

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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**RESPONSE TO OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

DATE: November 3, 2023
TO: Commissioners and Interested Parties
FROM: Dr. Kate Huckelbridge, Executive Director
RE: Objection to Executive Director's Determination Regarding Extension of Coastal Development Permit (CDP) Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007

The City of Long Beach requests a one-year Time Extension to Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 granted by the California Coastal Commission on February 11, 2021. This Permit is for:

Closure of Olympic Plaza to automobile traffic, removal of park landscaping, demolition of two outdoor pools, conversion of temporary pool and associated facilities to permanent structures, and construction of an outdoor pool complex including a 12,320 sf. competitive pool, 4,560 sf. recreation pool, 1,000 sf. teaching pool, 500 sf. spa, 5,660 sf. diving well, and spray garden, 1,555 permanent seats, a 15,181 sf. approx. 29 ft. high pool facilities building with locker rooms, offices, food concessions, changing rooms, and storage rooms, 141,558 sf. hardscaped open space, 92,297 sf. passive park area, and public restrooms.

The Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act and notice of this determination was mailed on September 29, 2023. This Determination will be reported to the Commission at the November 17, 2023, Commission meeting. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed

circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

Five letters of objection to the time extension were received within 10 working days of the mailed notice ([Exhibit 1](#)). One letter was received on September 30, 2023 by Anne Proffit, three letters were received on October 2, 2023 by Susan Miller, Ann Cantrell, and Corliss Lee, and one letter was received on October 3, 2023 by Dr. Linda Scholl. Their objections to the time extension include the following:

- (1) The scaled back budget of the project, including a minimum \$50 million reduction, as required by the City constitutes changed circumstances.
- (2) Following the budget reduction, the City offered three new sets of project plans, all of which differ from the previously Commission-approved plans, which constitute changed circumstances.
- (3) The project benefits special interests rather than the public, does not promote equitable public use, and does not include an equity plan to serve disadvantaged youth.
- (4) Community outreach and stakeholder engagement was not conducted, which ignores underserved communities.
- (5) The subject site is located in a liquefaction zone, is prone to sea level rise, and is prone to earthquakes.
- (6) The new project plans include eliminating the diving well and additional seating along with the existing temporary pool. The temporary pool is adequate to achieve the intended use of the proposed pool and should remain.
- (7) Removal of landscaping is unnecessary, and the removal of this mature vegetation would result in the loss of societal and ecological benefits through the loss of public use of the shaded space, wildlife food and water percolation.
- (8) Removal of E Olympic Plaza is unnecessary and would reduce public beach parking and impede transportation access for first responders and public use.
- (9) The transportation plans provided with the proposed project, including providing busing for students, are inadequate and do not serve the entire community.
- (10) Alternative locations are welcomed by the diving community.
- (11) Light poles at the existing temporary pool exceed height restrictions and impose light pollution impacts and have existed for a longer period than should be allowed for a temporary structure.
- (12) Proposed spray gardens will be unsuccessful due to future sand intrusion.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. Many of the objections received do not suggest changed circumstances, but rather object to the project in concept. Specifically, as listed above, Objections 3, 4, 6, 7, 8, 9, 10, 11, and 12 all object to the project, but do not provide any evidence to identify a changed circumstance and are therefore not further analyzed. Thus, these objections do not identify any new or changed circumstances that

would affect the development's consistency with the Coastal Act.

In response to Objection 1, although it is true that the City is developing plans to reduce the scope of the Commission-approved project due, at least in part, to budgetary constraints, any changes to the Commission-approved project must be reviewed by the Executive Director and would likely require an amendment to the Commission-approved permit, and changes to project funds do not constitute a changed circumstance as to the project's consistency with the Coastal Act. Additionally, in response to Objection 2, alternative project plans have not been approved by the City or submitted for review by the Commission and do not constitute a change in circumstance. To provide more clarity, the Conditions of Approval remain in effect until any amendment is approved by the Commission. These include, but are not limited to, **Special Condition 2**, which requires the applicant to submit final revised plans that are in substantial conformance with the plans submitted on January 21, 2020, and **Special Condition 3**, which requires an equitable Public Access Program be submitted by the City and acted on by the Commission and remains in effect without any amendment proposing otherwise. Objection 5 references hazards in the area including sea level rise and liquefaction. These hazards were raised and addressed in the Commission's 2021 action, and **Special Condition 13** addresses shoreline change, sea level rise monitoring, and adaptation programming and remains in effect without any approved amendment requiring otherwise. The CDP for this development will not be issued until all prior-to-issuance conditions are met and any substantial changes to the project, as contemplated by the City, will require a permit amendment.

In sum, for the reasons stated above, the Executive Director has determined that there are no changed circumstances on site that affect the development's conformity with the Chapter 3 policies of the Coastal Act or the City's certified LCP. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of the development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 until February 11, 2024, one year from the previous date of expiration.