



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor

Long Beach, CA 90802

(562) 570-8194

August 1, 2019

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE-18-264 and approve a Conditional Use Permit (CUP18-039) to allow on-premise alcohol sales (Alcoholic Beverage Control- License Type 47) in conjunction with the establishment of a new restaurant at an existing 2,750 square-foot commercial tenant space located at 4137 East Anaheim Street in the Community R-4-N (CCN) Commercial Zoning District. (Council District 4)

APPLICANT: Geoffrey Rau
4133 E. Anaheim Street
Long Beach, CA 90804
(Application No. 1811-14)

PROJECT DESCRIPTION

The project site is located on the north side of Anaheim Street, between Termino Avenue and Bennett Avenue (Exhibit A - Location Map and has a General Plan Designation of LUD #8M for Mixed Office/Residential Strip District. It is bordered to the south and west by a variety of strip commercial businesses and residential uses and to the immediate north and east by residential properties. The site is 13,913 square feet in area and is developed with a 5,200 square-foot, single-story, commercial building with two tenant spaces and 17 on-site parking spaces.

The applicant is requesting approval of a Conditional Use Permit (CUP) for the on-premises sale and consumption of beer, wine, and distilled spirits in conjunction with a new 2,750 square-foot restaurant with a bar. The last tenant in this location operated a restaurant use which ceased operating in 2018. The applicant is also seeking to legalize a 228 square-foot outdoor patio for dining at the rear of the building (Exhibit B - Plans & Photos). The applicant currently operates Roundin' 3rd Bar & Grill located in the neighboring tenant space (4133 East Anaheim Street), which includes on-premise alcohol sales.¹ The use, as proposed, will remain a separate establishment with no interior connections between the spaces (Exhibit C - Proposed Restaurant Operations).

¹ On June 19, 2014, the Planning Commission approved Application No. 1401-09 for a Conditional Use Permit allowing on-premise sales for beer, wine, and distilled spirits.

Pursuant to the Long Beach Municipal Code (LBMC), Section 21.32.130, Table 32-1, on-premise alcoholic beverage sales require the approval of a CUP. LBMC Section 21.52.201 establishes special conditions that apply to all alcoholic beverage sales uses requiring a CUP (Exhibit D - CUP Findings and Special Conditions) unless findings can be made to waive the standard.

Special Condition A states that 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. Based on plans submitted by the applicant, the proposed establishment consists of an 83-square-foot service bar, a 912-square-foot dining area, a 1,571-square-foot kitchen and back-of-house area, and ancillary uses. Since a restaurant with 1,171 square feet of dining area previously occupied the subject tenant space, it has been determined that there is no net increase in parking. Pursuant to LBMC Chapter 21.41, the prior 'dinner restaurant' use required a total of 12 parking spaces². The new restaurant is proposed with 912 square feet of dining, which requires 10 parking spaces. The proposed 83 square feet of bar seating area requires two parking spaces³. The total number of parking required for the new restaurant and bar is 12 spaces. Consequently, the new restaurant and bar will not increase the parking required beyond that which was required for the previous restaurant.

The applicant also proposes to incorporate a 228-square-foot outdoor patio area with additional tables⁴. The project site immediately abuts residential uses to the north and east. Due to the adjacency of residential uses along the rear of the site (the patio is approximately 70 feet away from the nearest residential building), staff has included a condition of approval prohibiting outdoor dining (Exhibit E - Conditions of Approval). In addition, the patio, as constructed without permits, encroaches into the required drive-aisle and vehicle maneuvering area of the parking stalls.

Although the proposed project does not result in a net increase in parking required, the applicant has voluntarily secured ten off-site parking spaces approximately 300 feet away from the project site at 4021 E. Anaheim Street to ensure ample parking for patrons (Exhibit F - Parking Lease Agreement). A retail use/repair shop, such as 4021 E. Anaheim Street, generates a lower demand for parking throughout the day compared to a restaurant use. Additionally, the hours of operation for 4021 E. Anaheim Street are Monday – Friday, 8 am – 5 pm, while the proposed restaurant will open at 3 pm during the week and stay open beyond 5 pm for dinner service, in addition to opening earlier on the weekends; therefore, the hours of operation for the uses to share parking will minimally overlap with one another. As such, with the leasing of ten off-site parking spaces in addition to the 17 on-site parking spaces, staff does not anticipate any parking issues with the new restaurant and bar.

Special Condition D states that a new CUP shall not be approved in a reporting district with an overconcentration of on- or off-sale licenses, as recommended by the California

² At the required parking rate of ten spaces per 1,000 square feet of dining area.

³ At the required tavern/bar parking rate of 20 spaces per 1,000 square feet of bar/tavern area.

⁴ Outdoor dining areas less than 250 sq. ft. on private property do not require additional parking (LBMC § 21.41.216, Table 41-1C).

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Department of Alcoholic Beverage Control (ABC); nor in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). The site is located within Police Reporting District 552, which is not considered a high-crime rate area based on a crime rate of 37, which is lower than the high-crime rate threshold of 115. Staff has also consulted with the LBPD to address concerns regarding potential nuisance impacts on the surrounding neighborhood. These conditions include security measures such as exterior lighting, security cameras, and prohibition on loitering. Several stringent conditions of approval have been included to closely monitor the operation of the bar and ensure that the use does not threaten public health, safety, or welfare.

As reported by the LBPD, the project site is located within Census Tract 5750.02, where up to four on-sale licenses are allowed based on ABC criteria for population, which establishes a threshold for overpopulation within a census tract (Exhibit G - Alcoholic Beverage Control Statistics). Currently, there are four ABC licenses in this census tract, and the proposed restaurant would sell beer, wine, and distilled spirits under a new ABC Type 47 license, bringing the total number of on-sale licenses in the census tract to five. The fifth new alcohol license would result in an overconcentration of on-sale licenses in the census tract. Although Special Condition D prohibits the approval of a new alcoholic beverage sales use in a reporting district with an overconcentration of on-sale premise licenses, LBMC Section 21.52.100 allows the Planning Commission to waive certain conditions with written findings. Staff requests that the Planning Commission waive this condition regarding the overconcentration of licenses because the applicant has been operating at the subject site (Roundin' 3rd Sports Bar & Grill) with a Type 47 license since October 2014 and has maintained the license in good standing with no recent history of nuisance or disorder.

The project site is within 500 feet of a district that allows residential uses, and as such, requires a CUP. With a CUP, conditions can be imposed to ensure compatibility with other uses. Due to the proximity of the bar to residential units, a condition has been included to prohibit any outdoor activity for the proposed bar. Staff finds that such a prohibition, along with the other operating conditions, including hours of operation, will help to ensure its compatibility. In addition, Special Condition E, requires alcoholic beverage sale uses to be located further than 500 feet of a public school or park. In this instance, the closest park (Recreation Park) is located approximately 800 feet away from the project site. Bryant Elementary School is located 220 feet north of the site, along East Fountain Street, between Termino Avenue and Belmont Avenue and is not directly accessible from Anaheim Street. In accordance with LBMC Section 21.52.100, staff requests that the Planning Commission waive the condition that requires the use to be located more than 500 feet from a public school based on the fact that the restaurant fronts on a separate block on Anaheim Street.

To ensure the use operates in a manner compatible with the surrounding neighborhood, the following additional conditions of approval are recommended: prohibition on the expansion of bar or dining area above (83 sq. ft. and 912 sq. ft., respectively); the prohibition of any loitering or queuing of patrons beyond the interior of the tenant space; and the prevention of any loud noises coming from the tenant space. The incorporation of conditions of approval gives staff the authority to periodically re-inspect the project site to

and the prevention of any loud noises coming from the tenant space. The incorporation of conditions of approval gives staff the authority to periodically re-inspect the project site to monitor the use for compliance with the conditions. Any violations of these conditions can serve as grounds for permit revocation at a noticed public hearing. Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to the Conditions of Approval.

PUBLIC HEARING NOTICE

In accordance with provisions of the LBMC Section 21.21.302 (Noticing Requirements for Hearings), 467 Public Hearing notices were mailed on July 15, 2019. At the time of preparation of this report, staff has not received any correspondence regarding the project.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities, as the project consists of the operation of a bar within an existing two-tenant commercial building.

Respectfully submitted,

CYNTHIA DE LA TORRE
PROJECT PLANNER

ALEXIS OROPEZA
CURRENT PLANNING OFFICER

CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER

LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

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Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans & Photos
- Exhibit C – Proposed Restaurant Operations
- Exhibit D – CUP Findings and Special Conditions
- Exhibit E – Conditions of Approval
- Exhibit F – Parking Lease Agreement
- Exhibit G – Alcoholic Beverage Control Statistics