

**CALIFORNIA COASTAL COMMISSION**

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# Th12d

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 Staff: V. Lee-LB  
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 Hearing Date: 10/07/2020

## STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

**Appeal No.:** A-5-LOB-20-0040

**Applicant:** James Wald

**Local Government:** City of Long Beach

**Local Decision:** Approval with Conditions

**Appellants:** Peninsula Neighborhood Association  
(c/o Robert Bellevue)

**Project Location:** 6506-6512 East Ocean Blvd, Long Beach, Orange County (APN: 7245-025-012)

**Project Description:** Convert a two-car garage and accessory space on the first floor of a three-unit structure into a 564 sq. ft. accessory dwelling unit.

**Staff Recommendation:** Determine that no substantial issue exists.

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**IMPORTANT HEARING PROCEDURE NOTE:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony. This permit will be reported to the Commission on October 7, 2020. **PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING.** As a result of the COVID-19 emergency and the Governor's Executive Orders N-29-20 and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's

webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

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### SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach's action on Local Coastal Development Permit ("CDP") No. 20-009 approved a conversion of one two-car garage and accessory space on the first floor of the southerly (rear) portion of a three-unit structure into a 564 sq. ft. accessory dwelling unit ("ADU"). The City approved the project without a public hearing, finding it consistent with State laws regulating the conversion of residential structures (or portions thereof) to ADUs. The project is in the appealable area of the coastal zone and the State laws regulating ADUs do not override the Coastal Act, so a CDP is required and the standard of review is the certified Local Coastal Program ("LCP"). The grounds for appeal raised by the appellant are that the project is not consistent with the public access and parking requirement policies of the certified LCP and the public access policies of the Coastal Act. Specifically, the appellant asserts that the project would take away already substandard on-site parking, and fill the space with an additional dwelling unit, thereby aggravating the parking condition of the area and impacting public access to recreation opportunities at the beach.

Staff recommends that the Commission determine that **no substantial issue exists** with respect to the grounds on which appeal number A-5-LOB-20-0040 has been filed. Commission staff concurs with the appellant that the approved project would not conform with policies of the certified LCP relating to required on-site parking spaces and expansion of non-conforming structures; however, in this unique circumstance, the removal of the two vehicle parking spaces in a private garage in order to allow for an accessory dwelling unit will not be expected to adversely affect public access to the coast given the nearby proximity and availability of existing public parking facilities. Specifically, there are two public beach parking lots within a  $\frac{1}{4}$  and  $\frac{1}{2}$  mile of the site which are typically used by beachgoers rather than on-street parking with the small, congested neighborhood where the subject site is located. Thus, on balance after a consideration of all five of the substantial issue factors in section 13115 of the Commission's regulations, the appeal does not raise a substantial issue of conformity with the certified LCP or the public access policies of the Coastal Act because it will not result in significant adverse impacts to coastal resources, including public access and recreation.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE</b> .....	<b>4</b>
<b>II. APPELLANT’S CONTENTIONS</b> .....	<b>4</b>
<b>III. LOCAL GOVERNMENT ACTION</b> .....	<b>4</b>
<b>IV. APPEAL PROCEDURES</b> .....	<b>5</b>
<b>V. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE</b> .....	<b>6</b>
A. PROJECT DESCRIPTION AND BACKGROUND .....	6
B. LOCAL COASTAL PROGRAM CERTIFICATION.....	7
C. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....	7
D. SUBSTANTIAL ISSUE ANALYSIS.....	8

## APPENDICES

Appendix A – Substantive File Documents

### **EXHIBITS**

[Exhibit 1 – Vicinity Map and Project Site](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – City Staff Report for Local CDP No. 20-009](#)

[Exhibit 4 – Appeal](#)

[Exhibit 5 – Public Parking Lots in Project Vicinity](#)

[Exhibit 6 – August 2019 Occupancy Trends at 72<sup>nd</sup> Place and 54<sup>th</sup> Place Parking Lots](#)

[Exhibit 7 – Letter from the Applicant, dated August 26, 2020](#)

[Exhibit 8 – Letter from Kellie Canning, dated August 15, 2020](#)

## I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

**Motion:** I move that the Commission determine that Appeal No. A-5-LOB-20-0040 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 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 hereby finds that Appeal No. **A-5-LOB-20-0040** 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

On August 7, 2020, the Peninsula Neighborhood Association filed an appeal of a City-issued CDP for the conversion of a two-car garage and accessory space in a triplex into an ADU ([Exhibit 4](#)). The appellant's contentions primarily concern the project's inadequate parking supply and alleged impact on public access to the beach. The appellant notes the property currently supports a three-unit building with a two-car garage, which is already substandard in on-site vehicle parking according to the policies of the LCP. The project would eliminate the vehicle parking in the garage in order to establish an ADU within the footprint of the building, which would result in reduced parking and increased housing. The appellant asserts that this project will cause reduced public access to the beach, because it will add more pressure to the ongoing conflict between residents and visitors looking for parking in this area.

On August 24, 2020, the Commission also received a letter in opposition of the project dated August 15, 2020, from Kellie Canning ([Exhibit 8](#)). Similar to the appellant's contention, the letter described the parking-impacted character of the neighborhood and stated that the project should be denied for the protection of public access to the beach.

## III. LOCAL GOVERNMENT ACTION

On July 20, 2020, the City of Long Beach Zoning Administrator approved LCDP 20-009, which allowed the conversion of a two-car garage and accessory space within the structure into an ADU ([Exhibit 3](#)).

On July 24, 2020, the Coastal Commission's South Coast District Office received a valid Notice of Final Action (NOFA) for Local CDP 20-009. The Commission issued a Notification of Appeal Period on August 5, 2020. On August 7, 2020, during the ten (10) working day appeal period, the Peninsula Neighborhood Association filed this appeal

[\(Exhibit 4\)](#). No other appeals were received. The City and the applicant were notified of the appeal by Commission staff in a letter dated August 10, 2020.

#### **IV. APPEAL PROCEDURES**

After certification of LCPs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permit applications. Development projects approved by cities or counties may be appealed if they are located within certain geographic appealable areas, such as those located between the sea and the first public road paralleling the sea or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county [Coastal Act Section 30603(a)].

Section 30603 of the Coastal Act states in relevant 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.

Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea, and is 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.

#### **Grounds for Appeal**

The grounds for appeal of an approved local CDP in the appealable area are stated in Section 30603(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.

Section 30625(b)(2) of the Coastal Act requires the Commission to conduct a de novo

review of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603(a). If Commission staff recommends a finding that a substantial issue does exist, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered presumed, and the Commission will conduct the de novo portion of the public hearing on the merits of the project. A de novo review of the application on the merits uses the certified LCP as the standard of review. (Section 30604(b).) In addition, for projects located between the first public road and the sea, a specific finding must be made at the de novo stage of the appeal that any approved project is consistent with the public access and recreation policies of the Coastal Act. (Section 30604(c).) Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

### **Qualifications to Testify before the Commission**

If the Commission, by a vote of three (3) or more Commissioners, decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. The time limit for public testimony will be set by the chair at the time of the hearing. As noted in Section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, the appellant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other interested parties that did not oppose the application before the local government must be submitted in writing.

## **V. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE**

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The project site is located on the south side of East Ocean Boulevard, between 65<sup>th</sup> Place and 66<sup>th</sup> Place in the greater area known as the Long Beach Peninsula ([Exhibit 1](#)). The project site falls within Area E (Naples Island and the Peninsula Communities) of the City's certified LCP. Area E is developed with single family, duplex and multi-unit apartment structures radiating out toward Alamitos Bay and the Pacific Ocean from Ocean Boulevard, the only thoroughfare.

The property is currently developed with two, two-story detached structures with a total of three dwelling units. The structure fronting Ocean Boulevard was originally developed as a two-story, single family dwelling which was later modified to create a two-story duplex in 1953 (one unit on the first floor and the second unit on the second floor). The southerly detached two-story structure was constructed in 1947, with the garage and accessory space on the ground level [proposed to be converted into an accessory dwelling unit (ADU)] and one unit on the second floor. There is an outdoor tandem parking space for two cars accessed through an alley in the rear of the property which would not be affected by the proposed project.

The certified implementation plan (IP) zoned the property as R-2-I (two-family residential with intensified development), which requires not more than 2 dwellings per lot. The certified IP section 21.41.216 requires 2 vehicle parking spaces for every dwelling unit. Therefore, the existing residence (3 dwelling units and 4 parking spaces) is a pre-coastal, non-conforming structure with regards to housing density and parking requirements.

The City-approved project consists of converting the ground level two-car garage and accessory space into a 564 square foot ADU, which includes a kitchen, dining room, bedroom and bathroom ([Exhibit 2](#)). Consequentially, the existing three-unit structure with four parking spaces would be converted to a four-unit structure with two parking spaces.

On August 26, 2020, the Commission received a letter from the applicant in response to the subject appeal ([Exhibit 7](#)). The letter contends that the de minimis nature of the proposed project will not impact neighborhood parking, and that the state is supportive of providing housing opportunities in the Coastal Zone.

#### **B. LOCAL COASTAL PROGRAM CERTIFICATION**

Long Beach is a coastal city in southern Los Angeles County. In 1980, the Coastal Commission certified the City's LCP. The City's LCP is comprised of a Land Use Plan (LUP) and Implementation Plan (IP) and is the standard of review for the subject appeal. The Southeast Area Development and Improvement Plan (SEADIP) is a component of the LCP. The project is subject to the policies of the certified LCP and the public access policies of the Coastal Act.

#### **C. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS**

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal has been filed pursuant to Section 30603(a) of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
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.

The Commission may, but need not, assign a particular weight to a factor.

Staff is recommending that the Commission find that **no substantial issue exists** with

respect to the grounds on which an appeal has been filed pursuant to Section 30603(a) of the Coastal Act.

#### **D. SUBSTANTIAL ISSUE ANALYSIS**

As stated in Section IV of this report, the local CDP may be appealed to the Commission on the grounds that the proposed development does not conform to the standards set forth in the City’s certified LCP or the public access policies of the Coastal Act. Pursuant to Section 30625(b) of the Coastal Act, the Commission must assess whether the appeals raise a substantial issue with respect to the grounds upon which the appeals were filed pursuant to Section 30603 of the Coastal Act.

#### Local Coastal Program (LCP) Policies

Page III-E-1 of the certified LUP states, in part:

“Because of the intense nature of private developments in Area E, public access to recreation areas and water resources is not generally good. The Peninsula lacks parking for most of the beach front on the south, but some is available in the vicinity 72nd and 54th Places.”

Page III-E-3 of the certified LUP states, in part:

“Beach parking on most of the Peninsula is accommodated on the public streets, where visitors must share the spaces with the residents of the area, since many of the units do not have adequate off-street parking. This situation is most serious in the summer months.”

Section 21.41.170 (Established uses) of the certified IP states:

“The number of existing off-street parking and loading spaces shall not be reduced, or in any other way modified, below the standards required by this Title.”

Section 21.41.213 (Parking – Garage required) of the certified IP states, in part:

“A. (Garage required) In all residential districts, all required parking spaces shall be provided within an enclosed garage in accordance with the development standards as specified in Section 21.31.245 (garage).”

Section 21.27.060 (Expansion) of the certified IP states, in part:

“A nonconforming use or structure may not be expanded or altered in any way so as to increase that nonconformity...”

#### Coastal Act 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 30252 states, in part:

“The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...”

The existing three-unit residence is a legal non-conforming structure with regard to both housing density and parking, as the certified LCP requires not more than two dwelling units per lot in the R-2-I zone, and each unit requires two parking spaces for a total of six parking spaces per IP section 21.41.216. As the appellant notes, the proposed project would remove two parking spaces, and would add an accessory dwelling unit.

The City's certified LUP describes the Peninsula as an area where public access to recreation areas and water resources is not generally good and notes that coastal visitors share parking with residents.

The City's certified IP contains provisions relating to parking standards for new development. Section 21.41.170 states the number of existing off-street parking spaces shall not be reduced below the standards required (in the case of the approved project, six vehicle parking spaces for three dwelling units). Section 21.41.213 states all required parking spaces shall be provided within an enclosed garage, which renders the existing uncovered tandem parking spaces in the rear of the subject property non-conforming. Section 21.27.060 stipulates that a non-conforming use or structure may not be expanded or altered in any way so as to increase that non-conformity. In this case, the proposed project would expand the non-conforming structure that would increase that non-conformity by replacing the two-car parking spaces with an extra dwelling unit.

However, it should also be noted that the legislature of the State of California recently enacted multiple laws to encourage the creation of ADUs. Those laws do not override the provisions of the Coastal Act and the Commission has advised local governments to update their Local Coastal Programs to support production of ADUs while complying with other coastal resource protection policies of the Coastal Act. In order to bring its LCP into consistency with the State ADU laws in 2018, the City of Long Beach adopted an ADU ordinance and submitted it for the review of the Coastal Commission as an LCP Amendment. The LCP amendment would have allowed existing garages and accessory spaces to be converted to ADUs without additional parking if located within ½ mile of

transit. In addition, the Commission's suggested modifications to the LCP Amendment would have further reduced the minimum size of a lot where an ADU could be developed (in order to enable more ADUs to be developed). However, although the City had indicated that they were in agreement with all suggested modifications, the City did not accept the Commission's suggested modifications within the six-month period of time required for certification of an LCP Amendment, thus the City's ordinance is not effective in the coastal zone. However, on September 4, 2020, the City submitted a new ADU ordinance/LCP Amendment Request No. LCP-5-LOB-20-0058-3, which appears to be consistent with the recent State laws regulating ADUs. The Commission has not yet reviewed the application at the time this staff report is published.

When the legislature passed additional laws in 2019 relating to ADUs, the City began reviewing applications for consistency with those laws in lieu of the previous ordinance or the LCP Amendment, which was not certified. The City has also indicated that they intent to submit a new LCP amendment in the future to incorporate relevant provisions of these new laws into their certified LCP. The new laws eliminated the minimum lot size, reduced the minimum unit size, and continued to allow ADUs to be developed without vehicle parking, and to replace existing garages. The City reviewed and approved the subject project consistent with the most current ADU laws, although the City did not include evidence or findings that the subject site is within ½ mile of public transit.

As required for development within the coastal zone, the City also reviewed a CDP application for the subject project. The City's local CDP findings state that 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 to the public access and recreation policies of Chapter 3 of the Coastal Act ([Exhibit 3](#)). The City found that the proposed project would occur entirely upon a privately-owned parcel of land and will not restrict access to coastal or recreational amenities. The City's findings made no reference to transit or public parking facilities.

The appellant is correct that the City's action is inconsistent with the parking requirements of the certified LCP. However, while the project does not comply with all of the LCP policies, it is important to note that the sections of the LCP that relate to the parking impacts of the neighborhood were certified in 1980. More recently, in 2015 the Commission certified the Mobility Element as a component of the LCP, and the Commission specifically declined to certify a map which would have identified the subject area and other areas of the city as "parking impacted." The Mobility Element emphasizes transit, bicycling, and walking, in addition to driving, as a means to access the coast and other amenities.

Although on-street parking along public roads can constitute an important public access and recreational amenity, in this unique case, the subject site is located within an existing dense urban beachfront neighborhood where members of the public do not typically utilize on-street parking for beach access due to existing parking congestion from local residents and the existence of nearby public parking lots. Moreover, there are two large existing public parking lots for beach access within a ¼ and ½ mile of the site, at the end of the peninsula (72<sup>nd</sup> parking lot) and at Alamitos Bayshore (54<sup>th</sup> parking lot),

respectively ([Exhibit 5](#)). These lots total 296 parking spaces, which charge an hourly rate of \$1.00 from 8 am to 8 pm everyday, including holidays. These lots also provide annual parking passes which are \$155 for the general public and \$75 for seniors. The August 2019 parking occupancy data for these two lots show there is still parking spaces available, even during peak beach-visiting season ([Exhibit 6](#)). During weekdays, both of these lots experienced peak daily average occupancy rates less than 20%. During weekends, the 54<sup>th</sup> parking lot experienced a peak average occupancy rate of 95% at 3 pm, but the 72<sup>nd</sup> parking lot had a peak average occupancy rate of 82% at the same hour. The subject project would not restrict access to those parking lots or to any street or trail adjacent to the coast. The beaches that can be accessed within a short walk of the subject site may also be accessed by visitors who park at one of the two parking lots.

The increased housing and reduced parking may cause a slight increase in demand for parking on the public streets within the residential neighborhood, particularly at nighttime when more vehicles are stored on public streets. The subject neighborhood has more parking availability in the neighborhood during the daylight hours, when residents with vehicles are more likely to be at work and more people visit the coast. There are no Coastal Commission-approved preferential parking programs in the vicinity and the public street parking will remain legal for coastal visitors to access if they choose not to parking in the designated beach parking lots or if those parking lots are full. Thus, the appellant's concern regarding the proposed development's impact on neighborhood parking is primarily a local issue that will not adversely impact coastal access, and the project is consistent with Chapter 3 public access policies.

As explained, the Commission's evaluation of whether an appeal raises a "substantial issue" under Section 13115(c) of the Commission's regulations involves a balancing of five factors, only one of which concerns the legal basis for the City's decision approving the CDP. Other factors that the Commission may weigh in its determination include: the extent and scope of the development approved by the City, the significance of the affected coastal resources, the precedential value of the local government's decision, and whether the appeal raises local issues or those of regional or statewide significance. In addition, the Commission has discretion to afford more or less weight to any one of the substantial issue factors. Therefore, as discussed more fully below, the City-approved project is not expected to result in any significant adverse impact to public access and is, therefore, consistent with the Chapter 3 public access policies even though it does not satisfy all LCP parking-related policies; therefore, a consideration of all of the substantial issue factors, including the primarily local issues related to this neighborhood of Long Beach, the lack of significant impacts to coastal resources, and the minor scope of the development, support the Commission finding that the appeal does not raise a substantial issue.

**SUBSTANTIAL ISSUE FACTORS:**

Under Section 13115(c) of the Commission regulations, the Commission considers five factors in making a determination whether an appeal raises a substantial issue pursuant to Section 30625(b)(2).

**1. The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and the Coastal Act’s public access policies.**

While the City-approved ADU project is consistent with the Coastal Act’s public access policies, and is encouraged by the State ADU laws that have streamlined requirements for approval of ADUs, the project is not consistent with all of the certified LCP policies relating to parking and non-conforming structures. However, the Commission affords the LCP deficiencies less weight in light of the fact that the project would not result in any significant adverse impacts to public access as discussed above, the fact that the Commission has approved updates to the LCP that would allow ADUs with reduced parking requirements further supporting that the project is unlikely to harm coastal access, and the Coastal Act direction to encourage affordable housing opportunities in the Coastal Zone (PRC § 30604). Moreover, the project’s displacement of two off-street parking spaces is not expected to result in significant adverse impacts to public access, as the prevailing parking trend in this area is that members of the public typically use the two large, currently under-parked public parking lots within close proximity of the project site. Therefore, on balance, this factor does not support a finding of substantial issue.

**2. The extent and scope of the development as approved or denied by the local government.**

The City-approved CDP will convert a two-car garage and accessory office space into a 564 sq. ft. ADU on a lot currently improved with three dwelling units. The extent and scope of the development is not substantial, particularly in light of the insignificant impacts to public access discussed above, and given that the development is confined to one property in an area which is developed with both single family homes and multi unit residential structures, many of which are also non-conforming as to parking. This factor does not support a finding of substantial issue.

**3. The significance of the coastal resources affected by the decision.**

In this case, the removal of the two vehicle parking spaces in a private garage in order to allow for an accessory dwelling unit will not be expected to adversely affect public access to the coast given the nearby proximity and availability of existing public parking facilities. For this reason, and as discussed in greater detail above, this project will not result in any significant adverse impacts to coastal resources, including public access and recreational opportunities. Therefore, this factor does not support a finding of substantial issue.

**4. The precedential value of the local government’s decision for future interpretations of its LCP.**

As discussed in this staff report, given the unique circumstances relating to the presence of adequate nearby public parking and existing parking trends discussed in more detail above, the project is not expected to result in any significant adverse impact to public access and recreation opportunities in the Peninsula, the City’s approval of the project would not constitute a negative precedent for the City’s future interpretations of its LCP. Even though the project is inconsistent with some of the City’s currently certified LCP policies, the City of Long Beach has submitted to the Commission an updated ADU ordinance/LCP Amendment Request No. LCP-5-LOB-20-0058-3 in order to address these inconsistencies. The ordinance/LCP amendment has not been reviewed by the Commission, but it does show the

City’s intent to align the LCP with statewide guidance on ADU and Coastal Act policies to encourage affordable housing opportunities in the Coastal Zone (PRC § 30604). Therefore, this factor does not support a finding of substantial issue.

**5. Whether the appeal raises local issues, or those of regional or statewide significance.**

Although public access to the coast is an issue of statewide significance, in this case, the appeal raises primarily a local issue, given that parking and public access issues are unique to each coastal neighborhood and, as explained above, the project will not have any significant impacts on public access to the coast in this area of Long Beach. Therefore, this factor does not support a finding of substantial issue.

**Conclusion**

In conclusion, although the City’s action does not conform with some of the certified LCP policies relating to parking, the Commission finds that the proposed project is consistent with the public access policies of the Coastal Act and would not adversely affect coastal resources. Given the policy concerns that encourage construction of ADUs in conjunction with the Coastal Act direction to encourage housing opportunities for low and moderate income individuals, the Commission affords less weight to the project’s inconsistency with some of the certified LCP policies related to parking requirements and finds that, on balance and considering all of the five factors, the appeal does not raise a substantial issue as to the project’s conformance with the certified LCP or the public access policies of the Coastal Act.

**Appendix A – Substantive File Documents**

1. City of Long Beach certified Local Coastal Program.