



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

June 2, 2016

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE 16-111 and approve a Local Coastal Development Permit and a Modification to an approved Conditional Use Permit to allow a new second floor bar at an existing restaurant located at 5620 E. 2nd Street in the Commercial Neighborhood Pedestrian (CNP) zoning district. (District 3)

APPLICANT: Mark Turpin  
3745 Long Beach Boulevard, Suite 220  
Long Beach, CA 90807  
(Application 1605-20)

**DISCUSSION**

The subject site is a 3,200-square-foot parcel on the south side of East 2nd Street between Campo Drive and Ravenna Drive on Naples Island (Exhibit A – Location Map). The site is located within the Commercial Neighborhood Pedestrian (CNP) zone and is developed with a two-story restaurant that covers nearly the entire lot; no parking exists on site. The restaurant is among a string of one- and two-story commercial buildings that line the south side of 2nd Street. Behind these commercial buildings, across a 15-foot public alley, lies a residential neighborhood of predominantly single-family homes.

The restaurant, Michael's on Naples, began operations in 2007. At the time, the restaurant operated under a Type 41 license (on-site sale of beer and wine) and included a first floor, 42-square-foot service bar. In 2008, the Planning Commission approved Application No. 0808-01, a Conditional Use Permit and Local Coastal Development Permit to allow the upgrade of the restaurant's Type 41 license to a Type 47 license (on-site sale of beer, wine, and distilled spirits) and conversion of the service bar into a full bar. The subject request would modify the approved Conditional Use Permit to allow the addition of a second, 126-square-foot bar on the second floor (Exhibit B – Plans). The second floor bar would be a component of a larger scope of second floor work. Additional improvements, not subject to Planning entitlements, include a remodeled dining area, installation of a retractable skylight element above the dining area, conversion of an existing wine storage area into an accessory, 150-square-foot kitchen, and the addition of an open-air, 518-square-foot customer waiting area on an unimproved portion of the first floor roof adjacent to the dining area. No changes to the first floor are proposed.

CHAIR AND PLANNING COMMISSIONERS

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Conditions of Approval from Application No. 0808-01 require the restaurant provide a valet service with access to 30 parking stalls at 5580 E. 2nd Street, the location of the Naples Professional Center, a two-story commercial building with a first floor covered parking area. Per the terms of the Parking Lot Access Agreement between the restaurant and the owner/operator of the Naples Professional Center, the restaurant shall have exclusive use of 30 contiguous parking stalls between the hours of 5:30 p.m. and 12:00 a.m., Monday through Friday; 11:00 a.m. and 1:00 a.m. on Saturdays; and 11:00 a.m. and 11:00 p.m. on Sundays (Exhibit C – Parking Lot Access Agreement). These times overlap the restaurant’s operating hours of 5:00 p.m. to 10:00 p.m., Sunday to Thursday, and 5:00 p.m. to 11:00 p.m., Fridays and Saturdays. The City-approved valet parking requirement and the terms of off-site parking shall remain in full force and effect, as conditioned (Exhibit D – Conditions of Approval). The 30 parking stalls available to the restaurant would exceed the number of stalls required for the use:

Table: Michael’s on Naples – Parking Stall Requirement

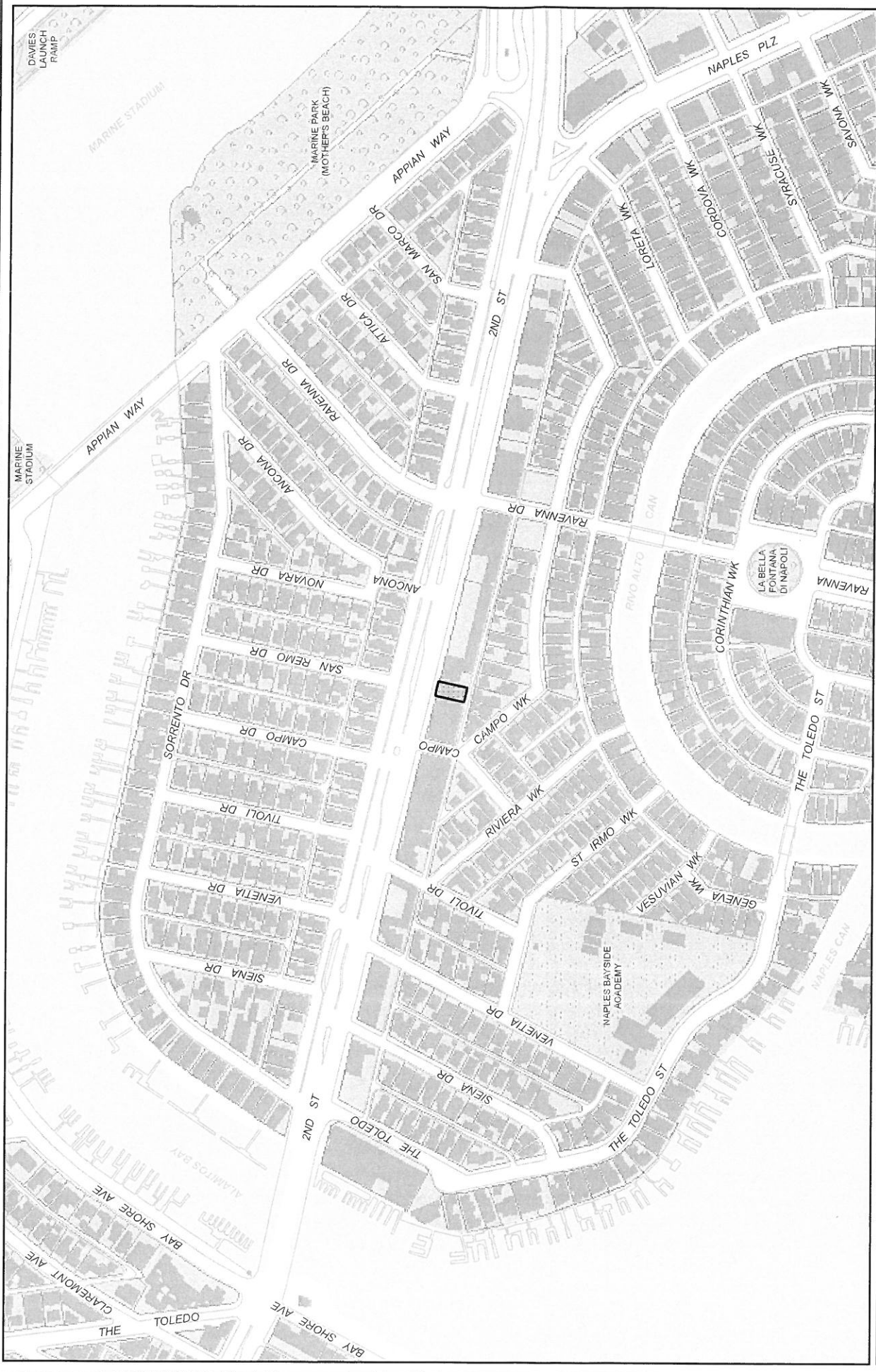
Existing Floor Plan			Proposed Floor Plan		
<u>1<sup>st</sup> Floor</u>			<u>1<sup>st</sup> Floor</u>		
Dining	655 sq ft @ 10/1k	=6.55	Dining	655 sq ft @ 10/1k	=6.55
Office	419 sq ft @ 4/1k	=1.68	Office	419 sq ft @ 4/1k	=1.68
Bar	42 sq ft @ 20/1k	=0.84	Bar	42 sq ft @ 20/1k	=0.84
		9.07			9.07
 <u>2<sup>nd</sup> Floor</u>			 <u>2<sup>nd</sup> Floor</u>		
Dining	718 sq ft @ 10/1k	=7.18	Dining	435 sq ft @ 10/1k	=4.35
		7.18	Waiting Area	518 sq ft @ 10/1k	=5.18
			Bar	126 sq ft @ 20/1k	=2.52
					12.05
 <b>Total Stalls = 16.25</b>			 <b>Total Stalls = 21.12</b>		

In taking their initial Conditional Use Permit approval action, the Planning Commission made positive Findings pursuant to Section 21.25.206 (Conditional Use Permit – Required Findings) of the Zoning Regulations. The subject request to modify the approved Conditional Use Permit requires the Planning Commission make a generalized Finding, pursuant to Section 21.21.405 (Modification of Permits), that the modification furthers the purposes of the Zoning Regulations. This Finding, as well as Findings for the requested Local Coastal Development Permit, are attached (Exhibit E – Findings).

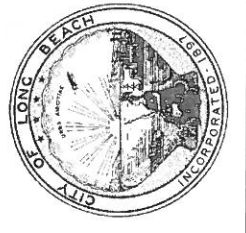
**PUBLIC HEARING NOTICE**

A total of 655 Notices of Public Hearing were distributed on May 16, 2016, in accordance with the provision of the Zoning Ordinance. At the time of writing of this report, staff has received no public inquiries on the project. All comments received after the date of report publication will be provided to the Planning Commission prior to the scheduled hearing.





**Subject Property:**  
 5620 2nd St  
 Application No. 1605-20  
 Council District 3  
 Zoning Code : CNP



**Exhibit A**



PARKING LOT ACCESS AGREEMENT

THIS PARKING LOT ACCESS AGREEMENT ("Agreement") is made and entered into as of the 21 day of January, 2008, by and between Lorbeer Equity Management, Inc., a California corporation ("Lorbeer"), whose principal place of business is located at 5320 East 2nd Street, Suite 9, Long Beach, California 90803, and Michael's on Naples, LLC, a California limited liability company ("Michael's"), whose principal place of business is located at 5620 East 2nd Street, Long Beach, California 90803, with reference to and based upon the following:

RECITALS:

- A. Lorbeer is the owner and operator of that certain parking facility located at 5580 East 2nd Street, Long Beach, California ("Parking Facility").
- B. Michael's is the owner and operator of that certain restaurant facility known as "Michael's on Naples" located at 5620 East 2nd Street, Long Beach, California ("Restaurant").
- C. Michael's is desirous of having access to and utilizing certain portions of the Parking Facility for customer parking for its Restaurant on a daily basis during certain specified hours, to be provided through a private valet parking service ("Parking Service"), and Lorbeer is desirous of allowing such access to and utilization of certain portions of the Parking Facility, in exchange for the payment of a fee, as hereinafter provided.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Assignment of Spaces. Michael's shall have the exclusive right during the following hours of the following days to have access to and the utilization of 30 contiguous parking spaces located on the 1 floor of the Parking Facility, as generally shown on Exhibit A attached hereto and made a part hereof:

Monday:	5:30 pm - 12:00 am
Tuesday:	5:30 pm - 12:00 am
Wednesday:	5:30 pm - 12:00 am
Thursday:	5:30 pm - 12:00 am
Friday:	5:30 pm - 12:00 am
Saturday:	11:00 am - 1:00 am
Sunday:	11:00 am - 11:00 pm

Lorbeer shall be responsible for ensuring the availability of the assigned parking spaces during the aforesaid days and times and shall take all reasonable steps to prevent others from having access to or utilization of the assigned parking spaces during such days and times.

2. Use. Michael's access to and utilization of the assigned parking spaces, as aforesaid, shall be strictly for the benefit of the Restaurant customers. All such parking shall be conducted exclusively through the Parking Service to be contracted for by Michael's.

## CONDITIONS OF APPROVAL

5620 E. 2<sup>nd</sup> Street

Application No. 1605-20

June 2, 2016

### Standard Conditions:

1. This Modification of an approved Conditional Use Permit and Local Coastal Development Permit approval permits the addition of a second floor bar at an existing two-story restaurant with Type 47 privileges (on-site sale of beer, wine, and distilled spirits).
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).
4. 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.
5. 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.
6. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building and Safety Bureaus. These conditions must be printed on the site plan or a subsequent reference page.
7. The Director of Development Services is authorized to make minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications to the approved project shall be reviewed and approved by the Planning Commission.

8. Site development, including landscaping, shall conform to the approved plans on file in 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.
9. 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.
10. Where feasible, all landscaped areas shall be planted with drought-tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
11. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security issues, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.
12. 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).
13. 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. Such devices shall be properly screened with landscaping or other screening methods approved by the Director of Development Services.

14. 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 plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
15. All parking areas serving the site shall provide appropriate security lighting pursuant to Section 21.41.259. All exterior lighting shall be operated by a photocell that activates the lighting when it senses darkness. Such lighting shall be adequately shielded to prevent intrusion of light and glare upon neighboring properties. The Chief of Police may require other security measures to be provided.
16. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
17. Any graffiti found on site must be removed within 24 hours of its appearance.
18. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
19. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building and Safety Bureau must be secured.
20. Separate building permits are required for fences, retaining walls, and flagpoles.
21. 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.
22. The applicant shall comply with all Low Impact Development (LID) measures as required by the Building and Safety Bureau.
23. 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.
24. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):



- 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 permitted
25. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
  26. 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.
  27. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

### **Special Conditions**

28. The site operator shall continue to provide valet parking for restaurant customers. The arrangement at the time of this approval consists of 30 off-site parking stalls located at 5580 E. 2<sup>nd</sup> Street. If this arrangement is modified or terminated, the operator shall obtain access to an equal or greater number of parking stalls elsewhere on Naples Island, subject to Planning Bureau approval.
29. The area behind the restaurant, adjacent to the alley, shall be kept in a neat and orderly condition at all times. Trash and recycling containers shall be kept closed, free of overflowing refuse, and located entirely on the project site. Open storage of supplies, equipment, products or other materials shall be prohibited.
30. Lighting for the open customer waiting area shall be designed and shielded to prevent glare and light trespass beyond the subject property. All lights associated with the open customer waiting area shall be turned off when the area is not in use.
31. Noise generated from the open customer waiting area 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 musicians, and amplified sound shall be prohibited in this area.

## MODIFICATION OF AN APPROVED PERMIT FINDINGS

**5620 E. Second Street  
Application No. 1605-20  
June 2, 2016**

Pursuant to Section 21.25.904 of the Long Beach Municipal Code, an approved permit, variance, or other entitlement may be modified so long as the modification is found to further the purposes of the Zoning Regulations.

The subject request is for the Modification of an approved permit and a Local Coastal Development Permit to allow a new second floor bar at an existing restaurant. A Conditional Use Permit for a first floor bar and Type 47 privileges (on-site sale of beer, wine, and distilled spirits) at the two-story Michael's on Naples restaurant was approved in 2008 under Application No. 0808-01. Because the subject request of a second floor bar does not involve a new ABC license, or a license type upgrade, a new Conditional Use Permit is not required. However, a Modification entitlement of the approved Conditional Use Permit is needed.

The Modification proposal is consistent with both the provisions of the General Plan and the Commercial Neighborhood Pedestrian (CNP) zoning district. The project site is located in Land Use District #8P – Pedestrian-Oriented Retail Strip District (LUD #8P). This district is intended to preserve areas of small-scale neighborhood-serving retail and personal service uses where visitors primarily arrive on foot or by car and visit multiple commercial businesses, whether they are shops, restaurants, or service providers. Per the LUD, "small restaurants and bars are consistent" with the intent and policies of the District.

The CNP zoning district allows the on-site sale of alcoholic beverages through the Conditional Use Permit process. Approval of a Conditional Use Permit for on-site alcohol sales within the existing restaurant was granted by the Planning Commission in 2008 under Application No. 0808-01. The subject proposal for an additional bar on the restaurant's second floor would similarly be allowed upon approval of the requested Modification entitlement. The restaurant at the project site has no on-site parking. As a condition of approval of the 2008 Conditional Use Permit, a valet parking service with exclusive access to 30 parking stalls at the Naples Professional Center (5580 E. Second Street) is in effect between the hours of 5:30 p.m. and 12:00 a.m., Monday through Friday; 11:00 a.m. and 1:00 a.m. on Saturdays; and 11:00 a.m. and 11:00 p.m. on Sundays. These times overlap the restaurant's operating hours of 5:00 p.m. to 10:00 p.m., Sunday to Thursday, and 5:00 p.m. to 11:00 p.m., Fridays and Saturdays. Based on the proposed floor plan, which includes the new bar and customer waiting area, the total number of parking stalls required by restaurant is 21.12. The 30 off-site parking stalls thus exceed the number of required parking stalls. As conditioned, this off-site parking arrangement shall remain, and all future modifications to the arrangement shall be subject to Planning Bureau approval. All construction

activities related to the proposed restaurant improvements would fall within the parameters of development adopted for the CNP zoning district.

## **LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

**5620 E. Second Street  
Application No. 1605-20  
June 2, 2016**

### **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**

The subject request is for the Modification of an approved permit and a Local Coastal Development Permit to allow a new second floor bar at an existing restaurant. A Conditional Use Permit for a first floor bar and Type 47 privileges (on-site sale of beer, wine, and distilled spirits) at the two-story Michael's on Naples restaurant was approved in 2008 under Application No. 0808-01. Because the subject request of a second floor bar does not involve a new ABC license, or a license type upgrade, a new Conditional Use Permit is not required. However, a Modification entitlement of the approved Conditional Use Permit is needed.

The project site is located in Area E – Naples Island and The Peninsula of the Local Coastal Program (LCP). For Area E, the LCP outlines separate sets of policies for each of the two elements, Naples Island and The Peninsula. The project site, located on Naples Island, will be analyzed according to the Naples Island criteria.

Per the LCP, public access to recreation areas and water resources on Naples Island is “not generally good.” Physical access is limited in part due to the lack of available parking. Though the project site contains no on-site parking stalls, a Parking Lot Access Agreement grants the restaurant exclusive use of 30 parking stalls at the Naples Professional Building located at 5580 E. Second Street, approximately 175 feet west of the project site. These off-site parking stalls, utilized by the restaurant's valet parking service and conditioned under the approved Conditional Use Permit that is the subject of the Modification request, exceed the required number of stalls required for the restaurant are bar uses based on the proposed improvements (21.12 stalls required; access to 30 off-site stalls provided). Per the Parking Agreement, the hours of exclusive restaurant use of these stalls would overlap with the restaurant's operating hours. The presence of the off-site stalls, in conjunction with restaurant valet operations, would make available public parking that restaurant customers might otherwise utilize. Visual access to Area E coastal resources would be unaffected by the proposed improvements. All construction activities related to the proposed restaurant improvements would fall within the parameters of development adopted for the Commercial Neighborhood Pedestrian (CNP) zoning district.

No low- or moderate-income housing would be removed as part of this project.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE RECREATION AND VISITOR SERVING FACILITIES SECTION IN CHAPTER 3 OF THE COASTAL ACT.**

The subject site is not immediately adjacent to the beach or beach access points. The request is restricted to the subject site, a privately owned and operated parcel of land with no public easements.



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
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., Room 1201
Norwalk, CA 90650

Project Title: CE- 16-111

Project Location/Address: Michael's on Naples, 5620 East Second Street, Long Beach, CA 90803

Project Activity/Description: Amendment to the existing Conditional Use Permit to allow the construction of a fourteen-seat bar on the Roof Deck (Second Floor) of the existing restaurant.

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

Applicant Name: Mark Turpin / Turpin Design Group, Inc.

Mailing Address: 3745 Long Beach Blvd., Suite 220, Long Beach, CA 90807

Phone Number: (562) 221-0585 Applicant Signature: M. Turpin

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1605-20 Planner's Initials: MH

Required Permits: CUP MODIFICATION, LCDP

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Minor addition to existing restaurant

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 5/10/16