



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

January 19, 2012

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit request to allow the sale of beer and wine for on-site consumption (Type 42 license), as well as wine tasting at a proposed wine bar located at 3848 Atlantic Avenue within the Commercial Neighborhood Pedestrian (CNP) zone. (District 8)

APPLICANT: Ernest R. Henson
4146 Clark Ave
Long Beach, CA 90808
(Application 1110-05)

DISCUSSION

The subject site is located at 3848 Atlantic Avenue between Armando Drive and Roosevelt Road (Exhibit A – Location Map). The site is located within the Commercial Neighborhood Pedestrian District (CNP) and is developed with a total building area of 1,300 square feet (Exhibit B – Plans & Photographs). The existing structure is divided into three commercial tenant spaces along with eight parking stalls. The applicant is proposing a 300-square-foot wine bar with wine tasting along with a tenant improvement to an existing commercial space. Operating hours for the establishment will be from 12:00 pm to 9:00 pm Monday through Sunday. There are no other proposed changes to the wine bar.

In considering a Conditional Use Permit application for the sale of beer and wine, staff evaluated the number of existing alcohol licenses in the subject Census Tract (5719.00) as well as the total 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 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 in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). The project is not located in a high crime area per LBPD; however, it is in an over-concentrated district for on-site alcohol sales. In the subject census tract (5719.00), five licenses for on-site consumption are allowed and there are eight existing licenses. Staff is requesting the Planning Commission waive this condition since the proposed establishment will not be located in a high crime area. Staff believes that the approval of this application will have a minimal impact on the surrounding land uses. Conditions of Approval will also require

CHAIR AND PLANNING COMMISSIONERS

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prevention of nuisances and other potential negative effects. For these reasons, staff recommends the Planning Commission approve the Conditional Use Permit subject to conditions (Exhibit C – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on November 20, 2011 and Public Hearing Notices were distributed on January 2, 2012, in accordance with the provision of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 11-072) was issued for the proposed project (Exhibit D).

Respectfully submitted,



DEREK BURNHAM
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:ca

Attachments: Exhibit A – Location Map
 Exhibit B – Plans & Photos
 Exhibit C – Findings & Conditions
 Exhibit D – Categorical Exemption 11-072

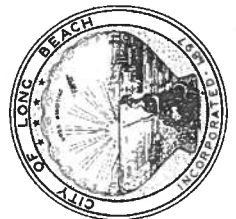


Feet

150 0 300

Subject Property:

**3848 Atlantic Ave
Application No. 1110-05
Council District 8
Zoning Code : CNP**



CONDITIONAL USE PERMIT FINDINGS

**3848 Atlantic Ave
Application No. 1110-05
January 19, 2012**

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 project site is located in Land Use District #8A – Traditional Retail Strip Commercial District. LUD #8A is intended to serve local neighborhood needs rather than regional needs, and is established to recognize the need to provide commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car, and needing local services. The General Plan states that commercial uses which may adversely affect adjoining residential uses are subject to Conditional Use Permits. Furthermore, this approval is consistent with all zoning regulations of the CNP district, as the sale of alcoholic beverages is also allowed through the Conditional Use Permit process in the district. No specific plan applies to the subject site.

- 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**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 11-072) was prepared for this project and is attached for your review.

The proposed sale of wine and beer for on-site consumption is not expected to be detrimental to the surrounding community. No physical expansion of the building is proposed, and Conditions of Approval are included to ensure the mitigation of any negative impacts. These conditions range from limited hours of operation to no live entertainment without City approval.

- 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:

- 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 subject site has an existing non-conforming parking lot consisting of eight (8) spaces for the commercial building. Per zoning code section 21.41.216, the required parking for a tavern is calculated at twenty (20) spaces per 1,000 square feet of tavern area. The proposed use has a total of 300 square feet of tavern area, with five (5) of those spaces allocated to the use. However, the zoning code would require the proposed use to provide six (6) on-site parking spaces. The existing parking lot cannot support any additional parking stalls as the parking lot is fully built out. The project is located in the CNP zone, which focuses on pedestrian-friendly stores and neighborhood-serving uses. Furthermore, Atlantic Avenue provides additional off-site, metered parking that is currently shared between commercial stores. For these reasons, staff requests the Planning Commission to waive this finding.

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

Staff consulted with the Long Beach Police Department on this application. The LBDP had no objections to the request and felt the security measures and lighting in place on the site were sufficient and they did not request any specific upgrades to the site as a condition of approval.

- 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.**

Condition of Approval #17 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 evaluates the number of existing alcohol licenses in subject Census Tract as well as the total 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 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 in a reporting district with a high crime rate as reported by the Long Beach Police Department. The project is not located in a high crime area per LBPD; however it is in an over-concentrated district for on-site alcohol sales. In the subject census tract (5719.00), five licenses for on- site alcohol sales are permitted, and eight are currently active. Staff consulted with LBPD for this application and they expressed no opposition to approval of this permit. Therefore staff is requesting Planning Commission waive this finding.

- 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 wine bar on the subject site is not located within 500 feet of a public school or public park.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

3848 Atlantic Ave

Application No. 1110-05

Date: January 19, 2012

1. The use permitted on the subject site, in addition to the other uses permitted in the CNP zoning district, shall be a wine bar with wine tasting by the glass.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. Hours of operation shall be limited from 12:00 PM to 9:00 PM on a daily basis. The applicant may submit for a modification of this condition after one year of this application's final action date for the administrative consideration of the removal of this condition.
5. There shall be no expansion of the proposed fixed bar. The wine bar shall maintain the existing size and square footage of floor area as shown on the current plans dated October 2011.
6. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
7. The address shall be painted at the rear of the building, to the satisfaction of the Long Beach Police Department.
8. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

9. The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
10. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
11. No live entertainment that requires the approval of an Entertainment Permit through the Business License Division shall be allowed.
12. During the hours of operation, the front door of the establishment shall remain closed at all times to minimize noise.
13. During the hours of operation, the rear door of the establishment shall remain closed at all times except to accept deliveries and in cases of an emergency.
14. Deliveries to and from the premises shall be limited to the hours of 8:00 AM to 5:00 PM.
15. The operator shall install an alarm system at the rear exit doors.
16. The applicant shall pave the existing parking lot at rear of property, provide new striping, and install lighting.
17. The operator of the approved use shall prevent loitering along the sidewalk area including landscaping areas serving the use during and after hours of operation. The operator must clean the sidewalk areas of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, private security guards. The applicant may submit for a modification of this condition after one year of this application's final action date for administrative consideration of removal of this condition.
18. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of

Development Services.

19. The area abutting the alley behind the wine bar shall be kept in a neat and orderly condition at all times. Trash and recycling containers shall be stored out of the public alley. Containers shall be kept closed and shall not be overflowing with refuse. Open storage of supplies equipment, products, or other materials shall be prohibited.

Standard Conditions:

20. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
21. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
22. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
23. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
24. The Director of Development Services is authorized to make minor modifications to the approval design plans or the any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
25. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



CITY OF LONG BEACH NOTICE OF EXEMPT

EXHIBIT D

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: ☐ Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

☐ L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 11-072

Project Location/Address: 3848 ATLANTIC AVE LONG BEACH CA 90807

Project/Activity Description: WINE BAR, TASTING

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: ERNIE R. HENSON

Mailing Address: 4146 CLARK AVE

Phone Number: (562) 244-4517 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1110-05 Planner's Initials: JR

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION _____

Statement of support for this finding: _____

Contact Person: _____ Contact Phone: _____

Signature: _____ Date: _____