

CALIFORNIA COASTAL COMMISSION

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Page: 1

Date: May 25, 2023

IMPORTANT PUBLIC HEARING NOTICE COASTAL PERMIT APPLICATION

PERMIT NUMBER 5-23-0383

APPLICANT(S) Naples Restaurant Group LLC, Attn: John Morris

PROJECT DESCRIPTION:

Temporary use and closure of public walkways, public areas, approximately 50 parking spaces, and part of the Marina Drive right-of-way north of the Boathouse on the Bay restaurant in Alamitos Bay Landing for approximately 24 hours beginning on July 3, 2023, for the Big Bang on the Bay fundraising event and fireworks display; temporary development includes installation of vendor booths, DJ/concert stage, perimeter fencing for fee-ticketed block party, fireworks staging area and safety zone. The 20-minute fireworks display would launch from a barge in Alamitos Bay.

PROJECT LOCATION:

Alamitos Bay Landing (between Boathouse on the Bay restaurant and the Long Beach Marina Headquarters) at 190 N. Marina Drive, Long Beach, Los Angeles County (APN: 7242-014-900) and open coastal waters of Alamitos Bay.

HEARING DATE AND LOCATION:

DATE Thursday, June 8, 2023
TIME 9:00 a.m.
PLACE Virtual Hearing
PHONE (415) 407-3211

ITEM NO: Th13a

HEARING PROCEDURES:

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date.

AVAILABILITY OF STAFF REPORT:

A copy of the staff report on this matter will be available no later than 10 days before the hearing on the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively, you may request a paper copy of the report from Shahar Amitay, Coastal Program Analyst, at the South Coast District Office.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following:

- Submit your written materials to the Commission staff no later than 5:00 p.m. on the Friday before the hearing (staff will then distribute your materials to the Commission). Note that materials received after this time will not be distributed to the Commission.

IMPORTANT PUBLIC HEARING NOTICE COASTAL PERMIT APPLICATION

- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.

- A current list of Commissioners' names and addresses is available on the Coastal Commission's website at <http://www.coastal.ca.gov/roster.html>. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. You must provide Commission staff with a copy of any materials that you provide to Commissioners. Please mail the same materials to all Commissioners, alternates for Commissioners, and the three non-voting members on the Commission with a copy to the Commission staff person listed on page 2.

- You are requested to summarize the reasons for your position in no more than two or three pages, if possible.

Please note: While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

ALLOTTED TIME FOR TESTIMONY:

Oral testimony may be limited to 3 minutes or less for each speaker depending on the number of persons wishing to be heard.

ADDITIONAL PROCEDURES:

The above item may be moved to the Consent Calendar for this Area by the Executive Director when, prior to Commission consideration of the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If this item is moved to the Consent Calendar, the Commission will either approve it with the recommended actions in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If the item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. Staff at the appropriate Commission office can give you more information prior to the hearing date.

Questions regarding the report or the hearing should be directed to Shahar Amitay, Coastal Program Analyst, at the South Coast District Office.

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
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Th13a

Filed: 05/16/2023
180th Day: 11/12/2023
Staff: S. Amitay – LB
Staff Report: 05/25/2023
Hearing Date: 06/08/2023

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0383

Applicant: Naples Restaurant Group, LLC

Agent: John Morris

Project Location: Alamitos Bay Landing (between Boathouse on the Bay restaurant and the Long Beach Marina Headquarters) at 190 N. Marina Drive, Long Beach, Los Angeles County (APN: 7242-014-900) and open coastal waters of Alamitos Bay.

Project Description: Temporary use and closure of public walkways, public areas, approximately 50 parking spaces, and part of the Marina Drive right-of-way north of the Boathouse on the Bay restaurant in Alamitos Bay Landing for approximately 24 hours beginning on July 3, 2023, for the Big Bang on the Bay fundraising event and fireworks display; temporary development includes installation of vendor booths, DJ/concert stage, perimeter fencing for fee-ticketed block party, fireworks staging area and safety zone. The 20-minute fireworks display would launch from a barge in Alamitos Bay, and all net proceeds from the event are proposed to go to at least 15 local Long Beach charities.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant, Naples Restaurant Group, LLC (Attn: John Morris) is proposing this year's Big Bang on the Bay event, a one-day event occurring on July 3rd in celebration of the Fourth of July (Independence Day) that includes two main aspects: (1) a 'block

party' fundraiser, and (2) a firework show. The block party would be located in an area of the City of Long Beach known as Alamitos Bay Landing, and the fireworks would be launched from a barge in the open waters of Alamitos Bay ([Exhibit 1](#)).

The block party will begin at 5:30 p.m. on July 3, 2023, and involves the temporary use and closure of public walkways, public areas, approximately 50 parking spaces, and part of the Marina Drive right-of-way north of the Boathouse on the Bay restaurant in Alamitos Bay Landing. Set up will begin at 2:00 p.m. on July 3rd, 2023, and the site will be restored no later than 10:00 a.m. on July 4, 2023. The block party area would be fee-ticketed and perimeter-fenced using 8-foot-tall chain-link panels. The fee for entry to the block party is proposed to be \$75 per adult and \$30 per child, with options for premium VIP seating at higher price points, and all net proceeds will be donated by the applicant to at least 15 local Long Beach charities, as identified in [Exhibit 2](#). Temporary development within the block party area includes the installation of vendor booths, food trucks, a DJ/concert stage, and seating areas (as shown in [Exhibits 2](#) and [3](#)), as well as a fireworks staging area and safety zone near the Marina Headquarters.

Beginning at approximately 9:00 p.m. and lasting approximately 20 minutes, the proposed fireworks display would launch from a barge in Alamitos Bay. Approximately 1,000 to 1,300 aerial shells will be expended at heights ranging from 300 to 600 feet. The applicant proposes to use fireworks made of biodegradable, non-plastic materials. A test shell would be expended prior to the start of the event to disperse birds in the immediate vicinity thereby reducing potential disturbance, and the applicant is proposing additional bird protection measures (e.g., bird nesting surveys, cordoning-off 50-foot-radius areas around nesting trees, soundproofing measures). The displays would be visible from Alamitos Bay Landing, Naples Island, the Long Beach Peninsula, and surrounding locations, depending on marine layer conditions.

Beginning in 2011, when the City of Long Beach ceased fireworks displays at Veterans Stadium (in north Long Beach), the applicant has been sponsoring the annual Big Bang on the Bay event, including fireworks displays. In prior years, the Commission's Executive Director has not required a CDP for this event pursuant to the Commission's Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, adopted by the Commission on January 12, 1993.¹ However, on May 2, 2023, the Executive Director denied the latest exemption request for the Big Bang on the Bay 2023 event, due to the potential for adverse effects, pursuant to the provisions of Coastal Act Section 30610(i)(2).

Based on the information provided in reports from previous Big Bang on the Bay events, marine wildlife is not likely to be significantly adversely impacted by the proposed fireworks display. However, the Commission has previously found (in other fireworks cases) that additional measures are necessary to ensure protection of marine mammals, birds, and other species of concern consistent with Coastal Act Sections

¹ The Commission's Executive Director approved Exemption Requests Nos. 5-12-092-X, 5-13-0253-X, 5-14-0268-X, 5-15-0226-X, 5-16-0177-X, 5-19-0100-X, 5-21-0164-X, and 5-22-0066-X.

30230 and 30231. Thus, staff recommends a series of special conditions to minimize the impacts of the proposed event, including conditions that limit the use of large “aerial salute” shells (i.e., those that involve more noise and light than typical fireworks) that may have a greater impact on wildlife, a prohibition on the use of firework devices that include plastic or aluminum shells or casings, and requirements for extensive cleanup efforts for a minimum of two days after each event. Additionally, staff recommends pre- and post-event wildlife and water quality monitoring and associated reporting be required to ensure that the area’s wildlife and marine environment are not impacted by the event, and to inform whether additional measures may be required to protect wildlife and water quality in the future.

In terms of public access, a part of Alamitos Bay Landing hosting the block party will be developed with temporary fencing and other structures that will restrict the general public’s use of a road, parking spaces, walkways, boating docks, and adjacent areas. However, the fireworks and aerobatic displays also provide a free attraction in an urban setting capable of handling such events and their potential attendees, typically attracting tens of thousands of members of the public who can view the fireworks display from nearby areas. Additionally, with conditions to maintain public access along the pedestrian bulkhead walkways and include a free public firework viewing area, the event should not adversely affect coastal visitors.

With respect to fire hazards and air quality, the special conditions require the applicant to obtain authorization from the Long Beach Fire Department, Office of the State Fire Marshal, and the South Coast Air Quality Management District prior to each fireworks display to ensure adequate precautions are taken to protect against potential fire hazards and to ensure consistency with requirements to prevent excessive air pollution. In addition, authorization from the U.S. Coast Guard and Los Angeles Regional Water Quality Control Board will be needed prior to the commencement of event activities.

To avoid creating hazardous conditions or any new long-term adverse impacts on public access and recreation, water quality, and/or marine birds and wildlife, Commission staff recommends eleven (11) special conditions: **1) Duration and Scope of Permit, 2) Other Agency Approvals, 3) Fireworks Limitations, 4) Fireworks Best Management Practices (BMPs) Plan, 5) Clean-up and Restoration of Beach and Adjacent Ocean Waters, 6) Marine Debris Reduction Plan, 7) Public Access, 8) Nesting Bird Surveys and Protection, 9) Pre- and Post-Event Monitoring Report, 10) Assumption of Risk, Waiver of Liability, and Indemnity, and 11) Liability for Costs and Attorneys’ Fees.**

The proposed development will take place on state tidelands within the Commission’s area of original jurisdiction, and, thus, the standard of review for this project is the Chapter 3 policies of the Coastal Act, and the City of Long Beach certified Local Coastal Program (LCP) may provide guidance. Staff believes that the proposed project, with the recommended conditions, minimizes impacts on coastal resources and is consistent with the Chapter 3 policies of the Coastal Act. Thus, Commission staff recommends that the Commission **APPROVE** coastal development permit application 5-23-0383 with eleven special conditions. The motion to carry out the staff recommendation is on page 5.

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EXHIBITS

- [Exhibit 1](#) – Project Site and Vicinity Map
- [Exhibit 2](#) – Event Schematic and Schedule
- [Exhibit 3](#) – Event Staging Map
- [Exhibit 4](#) – Fireworks Best Management Practices Plan
- [Exhibit 5](#) – Anticipated Fireworks Debris Discharge Zone
- [Exhibit 6](#) – Monitoring and Reporting Plan

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 5-23-0383 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned 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 the Coastal Development Permit 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. 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

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 applicant 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 by the proposed date of July 3, 2023, the permit shall expire. Development shall be pursued in a diligent manner and completed in a reasonable period of time.

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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Duration and Scope of Permit.** This coastal development permit (CDP), as conditioned, shall only authorize:

- A. The Big Bang on the Bay event to take place on July 3, 2023, unless the permittee has not secured the "Other Agency Approvals" required in **Special Condition 2** below;

- B. Set-up and timely removal of all temporary development associated with the event. Set-up activities shall begin no earlier than 2 p.m. on July 3, 2023, and take-down shall conclude no later than 10 a.m. on July 4, 2023; and

- C. No other events than as described and conditioned in this CDP approval.

The permittee shall undertake development in accordance with the approved plans. Any proposed change of event activities shall be reported to the Executive Director. No changes to the approved plans shall occur without a new Commission CDP, unless the Executive Director determines that no new permit is legally required.

2. **Other Agency Approvals.** PRIOR TO THE COMMENCEMENT OF THE EVENT, the permittee shall submit to the Executive Director for review and approval evidence of all permits, permissions, or approvals granted for the proposed temporary event, as applicable, from: (1) City of Long Beach Office of Special Events; (2) City of Long Beach Marine Bureau; (3) U.S. Coast Guard; (4) Long Beach Fire Department; (5) Office of the State Fire Marshal; (6) South Coast Air Quality Management District; (7) Los Angeles Regional Water Quality Control Board; (8) California Department of Fish and Wildlife, and; (9) U.S. Fish and Wildlife Service.

The permittee shall inform the Executive Director of any changes to the current approved project required by any of the above-listed agencies. Such changes shall not be incorporated into the project until the permittee obtains a new Commission CDP, unless the Executive Director determines that no new permit is legally required.

3. **Fireworks Limitations.** PRIOR TO THE COMMENCEMENT OF THE FIREWORKS EVENT, the permittee shall submit, for the review and written approval of the Executive Director, evidence that the fireworks display will comply with the following fireworks limitations:

- A. **Alternative Fireworks.** Unless determined to be technically infeasible, the permittee shall use any alternative fireworks design

available that may reduce adverse environmental impacts, such as new pyrotechnic formulas that are biodegradable and non-plastic, replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce pollutant waste loading to surface waters. The permittee shall also study the feasibility of using alternatives to pyrotechnic displays, such as drone light shows, laser light shows, and floodlight displays, which shall be submitted in an alternatives feasibility report along with the monitoring reports required in **Special Condition 9**.

B. Aerial Salute Limitations. The total number of aerial “salute” shells or devices used in the fireworks event shall not exceed 3% of the total number of aerial shells and/or special effect pyrotechnic devices combined. Aerial “salute” shells/devices shall not be launched or detonated until the last five minutes of the fireworks display.

C. All Labels and Wrapping Removed. All plastic and aluminum labels and wrappings shall be removed and properly disposed of from all aerial shells and special effect pyrotechnic devices prior to use and before they are launched or detonated.

D. Prohibited Devices. Aerial shells and/or special effect pyrotechnic devices that include a plastic outer casing and/or non-biodegradable inner components of the shell/device shall be prohibited.

E. Duration of Display. The fireworks display shall be limited to no longer than 20 minutes.

The permittee shall undertake development in conformance with the above fireworks limitations. Any proposed changes to the approved fireworks restrictions shall be reported to the Executive Director. No changes to the approved fireworks restrictions shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 4. Fireworks Best Management Practices Plan.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee agrees to comply with the submitted Fireworks Best Management Practices (BMPs) Plan ([Exhibit 4](#)). The permittee shall undertake development in conformance with the Fireworks BMPs Plan. Any proposed changes to the approved Plan shall be reported to the Executive Director. 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.

- 5. Clean-up and Restoration of Beach and Adjacent Ocean Waters.** IMMEDIATELY FOLLOWING THE EVENT, all event and fireworks-related debris in the event area and around the fireworks launch site shall be recovered and

properly disposed of. The permittee shall inspect the potentially affected area, including Bay waters and bottom, for a minimum of two days following the conclusion of each fireworks event to locate any remaining event debris including, but not limited to, all fireworks detritus and trash/waste from the block party. All such debris found shall be properly disposed of and the inspections shall continue for at least another 48 hours from the time that any such debris is located, and indefinitely until such inspections do not locate any more fireworks and event debris. More specifically, the permittee shall ensure compliance with the following containment, search, and clean-up procedures:

- A. Effective containment and prompt removal of any firework debris that falls onto the barge during the fireworks display;
- B. A thorough search and removal of floating and sunken fireworks debris after the fireworks display, conducted by qualified divers and supplemented by either a remotely operated vehicle (ROV) or real-time viewable surface cameras to visually survey the Bay bottom both pre- and post-event;
- C. At a minimum, debris surveys and clean-up, conducted by qualified persons, of the Alamos Bay bottom within the anticipated fireworks debris discharge zone, the beach areas along the bayside of the Peninsula within the anticipated fireworks debris discharge zone, and the shoreline segments of Naples Island and Alamos Bay adjacent to the anticipated fireworks debris discharge zone (see [Exhibit 5](#)); and

6. Marine Debris Reduction Plan. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a robust plan, including a comprehensive monitoring and evaluation framework, to reduce waste, single-use items (including plastic and Styrofoam foodware, containers, and packaging), and discarded items that may contribute to marine debris. The plan shall include at a minimum, all of the following, and the permittee shall implement the approved plan:

- A. The permittee shall install and maintain smoke-free signage in all areas of the proposed event, to avoid the potential for discarded cigarette butts becoming marine debris;
- B. The permittee shall install and maintain educational signage for staff and patrons that promotes and encourages the use of reusable items (instead of single-use items); and
- C. Adhere to the following criteria:
 - (1) Only use reusable foodware (including dinnerware, drinkware, silverware, and ramekins/containers) for onsite dining,

specifically prohibiting the use of plastic cups, utensils or any other serviceware.

- (2) Prohibit the use of plastic straws (and plastic-wrapped straws) and only provide reusable straws, paper straws, or straws made from naturally occurring materials, upon request.
- (3) Prohibit the use of expanded polystyrene (aka Styrofoam).
- (4) Prohibit the use of plastic bags on-site or for takeout/to-go orders.
- (5) Only provide single-use (biodegradable or compostable) utensils, straws, condiments, containers, and other accessory items upon request for takeout/to-go orders.
- (6) Prohibit the sale of beverages in plastic bottles.
- (7) Follow proper recycling practices.

D. Service Plan for recycling, trash bins, and compost. The plan shall specify the amount of trash and recycling bins in the project area of the proposed development and the anticipated maximum usage during the event in order to ensure that an adequate number of bins are being deployed and that the trash and recycling management program is robust and avoids over-filled bins that might result in adverse impacts to nearby natural resources.

No changes to the approved Marine Debris Reduction Plan shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

7. Public Access. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall adhere to the following public access protection measures and requirements:

- A. **Maintenance of Public Access.** Public access to and along the public bulkhead walkways shall be maintained and open during the entire event. The fence surrounding the temporary block party shall be located sufficiently landward of all public bulkhead walkways and boater accessways to allow for pedestrian through-traffic and shall not impede access to them. Event staff shall ensure and facilitate access to and along publicly available walkways throughout the event.
- B. **Removal of Unpermitted Outdoor Dining Area.** Prior to the event authorized herein, the permittee shall remove any existing portion of the unpermitted outdoor dining area found directly landward of Berth 3

(AquaLink terminal) and restore it to its pre-existing condition (see [Exhibit 2](#)). In addition, the permittee shall reserve this specific area for public viewing of the fireworks, free of charge and publicly accessible via the public bulkhead walkways, for the entire duration of the event. The permittee shall reconfigure the fence surrounding the temporary block party to accommodate this public area.

- C. **Boater Access.** Boater access to boater docks, headways, and gangways shall remain available throughout the entire duration of the event. If entry is via the temporarily gated and ticketed block party area, then the permittee shall expressly allow boater access to Basin 1 slips, Berths 1-3, and Marine Bureau docks, and include adequate informational signage.

D. **Event Admission and Signage.**

- (1) Within 30 days of the conclusion of the event, the permittee shall submit evidence to the Executive Director that all net proceeds from the event have been disbursed to the 15 charity organizations, as identified in [Exhibit 2](#), to receive benefit.
- (2) The permittee shall employ an informational kiosk to educate attendees and members of the public about the event, located at the entry gate to the block party. The permittee shall also ensure that an event representative is present at the shuttle pick-up location (at 2nd Street and Pacific Coast Highway) to inform members of the public and attendees of the event prior to boarding the shuttle.
- (3) The permittee shall install signage (that is clearly visible, legible, and is written in multiple languages consistent with the City's Language Access Policy) denoting the public access areas vs. ticketed fee block party areas. The public access signage shall be located near all access points open to the public during the temporary event, to identify the open public accessways and firework viewing area.

- E. **Traffic and Parking Management.** The permittee shall develop and implement a Traffic and Parking Management Plan in cooperation with the City of Long Beach. The permittee may select a traffic consultant(s) from the list of vendors provided by the City of Long Beach and shall ensure that any valet parking remains free to those members of the public who wish to utilize the public viewing area.

- F. **Alternative Modes of Transportation.** The permittee shall develop and implement a free valet bicycle and scooter parking program in cooperation with the City of Long Beach that shall be in operation

adjacent to the event site during event activities. Using its marketing and media platforms, the permittee shall strongly encourage event attendees to walk, scoot, bike, or take public transit to the event. The permittee shall also implement a shuttle program in accordance with the current proposal for free pick-up/drop-off of eventgoers and the general public from a convenient location, such as near the intersection of 2nd Street and Pacific Coast Highway. Finally, the permittee shall discuss with the City of Long Beach the possibility of establishing AquaLink service to and from the event and/or increasing existing service frequency on the day of the event.

8. Nesting Bird Surveys and Protection. PRIOR TO THE COMMENCEMENT OF THE EVENT, the permittee shall retain the services of a qualified biologist to conduct nesting bird species surveys in order to determine the presence of nesting bird species including, but not limited to, western gulls, black-crowned night herons, great blue herons, and snowy egrets. At least 10 calendar days prior to commencement of the event, the permittee shall submit the name and qualifications of the consulting biologist, for the review and approval of the Executive Director. All project construction and operations shall be carried out consistent with the following requirements:

A. The permittee shall ensure that a qualified biologist, with experience conducting bird surveys, shall survey for active bird nests within 7 days prior to commencement of event activities, to detect any such nesting activity within 500 feet of the project area (including, but not limited to, ficus, palm, and other significant nesting trees that are found within the event footprint in Alamitos Bay Landing). The survey shall be submitted to the Executive Director within two days of survey completion, along with a detailed plan to implement the bird monitoring program by the qualified biologist, as outlined in **Special Condition 9(B)** and which shall include plans for the additionally required surveys conducted prior to, during, and after the event.

B. If an active nest of any bird is found within 300 feet of the project, or an active nest for any raptor species is found within 500 feet of the project, the permittee's biologist with experience conducting nesting bird and noise surveys shall monitor bird behavior, and construction and event noise levels. The nest shall not be removed or disturbed. The biological monitor shall be present during all significant event activities (i.e., those with potential noise impacts) to ensure that nesting birds are not disturbed by construction or event-related noise. The biological monitor shall monitor birds and noise during event preparation, throughout the event, and during take-down thereafter. Event-related activities may occur such that noise levels are at or below a peak of 65 dB at the nest site(s). If event-related noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, modification of amplified music or speaker volume levels, re-direction and

directionalization of loud sound sources, and other such approaches shall be employed, to the maximum extent feasible. If the 65 dB threshold is exceeded, the permittee shall notify the Executive Director of the efficacy of the sound mitigation measures in the Avian Monitoring Report required in **Special Condition 9(B)**.

C. If an active nest of any bird is found within 300 feet of the project, and, in particular, an active nest of any raptor species is found within 500 feet of the project, the permittee shall employ protection and avoidance measures to minimize disturbance to active bird nests, including, but not limited to, cordoning-off 50-foot-radius areas around active nesting trees with cones, installation of educational signage to discourage eventgoers from disturbing the birds, and placement of blankets beneath nests to soften a potential fall of fledging young.

D. Nighttime lighting may be used only on July 3, 2023 and shall be minimized to levels necessary to provide pedestrian security. In addition, all nighttime lighting shall be shielded and focused downward and inward toward the event. Up-lighting and “event” searchlights or spotlights are prohibited. Structures, including concession and merchandise tents, shall be designed to minimize light spillage and maximize light shielding to the maximum extent feasible. Red lights shall be limited to only the minimum necessary for security and safety warning purposes.

9. Pre- and Post-Event Monitoring Report. WITHIN 30 DAYS OF THE CONCLUSION OF THE EVENT, the permittee shall submit a Pre- and Post-Event Monitoring Report, prepared by a qualified biologist/resource specialist(s), to the Executive Director for review and approval. The Report shall, at a minimum, include:

A. Marine Wildlife Monitoring Report:

(1) The results of a census detailing the number of all pinnipeds (sea lions and seals), cetaceans (dolphins and whales), and turtles in the impact area of the event (i.e., the area of Alamitos Bay as shown in [Exhibit 5](#)) within seven (7) days prior to the fireworks event, with observations to occur for no less than 30 minutes; and

(2) A record and description of all marine wildlife injuries, including serious injuries and mortalities, observed in the vicinity of the impact area of the event. Monitoring for injury, including serious injury and mortality, shall occur no later than the morning after the fireworks event, and shall occur for no less than 30 minutes;

(3) An analysis of the data collected indicating whether, and to what extent, the event had an impact, if any, on marine wildlife.

B. Avian Monitoring Report:

- (1) The results of a census detailing the number of all nesting, roosting, and foraging bird species including, but not limited to, western gulls, black-crowned night herons, great blue herons, and snowy egrets in the impact area of the event (i.e., the area of Alamitos Bay as shown in [Exhibit 5](#)) within seven (7) days prior to the fireworks display, with observations to occur for no less than 30 minutes;
- (2) A record and description of all active bird nests with eggs, chicks, or fledglings observed in the vicinity of the impact area of the event immediately prior to the fireworks display (i.e., on July 3, 2023), during the fireworks, immediately afterwards, and three days thereafter. All surveys shall include monitoring for changes in nesting bird behavior, including flight, drop, stun, nest abandonment, and return to nests, and shall occur for no less than 30 minutes;
- (3) A record and description of all bird injuries, including serious injuries and mortalities, observed in the vicinity of the impact area of the event. Monitoring for injury, including serious injury and mortality, shall occur no later than the morning after the fireworks event, and shall occur for no less than 30 minutes; and
- (4) An analysis of the data collected indicating whether, and to what extent, the event had an impact, if any, on nesting avian species.

C. Water Quality Monitoring Report:

- (1) Quantification of toxic pollutants of concern that may leach from fireworks, found in the affected Bay water column, including, but not limited to, arsenic, barium, cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver, thallium, tin, titanium, vanadium, zinc, nitrate, bis-phthalate, total phosphorous, and perchlorate.
- (2) Quantification and qualification of the debris recovered and removed upon conclusion of the fireworks event, found (i) floating on the water surface or within the water column, (ii) atop the Bay bottom, (iii) within Bay bottom sediments, (iv) strewn on the beach, and (v) scattered on the shores of Naples Island and Alamitos Bay Landing.
- (3) An analysis of the data collected indicating whether, and to what extent, the event had an impact, if any, on water quality and pollutant levels. The analysis shall assess the impacts to water quality by comparing it to water quality standards and thresholds established by the relevant resource agencies.

10. Assumption of Risk, Waiver of Liability, and Indemnity. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee acknowledges and agrees (i) that the approved development involves potentially hazardous activities; (ii) to assume the risks to the permittee and property that may be affected by 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.

11. Liability for Costs and Attorneys' Fees. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee agrees to reimburse the California 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, which the Coastal Commission may incur in connection with the defense of any action brought by a party other than the permittee or its authorized agents against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval, issuance, and implementation of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

A. Project Location, Description, and History

Project Location

The temporary event would contain two main components: a 'block party' (landside) and a fireworks display over open waters of Alamitos Bay (bayside), the locations of which are shown in [Exhibit 1](#). Additional details are provided in the Project Description section below.

The block party portion of the proposed temporary event would be primarily located in Alamitos Bay Landing (formerly Seaport Village), a marine-oriented commercial complex in Alamitos Bay, located at 190 N. Marina Drive in Southeast Long Beach. The applicant and event operator, Naples Restaurant Group, LLC, is the manager of Boathouse on the Bay, a restaurant located directly adjacent to the proposed block party event area within the Alamitos Bay Landing located a few feet south of the AquaLink terminal (Berth 3), which is an important lower-cost, public water taxi service operated by Long Beach Transit between Alamitos Bay and the Long Beach Downtown area (Rainbow Harbor and the Queen Mary Seaport). The temporary landside

improvements would be situated on filled State tidelands, rather than private lands; however, the City of Long Beach administers the Alamitos Bay Landing and has frequently leased portions of the area to private developers for commercial uses since the 1960s.

An additional component of the temporary event is the fireworks display, proposed to launch from a barge in open coastal waters of Alamitos Bay, approximately equidistant from Alamitos Bay Landing, Naples Island, and the Long Beach Peninsula.

Because the event area is comprised of open bay waters and (filled) State tidelands, the entire site is therefore within the Commission's area of original permit jurisdiction. Although the State Lands Commission oversees public trust lands throughout the State, the City of Long Beach was granted trustee authority over the tidelands at issue here pursuant to a legislative grant and a boundary exchange and settlement agreement; thus, the applicant is not required to obtain a license from State Lands Commission for the event.

Project Description

The applicant, Naples Restaurant Group, LLC (Attn: John Morris) is proposing a one-day event on July 3, 2023, in celebration of the Fourth of July (Independence Day). This event, known as the Big Bang on the Bay, includes two main aspects: (1) a 'block party' fundraising event, and (2) a fireworks display. As discussed in greater detail above, the block party would be located in an area known as Alamitos Bay Landing and the fireworks would be launched from a barge in the open waters of Alamitos Bay ([Exhibit 1](#)). The applicant and City estimate the capacity of the block party to be approximately 500-1,000 attendees and for tens of thousands of members of the public to view the fireworks display from nearby areas.

The block party would involve the temporary use and closure of public walkways, public areas, approximately 50 parking spaces, and part of the Marina Drive right-of-way north of the Boathouse on the Bay restaurant for approximately 24 hours between July 3rd and 4th, 2023. The block party area will be fee-ticketed and perimeter-fenced using 8-foot-tall chain-link panels. The entry fee for access to the block party is proposed to be \$75 per adult and \$30 per child, with options for premium VIP seating at higher price points (\$150 and \$250 per guest). All net proceeds from the event are proposed to go to at least 15 local Long Beach charities, including, but not limited to, Action Sports Kids Foundation, Children Today, Ronald McDonald House, 4GIRLS, The Guidance Center, Autism Partnership Foundation, Los Altos YMCA, Ground-Ed Education, Belmont Shore Rugby Club, Precious Lamb Charity, Precious Life Shelter, Send a Kid to Camp Fund, The Guidance Center, Los Alamitos High, and Rancho Los Alamitos ([Exhibit 2](#)). In order to ensure the applicant's proposal is fully implemented, **Special Condition 7(D)(1)** requires that the applicant provide evidence to the Executive Director that all net proceeds have been paid to identified charities by no later than 30 days after the event occurs. Temporary development within the block party area would include the installation of vendor booths, food trucks, a DJ/concert stage, and seating areas (as shown in [Exhibits 2](#) and [3](#)), as well as a fireworks staging area and safety zone near

the Marina Headquarters. The block party would also feature aspects that are more accessible to the general public, including live music performances, an aerobatic airshow, a squadron formation, and a U.S. Coast Guard search and rescue demonstration. However, the public would still be prohibited from entering the fenced-in area, unless they have purchased a ticket.

Within the block party footprint, the applicant proposes to maintain public access along the two easternmost Basin One gangways at all times. Berths 1 and 2, on the western side of Alamitos Bay Landing, will not be available for public or boater use for 24 hours ([Exhibits 2, 3](#)). The public parking lot near the block party will be accessible on a first-come, first-served basis, and parking for Basin One of the Long Beach Marina will remain open for boaters. Approximately 40 public and marina parking spaces located directly adjacent to the restaurant/temporary entry gate will be reserved for vendor and valet parking for the duration of the event. Additionally, the applicant is proposing to provide a free shuttle service on the evening of the event between the hours of 5 p.m. and 10 p.m., via golf cart and trolley, to transport event attendees and spectators between the event site at Alamitos Bay Landing and an off-site parking area near the intersection of 2nd Street and Pacific Coast Highway (6400 Pacific Coast Highway, Long Beach). There would be signage demarcating the shuttle pick-up location.

The block party set-up would commence at 2 p.m. on the day of the event, with activities starting at 5:30 p.m. As part of the set-up, the applicant is proposing to cordon-off a 50-foot-radius area around each tree with active bird nests, in order to prevent eventgoers from disturbing the birds. These trees would be identified pursuant to a nesting bird survey conducted one day prior to the event by a qualified biologist who would also be responsible for implementing a proposed bird monitoring program with surveys conducted prior, during, and after the event and preparing a report summarizing the effects of the event on all bird nesting activity in the area. Clean-up would be conducted immediately after conclusion of the event at 10 p.m. The applicant would be responsible for cleaning all trash and debris during and after the event so that the event area and adjacent marine waters remain clean and safe.

Beginning at approximately 9:00 p.m. and lasting approximately 20 minutes, the proposed fireworks display would launch from a barge in Alamitos Bay. Approximately 1,000 to 1,300 aerial shells will be expended at heights ranging from 300 to 600 feet. The applicant proposes to use fireworks made of biodegradable, non-plastic materials. A test shell would be expended prior to the start of the event to disperse birds in the immediate vicinity. The displays will be visible from Alamitos Bay Landing, Naples Island, the Long Beach Peninsula, and surrounding upcoast, downcoast, and inland locations, depending on marine layer conditions.

Following the fireworks portion of the event, the applicant would conduct a thorough search of the bay for debris, including removal of floating and washed-up debris after the event and visual survey of the bay bottom using a remotely operated vehicle (ROV) before and for two days after the event, including collection of all debris found. Surface water samples would be tested before and after the event for contamination and water

quality impacts from the fireworks. The applicant proposes to report water quality and bird survey results to the Executive Director within two weeks of the event.

Project History

Beginning in 2011, the applicant has been sponsoring the annual Big Bang on the Bay event, including Fourth of July fireworks displays, ever since the City of Long Beach ceased similar fireworks displays at Veterans Stadium.² During this time, the block party and fireworks event has primarily served as a fundraising drive for at least 15 local charities, such as Children Today,³ with over \$1 million raised to date.

Until recently, the Commission's Executive Director has not required a CDP for this event pursuant to the Commission's Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, adopted by the Commission on January 12, 1993.⁴ Section II of the Guidelines allows the Executive Director to exclude most temporary events from CDP requirements, except for those that meet *all* of the following criteria:

- a. The event is held between Memorial Day weekend and Labor Day; and,
- b. The event occupies all or a portion of a sandy beach area; and,
- c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Since part (b) above does not apply to the subject event site, the Executive Director previously determined that the event is exempt from CDP requirements under Coastal Act Section 30610(i)(1).

However, on May 2, 2023, the Executive Director denied the latest Exemption Request No. 5-23-0080-X for the Big Bang on the Bay 2023 event. The Executive Director cited potential "impact[s to] coastal resources, including but not limited to coastal shorebirds," as a reason for the requirement of a CDP in this case. The determination letter referred to Sections III and V of the Guidelines, which grant the Executive Director discretion to require CDP review in unique or changing circumstances where a particular temporary event has the potential for significant adverse impact on coastal resources, including marine and biological resources and public access and recreation.

The Commission would further note that on November 5, 2015, the attorneys of the California Environmental Rights Foundation (CERF) issued Boathouse on the Bay a

² Veterans Stadium is located outside the coastal zone in the north of Long Beach, and the annual show is purported to have been occurring since at least the 1960s.

³ [Children Today](#) is a Long Beach-based organization that provides trauma-informed child development and family support services to children and families experiencing homelessness or maltreatment.

⁴ The Commission approved Exemption Request Nos. 5-12-092-X, 5-13-0253-X, 5-14-0268-X, 5-15-0226-X, 5-16-0177-X, 5-19-0100-X, 5-21-0164-X, and 5-22-0066-X.

Notice of Intent to Sue over previous iterations of the subject event's firework show, and in November 2021, filed a civil lawsuit against John Morris, agent, and Naples Restaurant Group, LLC, the owner and operator of Boathouse on the Bay.⁵ Moreover, representatives of Los Cerritos Wetlands Task Force of the Sierra Club, Puvunga Wetlands Protectors, and Eastside Voice have submitted numerous comments over the years to Commissioners and staff, alleging that the event unlawfully discharges pollutants into Alamitos Bay and adversely affects avian and marine species. In conjunction, the El Dorado Chapter of the Audubon Society has been monitoring bird nesting activities along Fuel Dock Road and Marina Drive for several years and has raised concerns that the annual event poses a risk to nesting birds. These interested parties spoke before the Commission during the general public comment item of the June 2022 public hearing, to which the Commission responded by guiding staff to further investigate the event and its potential for adverse impacts on the environment.

Most recently, the U.S. Central District Court of California dismissed CERF's case without prejudice and determined that the applicant may proceed with future fireworks events, finding that, while CERF has demonstrated sufficient evidence that the fireworks' discharge entered Alamitos Bay waters during the 2022 event, there was no proof of continuous and ongoing violations of the Clean Water Act of 1972.

In terms of impacts to nesting birds in the vicinity of the subject site, monitoring reports provided by the applicant in previous years found that no abandonment of nests occurred during any of the previous fireworks displays; however, to ensure that such impacts do not occur from the currently proposed event or future such events, the Commission finds it necessary to require continued monitoring pursuant to special conditions of a CDP.

Thus, based upon the facts in the record, the Commission determines that the temporary event, as proposed, may have a significant adverse effect upon coastal resources, and therefore, a CDP is required under Coastal Act section 30610(i)(2) to avoid and/or mitigate these adverse impacts.

B. Standard of Review

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

⁵ Coastal Environmental Rights Foundation v. Naples Restaurant Group, LLC et al., Case No. 2:2021cv09172-MCS-JEM (C.D. Cal.).

C. Marine Resources and Water Quality

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.

The proposed event would take place in an urbanized area adjacent to coastal waters with a fireworks display launched from a barge over the open waters of Alamitos Bay (see [Exhibits 1, 2, and 3](#)). Fireworks displays have historically been conducted in California coastal communities as part of national and local celebrations, and to foster public use and enjoyment of coastal and marine environments. Launching fireworks over the ocean also avoids or reduces fire hazards that are associated with such displays.

However, nighttime lighting and loud noises, including amplified music and firework blasts, can disturb birds and other species living in the urban environments surrounding events like the proposed Fourth of July celebration. Additionally, firework displays with aerial shells launched over open waters and runoff from event activities have the potential to discharge pollutants and debris into coastal waters, which can be damaging to marine species and biological productivity.

Marine Wildlife and Nesting Birds

Fireworks displays have the potential to impact wildlife in the surrounding area. In particular, they can affect marine mammal and bird species, and even reptile species such as sea turtles. Marine mammals and other wildlife can be impacted by fireworks displays in at least three ways: light, sound, and debris. The primary causes of disturbance are light flashes and sound effects from exploding fireworks. The impact area is defined as the area where sound, light, and debris will directly impact marine organisms and habitats and is affected by certain variables including the types of pyrotechnic devices, altitude of explosion, etc. Marine mammals and other wildlife may

avoid or temporarily depart the impact area during the hours immediately prior to the beginning of the fireworks displays due to increased human recreational activities associated with the overall celebration event (noise, boating, kayaking, fishing, diving, swimming, surfing, picnicking, beach combing, tide-pooling, etc.). As a fireworks presentation progresses, most marine mammals and birds generally evacuate the impact area.

The proposed event site is located within a mostly urban bay environment, and according to the applicant's biological consultant and previous studies in the area,⁶ there is little potential for adverse impacts to listed species and/or protected mammals resulting from the proposed fireworks display. However, historically, the Alamitos Bay area was home to various species of sea lions and seals, which can still be spotted on rare occasions, and Bay waters are home to dolphins, particularly in the summer months. In recent years, a population of green sea turtles (*Chelonia mydas*) has also been observed in the lower portions of the San Gabriel River, near the subject event site;⁷ East Pacific green sea turtles are listed as threatened under the Endangered Species Act and may be particularly sensitive to project activities (i.e., barge set-up, fireworks launch, marine debris landing in the ocean or on shore, take-down, and clean-up).

Although marine wildlife is not likely to be significantly adversely impacted by the proposed fireworks display, the Commission has previously found (in other fireworks cases) that additional measures are necessary to ensure protection of marine mammals, consistent with Coastal Act Sections 30230 and 30231.⁸ The applicant has already agreed to contact the City's Marine Bureau in the unlikely event of a marine mammal or sensitive species injury or death as a result of event activities. **Special Conditions 3 and 9** further address potential impacts associated with noise, light, and debris by limiting the length of the fireworks display to a maximum of 20 minutes and requiring that the applicant's qualified consulting biologist conduct a pre-event census of marine wildlife in the vicinity of the event area, along with a post-event evaluation to determine if any injury or mortality to these species occurred. **Special Condition 9(A)** also requires submittal of a marine wildlife monitoring report within 30 days of the conclusion of the event. The marine wildlife censuses and monitoring reports will provide valuable information that may be used to determine Coastal Act consistency of future proposed events with fireworks displays at this location.

As a means to strictly limit the effect of fireworks on wildlife in the area, previous analogous Commission actions have included limitations on the types of fireworks that

⁶ [CD-0007-19](#); [CDP No. 5-18-1259](#); U.S. Army Corps of Engineers, Los Angeles Regional Dredged Material Management Plan Feasibility Study, Baseline Conditions (F3) Report [Technical Appendix](#) (August 2004).

⁷ CDPs Nos. [5-15-1026-A1](#) and [5-15-1046-A1](#).

⁸ CDPs Nos. [3-16-0391](#), [3-19-0179](#), [5-19-0246](#), and [3-20-0144](#).

may be launched at the beginning of the event.⁹ The intent of starting a show with less impactful fireworks is to allow wildlife to ease into the event and flush more readily from the area without an immediate barrage of huge explosions and “salutes” that may exacerbate impacts. Such limitations are appropriate in this subject case as well. The applicant proposes to expend 30 such “aerial salute” shells or devices within the last five minutes of the display, which accounts for approximately 2-3% of the total number of shells proposed and is lower than the typical 6% maximum threshold that the Commission has required in previous analogous Commission actions. Thus, this approval is conditioned to limit the total number of aerial salute shells or devices (i.e., those that involve more noise and light than typical fireworks) to no more than the applicant’s proposal for 3% of the total number of aerial shells and/or special effect pyrotechnic devices combined, and to prohibit such aerial salute shells/devices during the event until the last five minutes of the fireworks display for the grand finale (see **Special Condition 3(B)**).

In terms of potential impacts to birds, there are a number of trees within the proposed event footprint and adjacent to the event site that have historically been suitable habitat for coastal wading bird species, including western gulls, black-crowned night herons, great blue herons, and snowy egrets (with the occasional sighting of green herons, great egrets, and yellow-crowned night herons¹⁰). With natural wetlands and healthy coastal habitat being lost to urban development in Southern California, many birds have adapted by relocating their nesting colonies to stands of tall non-native trees, such as palm and ficus trees, in highly developed areas, including within and adjacent to the project site. Based on previous reports by the applicant’s ecological consultant, birds in the area are generally expected to hunker down, be displaced, or flush during the proposed event and return of their own accord afterwards, typically by the next day. As such, the impacts to birds due to a temporary fireworks display are expected to be temporary and short-term. There are no anticipated long-term impacts to the local populations of these species.

The applicant proposes to use amplified sound, pyrotechnics, and lighting after dark for the proposed event for event activities and to ensure that participants can safely navigate the event site during and after the proposed block party. While there are no listed endangered species known to be established in the area, nighttime lighting and loud noises, including airshows, amplified music, and firework blasts, can disturb nesting birds within or adjacent to the project site. Therefore, **Special Condition 8** is imposed, which requires the applicant to retain a qualified biologist to conduct surveys seven days prior to the proposed event, immediately prior to the fireworks display on the day thereof, during the fireworks, immediately afterwards, and three days thereafter, to determine whether nesting birds are present in the project vicinity. If active nests are found, the applicant shall not disturb the nest(s) or the nesting birds and shall provide physical barriers around nesting trees to minimize disturbance from eventgoers, as well

⁹ Ibid.

¹⁰ Information provided by the El Dorado Chapter of the Audubon Society via email dated April 15, 2023.

as implement sound mitigation measures for any event-related noise above 65 dB (**Special Condition 8**). In order to ensure that the proposed event activities do not significantly degrade the habitat values of the public tidelands and bay area to nesting birds, **Special Conditions 3 and 8(D)** limit the timing, location, and design of lighting and pyrotechnics. **Special Condition 9(B)** requires the applicant's qualified consulting biologist to conduct pre-event and post-event censuses of nesting birds in the vicinity of the event area, along with a post-event evaluation to determine if any injury or mortality to these species occurred, which must be summarized in a monitoring report to be submitted within 30 days of the conclusion of the event.

To ensure consistency with Coastal Act Sections 30230 and 30231, **Special Condition 2** requires the applicant to obtain authorization from the California Department of Fish and Wildlife and the U.S. Wildlife and Fish Service so that the event fully complies with all applicable requirements of the biological resource agencies.

Plastic Pollution

Event debris from a fireworks program can impair water quality as well as harm wildlife that may ingest and/or become entangled in such debris. Fireworks debris that may enter the ocean includes fireworks casings, cardboard cylinders, disks, and shell case fragments; paper strips and wadding; plastic wadding, disks, and tubes; aluminum foil; cotton string; and even whole unexploded shells (i.e., duds or misfires). It is likely that paper strips, cardboard, and cotton string are biodegradable and do not persist for long periods of time in the ocean environment. However, other materials, such as plastic and aluminum, are likely to persist in the marine environment for lengthy periods if they are not washed ashore and/or removed by personnel.

Plastic pollution in particular is a persistent and growing problem worldwide that significantly impacts the health of our oceans and coasts. Roughly eight million metric tons of plastics are estimated to enter the ocean each year, and the United States is one of the top 20 contributors to plastic pollution.¹¹ Plastic has been found in a wide range of marine environments including the seafloor, surface water, the water column, and on beaches and shorelines. California communities are estimated to spend more than \$428 million annually to clean up and control plastic pollution. Plastic never truly degrades into its chemical components; instead, it physically breaks down into smaller and smaller pieces. Plastics under five millimeters in size are called microplastics and are found worldwide, even in places considered pristine. Plastics have been found in the digestive tracts of marine organisms ranging from zooplankton to whales, and in drinking water and food including shellfish, salt, beer, and honey.¹²

In previous permits for firework programs, the Commission has prohibited the use of specific pyrotechnic devices, such as those containing an outer plastic casing and/or

¹¹ Ocean Protection Council, Plastic Pollution <https://www.opc.ca.gov/programs-summary/marine-pollution/plastics/>

¹² Ibid.

other non-biodegradable inner components of the device, and has required that all plastic and aluminum labels and wrappings be removed from the pyrotechnic shells before they are launched. **Special Conditions 3(C)** and **3(D)** incorporate these prohibitions into this permit. Additionally, **Special Condition 4** requires the applicant to comply with the submitted Fireworks Best Management Practices (BMPs) Plan, which includes measures to locate and remove non-biodegradable fireworks waste, including duds, ignited and unignited aerial shells, stars (small pellets of composition that produce color pyrotechnic effects), and packaging ([Exhibit 4](#)). **Special Condition 3(A)** memorializes the applicant's proposed BMP measure to use alternative fireworks produced with new pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce pollutant waste loading to surface waters. The condition further addresses plastic pollution by requiring the applicant to use biodegradable, non-plastic firework materials (unless technically infeasible), and to submit a feasibility study for alternative displays, such as drone light shows, laser light shows, and floodlight displays.

Just as importantly, **Special Condition 5** requires the applicant to undertake specific clean-up procedures following the event, which incorporate several of the applicant's suggested ideas. The applicant is required to search for and recover debris from the Alamitos Bay bottom within the anticipated fireworks debris discharge zone, the beach areas along the bayside of the Peninsula within the anticipated fireworks debris discharge zone, and the shoreline segments of Naples Island and Alamitos Bay within the anticipated fireworks debris discharge zone (see [Exhibit 5](#)), for a minimum of two days following the conclusion of the fireworks display. In addition, the applicant is required to conduct a thorough search and remove floating and sunken debris, employing either a remotely operated vehicle (ROV) or real-time viewable surface cameras to supplement the divers' efforts to visually survey the Bay bottom both pre- and post-event. Quantification and qualification of the debris recovered and removed will be done as part of the Water Quality Report imposed by **Special Condition 9(C)**. If there is evidence of a significant contribution to plastic pollution as a result of the subject event, the Executive Director would evaluate whether future events should be permitted to occur.

The Commission also recognizes that the use of single-use plastics in food and beverage packaging or serviceware make up seven of the top ten items found on California beaches and adjacent to marine waters. Taken together, food serviceware and food and beverage packaging make up nearly 37% of the items found on the beach.¹³ Styrofoam or other single-use materials that often are used at temporary events could result in adverse effects to marine wildlife, since these materials can make their way to the ocean, causing fish, seabirds, sea turtles, and marine mammals to become entangled in or ingest plastic debris, which leads to suffocation, starvation, and drowning. The elimination of non-reusable, non-recyclable, and non-compostable

¹³ Ocean Protection Council, California Ocean Litter Prevention Strategy, June 2018
https://opc.ca.gov/webmaster/_media_library/2018/06/2018_CA_OceanLitterStrategy.pdf

products and the reduction of packaging is an effective way to protect the health of wildlife and the environment.

The City of Long Beach Special Events office requires the applicant to submit a Waste Management Plan that includes recycling and plastic reduction measures. However, the applicant has stated that the event food catering service plans to utilize single-use plastic cutlery and serveware and that beverages offered at the event are likely to be provided in disposable cups/drinkware. Therefore, to ensure the applicant adequately protects marine resources and water quality and minimizes plastic pollution, **Special Condition 6** requires the applicant to submit a Marine Debris Reduction Plan, meet all mandatory requirements, and implement a Service Plan for adequate recycling, trash bins, and compost. The Marine Debris Reduction Plan will ensure that plastic pollution from the block party portion of the event does not enter the receiving waters of Alamitos Bay.

Water Quality

The proposed event would occur in a location where there is potential for discharge of polluted runoff from the site into coastal waters. The scattering of firework fuel, debris, and waste in a location where it could be carried into or fall into coastal waters may result in an adverse effect on the marine environment and water quality. Given the potential for adverse effects resulting from the proposed temporary event, the applicant is proposing a monitoring and reporting plan to assess and share information about impacts to water quality ([Exhibit 6](#)). The applicant is proposing to have their consultant, Pi Environmental, perform a pre-event sampling of the Bay's water column at a depth of one meter below the surface to establish baseline conditions. A similar post-event sample would be collected and analyzed in a laboratory for contaminants such as mercury, other heavy metals, perchlorate, phosphorus, and bis-phthalate. The applicant states that the recommended analytical "suite" is consistent with the targeted chemistry list in previous permits issued by the San Diego Regional Water Quality Control Board.

The Commission would note that the Los Angeles Regional Water Quality Control Board ("LA Water Board"), the appropriate water control authority for waste discharges from the subject project area, is currently in the midst of processing a Waste Discharge Requirements (WDR) final order (general permit) and general National Pollutant Discharge Elimination System (NPDES) permit No. CAG994007 for discharges of residual fireworks pollutants from public fireworks displays to surface waters in Los Angeles and Ventura Counties. On May 19, 2023, the LA Water Board revised its tentative WDR/NPDES permit and order to reflect changes in response to public comments received. The LA Water Board is finalizing the permit and order on May 25, 2023, and among its revisions is the requirement that fireworks dischargers conduct a special study to determine the impacts of constituents from fireworks at the fallout zone, including arsenic, barium, cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver, thallium, tin, titanium, vanadium, zinc, nitrate, bis-phthalate, total phosphorous, and perchlorate. Thus, the Commission requires that the applicant submit a Water Quality Monitoring Report, within 30 days of the conclusion of the event, consistent with the requirements of the relevant resource

agencies, including the LA Water Board, and requires the applicant's environmental consultant to test for the full analytical suite of target chemicals (see **Special Condition 9(C)**). Finally, **Special Condition 9(C)** requires the applicant to track the amount and type of debris recovered after the proposed event.

The LA Water Board's order and permit, if approved on May 25, 2023, will be valid for a period of five years until May 25, 2028. To ensure consistency with Coastal Act Sections 30230 and 30231, **Special Condition 2** requires the applicant to obtain the necessary authorization from the LA Water Board so that the event fully complies with all requirements of the LA Water Board's WDRs/NPDES permit(s).

As mentioned previously, the Commission additionally imposes **Special Conditions 3 through 6** in order to reduce the potential for adverse impacts to water quality, including the selection of more environmentally-friendly firework formulations, removal of all plastic and aluminum packaging prior to firework launch, prohibition of plastic-laden pyrotechnic devices, strict limitations on fireworks display duration, study of non-firework display alternatives and their feasibility, implementation of a Fireworks BMPs Plan, clean-up and restoration of beach and adjacent bay waters, implementation of a Marine Debris Reduction Plan, and monitoring and reporting of water quality pre-/post-event.

Finally, if there is evidence of significant adverse impacts to water quality as a result of the subject event, the Executive Director would evaluate whether future events should be permitted to occur (**Special Condition 1**). If the Executive Director determines that Commission re-review of the project is warranted, if, for instance, there were new information regarding the impacts of firework displays on coastal resources or new mitigation measures identified that are necessary to address such impacts, **Special Condition 1** requires the applicant to submit a new Commission CDP application to authorize future fireworks events.

Conclusion

As conditioned, the Commission finds that the proposed fireworks event will not significantly impact marine and biological resources and preserve water quality in the vicinity of the event area. Thus, the proposed event is consistent with the marine resource protection policies of the Coastal Act.

D. Public Access and Recreation

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 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby[...]

Section 30213 of the Coastal Act states, in relevant part:

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

Section 30214 of the Coastal Act states, in relevant part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.

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.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states, in relevant part:

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, ... (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation ...

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:
[...]

(d) Minimize energy consumption and vehicle miles traveled.

Alamitos Bay Landing is a visitor-serving tourist destination consisting of a shopping center, public parking, boating docks/marina basins, numerous restaurants, and the Long Beach Marina Headquarters. The project site is also adjacent to the AquaLink terminal (Berth 3), an important lower-cost, public water taxi service operated by Long Beach Transit between Alamitos Bay and the Long Beach Downtown area (Rainbow Harbor and the Queen Mary Seaport). Alamitos Bay Landing has accommodated large events and activities in the past, including the annual Big Bang on the Bay celebrations since 2011. City of Long Beach Planned Development District PD-4, which is part of the certified City of Long Beach, includes a list of primary permitted uses for Subarea One where the proposed event will be located. All of the uses permitted in PD-4 are visitor-serving commercial uses that support or enhance public opportunities for coastal recreation, including retail uses, personal, restaurant/ entertainment, and professional uses. The Commission thus finds that this area is generally appropriate for visitor-serving events with commercial elements that are open to the public.

The proposed project is a temporary block party and fireworks event, which will include a community-building and fundraising component, as well as music, catering, and aerobatic shows. The applicant and City estimate the capacity of the block party to be approximately 500-1,000 attendees plus tens of thousands of members of the public who observe the fireworks display from nearby areas, with crowd size varying depending on the day of the week that the event occurs, the weather, and the tides. Parts of the Alamitos Bay Landing would temporarily be developed with fencing and other structures that restrict the general public from using a public road, public parking, public walkways and areas, and boating docks. It is estimated that during the proposed

temporary event, the general public, with the exception of the event attendees, would be excluded from approximately 1.5 acres of Alamitos Bay Landing.

The applicant proposes, and is required to include, public access and recreational opportunities that outweigh the temporary impacts to coastal access and recreation that may result from event activities. The block party would feature aspects that are more readily visible to the general public, including live music performances, an aerobatic airshow, a squadron formation, and a U.S. Coast Guard search and rescue demonstration, all of which can be observed from nonticketed public areas in the surrounding vicinity. The block party entrance fees (all net proceeds) would be donated to Children Today and at least 14 other Long Beach charities ([Exhibit 2](#)), and **Special Condition 7(D)(1)** requires the applicant provide evidence to the Executive Director within 30 days after the event occurs to ensure that the applicant has paid all net proceeds to the identified charities and to ensure that the applicant's proposal is fully implemented. The fireworks display would also be visible from Alamitos Bay Landing, Naples Island, the Long Beach Peninsula, and surrounding upcoast, downcoast, and inland locations, depending on marine layer conditions.

Even with the public benefits of the fireworks display, the State Tidelands Grant limits the use of tidelands to uses that further the Public Trust. The City of Long Beach, as custodian of the Public Trust in this area, may find that private uses like a paid private event, even if temporary, may not be consistent with the terms and conditions of the Legislature's grant of the State Tidelands. Thus, in order to ensure that the proposed project, including all of the proposed uses, is consistent with applicable State Tidelands Grant, **Special Condition 2** requires the applicant to provide written documentation to the Executive Director that the City of Long Beach, including the Office of Special Events and Marine Bureau, approves the temporary event.

Parking and Traffic

The parking supply for the proposed project is the 330-space public parking lot that serves the Alamitos Bay Landing (formerly Seaport Village) shopping center ([Exhibit 1](#)). Previous Commission actions in the 1990s already found that the current parking supply for the area does not adequately meet typical peak parking demand.¹⁴ The Commission has found that in many coastal beach locations a direct relationship exists between the provision of adequate parking and availability of public access to the coast. The block party will involve the temporary use and closure of public walkways, public areas, approximately 50 parking spaces, and part of the Marina Drive right-of-way north of the Boathouse on the Bay restaurant in Alamitos Bay Landing for approximately 24 hours from July 3rd to 4th, 2023. Thus, as proposed, the event could pose an adverse impact to public access to and along the shore by further restricting a parking-impacted visitor-serving coastal area and exacerbating traffic congestion, as more than 500 people are anticipated to attend the block party.

¹⁴ CDPs Nos. 5-92-050, 5-92-126, and 5-01-275.

The applicant is proposing various measures to ease parking, traffic, and access burdens that may arise from event activities. First, the parking lot near the block party is not reserved for paying guests and is proposed to be accessible on a first-come, first-served basis for all members of the public, and parking for Basin One of the Long Beach Marina will remain open for boaters. Approximately 40 parking spaces located directly adjacent to the restaurant/temporary entry gate will be reserved for vendor and valet parking to allow for better traffic circulation. Additionally, the applicant is proposing to provide a free shuttle service between the hours of 5 p.m. and 10 p.m., via golf cart and trolley, to transport event attendees and the general public between the event site at Alamitos Bay Landing and an off-site parking area near the intersection of 2nd Street and Pacific Coast Highway (i.e., 6400 Pacific Coast Highway), with appropriate signage demarcating the pick-up location.

Given that the crowds generated by the event could still temporarily impact traffic, even with the applicant's proposed parking and traffic management measures, the Commission is imposing additional measures to help ensure access for all people during the temporary event. Coastal Act Section 30252 requires the provision or extension of transit service, provision of non-automobile circulation within the development, and provision of adequate parking or public transportation, and Section 30253 requires the minimization of vehicle miles traveled. Thus, **Special Condition 7(F)**, which requires the applicant to provide a free valet bicycle and scooter parking program on the day of the event in cooperation with the City of Long Beach, is imposed. The applicant is also required to undertake the shuttle program in accordance with the current proposal for free pick-up/drop-off of eventgoers and the general public from a convenient location, which is located near the intersection of 2nd Street and Pacific Coast Highway. Finally, the applicant is required to discuss with the City of Long Beach the option of providing increased AquaLink service to and from the event area. If feasible, the applicant is encouraged to pursue this additional alternative transportation option. The applicant has proposed to publicize the available alternative modes of transportation in its marketing and media platform and shall provide information and encourage eventgoers and members of the public to utilize those alternatives wherever possible (**Special Condition 7(F)**).

Additionally, **Special Condition 7(E)** would require the applicant to work with City of Long Beach mobility coordinators to establish alternative modes of transportation on the day of the event, including free bike and scooter valet parking and AquaLink service. To minimize the potential for traffic to impact public access to the area, this condition also requires event organizers to use a City-recommended traffic control company for traffic management, including posting lane closures. For traffic management, the City typically requires a coordinated Traffic and Parking Management Plan which prioritizes the use of carpools, public transportation, and alternate modes of non-polluting transportation whenever possible. The City may also elect to require a parking and shuttle management plan and/or place an officer at the site to help direct traffic.

Event Admission

The block party, which would be an area contained within 8-foot-tall chain-link panels, would require an entry fee of \$75 per adult and \$30 per child, with options for premium VIP seating at higher price points (\$150 and \$250 per guest). Over the years, the Commission has reviewed and approved temporary events requiring either 100% free admissions or limiting admission fees. If 100% free admissions were determined to be infeasible, the Commission has used the provision in the Commission's Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, which allows temporary events to be excluded from permit requirements if more than 75% of the seating is available free of charge for general public use as guidance. In past permit actions, the Commission has approved temporary events that provide, at a minimum, 75% of the provided capacity free of charge to the public or equivalent public benefit.

The proposed event will not meet the 75% free seating threshold; however, as proposed, all net proceeds of the block party would be used to benefit underserved populations in Long Beach. Specifically, all net proceeds from ticket sales will be donated by the applicant to Children Today and at least 14 other Long Beach charities ([Exhibit 2](#)) and as required by **Special Condition 7(D)(1)**. Over \$1 million have been raised for local charities to date since Boathouse on the Bay began hosting the event in 2011. In addition, while the general public would not be able to access or use this portion of the Alamitos Bay Landing during the event, there would still be aspects of the event available to the nonticketed public, including the aerial and fireworks displays. In past years, hundreds of thousands are reported to have gathered at public spaces throughout coastal Long Beach and Seal Beach to watch. Thus, as proposed, the project would only have short-term public access impacts and would still support some public access and recreation opportunities during the event; however, the event would also serve to provide significant new public access and recreational opportunities as well. **Special Condition 7(D)(1)** ensures that 100% of net proceeds are donated to the listed charity organizations.

Nonetheless, the Commission still identifies potential public access burdens that must be resolved prior to commencement of the event. First, the subject area is a primary segment of the California Coastal Trail, an important non-automobile and pedestrian link along the coast between Mexico and the Oregon border.¹⁵ The applicant is not proposing to temporarily reroute the trail for the duration of the event, nor is the applicant proposing to maintain public access at any portion north of the entry gate, including any of the pedestrian bulkhead walkways (except for boater access through one the headways), during the temporary event, as shown in the applicant's submitted Event Staging Map ([Exhibit 3](#)). Thus, the Commission imposes **Special Condition 7(A)**, which requires the applicant to maintain public access to and along the public bulkhead walkways during the entirety of the event, which will serve to reinstate the public's access to this segment of the California Coastal Trail. This public access area

¹⁵ [California Coastal Trail Interactive Mapping Viewer | The California Coastal Trail \(arcgis.com\)](#)

must be kept clear of event-related structures and other obstructions, and in particular, the fence surrounding the temporary block party shall not impede such access. The condition further requires event staff to ensure that access to and along the publicly available walkways remains open and is not significantly impacted by the event.

Further, as described in more detail in the Unpermitted Development section of this staff report, prior to submittal of this application, the applicant has undertaken development without the benefit of a coastal development permit at the site, which constitutes a Coastal Act violation. The unresolved violation involves an access restriction through the placement of dining tables on a public sidewalk and construction of a tented outdoor dining structure meant for the exclusive use of restaurant guests on public land, as shown in [Exhibit 2](#). As of May 24, 2023, at Commission enforcement staff's direction, the tented structure has been removed; however, despite enforcement staff's direction to remove the structure entirely, the base, floorboards, turf, and white fence surrounding the outdoor dining area are still present. The continued presence of public access restrictions within the project area limits the availability of public area around the event where visitors can listen to the event music and observe the fireworks. The unpermitted uses and structures also obscure the entrance and public access signage to the AquaLink terminal at Berth 3. The impacts have been accruing since the placement of dining tables on the pedestrian walkways along the bulkhead and erection of the tented outdoor dining structure on a public landscaped area. In addition to the public access and recreation policies of the Coastal Act, public access protection policies in the City of Long Beach certified LCP that are pertinent to this situation include, but are not necessarily limited to, the Planned Development Ordinance for District PD-4, which states that "Pedestrian access shall be maintained along the water's edge of the marina and at marina channels and at all locations where it exists at the time of the adoptions of this plan."

Special Condition 7(B) addresses public access restrictions in this area during the event by requiring the applicant to 1) remove the unpermitted outdoor dining area found directly landward of the AquaLink terminal at Berth 3 and restore it to its pre-existing condition, and 2) reserve this specific area, as delineated in [Exhibit 2](#), for the free public viewing of the fireworks, which must be publicly accessible via the publicly available bulkhead walkways for the entire duration of the event. The applicant is required to reconfigure the perimeter fence surrounding the block party to accommodate this public area.

The Commission also imposes conditions that would help members of the public navigate the open public areas around the block party area. **Special Condition 7(D)(2)** requires the applicant to educate attendees and members of the public about the event, including through placement of an informational kiosk located at the entry gate to the block party. The applicant must also ensure that an event representative is present at the shuttle pick-up location to inform members of the public and attendees of pertinent details of the event prior to boarding the shuttle. **Special Condition 7(D)(3)** requires the applicant to install signage in various languages (e.g., English, Spanish, Khmer, Tagalog, etc.) in accordance with the City's Language Access Policy for wayfinding and to denote the public access areas vs. the fee-ticketed block party areas. The public

access signage must be clearly visible, legible, and located near all access points open to the public during the temporary event, in order to allow the public to easily identify the open public accessways and the publicly available fireworks viewing area.

Boater Access

Coastal Act Sections 30220 and 30221 encourage the protection of existing recreational boating and other coastal-dependent, water-oriented uses. Within the block party footprint, the applicant proposes to maintain boater access along the two easternmost Basin One gangways at all times. The AquaLink terminal at Berth 3 will remain open for public taxi service until the scheduled closing time of approximately 6 p.m. However, as proposed, Berths 1 and 2, on the western side of Alamos Bay Landing, will not be available for public or boater use. To ensure consistency with the aforementioned Coastal Act policies, the applicant must maintain access to all boat slips surrounding the event area. **Special Condition 7(C)** provides that the applicant must grant boater access to all boater docks, headways, and gangways within the vicinity of the block party site for the entire duration of the event. If entry to the boat slips is to be done through the temporarily gated and ticketed block party area, then the applicant is required to expressly allow boater access to Basin One slips, Berths 1-3, and Marine Bureau docks. The applicant is required to include adequate informational signage for boaters to realize their access. If the applicant is concerned about the safety of boaters during the fireworks display, the applicant can take the opportunity to discuss safety issues and protocols with the boaters as they enter. The applicant can also ensure that there are sufficient buffers around the fireworks barge so as to minimize the potential adverse risk to boaters, and **Special Condition 2** requires the applicant to seek authorization from the U.S. Coast Guard, as applicable, to ensure safe navigation and recreational boating during the event.

Conclusion

As conditioned, the Commission finds that the proposed fireworks and block party event should not adversely affect coastal visitors generally, and in fact will provide public attraction in an urban setting in and around the event area. Thus, the proposed event, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

E. Fire Hazards and Air Pollution

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard[...]
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

Fire Hazards

Launching fireworks during the summer fire season raises the question of whether such an activity could increase fire hazard. In this case, the fireworks would be launched over the water and viewed from surrounding public and residential areas. Coastal areas are often the preferred venue for celebrations with fireworks displays in California because they optimize public viewing opportunities while avoiding or minimizing fire hazards that are associated with such displays. Nonetheless, there is the potential for a misfire of some sort landing on nearby buildings or in other developed areas, especially in the case sudden strong winds. To ensure consistency with Coastal Act Section 30253(a), **Special Condition 2** requires the applicant to obtain authorization from the Long Beach Fire Department and Office of the State Fire Marshal prior to the fireworks display to ensure adequate precautions are taken to protect against potential fire hazards.

Air Quality

Coastal Act Section 30253(c) requires development to be consistent with requirements imposed by the regional or state air pollution control district. The air pollution control district for this area is the South Coast Air Quality Management District (SCAQMD), which is a regulatory agency responsible for inspecting and controlling emissions from primarily stationary sources of air pollution. SCAQMD recognizes that fireworks, while temporary, emit high levels of particulate matter (including PM_{2.5} and PM₁₀), as well as metal air pollutants, all of which can contribute to a variety of negative health effects. High levels of these pollutants can lead to a wide variety of cardiovascular and respiratory health effects such as heart attacks, asthma aggravation, decreased lung function, coughing and difficulty breathing.

Air quality on and around the Fourth of July holiday varies each year depending on the number of fireworks as well as weather conditions, but typically reaches 'Very Unhealthy' or 'Hazardous' levels in Southern California due to numerous fireworks events. Especially during the summer months, the typical regional weather pattern becomes stagnant, and an inversion layer develops with warm, subsiding air from above. While the coastal areas of the City of Long Beach enjoy a coastal breeze and, at times, a marine layer beneath the shallow inversion, particulate matter and emissions from fireworks tend to become trapped near the surface along with other airborne contaminants or smoke from wildfire, which can exacerbate impacts to air quality.

Currently, SCAQMD does not require written permits for pyrotechnic equipment, special effects, or fireworks paraphernalia equipment for "entertainment purposes."¹⁶ However, subject to Rule 219 subdivision (t), any person claiming exemption under the provisions of the Rule must provide SCAQMD with adequate records to verify and maintain any exemption. Thus, to ensure consistency with Coastal Act Section 30253(c), the Commission imposes **Special Condition 2**, which requires that the applicant provide evidence of any requisite permits, approvals, or exemptions from SCAQMD.

¹⁶ [Rule 219](#), subdivision (p)(13). SCAQMD, Amended January 7, 2022.

F. Authorization Period and Project Changes

This CDP authorizes the project as proposed by Naples Restaurant Group, LLC (Attn: John Morris), except as modified by the special conditions. Any project changes, including with respect to any Executive Director-approved reports required pursuant to the special conditions, shall require a new Commission, unless the Executive Director determines that no new permit is legally necessary.

In addition, **Special Condition 1** authorizes this approval, beginning on July 3 and ending on July 4, 2023. If there is evidence of significant adverse impacts to coastal resources as a result of the subject event, the Executive Director would evaluate whether future events should be permitted to occur (**Special Condition 1**). If the Executive Director determines that Commission re-review of the project is warranted, if, for instance, there were new information regarding the impacts of firework displays on coastal resources or new mitigation measures identified that are necessary to address such impacts, **Special Condition 1** requires the applicant to submit a new Commission CDP application to authorize future fireworks events.

G. Assumption of Risk, Waiver of Liability, and Indemnity

Applicants are regularly required to acknowledge inherent hazards and agree to waive any claims of liability on the part of the Commission for allowing potentially hazardous development to proceed. This allows for such potentially hazardous development or events, such as a fireworks display, to occur while avoiding placing the economic burden for damages onto the people of the State of California. Accordingly, this approval is conditioned for the applicant to assume all risks for developing at this location (see **Special Condition 10**). In addition, Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its actions on pending CDP applications in the event that the Commission's action is challenged by a party other than the applicant or its authorized agents. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 11** requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the applicant or its authorized agents challenging the approval or issuance of this CDP, or challenging any other aspect of its implementation, including with respect to condition compliance efforts.

H. Unpermitted Development

Violations of the Coastal Act have occurred on the subject property, including, but not necessarily limited to, placement of dining tables on a public sidewalk and construction of a tented outdoor dining structure meant for the exclusive use of restaurant guests on public land, as shown in [Exhibit 2](#). As of May 24, 2023, at Commission enforcement staff's direction, the tented structure has been removed; however, despite enforcement staff's direction to remove the structure entirely, the base, floorboards, turf, and white fence surrounding the outdoor dining area are still present.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. In order to help address potential public access impacts resulting from the event, the conditions of approval of this application require the applicant to remove any existing portions of the dining structure prior to the event authorized by this permit application. Upon issuance of the permit, the subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in removal of the unpermitted development described herein from the site. The Commission's enforcement division is considering its options for future action to fully address the violations.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal permit, or of any other development, except as otherwise expressed herein.

I. California Environmental Quality Act

The City of Long Beach is the lead agency, and the Commission is a responsible agency, for the purposes of the California Environmental Quality Act ("CEQA"). On May 4, 2023, the City of Long Beach, the lead agency for CEQA, determined that the proposed event is categorically exempt from CEQA, finding that the proposed event constitutes minor temporary use of land with no adverse impacts to the environment.

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit (CDP) applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA (14 CCR § 15251(c)).

The preceding coastal development permit findings in this staff report have discussed the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources. The Commission incorporates these findings as if set forth here in full. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact, individual or cumulative, which the proposed event would have on the environment. Therefore, the Commission finds that the proposed development can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application No. 5-23-0383 and associated file documents.
- Guidelines for the Exclusion of Temporary Events from Coastal Development Permit Requirements, 1/12/1993.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Click here to go
to staff report

Th13a

5-23-0383

(Naples Restaurant Group LLC)

JUNE 8, 2023

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Exhibit 1 – Project Site and Vicinity Map

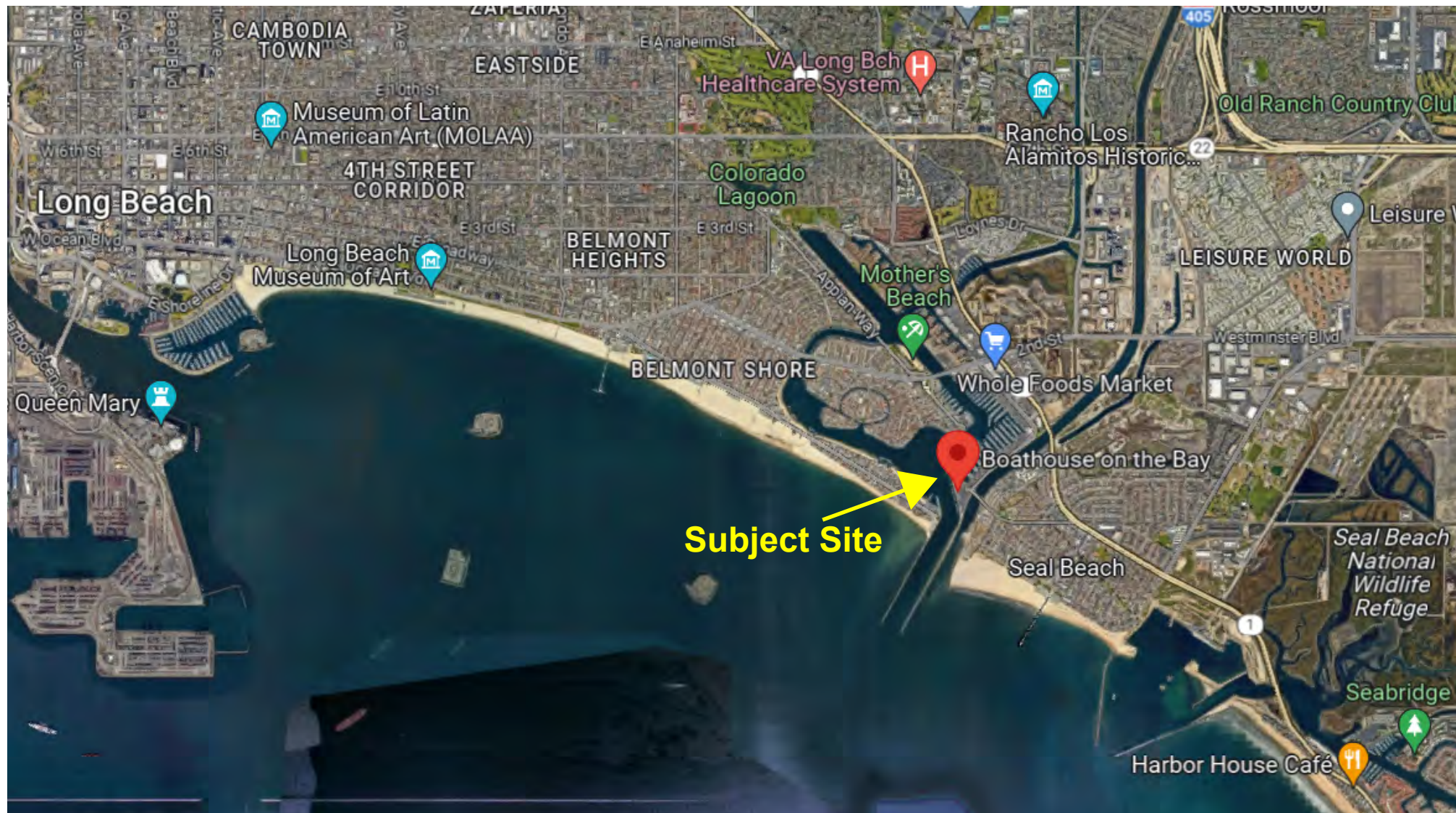
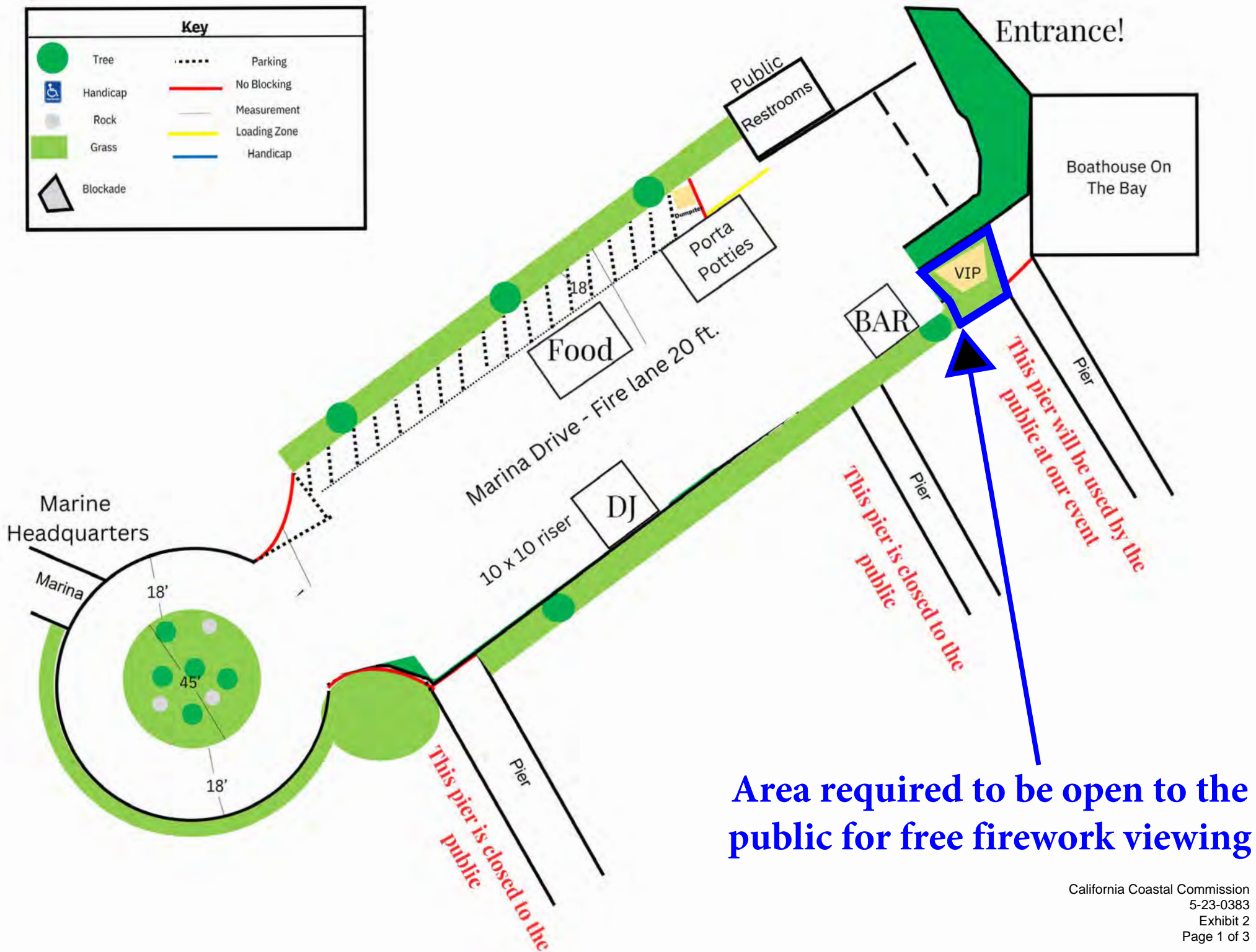




Exhibit 2 – Event Schematic and Schedule





(<https://boathouseonthebay.com>)

EVENT DETAILS

Details and information about the Big Bang on the Bay firework event and the charitable causes supported by this unforgettable celebration.

▸ Food Catered by Naples Rib Company ()

▸ Firework Showtime ()

Prepare to be dazzled as the sky comes alive with a mesmerizing display of fireworks at Big Bang on the Bay! Starting promptly at 9 pm and continuing until 9:30 pm, this year's fireworks show promises to be the most extraordinary one yet. Brace yourself for a breathtaking symphony of colors, shapes, and patterns that will illuminate the night and create unforgettable memories. Join us for an unforgettable evening filled with excitement and witness the grand finale of our event, as we present the best fireworks extravaganza ever held in the history of Big Bang on the Bay!

▸ Proceeds Benefitting Local Charities ()

We are proud to announce that the proceeds from the Block Party tickets of Big Bang on the Bay will be dedicated to supporting several incredible organizations. Your participation in the Block Party will directly benefit charities such as:

- Action Sports Kids Foundation
- Children Today
- Ronald McDonald House
- 4GIRLS
- The Guidance Center
- Autism Partnership Foundation
- Los Altos YMCA
- Ground-Ed Education
- Belmont Shore Rugby Club
- Precious Lamb Charity
- Precious Life Shelter
- Send a Kid to Camp Fund
- The Guidance Center
- Los Alamitos High
- Rancho Los Alamitos

By purchasing a Block Party ticket, you not only guarantee yourself a fantastic evening of entertainment but also contribute to these worthy causes, making a positive impact in our community. Join us for a memorable event that combines celebration and philanthropy!

SCHEDULE OF EVENTS

★ 5PM • Check-In to pick up tickets

★ 5:30PM • Street party and restaurant opens
• Outside bar opens (closes at 8:45p)

★ 6PM • Block Party BBQ Dinner catered by Naples Rib Co.
• Deck and Dining Room Dinner catered by Boathouse

★ 6:50PM • Finish line for Big Bang on the Bay Sailing Regatta
• A Prayer and Thank You led by Bruce DD MacRae

★ 7PM • American Flag Flyover
Provided by Van Wagner Aerial Advertising.
The National Anthem sung by Zack Gianformaggio

★ 7:02PM • US Coast Guard MH-65 Dolphin Search and Rescue

★ 7:05PM • Powered Para Gliders Entertainment
Pilots: Team Leader Bryan Hardom, Carlos Dos Santos,
Mike Masterson and Dave Chamberlain

★ 7:15PM • North American SNJ-5?AT-6 Duet
Featuring Airshow performer John Colliver and Airline Pilot Brad Lang.

★ 7:20PM • "When you just want to Soar!"
Mike Hanson in his open cockpit 1943 Navy Stearman N2S-3
provides scenic rides and aerobatic training. If you have the desire,
contact him at BioplaneFun.com. You will never forget the experience.

★ 7:30PM • Tiger Squadron
Team Leader Gil Lipaz will lead this Torrance-based team
through several passes. Aircraft are privately owned
Korean era Nanchangs and Yaks

★ 7:35PM • "The Tiger Squadron's Freedom Break" formation
Symbolizing the freedom we enjoy as a Nation.
• 100 foot Fireworks Barge enters the Bay

★ 7:45PM • Dancing in the street with DJ Ron

★ 8:08PM • Another beautiful sunset at the Boathouse on the Bay!

★ 8:58PM • 2 Minute Countdown Warning Sample Fireworks

★ 9PM **BIG BANG ON THE BAY!**

★ 9:30PM • Fireworks end and event closes

Big Bang on the Bay July 3, 2023

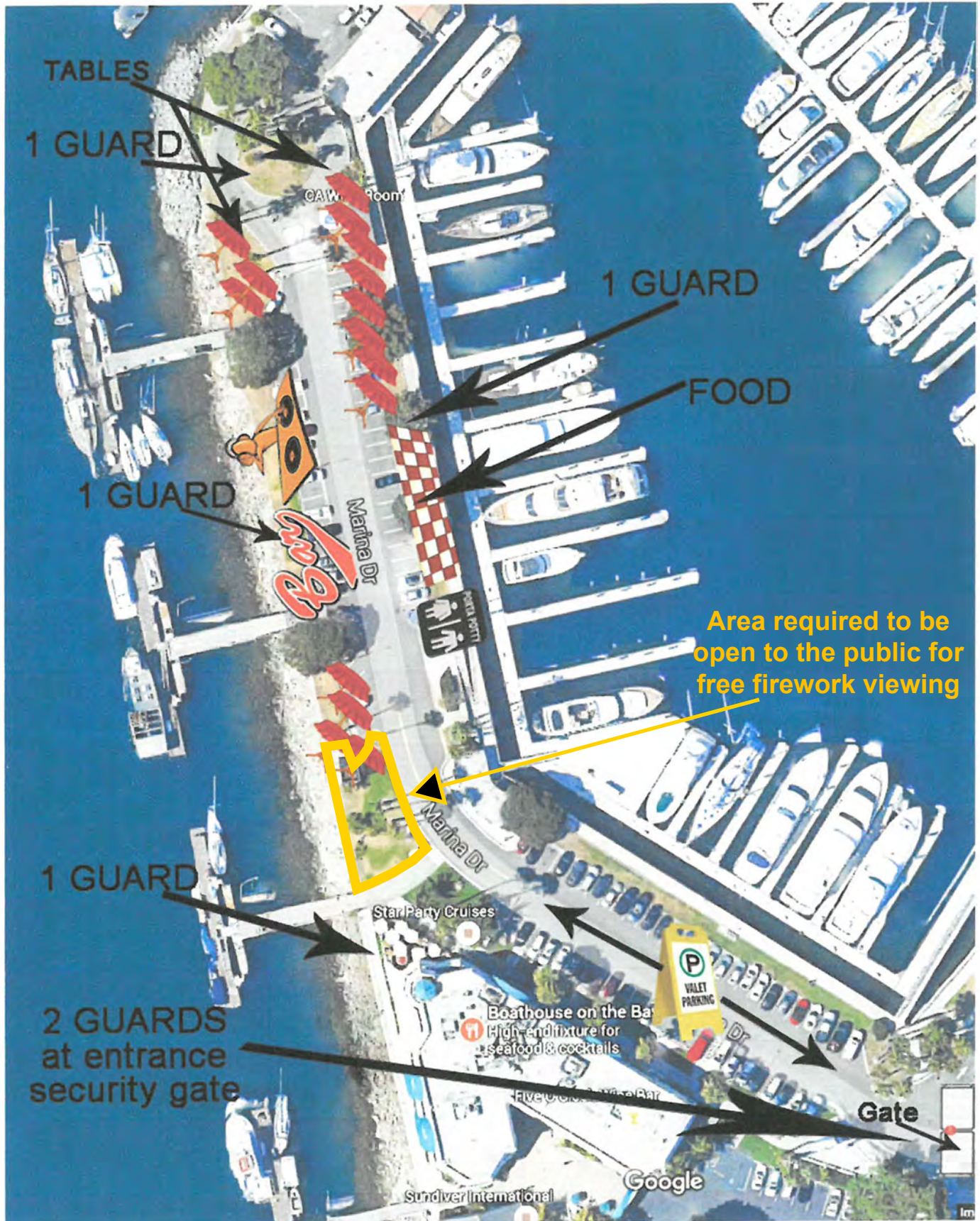


Exhibit 4 – Fireworks Best Management Practices Plan

Attachment “A” **Fireworks Best Management Practices Plan (FBMPP)**

Permittee shall prepare and implement a Fireworks Best Management Practices Plan (FBMPP) to prevent or reduce the discharge of pollutants associated with the public display of fireworks. The FBMPP shall address, at a minimum, the following elements:

1. Whenever practicable and economically feasible, the Discharger shall consider the use of alternative fireworks produced with new pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters.
2. Whenever practicable and feasible, the Discharger shall design the firing range, or consider alternative firing ranges, to eliminate or reduce residual firework pollutant waste discharges to waters of the United States.
3. As soon as practicable, and no later than 24 hours following a public display of fireworks, the Discharger, in addition to complying with title 19 of the California Code of Regulations, section 1003, shall, to the extent practical, collect, remove, and manage particulate matter and debris from ignited and un-ignited pyrotechnic material including aerial shells, stars (small pellets of composition that produce color pyrotechnic effects), paper, cardboard, wires and fuses found during inspection of the entire firing range and adjacent affected surface water(s).
4. If the fireworks are launched or ignited on barges or floating platforms, the fireworks and fireworks equipment shall be setup, discharged and taken down in accordance with the laws and regulations applying to that display by a public display operator licensed by the State of California. All required permits, licenses and approvals shall be obtained from the authorities having jurisdiction over the fireworks display, and the parties responsible under applicable law and regulation shall comply with the requirements and conditions of those permits and licenses. All equipment used to hold and launch the fireworks shall be secured properly in accordance with applicable laws and regulations and in such a way as to minimize the risk that the equipment and fireworks would fall into the water. Barges and floating platforms shall be inspected for leaks and other potential safety issues. Other than system firing cables and common or grounding wires intended to be recovered after the display, electric igniter wires used to trigger the fireworks shall be secured to minimize the risk that the wires would fall into the water during or after the discharge. As soon as practicable, and no later than 24 hours following a public display of fireworks, the decks of each barge or floating platform that contained fireworks shall be raked or swept to gather fireworks debris and prevent it from being deposited into the water.
5. Immediately following a public display of fireworks, all hazardous fireworks waste, including duds, resulting from the set-up, firing, and strike of the public display, including live pyrotechnics waste, shall be handled and managed in accordance with applicable fireworks and hazardous waste laws and regulations.
6. All non-hazardous solid waste resulting from the set-up, firing, and strike of the public display, including wires, boxes, and packaging, shall be collected to the extent practicable and properly disposed of.
7. Fireworks shall be packaged, transported, stored, set-up, and handled in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6, Fireworks and Title 22, Chapter 33, Best Management Practices for Perchlorate Materials in order to prevent or minimize firework pollutant wastes from entering surface waters.
8. Residual firework pollutant waste discharges shall be located a sufficient distance from areas designated ASBS to assure maintenance of natural water quality conditions in these areas.
9. Water quality testing must be completed prior to and immediately following the public display of fireworks.
10. A biological survey must be completed prior to, during, and immediately following the public display of fireworks.

**Exhibit 5 – Anticipated Fireworks
Debris Discharge Zone**

Legend

- 600' radius
- Alamitos Bay Marina
- Alamitos Bay Marina
- Barge

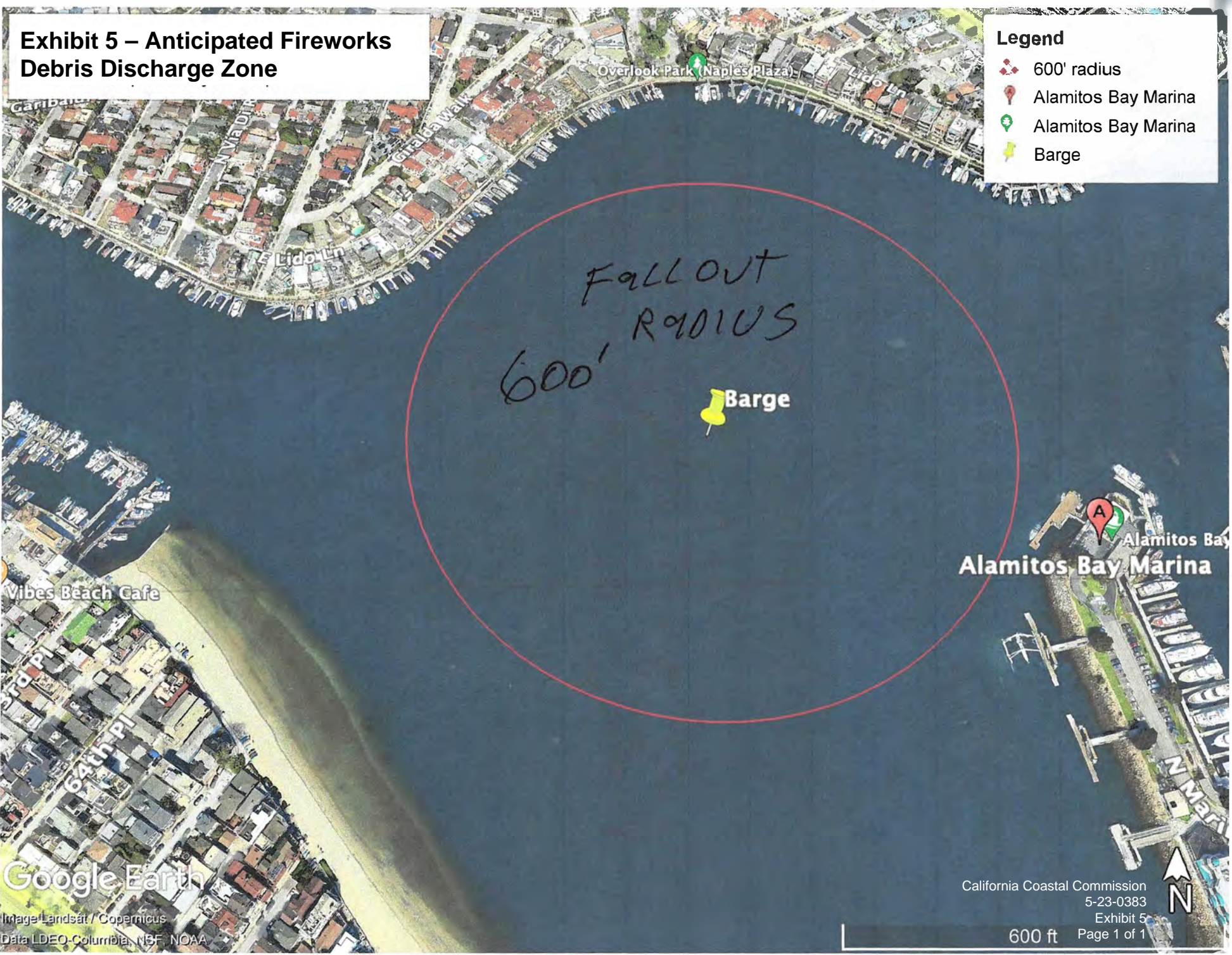


Exhibit 6 – Monitoring and Reporting Plan



4/20/2022
Mr. John Morris
Boat House on the Bay
Mumsjm@gmail.com
562-896-1907

RE: Alamitos Bay Fireworks Sampling

Pi Environmental (Pi) is pleased to provide our scope to support water quality monitoring and reporting for the Big Bang on the Bay celebration the 3rd of July. The scope presented here was developed based on our recent communication about this effort. We recognize the importance of the sample collections, and also understanding the need to provide a cost-effective sampling alternative for the benefit event.

Task 1. Water Sampling

Task 1a. Pre-Event

The Pi approach to sampling will be to perform a pre-event sample collection to establish baseline conditions. One composite sample will be collected prior to the event. Sampling will be conducted from one of our commercial grade research vessels prior to the show. Pi staff will collect water from three representative locations in the Bay, and each station sampled using a discrete water sampling device. The water sample will be collected 1-m below the surface to avoid surface contamination. The composite pre-event sample will be provided for laboratory submission and analysis for each of the the pre and post events.

The water samples will be kept in the dark and on ice for submittal to the EuroFins-Calscience in Tustin, CA. A summary of laboratory methods and fees is provided as Table 1. This targeted chemistry list is consistent with previous permits issued y the SDRWQCB in the San Diego Region.

Table 1. Permit Recommended Analytical Suite

Matrix	Parameter
Sea Water	EPA 1631E Low Level Hg, Filtered
	EPA 1631E Low Level Hg, Total
	EPA 1640 ICP/MS Metals - Lab Filtered
	EPA 1640 ICP/MS Metals - Total
	EPA 314.0 Perchlorate
	EPA 365.1 Total Phosphorus
	70C Bis(2-Ethylhexyl) phthalate

Task 1b. Post Event

Immediately post event, Pi field crews will collect a composite water sample from the areas of suspected debris fallout. The sample will be collected using the sample compositing techniques and sample preservation methods.

Task 1c. Event Water Quality Reporting:

A report will be prepared upon the completion of analytical testing. The report will highlight the testing and collection procedures analytical comparisons to relevant regulatory criteria where they exist and provide a narrative of the sampling and results. We would expect the report to be submitted within a week after the receipt of quality assured chemistry data.



Chemistry Costs:

The laboratory costs are fixed from the lab and estimated to be ~\$900-\$1,000 each sample. At the minimum, 2 samples will be required: a pre-event sample and a post event sample. Based on this approach, we would expect the chemistry to be \$1,800- \$2,000 for the two water samples analyzed using standard turn-around times.

Task 2. Bottom Surveys

A remotely operated vehicle (ROV) or real-time viewable surface camera will be used to visually survey the bottom pre and post event. The video device will record images in 4k, and in real-time display them to the surface vessel for viewing and analysis. Initial surveys will document any existing debris near the fireworks barge.

The post survey will be completed within 48-hours of the event, allowing for the 4th of July holiday proper, as well as a day to get to the site and conduct the survey.

Task 3. Bird Monitor

Pi can provide an avian specialist for event monitoring. Avian support will include a preliminary survey of the area pre, during, and post even. A small letter report of the details of the event and professional assessment of nature and extent of impacts (if any) will be provided as a stand-alone report.