

**LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL**

**Public Right-of-way Abutting 5236 E 2nd Street
Application No. 2302-02 (LCDP23-009)
August 3, 2023**

Special Conditions:

1. This approval is for a Local Coastal Development Permit (LCDP) for a permanent parklet (301 square feet) within a portion of the public right-of-way, currently designated for two on-street parking spaces, abutting a sports bar/restaurant at 5236 E 2nd Street in the CNP zoning district, subject to Chapter 14.15, Parklets, of the Long Beach Municipal Code, as shown on the approved plans found in the project file and as amended herein.
2. All required local and state permits shall be acquired prior to installation and operation of the parklet, including, but not limited to, a renewable parklet permit issued by the Department of Public Works as outlined in Chapter 14.15 of the Long Beach Municipal Code.
3. Failure to maintain an active and paid parklet permit from the Department of Public Works shall be grounds for revocation of this Local Coastal Development Permit.
4. Upon termination of this permit, whether by revocation or otherwise, the permittee shall remove all installations authorized by this permit.
5. The parklet shall meet the guidelines and regulations set forth by Long Beach Public Works and as outlined in Chapter 14.15 of the Long Beach Municipal Code, including but not limited to, operations, maintenance, and public access.
 - a. All public sidewalk areas abutting the parklet and the parklet area shall be maintained in conformance with the access and clearance requirements of the Americans with Disabilities Act (ADA).
6. Prior to the operation of the outdoor dining area within the public parklet subject to this permit, a sign shall be installed on the railing of the dining area indicating the public access requirements of the parklet permit issued by the Department of Public Works. The sign shall be subject to approval by the Director of Public Works, or designee, and shall remain onsite at all times. The final sign shall include, but not be limited to, the following information:
 - a. The sign shall indicate the no purchase from the abutting business is necessary to use the public parklet.
 - b. The sign shall include a phone number for the Department of Public Works for reporting non-compliance with the Local Coastal Development Permit conditions and/or the parklet permit.
7. The operator shall discourage the locking of bicycles or leashed pets on the railing of the parklet dining area. Signage shall be installed on the parklet railing clearly discouraging the locking of bicycles or leashed pets on the guardrail.

8. The parklet shall be maintained in conformance with the final approved plans.
9. Any expansion of the parklet area shall be subject to a modification to this Local Coastal Development Permit.
10. No additional installations, umbrellas, or other accessories and devices may be installed in the parklet unless approved herein.
11. Any outdoor ambient music shall meet the decibel range and hours of use as stipulated by the local noise ordinance.
12. There shall be no standing in the parklet area.
13. Prior to the operation of the parklet, the business operator shall provide a final transportation demand management (TDM) plan, to the satisfaction of the Director of Development Services, that includes a menu of strategies to assist in multimodal transportation options for employees and patrons, which include, but are not limited to:
 - a. Promote the use of public transportation and offer reimbursement of bus fares incurred to and from the establishment/workplace (on scheduled shifts days).
 - b. Organize a carpool program for employees and schedule shifts to benefit this program.
 - c. Provide communal bicycles and/or company vehicle for employee use. This may include a company vehicle that can provide employee transportation during inclement weather.
 - d. The permittee shall work with the Department of Public Works to request additional bike racks.
14. The abutting business shall encourage deliveries to be made along the rear public alley. The rear building elevation shall maintain one of the following to encourage deliveries at the rear: 1) signage to contact the business manager when a delivery truck cannot find a drop-off location outside the street public right-of-way or 2) a delivery lockbox to receive deliveries outside of business operating hours.
15. The existing string lighting that overhangs across sidewalk onto the street tree shall be removed prior to the issuance of the parklet permit.
16. Security cameras shall be installed and maintained in good operating order to ensure monitoring of the outdoor patio.
17. The parklet shall be open to the public. Hours of dining service for the abutting restaurant in the parklet shall be as follows:
 - a. Monday - Friday – 11 am to 10 pm
 - b. Saturday - Sunday – 9 am to 10 pm

18. Noise levels emanating from the project's outdoor dining areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.15 – Exterior Noise Limits.
19. The operator shall clean the permit area and the immediate vicinity of trash and debris generated from the parklet area no less than two times a day .
20. There shall be no exterior advertising or signage of any kind, including advertising directed to or visible from the exterior of the establishment, promoting or indicating the availability of beer, wine or other alcoholic beverages.
21. The operator shall maintain full compliance with all applicable laws, Alcohol Beverage Control laws/licensing, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Local Coastal Development Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
22. 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.
23. 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. All best management practices (BMPs) shown on plans, including debris screens, shall be installed on the final parklet and maintained for the duration of the parklet installation.
24. No trees within the public right-of-way shall be trimmed or removed as part of this Local Coastal Development Permit.
25. 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.

Standard Conditions:

26. 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.
27. 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.
28. 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.
29. In the event of a 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 the time of closing escrow.
30. 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.
31. 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.

32. 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.
33. 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.
34. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
35. 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).
36. Any graffiti found on site must be removed within 24 hours of its appearance.
37. All structures and construction shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
38. Separate building permits are required for fences, retaining walls, and flagpoles.
39. 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.
40. 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.

41. 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
42. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
43. 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.
44. As a condition of any City approval, the Applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the Applicant may be required in an amount sufficient to cover any anticipated litigation costs and staff time required as a result of litigation activity.