



Legislation Details (With Text)

File #: 10-0494 **Version:** 1 **Name:** DS-Appeal of KC Branagans D3
Type: Public Hearing **Status:** Concluded
File created: 4/27/2010 **In control:** City Council
On agenda: 5/11/2010 **Final action:** 5/11/2010

Title: Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal of Sandra Denisac and Cindy Bambam, and uphold the Planning Commission decision to approve a Modification to a Conditional Use Permit and Local Coastal Development Permit to upgrade an alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) at an existing restaurant located at 5734 East 2nd Street, and withdraw the public notice of protest approved by the City Council on January 19, 2010. (District 3)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 051110-H-2sr&att.pdf, 2. 051110-H-2-Handout-Dahlworth.pdf, 3. 051110-H-2-ABC Letter.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|------------------------|--------|
| 5/11/2010 | 1 | City Council | approve recommendation | Pass |

Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeal of Sandra Denisac and Cindy Bambam, and uphold the Planning Commission decision to approve a Modification to a Conditional Use Permit and Local Coastal Development Permit to upgrade an alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) at an existing restaurant located at 5734 East 2nd Street, and withdraw the public notice of protest approved by the City Council on January 19, 2010. (District 3)

On March 4, 2010, the Planning Commission voted 5-1 to approve a Modification to a Conditional Use Permit and a Local Coastal Development Permit to upgrade an alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) located at a 2,400-square-foot restaurant use at 5734 East 2nd Street (Exhibit A - Plans and Photographs). The Planning Commission decision was appealed on March 15, 2010 (Exhibit B - Appeal). The appellants contend that the proposed hours of operation are unacceptable. Planning staff recommended that on-premise liquor sales end at 11 :00 p.m. on weekdays and 11 :30 p.m. on weekends (Exhibit C - Findings and Conditions of Approval). The Planning Commission approved Planning staff's recommended hours of operation, and mandated additional security measures including: (1) requiring the business owner to provide a security patrol car, and (2) requiring the installation of an alarm system at the rear exit doors.

The restaurant has been operating at the subject site since 1997 without negative impacts to the neighborhood. The Long Beach Police Department (LBPD) has reviewed the request and has no objection to approval. Though the project site is not located in a high crime area per LBPD, it is in an over concentrated district for on-site alcohol sales uses. ABC reports that the existing liquor license for the subject property is in good standing and the restaurant has no history of nuisance or disorder at the site. This approval will not add to the concentration of alcohol licenses in this Census Tract given that this is an upgrade of an existing license. With the incorporated Conditions of Approval,

staff is recommending approval (Exhibit C - Findings and Conditions of Approval).

On January 19, 2010, the City Council voted to submit a public notice of protest to ABC because the City's administrative process had not yet been completed. If the appeal is denied, this public notice of protest should be withdrawn so that the applicant can complete its process with ABC.

This letter was reviewed by City Attorney Michael Mais on April 15, 2010 and by Budget Management Officer Victoria Bell on April 26, 2010.

The Municipal Code requires City Council action within 60 days of positive action by the Planning Commission, which took place on March 4, 2010.

There is no fiscal impact and no job impact associated with the recommended action.

Approve recommendation.

REGINALD I. HARRISON
INTERIM DIRECTOR OF DEVELOPMENT
SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER