

**CONDITIONAL USE PERMIT  
FINDINGS**

**3404 E. 4<sup>th</sup> Street  
Application No. 1911-14 (CUP19-041)  
May 21, 2020**

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 site is located in the Neighborhood Serving Center or Corridor Low Density (NSC-L) Land Use PlaceType. Said PlaceType is composed of low-rise, low-intensity mixed-use commercial centers and corridors designed to meet consumer's daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial institutions, fitness centers and other daily conveniences. The proposed sales of alcoholic beverages at a restaurant are consistent with the intent of this district PlaceType. Furthermore, the approval is consistent with the following General Plan Land Use Policies;

**LU Policy 9-1: Protect Neighborhoods from the encroachment of incompatible activities or land uses that may have negative impacts on residential living environments.**

The Conditions of Approval will help to prevent any detrimental effects from spilling into the adjacent residential neighborhood.

**LU Policy 9-1: Ensure neighborhoods contain a variety of functional attributes that contribute to residential day-to-day living, including schools, parks and commercial and public spaces.**

The Conditional Use permits enables a sit-down restaurant to serve alcoholic beverage as an added convenience to its patrons.

In addition, the project is consistent with the zoning regulations of the Neighborhood Commercial and Residential CNR zoning district, as the on-site sale of alcoholic beverages at a restaurant are allowed through the Conditional Use Permit process.

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

The sale of alcoholic beverages (beer, wine and distilled spirits) for on-site sales at an existing restaurant is not expected to be detrimental to the surrounding community. The proposed hours of operation are from 7:00 a.m. to 2:00 a.m. daily. The LBPD had no objections to the use including the hours of operation with the incorporation of the conditions of approval. Conditions of approval include security measures to prevent nuisances and loitering and to ensure safe operations of the facility. Conditions of approval are included to ensure minimization of any negative impacts associated with the operation of the proposed project. In addition, the city is authorized to periodically reinspect to ensure the use is being operated in compliance with the conditions and its operations are not detrimental to the public health, safety or general welfare, and environmental quality or quality of life.

**3. 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 restaurant is located within an existing commercial building and would require interior tenant improvements. The uses within the commercial building consist of restaurant and barber shop. The existing restaurant has legal non-conforming parking rights and the new bar area in conjunction with a proposed reduced dining area would not create a net increase in parking. The existing parking spaces would need to be restriped to meet code condition of approval number 34.

**B. The operator of the use shall provide security cameras and other security measures to the satisfaction of the Chief of Police.**

The Long Beach Police Department reviewed this application. The project as conditioned requires the applicant to provide security cameras, and security measures as recommended by Long Beach 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.**

Condition of Approval No. 18 will require the operator to prevent loitering along sidewalk area including landscaping areas serving the use during and after 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-premise sales use, as recommended by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, 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 the use shall not be 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. The project site is located within Reporting District 534. The restaurant is not located in a high crime area per LBPD; the district has a crime rate of 39, which is lower than the high-crime threshold rate of 115. In the subject census tract (5771.00), six licenses for on-site alcohol sales are allowed and there are five licenses currently. In addition, to reviewing the data the LBPD reviewed the applicants request and floor plan and expressed no opposition to the project as security measures including cameras and lighting were required. Staff consulted with the LBPD on this application and they expressed no opposition. As conditioned the use would not be a nuisance and security measures such as security cameras and lighting have been incorporated to ensure minimization of any negative impacts associated with the operation of the project. Therefore, staff is requesting Planning Commission approval due to the low-crime rate, low concentration and other mitigating factors.

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

The project location observes the distance requirement from public schools and public parks. The subject site is not located within 500 feet of a public school, school or public park. The nearest public-school Thomas Jefferson Middle School is approximately 1,600 feet from the site. The closest park, Rose Park is approximately 2,300 feet from the site.

- 4. 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.**

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance with Section 21.45.400 because the applicant is seeking approval of a CUP to allow alcohol as an ancillary use to the restaurant and there is no new square-footage proposed, only interior tenant improvements, and therefore, this section of the Municipal Code would not be applicable to the proposed use.