

December 2, 2021

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE-21-063 and approve Conditional Use Permit CUP21-011 and Local Coastal Development Permit LCDP 21-051, to allow the expansion of on-site alcohol sales at an existing restaurant and within a new outdoor patio (SPR 21-030) located at 5716 East 2<sup>nd</sup> Street within the Neighborhood Pedestrian (CNP) Zoning District. (District 3)

APPLICANT: Justin Roth for Studio One Eleven  
245 E. 3rd Street  
Long Beach, CA 90802  
(Application No. 2106-01)

**DISCUSSION**

The site is located on the south side of East 2<sup>nd</sup> Street, between Ravenna Drive to the west and Campo Walk to the east within the Neighborhood Pedestrian (CNP) Zoning District (Attachment A - Vicinity Map). The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 8P, Pedestrian-Oriented Retail Strip, which entails strip retail uses catering primarily to pedestrian trade.<sup>1</sup> Surrounding uses include commercial to the east and west and residences to the north and south. The nearest residential uses are located south of the subject site across an existing 15-foot-wide public alley. Property improvements include a 2,506-square-foot one-story restaurant and a surface parking lot with 14 off-street parking (Attachment B - Site Photos).

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow on-premises sale of beer, wine and distilled spirits for consumption at the existing restaurant and the new outdoor patio. The existing restaurant (indoor operations only) maintains an active Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control (ABC) license and there would be no change in the alcohol served at this location. The existing restaurant ABC license was approved under a Conditional Use Permit Exemption (App. No. 1401-12) on January 13, 2014. The proposed

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<sup>1</sup> 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 of Land Use District (LUD) No. 8P remains applicable to the project site.



outdoor patio expansion is the trigger for the CUP as stipulated under Sections 21.27.060.A and 21.27.060.E of the Long Beach Municipal Code related to the expansion of uses permitted by CUP and nonconforming commercial uses. There would be no expansion of the existing restaurant structure, bar area, or indoor dining as part of the proposed project.

The existing Type 47 ABC license requires the operation and maintenance of the licensed premises as a bona fide eating place. Therefore, a business operating under this license must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises under this license. As part of this application, there would be no change to the existing active Type 47 ABC license. Pursuant to the Nonconforming provisions of the Zoning Code, the proposed CUP fulfills the requirement to have a CUP to allow the sale of alcohol in the new outdoor patio area and to bring into compliance the existing, legal nonconforming fixed bar within the restaurant.

The Applicant's proposed operating hours for the restaurant and patio are provided in Table 1, Applicant-Proposed Restaurant Hours, below. As shown in Table 2, staff has conditioned the project to limit the patio hours to 9 pm for all days of the week to control noise emanating from the outdoor areas. The restaurant is an existing bona fide eating place with 696 square feet of indoor dining area and 198 square feet of bar area (Attachment C - Plans). The remainder of the interior floor plan is the kitchen and back of house area. On August 25, 2021, the Site Plan Review Committee conditionally approved an exterior remodel of the existing restaurant building to include a new entry, windows, doors, and canopy at the existing façade and the conversion of a portion of the existing parking lot to outdoor dining (845 square feet) with a new steel patio structure, landscape and hardscape improvements, and perimeter gate enclosure. The remainder of the parking lot will receive a grind and overlay of asphalt paving. The existing curb cut for vehicle entry from 2nd Street will be removed and a sidewalk with a full height curb will be constructed in its place. No new floor area would be added as part of the project. The proposed CUP would cover alcohol sales in the existing restaurant and at the newly created outdoor dining areas.

**Table 1: Applicant-Proposed Restaurant Hours**

<b>Operating Area</b>	<b>Days of the Week</b>	<b>Hours of Operation</b>
Restaurant	Sunday through Thursday	7am – 11 pm
	Friday and Saturday	7am – 1 am
Patio	Sunday through Thursday	7am – 10 pm
	Friday and Saturday	7am – 11 pm

**Table 2: Staff-Conditioned Restaurant Hours**

<b>Operating Area</b>	<b>Days of the Week</b>	<b>Hours of Operation</b>
Restaurant	Sunday through Thursday	7am – 11 pm
	Friday and Saturday	7am – 1 am
Patio	Sunday through Thursday	7am – 9 pm
	Friday and Saturday	7am – 9 pm

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The reconfigured site would maintain five (5) onsite parking spaces accessible from the rear alley, offsite joint use parking at 5790 East 2nd Street, and three (3) tandem onsite parking stalls for use with valet operations (refer to Attachment C for offsite parking plan). The off-site, joint-use parking was 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 (Attachment D – SPR, AUP, LCDP Conditions of Approval). The overall parking requirement of 14 parking spaces would be satisfied with the proposed onsite and offsite parking. No additional parking is required under this CUP.

The purpose of a CUP is to allow for the individual review of a proposed use to determine if the proposed use is compatible with the adjacent uses or, with the imposition of conditions, can be made compatible with the surrounding uses. Additionally, the Long Beach Municipal Code (LBMC) Section 21.52.201 establishes a number of special conditions that must be adhered to unless findings of fact can be made to provide relief from that condition (LBMC 21.52.100). In consideration of a CUP application for the sale of alcoholic beverages, Staff evaluated the number of existing alcohol licenses in the subject Census Tract, as well as the number of reported crimes in the subject Police Reporting District. LBMC Section 21.52.201 of the zoning regulations requires that the use 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.

According to the ABC License Report, the subject property is within Census Tract 5775.01, which allows for a maximum of three (3) on-site sale alcohol licenses. There are currently seventeen (17) ABC licenses for on-premises sales within this census tract (Attachment E - ABC Statistics). The existing restaurant is included as one of the active alcohol licenses in the Census Tract and is not adding a new alcohol license nor proposing to upgrade the existing license, rather the license would cover an additional outdoor patio area. Therefore, there would be no net increase in on-site sales alcohol licenses in the Census Tract as part of this application.

The primary use is a restaurant and the sale of alcohol is only for onsite consumption. As such, the proposed project is not adding an establishment whose primary business involves the sale of alcohol, such as a bar or a liquor store. The proposed use will continue to operate as a full-service, sit-down restaurant. As conditioned, the proposed use is not anticipated to have the negative impacts that can sometimes be associated with alcohol sales as the current restaurant use has no calls for service attributable to the existing establishment during the 2020-2021 year. The recommended conditions of approval are intended to ensure the use continues to operate in a manner compatible with the surrounding area. Such proposed conditions include installation of security cameras, quiet time signage, and mandatory staff training for proper distribution of alcoholic beverages (Attachment F – CUP Conditions of Approval).

Also, the site is located within Police Reporting District 622 within the East Division. The crime rate for this reporting district is 155, with the high 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 City-wide average for all crimes. The threshold for high crime is 116. Therefore, this area is considered to be a high crime area. The Long Beach Police Department has also reviewed the CUP request for this location and has no objection to its approval with proper conditions of operation. Again, the existing restaurant has an active alcohol licenses in and is not adding a new alcohol license nor proposing to upgrade the existing license. Additional conditions pertaining to lighting and security have been included to help mitigate any potential negative impacts to the surrounding community. Furthermore, the site is not located within 500 feet of a public school a public park (Attachment G - Findings). The existing restaurant has an active Type 47 ABC License and is not requesting an upgrade to the existing license. Additionally, there are no calls for service attributable to the existing establishment.

Furthermore, the site will be equipped with a surveillance system, which will include exterior video security cameras at the front and rear of the business to capture the added patio with full view of the public right-of-way. The cameras shall record video for a minimum of 30 days and be accessible via the internet by the Long Beach Police Department. The installation of cameras on the property is intended to deter criminal activity and promote safety. The proposed CUP for the onsite sale of alcoholic beverages at this restaurant and outdoor patio will not cause substantial adverse effects on the neighboring land uses or the community at large. Therefore, Staff recommends that the Planning Commission approved the CUP, subject to conditions of approval.

### **PUBLIC HEARING NOTICE**

A total of 290 Public Hearing notices were distributed on October 7, 2021 for the Planning Commission hearing scheduled on October 21, 2021 in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the duly noticed hearing on October 21, 2021, this item was continued to a date certain for December 2, 2021. No comments were received at the time the October 21, 2021 or December 2, 2021 reports were prepared.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the California Environmental Quality Act Guidelines (CE-21-063). The physical construction associated with the project relates to the restaurant remodel and new outdoor patio, which were conditionally approved by the Site Plan Review Committee on August 25, 2021 (SPR21-030).

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Respectfully submitted,



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Attachments:

- Attachment A - Vicinity Map
- Attachment B - Photos
- Attachment C - Plans
- Attachment D - SPR, AUP, LCDP Conditions of Approval
- Attachment E - ABC Statistics
- Attachment F - CUP Conditions of Approval
- Attachment G - Findings