

September 7, 2023

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE23-100; and

Approve Conditional Use Permit (CUP23-012) and adopt the proposed findings and conditions of approval thereto, to allow on-site alcohol sales of beer, wine, and distilled spirits in a new 1,898-square-foot restaurant with a bar in an existing commercial tenant space, located at 1436 East 7th Street within the Community Commercial – Pedestrian Oriented (CCP) Zoning District. (District 2)

APPLICANT: RUTA 15 Restaurant Solutions, Inc.
1436 East 7th Street
Long Beach, CA 90813
(Application No. 2304-14)

DISCUSSION

The site is located on the southern side of 7th Street, in the Community Commercial – Pedestrian Oriented (CCP) Zoning District (Attachment A - Vicinity Map). The site has a General Plan Land Use Element PlaceType designation of Neighborhood Serving Centers and Corridors – Moderate Density (NSC-M), which consists of low-rise, low-intensity mixed-use (housing and retail) commercial centers and corridors designed to meet consumers' daily needs for goods and services close to residential areas. The site is developed with a one-story 3,300-square-foot commercial tenant building containing two tenant spaces. The previous use in the subject tenant space was a restaurant with bar seating and on-site beer and wine sales. Immediately surrounding the project site are commercial uses to the east and west, with multi-family residential uses directly south and beyond. Across the street, north of the project site are two commercial buildings with residential uses beside and further north. Along 7th Street corridor in the general area are a mix of commercial and multi-family residential uses.

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow on-site alcohol sales within a new restaurant with a bar named RUTA 15 Ceviche Bar. The restaurant with bar proposed the sale of beer, wine, and distilled spirits (Department of Alcohol Beverage Control License [ABC] Type 47) and would operate Monday through Wednesday from 7:00 a.m. to 11:00



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p.m. and Thursday through Sunday from 7:00 a.m. to 12:00 a.m. The use also proposes to operate karaoke daily from 6:00 p.m. to 10:00 p.m. (Attachment C - Operations Plan). The restaurant will offer food from different regions in Mexico.

The remodeled commercial tenant space includes 1,898 square feet of total space and features 715 square feet of dining area, and approximately 52 square feet of bar area (Attachment D - Plans). A previous restaurant with bar operated as a legal non-conforming use without a CUP and approved with a Conditional Use Permit Exemption (CUPEX). The applicant modified the bar area from its original configuration, without the benefits of permits, resulting in the need for a CUP recommence alcohol sales at the site (Attachment B – Photos). There is currently no on-site parking provided on the existing parcel. Parking for that use would have been assigned legal non-conforming parking of nine (9) spaces. State Assembly Bill (AB) 2097 prohibits a city or municipality from imposing minimum parking requirements on residential, commercial, and industrial development projects that are located within a half-mile radius of a major transit stop. Short-term lodging projects are excluded from this provision. This project is for a restaurant within an existing commercial space and is located within half-mile from a major transit stop. Therefore, pursuant to AB 2097, no parking requirements may be imposed for this project, nor is any voluntarily provided as part of this application.

In accordance with Long Beach Municipal Code (LBMC) Section 21.25.201 the purpose of a CUP is to allow the review of a proposed use to determine if it is compatible with the adjacent uses or can be made compatible with the surrounding uses, with the imposition of conditions. In addition, LBMC Section 21.52.201 establishes a number of conditions for projects that propose alcohol sales that require a CUP. 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 E - Findings). LBMC Section 21.25.100 allows a waiver of these conditions subject to written findings.

According to the ABC License Report, the subject property is within Census Tract 5765.02.06. There are currently three existing on-sale licenses within this Census tract, whereas the tract envisions four on-site alcohol licenses (Attachment F – ABC Stats). The proposed use would replace a prior legal non-conforming use with an on-sale license and would not result in a net increase in on-sale alcohol licenses in this area. The sale of alcohol is ancillary to the primary restaurant use. As such, the proposed project is not adding an establishment whose primary business involves the sale of alcohol, such as a bar or a liquor store, and is therefore not anticipated to have the negative impacts that can sometimes be associated with alcohol sales. Furthermore, the possibility of negative impacts will be further reduced through the imposition of conditions requiring mandatory staff training to discourage over-serving of alcohol to patrons and ID verification, to ensure the use operates in a manner compatible with the surroundings.

The site is located within Police Reporting District 361 within the South Division, which is designated as a high crime area. Pursuant to Section 21.15.1338, "high crime" means a crime rate in a crime reporting district that is 20 percent above the City-wide average for all crimes. The threshold for high crime is 66 for calendar year 2022. Reported crimes for the district were

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72 which is above the high crime threshold. Of the calls for service, none were attributed to the project site. The LBPd 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 (Attachment G – Conditions of Approval).

Furthermore, the site will be equipped with a surveillance system, to deter criminal activity and promote safety. The proposed CUP for the on-site sale of beer, wine, and distilled spirits at this location will not cause substantial adverse effects on the neighboring land uses or the community at large. Therefore, staff recommends that the Planning Commission approved the CUP, subject to conditions of approval.

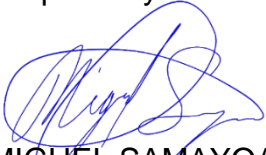
PUBLIC HEARING NOTICE

A total of 289 Public Hearing notices were distributed on August 23, 2023, in accordance with the requirements of Chapter 21.21 of the LBMC. No comments were received at the time the report was prepared.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act this project is eligible for a categorical exemption per Section 15301 (Existing Facilities) as the project consists of the sale of alcohol products within an existing commercial building.

Respectfully submitted,



MIGUEL SAMAYOA
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
DIRECTOR OF DEVELOPMENT SERVICES

CK:ASR:AO:ms

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Photos
- Attachment C – Operation Plan
- Attachment D – Plans
- Attachment E – Findings
- Attachment F – PD Stats
- Attachment G – Conditions of Approval