

May 4, 2023

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE-23-043 and approve a Conditional Use Permit CUP22-034 and Local Coastal Development Permit LCDP23-023 for the onsite service of alcoholic beverages (Type 41 - On-Sale Beer & Wine – Eating Place) at the Bayshore Concession Stand located at 5411 East Ocean Boulevard in the Park (P) Zoning District. (District 3)

APPLICANT: Grill Em All
c/o Citron Design Group (Kara Rice and Shawna Schmidt)
380 Junipero Ave, Ste 200
Long Beach, CA 90814
(Application No. 2210-23)

DISCUSSION

The City has been engaged in a multi-year effort to upgrade the visitor experience at our beaches and marine facilities. In 2017 the Planning Commission approved a major renovation of the concessions at the Alamitos Beach concession area, those improvements broke ground in 2019 and will open later this year. The City also obtained approvals, locally and from the California Coastal Commission, to upgrade visitor-serving facilities at all public beach areas in the City. In 2022 the Planning Commission approved a Conditional Use Permit related to upgrades at the Junipero concessions which began alcohol service shortly thereafter. The Planning Commission is now being presented with the next phase of improvements, including Bayshore.

The Bayshore Beach Concession Stand/Rental/Restroom Building is located adjacent to the sandy beach area and sports courts near the corner of 54th Place and East Ocean Boulevard within the Park (P) Zoning District (Attachment A - Vicinity Map). The Bayshore Beach parking lot and street parking function as the parking areas that serve the beach, concession stand, and recreation uses in the vicinity. The Bayshore Beach Parking Lot is accessed from Ocean Boulevard. The Claremont Beach Parking Lot is located southwest of the project site, across Ocean Boulevard, and serves as available parking for Bayshore Beach. The beach bicycle and pedestrian path terminates at the intersection of 54th Place and Ocean Boulevard and provides access to on-street bicycle lanes in the vicinity of the project site.



Areas immediately adjacent to the project site include a sandy beach area, swimming pier, kayak and paddleboard rental concession stand, a restroom, rinse station, roller rink, basketball and pickleball courts, handball courts, playground, and the Bayshore Co-op Preschool. Nearby land uses include residential uses, a lifeguard station, the Leeway Sailing Center and associated pier, and Alamitos Bay Pump Station. The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 11 (Open Space).¹ The project site is situated in the appealable area of the Coastal Zone.

The site is currently developed with a 1,034-square-foot concession stand with roof deck, rental concessionaire, restrooms, and outdoor storage (Attachment B – Site Photographs). The concession stand structure has been approved for various improvements to ensure accessibility to the site. In 1998, a Local Coastal Development Permit (LCDP) was approved to add the existing roof deck to the concession stand (Attachment C – Application No. 9810-13). In 2022, a LCDP was approved for the demolition of the existing exterior staircase to the roof deck and install a new elevator and replacement exterior staircase leading to an existing deck alongside site and deck improvements to allow for Americans with Disabilities Act access to all concession areas (Attachment D – Application No. 2111-45). Under this application, conditions were added to ensure the installation of public access signage consistent with the other beach concession stands. The concession stand building was approved in 2023 for a minor façade remodel that includes upgraded windows, new paint color, and replacement rooftop patio cover (Attachment E – Application No. 2210-23 [SPR22-114, LCDP22-064]). A concession stand vendor has been approved to operate under a contract with the City of Long Beach and is required to comply with all conditions of approval issued under the local approvals, including the maintenance of the use as a concession stand and maintenance of the public access areas. There is no full table service permitted within the dining/seating area, located in the concession stand, on the open deck areas, and the roof deck. The existing beach parking lot serves the concession stand (accessory use), and as conditioned, is required to be reserved for use of the general public and shall be available on a first-come, first-served basis. The operation of the concession stand at this location is consistent with the City's certified Local Coastal Program (LCP).

While parks and open space uses are the primary land uses permitted in this LUD, accessory commercial uses, such as a food and beverage concession stand, are also permitted if intended to preserve natural areas, promote the mental and physical health of the community, and improve the park/beach visitor's overall experience. The proposed project meets the intent of this goal as the project would serve visitors of the surrounding beach areas. Concessions are especially important to improving the visitor experience, allowing longer visitors for visitors from across the City and region.

Conditional Use Permit

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow on-premises alcohol sales within the existing concession seating area. The applicant is requesting a Type 41 Alcoholic Beverage Control (ABC) license (On-Sale Beer & Wine – Eating Place) which allows the sales of beer

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 LUD No. 11 remains applicable to the project site.

and wine for on-site consumption in conjunction with a bona fide eating place. The proposed service of alcohol would not involve physical construction or change the use/intensity of the concession stand. The nature of the proposed ABC license is for alcoholic beverage sales to be consumed onsite with the service of meals.

The concession stand use is considered a positive addition to beach recreational activities and enhances the visitor-serving nature of this coastal area. The existing concession stand maintains an interior takeout window for the services of food and beverages (Attachment F - Plans). Only concession stand staff are permitted within the interior of the kitchen, food prep, and food service areas of the concession stand. On-site consumption would be permitted only within the designated seating area in the concession stand, front deck area, and roof deck. The service of alcohol in this area would not affect the special conditions related to public access.

The concession stand will only serve alcoholic beverages at time when food items are available for sale. The beach concessionaire has the ability to operate within the framework of the agreements with the City, which incorporate all entitlement approvals and conditions as exhibits. The operator at this location proposes to limit alcoholic beverage sales to patrons who purchase a food item or present a receipt of purchase of a food item (Attachment G – Operations Plan). In addition, the applicant has proposed security measures and proper training for all staff for the responsible service of alcohol. Conditions of approval have been included to ensure that alcoholic beverages are served in a clear and recognizable cup and that all alcoholic beverage are consumed onsite within a delineated area (Attachment H - Conditions of Approval). The existing outdoor deck areas feature railing, but any required ABC enclosures shall not include additional permanent railing systems. As conditioned, the ABC-required enclosures around the dining areas shall be a visually open, temporary rope (or similar) enclosure that is to be removed at the close of business each day. A sign shall be posted that reads “No Alcoholic Beverages Beyond This Point”. This permit does not modify public access management conditions for the seating area included in the previous approvals.

While the operations plan does include operating parameters for hours of alcohol service (Table 1: Proposed Operating Hours), the concession stand’s hours may be reduced hours in the off season and in response to inclement weather. As CUP approvals run with the land and concessionaires change over time, operation plans also change. Therefore, conditions of approval have been incorporated to ensure the sale of alcoholic beverages would continue in an appropriate manner even when a change of operator occurs. As such, the conditions of approval require that the alcohol sales shall end a minimum of one hour prior to the close of business. In addition, the final operations plan shall be provided to the Development Service Department’s Planning Bureau (Bureau) prior to the commencement of alcohol service. The approved operations plan and conditions of approval shall be maintained onsite at all times. Upon a change of operator/concessionaire, an updated operations plan shall be submitted to the Bureau and the updated plan shall also be maintained on-site.

Table 1: Proposed Operating Hours

Food Service	11 am – 9 pm
Alcohol Service	11 am – 8 pm

CHAIR AND PLANNING COMMISSIONERS

May 4, 2023

Page 4 of 7

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 ensure that it is compatible with the adjacent uses. In addition, LBMC 21.52.201 establishes conditions for alcohol beverage sales. Required conditions include compliance with the required off-street parking; that the alcohol use not be in an overconcentration of alcohol licenses within the Census Tract; that the use not be located in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD); and the use's proximity to parks and schools. LBMC Section 21.52.100 allows these conditions to be waived subject to written findings.

The existing concession stand is an accessory use to the beach. The proposed sale of alcoholic beverages would not represent an intensification of use but would add menu items to an existing accessory use. The existing beach parking lot serves as a first-come-first-served basis and would continue to serve the existing beach primary use and accessory park amenities, which include the concession stand and recreation areas.

The subject property is located within Census Tract 5775.04. ABC recommends a maximum of one (1) on-sale alcohol licenses for this census tract based on the current population within the tract. There are currently two active alcohol licenses for on-site consumption sales within this Census Tract (Attachment I – Map of ABC Licenses). While the census tract is currently over-concentrated and the addition of this license would further overconcentrate the census tract, the granting of the CUP would be consistent with the CUP approved for Alamitos Concession Stand and Junipero Beach Concession Stand Projects. 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 is proposed to be beer only, but the Type 41 ABC license allows for the sale of both 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 5374 East 2nd Street (ROE Seafood), which is approximately 1,500 feet north of the site. There are licenses located along East 2nd Street in Belmont Shore, one license at the intersection of Ocean Boulevard and Granada Avenue, and two licenses along the peninsula. 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. Furthermore, as the only waterfront option, the concession stand will serve a unique set of customers and does not exacerbate the restaurant cluster along 2nd Street through Belmont Shore and Naples.

The CUP for a Type 41 liquor license is requested as a service and convenience to the customers as an integral part of the dining experience. In considering a CUP for the sale of beer and wine at this location, staff evaluated the total number of reported crimes in the subject Police Reporting District. The site is located within Police Reporting District 610 within the East Division. The crime rate for this reporting district is 51. Pursuant to Section 21.15.1338, "high crime" means a crime rate in a crime reporting district that is 20 percent above the City-wide average for all crimes. The threshold for high

crime is 66 for calendar year 2022². Therefore, this area is not considered to be a high crime area. Section 21.52.201 of the Zoning Code requires that a new CUP for alcohol sales not be approved in a reporting district with a high crime rate as reported by the LBPD. The project site is not in a high crime area. There was one (1) call for service attributed to the location from March 2022 to March 2023. Based on this information, the LBPD has included conditions of approval related to security cameras and lighting. With the proposed conditions of approval incorporated, the LBPD is not opposed to the approval of a Type 41 ABC license.

Staff consulted with the LBPD on this alcohol sales request and the LBPD expressed no opposition to approval provided the approval includes security measures including training, recognizable cups, prevention of loitering, and the incorporation of lighting and video surveillance. Conditions of approval address these concerns regarding the requested alcohol sales. Staff believes that approval of the CUP for alcohol sales would have a minimal impact on the surrounding community since this land use the recommended conditions of approval would require the implementation of a number of operational measures designed to reduce any potential negative effects from the alcohol sales.

Local Coastal Development Permit

In accordance with the Zoning Ordinance, a LCDP is required whenever there is a discretionary application (such as a CUP) (LBMC 21.25.903.B.2). The purpose of the LCDP is to ensure that all public and private development in the Long Beach Coastal Zone is developed consistent with the City's certified LCP.

The LCP identifies the subject site in Area E (Naples Island and The Peninsula). As indicated in the LCP, beach areas along Alamitos Bay and Bay Shore Avenue are popular beach areas. The Bayshore Beach area features existing structures that house the public restroom and concession facilities located near 54th Place, and recreational resources for kayak rentals, handball courts, basketball courts, and sailing amenities, including boat storage.

The Area E Policy Plan identifies plan recommends that there be no further visitors serving facilities permitted on the Peninsula except as expressly designated in the LCP and to continue to preserve as much as possible the present utility of the visitors serving and recreational facilities without causing a damaging adverse impact to the present community and the Peninsula's natural resources.

The proposed incorporation of alcoholic beverage service at the existing Bayshore Concession Stand would allow for the continued use of this important visitor-serving resource within Area E. The remodeled building and the requested CUP for on-site alcohol sales, would continue to promote coastal access with a concession stand use for enjoyment by the broader public and local residents, consistent with LCP and Coastal Act goals that encourage visitor-serving uses within the Coastal Zone.

² Due to LBPD changes to reporting systems, this reporting threshold is only for the reporting period from 1/1/2022 to 9/10/2022. The discrepancy between 2021 crime rates and 2022 crime rates does not indicate a reduction in crime but are attributed to the change in reporting system.

Staff recommends approval of the CUP with conditions for the project as necessary components of beach concession amenities that will increase and enhance active and passive beach recreational activities, based on the attached findings (Attachment J - Findings) and subject to the attached approval conditions.

PUBLIC HEARING NOTICE

A total of 901 notices of public hearing were distributed within a 1,000-foot radius from the project site on April 20, 2023 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. As of the preparation of this report, no public comments have been received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15301 (Existing Facilities) of the CEQA Guidelines (CE-23-043). The project would not involve new physical construction and would entail the service of alcoholic beverages from an existing food and beverage concession stand.

Respectfully submitted,



MARYANNE CRONIN
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



ALISON SPINDLER-RUIZ, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DIRECTOR OF DEVELOPMENT SERVICES

CK:ASR:AO:mc

Attachments: Attachment A - Vicinity Map

CHAIR AND PLANNING COMMISSIONERS

May 4, 2023

Page 7 of 7

Attachment B - Site Photographs

Attachment C – LCDP Application No. 9810-13

Attachment D – LCDP Application No. 2111-45)

Attachment E – SPR and LCDP Application No. 2210-23 [SPR22-114, LCDP22-064])

Attachment F - Plans

Attachment G - Operations Plan

Attachment H - Conditions of Approval

Attachment I - Map of ABC Licenses

Attachment J - Findings