

CONDITIONAL USE PERMIT FINDINGS

**1388 Daisy Avenue
Case No. 1910-13 (CUP19-039)
June 18, 2020**

Pursuant to Section 21.25.206 (Required Findings) of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) 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 site is located in General Plan Neo-Industrial (NI) Placetype and within General Industrial (IG) the Light Industrial (IL) zoning district. The Neo-industrial Placetype encourages the location, evolution and retention of restricted light industrial activities associated with innovative start-up businesses and creative design offices. Currently, the site is being used as a multi-kitchen commissary in which patrons can order food through their smart phone device and have it delivered to their home. As part of this application, the applicant proposes to sell alcohol for delivery. The proposed sale of beer, wine and distilled spirits for off-site sales is consistent with the General Plan. Furthermore, the approval is consistent with the following General Plan Land Use Policies;

LU Policy 3-4: Promote and attract a mix of commercial and industrial uses by emphasizing the flexibility of the PlaceTypes designations.

Permitting off-site alcohol sales within the multi-kitchen commissary for the convenience of its patrons supports the flexibility of uses needed to support the business being successful.

The project is not located in the Coastal Zone and no specific plans apply to this location. The project site is located within the IG and IL zone which allows the off-site sale of beer, wine, and distilled spirits at an eating place with Planning Commission approval of a Conditional Use Permit (CUP). Therefore, approval of this project would be consistent with the General Plan and the zoning regulations.

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; AND

With standard conditions of approval and those recommended by the Long Beach Police Department (LBPD) incorporated, approval of a Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 license) at the subject site will not be detrimental to the surrounding community. The use will be located in an existing 11,640-square-foot multi-kitchen commissary with sufficient established operating procedures to ensure that the alcohol sales use will not cause any nuisance impacts upon the community, such as limiting sales of food and alcohol to online orders only, to be consumed off-site, and exclusively in conjunction with a kitchen commissary for food delivery. Conditions of approval also restrict the consumption of alcohol on-site.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

Sections 21.52.100 and 21.52.201 state that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit, unless specifically waived with written findings:

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.

Parking at the existing multi-kitchen commissary is in compliance with Chapter 21.41 of the zoning regulation. The commissary did not require any new parking spaces from the previous use, regardless they have resurfaced, and landscaped the existing 14 parking spaces within the site. Additionally, Given the fact that the building was built for off site delivery and the proposed use for the sale of alcohol, with no expansion of square footage, no additional parking spaces are required.

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

As conditioned, the use will provide adequate security measures to the satisfaction of the Chief of Police. Conditions of approval require the applicant to implement all security measures recommended by the 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.

As conditioned, the operator shall be required to prevent loitering in the parking lot or anywhere on the exterior of the establishment.

- 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.**

The project site is located within Census Tract 5754.01, where up to three off-sale licenses are allowed based on Department of Alcoholic Beverage Control (ABC) criteria for population, which establishes a threshold for overpopulation within a census tract. Currently, there are five ABC licenses in this census tract, and the proposed commissary would sell beer, wine, and distilled spirits under a new ABC Type 21 license, bringing the total number of on-sale licenses in the census tract to six. The sixth new alcohol license would result in an overconcentration of off-sale licenses in the census tract. The addition of off-site alcohol sales from an existing commissary is distinct from other types of businesses since it is for a delivery only operation. The project site is located within Police Reporting District 113, which is not considered a high-crime rate area based on a crime rate of 115, with the crime rate threshold being 65. Because the proposed uses is not within a high crime area and is for delivery only in conjunction with a kitchen commissary, the overconcentration is waived.

- 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.**

Although the project location observes the distance requirement from public schools it does not observe the distance requirement for a public park. The nearest school, George Washington Middle School, is over 1,000 feet away; however, the subject property is within 200 feet of Seaside Park. Staff has consulted with the Long Beach Police Department (LBPD) to address concerns regarding potential nuisance impacts on the surrounding neighborhood because of the distance requirement to a park. A number of conditions of approval have been included, such as security measures are required to ensure closely monitor the ensure the operation of the multi-kitchen commissary for delivery only will operate in a manner that and ensure that the use does not threaten public health, safety, or welfare. The off-site alcohol sales from a kitchen commissary would not be a detriment to the park and

surrounding community because the unique operation of the commissary kitchen which is for off-site delivery via online orders.

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

This project does not include any new development and consists of the establishment of off-site alcohol sales in conjunction with a multi-kitchen commissary, as a primary use within an existing industrial tenant space.