



## Legislation Text

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**File #:** 14-0993, **Version:** 1

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Recommendation to adopt 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)

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.

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

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

Approve recommendation.

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

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER