



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

**Application No.:** 2203-20 (AUP22-007)

**Project Location:** 440 Elm Avenue (APN: 7281-007-063)

**Applicant:** Vijay Goel  
Bite Catering Couture  
1765 Nelson Avenue  
Manhattan Beach, CA 90266

**Permit(s) Requested:** Administrative Use Permit

**Project Description:** This Administrative Use Permit approval is for the operation of a banquet/event facility addressed at 440 Elm Avenue with 20 onsite parking spaces and 23 off-site parking spaces located at 425 Linden Avenue (APN:7281-007-062). The subject site is zoned Downtown Plan (PD-30). The existing 23,500 square-foot building is designated as a local historic landmark (The First Church of Christ Scientist) as shown on plans approved by the Zoning Administrator on 10/24/2022, except as modified by these conditions of approval.

**Action was taken by the:** Zoning Administrator  
On October 24, 2022

**Decision:** Conditionally Approved

**Action is final on:** November 4, 2022

This project IS NOT in the Coastal Zone and IS NOT 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

Anita Juhola-Garcia, Planner  
Phone No.: (562) 570-6469

### **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**



AJG

## Conditions of Approval Acknowledgement

November 4, 2022

Application No.: 2203-20 (AUP22-007)

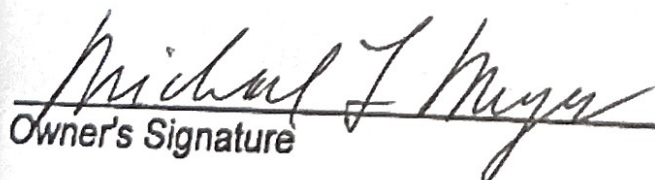
Project address: 440 Elm Avenue (APN: 7281-007-063)

Vijay Goel  
Bite Catering Couture  
1765 Nelson Avenue  
Manhattan Beach, CA 90266

Dear Applicant:

Please have the owner(s) of the property sign this document. It is vital to your project that this form be returned promptly to the project planner so that it can be placed in the case file and you can initiate the plan review process. Please feel free to make a copy for your files.

"We have read the attached Conditions of Approval and will comply with all such conditions. I realize that violation of any of the conditions is cause for revocation of the approval. I also realize that the approval is based on specific building plans, as indicated in the Conditions of Approval, and that any deviation from these plans without prior written approval from the Site Plan Review Committee will result in denial of final construction approval until such time that the construction is restored to the approved design. Finally, I will notify all architects, designers, contractors, sub-contractors employed by me, and I will notify any successors in interest of all these conditions and of this acknowledgement."

  
Applicant's Signature11/22/2022  
Date  
Owner's Signature11-21-22  
Date  
Owner's Signature11/21/2022  
Date

**CONDITIONS OF APPROVAL**  
**Administrative Use Permit**  
**440 Elm Avenue**  
**Application No. 2203-20 (AUP22-007)**  
**10/24/2022**

**SPECIAL CONDITIONS:**

1. This Administrative Use Permit approval is for the operation of a banquet/event facility addressed at 440 Elm Avenue with 20 onsite parking spaces and 23 off-site parking spaces located at 425 Linden Avenue (APN:7281-007-062). The subject site is zoned Downtown Plan (PD-30). The existing 23,500 square-foot building is designated as a local historic landmark (The First Church of Christ Scientist) as shown on plans approved by the Zoning Administrator on 10/24/2022, except as modified by these conditions of approval.
2. Hours of operation for indoor events shall be the following:
  - a. Sunday – Thursday 8:00 a.m. – 11:00 p.m.
  - b. Friday and Saturday 8:00 a.m. – 1:00 a.m.
  - c. Up to six (6) times a year, hours may be extended upon administrative approval by the Zoning Administrator.
3. Outdoor activities shall be permitted as follows:
  - **Northern Parking Lot**
    - a. Subject to Municipal Code Section 21.52.219.8 - Community assembly uses, activities shall be allowed in the designated area (approximately 5,800 square feet) located a minimum of 50-feet away from any residential use and depicted on plans approved by the Zoning Administrator dated 10/24/22.
    - b. A temporary physical barrier shall be provided during outdoor activities to separate the area of permitted activities from the 50-foot buffer area.
    - c. Outdoor activities shall be allowed between the hours of 10:00 a.m. and 10:00 p.m.
    - d. Amplified music for the purposes of wedding ceremonies, outdoor programming and ambient background music shall adhere to exterior noise limits as set forth in Municipal Code Section 8.80.160. Amplification for concert-related music assembly use or stage performances shall not be permitted.
  - **South Garden**
    - a. Garden area is located south of the building (approximately 1,000 square feet) and depicted on plans approved by the Zoning Administrator dated 10/24/2022.

- b. Subject to Municipal Code Section 21.52.219.8 - Community assembly uses, outdoor uses shall be limited to informal garden activities due to the proximity of an adjacent residential building. These uses may include utilization of the garden for photography, a passive sitting/break area for staff and guests, but with no official programming.
  - c. Outdoor use of the South Garden shall be allowed between the hours of 10:00 a.m. – 10:00 p.m.
  - d. No amplified music allowed in this area.
4. The applicant/operator shall maintain a minimum of 20 parking spaces in the Northern Parking Lot located onsite and a minimum of 23 parking spaces located on the Off-site Parking Lot located at 425 Linden Avenue (APN:7281-007-062). Each parking lot shall be improved to meet the standards of Title 21 or to the satisfaction of the Director of Development Services or designee.
5. If applicant/operator is utilizing the Northern Parking Lot for outdoor activities, then the Offsite Parking Lot located at 425 Linden Avenue will be considered the primary parking lot serving the banquet/event facility located at 440 Elm Avenue.
6. All exterior building doors and windows shall be closed and remain closed during establishment operation at the nighttime period (10:00 p.m.) specified in the Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits. Pedestrian ingress/egress areas shall be located to have consideration for the adjacent neighbors.
7. The applicant/operator shall comply with the City's Noise Ordinance (Chapter 8.80 of the Long Beach Municipal Code) at all times subject to the satisfaction of the Director of Development Services. Applicant/operator shall submit a Noise Mitigation Plan prior to the Certificate of Occupancy to outline measures to meet compliance with the Noise Ordinance. This should include operational guidelines and any sound absorbing elements. In the event that substantiated complaints of noise in excess of the Noise Ordinance, the applicant would be required to implement and document measures to reduce noise levels at adjacent residential uses, including but not limited to, an annual noise monitoring study, amending operating hours, repositioning/redirecting speakers located outside or inside the building, noise baffling construction methods, or implementing new technology to attenuate noise.
8. At least one facility manager, empowered to ensure compliance with conditions of approval and City Ordinances, shall be onsite during any scheduled event or programming. Annually, at the time of business license renewal, the owner/operator shall provide contact information for the onsite facility manager to all adjacent and adjoining property owners/occupants in case of nuisance or noise complaints. Signage shall also be posted onsite with this contact information.

9. Noise policy requirements (Chapter 8.80 of the Municipal Code) shall be provided to vendors in standard operating conditions (SOPs) and included in all event contracts. Vendors providing services to events to be held at the facility shall be licensed by the City of Long Beach.
10. In the event of noise disturbing activity, a vendor or event contract may need to be adjusted for compliance with Chapter 8.80 of the Municipal Code. The on-site manager should have the authorization to alter or close down an event if required and ensure that patrons are not standing around loitering. This includes in areas immediately surrounding the event facility.
11. The applicant/operator shall obtain a business license with an entertainment permit to allow events that include, but not limited to, dancing, live musical performances, music provided by a disc jockey, and/or amplified reproduced music.
12. The applicant shall obtain appropriate alcohol licensing from the California Department of Alcoholic Beverage Control (ABC). City review and/or approvals, if applicable, shall be obtained prior to serving any alcoholic beverages onsite. The applicant/operator shall maintain full compliance with all applicable laws, ABC regulations, ordinance and stated conditions. In the event of a conflict between this permit and ABC licensing requirements, the more stringent regulation shall apply.
13. The serving of alcohol shall stop not less than one hour before the end of any scheduled event.
14. All parking areas shall be kept clean and free of trash/debris and no loitering shall be allowed. No loitering signage shall be posted in parking areas. Signage directing patrons to be quiet and respect the neighbors shall be posted in the off-street parking lot. In the event of substantiated complaints of noise in excess, the applicant/operator shall implement and document measures to reduce noise levels at adjacent residential uses.
15. The applicant/operator shall submit a Valet Parking Program for review and approval by the City's Departments of Development Services and Public Works prior to the implementation of any valet services for the site.
16. The applicant/operator shall prioritize loading and unloading activities on private property in the north parking lot, south of the building or at 425 Linden Avenue. The applicant/operator shall not block the north/south alley (Frontenac Court) or impede traffic on Elm Avenue. The applicant shall coordinate with the Department of Public Works to create a permanent, loading and unloading zone on Elm Avenue prior to issuance of Certificate of Occupancy for banquet/event uses.
17. All activities including loading and unloading activities must comply with Section 8.80.200 of the Long Beach Municipal Code. All activities related to loading,

unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. No activities related to loading and unloading shall cause noise disturbance(s) across residential real property line or at any time to violate the provisions of Long Beach Municipal Code Sections 8.80.150 and 8.80.170.

18. A minimum 3'-10" wide landscaped area shall be installed and maintained between the parking lot and the street property line within the front yard setback along Linden Avenue at 425 Linden Avenue (APN:7281-007-062).
19. The applicant shall obtain all Planning Bureau approvals and building permits for any and all work proposed to the interior and exterior of the building subject to the satisfaction of the Director of Development Services. All proposed exterior gates/fencing and onsite proposed work shall obtain a Certificate of Appropriateness prior to any issuance of building permits.
20. The Administrative Use Permit shall be subject to annual inspections in order to verify compliance with these Conditions of Approval subject to the satisfaction of the Director of Development Services.

#### **BUILDING AND SAFETY**

21. The proposed project shall be subject to the Technical Advisory Committee (TAC) comments and standards provided by the Department of Building and Safety.

#### **POLICE/CRIME AND PREVENTION THROUGH ENVIRONMENT DESIGN (CPTED)**

22. Lighting shall be installed at pedestrian entrances and walkways on Elm Avenue and N Frontenac Court.
23. Trees in planters or pots at the front of the subject property (440 Elm Avenue) shall not completely obstruct windows.
24. Cameras shall be installed inside the building towards entrances and exits.
25. Cameras shall be installed along the building's perimeter, with the approval of a Certificate of Appropriateness.

#### **STANDARD CONDITIONS – PLANS, PERMITS, AND CONSTRUCTION:**

26. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
27. The plans submitted for plan review shall explicitly call out and describe all materials and colors that were approved by the Site Plan Review Committee. No



substantial changes shall be made without prior written approval of the Site Plan Review Committee.

28. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
29. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
30. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
31. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.
32. Site development 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.
33. Construction activities are limited to the following:
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

#### **STANDARD CONDITIONS – GENERAL:**

34. 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.
35. 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 shall 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).
36. 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).

37. 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.
38. Any graffiti found on site shall be removed within 24 hours of its appearance.
39. 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.