

October 6, 2022

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE21-096 and approve Conditional Use Permit (CUP22-018) to allow off-site alcohol sales (ABC License Type 20) in a gourmet cheese shop within an existing 539-square-foot commercial space located at 2112 East 4th Street within the Commercial – Neighborhood Pedestrian (CNP) Zoning District. (District 2)

APPLICANT: Jessica Sarwine and Erika Ponzo
2112 East 4th Street
Long Beach, CA 90814
(Application No. 2205-15)

DISCUSSION

The site is located on the southern side of East 4th Street, between Junipero Avenue to the East and Cherry Avenue to the West in the Commercial – Neighborhood Pedestrian (CNP) Zoning District (Attachment A - Vicinity Map). The site has a Neighborhood Serving Center or Corridor (NSC) General Plan Land Use Element PlaceType, which allows for local- and community-serving commercial uses. Surrounding uses include commercial retail shops, restaurants, and bars along the block of East 4th Street, Luther Burbank Elementary School to the northeast, and residences beyond to the north, south and east. This area of 4th Street is sometimes referred to as “Retro Row.” Property improvements include an existing multi-tenant commercial building within which the subject retail tenant space is located (Attachment B - Photos).

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow off-premises alcohol sales within an existing gourmet cheese shop. The Type 20 Alcoholic Beverage Control (ABC) license allows the sale of beer and wine for off-site consumption. The establishment proposes to operate Tuesday through Saturday from 12:00 p.m. to 6:00 p.m., Sunday’s 12:00 p.m. to 4:00 p.m., and closed Monday’s (Attachment C - Operations Plan). The shop will sell quality gourmet cheeses as well as various complementary pairing items, along with and other culinary items intended to provide a higher quality food experience to customers and visitor.



The existing cheese shop occupies a 539-square-foot commercial space (Attachment D - Plans), with a retail area of approximately 309 square feet. A total of three percent of the retail floor area will be reserved for alcohol display. The remaining area will be split between the display of cheese, other gourmet food, pairing foods, and back of house work area. The multi-tenant building where the use is located has no parking on-site. The parking condition is legal non-conforming condition, and the site configuration precludes the addition of parking without a substantial remodel. Although there is no on-site parking this shopping area is supported by a public parking lot located on the southeast corner of Cherry Street and East 4th Street that provides 27 parking spaces to the surrounding uses.

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 determine if it is compatible with the adjacent uses or can be made compatible with the surrounding uses, with the imposition of conditions. In addition, LBMC Section 21.52.201 establishes a number of conditions for projects that propose alcohol sales that require a CUP. Conditions include requirements for compliance with parking, that there not be an overconcentration of alcohol licenses within a Census Tract, and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD) (Attachment E - Findings). LBMC Section 21.25.100 allows a waiver of these conditions subject to written findings.

According to the ABC License Report, the subject property is within Census Tract 5768.01, which allows for a maximum of two (2) off-site alcohol licenses. There is currently three (3) Type 20 (Beer and Wine) licenses for off-premises sales within this census tract (Attachment F - ABC Stats). Adding a fourth off-sales alcohol license at this location will contribute to the over concentration of off-site sales within the census tract. However, as it relates to the subject project, the primary use is a gourmet cheese shop and the sale of alcohol is a secondary accessory use. 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 primary and accessory use improves nearby residents' access to a variety of high-quality goods and services, consistent with General Plan–Strategy No. 10 (Land Use Element page 118) – to “create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents.” As conditioned, the proposed accessory use is not anticipated to have the negative impacts that can sometimes be associated with alcohol sales. The recommended conditions of approval are intended to ensure the use operates in a manner compatible with the surrounding area. Such proposed conditions include a maximum retail floor area of three percent (9.27-square-feet) of the total retail floor area for off-premise alcoholic beverage sales to ensure that the sale of alcohol remains incidental to the main use of the retail business, display of alcoholic beverages must be placed a minimum of 10-feet away from the street-facing windows, the prohibition of advertising alcohol sales, and mandatory staff training (Attachment G - Conditions of Approval).

The site is located within Police Reporting District 434 within the East Division, which is not designated as a high crime area. In accordance with the Zoning Code. The high-crime threshold is determined by taking the average number of crimes per Police Reporting District (97) and

multiplying it by a coefficient of 1.2 (or 120 percent). Therefore, the high-crime threshold is 116. Reported crimes for the district were 99 which is below the high crime threshold. Of the calls for service for this district, none were attributed to the project site. LBPd has reviewed the CUP request for this location and has no objection to its approval. In spite of the site not being within a high crime area, conditions pertaining to lighting and security have been included to maintain the safe conditions within the surrounding community.

The subject site is approximately 250 feet from Luther Burbank Elementary, a public school. The existing operation is not a liquor store. As it exists today, the gourmet cheese shop is proposing to add an ABC Type 20 off-site alcohol License. The proposed license will complement the existing use of a cheese shop, as the purpose of the alcohol license is to promote pairing of food with alcohol. To ensure the addition of an alcohol license is an accessory to the gourmet cheese shop, the application has been conditioned to limit alcohol placement to three percent of the total retail space, and to be placed a minimum of 10-feet away from the windows (Attachment E - Findings).

Furthermore, the site will be equipped with a surveillance system, which will include five to 10 cameras on the property to deter criminal activity and promote safety. The proposed CUP for the off-site sale of beer and wine at this location 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 157 Public Hearing notices were distributed on September 20, 2022, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. No comments were received at the time the report was prepared.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15301 (Existing Facilities) as the project consists of the sale of alcohol products within an existing commercial building.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Iniesta".

JONATHAN INIESTA
PROJECT PLANNER

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MIGUEL SAMAYOA
PROEJCT PLANNER

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ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
DEPUTY DIRECTOR OF DEVELOPMENT
SERVICES

CK:AO:JI:MS

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Photos
- Attachment C – Operation Plan
- Attachment D – Plans
- Attachment E – Findings
- Attachment F – ABC Stats
- Attachment G – Conditions of Approval