CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

Th13a&b & 14a

A-5-LOB-17-0032, A-5-LOB-20-0007, and 5-18-0788 (City of Long Beach)

February 11, 2021

EXHIBITS

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Exhibit 1 – Project Location





STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Received at Commission Meeting
JUN 0 8 2017
From:

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commissioners: Bochco
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Construction and operation of the Belmont Beach and Aquatic Center, an indoor/outdoor pool facility with adjacent café and restroom buildings.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza, City of Long Beach, Los Angeles County.

4. Description of decision being appealed:

   a. Approval; no special conditions: _____

   b. Approval with special conditions: **XX**

   c. Denial: _____

NOTE: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: **A-5-LOB-17-0032**

DATE FILED: **June 9, 2017**

DISTRICT: **South Coast**

SECTION IV. Reasons Supporting This Appeal

The proposed project, as approved by the City, raises several substantial issues in regards to consistency with the certified LCP and the public access and recreation policies of the Coastal Act.

The approved 125,500 sq. ft. swimming pool complex, café, and 55,745 sq. ft. park on a 5.8-acre beachfront site in the Belmont Shore area of Long Beach constitutes new development that is not coastal dependent and would result in potential adverse impacts to existing public access and recreation opportunities in conflict with the public access and recreation policies of both the certified LCP and the Coastal Act. In addition, the project does not comply with the height restrictions for new development in the area and would result in potential adverse impacts to public views and visual resources in conflict with the policies and provisions of the City's LCP.

The primary issue raised by the project is that although the beach is currently wide enough that the structure would most likely be safe from wave action in the immediate future, given sea level rise, the new pool facility is expected to be directly subject to wave action and shoreline erosion during the structure's expected life. The project appears to be designed to likely ensure the structure's stability (from an engineering perspective) once the area of the beach where the seaward portion of the structure is located becomes inundated due to sea level rise; however, this would be achieved by utilizing a substantial foundation that would both extend not only below the expected scour level of the beach but would also be built up relatively high in elevation. This foundation itself would act effectively as a seawall in that it would fix the back of the beach (no landward migration of the sandy beach would be possible because the structure would "fix" the back of the beach and; thus, the seaward portion of the structure would eventually be expected to be located in the water with little or no sandy beach seaward of the pool facility) which, in the long run, could adversely impact public access along the beach inconsistent with the public access/recreation policies of the City's certified LCP, as well as the Coastal Act.

Commission staff has previously informed the City in multiple meeting, phone calls, and letters that the City should more fully evaluate relocating the facility to an area that would not be affected by sea level rise/wave action for the expected life of the development, consistent with the public access/recreation policies of the City's LCP and the Coastal Act, the Commission's Sea Level Rise Guidance Document, and with Section 30235 of the Coastal Act which the Commission interprets to mean that new development should be sited and designed to not require shoreline protective devices (or in the case, where the structure itself has been designed in a manner that the structure itself would effectively function as a shoreline protective device with the same potential impacts to the beach and public access).

In addition, the height of the 78 ft. high structure significantly exceeds the 25 ft. height limit for development on site pursuant to the City's LCP; thus, as approved by the City, the project would be inconsistent with the height limits for new development in this area and would result in potential adverse effects to visual resources along the coast inconsistent with the visual resource protection policies of the City's certified LCP.

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Received at Commission Meeting
JUN 0 8 2017
From:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commissioners: Turnbull-Sanders
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Construction and operation of the Belmont Beach and Aquatic Center, an indoor/outdoor pool facility with adjacent café and restroom buildings.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza, City of Long Beach, Los Angeles County.

4. Description of decision being appealed:

   a. Approval; no special conditions: _____

   b. Approval with special conditions: **XX**

   c. Denial: _____

NOTE: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: **A-5-LOB-17-0032**

DATE FILED: **June 9, 2017**

DISTRICT: **South Coast**

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The approved 125,500 sq. ft. swimming pool complex, café, and 55,745 sq. ft. park on a 5.8-acre beachfront site in the Belmont Shore area of Long Beach constitutes new development that is not coastal dependent and would result in potential adverse impacts to existing public access and recreation opportunities in conflict with the public access and recreation policies of both the certified LCP and the Coastal Act. In addition, the project does not comply with the height restrictions for new development in the area and would result in potential adverse impacts to public views and visual resources in conflict with the policies and provisions of the City's LCP.

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Commission staff has previously informed the City in multiple meeting, phone calls, and letters that the City should more fully evaluate relocating the facility to an area that would not be affected by sea level rise/wave action for the expected life of the development, consistent with the public access/recreation policies of the City's LCP and the Coastal Act, the Commission's Sea Level Rise Guidance Document, and with Section 30235 of the Coastal Act which the Commission interprets to mean that new development should be sited and designed to not require shoreline protective devices (or in the case, where the structure itself has been designed in a manner that the structure itself would effectively function as a shoreline protective device with the same potential impacts to the beach and public access).

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RECEIVED
South Coast Region

JUN - 6 2017

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: GORDANA KAJER

Mailing Address: 235 Loma Avenue

City: Long Beach Zip Code: 90803 Phone: (562) 522-8004

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed:
Coastal Development Permit for construction of Belmont Beach Aquatic Center Project), an indoor/ outdoor pool facility with an adjacent passive park, cafe, and restroom buildings (Application No. 1405-01)

3. Development's location (street address, assessor's parcel no., cross street, etc.):
4000 E. Olympic Plaza, Long Beach, California

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 6, 2017

DISTRICT: South Coast

STATEMENT OF REASONS FOR APPEAL

The development does not conform to the standards set forth in the certified local coastal program.

The project fails to meet design requirements for buildings in the Belmont Pier Planned Development Area set forth in the 2006 revision of the certified LCP. Those building design requirements include the following:

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.
B. Height. No buildings shall exceed two stories in height or 25' above grade if located on-shore or two stories or 25' space above the pier if located over the water.
C. Lot Coverage. No building shall cover more than 50 percent of its site nor shall occupy more than 50 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 100 percent of their sites.
D. Special Design Standards. All buildings shall be located and designed to provide a maximum feasible amount of unobstructed views through their sites towards the beach and recreational facilities.

A portion of the site is zoned "Park," a citywide designation that establishes an allowable building height of 30 feet that appears to be in conflict with the specific height limits for the Belmont Pier Planned Development Area. In any case, the proposed building is at least twice as high as the LCP allows.

The proposed building is not in harmony with other existing structures, is 78 feet high, covers more than 50 percent of the site and does not provide the maximum feasible amount of unobstructed views toward the beach.

In order to justify the 78 foot height of the structure when the LCP height limit is 25 feet, the City relied on its standards variance procedures set forth in its LCP implementing ordinance, namely Long Beach Municipal code 21.25.306. It provides that a variance can be granted only if "The unique situation causes the applicant to experience hardship that deprives the applicant of a substantial right to use of the property as other properties in the same zone are used . . ."

The Finding that the applicant is deprived of the right to use the property as other properties are used, has no factual basis. The Findings, a copy of which is attached hereto, focus on the former use of this site, not on the use of other properties nearby or on other properties with these zoning designations. There are no facts recited in the Findings to support its conclusory statement that "The unique situation causes the applicant to experience hardship that deprives the applicant of a substantial right to use of the property as other properties in the same zone are used . . ." The only "hardship," if there is one, is that the LCP as currently certified does not allow the construction of a project inconsistent with its land use and implementing ordinances.

C. Pedestrian. Pedestrian walkways shall flow throughout the area. All walkways shall be improved to the satisfaction of the City Engineer.

3. Building Design.

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.

B. Height. No buildings shall exceed two stories in height or 25' above grade if located on-shore or two stories or 25' above the pier if located over the water.

C. Lot Coverage. No building shall cover more than 50% of its site nor shall occupy more than 50% of its site parallel to Ocean Boulevard. Commercial uses on the west side of 39th Place shall be excepted from this and may occupy 100% of their sites.

D. Special Design Standards. All buildings shall be located and designed to provide a maximum feasible amount of unobstructed views through their sites towards the beach and recreational facilities.

E. Open Areas. Open areas shall be landscaped and shall contain pedestrian pathways accessible to the public. Such access shall be guaranteed through deed restrictions. Open areas may also be utilized as areas for outdoor dining.

4. Parking.

A. Public. The existing number of public parking spaces shall be retained. Public parking may be relocated from the Granada Avenue parking lot to under and west of Belmont Pier, but not extend westward of 38th 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.

STANDARDS VARIANCE FINDINGS
4000 E. Olympic Plaza
Application No. 1405-01
March 2, 2017

Pursuant to Chapter 21.25 (Specific Procedures), Division III of the Long Beach Municipal Code, the Standards Variance procedure is established to allow for flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of the flexibility, certain findings of fact must be made before any variance can be granted. These findings have been incorporated in the Long Beach Municipal Code.

1. **THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE COMPARED TO THE OTHER SITES IN THE SAME ZONE;**

The project site is unique in that it is split-zoned. The northern portion of the site is located in the Belmont Pier Planned Development District (PD-2), while the southern portion of the site is located in the Park (P) zone. The maximum building heights allowed in PD-2 and the P zone are 25 feet and 30 feet, respectively. The proposed Belmont Beach and Aquatic Center will reach a maximum height of 78 feet and be built over a portion of each zoning district.

The 5.8-acre project site was formerly developed with the Belmont Plaza Pool, a public pool facility which opened in 1968. The Belmont Plaza Pool facility consisted of a 60-foot-tall natatorium that housed a 14,010-square-foot competition pool for swimming and diving, a 5,665-square-foot restaurant and banquet hall, and locker room and office areas. The facility also included two outdoor pools and 45,160 square feet of passive parkland. The natatorium was closed in January 2013, and demolished in February 2015, after studies found it suffered from major seismic and structural deficiencies. Following demolition of the former pool facility, the area of the project site where the former facility stood was backfilled, compacted, and at the request of the California Coastal Commission, covered with a thin layer of sand. The remainder of the project site consists of paving (Olympic Plaza right-of-way, parking lot areas, walkways and pathways), vegetation (primarily grasses and trees), and the aforementioned outdoor pools. The diverse range of project site conditions is thus unique when compared with other sites in the PD-2 and P zone.

Commercially developed parcels are located north of the site, across Olympic Plaza; bicycle and pedestrian pathways, volleyball courts, and the beach are located south of the site; the Beach Parking Lot and City Maintenance Yard are located east of the site; and the Belmont Veterans Memorial Pier, Pier Parking Lot, and a four-story multi-family residential building are located west of the site. The presence and location of these existing improvements act as site constraints that limit possible design options, including the ability to design a facility in compliance with applicable height limitations. Furthermore, the proposed closure of Olympic Plaza – it's to be integrated into the passive park and landscaping component of the project – would leave the site uniquely without a street frontage.

The Long Beach General Plan's Open Space and Recreation Element (OSRE) and Chapter 21.35 of the Zoning Regulations, *Park District*, both classify the Belmont Pool Complex as a designated Special Use Park. Per the OSRE, Special Use Parks "provide unique cultural heritage and/or educational features which attract a broad audience from near and far." The proposed replacement pool facility would retain this unique designation and continue the site's demonstrated, 45-year ability to support a swimming facility capable of accommodating local, regional, and national aquatic events.

2. **THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;**

From 1968 – 2015, the project site was improved with the 60-foot-tall Belmont Plaza Pool. When the need for a replacement pool facility was identified, the Long Beach City Council and a Stakeholder Advisory Committee, with input from the California Coastal Commission, identified specific objectives for the facility. These objectives identified the need for a facility on the same site with increased aquatic programming that could accommodate up to 4,250 spectators and minimized view disruptions when compared to the former facility. The objectives also called for a pool complex with a signature design that is distinctive yet appropriate for the site's seaside location, and one that provided greater amount of on-site open space and passive park / landscaped area than the former facility. Achieving these diverse project objectives with the spatial constraints identified in Finding 1 necessitates a facility that would stand taller than the site's 25- and 30-foot height limitations.

Construction and operation of the 78-foot-tall Belmont Beach and Aquatic Center would not grant the applicant a special privilege inconsistent with limitations imposed on similarly zoned properties. The Belmont Plaza Pool functioned as a public, region-serving pool facility, the only one of its kind in the City. Like the proposed facility, its 60-foot height exceeded the site's 25- and 30-foot height limitations. With the site's established history of accommodating an over-height flagship pool facility, approval of the subject variance request would therefore not constitute a grant of special privilege.

3. **THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND**

The over-height component of the project, the pool facility, will not cause substantial adverse effects upon the community. The natatorium and outdoor pool deck will be located atop a 7-foot-tall plinth. The natatorium will rise 71 feet from plinth level, giving the facility a total height of 78 feet. The curved, elliptical shape of the natatorium would result in a reduced sense of mass and scale when compared to the natatorium of the former Belmont Plaza Pool, which was built in a traditional style that emphasized height and scale. The rectangular former natatorium stood 60 feet tall for its entire 230-foot length. Its broad sides faced north and south, hindering views of the coast from northern vantage points. Only the peak of the proposed natatorium would exceed the height of the former facility. From this peak, the roof of the natatorium would taper downward, resulting in the majority of the structure being of a lower height than the former facility. Additionally, the natatorium would be comprised of a web of structural steel infilled with ethylene tetrafluoroethylene (ETFE) plastic, a roof system that would allow for a higher degree of transparency than the former facility. The increased visibility through the site and less imposing, more coastally-oriented style of the proposed natatorium would represent an improvement in the visual quality of the site and as such will not cause substantial impacts upon the community.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Environmental Impact Report (EIR) 01-16 was prepared for the proposed project. The EIR analyzed the project for potential environmental impacts, discussed alternatives, and proposed mitigation measures for identified potentially significant impacts. The purpose of the mitigation measures is to minimize, offset, or otherwise reduce or avoid these identified impacts. Mitigation measures proposed for the project include sound engineer designing of the facility's sound systems – both temporary and permanent – to ensure noise levels from the venue do not exceed City standards at the site's surrounding sensitive land uses and the filing, review, and approval of an Event Traffic Management Plan to address potential traffic circulation impacts during large special events (450+ spectators). Special, project-specific conditions of approval would also serve to limit adverse impacts upon the community. Among these conditions are a requirement that the facility cease operations and illumination of the natatorium at 10:00 p.m., nightly, a prohibition on alcohol sales, and the requirement of a facility lighting plan.

4. **IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.**

The Local Coastal Program contains specific policies for various planning areas of the City's coastal zone. The project site is located within Area C – Belmont Heights Neighborhoods of the Local Coastal Program, an area containing a mixture of

residential housing types, a node of commercial uses south of Ocean Boulevard at Livingston Drive, and the Belmont Pier, Belmont Pool, and Colorado Lagoon recreation areas. The project furthers Local Coastal Program policies that call for enhancement of coastal zone public recreation and public access, and an increase in public use of coastal resources. These policies are achieved with the expanded, more modern facility. The facility provides an increase in the amount of programmable water surface area, spectator seating, and on-site open space from the former facility that stood at the site. Project compliance with Area C-specific policies would also be achieved. These policies include retention of existing Termino Avenue and Bennett Avenue view corridors (achieved, and enhanced from the former box-shaped facility, with the proposed facility's bubble shape and use of transparent building material) and the closure of Olympic Plaza at the north-end of the site (the area would be converted into a landscaped pedestrian circulation and emergency fire access path).

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED
South Coast Region
JUN 7 2017
CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Susan K. Miller, 4217 East Ocean Blvd., Long Beach, CA 90803 phone: 562-434-2109

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Belmont Beach and Aquatic Center

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza

4. Description of decision being appealed:

   a. Approval; no special conditions: _____

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial: Appeals of Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Cantrell & Citizens Advocating for Responsible Planning (CARP), the Long Beach Area Peace Network & Anna Christensen, & Gordana Kajer

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 7, 2017

DISTRICT: South Coast

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

The EIR was flawed and lacking common sense. Briefly: The pool violates Coastal Act per the blocking public view and public access. The project violates the "best use" of the land. Impedes and hampers the wildlife and habitats on the coast.

Please find attached my letter sent to the City of Long Beach Council and my speech given to Council on May 16, 2017. My public comment is at time code:
3:12:10 http://longbeach.granicus.com/MediaPlayer.php?view_id=12&clip_id=9143

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Wendy K. Miller
Signature of Appellant(s) or Authorized Agent

JUNE 7, 2017
Date

May 16, 2017 City Council meeting/Hearing on the Pool EIR/Agenda Item 2 file # 17-0371

SUSAN MILLER

Mon 5/15/2017 5:04 PM

To:cityclerk@longbeach.gov <cityclerk@longbeach.gov>;

1 attachments (664 KB)

belmontpoolproposed.png

To: City Clerk

Just to clarify my attached letter is to be made public record to be included for the May 16, 2017 City Council Hearing on Council agenda: Agenda Item # 2 file 17-0371 Recommendation to receive supporting documentation into the record,
conclude the public hearing; consider appeals from Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Cantrell and Citizens Advocating for Responsible Planning (CARP), the Long Beach Area Peace Network and Anna Christensen, and Gordana Kajer; and
Uphold the Planning Commission's decision to adopt resolution certifying Environmental Impact Report 01-16 (State Clearinghouse No. 2013041063), approve a Mitigation Monitoring and Reporting Program, and approve Site Plan Review, Conditional Use Permit, Standards Variance, and Local Coastal Development Permit entitlements for the construction and operation of the Belmont Beach and Aquatic Center, an indoor/outdoor pool facility with an adjacent passive park, cafe, and restroom buildings (Application No. 1405-01) at 4000 East Olympic Plaza. (District 3)

Thank for handling this request,

Susan Miller

From: SUSAN MILLER <mpshogrl@msn.com>
Sent: Saturday, May 13, 2017 3:40 PM
To: cityclerk@longbeach.gov
Subject: Fw: oppose passing of Belmont Pool DEIR/May 16th Council meeting/Hearing on the Pool EIR

To: City Clerk

Please enter my following letter into the public records.

Regards,
Susan Miller

4217 East Ocean Blvd.
Long Beach, CA 90803

From: SUSAN MILLER <mpshogrl@msn.com>
Sent: Saturday, May 13, 2017 3:30 PM
To: Rex Richardson; Council District 2; Jeannine Pearce; Councilman Daryl Supernaw; Daryl Supernaw; Suzie Price; Susie Price; Stacy Mungo; Stacy Mungo; Councilmember AL AUSTIN II; Dee Andrews; Lena Gonzalez; Roberto Uranga; Mayor Garcia; Mayor Robert Garcia; Patrick West; Tom Modica; Mark Hungerford; Eric Lopez
Subject: oppose passing of Belmont Pool DEIR/May 16th Council meeting/Hearing on the Pool EIR

Dear Mayor, City Council and City Staff,

RE: May 16th, 2017 City Council meeting item/ Hearing on the Belmont Beach and Aquatic Center

Please include this letter in the public record.

A number of issues/concerns have been pushed aside on the proposed Belmont Beach and Aquatic Center (BBAC). My issues per the EIR
http://www.lbds.info/planning/environmental_planning/environmental_reports.asp
4.1 Aesthetics The Scoping Process was flawed so is the City re-issued and circulated the NOP for the Draft EIR between April 9, 2014, and May 8, 2014 . During Scoping, the proposed pool plan shown was the same size, height and footprint of the demolished Belmont Pool so very few complaint letters were received. (SEE attached pool plan that was circulated for the Scoping



Process.) The Scoping Process and NOP are entirely invalid and do not take into account the impaired vistas, scenic view and road traffic/road diet that the "bubble" pool design present. **Obstructed public views** at Bennett Ave. : Section 4.1, Aesthetics and in the Local Coastal Program (LCP) include policies for retention of existing Termino and Bennett views. *Visual impacts are analyzed from public vantage points, as required by CEQA. Figure* 4.1.1 doesn't even depict the café and restrooms located at the end of Bennett Ave that obstructs public view. Figure 3.5 on page 15 of 48 shows the café and restrooms are a major obstruction. This is a public view corridor and the location of the café and restrooms block it. The project does not preserve or enhance identified view corridors. The location of the café is under Coastal Commission jurisdiction. Ocean Blvd. is designated as a scenic roadway. A seven story tall building in a neighborhood that has a 3 story building height restriction is not compliant with policies - it blocks and obstructs the view of a Scenic coast
4.2 Air Quality Again this methodology was based on the Scoping Process. The Scoping Process was based on a pool plan that is not the same as viewed during the DEIR process. This is invalid.

4.3 Biological Resources This again is based on the Scoping Process methodology which is a pool plan not being reviewed presently. The Belmont pool plan now is an ETFE covered structure. ETFE structures are known to harm flight paths of the birds, birds peck/collapse ETFE structures, only professional rock climbers can do maintenance, cleaning and leak repair on an ETFE structure. ETFE material is not self cleaning. (I live across from the Belmont pool location. I have had a sample of ETFE on my outdoor balcony. The ETFE sample has collected the black grim particles that permeates the air on the coast and even the down pouring rain last Sunday afternoon, May 7th did not clean or wash the black grim from the ETFE sample. So how are rock climbers suppose to circumnavigate the bird deterrent wire necessary on the ETFE roof to keep the Sea Gulls from pecking the roof be able to clean a roof that has black grim sticking to the ETFE. Every morning for the last 24 years, I hear the birds pecking my clay tile roof of my townhouse to drink the condensation and peck apart whatever food morels they are consuming. So the ETFE pool building will be exposed and prey to this bird activity. Plus if bird pecks damage the ETFE roof either the entire ETFE diamond section must be replaced which is very costly or a "duct tape patch" is applied. This duct tape patch is evident at the new ETFE Anaheim train station - tape patches all over the ETFE roof is visually unappealing.

4.4 Cultural Resources Invalid base of methodology using a pool design that is not even being contemplated.

4.5 Geology Invalid base of methodology using a pool design that is not even being contemplated.

4.6 Global Climate Change Invalid base of methodology during Scoping using a pool design that is not even being contemplated

4.7 Hazards and Hazardous Materials Invalid base of methodology during Scoping using a pool design that is not even being contemplated.

4.8 Hydrology-Water Quality My comments submitted for the DEIR concerned Sea Level Rise/flooding the entire beach parking lot and the first floor of the building. The response I was given and I quote: On page 249, Section 4.8, Hydrology *The lower level of the building (pool **equipment and storage) and associated parking areas would be below the projected water line under both scenarios**; however, these areas would not be open for public use, and therefore, would not subject visitors to the Project site to significant cumulative impacts related to Sea Level Rise.*

The parking lot is public use, so this response is not valid. The parking lot being unusable and deterring accessibility is a negative impact and constitutes a significant impact. The fact that any areas of this facility would be under water should be of great concern. The comment "lower level of the Pool not being public" again flies in the face of common sense - if the first floor is flooded where equipment and facility operations exist - the aquatic facility will not function, be useable and present maintenance problems. None of the mechanical or electrical systems will function. This again is a significant negative impact.

What, perhaps, could have been added to the analysis was a bit of common sense. Common sense applies which the Supreme Court has recently observed. We are still in a drought with water restrictions, multiple pools are not water conservation.

4.9 Land Use **Conflict with the Federal Migratory Bird Act**: removing habitat/interfering with protected birds' homing habitat environment, placing high dome structure in the flight path of the protected birds, pool chemicals, lights emitting from clear dome structure/outdoor pools and noise decimates the habitat area. Development of sensitive lands such as coastal and riparian areas and restriction of wildlife causes habitat loss and is the leading decline in plant and animal diversity and populations.

4.10 Noise California Coastal Act, Chapter III, Section 30240 protects environmentally sensitive habitats, Sections 8.80.150, Section 8.180.160 and Section 8.80.170 The making or continuing, or causing to be made or continued of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal

sensitiveness residing in the area. Section 8.80.190 Noise disturbances that are prohibited: "whistle, or similar device, intended primarily for nonemergency purposes from any place, for more than ten (10) seconds in any hourly period Section 8.80.200 prohibits the sounding outdoors of any whistle or similar device except for emergency only. Section 8.80.200.L noise sensitive areas - there is a preschool right across from Belmont Pool. Noise, air and light pollution will increase exponentially.
4.11 Recreation Invalid base of methodology using a pool design that is not even being contemplated.
4.12 Transportation and Traffic East Olympic Plaza provided a staging area for swim team buses to load/unloading plus the buses usually stayed parked on East Olympic plaza. With removal of East Olympic Plaza and East Ocean Blvd. being reduced to one lane, traffic on East Ocean Blvd will be backed up. The EIR does not give a definite traffic management plan. There needs to be mitigation for traffic. The earlier Belmont Pool plan (see first attach above) closed the Bennett Ave entrance to the Belmont Pool, making made Granada Ave the main entrance. Buses would enter at Granada & loop around within the beach parking lot/do the bus staging within the parking lot not East Ocean Blvd.
4.13 Utilities Invalid base of methodology using a pool design that is not even being contemplated.
5.0 Alternatives A definitive look at alternative sites was grossly neglected and not given a broad analysis.

The ETFE tensile material specified for the Pool roof is a poor material choice for a structure along the coast. See FAILURE of the ETFE material: http://www.airsculpt.com/latest-news/problems-etfe-roofs-canopys/ To meet the CA Energy Code which requires blocking 91% of sun light penetration, the ETFE must be solar dot imprinted. The solar dot imprinted EFTE is opaque, this is does not allow a clear view to the exterior. People inside of the Pool building can not see a clear view of the ocean. The Pool building does not fade into the surrounding landscape because it is not a clear material. ETFE is poor sound proofing. Rain on an ETFE structure makes a deafening drumming sound internally. Likewise, the noise created inside of the ETFE bubble will transfer to the outer surrounding residential neighborhood. Sunlight easily penetrates ETFE causing pool water temps to overheat, air conditioning/condensation issues inside and the night time lighted pool will disturb the quality of life for human and wildlife residents.

Mitigations not sensibly addressed in EIR:
1. measures for an alternative aquatic facility site
2. mitigations for parking when parking lot is underwater
3. mitigation for traffic infrastructure due to imperiled one lane traffic on East Ocean Blvd and elimination of East Olympic Plaza 4. mitigation measures taken to protect the residents and wildlife from noise, air, light pollution

Sincerely,
Susan Miller
Resident and property owner across from the Belmont Pool for 21years
Member of the Belmont Pool Stakeholders Advisory Committee

SLIDE ONE (title slide): My name is Susan Miller. I have lived across from Belmont Pool since 1993. I was one of the 13 members of the Pool Advisory Committee. The EIR is flawed and lacking in "Common Sense".

SLIDE TWO & THREE (flooded parking lots):
The parking lots currently flood as shown in these pictures. As the appellants have noted about responses to comments in the EIR - *The lower level of the Pool and parking lots would be below the water line, however, these areas would not be open for public use.*

SLIDE FOUR (flooded street):

And how is the parking not public? The parking lots flood now. Sea Level Rise will imperil parking further. No parking is a significant impact. Parking needs mitigation.

SLIDE FIVE (flooded front door):

The water table has changed in the last 24 years I have lived across from the Pool. More development has left less porous ground for water runoff absorption. The water rises to our front doors now during a rain. Flooding is a problem currently. The addition of a massive concrete plinth Pool with Sea Level Rise makes this not sensible location.

SLIDE SIX (blocked Bennett view):
Per EIR Aesthetics Section and the Local Coastal Program include policies for retention of existing Termino and Bennett views. Visual impacts are part of CEQA. The café and restrooms located at the end of Bennett Ave obstruct public view. The location of the café is under Coastal Commission jurisdiction. A seven story bubble pool building in

a neighborhood with a 3 story building height restriction is not compliant.

SLIDE SEVEN (SLR Pool) Here is a depiction of the $100 million dollar plus pool as it will look with Sea Level Rise - no parking lot and no access to reach pool.

SLIDE EIGHT:
My last slide shows the bird peck damage in ETFE material. The birds peck my clay tile roof every morning to drink condensation and break apart their food. The bird pecking has chipped our clay tile roof so the ETFE roof of the pool will suffer this damage too and at a greater degree.

Also note in this slide, the solar dot imprint on the ETFE material. The California Energy Code requires blocking 91% of all light passing through, thereby making the roof nearly opaque. Pool attendees will NOT have clear views of the oceans. The seven story high bubble Pool structure is not transparent nor will blend into the 3 story high residential neighborhood.

I ask you to uphold the appeals and deny Planning Commission's approvals.

Flooded beach parking lots


2016/12/

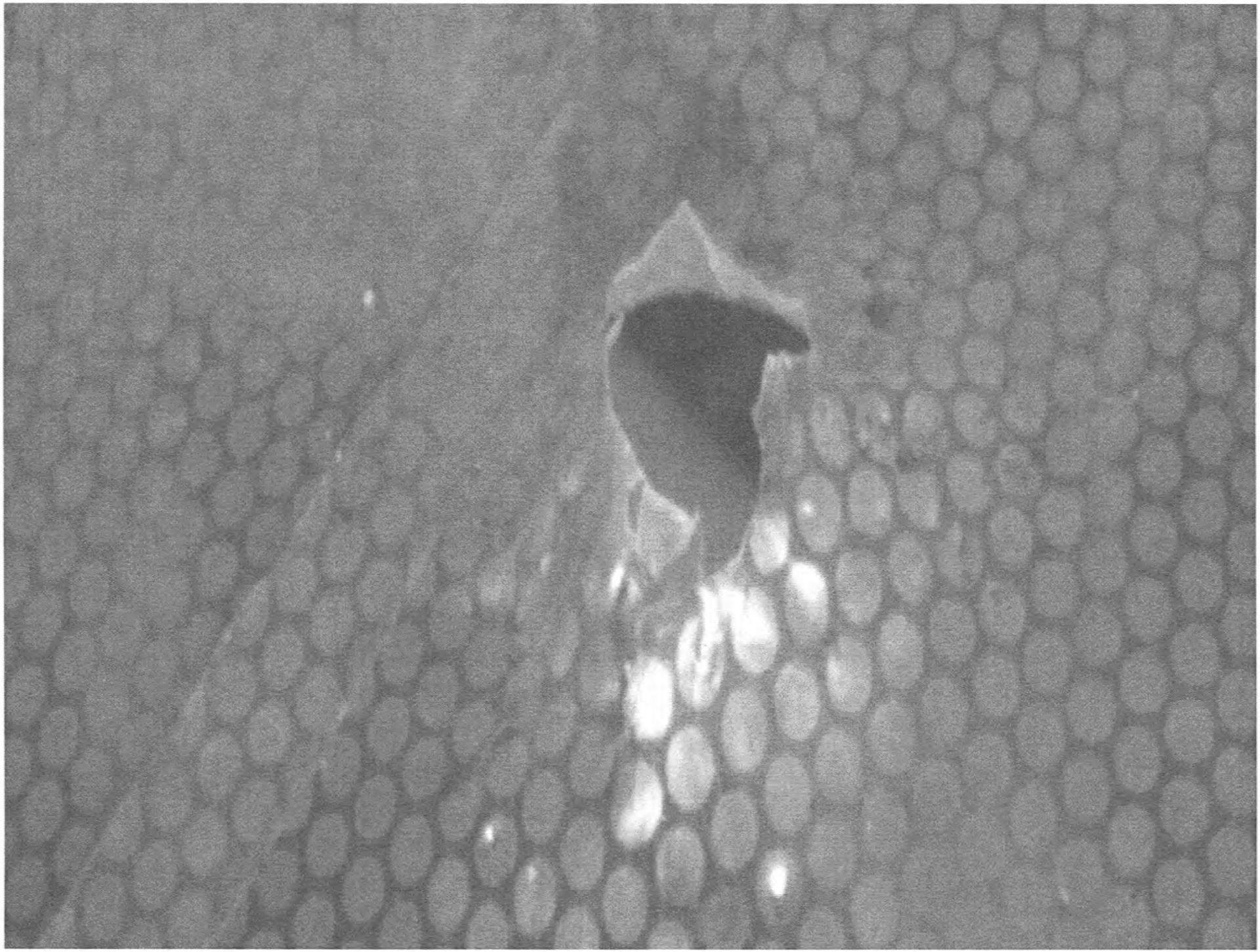



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2017/02/17


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CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Jeff Miller and Melinda Cotton, PO Box 3310, Long Beach, CA 90803

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Belmont Beach and Aquatic Center

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza

4. Description of decision being appealed:

   a. Approval; no special conditions:_____

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial: Appeals of Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Canfrell & Citizens About Responsible Planning (CARP), the Long Beach Area Peace Network & Anna Christensen, & Gordana Kajer

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 9, 2017

DISTRICT: South Coast

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South Coast Region
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COASTAL COMMISSION

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

The proposed BBAC development would violate requirements of the Coastal Act in several ways:

1. Beach erosion could result from the structure being built on the beach.

2. Public access to the beach would be adversely affected by the additional automobile traffic and parking generated.

3. Environmentally sensitive habitat would be removed, degraded, and disrupted. The habitat would be adversely affected by increased noise and lighting. The building would pose a danger to birds striking the building.

4. Scenic and visual qualities and resources would be degraded.

5. The requirement to minimize the risks of earthquake, tsunami, and wave action damage would be violated. These risks are also stated in the LCP. The newly-realized hazard of sea level rise would also be ignored.

6. The requirement to protect the special community of Belmont Shore would be violated.

7. The proposed BBAC development would violate the requirement that new development be limited to permitted uses.

The proposed BBAC development would violate policies, goals, and requirements of the Long Beach Local Coastal Program in several ways:

8. The stated height limit in the LCP of twenty-five feet would be violated.

9. The stated lot coverage limit in the LCP of fifty percent would be violated.

10. The building location and design standard in the LCP of providing the maximum feasible amount of unobstructed views would be violated.

11. The building style, scale of development, and general character standards in the LCP would be violated.

12. The stated policy in the LCP of limiting beach facilities to beach-dependent recreational facilities would be violated.

13. By encroaching onto existing beach, the proposed BBAC would violate the requirement in the LCP of maintaining the beach as a public park.

14. The stated policy in the LCP of Ocean Boulevard being used primarily as a scenic route would be violated.

15. The stated goal in the LCP of discouraging increased automobile traffic would be violated.

16. The stated policy in the LCP of decreasing reliance on automobiles would be violated.

17. The stated policy in the LCP of preventing traffic intrusions into residential neighborhoods would be violated.

18. The requirement in the LCP of providing adequate on-site parking would be violated.

I/we agree with the facts and opinions stated in these following named documents, which are attached to this appeal, and I/we include them in the reasons for appeal:

1. California Coastal Commission letter dated May 11, 2017 to City of Long Beach

2. Surfrider Foundation letter April 26, 2017 to City of Long Beach

3. Response to DEIR from Melinda Cotton dated June 16, 2016

4. Response to DEIR from Jeff Miller dated June 15, 2016

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Jeff Miller
Melinda Cotton

Signature of Appellant(s) or Authorized Agent

June 8, 2017
Date

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JUN 9 2017

CALIFORNIA
COASTAL COMMISSION

STATE OF CALIFORNIA – THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
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EDMUND G. BROWN JR., *Governor*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Long Beach Area Peace Network c/o Anna Christensen

Mailing Address: 259 Termino Ave

City: Long Beach, Ca Zip Code: 90803 Phone: (562) 434 0229

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Local Coastal Development Permit for construction of the Belmont Beach & Aquatic Center Project, an indoor/outdoor pool facility with adj. passive park, cafe, & restrms Ap.# 1405-01

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4000 E. Olympic Plaza, Long Beach, Ca 90803

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 9, 2017

DISTRICT: South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The Long Beach Area Peace Network reasons that the Belmont Beach and Aquatics Center is not in conformity with Coastal Act goals and policies. Specifically, the California Coastal Act requires pubic participation in the design and approval of and public access to public projects in the coastal zone. Due to both lack of public participation and lack of public access the BBAC project must be denied a Local Coastal Permit.

"While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements." California Coastal Commission

The Long Beach Area Peace Network stands by our original argument that the Belmont Beach and Aquatics Center Project has not met the legal requirements of the California Coastal Act as outlined in our appeal to the Long Beach City Council. We ask that staff refer to 1) LBAPN's original written appeal to the Long Beach City Council (attached), 2) oral testimony given by LBAPN representative, Anna Christensen, at the May 16th City Council hearing of LBAPN's appeal (script attached, actual presentation can be viewed on Legistar), 3) LBAPN re BBAC's Consistency with Coastal Act Policies (attached), and 4) additional supportive documents (attached).

Note: The Long Beach Area Peace Network (LPAPN) supports the arguments of other appellants to the granting of a Local Coastal Permit for the Belmont Beach and Aquatics Center. In commenting here on the City's specific arguments for the project's Consistency with California Coastal Act Policies, LBAPN has focused issues addresses in our appeal of the BBAC. The red text highlights 1)specific aspect of a policy 2) the city's rationale for consistency with that aspect, and 3) LBAPN's rationale for inconsistency with that aspect of the California Coastal Act Policy, sections 30210, 30211, 30213, 30220.

Table 4.9.A: Consistency with California Coastal Act Policies

CITY OF LONG BEACH APRIL 2016

California Coastal Act Policies	Discussion/Analysis of the Proposed Project

Section 30210: 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.	Consistent. The proposed Project provides for enhanced public safety needs through the reconstruction of the Belmont Pool facilities. The proposed Project includes installation of ADA-compliant facilities, including ramp access, thereby increasing public access and improving public safety. Belmont Pool has been located in the coastal zone for approximately 45 years and there is community support to continue and maintain the uses at this location. The pool complex has previously and would continue to remain open to the public. Classes and other programs offered at the facility would continue to serve various populations including children, youth, and seniors. Therefore, the proposed Project would be consistent with Coastal Act Section 30210. LBAPN comment: 1) The BBAC is not a reconstruction of the Belmont Pool facilities - it is a new facility, designed primarily for local, regional, national, and international competitions. It was created by and for professional athletes, sports teams and private aquatic business owners to provide the time and space for private lessons, team practice, and competitions. Promoters of the BBAC, including the City of Long Beach, have been adamant that the BBAC will be a revenue generating site for major aquatics competitions because of it's two Olympic-sized pools, high dive+pool+spa, viewer seating, and restaurant. In terms of both the design and location of the BBAC, providing "recreational opportunities for all the people" is a secondary consideration. 2) Building the BBAC on a sandy beach rather than on solid ground raises concerns of structural integrity/public safety in the case of liquefaction due to earthquakes and sea rise. 3) A segment of the aquatics community designed the BBAC and does support it, the larger community does not. The Belmont Shore Residents Association and the Surfrider Foundation, Long Beach Chapter, support the appellants. LBDS dismissed out of hand those who voiced opposition to the BBAC. The majority of Long Beach residents were denied the equal opportunity to participate in both the design and siting of the BBAC. At the May 16th, city council meeting both Lena Gonzalez and Rex Richardson) chastised LBDS for failing to hold meetings outside the 3rd District and questioned the accessibility of the site by residents of their districts (1st and 9th).

Section 30211: 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.	Consistent. The proposed Project would not interfere with the public's right of access to the sea or beach. The proposed Project would replace and upgrade the previous pool facilities and would provide additional access through the installation of new modern facilities. The proposed Project would maintain the existing coastal access for the public, and the new facilities would serve local and regional visitors and enhance the existing public recreational opportunities. Therefore, the proposed Project would be consistent with Coastal Act Section 30211. LBAPN comment: The additional access for local and regional visitors consists of expanded opportunities for athletic competitors and their viewing audience - not expanded opportunities for public recreational users. The fact that existing public recreational opportunities are limited by pay to play businesses and local sports teams does not justify an additional Olympic-size pool. The site itself limits public access.
Section 301212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.	Consistent. Parking for the proposed Project would continue to be provided by the two existing pay lots adjacent to the Project site: (1) the Belmont Veteran's Memorial Pier Parking Lot (Pier Parking Lot) northwest of the pool facility; and (2) the Beach Parking Lot (Beach Parking Lot) southeast of the pool. Both lots contain an approximate total of 1,050 public parking spaces. No additional parking is proposed. Facilities associated with the proposed Project are not located in close proximity to similar recreational facilities and the proposed Project would replace a previous use that has not induced substantial overcrowding or overuse. As discussed in Section 4.13, Transportation and Traffic, of this Draft EIR, unless special events are held at both the indoor and outdoor pools simultaneously, the total number of spectators for the proposed Project is expected to be similar to the baseline conditions of the existing pool facility. Additionally, any event with more than 450 spectators would be considered a large special event that would require an Event Traffic Management Plan (Mitigation Measure 4.13.1). This plan may include active traffic management and/or off-site parking and shuttles. Therefore, the proposed Project would be consistent with Coastal Act Section 30212.5.

Table 4.9.A: Consistency with California Coastal Act Policies

California Coastal Act Policies	Discussion/Analysis of the Proposed Project

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such	Consistent. Coastal recreation uses in the vicinity would remain available to the public, for example, sightseeing on the pier, bicycle access at the proposed Project site, and other passive beach activities. The proposed Project facility would be accessible to the public for a nominal fee and as stated above, classes and other programs offered at the facility would serve various populations including children, youth, and seniors. Various swim meets and competitions will be hosted at the facility and such events would be accessible for the public to attend at a nominal charge anticipated to range from $3 to $15 depending on the event. These operational characteristics are consistent with the operational characteristics of the former Belmont Pool facility. No substantial changes related to public recreation are anticipated after Project completion. **Therefore, the proposed Project would be consistent with Coastal Act Section 30213.** LBAPN comment: Admittedly the BBAC would not deny admission to the general public and would continue to provide public classes and programs for a fee. However, due to both its site and primary function as a competitive sports facility, concerns about both public access and public recreation remain. Clearly referenced is the public's ability to pay a fee *to watch* swim meets and competitions. "Nominal fee" as used here, implies a certain level of disposable income. However, the majority of Long Beach residents are of limited means and while fees of up to $15 may be deemed necessary, they will restrict access - as will the additional time and money required to reach a facility that is not centrally located. The "operational characteristics" of the BBAC that are not consistent with the Belmont Pool Facility are those that do not serve the recreational users preferred by the Coastal Act. Unlike the Belmont Pool, the focus of the BBAC is not to meet the recreational and/or public safety and/or health needs of the community. The primary goal of the BBAC is to create an "iconic" destination for competitive events, and to provide the time and space for teams and those athletes who can afford it to practice for such events. Re sightseeing on the pier - due to storm damage and negligence the pier is no longer open to the public while the funds needed to repair it sit in a set-aside account of $60+ million for the BBAC.

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.	Consistent. A recreational pool is not coastal-dependent, however the Belmont Pool facilities have been located in the Coastal Zone for approximately 45 years, and there is community support to continue such uses at this location. The pool complex has and would continue to remain open to the public, and classes and other programs would serve various populations including children, youth, and seniors. In addition, the location of the pool facilities at the beach encourages public access and use of coastal resources. Therefore, the proposed Project would be consistent with Coastal Act Section 30220. LBAPN: BBAC is not coastal dependent, not supported by community
Section 30221: 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.	Consistent. See response to Coastal Act Section 30220. The Belmont Pool facilities would provide long-term recreational uses for persons within the City and the region. As demand for Olympic-standard aquatic facilities in the City remains high, conversion of the proposed Project site to other uses is not under consideration or very likely and the continuation of a pool facility ensures the continuation of recreational uses on oceanfront lands. The proposed Project would, therefore, be consistent with Coastal Act Section 30221, by protecting such recreational facilities for the long term. LBAPN: The demand for Olympic-standard aquatic facilities in the City has not been "high." The actual and unmet need of the City is for community pools that can provide recreation and swimming instruction to the majority of Long Beach residents who need to learn to swim. The BBAC will not ensure the continuation of recreational uses on oceanfront lands precisely because it is favors an "Olympic-standard" venue to train competitors and hold sporting events. Additionally, LBDS has failed to consider alternative sites that would be safer, more accessible, and have no impact on coastal/ biological resources. Project objectives were intentionally constrained in order to rule out consideration of alternative sites, regardless of the consequences.

Section 30231: 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 wastewater discharges and entrainment, controlling	Consistent. The pool complex has and would continue to remain open to the public; classes and other programs would continue to serve various populations including children, youth, and seniors. Harbor and coastal waters will be protected through implementation of the water quality management program, including implementation of BMPs both during construction and operation. BMPs as outlined in Section 4.8, Hydrology and Water Quality, of this Draft EIR, are designed to ensure that water quality is not adversely impacted and that biological productivity of coastal waters is

California Coastal Act Policies	Discussion/Analysis of the Proposed Project

runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	maintained. During construction, BMPs would prevent soil and sediment, construction debris, and chemicals from entering surface water flows. During operation, BMPs would keep pesticides and trash from surface water flows. Although groundwater dewatering would be required during construction, groundwater dewatering activities would be temporary, and the volume of groundwater removed would not be substantial. During operation, the impervious surface area would decrease by 0.5 ac, which would increase infiltration. As a result, the proposed Project would not interfere with groundwater recharge such that there would be a net depletion in groundwater supplies. Surface water flow would not be substantially altered by the proposed Project since the replacement of the former pool facility would result in a decrease in impervious surface area and stormwater runoff from the site compared to existing conditions. The proposed Project would increase the amount of pervious land cover by 0.5 ac as described in Section 4.8, Hydrology and Water Quality. Therefore, the proposed Project would be consistent with Coastal Act Section 30231 by minimizing adverse effects on coastal waters.

Section 30232: 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.	Consistent. Accidental spillage of hazardous substances during construction is controlled through implementation of appropriate NPDES or other regulatory measures to ensure against any impacts resulting from accidental spills. During operational activities, spillage of solvents and fuels on site can occur as part of typical pool maintenance activities. However, the uses on site are not changing, and the chemicals needed for pool and building maintenance are not changing. Prevention and clean up would comply with all applicable health and safety regulations. In addition, implementation of operational BMPs regarding the transportation and disposal of such wastes would ensure effective containment of accidental spills. Therefore, the proposed Project would be consistent with Coastal Act Section 30232.

Section 30233: 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.	Consistent. The proposed Project does not include dredging or diking of open coastal waters, wetlands, estuaries, or lakes. Therefore, the proposed Project would be consistent with Coastal Act Section 30233.

California Coastal Act Policies	Discussion/Analysis of the Proposed Project
Section 30235: Revetments, breakwaters, groins, harbor channels, sea wall, cliff retaining walls, and other 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 and sand supply.	Consistent. The proposed Project does not include any revetments, breakwaters, groins, walls, or other construction that would alter natural shoreline processes. Therefore, the proposed Project would be consistent with Coastal Act Section 30235.

Section 30240: 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. 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.	Consistent. Consistent with Section 4.3, Biological Resources, there are no environmentally sensitive habitat areas on or adjacent to the Project site. The Project site is currently fully developed with active (pool) and passive (park) recreation uses. There are no native landscaping, waters, or wetland habitat present on or adjacent to the Project site. Therefore, the proposed Project would be consistent with Coastal Act Section 30240.

Section 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Consistent. No archaeological resources as identified on the California State Historic Resources Inventory would be impacted by Project implementation and the proposed Project site is not considered to be sensitive for archeological resources. Furthermore, there are no known paleontological resources on the Project site. However, as discussed further in Section 4.4, Cultural and Paleontological Resources, of this Draft EIR, the proposed Project would have a less than significant impact on paleontological resources with the implementation of mitigation requiring paleontological monitoring for any excavation occurring in depths equal to or greater than 23 ft. Therefore, the proposed Project would be consistent with Coastal Act Section 30244.

Section 30251: 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 coast areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and where feasible to restore and enhance visual quality in visually degraded areas. New	Consistent. As discussed in Section 4.1, Aesthetics, of this EIR, the proposed Project improvements ensure protection of on-site and off-site public views along the ocean and coastal area. The proposed facilities have been designed to modernize the previous Belmont Pool facilities while continuing to promote visits to both the coastal beach and the public pool facility, as both are resources of public importance. The proposed facilities have been designed to reflect the character of the coast. The main pool structure is characterized by a translucent cover for the indoor, competition pool that would maximize views of the ocean and coastal area. The structure will be an elliptical-

California Coastal Act Policies	Discussion/Analysis of the Proposed Project
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.	shaped dome similar to a drop of water. The glass curtain wall surrounding the outdoor pool would serve to partially maintain views of areas surrounding the Project site and would allow for increased light intrusion. Views of the ocean would be improved as compared to the previous pool facilities because the new pool has been designed to be narrower and would slope in height (refer to Figure 4.1.4, Pre- and Post-Project Building Orientation). While the maximum height for the proposed Project is 11 ft higher than the previous Belmont Pool building, the sloping shape of the proposed Project would reduce the bulk and massing of the new facility in comparison to the former facility which was characterized by a consistent roof line that maintained the maximum height throughout the entire length of the building. Further, the proposed Project would enhance the visual quality of the Project site by constructing a new building and introduce an enhanced architecture with upgraded landscaping. No existing landforms would be altered by Project implementation. Preservation of the scenic coastal character is consistent with the objectives of the California Coastline Preservation and Recreation Plan. Therefore, the proposed Project would be consistent with Coastal Act Section 30251.

Section 30253: New development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) 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; (3) be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development; (4) minimize energy consumption and vehicle miles traveled; and (5)	Consistent. The proposed Project would replace a former structure that was deemed seismically unsafe. The proposed Project would also provide for implementation of proposed improvements in a manner that would minimize risks to life and property through the implementation of site-specific recommendations and specifications prepared by professional engineers and others. A geotechnical evaluation was prepared for the proposed Project, which, together with compliance with the seismic requirements of the UBC and the recommended engineering design measures, would ensure stability, structural integrity, and protection of the site and surrounding area. Additional detail regarding geologic hazards is provided in Section 4.5, Geology and Soils, of this Draft EIR. A Phase I Hazardous Materials Assessment (Phase I HMA) was also prepared for the proposed Project, with potential hazards and hazardous material impacts at the Project site and in the surrounding area that may result from implementation of the proposed Project. Compliance with the mitigation measures outlined in Section 4.7 of this Draft EIR would reduce any potential hazards as a result of hazardous material release or fires. The proposed Project would incorporate a number of energy-efficient measures, including variable frequency drive pool pumps, day lighting, and LED pool lighting. In addition, the proposed Project would be built to meet the Leadership in Energy and

California Coastal Act Policies	

Anna Christensen, 259 Termino Ave, Long Beach, representing LBAPN, an appellant. LBAPN opposes the BBAC because it fails to provide the social and racial equity that the residents of Long Beach deserve and are entitled to by law. Additionally, both LBAPN and the USA Swimming Foundation agree that the systemic lack of diversity in aquatics can only be overcome by providing equal access to facilities and programs that focus on public health, safety, and recreation, as well as competitive aquatics.

Now let's hear from our history making Olympic Champion, Gold Medalist Simone Manuel

1. Statistics show that Americans, especially children, are at risk

100 million Americans don't know how to swim
70% of African american children, 65% of Asian American and Native American children, 60% of Hispanic children, and 40% of white children can't swim.
9 children drown every day and every year 5000 children under age 14 are hospitalized due to near-drowning
Drowning is the #1 cause of death for children under five and the #2 cause of injury-related death for children under 15
Minority youth are far more likely to drown than their white peers.
Long Beach has no public pools in six of it's nine City Council Districts. Our three public pools must serve 1/2 million residents.

To build the BBAC, a massive competitive aquatics facility with 2 Olympic pools, 2 recreational pools, 2 spas, and a high dive, in the affluent 3rd District when six districts with higher population density, and more low-income and minority children have no public pools at all not only violates the public trust, but also local, state, and federal laws.

2. There's a new sheriff in town and the BBAC is under arrest

Recent amendments to the Coastal Act include the legal definition of environmental justice as *the fair treatment of people of all races, cultures, and incomes with respect to*

environmental laws, regulations, and policies. The Coastal Act, therefore CEQA, now explicitly prohibits discrimination and promotes equal access to the beach and coastal zone, as well to *any program or activity that is conducted, operated, administered or receives any financial assistance from the state.*

The Coastal Commission's report on climate change and sea level rise acknowledges disproportionate impacts on people of color and low income communities. Civil rights and environmental justice concerns in the coastal zone include

- access to recreation, beaches, parks, picnic areas, and the ocean
- public health and well-being
- public participation in decision making
- discrimination, including unintended consequences, based on income, wealth, race, ethnicity, or culture.

3. Move it or lose it

The BBAC is out of compliance with Coastal Act requirements for recreational facilities because it does not need to be built on the beach. On the proposed site, the BBAC would deny public access to the sandy beach beneath it as well as risk further degrading the beach by acting as a barrier during storm surges, especially as the sea level rises.

Those designing and approving the BBAC either failed to consider or rejected alternative sites and designs that would be less discriminatory towards low income and minority residents, especially those living in north and west Long Beach.
The stated purpose of BBAC to "serve existing users" in the same location as the Belmont Olympic Pool fails to address our city's history of racial and economic discrimination

The BBAC violates the city's Healthy Communities Policy which states that *neighborhoods with historic barriers to health, wellness, and safety" will be first to have new recreational facilities.*

4. Guess who didn't get invited to dinner?

Low income and minority residents were not equal participants in the design and review process of the BBAC as required by CEQA and the Coastal Act

- The 14 member Stakeholders Advisory Committee, appointed by City Manager Pat West and former 3rd Councilman Frank Colona, was dominated by those involved with and benefiting from a competitive aquatics venue remaining on the site of the former Belmont Olympics Pool
- The committee had no representatives from underserved communities or public health advocates, such as Building Healthy Communities Long Beach
- no community meetings were held on the BBAC EIR outside of the 3rd District
- 3rd District community meetings focused on architectural elements and limited discussion of alternative sites with respect to equal access

5. A history of discrimination has created a lack of health equity today

Throughout much of the twentieth century in Los Angeles County racially discriminatory measures limited access by people of color to beaches, housing, jobs, schools, playgrounds, parks, swimming pools, restaurants, transportation, and other public accommodations. Public beaches were basically off limits to people of color, Blacks could enjoy only the "Inkwell," a half-mile stretch of beach in Santa Monica, and the 2 block long resort of Bruce's Beach in Manhattan Beach. Public pools limited access by people of color to a rare "International Day", or "Mexican Day," after which the pool would be drained. In 1907 White residents in Long Beach blocked the development of an area used by African Americans for picnics and outings, calling it a "Colored Coney Island." In 1917, over protests by the black community, the "drowning-the-nigger" game at the Pike continued operating. The City Attorney held that there was no legal method of prohibiting it unless it could be shown to be a health hazard, and the City Council also failed to oppose it, referring the matter to a committee. In the 1940s black residences and businesses in predominantly white areas were fire bombed and vandalized. In the 1950s people of color could still not own property in the 3rd District, where the BBAC is located. Today, we reject

such overt acts of discrimination, however, de facto segregation and economic disparities continue to to divide Long Beach by race and class.

6. It's Showtime

Tonight the Long Beach City Council, our elected representatives, can move Long Beach towards greater equity, diversity, unity and health by acknowledging the truth of the appeals before you.

Will the council certify the Environmental Impact Report, approve the Site Plan Review, Conditional Use Permit, Standards Variance, and Local Coastal Development Permit for the Belmont Beach and Aquatic Center? To do so would kick the can down the road to the Coastal Commission, leave the city liable for the negative impacts of the BBAC, including delaying or denying other projects deserving of Tidelands funds and other public monies, and open to lawsuits. Or will the council come to terms with the fact that the Stakeholders Advisory Committee, the Development Services Staff, and the Planning Commission, have green-lighted a project that is both legally and morally indefensible? LBAPN says put health equity and public safety first with respect to public aquatics facilities and beaches. As regards the BBAC - Shrink it, Split it, Move it, or fuhgeddaboutit and build community pools instead.

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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South Coast Region
JUN 09 2017
CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):
Warren Blesofsky as president of:
Long Beach Citizens for Fair Development, Inc., 65 Pine Avenue, Suite 119, Long Beach, CA 90802; (714) 745-5577; NOTE: Appellants legal counsel is Jamie T. Hall, Channel Law Group, LLP, 8200 Wilshire Blvd., Suite 300, Beverly Hills, CA 90211; (310) 982-1760; jamie.hall@channellawgroup.com

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Belmont Beach and Aquatic Center

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza

4. Description of decision being appealed:

   a. Approval; no special conditions:

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial: Appeals of Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Cantrell & Citizens Advocating for Responsible Planning (CARP), the Long Beach Area Peace Network & Anna Christensen, & Gordana Kajer

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 9, 2017

DISTRICT: South Coast

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

Introduction: Long Beach Citizens for Fair Development, Inc. ("LBCFD") is a non-profit organization dedicated to promoting the quality of life in the City of Long Beach through involvement, advocacy and education in the greater Long Beach area. LBCFD is appealing the Project for the following reasons:

1. Given sea level rise, the new pool facility is expected to be subject to wave action and shoreline erosion over the structure's expected life. The Commission's Seal Level Rise Guidance Document and the Coastal Act provide that new development should not be located in hazardous areas subject to sea level rise and shoreline erosion if there are feasible alternatives. The City failed to adequately analyze such alternatives.

2. The deepened foundation for the new pool facility could effectively act as a seawall, or result in similar impacts to coastal resources as a seawall, raising potential issues with the hazards and shoreline development policies of the Coastal Act, which provide that new development should be designed and located in a manner to ensure geologic and engineering stability independent of the need for shoreline protection.

3. The Project will impact public access and recreation. Beaches backed by fixed or permanent development, such as the new pool facility, will not be able to migrate inland as sea level rises, and will become permanently inundated over time, which in turn present serious concerns for future public access, recreation and habitat protection.

4. The Project will impact visual resources and views from public viewing areas, including the beach, pier and public streets. The height of the structure exceeds the allowed height for development under the City's LCP.

Conclusion: For the reasons outlined above, LBCFD believes the City should not locate the project in hazardous areas such as this that are subject to seal level rise and shoreline erosion. The Costal Commission should deny the requested permit and encourage the City of Long Beach to consider relocating the facility to a site that will not be affected by sea level rise/wave action for the expected life of the development in order to avoid potential impacts to public access and recreation along the beach.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Warren Blaskey

June 9, 2017
Date

STATE OF CALIFORNIA – THE RESOURCES AGENCY EDMUND G. BROWN, JR. *Governor*

CALIFORNIA COASTAL COMMISSION

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JUN 9 2017
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COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

CARP (Citizens About Responsible Planning)
Joe Weinstein, Chair, 4000 Linden Ave. Long Beach 90807 562/492-6531
Laurie Angel, Treasurer, 458 E. Platt St. Long Beach, 90805 562/423-1563
Corliss Lee, Secretary, 3072 Knoxville Long Beach 90808 714/401-7063
Rae Gabelich, Director, 4612 Virginia Ave. Long Beach, 90805 562/423-1170
Melinda Cotton, Director, PO Box 3310 Long Beach 90803 562 433-2795
Renee Lawler, Director, 3005 San Francisco Long Beach 90806 562-900-9416 (cell)
Susan Miller, Director, 4217 East Ocean Blvd. Long Beach, 90803 562/434-2109
Ann Cantrell, Director, 3106 Claremore Long Beach 90808 562/596-7288

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Coastal Development permit for construction of Belmont Beach and Aquatic Center Application No. 1405-01

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza Long Beach, CA 90803

4. Description of decision being appealed:

   a. Approval; no special conditions:

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

CARP believes there are a number of CA Coastal Act REQUIREMENTS which have not been met with this plan.

1. UNSAFE LOCATION The site is in an earthquake/liquefaction zone, on the beach, with expected sea-level rise, which will flood the lower levels of the building and the parking lots in an estimated 40 years. Chapter 3 of the Coastal Act states that new development should not be located in hazardous areas subject to sea level rise and shoreline erosion if there are feasible alternations. CARP believes that the City should do further study to find an alternate location.

2. INCREASED SIZE AND HEIGHT. Footprint covers more than 50% of the previous site, which eliminates Public Open Space. Building height of 78 feet in area which permits only 25 foot buildings. As the ETFE Plastic Bubble is not transparent, views of the ocean are blocked from both inside the building and almost everywhere on Ocean Blvd. from Termino to Bennett. View corridor on Bennett will be further blocked by the 'Fast Casual Restaurant'. This pool building will be another taking from the now limited ocean view for both residents and visitors.

3. MUST BE 64% RECREATIONAL AND 30% COMPETITIVE. In order to achieve the projected economic benefits, the pool must be used more than 30% of the time for competitions. Assistant City Manager Modica has stated that Municipal Pools are not for profit, so this one will have to be supplemented with city funds if it is used by the public the allotted amount of time. Competitions are often held on the weekends when the public would also like to use the pool. There must be an equitable amount of weekend, day and evening time available for the public.

4. RESTAURANT AND MEETING SPACES. In order to put in a separate diving well and spa, the banquet room and meeting rooms have been eliminated and the restaurant is now out of the building footprint and has no indoor seating. The current design does not appear to pass CA Coastal Act requirements.

5. PUBLIC ACCESS TO THE BEACH which includes traffic and parking. Competitive events will limit parking for beach visitors, especially during the summer. . No additional parking is planned for swimming and diving competitions with over 4,000 spectators. With the planned closure of Olympic Plaza, more parking spaces are lost. No traffic studies were done for the effect of Ocean Blvd. now having only one lane in each direction from Bennett to Bay Shore.

6. REMOVAL OF THE NESTING TREES. Since the demolition of the Long Beach Naval Station nesting trees, Black-crowned Night Herons and Snowy Egrets have been nesting in the trees

adjacent to the Belmont Pool. Bird studies for the EIR were done in April and August of 2013, before the demolition of the old pool. The studies mention Black-crowned Night Herons, but missed the Snowy Egret nesting colonies as they arrive later, usually in late April/early May and are gone by August. The City plans to mitigate the removal of the nesting trees by planting 15 gallon replacements. This is as unsatisfactory a mitigation as was moving the boxed heron nesting trees from the Navy Base to Gull Park. The trees in the pool area are the last along the coast in Long Beach suitable for nesting BCNH and Snowy Egrets.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Ann Cantrell for CARP — 6/8/17

Signature of Appellant(s) or Authorized Agent — Date

May 16, 2017

The Belmont Beach and Aquatic Center Appeal

Dear Decision Makers:

The board of Citizens About Responsible Planning (CARP) urges you to reject Planning Commission March 2, 2017 approvals of the Certification of Environmental Impact Report 01-16, Site Plan Review, Conditional Use Permit, Standards Variance and Local Coastal Development Permit for the Belmont Pool for the following reasons:

STORY POLE

THE EIR SHOULD BE RECIRCULATED AFTER INSTALLATION OF AN ADEQUATE STORY POLE DISPLAY.

Section 21.21.302 (B)(5) of the municipal code, states in part:

" Building height variance applicants shall erect story poles which accurately represent the full extent of the proposed structure to the satisfaction of the Director of Development Services . . ."

We believe the Director of Development Services was too easily satisfied. One pole does not represent the full extent of the proposed structure, with a footprint that will extend from present Olympic Plaza to the Pedestrian/bike path. The proposed height was shown by one flag at the top of the 80 foot pole. There was also a flag showing the old pool's height, but none showing the current Coastal Act requirement of 25-30 feet.

Even the one Story Pole requires a recirculation of the Final EIR so the public can comment after seeing the proposed 78 foot height. This is especially necessary as the draft EIR states the height as 71 feet and only corrected this in the Errata of the Final EIR.

The former pool was built in 1968 before the CA Coastal Act put restrictions on height and views for buildings on the coast. No matter how the building is positioned on the site, its height and size will block views of not only surrounding neighbors, but motorists and pedestrians. Besides blocking views, the height and reflective material will be a danger to birds. This height variance was not mitigat-

ed and is a significant adverse effect, which because of inadequate story poles, most of the public is not aware of.

Granting this variance for a 78 foot building is in violation of the Local Coastal Plan and will cause substantial adverse effects on the views for visitors and residents.

TRAFFIC

The study seemed to assume all traffic would be coming from downtown. There was no study done for traffic coming off the 405 Freeway or from Second Street or Ocean from the east. There were no traffic studies done on the effect of traffic on Belmont Shore or impacted intersections such as PCH and Second and Studebaker and Westminster.

The February 2016 traffic study of the temporary pool was done before Ocean Blvd. was made a single lane street. In addition to one lane not being adequate to handle large event crowds, the Construction Traffic Management Plan states, in part:

"The plan shall also require that a minimum of one travel lane in each direction on Ocean Boulevard be kept open during construction activities. Access to Belmont Veterans' Memorial Pier, the Shoreline Beach Bike Path, and the beach shall be maintained at all times. The Construction Traffic Management Plan shall also require that access to the pier, the bike path, and the beach be kept open during construction activities." How will this be accomplished with one lane to start with?

None of the traffic studies were done on the weekend in the summer, when the highest number of beach goers are present, nor during any beach or pool events.

The mitigation for events with more than 450 spectators is: "Create a traffic mitigation plan", but no plan is given. It is suggested that shuttles might be used, but no mention of where the public would park to use the shuttles.

Thus we also request recirculation of the Traffic Study for the pool EIR.

GEOLOGICAL, SEISMIC AND SEA LEVEL RISE

This the wrong LOCATION for the pools because of increased geological problems connected with building on sand in a liquefaction and earthquake zone with rising sea level, which can double construction and maintenance costs. In 2014, council was told by staff that building on this site was like building on a bowl of jello. However, according to the information given the Planning Commission on Geology & Soils, "There are No geological hazards and the Project is feasible."

The following is a direct quote from the EIR:

According to the *Wave Uprush Study* for the proposed Project, wave run-up for the high 2060 and 2100 sea level rise scenarios (2.6 ft and 5.5 ft increase in sea level, respectively), would reach up to 8.2 ft and 10.CITY4 ft (or greater) at the Project site. However, because the main pool deck would be elevated 17 ft amsl, the pool deck would be set 8.8 ft and 6.6 ft above the projected high water level in 2060 and 2100, respectively. The lower level of the building (pool equipment and storage) and associated parking areas would be below the projected water line under both scenarios; however, these areas would not be open for public use, and therefore, would not subject visitors to the Project site to significant cumulative impacts related to sea level rise. Therefore, the proposed Project would not be adversely impacted by sea level rise due to climate change.

4.6.8 Mitigation Measures NO MITIGATION IS REQUIRED.

No Mitigation is required to protect the very expensive moveable floor, air conditioning, air machines necessary for the ETFE Plastic Bubble Roof and other necessary machinery to maintain the pool! New studies are showing the sea level rise is occurring much faster than previously believed, so this very expensive building could be unusable in much less than 43 years. The Belmont Beach location is obviously the wrong place to build this facility.

The Army Corps is in the process of studying a lowering of the breakwater. It would seem that sea level rise effects on the pool area should be studied with two scenarios: with and without the breakwater.

ALTERNATIVE LOCATIONS

The ALTERNATIVES were rejected for frivolous reasons. The plan and goals for the pool were decided by an appointed Stakeholders Advisory Committee made up almost entirely of Competitive Swimming, Diving and Water Polo interests. There is no good reason to rebuild the pool in the same location and many good reasons not to.

The EIR considered three alternative locations within the Tidelands. All were dismissed without environmental study because of trivial reasons.

The Queen Mary site (Pier J) was rejected because of a lease with a private operator. However, this operator is currently searching for recreational uses for this area. What better use than an world class aquatic center? And we have an iconic, bird safe structure already in place—the Spruce Goose Dome! It is certainly large enough to hold multiple pools, spas, diving well and even a banquet room and sit down restaurant, which fulfills Coast Commission requirements. I would suggest this as an ideal location for the Aquatic Facility.

In this same area is the Harry Bridges Memorial Park/ Queen Mary Event Park which has frequently been used as a parking lot for large events. The EIR states it can't be a pool location because this is parkland mitigation for the Aquarium and Rainbow Harbor and must be used for outdoor recreation. However, the conceptional plan for the Queen Mary, shows the park is slated to have an amphitheater for live concerts. Surely, an outdoor swimming pool would serve more of the public, especially children, than an amphitheater or a parking lot.

The third location is the parking lot/"Elephant Lot" at the LB Convention Center. The main EIR objection to this site was it is currently leased until 2030.However, this lease did not stop Mayor Garcia from offering the site to George Lucas for his Star Wars museum. When Lucas choose an LA site, the Mayor was then quoted as saying,

"LB is ready to host multiple events as part of the LA 2024 Olympic bid. Sailing, Water Polo, BMX Racing and other great events will be hosted right here at our waterfront Olympic Sports Park".

What is included in this proposed Olympic Sports Park? A swimming pool! The Aquatic Center could be built on the Convention Parking Lot in downtown, with hotels, restaurants, freeways, in the Tidelands with better availability for a large number of visitors and residents. And, it would be as much as $50,000,000 cheaper to build the facility on solid ground, instead of on sand.

Take another look at these locations as although none is perfect, any of them has less problems than the one in Belmont Shore.

(Planning Director Amy Bodek argued at the May 16, 2017 hearing that this location would not be appropriate because it was built on landfill. This objection was not stated in the EIR. The Convention Center, The Aquarium of the Pacific and all of Belmont Shore are built on landfill. The Elephant Lot/Convention Center Parking Lot is further inland, and much safer from sea level rise than the Belmont Beach location.)

BIOLOGICAL CONCERNS

There needs to be a new or revised EIR which includes recent bird surveys. The EIR shows two bird surveys in April 2013 and August 2013, before the demolition of the old pool in December, 2014. The EIR is supposed to evaluate current conditions. Proper surveys to show current nesting and migration activity were not done. These surveys do not even list the Snowy Egret, which was one of the most prevalent nesting birds in the survey area in 2015 and 2016.

All the trees in the current park space are to be removed and replaced with 15 gallon trees and drought tolerant plants. It will be years, if ever, before birds can nest or roost in this park again. These trees have been in the nesting area for Black-crowned Night Herons, Snowy Egrets, Anna's Hummingbirds, Warblers, Red-Crowned Parrots and Allen's Hummingbirds. Allen's Hummingbird has a status as a United States Fish and Wildlife Service (USFWS) Bird of Conservation Concern as a California Special Animal. Allen's (and Anna's) Hummingbirds are known to nest year around in Southern California.

There was no required mitigation for the destruction of the nesting trees except that the trees be removed in non-nesting season. There is no non-nesting season for Hummingbirds. Herons and Egrets use these trees not only for nesting, but for roosting so can be found in them year around. There are few suitable trees along the coast for them to use. This is a significant adverse effect that has not been mitigated.

The 78 foot high ETFE Plastic structure can cause bird strikes. Noise, pool chemicals and lights emitting from the structure and outdoor pools are dan-

gers for the habitat area.There was no study done on the effect a 78 foot high building with a plastic roof will have on birds.

ETFE PLASTIC

No study was done on the problems with the chosen bubble material,ETFE plastic, and there are many.

Just a little Googling on the Internet shows that even the Manufacturers of ETFE do not recommend its use as a roof on or near the beach.

Manufacturers of ETFE recommend these roofs for cold climates, as they retain heat and can warm large structures such as greenhouses and football stadiums. In Southern California, as a cover for heated pools, the heat will be unbearable for those not in the water and requires a lot of air conditioning. (The building manager at the ETFE Roof Anaheim Train Station says that because heat rises to the top of the building, their air conditioning vents were placed on the second level and run constantly.)

Another problem in our climate is condensation. Airsculpt, a manufacturer of ETFE says, "Locations which have cool nights and hot days and a general high level of humidity are particularly susceptible." What could be more humid than a heated pool? Maybe two heated pools and spas.

The Design Study describes the ETFE Bubble as being like Teflon, shedding dirt and being cleaned by rain. What happens when there is no rain? Especially trained rock climbers are needed for cleaning and repairing the roof. Plastic can be damaged and corroded by blowing sand, sun, chlorine, salt air, port and bird pollution.

The ETFE reflection confuses birds and they crash into structures such as happened at Vikings Stadium, headlined as the "bird killing stadium".

Birds are killed daily by into high rise buildings. Will a 78 plastic structure on the beach in LB have the same results? We don't know as there was no study done nor any effort to mitigate.

ETFE buildings can damage birds and birds also damage plastic buildings.

Here is another quote from ETFE manufacturer Airsculpt:

"***Birds*** *love to land on rooftops and peck at their food to break it up. The bigger the bird - more powerful their pecking action. It is widely known that ETFE roofs installed nearby or close to the sea suffer the worst of this. This is because Seagulls use the ETFE Roof membranes as an ideal platform to peck at shellfish, crabs and the occasional stolen chip."*

Another manufacturer, Tensinet, states:

"We discovered that many ETFE roofs were damaged by birds. They create holes by picking it with their beak. It is a very serious problem and a strong argument against the use of ETFE for roofs."

The EIR rejected all 3 Alternate Locations citing Project Objective 12: there must be a view of the ocean from the inside of the facility. However, this building will also not provide a view of the ocean as it will not be transparent.

Because of a CA Energy Code requirement to block 91% of sun light penetration, the ETFE must be solar dot imprinted. Thus, the view of the ocean from inside the facility will be like looking through a cataract.

The ETFE is formed into pillows, much like those used for as packing cushions. These pillows are individually filled with air and require a machine to constantly be keep inflated. Holes in too many pillows can cause the roof to collapse.

The ETFE Plastic roof on the train station in Manchester, England collapsed during a rain storm in October, 2016 and two people were injured. A six month study determined the plastic roof had a number of holes were caused by Gulls drawn by the smell of MacDonald's inside the station. It would seem an ETFE plastic roof would be an extremely poor choice for a pool on the beach with our many gulls.

On May 11, 2017, the CA Coastal Commission sent a letter to the city, strongly urging that another location be chosen for this facility. There are a number of CCC REQUIREMENTS which have not been met with this plan.

1. MUST BE 64% RECREATIONAL AND 30% COMPETITIVE. In order to achieve the projected economic benefits, the pool must be used more than 30% of the time for competitions. Now, Assistant City Manager Modica is saying that Municipal Pools are not for profit, so this one will have to be supplemented with city funds if it is used by the

public the allotted amount of time. Competitions are often held on the weekends when the public would also like to use the pool. There must be an equitable amount of weekend, day and evening time available for the public.

2. CCC REQUIRES RESTAURANT AND MEETING SPACES In order to put in a separate diving well and spa, the banquet room and meeting rooms have been eliminated and the restaurant is now out of the building footprint and has no indoor seating. The current design will not pass CCC requirements.

3. OPEN PUBLIC SPACE In 2014, the pool design preserved Olympic Plaza. Present building footprint has increased, eliminating beach and public space up to the pedestrian/bike path. Eliminating open space on the beach is another violation.

4. PUBLIC ACCESS TO THE BEACH which includes traffic and parking. The EIR did not include a traffic study based on the recently installed Road Diet or the elimination of Olympic Plaza. Competitive events will limit parking for beach visitors, especially during the summer.

5. MAXIMUM VIEWS Major view corridor on Termino. As the ETFE Plastic is not transparent, view of the ocean is blocked almost everywhere on Ocean Blvd. from Termino to Bennett. View corridor on Bennett will be blocked by the 'Fast Casual Restaurant'. When I was a child in the 1940's, one could drive or walk along Ocean Blvd. and enjoy the view of the ocean from Belmont Shore all the way to what is now Golden Shore. This pool building will be another taking from the now limited view.

6. SEA LEVEL RISE The EIR predicted 8.2 feet by 2100. New studies are predicting 10 feet by 2087. Either way, the EIR admits the parking lots and all of the expensive pool equipment will be under water.

EIR 6.0 LONG-TERM IMPLICATIONS

6.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Mentioned in this section are key resources which would be degraded or destroyed in such a way there would be little possibility of restoring

them. The list includes lumber, steel, fossil fuels, petrochemical construction materials such as plastic, petroleum-based construction materials and **water**.

There is concern about use of all unrenewable resources, however, in drought impacted Southern California, this is a big concern. The EIR states:

"Operation of the proposed Project would also result in an increase in water demand. **The annual Project demand for water is estimated to be 39.37af/year. Sufficient water supplies are available to service the Project, and Project impacts would be less than significant.** As required of all new development in California, the proposed Project would comply with California State law regarding water conservation measures, including pertinent provisions of Title 24 of the California Government

Code (Title 24) regarding the use of water-efficient appliances. In addition to complying with applicable Title 24 provisions, the proposed Project would incorporate additional water conservation measures. The increase in water demand generated by operations associated by the proposed project would be partially offset by the reduction in water consumption resulting from adherence to Leadership in Energy and Environmental Design (LEED) Gold standards, which includes features that would greatly enhance water conservation (see Section 3.0, Project Description). Therefore, with implementation of water conservation measures and incorporation of conservation features as part of LEED design, impacts associated with the increase in water demand as a result of the proposed Project would be further reduced. **However, the increase in water use would continue to represent a long-term commitment of this essentially nonrenewable resource."**

When the public in this city has been on a rationing schedule for watering their yards for several years and are seeing increased cost on their utility bills, it would seem that providing a water for a competitive pool, dive well and spa is an unnecessary environmental impact.

I would also point out that there is no mention of the additional cost for electricity involved with the ETFE Plastic Roof. The construction requires a ma-

chine to keep the plastic pillows filled with air at all times. The heat generated by the plastic requires high levels of air conditioning.

There is also no mention of using solar energy, which on the roof of this large structure would be profitable and energy saving.

In conclusion, I urge you to deny the Planning Commissions approvals; to recirculate the FEIR with the direction that adequate study be made of Aesthetics, Height, Traffic, Geological, Sea Level Rise, Biological, Altern ative Locations and defects of the EFTE Plastic.

Please do not waste time and money waiting for the Coastal Commission or a judge to order this. Use the money to build this pool in the right location to serve all of the public.

Sincerely,
Ann Cantrell Citizens About Responsible Planning

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED
South Coast Region
JUN 9 2017
CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Renee S. Lawler, 3005 San Francisco Ave, Long Beach CA 90806 (562) 900-9416

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Belmont Beach and Aquatic Center

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza

4. Description of decision being appealed:

   a. Approval; no special conditions: _____

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial: Appeals of Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Cantrell & Citizens Advocating for Responsible Planning (CARP), the Long Beach Area Peace Network & Anna Christensen, & Gordana Kajer

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-17-0032

DATE FILED: June 9 2017

DISTRICT: South Coast

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

This project is not consistent with the Common Law Public Trust Doctrine and statutes governing the tide and submerged lands and beds of lakes, streams & other navigable waterways (LA River) including but not limited to Chapter 676, 1911; Chapter 102, 1925, Chapter 158 1935 including but not limited to Chapter 6, Pg 367, Prop 2 Section 260.6, Chapter 29, 1956 Mallon v City of Long Beach, Chapter 2000 & Chapter 89 that stipulates the specific lawful purposes for which the lands may be used as well as how the revenues from the production of oil, gas & hydrocarbons on or under the various tidelands can be spent. The statutes do not release the use of tide lands revenues from the public trust doctrine, State Lands Commission jurisdiction and what is legally permissible use of the lands and revenues regardless of what "fund" the revenues end up in.

In addition the established tide lands included navigable waterways of which the LA River was at the time of statehood 9/9/1850, in 1911, 1925 & 1926 and when the State Lands Commission became the guardian of these precious lands in 1938. In 2008 The US EPA re-affirmed the LA River to be navigable. While there was 50 year land swap/lease agreement made with the City of Long Beach for LA River lands up to and around the Shoemaker Bridge (3/4/2008) in exchange for the Queensway Bay Development "The Pike at Rainbow Harbor", the lands upriver from the Shoemaker Bridge were not included. Nor is there any evidence that those upriver lands that were subject to tidal flow during and after the turn of the century (see NOAA history of datums), tidal flow upriver well north of Willow & part of the original bed of the navigable waterway were ever removed from trust. Therefore, those upriver lands should be subject to Public Trust, part of tidelands and statutes relating to tidelands and not subject to sea level rise and other negative impacts the current proposed pool location exhibits. Before there is any decision to proceed and approve this project, a thorough review & investigation that includes the State Land Commission, of the allowed uses of tidelands & tidelands revenues should commence.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Renee' S Lawler — Signature of Appellant(s) or Authorized Agent

6/9/17 — Date

May 16, 2017

Dear Honorable Mayor & City Council, Elected & appointed officials:

RE: Proposed Belmont aquatics center

I am Long Beach native, and a swimmer. I embrace the idea of adding modern facilities, programming & equipment to serve more of our citizens; however; I have serious concerns about the decision to re-build a pool at the same Belmont Shore location.

There are upland locations on the LA River lands, within the boundaries of the City of Long Beach that do not seem to have been considered in this EIR process and should be included in review on a case by case basis, likely to be more appropriate locations without as many probable negative environmental impacts. Those uplands along the LA River are within the trusteeship obligations of the State Lands Commission and the City of Long Beach, and are currently, according to legislation, existing Tide lands.

California's navigable beds of waterways (at the time they became state property on September 9, 1850) are legally deemed Sovereign Lands. In coastal areas, sovereign lands include both tide lands and submerged lands from the shore out three nautical miles into the Pacific Ocean AND lands that have been filled and are no longer underwater, but were so at the time they became sovereign lands. The beds of navigable lakes and rivers are also sovereign, subject to the Public Trust Doctrine and under the jurisdiction of the State Lands Commission and associated trustees (City of Long Beach) as amended legislation dictates. The LA River was deemed a navigable waterway by the US EPA in recent years. The LA River's channelization was completed in Long Beach in the 1950's but the majority of the river's expansive lands remain outside the concrete berms. The south LA River lands, continuing from the Pacific Ocean upriver, that were between the mean high and low tide datum marks at the time of Statehood in 1850, are still subject to the easement held by the State (& City of Long Beach) for Public Trust purposes and are a part of Tide lands. That means there are many sites up river that can be freed for other compatible uses such as a pool facility or a combination of facilities to better serve the needs of all the residents within the boundaries of this City.

The City of Long Beach in 1911 was granted sovereign title to Tide lands whether filled or un-filled subject to the Public Trust Doctrine, CA Constitution & case law. While the City was granted local trusteeship to manage the assets and public trust lands within its borders, the Legislature delegated the State's residual & review authority for granted lands to the State Lands Commission with oversight ranging with working to assist trustees on issues involving boundary determinations, consistency, judicial confrontations involving trust assets, etc. More recently the Public Trust Doctrine has broadened the basic right of use from "commerce, navigation & fisheries" to include the right to "swim, boat & engage in other forms of water recreation & even to preserve lands in their natural state in order to protect scenic & wildlife habitat values". The Public Trust provides that tide & submerged lands and the beds of lakes, streams and other navigable waterways are to be held in trust, but a common law doctrine is not static & is continuously evolving to protect the public's use and needs in California's waterways.

Furthermore, State Lands Commission Statute 1688, Section 7, Chapter 138, Statutes of 1964 regarding the described lands within the Alamitos Bay area sets a precedent with regard to lands that lie above the mean high tide that are no longer necessary or useful for commerce, fisheries and navigation and are

thereby freed from public use & trust for only those rigid uses and could be considered for public pool recreation and multi-use recreation needs.

On a social injustice point, I am in the water an average of 5 hours a week at the Silverado pool, the majority of that time I spend devoted to helping & encouraging persons with MS (Multiple Sclerosis). Water exercise is one of the only proven activities that persons diagnosed with MS participate in to receive health benefits of exercise without degrading their condition. With the support of the National Multiple Sclerosis Society local chapter I have re-instituted a person to person private volunteer effort to help persons with MS join in a shallow water exercise program in place at the Silverado pool. It is a good pool that can be made even better with City and Tide lands support. My mother lived with MS for 50 years, 2 of my nieces also have Multiple Sclerosis. IF the City was to further support and enhance the existing facilities with more lift chairs and increase programming at Silverado & MLK public pools, as well as add more pool facilities with lifts in more than only one district currently under consideration for the new Belmont Pool, many more persons with MS and with other physical needs could attend and receive proven benefits water exercise provides for their special circumstances. At the present there are persons with MS who wish to participate in current water exercise programs but who cannot because there is a need for more programming, facilities and equipment.

Renee Lawler
3005 San Francisco Ave
Long Beach CA 90806
562-900-9416

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
5/1/1911	676	1	People of State of CA, senate & assembly	Granted..right, title & interest,... in & to all the tide lands & submerged lands, whether filled or unfilled, within the present boundaries of (the City of Long Beach) said city, situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors in trust...	Tide lands below mean high tide as of 1911	
1911		1(a)	People of State of CA, senate & assembly	...shall be used... solely for the establishment, improvement, & conduct of a harbor & for the construction, maintenance & operation thereon of wharves, docks, piers, slips, quays & other utilities, structures & appliances necessary or convenient for the promotion & accommodation of commerce & navigation, ...& shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever: *provided*, that the City of LB, or its successors may grant franchises...for limited periods, for wharves & other public uses & purposes,...for limited periods, for purposes consistent with trusts upon which said lands are held by the State of CA & with the requirements of commerce or navigation at said harbor.	Purpose for which lands may be used.	$0 Cost to State to build Harbor
4/28/1925	102	1(a) Pg 235	People of State of CA	..none of said lands shall be used ...other than public park, parkway, highway, playground,....harbor....:*provided however*, that nothing herein contained shall ...prevent granting use of easements, franchises or leases for limited periods, or rights of way in, under, over or across said tidelands or submerged lands for power, telephone, telegraph or cable lines or landings, sewage, disposal conduits, wharves & other public uses & purposes consistent with the trusts upon which said lands are held.	Use of lands	
4/28/1925		1(d) Pg 236		The absolute right to fish in the waters of the Pacific ocean over said tidelands & submerged lands, with the right of convenient access to said waters over said lands....		
9/15/1935	158		People of State of CA	Act to amend Section 1, 1925 Statute, Pg 235, dated 4/28/1925		
9/15/1935		1(a)	People of State of CA	.....or the leasing or use.....for limited periods of time for the construction, maintenance, & operation of nonprofit benevolent & charitable institutions organized & conducted for the promotion of the moral & social welfare of seamen, naval officers & enlisted men & other persons engaged in & about the harbor & commerce fishery & navigation.	Added non-profits, charitable for seaman, naval..	
9/25/1935	195, Pg 795	(d)		The absolute right to fish in the waters of the Pacific ocean over said tidelands & submerged lands, with the right of convenient access to said waters over said lands....		
7/25/1946	6		Assembly Concurrent, w/City	Assembly Concurrent Resolution No.6 - Approving amendments to the charter of the City of LB, State of CA, ratified by qualified electors....special municipal election held 7/9/46	Amendment to City of LB Charter - Prop 1	
7/25/1946	6, Pg 366	Subdivision 1 of subsection c of Section 229x, Prop 1		Revenue from lands acquired from grant...not less than 50% of oil, gas & hydrocarbon revenues from all tidelands...as distinguished from lands acquired by the City through purchase, tax deed, exchange, trade or gift, shall be paid into a special "Harbor Bond Redemption & Interest Fund"....thereafter.....money shall be paid into the "Harbor Revenue Fund". Balance shall be paid into "Harbor Revenue Fund"....City Treasurer from time to time, at least 1x per/mo transfer 25% of all money hereafter from oil, gas & hydrocarbon from beneath the lands constituting the HARBOR DISTRICT on 5/1/46 & hereafter & the substances beneath lands which may be added provided by Section 229t of this Charter, which by the provisions of this subdivision are required to be paid into the "Harbor Revenue Fund", from said fund...to the "Public Improvement Fund"; provided said transfer shall be made only in the event that such moneys may be used & expended for the purposes hereinafter stated without violating the provisions of grants by which the City acquired title to all tide & submerged lands....1911 states, Pg 1304, 1925 Statues, Pg 235, 1935 Statues Pg 794. Said "Public Improvement Fund" shall be a continuing fund...used exclusively for the payment of costs & expenses for construction, reconstruction, repair & maintenance of public improvements, including the purchase of such lands, rights & properties that may be necessary therefor, as shall have been provided for in the official budget of the City...	50% revenue from tidelands to pay bonds first from Harbor Bond & Redemption Fund, then 1x per/mo transfer to Public Improvement Fund, then based on budget can be used for projects.	Harbor Bond Redemption & Interest Fund, Public Improvement Fund

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
7/25/1946	6,Pg 367	Prop 2, Section 260.6		Any & all monies derived by the City from development of oil, gas or other hydrocarbon from tidelands acquired by the City from the State of CA by grants to wit, 1911.....pg 794, except from such lands as are now or may hereafter be located within the Harbor District...shall be paid into a special fund...hereby created "Tideland Oil Fund"....shall be a continuing fund used exclusively for the purposes of establishing, constructing, maintaining and improving public parks, parkways, highways, playgrounds, and the construction, maintenance & operation of wharves, docks, piers, slips, quays, & other utilities, structures & appliances necessary or convenient for the promotion & accommodation of commerce & navigation as shall have been provided for in the official budget of the City, adopted by the City Council.	Tideland Oil Fund, use subject to city budget	Harbor District Oil, gas & hydrocar bon revenues
	6, Pg 367	Prop 3, Section 229y		Notwithstanding any other provision in this Charter, all money received from the operation of the port & its facilities shall be deposited in the ....Harbor Operating Fund....shall be a continuing fund. Used to pay necessary expenses of conducting operation of all harbor or port facilities controlled or operated by the City, subject to the power of the Board, to transfer said moneys or any part thereof, to general funds of the City, as provided in 229g of this charter.	Revenue from port operation	Harbor Operating Fund
7/25/1946	6, Pg 368	Prop 4, Section 297		Section 297. The City Mgr, Port Mgr & Board of Water Commissioners shall require...bonds as may be required by City Council, Board of Harbor Commissioners & Board of Water Commissioners, respectively to be filed with contracts entered into by them on behalf of the City, & such other bonds as may be required by law. All such bonds shall have the approval of the City Attorney, endorsed thereon before the contract is signed by the City Mgr....	Performance Bonds on contracts	
7/25/1946	6, Pg 368	Prop 5, Section 329		Section 329. All general laws of the State of CA applicable to municipal corporations now or hereafter enacted & which are not in conflict with the provisions of this Charter or ordinance of the City of Long Beach shall be applicable...	General laws of CA applicable	
7/25/1946	6, Pg 369	Pro 7		Section 214 amended by repeal.		
1/31/1947	39	229z	Assembly Concurrent, w/City	Resolution 38 - Relative to approving a certain amendment to charter of the City of LB, ratified ...special election 11/5/46.	City of LB Charter amendment	
1/31/1947		Prop 1, 229z		Section 229Z - amendment adding a new section.....Notwithstanding any other provision in this Charter contained, the City Treasurer shall...at least 1x per/mo transfer all money...from beneath tidelands....LYING OUTSIDE the Harbor District & westerly of the east line of Pine Ave & the prolongation thereof projected southward, by DIRECTIONAL drilling from drill sites WITHIN said Harbor District, ...provisions of 229x ...to be paid into the Harbor Revenue Fund, to the Public Improvement Fund, created by subdivision 1 of subsection (c) of Section 229x, amendment 1946, effective 7/23/46, provided that said $ may be used without violating the provisions of grants by which the City acquired title, 1911 Statutes, pg 1304, 1925 Statutes, pg 235, & 1935 Statutes Pg 794. Provided however that all moneys from beneath lands lying OUTSIDE the Harbor District, by directional drilling from drill sites WITHIN the Harbor district shall be paid into the General Purpose Fund....Provided further that the City Treasurer shall transfer all moneys derived....., lying OUTSIDE the Harbor District & westerly of the east line of Pine Ave & the prolongation thereof projected southward, whether by directional drilling or otherwise, and which are required by Section 260.6 of this Charter to be paid into the "Tideland Oil Fund"....	Harbor Revenue Fund - Public Improvement Fund; General Purpose Fund - Tideland Oil Fund to Public Improvement Fund, provided said transfer made only for purposes without violating grants, statues of 1911, 1925 & 1935.	Transfer of money from Harbor Revenue Fund to Public Improve ment Fund
4/13/1956	29	1, 2, 7		Mallon v City of LB - 44 Cal. 2d 199, the Supreme Court of CA, effected a partial revocation of the trust created by acts of 1911, 1925 & 1935 & resulted din a reversion to the State of CA, sums....The continuance of the existing controversies between the State & the City.....Section 2 (b) AS a result of Mallon decision other questions have arisen as to legally permissible purposes for the expenditure of hydrocarbon revenues from LB tidelands other than those specified in said acts of 1911, 1925 & 1935.....(c) Some uncertainty exists as to the exact location of the boundaries of the Long Beach tidelands.....Sec 7 - (c) construction, reconstruction, repair & maintenance of streets & roadways within boundaries of Harbor District & ....bridges wholly or partly within the boundaries...(c) protective or remedial works...protection, preservation or maintenance..subsidence (d) construction reconstruction, repair & maintenance of small-boat harbor project known as the Marina located adjacent to the Alamitos Bay...(e) acquisition of property or the rendition of services reasonably necessary to the carrying out of the foregoing uses & purposes.	2 c - Uncertainty exists as to exact location of the boundaries of the Long Beach tidelands.	

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
4/13/1956	29	8		8 (a) On or before October 1st of each year, the City of LB shall ...file with the State Lands Commission a detailed statement of all expenditures of oil revenue other than that required in the stipulation provided for in this act to be paid to the State, including obligations incurred but not yet paid. Said statement shall cover the fiscal year preceding ...& show the project or operation for which each such expenditure or obligation is made or incurred.	Statement to State Lands Commission by 10/1 each year	
4/13/2016	29	10		(b)...no present or future contract....for oil....shall be modified or amended in any respect without the advance consent of the State Lands Commission....(c) Every future contract, future royalty arrangement, or other future agreement, & every modification or amendment of any present or future contract...made in violation of this section shall be void.	Agreements void without prior State Lands Commission consent	
4/13/2016	29	11		Nothing in this act shall be construed as an express or implied declaration of the exact location of the boundaries of the Long Beach tidelands, or of the tideland or upland character of any well or wells...after 2/1/1956.		
6/5/1951		Section 1		...since 1939 production of large quantities of oil, gas & other hydrocarbon substances.....dry gas.....50% of all revenue...other than dry gas, is no longer required for navigation, commerce & fisheries, nor for such uses, trust conditions & restrictions as are imposed by said acts.	Funding & determination	
6/5/1951		Section 2		50% of all revenue derived & unexpended....other than dry gas, produced from lands conveyed by said above entitled acts is hereby free from the public trust for navigation...& from such uses, trusts, conditions & restrictions as are imposed to any of said above-entitled acts. None of dry gas revenue is any longer restricted.	Declaration of freedom from public trust, etc. 50% of all tidelands revenue & all dry gas revenue	
3/29/1956	28	Prop A, Pg 246	Assembly Concurrent, w/City	Resolution 19 - ...election 2/9/1956 - Prop A - amends Subdivision 2 of Subsection c, Section 229x, new section 260.7 - Revenue from lands other than tidelands & submerged lands. Any & all money ...from all lands acquired by purchase, tax deed....located in the Harbor District, as distinguished from tidelands as described in grants...to wit, 1911 Statutes, 1925...1935, together with all money derived from cash bonuses paid by oil companies or individuals for oil leases on on said lands other than said tidelands...(including all money paid for permits for drilling oil wells or for erection of oil well derricks or other buildings in connection with oil development, anywhere in the HARBOR DISTRICT, and irrespective of whether or not such wells, derricks, or buildings are located on said tidelands...shall be paid to the General Bond & Redemption and Interest Fund.....	City of LB Charter amendment	Revenue from lands other than tidelands. .General Purpose Fund becomes General Bond & Redemption & Interest Fund that then after bonds paid to Public Improvement Reserve Fund

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
		Sec 260.7		Effective 7/1/1957 any $ received outside the Harbor District, other than lands acquired by grant...1911..... Shall be paid to the General Bond Redemption & Interest Fund, so long as money shall be required for payment of unpaid principal or interest on any and all outstanding general obligation bonds of the City other than those issued for Harbor, Water or Gas Dept purposes, regardless of when such P&I is due or payable. Such money so paid into said fund shall be used solely for said purpose.....then pad into the Public Improvement Reserve Fund....into the General Purpose Fund.	Revenue from lands outside Harbor District	
1/22/1957	54			Resolution No. 58 - Amendments to City Charter...11/6/1956 election	City of LB Charter amendment	
		Section 260.8		AA - repeals 260.8 - 1 amends paragraph 3 c Section 229x to read: 3. 1x per/mo Harbor Reserve Fund not to exceed $15 million, there shall be transferred to the Harbor Revenue Fund & hereto ....30% per/annum of gross amount of all money received by City...to be paid into said fund...shall be invested in accordance with provision of applicable legislation of the State...Money in said fund may be expended by the Board of Harbor Commissioners, whether or not...provided for in the official budget of said Board, for any purpose Harbor Revenue Fund may lawfully be used if approved by a vote of a majority of all members of said Board & not less than 2/3 affirmative vote by City Council.	Harbor Reserve Fund transfers to Harbor Revenue fund.	
		Sec 229d		Adding subdivision (5) to Section 229d - pay to the State of CA ...where or not included in the official budget as shall be required by enactment by the legislature of Chapter 915, of the Statutes of 1951.		
		260.6 a, b, c & d		Amending subdivisions (a), (b), (c)and (d) of Section 260.6 - any money except from lands located within the Harbor District as described 5/1/46 shall be paid into the Tideland Oil Fund...(a) shall be used exclusively for the following: 1. Paying expenses...oil, gas hydrocarbon production. 2. Paying State of CA as required by 1951 Statutes...3. Establishing, constructing, maintaining improving public parks, parkways, highways & playgrounds on tide & submerged lands....also ....wharves, docks..(b) Money remaining in the Tideland Oil Fund, after payment of expenses...& as provided in paragraphs 1 & 2 of subdivision (a) shall not be used for any of the other aforesaid purposes unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted to the City Council at any City election wherein all City electors are entitled to vote. Such money however, may be used without such prior approval of the electors, and without the necessity of a provision therefor in the official budget of the City, for the payment of costs and expenses for land subsidence, remedial or beach erosion work, or to meet a public emergency caused by ware, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council by not less than 2/3 affirmative vote declares the need for such subsidence remedial or beach erosion work or declares the existence of such public emergency. (c) $250,000 of remaining money in the fund, after payment of necessary expenses & of State's portion may be used each fiscal year for any purpose not in violation of said grants from the State, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use. If any is not used, it shall accumulate. (d) $500,000 of any portion remaining in the fund after payment of expenses....may be used for maintenance & operation of improvements constructed upon said tidelands & submerged lands in this section...	Tideland Oil Fund - emergency fund	Tideland Oil Fund
		260.9		Addition to read: In order to comply with any judgement which may be entered in the case entitled People vs. Long Beach, file No 649466, Superior Court of the State of CA, payment of the amount of money & transfer of securities from the various fund of the City required to comply therewith is hereby authorized..	Payments required by People vs Long Beach	Tideland Oil Fund
		260.9, Section 229x		Prop BB - Charter is amended by adding Section 229x - .....Board of Harbor Commissioners may, be negotiation & pursuant to the terms & conditions & limitations thereby agreed to, extend the term of any lease, contract....	Extension of Oil & gas leases	
		Section 300		CC - amend Section 300 - contract term for gas or electricity NTE 25 years	Gas & electric contracts	
		Section 20		DD - NTE 25 years for any City owned property not dedicated to public use...except for purpose of oil, gas...	Leases	

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
		Section 228(4)		GG - Amend 228(4) of the City Charter (4) To have control & jurisdiction of that part of the City of Long Beach, *hereinafter* defined as the "Harbor District" as said district was bounded and described on the May 1 1946.....*provided* however, that with approval of the City Council, said Board may, with prior approval of the electors, relinquish to Council control of portions of the said area and likewise, upon request of the Board, the Council may be ordinance, also with prior approval of the electors change the boundaries of the Harbor District	Harbor District	
		Section 1, 37c, 38, 109, 109a, 187.2, 224b, Subsection (16) of Section		Repeals	Repeals	
7/3/1957	1151	6879		Add Section 6879 to Public Resources Code in effect 9/11/1957 -...protection of...said lands fro unreasonable waste or ..subsidence or sinking...and abutting lands...shall provide that any impairment of public trust for commerce, navigation or fisheries to which said granted lands are subject is prohibited and shall be submitted to the State Lands Commission for approval.	Agreements re tide & submerged lands	
	1152	Pg 2446		Exclusions - no agreement executed pursuant to this section shall affect or determine the boundaries of tide & submerged lands granted in trust...by Chapter 676, Statutes of 1911, Chpt 102, Statutes of 1925, Chapter 158, Statutes of 1955, as modified by Chapter 915, Statutes of 1951 & Chapter 29, Statutes of 1956, First Extraordinary Session.		
7/8/1957	2000	1	1957 Regular Session	In effect 9/11/1957 - State Lands Commission shall determine the boundaries of the tide and submerged lands conveyed in trust to the City by chapter 676....The commission shall survey, monument, and plat the boundaries of such lands. The commission may bring any actins necessary to determine such boundaries, and for that purpose may employee special counsel. The commission shall report to the Legislature not later than 2/15/1958 it's progress..	State Lands Commission survey of tidelands boundaries	
7/3/1959	1551	Pg 3330, 3331	1959 Regular Session	Section 1 - ....lands, easements, well sites within the Harbor District...contracts & royalty arrangements to expire by their terms within the next five years...	Contract & Royalty expirations	
6/6/1961	704	1, Chpt 1551,		Section 1, Chapter 1551, 1959 Statute - amended - added Superior Oil Company & Humble Oil & Refining Co to act as "enumerated oil operators" - urgent, essential immediate effect for re-pressuring of the lands within the boundaries of the Harbor District	Repressing lands in Harbor District	
7/11/1963	1398	1 & 5, Chpt 29		Amends Section 1 & 5 of Chapter 29 of the 1956 Extraordinary Session, relating to tide & submerged lands & revenues derived.		
7/11/1963		1		a - "Long Beach Tidelands" means those certain tide & submerged lands heretofore conveyed by Chapter 676, Statutes of 1911, Chapter 102, Statutes 1925 & Chapter 158, Statutes of 1935.		
7/11/1963		1		b - "Oil revenue" - net proceeds received by the sale of oil, gas & other hydrocarbon substances (other than dry gas) derived from LB tidelands, after deducting moneys expended for the extraction & sale thereof & for the satisfaction of obligations attributable...also includes net receipt from sale of property used in such extraction or sale, the cost of which has been or may be defrayed fro proceeds of such hydrocarbon substances; does not include the amount equal to the money expended by the State, as determined by the Director of the Dept of Finance in administering this act.		
7/11/1963		1		e - "Tideland trust Funds" means Public Improvement Fund, Harbor Revenue Fund, Tideland Oil Fund & Harbor Reserve Fund.		
7/11/1963		2, amends Section 5(a)		Section 5 of this act is amended to read: Section 5 (a) In addition to payment of the prescribed in the stipulation provided for in this act, the City of Long Beach has received & will continue to receive for the use & benefit of the State of CA free from public trust for navigation & fisheries & from such uses, trust conditions & restrictions as were imposed by acts of 1911, 1925 & 1935, & shall account for & pay over monthly to the State of CA the following sums:	Release of $ for public trust for navigation, fisheries	

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
7/11/1963	1399	5(a)1	1963 Regular Session	50% of oil revenue after 2/1/56 less 25% of subsidence costs disbursed after 4/1/56 until $30,000,000 reached, 50% thereafter, less 50% of all subsidence costs.	Distribution % for subsidence costs	
7/17/1963	1847	2, Pg 397	1963 Regular Session	America v Anchor Oil - LB Naval Shipyards tide & submerged lands located seaward of that portion of the shipyard & naval station acquired by US in 1940 condemnation case of "USA v 333.6 Acres of Land, etc." NO. 1102-BH-Civil, United State District Court for the Southern District of CA, Central Div....Section 2. Settlement Terms - (c)....conveyed by authorization of the State Lands Commission to the United State of America..reversionary & possessory right, title & interest...oil, gas, mineral rights retained with the State of CA...(d) City of Long Beach to accept...a fee simple determinable title to ...a portion of Pier E...approx 88 acres, ...acreage used as part of LB Naval Shipyard, or for purposes of national defense & for no other uses or purposes whatsoever; provided that lands shall not be leased or otherwise disposed to private persons or entities not substantially involved in a federal function.	Naval Shipyard, & Pier E legal description	
6/5/1964	138	1	1964 First Extraordinary Session	Act relating to tidelands...and the revenues (f) "undeveloped portion of the Long Beach tidelands" means the following described lands: (i) "Alamitos Beach Park Lands" described in Judgment After Remittitur of the People of the State of CA va City of LB Case NO 683824 in the Superior Court of the State of CA for the Co of LA, dated 5/8/1962, entered on 5/15/62, Judgement Book 481, Pg 76, of the Official Records.	Legal description	
11/3/1964	Prop J & K	Chp 7, Pg 4903	1965 Regular Session	J - Charter of City amended by amending subsection (9) of Section 217 - ....sell lease dispose of any property belonging to the Water Department...		
		Section 229d		(a) All money received or collected from or arising out of the use or operation of any harbor or port improvement, work appliance, facility or utility, or water craft, owned controlled or operated by the City of LB in or upon or pertaining to the water front or navigable waters of said city; all tolls, charges and rental collected by the Harbor Dept, and all compensations or fees collected....under the control of the management of the Harbor Dept shall be deposited in the..."Harbor Revenue Fund" (e) Harbor Reserve Fund monies will be transferred and then shall cease to exist	$ from navigable waters under Harbor dept control go to Harbor Revenue Fund, replaces Harbor Reserve Fud	Harbor Reserve becomes Harbor Revenue Fund
		229i		Creation of a special fund "Tideland Oil Fund", continuing fund, revenue from 1) net proceeds from oil, gas... as defined in Chapter 138, 1964 First Extraordinary Session 2) net receipts from sale of property used in... oil 3) proceeds from oil... derived from, or allocated or assigned to any lands lying seaward of the northerly boundary of the LB tidelands as defined in Chapter 138 aforesaid, & westerly of the easterly boundary of the undeveloped portion of the Long Beach tidelands. ...c) 1 - May only be used for the following purposes: payment of all reasonable & necessary expenses in conjunction with oil & gas production 2) payment to the State of CA....3) payment of incident to supervisor & admin of oil, gas...initially paid from the Tideland Oil Revenue Fund, fund shall be reimbursed by journal entry in a manner determined by the City Mgr. 4) payment of Harbor subsidence costs 5) finance participants ...conduct re-pressuring operations...	Tidelands Oil Fund created	Tidelands Oil Fund
	7	260.2		Tideland Operating Fund - continuing Fund 1) revenues from outside Harbor District...2) interest earnings income or profits from investment deposited to the credit of the Tideland Oil Revenue Fund 3) approved reimbursement transfers from other established funds, all such transfers made by journal entry...in manner determined by City Mgr. 3c) with approval of a majority of all members of City Council, $ credited in Tideland Operating Fund may be expended for performing services, defraying operating & maintenance costs, making repairs, additions & betterments, making land acquisitions, constructing improvements, & for other related purposes, all as authorized by 676, 1911, 1925, 1935, Chp 29 of 1956 & 138 of 1964. 3d) All remaining money attributable to oil revenue in the Tideland Oil Fund shall be transferred to the Tideland Oil Revenue Fund, remaining $ will be paid into the Tideland Operating Fund. Tideland Oil Fund ceases to exist.		
11/3/1964	7	260.4		Created a special "Reserve Fund for Subsidence Contingencies"		
11/3/1964	7	Article XXVII, Sect 315 (a)		Creation of Department of Oil Properties, Director of Oil Properties, such assistants.... Hat the City Council may prescribe & authorize. Shall be appointed, confirmation by City Council, City Manager, shall serve at the pleasure of the City Mgr. Director of Oil Properties shall ..be in charge... for admin of drilling..		
11/3/1964				Sec318 -		

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
11/3/1964	7	Prop K		Section 37b of City Charter amended & adding new section 37C. The City to have the power with 2/3 consent of City Council a) to cooperate w/ other cities, counties, districts, the state , the Federal Government or agencies, ...for acquisition, construction...of any common power convenient or necessary for caring out any purposes or objects authorized in this Charter. (b) To contract with the Co of LA for performance by officers & employees of the City of any or all of the functions or duties required or authorized to be performed by the County, or any County officer, within the territorial limits of the City. c) contract with other cities, districts, Federal Govt, or agencies thereof, for the performance by officers & employees of the city, of the functions & duties required or authorized to be performed by such cities or districts within their territorial limits, or the Federal Govet or agencies thereof.		
		Prop L, Section 241		Adding Section 241 to Article XXIII Sec 241. Establish a Park Improvement Fund - annually levy special tax, NTE 10 cents per/$100 for said purpose of acquire, construct, develop & improve parks, playgrounds, play lots, & related facilities in the City, including acquisition & installation of apparatus, equipment & furnishing necessary thereto. Fund shall terminate with fiscal year 1972-73	Terminated 1972-73.	Park Improvement Fund
		2,3	1964 First Extraordinary Session	(d) By Chapter 2000, Statutes of 1957, the Legislature authorize the State Lands Commission to bring any actions necessary to determine the boundaries of the Long Beach tidelands, in response the State of CA in 1960 initiated an action against the city, filed in Superior Court of LA, Action No 747562, for the purpose of determining the boundaries. State concurrently filed a supplementary petition Action NO 649466 for the same purpose. ..State asserts that certain lands, property, interests in property & other things of valve (together with the tidelands claimed are referred to as "litigated lands" held by the City are subject to tideland trust & owned by the City in a trust capacity....The City also claims that the boundary line claim of the State is erroneous & improper & that it acquired & holds all of said litigated lands in its municipal capacity & that it (the City) developed said litigated lands in its municipal capacity including the use of general tax revenues....The continuation of the existing controversies between the State & the city i contrary to the best interests of the people of the state, including the inhabitants of the city....a compromise determination of the boundary line...& respective rights & interests of the Sate and the city in, and the status of said litigated lands, together with the oil & gas production from, & the use of, said litigated lands....essential to public interest to resolve the uncertainty which exists as to the true location of the mean high tide line as to the exact boundary line between the tide & submerged lands & lands owned by the city in its municipal capacity....therefore the Legislature finds that litigation should be compromised as provided in this act....Section 3 - LB & State Lands Commission proceed to prepare a contractor's agreement for production of oil, gas...	Tideland Oil Fund ceases to exist and becomes Tideland Oil Revenue Fund & Tideland Operating Fund	Tideland Oil Revenue Fund; Tideland Operating Fund
6/5/1965		7,	1964 First Extraordinary Session	Section 7 - It is hereby found & determined that the northerly boundary of the LB tidelands & the Alamitos Beach Park Lands commencing at the westerly city limits extending easterly to the westerly side of the entrance of the Alamitos Bay are as follows...Pg 454 The aforesaid finding & determination shall not apply to any lands within Alamitos Bay. All the litigated lands, referred to & described in Section 2(d), held by the city located shoreward of said line are, and shall be deemed to be uplands held by the city in its proprietary capacity. The Legislature finds and declares that the city acquired all of said litigated lands in its municipal capacity, and not as a trustee. ....Nothing herein shall be construed as affecting the trust status of any buildings, facilities or other improvements..or as affecting the trust status...or use value of any....All lands located seaward of said line within the city limits of the City of Long Beach (as said city limits existed as of January 1 1964) and westerly of the easterly boundary of the undeveloped portion of LB tidelands, shall be ...LB tidelands....the commission shall survey, monument & plat said boundaries as required by Chapter 2000, Statutes of 1957	Legal description of tidelands as of 6/5/1964	
		9		...provisions of this act conflict or are inconsistent with Chapter 29, Statutes 1956, First Extraordinary Session, as amended by Chapter 1398, Statutes of 1963, or any other act, the provisions of this act shall prevail. Otherwise the provisions of Chapter 29...shall remain in full force.	inconsistencies, this act prevails, otherwise Chapter 29	

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
		12		The first $11,000,000 of oil, gas...revenue payable to the State of CA under this act each year shall be deposited in the CA Water Fund	CA Water Fund	CA Water Fund
7/17/1965	1688	1 (a)		Alamitos Bay removal from public trust - authorizing sale, exchange, quitclaim, conveyance...Section 1(a) "Alamitos Bay" legal description	Alamitos Bay legal description - authorizing sale...	
		2 (6)		State Lands Commission, survey, monument, plat...file with Co Recorder.		
7/17/1965	1688	5		No land which lies below the line of mean high tide may be conveyed, released or quitclaimed by the City of Long Beach under the terms of this act, nor shall any such land be freed by the terms of this act, nor shall any such land be freed by Chapter 676, Statutes 1911; Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, all as amended or supplemented. Any certificate of the State Lands Commission concerning the character of the lands described in the instruments reordered under the provisions of subdivision 9(b) of Section 2 of this act shall be conclusive as to the character of lands declared therein to be above the line of mean high tide.	Below mean high tide cannot convey, release from trust	
4/22/1966	27 & 138	12.1, 12.2,		Add Sections 12.1 & 12.2 to Chapter 138...CA Water Fund, Central Valley Water Project Construction Fund, enhancement of fish/wildlife, public recreation not included....		
7/10/1966	155	6816 Public Resources	First Extraordinary Session 1966	Amend Section 6816 Public Resources Code, add sections 12.2. 12.3, 1.4 to Chapter 138 - Capital outlay Fund for Higher Education		
8/25/1967	1446	Cht 6, Section 13500, Div		Relating to water pollution & reclamation		
9/2/1967	1679	12.4		Loan to aid Lake Tahoe water pollution		
6/28/1968	411	Sec 6816 Public Resources Code, Sec 11738 &		Amendments to Public Resources Code & Water Code -		
7/31/1968	809	12.4, 138		Lake Tahoe - sewage		
10/1/1971	854			Lease of tidelands...to Regents of Uni of CA for edu purposes consistent with trust for navigation, commerce & fisheries		
10/27/1971	1252	Sec 3, add		Humboldt Bay		
	600	Sec 6217, Public		Amend Section 6217 of Public Resources Code, repeal & add Sec 12, repeal Sec 12.1, 12.2, 12.3, 12.4, 12.45, 12.5 of Cht 138.		
10/14/1991	941	Pg 4276		Urgently needed optimized waterflood program		
10/14/1991	1163			Steamflood & cogeneration project, LB Harbor Tidelands Parcel & Parcel "A" Oil Contract	Urgency	
2/27/2008	AB2165, Chpt 446			AB2165 - Karnette. ...explore & develop additional oil reserves in..LB Harbor Tideland Parcel & Parcel "A" Oil contract...		
7/13/2012	AB1847, Chpt 118			AB1847 Bonnie Lowenthal - Bixby Park , Colorado Lagoon & Marine Stadium Channel collectively referred to as "Public Trust Parcels"...Sec 2 because of the unique circumstances applicable only to the lands described in Section 1 of this act, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the CA Constitution. Therefore this special statute is necessary.		
6/6/1991	Public Resource Code 6307			Lease Quitclaim Deed - ("Land Exchange Agreement") between Pike Properties Associates, the City of LB....Public Resources Code 6307, Land exchange....	Pike Land exchange	
12/17/1992	C29		State Lands Commission	Accept Dedication of Lateral Public Access Easements		

Date	Chapter	Section	Agency	Purpose & Use	Brief	Fund
2/25/1993	C36		State Lands Commission	Amendment for $800,000 expenditure for improvements of Trust parcels L, M & N....	McGrath-Macco	
2/5/2001	C48		State Lands Commission	Approval to improve Parcels L, M, & N, 8/28/1968 Commission approved the McGrath-Macco Boundary Settlement & Exchange Agreement as part resolution of the certain title & boundary problems existing in the Alamitos Bay area...by said agreement, City received, as an asset of the tideland trust, parcels of real property abutting the Cerritos Channel for use as public parks & marinas. The city also received easements for convenient public assess to said parcels across the McGrath property. The specific location of such access ways was left to future agreement between City, McGrath & the State.	Alamitos Bay, McGrath-Macco Settlement-exchange	
3/4/2008	C01	503.1905/ AD396/G0 5-03.7	State Lands Commission	Vacate Queensway, exchange 5 parcels within the Queensway Ba Development Plan (renamed "The Pike at Rainbow Harbor" exchanged for parcels along the LA River, 49 year lease of the LA River Parcels to the City of LB (until 2050), LA River Parcels 1, 2 & 3 (Exhibit A) for the LA River Parcels to be used for public trust purposes consistent with the provisions of granting statutes. LA River Parcel 3 is located in what 100+ years ago was a march adjacent to what was then referred to as the San Gabriel & Cerritos Slough (See Exhibits C and D). The Coastal Conservancy on 2/2/2000 received authorization to disburse approx $300,000 from 1996 Safe, Clean, Reliable Water Supply Fund for the Lower LA River Wetland Restoration Feasibility Study. Study will focus on two historic wetlands areas along the east bank of the lower LA River, one - Deforest Park Expansion Site, two - Sixth Street Site (herein identified as LA River Parcel 3). Response to year 2000 report by the Coastal Conservancy entitled "Wetlands of the Los Angeles River Watershed, Profiles and Restoration Opportunities" The 6th Street Bridge site is in the report as a 6 acres acres west of southbound Shoreline Drive fro 4th St to and around the Shoemaker Bridge. The feasibility will investigate saltwater & freshwater wetlands restoration, as well as potential for establishing either seasonal or muted tidal wetlands. The study will most likely be extended to include the undeveloped City Property under and north of the Shoemaker Bridge. The primary goal...will be to provide habitat that is scarce for wildlife communities or individuals species using the LA River Basin...identify the communities species & their habitat needs & recommend restoration to meet those needs on the sites. City entering into a contract with CH2MHill to perform the feasibility study. Completion set for March 2002. In the long run, City interested in extending the open space & possibly wetlands corridor along the LA River to Drake Park...City is already pursuing the acquisition of an approx 11 acre vacant parcel belonging to Southern Pacific Transportation. That property, below Drake Park, nor & east o the end of LA River Parcel 3, separated from it by Fairbanks Aver Upon the close of escrow the LA River Parcels will take on the status as Public Trust Lands.		
	AD78		State Lands Commission	Alamitos Bay Exchange		
	AD 86/259			Pacific Coast Club		
	AD91			Withdrawn, related to 396		
	AD160			Pike		
3/4/2008	AD396			QWB & LA River Exchange		
	AD 567			?		
	BLA101			McGrath, Spinnaker		
	BL259			Pacific Coast Club		
1/23/1984	SLL 115			LA Taper Parcel, LB Unit 1983-84		

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUL 6 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Colonel Mark Toy
District Engineer, Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Colonel Toy:

This letter transmits the Clean Water Act (CWA) jurisdictional determination for the Los Angeles River. On August 17, 2008, EPA's Assistant Administrator for Water designated the Los Angeles River as a "Special Case" as defined by the EPA-Corps 1989 Memorandum of Agreement (MOA) regarding coordination on matters of geographic jurisdiction. Pursuant to the MOA, designation of the "Special Case" made EPA responsible for determining the extent to which the Los Angeles River was protected as a "water of the United States." Specifically, EPA analyzed the river's status as a "Traditional Navigable Water," one of several categories of jurisdictional waters under the Act.

We conclude that the mainstem of the Los Angeles River is a "Traditional Navigable Water" from its origins at the confluence of Arroyo Calabasas and Bell Creek to San Pedro Bay at the Pacific Ocean, a distance of approximately 51 miles.

In reaching this conclusion, Region 9 and Headquarters staff considered a number of factors, including the ability of the Los Angeles River under current conditions of flow and depth to support navigation by watercraft; the history of navigation by watercraft on the river; the current commercial and recreational uses of the river; and plans for future development and use of the river which may affect its potential for commercial navigation. Available evidence on each of these factors indicates that the Los Angeles River mainstem possesses the physical characteristics and past, present, or future use for navigation consistent with a "Traditional Navigable Water." This analysis is summarized in the enclosed document, "Special Case Evaluation regarding the Status of the Los Angeles River, California, as a Traditional Navigable Water." Please let me know if you would like to receive the underlying data and analyses.

This report constitutes the position of the federal government on the CWA jurisdictional status of the mainstem of the Los Angeles River, and its transmittal concludes the "Special Case" process. If you have any questions, please contact me at (415) 947-8702 or Jason Brush, Chief of the Wetlands Office, at (415) 972-3483.

Sincerely,

Jared Blumenfeld
Administrator, EPA Region 9

Enclosure

US EPA ARCHIVE DOCUMENT

Printed on Recycled Paper

Public Trust Doctrine

What is the Public Trust?



The public's right to use California's waterways for navigation, fishing, boating, natural habitat protection and other water oriented activities is protected by the Common Law doctrine of the Public Trust. Historically, the Public Trust has referred to the basic right of the public to use its waterways to engage in "commerce, navigation, and fisheries." More recently, the doctrine has been broadened by various landmark court decisions to include the right to swim, boat, and engage in other forms of water recreation, and even to preserve lands in their natural state in order to protect scenic and wildlife habitat values.

The Public Trust provides that tide and submerged lands and the beds of lakes, streams and other navigable waterways are to be held in trust by the State for the benefit of the people of California. The Public Trust, as a common law doctrine, is not static but is continuously evolving to protect the public's use and needs in California's waterways.

History of the Public Trust



Historic public rights in Great Britain's waterways are important in California today because California adopted English Common Law in 1850.

Under Common Law, the King was the trustee for public rights in waterways. In this tradition, California's navigable beds of waterways are called Sovereign Lands. They became state property when California joined the Union on September 9, 1850 and are held by the State in trust for the people.

Since 1938, the Commission has been the administrator and guardian of these valuable public lands. The Commission has administrative jurisdiction over the State's Public Trust lands and has oversight authority over sovereign lands granted in trust by the Legislature to local governments. The Commission acts pursuant to the California Constitution, legislation, and the Public Trust Doctrine to protect the public's interest in trust lands.

What are Public Trust Lands?

In coastal areas, sovereign lands include both tidelands and submerged lands, from the shore out three nautical miles into the Pacific Ocean and lands that have been filled and are no longer underwater. Tidelands lie between mean high tide and mean low tide. The beds of navigable lakes and rivers are also sovereign lands subject to the Public Trust.

Both the state constitution and current statutory restrictions prohibit the sale of Public Trust lands. Only in rare cases may Public Trust rights be terminated, and only where consistent with the purposes and needs of the trust.

Ownership and Use Issues



For centuries, property claims of the public in its waterways have often clashed with the property claims of adjacent upland owners. Boundary disputes can arise if the upland owner claims part of a waterway or if the State or its local trustee asserts that a public waterway has been filled. In such disputes it is California State Lands Commission policy to seek fair settlements that not only permanently identify and preserve public rights in trust lands, but also clear private land titles necessary for upland development. When the Commission is not able to resolve these disputes the courts may become involved. Even though some lands were sold by the State in the 19th century and lands between high and low water on non-tidal lakes and rivers may be in private ownership, these lands remain subject to an easement held by the State for Public Trust purposes.

Conflicts also arise as to what uses are appropriate for lands, both filled and water-covered, subject to the Public Trust. Uses that do not protect or promote Public Trust values, are not water dependent or oriented and exclude rather than facilitate public access and use are not consistent with the trust under which the lands are held. The Commission has been given the responsibility, as trustee, to manage California's waterways on behalf of the public. That trusteeship obligates the Commission to act as a fiduciary in protecting the public's rights and needs associated with its navigable waters. The Commission determines what uses are to be made of Public Trust lands on a case-by-case basis, based upon the factual and legal circumstances involving a particular location and proposed use.

Waterways and waterfronts are highly prized both as private and public resources. The Public Trust Doctrine will continue to protect the public's right to these valuable lands and resources.

Art. I, Sec. 25: Public Right to Fish

Art. X, Sec. 3: Prohibition on sale of certain tidelands

Art. X, Sec. 4: Public Right of Access to waterways

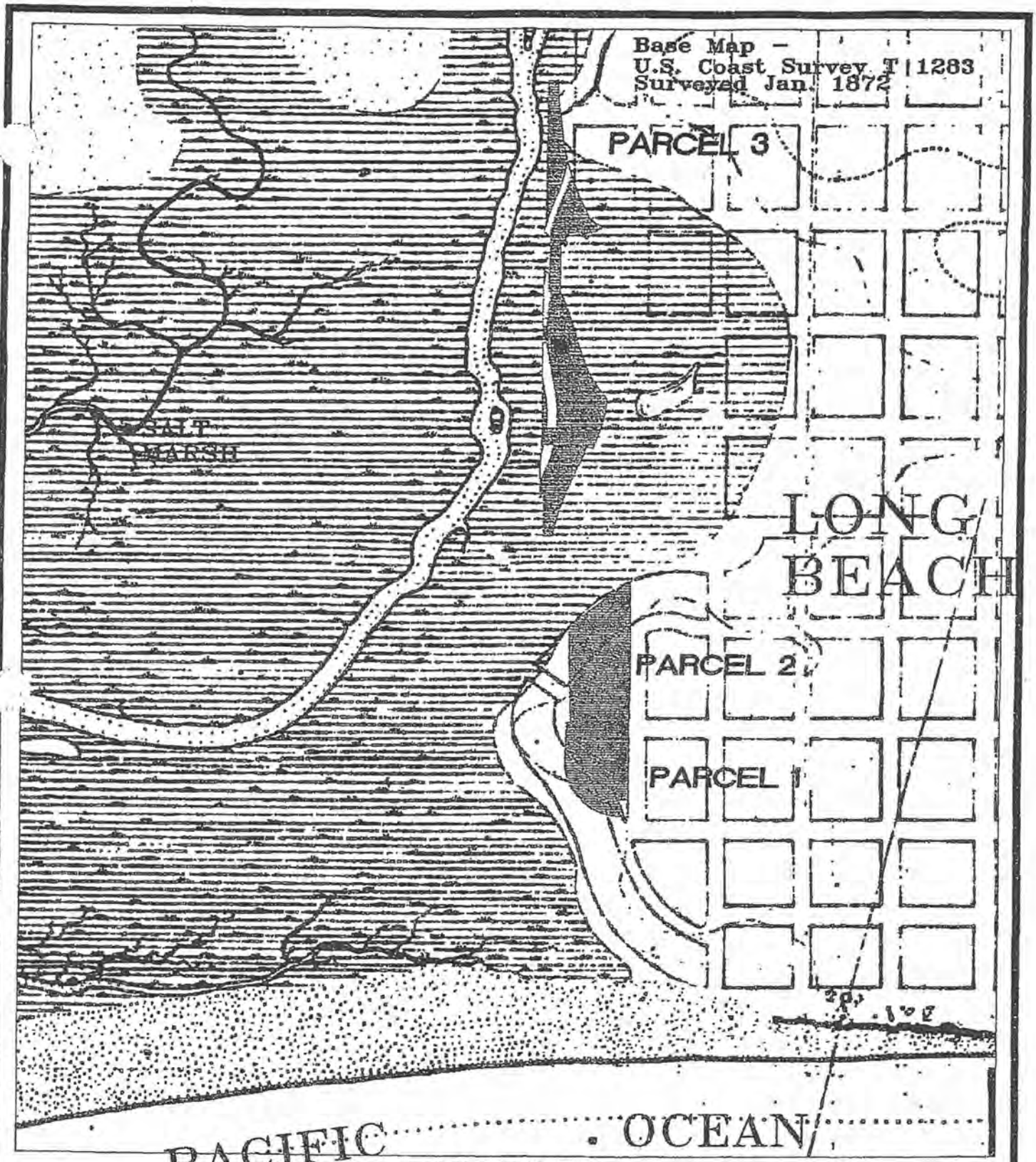


EXHIBIT D

DATE: 08/15/01

City of Long Beach
&
State of California
Exchange Parcels 1,2 & 3
Long Beach, Los Angeles County

CALIFORNIA STATE
LANDS COMMISSION

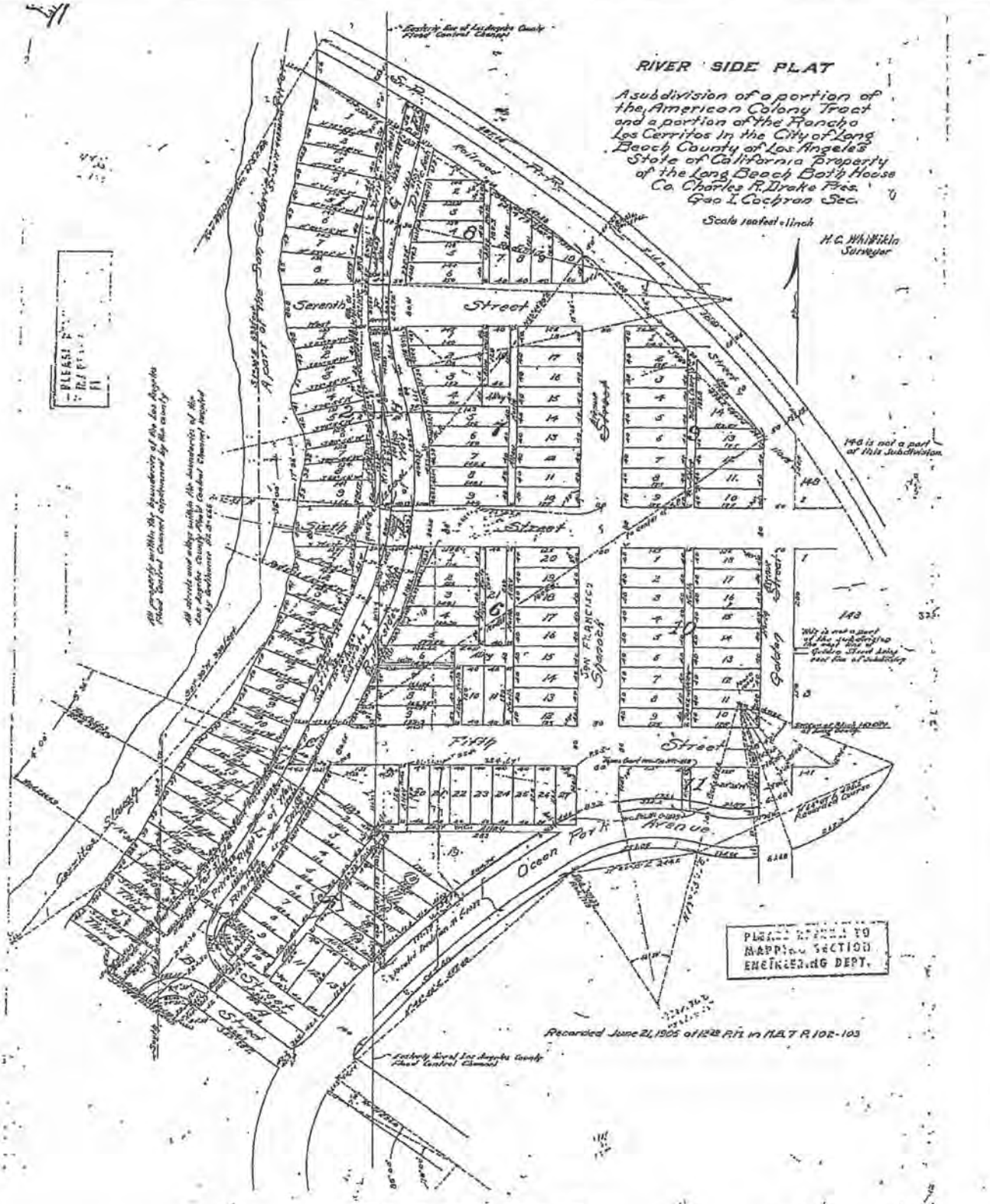


EXHIBIT C

DATE: 08/09/01

River Side Plat
Recorded June 21, 1905
Book 7 MB Page 102
Long Beach, Los Angeles County

CALIFORNIA STATE LANDS COMMISSION

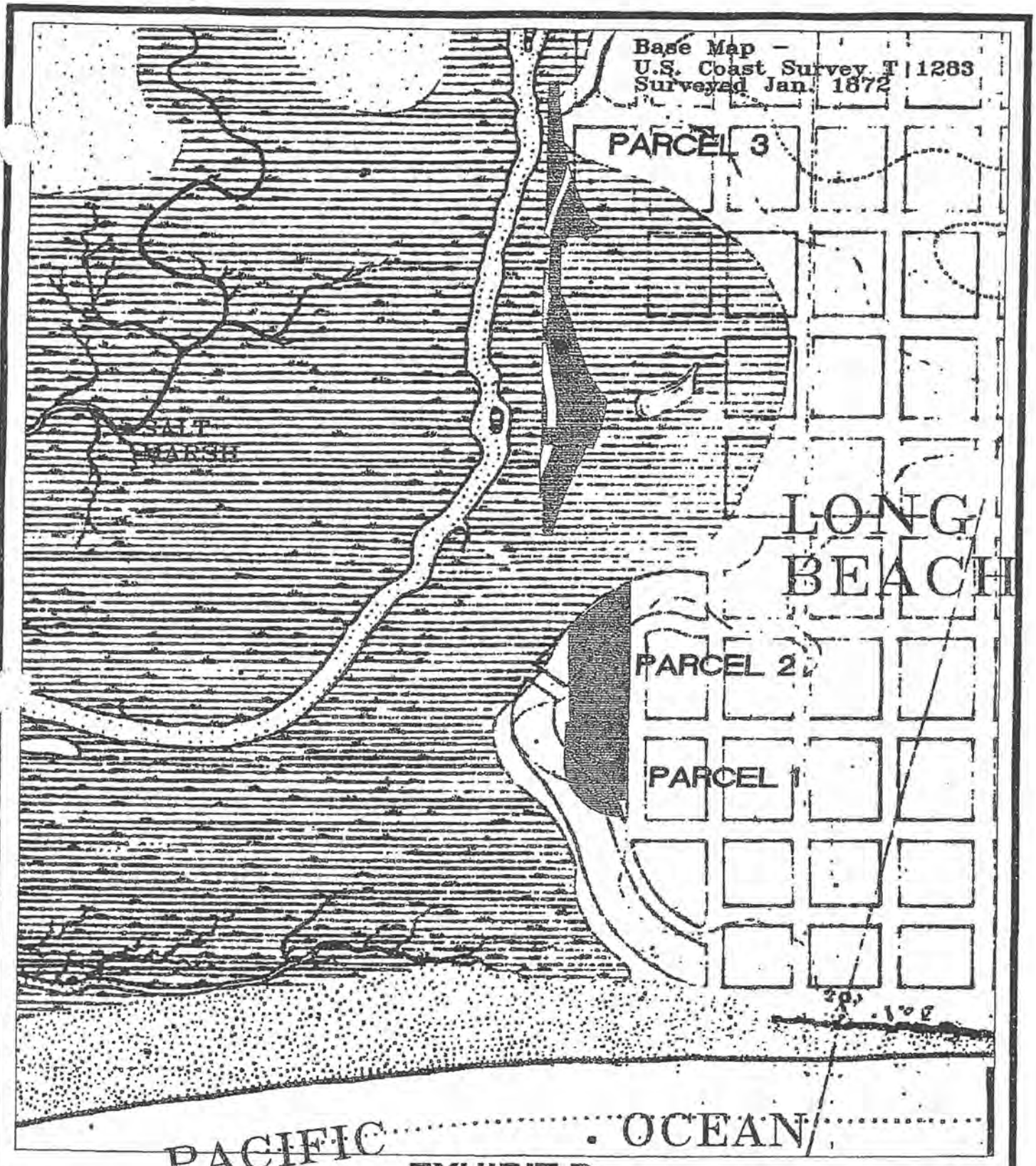


EXHIBIT D

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&
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Long Beach, Los Angeles County

CALIFORNIA STATE
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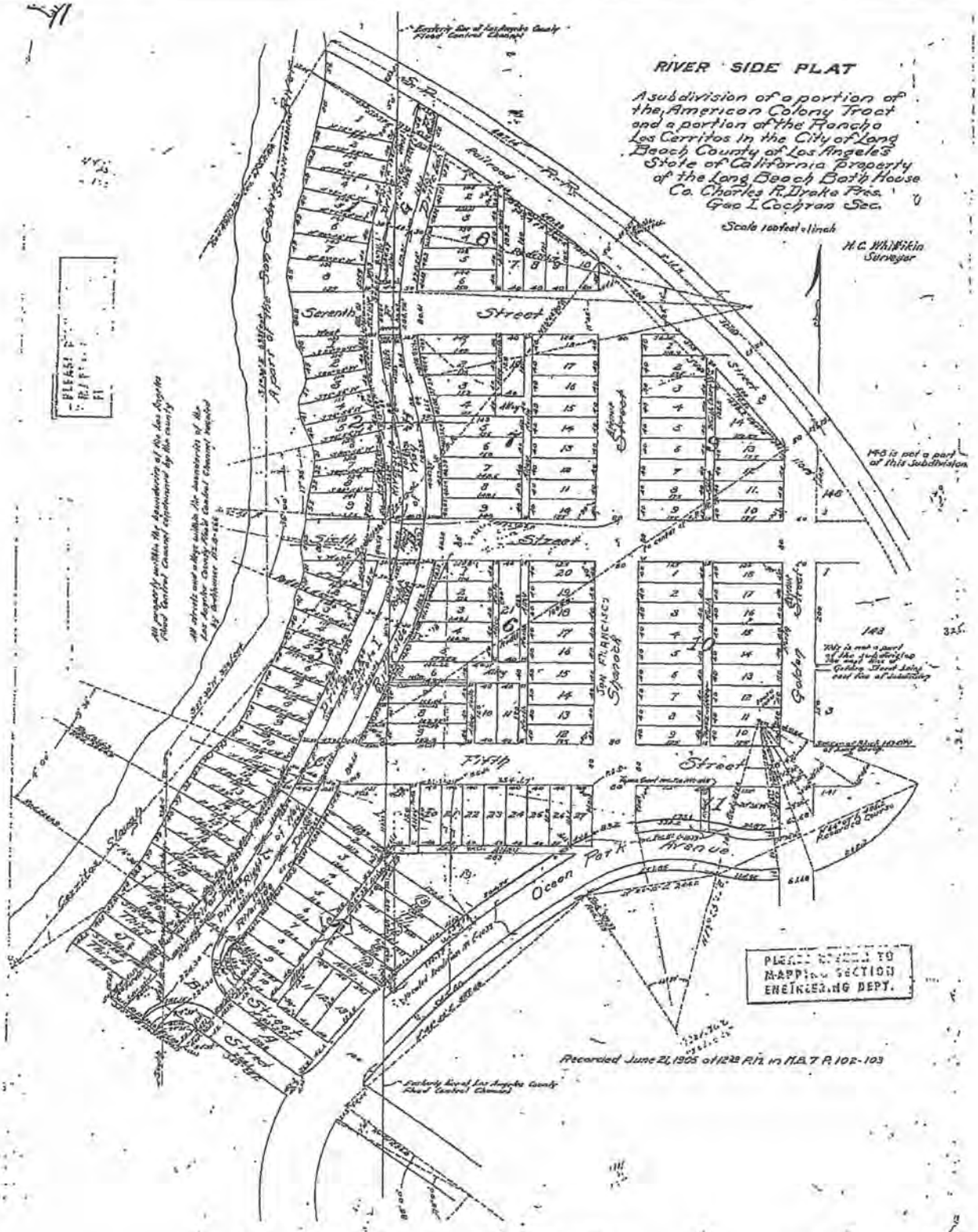


EXHIBIT C

DATE: 08/09/01

River Side Plat
Recorded June 21, 1905
Book 7 MB Page 102
Long Beach, Los Angeles County

CALIFORNIA STATE LANDS COMMISSION

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED
South Coast Region
JUN 9 2017
CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

James Hines, 386 Los Altos Avenue Long Beach, Ca 562-985-3207

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. Brief description of development being appealed: Belmont Beach and Aquatic Center

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4000 E. Olympic Plaza

4. Description of decision being appealed:

   a. Approval; no special conditions:_____

   b. Approval with special conditions: Enactment No: RES-17-0051 per Long Beach City Council Minutes, May 16, 2017

   c. Denial: Appeals of Jeff Miller and Melinda Cotton, Joe Weinstein, Ann Cantrell & Citizens Advocating for Responsible Planning (CARP), the Long Beach Area Peace Network & Anna Christensen, & Gordana Kajer

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-LOB-17-0032

DATE FILED: June 9, 2017

DISTRICT: South Coast

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

- No business case, high cost facility primarily pushed by swimming enthusiasts who were on the stakeholder committee rather than city represented residents who want pool for family recreational activities. It is not a replacement facility. The proposed project stands nearly two stories taller than the former building and is double the maximum building height in surrounding areas.
- Problems of new facility not adequately studied for rising sea levels, coastal flooding and other climate-related events. Other impacts, which seemed not to have studied adequately, include biological, geological, transportation, etc.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

_____ _____

Signature of Appellant(s) or Authorized Agent Date

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED
South Coast Region
JUN 9 2017
CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):
El Dorado Audubon Society, PO Box 90713, Long Beach, CA 90809-0713

SECTION II. Decision Being Appealed

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March 2, 2017
Mr. Mark Hungerford, cc: Ms. Heidi Eidson
Long Beach Planning Commission Members
City of Long Beach, Development Services, Planning Dept.

RE: Final EIR, Belmont Pool, Planning Commission meeting, March 2, 2017

Dear Planning Commission Members

Our mission is conservation of native birds and their habitats and education to our members and the community. Our concerns are as follows:

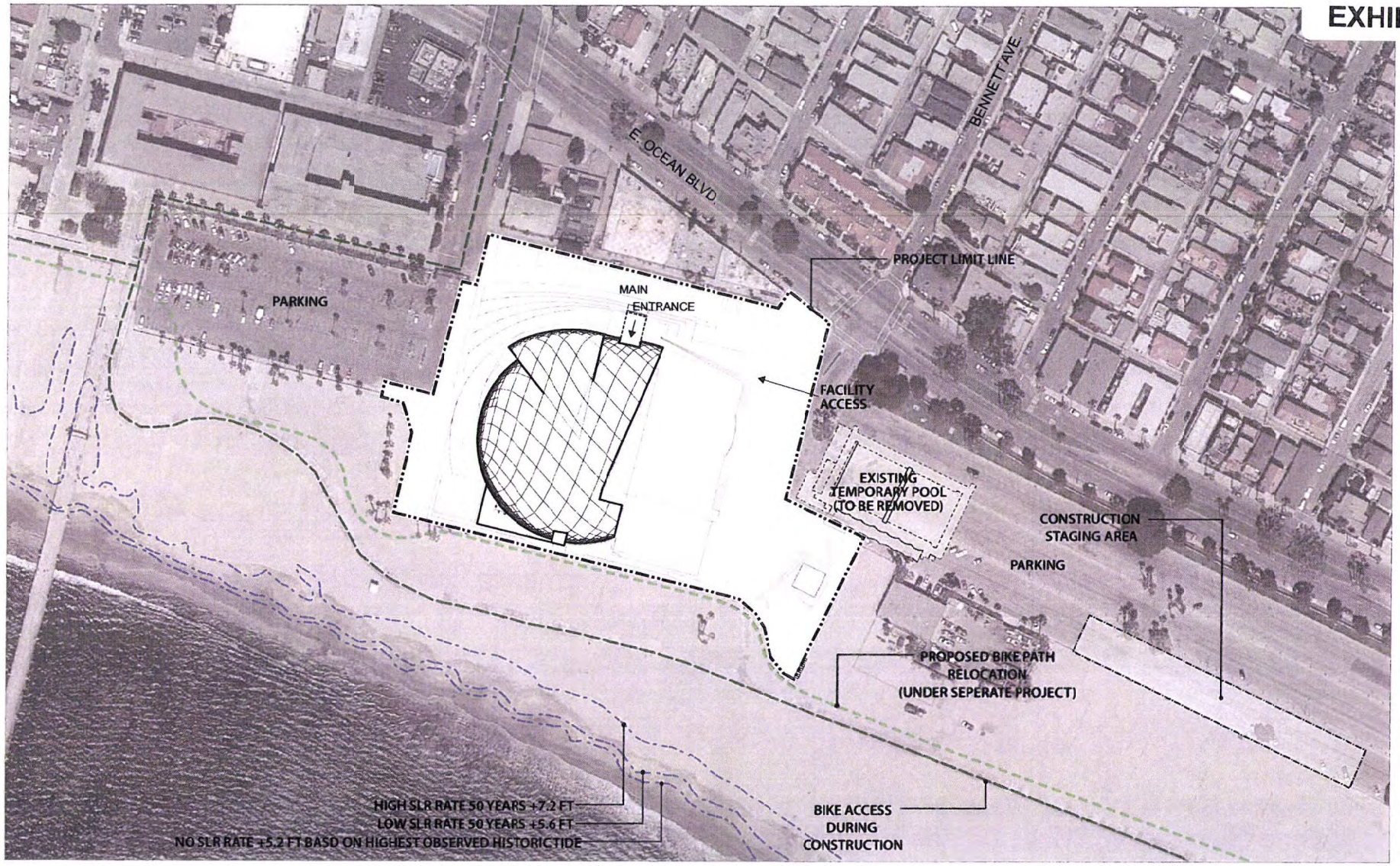
1. We are concerned that the design of the building is a hazard to birds on the Pacific Flyway. See a recent news article -- The Vikings' shiny new stadium is a giant death trap for birds. http://www.msn.com/en-us/sports/nfl/the-vikings%E2%80%99-shiny-new-stadium-is-a-giant-death-trap-for-birds/ar-AAnEqdJ?ocid=HPCDHP

2. We are concerned with the loss of mature trees in Belmont Plaza Park where Black-crowned Night Herons and Snowy Egrets have nested for many years. Where are the trees to replace the loss of nesting trees? Is it possible to plant trees on the site of the temporary pool? Herons and egrets are protected species on the Coastal areas by the California Coastal Act and California Coastal Commission. We have asked city staff in the past about a site to plant trees that would be of the size that herons and egrets could nest in and no solution to this has been offered.

3. Photos are attached of Black-crowned Night Herons nesting in Belmont Plaza Park
Photos taken of birds in the trees by Belmont Pool, ranging from 2007 to 2013. Photos of birds in the trees by Belmont Plaza Pool from 2007 to 2013. The nesting Black-crowned Night Herons and Snowy Egrets are one of the annual treasures of the area. Photos were taken by Howard Freshman.

CONFIDENTIAL PRELIMINARY-NOT FOR CONSTRUCTION

Exhibit 3 – City-Approved Plans (LCDP No. 1405-01)

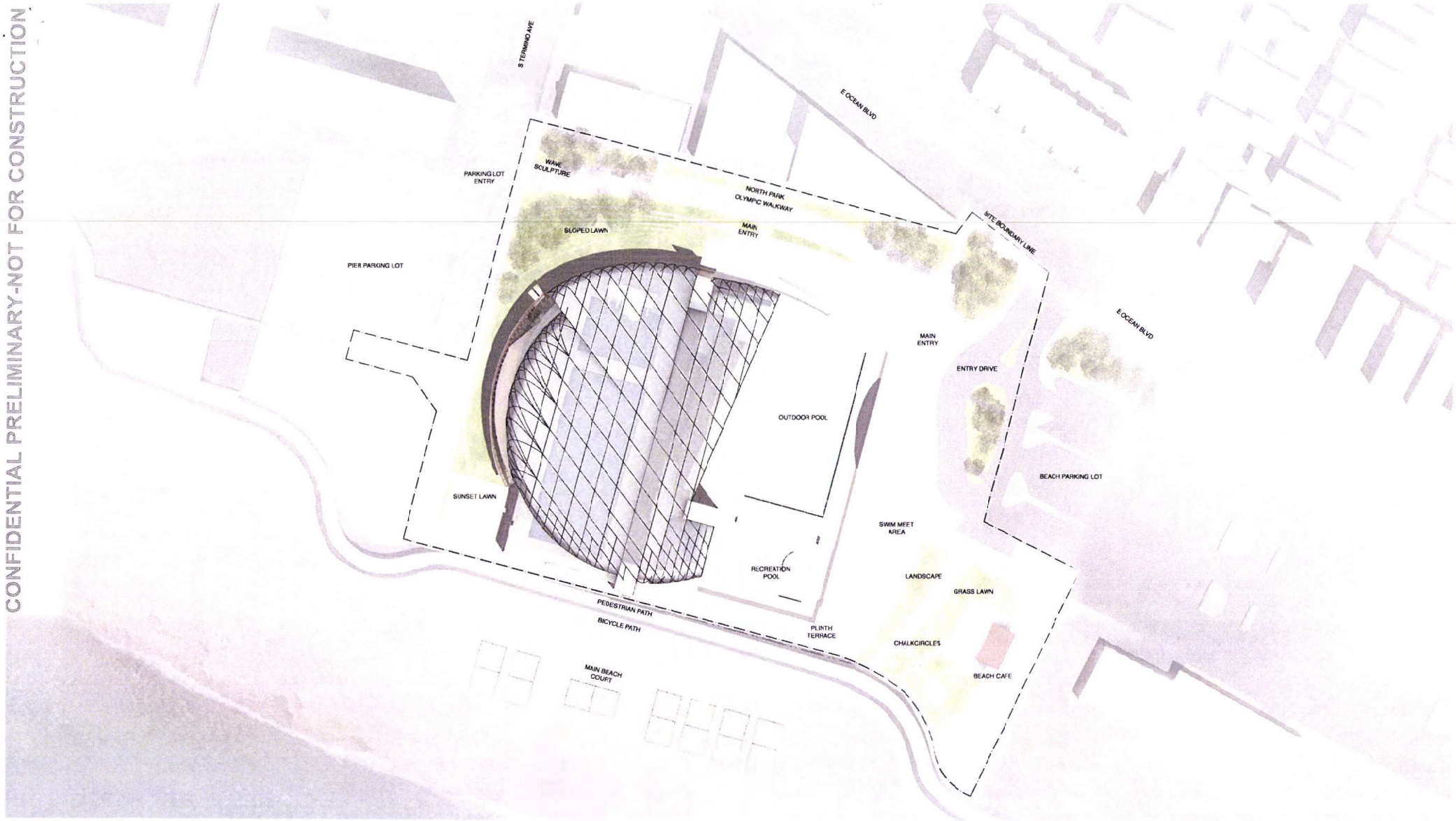


TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

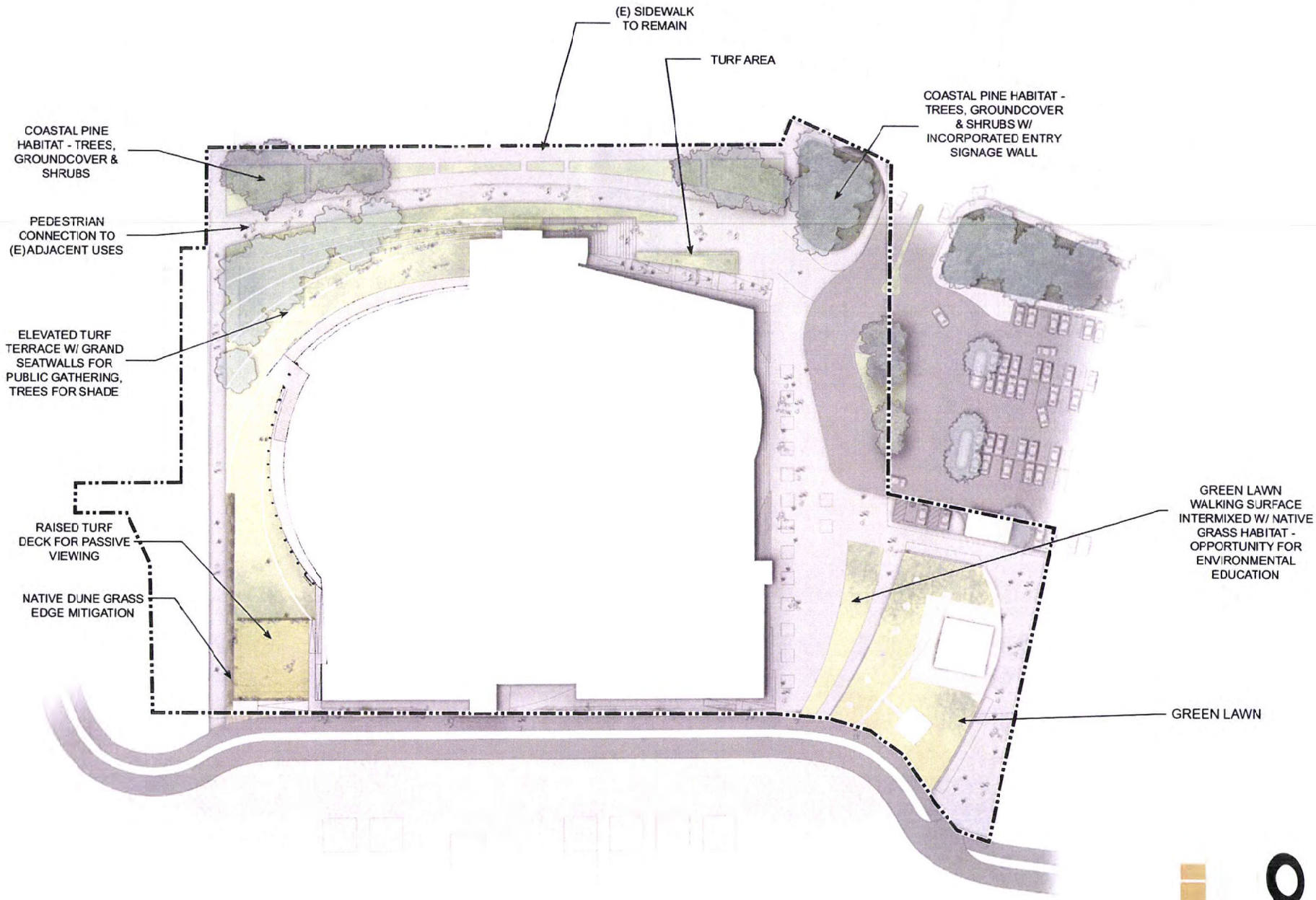
BELMONT BEACH AQUATICS CENTER

S SITE PLAN

NORTH

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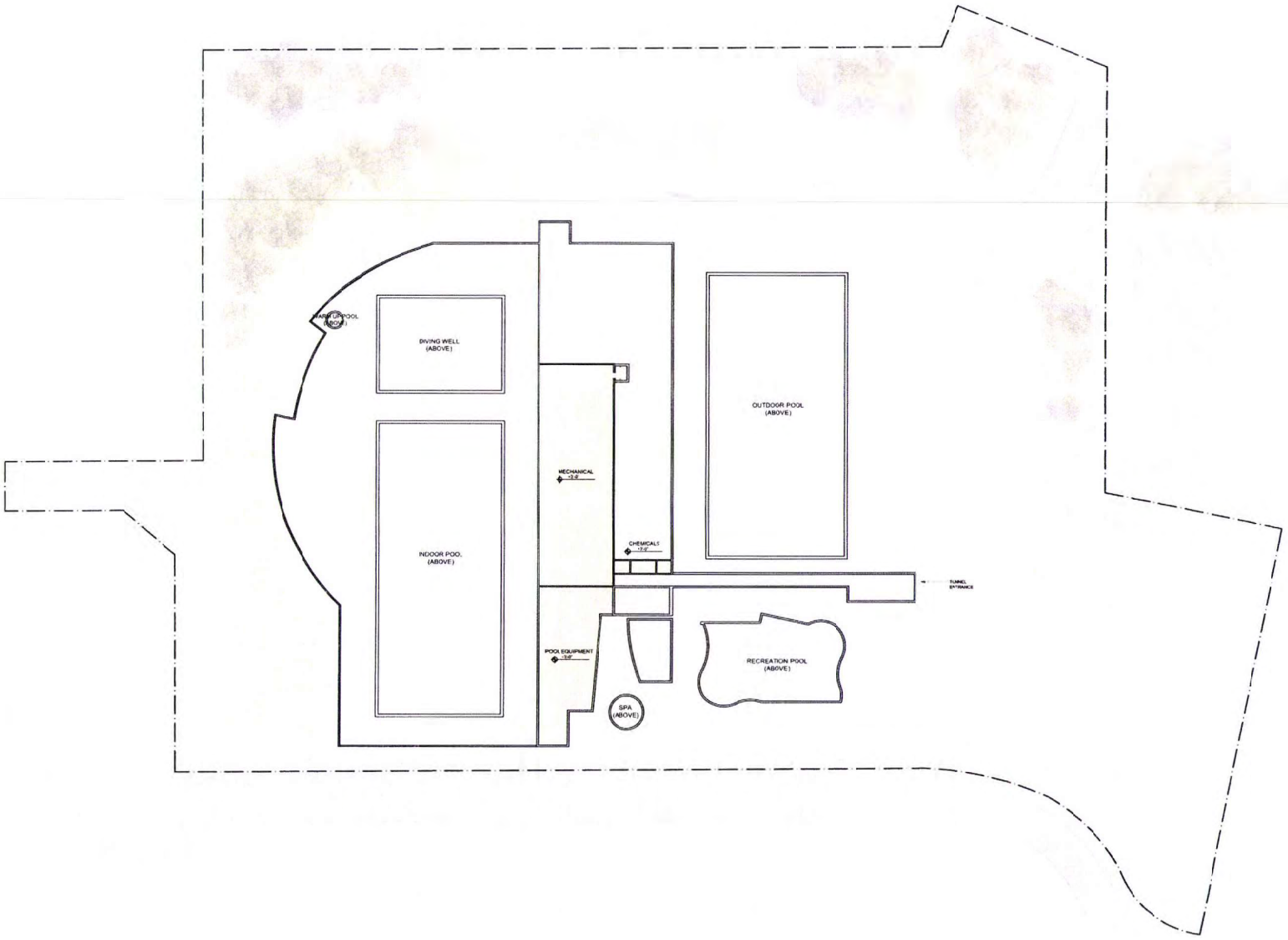
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CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER

CONCEPTUAL LANDSCAPE PLAN

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CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER

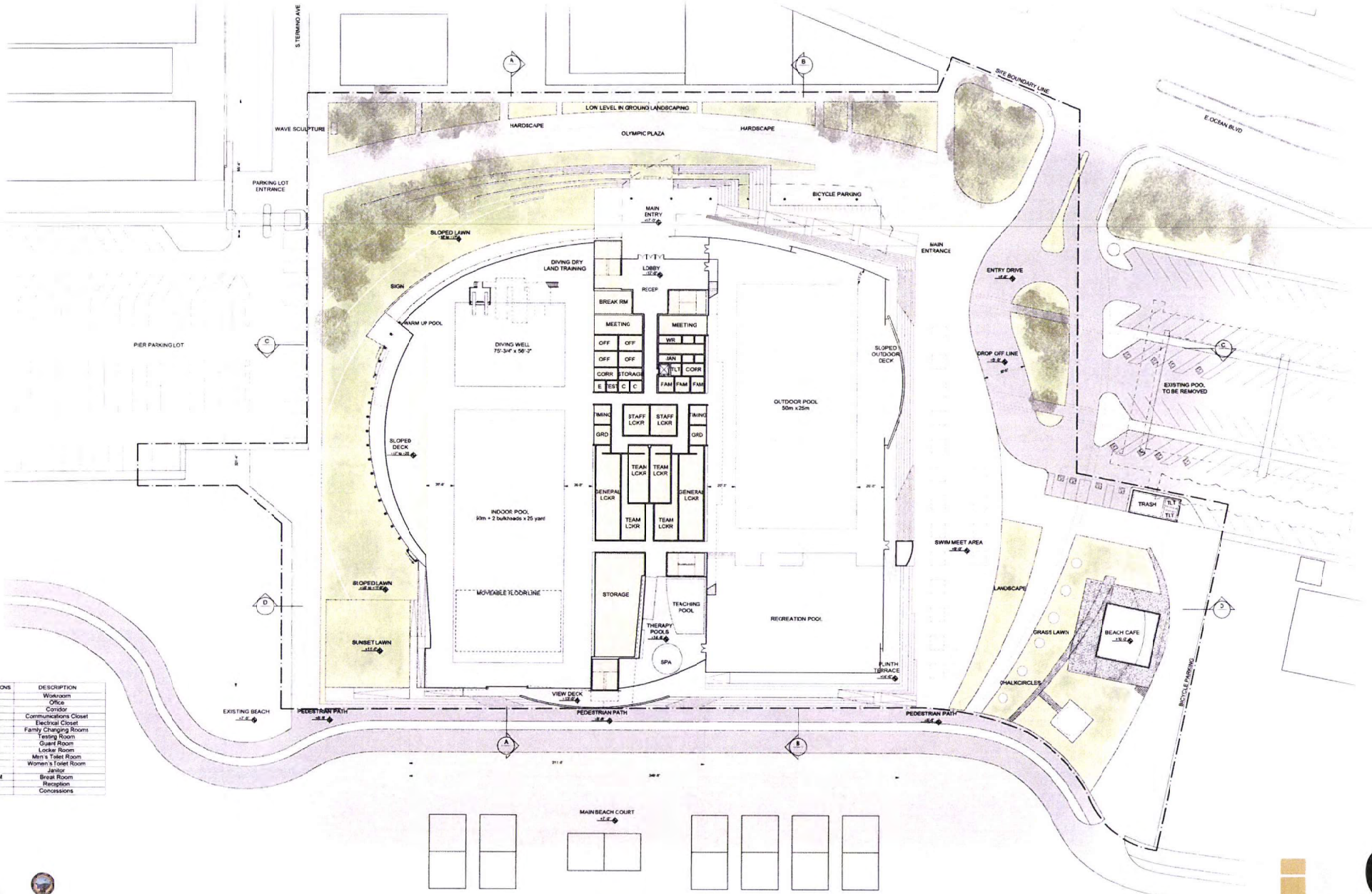
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LOWER LEVEL - MECHANICAL

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ABBREVIATIONS	DESCRIPTION
WR	Workroom
OFF	Office
CORR	Corridor
C	Communications Closet
E	Electrical Closet
FAM	Family Changing Rooms
TEST	Testing Room
GRD	Guard Room
LCKR	Locker Room
M TLT	Men's Toilet Room
W TLT	Women's Toilet Room
JAN	Janitor
BREAK RM	Break Room
RECEP	Reception
CONC	Concessions

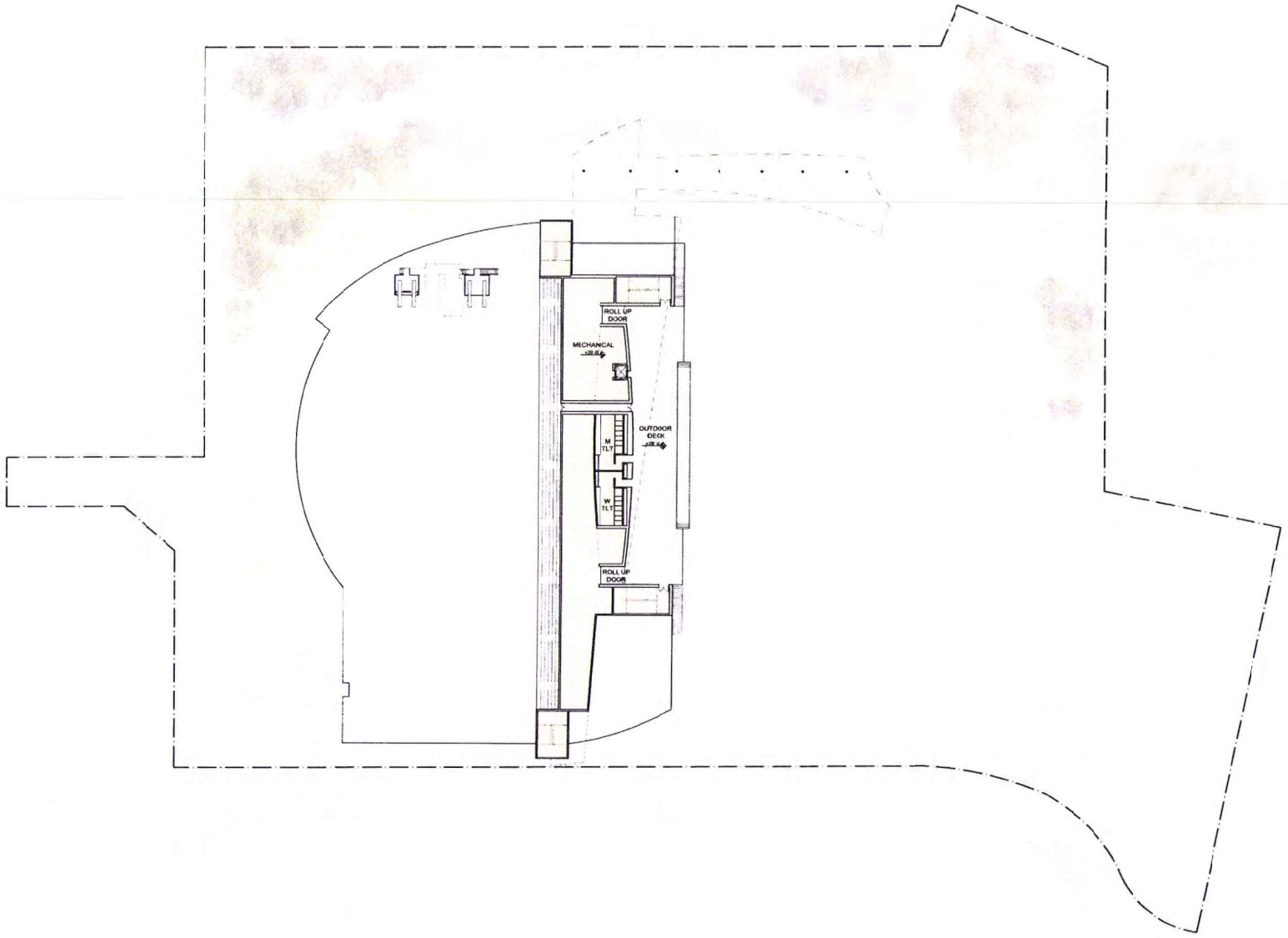
TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER

1a FIRST LEVEL

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ABBREVIATIONS	DESCRIPTION
WR	Workroom
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CORR	Corridor
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E	Electrical Closet
FAM	Family Changing Rooms
TEST	Testing Room
GRD	Guard Room
LCKR	Locker Room
M T,T	Mens Toilet Room
W T,T	Womens Toilet Room
JAN	Janitor
BREAK RM	Break Room
RECEP	Reception
CONC	Concessions

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

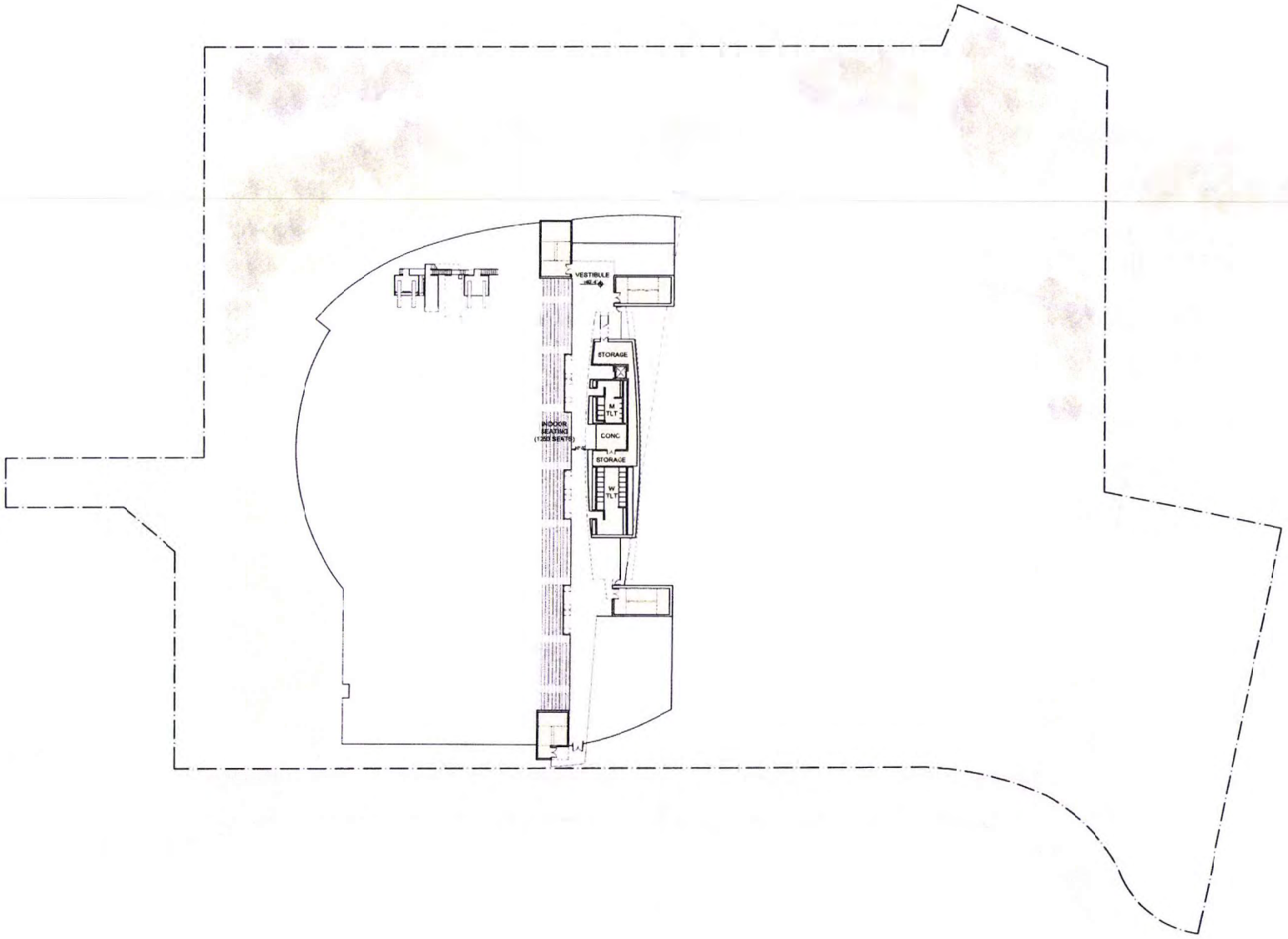
BELMONT BEACH AND AQUATIC CENTER

1b FIRST LEVEL - MEZZANINE

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ABBREVIATIONS	DESCRIPTION
WR	Workroom
OFF	Office
CORR	Corridor
C	Communications Closet
E	Electrical Closet
FAM	Family Changing Rooms
TEST	Testing Room
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W TLT	WomenÕs Toilet Room
JAN	Janitor
BREAK RM	Break Room
RECEP	Reception
CONC	Concessions

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

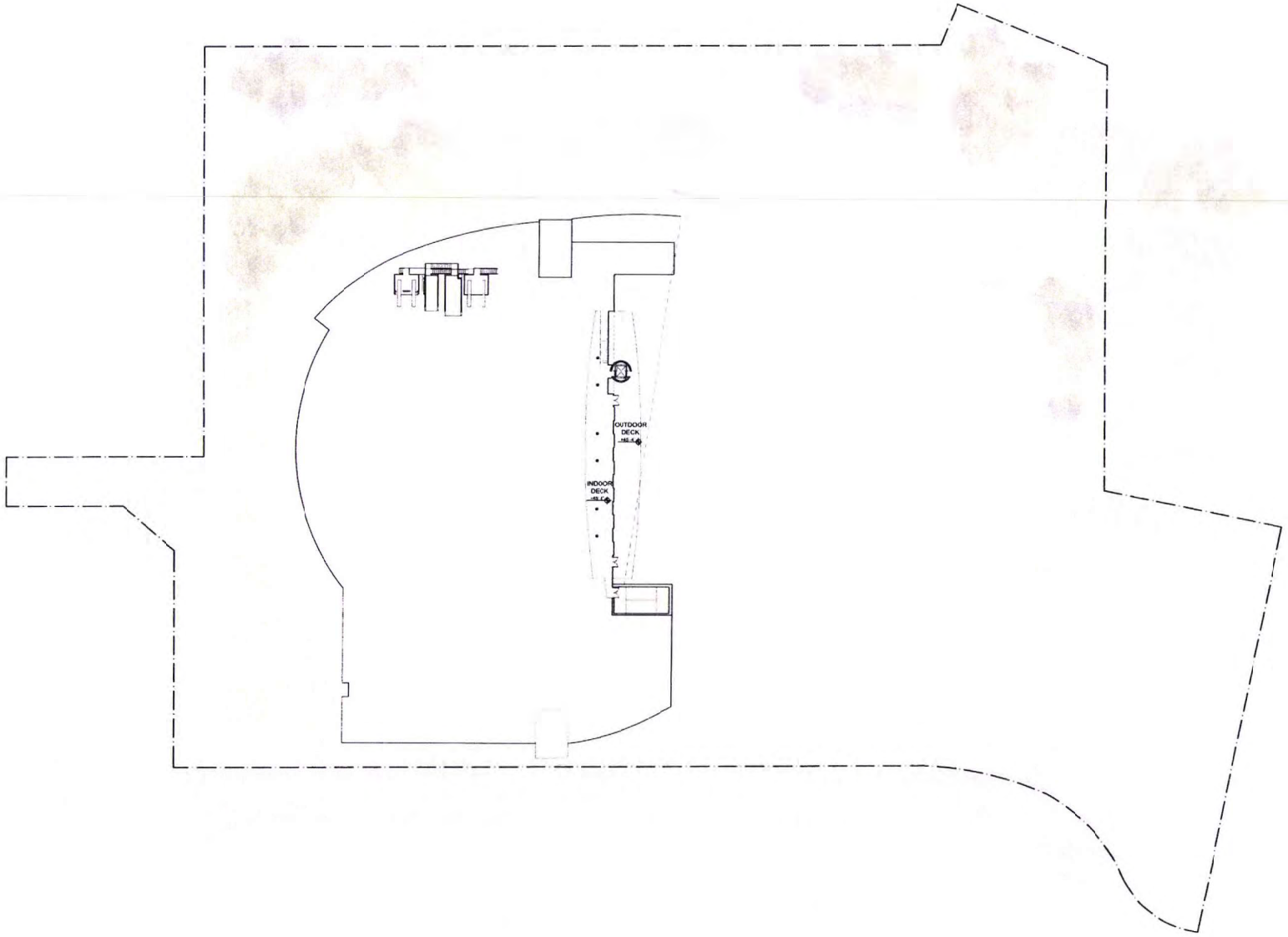
BELMONT BEACH AND AQUATIC CENTER

2a SECOND LEVEL

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ABBREVATIONS	DESCRIPTION
WR	Workroom
OFF	Office
CORR	Corridor
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E	Electrical Closet
FAM	Family Changing Rooms
TEST	Testing Room
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JAN	Janitor
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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

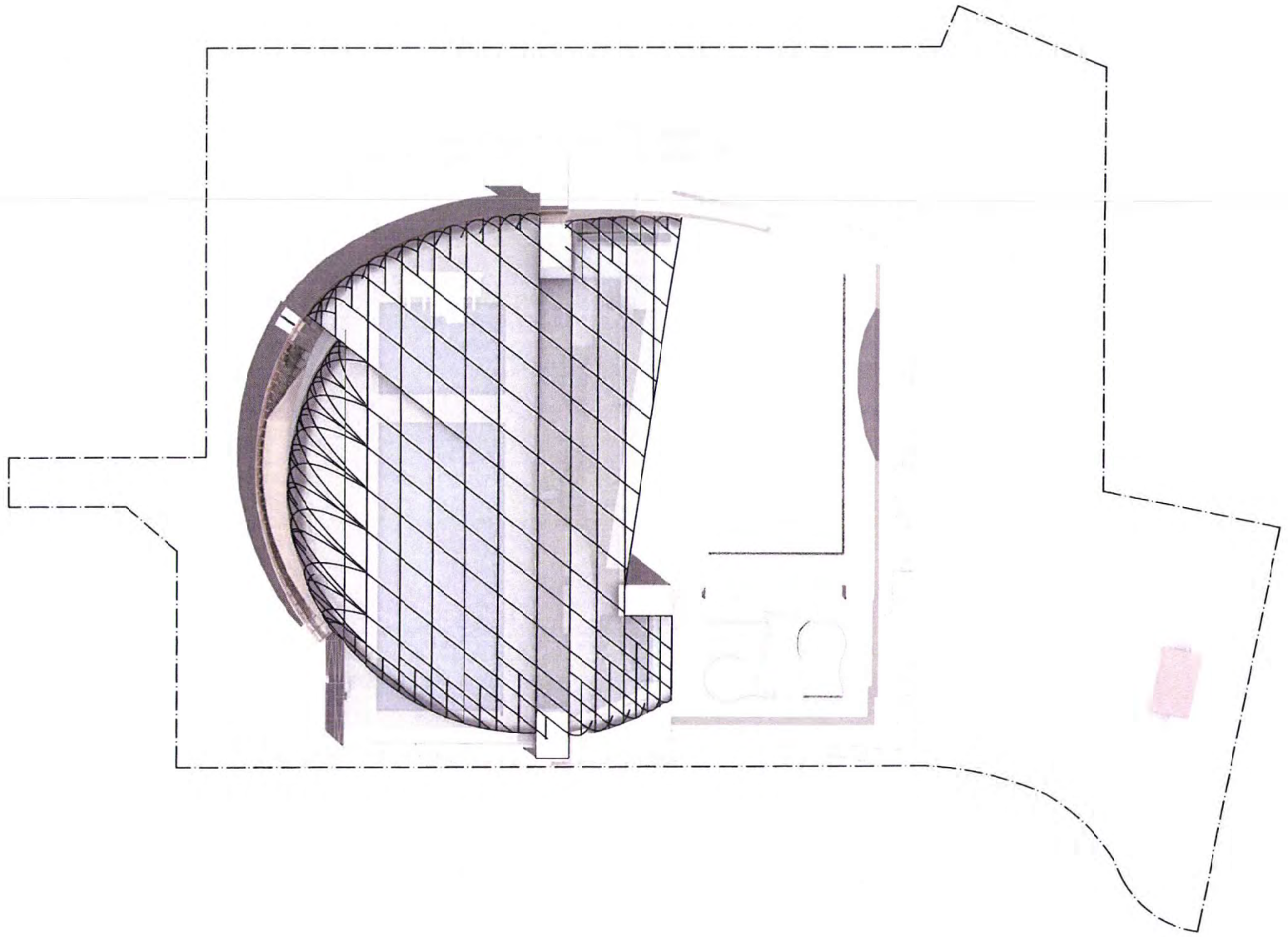
BELMONT BEACH AND AQUATIC CENTER

2b SECOND LEVEL - MEZZANINE

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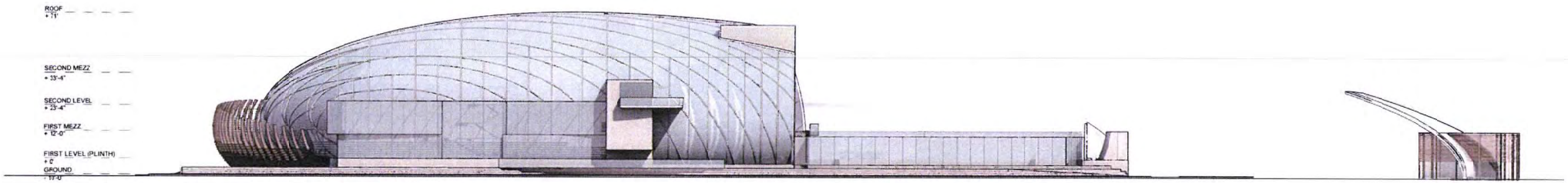
TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER R ROOF PLAN

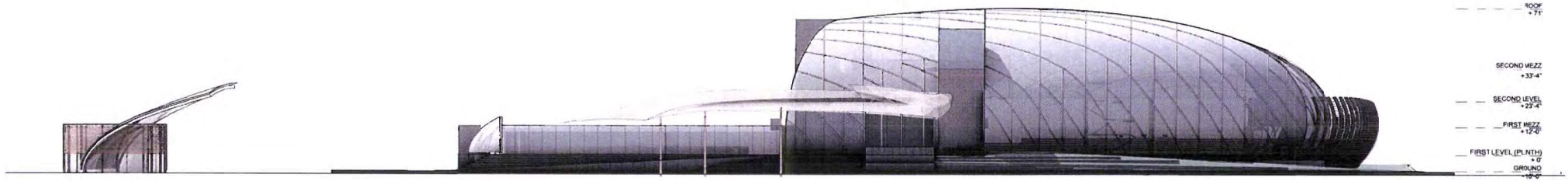
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SOUTH ELEVATION



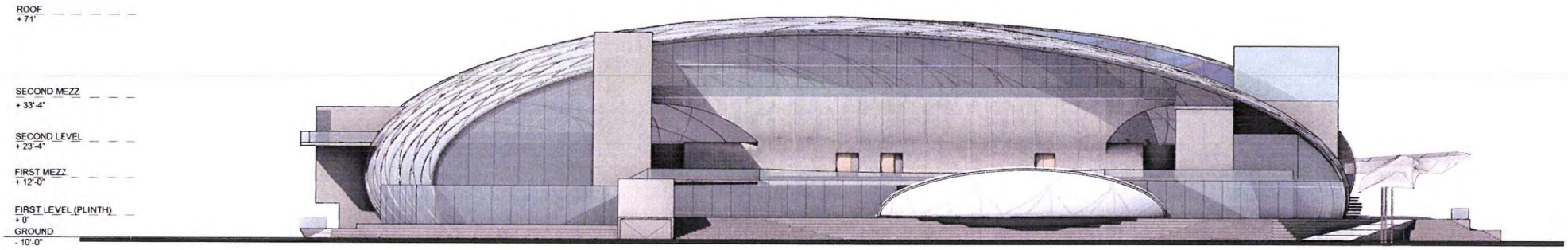
NORTH ELEVATION

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

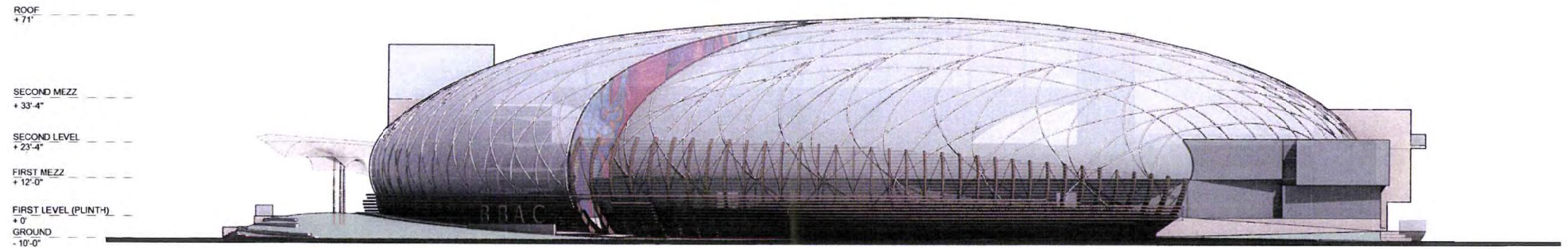
BELMONT BEACH AND AQUATIC CENTER

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EAST ELEVATION

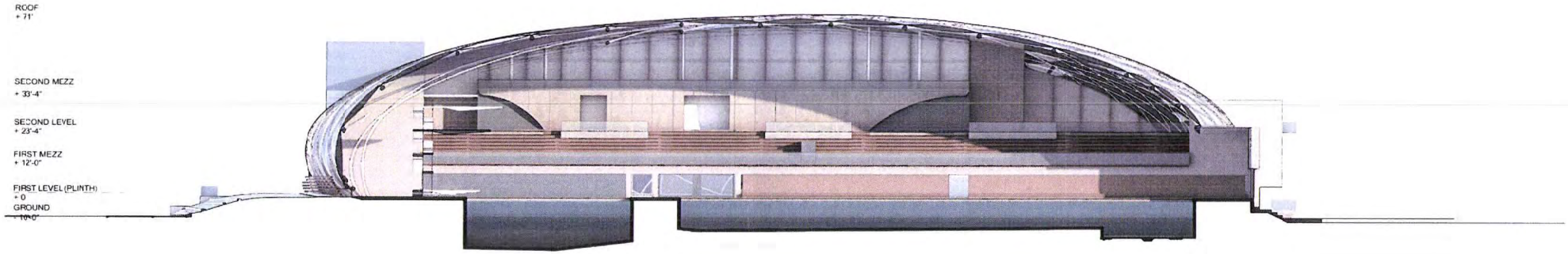


WEST ELEVATION

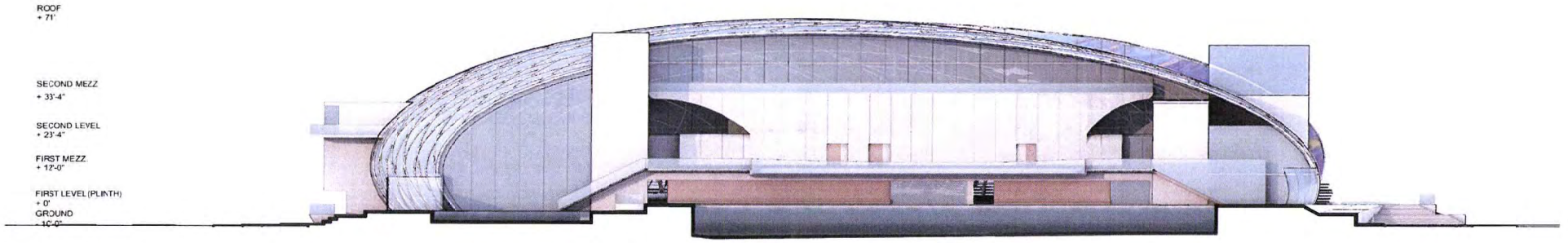
TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATIC CENTER

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SECTION A



SECTION B

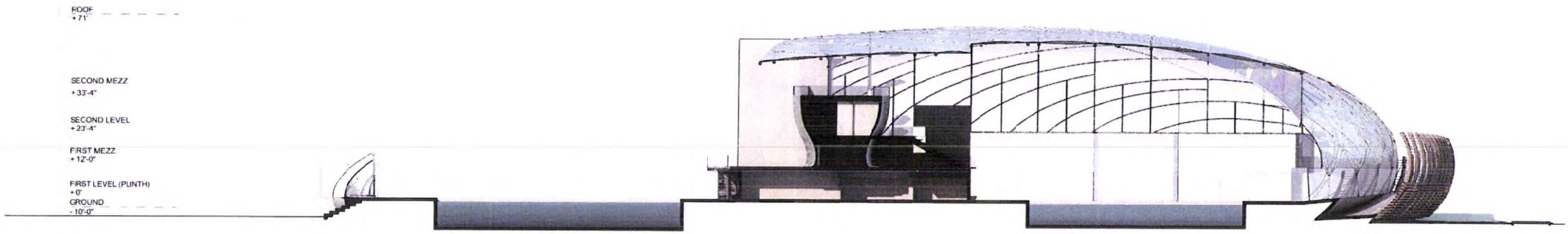
TIDELANDS
CAPITAL IMPROVEMENT PROJECT

SECTIONS A + B

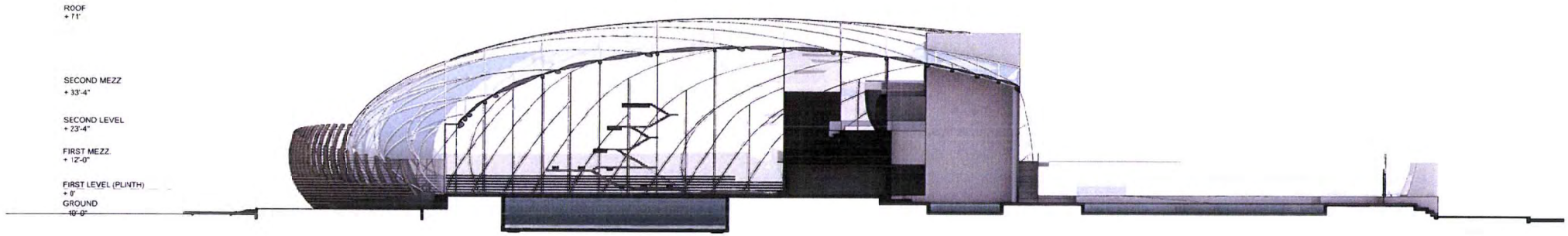
BELMONT BEACH AQUATICS CENTER

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SECTION C



SECTION D

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

SECTIONS C + D

BELMONT BEACH AQUATICS CENTER

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Exhibit 4 – Appeals (A-5-LOB-20-0007)

STATE OF CALIFORNIA – THE RESOURCES AGENCY GAVIN NEWSOM, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Susan K. Miller

Mailing Address: 4217 East Ocean Blvd.

City:	Zip Code:	Phone:
Long Beach	90803	562-434-2109

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Long Beach

2. Brief description of development being appealed:

Proposed Belmont Pool/BBAC project, making Belmont temporary pool permanent, removal of East Olympic Plaza, Zone code changes, LCP amendments, Eir Addendum, parking changes - all creating substantial negative light, noise, chemicalhazards and traffic impacts. New project on passive park.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4200 E. Ocean Blvd. in PD-2 and zoning districts

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☑ Approval with special conditions:

☑ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: RECEIVED South Coast Region

DATE FILED: FEB 06 2020

DISTRICT: CALIFORNIA COASTAL COMMISSION

A-5-LOB-20-0007

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Reasons supporting this appeal: This is a new projecting destroying a passive park with mature trees. Project has been changed from an indoor natatorium to a fully outdoor facility, changing the temporary pool into a permanent facility and altering traffic. This constitutes a new development that is not coastal dependent and results in adverse impacts to public access. Does not comply with Coastal Act and City is altering local codes. Conflicts with public views and visuals. Situating it on an elevated plinth to raise structure above flooding/sea level rise.Plinth is a barrier or effectively a sea wall. Elevated plinth can have residual negative flooding/erosion effects to lower elevation nearby neighbors and residentail homes. Another alternative site (referred to as the elephant lot) is available.

Most recent pool plan is open air but has numerous towering light/PA polesand shade cloth support structure that exceed heights and obstruct views. Details on signage and sound proof wall are amiss so possibly inconsistant with surrounding area. Any structure at all is inconsistant as the base line is a passive park with no structures.

From: SUSAN MILLER <mpshogrl@msn.com>
Sent: Thursday, December 19, 2019 11:35 AM
To: Scott Kinsey <Scott.Kinsey@longbeach.gov>; Dionne Bearden <Dionne.Bearden@longbeach.gov>
Subject: Planning Commission Dec. 19th Agenda re the Belmont Beach & Aquatic Center

Hello Scott and Dionne,

Please submit this email to be of record for the Dec. 19th, 2019 Planning Commission Meeting regarding the Belmont Beach and Aquatics listed as agenda Item 1. 19-093PL
Please acknowledge receipt and inclusion of attached email.

Susan Miller

* * * *

hearing and visibility impossible for outdoor aquatic recreation and especially for swim competitions. These conditions will hamper divers, judges and spectators. Heavy fog & condensation creates slippery conditions. Visibility and hearing is notable comprised in these conditions. Diving outside with condensation, low visibility and afternoon sea breezes is not rational or safe. Many Cities are removing diving because of lawsuits.

5. Negative traffic impacts include removal of East Olympic Plaza, vacated alleyway by Olympix gym, East Ocean Blvd.turned into a single lane and reduced drop off space loop. Over sized vehicles for beach maintenance include semis hauling earth-movers, bulldozers, dump trucks, trash trucks, John Deere tractor with beach sweeper add to traffic problems. Adequate road access for expediency is paramount for First Responders. Fire trucks, paramedic vehicles and police are a daily occurrence on East Ocean Blvd. near the pool. First responders are called to the Belmont Temporary pool on a regular basis and the need for First Responders triples during swim meets. Delivery trucks for nearby businesses will need to drop off in the loop area or impact traffic on the single lane of East Ocean Blvd. to make deliveries.
6. The attention for ADA and handicap is substantially lacking. Consideration for Handicap/ADA parking ease is compromised. Plans do not show handicap chair lifts, pool ramps, ADA lockers, showers or restroom suitable for handicap in a pool environment.
7. Belmont temporary pool was only approved and built to be a "temporary" pool. Service trucks are regularly seen at the temporary pool for repairs. Leaks with chemical water flowing down the street from the temporary pool have been seen often. Recently, major underground rusty and corroded water pipes were replaced at the temporary pool. Myrtha pools have a limited life expectancy. The Belmont Temporary Myrtha Pool is nearing the end of it's life expectancy.
8. Plans indicate removal of habitat canopy trees and no replacement of the canopy sized mature trees. The City has routinely violated complying with the Coastal agreement to replace trees 1 to 1.
9. The beach as grunion spawning ground will be further decimated by the noise, lights, chemicals and disturbances. The grunion spawning grounds in Belmont Shore have been disturbed by the constant replenishment sand transfer to the Peninsula and the excessively large, uncontrolled dog beach. This Pool project adds more degradation to the wildlife and marine life.
10. An outdoor aquatic center will have water evaporation which requires more water supply usage. California has limited water resources. Droughts and fire have also added to the reduced water availability.
11. The elephant lot downtown Long Beach is a suitable alternative site and with more appropriate infrastructure, more transportation options and more accessible for under served demographics.
12. Bird senses are 200 - 500% more acute than humans. A massive outdoor pool facility will definitely impact the habitat and wildlife negatively, let alone negative impacts to nearby human residences.
13. The noise, lights, chemicals, traffic and trash from the Belmont Temporary pool has had substantial negative impact on the bird habitat and residential neighborhood. The water polo constant whistles and bull horn are ear shattering to humans so birds are definitely negatively impacted. The increase from this human invasion activity has caused abandonment of the birds in the canopy tree nearest the temp pool which was a huge

habitat tree prior to the temp pool The noise from a huge open air aquatic facility can not be muffled by a minimum height glass wall. A glass wall does not provide adequate sound proofing. The bull horns, whistles, blaring music for exercise classes, team cheers, PA systems/DJ/hard music and summer camps have been a huge Noise blight at the open air Belmont temporary pool. Adding an open air facility five times larger than the Belmont temporary pool is substantial Noise.

14. Winds and sand kick up every afternoon. Sand and debris will constantly blow into the pools and the nearby residential neighborhoods. Swim meets have notoriously been sloppy and trash inconsiderate. During swim meets, swim teams erect pop up tents in surrounding pool landscape which adds to the noise/trash factor and disturbs habitat during nesting season.
15. Current underground drainage/sewer systems are small, old and not able to handle existing water issues around the pool, beach parking lot and neighborhood. Massive developments, mass reduction of available porous ground, elimination of tree root systems to absorb water have changed the drainage needs but underground drainage systems have not been modernized to meet current needs. The Pool plans do not address this issue. This mass concrete facility on a raised concrete platform changes the elevation and will further impact and flood existing lower height nearby homes. The beach parking lot floods during every rain currently so added construction compounds this problem. This plan adding multiple area restrooms, showers, spas and pools puts massive demands on water resource requirements, sewer and drainage in a SLR, high water table area. See video of the Pool area flooding: https://lbpost.com/news/storm-cell-floods-peninsula-belmont-shore-streets-and-businesses/?fbclid=IwAR12tJhuI7b5f5XBwouHmeBx4XwMYgBr1lYWfr_JiSLob7DT4LWDbrdxt_8 Also this Video from January 16, 2019 at time code: 40 shows Olympix Fitness flooding: https://www.youtube.com/watch?v=FNkmXHaXRAY

16. Vandalism is a huge blight at the Belmont temporary Pool, Belmont Veterans Memorial Pier and surrounding beach area so an open-air, roofless Aquatic Facility will be an open target for vandalism.

17. Zoning should protect historical neighborhoods like Belmont Heights preservation should be a priority. Negative impact from changed sight line views, traffic, parking, light and noise pollution impacts quality of life and peace & quiet for Belmont Heights.

18. The open, roofless pool is in the flight path of Seagulls, pigeons, parrots and other protected bird species. I advocate protecting bird habitats but also conscientious of the fact - birds will find all the nooks and crannies of this outdoor facility intriguing for perching, pecking and pooping. This is a health and sanitation issue to consider.

This is a new plan and needs a new EIR, a new Traffic Study and needs to have public outreach. The Coastal Commission for the second time has given the City a Notice of Incomplete Application on this project. I ask the Planning Commission to send this project back to Staff.

Jan 21, 2020/Item 20 on Pool/Council speech/Susan Miller presenter:

Slide 1: 7 years ago, the City failed to heed legitimate concerns about sea level rise, flooding, seismic and liquefaction at this location. So ignoring other alternative sites, the City pool planning began – giving little regard over costs or Coastal Act limitations.

Slide 2: For the past 6 years this area has been a grassy park with mature trees. A passive park is the correct usage for this geological location.

Slide 3: So a saga of more plans, more wasted dollars to appease a special interest group began.

Slide 4: This is a flood zone. You won't be able to reach the building because it will be sitting on an island. The site will require a grid work of 80' deep pylons in the sand where ground water is at 6 ft. These are significant negative impacts.

Slide 5: To prevent the beach from disappearing completely, the City has been backfilling the beach - calling it "sand nourishment". As warned by the City's own Climate Change Report - Coastal areas should be planning "**Managed Retreat"**. Putting this facility on a plinth with retaining wall or doing sand enhancement is considered "armoring" which will eventually result in an acceleration of our beaches. Coastal Commission will not allow these types of remediation or buildup of new infrastructure. Long Beach public officials warned coastal homeowners of rising water from climate change will eventually flood their neighborhoods. Yet, at the same time, Long Beach promotes plans for a massive pool complex – ignoring their own advice.

Slide 6: Here we are tonight with the latest rendition that has never seen public outreach. This plan has even more flaws. East Ocean Blvd has already been narrowed. Plans intend to remove East Olympic Plaza. Note the residential sized cul-de-sac loop in the center with a 31 ft. turning radius. This is also the area for handicap parking. This traffic plan could not possibly be feasible for the Olympics. This is inadequate for traffic management.

Slide 7: Here is another missing reality check: the Bennett Ave/East Ocean Blvd pool entrance is not used only for personal vehicles; it is used by Over-sized vehicles daily. See the earthmovers on extended semis, massive beach sweepers, First responders (police, fire and paramedics). Note: Paramedics are regularly at the pool. Diving areas and Children's Rec. areas have a propensity for accidents so with inclusion of these areas in the pool plans – and will require more Paramedic visits to the pool. Many Cities' have closed diving areas because of accidents, lawsuits and liability. More oversized vehicles at this intersection include buses, pool chemical supply trucks & there are delivery trucks to the businesses on East Olympic Plaza. You will see Military exercise vehicles on the beach including hover craft and Humvees. The City claims they will require special traffic control at special events but this has not been the case.

Slide 8: Light and Noise are huge negative impacts with a roofless pool plan. The old, enclosed Belmont Pool contained the noise. Noise complaints from the old enclosed pool were from illegal skate boarders on the front concrete plaza. This new pool design is a skateboarder's delight with the lure of ripping on all the concrete stairs, plinth and ramps. The majority of the new noise is from the open air Belmont Temporary pool from the Water polo whistles, air horns and PA systems. If the operational noise can be so easily abated – Why was this not done at the temporary pool? Why did the City not record decibel measurements at this pool to full analyze neighborhood impact? This noise violates Municipal Noise Codes. Also, per the City's Municipal Noise Code, areas near schools, hospitals etc. are considered Noise Sensitive Zones. The pool is right next to a preschool.

Slide 9: The oversized towering light poles at the temporary pool saturate the residential neighborhood nightly. These towering lights are twice as tall as the street lights. Competitive swimming and diving require higher illumination than recreational pools creating increased light glare. Clearance above the highest diving tower must be 16'5". How can the dive tower be covered and stay within Zoning Height restrictions?

Slide 10: It is blatantly false to say there will be in No negative light, noise or traffic impacts with this plan. The EIR Addendum states that traffic volume will double due to 2 large pools . . .this is without even counting the impact of the new recreational features and frequent "Special Events". But what makes this new plan especially "agreegious" – is the City intends on operating this facility 350 days a year from 5 AM to 10 PM at night.

Slide 11: This new pool is 5 times larger; it is the size of a football stadium. Cleaning the pool will go on long after the pool closing time of 10 PM leaving the light on. Facing PA speakers away from the residential is not a successful sound proofing plan. Noise from beach events and the Temp Pool invade the neighborhood **now** regardless of speaker direction.

Slide 12: Not only have the residents been subject to noise and light intrusion with the open Temporary Pool - the noise, lights, traffic, and chemicals have decimated the protected wildlife habitat at Bennett and Ocean Blvd.

Slide 13: Fractured open space does not make a Park. The Coastal Commission considers this open space – Free or "low cost coastal recreation area." Even with large subsubsidies that Taxpayers will be burdened with – fees will be charged to use the Aquatic Center.

Slide 14: If you have walked the Belmont Pier, you are fully aware of Sea Gulls perching, pecking and pooping. The Sea Gulls thank you for a creating a design contributing to this activity and adding to places for their target practicing.

Slide 15: A pool is not coastal dependent. With towering light poles this plan exceeds height restrictions. Move it to the elephant lot instead of manipulating Zoning Heights to squeeze it into a residential neighborhood

Slide 16: NO Parks and Rec. pool should be built for a week's long Olympics event. The Olympics are a terrible investment and a huge risk.

Slide 17: This past June, a presentation was given to a select group. In this presentation was text about Olympic Diving- the slide you see was taken from that presentation. Also in this presentation on page 17, a page titled

https://andpen.egnyte.com/fl/1dCqKraLqR/984_Public_Fileshare_#folder-link/?p "Probable Path Forward." It states: Reduce height by creating an outdoor pool **with option to cover later**. This is called segmentation or piece-mealing and it's illegal. Another missing design consideration in this pool plan is allocation for a First Aid Room. **Recommended** Pool guidelines suggest: "A swimming pool with a water surface area in excess of 4,000 square feet shall have a readily accessible room designated and equipped for emergency care. The room shall have a cot, sink and telephone including first-aid kits and a long spine board with ties and a collar and blankets for potential triage spaces for victims who need to be moved away from onlookers. Where is the allocation for a First Aid room? This is especially necessary with a Diving area and a children's recreation area.

Slide 18: Despite significant geological, environmental and financial obstacles with this project in this location, City will not consider another location. The old pool building was demolished because it was on unstable ground so how preposterous to build in the same location. Where will the money come from - taxes? Bonds? Grants? or sold off like the City Hall as a privately financed P3 project. With shrinking budgets, are you going to allow General Funds to be siphoned off to float a pool?

These proposed plans are a new build and need a new EIR.

Slide 19: No pool on the Beach! I request my remaining time for rebuttal. Thank you.

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007 part 2

DATE FILED:

DISTRICT:

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

NOTE: E-mailed appeals to the South Coast District Office will be accepted ONLY at the general e-mail address as follows: SouthCoast@coastal.ca.gov. The Executive Director will reject e-mailed appeals sent to any other address, including addresses of individual staff members.

SECTION I. Appellant Information

1. Contact Information

RECEIVED
South Coast Region
FEB 06 2020
CALIFORNIA
COASTAL COMMISSION

Name: Audrey Mabie

Street Address: 2823 Colorado Street

City, Zip: Long Beach CA 90814

Phone: 562-230-4847

E-mail Address: ahmabie@msn.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal to the California Coastal Commission – Attachment 1
Belmont Beach and Aquatic Center
Section III: Grounds Supporting this Appeal

Statement of Reasons for Appeal

The development does not conform to the standards set forth in the currently certified local coastal program.

The project fails to meet design requirements for buildings in the Belmont Pier Planned Development Area set forth in the 2006 revision of the certified LCP. Those building design requirements include the following:

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.
B. Height. No buildings shall exceed two stories in height or 25' above grade if located on-shore or two stores or 25' space above the pier if located over the water.
C. Lot Coverage. No building shall cover more than 50 percent of its site nor shall occupy more than 50 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 100 percent of their sites.
D. Special Design Standards. All building shall be located and designed to provide a maximum feasible amount of unobstructed views through their sites toward the beach and recreational facilities.

A portion of the site is zoned "Park", a citywide designation that establishes an allowable building height of 30 feet that appears to be in conflict with the specific height limits for the Belmont Pier Planned Development Area. In any case, the proposed building (60') is at least twice as high as the LCP allows.

The proposed building is not in harmony with other existing structures, is 60' feet high, covers more than 50 percent of the site and does not provide the maximum feasible amount of unobstructed views toward the beach.

In order to approve the 60' structure when the LCP height limit is 25 feet the City voted to submit to the Coastal Commission a Local Coastal Plan Amendment with a Land Use Plan and Zoning Ordinance in order to accommodate the project. In effect, the City is proposing to exempt or "spot zone" the pool area in order to avoid the current land use and zoning standards that apply to other properties in the area. Until and unless the Commission certifies the proposed amendment, the development will not conform to the standards set forth in the certified local coastal program as required by Section 30603 of the Public Resources Code.

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007 part 3

DATE FILED: _____

DISTRICT: _____

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

NOTE: E-mailed appeals to the South Coast District Office will be accepted ONLY at the general e-mail address as follows: SouthCoast@coastal.ca.gov. The Executive Director will reject e-mailed appeals sent to any other address, including addresses of individual staff members.

SECTION I. Appellant Information

1. Contact Information

RECEIVED
South Coast Region
FEB 06 2020
CALIFORNIA
COASTAL COMMISSION

Name: Gordana Kajer

Street Address: 235 Loma Avenue

City, Zip: Long Beach, CA 90803

Phone: 562-522-8004

E-mail Address: gordana.kajer@verizon.net

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

X Testified at the first local hearing

Although the Planning Commission was not charged with granting the CDP, my attorney testified on my behalf at the Planning Commission on 12/19/2019.

Appeal to the California Coastal Commission – Attachment 1
Appellant: Gordana Kajer
Belmont Beach and Aquatic Center
Section III: Grounds Supporting this Appeal

Statement of Reasons for Appeal

The development does not conform to the standards set forth in the currently certified local coastal program.

The project fails to meet design requirements for buildings in the Belmont Pier Planned Development Area set forth in the 2006 revision of the certified LCP. Those building design requirements include the following:

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.
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The proposed building is not in harmony with other existing structures, is 60' feet high, covers more than 50 percent of the site and does not provide the maximum feasible amount of unobstructed views toward the beach.

In order to approve the 60' structure when the LCP height limit is 25 feet the City voted to submit to the Coastal Commission a Local Coastal Plan Amendment with a Land Use Plan and Zoning Ordinance in order to accommodate the project. In effect, the City is proposing to exempt or "spot zone" the pool area in order to avoid the current land use and zoning standards that apply to other properties in the area. Until and unless the Commission certifies the proposed amendment, the development will not conform to the standards set forth in the certified local coastal program as required by Section 30603 of the Public Resources Code.

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007 part 4

DATE FILED: _____

DISTRICT: _____

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

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SECTION I. Appellant Information

1. Contact Information

RECEIVED
South Coast Region
FEB 06 2020
CALIFORNIA
COASTAL COMMISSION

Name: Ashley Waugh

Street Address: 235.5 Loma Avenue

City, Zip: Long Beach CA 90803

Phone: 562-241-6666

E-mail Address: ashleywaugh.waugh7@gmail.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal to the California Coastal Commission – Attachment 1
Belmont Beach and Aquatic Center
Section III: Grounds Supporting this Appeal

Statement of Reasons for Appeal

The development does not conform to the standards set forth in the currently certified local coastal program.

The project fails to meet design requirements for buildings in the Belmont Pier Planned Development Area set forth in the 2006 revision of the certified LCP. Those building design requirements include the following:

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.
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D. Special Design Standards. All building shall be located and designed to provide a maximum feasible amount of unobstructed views through their sites toward the beach and recreational facilities.

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The proposed building is not in harmony with other existing structures, is 60' feet high, covers more than 50 percent of the site and does not provide the maximum feasible amount of unobstructed views toward the beach.

In order to approve the 60' structure when the LCP height limit is 25 feet the City voted to submit to the Coastal Commission a Local Coastal Plan Amendment with a Land Use Plan and Zoning Ordinance in order to accommodate the project. In effect, the City is proposing to exempt or "spot zone" the pool area in order to avoid the current land use and zoning standards that apply to other properties in the area. Until and unless the Commission certifies the proposed amendment, the development will not conform to the standards set forth in the certified local coastal program as required by Section 30603 of the Public Resources Code.

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

#5

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

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SECTION I. Appellant Information

1. Contact Information

RECEIVED
South Coast Region
FEB 07 2020
CALIFORNIA COASTAL COMMISSION

Name: Kerrie Aley

Street Address: 279 Park Avenue

City, Zip: Long Beach, 90803

Phone: 562-212-0461

E-mail Address: 6102KA@gmail.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

ATTACHMENT 1 Section III: Ground Supporting this Appeal.

Appeal California Coastal Commission-Attachment 1
Appellant: Kerrie Aley
Belmont Beach and Aquatic Center
Section III: Ground Supporting this Appeal.

A. PUBLIC PROCESS FLAWED

The public process for the Belmont Park and Aquatic Park project failed to meet the requirements of Section 30006 of the Coastal Act. The commission should not certify the Local Coastal Program Amendment (LCPA19-005)

After nearly seven years of public meetings and hearings the City of Long Beach in late 2019 suddenly & drastically changed the design and scope of this project--with significant changes to the site plan, another permanent pool, no roof and added recreational features.

The City Council had already approved one design and Environmental Impact Report and Local Coastal Development Permit (LCDP 1405-01 Enclosed Natatorium). The City ignored 7 years of public comment regarding cost, climate change and environmental impacts Long Beach. The pool project stalled with a lack of funding and unaddressed CCC issues- then suddenly the entire project changed with little regard for public input (other than the International Olympics Committee and competitive sports teams).

Except for the December 2019 Planning Commission January 2020 City Council Hearings there have been NO public study sessions or public outreach on the new design.

Section 30006 of the Coastal Act provides that

> *"the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation."*

City Council Hearing January 21 2020

- The January 21 City Council Agenda was released stating that Belmont Park and Aquatic Center agenda item 20-0068 **"GUARANTEED START TIME 6:30 PM"**
- With no notice the Agenda was changed to **"AGENDA ITEM NO. 20 WILL NOT BE HEARD BEFORE 6:30 PM"** (See attached "Revised Agenda")
- The actual start time of the hearing was 11:30 PM and it ended at 1:30 AM.

B. Private Negotiations- Competitive Swimming Diving and IOC

The City of Long Beach has been negotiating privately with the International Olympics Committee IOC which requires a strict confidentiality contract. In a December 2019 Grunion Gazette article (see attached) 3rd District Councilwomen Price stated

> *"The Olympics organizing committee told us it wouldn't even be considered (for diving competition) unless it was outside," Price said. "I know there were reasons for wanting it inside, but that was the primary reason the building was so high, and that was a real sticking point."*
>
> *There would be room to add temporary seating for 10,000 spectators should the city convince Olympic organizers to bring diving to Long Beach. Several other 2028 Olympic events already are slated to take place here."*

In its response to the incomplete LCDP application (referenced above) Long Beach states that *"The City reconvened the project technical advisory committee"*. In the past the City also had pool "Advisory Committee" and "Competitive Swimming & Diving Stakeholders Meetings" but these meetings were not advertised as open to the public.

Despite this project being a Long Beach Parks and Recreation project I know of NO public outreach to discuss the new design's recreational features or swimming uses. Typically Parks and Recreation conducts these types of project planning meetings.

I was not able to attend the Planning Commission Hearing due to the cancellation so close to the Christmas Holidays. I was also unable to stay until 11:30 PM to 1:30 AM to attend the Council Hearing. I was able to provide written comment.

The City's sudden cancelling and rescheduling of a PC hearing, an 835 page EIR addendum released days before the hearing, 1:30 am Council vote and no public input meetings predictably limited the public's ability to participate in the new design.

The City of Long Beach's Public Outreach fails miserably in meeting the Coastal Act's goal of allowing the Public's ***"right to fully participate"*** and the private negotiations with Completive Swimming Teams and the International Olympics Committee "falls short of the requirement to ***"include the widest opportunity for public participation".***

B. LOCAL COASTAL PROGRAM

Project does not meet the design requirement of the certified LCP.

The project is not a "rebuild" of the former Belmont Pool facility and is in fact a new project in a different location with design features requiring "spot zoning" to avoid the current land use and zoning standards that apply to other properties in the area.

C. Overcrowding and Lower Coast Visitor/Recreational Uses

A December 3 2019 City Memorandum to the City Council "Belmont Beach Aquatics Center Update" states that "The modified design includes water components specific for play including; a vortex pool, a zip line, waterfalls, splash pads, fountains and an open family gather lawn. This is not a traditional use at this location and no Traffic or Parking Analysis has been provided in the Addendum EIR.

The Addendum EIR does state that the traffic impact could double if the temporary pool is made permanent. The Addendum EIR fails to consider the traffic and parking impact on adjacent residential local streets. While I understand that the CCC does not certify EIRs the impacts on adjacent coastal residential properties and recreation areas should be considered.

The Memorandum also states a plan to expanded capacity for after school and weekend programs, senior programs, and water exercise programs and aquatics day camp. Again there has been no Traffic or Parking Analysis on this expanded use.

In addition that original EIR stated that the temporary pool would be removed and the parking spaces would be available for vehicle parking. The modified project proposes that the temporary pool be made permanent yet the Addendum parking analysis fails to account for this loss of parking.

While the removal of the "Beach Café" results in a bookkeeping reduction in parking (no parking spaces required by the City) the snack stand extends the time people will park at this facility. The introduction of food trucks at this location will create additional parking shortages at this location. The City has failed to describe the specific programming at this facility or the resultant traffic and parking impacts.

The Memorandum states that "additional information" has been provided within the CDP application supporting the determination of the proposed site as superior and preferred when compared to any of the other alternatives." This is new and important information and it is missing from the Addendum EIR and has not been available to the public.

The Coastal Act requires that

> ***Section 301212.5:*** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area 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 shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

The City is replacing a passive park which a recreational development which will operate from 5 am to 10 pm 7 days a week and has significant impacts on overcrowding and overuse on the shared beach/pool parking lots. The City has announced plans to rebuild the Pier for the Olympics yet there is no master plan for beach, pool and pier parking.

The City has stated that entry fees must pay for the operational and maintenance costs of the facility. The City has not provided a budget or source of funding for operation/maintenance cost of the Belmont Park and Aquatic Center. The City has only provided the CCC with a list of past public fees, no mention of Competitive Sport Team fees or what the future fees or activities will be.

The Coastal Act also requires

> ***Section 30220:*** *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

The City's Claim that both the project and modified project is consistent with this section is erroneous.

> *"A recreational pool is not coastal-dependent, however the Belmont Pool facilities have been located in the Coastal Zone for approximately 45 years, and there is community support to continue such uses at this location. The pool complex has and would continue to remain open to the public, and classes and other programs would serve various populations including children, youth, and seniors. In addition, the location of the pool facilities at the beach encourages public access and use of coastal resources. Therefore, the proposed Project would be consistent with Coastal Act Section 30220."*

The fact is that the Belmont Pool has not existed at this location for over 5 years. The expansion of competitive swimming or recreational swimming use does not comply with this section of the Coastal Act.

PLANNING COMMISSION

1. 19-093PL

Recommendation to recommend that the City Council take the following actions for the proposed Belmont Beach and Aquatics Center: 1) Accept the EIR Addendum (EIRA-03-19) to the previously-certified Belmont Pool Revitalization Project EIR 01-16 (SCH#2013041063); 2) Approve a General Plan Amendment to the Local Coastal Program Element (GPA19-001); 3) Approve a Zoning Code Amendment amending the Belmont Pier Planned Development District (PD-2) to create a new subarea for the project development site and associated zoning standards (ZCA19-010); 4) Approve a Zone Change from the Park (P) zoning district to the PD-2 planned development district for portions of the project site (ZCHG19-005); 5) Approve a Local Coastal Program Amendment incorporating the Zoning Code Amendment to PD-2 (LCPA19-005); 6) Approve a new Site Plan Review for the redesigned Belmont Beach and Aquatics Center Complex (SPR19-027); and 7) Approve a Local Coastal Development Permit for the portion of the project within the City's Coastal Zone Appealable Area jurisdiction (LCDP19-023); all located at 4200 East Ocean Boulevard in the Planned Development District and P (PD-2) zoning district. (District 3)

Suggested Action: Approve recommendation.

Attachments:

Staff Report.pdf
Exhibit A - Location Map.pdf
Exhibit B - Plans.pdf
Exhibit C - Findings.pdf
Exhibit D - PD-2 Draft Ordinance.pdf
Exhibit E - Zone Change map.pdf
Exhibit F - Conditions of Approval.pdf
Exhibit G - BPRP EIR
Exhibit H - EIR Addendum
Public Comment
Public Comments

PLANNING COMMISSION

Gmail

Kerrie Aley <6102ka@gmail.com>

RE: Belmont Beach and Aquatics Center- Notice of Cancellation Dec 19 Planning Commission Hearing

1 message

Scott Kinsey <Scott.Kinsey@longbeach.gov> Mon, Dec 16, 2019 at 8:37 AM
To: Kerrie Aley <6102ka@gmail.com>
Cc: Council District 3 <District3@longbeach.gov>, Jack Cunningham <Jack.Cunningham@longbeach.gov>

Hello,

The Planning Commission meeting was initially cancelled due to a lack of a quorum (not enough commissioners were going to be able to attend the meeting). However, we will have a quorum and the meeting is back on. The cancellation did not have anything to do with the project itself. The staff report and all supporting materials will be posted on the City website as soon as possible, probably this evening.

You correctly pointed out that the renderings of the project on belmontpool.com are out of date. I have asked the City department that is responsible for developing the project, Public Works, if they can update that website. However, the Planning Commission staff report and plans attached to it are the official record of the current project proposal, not what is on belmontpool.com.

Please let me know if you have any questions, and please address any correspondence on the project directly to me, the project planner.

Sincerely,

Scott Kinsey, AICP

Planner V

Long Beach Development Services | Planning Bureau

411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802

Office: 562-570-6461

LONG BEACH DEVELOPMENT SERVICES

7 | PAGE

Gmail

Kerrie Aley <6102ka@gmail.com>

RE: Belmont Beach and Aquatic Center Planning Commission Meeting Dec. 19

1 message

Christopher Koontz <Christopher.Koontz@longbeach.gov> Tue, Dec 17, 2019 at 8:53 AM
To: Kerrie Aley <6102ka@gmail.com>, Linda Tatum <Linda.Tatum@longbeach.gov>, CityAttorney <CityAttorney@longbeach.gov>, Mayor <Mayor@longbeach.gov>, Council District 3 <District3@longbeach.gov>, Jack Cunningham <Jack.Cunningham@longbeach.gov>, Scott Kinsey <Scott.Kinsey@longbeach.gov>

Ms. Aley,

Thank you for contacting the City of Long Beach. The Belmont Pool item is scheduled for Thursday evening at we look forward to seeing you at that hearing. As you reference the online version of the agenda did briefly list that hearing as cancelled but that was corrected by staff who were at City Hall on Saturday resolving the IT issue. The matter was noticed by mail two weeks in advance and the site was posted. Additionally, email reminders went out yesterday. The agenda and supporting documents are available online.

This matter is a modification rather than a new project, and an EIR addendum rather than a new EIR. CEQA Guidelines Section 15088 is not applicable in this case. CEQA Guidelines Section 15164(c) explicitly notes that EIR Addenda need not be publicly circulated. Notwithstanding those facts however the Planning Commission is merely making a recommendation to the City Council which will make a final determination on the project and environmental document. Portions of the project will then be subject to permitting by the California Coastal Commission.

Thank you again for your interest,

Christopher Ira Koontz, AICP

Planning Bureau Manager

Long Beach Development Services

411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802

Office: 562-570-6288

LONG BEACH DEVELOPMENT SERVICES

8 | PAGE

From: Kerrie Aley <6102ka@gmail.com>
Sent: Monday, December 16, 2019 3:42 PM
To: Linda Tatum <Linda.Tatum@longbeach.gov>; Christopher Koontz <Christopher.Koontz@longbeach.gov>; CityAttorney <CityAttorney@longbeach.gov>; Mayor <Mayor@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Jack Cunningham <Jack.Cunningham@longbeach.gov>; Scott Kinsey <Scott.Kinsey@longbeach.gov>
Subject: Belmont Beach and Aquatic Center Planning Commission Meeting Dec. 19

City of Long Beach

It is my understanding that the notification for the December 19 Planning Commission hearing on the *Belmont Beach and Aquatic Center* complied with state law-per CEQA guidelines and California Code, Government Code - GOV § 65091 65092 requiring that the Notice of hearing shall be mailed or delivered at least **10 days** prior to the hearing.

The City of Long Beach then sent out an official notification that the December 19 2019 Planning Commission meeting and hearing had been cancelled.

Soon after this the December 19 Planning Commission agenda was posted on the City's website indicating that the *Belmont Beach and Aquatic Center* hearing had been rescheduled for the original date.

When questioned -the public has been told by Development Services that this Planning Commission meeting was first cancelled due to a lack of a quorum and or a computer glitch.

I believe if the City proceeds with the December 19 *Belmont Beach and Aquatic Center* hearing this will be indirect violation of State law and CEQA guidelines requirement for 10 days noticing. The meeting was scheduled, then cancelled and there has been no 10 day legal noticing that the meeting has been rescheduled for the same date December 19.

While the City of Long Beach may feel that they now have a Planning Commission quorum for their own project... the fact is that the public has been improperly noticed during this holiday season, and our ability to participate has been damaged by the City's own actions. I am also aware that the CA Coastal Commission considers the quality of public participation integral with it's review of the entire project proposal.

Again I request that the December 19 Belmont Beach and Aquatic Center cancelled and a new hearing date be properly noticed 10 days in advance and that the public be given adequate time to review the hearing documents. These documents are still not available nearly 72 prior to this hearing.

I also again request that the City's BelmontPool.com website be modified to reflect the new design, project schedule, and include advance notice of public input meetings and hearing dates.

Kerrie Aley

From: Kerrie Aley <6102ka@gmail.com>
Sent: Sunday, December 15, 2019 10:21 PM
To: Scott Kinsey <Scott.Kinsey@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Jack Cunningham <Jack.Cunningham@longbeach.gov>
Subject: Belmont Beach and Aquatics Center- Notice of Cancellation Dec 19 Planning Commission Hearing

I received a copy of the City of Long Beach cancellation of the Dec 19 Planning Commission Meeting\Hearing. Now suddenly it appears that the December 19 Planning Commission meeting and the Belmont Pool hearing has been added back onto City's website calendar (with no explanation).

The City's own website refers to this project link for the Belmont Pool project. http://belmontpool.com/. This website fails to show any of the recent changes to the project or notification of any recent public meetings or hearing dates.

The Dec 19 Planning Commission Agenda that was added sometime this weekend (after the cancellation) refers to approval of action/documents that are not available- see below. It has been the City's past practice to provide links to these documents along with staff attachments.

> "Recommendation to recommend that the City Council take the following actions for the proposed Belmont Beach and Aquatics Center: 1) Accept the EIR Addendum (EIRA-03-19) to the previously-certified Belmont Pool Revitalization Project EIR 01-16 (SCH#2013041063); 2) Approve a General Plan Amendment to the Local Coastal Program Element (GPA19-001); 3) Approve a Zoning Code Amendment amending the Belmont Pier Planned Development District (PD-2) to create a new subarea for the project development site and associated zoning standards (ZCA19-010); 4) Approve a Zone Change from the Park (P) zoning district to the PD-2 planned development district for portions of the project site (ZCHG19-005); 5) Approve a Local Coastal Program Amendment incorporating the Zoning Code Amendment to PD-2 (LCPA19-005); 6) Approve a new Site Plan Review for the redesigned Belmont Beach and Aquatics Center Complex (SPR19-027); and 7) Approve a Local Coastal Development Permit for the portion of the project within the City's Coastal Zone Appealable Area jurisdiction (LCDP19-023); all located at 4200 East Ocean Boulevard in the Planned Development District and P (PD-2) zoning district. (District 3)"

Please confirm whether the Dec. 19 Planning Commission hearing on the Belmont Beach and Aquatics Center will still be held.

Please tell me how I can obtain review copies of the proposed above actions, staff reports and related documents on the Belmont Beach and Aquatics Center.

I am also stating my objection to obscurification of meeting dates & documents, abnormal hearing process and lack of public outreach related to the recent changes to the Belmont Beach and Aquatics Center project.

I am requesting that the December 19 hearing on the Belmont Beach and Aquatics Center be cancelled and that the public be given proper notification of the true hearing date and be also be given adequate time to review and comment on the proposed changes, actions and supporting documents.

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Please add my email to the list for any notices or project updates on the Belmont Beach and Aquatics Center project.

Kerrie Aley

The Grunion

https://www.gazettes.com/news/environment/new-belmont-aquatic-center-plan-to-planning-commission-thursday/article_120c44ac-20ee-11ea-92e2-171407188369.html

New Belmont Aquatic Center Plan To Planning Commission Thursday

- By Harry Saltzgaver
  Executive Editor
- Dec 17, 2019

A first step to approving a reduced Belmont Beach and Aquatics Center takes place Thursday, Dec. 19, with a hearing before the Long Beach Planning Commission.

A glitch in the city's computer system last Friday made it appear temporarily that the hearing had been cancelled, Christopher Koontz, Planning Bureau manager, said. That prompted Kerrie Aley, who calls herself a community advocate, to question whether the hearing had been properly noticed.

Aley said one notice was sent Friday cancelling the meeting. When another notice was sent saying the meeting was rescheduled on the original date, another 10-day notification period should have kicked in. That notice was sent on Saturday, Dec. 15.

"The hearing is happening," Koontz said via email Tuesday. "The matter was noticed by mail and at the site two-weeks in advance. There was a computer glitch late Friday and staff came in to the city Saturday, it was resolved Saturday afternoon. The email reminders went out Monday morning."

The Belmont pool saga has been ongoing for six years — since the original Belmont Plaza Olympic Pool was deemed a seismic risk and demolished. An expansive new design was approved by the City Council, but stalled in the face of concerns from staff of the California Coastal Commission.

Early this month, the city unveiled a new design, saying it had been prepared after consultations with the Coastal Commission staff. The most significant changes were making it a totally outdoors facility and moving it back from the water's edge to address expected sea level rise.

It also enhances the diving facility to the point where it could host the 2028 Olympics diving competitions, according to a memo from acting City Manager Tom Modica to the City Council. The new facility would cost about $85 million to build, compared to $145 million for the original design.

Thursday's hearing, which starts at 5 p.m. in the Bob Foster Civic Chambers, is to consider addendums to the Environmental Impact Report (EIR) and amendments to previously approved Local Coastal Plan, zoning codes and other permits. The staff recommendation is to have the commission recommend those changes to the City Council, which has the jurisdiction to actually make the changes.

Modica said last week that the goal is to have the new proposal before the Coastal Commission at its February meeting, which will take place in Long Beach.

Harry Saltzgaver can be reached at hsalt@gazettes.com.

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NOTE: This story has been updated to correct the spelling of Kerrie Aley's name.

COUNCIL

REVISED

WAS "GUARANTEED" START TIME 6:30

HEARINGS:

AGENDA ITEM NO. 20: WILL NOT BE HEARD BEFORE 6:30 PM

20. 20-0068 Recommendation to receive supporting documentation into the record, conclude the public hearing, and consider the third-party appeals by Jeff Miller (APL19-012), Melinda Cotton (APL19-013), Susan Miller (APL19-014), and James Hines (APL19-015), and uphold the Planning Commission's recommendation;

Adopt resolution accepting the Environmental Impact Report Addendum (EIRA-03-19) to the previously-certified Belmont Pool Revitalization Project (EIR 01-16/SCH#2013041063);

HEARING STARTED AT 11:30PM ENDED 1:30AM

20-0069 Adopt resolution approving a General Plan Amendment (GPA19-001) to the Local Coastal Program Element of the General Plan;

20-0070 Declare ordinance approving a Zoning Code Amendment (ZCA 19-010) amending the Belmont Pier Planned Development District (PD-2) ordinance to create a new subarea for the project development site and establish associated zoning standards read the first time and laid over to the next regular meeting of the City Council for final reading;

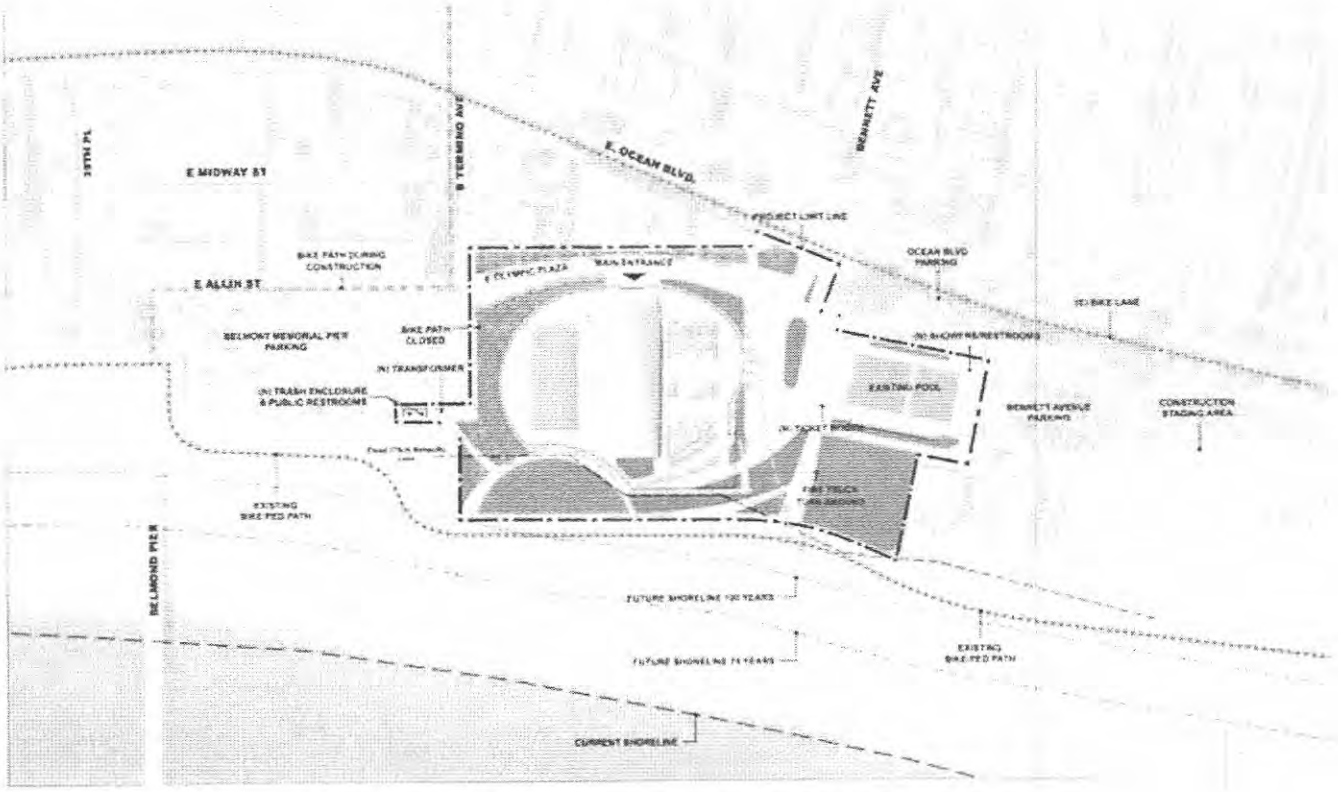
(Agenda Item No. 20 continued on Page 11)

13| PAGE

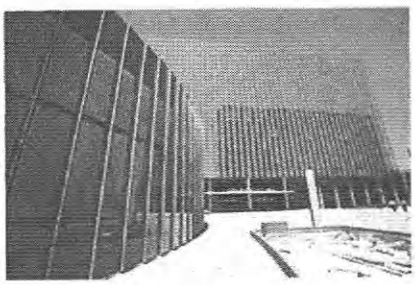
http://www.gazettes.com/news/government/new-belmont-pool-design-ready-olympic-diving-possible/article_ef98e5cc-1857-11ea-b059-4f31b8727195.html

New Belmont Pool Design Ready; Olympic Diving Possible

By Harry Saltzgaver
Executive Editor
Dec 6, 2019



This schematic shows how a new Belmont Beach Aquatic Center would be configured.
—courtesy city of Long Beach



Councilwoman Price Offers Free Ride To Jan. 21 City Council Meeting



A new, smaller design for the Belmont Beach Aquatic Center — one expected to pass muster at the state Coastal Commission — is ready to go to Long Beach's Planning Commission this month.

The new design puts everything outside, and enhances the diving facility to the point where it could host the 2028 Olympics diving competitions, according to a memo from acting City Manager Tom Modica to the City Council. The new facility would cost about $85 million to build, compared to



Long Beach Council Moves New Pool Plan To Coastal Commission

$145 million for the original design.

The 1960s-era Belmont Olympic Plaza Pool was closed in 2013 and torn down in 2014 after it was declared at risk in case of an earthquake. The temporary pool opened in December 2013 on a portion of an adjacent parking lot.

A planning and design process culminated in May 2017 with City Council approval of the plans and Environmental Impact Statement. But the proposal stalled at the Coastal Commission level, never making it to a hearing.

In the new proposal more emphasis on recreation, elimination of a spherical cover and moving the entire complex back up the beach all were designed to address what Coastal Commission staff said were flaws in the initial design.

This design would keep the current "temporary" Belmont Outdoor Pool with upgrades and a permanent showers and lockers building. A second 50-meter pool will be added to complement the current 50-meter by 25-meter pool. Conversations continue whether the new pool will be 25 yards or 25 meters wide.

"I love it," Third District Councilwoman Suzie Price said of the design. The pool site is in the Third District.

"It addresses sea level rise issues, and I think it fits into the community better," she added. "It's something that will pass Coastal, it's something we can afford and it's something that addresses the questions of some of my colleagues regarding the recreational, community component."

Debates about the first design included talk about the new diving well — proponents lobbied hard to have the diving facility indoors. That and other factors increased the height of the building significantly. Under the new design, the diving complex has been enhanced to Olympic standards, but it will

be outside along with everything else.

"The Olympics organizing committee told us it wouldn't even be considered (for diving competition) unless it was outside," Price said. "I know there were reasons for wanting it inside, but that was the primary reason the building was so high, and that was a real sticking point."

There would be room to add temporary seating for 10,000 spectators should the city convince Olympic organizers to bring diving to Long Beach. Several other 2028 Olympic events already are slated to take place here.

But, to convince the Coastal Commission the complex is not designed solely for competitions, the recreational components have been enhanced, Modica said.

"To ensure the Project is not exclusively a competitive facility, the Project team reviewed options to enhance the size and features of the recreational area," the memo says. "The modified design includes water components specific for play, including a vortex pool that circulates water similar to a whirlpool, a zip-line, cascading waterfalls, splash pads, fountains and an open family gathering space. A small concession area has also been included directly adjacent to the family gathering lawn and recreational pools."

Modica noted that many of the changes have been made after discussions with Coastal Commission staff and, while approval ultimately comes from the Coastal Commission itself, meeting staff recommendations is a giant step forward.

Because the design is drastically different from the original, the entire approval process will be redone. The Planning Commission will be asked to approve the design and an amendment to the Local Coastal Plan. If those approvals are made, the project will go to the City Council in January, and the Coastal Commission in February, when its meeting will be in

Long Beach.

Even with approvals in place, the aquatic center still will have challenges. The city set aside about $61.5 million over three years from Tidelands oil revenue before the price of oil dropped significantly. No more money has been added for several years.

"Now we have a project that is much more realistic," Price said. "When we have the approvals, we can use some of the methods of financing and fundraising we've been researching."

With an estimated cost of $85 million, that leaves a $23.5 million shortfall, plus a 10 percent contingency.

"Pending Project approvals, the City will continue to pursue various funding opportunities, including, but not limited to, fundraising efforts, grants and engaging the LA 2028 Olympic organizing committee," the memo says.

If the permitting process goes as planned, and the extra money is found, construction could begin as soon as summer 2021 (final design and the construction contract process will take about a year), the memo said. That would allow completion in early 2023.

NOTE: This story was updated to include comments from Councilwoman Suzie Price.

Harry Saltzgaver

Harry has been executive editor of Gazette Newspapers for more than 26 years. He has been in the newspaper business for more than 35 years, with experience on both weekly and metropolitan daily papers in Colorado and California.

APPEAL TO THE CALIFORNIA COASTAL COMMISSION
OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

#6

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

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SECTION I. Appellant Information

1. Contact Information

RECEIVED
South Coast Region
FEB 07 2020
CALIFORNIA
COASTAL COMMISSION

Name: **Melinda Cotton**

Street Address: **PO Box 3310**

City, Zip: **Long Beach, CA 90803**

Phone: **562.433.2795**

E-mail Address: **mbcotton@hotmail.com**

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

XX Testified at the first local hearing

Revised 1/1/2020

Reasons for Appeal
(Local Application No. 19-023)
4200 E. Ocean Blvd.

Submitted by:
Melinda Cotton

My appeal is a plea – respectfully asking the Coastal Commission to save Olympic Plaza Park, which would be paved over - covered over with concrete if the City of Long Beach was allowed to construct the Belmont Beach and Aquatics Center on the proposed site.

Olympic Plaza Park is now a beautiful, grassy, tree covered area on the edge of our sandy beach, with great views of the Belmont Pier, the surf, the ocean, sailboats off shore – a seaside treasure for relaxing, walking to the Pier, enjoying the ocean air and shade, picnicking, kids playing catch with each other or a parent, folks walking their dogs, bike riders taking a casual ride.

Olympic Plaza Park came into its own when the old Belmont Pool was demolished in 2014 due to earthquake and seismic hazards. When the Pool debris was removed, the sandy beach was restored … neighbors, beachgoers, visitors, coastal visitors of all kinds, and nearby businesses realized what they had been missing. A great park, great views, and a special place to enjoy the City's incredible beachfront.

The old Belmont Pool was built in 1968, just before the California Coastal Commission came into being in 1972. It's doubtful the CCC would have allowed such a big, blocky formidable structure to be built on a sandy beach. The Belmont Pool was in no way coastal dependent, the proposed Belmont Beach and Aquatics Center also is not coastal dependent.

Olympic Plaza Park **is** coastal dependent and saving it will ensure the Commission has accomplished its stated mission of "..protecting and enhancing California's coast and ocean for present and future generations".

The City is asking the Commission to allow: **"Modification to previous [*Long Beach City Council*] approval (App. No.1405-01) of proposed Belmont Beach and Aquatics Center, construction of new public recreational and competitive swimming and driving pool complex at location of former Belmont Plaza Olympic Pool."**

The 'modified' project is still:

1) Over height and will still block views with its extensive sunroofs, tall light poles, high diving platforms, etc.
2) It is still in danger of Sea Level Rise, King Tides and flooding. The City has moved the footprint of the BBAC inland a short distance, but scientists state that they cannot reliably say how fast Global Warming and Sea Level Rise will progress, so it's impossible for the City to state that the BBAC is now 'out of danger' from Sea Level Rise and flooding.
3) The Plinth or seven-foot tall base will essentially 'armor' the coast. The Commission unanimously adopted its 'Sea Level Rise Policy Guidance' in August 2015 with the goal of: *"Ensuring that shoreline armoring is only permitted if necessary and if no less environmentally damaging feasible alternative is available."*

The Commission's SLR 'Final Adopted Science Update' (November 7, 2018) (Page 16 stated:

> *12. "Maximize natural shoreline values and processes; avoid expansion and minimize the perpetuation of shoreline armoring.*
> *13. "Recognize that sea level rise will cause the public trust boundary to move inland. Protect public trust lands and resources, including as sea level rises. New shoreline protective devices should not result in the loss of public trust lands."*

Clearly in this case, it is not necessary to build an 'environmentally damaging' $85 million-dollar aquatics complex on the beach, there are feasible alternatives. This is new construction of a project that can be built, elsewhere, as detailed below.

Coastal Commission Staff and many of us have pleaded with the City to locate the new competitive Aquatics Complex in the appropriately called 'Elephant Lot' next to the Long Beach Convention Center. This site is a well located for young people in West, North and Central Long Beach (who have no Public Pools in their neighborhoods) to come and learn to swim and practice aquatic skills. (The City's chosen Belmont Shore site has had a large Temporary Pool since 2014 and it will be made a permanent facility.)

The City has agreed that this 13-acre downtown parking lot will be available for the 2028 Olympics Water Polo competitions (with temporary bleachers and pool installed). And Mayor Robert Garcia offered this site in June 2016 to George Lucas for his Museum, and to the Angels in April/May 2019 for their baseball Stadium – but for some reason the City adamantly refuses to consider this site for a competitive Aquatics complex – a site which offers needed substantial parking, easy access to public transit and the Long Beach Freeway, hotel accommodations, etc.

The 'modified' BBAC project has changed in many ways since first submitted. The City now plans to retain the 'Temporary Pool' as a 'Permanent Facility'. This was not included in the EIR and has not been properly evaluated.

The EIR concerning traffic and parking is inaccurate and should be redone – as Ocean Blvd. has experienced a 'Road Diet' and is now only one lane in each direction in the project area – severely limiting coastal access and access to the BBAC. The street parking said to be available for the BBAC is filled constantly with coastal visitor, resident, customer and employee cars. The beach parking lots are used in part by these same people, and depending on the time of year, day of the week and weather are filled with beachgoers, boating enthusiasts, dog walkers, volleyball and soccer players, bike riders, pedestrians/runners, etc. There are no 'excess' parking spaces for large aquatic complex competitions, events, etc.

The numerous Coastal Commission approvals and Permits Requested by the City are: *(General Plan Amendment (GPA19-001), Zoning Code Amendment (ZCA19-010), Zone Change (ZCHG19-005), Local Coastal Program Amendment (LCPA19-005), Site Plan Review (SPR19-027), Local Coastal Development Permit (LCDP19-023), EIR Addendum (EIRA-03019).*

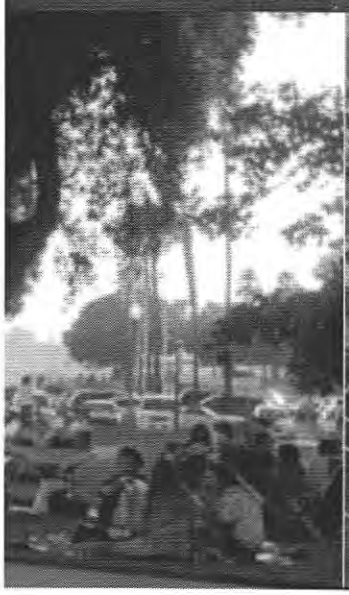
These are all designed to facilitate the construction of the BBAC on a precious piece of beach and oceanfront. This project is not coastal dependent and should be denied at this Belmont Shore beachfront location.







Olympic Plaza Park
Proposed site for
Belmont Beach & Aquatics Center





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FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

#1

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

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SECTION I. Appellant Information

1. Contact Information

Name: Allan Songer

Street Address: 279 Park Avenue

City, Zip: Long Beach, 90803

Phone: 323-855-0190

E-mail Address: allansonger@omegacinemaprops.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal California Coastal Commission-Attachment
Appellant: Allan Songer

Belmont Beach and Aquatic Center

Good cause for why I did not participate:

- The City held no study session or public meetings regarding the latest "no roof" and "permanent" temporary pool design. Public Participation was limited to a "Technical Committee", Competitive Swimming and Diving Teams and the International Olympics Committee.
- I did not have adequate time to read the 800+ page EIR amendment and the project staff notes released at the last minute. There was too much material and little time!
- The City's project website "BelmontPool.com" did not show the new design or hearing dates until after the Planning Commission meeting on December 19 2019 and updates appeared right before the January 21 2020 City Council Hearing.
- The City formally cancelled the December Planning Commission meeting due to a lack of quorum then days later added the item back on the agenda calling the problem a "computer glitch". I had made other commitments by the time the City changed its mind.
- The City of Long Beach's January 21 2020 Agenda "Guaranteed" that the hearing would start at 6:30 pm. Then it was revised (without public notice) to state that the hearing would start after 6:30 pm. The actual hearing started at 11:30 pm and ended at 1:00 am. I could not participate at this late/early hour.

Section III: Grounds Supporting this Appeal.

The development does not conform to the currently certified Local Coastal Program LCP.

The proposed Belmont Park and Aquatic Center is in conflict with the existing LCP the project and is not in harmony with the surrounding area; in style, height, and lot coverage and design standards.

A portion of the project is in an area of open space zoned "Park" and the project is much higher than the LCP allows.

The City is proposing to "spot zone" the pool area to avoid the current land use and zoning standards. The project LCDP can only be approved after the Commission approves an Amendment to the Local Coastal Program.

The LCP Amendment should not be approved until a transparent public process has been completed. The public must be given an opportunity to fully participate in development of the projects goals and design. Private competitive sports teams and the International Olympics Committee should not design a local public recreational facility on the beach.

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

#8

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

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FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

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SECTION I. Appellant Information

1. Contact Information

Name: **Jeff Miller**

Street Address: **PO Box 3310**

City, Zip: **Long Beach, CA 90803**

Phone: **562.433.2795**

E-mail Address: **Jeff.Miller@csulb.edu**

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

XX Testified at the first local hearing

February 7, 2020

Re Local Application No. 19-023

This application by the City of Long Beach (City), Local Application No. 19-023, at 4200 E. Ocean Blvd. Long Beach, "Modification of the proposed Belmont Beach and Aquatics Center (BBAC)", should be rejected.

This application should be rejected because (1) the project (BBAC) subject to this permit does not meet the conditions of the City's Certified Local Coastal Program (LCP) required for approval within the City's area of jurisdiction and (2) it does not meet the conditions for approval within the California Coastal Commission (CCC)'s area of original permit jurisdiction.

All of these Coastal Commission approvals and permits requested by the City should be rejected: General Plan Amendment (GPA19-001), Zoning Code Amendment (ZCA19-010), Zone Change (ZCHG19-005), Local Coastal Program Amendment (LCPA19-005), Site Plan Review (SPR19-027), Local Coastal Development Permit (LCDP19-023), and EIR Addendum (EIRA-03019).

Specifically, the following conditions are violated:

The project is not a coastal-dependent activity. This fresh water swimming and diving facility could be built anywhere. Its purpose and functionality do not require or depend on access to or connection to the beach or ocean.

The project would exceed the height limits of the zoning of this area. The City's ruse to declare the height is within the limit by simply changing the zoning from "P" to "PD-2" to increase the limit is unacceptable. This change would be contrary to the entire development and land use philosophy stated in the City's LCP.

The project would have severe negative environmental impacts including excessive noise, night lighting, and view degradation and blockage. Wildlife habitat would be negatively impacted by the large and disruptive increase in human activity.

The project would cause severe negative impacts to coastal access by adding substantially to increased traffic and loss of parking availability. The area has encountered a large increase in traffic in the years since the original BBAC proposal because of street lane reductions, a new business opening with a large number of customers, and increased beach usage by out of area visitors. These uses include pedestrians, runners, bicyclists, beach volleyball players, dog walkers, picnickers, families and children playing, ocean swimmers and bathers, kite surfers, sail boaters, exercisers, and people simply sitting on the sand and enjoying the ocean environment.

The reality of sea level rise has been minimally addressed. The City has declared the BBAC would not be affected based on a "red line" of maximum high tide. This ignores

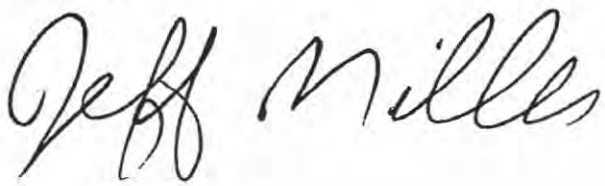
the uncertainty inherent in all sea level rise projections and ignores the damaging effects of storm surges forecast with the climate changes that are being observed.

The City's use of Tidelands money to fund the BBAC, estimated to cost $85 million, would negatively affect its ability to use these limited funds for other coastal projects that are necessary and required for its commitments under the LCP, such as renovation of the Belmont Pier, repairs of the Naples seawalls, and developing and executing a strategy to deal with the expected sea level rise and storm surges.

The City has failed to fulfill its duty to include the public in the permitting process. This version of the project is significantly different from the first version of the BBAC. The new BBAC would be an outdoor facility, not the enclosed pools that were first proposed. This is a substantially different plan, not merely a "modification" as stated by the City. This is a new project and requires a new EIR. However, the city simply "amended" the EIR for the first BBAC and declared there were no new impacts. Actual new impacts were ignored. The signage at the proposed site had, until January 2020, portrayed the first version of the project. That version was scrapped years ago after CCC expressed numerous concerns to the City. That resulted in the City's current redesigned BBAC. Only after the recent City Council approval of the project, was the signage changed to show the current proposal. There was no reasonable public notice or outreach regarding this version of the BBAC. It was never presented to the city's Marine Advisory Commission. It was presented at the Planning Commission only on December 19, 2019, during a holiday time that was extremely busy for everyone, guaranteeing minimal public awareness and participation.

The BBAC, and all of the approvals and permits requested by the City should be rejected by the Coastal Commission. It would be the wrong project in the wrong place for the wrong reason.

Jeff Miller



CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

#9

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

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FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

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SECTION I. Appellant Information

1. Contact Information

Name: Gladys A. Moreau

Street Address: 560 Pittsfield Court #102

City, Zip: Long Beach CA 90803

Phone: 310-594-0047

E-mail Address: gladmoreau@yahoo.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal to the California Coastal Commission – Attachment 1
Belmont Beach and Aquatic Center
Section III: Grounds Supporting this Appeal

Statement of Reasons for Appeal

The development does not conform to the standards set forth in the currently certified local coastal program.

The project fails to meet design requirements for buildings in the Belmont Pier Planned Development Area set forth in the 2006 revision of the certified LCP. Those building design requirements include the following:

A. Style. All buildings shall be designed in appropriate coastally oriented design styles in harmony with other existing styles in the area.
B. Height. No buildings shall exceed two stories in height or 25' above grade if located on-shore or two stores or 25' space above the pier if located over the water.
C. Lot Coverage. No building shall cover more than 50 percent of its site nor shall occupy more than 50 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 100 percent of their sites.
D. Special Design Standards. All building shall be located and designed to provide a maximum feasible amount of unobstructed views through their sites toward the beach and recreational facilities.

A portion of the site is zoned "Park", a citywide designation that establishes an allowable building height of 30 feet that appears to be in conflict with the specific height limits for the Belmont Pier Planned Development Area. In any case, the proposed building (60') is at least twice as high as the LCP allows.

The proposed building is not in harmony with other existing structures, is 60' feet high, covers more than 50 percent of the site and does not provide the maximum feasible amount of unobstructed views toward the beach.

In order to approve the 60' structure when the LCP height limit is 25 feet the City voted to submit to the Coastal Commission a Local Coastal Plan Amendment with a Land Use Plan and Zoning Ordinance in order to accommodate the project. In effect, the City is proposing to exempt or "spot zone" the pool area in order to avoid the current land use and zoning standards that apply to other properties in the area. Until and unless the Commission certifies the proposed amendment, the development will not conform to the standards set forth in the certified local coastal program as required by Section 30603 of the Public Resources Code.

STATE OF CALIFORNIA– CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

#10

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

RECEIVED
South Coast Region

FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

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SECTION I. Appellant Information

1. Contact Information

Name: Citizens About Responsible Planning/CARP
Ann Cairtrell, agent
Street Address: 3106 Claremore Ave.
City, Zip: Long Beach, 90808
Phone: 562/596-7288
E-mail Address: annqadfly@aol.com

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

✓ Testified at the first local hearing Planning Commission

Revised 1/1/2020

SECTION III GROUNDS SUPPORTING THIS APPEAL:
CARP has many objections to the revised Belmont Beach Aquatic Center design and location. The revisions, and due heed to our and others' concerns, call for a new Environmental Impact Report. A new EIR is required when:

- The project will have one or more new significant effects not discussed in the 2016 Certified EIR;

- There are impacts determined to be significant in the 2016 EIR that would be substantially more severe;

- There are additional mitigation measures or alternatives to the project that would substantially reduce one or more significant effects identified in the 2016 EIR; and

- There are additional mitigation measures or alternatives rejected by the project proponent that are considerably different from those analyzed in the 2016 EIR that would substantially reduce a significant impact identified in that EIR.
  Testimony by both the City and appellants on Jan. 21, 2020 show all of these requirements apply to the Belmont Pool EIR
  This situation calls for more than merely a "Modification" of the previous approved EIR. _
  _____This is a completely new project with a new address, location, and design. The removal of the building sides and roof to create an open pool creates more noise, light, energy use, chemical smell and cleaning costs. What will

keep sand, trash and bird poop out of the pools?
The current 'temporary' pool has a limited life span and is already experiencing maintenance problems. There are no permits for changing from a temporary to permanent pool.
Although the 70 foot bubble roof has been removed, the planned sunshade is still not in conformance with Coastal Act requirements of providing beach views from Ocean Blvd. The current allowed height for structures in the Coastal Zone is 36 feet. The shade structure is 48 ft, 10 inches high, with the support columns being approximately 60 ft high from the Plinth level and 67 ft high above grade. The dive tower is 40 ft high above Plinth level and 47 ft high above grade. The towering over sized light poles at temporary pool now are not acceptable, emitting substantial negative light impact to neighbors and wildlife. The proposed pool plan adds additional towering light poles, with permanent PA systems, that will block public view, add light blight, additional noise and are over the allowed height. These will all affect views of the ocean on a designated scenic route.

The new location of the pool facility requires the removal of a passive park which has mature, nesting trees and new ADA sidewalks. The plan to replace this grass park with native plants does not provide the same park experience. Open space is not a park. The scattered trees will not provide the needed nesting habitat for Snowy Egrets and Black-crown Night Herons.

The one bird survey is flawed and inadequate... New counts need to be done during breeding season.

The removal of a public right of way, East Olympic Plaza, removes beach access and a number of parking spaces. Mr. Modica, the interim City Manager, stated that with less seating, the parking for the BBAC is now adequate, yet failed to

mention the special events temporary seating, which can add up to 10,000 visitors. New traffic and parking studies are needed for additional spectators, especially with the Road Diet and removal of East Olympic Plaza.

There is no mention of the planned kid's fun zone with vortex pool and zip lines. These were not in the original site plan and EIR. There has been no study on possible environmental impacts of noise, height and safety.

25-meter vs 25-yard pool: "In 2014, it was determined that one 25-meter wide pool and one 25-yard wide pool would be provided. However, the Public Works project management team has studied widening the 25-yard wide pool to 25 meters, in response to stakeholder requests. The Environmental Impact Report (EIR) Addendum has analyzed the potential impacts of the larger 25-meter-wide pool, which may provide added flexibility for programming."

These pools appear to be designed for competitive events, not as a pool for public use. One competitive pool should be adequate. The new pool should be for public swimming, without the need for an expensive moveable floor.

'Public access' (a mandated concern of CCC) in regards the BBAC project proposal is inadequate in both the physical sense (the pool will be difficult of access by the large number of users it is being sized for) and the process sense (broad and representative public basically excluded from due notice and participation).

The CCC's biggest concerns, Sea Level Rise and Location, have not been addressed by moving the pool a few yards further away from the ocean.

Alternative Locations

In regards the Elephant Lot, the City is no longer using the lease with Jehovah Witness lease as an argument, but is adding new arguments which were not

mentioned in the original EIR. New information calls for a new EIR, not an addendum.

At the hearing on Jan. 21, 2020, M Modica stated that the Elephant Lot is inferior to the Belmont site in that there would be Sea Level Rise at that site and not at the Belmont site under the same scenario. CARP questions this statement, as the Elephant Lot is protected by a levee and the Belmont Shore location has no levee. (FEMAFloodMapServiceCenter https://msc.fema.gov/portal/search?AddressQuery=4217%20East%20Ocean%20Blvd%2C%20Long%20Beach%2C%20CA%20#searchresultsanchor states that the Elephant Lot is in an area protected by a levee.)

The City has never mentioned Sea Level Rise as a problem when offering this property to George Lucas for his Star Wars Museum or to the Angels for their stadium. The City has expressed no concern for the impacts that Sea Level Rise sufficient to flood the Elephant Lot would have on usability and value of currently neighboring facilities such as the Convention Center, and Aquarium.

Mr. Modica also stated that the Elephant Lot has poorer air quality for outdoor swimmers. If the pool were built at the Elephant Lot, height would not be an issue. A covered pool could be built, so air quality would not be an issue.

Sea Level Rise

In its Aug. 2018 letter to the CCC, the City states:

"Even if these worst-case conditions do occur, it is highly unlikely that the ocean will ever reach to BBAc facility. The facility is located along one of the wider and more stable portions of the shoreline, and is clearly less vulnerable to flooding and inundation that other portions of the shoreline to the east along the Peninsula. In addltion, the City intends to employ beach nourishment or

other sediment management activities to maintain the necessary sandy beach width to

offset the sea-level-rise-induced shoreline erosion. Beach nourishment is a logical, economical and effective adaptation measure to directly mitigate this low probability sea level rise scenario. Key reasons that support the efficacy of beach nourishment in Long Beach include (1) the protection provided by the Long Beach Breakwater reduces wave action; (2) the sand system is "closed" in that there are no losses - sand is blocked from leaving the system by Shoreline Marina to the west and Alamitos Bay Marina to the east, which is a unique Long Beach condition not found in most coastal beaches; and (3) beach nourishment is already actively implemented on the local level, and very viable economical sources of sand are available nearby including shoals within Alamitos Bay, and the potential to "piggy back" onto the ongoing US Army Corps of Engineers Surfside-Sunset Beach nourishment program, similar to how Seal Beach took advantage of this opportunity in 2009."

Despite these reassuring words, two realities should be noted:

(1) Recently, the City started a pilot sand replenishment program. Instead of moving sand from the west end of the beach to the east end by truck, hydraulic pumps are used to move the sand. (see attachment). On Feb. 5, 2020 two women were caught in sinkholes evidently created by this operation. (Grunion Gazette, 2/6/2020).

(2) The City's statements fail to account for the fact that even if the BBAC facility itself stays above storm (or tidal) flooding, the same is even now often not true of the surrounding neighborhood's access streets - a situation which will only worsen as Sea Level Rise proceeds. The dubious choice of site will thereby serve to cripple the public benefit and usability of the facility.

CARP has never opposed a new pool, we oppose the location. Per the California Coastal Act - a pool is NOT coastal dependent.

Please require the City to do a new EIR which addresses all the changes and looks at alternate locations which will service all of the city.



Hydraulic Pumping Pilot for Sand Management Begins

Dear Neighbor,

The management of our beaches has been an ongoing issue for decades. Regular coastal erosion occurs in beaches up and down the State and Long Beach is no different. Here in Long Beach we have been utilizing trucks to bring sand that tides carry further down our beaches back to where it is taken from at the far east end of our coastline.

However, I am very excited to make you aware of a pilot program being run by our Beach Maintenance Division that would use hydraulic pumps to bring sand down to the Peninsula Beach in order to re-nourish those beaches from the regular erosion that occurs. This pilot will include a small pump that transfers sand via a 10-inch diameter pipeline to the eastern end of the beach. This pilot study is set to last 5 weeks and end February 28, 2020. To ensure success the schedule is dependent on tides and ocean conditions as the City works closely with contractors, environmental scientists, and engineers.

I am optimistic about this pilot program, and if successful it could lead to reductions in the need for large dump trucks to continually be driving up and down our beaches creating exhaust, noise, and added costs. This success of this program could mean more usable beach space for recreation as well as a more efficient way of replenishing our beach sand.

If you have any questions please contact my office at (562)570-6300 or by email at district3@longbeach.gov

Sincerely,
Suzie Price
Councilwoman, Third District

RECEIVED
South Coast Region

FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

RECEIVED
South Coast Region

FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

#11

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

NOTE: E-mailed appeals to the Central Coast District Office will be accepted ONLY at the general e-mail address as follows: SouthCoast@coastal.ca.gov. The Executive Director will reject e-mailed appeals sent to any other address, including addresses of individual staff members.

SECTION I. Appellant Information

1. Contact Information

Name: Virginia Shontell

Street Address: 5
4324 Vermont Street

City, Zip: Long Beach, 90814

Phone: 562-987-1977

E-mail Address: zimtel@earthlink.net

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal California Coastal Commission-Attachment
Appellant: Virginia Shontell

Belmont Beach and Aquatic Center

Good cause for why I did not participate:

- The City held no study session or public meetings regarding the latest "no roof" and "permanent" temporary pool design. Public Participation was limited to a "Technical Committee", Competitive Swimming and Diving Teams and the International Olympics Committee.
- I did not have adequate time to read the 800+ page EIR amendment and the project staff notes released at the last minute. There was too much material and little time!
- The City's project website "BelmontPool.com" did not show the new design or hearing dates until after the Planning Commission meeting on December 19 2019 and updates appeared right before the January 21 2020 City Council Hearing.
- The City formally cancelled the December Planning Commission meeting due to a lack of quorum then days later added the item back on the agenda calling the problem a "computer glitch". I had made other commitments by the time the City changed its mind.
- The City of Long Beach's January 21 2020 Agenda "Guaranteed" that the hearing would start at 6:30 pm. Then it was revised (without public notice) to state that the hearing would start after 6:30 pm. The actual hearing started at 11:30 pm and ended at 1:00 am. I could not participate at this late/early hour.

Section III: Grounds Supporting this Appeal.

The development does not conform to the currently certified Local Coastal Program LCP.

The proposed Belmont Park and Aquatic Center is in conflict with the existing LCP the project and is not in harmony with the surrounding area; in style, height, and lot coverage and design standards.

A portion of the project is in an area of open space zoned "Park" and the project is much higher than the LCP allows.

The City is proposing to "spot zone" the pool area to avoid the current land use and zoning standards. The project LCDP can only be approved after the Commission approves an Amendment to the Local Coastal Program.

The LCP Amendment should not be approved until a transparent public process has been completed. The public must be given an opportunity to fully participate in development of the projects goals and design. Private competitive sports teams and the International Olympics Committee should not design a local public recreational facility on the beach.

STATE OF CALIFORNIA— CALIFORNIA NATURAL RESOURCES AGENCY

RECEIVED
South Coast Region

GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071

FEB 10 2020

CALIFORNIA
COASTAL COMMISSION

APPEAL TO THE CALIFORNIA COASTAL COMMISSION OF A LOCAL COASTAL PERMIT DECISION

TO BE COMPLETED BY COMMISSION STAFF

APPEAL NO: A-5-LOB-20-0007

DATE FILED:

DISTRICT: 5

#12

APPELLANT: COMPLETE THE INFORMATION BELOW AND SUBMIT TO THE DISTRICT OFFICE WITH JURISDICTION OVER THE LOCAL PERMIT DECISION.

NOTE: To ensure the appeal is adequate for filing, please review the Appeal Information Sheet located above this form on the Commission website.

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SECTION I. Appellant Information

1. Contact Information

Name: Loy Zimmerman

Street Address: 4324 (5) Vermont Street

City, Zip: Long Beach, 90814

Phone: 562-987-1977

E-mail Address: lzimmerm@uci.edu

2. How did you participate during the local government's consideration of the permit application? Check all that apply:

___ Testified at the first local hearing

Appeal California Coastal Commission-Attachment
Appellant: Loy Zimmerman

Belmont Beach and Aquatic Center

Good cause for why I did not participate:

- The City held no study session or public meetings regarding the latest "no roof" and "permanent" temporary pool design. Public Participation was limited to a "Technical Committee", Competitive Swimming and Diving Teams and the International Olympics Committee.
- I did not have adequate time to read the 800+ page EIR amendment and the project staff notes released at the last minute. There was too much material and little time!
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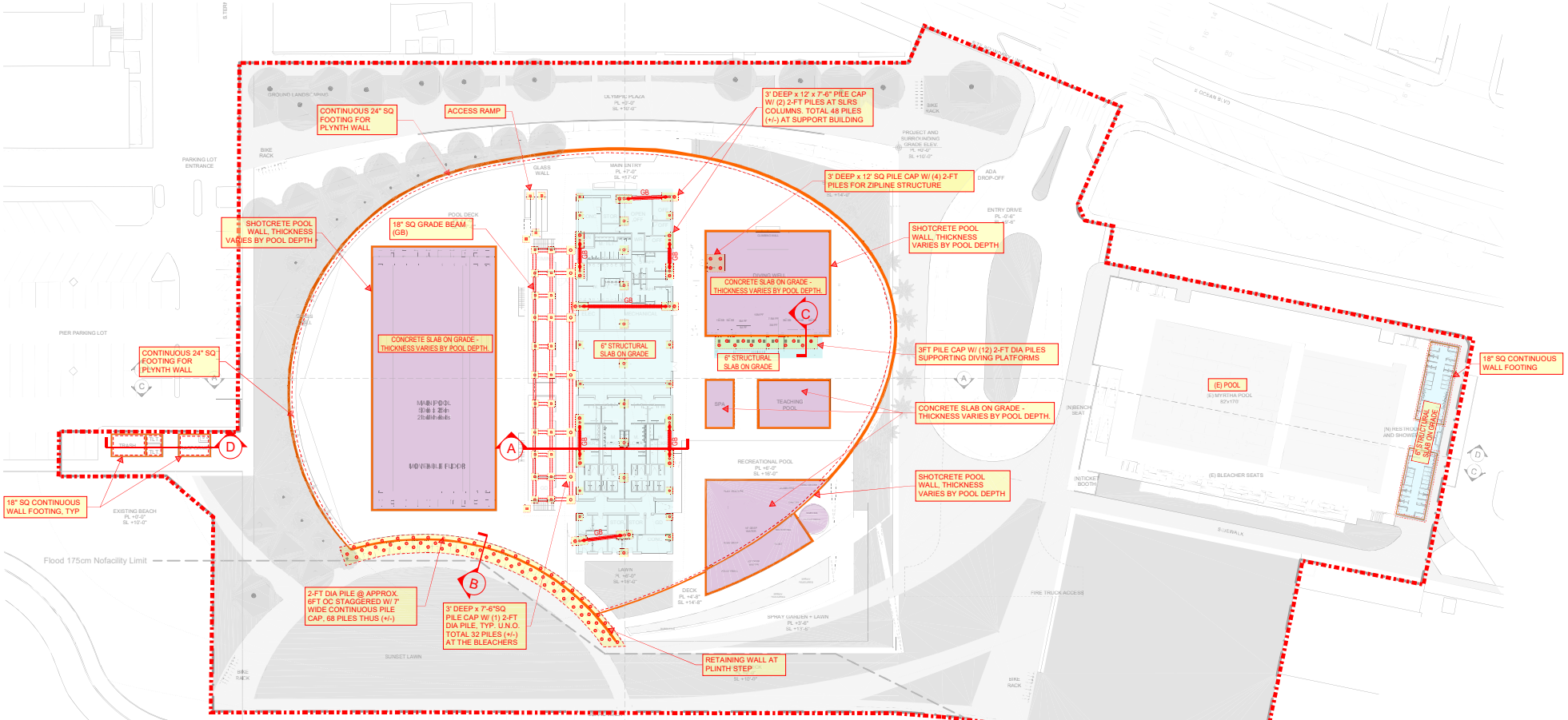
The proposed Belmont Park and Aquatic Center is in conflict with the existing LCP the project and is not in harmony with the surrounding area; in style, height, and lot coverage and design standards.

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The City is proposing to "spot zone" the pool area to avoid the current land use and zoning standards. The project LCDP can only be approved after the Commission approves an Amendment to the Local Coastal Program.

The LCP Amendment should not be approved until a transparent public process has been completed. The public must be given an opportunity to fully participate in development of the projects goals and design. Private competitive sports teams and the International Olympics Committee should not design a local public recreational facility on the beach.

Exhibit 5 – City-Approved Foundation Plans (LCDP No. 19-023)



FOUNDATION NOTES

1. The foundation layout indicated on this plan is based on the "PRELIMINARY GEOTECHNICAL REPORT" prepared by AESCO, dated Apr. 24th, 2014.

2. The project site has a high potential for liquefaction. The drilled cast-in-place concrete piers recommended by the geotechnical engineer is a valid option to prevent both the lateral earthquake loads and the potential liquefaction main aquatics center, the diving platforms, and the retaining wall at plinth step. Contractors shall follow the geotechnical engineer's recommendations for the excavation, drilling and casting process of the piers. The piers are to extend maximum 80-ft below ground surface.

3. Lightly loaded structures on the project site such as the trash enclosure and the public restrooms can be supported on reinforced concrete footings. The future footing area should be over-excavated to 5-ft below ground or 4-ft below bottom of footing, whichever greater. The bottom 3 feet of the excavation should be backfilled with geotechnical engineer-recommended material to mitigate potential settlement and liquefaction.

4. The future slab-on-grade shall extend minimum 5 inches above the final adjacent grade with 18-in thickened edge on non-bearing walls. Portions of structure below grade should be designed for buoyant conditions below an elevation of +5' (AMSL).

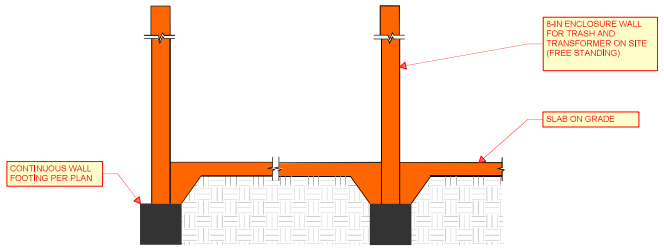
5. The average ground water level is at 6 to 9 feet below grade.

TIDELANDS CAPITAL IMPROVEMENT PROJECT

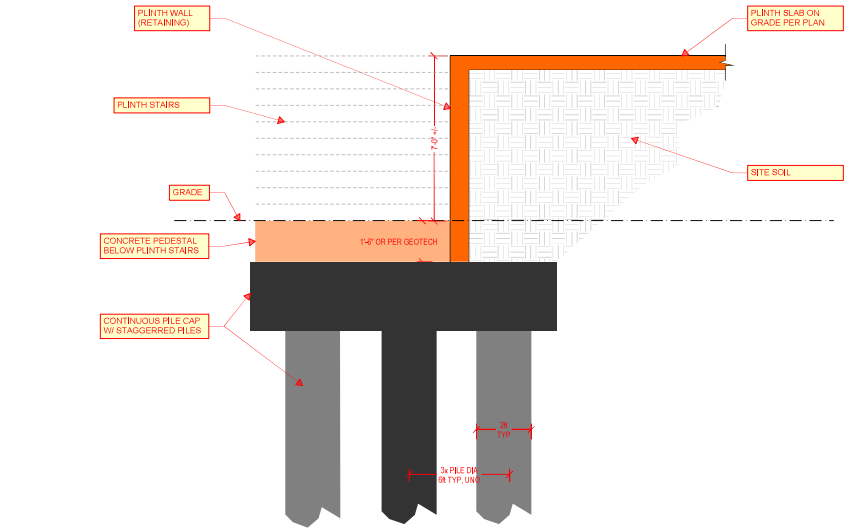
BELMONT BEACH AND AQUATICS CENTER

FOUNDATION PLAN
December 20 2019
P-24

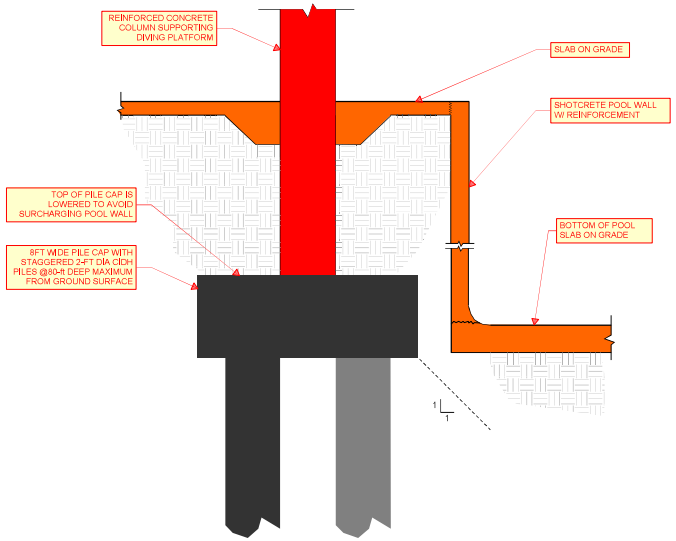
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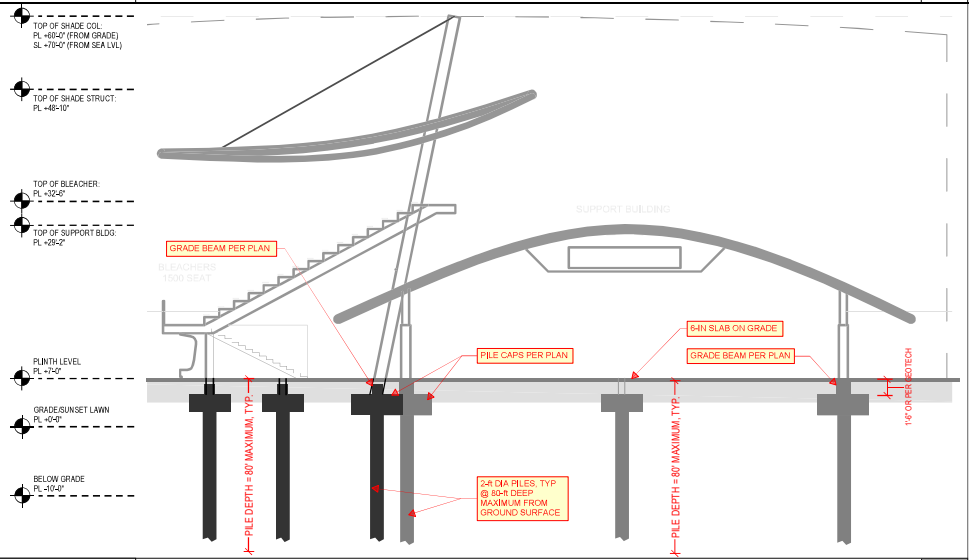
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SCALE: 1/2" = 1'-0" | B



SCALE: 1/2" = 1'-0" | C



SCALE: 1/8" = 1'-0" | A

TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

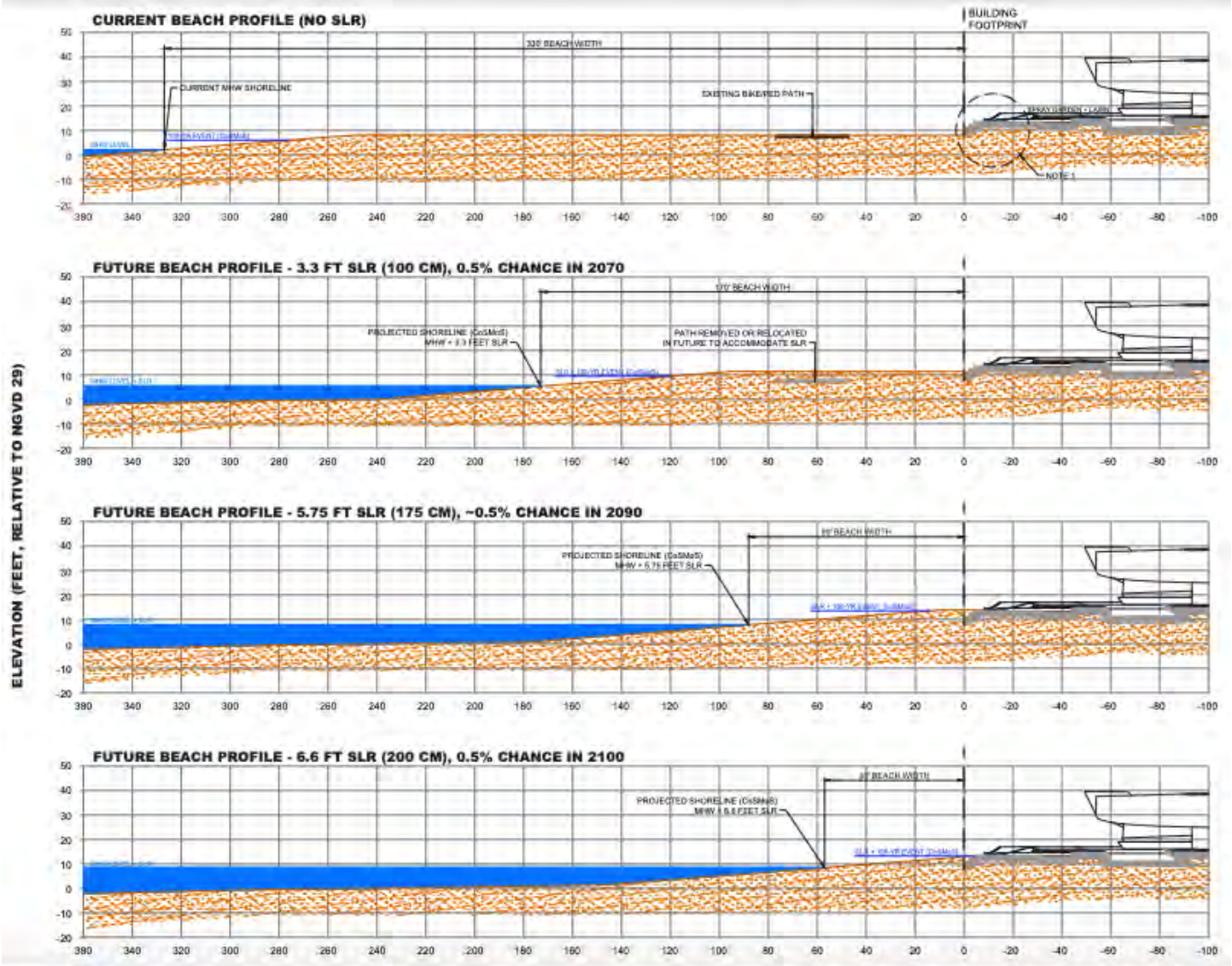
FOUNDATION SECTIONS

December 20 2019

P-25

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Exhibit 6 – Sea Level Rise Projections (Moffatt & Nichol, 2020 and Our Coast Our Future SLR model)

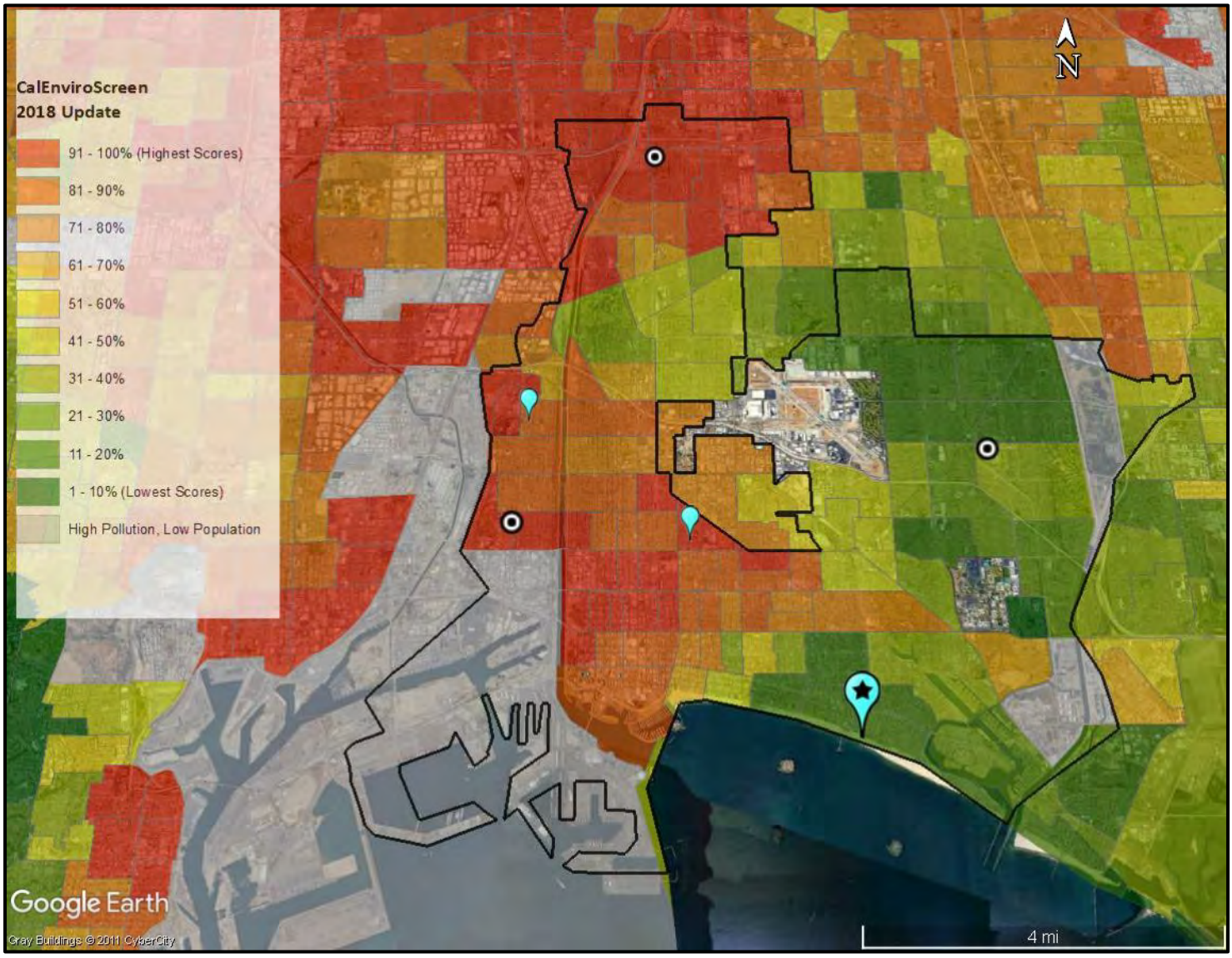





5.7 feet of
sea level rise
(no storm)
Belmont
Olympic
Pool
Rosie's
Dog Beach


6.6 feet of sea
level rise and
a 100-year
storm
Belmont Park
Bluff
Belmont Shore
Alamitos Bay

Exhibit 7 – Long Beach Pools & Vulnerable Communities (Cal EnviroScreen, 2018)



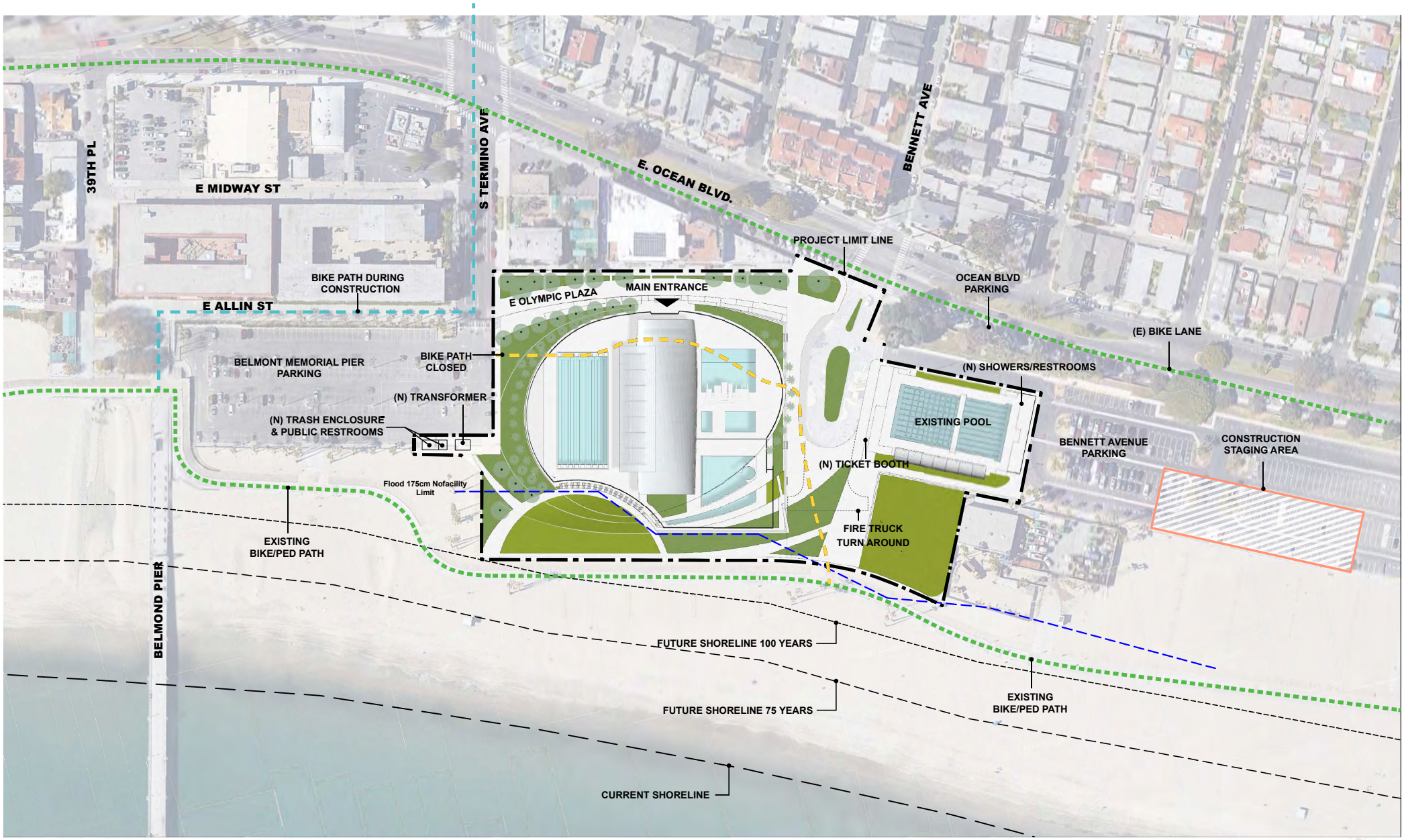
City of Long Beach boundary

Year-round pool

Proposed project (currently temporary, year-round pool)

Summer pools (high school pools, open July-August)

Exhibit 8 – Proposed Project Plans

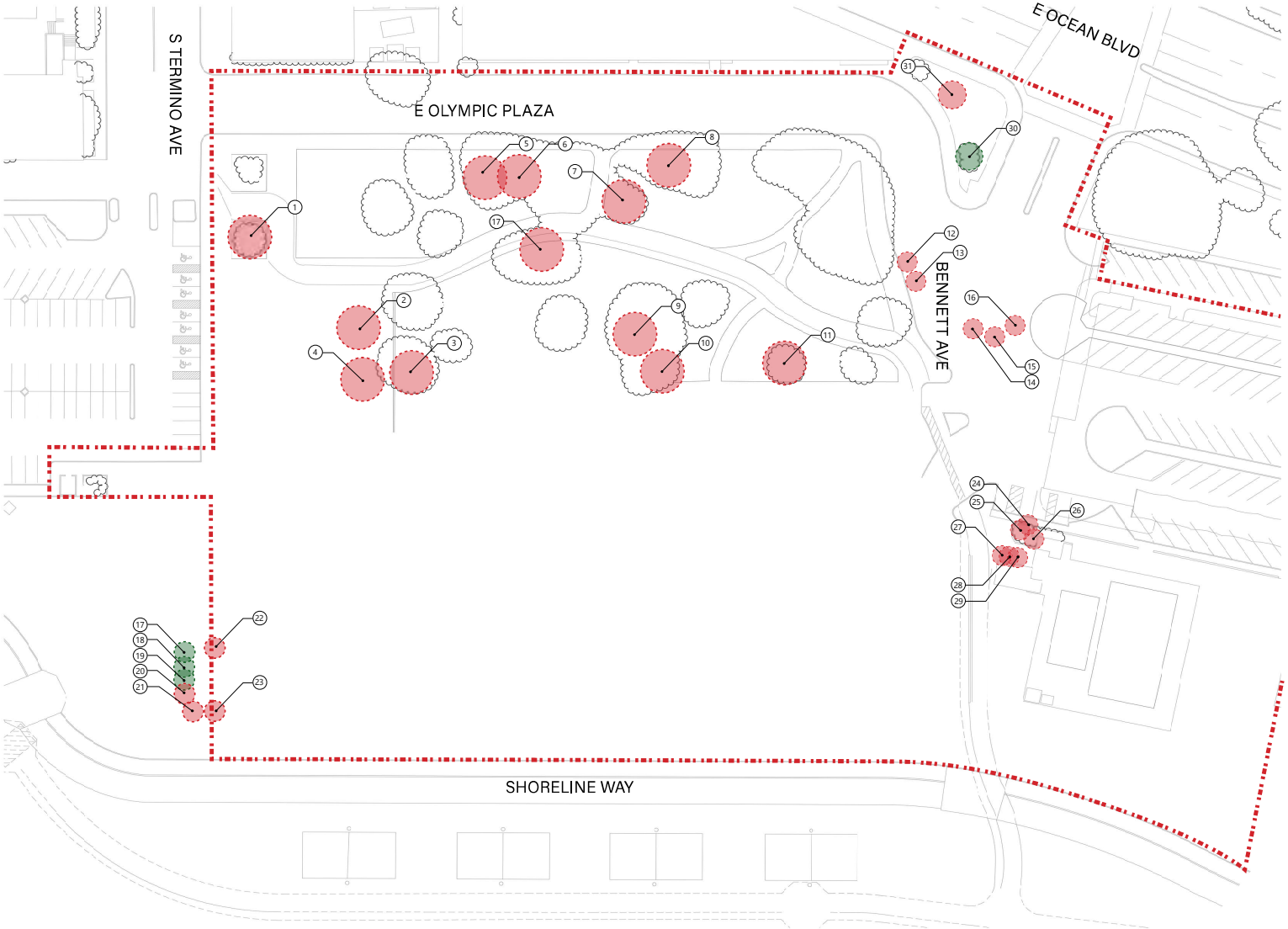


TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

OVERVIEW PLAN
December 20 2019
P-03

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EXISTING TREE INVENTORY

	BOTANIC NAME	COMMON NAME	HEIGHT	RETAIN/REMOVE
1.	*Phoenix sp.*	DATE PALM	15'	REMOVE (conflict with landscape design)
2.	*Eucalyptus sp.*	GUM TREE	36'	REMOVE (conflict with architecture design)
3.	*Eucalyptus sp.*	GUM TREE	35'	REMOVE (conflict with architecture design)
4.	*Eucalyptus sp.*	GUM TREE	35'	REMOVE (conflict with architecture design)
5.	*Quercus sp.*	OAK TREE	40'	REMOVE (conflict with landscape design)
6.	*Pinus sp.*	PINE	45'	REMOVE (conflict with landscape design)
7.	*Metrosideros sp.*	POHUTUKAWA	22'	REMOVE (conflict with architecture design)
8.	*Metrosideros sp.*	POHUTUKAWA	30'	REMOVE (conflict with landscape design)
9.	*Quercus sp.*	OAK TREE	48'	REMOVE (conflict with architecture design)
10.	*Eucalyptus sp.*	GUM TREE	42'	REMOVE (conflict with architecture design)
11.	*Eucalyptus sp.*	GUM TREE	46'	REMOVE (conflict with architecture design)
12.	*N/A**	N/A*	6'	REMOVE (conflict with landscape design)
13.	*N/A**	N/A*	7'	REMOVE (conflict with landscape design)
14.	*N/A***	N/A**	5'	REMOVE (conflict with landscape design)
15.	*N/A***	N/A**	5'	REMOVE (conflict with landscape design)
16.	*N/A***	N/A**	5'	REMOVE (conflict with landscape design)
17.	*Washingtonia robusta*	Mexican Fan Palm	70'	RETAIN
18.	*Washingtonia robusta*	Mexican Fan Palm	70'	RETAIN
19.	*Washingtonia robusta*	Mexican Fan Palm	70'	RETAIN
20.	*Washingtonia robusta*	Mexican Fan Palm	70'	REMOVE (conflict with landscape design)
21.	*Washingtonia robusta*	Mexican Fan Palm	70'	REMOVE (conflict with landscape design)
22.	*Washingtonia robusta*	Mexican Fan Palm	70'	REMOVE (conflict with landscape design)
23.	*Washingtonia robusta*	Mexican Fan Palm	70'	REMOVE (conflict with landscape design)
24.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
25.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
26.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
27.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
28.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
29.	*Chamaerops humilis*	Mediterranean Dwarf Palm	15'	REMOVE (conflict with landscape design)
30.	*Callistemon sp.*	Bottle Brush Tree	18'	RETAIN
31.	*Callistemon sp.*	Bottle Brush Tree	18'	REMOVE (conflict with landscape design)

* INCLUSIVE BOX MULTI-TRUNK TREES
** POT PLANT

EXISTING TREE TO REMOVE
TOTAL: 27

EXISTING TREE TO RETAIN
TOTAL: 4

NOTE:
2 NEW TREES FOR EACH EXISTING REMOVED

0 16' 32' 64'
SCALE: 1/32" = 1'-0"

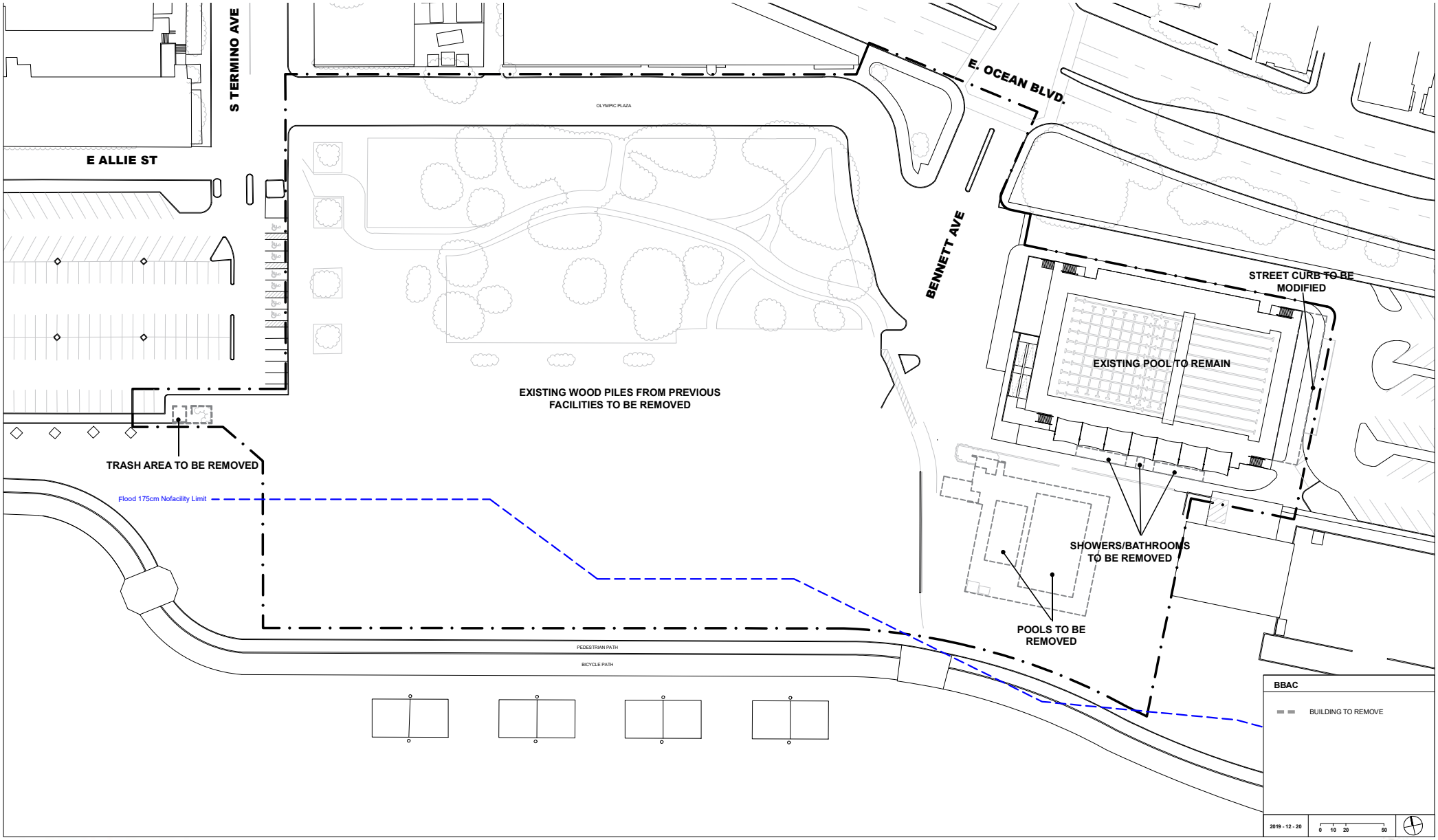
TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

TREE REMOVAL AND PROTECTION PLAN

December 20 2019
P-04

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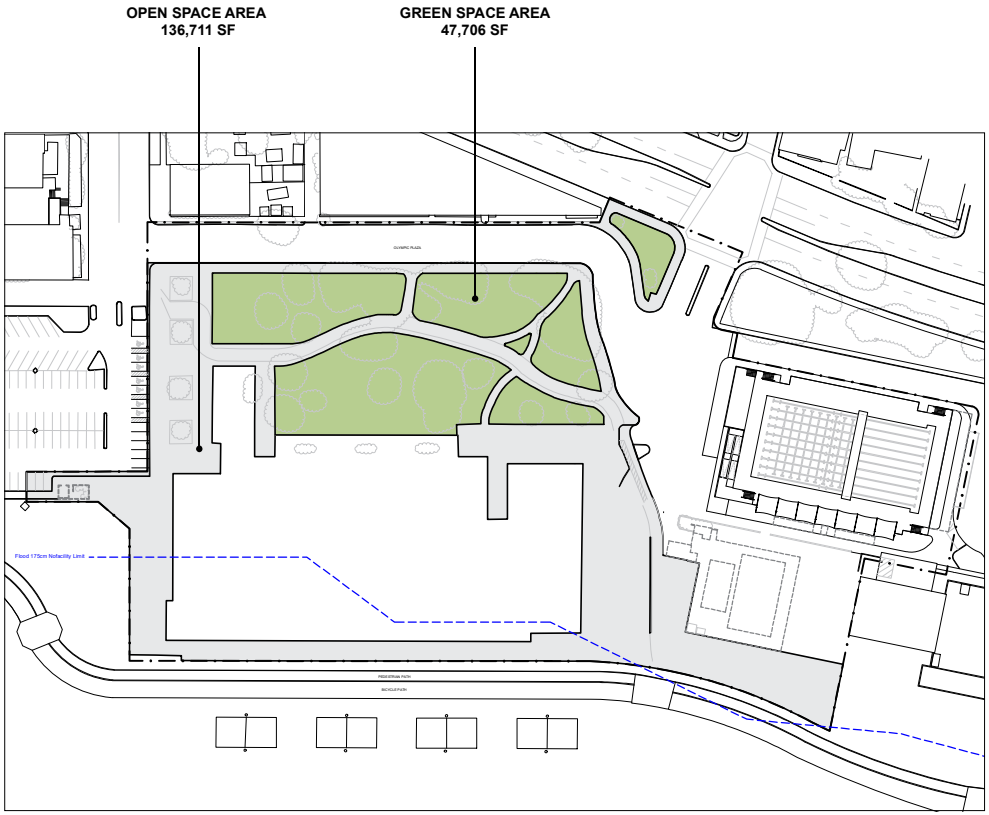
BELMONT BEACH AND AQUATICS CENTER

DEMOLITION PLAN

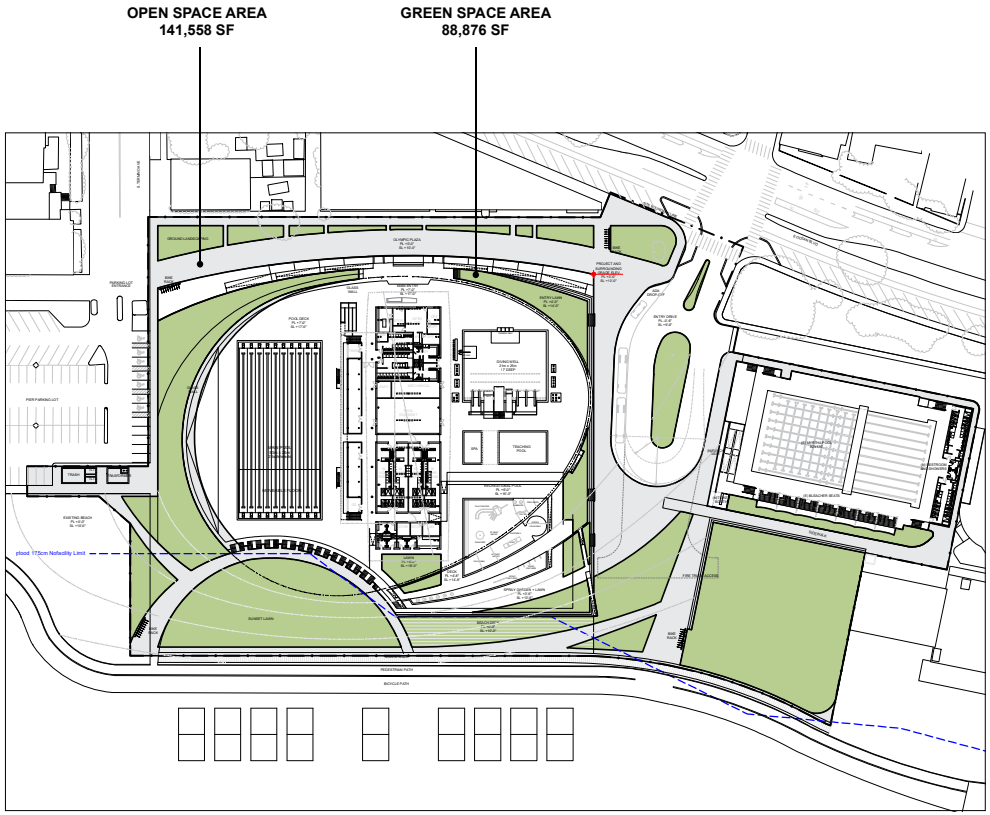
December 20 2019

P-05

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EXISTING OPEN SPACE



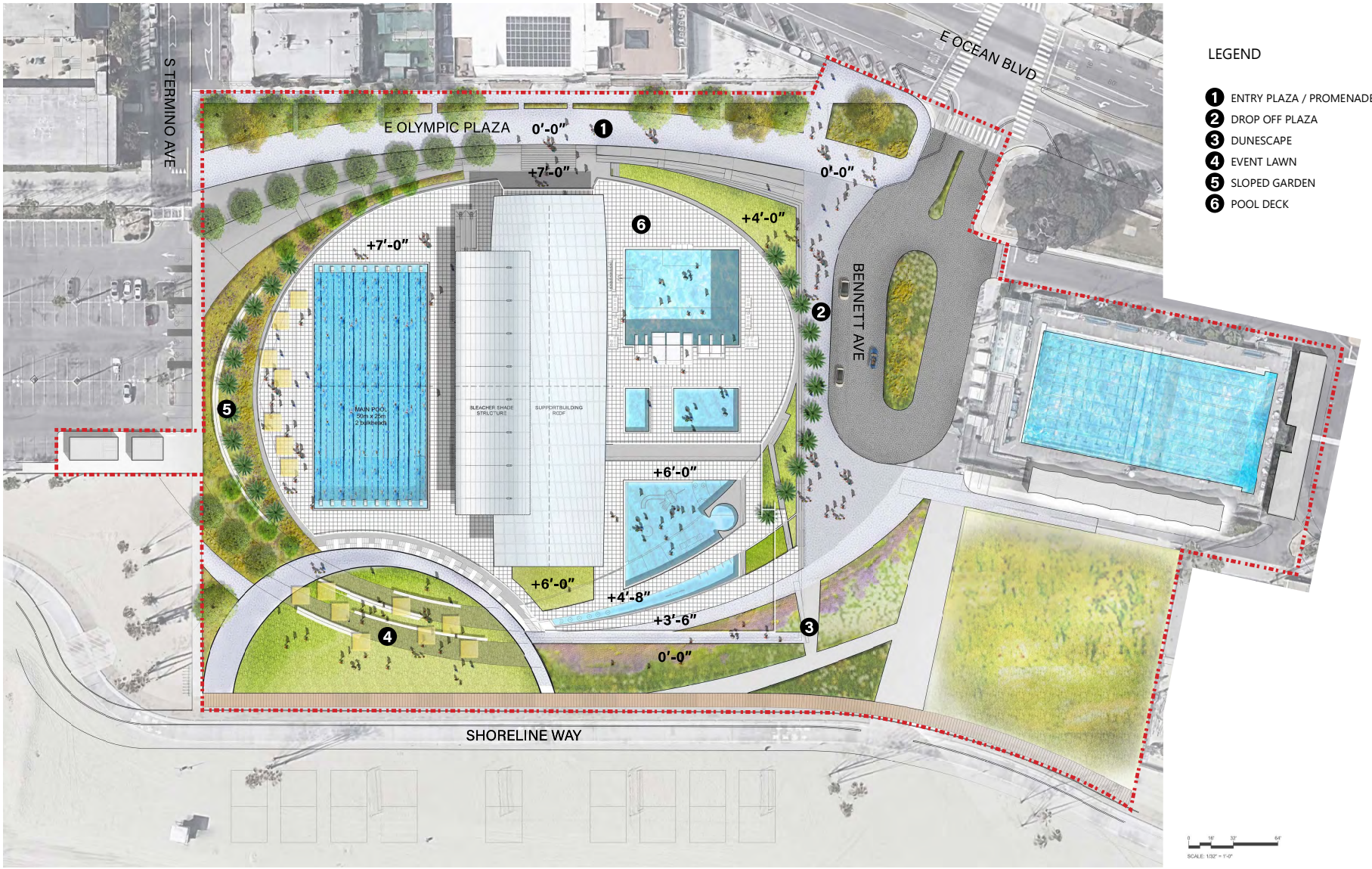
PROPOSED OPEN SPACE

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

OPEN SPACE
December 20 2019
P-06

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

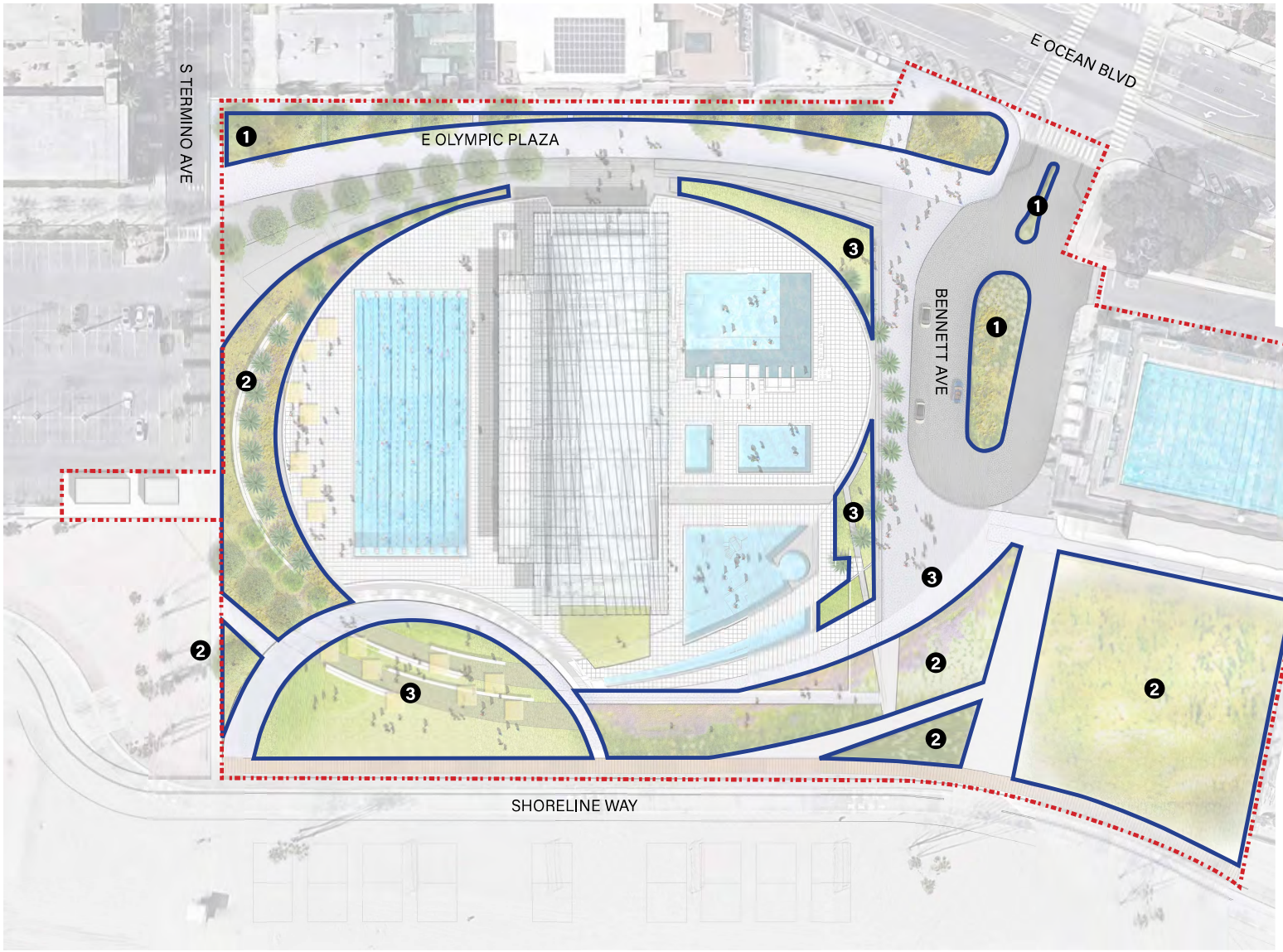
LANDSCAPE PLAN

December 20 2019

P-07

RELM

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PLANTING LIST

TREE

BOTANIC NAME	COMMON NAME	TREE SIZE	TREE COUNTS
Quercus agrifolia	Coast Live Oak	60" BOX	3
Prosopis phoenix	Thornless South American Mesquite	48" BOX	6
Pinus torreyana	Torrey Pine	48" BOX	11
Chitalpa tashkentensis	Chitalpa	36" BOX	12
Washingtonia filifera	California Palm	26' BTH	22
TOTAL			54

SHRUBS

1 ENTRY LANDSCAPE

BOTANIC NAME	COMMON NAME	SIZE	SPACING
Agave vilmoriniana	Octopus Agave	10 GAL	3'-0" O.C.
Aloe striata	Coral Aloe	5 GAL	2'-0" O.C.
Aloe Moonglow	Moonglow Sunbird Aloe	5 GAL	2'-0" O.C.
Euphorbia rigida	Silver Spurge	5 GAL	2'-0" O.C.
Muhlenbergia dubia	Pine Muhly	1 GAL	2'-6" O.C.
Yucca rostrata	Beaked yucca	24" BOX	6'-0" O.C.
Baccharis 'Pigeon Point'	Coyote brush	5 GAL	3'-0" O.C.

2 TRANSITION LANDSCAPE

BOTANIC NAME	COMMON NAME	SIZE	SPACING
Carex praegracilis	California Field Sedge	1 GAL	1'-0" O.C.
Opuntia littoralis	Coastal prickly pear	5 GAL	4'-0" O.C.
Sporobolus airoides	Alkali sacaton	1 GAL	3'-0" O.C.
Leymus 'Canyon Prince'	Canyon Prince Giant Rye Grass	1 GAL	3'-0" O.C.
Datura wrightii	Sacred datura	1 GAL	3'-0" O.C.
Encelia californica	California brittlebush	1 GAL	3'-0" O.C.

3 TURF

Marathon II, sod

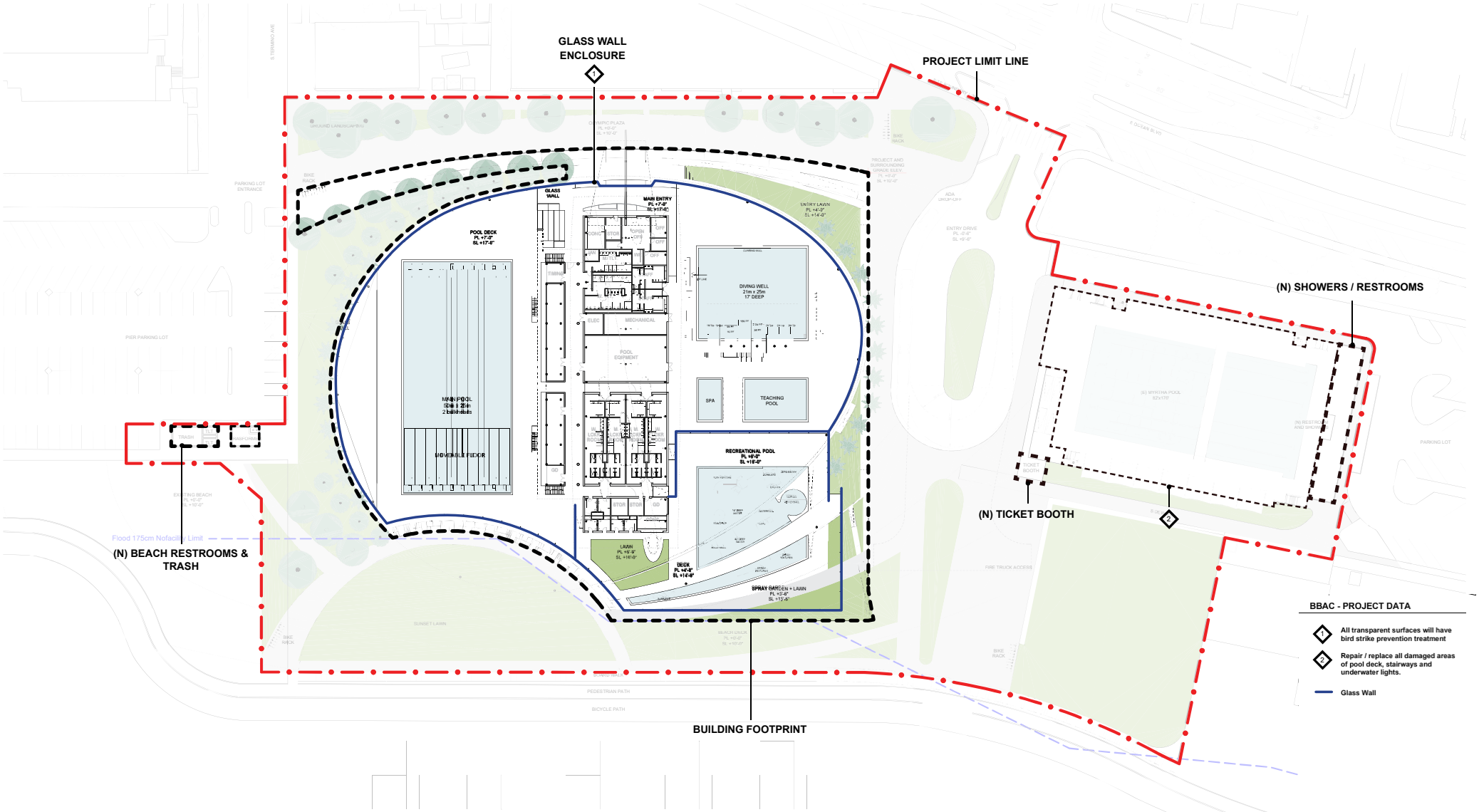
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SCALE: 1/32" = 1'-0"

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

PLANTING PLAN
December 20 2019
P-08

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TIDELANDS CAPITAL IMPROVEMENT PROJECT

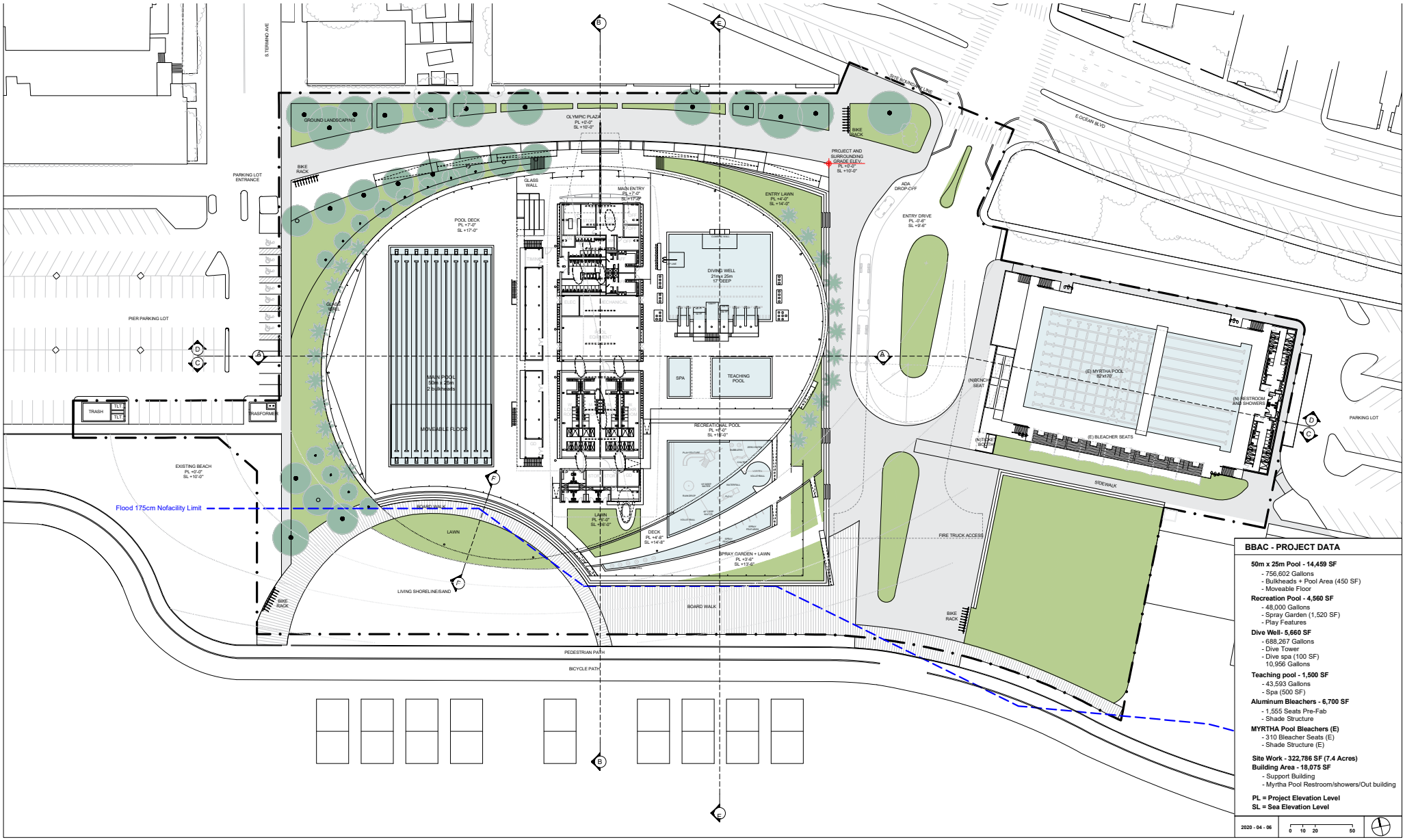
BELMONT BEACH AND AQUATICS CENTER

SITE PLAN FOOTPRINT

December 20 2019

P-09

Hastings+Chivetta ARCHITECTURE • PLANNING • ENGINEERING



BBAC - PROJECT DATA

50m x 25m Pool - 14,459 SF
- 756,602 Gallons
- Bulkheads + Pool Area (450 SF)
- Moveable Floor

Recreation Pool - 4,560 SF
- 48,000 Gallons
- Spray Garden (1,520 SF)
- Play Features

Dive Well- 5,660 SF
- 688,267 Gallons
- Dive Tower
- Dive spa (100 SF)
  10,956 Gallons

Teaching pool - 1,500 SF
- 43,593 Gallons
- Spa (500 SF)

Aluminum Bleachers - 6,700 SF
- 1,555 Seats Pre-Fab
- Shade Structure

MYRTHA Pool Bleachers (E)
- 310 Bleacher Seats (E)
- Shade Structure (E)

Site Work - 322,786 SF (7.4 Acres)
Building Area - 18,075 SF
- Support Building
- Myrtha Pool Restroom/showers/Out building

PL = Project Elevation Level
SL = Sea Elevation Level

2020 - 04 - 06

0 10 20 50

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

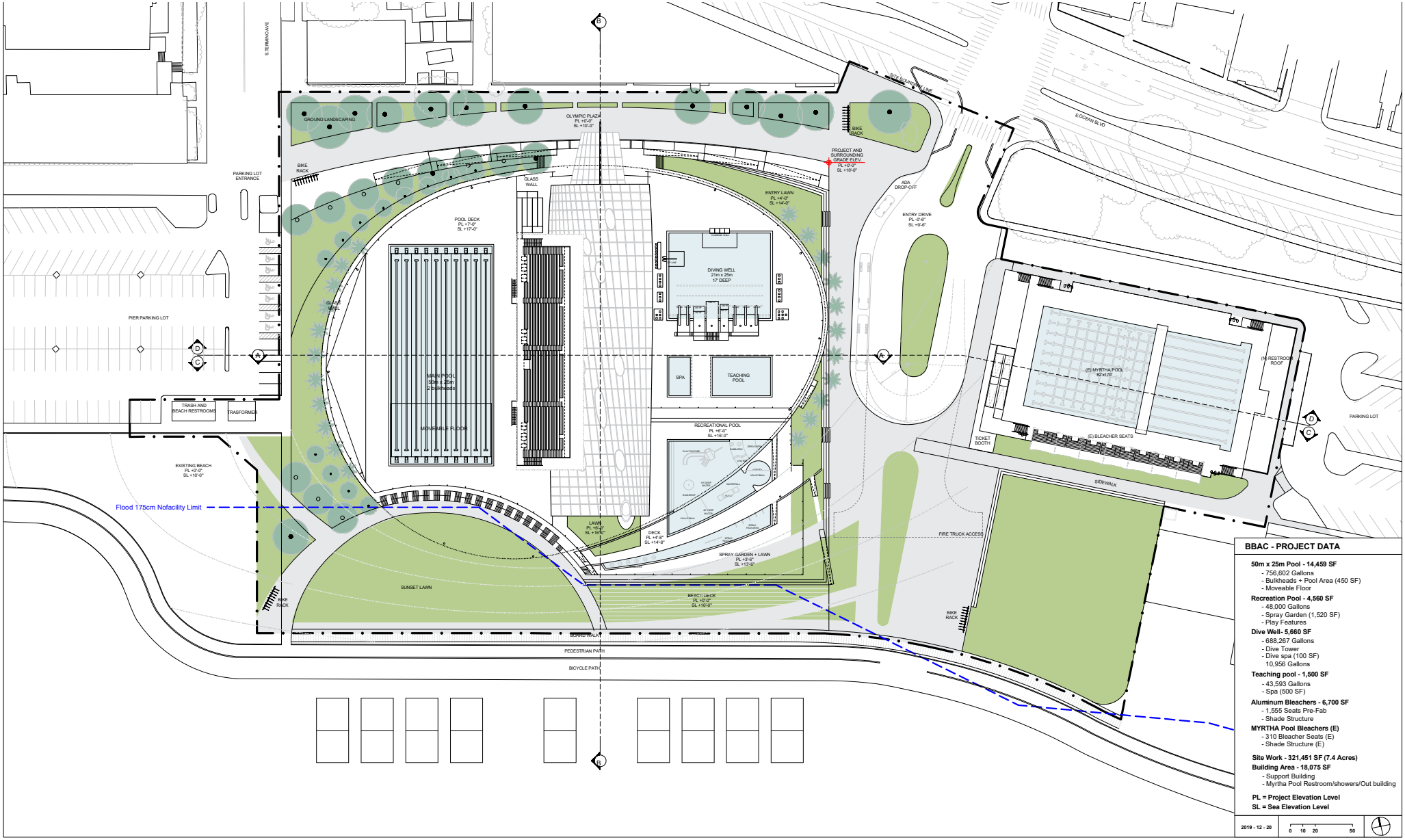
FLOOR PLAN

April 06 2020

P-10

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BBAC - PROJECT DATA

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- Moveable Floor

Recreation Pool - 4,560 SF
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Aluminum Bleachers - 6,700 SF
- 1,555 Seats Pre-Fab
- Shade Structure

MYRTHA Pool Bleachers (E)
- 310 Bleacher Seats (E)
- Shade Structure (E)

Site Work - 321,451 SF (7.4 Acres)

Building Area - 18,075 SF
- Support Building
- Myrtha Pool Restroom/showers/Out building

PL = Project Elevation Level
SL = Sea Elevation Level

2019 - 12 - 20

0 10 20 50

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

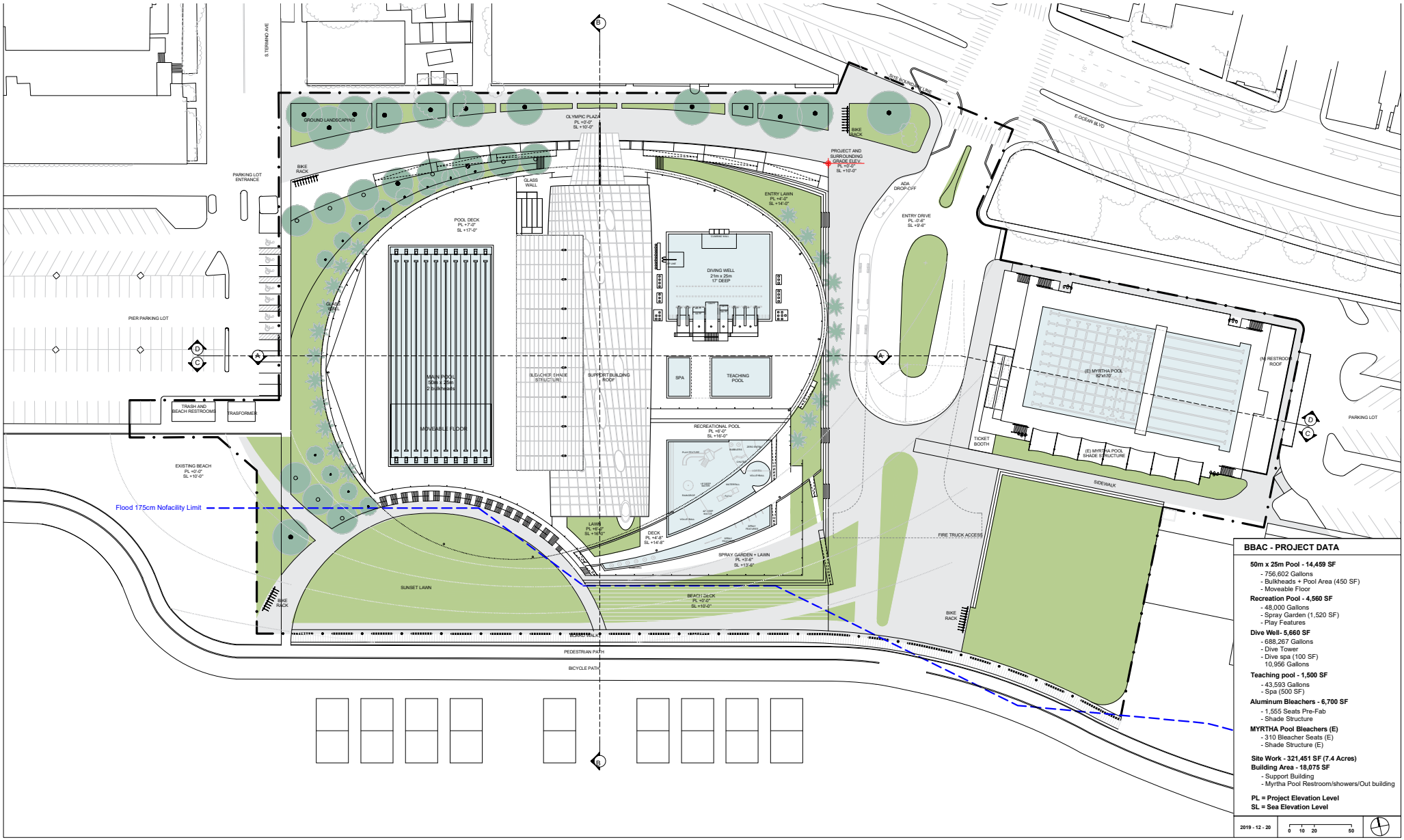
BLEACHER PLAN

December 20 2019

P-11

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BBAC - PROJECT DATA

50m x 25m Pool - 14,459 SF
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- Play Features

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- Dive Tower
- Dive spa (100 SF) 10,956 Gallons

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SL = Sea Elevation Level

2019 - 12 - 20

0 10 20 50

TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

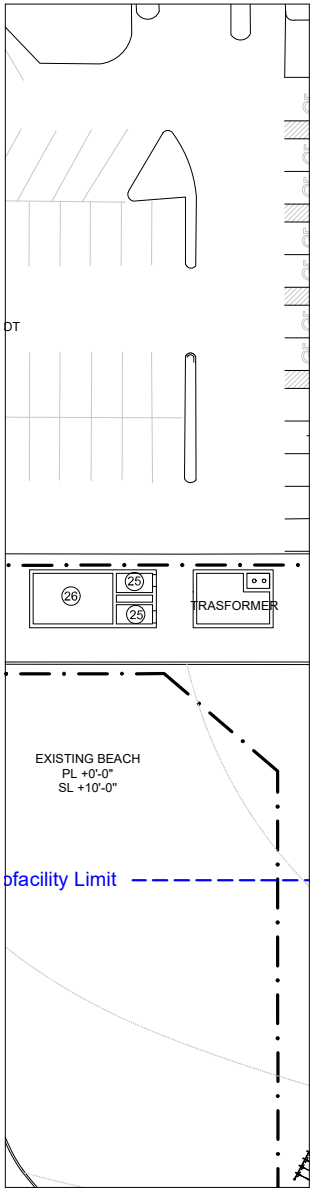
ROOF PLAN

December 20 2019

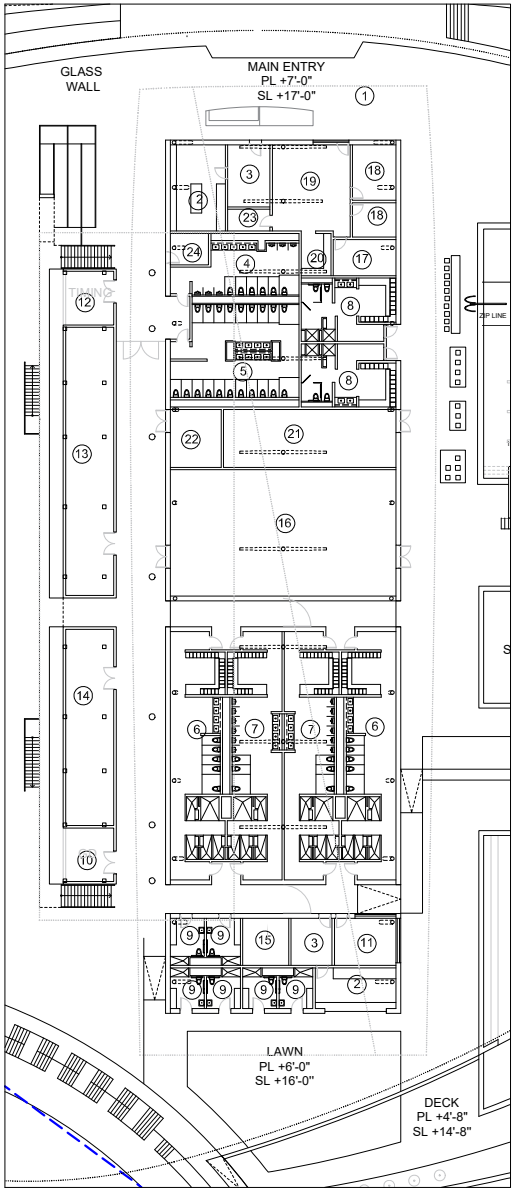
P-12

RELM

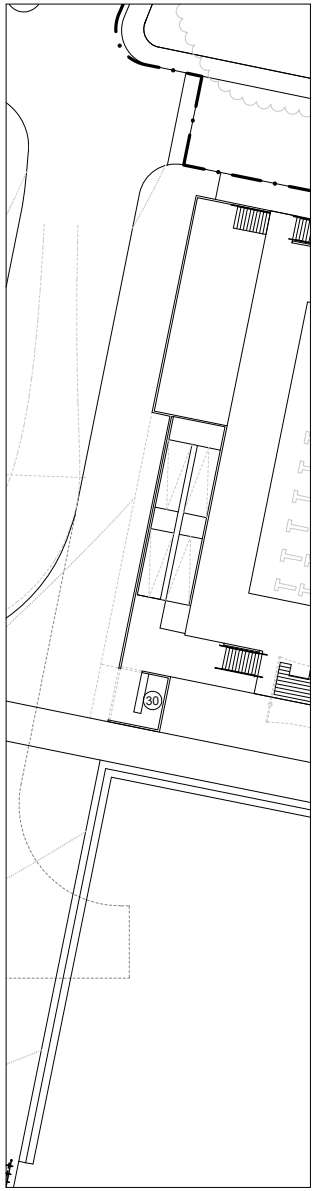
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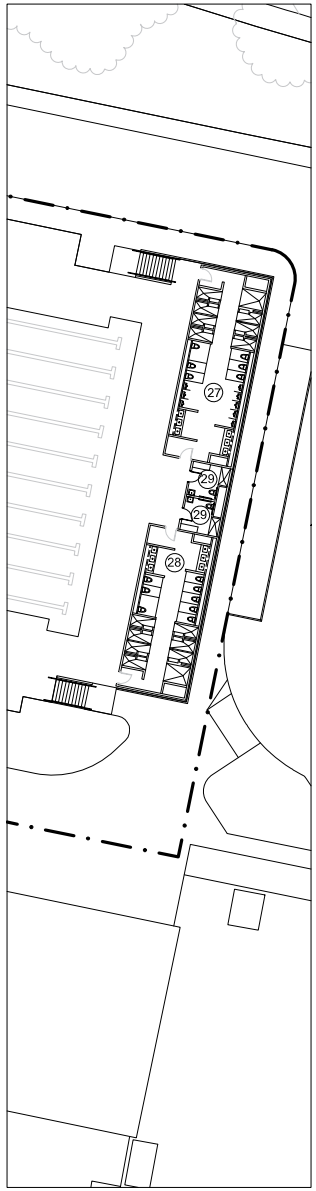
BEACH ACCESS RESTROOMS & TRASH



ENLARGED MAIN FACILITY BUILDING PLAN



MYRTHA POOL (N) TICKET BOOTH



MYRTHA POOL (N) RESTROOM/SHOWERS

Program Function		Conceptual Program				
		Quantity	Size	Area	Outdoor NSF	Indoor NSF
Rm.#	Public Spaces					
1	Lobby	1	65' x 18'	1,198 SF	1,198 SF	
2	Concession	2	15' x 23', 22' x 10'	298 SF		595 SF
3	Concession Storage	2	11' x 17', 13' x 13'	188 SF		375 SF
4	Men's Public Restrooms	1	35' x 14'	423 SF		423 SF
5	Women's Public restrooms	1	35' x 25'	865 SF		865 SF
	NSF Subtotal				1,198 SF	2,258 SF
Rm.#	Aquatics Support	Quantity	Size	Area	Outdoor NSF	Indoor NSF
6	General Women's Lockers	2	15' x 68'	936 SF		1,872 SF
7	General Men's Lockers	2	15' x 68'	936 SF		1,872 SF
8	Staff Locker Rooms	2	26' x 17'	420 SF		840 SF
9	Family Changing Rooms	6	9' x 10'	87 SF		522 SF
10	Pool/Guard Office 50m Pool	1	19' x 14'	291 SF		291 SF
11	Pool/Guard Office Diving/Rec Pools	1	15' x 13'	195 SF		195 SF
12	Timing Room	1	19' x 14'	291 SF		291 SF
13	Storage Room	1	19' x 74'	1,457 SF	1,457 SF	
14	Storage Room	1	19' x 54'	1,067 SF	1,067 SF	
15	Storage Room	1	13' x 13'	165 SF		165 SF
16	Pool Filter Room	1	62' x 35'	2,174 SF		2,174 SF
	NSF Subtotal				2,524 SF	8,222 SF
Rm.#	Parks & recreation Department Offices	Quantity	Size	Area	Outdoor NSF	Indoor NSF
17	Aquatic Director Office	1	17' x 11'	202 SF		202 SF
18	Aquatic Programers Office	2	12' x 10'	128 SF		256 SF
19	Open landscape Partition	1	21' x 24'	512 SF		512 SF
20	Work Room	1	8' x 11'	95 SF		95 SF
	NSF Subtotal					1,065 SF
Rm.#	Building Support	Quantity	Size	Area	Outdoor NSF	Indoor NSF
21	Main Mechanical Room	1	47' x 16'	762 SF		762 SF
22	Main Electrical Room	1	14' x 16'	224 SF		224 SF
23	Main Technology/Communication Room	1	11' x 6'	70 SF		70 SF
24	Custodial Storage Room	1	10' x 8'	91 SF		91 SF
	NSF Subtotal					1,147 SF
	Net Area Square Footage	83%				12,692 SF
	Walls/Circulation/Mechanical	17%				2,684 SF
	Total Gross Square Feet	100%			3,722 SF	15,376 SF
Rm.#	Outbuilding	Quantity	Size	Area	Outdoor NSF	Indoor NSF
25	Beach Access Restroom (Unisex)	2	10' x 5'	54 SF		108 SF
26	Trash Enclosure	1	22' x 14'	308 SF		308 SF
	NSF Subtotal					416 SF
Rm.#	Myrtha Pool Restroom/Showers	Quantity	Size	Area	Outdoor NSF	Indoor NSF
27	Men's Restrooms and Showers	1	18' x 53'	877 SF		877 SF
28	Women's Restroom and Showers	1	18' x 46'	757 SF		757 SF
29	Family Changing Rooms	2	10' x 9'	87 SF		174 SF
30	Ticket Booth	1	14' x 14'	197 SF		197 SF
	NSF Subtotal					2,005 SF
	Net Area Square Footage	74%				2,005 SF
	Walls/Circulation/Mechanical	26%				694 SF
	Total Gross Square Feet	100%				2,699 SF
	GRAND TOTAL SQUARE FEET				3,722 SF	18,075 SF

Restroom Program		Conceptual Program				
Rm.#	Program Function	Quantity	Water Closets	Urinals	Lavs	Showers
	Public Spaces					
4	Men's Public Restrooms	1	6	6	5	
5	Women's Public restrooms	1	20		8	
	Total	2	26	6	13	
	Aquatics Support					
6	General Women's Lockers	2	5		4	5
7	General Men's Lockers	2	3	6	4	5
8	Staff Locker Rooms	2	2		2	2
9	Family Changing Rooms	6	1		1	1
	Total	12	11	6	11	13
	Outbuilding					
25	Beach Access Restroom (Unisex)	2	1		1	
	Total	2	1		1	
	Myrtha Pool Restroom/Showers					
27	Men's Restrooms and Showers	1	6	8	6	8
28	Women's Restroom and Showers	1	8		6	8
29	Family Changing Rooms	2	1		1	1
	Total	4	15	8	13	17

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

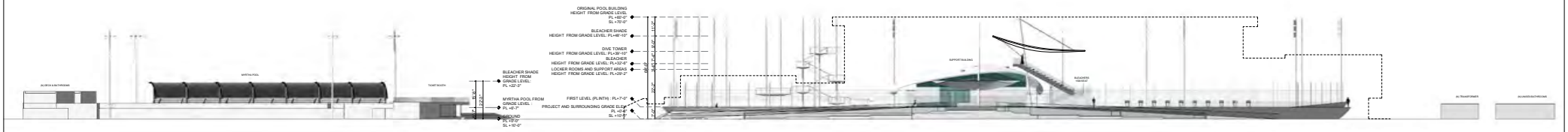
BELMONT BEACH AND AQUATICS CENTER

ENLARGE FLOOR PLAN (ROOM SIZE)

December 20 2019

P-13

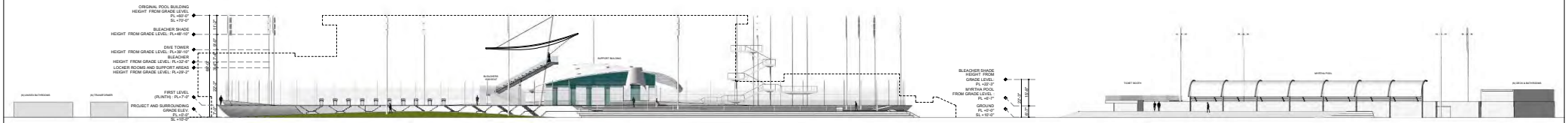
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OVERALL NORTH ELEVATION

2019 - 12 - 20

0 10 20 40 60



OVERALL SOUTH ELEVATION

2019 - 12 - 20

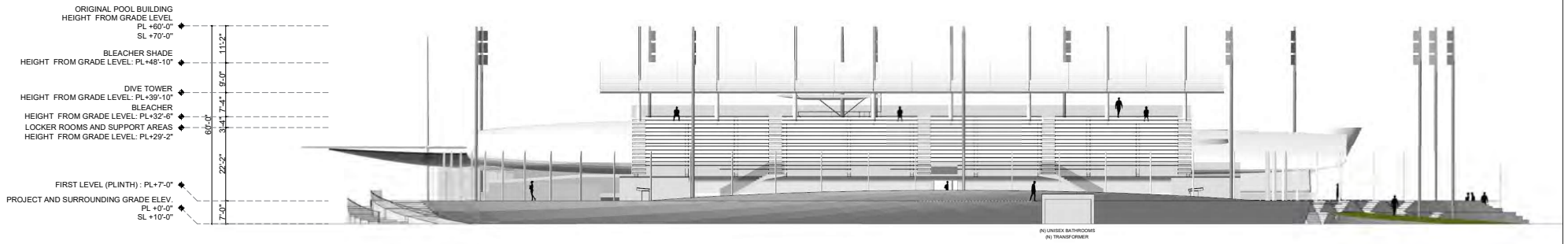
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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

ELEVATIONS
December 20 2019
P-14

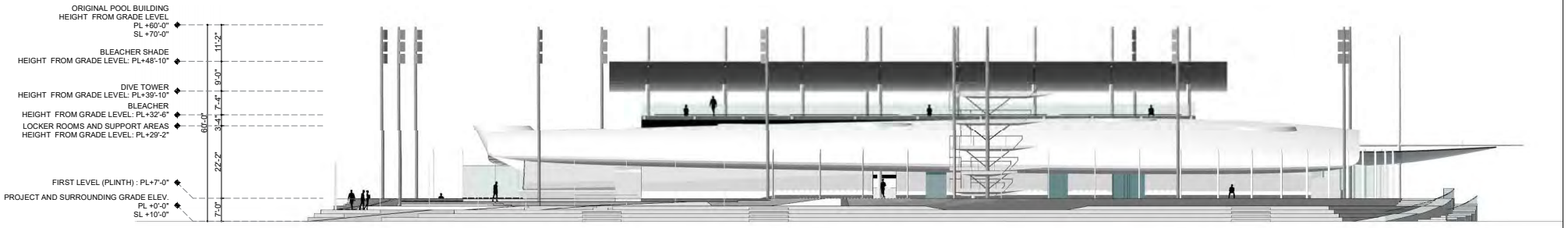
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WEST ELEVATION

2019 • 12 • 20

0 10 20 40 60



EAST ELEVATION

2019 • 12 • 20

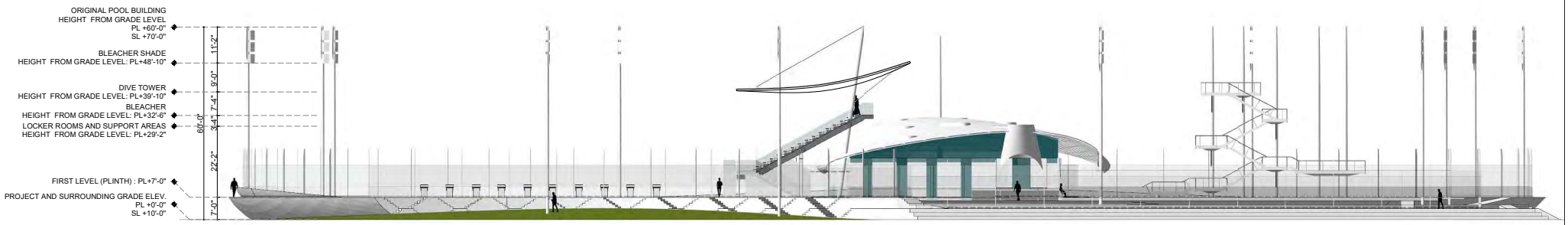
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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

ELEVATIONS
December 20 2019
P-15

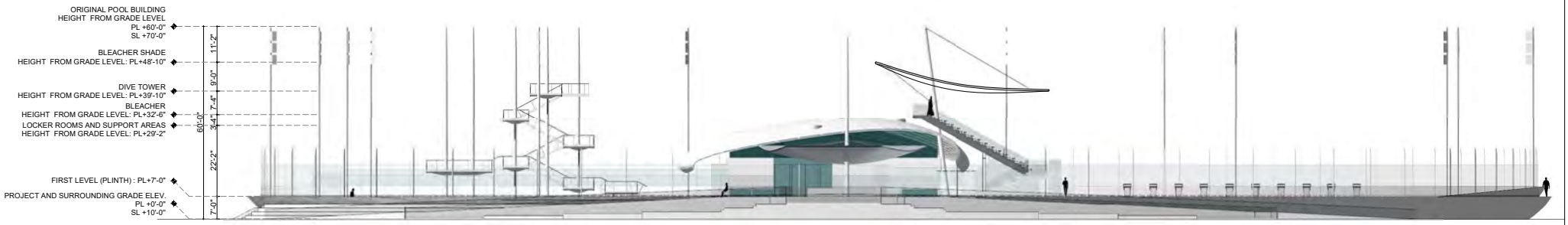
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SOUTH ELEVATION

2019 • 12 • 20

0 10 20 40 60



NORTH ELEVATION

2019 • 12 • 20

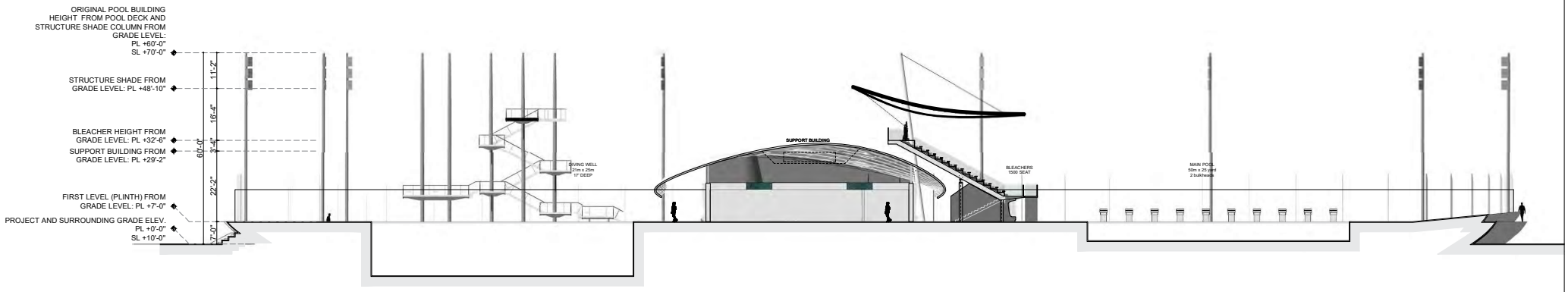
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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

ELEVATIONS
December 20 2019
P-16

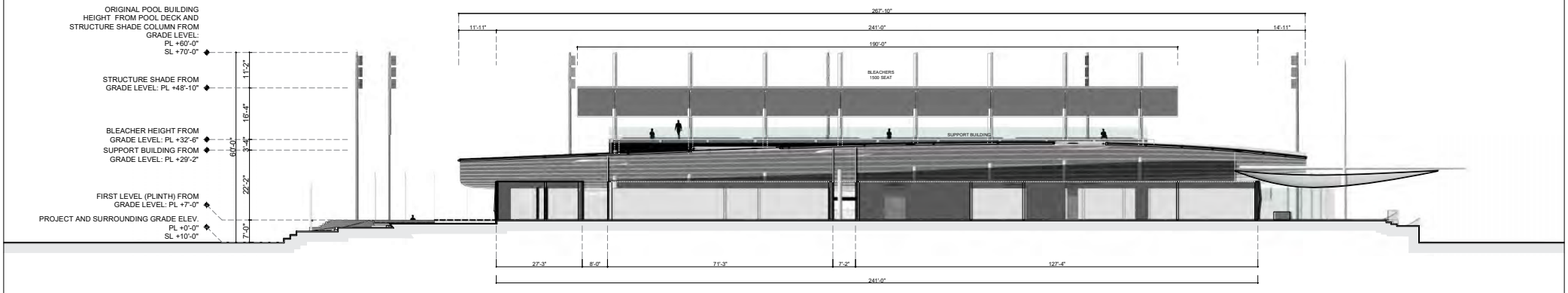
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A-SECTION

2019 - 12 - 20

0 05 10 20



B-SECTION

2019 - 12 - 20

0 05 10 20

TIDELANDS CAPITAL IMPROVEMENT PROJECT

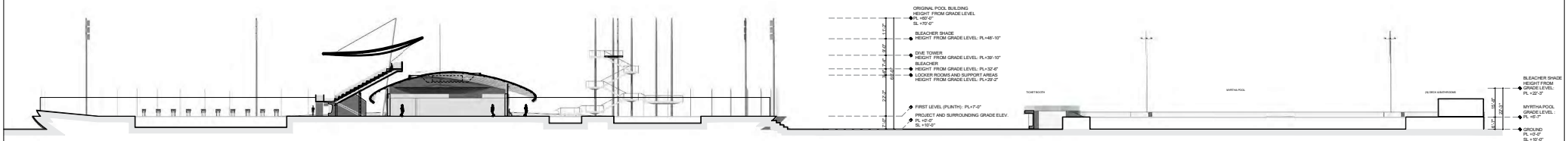
BELMONT BEACH AND AQUATICS CENTER

SECTIONS

December 20 2019

P-17

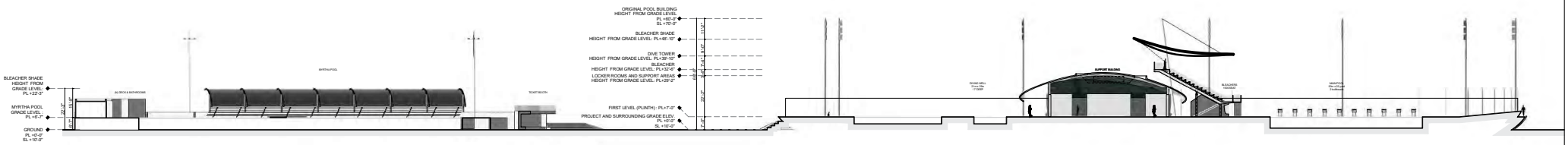
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OVERALL SECTION - D

2019 • 12 • 20

0 10 20 40 60



OVERALL SECTION - C

2019 • 12 • 20

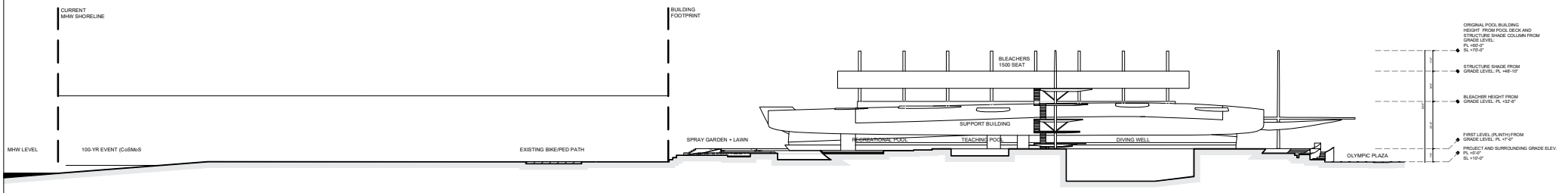
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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

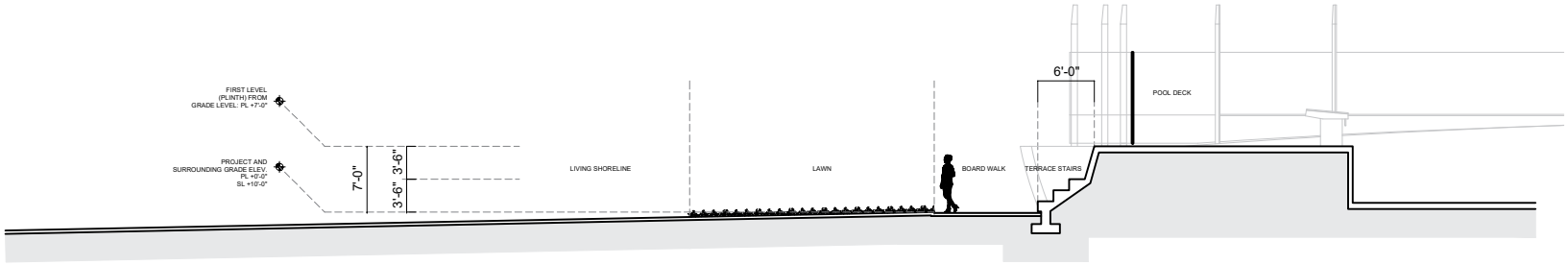
SECTIONS
December 20 2019
P-18

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E SECTION WAVE UPRUSH

2020 - 04 - 06 | 0 | 02 | 05



F SECTION LIVING SHORELINE/SAND

2020 - 04 - 06 | 0 | 02 | 05

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

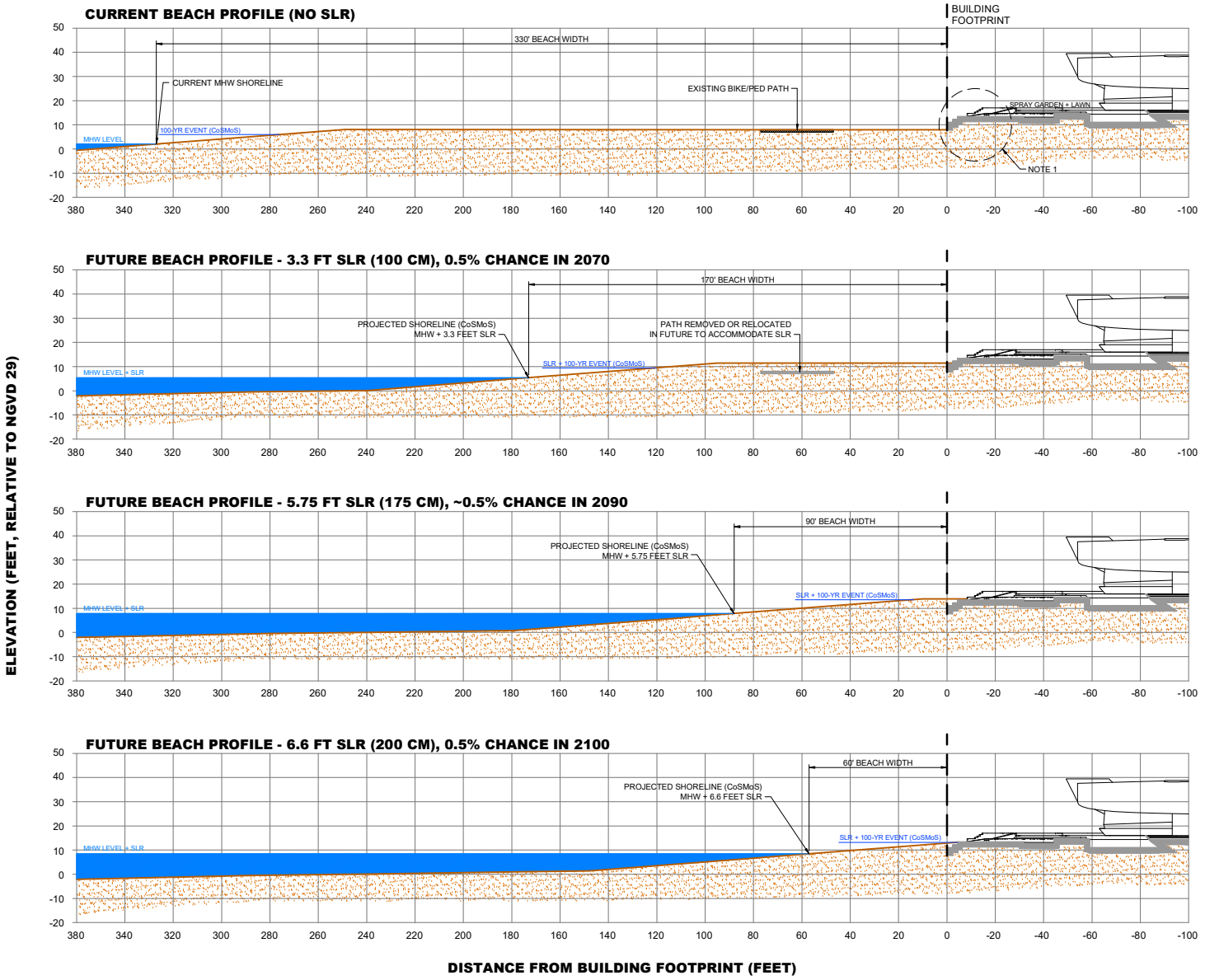
SHORELINE SECTION

April 06 2020

P-19

moffatt & nichol

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NOTES

1. FOUNDATION DETAILS NOT SHOWN. PLEASE REFER TO OTHER DRAWINGS.

TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

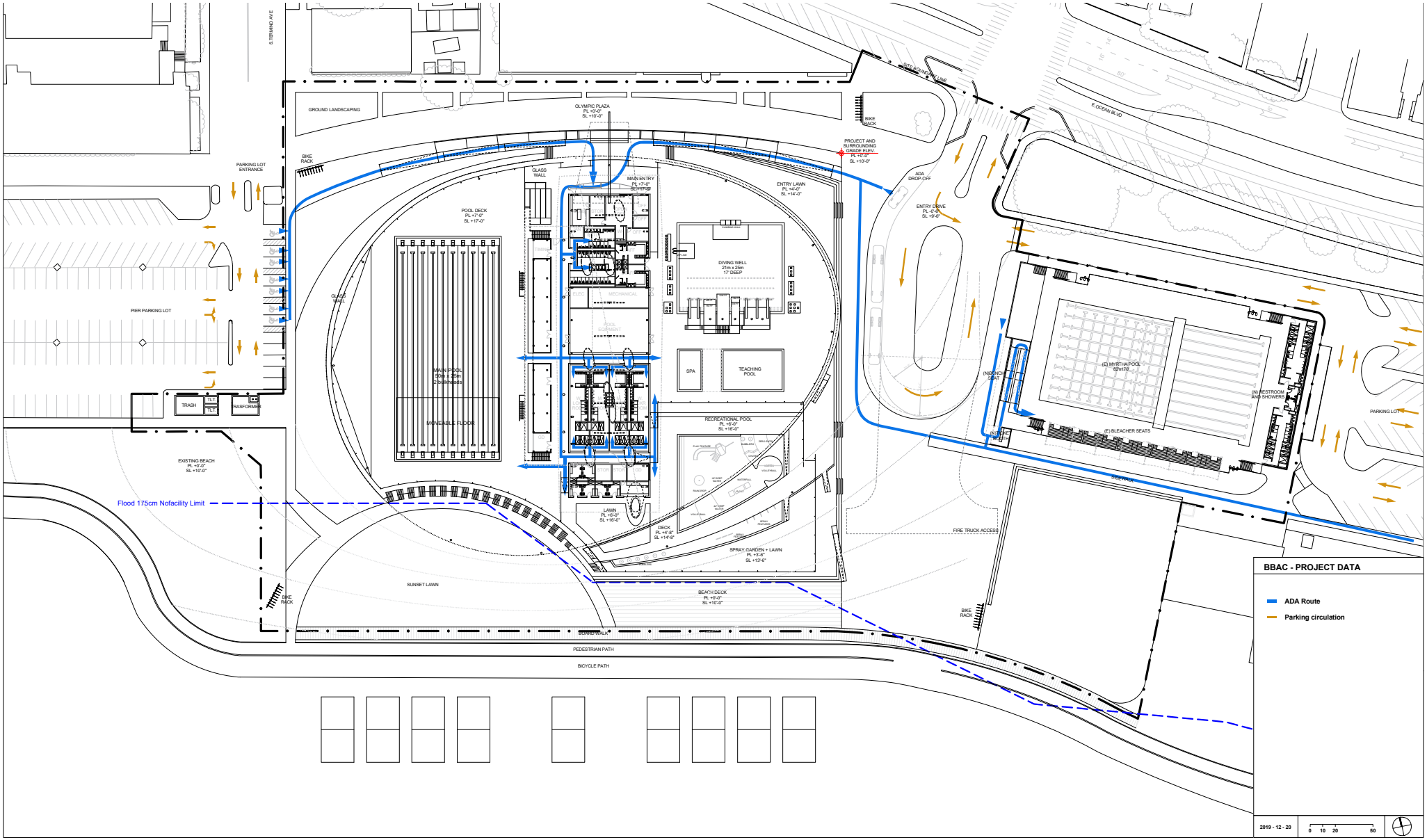
CURRENT AND FUTURE BEACH PROFILES

April 06 2020

P-25

Moffatt & Nichol

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

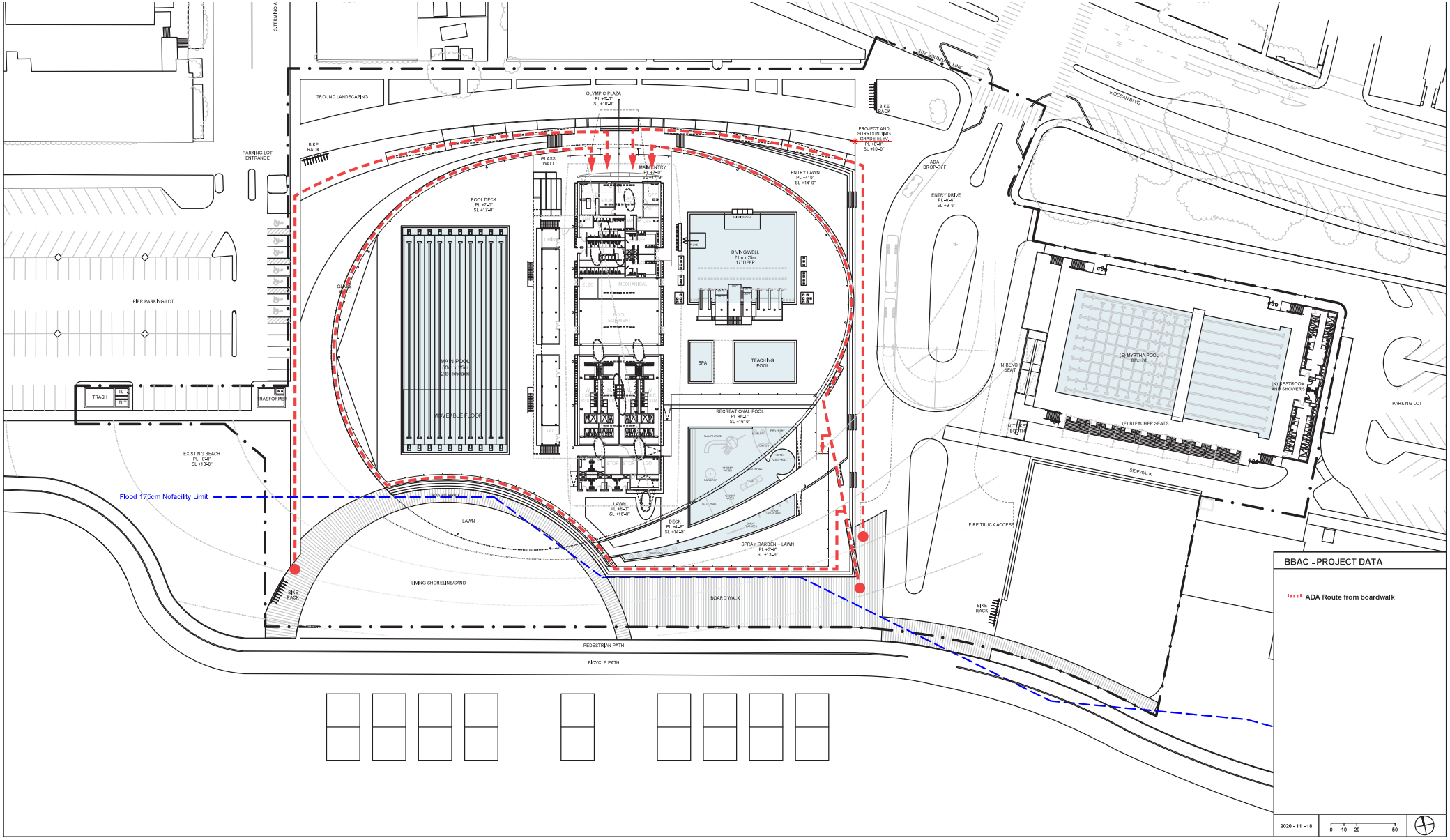
BELMONT BEACH AND AQUATICS CENTER

ADA ACCESS ROUTE

December 20 2019

P-19

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

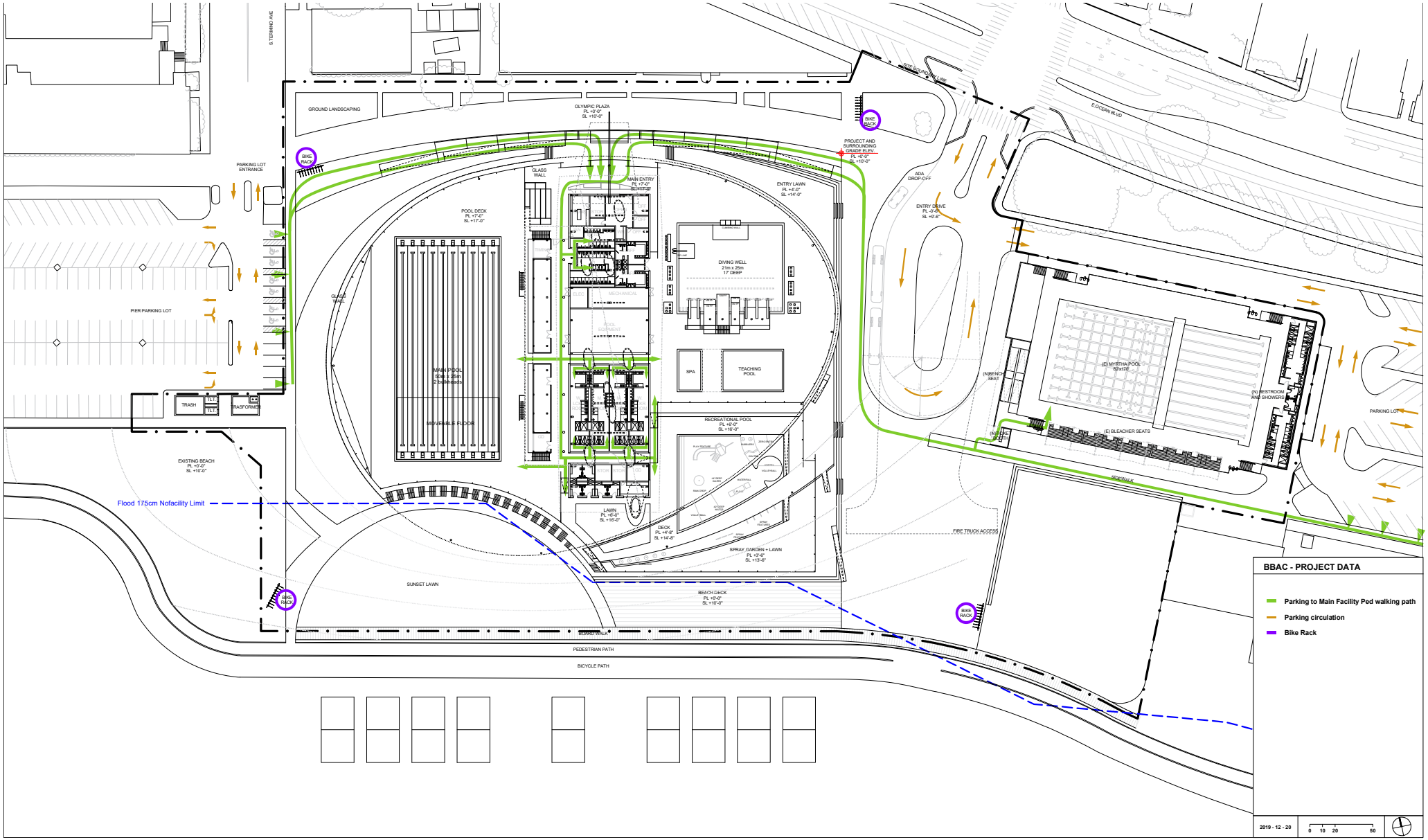
BELMONT BEACH AND AQUATICS CENTER

ADA ACCESS ROUTE FROM BOARDWALK

November 20 2020

P-40

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TIDELANDS CAPITAL IMPROVEMENT PROJECT

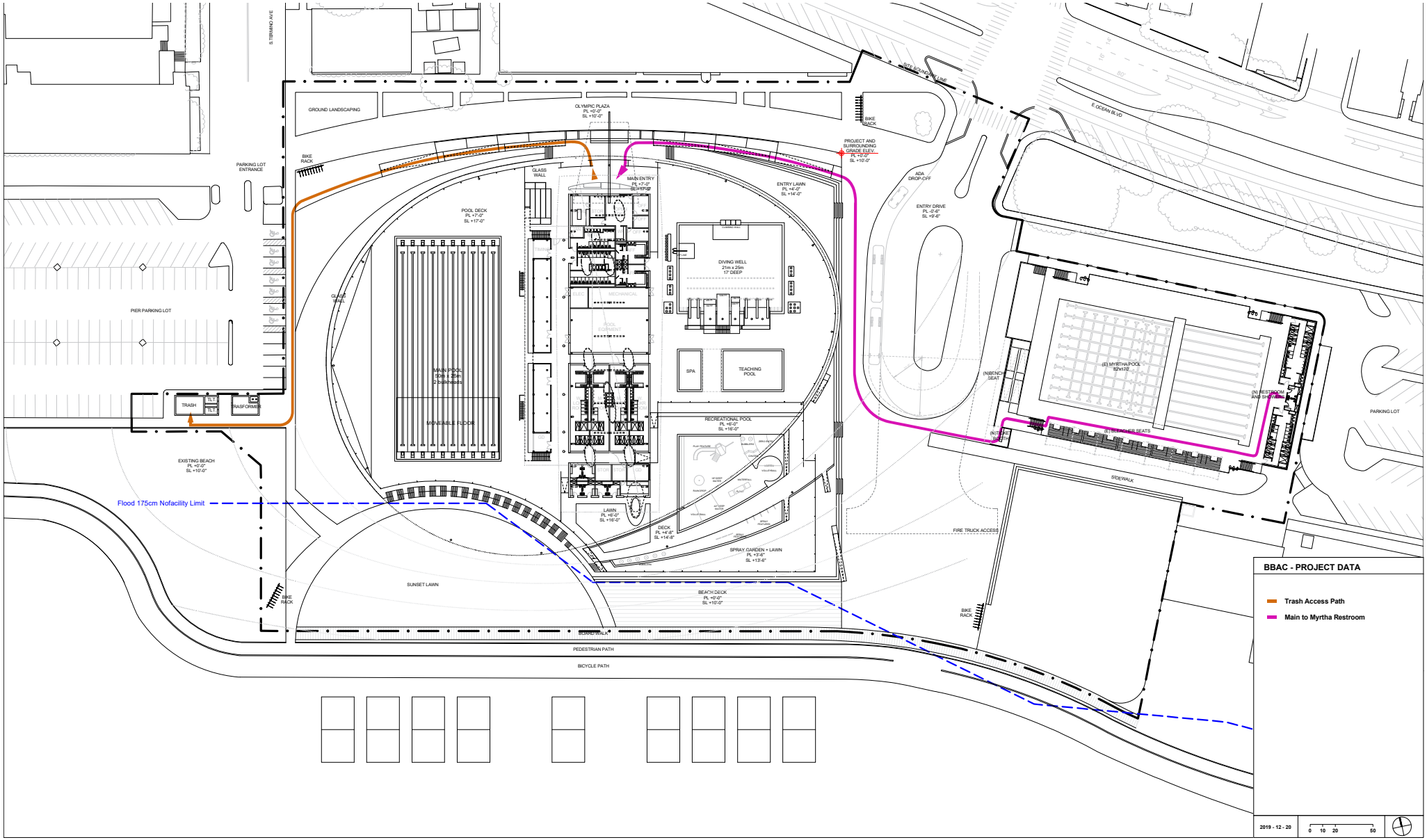
BELMONT BEACH AND AQUATICS CENTER

PARKING TO FACILITY ACCESS ROUTE

December 20 2019

P-20

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TIDELANDS CAPITAL IMPROVEMENT PROJECT

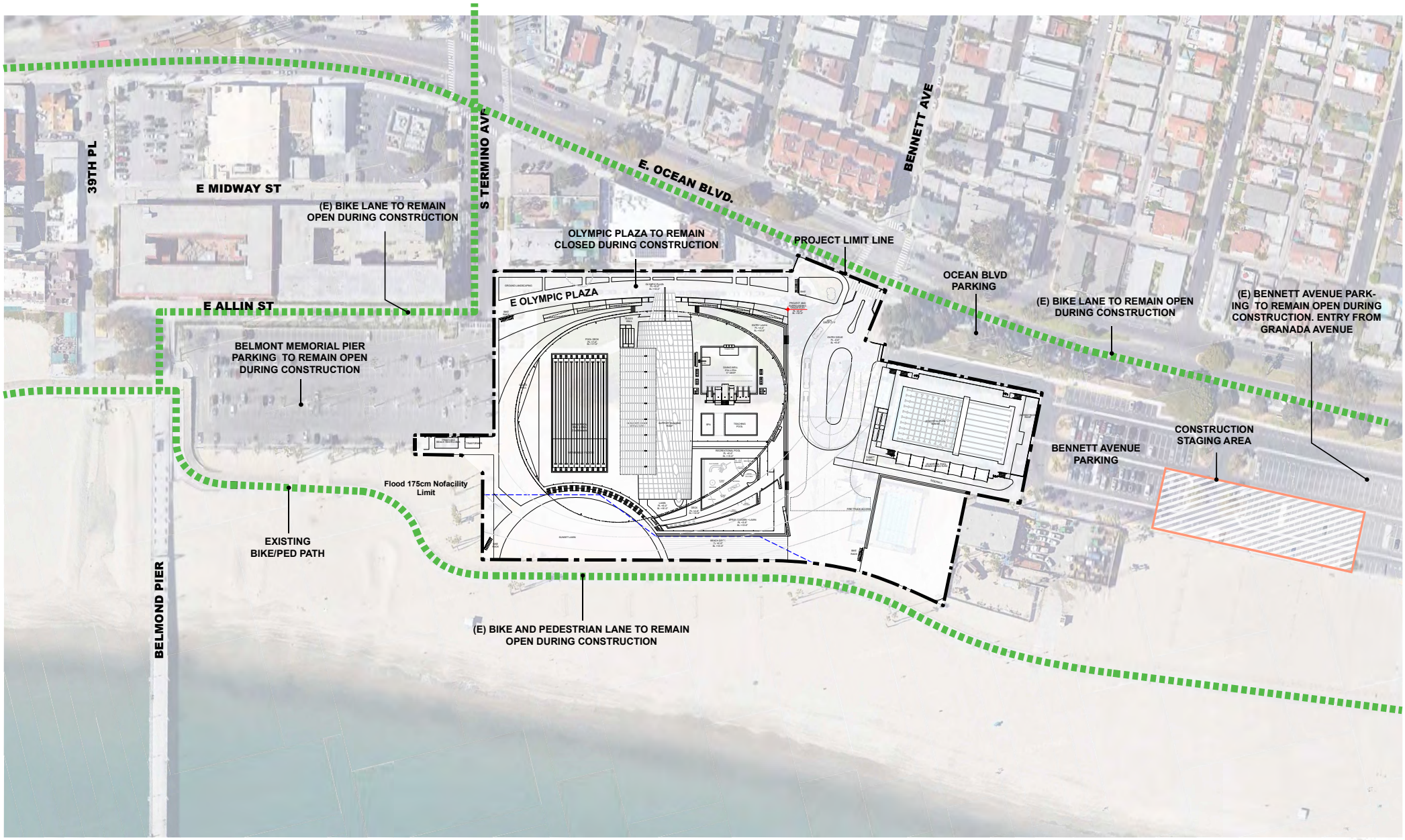
BELMONT BEACH AND AQUATICS CENTER

TRASH AND MYRTHA POOL ACCESS

December 20 2019

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

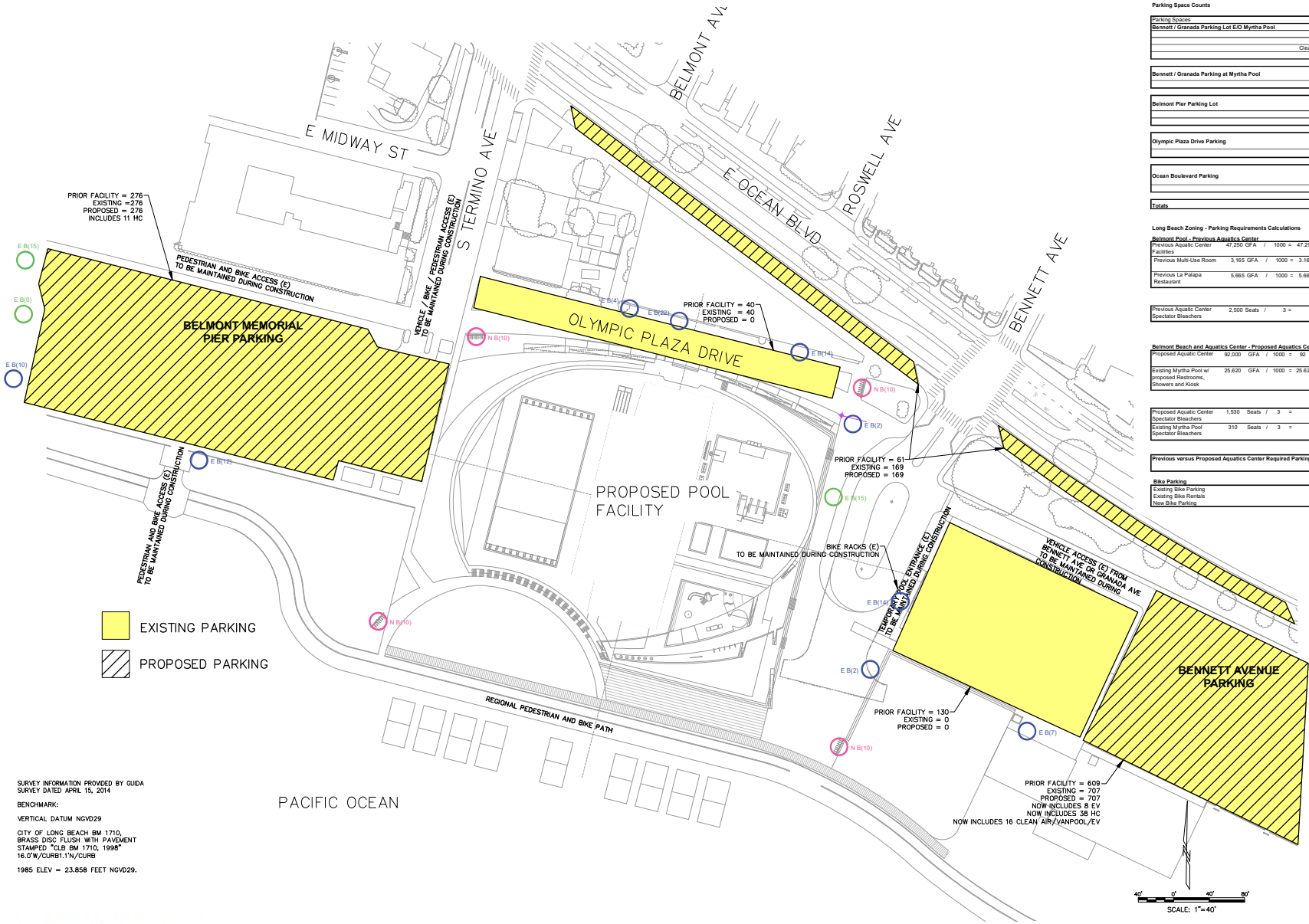
BELMONT BEACH AND AQUATICS CENTER

CONSTRUCTION IMPACT DIAGRAM

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City of Long Beach
Belmont Beach and Aquatics Center

Parking Space Counts

Parking Spaces	Baseline	Proposed	Notes
Bennett / Granada Parking Lot E/O Myrtha Pool	**609**	**707**	Since the project started, the parking lot has been restripped to add 98 parking stalls. The "proposed" is the as-built condition.
EV	-	8	
HC	-	38	
Clean Air VP EV	-	16	
Standard	-	645	
Bennett / Granada Parking at Myrtha Pool	**130**	**0**	130 parking stalls were removed to accommodate the Myrtha pool. The proposed project incorporates the Myrtha pool.
Standard	130		
Belmont Pier Parking Lot	**276**	**276**	No changes have, or are scheduled to take place within this parking lot.
HC	11	11	
Standard	265	265	
Olympic Plaza Drive Parking	**40**	**0**	40 parrallel parking stalls currently exist on Olympic Plaza Drive. The proposed project will convert the right of way into a pedestrian friendly open space.
Standard	40		
Ocean Boulevard Parking	**61**	**169**	City added diagonal parking to replace the previous parrallel parking along Ocean Blvd between Termino Ave and Granada Ave for the increase in parking stalls.
Standard	61	169	
Totals	**1116**	**1152**	36 Additional parking spaces from previous facility

Long Beach Zoning - Parking Requirements Calculations

Belmont Pool - Previous Aquatics Center										**Parking Requirements Formula**
Previous Aquatic Center Facilities	47,250	GFA	/ 1000 =	47.25	x 4 =	189	+ 5 =	194	Parking Spaces	Athletic club 5 space plus 4 spaces per 1,000 SF-GFA
Previous Multi-Use Room	3,165	GFA	/ 1000 =	3.165	x 25 =			80	Parking Spaces	Dance hall 25 spaces per 1,000 SF-GFA
Previous La Palapa Restaurant	5,665	GFA	/ 1000 =	5.665	x 10 =			57	Parking Spaces	Dinner restaurant 10 spaces per 1,000 SF-GFA
								274	Total Parking Spaces	
OR										
Previous Aquatic Center Spectator Bleachers	2,500	Seats	/ 3 =					834	Parking Spaces	1 space per 3 spectator seat
								834	**Total Parking Spaces**	

Belmont Beach and Aquatics Center - Proposed Aquatics Center, including Existing Myrtha Pool										**Parking Requirements Formula**
Proposed Aquatic Center	92,000	GFA	/ 1000 =	92	x 4 =	368	+ 5 =	373	Parking Spaces	Athletic club 5 space plus 4 spaces per 1,000 SF-GFA
Existing Myrtha Pool w/ proposed Restrooms, Showers and Kiosk	25,620	GFA	/ 1000 =	25.62	x 4 =	103	=	103	Parking Spaces	Athletic club 4 spaces per 1,000 SF-GFA
								476	Total Parking Spaces	
OR										
Proposed Aquatic Center Spectator Bleachers	1,530	Seats	/ 3 =					510	Parking Spaces	1 space per 3 spectator seat
Existing Myrtha Pool Spectator Bleachers	310	Seats	/ 3 =					104	Parking Spaces	1 space per 3 spectator seat
								614	**Total Parking Spaces**	

Previous versus Proposed Aquatics Center Required Parking		
	220	**Fewer Parking Spaces Required for Proposed BBAC than Previous Facility**

Bike Parking

Existing Bike Parking	87	Parking Spaces
Existing Bike Rentals	30	Parking Spaces
New Bike Parking	40	Parking Spaces
	157	**Total Parking Spaces**

SURVEY INFORMATION PROVIDED BY GUIDA SURVEY DATED APRIL 15, 2014

BENCHMARK:

VERTICAL DATUM NGVD29

CITY OF LONG BEACH BM 1710, BRASS DISC FLUSH WITH PAVEMENT STAMPED "CLB BM 1710, 1998" 16.0'W/CURB1.1'N/CURB

1985 ELEV = 23.858 FEET NGVD29.

TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

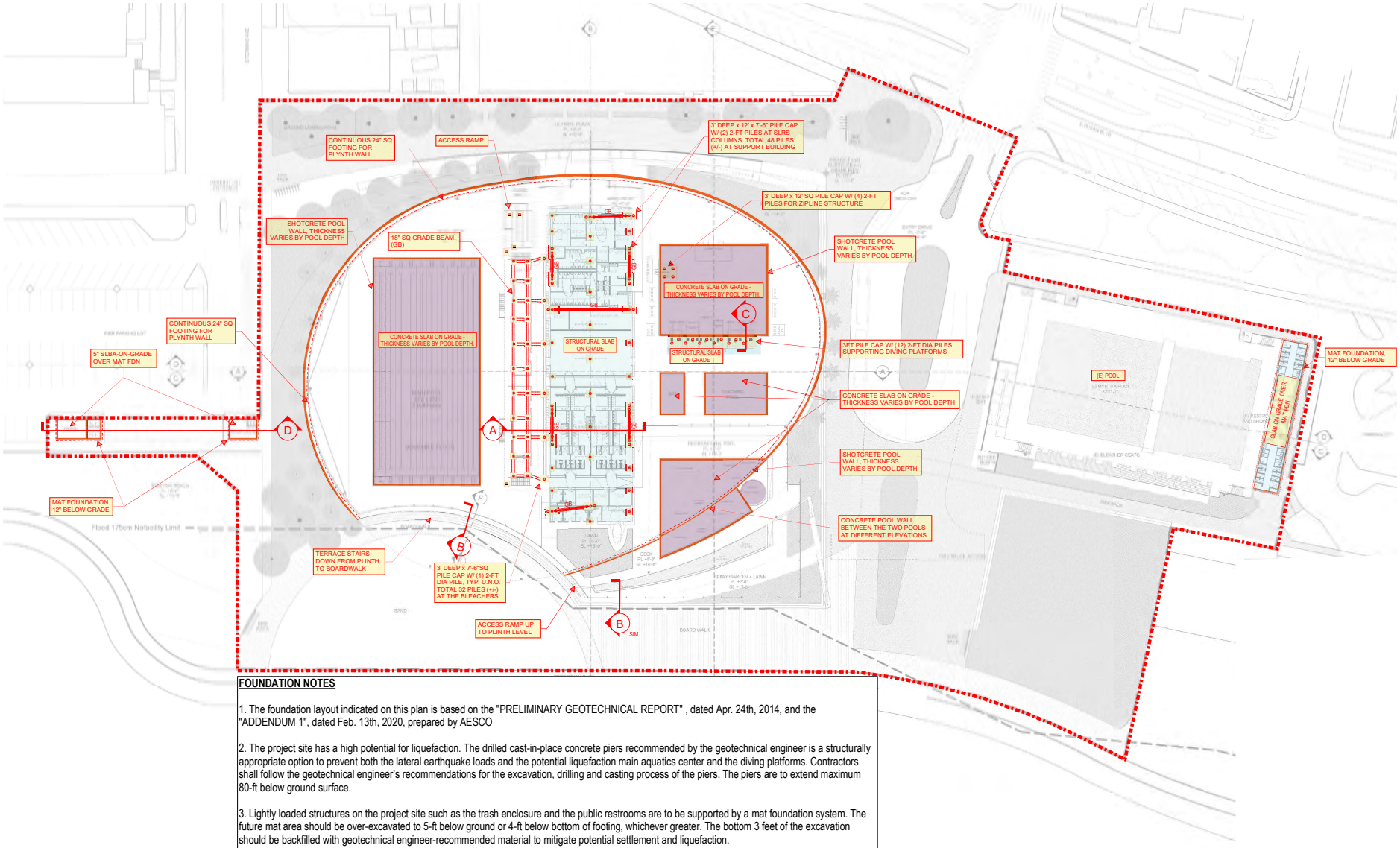
PARKING PLAN

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FOUNDATION NOTES

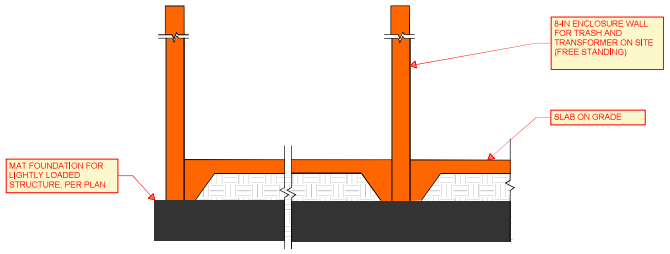
1. The foundation layout indicated on this plan is based on the "PRELIMINARY GEOTECHNICAL REPORT" , dated Apr. 24th, 2014, and the "ADDENDUM 1", dated Feb. 13th, 2020, prepared by AESCO

2. The project site has a high potential for liquefaction. The drilled cast-in-place concrete piers recommended by the geotechnical engineer is a structurally appropriate option to prevent both the lateral earthquake loads and the potential liquefaction main aquatics center and the diving platforms. Contractors shall follow the geotechnical engineer's recommendations for the excavation, drilling and casting process of the piers. The piers are to extend maximum 80-ft below ground surface.

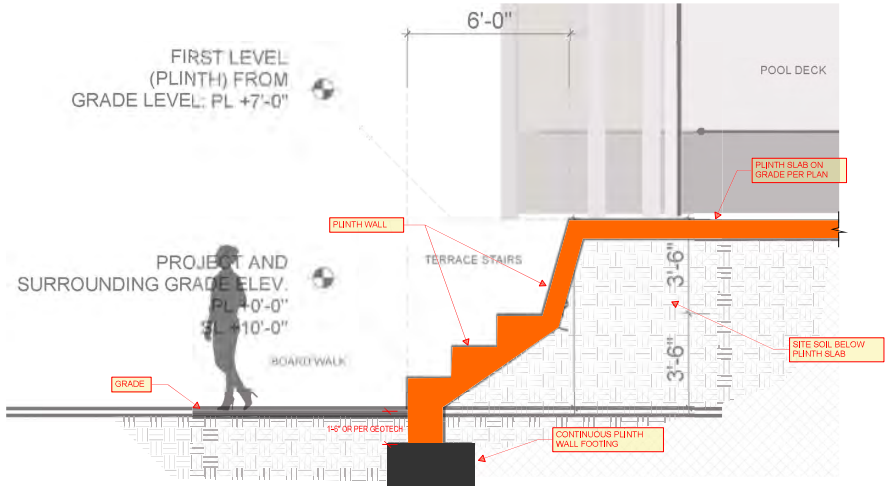
3. Lightly loaded structures on the project site such as the trash enclosure and the public restrooms are to be supported by a mat foundation system. The future mat area should be over-excavated to 5-ft below ground or 4-ft below bottom of footing, whichever greater. The bottom 3 feet of the excavation should be backfilled with geotechnical engineer-recommended material to mitigate potential settlement and liquefaction.

4. The future slab-on-grade shall extend minimum 5 inches above the final adjacent grade with 18-in thickened edge on non-bearing walls. Portions of structure below grade should be designed for buoyant conditions below an elevation of +5' (AMSL).

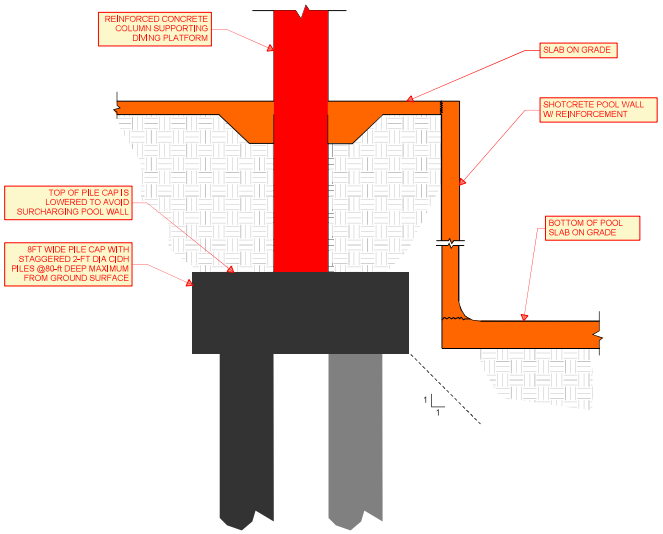
5. The average ground water level is at 6 to 9 feet below grade.



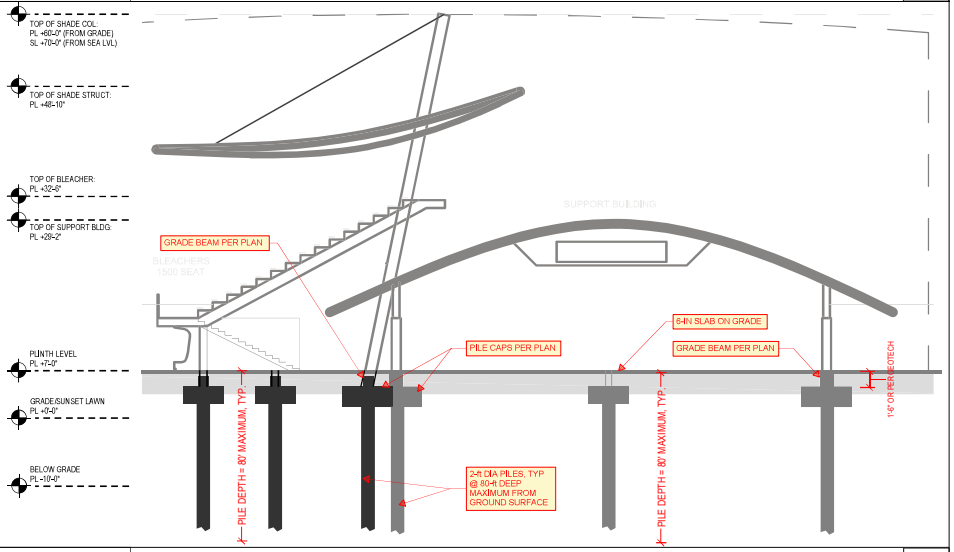
SCALE: 1/2" = 1'-0" | D



SCALE: 1/2" = 1'-0" | B



SCALE: 1/2" = 1'-0" | C



SCALE: 1/8" = 1'-0" | A

TIDELANDS CAPITAL IMPROVEMENT PROJECT

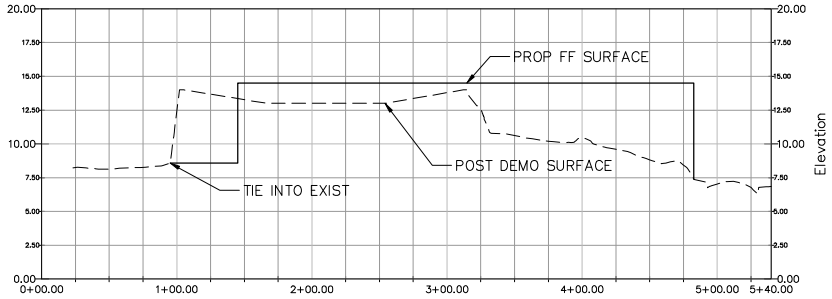
BELMONT BEACH AND AQUATICS CENTER

FOUNDATION SECTIONS

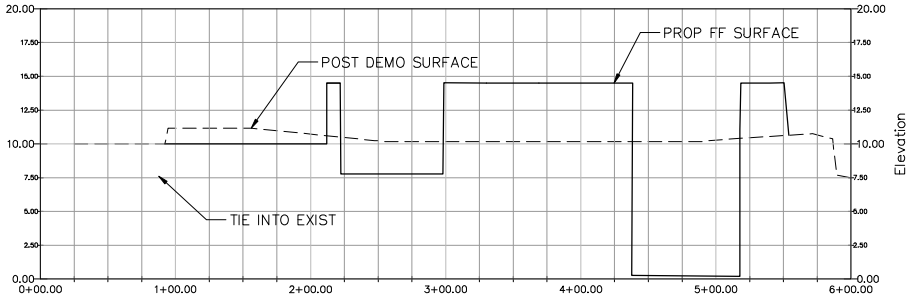
April 06 2020

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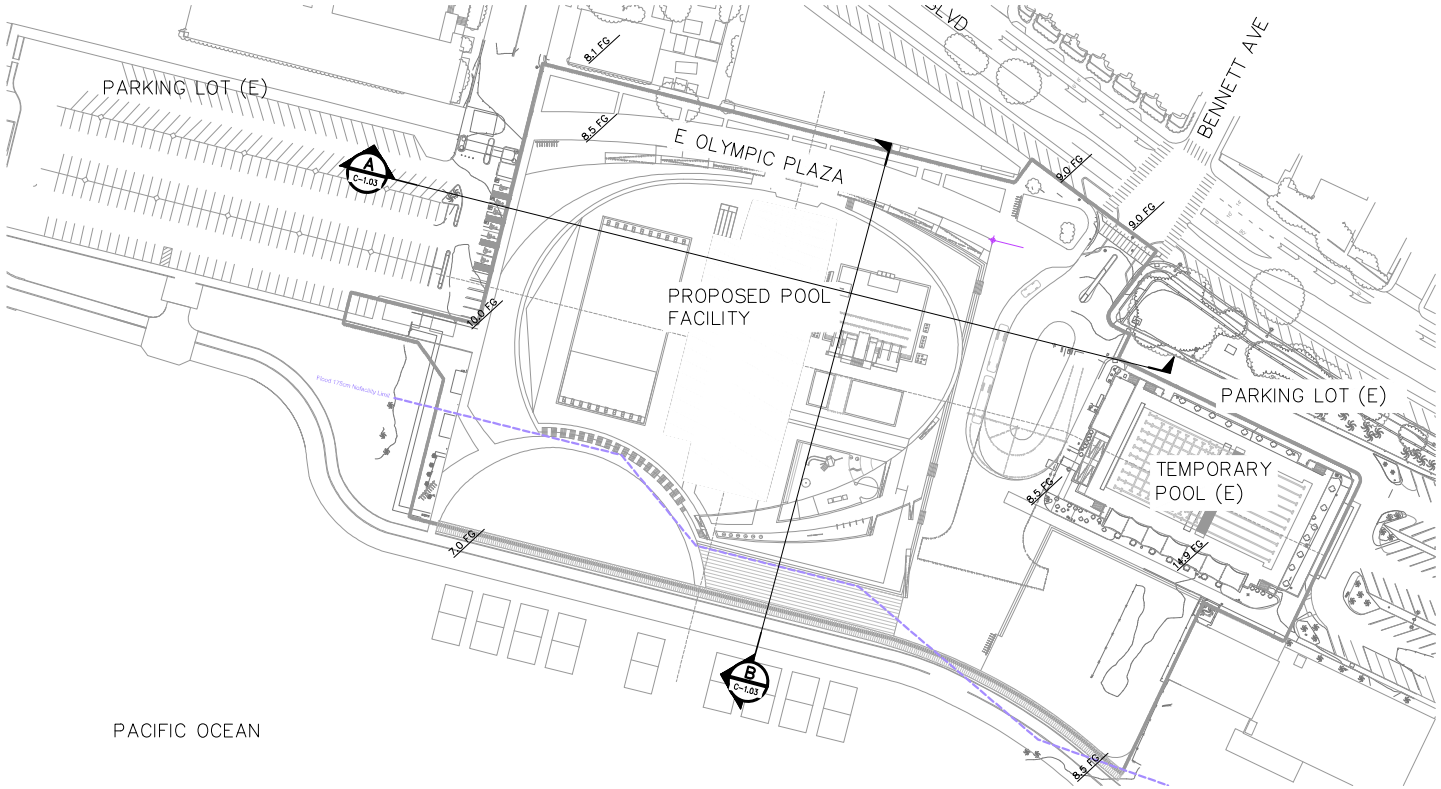
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B C-1.03 SECTION
SCALE: 1"=40' H 1"=4' V

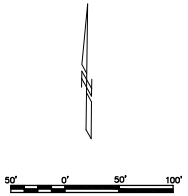


A C-1.03 SECTION
SCALE: 1"=40' H 1"=4' V



CUT = 17,500 CY
FILL = 9,000 CY
EXPORT=8,500 CY

MAX CUT = 10 FT (@DIVING POOL)
MAX FILL = 7 FT (@ POOL DECK)



File: XXXXXX
DATE: 01/30/19

TIDELANDS CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

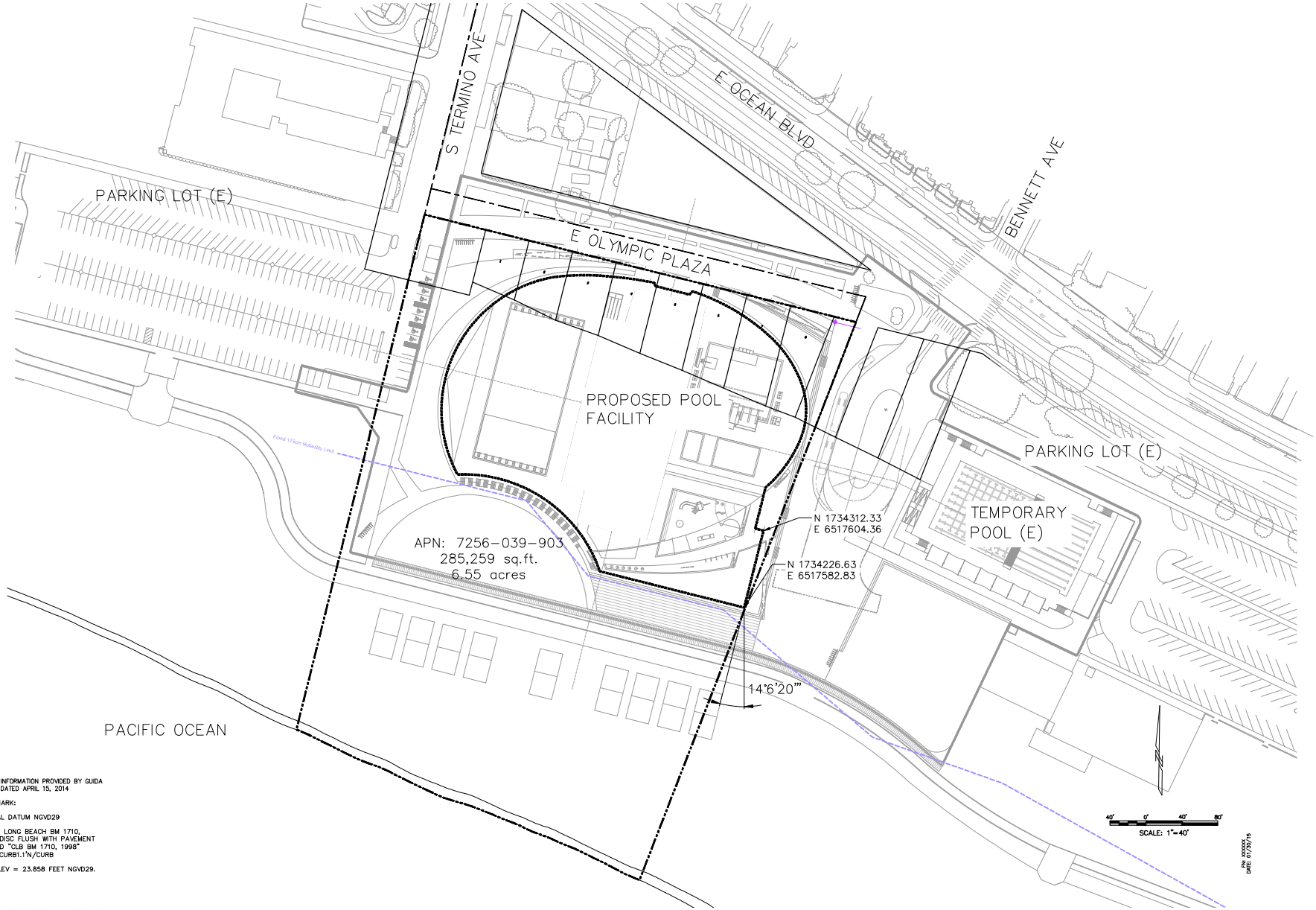
GRADING PLAN

December 20 2019

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SURVEY INFORMATION PROVIDED BY GUIDA SURVEY DATED APRIL 15, 2014

BENCHMARK:

VERTICAL DATUM NGVD29

CITY OF LONG BEACH BM 1710, BRASS DISC FLUSH WITH PAVEMENT STAMPED "CLB BM 1710, 1998" 16.0'W/CURB1.1'N/CURB

1985 ELEV = 23.858 FEET NGVD29.

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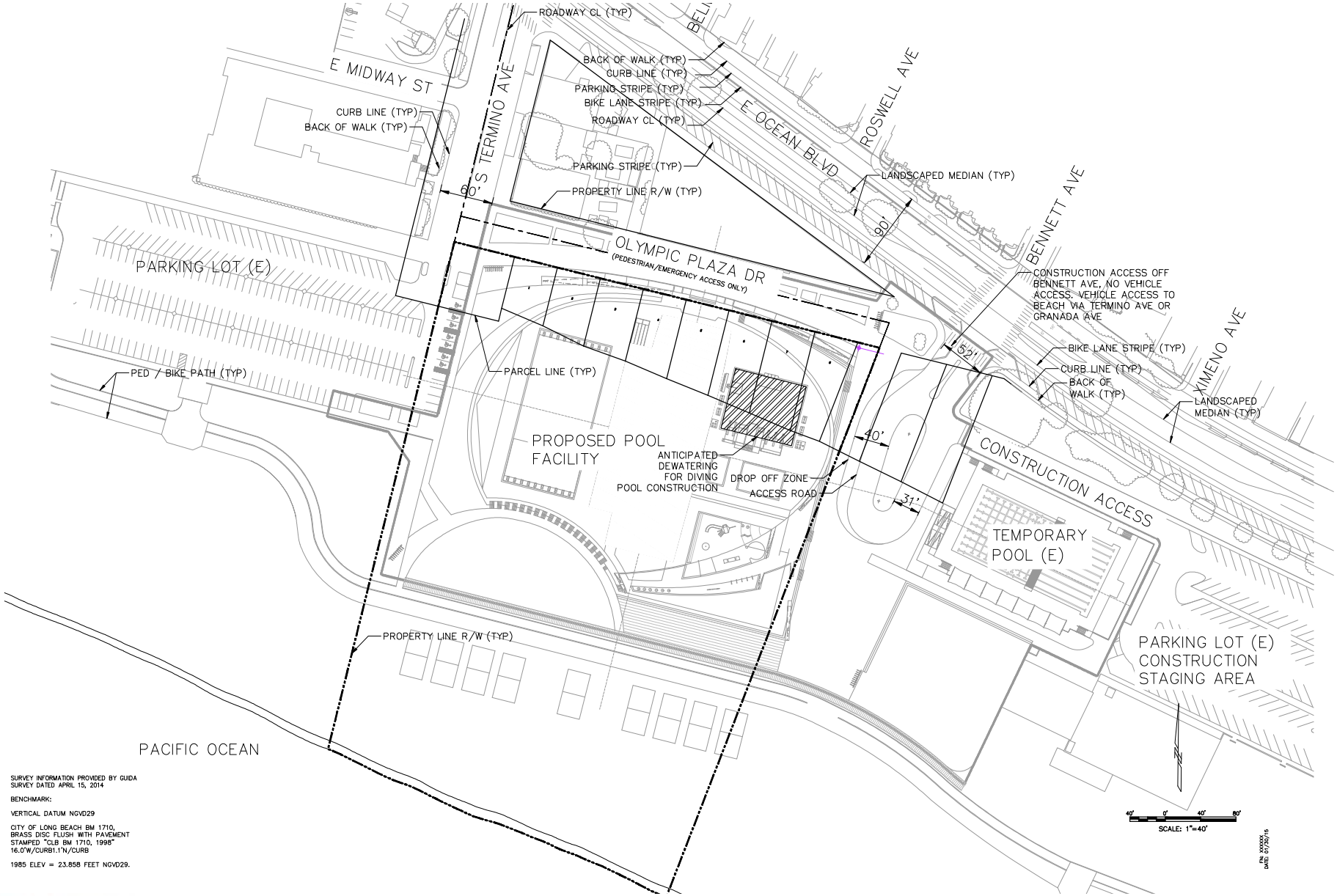
BELMONT BEACH AND AQUATICS CENTER

HORIZONTAL CONTROL PLAN

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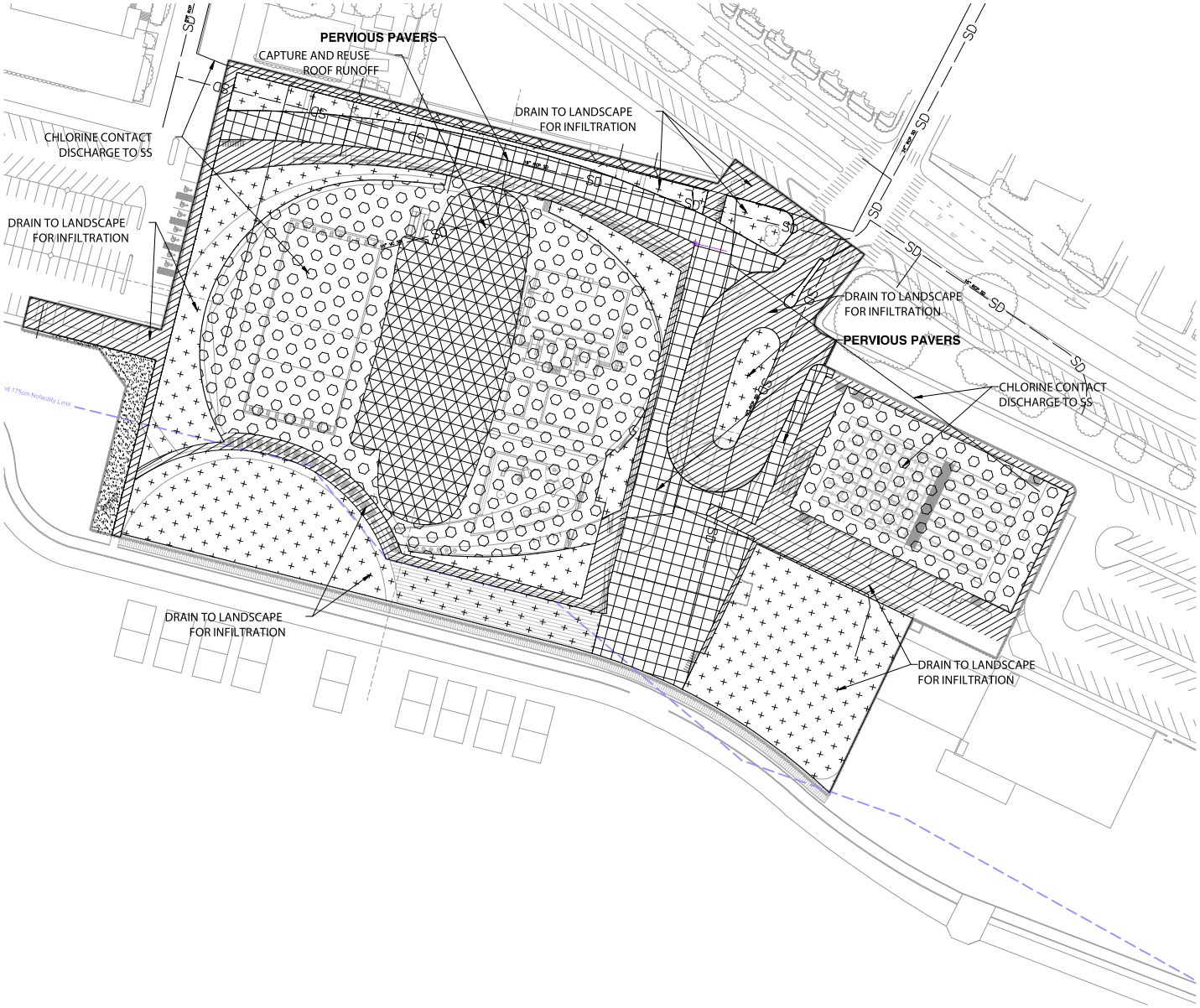
BELMONT BEACH AND AQUATICS CENTER

SITE TRAFFIC / DEWATERING PLAN

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LID STRATEGY			
	PERVIOUS LANDSCAPE	1.91 AC	INFILTRATE RUNOFF TO MEET LID
	PERVIOUS DG/SAND	0.09 AC	INFILTRATE RUNOFF TO MEET LID
	PERVIOUS PAVEMENT	0.88AC	PAVERS INFILTRATE RUNOFF TO MEET LID
	IMPERVIOUS ROOF	0.70 AC	COLLECT AND REUSE TO MEET LID
	IMPERVIOUS PAVEMENT	1.48 AC	DRAIN TO LANDSCAPE FOR INFILTRATION
	INPERVIOUS CHLORINE CONTACT	2.31 AC	COLLECT AND TREAT FOR REUSE OR DISCHARGE TO SANITARY SEWER

40' 0' 40' 80'
SCALE: 1"=40'

FN: XXXXX
DATE: 01/30/15

TIDELANDS
CAPITAL IMPROVEMENT PROJECT

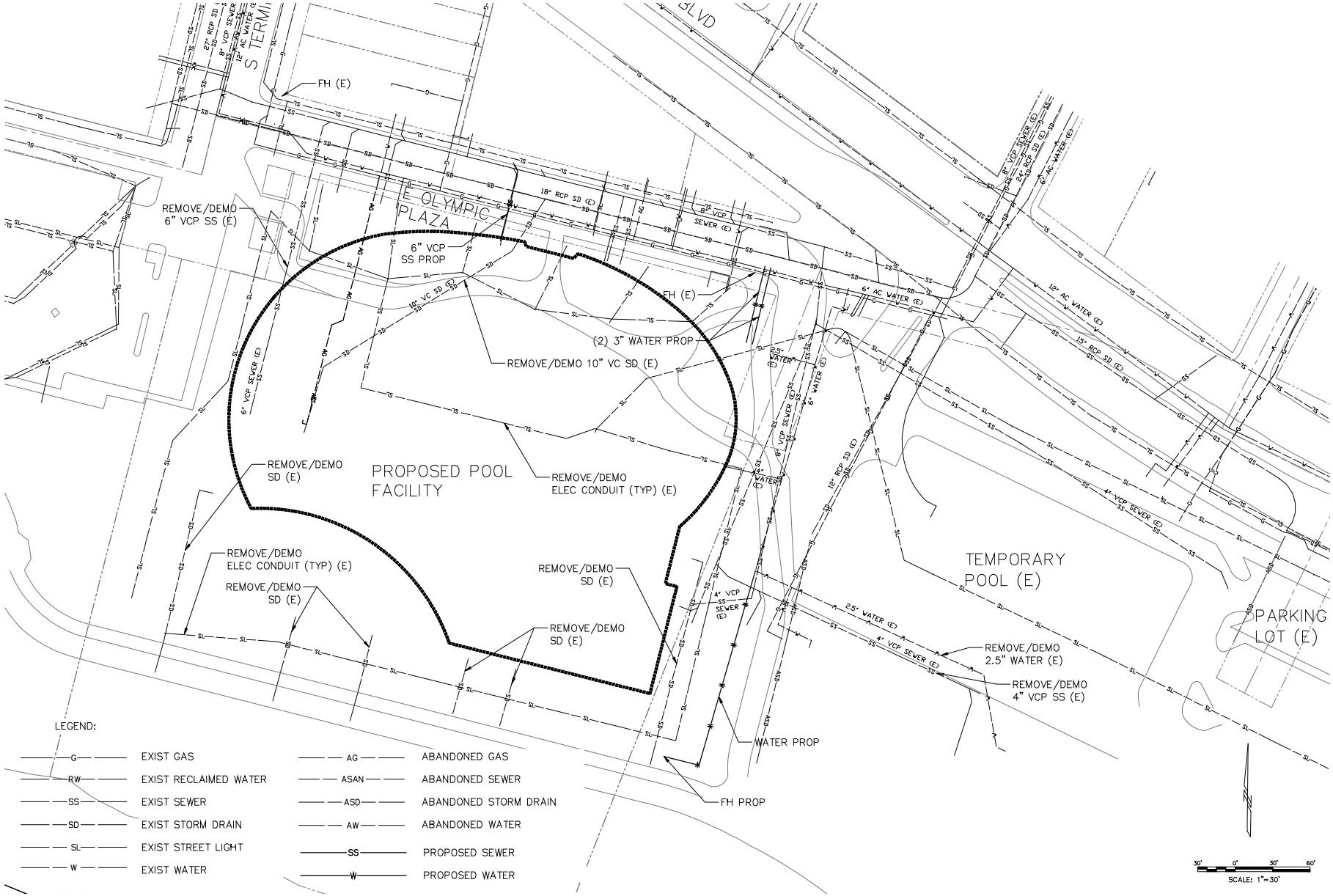
BELMONT BEACH AND AQUATICS CENTER

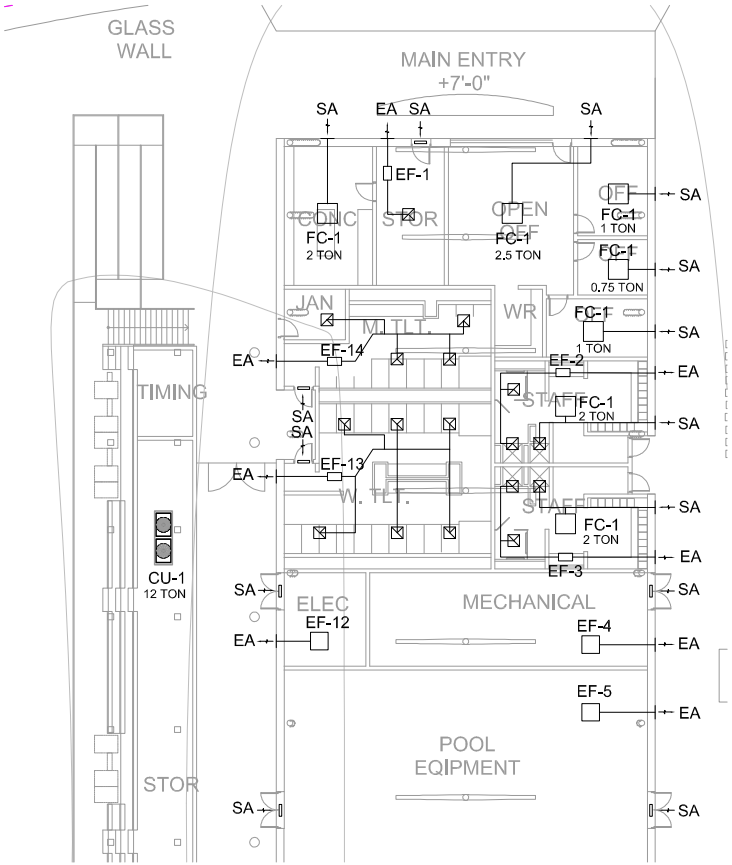
LOW IMPACT DEVELOPMENT (LID) CONCEPT PLAN

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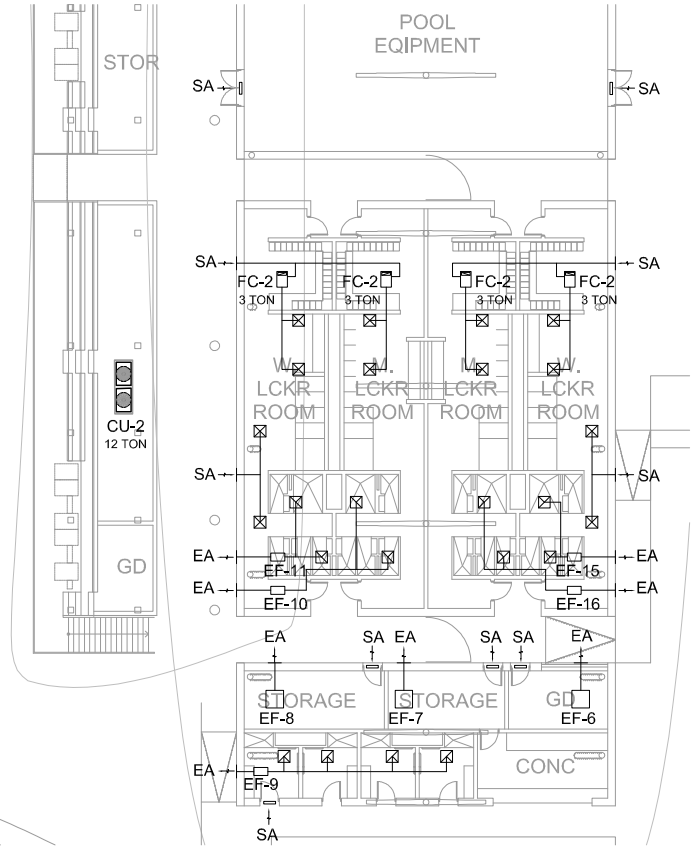
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E OLYMPIC PLAZA
FH (E)
REMOVE/DEMO 6" VCP SS (E)
6" VCP SS PROP
18" RCP SD (E)
8" VCP SEWER (E)
6" AC WATER (E)
12" AC WATER (E)
15" RCP SD (E)
(2) 3" WATER PROP
REMOVE/DEMO 10" VC SD (E)
FH (E)
REMOVE/DEMO SD (E)
PROPOSED POOL FACILITY
REMOVE/DEMO ELEC CONDUIT (TYP) (E)
REMOVE/DEMO ELEC CONDUIT (TYP) (E)
REMOVE/DEMO SD (E)
REMOVE/DEMO SD (E)
REMOVE/DEMO SD (E)
4" VCP SS SEWER (E)
2.5" WATER (E)
4" VCP SEWER (E)
TEMPORARY POOL (E)
PARKING LOT (E)
REMOVE/DEMO 2.5" WATER (E)
REMOVE/DEMO 4" VCP SS (E)
WATER PROP
FH PROP
LEGEND:
EXIST GAS
EXIST RECLAIMED WATER
EXIST SEWER
EXIST STORM DRAIN
EXIST STREET LIGHT
EXIST WATER
ABANDONED GAS
ABANDONED SEWER
ABANDONED STORM DRAIN
ABANDONED WATER
PROPOSED SEWER
PROPOSED WATER
SCALE: 1"=30'



1 ENLARGED MECHANICAL PLAN - UPPER SECTION

1/8" = 1'-0"

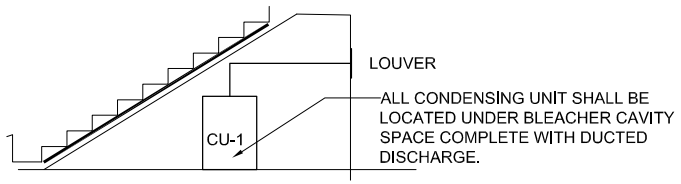


2 ENLARGED MECHANICAL PLAN - LOWER SECTION

1/8" = 1'-0"

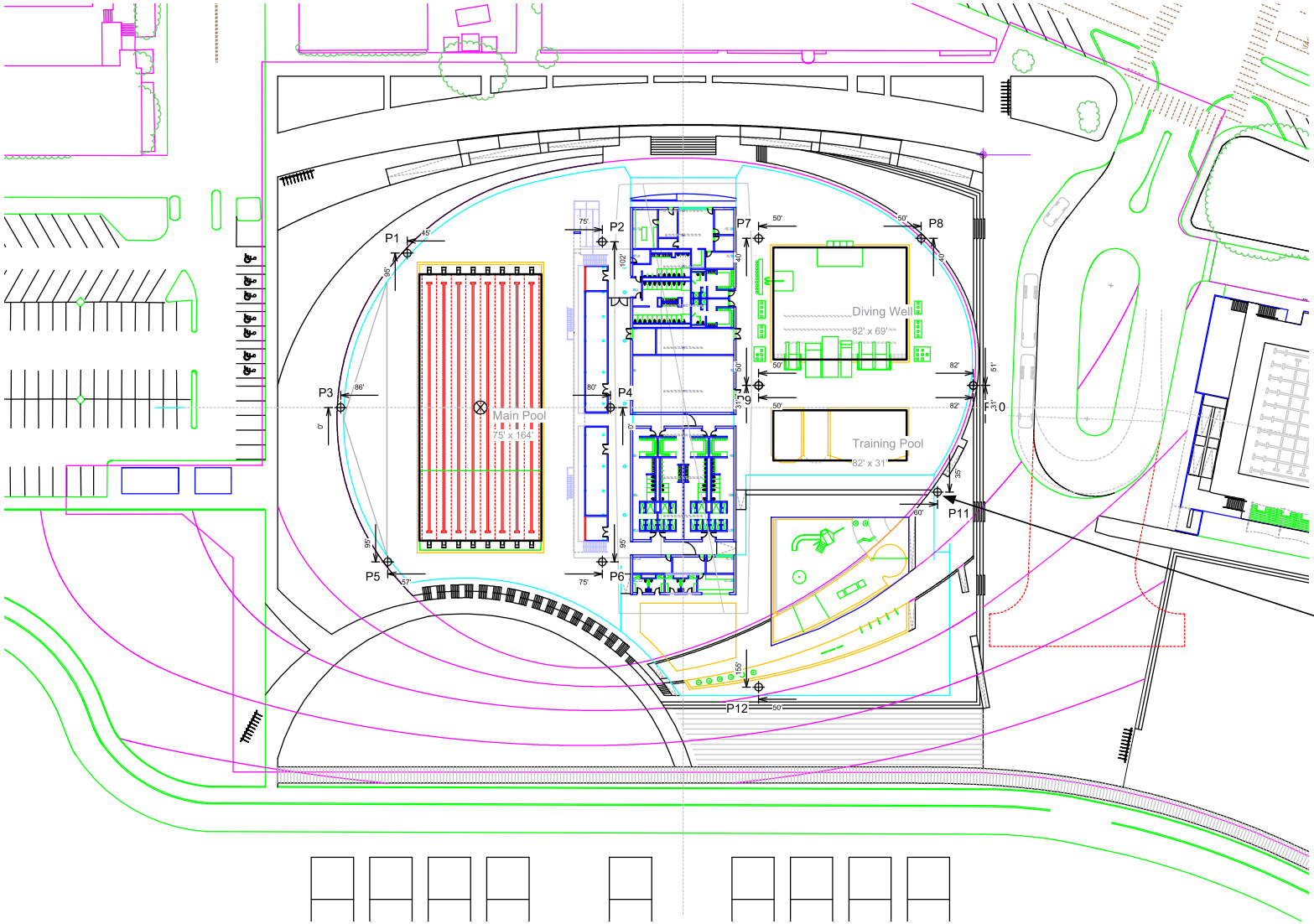
LEGEND & ABBREVIATION

▭	DOOR GRILLE
⊣ SA	INTAKE SUPPLY AIR LOUVER
⊣ EA	EXHAUST AIR LOUVER
⊢	AIR FLOW DIRECTION
FC-1	CASSETTE TYPE FAN COIL UNIT
FC-2	CEILING MOUNTED DUCTED FAN COIL UNIT
EF	EXHAUST FAN
CU	CONDENSING UNIT



3 CONDENSING UNIT SECTION VIEW

NTS



Belmont Plaza Pool

Long Beach, CA

EQUIPMENT LAYOUT

INCLUDES:
- Diving Well
- Main Pool
- Training Pool

Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

SINGLE LUMINAIRE AMPERAGE DRAW CHART

Ballast Specifications (.90 min power factor)	Line Amperage Per Luminaire (max draw)						
Single Phase Voltage	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	380 (60)	480 (60)
TLC-LED-1500	8.5	8.1	7.4	6.4	5.1	4.7	3.7

Poles P1 - P6 @ 53'
Poles P7 - P12 @ 53'
Main Pool 100FC
Diving Well 100FC
Training Pool 50FC

TYPICAL POLE (1-12)

SCALE IN FEET 1 : 60
0' 60' 120'

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

ENGINEERED DESIGN By: Vashon Alexander • File #202144A • 17-Oct-19

musco Lighting
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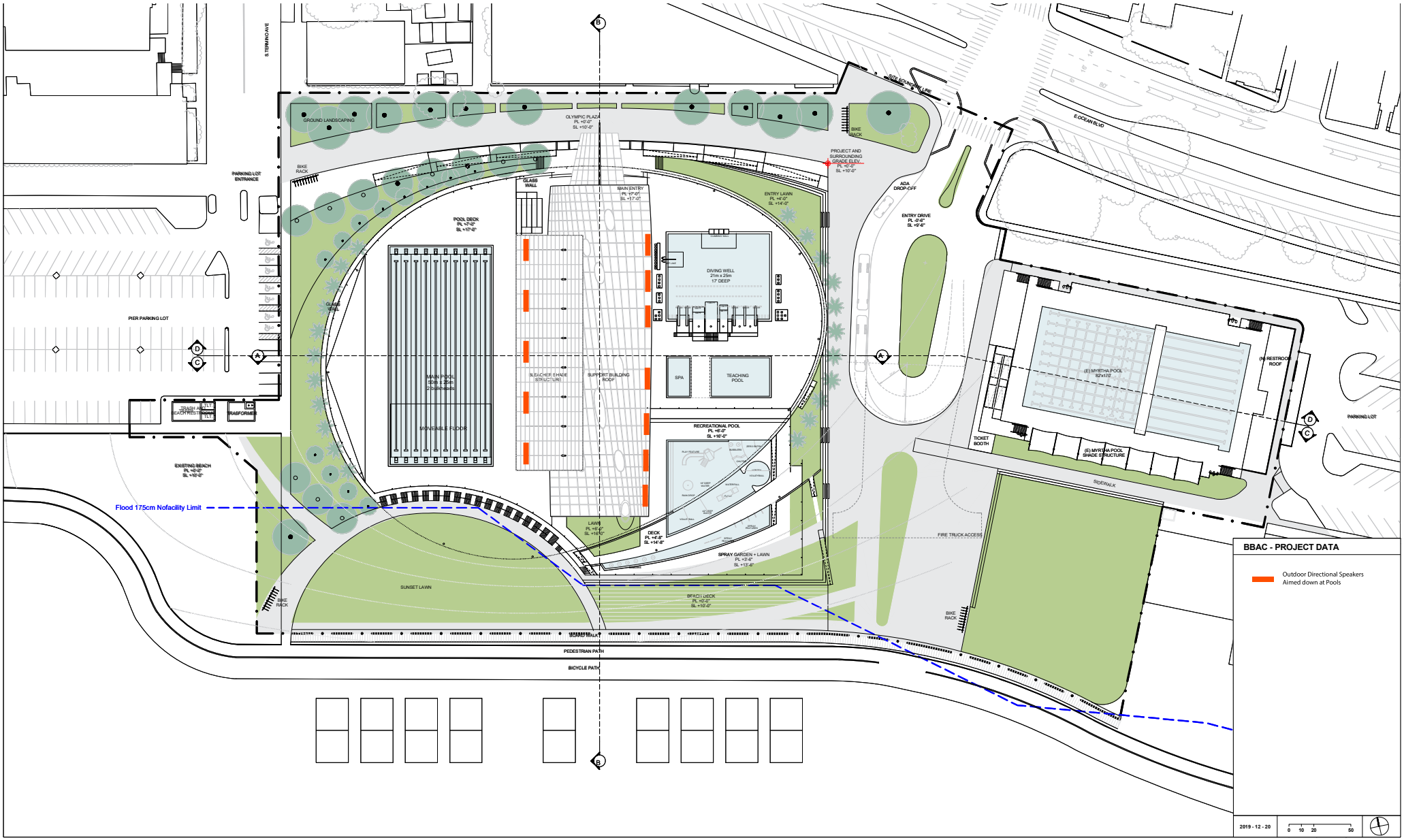
BELMONT BEACH AND AQUATICS CENTER

LIGHTING PLAN

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TIDELANDS
CAPITAL IMPROVEMENT PROJECT

BELMONT BEACH AND AQUATICS CENTER

OUTDOOR SPEAKER LAYOUT

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