

**CALIFORNIA COASTAL COMMISSION**

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**Th15d**

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**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 5-17-1037

**Applicants:** City of Long Beach

**Agents:** Joshua Hickman & Tony Resendez, City of Long Beach

**Location:** Alamitos Beach near 780 E. Shoreline Drive, City of Long Beach, Los Angeles County (APN: 7265-021-901)

**Project Description:** Demolition of a one-story, 2,234 sq. ft. concession stand, and replacement with three new buildings (Building A, a 4,240 sq. ft., 27-ft. high concession stand and café with semi-enclosed ground floor deck for picnicking, roof deck, and game area; Building B, a 800 sq. ft., 12-ft. high public restroom and storage facilities; Building C, a 522 sq. ft., 12-ft. high recreational equipment rental facility), and addition of an approximately 5,500 sq. ft. outdoor recreation area (children's play area and game area), public promenade area, and improvements to Alamitos Beach public beach parking lot.

**Staff Recommendation:** Approval with conditions

**SUMMARY OF STAFF RECOMMENDATION**

The proposed project is the replacement of a one-story, 2,234 square foot concession stand located at the northwest end of Alamitos Beach in Long Beach with a new concession stand/café, recreational rental facility, restroom facility, public picnic area, public promenade area, and public play area. The beach fronting project site is 1.06 acres located within a Park district, as designated in the City's certified Local Coastal Plan (LCP), and contains a portion of Marina Green Park, the site of the existing concession stand, a picnic area, and a portion of Alamitos

Beach public parking lot. The areas immediately adjacent to the project site include Marina Green Park, Shoreline Marina, the regional beach bicycle and pedestrian route, beach volleyball courts, a rinse station, Alamitos Beach, and the Alamitos Beach public beach parking lot.

The proposed concession stand and café is 4,240 square feet and 27 feet high (2-levels) with a semi-enclosed first floor deck and an open-air roof deck and bar. The decks would be open to the public for picnics. The proposed concession/café also includes indoor seating, restroom facilities, and a publicly accessible games counter with board games and amenities to play games in the adjacent grassy park area. Alcohol sales are proposed at the café. In addition, the City has proposed to require that vendors operate and maintain the concession stand and café to maximize public use of the site by requiring the concession/café be open, at a minimum, weekends year-round and weekdays during the summer and fall months, including relatively inexpensive snacks and food on the menu that can be easily carried out to the beach, and by prohibiting the provision of parking validation which would give preference to customers over beachgoers in the public beach parking lot. The City also proposes to construct an 800 square foot, 12-foot high public restroom that includes facilities for public storage of personal belongings while at the beach and a 522 square foot, 12-foot high recreational equipment rental facility. In addition to the three new buildings, the applicant proposes to develop an approximately 5,500 square foot outdoor public play area, games corner, and public promenade, and add a landscaped median between the bike and pedestrian paths and planters along the south and east perimeters of the ground-level public deck. The City also proposes to make improvements to the Alamitos Beach public beach parking lot, including the replacement of a small paved picnic area with four new parking spaces.

Although the City of Long Beach has a certified Local Coastal Program, because the proposed project site is located on state tidelands, it falls within the Commission's area of original jurisdiction and the City must obtain a coastal development permit from the Commission.

As conditioned, the Commission finds that the development will not have any new long-term adverse impacts on public access and recreation and is consistent with the Chapter 3 policies of the Coastal Act. **Special Condition 1** ensures that the development will be conducted in accordance with the final plans, including the publicly accessible areas, lighting plans, and parking improvements, received in the South Coast District offices on July 23, 2018. **Special Condition 2** requires an amendment or new CDP for any changes to the approved development unless the Executive Director determines that no such action is necessary. Additionally, **Special Condition 3** requires the City of Long Beach to adhere to the conditions imposed by their local government which contain requirements to supply bike parking, trash and recycling facilities, and site maintenance.

To ensure that public access is properly encouraged, that trees are replaced, and that the bird-safe design measures are incorporated into the final plans, **Special Condition 4** is imposed. **Special Condition 5** requires the City to develop a Public Areas Management Plan that will ensure that public access and low-cost recreation opportunities are maximized by ensuring the concession and/or café will be open as much as possible, requiring inexpensive snacks and carry-out food items to be stocked, requiring a signage plan that will inform the public of the access opportunities, ensuring all seating on the public decks is open to the public, and prohibiting hired security staff from preventing the public from visiting and temporarily using the public decks and other public amenities.

**Special Condition 6** requires all construction, including grading operations, to be conducted in conformance with the geotechnical report prepared by AESCO dated May 30, 2017, thereby, minimizing risks to life and property on-site. In addition, **Special Conditions 11 and 12** require the City to assume the risks of developing in an area that may be threatened by coastal hazards, including erosion and flooding, and prohibits the development of shoreline protective devices to protect this development in the future. **Special Condition 12** also requires the City to remove the development if the structural integrity is compromised or if there are risks to life and property.

To protect birds during construction, **Special Condition 7** requires a qualified environmental resources specialist to be retained for any construction, including tree removal, during bird nesting season, conduct bird species surveys to determine the presence of bird species including, but not limited to, black-crowned night herons, great blue herons, and snowy egrets, and monitor construction. If active nests of bird species are encountered, the environmental resource specialist must be retained to monitor bird behavior and the nests must not be disturbed (**Special Condition 6**). For any tree replacement or proposed landscaping additions, **Special Condition 7** requires the plant species to be native or non-native drought tolerant and irrigation to use reclaimed water or drip or microspray systems. **Special Condition 9** requires the City to prepare a Construction and Pollution Prevention Plan to implement BMPs into the project's construction which will minimize discharge of materials into the air, water, and neighboring areas, minimize energy consumption and vehicle miles travelled, minimize light spillage, and protect public access along the regional bike and pedestrian paths during construction and **Special Condition 10** requires the applicant to submit a post-development runoff plan that includes low impact development measures and source control BMPs to be managed throughout the lifetime of the development.

Staff is recommending **approval** of the coastal development permit with **twelve (12)** special conditions. The special conditions include: **1) Permit Compliance; 2) Future Development; 3) Conditions imposed by Local Government; 4) Submittal of Final Revised Plans; 5) Public Access Management Program; 6) Geotechnical Recommendations; 7) Construction Timing and Sensitive Bird Surveys; 8) Landscape Requirements; 9) Construction and Pollution Prevention Plan; 10) Post-Development Runoff Plan; 11) Assumption of Risk, Waiver of Liability and Indemnity; and 12) No Future Shoreline Protection Device.**

The motion to carry out the staff recommendation is on page four. The applicants agree with the recommendation.

## TABLE OF CONTENTS

|  |    |
|--|----|
| <b>I. MOTION AND RESOLUTION</b> .....                | 4  |
| <b>II. STANDARD CONDITIONS</b> .....                 | 5  |
| <b>III. SPECIAL CONDITIONS</b> .....                 | 6  |
| <b>IV. FINDINGS AND DECLARATIONS</b> .....           | 18 |
| A. PROJECT DESCRIPTION .....                         | 18 |
| B. PUBLIC ACCESS & RECREATION .....                  | 19 |
| C. MARINE RESOURCES .....                            | 22 |
| D. DEVELOPMENT .....                                 | 23 |
| E. LAND RESOURCES .....                              | 28 |
| F. LOCAL COASTAL PROGRAM (LCP) .....                 | 30 |
| G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ..... | 30 |

### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plans

Exhibit 3 – City-Imposed Project Conditions for Application No. 1703-10

Exhibit 4 – Low Impact Development Plan

Exhibit 5 – Existing Concession Stand

Exhibit 6 – Anticipated Erosion by 2100

Exhibit 7 – Anticipated Flooding by 2100

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-1037 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves Coastal Development Permit Application No. 5-17-1037 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 would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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 permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the permit application, subject to any special conditions. Any deviation from the approved project, including, but not limited to, improvements or alterations to the public decks in response to any requirements imposed because of the proposed alcohol service, must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.
2. **Future Development.** This permit is only for the development described in coastal development permit (CDP) 5-17-1037. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by the CDP 5-17-1037. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP 5-17-1037 from the Commission or shall require an additional CDP from the Commission unless the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
3. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Los Angeles (**Exhibit 3**) pursuant to an authority other than the Coastal Act. The permittee shall be responsible for satisfying all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions. In the event of conflict between terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this coastal development permit shall prevail.
4. **Submittal of Final Revised 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 the following revised final plans, modified as required below.
    1. Signage Site Plan that conforms with the plans submitted to the Commission and received in the South Coast District offices on July 23, 2018, except that they shall be modified to add signs at the following locations:
      - i. A sign shall be added near the entrance to the games counter informing the public of opportunities to use the games made available at the counter and listing operational details.
      - ii. A sign shall be added at the ground-level entrance to the roof deck informing the public that the deck is open for visitation.

- iii. Language identifying the picnic area shall be added to the text on the promenade floor.

The dimensions, material(s), text, and font of each sign and/or stencil shall be submitted along with the revised Signage Site Plan as part of the Public Areas Management Program (**Special Condition 5**).

2. Tree Replacement Plan that conforms with the plans submitted to the Commission and received in the South Coast District offices on July 23, 2018, except that they shall be modified to add trees at on-site and/or off-site locations to meet, at a minimum, a 1:1 removal to replacement ratio, for the review and written approval of the Executive Director. The plan shall indicate that the trees to be planted will consist of the most mature native trees that can feasibly be planted in this location. None of the added trees shall be located on the beach.
  3. Bird Strike Prevention Plan that conforms with the plans submitted to the Commission and received in the South Coast District offices on July 23, 2018, except that they shall be modified to show the location, design, height, and materials of oceanfront deck railing systems, fences, screen walls, gates, windows and the like for the review and written approval of the Executive Director. Said plan shall include, at a minimum, the following requirements:
    - i. Oceanfront deck railing systems, screen walls, doors, and windows and the like that are subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, screen wall, door or similar feature. Such materials may consist of partially-frosted glass, Plexiglas, or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds or is used with appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency. Any appliqués used shall be installed to provide coverage consistent with manufacturer specifications (e.g. one appliqué for every 3 foot by 3 foot area). Use of opaque or partially opaque materials is preferred to clear glass or Plexiglas and appliqués. All materials and appliqués shall be maintained throughout the life of the development to ensure continued effectiveness at minimizing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications.
    - ii. Within 30 days of the completion of the development authorized by CDP No. 5-17-1037 (not prior to issuance), the applicant shall submit evidence in the form of a narrative report, for the review and written approval of the Executive Director, showing that all deck railing systems, fences, screen walls, gates, and windows, or other features covered by this condition installed subject to this permit were installed in accordance with this condition.
- B. 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.

## 5. Public Areas Management Program

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT the applicant shall submit a public areas management program, subject to the review and approval of the Executive Director, that protects the rights of the public to enter and use the ground level public viewing and picnic deck, roof deck, and games corner and associated amenities. That program shall incorporate the following:

1. Public Access Signage Plan. The signage plan shall clearly describe, at a minimum, the dimensions, material(s), text, and font of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil consistent with **Special Condition 4.A.1**. The signs shall facilitate, manage, and provide public access to the approved project, including identification of all public features that will be provided on the site (public picnic decks, games corner, play area, etc.) and allowable uses of the public areas. The signs shall be conspicuously sited to maximize visibility from the southeast end of Marina Green Park, the regional bicycle and pedestrian route, and the Alamitos Beach public beach parking lot and be designed to provide clear information to beach goers, park visitors, and bike path and pedestrian path users without adversely impacting public views and visual resources.

The final plans shall provide a mechanism for the Executive Director to review and approve minor sign changes. Changes may only be granted if such changes will not adversely impact, and/or will enhance coastal resources, including coastal access (e.g., modifying the signage to be clearer to the public and/or more aesthetically pleasing).

2. Concession/café hours. The concession stand and/or café shall be:
  - i. Open weekends year-round from morning until evening (exact timing guided by peak use hours)
  - ii. Open weekdays through the summer and fall months
  - iii. Open to the greatest extent feasible during weekdays through the winter and spring months
3. Parking Requirements.
  - i. All parking spaces within the public beach parking lots shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within a public beach parking lot by any person or group other than the general public (handicapped and electric vehicle spaces excluded). This condition does not prohibit the City from requiring a City-issued parking permit, available to the general public.
  - ii. No parking validations, or any other preferences not available to the general public, shall be granted to customers or employees of the commercial uses.

4. Menu. The concession stand and/or café shall provide and maintain a take-out window, shall offer food items that can be easily carried out, and shall stock relatively inexpensive snack items as proposed by the applicants.
  5. Seating. The general public shall be allowed to visit and picnic at all seating areas on the outdoor decks including both levels of the ground-level deck and the roof deck. There shall be no full-table service in these areas.
  6. Security. Hired security staff shall not prevent the public from visiting the rooftop deck or ground-level deck and shall not prevent the public from using the available games and amenities.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.
- C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.
- 6. Geotechnical Recommendations.** All recommendations of the geotechnical report titled “Alamitos Beach Concessions Buildings,” prepared by AESCO and dated May 30, 2017 shall be adhered to including recommendations for site preparation, structural fills, compaction standards, seismic design parameters, foundation design, pavement subgrade preparation, drainage, and all other recommendations. Foundations shall be designed to facilitate removal and/or relocation of the structure and its foundation in the future. The applicant shall submit evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans, including foundations, grading and drainage plans, and certified that each of those final plans is consistent with all of the recommendations specified in the above referenced plan.
- 7. Construction Timing and Sensitive Bird Species Surveys.** For any construction activities, including tree removal, between February 15<sup>th</sup> and September 1<sup>st</sup>, the applicant shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, “environmental resources specialist”) to conduct nesting bird species surveys in order to determine the presence of sensitive bird species including, but not limited to, black-crowned night herons, great blue herons, and snowy egrets. The environmental resources specialist shall also monitor project operations. At least 30 calendar days prior to commencement of any project operations, the applicant shall submit the name and qualifications of the environmental resource specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:
- A. The applicant shall ensure that a qualified environmental resource specialist with experience in conducting nesting bird surveys shall conduct the surveys 30 calendar days prior to the construction activities, including any tree removal, to detect any active bird nests in all trees within 500 feet of the project (including, but not limited to, Indian Laurel Fig trees). A follow-up survey must be conducted 3 calendar days prior to the initiation of clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.

- B. If an active nest of any song bird is found within 300 ft. of the project, or an active nest for any raptor species is found within 500 ft. of the project, the applicant shall retain the services of a qualified biologist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The nest shall not be removed or disturbed. The biological monitor 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 monitor shall monitor birds and noise every day project commencement at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest(s) site. If construction noise exceeds a peak level of 65 dB at the nest(s) site, 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 mitigations 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 or bird species of special concern is found within 300 ft. of the project, or an active nest for any species or raptor is found within 500 ft. of the project, the applicant will notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. The applicant will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.
- D. The environmental resource specialist shall be present during all tree removal activities and shall be present during all subsequent construction activities during the bird nesting/breeding season if an active nest is identified, until the birds have fledged.
- E. The environmental resource specialist shall require the applicant to cease work should any breach in compliance with this condition occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of the scope of the subject Notice of Impending Development occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

## **8. Landscape Requirements**

- A. Any future landscaping of the site shall be consistent with the following:
  - 1. Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants, which are non-invasive. 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.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

2. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather based irrigation controllers.

**9. Construction and Pollution Prevention Plan**

A. PRIOR TO CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan prepared and certified by a qualified licensed professional, that demonstrates that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

1. Construction Site Map and Narrative Description. The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:
  - i. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - ii. A description of the measures that will be implemented to ensure that bike and pedestrian access along the east-west regional bicycle and pedestrian route is maintained during construction activities. If temporary closure of the bicycle and pedestrian path is necessary during construction, a 5-minute interruption of traffic on the pedestrian and bicycle route is authorized with a flagman or woman to stop bicycle and pedestrian traffic.
  - iii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - iv. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
  - v. A description of the BMPs that will be implemented to minimize energy use and minimize light spillage onto adjacent areas resulting from construction activities.
  - vi. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.

2. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
  - i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
  - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
  - iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
  - iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
  - v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
3. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:
  - i. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
  - ii. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
  - iii. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
  - iv. Prompt removal of all construction debris from the beach.
  - v. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
4. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment

conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

5. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
    - i. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
    - ii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
  6. A delineation of the areas to be disturbed by grading or construction activities including any temporary trenches, staging, and stockpile areas. No construction equipment or materials (including debris) shall be allowed at any time on the sandy beach.
  7. The plan shall include source control Best Management Practices as part of a written plan designed to control dust, concrete, demolition pavement, or pipe removed during construction, and/or construction materials, and standards for interim control and for clean-up. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters. All sediment waste and debris should be retained on-site unless removed to an appropriate approved dumping location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place. Contractors shall monitor and contain oil or fuel leaks from vehicles and equipment.
  8. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes in roadways such that traffic can continue to pass over disturbed areas, disturbed soils and trenches with shoring, sand bag barriers, silt fencing, temporary drains and swales, and sediment basins and stabilization of all stockpiled fill. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.

- C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

**10. Post-Development Runoff Plan.** PRIOR TO ISSUANCE OF THE COASTAL

DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, a final Post-Development Runoff Plan that demonstrates that the project complies with the following requirements:

- A. Low Impact Development Strategies. The project shall comply with the following Low Impact Development standards:
  - 1. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as amending soil if needed to enhance infiltration and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
  - 2. Where feasible, increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
  - 3. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.
  - 4. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated “green roof,” flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.
- B. Implement Source Control BMPs. Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.
- C. Avoid Adverse Impacts from Stormwater and Dry Weather Runoff. The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the greatest extent feasible. The project shall comply with the following requirements:
  - 1. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner.

2. The discharge of dry weather runoff to coastal waters shall be minimized, to the greatest extent feasible. Use strategies such as efficient irrigation techniques that minimize off-site runoff.
- D. Manage BMPs for the Life of the Development. Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development.
- E. Use the following kitchen BMPs.
1. Control Outdoor Washing Activities. All equipment, including floor mats, shall be washed indoors to ensure the wastewater is collected via floor drains or sinks and disposed of in the sanitary sewer. On a weekly basis, the applicant shall, sweep impervious surfaces to remove litter, sediment, and other debris.
  2. Sweep Sidewalks and Parking Lots. Restaurant parking lots and sidewalks should be swept regularly. Hose or pressure wash water shall be collected and discharged into the sanitary sewer.
  3. Kitchen Grease. Kitchen Grease shall be handled using a grease trap or interceptor. Grease traps and interceptors shall be cleaned and inspected regularly for leaks and replaced, if necessary. Tallow bins, grease traps and interceptors shall be pumped by a grease hauler on a regular schedule.
  4. Seal and Maintain Trash/Recycling Containers. Lids shall be provided for trash, recycling cans, and other outdoor containers. Outdoor trash and recycling containers shall be inspected before it rains to make sure the lids are closed, and dumpsters shall be inspected regularly for leaks and for trash piling up around the dumpsters. The amount of liquids disposed of in dumpsters shall be minimized.
  5. Oversee All Cleaning Service Contractors. Contractors shall be prohibited from disposing of cleaning solvents or waste into a storm drain. Contractors shall be tasked with cleaning floor mats, exhaust filters, garbage cans, carts, and/or tray racks.
  6. Prevent Spills. Spill containment kits shall be kept in convenient locations, such as near dumpsters and unloading areas in case of a spill. Rags or absorbents shall be disposed of in the trash, and spills shall not be hosed into the storm drain. Employees shall be trained in the proper use of spill clean-up materials. Any spills that could enter a storm drain shall be reported to the City's Stormwater Pollution Prevention Service at (562) 570-3867.
- F. Site Plan and Narrative Description. The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:
1. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.

2. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
3. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.
4. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Include a schedule for installation or implementation of all post-development BMPs.
5. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

**11. Assumption of Risk, Waiver of Liability and Indemnity.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant acknowledges and agrees: (i) that the site may be subject to hazards, including but not limited to storms, flooding, landslide, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**12. No Future Shoreline Protection Device**

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-17-1037 including, but not limited to, replacement of a one-story concession stand with a new concession stand/café, recreational rental facility, restroom facility, public picnic area, public promenade area, and public play area, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or 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 itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.
- 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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project is the replacement of a 2,234 square foot concession stand located at the northwest end of Alamitos Beach in Long Beach with a new concession stand/café, recreational rental facility, restroom facility, public picnic area, public promenade area, and public play area. The beach fronting project site is 1.06 acres located within a Park district, as designated in the City's certified LCP, and contains a portion of Marina Green Park, the site of the existing concession stand, a picnic area, and a portion of Alamitos Beach public parking lot. The areas immediately adjacent to the project site include Marina Green Park, Shoreline Marina, the regional public bicycle and pedestrian route, beach volleyball courts, a rinse station, Alamitos Beach, and the Alamitos Beach public beach parking lot (**Exhibit 1**). The City of Long Beach also proposes to improve the existing public beach parking lot with four additional accessible parking spaces, including spaces reserved for ADA vans and electric vehicles, and improved drainage.

The Downtown Shoreline area of Long Beach, where the proposed development is located, is a popular coastal recreation area easily accessible by public transit and other modes of transportation which provides the public with excellent coastal access opportunities and many different types of free and lower cost recreational activities. Throughout the year, visitors to the downtown shoreline area can take advantage of sailing and boating opportunities, use the coastal bicycle and pedestrian path, go fishing, sightsee, visit coastal parks and the public beach, or shop at Shoreline Village and The Pike. Many of these activities are free or lower cost visitor and recreational opportunities protected by Section 30213 of the Coastal Act.

The proposed concession stand and café is 4,240 square feet and 27 feet high (2-levels) with a semi-enclosed first floor deck and an open-air roof deck and bar. The decks would be open to the public. The concession/café would also include indoor seating, restroom facilities, and a publicly accessible games counter with board games and amenities to play games in the adjacent grassy area. Alcohol sales are proposed at the café. In addition, the City has proposed to require that vendors operate and maintain the concession stand and café to maximize public use of the site by requiring the concession/café be open, at a minimum, weekends year-round and weekdays during the summer and fall months, including relatively inexpensive snacks and food that could be easily carried out in the menu, and by prohibiting the provision of parking validation. The ground floor decks will be available for public seating and picnics.

The City also proposes to construct an 800 square foot, 12-foot high, public restroom with 10 stalls within Marina Green Park that would include facilities for public storage of personal belongings while at the beach. The third building is also proposed to be located in Marina Green Park and is a 522 square foot, 12-foot high recreational equipment rental facility. In addition to the three new buildings, the applicant proposes to develop an approximately 5,500 square foot outdoor public play area, rinse station, games corner, and public promenade. The City also proposes to make improvements to the Alamitos Beach public beach parking lot including the addition of four parking spaces in a paved area formerly occupied by picnic tables and benches (**Exhibit 2**).

The project also proposes to add a landscaped median between the existing beach bike path and pedestrian path, planters along the south and east sides of the deck, and new landscaping within the play area (**Exhibit 2**). The applicant proposes to remove 7 Indian Laurel Fig trees, 10 Queen Palm trees, and 18 Mexican Fan Palm trees (invasive). These trees will be replaced with at least 35 trees including, native California Fan Palm trees. Other noninvasive (largely native), low to moderate water use plants are proposed to be used in the median and planter landscapes.

On-site lighting, including pedestrian scaled lighting (approximately 12 to 16 inches in height), down, lights, step lights, linear perimeter lights, security lighting, and backlit walls, would focus light downward and prevent spillage onto adjacent areas (**Exhibit 2**). A signage plan is also proposed to encourage public use of the proposed facilities.

Although the City of Long Beach has a certified Local Coastal Program, because the proposed project site is located on state tidelands, it falls within the Commission's area of original jurisdiction and the City must obtain a coastal development permit from the Commission for the proposed development. The standard of review is the Chapter 3 policies of the Coastal Act, with the certified LCP providing guidance.

## **B. PUBLIC ACCESS & RECREATION**

### **Relevant Coastal Act Policies**

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or*

*commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

### **Relevant LCP Policies**

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.*

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

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

Policy 4.2 of the certified Open Space and Recreation element states:

*Protect public parkland from intrusive, non-recreational uses.*

Policy 4.13 of the certified Open Space and Recreation element states:

*Give special consideration to handicapped and disadvantaged residents in accessing public recreation resources.*

### **Concession/Café Accessibility**

Alamitos Beach is unique in that it consists of a particularly wide stretch of sandy beach (ranging between approximately 600 and 1,050 ft. in width from edge of the water to the back of the sandy beach) located directly adjacent to the City's harbor and breakwater, as well as, directly seaward of where the majority of visitor-serving, tourist, and event facilities in the City's downtown area are located. In previous permit actions, including in the review of large special events, the Commission has found that this general area is appropriate for visitor-serving uses with commercial elements that are open to the public.

The proposed development is visitor-serving and is intended to activate the site with improved park facilities (recreation rentals, play areas, restroom and storage facilities) and a modernized concession stand and café with bar elements. In order to ensure that the café and associated deck areas are easily accessible to the public and do not only cater to patrons, the applicant has worked with Coastal Commission staff to ensure that the project is designed to be physically and visually open from public vantage points. Thus, the City has included two 10-foot wide openings on the south side of the deck, a 4-foot wide opening on the east side of the deck, an approximately 10-foot opening and separate opening to an ADA accessible ramp on the north side of the concession/café, and fully open areas on the west and north sides of the concession/café. In addition, the City proposes that the walls along the south and east sides of the decks incorporate the use of visually permeable, bird-safe glass with a maximum non-visually permeable height of approximately 3.5 feet above the promenade floor.

While these walls may make the deck appear somewhat exclusive, they are included in the design as a safety measure to separate the elevated picnic deck area from the promenade, as bar-seating with views directly out toward the beach and ocean, and as windbreakers to provide

comfort to visitors during windy seasons. Furthermore, the City intends to develop signage that will welcome the public to the area and encourage public use of the decks and associated seating areas. In addition, **Special Condition 4** requires the applicant submit a revised Signage Site Plan that adds, at least, one sign at the base of the stair access to the roof deck, one sign near the entrance to the games corner, and text identifying the public use of the area for picnics. **Special Condition 5** further requires the City to develop a Public Areas Management Plan that will ensure that public access to these facilities is maximized by requesting the concession and/or café be open year-round on weekends, on weekdays during the summer and fall months and as much as possible during winter and spring weekdays and by prohibiting hired security staff from preventing the public from visiting and temporarily using the public decks and other public amenities.

Additionally, **Special Condition 1** is imposed to require all development to be in conformance with the final plans received in the South Coast District offices on July 23, 2018. Any changes to the proposed project, including, but not limited to, additional signage or roping off of the decks for compliance with state requirements for alcohol sale, must be submitted to the Executive Director for review and may necessitate a permit amendment per **Special Condition 2**.

Therefore, as conditioned, the proposed development will maximize public access and recreational opportunities consistent with the public access and recreation policies of the Coastal Act.

#### **Low Cost Visitor and Recreational Uses**

The access and recreation policies of the Coastal Act and the City's LCP also emphasize the need to, where feasible, provide lower-cost visitor and recreational facilities for all people. City and Coastal Commission staff also worked together to ensure that among the requirements for future vendors on-site, would be requirements to stock relatively inexpensive snack items, have carry-out options and a take-out window, and not provide parking validation. These required details, imposed through **Special Condition 5**, in conjunction with easily accessible public picnic space, encourage the use of the proposed development by all individuals. Thus, as conditioned, the project is consistent with Section 30213 of the Coastal Act.

#### **Parking**

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The two public parking lots adjacent to the project site are the Alamitos Beach (or Alamitos Avenue) public beach parking lot with 146 public parking spaces and the Marina Green parking lot with 388 public parking spaces. These public parking lots have been subject to past Commission action, including CDP Nos. 5-93-232-A1, 5-98-042, 5-00-050-A1, and 5-12-271-W (**Appendix A**), which has upheld the importance of providing public beach parking for beach users. The Alamitos Beach public beach parking lot, which the City proposes to improve as part of the subject project is subject to special conditions, including Special Condition 5 of 5-00-050-A1, which states:

*“No parking spaces in the public beach parking lots shall be used to satisfy parking requirements for any commercial use or activity, except as expressly permitted by a valid coastal development permit.”*

In this case, the proposed development is intended to serve beach, park, and marina users, thus, a significant increase in parking demand is not expected. The applicant anticipates that

approximately 20 additional trips to this area per day would be made as a result of the proposed development and the City of Long Beach requires that the development provide for 40 parking spaces as a result of the new dining are associated with the café. However, the expected trips and parking requirements were based on the City's initial design that had separate dining decks that were not entirely open to the public. Subsequent to discussions with Commission staff, the City revised the project to clarify that all proposed decks were public, so the proposed project is designed to serve beach goers. In addition, the City's proposal includes new bike parking which encourages trips to the project site by alternative modes of transportation. Furthermore, the City proposes to add 4 parking spaces to the Alamitos Beach public beach parking lot and a minimum of 25 bicycle parking spaces. **Special Condition 5** is imposed, which, in part, prohibits parking validation or other preferences for patrons of the café, concession, or rental facilities. The intent of this condition is to prohibit café patrons from paying lower rates than beachgoers for using the available public beach parking. The two public beach parking lots, with approximately 540 parking spaces total, are available to the general public on a first-come, first-served basis. As conditioned, the proposed development will have only a minimal impact on public access to the coast.

**Special Conditions 1 and 2** ensure that the development will be conducted in accordance with the final plans received in the South Coast District offices on July 23, 2018, which include the additional four parking spaces, or, if changes are proposed, will require a permit amendment.

In addition, the project's location is accessible by foot, bike, or public transit from a variety of locations within and beyond the City of Long Beach. Walking is encouraged through the development of the on-site public promenade adjacent to the pedestrian path and access by bike is encouraged, as proposed and conditioned, through the addition of bike parking adjacent to the bike path. **Special Condition 3** requires the applicant to comply with the City's permit conditions (**Exhibit 3**) which include a requirement for at least 25 on-site bike parking spaces and permanent maintenance of the Alamitos Beach parking lot spaces. To ensure this access is maintained during construction, **Special Condition 9** requires the City to submit a plan to ensure that access along the regional pedestrian and bike route is not impeded during construction.

As conditioned, the Commission finds that the development will not have any long-term adverse impacts on public access and recreation and is consistent with the public access and recreation policies of the Coastal Act.

## **C. MARINE RESOURCES**

### **Relevant Coastal Act policies**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

### **Relevant LCP Policies**

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

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

The proposed project would be developed in a location where there is a potential for discharge of polluted runoff from the site into coastal waters. There are three proposed flow paths that would drain runoff through a vegetative swale, beach sand, and an existing drain inlet. The project as a whole will make the site more impervious; however, the City has proposed a low impact development plan (**Exhibit 4**) that will protect and stabilize slopes and minimize disturbance to Marina Green Park by requiring an appropriate on-site Stormwater Quality Design Volume and adding downspouts to the roofs of the buildings, a vegetated swale along the northwest portion of the project site, and landscaping arrangements along the south side of the public picnic decks. The City is also subject to wastewater discharge requirements.

To protect water quality during construction, **Special Condition 9** requires the applicant to adhere to construction best management practices (BMPs) that will minimize erosion, sediment, and pollutant discharge on-site and in adjacent areas, including requiring equipment fueling and maintenance to be conducted offsite and prohibiting construction materials to be stored on the sandy beach. In addition, **Special Condition 10** requires the applicant to submit a post-development runoff plan that includes low impact development measures and source control BMPs to be managed throughout the lifetime of the development. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

## **D. DEVELOPMENT**

### **Relevant Coastal Act Policies**

Coastal Act section 30250 states, in part:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public*

*services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Coastal Act section 30251 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.*

Coastal Act section 30252 states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Coastal Act section 30253 states:

*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.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Coastal Act section 30255 states, in part:

*Coastal-dependent developments shall have priority over other developments on or near the shoreline.*

### **Relevant LCP Policies**

General Strand Recommendation #2 of the certified Land Use Plan states, in part:

*Combination restroom/concession facilities should be located...so as to best provide convenience to both beach users and users of such grassy areas and/or bike paths and walkways...*

Downtown Shoreline, Marina Green Park development policy of the certified Land Use Plan states, in part:

*A public park exists [Marina Green Park] and may be developed...It shall be developed as a park...*

General Strand Recommendation #8 of the certified Land Use Plan which states, in part:

*Free children's play modules should be provided in the general vicinity of 1<sup>st</sup> Place...*

General Strand, Segment A, Recommendation #6 of the certified Land Use Plan which states:

*Food and concession facility should be provided in the vicinity of 1<sup>st</sup> Place.*

Policy 4.3 of the certified Open Space and Recreation element states:

*Keep parklands open and green by limiting the amount of parking lot and building coverage areas within parks.*

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

*Require all new developments to provide useable open space tailored to the recreational demands they would otherwise place on public resources.*

### **Land Use**

The project site is located at the northwest end of Alamitos Beach which is adjacent to the City's harbor and breakwater, as well as, directly seaward of where the majority of visitor-serving, tourist, and event facilities in the City's downtown area are located, including the Long Beach Convention Center, Aquarium of the Pacific, the Pike Outlets, and Shoreline Village. The 1.06-acre project site is entirely within a Park district, as designated in the City's certified LCP, and contains a portion of Marina Green Park, the site of the existing concession stand, a picnic area, and a portion of Alamitos Beach public parking lot. The City's certified LCP, which is used as guidance in the review of this permit application, designates parklands throughout the coastal zone in perpetuity. The parkland in Long Beach is preserved for active and passive use for recreational, cultural, and community service activities. Per the policies of the certified LCP, Marina Green Park, specifically, is allowed to be developed as a park with useable open space that is tailored to the community's recreational needs and minimizes parking lot and building coverage.

The proposed development includes an open public play area, games corner, picnic area on the concession/café decks, and food, restroom, and recreation rental facilities for use by coastal visitors. The project is sited and designed to be easily accessible to beach, park, and regional bike and pedestrian path users to activate the use of this area. While this development will increase the area covered by buildings and parking lots, the buildings and added parking support

the recreational use of the area. Additionally, the project maintains a significant portion of green space within the play area, games corner, and through landscaping, and incorporates an open design in the concession/café deck area.

Parks and related improvements, including the play area and games corner are permitted uses in park districts according to the certified LCP. Comfort stations (restrooms and rinse stations), recreational equipment sale and rental for use in park (bicycle or other recreation rentals), and food and beverage concessions (not including alcohol) are permitted accessory uses in parks. The City also secured a Conditional Use Permit (CUP17-018, conditions included in **Exhibit 3**) for the café which will have the option to sell alcoholic beverages. In addition, the certified LCP recommends that free children's play modules and food and concession facilities should be located in the project area.

For the reasons described above, the proposed development is consistent with the City's certified LCP which is used as guidance in the review of this CDP application. Given the project location at the site of the existing concession facility in the downtown shoreline area, which is adjacent to residential development, visitor-serving development, and public bike and pedestrian paths, this development, as proposed, is also consistent with Sections 30250 and 30252 of the Coastal Act.

### **Visual Resources**

Currently, the site contains the existing single-story concession stand, grass parkland, a hardscaped picnic area, parking lot area, sandy beach, bike and pedestrian paths, and scattered trees. According to the City's alternatives analysis, the existing concession stand is deteriorating and is not visually valuable (**Exhibit 5**). The City proposes to modernize the concession stand, add accessory structures which will support beach, park, and bike path users, and add additional landscaping. The proposed design of the buildings mimics shipping containers with openings and bird-safe, glass doors to maximize views and create an inviting atmosphere. The tallest part of the development is the public roof deck which will reach a maximum height of 27 feet. This height will not significantly impact views of the ocean, marina, or port from Shoreline Drive or adjacent areas. In fact, the proposed deck areas associated with the concession/café will be open to the public and will enhance visual resources with roof-top and ground-level seating that will have views of the beach, ocean, and marina. In addition, the proposed landscaping along the south and east sides of the deck and in the bike and pedestrian path median will add green space to the area.

By adhering to the final plans received in the South Coast District offices on July 23, 2018 per **Special Condition 1**, the project will create additional public viewing areas and enhance the visual quality of the site. Thus, as conditioned, the proposed development is consistent with Section 30251 of the Coastal Act.

### **Energy Consumption**

The majority of the energy consumption and greenhouse gas (GHG) emissions related to this project would occur during construction, largely due to exhaust emissions, which is proposed to last approximately one year. According to the City's [lead agency for CEQA [California Environmental Quality Act]] adopted final Initial Study/Mitigated Negative Declaration (IS/MND), operation of the proposed facilities is not expected to significantly increase energy use and GHG emissions, in part, because the development is intended for use by beach goers and is not expected to attract a significant additional number of car trips each day, thereby not

contributing significantly to GHG emissions during the anticipated 75-year life of the project. In addition, there are sufficient amenities on-site including bike parking, as well as, public transit options nearby which encourage use of alternative transportation and minimize vehicle miles traveled. Furthermore, the proposed lighting includes the use of low-intensity lights to conserve energy (**Exhibit 2**).

**Special Condition 1** ensures that the development will be conducted in accordance with the final plans, including lighting plans and alternative transportation facilities, received in the South Coast District offices on July 23, 2018 or, if changes to the approved development are proposed, will require a permit amendment. In addition, **Special Condition 9** requires the applicant to submit a plan as part of the Construction and Pollution Prevention Plan that contains BMPs that will minimize energy use and GHG emissions during construction. **Special Condition 7** requires new irrigation to use reclaimed water or drip or microspray systems to further reduce energy use. Thus, energy consumption and vehicle miles traveled are minimized.

### Coastal Hazards

The proposed development is located at the inland extent of Alamitos Beach which ranges in width from approximately 600 to 1050 feet. The project site is subject to seismic activity and liquefaction, but is not located in an active earthquake fault zone. To ensure the safety of the development for its expected life, the development must be built to conform with the City's building code and is subject to **Special Condition 6**, which requires all construction, including grading operations, to be conducted in conformance with the geotechnical report prepared by AESCO dated May 30, 2017.

Sea level rise due to global warming is expected to contribute to some shoreline migration at Alamitos Beach during the 75-year project design life (**Exhibit 6**). Erosion on the east side of Alamitos Beach is more likely given the high beach sand accumulation rates at the west end of the beach (adjacent to the marina jetty), where the project is located. Based on CoSMoS modelling, during non-storm conditions, the beach immediately seaward of the proposed development is expected to maintain a width of at least 700 feet between the proposed buildings and the shoreline, through 2100. Therefore, no erosion hazards resulting from rising sea levels are anticipated for the lifetime of the project and public use of the beach will not be significantly restricted.

According to CoSMoS modelling conducted by Moffat and Nichol in July 2018 (**Appendix A**), assuming there will be 6.6 feet of sea level rise by 2100 (0.7% probability)<sup>1</sup>, during a 100-year storm event, the bike and pedestrian paths, parking lot, play area, games corner, restroom facilities, and recreation rental building would be subject to temporary inundation to approximately 1.5 feet in depth (**Exhibit 7**). The concession/café building and associated decks are approximately 2-3 feet higher in elevation and would not be subject to flooding by 2100 under this 100-year storm, high greenhouse gas emissions, medium-high risk aversion scenario. Considering the low probability of this scenario, the relatively short duration of flooding during a

<sup>1</sup>The best available science on expected sea level rise along California's coast is the Ocean Protection Council's (OPC) *State of California Sea-Level Rise Guidance, 2018 Update* and the OPC's Science Advisory Team's *Rising Seas in California: An Update on Sea-Level Rise Science*, released in April 2017. According to the 2018 Update to the OPC's sea level rise guidance, sea levels in the Los Angeles area are expected to rise between approximately 6 and 7 feet amount by 2100 under a medium-high risk aversion scenario.

100-year storm event, and the imposition of **Special Conditions 11** and **12** which requires the City to assume the risks of developing in an area that may be threatened by coastal hazards, including erosion and flooding, and prohibits the development of shoreline protective devices to protect this development in the future, the proposed project is not expected to be threatened by long-term flooding for the proposed lifetime of the development. In addition, there is no anticipated flooding of the public decks, concession stand, and café under this scenario by 2100. If the proposed development is threatened by coastal hazards, **Special Condition 12** also requires the City to remove the development if the structural integrity is compromised or if there are risks to life and property. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30253 of the Coastal Act.

### **Project Alternatives**

The City analyzed three project alternatives: a no project alternative, a reduced project alternative, and a relocated project alternative. The No Project Alternative would reduce energy consumption, short-term noise impacts, and air quality impacts, assuming no significant construction would be conducted to repair the existing concession stand. According to the Alternatives Analysis submitted in conjunction with the project application, this alternative would maintain the unpleasant visual quality of the area and the largely nonnative landscaping, and not enhance recreation and public access opportunities. The Reduced Project Alternative, as proposed by the City, would reduce the size of the concession/café building and eliminate the roof deck and the play area. Similarly, this alternative would not maximize recreation opportunities as compared to the proposed project. The Relocated Project Alternative would set back the concession/café building farther inland. This alternative would reduce potential sea level rise impacts to the concession/café building; however, it would also require use of additional open, green space in Marina Green Park which is discouraged in the City's certified LCP. The proposed development alternative activates the project site by maximizing the area for engaged public recreation with ground-level and rooftop public picnic and viewing decks, an open public play area, an area for games, a promenade area, and bike or other recreation rental facilities. As proposed and conditioned, the proposed alternative is consistent with the Chapter 3 policies of the Coastal Act and does not have a significant adverse impact on coastal resources.

## **E. LAND RESOURCES**

### **Relevant Coastal Act Policies**

Coastal Act section 30240(b) states:

*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.*

Coastal Act section 30244 states:

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

### **Relevant LCP Policies**

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

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

Policy 4.6 of the certified Open Space and Recreation element states:

*With the help of the community, plan and maintain park facilities at a level acceptable to the constituencies they serve.*

Coastal Act section 30240(b) requires development that is adjacent to parks and recreation areas to be sited and designed to prevent significant degradation of those areas. The project site is immediately adjacent to sandy beach areas, grassy parkland, bike and pedestrian paths, and a public beach parking lot. There are no sensitive species known to be established in the area; however, there are a number of trees that may provide habitat for nesting birds. The City proposes to remove 35 trees during construction. **Special Condition 7** requires a qualified environmental resources specialist to be retained for any construction, including tree removal, during bird nesting season. This environmental resources specialist is required, per **Special Condition 7**, to conduct bird species surveys to determine the presence of bird species including, but not limited to, sensitive black-crowned night herons, great blue herons, and snowy egrets and monitor construction. If active nests of bird species are encountered, the environmental resource specialist must be retained to monitor bird behavior and the nests must not be disturbed (**Special Condition 6**). To further protect birds, the City proposes to use bird-safe glass throughout the project design, including the café doors, the roof-deck guardrails, and the ground-level deck walls. **Special Condition 3** requires revised final plans that identify the bird-safe design components prior to issuance of the coastal development permit.

The applicant proposes to establish 17 native palm trees on-site and add landscaping to the public play area in Marina Green Park, to the median between the existing pedestrian and bike paths and to the planter benches along the south and east sides of the public picnic decks. **Special Condition 1** requires the landscaping to conform with the plans received in the South Coast District offices on July 23, 2018 subject to special conditions which include **Special Condition 3** which requires revised landscaping plans to satisfy the City's requirement for at least 1:1 tree removal/replacement for City projects. Thus, an additional 18 trees will need to be established on-site or at other designated areas (not on sandy beach) within the City of Long Beach coastal zone. These trees shall be native and mature, to the greatest extent feasible, to maximize canopy area for bird nesting habitat per **Special Condition 7**. **Special Condition 7** also requires new landscaping to consist of native or non-native drought tolerant plant species. As conditioned, the development will, at a minimum, maintain approximate canopy cover, will not contribute to the spread of invasive species, and will minimize water use for irrigation on site.

In addition, in order to ensure that the proposed development does not significantly degrade Marina Green Park, the beach and ocean, and other recreation areas, **Special Condition 9** requires the City to prepare a Construction and Pollution Prevention Plan to implement BMPs into the project's construction which will minimize discharge of materials into the air, water, and neighboring areas and **Special Condition 10** requires the applicant to submit a post-development runoff plan that includes low impact development measures and source control BMPs to be managed throughout the lifetime of the development. Light spillage will be minimized during

construction and operation of the development through **Special Conditions 1 and 9**. Furthermore, the City has imposed conditions (**Exhibit 3**) that restrict noise levels, require maintenance of trash and recycling facilities on-site, and require upkeep of the landscaping. **Special Condition 3** requires the permittee to adhere to the City's permit conditions.

Section 30244 requires mitigation measures to be taken where development would adversely impact archaeological or paleontological resources. In this case, the project site is located on artificial fill (formerly ocean, thus its status as state tidelands) that was bulldozed into place and has naturally accumulated sand since. The project site is also currently developed with a concession stand which further disturbed the soils. For this project, ground disturbing activities are not expected to extend below 5 feet. For these reasons, it is unlikely that any archaeological or paleontological remains will be encountered during construction. However, the City's permit requires the applicant to adhere to the mitigation measures in the project's final IS/MND, which includes the requirement for work to stop and an appropriate agency to be contacted if human remains are encountered. These mitigation measures are incorporated through the City's permit requirements incorporated through the imposition of **Special Condition 3**.

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Sections 30240(b) and 30244 of the Coastal Act.

#### **F. LOCAL COASTAL PROGRAM (LCP)**

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

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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

The City of Long Beach, the lead agency for CEQA, granted a Mitigated Negative Declaration (MND) on November 30, 2017. The initial draft of the Initial Study (IS)/MND received comments from four parties which were addressed in the final IS/MND. No substantial changes were made in response to these comments. City made a finding that the proposed development, with adopted mitigation measures, will not have a significant adverse impact on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional

feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

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## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- *City of Long Beach Local Coastal Program*
- *“Final Initial Study/Mitigated Negative Declaration for Alamitos Beach Concession Rebuild Project” by City of Long Beach dated November 2017*
- *“Alamitos Beach Concessions Buildings” geotechnical report by AESCO dated 5/30/2017*
- *“Alamitos Beach Concession Sea Level Rise Vulnerability Assessment” by Moffat & Nichol dated July 13, 2018*
- *Coastal Development Permit No. 5-12-271-W*
- *Coastal Development Permit No. 5-00-050-A1*
- *Coastal Development Permit No. 5-98-042*
- *Coastal Development Permit No. 5-93-232-A1*