

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE AND DE NOVO HEARING

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-00-227

APPLICANT: Richard Cisakowski

PROJECT LOCATION: 6051 Azure Way, City of Long Beach, Los Angeles Co.

PROJECT DESCRIPTION: Appeal of City of Long Beach approval of coastal development permit 9910-16 for the re-subdivision of two parcels (1.83 acres of vacant land) into 15 individual lots and construction of 15 single family residences with standards variances for building setbacks, private street designs, floor area ratios, and lot sizes.

APPELLANT: Joe C. Weissmiller

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit No. 9910-16.
2. City of Long Beach Certified Local Coastal Program (LCP).
3. SouthEast Area Development and Improve Plan (SEADIP).
4. City of Long Beach Zoning Ordinance

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that the appeal raises **a substantial issue** because the locally approved coastal development permit is not consistent with the policies of the certified LCP and the public access policies of the Coastal Act. **The motion to carry out the staff recommendation is on page #5-6.**

The City of Long Beach certified Local Coastal Program (LCP) allows for variances when adequate open space and public access is provided. The proposed project creates .68 acres

(29,815 square feet) of open space, public sidewalks and parking, and public access through the proposed community to Alamitos Bay (Exhibit #10-11).

However, these amenities are not guaranteed to remain open for future public use and no condition prevents a future owner from restricting public access to the coastline. The applicant has verbally stated that he intends to change the project description de novo to include an offer for a public access easement to the City of Long Beach over the streets, street parking areas, and walkways of the proposed project. However the applicant has not yet provided the offer in writing.

Staff recommends (**resolution on page 14**) that the Commission, after a public **de novo** hearing, **approve the proposed development with a condition** that requires the applicant to dedicate and record the proposed easements to the City for the section of Azure Way within the proposed project, the proposed public sidewalks, the access way through the proposed project to the waterfront, the portion of the waterfront walkway not dedicated in the existing easement, and the proposed public parking spaces on Access Way 'A' and 'B' (Exhibit #12-14). The easement will ensure that public access will exist through the proposed development to the coastline via the proposed access easement.

I. APPELLANT'S CONTENTIONS

On April 6, 2000, after a public hearing, the Long Beach Planning Commission unanimously approved, with conditions, Local Coastal Development Permit No. 9910-16 for the re-subdivision of two parcels (1.83 acres of vacant land) into 15 individual lots and construction of 15 single family residences. The approval allowed standards variances for building setbacks, floor area ratios, private street design, and lot sizes. (Exhibit #11). An appeal was filed with the City of Long Beach following the approval by the Planning Commission. This appeal was overruled and the project was approved by the Long Beach City Council on May 30, 2000.

On June 20, 2000, Joe C. Weissmiller submitted an appeal of the City's approval of Local Coastal Development Permit No. 9910-16 to the Commission's South Coast District office (Exhibit #6). The appellant's appeal contends that:

- The project violates the City's Local Coastal Program, referenced in the SouthEast Area Development and Improvement Plan (SEADIP)
- Standards variances granted for front, rear, and side yard setbacks, and floor area ratios will negatively impact the visual and psychological access to the Spinnaker Coves Bay for residents and visitors.
- The reduced setbacks, increased floor area ratios, narrow streets, and decreased open space of the homes are not offset by provisions for creating attractive public open space.

- The proposed density pattern is greater than the standard of development for the area.
- The 8.4 density unit (DU) was designated not for single family detached homes, but for attached townhouse style development originally planned to occupy SEADIP subarea 2(b).
- Non-conforming developments were used for comparative references for the purpose of granting variances.
- The proposed project does not provide a minimum of 30% usable open space when the Long Beach Zoning Ordinance is applied.
- Narrow streets along Azure Way, decreased front yard setbacks, no sidewalks, and minimal off-street parking provisions will create a hazard to pedestrians and children.
- Crowding homes on substandard lots will reduce the property value of neighboring communities.

II. LOCAL GOVERNMENT ACTION

According to the City's staff report dated March 16, 2000, the applicant applied for the re-subdivision of two vacant parcels totaling 1.83 acres. The application includes two new private streets, creation of 15 new lots (ranging in size from 3,436 s.f. to 5,230 s.f.), and construction of 15 unattached single family homes (ranging in size from 2,650 s.f. to 3,005 s.f.) (Exhibit #11). The applicant requested standards variances for street width, front, side, and rear yard setbacks, and floor area ratios (Exhibit #7). A public hearing was held by the Long Beach Planning Commission on March 16, 2000 that included testimony on the issue of densities, lot orientations, views from neighboring communities, and attractiveness of the homes from several community representatives, including the appellant, the applicant, and a representative of the City of Long Beach Planning Department. The Planning Commission voted to continue the hearing. On April 6, 2000, city staff presented written responses to the issues raised at the previous public hearing. Subsequent to public testimony, the Planning Commission unanimously approved, with conditions, Case No. 9910-16 for Vesting Tentative Tract Map, Local Coastal Development Permit, and Standards Variances to construct 15 single family homes at 6051 Azure Way and new private streets. The Planning Commission found that the proposed project was consistent with the certified LCP and would have no impact upon coastal access or public recreational opportunities.

Mr. Weissmiller filed an appeal at the local level following the City's action to approve Case No. 9910-16. He objected to the determination made by the Planning Commission that the proposed project is consistent with SEADIP regulations and that design flexibility should be granted for the project. On May 30, 2000, the Long Beach City Council overruled the appeal and sustained the decision of the Planning Commission to approve, with conditions, Local

Coastal Development Permit, Standards Variances, and Vesting Tentative Tract Map (Exhibit #5).

On June 8, 2000 the City's Notice of Final Local Action for Local Coastal Development Permit No. 9910-16 was received in the Commission's Long Beach office. The Commission's ten working day appeal period was then established and noticed. On June 20, 2000 the Commission received the appeal of the City's approval (Exhibit #6).

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Section 30603(a)(1) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greatest distance.

The proposed project site is located between the sea and the first public road, and within three hundred feet of the inland extent of the beach. A project on this site is appealable.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The Commission must determine whether there is a "substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a

de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue unless three or more Commissioners wish to hear arguments regarding the question of substantial issue, then substantial issue is deemed found and the Commission will proceed to the de novo public hearing on the merits of the project. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of the project with the City of Long Beach certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

MOTION: Staff recommends a **NO** vote on the following motion:

"I move that the Commission determine that Appeal No. A-5-LOB-00-227 raises No Substantial Issue with respect to the grounds on which the appeal has been filed."

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

Local Coastal Development Permit No. 9910-16 (LCDP) approves the re-subdivision of two parcels (totaling 1.83 acres of vacant land) into 15 lots and construction of 15 single family homes. The LCDP also approved Standards Variances for side, rear, and front yard setbacks, floor area ratios, private street design, and lot sizes. The average proposed lot size is 4,087 square feet and the average home size is 2,938 square feet. Seven of the fifteen proposed lots are adjacent to the waterfront walkway of Alamitos Bay (Exhibit #11). The proposed development consists of four different floor plans in seven different exterior treatments. The applicant proposes to narrow Azure Way and construct two new private roads within the proposed community (Exhibit #13). Azure Way is a public road between Bellflower Boulevard and the Costa del Sol Development (directly east of the proposed project). The proposed lots are on both sides of Azure Way which will extend through the project to the Costa del Sol gate. A gate blocks public access to the Costa del Sol development and to the Warmington Homes development, west of the proposed site (Exhibit #4). The section of Azure Way within the proposed site and outside the site to Bellflower Boulevard is currently open to the public. The applicant has proposed two sidewalks that lead from Bellflower Boulevard and Loynes Drive (outside the project area) to the waterfront. Sidewalks are planned to border both sides of Azure Way and along the east side of "Proposed 'A' access way", which connects Azure Way to "Proposed 'B' access way" within the proposed project site. Other lots do not have sidewalks (Exhibit #12).

An existing five-foot wide public walkway borders the southern portion of the project site and Alamitos Bay. 2½ feet of the walkway is dedicated as an easement to the City and 2½ feet is tied to the proposed development. The applicant has proposed to create access to the walkway from the interior of the project via a six-foot wide sidewalk between proposed lots 3 and 4 within the proposed development from the southern edge of Access Way 'B' to the existing public walkway (Exhibit #12). The walkway is noted as an easement on the tentative tract map but is not called out as a public easement in the City's approved project conditions.

The project site is located in the PD-1 (SouthEast Area Development and Improvement Plan or SEADIP), which the Commission has certified. This designation requires that new residential development comply with the R-1-N (single family residential) zoning standards for 6000 square foot lots. The City Planning Commission and/or the City Council can approve projects with greater densities and smaller lot sizes if public amenities such as open space or wetlands preservation, bicycle paths, or pedestrian trails are created (Exhibit #9).

The project site falls within Subarea 2(b) of SEADIP, a specific plan that covers the southeast portion of the City of Long Beach. SEADIP Subarea 2(b) is located within the geographic area included within the City of Long Beach certified LCP. Spinnaker Coves and Spinnaker Bay/Catellus Developments are also included in Subarea 2(b) (Exhibit #3-4).

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The grounds for an appeal identified in Public Resources

Code section 30603 are limited to whether the development conforms to the standards in the certified LCP and to the public access policies of the Coastal Act.

The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that **a substantial issue** exists for the reasons set forth below.

C. **Substantial Issue Analysis**

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, staff is recommending that the Commission determine that **a substantial issue exists** with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to public access to the coast. The appellant alleges that the approval of the proposed project is inconsistent with the certified LCP and the public access policies of the Coastal Act. Specifically, the issues raised by the appellant are as follows:

1. **Density**

The proposed project falls within a Planned Development district established by the City of Long Beach (PD-1 – SEADIP - Ordinance C-5328) and is part of the certified LCP. The PD-1 district is described as follows:

The Planned Development (PD) district is established to allow flexible development plans to be prepared for areas of the city which may benefit from the formal recognition of unique or special land use and the definition of special design policies and standards not otherwise possible under conventional zoning district regulations. Purposes of the Planned Development district include permitting a compatible mix of land uses, allowing for planned commercial areas and business parks, and encouraging a variety of housing styles and densities

The zoning designation within the PD-1 must comply with the R-1-N standard, which consist of single family homes on 6,000 square foot lots. SEADIP states:

However, if the area is to be re-subdivided, lot size and lot width and setback may be reduced provided that adequate common open space and guest parking are provided, and that the design is consistent with the adjacent residential development.

Also stated in the certified Long Beach LCP Page III-S-5:

The residential neighborhoods are proposed to be developed to an 'R-1' equivalent density. The word 'equivalent' is used because although the overall density will approximate that of 'R-1' zoning, the actual form of development proposed is far different from the typical 'R-1' neighborhood of detached homes on 6,000 square foot lots. Developers and their architects will be given considerable flexibility to group housing units in various ways to leave important natural amenities undeveloped to provide for efficient circulation and utility systems, and to create an open community atmosphere. This 'planned unit development' concept (commonly known as PUD) is not new in Southern California, but SEADIP represents the first use of this approach in Long Beach.

The appellant states that the 8.4 DU value was designated for attached townhouse style development rather than single family detached homes. The proposed site is located within the PD-1 area (SEADIP) and zoning designation R-1-N for new residential development. The R-1-N zoning designation requires single family residences. Also, as mentioned above, the proposed project is located within Subarea 2(b). The designated use of Subarea 2(b) is "Residential" and the maximum density is "8.4 dwelling units/gross acre" (Exhibit #8). There is no mention of a townhouse style development designation found in SEADIP. Therefore, the 8.4 DU value for single family homes is found to be consistent with the certified LCP.

The appellant also contends that the proposed density pattern for the development (8.4 dwelling units/gross area) is greater than the standard for this area. He believes the standard of 7.26 DU/gross acre that is found in the certified LCP for developments in the R-1-N zoning pattern should be applied (Exhibit #9). The proposed development is located in Subarea 2(b) of SEADIP. This Subarea specifically allows a density of 8.4 DU (Exhibit #8). The 7.26 DU pattern is used when the subdivision standard of 6,000 square foot lots is applied. However, Page III-S-6 of the LCP states:

*Higher densities are warranted only when supported by amenities provided to the **public** without cost, adequate open space is preserved, participation in an internal bicycle path and pedestrian trail system is guaranteed, and private streets are utilized to remove circulation burdens from the public thoroughfares (Emphasis Added).*

The plan provides for the protection of an existing public walkway along Alamos Bay. The City findings state that sidewalks will be provided through the community connecting the waterfront and adjacent developments. The findings also state that the project site, as proposed, shall not be gated and will remain open for public access to the water.

The findings discussed by the City during the local appeal state:

The proposed plan provides a public walkway along the waterfront as well as public walkways through the site connecting to the waterfront and the adjacent developments. Staff's review found that these provisions, along with the facts that the type of development proposed and the variances requested are consistent with the adjacent housing developments, warranted the approval of the reduced lot sizes and the relief from several of the R-1-N development standards....

...if a development does not contribute to the public open access or open space goals, then it must comply with the lower density standard. In this case, staff believes that the public access and open space goals have been met and that design flexibility should be granted.

However, these public amenities are located on private streets and there was no condition by the local government approval that required the streets and walkways to remain open to the public (Exhibit #5). Without an easement on the private street, there is no way to ensure that the public amenities will remain open for public use in the future.

Therefore, there is **substantial issue** raised with respect to the density of the proposed project because an increased density is allowed only if **public** amenities are provided. The guarantee that the amenities will be open for the public in the future is not provided by the local action and is therefore inconsistent with the LCP.

2. Variances (front, rear, and side yard setbacks, street widths, lot sizes, and floor area ratios)

As stated above, SEADIP allows re-subdivided areas reduced setbacks provided that adequate common open space and guest parking is provided and the design is consistent with the adjacent residential development.

a. Visual and Psychological Access

A substantial issue exists with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to coastal access and the Coastal Act policies regarding coastal access found in Section 30604 (c). Section 21.25.306 (D) of the LBZO states that in the coastal zone, the variance will carry out the local coastal program and will not interfere with physical, visual, and psychological aspects of access to and along the coast. The appellant contends that the project as proposed, with Standards Variances for street widths and front yard setbacks, will negatively affect visual and psychological access to Spinnaker Coves Bay (Alamitos Bay).

An impediment to visual and psychological access to or along the coastline is created when the access point appears private, as if a visitor is trespassing in an area. When homes are built adjacent to an access way, the access way seems to be located on private property. A restriction, such as gates or vegetation can also impede public access. Gates are not proposed for the development and the proposed development is accessible from the surrounding developments. However, the local action did not include a condition requiring that no gates could be constructed. Although the plan calls for reduced street widths, the applicant has proposed sidewalks along both sides of Azure Way. The north edge sidewalk of Azure Way crosses the proposed development into the adjacent property (Costa del Sol). The south edge sidewalk of Azure Way continues along the eastern edge of Access Way 'A'. This sidewalk connects to the access easement that terminates into the public waterfront walkway (Exhibit #12).

The proposed homes have reduced front yard setbacks and homes shown on the tentative tract map do not border the sidewalks (Exhibit #12). Also, eight proposed public parking spaces are provided along the north edge of Access Way 'B' and the east edge of Access Way 'A' (Exhibit #14). Each single family home contains the necessary two-car garage, as well as, two open guest parking spaces on the driveway apron. This will alleviate the impact to the public parking spaces located on Access Way 'A' and 'B'. The proposed project will construct sidewalks that connect adjacent communities to the public walkway along Alamitos Bay and provide public parking near the access easement.

However, the public amenities that have been proposed to offset the impact of the variance are not guaranteed to be open for public use in the future. Although gates on Azure Way (the entrance to the proposed development), closed sidewalks, and

preferential resident parking have not been proposed, there is no specific condition forbidding such impediments to access by the general public at a later time and no dedicated offer that obligates the proposed project to maintain open public access to the waterfront. Therefore, the Commission finds that **a substantial issue exists** with respect to compliance with the LCP and Coastal Act provisions regarding coastal access.

b. Comparative References

The appellant contends that non-conforming developments were used for comparative references for the purpose of granting variances and only "conforming" developments are applicable in making such a comparison. The standards for granting variances are found if the project is consistent with SEADIP and the Long Beach LCP. In previous sections, the project was determined to be consistent with SEADIP and the LCP when granting standards variances because adequate open space and public parking amenities are proposed. Also, SEADIP states that one of the determinations for granting standards variances is if the design is consistent with the adjacent residential developments (Exhibit #15). The developments within Subarea 2(b) include the single-family development of Spinnaker Bay and Cattelus Development and the townhouse development of Spinnaker Coves. Both Spinnaker Bay and Cattelus were granted standards variances similar to this proposed project. The fact that a development is a conforming development or non-conforming is not at issue. SEADIP allows for flexibility in design in exchange for public access, open space, and preservation of natural resources. Therefore, the conformance standards are consistent with the certified LCP and no substantial issue exists with respect to using non-conforming developments for comparative references in granting standards variances.

c. Common Open Space

The appellant contends that provisions for attractive open space do not offset the standards variances granted to the proposed project. This is a subjective view on what open space should look like. The City of Long Beach, using its experience and knowledge of the surrounding areas in interpreting a project's attractiveness, found that the proposed project positively addressed issues relating to its appearance. The Commission finds that this somewhat subjective determination by the City was not arbitrary or incorrect. The contention does not raise a coastal resource issue and is not found within the certified LCP. Therefore, this contention does not raise a substantial issue.

3. Required 30 % Open Space

Under Chapter 21.37 of the Long Beach Zoning Ordinance entitled Planned Development Districts, of which SEADIP is a part, Section 21.37.050 states:

Development plans approved by the City Council shall serve as the applicable zoning regulations for a PD zone. Whenever a PD zone does not contain any standards for a particular aspect of development such as landscaping, then the development standards for that aspect of a zoning district which is closest to the overall intent of the particular planned development district shall apply.

The certified SEADIP is part of the Long Beach Zoning Ordinance (LBZO). The appellant states that when the LBZO is applied, usable open space does not include "driveways, aisles, parking spaces, or side or rear yards less than eight feet in width, or front yards" (21.15.3160) and therefore the project does not contain the necessary 30% usable open space. However, SEADIP is the standard of review and does serve as the applicable zoning regulation. Section A-4 of SEADIP states in part:

A minimum of thirty (30) percent of the site shall be developed and maintained as usable open space (building footprint, streets, parking areas, and sidewalks adjacent to streets shall not be considered usable open space. Bicycle and pedestrian trails not included within the public right-of-way may be considered usable open space).

In addition to the above criteria for open space, the City of Long Beach asked the applicant to exclude side yard areas less than five feet and driveways from their calculations of usable open space. After using the standards presented in SEADIP and the additional standards placed on the project by the City of Long Beach, the project was calculated as having an area of 37% usable open space (Exhibit #10). The Commission finds that this calculation was performed correctly with respect to the certified LCP. Therefore, there is no substantial issue raised concerning the project's open space requirement.

3. Public Hazards

The appellant contends that the reduced width of Azure Way, decreased front yard setbacks, no sidewalks, and minimal off-street parking provisions will create a hazard for pedestrians and children by encouraging the use of streets as sidewalks. Sidewalks are proposed for this project along both sides of Azure Way, connecting to existing walks on either side of the property and down the east side of Access Way 'A' (Exhibit #12). The east side of Access Way 'A' and both sides of Access Way 'B' have no sidewalks. Eight public parking spaces are proposed - five along the northern edge of Access Way 'B' and three along the eastern edge of Access Way 'A' (Exhibit #14). Each single family home, as proposed, will have two guest parking spaces on the driveway apron. The reduction in front yard setbacks will not force pedestrians or children to use the street to walk through the project from Bellflower Boulevard and Loynes Drive to the Alamitos Channel walkway because adequate sidewalks have been proposed. Therefore, the Commission finds that safe pedestrian access is provided and the proposed project will

not present an unsafe condition. Therefore, the appellant's allegation does not raise substantial issue.

4. Property Values

The appellant contends that the crowding of large homes on sub-standard lots will lower the potential square foot values of the homes in the proposed project as well as neighboring communities. This issue does not allege that the approval of the proposed project is inconsistent with the LCP or the public access policies of the Coastal Act and is not a valid basis for appeal. Therefore, this allegation does not raise a substantial issue.

STAFF RECOMMENDATION ON THE DE NOVO HEARING

MOTION AND RESOLUTION FOR THE DE NOVO PERMIT

The staff recommends that the Commission approve the following resolution with special conditions.

Motion:

I move that the Commission approve De Novo Coastal Development Permit No. A-5-LOB-00-227 for the development proposed by the applicant.

Staff Recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Approval with Conditions

*The Commission hereby **grants**, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of the City of Long Beach Local Coastal Program and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.*

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 permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions

III. Special Conditions

1. Dedicated Easement for Azure Way, Sidewalks, and Public Parking

A. By acceptance of this permit the applicant agrees that the proposed project shall assure open, public access to the shoreline. No gates shall be permitted on Azure way or on any part of the sidewalks and no preferential parking shall be permitted on the proposed street parking spaces.

B. **Prior To Issuance of the Coastal Development Permit**, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the City of Long Beach or other public agency or private association acceptable to the Executive Director, an easement for public pedestrian and vehicular access. The areas of dedication shall consist of the following and shown on exhibits #11-14:

- 1) Vehicular and pedestrian access to/along
 - a) Azure Way within the proposed project
 - b) Access Way 'A'
 - c) Access Way 'B'
- 2) Pedestrian access to/along
 - a) The sidewalks on both sides of Azure Way
 - b) The sidewalk on Access Way 'A'
 - c) The walkway between lot #3 and lot #4
 - d) The remaining 2½ foot width of the existing 5-foot width of the public walkway that borders the site and Alamitos Bay, which currently is not a dedicated easement.
- 3) Public parking on and vehicular and pedestrian access to
 - a) The 5 parking spaces along the north edge of Access Way 'B'
 - b) The 3 parking spaces along the east edge of Access Way 'A'

The recorded document shall include the legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest of being conveyed.

2. Conditions Imposed by Local Government

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

IV. Findings and Declarations for De Novo Hearing

The Commission finds and declares as follows:

A. Revised De Novo Project Description

Local Coastal Development Permit No. 9910-16 (LCDP) approves the re-subdivision of two parcels (totaling 1.83 acres of vacant land) into 15 lots and construction of 15 single family homes. The LCDP also approved Standards Variances for side, rear, and front yard setbacks, floor area ratios, private street design, and lot sizes. The average proposed lot size is 4,087 square feet and the average home size is 2,938 square feet. Seven of the fifteen proposed lots are adjacent to the waterfront walkway of Alamitos Bay (Exhibit #11). The proposed development consists of four different floor plans in seven different exterior treatments. The applicant proposes to narrow Azure Way and construct two new private roads within the proposed community (Exhibit #13). Azure Way is a public road between Bellflower Boulevard and the Costa del Sol Development (directly east of the proposed project). The proposed lots are on both sides of Azure Way which will extend through the project to the Costa del Sol gate. A gate blocks public access to the Costa del Sol development and to the Warmington Homes development, west of the proposed site (Exhibit #4). The section of Azure Way within the proposed site and outside the site to Bellflower Boulevard is currently open to the public. The applicant has proposed two sidewalks that lead from Bellflower Boulevard and Loynes Drive (outside the project area) to the waterfront. Sidewalks are planned to border both sides of Azure Way and along the east side of "Proposed 'A' access way", which connects Azure Way to "Proposed 'B' access way" within the proposed project site. Other lots do not have sidewalks (Exhibit #12).

An existing five-foot wide public walkway borders the southern portion of the project site and Alamitos Bay. 2½ feet of the walkway is a dedicated easement and 2½ feet is not dedicated and is part of the project subject to the present action. The applicant has proposed to create access to the walkway from the interior of the project by allowing open vehicular access, constructing parking spaces along both Access Way 'A' and 'B' and sidewalks along both sides of Azure Way and the east side of Access Way 'A'. The amenities are directed to a six-foot wide sidewalk between proposed lots 3 and 4 within the proposed development from the southern edge of Access Way 'B' to the existing public walkway that borders the project site

and Alamitos Bay (Exhibit #11-14). The walkway is noted as an easement on the tentative tract map but is not called out as a public easement in the City's approved project conditions.

The project site is located in the PD-1 (SouthEast Area Development and Improvement Plan or SEADIP), which the Commission has certified. This designation requires that new residential development comply with the R-1-N (single family residential) zoning standards for 6000 square foot lots. The City Planning Commission and/or the City Council can approve projects with greater densities and smaller lot sizes if **public** amenities such as open space or wetlands preservation, bicycle paths, or pedestrian trails are created (Exhibit #9).

The project site falls within Subarea 2(b) of SEADIP, a specific plan that covers the southeast portion of the City of Long Beach. SEADIP Subarea 2(b) is located within the geographic area included within the City of Long Beach certified LCP. Spinnaker Coves and Spinnaker Bay/Catellus Developments are also included in Subarea 2(b) (Exhibit #3-4).

The applicant has verbally proposed to staff that they will make an offer to dedicate public vehicular and pedestrian access through the site to the waterfront. However, staff has not received written confirmation of the dedication prior to the mailing of the staff report.

B. Standard of Review

The Commission's standard of review for the proposed development is the certified Long Beach LCP. The certified Long Beach LCP is comprised of the certified Land Use Plan (LUP) and the certified SouthEast Area Development Improvement Plan (SEADIP).

Additionally, Section 30604 (c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea shall include a specific finding that the development is in conformity with the public access policies of Chapter 3 of the Coastal Act.

C. Physical, Visual, and Psychological Aspects of Coastal Access

As previously stated, the proposed project was granted Standards Variances for front, rear, and side yard setbacks, street widths, floor area ratios, and lot sizes. Standards Variances are permitted as long as the physical, visual, and psychological aspects of access to and along the coast are not impacted (LBZO Section 21.25.306 (D)). Also, allowing open public access through the proposed development must offset the standards variances and increased density standards. Only then are standards variances and increased densities allowable under the certified LCP.

In paragraph #4 of the appeal, the appellant contends that the project as proposed, with Standards Variances for street widths and front yard setbacks, will negatively affect the visual and psychological access to Spinnaker Coves Bay (Alamitos Bay) (Exhibit #6). The appellant continues in paragraph 11 by raising the concern that the City of Long Beach has permitted gated communities that exclude the public on at least five occasions (Exhibit #6).

The city granted the Standards Variances for the proposed project because public access benefits to the coastline would be provided by public walkways and public parking within the community. Therefore the Commission finds that providing public access to the waterfront must mitigate the project's adverse impacts on coastal access resulting from the variances.

As proposed, the project includes open street access via Azure Way (Exhibit #13), public sidewalks along both sides of Azure Way and down the east side of Proposed Access Way 'A'. Also included, is an access walkway between lot #3 and lot #4 of the Tentative Tract Map No. 53145 (Exhibit #12) and public street parking along Access Way 'A' and 'B' (Exhibit #14). Although the applicant has provided the City required public access and public parking, there is no guarantee that these public amenities will be available in the future. There are existing gated communities in the area. Regardless of the likelihood that the proposed development will be gated, there is still such a possibility. It is for this reason that the Commission finds that the mitigation for Standards Variances will only be adequate if an easement is recorded to insure that public access and public parking remains open for public use in the future and that the proposed community will not be gated.

Prior to Issuance of the Coastal Development Permit, Special Condition #1 requires the applicant to execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to the City of Long Beach or other public agency or private association acceptable to the Executive Director, an easement for public pedestrian and vehicular access to the shoreline. The area of dedication shall consist of an access easement between lot #3 and lot #4, extending from Proposed Access Way 'B' to the existing public sidewalk that borders the shoreline, the portion of the existing shoreline walkway that is not a part of the existing easement, the proposed sidewalks on either side of Azure Way within the project site, the sidewalks along Proposed Access Way 'A', the eight proposed street parking spaces along the east edge of Access Way 'A' and the north edge of Access Way 'B', and vehicular and pedestrian access to and along Azure Way, Access Way 'A' and Access Way 'B' (Exhibit #12-14). The recorded document shall include the legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest of being conveyed.

D. Coastal Act Access Policies

Section 30604 (c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea shall include a specific finding that the development is in conformity with the public access policies of Chapter 3 of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirements 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 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The proposed project, as revised, provides open street access via Azure Way, public sidewalks along both sides of Azure Way and down the east side of Proposed Access Way 'A'. Also included is an access walkway between lot #3 and lot #4 of the Tentative Tract Map No. 53145 to the existing waterfront walkway, and public street parking along Access Way 'A' and 'B' (Exhibit #12-14). These provisions fulfilled the City's requirements for public access and public parking as an offset and make the variances appropriate. As discussed in the previous section, the City's conditions did not guarantee that public access would be open and unimpeded for the future. It is for this reason that the Commission imposes Special Condition #1 which requires the applicant to dedicate an access easement between lot #3 and lot #4, extending from Proposed Access Way 'B' to the existing public sidewalk that borders the shoreline, the portion of the existing shoreline walkway that is not a part of the existing easement, the proposed sidewalks on either side of Azure Way within the project site, the sidewalks along Proposed Access Way 'A', and the eight proposed street parking spaces along the east edge of Access Way 'A' and the north edge of Access Way 'B' (Exhibit #12-14). Only as conditioned to record and dedicate an access easement through the proposed project does the Commission find that approval of the variances are consistent with the LCP and the Coastal Act public access policies.

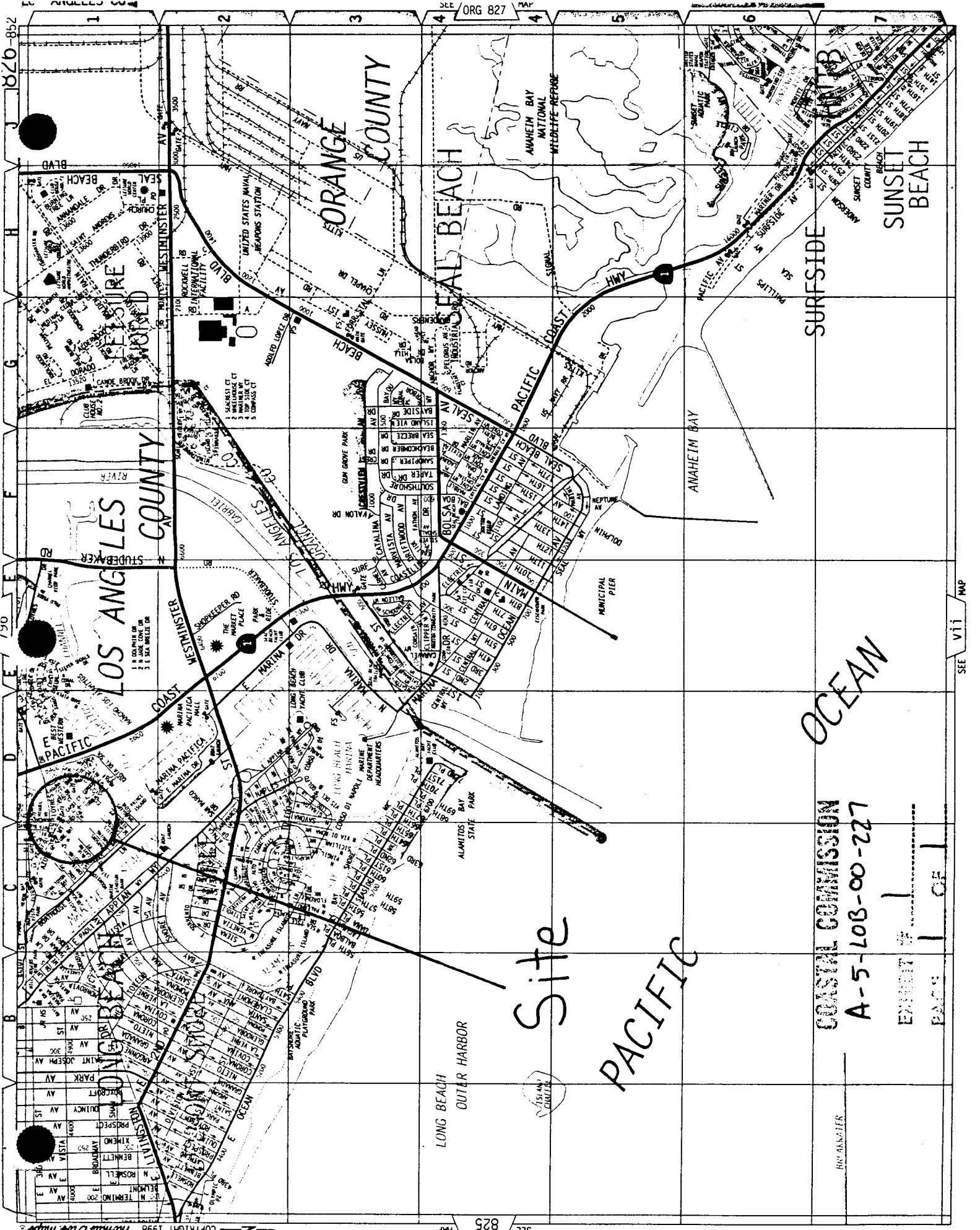
E. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the

Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/am



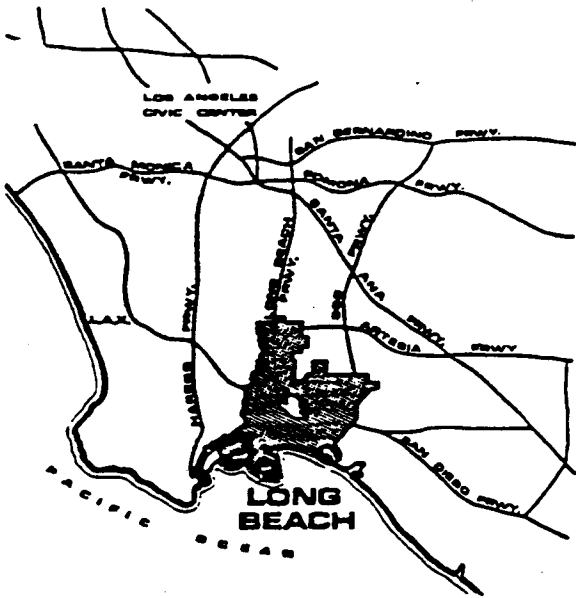
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COASTAL COMMISSION
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EXHIBIT # 1
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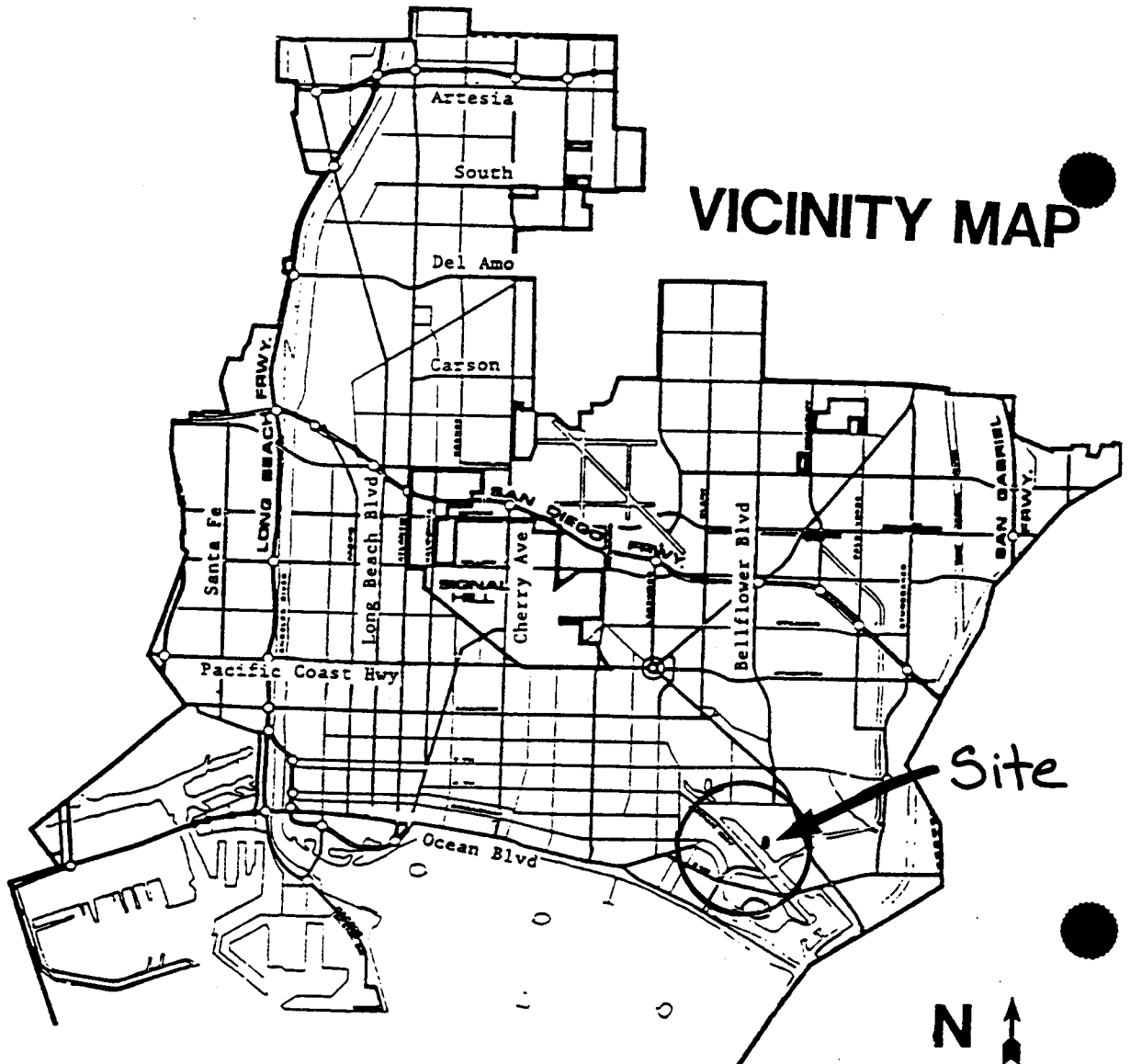
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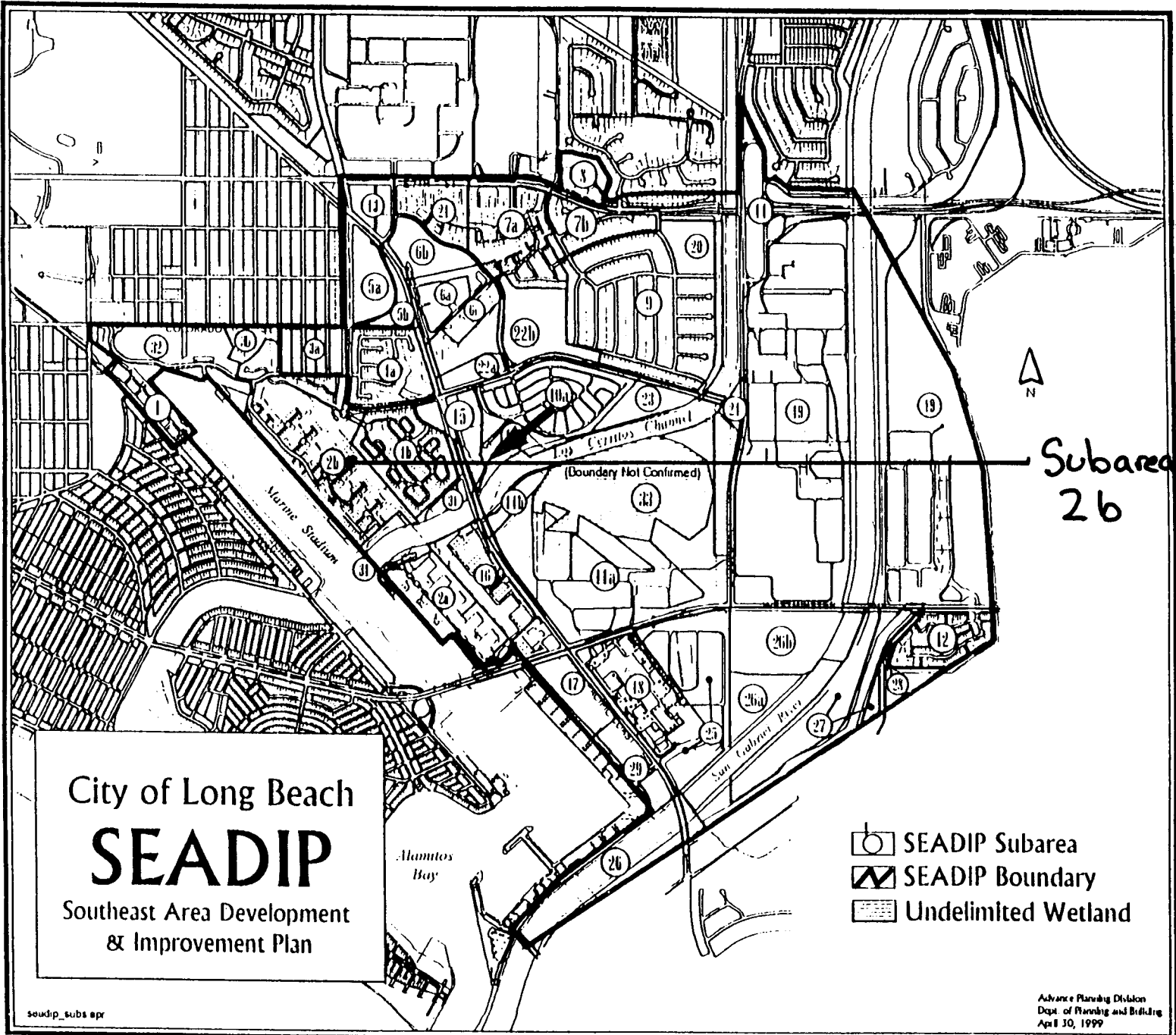
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REGIONAL MAP



VICINITY MAP



City of Long Beach
SEADIP
 Southeast Area Development
 & Improvement Plan

-  SEADIP Subarea
-  SEADIP Boundary
-  Undelimited Wetland

Advance Planning Division
 Dept. of Planning and Building
 April 30, 1999

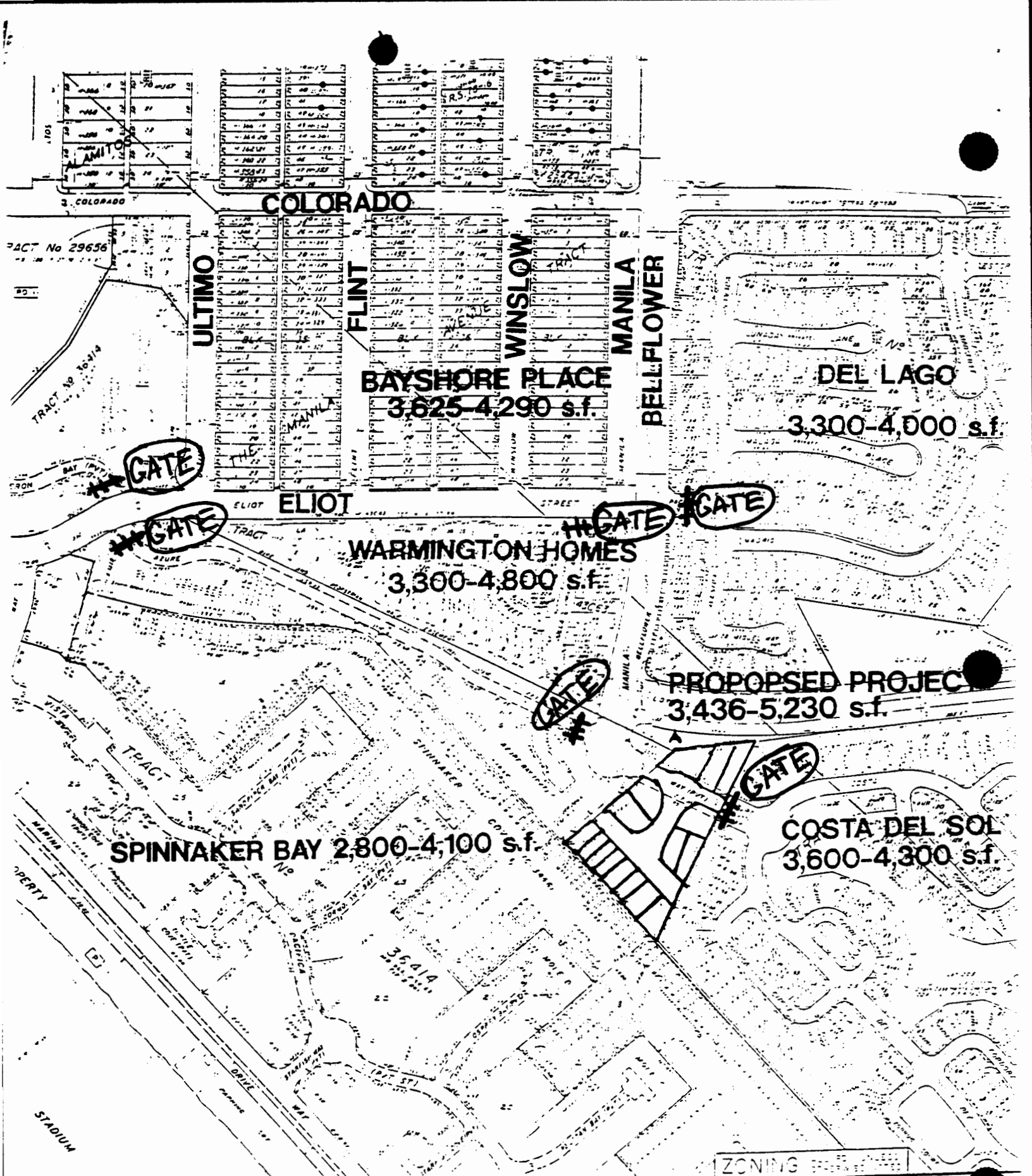
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EXHIBIT # 3
 PAGE 1 OF 1

COASTAL COMMISSION
 A-5-LOB-00-227

2.1

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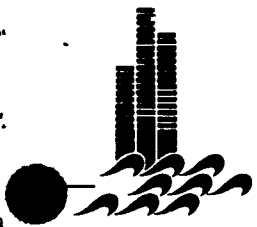


PROJECT COMPARISON

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A-5-LOB-00-227

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CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD □ LONG BEACH, CALIFORNIA 90802 □ FAX (562)570-6068

RECEIVED
JUN 08 2000

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL LOCAL ACTION

Case No.: 9910-16

Project Location: 6051 Azure Way

Applicant: Richard Cisakowski
c/o Paragon Long Beach Associates
151 Kalmus Drive, Suite E-130
Costa Mesa, CA 92626

Permit(s) Requested: Tentative Subdivision Map
Site Plan Review
~~Local Coastal Development Permit~~
Standards Variance

Project Description: The construction of 15 single-family homes with code exceptions for building setbacks, floor area ratio, private street design and lot size.

Local action was taken by the: Planning Commission on: April 6, 2000 (attached)
City Council on: May 30, 2000

Decision: Conditionally Approved


Local action is final on: May 30, 2000

This project is in the Coastal Zone and IS appealable to the Coastal Commission.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


Robert Benard
Zoning Administrator


Greg Carpenter, Planner II
Phone No.: (562)570-6943

Attachments

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A-5-LOB-00-227

Council District: 3

EXHIBIT # 5
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APPEALS TO THE CITY OF PLANNING COMMISSION AND/OR TO THE CITY COUNCIL

- A. Any aggrieved person may appeal a decision on a project that required a public hearing.
- B. An appeal must be filed within ten (10) calendar days after decision.
- C. An appeal shall be filed with the Department of Planning and Building on a form provided by that Department with the appropriate filing fee.
- D. A public hearing on an appeal shall be held within sixty (60) calendar days after the Department of Planning and Building receives a completed appeal form or after the City Clerk receives the appeal from the Department of Planning and Building.
- E. A notice of the public hearing on the appeal shall be mailed by the Department of Planning and Building to the applicant and any known aggrieved person not less than fourteen (14) calendar days prior to the hearing.
- F. The Planning Commission shall have jurisdiction on appeals from decisions of the Zoning Administrator and the City Council shall have jurisdiction on appeals from the Planning Commission.
- G. Except for appeals to the Coastal Commission for projects located seaward of the appealable area boundary and appeals to the City Council of local coastal development permits on developments regulated under the City's Oil Code, there shall be no further appeals after a decision on an appeal.
- H. You are hereby provided notice that the time within which judicial review of the herein reported decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

APPEALS TO THE COASTAL COMMISSION

All actions on local coastal development permits seaward of the appealable area boundary may be appealed by any aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that all local appeals have been exhausted and no fee was charged the appellant for such appeal, by filing such appeal at the Coastal Commission offices, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302. Phone No. (562)590-5071.

Department of Planning and Building
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

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A-5-LOB-00-227

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Chairman and Planning Commissioners
Case No. 9910-16
April 6, 2000
Page 6

**TENTATIVE MAP TR #53145
CONDITIONS OF APPROVAL**

**Case No. 9910-16
Date: April 6, 2000**

1. The final map is to be prepared in accordance with the approved tentative map and shall be recorded with the Los Angeles County Recorders Office within thirty-six (36) months from the date of the Planning Commissions approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of the tentative map. If the final map can not be recorded within the thirty-six (36) month period, the subdivider can request a time extension. The time extension request shall be submitted to the Zoning Administrator for review and approval as per Section 21.21.406 of the Long Beach Municipal Code.
2. Unless specifically waived by the Planning Commission, as per Section 20.04.080 of the Long Beach Municipal Code, the final map shall be prepared to conform to all conditions, exceptions and requirements of Title 20 (Subdivision Ordinance) of the City of Long Beach. The content and form of the final map shall be based upon criteria established by the Director of Public Works.
3. Prior to approval of the final map, the subdivider shall **deposit sufficient funds** with the City to cover the cost of processing the final map through the Department of Public Works. Furthermore, the subdivider shall pay the associated Planning processing fees of the final map.
4. The subdivider shall be responsible for the **maintenance of off-site improvements** during construction of the on-site improvements. Any off-site improvements found to be damaged shall be reconstructed or provided for by the subdivider to the satisfaction of the Director of Public Works. All costs shall be borne by the subdivider.
5. All required utility easements shall be provided for to the satisfaction of the concerned department or agency and shown on the final map.
6. All County property taxes and all outstanding special assessments shall be paid in full prior to approval of the final map.
7. All required **street improvements** (on-site or off-site) shall be financially provided for to the satisfaction of the Director of Public Works prior to approval of the final map or issuance of a building permit, whichever occurs first.

Chairman and Planning Commissioners

Case No. 9910-16

April 6, 2000

Page 7

8. The applicant shall provide **underground wiring** for utility service to the project from the applicable pole and shall provide a vacant duct to the appropriate feed point for connection to future underground service to the satisfaction of the Director of Planning and Building.
9. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance, or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of all applicable impact fees, capacity charges, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
10. The developer must comply with all mitigation measures of the applicable Environmental Review (ND 2-2000) prior to the issuance of a Certificate of Occupancy. These mitigation measures **must be printed** on all plans submitted for plan review.
11. All structures shall conform to Building Code requirements. Notwithstanding this Tentative Tract/Parcel Map, all required permits from the Building Bureau must be secured.
12. The site development shall conform to plans approved and on file in the Department of Planning and Building.
13. Prior to the issuance of a building permit, the applicant must submit **complete landscape and irrigation plans** for the discretionary approval of the Director of Planning and Building. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.
14. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water material being excavated and stock-piled.

Chairman and Planning Commissioners

Case No. 9910-16

April 6, 2000

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- c. Water grading and cover materials being transported.
 - d. Maintain grading and construction equipment in proper tune.
 - e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)
15. The following improvements shall be provided for to the satisfaction of the Director of Public Works prior to the approval of a final map:
- A. The subdivider shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage patterns and slopes for review and approval by the Director of Planning and Building and the Director of Public Works prior to approval of the final map or issuance of a Certificate of Compliance.
 - B. All required grading shall be provided for prior to approval of the final map to the satisfaction of the Directors of Public Works and Planning and Building.
 - C. The subdivider shall construct curb/gutter/sidewalk as a required adjacent to the site.
 - D. The subdivider shall construct curb ramps at all street corners within the project area.
 - E. The subdivider shall submit street plans for the construction of proposed roadway in connection with this development to the Director of Public Works for review and approval prior to approval of the map.
 - F. The subdivider shall submit storm drain system plans for the proposed development with capacity study, if required, and hydrology and hydraulic calculations.
 - G. Street lighting plans with necessary lighting calculations for the proposed street lighting system shall be submitted.
 - H. The subdivider shall construct any storm drain systems required in connection with the proposed development in accordance with approved plans or provide for same.
 - I. Prior to approval of the final map, the subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by Section 66436 (c) (1) of the Subdivision Map Act.
 - J. The Homeowner's Association shall be responsible for the maintenance of the streets and street landscaping.
 - K. The subdivider shall provide for public refuse collection accessibility.
16. The developer shall be responsible for the formation of a Home Owner's Association prior to the approval of the Final Map. The applicant shall execute and record Covenants, Conditions and Restrictions (C C & R 's) against the title of the parcel which that contain provisions for the maintenance of the perimeter landscaping adjacent to the site and removal of any graffiti on the perimeter walls. Prior to approval of the final map a copy of the C C & R 's shall be submitted for

Chairman and Planning Commissioners
Case No. 9910-16
April 6, 2000
Page 9

the review and approval of the Director of Planning and Building.

17. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.
18. In the event of **transfer of ownership** of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
19. The Director of Planning and Building is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Planning Commission, respectively.
20. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed.
21. The street and alley vacations required by this development shall be recorded prior to the approval of the final map to the satisfaction of the Director of Public Works.
22. The construction shall comply with the requirements for construction in a flood hazard area to the satisfaction of the Director of Planning and Building.
23. Prior to the issuance of a building permit, the developer shall make the following design modifications to the satisfaction of the Director of Planning and Building:
 - a. All garages shall be equipped with sectional automatic garage doors.

Chairman and Planning Commissioners

Case No. 9910-16

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- b. The developer shall submit detailed landscaping and irrigation plans for all areas to be maintained by the Home Owner's Association. Climbing vines shall be planted along the perimeter walls of the project to prevent graffiti.
- c. The Perimeter wall shall incorporate vertical details or pilasters.
24. Prior to the issuance of a building permit the applicant shall provide the following to the satisfaction of the Fire Department:
 - a. The applicant shall provide fire flow information and, if deemed necessary, additional fire hydrants.
 - b. The applicant shall confirm that the site has no existing oil wells.
 - c. The applicant shall provide gangway fire protection per the requirements of the Uniform Fire Code.
 - d. Red curbing shall be provided in areas that are necessary for emergency vehicle access.
25. The applicant shall obtain approval from the ~~California Coastal Commission~~ for the proposed boat docks and gangway.
26. Prior to the issuance of a building permit the applicant shall submit a Storm Water Management program (SWMP) for the review and approval of the Director of Planning and Building.
27. Prior to the issuance of building permits the applicant shall submit the names of the proposed private streets for review and approval of the City of Long Beach. The approved private street names shall be depicted on the final map.
28. Prior to the recordation of a final map the subdivider shall provide a private access easement across the subject property to serve Tract 32277 and the subject property. The location, width and configuration of the easement, including curbs and transition radii on and off the subject lot shall be subject to the review and approval of the Director of Planning and Building as set forth on the site plan dated January 21, 2000 for Vesting Tentative Tract No. 53145.
29. The site plan shall be revised to provide a sidewalk from Azure Way to the waterfront to the satisfaction of the Director of planning and Building.
30. The driveway lengths shall be revised to provide an average length of 18 feet to the satisfaction of the Director of Planning and Building.

This approval shall be invalid if the owner(s) and/or applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval

COASTAL COMMISSION

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EXHIBIT # 5

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Chairman and Planning Commissioners

Case No. 9910-16

April 6, 2000

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(final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

NOTE (S):

Unless this project obtained vested rights, it is subject to changes relative to Zoning or General Plan amendments that occur after the approval of the Tentative Map. Thus, it is strongly recommended that the project manager closely monitor the activities of the Planning Commission and City Council. It is not the responsibility of the Department of Planning and Building to provide constant updates on possible changes.

FILE COPY

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
JUN 20 2000



CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

| | | |
|-------------------------------|--------------|-----------------------|
| <u>Joe C. Weissmiller</u> | | |
| <u>5400 Heron Bay</u> | | |
| <u>Long Beach, California</u> | <u>90803</u> | <u>(562) 494-6991</u> |
| Zip | Area Code | Phone No. |

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach

2. -Brief description of development being appealed: Case No. 9910-16 6051 Azure Way
Local Coastal Development Permit and Standards Variances
to allow construction of 15 single-family homes.

3. Development's location (street address, assessor's parcel no., cross street, etc.): Azure Way, south of the intersection of Loynes and Bellflower Avenues in Long Beach.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: Action final 5/30/00

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LOB-00-227

DATE FILED: 6.20.00

DISTRICT: South Coast/Long Beach

H5: 4/88

COASTAL COMMISSION
A-5-LOB-00-227

EXHIBIT # 6
PAGE 1 OF 8

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: May 30, 2000 (City Council)
Mar 16, 2000 (Planning Comm.)

7. Local government's file number (if any): 9910-16

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Richard Cisakowski, The Paragon Companies
151 Kalmus Drive, Suite E-130
Costa Mesa, California 92626

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Judith Obarr, President, Spinnaker Coves HOA
5661 Azure Bay
Long Beach, California 90803
- (2) Mitchell Mohr
5663 Azure Bay
Long Beach, California 90803
- (3) Ken Dohit, Property Manager, Bay Harbor HOA
4515 East Anaheim Street
Long Beach, California 90804
- (4) please obtain list of speakers from the City of
Long Beach Planning Department

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION
A-5-LOB-00-227
EXHIBIT # 6
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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

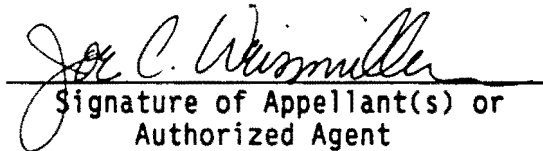
1. The project as approved violates standards set forth in the city's Local Coastal Program, and referenced to in SEADIP (SouthEast Area Development and Improvement Plan), for development within the Coastal Zone. Variances have been granted for front, rear, & side setbacks, floor area ratio.
2. Single-family-detached homes, despite being more than 65% larger in area, are crowded into the tract at densities identical to the immediately adjacent attached townhomes.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

see additional pages 4-6

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent

Date June 20, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

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Signature of Appellant(s)

EXHIBIT # 6

Date _____

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3. The Long Beach Planning Department has used a questionable and/or extremely liberal interpretation of the Long Beach Zoning Ordinance (LBZO) with regard to open space in a feeble attempt to satisfy the LCP's 30% minimum usable open space requirement (SEADIP page 1, §A.4.) The LB Zoning Ordinance clearly defines Usable Open Space in §21.15.3160 as not to include "driveways, aisles, parking spaces or side or rear yards less than eight feet in width or front yards." LBZO §21.10.050 states that "...where the provisions of this Title impose greater restrictions than required by other ordinances or laws, the provisions of this Title shall control." The proposed project does NOT provide for a minimum of 30% usable open space when the LBZO is properly applied.
4. The requested and approved variances for front, rear, AND side yard setbacks will almost all serve to negatively impact the visual and psychological access to the Spinnaker Coves Bay for passersby, visitors, non-waterfront residents in the proposed project, and neighboring residents.
5. The proposed density pattern of 8.4 DU/gross acre is greater than the 7.24 DU standard of development for the area (LCP p. III-S-6, item 3.) Item 4, which follows, states that "Higher densities are warranted only when supported to the public without cost, adequate open space is preserved, participation in an internal bicycle path and pedestrian trail system is guaranteed, and private streets are utilized to remove circulation burdens from public thoroughfares." The reduced setbacks, increased floor area ratios, narrow streets and decreased open space of the proposed homes are not offset by

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any provisions for creating attractive public open space areas, or to provide other amenities with any of the "extra" space. Instead, these are implemented only to increase the number of standard-lot R-1-N-style homes crowded onto the substandard lots. Only a narrow strip between homes to give necessary (& required) boat slip access to the non-waterfront residents of the project, and the required public access strip along the public waterway have been provided.

6. The Long Beach LCP/SEADIP specifically call out for the creation of open space and other public resources as a tradeoff for increased localized densities. One only has to look at Spinnaker Coves to realize the vision of the authors of the Plan - luscious green belts (both public and private), ample open spaces, exceptional recreation resources, generous setbacks from neighboring properties, and views consistently oriented towards the water, parks and green belts. Similar goals have not been projected and are unlikely to be realized by the proposed project.

7. Permitting the narrowest possible street width along Azure Way thoroughfare through the project (which serves as the second of two entrances to the two-hundred home Bay Harbor complex), coupled with decreased front yard setbacks, no sidewalks, and minimal offstreet parking provisions will only serve to create a hazard for pedestrians and children encouraged to use the street as a result of these variances.

8. The negative results of crowding such large homes on substandard lots will indeed impact the neighboring owners as well as the community at large. Real estate prices, and more

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importantly "comps", are fundamentally tied to "per square foot" values. There is a reality that more house on less lot will lower the potential "per square foot" values of the homes in the proposed project and eventually those of the neighborhood. Permitting variances which yield such results would certainly disservice a large number of area owners.

9. The City is quick to compare these variances to those granted to other recent nearby developments within the Coastal Zone. They do fail to indicate that the maximum Density Unit (DU) figure for the tract of single-family-detached homes south of and immediately adjacent to the proposed project (SEADIP subarea 4(b)) is limited to be 4.1 DU/gross acre. The City is more than doubling that density when it applies the 8.4 DU maximum to the proposed project. The 8.4 DU value was designated not for single-family-detached homes, but rather for the attached townhouse style development (Spinnaker Coves) originally planned to occupy SEADIP subarea 2(b).
10. In establishing comparative references for the purposes of granting variances, only "conforming" uses are applicable. Non-conforming developments (the result of either inappropriate approvals or preexisting subdivision and tract maps) are not valid for use in making appropriate comparisons. Otherwise, such variances can be considered as the granting of special privileges. If the existing regulations were inadequate so as to repeatedly necessitate

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the requesting of variances, they should be or have been

revised, and these revised regulations then submitted to the Coastal Commission for recertification of the Long Beach LCP.

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Long Beach Municipal Code § 21.15.2890: "' Standards variance' means granting a property owner relief from development standards when, because of the particular physical or topological condition of the property, compliance would result in undue hardship on the owner. (as distinguished from a mere inconvenience or desire to make more money).

Standards variance shall not be used to intensify the use or increase the density on a lot." (Ord. C-6533 §1(part), 1988).

11. This project continues a pattern by the City of Long Beach in recent years to blatantly disregard and/or ignore the intent and requirements of its Local Coastal Program with regard to housing developments and preservation of coastal resources in the Coastal Zone in this region:

- Overcrowding has been furthered by improper minor lot line adjustments which circumvented resubdivision proceedings and yielded lots that were significantly smaller than the applicable standards AND the standards for the neighborhood.
- Attempts to retain public rights to impliedly dedicated parkland resources within the Coastal Zone have been actively rebutted by the City and its officials.
- Variances have been granted time and time again which serve only to increase building density on lots and increase revenues for the developers. Open space, either public or private, has been minimized and few, if any, amenities have been provided to the public. Resulting non-conforming uses are then used as justification for granting future variances.

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EXHIBIT # 6 permitted on at least five (5) occasions. Again, Spinnaker

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Coves is offered as an example of a conforming development. Only driveways, garage areas, and pool/recreation areas are gated. The public can walk unimpeded to the front doors of the 61 non-poolside homes in the complex (79 homes total).

- Eliot Street, located entirely within the boundaries of the Coastal Zone, has been allowed without redress to become a new traffic corridor through the Coastal Zone, as well as the major east-west thoroughfare in the area. (reference Traffic Study for Bayshore Place Development, Long Beach, Korve Engineering, Inc., 08/18/98).

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Chairman and Planning Commissioners
Case No. 9910-16
March 16, 2000
Page 3

improvements, the development will include a new gangway and 15 boat docks. The project provides for a public access easement to the waterfront between the homes.

Proposed Homes

The applicant has proposed four different floor plans in seven different exterior treatments. This diversity adds interest and eliminates the repetitive, "cookie-cutter" appearance that characterizes less thoughtful tract development.

The homes vary in size from 2,650 square feet to 3,005 square feet with the average home size being 2,938 square feet. Each home will have an attached two-car garage and a front driveway capable of accommodating two additional parked cars.

Architecturally, the homes reflect traditional Mediterranean and Craftsman themes. The principal exterior finishes are plaster with the accent materials being stone veneer base treatments, concrete tile roofing and wood and iron details.

CURRENT ACTION REQUESTED

There are a number of entitlements necessary in order to allow the development to proceed. These entitlements are as follows:

- **Site Plan Review** – Approval of the project design.
- **Vesting Tentative Tract Map** – Approval of the subdivision of the property into 15 residential lots and the design of the private streets.

- * • **Standards Variances** – The applicant has requested relief from the following standards:

1. **Street width** – The Zoning Regulations require that private streets have a minimum width of 46'. The applicant has proposed narrower widths of 28-36'.
2. **Front yard setback /driveway length** – The proposed plans provide front setbacks as small as 14' with driveway lengths as small as 18'. The Zoning Regulations require a minimum driveway length/front setback of 20'.
3. **Side-yard setbacks** – The plans call for the majority of the lots to have 3' side-yard setbacks instead of the 4' sideyards required by the Zoning Regulations.
4. **Floor Area Ratio** – The Zoning Regulations allow a maximum floor area ratio (the ratio of building area to lot size) of 60%. The plans call for a maximum floor area ratio of 84% with the average FAR being 73%.
5. **Rear yard setback** – The Zoning Regulations require 30' rear yard setbacks for two-story homes. The plans provide various rear setback dimensions, with 13' being the minimum proposed.

Robert E. ... on
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
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1 C. SPECIFIC DEVELOPMENT AND USE STANDARDS

2 SUBAREA 1

- 3 a. Use: Residential.
- 4 b. Maximum Density: 9.5 dwelling units/gross acre.
- 5 c. Planning or Coastal Commission may require such additional
- 6 parking (over and above the minimum of two integral spaces) as it determines to be
- 7 necessary for guests and for storage of boats and recreational vehicles.

8 d. The site plan should provide for views of Marine Stadium from

9 Appian Way; a minimum of 20 percent of the property frontage along Appian Way

10 shall be left open to Marine Stadium.

11 e. Developers shall construct, in accordance with plans approved

12 by the Director of Public Works, Paoli Way from its present terminus to the

13 proposed public park in Area 32 and dedicate the same to the City.

14 f. Vehicular access shall be limited to no more than two points

15 from Appian Way if the area is developed as a single entity, or to no more than

16 three points if the area is developed as two separate parcels.

17

18 SUBAREA 2 (a)

- 19 a. Use: Residential.
- 20 b. This area is fully developed in accordance with Special Use
- 21 Permit S-90-72 and Subdivision Tract No. 30643.



24 SUBAREA 2 (b)



- 26 a. Use: Residential.
- 27 b. Maximum density: 8.4 dwelling units/gross acre (number of
- 28 permitted units to be calculated on the basis of gross area, including any land area
- to be dedicated to the City as public park).

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EXHIBIT # 8
PAGE 1 OF 2

Subarea 2 (b)

*
1
2

site in accordance with the adopted Specific Plan, and to Marine Stadium and the public park proposed for Area 31.

3 d. Developers shall construct, in accordance with plans approved
4 by the Director of Public Works, bicycle and pedestrian trails along abutting
5 waterways and connecting the proposed trails on Loynes Drive extension to the
6 proposed park in Area 32.

7
8 SUBAREA 3 (a)

9 a. Use: Residential.

10 b. This area shall be developed with single-family detached
11 dwellings at a maximum density of 8.4 dwelling units per gross acre.

12 c. If feasible, Manila Avenue south of Colorado Street may be
13 vacated and merged into adjacent property for development. No vehicular access
14 to Bellflower Boulevard shall be permitted.

15 d. If vacation of Manila Avenue is not feasible, Manila Avenue shall
16 be developed as a service road with a ten-foot landscaping buffer parallel to
17 Bellflower Boulevard.

18
19 SUBAREA 3 (b)

20 a. Use: Residential.

21 b. This area shall be developed with single-family detached
22 dwellings.

23
24 SUBAREA 4 (a)

25 a. Use: Residential.

26 b. Maximum density: 6.0 dwelling-units/gross acre.

27 c. This area shall be developed with single-family detached
28 dwellings in accordance with Subdivision Tract 32868 (S-64-76).

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density of 6.6 dwelling units per gross acre). Approximately eighty-six acres are to be devoted to commercial and light industrial uses. Both residential and business uses are to be developed in a park-like setting with a full 135 acres reserved as open space, for active and passive recreation, as well as for conservation uses. Open space and the related pedestrian and bicycle trails are designed to thread through the entire area integrating each of the separate developments into a total community.

*

The residential neighborhoods are proposed to be developed to an "R-1" equivalent density. The word "equivalent" is used because although the overall density will approximate that of "R-1" zoning, the actual form of development proposed is far different from the typical "R-1" neighborhood of detached homes on 6,000 square foot lots. Developers and their architects will be given considerable flexibility to group housing units in various ways to leave important natural amenities undeveloped to provide for efficient circulation and utility systems, and to create an open community atmosphere. This "planned unit development" concept (commonly known as "PUD") is not new in Southern California, but SEADIP represents the first use of this approach in Long Beach.

In summary, SEADIP should bring to Long Beach some 2,900 new homes housing approximately 7,245 persons, 86 acres of commercial and light industrial uses employing up to approximately 3,500 persons, and an annual increase in tax revenues which will exceed the average annual increase in public service costs by some \$8.4 million.* Most importantly, SEADIP should create within Long Beach a totally new community of homes and work places which will set a new standard for the style and quality of life which this City can provide its people.

Recommendations in this report for amending the 1961 Long Beach General Plan and adopting a Specific Plan to regulate development in the southeast sector of the City are derived from an extensive citizen-Planning Department interaction program. Basic changes in the existing General Plan result from the application of the following concepts:

1. Development of the subject area must be comprehensive and integrated, with a balance sought between the issues of land use, density, traffic, environmental issues, and fiscal impacts.

* Pre-Jarvis estimate

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2. Although a variety of housing types architectural styles, densities, and clustering patterns are suggested, the basic concept for development is to promote single-family housing.
- * 3. A density pattern of 7.26 dwelling units per gross acre is produced when the subdivision standard of 6,000 square feet per lot is applied in Long Beach; this density is the standard of development for the area.
- * 4. Higher densities are warranted only when supported by amenities provided to the public without cost, adequate open space is preserved, participation in an internal bicycle path and pedestrian trail system is guaranteed, and private streets are utilized to remove circulation burdens from public thoroughfares.
5. A "Naples-like" community concept is required, following in conceptual form the patterns existing on Naples Island in Long Beach, with orientation of homes toward open space, greenbelts, water, or significant views. Further, access to waterways and public areas is necessary, and a limitation of building heights to two stories is required.
6. Fiscal controls shall be exerted so that public costs for supporting developments do not create a significant imbalance in public finances; revenue is to be maximized by selecting the highest and best uses consistent with environmental standards and low service costs.
7. Traffic considerations include limiting access to major streets, improved local circulation, preventing streets or circulation patterns from disrupting existing neighborhoods, improving traffic flow on Pacific Coast Highway and Studebaker Road and controlling the number of dwelling units so as to minimize traffic impact.
8. Environmental considerations of special significance include seismic safety, water protection, problems of uncontrolled landfill, methane gas generated in landfill, wildlife protection, the impact of traffic, preserving unique natural habitats, and

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EXHIBIT # 9

PAGE 2 OF 2

SITE PLAN VESTING TENTATIVE TRACT NO. 53145

IN THE CITY OF LONG BEACH, COUNTY OF
LOS ANGELES, STATE OF CALIFORNIA

LOT 7 OF TRACT NO. 36414
RECORDED IN BOOK 966 PAGES 54-63
OF MAPS, RECORDS OF LOS ANGELES COUNTY

OWNER

CAPE DURADO, A CALIFORNIA CORPORATION

c/o Richard T.W. Roe
1938 Euclid Ave.
San Marino, CA 91108

c/o William M. Lansdale, Trustee of
The Lansdale Family Trust
P.O. Box 27
Seal Beach, CA 90740

DEVELOPER

PARAGON LONG BEACH ASSOCIATES, LP.
1448 15th Street, Suite 100
Santa Monica, Ca, 90404
(310) 393-1431

ENGINEER

MICHAEL A. MURPHY & ASSOCIATES
130 E. McCormick St, Suite 100
Costa Mesa, CA 92626
(714) 545-8820

LEGEND

- INDICATES PROPOSED TREES
- INDICATES PROPOSED FIRE HYDRANTS

NOTES

WALL AND FENCE HEIGHTS ARE 8 FEET AS MEASURED FROM THE HIGHEST ADJACENT GRADE.
TRASH CONTAINERS WILL BE STORED IN GARAGE SPACES FOR EACH UNIT.
LANDSCAPING SHOWN HEREON IS TO ILLUSTRATE LANDSCAPE AREA ONLY.

OPEN AREA ANALYSIS FOR TRACT 53145 (tentative)

| UNIT # | OPEN SPACE BACKYARD AREA | OPEN SPACE FRONTYARD AREA |
|--------|--------------------------|---------------------------|
| 1 | 1141.8 | 663.9 |
| 2 | 867.8 | 580.1 |
| 3 | 573.8 | 430.8 |
| 4 | 924.8 | 459.9 |
| 5 | 867.6 | 580.1 |
| 6 | 914.6 | 580.1 |
| 7 | 1152.2 | 690.9 |
| 8 | 1092.9 | 707.3 |
| 9 | 707.5 | 856.1 |
| 10 | 1132.1 | 789.9 |
| 11 | 715.2 | 1186.2 |
| 12 | 1073.3 | 615.5 |
| 13 | 1833.9 | 1090.3 |
| 14 | 1334.1 | 920.0 |
| 15 | 1928.9 | 622.4 |
| TOTALS | 16060 | 10754 |

Total open space backyard and front yard areas 26814 sq. ft. 0.62 Ac
Total open space walkways and landscape areas 3001 sq. ft. 0.07 Ac

Total open space provided 29815 sq. ft. 0.68 Ac
Total open space required (30% Gross area) 23868 sq. ft. 0.55 Ac

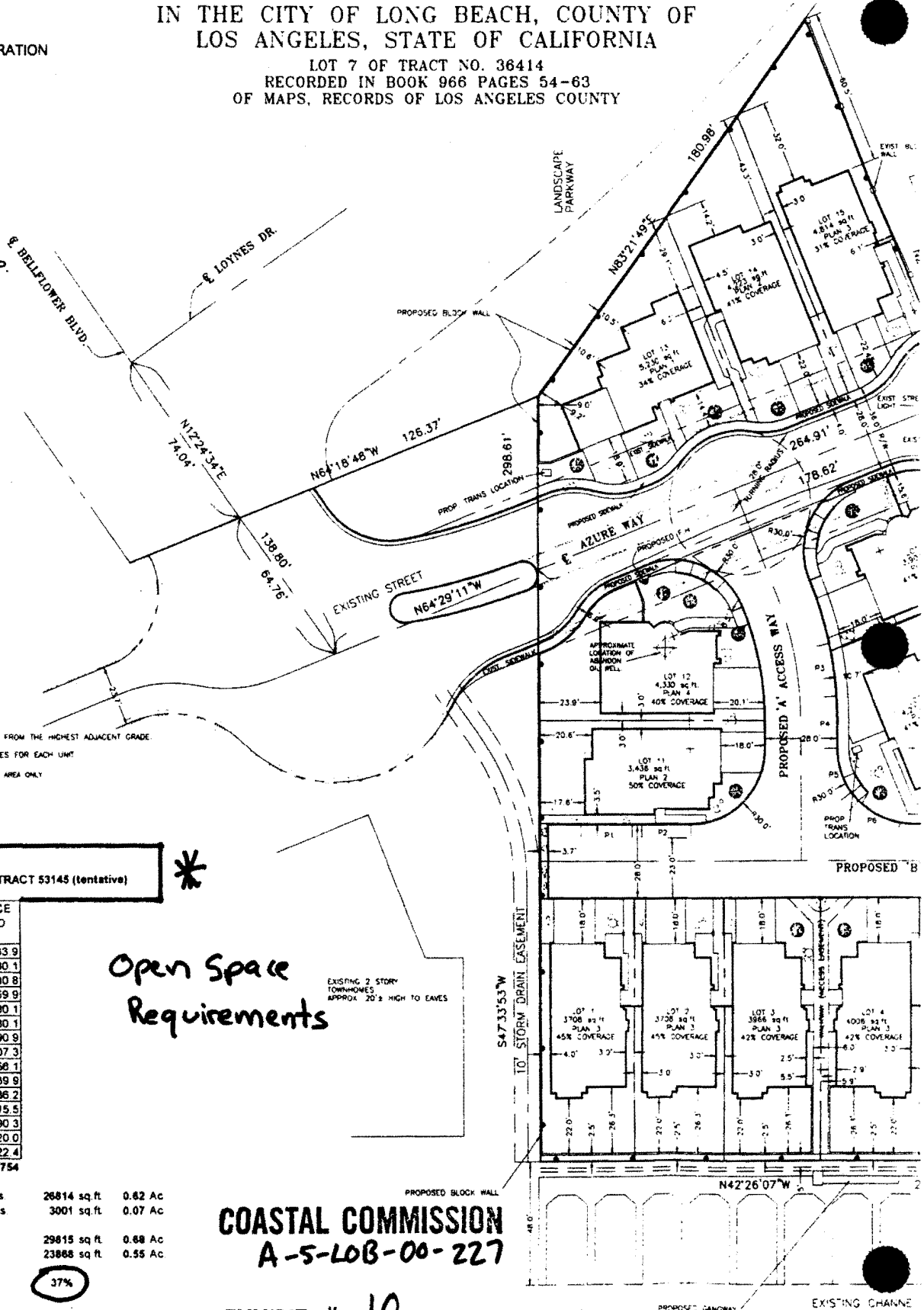
Total open space provided **37%**

Open Space Requirements

EXISTING 2 STORY TOWNHOMES APPROX. 20'2" HIGH TO EAVES

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WALKWAYS

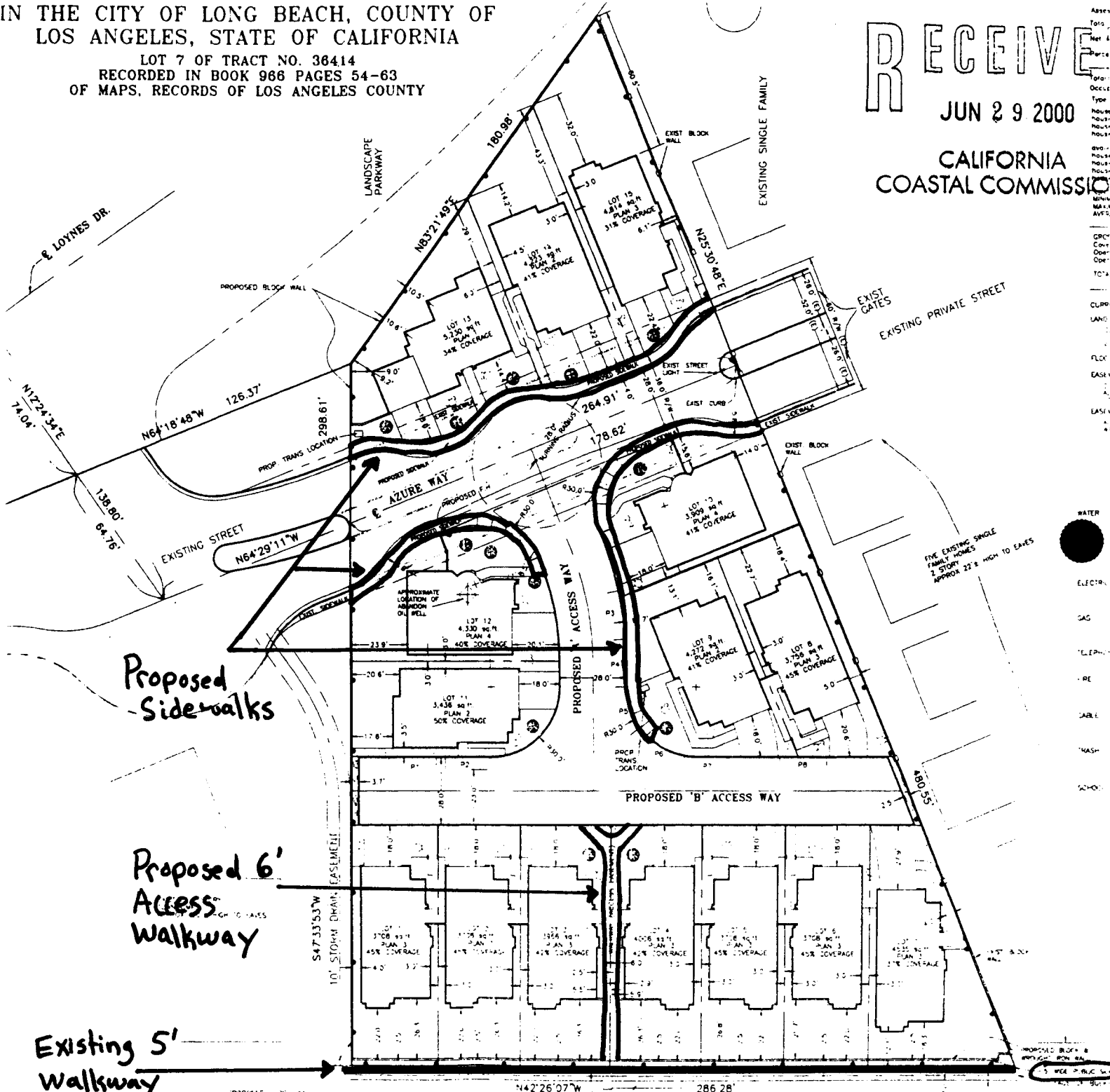
SITE PLAN

TENTATIVE TRACT NO. 53145

IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

LOT 7 OF TRACT NO. 36414
RECORDED IN BOOK 966 PAGES 54-63
OF MAPS, RECORDS OF LOS ANGELES COUNTY

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Existing 5' Walkway
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PARKING

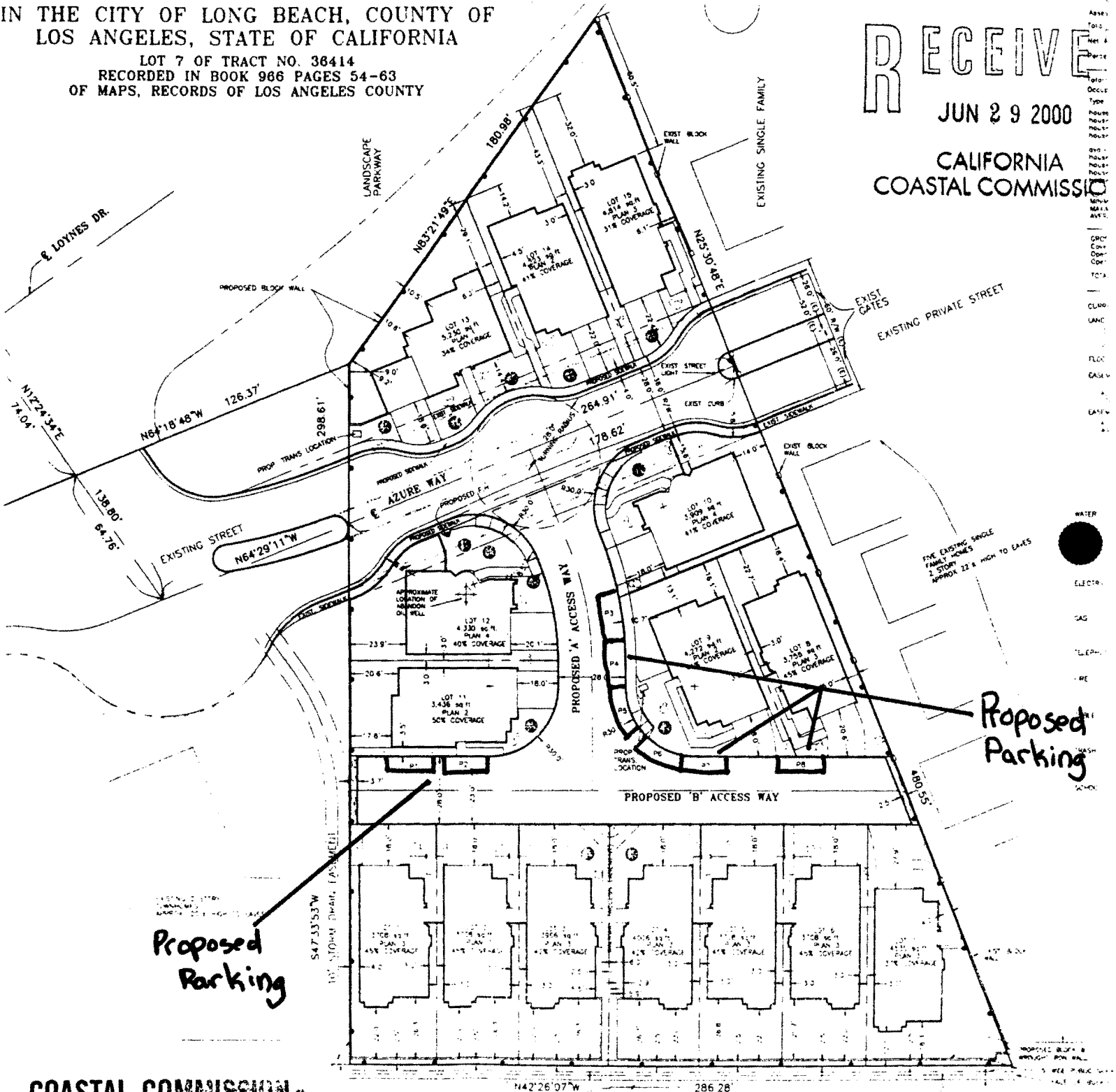
SITE PLAN TENTATIVE TRACT NO. 53145

IN THE CITY OF LONG BEACH, COUNTY OF
LOS ANGELES, STATE OF CALIFORNIA

LOT 7 OF TRACT NO. 38414
RECORDED IN BOOK 966 PAGES 54-63
OF MAPS, RECORDS OF LOS ANGELES COUNTY

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EXHIBIT # 14
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1 SOUTHEAST AREA DEVELOPMENT AND IMPROVEMENT PLAN
2 (SEADIP PLAN)

3
4 The Southeast Area Development and Improvement Plan provides for a total
5 community of residential, business and light industrial uses integrated by an extensive
6 system of parks, open space, and trails. The residential areas shall be family-oriented; the
7 predominant type shall be sales units, although provision is also made for moderately
8 priced apartments as well as luxury condominium units. In reviewing and approving site
9 plans and tract maps for the development of the areas within the City of Long Beach, the
10 City Planning Commission shall be guided by the goals and policies of the Specific Plan
11 and the Commission shall not permit variance from those standards unless it finds that
12 such variance meets the intent of the original standards and is consistent with the overall
13 goals and objectives of the adopted Specific Plan.

14
15 A. PROVISIONS APPLYING TO ALL AREAS

16 1. Homes and offices shall be oriented toward open space, green belts and
17 water wherever possible. Vehicular access shall generally be provided from the side
18 opposite these natural amenities.

19 2. Areas which are designated for single-family detached dwellings shall be
20 developed in accordance with R-1-N standards. However, if the area is to be re-subdivided,
21 lot size and lot width and setback may be reduced provided that adequate common open
22 space and guest parking are provided, and that the design is consistent with the adjacent
23 residential development.

24 3. Prior to issuance of a building permit, all infrastructure, including street
25 improvements, fire hydrants, water lines, storm drains, and sanitary sewers shall be
26 constructed on a block basis in accordance with the approved plans. Such improvements,
27 including engineering plans, shall be financed by subdivider(s) or by an assessment district
28 or both.

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