



# 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

May 4, 2017

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Accept Categorical Exemption CE-17-034 and approve a Conditional Use Permit and a Local Coastal Development Permit to allow the sale of beer, wine, and distilled spirits for on-site consumption (Type 47 license) at an existing restaurant with outdoor dining, located at 6257 E. 2<sup>nd</sup> Street within the Southeast Area Development and Improvement Plan, Subarea 16 (PD-1) zone. (District 3)

APPLICANT: Craig Hofman  
2601 E. Willow Street  
Signal Hill, CA 90755  
(Application 1701-55) (CUP17-001, LCDP17-002)

## DISCUSSION

The subject site is located at 6257 E. 2<sup>nd</sup> Street at the southwest corner of Pacific Coast Highway and 2<sup>nd</sup> Street (Exhibit A – Vicinity Map). The site is located within the Southeast Area Development and Improvement Plan (SEADIP) (PD-1) Zone, Subarea 16. The site is within a shopping center that contains three multi-tenant buildings, including Lucille's restaurant (Exhibit B – Plans & Photographs). The location has been a restaurant since 2014, and currently has a Type 47 alcohol license to allow the sale of beer, wine, and distilled spirits for on-site consumption. The applicant is seeking to expand their operations by adding an outdoor patio dining area towards the rear of the restaurant. As part of the request, on-site sale of beer, wine, and distilled spirits will be expanded to the outdoor dining area. The expansion of the alcohol license requires the approval of a Conditional Use Permit.

The existing restaurant's alcohol license is operating as legal non-conforming and has been active since 2014 and in good standing with the State of California Alcohol Beverage Control. However, with the expansion of the outdoor dining, a Conditional Use Permit is required. The current hours of operation are 8:00 a.m. to 11:00 p.m., seven days a week. No changes to the alcohol license type are being proposed.

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 (5776.03) 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). The restaurant 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 CensusTract (5776.03), eight licenses for on-site alcohol sales are allowed; there are eight licenses currently active (Exhibit C – Map of Existing Alcohol Licenses).

Staff consulted with the LBPD for this application and they expressed no opposition to approval of this permit provided that the applicant incorporates security measures such as lighting and security cameras, as conditioned. These measures have been included as Condition Nos. 11, 12, and 13. Staff believes that the approval of this Conditional Use Permit 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 a number of operational measures designed to reduce any potential negative effects from the proposed outdoor dining.

A Local Coastal Development Permit (LCDP) is required whenever a discretionary application is considered within the Coastal zone. Such applications are required to be consistent with the certified Local Coastal Program and not affect any affordable housing. The expansion of the restaurant for outdoor dining is consistent with the non-residential provisions found in the certified Local Coastal Program, which allocate this site to commercial uses. Additionally, no low- and moderate-income housing will be removed as a result of this proposed development.

Accordingly, staff recommends that the Planning Commission approve the CUP and LCDP subject to conditions (Exhibit D – Findings & Conditions of Approval).

### **PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on February 24, 2017, and Public Hearing Notices were distributed on April 17, 2017, in accordance with the provision of the Zoning Ordinance. At the time of writing this report, staff has received no inquiries on this project.

### **ENVIRONMENTAL REVIEW**

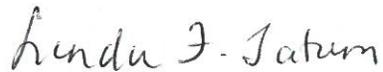
In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 17-034) was issued for the proposed project (Exhibit E - Categorical Exemption CE 17-034).

CHAIR AND PLANNING COMMISSIONERS

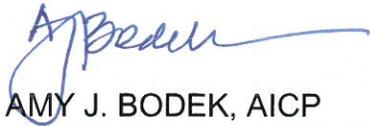
May 4, 2017

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Respectfully submitted,



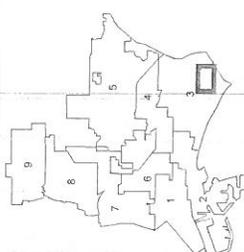
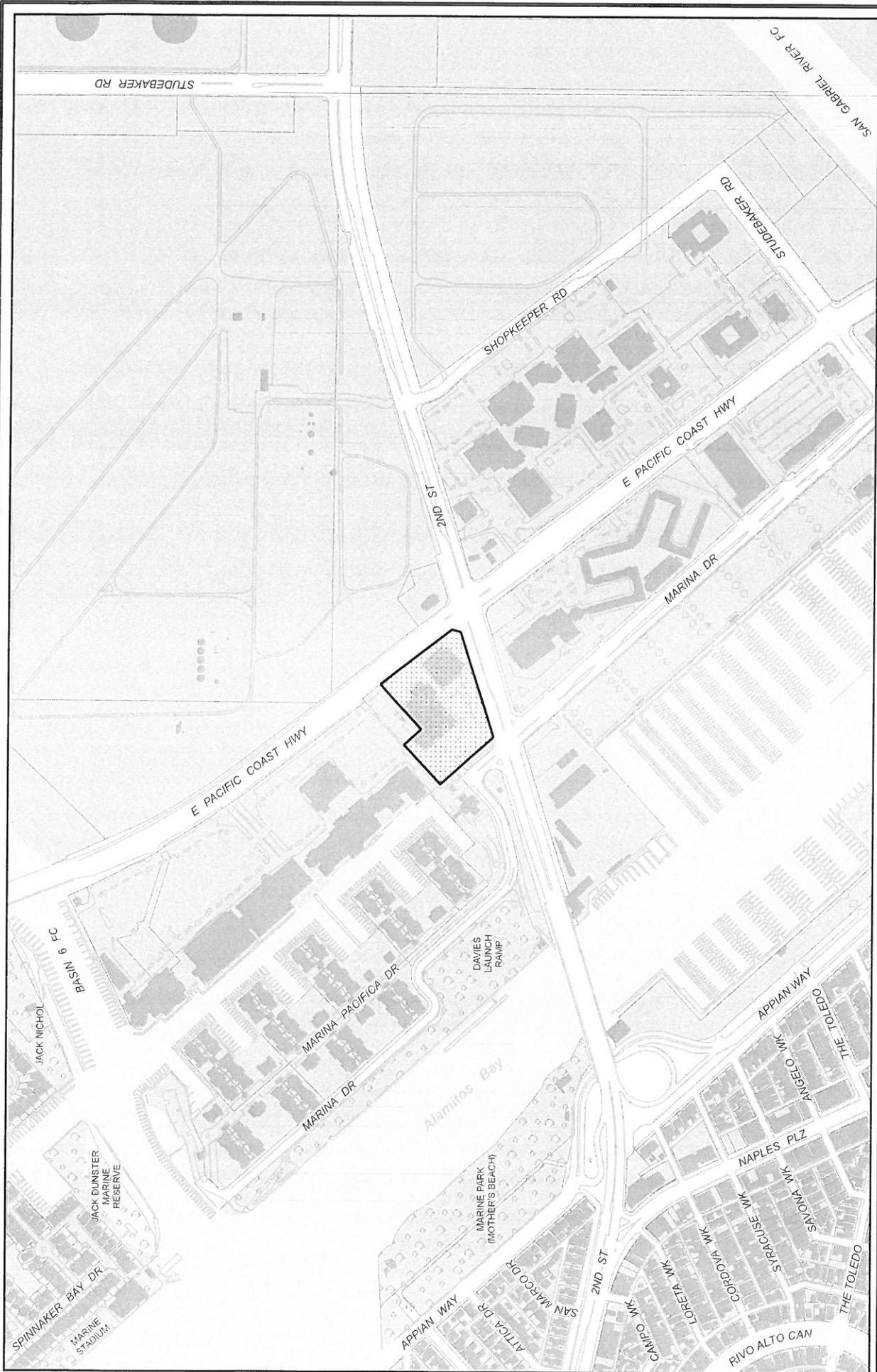
LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:jr

Attachments:           Exhibit A – Vicinity Map  
                                  Exhibit B – Plans & Photographs  
                                  Exhibit C – Map of Existing Alcohol Licenses  
                                  Exhibit D – Findings & Conditions of Approval  
                                  Exhibit E – Categorical Exemption CE 17-034



# Exhibit A



**Subject Property:**  
**6257 2nd St**  
**Application No. 1701-55**  
**Council District 3**  
**Zoning Code : PD-1 SubArea 16**



## **CONDITIONAL USE PERMIT FINDINGS**

**6257 E. 2<sup>nd</sup> Street**

**Application No. 1701-55 (CUP17-001, LCDP17-002)**

**May 4, 2017**

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 #7 – Mixed Uses Commercial District. LUD #7 is intended to provide for a total community of residential, business and light industrial uses. The proposed sales of alcoholic beverages at an existing restaurant is consistent with the requirements of this district; therefore the principal use of the site is consistent with the General Plan. The subject site is located in the Coastal Zone. Conformance with the Local Coastal Program has been met and is demonstrated by the findings subsequently found under the Local Coastal Development Permit Findings. The project is consistent with the zoning regulations of the (Southeast Area Development and Improvement Plan, Subarea 16) PD-1, as the sale of alcoholic beverages for on-site consumption at an existing restaurant is allowed through the Conditional Use Permit process, and includes conditions of approval to prevent nuisances and minimize potential negative impacts to surrounding areas.

- 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 sale of alcoholic beverages (beer, wine and distilled spirits) for on-site consumption at an existing restaurant is not expected to be detrimental to the surrounding community given the fact that the use is not located in a high crime area and no calls for service have occurred. Conditions of approval are included to ensure minimization of any possible negative impacts associated with the operation of the proposed project. Conditions include security measures to prevent nuisances and loitering and to ensure safe operations of the facility.

- 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 restaurant is located within an existing commercial center that consists of a grocery store, a pharmacy, and a restaurant. Based on the existing square footage and the proposed outdoor dining for the existing restaurant, 210 parking spaces would be required. The site currently has 245 parking spaces for the center with a surplus of 35 stalls. Therefore, the request is in compliance with the required number of parking spaces.

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

The Long Beach Police Department (LBPd) reviewed this application. The LBPd had no objections to the request provided that the project incorporate Conditions of Approval that require security cameras, night lighting, the limitation on operational hours of alcohol sales, and that security measures required by the LBPd have been incorporated.

- 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.**

Condition of Approval No. 12 will require the operator to prevent loitering and other related nuisances.

- 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 of floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract (5776.03) 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 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 restaurant 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 (5776.03), eight licenses for on-site alcohol sales

are allowed and there are eight licenses currently active including the current Type 47 license at the existing restaurant (6257 E. 2<sup>nd</sup> Street). The State of California Alcohol Beverage Control 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 with the LBPD on this application and they expressed no opposition to the proposal.

- 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, private school or public park.

**LOCAL COASTAL DEVELOPMENT PERMIT  
FINDINGS**

**Application No. 1701-55**

**May 4, 2017**

- 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.***

The site is located within an existing commercial area. The zoning is currently (PD-1) Southeast Area Development and Improvement Plan. The site is fully developed with a retail center including a restaurant with no residential units and therefore, is not subject to the requirements for replacement of low and moderate-income housing. The approval of this Conditional Use Permit for beer, wine and distilled spirits will conform to the Local Coastal Program.

- 2. *THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.***

This finding deals with the public's right to use the beach and water resources for recreational purposes in conjunction with projects located seaward of the nearest public highway to the shoreline. The proposed project is not sited seaward of the nearest public highway to the shoreline. Therefore, this finding is not applicable.

**CONDITIONAL USE PERMIT & LOCAL  
COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL**

**6257 E. 2<sup>nd</sup> Street**

**Application No. 1701-55 (CUP17-001, LCDP17-002)**

**May 4, 2017**

1. The use permitted on the subject site, in addition to the other uses permitted in the (Southeast Area Development Improvement Plan, Subarea 16) PD1 zoning district, shall be a restaurant with outdoor dining along with a Type 47 License to allow for beer, wine and distilled spirits for on-site consumption.
2. This permit and all development rights hereunder shall terminate two years 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 two-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 Acknowledgement 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. Hours of operation shall be limited from 8:00 am to 11:00 pm seven days a week.
5. There shall be no expansion of the existing bar. The bar shall be maintained in size and square footage of floor area as shown on the current plans dated February 2017.
6. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
7. A numbered address sign shall be located at the side of the building, to the satisfaction of the Long Beach Police Department.
8. The operator shall maintain full compliance with all applicable laws, Alcohol Beverage Control laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit,

- or Alcoholic Beverage Control license, the more stringent regulation shall apply.
9. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
  10. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
  11. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
  12. The operator of the approved use shall prevent loitering along the sidewalk area including landscaping areas serving the use during and after hours of operation. The operator must clean the sidewalk areas of trash and debris on a daily basis. 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, private security guards.
  13. The operator shall maintain exterior video security cameras at the front and rear of the business with full view of the public right-of-way. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
  14. The subject location shall be maintained as a sit-down restaurant with a full menu available at the bar and the surrounding dining area. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications shall be reviewed by the Planning Commission.
  15. Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:
    - a. Completed training from the State of California of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" (LEAD) program as confirmed by receipt of an ABC-issued certificate of completion; or,
    - b. Completed equivalent training acceptable to the ABC District Office to ensure proper distribution of beer, wine, distilled spirits,

tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

- c. The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
- d. Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

**Standard Conditions:**

- 16. 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.
- 17. 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.
- 18. 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).
- 19. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
- 20. The Director of Development Services is authorized to make minor modifications to the approval design plans or the 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.

21. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
22. Any graffiti found on site must be removed within 24 hours of its appearance.
23. 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.



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | 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., Room 1201
Norwalk, CA 90650

Project Title: CE- 17-034

Project Location/Address: 6257 E. 2nd Street

Project Activity/Description: Patio dining addition to existing Lucille's Smokehouse BBQ restaurant.

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

Applicant Name: Craig Hofman

Mailing Address: 2601 East Willow Street, Signal Hill, CA 90755

Phone Number: 562-596-0200

Applicant Signature:

[Handwritten signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1701-55 Planner's Initials: JR

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: Land Use alteration to existing Commercial land use

Contact Person: Jorge Ramirez

Contact Phone: 570-6952

Signature: [Handwritten signature]

Date: 5-4-2017