

May 4, 2023

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE-23-042 and approve a Conditional Use Permit CUP22-038 for the onsite sale and service of alcoholic beverages (Type 41 - On-Sale Beer & Wine – Eating Place) at the Granada Concession Stand located at 5098 East Ocean Boulevard in the Park (P) Zoning District. (District 3)

APPLICANT: Monty's Beach
c/o Igor Montanari-Knez
777 East Ocean Boulevard
Long Beach, CA 90803
(Application No. 2212-02)

DISCUSSION

The City has been engaged in a multi-year effort to upgrade the visitor experience at our beaches and marine facilities. In 2017 the Planning Commission approved a major renovation of the concessions at the Alamitos Beach concession area, those improvements broke ground in 2019 and will open later this year. The City also obtained approvals, locally and from the California Coastal Commission, to upgrade visitor-serving facilities at all public beach areas in the City. In 2022 the Planning Commission approved a Conditional Use Permit related to upgrades at the Junipero concessions which began alcohol service shortly thereafter. The Planning Commission is now being presented with the next phase of improvements, including Granada.

The Granada Beach Concession Stand/Restroom Building is located on the sandy beach area at the east end of the Granada Beach parking lot within the Park (P) Zoning District (Attachment A - Vicinity Map). Vehicular access to the beach parking lot that serves the concession stand is maintained via a roadway leading from the intersection of Ocean Boulevard and Granada Avenue (terminus) and a secondary entrance at the intersection of Ocean Boulevard and Bennett Avenue (terminus). The La Verne beach parking lot is located approximately 700 feet east of the project site at the intersection of Ocean Boulevard and La Verne Avenue (terminus). Street parking is also located along Ocean Boulevard. The beach bicycle and pedestrian path is located directly north of the concession stand/restroom building and serves the project site.



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Areas immediately adjacent to the project site include a sandy beach area, water play areas, exercise equipment, a rinse station, dog beach, and existing bicycle and pedestrian path. Nearby land uses include park and beach areas, residential uses, the city beach maintenance yard, and the Belmont Pool Plaza. The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 11 (Open Space).¹ The project site is situated in the Coastal Zone. The concession stand building, outdoor seating area, bicycle and pedestrian path, and exercise equipment are located within the State's permit jurisdiction. Therefore, the final coastal permit approval for the service of alcoholic beverages in the existing outdoor seating area would require approval/clearance by the California Coastal Commission (Coastal Commission).

The site is currently developed with a 1,513-square-foot structure featuring a concession stand, restrooms, and outdoor storage (Attachment B – Site Photographs). The concession stand was remodeled in 2018. A Coastal Development Permit (CDP) and associated waiver were issued for the remodel of the concession/restroom building, consisting of a new screen wall separating restrooms from concession area, lockable storage space for vendors, shade structure, new concrete boardwalk connecting the concession with the bike path, a water play area, and other American's with Disabilities Act improvements (Attachment C – Concession CDPs 5-17-0795 and 5-17-0795-A1). A local Site Plan Review (SPR) approval was issued for the remodel and associated site improvements in 2017 and project construction completed in 2020 (Attachment D – Concession SPR [App. No. 1703-40]).

The concession stand vendor operates under a contract with the City of Long Beach and is required to comply with all conditions of approval issued under the local and state approvals, including all food service through the takeout window and the stocking of relatively inexpensive snack items. There is no full table service permitted within the dining/seating area, located within the sand and paved area between the existing palm trees and concession stand. The existing beach parking lot serves the concession stand (accessory use), and as conditioned, is required to be reserved for use of the general public and shall be available on a first-come, first-served basis. The operation of the concession stand at this location is consistent with the City's certified Local Coastal Program.

While parks and open space uses are the primary land uses permitted in this land use district, accessory commercial uses, such as a food and beverage concession stand, are also permitted if intended to preserve natural areas, promote the mental and physical health of the community, and improve the park/beach visitor's overall experience. The proposed project meets the intent of this goal as the project would serve visitors of the surrounding beach areas. Concessions are especially important to improving the visitor experience, allowing longer visitors for visitors from across the City and region.

Conditional Use Permit

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow on-premises alcohol sales within the existing concession seating area. The applicant is requesting a Type 41 Department of Alcoholic Beverage Control (ABC) license (On-Sale Beer & Wine – Eating Place) which allows the

¹ The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation LUD No. 11 remains applicable to the project site.

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sales of beer and wine for on-site consumption in conjunction with a bona fide eating place. The proposed service of alcohol would not involve physical construction or change the use/intensity of the concession stand. The nature of the proposed ABC license is for alcoholic beverage sales to be consumed onsite with the service of meals.

The concession stand use is considered a positive addition to beach recreational activities and enhances the visitor-serving nature of this coastal area. The existing concession stand maintains a takeout window for the services of food and beverages (Attachment E - Plans). Only concession stand staff are permitted within the interior of the kitchen, food prep, and food service areas of the concession stand. On-site consumption would be permitted only within the designated outdoor seating area on the sandy beach area. The service of alcohol in this area would not affect the special conditions related to public access issued by the Coastal Commission under CDP No. 5-17-0796.

The concession stand will only serve alcoholic beverages at time when food items are available for sale. The beach concessionaire has the ability to operate within the framework of the agreements with the City, which incorporate all entitlement approvals and conditions as exhibits. The operator at this location proposes to limit alcoholic beverage sales to patrons who purchase a food item or present a receipt of purchase of a food item (Attachment F – Operations Plan). In addition, the applicant has proposed security measures and proper training for all staff for the responsible service of alcohol. Conditions of approval have been included to ensure that alcoholic beverages are served in a clear and recognizable cup and that all alcoholic beverage are consumed onsite within a delineated area (Attachment G - Conditions of Approval). The delineation of the seating area shall be in conformance with ABC requirements but shall not include a permanent railing system without the expressed approval by the Coastal Commission. As conditioned, the ABC-required enclosures around the dining areas shall be a visually open, temporary rope (or similar) enclosure that is to be removed at the close of business each day. A sign shall be posted that reads “No Alcoholic Beverages Beyond This Point.” This permit does not modify public access management conditions for the seating area included in the previous approvals.

While the operations plan does include operating parameters for hours of alcohol service (Table 1: Proposed Operating Hours), the concession stand's hours may be reduced hours in the off season and in response to inclement weather. As CUP approvals run with the land and concessionaires change over time, operation plans also change. Therefore, conditions of approval have been incorporated to ensure the sale of alcoholic beverages would continue in an appropriate manner even when a change of operator occurs. As such, the conditions of approval require that the alcohol sales shall end a minimum of one hour prior to the close of business. In addition, the final operations plan shall be provided to the Development Service Department's Planning Bureau (Bureau) prior to the commencement of alcohol service. The approved operations plan and conditions of approval shall be maintained onsite at all times. Upon a change of operator/concessionaire, an updated operations plan shall be submitted to the Bureau and the updated plan shall also be maintained on-site.

Table 1: Proposed Operating Hours

Food Service	7 am – 10 pm
Alcohol Service	7 am – 9 pm

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In accordance with Long Beach Municipal Code (LBMC) Section 21.25.201, the purpose of a CUP is to allow the review of a proposed use to ensure that it is compatible with the adjacent uses. In addition, LBMC 21.52.201 establishes conditions for alcohol beverage sales. Required findings include compliance with the required off-street parking; that the alcohol use not be in an overconcentration of alcohol licenses within the Census Tract; that the use not be located in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD); and the use's proximity to parks and schools. LBMC Section 21.52.100 allows these conditions to be waived subject to written findings.

The existing concession stand is an accessory use to the beach and previous conditions of approval issued by the Coastal Commission do not permit the reservation of parking within the beach parking lot for concession stand patrons. The proposed sale of alcoholic beverages would not represent an intensification of use but would add menu items to an existing accessory use. The existing beach parking lot serves as a first-come-first-served basis and has sufficient capacity to serve the existing beach primary use and accessory park amenities, which include the concession stand and recreation areas.

The subject property is located within Census Tract 5773.00 ABC recommends a maximum of five (5) on-sale alcohol licenses for this census tract based on the current population within the tract. There are currently 34 active alcohol licenses for on-site consumption sales within this Census Tract (Attachment H – Map of ABC Licenses). While the census tract is currently over-concentrated and the addition of this license would further overconcentrate the census tract, the granting of the CUP would be consistent with the CUP approved for Alamitos Concession Stand and Junipero Beach Concession Stand Projects. Alcoholic beverage sales would generate a small percentage of the overall sales as the primary use is a concession stand. The proposed alcohol license at this location would be limited to beer and wine. The outdoor seating area is subject to fluctuations in weather and seasonal trends, which is unique compared to a typical restaurant use. The closest on-sale license to the project site is located at 5101 East Ocean Boulevard (formerly Ripples), which is approximately 450 feet northeast of the site. The remaining licenses are located along East 2nd Street in Belmont Shore, approximately 2,000 feet (0.37 mile) to the north. Therefore, within the locational context of the site, the type of license, and the distance to other licenses locations, the overconcentration does not represent a condition that would create a nuisance with incorporation of the proposed conditions of approval. Furthermore, as the only waterfront option, the concession stand will serve a unique set of customers coming to enjoy the sandy beach.

The CUP for a Type 41 liquor license is requested as a service and convenience to the customers as an integral part of the dining experience. In considering a CUP for the sale of beer and wine at this location, staff evaluated the total number of reported crimes in the subject Police Reporting District. The site is located within Police Reporting District 572 within the East Division. The crime rate for this reporting district is 141. Pursuant to Section 21.15.1338, "high crime" means a crime rate in a crime reporting district that is 20 percent above the City-wide average for all crimes. The

threshold for high crime is 66 for calendar year 2022². Therefore, this area is considered to be a high crime area. This is consistent with areas with large amounts of tourism, visitors and activity and there is no evidence that the concession stand is a cause of or contributor to the crime rate. Section 21.52.201 of the Zoning Code requires that a new CUP for alcohol sales not be approved in a reporting district with a high crime rate as reported by the LBPD. The project site is in a high crime area. There was one (1) call for service attributed to the location from March 2022 to March 2023. Based on this information, the LBPD has included conditions of approval related to security cameras and lighting. With the proposed conditions of approval incorporated, the LBPD is not opposed to the approval of a Type 41 ABC license.

Staff consulted with the LBPD on this alcohol sales request and the LBPD expressed no opposition to approval provided the approval includes security measures including training, recognizable cups, prevention of loitering, and the incorporation of lighting and video surveillance. Conditions of approval address these concerns regarding the requested alcohol sales. Staff believes that approval of the CUP for alcohol sales would have a minimal impact on the surrounding community since the recommended conditions of approval would require the implementation of a number of operational measures designed to reduce any potential negative effects from the alcohol sales.

Staff recommends approval of the CUP with conditions for the project as necessary components of beach concession amenities that will increase and enhance active and passive beach recreational activities, based on the attached findings (Attachment I - Findings) and subject to the attached approval conditions.

PUBLIC HEARING NOTICE

A total of 1,674 notices of public hearing were distributed within a 1,000-foot radius from the project site on April 20, 2023, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. As of the preparation of this report, no public comments have been received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15301 (Existing Facilities) of the CEQA Guidelines (CE-23-042). The project would not involve new physical construction and would entail the service of alcoholic beverages from an existing food and beverage concession stand.

Respectfully submitted,

² Due to LBPD changes to reporting systems, this reporting threshold is only for the reporting period from 1/1/2022 to 9/10/2022. The discrepancy between 2021 crime rates and 2022 crime rates does not indicate a reduction in crime but are attributed to the change in reporting system.

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CURRENT PLANNING OFFICER



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PLANNING BUREAU MANAGER



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DIRECTOR OF DEVELOPMENT SERVICES

CK:ASR:AO:mc

- Attachments:
- Attachment A - Vicinity Map
 - Attachment B - Site Photographs
 - Attachment C - Concession CDPs (No. 5-17-0795 and 5-17-0795-A1)
 - Attachment D - Concession SPR (App. No. 1703-40)
 - Attachment E - Plans
 - Attachment F - Operations Plan
 - Attachment G - Conditions of Approval
 - Attachment H - Map of ABC Licenses
 - Attachment I - Findings