

**CONDITIONAL USE PERMIT
FINDINGS
Application No. 2212-02 (CUP22-038)
5098 East Ocean Blvd
May 4, 2023**

Pursuant to Section 21.56.206 of the Zoning Ordinance, a Conditional Use Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. 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 project site is in General Plan Land Use District (LUD) No. 11, Open Space and Park District.¹ While parks and open space uses are the primary land uses permitted in this LUD, commercial and commercial recreation uses are also permitted if intended to preserve natural areas, promote the mental and physical health of the community, and improve the park visitor's overall experience. The proposed project meets the intent of this General Plan LUD as the project would serve visitors of the surrounding park and beach areas.

The project site is in the Park (P) zoning district, which is a district established to set aside and preserve publicly owned natural and open areas for active and passive public use for recreational, cultural and community service activities. Such areas are characterized by landscaped open space, beaches or inland bodies of water.

The project site is situated in the California Coastal Zone, specifically the concession building and seating area is in the area of the Coastal Zone under the State's permit jurisdiction. Therefore, the project would require final approval/clearance by the California Coastal Commission.

The proposed project includes one land use that requires a Conditional Use Permit approval: alcoholic beverage sales at the existing concession stand. The conditionally permitted land use would enhance the coastal recreational opportunities of local residents and beach visitors. The project is consistent with the intent of General Plan LUD No. 11 and the Park zoning district to encourage active and passive public use of the project site and surrounding park and beach areas. Project approval would include conditions of approval to prevent nuisances and minimize potential negative impacts to surrounding areas.

¹ 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. 11 remains applicable to the project site.

B. 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

As conditioned, the sale of alcoholic beverages for on-site consumption at a concession stand is not expected to be detrimental to the surrounding community. Conditions of approval are included to ensure minimization of any negative impacts associated with the operation of the proposed project. All service of alcoholic beverages would be limited to the approved service area. Conditions include security measures requiring video cameras, alcohol training, measures to identify alcoholic beverage containers, prevent loitering, and to ensure safe operations of the facility.

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

Section 21.52.201 states that the following conditions shall apply to all alcoholic beverages sales uses requiring a Conditional Use Permit:

- 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 is the Granada Beach Concession Stand/Restroom Building which is located on the sandy beach area at the east end of the Granada Beach parking lot. Local vehicular access to the beach parking lot that serves the concession stand is maintained via a roadway leading from the intersection of Ocean Boulevard and Granada Avenue (terminus) and a secondary entrance at the intersection of Ocean Boulevard and Bennett Avenue (terminus). Furthermore, the project site is served by multiple modes of transportation, including the beach bike and pedestrian paths.

The existing concession stand is an accessory use to the beach and previous conditions of approval issued by the Coastal Commission do not permit the reservation of parking within the beach parking lot for concession stand patrons. The proposed sale of alcoholic beverages within the approved outdoor seating area would not represent an intensification of use but would add menu items to an existing accessory use.

As conditioned under the Coastal Development Permit for Concession Stand (CDP Nos. 5-17-0795 and 5-17-0795-A1), the existing beach parking lot serves as a first-come-first-served basis and has sufficient capacity to serve the existing beach primary use and accessory park amenities, which

include the concession stand and recreation areas. The existing parking conditions and alternate modes of transportation provide adequate opportunities to access the concession stand and associated dining areas.

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

The existing concession stand maintains onsite security lighting on the building. The project Conditions of Approval include a requirement to provide appropriate security lighting with light and glare shields to avoid light intrusion onto adjacent beach areas and the surrounding areas in accordance with Long Beach Municipal Code and specifies that other security measures may be required to the satisfaction of the Long Beach Police Department. In addition, conditions of approval require exterior video security cameras and adequate video surveillance of the surrounding area to the satisfaction of the Police Department.

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;

The conditions of approval 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-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

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract. The subject property is located within Census Tract 5773.00. ABC recommends a maximum of five (5) on-sale alcohol licenses for this census tract based on the current population within the tract. There are currently 34 active alcohol licenses for on-site consumption sales within this Census Tract.

The site is located within Police Reporting District 572 within the East Division. The crime rate for this reporting district is 141. 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 66. Therefore, this area is considered to be a high crime area. Based on this information, the police department has included conditions of approval related to security cameras and lighting. With the proposed conditions of approval incorporated, the LBPB does not have opposition to the approval of a Type 41 ABC license.

While the census tract is currently over-concentrated and within the high-crime area, the granting of the CUP would be consistent with the CUP approved for Alamitos Concession Stand and Junipero Beach Concession Stand Projects in allowing beach patrons to enjoy the public beach amenities without having to depart the beach to travel to commercial districts in order to purchase and consume food and beverages, including beer and wine. Alcoholic beverage sales would generate a small percentage of the overall sales as the primary use is a concession stand. The proposed alcohol license at this location would be limited to beer and wine. The outdoor seating area is subject to fluctuations in weather and seasonal trends, which is unique compared to a typical restaurant use. The closest on-sale license to the project site is located at 5101 East Ocean Boulevard (Ripples), which is approximately 450 feet northeast of the site. The remaining licenses are located along East 2nd Street in Belmont Shore, approximately 2,000 feet (0.37 mile) to the north. Therefore, within the locational context of the site, the type of license, and the distance to other licenses locations, the overconcentration does not represent a condition that would create a nuisance with incorporation of the proposed conditions of approval.

- e. The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

Although the project site is in a public park, the subject site has been conditioned to ensure that security measures are taken for public health, safety, and welfare. The beaches are regional serving, and the concession stands serve to provide food and beverages, including lower-cost options. The concession stands are located in areas that are relatively remote from commercial districts. The nearest commercial zone to the project site is along East 2nd Street, which is at a distance from the concession stand location. The onsite sale of food and beverages at the concession stand, including alcoholic beverages, enables visitors to remain at the beach, rather than departing the coastal beach areas to seek commercial areas for

restaurant and retail uses. The alcohol service would be an accessory to the sale of food and non-alcoholic beverages.

D. 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.

The project does not include the construction of new building area. The existing concession stand is in conformance with the green building standards applicable to the scope of the 2018 remodel.