

**CONDITIONAL USE PERMIT
FINDINGS
5716 East 2nd Street
Application No. 2106-01 (CUP21-011)
December 2, 2021**

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 along with staff analysis are presented below 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 site is in General Plan Land Use District No.8P (Pedestrian-Oriented Retail Strip District), within the CNP (Neighborhood Pedestrian) Zoning District, and within the Coastal Zone.¹

The General Plan Land Use Element (1989) identifies this land use district as a valuable resource as it creates a special ambiance where patrons arrive by foot. Additionally, the general plan specifies that restaurants and bars are consistent with this district (General Plan Page 68). This project proposes to remodel an existing restaurant and at the same time as including a new outdoor patio to be covered by the existing Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control License. Thus, the proposed restaurant with alcohol service is consistent with the general plan.

The CNP Zoning District implements the general plan as it is established to encourage uses and a built environment that serves pedestrians and fosters overall pedestrian activity. Restaurants with bars are an allowed use within this district by means of a Conditional Use Permit. Thus, the proposed restaurant and bar would be consistent with the zoning regulations.

The Local Coastal Program (LCP) identifies the subject site and the south side of Second Street (Area E) for light commercial uses. As the proposed restaurant is open to the public, both residents and visitors will benefit. Therefore, the proposed restaurant is consistent with the LCP.

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

Conditions of approval have been incorporated to mitigate any potential detrimental effects on the surrounding community. These conditions include measures pertaining

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 previous General Plan Land Use Element (1989), designation of Land Use District (LUD) No. 8P in the 1989 General Plan remains applicable to the project site.

to security, noise, employee training on alcohol service, loitering, lighting, and hours of operations. By imposing these conditions, the proposed use shall operate in a manner that is sensitive to surrounding uses and residents.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED 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 unless waived with written findings:

A. The business operator 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 use requires fourteen (14) parking spaces based on the total area of dining, bar, and outdoor patio. The required parking spaces are provided through onsite surface parking and offsite, joint-use parking approved under and Administrative Use Permit (AUP21-026) at the Zoning Administrator (ZA) hearing held on September 27, 2021. The ZA's decision to approve the Administrative Use Permit was appealed to the Planning Commission (PC). On November 18, 2021, PC denied the appeal and upheld the ZA approval, with conditions, for the proposed offsite parking configuration. The overall parking requirement of 14 parking spaces would be satisfied with the provision of onsite and offsite parking as proposed. No additional parking is required under this CUP.

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

As conditioned, the project site is ensured to provide adequate security lighting along with security cameras to the satisfaction of the Chief of Police.

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

As conditioned, the applicant shall be required to prevent loitering or other activity at the site.

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.

The project is located within Police Reporting District 622. The crime rate for this reporting district is 155, with the citywide average high crime threshold being 97.

Pursuant to Section 21.15.1338, "high crime" means a crime rate in a crime reporting district that is twenty percent (20%) above the citywide average for all crimes. The threshold for high crime is 116. Therefore, this area is considered to be a high crime area. In reviewing this application, the Long Beach Police Department was consulted to offer comments as to security and design. With the imposed conditions pertaining to site design and security, LBPD is in support of this application.

The project site is located within Census Tract 5775.01, in which a maximum number of three establishments serving alcohol are permitted. The Census Tract currently has 17 establishments with alcohol licenses. The subject site has an existing restaurant and bar. This application will not be introducing any new alcohol licenses. Furthermore, the broader commercial corridor in which the subject restaurant is located has a concentration of restaurants, and the area serves not only surrounding residents but also regional patrons and tourists, due to its coastal location.

- 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.**

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

- 4. The related development approval, if applicable, is consistent with the green building standards for public and private development, as listed in Section 21.45.400.**

Section 21.45.400 specifies specific types of projects that require compliance with green building standards. The proposed project does not propose any additional building square footage. The proposed use is not one of the types of projects that require compliance with Section 21.45.400 related to building efficiency. As conditioned, site improvements such as bike racks, tree canopies, and the separation of trash and recyclables is required pursuant to Application No. 2106-01 (AUP21-026, SPR21-030, LCDP21-027).

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS
5716 East 2nd Street
Application No. 2106-01 (LCDP21-051)
October 21, 2021**

Pursuant to Section 21.56.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. 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 consists of a Conditional Use Permit (CUP) to allow onsite alcohol sales (Type 47 - On-Sale General – Eating Place) at an existing restaurant and within a new outdoor patio located at 5716 East 2nd Street within the Neighborhood Pedestrian (CNP) Zoning District. The existing Type 47 (On-Sale General – Eating Place) Alcohol Beverage License would remain active on the subject site. There is no new building square footage proposed as part of this application. The project site is presently developed with a one-story commercial restaurant and a surface parking lot.

The Local Coastal Program (LCP) is generally organized by area. The project site is in Area E (Naples Island and the Peninsula) of the Coastal Zone (City Jurisdiction) (see map of Coastal Zone in project file 2106-01). The project site is located on the central portion of Naples along 2nd Street. Naples is nearly exclusively residential in character except for the commercial uses along Second Street, at the Colonnade, and in Naples Plaza. Area E permits light commercial uses on the south side of Second Street.

The proposed project, CUP for alcohol service, would not change the existing conditions onsite. The service of alcoholic beverages at the existing restaurant and new outdoor patio would remain consistent with the commercial use onsite. The CUP would not affect coastal access or impede the ability for the existing light commercial use to continue in conformance with the LCP. Therefore, the CUP would be consistent with the policies outlined in the LCP.

No low and moderate-income housing will be removed as a result of the project.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

Chapter 3 of the Coastal Act deals with the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for State and

local government to require beach access dedication and to prohibit development, which restricts public access to the beach or/and water resources.

This second finding only applies to development located seaward of the nearest public highway to the shoreline. The subject site is not within this area. Thus, this second finding does not apply.

- 3. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.**

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project

- 4. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.**

The project entails a CUP for alcohol service at an existing restaurant and new outdoor patio. All onsite construction related to the building façade remodel and site improvements are required to comply with all applicable local, regional, state, and federal water quality permits. Therefore, adherence to permit requirements would minimize the transport of pollutants and runoff that could impact coastal resources.