



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

NOTICE OF FINAL ACTION

Application No.: 1703-10 / SPR17-077, CUP17-018

Project Location: 780 E. Shoreline Drive

Applicant: Tony Resendez
City of Long Beach – Public Works Department
333 W. Ocean Boulevard
Long Beach, CA 90802

Permit(s) Requested: Site Plan Review
Conditional Use Permit

Project Description: The proposed project includes the redevelopment of the existing concession stand and café on the project site with three buildings, an outdoor recreational area, and improvements to the southern portion of the existing on-site surface parking lot. The project would be aligned with the existing pedestrian and bicycle paths east of the site, creating a promenade area in front of the site, facing the beach. The project would also add a landscaped median between the existing pedestrian and bicycle pathway and an additional dedicated bicycle lane further south of the pedestrian path on the beach.

Action was taken by the: Planning Commission on:
November 30, 2017

Decision: Conditionally Approved

Action is final on: December 11, 2017

This project is in the Coastal Zone and within the California Coastal Commission Original Permit Jurisdiction.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.

Linda F. Tatum

Linda F. Tatum, AICP
Planning Bureau Manager

Craig Chalfant

Craig Chalfant, Planner
Phone No.: (562)570-6368

District: 2

APPEALS TO THE CITY PLANNING COMMISSION AND/OR TO THE CITY COUNCIL

- A. Any aggrieved person may appeal a decision on a project that required a public hearing.
- B. An appeal must be filed within ten (10) calendar days after decision.
- C. An appeal shall be filed with Long Beach Development Services on a form provided by that Department with the appropriate filing fee.
- D. A public hearing on an appeal shall be held within sixty (60) calendar days after Long Beach Development Services receives a completed appeal form or after the City Clerk receives the appeal from Long Beach Development Services.
- E. A notice of the public hearing on the appeal shall be mailed by Long Beach Development Services to the applicant, all persons entitled to mailed notice, and any known aggrieved person not less than fourteen (14) calendar days prior to the hearing.
- F. The Planning Commission shall have jurisdiction on appeals from the decisions of the Current Planning Officer and the City Council shall have jurisdiction on appeals from the Planning Commission.
- G. Except for appeals to the Coastal Commission for projects located seaward of the appealable area boundary and appeals to the City Council of local coastal development permits on developments regulated under the City's Oil Code, there shall be no further appeals after a decision on an appeal.
- H. You are hereby provided notice that the time within which judicial review of the herein reported decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

APPEALS TO THE COASTAL COMMISSION

All actions on local coastal development permits seaward of the appealable area boundary may be appealed by any aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that all local appeals have been exhausted and no fee was charged the appellant for such appeal, by filing such appeal at the Coastal Commission offices, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302.

Long Beach Development Services
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

CONDITIONS OF APPROVAL
APPLICATION No. 1703-10
Site Plan Review SPR17-077
Conditional Use Permit CUP17-018
780 E. Shoreline Drive
Date: November 30, 2017

1. This permit and all development rights hereunder shall terminate two years from the effective date (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 the two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owner(s) and 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). 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 Director of Development Services.
3. 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.

Special Site Plan Review Conditions:

4. This Site Plan Review approval allows the replacement of the existing concession stand and café on the project site with three new buildings, an outdoor recreational area, and improvement to the southern portion of the existing on-site surface parking lot within the project site located at 780 E. Shoreline Drive. Building A, the concession stand/cafe, would total 4,315 square feet with a maximum building height of 27 feet. This building would consist of a semi-enclosed ground level and an open outdoor roof deck. The 3,380-square-foot first floor would feature a restaurant/café, kitchen, and restroom facilities. Building B, a restroom and storage facility, would total 817 square feet with a 12-foot building height. Building C, the recreational rental equipment storage building, would total 430 square feet with a 12-foot building height.

This Site Plan Review approval would also allow improvement of an outdoor recreational area in the southern portion of the project site, addition of a

landscaped median between the existing pedestrian and bicycle pathway and an additional dedicated bicycle lane further south of the pedestrian path on the beach, and improvements to the southern portion of the existing on-site surface parking lot including expansion from 146 spaces to 155 spaces through replacement of 3 spaces and 6 new spaces along with a new drop-off area.

The project shall be developed in accordance with the plans submitted and filed under Application No. 1703-10/SPR 17-077. Project site development would be in full compliance with all applicable development standards of the Park (P) zoning district.

5. The applicant shall be in full compliance with all Mitigation Measures specified in the Mitigation Monitoring and Reporting Program for Mitigated Negative Declaration ND 07-17 (State Clearinghouse No. 2017091025).
6. A minimum of 155 on-site parking spaces shall be permanently maintained and in useful operation on the project site. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
7. A minimum of 25 bicycle spaces shall be provided for and maintained on the project site. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
8. Noise levels emanating from the project's open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 Exterior Noise Limits.
9. Prior to start of any demolition or construction activities, the applicant shall submit a construction plan for pedestrian and bicyclist protection, construction area perimeter fencing, construction staging, and routing of construction vehicles.
10. The applicant shall maintain a refuse and recycling receptacle location by the southeastern end of the on-site parking lot as shown on the plans submitted and filed under Application No. 1703-10/SPR17-077. All refuse and recycling receptacles shall be subject to the standards and requirements of Long Beach Municipal Code Section 8.60.
11. Prior to issuance of any building permits, the applicant shall obtain approval of a Coastal Development Permit from the California Coastal Commission.

Special Conditional Use Permit Conditions

12. The uses permitted on the subject site under Application No. 1703-10/CUP 17-018, in addition to the other uses permitted in the Park (P) District, shall be alcoholic beverage sales with permitted or conditionally permitted uses, restaurants with or without alcoholic beverage sales, and Commercial Recreation uses as defined in Zoning Code Section 21.15.565.
13. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol.
14. Alcoholic beverages shall be dispensed, sold, and served in containers that are easily distinguishable from non-alcoholic beverage containers.
15. All sales or service of alcoholic beverages in the licensed premises shall be made only from the concession counter. No deliveries of alcoholic beverages shall be permitted. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
16. The applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read "No Alcoholic Beverages Beyond This Point" at all building and outdoor dining exits.
17. The hours of operation shall be set at the discretion of the Director of Development Services. The sale of alcoholic beverages shall stop one hour prior to the close of the business.
18. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
19. There shall be no exterior advertising or sign of any kind, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
20. The applicant shall maintain full compliance with all applicable laws, Alcoholic Beverage Control (ABC) regulations, ordinances and stated conditions. In the event of a conflict between this permit and ABC license requirements, the more stringent regulation shall apply.
21. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.

22. Exterior security lighting shall be installed and maintained to the satisfaction of the Long Beach Police and Development Services Departments.
23. The operator of the approved use shall prevent loitering in the project site, including landscaping areas serving the use, during and after hours of operation. The operator must clean all walkway areas of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, additional security lighting and video surveillance.
24. The operator shall install exterior video security cameras and adequate video surveillance to the surrounding area. The cameras shall record video for a minimum of 30 days and be made available to the Long Beach Police Department (LBPd) upon request. A Public Internet Protocol (IP) address and user name/password to allow the LBPd to view recorded video from the cameras over the Internet. The operator shall also provide LBPd the ability to view live stream video surveillance. All video security cameras shall be installed to the satisfaction of the LBPd Police Chief, Director of Technology Services, and Director of Development Services.
25. No exterior recycling center or exterior vending machines shall be permitted on the project site.

Standard Conditions

26. 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.
27. The applicant shall submit a Master Sign Program for review and approval by the Director of the Development Services Department.
28. Prior to the issuance of a building permit, the applicant shall submit complete landscaping and irrigation plans for the review and approval of the Director of Development Services. The landscaping plan shall be in full compliance with Zoning Code Chapter 21.42 and shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.
29. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions

- must be printed on the site plan or a subsequent reference page.
30. The Director of Development Services is authorized to make minor modifications to the project plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved project. Any major modifications shall be reviewed by the Site Plan Review Committee or Zoning Administrator, respectively.
 31. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
 32. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
 33. Any graffiti found on site must be removed within 24 hours of its appearance.
 34. Separate building permits are required for signs, fences, retaining walls, flagpoles, pole mounted yard lighting foundations and planters.
 35. All construction refuse containers and dumpsters shall be permitted on-site only during the hours of construction activities and shall be removed from the project site every day at the end of the daily construction activities.
 36. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
 37. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
 38. Any off-site improvements found to be damaged shall be replaced to the Director of Public Works.
 39. Site development, including landscaping, shall conform to the approved plans on file in the Development Services Department. The applicant shall comply with all comments from Long Beach Police, Fire, Gas & Oil, and Public Works Departments and the Building Bureau. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health

Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.

40. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
41. Where feasible, all landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
42. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
43. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
44. The project site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting buildings and surrounding areas pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Long Beach Police Department.
45. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services and the Building Bureau prior to the issuance of a building permit.
46. Adequately sized trash enclosure(s) shall be designed and provided for this

project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the project site.

47. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
48. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
49. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee and/or the Planning Commission.
50. All grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water material being excavated and stockpiled.
 - c. Water grading and cover materials being transported.
 - d. Maintain grading and construction equipment in proper tune.
 - e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)
 - g. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;

Saturday: 9:00 a.m. - 6:00 p.m.; and

Sundays: not allowed

51. Prior to issuance of a building permit, please contact the Gas and Oil Department for information on gas meter location requirements.
52. The project shall fully comply with all applicable provisions of Section 21.64.030, Transportation Demand and Trip Reduction Measures, of the Long Beach Municipal Code, to the satisfaction of the Director of the Development Services Department.
53. 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.