Review Committee shall be guided by the

goals and policies of the General Plan and the General Development and Use Standards specified herein. **For development located within the Coastal Commission's retained jurisdiction area, the standard of review is Chapter 3 of the Coastal Act and the certified LCP may provide guidance.** ~~The Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Specific Plan. Any variance from those standards shall only be allowed if the following finding of fact is made: The variation will have no adverse affect on access along the shoreline including physical, visual or psychological characteristics of access. All specific procedures not specified in this plan shall be carried out pursuant to Chapter 21.25 (Specific Procedures) of the Zoning Regulations, Title 21, of the certified LCPLBMC.~~

**Suggested Modification 3:** Remove a reference to an uncertified element of the City's General Plan and add a reference to the applicable LCP component.

*General Development and Use Standards, Access*

Bicycle. A continuous bicycle path, as part of the beach bicycle path linking the Los Angeles and San Gabriel Rivers, shall run through the area **per the City's certified LCP, including the certified Mobility Element Bicycle Master Plan.**

**Suggested Modification 4:** Remove the exception of the BBAC from meeting the LCPs requirement for buildings not to cover more than 50% of their lot's area.

*General Development and Use Standards, Building Design*

Lot Coverage. No building shall cover more than 50% fifty percent of its site nor shall it occupy more than 50% fifty percent of its site parallel to Ocean Boulevard. Commercial uses on the west side of 39th Place shall be excepted from this and may occupy 400% one hundred percent of their sites. **The Belmont Beach and Aquatics Center located in Subarea 5 also shall be excepted from this requirement.**

**Suggested Modification 5:** Delete language that was already taken out of the certified LCP pursuant to LCPA No. 1-83 and remove the City's proposed language requiring no new parking be provided for new development in the future.

*General Development and Use Standards, Parking*

Public. The existing number of public parking spaces shall be retained supplemented by the addition of up to 200 spaces to be located immediately south of the existing Belmont Pier parking lot. **Notwithstanding the requirements of Chapter 21.41 of the Zoning Regulations, no additional parking for new, rebuilt, or remodeled public facilities shall be required. Public parking may be relocated from the Granada Avenue parking lot to under and west of the Belmont Pier, but not to extend westward of 38<sup>th</sup> Place, provided an equal number of spaces in the Granada Avenue parking lot be converted to beach, bicycle path or landscaped uses.** No parking structures shall be allowed. **The LCP's parking requirements for**



**new, rebuilt, or remodeled public facilities may be relaxed if it is demonstrated that the public facilities will not adversely impact public access to the coast and beach for the life of the development.**

*Subarea 1, Parking*

Commercial. Parking shall be provided at the rate of four spaces per one thousand square feet of floor area, for any addition of floor area beyond the existing floor area. **This parking requirement does not apply to parking may be relaxed for public facilities if it is demonstrated that the public facilities will not adversely impact public access to the coast and the beach for the life of the development.**

*Subarea 3, Parking, 2<sup>nd</sup> policy*

A new parking lot of up to 200 ~~three hundred two hundred vehicles~~ cars may be provided **in the future to enhance public access. Such parking shall be located southerly of the existing Belmont Pier parking lot under an enclosed 39th Place Plaza, and westerly of the pier to the western edge of 38th Place. Such parking lot may be built provided an equal number of spaces are eliminated in the Granada Avenue parking lot and the area obtained converted to beach, bikeway, walkways or landscaping. The 39th Place Plaza shall be expanded as shown in Belmont Pier Concept Plan so that no parking area is exposed along the southern edge of the plaza. This plaza should be appropriately designed along the eastern edge to direct view of pedestrians over the parking lot rather than directly down upon it.**

**Suggested Modification 6:** Reinstate the policies approved pursuant to LCPA Nos. 1-82B and eliminate the policies proposed under LCPA No. 2-87 that were previously denied by the Commission.

*Subarea 1, Uses*

Professional offices and pPersonal sServices on the second story only **on the second story only.**

Uses—Nonconforming

(a) Professional and Personal Services shall be allowed in buildings **which were originally occupied** for which a Certificate of Occupancy has been granted **for which a Certificate of Occupancy has been granted** prior to July 22, ~~1982~~ **1982.**

**(b) Professional and Personal Services shall not be allowed on the street level of any building originally occupied on or after July 22, 1980.**

(c) Additions, alterations and repairs amounting to more than fifty percent (50%) of the replacement value or of the area of the existing building, excluding improvements required to meet minimum health and safety code standards, shall require issuance of a new Certificate of Occupancy, **and hence no building so expanded, altered**

~~**or repaired on or after July 22, 1980 shall be allowed to be used for professional and personal services on the street level.**~~

*Subarea 4*

***Delete the entire Subarea 4 section and revise the associated map to reflect the elimination of the subarea.***

**Suggested Modification 7:** Clarify the new allowable uses in Subarea 5.

*Subarea 5, Uses*

- (1) Public aquatics center complex, including but not limited to recreational and competitive swimming and diving, and similar aquatic uses, and related special events.
- (2) Coastal-oriented support and accessory uses related to the public aquatics center complex **(such as uses that support beach or aquatics center programming)**.
- (3) Other public facilities **(such as storage or maintenance rooms)** accessory to the public aquatics center complex.
- (4) Uses allowed in the P (Park) zoning district, per Division I of Chapter 21.35 of the Zoning Regulations.

**Suggested Modification 8:** Modify the access requirements for the new BBAC subarea to reflect the current project description and ensure the proposed project (and future development) protects public access and recreational opportunities.

*Subarea 5, Access*

- (1) **Public access to Subarea 5 and any public facilities therein shall be maximized for all people. All recreational opportunities provided within this subarea shall be lower cost and visitor-serving.**
- (2) Vehicular. Vehicular access shall be provided from Ocean Blvd. via a southerly prolongation of Bennett Ave. **Access to the site by public transportation shall be increased and encouraged.**
- (3) Pedestrian.
  - (a) Along a walkway not less than twenty feet (20') in width, in the former Olympic Plaza right-of-way between Termino Ave. and Bennett Ave., with unobstructed views of the Belmont Beach and Aquatics Center.
  - (b) Ocean Blvd., south curb west of Bennett Ave.

(c) Along beach frontage. A lateral path from east to west on the seaward side of the Belmont Beach and Aquatics Center with unobstructed views of the beach and ocean shall be provided and maintained onsite in perpetuity.

(4) Beach. Public access to the sandy beach and ocean shall be provided through the maintenance of not less than one hundred and fifty feet (150') of beach width seaward of the line of development or through the implementation of a Coastal Commission-approved alternative sea level rise adaptation plan that conforms with the Chapter 3 policies of the Coastal Act.

**Suggested Modification 9:** Distinguish the height of buildings from the height of structures allowed in Subarea 5.

#### *Subarea 5, Building Design*

Height. Buildings are allowed up to a height of 30 feet and visually permeable or minimally obtrusive accessory structures (~~non-building area~~, including but not limited to the aquatics complex shade awnings or structures, architectural features, and diving towers) are allowed up to a height of 60 feet (~~the height of the former Belmont Pool building~~). Height in Subarea 5 shall be measured from the project grade datum established for the Belmont Beach and Aquatics Complex project, which is approximately at sea elevation level +10'-0" NAVD88.

## IV. FINDINGS

### A. Amendment Description

LCPA LCP-5-LOB-20-0014-1 is intended to be a project-driven amendment to the LCP that would provide more specific regulations for the Belmont Pier Planned Development (PD) District. However, the ordinances and resolution that contains the new proposed language for the Belmont Pier Planned Development District section of the LCP, as submitted to the Commission, also includes unintentional changes that reflect discrepancies between the City and Commission's records of the certified LCP. The Belmont Pier PD section of the LCP, which contains both LUP and IP elements, was originally certified with Long Beach's LCP in 1980 and has been the subject of three prior LCP amendment requests that are discussed in more detail below. Per the current LCP, the Belmont Pier PD area extends from the Chapter 138<sup>1</sup> line to the south, which denotes tidelands (filled and unfilled) and the Commission's retained jurisdiction area, to 38<sup>th</sup> Place to the west, to Ocean Boulevard/Livingston Drive/Belmont Avenue to the north, and Roswell Avenue/Bennett Avenue to the east—and is part of a larger section of the Long Beach coastal zone (Area C) that includes Belmont Heights, Belmont Park, and Colorado Lagoon (**Exhibit 2**).

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<sup>1</sup> The "Chapter 138 line" was drawn pursuant to Chapter 138 of the 1964 Statutes of California and corresponds with the inland boundary of the Commission's retained jurisdiction. Per this statute, the State Lands Commission, which administers leases on public trust lands, granted the tidelands and revenues therefrom to the City of Long Beach.

### **Intended Changes to the LCP**

The changes intentionally proposed by the City and addressed in the City's staff reports and presentations for the LCP amendment at the local level are specific to the Belmont Beach and Aquatics Center (BBAC) project, which involve closure of Olympic Plaza to automobile traffic; removal of park landscaping; demolition of two outdoor pools; conversion of a temporary pool and associated facilities to permanent structures; and construction of an outdoor pool complex that includes a competitive pool, recreation pool, teaching pool, spa, diving well, and spray garden, as well as permanent bleacher seating, passive park area, public restrooms, and a pool facilities building with locker rooms, offices, food concessions, changing rooms, and storage rooms. More details about the City's development proposal can be found in the related staff report for the appeals of two City-approved CDPs and a CDP application within the Commission's retained jurisdiction for the project (A-5-LOB-17-0032, A-5-LOB-20-0007, and 5-18-0788).

As proposed, the development is inconsistent with the certified LCP's height limitations and raises questions with regard to the project's consistency with other LCP policies (and the Chapter 3 policies of the Coastal Act). To address the project's inconsistency with the LCP's height limitations and to provide additional specificity and clarity to the LCP policies for the area, the City is proposing several changes to the PD regulations. First, the City is proposing to remove outdated references, provide a clearer connection between the PD regulations and other certified elements of the LCP, and revise the introduction to the Belmont Pier PD to specify that recreational and competitive swimming should be promoted as a way to increase visitation of the coastal zone. The City also proposes to amend the General Development and Use Standards to maximize access, including ADA-accessible access, to public facilities (including the BBAC); exempt the BBAC from the requirement that no building cover more than 50% of its site; eliminate parking requirements for new public facilities; require landscape materials for public facilities to be composed of California native drought-tolerant species; and reduce and clarify street tree requirements from one tree every 10 feet of street to one tree every 25 feet of street frontage or 10 feet of pathway frontage.

The PD contains general policies and more specific policies for subarea sections. The City proposes to clarify the intended uses for each subarea, apply the proposed no future parking requirement for public facilities in each subarea, and add a new subarea that aligns with the boundaries of the proposed BBAC project site. As proposed, the new subarea would expand the allowable uses from those allowed in the Park zoning district, which is what is currently certified for the area and already allows athletic facilities including pools, to also include, specifically, recreational and competitive swimming, similar aquatic uses, and related special events, coastal-oriented support and accessory uses (such as public restrooms), and other accessory public facilities associated with the BBAC. The subarea policies would also specify where vehicular and pedestrian access is required; building design standards, including a style that implements the certified LCP, a maximum 60 foot height for buildings and structures as measured from 10 feet above sea level (the current maximum height for structures in this area is 25 feet above grade), and references to the proposed general parking and landscaping requirements. The LCP Amendment, as proposed, would also amend the Use District Map to add the new subarea, which extends into the Commission's retained jurisdiction area.

### **Unintended Changes to the LCP**

In addition to the changes described above, the Belmont Pier PD section, as restated in the City-adopted ordinances, includes minor organizational modifications to the section, as well as more substantial deviations from the certified language. The minor changes include renaming the Belmont Pier PD from “area” to “district” and “PD-1” to “PD-2,” changing the title of the introduction section, renumbering the policies and subsections, and modifying some of the language (e.g. changing “vehicular” to “vehicle” and “50%” to “fifty percent”). The more significant changes reflect discrepancies in the records of the certified LCP maintained by the City and the Commission.

Specifically, there are three sections of the PD regulations that were the subject of LCP amendment requests in the 1980s. One, LCPA 1-83, which was approved as submitted on August 25, 1983, was an amendment to expand the Belmont Pier parking lot southerly instead of westerly and by 200 spaces instead of 300 and enhance access to the area without impacting the then “future” bike path. The City’s currently proposed language suggests that the City’s copy of the LCP was not updated to account for these certified changes.

The second relevant LCP amendment is the second action on LCPA 1-82 (LCPA 1-82B), which was approved with suggested modifications on July 30, 1982 and received final certification on February 11, 1983. LCPA 1-82B added professional offices and personal services as allowable ground floor uses for existing non-conforming (“grandfathered”) structures, which were otherwise restricted to visitor-serving uses in the LCP. The suggested modifications clarified the regulations to define what was considered grandfathered, allowed maintenance of such existing uses, and required all new ground floor uses to be visitor serving, including entertainment uses. This amendment was controversial at the time and raised some environmental justice issues. It appears that the City record of the LCP does not incorporate the Commission’s suggested modifications, even though the modifications were accepted by the City.

Finally, LCPA Request No. 2-87 was a partly project-driven amendment to add a subarea to the Belmont Pier PD that would increase the permitted density and height and reduce required setbacks to construct a 15 unit apartment or condominium building. While Commission staff recommended approval of the LCP amendment as submitted, the Commission denied the LCP amendment on July 9, 1987. The Commission’s reasons for denial included that the related development would encroach into a view corridor, would not be compatible with the character of the area, and could impact public access by causing parking shortages. The City’s record, however, reflects Commission staff’s original recommendation not the Commission’s denial, and, thus, the subarea regulations that were denied by the Commission appear in the City’s record of the certified LCP.

### **B. Rejection of LCP Amendment as Submitted**

Under Sections 30512(c), 30513, and 30514(b), the Commission shall certify a proposed amendment to an LUP unless it does not meet the requirements of, and is in conformity with the Chapter 3 policies of the Coastal Act and shall certify a proposed IP amendment unless it does not conform with, or is inadequate to carry out the provisions of the certified LUP. The proposed LCP amendment contains both LUP and IP elements. For the reasons enumerated below, LCPA LCP-5-LOB-20-0014-1 does not meet the requirements or

conform with of Chapter 3 of the Coastal Act and is inadequate to carry out and does not conform with the provisions of the certified LUP.

First, while some of the unintentional changes to the Belmont Pier Planned Development District policies included in the City-approved resolution and ordinances result in minor changes to the certified language that do not have any coastal resource impacts, the three changes described in the previous section are in conflict with the Commission's findings for LCPA Nos. 1-82B, 1-83, and 2-87. As proposed, these changes result in, respectively, the failure to incorporate the Commission's suggested modifications to the professional and personal use policies for Subarea 1, reversion of certified updated parking policies to older parking policies, and inclusion of regulations for an entire subarea that were denied by the Commission. Two of the three changes were reviewed by the Commission and either denied based on inconsistency with the Coastal Act or only approved with suggested modifications to ensure consistency with the Coastal Act. The third change was a material change (reduced vehicle parking cap, restrictions on location) that was based on the development pattern of the area. Therefore, such retroactive changes to the certified language, reverting back to language the Commission declined to certify, would not conform with Sections 30213, 30222, and 30223 of the Coastal Act. Thus, it is necessary to maintain the existing certified LCP policies which the Commission has found are protective of visitor-serving commercial and coastal recreational facilities, visual resources, community character, and the public access policies of the Coastal Act and certified LUP.

Similarly, some of the City's intended changes raise issues with regard to the proposed amendment's consistency with the public access, visual resource, and community character policies of the City's LUP and the Coastal Act. For example, the City proposes to eliminate vehicle parking requirements for new, rebuilt, or remodeled public facilities in the Belmont Pier PD. While the City's LCP includes policies that encourage less automobile use and more alternative transportation options, it may be appropriate for future projects in this area to provide vehicle parking in order to facilitate access to the coast or avoid adverse impacts to public access. Each project should be evaluated based on the demand for vehicle traffic and storage it is likely to generate; some projects may be authorized without new parking while larger projects may necessitate it to avoid adverse impacts to coastal access. Additionally, the proposed amendments to the LCP encourage recreational and competitive swimming in the area, but do not maximize access and opportunities for coastal-dependent, lower cost, visitor-serving recreation for all people as required by Chapter 3 of the Coastal Act and the City's LUP. As proposed, the LCP Amendment would allow for the BBAC facility to be constructed, but would not ensure that the facility serves all people as required by the Coastal Act.

With regard to visual resources and community character, the proposed LCPA includes two changes that could adversely impact public views of the beach and ocean and the open park-like setting of the beach-front portion of the PD area. First, the City proposes to exempt the BBAC from the LCP's requirement that no building cover more than 50% of its site. The current proposed design of the BBAC includes one approximately 15,181 square foot building and an approximately 416 square foot restroom/trash enclosure structure on a 5.8 acre site. Therefore, the proposed BBAC development is well below the 50% threshold and there is no need to remove this requirement to allow for the subject development to be authorized. However, the proposed change to the LCP could result in the development of a

large building(s) on the site or other sites in the PD as part of a future project that would obstruct public views of the beach and water and disturb the outdoor recreational character of the current beach-front development. This would be inconsistent with the visual resource and community character LUP policies, including for this area, and Chapter 3 policies.

Similarly, while the current proposed design of the BBAC includes a building with a maximum height of approximately 29 feet above the surrounding grade (not the grade atop the plinth), the City is requesting that the new subarea allow for building heights up to 60 feet, which is the maximum height of the Belmont Plaza Olympic Pool that was demolished in 2014. However, the current maximum building height for the PD area is 25 feet and the passive park area that replaced the previous pool complex has no buildings. The fact that the LCP was certified while the previous pool facility and support buildings existed does not entitle future development on the site to retain that non-conforming building height after the Pool was demolished. Thus, the 60 foot height maximum is unnecessary and would not be consistent with the view protection policies of the LUP or Chapter 3 of the Coastal Act.

Furthermore, as proposed, the LCP Amendment is unclear about the multiple jurisdictions encompassed within the new subarea and the new allowable uses within that subarea. Unlike the other subareas in the City's certified LCP, the newly proposed Subarea 5, as mapped in ORD-20-0005, extends past the Chapter 138 Line, which delineates the boundary between the City's permit jurisdiction and the Commission's retained jurisdiction. As proposed, the amendment states the review of new development in the PD shall be guided by the goals and policies of the General Plan (including the LCP) and the General Development and Use Standards of the PD. However, for areas within the Coastal Commission's retained jurisdiction, first of all, the Commission, not the City, would process any CDP applications; secondly, the standard of review is Chapter 3 of the Coastal Act, not the certified LCP although it may provide guidance.

Currently, the BBAC project site (proposed Subarea 5) is designated P (park use) and any permitted uses listed under Chapter 21.35, *Park District*, of the certified zoning code apply to the site. As proposed, the LCPA would add "public aquatics center complex," "coastal-oriented support and accessory uses," and "other public facilities accessory to the public aquatics center complex." While the public aquatics center complex is defined, as proposed, it is unclear which types of support and accessory uses would be allowed. This could lead to future confusion about which uses could be allowed onsite and could potentially result in proposals for accessory uses that are not consistent with allowable park uses and/or are not coastal-dependent, visitor-serving, or compatible with the character of the area. Therefore, the lack of specificity in the proposed LCPA could be interpreted in a way that would be inconsistent with the policies of the certified LUP and Chapter 3 of the Coastal Act.

As proposed by the City, Amendment Request No. LCP-5-LOB-20-0014-1 is not adequate to carry out the policies of the City's certified LUP, does not meet the requirements or conform with Chapter 3 of the Coastal Act, and must be rejected.

### **C. Approval of LCP Amendment if Modified as Suggested**

The City's proposed LCP amendment does not meet the requirements of, and is not in

conformity with the Chapter 3 policies of the Coastal Act and does not conform with, and is not adequate to carry out the policies of the certified LUP, as submitted. The following nine modifications are necessary to clarify and make the City's LCP amendment consistent with the certified City's LUP policies and the Chapter 3 policies of the Coastal Act.

**Suggested Modification 1** ensures that public access and recreational use of the BBAC, beach, and park areas are provided for all people. Section 30210 of the Coastal Act requires maximum access and recreational opportunities be provided for all people and Goal 4.10 of the Long Beach Open Space and Recreation Element (LUP) is to provide access to recreation resources for all individuals in the community. The project motivating this LCP amendment is a recreational and competitive swimming complex. As part of the City's project proposal, a portion of the site (Belmont Shore Beach Park) will be converted from a passive beach park that is fully accessible to anyone for free to a partially enclosed and elevated pool area that requires an entry fee with passive park area around it.

The City proposes a sentence in the introduction to the PD that promotes the use of and visitation to the coastal zone, including for recreational and competitive swimming. As proposed, the LCP suggests that recreational and competitive swimming uses are prioritized over other recreational uses. The Coastal Act requires prioritization of coastal-dependent, visitor-serving recreational uses that are not readily provided at inland water areas (Coastal Act Sections 30220, 30221, 30222, and 30223). While the proposed BBAC would be a visitor-serving use that also encourages safe ocean use, it is not coastal-dependent and, for many reasons (including the facility's location, cost of entry, and historic exclusion of people of color), the proposed facility may not be inclusive or maximize access to the coastal zone for all people. Thus, in order for the proposed LCP amendment to conform with the Coastal Act public access and recreation policies and the public access policies of the LUP, this sentence is suggested to be modified to clarify that not only recreational pool swimming, but coastal-dependent recreational opportunities are provided for in the LCP to maximize access for all people.

**Suggested Modification 2** clarifies the standard of review and permitting requirements for local CDPs and development located within the Commission's retained jurisdiction. Unlike the other subareas in the City's certified LCP, the newly proposed Subarea 5 boundaries include area within the Commission's retained jurisdiction. As proposed, the Belmont Pier PD section would state that review of new development shall be guided by the goals and policies of the General Plan (including the LCP) and the General Development and Use Standards of the PD. While this is appropriate for development located within the City's jurisdiction, it is not the right process for development within Subarea 5 located within the Commission's jurisdiction. Thus, a modification is suggested to clarify that the Commission would process any CDP applications for projects located within its jurisdiction and the standard of review for such development would be Chapter 3 of the Coastal Act (the certified LCP may provide guidance). As modified, the LCPA would be clear enough to adequately carry out the policies of the LCP and meet the requirements of the Coastal Act.

**Suggested Modification 3** removes a reference to the City's Bicycle Master Plan, which is not part of the certified LCP. The proposed reference would allow the City to indirectly incorporate policy changes that may be inconsistent with the City's certified LCP and/or the Coastal Act into the LCP without Coastal Commission certification. The recommended



replacement of the reference with references to the certified LCP, including the certified Mobility Element, which includes bicycle, pedestrian, and transit-related policies, does not change the intent of the policy to promote bicycle use and infrastructure—and brings the LCPA into conformance with the LUP policies and the Coastal Act.

**Suggested Modification 4** removes the proposed exception of the BBAC from meeting the LCP lot coverage requirements. Currently, the LCP requires the no building within the PD area cover more than 50% of its site. While the buildings associated with the BBAC, as currently designed, only encompass approximately 6% of the 5.8 acre site and are consistent with the current LCP policy, the City proposes to exempt the BBAC from this requirements. This is neither necessary nor appropriate for the BBAC site because, if exempted, large building(s) could be allowed onsite that could obstruct public views of the beach and water and disturb the outdoor recreational character of the current beach-front development, which is inconsistent with the visual resource and community character LUP policies and Chapter 3 policies. Therefore, it is suggested that the proposed sentence exempting the BBAC from the requirements of this policy be deleted. As modified, the LCPA would be consistent with the LUP and Chapter 3 of the Coastal Act.

**Suggested Modification 5** deletes language previously removed from the certified LCP pursuant to LCPA No. 1-83 and removes the proposed policy requiring no new parking be provided for new development in the future. LCPA 1-83 was an amendment that amended the PD parking policies to expand the Belmont Pier parking lot southerly instead of westerly and by 200 spaces instead of 300. The City's LCPA request suggests that the City's copy of the LCP was not updated to account for these certified changes and would revert the policy back to its previous certified version, which would potentially increase the size of the beach parking areas (from current conditions) and encroach onto the public beach. This is inconsistent with the coastal hazards policies of the Coastal Act, given that new development in the areas surrounding the Belmont Pier parking lot would likely be vulnerable to coastal hazards, including sea levels rise, during its design life. The public access policies of the Coastal Act and certified LUP promote the provision of public parking lots to support coastal recreation, but do not require new parking to be developed on beaches. Parking may be provided in other locations within the PD, but a 300 space lot on the beach adjacent to the BBAC would not be consistent with Chapter 3 public access policies because the beach will be narrowing due to sea level rise. Also, the transportation policies of the LUP require reliance on personal automobiles.

The proposed unintended revisions to the certified parking policy are included in the General Standards of the Belmont Pier PD section, as well as in the Subarea 3 standards. For both, modifications are suggested to delete the language previously amended pursuant to LCPA 1-83 and, instead, require existing parking in the PD area to be retained (as proposed by the City) and allow for new parking to be added in Subarea 3 for future public access. Thus, there would be flexibility regarding where new parking could be allowed, which conforms with the coastal hazards, public access, and transportation policies of the LUP and Coastal Act.

The parking policies for the Belmont Pier PD area are also proposed to be amended to exempt all new, rebuilt, or remodeled public facilities from parking requirements. While consistent with the City's LUP policies that encourage alternative transportation, this policy, which is proposed to be applied throughout this section of the LCP, could be

inconsistent with the public access policies of the LUP and Coastal Act, which require access be provided for all people (Coastal Act Section 30210) and adequate parking facilities or public transportation be provided for new development (Coastal Act Section 30252). Therefore, a modification is suggested to delete each repetition of the proposed policy and replace it with a policy that allows for reductions in parking requirements if it can be demonstrated that there would be no adverse impacts to public access. As modified, the LCPA would be consistent with the Commission's past action on LCPA 1-83 and with the policies of the certified LUP and Chapter 3 of the Coastal Act.

**Suggested Modification 6** reinstates the policies approved pursuant to LCPA No. 1-82B and eliminates the policies proposed under LCPA No. 2-87 that were previously denied by the Commission. LCPA 1-82B added professional offices and personal services as allowable ground floor uses for existing non-conforming ("grandfathered") structures, which were otherwise restricted to visitor-serving uses in the LCP. The suggested modifications certified by the Commission clarified the regulations to define what was considered grandfathered, allowed maintenance of such existing uses, and required all new ground floor uses to be visitor-serving. As proposed, the PD standards do not incorporate the Commission's suggested modifications that protect lower cost recreation and prioritize visitor-serving commercial and coastal recreational facilities, which were required in order for LCPA 1-82B to be found consistent with Sections 30213, 30222, and 30223 of the Coastal Act. Thus, a suggested modification is required to replace the City's proposed language with the certified language that was found to be consistent with the certified policies of the LUP and the Chapter 3 policies of the Coastal Act.

In addition, it is suggested that the City delete all references and standards for Subarea 4 because, although Commission staff recommended approval of those standards (LCPA 2-87), the Commission denied the LCP amendment finding that it was inconsistent with the LUP density policies and the LUP and Coastal Act visual resource, community character, and public access policies. Furthermore, due to the discrepancies between the City's record of the certified LCP and the Commission's record of the LCP, these proposed changes were not reviewed by the City or members of the public. Therefore, in order for the subject LCPA to meet the requirements of, and be in conformity with the Chapter 3 policies of the Coastal Act and conform with, and be adequate to carry out the policies of the certified LUP, the aforementioned modifications are suggested.

**Suggested Modification 7** clarifies the definitions of the new allowable uses in Subarea 5. As proposed, the LCP Amendment adds new permitted land uses beyond what is currently permitted in Park districts, specific to the BBAC. These are: "public aquatics center complex," "coastal-oriented support and accessory uses," and "other public facilities accessory to the public aquatics center complex." Public aquatics center complex is defined as including recreational and competitive swimming and diving, similar aquatic uses, and related special events. However, as proposed, it is unclear which types of support and accessory uses would be allowed. This could be interpreted to allow a broad range of accessory uses that might not be appropriate for the site and could be inconsistent with the policies of the certified LUP and Chapter 3 of the Coastal Act. Therefore, a modification to the proposed uses section of the new subarea is suggested to clarify that "coastal oriented support and accessory uses" are recreation-oriented uses like pop-up tents or sign-in booths that support beach or BBAC programming and "other public

facilities accessory to the public aquatics center complex” would include things like structures required for storage of pool maintenance equipment. As modified, the LCPA would be clear enough to adequately carry out the policies of the LCP and meet the requirements of the Coastal Act.

**Suggested Modification 8** modifies the access requirements for the new BBAC subarea to reflect the current project description. As described under Suggested Modification 1, the public access and recreation policies of the Coastal Act and LUP require maximum access and recreational opportunities be provided for all people; however, the proposed development motivating this LCP amendment involves enclosing and elevating existing public park space for recreational and competitive aquatic activities (and charging a fee for entry). As proposed, the access requirements specific to the new proposed subarea are limited to providing vehicular access to the site from Bennett Avenue, providing a public walkway along the Olympic Plaza right-of-way, maintaining public sidewalk along Ocean Boulevard, and maintaining pedestrian access along the beach frontage. However, in order for the LCPA to be found consistent with the public access and recreation policies of the LCP and Coastal Act, additional provisions are required to ensure that maximum access to the subarea and any recreational facilities therein is provided for all individuals for the life of any development that may be approved in this subarea.

Thus, Suggested Modification 8 recommends adding a subsection to conform to Coastal Act Section 30210 and LUP Goal 4.10 (Open Space and Recreation Element) and Section 30213 of the Coastal Act, which requires the protection, preservation, and provision of lower cost visitor-serving recreational facilities thereby, ensuring that the LCPA is consistent with these policies. In addition, a modification to the vehicular access subsection is suggested to encourage expansion of public transportation options for access to the site to reflect the City’s proposal to add a new bus route that would transport people to and from public parks around the City to the proposed BBAC and to maximize access for those who use public transit. This modification not only ensures consistency with the Coastal Act and LUP public access policies, but Coastal Act and LUP development and transportation policies (Sections 30250, 30252, and 30252 of the Coastal Act and the Mobility Element and Transportation and Access Policies) that decrease reliance on automobiles and increase reliance on public transit and other alternative modes of transportation.

Furthermore, to ensure that access to the beach and ocean and along the beach frontage is maintained in the future, two modifications are suggested. One is to make the proposed requirement for pedestrian access along the beach frontage clearer by requiring a lateral path from east to west on the seaward side of the Belmont Beach and Aquatics Center upon which unobstructed views of the beach and ocean shall be provided and maintained onsite in perpetuity. The second modification to the proposed policy ensures that as sea levels rise, access to the sandy beach is maintained seaward of proposed Subarea 5, which is anticipated to be one of the last two remaining ocean beaches in Long Beach (assuming the existing line of development remains in its current position). The policy would require that portion of the sand beach to be prioritized over maintenance of the non-coastal-dependent pool complex by requiring either a minimum 150 foot beach width be maintained or an alternative means of coastal access provided through Coastal Commission-approved sea level rise adaptation plan that conforms with the Chapter 3

policies of the Coastal Act. Given the nature of the project driving this LCP amendment, including the creation of this new subarea, only as modified will LCPA LCP-5-LOB-20-0014-1 conform with the policies of the Coastal Act and the City's certified LUP.

**Suggested Modification 9** separates the maximum allowable height for buildings from the that for structures allowed in Subarea 5 and reduces the maximum allowable height for buildings from 60 feet, as proposed, to 30 feet. The City suggests through the proposed language that, given the 60 foot height of the previous Belmont Pool complex, a 60 foot height maximum is still appropriate for the site. However, the City is not entitled to a maximum height of 60 feet based on a pre-existing building that did not conform to the LCP, nor is it necessary or consistent with the LUP and Coastal Act policies that require impacts to public views of the coast be minimized.

Thus, modifications are suggested to distinguish the different height limitations for buildings and for other structures, specify structures which may be permitted to reach the maximum height, delete unclear terminology, remove the reference to the previous facility's height, and change the datum for measuring height to apply consistently to all development. The tallest building included in the current BBAC design is 29 feet, two inches high, as measured from the existing grade (the grade of the adjacent parking lot areas). A modification to the height requirements for Subarea 5 is suggested to set the maximum height for buildings to 30 feet, which aligns with the maximum height allowed for buildings within the Park district.

Another modification is suggested to clarify which structures would be allowed to reach the 60 foot maximum height proposed by the City. The broad use of the term "structure" could be interpreted to include massive structures that could adversely impact coastal resources. It appears, based on the list of structures provided in the proposed language, that the City intends to allow the maximum height to be reached by the currently proposed BBAC project elements that exceed a 30 foot height including, but not limited to, shade structures, diving towers, and light and speaker poles. Thus, the modification is suggested to include additional descriptors that reflect the general nature of these types of accessory structures, which are relatively visually permeable or narrow and spaced far enough apart to minimize view obstructions.

Finally, as proposed, height would be measured using a datum related to the BBAC project grade based on sea level. However, considering sea levels will change and the BBAC plans may not be readily available to future project applicants and members of the public, it is suggested that a NAVD88 datum be used instead. NAV88 is a sea level datum based on surveys conducted in 1988 that provides an immobile point from which to measure height. As modified, LCPA LCP-5-LOB-20-0014-1 would meet the requirements of, and be in conformity with the Chapter 3 policies of the Coastal Act and conforms with, and is adequate to carry out the policies of the certified LUP.

#### **D. California Environmental Quality Act**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental review documentation in connection with its activities and approvals necessary for the preparation and adoption of an LCP. The Commission's LCP

review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).) Thus, under Section 21080.5 of CEQA, the Commission's review and analysis of the LCP amendment in this staff report satisfies CEQA environmental review requirements. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Long Beach LCP Amendment No. LCP-5-LOB-20-0014-1 consists of an amendment to the Land Use Plan (LUP) and Implementation Plan (IP) of City's certified LCP.

As outlined in this staff report, the proposed LCP Amendment, if modified as suggested, will be consistent with the policies of the LUP and the Chapter 3 policies of the Coastal Act. Thus, the Commission finds that the LCP Amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LCP and the Chapter 3 policies of the Coastal Act. The Commission finds that approval of the LCP Amendment, as modified, will not result in significant adverse environmental impacts under the meaning of CEQA and will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Furthermore, as modified, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the LCP amendment may have on the environment.