

**CALIFORNIA COASTAL COMMISSION**

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 Hearing Date: January 11, 2001  
 Commission Action:


**RECORD PACKET COPY****Item Th7b**

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE & DE NOVO HEARING**

**LOCAL GOVERNMENT:** City of Long Beach

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-LOB-00-434

**APPLICANT:** City of Long Beach Dept. of Parks, Recreation & Marine

**AGENT:** Mark Sandoval, Manager Marinas & Beaches

**PROJECT LOCATION:** La Verne Avenue Public Beach Parking Lot, located south of Ocean Boulevard, between Covina Avenue and Glendora Avenue, City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Appeal of City of Long Beach approval of a local coastal development permit for a one-year pilot program to allow overnight parking by permit in a public beach parking lot.

**APPELLANTS:** Michael L. Ruehle & Kenneth Wang

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends (motion on page eight) that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reason: Pursuant to Section 30603(b)(1) of the Coastal Act, the locally approved development does not conform to the public access policies of the Coastal Act.

Staff further recommends (motion on page fourteen) that the Commission, after a public hearing, **approve a de novo permit** for the proposed project with conditions to: protect the public beach parking lot for coastal access and public recreation, require the City to enforce the provisions of the permit to prevent all-day storage of vehicles in the parking lot, require the City to monitor the permit program and use of the parking lot, and to limit the term of the permit to one year.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Local Coastal Development Permit No. 0006-05.
2. City of Long Beach Certified Local Coastal Program.
3. Coastal Development Permit 5-93-232 & Amendment (City of Long Beach).
4. Coastal Development Permit Application 5-00-050 (City of Long Beach).
5. Local Coastal Development Permit Nos. 0006-04, 0006-06, 0006-07 & 0007-09.

**I. APPELLANTS' CONTENTIONS**

The City's approval of Local Coastal Development Permit No. 0006-05 has been appealed to the Coastal Commission by two aggrieved persons: Michael L. Ruehle and Kenneth Wang. Local Coastal Development Permit No. 0006-05, approved by the City of Long Beach Zoning Administrator on August 2, 2000, and upheld on appeal by the City Planning Commission on September 21, 2000, would permit the City Department of Parks, Recreation and Marine to keep the La Verne Avenue public beach parking lot open after its current 10 p.m. closing time in order to allow overnight use of the parking lot by vehicles displaying a special parking permit. The City's overnight parking permits would allow vehicle storage in the public beach parking lot only between the hours of 6 p.m. and 8 a.m. each night. The existing parking meters must be paid by all users of the public beach parking lot between the daytime hours of 8 a.m. and 6 p.m.

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Michael L. Ruehle submitted an appeal of the City's action on October 26, 2000 (Exhibit #5). The appeal submitted by Michael L. Ruehle contends that:

- Local residents were not notified of local hearings
- Local residents were not given opportunity to appeal local action
- The City's decision should be remanded back to the Planning Commission for a properly noticed public hearing that affords due process to the interested parties
- City staff report was erroneous and not available to appellants until day of hearing
- City's action will benefit businesses while negatively affecting residents
- City's action will increase crime and endanger local residents
- City's action does not include a plan to enforce the overnight parking permit system
- City's action does not address the concerns of the local residents
- City's action will result in an increase in litter, noise, traffic, cruising and loitering
- City's action will allow overnight camping in the parking lot
- City's action will result in obstructed coastal views of local residents
- City's action will result in decreased property values of local landowners

Kenneth Wang submitted an appeal of the City's action on October 27, 2000 (Exhibit #6). The appeal submitted by Kenneth Wang contends that:

- City's action will limit public access to the coast

- City's action is unnecessary and will result in negative impacts to community
- Conditions of City action are unclear
- City's action will allow overnight camping in the parking lot
- City's action will result in increased traffic, number of apartment units, and population density
- City's action will result in an increase in noise, trash, loitering and crime
- City's action will allow increased intensity of commercial uses along the 2<sup>nd</sup> Street commercial corridor
- City's action will increase taxes
- City's action is based on insufficient criteria and does not address the following operational questions:

What is maximum number of permits to be sold?

What is appropriate ratio of permits sold to residents vs. businesses?

How will applicant keep accurate vehicle counts for overnight parking?

Will Police officers adequately enforce permit requirements? How?

Is the applicant's six-month review period enough time to evaluate project?

Is the project necessary, and how will it alleviate the parking shortage?

Will the 6 p.m. to 8 a.m. permit parking period effectively address the parking issue?

Do concerned residents call the Police, the Marine Bureau or City Planning Department when issues arise?

Both appellants attached to their appeal a petition with signatures of approximately 91 local residents who oppose the City-approved project (See Exhibit #6, ps.5-10).

## II. LOCAL GOVERNMENT ACTION

On February 4, 2000, the City of Long Beach Department of Parks, Recreation and Marine submitted Coastal Development Permit application 5-00-050 to the Coastal Commission's Long Beach office requesting Commission approval to allow overnight parking by permit in the following four public beach parking lots:

Alamitos Avenue Parking Lot  
Fifty-fourth Place Parking Lot

La Verne Avenue Parking Lot  
Bayshore Parking Lot

Coastal Development Permit application 5-00-050 (City of Long Beach) was deemed incomplete by Commission staff on March 2, 2000<sup>1</sup>. One of the required items missing from the application was the City's local approval for the proposed project. Commission staff directed the City to process local coastal development permits for the parking lots or

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<sup>1</sup> Coastal Development Permit application 5-00-050 (City of Long Beach Overnight Parking) is incomplete as of December 14, 2000.

portions of parking lots located within the geographic area subject to the certified City of Long Beach Local Coastal Program (LCP). The former mean high tide line (MHTL), known as the Chapter 138 Line, separates the beach and water areas within the Commission's original jurisdiction from the inland areas where the Commission has delegated coastal development permit authority to the City pursuant to its certified LCP.

The City has determined that the La Verne Avenue Parking Lot and the Fifty-fourth Place Parking Lot are both situated entirely within the area subject to the certified LCP, and outside of the Commission's area of original jurisdiction (Exhibit #3). The Commission's post-certification maps support the City's determination regarding the location of the La Verne Avenue and Fifty-fourth Place Parking Lots in relation to the Chapter 138 Line. The Bayshore Parking Lot and the Alamitos Avenue Parking Lot, however, are bisected by the Chapter 138 Line. In any case, all portions of the City's public beach parking lots that are not situated within the Commission's area of original jurisdiction do fall within the appealable area of the coastal zone.

In April 2000, the City of Long Beach Department of Parks, Recreation and Marine applied to the City of Long Beach Department of Planning and Building for five local coastal development permits to permit a one-year pilot program for overnight parking by permit in the following five public beach parking lots:

Alamitos Avenue Parking Lot  
Fifty-fourth Place Parking Lot  
Belmont Pier Parking Lot

La Verne Avenue Parking Lot  
Bayshore Parking Lot

On August 2, 2000, the City of Long Beach Zoning Administrator approved the following five local coastal development permits for the proposed one-year pilot program to allow overnight parking by permit in five public beach parking lots:

<u>City Permit No.</u>	<u>Beach Parking Lot</u>	<u>Date of Local Approval</u>	
No. 0006-04	Alamitos Avenue	08/02/00	Zoning Administrator
No. 0006-05	La Verne Avenue	08/02/00 09/21/00	Zoning Administrator Planning Commission
No. 0006-06	Bayshore Avenue	08/02/00	Zoning Administrator
No. 0006-07	Fifty-fourth Place	08/02/00 09/21/00	Zoning Administrator Planning Commission
No. 0007-09	Belmont Pier	08/02/00	Zoning Administrator

The Zoning Administrator's approval of the local coastal development permits for the Alamitos Avenue Lot (Case No. 0006-04), the Bayshore Avenue Lot (Case No. 0006-07), and the Belmont Pier Lot (Case No. 0007-09) were not appealed.

The Zoning Administrator's actions approving the proposed projects for the La Verne Avenue Parking Lot (Case No. 0006-05) and for the Fifty-fourth Place Parking Lot (Case No. 0006-07) were appealed by local residents to the City Planning Commission. The grounds for the local appeals were identical to appellants' contentions in the current appeal (A-5-LOB-00-434) before the Coastal Commission (Exhibits #5&6).

On September 21, 2000, the City of Long Beach Planning Commission held a public hearing for the local appeals of Local Coastal Development Permit Nos. 0006-05 and 0006-07 for the overnight permit parking program proposed for the La Verne Avenue Parking Lot (Case No. 0006-05) and for the Fifty-fourth Place Parking Lot (Case No. 0006-07). At the conclusion of the public hearing, the Planning Commission denied the appeals and sustained the decision of the Zoning Administrator to approve both local coastal development permits.

The local coastal development permit findings adopted by the Planning Commission state that the overnight permit parking programs are consistent with the certified LCP, and that the overnight permit parking programs would not interfere with public beach access because there is little overlap in the demand for beach parking and the hours of the approved overnight permit parking program (6 p.m. to 8 a.m.). The City found that, based on these hours, no conflict of use of the parking facilities is expected.

The Special Conditions of Local Coastal Development Permit No. 0006-05 (Exhibit #4), which approved the overnight permit parking program in the La Verne Avenue Lot, include the following:

11.a. The Pilot Program is subject to an administrative 6-month review period. The applicant shall establish criteria to evaluate the program's effectiveness and prepare a report for review by the Planning Department. The report shall include an analysis of the program's operational characteristics including, but not limited to, the number of permits sold, daily vehicle counts, police reports and neighborhood complaints.

11.b. Approval is granted for one-year period. Prior to expiration of this permit, the applicant shall reapply for a local coastal development permit with a noticed public hearing.

11.c. Due to inadequate lighting in the majority of the La Verne Avenue Lot, parking in this lot is limited to the northerly row of parking. If code required parking lot lighting is provided, then the entire lot may be used. Light and glare shields shall be provided on any new light standards to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.

11.d. If required by the California Coastal Commission, the applicant shall obtain a coastal permit form the California Coastal Commission.

11.e. The overnight parking program is effective form 6 p.m. to 8 a.m. daily. Parking passes shall be limited to personal (non-commercial) vehicles 20' or less in length, with a current vehicle registration. Unregistered and inoperable vehicles are prohibited. The passes shall be clearly displayed in each automobile parked in a City lot.

11.f. The applicant shall install signage at the parking lot entrance indicating the hours of operation, permit requirements for overnight parking, and the prohibition of loitering.

11.g. The applicant shall prevent loitering in the parking lots. If loitering problems develop, the Director of Planning and Building may require additional security measures or initiate revocation procedures for the local coastal development permit.

11.h. The entrance gates shall remain open and the spikes shall be locked down to avoid unnecessary noise.

12. The site shall be operated in compliance with the City Noise Ordinance, Chapter 8.80 of the Long Beach Municipal Code. Implementation of the program shall not create excessive noise and nuisances to surrounding property owners.

The Planning Commission's actions to deny the appeals of the local coastal development permits were not appealable to the City Council. On October 17, 2000, the Commission's Long Beach office received valid Notices of Final Local Action for Local Coastal Development Permit Nos. 0006-05 (La Verne Avenue Parking Lot) and 0006-07 (Fifty-fourth Place Parking Lot). The Commission's ten working-day appeal period for each local coastal development permit was established and noticed on October 18, 2000.

On October 26, 2000, Commission staff received Michael L. Ruehle's appeal of Local Coastal Development Permit No. 0006-05 approving an overnight parking program for the La Verne Avenue Parking Lot (Exhibit #5). Kenneth Wang's appeal of Local Coastal Development Permit No. 0006-05 was received in the Commission's Long Beach office on October 27, 2000 (Exhibit #6). The last day of the Commission's appeal period for Local Coastal Development Permit Nos. 0006-05 and 0006-07 was October 31, 2000. The City's approval of Local Coastal Development Permit No. 0006-07 (Fifty-fourth Place Parking Lot) was not appealed to the Coastal Commission.

### **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 300 feet of the 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)].

The City of Long Beach Local Coastal Program was certified in July 22, 1980. Section 30603(a)(1) of the Coastal Act identifies the proposed project site as being in an appealable area by its location on the beach between the sea and the first public road paralleling the sea (Ocean Boulevard).

Section 30603 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 greater distance.
  - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

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 action currently before the Commission is to find whether there is a "substantial issue" or "no 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, and there is no motion from the Commission to find no substantial issue, the Commission will be deemed to have determined that the appeal raises a substantial issue, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public

hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for all projects located between the first public road and the sea or other water body in the coastal zone, a specific findings must be made that any approved project is consistent with the public access and public 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 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-00-434 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 ON SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

##### **A. Project Description**

The City-approved one-year pilot program to allow overnight parking by permit would be implemented in the following five public beach parking lots:

Alamitos Avenue Parking Lot  
Fifty-fourth Place Parking Lot  
Belmont Pier Parking Lot

La Verne Avenue Parking Lot  
Bayshore Parking Lot



This appeal, however, involves only the City action approving the overnight parking permit program in the La Verne Avenue Parking Lot in Belmont Shore (Exhibits #2&3). The City-approved local coastal development permits for the one-year pilot programs in the other four public beach parking lots were not appealed to the Commission. However, The implementation of the overnight parking program in the Alamitos Avenue, Bayshore and Belmont Pier parking lots is subject to Commission approval due to their partial location seaward of the Chapter 138 Line and within the Commission's area of original jurisdiction.<sup>2</sup>

The La Verne Avenue Parking Lot in Belmont Shore is located on the sandy beach adjacent to Ocean Boulevard, the first road inland of the shoreline (Exhibit #3). Except for the side of the parking lot facing Ocean Boulevard, the paved parking area is surrounded on three sides by sand. The parking lot, which provides parking for beach goers, contains 161 metered parking spaces and one unmetered handicapped parking space. The only night lighting in the parking lot is provided by the street lamps on Ocean Boulevard. The residential neighborhood located inland of Ocean Boulevard is comprised primarily of two and three-story multi-unit apartment buildings and single family residences. The nearest commercial uses are two small commercial nodes located on Ocean Boulevard four blocks west and six blocks east of La Verne Avenue. The Second Street commercial corridor is located about one-half mile inland of the beach and parking lot (Exhibit #3).

As authorized pursuant to the Commission's May 12, 1994 approval of Coastal Development Permit Amendment 5-93-232-A (City of Long Beach Curfew), the La Verne Avenue Parking lot is currently open for public use from one hour before sunrise until 10 p.m. at night. Parking is currently prohibited in the lot from 10 p.m. until the City opens the gate each morning. The one-way parking lot exit (one-way tire spikes) is always open. Signs posted in the parking lot state that payment of the parking meters is required for parking between the hours of 8 a.m. and 6 p.m. Therefore, parking is currently free after 6 p.m. until the lot closes at 10 p.m.

Local Coastal Development Permit No. 0006-05, the subject of this appeal, would authorize the City to keep the La Verne Avenue Parking Lot open all night for a one-year period during which a pilot overnight parking permit program would be implemented. As approved by the City, the one-year pilot program would allow residents, employees and customers of nearby businesses, and others to park their vehicles in the public beach parking lot during the night. Use of the parking lot after 10 p.m. would require the purchase of a City-issued monthly parking permit for thirty dollars (\$30). Permits would be sold only on a monthly basis; there would be no one-night or one-week permits. The overnight parking permit would authorize use of the parking lot only between the hours of 6 p.m. and 8 a.m. The parking permit would not supplant the requirement to pay the parking meters for parking between the hours of 8 a.m. and 6 p.m.

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<sup>2</sup> See incomplete Coastal Development Permit application 5-00-050 (City of Long Beach Overnight Parking).

The City approval states that the Marine Bureau would be responsible for checking vehicles for parking permits during the nighttime hours, while the Police Department would continue its current patrol the area for public safety. As part of the one-year pilot program, the Department of Parks and Recreation would install new signs to inform the public of the requirement for a parking permit after 10 p.m. Because of poor lighting in the parking lot, the City approval authorizes nighttime permit parking only in the first row of 43 parking spaces that exists immediately adjacent to Ocean Boulevard and its street lamps.

The City approval would allow the City to terminate the approved overnight parking permit program at any time if it is found to be detrimental to the surrounding community, including public health, safety or general welfare. In any case, the local coastal development permit authorizes the pilot program for a period of one year. Special Condition No. 11b of the local coastal development permit states that a new public hearing and local approval would be necessary in order to extend the overnight parking permit program beyond the initial one-year term of the pilot program (Exhibit #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 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 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** does exist 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.

While the appeals do not include the contention that the City's approval of the proposed project does not conform to the requirements of the certified LCP, they do contend that the City's action would limit public access to the coast, which would be inconsistent with the public access policies of the Coastal Act (Exhibit #6, p.4). Staff has recommended that the Commission concur that the locally approved project does not conform to the public access policies of the Coastal Act and find that a substantial issue does exist with respect to the grounds on which the appeal has been filed. The following public access polices of the Coastal Act are relevant to this appeal.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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.

**Section 30213 of the Coastal Act states:**

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

The above-stated public access policies of the Coastal Act protect the public's ability to access the shoreline, beach and coastal recreational facilities. The public access policies of the Coastal Act are relevant to this appeal because the City-approved project would have a direct effect on the use of a public parking lot that supports the public's ability to access the shoreline and beach. The public beach parking lot is, in fact, one type of lower cost recreational facility that is protected by Section 30213 of the Coastal Act. Public parking facilities are a necessary component of the coastal access system, and constitute a very valuable coastal resource protected by the public access policies of the Coastal Act.

The City approval of the local coastal development permit raises a substantial issue in regards to consistency with the public access policies of the Coastal Act because it would authorize the use of a public beach parking for uses other than coastal access. The City-approved use of the public beach parking lot for overnight storage of vehicles could have the effect of displacing the parking supply that is necessary to support public access to the shoreline and beach. Approval of a parking permit system that limits the ability of the public to access these parking facilities, or results in the displacement of public parking facilities necessary for coastal access, would not be consistent with the public access policies of the Coastal Act.

The locally approved coastal development permit for the proposed project includes one provision that addresses the potential for the displacement of coastal access parking spaces, this being the 6 p.m. to 8 a.m. time period during which the overnight parking permits would allow vehicles to be stored in the public beach parking lot. The City found that vehicle storage in the public beach parking lot between the hours of 6 p.m. and 8 a.m. would not interfere with the public's ability to use the parking lot to visit the beach. In addition, only 43 of the parking lot's 161 parking spaces are designated for overnight storage of vehicles with parking permits.

A substantial issue exists with the local approval of the proposed project because: a) the City has not provided any information regarding the existing, past or future demand for parking in the La Verne Avenue Lot by beach goers and others; b) the local coastal development permit does not include specific provisions to ensure that vehicles with City-issued overnight parking permits are not stored in the public beach parking lot after 8 a.m. each day; and, c) the local coastal development permit does not clearly state that public parking will continue to be free with no permit required from the current opening time (one hour before sunrise) until 8 a.m. when the meters must be paid.

The information on the demand for parking by beach goers, including the time of day when parking for coastal access is needed, is necessary in order to determine whether the

proposed project will displace any parking spaces used by beach goers. The City-approved 6 p.m. starting time for permit parking may conflict with beach goers' use of the lot during the summer when many people visit the beach between work and sunset at 8 p.m. Without specific information regarding the demand for beach parking, any conclusion regarding the project's impacts to coastal access is speculative.

More importantly, the proposed project must include provisions to ensure that the public beach parking lot is not used to store vehicles during the day when the facility is needed to support coastal access. Each vehicle left in the public beach parking lot after 8 a.m. is occupying a parking space that could potentially be used by a beach goer. The use of the parking lot for vehicle storage rather than for parking by beach goers would have a detrimental effect on public access. Therefore, the lack of any enforcement plan in the local coastal development permit is a substantial issue.

The use of public beach parking lots for vehicle storage or other uses besides coastal access is a substantial issue because competition for parking in the coastal zone has a direct effect not only on coastal access, but on other coastal resources throughout the state. Coastal resources like sandy beaches and wetlands are often negatively impacted by the construction of new private and public parking facilities. Water quality often suffers from polluted run-off that drains from existing paved surfaces like parking lots.

Additionally, many public parking facilities throughout the state are coveted by businesses and other interests whose potential are limited due to the lack of an adequate parking supply to serve their interests. Specifically, in the Belmont Shore area of Long Beach, certain business interests have indicated that the public beach parking facilities could be used to supply much-needed parking for their employees and customers. A shuttle system has been proposed that would transport employees and shoppers from the coastal parking lots to the shopping and dining opportunities that exist along the Second Street commercial corridor (Exhibit #8, ps.3&4). Therefore, the Commission will look very carefully at any type of parking permit system or other parking management tool that is proposed to be implemented in public beach parking facilities.

The appellants' contentions regarding abnormalities in the City's public hearing process for Local Coastal Development Permit No. 0006-05 do raise questions regarding the City's processing of coastal development permits (Exhibit #5, p.6&7). The allegations of lack of adequate public notice and questionable scheduling of the public hearing are not valid grounds for an appeal to the Coastal Commission as stated in Section 30603 of the Coastal Act. A finding of substantial issue and the resulting de novo hearing before the Coastal Commission will provide interested parties another opportunity to participate in the permit process.

The Coastal Commission, however, will use the public access and recreation policies of the Coastal Act and the certified LCP as the standard of review during the de novo public hearing and action on the appeal. Therefore, the appellants should continue to work with the local government to address their local concerns that cannot be adequately addressed

by the Commission. These local issues include: cooperating with the Police Department to decrease crime in their neighborhood, trash collection and litter prevention, noise issues, private view issues, taxes, and whether the proposed project is necessary.

In conclusion, the locally approved project does not conform to the public access policies of the Coastal Act. Therefore, staff recommends that the Commission find that a substantial issue exists with the approval Local Coastal Development Permit No. 0006-05 on the grounds that it does not adequately protect public access to the coast as required by the public access policies of the Coastal Act.

## VI. STAFF RECOMMENDATION ON DE NOVO HEARING

The staff recommends that the Commission adopt the following resolution to APPROVE the de novo coastal development permit with special conditions:

**MOTION:** Staff recommends a **YES** vote on the following motion:

*"I move that the Commission approve with special conditions Coastal Development Permit A-5-LOB-00-434 per the staff recommendation below."*

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

### **Resolution: Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a coastal development permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

## VII. 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.

#### **VIII. SPECIAL CONDITIONS**

##### **1. Overnight Parking Permit Program**

This Commission action does not authorize any parking permit program in the public beach parking lot other than an overnight permit parking program that authorizes (nighttime) parking only with a City-issued permit between the hours of 10 p.m. to 8 a.m. No parking permit program is authorized, and no parking permit is required, for public parking in the public beach parking lot each day from one hour before sunrise until 10 p.m. All persons parking vehicles in the public beach parking lot between the (daytime) hours of 8 a.m. and 6 p.m. shall be required to pay the parking meters. Public parking is free (no permit is required) in the public beach parking lot between the evening hours of 6 p.m. and 10 p.m. After 10 p.m. the City may restrict use of the La Verne Avenue Lot to the northerly row of parking (nearest Ocean Boulevard) because of inadequate lighting in the majority of the public beach parking lot. The City may also restrict the size of vehicles authorized to use the parking lot.

##### **2. Issuance of City Parking Permits**

The City-issued parking permits shall be available to the general public, and shall not be restricted only to local residents or any other preferential group. Each City-issued parking permit shall clearly state that the parking permit only authorizes use of the public beach parking lot between the hours of 10 p.m. to 8 a.m., and that use of the public beach parking lot at all other times shall be subject to the same metered parking rates as the general public, and that any violation of these terms could result in a fine and/or towing of the vehicle at the owner's expense.

3. Enforcement of Permit Program

Prior to issuance of the coastal development permit, the City shall submit for the review and approval of the Executive Director, an enforcement plan that demonstrates the methods that the City will employ to ensure that vehicles with overnight parking permits are not stored in the public beach parking lot after 8 a.m. each day. The enforcement plan shall ensure that any and all vehicles parked in the public beach parking lot between the daylight hours of 8 a.m. and 6 p.m. shall be subject to a fine and/or towing of the vehicle at the owner's expense, unless the parking meter has been paid. The enforcement plan shall delegate specific enforcement responsibilities to specific City departments. The City shall implement the overnight permit parking program and the enforcement plan consistent with the permit approved by the Commission and the enforcement plan approved by the Executive Director. Any change proposed to the approved overnight permit parking program or enforcement plan shall be submitted to the Executive Director in order to determine whether an amendment to this coastal development permit is required.

4. Term of Coastal Development Permit

This Commission action authorizes the City to implement an overnight permit parking program in the La Verne Avenue Lot for a limited period of one year. The one-year permit term will terminate one year from the date of Commission approval. During the one-year term of this permit, the City shall monitor the overnight permit-parking program and collect data to be used during the City's and/or Commission's review of any subsequent permit terms. A new local coastal development permit, or an amendment to this coastal development permit, must be obtained prior to the implementation of any subsequent permit terms. The City shall keep a record of the number of parking permits issued, the daytime parking demand for the lot, nightly daily vehicle counts after 10 p.m., police reports, and neighborhood complaints.

5. Commercial Parking Requirements

No parking spaces in the public beach parking lot shall be used to satisfy parking requirements for any commercial use or activity.

6. Protection of Public Beach Parking Facilities

All parking spaces within the public beach parking lot shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the public beach parking lot by any person or group other than the general public (handicapped spaces excluded). This condition shall not preclude the requirement for a City-issued parking permit, available to the general public, for use of the public beach parking lot between the hours of 10 p.m. and one hour before sunrise.



**7. 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.

**IX. FINDINGS AND DECLARATIONS FOR DE NOVO HEARING**

The Commission hereby finds and declares:

**A. Project Description**

The proposed project would implement the following management changes to the management of the La Verne Avenue Public Beach Parking Lot during a one-year pilot program:

- Keep the entry gate of the parking lot open all the time (City currently closes the entry gate at 10 p.m. and reopens it one hour before sunrise).
- Authorize only the use of 43 parking spaces (first row nearest Ocean Boulevard) in the parking lot from 10 p.m. to one-hour before sunrise only by vehicles displaying City-issued parking permits (\$30 per month).
- Install new signs to inform the public of the requirement for a parking permit from 10 p.m. until one hour before sunrise.

The La Verne Avenue Parking Lot in Belmont Shore is located on the sandy beach adjacent to Ocean Boulevard, the first road inland of the shoreline (Exhibit #3). The parking lot contains 161 metered parking spaces and one unmetered handicapped parking space. Please see pages eight through ten of this staff report for a more detailed description of the project and project site.

**B. Recreation and Public Access**

One of the basic goals of the Coastal Act is to protect and maximize public access and recreational opportunities to and along the coast. Pursuant to Section 30604(c) of the Coastal Act, because the proposed development is located between the first public road and the sea, the proposed project can be approved only if it is found to be consistent with the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30211 of the Coastal Act states:**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**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.

**Section 30213 of the Coastal Act states:**

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

**Section 30221 of the Coastal Act states:**

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project involves changes to the City's management of the La Verne Avenue public beach parking lot located on the beach between the Ocean Boulevard and the shoreline. The City proposes to implement a one-year pilot program to allow overnight vehicle storage in the parking lot. A City-issued parking permit would have to be displayed in order to park a vehicle in the facility after 10 p.m. The parking lot, which currently closes at 10 p.m. each night, would remain open all the time under the proposed program.

The proposed project can be approved by the Commission only if it does not restrict public access to the coast or negatively impact public recreational opportunities. While the proposed increase in hours that the parking lot would be open would appear to enhance the public's ability to use the parking lot and thus improve access to the beach and shoreline, the proposed use of the parking lot for overnight vehicle storage could have the

opposite effect. Public access and recreation would be negatively impacted if the proposed project reduces the hours that beach goers can use the parking lot, or if the amount of parking that is currently available for use by beach goers is reduced. Therefore, the approval of the proposed overnight parking permit program must be conditioned in order to protect the existing use of the public parking lot for coastal access.

First, the permit shall be conditioned to protect the public's ability to use the parking lot for beach access during the current hours of operation that were approved by the Commission on May 12, 1994. Pursuant to the Commission's May 12, 1994 approval of Coastal Development Permit Amendment 5-93-232-A (City of Long Beach Curfew), the La Verne Avenue Parking Lot is currently open for public use, with no parking permit required, from one hour before sunrise until 10 p.m. at night. The City's signs posted in the parking lot state that payment of the parking meters is required for parking between the hours of 8 a.m. and 6 p.m. Therefore, parking is currently free for all users from the morning opening until 8 a.m., and from 6 p.m. until the lot closes at 10 p.m.

Anyone may use the public parking lot during its current hours of operation, including beach goers, residents and customers of the distant commercial uses. The parking meters, however, must be paid between the hours of 8 a.m. and 6 p.m. The current parking lot management system, including the parking meters, protects the facility for use by beach goers by preventing the all day storage vehicles in the lot. The requirement to pay the parking meters prevents people from leaving vehicles in the facility for longer than four hours and keeps the parking spaces available for beach goers.

The proposed overnight permit-parking in the parking lot could occur during the hours that the parking lot is currently closed without causing any negative effects to coastal access because there would be no reduction in the current hours or amount of parking that is available for general public use. Therefore, Special Condition One states that the City-issued parking permits shall be limited to the hours between the current closing time (10 p.m.) and the current hour that the parking meters must be paid (one hour before sunrise). At all other times, the rules regarding the use of the public beach parking lot shall be the same for the general public (those without parking permits) and persons who have purchased a City-issued parking permit. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

Because the parking meters do not have to be paid after 6 p.m., those persons with City-issued parking permits could leave their vehicle in the parking lot at 6 p.m. (or before if they pay the meter) and not be required to move their vehicle from the parking lot until 8 a.m. the next morning. These hours are consistent with the City's intended pilot program, and would not give the parking permit holders any advantage over other users of the parking lot during the current hours of operation. At 8 a.m. each morning, the parking lot would be available only to those persons who are present to pay the parking meters. The required payment of the parking meters after 8 a.m. prevents people from leaving their vehicle in the parking lot all day while not being at or near the beach. This ensures that the parking facility is protected to support coastal access and recreation.

The 8 a.m. limitation on the proposed overnight permit parking program is necessary to protect the public parking facility for coastal access and recreation. In order to ensure that the vehicles that are permitted to be parked overnight in the parking lot are removed by 8 a.m. the next morning, Special Condition Three requires the City to submit an enforcement plan for approval by the Executive Director that demonstrates the methods that the City will use to enforce the requirement to pay the parking meter and prevent the all-day storage of vehicles in the facility. Strict enforcement of the requirement to pay the parking meters between 8 a.m. and 6 p.m. when beach use peaks is necessary to protect public access to the shoreline. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

In addition, the public access and recreation policies of the Coastal Act require that the public beach parking lot be open and available for use by the general public with no preferential treatment for any person or group. This means that everyone using the facility is subject to the same rules. The City may restrict the size of vehicles that may park in the parking lot, and as authorized by the coastal development permit, require parking permits for the hours between 10 p.m. and one hour before sunrise, but the parking permits shall be available to the general public. This action does not authorize any preferential parking system that would limit the sale of parking permits to local residents or reserve any parking spaces for anyone. Special Condition Six states:

All parking spaces within the public beach parking lot shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the public beach parking lot by any person or group other than the general public (handicapped spaces excluded). This condition shall not preclude the requirement for a City-issued parking permit, available to the general public, for use of the public beach parking lot between the hours of 10 p.m. to 8 a.m.

Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

Special Condition Five states that the parking spaces in the public beach parking lot shall not be used to satisfy parking requirements for any commercial use or activity. Although the current City proposal does not include any provision to allow public parking spaces to be counted towards the satisfaction of parking requirements for any commercial use or activity, there have been proposals in the past. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

Finally, because the existing and future demand for parking by beach goers in the La Verne Avenue Lot is not known, and the demand for overnight parking permits is not yet known, the full effect of the proposed project as conditioned cannot be fully anticipated. More information is needed. Therefore, the approval of this coastal development permit authorizes only the proposed one-year pilot program during which the City shall be

required to monitor the parking facility and permit program. The one-year permit term will terminate one year from the date of Commission approval. A new local coastal development permit, or an amendment to this coastal development permit, must be obtained prior to the implementation of any subsequent permit terms. During the one-year term of this permit, the City shall monitor the overnight permit-parking program and collect data to be used during the City's and/or Commission's review of any subsequent permit terms. The City shall keep a record of the number of parking permits issued, the daytime parking demand for the lot, nightly daily vehicle counts after 10 p.m., police reports, and neighborhood complaints. As conditioned, the proposed project is consistent with the Coastal Act policies which encourage public access and recreational use of coastal areas.

**C. Certified Local Coastal Program (LCP)**

The proposed project must also conform to the certified Long Beach LCP. The Long Beach LCP was certified by the Commission on July 22, 1980. The certified Long Beach LCP does not contain any policies regarding the management of the public beach parking lots. The LCP does state that parking for beach goers in the lots south of Ocean Boulevard, including the La Verne Avenue Lot, is adequate during most of the summer months. The LCP also states that only beach-dependant recreational facilities should be located on the beach. As conditioned, the proposed project does not conflict with any provisions of the certified LCP, and can be found in conformance with the certified LCP.

**D. California Environmental Quality Act (CEQA)**

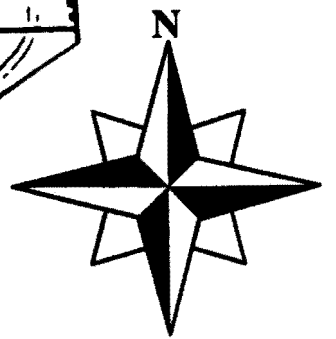
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the certified Long Beach LCP and the public access and recreation 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the Coastal Act and the applicable requirements of CEQA.

# City of Long Beach



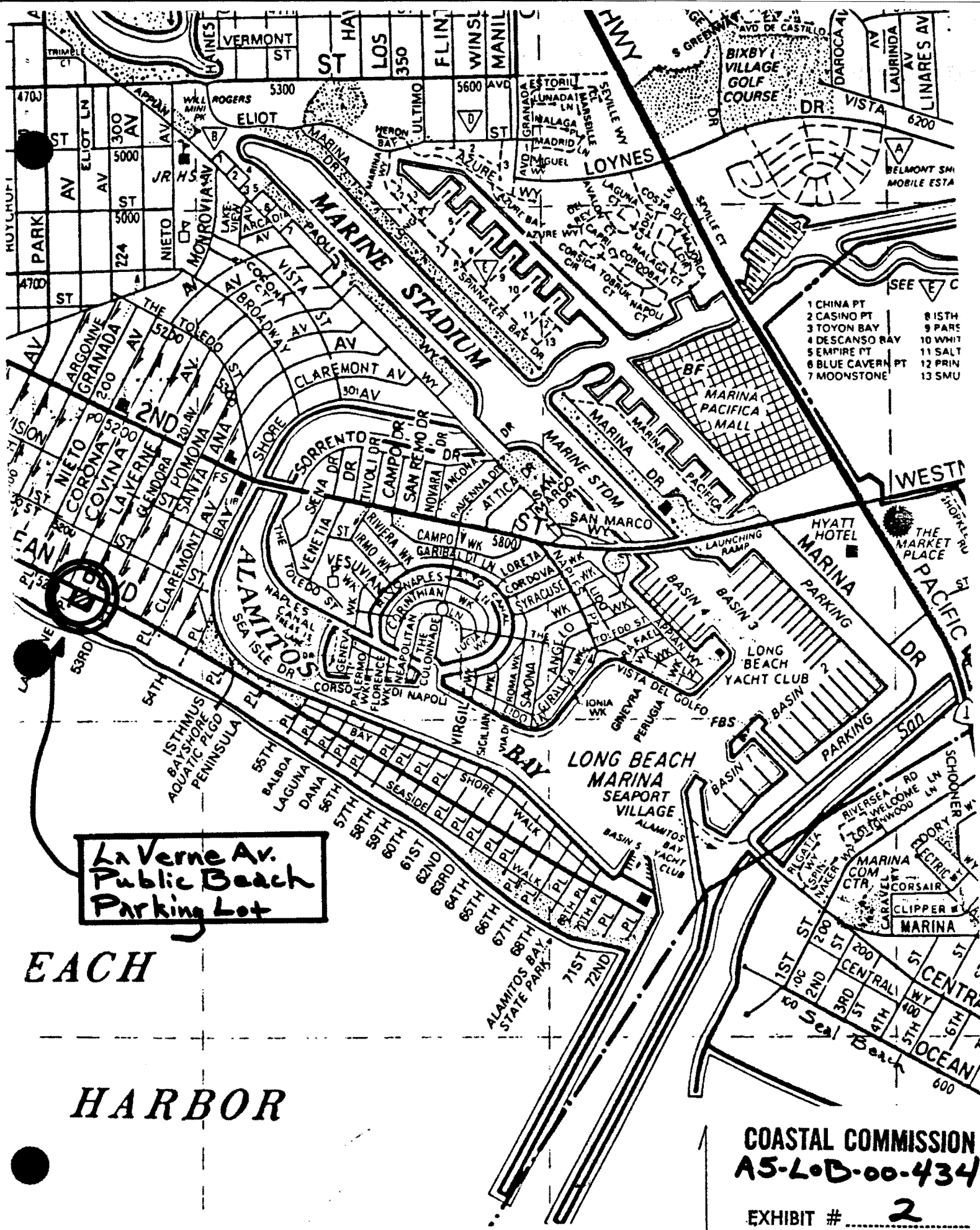
Site



COASTAL COMMISSION  
A5-L.B-00-437

EXHIBIT # 1

PAGE 1 OF 1



- 1 CHINA PT
- 2 CASINO PT
- 3 TOYON BAY
- 4 DESCANSO BAY
- 5 EMPIRE PT
- 6 BLUE CAVERN PT
- 7 MOONSTONE
- 8 15TH
- 9 PARE
- 10 WHIT
- 11 SALT
- 12 PRIN
- 13 SMU

**La Verne Av.  
Public Beach  
Parking Lot**

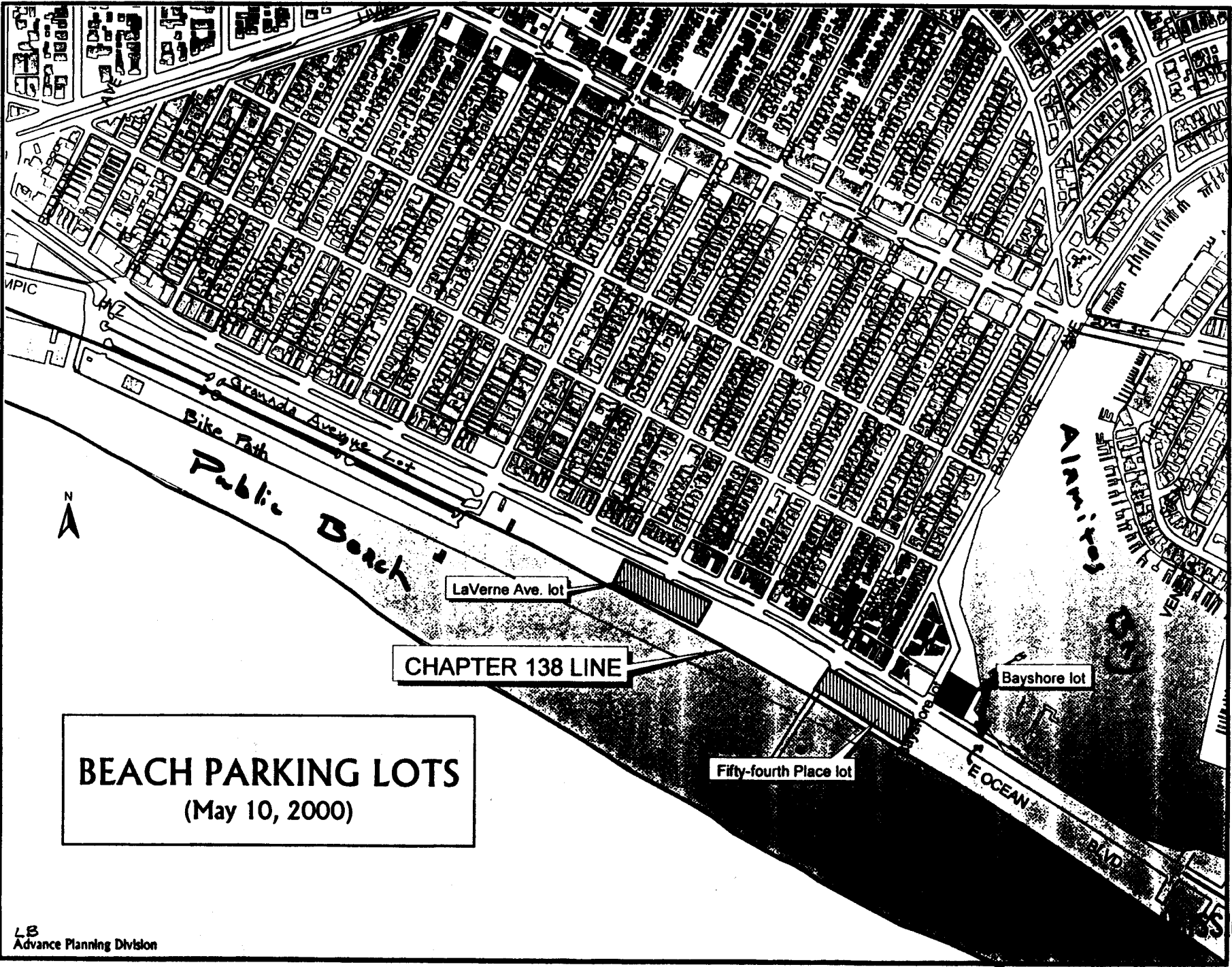
**EACH**

**HARBOR**

**COASTAL COMMISSION  
A5-L0B-00-434**

EXHIBIT # **2**

PAGE **1** OF **1**



**BEACH PARKING LOTS**  
(May 10, 2000)

LB  
Advance Planning Division



**LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL**

**Case No. 0006-05**

**Date: September 21, 2000**

1. This permit and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit 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 form the effective date of approval (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.
3. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
4. 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.
5. 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.
6. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
7. Any graffiti found on site must be removed within 24 hours of its appearance.

**COASTAL COMMISSION**  
**A5-L0B-00-434**

EXHIBIT # 4

PAGE 1 OF 3

8. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
9. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole mounted yard lighting foundations and planters.
10. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
11. The applicant shall comply with the following conditions to the satisfaction of the Director of Planning and Building:

- a. The Pilot Program is subject to an administrative 6-month review period. The applicant shall establish criteria to evaluate the program's effectiveness and prepare a report for review by the Planning Department. This report shall include an analysis of the program's operational characteristics including, but not limited to, the number of permits sold, daily vehicle counts, police reports, and neighborhood complaints;
- b. Approval is granted for a one-year period. Prior to the expiration of this permit, the applicant shall reapply for a Local Coastal Development Permit with a noticed public hearing;
- c. Due to inadequate lighting in the majority of the La Verne Avenue lot, parking in this lot is limited to the northerly row of parking. If code required parking lot lighting is provided, then the entire lot may be used. Light and glare shields shall be provided on any new light standards to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259;
- d. If required by the California Coastal Commission, the applicant shall obtain a coastal permit from the California Coastal Commission;
- e. The overnight parking program is effective from 6:00 p.m. to 8:00 a.m. daily. Parking passes shall be limited to personal (noncommercial) ~~automobiles~~ vehicles 20'0" or less in length, with a current vehicle registration. Unregistered and inoperable vehicles are prohibited. The passes shall be clearly displayed in each automobile parked in a City lot; 10.24.076
- f. The applicant shall install signage at the parking lot entrance indicating the hours of operation, permit requirements for overnight parking, and the prohibition of loitering;

COASTAL COMMISSION  
A5-LOB-00-434  
EXHIBIT # 4  
PAGE 2 OF 3

to vehicles as defined by Section  
10.24.076 of the LBMC Code

- g. The applicant shall prevent loitering in the parking lots. If loitering problems develop, the Director of Planning and Building may require additional security measures or initiate revocation procedures for the Local Coastal Development Permit; and
  - h. The entrance gates shall remain open and the spikes shall be locked down to avoid unnecessary operational noise.
12. The site shall be operated in compliance with the City Noise Ordinance, Chapter 8.80 of the Long Beach Municipal Code. Implementation of the program shall not create excessive noise and nuisances to surrounding property owners'.
13. 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.

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EXHIBIT # 4  
PAGE 3 OF 3

CALIFORNIA COASTAL COMMISSION

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

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

RECEIVED
OCT 26 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):

Michael L. Ruehle
45 Laverne Avenue
Long Beach, CA 90803 (562) 439-4404
Zip Area Code Phone No.

See Attached letter
for other appellants
names and
signatures

SECTION II. Decision Being Appealed

1. Name of local/port
government: Long Beach Planning Commission

2. Brief description of development being
appealed: Overnight parking of Laverne Avenue
beach parking lot.

3. Development's location (street address, assessor's parcel
no., cross street, etc.): Laverne Avenue & Ocean Blvd.

4. Description of decision being appealed:

- a. Approval; no special conditions: Beach Overnight Parking
b. Approval with special conditions:
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: A5-LOB-00-434

DATE FILED: 10.26.00

DISTRICT: Long Beach
H5: 4/88

COASTAL COMMISSION
A5-LOB-00-434

EXHIBIT # 5
PAGE 1 OF 9

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.)

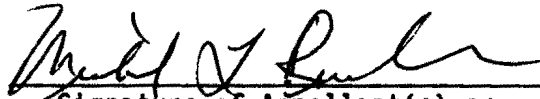
Please see Attached letter to Coastal Commission which includes

- residents not given opportunity to appeal
- residents not notified
- Staff report to Commission was erroneous and not available to Appellants

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

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

  
Signature of Appellant(s) or  
Authorized Agent

other  
signatures  
on attached  
letter

Date 10/26/00

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.

\_\_\_\_\_  
Signature of Appellant(s)

**COASTAL COMMISSION**

Date \_\_\_\_\_

October 25, 2000

California Coastal Commission  
200 Oceangate  
10<sup>th</sup> Floor  
Long Beach, CA 90802

**RE: Appeal of Long Beach Planning Commission decision to allow overnight parking in the La Verne Avenue beach parking lot, Case Number 0006-05.**

We live on La Verne Avenue approximately 150 yards from the La Verne Avenue parking lot, located South of Ocean Boulevard, between Covina and Glendora Avenue. **We are opposed** to the Long Beach Planning Commission decision to allow overnight parking for the following reasons:

**1. THE IMPACTED LOCAL RESIDENTS OBJECT**

**Attachments 1 – 9** include 120+ signatures of the residents closest to the La Verne Avenue parking lot who were **not notified and are opposed** to it being opened for overnight parking for all of the below reasons.

**2. BUSINESSES WILL PROFIT AT THE EXPENSE OF LOCAL RESIDENTS.**

Overnight parking is not a problem for residents in the La Verne neighborhood. Parking is only a problem for inland businesses seeking to expand. Currently, businesses seeking to expand must provide additional parking for their employees and customers. Businesses plan to offset additional parking requirements by purchasing permits to park their customers and employees at the La Verne Avenue parking lot. In fact, District 3 Councilman, Frank Colonna has already arranged a Long Beach Transit bus to facilitate business customers and employees. The bus route (**attachment 10**) connects the businesses to the La Verne neighborhood parking lot. The residential area surrounding the La Verne parking lot will be impacted with additional traffic congestion, cruising, trash, and crime. Allowing overnight parking in the La Verne parking lot will provide no benefit to the surrounding neighborhood, only detriment. It will diminish the resident's quality of life for the benefit of businesses.

**3. OVERNIGHT PARKING WILL ENDANGER THE LOCAL RESIDENTS.**

Provisions have not been made to address resident's safety. William Shadden was murdered at La Verne Avenue and Ocean La Verne Blvd. on May 31, 1993 at 11:20 p.m. The murderers were gang members seeking to steal his bicycle. This location is on our corner and is directly across the street from the unlit and unsupervised La Verne Avenue

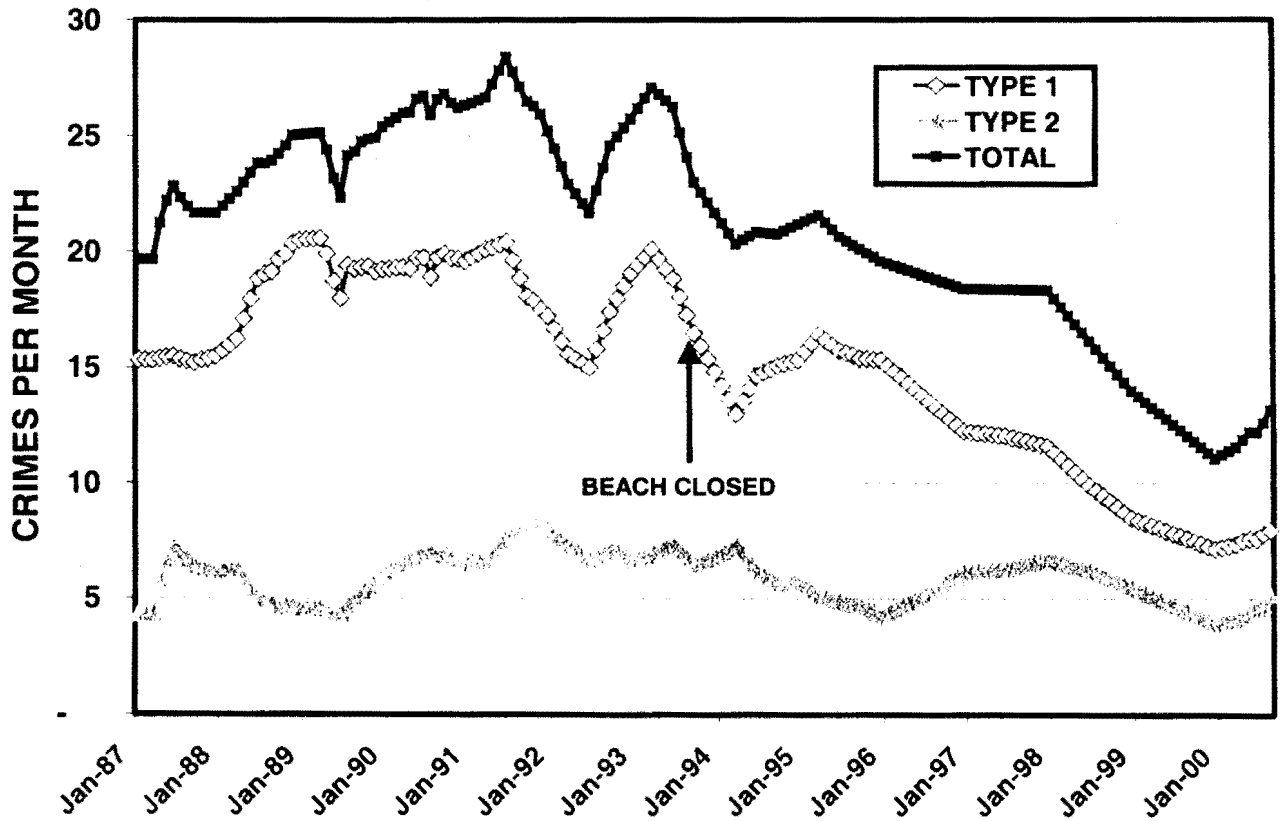
**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 3 OF 9

parking lot. Though easily forgotten by the business owners who don't live here, the residents vividly remember Mr. Shadden's murder.

Prior to Mr. Shadden's murder and the La Verne parking lot closure, crime was a significant issue for the La Verne neighborhood. Our Neighborhood Watch group met regularly with the Long Beach Police Department to address escalating crime. Crime and loitering decreased dramatically when L.B.M.C 10.30.080(A) forced the closure of the beach parking lots in 1993.

**DISTRICT 571 MONTHLY CRIME STATISTICS**  
(12-MONTH ROLLING AVERAGE)



Specifically, Crime dropped 43% when the beach parking lots were closed at night in 1993. According to crime statistics kept by the Long Beach Public library for Reporting District 571, there were 212 crimes/year against people or property for the eight years before the beach parking lots were closed at night. Since closing the La Verne Avenue parking lot at night, crime has dropped dramatically to 121 crimes/year. Reporting district 571 surrounds the La Verne Avenue parking lot. Bayshore & Nieto and 2nd Street & Ocean Blvd bound it.

**COASTAL COMMISSION**

EXHIBIT # 5  
PAGE 4 OF 9

**4. THERE IS NO PLAN FOR PERMIT AND LAW ENFORCEMENT.**

Nothing has changed since the La Verne Avenue parking lot was closed in 1993. The parking lot remains unlit. Police staffing has not been increased. Moreover, police will not be patrolling the La Verne parking lot. Rather, they intend to discourage criminal activity as before, by observing from Ocean Blvd. Despite our neighborhood concerns, we will be no better off than the day William Shadden was murdered.

**5. RESIDENTS ARE OMITTED FROM REVIEW OF THE OVERNIGHT PARKING IMPACTS.**

The current decision is slated for an administrative review by the Planning department after six month. The residents are once again not being allowed an opportunity to express themselves to the Planning Commission regarding the impacts that have been observed. The administrative review is to include police reports and neighborhood complaints. However, there is no criterion for what is acceptable and what is unacceptable. Residents should be able to question the viability of overnight parking in the La Verne parking lot. The administrative review should clearly weigh resident's concerns against the permit income generated. The Planning Commission decision should state that all of the beach parking lots might be closed if there is no use. This is not the case.

**6. RESIDENTS WERE NOT NOTIFIED OF THE IMPENDING PARKING LOT CHANGE OF STATUS.**

The Planning Commission's decision to allow overnight parking in the beach parking lots was flawed. 120+ of the impacted residents (**articles 1 -10**) were not allowed due process to object to overnight parking at the La Verne Avenue beach parking lot. My rights as a thirteen-year resident homeowner in Long Beach were undermined. We support this with the following data:

- A. The La Verne neighborhood residents were denied their opportunity to challenge the Planning Commission erroneous staff report. It was dated September 21 and was unavailable to residents for review until the day of the hearing.
- B. The Planning Commission staff report recommendations on the first page disagree with its own supporting background. Page one of the staff report to the Planning Commissioners states in their recommendations that allowing overnight parking "***is not expected to create any adverse effects upon the neighborhood.***" However, the supporting background section clearly states, "***In the early 1990's, gates to the beach lots in the shore area were closed at night due to problems associated with all night parking. Concerns and complaints raised by the neighbors include unnecessary noise, parties, cruising, loitering, safety, trash, overnight sleeping in***

**COASTAL COMMISSION**



**campers, increase in gang activity, decrease in property values and crime.**" No mention was made of William Shadden's murder in 1993 despite it being mentioned on almost every appeal form submitted by residents. The Planning Commission staff minimized the concerns of the neighbors impacted in their report to the Commissioners.

Furthermore, in the background section, the staff report states *that "this program is a result of City staff working with residents in beach areas."* This is untrue. Upon investigation, Lynette Ferenczy, Planning Department Planner, said that staff had not actually talked with residents. Staff had assumed that Mark Sandoval, Long Beach Parks and Rec, had been doing so since he was the applicant. Residents of the La Verne neighborhood were involved in this decision. The petition signatures support this

- C. The Planning Department September 21, 2000, staff report to the Commissioners indicated that opening the La Verne Avenue parking lot would alleviate residential parking. The staff report failed to mention to the Planning Commissioners that the La Verne parking lot was expected to benefit inland businesses rather than local residents. It also failed to mention that a Long Beach Transit bus route had already been established to transport people from the area surrounding the businesses to the La Verne parking lot. Councilman Frank Colonna's map of this route (**attachment 9**) is dated August 8, 2000. Either the Planning Commission staff was unaware of the bus because they were not actually working with residents, or they chose to omit this relevant fact in their report to the Commissioners. Either way, if the Planning Commission staff had been above board and actually worked with beach residents, you would not be reading this letter.
- D. Residents of the La Verne neighborhood were not notified of the impending parking lot change of status. However, the staff report (dated the day of the hearing) to the Planning Commissioners state that **"250 Notices of Public Hearings were mailed on September 1, 2000"** to property owners. Again, this is untrue. Based upon the mailing list provided by the Planning Department staff, only 122 addresses are listed. No one on La Verne Avenue was notified, even if his or her name was on the mailing list. Only residents along Ocean Blvd received notice.
- E. The La Verne Avenue residents were denied their opportunity to appeal the Zoning Administrator's overnight parking decision to the Planning Commission. The Planning Commission scheduled the appeal hearing for 1:30 p.m. on September 21, 2000. Six La Verne

**COASTAL COMMISSION**

neighborhood residents used their work lunch hour to be there at 1:30 as instructed to speak before the Planning Commission. Our appeal was the second issue of four on the agenda. After the first issue completed late at 2:00 p.m., the Planning Commission arbitrarily moved our appeal to the end of the agenda without discussion or consideration. Our appeal was not heard until after 4:00 p.m. All but two of us could not wait and had to return to work, unheard.

Furthermore, several residents presented written testimony to the Department of Planning prior to the Hearing as instructed on the Notice of Public Hearing. None of the Commissioners were given the opportunity to read written testimony prior to the Hearing and no Commissioners were observed reading it prior to rendering a decision. Residents were denied an opportunity to speak at 1:30 p.m. and their written testimony was ignored.

- F. During the appeal hearing on September 21, 2000, La Verne neighborhood residents requested that vehicle height be limited to a maximum of seven feet to discourage recreation vehicles and overnight camping. The Planning Commissioners agreed that this was reasonable since a similar ordinance was in effect for other areas. However, the seven-foot limitation agreement was left out of the Planning Commission findings. A verbal agreement was made but was not documented in the findings by Planning Commission staff. Nothing now prevents overnight campers from spending one dollar per night to sleep in the La Verne parking lot.

**7. TRASH WILL INCREASE IN THE LA VERNE NEIGHBORHOOD.**

Before the La Verne Avenue parking lot was closed in 1993, residents vividly remember its trash. Specifically, the broken glass from car parties and thrown beer bottles, hypodermic needles from rampant drug use, used condoms and other hygiene by-products. The Planning Commission has done nothing to address this concern voiced by residents during the hearings. No provisions have been made for this increased trash. There are no trash receptacles and trash pick up has not been arranged. It is unacceptable for the local residents to be saddled with the burden of cleaning up and maintaining the parking lots.

**8. CRUISING WILL INCREASE IN THE LA VERNE NEIGHBORHOOD.**

Before the La Verne Avenue parking lot was closed in 1993, residents vividly remember its cruising problems. The unlit, unsupervised parking lots drew gangs, which loitered and created congestion and fear. The Planning Commission has done nothing to address this concern which also was voiced by residents during the hearings. No provisions have been made loitering. There are no posted signs. No additional policing is

**COASTAL COMMISSION**

being provided. It is unacceptable for the local residents to be subjected to loitering, cruising and fear of gang violence.

**9. NOISE WILL INCREASE IN THE LA VERNE NEIGHBORHOOD DUE TO INCREASED VEHICAL AND PEDESTRIAN TRAFFIC.**

La Verne Avenue is the most direct access from Second Street businesses to the La Verne parking lot. Noise is minimal at night when the beach is closed. If overnight parking is allowed, the nighttime traffic noise will increase significantly and disturb our sleep.

**10. POLLUTION WILL INCREASE IN THE LA VERNE NEIGHBORHOOD DUE TO INCREASED VEHICLE TRAFFIC.**

The low air pollution of the beach areas has always been highly desirable, but lately unattainable with increasing diesel exhaust emissions. Allowing overnight parking in the La Verne parking lot will only worsen a bad situation. Because La Verne Avenue is the most direct access from Second Street businesses to the La Verne parking lot, emissions from vehicles will increase and reduce our quality of life.

**11. SAFETY WILL DECREASE IN THE LA VERNE NEIGHBORHOOD DUE TO INCREASED VEHICLE TRAFFIC.**

Cars speeding down La Verne Avenue are already a safety hazard. Allowing overnight parking will worsen the current problem. Besides my own safety, we are especially concerned for the four families with small children (under five years old) residing in our neighborhood.

**12. VAGRANTS WILL SET UP TEMPORARY RESIDENCE IN THEIR RECREATION VEHICLES.**

This problem already exists along Ocean Boulevard. Vagrants currently camp overnight and move their recreation vehicles daily to avoid ticketing. Opening the La Verne Avenue parking lot to overnight parking will transfer this problem to the La Verne neighborhood.

**13. OUR OCEAN VIEW WILL BE OBSTRUCTED.**

From our front patios, we have an unhindered ocean view of Catalina Island, sunrises and sunsets. Having an ocean view is a significant reason for residing on Laverne Avenue. We place great value on having a view. Allowing overnight parking will totally obstruct our ocean view. Furthermore, parked cars and recreation vehicles will pose an eyesore and devalue our property.

**14. OUR HOMES WILL BE SIGNIFICANTLY DEVALUED FOR ALL OF THE ABOVE REASONS.**


**COASTAL COMMISSION**


EXHIBIT # 5  
PAGE 8 OF 9

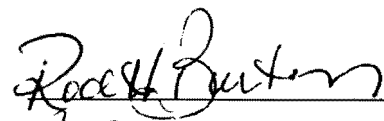
**RECOMMENDATION**


- 1. Do not allow overnight parking at the La Verne Avenue parking lot.**  
Four other beach parking lots are already being opened to overnight parking. It is reasonable to delay the decision on the La Verne parking lot until the success of the one-year pilot programs at the Alamitos, Belmont Pier, 54<sup>th</sup> Street and Bay Shore parking lots have been proven.
- 2. Send decision back to the Planning Commission for reconsideration after affording the residents the due process they are owed.**  
Notices of public hearing should be submitted/resubmitted to the public. Planning Commission staff should be directed to meet with beach residents as originally claimed. Furthermore, appeal hearings should be conducted at time when it is convenient for impacted individuals to attend and provide feedback.

Respectfully,

  
\_\_\_\_\_  
Michael L. Ruehle  
45 La Verne Avenue  
Long Beach, CA 90803  
(w) 310/816-8351  
(h) 562/439-4404

  
\_\_\_\_\_  
Shelley Adams  
65 La Verne Ave  
Long Beach, CA 90803  
(562) 433-4083

  
\_\_\_\_\_  
Rod Burton  
5259 E OCEAN BLVD  
Belmont Shore, CA 90803  
562 433 3272  
800 456 8000 x 25413

  
\_\_\_\_\_  
Tim Powell  
5259 E. Ocean Blvd.  
Long Beach, CA 90803  
(562) 433-3272  
(562) 290-4093

**COASTAL COMMISSION**

# CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
230 Oceanside, 10th Floor  
San Diego, CA 90802-4302  
(619) 590-5071

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

**RECEIVED**  
OCT 27 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):

KENNETH Wang, (Also see attached LIST for additional appellants)  
35 La Verne Ave  
LA B, CA 90803 (562) 621-0888  
zip Area Code Phone No.

## SECTION II. Decision Being Appealed

1. Name of local/port government: Parks, Recreation & Leisure Bureau

2. Brief description of development being appealed: Local Coastal Development permit to establish a one year pilot program to allow over night parking by permit

3. Development's location (street address, assessor's parcel no., cross street, etc.): City own parking lot known as the La Verne Ave lot

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: \_\_\_\_\_
- 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: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

COASTAL COMMISSION  
A5-LOB-00-434

EXHIBIT # 6

PAGE 1 OF 10

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.)


Reasons for requesting the denial of local coastal development permit are: Conditions for local coastal development permit are unclear. IT was insufficient criteria for evaluation, as well as operational questions together produced some negative consequences to the community at large.

(Please see attached letter)

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

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

  
Signature of Appellant(s) or Authorized Agent

Date 10/27/2000

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.

Signature of Appellant(s) **COASTAL COMMISSION**

Date \_\_\_\_\_

**Kenneth Wang**

**Deny local coastal development permit; case number 0006-05.**

Reasons for requesting the denial are:

**Conditions for local coastal development permit are unclear. It has insufficient criteria for evaluation, as well as operational questions together produced some negative consequences to the community at large.**

The proposed criteria for the conditional permit to the satisfaction of the director of planning and building are:

- 1) Written analysis of the program's operational characteristics and they are, the number of permits sold, daily vehicle counts, police reports and neighborhood complaints.
- 2) This program is for one-year with a six months review. Prior to the expiration of this permit, the applicant shall reapply for local coastal development permit with a notice of public hearing.
- 3) This program is effective from 6:00 p.m. to 8:00 a.m. daily, only the licensed and operational vehicles are allow. It contains a size limitation.
- 4) Loitering and Noise ordinances are in effect for the site as well as the surrounding property owners.

**The unclear and missing criteria for the conditional permit are:**

- 1) How does the written analysis provide insights to the understanding of breadth and depth of parking permit buyers, What is acceptable number of permits sold, what is the acceptable percentage of business relative to residents participation.
- 2) How do the Parks, Recreation & Marine Bureau plan to keep track of number of vehicles at the lot. This trial program is from 6:00 p.m. to 8:00 a.m. during which time most of the officers are not at work. How does one verify the vehicle counts.
- 3) How do we measure the effectiveness of the police officers acting as a parking patrol in addition to their normal duty. What is unacceptable number of parking tickets because of lack of permit.
- 4) The one-year with a six months review is not long enough to know its true effect and to be able to establish a base line for the under of the structure changes as it relates to the mission of coastal commission.

**COASTAL COMMISSION**

- 5) There also exist risks associate with undesirable motivation and consequently lack of procedural to terminate this program due to its ineffectiveness after first year. Why isn't it a multiple year program that also has annual public review and hearing after the first year, This would allow the local government agencies to discover any distortion due to its short duration and lumpy data.
- 6) The questionable block of time from 6:00 p.m. to 8:00 a.m., This proposal derived from the demand for parking along the 2<sup>nd</sup> street where the effect is most dramatic. The competition for space came from the employees, customers and the residents. One would imagine 3 p.m. to 1:30 a.m. are a much more desirable block of time.
- 7) Two of the major missing criteria are the age-old habits of short walking distance and lure of free parking. Why would any body want to pay \$ 30 a month and walk another 15 minutes toward 2<sup>nd</sup> street.
- 8) Which agency has the authority over the parking lots, The Police department, the Park, Recreation & Marine Bureau or the city of Long Beach. It is very unclear. ! Who do we call when issues come up.
- 9) No public review and participation after six months.

**The unintent and intent consequences derived from this dynamic shift in supply of parking are:**

- 1) Cheap rent for vagrants.
- 2) Increases in apartment development.
- 3) Increases in density of population and vehicle counts.
- 4) Gangs hang out as well as other public safety issues.
- 5) A **questionable outlet** for additional development along the 2<sup>nd</sup> street business property.
- 6) Limiting public access to the coast due to excess and unregulated development.
- 7) Increases in traffic counts through the residential street directly face the parking lot and therefore put the residents at risk.
- 8) Other long runs environmental impact, such as air pollution, trash, noise and others.
- 9) Wealth transfer from the owner occupies property near the Ocean Boulevard to the business along the 2<sup>nd</sup> street.
- 10) Additional tax dollar spent and possible increase in taxes; driven by the additional spending for this project.
- 11) Parking problems persist.

**We strongly urge the Coastal Commission to deny the applicant for the local coastal development permit.**

**COASTAL COMMISSION**



**I PETITION THE CALIFORNIA COASTAL COMMISSION TO PREVENT OVERNIGHT PARKING OF BELMONT SHORE BEACH PARKING LOTS FOR ANY OR ALL OF THE FOLLOWING REASONS:**

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8. The effected residents were not notified of the change of status of the beach parking lots.
9. The effected residents were not allowed due process to present their arguments before Long Beach City Council, and the Planning Commission.

<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
Cheryl Canaday		152 St. Joseph Ave	438-5555
P. Jenean Razo		5102 Ocean Blvd	438-4580
MARK CERAMI		5102 OCEAN BLVD	438-4580
Kim M. Vay		266 Corona Ave. #4	439-2583
Michelle Jacobsen		19 Laverne	434-6274
DAVID BURDITT		105 Nico, L.B.	N.A.
Michelle Blot		41 Laverne #B	433-8852
J. Monzalez		216 Granada	987-0597
Eloise Rodas		106 Glendora Ave L.B	434-4575
Nadia M. Bencart		126 GLENDORA LB	434-4525
ANDERS EHMANN		208 Glendora LB	438-2890
JENNIFER CHAN		208 Glendora LB	438-2890
Daniel Berke		21 Laverne LB	438-5669
Kenneth Wang		35 La Verne LB	621-0188
Steve Welch		56 La Verne LB	434-5608
Scott Silliman		5385 1st St. LB	437-5494
JOYCE VARAK		25 La Verne LB	434-2002
RUTH THOMAS		59 Laverne Ave	439-9527
Joe Gadowski		26 La Verne Ave	434-4947
Kari Lombredit		5273 E. Ocean	439-4333

**COASTAL COMMISSION**

DATE: \_\_\_\_\_

EXHIBIT # 6  
PAGE 5 OF 10

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<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
GREG HATZ	<i>[Signature]</i>	5431 Daggett St.	5-494-4904
BRAD BINDER	<i>[Signature]</i>	2230 CLIFF ST. S.D	619-280-6578
STEVE SELVAD	<i>[Signature]</i>	2230 CLIFF ST SD	619-280-6578
JIM NELSON	<i>[Signature]</i>	72814 Tampico Dr, MS	760-346-6504
WILLIAM WHITE	<i>[Signature]</i>	4142 MENDOZA ST. #432	(562) 985-0126
GREG MAHAFFY	<i>[Signature]</i>	308 MARINE AVE NB	714-675-1231
JORGE FLORES	<i>[Signature]</i>	257 NEWPORT AVE LB	(562) 496-5549
CASEY WIRE	<i>[Signature]</i>	6555 FAIRM AVE	(562) 423-8238
JIM McELROY	<i>[Signature]</i>	4400 CALIFORNIA AVE	562 981-1180
ROD JENSEN	<i>[Signature]</i>	4400 CALIFORNIA	562 981-1180
KEITH KARAM	<i>[Signature]</i>	28401 CHAT DR	949 831-4781
DON SYMMS	<i>[Signature]</i>	3928 VERDE CT	562-494-7121
BRIAN COONEY	<i>[Signature]</i>	28401 CHAT DR.	949-831-2819
DAVID PUEVA	<i>[Signature]</i>	1902 TULANE AVE	(360) 986-9099
KEVIN JACKSON	<i>[Signature]</i>	1902 TULANE AVE	(562) 986-9099
JONATHAN BOND	<i>[Signature]</i>	2709 E 8th ST	714 3363445
LINDY DANSEY	<i>[Signature]</i>	246 CORDONADO #9	562 434 6256
ERIE STALLER	<i>[Signature]</i>	3809 E 2nd St LB	562-621-9716
SCOTT RICHARD	<i>[Signature]</i>	270 LINDA CT	439-1602
JEFF GUTS	<i>[Signature]</i>	81 ARLING AVE	439-9120

**COASTAL COMMISSION**

DATE: \_\_\_\_\_

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<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
Michael Ruehle	<i>[Signature]</i>	45 LaVerne Ave	439-4404
Lori Johns	<i>[Signature]</i>	32 LaVerne Ave	434-8711
TANYA BUCHANAN	<i>[Signature]</i>	36 LaVerne Ave	439-8649
Nancy Buchanan	Nancy Buchanan	36 LaVerne Ave	439-8649
Thelma B. Schliemann	Thelma B Schliemann	80 Corvina Ave., Apt. 1	439-1658
ANGELA ADAMS	Angela Adams	65 LaVerne Ave #1	433-4083
Shelley Adams	Shelley Adams	65 LaVerne Ave #1	433-4083
JENNY THOMPSON	Jenny Thompson	51 LAVERNE AVE	434-7227
James Henry	James Henry	51 La Verne Ave	434-7227
JACK DAVIS	Jack Davis	41 LAVERNE AVE	438-3742
Beth Davis	BETH DAVIS	41 La Verne Ave	438-3742
CHERYL BAREND	<i>[Signature]</i>	5205 Ocean #4	856-2327
Timi Traxel	Timi Traxel	76 63rd Place	438-2527
Armando Morales	<i>[Signature]</i>	76 63rd Place	438-2527
Heidi Edeskily	<i>[Signature]</i>	32 LaVerne Ave #D	856-4908
LUANN CASBY	Luann Casby	25 LaVerne	434-2002
Shirley Casby	Shirley Casby	25 LAVERNE	434-2002
Paula Meier	Paula Meier	5553 Paoli way	433-8007
Todd Dale	<i>[Signature]</i>	5281 E. Ocean Blvd #1	856-9485
John McIntyre	<i>[Signature]</i>	5281 E Ocean #1	856-9495

**COASTAL COMMISSION**

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<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
Matthew Killian	<i>Matthew Killian</i>	40 La Verne	856-8538
Hugh Alcorn	<i>Hugh Alcorn</i>	5273 E Ocean #172	434-2715
Nicole Bender	<i>Nicole Bender</i>	50 LaVerne	434-2589
GREG GENTILINI	<i>Greg</i>	151 Granada Ave #A	433-2195
Ana Gentilini	<i>Ana Gentilini</i>	151 Granada Ave #A	433-2195
Brad Hulse	<i>Brad</i>	105 Ly. Ave	438-2071
Tracy Martin	<i>Tracy Martin</i>	5251 E Ocean Blvd #8	438-0013
Yang Kieck	<i>Yang Kieck</i>	40 La Verne Upper	856-5547
Sahali Sun	<i>Sahali Sun</i>	40 La Verne Upper	856-5749
Berenice Patricone	<i>Berenice Patricone</i>	112 La Verne #6	433-4164

**COASTAL COMMISSION**

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EXHIBIT # 6  
 PAGE 8 OF 10

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BETSY SPURIN	<i>Betsy Spurin</i>	74 1/2 GLADYS AVE	562 433 0126
J. VIAN GOSWELL	<i>J. Vian Goswell</i>	72 Claremont Ave	(562) 434 9696
JULIET TOMAS	<i>Juliet Tomas</i>	72 Claremont Ave	(562) 434-9696
Loise Rodas	<i>Loise Rodas</i>	25 Glenclary.	562-434-4575
Paul Clear	<i>Paul Clear</i>	5255 1/2 Ocean	562 1433-5474
RANDA GARRAN	<i>Randa Garran</i>	108 GRENDOPA AVE.	562-4392626
Hairy Red	<i>Hairy Red</i>	5212 E. Ocean	562-434-2011
Steve Biron	<i>Steve Biron</i>	32 LaVerne (owner)	433-7173
ROD NEAVE	<i>Rod Neave</i>	5441 E 12 St.	562-434-1057
BILL HEINER	<i>Bill Heiner</i>	107 GLENDOPE	434-5522
Chuck Almanza	<i>Chuck Almanza</i>	326 LaVerne Ave.	562 987-3090
Wendy Eulo	<i>Wendy Eulo</i>	32 LaVerne Ave. Apt. E	562-930 9141
ANN BRIZIUS	<i>Ann Brizius</i>	70 LaVerne Ave.	562-438-3991
Rick Paxton	<i>Rick Paxton</i>	5273 E Ocean	

**COASTAL COMMISSION**

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9. The effected residents were not allowed due process to present their arguments before Long Beach City Council, and the Planning Commission.

<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>PHONE</u>
MARK BERTRAND	<i>Mark Bertrand</i>	525E. SEASIDEWAY	562 432 4134
Frank Proctor	<i>Frank Proctor</i>	81 Arroyo	562-439-9126
Paula Upton	<i>Paula Upton</i>	5255 Ocean	433-5474
BRUCE KESNIK	<i>Bruce Kesnik</i>	5263 Ocean	433-3448
PAUL THOMPSON	<i>Paul Thompson</i>	129 Nieto	433 8767
Barbara Patton	<i>Barbara Patton</i>	41 LaVerne Ave	439-2525
SCOTT BURNI	<i>Scott Burni</i>	40 LaVerne	433-3939

COASTAL COMMISSION

DATE: \_\_\_\_\_

EXHIBIT # 6  
 PAGE 10 OF 10

Coastal Commission  
200 Oceangate, 10<sup>th</sup> floor  
Long Beach, CA 90802-4416

Re: Overnight parking in beach parking lots at LaVerne and Ocean Blvd

Dear Coastal Commission,

This is an old issue that was resolved not too many years ago by closing the lots at night. This was due to the problems that arose from the lots being open. The lots were being used by gangs and all sorts of criminal elements for a safe area to distribute drugs, drinking parties after 2 in the morning, shoot of guns, and anything else but community parking. The neighborhood people were afraid to use the lots as their cars would be broken into and they would be mugged if they needed to get to their car during the night. The loud parties were keeping the neighborhood residents awake at night.

When I had an apartment on Ocean and Covina my tenants had nothing but problems with that lot. The police would say that it was under the jurisdiction of the marine patrol, the marine patrol would say that it was the police's jurisdiction. One time one of my tenants saw someone shooting a gun from his car in the parking lot. The shooter had the police officer convinced he was just shooting fire works. When the tenant saw that the police officer was going to let the man go the tenant ran over and persuaded the policeman to look further. The gun was then found under the car. The police arrested the man. They left a note in my tenant's mailbox the next day that he would have to show up in court by 5:00 that day or they wouldn't be able to hold the man. Fortunately, the tenant came home early, got the note and did show up in court. It later turned out that the man was a wanted criminal. Not many people would be as persevering as that tenant which is why we have so much crime and have to have so many police.

We no longer own that apartment house but do live in Belmont Shores and believe that overnight parking in those lots is a detriment to the community and the source of criminal activity in the neighborhood.

*Catherine Ridgley*  
Catherine Ridgley  
145 Bayshore Ave., Apt. B  
Long Beach, CA 90803-3452

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OCT 26 2000

CALIFORNIA  
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COASTAL COMMISSION  
AS-LOB-00-434

EXHIBIT # 7  
PAGE 1 OF 1

November 28, 2000

Mr. Chuck Posner  
California Coastal Commission  
South Coast District  
200 Oceangate 10<sup>th</sup> floor  
P.O. Box 1450  
Long Beach, CA 90801-1450

**RECEIVED**  
South Coast Region

DEC 1 2000

CALIFORNIA  
COASTAL COMMISSION

Re: A-5-LOB-00-434, La Verne Beach Parking Lot.

Dear Mr. Posner:

It was good to speak with you on Tuesday, November 21<sup>st</sup> regarding the above captioned case as it relates to the over night beach parking. Thank you for your patience. To summarize what we have discussed, the following is what I think is important to A-5-LOB-00-434:

- 1) Supply exceeds demand for parking space along Ocean Boulevard at night.
- 2) Longer trial period.
- 3) "REMM" (rational, evaluative, maximizing men) i.e., people will look for free proximity parking.

Both 1 and 3 are to substantiate that currently there are no needs for additional parking spaces along Ocean Boulevard at night. Given the design of this overnight parking program, the problem will continue along 2<sup>nd</sup> Street. On the other hand, crowding toward Ocean Boulevard will occur if businesses along 2<sup>nd</sup> Street have above normal development activities as well as speedier conversion toward apartments within Belmont Shore.

Item number 2 is closer to the heart of Coastal Commission concerns because there are some missing pieces of the puzzle you should know. Enclosed please find a newsletter and a shuttle bus map, both will provide you with additional information as to why I think you should extend the trial period to longer than the City of Long Beach is proposing. This newsletter points out the usage of the beach lots for both day and night by the employees, as well as potential integration to 2<sup>nd</sup> Street business needs. Simply by having a multiple years trial with biannual review, this will allow the Coastal Commission to collect enough information to establish a base line for meeting it's objective of "access and enjoyment of the beach for all".

**COASTAL COMMISSION**  
**A5-LOB-00-434**

EXHIBIT # 8

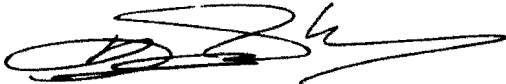
PAGE 1 OF 4



The risks are great for the residents and the Coastal Commission with this one-year trial, when such a short period of time is used to determine a policy. A much more robust data can be obtained via a longer trial and ultimately can be use to instituted a policy with a higher degree of confidence. The length of time one requires to obtain this conditional use permit through the local and state governmental agencies is fairly long, the opposite is also true to dissolve this program when it does not work.

Mr. Posner, there are four lots allocated for this trial, the only lot that is making an appeal to the Coastal Commission is the La Verne lot, that is because we care and we feel we have the greatest environmental impact. As you know there are many operational issues that will still need to be worked out and **we simply would like to see a very clear definition of what the problem is before we start jumping into solutions.** Therefore, I am requesting the La Verne lot be left out at this stage until such time deems necessary.

Sincerely,



Kenneth Wang

Enclosure

P.S.: In case you are wondering about the 1100 signatures, we have copies of it. Somehow twisting & spinning the truth is not disclosed

COASTAL COMMISSION

EXHIBIT # 8  
PAGE 2 OF 4

Business owners and residents of the Shore alike voiced opposition to the proposed Sav-on. One letter in the Grunion Gazette lamented: "Why do we have to settle for a business district that is mundane, unattractive and beginning to look more and more like a strip mall?"

At the BSRA's monthly meeting in September, a straw vote of those present was taken. The Board and members present unanimously voted against a Sav-on in the Shore.

Sav-on is owned by Albertson's. To express your view, you can write to: Gary Michael, Chief Executive Officer, Albertson's, PO Box 20, Boise, Idaho 83726. They can be reached on the Internet at [www.albertsons.com](http://www.albertsons.com). Also contact the Planning Commission, Councilman Colonia and Mayor Beverly O'Neill at City Hall, 333 W. Ocean Blvd., Long Beach, CA 90802.

### RITE AID POSTPONES APPLICATION FOR LIQUOR LICENSE

Rite Aid was scheduled to go before the City Planning Commission September 7<sup>th</sup> to once again ask permission to sell liquor (beer and wine) in Belmont Shore.

At the last minute, Rite Aid asked for a "continuance," saying they wanted to conduct meetings with the community (as we go to press, the BSRA has not been contacted by Rite Aid). Planning Department staff recommends denying Rite Aid's application because of the high crime rate in the Shore and the existing over-concentration of liquor licenses for bars and restaurants.

The Shore currently has two liquor stores on Second Street, another at Granada and Ocean Blvd. And there are large nearby retail liquor outlets such as Morry's of Naples, Von's and ABC Liquors at Ocean and Termino, and an Alco Mini-mart and "7-11" selling beer and wine in the same area.

In a questionnaire to Shore residents last year, by an 80% margin residents said they wanted no more than the two existing liquor stores on Second

### WHAT HAPPENED TO THE 'PARKING COALITION'?

by Cynthia Brannon

We're still working hard! Unfortunately, dealing with the necessary agencies is a painfully slow process.

### \$100 Prize Offered for Best Logo

The BSRA is sponsoring a contest to choose a new organization logo. We're looking for a logo that will be indicative of the Belmont Shore community: beaches, ocean, clear skies, small town village atmosphere, charming homes and business community. Please send your logos to the BSRA, PO Box 30327, Long Beach, CA 90853.

We are happy to say that after two-and-a-half years, we are making good progress. Our proposal of remote parking for Second Street employees in the beach parking lots is simply too good to abandon. Businesses win, customers win, residents win, and the overall costs are minimal compared to other solutions.

**Progress:** We first had to gain the approval of the City Council to use the lot. That's done. Then they had to establish a fee schedule for nighttime parking permits. That's done. They have been set at about \$30 per month.

Next, we received approval from Zoning Administrator Bob Benard. The first week of August, a one-year trial plan was approved allowing nighttime parking by permit in four beach lots in Belmont Shore. The big lot at Granada could not be approved at this time.

**What's next?** Now, we are set to take our case to the California Coastal Commission and ask for their blessing in using the lots for other than beachgoers. Here, we have the help of a local lawyer who has dealt with the Coastal Commission. Since we are planning on using the lots in the late afternoons and evenings, we will not be interfering with beachgoers but we must not count our chickens before they hatch.

**Shuttle:** The next step involves the establishment of an employee shuttle to trolley folks to Second Street. Long Beach Transit has finally agreed to begin a Passport-like bus which will run the circuit around Ocean and Second St. It is slated to begin late 2000.

**Security:** We also must face security issues. The LBPd feels they cannot properly control the security of the Granada lot as long as it is behind the existing sea wall. The wall was built back in the years when large waves pounded Belmont Shore

and is obviously not now necessary. A lowering of the wall, however, is a \$350,000 expense. The city is examining the process. Also being examined is the possibility of a 24 hour manned kiosk for security and for fee collection, like the new one in the pier lot.

**Beach Residents:** We would like our constituents who live along Ocean to know that we are sensitive to their concerns of excessive noise in the beach lots at night. We truly believe that when the lots are used by employees, use by those wishing to 'party' in the lots will be discouraged. Please attend our meetings so we can carefully monitor the 'goings on'.

**Help!** A small group of us have continued to meet the challenges presented. We are continually inspired by the knowledge that we have the signatures of over 1100 residences in support of this plan. If you have special talents or knowledge that will help us, please contact our new BSRA President, Jeannette Gavin at 439-3058 or attend a meeting of the BSRA. (See Meeting Schedule on page 1.)

### T-SHIRT SALES HELP PAY FOR BELMONT SHORE STREET DECORATIONS

A Christmas T-Shirt is the next fundraiser for the non-profit organization "Giving Twice." The organization is best known for last years "Trees in the Islands" Christmas decorations, which illuminated the median of Second Street from Ximeno to Bay Shore. It also sponsors seasonal decorations such as flags, banners and lighting. The Christmas "T" is a companion to the blue and green seashell design T-shirts currently on sale. "Giving Twice" consists of Shore business owners dedicated to improving the appearance of the Second Street business district. The T-shirts are \$14.95 and can be bought at Holly's Hallmark, Luna, Mail Boxes Etc., Jones Bicycles, Angels 2000 and the Belmont Athletic Club. Donations are tax-deductible. For more information contact Patti Allen at Holly's Hallmark, 434-5291.

### NEIGHBORHOOD WATCH

by Jim Ostach

Want to know the best crime prevention device ever invented? A GOOD NEIGHBORHOOD WATCH has been

### WANT TO HELP WITH THE LONG BEACH MARATHON? VOLUNTEERS NEEDED.

This year's Long Beach Marathon is Sunday, November 12<sup>th</sup>. The Marathon Committee has invited the BSRA to sponsor a water station at Second St. near Quincy. We need to have about 25 volunteers to have our own location.

The Marathon route goes around the Shore this year, so Shore residents should have no trouble getting to and from their homes.

Volunteering should be fun! The Marathon needs us there at 5 a.m., and asks that we stay until 11 a.m. We need to respond to the Marathon Committee by October 15<sup>th</sup>. Call Jeannette Gavin, 439-3058 if you would like to join in.

nationally proven to be one of the most significant factors in neighborhood safety, appearance, and cohesion. LBPd's Marcia Rhone, formerly Belmont Shore's dynamic patrol officer, has stated: "Citizens alone...Police working alone...can't guarantee safe neighborhoods; together they keep already safe neighborhoods safer...unhealthy neighborhoods improve with police/community partnership..."

Training; home/car security and social meetings; street signing and painting; enhanced lighting; more frequent alley patrols; home and car window stickers; pepper spray and self defense classes; monitoring neighbors' homes while they are away - all these are elements of an active NEIGHBORHOOD WATCH program which pay such benefits as greatly reduced crime, cleaner streets and alleys, and new friendships. My own neighbor prevented my car from being stolen less than thirty-six hours after our first NEIGHBORHOOD WATCH organizational meeting at my home!

Become a potent force in neighborhood safety and revitalization! Call the City of Long Beach NEIGHBORHOOD WATCH information number (570-7229) to begin the simple process of establishing in your area the best crime prevention device ever invented - GOOD NEIGHBORS!

Shoregram distributed in the Shore by Boy Scout Troop 212. Thanks guys!

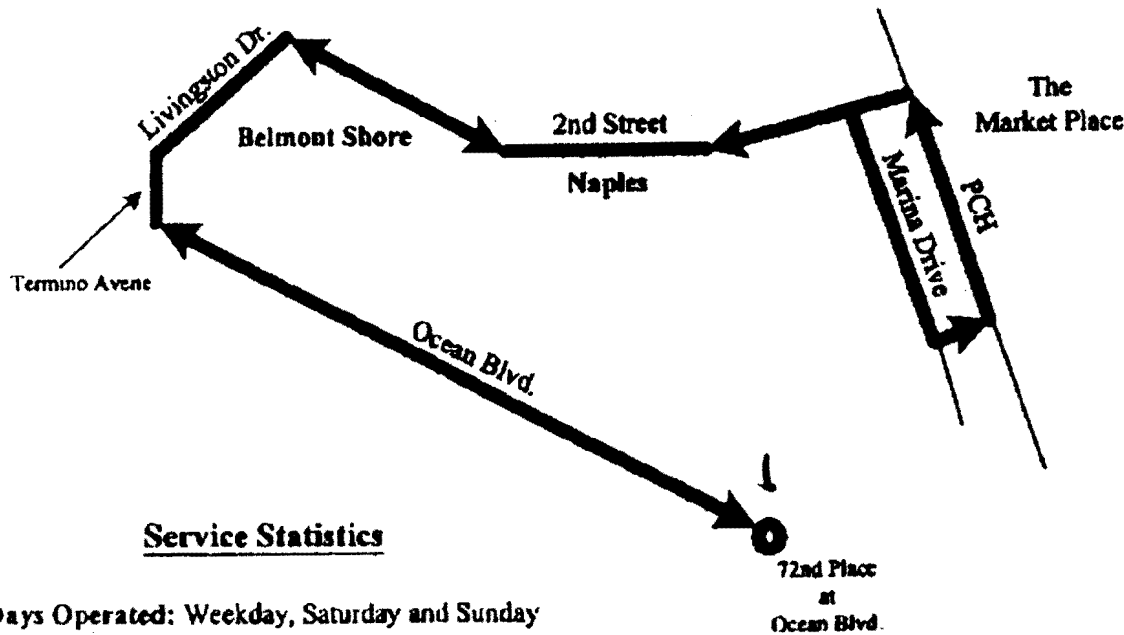
## COASTAL COMMISSION

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A-5-LOB-00-434

# Belmont Peninsula to The Market Place



### Service Statistics

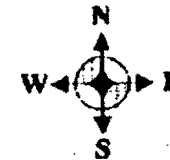
Days Operated: Weekday, Saturday and Sunday

Span of Service: 8:00 A.M. to 8:00 P.M.

Frequency: 45 minutes

Number of Coaches: 1

Service Hours: 12



Not to Scale  
08/01/00

**COASTAL COMMISSION**

EXHIBIT # 8  
PAGE 4 OF 4

ATTACHMENT 10

OCT 22, 2000

COASTAL COMMISSION  
200 OCEAN STATE  
10TH FLOOR  
LONG BEACH, CA 90802

Ralph LePre  
P.O. Box 3791  
BELMONT SHORE  
CA 90803

Re: OVERNITE PARKING IN BEACH PARKING LOTS.

LAST MONTH THE CITY OF LONG BEACH APPROVED A ONE YEAR PILOT PROGRAM THAT WOULD KEEP PARKING LOTS AT 54TH PLACE AND AT LA VERNE OPEN AT NIGHT FROM 6 PM TO 8 AM. I LIKE THE IDEA AND THINK THAT IT IS ONE OF THE SOLUTIONS NEEDED TO ALLEVIATE THE ACUTE PARKING PROBLEM HERE IN BELMONT SHORE!

SOME RESIDENTS HOWEVER, IN THE VICINITY OF THE LOTS ARE COMPLAINING. THEY PREDICT AN INCREASE IN CRIME. I FIND THIS VERY PRESUMPTUOUS AND UNLIKELY. CITYWIDE, CRIME HAS BEEN ON A DOWN TRENDS THE LAST 8 YEARS! AFTER ALL, THIS IS ONLY A ONE YEAR PROGRAM, I INSIST WE GIVE IT CHANCE, NO ONE REALLY KNOWS UNTIL THE PLAN IS IMPLEMENTED!

Young Trull,  
Accepted to

RECEIVED

OCT 25 2000

CALIFORNIA  
COASTAL COMMISSION

COASTAL COMMISSION  
A5-203-0013

EXHIBIT # 9

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