

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 6/2/2004
49th Day: 7/21/2004
180th Day: N/A
Staff: CP-LB
Staff Report: 6/24/2004
Hearing Date: July 15, 2004
Commission Action:

**Th18a****RECORD PACKET COPY****STAFF REPORT: APPEAL**
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-04-222

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

APPELLANTS: Coastal Commissioners Sara Wan & Toni Iseman

PROJECT LOCATION: Bixby Park (2000-2300 E. Ocean Blvd.), City of Long Beach.

PROJECT DESCRIPTION: Appeal from decision of the City of Long Beach approving Local Coastal Development Permit No. 0306-32 for the Bixby Park Redevelopment Plan, which involves grading and stabilization of the coastal bluff at Bixby Park, and improvements to the portion of the park situated on the bluff face and the public beach, including: a path and 3.5-foot high railing along the top edge of the bluff, landscaping the bluff face with native California vegetation, two stairways and one ramp to provide public access from the top of bluff to the beach, a skating plaza and 199-seat amphitheater at the bottom of the bluff, realignment of the beach bike path, a children's playground on the beach, and the replacement of a public bathroom on the beach.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Long Beach Local Coastal Development Permit No. 0306-32 (Exhibit #5).
3. Mitigated Negative Declaration for Bixby Park Redevelopment (ND-36-03).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the appeal raises a substantial issue in regards to the locally approved development's conformity with the City of Long Beach Certified Local Coastal Program and the public access policies of the Coastal Act. The substantial issues involve the proposed intensity of use, landform alteration, native vegetation, and the potential impacts of the proposed bluff, beach and park development on public access, recreation, open space and scenic resources. If the Commission adopts the staff recommendation, a de novo hearing will be scheduled at a future Commission meeting. **The motion to carry out the staff recommendation is on Page Five.**

I. APPELLANTS' CONTENTIONS

Coastal Commissioners Sara Wan and Toni Iseman have appealed the City's approval of Local Coastal Development Permit No. 0306-32. Local Coastal Development Permit No. 0306-32, approved by the City of Long Beach Planning Commission on May 6, 2004, would permit the City Department of Parks, Recreation and Marine to implement the Bixby Park Redevelopment Plan (Exhibit #4). The Bixby Park Redevelopment Plan involves grading and stabilization of the coastal bluff at Bixby Park, and improvements to the portion of the park situated on the bluff face and the public beach. The proposed park improvements include: a path and 3.5-foot high railing along the top edge of the bluff, landscaping the bluff face with native California vegetation, two stairways and one ramp to provide public access from the top of bluff to the beach, a skating plaza and 199-seat amphitheater at the bottom of the bluff, realignment of the beach bike path, a children's playground on the beach, and the replacement of a public bathroom on the beach (Exhibit #3). The proposed project is situated between Ocean Boulevard and the sea, partly on Tidelands within the Commission's area of retained jurisdiction (Exhibit #2). The City is preparing a separate application for the portion of the project that falls within the Commission's permitting jurisdiction.

The appellants' contentions are:

- Maximum Access. The Coastal Act provides for maximum beach access. The extent of the uses at beach level could detract from active beach use.
- Public Access – Parking. Although the findings discussed the amount of public parking available to serve the amphitheater and noted the current occupancy of the beach parking lot, there was no analysis of the potential demand for parking of this amphitheater, it did not identify the possible hours of operation or analyze whether the proposed hours of operation would conflict with public beach use.
- Public Access – Admission Fees. With regard to public access, it was not clear whether the skate park would be free to the general public or would require a fee for entrance.
- Extent and Intensity of Uses on the Beach. The proposal includes three playgrounds, a skate park, a 199-seat amphitheater, including a stage and a backdrop at sand level and seaward of the bluff. Although the uses are allowable uses in the zoning for a park in the LCP, and the 1980 LCP listed all these uses as potential uses for Bixby Park, the LCP did not indicate that all of the uses would be constructed on the beach, resulting in a greater coverage of beach area with development than may have been anticipated.
- Visual Resources. The visual resources of Bixby and Bluff Parks are preserved the LCP. The proposed project could adversely affect coastal views and scenic vistas.
- Open Space. The project appears to conflict with the City's general open space policies, which are part of the certified LCP. The LCP open space policies require that development: "Protect and improve the community's natural resources, amenities and scenic values including nature centers, beaches, bluffs, wetlands and

water bodies" (Policy 1.2). "Keep parklands open and green by limiting the amount of parking lot and building coverage areas within parks" (Policy 4.3).

- Development on the Bluff Face. Plans provided in the application file show three tiers of seating constructed by excavating into the toe of the bluff and additional seating on the bluff face. Although an amphitheater may be an allowable use in a City park, it is not clear that the LCP would allow an amphitheater on the bluff face and beach in Bixby Park.
- Grading the Bluff. The LCP provides for protection of bluffs from erosion. The project includes re-grading and terracing the bluff face. However the Department of Parks Recreation and Marine did not submit either a grading plan, geologic studies or a landscaping plan to the Planning Department as part of this application. Therefore, the Planning Commission could not have evaluated the consistency of the application with this policy.
- Landscape Plan – Native Plants. Bixby Park is not a natural area, nor is it adjacent to a habitat area. However, the City's coastal development permit findings were unclear on this issue. The City findings indicate that the proposed project will use native vegetation for landscaping. However, the application includes no plant list and, seemingly in contradiction, proposes to plant palm trees in certain areas. Palm trees are not native to the Southern California coastline. If the purpose of using "native plants" for landscaping is to reduce percolation of water into the bluff, again, details and reasoning were not discussed.

II. LOCAL GOVERNMENT ACTION

On April 17, 2003, the City of Long Beach Parks and Recreation Commission, which advises the City Manager and City Council on parks development issues, reviewed and voted in favor of the proposed Bixby Park Redevelopment Plan. On May 8, 2003, the Marine Advisory Commission, which advises the City Manager and City Council on beach and marina related issues, reviewed and voted in favor of the proposed project. The City staff report (May 6, 2004) also states that representatives from the Department of Parks, Recreation and Marine met with local community groups, including the Bluff Park Neighborhood Association, the Alamitos Beach Preservation Association, and the Bixby Park Coalition to present the project plans and to solicit comments (Exhibit #4, p.3).

On May 6, 2004, after a public hearing, the City of Long Beach Planning Commission unanimously approved the Site Plan Review and Local Coastal Development Permit No. 0306-32 (with conditions) for the Bixby Park Redevelopment Plan (Exhibit #4). No one appealed the Planning Commission's action to the City Council.

On May 21, 2004, the Commission's South Coast District office in Long Beach received from the City Planning Department a valid Notice of Final Local Action for Local Coastal Development Permit No. 0306-32. The Commission's ten working-day appeal period was established on May 22, 2004. On June 2, 2004, Coastal Commissioners Sara Wan and Toni Iseman submitted the appeal to the Commission's South Coast District office. The appeal period ended at 5 p.m. on June 7, 2004, with no other appeals received.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff [Coastal Act Section 30603(a)]. In addition, an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development constitutes a "major public works project" or a "major energy facility" [Coastal Act Section 30603(a)(5)].

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

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. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of substantial issue. If there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will schedule a de novo public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that an approved application is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 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 applicant, 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 the grounds for the appeal raise no substantial issue. The Commission's finding of substantial issue voids the entire local coastal development permit action that is the subject of the appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

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

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

MOTION

"I move that the Commission determine that Appeal No. A-5-LOB-04-222 raises No Substantial Issue with respect to the grounds on which the appeal has been filed."

Failure of this motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

Resolution to Find Substantial Issue for Appeal A-5-LOB-04-222

The Commission hereby finds that Appeal No. A-5-LOB-04-222 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

Local Coastal Development Permit No. 0306-32 would permit the City Department of Parks, Recreation and Marine to implement the Bixby Park Redevelopment Plan (Exhibits #3&4). The Bixby Park Redevelopment Plan involves grading and stabilization of the coastal bluff at Bixby Park, and improvements to the portion of the park situated on the bluff face and the public beach. The proposed park improvements include: a path and 3.5-foot high railing along the top edge of the bluff, landscaping the bluff face with native California vegetation, two stairways and one ramp to provide public access from the top of bluff to the beach, a skating plaza and 199-seat amphitheater at the bottom of the bluff, realignment of the beach bike path, a children's playground on the beach, and the replacement of a public bathroom on the beach (Exhibit #3). The existing Junipero Avenue public beach parking lot, which provides some parking for Bixby Park, is not being altered by the proposed project.

Bixby Park, a dedicated City Park that extends four blocks inland from the beach to Broadway, is situated in the heart of the densely developed residential neighborhood east of downtown (Exhibit #2). The proposed project is situated only in the portion of the park located closest to the beach, between Ocean Boulevard and the sea (Exhibit #3). The most seaward portion of the proposed project is situated on State Tidelands within the Commission's area of retained jurisdiction (i.e. the beach area seaward of the Chapter 138 Line).¹ The top of the bluff in Bixby Park provides an excellent shoreline viewing area where one can see RMS Queen Mary and the Port of Long Beach to the west, Santa Catalina Island to the south, and the rest of the beach and seascape to the east. The bluff face, which has apparently been graded in the past, suffers from erosion and lack of vegetation. The lack of a direct formal access path between the top and bottom of the bluff has contributed to the erosion problems. The existing beach bike path runs through the project site between the toe of the bluff and the Junipero Avenue public beach parking lot. This bike path would be realigned and moved closer to the parking lot in order to provide the space for the proposed amphitheater and skating plaza.

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 appeal raises no significant question as to conformity with the certified LCP or there is no significant question with regard to the public access policies of Chapter 3 of the Coastal Act. 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;

¹ The City is preparing to submit a separate application for the portion of the project that falls within the Commission's permitting jurisdiction (i.e. the beach area seaward of the Chapter 138 Line).

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Staff is recommending that the Commission find that **a substantial issue** exists for the reasons set forth below.

C. Substantial Issue Analysis

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

Commission staff recommends a finding of substantial issue because the locally approved development is not in conformity with the City of Long Beach LCP and the public access policies of the Coastal Act, as asserted in the appeal. First, the appeal raises a substantial issue in regards to the project's conformity with the public access 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.

The primary issue with public access is whether the proposed beach level improvements (e.g. amphitheater, skating plaza, playground) are appropriate uses for the beach area situated seaward of the coastal bluff. The intensity and extent of the proposed uses at beach level could detract from active beach use, which by nature is limited to the beach area. The additional parking demand created by the proposed amphitheater is also a public access issue. The potential demand for parking created by a new amphitheater and other uses must be analyzed in order to ensure that the public beach parking supply is not displaced by other uses. With regard to public access, it also was not clear whether the skate park would be free

to the general public or would require a fee for entrance. These public access issues are significant. Therefore, the proposed project's effects on public access is a significant issue that must be reviewed and considered by the Commission at the de novo stage of the appeal process.

The certified LCP identifies the project site as being within LCP Area B, the Bixby Park/Bluff Park Neighborhood. The LCP refers to the project site as both Bixby Park and Bluff Park. The LCP Policy Plan Summary for LCP Area B states in part:

Shoreline Access

The existing beach parking lot at Junipero Avenue is to be expanded from 407 to 500 spaces to improve public access to this portion of the beach. Extended parking should be placed north of the existing parking lot to the maximum extent feasible. Recreational facilities, including basketball, should be permitted in any area north of the parking lot, where parking space development is not feasible. The wooden stairs leading down the bluff to the beach shall be rebuilt as required to improve safety and encourage use. ...

The Beach

The Junipero Avenue parking lot shall be increased from 407 to 500 spaces. Lifeguard, restroom and concession facilities in this location as well as at Molino and Coronado Avenues shall be refurbished or rebuilt. ...The shoreline bike trail and pedestrian path will traverse the beach and Area B. The auto ramp at Junipero Avenue can be used by bicyclists to reach the trail from Ocean Boulevard.

The Parks

No changes to Bixby Park are proposed by this LCP. Bluff Park should be preserved as a strolling park with beaches. Emphasis should be placed on reinstating its once beautiful flower beds. ...The prime function of Bluff park is as a viewing area and this may be encouraged by the use of wide promenades, a scenic trail, and a well designed seating area. A children's play area and family picnic spot should be considered in future improvement plans.

Hazard Areas

Bluff erosion and slumping, which may be hazardous, should be stabilized by planting and diversion of runoff waters away from the face of the bluff. As long as this feature is left in its natural state, however, no maintenance program can guarantee a complete elimination of hazardous conditions.

Visual Resources

The visual resources of Bixby and Bluff parks are preserved intact by this LCP. No changes are proposed to either park which could impair or reduce existing views and open space character.

Public Works

This plan (LCP) proposes the following public works in LCP Area B:

- 1. Stairway improvements down bluffs.*
- 2. Restroom and concession facility improvements on the beach.*
- 3. Enlargement of the Junipero Avenue parking lot.*
- 4. Construction of basketball courts on the beach near the parking lot.*
- 5. Construction of the bikeway/pedestrian paths along the beach.*
- 6. Bluff erosion control.*
- 7. Beach erosion control.*
- 8. Intersection improvements on Ocean Blvd. opposite bluff stairway locations.*

For the most part, the proposed project conforms to the above-stated policies of the certified Long Beach LCP. There remain, however, certain substantial issues that the local approval does not adequately address in relation to the requirements of the LCP. For example, the proposed project includes a 199-seat amphitheater and skating plaza that are not part of the LCP policy plan for either Bixby Park or Bluff Park. The LCP policy plan calls for basketball courts, which the proposed project does not include.

In addition, the extent and intensity of proposed uses on the beach is a substantial issue. The proposal includes three playgrounds, a skate park, a 199-seat amphitheater, including a stage and a backdrop at sand level and seaward of the bluff. Although the uses may be allowable uses in the zoning for a park in the LCP, and the LCP specifically calls for a child's play area and picnic grounds, the LCP did not indicate that all of the uses would be constructed on the beach, resulting in a greater coverage of beach area with development than may have been anticipated. In this regard, the project may conflict with the City's general open space policies, which are part of the certified LCP. The LCP open space policies require that development: "Protect and improve the community's natural resources, amenities and scenic values including nature centers, beaches, bluffs, wetlands and water bodies" (Policy 1.2), and "Keep parklands open and green by limiting the amount of parking lot and building coverage areas within parks" (Policy 4.3). Therefore, the extent and intensity of the proposed beach development is a significant issue that must be reviewed and considered by the Commission at the de novo stage of the appeal process.

The LCP provides for protection of views to the beach from the bluff top in this area and maintenance of the parks' open space character. The visual resources of Bixby and Bluff Parks are preserved the LCP, which states that "the visual resources of Bixby and Bluff parks are preserved intact by this LCP" and "No changes are proposed to either park which could impair or reduce existing views and open space character." The proposed project could adversely affect coastal views and scenic vistas. The project includes a stage, two decorative thirty-foot towers located at the corners of the stage, seaward of the toe of the bluff. The towers and backdrop will be visible from other locations along the beach and from the park. The City determined that the structures were consistent with the view policies of the LCP because it will be possible to see over them to the water from the edge of the bluff. However the structures will be visible along the beach and obstruct views of the sand area seaward of the parking lot from the top of the bluff. The development proposed along the top of the bluff (railing), on the bluff face (public accessways), and below the bluff (amphitheater, light towers

and shade structure) could adversely affect coastal views and scenic vistas. Therefore, the project's impact on visual resources is a significant issue that must be reviewed and considered by the Commission at the de novo stage of the appeal process.

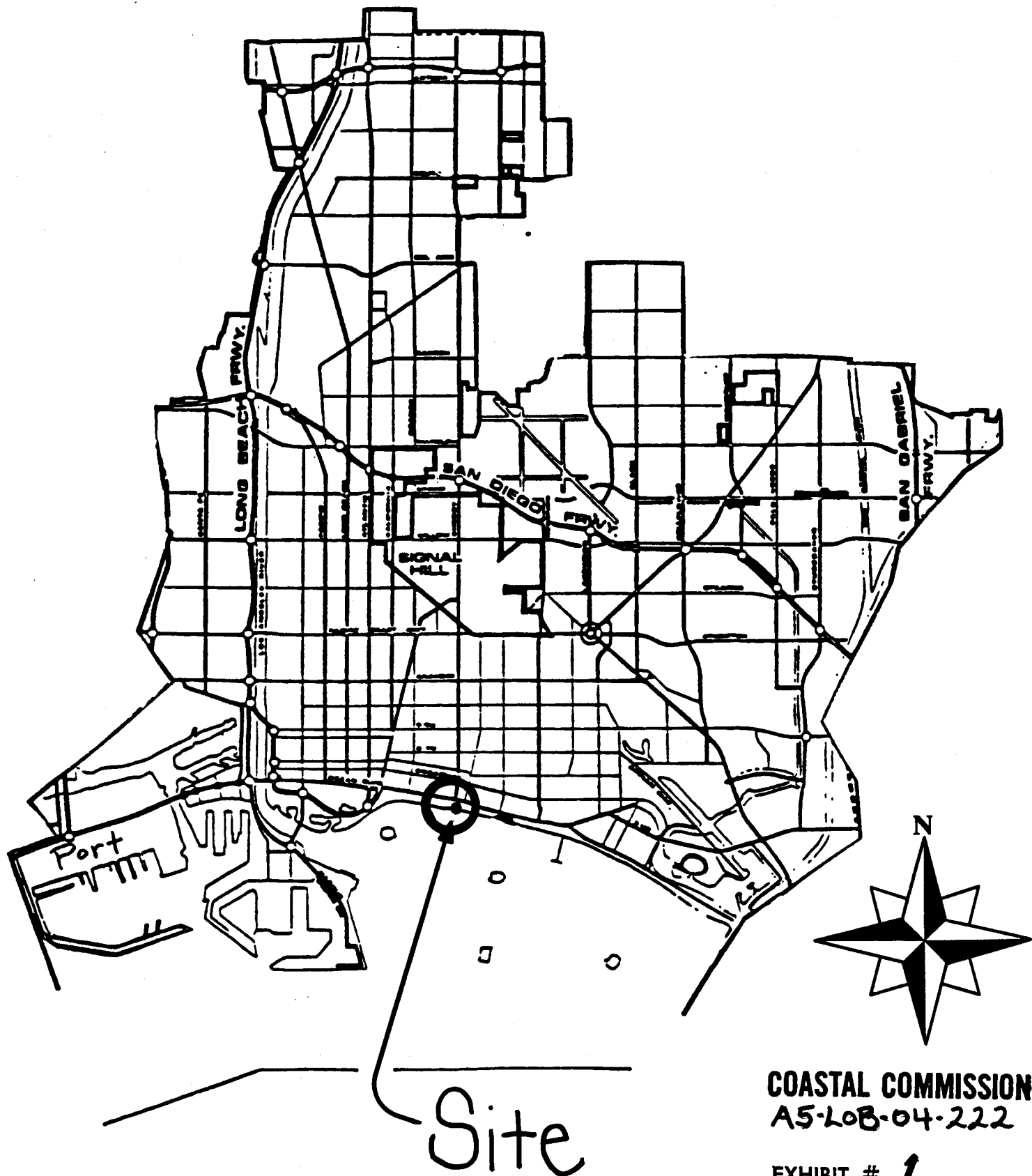
Development on the bluff face is also a significant issue. Plans provided in the application file show three tiers of seating constructed by excavating into the toe of the bluff and additional seating on the bluff face. Although an amphitheater may be an allowable use in a City park, it is not clear that the LCP would allow an amphitheater on the bluff face and beach. The project also includes re-grading and terracing the bluff face. However, the City did not submit either a grading plan, geologic studies or a landscaping plan to the Planning Department as part of this application. Therefore, the Planning Commission could not have evaluated the consistency of the application with this policy. Therefore, the Commission must review the proposed development on the bluff face as a significant issue at the de novo stage of the appeal process.

Bixby Park is not a natural area, nor is it adjacent to a habitat area. However, the City's coastal development permit findings were unclear on this issue. The City findings indicate that the proposed project will use native vegetation for landscaping. However, the application includes no plant list and, seemingly in contradiction, proposes to plant palm trees in certain areas. Palm trees are not native to the Southern California coastline. If the purpose of using "native plants" for landscaping is to reduce percolation of water into the bluff, again, details and reasoning were not discussed. Again, the Commission must review the proposed development on the bluff face as a significant issue at the de novo stage of the appeal process.

In conclusion, the appeal raises **a substantial issue** in regards to the locally approved development's conformity with the City of Long Beach Certified Local Coastal Program and the public access policies of the Coastal Act. The substantial issues involve the proposed intensity of use, landform alteration, native vegetation, and the potential impacts of the proposed bluff, beach and park development on public access, recreation, open space and scenic resources. If the Commission adopts the staff recommendation, a de novo hearing will be scheduled at a future Commission meeting.

End/cp

City of Long Beach



COASTAL COMMISSION
A5-LOB-04-222

EXHIBIT # 1
PAGE 1 OF 1

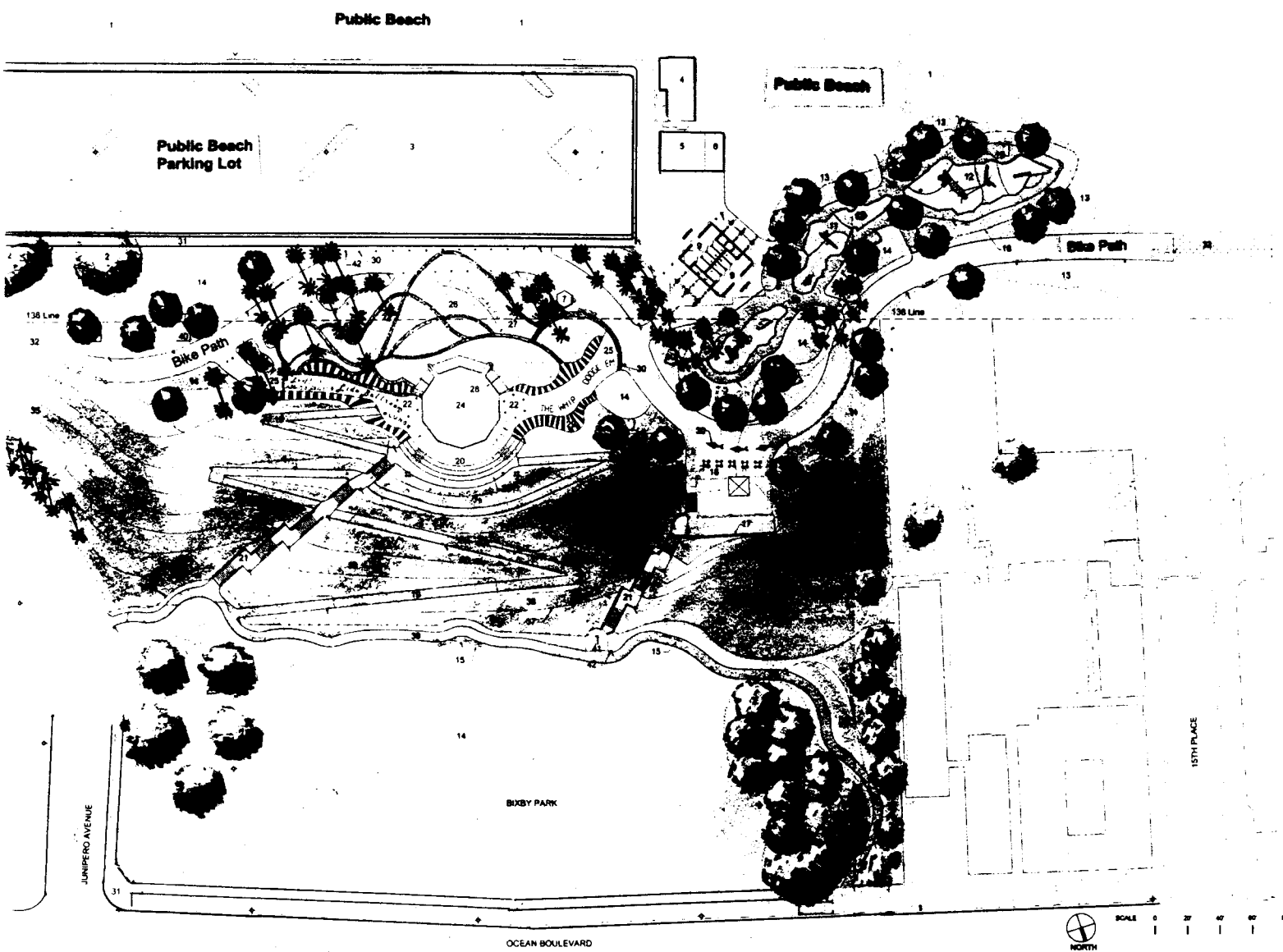


Site: Bixby Park

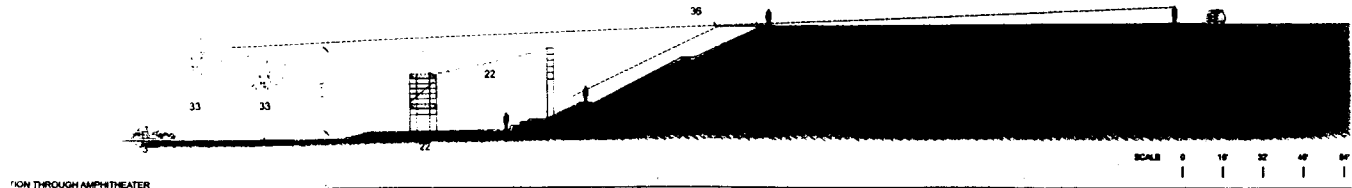
COASTAL COMMISSION
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EXHIBIT # 2
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MHTL



- 1 Existing beach
- 2 Existing trees
- 3 Existing parking lot
- 4 Existing historic lifeguard building
- 5 Existing boat storage
- 6 New additional events storage
- 7 Information kiosk & public telephone
- 8 Existing toilet building
- 9 New toilet building & showers
- 10 Toddler Anacapa playground
- 11 3 to 5-year-old Anacapa playground
- 12 5 to 12-year-old Anacapa playground
- 13 California native dune vegetation
- 14 Irrigated lawn
- 15 Seating
- 16 3-6" high fencing
- 17 Existing mural
- 18 Future concession area
- 19 Stabilized decomposed granite 1:20 sloped ramps
- 20 Concrete seating w/ elevation image of Municipal Auditorium
- 21 New stair access
- 22 Towers modeled after Bixby Spiral Airship to support the shade canopy, Stage Curtain & lights
- 23 Shade canopy w/ pattern of the old Bath House roof
- 24 Stage
- 25 Concrete path W/ stained images of Walk of 1000 Lights
- 26 Skating plaza w/ stained image of Cyclone Racer
- 27 Concrete Cyclone Racer carts
- 28 Steps w/ rails
- 29 Battered walls
- 30 Bollards
- 31 Existing sidewalk
- 32 Existing bike path
- 33 New palm trees
- 34 New shade trees
- 35 Existing slope planting
- 36 Existing top of slope
- 37 Re-graded top of slope
- 38 Low profile, California native groundcover
- 39 Stabilized decomposed granite walks
- 40 Picnic tables & benches
- 41 Historic cannon pad
- 42 Light standards



COASTAL COMMISSION BIXBY PARK RE-DEVELOPMENT
Amphitheater/Skate Park/Recreation Area:

EXHIBIT # **3**
 PAGE **1** OF **1**

	CITY OF LONG BEACH Department of Parks, Rec., & Marine Department of Public Works JANUARY 2004		
	Consultants		
	• Tetra Tech, Inc. - Lead Consultant • Parkes-Rose, Inc. - Skate Park Consultant	• Steven Ormery & Assoc. - Land • Braunstein & Stone - Art Consultant	

A5-LOB-04-222



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

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

NOTICE OF FINAL LOCAL ACTION

Case No.: 0306-32

Project Location: 2300 E. Ocean Boulevard

Applicant: City of Long Beach
Dennis Eschen, Dept. of Parks, Recreation and Marine
2760 Studebaker Road
Long Beach, CA 90815

Permit(s) Requested: Local Coastal Development Permit
Site Plan Review

Project Description: Bluff stabilization and improvement of parkland located at the bluff and the beach area at the bottom of the bluff for the following public amenities: a 199-seat amphitheater and accompanying shade structure at the bottom of the bluff; skating plaza at the bottom of the bluff; children's playground on the beach; two stairways and one sloped ramp to provide access to the beach area from the bluff; 3'6" high railing along the bluff; and the replacement of a public bathroom on the beach.

Local action was taken by the: Planning Commission on:
May 6, 2004

Decision: Conditionally Approved


Local action is final on: May 16, 2004

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

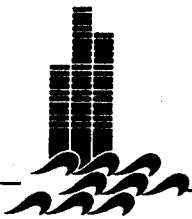
"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

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


Greg Carpenter
Zoning Administrator


Joe Recker, Planner I
Phone No.: (562)570-6004
COASTAL COMMISSION
A5-LOB-04-222
EXHIBIT # 4
PAGE 1 OF 12
Council District: 2

Attachments

**CITY OF LONG BEACH**

DEPARTMENT OF PLANNING & BUILDING

333 West Ocean Boulevard, 7th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

ZONING DIVISION

May 6, 2004

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Bluff Stabilization and Park Improvements, Including a Skating Plaza,
199-Seat Amphitheater, Playground Equipment, and New Restroom
Building (Council District 2)

LOCATION: 2300 East Ocean Boulevard (Located at the Bluff and at the Bottom of
the Bluff South of Bixby Park)

APPLICANT: City of Long Beach
Dennis Eschen, Department of Parks, Recreation and Marine
2760 Studebaker Road
Long Beach, CA 90815

RECOMMENDATION

Approve Site Plan Review and Local Coastal Development Permit, subject to conditions of approval.

REASON FOR RECOMMENDATION

1. The proposed project facilitates the continuance of skateboarding activities in the area while removing disturbance from residential areas and removing destruction to the Bixby Park historical band shell;
2. The proposed project satisfies the Local Coastal Plan recommendation of providing additional recreational facilities in this location;
3. The proposed project satisfies the suggestions of the community for this section of the bluff; and
4. The proposed improvements will improve the connection between Bixby Park and the beach by improving public access.

BACKGROUND

The project site consists of two sections, an unimproved section of bluff located south of Bixby Park, between Junipero and Cherry Avenues, and a low flat area located between the toe of the bluff and the public parking lot. The unimproved portion of parkland is showing several signs of neglect, including erosion on the bluff, underutilization of the low flat area below the bluff, and the lack of a meaningful connection between Bixby Park and the beach.

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The original bluff was cut back and regraded to the current slope of 2 ½ :1 during the 1970's as the result of an accident. Since then, the bluff face has been vegetated with light growth of exotic annual grasses and iceplant. The Cherry Avenue Tunnel previously provided a connection between Bixby Park and the beach, but was closed several years ago for public safety reasons, which has resulted in an increased use of the bluff slope for beach access. The paths made by pedestrian traffic have greatly accelerated the erosion of the bluff slope. The intent of the project is to stabilize the bluff and improve public safety, provide additional public amenities in an appropriate location, and improve connectivity between Bixby Park and the beach.

The project is guided by the Local Coastal Program for the City of Long Beach and the November 2000 *Plan of Development, Bluff Erosion and Enhancement Project*. Both the Parks and Recreation Commission, which meets monthly to advise the City Manager and the City Council on park development issues and to decide park use issues, and the Marine Advisory Commission, which advises the City Manager and City Council on marina and beach related issues, recommended in favor of the project on April 17, 2003 and May 8, 2003, respectively. Representatives of the Department of Parks, Recreation, and Marine have also met with local community groups, including the Bluff Park Neighborhood Association, the Alamitos Beach Preservation Association, and the Bixby Park Coalition to present plans and solicit comments. The current plan addresses the concerns of local residents which included the lack of a meaningful connection between Bixby Park and the beach, design of railing along the bluff, erosion of bluff, and noise caused by skateboarding in Bixby Park.

PROJECT DESCRIPTION

The concept for the park design is to reference elements of the old Long Beach Pike, such as amusement ride signage, theater marquees, restaurant graphics, and architectural allusions. The proposed project involves the stabilization of the bluff and the improvement of parkland on the bluff and between the toe of the bluff and the parking lot with the following improvements:

- Introduction of a railing and pathway along the edge of the bluff, similar to that which exists in Bluff Park;
- Reintroduction of beach access from Bixby Park near the Cherry Avenue Tunnel, which was closed for safety reasons;
- Introduction of an additional stairway and low sloping ramp at Junipero Avenue to accommodate access to the beach from Ocean Boulevard grade for persons with disabilities;
- Regrade and stabilize the bluff;
- Introduction of a 199-seat amphitheater, including two 30-foot towers to hold stage lighting, support backdrop screen, and support a shade screen that can be extended over the seating;
- Introduction of a skating plaza;
- Introduction of playground facilities;
- Replacement of an existing bathroom building on the beach;
- Introduction of additional picnic tables and landscaping on the beach between the existing parking lot and the bluff;
- Realign the beach bike path through the project site;
- Introduction of an information kiosk and public telephone; and
- Addition of bicycle racks within the project area.

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The applicant states that there is no specific use in mind for the amphitheater, however possible uses could include the Municipal Band, band concerts associated with the Art Museum as fundraisers, and miscellaneous uses by the City's recreation programs, such as volunteer awards programs, children's theater productions and day camp. Most of these uses would occur on weekdays to avoid congestion in the area during summer weekends.

Visitors to the project site are not anticipated to negatively impact public parking facilities, including on-street parking and the beach parking lot, which contains 395 metered parking spaces. However, 52 metered parking spaces have been added to the beach parking lot along the access road from Junipero Avenue in anticipation of this project. In addition, revenue collected between June 26, 2002 and September 30, 2002, representative of peak summer activity, indicated that the average occupancy of each parking space was approximately 1.5 hours per day. A physical count of parking spaces on the weekend of July 11, 2003 at 1:00 PM found only 122 of the 447 parking spaces in the parking lot in use.

A summary of the surrounding land use is as follows:

	ZONING	GENERAL PLAN	LAND USE
PROJECT SITE	PD-30 (WEST END RESIDENTIAL)	LUD#11 (OPEN SPACE AND PARK)	UNIMPROVED PARKLAND
NORTH	PD-30 (DOWNTOWN MIXED USE)	LUD#11 (OPEN SPACE AND PARK)	BIXBY PARK
SOUTH	I (INSTITUTIONAL)	LUD#11 (OPEN SPACE AND PARK)	PUBLIC BEACH
EAST	R-2-L (TWO-FAMILY RESIDENTIAL)	LUD#11 (OPEN SPACE AND PARK)	MULTIFAMILY HOUSING
WEST	PD-5 (OCEAN BOULEVARD PLANNED DEVELOPMENT)	LUD#4 (HIGH-DENSITY RESIDENTIAL)	MOTEL

CURRENT ACTION REQUESTED

The project site includes land located within the California Coastal Commission jurisdiction. However, the Planning Commission must review and approve the entitlements required by the City of Long Beach Municipal Code for the proposal prior to review by the Coastal Commission.

The applicant has requested the Planning Commission approve the Site Plan Review for the project design and the Local Coastal Development Permit for development within the coastal zone. In order to approve this request, the following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of proceedings relating to such approval or denial:

SITE PLAN REVIEW FINDINGS

A. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;

The concept for the park design is to reference elements of the old Long Beach Pike, such as amusement ride signage, theater marquees, restaurant graphics, and architectural allusions. The design, as proposed, is consistent in implementation, and appropriate for the location.

The amphitheater and skating plaza will both be made of stained and integral-colored concrete to display images of the "Cyclone" roller coaster and the old "Municipal Auditorium." The structural supports for the stage curtain will be based on "Bixby's Spiral Airship." The bike path that traverses the project area may also feature references to the old downtown Long Beach waterfront, while the playgrounds will include catalogue-available equipment reminiscent of historic elements of the Pike. The height of the structural supports has been designed so as to not impact views of the ocean from Ocean Boulevard, a designated scenic route in the Transportation Element of the General Plan.

The project site is identified in the Local Coastal Program and the November 2000 *Plan of Development, Bluff Erosion and Enhancement Project* as an activity center along the beach. The location is appropriate as an activity center because of its proximity to the beach parking lot and Bixby Park, while also halfway between the downtown waterfront and Belmont Pier, two other intended activity centers. The project design provides attention-getting devices such as roller coaster images and other historic references in order to provide stimuli and associate a higher level of importance to this portion of the beach area.

B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;

The Local Coastal Program and the November 2000 *Plan of Development, Bluff Erosion and Enhancement Project* both suggest improvements to the project site.

The proposed project will implement the following policy statements of the Local Coastal Program in the Detailed Policy Statement under "Recreation and Visitor Serving Facilities":

- Bixby Park, south of Ocean Boulevard, should remain as an open park area.
- Bike racks should be provided at reasonable intervals along the bike path.
- Ramps should replace steps down bluffs in certain suitable locations.
- Recreational facilities, including basketball, should be permitted in any area north of the parking lot, where parking space development is not feasible.
- Free children's play module should be provided in the general vicinity of Molino Avenue.

The proposed project will implement the following proposed improvements suggested in the November 2000 *Plan of Development, Bluff Erosion and Enhancement Project*:

- Integrate amphitheater type seating into a ramp down the slope to provide a meaningful connection between Bixby Park and the beach.
- Improve the existing restrooms and develop the area as an "oasis" with shaded picnic areas and children's playground, in order to extend park use towards the beach.
- Develop underutilized area between the toe of the slope and parking lot to field sports.
- Provide more trees for shade and picnic areas.
- Develop the bluff top with an edge walk, railing, ocean viewing and sitting areas.
- Revegetate the bluff areas with native coastal species to prevent further erosion and provide an aesthetic transition between the upper grassy park and lower beach area.
- Provide pedestrian access to the beach through either diagonal pathways and/or through the Amphitheater concepts.

C. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;

Existing mature trees exist within a narrow grassy parkway located between the parking lot and the bike path immediately east of the site and at the top of the bluff. No mature trees will be removed as a result of the proposal.

D. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND

The proposed project consists of a series of public improvements funded by the City of Long Beach. This finding is not applicable.

E. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT).

This project does not meet the threshold established in Chapter 21.64 for transportation demand management requirements.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

The proposed project does not affect housing supply of any kind. As stated above in "B" of the Site Plan Review Findings, the project conforms and implements the portions of the "Detailed Policy Statement" that pertain to the project site that are found in the Local Coastal Program.

B. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

The proposed project conforms to the Local Coastal Program, as adopted by the City of Long Beach and approved by the California Coastal Commission. The proposal will improve beach access and increase recreational facilities in an appropriate location. As a condition of approval, the beach bicycle path shall be required to stay open during construction to avoid impact to this important recreational resource.

PUBLIC HEARING NOTICE

As per the requirements of Division III – Noticing Requirements of the Zoning Ordinance, a legal notice was sent to all owners of real property as shown on the latest equalized assessment roll within three-hundred feet of the subject site on April 20, 2004. Notices were also sent to the Second District Councilperson, City libraries, and local community groups that have requested such notice. Notices were also posted at City Hall.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (36-03) was prepared for the proposed project. The Mitigated Negative Declaration identified the following three environmental factors that may be negatively affected by the proposal without mitigation:

- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
- Create a significant discharge of pollutants into the storm drain or water way.
- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation measures require all light sources to include light and glare shields to avoid light intrusion onto adjacent residential properties, approval of a Storm Water Pollution Prevention Plan (SWPPP) prior to release of a grading permit, and restrict construction activities to 7:00 AM to 7:00 PM on weekdays and 9:00 AM to 6:00 PM on Saturdays. The mitigation prohibits construction activities on Sundays and holidays.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Approve Site Plan Review and Local Coastal Development Permit, subject to conditions of approval.

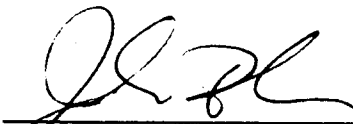
Respectfully submitted,

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

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By:



JOE RECKER
PLANNER I

Approved:



GREG CARPENTER
ZONING ADMINISTRATOR

Attachments

1. Proposed Conditions of Approval
2. ND 36-03
3. Location Map
4. Plans and Photographs

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**SITE PLAN REVIEW/LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL**

Case No. 0306-32

Date: May 6, 2004

1. This permit and all development rights hereunder shall **terminate two years** from the effective date (21 days after the local final action date) of this permit, or one year from the effective date of the Coastal Commission action, whichever is greater, unless construction is commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owner(s) and 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.
3. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow **periodic re-inspections**, at the discretion of city officials, to verify compliance.
4. 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.
5. The Director of Planning and Building is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project and if no detrimental effects to neighboring properties are caused by said modifications. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
6. 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.
7. Any graffiti found on site must be removed within 24 hours of its appearance.
8. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.

9. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
10. The developer shall comply with the following requirements to the satisfaction of the Chief of Police:
 - a. The types and styles of benches, overhangs, trash cans and other park furniture shall discourage loitering.
 - b. Lighting should be a minimum of 3' candle with metal halide lights to keep the area free of illegal activity.
 - c. Low fencing shall be designed for the perimeter of the playground area.
 - d. An emergency phone shall be located within the project site.
 - e. Rules related to skateboard area, park hours, loitering, curfew, graffiti abatement, and other safety programs shall be clearly posted so as to aid in the enforcement and prosecution of violations.
11. The developer shall comply with the following requirements to the satisfaction of the Director of Planning and Building:
 - a. This historic gun cannon pad located at the top of the bluff shall remain in place, undisturbed.
 - b. Railing along the top of the bluff shall be consistent with the railing used along Bluff Park.
 - c. Railing for ramps and stairways shall be chosen with care to avoid overwhelming the low landscaping and natural look of the bluff.
 - d. The beach bike path shall remain open during periods of construction.
 - e. Adequate bicycle racks shall be located within the project site, clearly visible from the beach bike path.
 - f. Proposed events at the amphitheater shall comply with the City's Noise Ordinance, Chapter 8.80 of the Municipal Code.
 - g. The project landscaping shall use native, drought-tolerant vegetation, with the exception of turf in locations suitable for pedestrian traffic.
 - h. The new restroom facilities shall include high-quality materials. Colors shall complement the design of the project site.
12. The developer shall comply with the following requirements to the satisfaction of the Director of the Department of Public Works:
 - a. Any off-site improvements found damaged as a result of construction shall be reconstructed by the developer.
 - b. The public sidewalk adjacent to the site must meet ADA minimum standards. Developer shall verify that the existing curb ramp and surrounding public sidewalk meets those standards, and make any modification and dedications necessary.

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13. The developer shall comply with all of the following mitigation measures of the applicable Environmental Review (ND 36-03) prior to the issuance of a Certificate of Occupancy. These mitigation measure must be printed on all plans submitted for plan review:

- a. All parking areas shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.
- b. Prior to release of the grading permit, the applicant shall prepare and submit for approval a Storm Water Pollution Prevention Plan (SWPPP) that covers all activity during grading and construction of the project. The SWPPP shall include all appropriate construction site Best Management Practices (BMPs) as listed on the project plans.
- c. Any person(s) associated with the proposed project shall only operate or permit the operation of any tools or equipment used for site preparation, construction or any other related building activity which produce loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the following hours:

Weekdays	7:00 AM to 7:00 PM
Saturdays	9:00 AM to 6:00 PM
Sundays	No work permitted.
Holidays	No work permitted.

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Legal Description:

18.74 more or less ACS com SE on SW line of Ocean Blvd 41ft from NW cor of lot 3 blk 17 eastern half of Alamitos Townsite TH SE on SD SW line thru block 18 lots 1 – 4, block 19 lots 1 – 4.

Project Description: Bixby Park Redevelopment: Amphitheater/Skate Plaza/Recreation Area

Improvements Top Of The Bluff

Include a railing along the top, similar to that which exists in Bluff Park; overlook areas with park benches; and stairs and an accessible ramp to the bottom of the bluff. Three stairways are shown on the site plan, but will be reduced to two to control the construction costs. A new walkway will also connect the bluff top to Ocean Boulevard

Improvements Bottom Of The Bluff

A small amphitheater with an 1800-square foot stage and three rows of seating set in a gently sloping bluff face. Seating will be limited to the 199 seats permitted by the zoning regulations without a conditional use permit. The stage will be flanked by two 30-foot towers to hold stage lighting, support backdrop screens, and support a shade screen that can be extended over the seating.

The stage and the ramps to the stage will serve the second function of being part of an 18,000-square foot skate plaza located directly south of the stage. The skate plaza will contain rails, ramp, and bench-like riding elements. This dual use of the "stage" also minimizes the concrete area below the bluff.

East of the skate plaza will be a half-court basketball court. West of the skate plaza will be a pre-school aged playground (1,400 square feet) and a school-aged playground (3,000 square feet). Along the southern edge of the skate plaza will be the relocated beach bicycle path. Several additional trees and 3,000-square feet of planter beds with native landscaping are also included to soften and beautify the area.

Reasons why project should be approved:

This plan satisfies the LCP recommendation of additional recreational activities in the area between the parking lot on the beach at Junipero Avenue and the bluff, including basketball, and additional pedestrian ramps to the beach.

This plan follows the 2000 plan to address bluff erosion (Plan of Development, Bluff Erosion and Enhancement Project), which included the policy that whenever possible bluff erosion improvements should be designed so that the capital investment in erosion protection could also facilitate additional recreational activities.

This plan satisfies the suggestions of the community for this section of bluff and the area below the park between the bluff and the parking lot to incorporate an amphitheater with the bluff stabilization measures, an accessible ramp in the access to the amphitheater, a playground, additional picnic areas, and shade trees.

This plan also facilitates the continuance of the skateboarding activity while removing the disturbance from residential areas and removing destruction to the Bixby Park historical band shell.

