

CALIFORNIA COASTAL COMMISSION

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

F18b

Appeal Filed: 10/21/2013
49th Day: 12/9/2013
180th Day: N/A
Staff: C. Posner - LB
Staff Report: 10/31/2013
Hearing Date: November 15, 2013

**STAFF REPORT: APPEAL
NO SUBSTANTIAL ISSUE**

Appeal Number: A-5-LOB-13-0247

Applicant: City of Long Beach Department of Parks, Recreation & Marine

Appellant: Laurence B. Goodhue

Local Government: City of Long Beach

Local Decision: Approval with Conditions

Project Location: Marine Stadium Parking Lot (adjacent to 385 Wendy Lane), City of Long Beach, Los Angeles County

Project Description: Appeal of City of Long Beach Local Coastal Development Permit No. 1305-13 approved for the demolition of a 1,100 square foot restroom that has not been in use for over twenty years and is considered an attractive nuisance.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, determine that the appeal raises **no substantial issue** with respect to the grounds on which the appeal has been filed. The local coastal development permit approves the demolition of a non-functioning public restroom in order to rectify an attractive nuisance. The City asserts that the restroom is abandoned and has not been used for over twenty years. The appellant contends that the City does not need to demolish the structure to reduce crime, and that the structure should be maintained for storage or be refurbished and used as a public restroom. There are two functioning public restrooms in the vicinity of the project site: one about six hundred feet north of the project site, and the other about twelve hundred feet south. The removal of the structure will increase the amount of public open space in the park.

Therefore, the appeal raises no “substantial” issue with respect to conformity with the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act to a level of significance necessary to meet the substantial issue standard of Section 30625(b)(2). The extent and scope of the approved development is small and there are no significant coastal resources affected by the decision. No adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance. **The motion to carry out the staff recommendation is on Page Two.**

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EXHIBITS

- Exhibit 1 – Long Beach, CA Map
- Exhibit 2 – Project Site Map – Marine Stadium, Long Beach, CA
- Exhibit 3 – Map of public restrooms at north end of Marine Stadium
- Exhibit 4 – Appeal by Laurence B. Goodhue (October 21, 2013)
- Exhibit 5 – City of Long Beach Local Coastal Development Permit No. 1305-13

I. MOTION AND RESOLUTION

Motion: *“I move that the Commission determine that Appeal No. A-5-LOB-13-0247 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.”*

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution: *The Commission finds that Appeal No. A-5-LOB-13-0247 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. APPELLANT'S CONTENTIONS

Laurence B. Goodhue has appealed the City's (Long Beach) approval of Local Coastal Development Permit No. 1305-13. The local permit authorizes the City Department of Parks, Recreation and Marine to demolish a 1,100 square foot non-functioning public restroom. The appeal asserts that the City does not need to demolish the structure to reduce crime, and that the structure should be maintained for storage or be refurbished and used as a public restroom (Exhibit #4). The appellant is also concerned about the costs the City will incur by demolishing the structure. The appellant is requesting that the Commission accept the appeal and overturn the permit that the City approved for the proposed project.

III. LOCAL GOVERNMENT ACTION

On July 22, 2013, the City of Long Beach Zoning Administrator held a public hearing and approved Local Coastal Development Permit No. 1305-13 (with conditions) for the proposed project. On July 29, 2013, Laurence B. Goodhue appealed the Zoning Administrator's decision to the City of Long Beach Planning Commission. On October 3, 2013, after a public hearing, the Planning Commission upheld the Zoning Administrator's action and denied the appeal (Exhibit #5). The Planning Commission's action was not appealable to the City Council.

On October 10, 2013, the Commission's South Coast District office received from the City Department of Development Services the Notice of Final Local Action for Local Coastal Development Permit No. 1305-13 (Exhibit #5). The Commission's ten working-day appeal period was established on October 11, 2013. On October 21, 2013, the appeal of Laurence B. Goodhue was officially filed in the Commission's South Coast District office. The appeal period ended at 5 p.m. on October 24, 2013 with no other appeals received.

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 mean high tide line of Marine Stadium.

IV. 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)].

Section 30603 of the Coastal Act states, in part:

- (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.

When Commission staff recommends that no substantial issue exists with respect to the grounds stated in the appeal, the Commission will hear arguments and vote on the substantial issue question. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue. If the Commission determines that no substantial issue exists, then the local government's local coastal development permit action will be considered final. Should the Commission determine that the appeal does raise a substantial issue, the Commission will consider the permit application de novo at a future meeting. 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.

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)].

V. FINDINGS AND DECLARATIONS

A. Project Description

Local Coastal Development Permit No. 1305-13 authorizes the City Department of Parks, Recreation and Marine to demolish a 1,100 square foot restroom that has not been in use for over twenty years. The City asserts that the structure is abandoned and is an attractive nuisance for graffiti and other vandalism. Subsequent to demolition, the building footprint will be planted with grass that will provide open space for public use. The structure abuts a City Parks maintenance building and a service yard.

Marine Stadium is a public park that is venue for special events such as boat races. The park also provides water-oriented public recreational activities such as rowing and water skiing. A sandy beach and a grassy park are located on the northwest end of the stadium (see picture below). The zoning designation for the project site, near the northern end of Marine Stadium, is Park. The closest open public restroom is located about six hundred feet north of the project site.



Marine Stadium, Long Beach, CA

B. Substantial Issue Analysis

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

In this case, for the reasons stated below, Commission staff recommends a finding of no substantial issue because the appeal raises no allegations of inconsistency between the local government's approval of the project and the standards set forth in the certified Local Coastal Program (LCP) and the public

access policies of the Coastal Act. The approved demolition is a minor project that does not conflict with the policies of the certified LCP or the public access policies of the Coastal Act.

Mr. Goodhue's appeal is attached as Exhibit #4 to this staff report. The appellant contends that the City does not need to demolish the structure to reduce crime, and that the structure should be maintained for storage or be refurbished and used as a public restroom (Exhibit #4). The appellant is also concerned about the costs the City will incur by demolishing the structure. The appellant is requesting that the Commission accept his appeal and overturn the local coastal development permit that the City approved for the proposed project.

The City approved the demolition of the restroom in order to rectify an attractive nuisance. The City states that the restroom is abandoned and has not been used for over twenty years. Two other functioning public restrooms are located in the vicinity: one about six hundred feet north of the project site, and the other about twelve hundred feet south (Exhibit #3). The removal of the structure will increase the amount of public open space in the park.

Chapter 3 of the Coastal Act contains the following public access policies:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which

do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The City of Long Beach LCP, which was certified by the Commission on July 22, 1980, sets forth the following policies for Marine Stadium (Page III-R42-43):

A. GENERAL POLICY. Commercial aquatic events should be permitted, provided adequate controls are enforced to preclude adverse impacts on recreational uses and adjacent residential neighborhoods. Conservational considerations are minimal. Educational use would primarily be aquatic skills and development.

B GUIDELINES

1. MANAGEMENT RESPONSIBILITY. Overall management of Marine Stadium should be vested in the Marine Department (see Alamitos Bay).

2. WATER QUALITY

- a. Servicing of power boats should be controlled to minimize toxic metals and petroleum products reaching the water.*
- b. New development should be precluded from discharging surface water into the stadium.*

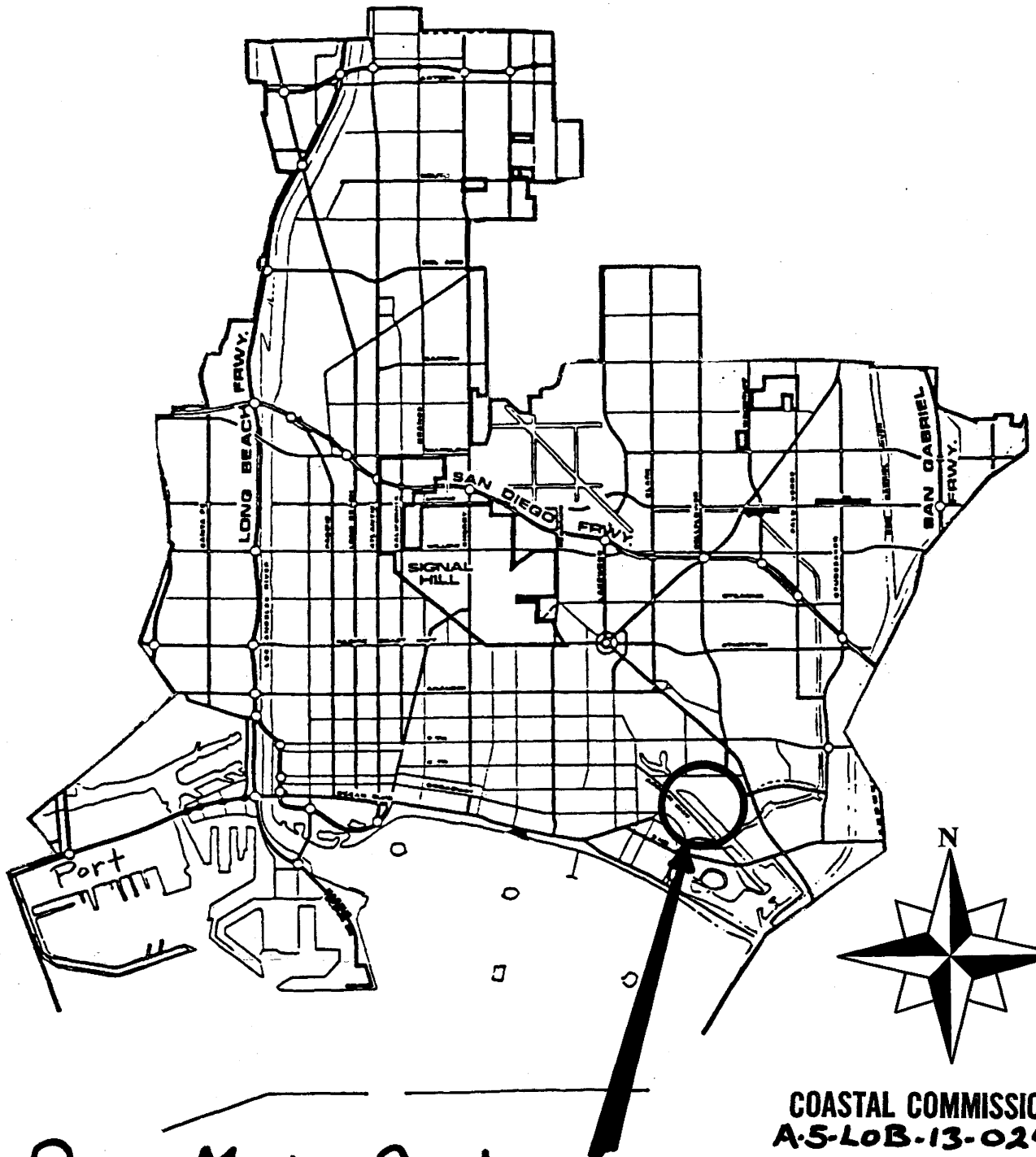
3. PUBLIC ACCESS

- a. A sand beach~ if feasible, should be developed at the northwest end of the stadium.*
- b. The publicly owned land north of Marine Stadium to Colorado Street should be developed as a public park providing for field sports, active and passive recreational uses. Additional parking to serve the park and beach should be a combination of hardtop and grass overflow. The grass parking area shall be used only for major Marine Stadium activities. The boat storage area at the northeast end of the Marine Stadium should be eliminated when this area is converted into public park usage.*
- c. No overnight camping should be permitted adjacent to or within the stadium except scouting or other similar organized youth groups. (Rejected 2/7/80 by the City Recreation Commission).*
- d. No additional paved parking areas should be created at Marine Park.*
- e. Usage of Marine Stadium for rowing activities should be encouraged.*

4. MAINTENANCE. Existing restroom facilities at the northwest end of the stadium must be accessible to the beach and park users.

Section 30625(b)(2) limits the Commission's determination of substantial issue of an appeal to the grounds on which the appeal has been filed. The appeal raises no allegations of inconsistency between the local government's approval of the project and the standards set forth in the certified City of Long Beach LCP. Therefore, the Commission finds that the appeal raises no "substantial" issue with respect to conformity with the certified LCP or the public access policies of the Coastal Act to a level of significance necessary to meet the substantial issue standard of Section 30625(b)(2). The extent and scope of the approved development is small and there are no significant coastal resources affected by the decision. No adverse precedent will be set for future interpretations of the LCP. Finally, the appeal does not raise issues of regional or statewide significance.

City of Long Beach

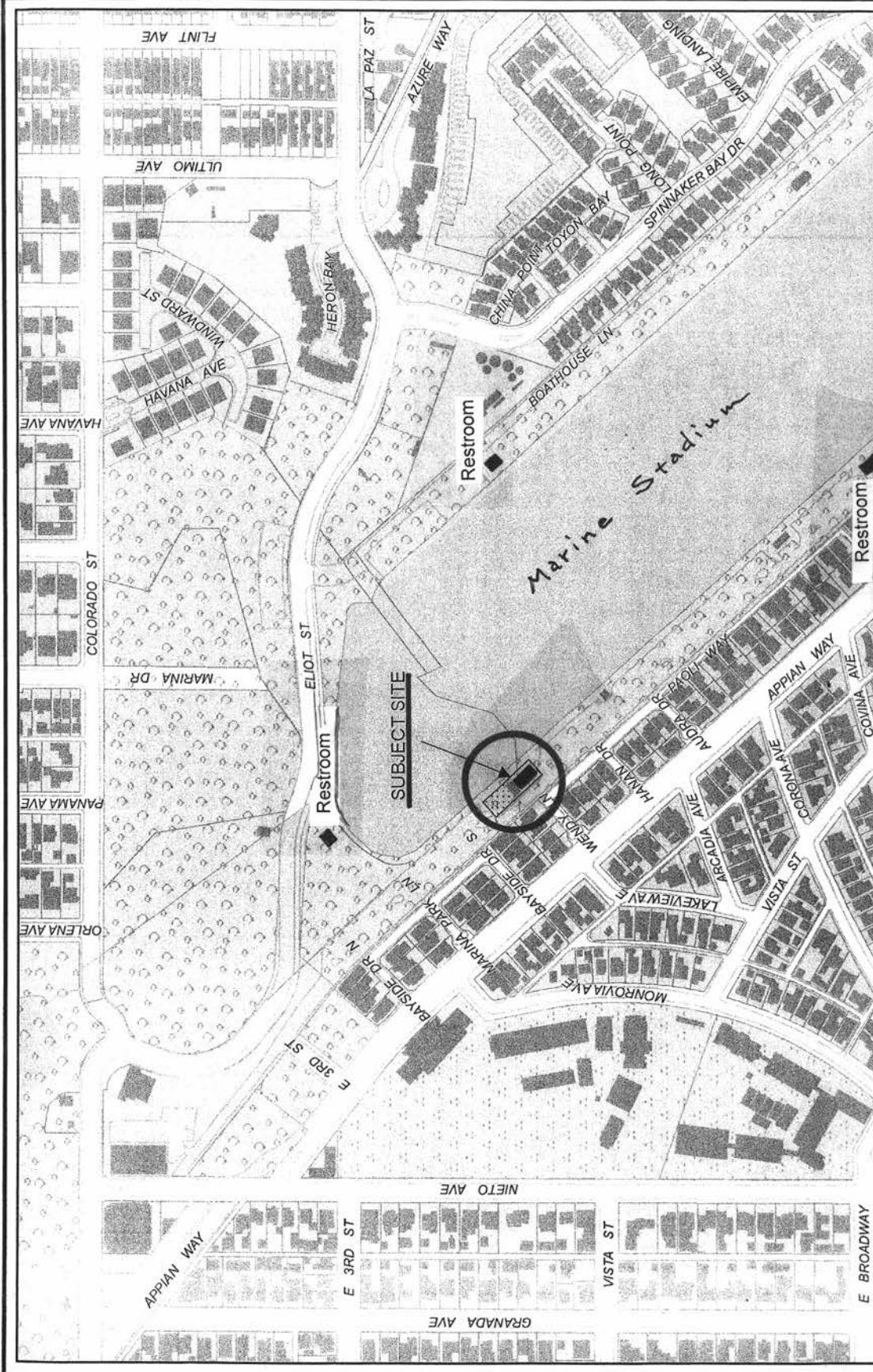


Site: Marine Stadium

COASTAL COMMISSION
A-5-LOB-13-0247

EXHIBIT # 1

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COASTAL COMMISSION

Exhibit A

Subject Property:
Marine Stadium Parking Lot
Application No. 1305-13
Council District 3
Zoning Code : PD-1 (SubArea 32)



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

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

RECEIVED

South Coast Region

OCT 21 2013



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name:

Mailing Address:

City:

Zip Code:

Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:
CITY OF LONG BEACH
2. Brief description of development being appealed:
RAISING OF 17 ARLINE STADIUM CAPITAL BUILDING IS
3. Development's location (street address, assessor's parcel no., cross street, etc.):
385 WENDY LANE - CLOSET STREET ADDRESS
4. Description of decision being appealed (check one.):
 - ☐ Approval; no special conditions
 - ☒ Approval with special conditions:
 - ☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

DATE FILED:

DISTRICT:

A-5-LOB-13-0247

10/21/13

South Coast / Long Beach

COASTAL COMMISSION

EXHIBIT #

PAGE 1 OF 4

Request to re schedule July 22,2013 hearing re razing Marine Stadium restroom>

cacrewood8@fastmail.fm

Sent: Sunday, July 21, 2013 9:33 PM

To: cacrewood8@fastmail.fm; Staples Copy Center #164; staples@printme.com

Cc: derek.burnham@longbeach.gov; amy.bodek@longbeach.gov; susanne.frick@longbeach.gov

Chief among the reasons:

1.The barn is not on fire:The structure has been in its location for half a century.There is no credible evidence it can not stand for another fifty years,

2.The specter of:

1.Re placing it with a new one--such as 7S &9s---has not been vetted within the community. The merit of

such replacement is underscored by the positive specter of creating new grassy areas in the tree shaded band concert park-but 20+ parking spots to the north-by razing the half century old(but somewhat modified restroom) currently in that location.

3. Replacing the instant one with a new one could well serve not only those using the grass park area at special events but could also serve:

A.Those using 3S(judging stand) during special events-who spend-8-10 hours officiating finish line dynamics.

B.Those who park their cars during special events-when parking starts in front of the grassy park-consuming

every parking space for a near 1/2 mile--presently the nearest restroom for such individuals -s 7S=@ the La Verne entrance.

4. As stated in earlier communications;The instant restroom appearance could easily be engendered attractive by maritime-water orientated mural.

5. The Public Integrity Unit of the Los Angeles District Attorney's office---would need at least-60-90 days to track down and FLUSH OUT....the individuals)---exerting the referenced 'PRESSURE' contained in the e-mail thread of the only document the City has provided.

6. No opportunity has been afforded for the public to seek an independent opinion,evaluation of the cost of the razing.the instant restroom. The need for such-AS ANY COMPETENT MIND WOULD RECOGNIZE is brought into= VERY SHARP focus--by the recent razing--of 6N---along BoatHouse Lane---when---the disingenuous Applicant low balled the cost--only to have to come back after razing...crying..SURPRISE !!SUPPRISE!!!!!! WE ARE SHOCKED!!! WE ARE SHOCKED!!!!!!we found toxic contaminants when digging in the abandoned OIL FIELD.....as WELL AS ASBETOS---when it is common knowledge every building constructed during that time frame had ASBETOS:---including: 7S & 9S--which were razed and replaced with their current

EXHIBIT # 4
PAGE 2 OF 4

structures

This is the same Applicant who--earned the ire of DBWA--when it committed FRAUD--in an attempt to get DBWA funds,it would not be entitled to---

Indeed, the Public Records provided by the City of Long Beach relative to the Alamitos Bay Maria Re Build reveals that in to many cases the Applicant is either a congenial,habitual,pathological liar-

HENCE an independent analysis of the structural integrity of the instant restroom as well as cost for razing is warranted.

Laurence B. Goodhue 323 417 41416
Laurence B. Goodhue

Fwd: Fwd: Fwd: Fwd: Fwd: Marine Stadium Restroom + Judging Stand(3s) Protected by ... Page 2 of 2

Controlling State Law-Homeowners have no right to view--especially those who knew structures were there before homes built/purchased
Date: Sat, 20 Jul 2013 04:45:34 -0700

There appears to be some misunderstandings:

1.After, the City makes a good faith effort that will satisfy any appeals court that the City has made a good faith effort at an outreach effort to see if any boating=/marine dynamic might want to utilize the instant restroom once its "Lovely" plumbing fixtures are removed---and no prospects are found-the building might be razed.

2.Once razed however-IT WILL BE IMMEDIATELY replaced--with a new one such as 7S/9S--

3.The 1968 updated restroom in the tree shaded grassy band concert--could be removed--opening open the area for more grassy park.

4.There exist NO CONDITIONS under which 3Sthe judging stand will be removed-though there is a very good chance any official calling for such removal will indeed be removed, OBTUSENESS IS A SOMETHING THIS COMMUNITY WILL NO LONGER TOLERATE.

[REDACTED]

COASTAL COMMISSION

EXHIBIT # 4
PAGE 3 OF 4

body: Implementation of constructive plan to circumvent controlling State Coastal Law- egis of which

when marching in formation with: warrants of Grant Deed 753(June 12,1933);Dictum of Coastal Law-would bar the Applicant et al from razing structure S1;or in the alternative to replace S-1 with a structure of no less than equal size:

The referenced plan OF circumvention was implemented by IGNORING AND ALLOWING THE CONTINUED AND UNRELENTING NOCTURNAL CRIME TO FLOW INTO THE IMPACTED AREA-as a ruse to raze S1.

Existence of said crime(s)--is not at issue.Indeed,the record is clear.The Appellant(-the issue is ripe for and will be appealed to the Long Beach Planning Commission-beginning a process which,based upon existing cases in similar matters--will last longer than the prison sentences of those who so conspired to make a gift of \$200,000+ of Tidelands Funds to a few of the connected)----points to the public record which clearly reveals---EXISTENCE OF SAID UNRELENTING NOCTURNAL CRIME(used as a ruse to raze 1S---has been well know by the referenced officials since they took office-near eight + years ago.

Said NOCTURNAL CRIME could have been EVISCERATED instantly--had the conspirators but replaced 600-800 feet of protective fencing and gating-which had kept the Northern half of the Long Beach Marine Stadium---FREE OF NOCTURNAL CRIME-for---74 years-----from 1932-to 2014---when said protective fencing and gating was removed:

- 1.Over the strong objections of Long Beach Police.
- 2.Without the knowledge of the former Director of Parks Recreation and Marine.
- 3.Any Community input.

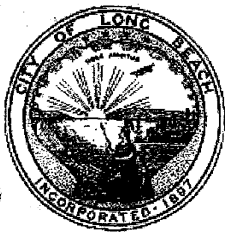
Said obtuse conduct was undertaken by a previous Marine Maintenance Manager(no longer on City payroll.Though not dishonest-as are the referenced current officials he was beyond obtuse!!!

--

cacrewood8@fastmail.fm

COASTAL COMMISSION
A-5-LOB-13-0247

EXHIBIT # 4
PAGE 4 OF 4



5.LOB.13.0137

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

RECEIVED
South Coast Region

OCT 10 2013

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL LOCAL ACTION

Application No.: 1305-13

Project Location: Marine Stadium parking lot (across from 385 Wendy)

Applicant: Department of Parks, Recreation and Marine
205 Marina Drive
Long Beach, CA 90803

Permit(s) Requested: Local Coastal Development Permit

Project Description: A Local Coastal Development Permit to allow the demolition of a 1,100-square-foot restroom that has not been in use for over 20 years and is considered an attractive nuisance.

Local action was taken by the: Zoning Administrator approved the request on:
July 22, 2013 (appealed to the Planning Commission)

Planning Commission denied the appeal and upheld the Zoning Administrator' decision on:
October 3, 2013

Decision: Conditionally Approved


Local action is final on: October 3, 2013

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.


Derek Burnham
Planning Administrator


Jeff Winklepleck, Planner
Phone No.: (562)570-6607
COASTAL COMMISSION
A.S.LOB.13-0247
EXHIBIT # 5
PAGE 1 OF 3
District: 3

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**Application No. 1305-13****Date: October 3, 2013**

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

1. 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 demolition of the 1,100-square-foot restroom building conforms to the certified Local Coastal Program by removing a structure that has been abandoned for approximately 20 years, is an attractive nuisance for graffiti and other vandalism, and will be replaced with grass that will provide additional open space for public use.

The zoning designation for the project site is Park (P) and the allowable uses include community service uses, cultural and educational uses, athletic facilities, parks and other similar facilities. Demolition of an abandoned structure to be replaced with open space is an acceptable use in the Park (P) zone.

There are no existing residential units on the site; therefore, the proposed structure demolition is not subject to the requirements for replacement of low and moderate-income housing.

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

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

The project as currently proposed will not reduce access or public views to the beach.

COASTAL COMMISSION
A5-LOB-13-0247

EXHIBIT # 5
PAGE 2 OF 3

**CONDITIONS OF APPROVAL
LOCAL COASTAL DEVELOPMENT PERMIT**

Application No. 1305-13

Date: October 3, 2013

1. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
2. The use permitted shall be the demolition of a 1,100-square-foot restroom that has been abandoned for approximately 20 years and has become an attractive nuisance for graffiti and other vandalism.
3. Violation of any of the conditions of this permit shall be cause for the issuance of an infraction, citation, prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach.
4. The property shall be maintained in a neat, quiet and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
5. The applicant shall comply with City of Long Beach Noise regulations, Chapter 8.80 of the Long Beach Municipal Code.
6. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

**COASTAL COMMISSION
A-5-L0B-13-0247**

EXHIBIT # 5

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