



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-5238

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December 2, 2014

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution allowing for the initiation of a Consolidated Coastal Development Permit process pursuant to Section 30601.3 of the Public Resources Code (Coastal Act) in connection with the rebuild of the Leeway Sailing Center, Pier and Dock located at 5437 East Ocean Boulevard. (District 3)

DISCUSSION

On July 18, 2013, the Planning Commission voted to approve the site plan for the Leeway Sailing Center Project (project). The Planning Commission staff report indicated that the proposed project was within the California Coastal Commission's (CCC) permit jurisdiction subject to the Coastal Development Permit (CDP). As such, it was determined that a Local Coastal Development Permit was not required. However, pursuant to the City's Zoning Ordinance, a Site Plan Review approval was required prior to the submittal of a CDP application to the CCC.

Since then, CCC staff has determined that the Leeway Sailing Center is within both the City and State's jurisdiction. Per the California Coastal Act, the coastal zone is defined as extending seaward to the State's outer limit of jurisdiction, and extending inland generally 1,000 yards from the mean high tide line (MHTL). The MHTL serves as the delineation between the City's permitting jurisdiction, subject to the City's certified Local Coastal Program and appealable to the CCC, and the State's original jurisdiction where CCC has exclusive permitting authority. Surveys depict that the MHTL at the Leeway site is north of the existing facility and runs perpendicular to the mid-point of the Leeway Pier. Therefore, the proposed Leeway Sailing Center, Pier and Dock rebuild project is subject to two discretionary permitting jurisdictions—the State of California and the City's appealable area.

This jurisdictional duality would require both the City and the CCC to issue separate Coastal Development Permits for the project, creating potential confusion, inconsistent conditions of approval or mitigation measures, and a lengthy timeline due to the joint application processes. Section 30601.3 of the Public Resources Code (Coastal Act) authorizes the CCC to process a Consolidated Coastal Development Permit application

(CCDP) when requested by a local jurisdiction for projects that would otherwise require Coastal Development Permits from both entities. Staff believes that a single, integrated coastal review process would be the most efficient means of coastal approval.

Before an application for a CCDP can be submitted to the CCC, the local jurisdiction (in this case the City Council) must provide its consent. Staff recommends that the City Council adopt a Resolution supporting the CCDP process, indicating its approval to delegate the City's coastal development permitting authority to the CCC. The Resolution further provides direction to City staff to work with CCC staff to identify any other City actions necessary to undertake and complete the CCDP process.

Consenting to the CCDP process does not relinquish or reduce the City's role in taking action. For this particular project, a Site Plan Review with the Planning Commission was undertaken which provided an opportunity for public review and testimony. City staff also finds that consenting to the CCDP process would not limit the public's opportunity to participate in the coastal development permit review process, as the public may participate by attending a CCC public hearing and by providing testimony prior to hearings, as usual.

This matter was reviewed by Assistant City Attorney Michael Mais on November 10, 2014, and by Budget Management Officer Victoria Bell on November 11, 2014.

TIMING CONSIDERATIONS

City Council action is requested on December 2, 2014, in order to proceed with the rebuild of the project.

FISCAL IMPACT

There is no fiscal or local job impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

AJB:JW:IB

P:\Planning\City Council Items (Pending)\Council Letters\2014\CCL leeway.doc

Attachments: City Council Resolution

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONSENTING TO THE INITIATION OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT PROCESS WITH THE CALIFORNIA COASTAL COMMISSION PURSUANT TO PUBLIC RESOURCES CODE SECTION 30601.3, IN CONNECTION WITH THE REBUILD OF THE LEEWAY SAILING CENTER, PIER AND DOCK LOCATED AT 5437 EAST OCEAN BOULEVARD, IN THE CITY OF LONG BEACH

WHEREAS, the Coastal Act was amended by Senate Bill (SB) 1843 effective January 1, 2007, which allows for a consolidated permitting process for projects for which the Coastal Development Permit (CDP) authority is shared by a local government and the California Coastal Commission; and

WHEREAS, SB 1843 (now codified as Section 30601.3 of the Public Resources Code), requires that the applicant (in this instance the City of Long Beach), the local government, and the Executive Director of the Coastal Commission agree to the consolidation; and

WHEREAS, consolidation may only proceed where public participation is not substantially impaired by that review consolidation; and

WHEREAS, the City Council and Development Services staff, acting in this instance on behalf of the Applicant City of Long Beach, find that a consolidated coastal development permit application and process is beneficial to the public by reducing the total time and cost that it takes to go through the entire coastal permitting process; and

WHEREAS, the City Council and Planning staff find that a consolidated

1 coastal development permit application and process would benefit the public by reducing
2 and avoiding unnecessary and duplicative processing efforts; and

3 WHEREAS, this matter was considered by the City Council at a duly
4 agendized public meeting conducted by the City Council on December 2, 2014, to
5 receive public comment on the proposed coastal development permit review
6 consolidation process and authorization.

7 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
8 follows:

9 Section 1. The City Council of the City of Long Beach hereby authorizes
10 the California Coastal Commission to process a consolidated Coastal Development
11 Permit for the rebuild by the City of Long Beach of the Leeway Sailing Center, Pier and
12 Dock located at 5437 East Ocean Boulevard in the City of Long Beach, as said project is
13 more fully described in the accompanying City Council staff report and associated
14 documentation.

15 Section 2. That the Director of Development Services and the City
16 Manager and/or their respective designees are hereby delegated to act on behalf of the
17 City Council with respect to the proposed consolidated permit process in accordance with
18 the provisions of Public Resources Code Section 30601.3.

19 Section 3. That all documents, including but not limited to, the City
20 Council Staff Report dated December 2, 2014, mentioned and listed in the recitals
21 immediately above, are incorporated herein by this reference as if fully set forth herein.

22 Section 4. The City Council further determines that approval and consent
23 hereby given is limited to approval and consent to a legal procedure allowing the
24 California Coastal Commission, to process the above referenced application where
25 permitting would otherwise require both the City of Long Beach and the Coastal
26 Commission to consider Coastal Development Permit (CDP) applications. This is not
27 intended, and shall not be construed, deemed, or interpreted, to be an approval of any
28 required City entitlements or permits. Any such entitlement and permit determinations

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CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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shall remain in the discretion of the City. Consideration of such City entitlements shall include, without limitation, all appropriate and required CEQA review by City.

Section 5. Public participation will not be substantially impaired by the proposed consolidated review because: 1) the California Coastal Commission will hold a duly noticed public hearing on the CDP application; and 2) the Coastal Commission will provide public notification of the public hearing when the CDP for the proposed project will be considered.

Section 6. Pursuant to Public Resources Code Section 30601.3, the City Council hereby consents to the processing of a consolidated CDP for the proposed project as is more fully described in the City Council Staff Report and associated documentation submitted to the City Council on or about December 2, 2014.

Section 7. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2014, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk