

**CALIFORNIA COASTAL COMMISSION**

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# Th12b, 13a&b, 14a

## ADDENDUM

February 5, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEMS Th12b, 13a&b, and 14a, City of Long Beach LCP Amendment No. LCP-5-LOB-20-0014-1, Appeal Nos. A-5-LOB-17-0032 and A-5-LOB-20-0007, and CDP Application No. 5-18-0788 (BBAC) FOR THE COMMISSION MEETING OF THURSDAY, FEBRUARY 11, 2021.**

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### I. PUBLIC CORRESPONDENCE

Included in the correspondence for Items Th12b, Th13a, Th13b, and Th14a are comment letters received ahead of the Commission's upcoming February 2021 meeting, as well as comments received prior to the Commission's December 2020 meeting for this project, which was previously scheduled and then postponed. Since the December 2020 postponement, changes have been made to the suggested modifications and findings for Local Coastal Program (LCP) Amendment Request No. LCP-5-LOB-20-0014-1 to address concerns raised by the City of Long Beach in a letter submitted on November 30, 2020. The changes include clarifications regarding the calculation of lot coverage, parking policies, and the datum used to calculate the height of the Belmont Beach and Aquatics Center (BBAC). In addition, minor changes to the staff report for the related appeals and coastal development permit (CDP) application have been made, as well as a recommended condition of approval requiring the City to indemnify the Commission against lawsuits associated with the project.

Between November 13, 2020 and February 5, 2021, the Commission received 108 public comment letters in support of the proposed BBAC project, five neutral comments, and 62 public comment letters plus 95 form letters (total 157) in opposition to the staff recommendations for approval of the subject LCP amendment and CDPs.

One of the main reasons cited in support of the project is that there is a need for community wellness spaces, like the proposed BBAC, and that the previous pool facility and existing temporary pool have served that need for generations and have served

diverse populations. Other reasons for support include: it is a unique experience to swim in warm water while looking at the ocean; the BBAC will improve swim safety; the extra pool area is needed for aquatics sports competitions; it has to be located in the coastal zone due to the use of Tidelands Funds; additional programming will encourage pool use by underserved communities; and it will help local businesses. In addition, some members of the public suggest that the project be modified to: include discounts or free passes for underserved individuals; partner with local hospitals for public access outreach; control noise associated with special events; reduce the number of private classes, but maintain the number of events; construct a retractable roof; add more ladders to access the pools; install a seawall; and incorporate flood remediation measures to ensure runoff from the site will not affect neighboring businesses. One commenter stressed the importance of building a public pool that serves and welcomes the entire community with equal opportunities; however, it was unclear if the member of the public was in support of the BBAC, as proposed and conditioned.

The reasons for opposition include, generally, concerns related to sea level rise and geologic hazards, equitable use of the pool, public engagement (including noticing issues and lack of outreach to underserved communities in Long Beach), the City's coastal development priorities, and the proposed project's impacts to public access, visual resources, traffic, parking availability, and wildlife. Additionally, many of the comments suggest that there are alternatives for the use of the large amount of City's funds (such as for several LCP-priority projects, sea level rise adaptation, or miscellaneous public improvements) and that there are alternatives for the location of the proposed aquatics complex. All these issues are addressed in the staff reports for these items, most extensively in the findings and declarations beginning on page 48 of the staff report for Items Th13a, 13b, and 14a. In addition, regarding public engagement issues, some comments related to the City's process. Issues that arose around proper noticing for the Commission's hearing on these items were addressed, including by sending notices to all known interested parties and additional potential interested parties (including the Commission's listserv of environmental justice organizations) by mail and/or email, posting notices at the site, publishing the notice in the newspaper, and updating the project site.

Other comments in opposition of approval of the project include that there is insufficient ADA access, the project is not coastal-dependent, and potential wind impacts are not addressed. The proposed ADA access improvements are described on page 49 of the staff report for items Th13a, 13b, and 14a; discussions regarding allowable uses at the project site are addressed in both staff reports related to the BBAC; and there are not Coastal Act of LCP policies that require analysis of potential impacts associated with wind; however, potential damage associated with coastal hazards like storm events is discussed in the sea level rise section of the staff report for items Th13a, 13b, and 14a. One commenter also points out a lack of incorporation of coronavirus protections in the proposed development. Operational requirements relating to the coronavirus are not part of the Commission's standard of review.

Regarding the Special Conditions recommended for CDP Nos. A-5-LOB-17-0032, A-5-LOB-20-0007, and 5-18-0788, one public comment requests that the reports relating to the required Shoreline Change, Sea Level Rise Monitoring, and Adaptation Program (Special

Condition 13) also be shared with the public. The public may obtain copies of any reports submitted to the Commission through a request for records under the Public Records Act. Another commenter suggests that because many of the special conditions require Executive Director review and approval of complicated documents, the added workload on Commission staff is a reason the Commission should not approve the project. However, the Executive Director routinely reviews plans prior to issuance of a coastal development permit, and the conditions of this permit outline the required contents of plans in sufficient detail to guide the Executive Director's review.

In addition, one commenter requested the Commission postpone acting on the permit application until the project could be reviewed for consistency with President Biden's recent Executive Order No. 14008, issued on January 27, 2021, which establishes a federal policy to ensure that environmental and economic justice are key considerations in how the federal government governs. The President's Executive Order creates a White House Environmental Justice Interagency Council comprised of various Administration cabinet members and officials to develop a strategy to address current and historic environmental injustice, creates a White House Environmental Justice Advisory Council with members appointed by the President for the purpose of providing recommendations to the White House Environmental Justice Interagency Council on how to increase the federal government's efforts to address current and historic environmental injustice, and assigned certain responsibilities to federal agencies to further the policies of the Executive Order. Therefore, the Executive Order—which applies to the operations of the federal government—does not modify the Coastal Act or the City's certified Local Coastal Program, which are the standards of review for this project.

Finally, specifically in response to the City's LCP amendment request, one commenter states that the amendment is spot zoning for the proposed development and that the entire new proposed subarea should be designated as Coastal Commission permit jurisdiction. As a point of clarification, the boundaries of Commission and City permit jurisdiction are set pursuant to specific regulations; however, if the Commission finds substantial issues exist with regard to the grounds upon which Appeal Nos. A-5-LOB-17-0032 and A-5-LOB-20-0007 were filed and approves the CDP applications, the Commission will have permit jurisdiction for future changes to the project, which may or may not require a CDP amendment.

There are no changes to the staff report proposed in response to these comments.