

CALIFORNIA COASTAL COMMISSION

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Filed: 2/13/04
49th Day: 4/2/04
Staff: CP-LB
Staff Report: 5/21/2004
Hearing Date: June 10, 2004
Commission Action:

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STAFF REPORT: APPEAL
DE NOVO COASTAL DEVELOPMENT PERMIT

APPEAL NUMBER: A-5-LOB-04-059

APPLICANT: Dr. James Linden **AGENT:** Douglas W. Otto

APPELLANT: Beverly Bristol Milner **AGENT:** James J. Milner

PROJECT LOCATION: 1724 Bluff Place (a.k.a. 1730 Bluff Place), City of Long Beach.

PROJECT DESCRIPTION: Construction of a three-story (with basement) single-family residence with a three-car garage on a vacant 1,760 square foot bluff face lot.

Lot Area	1,760 square feet
Building Coverage	1,600 square feet
Pavement Coverage	0 square feet
Landscape Coverage	160 square feet
Parking Spaces	3
Zoning	Ocean Blvd. Planned Dev. District (PD-5)
Plan Designation	Planned Development Residential
Ht above final grade	41.5 feet above beach

SUMMARY OF STAFF RECOMMENDATION

The application for the proposed project is before the Commission as the result of an appeal of the City-approved local coastal development permit (CA 0309-12). On March 17, 2004, the Commission found that a **substantial issue** exists in regards to the proposed project's adverse effects on the public view from the 12th Place overlook and public access. Geologic safety was also identified as an unresolved issue

The staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed development. The recommended special conditions would protect public access and public views of the beach and seascape by limiting the maximum height of the structure to the 46.9' elevation of the 12th Place overlook, and by requiring the project to conform with the eight-foot side yard setback (from the 12th Place right-of-way) requirement set forth by the certified LCP. Additional special conditions are recommended to address geologic safety, parking, encroachments onto public land, the construction staging area, protection of water quality, future shoreline protective devices and other future improvements, assumption of risk, local government approval, and deed

restriction. **See Page Two for the motion and resolution** necessary to carry out the staff recommendation. The applicant does not agree with the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Long Beach Planned Development Ordinance PD-5 (Exhibit #6, ps. 11-17).
3. City of Long Beach Local Coastal Development Permit No. 0309-12 (Lot D: 1724 Bluff Pl.).
4. City of Long Beach Local Coastal Development Permit No. 0312-22 (Lot C: 1720 Bluff Pl.).
5. City of Long Beach Local Coastal Development Permit No. 486-86 (Lot B: 1710-18 Bluff Pl.).
6. City of Long Beach Local Coastal Development Permit No. 0308-06 (Lot A: 1700 Bluff Pl.).
7. Topographic survey for 1730 Bluff Place and surrounding lands, prepared by M. Petyo & Assoc., Inc., November 20, 2003 (Exhibit #9).

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve Coastal Development Permit A-5-LOB-04-059 pursuant to the staff recommendation."*

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

I. Resolution: Approval with Conditions

The Commission hereby approves, subject to the conditions below, a coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Long Beach Local Coastal Program and the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Revised Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

- (a) Building Setback – 12th Place. All portions of the structure (including balconies, decks and all other building extensions) shall be set back at least eight feet (8') from the 12th Place right-of-way.
- (b) Building Setback – Beach. No portion of the structure, including balconies, awnings and decks, shall extend seaward of the applicant's southern (beach-fronting) property line.
- (c) Building Height. No portion of the structure (including roof deck railings and rooftop equipment) shall exceed the elevation of the 12th Place overlook right-of-way (46.9 feet above datum as indicated on the applicant's topographic survey dated November 20, 2003).

The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Geologic Safety

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff face. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report.

B. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the geotechnical report approved by the California Coastal Commission for the project site.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Parking

At least two on-site parking spaces shall be provided and maintained in the garage of the approved single-family residence. Vehicular access to the on-site parking shall be taken only from Bluff Place.

4. Encroachments

The development approved by this coastal development permit is limited to the applicant's private property. Private use or development of the beach or any public right-of-way is not permitted. There shall be no encroachment of private development onto or over any portion of the public beach or the rights-of-way abutting the applicant's property. Prohibited encroachments include, but are not limited to: landscaping, tables, chairs and signs.

5. Construction Staging Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Construction Staging Plan that identifies the project staging area(s) to be used during construction of the approved development. The construction staging plan shall include a site plan that depicts the limits of the construction site and staging area(s), construction corridors, and the location of fencing and temporary job trailers. No portion of the beach shall be used for construction staging activities, and the Bluff Place coastal accessway shall remain open and unobstructed at all times. The permittee shall undertake the development in conformance with the approved Construction Staging Plan. Any proposed changes to the approved Construction Staging Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Protection of Water Quality – During Construction

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The plan shall include the following requirements:

- (i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
- (ii) Any and all debris and excess soil or sand resulting from excavation and construction activities shall be removed from the project site within 72 hours of completion of excavation or construction. Excavation and construction debris and sediment shall be removed or contained and secured from work areas each day that excavation and construction occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All excavation and construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (iii) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean.
- (iv) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.
- (v) During excavation and construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drain that discharges into the beach or ocean, unless such discharge specifically authorized by the California Regional Water Quality Control Board.
- (vi) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

- (i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- (ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
- (iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.
- (v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
- (vi) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the excavation and construction operations. The BMPs shall be maintained throughout the development process.

C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Future Improvements

This permit is only for the development described in Coastal Development Permit A5-LOB-04-059. Any future improvements to the single-family residence authorized by this permit, including but not limited to repair and maintenance, shall require an amendment to Coastal Development Permit A5-LOB-04-059 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. No Future Bluff or Shoreline Protection Device

A. By acceptance of this coastal development permit, the applicant agrees, on behalf of himself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit A5-LOB-04-059 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this coastal development permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this coastal development permit, the applicant further agrees, on behalf of himself and all successors and assigns, that the landowner shall remove the development authorized by this coastal development permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this coastal development permit, the applicant, on behalf of himself and all successors and assigns, and any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A5-LOB-04-059 shall prevail.

11. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

12. Deed Restriction

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a four-level single-family residence on a beach-fronting lot near downtown Long Beach (See Exhibits). The vacant project site is a sloping 1,760 square foot lot situated on the lower half of the bluff face below Bluff Place, the improved public street that currently provides vehicular access to the site (Exhibit #2). Bluff Place also provides direct pedestrian access to the beach below the bluff. The project site has 55 feet of beach frontage. A three-car garage is proposed, with access from Bluff Place (Exhibit #3, p.1).

The applicant is requesting approval of a one-foot side yard setback from the eastern property line that abuts the 12th Place right-of-way lieu of the eight-foot side yard setback requirement set forth by the certified City of Long Beach LCP (Exhibit #5). The proposed house would be 39'11" high, including roof deck railings, measured from the average elevation of the site; and 45 feet high as measured from the beach to the top of the roof deck railing (Exhibit #4).

The project site is on the seaward edge of the residential neighborhood occupying the one-block wide area situated between the public beach and Ocean Boulevard, a scenic corridor (Exhibit #2). This densely developed residential neighborhood is one-half mile east of downtown along the Ocean Boulevard. Multi-unit residential buildings occupy most of the properties located on top of the bluff immediately inland of the site. The proposed residence, which extends about 7.5 feet above the elevation of the 12th Place overlook (46.9'), would obstruct part of the public's view from that overlook (Exhibit #3). The public view looking directly south (seaward) from the 12th Place overlook would not be affected by the proposed project, and the southern extension of the 12th Place right-of-way is not part of the proposed project site (Exhibit #2, p.1).

B. Substantial Issues- Public Views, Public Access and Geologic Safety

This de novo coastal development permit application is before the Commission as the result of an appeal of a City-approved local coastal development permit (CA 0309-12). On March 17, 2004, the Commission found that the appeal filed by Beverly Bristol Milner raised a substantial issue in regards to the proposed project's adverse effects on public views from the 12th Place overlook and public access. Geologic safety was also identified as an unresolved issue.

The appellant asserted that the project would adversely affect visual resources by obstructing a primary public view that exists at the 12th Place street end, on top of the coastal bluff (Exhibit #3, p.2). The 12th Place overlook is a 55-foot wide public street that provides the public with parking and visual access to the beach, the sea, RMS Queen Mary and the port (Exhibit #2). Bluff Place provides direct pedestrian access to the beach below the bluff. The proposed residence, which abuts the west side of the 12th Place right-of-way below the bluff, would block part of the shoreline view from the 12th Place overlook as the building extends about 7.5 feet above the elevation of the viewing area (Exhibit #3). The appellant also contended that the

applicant did not provide for City approval an adequate analysis of the subterranean stability of the site or a wave run-up study to determine whether the proposed project would be safe. Each of these issues is addressed below in relation to the standards of the City of Long Beach certified LCP and the public access and recreation policies of the Coastal Act. The City of Long Beach certified LCP and the public access and recreation policies of the Coastal Act area the standard of review for the de novo coastal development permit, as the proposed project is situated between the first public road and the sea.

C. Public Views – Visual Impacts

The primary issue raised by the appeal is the project's effect on the public view from the 12th Place bluff top overlook (Exhibit #6). The 12th Place overlook is a 55-foot wide public street that provides the public with parking and visual access to the beach, the sea, RMS Queen Mary and the port (Exhibit #2). The proposed residence, which abuts the west side of the 12th Place right-of-way below the bluff, would block part of the shoreline view looking southwest from the 12th Place overlook (Exhibit #3&8). The proposed building would extend about 7.5 feet above the elevation of the bluff top viewing area. The public view looking directly south (seaward) from the 12th Place overlook would not be affected by the proposed project (Exhibit #2, p.1).

The certified LCP identifies the street ends in the project area, and specifically the 12th Place overlook, as coastal accessways and public viewing areas. The implementing ordinances (LIP) portion of the certified LCP contains specific building design standards, particularly building setback and terracing requirements, that were developed by the City and certified by the Commission to protect and enhance the public views from the street ends. The staff is recommending that the height and footprint of the proposed single family residence be limited, as required by the certified LCP, to protect the public view from the 12th Place overlook.

LCP Policies

The certified LCP identifies the 12th Place overlook as a coastal accessway and a public viewing area (Exhibit #6, p.7). The project site and the 12th Place overlook are situated in LCP Area A. The Policy Plan Summary for LCP Area A, on LCP Page III-A-8, states:

"A principle objective of this plan is to improve public access to the beach in Area A. This will be accomplished in part by improvements to the street ends south of Ocean Boulevard. These will be developed as mini-parks for viewing and/or beach access purposes." [See Exhibit #6, p.6].

Page III-A-10 of the certified LCP states:

"The park-like street end development (described above) will serve both recreation and visitor serving needs by providing access to the beach, as well as quiet sitting and viewing areas." [See Exhibit #6, p.8].

The public beach stairway at 12th Place was demolished about ten years ago, but the City is currently planning to improve the 12th Place street end for public access as called for by the

LCP. Bluff Place and the public beach stairway located at the terminus of 11th Place currently provide public pedestrian access to the beach below the 12th Place overlook (Exhibit #2).

LCP Policy Implementation

Page III-A-12 of the certified LCP describes the implementation of the Policy Plan for LCP Area A, as follows:

"VISUAL RESOURCES AND SPECIAL COMMUNITIES

Measures for implementation of this policy plan adequately protect and enhance the visual resources of Area A, particularly those dealing with setbacks, view protection, shadow control, and development of street ends." [Exhibit #6, p.10].

The certified LCP then refers to the LCP implementing ordinances (LIP), which include the Ocean Boulevard Planned Development District (PD-5, formerly PD-1). The Ocean Boulevard Planned Development District, which is attached to this report as Pages 11 through 17 of Exhibit #6, contains the specific use and building design standards that protect and enhance the public views from the street ends situated south of Ocean Boulevard. These LIP standards include setback requirements, height limits, density limits, open space requirements, terracing requirements, and lot coverage and floor area ratio limits. The Ocean Boulevard Planned Development District also includes a special incentive provision to encourage lot assembly to allow for higher buildings and densities in exchange for greater visibility of the ocean and more open space (Exhibit #6, p.11). The project site and the abutting vacant lot (1720 Bluff Place: Local Coastal Development Permit No. 0312-22) would be prime candidates for such a consolidation.

The certified LCP sets forth the building standards for the project site within PD-5, as follows:

(c) Building Design Standards [For all of PD-5]

1. **Design character.** *All buildings shall be designed as to provide an interesting façade to all sides and to provide an open and inviting orientation to Ocean Boulevard. The following additional features shall also be provided:*
 - A. *The exterior of building design, style and façade shall be appropriate for the area and harmonious with surrounding buildings.*
 - B. *Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff.*
2. **Yard Areas.**
 - A. **Setbacks.**
 - (1) *Ocean Boulevard frontage –twenty feet from property line.*
 - (2) *Side streets – eight feet from side street property line.*
 - (3) *Interior property lines – ten percent of the lot width.*

- (4) *Beach property lines – no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the toe of the bluff, no building shall extend toward the beach further than existing development on the site.*

Specific Building Design Standards [For Subarea Two of PD-5]

Building Design.

1. *Floor Area Ratio. The gross floor area of the building shall not exceed 2.5 times the area of the site.*
2. *Height. The height of the building shall not exceed 45 feet or four stories above Ocean Boulevard grade.*
3. *Lot Coverage. Lot coverage shall not exceed 65 percent from Ocean Boulevard grade to the sky.*
4. *Usable Open Space. Each unit shall have a minimum of 64 square feet of usable open space abutting the unit, accessible only from the dwelling unit.*

The Ocean Boulevard Planned Development District allows for variances only if the City finds that the variance meets the intent of the original standards and is consistent with the overall goals and objective of the plan. For development in the coastal zone, the Ocean Boulevard Planned Development District and the certified Long Beach Zoning Ordinance (Section 21.25.306.D) require the City to make the following finding if it grants a variance:

"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." [See also Exhibit #6, p.11].

Building Height

The applicant points out that the PD-5 Subarea 2 height limit is 45 feet above Ocean Boulevard grade (Exhibit #6, p.16). The proposed project would extend about seven feet above the elevation of Ocean Boulevard, as the project site elevation is about thirty feet lower than the elevation of Ocean Boulevard.¹ The building would be about 75 feet tall if it reached 45 feet above Ocean Boulevard grade.

The City determined that the project site is within Subarea Two of the Ocean Boulevard Planned Development District, and determined the height limit to be 45 feet from the average grade of the site. The proposed house would be 39'11" high, including roof deck railings, measured from the average elevation of the site; and 45 feet high as measured from the beach to the top of the roof deck railing (Exhibit #4). As proposed, the building would extend 7.5 feet above the elevation of the 12th Place overlook, and obstruct part of the scenic public view (Exhibit #3, p.2).

¹ Ocean Boulevard is about the same elevation as the portion of 12th Place on top of the bluff (Exhibit #3, p.1)

Commission staff is asserting that the LCP's 45-foot height limit for the project site is the absolute maximum, but it is not the only building standard that can limit the height of buildings in PD-5. Special and more restrictive design standards apply to any property, or portion of property, situated south (seaward) of the top of the bluff. These LCP standards include building setback requirements, lot coverage and floor area ratio limits, open space requirements, and terracing requirements. The certified LCP's building standards for PD-5 require that, "Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff." In this case, the entire building is located south (seaward) of the shoulder (i.e. top) of the bluff. If the building height were permitted to exceed the height of the bluff top (i.e. the 12th Place overlook), it would not be able to reflect the sloping nature of the bluff as it would extend up and beyond the elevation of the top of the bluff and into the protected view from the 12th Place overlook.

The certified LCP identifies the 12th Place overlook as a public viewing area, and it sets forth the building standards deemed necessary to protect the public view of the shoreline. The LCP contains specific building design standards, particularly building setback and terracing requirements, that were certified by the Commission to protect and enhance the public views from the street ends. The staff is recommending that the building's height be limited to protect the public view from the 12th Place overlook.

Therefore, in order to reduce the amount of obstruction to the public's view from the 12th Place overlook, the height of the proposed house shall be limited so as not to exceed the elevation of the overlook (Exhibit #3). The house with the recommended height limit would still obstruct part of the public's existing shoreline view, but the only way to prevent all view obstruction would be to maintain the site in its current vacant situation. The recommended height limit would still permit the applicant to construct a thirty-foot high (above the beach), three-level home (two-story plus basement) with a roof deck and railings without exceeding the 46.9-foot elevation of the 12th Place overlook (as shown on the applicant's site survey: Exhibit #9). Only as conditioned would the development conform to the view protection provisions of the certified LCP.

Building Footprint - Setbacks

The applicant is also requesting approval of a one-foot side yard setback from the eastern property line that abuts the 12th Place right-of-way lieu of the eight-foot side yard setback requirement set forth by the certified City of Long Beach LCP (Exhibit #5). The LCP's building design standards for PD-5 require development to be set back eight feet from side street property line. This setback requirement provides for a wider view corridor above the 12th Place right-of-way, and preserves more of the public view from the street end than would a reduced setback (Exhibit #8).

Any reduction in the required set back from the 12th Place right-of-way would not be consistent with the view protection provisions of the certified LCP because such a reduction would adversely affect visual access of the shoreline by allowing the building to intrude further into the public's view (from the 12th Place overlook) than it would if the standards of the certified LCP had been imposed (Exhibit #8). The reduced garage setback, on the other hand, would not adversely affect public views or public access, as it would not result in any encroachment

into the public view from 12th Place. Therefore, the approval of the proposed project is conditioned to require the provision of an eight-foot side yard setback (from the 12th Place right-of-way). Only as conditioned does the proposed development conform with the provisions certified LCP.

The following requested variances from the PD-5 building standards can be approved without any adverse effect on public views since the public view would be protected by the reduced building height and eight-foot set back from 12th Place is provided:

- Garage setback of 3 feet instead of 20 feet.
- Lot coverage more than 65%.

The certified LCP provides for variances from those building standards, although such variances are only allowable where they would have no adverse effect on, among other things, visual characteristics. The requested variances from the garage setback and lot coverage limit, in association with the limited building height and eight-foot set back from 12th Place, would carry out the LCP and will not interfere with physical, visual and psychological aspects of access to or along the coast.

In regards to the setback from the public beach, the certified LCP states:

Beach property lines – no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the toe of the bluff, no building shall extend toward the beach further than existing development on the site.

The applicant's site survey identifies the toe of the bluff about fifteen feet seaward of the sloping project site (Exhibit #9). There is no existing development on the site. Therefore, the proposed development may extend up to the seaward edge of the property as shown on the proposed plans. The recommended special conditions prohibit any portion of the structure, including balconies, awnings and decks, from extending seaward of the applicant's southern (beach-fronting) property line. Only as conditioned does the proposed development conform with the provisions of the certified LCP.

D. Public Access and Recreation

The proposed project, which is located between the first public road and the sea, must also conform 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 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

The proposed development could adversely affect public access and recreation by encroaching onto the public beach or the Bluff Place public accessway. In addition, the construction staging area, if located on the public beach or in a public accessway, could obstruct public access or public use of the beach.

Setback From the 12th Place Public Recreation Area

The provision of the LCP-required eight-foot setback from the 12th Place right-of-way is necessary to provide an adequate buffer between the proposed residence and the 12th Place beach accessway. By proposing to place the proposed building only one foot from the 12th Place right-of-way, the applicant's design could interfere with existing public access as well as the Department of Parks and Recreation's plans to improve the public right-of-way as a mini-park (as called for by the certified LCP). Buffer areas are usually provided between public recreation areas and private residences in order to reduce conflicts that may arise between residents and park users/beach goers. The residential yard area within the required setback would typically provide part of the buffer area, while additional buffer area would be provided on the public property. For example, a public park bench would be sited further than one or two feet from the window of a private residence. The certified LCP requires that a side yard setback be provided in order to allow for an adequate buffer area between the public and private uses. Section 30221 of the Coastal Act requires that oceanfront land suitable for recreational use shall be protected for recreational use. Therefore, no variance from the eight-foot 12th Place side yard setback requirement is permitted. Only as conditioned does the proposed development conform certified LCP and the public access and recreation policies of the Coastal Act.

Encroachments - Staging Plan

Any private encroachment onto the public beach or into a public accessway would conflict with the requirement of Section 30211 of the Coastal Act, which states: "Development shall not

interfere with the public's right of access to the sea..." Therefore, Special Condition Four prohibits any such encroachments. In addition, the applicant is required to provide a construction staging plan (Special Condition Five) that avoids encroachments onto the public beach or into the Bluff Place public accessway. Only as conditioned does the proposed development conform certified LCP and the public access and recreation policies of the Coastal Act.

On site Parking

The proposed project must provide adequate on-site parking in order to protect the public on-street parking that supports public access to the beach. The certified LCP requires the provision of two on-site parking spaces for the proposed single-family residence. The proposed plans provide for three parking spaces within a garage. However, the plans must be revised as required by Special Condition One. The applicant may choose to provide only two parking spaces as a way to increase the living area in the revised project. The permit is conditioned to require the provision of at least two on-site parking spaces. As conditioned, the Commission finds that the proposed development conforms certified LCP and the public access and recreation policies of the Coastal Act.

E. Marine Resources

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. Furthermore, uncontrolled runoff from the project site and the percolation of water could also affect the structural stability of bluffs and hillsides. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms certified LCP and the public access and recreation policies of the Coastal Act.

F. Future Improvements

The development is located within an existing developed area and, as conditioned, would be compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which could adversely affect public views, and public access and recreation. To assure that future development is consistent with the certified LCP and the public access and recreation policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the certified LCP and the public access and recreation policies of the Coastal Act.

G. Geologic Safety, Future Shoreline/Bluff Protection and Assumption of Risk

The certified LCP (Page III-A-12) states: "Construction of units on the face of the bluff will require that studies be made by each developer of soil stability conditions." Also, Page III-A-6 of the certified LCP identifies the bluffs in LCP Area A, where the project site is located, as a hazard area because "the area is subject to tsunamis" and "there exists a very great potential for liquefaction" (Exhibit #6, p.5).

Therefore, Special Condition Two requires that the applicant, prior to issuance of the coastal development permit, shall submit for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction on the bluff face. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer or architect). All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report. Only as conditioned does the development conform with the provisions of the certified LCP.

As the certified LCP makes clear, development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require adherence to the geotechnical recommendations, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor-in-interest assume the risk of undertaking the development.

In order to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

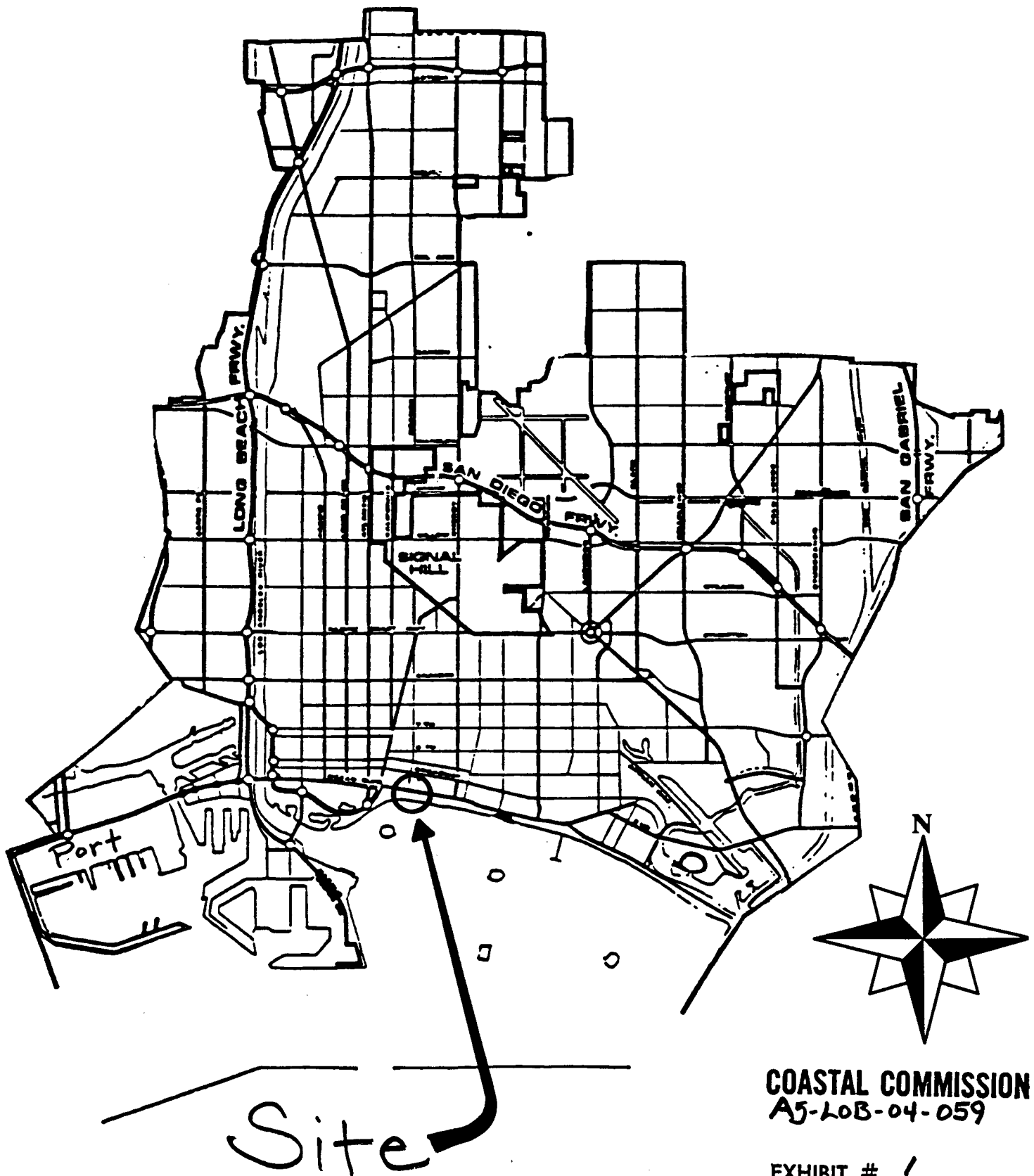
H. California Environmental Quality Act

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

The proposed project, as conditioned, has been found consistent with the City of Long Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

City of Long Beach



COASTAL COMMISSION
A5-LOB-04-059

EXHIBIT # 1

PAGE 1 OF 1

Next >>

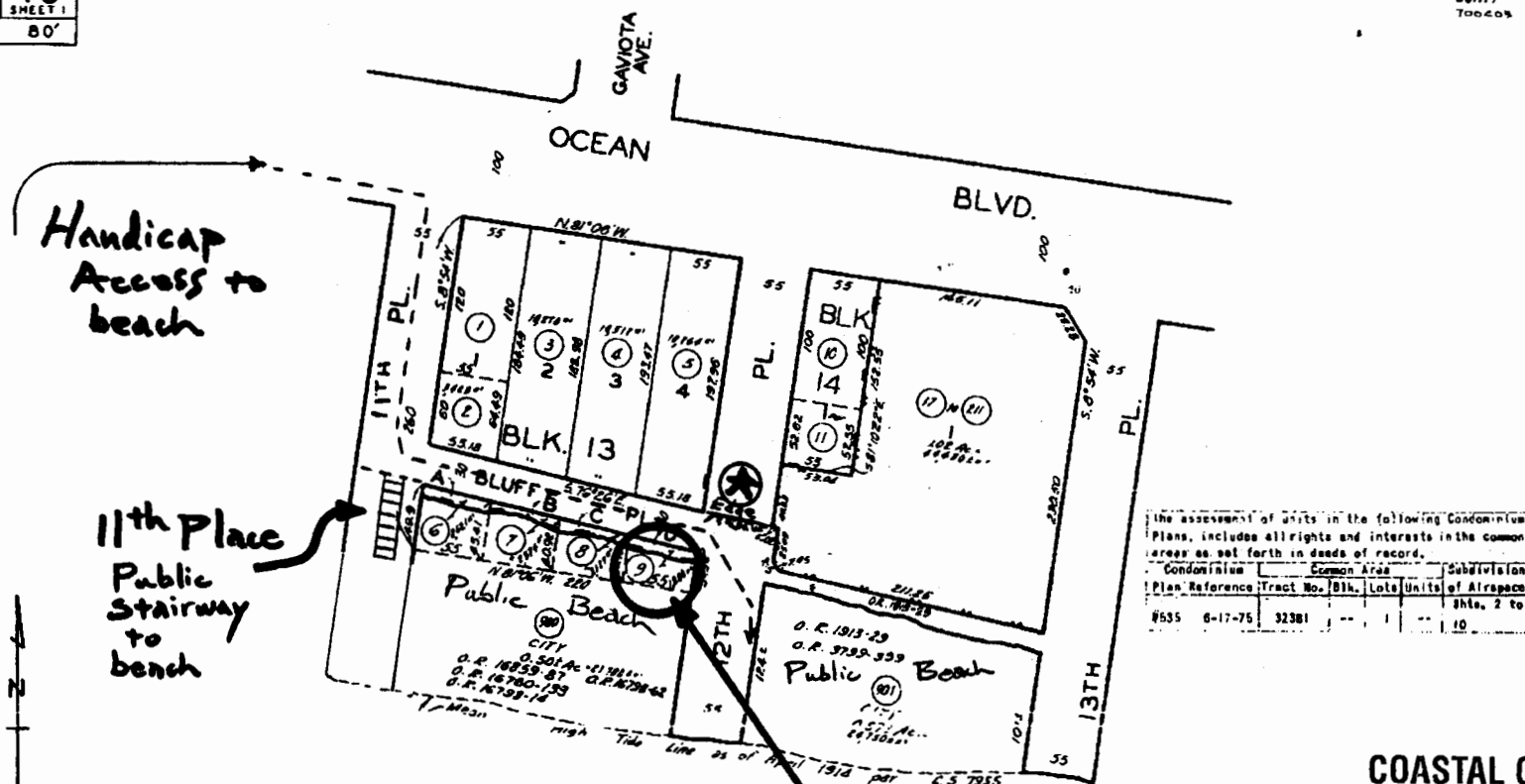
View Enlarged Map

View Printing
Instructions

County of Los Angeles: Rick Auerbach, Assessor

7265 16
SHEET 1
SCALE 1" = 80'

66117
TODAY
7-1
7503
13.2000



RESUBDIVISION OF BLOCKS 13 AND 14 OF THE
ALAMITOS BEACH TOWNSITE

M. R. 84-2

LANDS AS SHOWN ON CITY
ENGINEERS MAP OF LONG BEACH

JUNE 9, 1969 NO. 6-1774 1-4

CONDOMINIUM
TRACT NO. 32381
M. B. 852-28-29

COASTAL COMMISSION
A5-LOB-04-059

EXHIBIT # 2

PAGE 1 OF 3

CODE
5500

FOR PREV. ASSMT. SEE:
7265-16

1724 Bluff Place
Site

★: Public View of shoreline - See
Exhibits
849.

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

1951 Survey

Map provided by City of Long Beach Planning Dept.





Project Site

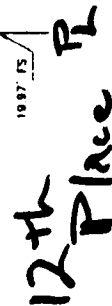
1925 Zoning Map

Map provided by City of Long Beach Planning Dept.

COASTAL COMMISSION
A5-LOB-04-05

EXHIBIT # 2
PAGE 3 OF 3

NOTE: MAX. BUILDING HEIGHT SUBJECT TO BLUFF PLACE STREET IMPROVEMENT PLAN.



Setback line

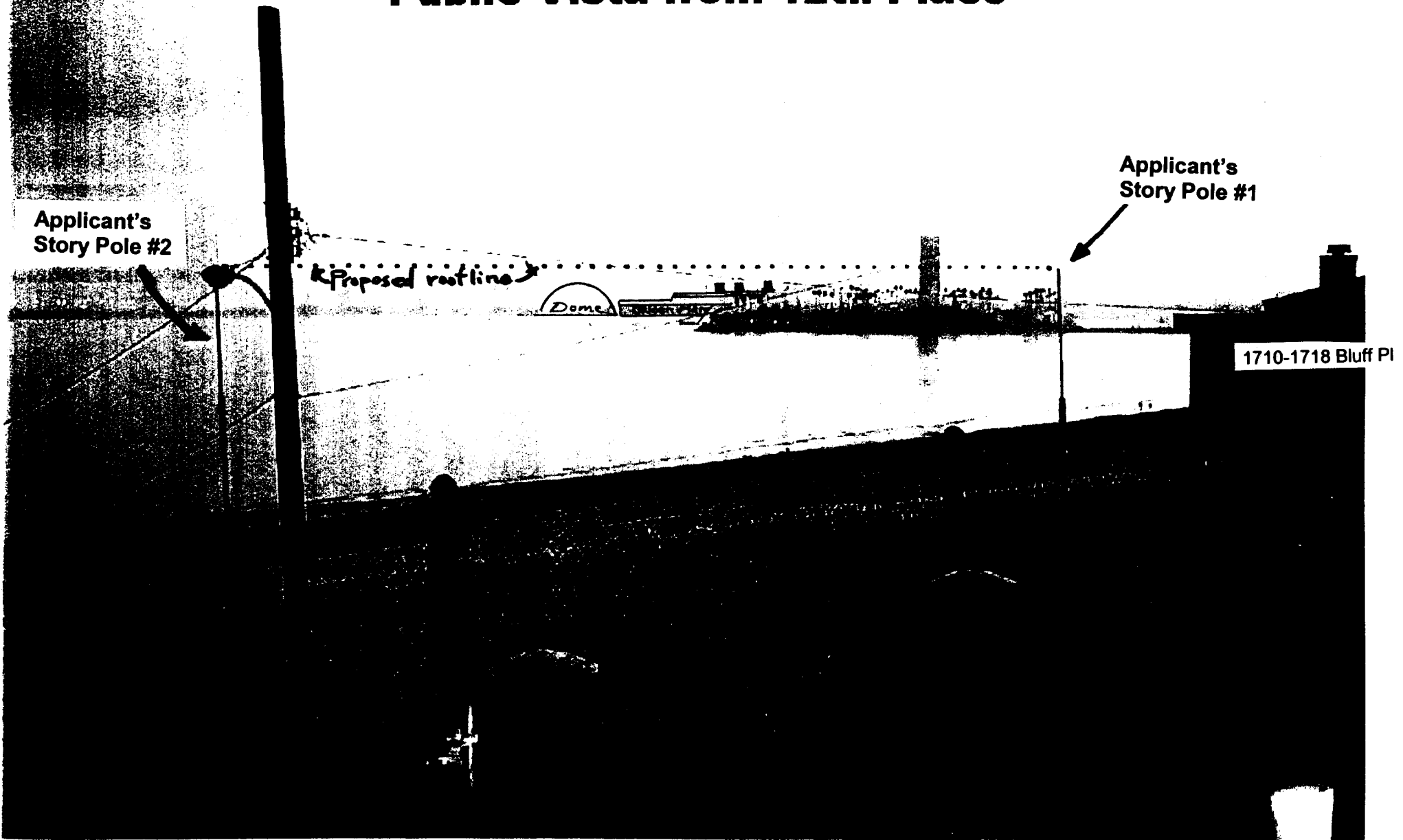
COASTAL COMMISSION
AS-20B-04-059

EXHIBIT # 3

PAGE 1 OF 2

See pg. 2 -

Public Vista from 12th Place



A5-LOB-04-059

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 2

OF 12th. STREET



SITE PLAN AND FIRST FLOOR PLAN

COASTAL COMMISSION
A5-LOB-04-059

PAGE 1 OF 1

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

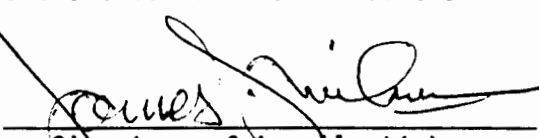
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

AS AN OWNER OF PROPERTY ON 12TH PLACE, AND
RESIDENT OF LONG BEACH, CA. WE APPEAL THE
DECISION OF THE LONG BEACH PLANNING COMMISSION
(CASE NO. 0309-12) OF JANUARY 15, 2004; BECAUSE
OF THE DENIAL OF - A - PRIMARY PUBLIC VIEW.
OF THE SHORELINE, THE BEACH, AND TO RELATED RECREATION
ASSETS, AS EVIDENCED BY SEVERELY REDUCED
PRIMARY VISUAL RESOURCES ATTRIBUTED (SEE ADDITION)

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

2/2/04

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

Section VI. Agent Authorization

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



Signature of Appellant(s)

Date

Feb 2, 2004 **COASTAL COMMISSION**

A5-LOB-04-059

EXHIBIT # 6

PAGE 1 OF 17

ADDITION
REASONS FOR THE APPEAL (CONT.)

TO CONSTRUCTION AND LANDFORM ALTERATIONS BY THE
PLANNED CONSTRUCTION OF A SINGLE FAMILY RESIDENCE
AT 1724 BLUFF PLACE, LONG BEACH, CA. ACCORDING TO
IT'S PLANNING AND BUILDING DEPARTMENT, THE CITY OF
LONG BEACH HAS NO ORDINANCE(S) RESTRICTING PRIMARY/
VISUAL ACCESS TO COASTAL AREAS BY STRUCTURES
LOCATED IN AREAS ADJACENT TO OR NEAR SUCH
COASTAL ASSETS

IN THE VIEW OF THE APPELLANT, AND OTHERS AFFECTED
BY THIS NEGATIVE SITUATION, THIS IS AN ISSUE THAT
CRIES FOR REVIEW AND/OR LEGISLATIVE RELIEF.

ADDITIONALLY, THE APPELLANT CAN FIND NO EVIDENCE
OF DEPTH OR OTHER EXCAVATION OR DRILLING STUDIES
TO DETERMINE SUBTERANIAN STABILITY OF THE SITES
LOCATED ON BLUFF PLACE IN LONG BEACH; NOR IS
THERE EVIDENCE OF TIDAL OR WAVE SURGE STUDIES
RELATIVE TO BLUFF PLACE.

THE LCD PAGES (ATTACHED) AND PARAGRAPHS CITED BELOW
INDICATE SPECIFIC PROVISIONS THAT REFER TO SHORELINE
PUBLIC ACCESS:

- ATTACHMENT 1 PAGE II-19 GENERAL STRAND POLICIES, USE AND ACCESS
- ATTACHMENT 2 PAGE III-A-6 VISUAL RESOURCES AND SPECIAL COMMUNITIES
- ATTACHMENT 3 PAGE III-A-10 (PARAGRAPH 2) "OCEAN BOULEVARD AS A LOCAL SCENIC ROUTE"

COASTAL COMMISSION

ADDITION
REASONS FOR APPEAL (CONTINUED)

ATTACHMENT

4. PAGE III-A-12 HAZARD AREAS AND
VISUAL RESOURCES

ATTACHMENT

5. PAGE III-A-16 OCEAN BOULEVARD
PLANNED DEVELOPMENT PLAN
(PD-1)

IN CONCLUSION, IT IS INTERESTING TO NOTE THAT, NOT WITHSTANDING THE SPECIFIC REFERENCES TO PUBLIC VIEW OF THE SHORE LINE, THERE IS NO CONCOMITANT CITY ORDINANCE TO PROTECT SUCH SHORELINE ASSETS; A SITUATION MENTIONED ABOVE. VARIANCES ALLOW FOR SUCH OVERSIGHT. IN CLOSING, THE COMMISSION SHOULD BE AWARE THAT AT ONE TIME DURING THE HEARING PROCESS BEFORE THE LONG BEACH ZONING COMMISSIONER, THE OWNER-BUILDER AND THE APPELLANTS AGREED TO A COMPROMISE TO LOWER THE INSIDE CEILING HEIGHTS TO EIGHT (8) FEET, THEREBY LOWERING THE BUILDING HEIGHT TO AN ACCEPTABLE DEGREE, THIS WOULD HAVE RESOLVED THE OBJECTIONS OF ALL APPELLANTS BUT WAS LATER REJECTED BY THE OWNER BUILDER.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 17

ATTACHMENT 1

LCP

GENERAL STRAND POLICIES
USE AND ACCESS

This section contains all of the policies related to development and use of and access to the Strand portion of the coastal zone. Each of these policies is reproduced in the appropriate sections of the Community Plans. The purpose of presenting them here is to define the overall coordinated policy for this important coastal resource.

The Long Beach Strand is defined as the beach portion of the Tidelands area between Alamitos Avenue and the Alamitos Bay Jetty. It is physically divided into a west beach and east beach by the Belmont Pier, which currently prevents passage of beach patrol and maintenance vehicles except at low tide. The following recommendations are divided into six categories as follows (these can also be found in the Policy Plans):

1. General recommendations affecting the entire strand.
2. Segment 1 recommendations for area between Alamitos and Cherry.
3. Segment 2 recommendations for area from Junipero to Belmont Pier.
4. Segment 3 recommendations for area from Belmont Pier to 55th Place.
5. Segment 4 recommendations for area from 55th Place to Alamitos Bay Jetty.
6. Bluff Treatment.

GENERAL RECOMMENDATIONS

1. Only beach dependent recreational facilities, such as sand volleyball courts, should be located on the beach, i.e., no handball, basketball, or tennis courts except as provided for herein. No windbreaks should be constructed which would block or inhibit seaward views. No commercial establishments and no additional parking should be permitted on the beaches except as otherwise provided for in this LCP. ✓
2. Combination restroom/concession facilities should be located near the landward side of the beach while restroom facilities alone should be located at variable distances on the landward side of the beach so as to best provide convenience to both beach users and users of such grassy areas and/or bike paths and walkways as may be developed.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 17

LCP

HAZARD AREAS

The Seismic Safety Element of the City's General Plan designates two distinct seismic response zones in Area A. One is the beach area, and the other the remainder of Area A above the bluffs. The bluffs themselves are not treated separately by this study.

The following conclusions are drawn for the beach area. The soil type is natural or hydraulic fill, generally granular. It is located near an area having slopes greater than 20%. The ground-water level is less than 20'. Fault rupture potential during a seismic event is considered minimal, as is flooding. The area is subject to tsunamis (seismic sea waves). There exists a very great potential for liquefaction. Ground shaking is considered most severe for high rise structures, but since there are not now and never will be high rise (or any other) structures on the beach, this point is academic.

The description of the urbanized (upland) portion of Area A is as follows: The soil type is predominantly granular non-marine terrace deposits. The land is flat with a groundwater level of from 40 to 80 feet. The fault rupture potential is considered minimal, as is the potential for flooding. The liquefaction potential is remote, as is the probability of tsunami damage. Ground shaking is considered most severe for low rise structures, one to nine stories. However, all modern construction from one story wood frame to moment resisting steel frame buildings higher than 160' are considered compatible with the seismic responses to be expected in Area A.

VISUAL RESOURCES AND SPECIAL COMMUNITIES

✓ Ocean views from Ocean Boulevard are very limited because of the dominance of structures and lack of open spaces between them, the narrow streets, and the height of the bluff. The viewer on the Boulevard catches only glimpses of blue sky and slightly bluer water. Only by walking or driving to the end of one of the narrow north/south streets can the entire view be enjoyed. Some of the structures have been designed to maximize the view potential from the living units. Others appear to have ignored this amenity altogether.

COASTAL COMMISSION

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AREA A
POLICY PLAN SUMMARY

SHORELINE ACCESS

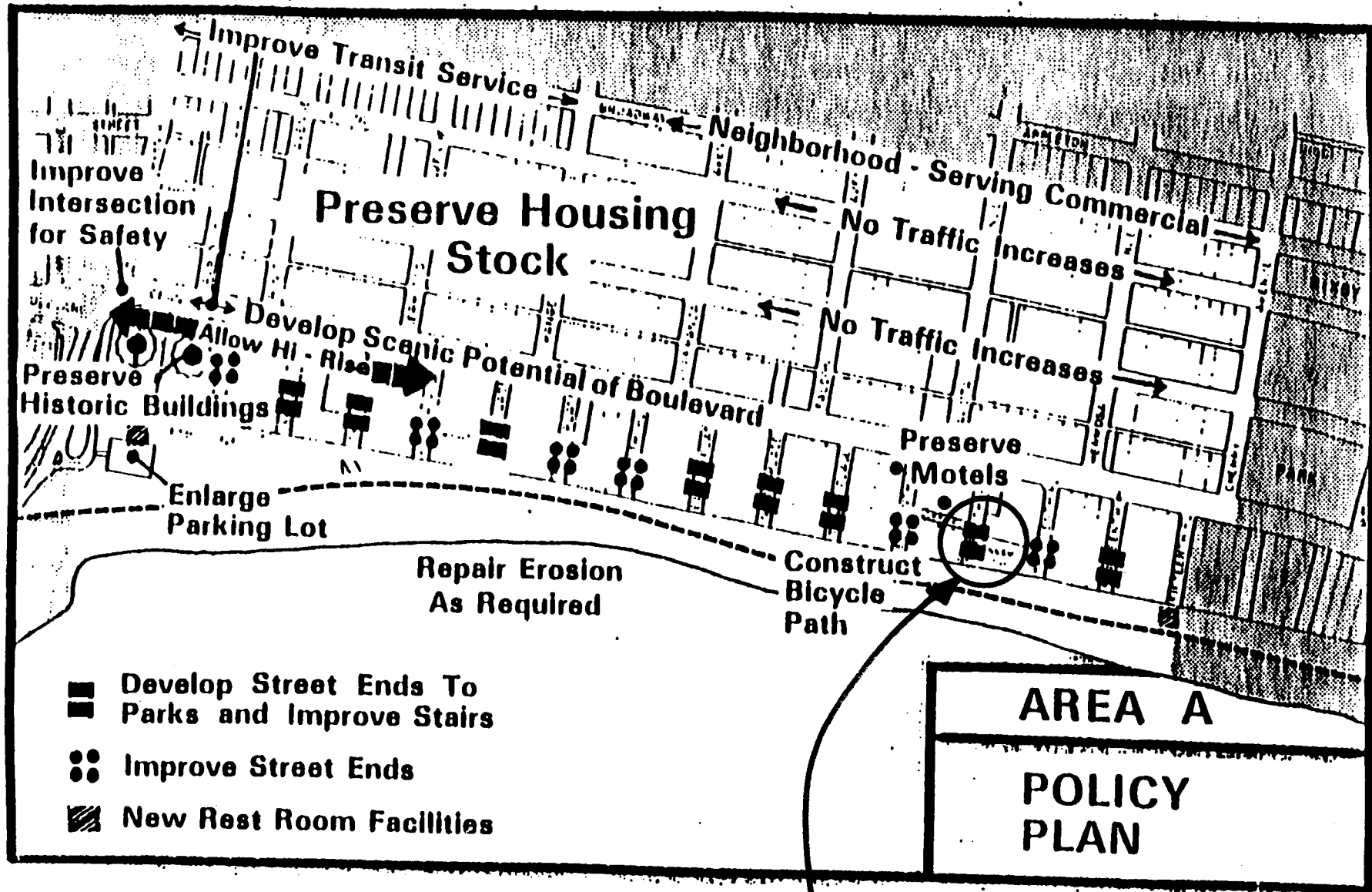
A principal objective of this plan is to improve public access to the beach in Area A. This will be accomplished in part by improvements to the street ends south of Ocean Boulevard. These will be developed as mini-parks for viewing and/or beach access purposes. Stairways at existing locations will be improved or rebuilt as required for public safety and increased capacity. The funding for these improvements will be derived in part from the one-half of one percent in lieu fee payment required of developers under certain conditions.

Another method of improving public access is through a continuing emphasis on the importance of the transit system in the coastal zone (and all of Long Beach). These services shall be reviewed periodically by the transit authorities for the purpose of increasing ridership and supplementing routes with mini-buses, vans, shuttles, and other cost-effective and efficient equipment. It is expected that future events of world-wide importance and certainly far beyond the influence of this LCP (especially, more severe gas shortages and ever-increasing prices) will eventually do more to force increased transit ridership than anything the City or Transit Company can do in the short term. When this happens, the severe parking shortage in Area A, long blamed as the cause of sparse beach usage, will no longer be so important.

Bicycle use will be encouraged upon completion of the beach bike trail. This will make it possible for shore residents to bike safely to work downtown, an

COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 17



ATTACHMENT 3

Page III-A-10

LCP

option which will no doubt become more attractive in the future.

This plan emphasizes the development of Ocean Boulevard as a local scenic route rather than as a commuter corridor (see chapter on Conformance with General Plan Elements). ✓

No measures to encourage increased utilization of First and Second Streets and Broadway shall be implemented, although some natural increases will occur as the result of the slightly higher densities allowed by this plan.

RECREATION AND VISITOR SERVING FACILITIES

The existing visitor serving facilities, especially the three motels, shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income.

The park-like street end development (described above) will serve both recreation and visitor serving needs by providing access to the beach, as well as quiet sitting and viewing areas.

The beach bicycle path is the principal new recreation development in Area A. It is the link between the San Gabriel River trail and the Los Angeles-Rio Hondo (LARIO) trail systems which serve much of Los Angeles and part of Orange Counties.

A connection between the beach bike path and Ocean Boulevard at Alamitos Avenue and 11th and 13th Places (via ramps) will be investigated as a part of the final design. A pedestrian path shall be constructed adjacent to the bike path.

The beach itself is the primary recreation and visitor serving resource in Area A. No proposals for changes to the beach are made by this LCP. New restroom and appurtenant beach serving facilities, however, are programmed at First Place, Eighth Place, and Cherry Avenue (see Strand Policies).

Parking for the beach in Area A will be supplemented by the addition of 50 spaces to the public lot in front of the Villa Riviera. Additionally, it is anticipated that some visitors to Marina Green Park who use those lots will circulate between the park and the beach.

COASTAL COMMISSION

LOCATING AND PLANNING NEW DEVELOPMENT

Residential

Public policy and land use decisions shall be used to preserve existing viable neighborhoods in Area A. This is also a principal goal of the Land Use Element of the Long Beach General Plan. Residential policies are grouped for north and south of Ocean Boulevard,

North of Ocean Boulevard. The land use policy for this neighborhood is directed toward preserving the enormous stock of low and moderate cost housing. For design guidelines, see Appendix. For exact housing policies, see chapter on Housing Policy.

Generally, heights shall be limited to 35', with 55' permitted in some areas (see zoning map). Setbacks shall be increased over those required by the former zoning ordinance to improve open space. All parking shall be contained on-site to reduce the present over-parked curb situation and to free spaces for beach visitors. Mixed residential and commercial uses are encouraged along Broadway, with commercial nodes at certain intersections.

South Side of Ocean Boulevard. Measures shall be taken to preserve those buildings designated as historically or architecturally distinctive by the City's Cultural Heritage Committee (the Villa Riviera and the Pacific Coast Club), and others which may be so designated.

From First Place to Tenth Place high rise residential towers shall be permitted. See Implementation section for design and development details and for replacement policies. They must have on-site parking adequate for residents and visitors.

The three existing motels are to be preserved as stated in Recreation and Visitor Serving Facilities.

This plan allows an increase of 1,707 units over the entire Area A (see the chapter entitled Growth Increments).

Non-Residential

Commercial facilities are permitted along Broadway and tourist-related commercial on Alamitos Avenue. Along Broadway commercial shall be limited to retail uses which are neighborhood-serving in nature. Small shops catering to walk-in trade are preferred rather

COASTAL COMMISSION

ATTACHMENT 4

Page III-A-12

LCP

than auto-oriented shopping complexes. See plan for locations of commercial nodes.

Tourist uses along Alamitos are restaurants, shops, motels, and similar uses. See Implementation for regulations.

DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

Accretion and erosion of beach sand is occasionally a problem in Area A, and may become more of a problem upon completion of the Downtown Marina. This plan recommends the continuation of the established program for management of these problems.

HAZARD AREAS

Construction of units on the face of the bluff will require that studies be made by each developer of soil stability conditions. Otherwise, there are no special requirements not included in the Uniform Building Code. ✓

VISUAL RESOURCES AND SPECIAL COMMUNITIES

Measures for implementation of this policy plan adequately protect and enhance the visual resources of Area A, particularly those dealing with setbacks, view protection, shadow control, and development of street ends. See Implementation section. ✓

PUBLIC WORKS

This plan recommends the following public works in Area A:

1. Bike path and parallel pedestrian path.
2. Park-like development at street ends.
3. Stairway improvements to facilitate beach access.
4. Restrooms on the beach.
5. Expanded parking lot at First Place.

COASTAL COMMISSION

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PAGE 10 OF 17

LCP

OCEAN BOULEVARD
PLANNED DEVELOPMENT PLAN
(PD-1)

The intent of this Planned Development Plan is to provide a framework to guide new development in a way that is sensitive to the high level of public interest in the plan area. The plan area is land between the public beach and the first parallel public roadway, Ocean Boulevard, from Alamitos Boulevard to Bixby Park which is designated as a scenic route. The land is in private ownership and is primarily used as multi-family residences at a high density. Many of these uses are likely to be replaced by new uses. This plan is intended to cause new development to be of a similar nature, designed with sensitivity to the policies of the California Coastal Act of 1976 and the Long Beach Local Coastal Plan, and incorporating a maximum of public involvement and review of the individual projects.

A special incentive provision is provided in this Planned Development Plan to encourage lot assembly for the construction of high rise development. In this incentive, higher density and greater height are provided in exchange for greater visibility of the ocean, greater on-site open space and greater contributions to access to the beach by improvements in public rights-of-way.

In reviewing and approving site plans and tract maps for the development of the area, the City Planning Commission shall be guided by the goals and policies of the General Plan and the General Development and Use Standards specified herein. The Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Specific Plan. When a variance is requested within the Coastal Zone, a finding shall also be required that "This variance will not adversely affect access to or along the shoreline including physical, visual or psychological qualities of access." ✓

GENERAL DEVELOPMENT AND USE STANDARDS

1. Use. All uses in this plan area shall be multi-family residential.
2. Existing motel sites shall be retained in motel use. The Pacific Coast Club site, if the

COASTAL COMMISSION

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(b) **Access.**

1. **Vehicular.** Vehicular access shall be limited to the north/south side streets, the "Places", whenever a development site has access to the side streets. When such access is not available, access shall be from Ocean Boulevard.

2. **Pedestrian.** Pedestrian access from Ocean Boulevard to the beach shall be provided along the "Places". Each new development shall provide for improving such access at one place through the provision for such features as new strairways, lighting, landscaping and street improvements, according to an improvement plan consistent with LCP access plan map to be developed by the Tidelands Agency and the Bureau of Parks, and approved by the Planning Commission. Such plan shall be developed and approved prior to the granting of any development approval. Development responsibility for such provisions shall be at least one-half of one percent of the value of the development.

(c) **Building Design Standards.**

1. **Design character.** All buildings shall be designed so as to provide an interesting facade to all sides and to provide an open and inviting orientation to Ocean Boulevard. The following additional features shall also be provided:

- A. The exterior building design style and facade shall be appropriate for the area and harmonious with surrounding buildings.
- B. Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff.

2. **Yard areas.**

A. **Setbacks.**

- (1) Ocean Boulevard frontage - twenty feet from property line.
- (2) Side streets - eight feet from side street property line.
- (3) Interior property lines - ten percent of the lot width.
- (4) Beach property lines - no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the tow of the bluff, no building shall extend toward the beach further that existing development on the site.

B. Projections into setbacks. Porte-cochere and balconies may project into yard areas provided:

- (1) They do not project into interior yard areas.
- (2) They do not project more than one-half of the required setback.

(d) **Parking.**

1. Number of spaces.

- A. Residential. 2.00 spaces shall be required for each dwelling unit for resident use, except elderly housing provided as affordable housing (so stipulated by Deed restriction) which shall require not less than 1.25 spaces per unit. One-quarter space per dwelling unit shall be required for guest use.
- B. Hotel/Motel. One space per room (including banquet, meeting rooms, restaurants, etc.) Or 0.75 per room (including banquet, meeting rooms, restaurants, etc., counted separately).
- C. Other uses. As per Zoning Regulations outside of planned development areas.

2. Size of spaces. Parking space sizes shall be as required for the applicable use under Table 41-2 of Chapter 21.41 of the Long Beach Zoning Regulations.

3. Tandem spaces. Tandem spaces may be used in hotel/motel use with valet parking arrangements and in residential use when both spaces are assigned or sold to the same dwelling unit. Guest parking may be provided in tandem with valet parking arrangements.

4. All parking shall be in garages closed to public view of vehicles inside. No parking garage other than grade access facilities shall be permitted at grade on the Ocean Boulevard frontage.

(e) **Landscaping.**

One palm tree not less than fifteen foot high as street tree for each twenty feet of street frontage; one twenty-four inch box and one fifteen gallon tree for each twenty feet of street frontage. Five five-gallon shrubs per tree. One cluster of three palm trees for each twenty feet of beach frontage. Any exposed bluff area shall be landscaped to the satisfaction of the Park Bureau of the Department of Public

Works, including bluff areas on public property and adjacent public street rights-of-way.

(f) ***Off-site improvements required of developer.***

1. Public access. Public access shall be provided for as described under pedestrian access.
2. Landscaping. Each new building constructed shall provide street trees, bluff and beach landscaping.

SPECIFIC DEVELOPMENT AND USE STANDARDS

Subarea 1. This subarea is the area closest to downtown. It is distinguished by three existing high rise buildings, The Villa Riviera, The Pacific Coast Club, and the St. Regis (the former two being designated as cultural landmarks) and a single-family home designed by the prominent architectural team of Charles and Henry Greene.

- (a) Uses. Residential. Standard site development - up to fifty-four dwelling units per net acre; incentive development - up to one hundred twenty dwelling units per net acre.
- (b) Access. As noted in general standards
- (c) Building Design.
 1. Floor area ratio.
 - A. Standard site development. No building shall exceed in gross floor area more than two and one half times the area of its site.
 - B. Incentive development. No building shall exceed in gross floor area more than six times the area of its site.

Parking area shall not be included as floor area.
 2. Height.
 - A. Standard site development. Forty-five feet or four stories above Ocean Boulevard elevation.
 - B. Incentive development. No building shall exceed the height of the

bottom of the roof of the Villa Riviera, or sixteen stories, whichever is more restrictive.

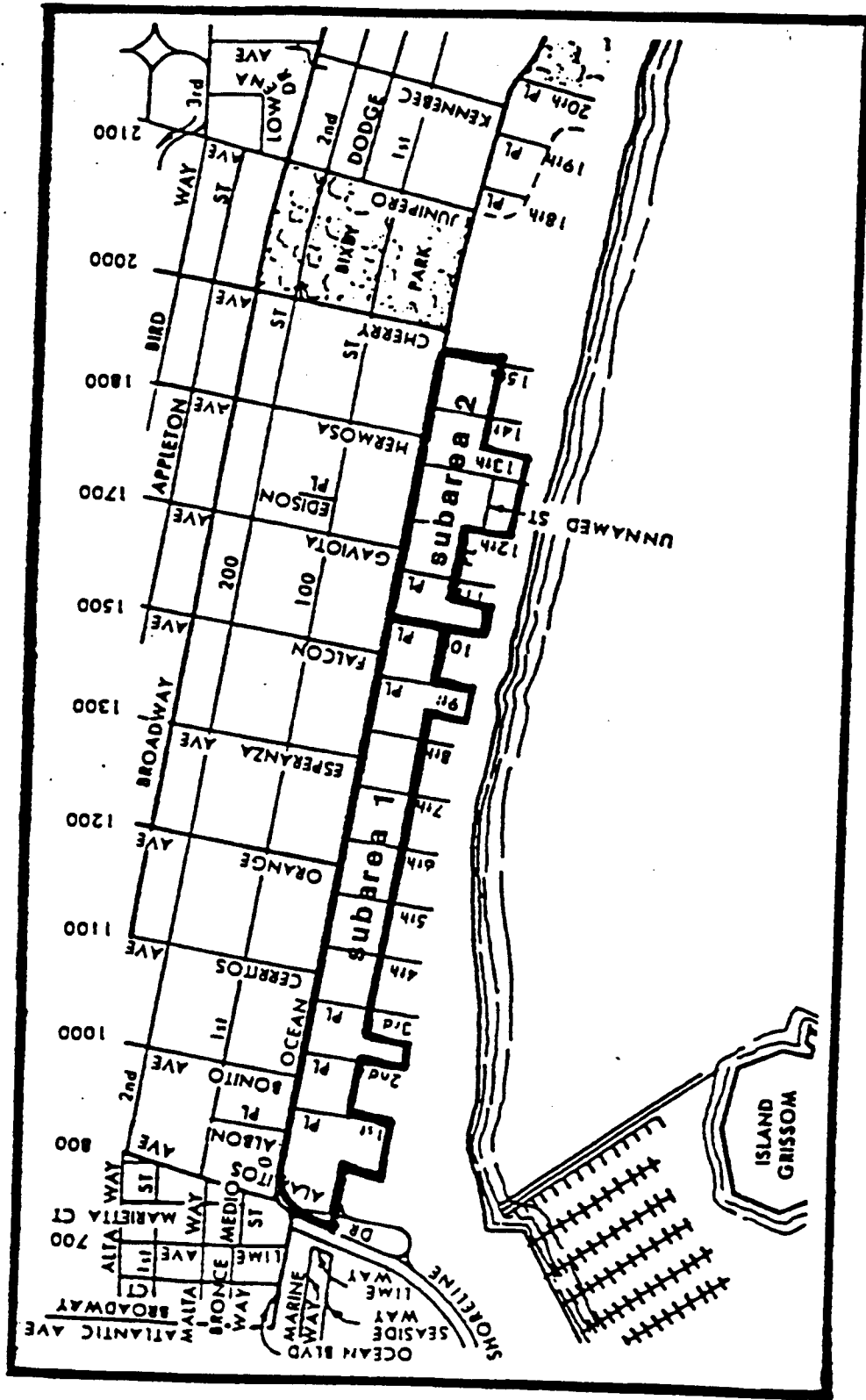
3. Lot coverage.
 - A. Standard site development. From Ocean Boulevard grade to the sky, lot coverage shall not exceed sixty-five percent of the lot area.
 - B. Incentive development. From Ocean Boulevard grade to the sky, lot coverage shall not exceed thirty percent of the lot area. Planters, not more than three feet above Ocean Boulevard grade shall not be considered as lot coverage.
4. Special design features for incentive development.
 - A. The development site must be not less than forty thousand square feet in net site area.
 - B. Provisions shall be incorporated into the proposal for public views through the site to the ocean to the maximum extent practical by such means as, but not limited to:
 - (1) Open Ocean Boulevard story for view under the development; or
 - (2) Wide, unfenced side yards; or
 - (3) Unfenced diagonal setbacks at corner with side street (Places); or
 - (4) In addition to item (1), (2), and (3), each incentive development shall provide view corridors through the development as additional side yard width so that the total area provided in both side yards shall not be less than thirty percent of the width of the site. Instead of a typical side yard, this view corridor may be provided through a triangular area of not less than fifteen percent of the lot area, provided the base of the triangle is at the front setback line, the point of the triangle is at the rear setback line and one side of the triangle is contiguous to a side yard setback line. The view corridor and side yard setback areas shall contain no structure or plant material which blocks public views to the sea from Ocean Boulevard. However, upon a demonstration that maximum public ocean views for auto and pedestrian traffic are protected, the following uses may be

permitted: raised planters, elevated not more than three feet above Ocean Boulevard; landscaping consisting of low-growing plants and shrubs, and high-branching trees; and security fencing along the bluff top where visually open materials are used, e.g., wrought iron or chain link.

- C. The building shall be designed to minimize shadows being cast north of Ocean Boulevard. Shadows shall not be cast north of Ocean Boulevard between the hours of 11:30 A.M. to 1:30 P.M. except during three months of the year.
- D. Development on a single site shall contain no more than one high rise structure.

Subarea 2. This area is a transition area between the large scale high intensity development of the downtown and smaller, less intense development of the eastern portion of the coastal zone.

- (a) **Uses.** Residential; up to a density of fifty-four dwelling units per acre. Existing motel use sites shall remain in motel use.
- (b) **Access.** Same as general development and use standards.
- (c) **Building design.**
 - 1. **Floor area ratio.** The gross floor area of the building shall not exceed two and one-half times the area of the site. Parking area shall not be included as floor area.
 - 2. **Height.** The height of the building shall not exceed forty-five feet or four stories above Ocean Boulevard grade.
 - 3. **Lot coverage.** Lot coverage shall not exceed sixty-five percent from Ocean Boulevard grade to the sky.
 - 4. **Usable open space.** Each unit shall have a minimum of sixty-four square feet of usable open space abutting the unit, only accessible from the dwelling unit.



Ocean Boulevard Planned Development

COASTAL COMMISSION

February 23, 2004

To: California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802
Attn: Mr. Charles Posner

Re: Appeal No. **A5-LOB-04-059**
1724 Bluff Place
Long Beach, CA 90802

Dear Mr. Posner:

This is a response to the Appeal regarding our proposed home at 1724 Bluff Place in Long Beach. The Appeal concerns the effects that our home would have on the public view from the end of 12th Place toward the Queen Mary and downtown Long Beach.

In October 2003, we prepared plans to build a four-story house on this site. In response to concerns raised by neighbors about its effect on the view, we completely redesigned the house. Even though our original plans were below the zoned height limit for this lot, we eliminated the top floor entirely and reduced the height of the ceilings from ten feet on all floors, to eight feet on the first floor and nine feet on the second and third floors.

In order to enable us to make up for the lost square footage on the top floor, the Long Beach Zoning Administrator and the Planning Commission approved variances in the setbacks, resulting in a much shorter but wider house.

In our attempt to work with our neighbors in the past few months, we erected story poles at the property site, we had numerous meetings with the two couples objecting to our plans, and we have tried every possible way to lower the overall height of our house in order to minimize the impact of the public views from the end of 12th Place.

A significant piece of the history of this dispute needs to be addressed: The original complaints of the two neighbors who were voicing opposition were clearly motivated by the fact that their own private views (from one couple's home and the other couple's apartment house) would be affected by our proposed home. It is certainly true that the top of our home would partially affect the views of the Queen Mary from their residences. When it was pointed out that there is no private view ordinance in Long Beach, the focus of their complaints shifted to the issues of restricting the public view of downtown Long Beach.

I am very much a supporter of the values and goals of the California Coastal Commission (and always have been). However, although the top of our house would partially affect the view from the end of 12th Place toward the Queen Mary, it should be noted that **THE VAST MAJORITY OF THE PUBLIC VIEW FROM THE END OF 12TH PLACE IS COMPLETELY UNAFFECTED BY OUR PLANS.** (Please see the enclosed pictures to see this better.)

COASTAL COMMISSION
A5-LOB-04-059

In other words, if the public view is what the appeal is about, it seems to us to have very little merit. One can see the ocean with no obstructions whatsoever from the end of 12th Place, with or without our planned home. There is an unobstructed view looking directly south toward the ocean, and down the coast toward the east as far as Newport Beach.

Further:

1. There is an existing home two lots away from our property at virtually the same height as our proposed home (1710 Bluff Place);
2. Another two unit condo was approved without appeal three lots to the west that is fully one story (8-10 feet) higher than our home (1700 Bluff Place); and
3. There is another proposed project next door to our lot, which would be 4-5 feet higher than our project (1720 Bluff Place).

Aside from the fact that there would be very minimal view impact from our proposed home, it would seem that there is precedent to allow three other projects to be constructed on this street that are up to 5-10 feet higher than ours.

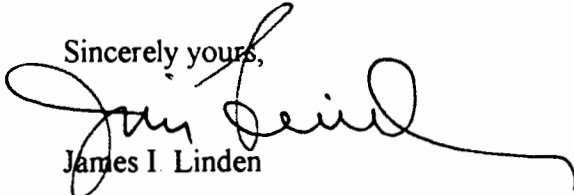
Additionally, the owner of the property on the west side of 12th Place on the bluff (Dr. Karcz) has initiated plans to expand the apartments on his property, which will render this entire issue academic within a year or so, when his building is completed. His new apartments will completely block any view of our house down below the bluff (let alone the Queen Mary and downtown).

As stated above, we have worked in good faith with our neighbors for many months. We are genuinely sympathetic with the concerns of not restricting public visual access to the beach. However, the only way to lower the home any further would be to reduce the ceilings in the living rooms to eight feet. These days, for luxury homes this lower height is below customary standards. The standard for new homes of this type have ceilings of at least nine feet, and most are ten feet or much higher (e.g., the property being built at 1700 Bluff Place approved two months ago, and the property recently approved by the Long Beach Planning Commission last week at 1720 Bluff Place).

In conclusion, I hope you will consider the steps we have already taken to respond to the concerns of our neighbors and will agree the project as it stands has a very minimal effect on the public's visual access to the coastline. From the end of 12th Place, most of the ocean view will remain totally intact if our project is approved.

Thank you for your consideration in this matter.

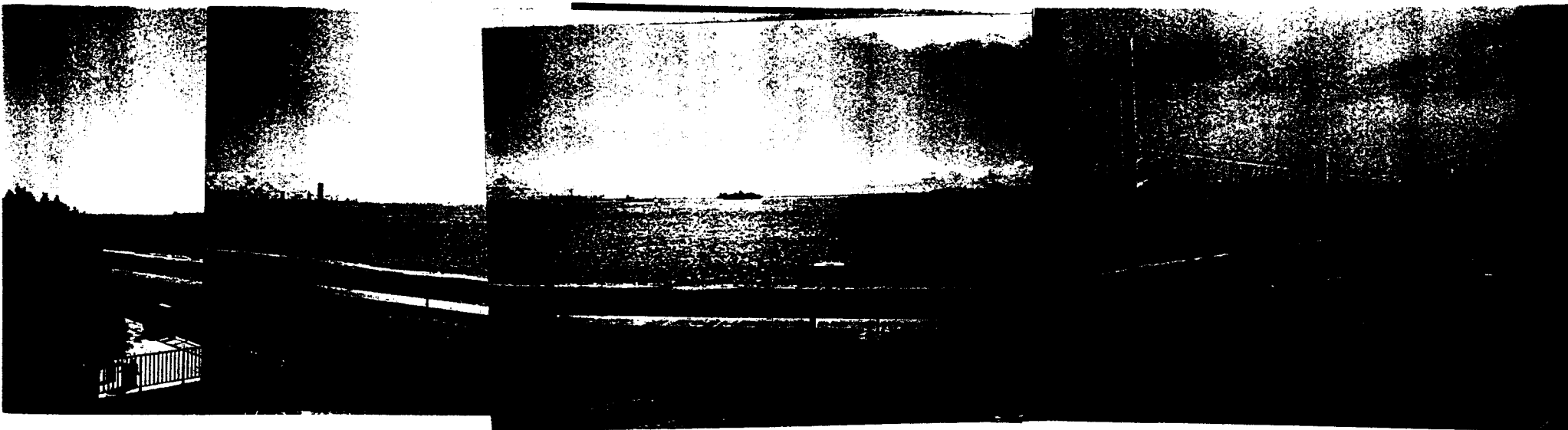
Sincerely yours,



James I. Linden

COASTAL COMMISSION

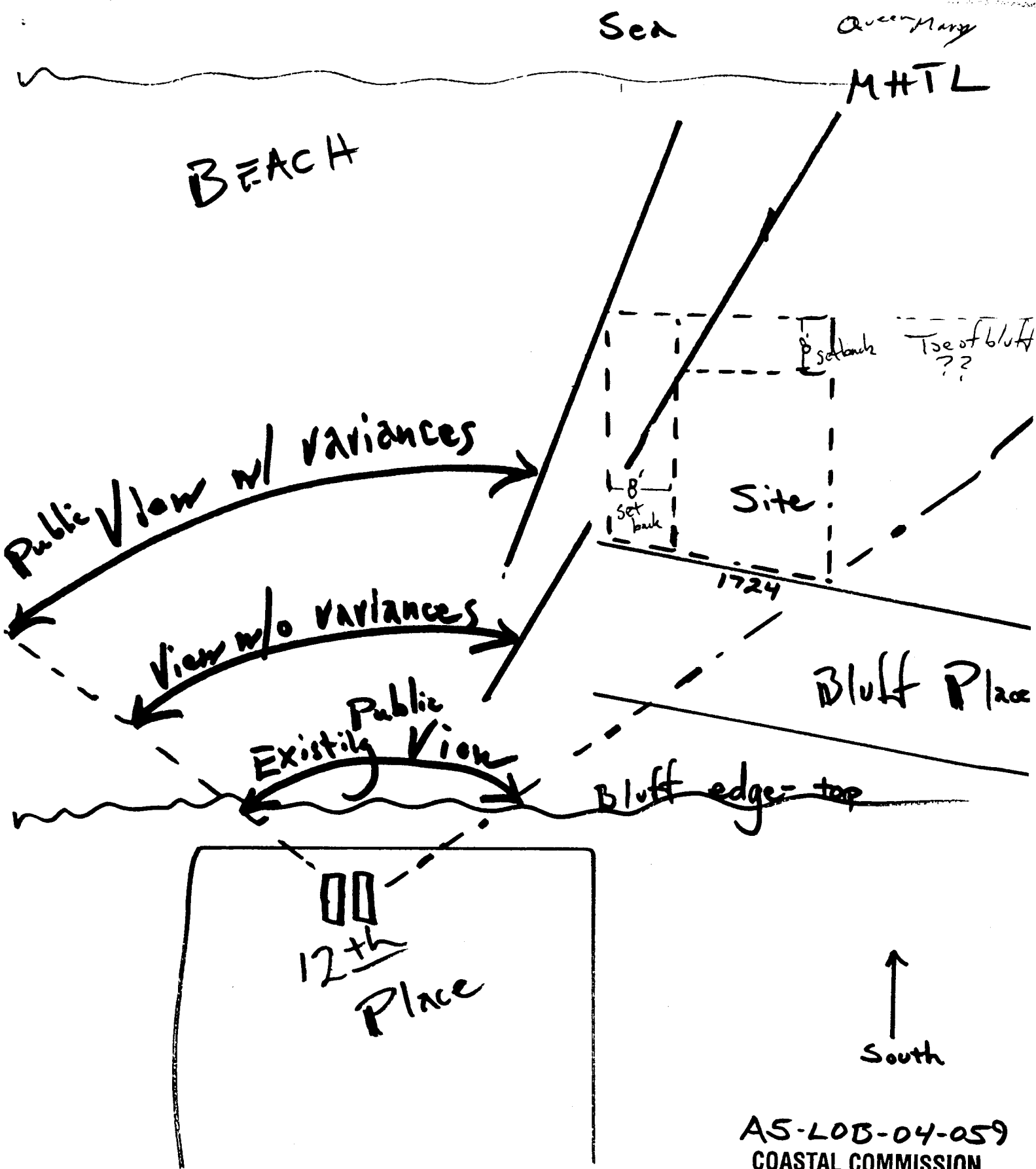
EXHIBIT # 7
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VIEW FROM THE HIGHEST POINT OF 12TH PLACE

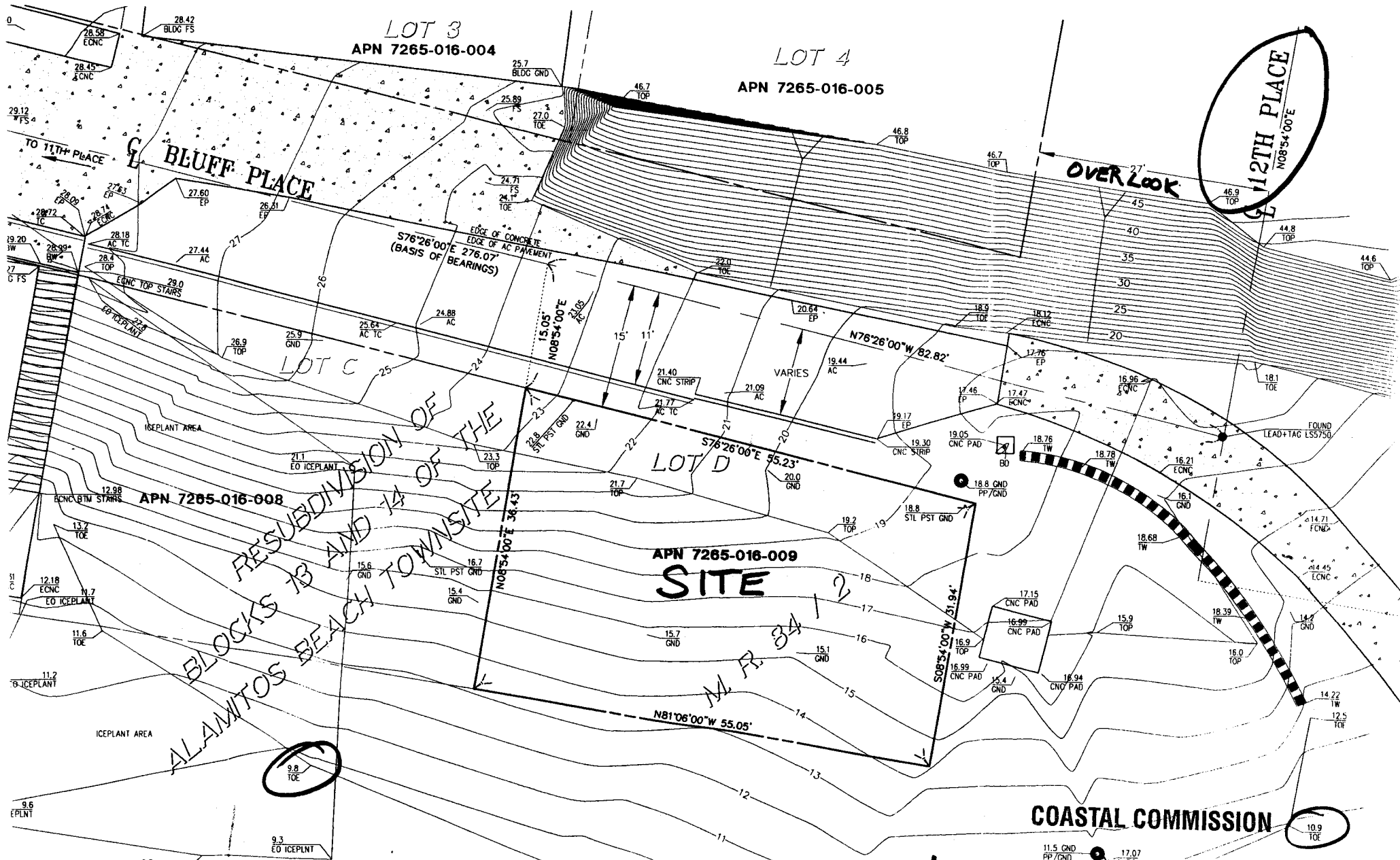
PLEASE NOTE:

1. THE PHOTOGRAPHS WERE TAKEN PER NEIGHBORS REC TO STUDY THE IMPACT ON THE PRIVATE AND PUBLIC VII
2. THE HEIGHT OF PROPOSED RESIDENCE IS ALLIGNED WI THE TOP OF ROOF OF THE EXISTING HOUSE.



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EXHIBIT # 8
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Site Survey

1 North

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EXHIBIT # 9
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