



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Boulevard, 5th Floor • Long Beach, CA 90802 • (562) 570-6194 FAX (562) 570-6068

December 15, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny the appeal of Jeff Miller and uphold the decision of the Zoning Administrator to accept Categorical Exemption CE 16-229 and approve a Local Coastal Development Permit in conjunction with a temporary story pole installation on the site of the proposed Belmont Beach and Aquatic Center at 4000 E. Olympic Plaza. (District 3)

APPLICANT: City of Long Beach
Tidelands Capital Improvements Division
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802
(Application No. 1609-18)

DISCUSSION

The subject request is related to a temporary story pole installation on the vacant, 5.8-acre site of the proposed Belmont Beach and Aquatic Center (Exhibit A – Location Map). The Belmont Beach and Aquatic Center (Project) is a 125,500-square-foot pool complex providing indoor and outdoor venues for public recreational swimming, aquatics sports training, and competitive swimming and diving events. The complex's natatorium will stand 71 feet above a 7-foot plinth for a total height of 78 feet. The former Belmont Plaza Pool facility, which occupied the site from 1968 – 2015, stood at a height of 60 feet. The proposed structure height exceeds the 25-and-30-foot height limitations of the two zoning districts which overlay the site, the Belmont Pier Planned Development District (PD-2) and Park (P) zone. As such, the Project will require approval of a Standards Variance for building height.

In order for the Planning Commission to hold a hearing to consider the proposed Project and its Draft Environmental Impact Report, public hearing notices are required. Pursuant to Section 21.21.302 (B)(5)(b) of the Zoning Code, building height variance applicants must erect on-site story poles during the public notification period, which accurately represent the full extent of the structure to the satisfaction of the Director of Development Services. Because of the site's Coastal Zone location, the story pole installations require a Local Coastal Development Permit. Local Coastal Development

CHAIR AND PLANNING COMMISSIONERS

December 15, 2016

Page 2

Permits require a public hearing before the Zoning Administrator.

The proposed story pole installation consists of an 80-foot-tall story pole supported by three high-strength steel or aluminum guide wires (Exhibit B – Installation Plan). The single pole contains two flags, one 60 feet above grade representing the parapet height of the former Belmont Plaza Pool natatorium, and one 78 feet above grade representing the highest point of the proposed Belmont Beach and Aquatic Center natatorium. The installation includes eight-foot-tall fencing around the story pole and guide wire landing areas, as well as an on-site story pole installation sign. The story pole installation sign includes a rendering and elevation of the new pool facility, details on what the two flags represent, and a narrative describing the Project. The installation would be short-term in nature, standing in place only for the 14-day public noticing period and the post-hearing 10-day local appeal period. Upon conclusion of the appeal period, the installation would be removed and the site restored to its previous condition.

Prior to approving a Local Coastal Development Permit, a hearing body must find that the project conforms to the certified Local Coastal Program (LCP) and the public access and recreation policies of Chapter 3 of the California Coastal Act. On October 10, 2016, the Zoning Administrator conducted a public hearing on the story pole installation Local Coastal Development Permit. During the proceedings, two members of the public spoke in opposition to the installation and one member of the public spoke in support of the installation. After consideration of staff's findings and public testimony, the Zoning Administrator approved the Local Coastal Development Permit request, subject to conditions (Exhibit C – Findings & Conditions).

Following the hearing, in an attempt by the applicant to address comments raised at the Zoning Administrator hearing, an alternate five-pole installation was prepared (Exhibit D – Alternate Installation Plan). The alternate installation expanded the installation from a single pole at the natatorium's highest point to a five-pole arrangement that depicts the arc of the natatorium over an approximately 240-foot area. The five-pole arrangement is wholly within the City's Coastal Zone jurisdiction, an important consideration in the application. The five-pole alternative was shared with members of the public who spoke in opposition at the hearing. Despite an attempt by the applicant to provide more story poles and increase the size of the installation, a qualifying appeal of the Zoning Administrator's decision was filed within the 10-day appeal period (Exhibit E – Application for Appeal). The stated reasons for the appeal are the installation project's inconsistency with the requirements of 21.21.302 (B)(5)(b) and the possibility that the installation may not meet the requirements of the LCP.

The appellant's contention that the proposed story pole installation does not accurately represent the full extent of the proposed pool structure is not germane to the findings of a Local Coastal Development Permit. The Director of Development Services was presented with multiple installation designs, deeming both the one- and five-pole installations consistent with the intent of the City's story pole noticing requirement. Contention of this consistency determination has no bearing on the installation's conformance with the LCP and Coastal Act.

CHAIR AND PLANNING COMMISSIONERS

December 15, 2016

Page 3

References to temporary uses and structures in the LCP are limited, and primarily relate to either the Long Beach Grand Prix or temporary parking facilities. The LCP contains no references to story pole installations or other forms of temporary public information/education structures. Within the LCP's introduction, however, is a stated intent to create policies "where the greatest public benefit can be achieved without traumatic disruption of the existing community fabric." The temporary story pole installation will be to the benefit of the public as it will clearly indicate the height of the proposed pool facility in relation to that of the former, demolished pool facility that stood at the site. The installation will serve to educate the public and increase public awareness of the pool facility proposal. To reduce disruption of the site and satisfy Coastal Act policies, the installation has been designed to be as physically and visually unobtrusive as possible, with no impact to existing pedestrian or bicycle paths, or coastal access in general. Should any unforeseen impacts result from the installation, they would be short-term given its temporary nature.

Staff recommends the Planning Commission uphold the Zoning Administrator's Local Coastal Development Permit approval, as conditioned, and deny the appeal. In the event the Local Coastal Development Permit is upheld, staff recommends the Planning Commission allow the applicant to proceed with the single-pole installation, as approved by the Zoning Administrator. The single-pole installation will depict the maximum height of the project while causing significantly less surface disturbance than the five-pole installation alternative.

PUBLIC HEARING NOTICE

Public hearing notices for this appeal hearing were distributed on November 29, 2016, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. Additionally, six on-site notices were posted at the site. At the time of writing of this report, staff has received no questions or comments, written or otherwise, from the public regarding this project. All written public testimony received following preparation of this report will be provided to the Planning Commission prior to the hearing.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption CE 16-229 was issued for the proposed story pole installation project (Exhibit F – Categorical Exemption).

CHAIR AND PLANNING COMMISSIONERS

December 15, 2016

Page 4

Respectfully submitted,

Linda F. Tatum

LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

Linda J. Tatman for

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:mh

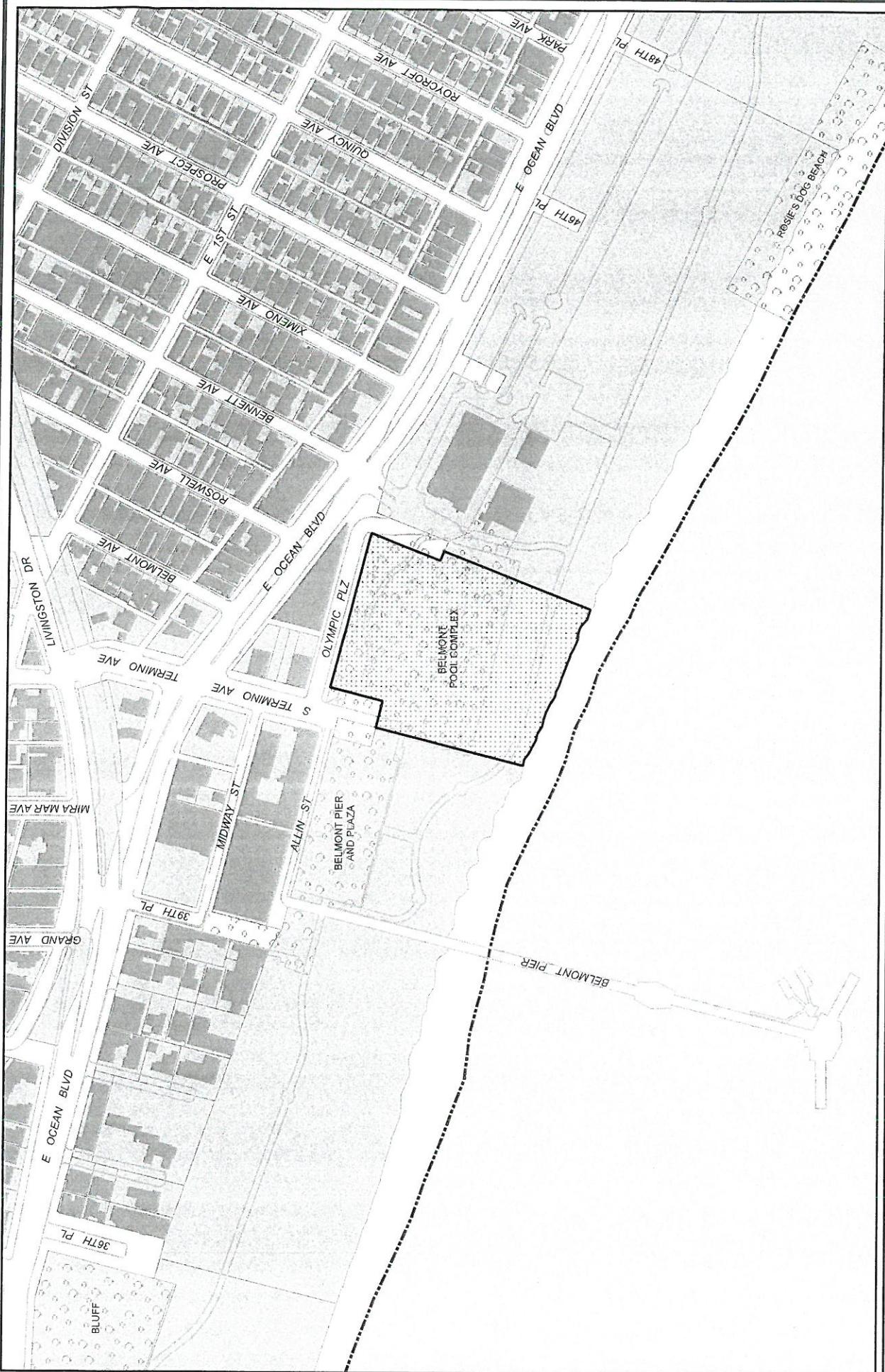


Exhibit A



150 75 0 150 300 Feet

Subject Property:
4000 Olympic Plz

Council District 3
Zoning Code : P, PD-2 SubArea 1



EXHIBIT C

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS
4000 E. Olympic Plaza
Application No. 1609-18
December 15, 2016

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 5.8-acre project site is located entirely within the Coastal Zone. The northern portion of the project site is located in the City permit jurisdiction (appealable to the Coastal Commission) and the southern portion of the site located is in the Coastal Commission permit jurisdiction. Development at the project site requires compliance with the California Coastal Act and the City's Local Coastal Program.

The California Coastal Act was adopted in 1976 with the aim of protecting, maintaining, and enhancing the coastal environment and its resources and maximizing public access and public recreational opportunities in coastal areas. The Coastal Act also sought to encourage state and local agency cooperation in preparing procedures to implement these goals. The City adopted its Local Coastal Program in 1980. The Local Coastal Program functions as the action plan for effecting implementation of the Coastal Act while acknowledging of our highly urbanized shoreline and the unique challenges that are presented as it redevelops.

The Local Coastal Program contains general policies that generally mirror those of the California Coastal Act and specific policies for various planning areas of the City's coastal zone. The project site is located within Area C – Belmont Heights Neighborhoods of the Local Coastal Program, an area containing a mixture of residential housing types, a node of commercial uses south of Ocean Boulevard at Livingston Drive, and the Belmont Pier, Belmont Pool, and Colorado Lagoon recreation areas.

The proposed project involves the installation of an 80-foot-tall story pole, supported by three high-strength steel or aluminum guide wires, on the City permit jurisdiction portion of the proposed pool site. The single pole would contain two flags, one 60 feet above grade representing the former Belmont Plaza Pool's natatorium height, and one 78 feet above grade representing the proposed Belmont Beach and Aquatic Center natatorium height. Temporary, eight-foot-tall fencing around the story pole and guide wire landings is proposed as part of project activities, as well as an on-site story pole installation sign providing additional information on why the story pole is there and what the two flags represent. The installation has been designed to be as unobtrusive as possible, and will pose no impact to existing walking or bicycle paths.

The proposed story pole installation will be short-term in nature, standing in place only for the pool facility's 14-day public noticing period and the post-hearing 10-day local appeal period, in accordance with on-site notice posting requirements for projects requiring a Standards Variance for building height. The required installation is directly related to the proposed 78-foot-tall Belmont Beach and Aquatic Center, an indoor/outdoor public recreation facility that is consistent with Local Coastal Program general policies (providing public recreation facilities within the Coastal Zone, improved public access to coastal resources, and providing opportunities for increased use of the City's coastal areas) and Area C specific policies (retaining existing view corridors from the Belmont Heights residential neighborhood, the closure and integration of the Olympic Plaza roadway into the project).

References to temporary uses and structures in the Local Coastal Program are limited. The majority are related to either the Long Beach Grand Prix or temporary parking facilities. The Local Coastal Program makes no reference to story pole installations or other forms of temporary public information/education structures. The Local Coastal Program does, however, have a stated intent to create policies "where the greatest public benefit can be achieved without traumatic disruption of the existing community fabric" (*Introduction*, Page I-3). The temporary story pole installation will be to the benefit of the public, as it will inform them about how tall the proposed pool facility will stand in relation to the former, demolished facility. The unobtrusive and minimally visually impactful design of the installation, in conjunction with its temporary nature, will result in no traumatic or lasting disruption of the site.

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

Chapter 3 of the Coastal Act contains the standards used by the California Coastal Commission in the review of Coastal Development Permits. The chapter provides the basis for state and local government beach access requirements with a stated objective of prohibiting development projects that restrict public access to the beach and/or water resources. The proposed story pole installation is consistent with Chapter 3 Coastal Act policies. The installation will be temporary in nature, standing in place only for the pool facility's 14-day public noticing period and the post-hearing 10-day local appeal period. The installation has been designed to be minimally obtrusive so as to not reduce public access to the coastline. No existing walking or bicycle paths will be effected by the installation.

LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
4000 E. Olympic Plaza
Application No. 1609-18
December 15, 2016

1. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request approved by the Zoning Administrator, submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. Approved under this permit is a Local Coastal Development Permit in conjunction with an 80-foot-tall story pole installation on the site of the proposed Belmont Beach and Aquatic Center.
3. The approved story pole installation shall be temporary in nature. Installation shall occur no more than 21 days prior to the first hearing for the Belmont Beach and Aquatic Center and remain in place through the end of the project's appeal period. The installation shall be removed within seven days of appeal period closing.
4. An information board shall be posted on-site and adjacent to the story pole installation. The information board shall remain in place for the full extent of the story pole installation. The information board shall contain, at minimum, a narrative describing the purpose of the story pole installation and an elevation image identifying flag height and flag context. Final information board content shall be subject to Director of Development Services review and approval prior to installation.
5. 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.
6. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

7. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
8. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
9. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
10. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
11. 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.



EXHIBIT E

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

Zoning Administrator

Planning Commission

Cultural Heritage Commission

Site Plan Review Committee

on the 10 day of October, 20 16

Project Address: 4000 E. Olympic Plaza

Reasons for Appeal: Application No. 1609-18 does not meet the requirement of Long Beach Municipal Code 21.21.302.B.5.b. Also, this application might not meet the requirements of the Local Coastal Program.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	<u>Jeff Miller</u>	
Organization:		
Address:	<u>Po Box 3310</u>	
City/ZIP:	<u>Long Beach 90803</u>	
Phone:	<u>562.443.2793</u>	
Signature:	<u>Jeff Miller</u>	
Date:	<u>10/20/2016</u>	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established aggrieved status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: AP/AS App. No.: 1610-14 Filing Date: 10/20/16

Fee: \$100.00 Fee Paid Project (receipt) No.: 1610-14 PLNB 37423



NOTICE of EXEMPTION from CEQA

EXHIBIT F

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE- 16-229

Project Location/Address: 4000 E. Olympic Plaza

Project Activity/Description: Installation of story pole and associated guys, fencing and signage as required for proposed facility height variance.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: City of Long Beach

Mailing Address: 333 W. Ocean Boulevard, 5th Floor Tidelands Division, Long Beach, CA 90802

Phone Number: 562.570.5690 Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1609-18 Planner's Initials: MH

Required Permits: LOCAL COASTAL DEVELOPMENT PERMIT

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15304 - MINOR ALTERATIONS TO LAND.

Statement of support for this finding: 15304(e): "MINOR TEMPORARY USE OF LAND HAVING NEGIGIBLE OR NO PERMANENT EFFECTS ON THE ENVIRONMENT."

Contact Person: MARK HUNTERFORD Contact Phone: 562-570-6439

Signature: M. Hunterford Date: 9/20/2016