

CALIFORNIA COASTAL COMMISSION

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Items M7c&d

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Staff: CP-LB
Staff Report: 7/25/2001
Hearing Date: August 6, 2001
Commission Action:



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE HEARING

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISIONS: Approvals with Conditions

APPLICANTS: La Vonne & Gilbert Bates

AGENT: Jerry Yates

APPELLANT: Michael Driscoll

APPEAL NUMBERS: A-5-LOB-01-252 (Lot 4) & A-5-LOB-01-253 (Lot 6)

PROJECT LOCATION: 5616 Bayshore Walk (Lot 4) & 47 57 4th Place (Lot 6),
City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal of two City of Long Beach local coastal development permits for residential development on two abutting lots:

RECORD PACKET COPY

On Lot 4: Demolition of two single family residences with no parking, and construction of a three-story, 5,000 square foot (approx.), 34-foot high single family residence with a 350 square foot second unit and an attached three-car garage (with variance granted for 3-foot rear yard setback instead of 8 feet and two parking spaces in tandem instead of side-by-side). There currently exists no vehicular access to Lot 4, but the City-approved project on Lot 6 would provide vehicular access to Lot 4 from the rear alley.

On Lot 6: Demolition of three-car garage to provide vehicular access to 5616 Bayshore Walk (Lot 4), conversion of existing two-story triplex to a three-story duplex, and construction of a new three-car garage (with variance granted to eliminate 50 square feet of open space).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeals have been filed. See page seven for the motions to find no substantial issue.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit No. 0101-06 (Lot 4) (Exhibit #8).
2. Local Coastal Development Permit No. 0101-05 (Lot 6) (Exhibit #9).
3. City of Long Beach Certified Local Coastal Program, 7/22/80.

I. APPELLANT'S CONTENTIONS

The City's approval of Local Coastal Development Permit Nos. 0101-06 and 0101-05 have been appealed to the Coastal Commission by Michael Driscoll. Local Coastal Development Permit Nos. 0101-06 and 0101-05, approved by the City of Long Beach Zoning Administrator on April 9, 2001, and upheld on appeal by the City Planning Commission on June 7, 2001, would permit the applicants to undertake the development described on page one on two abutting lots (Exhibit #3).

The two local coastal development permits and appeals are related to one another in the following ways:

1. The development approved by Local Coastal Development Permit No. 0101-06 for 5616 Bayshore Walk (Lot 4) is dependant on the development approved by Local Coastal Development Permit No. 0101-05 for 47 57 4th Place (Lot 6). The garage on Lot 6 must be removed in order to provide space for vehicular access to Lot 4.
2. The applicants, La Vonne & Gilbert Bates, are the same for both local coastal development permits.
3. The appellant, Michael Driscoll, is the same in both cases.

Appeal A-5-LOB-01-252 (Lot 4), 5616 Bayshore Walk, City Case No. 0101-06

The appellant, Michael Driscoll, contends that the variances (3-foot rear yard setback instead of 8 feet and two parking spaces in tandem instead of side-by-side) should not have been granted to the applicants because other properties have complied with the 8-foot rear setback and side-by-side parking requirements (Exhibit #6). He asserts that the City-approved tandem parking space will "never be truly used for parking," and that the City should have required four parking spaces for the two approved residential units. Furthermore, the City Planning Commission was confused as to which property was being discussed and the variances for each. The appellant states that, "These variances are ruining the quality of living on the peninsula, its beaches and waters."

Appeal A-5-LOB-01-253 (Lot 6), 47 57 4th Place, City Case No. 0101-05

Again, the appellant, Michael Driscoll, contends that the City should not have granted a variance (eliminate 50 square feet of open space) because other properties have complied with the zoning requirements, and that the City should have required four parking spaces for the two approved residential units (Exhibit #7).

II. LOCAL GOVERNMENT ACTION

On April 9, 2001, the City of Long Beach Zoning Administrator considered the applications of La Vonne & Gilbert Bates for development proposed on abutting lots at 47 57th Place and 5616 Bayshore Walk in the Alamitos Bay Peninsula neighborhood of Long Beach (Exhibit #2). The Zoning Administrator approved both local coastal development permits, each with at least one Standards Variance (code exception).

Local Coastal Development Permit No. 0101-06 (Lot 4), 5616 Bayshore Walk

The Zoning Administrator's approval of Local Coastal Development Permit No. 0101-06 for 5616 Bayshore Walk (Lot 4) permitted the applicants to demolish the two single family residences that currently occupy the beach-fronting property (Exhibit #8). This property currently has no vehicular access and no on-site parking (Exhibit #3). The approved project also included the construction of a three-story, 5,000 square foot (approx.), 34-foot high single family residence with a 350 square foot second unit. A new three-car garage with a pair of tandem parking spaces would be located on the ground floor (Exhibit #4). Access from the existing alley to the new garage would be possible only when the portion of the abutting property is permanently cleared as part of the proposed project on Lot 6 (See description below of Local Coastal Development Permit No. 0101-05).

The approval of Local Coastal Development Permit No. 0101-06 included two code exceptions (Exhibit #8, p.7):

1. A 3-foot rear yard setback instead of 8 feet.
2. two parking spaces in tandem instead of all three required spaces side-by-side.

One code exception was denied for a 2'1" front yard setback instead of 3 feet.

Special Condition 25 of Local Coastal Development Permit No. 0101-06 requires the applicants to record a deed restriction limiting the second unit to a maximum of 350 square feet, as proposed by the applicants. The certified LCP allows residential units with less than 450 square feet and with no bedrooms to provide only one on-site parking space instead of the normally required two parking spaces per unit. In this case, the proposed single family residence and 350 square foot second residential unit meet the parking requirements of the certified LCP in regards to number of spaces. As stated above a code exception was granted to allow the three on-site parking spaces to include a pair of tandem spaces instead of all three spaces being side-by-side. The Zoning Administrator determined that it would be a hardship, in fact impossible, for the applicant to provide three side-by-side parking spaces on the property because of the unique situation involving vehicular access to the site. A three-car wide garage would require a wider easement for vehicular access over Lot 6 (see below) and thus, the permanent removal of a larger part of the existing structure on Lot 6 (Exhibit #5).

In his approval of the local coastal development permit, the Zoning Administrator found that the unique vehicular access situation caused a hardship for the applicants, and that the

granting of the variances for the rear setback and tandem parking would not cause any adverse impacts to the community and would not affect public access to the coast.

Local Coastal Development Permit No. 0101-05 (Lot 6), 47 57th Place

The Zoning Administrator's approval of Local Coastal Development Permit No. 0101-05 for 47 57th Place (Lot 6) permitted the same applicants to demolish the rear portion of the existing three-unit residential structure on Lot 6 in order to provide a permanent easement from the existing alley and across the rear of the property for vehicular access to Lot 4 (5616 Bayshore Walk) (Exhibit #9). A three-car garage and two of the three existing residential units on Lot 6 would be demolished. One existing single family residence would remain, onto which a new three-car (side-by-side) garage and a second residential unit, not exceeding 450 square feet, would be added. The new construction (garage and second unit) would be set back from the new easement that would provide vehicular access to Lot 4. The resulting development on Lot 6 was permitted to be a three-story duplex with an attached three-car garage.

The approval of Local Coastal Development Permit No. 0101-06 included one code exception to eliminate the required open space for the first floor dwelling unit instead of maintaining 50 square feet of open space (Exhibit #9, p.7).

The Zoning Administrator denied the applicant's request for a code exception to allow a non-conforming parking situation to continue on Lot 6: maintenance of a three-car garage for an addition over 450 square feet instead of providing a four-car garage. The ruling limited the proposed project, with its three-car garage, to a maximum of 450 square feet in new additional floor area. As previously stated, the certified LCP allows residential units with less than 450 square feet and with no bedrooms to provide only one on-site parking space instead of the normally required two parking spaces per unit. In this case, the remaining single family residence must have two parking spaces, and the approved second unit, which may not exceed 450 square feet in floor area, must have one parking space. As required by the certified LCP, the approved provide includes a total of three side-by-side parking spaces in a garage.

Appeals to Long Beach Planning Commission

Michael Driscoll and Philip Megdal appealed the Zoning Administrator's approval of Local Coastal Development Permit No. 0101-06 (Lot 4) to the City of Long Beach Planning Commission. Only Philip Megdal appealed the Zoning Administrator's approval of Local Coastal Development Permit No. 0101-05 (Lot 6) to the Planning Commission.

On June 7, 2001, the City of Long Beach Planning Commission held a concurrent public hearing for the two appeals of the local coastal development permits and associated standards variances. The Planning Commission denied both appeals and upheld the Zoning Administrator's approval of both local coastal development permits and standards variances. The Planning Commission adopted findings that the approved developments are consistent with the certified Long Beach LCP, and in conformity with the public access and recreation policies of the Coastal Act (Exhibits #8&9).

The Planning Commission's actions to deny the appeals of the local coastal development permits were not appealable to the City Council. On June 19, 2001, the City's Notices of Final Local Action for Local Coastal Development Permit Nos. 0101-05 and 0101-06 were received via first class mail in the Commission's South Coast District office in Long Beach. The Commission's ten working-day appeal period for each local coastal development permit was established on June 20, 2001. On July 2, 2001, Commission staff received Michael Driscoll's appeals of Local Coastal Development Permit Nos. 0101-05 and 0101-06 (Exhibits #6&7). The appeal period ended at 5 p.m. on July 3, 2001, with no other appeals being received.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the 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. Sections 30603(a)(1) and (a)(2) of the Coastal Act identify the proposed project site as being in an appealable area by its location within three hundred feet of the beach and also 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 finding 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.

See page seven for the motions to find no substantial issue.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE: A-5-LOB-01-252

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the conformity of the project with the certified Long Beach LCP and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

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

MOTION:

*"I move that the Commission determine that Appeal No. A-5-LOB-01-252 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.

Resolution to Find No Substantial Issue for Appeal A-5-LOB-01-252

The Commission hereby finds that Appeal No. A-5-LOB-01-252 raises no substantial issue regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE: A-5-LOB-01-253

The staff recommends that the Commission determine that **no substantial issue exists** with respect to the conformity of the project with the certified Long Beach LCP and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

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

MOTION:

*"I move that the Commission determine that Appeal No. A-5-LOB-01-253 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.

Resolution to Find No Substantial Issue for Appeal A-5-LOB-01-253

The Commission hereby finds that Appeal No. A-5-LOB-01-253 raises no substantial issue regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS ON SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. Project Description

The applicants propose development on two abutting lots, Lot 4 and Lot 6 (Exhibit #3). Lot 4, currently developed with two single family residences, is a beach-front lot with no parking or vehicular access. Lot 6 fronts on 57th Place and is currently developed with three residential units and three parking spaces. Therefore, there currently exists a total of five residential units and three on-site parking spaces on the two lots. All of the non-conforming development is proposed to be demolished and removed from the two lots with the exception of one single family residence on Lot 6. An easement for vehicular access to Lot 4 is proposed over the rear portion of Lot 6 (Exhibit #5).

Lot 4 is proposed to be redeveloped with a single family residence with an attached three-car garage. A 350 square foot second residential unit is proposed within the single family residence on Lot 4. The proposed three-car garage includes a pair of tandem parking spaces instead of three side-by-side spaces required by the zoning code (Exhibit #4).

The new three-car garage (side-by-side parking) and a second residential unit (not to exceed 450 square feet in floor area) are proposed to be added to the remaining single family residence on Lot 6 (Exhibit #6).

The completion of the proposed development would result in a total of four residential units and six parking spaces on the two abutting lots. Access to all on-site parking is from the existing rear alley. The lots are not being tied together, and there are no curb cuts proposed. Therefore, the proposed project would result in a reduction in density on the two lots from five residential units to four, and a net increase in on-site parking of three spaces. The development proposed on Lot 4 is dependant on the clearing of the existing development from the rear of Lot 6 and the recording of the easement for vehicular access on the rear of Lot 6.

The proposed development is located entirely on private property, and no changes are proposed to the public walkway (Bayshore Walk) that exists in front of Lot 4 (Exhibit #3). The surrounding neighborhood is intensely developed with single family and multi-family residences up to four-stories high. There is intense competition between residents for the small amount of on-street parking spaces.

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 **no substantial issues** 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.

The appellant's appeals do not assert that the proposed projects would result in any adverse effects to coastal access or that the City-approved development is inconsistent with the public access policies of the Coastal Act (Exhibits #6&7). Furthermore, staff has not identified any potential conflicts between the proposed development and the public access policies of the Coastal Act. Taken as a whole, the proposed project would reduce competition for public on-street parking by reducing the number of residential units in the neighborhood, and by increasing the off-street parking supply by three spaces. A reduction in demand for the limited on-street parking spaces would have a positive effect on public access to this coastal area by making it easier for visitors to find a parking space. Therefore, the appeals do not raise a substantial issue with regards to conformity with the public access policies of the Coastal Act.

The appellant does object to the City's granting of exceptions to the building standards contained in the City's zoning ordinance, which comprise part of the Implementing Ordinances

(LIP) portion of the certified Long Beach LCP. The zoning ordinance, and thus the certified LCP, includes provisions for the granting of exceptions (Standards Variances, Chapter 21.25.301) in cases where hardships exist. Of course, in the event that the City grants such an exception to the requirements of the zoning ordinance, it must make the following findings:

- A) The site of the improvements on the site are physically unique when compared to other sites in the same zone;
- B) The unique situation causes the applicant to experience hardship that deprives the applicant of substantial right to use the property as other properties in the same zone are used and will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purpose of the zoning regulations;
- C) The variance will not cause substantial adverse effects upon the community; and,
- D) In the coastal zone, the variance will carry out the local LCP and will not interfere with physical, visual and psychological aspects of coastal access to or along the coast.

In the case of the two City-approved local coastal development permits, the City was able to make the required findings for three code exceptions that were granted. The approval of Local Coastal Development Permit No. 0101-06 included two code exceptions (Exhibit #8, p.7):

1. A 3-foot rear yard setback instead of 8 feet.
2. two parking spaces in tandem instead of all three required spaces side-by-side.

The approval of Local Coastal Development Permit No. 0101-06 included one code exception to eliminate the required open space for the first floor dwelling unit instead of maintaining 50 square feet of open space (Exhibit #9, p.7).

The appellant's primary concern is that the City-approved tandem parking arrangement on Lot 4 would not be used for parking, therefore resulting in the project having only two usable parking spaces for two residential units (one unit is limited to 350 square feet). While the tandem parking arrangement may make the parking area more difficult to use than side-by-side parking, the City found that it was not possible for the applicants to provide side-by-side parking on Lot 4 because of the unique situation of the site. The unique situation is the necessity to demolish part of the structure on Lot 6 in order to provide any vehicular access to Lot 4 (Exhibit #5). Since it is often very difficult to find any parking on the street, it is unlikely that the applicants would not use the on-site parking facilities that they proposed to provide.

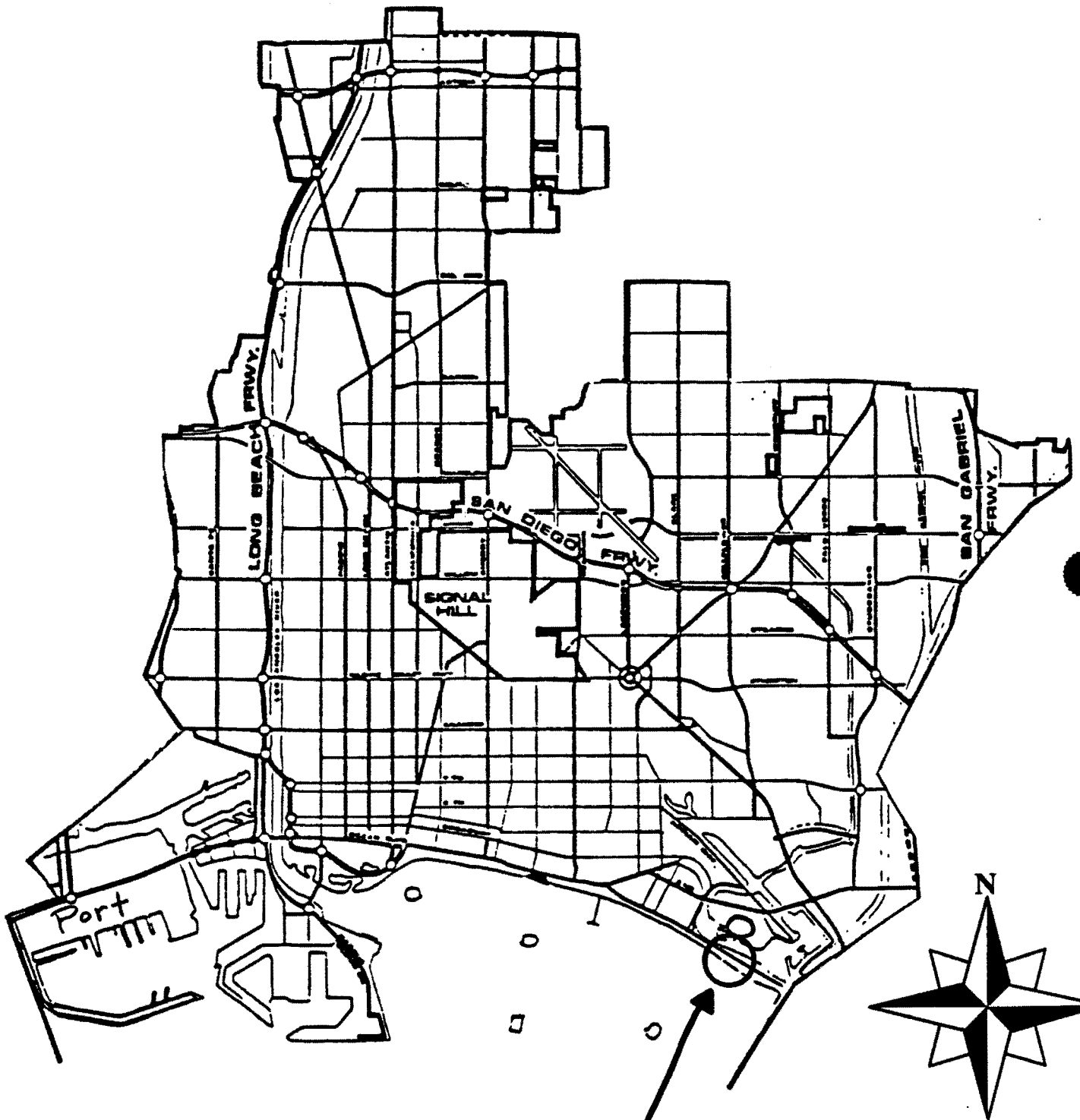
While the Commission finds that the provision of adequate on-site parking is an issue of statewide concern because of its direct relationship to the availability of the on-street public parking spaces that support public access to the shoreline, in this case the applicants are providing adequate on-site parking for the proposed development. The proposed three on-site parking spaces for each two-unit residential project is consistent with the number of on-site

parking spaces required by the certified LCP because the second unit approved on each lot is less than 450 square feet in area and requires only one parking space (Residential Parking Standards, Section 21.41.216).

In addition, the code exception granted by the City for tandem parking is reasonable because a hardship does exist, it is a unique situation, and it would not result in any adverse impacts to the community or to coastal resources. The City-approved code exceptions for the rear yard setback and open space requirements do not rise to a level of statewide concern, and they would not result in any negative impacts to coastal access or other coastal resources. The City's approvals of Local Coastal Development Permit Nos. 0101-06 and 0101-05 are consistent with the provisions of the certified Long Beach LCP and the Coastal Act. Therefore, the Commission finds that the appeals do not raise a substantial issue with regards to conformity with the certified Long Beach LCP or the public access policies of the Coastal Act.

End/cp

City of Long Beach

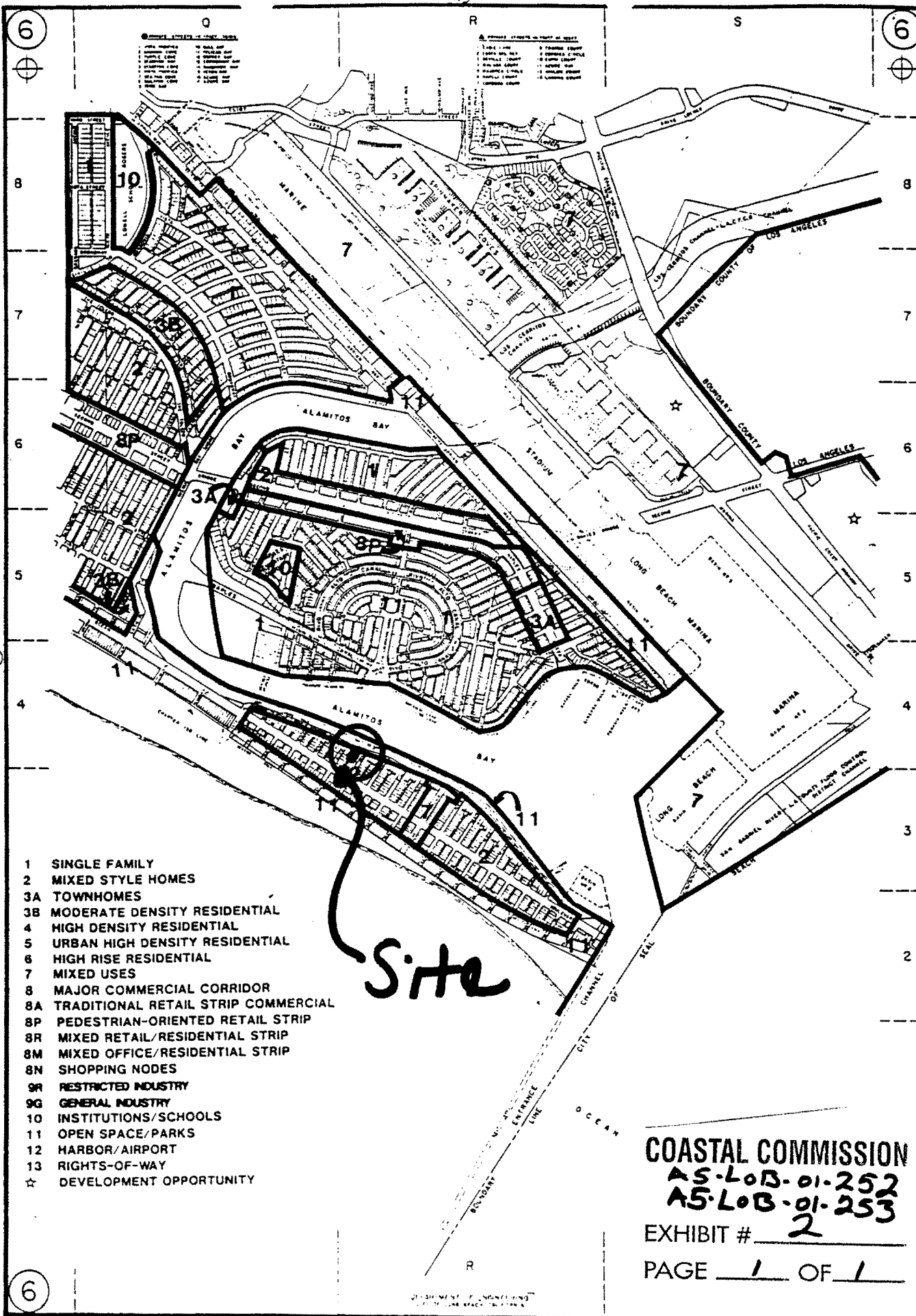


Site

COASTAL COMMISSION
A5-400-01-25
A5-403-01-25

EXHIBIT # 1

PAGE 1 OF 1



- 1 SINGLE FAMILY
- 2 MIXED STYLE HOMES
- 3A TOWNHOMES
- 3B MODERATE DENSITY RESIDENTIAL
- 4 HIGH DENSITY RESIDENTIAL
- 5 URBAN HIGH DENSITY RESIDENTIAL
- 6 HIGH RISE RESIDENTIAL
- 7 MIXED USES
- 8 MAJOR COMMERCIAL CORRIDOR
- 8A TRADITIONAL RETAIL STRIP COMMERCIAL
- 8P PEDESTRIAN-ORIENTED RETAIL STRIP
- 8R MIXED RETAIL/RESIDENTIAL STRIP
- 8M MIXED OFFICE/RESIDENTIAL STRIP
- 8N SHOPPING NODES
- 9R RESTRICTED INDUSTRY
- 9G GENERAL INDUSTRY
- 10 INSTITUTIONS/SCHOOLS
- 11 OPEN SPACE/PARKS
- 12 HARBOR/AIRPORT
- 13 RIGHTS-OF-WAY
- ☆ DEVELOPMENT OPPORTUNITY

COASTAL COMMISSION

AS-LOB-01-252

AS-LOB-01-253

EXHIBIT # 2

PAGE 1 OF 1

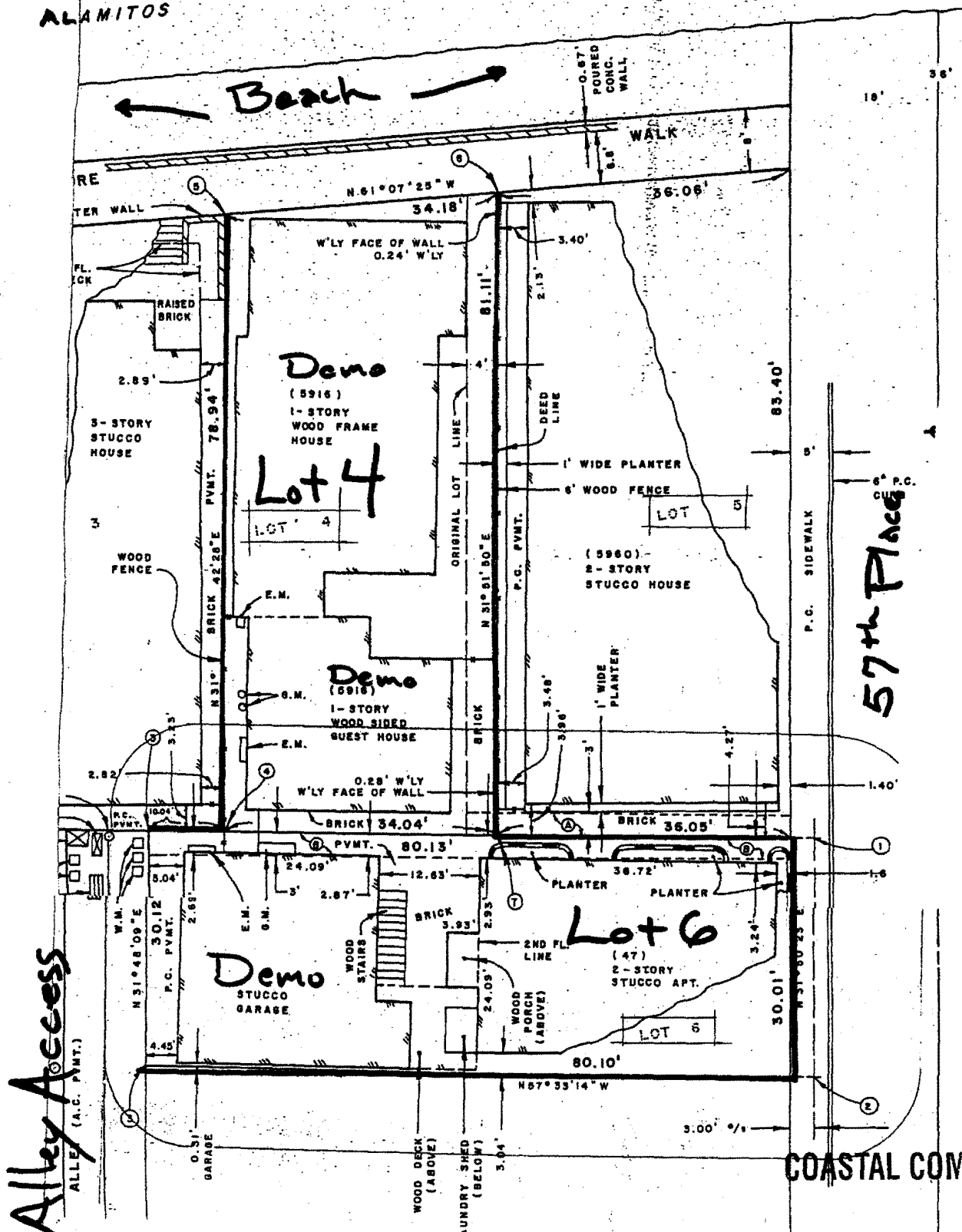
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COASTAL COMMISSION

EXHIBIT # 3
PAGE 1 OF 1

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COASTAL COMMISSION

Lot 6 Brynshore Walk
5616 Proposed Garage

EXHIBIT #.

PAGE 1 OF 1

FLOOR AREA RATIO (FAR)

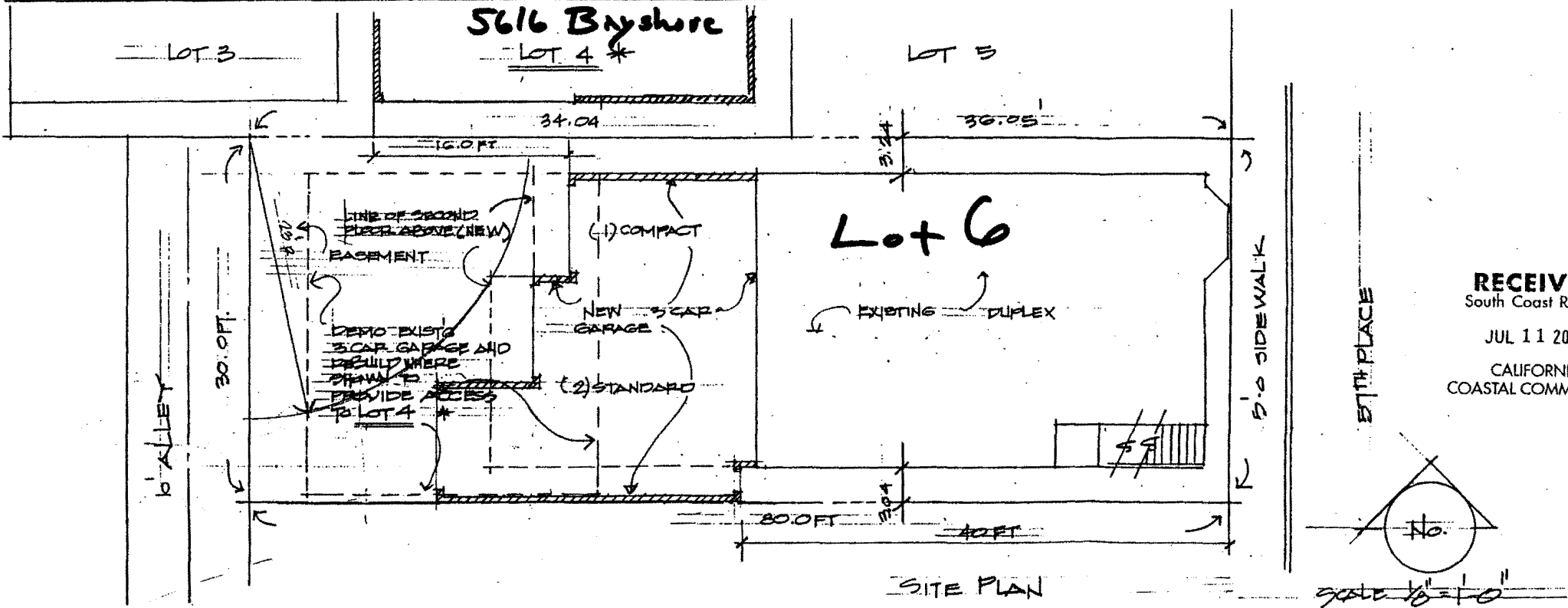
FIRST FLOOR AREA: 860 SF
 2ND FLOOR: 860 SF
 GARAGE: 475 SF

TOTAL BUILDING AREA: 2195 SF
 (habitable space)

P.O. BOX 17518
 ANAHEIM CA. 92817
 PH. 714 424 3761

LEGAL DESCRIPTION:

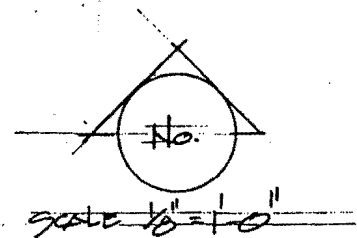
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 BLOCK 5
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COASTAL COMMISSION

47 57th Place

EXHIBIT # 5

PAGE 1 OF 1

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.)

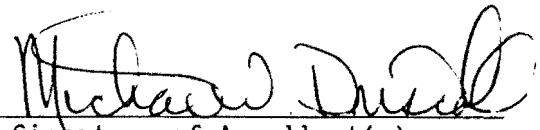
Zoned R-2-1 requiring 2 car parking per unit and 8' rear set back. Applicant is requesting a 3 car parking garage with one side in tandem and 3' set back. Other residences have complied with these requirements, see photos..5608 E. Bayshore & 42 56th Place. They comply with the set back (each a single unit), 5818 E. Bayshore Walk (single unit) & 57-59 59th Place (duplex). Tandem parking will never truly be used for parking. Structure is well over the square feet for duplex, warranting the four car parking.

It's evident from listening to the tapes from the Planning Commission hearing, that they were very confused as to which property was being discussed and the variances requested for each. The building codes are made for a reason and can't continue to grant variances when others conform. These variances are ruining the quality of living on the peninsula, it's beaches and waters.

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 7-2-01

COASTAL COMMISSION

EXHIBIT # 6

PAGE 1 OF 1

A5-LOB-01-253

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.)

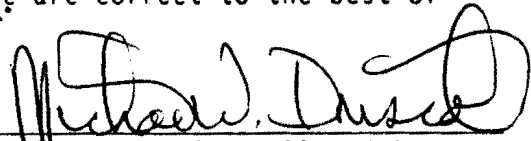
Zoned R-2-1 requiring 2 car parking per unit. Applicant requesting 3 car parking for a 2 unit structure with an addition of 1,006 sq. feet (3rd floor). Other residences have complied with these requirements, see photos from file 0101-06.

It's evident from listening to the tapes from the Planning Commission hearing, that they were very confused as to which property was being discussed and the variances requested for each. The building codes are made for a reason and can't continue to grant variances when others conform. These variances are ruining the quality of living on the peninsula, it's beaches and waters.

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

COASTAL COMMISSION

EXHIBIT # 7

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CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6194 FAX (562) 570-6068

RECEIVED
South Coast Region

JUL 11 2001

CALIFORNIA
COASTAL COMMISSION

June 7, 2001

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Appeal of the Zoning Administrator's decision to approve a Standards Variance and Local Coastal Development Permit for a 3'0" rear yard setback and to allow two parking spaces in tandem instead of side-by-side parking (Council District 3)

LOCATION: 5616 Bayshore Walk

APPLICANT: La Vonne & Gilbert Bates

APPELLANT: Philip Megdal, Michael Driscoll

RECOMMENDATION

1. Deny the appeal, uphold the Zoning Administrator's decision and approve the Standards Variance and Local Coastal Development Permit, subject to conditions.

REASONS FOR RECOMMENDATION

1. The majority of the homes fronting on the bay in this block have been granted variance requests for a reduced rear yard setback.
2. The second dwelling unit is limited by a deed restriction to 350 square feet and has no bedrooms.
3. Positive findings can be made to support the Standards Variance and Local Coastal Development Permit, subject to conditions.

BACKGROUND

This is the appeal of a case heard by the Zoning Administrator on April 9, 2001. The subject site is a land locked parcel currently improved with two dwelling units and no on-

COASTAL COMMISSION

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CHAIRMAN AND PLANNING COMMISSIONERS

CASE NO. 0101-06

June 7, 2001

Page 2

site parking. The homes were built in the 1920's. Pedestrian access to the site is provided from the public sidewalk known as Bayshore Walk adjacent to Alamitos Bay. However, there is no vehicle access to the site. The applicant is proposing to demolish the existing homes and construct a new three-story duplex and attached three-car garage with two parking spaces in tandem. The second dwelling unit is a bachelor's unit located in the rear of the second floor of the home and accessed through a side door off the east elevation. As conditioned, the bachelor's unit is limited to 350 square feet through a deed restriction. A Standard Variance is required for a reduced front and rear yard setback, and to allow two parking spaces in tandem instead of three parking spaces side-by-side.

A driveway easement has been acquired over 48 57th Place to access the garages for 5616 Bayshore Walk. Due to the unique access requirements of this lot, a three-car side-by-side garage is not physically possible.

The variance request for a 2'1" front yard setback has been denied. The rear yard setback has been approved at 3'0" instead of 8'0" and the tandem parking approved, subject to conditions.

The subject property is located on the south side of Bayshore Walk between 56th and 57th Place. The site is located in the Two-Family Residential District with Intensified Development (R-2-I) and has a General Plan Designation of Land Use District No.2-Mixed Style Homes. The site is approximately 2,713 square feet in area (34' by 79.8').

The same party owns 5616 Bayshore Walk and 48 57th Place. The proposed project also includes the relocation of a three-car garage at 48 57th Place directly to the south in order to provide a driveway easement for the Bayshore property. This project will provide vehicle access and three full size parking spaces with two spaces in tandem to a site that currently has no parking or vehicle access.

The following is a summary of the zoning, general plan, and land uses in the vicinity.

Table 1, Zoning-General Plan-Land Uses

	ZONING	GENERAL PLAN	LAND USE
SITE	R-2-I	LUD #2 Mixed Style Homes	Residential
NORTH	R-1-S	LUD #1 Single Family	Residential
SOUTH	R-2-I	LUD #2 Mixed Style Homes	Residential
EAST	R-2-I	LUD #2 Mixed Style Homes	Residential
WEST	R-2-I	LUD #2 Mixed Style Homes	Residential

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CURRENT ACTION REQUESTED

The current action requested is that the Planning Commission overrule the decision of the Zoning Administrator and deny the request for a Standards Variance and Local Coastal Development Permit to allow a reduced rear yard setback and two parking spaces in tandem. In order for the Planning Commission to overturn the decision of the Zoning Administrator, it must be found that the subject request is not consistent with the required findings set forth by the Zoning Regulations.

STANDARDS VARIANCE FINDINGS

Pursuant to Chapter 21.25, Division III of the Long Beach Municipal Code, the variance procedure is established to allow for flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of this flexibility, certain specific findings of fact must be made before any variance can be granted. These findings have been incorporated in the Long Beach Municipal Code

1. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE COMPARED TO OTHER SITES IN THE SAME ZONE.

The subject site is a standard size lot approximately 34' by 79.8' (2,713) square foot R-2-I lot improved with two one-story homes and no parking or street access. The existing improvements will be demolished for construction of a new three-story duplex and attached three-car garage with two spaces in tandem. This situation is unique when compared to other lots in the same zone. The majority of lots with a similar development pattern have either alley access or an easement over an adjoining property. The subject site has neither.

2. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL PROPERTY RIGHTS ENJOYED BY OWNERS OF SIMILARLY ZONED PROPERTY ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS.

The unique situation is that this lot has no street or vehicle access. This situation creates a hardship in developing the site.

There are no unique site features to justify a reduced front yard setback. The adjoining homes comply with the setback and there is no reason the new home cannot comply with the 3'0" front setback.

COASTAL COMMISSION

EXHIBIT # 8
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The majority of homes fronting on Alamitos Bay on this block face have a reduced rear yard setback varying from 3'0" to 5'0". The home to the east has a 4'0" rear yard setback and the two homes to the west have a 3'0" rear yard setback. Therefore, approval of a reduced rear yard setback is a right enjoyed by other property owners in the same zone and will not be a grant of special privilege.

The subdivision pattern that created a lot without street access creates a unique situation for the property owner. The R-2-1 zone allows one dwelling unit for every 1,000 square feet with a maximum of two units. The 2,713 square foot lot has enough site area for two dwelling units, however, due to the width of the driveway easement, access can only be provided to two cars side by side. It is not possible to provide a three-car side-by-side garage on this lot. Thus, the only way to accommodate the parking is a tandem configuration. Additionally, there are a number of multifamily dwelling units in the area that do not comply with development standards for parking.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND

Approval of a reduced rear yard setback in line with adjoining buildings is not expected to cause any adverse impacts. The development pattern on this block for reduced rear yard setbacks has already been established and this home will be built in line with these structures.

As conditioned, the parking variance for two spaces in tandem is not expected to cause any adverse effects upon the neighborhood. The unit will be limited to 350 square feet by a deed restriction and the three parking spaces shall be all standard size. In addition, the applicant shall record a deed restriction for the driveway easement.

D. IN the COASTAL ZONE, the VARIANCE WILL CARRY OUT the LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG the COAST.

The site is located in the coastal zone. The findings are attached.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PLAN.

A positive finding can be made for this item.

The site is located in Area E- Naples and the Peninsula of the Local Coastal Development Plan (LCDP). This area of the peninsula is designated for single family and duplex development. The current zoning is a two-family residential district

CHAIRMAN AND PLANNING COMMISSIONERS

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with intensified development on the lot. The subject property is improved with two detached single-family homes without any on-site parking. The site fronts onto Alamitos Bay, but is land locked without any street or alley access. The project will remove two one-story dwelling units and be replaced with a three-story duplex. One of the units will be a 350 square foot bachelor's unit with no bedrooms. A three-car garage with two spaces in tandem is the proposed parking. The development complies with the height and density, however variances have been submitted for the rear yard setback, and for parking spaces in tandem instead of side by side.

2. FOR THE DEVELOPMENT SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE: THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development, which restrict public access to the beach and/or water resources.

This development is the first lot located on Alamitos Bay. A public walkway known as Bayshore Walk provides public access along the coast and to the beach. The proposed project is not expected to affect access to the coast.

PUBLIC HEARING NOTICE

One hundred and eleven (111) notices of public hearing were mailed on May 22, 2001 to property owners within the 300-foot radius and tenants within a 100-foot radius. Alamitos Bay Beach Preservation Association and the Third District Councilperson were also notified.

REDEVELOPMENT REVIEW

The property is not located in a Redevelopment Project Area.

ENVIRONMENTAL REVIEW

The proposed action has been determined to be categorically exempt from the requirements of the California Quality Act issued under a class one exemption (Section 15301) of the state CEQA guidelines. Categorical Exemption No. CE 01-03 was issued on January 11, 2001.

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Respectfully submitted,

EUGENE ZELLER,
DIRECTOR OF PLANNING AND BUILDING

By: Lynette Ferenczy Approved: Robert Benard
LYNETTE FERENCZY ROBERT BENARD
PLANNER ZONING ADMINISTRATOR

1. Conditions of Approval
2. Appeal Forms
3. Maps
4. Letters
5. Plans & Photos

COASTAL COMMISSION

EXHIBIT # 8
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**STANDARDS VARIANCE
COASTAL PERMIT
CONDITIONS OF APPROVAL
Case No. 0101-06
Date: June 7, 2001**

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. The **code exception(s) approved** for this project is (are) as follows:
 - a. A 3'0" rear yard setback (instead of 8'0); and
 - b. A request to have one parking space in tandem (instead of having three spaces side by side).The following code exception request(s) are denied:
 - a. A 2'1" front yard setback (instead of 3'0").
3. 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 from 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.
4. 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.
5. 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.

COASTAL COMMISSION

EXHIBIT # 8
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6. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
7. 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.
8. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
9. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of city officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
10. 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).
11. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
12. Any graffiti found on site must be removed within 24 hours of its appearance.
13. **Energy conserving equipment**, lighting and construction features shall be utilized on the building.
14. Adequately sized **trash enclosure(s)** shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
15. 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.

COASTAL COMMISSION

EXHIBIT #

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CHAIRMAN AND PLANNING COMMISSIONERS

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16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
19. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
20. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
21. All **unused curb cuts** must be replaced with full height curb, gutter, and sidewalk, and any proposed curb cuts shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
22. 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.
23. Prior to plan check approval, the applicant shall record a deed restriction over 47 57th Place for vehicle access to 5616 Bayshore Walk..
24. This development shall comply with all other standards of the R-2-I zone.
25. The applicant shall record a deed restriction limiting the second unit to a maximum of 350 square feet.
26. The three parking spaces shall all be the standard size of 8'6" by 18'0".
27. 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.

MAN AND PLANNING COMMISSIONERS

E NO. 0101-06

February 7, 2001

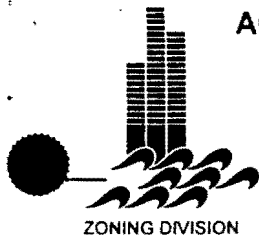
Page 10

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.

COASTAL COMMISSION

EXHIBIT # 8

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CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

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CALIFORNIA
COASTAL COMMISSION

June 7, 2001

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Appeal of the Zoning Administrator's decision to approve a Standards Variance and Local Coastal Development Permit to eliminate 50 square feet of open space for the first floor unit (Council District 3)

LOCATION: 47 57th Place

APPLICANT: La Vonne & Gilbert Bates

APPELLANT: Philip Megdal

RECOMMENDATION

1. Deny the appeal, uphold the Zoning Administrator's decision and approve the Standards Variance and Local Coastal Development Permit, subject to conditions.

REASONS FOR RECOMMENDATION

1. Denial of the variance request would create an unnecessary hardship for the property owner in developing the property as other properties have been developed.
2. The proposed project will replace a substandard turning radius with a code required turning radius for a new three-car garage and concurrently provide a driveway easement for 5616 Bayshore Walk which has no street access.
3. Positive findings can be made to support the Standards Variance and Local Coastal Development Permit, subject to conditions.

BACKGROUND

This is the appeal of a case heard by the Zoning Administrator on April 9, 2001. The site is currently improved with a two-story triplex and three-car garage. The proposed project includes the demolition and reconstruction of the three-car garage, conversion of the triplex

CHAIRMAN AND PLANNING COMMISSIONERS

CASE NO. 0101-05

June 7, 2001

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to a duplex, and a second and third floor addition above the garage for a total new floor area of approximately 1,006 square feet. A Standards Variance request has been submitted to maintain a three-car garage, instead of a four-car garage for an addition over 450 square feet, and to eliminate the required open space for the first floor unit. The R-2-I zone requires that 2% of the lot area per unit be maintained as open space. The minimum dimensions for open space are 5' by 5' and 50 square feet. The open space is currently provided between the garage and dwelling. This area will be completely eliminated by construction of the new garage which will be built up to the rear of the existing building to provide a turning radius and driveway easement for 5616 Bayshore Walk (please see the attached plans).

The request to add more than 450 square feet without providing additional parking was denied.

The subject property is located on the west side of 57th Place between Ocean Boulevard and Bayshore Walk. The site is located in the Two-Family Residential District with Intensified Development (R-2-I) and has a General Plan Designation of Land Use District No.2- Mixed Style Homes. The site is 2,400 square feet in area (30' by 80') with a 10' wide alley to the rear.

The same party owns this site and 5616 Bayshore Walk. An application for a Standards Variance and Local Coastal Development Permit to develop the Bayshore site was submitted concurrently with this application. The plans for 5616 Bayshore Walk include the demolition of two dwelling units and construction of a new three-story duplex and three car garage with two parking spaces in tandem. The proposed plans for this site provide a code required turning radius for the new three-car garage and accommodate a driveway easement over the rear portion of the lot for the benefit of 5616 Bayshore Walk. The Bayshore property is currently land locked without any on-site parking. (Note: A variance has been submitted for the Bayshore site for reduced front and rear setbacks and to allow two parking spaces in tandem instead of side by side parking. The tandem parking variance has also been appealed).

The following is a summary of the zoning, general plan, and land uses in the vicinity.

Table 1, Zoning-General Plan-Land Uses

	ZONING	GENERAL PLAN	LAND USE
SITE	R-2-I	LUD #2 Mixed Style Homes	Residential
NORTH	R-2-I	LUD #2 Mixed Style Homes	Residential
SOUTH	R-2-I	LUD #2 Mixed Style Homes	Residential
EAST	R-2-I	LUD #2 Mixed Style Homes	Residential
WEST	R-2-I	LUD #2 Mixed Style Homes	Residential

EXHIBIT #

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CURRENT ACTION REQUESTED

The current action requested is that the Planning Commission overrule the decision of the Zoning Administrator and deny the request for a Standards Variance and Local Coastal Development Permit to allow required open space to be eliminated. In order for the Planning Commission to overturn the decision of the Zoning Administrator, it must be found that the subject request is not consistent with the required findings set forth by the Zoning Regulations.

STANDARDS VARIANCE FINDINGS

Pursuant to Chapter 21.25, Division III of the Long Beach Municipal Code, the variance procedure is established to allow for flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of this flexibility, certain specific findings of fact must be made before any variance can be granted. These findings have been incorporated in the Long Beach Municipal Code.

1. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE COMPARED TO OTHER SITES IN THE SAME ZONE.

The subject site is a standard 30' by 80' (2,400) square foot R-2-I lot improved with a two-story single family home and a detached three-car garage. The lot dimensions and size are typical of other lots found on the peninsula in the R-2-I zone. Existing improvements consist of a two-story apartment building and detached three-car garage. The improvements are typical of the area as many of the properties were developed at a time when parking and development standards were more liberal. However, the proposed improvements are unique relative to the driveway easement and parking situation proposed for these two lots when compared to other sites in the same zone.

2. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL PROPERTY RIGHTS ENJOYED BY OWNERS OF SIMILARLY ZONED PROPERTY ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS.

The applicant would like to convert the existing triplex to a duplex, add 1,006 square feet to the second story dwelling unit, relocate the existing three-car garage on the lot to provide a code required turning radius and a driveway easement for the proposed duplex at 5616 Bayshore Walk, and remove 50 square feet of open space for the first floor unit.

COASTAL COMMISSION

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The proposed improvements are unique when compared to other developments in the same zone. The driveway easement requires a large portion of the lot to be used for driveway purposes and reduces the area available for open space. Additionally, the proposed garage location is necessary to provide an easement for 5616 Bayshore Walk which is a land locked parcel. To require the applicant to remove a portion of the existing building for open space is considered a hardship.

There is not a unique situation present to justify approval of a reduction in the number of parking spaces. The site is located on the peninsula in the Parking Impacted Area of the City. The site already has two dwelling units and the property owner is permitted to add another 450 square feet to the site without providing any additional parking. Denial of this request does not prohibit an addition to the structure, but it does limit the size of the addition.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND

Approval of a parking variance in the parking impacted area of the City and in an area that already suffers an extreme parking shortage due to existing improvements that have substandard parking would create an adverse effect upon the neighborhood. The reduction of 50 square feet of open space is not expected to adversely affect the neighborhood. The subject site is only one lot from Alamitos Bay, which provides beach, water, and open space for recreational purposes.

D. IN the COASTAL ZONE, the VARIANCE WILL CARRY OUT the LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG the COAST.

The site is located in the coastal zone. The findings are attached.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PLAN.

A positive finding can be made for this item.

The site is located in Area E- Naples and the Peninsula of the Local Coastal Development Plan (LCDP). This area of the peninsula is designated for single family and duplex development. The current zoning is a two-family residential district with intensified development on the lot. The subject property is improved with a triplex and three-car garage. The project will reduce the density of the site from three to two units, replace the three-car garage, and eliminate the required open space from the first floor unit. The proposed plan is consistent with the zoning and parking requirements of the Local Coastal Plan and zoning regulations.

COASTAL COMMISSION

The applicant has submitted a Standards Variance request to remove 50 square feet of open space for the first floor unit and add more than 450 square feet without providing a four-car garage. The request for the open space has been approved and the parking variance denied.

2. FOR THE DEVELOPMENT SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE: THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development, which restrict public access to the beach and/or water resources.

This development is located on 57th Place one lot from Alamitos Bay. The project will not affect access to the beach or water.

PUBLIC HEARING NOTICE

One hundred and six (106) notices of public hearing were mailed on May 22, 2001 to property owners within the 300-foot radius and tenants within a 100-foot radius. Alamitos Bay Beach Preservation Association and the Third District Councilperson were also notified.

REDEVELOPMENT REVIEW

The property is not located in a Redevelopment Project Area.

ENVIRONMENTAL REVIEW

The proposed action has been determined to be categorically exempt from the requirements of the California Quality Act issued under a class one exemption (Section 15301) of the state CEQA guidelines. Categorical Exemption No. CE 01-02 was issued on January 11, 2001.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Deny the appeal, uphold the decision of the Zoning Administrator, and approve the Standards Variance and Local Coastal Development Permit, subject to conditions.

COASTAL COMMISSION

EXHIBIT # 9
PAGE 5 OF 10

Respectfully submitted,

EUGENE ZELLER,
DIRECTOR OF PLANNING AND BUILDING

By: *Lynette Ferenczy* Approved: *Robert Benard*
LYNETTE FERENCZY ROBERT BENARD
PLANNER ZONING ADMINISTRATOR

1. Conditions of Approval
2. Appeal Form
3. Maps
4. Letters
5. Plans & Photos

COASTAL COMMISSION

EXHIBIT # 9
PAGE 6 OF 10

**STANDARDS VARIANCE
COASTAL PERMIT
CONDITIONS OF APPROVAL
Case No. 0101-05
Date: June 7, 2001**

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. The **code exception(s) approved** for this project is (are) as follows:

- a. To eliminate the required open space for the first floor dwelling unit (instead of maintaining 50 square feet).

The following code exception request(s) are denied:

- a. A request to maintain a three-car garage for an addition over 450 square feet (instead of providing a four-car garage).

3. 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 from 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.
4. 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.
5. 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.

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6. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
7. 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.
8. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
9. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of city officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
10. 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).
11. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
12. Any graffiti found on site must be removed within 24 hours of its appearance.
13. **Energy conserving equipment**, lighting and construction features shall be utilized on the building.
14. Adequately sized **trash enclosure(s)** shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.

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15. 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.
16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
19. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
20. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
21. All **unused curb cuts** must be replaced with full height curb, gutter, and sidewalk, and any proposed curb cuts shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
22. 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.
23. Prior to approval of a building permit, the applicant shall record an easement for driveway access over 47 57th Place for the benefit of vehicle access to 5616 Bayshore Walk to the satisfaction of the Director of Planning and Building.
24. The applicant shall submit a complete set of floor plans prior to issuance of a building permit. The floor plans shall include interior garage dimensions. The minimum parking space for compact cars is 8'0" by 15'0" and 8'6" by 18'0" for standard cars.

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25. This development shall comply with all other standards of the R-2-I zone.
26. A minimum of 50 square feet of open space shall be provided for the second floor unit.
27. 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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