

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES
333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6428 FAX (562) 570-6068

June 4, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny the appeals from Susan Miller, Ann Cantrell, and El Dorado Audubon and uphold the decision of the Zoning Administrator to approve a Categorical Exemption (Class 1, Class 3, or Class 32) and Local Coastal Development Permit in conjunction with the remodel and expansion of a commercial building for purposes of housing a fitness center use at 4100 E. Ocean Boulevard in the Belmont Pier Planned Development District (PD-2). (District 3)

APPLICANT: Jan van Dijs
425 E. 4th Street
Long Beach, CA 90802
(Application 1409-21)

DISCUSSION

The 15,312-square-foot project site consists of a single parcel located on the south side of Ocean Boulevard in a node of commercial uses adjacent to Belmont Pier (Exhibit A – Location Map). Surrounding land uses consist of mixed-density residential across Ocean Boulevard to the north, the Belmont Plaza Pool site across Olympic Plaza to the south, an abutting restaurant use and beach parking lot to the east, and a mixture of commercial uses to the west. The site is located in Subarea 1 of the Belmont Pier Planned Development District (PD-2) and within the City Permit Jurisdiction area of the Coastal Zone.

The project site is currently improved with a vacant single-story commercial building with a small mezzanine level. The building is divided between two leasing areas: a 14,200-square-foot space (4100 E. Ocean Boulevard) formerly inhabited by Yankee Doodles, a tavern and pool hall use, and an approximately 1,400-square-foot space (4100 ½ E. Ocean Boulevard) last occupied by a beauty salon. The building covers nearly 100 percent of the property and there is no on-site parking.

On March 11, 2015, the Site Plan Review Committee approved a Site Plan Review permit for the remodel and expansion of the building for a fitness center use (Exhibit B – Plans). The proposal involves a complete remodel of the ground floor and the addition of a partial, 8,040-square-foot second floor, a 1,000-square-foot mezzanine level, and two new rooftop deck areas: a 429-square-foot private deck accessible from a mezzanine level office space and a 4,169-square-foot common deck with separate stair/elevator access. The proposal also involves a complete revamping of the building exterior that will result in its existing

CHAIR AND PLANNING COMMISSIONERS

June 4, 2015

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windowless, two-story-height facades being replaced with an interesting series of openings, projections, and aesthetic enhancements. New site perimeter landscaping, in conjunction with the added façade fenestration, will soften the building's appearance and give it an activated, more pedestrian-oriented feel befitting the site's urban, coastal setting. Committee-level Site Plan Review approvals are not subject to appeal.

The proposal is consistent with all applicable PD-2 and Title 21 development standards and thus requires no use permits or variances. Fitness center uses are permitted, by right, in Subarea 1 buildings that were in operation prior to 1980 (the subject building was constructed in 1946). The building expansion is also in keeping with PD-2's maximum story (two) and height (25 feet) limitations, and the required parking stall count for the fitness center use is lower than that of the previous tavern and pool hall use, thus no additional on- or off-site parking is required. To that, with developed commercial properties that have a deficient on-site parking stall count, the Zoning Regulations credit a new tenant the parking requirement of the previous tenant within that specified leasing area. If the new tenant's required parking stall count – based on the type of business and how the business proposes to utilize the space – is equal to or less than the required parking stall count of the previous tenant, parking is considered grandfathered and no additional parking is required. In this case, the quantity of grandfathered parking stalls is large enough that the new tenant can expand the gross floor area of the building/space without providing additional parking stalls.

Because of the project site's Coastal Zone location, the required Site Plan Review permit automatically triggers the need for a Local Coastal Development Permit (LCDP). On April 13, 2015, the Zoning Administrator conducted a public hearing on the LCDP. In advance of the hearing, staff received written testimony from eight individuals. Five expressed opposition to the project, two expressed support for the project, and one sought project information without offering an opinion. During the hearing, thirteen individuals spoke on the matter: eleven spoke in support of the project and two spoke in opposition to the project. After consideration of staff's findings and testimony from both the public and the applicant team the Zoning Administrator approved the Local Coastal Development Permit, subject to conditions. Conditions of approval include limitations on hours of operation and roof deck usage, roof deck lighting and amplification restrictions, and restrictions regarding private events at the site (Exhibit C – Findings & Conditions).

Three qualifying appeals of the Zoning Administrator's decision were filed within the post-hearing 10-day appeal period (Exhibit D – Appeal Applications). The stated reasons for the appeal filings include, but are not limited to, concerns about the size of the roof deck area and activities proposed thereupon, the roof deck's proximity to bird nesting locations, parking impacts associated with the building's expansion, the need for Coastal Commission project review, and a misapplied Categorical Exemption statute.

PUBLIC HEARING NOTICE

Notices of Public Hearing were distributed on May 19, 2015, in accordance with the provisions of the Zoning Regulations. At the time of writing of this report staff has received three pieces of written testimony supporting the appeals (Exhibit E – Written Testimony).

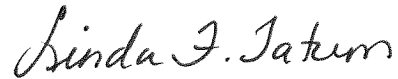
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the Zoning Administrator approved a Class 3 Categorical Exemption. Class 3 exemptions include cases where existing small structures are converted from one use to another where only minor modifications are proposed to the exterior of the building, and commercial construction projects involving 10,000 square feet or less of new floor area. Following the Zoning Administrator’s action on the LCDP and Categorical Exemption, a contention was made that a Class 3 Categorical Exemption is inappropriate given the project’s scope of work. While the initial Class 3 Exemption is consistent with State CEQA Guidelines, the project is also exempt under other classes. Because this project involves the addition of second floor and mezzanine areas, and programming of roof deck areas with no increase in building footprint, a Class 1 Categorical Exemption could also apply. Class 1 exemptions are focused on alterations to existing structures and include commercial floor area additions of 10,000 square feet or less. A Class 32 exemption, which applies to in-fill projects on sites five acres in size or less, is also appropriate. The Planning Commission review of the Zoning Administrator’s action is de novo, meaning new information can be entered into the record. A revised Categorical Exemption reflecting the aforementioned three classes of exemption and related findings is attached (Exhibit F – Categorical Exemption).

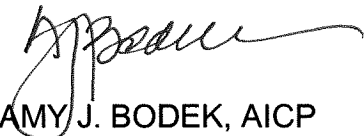
Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:JW:MH

- Attachments: Exhibit A – Location Map
Exhibit B – Plans
Exhibit C – Findings & Conditions
Exhibit D – Appeal Applications

- Exhibit E – Written Testimony
Exhibit F – Categorical Exemption

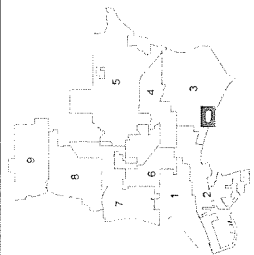
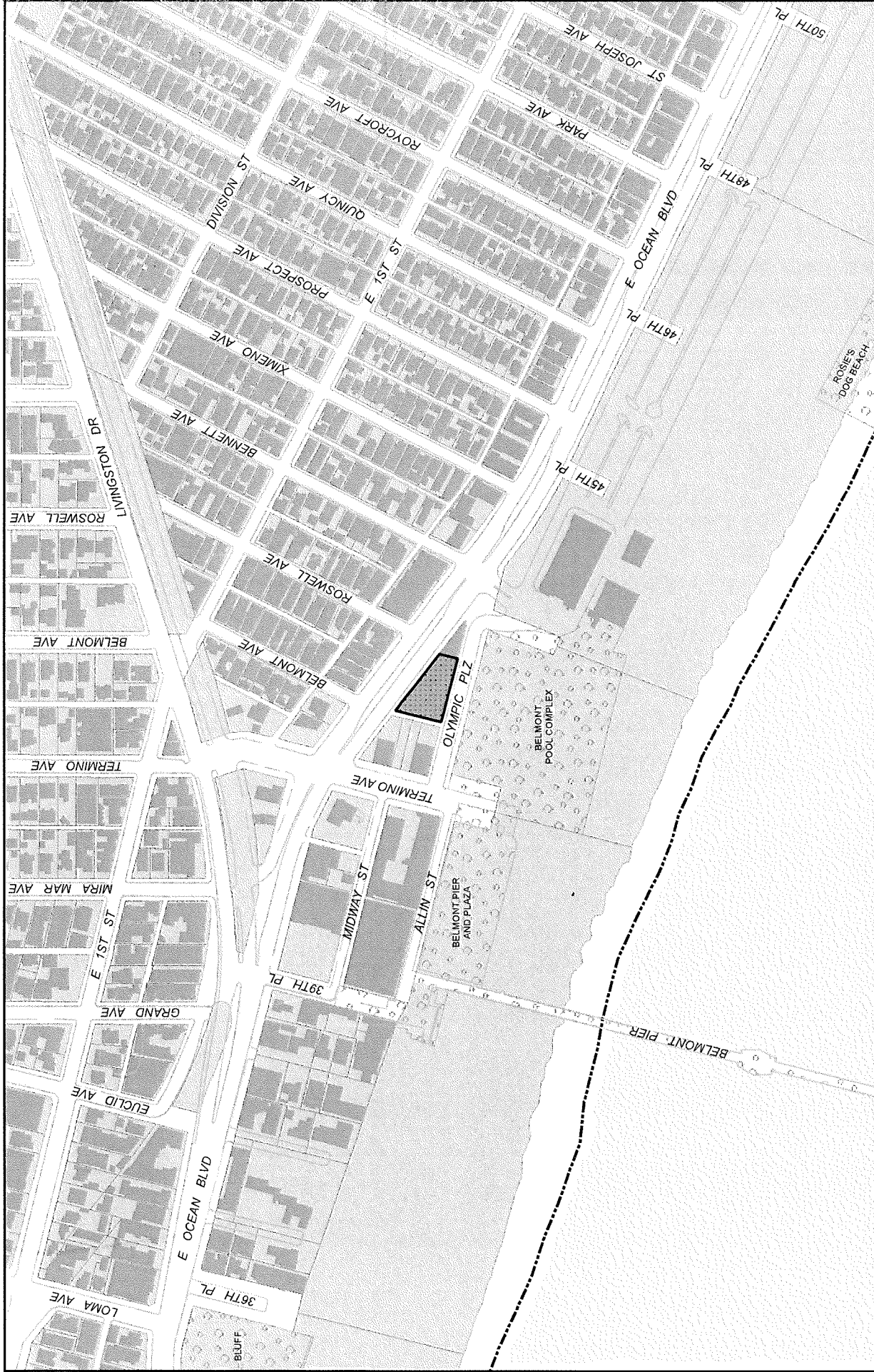
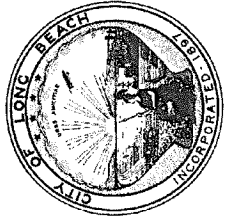


Exhibit A



Subject Property:
 4100 E Ocean Blvd
 Application No. 1409-21
 Council District 3
 Zoning Code : PD-2 SubArea1



LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

4100 E. Ocean Boulevard

Application No. 1409-21

June 4, 2015

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 project site, a 15,312-square-foot parcel situated between Ocean Boulevard and Olympic Plaza, falls within Area C – Belmont Heights Neighborhoods – of the Local Coastal Program (LCP). Area C is primarily residential in character, with a node of commercial uses located south of the intersection of Ocean Boulevard and Livingston Drive. Area C is divided into five study areas; the subject site lies within Subarea 1, which consists of a mixture of higher density residential and commercial uses adjacent to Belmont Pier. Commercial occupancy at the project site – a site located within the aforementioned commercial node adjacent to Belmont Pier – is thus consistent with the LCP's general description for Subarea 1.

Shoreline access to Area C is plentiful. Those arriving by automobile tend to park in either the 392-stall public lot adjacent to the former/future Belmont Plaza Pool site, the 174-stall public lot adjacent to Belmont Pier, or in curbside parking areas. Numerous public transit routes service the area, and bicycle access has been improved with the beach bike path and other area bicycle infrastructure improvements. Walk-in access to the Area C shoreline is identified in the LCP as "excellent." The conversion and floor area expansion of the former tavern to fitness center occupancy would not restrict public access to the Area C shoreline; No expansion of building footprint is proposed, and there are currently no pedestrian access routes through the site.

The principal recreation and visitor servicing facilities in Area C are the beach, Belmont Pier, Colorado Lagoon, and the former/future Belmont Plaza Pool. Though the project site is in proximity to the beach, Belmont Pier, and the Belmont Plaza Pool site, access to these and other Area C recreation and visitor serving facilities would not be minimized. The subject request involves the reuse of an existing commercial building located on private property with no expansion of building footprint proposed.

As mentioned, Area C is almost exclusively residential in nature. Commercial enterprises exist in limited areas of Area C, namely along Broadway and within a small commercial node in the vicinity of Belmont Pier and the former/future Belmont Plaza Pool, the location of the subject site. No housing, affordable or otherwise, is to be removed as part of this request. The specific LCP provision of

low and moderate-income housing replacement would not apply to this development proposal, as the proposed improvements would occur on a privately owned parcel that is not currently residential in nature or deed restricted in any way.

Per the LCP, Area C's principal visual resources are views of the Pacific Ocean from parts of Belmont Heights. The subject proposal does increase the overall height of the building, but not to elevations higher than permitted in PD-2, Subarea 1, or to a height that would have a significant effect on ocean views from the Belmont Heights neighborhood.

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.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local government beach access requirements with a stated objective of prohibiting development projects that restrict public access to the beach and/or water resources.

The proposed project is located south of the nearest public highway (Ocean Boulevard) but would not restrict access to coastal or recreational amenities. The remodel and addition of the building sitting on the project site would pose no obstruction to coastal or recreational access.

**SITE PLAN REVIEW and
LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
Application No. 1409-21
June 4, 2015**

1. This Site Plan Review and Local Coastal Development Permit approval, in addition to the other uses permitted in PD-2/Subarea-1 and subject to the following conditions, is to allow the remodel and expansion of a commercial building for purposes of housing a fitness center use.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes, if any, set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

Special Conditions:

4. Fitness center hours of operation shall not extend beyond 5:00 AM – 10:00 PM, Monday – Sunday. These same operating hours shall apply to all private events at the site.
5. Activities on the building's rooftop deck shall not extend beyond 7:00 AM – 9:00 PM, Sunday – Thursday, and 7:00 AM – 10:00 PM, Friday – Saturday. Group activities that have the potential to generate noise – spin classes, Zumba classes, and the like – shall be restricted to the building's interior.
6. Private events held at the site shall require the issuance of an Occasional Event Permit (OEP) from the Office of Special Events and Filming. Private events are limited to a maximum of twenty-four (24) in a twelve (12) month period, and must be spaced at least ten (10) days apart.
7. Operable windows on the building's north, Ocean Boulevard façade are prohibited except for those located in the 18'-8"-wide opening directly east of the north façade doors. Windows in this area shall close no later than 7:00 PM daily. Operable windows on the building's south, Olympic Plaza façade shall close no later than 9:00 PM daily.

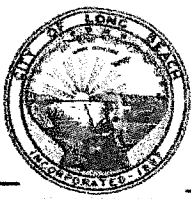
8. Noise generated from the fitness center use and other events on the building's rooftop shall be attenuated and comply with the provisions of the City's Community Noise Ordinance (Section 8.80.010 of the Long Beach Municipal Code). Disc Jockeys, live bands, and amplified instrumentation shall be prohibited on the rooftop, and all other amplified sound originating from the building's rooftop shall be directed away from adjacent rights-of-way and towards the property's interior. Planning Administrator approval of a speaker plan is required prior to the issuance of a building permit.
9. Rooftop lighting shall be designed and shielded to prevent glare and light trespass beyond the subject property. All lights associated with the rooftop shall be turned off when the rooftop area is not in use. Planning Administrator approval of a rooftop photometric study, prepared by a qualified lighting engineer, is required prior to the issuance of a building permit.
10. Trash and recycling containers shall be stored within the approved enclosure area off the adjacent public alley. Containers shall be kept closed at all times and shall not be overflowing with refuse. Open storage of supplies, equipment, products, or other materials in this area shall be prohibited.
11. Prior to the issuance of building permits, the applicant shall review and comply with all Building Bureau requirements, as outlined in a November 10, 2014 memo and discussed during subsequent plan review meetings. Contact: Truong Huynh (562-570-6921).
12. Prior to the issuance of building permits, the applicant shall review and comply with all Department of Public Works requirements, as outlined in a January 22, 2015 memo. Contact: Jorge Magana (562-570-6678).
13. Prior to the issuance of building permits, the applicant shall review and comply with all Police Department requirements, as outlined in an October 28, 2014 memo. Contact: Sergeant Milton Thomas (562-570-5835).
14. Prior to the issuance of building permits, the applicant shall review and comply with all Fire Department requirements, as outlined in an October 23, 2014 memo. Contact: Brian Weidman (562-570-2542).

Standard Conditions:

15. 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.
16. 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 including the forfeiture of the rights granted under this Conditional Use Permit.
17. 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.
 18. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
 19. 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.
 20. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
 21. 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.
 22. Any graffiti found on site must be removed within 24 hours of its appearance.
 23. 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, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
 24. 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 screening plan must be submitted for approval by the Director of Development Services

- prior to the issuance of a building permit.
25. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
 26. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. 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.
 27. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
 28. The Director of 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 Planning Commission.
 29. 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.
 30. 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



CITY OF LONG BEACH

EXHIBIT D

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>13th</u> day of <u>April</u> , 20 <u>15</u>
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 4100 E. Ocean Blvd. L.B. 90802
Application No. 1409-21

- Reasons for:
- This Local Coastal Permit should not have been granted, as the development is within 300 feet of the beach and located in a sensitive coastal resource area with breeding Black-crown Night Herons, Snowy Egrets and Great Blue Herons.
 - Under CEQA, this project requires Environmental Review. It does not qualify for a Categorical Exemption under Class 3: New Construction or Conversion of Small Structures. See item (c) "A store, motel, office, restaurant . . . not exceeding 2,500 sq. feet in floor area." According to the plans the Yankee Doodles building is 15,312 square feet, and the proposed project will be 29,960 square feet.
 - Noise and lighting from an open 4,000 foot rooftop (which could hold up to 400 people), 14 to 15 hours a day, will be disturbing to the nearby residents and the protected nesting birds in adjacent tree in Belmont Plaza Park. (See Fish & Wildlife Regulation Section 251.1 of Title 14.
 - The structure is being almost doubled with no additional parking provided.
 - Liquor is being allowed at special events in an establishment which has lost its liquor license and is within 15 feet of a child care center.

Your appeal decision and Approve / Deny this application.

	Appellant 1	Appellant 2
Name:	Ann Cantrell	
Organization		
Address:	3106 Claremore	
City/ZIP:	Long Beach 90808	
Phone:	562-596-7288	
Signature:	Ann Cantrell	
Date:	4/23/15	

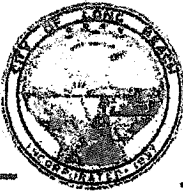
- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written 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: MLH App. No.: 1409-21 Filing Date: 4/23/2015

Fee: \$50- Fee Paid Project (receipt) No.: PLNB33740



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-8098

PLANNING BUREAU

APPLICATION FOR APPEAL

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

- Zoning Administrator
- Planning Commission
- Cultural Heritage Commission
- Site Plan Review Committee

on the 13th day of APRIL, 2015

Project Address: 4100 EAST OCEAN BLVD.

APPLICATION # 1409-21

Reasons for Appeal: OPEN ROOFTOP of 4,000sqft with hours of 7AM to 9PM SUN-THUR, 7AM-10PM FRI-SAT is over 12 HRS a day of noise & light to residents. No speaker or sound system should be allowed on open rooftop. Open rooftop speaker system could play music 14 hours a day, 7 days a week in a residential neighbor. Rooftop addition substantially increases sq footage of building beyond parking spaces & landscaping should be under Coastal Commission review within 300 feet of beach. NEED DARK SKY LIGHTING CONDITION

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

	Appellant 1	Appellant 2
Name:	<u>SUSAN MILLER</u>	
Organization:		
Address:	<u>4217 EAST OCEAN BLVD</u>	
City/ZIP:	<u>LONG BEACH 90802</u>	
Phone:	<u>562-431-2109</u>	
Signature:	<u>Susan K. Miller</u>	
Date:	<u>APRIL 22, 2015</u>	

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

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: IB

App. No.: _____

Filing Date: 4.22.15

Fee: 50

Fee Paid

Project (receipt) No.: PLNE32663



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>13</u> day of <u>April</u> , 20 <u>2015</u>
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 4100 E Ocean Blvd #1409-21

Reasons for Appeal: Roof top deck, close proximity to birds
California Coastal Commission protected species,
herons and egrets nesting trees directly adjacent
to rooftop deck. Amplified sound originating
from rooftop lighting - affect of lights
California State Code Title 14 Chapter 1, Section 251.1
harassment (disrupts normal behavior patterns
includes but not limited to breeding, feeding, sheltering)

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

	Appellant 1	Appellant 2
Name:	EL DORADO AUDUBON	Mary Parsell
Organization:		EL DORADO AUDUBON
Address:	PO 90713	PO 90713
City/ZIP:	Long Beach CA 90809	Long Beach CA 90809
Phone:		on file
Signature:	<u>Mary Parsell</u>	Mary Parsell
Date:	<u>4-20-2015</u>	4-20-2015

Withdraw

- 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.

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Appeal by Applicant, or Appeal by Third Party

Received by: NH App. No.: 1409-21 Filing Date: 4/23/2015

Fee: \$50- Fee Paid Project (receipt) No.: PLNB33749



CITY of LONG BEACH NOTICE of EXEMPTION EXHIBIT E

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-14-124 _

Project Location/Address: 4100 E. Ocean Boulevard _____

Project/Activity Description: Façade remodel of existing commercial structure; second floor and mezzanine
Addition, new rooftop deck. _____

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

Applicant Name: Jan van Dijs _____

Mailing Address: 425 E 4th Street, Long Beach, CA 90802 _____

Phone Number: 562-832-2499 _____ Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1409-21 _____ Planner's Initials: CK ____

Required Permits: Site Plan Review, Local Coastal Development Permit _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15301(e) Class 1 (Additions to Existing), 15303 (c) Class 3 (New
Construction or Conversion of Small Structures), 15332 Class 32 (Urban In-Fill) _____

Statement of support for this finding: See Attached Page 2 _____

Contact Person: Christopher Koontz _____ Contact Phone: 562-570-6288 _____

Signature: *Christopher Koontz* _____ Date: May 22, 2015

The project: As proposed the project will develop a fitness center replacing an existing 14,200-square-foot tavern and 1,400-square-foot beauty salon. The project involves the remodel of the existing structure and addition of a partial 8,040-square-foot second floor, a 999-square-foot-mezzanine level (a total of 9,039-square-feet of new floor area. The project will also repurpose the existing roof with a 429-square-foot private deck and 3,922-square-foot common deck.

Guidelines Section 15301(e) Class 1 additions to existing structures exempts projects including additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area served by all public services and facilities. The existing site is in a developed area, within a developed site and existing building. It is served by all utilities and public services.

Guidelines Section 15303(c) Class 3 new construction or conversion of small structures exempts projects including conversion of restaurants and similar uses to other allowed uses including in this case, a fitness center. Consistent with the exemption, the location falls within an urbanized (fully developed) area, is an allowed use and involves less than 10,000-square-feet in floor area.

Guidelines Section 15332 exempts qualified urban infill project. This project, the reuse of an existing building in a developed area fully served by public utilities and services, qualifies for that exemption. The project is consistent with the general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The use is allowed within PD2, the height is consistent with the regulations and furthers the General Plan Land Use Element consistency goal of providing locally needed services, including in this case a fitness center. The development occurs on a 15,312-square-foot parcel, less than the five acre maximum for the exemption; the existing project site is fully developed and has no value as habitat for endangered, rare or threatened species. The project has undergone a thorough review and will not have any significant effect relating to traffic, noise, air quality or water quality. In fact the project will alleviate the blight of currently vacant state of disrepair and the future use is not anticipated to have impacts in terms of traffic, noise, air quality or water quality.

None of the exceptions found in Guidelines 15300.2 exist in this case. The existing site is fully developed and does not contain any sensitive natural resources; the project is not related to any other in the area and no cumulative impacts are expected. There is also no reasonable possibility of any unique significant effect, no unusual circumstances, no designated scenic highway impacts and the project does not contain hazardous waste nor historic resources.