

October 21, 2021

**CHAIR AND PLANNING COMMISSIONERS**

City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE21-111 and approve Conditional Use Permit CUP21-001 to expand the on-premise alcohol sales served within an existing restaurant and bar to include beer, wine, and distilled spirits (Alcoholic Beverage Control License Type 47) located at 3411 and 3417 East Broadway in the Neighborhood Commercial and Residential (CNR) Zoning District. (District 3)

**APPLICANT:** Mia Cornelius  
3411 East Broadway  
Long Beach, CA 90803  
(Application No. 2103-02)

**DISCUSSION**

The site is located on the north side of Broadway Avenue, between Redondo Avenue and Newport Avenue (Attachment A - Vicinity Map); is within the Neighborhood Commercial and Residential (CNR) Zoning District; and, has a Neighborhood Serving Center or Corridor – Low (NSC-L) General Plan PlaceType. The building is surrounded by commercial businesses, which include a furniture warehouse to the west, a tattoo shop to the east, a coffee shop across the street to the south, and a commercial property to the north, which is currently vacant. The nearest residential use is located approximately 90 feet north of the site. The existing 3,200-square-foot tenant space currently operates as a restaurant with a legal nonconforming bar. The sale of beer and wine at the premise is currently permitted by an existing Conditional Use Permit Exemption (Attachment B - Plans). Per the building permits on record, a restaurant use has existed at this location since 1992.

The business owner is requesting to upgrade the previous Alcoholic Beverage Control (ABC) license to a Type 47, On-sale General for a Bona Fide Public Eating Place, in conjunction with a restaurant, to permit the sale of beer, wine and distilled spirits at the subject restaurant.

As the subject use (an existing restaurant containing a fixed bar with an existing alcohol license) is a legal nonconforming use, the proposed expansion of the existing alcohol license to allow the sale of a wider range of alcoholic beverages requires a Conditional Use Permit (CUP), in accordance with Long Beach Municipal Code (LBMC) Section 21.27.060 (Nonconformities) and Section 21.52.201 (CUP). The purpose of a CUP 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 (Attachment C - Conditions of Approval). In addition, LBMC Section 21.52.201 establishes conditions for projects that propose alcohol beverage sales requiring a CUP. These conditions include requirements for compliance with parking, that there not be an overconcentration of alcohol licenses within a Census Tract, and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD) (Attachment D - Findings). LBMC Section 21.52.100 allows a waiver of these conditions with written findings.

Restaurant uses are permitted uses in the CNR zone and consistent with the intended uses of the General Plan NSC-L PlaceType. The existing site has no on-site parking and is legal non-conforming with regards to parking. Due to the configuration of the existing building and lot there is no opportunity to expand on-site parking. The use has an existing alcohol license and this CUP would simply expand the range of alcohol sold on site and would 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.

In considering this CUP application, Staff evaluated the number of existing alcohol licenses in the subject census tract (Tract 5772.00). The Census Tract allows five (5) alcohol licenses as per the Department of Alcoholic Beverage Control (ABC) and there are 14 existing licenses. The existing Census Tract includes Broadway Avenue, 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 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 (Attachment E - Census Tract Map).

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 the project site is a passive park, Trolley Park, which is approximately, 530 feet walking distance. The site is within Police Reporting District (District 533) with a current crime rate of 148, which exceeds the crime rate of 97 and is considered high-crime area. As part of 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. Again, the use has an existing alcohol license and this CUP would simply expand the range of alcohol sold on site and would not intensify the use. These measures have been incorporated into the conditions of approval. Moreover, the conditions established by the approval of the CUP secures that the operational standards may be enforced by the City.

Staff recommends that the Planning Commission accept Categorical Exemption CE21-111 and approve a Conditional Use Permit (CUP21-001), 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**

A total of 1117 public hearing notices were distributed on October 7, 2021 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 Class 1(a), as the scope of the project is within an existing structure. (CE-21-111).

Respectfully submitted,



MARCOS LOPEZ, JR.  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



PATRICIA DIEFENDERFER, AICP  
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP  
DEVELOPMENT SERVICES DEPUTY  
DIRECTOR



OSCAR W. ORCI  
DEVELOPMENT SERVICES DIRECTOR

OO:PD:CK:AO:ml

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