

CONDITIONAL USE PERMIT FINDINGS

**3411 and 3417 East Broadway
Application No. 2103-02 (CUP21-001)
October 7, 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 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 on the north side of Broadway Avenue, between Redondo Avenue and Newport Avenue (Exhibit A – Vicinity Map). The subject site is within the Neighborhood Commercial and Residential (CNR) zoning district and has a General Plan PlaceType of Neighborhood Serving Center or Corridor – Low (NSC-L). The building is within by the commercial strip of Broadway. The adjacent commercial businesses include a furniture store to the west, a tattoo shop to east, and a coffee shop across the street to the south. Residential use exists within 90 feet of the site.

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. Restaurants with bars are an allowed use within the CNR Zoning District by means of a Conditional Use Permit. The alcohol is provided to complement the food sold at the restaurant. The addition of alcohol sales as conditioned aligns with the intent of the Land Use Element as expressed under Goal No. 2 to implement the land use plan in a manner that allows businesses to successfully operate in and support local neighborhoods. Furthermore, the use is consistent with Land Use Element LU Policy 10-1, to “Ensure neighborhoods contain a variety of functional attributes that contribute to residents’ day-to-day living, including schools, parks and commercial and public spaces.” The restaurant is proximate to residential uses ensuring that there is a diverse mix of uses to which residents can walk, bike, and take transit to, as envisioned in the General Plan.

- 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**

Conditions of approval have been incorporated to mitigate potential detrimental effects on the surrounding community. These conditions include measures pertaining to security, noise, alcohol service training, loitering, lighting, and hours of operations. By imposing these conditions, the proposed use shall operate in a manner that is sensitive to surrounding uses and residents.

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 beverage sales uses requiring a Conditional Use Permit unless 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.

The site has no on-site parking, similar to many of the sites along East Broadway and is classified as non-conforming use. Due to the combination of the lot configuration and existing building footprint, there is no opportunity to add parking on-site. The existing use includes the sale of beer and wine and this application will only be expanding the variety of alcohol served to include distilled spirits. The existing restaurant has legal nonconforming parking rights and the change in alcohol license would not create a net increase in parking demand.

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 project site is ensured to provide adequate security lighting along with security camera,s to the satisfaction of the Chief of Police.

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 applicant shall be required to prevent loitering or other activity at the site.

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.

The project is located within Police Reporting District 533. The crime rate for this reporting district is 148, where 97 is the threshold for high crime. In reviewing this application, the Long Beach Police Department was consulted to

offer comments as to security and design. With the imposed conditions pertaining to site design and security, LBPD is in support of this application.

The project site is located within Census Tract 5772.00, in which a maximum number of five (5) establishments serving alcohol are permitted, per ABC, and there are 14 existing licenses. The existing Census Tract includes Broadway, Redondo Avenue, and Ocean Avenue, all which have commercial businesses and it is not uncommon for a larger number of licenses to be found within such dining and entertainment areas. Currently, only four (4) other restaurants within the Census Tract hold a Type 47 ABC License. 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.

- 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 subject site is not located within 500 feet of a public school. The nearest school to the subject address is Horace Mann Elementary School which is approximately 700 feet away. The nearest park to subject address is Trolley Park, which is approximately 530 feet walking distance.

- F. 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.**

The proposed project does not propose any additional square footage. Therefore, this provision does not apply.