



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

October 6, 2016

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption CE-16-213 and approve a Conditional Use Permit and Local Coastal Development Permit to allow the on-site consumption of alcoholic beverages (beer, wine, and distilled spirits) at an existing movie theater located at 6346 E. Pacific Coast Highway within the PD-1 Southeast Area Development and Improvement Plan (SEADIP). (District 3)

APPLICANT: American Multi-Cinema, Inc.
11500 Ash Street
Leawood, KS 66211
(Application No. 1606-04)

DISCUSSION

The proposed project site, the Marina Pacifica Mall, is located on the west side of Pacific Coast Highway between Loynes Drive to the north and 2nd Street to the south, (Exhibit A – Location Map). Located in Subarea 16 of the Southeast Area Development and Improvement Plan (PD-1), this 190,000-square-foot commercial shopping center provides both subterranean and at grade parking.

The applicant and subject tenant, American Multi-Cinema (AMC), is requesting approval of a Conditional Use Permit to allow the sale and on-site consumption of alcoholic beverages including beer, wine, and distilled spirits. At this location, AMC operates twelve theatre screens from two separate buildings (east and west) each containing six screens. Both buildings are accessed from an open subterranean plaza area where the ticket booth is located. Guests proceed to the east or west building corresponding to the screen number on their film ticket.

The typical hours of operation at the subject theatre will be from 8:00 a.m. to 2:00 a.m., seven days a week. The theatre will occasionally have extended hours of operation depending upon the demand and ticket sales of a particular film. Extended hours of operation would be no later than 3:00 a.m. to accommodate midnight screenings. The sale of alcoholic beverages is requested for up to 1:00 a.m. This would allow for sales at the beginning of a midnight screening, but requires that sales stop one hour prior to the

CHAIR AND PLANNING COMMISSIONERS

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close of business and shall be subject to State law, which prohibits the sale of alcohol between 2:00 a.m. to 6:00 a.m.

The applicant is requesting approval for alcoholic drinks to be sold and served from a service bar located in the lobby of both the east and west buildings. Guests will be able to purchase an alcoholic beverage at the service bar and within the auditoriums through point of sale transactions conducted by the theatre servers prior to and during the feature presentation. During the feature presentation, customers will have the ability to order alcoholic beverages by using a call service button available at each seat within the auditorium. As conditioned, the sale of alcohol will be limited to two drinks per transaction. The bar area will not prepare or serve food and will not have fixed seats, but will be limited to the sale and service of alcoholic beverages. As no additional bar seating is proposed in the theatre, there is no impact on the required parking for the site. (Exhibit B – Plans & Photographs).

AMC representatives indicate that the firm has 94 alcohol-service venues throughout the U.S., and that they have operated at the subject site since 1984. Long Beach Police Department (LBPd) records show 92 incidents at the theater and the number of calls qualifying for high crime is 140, making the subject theatre not a high crime area. The calls for service report for last year indicates eight calls to the site. The LBPd has reviewed this request and has no objection to the request based on the theatre's location in a low crime area and the low number of calls for service (Exhibit C – Crime Information Sheet & Calls for Service). As this is the first application the City has processed for alcohol sales in a movie theatre, staff has worked closely with the LBPd and reviewed the requirements and conditions of approval in other cities to ensure that appropriate steps are taken by the theatre operator to ensure general public health and safety concerns associated with the sale of alcohol to theatre patrons.

Zoning regulations require that on-premise alcohol shall not be in a district with an over concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC). In the census tract (5776.01) in which the theatre is located, 1 alcohol license is allowed and there are currently 27 licenses. Staff has evaluated the existing alcohol licenses in the census tract and is requesting that the Planning Commission approve the request since the site has no history of nuisance or criminal activity relating to alcohol sales. Staff believes that the approval of the application will have a minimal impact on the surrounding land uses because of the low crime rate, the low number of calls for service and because the conditions of approval recommended for the project will require the implementation of a number of operational measures designed to reduce any potential negative effects from the proposed alcohol sales (Exhibit D – Findings & Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 15, 2016, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no public inquiries on this project.

CHAIR AND PLANNING COMMISSIONERS

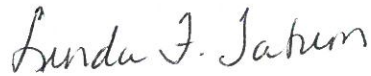
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ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was issued for the proposed project (Exhibit E-CE-16-213).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CT:nv

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Attachments: Exhibit A – Location Map
 Exhibit B – Plans and Photos
 Exhibit C – Crime Information Sheet & Calls for Service
 Exhibit D – Findings & Conditions of Approval
 Exhibit E – Categorical Exemption CE-16-012

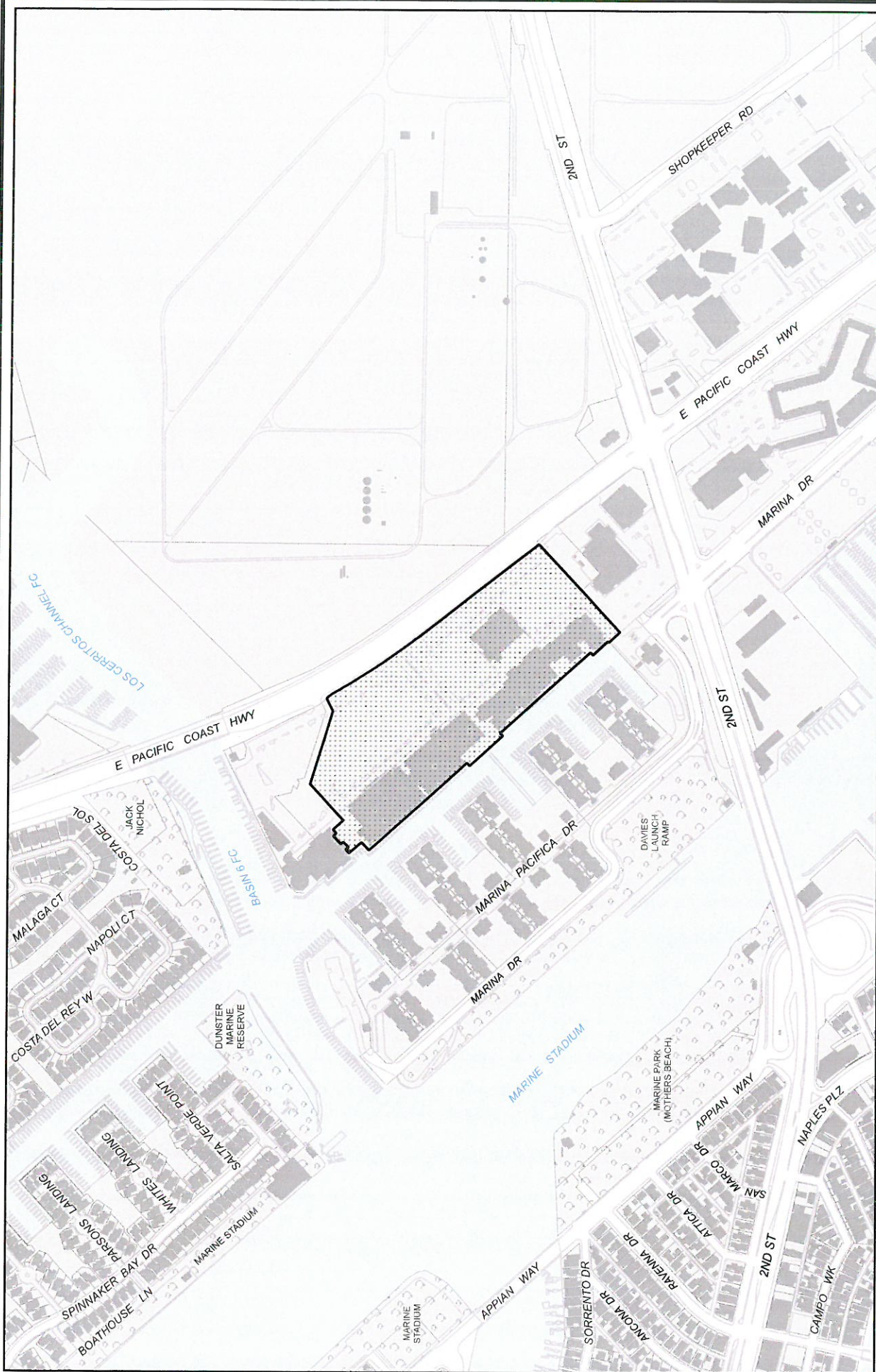


Exhibit A



Subject Property:
6346 E Pacific Coast Hwy
Application No. 1606-04
Council District 3
Zoning Code : PD-1 SubArea 16



HONORABLE MAYOR AND CITY COUNCIL

September 13, 2016

Council District 3

Applicant: American Multi-Cinema, Incorporated

DBA: AMC Marina Pacifica 12

Address: 6346 East Pacific Coast Highway

Type of Application: A premise-to-premise and person-to-person transfer of an On-Sale General for a bonafide eating place license.

Basis for possible protest: Over concentration.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5776.04

Boundaries: Pacific Coast Highway/San Gabriel River to the North
City Limits to the South
City Limits to the East
Marine Stadium/Alamitos Bay to the West

Number of licenses allowed: 1

Number of licenses existing: 27

Police Reporting District: 621

Boundaries: Colorado Street to the North
2nd Street to the South
Pacific Coast Highway to the East
Marine Stadium/Alamitos Bay to the West

Reported crimes in this district for ABC purposes are 92. Crime in a reporting district must be at least 140 to qualify for a high crime protest.

Type of business: A movie theater.

Last day to request conditions and protest: September 20, 2016



Date: September 13, 2016
To: File
From: Laurie Barajas, Detective, Vice Investigations Section
Subject: **AMC MARINA PACIFICA 12 – 6346 EAST PACIFIC COAST HIGHWAY**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (7/28/15 to 7/28/16)

4	459A	Audible Burglary Alarm	Bad Order, Alarm
2	Unwelc	Unwelcome Subject	Gone on Arrival
2	Group	Group Disturbance	Gone on Arrival/Advised
1	653M	Threatening/Annoy Phone Calls	Advised
1	929O	Overdose	Assisted Other Agency
1	Ckwel	Check the Well Being	Advised
1	5150	Mentally Ill Investigation	Advised
1	Dispute	Dispute	Gone on Arrival

ABC INSPECTIONS (past three years)

Not Applicable.

RESIDENCES WITHIN 100 FEET

None.

CHURCHES, SCHOOLS, PARKS, HOSPITALS AND PLAYGROUNDS WITHIN 600 FEET

None.

**CONDITIONAL USE PERMIT
FINDINGS****6346 E. Pacific Coast Highway
Application No. 1606-04
October 6, 2016**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project site is located in Land Use District #7– Mixed Use Strip. LUD #7 is intended for use in large, vital activity enters. Shopping centers are identified as consistent with the requirements of this district, so the principal use of the site is consistent with the General Plan. The site is located in PD-1 Southeast Area Development and Improvement Plan and the Local Coastal Plan and the request to allow alcohol sales is consistent with the requirements of both plans. The project is also consistent with the zoning regulations of the PD-1 district, as the creation of the McGuffins service and support bar and on-site sales of alcoholic beverages at an existing theatre are allowed through the Conditional Use Permit process in this district.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 16-213) was prepared for this project and is attached for further reference.

The proposed sale of beer, wine and distilled spirits for on-site consumption is not expected to be detrimental to the surrounding community. No physical expansion of the building is proposed, and Conditions of Approval are included to minimize negative impacts, such as prevention of nuisances and loitering.

- 3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

Section 21.52.201 states that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit:

- A. The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the previous use as to legal nonconforming rights.**

The subject site is located within a shopping center. Per zoning code section 21.41.216, parking for a shopping center is counted at 5 spaces per 1,000 square feet of floor area. The current establishment along with the other existing uses on site have a total of 190,000 square feet which would require 990 parking spaces. The subject site has 1,225 parking spaces. The site conforms to the current code and has a surplus of 235 parking spaces. Furthermore, the creation of the service bar and support bar will serve as an accessory use to the theatre and will not trigger any additional parking.

- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.**

The theatre currently has exterior lighting which provides adequate lighting throughout the exterior of the theatre, throughout the common box office area, and along the path of travel leading to and from the theatre. Staff consulted with the Long Beach Police Department on this application and as appropriately conditioned, the LBPD had no objections to the request.

- C. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods.**

As appropriately conditioned, the operator shall prevent loitering and other potential nuisances along the common areas serving the use during and after the hours of operation.

- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premise sales use, as recommended by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes and calls for service in the subject Police Reporting District.

Section 21.52.201 of the zoning regulations requires that the use shall not be in a reporting district with an over-concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the

Long Beach Police Department. The project is not located in a high crime area per LBPD; however it is in an over-concentrated district for alcohol sales. In the subject census tract (5749.01), one license for alcohol sales is permitted, and twenty seven are currently active. Staff consulted with LBPD for this application and they expressed no opposition to approval of this permit provided that they incorporate security measures such as lighting and security cameras in addition to the low crime rate and calls for service. Therefore staff is requesting Planning Commission approve this finding.

- E. The use shall not be located within 500 feet of a public school or public park, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

The theatre is not located within 500 feet of a public school or public park.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

6346 E. Pacific Coast Highway
Application No. 1606-04
October 6, 2016

Pursuant to Section 21.25.904 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

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

The project site is located in PD-1 Southeast Area Development and Improvement Plan and the Local Coastal Plan. The Local Coastal Plan calls for the subject site to maintain the existing specialty shopping area. The proposed service bar and support bar for the on-site sales of alcoholic beverages will not alter the primary use of the business. The sale of on-site alcohol will remain an accessory use to the movie theatre within the existing shopping plaza.

The project is also consistent with the zoning regulations of the PD-1 district as the creation of the McGuffins service and support bar is for the on-site sale of alcoholic beverages within an existing theatre which is allowed through the Conditional Use Permit process.

No low and moderate-income housing will be removed as a result of this proposal.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT

The subject property is not immediately adjacent to the beach and beach access points, thus there are no issues with public access or obstructing recreational opportunities for the public. The proposed development by default conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

6346 E. Pacific Coast Highway

Application No. 1606-04

Date: October 6, 2016

1. The use permitted on the subject site, in addition to the other uses permitted in the PD-1 Southeast Area Development and Improvement Plan, shall be a theater with the on-site sale and consumption of alcoholic beverages (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 Acknowledgement 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).

Special Conditions:

4. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol.
5. Alcoholic beverages shall dispensed, sold, and served in containers that are easily distinguishable from non-alcoholic beverage containers.
6. All sales or service of alcoholic beverages in the licensed premises shall be made only from the concession bars or servers.
7. Orders from patrons seated in theater seats must be made to the server serving the area and the alcoholic beverages ordered must be personally delivered to the patron by the server who took the order.
8. Soliciting servers shall not carry a supply of unordered alcoholic beverages.
9. The petitioner shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premise exits.

10. The petitioner shall not share profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge or cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks. This does not include ticket sales or any other fee for the standard movie theater use.
11. The sale of alcoholic beverages shall stop one hour prior to the close of the business and shall be subject to State law, which prohibits the sale of alcohol between 2 a.m. to 6 a.m.
12. There shall be no expansion of the proposed service bar and bar support area. The service bar and bar support area shall maintain the existing size and square footage of floor area as shown on plans.
13. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
14. A numbering address sign shall be located at the side of the building, to the satisfaction of the Long Beach Police Department.
15. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
16. The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
17. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
18. Adult entertainment shall be prohibited as defined in Section 21.15.110 on the Zoning Code.
19. During the hours of operation, the front door of the establishment shall remain closed at all times to minimize noise.
20. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
21. The operator of the approved use shall prevent loitering along the common areas serving the use during and after hours of operation. The operator must clean the sidewalk areas of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering

and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, private security guards.

22. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall provide adequate video surveillance coverage of areas where operators patrons have access to and from the facility. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow the LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
23. The sale of alcoholic beverages shall not be allowed within the auditoriums until plans for new theatre seating have been reviewed and approved to incorporate adequate access paths and call service button features.

Standard Conditions:

24. 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.
25. 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.
26. 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).
27. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
28. The Director of Development Services is authorized to make minor

modifications to the approval design plans or 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.

29. 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).
30. Any graffiti found on site must be removed within 24 hours of its appearance.
31. 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.

Alcohol Beverage Control Conditions

32. At all times when the premises is exercising the privileges of their license, the sale of food, in compliance with Section 23038 of the Business and Profession code, shall be offered and available for purchase.
33. All sales and service of alcoholic beverages for consumption in the general spectator seating areas shall be made only from concession stands, portable stands or bars, or fixed bars, and shall not be sold, served, or delivered to customers by individual ambulatory vendors, commonly known as "hawkers."
34. Point of sale of alcoholic beverages shall not be maintained within the theater auditoriums.
35. Notwithstanding conditions #32 and #33, above, alcoholic beverages may be sold or served by waiters or waitresses in the general spectator seating areas under the following conditions:
 - a. Only persons occupying seats in the designated theaters shall be permitted to order and be served alcoholic beverages.

- b. Orders from patrons seated in these theaters must be made to the waiter or waitress serving that area, and the alcoholic beverages must be personally delivered to the patron by the waiter or waitress who took the order.
 - c. The waiter or waitress serving in the theaters shall not carry a supply of unordered alcoholic beverages.
- 36. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.
- 37. Alcoholic beverages shall be served in containers which significantly differ in appearance from those containers utilized for non-alcoholic beverages. Containers for beer shall not exceed 16 ounces. This condition does not preclude the service of alcoholic beverages in their original containers.
- 38. At all times when the premises is exercising the privileges of their license, an employee of the premises shall enter and monitor the activity within the theaters on a regular basis, but no less than once every 30 minutes.



NOTICE of EXEMPTION from CE EXHIBIT E

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- 16-213

Project Location/Address: 6346 E. Pacific Coast Highway, Long Beach, CA 90803

Project Activity/Description: AMC Marina Pacifica 12 is requesting approval of the following: (1) The service and consumption of beer, wine and distilled spirits to or by patrons 21-years or older in a mixed age movie theatre in 12 auditoriums and lobby area under a Type-47 On Sale General Eating Place issued by the California Department of Alcoholic Beverages; (2) The addition of a MacGuffins in which moviegoers can order an adult beverage; and (3) The ability for customers to consume this food and drink throughout the premises.

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

Applicant Name: AMERICAN MULTI-CINEMA, INC

Mailing Address: 11500 ASH STREET, LEAWOOD, KS 66211

Phone Number: (913) 262-9095

Applicant Signature: *Ken Con*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1606-04 Planner's Initials: NV

Required Permits: CUP, LCDP

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

Statement of support for this finding: Interior improvement to create a bar area in an existing theatre

Contact Person: Nick Vasanthasawat Contact Phone: (562) 570-6410

Signature: *[Signature]* Date: 9/21/16