CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

Application No.: **5-18-1259**

Applicant: **LA County Dept. of Public Works**

Project Location: Within the shoreline and open water along the south side of Alamitos Bay, adjacent to 5425 East Ocean Boulevard, in the City of Long Beach within the County of Los Angeles Flood Control Easement, Los Angeles County.

Project Description: Remove above-ground discharge structure and replace with buried discharge pipes and new smaller concrete outlet structure supported on 6 driven piles; install temporary cofferdam for the perimeter of the construction area; and minor improvements to the pump station facility.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The Los Angeles County Department of Public Works is proposing to remove an existing overflow runoff discharge structure (including all timber piles and beams, temporary support crib wall elements, walkway assembly, lifeguard observation cabin, three reinforced concrete pipelines and existing utility conduits attached to the structure), and replace it with new buried discharge pipes and a concrete outlet structure supported on driven piles. A temporary cofferdam consisting of steel push-in piles would be required for the entire perimeter of the construction area to install the buried pipes and construct the outlet structure. The project also includes improvements

on to an existing building on the sandy beach: removing the existing pump station roof, increasing the height of the exterior walls by three feet, and installing a new steel frame roof three feet higher than the existing height to accommodate a new bridge crane. Additional improvements to the pump station include replacing the existing office, bathroom and associated amenities, and all pump station access doors. Also, electrical service disconnection and reconnection and lighting upgrades would be performed at the pump station.

Public access to and along the public beach will be enhanced by the proposed project. The project has been designed to avoid adverse impacts to marine resources and, as conditioned, is designed with adaptation strategies designed to withstand the near-term effects of natural hazards including severe storms, high tides, and sea level rise. **Special Condition 7** limits the authorization to twenty years and requires the applicant to develop a long-term plan to reconstruct the pump station to ensure the facility is safe from coastal hazards in the near future.

Commission staff recommends approval of Coastal Development Permit Application No. 5-18-1259 with 8 special conditions to ensure that the project preserves and enhances coastal resources. **Special Condition 1** regulates timing of construction and public access. **Special Condition 2** requires an eelgrass survey and mitigation requirements. **Special Condition 3** requires a Caulerpa taxifolia survey. **Special Condition 4** requires a bird nesting survey and pile driving noise restrictions. **Special Conditions 5** requires the implementation of construction best management practices. **Special Condition 6** requires resource agency approvals. **Special Condition 7** requires a length of development authorization of 20 years, and **Special Condition 8** requires the applicant to assume the risk of working in a potentially hazardous environment. **Special Condition 9** requires the applicant to survey the project area for sensitive marine species prior to installation of the cofferdam and protocol to follow if they are encountered.

As conditioned, the project is consistent with Chapter 3 of the Coastal Act.

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EXHIBITS

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-18-1259 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Timing of Construction and Public Access**. By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the beach or public parking lots resulting from construction activities as required below:

    a. Construction shall begin as soon as possible following the rain season, so as to conclude as soon as possible and minimize impacts during summer beach use season.

    b. If construction continues beyond Memorial Day, the applicant shall only restrict areas of the project area where construction is actively occurring and shall minimize impacts to the sandy beach and beach parking lots. The applicant shall provide regular updates (at least twice a week) on construction progress and measures implemented to minimize impacts to the Executive Director during the summer beach use season (Memorial Day to Labor Day).

2. **Eelgrass Survey and Mitigation Requirements**.
    a. A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (Zostera marina) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast.fisheries. noaa.gov/habitat/habitat_types/ seagrass_info/california_eelgrass.html) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittee shall submit the eelgrass survey for the review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.

    b. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the permittee shall survey the project site to determine if any eelgrass was adversely

impacted. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittee shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittee shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. The exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply. Implementation of mitigation shall require an amendment to this permit 18-1259 or a new Coastal Development Permit unless the Executive Director determines that no amendment or new permit is legally required.

3. Caulerpa Taxifolia Survey.

a. Not earlier than 90 days nor later than 30 days prior to commencement or recommencement of any development authorized under this Coastal Development Permit (the "project"), the permittee shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga Caulerpa taxifolia. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid Caulerpa taxifolia survey expires, a new survey is required prior to commencement of work in that area.

b. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.

c. Within five business days of completion of the survey, the permittee shall submit the survey:

    i. for the review and approval by the Executive Director; and

    ii. to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467- 4218) or Bryant Chesney, National Marine Fisheries Service (562-980-4043), or their successors.

d. If Caulerpa taxifolia is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all Caulerpa taxifolia discovered

within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with Caulerpa taxifolia. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

4. **Bird Nesting Survey and Pile Driving Noise Restrictions**. BY ACCEPTANCE OF THIS PERMIT, the permittee agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within 300 feet of project site prior to (within five days of) the commencement of demolition and construction activities. The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of sensitive or endangered bird species nesting or roosting within 300 feet of the work site and shall immediately report the findings of the survey to the Executive Director. In the event that the environmental specialist reports any sensitive or endangered bird species nesting or roosting within 300 feet of the work site, the following restrictions shall apply:
    a. A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

    b. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active roosting or nesting site within 300 feet of project site. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting or nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

5. **Construction Best Management Practices**. In order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea, the permittee shall implement the following construction best management practices, in addition to those construction best

management proposed by the application submitted to the Coastal Commission's South Coast District office on July 6, 2020.

a. A. Silt curtains will be utilized to control turbidity during removal and placement of piles.
b. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
c. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
d. The permittee shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.
e. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
f. Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the bay.
g. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
h. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Alamitos Bay.
i. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
j. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a preconstruction meeting to review procedural and BMP guidelines.
k. Construction activities within tidal and upland work areas shall not commence until all sediment, turbidity, and runoff control measures as appropriate have been properly installed in and around active work areas
l. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
m. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into

Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

n. All fueling and maintenance of construction equipment except for the barge-mounted crane shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mobile fueling of construction equipment and vehicles on and around the marina construction site shall be prohibited. Mechanized heavy equipment and other vehicles used during the construction process except for the barge-mounted crane shall not be stored or re-fueled within 50 feet of drainage courses and other coastal waters.
o. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call.
p. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
q. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands, and all equipment used during construction shall be free of leaks at all times.
r. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
s. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
t. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
u. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.
v. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, Ammoniacal Copper Arsenate (ACA), or similar petroleum-derived products. Pilings treated with Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:
    i. The material used shall be durable and a minimum of one-tenth of an inch thick.

ii. All joints shall be sealed to prevent leakage.

w. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.

x. The plastic sleeves shall extend a minimum of 18 inches below the mudline.

y. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.

z. The permittee shall be made responsible for removal of failed docks or materials.

If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

6. Resource Agencies. The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

7. Development Authorization

a. The approved development is authorized for 20 years from the date of approval [i.e., through May 13, 2041]. BY ACCEPTANCE OF THE PERMIT, the Permittee acknowledges and agrees that the development authorized pursuant to this CDP is thus interim and temporary, and is permitted for the time frame identified in order to provide a reasonable period of time for the Permittee to evaluate future risk of coastal hazards as influenced by sea level rise and to plan, develop, and implement any necessary responses to coastal hazards including adaptation or alternatives, to ensure minimization of risk in the long term, and to address any coastal resource impacts associated with maintaining the subject development at this location (e.g.,

impacts associated with any coastal hazards protection measures, such as expanded number of piles, walls, or berms to protect the approved facility).

b. Prior to the expiration of the authorization period of the development (i.e., before May 13, 2041), the Permittee or its successors shall submit to the Commission an application for a CDP amendment to either (a) remove the approved development in its entirety and restore the affected areas to a sandy beach condition, or (b) extend the length of time the development is authorized and modify its design as needed to ensure consistency with the Coastal Act. If a complete application is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the Commission acts on the application.

c. The required amendment application shall conform to the Commission's permit filing regulations at the time and shall at a minimum include, along with other required information, a Coastal Hazards Analysis and Adaptation Plan that provides a clear long-term plan to ensure that the approved development minimizes flood hazard risks to the facility through at least the year 2100. The plan shall include:

    i. Information on flood conditions and other coastal hazards in the project area obtained through periodic monitoring and recording of conditions in the project area during extreme tide and storm events. The information should include an assessment of cumulative changes to the approved development's coastal hazard risk over time.
    ii. A geotechnical analysis of current and future coastal hazards in the project area taking into account local sea level rise, considering medium-high risk aversion and extreme (H++) risk aversion scenarios, and based on the best available science at the time of plan preparation. The analysis shall address flooding associated with large storm events (the 100-year storm or greater), accounting for the confluence of riverine and coastal flooding.

8. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding and erosion, all of which will may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees

incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

9. **Sensitive Marine Species.** In addition to the Best Management Practices explained in Special Condition 5, the project will implement the following:
    a. Before the cofferdam is installed, a marine biologist will survey the area for sensitive species (such as green sea turtles, marine mammals, and seahorses). If green sea turtles or marine mammals are present onsite, the project will suspend construction activities until they leave the site on their own.
    b. If seahorses are present onsite, they will be collected by a qualified marine biologist that will collect them by hand, place in an aerated 5-gallon bucket, and more the seahorses out of the project area. Locations of the seahorse placement will be marked with a GPS.
    c. Any additional macrofauna that may be impacted during the demolition and/or construction of the new outfall structure would be relocated as recommended by a qualified marine biologist.

IV. FINDINGS AND DECLARATIONS

A. Project Location and Description

The proposed project consists of removing the existing overflow stormwater discharge structure of the Alamitos Bay Pump Station (including all timber piles and beams, temporary support crib elements, walkway assembly, lifeguard observation cabin, three reinforced concrete pipelines and existing utility conduits attached to the structure) and replacing with new buried discharge pipes and a concrete outlet structure supported on six driven steel piles **(Exhibit 3)**. A temporary cofferdam with steel push-in piles will be required for the entire perimeter of the construction area to install the buried pipes and construct the outlet structure. The project also includes improvements to an existing building on the sandy beach, which includes removing the existing pump station roof and installing a new steel frame roof three feet higher to accommodate a new bridge crane, replacing an existing office, bathroom, and their associated amenities, and all pump station access doors. Electrical service disconnection and reconnection, and interior pump station lighting upgrades will be performed.

A coastal development permit application for this project was received on December 27, 2018. On January 25, 2019, Commission staff sent the applicant a Notice of Incomplete application requesting the applicant submit a local Coastal Development Permit from the City of Long Beach for the portions of the project within the City's jurisdiction. On October 22, 2019, prior to the application becoming filed as complete, the applicant requested an emergency permit after a site inspection revealed that four piers at the end of the discharge line were in critical condition, and some structural members had failed and were seriously deteriorated. On December 17, 2019, the Commission's

Executive Director issued Emergency Permit G-5-19-0045 because conditions of the discharge pier had worsened to the point where it was considered a high-risk public safety hazard in an area heavily utilized by the public for recreational purposes (**Exhibit 4**). Partial removal of the pump station discharge outlet structure, including demolition and removal of Piers 5 through 8, the lifeguard station, timber deck and railing, and removal of all discharge lines north of Pier 4 was completed on January 4, 2020. On June 8, 2020, the City of Long Beach issued a local CDP for the portions of the project in the City's jurisdiction. The local CDP was not appealed, and on September 25, 2020, application 5-18-1259 was filed as complete. The subject application was scheduled for a public hearing and Commission action on March 11, 2021 and was postponed at the request of the applicant over concerns regarding the 20-year authorization of development described in Special Condition 7. Commission staff met with the applicant to discuss the applicant's concerns, and the applicant is now in agreement with staff's recommendation, including the development authorization period described in Special Condition 7.

The Alamitos Bay Pump Station was constructed in 1962 and collects the storm water runoff from the Alamitos Peninsula and the Belmont Shore areas. The existing outlet structure consists of three lines of reinforced concrete pipes approximately 84 feet long (one 36-inches in diameter and two 30-inches in diameter). The existing pump capacities discharging through the 36" and 30" diameter pipes are 31,700 gallon/minute (71 cubic feet/second) and 22,000 gallon/minute (49 cubic feet/second) respectively. The existing pumps were upgraded in 2013 and will not be upgraded, including the pump discharge capacities, as part of this project.

During normal or dry conditions, the low flow diversion pump with a three-inch diameter discharge pipe within the station routes any water runoff collected inside the pump station to the Los Angeles County Sanitation District water treatment system. When there is a storm surge or heavy rainfall event that creates runoff that exceeds the eight-foot high threshold of the pump storage pit, the pumps in the Alamitos Bay Pump Station are activated to discharge overflow water into Alamitos Bay in order to prevent the flooding of local streets. When the overflow pumps are activated, they discharge water from below the water surface inside the storage pit into the bay. Before the water runoff enters the pump station, large objects in the flow are screened out by trash racks with 4-inch openings at the inlet, thus the water runoff discharged into the bay is expected to have fewer large contaminates. The overflow pumps cease to discharge into the bay once the storm subsides and the water level inside the pump storage falls below storage pit threshold. The remaining water inside the pump storage pit is then again routed to the Los Angeles County Sanitation District water treatment system via the low flow diversion pump inside the pump pit.

The project site is currently developed with an existing pump station and the remaining portions of the above-ground outlet structure. It is located within public tidelands of Alamitos Bay, near the entrance to the Alamitos Peninsula in southeastern Long Beach in the Commission's original permit jurisdiction, immediately west of the City-owned Leeway Sailing Center (**Exhibit 1).** The site is heavily utilized for public recreational

uses, including swimming, kayaking, stand up paddle boarding and sailing. In the vicinity there are basketball and tennis courts, kayak storage, a play structure, youth lifeguard training facilities, and summer aquatic camps.

B. Public Access and Recreation

Relevant Coastal Act Policies

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

> 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.

Relevant LCP Policies

General Strand Policies: Use and Access General Recommendation 12:

> Replacement of existing lifeguard stations with new fixed or movable stands should be given lower priority because of expenditures for these structures will not as directly enhance beach utilization as expenditures on other facilities.

One of the basic tenets of the Coastal Act is to maximize public access and recreation to and along the coast. The sandy beach and open water of Alamitos Bay in the project location is heavily utilized for recreational uses including sailing, canoeing, kayaking, stand-up paddle boarding, and gondola rides.

The remaining above-ground pipes and outlet structure currently partially restrict lateral access along the narrow beach. The proposed project will remove the above-ground infrastructure, which is aged and aesthetically displeasing, by burying the discharge pipes, and will replace the concrete outlet structure with a much smaller one supported by six driven piles. The proposed project will result in an increase of beach access by creating more usable sandy beach area and more open water for recreation. In addition, the City has indicated that the lifeguard station proposed to be removed by project activities is no longer required and that the City recently constructed a new Alamitos Bayshore lifeguard station adjacent to the subject facility. There would be no conflict with LCP recommendations for lifeguard stations to support coastal recreational uses in the area.

Construction Timing and Staging

Construction of the proposed project will temporarily affect public access to and along the shoreline and in the coastal waters in this location. Construction activity is tentatively scheduled to begin in mid-April 2022 and conclude in approximately four months in August 2022. Typically, the Commission imposes restrictions on the timing of construction projects impacting the beach or beach parking to occur outside of peak beach season (between Memorial Day and Labor Day); however the applicant maintains that the project should be conducted during dry weather (during April to August) so that the pump station will be available during the upcoming rainy season to perform its essential function of pumping stormwater out of the surrounding Belmont Shore and Alamitos Bay area to avoid flood damage to local streets and other infrastructure. The applicant has indicated that construction will last up to four months but that it will sequence activities to minimize disruptions and provide maximum access as possible. However, to ensure this timing is adhered to, **Special Condition 1** requires construction to begin as soon as possible following the rain season so as to conclude as soon as possible and minimize impacts during summer beach use season.

Access to the project construction site will occur through the existing 6,408 square foot kayak storage area between the pump station and the Leeway Sailing Center **(Exhibit 2).** The kayak storage area will be temporarily re-located on a 4,500 square foot sandy beach area approximately 40 feet away on the south side of the Leeway Sailing Center. A second construction staging area will be located on an open sand area located south of Ocean Boulevard (across the street from the pump station) to store excavated materials from the cofferdam area which would be stockpiled in this location. Additionally, approximately 15 on-street public parking spaces along Ocean Boulevard adjacent to the project site would be utilized for construction personnel parking during construction. These spaces would be temporarily closed to the public and reserved for construction personnel for the duration of the project. The approximately 150 space beach parking lot will remain open for public parking for beachgoers throughout construction. Additionally, street parking along Bayshore Avenue is available north and south of the project. Therefore, as conditioned the project is consistent with the public access and recreation policies of the Coastal Act.

C. Water Quality and Biological Productivity

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

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

Section 30233 of the Coastal Act states, in part:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> > (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines

Treatment Works and Water Quality

Section 30254 of the Coastal Act states, in applicable part:

> New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division… Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30412 of the Coastal Act, states, in applicable part:

> (b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights. Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.
>
> (c) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:
>
> (1) The siting and visual appearance of treatment works within the coastal zone.
>
> (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.
>
> (3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.
>
> The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water

> Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.
>
> (d) The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division…

Relevant LCP Policies

Coastal resources, Introduction to the certified LCP states, in part:

> A balance between human use and ecological concerns is the principal theme of this Plan. The beaches are preserved in perpetuity by the dedication policy, and enhanced by limited development programs which will encourage sensible public use.

Resource Management Plan of the LCP Alamitos Bay, Guideline 2(a), Water Quality states:

> Where possible, surface water run-off should be diverted from the Bay to the ocean. Example: (2) Divert the storm drain by Leeway Sailing Club to the ocean.

The State and Regional Water Boards are responsible for setting chemical/biological standards for water quality treatment, discharge, and use pursuant to their laws. The Commission's review of development that constitutes a wastewater treatment facility[1]—including the proposed upgrades to the Alamitos Bay Pump Station outfall pipe—is limited to questions of siting, visual impacts, and appropriateness of service areas. Consistent with past Commission practice when reviewing proposed wastewater treatment projects, the Commission defers to the State Water Board for setting water quality effluent standards for both wastewater and drinking water, but the Commission reviews the project's land use elements to ensure consistency with the Coastal Act's coastal resource protection requirements.

As applied to this project—which narrowly involves upgrades to the outfall pipe for the Alamitos Bay Pump Station that will not increase the capacity of the Pump Station—the

[1] The term "treatment work" is defined in the Coastal Act to have the same meaning as set forth in the Federal Water Pollution Control Act (FWPPCA) (33 U.S.C. 1251, et seq.). The FWPPCA defines "treatment work" expansively to include any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature," including "outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof," as well as "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems." 33 U.S.C. § 1292(2)(A), (B).

above-referenced Coastal Act sections together provide that the Commission's review is limited to determining that the project is sited and designed to ensure protection of coastal resources.

Improved Water Quality

Alamitos Bay is listed as an impaired water body under section 303(d) of the Clean Water Act due to high amounts of bacteria and dissolved oxygen. While the scope of this project (burying pipes and installing a new outfall structure that discharges storm water into Alamitos Bay) does not propose to address these specific pollutants, the structure itself does improve the overall water quality of Alamitos Bay by collecting daily surface water runoff, which is diverted to the Los Angeles County Sanitation District where it is treated.

As explained above, during low flow/dry seasons, the low flow diversion pump routes any water runoff collected inside the pump station to the City's water treatment system. The overflow pumps that discharge runoff directly into Alamitos Bay are only activated when there is a storm surge or heavy rain event that yields runoff exceeding the 8-foot threshold of the pump storage pit within the Alamitos Bay Pump Station. When high amounts of storm water flow into the sump below the pump station exceed approximately 8-feet in elevation, the excess storm flows are pumped into Alamitos Bay after they have been filtered for trash and sediment, which reduces the amount of contaminates that enter the bay. This system helps prevent flooding of local streets by conveying the overflow runoff to the pump station and then into the bay. Without this system, it is very likely that the overflow runoff would enter the bay anyway, albeit without the filtering for trash and other sediment. The pumps cease to discharge into the bay once the water level subsides and the water level inside the pump storage falls below threshold. The remaining water inside the pump storage pit is then again routed to the Los Angeles County Sanitation District water treatment system via the low flow diversion pump inside the pump pit.

Although Guideline 2(a) of the Resource Management Plan of the LCP suggests that where possible, surface water run-off should be diverted from Alamitos Bay to the ocean, for the reasons discussed in the alternatives analysis in the subsequent section, it is currently infeasible to divert the storm water under the beach to the ocean because it would require much larger pumps than the pump station is equipped to house, there are underground utilities that obstruct the possible routes, and excavating the length of the sandy beach would result in many more impacts to coastal resources than the current project proposes. However, Special Condition 7 limits the proposed development to 20 years. This gives the applicant notice that an alternative to pumping overflow runoff directly into Alamitos Bay should be considered and gives the applicant time to do so. Nevertheless, as a whole, the pump station contributes to overall improved water quality and marine environment. Since the project would replace and upgrade the aging pump station facilities in order to increase system reliability, it is consistent with the water quality policies of the Coastal Act and the City's LCP.

Biological Resources

The project site supports four distinct vegetation communities and land cover types. Within the project footprint, there is approximately 6,203 square feet of open water habitat, approximately 224 square feet of eelgrass habitat, and approximately 8,489 square feet of sandy beach. According to the results of the *Alamitos Bay Pump Station Discharge Pipe Supports Replacement Project – Biological Inventory Survey* conducted by AECOM on July 16, 2015 (and updated by Aspen in April 2018), no sensitive plants, invertebrates, reptiles, or mammals were observed on-site during surveys, and are not expected to occur onsite. The site was also surveyed on October 29, 2019, by a qualified marine biologist for Pacific seahorses (*Hippocamus ingens)* based on concerns of a member of a public who has identified them in the project area, but none were located during the focused and intensive survey of habitat surrounding the pump station discharge unit.

No sensitive birds were observed exhibiting nesting or courtship behavior, although ornamental eucalyptus and palm trees adjacent to the site may provide potential nesting habitat for small raptors and cavity nesting birds. In addition, although no mammals were observed during surveys, California Sea Lions and harbor seals are determined to have a high or moderate potential to occur on the project site. Furthermore, although no green sea turtles were observed, it is possible that a transient green turtle may enter Alamitos Bay and approach the project site.

Because birds may be potentially disturbed by the noise associated with pile driving activities, the Commission imposes **Special Condition 4**. The condition requires the applicant to retain an environmental specialist to survey the area around the project site before construction. If any sensitive or endangered bird species are observed nesting or roosting within 300 feet of the work site, then measures shall be taken to minimize loud noise generation to the maximum extent feasible during construction. Additionally, **Special Condition 4** requires that noise generated by construction shall not exceed 85 dB at any active roosting or nesting site within 300 feet of project site. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 300 feet of the roosting or nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

Due to the project's location within coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and debris during construction. The applicant has proposed a substantial set of construction best management practices (BMPs). **Special Condition 5** requires the applicant to implement the proposed BMPs in addition to a set of BMPs specific to construction in the marine

environment that the Commission has imposed through previous approved permits in Long Beach. Additionally, in order to minimize adverse environmental impacts and the unpermitted deposition, spill, or discharge of any liquid or solid into the sea throughout the life of the approved development, **Special Condition 6** requires the applicant to implement operational best management practices including boat cleaning and maintenance measures, solid and liquid waste management, petroleum control management. In order to minimize adverse impacts to sensitive marine species (such as green sea turtles, marine mammals, and seahorses), **Special Condition 9** requires the applicant to survey the area prior to installation of the cofferdam and outlines precautionary measures that must be implemented if sensitive marine species are encountered. The applicant has not received final approval for the proposed development from all of the resource agencies. **Special Condition 7** requires the applicant to comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine whether the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. The Commission finds that only as conditioned will the proposed project ensure that marine resources, including water quality and biological productivity, are maintained as required by Sections 30230, 30231, and 30232 of the Coastal Act.

Fill of Coastal Waters

Section 30233 of the Coastal Act applies to fill of open coastal water and contains three basic requirements: 1) the fill must be limited to certain allowable uses listed in Section 30233(a), 2) there must be no feasible less environmentally damaging alternative, and 3) feasible mitigation measures must be provided to minimize adverse environmental effects.

Allowable Use

The proposed project consists of the burial of pipes in the soft bottom habitat of open coastal waters. During construction, a temporary cofferdam with steel push-in piles is proposed to be installed around the perimeter of the construction area, which is also in the soft bottom habitat of open coastal waters,to install the buried pipes and construct the outlet structure. The project, therefore, will result in the installation of 160 cubic yards of permanent fill (the burial of the new pipes and discharge outlet structure) and temporary fill (the cofferdam) of open coastal waters. In this case, the filling of coastal waters may be permitted for an incidental public service purpose such as burying pipes and maintenance of existing intake and outfall lines.

Alternatives Analysis

Alternative One: No Project

Although the “no project” alternative was not included in the analysis of alternatives submitted by the applicant, the existing Alamitos Bay Pump station serves the Alamitos Peninsula and Belmont Shore areas, and the storm water runoff from the areas is collected at the pump station and discharged into the Alamitos Bay to prevent flooding in the areas. The current deteriorated condition of the existing discharge pipes and support elements will impede flood control capability and pose danger to the nearby beach users as the remaining portions of the structure will potentially fail and collapse if they are not replaced.

Alternative Two: Above Water Discharge Structure.

This alternative consists of a single approximately 60-square foot reinforced concrete box (RCB) discharge structure supported on six piers, concrete transition similar to the configuration of the pre-existing pier-like above-water structure. The buried concrete transition structure is constructed 38 feet off from the pump station to direct discharge flow into the single RCB. Each pier, supporting the RCB, consists of two steel drive piles encased in PVC pipe sleeve and precast reinforced concrete pile cap. The total length of the exposed portion of discharge structure is 94 feet. This alternative requires a similar footprint as the existing structure.

Alternative Three: Partially Buried Discharge Structure.

This alternative consists of a concrete transition structure, reinforced concrete pipe (RCP), submerged outlet structure with riprap stabilizing the sand. The buried concrete transition structure is constructed adjacent to the pump station to converge the flow from the three existing pumps and direct the flow into the single 43 inches by 68 inches elliptical RCP. The discharge line extends into the bay with an outlet structure at the end. The submerged outlet structure consists of a concrete wingwall and invert slab supported on driven piles. The area surrounding the outlet structure is stabilized by riprap. The total length of the discharge structure is 136 feet long. This alternative requires a larger footprint, and the submerged portion of the discharge structure cannot be properly maintained. This alternative would also result in fill of more open water and related soft bottom impacts.

Alternative Four: Completely Buried Discharge Structure.

This alternative consists of a concrete transition structure, high-density polyethylene pipe (HDPE) with concrete ballasts, and tide flex valves. The buried concrete transition structure is constructed adjacent to the pump station to converge the flow from the three existing pumps and direct the flow into the single five-foot diameter HDPE pipe. To ensure the discharge pipe does not impede vessel navigating in the bay, the discharge pipe is buried beneath the seabed and extends 315 feet beyond the existing footprint. Tide flex valves are installed at the end of the discharge line to prevent the outlet from clogging from sand. The total length of the discharge structure is 430 feet long. This alternative requires a significantly larger footprint, and the submerged portion of the discharge structure cannot be properly maintained.

Alternative Five: Realignment of Discharge Structure to the Pacific Ocean.

This alternative consists of realigning the existing discharge pipes southernly to cross Ocean Boulevard and extends the lines 950 feet to the Pacific Ocean. The discharge structure consists of buried reinforced concrete pipes (RCP), a submerged outlet structure at the end of the discharge line, and riprap stabilizing the area surrounding the outlet structure. The total length of the discharge structure is 950 feet. This alternative requires a significantly larger footprint and will potentially conflict with the existing public utilities along Ocean Boulevard. The existing pumps would need to be upgraded to discharge flow for the significantly longer length. The submerged portion of the discharge structure in the Pacific Ocean cannot be properly maintained. Furthermore, this much larger project would have more significant impacts on coastal resources because of the much larger footprint and complexity of excavating the length of public beach necessary to construct this alternative. Therefore, this is not currently a feasible option.

Alternative Six: Buried Discharge Structure with Outlet Above Water.

This alternative consists of buried steel pipe manifold adjacent to the pump station, buried HDPE pipe, and reinforced concrete outlet structure supported on driven steel piles in the water. The buried 5-foot by 20-foot steel pipe manifold is installed adjacent to the pump station to converge the flow from the three existing pumps and direct the flow into the single four-foot diameter HDPE pipe, which is encased by low strength concrete with a minimum soil cover of 2 feet-6 inches. The HDPE pipe extends 112 feet off from the pump station and connects to the outlet structure in the water. The six-foot diameter reinforced concrete outlet structure is supported by six driven steel piles. The exposed outlet structure is approximately one foot higher than the Highest Astronomical Tide (HAT). The total length of the discharge structure is 123 feet. A cofferdam consisting of steel push-in piles will be required for the entire perimeter of the construction area to install the buried pipes and construct the outlet structure. This alternative requires a smaller footprint compared to the existing structure.

The Commission staff recommends Alternative 6, which is the applicant's proposed project alternative. This alternative results in smaller footprint, minimizes disturbance to the public, improves the public beach access, and has less impact to soft bottom habitat. The above water outlet structure allows the County's flood maintenance personnel perform routine inspection and emergency repair. This design alternative provides more open beach to the public.

Mitigation Measures

Section 30233(a) requires feasible mitigation measures to minimize adverse environmental effects. The project has been conditioned to minimize impacts to biological resources by requiring surveys for eelgrass and creation of a mitigation plan if

any eelgrass is identified through surveys (Special Condition 1), surveys for Caulerpa taxifolia and a demonstration that any identified Caulerpa taxifolia have been removed from the project site **(Special Condition 2**), and implementation of water quality best management practices to avoid and minimize impacts to aquatic vegetation and protection of water quality (**Special Condition 3**).

The proposed project will result in approximately 160 cubic yards of fill of soft-bottom habitat. The Commission typically requires mitigation for impacts to soft-bottom habitat. Here, the applicant has demonstrated that the number of piles and related disturbance of soft-bottom habitat is the least amount necessary to structurally support the new outlet structure, and that the new pipe configuration for the outfall is necessary for public safety operations within the Los Angeles County coastline. Furthermore, staff was unable to identify areas within or near the subject site that may provide areas to create soft-bottom as mitigation for impacts of additional fill. This is due to the fact that the marina is completely developed and does not provide additional "open spaces" that would allow digging to create additional soft-bottom. Thus, feasible mitigation to off-set impacts to soft-bottom habitat was not identified, although the project is otherwise conditioned to minimize impacts to biological resources.

As proposed and conditioned, the proposed project will not adversely impact the biological productivity of ocean waters and is the least environmentally damaging option that minimizes fill of coastal waters. Therefore, the Commission finds that as proposed and conditioned the development conforms with Sections 30230, 30231, and 30233 of the Coastal Act.

D. Coastal Hazards

Section 30253 of the Coastal Act states, in relevant part:

> New development shall:
>
> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> …

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The subject development is proposed in order to protect critical infrastructure in an area subject to both coastal and fluvial hazards that are anticipated to be exacerbated in the future due to sea level rise and severe storms associated with climate change.

The project site is within the sandy beach and open water of Alamitos Bay in Long Beach. Alamitos Bay is a protected inlet that does not experience much wave action. However, the beach in front of the project site already experiences shoreline changes, tidal inundation, and periodic coastal flooding.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In April 2017, a working group of the Ocean Protection Council's (OPC) Science Advisory Team released "Rising Seas in California: An Update on Sea-Level Rise Science." This report synthesizes recent evolving research on sea level rise science, notably including a discussion of probabilistic sea level rise projections as well as the potential for rapid ice loss leading to extreme sea level rise. This science synthesis was integrated into the OPC's State of California Sea-Level Rise Guidance 2018 Update. This Guidance document provides high-level, statewide recommendations for state agencies and other stakeholders to follow when analyzing sea level rise. Notably, it provides a set of projections that OPC recommends using when assessing potential sea level rise vulnerabilities for various projects. Taken together, the Rising Seas science report and updated State Guidance account for the current best available science on sea level rise for the State of California.

The appropriate time horizon to use to evaluate sea level rise depends on the anticipated duration of development, after which such development is expected to be removed, replaced, or redeveloped. Pursuant to information provided by the applicant, the proposed project has been designed with a projected 75-year life. While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear, and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California. Here, the pumps and discharge pipes are considered critical infrastructure serving the public where failures could have significant coastal resource consequences. In such cases, the OPC Guidance and Coastal Commission Sea Level Rise Guidance recommend that applicants understand the risks associated with the medium-high risk aversion scenario and extreme (H++) risk aversion scenario and anticipate the need to plan for those scenarios.

LA County Dept. of Public Works provided a memorandum entitled *Draft Alamitos Bay Pump Station Project Sea-Level Rise Analysis,* dated January 29, 2021 prepared by ESA that analyzes the proposed project considering potential sea level rise (SLR) impacts using what the engineer considered best available modeling and information. That analysis concluded that under existing conditions (without sea-level rise), the pump station is not expected to flood during a 100-year event but that the top of the outlet structure would be inundated during the 100-year event by 0.9 feet of water. When the bay water levels are above the outlet structure, the pump would not be able to function. However, when the water levels in the bay drop, the pump could resume operations. In the future with sea-level rise, the extent and frequency of this flooding is expected to increase. Based on Adapt LA and CoSMoS medium-high risk aversion SLR scenario, the pump station and outfall structure are vulnerable in a "do nothing" scenario (e.g. without implementing any adaptation strategies like beach nourishment to slow down beach erosion). In the near-term (2035-2050) the outfall structure could flood during the 10-year event, and the pump station could flood during the 100-year event. In the mid-

term (2055-2080) the outfall structure could flood monthly, and the pump station could flood during the 50-year storm event. In the long-term, with sea level rise up to six feet (2065-2090), the outfall structure could flood daily, and the pump station could flood monthly.

Additionally, engineering and alternatives analyses presented by the applicant indicate that other, longer-lasting alternative designs would likely require substantial reconstruction and would likely have greater impacts to the beach and open ocean habitats within Alamitos Bay. Such designs would require considerable time and funding to plan and implement. However, short-term adaptation strategies like increasing the height of the outlet structure and flood-proofing the pump station could be easily accomplished.

The pump station facilities must be reconstructed as soon as possible to continue to provide storm water pumping services during storm events to keep the surrounding areas from flooding. In order to allow the County to bury the discharge pipes and construct a new outlet structure while planning for a more permanent or long-term solution or other adaptation strategy, the Commission finds that a 20-year authorization period is appropriate in this case. Thus, **Special Condition 7** authorizes the proposed repairs on a temporary basis for twenty years to allow for the continued operation and function of the pump station facilities. This will allow the County to continue to protect the surrounding area from flooding during storm events, water quality and public health, while simultaneously allowing time to plan for future coastal hazard risks.

Special Condition 7 specifies that prior to the expiration of the authorization period, the County or its successors shall submit to the Commission an application for a coastal development permit amendment to either: (a) remove the approved development in its entirety, or (b) extend the length of time the approved development is authorized and modify its design as needed to ensure consistency with the Coastal Act. **Special Condition 7** also requires the permit amendment application to include a Coastal Hazards Analysis and Adaptation Plan that provides a clear long-term plan to ensure that the development minimizes hazard risks to the pump station as well as to protect coastal resources over the long-term (beyond the initial 20-year authorization through at least 2100). Pursuant to **Special Condition 7**, the plan must be informed by a geotechnical analysis of current and future coastal hazards, taking into account local sea level rise through at least 2100, considering medium-high risk aversion and extreme risk aversion scenarios, and based on the best available science at the time of plan preparation. **Special Condition 7** also requires the plan to include an alternatives analysis to the development to address any coastal hazard vulnerabilities identified, including but not limited to, alternatives involving design changes to the permitted development, floodproofing the pump station facility, and relocation of the entire facility to an area safe from flooding and other coastal hazards. Given that the pump station comprises critical infrastructure serving the public where flooding could have significant coastal resource consequences, it is critical to coordinate the shorter-term development authorization with the longer-term effort in order to ensure the safety and functionality of the pump station into the more distant future. The OPC Guidance and Coastal

Commission Guidance recommend that applicants understand the risks associated with higher sea level rise projections and develop adaptation pathways for those higher scenarios, even if projects are initially designed for lower projections. **Special Condition 7** requires the applicant to analyze and plan for longer-term, higher-projection risks consistent with OPC guidance. With these conditions in place, the proposed development will minimize flooding risk and protect coastal resources consistent with the requirements of the Coastal Act.

Finally, considering the aforementioned hazards, the Commission also requires **Special Condition 8** which requires the applicant to assume the risks of flooding and other hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite risks from hazards, the applicant must assume the risks. **Special Condition 8** notifies the applicant that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards or harm caused as a result of the failure of the development to withstand hazards. Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards, consistent with section 30253(a) of the Coastal Act.

E. Cultural and Archaeological Resources

Section 30244 of the Coastal Act states:

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

Coastal Act Section 30244 states that reasonable mitigation measures shall be required where development would adversely impact archaeological resources. These resources may include sacred lands, traditional cultural places and resources, and archaeological sites.

On September 11, 2017, the County of Los Angeles mailed certified letters to the Gabrieleno Tongva and Gabrieleno Band of Mission Indians-Kizh Nation regarding the project. The County received one response from the Gabrieleno Band of Mission Indians – Kizh Nation requesting to consult on the project to provide the County with a more complete understanding of the prehistoric uses of the project area and the potential risk for causing a substantial adverse change to the significance of tribal cultural resources. The consultation meeting included representatives from the Los Angeles County Department of Public Works and the Gabrieleno Band of Mission Indians – Kizh Nation, and no tribal cultural resources, cultural resources, or sacred lands were identified.

F. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The County of Los Angeles is the lead agency for the purposes of CEQA review. On March 4, 2020, the County adopted a Mitigated Negative Declaration for the project. The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. No public comments regarding potential significant adverse environmental effects of the project were received by the Commission prior to preparation of the staff report.. In addition, the proposed project has been conditioned to be found consistent with the Coastal Act. As conditioned to minimize risks associated with public access, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.