

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
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F12

Prepared November 08, 2023 (for the November 17, 2023 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Los Angeles County for November 2023 (UPDATED)**

The following coastal development permit (CDP) waivers, CDP extensions, and Executive Director Concurrence CDPs for the South Coast District Office are being reported to the Commission on November 17, 2023. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on November 17th.

With respect to the November 17th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on November 17, 2023 (see attached)

Waivers

- 5-23-0107-W, New 2-story Building (Santa Monica)
- 5-23-0228-W, Removal and replacement of non-conforming gangway to access floating dock with a conforming gangway (50 sq. ft area) and platform area (12 sq. ft.) (Long Beach)
- 5-23-0350-W, New Commercial Building (Santa Monica)
- 5-23-0518-W, Building Addition (Santa Monica)

CDP Extensions

- 5-18-0788-E1, A-5-LOB-17-0032, & A-5 LOB-20-0007, 4000 Olympic Plaza (Long Beach)
- 5-21-0244-E1, Mark & Shari Streams (Playa Del Rey)

Executive Director Concurrence

- LCP-5-LOB-21-0088-2, Certification Review (Long Beach)

CALIFORNIA COASTAL COMMISSION

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November 1, 2023

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-23-0107-W

Applicant: Redcar Main Street Owner I, LLC

Location: 2668 2nd Street, Santa Monica, Los Angeles County (APN: 4288-002-019)

Proposed Development: Demolish an existing non-conforming private surface parking lot and construct a 30-ft. high, 2-story over basement, 4,004 sq. ft. mixed-use structure with 2 residential units on the ground and second floor, a neighborhood market space (738 sq. ft.) on the ground floor, and a private roof deck. Parking for 7 vehicles would be provided on the basement floor of the structure.

Rationale: The project site is a 5,000 sq. ft. lot located 1,300 ft. inland of the public beach. The City's certified LUP designates the project site as Ocean Park Low Density Multiple Residential (OP2 in City's uncertified zoning), and the proposed mixed-use structure is consistent with the land use designation, which allows residential development and uses normally associated with residential neighborhoods. With regard to the existing surface parking lot on the site, the City of Santa Monica clarified that it is an unpermitted development and that a private surface parking lot is a prohibited use on this residential lot. In addition, the City clarified that the existing parking lot is not tied to any other adjacent land uses. Therefore, the existing private parking lot is a non-conforming use, and the demolition of the existing parking lot will not have an adverse impact on public access. The project proposes 7 on-site parking spaces to serve the proposed commercial and residential use, which meets the City-required parking count of 2 spaces for each 2-bedroom residential unit and 1 space/300 sq. ft. of commercial floor area. Therefore, the project will not adversely impact public access to the coast. Although the project site is not currently sited in a hazardous area, the project proposes a subterranean basement, which may encounter flooding from elevated groundwater levels due to sea level rise near the end of the expected lifespan of the development. In response to this issue, the applicant proposes waterproofing strategies throughout the basement, including pre-applied waterproofing membrane for elevator pit walls and foundation, as well as direct-applied waterproofing membrane where possible to fully waterproof habitable sub-grade spaces. The applicant also has acknowledged and agreed that the site may be subject to hazards from flooding and assumed any risks that may result from hazards and flooding in a signed statement. In addition, the project site is located within a known sensitive area with

Coastal Development Permit Waiver

5-23-0107-W

potential archeological and tribal cultural resources. In response to this concern, the applicant proposes to implement mitigation measures to protect archaeological and tribal cultural resources, including inviting tribal representatives to monitor the site during excavation. The proposed development is compatible with the character of the surrounding area and does not have any adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The project is consistent with the City's certified LUP, past Commission actions for the area and Chapter Three policies of the Coastal Act, and will not prejudice the City's ability to prepare a certified Local Coastal Program that is consistent with the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **November 15-17, 2023** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

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Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-23-0228-W

Applicant: Charles and Norma Kober

Location: 5607 E. Corso Di Napoli, Long Beach, Los Angeles County (APN 7422-026-015)

PROPOSED DEVELOPMENT: Removal of an existing non-conforming floating dock access ladder and replacement with a conforming 2.5 by 20 ft. gangway and 3.4 by 3.5 ft. platform to access a 445 sq. ft. "U"-shaped floating dock. No additional changes to the floating dock system are proposed.

RATIONALE: The proposed project is located over State Tidelands (managed by the City of Long Beach) within Alamitos Bay and is associated with a residentially zoned, waterfront lot at 5607 Corso Di Napoli on Treasure Island in the City of Long Beach, which has a certified Local Coastal Program (LCP). The applicant has received approval from the City of Long Beach Marine Bureau (2/13/23) and the City of Long Beach Planning and Zoning Department (2/15/2023). The applicant has also applied to the Army Corps of Engineers (3/14/2023) which is currently under review. The project will result in an increase of six sq. ft. of overwater coverage but is not anticipated to impact water quality or marine resources as the applicant is proposing to implement of best management practices during and after construction including, for example, [list a couple]. While Eelgrass was detected at the project site, there is no proposed in-water work or anticipated disturbance to soft-bottom habitat. Additionally, the new overwater coverage will not directly shade existing eelgrass. The proposed project is not anticipated to permanently impact access to the public rights-of-way but may temporarily impact the accessways near the project site while the gangway and platform are installed. These impacts will be temporary, and access will be restored upon the projects conclusion. Private recreational boating facilities are allowed pursuant to Chapter 3 of the Coastal Act. The proposed project is consistent with previous Commission actions in the area, the City's certified LCP, and the Chapter 3 policies of the Coastal Act.

Coastal Development Permit De Minimis Waiver

5-23-0228-W

This waiver will not become effective until reported to the Commission at its **November 15-17, 2023** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge
Executive Director

Elishebah Tate-Pulliam
Coastal Program Analyst

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November 1, 2023

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-23-0350-W**Applicant:** Redcar Main Street Owner I, LLC**Location:** 3016 Main Street, Santa Monica, Los Angeles County
(APNs: 4288-007-007 and 4288-007-011)

Proposed Development: Demolish an existing 14-space non-conforming public parking lot and construct a 2-story commercial structure (2,680 sq. ft. retail space on first floor and 4,136 sq. ft. creative office on second floor) with mezzanine and unenclosed deck on the roof level. Parking for 23 vehicles would be provided at the rear of the project site.

Rationale: The project site comprises two lots totaling approximately 10,000 sq. ft. located 900 ft. inland of the public beach. The City's certified LUP designates the project site as Main Street Commercial, and the proposed commercial structure is consistent with the land use designation. With regard to the existing surface parking lot on the site, the City of Santa Monica clarified that a public or private parking lot use on the site would have required a conditional use permit from the City, but there is no City record indicating such approval on the site. In addition, the City clarified that the existing parking lot is not tied to any other adjacent land uses. Therefore, the existing public parking lot is a non-conforming use, and the demolition of the existing parking lot will not have an adverse impact on public access. The project proposes 23 on-site parking spaces to serve the proposed commercial use, which meets the City-required parking count of 1 space/300 sq. ft. of floor area. Therefore, the project will not adversely impact public access to the coast. The project site is not expected to be subject to flooding or groundwater hazards during the expected lifespan of the development. The proposed development is compatible with the character of the surrounding area and does not have any adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The project is consistent with the City's certified LUP, past Commission actions for the area and Chapter Three policies of the Coastal Act, and will not prejudice the City's ability to prepare a certified Local Coastal Program that is consistent with the Chapter 3 policies of the Coastal Act.

Coastal Development Permit Waiver

5-23-0350-W

This waiver will not become effective until reported to the Commission at its **November 15-17, 2023** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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October 11, 2023

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-23-0518-W

Applicant: JPMS Santa Monica Real Estate, LLC

Location: 1452 2nd St., Santa Monica (Los Angeles County) (APN: 4291-015-013)

Proposed Development: Two-story addition over an existing one-story, 17-foot-tall, 7,500 square-foot commercial building consisting of office and salon training resulting in a three-story, approximately 55-foot-high, 16,869 square-foot building with a 1,642 square-foot outdoor patio containing new non-invasive drought-tolerant landscaping on the third floor. No grading is proposed.

Rationale: The project site is located approximately 700 feet from the inland extent of the beach and is not located between the first public road and the sea. The proposed site is located within the Downtown Frame subarea as outlined in the certified Santa Monica Land Use Plan (LUP) and is consistent with the land use and development standards of the LUP. The project site is outside of Santa Monica's downtown Parking Assessment District and therefore is required to provide parking on site. The site does not currently have any onsite parking, and as proposed, the project will not provide onsite parking. However, the project site is located within a high-quality transit area, an area within one-half mile of a major transit stop and a high-quality transit corridor that would adequately serve the proposed development. Additional parking demand for the development will be accommodated through several proposed transportation demand measures including, but not limited to, the provision of 7 long-term bicycle parking spaces on site, a shower and changing area for bicycle commuters, and 100 percent subsidized monthly regional passes for employees. Water quality will be maintained using existing gutters, downspouts, and a new three stage storm water filtration system. The proposed development will not adversely impact coastal resources, public access,

Coastal Development Permit De Minimis Waiver
5-23-0518-W

or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its November 15 - 17, 2023 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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**RESPONSE TO OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

DATE: November 3, 2023
TO: Commissioners and Interested Parties
FROM: Dr. Kate Huckelbridge, Executive Director
RE: Objection to Executive Director's Determination Regarding Extension of Coastal Development Permit (CDP) Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007

The City of Long Beach requests a one-year Time Extension to Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 granted by the California Coastal Commission on February 11, 2021. This Permit is for:

Closure of Olympic Plaza to automobile traffic, removal of park landscaping, demolition of two outdoor pools, conversion of temporary pool and associated facilities to permanent structures, and construction of an outdoor pool complex including a 12,320 sf. competitive pool, 4,560 sf. recreation pool, 1,000 sf. teaching pool, 500 sf. spa, 5,660 sf. diving well, and spray garden, 1,555 permanent seats, a 15,181 sf. approx. 29 ft. high pool facilities building with locker rooms, offices, food concessions, changing rooms, and storage rooms, 141,558 sf. hardscaped open space, 92,297 sf. passive park area, and public restrooms.

The Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act and notice of this determination was mailed on September 29, 2023. This Determination will be reported to the Commission at the November 17, 2023, Commission meeting. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed

circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

Five letters of objection to the time extension were received within 10 working days of the mailed notice ([Exhibit 1](#)). One letter was received on September 30, 2023 by Anne Proffit, three letters were received on October 2, 2023 by Susan Miller, Ann Cantrell, and Corliss Lee, and one letter was received on October 3, 2023 by Dr. Linda Scholl. Their objections to the time extension include the following:

- (1) The scaled back budget of the project, including a minimum \$50 million reduction, as required by the City constitutes changed circumstances.
- (2) Following the budget reduction, the City offered three new sets of project plans, all of which differ from the previously Commission-approved plans, which constitute changed circumstances.
- (3) The project benefits special interests rather than the public, does not promote equitable public use, and does not include an equity plan to serve disadvantaged youth.
- (4) Community outreach and stakeholder engagement was not conducted, which ignores underserved communities.
- (5) The subject site is located in a liquefaction zone, is prone to sea level rise, and is prone to earthquakes.
- (6) The new project plans include eliminating the diving well and additional seating along with the existing temporary pool. The temporary pool is adequate to achieve the intended use of the proposed pool and should remain.
- (7) Removal of landscaping is unnecessary, and the removal of this mature vegetation would result in the loss of societal and ecological benefits through the loss of public use of the shaded space, wildlife food and water percolation.
- (8) Removal of E Olympic Plaza is unnecessary and would reduce public beach parking and impede transportation access for first responders and public use.
- (9) The transportation plans provided with the proposed project, including providing busing for students, are inadequate and do not serve the entire community.
- (10) Alternative locations are welcomed by the diving community.
- (11) Light poles at the existing temporary pool exceed height restrictions and impose light pollution impacts and have existed for a longer period than should be allowed for a temporary structure.
- (12) Proposed spray gardens will be unsuccessful due to future sand intrusion.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. Many of the objections received do not suggest changed circumstances, but rather object to the project in concept. Specifically, as listed above, Objections 3, 4, 6, 7, 8, 9, 10, 11, and 12 all object to the project, but do not provide any evidence to identify a changed circumstance and are therefore not further analyzed. Thus, these objections do not identify any new or changed circumstances that

would affect the development's consistency with the Coastal Act.

In response to Objection 1, although it is true that the City is developing plans to reduce the scope of the Commission-approved project due, at least in part, to budgetary constraints, any changes to the Commission-approved project must be reviewed by the Executive Director and would likely require an amendment to the Commission-approved permit, and changes to project funds do not constitute a changed circumstance as to the project's consistency with the Coastal Act. Additionally, in response to Objection 2, alternative project plans have not been approved by the City or submitted for review by the Commission and do not constitute a change in circumstance. To provide more clarity, the Conditions of Approval remain in effect until any amendment is approved by the Commission. These include, but are not limited to, **Special Condition 2**, which requires the applicant to submit final revised plans that are in substantial conformance with the plans submitted on January 21, 2020, and **Special Condition 3**, which requires an equitable Public Access Program be submitted by the City and acted on by the Commission and remains in effect without any amendment proposing otherwise. Objection 5 references hazards in the area including sea level rise and liquefaction. These hazards were raised and addressed in the Commission's 2021 action, and **Special Condition 13** addresses shoreline change, sea level rise monitoring, and adaptation programming and remains in effect without any approved amendment requiring otherwise. The CDP for this development will not be issued until all prior-to-issuance conditions are met and any substantial changes to the project, as contemplated by the City, will require a permit amendment.

In sum, for the reasons stated above, the Executive Director has determined that there are no changed circumstances on site that affect the development's conformity with the Chapter 3 policies of the Coastal Act or the City's certified LCP. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of the development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 until February 11, 2024, one year from the previous date of expiration.

CALIFORNIA COASTAL COMMISSION

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**RESPONSE TO OBJECTION RECEIVED TO EXECUTIVE DIRECTOR'S DETERMINATION**

DATE: November 3, 2023
TO: Commissioners and Interested Parties
FROM: Dr. Kate Huckelbridge, Executive Director
Re: Objection to Executive Director's Determination Regarding Extension of Coastal Development Permit (CDP) No. 5-21-0244 (Streams)

The applicant requests a one-year Time Extension to previously approved Coastal Development Permit (CDP) No. 5-21-0244. This Permit is for:

Demolition of an existing 1,987 square-foot, two-story, single-family residence, and construction of a new three-story, approximately 41.5 feet high, 5,784 square-foot, single-family residence over a 1,722 square-foot basement containing a 3-car garage and storage, and a roof deck with elevator shaft on a 5,652 square-foot lot at 7012 Vista Del Mar Ln, Playa Del Rey, Los Angeles, Los Angeles County.

The Executive Director determined that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act, and notice of this determination was mailed on September 28, 2023. This Determination will be reported to the Commission at the November 17, 2023, Commission meeting. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

Two objection emails to the time extension were received within 10 working days of the mailed notice ([Exhibit 2](#)). The emails, dated October 4, 2023, are from Doug and Carolina Menezes and from Eileen and Andrew Cahill.

Doug and Carolina Menezes contend that the extension should not be approved because there was substantial community opposition when the Commission previously approved the home construction, the City approved a law subsequent to Commission approval of the home that they believe would have prohibited approval of a home as large as the subject home, and the approved home is incongruous with the character of the neighborhood, is not consistent with applicable regulations, will obstruct views of the beach and ocean, and will set an adverse precedent.

Eileen and Andrew Cahill contend that the extension should not be approved because the approved home is incongruous with the character of the neighborhood, is not consistent with applicable regulations, and will obstruct views of the beach and ocean.

One objection email was received on October 13, 2023, later than 10 days after mailing the notice ([Exhibit 3](#)). The 10th working day from the mailed notice was October 12, 2023. The objection from Lisa Ferris contends that the mass and scale of the proposed home is not visually compatible with the character of the surrounding area, the proposed home will set a precedent for the redevelopment of other homes in the neighborhood, that the applicant did not meet with the Planning and Land Use Committee for the Neighborhood Council of Westchester/Playa, but said that they had met with the Committee during the “coastal review meeting,” that portions of the home (roof line, rooftop deck, and elevator shaft) are higher than adjacent utility lines which would adversely impact western snowy plovers, gnatcatcher, owls, great horned owls, and parrots, that the home’s roof decks would adversely impact privacy of adjacent homes, and that the proposed home is inconsistent with the City’s Baseline Mansionization Ordinance.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of CDP No. 5-21-0244, the standard of review is consistency with the Chapter 3 policies of the Coastal Act.

All of the objections raised in the three objection emails were previously evaluated by the Commission in its approval of CDP No. 5-21-0244 and its prior action to find no substantial issue on appeal of the City CDP approval for the home.

The Commission was aware of the members of the public in opposition to the proposed CDP at the time of the CDP approval. Thus, this contention does not represent a changed circumstance.

The City of Los Angeles Baseline Mansionization Ordinance has not been certified by the Commission and is not a standard of review for approval of CDPs within the coastal zone of the City of Los Angeles. Further, this contention was raised prior to the CDP approval. Thus, this contention does not represent a changed circumstance.

The Commission’s findings for the CDP approval in 2021 included a community character analysis, including a visual review of the renderings of the proposed home, and the

Commission found that the proposed single-family home would be within the range of existing development for both the number of stories and size consistent with the mix of home sizes and architectural styles of the area. The Commission also found that the proposed home is articulated to reduce massing and is consistent with setbacks in the area. Further, this contention was raised prior to the CDP approval. Thus, this contention does not represent a changed circumstance.

As detailed in the Commission's findings for the CDP approval in 2021, the proposed development will be located on the inland side of the street and will not have any public view impacts to the coastline and beach below. Thus, it appears that the letters of objection are referring to potential private view impacts, which are not protected by the Coastal Act. Further, this contention was raised prior to the CDP approval. Thus, this contention does not represent a changed circumstance.

As detailed in the Commission's findings for the CDP approval in 2021, to evaluate the potential cumulative impacts of the proposed residence, the incremental effects of the proposed development on community character, mass, and scale were considered in connection with the effects of the past, current, and probable future projects within the subject area. The Commission's findings also conclude that the proposed residence is consistent with the scale of homes in the area and would not set a new precedent in terms of size of homes in the area. Further, this contention was raised prior to the CDP approval. Thus, this contention does not represent a changed circumstance.

It is not clear what meeting the commenter is referring to when they reference a "Coastal Review meeting." Regardless, during the 2021 CDP hearing public comment period, Julie Ross (then chair of the Planning and Land Use Committee for the Neighborhood Council of Westchester/Playa) stated that the applicant had not presented the project to the Committee. The applicant's representative contends that the applicant undertook individual outreach to Julie Ross and other members of the Committee but did not present the project at a Neighborhood Council meeting due to logistical constraints, including the start of the Covid pandemic. Thus, this contention has been raised previously and does not represent a changed circumstance.

As detailed in the Commission's findings for the Commission's April 14, 2021 review of the proposed home during the local CDP appeal, the proposed development is in an urbanized residential neighborhood and no evidence was provided to indicate that the home would adversely affect birds. Thus, this contention has been raised previously and does not represent a changed circumstance.

In sum, the objections do not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances on site that affect the development's conformity with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the

Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP No. 5-21-0244 until October 13, 2024, one year from the previous date of expiration.

CALIFORNIA COASTAL COMMISSION

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November 1, 2023

F12

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Dani Ziff, District Supervisor
Vince Lee, Staff Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action by the City of Long Beach accepting certification of LCP Amendment No. LCP-5-LOB-21-0088-2 with suggested modifications is legally adequate.

On December 28, 2021, the City of Long Beach submitted a request to amend its Local Coastal Program (LCP) Implementation Plan (IP). The request was submitted to the Commission's South Coast District office with City Council Resolution No. RES-21-0113.

The LCP amendment includes the addition of enhanced density bonus (EDB) regulations that provide incentives to construct affordable housing (and other qualifying housing types) beyond those identified in the State Density Bonus Law. On June 8, 2023, the Commission approved with modifications LCP Major Amendment No. LCP-5-21-0088-2 to ensure coastal resources are protected by requiring EDB projects to comply with the certified LCP's resource protection policies, allowing for substantially reduced parking requirements for affordable housing units, eliminating references to non-certified municipal regulations, and fixing a typographical error.

On September 19, 2023, within 180 days of Commission action on the LCP amendment, the Long Beach City Council unanimously passed Resolution No. RES-23-0143, incorporating the modifications suggested by the Commission pursuant to its approval. Upon second reading, on October 3, 2023, the City Council adopted Ordinance No. ORD-23-0036 establishing the Enhanced Density Bonus Program as part of the City's Local Coastal Program (LCP) Implementation Plan (IP).

On November 1, 2023, the City submitted the adopted resolution and ordinance (see attachment) to the Executive Director for a determination that the City's action is consistent with the Commission's June 8, 2023 action. The Executive Director has reviewed the City's November 1, 2023 action and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The

Executive Director will report that determination to the Coastal Commission at the Commission's November meeting on November 17, 2023 as part of the Deputy Director's Report for Los Angeles County. The Commission meeting starts at 9 am on November 17th, and the Deputy Director's Report for Los Angeles County is item number 12 on the agenda for that day. Interested persons are welcome to submit comments and/or sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Deputy Director's Report for Los Angeles County, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or SouthCoast@coastal.ca.gov.

Attachment: Long Beach City Council's Ordinance No. ORD-23-0036 and Resolution No. RES-23-0143

ORDINANCE NO. ORD-23-0036

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING CHAPTERS 21.25,
DIVISION V (SITE PLAN REVIEW) AND 21.68 (ENHANCED
DENSITY BONUS)

WHEREAS, on October 5, 2021, the City Council adopted Ordinance No.
ORD-21-0034 adding Chapter 21.68 to Title 21 of the Long Beach Municipal Code
("LBMC") and amending Subsection 21.25.506.A.7 of the LBMC, related to establishing
an ordinance for an Enhanced Density Bonus program ("EDB Ordinance"); and

WHEREAS, on September 14, 2021, the City Council approved Resolution
No. RES-21-0113 directing the Director of Development Services to submit a Local
Coastal Program Amendment ("LCPA") for the EDB Ordinance to the California Coastal
Commission ("CCC") for a finding of conformance with the Certified Local Coastal
Program ("LCP"); and

WHEREAS, the EDB Ordinance was submitted to the CCC on December
28, 2021; and

WHEREAS, on June 8, 2023, the CCC held a public hearing for the LCPA
(LCP-5-LOB-21-0088-2) and recommended certification of the LCPA with three (3)
requested modifications pertaining to references to non-certified provisions of the LBMC,
clarification for required consistency with LCP and protection of coastal resources, and
corrections to typographical errors; and

WHEREAS, the City Council desires to approve the CCC's requested
modifications by adopting them in accordance with the action taken by the CCC on June
8, 2023.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as

1 follows:

2 Section 1. The Long Beach Municipal Code is amended by amending
3 Section 21.68.020 to read as follows:

4 21.68.020 Definitions.

5 A. High Quality Transit Bus Corridor (HQTC): A high-quality
6 transit bus corridor means a corridor with fixed route public bus service with
7 service intervals no longer than fifteen (15) minutes during peak commute
8 hours, as defined by California Public Resources Code 21155.

9 B. Inclusionary Unit or Inclusionary Housing Projects: a dwelling
10 unit/project required to be affordable to very low or moderate-income
11 households and subject to an inclusionary housing regulatory agreement in
12 areas subject to Inclusionary Housing Requirements outside of the coastal
13 zone.

14 C. Major Transit Stop: A site or location containing a rail station
15 or the intersection of two (2) or more public bus routes with a service
16 interval of fifteen (15) minutes or less during the morning and afternoon
17 peak commute periods, as defined by California Public Resources Code
18 21064.3. The stations or bus routes may be existing, under construction, or
19 included in the most recent Southern California Association of Governments
20 (SCAG) Regional Transportation Plan (RTP).

21 D. Qualifying Project: A residential or mixed-use project that
22 includes On-Site Restricted Affordable Units at a rate that meets or exceeds
23 the minimum requirements to satisfy the Enhanced Density Bonus
24 Incentives and as set forth in this Chapter. A qualifying project must be
25 proposed on an eligible parcel, and meet or exceed the income thresholds
26 as defined below.

27 1. Very Low-Income Households as defined in Section
28 50105 of the California Health and Safety Code.

1 2. Low Income Households as defined in Section 50093
2 of the California Health and Safety Code.

3 3. Moderate Income Households as defined in Section
4 50093 of the California Health and Safety Code.

5
6 Section 2. The Long Beach Municipal Code is amended by amending
7 Subsection 21.68.040.A. to read as follows:

8 A. Applicants with qualifying projects and parcels may request
9 use of the EDB Chapter provisions and procedures, or the State Density
10 Bonus provisions and procedures (Government Code 65915), but may not
11 utilize both programs in order to increase density or otherwise qualify for
12 project incentives. Neither the EDB Chapter provisions nor State Density
13 Bonus Law supersede or in any way alter or lessen the effect or application
14 of the Coastal Act and the LCP. Any incentives, concessions, waivers,
15 and/or density bonuses applied to proposed projects via application of State
16 Density Bonus Law shall only be allowed if coastal resources are protected
17 as required by the Coastal Act and the LCP.

18
19 Section 3. The Long Beach Municipal Code is amended by amending
20 the Footnote to Table 21.68-1 in Subsection 21.68.050 to read as follows:

21 Footnote (*): Use of 3% and 4% affordability components only permissible
22 when the total number of affordable units across multiple restricted income levels equals
23 or exceeds 12% of all units. For example, an applicant may propose 3% Very Low
24 Income (VLI) in the Base Area and be eligible for a 15% density bonus; however, the 3%
25 can only be used in conjunction with one or more other affordable components that total
26 a minimum of 12% affordable units in a project.

27
28 Section 4. The Long Beach Municipal Code is amended by amending

1 Section 21.68.060 to read as follows:

2 21.68.060 Eligible concessions/incentives for EDB projects that are not
 3 inclusionary housing projects (“Non-Inclusionary Projects”).

4 The following Table shall determine how many incentives/concessions a
 5 “Non-Inclusionary Project” may be eligible for, based on the percent density bonus a
 6 project has qualified for. (See above, Density Bonus Eligibility and Percentages.)

7
 8 Table 21.68-4
 Maximum Number of Concessions for Non-Inclusionary Projects

Concession	Eligible Density Bonus
1	20
2	30
3	40
4	50
5	60
6	70
7	80
8	90
9	100

16 Note: For EDB projects that are inclusionary housing projects, the following
 17 Table shall be used to calculate the number of incentives/concessions a project is eligible
 18 for. In the Downtown (PD-30) and Midtown (SP-1) areas, incentives/concessions shall be
 19 based on the total percent density bonus a project qualifies for (see above, Density
 20 Bonus Eligibility and Percentages).

21
 22 Table 21.68-5
 Maximum Number of Concessions for Inclusionary Housing Projects

Total # Concessions	Eligible Density Bonus (2023 and beyond)	Maximum Concession for Height	Eligible Density Bonus (2022)	Maximum Concession for Height*	Eligible Density Bonus (2021)	Maximum Concession for Height*
3	70	1 story	50	1 story	40	1 story
4	80		70		60	
5	90	2 stories	90	2 stories	80	2 stories
6	100	3 stories	100	3 stories	100	3 stories

1 *Note: Any height increases on a lot sharing a lot line or across an alley
2 from an R1 or R2 zoned property occupied by a single-family home or duplex, shall step-
3 back any height increase over twelve (12) feet at least ten (10) feet from the exterior face
4 of the ground floor of the building.

5
6 Section 5. The Long Beach Municipal Code is amended by amending
7 Subsection 21.68.070.A to read as follows:

8 A. The following are the by-right "on-menu"
9 concessions/incentives that an EDB project may request based on the
10 number of concessions/incentives a project is eligible for per the
11 concessions/incentive Tables set forth above. In the coastal zone,
12 concessions/incentives including but not limited to parking and open space
13 concessions/incentives shall only be authorized or allowed by-right if there
14 will be no significant adverse impacts to coastal resources, including but not
15 limited to public access and environmentally sensitive habitat area, and if
16 found consistent with the resource protection policies of the certified LCP.

- 17 1. A floor area ratio (FAR) increase of forty (40) percent
18 per concession;
- 19 2. A fifteen (15) percent reduction in non-residential
20 parking per concession;
- 21 3. A thirty (30) percent reduction in open space per
22 concession;
- 23 4. An allowance for all shared/public (in lieu of private)
24 open space;
- 25 5. An averaging of floor area ratio (FAR), density, parking,
26 open space or access across zones (one (1) incentive per development
27 standard averaged);
- 28 6. A fifteen (15) percent reduction in transitional height

1 requirements;

2 7. A thirty (30) percent reduction in an individual setback
3 per concession (maximum one (1) incentive per side or front yard with a
4 maximum of two (2) incentives on the rear yard);

5 8. A maximum of one (1) additional story in height in the
6 Base and HQTC areas and a maximum of three (3) additional stories in
7 height in the Major Transit Stop area.

8
9 Section 6. The Long Beach Municipal Code is amended by amending
10 Section 21.68.090 to read as follows:

11 21.68.090 Parking requirements.

12 Parking. EDB projects are eligible for off-street parking reductions and may
13 avail themselves of either the reductions offered by the State regulations or the parking
14 reductions offered by Table 21.68-6. Projects may use either of the reductions, but not
15 both. EDB projects outside of the coastal zone comprised of one hundred (100) percent
16 affordable units shall not be required to provide on-site parking. In the coastal zone, EDB
17 projects comprised of one hundred (100) percent affordable units shall be required to
18 provide off-street parking in accordance with Table 21.68-7.

19 Table 21.68-6

20 EDB Parking Ratio Table

21 0—1 Bedrooms	1 space/unit
22 2—3 Bedrooms	1.25 spaces/unit
23 4+ Bedrooms	2 spaces/unit
24 Commercial Parking	Outside the Coastal Zone: First 6,000 square feet exempt; certified zoning code parking requirements apply beyond 6,000 square feet. 25 26 Within the Coastal Zone: Certified zoning code parking requirements apply.

Table 21.68-7
EDB Parking Ratio Table for Projects in the Coastal Zone Comprised of One Hundred
(100) Percent Affordable Units

0—1 Bedrooms	0.25 space/unit
2—3 Bedrooms	0.25 spaces/unit
4+ Bedrooms	0.25 spaces/unit
Nonresidential Parking	Certified zoning code parking requirements apply

Section 7. The Long Beach Municipal Code is amended by amending
Subsection 21.25.506.A.7

7. The project is in compliance with the housing replacement requirements of the certified Local Coastal Program or Section 21.68.040.E of this Chapter, as applicable, and will result in the same or greater number of dwelling units; and in the case of existing affordable dwelling units, that the dwelling units will be replaced at the same or deeper affordability levels.

Section 8. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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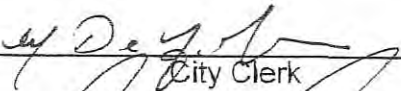
1 I hereby certify that the foregoing ordinance was adopted by the City
2 Council of the City of Long Beach at its meeting of October 3, 2023, by the following
3 vote:

4
5 Ayes: Councilmembers: Zendejas, Allen, Duggan, Supernaw,
6 Kerr, Saro, Uranga.
7 _____
8 _____

9 Noes: Councilmembers: None.
10 _____

11 Absent: Councilmembers: Austin.
12 _____

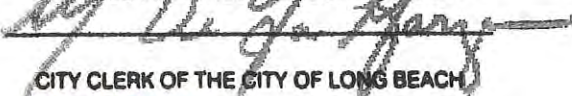
13 Recusal(s): Councilmembers: Ricks-Oddie.
14 _____

15 
16 _____
City Clerk

17
18 Approved: 10/04/23
19 (Date)

20 
21 _____
Mayor

22 **CERTIFIED AS A TRUE AND CORRECT COPY**

23 
24 _____

CITY CLERK OF THE CITY OF LONG BEACH

25 BY: Alyssa Campos

26 DATE: October 26, 2023
27
28

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Lona Beach, CA 90802

1 RESOLUTION NO. RES-23-0143

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO SUBMIT AMENDMENTS TO THE LONG
6 BEACH MUNICIPAL CODE CHAPTERS 21.25, DIVISION V
7 (SITE PLAN REVIEW) AND 21.68 (ENHANCED DENSITY
8 BONUS) AND THE CITY'S CERTIFIED LOCAL COASTAL
9 PROGRAM TO THE CALIFORNIA COASTAL COMMISSION
10 FOR REVIEW AND APPROVAL
11

12 WHEREAS, on June 8, 2023, the California Coastal Commission approved
13 with modifications the City of Long Beach's proposed Local Coastal Program Amendment
14 No. LCP-5-LOB-21-0088-2; and

15 WHEREAS, on September 19, 2023, the City Council of the City of Long
16 Beach adopted said proposed modifications by amending certain provisions of Title 21,
17 Zoning Regulations, of the Long Beach Municipal Code; and

18 WHEREAS, it is the desire of the City Council to resubmit the above
19 referenced Title 21 amendment ordinance, which contain the modifications as requested
20 by the California Coastal Commission in its action of June 8, 2023, to the California
21 Coastal Commission for further review and certification; and

22 WHEREAS, the City Council gave full consideration to all facts and the
23 proposals respecting the amendments to the Municipal Code and Zoning Regulations at
24 a properly noticed and advertised public hearing; and

25 WHEREAS, the amendments are to be carried out in a manner fully
26 consistent with the California Coastal Act and become effective in the Coastal Zone
27 immediately upon California Coastal Commission certification and approval; and

28 WHEREAS, the City Council hereby finds that the proposed amendments

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 will not adversely affect the character, livability or appropriate development in the City of
2 Long Beach and that the amendments are consistent with the goals, objectives and
3 provisions of the City's General Plan, including its certified Local Coastal Program and
4 the California Coastal Act.

5 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
6 follows:

7 Section 1. The zoning code amendments to Title 21, as modified by the
8 California Coastal Commission, and implementing resolution amending the City's Local
9 Coastal Program, together with all other relevant supporting material, are directed to be
10 submitted to the California Coastal Commission for its earliest review as to that part of
11 the ordinance and resolutions that directly affect land use matters in that portion of the
12 California Coastal Zone within the City of Long Beach.

13 Section 2. The City Manager of the City of Long Beach is hereby
14 authorized to and shall submit a certified copy of this resolution, together with appropriate
15 supporting materials, to the California Coastal Commission with a request for its earliest
16 action, as an amendment to the Local Coastal Program that will take effect automatically
17 upon California Coastal Commission approval and certification pursuant to the Public
18 Resources Code; or as an amendment that will require formal City Council adoption after
19 final California Coastal Commission approval with modifications.

20 Section 3. Pursuant to Public Resources Code Section 21080.9, the
21 California Environmental Quality Act (CEQA) does not apply to activities and approvals
22 by the City as necessary for the preparation and adoption of a Local Coastal Program
23 Amendment (LCPA) and therefore, does not apply to this action.

24 Section 4. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

26 ///

27 ///

28 ///

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 19, 2023, by the following vote:

Ayes:	Councilmembers:	<u>Allen, Duggan, Supernaw, Kerr, Saro,</u> <u>Uranga, Austin.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>Zendejas.</u>
Recusal(s):	Councilmembers:	<u>Ricks-Oddie.</u>

M. De G. [Signature]
City Clerk

[Signature]
CERTIFIED AS A TRUE AND CORRECT COPY
CITY CLERK OF THE CITY OF LONG BEACH

BY: Amyra Campos
DATE: October 26, 2023