

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

July 17, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow the sale of beer, produced on site, for off-site consumption (Type 23 license) associated with a restaurant and accessory micro-brewery located at 4244 Atlantic Avenue within the Commercial Neighborhood Pedestrian (CNP) District and accept Categorical Exemption 14-042. (District 8)

APPLICANT: Jason Van Fleet
Dutch's Brewhouse
4244 Atlantic Avenue
Long Beach, CA 90807
(Application 1404-15)

DISCUSSION

The subject site is an approximately 1,300-square-foot commercial tenant space located at 4244 Atlantic Avenue within the Commercial Neighborhood Pedestrian (CNP) District (Exhibit A – Location Map).

The applicant is proposing a restaurant with micro-brewery and “brew your own” retail component to be located at the subject site. The proposed use is permitted in the CNP District with a Conditional Use Permit (CUP). As conditioned, the proposed use must operate in accordance with a California ABC Type 23 license. Any change in license type would require a modification of the current CUP, a new CUP, or a CUP exemption, based on the request.

The proposed restaurant with micro-brewery and “brew your own” retail space requires four off-street parking spaces. The applicant has four dedicated parking spaces at the rear of the building, consisting of two-tandem spaces (Exhibit B – Plans & Photographs). The applicant will be required to provide a parking attendant or valet service to accommodate the tandem parking configuration.

Section 21.52.201 of the zoning regulations requires that the use not be in a reporting district with an over-concentration of alcohol sales, as recommended by the Department of Alcoholic Beverage Control (ABC), and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). The ABC does not

CHAIR AND PLANNING COMMISSIONERS

July 17, 2014

Page 2 of 2

classify the Type 23 license as a retail license, and therefore the proposed use does not contribute to the concentration of existing alcohol sales. However, a map of existing ABC licenses is included for review (Exhibit C – Map of Existing ABC Licenses). LBPD has reviewed the proposal and is in support of the request, subject to conditions (Exhibit D – Findings & Conditions).

PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on July 1, 2014, in accordance with the provision of the Zoning Ordinance and at the time of preparation of this report no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-042) was issued for the proposed project (Exhibit E – Categorical Exemption).

Respectfully submitted,



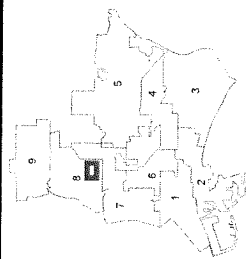
JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:JW:bb

Attachments: Exhibit A – Location Map
 Exhibit B – Plans & Photos
 Exhibit C – Map of Existing ABC Licenses
 Exhibit D – Findings & Conditions
 Exhibit E – Categorical Exemption 14-042



CONDITIONAL USE PERMIT FINDINGS

4244 Atlantic Ave.

Case No. 1404-15

July 17, 2014

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 and staff analysis are presented 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 subject property is located in General Plan Land Use District #8A - Traditional Retail Strip Commercial District (LUD-8A). LUD-8A is intended to serve local neighborhood needs and is established to recognize and accommodate commercial and retail uses along certain commercial corridors. The proposed use is consistent with the intent of LUD-8A. Furthermore, this approval is consistent with all applicable zoning regulations of the Commercial Neighborhood Pedestrian (CNP) district, as a restaurant with accessory micro-brewery is allowed by right and the off-sale of beer produced on site is also allowed through the Conditional Use Process in the district. The proposal does not meet all zoning regulations. The subject site is located in a reporting district with a high crime rate and is within 500 feet of a public school.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE;

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 14-042) was prepared for this project and is attached for your review.

The proposed restaurant with accessory micro-brewery is not expected to be detrimental to the surrounding community. The proposed project does not include physical expansion of the building and conditions of approval are included to ensure the mitigation of any potential impacts to the surrounding community. Conditions include prevention of any nuisances and loitering.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

- A. The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights;**

The subject leasing area is approximately 1,300 square-feet in size. Per Section 21.41.216, parking for a restaurant shall be provided at a rate of ten (10) spaces per 1,000 square feet of dining area and four (4) spaces per 1,000 square feet of retail floor area. The proposed use includes 168 square-feet of dining area and 194 square-feet of retail area, which requires a total of 3 parking spaces at the rate discussed above. The applicant will provide 4 parking spaces and therefore conform to the current code.

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

Staff has consulted with the Long Beach Police Department on this application. The LBPD does not have any objections to the proposed restaurant with accessory micro-brewery, subject to conditions.

- 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;**

Condition of Approval #15 will require the operator to prevent loitering and other related nuisance activity during hours of operation.

- 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**

The California Department of Alcohol Beverage Control (ABC) does not classify the Type 23 license as a retail license, therefore the proposed use does not contribute to the concentration of existing alcohol sales. The Long Beach Police Department (LBPD) has reviewed the project and supports the project, subject to conditions.

- 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 of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.**

The proposed restaurant with accessory micro-brewery is not located within 500 feet of a public school or public park.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

**4244 Atlantic Avenue
Application No. 1404-15
Date: July 17, 2014**

1. The use permitted on the subject site shall be a restaurant with accessory micro-brewery use with a Type 23 License permitting the sale of beer produced on site for off-premises consumption.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. Hours of operation shall be limited from 9:00 a.m. to 10:00 p.m., Monday through Sunday. The applicant may submit for a modification of this condition after one year of this application's final action date for the administrative consideration of the removal of this condition.
5. There shall be no expansion of the proposed service bar. The service bar shall maintain the existing size and square footage of floor area as shown on plans dated May 31, 2014.
6. Seating at the service bar shall be prohibited.
7. The operator shall provide a parking attendant and/or a valet service during the hours of operation to assist in the parking of vehicles in tandem parking spaces. If parking problems develop at the proposed site, the Director of Development Services may require additional parking requirements.
8. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
9. The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the

requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.

10. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
11. Adult entertainment shall be prohibited.
12. The applicant shall install an alarm system at the exit doors.
13. All production and storage activities shall be located completely within the alcoholic beverage manufacturing facility.
14. The sale of alcoholic beverages for consumption off-premises shall be limited to only those products produced on site.
15. The applicant shall operate the business in accordance with an ABC Type 23 license. Any change in ABC license type shall require a modification of this CUP, a new CUP, or a CUP exemption, based on the request.
16. The operator of the approved use shall prevent loitering along the sidewalk and in the parking lot serving the use during and after hours of operation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, private security guards.
17. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and any areas where the operator provides parking for its patrons. All video security cameras shall be installed and operated to the satisfaction of the Police Chief, Director of Technology Services and Director of Development Services.
18. The subject location shall be maintained as a sit-down restaurant with a full menu. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications shall be reviewed by the Planning Commission.
19. Applicant shall obtain a building permit for the tenant improvement prior to issuance of a business license.

Standard Conditions:

20. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality

of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

21. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
22. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
23. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
24. The Director of Development Services is authorized to make minor modifications to the approval design plans or the any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
25. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbd.s.longbeach.gov

TO: ☐ Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

☐ L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 14-042

Project Location/Address: 41244 ATLANTIC AVE LONG BEACH CA 90801

Project/Activity Description: SMALL BATCH BREWERY PEOPLE CAN MAKE
THEIR OWN BEER. WE WILL SERVE OUR OWN BEER
and Food Made on premise.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: JASON VAN FLEET

Mailing Address: 38412 GAVILAN AVE LB CA 90801

Phone Number: 562-225-5289 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1404-15 Planner's Initials: _____

Required Permits: _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION Section 15301, Class 1, Existing
Facilities.

Statement of support for this finding: Modification to existing commercial
building.

Contact Person: Brant Braxley Contact Phone: (562) 570-6922

Signature: [Signature] Date: 7/1/14