

**CALIFORNIA COASTAL COMMISSION**

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# Th6a

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Staff: D. Ziff-LB  
Staff Report: 08/18/22  
Hearing Date: 09/08/22

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 5-22-0125

**Applicant:** City of Long Beach

**Agent:** Tony Resendez, City of Long Beach Public Works

**Location:** 5200 E Eliot St, Long Beach, Los Angeles County (APN: 7242-006-906)

**Project Description:** Improvements to Fire Station No. 14 including construction of a 480 square foot detached gym, 55 cubic yards of grading, installation of a bike rack, sewer line replacement, relocation of mechanical equipment with new screening, roof material alterations, restriping of ADA parking space and new sign, maintenance repairs, and interior renovations.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach is proposing improvements to Fire Station No. 14 including construction of a 480 square foot detached gym, 55 cubic yards of grading, installation of a bike rack, sewer line replacement, relocation of mechanical equipment with new screening, roof material alterations, restriping of ADA parking space and new sign, maintenance repairs, and interior renovations.

The City of Long Beach has a certified Local Coastal Program (LCP); however, the subject project site is located within the Commission's retained permit jurisdiction area.

Therefore, the standard of review for this permit is Chapter 3 of the Coastal Act with the certified Long Beach LCP providing guidance.

The project site is located just northwest of Marine Stadium across the street from Colorado Lagoon, Marina Vista Park, and Will Rogers Mini Park. The project site is zoned Institutional, which pursuant to the certified Long Beach Zoning Code, allows for fire stations. The proposed development involves improvements and additions to an existing fire station and will not significantly impact coastal views from public spaces, coastal habitat, or public access and recreation opportunities.

The site is within a low-lying coastal area that is vulnerable to flooding with approximately five feet or more of sea level rise (without a large storm event). The City has proposed to remove and relocate Fire Station No. 14 when subject to inundation. Therefore, to ensure consistency with Section 30253 of the Coastal Act, staff recommends the Commission impose **Special Conditions 1 and 2**, which require the City to assume the risks of developing in an inherently hazardous area, waive the right to construct shoreline protective devices for the new development, and remove the development if threatened by coastal hazards in the future.

Staff believes that the proposed project, as conditioned, is consistent with Chapter 3 of the Coastal Act.

Therefore, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-22-0125 with **two** special conditions. The motion and resolution can be found on **Page 4**.

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## **EXHIBITS**

Exhibit 1 –Vicinity Map and Project Site

Exhibit 2 – Project Plans

## MOTION AND RESOLUTION

### Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## I. 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.

## II. SPECIAL CONDITIONS

1. **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 from flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the applicant 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.

**2. No Future Shoreline Protective Device.**

- A. By acceptance of this permit, the permittees agree, on behalf of themselves and any successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-22-0125 including, but not limited to, the fire station gym in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or any other natural hazards in the future. By acceptance of this permit, the permittees hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, any similar provision of a certified LCP, or any applicable law.
- B. By acceptance of this permit, the permittees further agree, on behalf of themselves and all successors and assigns, that they are required to remove all or a portion of the development authorized by this permit and restore the site, if:
  - i. The City or any government agency with jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to damage or destruction from waves, erosion, storm conditions, liquefaction, flooding, sea level rise, or other natural hazards related to coastal processes, and that there are no feasible measures that could make the structure suitable for habitation or use without the use of bluff or shoreline protective devices;
  - ii. Essential services to the site (e.g. utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above;
  - iii. Removal is required pursuant to LCP policies for sea level rise adaptation planning; or
  - iv. The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.

Approval of CDP No. 5-21-0125 does not allow encroachment onto public trust lands. Any future encroachment onto public trust lands shall be removed unless authorized by the Coastal Commission. Additionally, encroachment onto public trust lands is subject to approval by the State Lands Commission or other designated trustee agency.

### III. FINDINGS AND DECLARATIONS

#### A. Project Description and Background

The City of Long Beach is proposing improvements to Fire Station No. 14<sup>1</sup>, a two-story, 8,340 square foot building with 16 onsite parking spaces, for workforce privacy upgrades and addition of a one-story, detached 480 square foot gym (**Exhibit 2**). Construction of the accessory gym building involves 55 cubic yards of grading at a previously graded and paved part of the lot and re-construction of a portion of the cement block fence wall. The privacy upgrades include an interior renovation of the second floor and the replacement of existing restrooms with gender neutral restrooms. The project would also result in the installation of a new bike rack and restriping of the ADA-accessible parking space with a new sign. Other proposed development includes replacement of the main sewer line at the first floor, relocation of existing communications equipment, replacement of rooftop mechanical equipment with new screened bird-safe enclosure, placement of non-harmful bird deterrence materials, replacement of some roofing materials, and installation of new roof drains and vents.

The City of Long Beach has a certified Local Coastal Program (LCP); however, the subject project site is located within the Commission's retained permit jurisdiction area. Therefore, the standard of review for this permit is Chapter 3 of the Coastal Act with the certified Long Beach LCP providing guidance.

The project site is located just northwest of Marine Stadium across the street from Colorado Lagoon, Marina Vista Park, and Will Rogers Mini Park (**Exhibit 1**). The project site is zoned Institutional, which pursuant to the certified Long Beach Zoning Code, allows for fire stations. The proposed development involves improvements and additions to an existing fire station and will not significantly impact coastal views from public spaces, coastal habitat, or public access and recreation opportunities.

The site is within a low-lying coastal area that is vulnerable to flooding with approximately five feet or more of sea level rise (without a large storm event). The City has proposed to remove and relocate Fire Station No. 14 when subject to inundation. Therefore, staff recommends the Commission impose **Special Conditions 1 and 2**, which require the City to assume the risks of developing in an inherently hazardous area, waive the right to construct shoreline protective devices for the new development, and remove the development if threatened by coastal hazards in the future.

#### Coastal Hazards

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

“New development shall do all of the following:

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<sup>1</sup> CDP No. 5-83-865

- a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.”

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in hazardous areas, including areas subject to flooding. New development must also not significantly contribute to erosion or destruction of the site or surrounding area. The proposed project, which is located between 150 and 800 feet from Colorado Lagoon and Marine Stadium, respectively, and may be located even closer to the open channel that is permitted to be constructed between the two (CDP No. 5-09-071-A3), raises potential hazards concerns related to the project site’s location in a low-lying area that is inherently vulnerable to flooding exacerbated by the sea level rise that is expected to occur over the coming decades. Groundwater levels at this site, while relatively shallow, are not anticipated to become emergent or affect the new development during its 50-year anticipated design life.

The project site is expected to be subject to flooding with over five feet of sea level rise or two and a half feet with a 100-year storm event. Both of these events could occur within approximately 60 years under a medium-high risk aversion scenario. Thus, **Special Condition 1** requires the applicant to assume the risks of developing in an inherently hazardous area. While the City has not proposed specific structural modifications to adapt to flooding, it has proposed to relocate the fire station prior to inundation from tidal surge. In any case, the new development (including the proposed gym and sewer line) is not entitled to shoreline protection under Section 30235 of the Coastal Act. For these reasons, **Special Condition 2** is imposed to require the applicant to acknowledge that no shoreline protective device may ever be constructed to protect the new development and, if it is threatened by coastal hazards in the future, remove the development upon finding that the structures are unsafe for use, essential services to the site cannot be maintained, or removal is required by the certified LCP. The City is in agreement with the special conditions.

As thus proposed by the applicant and conditioned by the Commission, the project can be found to be consistent with Section 30253 of the Coastal Act.

## **B. Development**

The development is located within an existing developed area on a developed lot. The new structural additions to the fire station are located on the landward portions of the site and will not increase the height or general mass of the structure or adversely affect the visual resources or character of the area. For these reasons and given the aforementioned coastal hazard findings and special conditions imposed, the Commission finds that the proposed development, as conditioned, conforms with Sections 30250, 30251, 30252, and 30253 of the Coastal Act.

### **C. Public Access**

The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as proposed, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

### **D. Water Quality & Biological Resources**

The project is located in a developed area and is surrounded by roads and stormwater infrastructure that would prevent discharge of polluted runoff from the project site into coastal waters. Furthermore, while the project involves the installation of bird netting and spikes to deter bird roosting, these additions are not expected to adversely impact sensitive species. Therefore, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

### **E. Local Coastal Program (LCP)**

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 local coastal program, certified by the Commission on July 22, 1980, is advisory in nature and may provide guidance. As conditioned, the proposed temporary development is consistent with Chapter 3 of the Coastal Act.

### **F. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified 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 approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. As the lead agency under CEQA, the City of Long Beach determined the project to be a ministerial (exempt) project under CEQA on January 6, 2022. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.