



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

December 4, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Modification to an Approved Permit (Conditional Use Permit and Local Coastal Development Permit No. 0408-26) to allow a change in the hours of operation from 1:00 a.m. to 2:00 a.m. daily for the Gaslamp Restaurant and Bar at 6251 East Pacific Coast Highway and accept Categorical Exemption (CE 14-143). (District 3)

APPLICANT: Michael Neufeld for Gaslamp Partners, LLC
539 Tustin Avenue
Newport Beach, CA 92663
(Application No. 1409-19)

DISCUSSION

On December 16, 2004, the Planning Commission approved a Conditional Use Permit (CUP) and Local Coastal Development Permit (LCDP) to establish a fixed bar with a Type 47 liquor license (beer, wine and distilled spirits) at an existing full service restaurant. The restaurant is approximately 9,795 square feet with two fixed bars, an outdoor patio area and 209 on-site parking spaces. This business also has an entertainment permit allowing live music and dancing. A CUP and LCDP and related public hearing were required to allow for alcohol sales. As part of the conditions of approval, the hours of operation are currently limited from 11:00 a.m. to 1:00 a.m. daily.

The subject property is located at the southeast corner of Pacific Coast Highway and Loynes Drive (Exhibit A – Location Map). The zoning district for the subject site is the Southeast Area Planned Development District (PD-1), subarea 15 and the General Plan designation is Land Use District 7 (Mixed Uses). Adjacent land uses include the Best Western Golden Sails Hotel to the south, a commercial shopping center to the west across Pacific Coast Highway, residential condominiums to the north across Loynes Drive and the Belmont Shores Mobile Estates to the east across an approximately twenty-foot-wide driveway.

The applicant is requesting to modify the previously approved permit to extend the hours of operation from 1:00 a.m. to 2:00 a.m. daily (Exhibit B – Site Plan and Floor Plan). The Gaslamp Restaurant and Bar has been in operation since 2007 with the current owner operating the business for the last five years. The establishment consists of a 7,107-square-foot dining room, two fixed bars and a 5,150-square-foot open patio. A restaurant and bar have been in operation at this location since 1983, with the exception of the years between 2004 and 2007, when the City revoked a previous owner's business license due to neighborhood nuisances.

The Long Beach Police Department (LBPD) has been contacted regarding calls for service at this site. In the past six months from April 2014 – October 2014, there were seven calls for service; two audible burglar alarms, one dispute between patrons, one unwelcome guest at the restaurant that was removed, one call for possible gang members removed from the bar, one public intoxication and one fight between two intoxicated patrons. The calls ranged from between 9:00 p.m. and 1:00 a.m. The LBPD has reviewed the request and has no objection to the extended hours. In addition, the Third District Council office was also notified and has no objection to the extended hours.

The previous conditions of approval from Case No. 0408-26 remain in effect. The current business owner has operated the restaurant and bar for the past five years with minimal complaints. Lighting in the parking lot is currently substandard; therefore, a condition of approval has been added to increase lighting to a minimum of one-foot candle or level satisfactory to the LBPD. Staff believes the extended hours of operation will not have a negative impact on the surrounding community and the previous conditions of approval will remain. In order to approve a Modification request to an approved permit, the Planning Commission must make positive findings. Staff recommends the Planning Commission approve the proposed change in hours of operation from 1:00 a.m. to 2:00 a.m. daily for the Gaslamp Restaurant and Bar based on the proposed conditions of approval (Exhibit C – Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were mailed on November 18, 2014, in accordance with the provisions of the Zoning Ordinance. In addition, the Belmont Shores Mobile Estates was notified. As of the writing of this report, staff has received no calls on this proposed project.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 14-143) was issued for the proposed project and is forwarded to the Planning Commission for concurrent consideration (Exhibit D – CE 14-143).

CHAIR AND PLANNING COMMISSIONERS

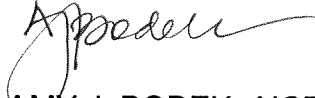
December 4, 2014

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Respectfully submitted,



JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB: JW: lf

Attachments: Exhibit A – Location Map
 Exhibit B – Site and Floor Plans
 Exhibit C – Conditions of Approval
 Exhibit D – CE 14-143

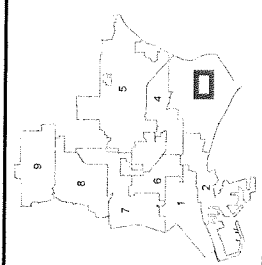
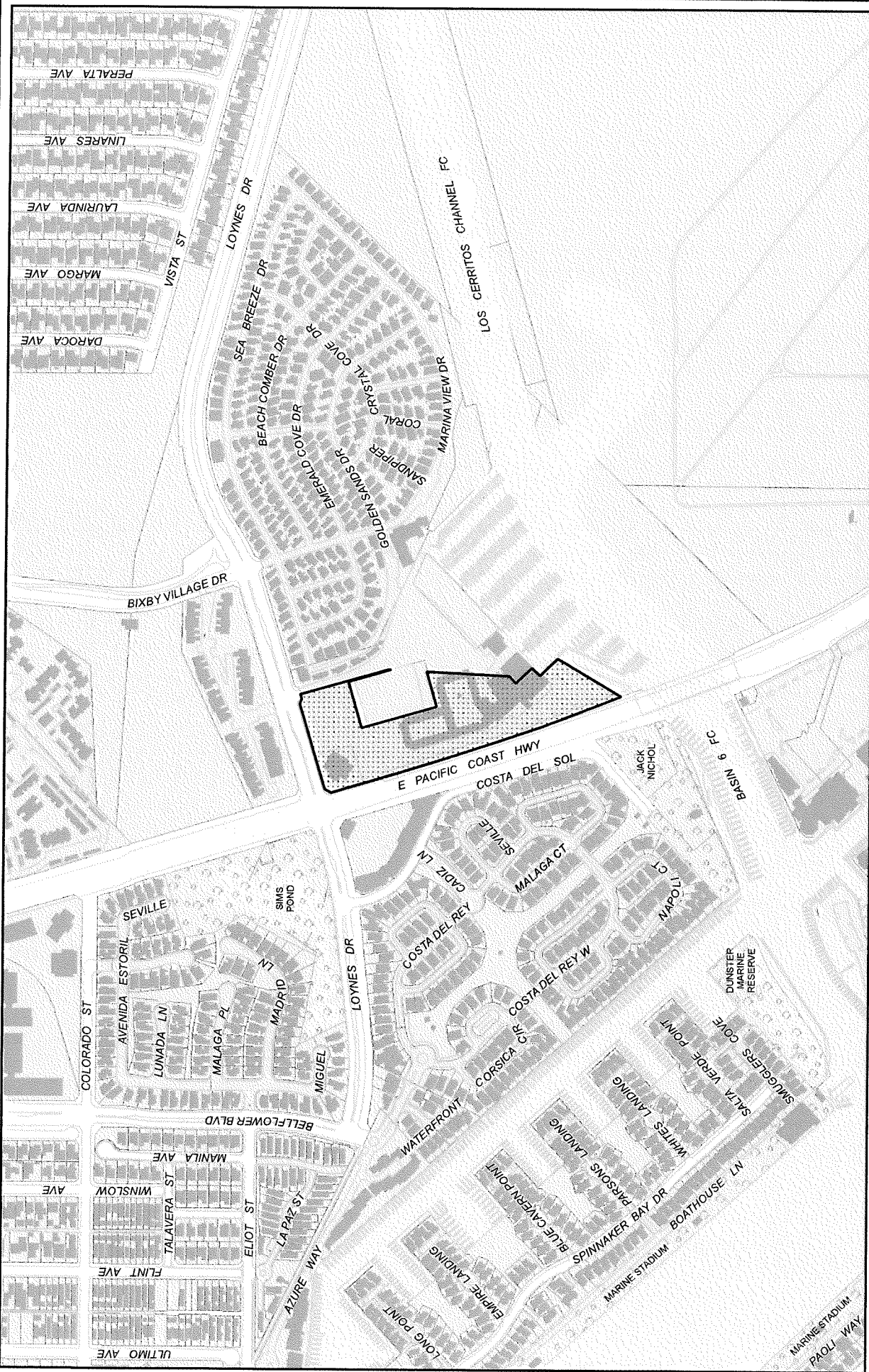
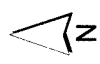
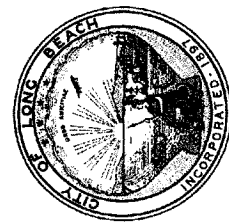


Exhibit A



Subject Property:
6251 E Pacific Coast Hwy
Application No. 1409-19
Council District 3
Zoning Code : PD-1 SubArea 15



**Modification to an Approved Permit
Findings
6251 East Pacific Coast Highway
Case No. 1409-19
December 4, 2014**

CURRENT ACTION REQUESTED

The current action requested is the approval of a Modification to an Approved Permit (Conditional Use Permit and Local Coastal Development Permit Case No. 0408-26) to extend the hours of operation for a Type 47 liquor license at an existing restaurant with a fixed bar from 1:00 a.m. daily to 2:00 a.m. daily.

Such requests may be granted only when favorable findings, as specified in Chapter 21.21, are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

MODIFICATION OF PERMITS FINDING

Pursuant to Chapter 21.21, Division IV of the Long Beach Municipal Code, an approved permit, variance or other entitlement may be modified as long as the modification is found to further the purposes of the Zoning Regulations. The hearing body, which granted the original approval must consider and act on the modification within sixty (60) days of receiving the modification request. If the Zoning Administrator finds that the modification will not significantly alter the original approved action, notice of hearing on the requested modification shall be given to any person or entity whom the Zoning Administrator determines was aggrieved at the original hearing. If the Zoning Administrator finds that the modification may significantly alter the original approved action, notice of hearing on the requested modification shall be given as required for an initial hearing as shown on Table 21-1. For the purposes of this Section, a significant alteration shall include, but is not limited to, a request to relocate the project to a new location other than that approved by the permit, or a request to change the size of the project as approved by the permit by more than ten percent (10%).

This Conditional Use Permit and Local Coastal Development Permit was heard and approved by the Planning Commission at a noticed public hearing in 2004. Due to the late hours the Site Plan Review Committee determined that the modification request shall be a noticed public hearing to allow surrounding tenants and property owners an opportunity to voice any concerns. Whaler's Cove condominiums are located to the north across Loynes Drive and the Belmont Shores Mobile Estates to the east. The restaurant and bar with entertainment and dancing has been in operation since 2007. The Police Department has no objection to the extended hours. The conditions of approval address potential nuisances and negative impacts.

**MODIFICATION TO AN APPROVED PERMIT
(Case No. 0408-26, CUP, LCDP)
Case No. 1409-19
CONDITIONS OF APPROVAL
6251 East Pacific Coast Highway
Date: December 4, 2014**

1. The use permitted hereby on the site, in addition to other uses permitted in PD-1, subarea 15 shall include a modification to the hours of operation for an existing Type 47 alcohol license at a full service restaurant with two fixed bars from 1:00 a.m. daily to 2:00 a.m. daily.
2. This permit and all development rights hereunder shall terminate one year from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced, a business license establishing the use is obtained 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 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. 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. 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).
7. All operational conditions of approval of this permit must be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
 8. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
 9. The Director of 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 and if no detrimental effects to neighboring properties are caused by said modifications. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
 10. Site development, including landscaping, shall conform to the approved plans on file in the Development Services Department. 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.
 11. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the discretionary approval of the Director of Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.
 12. 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.
 13. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. 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 City Council.

14. 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).
15. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
16. Any graffiti found on site must be removed within 24 hours of its appearance.
17. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as 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.
18. All parking areas serving the use must be brought into conformance relative to current screening, landscaping, paving, striping and lighting.
19. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation.
20. 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.
21. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
22. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured. The applicant shall comply with the TAC comments of September 15, 2004 (attached).
23. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
24. 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.
25. 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. The applicant shall submit plans for building tenant improvements and fire clearance, and additional requirements may apply at time of plan check.
 26. 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
 27. All unused curb cuts must be replaced with full height curb, gutter, and sidewalk, and any proposed curb cuts shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
 28. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
 29. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic re-inspection conducted at the discretion of City officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council.
 30. Prior to the issuance of a business license, the holes in the parking lot shall be repaired and the parking lot shall be slurry sealed and restriped. A plan shall be submitted to the satisfaction of the Planning Bureau prior to the parking lot improvements.
 31. Parking lot lighting shall be provided to the satisfaction of the Director of Development Services and the Long Beach Police Department.
 32. The applicant shall install two 24-inch box size trees, or one tree for each planter area with a parking lot light standard, six 5-gallon shrubs and ground cover in each existing landscape planter in the parking lot. A row of 5-gallon shrubs planted three feet on center shall be provided along the north property line adjacent to the parking lot and also along the east property line south of the driveway between the sidewalk and parking lot to screen the parking areas from the public street. The landscape improvements shall be installed six months after the issuance of a business license.

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33. The applicant shall comply with the following requirements to the satisfaction of the Director of Public Works:
- Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic striping and signing, street tree removals and plantings in the public right-of-way, shall be performed under Public Works street improvement permit. Permits to perform work within the public right-of-way shall be obtained from the Public Work Permit Section of the City of Long Beach Development Services Center, City Hall, 333 West Ocean Boulevard, telephone (562) 570-7082 or 7084.
 - All work within the public right-of-way shall be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The contractor shall have on file with the City Engineer Certification of General Liability insurance and an endorsement-evidencing minimum limits of required general liability insurance.
 - Any off-site improvements found damaged as a result of construction activities shall be reconstructed by the Developer to the satisfaction of the Director of Public Works.
 - The public sidewalk adjacent to the site must meet ADA minimum standards. The Developer shall verify that the existing curb ramp at East Pacific Coast Highway and Loynes Drive and the surrounding public sidewalk meets those standards, and make any modifications and dedications necessary.
 - The Developer shall reconstruct deteriorated, cracked, or missing sections of sidewalk on Loynes Drive with 3-inch concrete pavement.
 - The Developer shall remove unused driveways and replace with standard full height curb.
 - The location of any proposed driveway shall be approved by the Director of Public Works.
34. The applicant shall provide a security guard from dusk to ½ hour after closing to the satisfaction of the Police Department and Planning Bureau.
35. The hours of operation shall be from 11:00 am to 2:00 a.m. daily. No sales, service or consumption of alcohol shall take place on the outdoor patio after 10:00 p.m. The patio hours shall be reviewed by the Director of Development Services after one (1) year of operation. Any change to the hours of operation shall be subject to review by the Planning Bureau.
36. Any exterior alterations shall be subject to the review and approval of the Planning Bureau.
37. This application does not allow entertainment uses. Entertainment uses require a separate hearing and approval by City Council.

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38. The business shall comply with the City Noise Ordinance, Section 8.80 of the Long Beach Municipal Code.
39. The Gaslamp Restaurant and Bar shall take reasonable measures to prevent loitering in the parking lot after 9:00 p.m. "No loitering" signs shall be posted in the parking lot and enforced by the security guard.
40. The premises shall be maintained as a full service restaurant providing an assortment of full service meals normally offered in such establishments. In the event that the restaurant ceases operations, a new Conditional Use Permit and Local Coastal Development Permit would be required.
41. The applicant shall submit a security and lighting program and shall address the following conditions to the satisfaction of the Police Department:
 - Adequate lighting in the parking lot areas and around the perimeter of building (five foot candle) shall be provided;
 - Surveillance cameras shall be provided for the on-site parking lot;
 - Security guards should be provided from 7:00 p.m. until closing;
 - Exterior wall mounted lighting shall be provided above entry/exit doors, under canopies and along pedestrian walkways;
 - The address shall be clearly marked on the outside of the building and on the rooftop of building;
 - Exterior telephones are prohibited;
 - Entry to the patio area should be limited to patrons only and shall only be from the interior of the building;
 - "No loitering" and "Customer parking only" signs should be posted in the parking lot area;
 - The owner/manager should participate in the Long Beach Police Department Business Watch Program. Please contact (562) 570-7215.

Please contact the Police Department at (562) 570-7215 for approval. The business license will not be issued until the Police Department has reviewed and approved the security and parking lot lighting plans, and the plan for security guard services.

42. The applicant shall comply with the following requirements to the satisfaction of the Building Bureau:
 - The current prevailing building and construction codes in the City of Long Beach are the 2001 Edition of the California Building Code, 2001 Edition of the California Mechanical Code, 2001 Edition of the California Plumbing Code, 1999 Edition of the National Electric Code.
 - The building and facilities must be accessible to and usable by the physically disabled per Title 24, California Code of Regulations.

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- Although the local Building Bureau has neither the responsibility nor the authority to enforce ADA regulations, the Architect or Designer is strongly advised to include such requirements in the building design.
- Show on the plans a continuous and unobstructed path connecting all accessible elements and spaces in an accessible building or facility that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by persons with other disabilities. The path must satisfy the width, slope and surface condition (ie . . . drainage swale . . .) mandated by the 2001 California Building Code.
- Provide on the title sheet an analysis which establishes justification for the building area based on available yards, type of construction, sprinkler systems and occupancy group.
- The Clean Water Act of 1972 requires for the proposed project that adequate and proper design and construction measures be taken to protect the storm water system and waterways from contamination. A NPDES (National Pollutant Discharge Elimination System) permit may be required prior to any storm waters being discharged into any receiving waters from a building site or a construction site.
- All sheets of the plans and the first sheet of the calculations are required to be stamped and signed by the California licensed Architect and/or Engineer responsible for the design. The professional license must be current and in good standing.
- Los Angeles County Sanitation District sewer connection fees may be required for the project.
- Planning approval is required.
- Fire Prevention Bureau approval is required.
- Submit separate permit applications for electrical, plumbing, and mechanical.
- The Building and Safety Bureau offers "Permit by FAX" for preliminary processing of the applications. By using this service, you will be able to obtain the project number, the exact amount of the plan check fees to be paid, and shorten the wait time on the 4th floor of Development Services. You can obtain all the applications and information from our website at www.ci.long-beach.ca.us/plan.
- TAC review and comments are intended to aid the applicant in preparation of the project for building permit submittal and are not plan check corrections. Plan check corrections will be issued after the completed plans have been submitted and a full plan check review has been done. The applicant is responsible for complying with all requirements of the prevailing building and construction codes.



NOTICE of EXEMPTION from CEQA

EXHIBIT D

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 14-143

Project Location/Address: 6251 E Pacific Coast Hwy
Project/Activity Description: Extend existing business hours from
1:00 am to 2:00 am daily.

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

Applicant Name: Michael Newfeld

Mailing Address: 539 Justin Ave Newport Beach, CA 92663

Phone Number: 714-426-4699 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1409-19 Planner's Initials: LF

Required Permits: CUP & LDP - Modification to an Approved Permit
0408-26

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 change in operations for
existing business.

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: [Signature] Date: 11/18/14