

CITY OF LONG BEACH

R-15

OFFICE OF THE CITY MANAGER

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February 18, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to proceed with the design and bidding phase for the proposed Pedestrian Path Project Proposal, and consider Categorical Exemption 12-044. (District 2 and District 3)

DISCUSSION

The proposed Project consists of constructing an eleven-foot wide pedestrian path (using a resin-based paving material) along 3.1 miles of the shoreline, constructing a new pedestrian/bicycle ramp on the east side of the Belmont Veterans Memorial Pier, and relocating the beach bicycle path inland at specific locations. On June 13, 2013, the California Coastal Commission (CCC) approved a coastal development permit for the Project authorizing the City of Long Beach to construct the Project, but required it to be located on the north side (landside) of the existing bicycle path. As depicted in Exhibit A, the location of the pathway has been revised to comply with the CCC conditions of approval. The CCC has formally approved the project plans (Exhibit B), and City staff is ready to complete the design and request construction bids.

The purpose of the Project is to:

- Increase beach access and coastal recreation by creating a separate path exclusively for pedestrians;
- Improve safety by relieving congestion and separating user groups;
- Encourage greater use of the beach;
- Support pedestrian activity by installing a more flexible and appropriate material for running/walking;
- Promote more active and healthy lifestyles; and,
- Improve mobility and travel options for all users.

The proposed Project is consistent with the City's goal of creating active and healthy communities, and would help improve safety by reducing congestion and conflicts between users (cyclists, walkers, runner, skaters, etc.), while also improving coastal access by providing no-cost recreational opportunities. As demonstrated in the City's annual bike counts, the existing bike path experiences the highest traffic volume citywide. In addition, it is identified as the 8th highest pedestrian traffic zone in the City. The Project is intended to better activate the beach area and increase the number of passive and active recreational users.

Background and Project Approvals

The proposed Project was conceived many years ago and described in the City's Certified Local Coastal Program (LCP) adopted in 1980. The LCP, as amended, is an Element of the General Plan and acknowledges the need to balance recreational use of coastal resources with the requirements for protection and preservation. A formal policy of the LCP is to increase pedestrian and bicycle access opportunities along the coastal zone (Transportation and Access General Policies). Lack of adequate access is usually cited as a major reason for generally low utilization of the beaches in Long Beach. The LCP recommended construction of the existing bike path between Alamitos Avenue and 54th Place, and also recommended that "A pedestrian walkway should be constructed adjacent to the above mentioned bike path from Alamitos Avenue to 54th Place."

The proposed Project is also outlined in the Department of Parks, Recreation and Marine (PRM) 2003 Strategic Plan, which called for the construction of an additional walking/jogging path on the beach. In 2008, the City's Department of Parks, Recreation, and Marine began developing a conceptual design for the proposed pedestrian path, but that effort was postponed due to a lack of funding. On August 9, 2011, the City Council held a public study session on the Fiscal Year (FY) 2012 Proposed Capital Improvement Program (CIP) Budget, and subsequently referred the FY 2012 CIP to the Planning Commission for review of its consistency with the General Plan. On August 18, 2011, the Planning Commission held a public hearing to review the FY 2012 Proposed CIP and unanimously found that the proposed projects, including the new Pedestrian Path Project, were in conformance with the General Plan. On September 6, 2011, the City Council approved the FY 2012 CIP Budget, which included \$5,000,000 for the proposed Pedestrian Path Project.

Pursuant to the California Environmental Quality Act (CEQA), a Categorical Exemption for the proposed project was filed with the L.A. County Clerk on July 25, 2012. The California Coastal Commission approved a coastal development permit on June 13, 2013, concluding that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act.

Project Description

When first presented, the new path was to be located on the water side of the existing path. However, there were objections to this design and the Coastal Commission required the new path to be placed on the land side of the existing bike path. The new pedestrian path would be separated by a six-foot sand break, except in a few segments where the pathways would be separated by a raised curb. The construction of the proposed Project would require reconfiguration of segments of the existing concrete bike path, several storm drain crossings, and the public parking lot on the east side of the Belmont Veterans Memorial Pier. The existing storm drain crossings would be widened by about twelve feet in order to accommodate the width of both the existing and proposed paths.

Proposed re-alignments of segments of the existing bike path will increase the amount of open sandy beach area adjacent to the ocean in three main areas: a) between 8th Place and Cherry Ave; b) east of the Belmont Veterans Memorial Pier and adjacent to the Belmont Pool; and c) adjacent to the La Verne Parking Lot. Overall, this would increase the amount of sandy beach area between the ocean and bicycle path by approximately 300,000 square feet.

On the east side of the Belmont Veterans Memorial Pier, a new pedestrian/bicycle ramp would be constructed to eliminate the existing path's sharp ninety-degree angle turn coming off the pier. The reconfiguration of the pier ramp will result in the loss of approx. 20 parking spaces, which is significantly lower than the original project design, which would have resulted in the loss of 32 parking spaces.

At the Junipero Avenue public beach parking lot, the proposed Project includes the removal of 7,700 square feet of turf from the area immediately inland of the parking lot in order to accommodate the proposed alignment of the new path. This turf area is popular for gatherings and recreation. The Project would mitigate the impact to this turf area by planting 23,000 square feet of turf between the parking lot and the Bixby Park bluff, just east of the parking lot entrance/exit. This part of the Project would require 20 palm trees to be relocated in the immediate area.

Public Outreach

Significant public outreach has been conducted as part of the proposed Pedestrian Path Project, including presentations at the following public meetings or organizations:

1. March 8, 2012 – Belmont Shore Residents Association
2. April 18, 2012 – Peninsula Residents Association
3. June 13, 2012 – Meridian Condominium Owners Association
4. June 14, 2012 – Belmont Shore Residents Association
5. July 12, 2012 – Parks and Recreation Commission
6. August 9, 2012 – Belmont Shore Residents Association
7. September 27, 2012 – Sustainable City Commission
8. October 1, 2012 - Surfrider Foundation
9. October 5-6, 2012 - Long Beach Marathon Expo
10. October 11, 2012 – Alamitos Beach Neighborhood Association
11. October 18, 2012 – Peninsula Beach Preservation Group
12. November 14, 2012 – Marine Advisory Commission
13. November 14, 2012 - Belmont Heights Community Association
14. February 13, 2013 – City Council Transportation and Infrastructure Committee

Significant design changes to the proposed project have been made as a result of extensive public input. For example, in response to significant concerns by the Surfrider Foundation, the concrete connections from all of the beach stairs to the bike path were removed from the proposed Project in order to minimize impacts to sandy beach area. Major crossings between the two paths were also removed to optimize safety. Finally, the proposed Project alignment was also revised at specific locations in order to address

concerns with sea level rise and further minimize impacts to available sandy beach area located south of the existing bike path. The Coastal Commission approved plans are a reflection of community input that has served as a major contributor in the evolution of the Pedestrian Path Project in its current approved form.

City staff is ready to proceed with the design and bidding phase for the proposed Project. After bids are received and contractor is selected, City staff would return to the City Council to approve the final project specifications and construction contract.

Public Art and Beach Master Planning Efforts

During the summer of 2002, local artists Terry Braunstein and Craig Stone were hired by the Public Corporation for the Arts (PCA) to develop an integrated artwork program primarily for the Bluff Erosion and Enhancement Project. The art concepts that were developed were subsequently presented to the Parks and Recreation Commission and Marine Advisory Commission, and PRM staff recommended that the concepts created by Terry Braunstein and Craig Stone be incorporated into ongoing designs for some of the Bluff Erosion Control projects and in preparation of a beach master plan. A request was made by PRM staff on July 14, 2003 to contract directly with Terry Braunstein and Craig Stone for design services without a competitive bidding process. The City denied the request on August 4, 2003, and determined that a competitive bidding process would be required to further design any artwork concepts developed by Terry Braunstein and Craig Stone. A designer who ultimately prepares construction drawings would not, under any circumstances, be allowed to implement the art concepts in any way.

In 2008, PRM staff hired Hirsch & Associates, Inc, a professional Landscape Architecture and Planning Firm, to assist with the development of a formal Beach Master Plan. Terri Braunstein and Craig Stone were not hired as part of this effort nor were their concepts used. This beach master planning effort was ultimately halted because of funding constraints.

The concepts developed by Terry Braunstein and Craig Stone, which is presented in their "Coastal Allusions" Artists' Conceptual Design for the Beach and Bluff Areas are problematic from a planning, regulatory and professional design standpoint. They would be costly to implement, difficult to maintain, and face difficulty obtaining Coastal Commission approval. They are merely artistic concepts that have never been vetted by engineering or landscape architecture professionals, who are required to carry professional licenses and liability insurance.

This matter was reviewed by Assistant City Attorney Michael Mais and by Budget Management Officer Victoria Bell on February 7, 2014.

TIMING CONSIDERATIONS

City Council approval of this item is requested on February 18, 2014 in order to proceed with the Project's design and bidding phase.

FISCAL IMPACT

The FY 12 CIP Budget adopted by City Council on September 6, 2011 included \$5,000,000 for the proposed Pedestrian Path Project, and was budgeted in the Tidelands Operations Fund (TF 401) in the City Manager Department (CM). The \$5,000,000 budget was a preliminary estimate, and an updated Project cost including the CCC conditions of approval will be determined when the Project specifications and construction contract are submitted to City Council for approval. There is no local job impact associated with this request.

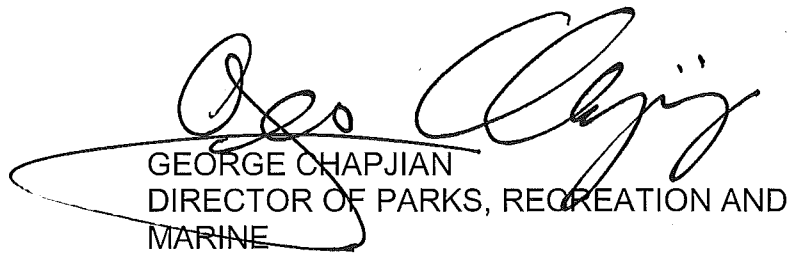
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
CITY MANAGER



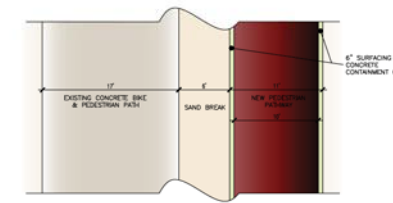
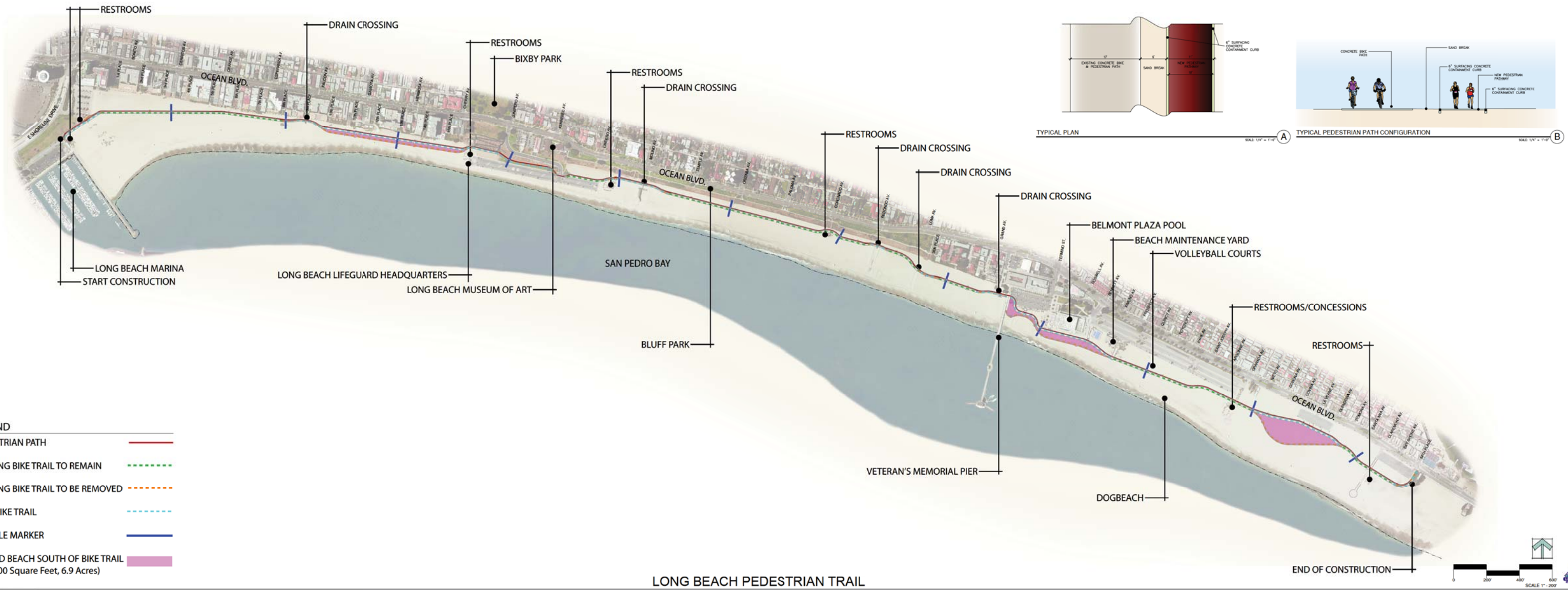
GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND
MARINE

ATTACHMENTS

- Exhibit A – Project Location
- Exhibit B – Coastal Development Permit

PHW:EOL:aj

EXHIBIT A



TYPICAL PLAN

TYPICAL PEDESTRIAN PATH CONFIGURATION

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

EXHIBIT B

CALIFORNIA COASTAL COMMISSION

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

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February 5, 2014
Permit No. 5-12-320



COASTAL DEVELOPMENT PERMIT
5-12-320

On June 13, 2013, the California Coastal Commission granted to City of Long Beach Coastal Development Permit 5-12-320, subject to the attached Standard and Special Conditions, for development consisting of:

Construction of a eleven-foot wide pedestrian path (using a resin-based paving material) along 3.1 miles of the shoreline, construction of a new pedestrian/bicycle ramp on the east side of the Belmont Veterans Memorial Pier, and relocation of the beach bicycle path inland to a new alignment closer to the Belmont Pool and the La Verne Avenue public beach parking lot. More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County on the beach between the Downtown Shoreline Marina and 54th Place, City of Long Beach.

Issued on behalf of the California Coastal Commission on February 5, 2014.

CHARLES LESTER
Executive Director

By: Charles R. Posner
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

2/6/14

Date

Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

COASTAL DEVELOPMENT PERMIT

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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 or 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.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Setback from High Tide Line – Revised Plans.** The approved development (pedestrian path) shall be setback from the shoreline as follows. Prior to the issuance of the coastal development permit, the applicant shall submit revised project plans to the Executive Director for review and approval. The revised plans shall conform to, and clearly demonstrate compliance with, the following requirements:
 - A. The new pedestrian path shall be constructed on the inland side of the existing concrete path with only a minimal sand separation area (or no sand separation) between the two paths;
 - B. The new pedestrian path (and the existing concrete path) shall be located on the landward side of the 8th Place public restroom building;
 - C. For the segment of the new pedestrian path between 9th Place and Cherry Avenue, the existing concrete path shall be demolished and a new combined bicycle/pedestrian path shall be constructed at least forty feet inland of the current alignment of the concrete path. The new combined bicycle/pedestrian path shall be constructed in a side-by-side configuration with no sand separation between the two paths;

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- D. The City shall minimize to the extent feasible the loss of parking spaces for the proposed ramp in the public parking lot on the east side of Belmont Veterans Memorial Pier.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Beach and Recreational Facility Closures - Timing of Project.** The permitted development shall not occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted development (not to exceed a one hundred foot radius around the project site). All beach areas and recreation facilities outside of the one hundred foot radius shall remain open and available for public use during the normal operating hours, except for the project staging areas identified in the permit application (the Junipero Avenue and La Verne Avenue public beach parking lots).
3. **Construction Responsibilities.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
- A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
 - B. Any and all demolition and construction material shall be removed from the site as soon as possible (within two days of completion of demolition/construction) and disposed of at an appropriate 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.
 - C. All trash generated by construction activities within the project area shall be disposed of at the end of each day, or sooner if possible.
 - D. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
 - E. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.

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- F. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: Silt fencing shall be installed between work areas and the water to prevent runoff/sediment transport into the ocean.
- G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- H. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- I. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any bay, harbor, street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- J. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition and shall include the requirements of this condition on all plans and contracts issued for the project.

4. **No Future Shoreline Protective Device.** A) By acceptance of this coastal development permit, the applicant agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this coastal development permit including, but not limited to, the construction of the pedestrian path and bicycle path and any other future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235. B) By acceptance of this coastal development permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the pedestrian path and bicycle path, if any government agency has ordered that the structure is not to be used due to any of the hazards identified above. In the event that portions of the development become unsafe and unusable, the

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landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- 5. Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicant, on behalf of 1) themselves; 2) their successors and assigns and 3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (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; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).
- 6. Liability for Costs and Attorneys' Fees.** By acceptance of this coastal development permit, the applicant agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees -- including 1) those charged by the Office of the Attorney General, and 2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.