



# 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

June 17, 2010

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve a Conditional Use Permit to upgrade a legal nonconforming alcohol license from a Type 42 (beer and wine) to a Type 48 (beer, wine, and distilled spirits) at an existing tavern located at 2020 E. Artesia Boulevard within the CCA zone.  
(District 9)

APPLICANT: Robert C. Stace  
2020 E. Artesia Boulevard  
Long Beach, CA 90805  
(Application No. 1004-24)

## DISCUSSION

The subject site is located on Artesia Boulevard east of Cherry Avenue (Exhibit A – Location Map). The site is located within the Automobile-Oriented Commercial (CCA) zone and is developed with a total building area of 1,200 square feet (Exhibit B – Plans & Photographs). The existing structure covers approximately half of the lot and shares a common parking lot with Leeper's Stair Products, Inc. through a lease agreement. The parking lot contains a total of 40 parking spaces, all of which are available during Piston's Bar hours of operation. The applicant is proposing to upgrade a legal nonconforming alcohol license from a Type 42, which allows only beer and wine sales, to a Type 48 license that would allow the sale of a full range of alcohol and distilled spirits. No other changes to the tavern's operations are being proposed.

The tavern has been operating at the subject site since 1965 without negative impacts to the neighborhood. The Police Department has reviewed the request and has no objection to approval. Staff has evaluated 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 or an over concentrated district for on-site alcohol sales. In the subject census tract (5705.02), six licenses for on-site alcohol sales

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are allowed and there are six existing, including the current Type 42 license at the existing tavern (2020 E. Artesia Boulevard). ABC reports that the existing liquor license for the subject property is in good standing and the tavern has no history of nuisance or disorder at the site. This request will not add to the concentration of alcohol licenses in this Census Tract given the fact that this is an upgrade of an existing license. Staff believes that the approval of this application will have minimal impact on the surrounding area, and recommends Planning Commission approval of the Modification to an approved permit and a Local Coastal Development Permit subject to conditions (Exhibit C – Findings and Conditions of Approval).

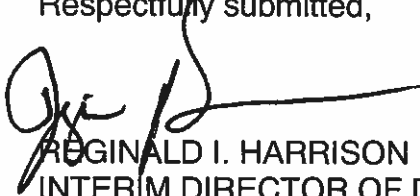
**PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on April 30, 2010, and public hearing notices were distributed on June 1, 2010, in accordance with the provision of the Zoning Ordinance. No responses have been received at the time of preparation of this report.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 10-038) was issued for the proposed project (Exhibit D – Categorical Exemption).

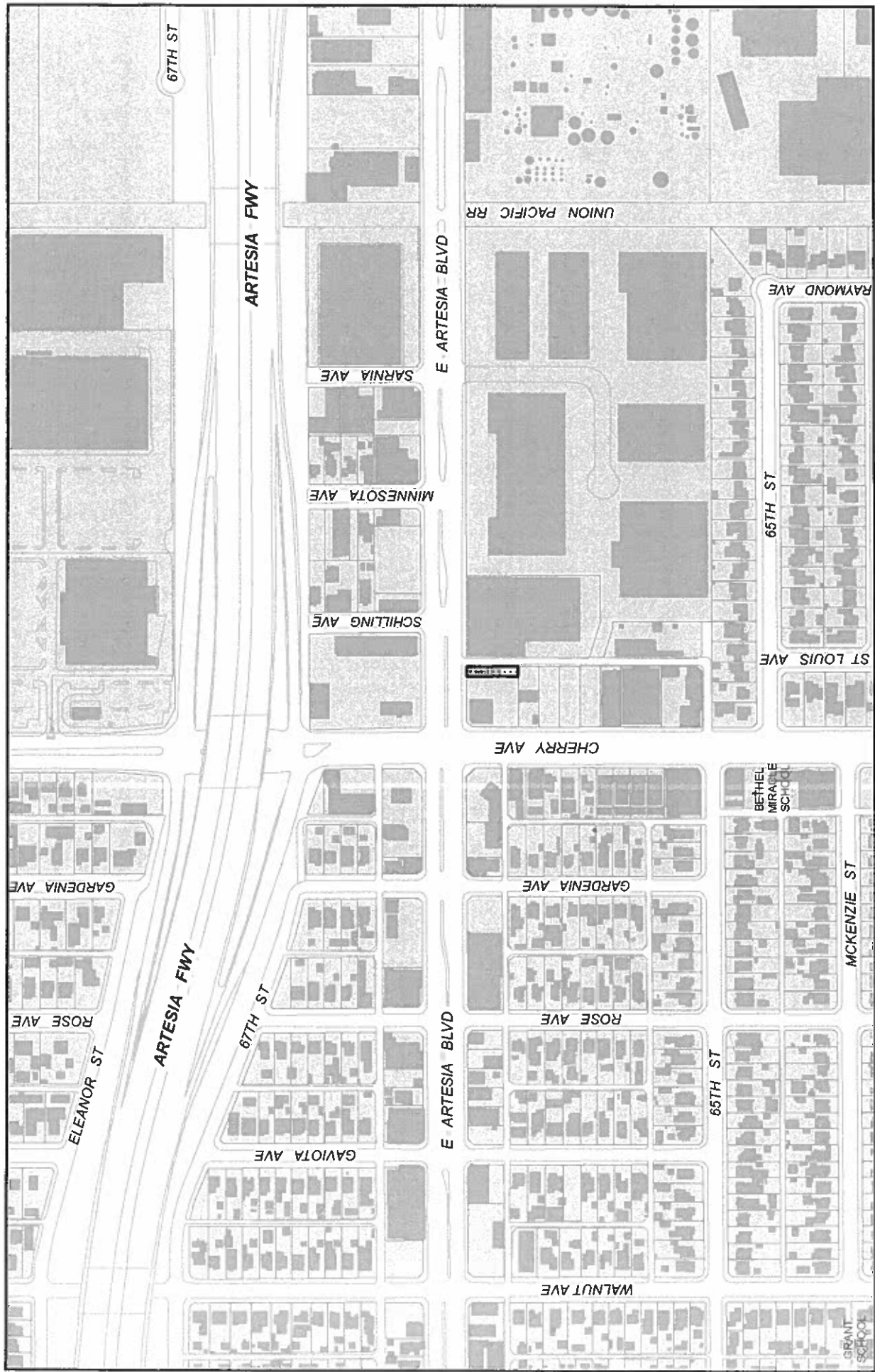
Respectfully submitted,



REGINALD I. HARRISON  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:SV

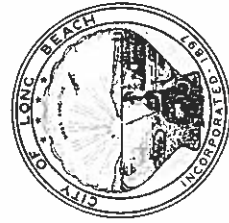
- |             |  |
|-------------|--|
| Attachments | Exhibit A – Location Map                 |
|             | Exhibit B – Plans & Photos               |
|             | Exhibit C – Findings & Conditions        |
|             | Exhibit D – Categorical Exemption 10-038 |



# Exhibit A



**Subject Property:**  
 2020 E Artesia Blvd  
 Application No. 1004-24A  
 Council District 9  
 Zoning Code : CCA



**MODIFICATION TO AN APPROVED PERMIT  
CONDITIONAL USE PERMIT  
FINDINGS**

2020 E. Artesia Blvd  
Application No. 1004-24  
June 17, 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 project site is located in Land Use District #8N – Shopping Nodes. LUD #8N is intended to accommodate retail and services uses, exclusively, primarily in small clusters. Bars are identified as consistent with the requirements of this district, so the principal use of the site is consistent with the General Plan. No specific plan applies to the subject site. The project is also consistent with the zoning regulations of the CCA district, as the on-site sale of alcoholic beverages at a bar, is allowed through the Conditional Use Permit process in this district.

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 will not be detrimental to the surrounding community. A bar has been operating at the subject site since 1965. The bar has an existing Type - 42-liquor license from the California Department of Alcoholic Beverage Control (ABC). The current request to upgrade the liquor license to allow the sale of a full range of alcohol at the bar will not have a significant potential to negatively affect the surrounding area. Approval of the Conditional Use Permit will allow the City to place conditions of approval on this operation. These will include the hours of operation, hours of deliveries and no live entertainment without city approval.

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

Section 21.52.210 states that the following conditions shall apply to all alcoholic beverages 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 previous use as to legal nonconforming rights.**

The bar has no on-site parking as the building itself occupies the entire lot; however, it retains vested nonconforming parking rights. The Conditional Use Permit request only involves the upgrade of the existing liquor license from a Type 42 to a Type 48. No additional bar area is being added and the existing fixed bar is not being expanded. Staff does not believe that the parking demand will be significantly increased, or that the use will generate any significant negative effects. Furthermore, the applicant shares a parking lot with a total of 40 spaces during business hours. 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.**

Staff consulted with the Long Beach Police Department on this application. The LBPD did not have any objections 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 condition 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.**

The subject site does not have a parking lot onsite. However, the owner does lease a parking lot with a total of 40 parking spaces during business hours. A condition will be added requiring that the owner provide a minimum of 20 offsite parking spaces through a lease agreement or deed for the lifetime of the bar.

**D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premise sales use, as recommended by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration, a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in 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 the Long Beach Police Department. The project is not located in a high crime area per LBPD, nor is it in an over-concentrated district for on-site alcohol sales. In the subject census tract (5705.02), 6 licenses for on-site alcohol sales are allowed and there are 6 existing. ABC reports that the existing liquor license for the subject property is in good standing and the

restaurant has no history of nuisance or disorder at the site. Staff consulted LBPD for this application and they expressed no opposition to approval of this permit.

- 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 restaurant on the subject site is not located within 500 feet of a public school or public park.

# CONDITINAL USE PERMIT CONDITIONS OF APPROVAL

2020 E. Artesia Blvd

No. 1004-24

June 17, 2010

1. This use permitted on the site, in addition to other uses permitted in the CCA zone, shall be a bar/tavern.
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 request submitted to and approved by the Zoning Administrator 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).

## **Special Conditions:**

4. In the event of an increase of crime as determined by the Chief of Police, additional security matures shall be established to the satisfaction of the Long Beach Chief of Police. A review of crime shall take place annually or on an as needed bases.
5. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
6. Exterior phones, security bars and roll up doors shall be prohibited.
7. The Department of Development Services, the Department of Community Development, and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments shall have the power to require additional security measures including, but not limited to, security guards, security cameras, and additional security lighting if problems develop at the site.
8. The building shall be repainted/cleaned to the satisfaction of the Director of Development Services. An prominent entryway, which may include signage shall be added to the property frontage to allow for a pedestrian friendly entryway.
9. The address shall be painted on the roof, to the satisfaction of the Long Beach Police Department.

**Standard Conditions:**

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. 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 that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
12. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
13. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Zoning Administrator and/or the Planning Commission.
14. The Director of 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.
15. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
16. Any graffiti found on site must be removed within 24 hours of its appearance.
17. 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.

18. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
19. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
20. 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
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.



# 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  
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, 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- 10-038

Project Location/Address: 2020 E. ARTESIA BLVD. BEACH, CA <sup>LONG</sup>  
Project/Activity Description: CHANGE OF LICENSE FROM TYPE 42 TO TYPE 48 ALCOHOL <sup>90805</sup>  
LICENSE.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California <sup>dba PISTONS BAR</sup>

Applicant Name: CHISELED ENTERTAINMENT INC.  
Mailing Address: 2020 E. ARTESIA BLVD LONG BEACH  
Phone Number: 949-412-4110 Applicant Signature: CA 90805-170  
Robert C. Stave

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1004-24 Planner's Initials: EV

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 land use alteration to existing business with no adverse impacts on environment.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 6/8/10