

CONDITIONAL USE PERMIT FINDINGS

456 Elm Avenue

App. No. 2107-15 (CUP21-013)

Date: September 16, 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 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 applicant is requesting approval of a Master Conditional Use Permit (CUP) to permit the establishment of up to ten California Department of Alcoholic Beverage Control (ABC) Type 41 Licenses (On-Sale Beer & Wine – Eating Place) for the sale of beer and wine for on- and off-site consumption with meal sales. The subject site has a General Plan Land Use PlaceType designation of Downtown (DT) and is within the Downtown Planned Development District (PD-30). The DT PlaceType encourages a mix of land uses and housing types, with a focus on providing active ground-floor shops, restaurants and cafes. It also promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles.

One of the citywide goals identified in the LUE is to strengthen the City's fiscal health by stimulating continuous economic development and job growth (**Goal No. 2** of the LUE). In particular, Strategy No. 3 calls for the maintenance of a strong, diversified economic base that creates jobs and attracts employers. Specifically, LU Policy 3-4 sets forth a specific objective to accomplish this goal. This policy looks to "promote and attract a mix of commercial and industrial uses by emphasizing the flexibility of the PlaceType designations."

Another citywide goal identified in the LUE is to accommodate strategic growth and change (**Goal No. 3** of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. Map LU-20 of the Land Use Element identifies Downtown Long Beach as a target for one of the eight major areas of change that are the focus of the land use concept: "Continue Downtown Development". LU Policy 7-7 is to "continue to develop the Downtown into a city center that provides compact development, accommodates new growth, creates a walkable, urban environment, allows for diversified businesses..."

The proposed CUP supports the objectives of LU Policy 3-4 and LU Policy 7-7 by allowing the accessory sale of beer and wine with meal sales at a newly established multi-tenant commercial kitchen. It will allow the subject site to establish a use that is typical within the Downtown area, with respect to the service of beer and wine sales.

The sale of beer and wine would allow the project site to be economically competitive with other eating establishments in the area.

In particular, LU Policy 7-7's objective of allowing diversified businesses will be strengthened. The project site features a multi-tenant culinary establishment with ten commercial kitchens, ten prep kitchens, one demonstration kitchen, an indoor dining area of approximately 621 square feet and an indoor retail area of approximately 1,100 square feet. The facility will function primarily as an establishment offering take-out dining, based on the allocation of commercial and prep kitchens as the predominant functional use. Although Downtown Long Beach has a variety of restaurants and eating establishments, the multi-tenant culinary establishment varies from the traditional restaurant and adds diversity to the neighborhood. The sale of beer and wine with meal sales will support the multi-tenant establishment in an ancillary capacity.

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 is not anticipated to be detrimental to the surrounding community. The subject site is located within the heart of Downtown Long Beach where a variety of land uses such as restaurants, cafes, taverns, retail shops, and tattoo parlors are common and provide for the daily needs of nearby residents. The site is located within ½ a mile of the nearest Metro A-Line railway station and bus stop. The commercial uses adjacent to the project site include a grocery store, banks, dental offices, restaurants, beauty salons, and an assortment of different retail stores.

The establishment of the multi-tenant commercial kitchen within this neighborhood will continue to ensure that surrounding residential areas have access to shopping and services within close proximity, contributing to sustainable development patterns and enhanced quality of life for residents. The sale of beer and wine with meal sales is typically allowed as a "by-right" use. However, based on the unique characteristics of the project site and the applicant's request to establish up to ten individual ABC Licenses, a CUP was determined to be appropriate. Beer and wine with meal sales is a common use within Downtown and the proposed request is expected to be compatible with the existing landscape.

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

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 project site consists of a three-story building of 24,880 square feet. Based on parking calculations for PD-30, the following mix of uses (which are proposed for the new multi-tenant commercial kitchen facility) are included:

- indoor dining;
- retail;
- test/showroom;
- dining/conference room;
- leasing/sales office;
- attendant desk, and
- basement offices/meeting rooms.

The parking requirement equivalent to new construction is 11 spaces.

However, the parking requirement can be waived due to the site's transit proximity and the proposed use's underlying business operations which will largely consist of take-out options and not traditional, sit down restaurant dining. The project site is located within the Downtown Core of PD-30 approximately 600 feet or less from the nearest Metro A-Line Station and bus stop, in a neighborhood where transit and pedestrian activity is common.

The site will not operate as a traditional restaurant wherein patrons would drive to the site, park a vehicle, and spend a significant amount of time consuming a meal. The project site will include a 621-square-foot dining area but in accordance with the plans of the operation, most food items will be ordered on a take-out basis. Patrons and food delivery drivers will be able to utilize seven, 20-minute street parking spaces directly adjacent to the site. Furthermore, traditional restaurant establishments in Downtown with dining areas of 6,000 square feet or less are exempt from parking standards and, at under 1,900 square feet combined, the dining and retail component of the proposed use is well under this threshold.

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

As conditioned, the project will provide night lighting and other security measures to the satisfaction of the Chief of Police. Security measures include security cameras, specific hours of operation, and prohibition of loitering.

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 conditioned, the operator will be required to prevent loitering or any other nuisance activity in the allotted parking area. Failure to comply with this conditioned shall be grounds for consideration of permit revocation.

- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and**

The project site is located within the greater Downtown area and is therefore exempt from the requirements pertaining to overconcentration and high crime rate.

- 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 project site is located within the greater Downtown area and is therefore exempt from the requirements of proximity to schools and parks.

- 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**

This project does not include the development of any new building square footage and consists of the establishment of up to ten ABC Licenses within an existing three-story structure. This project does not trigger any thresholds for compliance with green building standards except as otherwise required by CalGreen and the building code.