



## ***NOTICE OF FINAL LOCAL ACTION***

**Application No.:** 2111-45 (MOD21-015)

**Project Location:** 5411 East Ocean Blvd (APN: 7245-010-900)

**Applicant:** City of Long Beach  
Tony Resendez for Department of Public Works  
411 W. Ocean Blvd., 5<sup>th</sup> floor  
Long Beach, CA 90802

**Permit(s) Requested:** Local Coastal Development Permit

**Project Description:** Modification to an existing Local Coastal Development Permit (Case No. 9810-13) for the demolition of an existing exterior staircase and installation of a new elevator and a new staircase leading to an existing deck at the Bay Shore Beach Concession Stand in the Park (P) Zoning District. The project includes the rehabilitation/replacement (as needed) of existing 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. (District 3)

**Action was taken by the:** Zoning Administrator  
On February 28, 2022

**Decision:** Conditionally Approved

**Action is final on:** March 10, 2022

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

Marcos Lopez, Jr, Planner  
Phone No.: (562) 570-6560

### **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

**MODIFICATION TO AN APPROVED PERMIT  
LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL  
Application No. 2111-45 (MOD21-015)  
5411 East Ocean Blvd  
February 28, 2022**

**Special Conditions:**

1. This approval is for a modification to an existing Local Coastal Development Program (Case No. 9810-13) for the demolition of an existing exterior staircase an installation of a new elevator and a new (replacement) staircase leading to an existing deck at the Bay Shore Beach Concession Stand in the Park (P) Zoning District. The project includes the rehabilitation/replacement (as needed) of existing 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 project would not change the existing concession stand use onsite. The project shall be carried out per plans received by the Department of Development Services – Planning Bureau dated November 2021. These plans are on file in this office, except as amended herein.
2. Unless superseded by conditions included in this approval, the existing conditions of approval Case No. 9810-13 remain in full force and effect.
3. Construction staging, equipment, and materials shall not impede public access to the coast at all locations for vehicular, pedestrian, and bicycle traffic. The contractor shall prepare and submit a Construction Management Plan (CMP) for review and approval by the Director of Development Services. The CMP shall include a description of all construction activities to occur on the project site and all construction material transport, storage, and staging activities. A site plan with all detour signage and detour routes shall be included in the plan. The CMP shall include detours for vehicles, pedestrians, and bicyclists in the vicinity of the project site and all staging and storage areas.
  - a. The work area shall maintain access to park, walkway, and boat launch access areas.
  - b. The scope of work shall be completed in stages to ensure that access around the project area is maintained.
  - c. Detour signs shall be provided around work areas for pedestrians, bicyclists, and vehicles.
  - d. Throughout the duration of the staging, a sign shall be posted on the temporary fencing that includes the days and hours of construction and contact information for potential complaints.

4. Site signage shall be installed onsite as follows:
  - a. A sign shall be added at the ground-level entrance to the roof deck via the new elevator and exterior stair informing the public that the deck is open for public visitation.
  - b. Language identifying the picnic area at the roof deck shall be added to the building façade abutting the ground-level deck area.
5. 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.
6. If initial construction activities take place during the bird nesting season (January through September), a nesting bird survey should 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.
7. The exterior of the new elevator shaft shall include bird-safe treatments. The final specifications of bird-safe exterior treatments shall be reviewed and approved by the Director of Development Services, or designee, prior to issuance of building permits.
8. The exterior of the replaced staircase shall be painted to match the approved color scheme of the Bay Shore Beach Concession Stand structure.
9. This approval does not include the expansion of the dimensions of the wooden deck area abutting the concession stand. Any expansion of the at-grade wooden deck shall be approved in conformance with Chapter 21.25, Specific Procedures, of the Long Beach Municipal Code.

10. This approval does not include the expansion or change of use for the existing concession stand or roof deck. Any future changes to the structure or use of the structure as a concession stand shall be approved in conformance with Chapter 21.25, Specific Procedures, of the Long Beach Municipal Code.
11. 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.
12. 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.
13. 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, water tight doors, moveable flood walls, partitions, and other flood proofing techniques.

**Standard Conditions:**

14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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).

24. Any graffiti found on site must be removed within 24 hours of its appearance.
25. 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.
26. Separate building permits are required for fences, retaining walls, and flagpoles.
27. 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.
28. 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.
29. 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
24. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
25. 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.
26. 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.

**MODIFICATION TO AN APPROVED PERMIT  
LOCAL COASTAL DEVELOPMENT PERMIT  
FINDINGS**

**Application No. 2111-45 (MOD21-015)  
5411 East Ocean Blvd  
February 28, 2022**

**A. 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 modification to an existing Local Coastal Development Permit (LCDP) (Case No. 9810-13) 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 at the Bay Shore Beach Concession Stand in the Park (P) Zoning District. The project includes the rehabilitation/replacement (as needed) 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 (see plans in project file 2111-45). The project would not result in a change to the use of the existing structure as a concession stand with roof deck.

The Local Coastal Program (LCP) is generally organized by area. The project site is in Area E (Naples Island and Alamitos Peninsula Communities) of the Coastal Zone (Appealable Area) (see map of Coastal Zone in project file 2111-45). This area of the coastal zone comprises two distinct elements, Naples and the Peninsula. Both geographic areas are largely residential with the primary recreation facilities being the ocean and bay beach, and the numerous boat slips located along the canal and channels. Commercial development occurs along Second Street in Naples and a node of neighborhood commercial at 62nd Place on the Peninsula. Because of the intense nature of private developments in Area E, public access to recreation areas and water resources is not generally good. On the Alamitos Bay side of the peninsula area, the LCP notes the existing restroom and concession facilities are located near 54<sup>th</sup> Place, which is noted as a popular node for recreational use of the beach areas, inclusive of kayak rentals nearby.

The proposed project is a modification of the existing access to the Bay Shore Beach Concession Stand. The project includes the demolition of an existing exterior staircase an installation of a new elevator and a new staircase leading to an existing roof deck at the concession stand. To facilitate Americans with Disabilities Act (ADA) access to the existing roof deck and other public areas abutting the concession stand, a new connecting walkway would be added to connect the existing pathways to publicly accessible deck areas and the new elevator.

The new elevator shaft would be installed at the exterior of the concession stand



structure. The location of the elevator shaft has been placed even with the existing building to maintain the existing line of development relative to the beach area along Alamitos Bay. Furthermore, the rebuilt stairway would be in the same location and designed to ensure that building code compliance is maintained. All new walkway areas are provided to ensure an ADA-accessible path of travel from the existing sidewalk network to the existing wood deck in front of the concession stand and to the new exterior elevator shaft. This approval includes clearance to rehabilitate and/or replace with the existing deck abutting the front of the concession stand to ensure a proper surface for ADA accessibility to public areas.

The elevator shaft will be clad in a grey plexiglass panel to reduce impacts to views of the bay and beach areas. The overall height (15.5-feet-high) of the elevator shaft would be the minimum required to access the existing roof deck. The exterior of the replacement stair would maintain a metal mesh enclosure that would not obscure views through the stairway, thus ensuring public safety concerns would not arise at public access areas.

The LCP emphasizes public access to the shoreline and regulation of recreation and visitor-serving facilities. The Area E shoreline access policy notes encouragement of safety and better usage of public areas by not permitting additional encroachment on the Alamitos Bay beach between the Alamitos Bay Yacht Club and Second Street/Bay Shore Avenue. Furthermore, Area E policy recommendations are intended 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 natural resources. The project includes the addition of accessibility improvements to ensure access for all individuals to coastal recreation resources. In conformance with the LCP policies noted above, the project would be sited consistent with the line of development, increase nonpermeable areas only for the provision of ADA access, and replace/rehabilitate decking to ensure a safe surface for all. 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 improve access to public recreation areas 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 development.

**B. THE PROPOSED DEVELOPMENT CONFORMS TO THE RECREATION AND VISITOR SERVING FACILITIES SECTION IN CHAPTER 3 OF THE COASTAL ACT.**

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 enhanced access to the coast for all people. The proposed elevator shaft would be in line with existing development and would not project closer to the Alamitos Bay than the existing line of development. Furthermore, the addition of accessible paths of travel, roof deck access, and public access signage would be 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.

**C. 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.

**D. 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 demolition of an existing exterior staircase and installation of a new elevator and a new staircase leading to an existing deck at the Bay Shore Beach Concession Stand. The project includes the rehabilitation/replacement (as needed) of existing 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 (see plans in project file 2111-45). 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.