

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-24-0767

Applicant: Long Beach Yacht Club; Commodore Scott Dixon

Agent: Michael Kollin, AIA

Location: 6201 Appian Way, Long Beach, Orange County
(APN: 7242-014-900)

Project Description: The project includes the remodel of and addition to the existing 21,026 sq. ft. Long Beach Yacht Club Main Building/Clubhouse, which also includes the demolition of the adjacent existing pool and pool deck and construction of a new attached three-story Pool Building with a new pool and deck, multipurpose rooms, restrooms, classrooms and terraces. The additions total 20,179 sq. ft. for an overall post project total of 41,205 sq. ft. Grading will consist of 207 c.y. of cut and 54 c y. of fill for recompaction purposes. Any remaining grading from the cut will be exported to a location outside of the Coastal Zone.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the remodel of and addition to the existing Long Beach Yacht Club Main Building/Clubhouse and the demolition of the adjacent existing pool and pool deck and construction of a new attached Pool Building located adjacent to Alamitos Bay. An existing public walkway along Alamitos Bay is located to the north, west and east of the Yacht Club site.

Commission staff is recommending **APPROVAL** with **TWENTY-ONE SPECIAL CONDITIONS** to ensure consistency with the scenic resources, hazards, marine resources and water quality, biological resources and public access policies of the Coastal Act. The primary issues raised by this project concern protection of public access and water quality.

The project site is located on State Tidelands managed by the City of Long Beach and the private yacht club has an existing lease with the City of Long Beach for use of the site. The existing Yacht Club lease grants 72 parking spaces inside a private gated parking lot adjacent to the building that is only for the members of the Long Beach Yacht Club that will remain in use as part of the project. Located adjacent to the project site is the 316 parking space Basin 4 parking lot that are shared with the general public and Yacht Club member boat owners who hold parking permits issued by the City of Long Beach Marine Bureau. The Long Beach Yacht Club has forty-six (46) members with boats that have been granted parking permits (which allow up to four (4) cars per boat at the same time) for the Basin 4 parking lot because they have a leased boat slip in the basin. Therefore, in consideration of the private gated parking area and boat owner parking, the Long Beach Yacht Club members have a total of 256 ($72 + 184$ ($46 \times 4 = 184$) = 256) available parking spaces for their use. None of the parking spaces in the Basin 4 public parking area are reserved, and all spaces are available on a first come, first served basis. A parking demand analysis was conducted to determine if there is enough parking for the existing demand and forecasted demand. The parking demand analysis concluded that there would not be enough private onsite parking for the existing and proposed demand. However, by utilizing the Basin 4 public parking lot for private purposes would adversely impact the public's ability to use the Basin 4 public parking lot. Thus, to protect public access to this area, the Commission imposes **Special Condition No. 14**, which prohibits the reservation of any of the parking spaces in the Basin 4 public parking lot for exclusive use by Yacht Club members at any time. To further help alleviate the parking demand generated by the Yacht Club, the applicant has indicated that they have a long-term lease with a nearby hotel site for 80 parking spaces. Additionally, the applicant has proposed a Transportation Demand Management (TDM) Program that would offset the parking deficiency. The TDM Program would promote alternative modes of transportation including incentives for club members to arrive and depart in personal boats, use City bike share or electric scooter programs, and use alternative forms of transportation for members, guests, and employees (golf carts, car sharing, etc.). While the applicant has proposed a TDM Program, no such specific plan has been submitted. Therefore, staff recommends that the Commission impose **Special Condition No. 15**, which requires submittal of a Transportation Demand Management Program (TDMP).

The proposed project site is located almost entirely along the existing public walkway along Alamitos Bay. In order to maintain and protect public access and clarify that the walkway is a free public amenity, staff recommends the Commission impose **Special Condition No. 1**, which requires revised plans eliminating the proposed fence from the public walkway area and also the removal of any relocated or new landscape areas that would be in the public walkway; **Special Condition No. 16**, which requires submittal of a Final Public Access Signage Plan, which will require signage indicating that the walkway fronting Alamitos Bay is public; **Special Condition No. 17**, which requires submittal of a Final Construction Staging Plan that specifically states that no construction staging shall take place in the public walkway adjacent to Alamitos Bay that fronts the Yacht Club nor in the Basin 4 public parking lot. Additionally, no construction staging areas shall be located near these areas that will impact the ability of the public to access them, and **Special Condition No. 19**, which requires any maintenance of the project site that is adjacent to public walkway that fronts Alamitos Bay, shall take place within the confines of the Yacht Club lease areas and not within the public walkway.

The project site is adjacent to open coastal waters and construction and post constructions activities have the potential for adverse impacts to water quality and marine resources. Therefore, as a result, several standard special conditions have been imposed in order to minimize any impacts to water quality and marine resources the proposed project may result in, including **Special Condition No. 6**, construction best management practices, **Special Condition No. 7**, which requires a Construction Pollution Prevention Plan (CPPP), and **Special Condition No. 8**, which requires a Final Low Impact Development Plan (LID).

In addition to these special conditions, several other special conditions are recommended to address other coastal resource and hazard concerns. These include special conditions addressing or requiring: permit authorization, no future shoreline protective devices, assumption of risk, future development, storage of construction materials, mechanized equipment and removal of construction debris, prohibition of single-use plastics, landscaping, resource agencies, breeding and nesting bird surveys during construction, final tree replacement and bird tree monitoring plan, final traffic control plan, public rights and public trust, and a lease restriction. If approved with conditions to address scenic resources, hazards, marine resources and water quality, biological resources and public access, the proposed project will conform with the Chapter 3 policies of the Coastal Act with the City of Long Beach LCP as guidance.

Thus, staff recommends that the Commission **APPROVE** CDP Application No. 5-24-0767 with **21** special conditions. The motion to carry out the staff recommendation is on page **Five**. The special conditions begin on page **Six**.

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EXHIBITS

Exhibit No. 1 – Location Map

Exhibit No. 2 – Tidelands Map

Exhibit No. 3 – Proposed Site Plan

Exhibit No. 4 – Proposed Floor Plans

Exhibit No. 5 – Proposed Elevation Plans

Exhibit No. 6 – Proposed Foundation Plan

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-24-0767 pursuant to the staff recommendation.

Staff recommends a **YES** vote. 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:

The Commission hereby approves a coastal development permit for the proposed development 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 will 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 that the 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 owner and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Submittal of Revised Final Plans.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of revised final plans that have been reviewed and approved by the City of Long Beach Planning Department. The revised plans shall substantially conform with the plans submitted to the Commission on September 18, 2024, December 9, 2024 and July 9, 2025, except that they shall be modified as required below:
- i. Height of new proposed Pool Building will be revised to be consistent with the 30 ft. height limit pursuant to Section 21.35.215 (Building Height) of the City of Long Beach certified Zoning Code;
 - ii. The proposed structure shall be designed to include safety measures recommended by a qualified licensed engineer to floodproof the development in the event of 6.3 ft. of sea level rise. The plan shall describe the applicant's proposed safety measures in detail including how the development will be waterproofed, including waterproofing of the foundation;
 - iii. To minimize bird-strike hazards, any proposed glass railings will be replaced with bird safe glass or frosted or etched glass screens or will be replaced with a different type of material (i.e. metal fence, etc.); and
 - iv. No new fences or relocated or new landscape areas shall be installed on the public walkway along Alamitos Bay outside of the Long Beach Yacht Club Lease area.
- B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendation of any required technical reports.
- C. The revised plans submitted to the Executive Director shall bear evidence of Approval-in-Concept of the revised design from the City of Long Beach Planning Department.

- D. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Permit Authorization.

Permit authorization for CDP No. 5-24-0767 shall run with the current lease between the Yacht Club and City of Long Beach (Lease No. 7013) for use of the project site. The lease expires on January 19, 2050 and if it is not renewed, CDP No. 5-24-0767 shall also expire on January 19, 2050.

3. No Future Shoreline Protective Device.

- A. By acceptance of this permit, the applicant agrees, on behalf of itself and any successors and assigns, that no new shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-24-0767 including, but not limited to, the Main Building, Pool Building, terraces, foundations and any other future improvements including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, or any other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
- B. By acceptance of this permit, the applicant further agrees, on behalf of themselves and any successors and assigns, that the landowner is required to remove all or a portion of the development authorized by this permit, including, but not limited to, the Main Building, Pool Building, terraces, foundations and restore the site, if:
 - i. The City or any other government agency with legal 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 coastal hazards and that there are no measures that could make the structures 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 and/or augmented shoreline protective devices that conflict with relevant LCP or Coastal Act policies.

- C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development fall to the beach or are submerged before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site and relocated any salvageable portions of the development inland. Such removal shall require a coastal development permit.

4. **Assumption of Risk, Waiver of Liability and Indemnity.**

- A, By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards including but not limited to waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (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; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; (vi) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; (vii) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and (viii) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required pursuant to the Coastal Act.
- B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special

Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the landowner’s entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit: (1) a copy of a recorded lease agreement, in a form and content acceptable to the Executive Director, between the applicant and the City of Long Beach incorporating all of the above terms of subsection A of this condition, and (2) a written agreement by the City of Long Beach, in a form and content acceptable to the Executive Director, providing that upon termination of the applicant’s lease of the property that is the subject of this coastal development permit, the City of Long Beach agrees (i) to be bound by the terms of subsection A of this condition if it becomes the owner of the possessory interest in such property, (ii) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and written approval of the Executive Director, incorporating all of the terms of subsection A of this condition, and (iii) to comply with the requirements of subsection B of this condition.

5. Future Development. This permit is only for the development described in CDP No. 5-24-0767. Pursuant to Title 14 of the California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by CDP No. 5-24-0767. Accordingly, any future improvements to the Main Building, Pool Building, terraces, foundations and any other future improvements require an amendment to this permit from the Commission.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. By acceptance of this permit, the applicant agrees to comply with the following construction-related requirements:

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;

- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (4) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- (6) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- (7) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. Construction Pollution Prevention Plan (CPPP).

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, two (2) sets of a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, meets the following:

The Construction Pollution Prevention Plan shall describe the temporary Best Management Practices (BMPs) that the development will implement to minimize erosion and sedimentation during construction, and to minimize the discharge of other pollutants generated by construction activities. The BMPs shall be appropriate to minimize the potential discharge of the specific chemicals and materials used during construction activities at this site, including both direct pollutant discharges and discharges of polluted runoff, in order to protect coastal waters to the maximum extent practicable.

- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

8. Final Low Impact Development (LID) Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, a Final Low Impact Development (LID) Plan for managing post-construction stormwater runoff from the project site, prepared by a licensed water quality professional, that shall include plans, descriptions, and supporting calculations. The Final LID Plan shall be in substantial conformance with the project's *Preliminary Low Impact Development Plan (LID Plan)* prepared by Jones, Cahl & Associates, Inc. dated December 6, 2024. In addition to the specifications above, the Final Plan shall be in substantial conformance with the following requirements:

- (1) The Final LID Plan shall specify appropriate structural and non-structural Best Management Practices (BMPs) to be incorporated into the development (including site design strategies, pollutant source control measures, runoff volume and flow control BMPs, and pollutant treatment

BMPs) that are designed to reduce, to the maximum extent practicable, the volume, velocity, and pollutant load of stormwater and dry weather flows leaving the developed site;

- (2) Design elements that serve to minimize directly connected impervious areas (i.e., areas directly connected to the drainage system) and to maximize permeable surface areas within the development shall be incorporated where feasible. Options include but are not limited to the use of permeable pavements for driveways and walkways, a vegetated green roof, and directing runoff to adjacent permeable landscaping areas;
- (3) Irrigation and the use of landscaping chemicals such as fertilizers and pesticides shall be minimized to the extent feasible through options such as the use of low-maintenance landscaping, drought-resistant native plants, Integrated Pest Management, and an efficient irrigation system;
- (4) The parking lot(s) shall be swept with a vacuum regenerative sweeper a minimum of once weekly;
- (5) Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;
- (6) Runoff from all roofs, roads, driveways, and parking areas shall be conveyed to adjacent landscaping areas or directly to the proposed BioClean Full Capture Filter and Modular Wetland system. Runoff from roof-tops and landscaping areas shall not be discharged (either via sheet flow or piping) to the parking lot pavement and shall instead be conveyed to the BioClean system through vegetated LID BMPs (such as vegetated swales, landscaped green gutters, and vegetated filter strips) designed to slow runoff flows, provide evapotranspiration, and remove pollutants. Non-vegetated runoff conveyance structures (such as culverts, concrete channels, or piping) shall only be used to convey runoff from roof-tops and landscaping areas to the BioClean system if vegetated runoff conveyance BMPs are technically infeasible. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner;
- (7) The BioClean Full Capture Filter and Modular Wetland system shall be designed to 1) remove trash, debris, sediment, and other solids, and 2) remove pollutants of concern (including vehicular pollutants such as hydrocarbons, heavy metals, and chemical and microplastic pollutants from tire wear particles) through screening, sedimentation, filtration, biofiltration, adsorption, and biological remediation. Because the adjacent Alamitos Bay is listed as impaired by copper on the current Clean Water Act Section 303(d) list of impaired waters, vehicle brake pads are a significant source of copper pollution in the ocean, and copper is toxic to

aquatic organisms, the copper removal effectiveness of the BioClean Modular Wetland shall be enhanced to the extent technically feasible through the use of specially formulated filtration media or other techniques;

- (8) The BioClean Full Capture Filter and Modular Wetland system shall each be designed to treat the stormwater runoff flow produced by the 85th percentile 1-hour design storm (multiplied by a safety factor of 2);
 - (9) All structural BMPs shall be designed, installed, and maintained for the life of the development in accordance with accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association's Best Management Practice Online Handbook: Development (2021 or current version);
 - (10) It is the permittee's responsibility to maintain the drainage system and associated structural BMPs according to the manufacturer's specifications. At a minimum, all structural BMPs (including their screens, filters, media cartridges, and wetland vegetation) shall be inspected and cleaned/repared or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) inspected monthly thereafter for the duration of the rainy season (October 15th - April 30), and cleaned/maintained as necessary based on the results of the inspection, and (3) inspected and maintained as needed throughout the dry season; and
 - (11) Debris and other pollutants removed from structural BMPs during clean-out shall be contained and disposed of in a proper manner.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 9. Single-use Plastics Prohibited.** By acceptance of this permit, the permittee acknowledges and agrees that the use of single-use plastic foodware and packaging on-site and for takeout is prohibited.
- 10. Final Landscaping Plan.**
- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of a Revised Landscape Plan, prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing

that the final Landscape plans are in conformance with the following requirements:

- (1) The plan shall demonstrate that:
 - (a) All landscaping shall consist of native or non-native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “*noxious weed*” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>;
 - (b) All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
 - (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (2) The plan shall include, at a minimum, the following components:
 - (a) Two (2) full size copies of a map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) A schedule for installation of plants.
- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

11. Resource Agencies.

The permittee shall comply with all requirements, requests and mitigation measures from the Regional Water Quality Control Board (RWQCB); the U.S. Army Corps of

Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the U.S. Fish and Wildlife Service (USFWS) 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.

- 12. Breeding and Nesting Bird Surveys During Construction.** For any construction activities, including tree trimming and relocation, between January 15th and September 1st, the permittee shall retain the services of a qualified biologist with experience in conducting bird behavior, nesting bird, and noise surveys (hereinafter, “biologist”) to conduct said surveys in order to assess bird behavior, the presence of nesting birds including, but not limited to, black-crowned night herons, great blue herons, great egrets, and snowy egrets, and to document ambient and project noise levels. All project construction and operations shall be carried out consistent with the following:

- A.** The permittee shall ensure that a qualified biologist shall conduct the surveys 15 calendar days prior to the construction activities, including any tree trimming or relocation, to detect any active bird breeding behavior or active bird nests in all trees within 500 ft. of the project and to document ambient and project noise levels. A follow-up survey must be conducted three (3) calendar days prior to the initiation of project activities and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. All bird breeding behavior, nesting bird, and noise surveys shall be submitted to the Executive Director within two (2) days of completion.
- B.** If an active nest(s) of any shore bird or wading bird is found within 300 ft. of the project or bird nesting or courtship behavior is observed within the project site, the applicant’s biologist shall monitor bird behavior and construction noise levels. The nest(s) and nesting bird(s) shall not be removed or disturbed. The biologist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The biologist shall monitor birds and noise every day at the beginning of the project and continuing throughout all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below the demonstrated ambient noise levels or a peak of 65 dB at the nest site(s). If construction noise exceeds the ambient noise levels or a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed or the birds have fledged.

- C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or designated migratory bird under the federal Migratory Bird Treaty Act, is found within 300 ft. of the project, or an active nest for any species of raptor is found within 500 ft. of the project, the permittee shall notify the appropriate state and/or federal wildlife agencies within 24 hours, and appropriate action specific to each incident will be developed. The permittee shall notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of state and federal wildlife agencies.
- D. The permittee must cease work if informed by the biologist that proceeding with any development authorized by this permit would adversely affect breeding or nesting birds, and shall consult with the appropriate federal and/or state wildlife agencies as well as the Commission Executive Director on appropriate steps to protect breeding or nesting birds. The permittee shall immediately notify the Commission Executive Director if activities outside of the scope of the subject Commission-approved project occur. If the Commission Executive Director determines that significant impacts or damage to sensitive habitats or to wildlife species has occurred, the permittee shall submit an application to the Commission to amend this permit to include appropriate mitigation and/or restoration measures.
- E. If the relevant state or federal wildlife agencies require modifications to the project to protect nesting or breeding birds, the permittee shall obtain an amendment to this permit unless the Commission Executive Director determines that amending the permit is not legally required.

13. Final Tree Replacement Plan and Bird and Tree Monitoring Plan. BY ACCEPTANCE OF THIS PERMIT, the permittee hereby agrees to implement a Final Tree Replacement Plan and a Bird and Tree Monitoring Plan, in substantial conformance with the application on file, except as modified herein, for the existing trees and any trees planted within the project area for the life of the development.

- A. Provide for replacement of any removed trees at a two to one ratio (2:1) ratio, including any trees removed from the site pursuant to the proposed project, any trees removed from the site within the last ten years without the benefit of a coastal development permit, and any trees removed from the site throughout the life of the development approved by this permit. Any trees which are, have been, or will be removed, shall be replaced with trees as large as a qualified arborist recommends that will survive consistent with the final approved landscaping plan and special conditions of this permit.
- B. Require the permittee to retain a qualified arborist to monitor any new or relocated trees annually for the first five years followed by annual monitoring on at least one day during bird nesting season for the life of the project. Annual reports prepared by the qualified arborist shall be submitted to the Executive Director. If the report includes recommendations from the arborist to improve

tree health and success, then the City shall provide the Executive Director with evidence and written verification that the arborist's recommendations have been implemented within six (6) weeks of the City's receipt of the arborist's recommendation. Each annual monitoring report shall include:

- i. A summary of the prior annual report and discussion of implementation of recommendation(s) made by the qualified arborist;
- ii. A list and map of any trees that required maintenance, trimming, or replacement during the prior year and a plan for continued monitoring of those trees;
- iii. Photographic documentation of the trees' conditions after maintenance, trimming, or relocation;
- iv. An "A" through "F" designation for each tree within the project site using the grading system identified in the final Monitoring Plan;
- v. A discussion of establishment success of new trees in the project area. If any of these trees have a "D" or "F" designation, then the tree establishment shall be considered unsuccessful and the City shall submit a revised Tree Replacement Plan prepared by a qualified arborist to reestablish healthy trees that are suitable for nesting habitat on the project site. The Tree Replacement Plan shall specify measures to remediate the portions of the Plan that failed or are not in conformance with the original approved Plan and mitigate for any temporal impacts resulting from the Plan's failures;
- vi. Recommendations for continued tree maintenance, including plans to improve the health of any trees with a "B" or "C" designation and irrigation plans.

C. Bird and Tree Monitoring Plan.

- i. For ten years, the applicant shall employ a qualified biologist and arborist, to survey breeding and nesting birds and tree health, respectively, annually during bird breeding season from January 15th through September 1st, including as follows:
 - (1) Annually during bird breeding season the biologist shall survey the number (adults, juveniles, chicks), breeding, and nesting activity, tree type, and location of all birds within the project footprint.
 - (2) Annually during bird breeding season the arborist shall assess the health (e.g. "A" through "F" rating) of the trees within the project footprint.

- (3) The arborist shall make recommendations for continued tree maintenance, including plans to improve the health of any trees with a “B” or “C” designation.
 - (4) Where the arborist finds that a tree(s) is a health and safety risk, dead, diseased, or dying (e.g. “D” or “F” rating), the applicant shall make provisions for replacement.
 - (5) No later than December of each year, the biologist and arborist shall submit a report to the Executive Director, USFWS, CDFW, and local Audubon Society summarizing the data collected, the patterns observed for the respective year and cumulatively (looking across all years), and adaptive management recommendations. The applicant, in consultation with the ED, USFWS, CDFW (and other), shall implement any such agreed upon adaptive management actions deemed necessary for the continued success of bird breeding and nesting and tree health (e.g. tree replacement/additions, lighting and/or noise adjustments, etc.).
- ii. Include a plan for appropriate disposal of trees that require replacement pursuant to the final Tree Replacement Plan.
- iii. If any annual report identifies impacts to mature trees within the project area, or if the Executive Director identifies cumulative impacts to habitat that supports nesting shorebirds within the project area, the Executive Director shall notify the City that a permit amendment is required to provide mitigation for the impacts. The City shall submit a permit amendment request to the Commission within sixty (60) days following notification from the Executive Director that a permit amendment is required.
- D.** The applicant shall adhere to the Special Conditions of CDP No. 5-08-187, the City’s Tree Trimming and Removal Policy for trees located within the Commission’s retained jurisdiction area and the Special Conditions of LCDP Nos. LCDP20-033 and LCDP21-015, the City’s Tree Trimming and Removal Policy for trees located within the City’s LCP jurisdiction area. The applicant shall maintain trees within the project area subject to the terms of these CDPs for the life of the development. Any removal or replacement of trees within the project area in the future shall require an amendment to the CDPs, unless the Executive Director determines that no amendment is required. If there are discrepancies between CDP No. 5-08-187, LCDP Nos. LCDP20-033 and LCDP21-015, and the subject CDP (Nos. 5-24-0767), the requirements of the subject CDPs shall apply.
- E.** The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans

shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission-approved amendment to this coastal development permit unless the Executive determines that no amendment is legally required.

14. Prohibition of Exclusive Yacht Club Parking in the Basin 4 Public Parking Lot.

The reservation of any parking spaces in the Basin 4 parking lot for the exclusive use of any Yacht Club member or guest of any Yacht Club member is prohibited. Any action to reserve any parking spaces in the Basin 4 parking lot requires a coastal development permit unless the Executive Director of the Coastal Commission determines that no coastal development permit is necessary.

The permittee shall undertake development in accordance with this special condition. No deviations to the requirements of this special condition shall occur without a Commission-approved amendment to this coastal development permit unless the Executive determines that no amendment is legally required.

15. Final Transportation Management Program (TDMP).

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, two (2) sets of a Final Transportation Demand Management Program (TDMP). The plan shall identify alternative transportation measures to reduce vehicle use including, but not limited to:

1. Incentives for club members to arrive and depart in personal boats;
2. Installation of bicycle and scooter racks as part of City bike share and/or electric scooter programs;
3. Use of alternative forms of transportation for members, guests, and employees (golf carts, car sharing, etc.);
4. Methods to incentivize the change in modes including establishing more golf cart parking spaces;
5. Marking a fixed pick-up area for car share services (e.g. Uber and Lyft);
6. Providing merchandise, food, and beverage discounts for members using alternate transportation modes;
7. Providing education on the City's free shuttle service.
8. Designated bicycle/scooter parking area;
9. Incentive program for employees to ride bicycles to work; and

10. Information on the Yacht Club's website regarding how to transit or ridesharing services to and from the site.

- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

16. Final Public Access Signage Plan.

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of a Final Revised Public Access Signage Plan, which indicates the walkway along Alamitos Bay fronting the north, west and east sides of the project site is public. In addition to the specifications above, at a minimum the signage program shall include:

- (1) Signage shall indicate, with graphics and text, the presence of, and location of, public access opportunities at the project site;
- (2) Signage shall be clearly visible to pedestrians and occupants of vehicles traveling in either direction along Appian Way;
- (3) The project plans shall include, at a minimum, the following components: dimensions and content (graphics and text) of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil; and
- (4) Language on the signs shall be multiple languages, including English and Spanish.

- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

17. Final Construction Staging Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of a Final Construction Staging Plan that indicates that the construction staging area(s) and construction corridor(s) will minimize public access impacts to the sandy public beach.

- (1) The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
 - (b) Construction equipment, materials, or activity shall not be placed outside of the construction staging area or corridor identified in subsection (a) of this special condition, including but not limited to, in any public parking lot, or within the adjacent public walkway at any time;
 - (c) The construction staging area will gradually be reduced as less materials and equipment are necessary;
 - (d) The construction access route will only be intermittently closed for transport of equipment and materials. When not in use for transportation of equipment and materials, it will be made available for uninterrupted public access;
 - (e) No construction staging shall take place in the public walkway adjacent to Alamitos Bay that fronts the Yacht Club nor in the Basin 4 public parking lot. Additionally, no construction staging areas shall be located near these areas that will impact the ability of the public to access them.
- (2) The plan shall include, at a minimum, the following components:
- (a) A site plan that depicts:
 - 1. limits of the staging area(s);
 - 2. construction corridor(s);
 - 3. construction site; and
 - 4. location of construction fencing and temporary job trailers with respect to the public walkway along Alamitos Bay and the Basin 4 public parking lot.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

18. Final Traffic Control Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, two (2) full size sets of a Final Traffic Control Plan that demonstrate the following:
- (1) Every effort shall be made to minimize the duration of the public walkway along Alamitos Bay fronting the project site and the adjacent Basin 4 public parking lot closures, so that impacts upon public access are minimized;
 - (2) The public walkway along Alamitos Bay fronting the project site and the Basin 4 public parking lot should be opened, even intermittently, whenever possible during construction; and
 - (3) A detour plan to re-route pedestrian and bicycle traffic shall be identified for those periods when the public walkway along Alamitos Bay fronting the project site and the Basin 4 public parking lot are closed within the project area.
- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

19. Maintenance of Project Site adjacent to Public Walkway that Fronts Alamitos Bay.

By accepting this Permit, the permittee acknowledges and agrees that any and all maintenance activities for the project site shall be confined to the Yacht Club lease areas. At no time shall the public walkway that fronts Alamitos Bay be used to carry out any maintenance activities for the Yacht Club lease area, including closure, partial closure, or blocking the public walkway of any kind.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

- 20. Public Rights and Public Trust.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property now or in the future.

21. Lease Restriction.

- A.** By acceptance of this permit, the permittee acknowledges and agrees that, pursuant to this permit, (1) the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing the Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property.
- B. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit: (1) a copy of a recorded lease agreement, in a form and content acceptable to the Executive Director, between the applicant and the City of Long Beach incorporating all of the above terms of subsection A of this condition, and (2) a written agreement by the City of Long Beach, in a form and content acceptable to the Executive Director, providing that upon termination of the applicant's lease of the property that is the subject of this coastal development permit, the City of Long Beach agrees (i) to be bound by the terms of subsection A of this condition if it becomes the owner of the possessory interest in such property and (ii) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and written approval of the Executive Director, incorporating all of the terms of subsection A of this condition.

IV. FINDINGS AND DECLARATIONS

A. Project Description, Location and Standard of Review

Project Description

The project includes the remodel of and addition to the existing 21,026 sq. ft. Long Beach Yacht Club Main Building/Clubhouse, a private club, which also includes the demolition of the adjacent existing pool and pool deck and construction of a new attached three-story building, the Pool Building, with a new pool and deck, multipurpose rooms, restrooms, classrooms and terraces ([Exhibits No. 3-6](#)). The additions total 20,179 sq. ft. for an overall post project total of 41,205 sq. ft. Grading will consist of 207 c.y. of cut and 54 c y. of fill for recompaction purposes. Any remaining grading from the cut will be exported to a location outside of the Coastal Zone

The applicant has indicated that the proposed remodel and addition to the Clubhouse is intended to help modernize the various rooms within the facility to meet the current

needs of the Club membership and will not increase Club membership, which is capped at 1,000 regular members.

The applicant has provided the following project description:

The majority of the interior of the Main Building/Clubhouse will be remodeled. Additional building area will expand one of the lower level banquet rooms as well as administrative areas. Additional area on the second level will expand a private dining room, the kitchen area and a new bar-lounge banquet room. In addition, a new central clerestory structure will be added to bring natural light into the central two-story space above the grand stair.

The new, approximately 35-ft. tall, Pool Building will contain a pool lobby, two multi-purpose rooms, restrooms for members using the pool and multi-purpose spaces, restrooms for staff members, storage and pool service bar on the 2nd level. The 1st floor level below the pool deck will contain supporting spaces for the Clubhouse, a community room, classrooms for the sailing courses and the pool and pool equipment. The 3rd level will contain a covered and uncovered terrace area.

The new Pool Building, as proposed, would be approximately 35-ft. in height. However, the City's certified Zoning Code identifies the height limit at 30-ft. The applicant has been made aware of this and acknowledges that they will modify the height to be consistent with the height limit established in the certified Zoning Code (part of the City's certified Implementation Plan). However, these revised plans have not yet been submitted. Thus, the Commission **imposes Special Condition No. 1**, which requires the applicant to submit revised plans consistent with the 30-ft. height limit.

The existing Main Building exterior will remain, but will be painted in a white color. The new Pool Building will be painted to match the Main Building/Clubhouse building exterior. The upper level wood and cable guardrails of the existing Main Building/Clubhouse will be replaced with bird safe glass railing and wood brackets. The existing lower level wrought iron perimeter screen wall will be replaced with a bird safe glass screen wall.

No new foundation work is proposed to the existing Main Building/Clubhouse, which is currently founded on conventional shallow spread footings). The foundation for the proposed new Pool Building will consist of conventional shallow spread footings over vibro stone column ground improvement. A minor office addition (Administrative Office) to the south of the existing Main Building/Clubhouse will be founded on micropiles interconnected by concrete grade beams. The applicant's structural engineer is recommending that this Administrative Office addition be treated as a separate building adjacent to the Clubhouse instead of connecting to the existing wood framed building. Current building codes limit the amount of additional area to an existing structure to reduce the amount of lateral upgrades required. Because of its close proximity to the existing Clubhouse, the micropiles would provide the necessary bearing capacity of the soil to reduce the liquefaction characteristics.

The Yacht Club site includes an existing 72 space private parking lot consisting of sixty-nine regular spaces and three American with Disabilities (ADA) accessible spaces. The parking lot will be reconfigured to accommodate the additional building area but will maintain the same number and type of parking spaces as requested by the Marine Bureau. To facilitate large social events (the Yacht Club states that they hold approximately ten (10) events per month and ten (10) additional large sailing competition events per year), additional parking will be leased from the City's Marina Bureau adjacent parking lot (Basin 4 Parking Lot with 316 parking spaces for the leased boat slips in Basin 4 of the Alamitos Bay Marina.). The Yacht Club also encourages the use of golf cart and bicycle transportation for nearby members and guests. Additionally, ride-sharing pick-up and drop-off locations will be incorporated into the project.

Grading will consist of 207 c.y. of cut and 54 c y. of fill for recompaction purposes. Any remaining grading from the cut will be exported to a location outside of the Coastal Zone. The minor grading is needed to scrape and remove the surface of the existing old parking lot and for the placement of the new parking lot surface. The sediment found on-site is 'Artificial Fill' consisting of silty sand and clay with some gravel.

An existing public sidewalk/walkway is located around the Yacht Club property and fronting Alamitos Bay. This sidewalk/walkway also provides access to the adjacent marina boat slips. The proposed project includes the replacement of an existing wrought iron perimeter screen wall located adjacent to this sidewalk/walkway that will be replaced with a bird safe glass screen wall that will serve as perimeter security fence.

Currently, the entire project site drains from the east to the most westerly corner of the site via surface drainage into concrete vee-gutters where it goes through a parkway drain and then into a City of Long Beach catch basin and discharges directly into the Alamitos Bay and then the Pacific Ocean. To address onsite water quality post construction, a Bioclean Modular Wetland Biofiltration stormwater system has been proposed because any infiltration devices are deemed infeasible due to the high groundwater condition found onsite. Roof drains will be directed into adjacent landscaping and will ultimately be treated by the Biofiltration system. After being treated by the Biofiltration system, drainage will be directed to the City of Long Beach catch basin which will then discharge directly into the Alamitos Bay and then the Pacific Ocean.

Landscaping is proposed along the perimeter of the site adjacent to Alamitos Bay. Some of the existing planters located in that area will be updated. Landscaping is also proposed in the reconfigured parking lot. The applicant states that they will conform to City of Long Beach Tree Trimming and Removal Policy.

No work on the adjacent existing City owned bulkhead is proposed.

Project Location

The project site is located at 6201 Appian Way, which is on the east side of Appian Way, at the terminus of Appian Way on Naples Island, in the City of Long Beach (Los

Angeles County) ([Exhibits No. 1-2](#)). The project site is located on State Tidelands managed by the City of Long Beach and the Yacht Club has a lease (Lease No. 7013) with the City to use that site that will expire on January 19, 2050. The project site is also located on the southern end of Basin 4 within the Alamitos Bay Marina and Alamitos Bay borders the northern, eastern, and southern boundaries of the project site.

The project site is 89,571 sq. ft. in area, measuring approximately 325 ft. by 275 ft., and is owned by the City and is under the jurisdiction of the Long Beach Parks, Recreation, and Marine Department.

The Long Beach Yacht Club is a private organization catering to its members focused on sailing and boating. Access to the restaurant, bar and meeting facilities is limited to members, family and guests. The Clubhouse building is used as a social hall for the members club guests and features several dining rooms, banquet/meeting room space, a bar several offices, a library, a kitchen, bathrooms that include showers, exterior decks, a swimming pool and spa and a storage building. The pool is located adjacent to the building and is accessed by raised decking. Non-habitable storage and mechanical rooms are located beneath the pool decking and between the pool and the parking lot. A 450 sq. ft. storage room is located adjacent to the pool area.

The Yacht Club facilitates sailing and sailing competitions such as regattas, races and other aquatic events. In addition, the Yacht Club provides sailing, boating and swimming lessons to all of its interesting members and other organizations.

The Long Beach Yacht Club began in 1929 in order to facilitate a power boat race that took place between Long Beach and San Francisco. The Clubhouse was originally constructed in 1937 located in the Port of Long Beach, but they had to leave it during WWII. The current Clubhouse located on Appian Way was constructed in 1960 on City leased Tidelands.

In 1960, the City entered into a lease agreement with the Long Beach Yacht Club. which granted use and development of the project site. The current building located on Appian Way was constructed in 1960 and it has been used as the Club House for the Long Beach Yacht Club ever since. Over the years additional building permits were issued for building expansions, interior remodeling, installation of a swimming pool, construction of exterior decking and a storage building. However, no CDPs were found for the previous improvements. Thus, those improvements are being considered "after-the-fact" with this CDP.

The current lease between the City of Long Beach and the Long Beach Yacht Club began on January 20, 1960, and expires on January 19, 2050. Amendments and extensions to the Lease occurred on January 1, 1970, October 16, 2007, and July 7, 2011. The applicant and the City are currently in negotiations to extend the lease and it is anticipated that the new lease will extend beyond 2090. The revenue from the lease goes into the City's Tidelands Fund Group and offsets expenditures in the Tidelands. The City has notified Commission staff that they do not modify leases on coastal properties until the Commission acts because it is unclear what CDP conditions may be

imposed and how that may impact the business and financial aspects of the lease between the City and the lessee. The Clubhouse facility and the lease predate the Coastal Act and the California Coastal Commission. The authorization of the permit for the proposed project shall only be valid until the expiration of the lease (January 19, 2050) if it is not renewed. To ensure this, the Commission imposes **Special Condition No. 2**, which states that the permit authorization for the proposed project shall expire at the end of the current lease between the Yacht Club and the City of Long Beach, which is January 19, 2050, unless the lease is renewed.

The Long Beach Yacht Club was constructed in 1960 and at that time the zoning was “P”, which at that time stood for Public and Semi Public (P) Zoning District. At the time of LCP adoption, which occurred in 1980, the zoning was also “P,” but now stood for Park (P) Zoning District. The proposed use is consistent with the zoning designation as the zoning allows athletic facilities including, swimming pools, office for the supervision and maintenance of park facilities, programs and activities, and private clubs (nonprofit and recreation only).

As conditioned (and discussed in the staff report), the proposed project meets all of the development standards outlined on the “P” Zoning District such as buildings shall be designed, treated and finished to blend with the open and landscaped surroundings and building height limitations.

Standard of Review

The project site is located on State Tidelands ([Exhibit No. 2](#)). The City of Long Beach is Trustee for a portion of the project site that is within the City’s permit jurisdiction. The remaining portion of the site is within the Commission’s retained jurisdiction. Pursuant to Section 30601.3 of the Coastal Act, the applicant, City of Long Beach, and Commission all agreed to a consolidated permit application for the underlying permit and consolidation will not substantially impair public participation, the Coastal Commission is the permit issuing authority for the entire proposed project and the standard of review is Chapter 3 of the Coastal Act, with the City of Long Beach LCP, certified by the Commission on July 22, 1980, used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act, with the City’s LCP as guidance.

B. Scenic Resources

Relevant Coastal Act policies

Section 30251 of the Coastal Act, Scenic and visual qualities, states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual

quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Relevant LCP Policies

Section 21.35.010 (Design of Buildings) of the certified Implementation Plan states, in part:

All buildings shall be designed, treated and finished to blend with the open and landscaped surroundings. All mechanical appurtenances, other than rain gutters and solar collectors, shall be screened from public view.

Section 21.35.215 (Building Height) of the certified Implementation Plan states, in part:

The maximum height of all buildings shall be thirty feet.

Goal 3 of the Scenic Routes Element states:

Link and enhance recreational, cultural, and educational opportunities through a network of scenic corridors

The proposed development includes the demolition of an existing two-story structure consisting of a pool and pool deck on the 2nd floor with storage and equipment rooms located on the 1st floor and construction of a new attached three-story building with a new pool and deck, multipurpose rooms, restrooms, classrooms and terraces. Views of Alamitos Bay, including the water, are available from the adjacent public walkway bayward of the existing and proposed Pool Building and they will continue to be available as the proposed Pool Building will be located landward of the public walkway.

Views of Alamitos Bay are also available from the public parking lot (Basin 4 Public Parking Lot) adjacent to the project site located landward of the proposed Pool Building. However, these views are already obscured by the existing Pool Building and views of Alamitos Bay are only of the sky and masts of the boats docked in Alamitos Bay. The sky and masts are seen over the unpermitted wall and Pool Building. Thus, the existing view of Alamitos Bay from the public parking lot toward the existing Pool House is minimal.

The proposed development includes the demolition of the existing Pool House and construction of a new larger three-story Pool House. The new Pool House will include one additional floor than the existing consisting of covered and uncovered terraces. Views of Alamitos Bay from the public parking lot toward the proposed Pool House will not drastically change the already hindered view as the additional floor may now just block some additional views of the boat masts and sky. The new Pool House building will be larger in size and comparable with the Main Building and these two buildings will

be the largest in the area; however, the proposed project will not impact scenic views of the bay because the public views from the public walkway will be preserved and the minimal public views from the parking lot will not be significantly impacted.

The proposed new Pool Building is proposed to be approximately 35-ft. in height; however, the City's certified Zoning Code states that the height limit at 30-ft. The applicant has agreed to modify the height to be consistent with the height limit established in the City's certified Zoning Code thereby reducing the visual impacts of the project. However, these revised plans have not yet been submitted. Thus, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised plans consistent with the 30-ft. height limit. While this change to the height of the proposed Pool Building will lower the height, it will not significantly alter the already obscured view of Alamitos Bay from the adjacent public parking lot fronting where the new Pool Building will be located. Lowering the height of the Pool Building to 30-ft. would only slightly increase views of the sky and boat masts in Alamitos Bay as seen from the public parking lot.

Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act, with the City's LCP as guidance.

C. Coastal Hazards

Relevant Coastal Act policies

Section 30235 of the Coastal Act, Construction altering natural shoreline, states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

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

New development shall do all of the following:

- (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 30270 of the Coastal Act, Sea level rise, states:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The project site is a bulkheaded lot located between the first public road and the sea (Alamitos Bay). The bulkhead, which is maintained by the City, currently provides the existing project site and buildings in the area some protection against wave uprush and flooding hazards. However, similar to other nearby water fronting communities, the bulkhead is the only protection from wave uprush hazards. Thus, potential hazards issues that must be addressed include the potential for flooding and storm hazards. These hazards may be exacerbated by the sea level rise that is expected to occur over the coming decades.

To analyze the suitability of the site for the proposed development relative to the hazards of waves, erosion, storm conditions, sea level rise, and other natural hazards due to its bayfront location, the applicant provided a *Coastal Hazard and Sea Level Rise Discussion for Remodel, Pool Replacement, and New Accessory Structure at the Long Beach Yacht Club, Long Beach, California (WO S8745)* prepared by Geosoils, Inc. dated December 18, 2023. The hazards analysis concludes that the proposed development is reasonably safe from coastal hazards for the next 75 years. Commission staff also analyzed future sea level rise impacts regarding the proposed project using the Coastal Commission's Statewide Guidance. Based on the project's estimated 75-year design life, in 2100, the project site would be subject to approximately +2.8 ft. to +6.3 ft. of sea level rise (Intermediate to High Scenarios, Los Angeles tide gauge).

The highest high tide in the project area is +7.2 ft. NAVD88 and the proposed finished surface elevation of the ground floor building is +11.00 NAVD88. Based on the project's estimated 75-year design life, in 2100, the project site would be subject to approximately +2.8 ft. to +6.3 ft. of sea level rise (Intermediate to High Scenarios, Los Angeles tide gauge). Taking into consideration these sea level rise projections along with the highest high tide in the project area, the proposed project would adequately address 2.8 ft. of sea level rise as the Finished Surface Elevation for the ground floor of the building would be located above the highest high tide that would result from the sea level rise Intermediate Scenario.

While the proposed Finished Surface Elevation would address sea level rise from the Intermediate Scenario, it would not address sea level rise resulting from the sea level rise High Scenario (+6.3 ft.). When coastal hazards cannot be avoided, new development needs to include provisions to ensure that hazard risks are minimized for the life of the development without shoreline protection, including through adaptation

measures, future modification, relocation, or removal when they become threatened by natural hazards, including sea level rise.

The applicant does not anticipate that sea level rise will impact the proposed development, but is amenable to waterproofing the new foundation. As discussed above and also shown in the U.S. Geologic Survey Coastal Storm Modeling System (CoSMoS), a regional sea level rise modeling model, the project site would still be susceptible to occasional flooding if 0.8 ft. of sea level rise occurs (which is estimated to occur between ca. 2040 and 2050, depending on the sea level rise scenario), and to wave uprush with even less sea level rise in conjunction with a 100-year storm scenario. The site would also be susceptible to regular flooding with 3.3 ft. of sea level rise and no storm. While the applicant has proposed to waterproof the new below grade foundation, no plans have been provided indicating how this would occur to address +6.3 ft. of sea level rise. Thus, the Commission imposes **Special Condition No. 1**, which requires submittal of revised plans indicating how the development will waterproofing the new below grade foundation.

Section 30270 of the Coastal Act states that the commission shall take into account the effects of sea level rise in coastal resources planning. Section 30253 of the Coastal Act prohibits new developments that would require construction of a protective device that would substantially alter the natural shoreline. Here, the applicant has not proposed to construct a shoreline protection device, and no shoreline protection would be authorized by this permit; however, the applicant or a successor-in-interest could potentially desire to seek shoreline protection at some point in the future. With expected sea level rise and flooding, the area between the project site and ocean waters is expected to narrow with time, which in turn raises the question of a possible request for future shoreline protection at the site. Therefore, it must be clear that, as new development, the entire development approved by this permit is not entitled to a shoreline protection device now or in the future. **Special Condition No. 3** is imposed to require the applicant to acknowledge that they and all successors/assigns have no right to a shoreline protective device for the project and that no future shoreline protective device will be allowed onsite to protect the proposed development. This condition recognizes that predictions of the future cannot be made with certainty, thereby allowing for development that is currently safe and designed to be as safe as possible for the life of the development while ensuring that the future risks of property damage or loss arising from sea level rise or other changed circumstances are borne by the applicant enjoying the benefits of new development, and not the public.

Given that coastal hazards may impact the proposed development before the end of its anticipated economic life, the Commission must also find that the project assures stability and structural integrity and minimizes risks to life and property in an area of high flood hazard without a shoreline protective device. Here, it is important to note that the site is not currently threatened by coastal hazards and has been designed to be stable and structurally sound under current conditions, as acknowledged by the applicant, and as conditioned, does adequately address the sea level rise Intermediate and High Scenarios. Likewise, **Special Condition No. 3** requires that if the City of Long

Beach or any government agency determines that the proposed 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, that the proposed structures be removed.

The Commission finds that due to the possibility of flooding and other coastal hazards now or in the future, if the applicant chooses to build in this location despite those risks, they must assume the risks of development in a hazardous area as a condition of project approval. Because this risk of harm cannot be completely eliminated, the Commission requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's Assumption of Risk, Waiver of Liability and Indemnity, as required by **Special Condition No. 4**, will show that the applicant is aware of and understands the nature of the hazards which exist on the site, and that may adversely affect the stability or safety of the subject development, and will effectuate the necessary assumption of those risks by the applicant. Since the project site is leased tidelands from the City of Long Beach that manages it, this special condition enables the permittee to record a lease that includes an assumption of risk agreement, and by submitting a written agreement from the public entity lessor, the City of Long Beach, rather than recording a deed restriction. If the City of Long Beach later intends to convey the property this condition requires recordation of a deed restriction prior to conveyance.

Since coastal processes are dynamic and structural development may alter the natural environment, future development adjacent to the beach could adversely affect future shoreline conditions if not properly evaluated. For this reason, the Commission imposes **Special Condition No. 5**, which states that any future improvements to the Main Building, Pool Building, terraces, foundations and any other future improvements, authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b) shall require an amendment from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. This condition ensures that any future development on this site that may affect shoreline processes receives review under the Coastal Act (or future certified LCP) by the appropriate regulatory body.

Conclusion

Thus, as conditioned, sea level rise has been addressed, consistent with Sections 30235, 30253 and 30270 of the Coastal Act t, with the City's LCP as guidance.

D. Marine Resources/Water Quality

Relevant Coastal Act policies

Section 30230 of the Coastal Act, Marine Resources; maintenance, 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, Biological productivity, water quality, 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 waterflow, 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, Oil and hazardous substance spills, 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 containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Relevant LCP Policies

The Introduction to the Coastal Resources section of 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.

Introduction, Coastal Resources, section of the LCP document states:

The water resources of Alamitos Bay, Marine Stadium, Sims Pond, Colorado Lagoon, and Los Cerritos Wetlands are monitored, preserved, and enhanced by a formal set of policies promulgated by the Resources Management Plan. 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.

Preservation of Natural Resources, Goal (g), of the open space policies states:

To preserve areas which serve as natural habitats for fish and wildlife species and which can be used for ecologic, scientific, and educational purposes.

Policy 2.4 of the Open Space and Recreation Element states:

Preserve, enhance and manage open areas to sustain and support marine life habitats.

Program 1.1 of the Open Space and Recreation Element states:

Ensure compliance with all Federal and State laws which protect rare, threatened and endangered species.

Section 21.35.250 (Landscaping Requirements) of the certified Implementation Plan states, in part:

Landscaping shall be provided as required by Chapter 21.42 (Landscaping) of this Title.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind could result in adverse impacts upon the marine environment that could reduce the water quality and biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat and harm wildlife. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon to water quality and biological productivity and to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act, conditions must be imposed. Thus, the Commission imposes **Special Condition No. 6**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered, and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible. As conditioned to protect water quality and biological productivity through the implementation of requirements for safe storage of construction materials and safe disposal of construction debris, the project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

Besides adhering to the Construction Best Management Practices as required by **Special Condition No. 6** above, a Construction Pollution Prevention Plan (CPPP) should be prepared for the proposed project that would specifically deal with water quality onsite during construction. No such plan has been submitted. Therefore, it is necessary to impose **Special Condition No. 7** which requires the applicant to submit a Construction Pollution Prevention Plan (CPPP).

Post-Construction Impacts to Water Quality

The adjacent Alamitos Bay is listed as impaired by copper on the current Clean Water Act Section 303(d) list of impaired waters, vehicle brake pads are a significant source of copper pollution in the ocean. The proposed project will result in urban runoff entering Alamitos Bay through the existing storm drain system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering storm water systems. Therefore, the project has the potential to affect the water quality of the coastal waters in Long Beach.

Currently, the entire project site drains from the east to the most westerly corner of the site via surface drainage into concrete vee-gutters where it goes through a parkway drain and then into a City of Long Beach catch basin and discharges directly into the Alamitos Bay and then the Pacific Ocean. Besides the remodel and addition to the facilities buildings, the existing 72 space parking lot will be reconfigured

The applicant has submitted a *Preliminary Low Impact Development Plan (LID Plan)* prepared by Jones, Cahl & Associates, Inc. dated December 6, 2024) that addresses post project water quality by implementing a Bioclean Modular Wetland Biofiltration stormwater system because any infiltration devices are deemed infeasible due to the high groundwater condition found onsite. Roof drains will be directed into adjacent landscaping and will ultimately be treated by the Biofiltration system. After being treated by the Biofiltration system, drainage will be directed to the City of Long Beach catch basin which will then discharge directly into the Alamitos Bay and then the Pacific Ocean. The Commission's Water Quality Staff has reviewed the LID and while the proposed modular wetland is an acceptable way of handling post construction water quality, Water Quality staff identified some aspects of the plan that need to be addressed, for example some of the items are as follows: 1) the size of the proposed modular wetland unit; 2) the size of the Full Capture Filter; 3) direction of roof-top runoff; and 4) type of absorbent filter materials. Therefore, the Commission imposes **Special Condition No. 8**, which requires the applicant to submit a Final Low Impact Development (LID Plan. The Final LID shall meet water quality goals such as use of appropriate structural and non-structural BMP's designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site and that runoff from all roofs and parking areas shall be collected and directed through a system of structural BMP's and/or gravel filter strips or other vegetated or media filter devices. In addition, this WQMP shall incorporate measures that reduce water quality impacts resulting from the new parking lot. The implementation of BMP's is necessary to reduce the cumulative adverse impact existing polluted runoff has upon Alamitos Bay. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce

cumulative adverse impacts to coastal water quality. In the future, additional improvements may need to occur to ensure that water quality is protected. However if not properly evaluated, such improvements/measures may have an adverse impacts to marine resources/water quality. Thus, the Commission imposes **Special Condition No. 5**, which states that any future improvements require an amendment to this permit form the Commission.

The applicant has stated that landscaping is proposed. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

As previously noted, the proposed project also includes expansion to the existing restaurant in the Main Building and a new pool bar in the Pool Building. The proposed food service use may result in the use of plastic food packaging, tableware, and bags. Plastic pollution is a persistent and growing problem that significantly impacts the health of California's oceans and coasts. Therefore, **Special Condition No. 9** prohibits the use of single-use plastic foodware and packaging to reduce marine debris.

Commission staff has reviewed the submitted Landscaping Plan and discovered some non-drought tolerant plants: *Adiantum capillus-veneris* (*Southern Maidenhair Fern*) and *Erigeron glaucus* 'Sea Breeze' (*Sea Breeze Seaside Daisy*). In addition, the drought tolerancy of the proposed *Heuchera* 'Santa Ana Cardinal' (*Santa Ana Cardinal Coral Bells*) and *Penstemon h. Margarita BOP* (*Margarita BOP Foothill Penstemon*) are unknown. Therefore, the Commission imposes **Special Condition No. 10**, which requires the applicant to submit a Final Landscaping Plan, which consists of native or non-native drought tolerant plants, which are non-invasive.

To ensure that the proposed project adheres to the requirements from other resource agencies, and to account for changes to other resource agency permits that may be necessary given the design alternative required by the Commission, **Special Condition No. 11** requires the applicant to comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board-(RWQCB), the United States Army Corps of Engineers (USACE), and the United States Fish and Wildlife Service (USFWS) with respect to preservation and protection of water quality and marine environment consistent with Section 30231, 30232 and 30233 of the Coastal Act.

Conclusion

Therefore, as conditioned, biological resources and water quality are protected, consistent with Sections 30230, 30231 and 30232 of the Coastal Act, with the City's LCP as guidance.

E. Biological Resources

Relevant Coastal Act policies

Section 30240 of the Coastal Act, Environmental sensitive habitat areas; adjacent developments, states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Section 30230 of the Coastal Act, Marine Resources; maintenance, states:

Relevant LCP Policies

Introduction, Coastal Resources, section of the LCP document states:

The water resources of Alamitos Bay, Marine Stadium, Sims Pond, Colorado Lagoon, and Los Cerritos Wetlands are monitored, preserved, and enhanced by a formal set of policies promulgated by the Resources Management Plan. 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.

Preservation of Natural Resources, Goal (g), of the open space policies states:

To preserve areas which serve as natural habitats for fish and wildlife species and which can be used for ecologic, scientific, and educational purposes.

Policy 2.4 of the Open Space and Recreation Element states:

Preserve, enhance and manage open areas to sustain and support marine life habitats.

Program 1.1 of the Open Space and Recreation Element states:

Ensure compliance with all Federal and State laws which protect rare, threatened and endangered species.

Nesting/Roosting Birds

The proposed project site is a developed site within an urbanized area. While it is an urbanized area, many bird species have adapted to use urban landscaping, including stands of palm trees, in areas near wetlands, coastal waters, and other open spaces. As such, a Nesting Bird Survey entitled *Results of Nesting Bird Survey for the Long Beach Yacht Club Project Located at 6201 Appian Way in the City of Long Beach, California* prepared by ECORP Consulting, Inc. dated November 11, 2024 was completed. No active nests or bird nesting activities were observed during the survey.

Wildlife species including House Finch (*Haemorphous mexicanus*), American Crow (*Cavus Brachyrhynchos*) and Black-Crowned Night Herons were observed onsite. No special-status species were observed, but Black-Crowned Night Herons play an important role in the coastal ecosystem. A number of sensitive species of animals were evaluated for their potential to occur in the project area. Black abalone (*Haliotis cracherodii*), Light-footed clapper rail (*Rallus longirostris levipes*), coastal California gnatcatcher (*Polioptila californicus*) and Tidewater goby (*Eucyclogobius newberryi*) were determined to have no potential to occur at either the project site (Marina Park) or the sediment deposit (beach nourishment) sites.

While no active nests or bird nesting activities were observed, there is potential nesting habitat is present within the Project area. In addition to suitable nesting habitat, there is suitable day roosting and nesting habitat for black-crowned night herons near the proposed tree removal area. Two black-crowned night herons were observed less than 50 ft. from the planned work area in two separate carrotwood trees (*Cupaniopsis anacurdoides*) that will be removed as part of the project along with other existing landscaping as new landscaping is proposed within the leased project area, including the private gated parking area for the Yacht Club.

In order to protect any nesting/roosting birds onsite in the potential future, the Commission imposes **Special Condition No. 12**, which requires breeding and nesting bird surveys during construction. The Commission also imposes **Special Condition No. 13**, which requires the applicant to adhere to the special conditions of CDP No. 5-08-187, the City's Tree Trimming and Removal Policy (for areas within the Commission's retained jurisdiction), and LCDP Nos. LCDP20-033 and LCDP21-015, which both prohibit any tree trimming and removal during nesting season unless determined to be necessary for public health and safety. If trimming or removal is required during nesting season, several specific protection measures must be implemented. The applicant has agreed to comply with its policy, which will be implemented throughout the life of the development, including during construction, unless replaced by a new City-wide policy pursuant to a new CDP or LCP amendment.

Bird Strikes

The applicant has indicated that to address bird strikes caused by transparent glass, the upper level wood and cable guardrails of the existing Main Building/Clubhouse will be

replaced with bird safe glass railing and wood brackets. Additionally, the existing lower level wrought iron perimeter screen wall will be replaced with a bird safe glass screen wall, which will be further discussed in the staff report. However, it is unclear if bird safe glass will also be used for proposed glass rails that are part of the project, for example the glass railing along the 2nd floor of the new Pool Building facing the public walkway and Alamitos Way. Thus, the Commission imposes **Special Condition No. 1**, which requires the applicant to submit revised plans indicating that any proposed glass rails will utilize bird safe glass or will be replaced with a different type of material (i.e. metal fence, etc.).

Conclusion

Therefore, as conditioned, biological resources and water quality are protected, consistent with Section 30240 of the Coastal Act, with the City's LCP as guidance.

F. Public Access

Relevant Coastal Act policies

Article X, Section 4 of the California Constitution provides:

No individual, partnership, or corporation claiming or possessing the frontage or tidal lands of a harbor, bay inlet, estuary, or other navigable water in this state shall be permitted to exclude the right of way to such water whenever it is required for any public purpose... and the Legislature shall enact such law as will give the most liberal construction to this provision so that access to the navigable waters of this state shall always be attainable for the people thereof.

Section 30210 of the Coastal Act, Access; recreational opportunities; 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, Development not to interfere with access, 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 30220 of the Coastal Act, Protection of certain water-oriented activities, states:

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

Section 30221 of the Coastal Act, Oceanfront land; protection for recreational use and development, 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.

Section 30250 of the Coastal Act, Location, existing developed areas, states:

(a) New ...commercial development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Relevant LCP Policies

Outdoor Recreation, Goal (a), of the open space policies states:

To establish an open space recreation system that will serve all social and economic groups for both active and passive recreation.

Goal 1.3 of the Open Space and Recreation Element states:

Improve appropriate access to natural environments.

Goal 4.10 of the Open Space and Recreation Element states:

Provide access to recreation resources for all individuals in the community.

Section 21.35.010 of the certified Implementation Plan states, in part:

The Park P district is established to set aside and preserve publicly owned natural and open areas for active and passive use for recreational, cultural and community service activities. Parks are established to promote the mental and physical health of the community and provide physical and psychological relief from the intense urban development of the City.

Section 21.35.245 (Off-Street Parking and Loading) of the certified Implementation Plan states, in part:

Parking and loading spaces shall be provided as required by Chapter 21.41 (Parking) of this Title.

Goal 4.10 of the certified Open Space and Recreation element states:

Provide access to recreation resources for all individuals in the community.

Parking

The existing Yacht Club lease grants 72 parking spaces inside a private gated parking lot adjacent to the building that is only for the members of the Long Beach Yacht Club that will remain in use as part of the project. The adjacent Basin 4 parking lot, which is for boats located in the Basin 4 area, provides a total of 316 parking spaces that are shared with the general public and Yacht Club member boat owners who hold parking permits issued by the Marine Bureau. The Long Beach Yacht Club has forty-six (46) members with boats that have been granted parking permits (which allow up to four (4) cars per boat at the same time) for the Basin 4 parking lot because they have a leased boat slip in the basin. Therefore, in consideration of the private gated parking area and boat owner parking, the Long Beach Yacht Club members have up to 256 ($72 + 184$ ($46 \times 4 = 184$) = 256) available parking spaces for their use. None of the parking spaces in the Basin 4 public parking area may be reserved for exclusive use by Yacht Club member or their guest and parking spaces are available on a first come, first served basis.

The private yacht club use is a unique land use and, as such, the zoning code does not have a minimum parking requirement for a parking ratio for a private club use. Section 21.41.219 of the City's certified Zoning Code allows for a parking demand study to determine parking demand for unique land uses that are not specified in the City's certified Zoning Code. Thus, a parking demand analysis entitled: *Revised Parking Demand Analysis for Long Beach Yacht Club (LBYC) Remodel and Building Addition Project* (prepared by Linscott Law and Greenspan dated December 15, 2023) was conducted over two days and it analyzed the current parking demand for the private club and forecasted a parking demand using empirical and factual data. Below is a summary table of the parking study results taken from the Planning Commission staff report dated July 18, 2024:

Table 1: Parking Demand Analysis

	Vehicle Parking Capacity	Existing Demand	Proposed Project Demand	Proposed Demand (+30%)
Weekday				
Non-Event Day	72	76	143	204
Event Day	72	145	246	284
Weekend				
Non-Event Day	72	66	132	220
Event Day	72	unknown	155	284

The parking demand analysis identified the number of vehicle parking spaces in the private gated parking lot, the existing demand, the forecasted demand and forecasted parking demand for the project expansion using a 30 percent increase to account for summertime conditions for a conservative estimate. Based on the existing parking demand, there is generally a current deficiency of onsite private parking spaces on non-event days and event days. The Yacht Club holds approximately ten (10) events per month and ten (10) additional large sailing competition events per year.

Based on forecasted demand and forecasted demand using a 30 percent increase to account for summertime conditions for a conservative estimate, onsite parking, there will be a deficiency of onsite private parking spaces on non-event days and event days. However, taking into consideration the 72 private parking stalls and the ability for Yacht Club members to use the Basin 4 public parking lot (up to 184 passes) on a first come, first served basis, the forecasted demand, including for summertime conditions, can be accommodated. However, utilizing the Basin 4 public parking lot for private purposes would adversely impact the public's ability to use the Basin 4 public parking lot. Reserving parking spaces exclusively for the Yacht Club, a private club, via the 184 parking permits issued exclusively to Yacht Club members through permits issued by the Marine Bureau in this public parking lot should be prohibited. The public parking in Basin 4 is currently available on a first come, first served basis and should remain as such in order to protect access for the public. Thus, the Commission imposes **Special Condition No. 14**, which prohibits reservations of any parking spaces in the Basin 4 public parking lot for exclusive use by Yacht Club members or their guests at any time.

The Yacht Club has indicated that they have secured additional offsite parking through a long-term lease as another source to provide parking for to meet demand generated by the Yacht Club. The Yacht Club has a lease for eighty parking spaces available at the Golden Sails Hotel (6285 E Pacific Coast Hwy, Long Beach, CA 90803).

As stated previously, the Yacht Club has a lease with the City of Long Beach for use of the project site, which is Tidelands managed by the City. The authorization of the permit for the proposed project shall only be valid until the expiration of the lease (January 19, 2050) if it is not renewed. To ensure this, the Commission imposes **Special Condition No. 2**, which states that the permit authorization for the proposed project shall expire at the end of the current lease between the Yacht Club and the City of Long Beach, which is January 19, 2050, unless the lease is renewed. Imposing such a special condition would aid in verifying the type of use on site and for how long and knowing what public access impacts may occur. If the lease were extended or a new lease allowed with a different use operating on site, then any public access impacts for use of the project site associated with a new lease extension or new use would be unknown.

While the applicant has proposed a TDM Program, no such specific plan has been submitted. Therefore, the Commission imposes **Special Condition No. 15** which requires submittal of a Transportation Demand Management Plan (TDMP). The City's approval of the project also included a requirement for a TDMP. Some of the requirements identified in that requirement include installation of bicycle racks as part of a Bike Share Program, designated bicycle/scooter parking area; incentive program for employees to ride bicycles to work; and information on the Yacht Club's website regarding how to transit or ridesharing services to and from the site.

To ensure that the future development of the property can be evaluated for consistency with the public access policies of the Coastal Act, the Commission imposes **Special Condition No. 5**, which requires the applicant to obtain a permit amendment or a new permit for future improvements and any repair or maintenance of the residence.

Public Walkway Along Alamitos Bay

The proposed project is located directly inland of the existing public walkway along Alamitos Bay that fronts the north, west and east sides of the project site. Due to the location of the project, it may convey that this public walkway is actually private and for use by only the Yacht Club membership. Thus, in order to protect public access and make clear that the walkway is a free public amenity, **Special Condition No. 16** requires submittal of a Final Public Access Signage Plan, which will require signage indicating that the walkway fronting Alamitos Bay is available to the public.

The proposed project plans indicate that the existing lower level wrought iron perimeter screen wall will be replaced with a bird safe glass screen wall that will serve as perimeter security fence. The submitted project plans appear to show that this fence would be located out into the existing public walkway area, which is outside of the Yacht Club's lease area. In addition, it is unclear in the submitted project plans if existing landscape areas will be relocated or new ones created that would also impede the public walkway area. Thus, the Commission imposes **Special Condition No. 1**, which requires revised plans eliminating the proposed fence from the public walkway area and also requires the removal of any relocated or new landscape areas that would be in the public walkway area that in both cases would be outside of the Yacht Club's lease area.

Construction Impacts

During construction of the proposed project, which is located adjacent to a public walkway along Alamitos Bay fronting the project site and a public parking lot (Basin 4 public parking lot), there is potential that public access along the water and to the beach may be adversely impacted. To ensure that public access is protected during construction, the applicant submitted a Construction Staging Plan. This plan identified the construction staging area and also the different phases of construction. However, as a result of the changes to the project from the imposed special conditions, it may impact the Construction Staging Plan. Thus, the Commission imposes **Special Condition No. 17**, which requires the applicant to submit a Final Construction Staging Plan. To protect public access along the walkway adjacent to Alamitos Bay that fronts the project site and the Basin 4 public parking lot, no construction staging shall take place within these two areas or shall impact the ability to access these two areas. To address this a Traffic Control Plan is needed; however, no such plan has been provided. Thus, the Commission imposes **Special Condition No. 18**, which requires the applicant to provide a Final Traffic Control Plan. Maintenance of the project site that fronts the public walkway adjacent to Alamitos Bay is a concern since there is a potential of that activity taking place from the public walkway. Such activity would create an adverse impact to public access along the public walkway. Thus, the Commission imposes **Special Condition No. 19**, which requires any maintenance of the project site that is adjacent to public walkway that fronts Alamitos Bay shall take place within the confines of the Yacht Club lease areas and not within the public walkway.

While the proposed development itself will not result in adverse impacts to public access, Coastal Commission approval of this project cannot waive any public rights that

may exist on the property. In order to preserve and maintain access to the public Tidelands if development patterns change in the future or if there is an effort to expand public access within the Naples area, including the canals, **Special Condition No. 20** is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

Conclusion

Therefore, as conditioned, the project will not impact public access to the coast, consistent with Sections 30210, 30211, 30220, 30221 and 30250 of the Coastal Act, with the City's LCP as guidance.

G. Lease Restriction

To ensure that any prospective future lessees of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **Special Condition No. 21**, which requires the property owner to record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the property.

H. Coastal Act Violations

Unpermitted development has occurred at the subject property including, but not necessarily limited to, renovation of portions of the Yacht Club without the necessary coastal development permit, as described above in Section IV.A, above. This application proposes demolition of the renovated structures, or their approval after-the-fact; thus, the unpermitted development will be removed or authorized through this project. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in resolution of the violations going forward.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the project site without a coastal permit, or of any other development, except as otherwise expressed herein.

I. Local Coastal Program (LCP)

The project site is located on State Tidelands. The City of Long Beach is Trustee for a portion of the project site that is within the City's permit jurisdiction. The remaining portion of the site is within the Commission's retained jurisdiction. Pursuant to Section 30601.3 of the Coastal Act, the applicant, City of Long Beach, and Commission all

agreed to a consolidated permit application for the underlying permit and consolidation will not substantially impair public participation, the Coastal Commission is the permit issuing authority for the entire proposed project and the standard of review is Chapter 3 of the Coastal Act, with the City of Long Beach LCP, certified by the Commission on July 22, 1980, used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

J. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, 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 Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Long Beach is the lead agency, and the Commission is a responsible agency for the purposes of CEQA. The City of Long Beach determined on September 9, 2024, that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Class 1 (Section 15301, Existing Structures) and Class 2 (Section 15302, Replacement or Reconstruction). As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the development and land use, public access and recreation, hazards, biological resources and water quality policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

City of Long Beach Approval-In-Concept dated September 9, 2024.