

May 21, 2020

**CHAIR AND PLANNING COMMISSIONERS**

City of Long Beach

California

**RECOMMENDATION:**

Accept Categorical Exemption CE-19-260 and approve Conditional Use Permit CUP19-041 to allow the sale of beer, wine, and distilled spirits for on-site consumption within an existing restaurant that includes interior changes at 3404 E. 4<sup>th</sup> Street, within the Neighborhood Commercial and Residential (CNR) Zoning District. (District 3)

**APPLICANT:** Janet Rodriguez

Art Rodriguez Associates

444 E. Huntington Drive, Suite 208

Arcadia, CA 91006

(Application 1911-14)

**DISCUSSION**

The site is located at the southwest corner of E. 4<sup>th</sup> Street and Redondo Avenue (Exhibit A - Vicinity Map). The site is located within the Neighborhood Commercial and Residential (CNR) Zoning District and is currently developed with a 7,700-square-foot two-story commercial building including the approximate 2,256-square-foot existing restaurant on the ground floor (Exhibit B - Plans & Photographs) To the north, south, east and west the zoning is Neighborhood Commercial and Residential (CNR) District. The applicant is requesting approval of a Conditional Use Permit to allow a new 120-square-foot bar area for the sale of beer, wine, and distilled spirits for on-site consumption (Alcohol Beverage Control – License Type 47) in conjunction with a restaurant. The restaurant use is allowed by right and not subject to the approval of a CUP. The previous use was a restaurant with a Type 41 alcohol license for the sale of beer and wine with food with no bar area. The restaurant would operate seven days a week from 6:00 am to 2:00 am.

The purpose of Conditional Use Permits is to allow the individual review of certain land uses to ensure it would operate in a manner compatible with the surrounding uses or through the imposition of conditions of approval, can be made compatible. In addition, to the required Conditional Use Permit findings, there are special conditions that must also be met for alcoholic beverage sales. Accordingly, in considering this Conditional Use Permit (CUP) application for the sale of beer, wine and distilled spirits, staff evaluated the number of existing alcohol licenses in the subject Census Tract (5771.00) in which this restaurant is



located, as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.201 of the Long Beach Municipal Code requires that a new CUP for alcohol sales not be approved in a reporting district with an over concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). Pursuant to Section 21.52.100, all special conditions shall be met unless findings of fact can be made to support the use. The restaurant is not located in a high crime area per LBPD and it is not an over concentrated district for on-site alcohol sales. In the subject census tract (5771.00), six (6) licenses for on-site alcohol sales are allowed; there are five (5) licenses currently active (Exhibit C - Map of Existing Alcohol Licenses).

Staff consulted with the LBPD for this application and they expressed no opposition to approval. As conditioned the use would not be a nuisance due to conditions of approval to implement security measures such as security cameras to ensure minimization of any negative impacts associated with the operation of the project. These measures have been included as Conditions #17 and #22. Staff believes that the approval of this CUP application will have minimal impact on the surrounding land uses because the use is not located in a high crime area and because the conditions of approval recommended for the project will require the implementation of several operational measures designed to reduce any potential negative effects from the proposed on-site sales of alcohol.

Accordingly, staff recommends that the Planning Commission approve the CUP subject to conditions (Exhibit D - Findings & Exhibit E - Conditions of Approval).

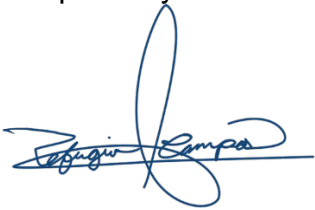
### **PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on December 2, 2019, and 1346 public hearing notices were distributed on May 7, 2020, in accordance with the provision of the Zoning Ordinance. At the time of writing this report, staff has received no inquiries on this 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 Class 1(a), as the project consists of the operation of a restaurant within an existing commercial building (CE 19-260).

Respectfully submitted,



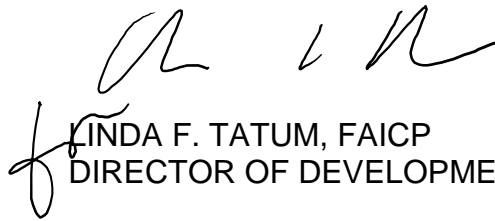
REFUGIO TORRES CAMPOS  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP  
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

LT:CK:AO:rtc

Attachments: Exhibit A - Vicinity Map  
Exhibit B - Plans & Photographs  
Exhibit C - Map of Existing Alcohol Licenses  
Exhibit D - Findings  
Exhibit E - Conditions of Approval