



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD LONG BEACH, CALIFORNIA 90802 (562) 570-6194 FAX (562) 570-6068

FEBRUARY 4, 2010

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit to establish a wine bar with on-site alcohol sales (Type 42 license – beer and wine only) and a retail store with accessory off-site beer and wine sales (Type 20 license) at a commercial space located within the Lafayette Building at 144 Linden Avenue in the PD-30 zone. (District 2)

APPLICANT: Angela Mesna & Mark Dunton
District Wine, Inc.
455 E. Ocean Boulevard, #807
Long Beach, CA 90802
(Application No. 0911-13)

DISCUSSION

The subject site is located at the southeast corner of Broadway and Linden Avenue in the Lafayette Building, a designated historic landmark (Exhibit A – Location Map). The applicant is proposing to establish a wine bar and retail store with accessory off-site alcohol sales within a vacant ground floor commercial space at the Lafayette Building (Exhibit B – Photos and Plans). The wine bar, located in the back of the commercial space, will offer wine tastings and the sale of wine by the glass as well as small plate appetizers and gourmet pizzas. The front of the commercial space will be reserved for retail sales of books, prepackaged food, artwork, handmade items, and the accessory sale of wine for off-premises consumption. The proposed hours of operation will be Sunday 12:00 p.m. – 9:00 p.m.; Monday – Wednesday 10:00 a.m. – 9:00 p.m.; and Thursday – Saturday 10:00 a.m. – 12:00 a.m.. The Lafayette Association of Homeowners has written a letter in full support of the proposed use (Exhibit C – Letter of Support). A similar request to establish a wine bar with an art gallery was approved in March 2008, but the business never opened.

The subject site has a zoning designation of PD-30 (Downtown Planned Development District, East Village Mixed Use subarea). The East Village Mixed Use subarea allows both on and off premises alcoholic beverage sales subject to the approval of a Conditional Use Permit.

In 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. 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 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 (5761), three licenses for on-site alcohol sales are allowed and there are thirty-four existing, and two licenses are allowed for off-site alcohol sales and four are existing. Exception to the concentration requirement is permitted for a use located in the greater downtown area. Therefore, the subject findings for concentration can be waived.

The zoning regulations also require that when a Conditional Use Permit is required for alcohol sales, the applicant must provide the full parking required for the use as though it were new construction. However, PD-30 allows the reuse of the ground floor of existing landmark buildings to be converted to restaurant, retail or entertainment uses without providing additional parking. The proposed use complies with this requirement.

Staff recommends that the Planning Commission waive the requirement regarding concentration of alcohol licenses and approve, subject to conditions, the Conditional Use Permit (Exhibit D – Findings and Conditions of Approval).

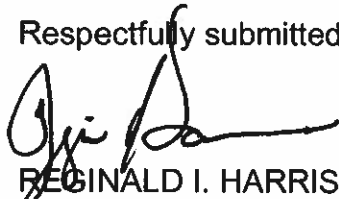
PUBLIC HEARING NOTICE

Public hearing notices were distributed on January 15, 2010, and no formal responses have been received as of the date of this report.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-097) was prepared for the proposed project (Exhibit E).

Respectfully submitted,



REGINALD I. HARRISON
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:AZ

Exhibits

- A. Location Map
- B. Photographs and Plans
- C. Letter of Support
- D. Findings and Conditions of Approval
- E. Categorical Exemption

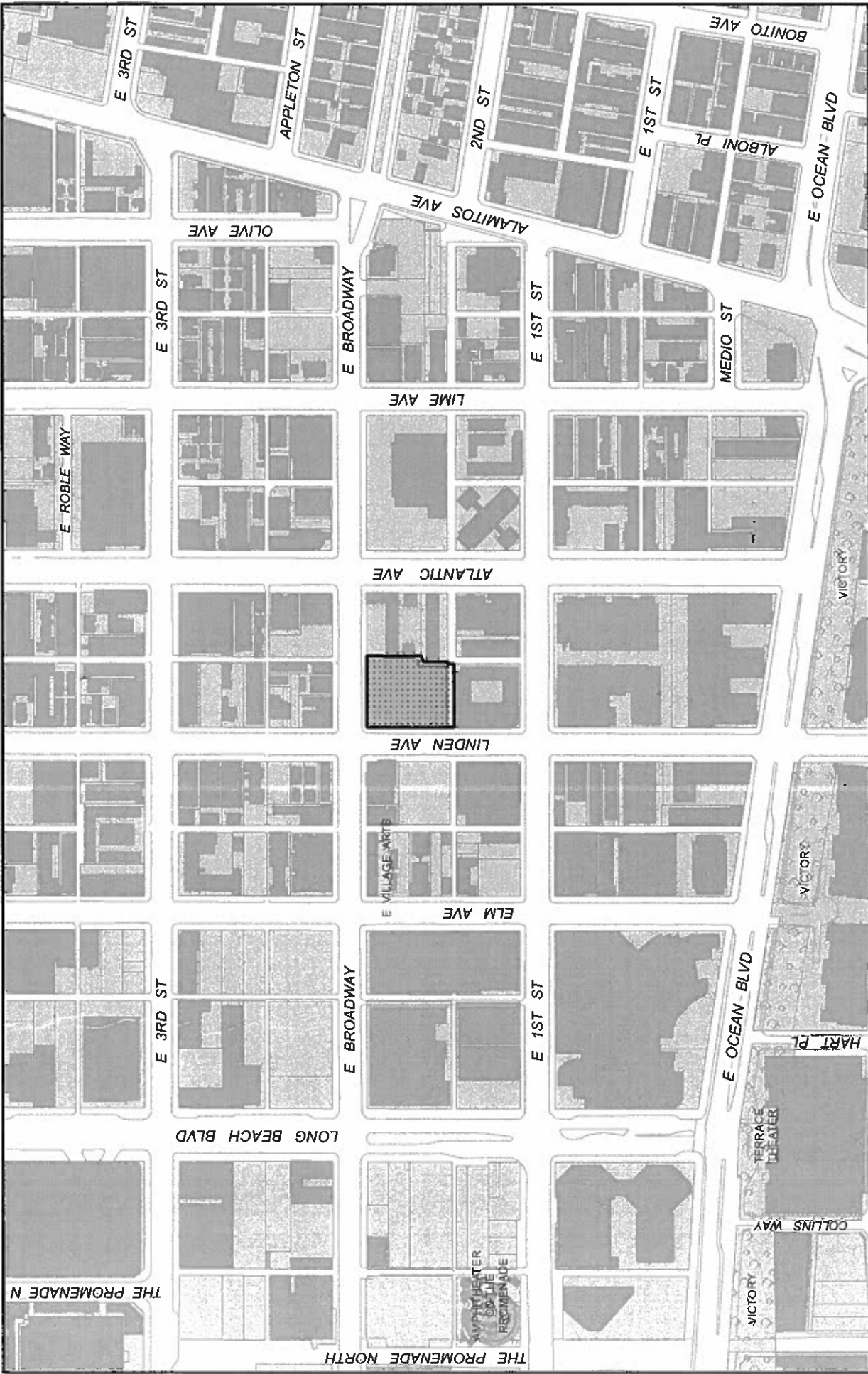
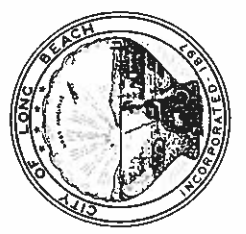
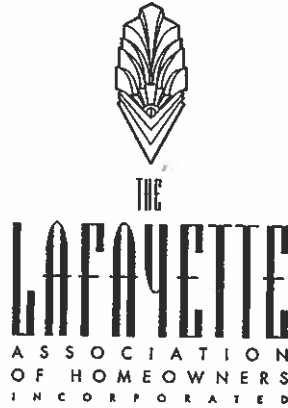


Exhibit A

Subject Property:
144 Linden Ave
Application No. 0911-13
Council District 2
Zoning Code : PD-30





January 12, 2010

The Long Beach Planning Commission
& City Council Members
CITY OF LONG BEACH
333 West Ocean Boulevard
Long Beach, California 90802

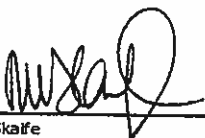
To Whom It May Concern:

The Lafayette Homeowners Association which represents the executive committee, board members and it's residents are in full support of "District Wine" opening their wine bar and retail store in our building.

Upon signing of their lease, we have carefully reviewed their business plan and feel that they would be an excellent addition to Downtown Long Beach specifically the East Village Arts District.

We welcome and look forward to their opening.

Sincerely,



Jennifer Skaife

Jennifer Skaife, Board President
Lafayette Association of Homeowners, Inc

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
Application No. 0911-13
Address: 144 Linden Avenue
Date: February 4, 2010**

1. This Conditional Use Permit approval, in addition to the other uses permitted in PD-30, East Village Mixed Use subarea, shall be to establish a wine bar with on-site alcohol sales (Type 42 license – beer and wine only) and a retail store with accessory off-site beer and wine sales (Type 20 license) at a commercial space located within the Lafayette Building at 144 Linden Avenue.
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). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes, if any, set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

Special Conditions:

4. Prior to the issuance of a business license for the wine bar, the applicant shall first obtain a business license for the retail store. The applicant shall maintain the business license for the retail store in conjunction with the license for the wine bar. The retail area shall be maintained at the front portion of the lease area as shown on the submitted plans.
5. The display area for the retail sale of alcohol in the retail area shall be limited to a maximum of 20-percent of the total retail display area.
6. The hours of operation for the wine bar and retail store shall be limited to Sunday 12:00PM – 9:00PM; Monday – Wednesday 10:00AM – 9:00PM; and Thursday – Saturday 10:00AM – 12:00AM.
7. The project is located within the Lafayette Building, a designated historic landmark. Any proposals to modify, add, or remove features from the exterior of the historic building, including the addition of awnings, signs, or mechanical equipment, shall first obtain approval through a Certificate of

Appropriateness from the Historic Preservation Division of the Planning Bureau prior to any work being commenced.

8. The front windows shall be maintained in their current location. Visibility into the retail store shall be maintained and the tinting, altering or blocking of views into the retail space is prohibited.
9. Any proposed patio on the public sidewalk requires a Public Walkway Occupancy Permit. Contact Sherbert Jones, of Public Works, at (562) 570-6975 to obtain a permit.
10. The sale of malt liquor beer, fortified wines, and single bottles or cans of beer shall be prohibited.
11. The area abutting the storefront along Linden Avenue shall be kept in a neat and orderly condition at all times.
12. The operator of the use shall provide night (exterior) lighting and other security measures to satisfaction of the Chief of Police.
13. The operator of the approved use shall prevent loitering and loud noises around the project site during and after hours of operation. 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, additional lighting, private security guards and/or alteration of business hours.
14. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
15. Entertainment uses are not permitted without City Council approval. Up to two non-amplified performers may be permitted without an entertainment license per Long Beach Municipal Code 5.72.115.

Standard Conditions:

14. 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.
15. 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 which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow including the forfeiture of the rights granted under this Conditional Use

Permit.

16. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
17. Separate building permits are required for any signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting, foundations and planters, as applicable.
18. Demolition, site preparation, and construction activities are limited to the following (except 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.
19. Any graffiti found on site must be removed within 24 hours of its appearance.
20. 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 Planning Commission.
21. 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.

**CONDITIONAL USE PERMIT
FINDINGS
Case No. 0911-13
Address: 144 Linden Avenue
Date: February 4, 2010**

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 subject site is located within General Plan Land Use District #7 (Mixed Use) and the East Village Mixed Use subarea of PD-30 (Downtown Planned Development District). PD-30 allows the on-site sale of beer and wine subject to the approval of a Conditional Use Permit. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations.

The Land Use Element designation for LUD#7 references a careful blending of different types of land uses that will benefit the community by their presence and thereby offer residents of the area a reduction in time, energy and transportation while obtaining normal useful goods and services. This proposal for a wine bar with accessory off-site sales of beer and wine in conjunction with a retail store is consistent with the General Plan as a retail use that serves the community.

- 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**

With the Conditions of Approval incorporated, the use is not expected to be detrimental to the surrounding community. The Conditions of Approval incorporate a number of operational requirements that address potential negative impacts from the proposed use such as hours of operation and the requirement to operate the alcohol license in conjunction with the retail store and a limit on the retail display area for alcohol sales. Approval of the requested Conditional Use Permit will enable the City to enforce these

approval conditions and address potential nuisances that may arise in the future.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

Section 21.52.210 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 subject site no off-street parking and no ability to provide off-street parking for the proposed wine bar and retail store. However, PD-30 addresses the re-use of the ground floor of historic buildings in Division IX, Section C.1 – Reuse of Landmark Buildings – Incentives. This section of PD-30 allows the ground floor of existing historic landmark buildings to be converted to restaurant, retail or entertainment use without providing additional parking. The proposed use complies with this requirement. In addition, the proposed wine bar is intended to be primarily a neighborhood-serving business, and is located in an area with a high level of pedestrian activity. Therefore, parking demand for this site may be less than alcohol uses in other areas of the City. Staff does not believe that the parking demand will be significantly increased, or that the use will generate any significant negative effects. For these reasons, staff requests the 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;**

This requirement has been incorporated as a condition of approval for the proposed project.

- 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;**

This requirement as has been incorporated as a condition of approval for the proposed project.

- 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, no 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 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 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 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 (5761), 3 licenses for on-site alcohol sales are allowed and there are 34 existing, and 2 licenses are allowed for off-site alcohol sales and 4 are existing. Exception to the concentration requirement is permitted for a use located in the greater downtown area. Therefore, the subject findings for concentration can be waived.

The use is located in the greater downtown area and, due to the increase in the popularity and number of dwelling units in the Downtown and East Village subareas, retail and upscale alcohol uses are a desirable addition to the community. Therefore, it is appropriate that this type of specialty use, a wine bar in conjunction with a retail store, be permitted to help activate the street and contribute to the goals of the East Village Arts District.

- 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 use is located within the greater downtown area and is not within five hundred feet of a public school. The 2,500-square-foot East Village Arts Park is located approximately 400 feet west of the subject property at 142 Elm Avenue. There are other on-site alcohol uses that are closer to the arts park than the proposed use and there have been no reported negative impacts on the arts park from these establishments. Therefore, the establishment of a wine bar and retail store is not expected to negatively impact the East Village Arts Park.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.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- 09-097

Project Location/Address: 144 LINDEN AVE, LONG BEACH CA 90802

Project/Activity Description: WINE TASTING ROOM AND LOUNGE WITH SMALL PLATE APPETIZER SERVICE & RETAIL SALES. USE OF "42" & "20" ABC LICENSE.

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

Applicant Name: ANGELA MESNA & MARK DUNTON OF DISTRICT WINE INC.

Mailing Address: 455 E. OCEAN BLVD #807 LONG BEACH, CA 90802

Phone Number: 951-313-3355 Applicant Signature: 



BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0911-13 Planner's Initials: AZ

Required Permits: CONDITIONAL USE PERMIT

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15.301. Class 1

Statement of support for this finding: Reuse of an existing commercial building. Minor interior alterations, no expansion of building.

Contact Person: ANGIE ZETTERQUIST

Contact Phone: 562 570 6194

Signature: 

Date: JAN 25 2010