



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

May 5, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, grant the appeal of George Romo, and overturn the Planning Commission decision to deny a Conditional Use Permit and Local Coastal Development Permit to demolish a single family home and construct a courtesy parking lot with nine parking stalls located at 1831 E. 2nd Street. (District 2)

DISCUSSION

On January 15, 2009, the Planning Commission voted 3-3, and failed to approve a Conditional Use Permit and Local Coastal Development Permit request to allow the construction of a courtesy parking lot with nine parking stalls (Exhibit A – Planning Commission Staff Report). Mr. George Romo appealed the Planning Commission decision on January 15, 2009 (Exhibit B – Appeal Materials).

The applicant is requesting to demolish a single family home at 1831 E. 2nd Street (Exhibit C – Location Map and Site Plan), and construct a courtesy parking lot with a total of nine parking stalls, to be used by Paradise Restaurant/Piano Bar with a valet service during normal business hours (1:00 p.m. to 12:00 a.m.). A staff attendant will be monitoring the parking lot during business hours. After business hours, the applicant will allow residents access to the parking spaces using a parking permit system. The applicant is proposing to charge \$10 to \$20 per month, per stall and will donate all money earned to a local charity.

With the implementation of Conditions of Approval, which includes new privacy walls, security lighting, landscaping, and limited hours of operation, staff is in support of the request and believes that the parking lot will help reduce the parking impact in a parking-impacted area (Exhibit D– Findings and Conditions of Approval). As shown on the attached list (Exhibit E – List of Courtesy Parking Lots), similar parking lots have been approved throughout the city for banks, offices and church uses. No violations or problems have been found to be associated with a courtesy parking lot and staff does not anticipate problems at this location.

HONORABLE MAYOR AND CITY COUNCIL

May 5, 2009

Page 2 of 2

This letter was reviewed by City Attorney Michael Mais on April 9, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on April 16, 2009.

TIMING CONSIDERATIONS

The Municipal Code requires a City Council hearing within 60 days of a Planning Commission decision. A City Council hearing also is required within 60 days of receipt of an appeal of Planning Commission action. The applicant sent two letters requesting a continuance from March 3, 2009, and April 21, 2009, thus allowing a hearing to be heard outside of the required 60-day period (Exhibit F – Applicant Letters).

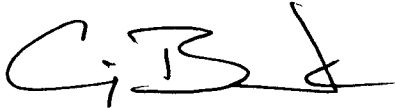
FISCAL IMPACT

The appellant will be responsible for all costs associated with this project.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:SV

P:/Planning/CityCouncilItems(pending)/CouncilLetters/2009-5-5/1831E.2ndStreet-May5,2009ccfinalv-3

Attachments: Exhibit A – Planning Commission Staff Report
Exhibit B – Appeal
Exhibit C – Location Map and Site Plan
Exhibit D – Finding and Conditions of Approval
Exhibit E – List of Courtesy Parking Lots
Exhibit F – Applicant Letters

APPROVED:



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

January 15, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit and Local Coastal Development permit to demolish an existing single family home and construct a courtesy parking lot with nine parking stalls located at 1831 E. 2nd Street in the R-4-R and CNR zoning district. (District 2)

APPLICANT: Michael Barber
239 St. Joseph
Long Beach, CA 90803
(Application No. 0811-05)

DISCUSSION

The project site is located on the north side of east 2nd Street between Hermosa and Cherry Avenue (Exhibit A – Location Map). The site is adjacent to the Rite Aid pharmacy and has been used as a residential lot since 1905.

The applicant is requesting approval of a Conditional Use Permit to demolish a craftsman style home, in order to construct a courtesy parking lot with nine parking stalls. A Conditional Use Permit is required to establish a parking lot in a residential zone when located adjacent to a commercial zone and no further than 100 feet into a neighboring residential zone. The proposed courtesy parking lot meets all zoning standards.

The new parking lot will provide much needed off-street parking to a restaurant built with no parking located at 1800 E. Broadway. The new spaces will be used along with a valet service during normal business hours. During non business hours the applicant will allow residents to use the parking lot on a first come first serve basis. The applicant will be required to adequately screen the parking lot with new block walls and landscaping as a condition of approval (Exhibit B- Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on December 30, 2008 and no responses were received.



CITY OF LONG BEACH NOTICE OF EXEMPTION

Long Beach Development Services
333 W. Ocean Blvd., 5th Floor, Long Beach, CA 90802
Information: (562) 570-6194 Fax: (562) 570-6068
www.longbeach.gov/plan

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Long Beach Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Project Location/Address: 1831 E. 2ND ST, LONG BEACH, CA
Project/Activity Description: DEMOLITION OF EXIST. S.F.D. &
CREATE PARKING LOT

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

Applicant Name: MICHAEL BARBER

Mailing Address: 239 ST. JOSEPH AVE

Phone Number: (562) 659-3057 Applicant Signature: _____

(TO BE COMPLETED BY CITY STAFF ONLY)

Case Number: 0811-05 Planner's Initials: JB

Required Permits: CONDITIONAL USE PERMIT, LOCAL COASTAL PERMIT

THE ABOVE PROJECT HAD BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15311 ACCESSORY STRUCTURES, CLASS II

Statement of support for this finding: Placement of accessory structure is
is exempt from CEQA

Contact Person: Jaime Valdez

Contact Phone: 562-570-6571

Signature: _____

Date: Jan 2, 2009

SEE: STEVE WALDEZ

PPC2401



CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	
<input checked="" type="checkbox"/> Planning Commission	on the <u>15</u> day of <u>January</u> , 20 <u>09</u>
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): George Romo

Project Address: 1831 E. 2ND STREET

Project Description: CUP FOR ALLOW THE REMOVAL OF A SFD HOME TO ALLOW FOR CONST. OF PARKING LOT

Reasons for Appeal: NOT IN AGREEMENT WITH DECISION OF PLANNING COMMISSION

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve Deny this application.

Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>George Romo</u>		
Address:	<u>2027 Appleton St</u>		
City/ZIP:	<u>LONG BEACH, CA 90803</u>		
Phone:	<u>(562) 310-3310</u>		
Signature:	<u>George Romo</u>		

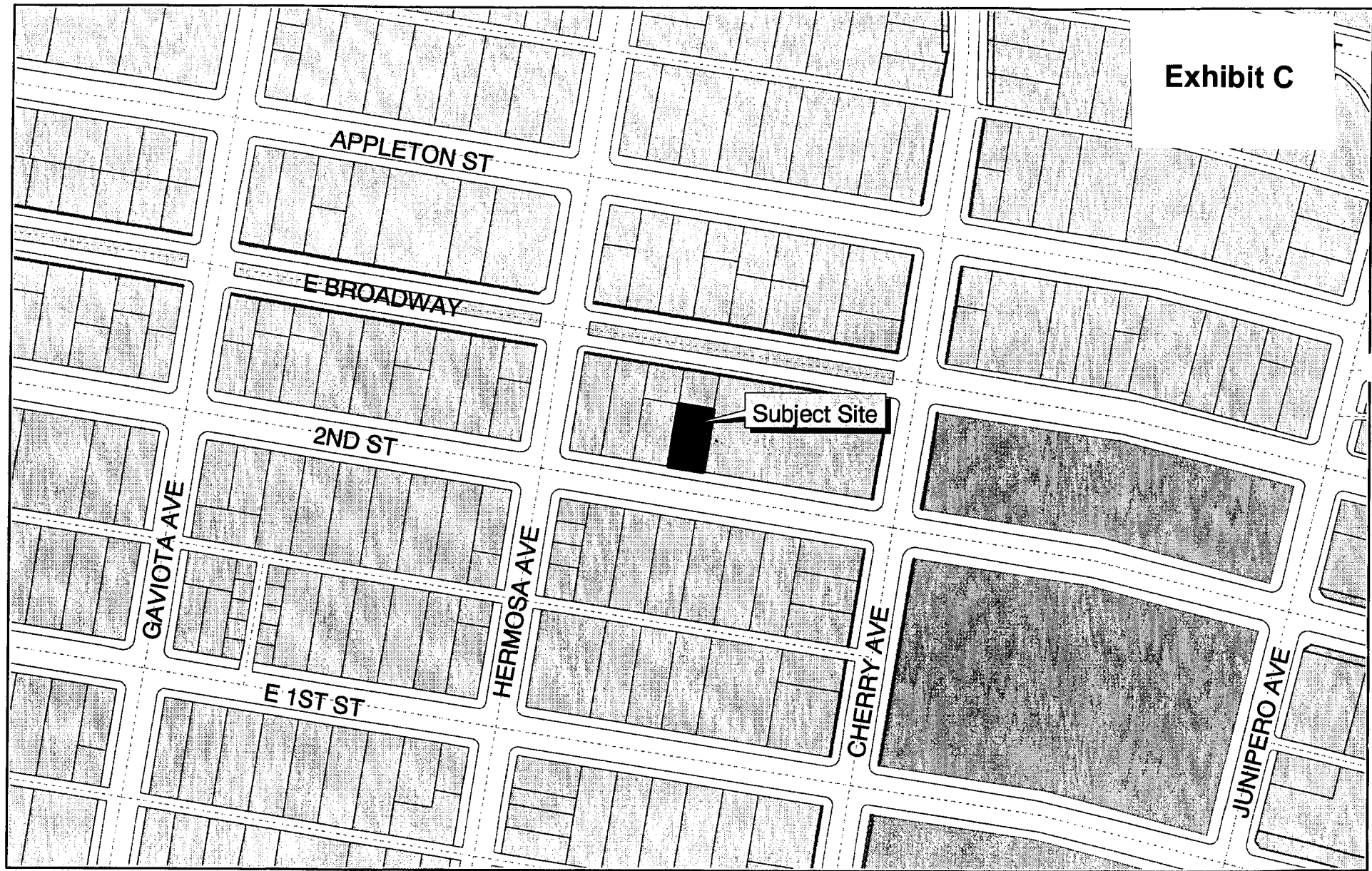
(Staff Use Only Below This Line)

Received by: SV Case No.: 0821-05 Date of Appeal: 1/26/2009

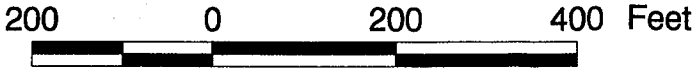
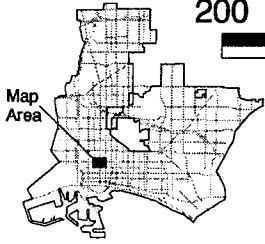
Materials Required: Plans Photographs Special Materials

Fee: _____ Fee Paid Date of Appeal Hearing: _____

Exhibit C



SUBJECT PROPERTY:
1831 E. 2nd St.
Application No. 0811-05
Council District 2
Zone: R-4-R and CNR



Scale = 1:2,500

**CONDITIONAL USE PERMIT, LOCAL COASTAL DEVELOPMENT
PERMIT**

CONDITIONS OF APPROVAL

App. No. 0811-05

Date: January 15, 2009

1. The use permitted on the subject site, in addition to other uses permitted in the R-4-R zoning district, shall be a courtesy parking lot with nine parking stalls.
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 request approved by the Zoning Administrator, 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). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
4. 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).

Special Conditions of Approval:

5. The developer will be responsible for the following site improvements, prior to the issuance of building permits and to the satisfaction of the Director of Development Services:
 - a. No payphones shall be installed on site.
 - b. A landscaping and lighting plan shall be submitted and approved prior to the issuance of a building permit.
 - c. Post "parking lot hours" sign on site, with relevant Long Beach Municipal Code Sections.

- d. Landscaping, besides trees shall not exceed 2 feet from the ground within the front yard setback.
 - e. All parking areas serving the site shall provide appropriate security lighting with light and glare shields to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
 - f. One live street tree shall be provided in the public right-of-way per every twenty-five feet (25') of street frontage as required by Section 21.42.060.B to the satisfaction of the Director of Public Works.
 - g. A six foot six inch (6'6") solid fence or wall and a five-foot (5') wide landscaping buffer shall be provided along any property line abutting a residential use.
 - h. The parking lot shall be used in conjunction with a valet service during normal business hours.
 - i. Parking made available to residents during non business hours must be permitted parking.
6. 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.
 7. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For more information, contact Sgt. David Marander of the Long Beach Police Department at (562) 570-5767.
 8. 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 that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
 9. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
 10. 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 or Planning Commission, respectively.

11. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, 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.
12. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants 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.
13. 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).
14. Any graffiti found on site must be removed within 24 hours of its appearance.
15. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
16. 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.
17. 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 allowed
17. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
18. 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.

19. 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.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

Case No. 0811-05

Date: January 15, 2009

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

A positive finding can be made for this item.

The proposed project will provide off-street parking in a severely parking impacted neighborhood and will not impeded access to the shore. Area A of the Coastal Plan does not address courtesy parking in a residential zone, but since this land use is allowed by the zoning ordinance, which is derived from the General Plan, staff concludes that approval of this project would be consistent with the Local Coastal Plan. Furthermore, the proposed courtesy parking lot will provide much needed parking for a severely parking impacted area.

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.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for stat and local governments to require beach access dedicated and to prohibit development, which restricts public access to the beach and/or water resources.

The proposed project is located north of the nearest public highway-shoreline. As designed, the project will provide additional parking spaces to a restaurant that lacks parking and will not prohibit physical access to the coast.

COURTESY PARKING LOTS - CITYWIDE

1121 Olive Avenue	Courtesy Lot – Church Parking
345 W. 3 rd Street	Courtesy Lot - Church Parking
1425 Elm Avenue	Courtesy Lot – Auto Storage Parking
1303 15 th Street	Courtesy Lot - Church Parking
924 Broadway	Courtesy Lot - Dentist Office Parking
227 1 st Street	Courtesy Lot - Office Parking
211 Cherry Avenue	Rite Aid Parking Lot – Overnight Parking
1429 Caspian Avenue	Auxiliary Off-site Parking
741 W. 10 th Street	Courtesy Lot – Church Parking
832 5 th Street	Courtesy Lot - Medical Office Parking

Michael Barber
239 St. Joseph Ave.
Long Beach, Ca. 90803
562 659-3057

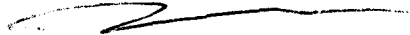
Steve Valdez
City Of Long Beach
Development Services

February 10, 2009

Dear Mr. Valdez,

Please extend our hearing date for the proposed parking lot at 1831 E. 2nd St., Long Beach until April 21st, in order to allow us more time to gather needed information.

Sincerely,



Michael Barber

Michael Barber
239 St. Joseph Ave.
Long Beach, Ca. 90803
562 659-3057

Steve Valdez
City Of Long Beach
Development Services

February 17, 2009

Dear Mr. Valdez,

Please extend our hearing date for the proposed parking lot at 1831 E. 2nd St., Long Beach until May 5th. I will be out of town on the April 21st meeting and unable to attend.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Barber', with a stylized flourish at the end.

Michael Barber

KING & KING
ATTORNEYS AT LAW
510 WEST 21ST STREET
MERCED, CALIFORNIA 95340
(209) 722-5746
FACSIMILE: (209) 725-0803

KEITH C. KING *
LAWRENCE C. KING

* CERTIFIED SPECIALIST
ESTATE PLANNING, TRUST AND PROBATE LAW
STATE BAR OF CALIFORNIA
BOARD OF LEGAL SPECIALIZATION

April 16, 2009

CITY OF LONG BEACH
Department of City Clerk
333 West Ocean Boulevard
Long Beach, CA 90802

Attn: Larry G. Herrera
City Clerk

Re : "Request to Demolish a Single Family Home and Construct
a Courtesy Parking Lot Located at 1831 E. 2nd Street.
(APP. NO. 0811-05)."

Gentlemen:

I am the owner of residential property commonly known as Park Palm No. 1, 1831 Appleton Street, Unit #3, Long Beach, California, 90802. I am responding to the Notice of Public Hearing to be held at the City Council Meeting on May 5, 2009, at 5:00 PM. I ask that this letter be considered as written testimony concerning this project.

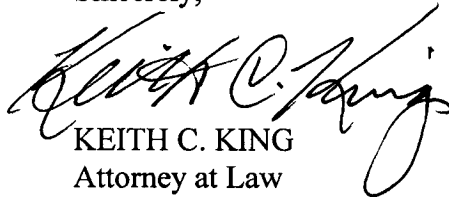
I agree with the Planning Commission's decision to deny a Conditional Use Permit and Local Coastal Development Permit and strongly object to the above-described proposed project for the following reasons:

1. Such a vehicular parking lot would be entirely aesthetically unacceptable;
2. Such a project would essentially constitute a nuisance;
3. The proposed project would devalue existing properties in the surrounding area;
4. The parking and departure of vehicles in the proposed residential area would surely increase pollution in that neighborhood.

To : City of Long Beach
Date: April 16, 2009
Page: Number Two

Thank you for permitting me to raise these issues and register my objection to the proposed project.

Sincerely,



KEITH C. KING
Attorney at Law

KCK:js