

CONDITIONAL USE PERMIT FINDINGS
2112 East 4th Street
Application No. 2205-15 (CUP22-018)
October 6, 2022

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 site is designated as the Neighborhood Serving Centers or Corridors – Low (NSC-L) PlaceType in the General Plan Land Use Element (LUE), which allows a wide range of local and community-serving commercial uses. This LUE PlaceType is intended for commercial uses that serve the day-to-day need for goods and services of residents in the surrounding area. The proposed Conditional Use Permit (CUP) for Alcohol Beverage Control (ABC) license type 20 for off-site alcohol sales is in conjunction with a gourmet cheese shop and is consistent with the purpose and goals of the PlaceType. One of the citywide goals identified in the Land Use Element is to support neighborhood preservation and enhancement (Goal No. 4 of the Land Use Element, page 117-118). Under this goal, the City strives to provide amenities and enhance facilities to support the single-family neighborhoods. Improving access to wide range of uses, including establishing commercial and retail uses on the periphery of neighborhoods or in commercial hubs to better serve residents and incorporating a variety of design enhancements and sustainable practices is consistent with and implements this and other General Plan goals. The proposed sale of alcohol is ancillary to the shop that 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 visitors. The diversity of offerings proposed at the establishment improves nearby residents' access to a variety of quality goods and services needed, promoting sustainable development patterns and reducing vehicular trips. The use as conditioned would be consistent with General 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.” Conditions of approval have been included to prevent nuisances and minimize negative impacts to surrounding areas, which include limiting the square footage for off-site alcoholic beverage sales to a maximum of three (3) percent, 9.27-square-feet, of the total retail sales area, any display of alcoholic beverages must be a minimum of 10-feet away from the street facing windows, and mandatory staff training.

No specific plan applies to the subject site nor is the site within the Local Coastal Program area. The General Plan Land Use Element PlaceType designation (NSC-L) has been established to accommodate neighborhood serving commercial uses. Therefore, approval of the Conditional Use Permit the for sale of beer and wine for

off-site consumption is an appropriate use, as it provides alcohol sales in conjunction a gourmet cheese shop within a commercial area.

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 off-site alcohol sales is ancillary to the gourmet cheese shop that will also sell a variety of quality gourmet products intended to entice customers wishing to create their own culinary pairings and quality meals. To ensure that alcohol sales is incidental to the operation of the cheese shop, conditions have been added which limit the use as an accessory use and limit the floor area devoted to alcohol sales.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE22-104) was prepared for this project. The proposed use will be established within an existing 539-square foot commercial space. The establishment currently employs two (2) staff members and the hours of operation will be 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. These parameters will not change with the addition of the proposed ABC License. As conditioned, the site will be equipped with a surveillance system, which will include exterior cameras to deter criminal activity and promote safety. The proposed use, as conditioned, would not be detrimental to the community.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52

In addition to the above findings, Section 21.52.201 states that the following Conditions shall apply to all Alcoholic Beverages sales uses requiring a Conditional Use Permit:

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 proposed use is located within an existing 539-square-foot commercial tenant space. The project does not include exterior improvements nor expansion in size and is strictly limited to interior improvements only. The site is developed with a commercial building built out to the front property line. As it currently exists, the site has no off-street parking and parking could not be added without a substantial rebuild of the property. The previous use was a retail establishment, which the legal non-conforming parking rights. This shopping area along 4th Street has a public parking lot at the south east corner of Cherry Avenue and 4th Street that supports this shopping area.

As the Conditional Use Permit requested is for off-site alcohol sales, no additional parking is required beyond the parking requirements for the primary retail establishment of a gourmet cheese shop that is proposed.

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

Staff consulted with the Long Beach Police Department (LBPD) on this application. Conditions of approval have been included pertaining to site lighting and security. The LBPD had no objections to the request as the project site is not located in a high crime area. There will be a total of two (2) to five (5) staff members and the hours of operation will be 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. The site will be equipped with a surveillance system, which will include exterior cameras to deter criminal activity and promote safety. The proposed use as conditioned would not be detrimental to the community.

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.

Conditions of Approval will require the operator to prevent loitering and other related nuisances.

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.

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluated the number existing alcohol licenses in the subject Census Tract, as well as the number of reported crimes in the subject Police Reporting District. Long Beach Municipal Code Section 21.52.201 of the zoning regulations requires that the use shall not be permitted 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 permitted in a reporting district with a high crime rate, as reported by the Long Beach Police Department. Pursuant to Long Beach Municipal Code Section 21.52.100 that condition shall be imposed unless findings of fact can be made to provide relief from the condition.

According to the ABC License Report, the subject property is within Census Tract 5768.01, which allows for a maximum of one (2) off-site alcohol licenses. There is currently three (3) Type 20 (Beer and Wine) license for off-premises sales within this Census tract. Adding a fourth off-sales alcohol license at this location will add

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 ancillary to the primary retail 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, and is therefore not anticipated to have the negative impacts that can sometimes be associated with alcohol sales. To ensure the use operates in a manner compatible with the surroundings, staff has incorporated additional conditions of approval, which includes a maximum area of three (3) percent of the total retail sales area for off-premises alcoholic beverage sales, display of alcoholic beverages must be a minimum 10-feet away from the street facing windows, and mandatory staff training.

The Police Department has also reviewed the CUP request for this location. 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, none were attributed to the project site. The Long Beach Police Department has no objection to its approval. Additional conditions pertaining to lighting and security have been included to help mitigate any potential negative impacts to the surrounding community.

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 approximately 250 feet from Luther Burbank Elementary, a public school. 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 a total of three (3) percent of the retail sales area and shall be placed away from the entry a minimum of 10-feet. Additionally, the use is prohibited from using any signage advertising availability of alcohol or prices.

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 use is not one of the types of projects that require compliance with Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.