

CONDITIONAL USE PERMIT FINDINGS

**6415 E Pacific Coast Highway
Application No. 1912-05 (CUP19-043)
February 20, 2020**

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 in General Plan Land Use District No.7 (Mixed Use), the Southeast Area Development and Improvement Plan (PD-1) Zoning District, and within the city's jurisdiction of the Coastal Zone.

LUD No. 7 intends for a combination of land uses that vitalize sites and give them more importance in the urban structure of the City. The recently city-adopted Land Use Element further identifies this site as a Regional Serving PlaceType (RSF). The RSF PlaceType further intends to serve the sub-region and the region at large with, in part, business concentrations. It should be noted, however, that the newer General Plan Land Use Element is still pending California Coastal Commission Approval. Therefore, LUD No. 7 is the predominant guiding planning designation for this site. The proposed restaurant and bar use is consistent with the mixture of land uses promoted by LUD No. 7.

The PD-1 Zoning District complements the general plan as it is established towards the commercial activity. Restaurants with bars are an allowed use within this district by means of a Conditional Use Permit. Thus, the proposed restaurant and bar as conditioned would be consistent with the zoning regulations.

The Local Coastal Program (LCP) identifies the subject site, and the shopping strip as a whole, as a commercial strip serving the adjacent community and coastal visitors. As the proposed restaurant and bar is open to the public, both residents and visitors will benefit. Therefore, the proposed restaurant and bar is consistent with the visitor-serving requirements of the LCP.

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

Conditions of approval have been incorporated to mitigate detrimental effects on

the surrounding community. These conditions include measures pertaining to security, noise, alcohol serving, loitering, and lighting. By imposing these conditions, the proposed use shall operate in a manner that is sensitive to surrounding uses.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED 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 unless waived with written findings:

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 shopping center currently has an on-site pool of parking totaling 960 spaces. With change of use and addition of the outdoor dining, the required parking for the site increases to 810 parking spaces. The parking requirements for the use are therefore satisfied by the existing parking spaces.

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 site is ensured to provide adequate security lighting along with security cameras to the satisfaction of the Chief of Police.

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 conditioned, the applicant shall be required to prevent loitering or other activity at the site.

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.

The project is located within Police Reporting District 624. The crime rate for this reporting district is 35, where 108 is the threshold for high crime. In reviewing this application, the Long Beach Police Department was consulted to offer comments as to security and design. With the imposed conditions pertaining to site design and security, LBPD is in support of this application.

Currently, there are eight existing ABC licenses where no licenses are permitted based on the population of the census tract. The site is located within a tract

that has no residential uses but has a unique geographic location and history which has been a magnet of commercial activity that attracts not only the residents of the city of Long Beach but also visitors from the metropolitan region at large. The addition of the newly constructed "2nd & PCH" project immediately west of the site further cements this area as a regional serving center of commercial activity. The proposed use is therefore compatible with the surrounding community.

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

- 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.**

The proposed project does not propose any additional square footage. Therefore, this provision does not apply.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

**6415 E Pacific Coast Highway
Application No. 1912-05 (LCDP19-027)
February 20, 2020**

Pursuant to Section 21.25.903 of the Long Beach Municipal Code, a Local Coastal Development 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 PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

The Local Coastal Program (LCP) identifies the subject site, and the shopping strip as a whole, as a commercial strip serving the adjacent neighborhoods and coastal visitors. As the proposed restaurant and bar is open to the public, both residents and visitors will benefit. Therefore, the proposed restaurant and bar is consistent with the LCP.

No low and moderate-income housing will be removed as a result of the project.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

This second finding only applies to development located seaward of the nearest public highway to the shoreline. The subject site is not within this area. Thus, this second finding does not apply.