

## **LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

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

Pursuant to Section 21.25.904 of the Long Beach Municipal Code, a Local Coastal Development Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. 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; AND**

The proposed project entails the conversion of paved areas (occupying two parking spaces) within the public right-of-way on 2<sup>nd</sup> Street to be a permanent parklet (301 square feet). The physical construction related to the project includes the installation of a freestanding platform that rests on the street and has a surface flush with the curb and sidewalk. As outlined in the Department of Public Works Sidewalk Dining and Parklets Handbook, the parklet is intended to be removed and no permanent foundation would be installed. The parklet would include areas for dining and seating and would be open to the public in accordance with City of Long Beach Parklet Standards. There is no new building square footage proposed as part of this application.

The Local Coastal Program (LCP) is generally organized by area. The project site is in Area D (Belmont Shore) of the Coastal Zone (City Jurisdiction) (see map of Coastal Zone in project file 2302-02). The project site is located along 2<sup>nd</sup> Street in the Belmont Shore area. The LCP calls for the preservation of the unique character of the shopping district in Belmont Shore. It should not emphasize region-serving facilities, but rather should be developed to serve the residents of the area. Retail shops which encourage foot traffic and window shopping shall be the predominant uses. The proposed project, a parklet would serve both the public (pedestrians) and serve as an extension of dining area within the public realm.

The dining area would remain consistent with the commercial uses, including restaurant uses, permitted by the CNP zoning district and would comply with the applicable development standards. The parklet would promote coastal access with a restaurant use for enjoyment by the broader public and local residents, consistent with LCP goals that encourage visitor-serving uses within the Coastal Zone. The LCP acknowledges the unique character of the shopping district in Belmont Shore and encourages its preservation. Consistent with the LCP, the parklet would serve the residents of the area. The existing restaurant use does not represent a regional-serving facility and the installation of the parklet, which is accessible to the general public, does not represent the introduction of a regional serving use or a change of character for the 2<sup>nd</sup> Street corridor. The proposed parklet would be consistent with

the existing context of 2nd Street that consists of small-scale retail and dining.

The parklet would remove two metered parking spaces along 2<sup>nd</sup> Street. The removal of these two parking spaces was considered in light of coastal access considerations of the LCP. The project area is limited to the commercial area of 2<sup>nd</sup> Street and would not extend commercial uses into the residential areas. An analysis of all vehicle parking spaces regulated by the City of Long Beach was conducted within ½ mile of 2<sup>nd</sup> Street between Livingston Drive and Bay Shore Avenue. This analysis used ½ mile as a metric consistent with a reasonable distance for walking. Alternate transportation modes (i.e., bus, pedestrian, bicycles, e-scooters, and micro-transit) in the same geographic area were also analyzed as part of this application to consider access from a multi-modal perspective.

#### Single-Occupant Automobile (Parking)

An analysis of City-maintained parking spaces (parking lots and metered parking spaces) was conducted as part of this application. This analysis did not count the number of free on-street parking spaces that are not regulated by the City, as these parking spaces do not have defined dimensions and are subject to fluctuation based on the size of the car parked on the street and the undefined parking spacing. Parking spaces that are restricted to boat owners or parking lots that close access outside of typical restaurant hours were not included in this count.

In light of the aforementioned parameters, the City maintains 1,855 parking spaces that are available to the public during the operation of a typical restaurant use.<sup>1</sup> With the consideration of availability of non-metered street parking and off-street parking in the area, there is parking availability beyond the City-maintained parking spaces. The net loss of two metered parking spaces on 2<sup>nd</sup> Street would not represent a cumulative effect on parking within Belmont Shore.

The existing two metered parking spaces serve only vehicles accessing the coastal areas by automobile. Alternatively, the proposed parklet would serve individuals of the general public that access the coast by all modes of transportation and would serve to enhance the public realm by enhancing the pedestrian orientation of 2<sup>nd</sup> Street.

#### Pedestrian

The 2<sup>nd</sup> Street corridor is served by public sidewalks on all frontages. As detailed in the Department of Public Works Sidewalk Dining and Parklets Handbook, Americans with Disabilities Act (ADA) accessibility is required to be maintained at all areas within the parklet and surrounding the parklet. The final inspection of the completed parklet will ensure that the constructed platform allows for public ADA

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<sup>1</sup> Department of Public Works

access. Furthermore, as a condition of approval, the applicant is required to maintain the parklet in conformance with ADA requirements, which includes maintenance of required clearances during operation of the parklet.

### Bus

The 2<sup>nd</sup> Street corridor is served by eight bus stops served by Long Beach Transit along Long Beach Transit Route 121 and 131, which directly serves the 2<sup>nd</sup> Street corridor. Within the vicinity, Long Beach Transit Routes 111 and 112 also serve the Belmont Heights area, in which the nearest bus stop that serves the area is Broadway/Ximeno Avenue. These bus stops would not be affected by the proposed parklet. The nearest Long Beach Transit bus stops to the parklet area are the Route 121 and 131 Eastbound and Westbound stops on 2<sup>nd</sup> Street near Nieto Avenue.

### Bicycle

The 2<sup>nd</sup> Street corridor is served by bikeshare stations and free bicycle parking. The City of Long Beach Bikeshare Program is managed by the Department of Public Works and maintains 694 bicycles, 95 stations, and 156 miles of bikeways. There are three City of Long Beach Bikeshare stations within the 2<sup>nd</sup> Street corridor. The nearest bikeshare location is approximately 500 feet northwest of the project site at the intersection of 2<sup>nd</sup> Street and Granada Avenue. In addition to this location for rentable bicycles, the Department of Public Works provides free bicycles racks upon request to property owners and business operators that would like bicycle racks installed in the public right-of-way.

### Scooters

Since August 7, 2020, Long Beach has had a permanent citywide Shared Micromobility Permit Program for electric scooter operations. Operators through the Micromobility Permit are able to deploy e-scooters are only allowed on City pre-approved drop-zones. Operators are responsible for the maintenance, operations, and disinfecting of their fleet of e-scooters daily. There are multiple scooter drop-zones along the 2<sup>nd</sup> Street corridor. The proposed parklet would not affect the existing drop-zones along the corridor.

### Micro-Transit

The 2<sup>nd</sup> Street corridor is currently served by the LB Circuit, which is a free on-demand micro-transit service sponsored by the City of Long Beach Department of Public Works. The service area in Alamitos Bay-Belmont Shore serves the entire 2<sup>nd</sup> Street corridor. The micro-transit provides access anywhere within the service area by downloading a smartphone application. The 5-passenger shuttles are 100-percent electric and can accommodate requests for ADA-accessible shuttles. These shuttles can accommodate one person in a wheelchair and three

additional passengers.

The parklet program intends to allow for the use of street parking areas to be utilized as a parklet to enhance the public realm. The installation of the parklet would continue to serve the public, such as in the case of the parking spaces to be occupied. As demonstrated above, the 2<sup>nd</sup> Street corridor is adequately served with multi-modal transportation options that would not be affected with the construction of the proposed parklet.

The parklet will provide public access and outdoor dining opportunities to patrons and visitors. The installation, maintenance, public access, and operations of the parklet will be subject to the guidelines and regulations set forth by the Department of Public Works. Additionally, TDM strategies are included as conditions of approval to further the intent of public access to coastal areas via multi-modal transportation options. The site benefits from access to designated bicycle lanes and paths within the City of Long Beach further promoting access to the project area and nearby coastal recreational features. Therefore, as conditioned, this project conforms to the LCP.

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

**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.**

The project site is not located seaward of the nearest public highway to the shoreline and this project does not apply.

Mobility and access to the coast considers multi-modal transportation methods outside of single-occupant automobiles. Therefore, as noted in the finding above, the net loss of two parking spaces at a mid-block location of 2<sup>nd</sup> Street would not result in cumulative effects to coastal access within Area D of the LCP.

The parklet will offer outdoor dining opportunities for patrons but is also conditioned to be open to the public. This project conforms to the public access and recreation policies of the Coastal Act by protecting the public's access to the coast while also offering additional outdoor space for patrons of the abutting restaurant. Furthermore, the parklet is located within the public right-of-way (outside of curb line) thus not restricting public access along the sidewalk. To ensure continued public access, this project is conditioned to meet the operational regulations, including public access, set forth by the Department of Public Works.

The parklet offers visitors a location where the public can both recreate outdoors and enjoy the dining options offered by the adjacent restaurant establishment. Public access to the coast would not be removed with the proposed project. In conjunction

with the added public seating opportunities offered by the parklet, this application is found to conform to the public access and recreation policies of 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 includes the conversion of paved areas (occupying two parking spaces) within the public right-of-way on 2<sup>nd</sup> Street to be a permanent parklet (301 square feet). As outlined in the Department of Public Works Sidewalk Dining and Parklets Handbook, because a parklet is intended to be easily removed, it will be designed as a freestanding platform or foundation that rests on the street. The platform design includes a finish floor that meets the curb with a horizontal drainage gap and screens. The transition from curb to parklet platform would be designed for compliance with the ADA.

The design of the removable platform would not impede the flow of stormwater pursuant to the Department of Public Works Sidewalk Dining and Parklets Handbook. The gap and screens provided along the gutter to allow rainwater to naturally flow without obstruction and screens are located on either end of the platform to prevent debris from building up underneath the platform deck. Furthermore, installation of screens at the drainage gap would function to prevent debris from entering the storm drain system. As conditioned, the applicant is responsible for keeping the permit area clean of trash and debris on a daily basis.

Permit requirements within the public right-of-way require all onsite construction and

operation of the parklet to comply with all applicable local, regional, state, and federal water quality permits. Therefore, the design of the parklet and 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  $\frac{1}{4}$  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).

This application is not related to restricting short-term rentals and, therefore, this finding is not applicable to the proposed project.