

CALIFORNIA COASTAL COMMISSION

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



May 11, 2017

City of Long Beach City Council
c/o Development Services/Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

RE: Appeal of Local Coastal Development Permit No. 1405-01, Belmont Beach and Aquatics Center Project, City of Long Beach

To the Honorable Long Beach City Council:

Our agency is aware that appeals to the City Council have been filed by members of the public in regard to the approval by the City's Planning Commission of a coastal development permit for construction of a 125,500 sq. ft. swimming pool complex, café, and 55,745 sq. ft. park on a 5.8-acre beachfront site in the Belmont Shore area of Long Beach. We have received numerous inquiries from the public in regard to the Coastal Act planning issues that must be addressed as part of the coastal development permit process, and our staff offers the following comments. These comments supplement the letter our staff submitted in response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the proposed development, dated June 16, 2016.

In regard to permitting jurisdiction, portions of the project would be located seaward of the former mean high tide line (Chapter 138 Line), on State Tidelands that the legislature has granted to the City, and would extend into the California Coastal Commission's retained coastal development permit jurisdiction as shown on the Local Coastal Program Certification Map approved by the Coastal Commission for the City of Long Beach. Thus, the proposed project will require both a local coastal development permit from the City and a coastal development permit from the Coastal Commission and any development proposed on the project site must conform to the Chapter 3 policies of the Coastal Act as well as the policies set forth in the City of Long Beach certified LCP.

Commission staff believes that the primary issue raised by this project is that, based on the information contained in the City's DEIR, although the beach is currently wide enough that the structure would likely be safe from wave action in the immediate future, given sea level rise, the new pool facility is expected to be subject to wave action and shoreline erosion over the structure's expected life. The Commission's Sea Level Rise Guidance Document and the hazards and shoreline development policies in Chapter 3 of the Coastal Act provide that new development should not be located in hazardous areas subject to sea level rise and shoreline erosion if there are feasible alternatives.

The project appears to be designed to likely ensure the structure's stability (from an engineering perspective) if the area of the beach where the seaward portion of the structure is located becomes inundated due to sea level rise; this would be achieved by utilizing a substantial foundation that would extend not only below the expected scour level of the beach but would also be built up

relatively high in elevation. As a result, this deepened foundation itself could effectively act as a seawall, or result in similar impacts to coastal resources as a seawall, raising potential issues with the hazards and shoreline development policies of the Coastal Act (including Sections 30235 and 30251), which provide that new development should be designed and located in manner to ensure geologic and engineering stability independent of the need for shoreline protection.

Moreover, both the Coastal Act and the City's LCP set forth policies to protect shoreline areas for public access and recreation. Beaches are particularly vulnerable to the impacts of new development because beaches backed by fixed or permanent development, such as the new pool facility, will not be able to migrate inland as sea level rises, and will become permanently inundated over time, which in turn presents serious concerns for future public access, recreation and habitat protection.

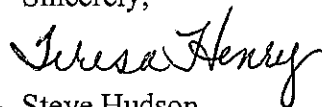
For these reasons, Commission staff believes that the best practice is to avoid locating new development in hazardous areas subject to sea level rise and shoreline erosion. In the case of this project, our staff has previously recommended to the City that it consider relocating the facility to a site that will not be affected by sea level rise/wave action for the expected life of the development, consistent with the Commission's Sea Level Rise Guidance Document and with Sections 30235 and 30253 of the Coastal Act in order to avoid potential impacts to public access and recreation along the beach.

In regard to visual resources, the project should be evaluated to determine the extent of its impact on visual resources and views from public viewing areas, including the beach, pier and public streets. The height of the proposed structure appears to exceed the allowed height for development on the site pursuant to the City's LCP, and we request that the City's address this issue in its deliberation on this matter and provide clarification on how the project would be consistent with the LCP without the need for an LCP amendment.

We appreciate the opportunity to provide these comments to the City. Commission staff requests that the City thoroughly address these issues as part of its review of the City's local coastal development permit and adopt appropriate findings in relation to the LCP policies. In addition, we look forward to continuing to work with City staff to address these issues as part of the City's future application for a coastal development permit from the Coastal Commission for the development as well.

Please feel free to contact Charles Posner, Planning Supervisor, or me in our Long Beach office if you have any questions on this matter.

Sincerely,


for Steve Hudson
District Director

cc: Roberto Uranga, Coastal Commissioner
Tom Modica, Assistant City Manager
Amy Bodek, Director of Development Services
Linda Tatum, Planning Bureau Manager

CALIFORNIA COASTAL COMMISSION

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200 Oceangate, Suite 1000
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June 16, 2016

Craig Chalfant, Senior Planner
City of Long Beach
Development Services/Planning Bureau
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

**RE: Belmont Pool Project, City of Long Beach
Comments on Draft Environmental Impact Report**

Dear Mr. Chalfant:

In response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Belmont Pool Project, California Coastal Commission staff concurs that an EIR is necessary for the proposed project and requests that the Final EIR consider alternative project designs and project locations which may reduce or avoid adverse impacts to visual resources and public access, and which consider the potential impacts of sea level rise.

S-2-1

According to the Notice, the proposed project includes the construction of a 125,500 square foot pool complex including indoor and outdoor components and a 1,500 square foot café on top of the public beach in the same area that previously supported the Belmont Pool (1968-2014).

Commission staff has determined that the area on which the pool complex is proposed is within a portion of the coastal zone that is subject to the requirements of the City of Long Beach certified Local Coastal Program (LCP), and is also partially within the Commission's area of original jurisdiction. Therefore, the proposed project will require a local coastal development permit from the City and a coastal development permit from the Coastal Commission.

S-2-2

The Final EIR should analyze the project for consistency with the policies of both the certified LCP and the Coastal Act (including Sections 30210, 30211, 30212, 30251, and 30253), and provide mitigation or alternatives for any identified impacts to visual resources, public access and recreation, and potential hazards. Specifically Commission staff recommends that the Final EIR analyze the following coastal issues:

- Visual resource impacts of the project from vantage points along the public beach and from Ocean Boulevard, which the Draft EIR identifies as a designated scenic roadway – does the project preserve or enhance identified view corridors and is the project consistent with the height limit identified in the LCP? Would an alternative project design or location serve to preserve or enhance visual resources?

S-2-3

Belmont Pool Project, City of Long Beach
Coastal Commission Staff Comments on DEIR
Page 2 of 2

- The Wave Uprush Study included in the Draft EIR indicates that “the high sea level rise projections for 2100 would have a significant impact on the facility. Both the project site as well as much of the Long Beach Peninsula and Belmont Shore would be exposed to coastal flooding. Although the proposed design sets the main pool deck elevation at +17’ (above the projected run-up/still water elevation of +10.4’), the lower level of the building (pool equipment and storage) as well as the entire site, parking and vicinity would be below the projected water line.” Given the potential impacts caused by sea level rise over the expected life of the project – under low, medium, and high sea level rise scenarios, considering astronomical tides and potential wave uprush, will the structure require a shoreline protective device in the future? Will the primary pool structure itself serve as a shoreline protective device in the future (e.g. could the foundational elements become exposed and contribute to beach erosion or restrict lateral public access along the public beach? Would an alternative project design serve to prevent the primary structure from acting as a shoreline protective device? Would an alternative location serve to prevent the pool complex from being regularly flooded in the future? Please amend the Wave Uprush Study to include an analysis of all feasible alternative locations that could accommodate the pool complex (including but not limited to the three sites identified in the DEIR) and indicate whether such locations are subject to wave uprush/hazards over the expected life of the pool complex.
- The Draft EIR indicates that the existing bicycle and pedestrian paths might be relocated to make room for the pool complex. Is there adequate space to relocate the paths, considering existing beach use activities in the area and future impacts caused by sea level rise?

S-2-4

S-2-5

S-2-6

S-2-7

Each of the issues identified in this letter, as well as other environmental impacts identified in the Draft EIR, should be analyzed in the context of potential alternative project designs and project locations. Could adverse impacts to visual resources, potential beach erosion, loss of public access, and risk of damage to the pool complex be reduced or eliminated if the design or location of the project was changed?

S-2-8

Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the project develops. Coastal Commission staff requests notification of any future activity associated with this project or related projects. Additionally, the comments contained herein are those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. Thank you for the opportunity to comment on the Draft EIR.

S-2-9

Sincerely,


Zach Rehm
Coastal Program Analyst

**CALIFORNIA COASTAL COMMISSION
LETTER CODE: S-2**

DATE: June 16, 2016

RESPONSE S-2-1

This comment is introductory in nature and states the California Coastal Commission's (Coastal Commission) concurrence with the decision to prepare an Environmental Impact Report (EIR) for the proposed Project. This comment requests that the Final EIR consider alternatives that would reduce or avoid impacts related to visual resources, public access, and sea level rise. Chapter 5.0, Alternatives, of the Draft EIR includes a complete analysis of several Alternatives that would have reduced the height of the building, thereby reducing visual impacts. Public access will be retained and enhanced on the Project site under the proposed Project due to the extensive open space and walkways that traverse all sides of the facility. Public access to the site and the beach has not been reduced or restricted. It should be noted that the base of the building has been elevated 7 feet (ft) to account for sea level rise.

This comment does not contain any substantive comments or questions about the Draft EIR or analysis therein. This comment will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE S-2-2

This comment notes that the Project site is within a portion of the Coastal Zone that is subject to the Long Beach certified Local Coastal Program (LCP) and is within the Coastal Commission's area of original jurisdiction. The comment further states that the proposed Project would require Coastal Development Permits (CDPs) from both the City of Long Beach (City) and the Coastal Commission.

The commenter is correct in asserting that a portion of the project site is located within an area regulated by the Coastal Commission. As described further in Section 4.9, Land Use and Planning, of the Draft EIR, the Project site includes areas within the Tidelands and submerged lands (Draft EIR, page 4.9-19). As such, the Coastal Commission retains jurisdiction over the approval of a CDP for the portion of the Project site located within the Tidelands and submerged lands; the City retains jurisdiction over the approval of a CDP for the remainder of the site. It should be noted that in September 2014, the City adopted a resolution (Resolution-14-0088) indicating that staff intends to process a Consolidated Coastal Development Permit Application (CCDP), consistent with Section 30601.3 of the Public Resources Code (Coastal Act). The Coastal Act authorizes the California Coastal Commission to process a CCDP when requested by a local jurisdiction for a project that would otherwise require a CDP from both entities.

Section 4.9, Land Use and Planning, of the Draft EIR, also includes a consistency analysis demonstrating the Project's consistency with the City's LCP and the California Coastal Act (Coastal Act).

RESPONSE S-2-3

This comment notes that the Final EIR should analyze the proposed Project's consistency with the policies included in the LCP and the Coastal Act and provide mitigation where needed. The commenter expresses concerns regarding visual impacts from the public beach and Ocean Boulevard. The commenter further questions the height limit defined in the LCP as compared to the proposed Project. This comment also inquires if an alternative project design or location would preserve or enhance visual resources when compared to the proposed Project.

As described in Response S-2-3, Section 4.9, Land Use and Planning, of the Draft EIR, includes a consistency analysis demonstrating the Project's consistency with the City's LCP and the Coastal Act.

Visual impacts resulting from Project construction and implementation, including the obstruction or degradation of views from public vantage points (including the beach and Ocean Boulevard) are addressed in Section 4.1, Aesthetics, of the Draft EIR. As discussed in Section 4.1, Aesthetics, views of the ocean from nearby roadways and public sidewalks would be improved as compared to the previous pool facilities because the new pool has been designed to be narrower and the elliptical shape would slope in height at the edges of the building (refer to Figure 4.1.4, Pre- and Post-Project Building Orientation). While the maximum height for the proposed Project is 19 ft higher than the previous Belmont Pool building, the sloping shape of the proposed Project would reduce the bulk and massing of the new facility in comparison to the former facility which was characterized by a consistent roof line that maintained the maximum height throughout the entire length of the building. Further, the proposed Project would enhance the visual quality of the Project site by constructing a new building and introduce an enhanced architecture with upgraded landscaping. Preservation of the scenic coastal character is consistent with the objectives of the California Coastline Preservation and Recreation Plan. Therefore, the proposed Project would be consistent with Coastal Act Section 30251.

While the proposed Project was determined to have less than significant impacts with respect to aesthetics, an alternative project design or location could preserve or enhance visual resources when compared to the proposed Project. As described in Chapter 5.0, Alternatives, Alternatives 1 through 5 would all result in reduced visual impacts. However, despite incrementally reducing visual impacts, these alternatives were determined to meet only a few of the Project Objectives, or meet the objectives to a lesser degree than the Project. Therefore, none of these alternatives were identified as the Environmentally Superior Alternative or the Preferred Alternative. Therefore, the City intends to proceed with the design as included under the proposed Project.

RESPONSE S-2-4

This comment acknowledges the analysis of sea level rise included in the Draft EIR and questions if the proposed Project would require a shoreline protective device in the future.

Impacts with respect to sea level rise (SLR) are addressed in Section 4.6, Global Climate Change, of the Draft EIR. It should be noted that the base of the building has been designed and elevated

by 7 ft to account for sea level rise. As discussed in this section and in the *Wave Uprush Study*¹ prepared for the proposed Project, wave run-up for the high 2060 and 2100 sea level rise scenarios would result in a run-up elevation up to 8.2 ft and 10.4 ft (or greater) at the Project site. Without preventative measures, the upper 2100 sea level rise estimate would not only inundate much of the pool facility, but much of the Long Beach Peninsula and Belmont Shore as well. This 2100 condition is not a result of the Project but rather the result of the projected worst-case sea level rise and erosion conditions.

The main pool deck would be elevated 17 ft amsl, which would be set 8.8 ft above the projected high water levels in 2060. The lower level of the building (pool equipment and storage) and associated parking areas would be below the projected water line in 2060; however, this area would not be open for public use, and therefore, would not subject visitors to the Project site to significant cumulative impacts related to sea level rise. Furthermore, additional GHG reduction strategies implemented at the State, national, and international levels could reduce sea-level rise between now and the year 2100. Therefore, the proposed Project would not be adversely impacted by sea level rise due to climate change, and no mitigation is required.

RESPONSE S-2-5

The commenter inquires if the primary pool structure will serve as a shore protective device in the future. The comment makes specific reference to the possible exposure of foundational elements that could contribute to beach erosion or restrict lateral public access along the public beach.

See Response S-2-4, above. There is no provision in the *State CEQA Guidelines* that indicates that CEQA requires an evaluation of existing environmental conditions at the project site that may cause significant adverse impacts to visitors to the project site. However, CEQA does mandate that an analysis of a project's impacts consider whether the project might cause existing environmental hazards to worsen. For this reason, the potential impacts with respect to beach erosion are analyzed in the *Wave Uprush Study* prepared for the Project. As discussed in this report, the modeled 100-year storm would erode 18 to 48 percent of the beach berm in 2060. The modeled 100-year storm would erode 30 percent in the low scenario for 2100, but erosion under the high scenario would pose more of a serious threat to the pool structure than wave run-up. This projected erosion may also be exacerbated by smaller erosional events (e.g., 5-year, 10-year, 25-year scenarios, etc.) The western portion of the site is more vulnerable than the remainder of the site because it is 40 to 50 ft closer to the shoreline. While the western portion of the site is more vulnerable to erosion than the rest of the site, the proposed building will not affect erosion at the adjacent beaches until the berm fronting the building erodes away. As described throughout the *Wave Uprush Study*, there is approximately 50 ft of berm remaining under the highest sea level rise and all breakwater scenarios. Furthermore, the structure is not impounding sand (i.e., it is not preventing sand from entering the coastal littoral zone for sand transport along the coast). Therefore, the primary structure would not contribute to beach erosion or restrict lateral public access along the public beach.

¹ Moffatt & Nichol 2014, *Wave Uprush Study* for Belmont Pool Plaza. October.

The proposed foundation will consist of deep piles to support a system of beams and vertical structures to support the pool, walls, floors, and roof structures. The piles will be constructed very deep (below grade) so they will not be exposed to wave activity. The exposed portion of the foundation will be the vertical walls, stairs, or other structures that are vertically supported by the underground piles. The exposed portions will act as a barrier to water flow, including wave activity, should waves reach the structure in an uprush scenario. Unless there are unreasonable amounts of erosion (which as described previously, is not expected at the site), the building will behave more like a wall than a pier, since the piles would not become exposed. Therefore, the proposed Project would not require the use of shoreline protective devices nor would the primary pool structure serve as a shoreline protective device protecting the remainder of the Project.

RESPONSE S-2-6

This comment inquires if alternative locations would prevent regular flooding of the proposed Project in the future. The comment requests that the *Wave Uprush Study* is amended to include analysis of alternative project locations.

As stated above, Section 5.0, Alternatives of the Draft EIR contains a complete analysis of alternative sites for the proposed Project. As explained on Draft EIR Page 5-8, funding for the proposed Project is entirely sourced from the Tidelands Operating Fund, an umbrella fund that allocates expenditures for Tidelands operations and capital improvements projects within the Tidelands area of the City. Tidelands are defined as those lands and water areas along the coast of the Pacific Ocean seaward of the ordinary high tide line to a distance of 3 miles. The Tidelands Trust not only restricts the use of the Tidelands, but also restricts the use of income and revenue generated from businesses and activities conducted on the Tidelands to be used solely for projects within the Tidelands area. Because the proposed Project is dependent on funding from the Tidelands Operating Fund, any alternative location not in the Tidelands would have to be funded through alternative sources. Due to a lack of available finances from other City sources, a project that would not be funded by the Tidelands Operating Fund would not be economically feasible. Therefore, all three alternative sites were located in the Tidelands. Additionally, according to the City, no other properties within the City's Tidelands would be large enough or are currently available to be considered as an alternative location. Furthermore, the primary objective of the Project is to replace the former facility in its original location. Therefore, it is not fiscally prudent to amend the *Wave Uprush Study* to consider alternative locations which have been determined infeasible. It should also be noted that the proposed Project was initiated prior to the demolition and removal of the old facility, as it has long been the City's intention to replace the old facility on the same site.

RESPONSE S-2-7

This comment questions the relocation of the existing bicycle and pedestrian paths under the proposed Project. The comment further questions if there is adequate space for relocation of the paths due to existing beach activities and future sea level rise.

The proposed relocation of the bicycle and pedestrian path bordering the southern portion of the site has been completed under a separate project.¹ Therefore, there is adequate space for the pathway and existing beach activities on this stretch of Long Beach's coastline.

RESPONSE S-2-8

This comment requests that impacts identified in this comment letter and the Draft EIR are analyzed in the context of alternative project designs and locations.

Alternative designs and locations are analyzed in Chapter 5.0, of the Draft EIR. As described in this chapter of the Draft EIR, an alternative project design or location could lessen potential environmental impacts when compared to the proposed Project. However, these alternatives were determined to meet only a few of the Project Objectives, or meet the objectives to a lesser degree than the Project. Therefore, none of these alternatives were identified as the Environmentally Superior Alternative or the Preferred Alternative. In addition, the EIR has addressed and analyzed all feasible alternative locations within the City's Tidelands area (see Response S-2-6). Consequently, the City intends to proceed with the design as included under the proposed Project.

RESPONSE S-2-9

This comment is conclusory in nature and notes that the Coastal Commission staff requests notification of future activity associated with the proposed Project.

This comment does not contain any substantive comments or questions about the Draft EIR or analysis therein. This comment will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

¹ Press Telegram, Long Beach Coastline Pedestrian Path to Be Unveiled. Website: <http://www.presstelegram.com/environment-and-nature/20150529/long-beach-coastline-pedestrian-path-to-be-unveiled> (accessed July 21, 2016).

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