

**CONDITIONAL USE PERMIT FINDINGS**  
**901 E. Wardlow Road**  
**Application No. 2105-12 (CUP21-009)**  
**September 2, 2021**

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 along with staff analysis are presented below 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 has a Neighborhood-Serving Centers or Corridors – Low (NSC-L) General Plan Land Use Element (LUE) PlaceType., which allows low-rise, low-density residential uses and low-intensity commercial uses. The LUE PlaceType is intended to meet consumers daily needs for goods and services closer to residential areas, and the proposed Conditional Use Permit (CUP) for alcohol sales is consistent with the purpose and goals of the PlaceType. Furthermore, the sale of alcohol is ancillary to the butcher shop that will also sell a variety of products including high-end meats, cheeses, charcuterie, cooking accessories, beer and wine sales, including instructional tastings to learn about for pairing wine and beer with the meats sold at the retail establishment. The diversity of offerings proposed at the establishment improves nearby residents' access goods and services needed on a daily basis, promoting sustainable development patterns and reducing vehicular trips.

The alcohol sales for this business is intended to have an emphasis on beer and wine pairings and the instructional tasting license limits the serving size of tastings to one ounce and customers who are 21 or older. As a result, it is not expected to attract nuisance activity or have any other negative impacts sometimes associated with establishments that sell alcohol. Furthermore, Conditions of approval have been included to prevent nuisances and minimize negative impacts to surrounding areas, which included a maximum floor area for off-premise alcoholic beverage sales and mandatory staff training.

No specific plan applies to the subject site nor is the site within the Local Coastal Program area. The General Plan Land Use Element PlaceType designation (NSC-L) has been established to accommodate commercial uses. Therefore, approval of the Conditional Use Permit the for sale of beer and wine for off-site consumption and limited on site tasting is an appropriate use, as it provides alcohol sales in conjunction with retail boutique-style butcher market within a commercial area.

**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**

The proposed off-site alcohol sales is ancillary to the sales of high-end meats, cheeses, charcuterie, cooking accessories and limited beer and wine tasting

contributing to the diversity of business types within the commercial corridor. The alcohol sales for this business is intended to emphasize the pairing of alcohol with meat cut purchased. The on-site instructional tasting is also appropriate with this use as the tasting allows the customer to try to an alcoholic beverage beforehand and the license limits the age of costumers who can participate in tastings as well the serving size and thus the amount of alcohol consumed on site. To ensure that alcohol sales is incidental to the operation of a butcher shop, conditions have been added which limit the use as an accessory use and limit the floor area devoted to alcohol sales.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE21-056) was prepared for this project. The proposed use will be established within an existing 754-square foot commercial space. There will be a total of three (3) staff member and the hours of operation will be Monday through Thursday from 10:00 a.m. to 7:00 p.m. and Friday through Sunday from 8:00 a.m. to 8:00 p.m. As conditioned, the site will be equipped with a surveillance system, which will include an alarm system and interior and exterior cameras to deter criminal activity and promote safety. The proposed use, as conditioned, would not be detrimental to the community.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52**

In addition to the above findings, Section 21.52.201 states that the following Conditions shall apply to all alcoholic Beverages sales use requiring a Conditional Use Permit:

**A. The business operator 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 proposed use is located within an existing 754-square foot commercial space. A building permit for the tenant improvement of the butcher shop was issued under BRMD256826 and is currently undergoing inspections. The project does not include exterior improvements nor expansion in size and is strictly interior improvements only. Although the site has no off-street parking, the previous use was a retail establishment, and the legal non-conforming parking rights apply to the proposed retail use. As the Conditional Use Permit requested is for off-site beer and wine sales and instructional tasting with no bar seating area, no additional parking is required as the parking has been met with the tenant improvement.

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

Staff consulted with the Long Beach Police Department (LBPD) on this application. Conditions of approval have been included pertaining to site lighting and security. The LBPD had no objections to the request as the project site is not located in a high crime area. There will be a total of three (3) staff member and

the hours of operation will be Monday through Thursday from 10 a.m. to 7 p.m. and Friday through Sunday from 8 a.m. to 8 p.m. The site will be equipped with a surveillance system, which will include an alarm system and interior and exterior cameras to deter criminal activity and promote safety. The proposed use as conditioned would not be detrimental to the community.

**C. The business operator shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods.**

Conditions of Approval will require the operator to prevent loitering and other related nuisances.

**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, staff evaluated the number existing alcohol licenses in the subject Census Tract, as well as the number of reported crimes in the subject Police Reporting District. Section 21.52.201 of the zoning regulations requires that the use shall not be permitted 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 permitted in a reporting district with a high crime rate, as reported by the Long Beach Police Department.

According to the ABC License Report, the subject property is within Census Tract 5720.01, which allows for a maximum of three (3) off-site alcohol licenses. There are currently two (2) Type 21 (Beer, Wine and Distilled Spirits) and two (2) Type 20 (Beer and Wine) for off-premises sales, for a total of four (4) active off-sales licenses. Adding a fifth off-sales alcohol license at this location will add to the over concentration of off-site sales within the Census Tract. However, to ensure the use operates in a manner compatible with the surroundings, staff has incorporated additional conditions of approval, which includes a maximum floor area for off-premise alcoholic beverage sales and mandatory staff training (Attachment - Conditions of Approval).

The Police Department has also reviewed the CUP request for this location. The site is located within Police Reporting District 322 within the North Division, which is not designated as a high crime area. The Long Beach Police Department has no objection to its approval. Additional conditions pertaining to lighting and security have been included to help mitigate any potential negative impacts to the surrounding community.

- 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 200,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

The subject site for which this use is proposed in is not located within 500 feet of a public school nor a public park.

- 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 specific 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, and therefore, this section of the Municipal Code would not be applicable to the proposed use.