

CONDITIONAL USE PERMIT FINDINGS

1147 Loma Avenue

App. No. 2103-25 (CUP21-003)

Date: July 15, 2021

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 applicant is requesting approval of a Conditional Use Permit (CUP) to permit the sale of wine for off-site consumption with a Type 20 – Off-Sale Beer and Wine license, in conjunction with wine tasting for on-site consumption with a Type 42 – On-Sale Beer and Wine license, within a new wine shop with accessory marketplace. The subject site has a General Plan Land Use PlaceType designation of Multifamily Residential, Low (MFR-L) and is within the R-4-R (moderate-density multifamily residential) Zoning District. The MFR-L PlaceType encourages a wide variety of multifamily housing typologies ranging from two to six stories in height. Compatible public facilities and neighborhood-serving commercial uses are also encouraged. Specifically, neighborhood-serving, low-intensity commercial uses with floor area ratios between 0.25-0.50 are permitted. The Land Use Element also states that within this PlaceType, designs should contribute to walkable streets by incorporating pedestrian-oriented building frontages and balancing building massing with usable on-site open space.

The proposed project is consistent with the MFR-L's goal of incorporating small-scale, neighborhood-serving commercial uses within multifamily residential neighborhoods. Recent renovations to the existing building are consistent with the goal of incorporating pedestrian-oriented building frontages. The exterior renovations made to the project site have created a frontage that is more pedestrian-friendly and contributes to the walkability of Loma Avenue.

One of the citywide goals identified in the Land Use Element is to implement sustainable planning and development practices (Goal No. 1 of the Land Use Element). Under this goal, one of the City's pursuits in sustainable planning is to encourage walkable and bicycle-friendly environments. Strategy No. 1 of the Land Use Element is to "support sustainable urban development patterns." In particular, LU Policy 1-1 promotes sustainable development patterns and development intensities that use land efficiently and accommodate and encourage walking. The proposed project offers a retail storefront with additional glazing, within an existing building that was previously used as a manufacturing site with limited interior visibility. While the project only consists of the street activation of a single site, it sets a precedent for the adjacent commercial properties to follow. Additionally, LU Policy 1-7 encourages neighborhood-serving retail, employment and entertainment

destinations in new mixed-used projects to create local, walkable daily trip destinations. While the proposed project is not a mixed-use project, it will bring a neighborhood-serving retail store to the community and provide additional jobs in the area.

Within the R-4-R Zoning District, commercial uses such as a retail store are currently prohibited. However, pursuant to Section 21.27.050 of the Long Beach Municipal Code (LBMC), a nonconforming nonresidential structure, which has been abandoned for a period greater than twelve months, may apply for an Administrative Use Permit (AUP) to establish a CNP permitted use. The project site is a nonconforming nonresidential structure because it is a commercial building on a residentially zoned property. Since the project site has been vacant for more than twelve months, an also AUP is requested (in conjunction with the proposed CUP) to re-establish a nonresidential use that is consistent with CNP-allowed retail uses.

Regarding the CUP request, approval is consistent when it carries out the intent of the General Plan land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations. Approval of a CUP would allow for the establishment of a small-scale neighborhood-serving wine shop that sales wine for on-site and off-site consumption, within an existing building that was previously used as an art decal manufacturing facility. The subject site consists of a 6,350-square-foot lot with a 3,400-square-foot commercial building, split into two tenant spaces of 1,219 square-feet (1147 Loma Avenue) and 2,181 square-feet (1145 Loma Avenue), respectively. The proposed wine shop would also include a small-scale accessory marketplace with the sale of pre-packaged goods. The proposed use will include a 240-square-foot outdoor space with additional seating. The proposed use will not result in any additional square footage being added to the existing building. Nevertheless, new parking spaces will be added to a site that currently doesn't have any spaces, thereby bringing the property further into compliance with parking standards.

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

The proposed use is not anticipated to be detrimental to the surrounding community. Although the site is located on a residential street, a retail wine shop with accessory wine tasting within a 1,219-square-foot commercial space is expected to have minimal impacts. The proposed outdoor seating area will be appropriately buffered from the neighboring residential properties with landscaping. New on-site parking will be provided to accommodate the required number of spaces based on previous grandfathered rights. As the previous use of the site was an art decal manufacturing facility, the proposed retail store is considered a less intense use. Several Conditions of Approval will be included to further ensure public health, safety, and welfare. They include noise control, hours of operation, prohibition of loitering or queuing of patrons, and security measures.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

- 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 project consists of a request to establish a wine shop with accessory marketplace and wine tasting within an existing commercial building of 3,400 square-feet. In order to accommodate the wine shop, separate tenant spaces have been created (1,219 square-feet and 2,181 square-feet, respectively). The wine shop will be located within the 1,219-square-foot space. The parking requirement for the proposed use (equivalent to new construction) is five spaces (1,219 s.f. x 0.004 = 4.876). The project will include seven new parking spaces including four side-by-side and three in a tandem arrangement (the project site currently doesn't have any on-site parking spaces). Although the seven new parking spaces will be shared among two tenant suites, staff feels that adequate parking is provided for both businesses.

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

As conditioned, the project will provide night lighting and other security measures to the satisfaction of the Chief of Police. Security measures include security cameras, specific hours of operation, and prohibition of loitering.

- 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.**

As condition, the operator will be required to prevent loitering or any other nuisance activity in the allotted parking area. Because loitering and nuisance activity such as loud noise and public intoxication are typically associated with liquor stores or taverns, the proposed wine shop with accessory wine tasting is not anticipated to become a nuisance to the surrounding residential community. Any gathering on the exterior of the building is expected to occur within the allotted outdoor seating area.

- 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 Alcoholic 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

The Long Beach Police Department (LBPD) reports that the project site is within Census Tract 5770. The maximum recommended concentration of establishments with Alcoholic Beverage Control (ABC) licenses in Census Tract 5770 is seven. Currently, there are ten ABC licenses within Census Tract 5770, which is already three above the ABC threshold. The LBPD also reports that the project site is within Police Reporting District 546, which is considered a high crime rate area. In 2020, the average number of crimes committed per Police Reporting District was 97. The high-crime threshold is determined by taking the average number of crimes (97) and multiplying it by a coefficient of 1.2 (or 120%). Therefore, the high-crime threshold for 2020 is 116. Police Reporting District 546 has a crime rate of 120 which is greater than the threshold.

Although the project site is located within a Census Tract that is already overconcentrated and within a Police Reporting District with a high crime rate, staff does not anticipate any adverse impacts resulting from CUP approval. Out of the ten establishments currently selling alcohol, none of them consist of a neighborhood-serving wine shop with accessory wine tasting. Alcohol establishments such as liquor stores and taverns typically have a greater propensity for nuisance behavior such as on-site and public intoxication, amplified noise, loitering, trash and vandalism. Therefore, the proposed wine shop, which constitutes a neighborhood-serving commercial use, is not expected to become a nuisance to the surrounding residential community. Conditions of approval are included to monitor the proposed use and to help ensure proper operation and maintenance of the site.

- 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 project site is not located within 500 feet of a public school or public park. The closest school is Willard Elementary School, which is approximately 1,600 feet away from the project site. The closest public park is Orizaba Park, which is approximately 2,200 feet away.

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400

This project does not include the development of any new building square footage and consists of the operation of a retail wine shop with accessory marketplace and wine bar within an existing building. This project does not trigger any thresholds for compliance with green building standards except as otherwise required by CalGreen and the building code.