

June 18, 2020

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE19-240 and approve Conditional Use Permit CUP19-039 to allow off-site alcohol sales (Alcoholic Beverage Control - License Type 21) at an existing, delivery only, multi-kitchen commissary, located at 1388 Daisy Avenue in the General Industrial (IG) and Light Industrial (IL) Zoning District. (District 1)

APPLICANT: Louie Cano
c/o Cano Liquor License Consulting
21515 Hawthorne Blvd, Suite 200
Torrance, CA 90503
(Application No. 1910-13)

DISCUSSION

The site is located on the east side of Daisy Avenue and west side of Magnolia Avenue, between West 14th Street North and West 14th Street South (Exhibit A - Vicinity Map). The site is within the General Industrial (IG) and Light Industrial (IL) Zoning District and has a General Plan PlaceType of Neo-Industrial (NI). The surrounding uses include warehouses, distribution, and wholesale uses to the south, and west. To the North and east there are a multi-family building, a park and a mental health rehabilitation center. The site is approximately 19,600 square feet in area and developed with a 11,640-square-foot, single story warehouse building and a parking lot. The current use of the building is a 25-kitchen commissary in which patrons can order food online and have it delivered to their homes.

The applicant is requesting approval of a Conditional Use Permit (CUP) for the off-premise sale of beer, wine, and distilled spirits in conjunction with an existing multi-kitchen commissary. (Exhibit B - Plans & Photos). The commissary component was previously approved administratively and is currently operating. A kitchen commissary (also known as a ghost kitchen or shadow kitchen) is a professional food preparation facility set up for the delivery of meals only. The applicant proposes the off-site sale of alcohol be an added service to the food prep and delivery service offered by the commissary.



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Pursuant to Table 33-2 in the zoning code, any business involved in the sale of alcoholic beverage requires the approval of a CUP. 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. LBMC Section 21.52.201 establishes five special conditions that apply to alcoholic beverage sales requiring a CUP.

The required findings state 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. Parking at the existing multi-kitchen commissary is in compliance with zoning regulations. Given that the building was constructed for offsite delivery and the addition of for the sale of alcohol with no expansion of square footage, no additional parking spaces are required.

The required findings state that the use not be located in an area deemed over concentrated or classified as high crime. The project site is located within Census Tract 5754.01, where up to three off-sale licenses are allowed based on 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 project site is located within Police Reporting District 113, which has a crime rate of 65. Based on the average crime rate of 115 for all reporting districts it is not located within a high crime area. The use is associated with a meal delivery operation therefore the matter of overconcentration is less impactful.

Although the project location is compliant with the 500-foot distance separation requirement from public schools it is not compliant with the 500-foot distance separation from a public park. The nearest school, George Washington Middle School, is over 1,000 feet away. However, the subject site 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 as part of the review process. The Police Department expressed no opposition to the use with incorporation of the proposed conditions of approval. A number of conditions of approval have been included, such as security measures ensure operation of the commissary for delivery only and that it will operate in a manner that and ensure that the use does not threaten public health, safety, or welfare. Additionally, planning staff found that the off-site alcohol sales from a commissary is distinct from other types of businesses since it is an off-site delivery only operation. Overall, the addition of an alcohol license is not anticipated to be a detriment to the surrounding area and the park because the alcohol sales are associated with food delivered offsite.

The incorporation of conditions of approval gives staff the authority to periodically re-inspect the site to monitor compliance with the conditions of approval. Violations of these conditions can serve as grounds for permit revocation at a noticed public hearing. Staff finds that the use can operate in a manner compatible with the surrounding uses and recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval (Exhibit C – Findings; Exhibit D-Conditions of Approval).

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PUBLIC HEARING NOTICE

A total of 661 public hearing notices were distributed on June 4, 2020 in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing this report, staff has received no comments in response to the hearing notice.

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 additions of an off-site alcohol license at an existing multi-kitchen commissary. (CE 19-240).

Respectfully submitted,



MARCOS LOPEZ, JR.
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

LFT:CK:AO:ml

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