

July 15, 2021

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE21-038 and approve a Conditional Use Permit to allow to allow the sale of beer, wine and distilled spirits for on-site consumption at an existing restaurant, 2,270 square-feet in size, located at 4262 Atlantic Avenue in the Neighborhood Pedestrian-Oriented Commercial (CNP) Zoning District.
(District 8)

APPLICANT: Liliger Damaso, Liquor License Agents
5243 E. Beverly Boulevard
Los Angeles, CA 90022
(Application 2104-10)

DISCUSSION

The site is located at 4262 Atlantic Avenue between Burlinghall Drive to the north and East Cartagena Street to the south (Attachment A - Vicinity Map). The site is located within the Neighborhood Pedestrian-Oriented Commercial (CNP) Zoning District and located within the Neighborhood Serving Center or Corridor Low Density (NSC-L) Land Use PlaceType. The property is currently developed with an approximate 5,000-square-foot, one-story, commercial building including the existing 2,270-square-foot neighborhood restaurant known as "Wood and Salt Tavern" (Attachment B - Plans and Photographs). The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer, wine, and distilled spirits for on-site consumption (Alcohol Beverage Control (ABC) – License Type-47) in conjunction with an existing neighborhood restaurant. The business includes an existing 102-square-foot bar and operates as bona fide restaurant and has CUP exemption (CUPEX18-004) to allow the sale of beer and wine (ABC Type-41) liquor license. The applicant seeks to expand the range of alcohol served and now requires approval of a CUP. The restaurant use is allowed by right and is not subject to the approval of a CUP. Per Title 21 of the Long Beach Municipal Code (Zoning Code), the CUP process was established to determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or, through the imposition of development conditions, can be made compatible with surrounding uses. In addition to the CUP findings, Long Beach Municipal Code (LBMC) Section 21.52.201 establishes five special conditions that apply to alcoholic beverage sales requiring a CUP.



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The plans for the existing restaurant include an existing 102-square-foot bar, which can seat up to five patrons, a 665-square-foot dining area, and a 256-square-foot outdoor patio for dine-in. The interior improvements to the existing restaurant and their existing parking were approved in April 2020 and the existing restaurant has been in operation since October 2020 per City business license records. The tenant space has remained a restaurant use since 2013 under different owners. The restaurant has legal non-conforming parking rights, and, as no new square-footage or improvements are proposed, no increase in parking is required. The only proposed change is the type of liquor that would be sold for on-site consumption at the subject premise. The applicant will retain the existing tandem parking located at the rear of the property off of an existing 20-foot-wide alley. However, the LBMC Section 21.52.201 requires that the operator 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. Per the Zoning Code requirements, the subject CUP triggers the requirement for 10 parking spaces, which would have to be provided off-site within 600 feet of the property, as the parking spaces cannot be accommodated on site due to the existing lot coverage on the site; the existing building substantially covers the lot and little area remains on which to accommodate on-site parking. In approving the subject CUP and based on the above facts, Staff recommends that the Planning Commission allow the proposed tandem parking with valet service on the rear to remain, instead of requiring off-site parking for the restaurant, which is a use that has existed at this site since 2013.

In considering a Conditional Use Permit (CUP) application for the sale of beer, wine and distilled spirits, Staff evaluated the number of existing alcohol licenses in the subject Census Tract (5719.00) in which this restaurant is located, as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.201 of the Zoning Code requires that a new CUP for alcohol sales not be approved 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). Pursuant to Section 21.52.100, all special conditions shall be met unless findings of fact can be made to support the use. The restaurant is not located in a high crime area per LBPD but it is located within 100 feet of residential zoning and the area is over concentrated for on-site alcohol sales. In the subject census tract (5719.00), five licenses for on-site alcohol sales are allowed; there are 24 licenses currently active (Attachment C - Map of Existing Alcohol Licenses). However, the crime rate for the district is considered low and the sale of alcoholic beverages at an existing neighborhood restaurant is not expected to be detrimental to the surrounding community.

The proposed hours of operation are from Sunday through Thursday – 11:00 a.m. to 11:00 p.m. and Friday and Saturday – 11:00 a.m. to midnight. Staff consulted with the LBPD for this application, and they expressed there can be a basis for protest given the fact that there are residents within 100 feet from the site, however, as conditioned the use would not be a nuisance due to conditions of approval to implement security measures such as security cameras and lighting to ensure minimization of any negative impacts associated with the operation of the use. These measures have been included as Conditions #16, #17, #21, #22 and #23. Staff believes

that the approval of this CUP application will have minimal impact on the surrounding land uses because the use is not located in a high crime area and because the conditions of approval recommended for the project will require the implementation of several operational measures designed to reduce any potential negative effects from the proposed on-site sale of alcohol.

Accordingly, Staff recommends that the Planning Commission approve the CUP subject to conditions (Attachment D – Findings and Attachment E - Conditions of Approval).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on April 12, 2021, and 204 public hearing notices were distributed to a 750 radius from the property on July 1, 2021, in accordance with the provision of the Zoning Ordinance. At the time of writing this report, Staff has received no inquiries on this application.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities Class 1(a), as the project consists of the operation of an existing restaurant within an existing commercial building (CE21-038).

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Respectfully submitted,



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PROJECT PLANNER



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SERVICES

OO: CK: PD: AO: rtc

Attachments: Attachment A - Vicinity Map
Attachment B - Plans and Photographs
Attachment C - Map of Existing Alcohol Licenses
Attachment D - Findings
Attachment E - Conditions of Approval