



# Planning Commission Public Right-of-way Abutting 5236 E 2nd Street

August 3, 2023

Third-party appeal of 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. (District 3)

**Application No. 2302-02**

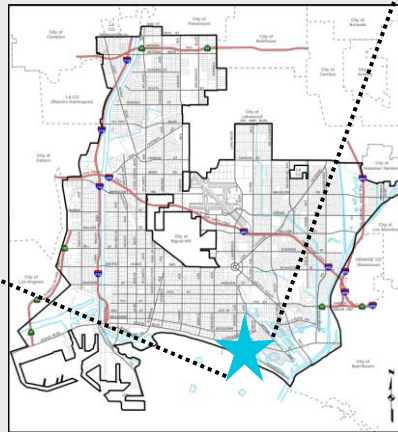
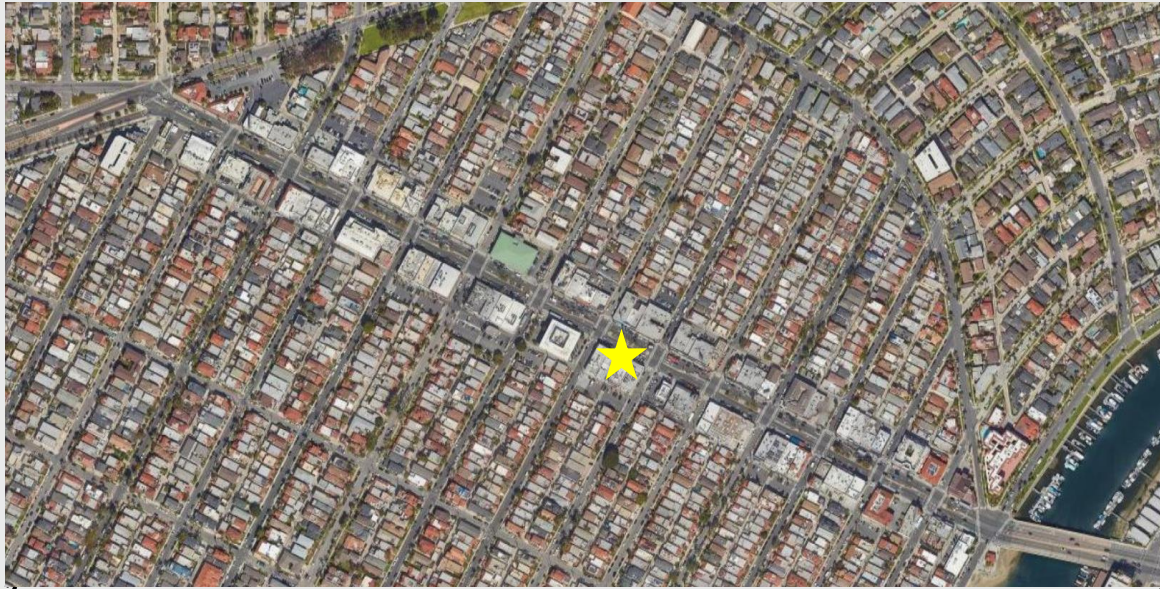


# Background

- May 8, 2023 – The Zoning Administrator (ZA) heard the proposed item. The ZA took action to approve the LCDP with added conditions.
- May 18, 2023 - A third-party appeal was filed.
- August 3, 2023 - The Planning Commission (PC) public hearing to consider the third-party appeal of the Local Coastal Development Permit (LCDP).



# Vicinity Map



## Zoning:

- CNP

## General Plan (1989):

- Pedestrian-Oriented Retail Strip (LUD 8P)

## General Plan (2019):

- NSC-L/2 stories

## LCP Area:

- Area D



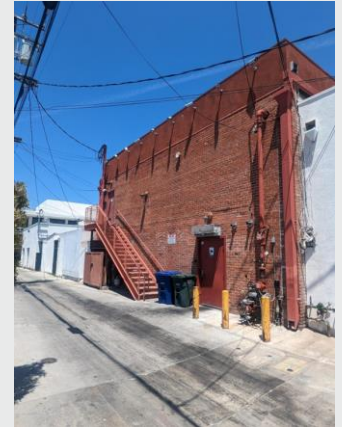
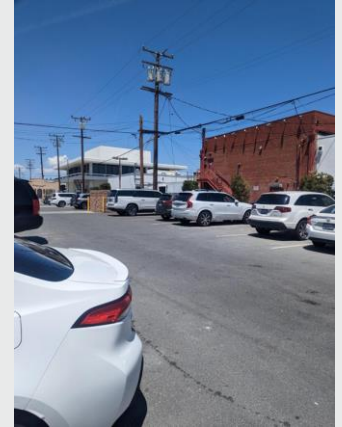


# Temporary Parklet Conditions





# Existing Conditions





# Project Summary

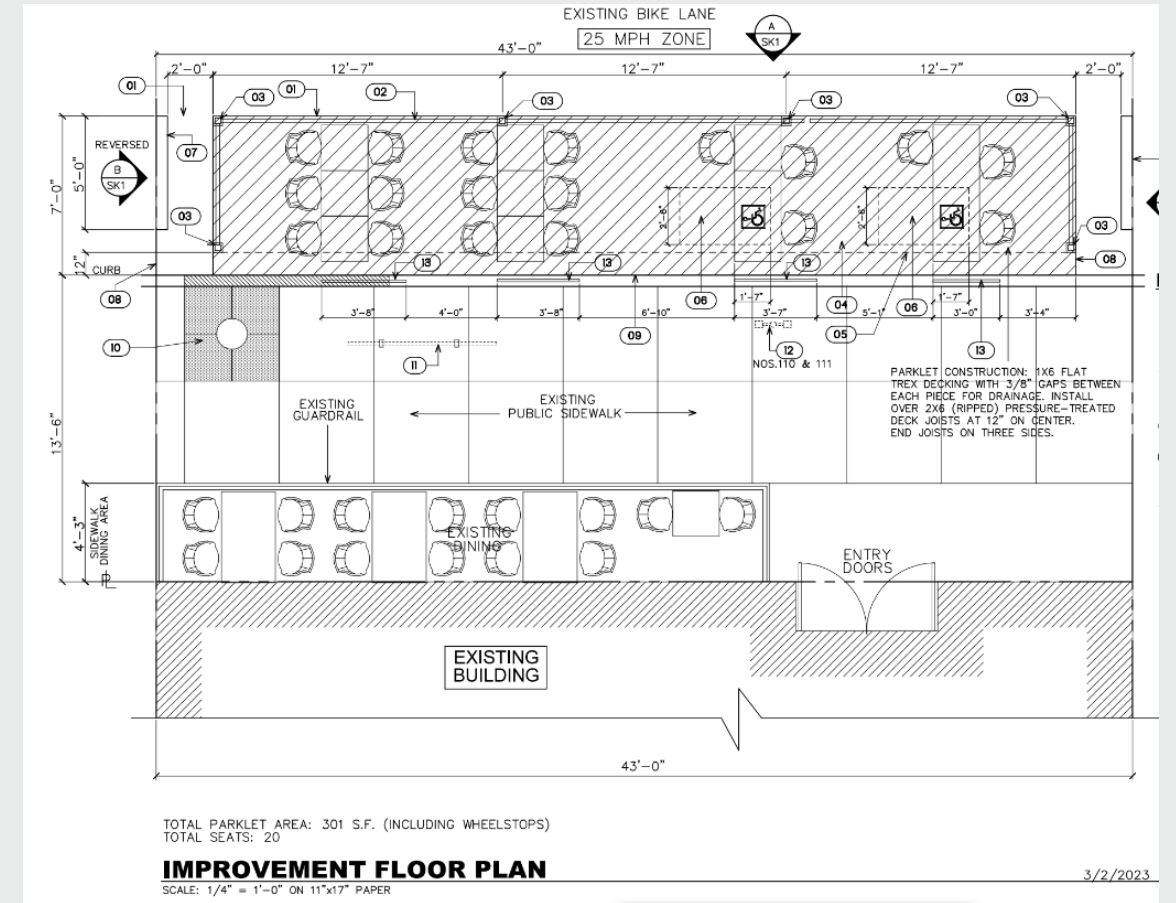
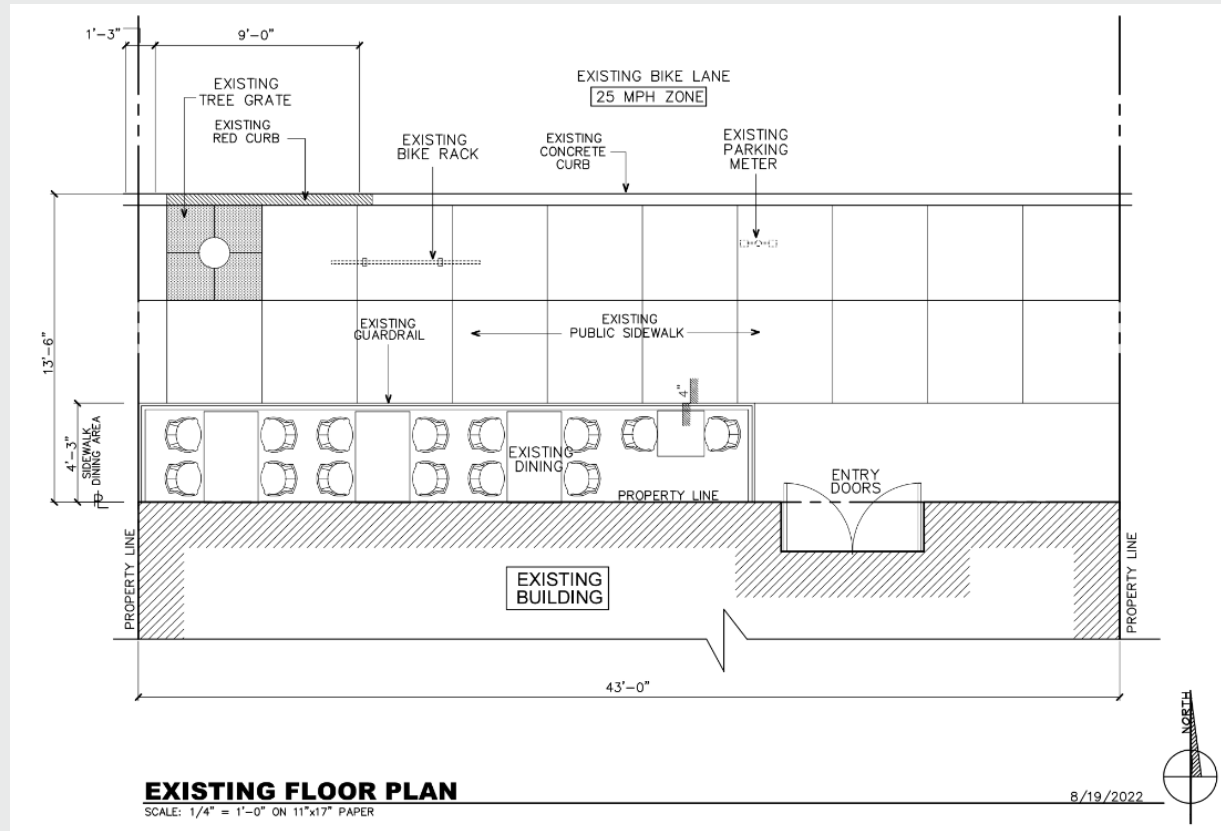


Local Coastal Development Permit for the installation of a:

- 301 square foot parklet (37-ft-9-in x 7-ft)
  - Occupy 2 metered street parking spaces
  - Maximum seating occupancy of 20 seats
  - 3-foot-high guardrail
  - Removable foundation deck
  - Screen at drainage gaps
  - Relocate bike rack
  - Solar LED string lighting
  - Wheelstops
- No pavement excavation
- Public use. Restaurant co-use operating hours:
  - Monday – Friday = 11 am to 10 pm
  - Saturday and Sunday = 9 am to 10 pm

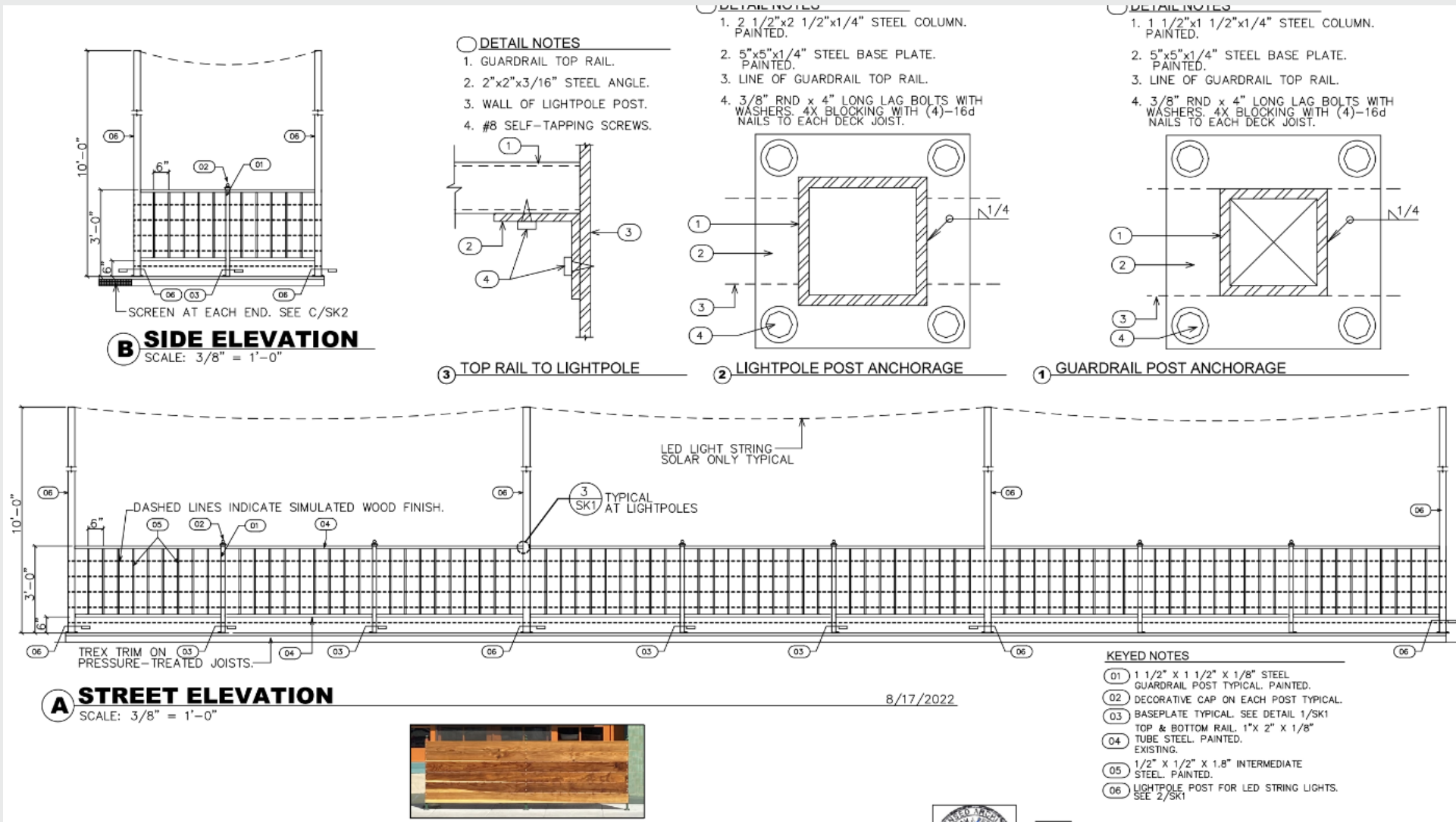


# Plans



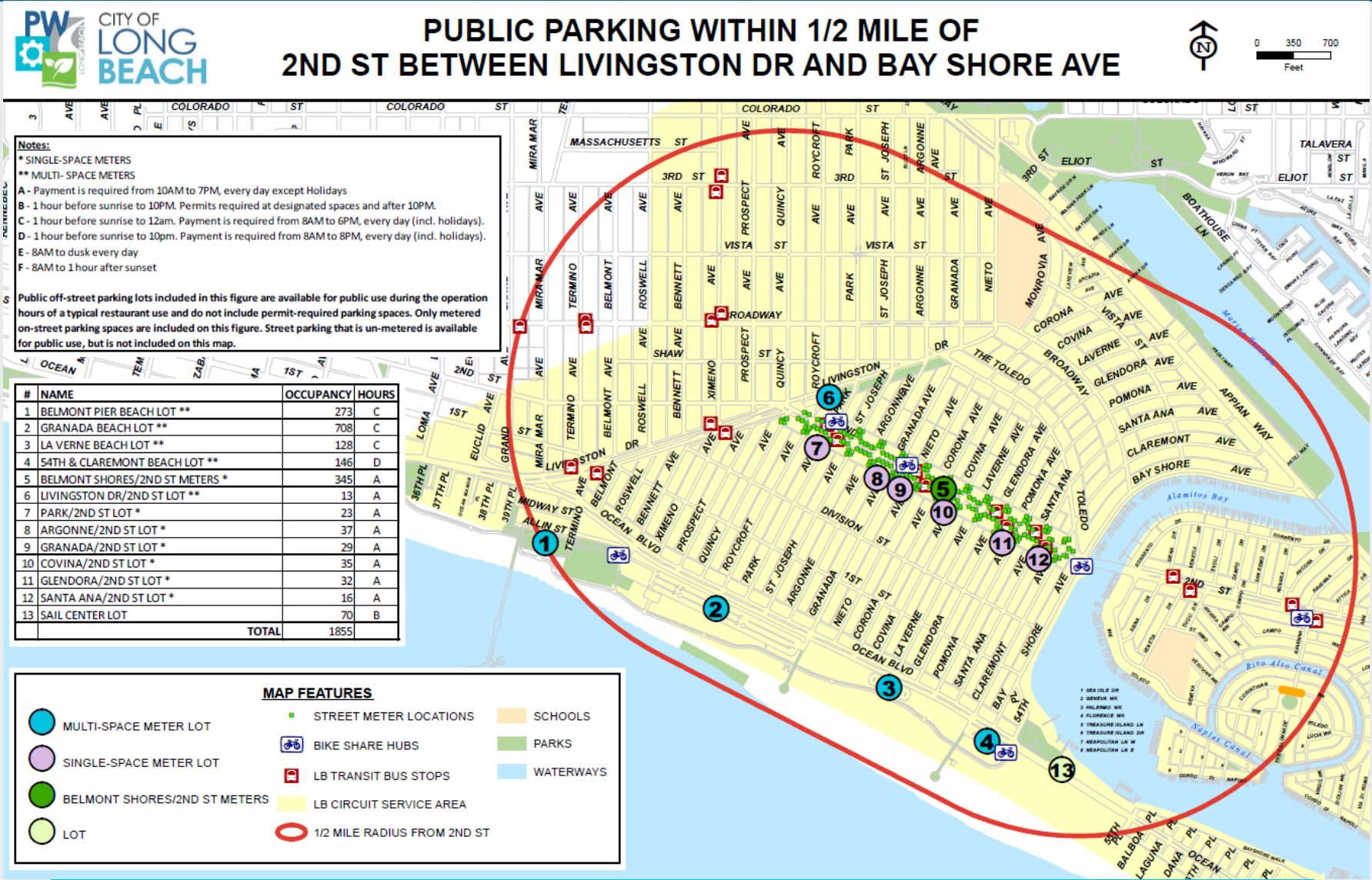


# Elevations





# Mobility Analysis





To address concerns related to the parking impact from Legends in and around Belmont Shore, Legends has developed and will implement the following program to reduce and mitigate the parking impact from both the patrons and employees of Legends. The program includes:

1. Legend's participates in the Belmont Shore Bus Pass Program which provides free LB transit bus rides to and from work for all Legends employees. To the extent this program discontinues, Legends will continue to offer LB Transit bus passes to employees.
2. Legends currently provides bicycle racks for employee use and encourage, to the extent possible, walking or riding bicycles to and from work.
3. Legends will organize, to the extent possible, a carpool program for employees and scheduling of shifts to benefit this program.
4. Legends will provide, to the extent possible, a company vehicle that can provide employee transportation during inclement weather.
5. Legends will provide, to the extent possible, communal bicycles and/or company vehicle for employee use.
6. Legends will provide, to the extent possible, assistance with rideshare opportunities with companies such as "Lyft" and Uber" and encourage both employees and patrons to utilize as often as possible.



# Conditions of Approval

- Installation and maintenance of public access signage
- Maintenance of an active and paid parklet permit
- Compliance with all Public Works design guidelines and regulations, including maintenance of the parklet and surrounding areas to be in conformance with the Americans with Disabilities Act (ADA)
- No additional installations, umbrellas, or accessories shall be located within the parklet unless explicitly noted on plans
- Required transportation demand management (TDM) plan prior to operation
- Compliance with all ABC standards and training
- The parklet shall be open to the public. Hours of co-use dining service for the abutting restaurant in the parklet shall be as follows:
  - Monday - Friday = 11 am to 10 pm
  - Saturday - Sunday = 9 am to 10 pm



# Appeal

- A third-party appeal was filed on May 18, 2023 by Citizens About Responsible Planning (CARP) c/o Joe Weinstein, Melinda Cotton, and Corliss Lee
- The appeal cites concerns related to the process and substance of the LCDP approval.
  - ZA procedures
  - Consistency with the Local Coastal Program and prior City Planning decisions
  - Concerns related to proposed conditions of approval



# Findings

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;
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.
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 decisionmaker 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.
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.
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...



# CEQA and Noticing

The project qualifies for a categorical exemption under the following exemption under the California Environmental Quality Act (CEQA):

- 15303 (New Construction or Conversion of Small Structures)

Noticing of the hearing was completed in accordance with Section 21.21 of the Municipal Code.

- A total of 1,897 notices of public hearing were distributed within a 1,000-foot radius from the project site and to those requesting notification.

Noticing of the hearing was completed in accordance with Section 21.21 of the Municipal Code.

- Zoning Administrator: Fifty-seven (57) public comments have been received in response to the required noticing, expressing both support and opposition.
- Planning Commission: Fifty-five (55) public comments have been received in response to the required noticing, expressing both support and opposition. One (1) phone call has been received to express opposition that is not reflected in the written comments.



# Recommendation

- **Receive** supporting documentation into the record, conclude the public hearing, and consider a third-party appeal filed by Citizens About Responsible Planning (CARP) - c/o Joe Weinstein, Melinda Cotton, and Corliss Lee (APL23-009);
- **Accept** Categorical Exemption CE-23-022; and,
- **Uphold** the Zoning Administrator's approval of a Local Coastal Development Permit (LCDP23-009) and, adopt the proposed findings and conditions of approval thereto, for the installation of 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 Neighborhood Pedestrian (CNP) Zoning District. (District 3)





Thank you

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# Project Location

