



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-6428 Fax: (562) 570-6205

June 18, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny the appeal from Melvin Nutter for the Los Cerritos Wetlands Land Trust and uphold the decision of the Zoning Administrator to approve a Local Coastal Development Permit, Lot Line Adjustment, and Categorical Exemption (CE 15-028) for the property located at 690 Studebaker Road. (District 3)

APPLICANT: AES Alamitos Energy, LLC and AES Alamitos, LLC
c/o Eric Pendergraft
690 Studebaker Road
Long Beach, CA 90803
(Application No. 1502-18)

DISCUSSION

The proposed Lot Line Adjustment (LLA) involves two abutting properties located on the east side of Studebaker Road south of the intersection of Studebaker Road and Loynes Drive (Exhibit A – Location Map) within Subarea 19 of the Southeast Area Development and Improvement Plan (SEADIP).

As shown in the proposed Legal Description exhibits (Exhibit B – LLA Maps), Existing Parcel 2 would be reduced in size from 17.87 acres to 6.686 acres and be renamed Parcel A. This land would be transferred to Existing Parcel 1, which would become proposed Parcel B with a total area of 137.579 acres. The subject properties were part of a larger LLA action in 1997 (The 1997 LLA).

No new developments, structures or land uses have been proposed to accompany this LLA application. The applicant has stated this change in property boundaries is for financing purposes only. Therefore, the extent of the project proposal is for the LLA request with the associated Local Coastal Development Permit and Categorical Exemption.

A public hearing was held at a regularly scheduled Zoning Administrator meeting on April 27, 2015. After reviewing all associated documents, including those submitted by the appellant (Exhibit C – Letter to Coastal Commission, Coastal Commission staff report) and considering all testimony, the Zoning Administrator approved the Local Coastal Development Permit and Lot Line Adjustment pursuant to Findings and subject to Conditions of Approval (Exhibit D – Conditions of Approval/Findings).

CHAIR AND PLANNING COMMISSIONERS

June 18, 2015

Page 2 of 3

An appeal was filed by Melvin Nutter on May 1, 2015. As shown on the appeal form (Exhibit E – Appeal Form), the appellant maintains that the application was based on an erroneous assumption that the 1997 LLA is legally valid and that no rationale was provided by the applicant for this current LLA request, which could be an improper effort to piecemeal a larger project. The applicant maintains that the requested LLA is for financing purposes only and is not part of a larger project.

Separately, in 2007, the Coastal Commission staff was considering the validity of the 1997 LLA as it related to a proposed project on one of the subject parcels. However, the California Coastal Commission never took action to either validate or invalidate the 1997 LLA since the project was withdrawn. Therefore, it is City staff's position that the 1997 LLA is still valid.

Based on City and County records, the existing parcels have been legally created and duly recorded. The applicant has stated that this LLA request is for financing purposes and no other project proposals for these properties have been submitted to the City. Since the subject properties are legally created parcels and this LLA request is not part of a larger project proposal, the issues forwarded by the appellant have not been substantiated by the pertinent evidence. Staff therefore recommends that the Planning Commission deny the appeal and uphold the decision of the Zoning Administrator to approve the Local Coastal Development Permit, Lot Line Adjustment and Categorical Exemption CE 15-028.

PUBLIC HEARING NOTICE

Notices of Public Hearing were distributed on May 27, 2015, in accordance with the provisions of the Zoning Regulations. No public comments were received as of the preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 15-028) has been prepared for this project (Exhibit F – Categorical Exemption). This Categorical Exemption is based on a determination that a Class 5 exemption, Minor Alterations in Land Use Limitations, is the proper exemption classification for this application.

CHAIR AND PLANNING COMMISSIONERS

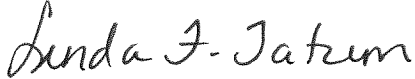
June 18, 2015

Page 3 of 3

Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



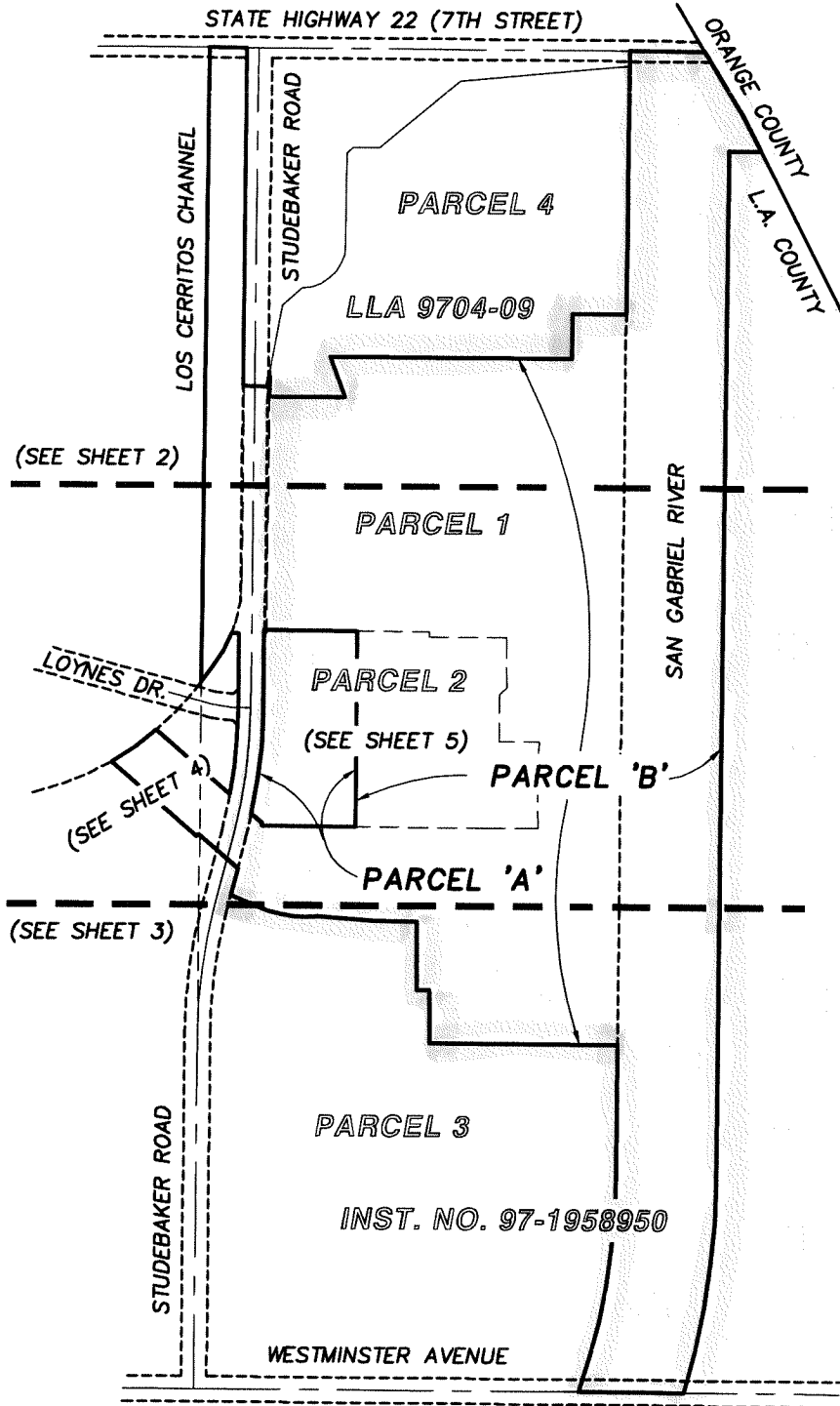
AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:JW:CC

P:\Planning\PC Staff Reports (Pending)\2015-6-18\690 Studebaker PC Staff Report

- Exhibit A – Location Map
- Exhibit B – LLA Maps
- Exhibit C – Letter to Coastal Commission, Coastal Commission staff report
- Exhibit D – Conditions of Approval/Findings
- Exhibit E – Appeal Form
- Exhibit F – CE 15-028

EXHIBIT "B" - MAP
LOT LINE ADJUSTMENT NO. _____



SCALE: 1"=700'



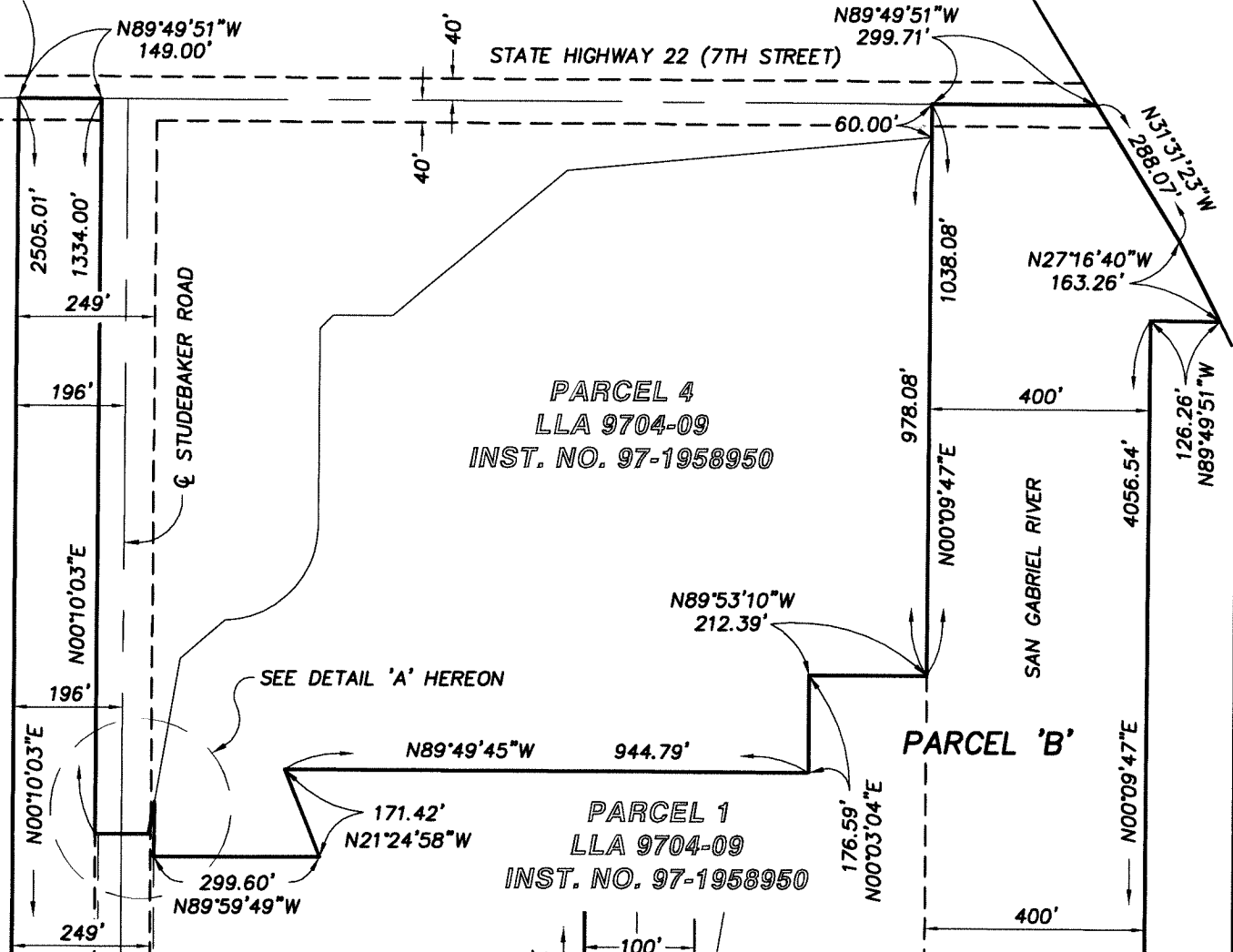
PROACTIVE
ENGINEERING CONSULTANTS
 200 S. MAIN ST. STE 300 • CORONA CA • 92882

EXHIBIT "B"
 LOT LINE ADJUSTMENT NO. _____

EXHIBIT "B" – MAP

LOT LINE ADJUSTMENT NO. _____

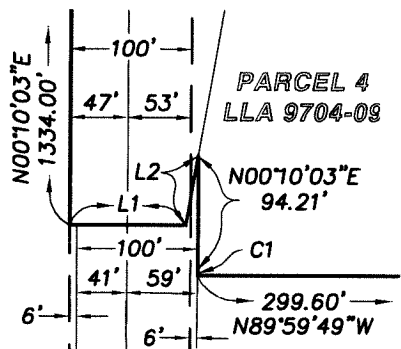
NORTH 1/4 CORNER
SEC. 2, T.5S., R.12W.
RANCHO LOS ALAMITOS



(SEE SHEET 5)

LINE TABLE (THIS SHEET ONLY)		
NO.	BEARING	DISTANCE
L1	N89°49'51"W	96.00'
L2	N09°58'49"E	58.68'

CURVE TABLE (THIS SHEET ONLY)			
NO.	RADIUS	DELTA	LENGTH
C1	153.00'	1°46'17"	4.73'



DETAIL 'A' (NO SCALE)

(SEE SHEET 3)

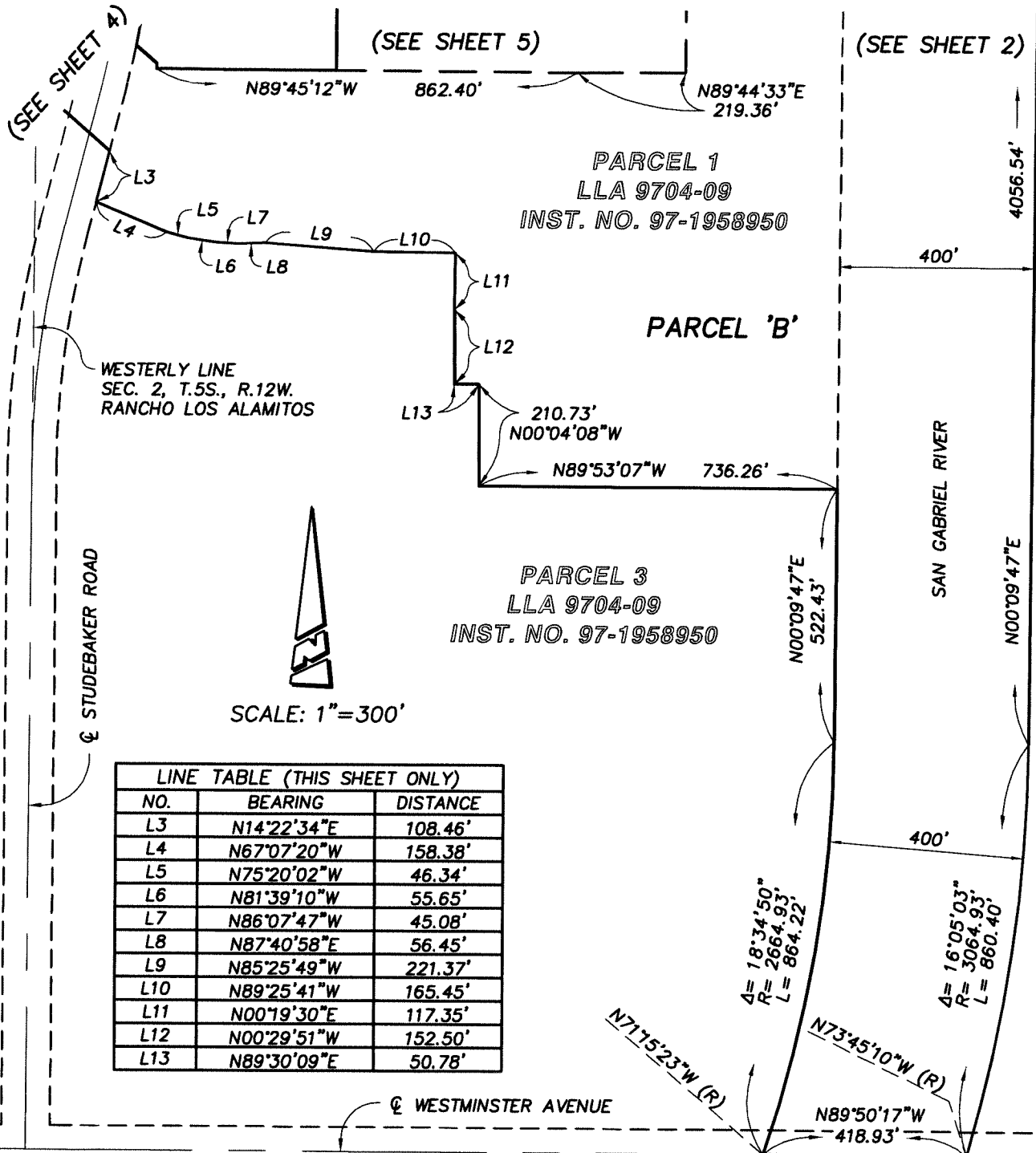


SCALE: 1"=300'

PROACTIVE
ENGINEERING CONSULTANTS
200 S. MAIN ST. STE 300 • CORONA CA • 92882

EXHIBIT "B"
LOT LINE ADJUSTMENT NO. _____

EXHIBIT "B" – MAP
LOT LINE ADJUSTMENT NO. _____



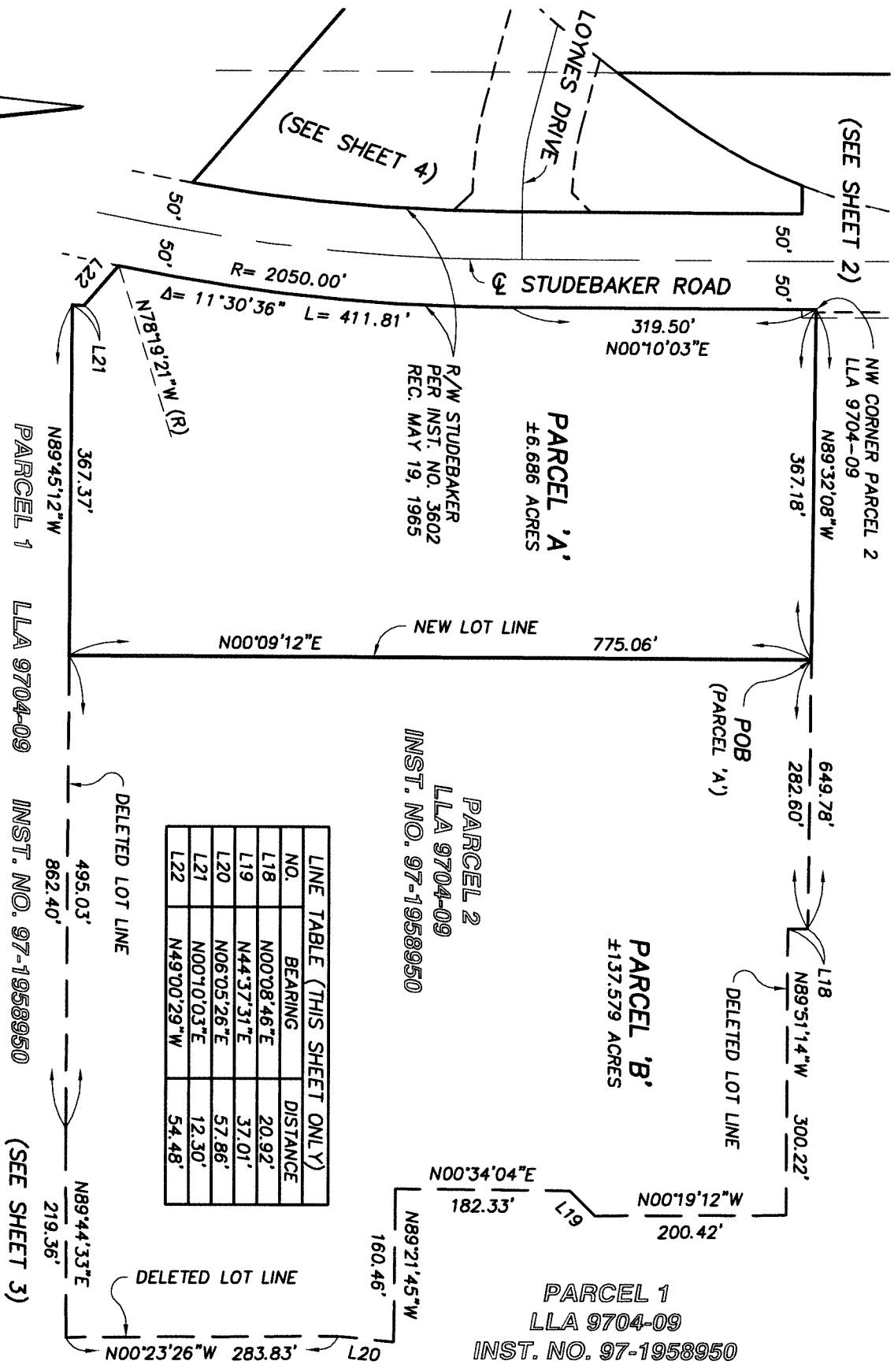
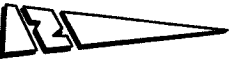
LINE TABLE (THIS SHEET ONLY)

NO.	BEARING	DISTANCE
L3	N14°22'34"E	108.46'
L4	N67°07'20"W	158.38'
L5	N75°20'02"W	46.34'
L6	N81°39'10"W	55.65'
L7	N86°07'47"W	45.08'
L8	N87°40'58"E	56.45'
L9	N85°25'49"W	221.37'
L10	N89°25'41"W	165.45'
L11	N00°19'30"E	117.35'
L12	N00°29'51"W	152.50'
L13	N89°30'09"E	50.78'

PROACTIVE
ENGINEERING CONSULTANTS
 200 S. MAIN ST. STE 300 • CORONA CA • 92882

EXHIBIT "B"
LOT LINE ADJUSTMENT NO. _____

SCALE: 1"=150'



LINE TABLE (THIS SHEET ONLY)			
NO.	BEARING	DISTANCE	
L18	N00°08'46"E	20.92'	
L19	N44°37'31"E	37.01'	
L20	N06°05'26"E	57.86'	
L21	N00°10'03"E	12.30'	
L22	N49°00'29"W	54.48'	

PROACTIVE
ENGINEERING CONSULTANTS
 200 S. MAIN ST. STE 300 • CORONA, CA 92682

EXHIBIT "B"

LOT LINE ADJUSTMENT NO. _____

Z:\06198.000 LONG BEACH\SURVEY\DRAWINGS\AES LLA 2015\AES LLA_SHEETS 4-5

DATE: 2/20/15

J.N. 06.198.100

SHEET 5 OF 5

**LOT LINE ADJUSTMENT
CONDITIONS OF APPROVAL
Application No. 1502-18
June 18, 2015**

1. This permit and all development rights hereunder shall terminate two years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owners and/or applicants 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 form 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 the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
3. Any future development on the project site shall comply with the IG General Industrial zoning regulations.
4. Individual sewer connections shall be provided to each adjusted lot or necessary easements are provided to the satisfaction of the Director of Public Works.
5. All drainage across the adjusted lot line shall be eliminated or necessary easements are provided to the satisfaction of the Director of Public Works. All drainage improvements required by the Director of Public Works that are not in place prior to final recordation must be guaranteed by cash deposit or bond to the satisfaction of the Director of Public Works.
6. The applicant shall submit a survey plan to the satisfaction of the Director of Public Works based upon on a field survey in conformity with the Land Surveyor's Act and pay a processing fee for a lot line adjustment to the Director of Public Works, as provided for in the City Council resolution establishing fees, within 60 days from the date on the Notice of Final Action.
7. No zoning violations shall result from the adjustment.
8. The approval of a lot line adjustment and/or the issuance of a Certificate of Compliance does not constitute a legal change in the boundary of your property. In order to legally change the boundary of your property, it may be necessary to record a Deed transferring the involved property or record a "Record of Survey." Furthermore, it may be necessary to modify existing deed of trusts, mortgages or liens to reflect the adjusted property line.

Lot Line Adjustment Conditions

Application No. 1502-18

June 18, 2015

Page 2

9. 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.
10. 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, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
11. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
12. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.

LOT LINE ADJUSTMENT FINDINGS
690 Studebaker Road
Application No. 1502-18
June 18, 2015

Pursuant to Section 20.20.010 of the Long Beach Municipal Code (Title 20, Subdivision Ordinance), Lot Line Adjustments, the Zoning Administrator shall make the following findings at a public hearing:

A. EACH ADJUSTED LOT SHALL HAVE A MINIMUM LOT WIDTH OF TWENTY-FIVE FEET AND IN NO CASE SHALL SUCH LOT WIDTH BE LESS THAN FOUR-FIFTHS OF THE AVERAGE LOT WIDTH WITHIN A RADIUS OF THREE HUNDRED FEET FROM SAID LOT;

The lot line adjustment would result in a reduced lot size for Parcel A from approximately 17.87 acres to approximately 6.686 acres. However, this reduction involves transferring the eastern portion of this lot to Parcel B without reducing the width of Parcel A, which would remain at 775 feet along Studebaker Road from the northern to southern side property lines.

While the lots within 300 feet of Parcel A have much larger lot width, this is due to the unique nature of the public utilities land uses of the surrounding properties. Parcel A is not used for this type of land use and is not needed for present or future public utility operations. It is anticipated that future use of Parcel A will be for land uses permitted in the subject IG General Industrial zoning district that would have no relationship or support function to the surrounding public utilities land uses. Therefore, staff recommends waiver of this finding requirement.

B. NO ZONING VIOLATIONS SHALL RESULT FROM THE ADJUSTMENT;

The lot line adjustments will not result in any zoning violations.

C. INDIVIDUAL SEWER CONNECTIONS ARE AVAILABLE TO EACH ADJUSTED LOT, OR NECESSARY EASEMENTS ARE PROVIDED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS;

Existing sanitary sewer line connections are in place at the residential neighborhood abutting the west side of Studebaker Road. The project will comply with all applicable sections of Title 15, Public Utilities, of the Long Beach Municipal Code and would generate wastewater flows typical of retail uses in the City. No new easements are required for this project.

D. ALL DRAINAGE ACROSS THE ADJUSTED LOT LINE SHALL BE ELIMINATED OR NECESSARY EASEMENTS ARE PROVIDED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS; AND

A Condition of Approval will be added requiring compliance with this drainage requirement.

E. A PROCESSING FEE FOR A LOT LINE ADJUSTMENT SHALL BE PAID TO THE DIRECTOR OF PUBLIC WORKS AS PROVIDED FOR IN THE CITY COUNCIL RESOLUTION ESTABLISHING FEES.

A Condition of Approval will be added requiring the property owner to pay a processing fee to the Director of Public Works within 60 days from the date listed on the Notice of Final Action.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS
690 Studebaker Road
Application No. 1502-18
June 18, 2015

Pursuant to Section 21.25.904(C) of the Long Beach Municipal Code (Title 21, Zoning), the following findings shall be made at a public hearing prior to approving a Local Coastal Development Permit:

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

The requested Lot Line Adjustment between two adjacent parcels would conform to the City's Local Coastal Program. There are no residential units or land uses on the project site and the Lot Line Adjustment would not involve the removal or establishment of any residential land uses.

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

The project site is not located seaward of the nearest public highway to the shoreline.



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

<input checked="" type="checkbox"/> Zoning Administrator	on the <u>27th</u> day of <u>April</u> , 20 <u>15</u> Application No. 1502-18
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 690 Studebaker Road, Long Beach, CA

Reasons for Appeal: The decision to approve the lot line adjustment application was based on the erroneous assumption that the 1997 Grant of Certificate of Compliance in Conjunction with a Lot Line Adjustment was valid. It was issued without a Coastal Development Permit required by Long Beach Municipal Code Sections 21.25.903 and 21.15.790 and the Coastal Act. The decision, therefore, was not based on the legally existing lot lines. No rationale for the lot line adjustment was provided in spite of the fact that it must be the first step in a project likely requiring CEQA review and therefore appears to be an improper effort to piecemeal the larger project. The decision, in effect, will affect other lots subject to the same legal and planning issues. The decision failed to take into account the ongoing land use and planning issues being considered as a part of the SEADIP update process and could prejudice the ability of the City to prepare an amendment to its Local Coastal Program consistent with Coastal Act requirements.

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

	Appellant 1	Appellant 2
Name:	Melvin L. Nutter for	
Organization	Los Cerritos Wetlands Land Trust	
Address:	200 Oceangate, Suite 850	
City/ZIP:	Long Beach, CA 90802-1308	
Phone:	(562) 432-8715	
Signature:		
Date:	May 1, 2015	

- 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: [Signature] App. No.: 1502-18 Filing Date: 5/1/15

Fee: \$50 Fee Paid Project (receipt) No.: PLNB 33805



CITY of LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.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 Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 15-028

Project Location/Address: APN 7237-019-005

Project/Activity Description:

Lot line adjustment between the two parcels described on Exhibit.

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

Applicant Name: AES Alamos Energy, LLC and AES Alamos, LLC

Mailing Address: 690 North Studebaker Road Long Beach, CA 90803

Phone Number: (562) 493-7855

Applicant Signature:

[Handwritten signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: Planner's Initials:

Required Permits:

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15305, Class 5, Minor Alterations in

Land Use Limitations

Statement of support for this finding:

Minor lot line adjustment not resulting in the creation of any new parcel.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature:

[Handwritten signature]

Date:

4/27/15