



## **NOTICE OF FINAL LOCAL ACTION**

**Application No.:** 2210-23 (SPR22-114, LCDP22-064)

**Project Location:** 5411 E Ocean Blvd (Bayshore Concession Stand)  
(APN: 7245-010-900)

**Applicant:** Citron Design Group  
c/o Kara Rice/Shawna Schmidt  
380 Junipero Ave, Ste 200  
Long Beach, CA 90814

**Permit(s) Requested:** Site Plan Review, Local Coastal Development Permit

**Project Description:** Local Coastal Development Permit for the façade remodel of the Bayshore Concession Stand at 5411 East Ocean Boulevard in the Park (P) Zoning District. The remodel includes upgraded windows, new paint color, and replacement rooftop patio cover.

**Action was taken by the:** Site Plan Review  
On December 14, 2022  
Zoning Administrator  
On January 23, 2023

**Decision:** Conditionally Approved

**Action is final on:** February 2, 2023

This project IS in the Coastal Zone and IS appealable to the Coastal Commission.

*"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.**

Alexis Oropeza  
Zoning Administrator

Maryanne Cronin, Planner  
Phone No.: (562) 570-5683

### **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, 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802.

**LONG BEACH DEVELOPMENT SERVICES**  
411 W. Ocean Blvd., 3<sup>rd</sup> Floor  
Long Beach, CA 90802

**SITE PLAN REVIEW AND LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL**

**5411 E Ocean Blvd (Bayshore Concession Stand)  
Application No. 2210-23 (SPR22-114, LCDP22-064)  
January 23, 2023**

**Special Conditions:**

1. This approval is for the façade remodel of the Bayshore Concession Stand at 5411 East Ocean Boulevard in the Park (P) Zoning District. The remodel includes upgraded windows, new paint color, and replacement rooftop patio cover, shown on plans received by the Department of Development Services – Planning Bureau in January 2023. These plans are on file in this office, except as amended herein.
2. The project shall be developed in substantial conformance with the plans reviewed by the Zoning Administrator on January 23, 2023 except as amended herein. The project shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design. Minor changes to the approved project design consistent with the project approval shall require, at a minimum, an additional review by Planning staff for Substantial Conformance to the approved plan set, or review by the Director of Development Services for the approval of minor modifications. Significant alterations (as defined in Section 21.21.405) shall require additional review by the Zoning Administrator.
3. Unless superseded by conditions included in this approval, the existing conditions of approval Application No. 9810-13 and 2111-45 remain in full force and effect. The required public access signage included under Application No. 2111-45 for the deck areas shall be installed prior to the issuance of a Certificate of Occupancy for work covered under this application.
4. Construction staging, equipment, and materials shall not impede public access to the coast for both vehicular, pedestrian, and bicycle traffic and shall comply with the Construction Management Plan (CMP) required under Application No. 2111-45.
5. During construction, the developer shall implement Best Management Construction methods minimize water runoff and debris in accordance with all applicable state, regional, and local requirements.
6. The exterior of the concession stand shall be painted a color explicitly listed in the City of Long Beach approved style guide/color palette. The final paint selection shall complement the approved color scheme of the surrounding city facilities.
7. The retractable awning windows at the existing window openings shall open to the interior of the concession stand dining area.

8. The final selection of windows shall include details and specifications for the following:
  - a. Bird-safe film applied to exterior of all glass exterior treatments
  - b. Use of Low-reflectivity glass for all glass exterior treatments
  - c. Graffiti and scratch-proof glazing or film
9. The replacement patio cover shall not extend higher than the existing rear deck wall and shall remain open on all sides.
10. The location of the flag pole shall conform to the applicable Municipal Code Requirements pertaining to zoning and building code requirements.
11. Prior to the issuance of a building permit, the Applicant shall depict final location of utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. Wherever feasible, these devices shall not be located in any front, side, or rear yard area that is adjacent to a street. Furthermore, these devices shall be screened to the greatest extent feasible by landscaping or another screening method approved by the Director of Development Services.
12. The Applicant shall provide the following in accordance with the Green Building Standards of Section 21.45.400 of the Zoning Regulations:
  - a. A designated area for the collection of recyclables and organics refuse shall be provided adjacent to the area for the collection of waste.
13. Any exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
14. No trees within the project site, sandy beach area, and public right-of-way shall be trimmed or removed as part of this Local Coastal Development Permit.
15. The use of invasive plant species, such as those listed by the California Invasive Plant Council, shall be prohibited in the Coastal Zone.
16. If initial construction activities take place during the bird nesting season (January through September), a nesting bird survey shall be performed by

a qualified biologist within three days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site.

- a. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.
  - b. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.
17. The Applicant is hereby advised that no encroachments in the public right-of-way shall be constructed, unless specifically approved by the Director of Public Works and Director of Development Services, or through the approval of a Local Coastal Development Permit or coastal approval by the California Coastal Commission. An encroachment is any private improvement which extends beyond the subject property boundaries. Only certain minor encroachments such as native landscape and hardscape that do not impede access to the coast may be approved. Encroachments in the public right-of-way that impede access to the coast shall not be installed.
  18. To ensure notification of all interested parties and successors in interest, that the City of Long Beach issued an approval of a Local Coastal Development Permit at the subject property, the current property owner shall record the conditions of approval on the property title, in a form approved by the City Attorney, with the Los Angeles County Registrar-Recorder's office prior to the issuance of building permits. The Notice of Restriction shall include a complete property description, the conditions of approval as an exhibit, and contain the notarized signature of the property owner(s). The Notice shall not be removed or amended without the prior written approval of the Director of Development Services.
  19. The Applicant is hereby advised that sea-level rise could potentially cause physical hazards, such as beach erosion, flooding, and saltwater intrusion upon the subject property. This condition of approval serves in an advisory capacity and does not constitute a vulnerability assessment. The Applicant is encouraged to include adaptive capacity in development with measures

such as waterproofing, flood shields, watertight doors, moveable flood walls, partitions, and other floodproofing techniques.

**Standard Conditions:**

20. This permit and all development rights hereunder shall terminate three years from the effective 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 three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
21. 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 the design changes, if any, set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
22. 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.
23. 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.
24. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Bureaus. These conditions must be printed on the site plan or a subsequent reference page.
25. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Zoning Administrator. No substantial changes shall be made without prior written approval of the Zoning Administrator.
26. 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.

27. Site development, including landscaping, shall conform to the approved plans on file in Long Beach Development Services. At least one set of approved plans containing Planning, Historic Preservation, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
28. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants 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 the City Council.
29. 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).
30. Any graffiti found on site must be removed within 24 hours of its appearance.
31. 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.
32. Separate building permits are required for fences, retaining walls, and flagpoles.
33. 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.
34. 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.
35. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

- a. Weekdays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays and Federal Holidays: not permitted
36. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
37. All unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
38. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of 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.



**SITE PLAN REVIEW  
FINDINGS  
5411 E Ocean Blvd (Bayshore Concession Stand)  
Application No. 2210-23 (SPR22-114)  
December 14, 2022**

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Modification to the Approved Site Plan Review shall not be approved unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings:

**1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER, AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

The project scope subject to a Site Plan Review entitlement for the façade remodel of the Bayshore Concession Stand at 5411 East Ocean Boulevard in the Park (P) Zoning District. The remodel includes upgraded windows, new paint color, and replacement rooftop patio cover. No new floor area would be added as part of the project. All existing trees onsite would be protected in place.

The subject site is in the 1989 General Plan Land Use District No. 11 (Open Space)<sup>1</sup>, the Park (P) zoning district, and the Coastal Zone (Appealable Area). The P zoning district uses the development standards codified in Title 21 of the Long Beach Municipal Code.

The General Plan Land Use Element (1989) identifies this land use district as a valuable resource for open space and recreational resources. The P zoning district implements the intent of LUD No. 11 of the 1989 General Plan Land Use Element. The existing concession stand would remain as an accessory use to the Bayshore Beach area and continue to serve a variety of visitor-serving recreational uses, including the abutting kayak and stand up paddle board rental concessionaire and the nearby Leeway Sailing Center. There would be no change in building area and the remodeled building would remain one-story in height with a roof deck. The proposed architectural modifications and site improvements would be consistent with the general plan and zoning intent for accessory concession stand uses to support passive and active recreational uses in City parks and beaches.

The Local Coastal Program (LCP) identifies the subject site in Area E (Naples Island and The Peninsula). As indicated in the LCP, beach areas along Alamitos Bay and Bay Shore Avenue are popular beach areas. The Bay Shore Beach area features existing structures that house the public restroom and concession

---

<sup>1</sup> The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation of Land Use District (LUD) No. 11 remains applicable to the project site.

Findings

5411 E Ocean Blvd (Bayshore Concession Stand)  
Application No. 2210-23 (SPR22-114, LCDP22-064)  
January 23, 2023  
Page 2 of 9

facilities located near 54<sup>th</sup> Place, and recreational resources for kayak rentals, handball courts, basketball courts, and sailing amenities, including boat storage.

The Area E Policy Plan identifies plan recommends that there be no further visitors serving facilities permitted on the Peninsula except as expressly designated in the LCP and to continue to preserve as much as possible the present utility of the visitors serving and recreational facilities without causing a damaging adverse impact to the present community and the Peninsula's natural resources. The proposed remodel of the Bay Shore Concession Stand would allow for the continued use of this important visitor-serving resource within Area E.

As the proposed project is consistent with the City color palette and is open to the general public, both residents and visitors will benefit from the remodeled concession stand. Therefore, the proposed project is consistent with the LCP.

As conditioned, the project is compatible in design, character, and scale with its surroundings, which include the adjacent residential uses. The remodel will continue to use the one-story building and rooftop deck. The incorporation of retractable windows at the ground floor dining areas provides architectural interest to the concession stand while allowing natural light during inclement weather, which did not exist previously. Therefore, the project is consistent and compatible with the community for which it is located.

**2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;**

The project is in the Park (P) Zoning District, which requires all buildings to be designed, treated, and finished to blend with the open and landscaped surroundings pursuant to Section 21.35.230 of the Municipal Code. Under existing conditions, the concession stand is presently painted a City-approved blue color palette. As conditioned, the color of the remodeled concession stand would feature a City-authorized color to complement the nearby City-owned structures to ensure emphasis that the concession stand is a City facility and is open to the public. The railing and rooftop patio would be painted a white color to provide slight contrast to the overall structure. The new retractable windows would be required to include bird-safe and graffiti-safe treatments to ensure the longevity of the improvements. Furthermore, as required for all concession stands, the deck areas shall include signage to inform the public that no purchase is necessary to sit in all outdoor deck areas.

As such, the proposed remodel would maintain the exterior cladding to be painted a new color add new elements such as retractable windows and a replacement rooftop patio structure to ensure the ongoing function of the structure. As

conditioned, the concession stand exterior would be consistent with the surrounding City facilities and continue to serve the general public.

**3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;**

The site is currently developed with a concession stand building and other City facilities, including restrooms, kayak rentals, lifeguard station, sailing center, and recreational courts. The proposed project plans would protect all existing trees. Conditions of approval have been added to ensure non-native or invasive vegetation or trees would be prohibited onsite.

**4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND**

The Project consists of a façade remodel to an existing building. Improvements related to Americans with Disabilities Act (ADA) paths of travel and roof deck access were completed as part of Application No. 2111-45. As conditioned, the Project would require compliance with the previous staging plan that preserves access to the coast during construction.

**5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT), WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25 1 AS FOLLOWS:**

Table 25-1  
 Transportation Demand Management Ordinance Requirements

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation Information Area	♦	♦	♦
Preferential carpool/vanpool parking		♦	♦
Parking designed to admit vanpools		♦	♦
Bicycle parking		♦	♦
Carpool/vanpool loading zones			♦
Efficient pedestrian access			♦
Bus stop improvements			♦
Safe bike access from street to bike parking			♦
Transit review	For all residential and nonresidential projects subject to EIR		

The project is a remodel of an existing structure and contains less than 25,000 square feet of new non-residential development. Therefore, this finding does not apply to the proposed project.

Findings

5411 E Ocean Blvd (Bayshore Concession Stand)

Application No. 2210-23 (SPR22-114, LCDP22-064)

January 23, 2023

Page 4 of 9

**6. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

The project will comply with green building standards for private development, as applicable to the scope of work of the proposed remodel, per the requirements of Section 21.45.400. The project design does not include the expansion of the existing structure nor the construction of new condition building space. Therefore, requirements for LEED Certification and the provision of solar ready roofs does not apply. As conditioned and in conformance with Section 21.45.400, trash collection areas featuring a designated area for recyclable materials. Therefore, the project would be in conformance with the applicable Green Building Standards outlined for public and private development, as listed in Section 21.45.400 of the Long Beach Municipal Code.

**7. THE PROJECT IS IN COMPLIANCE WITH THE HOUSING REPLACEMENT REQUIREMENTS OF SECTION 21.11.050 OF CHAPTER 21.11 (NO NET LOSS) OR SECTION 21.68.040.E OF THIS TITLE, 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, AND THAT APPLICABLE TENANT PROTECTIONS OF THE LONG BEACH MUNICIPAL CODE WILL BE MET.**

The project would entail the remodel of an existing beach concession stand. No housing would be displaced as part of the project.

**LOCAL COASTAL DEVELOPMENT PERMIT  
FINDINGS  
5411 E Ocean Blvd (Bayshore Concession Stand)  
Application No. 2210-23 (LDP22-064)  
January 23, 2023**

Pursuant to Section 21.56.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings:

**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;**

The project consists of the approval is for the façade remodel of the Bayshore Concession Stand at 5411 East Ocean Boulevard in the Park (P) Zoning District. The remodel includes upgraded windows, new paint color, and replacement rooftop patio cover. Previous approvals related to this concession stand include a Local Coastal Development Permit (LCDP) (App. No. 9810-13) for the roof deck and a LCDP (App. No. 2111-45) for the demolition of an existing exterior staircase an installation of a new exterior elevator and a new (replacement) exterior staircase leading to an existing roof deck and the rehabilitation/replacement of existing ground-level wood decking and the installation of a new wood deck walkway for an Americans with Disabilities Act (ADA) path of travel to the new elevator and existing deck areas. The proposed project subject to this application would be limited to improvements to the façade and roof deck of the existing concession stand.

The Local Coastal Program (LCP) is generally organized by area. The LCP identifies the subject site in Area E (Naples Island and The Peninsula). This segment of the coastal zone comprises two distinct geographic areas: Naples and the Peninsula, of which the project site is located at the entry to the Peninsula area. As indicated in the LCP, beach areas along Alamitos Bay and Bay Shore Avenue are popular beach areas. The physical characteristics of this portion (Alamitos Bay) of the City's beach area is unique due to the narrow sand area as compared to the wide sand area on the ocean beach across Ocean Boulevard. The Bay Shore Beach area features existing structures that house the public restroom and concession facilities located near 54th Place, and recreational resources for kayak rentals, handball courts, basketball courts, and sailing amenities, including boat storage.

The proposed project is a modification of the existing Bay Shore Beach Concession Stand with no change to access to the existing structure. The Area E Policy Plan identifies plan recommends that there be no further visitors serving

Findings

5411 E Ocean Blvd (Bayshore Concession Stand)

Application No. 2210-23 (SPR22-114, LCDP22-064)

January 23, 2023

Page 6 of 9

facilities permitted on the Peninsula except as expressly designated in the LCP and to continue to preserve as much as possible the present utility of the visitors serving and recreational facilities without causing a damaging adverse impact to the present community and the Peninsula's natural resources. The proposed remodel of the Bay Shore Concession Stand would allow for the continued use of this important visitor-serving resource within Area E. The beaches are regional serving, and the concession stand serves to provide food and beverages. The concession stands are located in areas that are relatively remote from commercial districts. The onsite sale of food and beverages at the concession stand enables visitors to remain at the beach, rather than departing the coastal beach areas to seek commercial areas for restaurant and retail uses.

The LCP emphasizes public access to the shoreline and regulation of recreation and visitor-serving facilities. In conformance with the LCP policies noted above, the project would be sited consistent with the line of development. As the proposed project is consistent with the City color palette and is open to the general public, both residents and visitors will benefit from the remodeled concession stand. The project components are planned to avoid impacts to existing trees in the project vicinity. As conditioned, a nesting bird survey would be required prior to the commencement of construction activities and bird-safe treatments would be applied to the exterior of the elevator shaft to reduce potential hazards for birds.

All project components would be located on city property and continue operation of an existing accessory concession stand in the Coastal Zone. As conditioned, signage would be required to be installed notifying the public that public deck (ground level and roof deck) are open to the public and no concession stand purchase is necessary. This required signage would be consistent with other concession stands in the City to ensure that public access is maintained. As conditioned, the project would be consistent with the LCP related to enhancing access to existing visitor-serving resources in Area E of the Coastal Zone. All development will occur on an established lot and, as conditioned, will not encroach upon any public right-of-way.

As conditioned, the project would provide a final staging plan, provide for Best Management Practices (BMPs) during construction, and record conditions of approval to acknowledge the potential for sea level rise. There would be no expansion of existing building area as part of the proposed project that would increase risk for existing structures to impacts of sea level rise. The project complies with the LCP and, as conditioned, would ensure that the improvements would not result in resource impacts or increased hazards in the Coastal Zone.

No low and moderate-income housing will be removed as a result of the project.

Findings

5411 E Ocean Blvd (Bayshore Concession Stand)

Application No. 2210-23 (SPR22-114, LCDP22-064)

January 23, 2023

Page 7 of 9

**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.**

Chapter 3 of the Coastal Act deals with the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for State and local government to require beach access dedication and to prohibit development, which restricts public access to the beach or/and water resources.

As proposed, the intent of the project is to provide façade enhancements to a publicly accessible beach concession stand. As conditioned in the previous approvals at this site, the concession stand seating areas are to remain open to all patrons and no purchase is necessary. The proposed exterior changes would not change the existing use, building footprint, or access to the coast for all people. No additional square footage would be added as part of the project. Furthermore, the existing conditions related to accessible paths of travel, roof deck access, and public access signage would remain applicable to the project and consistent with the intent of the Chapter 3 of the Coastal Act. As conditioned, a staging plan and conditions for construction would ensure mitigation of potential public access to the coast. As conditioned, this project would not impede access to recreation and visitor serving facilities along the coast pursuant to Chapter 3 of the Coastal Act.

**3. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.**

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project

**4. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.**

The project entails the remodel of an existing concession stand, including new exterior paint, installation of new windows at existing openings, and the replacement of the existing patio cover at the roof deck. As conditioned, all construction will be required to comply with all applicable local, regional, state, and federal water quality permits. Therefore, adherence to permit requirements would minimize the transport of pollutants and runoff that could impact coastal resources

**5. FOR AN APPLICATION TO RESTRICT SHORT-TERM RENTALS IN ACCORDANCE WITH THE PROVISIONS AND PROCEDURES OUTLINED IN CHAPTER 5.77 (SHORT-TERM RENTALS) OF THE CERTIFIED LCP, THE PROJECT SHALL CONFORM WITH THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING WITH THE PROVISIONS RELATING TO COASTAL ACCESS AND RECREATION. THE REQUIRED FINDINGS MUST INCLUDE A CUMULATIVE IMPACTS ANALYSIS INFORMED, AT LEAST IN PART, BY MONITORING DATA COLLECTED ON APPROVED PROJECTS THAT RESTRICT STRS AND ON STRS THROUGHOUT THE COASTAL ZONE. THE RESPONSIBLE HEARING BODY SHALL ALSO FIND:**

**I.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE SUBSTANTIAL LOSS OF VISITOR-SERVING ACCOMMODATIONS (I.E., A REDUCTION IN AVAILABLE OVERNIGHT ACCOMMODATION ROOMS, INCLUDING BUT NOT LIMITED TO SHORT-TERM RENTALS, HOTELS, AND/OR MOTELS, WITHIN ¼ MILE OF VISITOR-SERVING RECREATIONAL USES, THE BEACH, BAY, OCEAN, OR TIDELANDS).**

**II.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE LOSS OF LOWER-COST OVERNIGHT ACCOMMODATIONS. LOWER-COST OVERNIGHT ACCOMMODATIONS SHALL BE DEFINED AS THOSE CHARGING APPROXIMATELY TWENTY FIVE PERCENT (25%) LESS THAN THE STATEWIDE AVERAGE DAILY ROOM RATE OR LESS.**

**III.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE NET LOSS OF SHORT-TERM RENTALS BELOW FOUR HUNDRED TWENTY-FIVE (425) SHORT-TERM RENTAL UNITS (BOTH HOSTED AND UN-HOSTED AND/OR PRIMARY OR NON-PRIMARY) HISTORICALLY OCCURRING IN THE COASTAL ZONE.**

**IV.THE PROPOSED RESTRICTION WOULD BE NECESSARY TO PROTECT THE NEIGHBORHOOD STABILITY, HOUSING ACCESS, AND WOULD BE CONSISTENT WITH THE NEIGHBORHOOD CHARACTER ESTABLISHED IN THE LOCAL COASTAL PROGRAM (LCP).**



Findings

5411 E Ocean Blvd (Bayshore Concession Stand)

Application No. 2210-23 (SPR22-114, LCDP22-064)

January 23, 2023

Page 9 of 9

The project entails a remodel of an existing concession stand. The project has no relation to the prohibition of short-term rentals. This finding does not apply to the project.