



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

September 3, 2009

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Approve a Conditional Use Permit request for the reclassification of a service bar into a full bar to allow the consumption of distilled spirits (Type 47 License) in conjunction with an existing restaurant located at 4101 N. Bellflower Boulevard in the Community Commercial Automobile Oriented (CCA) zone. (District 5)

APPLICANT: Somkol Tho,  
Panknavin Corporation  
4101 N. Bellflower Boulevard, Suite C  
Long Beach, CA 90808  
(Application No. 0906-21)

**DISCUSSION**

The subject site is located at 4101 N. Bellflower Boulevard, Suite C (Exhibit A – Location Map) at the northwest corner of Bellflower Boulevard and Carson Street. The site is located within the Community Commercial Automobile Oriented (CCA) zone and is developed with a 112,119-square-foot shopping center. The suite is improved with a two-story restaurant with 924 square feet of dining area (Exhibit B- Plans). The applicant has been operating at the subject site since April 11, 2009. The applicant is proposing to reclassify the existing service bar into a full bar, which would allow the consumption of distilled spirits (Type 47 License), in conjunction with the restaurant. No other changes to the restaurant operations are proposed.

In considering a CUP application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract, as well as the total number of reported crimes in the subject Police Reporting District. The project is not located in a high crime area per the LBPD; and is not in an over-concentrated district for on-site alcohol sales. In the subject census tract 5736, six licenses for on-site alcohol sales are allowed and there are none existing. The ABC reports that the existing Type 41 liquor license for the subject property is in good standing and the restaurant has no history of nuisance or disorder at the site. The LBPD expressed no opposition to approval of this permit.

The zoning regulations also require that when a CUP is required for alcohol sales, the applicant must provide the full parking required for the use as though it were new construction. As the

CHAIR AND PLANNING COMMISSIONERS

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project consists of an upgrade to an existing alcohol license with no additional area or other operational changes proposed, staff believes that approval of this application will have a minimal impact upon parking in the surrounding area, and recommends that the Planning Commission waive this condition and approve, subject to conditions, the CUP (Exhibit C-Findings and Conditions of Approval).

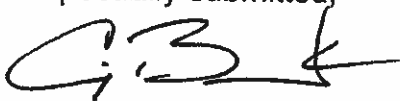
**PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on July 21, 2009, and public hearing notices were distributed on August 17, 2009, in accordance with the provision of the Zoning Ordinance. No responses were received.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-045) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



CRAIG BECK  
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:mm

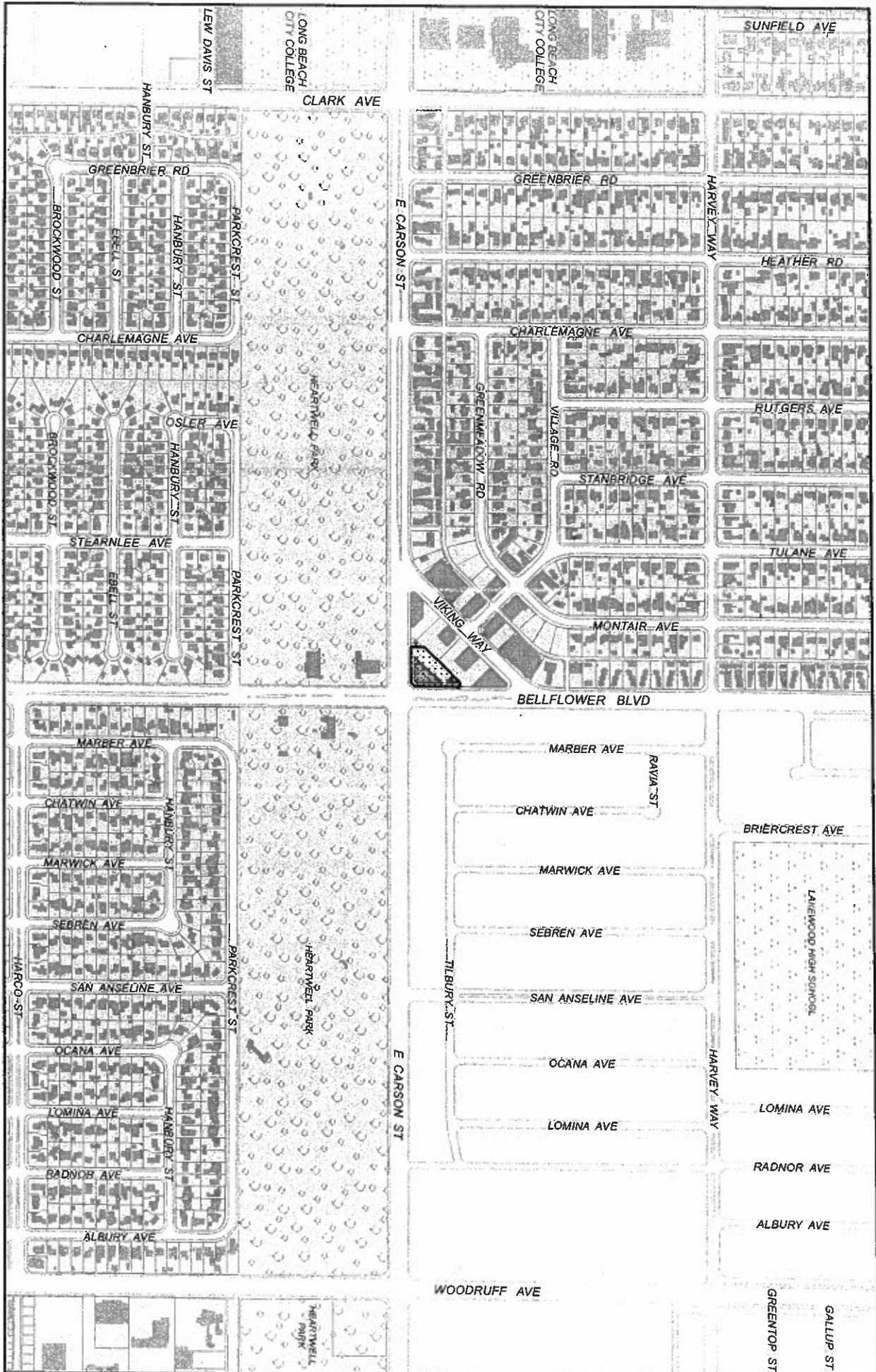
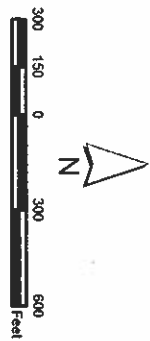
P:\Planning\PC Staff Reports (Pending)\4101 N. Bellflower Blvd.

Attachments	Exhibit A – Location Map
	Exhibit B – Plans
	Exhibit C – Findings & Conditions
	Exhibit D – Categorical Exemption 09-045



**Subject Property:**  
 4101 N Bellflower Blvd  
 Application No. 0906-21  
 Council District 5  
 Zoning Code : CCA

**Exhibit A**



## **CONDITIONAL USE PERMIT FINDINGS**

**4101 N. Bellflower Blvd.**

**No. 0906-21**

**September 3, 2009**

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 #8N—Shopping Nodes. LUD #8 is characterized to accommodate retail and services uses exclusively, primarily in small clusters. Restaurants and bars are identified as consistent with the requirements of this district, and therefore the intended use of the site is consistent with the General Plan.

The project is not located in the Coastal Zone and no specific plans apply to this location. The project site is located in the Community Commercial Automobile Oriented (CCA) zoning district and within the zone on-site consumption of alcohol beverages at a restaurant with a fixed bar is allow through the Conditional Use Permit process in this district. Therefore approval of this project would be consistent with the General Plan and the zoning regulations.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use will not be detrimental to the surrounding community. A restaurant has been operating at the subject site since April 11, 2009, and has been licensed with Conditional Use Permit Exemption to be allowed to serve beer and win.

In considering a Considering a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.210 if 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 reporting district with a high crime rate as reported by Long Beach Police Department (LBPD). The

project is not located in a high crime area per LBPD; and, is not in an over-concentrated district for on-site alcohol sales. In the subject census tract 5736, 6 licenses for on-site alcohol sales are allowed and there are none existing. ABC reports that the existing type 41 liquor license for the subject property is in good standing and the restaurant has no history of nuisance or disorder at the site.

No public health, safety, general welfare, environmental quality, or quality of life impacts are foreseen for this project.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED 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 status of the previous use as to legal nonconforming rights.**

The restaurant is located within an existing shopping center and when the shopping underwent the addition of this 11, 403 sq. ft. building the applicant received a variance request for parking. The Conditional Use Permit request only involves the upgrade of the existing liquor license from a Type 41 to Type 47 and no additional dining area is being proposed thus the only change will be the type of alcoholic beverage to be served with meals. Staff does not believe that the parking demand will be significantly increased, or that the use will generate any significant negative parking effects. For these reasons, staff requesting that Planning Commission 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 LBPD did not have any objection 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 conditional 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 #10 will require the project site be maintained in good standing related to loitering, maintenance of the site, and operations.

- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off premises sales use, as recommended by the State of California Alcohol Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods; and**

In considering a CUP application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. The zoning regulations require that the use shall not be in a reporting district with an over concentration of alcohol sales, as recommended by the California Department of Alcohol 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; and, is not in an over-concentrated district for on-site alcohol sales. In the subject census tract 5736, 6 licenses type 47 for on-site alcohol sales are allowed and there are none existing. ABC reports that the existing type 41 liquor license for the subject property is in good standing and the restaurant has no history of nuisance or disorder at the site.

- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.**

The restaurant is located across Heartwell Park. Staff request the Planning Commission wave the condition based on ABC reports that the existing Type 41 liquor license for the subject property is in good standing and the restaurant has no history of nuisance or disorder at the site.

**CONDITIONS OF APPROVAL****4101 Bellflower****Application No. 0906-21****August 20, 2009**

1. This Conditional Use Permit approval, is to allow the reclassification of a service bar into a full bar at the existing restaurant which would allow the consumption of distilled spirits, a 47 license type, in conjunction with a restaurant.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a 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 Acknowledgment 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).
4. This approval allows the existing liquor license at the subject location to be upgraded from a type 41 (beer and wine only) to a type 47 (beer, wine, and distilled spirits) for on site sales at a bona fide eating establishment.
5. There shall be no expansion of the existing service bar allowed. The restaurant shall maintain the existing size of the bare area as shown on the plans dated August 20, 2009.
6. The subject location shall be maintained as a sit-down family restaurant with the full menu available at the bar and the surrounding dining area. Any changes in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications shall be reviewed by the Planning Commission.
7. No live entertainment that requires that approval of an Entertainment Permit through the business License Division shall be allowed.
8. The operator of the restaurant shall prevent loitering in any parking areas serving the use.
9. The hours of operation shall be Monday through Saturdays 11:30 am to 11:00 pm and Sundays from 11:30 am to 10:00 pm.

10. 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.
11. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
12. A set of scaled plans shall be submitted for the building permit at no less than 1/8" = 1'0". The plans shall include a section plan from the side showing how the sign is attached to the building.
13. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to 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.
14. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
15. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
17. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed
16. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
17. 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 EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> 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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

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

Categorical Exemption CE- 09-045

Project Location/Address: 4101 N. Bellflower Blvd # C Long Beach, CA 90808

Project/Activity Description: conditional Use Permit, request to allow the reclassification of a service bar into a full bar at an existing restaurant which <sup>would</sup> allow the consumption of distilled spirits, a 47 license type.

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

Applicant Name: Somtol Tho / Paknarin Khemsap

Mailing Address: 4101 N. Bellflower Blvd. # C Long Beach, CA 90808

Phone Number: (562) 682-9564

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0906-21 Planner's Initials: ML

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Minor alterations to existing land use.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 8/17/09