

September 3, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption CE20-055 and approve Conditional Use Permit (CUP20-009) and Local Coastal Development Permit (LCDP20-015) to allow on-premise alcohol sales (Alcoholic Beverage Control License – Type 47) within an existing restaurant and bar located at 5331 E. 2nd Street in the Commercial Neighborhood Pedestrian (CNP) Zoning District. (District 3)

APPLICANT: John Mallinger & Mike Ellis for Rileys 2.0 LLC
5948 Spinnaker Bay Drive
Long Beach, CA 90803
(Application No. 2004-31)

DISCUSSION

The site is located on the north side of 2nd Street between Pomona Avenue and Santa Ana Avenue (Exhibit A – Vicinity Map). The site is part of the 2nd Street commercial strip and is adjacent to residential uses to the north, across the alley. The subject site is within the CNP (Commercial Neighborhood Pedestrian-Oriented) Zoning District within the Coastal Zone. The 2019 General Plan Land Use Element PlaceType designation is NSC-L (Neighborhood-Serving Center or Corridor – Low). The California Coastal Commission (CCC) has not yet certified the City’s Land Use Element. Therefore, the applicable General Plan Land Use designation of the subject site is LUD No. 8P (Pedestrian-Oriented Retail Strip District).

The following table indicates the adjacent land uses to the subject site.

Table 1: Adjacent Land Uses

<u>Direction</u>	<u>Land Use Type</u>
North (across an alley)	Residential
South (across 2nd Street)	Commercial
East	Commercial
West	Commercial

The existing 2,668-square-foot building currently operates as a non-conforming restaurant and bar which includes the sale of beer and wine with no Conditional Use Permit.



The business owner is requesting to upgrade the previous Alcoholic Beverage Control (ABC) license to allow the for sale of beer, wine and distilled spirits, an ABC Type 47, On-sale General for a Bona Fide Public Eating Place, in conjunction with a restaurant. The proposed hours of operation would be Monday to Thursday from 11:30 am to 11:00 pm, Friday from 11:00 am to 12:00 am (midnight), Saturday 9:30 am to 12:00 am (midnight); and Sunday 9:30 am to 11:00 pm.

The applicant is proposing an interior and exterior remodel of the previous restaurant which is not a part of this application and is subject to a building permit (Exhibit B- Plans)

The upgrade of the ABC license type is subject to a Conditional Use Permit (CUP). Subsequently, the CUP entitlement requires a Local Coastal Development Permit (LCDP) because the project is located within the Coastal Zone. The purpose of CUPs is to allow the individual review of certain land uses to ensure they are compatible with surrounding uses, or, through the imposition of conditions, can be made compatible with surrounding uses (Exhibit C – Conditions of Approval). In addition to the required CUP findings, Section 21.52.201 of the Long Beach Municipal Code establishes special conditions that must be met for alcoholic beverage sales. The findings for alcoholic beverage sales include parking, the concentration of alcohol licenses as recommended by Alcoholic Beverage Control (ABC), and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). However, these special conditions may be waived with findings of fact (LBMC 21.52.100).

The existing site has no on-site parking and is legal non-conforming. The building on the project site is built out from property line to property line; preventing the addition of parking on-site. Staff finds that the proposed change in use does not intensify the demand for parking as the amount of area allocated to the bar and tables remains unchanged. The alcohol license will allow the restaurant to expand the type of alcohol served to include distilled spirits as a convenience to its customers. The change proposed would not increase the parking demand.

The subject site is in the Coastal Zone therefore the new LUE has not yet been certified and the previous General Plan Land Use Element is controlling. Under that scenario, the intent of the CNP Zoning District and General Plan LUD No. 8P is to provide strip retail uses that cater primarily to pedestrian trade. Small restaurants and bars, such as the subject restaurant, are identified as consistent land uses in LUD No. 8P.

In considering this CUP application, staff evaluated the number of existing alcohol licenses in the subject census tract (Tract 5774.00). The census tract allows for five alcohol licenses as per ABC and there are 18 existing licenses. The existing census tract includes the Belmont Shore business district and it is not uncommon for a larger number of licenses to be found within such dining and entertainment areas. As the proposed action is requesting only a license type change, there would be no net increase in the total number of alcohol licenses issued within this census tract (Exhibit D – Census Tract Map).

The site is within Police Reporting District (District 583) with a current crime rate of 77, whereas a rate of 108 is considered high-crime. As part of planning staff's review of the application, the Long Beach Police Department was consulted. With the imposed conditions pertaining to lighting, site design, and security, LBPD is not in opposition to this application. These measures have been incorporated into the conditions of approval. Moreover, the conditions established by the approval of the CUP secures the operational standards may be enforced by the City. As conditioned, staff recommends approval of this application.

Restaurant uses are permitted uses in the CNP zone and consistent with the intended uses in the General Plan (1989) LUD No. 8P. The Local Coastal Program (LCP) identifies the subject site, and the shopping strip

along 2nd Street as a whole, as a commercial strip serving the adjacent neighborhoods and coastal visitors. As conditioned, the proposed restaurant and bar is consistent with the purpose of the LCP, the General Plan, and the existing zoning (Exhibit E – Findings).

Staff recommends that the Planning Commission accept Categorical Exemption CE-20-055 and approve a Conditional Use Permit (CUP20-009) and Local Coastal Development Permit (LCDP20-015), to allow on-premise alcohol sales (Alcoholic Beverage Control License – Type 47) within an existing restaurant and bar, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

In accordance with provisions of the Long Beach Municipal Code, 898 public hearing notices were distributed on August 17, 2020. As of the time of writing this report, staff has received no opposition 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 scope of the project is within an existing structure. (CE-20-055).

Respectfully submitted,

Alex Muldrow

ALEX MULDROW
PROJECT PLANNER

Christopher Koontz

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DEVELOPMENT SERVICES DEPUTY DIRECTOR

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Attachments: Exhibit A – Vicinity Map
 Exhibit B – Plans
 Exhibit C – Conditions of Approval
 Exhibit D - Census Tract Map
 Exhibit E – Findings