

January 5, 2023

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE22-180 and approve Conditional Use Permit (CUP22-022) to allow on-site alcohol sales and consumption of beer, wine and distilled spirits (ABC License Type 47) at a new restaurant with a bar in an existing 1,943-square-foot tenant space, located at 2038-2040 East 4<sup>th</sup> Street in the Neighborhood Pedestrian (CNP) Zoning District. (District 2)

APPLICANT: Derek Burnham  
130 Pine Ave, Suite 200  
Long Beach, CA 90802  
(Application 2206-16)

**DISCUSSION**

The subject site is located on the south side of 4<sup>th</sup> Street between Cherry Avenue to the west and St. Louis Avenue to the east, within the Neighborhood Pedestrian 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 4<sup>th</sup> Street, Luther Burbank Elementary School to the northeast, and residences beyond to the north, south and east. The property is improved with an approximately 3,392 square foot commercial building on the north of the site comprised of two commercial spaces, and a two-story single-family residence to the rear of the site (Attachment B - Site Photos).

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow on-premises alcohol sales within a new restaurant, in an existing 1,943-square-foot tenant space. The Type 47 Alcoholic Beverage Control (ABC) license allows the sales of beer, wine and distilled spirits for on-site consumption. The previous uses within these tenant spaces were a fitness training use and an office space. The applicant is also proposing minor interior improvements to the floor plan which include a 683 square-foot dining area and 325 square-foot fixed bar



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(Attachment C – Plans). The remaining 935 square feet consists of the kitchen, restrooms and storage space. The remainder of the buildings on-site will remain as residential. The building and site where the proposed use is located was developed with no existing off-street parking

The restaurant will provide a dine-in casual Greek Cuisine experience that will serve breakfast, lunch and dinner menu items. The restaurant proposes a unique menu and cultural experience that is reflective of the owner's cultural experiences from their family's native country of Greece. The business will operate daily, Sunday through Thursday from 8:00 a.m. to 11:00 a.m. and 8:00 a.m. to 12:00 a.m. from Friday and Saturday with a staff of five to ten employees per shift, approximately 20-30 total employees (Attachment D - Operations Plan).

In accordance with the 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 conditions. In addition, LBMC Section 21.52.201 establishes a number of requirements for projects that propose alcohol beverage 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). LBMC Section 21.25.100 allows these conditions to be waived subject to written findings.

According to the ABC License Report, the subject property is within Census Tract 5768.01 which, which allows a maximum of four on-site alcohol licenses. There are currently 18 alcohol licenses for on-site consumption sales within this Census Tract (Attachment E – ABC Stats). Adding a 19<sup>th</sup> on-site alcohol license at this location will contribute to the existing over concentration of on-site sales within the census tract. However, as it relates to the subject project, the primary use is a restaurant where alcohol will be served. The proposed primary and accessory use improves nearby residents' access to a variety of 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.” The recommended conditions of approval are intended to ensure the use operates in a manner compatible with the surrounding area. Such proposed conditions include requiring visibility into the restaurant space by restricting film or other similar obstructions from being installed along the tenant space windows or door, and mandatory staff training to ensure that staff are adequately trained to address any issues that might arise in association with the sale of alcohol (Attachment F - Conditions of Approval).

The site is located within LBPD Reporting District 434 within the East Division. Per the LBPD statistics, an area is considered high crime if there are 97 or more crimes reported and multiplying it by a coefficient of 1.2 (or 120 percent). Therefore, the high-crime threshold is 116. A total of 99 crimes have been reported in Police Reporting District 434, therefore it is not designated as a high crime area. The LBPD reviewed the CUP request for this location and has no objection to its approval. Additionally, the site is not located within 500 feet of a public park, however the site is located within approximately 415 feet from a public school (Luther Burbank Elementary School). Although the location is within 500 feet of a public school, the site is not

within a high crime area and additional conditions pertaining to lighting and security have been included to maintain the safe conditions within the surrounding community. The alcohol use is accessory to the restaurant operation and is not expected to have any impact on the school, its students or operations. Furthermore, the site will be equipped with a surveillance system, which will include cameras installed inside of the restaurant, as well as at the entrance and exits of the tenant space to deter criminal activity and promote safety. Therefore, all findings can be made in the affirmative (Attachment G - Findings).

The building and site where the proposed use is located was developed with no existing off-street parking. The existing site configuration precludes the addition of parking on-site. The previous commercial uses, an office use and fitness training use, required a total of 20 spaces pursuant to today's zoning code. The proposed restaurant would include a dining area of 683 square feet, and a bar area of 325 square feet, so a total of 14 spaces is required. Due to the absence of on-site parking, legal non-conforming parking rights apply to the parking for the use, and the proposed restaurant shall not exceed the non-conformity. Although there is no on-site parking, this shopping area is supported by a public parking lot located on the southeast corner of Cherry Avenue and East 4<sup>th</sup> Street that provides 27 parking spaces to the surrounding uses. Given the built-out-nature of the site and surrounding uses and the fact that this use would be allowed under legal non-conforming parking requirements, in addition to the nearby available public parking, a finding can be made to support this proposal without providing additional on-site parking.

The proposed CUP for the on-site sale of beer, wine and distilled spirits at this location is an accessory to a sit-down restaurant that includes a bar and is not anticipated to cause substantial adverse effects on the neighboring land uses with the recommended conditions. Therefore, staff recommends that the Planning Commission approved the CUP, subject to conditions of approval.

### **PUBLIC HEARING NOTICE**

A total of 1401 public hearing notices were distributed on December 22, 2022, in accordance with the requirements of Chapter 21.21 of the LBMC. At the time of writing this report, staff has received no inquiries on this project.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act this project is eligible for a categorical exemption per Section 15301 as the project consists of the sale of alcohol at a new restaurant within an existing commercial building.

Respectfully submitted,

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BALTAZAR BARRIOS  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



ALISON SPINDLER-RUIZ  
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ  
DIRECTOR OF DEVELOPMENT  
SERVICES

CK:ASR:AO:BB

Attachments:

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