



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Blvd • Long Beach, California 90802

ATTACHMENT A

~~R-26~~

UB-17

February 14, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to Hearing Officer Appeal to Denial of Business License by Pallas Athena Enterprise, Inc., DBA ShangriLah Bistro and Tea Garden (formerly Fleur De Lis), 335 Nieto Avenue. (District 3)

DISCUSSION

On January 9, 2006, the Department of Financial Management denied the business license application of Pallas Athena Enterprise, Inc., DBA ShangriLah Bistro and Tea Garden (formerly Fleur De Lis), 335 Nieto Avenue, at the recommendation of the Planning and Building Department and the Fire Department on the basis of not submitting plans and obtaining permits and inspections for canopy structures, electrical service, and a hood system (see Attachment A). Thereafter, on January 30, 2006, the business informed the City that they never received notice of the denial. As a result, the City provided additional notice of the denial that same day and were given an additional ten days to appeal. The business has appealed this decision in a letter dated February 2, 2006 (see Attachment B).

The Long Beach Municipal Code (LBMC) prescribes that the applicant can appeal the denial of a business license application to the City Council within ten days of the denial. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, at its discretion, either conduct the hearing itself or appoint a hearing officer to conduct the hearing.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on February 6, 2006.

TIMING CONSIDERATIONS

LBMC requires that the hearing be set at its next regular meeting or within ten days of receiving the appeal.

FISCAL IMPACT

There is no fiscal impact associated with this item.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

MICHAEL A. KILLEBREW
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

GERALD R. MILLER
CITY MANAGER

MAK:PW-H:JAG:bv

ATTACHMENTS



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
COMMERCIAL SERVICES BUREAU

ATTACHMENT A

~~R-26~~

333 West Ocean Boulevard • Long Beach, CA 90802

January 9, 2006

Pallas Athena Enterprises Inc.
Fleur De Lis
316 Monrovia Avenue
Long Beach, CA 90814

RE: **Business License Application # 20514560**
Business Name: Fleur De Lis
Business Address: 335 Nieto Avenue, Long Beach, CA 90803

Dear Sir or Madam:

Thank you for your interest in establishing a business in the City of Long Beach. Unfortunately, your application to operate a restaurant without alcohol business cannot be approved at this time due to noncompliance with applicable laws and regulations, pursuant to LBMC 3.80.421.1(B).

The Planning and Building Department (see attached letter) has recommended that the business license application be denied for the following reasons: This business has not submitted plans, nor obtained approvals, permits, and inspections for a canopy structure used as a dining area for the restaurant; for work started on permit #397623 to upgrade the electrical service to 200 amps; nor for work started on permit #323610 for the hood system and rooftop screening. These corrections were listed on Notices of Inspection dated March 31, 2005 and April 13, 2005.

The Fire Department also recommends denial of the business license application because the canopy cover has not been certified by the State Fire Marshall and extension cords are being used as permanent wiring (see attached letter).

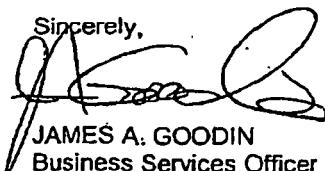
You are required to cease business operations within 10 days of receipt of this letter. To continue business operations would be a violation of the Long Beach Municipal Code. Written notice was provided to you on June 21, 2005 that your business license application would be denied if required inspections were not completed by September 21, 2005. Extension to this date was granted to November 21, 2005. The inspections have yet to be completed.

When this business has been brought into compliance with the applicable laws and regulations governing the operation of a restaurant without alcohol business in the City of Long Beach, you may reapply for a business license. Following approval by City departments, the Department of Financial Management will issue a business license.

Should you wish to appeal the denial of your business license application to the Long Beach City Council, you may do so by filing a notice of appeal with the Director of Financial Management within ten days of receipt of this letter. The notice of appeal should state the reason for the denial and the grounds for such appeal. It should be sent to the undersigned along with a nonrefundable filing fee of \$1,050.00.

Please direct any questions to this matter to Jeannine Montoya, Business License Supervisor, at (562) 570-6211.

Sincerely,



JAMES A. GOODIN
Business Services Officer
Commercial Services Bureau

Attachments

JAG:ML:bev

cc:


Councilmember, 3rd District
Director of Planning and Building
Fire Chief



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-6651 - FAX 562/570-6205

Date: November 21, 2005
To: Director of Financial Management
From:  Mark A. Sutton, Inspection Officer, Planning and Building Department
Subject: Rejection of Business License Application

The Department of Planning and Building recommends the Director of Financial Management deny the application for a business license by Pallas Athena Enterprises Inc., DBA Fleur De Lis, 335 Nieto Ave., Long Beach, California. The reason for this recommendation is that the applicant has failed to comply with applicable laws and regulations, pursuant to LBMC 3.80.42.1(B)..

Specifically, this business has not submitted plans, obtained approvals, permits and inspections for a Canopy structure used as the dining area for the restaurant, to obtain permits to complete work started for permit # 397623 - to up-grade the electrical service to 200 amps and for permit # 323610- for the hood system & rooftop screening. These corrections are listed on the Notices of Inspections dated 03/31/05 & 04/13/05.

The Planning and Building Department, therefore, recommends that the Director of Financial Management deny Pallas Athena Enterprises Inc., Fleur De Lis's application for a business license.

cc: Business License Section



City of Long Beach

* 4/6/05 *

Department of Planning and Building
Business License Inspection Services

333 West Ocean Boulevard 4th Floor, Long Beach, CA 90802

NOTICE OF INSPECTION

Job address 335 NIETO AVE Project # 429322

Business Name FLEUR DE LIS Type RESTAURANT

- Single Inspection Team Inspection Entertainment Permit
- No access to conduct inspection.
- Business not ready for scheduled inspection.
- Contact the Business License Bureau to Reschedule Team Inspection & Pay Re-inspection Fees at (562) 570-6211.

Obtain inspections, clearances and final sign-offs for all active permits to include:

OBTAIN A PERMIT TO COMPLETE WORK STARTED FOR PROJECT # 258346 - ADD PATIO COVER TO REAR OF EXISTING RESTAURANT FOR ADD'L SEATING.

Submit plans, obtain permits, inspections and approvals for the following:
FOR STORAGE ROOM AT THE NORTH SIDE OF THE BUILDING

Existing code violations that must be addressed:
PAVED HOLES IN ASPHALT PARKING LOT

* FURTHER RESEARCH IS REQUIRED TO CHECK ON PERMIT HISTORY

NOT A COMPLETE LIST

Comply with the above corrections by 4/30/05, for approval of your business license request. Failure to make the necessary corrections will result in your application for a Business License being denied and you will have to stop operations.

Inspector Wendy Darts

Phone No. 562) 570-6307

Date 3/31/05



City of Long Beach

Department of Planning and Building
Business License Inspection Services
333 West Ocean Boulevard 4th Floor, Long Beach, CA 90802

NOTICE OF INSPECTION

Job address 335 NIETO AVE Project # 42822

Business Name FLEUR DE LIS Type RESTAURANT

() Single Inspection (X) Team Inspection () Entertainment Permit

- () No access to conduct inspection.
() Business not ready for scheduled inspection.
() Contact the Business License Bureau to Reschedule Team Inspection & Pay Re-inspection Fees at (562) 570-6211.

(X) Obtain inspections, clearances and final sign-offs for all active permits to include: COMPLETE WORK STARTED.

- (1) #397623 - UPGRADE SERVICE TO 200 AMPS.
(2) #323610 - EXHAUST HOOD FOR KITCHEN IN RESTAURANT / SCREENING REQD
(3) #259514 - 194' L.F. OF 6'4" HIGH WROUGHT IRON

(X) Submit plans, obtain permits, inspections and approvals for the following:

- (1) PATIO COVER AT THE REAR OF THE RESTAURANT FOR SEATING.
(2) THE STORAGE ROOM AT THE NORTH SIDE OF THE BUILDING (ATTACH)

() Existing code violations that must be addressed:

* REVISED NOTICE *
4/13/05

Comply with the above corrections by 5/13/05, for approval of your business license request. Failure to make the necessary corrections will result in your application for a Business License being denied and you will have to stop operations.

Inspector Wendy Dost

Phone No. 562 570-6307

Date 4/13/05



Date: December 27, 2005
To: Director of Financial Management
From: Joe Bayudan, Plan Checker / Inspector
Subject: Rejection of Business License Application for Fleur De Lis

The Fire Department recommends **denial** of the application for a business license by Fleur De Lis Restaurant, located at 335 Nieto Avenue.

This recommendation is due to outstanding fire code issues as follows:

- o Non-compliant Canopy Cover
- o Extension Cords being used as permanent wiring

Due to the nature of the outstanding fire code issues Fire Prevention recommends denial. Please contact me at extension 82502 if you need any further information.

cc: Scott Giles, Fire Marshal
Hank Teran, Battalion Chief
Sid Sonnier, Fire Firefighter / Inspector



FEBRUARY 2, 2006

JAMES A. GOODIN
BUSINESS SERVICES OFFICER
COMMERCIAL SERVICES BUREAU

Thank you for your letter regarding the current status of our business license for our restaurant located at 335 Nieto Ave. in Long Beach. As I mentioned I have been moving my office et al and while I know we had received the letter last week it was quickly swallowed up during the move. I very much appreciate your explaining the opportunity to submit an appeal which I would like to do by means of this letter.

When I purchased the business at the above address I was told that everything was up to code. The previous owner was very open with disclosures about the property but unfortunately since he had never had an inspection he was unaware of many of the problems I have encountered that have prevented us from obtaining a business license. The primary stumbling block is that there are a variety of changes and upgrades made to the property over the last eight years prior to the previous owner's tenure that had never been fully permitted. I was unaware of any of these until informed of such by the city's building and fire inspectors. Since that time I have diligently pursued contractors who could help us do whatever was needed in order to bring the property to a state of compliance. This has taken much longer than expected and while we have had a contractor with whom we've been working since July they have run into snag after snag in trying to obtain permits for work they did not initiate. Additionally we have been told by employees at the city desk that certain permits must be pulled by specifically licensed contractors such as electrical and mechanical engineers and it has been all but impossible to find a reputable engineer willing to take responsibility for work done as long as eight years ago. Please note that as of the first day that I took over the property I was served with paperwork stating that I would be prosecuted if I did not repair the property's retaining wall which had been erected over twenty years ago. Though we ran into many problems concerning this project we did complete it in compliance with all that was asked of us by the city with a substantial investment made by me personally.

Where we stand at present is that the tent which was moved from our upper level will be replaced by a permanent structure. Plans for this structure are in the process of being drawn up. In order to stay open during this process as we require some sort of coverage for our diners we have just obtained a permit to build a sort of patio cover in our lower level which we hope to start work on this Monday February 6th. To the best of my knowledge we have already had an electrical engineer obtain the permit for changes made by the previous owner. And as of this writing we have managed to hire a

335 NIETO AVENUE . LONG BEACH . CA 90814 . 562.494.4668 .

WWW.SHANGRILAHBISTRO.COM

mechanical engineering firm who is willing to obtain the permit for the hood system. They came out last Saturday to do the drawings needed and are working towards requesting the permit.

In light of the many unforeseen challenges we have faced, all of which were caused by previous owners and given that we have been conscientiously working on rectifying these problems over many months I would like to formally appeal the decision to decline our business license.

Enclosed please find the nonrefundable filing fee of \$1050.00 in accordance with your letter.

As a Long Beach resident and small business owner I very much look forward to a long and mutually beneficial working relationship with the city and would be most grateful for the opportunity to obtain a business license, especially given all the work, time and funds that have gone into achieving that goal.

Many thanks.

Respectfully,

Cynthia Sperry
Owner
Shangrilah Bistro & Tea Garden
562-930-0550



Date: March 13, 2006
To: James Goodin, Business Services Officer
From: Lawrence Brugger, Superintendent of Building and Safety *L. Brugger*
Subject: Request for a 30-day extension for 335 Nieto Avenue

Staff from the Department of Planning and Building met with Cynthia Sperry, owner of Shangrilah Bistro and Tea Garden, to develop a compliance schedule for correcting the outstanding code issues for the recently remodeled restaurant. Some of the electrical work was completed without benefit of a permit or inspections. Ms. Sperry has retained an electrical contractor to correct and complete the electrical work. The electrical contractor has been working on the corrections, including relocating the electrical service. Due to the work that remains, the Department recommends additional 30-day extension of time.

Therefore, please recommend a 30-day extension of time for the Business License for 335 Nieto Avenue in your communication back to the City Council.

If you should have any questions, please contact me.