

**CONDITIONAL USE PERMIT FINDINGS
CASE NO. 1708-09/CUP17-013 (Type 47 Alcohol License)
622-628 E. Anaheim Street
September 6, 2018**

Conditional Use Permit

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Planning Commission shall not approve a Conditional Use Permit unless all of the following findings are positive. 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 subject property is located in General Plan Land Use District (LUD) #8N, "Shopping Node Land Use District," and is located in the CHW and the R-4-R Zoning Districts. LUD #8N is established to accommodate retail and service uses exclusively in small clusters. The CHW Zone allows for commercial-only land uses and the R-4-R Zone is a Moderate Density, Multi-Family Residential District. The site is developed where the commercial building is located, in the CHW Zone, and the parking lot for the commercial building is located in the R-4-R Zone. The proposed sales of alcoholic beverages for a new restaurant is consistent with the General Plan. The proposed sales of alcoholic beverages for a new restaurant is allowed upon approval of a Conditional Use Permit in the CHW Zoning 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**

The proposed use, the sale of alcoholic beverages in conjunction with a new restaurant, will not be detrimental to the surrounding community. Specific conditions have been incorporated into the project in order to mitigate potential impacts resulting from the operation of the sale of alcoholic beverages for the new restaurant. The subject site is surrounded by commercial uses to the north, west and east. A residential property is located just south of the commercial building and across Lime Avenue, approximately 100 feet away. Due to this distance separation, a new perimeter wall and five-foot-wide landscape planter, no impacts with regards to noise are anticipated from the sale of alcoholic beverages from the new restaurant.

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3. THE RELATED DEVELOPMENT APPROVAL IF APPLICATBLE IS CONSISTANT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT AS LISTED IN SECTION 21.45.400

The site is developed with an existing commercial building. All improvements to the building and site will be consistent with all applicable green building standards.

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

Section 21.51.210 states that the following conditions shall apply to all alcoholic beverages 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 restaurant is located in an existing commercial building that will consist of retail, office, and restaurant uses. Based on the proposed square footages of the units and the proposed outdoor dining for the restaurant, 30 parking spaces would be required. The site will accommodate 35 parking stalls; therefore, the request is in compliance with the required number of parking spaces.

B. THE OPERATOR OF THE USE SHALL PROVIDE NIGHT LIGHTING AND OTHER SECURITY MEASURES TO THE SATISFACTION OF THE CHIEF OF POLICE.

The Long Beach Police Department (LBPD) reviewed this application. The LBPD had no objections to the request, provided that the project incorporate Conditions of Approval that require security cameras, night lighting, the limitation on operational hours of alcohol sales, and that security measures required by the LBPD have been incorporated.

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.

Condition of Approval No. 12 will require the operator to prevent loitering and other related nuisances.

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- 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 the Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract (5763.02) in which this restaurant is located, as well as the total number of reported crimes 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 area per LBPD; nor is it in an over-concentrated district for on-site alcohol sales. In the subject Census Tract (5763.02), four licenses are allowed, and there are currently two existing licenses. With one additional license, an over concentration of licenses will not exist within the Census Tract. According to LBPD, this site is not located in a high-crime district.

- 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 200,000 SQUARE FEET OF FLOOR AREA, AND ALSO PROVIDING FRESH FRUIT, VEGETABLES, AND MEAT IN ADDITION TO CANNED GOODS.**

Section 21.52.201 of the Zoning Regulations requires that the use shall not be located within five hundred feet (500) of a public school or public park. There are no parks or schools located within five hundred (500) feet of the subject site.

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Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Planning Commission shall not approve a Conditional Use Permit unless all of the following findings are positive. 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 subject property is located in General Plan Land Use District (LUD) #8N, "Shopping Node Land Use District," and the R-4-R Zoning District. LUD #8N is established to accommodate retail and service uses exclusively in small clusters. The CHW Zone allows for commercial-only land uses and the R-4-R Zone allows moderate density multi-family residential development. The site is developed where the commercial building is located in the CHW Zone, and the parking lot for the commercial building is located in the R-4-R Zone. Surface parking lots are a permitted use in residential zones upon the approval of a Conditional Use Permit. The use, a surface parking lot, is compatible with and conforms to both the General Plan LUD and the zoning district, and applicable zoning regulations.

- 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**

The proposed use, a new surface parking lot will not be detrimental to the surrounding community. Specific conditions have been incorporated into the project in order to mitigate potential impacts resulting from the use of the new parking lot. Specific mitigative measures have been incorporated into the design of the parking lot to address any potential negative impacts such as the new perimeter walls, a new five-foot-wide landscape planter, and new landscaping installed throughout the new parking lot. The new wall and new plant material such as evergreen canopy trees will sufficiently buffer noise from the vehicles using the parking lot.

- 3. THE RELATED DEVELOPMENT APPROVAL IF APPLICATBLE IS CONSISTANT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT AS LISTED IN SECTION 21.45.400**

The site is developed with an existing commercial building. All improvements to the building and site will be consistent with all applicable green building standards.

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

Section 21.51.221 states that the following conditions shall apply to courtesy parking in residential districts uses requiring a Conditional Use Permit:

- A. THE PROPOSED SITE SHALL ADJOIN, ABUT OR BE ADJACENT TO A COMMERCIAL DISTRICT;**

The parking lot abuts a commercial district.

- B. THE PARKING LOT SHALL EXTEND NOT MORE THAN ONE HUNDRED FEET (100') INTO THE RESIDENTIAL DISTRICT; AND**

The parking lot extends not more than 50 feet into the residential zone.

- C. 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.**

The site will be improved with a six-foot, six-inch-tall CMU wall and a five-foot-wide landscape planter to sufficiently buffer residential homes from any potential negative impacts.

**LOT MERGER FINDINGS
CASE NO. 1708-09/LMG17-013)
622-628 E. Anaheim Street
September 6, 2018**

Lot Merger

Pursuant to Section 20.28.30 of the Long Beach Municipal Code, the Planning Commission shall not approve a Lot Merger unless all of the following findings are positive. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. **ANY ONE OF SUCH CONTIGUOUS PARCELS OR UNITS HELD BY THE SAME OWNER DOES NOT CONFORM TO THE MINIMUM SIZE STANDARDS AS REQUIRED BY THE ZONING REGULATIONS, AND AT LEAST ONE OF SUCH CONTIGUOUS PARCELS IS NOT DEVELOPED WITH A SEPARATE BUILDING FOR WHICH A PERMIT HAS BEEN ISSUED BY THE CITY; OR**

The lot merger will merge six lots into one lot to accommodate a change of use for an existing commercial building. The lot merger will result in a parcel of land that will meet the minimum size required by code. The new lot will total 19,500 square feet of area which exceeds the minimum lot size permitted in the R-4-R Zone. The lot merger will make the new lot more conforming as the minimum lot size is 20,000 for the CHW Zone. As such, positive findings can be made to approve the lot merger.

2. **A SINGLE PROJECT IS DEVELOPED ON CONTIGUOUS LOTS IN SUCH A MANNER THAT ONE OR MORE OF THESE RECORDED LOTS COULD BE SOLD SEPARATELY FROM THIS PROJECT BUT WILL RESULT IN REDUCTION OF REQUIRED PARKING, SETBACKS, OPEN SPACES, OR VIOLATION OF OTHER DEVELOPMENT STANDARDS AS SPECIFIED IN THE CURRENT ZONING REGULATIONS.**

A single project is proposed at the site. The lot merger will allow conformance to the development standards with regards to parking for the existing development.